

CONGRESSIONAL RECORD:

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of the matter on Wednesday and it is not considered on that day, it is in the nature of a special order, and you probably would not get a vote on it, except by a special rule, in case the matter should fail to be brought up on that day.

Mr. PERKINS. I would suggest that you let it pass to a third reading and that the previous question be ordered on the final passage of the bill, with the understanding that when the business of the House is such that it can be taken up for consideration it may be so taken up. I would suggest that to the gentleman.

Mr. MORRILL. That is the proposition of the gentleman from Michigan [Mr. BURROWS].

Mr. BURROWS. I would suggest that the previous question be considered as ordered, and that the bill be reported to the House, and then taken up in its order when reached.

Mr. PAYSON. That is perfectly satisfactory to me.

By unanimous consent, the bill was laid aside to be reported to the House with a favorable recommendation.

FLORIDA G. CASEY.

The next business on the Private Calendar was the bill (S. 1813) granting an increase of pension to Florida G. Casey.

The bill was read by the Clerk, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Florida G. Casey, widow of Maj. Gen. Silas Casey, of the regular Army, and pay her a pension at the rate of \$100 per month, in lieu of that which she is now receiving.

Mr. SPOONER. Mr. Chairman, this is a case precisely like the one that has just been acted upon, and I ask that a similar order be made, and I should think that the time suggested with reference to debate upon the other bill, an hour and a half, would be ample for debate upon the two bills.

The CHAIRMAN. There was no order made with reference to that in the other case.

Mr. SPOONER. I would suggest that the same course be taken as in the case of the former bill.

The CHAIRMAN. Without objection the bill will be laid aside with a favorable recommendation.

Mr. SPOONER. And the previous question ordered.

The CHAIRMAN. That order was not made in the other case.

Mr. SHERMAN. It will be made in the House.

There being no objection, the bill was laid aside to be reported to the House with a favorable recommendation.

Mr. CHEADLE. I will ask, Mr. Chairman, if there was another \$100 bill considered since I addressed the Chair.

A MEMBER. The same course was taken as with reference to the first one.

MRS. ADELAIDE H. WOODALL.

The next business on the Private Calendar was the bill (S. 2245) granting an increase of pension to Mrs. Adelaide H. Woodall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension to \$50 per month of Adelaide H. Woodall, widow of French B. Woodall, late colonel of the One hundred and fifty-first Regiment of Illinois Volunteers.

The report (by Mr. LANE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2245) granting a pension to Adelaide H. Woodall, submit the following report:

The committee have considered this case and adopt the report of the Senate herein as their report with an amendment striking out the word "fifty," in the second line of said bill and inserting in lieu thereof the word "thirty," and that as so amended the bill do pass.

The report of the Senate is in the following language:

"Mrs. Woodall, the beneficiary in this bill, is the widow of the late Col. French B. Woodall, who entered the service as lieutenant of Company K, Sixteenth Illinois Volunteers, May 24, 1861, and was promoted to the colonelcy of the One hundred and fifty-first Regiment of Illinois Volunteers, which commission he held at the close of his service and the war.

"Colonel Woodall was found drowned in the East River, foot of Whitehall street, New York, and the coroner's jury on the 12th of June, 1869, made a report to this effect. His widow made application for a pension, claiming that the drowning was the result of a brain disease incurred during his military service. The Pension Office rejected the claim on the ground that it was not shown that his death was the result of his service.

"After a protracted effort to obtain an allowance of her pension under the general law she appealed to Congress, and the report of a member of this committee on the bill introduced for her relief demonstrated so clearly that her claim was just that the Pension Office finally granted her a pension.

"The facts, briefly stated, show that about the 1st of October, 1863, there was an explosion of ammunition at Bridgeport, Ala., from which Colonel Woodall received a tremendous shock; was thrown down, covered with earth; was unconscious and unable to get up. It is in evidence, medical and lay, that his brain was affected thereby; that he had attacks of intense pain, continuing many days, and from which he was often delirious and irresponsible. These attacks increased in frequency and occurred at shorter intervals, and the conclusion was that he fell into the river during one of his paroxysms of pain and prostration.

"The cause of death was admitted and the Pension Office allowed the claim, rating it on the grade of a lieutenant; and now the widow comes to Congress and asks an increase on grounds that, in the opinion of the committee, are entitled to very liberal consideration.

"Colonel Woodall was a well man when he went into the service. He had all the qualifications requisite to a prosperous career. He came out of the service disabled, tortured with suffering. He struggled to overcome his mental and physical incapacity, that he might provide a present and future subsistence

for his family. Had he succeeded they would have been provided for. As the result of his service and death his widow asks the relief which the Government should provide."

Mr. LANE. Mr. Chairman, the gentleman from Tennessee [Mr. ENLOR] had some apprehension about this bill and wished to make some examination, but he thought this was another case. He was here when the bill was laid aside temporarily, but I see he is not here this evening.

The CHAIRMAN. The bill the gentleman has referred to has not yet been read.

The amendment to the bill reported by the committee was agreed to.

Mr. KERR, of Iowa. I would like to know why a special pension act is asked in this case. Why does it not come under a general law? I must object to it unless I am informed.

Mr. LANE. This case was rejected in the Pension Office originally, and then the Senate passed a special bill. It came to the House, but failed to be reached in the House; but on the strength of the report made by the Senate the Pension Office allowed the pension; but the officer was filling one rank and was commissioned to another.

Mr. MORRILL. What is the name? Is it the Woodall case?

Mr. LANE. Yes, it is the man that was found drowned in the river, and he was filling one office while he was commissioned to another.

Mr. KERR, of Iowa. And the object of the bill is to give his widow the pension that the higher rank would have entitled her to?

Mr. LANE. Yes, sir.

The CHAIRMAN. The Chair desires to say that he was misinformed. This is the bill that the gentleman from Tennessee [Mr. ENLOR] objected to the other evening.

Mr. LANE. Yes; I see it is.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES M. McKINNEY.

The next business on the Private Calendar was the bill (S. 1269) granting a pension to James M. McKinney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James M. McKinney, late second lieutenant of Company A, North Cumberland Battery, Kentucky State Militia.

The report (by Mr. GOODNIGHT) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1269) granting a pension to James M. McKinney, submit the following report:

The committee adopt the report on this bill made by the Senate committee, which is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 1269) granting a pension to James M. McKinney, late a second lieutenant of Company A, North Cumberland Battery, Kentucky State Militia, have examined the same and report:

"It appears from the evidence submitted to the committee that the said James M. McKinney was a second lieutenant Company A, North Cumberland Battery, Kentucky State Militia; that he was enlisted in 1864 in the military service and served until the summer of 1865; that he was never mustered into the service of the United States; that he was occupied in the military service in protecting the people and public property in Kentucky; that while so engaged he and a detachment under his command were captured by a detachment of Confederate soldiers; that he was taken from the place where he was captured some distance away; that a troop of United States cavalry followed this band of Confederate soldiers, came upon them, and during the fight which ensued Lieutenant McKinney, in attempting to escape from the enemy and come into the lines of the Union forces, was badly wounded, being shot in three places, one wound destroying an eye.

"The service of Lieutenant McKinney was meritorious, his loyalty is not questioned, and, as the committee is advised, his services were paid for by the Government.

"Under all the circumstances, the committee recommend that Lieutenant McKinney be granted the pension which the bill calls for, and recommend the passage of the bill."

Mr. KERR, of Iowa. What is the amount provided for?

The CHAIRMAN. The ordinary amount which the law provides.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. SALLIE H. MICHLER.

The next business on the Private Calendar was the bill (S. 1546) granting an increase of pension to Mrs. Sallie M. Michler, widow of the late Bvt. Brig. Gen. Nathaniel Michler, United States Army.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause the pension of Mrs. Sallie M. Michler, widow of the late Bvt. Brig. Gen. Nathaniel Michler, United States Army, to be increased from \$90 per month, the rate she is now receiving, to \$50 per month.

Mr. GOODNIGHT. There is a technical error in that bill. The name is reported as "Sallie M. Michler," and it should be "Sallie H." I move to amend the bill by striking out, in line 4, after the word "Sallie," the initial "M." and inserting "H."

The amendment was agreed to.

Mr. GOODNIGHT. And I move to make the same amendment in the title of the bill.

The amendment was agreed to.

Mr. WILLIAMS, of Ohio. Is there a report in that case?

The CHAIRMAN. The report will be read.

The report (by Mr. GOODNIGHT) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1546)

granting an increase of pension to Mrs. Sallie M. Michler, submit the following report:

Your committee adopts the report of the Senate committee upon this bill, which is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 1546) granting an increase of pension to Mrs. Sallie Michler, have examined the same and report:

"Mrs. Michler is the widow of the late Bvt. Brig. Gen. Nathaniel Michler, United States Army.

"The records of the War Department show that General Michler was in the regular service about forty years, during which he rendered uninterrupted and important service in topographical work. From the time of his graduation at the Military Academy to the commencement of the civil war he was constantly in the field engaged in work, for which he was selected on account of his professional skill and his fidelity to the duties assigned him. He was in the field as chief topographical engineer of the Department of the Cumberland to November 21, 1861; of the Department of the Ohio to March 11, 1862; of the Army of the Ohio to October 30, 1862, and of the Army of the Cumberland to June 1, 1863; *en route* to join the Army of the Potomac, he was captured near Rockville, Md., June 28, 1863, and paroled; on duty in the field with the Army of the Potomac to April, 1865; in charge of making surveys and maps of the operations of the armies about Petersburg and Richmond, Va., to March, 1867; in charge of public buildings and grounds in the District of Columbia to June, 1871; *en route* to and at San Francisco, Cal., as engineer officer of the military division of the Pacific to July, 1872, and as engineer of the twelfth light-house district to September, 1873; at Portland, Oregon, in charge of defensive works and river improvements, and engineer of the thirteenth light-house district to December 27, 1878.

"In 1879 he was military attaché to the legation of the United States at Vienna, Austria. His last work was in charge of river and harbor improvements at New York City to date of the illness of which he died July 17, 1881.

"Under existing law the widow's allowance is limited to \$30 a month. In the opinion of the committee it is a low rating for an officer's widow of his grade, especially when it is remembered that he gave a whole lifetime of useful and important service to his country, that he stood at the head of his profession in the Engineer Department, and that his widow is without means of support other than what she may be allowed as pension.

"There are so many precedents for increase that the committee does not hesitate to report the bill favorably, with a recommendation that it do pass."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARY E. BORKE.

The next business on the Private Calendar was the bill (H. R. 4427) to restore to the pension-roll the name of Mrs. Mary E. Borke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to restore to the pension-roll the name of Mrs. Mary E. Borke, widow of Capt. Francis Borke, late captain of Company I, Fourteenth Illinois Cavalry.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4427) granting a pension to Mary E. Borke, submit the following report:

This woman was a pensioner of the Government until 1886, when her name was dropped from the roll on the ground that she was guilty of adultery since the death of the soldier, and that a child was born as the fruit of such act. There is now in the record the testimony of several of her neighbors who swear that prior to this act of adultery and since her character for chastity was and is good, and she has expressed great regret at her own conduct, and that since the birth of said child she has kept no company with any male person, and she is now living a virtuous and honorable life. The witnesses further testify that her health is very poor and without means of a livelihood except her own labor, and that she is unable to labor.

The committee recommend that the bill do pass, and let the man who is without sin cast the first stone.

Mr. KILGORE. Mr. Chairman, I did not exactly understand from the reading of the report whether it referred to restoring some one to the pension-roll who had been guilty of some misconduct.

The CHAIRMAN. The bill has been ordered to be reported to the House favorably.

Several MEMBERS. Too late.

Mr. KILGORE. I suppose, then, it was passed before I got the floor. It is never too late in a thin House like this, and I may have something to say about it when it comes up in the House.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARIA BROOKS.

The next business on the Private Calendar was the bill (H. R. 8604) granting a pension to Maria Brooks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Maria Brooks, a nurse in the late war of the rebellion, and to pay her a pension at the rate of \$12 per month.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8604) granting a pension to Maria Brooks, submit the following report:

It appears from the evidence filed with the committee that the claimant was regularly commissioned as a nurse under Miss D. L. Dix in 1861, and was assigned to Fifth Street hospital, in St. Louis, Mo., and she continued in the service until the close of the war, being assigned to different hospitals. She discharged her duty faithfully and efficiently and she is held in the most grateful remembrance by her officers and those for whom she cared. It is further in evidence that this woman is now old, has no means of support but her own labor, and that she is too far advanced in age to labor, and is now supported by charity, having no friends or relations to care for her in her old age. We recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE P. HARTMAN.

The next business on the Private Calendar was the bill (H. R. 7473) for the relief of George P. Hartman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of George P. Hartman, Company I, Thirteenth Pennsylvania Volunteer Infantry, on the pension-roll of the United States, subject to the provisions and limitations of the pension laws.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7473) granting a pension to George P. Hartman, submit the following report:

The soldier enlisted June 16, 1863, and was discharged July 26, 1863. The basis of claim is inflammatory rheumatism contracted in the service.

The claim was rejected in the Pension Office on the ground that there was no hospital record and the soldier was unable to show incurrence of injury according to rules of the Pension Office.

It is in evidence in the record by the soldier himself and S. F. Hartman that when the soldier enlisted he was a sound, healthy man, and that during the Gettysburg campaign the soldier was exposed to rain for three days, and was constantly wet during that time, and after that the soldier had rheumatism, and is still suffering with the same.

Other witnesses testify to the incurrence of the disability of the soldier, and the committee are of opinion that the soldier contracted rheumatism in the manner stated in the record, and that it has continued to grow worse, until now it is rated by the medical board of examining surgeons at second grade locomotor ataxy. We recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARTHA HINDMAN.

The next business on the Private Calendar was the bill (H. R. 8167) granting a pension to Martha Hindman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Martha Hindman, widow of Daniel W. Hindman, late of Company D, Fourteenth Regiment Michigan Volunteers.

The report (by Mr. LANE) was read, as follows:

Your committee, to whom said bill was referred, respectfully report: That Daniel W. Hindman enlisted December 3, 1861, in Company D, Fourteenth Michigan Infantry, for three years, and was discharged October 3, 1862, at Evansville, Ind., on surgeon's certificate of disability because of "phthisis pulmonalis, which he has been suffering from for several months; has night sweats, hectic fever, and muco-purulent expectoration, occasional hemorrhage."

He was treated in the field hospital near Corinth from June 1, 1862, to June 23, 1862, and at Evansville from July 3 to October 3, 1862. In December, 1862, he applied for a pension for phthisis pulmonalis, resulting from fever contracted in the service, which was rejected December 1, 1867, on account of claimant's failure to furnish the necessary proof to establish the same. He died March 24, 1865, nearly three years before his claim was rejected, and had been in very feeble health continuously from his discharge to the date of his death. He was married February 24, 1862, to his present widow, Martha Hindman.

Her health is very poor, so much so that for several years she has been unable to do any work except a little sewing and knitting, and requires the constant care of a physician, who calls three or four times a week, and for that she is dependent on the charity of her friends. She is unable to walk and is suffering from spinal disease and is entirely dependent on others for support and maintenance. A post mortem examination showed that the primary cause of her husband's death was disease of the liver, or "melanosis of the liver, stomach, and adjacent organs," and also of the right lung, resulting from disease of the liver. The proofs clearly show that he had the symptoms of both lung and liver disease. His family physician, who treated him almost continuously from 1864 to the time of his death, testifies:

"It was not till after two years of close observation that I became convinced that his principal disease was that of the liver instead of the lung, and that this organ was undergoing some pathological change. The attacks of colic were more frequent and the functions of the liver more and more interrupted. His skin became more yellow and at times of a dark and dusky hue."

And this testimony is corroborated by other reliable physicians. An examination by a surgeon, made April 27, 1863, showed that the upper lobes of both lungs were affected, giving positive evidence of diseased condition. This was less than two years before his death. Under these circumstances your committee feel warranted in finding that the disease which caused his death, whether of the lungs or liver, or both, was contracted in the service, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM RICHARDSON.

The next business on the Private Calendar was the bill (H. R. 7002) granting a pension to William Richardson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Richardson, late a private in Company K, First Ohio Artillery.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7002) granting a pension to William Richardson, submit the following report:

The Committee on Invalid Pensions of the Fiftyeth Congress reported this case favorably to the House, which report this committee adopt as their report. It is as follows:

William Richardson, a private in Company K, First Regiment Ohio Light Battery, enlisted March 10, 1862, and was honorably discharged on the 14th of March, 1863, by reason of expiration of service. He applied for a pension in March, 1876, basing his claim upon the ground that he was wounded in the latter part of December, 1863, by a gunshot in the left side of the head from a gun in the hands of William Perkins, who was a member of his company and in a state of intoxication.

The claim was rejected June 2, 1877, on the ground that "the wound was not received in the line of duty."

The claimant makes affidavit to the following circumstances happening at the time of his injury:

"That he was on guard the day of the shooting, and was guard over a boy who was bucked and gagged; in the afternoon William Perkins wanted him to aid him to release the boy, and he refused to do so. After he was relieved Perkins wanted him to go and take the officers' whisky, and upon his refusing,

Perkins called him a damned coward. After he had gone to bed late in the evening Perkins again came to him and, having waked him, wanted him to go with him to take a demijohn from the officers' tent, who were then absent.

"Upon his refusal he said I was a damned coward and that he would kill me, and without further remark shot me. Perkins shot Sergeant Fairhurst of my company. I am unable to do manual labor."

A number of the privates of Company K testify that the shooting was done by Perkins without any apparent cause or provocation, and Perkins himself says: "I entered the tent where Richardson was in bed, and without any provocation fired my revolver at him, wounding him in the head; that he did this while maddened with liquor."

Some of the witnesses, when examined by a special agent of the Pension Bureau, testified that Richardson was teasing an old man, a member of the company, when Perkins interfered and shot him (referring to Private Quigley, then a member of the company). Private Quigley files his affidavit denying that he was present at the time of the shooting, and showing that he was then performing guard duty. And other witnesses, who previously testified to this fact, subsequently filed affidavits admitting that after having their recollections refreshed by conversation with their comrades they were satisfied that they had done the claimant an injustice, and that the time to which they referred was anterior to the date of the shooting.

On May 18, 1876, Dr. Isaac Scott, examining surgeon, certified to the Pension Bureau that—

"On examination of the applicant I find cicatrix showing scalp wound 2 inches in length on the crown of the head 1½ inches to the left of the sagittal suture and in line with it. Applicant states that a number of spicula of bone have come out since he received the wound, and he complains of pain in that side of the head, and giddiness, on stooping. In my opinion the said William Richardson is one-half totally incapacitated. The disability is probably permanent."

On November 9, 1880, George O. Hildreth, examining surgeon, certified to the bureau that—

"In my opinion the said William Richardson is three-eighths incapacitated; that the disability is permanent. The top of the head shows no cicatrix, but a groove or depression is felt in the left parietal bone about an inch from the line of the sagittal suture. It commences near the coronal suture and runs back about 2 inches, like a furrow. It seems to be two or three lines wide, the border or edge rather tender on pressure. He alleges a feeling of heat about the wound; pains extending front and back, irregular in character, and increased by stooping work and by heat of weather; occasional vertigo; results, as stated, of a raking revolver-wound of scalp and cranium."

This analysis of the testimony clearly establishes the existence of three facts:

First. That the claimant received a wound on left side of the head.

Second. That the wound so received was from a ball fired from a pistol in the hands of a comrade while under the influence of liquor, without provocation and while the claimant was in bed; and

Third. That in the opinion of one examining surgeon his disability should be rated at one-half, and in the opinion of the other examining surgeon at three-eighths disability.

The record discloses another important fact as bearing upon the right of this claimant to a pension under the law as it existed, where it states the fact that Sergeant Fairhurst was pensioned for injury of the left knee, caused by the accidental discharge of a pistol in the hands of Private Perkins. In the one case the injury was received at the hands of Private Perkins by the "accidental discharge" of his pistol, and in the other by the deliberate and unprovoked discharge of his pistol with intent to injure the claimant.

It is impossible for the committee to draw so fine a distinction as the Pension Bureau in these two cases. The committee is of opinion that Sergeant Fairhurst was properly pensioned, and that they are equally of opinion that the claimant, William Richardson, is entitled to be placed on the pension-roll.

Senate bill No. 1638 is therefore reported favorably, with the recommendation that it do pass.

And the committee, being satisfied with the justice of the claim of the said William Richardson, recommend that said bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES H. FLEMING.

The next business on the Private Calendar was the bill (H. R. 8226) granting a pension to James H. Fleming.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James H. Fleming, of Company E, One hundred and fifth Ohio Volunteer Infantry.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8226) granting a pension to James H. Fleming, submit the following report:

The soldier enlisted August 11, 1862, and discharged June 3, 1865. Basis of claim, injury to knee in battle, which finally resulted in amputation of the leg. The claim was rejected in the Pension Department on the ground of want of connection of injury with any service.

The committee have carefully examined the record in this case, and find the following facts established: That the soldier was a sound and healthy man when he entered the service, and that he was a good soldier, as proven by his officers, and they also testify to his high character for truth and veracity. The soldier swears that in battle at Jonesboro, Ga., he was thrown and injured his knee, and the same gradually grew worse until he was compelled to submit to amputation, in 1886.

Several comrades testify that the soldier was sound and well when he went into the battle and that he complained of injury when he came out, and that he was lame ever since and continued to complain of the injury in the knee, and that the limb was finally amputated. There is no injury shown to this soldier except the one mentioned by the soldier, and the Department of Pensions evidently thought that as the leg was not amputated until twenty years after the injury it might be traced to some other cause than the injury in battle, but the committee fail to find any such testimony in the record, and in the absence of any testimony showing some other injury the committee think they are warranted in believing the soldier's sworn statement and his witnesses, and that his injury is due to his army service, and we therefore recommend that said bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH KEELY.

The next business on the Private Calendar was the bill (H. R. 8170) granting a pension to Elizabeth Keely.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and

limitations of the pension laws, the name of Elizabeth Keely, mother of George D. Keely, late a private of Company G, Twenty-third Illinois Volunteer Infantry.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8170) granting a pension to Elizabeth Keely, submit the following report:

The claimant is the dependent mother of George D. Keely, who enlisted December 29, 1861, and was discharged July 15, 1865, and died December 22, 1877. The claim was rejected on the ground that the death of the soldier was not due to his army service. The testimony in this case is very voluminous, all of which has been examined by the committee, and the conclusion reached that this soldier was taken sick at Rienz, Miss., in 1862, with lung fever, from which he never recovered and of which he finally died. These facts are fully proven by a great number of witnesses.

There is some question in the record as to whether the soldier was ever married or not, some testimony tending to show he was, and a great deal of other testimony showing that he was not married, and one of the examiners states in his report that he is of opinion that the soldier was never married. No person has ever been found who claims to be the wife of the soldier, and it is now thirteen years since the death of the soldier, and no claim has ever been made for a pension as a widow of the soldier, and if he was ever married, and such wife had not been heard of for thirteen years, there would be a presumption of death. The dependence of the mother is fully proven and she is now very old, and the bill is reported back with a recommendation that the same do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH BURNETT.

The next business on the Private Calendar was the bill (H. R. 4513) granting a pension to Elizabeth Burnett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Burnett, of Gallatin County, Illinois, late a nurse in the Fifty-sixth Regiment Illinois Volunteers during the late rebellion, at the rate of \$12 per month.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4513) granting a pension to Elizabeth Burnett, submit the following report:

The evidence in this case shows that the claimant, Elizabeth Burnett, was enrolled as a matron of the Fifty-sixth Regiment of Illinois Infantry April, 1862, in the name of Elizabeth Bradberry, and served faithfully as a nurse in the hospital and in the field until the fall of 1864. That she was sick considerably during her service as nurse, and that her health is very poor at this time.

Your committee are satisfied from the evidence that the present bad health of the claimant is due in part, at least, to her army service, and they report the bill back with the recommendation that the same do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH A. SMAIL.

The next business on the Private Calendar was the bill (H. R. 5348) to place the name of Sarah A. Smail upon the pension-roll and grant her a pension of \$25 per month.

The bill was read, as follows:

Be it enacted, etc., That Sarah A. Smail, blind and dependent sister of James H. Smail, deceased, late a private in Company B, Fifth Regiment Iowa Volunteers (and who was killed in battle at Iuka, in the State of Mississippi, on or about September 19, 1862) be, and she is hereby, placed upon the pension-roll and granted a pension of \$25 per month during her natural life.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5348) granting a pension to Sarah A. Smail, submit the following report:

The claimant is a dependent sister of James H. Smail, deceased, who was killed in battle at Iuka, Miss., September 19, 1862. The mother of the soldier drew a pension in her lifetime on account of the death of the soldier, but she is now dead and no pension is being paid by the Government on account of the death of the soldier, he having left no widow or children. The claimant is now forty-four years of age and totally blind. She was depending on her brother for support in his lifetime, and she has no means of support, but is depending on charity for a livelihood.

We recommend that the bill do pass, with an amendment.

The amendments recommended by the committee were read, as follows:

Strike out all after the word "pension" in line 8 to the end of the bill, and insert the words "subject to the provisions and limitations of the pension laws."

Also, amend the title so as to read: "A bill to place the name of Sarah A. Smail upon the pension-roll."

Mr. HILL. As I caught the reading of the report, this is a case of a sister of a deceased soldier, and I think that the amendment recommended by the committee was to strike out \$25 and insert "subject to the provisions and limitations of the pension laws." I would like to inquire if there is a general law making provision for dependent sisters? I am not aware of any.

Mr. MORRILL. There is such a provision, and I will find the law.

Mr. LANE. I will make the motion to pay her a pension at the rate of \$18 a month, which is the same as the law in such cases.

Mr. HILL. I would like to know if there is any precedent for pensioning sisters of deceased soldiers?

Mr. MORRILL. I will state to the gentleman from Illinois that quite a number have been pensioned by special act. Frequently where the sister was dependent upon the brother who was killed in battle they are pensioned.

Mr. HILL. But there is no provision under the general law.

Mr. MORRILL. I think there is, and I am trying to find it now for the gentleman.

Mr. HILL. I have no recollection of such a provision.

Mr. SMITH, of Illinois. I know there is such a provision of law, for I have prosecuted cases of that kind before the Department.

Mr. CHEADLE. I would like to hear the amendment of the committee read again.

The amendment was again reported.

The question was taken on the adoption of the amendment recommended by the committee, and it was rejected.

Mr. LANE. I now move to amend by inserting to pay her a pension at the rate of \$18 a month.

Mr. WILLIAMS, of Ohio. Why fix it at a rate higher than the widow of a soldier?

Mr. LANE. Because she is blind.

Mr. WILLIAMS, of Ohio. Well, if she is blind I will withdraw the objection.

Mr. HILL. Before that motion is put, I would like to inquire of the promoter of the bill, whoever he may be, what evidence has been adduced before this House that she was dependent upon the deceased soldier.

The CHAIRMAN. The gentleman who introduced the bill is not in the House.

Mr. LANE. It appears in the report that she was dependent on this brother, and that she is blind.

Mr. KERR, of Iowa. Would the blind widow of a soldier receive any more under that general law?

Mr. LANE. No, not necessarily; but we have been allowing \$18 a month to decrepit children.

Mr. MORRILL. That is only in cases where a guardian is required, and the extra amount is to meet the expense of the guardian. I think this had better remain as the committee recommend.

Mr. KERR, of Iowa. I move to reconsider the vote by which the amendment recommended by the committee was rejected.

Mr. CHEADLE. Mr. Chairman, there has been so much confusion that I ask to have the bill read again.

The bill was again read.

Mr. KERR, of Iowa. Mr. Chairman, I understand that the amendment fixing this at \$12 a month was voted down.

The CHAIRMAN. No; the amendment recommended by the committee was voted down. The question is upon the amendment of the gentleman from Illinois [Mr. LANE] to make the amount \$18 a month.

The question was taken; and the Chairman declared that the ayes seemed to have it.

Mr. KERR, of Iowa. Mr. Chairman, I insist upon my motion to reconsider the vote by which the amendment recommended by the committee was rejected.

The CHAIRMAN. When the gentleman made his motion the motion of the gentleman from Illinois [Mr. LANE] was pending.

The question was taken on the amendment of Mr. LANE; and there were—ayes 27, noes 7.

Mr. KERR, of Iowa. I demand tellers.

Tellers were refused.

Mr. KERR, of Iowa. Then, Mr. Chairman, I make the point of no quorum.

Mr. WILLIAMS, of Ohio. Mr. Chairman, I would like to inquire whether the report shows that this sister was dependent? We do not know but what she may be worth \$20,000, so far as any information we have here goes.

The CHAIRMAN. The report has been read twice; but if the gentleman demands it, it will be read again.

Mr. LANE. The report shows that she is wholly dependent and that she is blind.

Mr. CHEADLE. Mr. Chairman, I desire to call the attention of the committee briefly to the ridiculous position in which we shall be placed if we adopt this amendment. Under the existing law the blind widow of one of our dead comrades receives \$12 a month; but it is proposed here to give to the blind sister of this dead soldier \$18 a month. Now, we ought to be just, and there ought to be uniformity in these pensions. Unless there is uniformity in these pensions there will be such an outcry raised by the people that the whole pension system will be endangered.

Mr. PICKLER. Why should not all these cases be referred to the general law?

Mr. CHEADLE. Because there is no general law applicable to a dependent sister over sixteen years of age. But we ought to be governed by a general principle which will be applicable to every case that comes up for consideration, the principle of giving a fixed rating for a certain disability. Then let us apply that rating to any given state of facts in any given case. I hope the gentleman from Illinois [Mr. LANE] will accept the amendment, and let the amount be fixed at \$12 per month.

Mr. LANE. I will accept whatever the majority of this Committee of the Whole says is right. That is what I will accept. Now, if the gentleman from Iowa wants to make the point of no quorum, let him do it.

Mr. KERR, of Iowa. I think we ought to be fair and just in these matters, and I believe that to adopt the amendment of the gentleman from Illinois would be setting a dangerous precedent.

Mr. WILLIAMS, of Ohio. I think the bill ought to have been passed putting this claimant on the pension-roll, subject to the provisions and limitations of the pension law.

Mr. LANE. This case would not be reached by the general law.

Mr. WILLIAMS, of Ohio. So I understand. It ought not to have come here, then. We ought not to set precedents of this kind.

Mr. PETERS. Mr. Chairman, we are setting precedents every pension night. If this case were controlled by the general pension law it would not be here before us for special legislation. But I think there is great force in the suggestion of the gentleman from Indiana [Mr. CHEADLE], that there is no reason why this blind dependent sister should have any more than a blind dependent widow would receive, and consequently I think the amount in this case ought to be made \$12 a month instead of \$18.

Mr. LANE. I am willing to accept the sense of the majority of this committee.

The CHAIRMAN. Upon the amendment of the gentleman from Illinois [Mr. LANE] fixing the rate at \$18 a month, the ayes are 27 and the noes 7.

Mr. PETERS. I ask unanimous consent that that vote be reconsidered.

Mr. LANE. I object to that, but I am willing that the vote shall be taken over again.

Mr. PETERS. Mr. Chairman, I move that the vote be reconsidered. I voted in the affirmative.

Mr. PARRETT. Mr. Chairman, I want to suggest a way out of this difficulty. If a bill were pending here granting a pension to a widow and it appeared from the report that she was totally blind, according to my judgment and my recollection there would be found a number of precedents, a number of bills passed by Congress and approved by the Executive, granting pensions to widows who were in extreme necessity or were blind or were crippled, and if you put this case upon the same basis as that of a widow in a like situation, I am sure that this House would vote to make the amount not merely \$18 but \$25 or \$30 a month.

Mr. PETERS. If this were a bill to pension a widow who was blind and unable to make proof at the Pension Department, as required by law, the terms of the bill would be that she is granted a pension subject to the provisions and limitations of the pension laws, which would give her \$12 a month. Certainly there is no reason why this case should be made an exception in that respect.

The CHAIRMAN. The question is upon the motion to reconsider. The motion to reconsider was agreed to.

Mr. BLISS. I now move to amend so as to make this pension \$12 a month.

Mr. HILL. It seems to me this kind of legislation is of very doubtful wisdom or expediency, especially upon the showing made by this bill and report. The report does not show the extent of the dependency, or how it arose, or by what facts the committee were governed in saying that this sister was dependent upon the soldier. We have the bare, bald statement that she is blind and dependent. I think we ought to have something more than that as a basis for our action if we are going to step as far outside of our ordinary pension legislation as we are asked to do in this case. There ought to appear in the report some facts beyond what we find calling for the exercise of such a discretion.

Mr. BOOTHMAN. Mr. Chairman, I feel that to reduce the pension in this case to \$12 a month would be a wrong. I know that within the last two years this House has passed a bill giving \$18 a month to a totally blind child of a soldier of my district, and another bill giving \$18 a month to the helpless child of a soldier. Now here is the sister of a soldier, who was dependent upon him. If we should regard his feelings in any way, we should recognize that sister as being just as near to him as his child would be. She is in a condition of complete helplessness.

I see no force in the suggestion that the report does not set forth in detail the evidence upon which this claim has been reported. The committee has found that this girl was dependent upon the soldier; that she is blind—

Mr. MORRILL. Let me interrupt the gentleman long enough to say that nothing of that kind was sworn in the committee. The evidence shows that the soldier when killed in battle left a mother, who, years after the child had passed sixteen years of age, drew the pension. Under any general law or under any rule we have adopted this sister has no claim whatever.

Mr. BOOTHMAN. Admit that that may be true; I was going by the language of the report, which speaks of the "blind dependent sister" of the soldier.

Mr. MORRILL. Not dependent on the soldier, but dependent on charity.

Mr. BOOTHMAN. Now, while the case here is that of a girl totally blind, as I understand from the report, and necessarily requiring the care of another person all the time, you propose to give her a pension on account of the service of her brother and to give her but \$12 a month, which is a mere pittance, entirely insufficient to provide for her support, while in other cases where the pension has rested upon precisely similar reasons \$18 or \$25 a month have been given. If we are to have

uniformity let us go up to a point where the pension amounts to something to the beneficiary, as we have done in other cases, rather than go down to a point where the pension amounts to not much more than starvation.

Mr. PARRETT. Mr. Chairman, if I understood correctly the reading of the report in this case it did show that this sister was in the lifetime of the soldier dependent upon him and supported by him.

Mr. MORRILL. Oh, no.

Mr. PARRETT. Let us have the report read; that will settle it.

A MEMBER. It has been read twice.

Mr. PARRETT. As I understood the reading of the report, this girl was dependent upon her brother while he was living. It may be true that the mother during her lifetime received the pension, for there could not be two pensions granted on account of the services of the one soldier.

Mr. WILLIAMS, of Ohio. Did the gentleman hear the statement of the chairman of the committee [Mr. MORRILL] a moment ago?

Mr. PARRETT. I heard the reading of the report. Let it be read again, and let us see whether it does not say that she was dependent upon her brother during his lifetime.

Mr. WILLIAMS, of Ohio. But we have the statement of the gentleman from Kansas who heard the testimony in the committee.

Mr. PARRETT. If the chairman of the committee says that this girl was not dependent on her brother during his lifetime, I will accept that as a proper interpretation of the report. But if he does not so state, I insist that the report shows that during the lifetime of the soldier she was dependent upon him. His mother, of course, during her lifetime received the pension. The mother has died, and there is now no pension granted on account of the service of this soldier. This sister is blind; and by all the rules of nature and of right, she having been dependent upon her brother, her case appeals to the common justice and humanity of this House as much as any case that has been presented since I have been a member. [Applause.]

Mr. LANE. I will ask that the report be read in my time. The gentleman from Kansas [Mr. MORRILL] did not prepare the report, and perhaps does not fully understand what the facts are.

The report was again read.

The CHAIRMAN. The question now recurs on the amendment proposed by the gentleman from Michigan.

The Chair proceeded to put the question.

Mr. BLISS. Let the amendment be stated so that it will be understood.

The CHAIRMAN. The amendment is to strike out "\$25" and insert "\$12" in lieu thereof.

Mr. LANE. I demand a division.

The committee divided; and there were—ayes 29, noes 17.

So the amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM BISHOP.

The next business on the Private Calendar was the bill (H. R. 8595) for the relief of William Bishop.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and instructed to place the name of William M. Bishop, late a private in Company E, Seventy-ninth Regiment Illinois Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8595) granting a pension to William M. Bishop, submit the following report:

This case was considered and passed both Houses of the Forty-ninth Congress but failed to receive the President's signature, and the following report was made thereon, which this committee adopt as their report, as follows:

"That claimant enlisted in the Seventy-ninth Indiana Volunteers on March 25, 1865, to serve one year. On April 3, ten days after enlistment, he was admitted to post hospital, Camp Carrington, Indianapolis, Ind., with measles, which continued six weeks, and resulted in disease of eyes and weakness of the spinal column.

"His claim for pension was rejected on the ground that measles were contracted before service, the medical referee of the Pension Office claiming that the disease must have been well advanced so that the diagnosis could be made at the time—i. e., April 3, ten days after enlistment.

"Claimant swears that he was under military orders for several days in the barracks at Terre Haute, Ind., prior to enlistment at Indianapolis, where he alleges he caught the measles.

Dr. Martin Flenner testifies:

"That he knew of his own personal knowledge that at the date of and prior to enlistment claimant was free from diseased eyes and spinal column. He is positive of claimant's prior soundness, as he was his family physician, and claimant worked as a laborer for him for several years."

Theodore Barnes testifies:

"I formed the acquaintance of William Bishop about the 20th day of March, 1865. While in camp at Indianapolis, Bishop was taken sick with measles, and I helped to carry him to the hospital on or about the 5th day of April, 1865. I was soon after taken down with the measles, and was placed in the same ward and in the same bed with claimant, and know that said disease affected his eyes. I saw him just after he came out of the hospital, and his ears were discharging matter and his eyes were sore."

Nelson Shaffner testifies:

"That he was intimately acquainted with claimant for ten years prior to enlistment, and he was apparently free from all diseases. Is positive his eyes were perfectly sound. Has known him well since his discharge, and noticed that claimant was troubled with some disease of the eyes up to 1872, when he moved from claimant's town."

"A number of affidavits are on file among the papers in the case, which show that the claimant's eyes were sore at the time of his discharge and continue sore to the present time, the board of examining surgeons rating him one-eighth disabled for manual labor by reason of granulation of both upper eye-lids and conjunctivitis of same.

"Your committee believe that the claimant contracted measles after enlistment, notwithstanding the opinion rendered by the medical referee, and report the bill with the recommendation that it do pass."

But that the same be amended by adding M. after the word William and before Bishop where the same occurs in the bill, and also in the title thereof.

The amendments recommended by the committee were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN DE WITT CLARK.

The next business on the Private Calendar was the bill (H. R. 4296) granting a pension to John De Witt Clark.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John De Witt Clark, late of Company E, Nineteenth Regiment of New York Volunteer Infantry.

The report (by Mr. TURNER, of New York) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4296) granting a pension to John De Witt Clark, submit the following report: That claimant was a corporal in Company E, Nineteenth New York Volunteers, and that on or about the last day of July, 1862, while stationed at Fort Delaware, he was pushed from an embankment while cleaning his gun, and sustained an injury to his hip from which he has suffered ever since, and that by the said fall a slight rupture or hernia, from which he had suffered before, was made much worse.

The claim was rejected by the Pension Office on the ground that the injury was not incurred in line of duty. All the evidence in the case is that of claimant, Gardner B. Havens, and John W. Jogger; Havens corroborates the claimant throughout, but Jogger says he understood the claimant was injured while wrestling. This claimant denies. Special Examiner Brown calls attention to "the plain and simple story of soldier;" says he is "impressed with its truth."

In view of the foregoing and the excellent character of claimant, your committee believe the claimant should have benefit of doubt, and recommend the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM GARDNER.

The next business on the Private Calendar was the bill (S. 168) granting a pension to William Gardner.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Gardner, late of Company A, First Regiment California Volunteers.

The report (by Mr. TURNER, of New York) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 168) granting a pension to William Gardner, submit the following report:

That this bill passed the Senate, and the report drawn by Senator Paddock is herewith annexed, with the recommendation that the bill do pass.

[Senate Report No. 356, Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 168) granting a pension to William Gardner, have examined the same and report:

In this case pension is claimed for injury of spine received by the kick of a mule at Fort Craig, New Mexico, February 21, 1862, while claimant was in the line of his military duty, having charge of the ammunition-wagon.

The records of the War Department show that claimant enlisted October 3, 1864, in Company F, Fifth Regiment United States Infantry, and served until August 3, 1864; that he re-enlisted as a private in Company A, First Regiment California Volunteer Infantry, January 1, 1865, and was mustered out of the service January 31, 1866.

In affidavit filed October 27, 1887, claimant states that after diligent inquiry he is unable to ascertain the whereabouts of the officers of his company.

In affidavit filed June 11, 1888, Conrad Shoemaker, a comrade, testified that claimant was kicked by a mule while in charge of the ammunition-wagon, crossing the Rio Grande River, in 1862. This testimony is substantiated by Comrade Frank Billain, who was also an eye-witness to the occurrence of the injury to claimant's spine.

The continuance of said injury is shown by the testimony of A. J. Thomas, C. W. Grover, jr., Wickliff Lemon, and twelve other citizens of the State of Nevada.

Claimant is now suffering from total disability, as is shown by the medical examination made through the Bureau of Pensions, October 18, 1889.

The evidence shows that the claim is meritorious, and your committee therefore recommend the passage of the bill.

Mr. HILL. I would like to inquire how much that bill carries.

The CHAIRMAN. The amount provided by the general law.

Mr. TURNER, of New York. It is subject to the provisions and limitations of the general law.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM KARGER.

The next business on the Private Calendar was the bill (H. R. 8060) for the relief of William Karger.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Karger, a sailor in the United States Navy.

The report (by Mr. TURNER, of New York) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8060) granting a pension to William Karger, submit the following report:

That the claimant served as a landsman on the steam-ship *Susquehanna* from June 10, 1864, until July 14, 1865. The claimant has no record of sickness while in service.

He swears that he suffered from lameness that he called rheumatism ever after he was discharged, which grew much worse in 1863, and developed into locomotor ataxy. In 1870 he was admitted into the German Hospital in Philadelphia, and later into the Hebrew Hospital in the same place. At this time his eyes became affected and he became totally blind.

There is no doubt that he now is, and for many years has been, totally blind, and is unable to stand by reason of the locomotor ataxy above mentioned. The Pension Office rejected his claim in 1887 on the ground of insufficient evidence of origin of disability. The case was examined by five special examiners, three of whom think there is merit in the case, and all of whom report the character of the claimant good. There is no doubt of the truth of claimant's story as to his increasing disability in the years 1868, 1869, and 1870, as he has medical evidence in point.

The claimant also shows conclusively prior soundness and great bodily vigor before enlistment; and Dr. M. Allen Starr, an eminent specialist, of New York, says this disease, locomotor ataxy, usually results from exposure and is slow in development. The claimant's occupation being that of a barber, it would be likely that he incurred same in service.

Dr. Ottoman, of Carbondale, Pa., testifies that he treated claimant soon after his discharge for rheumatism.

In view of the foregoing your committee believe that the claimant probably incurred his disability in the service, and, as the claimant is now sixty years old and poor and has been for nearly twenty years totally blind, they believe any doubt there may be should not debar him from needed relief.

Amended by inserting "and pay him a pension at \$40 per month."

The amendment recommended by the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

NANCY RARDEN.

The next business on the Private Calendar was the bill (H. R. 7915) granting a pension to Nancy Rarden.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nancy Rarden, widow of Lewis P. Rarden, late a private in Company A, Thirteenth Regiment Indiana Volunteers.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7915) granting a pension to Nancy Rarden, submit the following report:

We find that the evidence herein establishes these facts, to wit:

Nancy Rarden, the applicant, is the widow of Lewis P. Rarden, deceased, late a private of Company C, Thirteenth Indiana Volunteer Infantry, in the war for the Union, and was married to him on the 5th day of July, 1854, bearing him four children, born, respectively, on December 19, 1856, December 21, 1858, November 18, 1871, and (Maggie) May 23, 1875.

Said Lewis P. Rarden enlisted in said company on February 17, 1864, at Shelbyville, Ind.; was mustered in at Indianapolis on April 6, 1864; was wounded accidentally and without his fault on May 20, 1864, at the battle of Bermuda Hundred, for which he was treated in the army hospital. The evidence further shows that he contracted sore eyes during his service and without his fault, and that he was discharged for disability November 23, 1864. As a result of his wound his middle finger on his left hand was amputated.

When he was discharged his left hand was almost useless on account of his wound and his sight was greatly impaired, and he finally became almost blind, although sound of sight and limb when he enlisted. He was granted a pension November 10, 1870, for said wound, at \$6 per month, which was increased July 31, 1871, to \$8 per month for same disability, and on application by him on account of said disease of eyes his pension was increased to \$14 per month on March 3, 1873.

The evidence of reputable witnesses, on file in the Pension Office, including the verdict of the coroner who held an inquest on the body of the decedent, shows that on March 23, 1879, while the decedent was upon the usually traveled road, on legitimate business, duly sober, in broad daylight, he accidentally fell into a pool of water by the said road, near Brookville, Ind., and near his home, and was drowned.

At the time of and long previous to his death he was almost blind as the result of his army service, and the presumption is that because of his blindness he missed the road and fell into the water and was drowned in a pool of water called the "Hydraulic."

Applicant's claim for pension was rejected January 12, 1883, on the ground "that soldier's death from drowning was not a result of his military service," a conclusion in which this committee does not concur.

Applicant is now fifty-six years of age, has been almost in want ever since and before her husband's death, has supported said minor daughter, Maggie, who will not be sixteen years of age until May 23, 1891, and is entitled, in the opinion of this committee, to be granted a pension, as asked in the bill, the passage of which we recommend.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ANGELINE GREENE.

The next business on the Private Calendar was the bill (H. R. 5099) for the relief of Mrs. Angeline Greene.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Angeline Greene, dependent mother of Edwin Spurgin, late of Company C, Twenty-seventh Indiana Volunteers, Alexander Greene, of Company C, Seventy-third Indiana Volunteers, and Allen Greene, of Company D of the Sixty-seventh Indiana Volunteers, and William Greene, of Company C of the Twenty-seventh Indiana Volunteers, and Alfred Greene, of Company M of Twenty-first Indiana Infantry Volunteers.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5099) for the relief of Mrs. Angeline Greene, submit the following report:

The proposed beneficiary is the mother of six sons, five of whom served in the Union Army during the war.

Edwin served in Company I, Twenty-seventh Indiana Volunteers; is now almost totally blind, and has a family dependent upon him. Alexander was a member of the Seventy-third Indiana Volunteers, and was wounded in action, and is poor, with a large family to maintain.

Allen Greene, while serving as private in Company D, Sixty-seventh Indiana Volunteers, died, leaving a widow, who drew a pension for a few years and remarried, and since died. William Greene served in Company C, Twenty-

seventh Indiana, lost an arm, and also has a large family to provide for. Alfred Greene was a member of the Twenty-first Indiana Volunteers, is almost totally blind, and likewise the head of a family.

The other son is a cripple and has been so from childhood. Claimant's husband has been dead these many years. She has no property nor income from any source except that received from her own labor, taking in washing, which at the age of seventy years she should no longer be required to do.

Having given five sons to her country's service, and being now old and poor, her prayer for relief at the hands of Congress should, in the opinion of your committee, meet with prompt and favorable response, and the accompanying bill is therefore returned with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ANN DOWNEY.

The next business on the Private Calendar was the bill (H. R. 8927) granting a pension to Ann Downey.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann Downey, widow of Thomas Downey, late sergeant of Company I, Seventh Regiment United States Infantry.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8927) granting a pension to Ann Downey, submit the following report:

Ann Downey is the widow of Thomas Downey, whom the records of the War Department show to have served in Company F, First United States Infantry, from May 24, 1849, to June 26, 1852; in Company C, Seventh United States Infantry, from January 9, 1853, to May 22, 1864, when transferred to Company D, Fifth Infantry, and discharged November 9, 1865.

The records again show that he re-enlisted July 7, 1866, in Company C, Seventh United States Infantry, was discharged July 7, 1869, and re-enlisted in Company I, Seventh United States Infantry, July 7, 1869, and was discharged November 21, 1872, on surgeon's certificate of disability, by reason of impairment of motion of right arm, resulting from fractured clavicle.

The records also show that he was treated in hospital in June, 1870, on account of cholera morbus; in August, 1870, on account of contusion, and in March, 1872, for chronic rheumatism.

Mr. Downey applied for and was granted a pension on account of fracture of clavicle and gunshot wound of left hand.

Four years after his discharge, namely, on October 8, 1876, the soldier died of cancer of the stomach.

On March 3, 1877, Mrs. Downey applied for pension, alleging that the soldier's death was due to the injuries for which he was pensioned, and in support of her claim filed medical and lay evidence showing that upon the soldier's return home from the Army he complained of pain in the stomach, continued to complain, and finally died, as above stated, of cancer of the stomach.

In August, 1877, the Pension Office rejected the claim of Mrs. Downey on the ground that "the evidence is not sufficient to show that the soldier's death caused originated in the service."

Considering the length of the soldier's service, sixteen years, the medical evidence filed as to his condition soon after discharge, and the fact of development and final death from cancerous disease of stomach, it seems more reasonable to your committee that the long service rather than the four years of civil life following thereupon should be accepted as the responsible agent of the fatal disease. Besides, the widow has no means of support except that derived from her daily labor, and being well advanced in years the income therefrom is insufficient to afford her a comfortable maintenance.

Your committee, believing that the facts in the case warrant favorable consideration of the accompanying bill, return the same with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ALICE NICHOLS.

The next business on the Private Calendar was the bill (S. 1282) granting a pension to Alice Nichols.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alice Nichols, mother of Hanson Nichols, late a corporal in Company B, Seventh Regiment United States Colored Troops.

The report (by Mr. MARTIN, of Indiana) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1282) granting a pension to Alice Nichols, have had the same under consideration and recommend the passage of the bill, adopting the Senate report, No. 583, as our own, which is in the following words, to wit:

Original mother's pension claim, No. 246731, of Alice Nichols, as mother of Hanson Nichols, corporal in Company B, Seventh Regiment United States Colored Troops. (Enlisted September 23, 1863; died in hospital at Camp Stanton, Maryland, January 21, 1864.)

This claim was rejected September 25, 1882, on the ground that Henry Nichols, husband of Alice Nichols, was able to render her support at the time of the soldier's death, and that the soldier did not contribute to her support before or during the war.

About the 1st day of June, 1889, affidavits were filed by claimant, one made by Sydney C. Long, esq., and one by Emile S. Sprague, which showed that at the date of soldier's death (January 21, 1864), Henry Nichols was a slave, and thus, by the position taken by the Pension Bureau, was incapable of rendering support to the claimant, Alice Nichols.

As to the position assumed in the matter of the ability of Hanson Nichols to render such support and his willingness to do so, and as grounds upon which claimant has relied to a great extent for the granting of a pension, and most if not all of which have been proven and set forth in different affidavits during the progress of this case, the following facts are recited, which may be necessary in comprehending the case fully:

At the time of the birth of the soldier, Hanson Nichols (about 1843), Alice Nichols, his mother, seems to have been the slave of one Susan Ann Banning, who lived not far from the town of Easton, in Talbot County, Maryland. Upon the death of Susan Ann Banning, some years subsequently to this, by the will of Susan A. Banning Alice Nichols was manumitted, while the boy Hanson, by the same means, became the property of her (Susan's) sister, Maria Banning, who lived about 3 miles from Easton. Hanson seems to have remained the property of Maria Banning until his enlistment, though some years before the late war Maria Banning had removed to Baltimore, with her brother, Alexander Banning, and continued to reside in Baltimore.

After the removal of said Maria Banning to Baltimore, Hanson was hired out to different parties in the eastern part of Maryland, first to one Kirby, but at

the time of his enlistment he is said to have been in the employ of Alexander Townsend. From this service Hanson seems to have run away, in the fall of 1863, and enlisted in the United States service.

During some years prior to his enlistment said Hanson was in the habit of cultivating a portion of the ground belonging to his grandfather, Jessie Gladden, a free colored man who owned a few acres of land near there, and from this cultivation, as well as from other sources, he was able to, and did, often send to his mother various quantities, and aggregating in all a very large quantity of vegetables, meats, oysters, etc., and which were used in the support of said Alice Nichols.

Some years prior to the late war, after she became free, Alice Nichols removed to Baltimore and continued to reside there, much of the time in the employ of Mr. Elisha R. Sprague (who afterward purchased and brought to Baltimore Henry Nichols, her husband). She has continued to reside in Baltimore since then.

While it seems to be a fact that Hanson did not after his enlistment contribute to the support of his mother, there are letters on file with the Commissioner of Pensions in this case which were written by Hanson while in the Army, to his mother, in which he expressed his willingness and obligation to render her support, and promising to send her money for her support so soon as he should have it to send; and other evidence has been filed—for instance in the affidavit of Laura Cowherd and Lina Taylor, filed in this case about the 1st of June, 1889—showing the affectionate nature of Hanson toward his mother and his evident anxiety to render her support whenever he was able to do so.

In this connection it should not be forgotten that Hanson lived but a short time after his enlistment and consequent ability to render her any considerable support—which the contributions from him while in slavery do not seem to be considered by the Pension Bureau. That at all times prior to his death he had always shown a great and earnest desire to assist her, and did assist her to the full extent of his ability.

As to the technicality upon which this case seems to have been rejected, *i. e.*, the fact that the mother was not dependent upon him for support at the time of the soldier's death, from the fact that he could not render her support while a slave, and that he did not contribute to her support after he was, technically, in a position to do so—it would really seem that the fact is far outweighed by the evidence that has been submitted showing his recognition of her dependence upon him, and his evident anxiety to support her and promises to do so, and by the fact that while she was at that time enabled to keep body and soul together by her own exertions—that is, she was not permitted to starve by those who knew her—she had no one but Hanson to render her assistance (her husband having remained in slavery till November, 1864).

If she was dependent upon any one on the 21st day of January, 1864, she was dependent upon her son Hanson, and there seems to be nothing but the bare technicality of his having been a slave prior to his enlistment to urge against the allegation of her dependence upon him. Every circumstance, every scrap of evidence adduced, tends to show that he was her dependence and that he recognized that dependence and rendered her all the assistance in his power, with profuse promises of future support.

Had Hanson lived until November 1, 1864, when all slaves in Maryland were made free, it would seem that this technical objection would have been removed, he would not then have been a slave; and there is no reason to doubt that long ere that time had arrived he would have contributed largely toward her support had not his patriotism and self-sacrificing ardor induced him to throw away his life thus early; that is, some nine months earlier than he should have done to insure the future support of his mother, for had he survived a little more than nine months longer the objection or ground upon which the claim was rejected could not have been urged.

Most assuredly her "future support" was dependent upon him, even if her then present dependence upon him was not established. But has not her dependence at that time been established? Was Hanson a slave and thus unable to render his mother support, at least in part at that time? Even if he was a slave he was earning money, and he had promised to expend at least part of that money in contributing toward her support.

The statute upon which the Commissioner of Pensions must have relied for basing his decision must have been a clause contained in section 4707 of the Revised Statutes. The language there used is substantially this: If the soldier "has left or shall leave other relative or relatives who were dependent upon him for support in whole or in part at the date of his death, such relative or relatives shall be entitled, in the following order of precedence, to receive the same pension as such person would have been entitled to had he been totally disabled," etc.

Whether the claimant was dependent in whole or in part upon this soldier, at the date of his death, seems to be the point at issue. He certainly had been her partial support for some years prior to his death, and all our information tends to show that his contributions toward her support were gauged solely by his ability to render support; also, that his contributions would not only have continued, had he lived, but that his contributions would have been much larger in future. He had contributed all in his power, and that Hanson promised her money, in one or more letters which he wrote her during his service in the Army, was positively stated in a communication by the claimant, filed in the office of the Commissioner of Pensions in this case, about June 1, 1889.

This statement was not sworn to—partly for the reason that it contained very little matter that had not already been filed in this case; for instance, when referring to these letters, it referred to them as having been filed in this case some years since—and partly because the claimant was not able to leave her bed, and being in destitute circumstances it was not deemed advisable to go to the expense of bringing an officer to the house to take her affidavit. No objection has been urged to this statement because it was not made under oath, so far as we are informed.

While Alice Nichols seems to be the beneficiary named in this application, her husband, Henry Nichols, is utterly helpless, and thus, in a manner, one of the beneficiaries intended to be benefited by this claim. He is now nearly, if not quite, eighty years of age. Had not his support, which would have been vouchsafed him by his former owners had he still remained in slavery, been taken away from him, he would not have been in his present utterly destitute condition. That support having been taken away by the same fortune that deprived this old couple of the support of their son, does it not seem reasonable that their present condition of utter destitution should be relieved by the author of that deprivation?

The passage of the bill is recommended.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BARTON P. SPENCER.

The next business on the Private Calendar was the bill (H. R. 5102) for the relief of Barton P. Spencer.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Barton P. Spencer, late of Company —, Seventh California Infantry Volunteers.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5102) for the relief of Barton P. Spencer, submit the following report:

From the records of the War Department it appears that Mr. Spencer enlisted in Company G, First California Volunteers, on August 19, 1861, and was mustered out at Fort Craig, New Mexico, August 31, 1864; also that he was treated in January, 1863, on account of "hemorrhoids and rheumatism;" in March, 1863, for five days on account of constipation; in August, 1863, at post hospital, Las Cruces, N. Mex., on account of punctured wound, and in September, 1864, for tonsillitis.

On October 23, 1884, he filed a claim for pension on account of wounds of head, received at La Mesilla, N. Mex., about July 8, 1863, while arresting a Mexican; also on account of rheumatism and nervous prostration, contracted near Fort Craig, N. Mex., about July, 1863.

He informed the Pension Bureau that he must rely upon the records of the War Department for proof of origin of his disabilities, being unable to find any comrades, as his company, which was raised in California, represented men from nineteen States.

He was examined January 21, 1885, by the Mitchell (Ind.) board of surgeons, who found three cicatrices on right side of back of neck and on top of head, and also disease of heart, for which disabilities he is rated at \$6 per month.

The claim was rejected by the Pension Office on March 12, 1888, on the ground of failure after a reasonable time to furnish the necessary evidence to establish his claim.

He has since filed the testimony of two neighbors stating that he is physically disabled one-half of the time from causes unknown to them.

The records of the War Department, as before mentioned, bear out Mr. Spencer's allegations as to the "wound and rheumatism," and had he proved continuance of rheumatism since discharge his claim would have to be admitted by the Pension Office, as the heart disease found is usually accepted by that office as a pathological sequel of rheumatism.

Your committee believe that the claim is a just and meritorious one, and recommend that the bill be passed, amending the same, however, by inserting, in the sixth line, after the word Company, the letter "G," and by striking out, in the same line, the word "Seventh" and inserting instead the word "First."

Amend the title so as to read: "A bill for the relief of Barton P. Spencer."

The amendments recommended by the committee were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MORRILL. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. PERKINS having resumed the chair, Mr. ALLEN, of Michigan, reported that the Committee of the Whole, having had under consideration bills on the Private Calendar, under the rule, had instructed him to report sundry bills with various recommendations.

HOUSE BILLS ENGROSSED AND READ THE THIRD TIME.

Bills of the House of the following titles, severally reported from the Committee of the Whole without amendment, were considered, ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time:

A bill (H. R. 4427) to restore to the pension-roll the name of Mrs. Mary E. Borke;

A bill (H. R. 8604) granting a pension to Maria Brooks;

A bill (H. R. 7473) for the relief of George P. Hartman;

A bill (H. R. 8167) granting a pension to Martha Hindman;

A bill (H. R. 7002) granting a pension to William Richardson;

A bill (H. R. 8226) granting a pension to James H. Fleming;

A bill (H. R. 8170) granting a pension to Elizabeth Keely;

A bill (H. R. 4513) granting a pension to Elizabeth Burnett;

A bill (H. R. 4296) granting a pension to John De Witt Clark;

A bill (H. R. 7915) granting a pension to Nancy Rarden;

A bill (H. R. 5099) for the relief Mrs. Angeline Greene; and

A bill (H. R. 8227) granting a pension to Ann Downey.

Mr. ENLOE. I ask that these bills be made the special order for Monday morning immediately after the reading of the Journal, with the right to thirty minutes' debate, and amendment on each bill.

The SPEAKER *pro tempore*. The gentleman from Tennessee asks unanimous consent that these bills be made the special order for Monday morning, that the previous question be considered as ordered upon the passage of the bills, and that immediately after the reading of the Journal on Monday morning they be brought up for consideration with the right to thirty minutes' debate upon each bill. Is there objection?

Mr. SHERMAN. I object.

The SPEAKER *pro tempore*. The gentleman from New York makes objection to the request of the gentleman from Tennessee.

The question is on the passage of the bills. Without objection the bills will be considered as passed. [A pause.] The Chair hears none, and it is so ordered.

Mr. ENLOE. Mr. Speaker, have these bills been submitted to the House?

The SPEAKER *pro tempore*. They were, and were passed.

Mr. ENLOE. They were not submitted to the House. You did not submit them to a vote.

The SPEAKER *pro tempore*. The Chair said that without objection the bills would be passed, and there was no objection made.

Mr. ENLOE. I make the objection.

The SPEAKER *pro tempore*. It is too late now.

Mr. ENLOE. It is not too late. I say the Chair did not submit the bills to the House.

The SPEAKER *pro tempore*. The RECORD will show what the Chair said, and the Chair attempted to speak very distinctly, so that there

could be no misunderstanding. The Chair said that the bills would be engrossed and read a third time, and that without objection the bills would be considered as passed. The Chair waited, and there was no objection, and then the Chair stated as there was no objection it would be so ordered.

Mr. ENLOE. The Chair said it so quickly that it did not give me an opportunity to make an objection.

The SPEAKER *pro tempore*. The Chair did not attempt or desire to do so.

Mr. ENLOE. Very well; that is all right, Mr. Speaker; I will be in time for the balance of them.

House bills of the following titles, reported from the Committee of the Whole House with amendments, were taken up, the amendments concurred in, and the bills as amended ordered to be engrossed for a third reading, and being engrossed, were accordingly read the third time:

A bill (H. R. 8060) for the relief of William Karger;

A bill (H. R. 8595) for the relief of William Bishop;

A bill (H. R. 5348) to place the name of Sarah A. Smail upon the pension-roll and grant her a pension of \$25 per month; and

A bill (H. R. 5102) for the relief of Boston P. Spencer.

The SPEAKER *pro tempore*. The question is on the amendments recommended by the committee to these bills. Without objection, the bills will be considered as agreed to. The Chair hears no objection, and it is so ordered.

The question is upon the engrossment and third reading of the bills. Without objection, the bills will be considered as engrossed and read the third time. The Chair hears no objection, and it is so ordered.

The question is on the passage of the bills.

Mr. ENLOE. Now, Mr. Speaker, I want to have a vote on that.

The SPEAKER *pro tempore*. With the permission of the gentleman from Tennessee the previous question may be considered as ordered upon the passage of the bills, and the bills laid aside temporarily.

Mr. ENLOE. No, sir; I do not consent to that.

The SPEAKER *pro tempore*. Does the gentleman consent that the bills may be laid aside temporarily?

Mr. ENLOE. Yes, sir.

The SPEAKER *pro tempore*. The bills will be laid aside temporarily, and the Clerk will report the Senate bills.

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were ordered to a third reading, and were accordingly read the third time:

A bill (S. 255) granting a pension to Louisa V. Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, United States Volunteers;

A bill (S. 1813) granting an increase of pension to Florida G. Casey;

A bill (S. 1269) granting a pension to James M. McKinney;

A bill (S. 168) granting a pension to William Gardner; and

A bill (S. 1282) granting a pension to Alice Nichols.

The SPEAKER *pro tempore*. The question is on the third reading of the bills. Without objection, the bills will be considered read the third time. On the first two bills it was agreed that the previous question might be considered as ordered.

Mr. PAYSON. Yes, and with the understanding, which I have reduced to writing—if I am in error the gentleman from Indiana will correct me—

That by unanimous consent the previous question be considered as ordered on the passage of the bills, and that when the bills shall be considered in the House there shall be the right to offer amendments, and with the right to one and one-half hours' debate; the time to be equally divided for and against the bill.

The SPEAKER *pro tempore*. Does that pertain to the two bills?

Mr. PAYSON. The two bills; the Casey bill and the Kilpatrick bill.

Mr. ENLOE. What day are they to be brought up?

The SPEAKER *pro tempore*. Any time that they can be brought up.

Mr. CHEADLE. Is that with reference to one bill or the two bills?

Mr. PAYSON. Both bills.

Mr. ENLOE. I shall insist upon the gentleman naming a day.

Mr. PAYSON. I hope the gentleman will not insist upon that. The point the gentleman desires to make can be made against some of these other bills.

The SPEAKER *pro tempore*. The question is on the request of the gentleman from Illinois [Mr. PAYSON].

Mr. ENLOE. I insist that the gentleman from Illinois [Mr. PAYSON] shall name a day.

Mr. PAYSON. I hope the gentleman will not insist upon that, because in case a day should be named there seems to be a dispute among the parliamentarians with reference to the effect of it.

It is claimed that if a day should be especially named, and then in case the day should be occupied with other business, that the order exhausts itself and nobody knows when the bills might be considered. I do not express an opinion at this time, because it is not the time to discuss a parliamentary point like that.

Mr. ENLOE. Then make an exception of Friday.

Mr. PAYSON. I hope that will not be insisted upon.

Mr. ENLOE. I insist upon it.

Mr. PAYSON. I agree with the gentleman from Tennessee that the bills shall not be called up on Friday, if he so desires.

Mr. ENLOE. Very well.

Mr. SPOONER. I hope the request of the gentleman from Illinois [Mr. PAYSON] will be granted.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. PAYSON], as well as the gentleman from Rhode Island [Mr. SPOONER], request unanimous consent that the arrangement suggested by the gentleman from Illinois be agreed upon as to these bills. Without objection it will be so ordered, with the understanding that these bills are not to be brought up for consideration on Friday.

Mr. PAYSON. I will agree to that. The gentleman will take my statement, of course.

Mr. TURNER, of New York. The hour and a half debate is on the Kilpatrick bill, is it not?

Mr. CHEADLE. We should have the right to debate upon both.

Mr. PAYSON. Yes, sir.

Mr. SPOONER. Does the gentleman desire that arrangement with reference to both bills?

Mr. PAYSON. I am perfectly willing that that should be done.

The SPEAKER *pro tempore*. The question is as to the passage of the other bills. Without objection the other bills reported by the Clerk will be passed.

Mr. ENLOE. Is not there an hour and a half on each of those bills?

The SPEAKER *pro tempore*. On the two that were named, the Kilpatrick bill and the Casey bill.

Mr. ENLOE. Let the others be laid aside.

The SPEAKER *pro tempore*. There are two other Senate bills which have been reported.

Mr. ENLOE. Let them be laid aside.

The SPEAKER *pro tempore*. The question is on the passage of the bills. Is there objection to that?

Mr. ENLOE. Yes, sir.

The SPEAKER *pro tempore*. The bills may be temporarily laid aside.

The Clerk informs the Chair that there are two other Senate bills to which there are amendments: The bill (S. 1546) granting an increase of pension to Mrs. Sallie H. Michler, widow of the late Bvt. Brig. Gen. Nathaniel Michler, United States Army, and the bill (S. 2245) granting an increase of pension to Mrs. Adelaide H. Woodall. The question is on the amendments recommended. Without objection the amendments will be considered as agreed to, and the question is upon the engrossment and third reading of the bills as amended. Without objection the bills will be considered as read a third time, and the bills will then be temporarily laid aside.

There was no objection.

ORDER OF BUSINESS.

Mr. ARNOLD. Mr. Speaker, what has been done with the bills that were laid aside at the last Monday evening session?

The SPEAKER *pro tempore*. They are pending as unfinished business.

Mr. BOWDEN. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BOWDEN. I would like to know whether it is not competent by unanimous consent to take these bills up and act upon them tonight.

The SPEAKER *pro tempore*. It is, by unanimous consent.

Mr. BOWDEN. Then I ask unanimous consent.

The SPEAKER *pro tempore*. The gentleman from Virginia [Mr. BOWDEN] asks unanimous consent that the bills which were brought over from last Monday evening session be put on their passage.

Mr. ENLOE. I understand, Mr. Speaker, that the Speaker of the House holds that these bills have lost their status now, and that without a special order from the Committee on Rules they can not be considered.

The SPEAKER *pro tempore*. I can not speak for the Speaker; I do not know what the gentleman's understanding may have been, but I think there has been no such decision or ruling made by the Speaker.

Mr. ENLOE. I think we had better have a ruling of the Speaker, and let parliamentary law be applied.

The SPEAKER *pro tempore*. Does the gentleman from Tennessee object?

Mr. ENLOE. I do.

The SPEAKER *pro tempore*. Objection is made.

Mr. WILLIAMS, of Ohio. Mr. Speaker, I ask unanimous consent to take up the bill of Capt. A. D. Denny. It is a Senate bill that was passed last Monday evening and went over under the rule. There was no objection made to it.

The SPEAKER *pro tempore*. The gentleman from Ohio asks unanimous consent to bring up for consideration a bill passed last Monday evening.

Mr. WILLIAMS, of Ohio. The bill was favorably reported from the Committee of the Whole on last Monday evening, and was engrossed and read a third time.

The SPEAKER *pro tempore*. The gentleman from Virginia [Mr. BOWDEN] has asked unanimous consent to bring up all these bills, and it was objected to by the gentleman from Tennessee [Mr. ENLOE].

Mr. WILLIAMS, of Ohio. I know; but I am asking unanimous consent for the passage of this one.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Ohio? The Clerk will read the title of the bill. [After a pause.] The Clerk informs the Chair that he is not able to find the bill. The matter will be passed and the gentleman can call it up afterwards.

JOSEPH M. WILSON.

Mr. CRAIG. I call up for consideration the bill (H. R. 9565) granting an increase of pension to Joseph N. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph N. Wilson, late a private in Company B, Two hundred and eleventh Regiment Pennsylvania Volunteers, and pay him a pension at the rate of \$36 a month, in lieu of the pension he is now receiving.

The report (by Mr. CRAIG) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9565) granting an increase of pension to Joseph M. Wilson, submit the following report:

That claimant enlisted August 29, 1864, and was discharged July 10, 1865. He was wounded in front of Petersburg April 2, 1865, severely in the left hand, for which he was pensioned. The character of the wound necessitated amputation of middle finger, ball having passed through third and fourth metacarpal bones. The fingers left were drawn shut. The hand was swindled and nearly powerless and the arm was affected to the shoulder. The hand being entirely useless it was much in the way in working, and involuntarily he would bring it forward to aid his right hand.

In trying to earn a living in a saw-mill it was hurt several times because of its condition, rendering him less able to act quickly, and finally it was caught in the machinery and injured so that it had to be amputated. This was about 1874. He has applied several times for increase and rerating, but as he has no wounded hand or arm to show for examination, the Pension Office can not increase his claim, although his disability has increased; and under the system of liberal rerating since in vogue in the Pension Office he feels he should have an increase independent of the fact that his arm was lost because of condition of wound.

Your committee think it a proper case for relief, and recommend the passage of the bill.

Amend by changing initial "N." to "M.," so that name will read "Joseph M. Wilson."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and laid aside.

JOHN R. BROWN.

Mr. YODER. I call up for consideration the bill (H. R. 5065) for the relief of John R. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby directed to vacate the order of the War Department made July 24, 1863, dismissing from the military service of the United States John R. Brown, late assistant surgeon of the Eighty-second Illinois Infantry, and is required to muster out said John R. Brown, to date from August 10, 1863.

Mr. MORRILL. Mr. Speaker, I doubt whether we have the right to act upon a bill of that kind at this evening session. It certainly is not embraced under the rule for Friday evening sessions, and there may be some question whether our action would be legal if we passed the bill.

Mr. YODER. The rule applies only to cases of desertion.

The SPEAKER *pro tempore*. Does the gentleman from Kansas make the point of order against the consideration of the bill?

Mr. MORRILL. I do make the point of order against its consideration.

The SPEAKER *pro tempore*. The Chair is constrained to sustain the point of order.

WILLIAM R. BOAG.

Mr. ANDREW. I call up for consideration the bill (H. R. 6625) for the relief of William R. Boag.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to remove the charge of desertion from the military record of William R. Boag, late a private in Company K, First Regiment of Massachusetts Infantry Volunteers, and to issue to him an honorable discharge from service.

The report (by Mr. CAREY) is as follows:

The Committee on Military Affairs, to whom was referred a bill (H. R. 6625) for the relief of William R. Boag, respectfully reports:

That William R. Boag was enrolled as a private in Company K, First Massachusetts Infantry Volunteers, on May 23, 1861, to serve three years, and stands charged with deserting from the Chester general hospital on the 31st day of October, 1862. The evidence produced establishes the fact that the soldier left the hospital believing that he had been discharged from the military service of the United States.

At the time the soldier left the hospital he was sick and unable to perform military duty, and, owing to a wound received and sickness contracted while in the military service, this man will go through life broken down in health. He is now on the pension-rolls. The report of the War Department and a sworn statement of the said Boag are herewith printed and made a part of this report. The committee recommend that the bill do pass.

Case of William R. Boag, Company K, First Massachusetts Infantry Volunteers.
RECORD AND PENSION DIVISION, March 12, 1890.
William R. Boag, private Company K, First Massachusetts Infantry Volun-

teers, was enrolled on May 23, 1861, to serve three years. Charges of desertion of August 17, 1861, and August 29, 1862, appearing against him on company and regimental records, were removed as erroneous on August 26, 1889, after due investigation by the War Department.

On June 30, 1862, he was captured by the enemy at James River, Virginia; was confined in prison at Richmond, Va., July 13, 1862; paroled at City Point, Va., July 25, 1862; was admitted on July 29, 1862 (as paroled prisoner of war), to general hospital at Chester, Pa., with chronic diarrhea. The records of that hospital show that he was present on August 31, 1862, but report him as "deserted, October 31, 1862." The company muster-roll of October 31, 1862, reports him, "absent, sick;" but the roll of December 31, 1862, shows him, "deserted," indicating that the regimental officers were notified by the surgeon in charge of the Chester General Hospital, that the man deserted there on October 31, 1862, as borne on said hospital records.

He never returned to military control after October 31, 1862. On his own request of October 6, 1877, he was dishonorably discharged by the War Department on October 23, 1877, to date October 31, 1862, by reason of desertion.

With a view to the removal of the charge of desertion of October 31, 1862, and an honorable discharge, William R. Boag, in several affidavits executed by him between 1876 and 1887, states: Not long after entering Chester General Hospital he requested his discharge of the surgeon, who several days afterward gave him his discharge certificate dated August 2, 1862. He was then still very sick. Next day he started to go to Boston, and while at New York (he being in a miserable plight), he was offered a passage to his home St. John's, Newfoundland, by Captain Monkton, on the brig Jessie.

This brig sailed from New York on August 23, and arrived at St. John's on September 4, 1862, where he was immediately confined to his bed with a relapse of the fever, which turned into typhoid; was then attended by his mother's physician, Dr. Adam McKen (now deceased), and was confined to his bed until November, 1862. From the effect of the fever he became nearly deaf, his eyesight was affected, etc. While he was thus prostrated with typhoid fever, his clothes (containing his discharge) were burned by order of the doctor.

John J. Rowe, of Cambridge, Mass., on August 15, 1889, swears: He was born at St. John's, Newfoundland; has known William R. Boag from boyhood; knows that Boag arrived from the States in 1862 very sick with fever, but affiant did not see Boag till about November, 1862, when he appeared completely broken down, suffering with rheumatism; but after awhile Boag gained a little in health and was able to go about. No other pertinent testimony in the case is before the War Department.

On August 26, 1889, the application for removal of the charge of desertion of October 31, 1862, and for an honorable discharge in this case was denied by the War Department on the following grounds:

As the muster-roll of the General Hospital, Chester, Pa., of August 31, 1862, shows this man present there on that date, therefore his uncorroborated and positive statements to the effect that he was discharged there on August 2, 1862, can not be accepted to controvert the explicit and authentic official record in the case.

As it is not established by any competent testimony submitted to this Department that he was prevented by disease, etc., incurred in line of duty from returning to the United States and to proper military control prior to May 25, 1864 (date of muster-out of his command), the act of Congress approved March 2, 1889, affords no relief in this case.

Reports in the case were furnished on February 12, 1886, and February 1, 1888, by the Adjutant-General, United States Army, to the Secretary of War, for the use of House Committee on Military Affairs, in connection with the consideration of H. R. 1131, Forty-ninth Congress, first session, and H. R. 403, Fiftieth Congress, first session.

Respectfully submitted,

F. C. AINSWORTH.

Captain and Assistant Surgeon, United States Army.

The SECRETARY OF WAR.

Sworn statement of William R. Boag, of Boston.

BOSTON, MASS., April 14, 1890.

My name is William R. Boag. I was born in St. John's, Newfoundland, 12th April, 1835. I came to Boston, Mass., 1860, and was employed as a dry goods salesman with Beebe & Co. about a year previous to 12th April, 1861, at which date I left my position and volunteered to go to the war, and enlisted said 12th April, 1861, in Company K, First Regiment Massachusetts Volunteer Infantry. At the election of officers I was elected as third lieutenant of said Company K, and on the 19th of April, 1861, received my commission from Governor John A. Andrew. On about the 24th May, 1861, the regiment was sworn in at Faneuil Hall, Boston, and in preference to taking a second lieutenant's position in another regiment I went in Company K as a private.

On July 18, 1861, I was wounded in the left leg, for which I draw a pension under certificate No. 155140 since 1878. A few days after being wounded I was sent to Alexandria, Va., and was sent from Alexandria hospital to Boston on the steamer Ben De Ford. I arrived in Boston about the 7th August, 1861. I was admitted to the Massachusetts General Hospital about the 9th August, and there remained till about 20th September, when my leg getting better and about the 20th October, 1861, I again reported to my regiment, then at Budd's Ferry, Va. I was at the siege of Yorktown, Va., and at the battle of Williamsburgh, Va., on the 5th May, 1862. On the 6th of May I was detailed in picking up the dead, and it was here I felt the first symptoms of typhoid fever; was in the hospital tent at "Fair Oaks" very low, indeed; and latter part of June, 1862, I was sent to Savage Station, Va., by ambulance by order of Dr. Salter, then our regimental surgeon, about the last of June, 1862. (I am giving dates to the best of my knowledge.)

About 1st July, 1862, the whole hospital at Savage Station was captured, and we were all, about 2,500 in number, brought to Richmond in a cattle train, and I, with others, was put in Libby prison, where I was treated most barbarously all the time there, having the fever, and received no medical treatment whatever. The latter part of July, 1862, we were exchanged. I was carried on the backs of some of my comrades to the train, which proceeded to City Point, Va., where we embarked on board some steamers there waiting for us, and went then immediately to Chester (Pa.) hospital. We arrived in Chester, Pa., sometime beginning of August, 1862. I was still very sick and weak.

I asked the doctor of the hospital at Chester, Pa., if he could get my discharge, and he stated two or three times that he would, and on a date between 12th and 22d of August, 1862, he called me and handed me this paper. I then went from the hospital firmly under the impression that I was discharged; so I intended coming to Boston. I got as far as New York and the fever got worse, and an opportunity offered, in Captain Monkton, brig Jessie. Seeing the state I was in, and having no relations living in Boston, he offered to bring me to my home, and he did not expect I would survive the passage.

I arrived in St. John's, Newfoundland, about 20th September, 1862, and from the day of my arrival till about the last of November, 1862, I laid on my bed with a relapse of the fever. I was tended all the time by Dr. Adam McKen, since dead. Through the fever I lost the hearing of my left ear totally and the right ear partially. It also affected my eyesight so that I could not read without the use of glasses, and in fact, it left me a complete wreck. I was a strong, healthy man up to my twenty-sixth birthday, with good health and good prospects before me, but sacrificed all and volunteered and enlisted on the 12th

April, 1861. The news came to Boston that our flag was first fired on. I swear here that I never had any reason to desert, and I swear that I left Chester hospital with the idea that I was a discharged man.

When I was sick on arriving at St. John's, Newfoundland, my poor mother, since dead, burnt all my clothes on account of their filthy state, and being afraid the fever was infectious, and the papers and diaries I kept through the war were lost to me.

I never knew that there was any charge of desertion against me till I first made an application for pension for my wound in my leg, which I think was in 1875 or 1876, and I was not fit to again return to the service after the sickness I endured, having suffered with a complication of diseases.

The above statement to the best of my knowledge is true.

W. R. BOAG,
Late private of Company E, First Regiment Volunteer Infantry.

COMMONWEALTH OF MASSACHUSETTS, Suffolk, ss:

Personally appeared before me, this 15th day of April, A. D. 1890, the above-named William R. Boag, and made oath to the above statement by him subscribed.

THOMAS MAIR, Justice of the Peace.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time.

Mr. ANDREW. I ask that this bill be passed at this time.

The SPEAKER *pro tempore*. Without objection it will be considered as passed.

There was no objection, and the bill was accordingly passed.

ANNIE D. RUNDLETT.

Mr. SHERMAN. I call up for consideration the bill (S. 640) granting a pension to Annie D. Rundlett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Annie D. Rundlett, widow of Howard M. Rundlett, passed assistant surgeon, United States Navy, and pay her \$30 per month.

The report (by Mr. GOODNIGHT) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 640) granting a pension to Annie D. Rundlett, submit the following report:

Your committee adopt the report of the Senate committee with amendments: "The Committee on Pensions, to whom was referred the bill (S. 640) granting a pension to Annie D. Rundlett, have examined the same and report:

"The claimant is the widow of Howard M. Rundlett, passed assistant surgeon, United States Navy, who died on the 25th day of May, 1873, on board the United States ship Terror, at sea. He was appointed acting assistant surgeon United States Navy, March 9, 1864, and his record to the time of his death is one of active and honorable service, and Surgeon-General Beale certifies that it is good as to his general conduct and efficiency.

"As to the cause of his death there are conflicting reports, one of which refers the result to intemperance. On this point passed Assistant Paymaster Machette says:

"The day preceding Dr. Rundlett's death he was for several hours exposed to the sun's rays, which on that day were unusually hot."

"He had waited on the pier for a boat to take him off to the ship, and was overcome by the heat.

"Paymaster Machette continues:

"I always believed, and so stated at the time in a letter to his widow, that the doctor's death resulted chiefly from his long exposure. During his sickness we were at sea on a monitor, exposed to bad weather, which doubtless contributed greatly to rendering his illness fatal."

The committee are of the opinion that a pension may be properly allowed to his widow, and the bill is reported with an amendment, striking out "thirty," in the eighth line, and inserting instead thereof the words "twenty-five," this being the pension allowed to widows of officers of this grade.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be read a third time; and it was accordingly read the third time.

Mr. SHERMAN. I ask that the bill be passed at this time.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from New York that the bill be passed at this time?

Mr. ENLOE. Let it be laid aside.

The bill was laid aside.

LYDIA F. FRYER.

Mr. YODER. I call up for consideration the bill (H. R. 9627) granting a pension to Lydia F. Fryer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Lydia F. Fryer, dependent and helpless daughter of Park H. Fryer, late a member of Company F, Sixteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$18 per month.

The report (by Mr. YODER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9627) granting a pension to Lydia F. Fryer, submit the following report:

Claimant is the crippled daughter of Park H. Fryer, late a private in Company F, Sixteenth Regiment Ohio Volunteer Infantry, who died in July, 1863, while in the service and line of duty. His widow drew a pension until she remarried, and claimant drew a pension until she became sixteen years of age, when her pension ceased under the general law. All the other children are now over sixteen years of age, and no one is drawing a pension on account of soldier's death.

Lydia F. Fryer was a cripple from infancy, and is mentally, as well as physically, utterly helpless; thirty-two years of age. Her mother is poor and she is an inmate of the county poor-house of Mercer County, Ohio. These facts are substantiated by the affidavits of creditable witnesses, and your committee recommend the passage of the bill with the following amendment: In line 7 insert the following "to her legal guardian for her use."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and laid aside.

PARKER ADAMS.

Mr. HAUGEN. I call up for consideration the bill (H. R. 8262) for the relief of Parker Adams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, instructed and authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Parker Adams, late a private, under Colonel Thomas, of Illinois, in the First Regiment of Volunteers, in the Black Hawk war.

The report (by Mr. BROWNE, of Virginia) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8262) granting a pension to Parker Adams, have considered the same and report as follows: The claimant was (as shown by the official certificate of the adjutant-general of the State of Illinois) a sergeant in Capt. John Thomas's and Capt. Gideon Simpson's company, First Regiment Illinois Mounted Volunteer Militia, and served from April 18, 1832, to May 19, 1832, in the Black Hawk war.

The proof filed in support of the bill shows that the soldier is between seventy-five and eighty years old, feeble and sickly, and unable to perform any work. It is further shown that the case is one of necessity, he having no property nor any one upon whom to rely for support.

The passage of the bill is respectfully recommended, amended so as to allow a pension at the rate of \$30 per month.

The amendment recommended by the committee is as follows: In line 8, after the word "war," insert "and allow him a pension at the rate of \$30 per month."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and laid aside.

CHARLES BARKER.

Mr. SKINNER. I call up for consideration the bill (H. R. 9945) to increase the pension of Charles Barker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Charles Barker, late of Company I, First Regiment North Carolina Volunteers, Mexican war, from \$8 per month, as now received under act of January 29, 1867, to \$30 per month.

The report (by Mr. HENDERSON, of North Carolina) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9945) granting an increase of pension to Charles Barker, have considered the same and report:

The claimant was a private in Company I, First North Carolina Volunteers, and served from February 9, 1847, to August 7, 1848, in the war with Mexico.

He is now a pensioner at \$8 per month on account of said service.

The evidence submitted in support of the bill to increase his pension shows that the claimant is seventy years old, and so much disabled by rheumatism, neuralgia, and general infirmity, consequent upon his age, that he can do no manual labor whatever.

It is further shown that he is a poor man with no income from any source except his said pension, and were it not for the small sum so received he would be dependent upon the public charity for support. He has no one living with him except his oldest daughter, who is herself a cripple.

In the opinion of your committee the facts as stated are sufficient to warrant the increase prayed for, and the bill is therefore reported back with the recommendation that it do pass.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and laid aside.

E. PATTON.

Mr. GIFFORD. I call up for present consideration the bill (H. R. 7875) granting a pension to E. Patton, of Benedict, Kans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of E. Patton, late a private in Company E, Sixteenth Regiment Illinois Infantry Volunteers.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7875) granting a pension to E. Patton, of Benedict, Kans., submit the following report:

That the claimant, E. Patton, enlisted in Company E, Sixteenth Illinois Infantry, on the 24th day of May, 1861; was discharged therefrom on the 8th of July, 1865, having served over four years. The soldier made application for pension April 6, 1886, alleging rheumatism of the heart, which first made its appearance in 1866, and chronic diarrhea and resulting indigestion was first incurred at Bird's Point, Mo., about March, 1862. Claim was rejected at the Pension Office November 26, 1888, on the grounds of claimant's failure to establish continuous disability since discharge to 1883.

George W. Dawson and Christopher D. Allen, comrades belonging to the same company and regiment, make affidavit that the soldier had chronic diarrhea in April, May, and June in the year 1862, whose presence with their command is verified by the records of the War Department. Sergeant Bates, of Company C, same regiment, testifies that claimant, to his knowledge, was treated for chronic diarrhea at various times during his service, and that he had lived in the same town with him a part of the time since the war, and knew of his receiving medical treatment for the same disease.

Dr. Saul Vandeventer, of Versailles, Ill., in his affidavit testifies that he has been a practicing physician for forty-four years; that he knew claimant before he enlisted; that he was physically sound; that he saw said soldier when he was at home on veteran furlough about January, 1864; that he treated him at that time for chronic diarrhea, and further testifies that in consequence of said diarrhea he brought on indigestion and heart disease. Affiant further states that he saw claimant after his return from the war; that he was still in poor health; that claimant then went West and he did not see him again until 1882, at which time he returned from the West and he again treated him for the same disease, and continued to treat him for two years, until claimant again went West.

The facts in this case show that claimant was not so much disabled as to prevent him from performing manual labor until about 1882. The development of his disability from chronic diarrhea and indigestion into heart disease had been so gradual that it had scarcely aroused his suspicions until he found himself almost totally disabled for manual labor.

It is the opinion of your committee that the soldier has established the facts

of the incurrence of his disability and its continuation and sequence. Therefore, notwithstanding the lack of testimony immediately subsequent to his service, your committee is of the opinion that this is a meritorious claim and recommends its passage.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and laid aside.

MARY E. GRAHAM.

Mr. BROOKSHIRE. Mr. Speaker, I call up the bill (H. R. 8302) granting a pension to Mary E. Graham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary E. Graham, invalid daughter of Barton W. Graham, deceased, late a sergeant in Company H, Sixty-third Regiment of Indiana Volunteers, and to pay her a pension of \$20 per month from and after the passage of this act.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to which was referred the bill (H. R. 8302) granting a pension to Mary E. Graham, respectfully reports as follows:

That said Mary is the invalid daughter of Barton W. Graham, late a sergeant in Company H, Sixty-third Regiment Indiana Volunteers, who enlisted in August, 1862, and was honorably discharged May 31, 1865; that at the time of his enlistment he was in a sound condition, and in good physical health, and that while he was with the Army and in the line of duty he sustained an injury at a place called Crooked Creek, in the State of Kentucky, in the month of January, 1863, while on picket and in line of duty, and at said time he was taken sick and remained so for a long time; in fact, continued to be in a sickly condition and in uncertain health up to the time of his death, which occurred November 8, 1886, and the sickness contracted in the service was the cause of his death; that his said daughter is now thirty-five years of age, unmarried, and has no means of support, has been sick all her life, and is a confirmed invalid; and that said soldier, though often declaring he would never did apply for a pension, and left no widow surviving him; that owing to bodily infirmities said daughter is unable to earn a living.

The above facts are testified to by G. W. Boyd, Schuyler Latourette, James Mannow, colonel of the Sixty-third Indiana, and Henry Latourette. In the light of the father's service, which seems to have been faithful, the fact that his health became impaired during the service, and was never restored, that he left no widow surviving him, and that his daughter is an object of charity, it would seem that this case calls for the candid and careful consideration of the committee.

Therefore your committee recommends the passage of the bill, amended, however, by striking out the word "twenty," in line 8 of the bill, and inserting the word "twelve," so as to grant her a pension of \$12 per month.

The amendment recommended by the committee in the last paragraph of the report was agreed to.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill.

Mr. ENLOE. I object.

The SPEAKER *pro tempore*. Does the gentleman object to the engrossment and third reading of the bill?

Mr. ENLOE. I do.

The question was taken upon ordering the bill to be engrossed and read a third time; and the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. ENLOE. I demand a division.

The House divided; and there were—ayes 50, noes 1.

Mr. ENLOE. I make the point of no quorum.

Mr. KERR, of Iowa. I make the point of order that the gentleman's point is immaterial unless he makes the point that there is no quorum present.

Mr. ENLOE. I make it both ways.

Mr. KERR, of Iowa. I make the point that that point is not made in time.

The SPEAKER *pro tempore*. The gentleman from Tennessee [Mr. ENLOE] makes the point that there is no quorum present, and I do not think it would be possible for the Chair to find a quorum present. [Laughter.]

Mr. TURNER, of New York. The right man is not in the chair. [Laughter.]

Mr. MORRILL. I move that the House do now adjourn.

The motion was agreed to; and the House accordingly (at 10 o'clock p. m.) adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communication was taken from the Speaker's table and referred as follows:

HEATING APPARATUS, ETC., FOR PUBLIC BUILDING, PITTSBURGH, PA.

Letter from the Acting Secretary of the Treasury, requesting that an appropriation of \$110,000 be made at this session of Congress to provide for the heating apparatus, approaches, and elevator for the United States court-house and post-office at Pittsburgh, Pa., in addition to the \$1,800,000 heretofore fixed by acts of Congress as the limit of cost of said building—to the Committee on Appropriations.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 3202) extending the criminal jurisdiction of the circuit and district courts to the Great Lakes and their connecting waters—to the Committee on the Judiciary.

A bill (S. 3718) to prohibit monopoly in the transportation of cattle to foreign countries—to the Committee on Commerce.

A bill (S. 3719) to provide for the inspection of live cattle and beef products intended for export to foreign countries—to the Committee on Commerce.

A bill (S. 3796) to provide for the purchase of a site, and the erection of a public building thereon, at Racine, in the State of Wisconsin—to the Committee on Public Buildings and Grounds.

A bill (S. 3817) for the protection of actual settlers who have made homestead or pre-emption entries upon the public lands of the United States in the State of Florida, upon which deposits of phosphate have been discovered since such entries were made—to the Committee on the Public Lands.

A bill (S. 3843) to provide for the establishment of a port of delivery at Rock Island, Ill.—to the Committee on Commerce.

A bill (S. 3942) to amend section 5478 of the Revised Statutes of the United States—to the Committee on the Judiciary.

And Senate bills of the following titles were referred to the Committee on Invalid Pensions:

A bill (S. 721) granting a pension to Jeanie Brent Davenport;

A bill (S. 1640) granting a pension to Helen A. Beebe;

A bill (S. 2073) granting a pension to Joseph B. Pierce;

A bill (S. 2575) granting an increase of pension to Margaret Flaherty;

A bill (S. 2616) granting an increase of pension to Harrison De F. Young;

A bill (S. 3159) granting an increase of pension to Albert P. Davis;

A bill (S. 3414) granting a pension to James Melvin;

A bill (S. 3448) granting a pension to Clara H. McIntyre;

A bill (S. 3543) granting a pension to Salina B. Merrick; and

A bill (S. 3871) granting a pension to Kate Woodbridge Michaelis.

SENATE RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate resolution was taken from the Speaker's table and referred as follows:

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be requested to cause correspondence, and negotiation to be had through the Department of State, or otherwise, with the authorities of the Kingdom of Great Britain for the purpose of securing the abrogation or modification of the regulations now enforced by said authorities which require cattle imported into Great Britain from the United States of America to be slaughtered at the port of entry, and prohibiting the same from being carried alive to other places in said kingdom;

to the Committee on Foreign Affairs.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. SHIVELY (by request):

Be it resolved, That the Architect of the Capitol is hereby directed to place in the House refectory ten electro-motor fans, the cost of the same to be paid out of the contingent fund of the House;

to the Committee on Accounts.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. DOLLIVER, from the Committee on Naval Affairs, reported with amendment the bill of the Senate (S. 51) to authorize the President to appoint Richard H. Jackson an ensign in the United States Navy, accompanied by a report (No. 2428)—to the Committee of the Whole House.

Mr. BELKNAP, from the Committee on Invalid Pensions, reported favorably the following bills, which were severally referred to the Committee of the Whole House:

A bill (H. R. 6356) for the relief of Margaret A. Foster. (Report No. 2429.)

A bill (S. 2238) granting a pension to Elizabeth Rumsey, army nurse. (Report No. 2430.)

Mr. CRAIG, from the Committee on Invalid Pensions, reported favorably the bill of the Senate (S. 3538) granting a pension to John W. Bennett, accompanied by a report (No. 2431)—to the Committee of the Whole House.

He also, from the same committee, reported with amendment the bill of the House (H. R. 6070) granting an increase of pension to Agnes M. Bradley, accompanied by a report (No. 2432)—to the Committee of the Whole House.

Mr. MORRILL, from the Committee on Invalid Pensions, reported favorably the following bills of the Senate, which were severally referred to the Committee of the Whole House:

A bill (S. 768) granting a pension to Frederick H. Macke. (Report No. 2433.)

A bill (S. 794) granting a pension to Margaret Myers. (Report No. 2434.)

A bill (S. 754) granting a pension to James Malin. (Report No. 2435.)

Mr. YODER, from the Committee on Invalid Pensions, reported with amendment the following bills of the House, which were severally referred to the Committee of the Whole House:

A bill (H. R. 6407) to restore to the pension-roll the name of Ruth S. Byron. (Report No. 2436.)

A bill (H. R. 4913) granting an increase of pension to Alfred A. Jerome. (Report No. 2437.)

Mr. YODER also, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 9582) to grant an increase of pension to Simon J. Fought, accompanied by a report (No. 2438)—to the Committee of the Whole House.

Mr. TAYLOR, of Tennessee, from the Committee on War Claims, reported favorably the following bills of the House, which were severally referred to the Committee of the Whole House:

A bill (H. R. 2651) for the relief of D. W. and Minna H. Glassie and Joseph C. Nash. (Report No. 2439.)

A bill (H. R. 7721) for the relief of Ephraim F. Hays. (Report No. 2440.)

Mr. TAYLOR, of Tennessee, also, from the Committee on War Claims, reported with amendment the bill of the House (H. R. 8569) for the relief of Horace Bradley, of Knoxville, Tenn., accompanied by a report (No. 2441)—to the Committee of the Whole House.

Mr. FLICK, from the Committee on Invalid Pensions, reported favorably the following bills of the Senate, which were severally referred to the Committee of the Whole House:

A bill (S. 179) granting a pension to Ellen Courtney. (Report No. 2442.)

A bill (S. 577) granting a pension to Laura J. Ives. (Report No. 2443.)

Mr. HALL, from the Committee on Indian Affairs, reported with amendment the bill of the Senate (S. 3314) granting right of way to the Red Lake and Western Railway and Navigation Company across Red Lake reservation, in Minnesota, and granting said company the right to take lands for terminal railroad and warehouse purposes, accompanied by a report (No. 2444)—to the House Calendar.

Mr. LEHLBACH, from the Select Committee on Reform in the Civil Service, who were instructed by the following resolution of the House passed January 27, 1890:

Whereas it is openly and repeatedly charged by persons of responsibility and by prominent journals throughout the country that the law pertaining to the civil service is being extensively evaded by the Civil Service Commissioners; and

Whereas charges of partiality shown by said commissioners in making selections for appointments have caused uneasiness in the minds of many and to such an extent that new legislation as to the manner of making appointments is advocated; and

Whereas it is deemed expedient that the acts and doings and practical workings of the said Civil Service Commission and the results thereof, and also the practical workings and results generally of the present law relating to the civil service should be thoroughly investigated: Therefore,

Resolved, That the Select Committee on Reform in the Civil Service is hereby authorized and directed to investigate said charges, and to examine and report the practical workings of the system, and to report the evidence and the conclusions thereon to the House, and that said committee is hereby authorized to send for and examine persons, books, and papers, and to administer oaths to witnesses, and to employ a stenographer; the expenses of said investigation to be paid out of the contingent fund of the House,

reported as their conclusions:

First. That Commissioners Roosevelt and Thompson have discharged their duties with entire fidelity and integrity.

Second. That the official conduct of Commissioner Lyman has been characterized by laxity of discipline in the administration of the affairs of the commission, and is therefore censurable;

and submitting the following resolution:

Resolved, That a copy of the report and testimony taken before the Select Committee on Reform in the Civil Service in the investigation of charges preferred against the United States Civil Service Commission be forwarded to the President;

which, with the accompanying report (No. 2445), was referred to the House Calendar.

Mr. LEHLBACH also, from the Committee on Public Buildings and Grounds, reported with amendment the following bills of the House; which were severally referred to the Committee of the Whole House on the state of the Union:

A bill (H. R. 7663) to increase the appropriation for a public building at Camden, N. J. (Report No. 2446.)

A bill (H. R. 476) to erect a public building at Holyoke, in the State of Massachusetts. (Report No. 2447.)

Mr. LEHLBACH also, from the Committee on Public Buildings and Grounds, reported favorably the bill of the House (H. R. 570) for the erection of a public building at Jersey City, N. J., accompanied by a report (No. 2448)—to the Committee of the Whole House on the state of the Union.

Mr. STONE, of Kentucky, from the Committee on War Claims, to which was referred the bill of the House (H. R. 10463) for the relief of Charles Banks, reported in lieu thereof the following resolution:

Resolved, That the bill (H. R. 10463) entitled "A bill for the relief of Charles Banks," now pending before the House, and accompanying papers be, and the same are hereby, referred to the Court of Claims to be considered under the provisions of the act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883, and the act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887;

which, with the accompanying report (No. 2449), was referred to the Committee of the Whole House.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. RICHARDSON: A bill (H. R. 10926) to repeal sections 3412, 3413, and a portion of section 3417 of Revised Statutes of the United States and all other laws which provide for a tax of 10 per cent., or any other sum, on the circulation of all other than national banks—to the Committee on Ways and Means.

By Mr. MOORE, of New Hampshire (by request): A bill (H. R. 10927) to regulate the practice of medicine in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BUTTERWORTH: A bill (H. R. 10928) to provide for fixing a uniform standard of classification and grading of wheat, corn, oats, barley, and rye, and for other purposes—to the Committee on Agriculture.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following change of reference was made:

A bill (H. R. 3014) for the relief of Burt Dunlap—Committee on Claims discharged, and referred to the Select Committee on Indian Depredation Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BECKWITH: A bill (H. R. 10929) granting a pension to Edward A. Arnold—to the Committee on Invalid Pensions.

By Mr. BELKNAP: A bill (H. R. 10930) for the relief of James Anderson—to the Committee on Military Affairs.

Also, a bill (H. R. 10931) for the relief of Erastus Warner, Company F, Eighth Michigan Infantry—to the Committee on Military Affairs.

By Mr. BLAND: A bill (H. R. 10932) for the relief of the heirs or legal representatives of Gibson Jackson, deceased, and Lavina B. Jackson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 10933) for the relief of John T. Lynch—to the Committee on War Claims.

By Mr. BLISS: A bill (H. R. 10934) granting a pension to John Mackey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10935) granting a pension to William J. Taylor—to the Committee on Invalid Pensions.

By Mr. BOWDEN: A bill (H. R. 10936) for the relief of the trustees of St. Paul's Protestant Episcopal Church at Norfolk, Va.—to the Committee on War Claims.

Also (by request), a bill (H. R. 10937) making an appropriation for the purchase of a bronze bust of Edwin M. Stanton—to the Committee on the Library.

By Mr. COMSTOCK: A bill (H. R. 10938) granting a pension to Agnes R. Rice—to the Committee on Invalid Pensions.

By Mr. DUNPHY: A bill (H. R. 10939) to authorize the Commissioner of Patents to hear and determine the application of Carl Herold for an extension of letters-patent—to the Committee on Patents.

By Mr. GEISSENHAINER: A bill (H. R. 10940) for the relief of the Allaire Works—to the Committee on War Claims.

By Mr. MASON: A bill (H. R. 10941) for the relief of J. R. Corbus—to the Committee on Claims.

Also, a bill (H. R. 10942) for the relief of Mary Ryan—to the Committee on Invalid Pensions.

By Mr. PERRY: A bill (H. R. 10943) for the relief of O. F. Hightower, of Greenville, S. C.—to the Committee on Claims.

By Mr. POST: A bill (H. R. 10944) for the relief of Ira Dubois—to the Committee on Military Affairs.

Also, a bill (H. R. 10945) granting a pension to Mrs. Susan Elma Gillett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10946) to remove the charge of desertion from the record of Thomas Green, deceased—to the Committee on Military Affairs.

By Mr. ROWELL: A bill (H. R. 10947) for the relief of Robert Smalls—to the Committee on Claims.

By Mr. STEWART, of Georgia: A bill (H. R. 10948) for the relief of George Demoney—to the Committee on War Claims.

By Mr. STOCKBRIDGE: A bill (H. R. 10949) granting a pension to Hetty Rowley—to the Committee on Invalid Pensions.

By Mr. STUMP: A bill (H. R. 10950) for the relief of Kinzey Evans—to the Committee on War Claims.

By Mr. WILLIAMS, of Illinois: A bill (H. R. 10951) granting a pension to Lucinda Rawlins—to the Committee on Invalid Pensions.

By Mr. YODER: A bill (H. R. 10952) removing the charge of desertion against the name of George W. Mannix—to the Committee on Military Affairs.

By Mr. ADAMS: A bill (H. R. 10953) granting a pension to Lettie E. Covell-Buckley, late a nurse in the war of the rebellion—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELDEN: Petition of the manufacturers of ready-made clothing, of Syracuse, N. Y., asking for prompt action on House bill 10173—to the Committee on Commerce.

Also, petition unanimously signed by members of the Woman's Christian Temperance Union, of Skaneateles, N. Y., asking for prompt action on House bill 5987—to the Committee on the Judiciary.

Also, petition unanimously signed by members of the Woman's Christian Temperance Union, of Liverpool, N. Y., for same relief—to the Committee on the Judiciary.

By Mr. BLAND: Petition of John T. Lynch, praying that his claim for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of William Jackson, praying for same relief—to the Committee on War Claims.

By Mr. BLISS: Petition of E. C. Yanke and 50 others, citizens of Winfield, Mich., in favor of pure food—to the Committee on Agriculture.

By Mr. BOWDEN: Petition of John Staunton of Norfolk County, Virginia, but late of Pasquotank County, North Carolina, praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. BRECKINRIDGE, of Arkansas: Petition of Chamber of Commerce of Helena, Ark., against a tax on the products of cottonseed oil—to the Committee on Agriculture.

By Mr. BURTON: Petition of railway mail clerks living at Cleveland, Ohio, for passage of House bill 6459—to the Committee on the Post-Office and Post-Roads.

By Mr. COMSTOCK: Petition from Becker County, Minnesota, urging passage of the Wilson bill substitute with an amendment to include food products—to the Committee on the Judiciary.

By Mr. DIBBLE: Petition of 234 citizens of Charleston, S. C., interested in the manufacture of barrels, protesting against passage of House bill 9920, to regulate commerce—to the Committee on Commerce.

By Mr. DUNNELL: Petition of H. E. Vroman and 50 others, citizens of Byron, Minn., asking passage of the Wilson substitute bill—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of Thomas B. Rand and 40 others, citizens of Pickwick, Minn., for same measure—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. FORNEY: Petition of the citizens of Anniston, Ala., favoring eight-hour law for clerks and employes in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. GEAR: Resolution of Farmers' Alliance of Birmingham, Iowa, praying Congress to pass the Butterworth option and Conger lard bill—to the Committee on Agriculture.

Also, petition of Huron Farmers' Alliance, Des Moines County, Iowa, for same measures—to the Committee on Agriculture.

By Mr. GIBSON: Petition of J. A. Hyland and 31 others (16 voters and 15 women), citizens of Still Pond, Md., praying for proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage—to the Committee on Commerce.

By Mr. HALL: Petition for insertion of "food products" in Wilson substitute bill—to the Committee on Commerce.

Also, petition from Pine Island, Minn., for same measure—to the Committee on Commerce.

Also, petition from Easton, Minn., for same measure—to the Committee on Commerce.

By Mr. HEMPHILL (by request): Petition of J. P. Morse and 39 others, citizens of the United States, in favor of a tax on land only—to the Committee on Ways and Means.

Also, petition of C. B. Hemingway and 42 others, citizens of the District of Columbia, in favor of the same—to the Committee on Ways and Means.

By Mr. HENDERSON, of Iowa: Paper from 62 railroad employes of Jackson, Mich., petitioning for passage of House bill 9682—to the Committee on Railways and Canals.

Also, paper from 57 railroad employes of New Orleans, La., petitioning for same measure—to the Committee on Railways and Canals.

By Mr. JOSEPH: Petition from citizens of New Mexico, asking that townships 17, 18, 19, and 20 north, of ranges 11, 12, and 13 east, in the Territory of New Mexico, be reserved as a national park—to the Committee on the Public Lands.

By Mr. KELLEY: Resolutions of a mass meeting at Newton, Kans.,

asking Congress for speedy legislation granting to the State the power to prevent the sale of liquors imported from other States and Territories—to the Committee on the Judiciary.

Also, petition of 248 citizens of Topeka, Kans., praying passage of same measure—to the Committee on the Judiciary.

Also, petition of 43 citizens of Silver Lake, Kans., asking passage of same measure—to the Committee on the Judiciary.

Also, petition of 36 citizens of Osage County, Kansas, asking for the appropriation of \$6,200,000 for the purpose of making a deep-water harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, petition of 14 citizens of Latham, Butler County, Kansas, for same measure—to the Committee on Rivers and Harbors.

By Mr. LAWS: Resolutions of six Farmers' Alliances in Nebraska, favoring passage of the Conger lard bill and the Butterworth option bill—to the Committee on Agriculture.

By Mr. LEE (by request): Petition of Ann G. Tiuder, of Orange County, Virginia, praying that her war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

Also (by request), petition of Washington Tate and Caroline Tate, of Fauquier County, Virginia, late of Culpeper County, Virginia, praying for same relief—to the Committee on War Claims.

Also (by request), petition of Thomas M. Grayson, of Fauquier County, Virginia, praying for same relief—to the Committee on War Claims.

By Mr. McRAE: Resolution of the Little Rock Board of Trade, favoring an amendment to the interstate-commerce law—to the Committee on Commerce.

By Mr. MORSE: Petition of E. A. Spence and 210 citizens of Detroit, Mich., and vicinity, asking passage of a bill to prohibit the interstate liquor traffic in prohibition States—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. OATES: Petitions of certain citizens of Washington, D. C., the States of Colorado, Ohio, Kentucky, Indiana, Wisconsin, Maryland, New York, Illinois, and Minnesota, in favor of the enactment of a law to regulate immigration—to the Select Committee on Immigration and Naturalization.

By Mr. PARRETT: Petition of Bayon Brothers and 11 other business firms of the city of Evansville, Ind., dealers in sugar, in favor of a rebate on stocks on hand when the tariff bill becomes a law—to the Committee on Ways and Means.

By Mr. PEEL: Petition of certain citizens of Benton County, Arkansas, for a deep-water harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. POST: Petition for a pension for Mrs. Susan Elma Gillett—to the Committee on Invalid Pensions.

By Mr. RAY: Petition of citizens of Brownsville, Pa., for passage of laws for the perpetuation of the national banking system—to the Committee on Banking and Currency.

By Mr. SAWYER: Petition of citizens of Clarendon, Orleans County, New York, for the prompt passage of House bill 5987—to the Committee on Commerce.

Also, petition of 30 citizens of Cowlesville, N. Y., for same relief—to the Committee on Commerce.

By Mr. SKINNER: Petition of Ariel Farmers' Alliance, Gates County, North Carolina, for Senate bill 2716—to the Committee on Rivers and Harbors.

By Mr. SNIDER: Petition of dairymen, residents of Chicago County, Minnesota, in favor of Wilson substitute bill with an amendment to include food products—to the Committee on the Judiciary.

By Mr. STAHLNECKER: Resolutions of the Commandery of the State of New York, Military Order of the Loyal Legion of the United States, favoring the printing of additional copies of the Rebellion Records—to the Committee on Printing.

By Mr. STEPHENSON: Petition of 56 citizens of Marquette County, Michigan, praying for amendment to the national banking system, under which the interest of depositors is protected by Government supervision—to the Committee on Banking and Currency.

By Mr. STEWART, of Georgia: Petition of citizens of Georgia, against the Conger lard bill—to the Committee on Agriculture.

Also, petition of George Demoney, praying that his claim for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

By Mr. STRUBLE: Resolution of the East Lincoln Farmers' Alliance, of O'Brien County, Iowa, urging passage of the Conger lard bill—to the Committee on Agriculture.

By Mr. TURNER, of Kansas: Petition of Lair Dean and 60 others, asking for service-pension bill—to the Committee on Invalid Pensions.

By Mr. WALKER, of Massachusetts: Petition of 218 residents of Worcester, Mass., praying for the passage of the Blair educational bill or a similar measure—to the Committee on Education.

Also, petition of 214 residents of the same city, members of the Park, Pilgrim, and Laurel Street Church and Woman's Loyal League, praying for the passage of the same measure—to the Committee on Education.

SENATE.

SATURDAY, June 14, 1890.

Prayer by the Chaplain Rev. J. G. BUTLER, D. D.
The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of Brown County, Kansas, praying for legislation which will prohibit the importation of liquor into the State of Kansas; which was ordered to lie on the table.

He also presented the petition of Eugene Bloodgood Beebe, of New York City, praying for legislation which will enable the Secretary of the Treasury to carry out his policy of creating more credits redeemable in gold; which was referred to the Committee on Finance.

Mr. SHERMAN presented a petition of 45 ex-Union soldiers of Ohio, a petition of 19 ex-Union soldiers of Ohio, a petition of 26 ex-Union soldiers of Ohio, a petition of 30 ex-Union soldiers of Ohio, a petition of 40 ex-Union soldiers of Ohio, a petition of 32 ex-Union soldiers of Ohio, a petition of 74 ex-Union soldiers of Ohio, a petition of 25 ex-Union soldiers of Ohio, a petition of 32 ex-Union soldiers of Ohio, a petition of 27 ex-Union soldiers of Ohio, a petition of 28 ex-Union soldiers of Ohio, a petition of 18 ex-Union soldiers of Ohio, a petition of 70 ex-Union soldiers of Ohio, a petition of 70 ex-Union soldiers of Ohio, a petition of 24 ex-Union soldiers of Ohio, a petition of 25 ex-Union soldiers of Ohio, a petition of 40 ex-Union soldiers of Ohio, a petition of 40 ex-Union soldiers of Ohio, a petition of George C. Yeagley Post, Grand Army of the Republic, New Somerset, Ohio; a petition of 30 ex-Union soldiers of Huron, Ohio, a petition of 59 ex-Union soldiers of Ohio, a petition of Jesse I. Alexander Post, No. 470, Department of Ohio; a petition of 23 ex-Union soldiers of Ohio, a petition of ex-Union soldiers of Middleport, Ohio; a petition of 109 ex-Union soldiers of Ohio, a petition of 67 ex-Union soldiers of Somerset, Ohio; a petition of 34 ex-soldiers of Rock Creek, Ohio, a petition of 106 ex-Union soldiers of Ohio, a petition of 89 ex-Union soldiers of West Unity, Ohio, and a petition of 29 ex-Union soldiers of Warren, Ohio, all praying for the passage of the service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of 170 citizens of the State of Ohio, praying for the passage of a national Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. FARWELL presented a petition of citizens of Englewood, Ill., praying for the passage of legislation to limit the hours of work of clerks and employes in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. EVARTS presented a petition of 57 members of the Grand Army of the Republic of New York, praying for the passage of Senate bill 3146, giving preference to veterans in appointments, employment, and retention therein in the public service of the United States; which was referred to the Committee to Examine the Several Branches of the Civil Service.

He also presented a petition of 16 citizens of Corning, N. Y., praying for the passage of the pending tariff bill, especially the clause to protect the tobacco growers; which was referred to the Committee on Finance.

Mr. CAMERON presented a petition of 134 citizens of the State of Pennsylvania, praying for the passage of a national Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. PADDOCK presented a petition of the Banner Farmers' Alliance, No. 948, of Odell, Nebr., praying for the passage of House bill 283, known as the Conger land bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Banner Farmers' Alliance, No. 948, of Odell, Nebr., praying for the passage of House bill 5353, to prevent option dealing and gambling in farm products; which was referred to the Committee on Agriculture and Forestry.

Mr. QUAY presented a petition of 169 citizens of Pennsylvania, praying for the passage of a national Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. TELLER presented the petition of Mrs. Caroline Hanneman, praying to be allowed an increase of pension; which was referred to the Committee on Pensions, to accompany Senate bill 3549.

REPORTS OF COMMITTEES.

Mr. EVARTS, from the Committee on the Judiciary, to whom was referred the bill (S. 3146) to insure preference in appointment, employment, and retention therein, in the public service of the United States, to veterans of the late war, asked to be discharged from its further consideration and that it be referred to the Committee to Examine the Several Branches of the Civil Service; which was agreed to.

He also, from the Committee on the Library, to whom the subject was referred, reported a bill (S. 4087) to authorize the purchase of certain manuscript papers and correspondence of Thomas Jefferson; which was read twice by its title.

He also, from the same committee, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. EDMUNDS. I report back (it should have gone with the bill to be reported back formally) a petition in favor of preference of employment in the public service to veterans of the late war. The bill was reported back from the Judiciary Committee to be discharged and sent to the Committee on Civil Service, which was done, and I now report the petition, which should have accompanied the bill, and ask that it may be referred to that committee.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee to Examine the Several Branches of the Civil Service.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 7217) to amend "An act for the erection of an appraisers' warehouse in the city of New York, and for other purposes," reported it without amendment.

Mr. PASCO, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 8342) for the removal of the United States court-house building at Baltimore, Md., reported it without amendment.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 516) to extend the limit for the erection of a public building at Springfield, Mo., reported it without amendment.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 3863) to extend the time for the construction of its road by the Newport and Kings Valley Railroad Company through the Siletz Indian reservation, reported it with amendments.

BILLS INTRODUCED.

Mr. FARWELL introduced a bill (S. 4088) for the relief of Frank Denham; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. QUAY introduced a bill (S. 4089) reinstating and placing on the retired list George W. Omensetter, late gunner United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BUTLER introduced a joint resolution (S. R. 100) to authorize Carl Berlin to accept from the King of Sweden and Norway the decoration of the "Royal Order of the Sword," which was read twice by its title, and, with the accompanying papers, referred to the Committee on Foreign Relations.

WILLIAM CLAWSON.

The PRESIDENT *pro tempore*. Is there further morning business? If there be none, that order is closed, and the Senate proceeds to the consideration of the Calendar under Rule VIII. The first Order of Business on the Calendar will be stated.

The SECRETARY. A bill (S. 1971) for the relief of William Clawson.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, directed to enter the name of William Clawson as a private of Company I, Fourth Regiment of Iowa Volunteer Infantry, upon the rolls of said company, mustered into the service August 2, 1861, and honorably mustered out August 8, 1863, and to issue to him an honorable discharge accordingly; and said Clawson shall be paid all the pay, allowances, and bounties due to a soldier regularly serving in said company between the dates aforesaid.

Mr. EDMUNDS. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. WALTHALL April 24, 1890:

The Committee on Military Affairs, to whom was referred the bill (S. 1971) for relief of William Clawson, having considered the same, report as follows:

The facts of this case, as shown by the sworn petition of William Clawson, supported in all material respects by a number of affidavits of members of Company I, Fourth Regiment Iowa Volunteers, are these:

Clawson enlisted as a private in that company on the 2d day of August, 1861, and was sworn into service by its captain, but the mustering officer refused to muster him because he thought Clawson had consumption, which proved to be a mistake. Clawson, with the consent of the captain, remained with the company and did regular service and participated in every action in which his command was engaged, including the siege of Vicksburg, until the 8th of August, 1862, when his captain resigned and he left the company, having, in the mean time, contracted disease in the service. The fact of his service between the dates named is clearly established, and although his name is not borne on the rolls of the company on file in the War Department, the actual service he performed seems to entitle him to relief.

Your committee recommend that the bill be amended as indicated below, and when so amended that it pass.

Amend by striking out all after the enacting clause and inserting the following:

"That the Secretary of War be, and he is hereby, directed to enter the name of William Clawson as a private of Company I, Fourth Regiment of Iowa Volunteer Infantry, upon the rolls of said company, mustered into the service August 2, 1861, and honorably mustered out August 8, 1863, and to issue to him an honorable discharge accordingly; and the said Clawson shall be paid all the pay, allowances, and bounties due to a soldier regularly serving in said company between the dates aforesaid."

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported from the Committee on Military Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELECTION LAWS.

The bill (S. 3652) to amend and supplement the election laws of the United States, and to provide for the more efficient enforcement of such laws, and for other purposes, was announced as next in order on the Calendar.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole.

The Secretary proceeded to read the bill.

Mr. HARRIS. Let that go over, Mr. President.

Mr. EDMUNDS. What can be the objection to that, I should like to know?

The PRESIDENT *pro tempore*. Shall the bill go over under Rule IX, or without prejudice?

Mr. HARRIS. I do not care which, sir.

The PRESIDENT *pro tempore*. The bill will go over without prejudice.

PROSPECT HILL CEMETERY.

The bill (S. 3636) to amend the charter of the Prospect Hill Cemetery was announced as next in order on the Calendar.

Mr. EDMUNDS. I should like to ask the Senator who reported this bill whether the act of incorporation—

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from West Virginia [Mr. FAULKNER] to the inquiry of the Senator from Vermont.

Mr. EDMUNDS. I should like to ask my friend from West Virginia whether the act of incorporation provided or in any way authorized donations of land, so as to get at the point which my friend will perfectly understand in a moment, whether this bill will give the corporation the authority of law to dispose of land in respect of which the donors, if there were any, had made a dedication? If so, it might be open to some question.

Mr. FAULKNER. My attention having been called to another subject in conversation, I did not know that the bill had been reached on the Calendar. I ask that the bill be passed over, with the consent of the Senator from Vermont. I have learned facts since the reporting of this bill which seem to me to render it necessary either to amend it or to recommit it to the committee.

Mr. EDMUNDS. It had better be recommitted.

Mr. FAULKNER. I will state further to the Senator from Vermont why it is not perhaps necessary to recommit it, that this matter is now pending in the conference committee on the District appropriation bill, there having been an amendment covering this subject put on that bill in the Senate. I have called the attention of the conference committee to the facts that have come to my knowledge since that amendment was put on, which will require them, if they concur in my view, to change considerably the amendment put on the bill in the Senate.

Mr. EDMUNDS. Let this bill go over without prejudice.

Mr. FAULKNER. I ask that it may go over without prejudice.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

DISTRICT HOTEL-KEEPERS, ETC.

The bill (S. 662) for the better protection of hotel-keepers, inn-keepers, lodging-house keepers, and boarding-house keepers of the District of Columbia was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 3, line 2, after the word "keeper," to insert "who," and in line 6, after the word "or," to insert "who;" so as to read:

That any hotel-keeper, inn-keeper, boarding-house or lodging-house keeper, who shall have a lien for unpaid fare, accommodations, or board upon any goods, baggage, or other chattel property, and after the same shall have been in his possession for three months at least after the departure of the guest or boarder leaving the same, or who for a period of six months shall have in custody any unclaimed trunk, box, valise, package, parcel, or other chattel property whatever, may proceed to sell the same at public auction, and out of the proceeds of such sale may, in case of lien, retain the amount thereof and the expenses of the advertisement and sale; and in case of unclaimed property, the expense of storage, advertisement, and sale thereof.

The amendment was agreed to.

The next amendment was, in section 4, line 3, after the word "the," to insert "goods;" in line 4, after the word "published," to insert the words "in a newspaper of general circulation and published;" and in line 5, to strike out the words "in which such hotel, inn, or boarding-house is situated," and insert "and a copy of said notice in writing shall be sent to the collector of taxes of said District;" so as to make the clause read:

That fifteen days at least prior to the time of the sale a notice of the time and place of holding the sale, and containing a brief description of the goods, baggage, and articles to be sold, shall be published in a newspaper of general circulation published in the District of Columbia, and a copy of said notice in writing shall be sent to the collector of taxes of said District.

The amendment was agreed to.

The next amendment was to add, as a new section:

Sec. 6. That in case such balance shall not be demanded and paid, as specified in the last section, within said ten days, then within five days thereafter said

hotel keeper, inn-keeper, boarding-house keeper, or lodging-house keeper shall pay said balance to the collector of taxes, and shall, at the same time, file with said collector of taxes an affidavit made by him, in which shall be stated the name and place of residence, as far as they are known to him, of the guest, boarder, person whose goods, baggage, or chattel articles were sold, the articles sold, and the price at which they were sold, the name and residence of the auctioneer making the sale, and a copy of the notice published, and how served, whether by personal service or by mailing, and if not so served the reason thereof. And in case said hotel-keeper, inn-keeper, boarding-house keeper, or lodging-house keeper shall fail or make default in paying such balance to said collector of taxes, or in filing with said collector the affidavit required by this section, he shall pay to such collector interest upon said balance at the rate 2 per cent. per month during the period of such default.

The amendment was agreed to.

The next amendment was to add, as a new section:

Sec. 7. That said collector of taxes shall pay said surplus moneys to the Treasurer of the United States, who shall credit the same to the persons named in said affidavit as said guest, boarder, or person leaving the articles sold, and shall pay the same to said person, his or her executors or administrators, upon demand, and evidence satisfactory to said Treasurer furnished of their identity.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSTITUTIONAL CONVENTION PROPERTY IN THE DAKOTAS.

The joint resolution (H. Res. 37) providing for the donation of certain personal property of the United States to South Dakota and North Dakota was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTOPHER C. ANDREWS.

The bill (H. R. 1452) for the relief of Christopher C. Andrews was considered as in Committee of the Whole. It confirms the homestead entry of Christopher C. Andrews, made at Crookston, Minn., May 11, 1882, for the southwest quarter of section numbered 30, in township numbered 158 north, of range 48 west, and provides that upon payment at the district land office at Crookston of \$1.25 per acre he shall be entitled to final certificate and patent for the land.

Mr. EDMUNDS. I should like to hear the report read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. DOLPH April 28, 1890:

The Committee on Public Lands, to whom was referred House bill 1452, for the relief of Christopher C. Andrews, have had the same under consideration and submit the following report:

This bill is to allow a patent to issue to said Andrews for the quarter-section of land therein described situated in the Crookston (Minn.) land district, on his paying therefor \$1.25 per acre. He duly entered it as a homestead in 1882, and in good faith made improvements thereon of the value of about \$1,000. He has by military service satisfied the requirement as to four years' residence, but as the land has proved so subject to overflow as to be uninhabitable he has consequently been, and still is, prevented from fully complying with the law in respect to residence.

The committee therefore unanimously recommend that the bill do pass.

Mr. EDMUNDS. I move to amend the bill by striking out, in lines 12 and 13, the words "existing at the time said homestead entry was made;" so as to save adverse claims arising at any time and keep ourselves from being involved in controversy.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In line 12, after the word "land," strike out the words "existing at the time said homestead entry was made;" so as to make the proviso read:

Provided, That this act shall not prejudice any adverse claim to any of said land.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. DOLPH. I move that the Senate insist upon its amendment, and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. DOLPH, Mr. PADDOCK, and Mr. WALTHALL were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4296) granting a pension to John De Witt Clark;
A bill (H. R. 4427) to restore to the pension-roll the name of Mrs. Mary E. Borke;

A bill (H. R. 4513) granting a pension to Elizabeth Burnett;
A bill (H. R. 5099) for the relief of Mrs. Angeline Green;
A bill (H. R. 6625) for the relief of William R. Boag;
A bill (H. R. 7002) granting a pension to William Richardson;
A bill (H. R. 7473) for the relief of George P. Hartman;
A bill (H. R. 7915) granting a pension to Nancy Rarden;
A bill (H. R. 8167) granting a pension to Martha Hindman;
A bill (H. R. 8170) granting a pension to Elizabeth Keely;

A bill (H. R. 8226) granting a pension to James H. Fleming;
 A bill (H. R. 8227) granting a pension to Ann Downey; and
 A bill (H. R. 8604) granting a pension to Maria Brooks.
 The message also announced that the House had passed the bill (S. 3871) granting a pension to Kate Woodbridge Michaelis.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 1147) granting an increase of pension to Merritt Lewis;
 A bill (H. R. 1148) granting a pension to William Elsworth Fletcher;
 A bill (H. R. 1155) granting a pension to Francis M. Hull;
 A bill (H. R. 1188) granting a pension to Elizabeth Cheesman;
 A bill (H. R. 1564) granting a pension to Samuel Wilson;
 A bill (H. R. 1569) granting a pension to William Quimby;
 A bill (H. R. 1594) granting a pension to Anson Freeman;
 A bill (H. R. 1980) granting a pension to Nellie R. Cook;
 A bill (H. R. 2168) granting an increase of pension to Stewart Herbert;
 A bill (H. R. 2295) granting a pension to Charlotte Small;
 A bill (H. R. 2531) granting a pension to Robert W. Herod;
 A bill (H. R. 2756) granting an increase of pension to Charles H. Moore;
 A bill (H. R. 2838) granting a pension to Sarah N. West;
 A bill (H. R. 3065) granting a pension to Mary Donohue;
 A bill (H. R. 3066) granting a pension to John Dunn;
 A bill (H. R. 3224) granting a pension to Sally Powell;
 A bill (H. R. 3259) granting a pension to Simon Beakler;
 A bill (H. R. 3261) granting a pension to Sarah Connally;
 A bill (H. R. 3365) approving, with amendment, the funding act of Arizona;
 A bill (H. R. 3379) granting a pension to Lydia W. Sayre;
 A bill (H. R. 3585) to pension James T. Furlow for service in the Indian war;
 A bill (H. R. 3601) to increase the pension of Andrew Langton, late of Company E, Twenty-seventh Indiana Volunteers;
 A bill (H. R. 3968) granting a pension to William Wetzel;
 A bill (H. R. 4042) granting a pension to Chester Denton;
 A bill (H. R. 4043) to grant a pension to James Y. Law;
 A bill (H. R. 4185) to increase the pension of Mrs. Antonia B. Lynch;
 A bill (H. R. 4522) granting a pension to J. N. Jordan;
 A bill (H. R. 4702) granting a pension to Mary Mayberry;
 A bill (H. R. 4807) for the relief of Lydia G. Carnes;
 A bill (H. R. 4895) to increase the pension of Everhard Welter;
 A bill (H. R. 5014) for the relief of Ernst Barth;
 A bill (H. R. 5111) for the relief of William Allen;
 A bill (H. R. 5545) granting a pension to Absalom Carney;
 A bill (H. R. 5620) granting a pension to Frank Deming, Company F, Ninth Michigan Infantry;
 A bill (H. R. 5709) granting a pension to Sarah A. Harrison;
 A bill (H. R. 5719) for the relief Harrison Tryon;
 A bill (H. R. 6001) granting an increase of pension to Elnathan Meade, late of Company C, Forty-fourth New York Volunteers;
 A bill (H. R. 6097) granting a pension to James Goff, of Tennessee;
 A bill (H. R. 6110) to grant an increase of pension to Harvey T. Alcott, late of Company K, One hundred and twenty-sixth New York Infantry Volunteers;
 A bill (H. R. 6288) granting a pension to Catharine Talkington;
 A bill (H. R. 6607) granting a pension to Keziah Randall, Mattapoisett, Mass., widow of Richard Randall, who served in the coast guard, 1812 to 1815;
 A bill (H. R. 6647) for the relief of John A. Whitcomb;
 A bill (H. R. 6721) granting a pension to August Seiter;
 A bill (H. R. 6756) granting a pension to Joseph Morris;
 A bill (H. R. 6801) increasing the pension of Alonzo L. Page, late of Company B, Third Vermont Volunteers;
 A bill (H. R. 6833) to grant a pension to John B. Vile;
 A bill (H. R. 7008) granting a pension to Thomas Shannon;
 A bill (H. R. 7331) granting a pension to Freeman Buell;
 A bill (H. R. 7367) for the relief of Sarah M. Williams;
 A bill (H. R. 7449) granting a pension to Ezra E. Annis;
 A bill (H. R. 7586) granting a pension to James O'Donnell;
 A bill (H. R. 7588) granting a pension to David Rose;
 A bill (H. R. 7638) granting an increase of pension to John Pardy;
 A bill (H. R. 7728) for the relief of Mary Walsh;
 A bill (H. R. 7816) granting a pension to Harriet E. Cooper;
 A bill (H. R. 7857) granting a pension to Mary P. Thompson;
 A bill (H. R. 7972) granting a pension to Joseph Whitmore for service in the Indian war;
 A bill (H. R. 7999) granting an increased pension to Adeline Whelan;
 A bill (H. R. 8009) for restoration of Abner Morehead to the pension-roll;
 A bill (H. R. 8326) granting a pension to Benjamin F. Douglass;
 A bill (H. R. 8429) to increase the pension of William P. Squire;
 A bill (H. R. 8431) granting a pension to Sarah Ann Noe;

A bill (H. R. 8485) granting an increase of pension to Owen C. Powell;

A bill (H. R. 8544) to increase the limit of cost of site and public building at Duluth, Minn.;

A bill (H. R. 8603) granting a pension to Catharine Sattle;

A bill (H. R. 8730) granting a pension to T. G. Metcalf;

A bill (H. R. 8926) granting a pension to Mary Ann Griswold;

A bill (H. R. 9311) granting an increase of pension to Morgan Diamond;

A bill (H. R. 9727) for the relief of Joseph D. Fisher, late Company G, One hundred and sixteenth Ohio Volunteer Infantry;

A bill (H. R. 10390) making an appropriation to supply a deficiency in the appropriation for public printing and binding for the last quarter of the fiscal year 1890, and for other purposes; and

A bill (H. R. 10813) authorizing and directing the Secretary of War to establish new harbor-lines in Portage Lake, Houghton County, Michigan.

UNITED STATES LAND COURT.

The bill (S. 1042) to establish a United States land court and to provide for the settlement of private land claims in certain States and Territories was announced as next in order on the Calendar.

Mr. EDMUNDS. It is probable that the bill might be fairly considered, it has been passed so many times under the five-minute rule, but there are some minute amendments that may be possibly necessary for the further protection of the rights of settlers, which have been presented to the committee since the bill was reported, and I therefore ask that it may be passed over without prejudice.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice, if there be no objection.

REPRESENTATIVES OF HENRY H. SIBLEY.

The bill (S. 468) for the relief of the legal representatives of Henry H. Sibley, deceased, was announced as next in order on the Calendar.

Mr. EDMUNDS. Let that go over, Mr. President.

The PRESIDENT *pro tempore*. It will be passed over without prejudice.

Mr. EDMUNDS. Passed over.

The PRESIDENT *pro tempore*. It will be passed over under Rule IX.

LANDS FOR CEMETERY AND PARK PURPOSES.

The bill (H. R. 8247) to authorize the entry of public lands by incorporated cities and towns for cemetery and park purposes was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That incorporated cities and towns shall have the right, under rules and regulations prescribed by the Secretary of the Interior, to purchase for cemetery and park purposes not exceeding one-quarter section of public lands subject to entry, sale, or disposal under existing laws, such lands to be within 2 miles of such cities or towns: *Provided*, That when such cities or towns are situated on mineral lands, or within the mineral districts, the lands proposed to be taken under this act shall be considered as mineral lands, and patent to such land shall not authorize such cities or towns to extract mineral therefrom, but all such mineral shall be reserved to the United States, and such reservation shall be entered upon such patent.

Mr. EDMUNDS. I move to insert in line 6, after the word "lands," the words "not mineral." It is a mere clerical omission evidently. That will put it on the same footing as the town-site law.

Mr. TELLER. I should like to say to the Senator that that is just what we do not want done. The purpose of this bill is to enable towns which are in the mountain regions of the country to take burial grounds and park grounds in case they want them. The main purpose, or the real purpose, is for burial grounds, and to say that there shall be no entry upon mineral land is to say the bill shall be of no account at all, because in the mining regions they are not suffering on this account. We have provided that they shall take no title to the minerals. That is all we thought we ought to do.

Mr. EDMUNDS. I see the force of what my friend from Colorado says, but still we ought to make a provision that when mineral lands are selected, although the town may not be a mineral town or on mineral lands, they shall be subject to the mineral rights. I will withdraw the amendment and let it go, for if they must have a cemetery at all I think it ought to be taken without regard to working minerals.

The PRESIDENT *pro tempore*. The amendment of the Senator from Vermont being withdrawn, the question is on the amendment proposed by the Committee on Public Lands as amended.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. TELLER. I move that the Senate insist on its amendment and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. PLUMB, Mr. TELLER, and Mr. WALTHALL were appointed.

CUSTOMS-REVENUE BONDS.

The bill (S. 1992) to amend chapter 136, act of June 20, 1876, relating to custom-house bonds, was considered as in Committee of the Whole.

The bill was reported from the Committee on Finance with an amendment, to strike out all after the enacting clause and insert:

That when any bond is required by law to be executed by any firm or partnership for the payment of duties upon goods, wares, or merchandise imported into the United States, or for any other custom-house purposes, by such firm or partnership, the execution of such bond by any member of such firm or partnership, in the name of said firm or partnership, shall bind the other members or partners thereof in like manner and to the same extent as if such other members or partners had personally executed the same. And any action or suit may be instituted on such bond against all the members or partners of such firm as if all of the members or partners had executed the same.

Mr. MORRILL. I move to strike out "custom-house," in line 6 of the amendment, and insert "revenue."

Mr. SHERMAN. I doubt whether that ought to extend to the internal revenue, because in certain cases it may cause difficulty.

Mr. EDMUNDS. Say "customs-revenue purposes."

Mr. SHERMAN. That will do.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In line 6, after the word "other," it is proposed to strike out the word "custom-house" and insert the words "customs revenue."

Mr. ALLISON. Let it be reported now as it stands.

The PRESIDENT *pro tempore*. The amendment will be stated as proposed to be amended.

The Secretary read as follows:

That when any bond is required by law to be executed by any firm or partnership for the payment of duties upon goods, wares, or merchandise imported into the United States, or for any other customs-revenue purposes, by such firm or partnership, the execution of such bond by any member of such firm or partnership, in the name of said firm or partnership, shall bind the other members or partners thereof in like manner and to the same extent as if such other members or partners had personally executed the same. And any action or suit may be instituted on such bond against all the members or partners of such firm as if all of the members or partners had executed the same.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The Committee on Finance reported an amendment to the title, so as to make it read: "A bill relating to the execution of custom-house bonds."

Mr. EDMUNDS. I would say "customs-revenue bonds," making it correspond with the bill.

The PRESIDENT *pro tempore*. The title will be amended so as to read: "A bill relating to the execution of customs-revenue bonds."

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 12th instant approved and signed the act (S. 680) for the relief of Alice E. Robertson.

MELBOURNE INDUSTRIAL EXPOSITION.

The bill (S. 3562) authorizing additional compensation to the assistant commissioners to the industrial exhibition held at Melbourne, Australia, was considered as in Committee of the Whole.

The bill was reported from the Committee on Foreign Relations with an amendment, in section 1, line 5, after the word "exhibition," to insert "in addition to the sum already allowed for compensation;" so as to make the section read:

That the Secretary of State be, and he is hereby, directed to allow as traveling expenses to and from said Melbourne Centennial Industrial Exhibition, in addition to the sum already allowed for compensation, the sum of \$1,500, out of any moneys belonging to such appropriation not now expended, to each one of the four persons hereinafter named, to wit: Alexander Campbell, of Bethany, Brooke County, West Virginia, the sum of \$1,500; Richard F. Miller, of Lynchburg, Va., for \$1,500; Francis B. Wheeler, of New York City, for \$1,500; and Thomas B. Merry, of Portland, Oregon, for \$1,500.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROUND VALLEY INDIAN RESERVATION.

The bill (S. 2782) to provide for the reduction of the Round Valley Indian reservation, in the State of California, and for other purposes was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT-HOUSE TENDERS AT PORTLAND, OREGON.

Mr. DOLPH. I ask that the Chair lay before the Senate Senate bill 461, returned from the House of Representatives with an amendment.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 461) making an appro-

priation for a new light-house tender for use in the thirteenth light-house district, with headquarters at Portland, Oregon.

Mr. DOLPH. I move that the Senate non-concur in the amendment of the House of Representatives and ask for a conference with the House thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. CULLOM, Mr. GORMAN, and Mr. MITCHELL were appointed.

MISSION INDIANS IN CALIFORNIA.

The bill (S. 2783) for the relief of the Mission Indians in the State of California was considered as in Committee of the Whole.

The bill was reported to the Senate with amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PITTSBURGH, COLUMBUS AND FORT SMITH RAILWAY COMPANY.

The bill (H. R. 344) to grant the right of way to the Pittsburgh, Columbus and Fort Smith Railway Company through the Indian Territory, and for other purposes was considered as in Committee of the Whole.

The Secretary proceeded to read the bill.

Mr. PLATT. I wish the Secretary would read that clause about the Muscogee court again. It escaped my attention.

The Secretary read as follows:

Witnesses shall receive the usual fees allowed by the courts of said nation. Costs, including compensation of the referees, shall be made a part of the award and be paid by said railway company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after making of the award and notice of the same, to appeal by the original petition to the United States district court at Muscogee, Indian Territory, which court shall have jurisdiction to hear and determine the subject-matter of said petition according to the laws of the State of Kansas provided for determining the damage when property is taken for railroad purposes. When proceedings have been commenced in court the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with construction of the railroad.

Mr. PLATT. If it is in order to amend at this time, I should like to strike out the words "district court." That is not the proper name of that court. It is not "the United States district court," but it is a United States court.

Mr. DAWES. I suggest that if that amendment is made it will necessitate sending the bill back to the House of Representatives.

Mr. PLATT. It is suggested by the Senator from Massachusetts that this is a House bill, and perhaps the amendment is not essential.

Mr. DAWES. If the Senator thinks the description is not sufficient, I shall not object to the amendment.

Mr. PLATT. I will not insist upon the amendment if it is going to send the bill back to the House. The proper designation of the court, however, is not given in the bill.

The PRESIDENT *pro tempore*. The amendment being withdrawn, the reading will proceed.

Mr. DAWES. There is no other court there, and the name used can hardly give rise to any trouble.

Mr. PLATT. There is no other court there.

The Secretary resumed and concluded the reading of the bill.

Mr. EDMUNDS. In section 3, line 40, I move to strike out the word "district" before the word "court;" so that the clause will read:

To appeal by original petition to the United States court at Muscogee, Ind. T.

I might as well on this amendment explain within my five minutes, or whatever time may be necessary, why I make this motion. There is not any such thing as a district court of the United States in the Indian Territory at all, and therefore it is a misdescription. In a legislative sense we understand what it means and possibly any court would, but it is not a safe way to do. If that were the only thing I should not insist upon it, because probably a court would say what was meant was the thing there; but when I go over to section 8 I find it is again provided—

That the United States circuit and district courts for the western district of Arkansas, and the district of Kansas, and such other courts as may be—

Which means hereafter—

authorized by Congress shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies, etc.

I am not reading the very language of the bill, but making it as short as I can. Now, we have made in this section 3 a particular jurisdiction to hear and determine a particular class of these cases, which is chiefly on the right of way and damages, and then by a sweeping later section have apparently given the courts in two different States a great way apart a sweeping jurisdiction which would cover the other, and which in respect of these very controversies as applied to section 8 alone might bring the court in Arkansas into conflict with the court in Kansas, and *vice versa*.

Therefore, it appears to me, with great respect to the Committee on Indian Affairs, that the wise thing to do is to give to the United States circuit court, either for Arkansas or for Kansas alone—not the district court, because the district courts of the United States have no civil jurisdiction *inter partes* and never had—give jurisdiction to the circuit

court in one or the other of those States, subject to the special provisions you have made about land damages and whatever in the other case, in order that there will not be a continual see-saw between this railroad company and the people affected by this section.

Mr. DAWES. There will be no objection to that, if the Senator will suggest his amendment.

Mr. EDMUNDS. I will when we have passed the first one I offered.

The PRESIDENT *pro tempore*. The question recurs on the amendment offered by the Senator from Vermont.

The amendment was agreed to.

Mr. DAWES. This is the form adopted in the other House, and it still is the form, which has grown up for two or three years and is applicable to all the bills which have passed.

Mr. EDMUNDS. That may be, but it is time we should correct it, because I can foresee, having had some experience in law affairs, that we should get into a tangle at once if we continue to pass bills in this form.

Mr. DAWES. It will be as well probably to amend in the way the Senator suggests.

Mr. EDMUNDS. I move in section 8 to strike out in line 1 the words "and district."

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In section 8, line 1, before the word "courts," it is proposed to strike out the words "and district;" so as to read:

That the United States circuit courts for the western district of Arkansas and the district of Kansas.

The amendment was agreed to.

Mr. EDMUNDS. I now move, in line 2 of the same section, to strike out the words "and the district of Kansas," and to drop the "and" in line 3, and change the word "courts" at the end of line 1 to "court;" so that the clause shall read:

That the United States circuit court for the western district of Arkansas, etc.

The amendment was agreed to.

Mr. EDMUNDS. I now move, in line 3 of the same section, to strike out the words "and such other courts as may be authorized by Congress," which are entirely unnecessary. We have the power to do that.

The amendment was agreed to.

Mr. EDMUNDS. Now, in order to make section 8 not to be in conflict with section 3 as to how land damages are to be determined by the United States court at Muscogee, I move to add, in line 3 of section 8, after the word "shall," the words "except as provided in section 3 of this act."

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. After the word "shall," at the end of line 3 of section 8, it is proposed to insert "except as provided in section 3 of this act;" so as to read:

That the United States circuit court for the western district of Arkansas shall, except as provided in section 3 of this act, have, without reference to the amount in controversy, concurrent jurisdiction, etc.

The amendment was agreed to.

Mr. DOLPH. I offer the amendment which I send to the desk as a new section.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. It is proposed to add as an additional section the following:

SEC. 12. That the time within which the Newport and Kings Valley Railroad Company, a corporation under the laws of Oregon, is authorized to construct its road across the Siletz Indian reservation, under the provisions of an act entitled "An act granting to the Newport and Kings Valley Railroad Company the right of way through the Siletz Indian reservation," received by the President July 14, 1888, and which became a law without his approval, be, and the same is hereby, extended for the period of two years from the passage of this act.

Mr. EDMUNDS. I would like to inquire of my friend from Oregon what relation a railroad in Oregon has to this question of right of way in the Indian Territory.

Mr. DOLPH. I think it has such a relation that there is no impropriety in making this amendment. Two years ago, in 1888, Congress passed an act granting to the Newport and Kings Valley Railroad Company, a corporation organized under the laws of Oregon, the right to build a railroad over the Siletz Indian reservation. It was a narrow-gauge road intended to connect with the narrow-gauge system in Oregon, of which the Senator from Vermont [Mr. EDMUNDS] knew something. The road went into the hands of a receiver, the company operating the road was involved, and the circumstances were such that the company was not able to make its arrangements for connection and therefore to build its road. Its act will expire, according to the limitation in section 4, on the 14th of next month. I introduced a bill some time since, which was referred to the Committee on Indian Affairs, to extend the time two years. I furnished the committee with documents exhibiting all the facts and showing that the application was meritorious.

This bill has been amended so that it must go back to the House of Representatives and it is necessary for it to go into conference, but this proposition to extend the time for this road in Oregon is so eminently just and proper under the showing that I do not think anybody will have any objection to it, and it will not delay or embarrass the bill.

Mr. EDMUNDS. I know; but I appeal to my friend on the point of the impropriety of bringing together two entirely distinct questions in the same bill, geographically perhaps fifteen hundred miles apart I suppose, but certainly a thousand miles apart, and which have no cognate relation to each other. I would much rather have the Senator ask unanimous consent at this moment of time, pending this bill, to pass his than to have the Senate get into the habit of riding bills into an omnibus form.

Mr. DAWES. I will say, if the Senator will permit me, that the subject-matter has been considered by the Committee on Indian Affairs, and they approved of the bill extending the time. The propriety of putting it upon this bill is quite another question, but as to the propriety of passing the bill which is now formulated into an amendment to this bill, the Senator from Oregon ought to have the privilege of its being known that his measure has the approval of the Committee on Indian Affairs. The propriety of putting it upon this bill, however, as an amendment, is very questionable.

Mr. DOLPH. If I supposed the amendment would jeopardize the passage of this bill at all, if a conference would not be required by the amendments already embraced in the bill, or if I supposed the conference appointed would hold this bill and postpone its final passage on account of this amendment, or if there was any reason why the friends of the bill should complain, I would not ask that the amendment be made. I do not think, however, the mere fact that Oregon is fifteen hundred miles from the Indian Territory is really any good reason why the amendment should not go upon this bill. I can not see that there could be any objection to putting two or more of these bills together in relation to Indian reservations. This is not new legislation. The provision of the amendment is not at all inconsistent with the bill. It is simply the question of extending the time for two years.

Mr. PLUMB. I want to say that I have observed during all my service in the Senate that this method of amending bills has never been regarded as in any wise proper. Any one can readily see what a resource it would be to a person lacking in diligence about his bill, or for other reasons being a little belated, if he should catch some bill which some more diligent Senator had brought up and got in a condition to pass, and then put upon it a rider. If this is to be done and established as a rule of the Senate, then any one can catch up a bill which is certain to pass and put upon it the most doubtful proposition, and thus bring together widely separated propositions in such a way that the legislative mind will never be properly directed to them, and the consideration which they ought separately to receive never will be had.

I have observed always with great good-will that the Senate did not regard that as a proper thing to be done; and while I have not any objection to the proposition of the Senator from Oregon, and while I do not know that it in any wise would impede the passage of this bill, I certainly hope he will not make this bill, which is now on its passage and about which there is no controversy, the medium for putting through the Senate a measure which has not yet been considered by the Senate, and which, whatever its merits or demerits, or however obvious the necessity for its passage may be, is entitled to take its own chances in its own way as coming from the Committee on Indian Affairs and going on the Calendar or otherwise as the Senate may direct.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Oregon [Mr. DOLPH].

Mr. DOLPH. I withdraw the amendment; but I desire to say that this has been done a dozen times, and more too, on bills coming from the Committee on Indian Affairs.

Mr. PLUMB. I do not recall any such instance.

Mr. EDMUNDS. I hope it will never be done again.

Mr. DOLPH. I do not think there has been any lack of diligence nor that the Senator from Kansas should accuse me of any lack of diligence in regard to any bill in my charge, either before the Committee on Indian Affairs or any other committee. I do not think there is a particle of objection on any ground to this amendment.

Mr. PLUMB. I hope the Senator knows me too well to think I would impute anything to him in the way of lack of diligence or any other quality in regard to the performance of his duties here; but I was stating a hypothetical case in regard to this and in regard to other cases if things of this kind are tolerated. No one knows better than I do how faithful and how diligent and able the Senator from Oregon is in pressing all matters in which he is interested, and I have no doubt on account of that ability he will be able to get his bill through. In fact, if I thought he was not diligent, I would consent that this might go on the bill as an amendment for the purpose of helping a man who could not otherwise help himself, but I know the Senator from Oregon does not need help in this or any other case.

Mr. EDMUNDS. I move to amend section 12, in line 4, by striking out "prior to the construction and completion of the road," and after the Secretary has read the amendment I will explain what I mean.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In section 12, line 4, after the word "whatever" it is proposed to strike out "prior to the construction and completion of the road."

Mr. EDMUNDS. That is the very clause I am quite confident

which was up in another railway bill within a month or two or three and was stricken out by the Senate. This reads:

That Congress may at any time amend, alter, or repeal this act, and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever—

I leave out the words I propose to strike out—

except as to mortgage or other liens that may be given or secured thereon to aid in the construction thereof.

The reading as it came from the House of Representatives would be that they should not sell out their franchise and consolidate with some other road until they had got their road built, and then they might. I do not want to give that authority, and I move to strike out those words.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PROMOTIONS IN THE ARMY.

The bill (S. 3716) to provide for the examination of certain officers of the Army and to regulate promotions therein was considered as in Committee of the Whole.

The first section provides that hereafter promotion to every grade in the Army below the rank of brigadier-general, throughout each arm, corps, or department of the service, shall, subject to the examination hereinafter provided for, be made according to seniority in the next lower grade of that arm, corps, or department; but in the line of the Army all officers now above the grade of second lieutenant shall, subject to such examination, be entitled to promotion in accordance with existing laws and regulations.

Section 2 provides that officers of grades in each arm of the service shall be assigned to regiments, and transferred from one regiment to another, as the interests of the service may require, by orders from the War Department, and hereafter all appointments in the line of the Army shall be by commission in an arm of the service and not by commission in any particular regiment.

Section 3 authorizes the President to prescribe a system of examination of all officers of the Army below the rank of major to determine their fitness for promotion, such an examination to be conducted at such times anterior to the accruing of the right to promotion as may be best for the interests of the service. The President may waive the examination for promotion to any grade in the case of any officer who, in pursuance of existing law, has heretofore passed a satisfactory examination for such grade. If any officer fails to pass a satisfactory examination, and is reported unfit for promotion, the officer next below him in rank, having passed the examination, shall receive the promotion. Should the officer fail in his physical examination and be found incapacitated for service by reason of physical disability contracted in line of duty, he shall be retired with the rank to which his seniority entitled him to be promoted; but if he should fail for any other reason he shall be suspended from promotion for one year, when he shall be re-examined, and in case of failure on such re-examination he shall be honorably discharged with one year's pay from the Army. All officers that have served as officers or enlisted men in the armies of the United States, regular or volunteer, during the war of the rebellion shall, in case of failure on such re-examination, be placed upon the retired-list of the Army; and no act now in force shall be so construed as to limit or restrict the retirement of officers as herein provided for.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SCIENTIFIC AND INDUSTRIAL EDUCATION.

Mr. MORRILL. I ask the Senate to proceed to the consideration of Senate bill 3714.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The Secretary will read the title of the bill which the Senator from Vermont desires to call up.

The SECRETARY. A bill (S. 3714) to establish an educational fund and apply the proceeds of the public lands and the receipts from certain land-grant railroad companies to the more complete endowment and support of colleges for the advancement of scientific and industrial education.

The PRESIDING OFFICER. The bill will be considered as being before the Senate as in Committee of the Whole unless objection is made. The Chair hears no objection, and it will be read at length.

The Secretary proceeded to read the bill.

Mr. GORMAN. Mr. President, that is a very important bill, and under the rule by which we are proceeding I shall be compelled for the time to object to its consideration.

The PRESIDING OFFICER. The Senator from Maryland objects to the present consideration of the bill.

Mr. MORRILL. I hope the Senator from Maryland will not object, for I think his State is as anxious as any State in the Union to have this bill passed; I do not think it will take much time. I want to submit some remarks which will occupy, perhaps, only fifteen or twenty minutes.

Mr. GORMAN. If the Senator desires to submit some remarks, of course I withdraw my objection, reserving the right after he concludes to renew it. I was not aware of the Senator's desire to address the Senate upon the bill.

The PRESIDING OFFICER. The Senator from Maryland withdraws his objection for the present. The Secretary will proceed with the reading of the bill.

The reading of the bill was concluded.

The PRESIDING OFFICER. The first amendment reported by the Committee on Education and Labor will be stated.

Mr. MORRILL. I will offer a substitute, striking out all after the enacting clause, which will embrace every amendment that has been made by the Committee on Education and Labor, and will save the labor of taking the question on the numerous amendments.

The PRESIDING OFFICER. The Senator from Vermont offers a substitute for the bill reported by the committee. The Chair inquires of the Senator if he desires the substitute to be read at this time.

Mr. MORRILL. No, not now. I wish to submit some remarks at this time.

The PRESIDING OFFICER. The Senator from Vermont will proceed.

Mr. MORRILL. Mr. President, the measure now under consideration, introduced by me and favorably reported by the Committee on Education and Labor, proposes an annual appropriation to every State and Territory for the support of colleges established, or which may be established, under the act of Congress approved July 2, 1862, for the benefit of agriculture and the mechanic arts, and the appropriation is to be made from the funds—and only a small part of such funds will be required—arising from any sales of the public lands or from the receipts on the large debts due from the land-grant railroads. It does not interfere with free homesteads, nor with the rights of pre-emption, nor with the experiment stations, nor with the payment to States of their per centum upon sales of lands within their respective limits, nor does it forbid or restrict any legislation whatsoever that Congress now or hereafter may choose to enact in regard to public lands or railroads.

It may be truthfully claimed that the funds to be appropriated will have been wholly derived from the public lands, as they were the fertile source from whence the land-grant railroads obtained their present large capital, to which the original stockholders have not been supposed to have made any visible contributions.

For many years our public lands have not been held or considered as a fixed source of revenue, but have often been devoted to noble national purposes, to large gifts to new States for schools and universities, to colleges for the benefit of agriculture and the mechanic arts, to free homesteads for the landless, to the union by railroads of the Atlantic and Pacific boundaries of the Republic, and to agricultural-experiment stations, and the constitutional power of Congress to dispose of the public lands, or of their proceeds, for the common benefit of all the States has seldom been challenged and never successfully disputed. Nor was it very confidently expected that the land-grant railroads would soon, if ever, be able to wholly reimburse the Government for their munificent endowment.

No matter what party may be in power, in any adjustment of revenue measures, these undetermined rivulets, whether continuing to flow or not to flow, will not be relied upon, as they never have been relied upon, for the ordinary support of the Government, and the national objects here embraced would seem to be worthy of even the best and last dollar in the Treasury. If the Government was about to make its last will and testament it could hardly find more worthy and deserving legatees.

A bill embracing both the colleges and common schools, appropriating the proceeds of the sales of public lands, was introduced by me in 1880 and passed by the Senate with only 6 votes against it. A similar bill has also been introduced by me at almost every succeeding Congress, and sometimes, when referred to the very able Committee on Education and Labor, has been reported favorably, but unfortunately for the bill and the land-grant colleges, I regret to say, the committee were very naturally more in favor of giving the right of way to the bill of my distinguished friend, the Senator from New Hampshire, of which I do not now complain.

It is due to the courage and ability of the senior Senator from New Hampshire [Mr. BLAIR] to say that he has linked his name forever with a great educational measure, and the future historian of our country in search of statistics relating to the common schools of the several States for the present era will not need to look further if he is so fortunate as to possess the March speech of the Senator from New Hampshire, which, like the soul of John Brown, will be marching on and rendering good service everywhere to common schools for years to come.

If, however, the bill referred to of 1880 had become a law, there would have accrued from the sales of public lands alone, from that date to the present time, an educational fund amounting to \$57,538,369, and of this \$11,202,017 would have been received in 1888. No large amount, however, can be hereafter anticipated from this source.

The principal of the Pacific railroad debts now due to the Government is \$64,623,512, to which must be added \$60,830,344 of interest already paid by the United States, making \$125,453,856. From this

deduct the sinking fund of \$11,678,351, and the whole amount due January 1, 1890, appears to have been \$113,775,504. The sum to be annually received from this source, or whatever may be received from the sales of the public lands, will in either case be largely in excess of any requirements under the present bill. The \$1,100,000 receipts of the present year from the Union Pacific road alone much more than cover the expenditures contemplated for the coming year.

It is to be expected that the larger part of the railroad indebtedness will ultimately be honorably paid, and paid perhaps with more punctuality if sacredly devoted in part to the high object here proposed, although payment of the entire debt may not be looked for at the moment of its maturity. For the purposes of the colleges the annual payments will be sufficient and are not likely to suffer any annual diminution from lapse of time in the payment of the principal. The devotion of some small share of these large railroad debts and receipts from public lands for the greatly needed additional support of the land-grant colleges will give them new vigor and far greater practical usefulness, and when the last acre of our magnificent public domain shall finally have been disposed of there will be something to show for it, besides railroads, of priceless value to the people of every State.

The elementary education derived from the common schools, if no more than reading, writing, and ciphering, is a marvelous addition to the self-supporting and self-instructing power of each individual in the battle of life, and ought to be made universal, though the direct advantage to the government of the country may not be equally conspicuous. The citizens of a free government founded upon universal suffrage, who are to elect and be elected to high official positions, have need of a broader general culture. Primary schools are vastly important, but not enough. The problems which concern human rights and political liberty, the encouragement of all the virtues and the prevention of crime should be studied in the light of all history, of all philosophy. A popular government of the people pre-eminently requires the support of sound learning in all departments, in jurisprudence, finance, foreign relations, as well as in its home affairs and in its executive and legislative administration.

Under such a government industrial activities are to be augmented by all the resources of science and art, in order to maintain in peace or war both political and material independence; and above all, also, the intellectual and moral character of a free people should be elevated and established, not only by common schools, but by the highest institutions of sound learning. I wish we could multiply them tenfold and especially multiply such as grapple with practical affairs of everyday life and are

* * * not too * * * good
For human nature's daily food.

No American will long dwell where there are no village schools, nor be quite contented in a State that does not liberally support collegiate education.

Our Government presents the solitary example among great nations of having too much revenue, and too much would be regarded by any other people with infinite complacency. If it be an affliction, certainly it is one not likely to last long and one easily remedied. While it is being used to pay the national debt it would seem neither to be misapplied nor lost. The excess to a large extent has accrued from the increase of revenue upon importations of foreign merchandise, of which an increase of the consumption must be expected to follow our large annual increase of wealth and population. But Government expenditures are likely to keep pace hereafter with the annual growth of revenue, and the present excess will only mark an epoch in our financial history, soon to disappear and not soon to return.

It can not be doubted that at the present session of Congress comprehensive measures will be consummated by which, without pinching national requirements of high necessity, the overlap of fixed receipts beyond ordinary expenditures will be judiciously and faithfully adjusted. With this accomplished, a more stubborn and difficult task will hereafter devolve upon Congress than an abridgment of Treasury receipts, namely, the adjustment of our revenue to our annual expenditures, limited by wise economy and constitutional boundaries. Uncertain receipts from miscellaneous and fluctuating sources interfere with all regular estimates of revenue, and the permanent disposal of whatever amount may hereafter be received from some of these irregular sources would prove a wholesome measure, provided the objects promoted or to which they may be assigned are found to be wholesome and of sufficient national importance.

A surplus can not always be applied advantageously to the reduction of the unmatured public debt, and idle funds in the Treasury, it will be conceded, beget danger of heedless and possibly wild projects for massive expenditures. The hunger for special appropriations becomes chronic and contagious. When our revenue shall be properly adjusted, any expenditures of questionable utility, or having earmarks of prodigality, will be exposed to pitiless criticism. The rigid inquiry will be, Is it absolutely necessary or expedient? or From what source is the appropriation to be derived? If not of obvious propriety or of paramount importance, it will be scrutinized and restrained. Should the amount be suggestive of fresh taxes or of greater burdens upon the people, it will be promptly rejected.

It is believed, however, that the proposition here presented for the

land-grant colleges will meet with universal approval of the American people and is free from all serious objections. The objects embraced are of large and enduring importance and touch every State.

The most valuable direct favor the Government has ever bestowed upon agriculture and the mechanic arts was unquestionably the endowment of the so-called agricultural colleges, where the leading object provided was "to teach such branches of learning as are related to agriculture and the mechanic arts, in order to promote the liberal and practical education of the industrial classes." That they have done and are doing educational work most highly appreciated and of the widest national value, and a kind of work never more urgently needed by our country than at the present time, there is no doubt.

To meet the competition of the vast fields around the globe, which have within the last decade shown in their increase of cattle, sheep, and grain their marvelous productive power, our agriculturists require all the aid of science, all the light of the widest human experience to not only cheapen the processes of production, but to tempt industry to supply all the markets with the best, or such superior products as will command the highest prices. The prodigious increase in our own country of the acreage actually cultivated in staple crops is exhibited by comparing the 113,412,764 acres of 1874 so devoted with the 211,000,000 of 1889—about doubling in fifteen years.

The land-grant colleges are institutions that do not lift the cost of their instruction out of the reach of the many, nor generate habits of profuse expenditure, and are healthy homes for students, especially for those destitute of hereditary resources, who look only to a life of honorable effort and labor.

The most advanced studies were not, it will be remembered, to be excluded from these colleges, and whenever provided with sufficient resources they should be ready to offer all the learning demanded by any portion of our American people, and yet they must not fall short in the branches related to agriculture and the mechanic arts, but must lead in the highest instruction asked for by the industrial classes, which have made and must keep our country foremost in character, wealth, and power among nations.

The vast mining wealth of iron, copper, lead, tin, nickel, silver, and gold, developed and undeveloped and abounding in many of our States and Territories, requires much scientific research and practical work, for which thoroughly equipped skilled men are indispensable, and these colleges are furnishing and will furnish trained young men for this great work.

Military tactics also were included among the subjects to be taught in the land-grant colleges, and such instruction is given by the most competent teachers our country affords. As we have only a very small standing Army and a rather small organized militia or national guard, the thousands of trained young men who annually graduate from these colleges, should our country ever need their services, will not forget how "to set a squadron in the field," and will be found, as a reserve force, of immense value—a value hardly less than that confidently relied upon from our renowned national institution at West Point.

In 1887 agricultural-experiment stations, in connection with the colleges established by Congress under the act of 1862, were provided for by an appropriation to each State, and forty-three of such stations have been attached to these colleges as a separate and independent work, and they expend and account for the money in strict accordance with the provisions of this very important act of Congress. The Commissioner of Education in his last report speaks of the effect of this act as follows:

The appropriation to each State by the Government for the maintenance of experiment stations has had a very stimulating influence upon the agricultural departments of the colleges here considered.

This bill does not interfere with the proceeds of land sales set apart for the support of these experiment stations.

The bill now under consideration, as will be seen, proposes to appropriate only a very inconsiderable part of the funds which may accrue whether from the sales of the last fragments of our public lands or from what may be received on debts due to the Government from the land-grant railroads, which have been enriched by millions upon millions of acres, and which have served to build up the great continental transportation enterprises, now harmoniously binding together all the national and patriotic interests of our common country with veritable "hooks of steel."

If some share of these magnificent land grants can now be recouped and permanently devoted to the beneficent educational purposes here proposed, they will have been utilized for national objects of even more transcendent urgency than those to which they were originally so grandly applied.

If the measure were wholly an experiment or an ill-born crotchet in the cradle of some local nurse, its summary rejection might be endured without the grief of many mourners, but it has been already widely tested, and for years sustained by the practical work of colleges now established. Nearly every State offers earnest testimony as to their positive success and steadily increasing merits. In a recent report from the Bureau of Education upon The History of Federal and State Aid to Higher Education, it is stated, under the head of "The land grant for colleges of agriculture and mechanic arts," that "Next to the Ordinance of 1787 the Congressional grant of 1862 is the most important educational enactment in America." That is the opinion

of educators. The students of these colleges are frequently sought after and given remunerative employment before they have completed their course of studies. I know of one five-year-old graduate who now receives a salary as a professor larger than that of the president of the college where he graduated.

Forty-eight of these institutions now are annually sending forth a large number of vigorous young men to scientific, agricultural, mechanical, educational, and other industrial careers, and they are all loudly asking further favors for their respective State institutions. The funds derived from the national grant of 1862, generously supplemented by the gifts from the several States, have borne healthy and excellent fruit, but it is everywhere manifest that funds larger in amount could be used with more advantage and with much greater results, and it is certain that larger funds are absolutely required to fully and efficiently equip these colleges in nearly every State. Something more than a blackboard and a piece of chalk is wanted. A laboratory, with an extensive stock of chemicals, scientific instruments and apparatus, libraries, museums, mineralogical cabinets, military halls, and gymnasiums can not be had without some expense, but they are also prime necessities. Sharp competition is met with in securing and retaining professors of advanced scientific acquirements from the eager demand of older institutions which have been richly endowed by their friends and by their alumni during many generations. Able instructors, or the stars of growing magnitude, now command far higher salaries than formerly, and when discovered or created they soon learn their own current value. The branches of scientific learning have been greatly multiplied and expanded in modern days, and there is a public and progressive demand for them which these colleges must supply at whatever cost.

The great power over the modern history of the world, as exhibited by England through the sixteenth, seventeenth, and eighteenth centuries, "a power," as Webster said, "which has dotted over the surface of the whole globe with her possessions and military posts," is not to be attributed to her hereditary rulers so much as to her universities and great high schools, to Oxford and Cambridge, and especially to Eton, Harrow, and Rugby, where her rulers have been chiefly educated. Heredity, it is true, formerly monopolized the government, and it also largely monopolized the highest obtainable culture. Her leaders have been and still are mainly well-trained men, and only recently has much serious attention been directed there to the education of the industrial classes. Americans, however, stake their destiny on universal education.

Dr. G. Brown Goode, in his recent work on the Origin of the National Scientific and Educational Institutions of the United States, says that recently "there has been a great increase in the number of persons whose time is chiefly devoted to original scientific work," and that "nothing has contributed so materially to this state of affairs as the passage by Congress in 1862 of the bill to establish scientific and industrial educational institutions in every State." And he further says:

The movement was at first unpopular among American educators, but after a quarter of a century of trial the land-grant college system has not only demonstrated its right to exist, but is by many regarded as forming one of the chief strongholds of our national prosperity.

I will give a single extract from Washington's Farewell Address, showing his profound sympathy with measures like the one under consideration:

Promote, as an object of primary importance, institutions for the increase and diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

Finally, let me urge that the land-grant colleges are American institutions, established by Congress, and, if a small pittance is needed to perfect and complete their organization or to equip them for educational work that is designed to elevate the condition of the greater part of the American people, I shall confidently hope that it will be granted without reluctance and with full faith in the national benefits that can not fail to accrue.

The PRESIDING OFFICER. Is there objection to the further consideration of the bill?

Mr. PADDOCK. I should like to ask the Senator from Vermont a question or two, if it will not disturb him, as to these funds that are to be drawn from the payments of the subsidized railroads. For instance, I should like to know whether under the provisions of this bill—I have had no opportunity to examine into it—in taking these funds in the manner provided in the bill there will be any interference with the sinking-fund arrangement now existing for crediting and investing for the benefit of these companies on interest moneys paid in by them and applicable to the payment of their record indebtedness.

Mr. MORRILL. Not in the least. If the Senator from Nebraska had listened to me he would have seen that there will be no interference.

Mr. PADDOCK. I heard most of the remarks of the Senator, but nothing upon this particular point. I will take the assurance of the Senator from Vermont on the point. There is another question that I should like to propound to him, as to whether there is any authority in the bill for granting lands directly upon which commercial or float-

ing certificates may issue, to be purchased and used by speculators in locating lands for speculative purposes.

Mr. MORRILL. Not at all. In order to avoid the numerous amendments which were made in the bill as reported, I desire to offer an amendment as a substitute containing all the amendments, which will save reading the bill for action upon the respective amendments.

Mr. REAGAN. Is the proposed substitute House bill 10515?

Mr. MORRILL. It is.

The PRESIDING OFFICER. The Chair will inquire if the substitute comes from the committee or does the Senator offer it as his own amendment?

Mr. MORRILL. I offer it on my own behalf. I will say, however, that I submitted it to all the members of the Committee on Education and Labor who were present. The Senator from New Hampshire [Mr. BLAIR] was not present.

Mr. GEORGE. I should like to ask the Senator from Vermont what changes the substitute makes in the bill reported by the committee.

Mr. HOAR. Is the substitute in print?

Mr. MORRILL. It is.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? If not, the substitute will be read.

Mr. GORMAN. Let it be read subject to objection.

The PRESIDING OFFICER. The proposed substitute will be read. The Secretary proceeded to read the substitute amendment offered by Mr. MORRILL.

Mr. MORRILL. The chairman of the Committee on Education and Labor a little prefers that we should take up the original bill and make the amendments proposed by the committee. I think I will not object.

The PRESIDING OFFICER. The Senator then withdraws the substitute, by leave?

Mr. MORRILL. Yes, sir.

Mr. BLAIR. It is just like the reported bill except one slight amendment, but there is likely to be confusion if we take it up.

Mr. GEORGE. What does the Senator say?

Mr. BLAIR. The substitute is just the report of the Senate committee with a slight amendment, and I thought if we adhered to the report of the committee we should be less likely to get into confusion and it would save the trouble of reading a long document here.

The PRESIDING OFFICER. The Senator from Vermont asks leave to withdraw his amendment in the nature of the substitute. The Chair hears no objection; and the first amendment reported to the original bill by the Committee on Education and Labor will be stated.

The Secretary read the first amendment, which was, in section 1, line 25, after the word "Treasury," to strike out "or so much thereof as may be necessary;" and in line 27, at the end of the section, to insert "so long as such receipts and credits shall be sufficient therefor;" so as to read:

He shall thereupon certify to the Secretary of the Treasury the amount of said receipts for public lands after deducting such expenditures. The Secretary of the Treasury shall in like manner, at the close of each fiscal year, beginning as of June 30, 1890, ascertain and add to the sum so certified to him by the Secretary of the Interior all moneys paid, or receipts, into the Treasury, or credits allowed by the United States, to any railroads therein during the then last fiscal year by all railroad companies, or their assigns or successors, named in the act of Congress approved May 7, 1878, and the appropriations which are to be made to the several States and Territories under this act for the benefit of colleges shall be made from funds in the Treasury arising from receipts and credits therein on account of the public lands and railroads aforesaid, so long as such receipts and credits shall be sufficient therefor.

The amendment was agreed to.

The next amendment was, in section 2, line 15, after the word "out," to strike out the words "from the college fund arising;" so as to make the proviso read:

Provided, That no money shall be paid out under this act to any State or Territory for the support and maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of this act.

The amendment was agreed to.

The next amendment was, in section 3, line 9, after the word "shall," to insert the words "upon the order of the trustees of the college;" so as to read:

That the sums hereby appropriated to the States and Territories for the further endowment and support of colleges shall be annually paid on or before the 31st day of July of each year, by the Secretary of the Treasury, upon the warrant of the Commissioner of Education, countersigned by the Secretary of the Interior, out of the Treasury of the United States, to the State or Territorial treasurer, or to such officer as shall be designated by the laws of such State or Territory to receive the same, who shall, upon the order of the trustees of the college, immediately pay over said sums to the treasurers of the respective colleges entitled to receive the same, etc.

The amendment was agreed to.

The next amendment was, in section 3, line 16, after the word "disbursement," to insert:

Showing specifically its application to instruction in agriculture and the mechanic arts and the facilities for such instruction. The grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That payments of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of Legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury.

Mr. MORRILL. I move to amend the amendment by inserting in line 18, after the word "instruction:"

Including the various branches of mathematical, physical, natural, and economic science, with special reference to their applications in the industries of life, and in a thorough training in the English language.

Mr. COCKRELL. Where will that come in?

Mr. BLAIR. It is an amendment to the amendment which comes in after the word "instruction" in the eighteenth line.

Mr. COCKRELL. Let it be read, beginning with the first words of the amendment of the committee.

The PRESIDING OFFICER. The Secretary will read the amendment of the committee as proposed to be amended.

The Secretary read as follows:

Showing specifically its application to instruction in agriculture and the mechanic arts, and the facilities for such instruction, including the various branches of mathematical, physical, natural, and economic science, with special reference to their applications in the industries of life, and in a thorough training in the English language. The grants of moneys authorized, etc.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Vermont to the amendment of the committee.

Mr. REAGAN. Mr. President, I am in hopes that that amendment will not be adopted. There can be but one main purpose in it, and that is to give the Federal Government supervision of education in the States. If the desire is to aid the agricultural colleges of the States I have no objection to the appropriation proposed, but if the object is to make a pretext for taking the control and supervision of that education away from the States, then I think it is very seriously objectionable. Besides the amendment which was read, section 3 provides:

That the sums hereby appropriated to the States and Territories for the further endowment and support of colleges shall be annually paid on or before the 31st day of July of each year, by the Secretary of the Treasury, upon the warrant of the Commissioner of Education, countersigned by the Secretary of the Interior, out of the Treasury of the United States, to the State or Territorial treasurer, or to such officer as shall be designated by the laws of such State or Territory to receive the same—

Now, it seems to me it might stop there very well; but I shall not object to its going further—

and such treasurers shall be required to report to the Secretary of Agriculture and to the Commissioner of Education, on or before the 1st day of September of each year, a detailed statement of the amount so received and of its disbursement—

That would advise the Government fully of the application of the money; but it proceeds—

showing specifically its application to instruction in agriculture and the mechanic arts and the facilities for such instruction.

That would still advise the Government that the money had been applied according to its design. Then follow the words of the amendment of the Senator from Vermont, which I trust will not be adopted:

Including the various branches of mathematical, physical, natural, and economic science, with special reference to their applications in the industries of life and in a thorough training in the English language.

Down to the word "language" is the part that I propose to strike out.

Now, that you may see the force of this, Mr. President, the fourth section, commencing at line 14, requires that—

An annual report by the president of each of said colleges shall be made to the Secretary of Agriculture, as well as to the Secretary of the Interior, regarding the condition and progress of each college, including statistical information in relation to its receipts and expenditures, its library, the number of its students and professors, and also as to any improvements and experiments made under the direction of any experiment stations attached to said colleges, with their costs and results, and such other industrial and economical statistics as may be regarded as useful, one copy of which shall be transmitted by mail free to all other colleges further endowed under this act.

Then, to still further show what the purpose of this measure is, in section 6, beginning at line 16, is this paragraph:

And the Secretary of the Interior is hereby charged with the proper administration of this law, through the Commissioner of Education—

To that I have no special objection, but I object to what follows—and they are authorized and directed, under the approval of the President, to make all needful rules and regulations not inconsistent with its provisions to carry this law into effect.

These three provisions are in the bill, as it seems to me, needlessly to put the systems of education, the control of the details of these institutions, under the Government of the United States. Surely that can not be necessary, and surely it does not recognize the fact that the systems of education of the different States belong to the States. It ignores the fact that in the face of the Constitution we by this bill propose to usurp the detailed regulation of schools in the States.

Mr. President, I shall insist on these provisions going out of the bill. With them out, with the appropriation made, with the schools left under the general provisions appropriating the money and specifying the purpose for which it is appropriated, and requiring the necessary reports to be made to the Government to show how it has been expended, and that it has been expended for the purpose for which it was appropriated, I am content; but when we go beyond that and take up these three several provisions which contemplate the idea that it is to put these colleges in their detailed regulations, and as to the subject-matter to be taught, and what is to be done in them, under the regulation of the Federal Government, I trust we are not prepared to go that far.

Mr. GORMAN. Mr. President—

Mr. MORRILL. I hope the Senator will allow me.

Mr. GORMAN. I beg pardon.

Mr. MORRILL. I merely want to say a word in reply to the Senator from Texas.

The PRESIDING OFFICER. If the bill is to be considered the Chair will regard the Senate as being under the five-minute rule hereafter in debate.

Mr. GORMAN. I will give way to the Senator from Vermont for a moment, with pleasure.

Mr. MORRILL. Mr. President, I am a little surprised that the Senator from Texas should object to the additional amendment here proposed. It all relates to the same topic. Under the bill without that amendment it would be a little doubtful whether one of these colleges might have the power to employ a professor in veterinary science, or whether they could teach even the English language, or whether they could teach ordinary mathematics. I trust the Senator from Texas will see that this merely re-enforces the general object of the bill. It is one which a large number of the presidents of the colleges seem to regard as indispensable, because they would not wish—

Mr. BLAIR. It was suggested by them, was it not?

Mr. MORRILL. It has been suggested by them, and as I understand has been approved by Farmers' Alliances and by all sorts of bodies.

Mr. GORMAN. Mr. President, it was the great importance of this bill which induced me to object to its consideration to-day. Under the rule we are to take up unobjected cases on the Calendar. The Senator from Vermont has stated clearly the provisions of the bill, and I shall object to its further consideration and ask that the bill may be printed in form with the amendment proposed by the Senator.

Mr. BLAIR. It is already printed.

Mr. HOAR. Will the Senator from Maryland allow me to make one observation? I wish to suggest an amendment.

Mr. GORMAN. With pleasure.

Mr. HOAR. I think the bill requires consideration in regard to one point which I wish to bring to the attention of the Senator from New Hampshire and the Senator from Vermont.

In the first place, the bill uses the term "colleges" in its definition of the institutions which are to receive this aid. There is a good deal of question in my mind what would be the precise legal meaning of the word "college."

If I can have the attention of my friend from Vermont I will say that the bill confines its benefit to what it describes as "colleges." There is a good deal of doubt in my mind as to what meaning might be given to the term "college" in the execution of the provision of such a statute. There is the Miller Institute, in Virginia, for instance, which is an institution largely endowed and which does not have the name of college, but which is intended expressly for instruction in the mechanic arts. There is a similar one in Georgia, I understand, recently endowed, a very valuable one, the name of which I do not remember. There is one in my own city of Worcester called the Worcester Polytechnic Institute.

These institutions do not call themselves colleges, but they are institutions of as high a grade and as useful, and they are specifically devoted to instruction in the mechanic arts.

That doubt ought to be removed in this bill, it seems to me.

Then another thing; it is very questionable whether the benefit of the bill can be extended even at the will of the Legislature of any State to any institution, unless it is one hereafter incorporated, which did not receive the benefit of the original benefaction. It says in the proposed amendment, and also, I think, in the original bill, that the money shall be given by the assent of the Legislature of the State. It does not say that the Legislature of the State is to determine which one of the institutions which are within the scope of the bill shall receive it.

Now, there are institutions in some of the States where they have agricultural colleges like the very three that I have suggested, which ought, in my judgment, to receive a portion of this endowment. It ought not to be confined to those who happened to be in existence when the act of 1862 was passed or to those which happened to be first incorporated thereafter.

I desired before the bill passed from the consideration of the Senate to call the attention of the Senate and of the two Senators to that suggestion in order that an amendment may be prepared.

Mr. BLAIR. Mr. President, I think the bill meets both the suggestions of the Senator from Massachusetts as it now is. I have certainly always so understood it. Section 2 provides:

That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts now established, or which may be hereafter established, in accordance with an act of Congress approved July 2, 1862.

It applies to the colleges already established or which may be hereafter established in accordance with that act. The provisions of that act were quite specific, appropriating a certain amount of the public lands and the land scrip which was issued upon them for the benefit

of agricultural colleges to be located in and established by the several States.

This bill carries to each State the amount of \$15,000 to be applied to those colleges for agriculture and the mechanic arts established under that act. There is in nearly all the States just one college, and that one college would take the entire \$15,000 unless the States should see fit from those funds to establish others, and in that case they can divide, if they see fit, the amount which they receive from the country, to wit, this \$15,000.

The PRESIDING OFFICER. The Chair will remind the Senator from New Hampshire that objection has been made to the further consideration of the bill.

Mr. BLAIR. The Chair will, I hope, pardon me in making a suggestion in reply to an objection to the bill which the Senator from Massachusetts makes, and which I think the bill is quite distinctly clear from as it now is. I hope the Senator will examine the second section with a view to see whether his objections are not fully met.

Mr. HOAR. I have examined it very carefully, and it does not seem to me that they are. The word "college" is used, and it is applied to the colleges established in accordance with the provisions of the act of 1862.

Mr. BLAIR. It applies to colleges for agriculture and the mechanic arts.

Mr. HOAR. I understand.

Mr. BLAIR. It was not the understanding of the committee that we were recommending an annual appropriation for an indefinite number of colleges which might hereafter come to be established. Meritorious colleges undoubtedly will be established including the same subject-matter; but it was thought that the States where these colleges are should receive a certain specific amount, \$15,000 a year, and let them appropriate that money, as they necessarily must now, to the single agricultural college that exists in each State.

If there should be subsequently from those same funds—and I do not see how it can be done, for the whole amount that was realized from the lands under that act is already invested in every State—but if it is conceivable that they should be subdivided and those institutions multiplied with the funds already in the possession of the State, then let them divide this annual appropriation for the support of several if they see fit, but otherwise let it be concentrated upon a single one of the institutions. However, they must be institutions which derive their vitality from the original act of Congress making appropriations of the public lands. The nation itself certainly ought not to be dragged beyond what originates in that specific act of Congress in the way of support of the agricultural colleges and those of the mechanic arts which the States may see fit to multiply among themselves hereafter.

Mr. MORRILL. If objection is made I move to proceed to the consideration of the bill notwithstanding the objection.

The PRESIDING OFFICER. The Senator from Vermont moves that the bill be now considered notwithstanding the objection of the Senator from Maryland.

Mr. GORMAN. Mr. President, from the debate which has already occurred it is very evident that we ought to have an opportunity to look more carefully at this bill and the amendments offered by the Senator from Vermont. I make the suggestion not in opposition to the bill, for I may be very heartily in favor of it when it comes up at the proper time for discussion; but I submit to the Chair that the unanimous understanding had some time since was that this day should be devoted to unobjected cases upon the Calendar.

The PRESIDING OFFICER. The Chair understands that that was the unanimous agreement of the Senate; but as the present occupant of the chair understands the ruling of the permanent occupant of the chair, a Senator has a right to make that motion, notwithstanding the agreement was unanimously made.

Mr. MORRILL. I would not make the motion, Mr. President, but I am obliged to be absent in committee most of the time, and it is the understanding that the silver bill will be up on Monday. I had given notice that I would try to call this bill up on Monday; but thereafter I learn that the appropriation bills will be ready, so that the time of the Senate is likely to be occupied, and unless this bill can be speedily passed and go to the other House it is no use for the Senate to consider it at all, as late in the session as it is at the present time. I therefore hope that the Senate will proceed with the consideration of the bill now.

The PRESIDING OFFICER. The Chair will feel compelled under the ruling heretofore to put the question on the motion of the Senator from Vermont to proceed to the consideration of the bill.

Mr. COCKRELL. I hope the Senator from Vermont will not insist upon that. The bill will not be finished to-day, I assure him, if it is taken up now. It is doubtful whether there is a quorum here, and with the misunderstanding that there is in regard to the bill it will lead to discussion which will last all day, and nothing will be done. That is simply the result of it now; there is no doubt about that.

Mr. GEORGE. Mr. President, may I also make a suggestion with the others on this motion?

The PRESIDING OFFICER. The Senator from Mississippi will proceed.

Mr. GEORGE. I hope the bill will be taken up and acted on and

passed. I regard it as one of the most meritorious bills ever introduced into this body. It has been very carefully considered, and I do not know that the Senate will at any other time be in a better condition to amend it, if amendment is necessary, than now.

These agricultural colleges, in my opinion, have done more good and are likely to do more good in the near future for the advancement of the great farming interests of this country and the great mass of the people than all the rest of the colleges and universities put together. I hope the bill will be considered to-day.

The PRESIDING OFFICER. The Senator from Vermont moves that the Senate proceed to the consideration of this bill notwithstanding the objection. Is the Senate ready for the question?

Mr. GORMAN. I desire only to say that if this motion prevails as a matter of course it breaks up the understanding that we have had and under which we have been acting for the past month, and will result, I have no doubt, as the Senator from Missouri has said, in the destruction of all other business for to-day, and break up the rule for the Calendar hereafter.

It is perfectly well known that a great many Senators look to other public business on Saturday, when they know that the rule has been that we would proceed only with unobjected cases on the Calendar. I think it is manifestly unfair to them to take up a bill of this kind. I do not refer to the merits of the bill, as the Senator from Mississippi has done. It is to observe the rule that I have made this suggestion.

I withdrew the objection, as we all do under such circumstances, and I was glad to hear from the Senator from Vermont, who presented this matter very ably, as he always does. Otherwise I should have interposed the objection, and insisted upon it at the moment, but out of compliment to him, as being due to him as the father of the Senate, I withdrew the objection.

I shall therefore be compelled to call for the yeas and nays on this vote, and I shall not regard it as a test vote upon the merits of the bill, but a vote in the negative being simply to adhere to the rule which has prevailed for the past six weeks or two months in this body.

I trust the Senator from Vermont will not insist upon his motion and compel us to resort to the yeas and nays.

Mr. MORRILL. Mr. President, if there is any desire on the part of Senators to have this bill considered, and if they will give unanimous consent, so that it shall be considered next Thursday, after the morning business, I will consent to have it go over.

Mr. COCKRELL. Nobody will object to that, I suppose. I suggest that the bill be printed with the amendments already adopted and the amendments pending. Then every Senator can see it and have it before him, and know exactly what to do.

Mr. MORRILL. There is no objection to that.

The PRESIDING OFFICER. The Senator from Vermont withdraws his motion to proceed to the consideration of the bill notwithstanding the objection, and asks that it be considered as the order of business on next Thursday—at 2 o'clock?

Mr. MORRILL. No, after the morning business.

The PRESIDING OFFICER. After the morning business. Is there objection?

Mr. HARRIS. Of course I am not inclined to object, but no such consent understanding will displace the unfinished business, and I do not know exactly what it amounts to. However, I shall not interfere with it.

The PRESIDING OFFICER. There being no objection, that will be the order.

Mr. COCKRELL. Now, let the order be made to print the bill with the amendments already adopted and the amendment pending, and then we can see exactly what it is.

The PRESIDING OFFICER. It will be so ordered. The next bill on the Calendar will be stated.

Mr. MORRILL. By unanimous consent, I understand that the bill is to be taken up immediately after the morning business on Thursday.

The PRESIDING OFFICER. It is to be taken up immediately after the morning business on Thursday next.

Mr. BLAIR. I ask that the report of the Committee on Education and Labor be printed in connection with the proceedings on this bill, so that the whole matter may appear in the RECORD to those who may wish to investigate it.

The PRESIDING OFFICER. The report of the committee will be printed in the RECORD unless objection is made. The Chair hears none.

The report is as follows:

The Senate Committee on Education and Labor, to whom was referred Senate bill 3714, entitled "An act to establish an educational fund and apply the proceeds of the public lands and the receipts from certain land-grant railroad companies to the more complete endowment and support of colleges for the advancement of science and industrial education," have examined the same, and report the bill back with sundry amendments, and as amended recommend its passage.

OBJECT OF THIS BILL.

The object of the bill is to place the system of colleges for the benefit of agriculture and the mechanic arts, established under the law of July 2, 1862, upon a basis of assured support for all time.

These institutions are now thoroughly established and have already demonstrated that they must be accepted as among the chief agencies through and by which the new and practical industrial education of the people is to be accom-

plished. Although in the popular mind they are intimately associated with the advancement of the fundamental pursuit of agriculture, yet they are equally devoted to the diffusion of scientific education as applied to the mechanic arts, and thus they embrace within their jurisdiction the whole field of the practical application of science to the wants and welfare of man.

The long period of struggle through which they have passed during which it has sometimes been doubtful whether as a system they would be able so to commend themselves to the confidence of the nation as well as of the States as to secure from the national Treasury such permanent contributions as shall insure their perpetuity has now passed away, and on the 2d of March, 1887, an act was passed appropriating \$15,000 yearly for the establishment of experiment stations in connection with these colleges in the several States. Of great importance as was this measure careful examination shows that substantial and permanent annual provision for the regular and general expenses of these institutions is indispensable for their proper support.

The statements of the able representatives of these colleges made before your committee are in part embodied in this report and they fully show the necessity of the passage of the bill.

Perhaps contrary to the general impression, the proper equipment of one of these colleges is far more expensive, being at least ten times greater than that of an ordinary classical institution. A college of agriculture and of the mechanic arts is not a cheap affair, and the sooner we awake to the idea that it will and ought to cost something to spread that knowledge of facts and principles which will change the drudgery of common toil to the dignity and delight of intellectual and ennobling occupations the better.

To accomplish this is the work of the great system of institutions in whose support we urge the passage of this bill.

Just in proportion as their mission is accomplished shall we find the people seeking the pleasure, profit, and honor of life in the prosecution of those pursuits which produce for the general good, and which must always embrace the mass of the population.

The passage of this measure, which is introduced by the distinguished father of this system of colleges, will place them upon a sure foundation so long as we are a nation and link his name with theirs in one common immortality.

So far as respect and recognition of great public services may properly influence us we would urge the enactment of this bill into law, antedated as we are that the continued usefulness and development of the colleges is dependent upon permanent national aid in their support.

AGRICULTURAL COLLEGES ABROAD.

We call special attention to the accompanying data, showing the extent and influence of like institutions in several of the countries of Europe, which demonstrate the astonishing benefits which we may expect ultimately to derive from our own.

France supports the Institut Nat. Agronomique, at Paris, representing the highest form of agricultural education; 3 regional schools or colleges, 9 practical schools for those able to pay a moderate sum, 20 farm schools, 40 evening schools, 1 forestry, 3 veterinary, 3 horticulture, and a great number of minor ones on special subjects; 50 departmental professors of agriculture, whose duties consist in traveling through their district and giving instruction in agriculture, the whole at an annual expense of over \$1,000,000.

Results: Half her population engaged in agriculture. Her exports in food and cereals in 1884 footed up to \$165,000,000. Next to the United States and Russia she has become the greatest wheat-producing country in the world. Her forests, carefully superintended by pupils from her great school at Nancy, yield her an annual revenue of \$50,000,000. By judicious selection of seed, made at her agricultural colleges, the wheat yield has been increased three and four fold. The cultivation of the sugar-beet, carried to the highest perfection, has twice saved the country from national bankruptcy.

Germany supports 21 agricultural institutes or colleges for the highest instruction in agriculture, 26 agricultural schools for the sons of the more wealthy farmers, 40 farming schools for the sons of small farmers, 300 supplemental schools covering two winter courses, 9 technical high schools, 964 industrial and trade schools, 18 dairy schools, 6 royal academies of forestry and many of lower grade, 3 veterinary schools and 3 shoeing schools, 2 drainage and irrigation, a number on bee-keeping, sugar-making, fish-culture, brewing and distilling, etc.

Results: The universal testimony has been to the beneficial effects of these schools. Better rotations have been put in practice; hand labor has given place to improved machinery; the number of acres under cultivation has been multiplied; the product per acre has increased twofold; a great variety has been added to the list of products; the adaptation of crops to soil has been more carefully studied, and in twenty years it is claimed that the value of the agricultural products has been increased 100 per cent., while, with a population of 45,200,000, she supports 213 to the square mile.

Württemberg, a little kingdom of 7,675 square miles and a population of 1,971,118, supports the agricultural institute at Hohenheim, with 21 teachers; a veterinary school at Stuttgart, with 13 teachers; 3 farm schools, with 8 students each; a viticultural school at Weinsberg, with 15 students; 5 higher agricultural schools, with 89 students; 882 evening and winter schools, with 20,100 students.

STATEMENTS BEFORE THE COMMITTEE.

The general committee of the presidents of the colleges of agriculture and of the mechanic arts have ably urged the passage of this bill.

Colonel Brigham, representing the national organization of the Patrons of Industry, and Colonel Polk, on behalf of the National Farmers' Alliance, also strongly advocated this bill, and several amendments have been made in accordance with their recommendations.

The whole case is well stated in these memorials and addresses to the committee from the representatives of these colleges, which are made a part of this report:

To the Committee on Education and Labor, United States Senate:

GENTLEMEN: Colleges for the benefit of agriculture and the mechanic arts, established in every State of the Union under the United States law (of July 2, 1862), are now educating nearly ten thousand students. They are devoted to the thorough equipment of American citizens for the practical work of life. They train young men in those branches of learning and science especially which give success and especial prominence in the industrial pursuits, in thorough scientific farming, in farm management and economy, and in all the industries where physical science is so applied as to render labor profitable to the man who labors. Large numbers of the graduates of these colleges are found in all the States engaged in useful vocations as farmers, land surveyors, civil engineers, architects, draughtsmen, chemists, and chemical manufacturers, metallurgists, mining and mechanical engineers, electricians, etc. As a rule, all who finish a course of study at these institutions are at once in demand for remunerative positions, many of them as teachers of natural science in other institutions, where the good effects of these colleges are thus multiplied.

The scientific work required to be done in the courses of instruction and experiment at the colleges which we represent demands an expensive equipment by way of laboratories, machine-shops, apparatus, experimental farming, etc. Institutions for teaching natural science, it is well understood by all, require a much larger outlay for the "plant" and for their annual work than do purely literary institutions. And the people of our country have come to demand of the colleges organized under the land-grant act a thoroughness of work in natural science and its applications which shall not suffer when compared with

that given at the oldest and most richly endowed colleges and universities of the land. The farmers manifest a growing interest in the work of these colleges. When the official heads of the two great farmers' organizations of our country yesterday appeared before your committee you will recall such expression as this, the words of one of them: "Our farmers have learned that they must be lifted to a higher plane by education, and by education of the head."

The especial and immediate need of these colleges for more generous support from the Government which created them arises from these two facts: The cost of a proper equipment for scientific work, and the great increase in the number of students within the last few years, demanding a proportionately increased expenditure.

Except in a few cases where the circumstances were especially favorable, the proceeds of the original land grant were not sufficient suitably to endow and equip a college such as is now demanded. But for the first fifteen or twenty years the colleges earliest established were able to exist, for they had, as a rule, but few students. They were not fully appreciated. They were somewhat in a "vacuum" of the popular demand of the time. Within the last five or six years these colleges have entered upon a second era in their history, an era marked by a great increase in the public confidence felt in them, and a very great increase in the number of students attending them. The experiment stations by their work have stimulated this interest, and have been of the greatest practical value to farmers; but these stations, while they have increased the responsibility and the usefulness of the colleges, have not given the colleges any added resources for their own proper work.

These colleges have now reached a point in their development where their future growth and usefulness is conditioned upon their securing increased facilities for doing a larger work; that is, upon increased endowment or annual income. The next five years are the critical years. We ask you to provide now for the additional support which is needed to do the most efficient work for the increasing number of students. If such needed support is promptly given the work already so well begun will become permanent and will be productive of the best results for the agricultural and industrial interests of our whole country.

In accordance with suggestions made by this committee, we have considered carefully what is needed at once to make this work most effective. We favor the same amount for each State. And while we know that in some States a larger sum would be most opportune and would be wisely used, we favor and urge at least \$15,000 a year, to be provided for at once for each State; and that this sum should be from year to year increased until a limit of not less than \$25,000 per annum is reached. And we respectfully request that this committee, either by the bill now before it or in some other way, make permanent provision to meet this pressing need.

HENRY E. ALVORD, President Maryland Agricultural College,
JAMES H. SMART, President Purdue University,
MERRILL E. GATES, President New Jersey State College,
JAMES K. PATTERSON, President State College of Kentucky,
HENRY H. GOODSELL, President Massachusetts Agricultural College,
Committee of the Association of American
Agricultural Colleges and Experimental Stations.

APRIL 26, 1890.

[New Hampshire College of Agriculture and the Mechanic Arts, in connection with Dartmouth College.]

OFFICE OF THE DEAN, Hanover, N. H., April 22, 1890.

"Resolved, That the board of trustees of the New Hampshire College of Agriculture and the Mechanic Arts believe that the bill introduced into the Senate of the United States by Senator JUSTIN S. MORRILL, of Vermont, to establish an educational fund in aid of public education and the more complete endowment and support of colleges for the advancement of scientific and industrial education, is a wise and beneficial measure, and they earnestly desire its passage by Congress, and they hereby instruct Professor C. H. PETTEE, dean of the college, to furnish each member of Congress from New Hampshire with a copy of this resolution."

In accordance with the above vote, I herewith transmit a copy of resolutions passed by the trustees of the New Hampshire College of Agriculture and the Mechanic Arts, and urge your careful consideration and attention.

C. H. PETTEE, Dean.

Senator H. W. BLAIR,
Washington, D. C.

Trustees of the New Hampshire College of Agriculture and the Mechanic Arts.

Hon. George W. Nesmith, LL. D., president, Franklin, N. H.; his excellency Charles H. Sawyer, A. M. (ex officio), Dover, N. H.; Rev. Samuel C. Bartlett, D. D., LL. D., Hanover, N. H.; Hon. Frederick Smyth, treasurer, Manchester, N. H.; Hon. Benjamin F. Prescott, Epping, N. H.; Sydney B. Whittemore, esq., Colebrook, N. H.; Hon. Lyman D. Stevens, Concord, N. H.; Hon. George A. Wason, New Boston, N. H.; Rev. Josiah G. Davis, D. D., Amherst, N. H.; Hon. Warren Brown, Hampton Falls, N. H.; Charles W. Stone, A. M., East Andover, N. H.; Charles McDaniel, West Springfield, N. H.; Hon. Joseph Kidder, secretary, Manchester, N. H.

[Maine State College of Agriculture and Mechanic Arts, executive department, M. C. Fernald, president.]

ORONO, ME., April 4, 1890.

DEAR SIR: A few days ago I received a copy of bill S. 3256, introduced by Senator MORRILL and referred to the Committee on Education and Labor. Should it receive the sanction of Congress and the approval of the President, it would go far toward equalizing the very great inequalities arising from the unequal amounts of land-scrip assigned by the act of 1862 to the land-grant colleges in the several States, and the still greater inequalities resulting from the variable management of the scrip by the different States.

When the act of 1862 was approved by President Lincoln the possibilities of liberal endowment to the institutions designed to be benefited by it were not comprehended, and hence we find resulting from it endowments ranging from \$50,000 to between \$5,000,000 to \$7,000,000, the principal ranges being between \$100,000 and \$500,000.

In the State of Maine the amount realized from the sale of the land-scrip was \$118,300, yielding an annual revenue of \$5,915. From accumulated interest added to the original endowment, and the munificence of one of the earlier governors of the State, the present endowment of the college is \$231,300, yielding an annual revenue of \$10,465. The State appropriations for buildings and other purposes have amounted to \$277,218.

While the State has been fairly generous toward the college, it (the college) sadly needs the additional annual revenue for current expenses which Mr. MORRILL's bill would give. What is true of this institution in this regard is equally true of nearly all the land-grant colleges.

I sincerely trust your committee will favorably report the bill, and so follow up its report as to secure its passage.

I have the honor to be yours, very respectfully,

M. C. FERNALD, President, etc.
The CHAIRMAN COMMITTEE EDUCATION AND LABOR,
Washington, D. C.

STATE COLLEGE OF KENTUCKY, Lexington, Ky., April 29, 1890.

DEAR SIR: In accordance with your request I send you by this mail, and through you to the committee of which you are chairman, the inclosed statement, setting forth our immediate necessities, how we could advantageously employ \$25,000 the first year in internal expansion, and how we could advantageously and economically expend an equal amount each year thereafter. This addition to our income would vitalize our existing resources and more than quadruple the value and effectiveness of our work.

Thanking you for your courtesy while before your committee,
I have the honor to be, with much regard, your obedient servant,
JAMES K. PATTERSON.

Hon. HENRY W. BLAIR,
Chairman Committee on Education,
United States Senate, Washington, D. C.

The following expenditures can be made with great profit to the State College of Kentucky the first year. These expenditures would of course be in addition to those now made out of the already existing funds:

Chemical apparatus.....	\$1,500
Zoological cabinet.....	2,000
Biological apparatus.....	1,000
Library:	
Botanical.....	1,000
Zoological.....	1,000
Agricultural.....	1,000
Biological.....	1,000
Geological.....	1,000
Engineering plant.....	1,500
Mechanical.....	2,900

The professorship of agriculture, horticulture, and veterinary science should be subdivided into three. This would require two more professors.

The professorship of natural science, comprising biology, zoology, botany, anatomy and physiology, and geology, should be subdivided into five. This would require the addition of four professors.

The professorship of chemistry should be subdivided into two. It now comprises general, agricultural, and organic chemistry.

The immediate appointment of a professor of mechanical engineering, a professor of physics, and an assistant professor of civil engineering is necessary. The additional professorships would then be as follows:

Horticulture.....	\$1,500
Botany.....	1,500
Anatomy and physiology.....	1,500
Veterinary science.....	1,500
Geology and mineralogy.....	1,500
Organic and agricultural chemistry.....	1,500
Physics.....	1,500
Mechanical engineering.....	1,500
Civil engineering.....	1,000

After the first year the necessary expenditures in addition to those already existing would be as follows:

Chemical apparatus (annually).....	\$1,000
Zoological cabinet.....	1,000
Biological apparatus.....	500
Library:	
Botanical.....	500
Zoological.....	500
Agricultural.....	500
Biological.....	500
Geological.....	500
Engineering plant.....	1,000
Mechanical.....	1,000
Physical laboratory.....	1,000
Professorship of agriculture.....	1,500
Professorship of horticulture.....	1,500
Professorship of veterinary science.....	1,500
Professorship of botany.....	1,500
Professorship of anatomy and physiology.....	1,500
Professorship of geology and mineralogy.....	1,500
Professorship of organic and agricultural chemistry.....	1,500
Professorship of mechanical engineering.....	1,500
Professorship of physics.....	1,500
Assistant professor of civil engineering.....	1,000
Miscellaneous expenditures.....	2,500
Total.....	25,000

Respectfully submitted,

JAMES K. PATTERSON.

The bill provides for the payment of \$15,000 to each college the first year, increasing annually the appropriation to each \$1,000 until the amount is \$25,000, at which sum it shall remain permanent unless changed by future legislation. It is also provided that the appropriation shall be made from proceeds of the sale of public lands and from funds derived from payments by the railroads subsidized with money or lands by the Government so long as funds derived from those sources shall be sufficient.

The amounts to be derived annually from the railroads will probably not be less than \$1,200,000. The net income from the sale of public lands has averaged nearly seven and one-half millions for the last ten years, but the supply from this source is not likely to continue for many years. Even when all the States have colleges in full operation at \$25,000 annually to each college, the income from the railroads is likely to be sufficient for the next half century at least, so that there is no danger that the general moneys in the Treasury will be called upon for contribution to the support of these institutions.

DEPARTMENT OF THE INTERIOR, Washington, May 6, 1890.

SIR: I have received from the Commissioner of the General Land Office a letter dated the 5th instant, with inclosures, stating that he has received from you a letter dated the 2d instant, addressed to the Secretary of the Interior, and requesting a statement showing the receipts from sales of public lands, including fees and commissions, for the ten years ended June 30, 1889.

I have the honor to inclose herewith, in reply to your request, a copy of the Commissioner's letter with the desired statement.

Very respectfully,

GEO. CHANDLER,
Acting Secretary.

The CHAIRMAN OF COMMITTEE ON EDUCATION AND LABOR, Senate.

* The professorship of agriculture should be omitted in this estimate. It is already provided for.—J. K. P.

Statement showing total receipts from sales and other disposition of public lands in the United States, including all fees and commissions from and including fiscal year 1880 to 1889; also the total expenses for collecting the revenue and the surveying of public lands during same period.

Fiscal year.	Total receipts.	Total expenses.	Net proceeds.
1880.....	\$2,283,118.55	\$972,065.70	\$1,311,052.85
1881.....	4,395,384.63	1,030,681.34	3,364,703.29
1882.....	7,753,310.07	1,172,299.74	6,581,010.33
1883.....	11,080,361.38	1,397,688.80	9,682,672.58
1884.....	11,838,993.07	1,469,936.54	10,369,056.53
1885.....	7,686,114.80	1,373,893.66	6,312,221.14
1886.....	7,412,767.31	1,156,621.50	6,256,145.81
1887.....	10,783,921.72	1,038,940.44	9,744,981.28
1888.....	12,701,072.00	1,105,752.74	11,595,319.26
1889.....	9,270,225.73	1,095,063.03	8,175,162.70
Total.....	85,205,269.26	11,812,943.49	73,392,325.77

LEWIS A. GROFF, Commissioner.

GENERAL LAND OFFICE, May 5, 1890.

All which is respectfully submitted by

HENRY W. BLAIR,
For the Committee.

Mr. HOAR subsequently submitted an amendment intended to be proposed to the bill; which was ordered to lie on the table and be printed.

TRANSPORTATION OF MEAT PRODUCTS.

The PRESIDING OFFICER. The next bill on the Calendar will be stated.

The SECRETARY. A bill (S. 3717) to amend "An act to regulate commerce," approved February 4, 1887.

Mr. GORMAN. I trust that will go over without prejudice.

The PRESIDING OFFICER. The bill will go over without prejudice.

LIGHT-STATION IN YORK RIVER.

The bill (S. 3494) to establish a light-station at or near Page's Rock, in York River, Virginia, was considered as in Committee of the Whole. It proposes to appropriate \$25,000 to establish a light-station at or near Page's Rock, in York River, Virginia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES H. DENNIS.

The bill (S. 3078) to carry out the findings of the Court of Claims in the case of James H. Dennis was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 4, before the word "dollars," to strike out "twenty-nine thousand six hundred and thirty-eight" and insert "twenty-five thousand six hundred and thirty-eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to James H. Dennis the sum of \$25,638, being the sum found by the Court of Claims to be due to him by reason of certain contracts for the improvement of the Tennessee River.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SURETIES OF DENNIS MURPHY.

Mr. SPOONER. The bill (S. 1244) for the relief of the sureties of Dennis Murphy was passed over without prejudice in my absence. I ask that it may be now taken up.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to relieve the sureties of Dennis Murphy, who was formerly paymaster and military storekeeper at the national armory at Harper's Ferry, Va., upon his official bond to the United States as such paymaster and military storekeeper, executed on the 28th of April, 1858, from any and all liabilities by reason of such suretyship.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DWIGHT HALL.

The bill (S. 1418) for the relief of Dwight Hall was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate the claim made against the United States by Dwight Hall, of Wallingford, Conn., for the amount paid by him to the collector of internal revenue for the second district of Connecticut as taxes and penalties upon thirty thousand cigars manufactured by him and, previous to the payment of said tax or penalty, claimed to have been destroyed by an accidental fire; and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Dwight Hall or his personal representatives, or the person or persons who may be lawfully entitled thereto, any sum of money found, on such investigation, to be equitably due on account of payment of said tax and penalty, or either of them, and the said sum, when paid, to be in full satisfaction and discharge of all claim as tax or penalties on said cigars.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT STREET IMPROVEMENTS.

The bill (S. 2660) to provide for opening alleys and constructing sewers in the District of Columbia was announced as next in order on the Calendar.

Mr. COCKRELL. There are some provisions in that bill which I do not favor just now, and I think it had better be passed over.

The PRESIDING OFFICER. Objection being made to the present consideration of the bill, it will go over.

PUBLIC BUILDING AT COLUMBUS, GA.

The bill (H. R. 188) for the erection of a public building at Columbus, Ga., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Columbus and State of Georgia, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$100,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses; *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

No money shall be used or applied for the purposes mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Georgia shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The building herein provided for shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site, and the erection of a public building thereon, at Columbus, in the State of Georgia, and for other purposes."

Mr. PASCO. I move that the Senate insist upon its amendment and request a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. SPOONER, Mr. SQUIRE, and Mr. PASCO were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1) to protect trade and commerce against unlawful restraints and monopolies, further insisted on its disagreement to the amendment of the Senate to the amendment of the House to the bill, asked for a further conference thereon, with instructions that the House conferees recede from the original amendment of the House, and had appointed Mr. E. B. TAYLOR, Mr. STEWART, and Mr. CULBERSON of Texas the managers at the further conference on the part of the House.

EASTERN BRANCH BRIDGE.

The bill (S. 2589) to authorize the construction of a bridge across the Eastern Branch of the Potomac River at the Benning Road, in the District of Columbia, was announced as next in order.

Mr. HALE. Let that bill go over.

The PRESIDING OFFICER (Mr. PASCO in the chair). The bill will go over without prejudice.

MERCHANT MARINE AND OCEAN MAIL SERVICE.

The bill (S. 3738) to place the American merchant marine, engaged in the foreign trade, upon an equality with that of other nations was next in order on the Calendar.

Mr. FRYE. That bill and the one succeeding can not be considered to-day under Rule VIII, and I give notice that some time during the following week I shall move to proceed to the consideration of the two bills, one being supplementary to the other and the same discussion practically applying to both bills. But I will ask that they retain their place and be passed over informally.

Mr. REAGAN. What two bills are they?

Mr. FRYE. Senate bill 3738 now reached and the bill (S. 3739) to provide for ocean mail service between the United States and foreign ports, and to promote commerce.

The PRESIDING OFFICER. The bills will be passed over as requested by the Senator from Maine.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 4296) granting a pension to John De Witt Clark;

A bill (H. R. 4427) to restore to the pension-roll the name of Mrs. Mary E. Borke;

A bill (H. R. 4514) granting a pension to Elizabeth Burnett;

A bill (H. R. 5099) for the relief of Mrs. Angeline Green;

A bill (H. R. 7002) granting a pension to William Richardson;

A bill (H. R. 7473) for the relief of George P. Hartman;

A bill (H. R. 7915) granting a pension to Nancy Rarden;

A bill (H. R. 8167) granting a pension to Martha Hindman;

A bill (H. R. 8170) granting a pension to Elizabeth Keely;

A bill (H. R. 8226) granting a pension to James H. Fleming;

A bill (H. R. 8227) granting a pension to Ann Downey; and

A bill (H. R. 8604) granting a pension to Maria Brooks.

The bill (H. R. 6625) for the relief of William R. Boag was read twice by its title, and referred to the Committee on Military Affairs.

ORDER OF BUSINESS.

Mr. DOLPH. I ask the unanimous consent of the Senate to indulge me in a request for the consideration of the little bill which made so much commotion, which is simply to extend the time—

Mr. REAGAN. I think we had better go on with the Calendar. If we undertake to take up special cases I have one a little ahead that I should be very glad to call up; but I have not been willing to ask the Senate to leave the order of business to do so.

The PRESIDING OFFICER. Objection is made, and the next bill on the Calendar will be proceeded with.

MICHIGAN MILITARY ACADEMY.

The bill (S. 3052) for the relief of the Michigan Military Academy was considered as in Committee of the Whole. It proposes to relieve the Michigan Military Academy, at Orchard Lake, Mich., from all money responsibility for so much of the ordnance and ordnance stores issued to that college under its bonds dated November 26, 1877, March 13, 1878, February 1, 1886, and December 15, 1888, as was destroyed by fire on April 21, 1889.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE.

The bill (S. 3740) to authorize the construction of a bridge across the Missouri River between the city of Pierre, in Hughes County, and Fort Pierre, in Stanley County, in the State of South Dakota, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ST. AUGUSTINE MILITARY RESERVATION.

The bill (S. 2865) granting to the Jacksonville, St. Augustine and Halifax River Railway Company a right of way across the United States military reservation at St. Augustine, Fla., was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was, in section 1, line 11, after the words "right of way," to strike out "hereby granted," and in line 12, after the word "width," to strike out:

Except where side-tracks are constructed or to be constructed, and at such point or points the right of way shall not exceed 200 feet on each side of the main track or tracks of said company;

And insert:

And shall be subject to such change, revocation, or removal as may be prescribed by the Secretary of War, at the expense of the railway company;

So as to make the section read:

That the Jacksonville, St. Augustine and Halifax River Railway Company, a corporation duly organized and existing under the laws of the State of Florida, be, and is hereby, granted a right of way across the prolongation of "the lines" or ditch on the United States military reservation at St. Augustine, Fla., for the construction, maintenance, and use thereon of one or more tracks and sidings, as may be approved by the Secretary of War: *Provided*, That the said right of way shall not exceed 100 feet in width, and shall be subject to such change, relocation, or removal as may be prescribed by the Secretary of War, at the expense of the railway company.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 2. That the said company shall provide and keep clear a sufficient channel at the proper grade for the flow into and out of the ditch in "the lines," and shall, upon request by the Secretary of War, provide a grade-crossing for teams and tram-cars across its trucks in the prolongation of "the lines."

The amendment was agreed to.

The next amendment was to insert as a new section:

SEC. 3. That the work hereby authorized and directed shall be done to the satisfaction of the Secretary of War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT PEMBINA RESERVATION.

The bill (H. R. 7856) granting the right of way to the Duluth and Manitoba Railroad Company across the Fort Pembina reservation, in North Dakota, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. SAWYER. Mr. President, I was about to ask unanimous consent to take up the pension bills.

Mr. CULLOM. I hope the Senator will allow us to continue on the Calendar a little longer, say half an hour.

Mr. HOAR. Until half past 3.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be reported.

Mr. SAWYER. I ask unanimous consent that we now proceed to the consideration of pension bills.

Mr. HOAR. I hope the Senator will allow the Calendar to go on for half an hour longer. The pension cases are sure of consideration.

Mr. SAWYER. If Senators will consent at half past 3 to take up the pension bills, I shall not interfere now. I withdraw the request until that time.

ALMON R. TOBEY.

The bill (S. 2750) to remove the charge of desertion against Almon R. Tobey was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 7, after the words "volunteers and," to strike out "that he give to the said Almon R. Tobey an honorable discharge from said organization" and insert "discharged on February 1, 1862, from military service by civil process on account of being under the age of eighteen years."

Mr. COCKRELL. In the print of that bill a part of the amendment has been left out. After the word "and," in line 7, the words "and substitute therefor" ought to be inserted.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. It is proposed to amend the bill so as to make it read:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove from the records of the War Department the charge of desertion standing against Almon R. Tobey, late a private in Company I, Fifteenth Regiment Maine Infantry Volunteers, and substitute therefor, "discharged on February 1, 1862, from military service by civil process on account of being under the age of eighteen years."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN ALABAMA.

The bill (H. R. 75) to fix the regular terms of the circuit and district courts for the southern district of Alabama was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY C. BARNEY.

The bill (S. 3134) to perfect the military record of Henry C. Barney, of Pella, Tex., was considered as in Committee of the Whole. It proposes to require the Secretary of War to enter on the rolls of Company A, Seventh Regiment of Wisconsin Volunteer Infantry, the name of Henry C. Barney as duly mustered into the service of the United States on the 12th of June, 1861.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SURETIES OF JAMES D. REYMERT.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2310) for the relief of M. A. Fulton, Silas Staples, and the other sureties upon the official bond of James D. Reymert, executed to the United States on the 7th of February, 1860, as receiver of public moneys.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMANDER DENNIS W. MULLAN.

The joint resolution (J. R. 66) authorizing Commander Dennis W. Mullan, United States Navy, to accept a medal presented to him by the Chilean Government was considered as in Committee of the Whole.

Mr. COCKRELL. Mr. President, I would like to have some explanation from the Committee on Foreign Relations whether we are to pass a special act of Congress as a memento to accompany every officer who may visit the headquarters of any foreign army and stay there a few days for the purpose of making observations and then return. This is all that is stated here; this resolution says:

That Commander Dennis W. Mullan, United States Navy, be, and he is hereby, authorized to accept a medal presented to him by the Government of Chili, through the State Department of the United States, as a memento of his presence with the headquarters of the Chilean army at the battles of Chorrillos and Miraflores, in Peru, by virtue of an official order issued November 20, 1880, by Capt. J. A. Howell, United States Navy, then commanding the United States war-ship Adams, off Callao, Peru, to Commander Dennis W. Mullan to accompany General Baquedano, chief of the Chilean military forces, for the purpose of observing, as a representative of the American Navy, the military and naval operations then going on between the Governments of Chili and Peru, and making a report thereon to the proper authorities of the Government of the United States.

That is very distinguished service, very gallant, very meritorious, but I have never found that the Government of the United States has authorized a man to accept a medal for such stuff as that.

Mr. PAYNE. If the Senator will permit me to make a single word of explanation, I think he will withdraw his objection. The Committee on Foreign Relations has not been inclined to recommend the acceptance of these decorations except under special circumstances. There is, of course, no very large merit in this man's services while observing these battles, but the committee were influenced mainly by the merit of this man. He is one of the most gallant officers in our Navy, and he was at Samoa in command of one of our vessels there, and at the risk of his life led a company of marines on board of the American vessel to protect the natives against the assaults made on them there, and also aided in rescuing men during the terrific storm there which wrecked so many vessels. He exhibited most heroic conduct; so much so that the Legislature of Maryland unanimously passed a resolution commending him and praising him for his services on that occasion, and they have desired that this medal of honor shall be permitted to be conferred upon him.

The Secretary of State has also highly recommended that he be permitted to accept this medal. The services which were rendered at the battles referred to in the joint resolution were not very important, to be sure, nor very valuable, but as an indication of the recognition of merit on the part of the Government of this man this is recommended, and I think therefore it is not worth while to defeat the resolution.

Mr. EDMUNDS. Mr. President, Mr. Mullan is undoubtedly a very gallant officer and he deserves every commendation from the people of the United States, so far as I know; but the precise thing for which this decoration is to be given was not on account of what he did at Samoa, which happened some years after his being in Chili, but on account of the fact that through grace or favor he, like every other officer in the Navy and the Army, wanted to see something of foreign countries and affairs, which is perfectly praiseworthy.

Mr. PAYNE. The Senator is mistaken, if he will allow me. It was not at his own request. He was designated by the commander of our navy in that part of the world. An English vessel tendered conveyance to the scene of the battle to all foreigners desiring to visit it, and he went with the rest of the party. He made a report which was said to be very creditable.

Mr. EDMUNDS. Exactly so, Mr. President; but anybody who knows the gallantry and the enterprise of the officers of the Army and the Navy knows very well that there is not an opportunity offered within reach or within sight for these officers to do that sort of thing that there is not a struggle among every one in the ward-room to get that opportunity to distinguish and decorate himself. It is all perfectly right. Let them try it, as they have year in and year out. Here one goes to Europe, another goes to South America, another goes to China, and so on and so on.

Some go to the Paris exposition, not a very dangerous thing, except to the pocket of the officer—it may be to that—but not to his life or health, and then comes a medal.

The policy of the United States, settled by the fathers, of whom I am sorry or glad, as the case may be, to say we are the grandsons or whatever, thought it unfit for the equality and the pride of the officers of the United States that any of them should receive any title or decoration from any foreign government, except by the authority of Congress, which implies that there might be an exceptional instance of

extraordinary condition and circumstance that made that man, not by his self-seeking (which I do not say Mr. Mullan was guilty of any more than any of the rest), but made that man a conspicuous object that all nations ought to admire for the thing for which the medal was given, and then Congress was authorized to grant it.

The Committee on Foreign Relations—as I see my honorable friend, the distinguished chairman [Mr. SHERMAN], is not here, I must speak for him—has thought it fit for some years past, against the vote of a not very considerable minority, I am sorry to say—and in that small minority I have stood as one all the time—to recommend every decoration, with one or two exceptions, and those were gotten over the next year, for anybody who in the Army or Navy of the United States could through his friends find the opportunity to display himself in a foreign country on some ceremonious occasion, that he should come back and forever after walk among his fellow officers at dress parades with the star of an empire on him. It is all very fine for personal ambition, but I do not think it fine for our republican notions of republican institutions; and therefore, in committee, if I was present, I certainly voted against this joint resolution, not because this gentleman is not a gentleman of the highest character and of the most gallant composition and all that, but because I believe it is not the fit thing for a republican government to authorize any foreign decoration, which, in the ranks of the officers either of the Army or the Navy, makes a distinction that they all feel should not be given except in the extraordinary cases I have named.

Now, I think I have fairly stated the case of the committee, and I have stated my own, too.

Mr. PAYNE. The Senator from Vermont has stated his side of the case pretty well, but I believe the Senator from Vermont never does give his approval to anything of this kind.

Mr. EDMUNDS. Oh, yes, I do. I have approved, so far as my humble vote in committee would go, where a man in our Navy or Army, at the risk of his life and in cases of utmost despair, distinguished himself in saving a foreign vessel or ship, and the king or potentate of that country proposed to recognize it; in such cases I have said "amen" gladly.

Mr. PAYNE. That may be, but in all the cases I have known in our committee (and I have been intrusted with reporting five or six of them) we have always encountered the opposition of the Senator from Vermont.

Now, if there is real danger to our republican government in permitting this gallant officer to accept this decoration from the Chilean Government, of course it should not be done. We were apprehensive, in our present diplomatic relations with the South American states Chili and Peru, that there might some delicacy appear about permitting this officer to accept this medal; and therefore it was thought better to communicate with the Secretary of State about that, and Mr. Blaine replied that there was no objection whatever; that it would not in the least embarrass our relations with Chili or Peru to permit this officer to accept this medal. I do not know what this medal is worth, but there is a sort of pride, professional perhaps, in these officers which the Senator from Vermont and myself may not thoroughly appreciate, but they do attach a great deal of importance to it, and I think that, in view of the gallant conduct of this officer at Samoa, it would be ungracious and that it would be rather a disparagement to him for us to refuse to do something when the Secretary of State has asked it, when the Secretary of the Navy has asked it, and when the Legislature of Maryland also has highly indorsed it.

I have no personal interest whatever in the matter. I regret that the Senator from Maryland is not here. If he were here he would state much better than I can the reasons for passing the joint resolution.

Mr. COCKRELL. If this joint resolution can be amended so as to express the reasons which the Senator from Ohio has assigned for recognizing this officer in the way proposed, I am willing for it to pass; and that is, that we pass this resolution authorizing Commander Mullan to accept this decoration in consideration of his distinguished and valuable services in Samoa. Now, if the committee will put an amendment of that kind in the resolution, I shall have no objection to it; but simply to pass an act of Congress authorizing him to receive a medal because he happened to be around headquarters looking on I think is not proper. We might just as well pass an act of Congress authorizing every officer who has been to the Paris exposition or the Vienna exposition, or to our own exposition for that matter, if somebody with the style of a lord or a duke, or something of the kind, shall hand him a pocket-knife or a handkerchief or a walking-cane, to accept it.

Mr. EDMUNDS. The real trouble is—

The PRESIDENT *pro tempore*. The Senator has spoken once on the joint resolution.

Mr. COCKRELL. Let the joint resolution go over.

Mr. SPOONER. As this is a matter of great importance, I ask unanimous consent that the Senator from Vermont may be allowed to proceed.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

Mr. EDMUNDS. Mr. President, I do not wish to violate any rule.

The PRESIDENT *pro tempore*. Unanimous consent is given that the Senator may proceed.

Mr. EDMUNDS. The real trouble, to speak seriously about this business, is not about this particular case, but it is the whole range of them. It is that the officer who gets the particular medal or decoration feels it and parades it—I am not complaining of him that he does it if we choose to give it to him—always afterwards in his corps and rank in the Army or Navy as a distinction that puts him above his brothers. So, in eight cases in ten, my belief is, not making the least reference to this case, which I know nothing about the details of as regards how this gentleman came to go there, the officer has got that opportunity to get a decoration and see something in a foreign country by the urgent solicitation of the Senator from Vermont to the Secretary of the Navy or the Secretary of War, as the case may be. I say the Senator from Vermont, in order not to make any invidious distinctions. Therefore it is that the fountain of the business is that, through friendship and favor, some particular gentleman in the ward-room or in the Quartermaster's Office or Adjutant-General's Office, through influence—and we all know what that means—gets the opportunity, that they are all hungry for, to go and see a battle or do whatever, and then, coming back, he is evermore to be distinguished among his comrades as having got a foreign decoration. I do not believe in that sort of thing, without the slightest reference to this particular gentleman.

Mr. FRYE. Is not the Senator from Vermont mistaken about one thing? He suggests that these gentlemen are permitted to wear around or march around with these decorations, and all that sort of thing. My recollection is that there is a law which, after decorations are accepted, prevents officers wearing them at all, and I do not think they are allowed to wear under the law any decorations from any foreign government.

Mr. EDMUNDS. I should like to see that law. I shall have to ask for a division if the resolution is pressed to a vote.

The PRESIDENT *pro tempore*. The joint resolution has not been read. It will be read at length.

Mr. HOAR. I understand that the Senator from Vermont [Mr. EDMUNDS] demanded a division. Am I correct?

The PRESIDENT *pro tempore*. The bill has not yet been read in Committee of the Whole.

Mr. HOAR. If he did, that operates as an objection to the case in the present condition of the Senate.

The PRESIDENT *pro tempore*. Does the Senator suggest the want of a quorum?

Mr. HOAR. No; but I say a division will disclose probably whether there be a quorum or not, and I will object to the resolution.

The PRESIDENT *pro tempore*. The Senator from Massachusetts objects.

Mr. BLAIR. I hope the Senator from Massachusetts will withdraw his objection. We ought to do some business to-day.

Mr. HOAR. I want to vote for the joint resolution, but I understood the Senator from Vermont to ask for a division.

Mr. BLAIR. The Senator must bear in mind if he wants to vote for the resolution that if he objects to it he can not vote for it. I hope the Senator will withdraw his objection, so that he can vote for the resolution.

Mr. PAYNE. I desire to explain—

The PRESIDENT *pro tempore*. The Senator from Ohio has spoken once.

Mr. EDMUNDS. I ask that unanimous consent be given him to proceed.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the Senator from Ohio may be allowed to proceed. The Chair hears no objection.

Mr. PAYNE. I will not occupy time. I have sent for the letter of the Secretary of State, and also for the resolution of the Maryland Legislature, approved by the executive of that State, but I have not yet received them. If I had them here to read to the Senate there is not a member of this body who would not be ashamed to object to the resolution.

Mr. COCKRELL. The resolution can pass over, and when you get those documents you can read them.

Mr. EDMUNDS. Let it go over without losing its place.

The PRESIDENT *pro tempore*. The joint resolution will be passed over without prejudice, retaining its place on the Calendar.

MAJ. JOSEPH W. WHAM.

The bill (S. 1759) for the relief of Maj. Joseph W. Wham, paymaster, United States Army, was considered as in Committee of the Whole. It directs the proper accounting officers, in settling and adjusting the accounts of Maj. Joseph W. Wham, paymaster, United States Army, to credit him with the sum of \$28,345.10, Government funds, of which he was robbed in Graham County, Arizona Territory, on the 11th day of May, 1889, without his fault.

Mr. EDMUNDS. Let us hear the report.

Mr. SPOONER. The report is quite a lengthy one. I can state the case in a word, and perhaps it will not be necessary to read the report. Major Wham, for whose relief this bill was introduced, had for many

years been a paymaster in the Army. He served during the war, and was not only an efficient paymaster, but on several occasions a gallant fighting soldier. He was ordered on May 11, 1889, or a day or two before that, to proceed to Cedar Springs, Ariz., and from one point to another, to pay troops. He had an escort, I think, of eleven colored soldiers, and while proceeding along the highway in a desolate region he was attacked by a large number of men who were scattered in different points.

Mr. EDMUNDS. Were there more than seven?

Mr. SPOONER. There were over seven, and he fought them with his troops. The escort was composed of colored soldiers. The colored troops fought nobly, and they were all wounded, I believe, with the exception of one. I think there were eleven in all. The paymaster was not wounded, but he was there fighting with the soldiers and among those who were wounded. The robbers had them at a great disadvantage; they were firing upon them from different directions, and, after Major Wham and his escort had defended the wagon and defended themselves until all the escort, with possibly the exception of one, were wounded and disabled, the safe was taken.

The Secretary of War has, I believe, under the direction of the President and after a thorough investigation of the case, issued a medal to each of the escort for gallantry upon that occasion.

Mr. EDMUNDS. Is the bill recommended by the Department?

Mr. SPOONER. Yes, sir; I believe it is recommended by the War Department and the Paymaster-General and everybody else who could possibly have any connection with it. It is a clear case.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. SAWYER. Mr. President, I now ask unanimous consent that we proceed to the consideration of private pension bills on the Calendar unobjected to.

Mr. BATE. Mr. President—

Mr. REAGAN. I ask the Senator from Wisconsin if he will allow me to call up Order of Business 1199? If it gives rise to debate I shall withdraw the request.

Mr. EDMUNDS. I wish to ask the Senator from Wisconsin to allow me to call up the order of business about an additional judge in New Mexico, which is a very pressing thing.

Mr. BATE. Mr. President, before disposing of the request of the Senator from Wisconsin, I wish to state that I have received two telegrams about a bill on the Calendar that we have nearly reached, and I think if the bill is taken up there will be no objection to it.

Mr. SAWYER. If the Senate has no objection to taking up the bill of the Senator, I shall not object to yielding the floor after the pension cases are disposed of.

Mr. BATE. If I can have the floor, I shall not object to the request of the Senator from Wisconsin. But there is no contest in the world about the bill I desire to have taken up, and I think it will only occupy two or three minutes.

Mr. SAWYER. Let us get up the pension bills and then I will give way.

The PRESIDENT *pro tempore*. Does the Senator from Wisconsin yield?

Mr. SAWYER. I will yield after we get the pension bills up.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks unanimous consent that the Senate do now proceed to the consideration of private pension bills on the Calendar favorably reported. Is there objection?

Mr. BATE. That is with the understanding that the Senator will give way to the bill to which I have referred.

Mr. SAWYER. I will give way if the Senate is willing.

Mr. BATE. Under that consideration I make no objection.

The PRESIDENT *pro tempore*. There can be no qualified or conditional objection. Is there objection to the request of the Senator from Wisconsin? The Chair hears none and the Secretary will report the first private pension bill on the Calendar.

The bill (H. R. 4967) granting a pension to Catharine Reed was announced as first in order.

Mr. REAGAN. Mr. President, I now ask the Senator from Wisconsin if he will allow Order of Business 1199 to be taken up. It is the bill (S. 3039) authorizing the construction of a public building for a post-office in the city of Palestine, Tex.

Mr. SAWYER. Let us go on a little while with the pension bills.

Mr. EDMUNDS. I hope the Senator from Texas will not insist against these private pension bills.

Mr. SAWYER. I think I must insist on the regular order.

Mr. REAGAN. Very well. I shall not press the request now.

CATHARINE REED.

The bill (H. R. 4967) granting a pension to Mrs. Catharine Reed was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Catharine Reed, widow of Eben P. S. Reed, late of Company D, One hundred and second Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMANDA J. DELAP.

The bill (H. R. 5118) granting a pension to Amanda J. Delap was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Amanda J. Delap, mother of William A. Delap, late of Company H, Eleventh Regiment Wisconsin Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTOPHER C. FUNK.

The bill (H. R. 7958) granting a pension to Christopher C. Funk was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Christopher C. Funk, late of Company D, One hundred and thirty-fifth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS B. SHAW.

The bill (S. 3723) granting an increase of pension to Thomas B. Shaw was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas B. Shaw, of Port Huron, Mich., at \$20 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

B. F. HILLIKER.

The bill (H. R. 9359) to increase the pension of B. F. Hilliker was considered as in Committee of the Whole. It proposes to increase the pension of B. F. Hilliker, late Company A, Eighth Regiment Wisconsin Infantry, to \$72 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLINTON SPENCER.

The bill (H. R. 8910) granting an increase of pension to Clinton Spencer was considered as in Committee of the Whole. It proposes to place on the pension-roll, at the rate of \$60 per month, the name of Clinton Spencer, late captain Company I, First Michigan Infantry Volunteers, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAURA L. WALLEN.

The bill (H. R. 4461) granting an increase of pension to Laura L. Wallen was considered as in Committee of the Whole. It proposes to increase the pension to Laura L. Wallen, widow of Henry D. Wallen, late colonel of the Second Infantry, United States Army, to the sum of \$100 per month.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. SAWYER May 28, 1890:

The Committee on Pensions, to whom was referred the bill (H. R. 4461) granting an increase of pension to Laura L. Wallen, have examined the same and report:

The report on which this bill was passed by the House is concurred in. It is appended hereto.

The bill is reported favorably, with a recommendation that it do pass.

[House Report No. 652, Fifty-first Congress, first session.]

The claimant's late husband, Col. Henry D. Wallen, of the Second United States Infantry, was appointed brevet second lieutenant in the United States Army immediately upon his graduation from the Military Academy, July 1, 1840, and from that time until placed on the retired-list as colonel, United States Army, February 18, 1874, he was actively engaged in the military service of the country and received promotion to all the grades from brevet second lieutenant to that of colonel.

Colonel Wallen died December 2, 1886, in New York City, of disease contracted in the service and line of duty. His service, as shown by the records of the War Department, was of a high order and (notwithstanding the long period of time covered by it) is without a blemish. He served in the war with Mexico, and for long periods of time was stationed on the extreme Western and Southwestern frontiers of the United States. He also saw service on the Atlantic coast, and for a time after the war of the rebellion was stationed with his command in the Southern States.

The claimant, in her application for increase of pension, calls attention to her husband's honorable and meritorious military record, and declares that he was unjustly discriminated against during the late war, and thereby deprived of the opportunity to gain rank and distinction in that war. That Colonel Wallen was intensely loyal to the Union during the late war is clearly shown by copies of letters written by him just before the war, and correspondence on file in the War Department (copies of which are on file with the case) shows that repeated applications were made by him and by others of high military and civil station for him to be allowed to assume his proper command and participate as a true and loyal soldier of the Union in the war of the rebellion; but for some unaccountable reason his application was persistently denied, and he was placed on duty with but a few companies of his regiment at a New Mexican post, while the greater part of his command was serving in the East under command of an officer his junior in rank.

That Colonel Wallen was harshly and unjustly dealt with in this matter is shown by no less an authority than General U. S. Grant himself (with whom Colonel Wallen was on terms of intimacy and friendship), in a letter written by him in February, 1865, to Hon. E. M. Stanton, then Secretary of War, which letter reads as follows:

HEADQUARTERS ARMY OF THE UNITED STATES,

City Point, Va., February, 1865.

SIR: Whilst in Washington on my late visit I took occasion to examine copies of all the official correspondence between Maj. H. D. Wallen, Seventh United

States Infantry, and army of General Thomas, on the occasion of the major being ordered to New Mexico. The correspondence on the part of Wallen is creditable to him.

It shows a desire to get into the field, where he might have an opportunity to earn promotion. It would seem that he was pushed off to New Mexico, where but a handful of his men were serving, while the greater part of his regiment was serving in the East, most if not all the time commanded by his junior. It really seems to me, from a fair examination of these papers, that Major Wallen has been harshly dealt with. I would most earnestly recommend, as a partial reward for past disappointment which Major Wallen has suffered and for services rendered by him in New Mexico, as testified to by General Carlton, that he be brevetted lieutenant-colonel and colonel in the regular Army.

Very respectfully, your obedient servant,

U. S. GRANT.

Hon. E. M. STANTON,

Secretary of War.

Under date of January 18, 1862, President Lincoln sent the following communication to the Adjutant-General United States Army:

"To-day Governor Crittenden, Senators Hale, Lane, and Nesmith call and beg that Major Wallen may not be sent to New Mexico for duty, but that he may be retained for duty on this side. I sincerely desire this may be done, if it can be without too much derangement of the public service."

It seems, however, that even with this Major Wallen's honorable ambition was not gratified, and he was sent to New Mexico as above stated, where, in obedience to orders most distasteful to an officer anxious for military distinction and rank, he performed faithful and most notable service.

The following is quoted from a report made in the case of Mrs. Wallen by your committee in the Fiftieth Congress:

"His (Colonel Wallen's) knowledge of the Indian tribes and his great tact and judgment in dealing with them pointed to him as a man suited to the arduous and delicate task of dealing with the warlike tribes of Apaches and Navajos on the frontier of New Mexico. Though averse to this service in the condition of the country, as his letters to the War Department, to President Lincoln, and to the Military Committee of the Senate show, he complied with the orders of the Secretary of War with such zeal and energy that, though commanding but three companies of his regiment, composed of fresh volunteers, he kept the frontier, that for a century had been exposed to the violence of savage tribes, in a condition of peace that it had rarely known."

"About 9,000 Indians were brought into a reservation, disarmed, and induced to labor; land was reclaimed by irrigation; crops planted and harvested in peace, while all the energies of the Government were engaged in the prodigious work of war. The value of this frontier service can scarcely be overrated; but for the discretion and executive ability of Colonel Wallen the whole frontier of New Mexico would have blazed with the fires of savage warfare and the Government embarrassed at a time when it had no forces to spare."

The high character, military capacity, and executive ability of Colonel Wallen were vouched for in glowing terms in later years by Generals Grant, Sherman, Sheridan, and other distinguished men.

The claimant, Mrs. Wallen, is now advanced in years and has no property from which to derive a support for herself and young daughter, and her pension of \$50 per month constitutes her sole income.

In view of Colonel Wallen's distinguished and valuable services your committee are of the opinion that his widow should be granted such a pension as will afford her an adequate and independent support during her declining years, and the passage of the bill is therefore respectfully recommended.

Mr. COCKRELL. I am opposed to this bill in principle, and I desire to record my vote against it. I shall not interpose any objection to its consideration, but I call the attention of the Committee on Pensions very respectfully to the fact that this, in my judgment, is in violation of the rule which they have established in many other cases. It is not treating equally and fairly other widows who have equal claims and who have been refused an increase of pension to \$100.

Mr. HALE. How much pension does this give?

Mr. COCKRELL. One hundred dollars per month.

Mr. REAGAN. If the Senator from Missouri does not object, I shall object to the passage of the bill, because it certainly is a violation of all principles of reasonable justice.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

SARAH L. KNIGHT.

The bill (S. 2184) granting a pension to Sarah L. Knight was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah L. Knight, dependent invalid sister of Albert E. Knight, formerly of Company E, First Regiment Maine Cavalry Volunteers, at \$12 a month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JONATHAN DEAN, SR.

The bill (H. R. 2418) granting a pension to Jonathan Dean, sr., was considered as in Committee of the Whole. It proposes to place on the pension-roll at \$25 per month the name of Jonathan Dean, sr., a soldier in the war of 1812.

Mr. EDMUNDS. What is the difficulty about that gentleman getting his pension under the regular law? Let the report be read. That will probably explain it.

The Secretary read the following report, submitted by Mr. SAWYER May 29, 1890:

The Committee on Pensions, to whom was referred the bill (H. R. 2418) granting a pension to Jonathan Dean, sr., have examined the same, and report:

The report on which this bill was passed by the House is concurred in and is as follows:

"The Committee on Pensions, to whom was referred the bill (H. R. 2418) granting a pension to Jonathan Dean, sr., have considered the same, and beg leave to submit the following report:

"The claimant prays that he be granted a pension at \$5 per month as a soldier of the war of 1812, and in his petition declares that he was born March 1, 1796, in Orange County, N. Y.; that at the age of fourteen years he was apprenticed to one Joseph Hulbert, of Buffalo, N. Y., and while serving as said apprentice the war of 1812 broke out and said Hulbert enlisted therein as a minute-man, but that whenever a call was made for minute-men Hulbert sent him (the petitioner) as a substitute, and he answered to the name of 'Joseph Hulbert.' He first reported for duty at Black Rock, Erie County, New York, in

September, 1812, and he was in the service as a minute-man from that time until September, 1814, when he was honorably discharged at Canandaigua, N. Y., on account of an ax wound of right foot, received in the service."

"His officers were General Peter B. Porter, Colonel Chapman, Capt. William Sample, Lieut. Caleb Rogers, Orderly Sergeant Rozelle, and while in said service he was frequently on guard and performed all duties required of him as a soldier. He says further that he participated in the battle of Buffalo, in December, 1813, and was also engaged in several skirmishes, and in September, 1813, he was wounded in the left thigh by a musket-ball while foraging on the Canadian side."

"The claimant states further that his brothers Gabriel, William, and David were also soldiers of said war, but that they, as well as the officers and men with whom he served, are all dead, and that in the fall of 1842, while he was away from home, his certificate of discharge from said service, together with some promissory notes amounting to \$200, were destroyed and lost by a grandchild."

"He further declares that he has always been a loyal citizen and has never received any pension or bounty land for services in said war."

"On June 26, 1871, the claimant filed an application for pension under the war of 1812 service act of February 14, 1871, but a record of the alleged service could not be found, and the claim was rejected by the Pension Bureau on that ground. The claimant, however, continued in apparent good faith to press his claim by furnishing all the data at his command by which a record of his service could be traced, but without avail, as the said record could not be found after an additional search of the archives of the Government; and he now petitions Congress to grant him relief by special act."

"Hon. E. S. Lacey, Comptroller of the Currency, United States Treasury, states in a communication addressed to Congress that he has read the claimant's petition and while he has no personal knowledge of the facts therein stated as to the service of the petitioner, he has known him for forty-six years, and has always regarded him as honest, trustworthy, truthful, and intelligent, and he gives full faith and credit to the statements made in said petition; also that the claim therein made has long been familiar to most of his (claimant's) neighbors and regarded as well founded."

"Mr. Lacey adds that the claimant is now over ninety-three years old and has always been a loyal man and a law-abiding citizen of good character and pure life."

"Hon. D. B. Ainger, adjutant-general of Michigan, and Philip T. Vanzile testify to an acquaintance with the claimant of over ten years, and that he has always borne the reputation of being a truthful and honorable citizen. These gentlemen add that they have no reason whatever to doubt the facts set forth in the claimant's said petition."

The bill is reported favorably with a recommendation that it do pass.

Mr. EDMUNDS. This case stands on the statement of the claimant alone. There is nothing else whatever. His name does not appear on the rolls.

Mr. COCKRELL. Then the bill will not be passed to-day, Mr. President.

The PRESIDENT *pro tempore*. The bill will be passed over.

MARY ANN LANG.

The bill (H. R. 1404) granting a pension to Mary Ann Lang was considered as in Committee of the Whole. It proposes to place the name of Mary Ann Lang, widow of Peter Lang, late private Company K, Sixteenth Regiment Michigan Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE F. WHITE.

The bill (H. R. 1884) granting a pension to George F. White was considered as in Committee of the Whole. It proposes to place on the pension-roll the name George F. White, late of Company I, Third Regiment Wisconsin Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTIAN KUNZIE.

The bill (H. R. 4036) for the relief of Christian Kunzie was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Christian Kunzie, dependent father of Henry Kunzie, of Company G, First Regiment Michigan Sharpshooters, killed in battle.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. SALLIE H. WILSON.

The bill (H. R. 8560) granting a pension to Mrs. Sallie H. Wilson was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Mrs. Sallie H. Wilson, widow of Isaac H. Wilson, late sergeant in Company G, Seventy-seventh Regiment New York State Volunteers.

Mr. EDMUNDS. What does that mean? Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. SAWYER May 29, 1890:

The Committee on Pensions, to whom was referred the bill (H. R. 8560) granting a pension to Mrs. Sallie H. Wilson, have examined the same and report: The report on which this bill was passed by the House is concurred in and is as follows:

"The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8560) granting a pension to Mrs. Sallie H. Wilson, submit the following report: "Mrs. Sallie H. Wilson is the widow of Isaac H. Wilson, who enlisted in Company G, Seventy-seventh Regiment New York Volunteers, September 23, 1861, and served until December 13, 1864, when discharged by reason of amputation of left arm from gunshot wound received in action at Winchester, Va., September 19, 1864. At date of his death, December 16, 1890, he was a pensioner at the rate of \$45 per month, under the act of August 4, 1886."

"In addition to the amputated arm he also suffered from gunshot wound of right arm, received in the battle of the Wilderness, which wound greatly impaired the use of said arm. At time of his death Mr. Wilson was the general superintendent of the Ohio, Indiana and Western Railway. He, in company with five others, was traveling in the pay-car of said railroad, when, near Cov-

ington, Ind., a wheel on said car broke, turning the same over on its side, when he was thrown into a window of the car and killed.

"It appears that all other persons in the car who were similarly situated were able to save themselves, but could do so only by the use of their two hands, holding to their seats to prevent their being thrown into the windows. It was the general opinion of Wilson's companions that had he had two arms he could have saved himself also.

"Mrs. Wilson was left in needy circumstances, with a child of five years of age to support and educate.

"The circumstances surrounding the untimely death of this brave defender of the Union are such as to leave but little, if any, doubt upon the minds of your committee that the injuries incurred in service must be held as contributory thereto, and that the case, although not admissible under the general law, should receive favorable consideration at the hands of Congress."

The bill is reported favorably with the recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BETSY E. COLE.

The bill (H. R. 1405) granting a pension to Betsy Cole was considered in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment in line 6, before the word "Cole," to insert the letter "E." so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate prescribed by existing provisions of law, the name of Betsy E. Cole, widow of James A. Cole, late private in Company E, First Michigan Volunteer Infantry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Betsy E. Cole."

AMENDMENTS TO BILLS.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the consular and diplomatic appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of May 2, 1890, a report from the Chief of Engineers relative to the tunnel in process of construction between the two reservoirs in the District of Columbia, etc.; which was read.

The PRESIDENT *pro tempore*. The resolution to which this communication is a response was submitted by the Senator from Ohio [Mr. SHERMAN] not now in the Chamber. The communication, with the accompanying papers, will lie on the table, and be printed.

MARY W. SMALLEY.

The bill (H. R. 2424) granting a pension to Mary W. Smalley was considered in Committee of the Whole. It proposes to place on the pension-roll the name of Mary W. Smalley, step-mother of Jonas Smalley, late a private in Company K, Twenty-first Michigan Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY L. POTTER.

The bill (H. R. 7263) to increase the pension of Henry L. Potter was considered in Committee of the Whole. It proposes to increase the pension of Henry L. Potter, late colonel of the Seventy-first Regiment of New York State Volunteers, to \$72 per month.

Mr. EDMUNDS. I should like to hear the report read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. BLODGETT May 29, 1890:

The Committee on Pensions, to whom was referred the bill granting an increase of pension to Henry L. Potter, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives heretofore appended is adopted, and the passage of the bill recommended.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7263) to increase the pension of Henry L. Potter, submit the following report:

Henry L. Potter entered the service as lieutenant-colonel of the Seventy-first New York Volunteers July 18, 1861; he was granted thirty days' leave of absence November 23, 1861, on the ground of disability, resulting from a severe contusion of chest and injury to the spine, caused by his horse falling with and upon him; wounded in action August 27, 1862, in battle at Bristoe Station, Va. Register of commissioned officers shows him severely wounded in the left hand at date and place aforesaid. Under date of October 29, 1862, he was granted thirty days' sick leave on account of this wound. The surgeon's certificate shows that the wound of hand had not yet healed, and there remained a fistulous opening, through which purulent matter discharged. Mustered in as colonel May 1, 1863. On August 20, 1863, he was granted sick leave for twenty days upon the following surgeon's certificate:

"I have carefully examined this officer, and find that he is suffering with gastroenteritis, nephritis, dysentery, causing general debility, besides contu-

sion of left leg above the ankle, caused by a piece of shell striking the part at the battle of Gettysburgh."

He was finally discharged, to date December 31, 1864.

A pension at the rate of \$30 per month was granted him by the Pension Office October 9, 1869, for gunshot wound of left hand and wrist, wound of left leg, chronic diarrhea, and injury to chest.

The wound of hand alone entitles this officer to total in grade, or \$30 per month, because of the ankylosed condition of the wrist. The wound of knee, according to the report of the examining surgeons, is 7 inches from knee, and has the appearance of having been severe in character. The disability is of a muscular character. The other injury of the leg is confined to its inner side. The cordicle is highly discolored. The muscles of the leg are flabby, and the measurements around are decidedly less than those of the right. The contusion incident to the injury serves to explain the numbness, muscular inability, and swollen condition of ankle. Disability from wounds of leg one-half total. In addition to the wounds above described, Colonel Potter is now and has been suffering for many years with lung affection as well as its usual sequela, disease of heart.

Colonel Potter filed a claim for increase in 1876, alleging that by reason of his disabilities he has become so helpless as to require the regular aid and attendance of another person. This claim was rejected, however, because the evidence was not deemed sufficient to show that he required that regular aid and attendance as described in the act of June 18, 1874, and Congress came to his relief by granting him an increase to \$50 per month under an act approved June 20, 1888.

Since that date he has become totally helpless, as appears from the evidence filed with your committee, but, inasmuch as Congress has fixed the rate of his pension by special act, the Pension Office is debarred from a further and favorable consideration of his claim for increase.

Dr. W. Updyke Selover, of Rahway, N. J., testifies under date of March 15, 1890, as follows: "I have attended, examined, and prescribed for Colonel Potter quite recently; that his chronic bronchitis, asthma, and heart disease are increasing upon him and are of more aggravated and permanent character and render him more helpless; that he is so advanced in years and so broken in constitution and health that there is no probability of his recovery from his present state of helplessness, and that during all of the time that deponent has known Colonel Potter, for more than twenty years last past, he has been of good moral character and of temperate habits, and that his diseases, disabilities, and utter helplessness are not the result in any way of intemperance or immorality, but are undoubtedly a sequence of his wounds and injuries received and hardship endured in his army service." "Colonel Potter is so permanently and totally disabled as to require the regular aid and attendance of another person."

Your committee is clearly of opinion that the case is one entitled to the favorable consideration of Congress, and therefore return the bill with the recommendation that it do pass.

Mr. EDMUNDS. I should like to hear the bill read again.

The PRESIDENT *pro tempore*. The bill will be again read.

The Secretary read the bill.

Mr. EDMUNDS. I move to amend the bill by striking out the words "seventy-two dollars per month," and inserting, as we did a day or two ago, "according to his increased disability." It appears from the report that in 1888 Congress passed an act carrying his pension up to \$50 a month, and the committee report that the only difficulty now is that Congress has limited it. I think that he ought, like all the other soldiers, to have the examination of the Pension Office as to the amount of the increase of his disabilities.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. After the word "volunteers," in line 6, it is proposed to strike out the words "to seventy-two dollars per month," and insert "according to his increased disabilities;" so as to read:

To increase the pension of Henry L. Potter, late colonel of the Seventy-first Regiment of New York State Volunteers, according to his increased disabilities.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JANE M. MCCRABB.

The bill (H. R. 7369) to restore the pension to Jane M. McCrabb was considered in Committee of the Whole. It provides that the act entitled "An act to restore pensions in certain cases," approved June 9, 1880, shall be construed so as to include within its provisions Jane M. McCrabb, widow of Capt. John W. McCrabb, deceased, late a captain in the United States Army.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. FAULKNER May 29, 1890:

The Committee on Pensions, to whom was referred the bill to restore the pension of Jane M. McCrabb, have examined the same and report:

We adopt the report submitted in this case by the House Committee on Invalid Pensions, and recommend the passage of the bill.

The House report is as follows:

"Mrs. Jane M. McCrabb, as the widow of Capt. John W. McCrabb, deceased, late a captain in the United States Army, received a pension of \$25 per month until the passage by Congress of a law in 1868, the provisions of which were construed by the Secretary of the Interior to require him to reduce said pension to \$20 per month, which has been the amount received by Mrs. McCrabb since that time.

"The widows of officers of the Navy were included within the provisions of the aforesaid law, but Congress restored their pensions by the act of June 9, 1880, entitled 'An act to restore pensions in certain cases,' and the object of this bill is to include Mrs. McCrabb within the provisions of said act.

"Capt. John W. McCrabb was appointed to West Point from Tennessee in 1829, graduated in 1833, and reported for duty as brevet second lieutenant of Fourth Infantry, United States Army, then in Louisiana. From there he was detailed for topographical duty, on which he served until the early fall of 1835, when he joined his regiment and participated in active service against the hostile Creeks on the Georgia and Alabama line, where he rendered gallant service.

"In winter of 1837 he was appointed captain in the Quartermaster's Depart-

ment, United States Army, and reported for duty to General Jessup, then commanding troops in Florida in the war against the Seminole Indians, and subsequently to General Zachary Taylor, who succeeded General Jessup.

"Here Captain McCrabb discharged the responsible duties of his position with zeal and fidelity until November 6, 1839, when he died in St. Augustine, Fla., of the yellow fever, then prevailing in Florida.

"The widow of Captain McCrabb, Mrs. Jane M. McCrabb, has now attained a ripe old age, and seriously needs the assistance asked for by this legislation.

"After a review of the facts the committee report the bill back and recommend its passage."

Mr. EDMUNDS. I should like to ask the Senator who reported this bill or some member of the committee why this lady does not now come within the act of Congress referred to that restored the pensions, as it is said, of other people in that class? I am not able to understand from the report what the difficulty is.

Mr. PADDOCK. The member of the committee who reported the bill not being present, I think it had better go over without prejudice.

Mr. EDMUNDS. Let it go over without prejudice.

The PRESIDENT *pro tempore*. The bill will be passed over, retaining its place on the Calendar.

MARY F. COCHRAN.

The bill (H. R. 7824) granting a pension to Mary F. Cochran was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Mary F. Cochran, widow of William N. Cochran, deceased, late private in Company E, One hundred and forty-fifth Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAWRENCE DOUGHERTY.

The bill (H. R. 6280) granting a pension to Lawrence Dougherty was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lawrence Dougherty, late a private Company B, Thirty-fourth Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARCHIBALD F. COON.

The bill (H. R. 6601) granting a pension to Archibald F. Coon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Archibald F. Coon, late captain Company E, Fourth Pennsylvania Cavalry.

Mr. EDMUNDS. I should like to have the Secretary read whether this is subject to the limitations of the pension laws or whether it is for the payment of a certain sum.

The PRESIDENT *pro tempore*. The Secretary will again read the bill.

The Secretary read the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. BRYAN.

The bill (H. R. 1110) granting a pension to William J. Bryan was considered as in Committee of the Whole. It proposes to place the name of William J. Bryan, late a member of Company A, Twenty-first Regiment Ohio Volunteers, upon the pension-roll of the United States at \$12 per month.

Mr. EDMUNDS. Let us hear the report in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. FAULKNER May 29, 1890:

The Committee on Pensions, to whom was referred the bill (H. R. 1110) granting a pension to William J. Bryan, have examined the same and report:

Your committee adopt the following report, submitted by the Committee on Invalid Pensions, House of Representatives, and recommend the passage of the bill.

The report is as follows:

"This claimant enlisted April 19, 1861, in Company A, Twenty-first Regiment Ohio Volunteers, and was discharged August 12, 1861. The evidence of prior soundness at enlistment, filed in the Pension Office, is ample and undisputed. That claimant was afflicted with measles and chronic diarrhea while in service, and which arose by reason of the service in line of duty, is also proven beyond question.

"That he was discharged in a broken-down condition and suffering from effects of measles, which affected his eyes, and from chronic diarrhea, stands proven by the affidavits of his captain, second lieutenant, two privates of his company, the colonel of his regiment, and Lieutenant Brewster, of Company K of his regiment, who also testify to the origin of the same in line of duty.

"Continuance of these troubles now and from discharge and since 1863, aggravated by piles sequelae of the chronic diarrhea, also stands proven by the affidavits of some eighteen witnesses who have known claimant since his discharge; also by the testimony of local physicians of undoubted credit and good standing; and further by the report of each medical board who have examined him since 1879, the last of said boards rating the disability at total, and this report bears date March 9, 1887, the claim for pension being filed in 1879.

"The only evidence against the claim is the testimony of two witnesses, namely, John B. Brown and Caroline Brown, his wife, who first swore that claimant chopped for said Brown in the winter of either 1861 or 1862, and there was nothing the matter with him then. Subsequently to giving this first evidence the Browns swore more positively that this work was done in the winter of 1862, after the claimant was discharged.

"But that the Browns are mistaken as to the date when the chopping was done is shown by the evidence of the claimant, who swears that it was in February, 1861, before he went into the service. He is supported in this statement by Sarah N. Bryant, his sister, who boarded in the same house with him; by N. H. Newcomer, who swears it was the winter before he, Newcomer, enlisted, and that his enlistment was in August, 1861, and by H. E. Witmore, the man who worked with claimant when the chopping was done, all of whom fix the

dates in the winter of 1861 before claimant enlisted. Their evidence is also supported by the other testimony in the case, which, out of the mouths of some eighteen witnesses, declares that at discharge he was badly broken down by reason of the diseases which the undisputed testimony shows he did suffer from while in the service.

"Your committee, therefore, think that the weight of the evidence is in favor of the claimant, and recommend the passage of the bill."

Mr. EDMUNDS. I move to amend the bill so as to read "subject to the provisions and limitations of the pension laws," and allow the Pension Office to rate his disability, the act of Congress finding that he is disabled, but I think the Pension Office ought to be allowed to rate the pension.

The PRESIDENT *pro tempore*. The amendment will be reported.

Mr. PLATT. After "United States" say "subject to the provisions and limitations of the pension laws."

The PRESIDENT *pro tempore*. The amendment will be reported.

The SECRETARY. After "United States," in line 6, it is proposed to insert:

Subject to the provisions and limitations of the pension laws.

Mr. EDMUNDS. So as to read how?

The SECRETARY. So as to read:

That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of William J. Bryan, late a member of Company A, Twenty-first Regiment Ohio Volunteers, upon the pension-roll of the United States, subject to the provisions and limitations of the pension laws, and from and after the passage and approval of this act pay to him a pension at the rate of \$12 per month.

Mr. EDMUNDS. Now I move to strike out all after "United States."

The PRESIDENT *pro tempore*. The words proposed to be stricken out will be reported.

The Secretary read as follows:

And from and after the passage and approval of this act pay to him a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

NORMAN CLEVELAND.

The bill (H. R. 6331) for the relief of Norman Cleveland was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Norman Cleveland, late of Company G, First Ohio Light Artillery Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER G. DAVIS.

The bill (H. R. 6913) granting a pension to Alexander G. Davis was considered as in Committee of the Whole. It proposes to place upon the pension-rolls the name of Alexander G. Davis, of Mount Airy, Md., late scout and guide with Generals Howard and Augur, at \$25 per month.

Mr. EDMUNDS. I should like to hear the report in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. FAULKNER May 29, 1890:

The Committee on Pensions, to whom was referred the bill (H. R. 6913) granting a pension to Alexander G. Davis, have examined the same and report:

Your committee adopt the following report, submitted by the Committee on Invalid Pensions, House of Representatives, and recommend the passage of the bill.

The report is as follows:

"Alexander G. Davis, at the breaking out of the late war, was a citizen of Virginia. He was a man of means and good health and strength, and much devoted to the cause of the Union. Early in 1862, furnishing his own arms and equipments, he entered the service of the United States as a guide and scout, and continued in that service until the close of the war. He participated in the principal battles of the Army of the Potomac, and rendered valuable services for Generals Geary, Schimmelfennig, Stohl, Heintzelman, Schurz, Howard, Augur, and Meade, as shown by the testimonials on file.

"While watching the movements of the enemy immediately after the battle of Gettysburg, by reason of the sudden fright of his horse over a large cloud of dust, caused by the firing of a solid shot, he became ruptured. About the time of the fighting in the Wilderness, being under orders to proceed in the direction of the Rappahannock River, he met some of Mosby's men and received a severe wound in the head.

"General Augur, under date of February 4, 1890, says:

"* * * He was a most useful and reliable man. * * * He was wounded in line of his duty, and is, it seems to me, deserving of great consideration from the Government for his loyalty and devotion to its interest at that time. * * *

"General O. O. Howard, in letter to the Secretary of War, dated May 10, 1889, says:

"* * * Perhaps no man suffered more in person and property and lived than Mr. Davis. * * * I know him personally, and I commend to you his two requests for such consideration as can be given him:

"1. That he may be commended to Congress in some proper way, so that he can legally receive a pension for the few remaining years of his life, for he is now an old man.

"2. That his application in behalf of his son's appointment to West Point or into the Army receive a kind consideration."

"It would seem but proper, following a long line of precedents, that the relief asked for should be granted. Therefore your committee report favorably on the accompanying bill and ask that it do pass."

Mr. EDMUNDS. I should like to ask, Mr. President, this man being a scout, why, under the laws, which I understand provide for the

payment of pensions to that class of persons, he does not get his pension under the general law.

Mr. SAWYER. There is no general law.

Mr. EDMUNDS. No general law for scouts?

Mr. COCKRELL. No.

Mr. EDMUNDS. Although they were enlisted men?

Mr. COCKRELL. They were not enlisted men. They were civilians receiving from \$60 to \$100 or \$125 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ALICE A. CUNNINGHAM.

The bill (H. R. 1783) granting a pension to Mrs. Alice A. Cunningham was considered as in Committee of the Whole. It proposes to place upon the pension-roll, at \$12 per month, the name of Mrs. Alice A. Cunningham, widow of James Cunningham, late a private of Company D, Fifty-first Regiment Ohio Volunteers.

Mr. EDMUNDS. I move to strike out "at \$12 per month" and insert "subject to the conditions and limitations of the pension laws;" so that if she remarries she will stand like all others in like condition. The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

BELLE MORRISON.

The bill (H. R. 7529) granting a pension to Belle Morrison, of Dillsborough, Ind., was considered as in Committee of the Whole. It proposes to place the name of Belle Morrison, dependent sister of Thomas W. Morrison, late a private in Company I, Eighty-third Regiment of Indiana Volunteers, on the pension-roll at \$18 per month.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. TURPIE June 3, 1890:

The Committee on Pensions, to whom was referred the bill (H. R. 7529) granting a pension to Belle Morrison, dependent sister of Thomas W. Morrison, a private in Company I, Eighty-third Regiment of Indiana Volunteers, have examined the same and report:

That from the facts stated in the House report, which is attached and made a part hereof, we believe this to be a meritorious bill, and accordingly recommend its passage.

[House Report No. 983, Fifty-first Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7529) granting a pension to Belle Morrison, submit the following report:

Your committee have had said bill under consideration, and from the evidence accompanying the bill and also from the papers in the pension granted Thomas W. Morrison, hereinafter mentioned, do find as follows: Applicant's three brothers enlisted in the Union Army in the war of 1861, of whom one, John, was killed at the battle of Springfield, Mo., on October 29, 1861; another, George, was killed at the battle of Stone River, Tennessee; and the third, Thomas W., a private in Company I, Eighty-third Indiana Volunteers, was wounded in his right leg July 28, 1864, in line of duty, which resulted in amputation thereof the next day, from the effects of which he died in February, 1876, being a pensioner by certificate No. 40032.

Said Thomas W. left no widow nor children, and his father was dead, and he and his mother and applicant lived together as one family, having no means of subsistence except the proceeds of said pension, and also a pension which his mother was drawing, under certificate No. 13892, on account of the death of her sons. We further find that applicant has been a helpless cripple, dependent on her mother and brothers for support, and having no means of her own, ever since her infancy with a disease (deformity and curvature of the spine) which renders her a permanent cripple, wholly unable to work, and dependent on the charity of strangers. We further find that her mother died February 26, 1873, thus leaving applicant without parents, brothers, or others to support her, and leaving her without any means whatever; and we recommend that the bill be passed and she granted a pension at the rate of — dollars per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LORENZO D. WHITEFORD.

The PRESIDENT *pro tempore*. Order of Business 1530, being the bill (H. R. 4167) granting a pension to Lorenzo D. Whiteford, is missing from the files of the Secretary, but is on the files on the desk of the Presiding Officer.

Mr. SAWYER. I ask that it be passed over without prejudice.

Mr. COCKRELL. If the clerks have not got the bill, I have it.

The PRESIDENT *pro tempore*. It appears by the minutes on the docket that there has been a supplemental report, part 2. The bill has been sent for. If there be no objection, the next Order of Business will be proceeded with.

MRS. CATHARINE SONNE.

The bill (H. R. 7719) restoring the pension of Mrs. Catharine Sonne was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Mrs. Catharine Sonne, dependent mother of William H. Sonne, late a private of Company H, Fifth Kentucky Volunteers.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. TURPIE June 3, 1890:

The Committee on Pensions, to whom was referred the bill (H. R. 7719) granting a pension to Mrs. Catharine Sonne, dependent mother of William H. Sonne, late a private of Company H, Fifth Kentucky Volunteers, have examined the same and report:

That from the facts stated in the House report, which is herewith attached and made a part hereof, we believe this to be a meritorious measure, and recommend the passage of the bill.

[House Report No. 1832, Fifty-first Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7719) restoring the pension of Mrs. Catharine Sonne, submit the following report:

Mrs. Catharine Sonne is the mother of William A. Sonne, who served in Company H, Fifth Kentucky Volunteers, in which he enlisted July 3, 1861, and died in Andersonville Prison on October 2, 1864.

She applied to the Pension Office for a pension as the dependent mother of the soldier on April 24, 1869, and in August, 1869, she was allowed a pension as such dependent mother upon proof that the soldier aided in her support, and was in receipt of the same until March 4, 1877, when her name was dropped from the rolls on the ground of non-dependence upon the soldier at the time of his death, it appearing from a report made by a special agent of the Pension Office that at time of soldier's death, in 1864, the husband of Mrs. Sonne was alive carrying on a grocery store, with a bar-room attached to it, owning real estate assessed at \$1,000, and that the estimated income from all sources amounted to about \$600 per year, with which a large family of children had to be supported, and that the management of the business was principally done by Mrs. Sonne, her husband, who died in 1866, being given to the intemperate use of liquors.

From the report of the special agent of the Pension Office it appears further that subsequent to the death of her husband she continued to carry on the business formerly managed by her; that the children improved some of the property owned by their father during his lifetime; that Mrs. Sonne only had a dower interest in same, and that later on the property was apportioned to the children, since which time Mrs. Sonne has only enjoyed a small income, entirely inadequate for a comfortable maintenance.

Your committee are of the opinion that in view of the large family of Mrs. Sonne at time of soldier's death the amount of income as estimated to have been received by her at that time and for some years thereafter, derived in a great measure by her own manual labor, was not sufficient to place her, under the law, into a status of non-dependence, and recommend that the bill restoring her name to the rolls be passed, amended, however, by adding, after the word "volunteers," in lines 6 and 7, the words "to take effect from the passage of this act."

Mr. EDMUNDS. There is no statement in the report of the committee of any proof that at the time of the soldier's death, and before, she had been dependent upon him during his service in the Army, which is the rule; and, without wishing to do any unkindness to this widow, but to treat all widows and dependent people alike, I must ask that the bill go over. I do not think it is right.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

LORENZO B. WHITEFORD.

Mr. TURPIE. I inquire if Order of Business 1530, House bill 4167, has been received yet?

The PRESIDENT *pro tempore*. It has just been received.

The bill (H. R. 4167) granting a pension to Lorenzo D. Whiteford was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "son," to strike out "Whiteford" and insert "Whitford;" in the same line, after the words "son of," to strike out "John Whiteford" and insert "William J. Whitford;" and in line 8, after the words "pension of," to strike out "twelve" and insert "eighteen;" so as to make the bill read:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Lorenzo D. Whitford, son of William J. Whitford, late a private in Company K, Twenty-sixth Regiment Indiana Volunteers, and to pay him a pension of \$18 per month from and after the day on which the pension now granted to him shall expire by limitation of law.

Mr. COCKRELL. When was that word "eighteen" put in there? My print of the bill shows that it was reported June 3, 1890, by the Senator from Indiana [Mr. TURPIE] without amendment, and there was a report (No. 1244) accompanying it. Now, has there been another report upon it? Has it been recommitted to the Committee on Pensions?

Mr. TURPIE. It was not formally recommitted to the committee, but the subcommittee having charge of the bill found there was a mistake in the name, which they corrected, and increased the amount from twelve to eighteen dollars per month. The applicant in this case is a helpless cripple.

Mr. COCKRELL. Does the report show that?

Mr. TURPIE. It shows that he is a helpless cripple, suffering from paralysis of the spine.

Mr. EDMUNDS. I think that bill had better go over without prejudice until we can look into it a little more. I move that the Senate proceed to the consideration of executive business.

Mr. BATE. Before that is done I wish to dispose of the little case to which I referred. It is merely to grant the right of way across a little angle of public ground near Chattanooga, Tenn., where they have been compelled to suspend work.

Mr. EDMUNDS. I am not able to hear the Senator.

UNION RAILWAY OF CHATTANOOGA, TENN.

Mr. BATE. I ask that the Senator will suspend his motion until we can dispose of Order of Business 1273, House bill 4635. It is the

one which I rose about awhile ago when the Senator from Wisconsin [Mr. SAWYER] insisted upon proceeding with the pension bills.

The PRESIDENT *pro tempore*. The title will be stated.

The SECRETARY. A bill (H. R. 4635) granting certain privileges to the Union Railway Company of Chattanooga, Tenn.

Mr. EDMUNDS. Is that a military reservation?

Mr. BATE. No, sir. It is a piece of ground that was purchased by the Government of the United States immediately after the war for a Federal cemetery. Where the road from Missionary Ridge goes by there there is a little depot established by permission of the Government, but the angle is so acute that the railroad has to run across a sharp curve.

Mr. EDMUNDS. Is there a report from the Secretary of War?

Mr. BATE. Yes, sir; and the House passed the bill without exception in both committees.

Mr. EDMUNDS. I do not mind so much about the House as I do about the Secretary of War.

Mr. BATE. I state that as a fact connected with it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4635) granting certain privileges to the Union Railway, of Chattanooga, Tenn.

The bill was read.

Mr. EDMUNDS. Now let us hear the report of the Secretary of War.

Mr. BATE. There is no report here from the Secretary of War, but that is spoken of in the report of the committee.

Mr. EDMUNDS. Where is the report of the Secretary of War?

Mr. BATE. I think it is in the House. I think Mr. EVANS has it.

Mr. EDMUNDS. With great respect to my friend from Tennessee—and I shall not object on Monday, when we can get the report—I do not wish to be a party to allowing a railroad run through a soldiers' cemetery until I know, by hearing read, exactly what the Secretary of War and his officers say about its effect.

Mr. BATE. I suppose that can be obtained, but I do not see the necessity for it. There is a plat already submitted which will convey a clear idea of what is proposed.

Mr. EDMUNDS. I know that, but I want to know what the responsible executive authorities say about running this railroad over the soldiers' graves.

Mr. BATE. I have not a copy of the report of the Secretary of War here.

Mr. EDMUNDS. I ask my friend from Tennessee, without the least hostility to his bill if it turns out to be right, to let it wait until Monday, until we can see what the people who are in charge of that cemetery and the Secretary of War say about what this is going to do. I shall not object, on Monday or any other time when we can get that paper, to the bill being considered, but I hope my friend will not persist in his request now.

Mr. BATE. Has not the Secretary that bundle of papers there? My understanding is from the author of the bill that the Secretary of War and all the authorities agreed to it.

Mr. EDMUNDS. I dare say it may be so.

The PRESIDENT *pro tempore*. Nothing is kept at the desk except bills and reports of committees. The other papers are kept in the files of the Secretary's office.

Mr. BATE. The Secretary of War in his report shows that he has granted heretofore a right to establish a depot there, and this coupled with an obligation that they shall keep it up. It occupies less than a half acre. It is simply for safety and facility.

Mr. EDMUNDS. It may be perfectly right, but the road can live until Monday, I am sure.

Mr. BATE. I think it can, and I think the bill will pass then if it is understood.

Mr. EDMUNDS. I should like the exact information.

Mr. BATE. The Senator is entitled to it, and I think the company will survive the objection of the Senator from Vermont when the facts are known.

Mr. PADDOCK. I suppose the Senator can procure the papers in a few moments. I understand there is urgency in the case, as the Senator from Tennessee has received some telegrams to-day, as I understood, asking for prompt action.

Mr. EDMUNDS. If we have the letter, very well.

The PRESIDENT *pro tempore*. Does the Senator from Vermont insist on his motion to proceed to the consideration of executive business?

Mr. EDMUNDS. If we have the letter of the Secretary of War, I do not.

Mr. BATE. I think the Senator from Vermont is exactly correct. If there has been no report I think it should be obtained. Believing that there was a report, I asked that the bill should be passed at once. It is proper to say, however, that the bill does not vest title. It must be recollected that it only grants the right of way.

Mr. EDMUNDS. I understand the subject, I think, perfectly, as it now stands. I notice that there is no power of repeal left in the act, either, but no matter for that now.

Mr. BATE. I will agree that the bill be passed over.

Mr. EDMUNDS. I will join with the Senator with pleasure on Monday, when we can get the report, to take up his bill.

Mr. BATE. I will try to hear from the Secretary of War by that time.

Mr. EDMUNDS. But, as a person having a little sensitiveness on the subject of running railroads over soldiers' graves, I should like to know exactly about it.

I insist upon my motion for an executive session.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, June 16, 1890, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 14th day of June, 1890.

UNITED STATES MARSHAL.

William F. Furray, of Montana, to be marshal of the United States for the district of Montana, *vice* George W. Irvin, resigned.

COLLECTORS OF CUSTOMS.

William A. Pew, of Massachusetts, to be collector of customs for the district of Gloucester, in the State of Massachusetts, to succeed David S. Presson, whose term of office will expire by limitation July 12, 1890.

Royal A. Bensell, of Oregon, to be collector of customs for the district of Yaquina, in the State of Oregon, to succeed John Priest, whose term of office will expire by limitation June 16, 1890.

WITHDRAWAL.

Edwin Soles, to be postmaster at McKeesport, in the State of Pennsylvania.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 14, 1890.

SECRETARY OF LEGATION.

Richard M. Bartleman, of Massachusetts, to be secretary of the legation of the United States at Caracas.

ARMY APPOINTMENTS.

Medical Department.

To be assistant surgeons with the rank of first lieutenant:

Frank R. Keefer, of Pennsylvania, June 6, 1890.

Thomas U. Raymond, of Indiana, June 6, 1890.

Henry D. Snyder, of Pennsylvania, June 6, 1890.

Allen M. Smith, of New York, June 6, 1890.

Ashton B. Heyl, of Pennsylvania, June 6, 1890.

Joseph T. Clarke, of New York, June 6, 1890.

Tenth Regiment of Cavalry.

Second Lieut. Carter P. Johnson, to be first lieutenant, June 7, 1890.

JUSTICES OF THE PEACE.

William C. Harper, of District of Columbia, to be justice of the peace in the District of Columbia (to be assigned to the city of Washington).

Charley S. Bundy, of District of Columbia, to be justice of the peace in the District of Columbia (to be assigned to city of Washington).

Charles Walter, of District of Columbia, to be justice of peace in the District of Columbia (to be assigned to the city of Washington).

RECEIVERS OF PUBLIC MONIES.

John A. Percival, of Devil's Lake, N. Dak., to be receiver of public moneys at Devil's Lake, N. Dak.

Darwin C. Hall, of Scotia, Nebr., to be receiver of public moneys at Grand Island, Nebr.

Clifford C. Parks, of Glenwood Springs, Colo., to be receiver of public moneys at Glenwood Springs, Colo.

REGISTERS OF LAND OFFICES.

George D. Thayer, of Glenwood Springs, Colo., to be register of the land office at Glenwood Springs, Colo.

John P. Dunkle, of Eureka, Nev., to be register of the land office at Eureka, Nev.

POSTMASTERS.

Charles C. Georgia, to be postmaster at Unionville, in the county of Hartford and State of Connecticut.

Elmer E. Husted, to be postmaster at Wellington, in the county of Lorain and State of Ohio.

John H. Hoffman, to be postmaster at Ligonier, in the county of Noble and State of Indiana.

Henry Keerl, to be postmaster at Mason City, in the county of Cerro Gordo and State of Iowa.

Mrs. Clara L. Nichols, to be postmaster at Fort Leavenworth, in the county of Leavenworth and State of Kansas.

David H. Shrewsbury, to be postmaster at Russell, in the county of Russell and State of Kansas.

Daniel Sinclair, to be postmaster at Winona, in the county of Winona and State of Minnesota.

Asa A. Hall, to be postmaster at Farmington, in the county of Stafford and State of New Hampshire.

George W. Callow, to be postmaster at Jamaica, in the county of Queens and State of New York.

Peter P. Conroy, to be postmaster at Watkins, in the county of Schuylers and State of New York.

Charles W. Scharff, to be postmaster at Canajoharie, in the county of Montgomery and State of New York.

John C. Malone, to be postmaster at Granville, in the county of Licking and State of Ohio.

Benjamin F. Robinson, jr., to be postmaster at Wakefield, in the county of Washington and State of Rhode Island.

George W. Wilson, to be postmaster at Christiansburgh, in the county of Montgomery and State of Virginia.

Washington G. Tuck, to be postmaster at Annapolis, in the county of Anne Arundel and State of Maryland.

George Elvins, to be postmaster at Hammonton, in the county of Atlantic and State of New Jersey.

James H. McKnabb, to be postmaster at Petaluma, in the county of Sonoma and State of California.

W. Henry Wright, to be postmaster at Colton, in the county of San Bernardino and State of California.

HOUSE OF REPRESENTATIVES.

SATURDAY, June 14, 1890.

The House met at 12 o'clock m. Prayer by Rev. G. H. COREY, D. D. The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

- A bill (H. R. 1147) granting a pension to Merritt Lewis;
- A bill (H. R. 1148) granting a pension to William Elsworth Fletcher;
- A bill (H. R. 1155) granting a pension to Francis M. Hull;
- A bill (H. R. 1564) granting a pension to Samuel Wilson;
- A bill (H. R. 1569) granting a pension to William Quimby;
- A bill (H. R. 1594) granting a pension to Anson Freeman;
- A bill (H. R. 1980) granting a pension to Nellie R. Cook;
- A bill (H. R. 1188) granting a pension to Elizabeth Cheesman;
- A bill (H. R. 2168) granting an increase of pension to Stewart Herbert;
- A bill (H. R. 2295) granting a pension to Charlotte Small;
- A bill (H. R. 2531) granting a pension to Robert W. Herod;
- A bill (H. R. 2756) granting an increase of pension to Charles H. Moore;
- A bill (H. R. 2838) granting a pension to Sarah N. West;
- A bill (H. R. 3065) granting a pension to Mary Donohue;
- A bill (H. R. 3066) granting a pension to John Dunn;
- A bill (H. R. 3224) granting a pension to Sally Powell;
- A bill (H. R. 3259) granting a pension to Simon Beakler;
- A bill (H. R. 3261) granting a pension to Sarah Connally;
- A bill (H. R. 3365) approving, with amendments, the funding act of Arizona;
- A bill (H. R. 3379) granting a pension to Lydia W. Sayre;
- A bill (H. R. 3585) to pension James T. Furlow for service in the Indian war;
- A bill (H. R. 3601) to increase the pension of Andrew Langton, late of Company E, Twenty-seventh Indiana Volunteers;
- A bill (H. R. 3968) granting a pension to William Wetzel;
- A bill (H. R. 4042) granting a pension to Chester Denton;
- A bill (H. R. 4043) to grant a pension to James Y. Law;
- A bill (H. R. 4185) to increase the pension to Mrs. Antonia B. Lynch;
- A bill (H. R. 4522) granting a pension to J. N. Jordan;
- A bill (H. R. 4702) granting a pension to Mary Mayberry;
- A bill (H. R. 4807) for the relief of Lydia G. Carnes;
- A bill (H. R. 4895) to increase the pension of Edward Welter;
- A bill (H. R. 5014) for the relief of Ernst Barth;
- A bill (H. R. 5111) for the relief of William Allen;
- A bill (H. R. 5545) granting a pension to Absalom Carney;
- A bill (H. R. 5620) granting a pension to Frank Deming, Company F, Ninth Michigan Infantry;
- A bill (H. R. 5709) granting a pension to Sarah A. Harrison;
- A bill (H. R. 5719) for the relief of Harrison Tryon;
- A bill (H. R. 6001) granting an increase of pension to Elnathan Mead, late of Company C, Forty-fourth New York Volunteers;
- A bill (H. R. 6097) granting a pension to James Goff, of Tennessee;
- A bill (H. R. 6110) to grant an increase of pension to Harvey T. Alcott, late of Company K, One hundred and twenty-sixth New York Infantry Volunteers;
- A bill (H. R. 6288) granting a pension to Catherine Talkington;

A bill (H. R. 6607) granting a pension to Keziah Randall, Mattapoissett, Mass., widow of Richard Randall, who served in the coast guard, 1812 to 1815;

A bill (H. R. 6647) for the relief of John A. Whitecomb;

A bill (H. R. 6721) granting a pension to August Seiter;

A bill (H. R. 6756) granting a pension to Joseph Morris;

A bill (H. R. 6801) increasing the pension of Alonzo L. Page, late of Company B, Third Vermont Volunteers;

A bill (H. R. 6833) to grant a pension to John B. Vile;

A bill (H. R. 7008) granting a pension to Thomas Shannon;

A bill (H. R. 7331) granting a pension to Freeman Buell;

A bill (H. R. 7367) for the relief of Sarah M. Williams;

A bill (H. R. 7449) granting a pension to Ezra E. Annis;

A bill (H. R. 7586) granting a pension to James O'Donnell;

A bill (H. R. 7588) granting a pension to David Rose;

A bill (H. R. 7638) granting an increase of pension to John Pardy;

A bill (H. R. 7728) for the relief of Mary Walsh;

A bill (H. R. 7816) granting a pension to Harriet E. Cooper;

A bill (H. R. 7857) granting a pension to Mary P. Thompson;

A bill (H. R. 7972) granting a pension to Joseph Whitmore, for services in the Indian war;

A bill (H. R. 7999) granting an increased pension to Adaline Whelan;

A bill (H. R. 8009) for restoration of Abner Morehead to the pension-roll;

A bill (H. R. 8326) granting a pension to Benjamin F. Douglass;

A bill (H. R. 8429) to increase the pension to William P. Squire;

A bill (H. R. 8431) granting a pension to Sarah Ann Noe;

A bill (H. R. 8485) granting an increase of pension to Owen C. Powell;

A bill (H. R. 8544) to increase the limit of cost of site and public building at Duluth, Minn.;

A bill (H. R. 8603) granting a pension to Catherine Sattle;

A bill (H. R. 8730) granting a pension to T. G. Metcalf;

A bill (H. R. 8926) granting a pension to Mary Ann Griswold;

A bill (H. R. 9311) granting an increase of pension to Morgan Diamond;

A bill (H. R. 9727) for the relief of Joseph D. Fisher, late Company G, One hundred and sixteenth Ohio Volunteer Infantry;

A bill (H. R. 10390) making an appropriation to supply a deficiency in the appropriation for public printing and binding for the last quarter of the fiscal year 1890; and

A bill (H. R. 10813) authorizing the Secretary of War to establish new harbor-lines in Portage Lake, Houghton County, Michigan.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CLARK, of Wisconsin, indefinitely, from June 16, on account of important business.

To Mr. ATKINSON, of Pennsylvania, for two days.

To Mr. REILLY, indefinitely.

To Mr. RAY, for ten days.

TRUST BILL.

The SPEAKER announced the appointment of Mr. EZRA B. TAYLOR, Mr. STEWART of Vermont, and Mr. BLAND as the House conferees on the disagreeing votes of the two Houses on the bill (S. 1) to declare unlawful trusts and combinations in restraint of trade and production.

Mr. BLAND. Mr. Speaker, inasmuch as the House has instructed the conferees to recede from the House amendment, I take no further interest in the conference and would prefer that the Chair should appoint some one else.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] asks to be excused from serving as one of the House conferees on Senate bill 1, the trust bill. Is there objection?

There was no objection.

The SPEAKER appointed Mr. CULBERSON of Texas instead of Mr. BLAND.

ORDER OF BUSINESS.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of further considering the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. BURROWS in the chair.

SUNDRY CIVIL APPROPRIATION BILL.

The CHAIRMAN. The House is now in Committee of the Whole for further consideration of the bill (H. R. 10884) making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes.

Mr. DOCKERY. Mr. Chairman, I ask unanimous consent to recur to page 5, line 4.

There was no objection.

Mr. DOCKERY. I offer the amendment which I send to the desk, to come in at that point after line 4.

The amendment was read, as follows:

For post-office at St. Joseph, Mo.: For completion of building and to furnish and put in place a clock in the tower of said building, \$3,600.

The amendment was agreed to.

Mr. DOCKERY. In connection with this amendment I send to the desk and ask to have printed in the RECORD a letter from the Secretary of the Treasury.

The letter is as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., June 13, 1890.

SIR: I have the honor to acknowledge the receipt by your reference of letter of the 5th instant from Mr. Charles F. Ernst, custodian of the post-office, etc., at St. Joseph, Mo., in regard to the early occupation of the building and the completion of certain items of work necessary to permit its occupancy, and to advise you that to provide for the completion of such items and to furnish and put in place a suitable clock in the tower of the building a further appropriation of \$3,600 should be made, and I recommend that this amount be included in the sundry civil bill making appropriations for public buildings.

Respectfully yours,

W. WINDOM, Secretary.

Hon. R. P. C. WILSON,

House of Representatives, United States, Washington, D. C.

The CHAIRMAN. The Chair calls the attention of the chairman of the committee [Mr. CANNON] to an error on page 60, line 10, where the text reads "two thousand six hundred and dollars."

Mr. CANNON. Let the word "and" be struck out.

The amendment was agreed to.

The Clerk read as follows:

That no part of the sum of \$2,000 appropriated by the sundry civil appropriation act approved March 2, 1889, for repairing and draining roadway to the national cemetery at Hampton, Va., shall be expended until the title to and jurisdiction over said roadway shall be vested in the United States.

Mr. BYNUM. Mr. Chairman, I offer the amendment which I send to the desk, to come in after the paragraph just read.

The amendment was read, as follows:

Page 60, after line 23, insert: "For the purchase of additional land for interments in Crown Hill Cemetery, near Indianapolis, Ind., \$30,000: *Provided*, That not less than 59,000 square feet shall be purchased for said sum."

Mr. BYNUM. Mr. Chairman, Crown Hill National Cemetery, at Indianapolis, is a lot of ground donated by the Crown Hill Cemetery organization to the National Government. I do not know the exact amount of ground in the Crown Hill National Cemetery, but it is not a very large plot and is all occupied. From seven hundred to one thousand interments have been made in it, and there is no room for any more. The Grand Army post of Indianapolis have selected a plot of ground adjoining the national cemetery to be added to it. The amount of ground in the plot selected is between 59,000 and 60,000 square feet. The trustees of the cemetery have agreed to dispose of this plot to the National Government for \$30,000, about 50 cents a square foot. I can say to the House that there is no speculation whatever in this proposed sale. Under the charter of the Crown Hill Cemetery Corporation not one dollar of the money can be used for any purpose except for making improvements or for the establishment of a perpetual fund to take care of and preserve the cemetery after the lots are all disposed of. The cemetery proper is composed of about 400 acres of land. Those who have seen Crown Hill Cemetery and who know its plan and location unite in saying that there is not a finer location, a more beautifully designed cemetery anywhere in the United States.

Now, it is necessary that we have some additional ground at Indianapolis for this purpose. Land must be purchased, either outside or this proposed plat adjoining the present national cemetery within the Crown Hill Cemetery, because there are a large number of soldiers in that vicinity who are entitled to the honor of a burial in the most favored places, but who are not able to provide the same. Lots in this cemetery are quite expensive. The proposed plot adjoins the present national cemetery; and in order to form some idea of its favorable location I will state to the committee that the present site adjoins, or is in close proximity to, that portion of the cemetery in which are interred the remains of the late Senator Morton and Vice-President Hendricks. It is very valuable, and can not be purchased at the price agreed upon by individual purchasers. Now, the question is, shall the Government purchase this ground, or go outside and purchase, as it will be compelled to do, four or five additional acres, which in the end will probably cost the Government a great deal more than this, or allow the old veterans, who are unable to provide themselves with a proper place, to be buried in some obscure and neglected spot? I think it better for the Government to purchase the additional ground necessary in Crown Hill Cemetery, because then we know exactly what we are getting; we know that the cost of maintenance and care will be nothing in the future; whereas if we go outside and purchase it will probably cost a great deal more, and the care of the cemetery will be a perpetual charge and expense. This addition will furnish all the ground that is needed for the national cemetery there.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYNUM. For the purpose of adding a few words to what I have just said, Mr. Chairman, I move to strike out the last word.

If we purchase outside—and it is estimated, I will say, by the officers of the Grand Army that we will need sufficient ground for 2,000 or 2,500 additional interments—if we should go outside of the cemetery and purchase it we would be under the necessity, after the purchase is made, of improving the lands, putting them in order for receiving the bodies of those to be interred, and also the expense of the continued care and supervision of it. So that in every way it is better that the

Government should pay this sum for this 60,000 additional feet of property, with the knowledge that when it is purchased the cemetery will be properly taken care of without additional expense.

General Coburn, who is one of the trustees of the cemetery, and the members of the organization, as well as the officers of the Grand Army there, are satisfied with the terms proposed and that the proposition is a fair and reasonable one and ought to be accepted. The only opposition to this comes, I believe, from the Quartermaster-General, Mr. Holabird; and I am informed that he thinks the price is too high. But those acquainted with the value of cemetery property connected with large cities, such as Spring Grove, Cincinnati, and Crown Hill Cemetery, in Indianapolis, and other large cemeteries throughout the country, know that such ground is very valuable. This is being offered to the National Government for about half what it could be sold for to private persons. So that there is not only no speculation in the matter, but a sacrifice by the trustees from patriotic and generous motives.

It should be remembered, Mr. Chairman, in this connection, that none of the incorporators of the cemetery get one cent of profit from this corporation. Every dollar that is derived from it is spent in repairs and improvements and care of the cemetery.

I hope, therefore, the amendment will be accepted. It has been submitted in the estimates, and it is necessary to have additional ground for the interment of the indigent soldiers who are passing off every day. The nation can do nothing more deserving than to provide for the interment of her patriotic defenders in an honored spot, where neither time, neglect, nor the hand of spoliation shall ever desecrate or obliterate their final resting places.

Mr. CANNON. Now, Mr. Chairman, if I can have the attention of the committee for a few moments I will explain this estimate. There are at Indianapolis, as in every city, village, and community throughout the country, a number of soldiers who have served the United States in the late war and in prior wars, not now connected with the Army. This is an estimate to purchase a little over an acre of land in the Indianapolis cemetery, at an expenditure of \$60,000.

Mr. BYNUM. No; \$30,000.

Mr. CANNON. Yes; \$30,000. The \$60,000 was for the Cincinnati purchase. There is, I will say, an estimate to purchase some more ground, a small amount, in the cemetery at Cincinnati for that sum.

Now, it is a little ungracious, I admit, to oppose a proposition of this kind, yet if such appropriations are to be made, query: Should not they be made everywhere? The gentleman from the Buffalo district, New York, says they have gone on at their own expense and provided cemetery accommodations there for the soldiers. There is not a cemetery, scarcely, throughout the length and breadth of the country in which a place is not provided for the burial of the soldiers of the late war and of other wars at the expense of the communities. It is so in my own town; the people of that community have provided for their burial—by the Soldiers' Circle—and when that gave out another was provided, and so on.

Now, we asked the Quartermaster-General about this proposed appropriation; he did not approve of it. The question was asked by the chairman:

There is an estimate for ground for a national cemetery in Indianapolis, etc. It seems to me that we do not want to do that unless you are satisfied about it.

General HOLABIRD. I meant I was opposed to it.

Mr. SAYERS. Mr. BYNUM would like to be heard on that subject.

General HOLABIRD. I think we had better establish another cemetery. I will say the same thing for Spring Grove, Cincinnati, etc.

Now, it seems to me, Mr. Chairman, if this is to be made an exception, if at Indianapolis and Cincinnati, two places in this country, we are to make appropriation for the purpose of providing, at the national expense, places of interment for the soldiers, while they are not made anywhere else in the United States, that we ought, as the Quartermaster-General suggests, if it be done at all, to go outside and buy the land where it would not cost at the rate of \$30,000 an acre. For that reason we do not recommend the appropriation, and for that reason I oppose the amendment.

Mr. BYNUM. I move to strike out the last word for the purpose of answering the objection made by the gentleman from Illinois.

I do not wish to trespass upon the time of the committee, but the question simply resolves itself into this: Whether we shall go outside and purchase ground or purchase within the cemetery proper.

Mr. CANNON. Will the gentleman allow a question?

Mr. BYNUM. With pleasure.

Mr. CANNON. Is there any good reason why the people of Indianapolis can not do like the good people of Danville, and nearly every other place in the country, that is, furnish places where the people who die there—the soldiers—may be interred?

Mr. BYNUM. It is true, Mr. Chairman, that we have furnished ground at Indianapolis for the interment of the soldiers without cost to the Government, and we have taken care of it. The directors of Crown Hill Cemetery have already furnished ground there and have spent many thousands of dollars a year keeping it in order. As I said at the beginning of my remarks, there is no national cemetery in the United States that is kept in a finer condition than that at Indianapolis. The incorporators of Crown Hill Cemetery have been doing this all the time, and they propose to continue it when this additional purchase

is made for the extension of the national cemetery. It should be remembered that this property is worth a dollar a foot and sells for that readily. A lot of 20 feet square will bring \$400, and the property is offered to the Government for about one-half its price. Where property is so valuable the Government ought not to ask more.

It is much better that all interments be together than that they be separated and an additional cemetery established outside. I think it is a measure of economy, too, because we all know that you can not keep up a national cemetery of one or two acres in the way that it ought to be kept up for less than two or three thousand dollars a year, and that will be a perpetual expense, while all that is required in this case will be the first expenditure.

Mr. MILLIKEN. What is the aggregate cost?

Mr. BYNUM. Thirty thousand dollars for 59,500 feet, and it would bring \$60,000 if sold out in lots to private parties. It is the very choicest ground in the cemetery. I hope the amendment will be adopted.

The question being put on the amendment of the gentleman from Indiana [Mr. BYNUM], pending the announcement of the vote Mr. BYNUM called for a division.

The House divided; and there were—ayes 39, noes 58.

Mr. BYNUM. I ask for tellers.

Tellers were ordered; and Mr. BYNUM and Mr. CANNON were appointed.

The committee again divided; and the tellers reported—ayes 59, noes 65.

Accordingly the amendment was rejected.

The Clerk read as follows:

National Cemetery at Hampton, Va.: For the purchase of 8 acres of land other than land belonging to the Hampton Normal and Agricultural Institute adjoining or as near as practical to the National Cemetery at Hampton, Va., required for enlargement of the same, \$17,000.

That no part of the sum of \$2,000 appropriated by the sundry civil appropriation act approved March 2, 1889, for repairing and draining roadway to the National Cemetery at Hampton, Va., shall be expended until the title to and jurisdiction over said roadway shall be vested in the United States.

Mr. BROWNE, of Virginia. I wish to offer the following amendment, which the Clerk will read.

The Clerk read as follows:

Insert, after line 23, page 69, the following:

NATIONAL CEMETERY NEAR FREDERICKSBURG, VA.

For macadamizing and permanently improving the public road leading from the railroad depot in the city of Fredericksburgh, Va., to the national cemetery near said city, \$8,000: *Provided*, That no part of said sum shall be expended unless the entire improvement can be made and completed for the amount herein appropriated.

Mr. CANNON. Mr. Chairman, I think that is not authorized, is it? I make the inquiry with the view to ascertaining what the facts are. I reserve all points of order.

Mr. BROWNE, of Virginia. The facts are that there are 16,000 dead soldiers buried at this point. The amount asked for is only \$8,000, and it seems to me that no point of order should be made.

Mr. CANNON. I reserve the point of order. I wish the gentleman would tell me what the necessity for it is.

Mr. BROWNE, of Virginia. The necessity is just as stated in the report upon the bill, which I will send to the Clerk's desk and ask that it be read.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred the bill to provide for macadamizing the road from railroad depot in Fredericksburgh, Va., to the national cemetery, submit the following report:

There are buried in the national cemetery near the city of Fredericksburgh, Va., over 16,000 Federal soldiers. This cemetery is situated beyond the corporate limits of the town, upon the famous Marye's Heights, overlooking the Rappahannock River and the heights of Stafford. The grounds are beautifully terraced, set in well selected shrubbery, and inclosed with a substantial fence. There is no access to it except along the country roads, the condition of which makes travel over them often difficult and very disagreeable.

The fact that the dead of five general engagements lie buried here, and the surrounding country made historic by the great battles there fought, has made this sacred spot a place of general interest for large numbers of visitors from all sections of the country, as well as the citizens of the city.

The engineer reports that the road can be constructed for the small sum of \$8,000, and your committee is of the opinion that this road should be at once constructed, and recommend that the bill do pass.

The amendment offered by Mr. BROWNE, of Virginia, was agreed to.

Mr. DOCKERY. Mr. Chairman, was that amendment adopted?

The CHAIRMAN. It was adopted.

The Clerk read to line 18, page 75, of the bill.

Mr. CANNON. I move that the committee do now rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BURROWS reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 10884) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes, had come to no resolution thereon.

COPIES OF REPORT OF CIVIL-SERVICE INVESTIGATION.

Mr. LEHLBACH. I am instructed by the Committee on Reform in the Civil Service to ask the adoption of the following resolution:

Resolved, That 2,000 copies of the report and evidence taken in the investigation of the United States Civil Service Commission be printed for the use of the House.

The resolution was adopted.

Mr. LEHLBACH. I move to reconsider the vote by which the resolution was adopted; and also move to lay the motion to reconsider on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. REED, of Iowa, for this day, on account of important business.

THE LATE SAMUEL JACKSON RANDALL.

The SPEAKER. The hour of 1 o'clock having arrived, the Clerk will report the special order for the day.

The Clerk read as follows:

Resolved, That Saturday, June 14, beginning at 1 o'clock p. m., be set apart for paying tribute to the memory of the Hon. Samuel Jackson Randall, late a member of the House of Representatives from the Third district of the State of Pennsylvania.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, at 6 o'clock Sunday morning, April 13, I was awakened by a messenger at my rooms in this city, informing me that my colleague, Samuel Jackson Randall, had died but an hour before at his residence, No. 120 C street, southeast, but a few minutes distant from the Capitol. For days and hours I had expected this announcement, but when it came there was a suddenness in it that shocked me, losing in his death a companion almost from his earliest youth and an associate in the House of Representatives for more than a quarter of a century.

It seemed to me that in those dying days of his there was no rest to my mind except by frequent going or sending to his house to learn, at times almost hourly, the condition of my attached personal friend, I still having a hope that his life might be prolonged to his family and his country. But death came, and in peaceful resignation, and without pain or suffering, his lingering illness borne so patiently for many months, ended. In the presence of his wife and family, who had carefully nursed him and watched over him in his sickness, whose fatality could not be overcome, he breathed his last.

He was born in Philadelphia October 10, 1828, where had been born his father and mother, and where his grandparents had passed their lives, highly esteemed by its citizens. I knew his father and mother and his mother's father, Mr. Joseph Worrell, personally and well. I do not recollect ever having seen his grandfather, Mr. Matthew Randall, who was a prominent citizen.

He inherited from both sides of his parentage the temperament which brought him to so conspicuous a position in public life. His mother's father was a man long to be remembered for his service in the councils of the city and his devotion to duty in many positions of honor. So firm of purpose, so persistent in the right, so adhering to his own judgment that he was often thought to be self-willed and obstinate. But the people believed in him. So, also, was the reputation of his father's father, many a time called to duty by his fellow-citizens. These men were men of vigorous minds and their influence in their day was felt long after their deaths. Their names may be found in the annals of Philadelphia in the forefront of the list of distinguished persons true to themselves and to their city.

Josiah Randall, father of my colleague, stood abreast with the leaders of the bar of Philadelphia, and met in his professional life before judges or juries, never knowing failure in a cause until the final decision of the highest tribunal, taught his sons how great an element in life is persistence in the right. He was a man of courage, determination, and strong family affection, and literally lived with his children as their companion. He drew them to him in their youth, and as long as he lived they were held by him in just such associations and confidence as produce in children manliness and self-reliance, and stamp upon their lives the attributes of a devoted parent.

My colleague in all these characteristics was like his distinguished father, and with the same make-up of father and grandfathers, as was known to all Philadelphia, could it be possible that Samuel Jackson Randall could be otherwise than as they were and not possess just such points in character and action as you, my fellow-members, have witnessed in him? Under an apparent sternness, oh! how tender in feeling and sympathy he was. What a delight to be with him when surrounded by his family. His wife loved and cherished all the days of their married life, lovers to the last, his children adoring him, glad to

be near him, never pushed back when affection brought them to his side, never too busy to greet them. I do not know of a more admirable domestic life. Oh! how he appreciated his children's love, and ever taught them to approach him with their cares and anxieties, their sorrows and their joys. This, in my estimation, is to be a true father.

Before he became a voter he felt interested in political affairs, and longed for the day when he could vote. We lived in the same neighborhood, in adjoining wards, and in what was called the "city proper," before its consolidation with the entire county of Philadelphia. To be a councilman from a ward of the old city was a great distinction and was conferred generally upon men of mature age. At twenty-three years of age, though, he was elected as a Whig to the common council, and was elected for another term after consolidation. His father was a prominent leader in the Whig party. He and this son remained Whigs until a year or two before the election of President Buchanan, for whom they both voted.

Always active in politics, my colleague had been a member of the conventions of the Whig party from the year he became of age, and in three of those conventions I was nominated for the Legislature. He was in the convention of the same party in September, 1852, which nominated me for the State senate. That convention nominated him for the common council, and he and I in October of that year were elected by the Whigs to those respective positions.

His teachings, like mine, were in the school of protection to American industry. We had learned our early lessons in the tariff from the teachings of Henry Clay and the protectionists of that day. Is it amazing that my colleague should have become a protectionist leader as a Democrat? He had not forgotten the principles taught him in that grand old Whig party. If he ever wavered in his views, his assignment by Mr. Speaker Keifer in the Forty-seventh Congress to the Committee on Ways and Means brought him face to face with the practical questions of free trade and protection, and to the latter from a Democratic protectionist's standpoint he stood by protection to American industry.

In the years 1858 and 1859 he served as a Democrat in the State senate, and in that dignified body of men, consisting of only thirty-three senators, he commenced early to show his aptitude for legislative work. He filled out the two years of the unexpired term for which he had been elected, impressing himself upon the people as an honorable senator.

In October, 1862, he was elected to the United States House of Representatives, he and I, with others, having been sworn in as members of the Thirty-eighth Congress upon the first Monday of December, 1863. He continued a member of the House from that time until his death, having been elected fourteen consecutive terms, the last two elections he having had no Republican opponent, thus practically having received both times the unanimous vote of the citizens of his district. To have sought his defeat would have been a marked failure, and had he survived his present term, again he would have had a unanimous election.

Such a Congressional record is rare and could occur only by the knowledge his constituents had of his integrity and unselfish, intelligent attention to duty.

In all the walks of life, private as well as public, honesty commends to the people in the greatest degree the man who never allows himself to be led astray by improper influences. In what body of men is honorable conduct more witnessed than in the Congress of the United States? Men of honor take their places here. Our associations here are with gentlemen high in tone, upright, and incorruptible. The pride of our membership is that we have served and been intimate with Representatives whose lives in the estimation of their constituents and the country have exemplified honesty, integrity, and unqualified adherence to principle. Dishonest action could not be tolerated in Congressional service. The country knew my colleague to be honest, and his devotion to economy in public expenditures saved many millions to the Treasury.

Though burdened with public duties, never ceasing in work, yet he always considered the individual constituent. Busy as he ever was, the call of a constituent was never denied. A letter from the humblest man received from him a due reply and ever a willingness to have his wishes, if in the right, carried out if possible. Eminent as he was in statesmanship he found time to be accessible to his fellow-citizens and to receive them without heeding their circumstances in life, rich or poor, powerful or weak, educated or uneducated. He was a statesman with a heart and knew that statesmanship failed sooner or later when courtesy, tenderness, and freedom of approach were denied the people.

He was a man of few words, and at once his discerning mind gave him immediate insight into the wants of whoever approached him. A seeming abruptness of manner was merely the necessity of husbanding time, so ever occupied was he in public duties. But he could not be misunderstood, for a frankness of answer, whether acquiescing or refusing, meant just what he said, and he never deceived.

No one was more sensitive than he. He had the power of concealing his hurts and disappointments. Ingratitude stung him to the very quick, but he was too great to make complaints, too honest in his own actions to look for deceit in others.

I repeat, literally he was a statesman with a heart. Promotion could not spoil him, and the higher he rose in the public estimation the more he appreciated the honors bestowed upon him and the more he felt that he should bend himself to listen to the necessary requirements of the people, never ending with those in representative life. Had he been transferred to the Senate, called to the Cabinet, elevated to the Presidency, Samuel Jackson Randall would never have changed in manner, but the greater his advancement the easier of access would he have been to his countrymen.

In the days of the rebellion he twice answered the call of his country, ready to fight to preserve the Union, dropping his uncompromising party feeling as long as the flag was to be upheld.

He never spoke in the House unless it was necessary. He always commanded attention, for he never wasted a word. In expression he was more forcible than eloquent, always using the fittest words. He grew to be a successful debater, but while he knew he had accomplished power of utterance and clearness in presenting his ideas he did not become a talker for talk's sake. He was sure to give information; hence he was always gladly heard. The intelligent debater never tires the House. He never wandered from the point at issue. He was really great in debate, unsurpassed in repartee.

In knowledge of parliamentary law and procedure, his constant study in the earlier as well as the later years of his service, he was, in my opinion, never excelled. He had learned not only the principles upon which the rules were established, but practically on the floor and as Speaker he knew how they should be applied.

In leadership my colleague was pre-eminent. In every important crisis during his Congressional service he was found in the foreground. The pages of the Congressional Globe and the CONGRESSIONAL RECORD bear witness to his prominence upon great occasions. He had the breadth of mind to face opposition. In the struggle over the force bill he was all-powerful. In the electoral-count excitement he foresaw dreaded results, but by his calmness and determination as he sat beside Acting Vice-President Ferry, equally calm and determined for the right, the count was completed.

Again, without fear of criticism, he led Democratic protectionists for the preservation of protection to American industry. He persistently, as chairman of the Committee on Appropriations, insisted, year after year, in reducing the estimates, and, because in preparing appropriation bills he was not influenced by localities, he was sustained as a consistent economist. His name will live in history, and he will be remembered for following in action the courage of his convictions. These were the great triumphs of his legislative career.

You recollect, my fellow-members, the eloquent tributes to him of the Chaplain of the House and of his pastor while we surrounded his remains in the church here, whence we followed his body to the funeral train. These men of God pronounced his conversion to Christ as his greatest triumph. Yes, this was the triumph of his life. He so considered it, and did not hesitate to say so to friends who visited him during the precious times they were privileged to see him after he had connected himself with the Metropolitan Presbyterian Church. To me on several occasions he said that it was his constant comfort, and when in pain and suffering his priceless consolation. Oh! how he wished and hoped his friends, in the midst of the cares of public duties, would feel it their greatest duty to confess Christ and become followers of the Lord.

In his strong personal interest in me, loving words would be uttered by him from his sick bed, and in his prayers, as told me by his devoted wife, he would ask that by the grace of God I should hasten to seek the same comfort and consolation as had in mercy been vouchsafed to him. To me he spoke on several occasions of the frequent visits of a distinguished Philadelphian, high in Government position here, whose Christian influence under God had brought him to realize that he was a sinner and needed forgiveness. This friend's prayers and words of holiness gave him peace of mind and removed the terrors of death.

The ending of our personal intimacy, which had continued so many years, to me is sad indeed. The death of this colleague of mine, younger in years than I am, and the death of our senior colleague, Judge Kelley, and our long-time associate, Samuel S. Cox, have made a void which can not easily be filled. Cox, Kelley, Randall, three Representatives serving at the same time, twenty-five years and over, together, dead within a period of less than seven months. What a blow to their surviving fellow-members! What a loss to their country! Certainly they have never been excelled in intelligence, influence, and ability in any Congress from the organization of the Government.

Our hearts were crushed as we passed our resolutions in the House upon the announcement of Mr. Randall's death. While his colleagues from Pennsylvania at their meeting were expressing their more direct personal grief over the departure of one of their own, the executive committee of the Labor League of the District of Columbia bemoaned in touching resolves the loss of him "as one of the greatest benefactors of the workingmen who had ever occupied a seat in Congress." The citizens of Pennsylvania who were present in this city met in large numbers and deplored in words of affection and heartfelt feeling that a great man of their Commonwealth had died.

Those of us whose melancholy duty it was to follow him to his place

of burial will never forget the faces of sadness we saw upon the thousands of Philadelphia people whose affection for him took them to his grave. The poor, the rich, the young, the old, were there to shed tears over the remains of their deceased friend and fellow-citizen. Men, women, and children in countless throngs looked upon his countenance, placid in death, for the last time. Eminent men of all political parties paid homage to him who in life, though a partisan, had won their friendship and esteem. His simplicity of manner, his kindly greetings, his devotion to the individual, his courage to do what he believed was right, his fearlessness in asserting his opinions, endeared him to all men. They mourned his death not only as a loss to their city, their State, and their country, but wept over him personally as those who "would not be comforted."

His wish that his funeral should be devoid of pomp and ceremony was fully carried out in Washington. In Philadelphia there was no ostentation, but the hearts of the people could not be restrained. Their desire of bearing testimony by their presence to his virtues, his unsullied life as a Representative and as a man, brought multitudes from all parts of the city in unformed procession, but in the quietness of profound grief, to see their deceased friend laid at rest in Laurel Hill Cemetery. He was honored in death as in life as few men have been honored.

Samuel Jackson Randall died a professing Christian. The solemnity of his death, the loving scenes at his interment, will linger long in our memories, and while we are pronouncing our tributes upon him let our prayer be to the Lord that the dread messenger in His mercy may not again visit the Fifty-first Congress.

Mr. MUTCHLER. Mr. Speaker, when one feels a loss as of that of a comrade and as a matter of personal experience can recall the genial kindness and courteous consideration for others which marked Samuel Jackson Randall's intercourse with his fellow-men, it is difficult to speak calmly of his completed life and untimely death.

There is something chilling and repressing in premeditated eulogy; yet to give vent to the feelings and to put into words the sorrow which all who knew him feel because we shall look upon his face no more would not besit this occasion.

Memory brings back to us all very vividly the dignified presence, the earnest voice, the impressive manner of the man who but a few short weeks ago was a leader in this House, a living power among living men, molding public opinion and shaping national policy.

It is hard to realize that we shall hear the earnest tones of his voice no more, and that here, where yet the echoes still linger, in accordance with the custom of this body, kind words are spoken of him to-day as flowers are sometimes dropped into new-made graves.

He was a man whose strength of character, whose sterling integrity and tenacity of purpose the masses of his countrymen fully comprehended. His was not the dazzling brilliancy of genius which is directed as by inspiration and compels public attention, but he was one of the workers who tirelessly take up the duties of every day and patiently and laboriously build that which endures. Slowly, carefully, and methodically he examined every public question, and however difficult the problems involved might be he would patiently and thoughtfully consider them until he was prepared to debate and vote intelligently and understandingly. The one great end and aim of his Congressional life was to do his duty and

He walked attended
By a strong-aiding champion—conscience—

bringing to the labors of every day the strong common sense and vigorous interest of an earnest, faithful, honest man.

There were times, though not often, when I thought his views were wrong. But there never was a time that I did not know, whatever his position, that he believed he was right. I know of no man who served with him in public life (and I know many) who, however he may have differed with him, would not to-day gladly stand beside me to testify to his fidelity to the right as it was given to him to see it.

His life was a protest against the ignoble love of ease and pleasure, and the prevalent and degrading worship of wealth which poisons our national life had no abiding place in his generous nature. He never ate the bread of idleness, and in the sturdy independence of his character he valued men for what they did rather than for what they had, for the noble qualities of their minds, and not for the bulk of their material wealth.

Although not always in accord with the majority of his party on questions of public policy, yet Mr. Randall was essentially a Democrat, believing with all his heart in the simple customs of the early days of our national existence and heartily despising the tinsel and glitter, the pomp and vanity, extravagance and luxury of these latter days. He talked well, and always to the purpose, when there was occasion, and was among the most potent of all the able advocates who have graced the halls of the American Congress, because his speeches were strong with the power of a strong man's conviction. He was a thinker and a worker whose self-denying faithfulness in the discharge of arduous duties gave him such large experience and intimate knowledge of public affairs that no man without such special training can hope to fill his place.

Such men sent here to represent the people do honor to the people's cause. The dangerous brilliancy of genius is more attractive and the melody of eloquent orators will charm for awhile against the voice of reason itself, but it is the unswerving honesty of purpose, the sturdy common sense, and steadfast adherence to duty of such men as he that preserve to us all that is best and worth preserving in our national life.

It is not necessary that I should dwell further upon this melancholy subject, nor that I should tell this House, nor the millions whom we here represent, who Samuel J. Randall was. His fame as an honest, wise, and faithful representative of the people is as wide as the Union itself. In his death the great State of Pennsylvania mourns the loss of a citizen whom she delighted to honor and this great country that of one of her wisest and most patriotic statesmen. His pitiable condition for many months prior to his death can not be contemplated without feeling of the most profound sorrow. Suffering with a painful and incurable malady, he battled long and manfully for life, and never ceased to hope until the grim messenger of death closed his eyes in peaceful and, as to all earthly scenes, eternal slumber.

There is a rustle among the leaves and a sound like a sob as the ripe fruit falls upon the sod beneath the trees, and that is all. The sun shines, and the shadows fall, and the wind whispers among the leaves as before.

The time of bud and blossom comes again and again, and the snow's white mantle falls upon the graves of departed friends. The awful indifference of nature to the darkness and pain and sorrow of death seems harsh and pitiless as we turn from the grave to the teeming life of a summer's day. "If a man die shall he live again?" Generation after generation the sons and daughters of men have come and gone since that heart-stirring inquiry was first recorded. Science has been appealed to in vain to answer, and all the passionate longings of love get no reply. Our friends and loved ones pass from life, and the rest is silence. Only faith can make a hopeful response, and never is faith so hopeful as when, regarding duty well performed, it listens in the darkness of the tomb and hears the still small voice: "Well done, good and faithful servant."

My colleague [Mr. BUCKALEW] was to speak after my colleague [Mr. O'NEILL]. He is unable to be here on account of sickness, and I ask unanimous consent of the House that he be permitted to print his remarks in the RECORD.

Consent was given.

[Mr. CANNON addressed the House. See Appendix.]

Mr. FORNEY. Mr. Speaker, my acquaintance with Mr. Randall began with my entrance into the Forty-fourth Congress. From that time until his death our relations were both pleasant and friendly. I was associated with him for seven years upon the same committee. To-day I desire, with others, to unite in paying my humble tribute of respect to his memory.

In expressing my sorrow at his death I know I am speaking the sentiments of the people of my State, for Alabama held him in high esteem, admired him for his many virtues and sterling qualities, loved him for the services he had rendered her people.

During the great struggle in the House of Representatives, denominated by some as "the battle of liberty against despotism," the parliamentary tactics, indomitable pluck, and heroic endurance of Mr. Randall shone with unparalleled resplendence. To these great characteristics of the lamented statesman the whole country is indebted for the defeat and overthrow of a policy which would have wrought incalculable injury to the best interests of the entire country; for these grand efforts in behalf of just and humane legislation the South owes him a lasting debt of gratitude, and so long as a love of justice shall animate the Southern heart the memory of Mr. Randall will be cherished by her gallant and noble people.

Hon. Mr. O'NEILL, of Pennsylvania, his colleague, as well as others, has truly and fittingly spoken of Mr. Randall's services to his State, his loyal devotion as a husband, his loving kindness as a father, and the sweet domestic happiness which ever reigned in the home circle. I come to speak of him as I knew him in this Hall and in the committee room.

During the fall campaign of 1874 a political cyclone swept over our country which gave to the Democracy a majority in the House of Representatives. The key-notes of that campaign were the extravagances of the Republican party, "Retrenchment and reform!" Mr. Kerr was elected Speaker of the House of Representatives, and he made Mr. Randall chairman of the Appropriations Committee, the money committee of the House.

A great work was before him, a herculean task had to be performed. Expenditures must be reduced. Mr. Randall's long service in Congress made him familiar with the details of the Government. No one was more familiar with the previous legislation of our country, its history, its resources, and the needs of the people. He was well equipped for the discharge of the duties assigned him. He had able and experienced associates upon the committee. The work of "retrenchment and reform" commenced. He soon became master of the situation. When the work was finished the result of the labors of his committee,

as well as I now remember, showed a reduction of \$30,000,000 in the expenditures of the Government. The policies in respect of retrenchment and reform inaugurated by his committee have been the controlling policies of his party since 1876, and which were so wise and eminently proper that the opposition, in the main, have followed them. By the work of Mr. Randall and his associates the people of the United States have been saved the expenditure of many millions of dollars.

Upon the death of Mr. Kerr, Mr. Randall was elected Speaker of the House, and was re-elected in the Forty-fifth and Forty-sixth Congresses. As Speaker of the House he was a model presiding officer, equal to every emergency, quick and ready, firm and resolute, yet always courteous. He was the peer of any of the great men who had preceded him; and the record made by him as Speaker of the House of Representatives will compare favorably with the records of the most illustrious men who have filled that exalted position since the organization of the Government.

As a legislator he had few equals and no superiors. The impress of his great mind is stamped upon the statutes enacted during his Congressional life. He was a man of sterling integrity and above reproach. He lived through the days of jobbery and corruption; he came out with garments pure and spotless. He was the enemy of all corrupt schemes and was opposed to all raids upon the Treasury. The lobbyist disliked and dreaded him. They knew he stood for his country and his country's good.

Mr. Randall has been called a born leader of men; and why? He possessed all those great qualities which go to make up a leader. He had an iron will. He had nerve and courage. He hated intrigue, despised all shams. He was open, frank, honest, and manly to his opponents. He wore no mask. His panoply was the justness of his cause. He had convictions, and he was always loyal to his convictions. One of the highest evidences of his loyalty to his convictions was that he never yielded one jot or tittle from his convictions upon the great tariff question, when he knew with reasonable certainty that by his yielding and falling into line with his party upon that question he could have reached the highest position in the gift of the American people.

Upon all questions save that of the tariff, in which he differed with a majority of his party, he was the acknowledged leader of the Democratic side of the House up to his death. During parliamentary battles all eyes turned to him to lead the Democratic forces. When the battle raged the highest, in the hottest of the fight, he was cool and deliberate and never for a moment lost his balance. In the midst of confusion one blast from his bugle would rally his forces, and the "two wings flapped together."

As a debater there were men who had a more ready flow of language, who were more gifted as orators, but none surpassed him in making his points clear. If eloquence consists in carrying one's point, in convincing one's hearers, Mr. Randall was an eloquent man. He never indulged in flowery language or rhetoric, but he came down with sledgehammer blows which his adversary could neither resist nor ward off.

Mr. Speaker, Samuel Jackson Randall, one of the greatest statesmen and purest patriots of his age, has passed over the river. Death has taken him from amongst us. He will be missed, not alone by the city of Philadelphia, his home and birth-place; not alone by the great State of Pennsylvania, which he for twenty-seven years so ably and faithfully represented, but he will be missed here, in this Hall, by his party and by the people of our entire country.

It is a pleasing reflection, Mr. Speaker, in our sorrow for his loss, to know that our friend and colleague has gone to a purer, brighter, and better world. His minister, Rev. Dr. Chester, told us in his eloquent sermon at the funeral of Mr. Randall that he "had administered to him the sacrament of the Lord's Supper." He told us that Mr. Randall "had passed through weeks of great pain, but bore his sufferings with a beautiful christian patience." He told us that "when the summons at last came, on the Sabbath, just as the morning broke, just as the bells in a neighboring church were calling its worshippers, it found Mr. Randall prepared, for his soul was washed in that blood which cleanseth from all sin, which can fit a child of earth for an abundant entrance into heaven."

May we all be prepared to join our colleague when, like him, we are called to pass over the river.

Mr. BUTTERWORTH. Mr. Speaker, of the youth and early manhood of Samuel J. Randall I know nothing, except as they were reflected in the character and bearing of the matured man. When I first saw him, he was occupying the Speaker's chair, presiding over the deliberations of the national House of Representatives. His appearance was striking, and you at once pointed to him as a man of mark.

Samuel J. Randall was a man of mark. The qualities that made him conspicuous among his fellows were not acquired, they were innate, they were God-given.

As I reflect upon his, as it seems to me, untimely death, and the loss his people have sustained, there comes to my mind the words of David, when he learned of the death of Abner: "Know ye not that there is a prince and a great man fallen this day in Israel?"

Samuel J. Randall was a prince among his people. He held his

title not by word or touch of royalty; he was a "prince by virtue of an earlier creation and the imposition of a mightier hand."

It is seldom given to a man to leave upon the times in which he lives the palpable impress of his genius.

There are many who, pursuing the noiseless tenor of their way, do yet perform a mighty work in the interest of the state, and more especially of the neighborhood in which they reside. But Mr. Randall's field was larger than the neighborhood where he abode; it was broader than the State that claimed him for her son; it was as wide as the nation.

His entrance upon the stage of public life was not such as to attract attention, but was quiet and without display. There was nothing meteoric about his movements. His election to Congress was not the result of great brilliancy of intellect, nor yet of dash in any forum, neither in the battle-field where he strove, nor yet in the council where he was wise and persuasive, but it resulted from a recognition by his fellow-men of the sterling qualities which gave him prominence here upon this floor.

He was of the stuff of which martyrs are made. He was a Puritan—I speak of a character, a type, rather than one of the class of persons who bore that name. He had the characteristics that have marked, the Puritan everywhere upon the earth.

He possessed an indomitable will and an inflexible purpose, and, when once he had decided what duty required of him, he moved forward to the discharge of its requirements, and there was no change or shadow of turning until his work was done.

Duty was to him a word of imperial command. He would have been useful to Cromwell. He would have sat with serenity as a member of the court that sent Charles to the block, and I believe he would, with the same intrepidity that marked the Roman Regulus, have returned to Carthage to be tortured rather than advise the Romans to a cessation of hostilities or to make peace with the Carthaginians. He was a leader, not by the accident of choice, but by virtue of a commission that men might disregard, but could not revoke.

Leaders are rarely needed. They are for great occasions and times of public peril, not for the dull current of common events. Thersites was never silent in the councils of the Greeks. Ulysses seldom spoke.

In politics Randall was a Democrat, largely, I have always thought, on account of the value of the political trade-mark under which they did business—the name Democrat.

Apart from its partisan aspect there is a charm in its suggestiveness. The name "democracy" is worth to the party that bears it a million of votes in this country, without regard to what is advocated or what is opposed by the party.

It is known that, while Randall stood one of the foremost and most influential in the ranks of Democrats, he nevertheless advocated many of the cardinal principles of Republicanism.

He was an earnest protectionist. By that I mean he believed that the best interests of his country and his countrymen required that they should have at least, and possibly something more than, an equal opportunity with the citizens of other nations in every field of industrial endeavor.

He did not believe in a system of what has been termed "reciprocal brigandage," born of an abuse which would supplant inequalities in opportunities between citizens of the United States and those of other nations by similar though more hurtful inequalities between our own people. The former, Mr. Randall deemed a disadvantage; the latter, a national calamity.

He had confidence in the future of this Republic, an abiding faith in the saving common-sense of the American people.

He believed, first, that they desired to be right, that they desired to be just, and that if left to themselves, in the presence of conditions which afforded opportunities for an intelligent understanding of public questions, they would work out the salvation of the Republic without civil strife, without revolution.

It is quite possible that he did not give sufficient consideration to the dynamic element which has been introduced from all nations of the earth and the baneful influence that element has exerted upon the American character. But is it to be wondered at, since ordinarily there is more concern felt to achieve present political success than there is to preserve our institutions free from influences potent though obscure which tend to civil discord and revolution? Who can guide the ship and yet stand on the shore?

Mr. Randall's life-work is done.

It is difficult to rightly estimate the influence of such a character. He was not an orator, he was not a man of high scholastic attainments, yet he was none the less a profound practical philosopher. Few grasped as he did the logic of events. It may be justly said of him that in a human sense he saw the end from the beginning. His strong points were a wealth of saving common-sense, an incorruptible honesty, steadfastness in honorable purpose, and untiring industry, all supplemented by the highest order of moral and physical courage.

He was thoroughly devoted to his family. No man felt a livelier interest in the purity and well-being of the home circle. He was not, I believe, until a few months prior to his death, an open professor of any

religious faith, although he kept the commandments, which is evidence of a perfect faith.

Less, I think, to bring peace to his own mind than to set a worthy example, he connected himself with the church, realizing and testifying by his example and by the testimony he bore that it was well for us to associate ourselves together as christians and to meet together for the purposes of worship.

To my mind, at least, the fact that Samuel J. Randall openly, earnestly embraced the christian faith, ought to go far to confirm the wavering and remove the doubts of those who are hesitating, for he was a strong man, and no fear of death moved him, no terror that the grave could present operated upon his mind, but his profession was the result of a clear and full conviction that there is a life beyond the grave and that that life might be in some measure, greater or less, fashioned by the thoughts and acts of mortals while on this side.

We miss him, the country will miss him, and it will be long before his State will find his fellow. She may have sons more brilliant, whose bearing will attract the public notice more quickly, but she has no son who loved her with a devotion less selfish or who will serve her with more courage and constancy.

Mr. VAUX. Mr. Speaker, elected for the unexpired term of Samuel J. Randall in the Fifty-first Congress, occasioned by his death last April, it is fitting that I should pay my personal tribute to his character and memory. His distinguished colleagues who have served with him so long in Congress can better discuss his official life and his eminent public services. We have already heard from them the most interesting delineation of his career.

I knew Mr. Randall after he reached manhood, and we were associates, more or less, for many years. In his early manhood he seemed to be destined to commercial pursuits. He did not, however, evince any partiality for that vocation. He was restive under the restraint of the conventional rules which then regulated business enterprises. There were allurements in the energies that surrounded political organizations. These attracted him. If he studied law, he never, I think, undertook the discharge of the duties of the profession or entered a professional career. He was attracted to political life by its harmony with his temperament. It is a remarkable fact that legislation was most congenial to his tastes. He was circumscribed in his public service to the legislative branches of government.

His first introduction into politics was as a member of the municipal government of the city of Philadelphia, in which we both were born. He served four years in that body. It was a labor most especially of detail which he was thus forced to undertake. This he learned in his earliest experience. Then he was elected to the State senate of Pennsylvania and served two sessions in that body. This was an enlarged sphere for his experience acquired in the municipal government. A short time after this he was elected to the Thirty-eighth Congress, and to this body he was consecutively re-elected until the Fifty-first, a quarter of a century of continuous service.

It is not now to be considered whether exclusive devotion for a long time to legislation is not the best school to eliminate the highest qualities of a statesman.

Mr. Randall never served in any administrative or judicial station. He was not a great student nor a profound thinker. His practical common sense was his guide on and in all public questions. His marked characteristic was the mastery of details. He investigated and analyzed the practical elements in all public questions. He was a leader by the force of his personal power for high purpose. In him the sense of public duty was the basis of his public actions. His reputation stands on the pedestal of earnest convictions of right, which he followed. In the performance of his part in Congress this power was most conspicuous. Rarely did he discuss great principles. He always exhausted the facts and figures in all economic legislative measures. He was a great master of this most important branch of Congressional work. He became pre-eminent as an authority on all fiscal measures. He impressed his colleagues by his familiarity with the practical details of the questions proposed. He was by Congress elected its Speaker. He led the House by his clear statements on taxation and appropriation bills, and fully expressed and explained the purpose and effect of such measures. In the chair he gained his highest honors. The people of the United States were as familiar with Randall as the Speaker as they were with him as a member of the House. The character of his mind as we have sketched it will be developed and illustrated in his speech delivered on the 27th of March, 1876, "On the substitution of silver coin for fractional currency."

We cite this only to substantiate the views we have expressed. It is a speech which shows Mr. Randall's line of thought, his command of detail, and his intellectual power. Mr. Randall's high rank and great fame were due to his zeal, energy, will-power, courage, and determination. If he had taken up the profession of arms and entered military life he would have been a great commander. His capabilities would have been there manifested. He had the power to dominate and lead men, and his will was wonderful. His personal and political integrity were beyond the reach of suspicion. Schemes, jobs, covert

efforts to secure public plunder by legislation, were neither countenanced nor encouraged. He was the enemy of the lobbyist. It is somewhat significant that these characteristics were so rare as to be the glory of his life, but so it was. The people honored these virtues and honored him. His integrity was one of the powers that gave him his influence. He never faltered, never hesitated in the course he had marked out. Those of his party who could not agree with him, and they were a large majority, bowed before his universally admitted stainless honesty. That was the brilliant jewel in the coronet of his fame.

The corner-stone begins the foundation; so the cap-stone marks the completion of the material edifice. The consensus of virtuous minds is formulated in the axiom that is the concretion of the lesson of human lives. When the days of the years of Mr. Randall's life were coming to a close, surrounded by his family, whose devotion soothed as it had ever sustained him, he united himself with the christian church. This consensus of virtuous minds in this axiom to which I have referred is found in the words *Finis coronat opus*. Confessing God the Almighty and Eternal Father and his only Son our Holy and Blessed Redeemer, it came to pass that the life-work of Mr. Randall was crowned as he entered into eternity. *Finis coronat opus*.

Mr. CASWELL. Mr. Speaker, it requires no exaggeration to pay a high tribute to the life and character of Samuel J. Randall.

The truth, simply and plainly spoken, will best serve my purpose in the part which I shall take on this occasion.

It was to my advantage to be with him many years upon the floor of this House. Here I learned to know him and appreciate his great services to the country. It is a pleasure for me to add a few words to what has already been said concerning his public life; to that alone shall I direct my attention.

Mr. Randall was a plain unassuming man, but his work was most effectual. He dealt in facts and was always armed with reasons to justify his acts. He was not in any sense demonstrative. He accomplished most by a steady progress in his work, taking no steps backward.

For many years he was a member of this House while his party was in the minority. But he stood firmly, wrestling against odds, yielding nothing. Over and over he submitted to defeat, only to rally and try again. He not only led his party at this time, but he commanded the entire respect of the opposition. Whether he was right at all times or whether he was wrong on some occasions, no man could question his sincerity or the honesty of his purpose. He seemed moved solely by a sense of duty. In 1875, when his party came into power in the House of Representatives, he took high rank at once as a leader upon the floor. This he did, not only in carrying out his policy, but also in the work of providing ways and means for defraying the expenses of the Government.

The administration in all the Departments was still opposed to him, but as chairman of the Committee on Appropriations he held his hand firmly upon the door of the Treasury and to a great extent he dictated the entire expenses of the Government. No man in the United States at that time, unless it were the President himself, held a stronger position than did Mr. Randall. He could absolutely fix the amount of all the appropriation bills, on which the whole machinery of the Government depended. He could say, "This you can have, and no more." In the first year of his services as chairman of this committee he made large reductions in the expenses. He revised the entire civil force, applying the pruning-knife conscientiously, if not wisely, with a view of reforming the service, reducing expenses, and consequently the burdens of the people.

Still later on, in 1877, when Speaker of the House, he rendered the country a service which alone was sufficient to place him high on the plane of statesmanship. That occasion will never be forgotten by his contemporaries upon this floor, nor will it be forgotten by the American people, who love their country better than their party.

In the history of our Government we have never been without a President for any period, however short. If the electoral count had not been completed that year, so as to determine who was chosen President before the close of the session on March 4, no method could have been devised by which the result could be determined, and for a time at least we would have been without a President of the United States, and the succession would have been involved in the greatest of doubt. The last hours of the session were rapidly approaching. The count was incomplete. Dilatory proceedings could easily have consumed the remaining time to the close, leaving the result of the election of 1876 undetermined. A completion of the count was certain defeat for Mr. Randall's party. Revolutionary means alone could install in office the man he believed to be elected. But Mr. Randall preferred the defeat of his party to the jeopardy in which the country would be involved. If Congress had adjourned without declaring the result no one could have predicted the consequences.

Rising above party, above the rules and parliamentary law which had always governed the House, he planted himself upon the constitutional mandate that the electoral vote should be counted, and he held

the House should not adjourn or transact other business until this high duty should be performed. And it was performed. In this bold but justifiable act on his part, as Speaker of the House, history will write his name along with the fathers and defenders of the Republic. His far-seeing eye ran out over the future, and he believed in the ultimate triumph of truth and justice.

If wrong should intervene in counting the vote, he knew the people at the first opportunity would make the correction. He thought it far better that he and his associates should meet with defeat than that this Government of the people should be suspended or that we should be arrayed in hostile attitude toward each other over the executive department of the Government. He was willing to sacrifice his personal preferences for the good of the whole country.

During the last years of our lamented friend he was shorn to some extent of his leadership in the party to which he belonged. Many will say and believe he was greater than his party. Certainly his transition from the place he had held as leader so long was not due to a want of ability, or integrity, or in generalship, so much needed at the head of 30,000,000 of people, but simply and solely for the reason that his associates differed with him on the great protection policy, which he so sincerely believed to be necessary for the good of the country.

In the stand he took for the protection of American industries no one can doubt his sincerity. He was reared in the school of protection, and he was executing the will of a most patriotic constituency. He faltered not, but remained faithful to his trust to the close, and a grateful people will reverently and respectfully remember his patriotism and fidelity. Strange as it may seem, the succeeding triumph of the party to which he did not belong was his own vindication and restoration to leadership. While Speaker of the House he was a great believer in the constitutional rights of each individual member, and no one, however strong, was permitted to usurp or trample upon the rights of any other member. He believed in the equality of representation, and that the constituency of each member had a right to be heard in the House of Representatives.

This was a distinguishing feature of his administration as Speaker. Few, if any, of his predecessors excelled him in fairness. His official service was marked with a personal kindness that brought sincere regret, shared in by all, when the hour of separation came at the close of the sessions.

But the useful career of this great man has passed into history. He has gone from us to return no more. We shall no longer hear that voice, so familiar to us here in the House. The messenger of death has stilled it forever. But he has spoken volumes for us and left a record here full of examples and instructions to guide us in our deliberations. He has passed from this arena, where he earned his great name and fame in the cause of his country, to that better shore, where truth and goodness reign supreme.

Mr. BLOUNT. Mr. Speaker, this occasion awakens the memories of the past seventeen years in connection with the most important and stirring events of that period. The figure, the action, and utterances of Samuel J. Randall assume that distinctness and nobility which proclaim him a leader of men in the public affairs of his time.

It is not my purpose to review his life from its commencement, but rather from the period when I first knew him on the floor of this House until his end came. Indeed, this task is more than I can consummate, for it would exact not only the history of all the stirring scenes which by reason of the incidental excitements commanded public attention, but of a large part of national legislation, requiring patient and laborious study of the very highest importance to the country, and yet repelling the ordinary mind by the long-sustained effort to comprehend fully its scope and results to his countrymen.

Coming myself to the Forty-third Congress, he first attracted my attention by the intense interest which he manifested in debate on all questions which involved public expenditures. At the head of the Committee on Appropriations was Hon. James A. Garfield, afterwards President of the United States. His comprehensive analytical mind was dominating its work. Eying all of it with shrewdness, sagacity, and unswerving toil and courage stood as the leading opponent of the majority Samuel J. Randall. The election of a Democratic House brought him to the head of the Committee on Appropriations. I was placed on that committee with him. To this I refer only because it gave me a rare point of observation of his qualities. He saw and seized the opportunity of a most marvelous reduction of public expenditures. The Senate of the United States was Republican and opposed to his purpose.

The President of the United States was not only a Republican, but sustained by the devotion which sprang from the fact that he was peerless amongst the great soldiers who led the armies of the Union in the recent civil war. Under his counsel and guidance the appropriations contained in the various bills made a reduction of \$40,000,000. Immediately the fires of the opposition in the House, Senate, Administration circles, and the press were kindled. All the resources of political warfare were turned upon him and his measures. Taking advantage of the financial crisis then upon the country he pursued them in debate in the House with a courage, zeal, patriotism, and richness

of information which rallied his friends about him with a confidence and enthusiasm never excelled by any man, living or dead.

The Senate rejected his reforms and disparaged them with the most labored and vehement criticism. Conferees of the House met, hotly debated differences, and returned to their Houses reporting disagreements in language born of intense and bitter strife. Most of the session of 1875-'76, which ended on the 15th of August, 1876, is filled up with a struggle for reduction of expenditures. The Senate finally yielded a reduction of \$30,000,000. On this struggle rested the Democratic campaign of 1876. Mr. Randall had conceived and consummated the magnificent record on which his party claimed the confidence of the American people. The occasion forbids that I should enter fully into a discussion of the scenes in the two Houses of Congress, the Electoral Commission proceedings, the general alarm in all sections and all parties for fear of an interregnum in the Presidential office, and the possible dangers from irregular and unconstitutional measures which might be invented.

The elections of 1874 returned an overwhelming majority for the Democratic party in the House of Representatives for the Forty-fourth Congress. The second session of the Forty-third Congress assembled in the following December with the House of Representatives nearly two-thirds Republican. The civil-rights and force bills were brought up for action. It was believed by Southern members that they were designed to create disorder and race troubles in the South. Despondency and irritation each afflicted her people. With a great Government hostile to its peace, its civilization, its hopes, as was manifested in the proposed legislation, there seemed to be utter darkness all about them. And yet there was found a way of escape.

A leader of the minority, skilled in parliamentary tactics, grounded in constitutional principles, brave in every emergency, burst upon the scene. From the rules of the House he extracted a system of dilatory motions, which for three nights and two and one-half days without intermission, staid all action. During the time he had never slept, and ate at his desk. His manly frame yielded not to fatigue; his clear-sightedness never for an instant mistook the situation; his firm resolve and flashing eye animated with faith and enthusiasm his followers. At the end of this struggle it was seen that the session was too near to an end for the force bill to pass; it was believed the Democrats in the Senate could consume time and prevent the passage of the civil rights bill and that further tax of physical strength was not needed in the House. The force bill never became a law, the civil-rights act was declared unconstitutional by the Supreme Court, the sky brightened in the Southern land, and henceforward the name of Samuel J. Randall was revered and loved at her every hearthstone.

This struggle and that for reduction of public expenditures, to which I have referred, placed him in the group of great Americans. The death of Mr. Kerr, Speaker of the House of Representatives in the Forty-fourth Congress, during the summer of 1876, vacated this high place. To fill the vacancy was an easy task. It was assigned naturally, justly, enthusiastically, to Mr. Randall. He was afterwards twice elected to the same office. His administration was marked by economy in expenditures and aggressive purity on all questions. My memory is full of interesting incidents in his career in this office, but I must not pause to utter them here. I shall be permitted to speak freely of one.

It will be remembered that, in the Presidential election of 1876, on the face of the returns Mr. Hayes received 185 votes and Mr. Tilden 184 votes. It was alleged that the returns in Louisiana were false and fraudulent; that the certificate to the Florida vote should have been given to the Tilden electors; that in South Carolina, by the use of troops and deputy marshals the people were overawed and a fair election was defeated. Exceptions were taken to the certificates from Oregon, and it was alleged that the electoral vote of that State should have been given to Mr. Tilden.

Time will not permit nor is it deemed necessary to state with more elaboration the objections against counting the votes of these States for Mr. Hayes and the reasons for giving them to the Tilden electors. They were attended with circumstances so significant as to create a profound fear of civil war. This led to the passage of the Electoral Commission act. To the commission were submitted all the questions in dispute. Provision was made against dilatory proceedings in the two Houses of Congress in joint or separate sessions. Thus it seemed a peaceful solution was assured. The case of Florida was decided in favor of Mr. Hayes. The same conclusion was reached as to Oregon. A like result was reached in the case of South Carolina. At this stage, March 1, 1877, a majority of the Democrats of the House, under the belief that the decisions of the commission were erroneous and founded on partisan feeling and that bad faith obtained, desired to stay the proceedings. If this were consummated the 4th of March would come and no provision have been made for President. An interregnum in the office would have occurred. Expedients based on necessity and unsupported by law might have been resorted to by both parties. Law and order were threatened throughout the land. Dilatory motions were made in the House and supported by the great body of Democratic Representatives. If successful, anarchy was threatened.

All depended on the lofty patriotism and heroism of the Speaker, Hon. Samuel J. Randall. Obeying the law, he refused to entertain the mo-

tions. He left his party friends because duty dictated it. It were better to say that they were driven by passion from law, while he, lifting himself above the storm, saw in that great arbitration the safety of our institutions and the harmony of his countrymen. A study of the details of this Presidential election, of the varied and violent agitations of the popular heart, the vast dangers apprehended by the best men of all parties, and its peaceful solution, furnishes a grand appreciation of him who rose as high as this great emergency.

Mr. Speaker, for fourteen years of his public career I had such relations with Mr. Randall as to enable me to say I knew him well. His time was devoted to his public work. He was a severe and constant student. This, long continued, enriched him in knowledge. I would not call him learned. The greatest judges, soldiers, and statesmen have rarely been pre-eminent here. I would not call him the most artistic debater. Not that he might not have excelled in this. His earnest heart and quick, sagacious mind seized truth and scorned the slower methods of the logician, which stood between it and action. I would not call him an orator. His modest, simple nature turned him away from all the ornaments of language and the art of arousing and directing the hearts of men.

He was courageous. No man excelled him in his physical or moral courage. He was an honest man. The giver of bribes shrank from his presence; the flatterer bound him not with silken cords; the paths of friendship only paralleled his duty to his country. Armed with knowledge, earnest, clear, direct enunciation of thought, commanding physique, lofty traits of character, he was easily the leader of associates who followed with a faith and enthusiasm such as I have never known any man to enjoy in all my experience.

The law of change is written in the early forms of vegetable and animal life, whose characters science busily deciphers. The drifts and sands of time give up to human endeavor the arts, manners, forms of government and religion of dynasties once hid from human remembrance. The historic period emerges. Over this wide field myriads of busy men have acted their noble or ignoble parts. The muses have charmed; philosophers have instructed; the warrior has conquered; the statesman has debated and diplomatized; the masses have trod the humble ways of human life, and over all an unseen power, never changing, is ever changing all things. It is not palpable to sight or touch, and yet 'tis about me. It has taken from me my friend, from my country a patriot statesman, from a noble wife the unsullied affection, sympathy, and counsel of a model husband.

Samuel J. Randall has passed from life, and history will preserve his character and career as a treasure for her students. When last I saw him he was emaciated, bloodless, pulseless, dead. The awful mystery seized upon my imagination and consciousness. The warrior's form was there, but where was his animating soul? The dim lights of man's highest philosophy disclose its immortality. The teachings of nature point to the same truth. The divine revelation proclaims that if a man die he shall live again. A higher charmed life rises out of our scenes of sorrow and soars to nobler labor and joy. We stand on the shore of time eagerly struggling for some glimpse of our friend in the unknown land. 'Tis vain. We can only say in our sadness, Farewell!

Mr. McCOMAS. This House to-day mourns its greatest parliamentary leader, Samuel J. Randall, during half of his lifetime a member and thrice the Speaker of the House.

A century of Congress shows that a mere rhetorician may flash and fade here. A golden tongue may put a passing spell on members and galleries, but even tumultuous applause dies away. The rare gift of eloquence, when its voice is stilled, lingers here only as a half-extinct tradition.

It is not so with our great Congressional leaders. Long experience and the training given on this floor are the bases whereon they build a more lasting fame.

Samuel J. Randall will rank among the foremost of these.

Modern civilization affords no occupation for great lawgivers. Every Congress can not rewrite the statutes. The wisest and truest Representatives do not aspire to leave a law as a legacy to the people. Ephemeral statutes are soon made and soon obsolete. Enduring laws are the work of many hands and slowly evolved.

The office of great leaders like Randall is to steadily sway and constantly lead the minds of their fellows within this Hall and public opinion outside. It is hard to catalogue their achievements, hard to trace in outline their impress on legislation. If, as was Randall's fortune, a long career here be passed as a member of the minority, his function is to resist, and not to initiate. The four years of President Cleveland's Administration unhappily did not wholly extricate him from his attitude as a minority member, on industrial questions.

By nature he was a conservative; forceful, masterful, aggressive, yet nevertheless a conservative. In that school of adversity, the minority, steadily through long service Samuel J. Randall acquired his marvelous equipment for attack and defense and gained undoubted leadership on this floor.

Tall, athletic, robust, he seemed a man born to command. Some faces fade from the memory as a fleck of cloud from a morning sky. We who knew him never can forget Randall's handsome leonine face,

his keen, black eyes, his wavy, iron-gray hair, his iron jaw, his smile, or his frown, as he in the van of controversy cheered or checked his side of the House. We hear again his voice penetrating the recesses of this Hall, witness again his pluck in pressing the fight or his sudden and gracious tact in yielding non-essentials when stoutly contested in order to carry through the House in triumph a great appropriation bill.

His keen analysis, his short sentences, his brief speeches, often impassioned, always effective; his compact statements, always clear; his intuitive knowledge of the temper of this House, wayward and sudden and fitful as it always is, made him the leading and controlling spirit in Committee of the Whole and the master of debate under the five-minute rule, the only real debate in this House.

He was an intense American. This thorough Americanism kept him in touch with this House, a composite of every variety of American thought. He thus instinctively felt every change of its mood. After he had concluded his last memorable tariff speech, as he crossed this Hall he exclaimed to me, "I am an American and therefore I am a protectionist."

It was his Americanism, his love of the Union, that carried him as a volunteer soldier to the front. What a worthy glimpse of American life to see Private Randall in his tent with a cracker-box for a table writing to the Assistant Secretary of War that George H. Thomas ought to be made a general.

He was serving his sixth term in Congress when he electrified his party, seized its leadership, and, by the skill he had acquired, defeated the so-called "force bill."

His most memorable service to the country as Speaker was when he courageously checked and routed the filibusterers by a ruling which led the House to abide by the result of the Presidential Electoral Commission and saved the country from a disputed succession to the Presidency.

Upon the subject of appropriations, whether as a member on the floor or as chairman of that great committee, he struggled unceasingly for retrenchment in public expenditure.

More than any of our public men, it was Samuel J. Randall who taught the country and many Administrations that the power of appropriation is in Congress, that it is not in the Departments, that Congress must closely scrutinize estimates of public expenditure approximating \$400,000,000 annually. For this duty of retrenchment and power of Congress, he waged battle against the Departments, the bureaus of the Army and Navy alike. For this cause he as firmly resisted the Democratic Administration as he had always fiercely assaulted Republican Administrations.

After six years' service with Samuel J. Randall on the Committee on Appropriations I am convinced that he, during his fourteen terms of service, saved very many millions of dollars for the people and ingrafted reforms upon every branch of administration. He did not stint appropriations to the defenders of the Union, their widows, and orphans. He was never a blatant, yet always a sincere friend of labor.

In the secrecy of the committee I often noted his sincere sympathy with the great modern movement for shorter hours and the amelioration of the condition of the multitude of toiling men and women who constitute ours, the greatest Republic. He was, in the best sense, Democratic. His tastes were simple. His daily life was ceaseless toil, lighted up by the glow of a happy home fireside.

Throughout his long and distinguished career his reputation was unsullied, his integrity stern, unbending, and stainless. Samuel J. Randall, the great leader of his party, one of the foremost commoners of his age, was above all an honest man. With a warm and generous heart, attaching friendships beyond party lines, living more than a quarter of a century in the Capital of the nation, he who saved a hundred millions to his country was indifferent to wealth, as though he had taken a vow of poverty, and died a poor man, having worn out his noble life in his country's service.

Mr. DUNNELL. Mr. Speaker, my words on this occasion will be few. To-day we make a halt in the work of legislation that we may, in proper form and words, do honor to the life and character of the late Samuel J. Randall. He was born in the city of Philadelphia, October 10, 1828, and died in the city of Washington, April 13, 1890. He entered Congress March 4, 1863, and remained in continuous service till his death.

A eulogy will be at fault which does not assert that Mr. Randall was a man of the severest integrity. Serving here during a period when great temptations were offered for a departure from the path of public and official uprightness, he has left a name which no whisper of wrong-doing has ever tainted. The allurements to gain touched him not. He was true to himself, his oath, his country, and his God. He courted poverty rather than wealth.

Mr. Randall was a man of conviction. His convictions controlled him. They gave him purposes and rules of conduct which formed his character. That character was early discovered by political friends and adversaries. In its possession, he was strong and unshaken amid the temptations which beset a man of his prominence. The ruggedness of his convictions was seen and always felt, for it was sustained by the boldness and courage for which he was so pre-eminently distin-

guished. Such a man becomes a leader and, in Congress, leaves his impress upon the legislation of the country.

When Mr. Randall had taken a position, he could be driven from it by nothing less than a clear conviction that he was wrong. This firmness on many occasions made him grandly useful to the nation. In 1876 he gave his adhesion to a settlement of the Presidential count by an Electoral Commission. During all the dark hours and days which followed the creation of that commission and the final announcement, Mr. Randall was heroically patriotic. Had he wavered, a civil war, then so threateningly imminent, might have befallen the country.

The following sentences, taken from a leading daily, so clearly and truthfully delineate the character of our lamented friend that I use them here:

His was a patriotic breadth of character that sectional lines could not circumscribe; his influence was far-reaching and his usefulness was national. He was a lover of his country and its institutions, and his departure from the activities of life leaves a vacancy that will be sincerely regretted and profoundly felt by the whole people.

He was a force that never faltered in the presence of blandishments or intimidations, a man whose sympathies were always upon the side of the community, to which he gloried in belonging. He had no use for intrigue or conspiracy, and fraud upon the Government in any form was to him the synonym of baseness akin to treason.

Of such a man, it is our wont to say that he can ill be spared; but he had gathered abundant sheaves, and God called him, in His own good time, to rest.

He was thoroughly a man of the people. He knew their wants and had their ways; and it was upon the floor of the House, as a tribune of the people, that he most distinguished himself by his readiness in debate, his alertness of action and fruitfulness of resource, his wonderful self-command, and the masterly skill with which he led his forces in and out of the attack.

Wherefore did the whole country mourn at the death of Mr. Randall? It was because a great leader of conspicuous public and private virtues had gone; because a man of stern integrity had ceased to hold his place in the councils of the nation. Such a man is loved, for he can be trusted; for such a man the sweetest praise is sung; at the grave of such a man the purest tears are shed.

My acquaintance with Mr. Randall began with the opening of the Forty-second Congress. In the Forty-seventh, I had the honor to be with him a member of the Committee on Ways and Means. It was during our service on this committee that I discovered his habits of mind, his industry, his thoroughness, and his methods of investigation. He declared his purpose to make an exhaustive study of all the questions coming to that committee. He began and continued his studies with remarkable zeal.

Though he had then been a member of the House for eighteen years and Speaker more than four, yet he brought with him a primer giving the language and technical meaning of words found in revenue enactments, announcing his purpose to make himself familiar with the very elements. It was during that Congress that I learned to honor him.

Some of us will remember the manly strength and beauty that were his. It did not seem possible that he would, in so few years, be found grappling with a disease which should bring him to the end of life.

Death plans his own campaigns. He holds council with none of his victims. They are wholly at his mercy. To the many he gives no warning, while to some he allows his approach to be seen. To these, it is often a favor, though not meant to be so. To our friend, whom we mourn to-day, death was in sight for many months. He had no fear, for, indeed, he hoped for returning health and other years in the service of the country. He had no fear, for he had given a cheerful submission to Heaven's way of escape in death from the sufferings of a mortal state to the felicities of a heavenly. At the funeral service his pastor said of him:

He passed through weeks of the severest bodily pain, he fought nobly, courageously, hopefully, the battle with disease, yet he bore his sufferings with a beautiful christian patience. On a Sabbath, just as the morning broke, just as the bells in a neighboring church were calling its worshipers, the summons came to him to worship in the heavenly temple, to enter the Sabbath of eternal rest.

The simplicity of the funeral services in the church which he had so long attended was touchingly beautiful. It was the wish of our friend that no display be made when he should be taken to his final resting-place. His wish was carefully observed. The common people came to the church and sought a last view of their lost friend. Many hundreds came. His simple life and his friendly greetings in the years past had won their admiration and love. No better tribute could I render to the illustrious dead than to record this fact. An account of the funeral at Philadelphia closes as follows:

The absence of any public demonstration and the immense gathering of people of all walks of life mark Mr. Randall's funeral as one of the notable ones in Philadelphia's history. The flags on all public and many private buildings were placed at half-mast, but this was the only outward sign of sorrow, it appearing as though everybody was content to express their grief in silence.

Thus quietly and eloquently the great statesman was laid at rest.

Mr. MILLS. Mr. Speaker, before I proceed I will send to the Clerk's desk and have read an extract from a letter written to me by Ex-Governor Crittenden, of Missouri, who was a warm personal and political friend of Mr. Randall, a letter written as a testimonial of affection for his friend.

The Clerk read as follows:

Randall is dead. Truly a great man has fallen. In brain power there were and still are many men in Congress stronger than he, but, when all their qualities are considered, I much doubt if his equal has been on that floor for many

years. You and I were with him in the Forty-third Congress, when his bold leadership did more to defeat the force bill, with the small minority at his back, than the work of all others combined. He never retired from the Hall, seldom from his chair, during that prolonged session, and then only to partake of the simple lunch served from his own home.

After the famous political contest was over, led on by General Butler on the one side and resisted by Randall on the other, I heard President Grant say could Randall have led military forces as he did political ones his legions would have been invincible. He was a man of few words, but of many deeds. He had the respect of all men and the confidence of friend and foe. He never betrayed a man under any circumstances. He differed from the great leaders of his party on the tariff question, yet he differed with them as a man of honest convictions, as truly and boldly representing his views and locality as any Representative in Congress. I doubt if he ever intentionally wounded the feelings of any honest man, however much he differed from him on any subject. He was an ardent friend of the South on three grounds: First, its constitutional right after peace had been declared; second, his friendship for a brave people; third, his desire for a rehabilitation of impoverished States and people, in justice to themselves and as a means of strengthening the whole.

Whilst not an impetuous and belligerent man, Randall condemned wrong to a man or a section so strongly that, in the words of Daniel O'Connell, he could say, "I am against oppression everywhere and at all times, and wherever the oppressor shows his head there I launch my bolts."

Although not by any means an orator in the common acceptance of that word, yet he was a speaker of much magnetism to thinking men by reason of his strong ideas, compactly presented, commanding the attention of his opponents as fixedly as any debater of superior forensic power. He never spoke without having something to say and saying something when he did speak.

The whole country sustains a great loss by his death, his party a safe leader and wise adviser. No man did more to command the respect of the younger members in age as well as service than Sam Randall. He was ever ready to help them over the troublous ways of parliamentary law in such a modest way as to accomplish the desired effect without embarrassing the recipient of his favor.

Permit me to give you another instance of his kindness of heart. When four of us were retiring from Congressional life at the close of the Forty-fifth Congress—two from the South, one from Indiana, and myself from Missouri—he invited us to take a farewell home dinner with his family at his modest home on Capitol Hill. It was an occasion of the most genuine, unassuming hospitality, free—absolutely free—of all restraint, making each guest feel at once that he was at home with his own kith and kin; also making each one think and feel, without the least tinge of obligation to the distinguished host, then the Speaker of one of the greatest legislative bodies of the world, that the farewell dinner was a special, personal honor and a sweet souvenir of a closed political life.

It has so impressed me from that time to this, and I would rather erase from my memory all other recollections of Washington than that evening with Sam Randall.

As I read of the quiet close of his great life, with the sweet word "Mother" dwelling in love upon his lifeless lips—the first conceived and the last uttered—I with millions of others think it was in full harmony with his nature, so simple, so pure, so true to every instinct of elevated manhood, closing, as it had begun,

"With the beauty of the moonlight,
With the beauty of the starlight."

Mr. MILLS. The death of Samuel J. Randall marks an epoch in our history. For more than a quarter of a century he had been a member of this House, and for the greater part of that time a conspicuous figure in American politics. He came from the camp, where he had performed the duties of a soldier, and entered the legislative halls of the nation to perform the duties of a statesman. He entered public life at the most critical and trying period through which the country had ever passed. The apple of discord had been thrown and the purple testament of bleeding war was unrolled, and in every part of the land the people were reading the lessons which its crimsoned letters revealed.

During the continuance of the strife all eyes were fixed upon the battalions that were gathering at the bivouac or fighting and falling on the ensanguined fields. The laborious duties of the statesman, however necessary to the popular safety, attracted but little notice from the public eye. The light that was soon to be seen high above the horizon and burning with resplendent brightness was not then observed through the thick battle-clouds that darkened earth and skies. The terrible conflict ended during his second term as a member of the House. The insurgent armies were disbanded; war had "smoothed his wrinkled front." Victors and vanquished had returned to their homes, and the tardy and difficult work of restoration began. The attention of the country was now turned to the national Capitol and fixed upon the actors who were engaged on that great stage.

The fierce passions which war had fanned into flame were still sweeping like forest fires over the land. The country was divided on questions of policy affecting the treatment of the conquered people. Some of the ablest of the Republican leaders demanded that their lands should be confiscated and granted to the victorious soldiers of the Union; that the Confederate leaders should be executed; that the States which it had been asserted could not withdraw from the Union were in fact out of it and could only be brought back on such terms as Congress should prescribe; that the white people should be disfranchised and their emancipated slaves enfranchised.

A wild, reckless, and ungovernable revolutionary spirit seized and dominated the Senate and House of Representatives. Laws were passed which annihilated State governments and organized military districts on their ruins. Civil government was abrogated, courts were closed, military commissions were appointed, trial by jury was abolished, and the writ of habeas corpus was incarcerated in the same military dungeon with the vanquished. The "indestructible States" were obliterated and States were reconstructed on the foundations where they once stood, with their powers derived from the consent of emancipated slaves, and the corrupt adventurers, who had been sent among them to lead them, were chosen to fill all Government positions.

Corruption reigned supreme in all the departments of the newly instituted and reconstructed States. A vast monument of public indebtedness was raised upon the shoulders of a people already prostrated to exhaustion by war. The contagion was not confined to the reconstructed States. Every branch of the National Government was inoculated with the poison. In the midst of this stormy and starless night, Sam Randall, as he was known familiarly and called by the people, began to rise before their admiring gaze. He was seen to wear "the white flower of a blameless life." At such a time a man of his ability could have acquired an ample fortune, but he chose to live and die poor, and yet was always too rich to be bought. By his labor he could support his family in comfort, and with that he and they were content. Wealth had no spell which it could throw over him, no power that could draw his feet the ninth part of a hair from the path of integrity.

From crown to toe he was an honest man. He was honest in his thoughts, honest in his words, honest in his feelings, and honest in his desires. No man, from the beginning of the Government to the present hour, ever entered this Hall or departed from it with a purer conscience than Samuel J. Randall. When he surrendered back to his constituents the trust they had so long confided to him and when he surrendered back to his Maker the spirit that made him a living soul, he could stand at either tribunal and say like old Samuel when, after a long tenure, he was surrendering up the government of Israel, "Here I am. Witness against me. Whom have I defrauded? Whom have I oppressed? Or of whose hand have I received any bribe to blind mine eyes therewith?"

It was not alone his spotless integrity that made him conspicuous at a time when corruption was widespread in all departments of government, but it was the lion-like courage and the splendid ability with which he espoused and defended the cause of the right. Like Moses, he was a born leader of men. Like Moses, he loved his own race and kindred, and he loved the laws and institutions of his people. Like Moses, he came to the rescue of his oppressed kinsmen with heart nerved and his soul consecrated from the fire of the divine presence. Like Moses, he was not fluent in speech; he was a man of deeds rather than words. He used but few words, which he aimed directly at the subject. There was something about him that attracted men to him and riveted their confidence in him. That something was what made him a leader among men. He had strong character. Every one felt its force when he was brought into contact with him. He was calm and deliberate in counsel. He was firm even to stubbornness in adherence to his opinions. No one of his lieutenants nor all of them together could make him swerve from his purpose. There was something in his blood, his brain, his nerves, and his moral structure that attracted like gravitation.

Without seeming to affect it or even to desire it, he held his party to his person, and with one exception, and only one, they followed wherever he led, and followed without a question of his ability or the wisdom of the measure he supported. On economic questions he was not in accord with his party, and the divergence gave more cause of regret to them than it did to him. I have often remonstrated with him and entreated him to concede something and keep in harmony with his party, who were ready to bestow upon him the highest honors within their gift. Again and again I have assured him of the strong hold he had on the affections of our people, and how painful it was to us to see him persist in his opposition to all the traditions and teachings of his party, and how anxious we were to put him first, above all others, as the one bright and illustrious name, the loved leader of the party of Jefferson and Jackson; but entreaties and remonstrances alike were vain. Nothing could move him from his conviction. He was like that hero of whom Horace sang:

Should nature's frame in ruins fall
And chaos o'er the sinking ball
Resume primeval sway,
His courage chance and fate defies,
Nor feels the wreck of earth and skies
Obstruct its destined way.

In the memorable struggle over the revolutionary measures of the Forty-third Congress he displayed the great qualities of leadership that made his name a household word throughout the land. It was then he showed to the world that he was master of parliamentary law. He was at the head of a minority, but little more than a third of the House, yet by his consummate skill and address he foiled every attempt of the majority to pass their bill. The majority side of the House had a large number of the ablest men in the Union, but among them all there was no match for Randall. When he stood among them he was like Saul among the chieftains of Israel, from his shoulders and upward he was higher than the tallest on the field. I can never forget, nor will the people among whom I live ever forget, that struggle or forget the man who for seventy hours stood at the post of duty to avert the blow that was aimed at their hearts.

The name of the force bill and the name of Sam Randall, the one the oppressor and the other the deliverer, are remembered and often spoken around the firesides of our Southern homes. Our people remember how they shrank with fear and trembling at the mention of the one and how their hope sprang forward at that of the other.

We will soon have before us another wanton, reckless, and revolu-

tionary measure, more widespread and pernicious in its effects than the one of the Forty-third Congress. That measure is now being proposed and it is to be enacted to override the State governments of the South, supplant the State officers, and take charge of the ballot-box and the registration, counting, and certification of the votes of State electors. We shall miss Mr. Randall when this legislative monster enters this Hall.

On his dying bed, when he knew not that the hand of death was on him, he often expressed a hope to be fully restored to health when these measures were taken up in the House. While he could not accomplish anything where parliamentary rules were abrogated and the procedure was regulated by a sort of military order that prevents motions and amendments, and permits the majority to register their decrees without debate, yet he could make his indignant denunciations heard throughout the land and awake a slumbering public opinion to speak out in behalf of the imperiled rights of the people. But he is gone, and we must meet the enemy and fight the battle without his aid.

As a Southern man and speaking for Southern people, I say that our differences of opinion are buried in the grave with our dead friend, that we cherish in our memories and will keep perpetually green the tender recollections of his faithful friendship for us when a powerful enemy was seeking our destruction.

Mr. OSBORNE. Mr. Speaker, Samuel J. Randall was born in the city of Philadelphia October 10, 1828. His education was academic and it was his early intention to become a merchant. Politics lured him from the ambition of his youth, and he became a member of the senate of Pennsylvania. While a senator the war broke out, and at the first call for troops by the National Government, in April, 1861, he enlisted, and on the 13th of May, 1861, he was mustered into the United States service as a private soldier of the Philadelphia City Troop to serve for ninety days.

The troop was attached to the Second Regiment United States Cavalry, commanded by Col. George H. Thomas. His service though brief was active and interesting. He was with his troop, and participated in the battle of Falling Waters, and proved himself to be a brave soldier in battle. For his conspicuous gallantry on that occasion he was promoted to orderly of the troop.

In October, 1862, he was elected a Representative in Congress from Pennsylvania. From that time until the day of his death he remained in Congress, having been successively re-elected to every Congress from the Thirty-eighth to and including the Fifty-first. I have been told by gentlemen who were in Congress when he came here that he was a very quiet member and took time in becoming accustomed to his new surroundings. He, however, early made himself efficient in committee work.

In the Forty-second Congress he became a member of the Committee on Rules. In the Forty-third Congress he led the opposition against the force bill, and its defeat was due mainly to his efforts. He made an aggressive fight. By common consent Randall became the hero of the occasion. In the Forty-fifth Congress his friends were confident that he would be made Speaker, but they were obliged to wait, and Randall became chairman of the Committee on Appropriations. Before the close of that Congress the Speaker died and Randall was chosen to fill the vacancy.

His occupation of the Chair was a guaranty of an honest administration of its duties, regardless of personal consideration, and in the broad spirit of a statesman.

History will record him second to none as the presiding officer of this House, whether the standard be ability, integrity, firmness, breadth of character, or learning in parliamentary law.

When I contemplate how he stood up in the Forty-ninth and in the Fiftieth Congresses in defense of protection to American industry, I confess an admiration for his nobility of character and declare that he was a patriotic statesman of the broadest vision. Nothing could stand between him and duty.

His life was one of honor and honesty, amid great temptations. There were times in his life when his friends trembled lest he should stumble. But thanks be to Him who sits among the stars he has passed into the great hereafter without a stain upon his personal integrity.

After twenty-eight years of public service, during the most exciting time of our country's history, he died honored and beloved by all who knew him.

Mr. MCCREARY. Mr. Speaker, in all ages and in all countries men have honored their dead and turned aside for awhile from the cares and conflicts, the duties and demands, of life to recall their virtues and triumphs, and in kind and loving language rendered to their memory tributes of respect and love.

"Death, advancing with equal and impartial step," has stricken down nine of our brothers in this House of Representatives. All had served faithfully and capably, and three of them, Samuel S. Cox, William D. Kelley, and Samuel J. Randall, because of their long membership in Congress, their great abilities, and their valuable services, ranked among the foremost men of our country. The death-roll in the Fifty-first Congress is very lengthy and memorial proceedings have

almost continually reminded us that "In the midst of life we are in death." To-day we pay tribute to the memory of Samuel Jackson Randall. This desk at which I now stand was his for nearly twenty years. It recalls his devotion to duty, his fealty to principle, his brave and able efforts as a tribune of the people. Here he displayed that courage that never blanched before an adversary, that leadership which made him one of the most remarkable men of his time, that honesty which was so well known and so highly respected, and that ability which enabled him to grasp facts and achieve victories in behalf of wise and patriotic legislation.

It recalls also his genial nature, his pleasant faculty of endearing himself to all who sat around him, his unforgetful courtesy and friendship which were so often manifested to his friends and which, if I may be pardoned for a personal allusion, he showed to me so kindly when, among his last written requests, he invited me to occupy his seat at this desk. His committee-room was his workshop, and the House of Representatives was his grand forum, where he helped to form the policy of his country and helped to check encroachments on the rights of his countrymen, and I know of no other man who for twenty-eight successive years was so completely identified with the House of Representatives or who gave himself to national legislation so unceasingly and untiringly without a single abstracting pursuit.

Mr. Randall seemed to be destined to act his part in very important epochs. He was born in the midst of the great campaign which resulted in the election of Andrew Jackson as President of the United States, and in courage, energy, and devotion to duty he was a fit exemplar of the hero of the Hermitage. He was elected to Congress soon after the commencement of the Administration of Abraham Lincoln and took his seat when a terrible civil war was raging. His experience as a soldier before he entered Congress and his participation in the legislation of Congress during the war made him the true friend of Federal soldiers and the champion, when the war was over, of peace, friendship, and fraternity on honorable terms between those who had engaged in civil strife.

Nearly twenty-eight years have passed since he entered Congress, but he belonged to such a remarkable and distinguished group of men who impressed themselves so thoroughly on the legislation of those times and developed so rapidly under the excitement of the war period that the history of all of them is conspicuously interwoven.

Samuel J. Randall, Samuel S. Cox, George H. Pendleton, WILLIAM S. HOLMAN, were then on the Democratic side of the House of Representatives, and James A. Garfield, James G. Blaine, William D. Kelley, and WILLIAM ALLISON were on the Republican side. What a splendid galaxy of gallant and gifted gentlemen. All were young and prominent in the Thirty-eighth Congress. One has since been elected President of the United States, two were nominated for the Presidency but defeated, two have been formidable candidates for the nomination for President, one was Speaker of the House of Representatives for five sessions, and five of them were Senators or foreign ministers.

To-day all of the Republicans named are dead except two and all of the Democrats are dead save one, Mr. Randall being the last to receive the dreaded summons which sooner or later must come to us all. It may be said with emphasis that no man in that conspicuous array of able men excelled him in stainless character, honest purposes, pure and exalted manhood, and courageous devotion to convictions.

He was fourteen times elected by the voters of his district to represent them in the Congress of the United States and he was three times elected Speaker by his brother Representatives.

He was an accomplished parliamentarian and discharged the duties of Speaker ably and promptly and fairly. On the floor of the House of Representatives, as a debater or as a working member of committees or as leader of his party, he was conscientious and courageous, and won from his friends and political opponents the proud title of a just and honest man. When corruption was rampant in the country and lust for power threatened to be stronger than love of country, the tongue of slander never tarnished his reputation, and he died poor in purse but rich in honor and public respect.

As the unrelenting foe of extravagance and jobbery he stood between the Treasury and the men who were trying to obtain appropriations of money, and as chairman of the Committee on Appropriations he saved many millions of dollars for the Government.

In defending the rights of the States against Federal encroachments Mr. Randall was at his best, and his memorable physical and intellectual battle royal in opposition to the "force bill" not only gave him a great and deserved reputation throughout the country at the time, but it will always be remembered as a great achievement in a life full of brilliant achievements. Trained in the protection school of Pennsylvania politics he was always in full sympathy with the Democratic party on every question except the tariff, and no one ever doubted his sincerity on this subject or dared to assail the integrity of his motives.

But it is not necessary that I should say more about the public life of Samuel J. Randall. His utterances are found in nearly every CONGRESSIONAL RECORD issued in the last quarter of a century, and the history of his life is a splendid compendium of national legislation during that period.

His private life was peaceful, pleasant, and happy. All that I know of it was interesting, instructive, and tender. With the weapons of worldly warfare laid aside, his home life was full of sweet cadence, and at his own hearthstone he appeared as the devoted husband, the loving father, the generous friend. It was here that he illustrated how happy and contented he could be, as he tried to do his full duty to his God, his family, his country, and his fellow-men.

Thus loving and loved our friend and brother Representative passed away. The political storm in which he was born, the trying and thrilling war scenes amid which he commenced his Congressional career, have long ago been succeeded by "ways of pleasantness and paths of peace." He lived to see, and with a master mind he helped, his country return to peace, progress, prosperity, and fraternity, and he died with the music of church bells filling his ears and the sweet word "Mother" on his lips.

We miss him and mourn for him here. His countrymen deeply deplore his death. It ameliorates the nation's loss to feel that he "fought a good fight," and died full of years and full of honors, and that history will forever record and preserve his public services. Bowing with resignation to the decree that called him away from us, I express the sincere hope that divine blessings will comfort and sustain his loved and bereaved wife and children.

Mr. DALZELL. Mr. Speaker, it is very fitting that those who for many years had participated with Mr. Randall in the conduct of public affairs should bear witness to those manly qualities, that lofty conception of duty, and devotion thereto which entitle him to a place among the great men of his time; but it is also fitting that some who stood at greater distance from him and can dispassionately measure results should be permitted to bring their contribution to the chaplet to be woven in his praise. Of such, Mr. Speaker, I am one.

Coming to the Fiftieth Congress a new member, I met with a friendly reception that I had no right to expect from a veteran statesman like Mr. Randall. I had from him words of counsel and encouragement, and I found that he was not unwilling on occasion to take suggestion and counsel even from a new comer.

One scene, by reason of his connection with it, is ineffaceably impressed upon my memory. I recall with great distinctness the day when, in this House, Massachusetts with commendable pride made gift to the nation of the portraits in oil of those of her distinguished sons who had occupied the Speaker's chair. In words fitly spoken and with chaste and classic eloquence the presentation was made. The Speaker's chair, as it happened, was temporarily filled by an honored son of New York and of the nation, now, too, numbered among the great cloud of witnesses who testify only to the things that have been.

He whose memory we now honor, speaking, as he said, in words inspired by the occasion, moved the resolution by which the gift was accepted.

It occurred to me then that there was a peculiar appropriateness in the fact that an ex-Speaker, whose official record would compare with that of any Speaker living or dead, should voice the nation's acceptance, and it occurred to me also that the time was probably not far distant, when Pennsylvania might claim the proud right to place in the Pantheon of the nation's worthies the counterfeited presentment of Samuel J. Randall, side by side with pictures of the chosen sons of Massachusetts.

Mr. Randall's speech on that occasion was characteristic of the man and furnishes the key to his life and character. Referring to the speakership, he said:

Soon after I entered this House, now more than a quarter of a century ago, I came to consider that that office which you, sir, now temporarily hold was the highest office within the reach of an American citizen; that it was a grand official station, great in the honors which it conferred, and still greater in the ability it gave to impress upon our history and legislation the stamp of truth, fairness, justice, and right.

These, then, were the objects of his ambition—truth, fairness, justice, and right—to be enacted into law; this his estimate of the value of public place, that it furnished the opportunities for such enactment.

Will any man say that Pennsylvania's great Speaker ever swerved from his lofty conception of duty or hesitated in the task of its performance? And does not history bear witness that regardless of person or party, keeping close to the line of conscience, he faced with a dominant courage every emergency that fortune cast into his pathway?

The historic period within which his public career is bounded is the most picturesque in our national life. It includes a civil war unparalleled in kind and character in all the annals of time. In that war Mr. Randall was a soldier on the side of his country; but of this he made no parade, content that the consciousness of duty done should be his ample reward, and his fame will ultimately rest upon his achievements in this House.

Here legislative questions presented themselves, more novel and trying even than those attendant upon the early days of an experimental republic, questions involving new relations between individuals and between States, questions of finance, of taxation, and relating to new and untried conditions. The wise adjustment of these questions called for ingenuity, for courage, for the exercise of a discreet and deliberate judgment. This is not the time for their review, nor have they any

place here, save as illustrating Mr. Randall's loyalty to his conviction of duty, his untiring industry, and his contribution to their wise determination.

Mr. Randall was eminently a tribune of the people. To most men distinguished in public life the House of Representatives is but a halting place on their pathway to the Senate or beyond. To this rule Pennsylvania has contributed a triumvirate of conspicuous exceptions. With pride she points to Thaddeus Stevens, William D. Kelley, and Samuel J. Randall as members of the world's select company of great commoners whose pulses beat in unison with the pulses of the people.

Mr. Randall's was a long, faithful, earnest, honest, fruitful public career. It is ended. The chapter of his life is closed. The judgment must now be pronounced from which there is no appeal. It is with us who knew him a judgment of commendation. I hazard the opinion that posterity will not reverse it, that his character will assume larger and grander proportions with the passage of time. Many men make their mark on their own time; not many leave their mark on succeeding times. Many men write their names so that their own generation may see and know them; but few carve their names, as Samuel J. Randall did, on the enduring tablets of history.

And so we leave him—his career well rounded, his life work done, the strife of this arena forgotten, all cares rolled away, all pains soothed—

Secure from worldly chances and mishaps.

Here lurks no treason; here no envy swells;
Here grow no damaged grudges; here are no storms,
No noise, but silence and eternal sleep.

Mr. O'FERRALL. Mr. Speaker, Pennsylvania weeps over the grave of Randall, her illustrious son, but she weeps not alone.

Every State mingles her tears with those of the State that gave him birth, rocked him in her cradle, nursed him in her lap, reared him to manhood, honored him through life, and looked with unspeakable pride upon his greatness and fame, and now wreathes garlands about his imperishable name.

Pennsylvania stands with bowed head, clad in mourning as his mother, but she stands not alone in her grief, for this whole land is stricken. She is here to-day through her Representatives to speak her words of sorrow at his death, but she speaks not alone, for the Representatives of forty-one other States by sigh or voice or moistened eye speak the sorrow of a nation.

I have risen in my place as a Representative of the Old Commonwealth to testify as best I can with my feeble tongue to the love she bore for this great and grand man, and to the anguish of her soul now that he has joined the mighty host beyond the shores of Time.

I need not say Virginia never simulates love; she never feigns sorrow. She loved Randall with a devotion that knew no bounds, and her sorrow at his death is as genuine as her love was true.

She may not quickly forgive an enemy, but she never forgets a friend. Her heart may be as hard as adamant and her temper as violent as a cyclone when confronted by a foe, but a kind hand, a kind word, or a kind look softens that heart and calms that temper, and a friendly deed opens up the well-springs of her nature and they come forth gushing in torrents of gratitude. She may write wrongs deep upon the tablet of her memory, but she chisels deeper acts of justice.

In Randall she ever found a friend whose hand and heart and soul were enlisted in her defense against wrongs and in the vindication of her rights.

With her Southern sisters she stood weak and poor, bleeding from a hundred wounds, helpless to avert the dangers that threatened, powerless to ward the blows which were being aimed at her dearest interests, her material welfare, her most sacred rights, her civilization, her homes, her *lares* and *penates*.

Almost in despair, almost ready to accept what seemed to be the inevitable and to bear with heroic patience the yoke which had been made for her neck, as sudden as a flash, as quick as a sunbeam, despair gave way to hope, hope sprang into confidence; a deliverer in full armor, strong, able, and courageous, appeared in the arena—Samuel J. Randall, the man with a nerve of iron, the courage of a lion, and the wisdom of a sage. Samuel J. Randall, the born leader of men, the born enemy of tyranny, the born lover of constitutional freedom, had espoused the cause of a weak, feeble, bleeding, and defenseless people.

From that eventful moment the South took courage; her patriarchs raised their drooping heads, her young sons stepped quicker and their blood flowed freer, while the bosoms of her daughters heaved with emotions, and with uplifted eyes their lips moved in prayer and their tongues sang psalms and praises.

History records that memorable conflict on this floor when for seventy-two consecutive hours, with eyes that never slumbered and a body that never rested, this man stood like a mighty giant parrying and thrusting, contending and battling for the eternal principle of local State government until the light of victory broke and the wires heralded the glad tidings from the Potomac to the Rio Grande, and the mountains and plains, hills and dells of the South were swept by the sounds of a rejoicing people.

Mr. Speaker, it is always easy for a public man to spring into the current of popular sentiment and be carried along by the clamors of

the majority, but true manhood rises in the majesty of its strength, when in the maintenance of some great principle it becomes necessary to stem the swift-gliding current of popular sentiment and face the clamors of the multitude. True heroism shines in defense of the weak and never in the crusade of the strong. True patriotism dazzles with its effulgency in the vindication of trampled rights and never in the maintenance of public wrongs.

Measured by this standard the illustrious son of Pennsylvania will ever stand in the twilight of history as the very personification of manhood, heroism, and patriotism. Our annals are replete with examples of the highest types of the man, hero, and patriot; our pages of history are bright with the deeds of those "whose names were not born to die." The youth of this land need not turn his eyes to foreign climes for the most perfect models of public virtue. He need not delve among the dusty traditions of Greece and Rome or study the records of modern Europe for patterns of the statesman and patriot.

Here, here under these skies, under this sun that, unobscured by partisan clouds, sheds its genial rays alike upon the plains of Texas and the hills of Maine; here, under theegis of our Constitution, have been born, have lived and died the grandest types and most perfect models of men; and here in this galaxy is Samuel J. Randall, from whom the boy of Virginia or Massachusetts can draw the inspirations of truth, honor, courage, fidelity, and patriotism, and learn the duty that man owes to his country.

But, Mr. Speaker, I must not trespass longer upon the time set apart for these memorial addresses. My tribute, though poor and unadorned, has at least the merit of sincerity. My heart feels more than I can express.

I am glad that I knew Samuel J. Randall personally and proud that I could call him my friend.

He is gone—

And let our future poets learn to sing
How here in his place he stood erect,
And battled always for his country's cause,
Her shrines, her Constitution, and her laws.

Virginia brings her laurel wreath to bedeck his name; upon his grave she plants her evergreens of memory, and upon the walls of her homes she will hang his image, hoping, believing that the God in whom he trusted, who "from seeming evil still educes good," has dealt the blow for wise purposes of His own.

Mr. BUCHANAN, of New Jersey. Mr. Speaker, I rise, sir, not to direct your memory back to struggles in this Hall, when the fires of sectional hate were kindled and party spirit ran high, but, in a few words, to pay tribute to what I believe to have been the predominate trait in the character of our departed friend and associate.

Samuel J. Randall was an honest man. Amid all the temptations of place and the allurements of power he kept his name and fame pure and unsullied. No doubtful scheme received his support, and his vote followed only upon careful and conscientious investigation. Devoting the best years of his manhood to his country's service, he thought only of the public good, and never of self. Holding at times the reins of extensive power, he lived the simple life of an humble citizen, and died poor in this world's goods, but rich in the affection of his colleagues and endowed with the esteem of all the people. Words grow tame as we stand in the presence of such a character and with all the freshness of such a memory yet upon us.

May his example animate us and inspire to such a performance of our duties here that when, over the cold and inanimate form of each one, the words of tender friendship are spoken, it may be truly said: "He, too, was a faithful representative of the people."

With his simplicity of life, his devotion to duty, his love of country, Samuel J. Randall would have at our hands no other monument.

Mr. MANSUR. Mr. Speaker, some years since an aged friend was stricken to die within the hour. Being near neighbors, my wife and myself were hurriedly summoned. On arriving, I found my friend lying upon his right side with his face toward an east window, his devoted wife and some of the younger children at the foot of the bed sobbing wildly, at the side his eldest son, convulsed with grief, kneeling with an arm over the form of his father. Passing around the foot of the bed, entering a narrow space between it and the window, I took the hand of my friend within my own, then looking into his fast-fading and dim eyes I said, "Uncle Andy, do you know me?" At once, brightly, yet almost divinely, through the eyes of the soul he answered my appeal. I have said brightly, I should have said fiercely, scintillating like diamonds "of purest ray serene," the eyes burned with electric fervor.

Never in all my life had I gazed upon and into such glorious eyes; entranced, I saw naught but his life, his intelligence, his spirit, his soul, answering to my gaze. Thus a moment passed. Then the flashing scintillations became quiet, the eye burned brightly, but quietly, the orb seemed to contract, the bright light grew smaller, weaker on force, fading, dying, is gone, a scarce-heard sigh was gently breathed, and the spirit of Uncle Andy wafted its way to that "undiscovered country from whose bourne no traveler returns."

The body of my late friend lay before me. The earthly tabernacle was there, but the spirit, the intelligence that dominated that body, was gone; gone never to return to earth or to again inhabit its late abiding place. Strange thought, strange idea, yet for years I have felt that I saw that imprisoned soul depart and heard its zephyr whisper of farewell.

What is death? Who can answer? That it separates the spirit from flesh all admit. That the flesh after death perishes, decays, all know, yet what of the spirit? For one, I affirm an undying conviction that it survives. I know not how nor where, but I do know that I have never thought upon death without a blind, fierce, intolerant conviction growing upon me that my soul could not enter into oblivion. It must survive. It must somewhere exist and adapt itself to its new condition and surroundings. It may be in happiness; it may be in misery; but, glorious thought, triumphant conviction, it survives, it lives, it exists. Reason as I will, as I have, I can not escape, nor would I, the everlasting belief in the eternity of the soul.

That it were possible
For one short hour to see
The souls we loved, that they might tell us
What and where they be.

A great man of a great country has died—died like a hero, in that he died at the post of duty. A man of imperial mold, Samuel J. Randall scorned dishonor, hated cant, despised hypocrisy, and loved integrity. To those he loved, gentle as a woman; to those he scorned or despised, fierce and unrelenting as a tiger. A spirit bold and untrifled as ever animated a man, he knew not fear or surrender. Given to him the conviction that he was morally right, he never yielded nor quailed. When I remember, much as he loved the Democracy, to which his whole life was dedicated, in whose service he died, that he would not abate a jot of his devotion to the cause of protection, when, badgered, hounded by every organ and every orator of tariff reform, he pursued the even tenor of his way, fighting for his idol of protection, disdaining to strike back at party friends who so frequently read him out of a party he idolized, but out of which he never went, and, it may be, in humble imitation of "the man of sorrows," never taunted or reviled his traducers, I think and believe he was the strongest yet most patient man in his convictions of political duty I have ever known.

I did not know Mr. Randall prior to the Fiftieth Congress. I shall therefore leave the questions of his lifetime service to his party, to his country, to others to speak upon, who knew him longer and more intimately than myself.

To me he was always kind-hearted and obliging. Upon his learning that I was born in the limits of his district, he ever afterward seemed to feel an especial interest in my welfare, and I recall many manifestations of the same upon divers occasions. A couple must here suffice. When ascending the Delaware River upon the occasion of the launching of the two United States steamers at Cramp's navy-yard at Philadelphia, in the summer of 1888, he sought me out upon the boat, stood by my side, warned me to look quickly, as the boat shot by the foot of Chestnut street, lest I should not see the corner nearest the spot of my birth, which he was playfully anxious I should see, which he carefully described beforehand, and then pointed out to me.

Again, in July, 1888, during the tariff debate, under the five-minute rule, I was, with whatever power and energy I possess, assailing the doctrine of protection. When my time expired, Mr. Randall sought and obtained recognition, and kindly, nay, graciously, gave his friend from Missouri his time, and permitted me to go on and assail, to my heart's content, his favorite political dogma. This recognition by the Chair and transfer of time was his last appearance in health upon the floor of Congress, save once, a day or two later, when, on July 9, he spoke a very few words, only a dozen or two, in regard to the proper rate of taxation for molasses under the then pending tariff bill.

Stern, austere it may be at times to others, to me he was uniformly kind and gracious.

Grand old man—heroic soul—making his peace with his God, surrounded by a loving family and mourning friends, he departed this life Sunday morning, April 13, 1890, poor in the goods of this world, but unpurchasably rich in an undying fame, an unsullied reputation, and a glorious memory, to which his country and his friends can ever point with unceasing pride, and bid the youth of the future emulate his career and take him for one of their great exemplars.

Let us believe, purified by long suffering, disenthralled from an infirm body, which on earth hampered his mighty soul, he is to-day in the realms of eternal space, a leader among disembodied spirits, even as he was on earth a leader among men.

God's finger touched him and he slept.

Mr. WILLIAMS, of Ohio. Mr. Speaker, death is a mystery unsolved by human intellect. The grave is a sealed book, and beyond the portals of the tomb lies the shadowy land of the unknown. Philosophy builds out of the aspirations of this life the theory of the immortality of the soul. Religion calls to her aid the hand-maid of faith, and teaches the doctrine of a life beyond the grave, but in the presence of this profound problem of human destiny we have only the speculations of the philosopher and the faith of the christian, for

no messenger has ever returned from the shoreless sea of eternity and the grave has never revealed its secret. Therefore, in the presence of death the proudest intellect bows in reverential awe and the humblest child of earth stands with quivering lips and aching heart.

Mr. Speaker, my personal acquaintance with our honored colleague whose death we mourn and whose virtues we to-day commemorate began in the Fiftieth Congress, but for over twenty years I have been familiar with his public history. Although I was not in sympathy with the party to which he belonged, I have watched his political career with intense interest, for there is something inspiring in watching the career of a brave, honest man fighting not only his political foes, but fiercely contending with his party friends for the establishment of a policy and principle he believes to be for the interest of his people and nation.

Samuel J. Randall was elected to the Thirty-eighth Congress, and re-elected to every succeeding Congress to the present time, and died a member of this body. I am informed that during his first and second terms in Congress he seldom participated in the debates on the floor of the House, but was a hard worker in his committee-room. In the Forty-third Congress he obtained a national reputation for the strong, persistent, and successful fight he made against a powerful majority in opposition to the famous "force bill."

In the Forty-fourth Congress he was chairman of the Committee on Appropriations, and added new laurels to his growing fame in his successful efforts in retrenchment of Government appropriations. In the second session of the Forty-fourth Congress he was elected Speaker, and was also elected Speaker of the Forty-fifth and Forty-sixth. His rulings as Speaker have been criticised severely, and oftentimes harshly, but no decision made by him was ever overruled by the House. He received 100 votes as the nominee for President in the Democratic convention of 1880, and in the convention of 1884, where he was not a candidate, but a strong supporter of Grover Cleveland, he received on the first ballot 170 votes.

Had he been nominated in 1880, when the friends of the silent man of destiny were sulking in their tents and the friends of the Plumed Knight of Maine were brooding over defeat, he would have commanded the confidence and support of the friends of protection in his State and nation in sufficient numbers to insure his triumphant election. Mr. Speaker, this is not the time and place to criticise and speculate upon the mistakes of a great party, but I believe that had Samuel J. Randall received the nomination of his party for President in 1880 one of the saddest chapters in the history of this nation would have been unwritten and the tragedy which resulted in Garfield's death avoided.

Mr. Speaker, Samuel J. Randall died a poor man. This statement standing alone is ordinary and commonplace; but it is not so when we remember that during his long Congressional career he occupied positions where he had only to be silent and silence would bring riches, he had only to be passive and inaction would bring wealth, and that through his long career of public life, five times appointed chairman of the Committee on Appropriations, three times elected Speaker of the House of Representatives, no stain rested upon his personal integrity, no shadow of suspicion fell upon the pure white robe of his reputation for honesty.

Mr. Speaker, in this period of our nation's history, when the wisdom of statesmanship is subordinated to the greed for riches, when the God-given genius of bright intellect pales before the glint of gold and the sparkle of diamonds, when the toga of a Senator and the robe of the tribune of the people are won and worn as the price and adornment of wealth, the rugged, honest character of Samuel J. Randall stands out as a priceless heritage, not only to his family, but to the common people of this nation.

Sir, since the beginning of this session of Congress two of its oldest and most honored members have passed away. Pennsylvania and Philadelphia have been unfortunate. William D. Kelley, "the father of the House," full of honor and of years, rich in experience and the wealth of a well cultivated intellect, after devoting his life to establishing the principles of the equality of all men before the law and protection to American industries "sleeps the sleep that knows not breaking," and before the flowers that adorned his grave faded in the sunshine and storm we were called to pay the last tribute of respect to his honored colleague, who died in the prime and vigor of a ripe manhood, the victim, as I believe, of constant and unrelenting toil for the cause of the people he loved so well.

Mr. Speaker, the memory of Samuel J. Randall will live in the hearts of the people. The simplicity of his life, the impress he has made upon the statute-books of the nation, the fearless spirit and the rugged honesty of the man will be an incentive and inspiration to the young men of our country to cherish the liberties of the people and the simple manners of the fathers of the Republic.

[Mr. COVERT withholds his remarks for revision. See Appendix.]

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, the life of Samuel J. Randall and his services, particularly those which made him conspicuous, render an eulogium upon him in a House composed of political friends and enemies a task of extreme delicacy and much difficulty. To draw Mr. Randall as he actually was, to do justice to

his life and what he said and did, to make his character truthful, articulate, and life-like, requires much sympathy with his opinions, such intense, earnest belief in those convictions which were rooted in his very soul that he who does it upon an occasion like this either falls short of what he believes is just or runs the risk of overstepping the line which marks the proprieties of such a scene.

Mr. Randall was essentially a partisan. He believed with all his heart that his political principles were true. He accepted the conclusions which severe logic required of those principles, and he followed the practical conclusion to the end. He felt that his country's interests were involved in his party's triumph. He risked himself, his fortunes, and his all upon his party's success. Not because the narrow horizon of party bounded his vision, but because he interblended his love for his country and his hopes for her glory and prosperity with the consummation of the victory of principles which he believed to be essential to that prosperity, and which alone could give to the country its glory and to free institutions their permanency and life. No man has ever appeared in American politics, except Andrew Jackson, who was so intense a partisan; and therefore when I was asked to participate in these ceremonies my inclination was at once to decline, because I feared that to do him justice might seem to be a criticism upon others.

And yet, Mr. Speaker, it is only in the frank contest of opposing opinions, only in the severe and rigorous battle of truthful and noble natures who disagree, that right is found and truth made victorious. When men uncover their hearts, when they remove the veil from their brains, so that all men may see the honest processes of their thought and behold all the emotions of the inner man, then to contest is given nobility and from party struggles are taken both hypocrisy and suspicion. If we could understand one another in these strifes, if we could see in one another's hearts that love for country is the basis of our efforts and that all we desire is to build upon that foundation what is best for that beloved country and for man, we would forgive the asperities of debate, we should be patient with disagreements on the floor, we should have toleration even for those things which we could not approve, that sprang out of a motive so good. And when I view the life of Mr. Randall, consistent, vigorous, earnest, sometimes fierce, always aggressive, I do not know how to read it aright except upon the simple and truthful explanation that he was exactly what he professed to be, a Democrat in his convictions, believing the success of his party was essential to the glory of his country.

When he came to apply those principles in practical politics in his place on this floor they bore under his leadership such fruit as he believed would follow. The nearest representative of the people is the House of Representatives, into whose keeping the Constitution has primarily deposited the right of the purse. Its supervision shall be over executive expenditures, its warrant shall be the condition precedent to executive action. This principle Mr. Randall enforced with a knowledge of detail, with an energy of will, with an aggressiveness of purpose that did not save thirty millions a year merely, for that is the very smallest item of it, but which elevated the House of Representatives to its true position in our political government, which made the House dominate the executive department, which restored to the representatives of the people the power of the purse, and for the first time in years taught all other persons in power that the House of Representatives was in fact the people of the United States and its voice was the voice that came from the ballot-box.

This was the notable triumph of Mr. Randall's life. It was a triumph which marked him as an extraordinarily great parliamentarian. That he should have acquired a knowledge of every bureau under this complex Government; that he should have measured its necessities and have correctly ascertained the needs of its expenditures, so that on the one hand all might be well done and on the other none should be extravagant; that he should force upon a party in power the measure of such reduction, and should require the Senate to agree so nearly to what he thought was wise, demonstrates a rare combination of qualities. And this strikes me as the act of Mr. Randall's life. No life ever produces one single act. It may be that there is one extraordinary transaction, one single day which under the radiance of a peculiar light stands conspicuous, but it is consistent with all that went before and all that comes afterwards. Mr. Randall had been preparing for this very emergency through many years. He had been a member of various committees. He for many sessions sat upon this floor taking part in its deliberations; he had been acquainting himself with these details; he had become familiar with this body, the most remarkable and peculiar body probably in the world; he had learned its moods, he had made himself the master of its rules, and he stood prepared, when the emergency came, for all its exigencies.

One other memorable act Mr. Randall performed, which was also in the interest of the honor and the dignity of the House. He was then the leader of its minority. A great war had ended. States were under military domination. Grave, abstruse, and troublesome questions pressed upon Congress. Taking advantage of its rules, rules framed for just such a purpose, rules meant to be in the way of unjust and hasty legislation, rules meant to give dignity to the House, rules meant for the purpose of adding power to its deliberations, Mr. Randall, as the leader of the minority, demonstrated the value of delay, the power of

obstacle, the usefulness of the sober second thought. It was another elevation of the power of the representatives of the people.

It was not simply Randall standing here in his individual capacity. It was the people behind him, clothing him with their power, speaking with his utterance that voice of the minority which sometimes can make itself heard to compel pause before injustice might be done. It was the uplifted voice of a helpless people upon the floor of the greatest representative body of freemen, asking for further time to be heard. And it was through a fit person. He who had been a soldier, risking his life; he who had sprung from the loins of an educated lawyer, skilled in all the learning of liberty; he who had been a man of business, and knew how troublesome times hurt business and injured the interests of the people; he who amid times of temptation and of brazen wealth had kept poor; before whose honesty nobody dare offer a bribe and to whose integrity no man was bold enough to suggest temptation; he, standing in his place, not great probably in the learning of the schools, without the gift of persuasive eloquence, but with the sturdy courage of a free-man and the trained power of a parliamentarian, elevated the minority power of this House and gave to the people another evidence that under a true system of parliamentary rules liberty was safe, even in the hands of a small minority ably and bravely led.

Now, Mr. Speaker, to-day the thought that presses upon me is that a new era of statesmen must come to the front. The men who participated in the war are passing away. You may call them Kelley, Cox, and Randall, as typical of their day and generation; but the generation is passing away. The men who fought that war, the men who were trained before it came, the men in whose minds olden opinions and ancient traditions still have lodgment and bear fruit in utterance and in act—they are giving way to the younger men who are around us.

As we give up the scepter of command to these younger men, standing by the grave of this the most stalwart and aggressive of the parliamentarians of his party, what is the lesson that we ought to impart as we speak in this Hall this afternoon? Is it not that the liberties of the people can be preserved only by the representatives of the people in the House where their representatives stand, elected at the ballot-box, freely chosen without interference, saying to the new generation of statesmen, "Your ancestors have preserved American institutions in the House of Representatives. See to it that you do not sacrifice that House and thereby lose those institutions!" [Applause.]

MR. KERR, of Pennsylvania. Mr. Speaker, I do not believe I can add anything to the eulogies that have been so eloquently and impressively pronounced to-day in the hearing of this House, but as a member of the delegation from Pennsylvania I nevertheless desire to add a closing word, to drop a single tribute to the memory of Samuel Jackson Randall.

This session of Congress will ever be memorable for the number of deaths among its distinguished members. Truly, "Death loves a shining mark." Pennsylvania has lost another faithful son and the people of the land mourn the loss of one of their ablest representatives.

Mr. Randall's life, public and private, has been eloquently traced by those who preceded me, some of whom have been his intimate associates on the floor of this House for over a quarter of a century.

Mr. Randall was a man of strong convictions and very little consideration for those who were otherwise. He was an earnest, faithful, and devoted champion and defender of the people's rights, possessing a fund of common sense and sound judgment which stood him in good stead in dealing with the diversified questions which continually challenged his attention. His decisions as Speaker, his reports, official papers, and arguments on the floor of the House all bear witness of great diligence, earnest thought, profound and exhaustive knowledge of the subject he had in hand. With great intellectual qualities he had a sincerity of purpose and positive conviction which was restricted by no narrow, selfish, or partisan feelings—qualities which commanded for him the respect and confidence of all.

As a representative he consulted the people's interest as he would have consulted his own. He was brave, he was cautious, he was vigilant, he was honest. His courage and sincerity of devotion were the charms of his triumph. As a representative of the people he never sought to mislead, inflame, or deceive them, and he never trifled with their liberties, their rights, or their honor. Seldom surprised and never deluded, he was so thoroughly equipped by labor, experience, and study that he was always ready and equal to every occasion, a practical, useful, and efficient man.

The occasion on which I remember last to have seen him alive I shall never forget. It was during the debate just previous to the adoption of the present rules, a departure from well trodden paths, a reversal of the legislative engine, as it were, which created a great interest and excitement among the members of the Fifty-first Congress. It was during this time that I visited Mr. Randall. I found him, although quite weak, very much interested in the probable action of the House. Then and there I was given an insight into the wonderful power of this remarkable man such as I had never appreciated before. Removed from the passion and prejudice which seemed to control this body at that time, he nevertheless was interested, and anxious that the House should not depart from old and well established precedent.

His conversation was like that of a person inspired, and I returned to the scene of debate deeply impressed with his magnetism and irresistible power which made him such a formidable antagonist when on the floor of this House. He was an earnest partisan, but never so at the expense of his patriotism. He believed in the Democratic party as embodying the true principles of republican government. Although, during the last few years of his life he wavered between the lines of the two great parties on one single issue, he was always a Democrat. During the exciting times of the civil war and sectional strife he was as firm as a rock. During the stormy days of reconstruction he was one of the ever-present leaders of a small minority in this body and did a faithful work in helping to restore a helpless, broken, and discouraged people to peace and self-control under the Constitution.

During the season of reckless extravagance and corruption which seemed to take hold of the people with the close of the war, the character of Samuel Jackson Randall, as a public man and private citizen, was stainless. In an age of corruption, sensation, and abuse, no breath of scandal, however faint, shadowed his good name, and the records of Congress bear permanent and abundant testimony to his many battles against wanton and reckless expenditure of the people's money. A man of the people and for the people, he was always an advocate for equal rights and exact justice to all, with special privileges to none.

In a word, the full symmetry of his illustrious career, the beauty and grandeur of his character, can be found in searching the legislative annals of his country, where the impressive lessons of his great and glorious life are stamped in enduring words of truth and soberness.

What more can be said or done? No better tablet to his memory can we erect: "Typical American! Wise and revered statesman! Honored friend!" On thy tomb we lay the warmest tribute of our hearts. Monuments of stone and marble to commemorate thy life will be erected in the city thou didst love, but thy name and fame will live enshrined in the hearts of the people, in the hearts of thy countrymen, long after these have crumbled into dust.

As a fitting finale to the words that have been spoken, I can do no better than take from his own language, used by him in his eulogy on Thomas A. Hendricks. At that time true of the distinguished gentleman of Indiana, they are peculiarly true of and strikingly a reflection of the character of the distinguished gentleman from Pennsylvania whom we mourn here to-day. He said of Mr. Hendricks:

He was the embodiment of that old Latin saying, "Mild in manner, resolute in conviction." His ways were gentle and kind, but in a matter of right or wrong he was fixed and immovable.

No seduction could allure, no terrors frighten him. To duty he was fidelity itself. He was easy of approach. He dwelt in the greatest intimacy with his neighbors. He knew the heart-beats of the people. He could not be deceived as to their wishes. His gentleness of manner won them to his presence and then his bearing, firmness, honesty, fidelity, and logic bound them to him. As he was greater than others individually by whom he was surrounded, so, too, he was always stronger than any political organization to which he was attached. He was a devoted student of the principles of our republican form of government. He anchored his hope in their preservation in their pristine integrity. He believed that our liberties were secure only when all tendency to paternal government and toward centralization was resisted and destroyed.

Loyalty to his country was the key to his whole character, for he was loyal and true in every relation in life. Against the integrity of Mr. Randall no tongue has uttered a word. His fame as an honest man is unsullied by even a suspicion. He was ever true to himself, to his honor. No temptation beguiled to venality and no dishonest dollar touched the palm of his hand.

In these times, when vice apparently yields more revenue than virtue, when fortunes are readily obtained without honest labor, and money, not merit, wins position and power, a man who lives an honest and upright life is worthy the admiration of men.

It is these virtues far more than genius that make our late colleague worthy of the highest praise this day bestowed. He has indeed left a life-account well closed, without one blot or stain to mar its fair page, in every relation of life proving himself in the highest and best sense a man. Firm and sincere in his convictions, true to his friends, liberal toward his opponents, conscientious in the discharge of every duty, a patriot and a christian, he surely deserved, and doubtless has received, the final decree of the Judge of all living, "Well done, good and faithful servant."

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I desire to state to the House that Mr. CULBERSON, of Texas, Mr. HOLMAN, Mr. REILLY, and Mr. MCADOO, who are unavoidably absent to-day, intended to speak on this occasion. I hope that they, as well as others who may desire the privilege, will be permitted to print their remarks in the RECORD.

The SPEAKER. Without objection, the request of the gentleman from Pennsylvania will be granted.

There was no objection, and it was so ordered.

Mr. O'NEILL, of Pennsylvania. In further respect to our deceased fellow-member, I move that the House do now adjourn.

The SPEAKER. The gentleman from Pennsylvania moves that, as a further mark of respect to the memory of Samuel J. Randall, the House do now adjourn.

The motion was unanimously agreed to.

Accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned until Monday, June 16, at 12 o'clock m.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

ACCOUNTS OF DISBURSING OFFICERS OF INTERIOR DEPARTMENT.

A letter from the Secretary of the Interior, inclosing a communication from the Acting Commissioner of Indian Affairs and other inclosures in reference to the proper construction to be put upon section 3622, Revised Statutes, in relation to the rendition of accounts by disbursing officers and recommending a modification of the same; he also strongly recommends that the inclosed draught of an item for the modification of said section be incorporated in the pending Indian appropriation bill—to the Committee on Indian Affairs.

UNDELIVERED PATENTS IN ARKANSAS AND MISSISSIPPI.

Communication from the Secretary of the Interior, inclosing a copy of the report of the Acting Commissioner of the General Land Office, giving an approximate estimate of the number of undelivered patents for lands in the States of Arkansas and Mississippi in reply to a resolution of the House of Representatives dated April 29, 1890—to the Committee on the Public Lands.

BENJAMIN P. ROGERS VS. UNITED STATES.

Letter from the Assistant Clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Benjamin P. Rogers against The United States—to the Committee on War Claims.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. PAYSON, from the Committee on Public Lands, reported with amendments the bill of the Senate (S. 1859) providing for the acquisition of land for town sites and commercial purposes in Alaska, and for other purposes, accompanied by a report (No. 2450)—to the House Calendar.

Mr. TURNER, of Georgia, from the Committee on Commerce, reported with amendment the bill of the House (H. R. 8631) to create a port of entry at Eagle Pass, Tex., in lieu of Indianola, Tex., accompanied by a report (No. 2451)—to the House Calendar.

Mr. SAWYER, from the Committee on Invalid Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 10079) for the relief of Nancy Potter. (Report No. 2452.)

A bill (S. 1706) granting a pension to John Morgan. (Report No. 2453.)

A bill (S. 1705) granting a pension to Ira Manley. (Report No. 2454.)

A bill (S. 2813) granting a pension to T. A. Morton. (Report No. 2455.)

Mr. MILLIKEN, from the Committee on Public Buildings and Grounds, reported favorably the bill of the Senate (S. 2950) to provide for the purchase of a site and the erection of a public building thereon at Leadville, in the State of Colorado, accompanied by a report (No. 2456)—to the Committee of the Whole House on the state of the Union.

Mr. DARLINGTON, from the Committee on Public Buildings and Grounds, reported with amendment the bill of the House (H. R. 5600) to erect a public building at Pottsville, Pa., accompanied by a report (No. 2457)—to the Committee of the Whole House on the state of the Union.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. DALZELL: A bill (H. R. 10954) authorizing the Secretary of the Treasury to settle the indebtedness to the Government of the Sioux City and Pacific Railroad Company—to the Committee on the Pacific Railroads.

By Mr. SIMONDS: A bill (H. R. 10955) authorizing the Commissioner of Patents to refund money paid by mistake for Patent Office fees—to the Committee on Patents.

By Mr. WHEELER, of Alabama: A bill (H. R. 10956) to grant to the Birmingham, Sheffield and Tennessee River Railway Company a right of way over public lands traversed by it—to the committee on the Public Lands.

By Mr. SMITH, of West Virginia: A bill (H. R. 10957) to provide for the purchase of a site and the erection of a public building thereon at Huntington, in the State of West Virginia—to the Committee on Public Buildings and Grounds.

By Mr. LODGE: A bill (H. R. 10958) to amend and supplement the election laws of the United States and to provide for the more efficient enforcement of such laws, and for other purposes—to the Select Committee on the Election of President, Vice-President, and Representatives in Congress.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (H. R. 8833) for the relief of the officers and crew of the North Pacific and Arctic exploring expedition in 1853, 1854, 1855, and 1856—Committee on Naval Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 10524) granting a pension to John Winkler, late a private of Company H, Fifth Regiment United States Cavalry—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. FITHIAN: A bill (H. R. 10959) to remove the charge of desertion against Thilband Menny—to the Committee on Military Affairs.

By Mr. HENDERSON, of North Carolina: A bill (H. R. 10960) for the relief of Elizabeth Bringle, of Rowan County, North Carolina, widow of Christian Bringle, a soldier in the war of 1812—to the Committee on Pensions.

By Mr. LEE (by request): A bill (H. R. 10961) for the relief of Eliza S. Jones and others—to the Committee on Claims.

By Mr. MARTIN, of Indiana: A bill (H. R. 10962) to correct the military record of Joseph Grattis—to the Committee on Military Affairs.

Also, a bill (H. R. 10963) to grant arrears of pension to William H. Sutton—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 10964) granting a pension to Maj. S. R. Coulter—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 10965) granting a pension to Lydia F. Moyer—to the Committee on Invalid Pensions.

By Mr. WHEELER, of Alabama: A bill (H. R. 10966) for the relief of the heirs of John Black—to the Committee on War Claims.

Also, a bill (H. R. 10967) for the relief of the heirs of Henry H. Hope—to the Committee on War Claims.

Also, a bill (H. R. 10968) for the relief of W. W. Thompson—to the Committee on War Claims.

By Mr. WICKHAM: A bill (H. R. 10969) to remove the charge of desertion from the record of Philip Michael—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CLARK, of Wisconsin: Petition of Hiram Smith, Henry Sherry, and others, of Neenah, Wis., asking for the perpetuation of the national-banking system—to the Committee on Banking and Currency.

By Mr. CRAIG: Memorial of Grange No. 928, Ligonier, Pa., in favor of protection to agricultural products—to the Committee on Ways and Means.

By Mr. DE LANO: Petition requesting the retention of duty on sugar of milk at 10 cents per pound—to the Committee on Ways and Means.

By Mr. FITHIAN: Petition of J. J. Sewell and others, for service-pension bill—to the Committee on Pensions.

By Mr. GIFFORD: Petition of 110 citizens of Charles Mix County, South Dakota, for a law prohibiting the importation of liquors into States adopting prohibition—to the Committee on the Judiciary.

By Mr. HANSBROUGH: Petition of citizens of Bellmont, Traill County, North Dakota, for the prompt passage of House bill 5978—to the Committee on Commerce.

Also, petitions of other citizens of same county, for same measure—to the Committee on Commerce.

Also, petition of citizens of Dundee, Walsh County, North Dakota, for same measure—to the Committee on Commerce.

Also, petition of other citizens of same county, for same measure—to the Committee on Commerce.

Also, petition of citizens of Cavalier County, North Dakota, for same measure—to the Committee on Commerce.

Also, petition of citizens of Des Lacs, N. Dak., for same measure—to the Committee on Commerce.

By Mr. LACEY: Petition of P. C. Hayle and 23 others, citizens of Iowa, for the passage of Wilson's original-package bill, or House bill 5978—to the Committee on the Judiciary.

Also, petition of S. K. Leacox and 98 others, citizens of Keota, Keokuk County, Iowa, for same measure—to the Committee on the Judiciary.

Also, petition of George J. Williams and 15 others, citizens of Jasper County, Iowa, for same measure—to the Committee on the Judiciary.

Also, petition of J. W. Alfree and 105 others, citizens of same county, for same measure—to the Committee on the Judiciary.

Also, petition of S. V. Sampson and 24 others, citizens of Agency,

Wapello County, Iowa, for same measure—to the Committee on the Judiciary.

Also, petition of John M. Fish and 43 others, citizens of same county, for same measure—to the Committee on the Judiciary.

Also, petition of John Potter and 42 others, citizens of same county, for the same measure—to the Committee on the Judiciary.

Also, petition of Star Alliance, No. 1619, of same county, favoring the Butterworth option and the Conger lard bills—to the Committee on Agriculture.

By Mr. LEE (by request): Petition on claim of W. W. Goodrich—to the Committee on War Claims.

Also (by request), petition of trustees of the Mount Olivet Methodist Episcopal Protestant Church, Virginia, for passage of House bill 8552—to the Committee on War Claims.

Also (by request), petition from certain citizens of Virginia for Galveston Harbor improvement—to the Committee on Rivers and Harbors.

By Mr. LEHLBACH: Petition of citizens of New Jersey, favoring the Butterworth or option gambling bill—to the Committee on Agriculture.

Also, petition numerously signed by citizens of New Jersey, for a national Sunday-rest law—to the Committee on Labor.

Also, petition of citizens of New Jersey, for perpetuation of the national-banking system—to the Committee on Banking and Currency.

By Mr. McCLELLAN: Resolutions of Green Township Alliance, No. 15, of Noble County, Indiana, asking for the immediate passage of the Conger lard bill—to the Committee on Agriculture.

Also, resolutions of same Alliance, for the immediate passage of the Butterworth option bill—to the Committee on Agriculture.

By Mr. OATES: Petition of the president and secretary of the Bureau of the Charity Organization Society of Newark, N. J., praying for the enactment of a law to regulate immigration on the basis therein named—to the Select Committee on Immigration and Naturalization.

By Mr. SMITH, of Illinois: Resolutions from Farmers' Mutual Benefit Association Lodge, Attila, Ill., with reference to harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, resolutions from William Lawrence Post, No. 538, Grand Army of the Republic, Department of Illinois, for service pension—to the Committee on Invalid Pensions.

By Mr. SMYER: Petition of 92 persons of the Twentieth Congressional district of Ohio, for a national Sunday-rest law—to the Committee on Labor.

By Mr. STEWART, of Georgia: Petition of citizens of Georgia, for Galveston Harbor improvement—to the Committee on Rivers and Harbors.

Also, petition of other citizens of same State, for same measure—to the Committee on Rivers and Harbors.

Also, petition of other citizens of same State, for same measure—to the Committee on Rivers and Harbors.

Also, petition of sundry citizens of Georgia, against the Conger lard bill—to the Committee on Agriculture.

Also, petition of M. Y. Smith and 10 others, from Campbell County, Georgia, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of W. C. Lee and 58 others, of same county and State, for same purpose—to the Committee on Ways and Means.

By Mr. SWENEY: Petition of 95 citizens of Hesper, Winneshiek County, Iowa, in favor of the passage of an act prohibiting the importation of intoxicating liquors into the State in contravention of the laws thereof—to the Committee on the Judiciary.

SENATE.

MONDAY, June 16, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

ALBERT H. EMERY.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the amendment of the Senate to the bill (H. R. 3538) for the relief of Albert H. Emery, and requesting a further conference with the Senate on the disagreeing votes of the two Houses.

Mr. SPOONER. I move that the Senate further insist on its amendment to the bill and agree to the request of the House of Representatives for a further conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. SPOONER, Mr. HIGGINS, and Mr. WILSON of Maryland were appointed.

PUGET SOUND COLLECTION DISTRICT.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 3163) to reorganize and establish the customs-collection district of Puget Sound.

Mr. ALLEN. I move that the Senate disagree to the amendments made to the bill by the House of Representatives and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DOLPH, Mr. CULLOM, and Mr. GORMAN were appointed.

TRUSTS AND COMBINATIONS.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the bill (S. 1) to protect trade and commerce against unlawful restraints and monopolies; which was read, as follows:

Resolved, That the House disagree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1) to protect trade and commerce against unlawful restraints and monopolies.

Resolved, That the House further insist on its disagreement to the amendment of the Senate to the amendment of the House to the bill (S. 1) to protect trade and commerce against unlawful restraints and monopolies, and ask for a further conference, with instructions that the House conferees recede from the original amendment of the House.

Ordered, That Mr. E. B. TAYLOR, Mr. STEWART of Vermont, and Mr. CULBERSON of Texas be the managers at the further conference on the part of the House.

Mr. EDMUNDS. I move that the Senate further insist upon its amendment to the House amendment and agree to the conference asked by the other House.

In making that motion I wish to say a word. It has been stated, and appears to have been believed in some quarters, that the Senate amendment to the House amendment had the effect to repeal or modify the provision of the interstate-commerce law prohibiting pooling. I wish to say (I think I may safely say it for all the members of the Committee on the Judiciary, certainly for myself) that the amendment as reported from the Committee on the Judiciary had no such effect whatever, and that it is impossible for anybody who looks at the whole section as it would read amended to imagine any such thing. I think it is due to the House of Representatives and the Senate to say that.

I have seen it stated, Mr. President, in a newspaper (and that is the only way I can allude to it, and that is all that I have a right to know about it) that the Senate amendment was got through the Senate by the influence of railways and corporations, and that the Senate was given to that sort of influence, and not much else could be expected from it in that behalf. I wish to recall to the attention of the Senate that every piece of important legislation in the last ten years or more that has affected great corporations and important interests has been the work, so far as I remember, in the outset, of the Senate of the United States. The bill which brought the Pacific railroads into some sort of obedience to the laws of the United States, and some sort of sense of their obligations in respect of what was due the United States, was the work of the Senate. The interstate-commerce bill was a Senate bill, although I believe the House had a bill of the same character as well. It is, therefore, entirely unjust for anybody to say anywhere (and perhaps I dignify it a little too much by alluding to it at all) that any act of the Senate or any act of any Senator can be referred to at any time which would justify what I have seen in the newspapers.

It may be further said, Mr. President, in respect of this very amendment of the Senate, which the House of Representatives has now disagreed to and proposes to recede entirely from its own amendment and leave the bill as it passed the Senate originally, that the very force, and the only force that I have known to be exerted—and I have known of it—has been a somewhat organized and persistent and powerful effort on the part of railroad and other corporations through well-known agents and influences (well known to me) to induce simple-minded persons somewhere—I am unable to say where, of course—to defeat the Senate amendment and to mislead those persons into opposition to it by betraying them into the false position that they were defending the people in defeating an amendment which the railroads did not want; and the railroads and other corporations appear to have accomplished their purpose.

Now, if the newspapers think they are doing any public good under such a state of things, which everybody outside of the newspapers knows perfectly well, by imputing to the Senate a subserviency to railroad or corporate influence in respect to this amendment, or indeed any other, speaking particularly now of this which is up, and are not wise enough and bright enough to see that the scheme of these great corporations is brought to bear upon people who do not know any better, to fire them up with the idea that the railroads do want it and get them to vote against it, when, as I say, to my personal knowledge the exertion of very potent but ineffectual railway influence with me and with others that I know of has been tried, but it was to accomplish exactly the thing that the House of Representatives, not subservient I suppose to railroads, but hungry for the public good, has done.

I think myself that this amendment of the House was wholly unnecessary, but the original bill as it passed the Senate was adequate to cover every case over which Congress had power, and broad enough to include every case of wrongdoing of any kind of that nature. So if the House of Representatives, led or misled by railway influence, wishes to retreat from its position altogether, I do not know that I shall have

any objection; but I thought it due to the Senate and to the committee to say thus much.

Mr. PADDOCK. I should like to ask the Senator from Vermont what section of the interstate-commerce act it is proposed by this bill to amend?

Mr. EDMUNDS. Not any section.

Mr. PADDOCK. Ah!

Mr. EDMUNDS. It was an effect, it was said.

Mr. VEST. Mr. President, when the trust bill, as it is called, was pending before the Judiciary Committee prior to its being reported to the Senate, I was under the impression that the bill could have been made much more effective and valuable in the direction which all of us were pursuing if an additional section had been put to it specifically attacking the practice of destroying competition in the rates of transportation as to interstate commerce. A majority of my colleagues upon that committee were under the impression that the bill without that provision was sufficiently stringent, and I yielded my opinion to theirs upon that subject. The courts must at last construe this bill, because we are entering upon a new and untried field of legislation, and I was under the impression that the courts would construe the original bill as being sufficiently effective in prohibiting those pooling arrangements by which the prices of transportation to the people at large were kept up to ruinous and dangerous rates.

When the bill went to the House of Representatives a provision was put upon it, crudely drawn, imperfect in its language, but the object of which was to strike specifically at the evil; and when it came back to the Senate I was under the impression that with a modification of that provision as to its language and structure the amendment ought to be adopted. It could not possibly, in my judgment, have done any harm, and it might have done a vast amount of good. The Committee on the Judiciary came to the conclusion that the amendment of the House was unnecessary. I was appointed one of the conferees, but was unable to agree with the other two conferees on the part of the Senate in the conclusions which were reached. I am under the impression that the following provision, which I intended, if opportunity had come, to have offered in the Senate, would strengthen the bill:

Every contract, combination in the form of trust or otherwise, or conspiracy entered into for the purpose of preventing competition in the sale or purchase of any commodity while the subject of interstate commerce, or to prevent competition in the transportation of persons or property from any State or Territory to another, or from any State or Territory to the District of Columbia, or from the District of Columbia to any State or Territory, except such contracts or agreements in regard to transportation as may be approved by the Interstate Commerce Commission, shall be deemed unlawful within the meaning of this act. Nothing herein shall be deemed or held to impair the powers of the several States in respect of any of the matters in this act mentioned.

If that amendment had been placed upon the bill, in my opinion it would have put the meaning of this legislation beyond any question. It would have made a salient issue between a great evil which now exists in this country and the Congress of the United States representing the people. It goes without saying, with our knowledge of the present transportation system of the United States, that railroad companies do by combination, unlawfully, in my opinion, fix the price of rates to suit themselves, without regard to the public at large or to the consumers of the country. If our bill with all its provisions be worth anything, it is to strike down that sort of unlawful conspiracy against the people of the United States. As I said before, sir, I hope that the courts will construe the original bill as sufficient to do away with this monstrous evil, but it is certainly to be desired that Congress should be so explicit on the subject as to their intent in this legislation that there can be no question in regard to their intent.

Now, Mr. President, in regard to what has been said in another part of this Capitol as to the influence of railroads upon our legislation, to which the Senator from Vermont, the chairman of our committee, has alluded, I have this to say: As a matter of course it would be undignified and unparliamentary to indulge in recrimination in reply to such statements as these, but I can not resist the temptation of saying that within my personal knowledge one bill has passed the Senate repeatedly, a bill which simply provided for the government of a public park belonging to the people of the United States, and when that bill has gone to the House of Representatives it has been repeatedly defeated because the Senate would not agree that a railroad corporation should be permitted to construct its railroad through that park. If railroad influences be potent in this Capitol, there is a glaring and conspicuous example of the iron hand of corporations grasping the legislation of this country for their own private purposes.

I was never approached about this subject except, after the amendment of the House had been adopted, by a friend connected with a large railroad system in the United States, who objected to that amendment because he said it would prevent railroads from making legitimate rates by agreement as between themselves. My reply to him then was, and my reply now is, that there never has been known a case in which railroads ever combined except for their own benefit. It is safe to assume, without making any attack upon them, that there are no interests in this country so well provided for by the exertions of their attorneys and the influence of their wealth, by their appeals to sectional and other interests, as the railroad companies in this country. It will always be so, and it is, in my judgment, impossible that the Congress of

the United States inside of the Constitution can go far enough to make any of their legislation immoderate or unjust when we are attempting to protect the interests of the people.

Mr. REAGAN. Mr. President, this is a very important bill, and I would inquire—

Mr. BLAIR. What is the question before the Senate? Upon a conference report?

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont that the Senate still further insist upon its amendment to the amendment of the House and agree to the request for a further conference thereon. It is a privileged question. The Senator from Texas has the floor.

Mr. REAGAN. I merely wanted to inquire if it would not be better to have the report printed. Then we can be able to see it. It is a very important matter, and I think we ought to be able to know what we are voting on, as certainly we do not now.

Mr. EDMUNDS. All we are voting on now is simply to agree to the request of the House of Representatives to have further conference on the subject.

Mr. REAGAN. Very well.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the managers of the further conference on the part of the Senate, and Mr. EDMUNDS, Mr. HOAR, and Mr. VEST were appointed.

COURT OF CLAIMS REPORT.

The PRESIDENT *pro tempore* laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting findings filed by that court in the case of E. N. Fish & Co. and other causes; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PIERCE presented a resolution of Farmers' Alliance No. 21, of Guelph, N. Dak., praying for the passage of the bill known as the Conger lard bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Farmers' Alliance No. 21, of Guelph, N. Dak., praying for the passage of what is known as the Butterworth option bill; which was referred to the Committee on Agriculture and Forestry.

Mr. PIERCE. I present resolutions of the North Dakota Baptist Association, embracing 27 churches, convened at La Moure, N. Dak., in which they say that "we urge upon our Representatives in Congress to insist upon such Congressional enactments as will guaranty to the State of North Dakota, and every other State in the Union, the right to enforce a prohibitory law enacted by a majority vote of the people or by legislative enactment."

I move that the resolution lie on the table.

The motion was agreed to.

Mr. CAMERON presented a petition of the Union Prohibitory League, the Christian Temperance League, and the Woman's Christian Temperance Union, of Chester County, Pennsylvania, praying for Federal legislation to protect State liquor laws; which was ordered to lie on the table.

Mr. TURPIE presented a petition of the Republican convention of the Ninth Congressional district of Indiana, praying for the erection of a monument to mark the site of the Tippecanoe battle-ground; which was referred to the Committee on the Library.

Mr. CARLISLE presented the petition of Hosea W. Groome, of Des Moines, Iowa, praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

He also presented additional papers to accompany Senate bill 3977, granting a pension to Henry Cook; which were referred to the Committee on Pensions.

Mr. DAWES presented a petition of W. L. Rodman Post, No. 1, Grand Army of the Republic, of New Bedford, Mass., praying for the transfer of the revenue-cutter service to the Navy Department; which was ordered to lie on the table.

He also presented a petition of the Retail Grocers' Association, of Boston, Mass., praying for the admission of free raw sugar up to No. 16 Dutch standard, with a protection to refiners on refined grades not exceeding 1 cent a pound, and a bounty to American sugar-growers not exceeding 2 cents a pound; which was referred to the Committee on Finance.

Mr. VOORHEES presented a petition of the Military Order of the Loyal Legion of the United States, signed by Maj. Gen. Lew Wallace, praying for a speedy, complete, and accurate publication of the Official War Records of the Rebellion; which was referred to the Committee on Appropriations.

He also presented the memorial of Barton Sewell, president of the National Smelting and Refining Company, of Chicago, Ill., remonstrating against the imposition of a tariff duty on lead ore; which was referred to the Committee on Finance.

He also presented a petition of citizens of Evansville, Ind., praying for the enactment of a law limiting the hours of labor of clerks and

others in first and second class post-offices to eight hours a day, with a full day's wages therefor; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Farmers' Alliance No. 8, of Allen County, Indiana, remonstrating against the manufacture or sale of counterfeit or compound lard; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Farmers Alliance No. 8, of Allen County, Indiana, remonstrating against dealing and gambling in agricultural and farm products; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Indianapolis (Ind.) Brewing Company, remonstrating against an increase of tariff duties on hops; which was referred to the Committee on Finance.

Mr. REAGAN presented a petition of citizens of Marshall, Tex., praying that eight hours shall constitute a day's work for clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SAWYER presented the petition of Robert Estabrook, of Fond du Lac, Wis., praying to be allowed a father's pension; which was referred to the Committee on Pensions.

Mr. MOODY presented petitions of citizens of Hughes, Charles Mix, Hanson, Grant, and Codington Counties, in the State of South Dakota, praying for the passage of a law making it unlawful to import intoxicating liquors into any State or Territory contrary to the laws thereof; which were ordered to lie on the table.

Mr. DIXON presented the petition of Silas C. Weller and 68 others, citizens of Rhode Island, praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was referred to the Committee on Education and Labor.

Mr. MANDERSON presented petitions of Farmers' Alliances of Birdwood, Lincoln County, Nebraska, of Phelps County, Nebraska, and of Sherman County, Nebraska, praying for the passage of the Conger lard bill; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of Farmers' Alliances of Birdwood, Lincoln County, Nebraska, and of Sherman County, Nebraska, praying for the passage of the Butterworth option bill; which were referred to the Committee on Agriculture and Forestry.

Mr. SHERMAN presented the petition of M. Tiebig & Brother and 96 others, citizens of Cincinnati, Ohio, praying for a reduction in the tariff on tobacco from the rate proposed in the McKinley bill; which was referred to the Committee on Finance.

He also presented a petition of the members of the Congregational Church of Atwater, Ohio, praying for the enactment of laws to prevent the carrying through the mails of obscene literature; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MORRILL. I present sundry petitions from Ohio, Pennsylvania, New York, and Vermont, praying that no duty shall be imposed upon tin. Some of these petitions do not indicate what place or State they come from. They all appear to have been sent out in obedience to the G. H. Grimm Manufacturing Company, of Hudson, Ohio. It calls the attention of maple-sugar makers, as follows:

Your interests are in danger. Will you submit to being pulled and plucked under the forms of law without uttering an earnest protest?

The petitions are sent out with printed envelopes; they are printed petitions, all alike; and returned alike.

I move that the petitions be referred to the Committee on Finance.

The motion was agreed to.

Mr. EVARTS presented a petition of 75 citizens of the State of New York, praying for the passage of a national Sunday-rest law; which was referred to the Committee on Education and Labor.

He also presented a petition of 42 citizens of Horseheads, N. Y., praying for the passage of the pending tariff bill; which was referred to the Committee on Finance.

Mr. JONES, of Arkansas, presented the petition of Messrs. Meyers & Ball, S. B. Carpenter, and other citizens of Helena, Ark., praying for certain legislation with regard to the duty on tobacco; which was referred to the Committee on Finance.

Mr. VEST presented a petition of the Greeley Burnham Grocer Company and other grocery companies of St. Louis, Mo., praying for a rebate on all original packages of sugar in the hands of dealers; which was referred to the Committee on Finance.

Mr. PAYNE presented a petition of 157 citizens of the State of Ohio, praying for the passage of a national Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. HALE presented resolutions of the Penobscot Conference of Congregational Churches in Maine, approving the enactment of a law permitting the States to control the sale of intoxicating liquors within their own borders; which were ordered to lie on the table.

Mr. TELLER presented a petition of citizens of Lamar, Colo., and a petition of citizens of Picketon, Mo., praying for the free coinage of silver; which were ordered to lie on the table.

He also presented a petition of citizens of Yuma, Colo., praying for a complete system of levees on the Mississippi River; which was referred to the Committee on Commerce.

Mr. PLATT presented the petition of Comstock, Ferre & Co., and other firms of Milford, Conn., praying for an increase of duty on seeds; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. PAYNE. I submit from the Committee on Foreign Relations a report on the joint resolution (S. R. 66) authorizing Commander Dennis W. Mullan, United States Navy, to accept the medal presented to him by the Chilean Government, which was under discussion on Saturday. I ask that the report and accompanying letters may be printed.

The PRESIDENT *pro tempore*. The report and accompanying papers will be printed, if there be no objection.

Mr. PADDOCK, from the Committee on Agriculture and Forestry, submitted a report to accompany the bill (S. 3991) for preventing adulteration and misbranding food and drugs, and for other purposes, heretofore reported by him.

Mr. EVARTS, from the Committee on the Judiciary, to whom was referred the bill (S. 3555) to increase the compensation of the assistants to the attorney of the United States for the District of Columbia, and to amend section 907 of the Revised Statutes of the United States relating to said District, reported in with an amendment.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the amendment offered by himself on March 24, intended to be proposed to the deficiency appropriation bill concerning payment to Robert Berry, of Leadville, Colo., reported it favorably and moved its reference to the Committee on Appropriations, and that it be printed; which was agreed to.

Mr. PLUMB, from the Committee on Public Lands, reported a bill (S. 4090) to relieve purchasers of and to indemnify certain States for swamp and overflowed lands disposed of, and for other purposes; which was read twice by its title.

Mr. PLUMB. The adoption of this substitute by the committee renders unnecessary the further consideration of three Senate bills on the same subject, which I send to the desk, which the committee recommend be indefinitely postponed.

The following bills were postponed indefinitely:

A bill (S. 673) for the relief of purchasers and other grantees of the United States of certain swamp and overflowed lands, and to reimburse and indemnify certain States;

A bill (S. 1018) for the relief of purchasers and other grantees of the United States of certain swamp and overflowed lands, and to reimburse and indemnify certain States; and

A bill (S. 1055) to relieve purchasers of and to indemnify certain States for swamp and overflowed lands disposed of, and for other purposes.

Mr. SPOONER, from the Committee on Claims, reported an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PENSION AND CENSUS DEFICIENCIES.

Mr. HALE. From the Committee on Appropriations I report with amendments the bill (H. R. 10906) making appropriations to supply deficiencies in the appropriations for the payment of pensions and for the expenses of the Eleventh Census for the fiscal year 1890, and for other purposes, which I ask may be now considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. Will the Senator from Maine state whether any action is to be taken upon the various entries that are made on this bill? It seems to be written over and interlined.

Mr. HALE. The clerk of the Committee on Appropriations prepared the amendments. The first is a matter of form, making the language of an appropriation more definite. The clerks at the desk will readily see what the amendment is, I think.

The PRESIDENT *pro tempore*. The clerks may see, but the Chair can not. The Chief Clerk will report the amendment. [A pause.] The Chief Clerk announces that he can not.

Mr. HALE. Will the Chief Clerk please send the bill to me?

[The bill was sent to Mr. HALE.]

Mr. HALE. The form is correct in the original House bill, I see. There is no necessity for any amendment.

The bill was reported to the Senate without amendment.

Mr. COCKRELL. I thought there were some amendments to the bill that had been adopted in the Committee on Appropriations.

Mr. HALE. On examining the bill I find the form of the House bill is correct with reference to the appropriations, and there are no amendments needed.

Mr. COCKRELL. Did the chairman of the subcommittee receive any information in regard to whether the amount here appropriated will be absolutely sufficient to meet the expenditures of the current year for pensions? There was a question as to whether the amount contained in this bill would cover all actual deficiencies.

Mr. HALE. I have the letter from the Commissioner of Pensions, which was written at my request, upon the suggestion of the committee,

asking that question. He states that the amount which is given here will cover all the payments that are needed for the year ending June 30, 1890, and gives the estimates and the manner in which they are arrived at.

Mr. COCKRELL. So that this will wind up the pension appropriations for the fiscal year 1890?

Mr. HALE. This will wind up the pension appropriations for the year.

Mr. COCKRELL. This being the second deficiency we have provided for, I was anxious to get the exact amount necessary to be appropriated and be done with it. Has the Senator the letter from the Commissioner of Pensions?

Mr. HALE. I have the letter.

Mr. COCKRELL. I should like to have it read.

Mr. HALE. I will have it inserted in the RECORD.

Mr. HARRIS. Will the Senator from Maine inform us what the aggregate amount of the appropriations for this fiscal year will be on account of pensions when this deficiency bill is passed?

Mr. HALE. The regular annual appropriations for this fiscal year amount to \$98,427,461.

Mr. ALLISON. For next year, the Senator means.

Mr. HALE. For this year. In the urgent deficiency bill \$21,613,009 were appropriated. The present bill carries the amount stated, which the Secretary will be good enough to read.

Mr. COCKRELL. It is \$3,708,898.35.

Mr. HALE. Those together make the aggregate.

Mr. COCKRELL. Did I understand the Senator to say that the first appropriation was \$98,000,000 and then \$21,000,000, and then \$3,000,000?

Mr. HARRIS. That was the statement.

Mr. HALE. The first appropriation bill that was passed for the last year—I have the figures here—was \$81,758,700.

Mr. COCKRELL. That was the reason why I called the Senator's attention to it. He said it was \$98,000,000, which would make a vast addition.

Mr. HALE. That sum included other items. The original appropriation bill was \$81,758,700, and the second appropriation \$21,598,834, and the present bill \$3,708,898, making in all \$107,066,432 and odd cents.

Mr. HARRIS. What is the aggregate in millions?

Mr. HALE. It is \$107,066,432 and odd cents. The figures that I first gave, \$98,000,000, do not apply to this bill. The Senator from Iowa was right in that regard.

The bill was ordered to a third reading, read the third time, and passed.

Mr. HALE. I ask that the letter of the Commissioner of Pensions to which I have referred may be printed in the RECORD.

The PRESIDENT *pro tempore*. That order will be made, in the absence of objection.

The letter is as follows:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., June 14, 1890.

SIR: I have the honor to acknowledge the receipt of your communication of even date relative to the deficiency now existing in the appropriation for the payment of pensions during the current fiscal year, and in response to hand you herewith a statement prepared in this bureau and showing by a close estimate that \$3,708,898.35 will be needed, and immediately, for the purpose stated.

I am of opinion that said amount will be sufficient to meet the requirements in all cases issued, and in which vouchers shall be executed during the present month, the last of the present fiscal year.

Very respectfully,

GREEN B. RAUM,
Commissioner of Pensions.

Hon. EUGENE HALE,
United States Senate.

BILLS INTRODUCED.

Mr. DAWES introduced a bill (S. 4091) authorizing the President to appoint and retire NATHANIEL P. BANKS as a major-general in the United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. DAWES. I ask leave out of order to introduce in connection with that bill a petition from members of the Massachusetts Legislature. It is signed by all the senators and nearly every one of the members of the house of representatives of the Massachusetts Legislature in aid of that bill. I move it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. VOORHEES introduced a bill (S. 4092) granting an increase of pension to William J. Gregory; which was read twice by its title, and referred to the Committee on Pensions.

Mr. POWER introduced a bill (S. 4093) to amend section 837 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SHERMAN introduced a bill (S. 4094) for the relief of John Sachs and Frederick Rhine; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4095) for the relief of Samuel B. Kepner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. JONES, of Arkansas, introduced a bill (S. 4096) for the relief of William W. Burns; which was read twice by its title, and referred to the Committee on Claims.

Mr. DANIEL (for Mr. BARBOUR) introduced a bill (S. 4097) for the relief of Mrs. Agnes B. Jeter; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLAIR. Introduce a joint resolution requesting the President to invite an international conference to meet in Washington, with a view to the formation of an international alliance for the suppression of slavery and the slave trade, of the traffic in intoxicating liquors, fire-arms, and destructive substances with uncivilized peoples, and to promote the establishment of schools of common knowledge, art, and industry among them; also, to secure the disarmament of nations and the organization of international courts. I desire to address the Senate upon this joint resolution at a later time. If there be no objection, I will ask that the joint resolution be read in full and lie on the table for the present.

The PRESIDENT *pro tempore*. The Senator from New Hampshire introduces a joint resolution, which will be read at length the first time if there be no objection.

The joint resolution (S. R. 101) requesting the President to invite an international conference to meet in Washington, with a view to the formation of an international alliance for the suppression of slavery and the slave trade; of the traffic in intoxicating liquors, fire-arms, and destructive substances with uncivilized peoples, and to promote the establishment of schools of common knowledge, art, and industry among them; also, to secure the disarmament of nations and the organization of international courts, was read the first time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the President be requested to invite all foreign powers with whom the United States maintains diplomatic relations to designate representatives to meet with those of the United States, not exceeding ten in number, to be appointed by the President, for the purpose of holding an international conference in the city of Washington on the first Monday of February, A. D. 1891, with a view to the formation of an international alliance which shall be valid and binding upon those powers who shall ratify and agree to the same, the objects of which alliance shall be:

First. To suppress the crime of kidnapping and the slave-trade within the limits of the continent of Africa, and to destroy the traffic in the liberty of human beings and the institution of slavery in all parts of the world.

Second. To regulate and suppress the traffic in intoxicating liquors and other noxious substances, and also in fire-arms, gunpowder, and the means of destruction between so-called civilized men and nations and other less civilized peoples, especially with the inhabitants of the continents of Africa, Asia, and the islands of the sea, and also to promote among them the establishment of schools of common knowledge of agricultural and mechanic industry and the arts of civilized life.

Third. To secure the reduction and, so far as possible, the disbandment of existing military and naval establishments, and to prevent the arming of nations and the waging of wars hereafter; also to promote the creation of tribunals for the trial and settlement of international controversies, and such other measures for the welfare of mankind as can be better secured by the joint efforts of nations.

Resolved further. That \$100,000 are hereby appropriated from any money in the Treasury not otherwise appropriated, so much thereof as may be necessary to be expended in carrying out the object of this resolution.

The joint resolution was read the second time by its title, and ordered to lie on the table.

REPRINTING OF A BILL.

Mr. PADDOCK. I ask an order for the reprinting of an important bill which has been exhausted, being the bill (S. 3991) for preventing adulteration and misbranding food and drugs, and for other purposes.

The PRESIDENT *pro tempore*. The bill will be reprinted, if there be no objection.

AMENDMENTS TO BILLS.

Mr. HARRIS, Mr. STEWART, and Mr. MITCHELL submitted amendments intended to be proposed by them respectively to the legislative, executive, and judicial appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. DOLPH submitted an amendment intended to be proposed by him to the bill (S. 3833) to provide for the adjudication and payment of claims arising from Indian depredations; which was ordered to be printed.

CHEROKEE COMMISSION.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the President be requested to inform the Senate whether negotiations have not been concluded by the Cherokee Commission with certain Indian tribes for the cession of lands in the Indian Territory, whereby such lands may be opened for settlement by act of Congress.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to the following bills of the Senate:

A bill (S. 595) for the erection of a public building at Salina, Kans.; and

A bill (S. 2403) to provide for the purchase of a site and the erection of a public building thereon at Beaver Falls, in the State of Pennsylvania.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the act (S. 2548) for the relief of the board of commissioners of the sinking fund of the city of Louisville, Ky.

JONATHAN DEAN.

Mr. SAWYER. I ask that Order of Business 1496, being the bill (H. R. 2418) granting a pension to Jonathan Dean, sr., be recommitted to the Committee on Pensions. There is an error about the report.

The PRESIDENT *pro tempore*. If there is no objection, the bill referred to by the Senator from Wisconsin will be recommitted to the Committee on Pensions. The Chair hears no objection, and it is so ordered.

TREASURY NOTES AND SILVER BULLION.

The PRESIDENT *pro tempore*. If there be no further morning business, that order is closed, and the Senate resumes the consideration of the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5381) directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes.

The PRESIDENT *pro tempore*. The first amendment reported by the Committee on Finance will be stated.

The CHIEF CLERK. In section 2, on page 2, line 8, after the word "notes" where it occurs the second time in the line, the Committee on Finance report to strike out "shall be a legal tender in payment of all debts, public and private, and;" so as to read:

And such Treasury notes shall be receivable for customs, taxes, and all public dues, and when so received may be reissued; and such notes when held by any national-banking association may be counted as a part of its lawful reserve.

The PRESIDENT *pro tempore*. The Senator from Virginia [Mr. DANIEL] relinquished the floor when the bill was last under consideration for a motion to adjourn.

Mr. DANIEL. Mr. President, the question now before the Senate is whether or not we shall have silver bullion and a paper currency predicated thereon, or silver pure and simple "as money" as advocated by the Republican party in their Chicago platform.

Whether it shall be decided to have silver as the basis of a paper currency or silver as money in a direct form, this is a day of great victory and triumph for the representatives of Democracy in this country and for those who through good and through evil report have steadfastly maintained the money of the people. This is a day in which a compliment is paid to the legislation of 1878, known as the Bland act, greater than any that could be embodied in language. That act contained the provision that \$2,000,000 worth of silver should be coined per month and gave discretion to the Secretary of the Treasury to coin \$2,000,000 more, making an aggregate of four millions' worth per month.

To-day those who opposed that policy in the beginning and those who have continued in opposition thereto for many years come forward to pour their libations of praise upon the altars of the triumphant Democracy, which was the author of that bill and which has been its unyielding friend. That the world moves and that this is a land of progress was never better demonstrated than by the fact that the great leader of Republican financial policy in this country, who carried the single gold standard over two continents, should come forward in his speech to lay it down at the feet of the double standard, and to proclaim that he at last is the advocate of silver money.

Triumphant as would be the result of the policies which have been advocated by the Bland act, the Democratic Administration which retired to give way to that which is now in the ascendant receives also at the hands of the present Administration as high a compliment as could possibly be paid by one set of statesmen to another.

The Chicago platform of two years ago was an exceedingly discriminating and nicely drawn document. It proclaimed that the Republican party was in favor of the use of both gold and silver and added the words "as money," and then it added that it condemned the policy, not of the Democratic party, for it knew that the body of the Democracy could not be so condemned, but it condemned the policy of the Administration, meaning, of course, the Executive Administration, in its efforts to demonetize silver. Curiously enough, the political organization which thus denounced its rival for Executive honors stands now posing before the country in advocacy of measures of which it finds the prototype in the very recommendations of that Administration which it denounced.

SECRETARY FAIRCHILD'S RECOMMENDATION OF PAPER BASED ON BULLION.

I beg leave to read to the Senate from the report of the Secretary of the Treasury of 1887, when Hon. Mr. Fairchild was the occupant of that position. In that report, on page 41 of the message and documents of 1887-'88, abridgment, Secretary Fairchild has the following:

The law should be so amended as to authorize the Secretary of the Treasury to issue certificates against the coining value of the bullion bought and to coin only such number of dollars as he might deem expedient hereafter. This would not restrict in the least degree the use of the silver dollar as currency. The cer-

ificates would be equally secure whether representing coined dollars lying in vaults, or representing bullion also lying in vaults, and which would be coined into dollars. The bullion should be melted into the form of very heavy bars, which could not be easily stolen or lost. In this form the silver could be easily and quickly moved and counted.

The recommendation of the Secretary of the Treasury of 1887 was repeated in somewhat different language in the succeeding report of 1888, and when the Republican party convened at Chicago with those recommendations of the bullion policy, so to describe it, fresh before the country, it turned its batteries of denunciation upon it and described it as efforts to demonetize silver, and, presto, change! while the statesmen of the Republican party all over the land are coming in and giving adhesion to those doctrines of which Democracy has been the leading spirit for twelve years after the re-enfranchisement of silver, the present Administration, not to be outdone in compliments to its adversary, takes up the recommendation of the antecedent Secretary and stands before the country holding up and defending for the salvation of the nation the policy which it denounced at Chicago as "efforts to demonetize silver." The handsome thing to do, Mr. President, although it might be very embarrassing to some of the present Administration, would be to resign and to ask the country to restore the authors of these suggestions to power, that they might carry them out according to the lines which they have indicated.

RICARDO'S VIEWS OF PAPER MONEY BASED ON BULLION.

But, Mr. President, this bullion policy did not originate either with the Cleveland Administration or with the Harrison Administration. It is an old thought among the financiers of the world that bullion may perhaps be made the subject of a better currency by being developed into its paper representative than by being coined into dollars. David Ricardo advocated such a doctrine as this as long ago as 1808, and I beg leave to read a little from the Currency Proposals of D. Ricardo as contained in a volume called *Silver in Europe*, by S. Dana Horton, page 285. Said Ricardo in this paper:

Let the Bank of England be required by Parliament to pay (if demanded) all notes above £20, and no other, at their option, either in specie, in gold standard bars, or in foreign coin (allowance being made for the difference in its purity) at the English mint value of gold bullion, namely, 31.17s. 10d. per ounce, such payments to commence at the period recommended by the committee.

Without quoting his language in full he goes on to say that the advantage in utilizing the precious metals in bullion in this fashion would be to prevent the remelting down of coin for export to foreign nations, that unfavorable exchanges could be most speedily corrected by the transportation of bullion, that there would be no danger of abrasion of the metals by treating bullion as the basis and paper as the representative. He goes on to pay this compliment to silver:

And with a silver coinage on just such principles, we should possess the most economical and the most invariable currency in the world.

Then he adds with respect to silver as a standard of value:

The only objection to the use of silver as the standard is its bulk, which renders it unfit for the large payments required in a wealthy country; but this objection is entirely removed by the substituting of paper money as the general circulation medium of the country. Silver, too, is much more steady in its value, in consequence of its demand and supply being more regular; and as all foreign countries regulate the value of their money by the value of silver, there can be no doubt that, on the whole, silver is preferable to gold as a standard, and should be permanently adopted for that purpose.

In a note to his paper he adds:

I have already observed that silver appears to me to be the best adapted for the standard of our money. If it were made so by law, the bank should be obliged to buy or sell silver bullion only.

SILVER AND GOLD SHOULD BE TREATED ALIKE.

But there was this difference, Mr. President, in the plan recommended by Ricardo and that which is now proposed: Ricardo recommended the use of both metals alike, gold and silver, as the basis of paper currency which he suggested were alike to be treated. The trouble in this case is that you propose one system of currency by your gold and another system by your silver. You give gold the seat of honor by coining it into dollars and by permitting any particle of gold metal that comes to you from any part of the world to become a dollar. You further facilitate its use as money by permitting it to serve by certificate or paper representative.

As long as you treat one metal in that manner it is philosophical and logical and just to treat the other metal in the same manner, and it seems to be a disjointed and illogical system which will thus take one metal and place it upon a high plane of favor and then take the other metal and relegate it to a different system of finance and to one which is less calculated to appreciate that metal in value.

WAGES OF LABOR INCREASE WITH THE INCREASED PRICE OF ITS PRODUCTS.

In addition to the argument which has been made against the silver coinage, that we shall be in danger of losing gold, the only other argument which has been insisted upon in the debate—which seems to have some popular acceptance—is that contained in the queries which were put on Friday last to some of the speakers by the Senator from Massachusetts [Mr. HOAR], and which have been repeated in various forms by other advocates of the degradation of our silver money.

They ask the question, with an obvious suggestion of argument beyond it: "If it be true, as you say, that this remonetization and expansion of the silver currency will increase prices, do you not perceive that it will increase the value of everything that the laborer is to buy, and therefore have a tendency to reduce the purchasing power of his wages?"

That is a suggestion which comes to us from the other side of the Chamber; and, to take a superficial view of the question, it would seem at first glance that if you are going to increase the price of the articles which the laboring men of the country must wear and must eat and must provide for the support of their families, you would be reducing the purchasing power of their wages, and therefore, perhaps, do them to some degree an injury instead of a benefit. But to take that view of the question, Mr. President, is thoroughly superficial. These productions which will rise in price—what are they? They are the products of that labor; and, as the result of his day's work, should the price of cotton and of manufactured fabrics rise, the laborer will find in his workshop or in his field as the result of his daily labor a larger addition to the wealth of the country. As these productions are the fruits of labor and will increase immensely in value by the expansion of your currency to meet the demands of the country, you are driven to the horns of this dilemma: Either you must contend that the enhancement of the prices of the fruits of labor does not increase wages, or you must acknowledge that with the rise of prices by the expansion of silver there will be a great addition to the fruits of labor, and a greater opportunity to reward labor out of them.

It is very curious, indeed, to see the leaders of a great political party changing front, turning coat, renouncing the doctrines upon which they proclaim for a protective tariff and apply the very opposite of the teachings which they have sought to impress upon the country to prevent the establishment of laws which will be for the benefit of the whole population. There is scarcely a Senator upon the other side of the Chamber who has not talked in his writings and in his speeches that just in proportion as you increase the price of the fruits of labor so you will increase the wages of labor. The Senator from Massachusetts [Mr. HOAR], the Senator from Ohio [Mr. SHERMAN], and the Senator from Vermont [Mr. EDMUNDS] have been the champions of that doctrine. What do they mean when they change front and march to the rear and ask their Democratic colleagues the question, if they do not see that they are going to injure labor by increasing the price of its products?

Let it hurt whom it may, let it stand in the way of any doctrine which may be advocated, it must be evident that the increase in price of the products of labor does have a tendency at least to increase the wages of labor; and the opponents of a restrictive prohibitive high Chinese tariff do not oppose it upon the ground alone that there is no tendency from the increase of price to the increase of wages, but upon the proposition that this increase of price which you aim to protect by a Chinese tariff is first taken out of labor before it is given back to it. That does not apply in the case where you appreciate the prices of all the products of the land, not by giving a bonus to this man or a bonus to that one, but by that natural accretion of values which flows from the general health and prosperity of the whole country.

HOW OUR AMERICAN WHEAT MARKET HAS BEEN INJURED AND THE INDIA WHEAT MARKET BUILT UP.

I will illustrate this proposition by presenting to the Senate a table which was kindly prepared for me by a statistician of distinction. I refer to Mr. Ivan C. Michels, who has carefully stated in two tables which I shall insert in my remarks the production, the farm value, and the export value of wheat from India for a series of years, beginning in 1873 and winding up in 1889. The associated table which goes with this one is a like statement of the production, farm value, and export value of the wheat of the United States exported to foreign nations:

Production, farm value, exports, and value.

[By Ivan C. Michels.]

UNITED STATES.

Year.	Production.	Farm value and per bushel.	Exports.	Value and per bushel.
	<i>Bushels.</i>		<i>Bushels.</i>	
1873.....	281,254,700	\$223,594,805—\$1.015	39,204,285	\$51,452,254—\$1.314
1874.....	308,102,700	291,107,885—.944	71,030,928	101,421,459—1.428
1875.....	292,136,000	294,580,990—1.000	53,047,177	59,007,863—1.124
1876.....	299,356,500	300,239,300—1.007	55,073,122	68,382,899—1.241
1877.....	364,194,146	394,695,779—1.082	40,325,611	47,135,562—1.169
1878.....	420,122,400	328,346,424—.777	72,404,961	96,572,016—1.338
1879.....	448,756,630	497,030,142—1.108	122,383,936	130,701,070—1.068
1880.....	498,549,868	474,201,890—.951	153,252,795	190,546,305—1.243
1881.....	383,280,090	456,880,427—1.193	150,565,477	167,698,485—1.113
1882.....	504,185,470	445,602,125—.884	95,271,802	112,929,718—1.185
1883.....	421,086,160	383,649,282—.910	106,386,828	119,879,341—1.125
1884.....	512,765,000	330,862,260—.650	70,349,012	75,026,678—1.066
1885.....	357,112,000	275,320,390—.770	84,653,714	72,933,097—.862
1886.....	457,218,000	314,226,020—.687	57,759,309	50,262,715—.870
1887.....	456,329,000	310,612,960—.681	101,971,949	90,716,481—.890
1888.....	415,868,000	385,248,030—.927	55,789,261	56,241,468—.860
1889.....	490,560,000	342,491,707—.698	46,414,129	41,632,701—.897

Production, farm value, exports, and value—Continued.

INDIA.

Year.	Production.	Farm value and per bushel.	Exports.	Value and per bushel.
	<i>Bushels.</i>		<i>Bushels.</i>	
1873.....	142,216,033	\$139,904,319=\$0.98	735,485	\$816,063=\$1.11
1874.....	151,518,750	139,966,445=.92	3,277,781	4,027,545=1.23
1875.....	149,236,352	121,627,627=.82	2,004,186	2,391,646=1.19
1876.....	170,887,500	128,592,843=.75	4,686,767	4,410,680=.94
1877.....	195,504,400	188,661,746=.96	10,428,327	9,526,855=1.17
1878.....	172,947,882	212,725,894=1.23	11,896,580	19,985,177=1.28
1879.....	181,448,209	195,964,066=1.08	1,972,544	2,531,252=1.33
1880.....	182,730,213	197,348,630=1.08	4,109,495	5,471,245=1.15
1881.....	231,984,408	218,598,179=.94	13,896,167	15,952,106=1.16
1882.....	225,586,990	200,490,437=.88	37,148,543	43,163,723=1.12
1883.....	242,413,680	213,930,072=.88	26,495,024	29,631,213=1.10
1884.....	251,690,890	204,442,681=.81	39,202,636	43,291,464=1.04
1885.....	299,155,584	253,100,413=.84	29,588,311	30,736,902=.99
1886.....	258,585,947	235,714,837=.91	39,312,969	38,943,436=1.01
1887.....	238,585,632	220,393,768=.92	41,558,239	41,921,758=1.00
1888.....	266,882,645	242,863,195=.91	25,271,249	27,033,133=1.07
1889.....	243,076,549	226,061,190=.93	32,894,925	36,583,922=1.11

That table, Mr. President, tells its own story, and it serves as an illustration of the proposition which I have enunciated. In 1873, when silver was demonetized, India was producing 142,000,000 bushels of wheat, in round numbers, and exporting 735,000. In 1889 so greatly had the production of wheat in that country been stimulated by the degradation of our silver currency that India had added to her exports of wheat 100,000,000 bushels and it had grown to 243,000,000, an addition of 1,000,000, and the exports had risen to 42,000,000, while on the other hand you will perceive that just as India has gained in that race the United States have lost.

I have not time, for I do not wish to consume any greater length of time than is necessary, to comment upon all the totals of that paper, but any intelligent man can peruse its figures and see exactly where the fatal blow has been struck against the agricultural interests of this country. You will see also from that table that it is not overproduction that the United States is suffering from, if at all. We built up this Eastern market from India to England and to Europe. There was a market for our surplus. It is by destroying the market for our surplus and lowering the price, and not because that surplus ought not to have been produced, that the farming population of this country have suffered such great losses.

THE WINDOW PLAN.

Mr. President, there are several plans before the Senate for dealing with silver. The first plan is that suggested by the Secretary of the Treasury, of which I present a brief analysis:

1. Issue Treasury notes against deposits of silver bullion in the Government vaults.
2. At the market price of bullion when it is deposited.
3. Payable on demand in such quantity of silver bullion as will equal in value at the date of presentation the face value of the note at the price of silver then.
4. Or payable in gold at the option of the Government.
5. Or payable in silver dollars at the option of the holder.
6. Repeal the compulsory feature of the present coinage act.
7. The Secretary to have power to suspend temporarily the receipt of silver bullion for payment in Treasury notes.

THE SUBSTITUTE PRESENTED BY THE SENATE FINANCE COMMITTEE FOR THE WINDOW PLAN.

A substitute was presented for that plan, which is known as the Jones bill, an analysis of which I also beg leave to present. This substitute treats gold and silver exactly alike, and provides for Treasury notes based upon the bullion which is hypothecated for their issue.

Its provisions are:

1. The Secretary of the Treasury to purchase \$4,500,000 worth of silver bullion per month.
 2. At the price not exceeding \$1 for 371½ grains pure silver.
 3. Also, to purchase gold bullion at not exceeding \$1 for 23.22 grains of pure gold.
 4. Treasury notes to be issued on payment.
 5. Treasury notes to be redeemable on demand, "in lawful money of the United States."
 6. When redeemed the Treasury notes to be canceled.
 7. The Treasury notes to be receivable for customs, taxes, and all public dues, and when so received may be reissued.
 8. The Treasury notes may be counted as part of the national-bank reserve.
 9. Secretary to coin silver or gold bullion as may be necessary to redeem Treasury notes.
 10. Act of February 28, 1878, is repealed.
- This substitute does not make the Treasury notes legal tender.

THE HOUSE BILL 5381 NOW BEFORE THE SENATE.

The third plan is that which appears before us in House bill 5381. That provides for—

1. Purchase per month by the Secretary of the Treasury of \$4,500,000 worth of silver bullion at the market price.
 2. The price not to exceed \$1 for 371.25 grains pure silver.
 3. Treasury notes are to be issued in payment in denominations of not less than \$1 nor more than \$1,000.
 4. These notes are redeemable in coin.
 5. They may be reissued when redeemed.
 6. They are legal tender for all debts, public and private.
 7. They are receivable for customs, taxes, and all public dues, and when so received may be reissued.
 8. They may be part of the national-bank reserve.
 9. The Secretary of the Treasury may exchange for such Treasury notes an amount of silver bullion equal in value at market price.
 10. The Secretary shall coin enough silver bullion to redeem the Treasury notes.
 11. When silver bullion reaches par it may be freely coined.
- The differences between this substitute and what is known as the Jones bill are that it makes the Treasury notes legal tender; that it authorizes the redemption of the Treasury notes in bullion instead of in silver dollars, and that it authorizes free silver coinage when silver shall come to par.

AMENDMENTS PROPOSED BY SENATE FINANCE COMMITTEE TO HOUSE BILL.

The Senate Finance Committee has presented certain amendments to this House bill. It strikes out the provision in section 2 that Treasury notes shall be a legal tender. I had thought at first that it was necessary to have these notes as legal tender, but I do not see that it is at all indispensable that they should be, in the light of the fact that the dollar or its equivalent is in the Treasury, can be obtained on demand, and that it is a legal tender; still it is best to make them legal tender.

The Finance Committee also recommends the striking out of the bullion-redemption feature. That seems to me entirely wise, and, indeed, indispensable to the building up of the value of silver and to the establishment of a sound currency. It has been very well shown in one of the speeches made upon this subject that if you allow the bullion to be put in the Treasury, the Treasury notes issued for it, and then the Treasury notes to be carried back and bullion to be issued for them, the same quantity of bullion may flow to and fro for an indefinite time and extent, and that there will be no absolute assurance of the extension and expansion of your currency.

It also strikes out the free coinage of silver when silver shall come to par. It seems to me that this is a very unwise and unsuitable provision. It has always been contended that silver ought to be freely coined when it shall come to par, and it is curious that when we are taking measures to bring it to par a clause should be stricken out of the bill which authorizes free coinage when that "consummation, most devoutly to be wished," has been attained.

This bill also provides that at the end of five years its operations shall cease. I can not see any need at the present time for a provision that we shall at any particular future day reverse a policy which we are now inaugurating. It may be that at the end of five years such a thing would be wise, and it may be that it would not be wise, and how can we undertake at the present time to forecast so long a track of years, especially as the currents of our financial history have taken an erratic course unexpected by our finance ministers? Why should we undertake to anticipate so long a track of time and announce a policy which might then be unwise and fatal?

RECENT MOVEMENTS OF GOLD.

Mr. President, I was asked the question on Friday afternoon by the Senator from Massachusetts [Mr. HOAR] how the balances between our country and foreign nations were to be paid. The balances are paid in exchanges or in the movement of the metals. I have before me the report of the Secretary of the Treasury for 1889, in which will be found a trace of the amount of gold moving from this country to other nations. On page 123 of his last report it will be seen that when a little flurry took place in the movements of gold and \$61,000,000 of gold left this country for Europe in 1888, \$27,000,000 went to France, \$18,000,000 to England, and \$15,000,000 to Germany. This temporary flurry in the movement of our precious metals is, however, explained in large degree by the Secretary of the Treasury and in such a manner as to indicate that we should not apprehend any permanent current of gold to foreign nations.

As a matter of fact—

He says—

As a matter of fact, most of the gold which recently left this country went to France. In addition to the amount directly consigned to France (\$27,692,853), it is well known that the Bank of France received, during this period, large sums of gold from the United States consigned to London.

So that to France, which uses both gold and silver, and not to Germany or England, did this movement of gold take place, and it is largely explained by the further remark of the Secretary of the Treasury:

It is estimated—

He says—

It is estimated that some 120,000 people from the United States visited Paris during the exposition, and nearly all of them have carried with them bills of

credit which necessitated settlement by New York bankers with their London and Paris correspondents.

So that this temporary shifting of the balance of trade against our country, this temporary movement of gold to Europe, seems to have been one of those transient things caused largely by the French Exposition and not arising from any derangement of our system or from any fixed tendency of American wealth to flow abroad; but now, as we stand on the eve of the great American Exposition of 1892, we are just at a time when this gold which went abroad then will be coming back to us, and in any forecast which we may make of the early future of our country there is nothing in the permanent condition of our affairs or in those temporary changes which may occur, from which we may anticipate anything but a continuous flow of immigration, wealth, and money to our country.

THE DUTY OF CONGRESS TO PROVIDE MONEY—HOW THE STATE BANKS CAME TO HELP THE COUNTRY.

Mr. President, there is a peculiar obligation upon the Congress of the United States to respond to the popular demand for the increase in the volume of currency, a peculiar obligation greater than that which existed in earlier periods of our country. In the year 1861, when this nation stood upon the eve of an appalling catastrophe, it was not gold, it was not the national banks, it was not your legal-tender currency, it was not any resource of the Federal Government, which came to the rescue of the imperiled institutions which, as you conceived, were then demanding defense. It was the State banks of this country, the local financial institutions which had sprung up in the bosoms of the people, and which had been so perfected as to respond to popular wants and meet popular necessities, that held out the first hand of salvation to a nation in sorest need.

Mr. President, at that time there were no less than \$238,000,000 of State-bank notes in circulation, an amount equal to two-thirds of what now constitutes your entire legal-tender paper currency. In other words, 30,000,000 people, without assistance from the Federal Government, had built up in their own midst institutions of finance which spread broadcast over this land \$238,000,000 of domestic money, and which carried the facilities of commerce and exchange as King Alfred carried justice to every man's door.

It became necessary according to the views of the financiers of this nation to strike down these domestic institutions, and they did it, and I do not propose now to criticize that action because that is not essential to the trend of the argument which I am making. They thought it necessary to destroy the State banking institutions in order to build up the great national banks.

HOW THE NATIONAL BANKS DESTROYED THE STATE BANKS.

Now, I have a table here which I take from a work called Gold and Debt, which gives the amount of national-bank and of State notes in circulation for a series of years, beginning in 1854 and winding up in 1876. I shall insert this table in my remarks, but without now reading every figure of it I beg leave to make this comment upon it.

Up to 1863 there were no national-bank notes, but there were, however, \$238,671,210 in State-bank notes. In 1863 the national-bank act passed. The next year there were \$66,769,375 in national-bank notes. In 1866 there were \$213,239,530 of national-bank notes, and so on up to 1873, at the time when silver was demonetized, there were then in circulation \$336,259,287 of national-bank notes, and the State banks, then in the very last gasp, had a circulation of \$1,511,396 alone left. I append a table showing the national and State bank notes in circulation during various years. The flickering taper was then totally extinguished in 1894 and your State institutions perished while the national bank took its great position in the financial concerns of our country.

Here is the table:

National and State bank notes in circulation.

Year.	National bank notes.	State bank notes.
1854.....	None.....	\$204,689,000
1855.....	do.....	186,952,000
1856.....	do.....	195,728,000
1857.....	do.....	214,779,000
1858.....	do.....	155,208,000
1859.....	do.....	193,306,000
1860.....	do.....	207,102,000
1861.....	do.....	302,305,000
1862.....	do.....	183,794,000
1863.....	(*).....	238,671,210
1864.....	\$30,155.....	
1865.....	66,769,375.....	
1866.....	213,239,530.....	45,449,155
1867.....	291,003,294.....	6,962,499
1868.....	294,377,390.....	3,792,013
1869.....	294,476,702.....	2,734,669
1870.....	292,833,935.....	2,351,993
1871.....	302,028,626.....	2,085,800
1872.....	318,043,641.....	1,896,538
1873.....	326,259,287.....	1,511,396
1874.....	350,020,062.....	
1875.....	349,404,839.....	(†)
1876.....	330,809,136.....	

* National-bank act passed.

† No later report.

The mission of the national banks, as it seems to be generally thought and as the proposed legislation would indicate, is now about ended. The war is over; we are returning to normal conditions of peace, and we are seeking to lay the foundation of a financial system guarded on every hand, which shall attend this nation through a long period of time of peaceful prosperity.

AGRICULTURE SUSTAINS OUR FOREIGN COMMERCE AND HAS A RIGHT TO A CURRENCY THAT WILL SUSTAIN IT.

Now that this system which was built upon the ruins of the State banks is going out, and as a substitute which was adopted for them is passing from existence; now, too, that you have destroyed the sovereignty of the States with respect to their local currency, with redoubled force and emphasis is cast upon you the obligation to furnish to the people such medium of exchange as they demand and as their necessity calls for. There seems to pervade the halls of statesmanship, and especially the halls of great bankers, the idea that the people must not be trusted in their ideas of finance; that we must send for some accomplished experts of foreign nations or some scholars from the closet before we seek to do anything with financial concerns, and the hardy yeomanry of the country and their representatives who come to Congress are not to be listened to when they give their views as to what ought to be done about the policy of the country of which they are the supporters.

The apprehensions which have been put before the Senate that our farmers and laboring men will get a cheaper dollar are apprehensions which have never arisen in their minds, and for which they are indebted to that class which has no community of interest with them. If they are going to get a cheaper dollar by this policy and want the cheaper dollar, why shall they not have the right to it? They are the men who to-day are producing that portion of the wealth of this country which enables it to hold up its head amongst the nations of the earth. When you look to your balance of trade and your foreign exports, you find that the farmers of the West and of the South are contributing each year to the wealth of this nation by exporting \$532,000,000 of all that you export, the equal of 72 per cent., and you find that the manufacturers, whose representatives on the other hand are generally clamorous against this policy, only export to foreign nations 18 per cent.

If, then, it should be a cheaper dollar, why is it that those who will receive so little of it in proportion to what the others will receive should be the ones to make objection, while those who will receive it do not make the objection? It is because these same farmers and producers who are sustaining the balance of trade with foreign nations know that they are not going to get a cheaper dollar. They not only know that they are not going to get a cheaper dollar by the light of experience which falls upon this picture from twelve years of your history, but they also know that they are going to get more dollars, and therefore it is to-day that they stand here in almost solid phalanx, from the West and the South and from the agricultural regions of the North, asking you to expand their currency and allow them to have more money, and the representatives of other interests who do not sustain our balance of trade with foreign nations seem to be greatly alarmed with a foreign commerce in which they take proportionately so insignificant a part, and wish to impose their devices and their policy upon interests with which they do not develop any hearty sympathy and with which they have no immediate community.

Mr. President, I had intended to allude further to some circumstances in respect to the history of silver, but seeing that the Senator from Ohio [Mr. SHERMAN] is not in his seat, as it relates to the remarks made by him, I shall omit that. On Friday afternoon I did make allusion to our financial history, expecting that probably the Senator from Ohio would come in on that afternoon, or at least that he would be here at some time before my remarks were closed. I do not deem it necessary, however, to repeat what has been so often shown respecting the history of the demonetization of silver and what may be said to have passed into the common and familiar history of our country. I will let that go, and simply conclude my remarks to-day by saying, as I began, that I believe the absolute free coinage of silver is the only safe and proper exit out of this problem, and that if it be not safe, that can only be shown by what is to a degree an experiment. But that experiment can be made without peril, as we should have ample time to correct any evil tendency, if it should be developed, before harm would happen, and it is an experiment necessitated by the demand of the times and by the disordered system of our finances into which the country has been thrown.

I shall not detain the Senate longer. So far as I am concerned, I leave the subject with these remarks.

The PRESIDENT *pro tempore*. The pending amendment will be stated.

The SECRETARY. In section 2, on page 2, line 8, after the word "notes" where it occurs the second time, the Committee on Finance report to strike out the words "shall be a legal tender in payment of all debts, public and private, and;" so as to make the clause read:

But no greater or less amount of such notes shall be outstanding at any time than the cost of the silver bullion then held in the Treasury purchased by such notes; and such Treasury notes shall be receivable for customs, taxes, and all public dues, and when so received may be reissued.

Mr. TELLER. Mr. President, in section 2 the provision is:

But no greater or less amount of such notes shall be outstanding at any time than the cost of the silver bullion then held in the Treasury purchased by such notes.

If any considerable amount or if any amount is coined, which may be under this bill, there will be from Treasury notes by the amount of the coin—

Mr. EDMUNDS. It is only coin for redemption.

Mr. TELLER. It must be coined before it is redeemed.

Mr. EDMUNDS. But suppose they coin it and do not redeem?

Mr. TELLER. Then it should say "no greater or less amount of such notes shall be outstanding at any time than the cost of the silver bullion and coin then held, the result of the purchase by such notes."

Mr. ALDRICH. That would not do, for the reason that there might be a double set of notes out as against coin. Under the provisions of law certificates are issued against coin, and if notes were also issued you would have \$2 in paper outstanding as against \$1 of silver in the Treasury.

Mr. TELLER. Suppose they should issue \$10,000,000 of Treasury notes for that amount of bullion and then they should coin preparatory to the redemption (because they must have some coin on hand with which to redeem) a million, under the wording of this, there could be but \$9,000,000 of certificates out. It would be the duty of the Secretary of the Treasury then to call in \$1,000,000. That is not what anybody wants. What is wanted is that there shall be no more certificates out than the bullion and coin made from the bullion purchased for those certificates. Therefore, if we should insert after the word "bullion," in line 7, section 2, the words "and coin," and after the word "Treasury," in the same line, insert "the result of the purchase by such notes," it would be just what I think everybody intends. Therefore I move, after the word "bullion," in line 7, to insert the words "and coin"—

Mr. ALDRICH. Mr. President, is it not the ordinary course to agree upon the committee amendments or disagree upon them first?

The PRESIDENT *pro tempore*. The Chair was about to suggest to the Senator from Colorado that the customary method in these cases is to consider the committee amendments, which are open to amendment as they proceed, and after those have been considered and disposed of, to then move additional amendments to the bill.

Mr. TELLER. I have no objection to the Senate proceeding with the amendments proposed by the Finance Committee. I will move that amendment when the proper time comes.

Mr. ALLISON. Mr. President, my occupations have been such for the last three weeks or a month that I have not been able to give close attention to the debate upon this bill; but inasmuch as we are about to vote on it and the amendments offered to it, I desire to make a few observations respecting the votes I shall give.

The House bill, which is now as I understand the pending measure, all other bills and amendments having passed away, is substantially the bill proposed by the Finance Committee when it made its report originally to the Senate, with the exception that the House of Representatives has added a provision redeeming in bullion and a provision relating to free coinage after it shall appear that the bullion price of the dollar is equal to 371½ grains of pure silver. These, as I understand, are the two vital amendments which have been made to the bill as originally proposed by the Committee on Finance.

Inasmuch as I assented to the original report, I desire to say in the beginning of my observations that I expect to support that report substantially, as I believe it is the wisest and, on the whole, the best present solution of this question; and I wish to say just at this moment, as I see the Senator from Alabama [Mr. MORGAN] is giving me his attention, that one criticism made by him in the debate the other day, I think, is a proper criticism as respects the phraseology of one section of the bill. He stated that under it the Secretary of the Treasury might coin fractional silver. As the bill was originally reported from the Committee on Finance it not only included silver bullion but it also included gold bullion, and, therefore, the phraseology applied to both gold and silver, and under that phraseology nothing but standard legal-tender coin could be made. But now, inasmuch as by both the Senate bill and the House bill the provisions respecting gold have been eliminated, I believe with him that, in order to make it clear, we should incorporate in this bill the words "shall be coined into standard dollars."

This subject having been referred to the Committee on Finance for the second time, the committee report back two amendments to the House bill, one striking out section 6 of the bill, which relates to free coinage after a certain period, and one inserting at the end of the bill a provision requiring that the provisions of this act shall terminate at the expiration of ten years. I shall support the Senate committee provision respecting the sixth section, but I will not support the provision respecting the limitation. I regard that limitation as unnecessary and as impairing the efficiency of this bill. I do not believe that this bill will last ten years or anything approaching ten years.

I have agreed to this report upon two grounds: First, that it is necessary to increase the currency under the present exigency and situation. That necessity comes from the fact, first, that the United States

has taken entire hold and control of the paper money of our country by our legislation, and, I believe, by the accepted public policy of both political parties there is no disposition anywhere to allow to be relegated to the States the power to issue paper money. Therefore, having taken under our control and disposition the entire question of the paper money of our country, it is our duty as legislators to provide a reasonable supply of that currency. That supply was originally made in 1875 or 1876 by the absolute free banking system then proposed under our national banking laws. But by the payment of the public debt this national banking system is gradually fading away, and public opinion seems so strong against its reinstatement that bills introduced here and in the other Chamber looking to the re-establishment of the national banks upon a different security than United States bonds seem to have met no favor.

Then the question for us to consider is, what is it that we can safely substitute for this fast fading away currency? Evidently the public opinion of our country favors that the Government itself shall in some form issue its currency. There have been various projects respecting how that currency should be issued by the Government. One has been that it should be issued upon land, another upon mortgages, and various devices have been proposed; but the judgment of the Committee on Finance, and I believe the general judgment of the Senate, is that if we shall issue paper currency we should issue it upon something that is in and of itself convertible into legal-tender money. Therefore it is that this bill proceeds upon the idea that whatever paper money shall be issued shall be issued upon silver bullion purchased by the Government in the markets of the world at the market price.

Now, why is it that silver bullion has been selected as the basis for this new paper money that we propose to issue? It is because the public mind rests in the belief that sooner or later this silver bullion will be coined into disks or dollars, and that they will become a part of the metallic money of our currency. It is upon that basis that I vote for this bill; it is upon that basis that I am willing that we shall cease the coinage of silver dollars as the law now provides for, and store this bullion, issuing upon it paper money in lieu of the certificates now issued upon the coined dollar.

One object of this bill, by its promoters I am sure, is to get rid of practically the compulsory feature of the present law. There are, as is well known, two or three varying opinions upon this subject. There are people who believe that these coined dollars are useless dollars in the Treasury, and that it is a wise public policy to cease their coinage. For one, I do not share that belief. I believe that it is just as well for us to continue the coinage of these dollars, and to continue them to the utmost limit of four millions a month under the existing law, as it is to have the bullion security as provided for in this bill.

But there is a large public opinion that is against this view, and therefore, for one, I consent that the bullion shall be left in the Treasury uncoined, and I do so the more readily for the reason that in my belief (though in this I may be mistaken, but I honestly entertain the belief) we shall sooner or later, and I think very soon, be compelled to change the number of grains of silver in our dollar; and therefore whatever we have coined now will be recoined again; and on that account I am willing that this bullion shall lie in the Treasury until we shall know whether or not we can secure a community of nations who are willing to coin silver at an agreed ratio.

It is true that this bill provides that the bullion in the Treasury may be coined for the redemption of the Treasury notes which are to be issued under it, and whatever the opinions of other Senators may be in respect to this, I do not labor under the delusion that in the near future, under the provisions of this House bill or of our Senate bill, any additional silver coin will be issued. There are over 300,000,000 of these coined dollars now in the Treasury. The Treasury has issued against them silver certificates, so that although these dollars belong practically to the holders of the certificates, they are payable for public dues, and when received into the Treasury they belong to the Government of the United States. So the Government of the United States will always have a working balance, in my belief, sufficient to redeem these Treasury notes, especially if they are made a legal tender, without the coining of a single dollar under this bill. Hence I am not deceived in this respect.

Sir, I believe that the only safe way to rehabilitate silver is to secure a concurrent agreement among the nations of Europe that they will open their mints concurrently to the free coinage of silver at an agreed ratio. So believing, I am willing to go on as we are going on now, tentatively as it were, with a provision for the use of silver pending negotiations which are or ought to be had for the restoration of silver upon some agreed ratio by the nations of the world.

Mr. President, in supporting this bill, I am supporting it upon the basic idea that this Government of ours will use its power, whatever it has, in endeavoring to secure an agreement whereby all the commercial nations of the world will use silver as they use gold, at a fixed ratio to be agreed upon. Therefore it is that I am quite willing that this bullion shall be held in the Treasury until such an agreement is made, because I believe that the large number of silver dollars which we have now, and the large amount of gold coin which is in our country, and which under this bill can not go out of the country and will not

go out of the country unless there is an unfavorable balance of trade—and, of course, when that goes, anything we have, whether it be gold or silver, will go; and if we had no silver at all, with an unfavorable balance of trade against us, the gold would go, but if we had a thousand millions of silver, that which would be most profitable would go, whether gold or silver, with an unfavorable balance of trade—

Mr. EDMUNDS. Which would be the most unprofitable?

Mr. ALLISON. That would depend upon circumstances. We export now more silver than we do gold. Therefore it is more profitable to export silver than gold, year by year.

Mr. EDMUNDS. But does the Senator think, if I do not interrupt him—

Mr. ALLISON. Not at all.

Mr. EDMUNDS. Does the Senator think that when the case came that he has mentioned of an unfavorable balance of trade according to what light he now has, silver would go and gold would stay, or gold go and silver stay?

Mr. ALLISON. "Under the light I have." Does the Senator mean under the legislation proposed?

Mr. EDMUNDS. No, but according to the opinion of the Senator, acquainted with public affairs and the operation of business all over the world?

Mr. ALLISON. I believe under the existing condition of things, in case of an unfavorable balance of trade, that as between gold and silver, such as we have in our country now, gold would go and silver would go. Gold being more desirable would go undoubtedly first, or perhaps in greater quantities, but if that balance of trade was against us in China or in India, the silver might go.

But that is apart from what I am arguing. I am making the statement that under the provisions of this bill we are in no more serious condition as respects the exportation of gold than we are now. That is the argument I make. I am not arguing the general question.

Mr. JONES, of Nevada. I ask if it is not true, now that we have the balance of trade in our favor with gold-using countries of at least \$200,000,000, and if we have not had the balance of trade with gold-using nations in our favor for a great many years, that our balance of trade is always against silver-using countries, and not gold-using countries.

Mr. ALLISON. I thank the Senator for calling my attention to that. Of course I did not intend to go into that detail. The balance of trade is in our favor in the gold-using countries.

Now, then, Mr. President, such being the situation, I regard this legislation as a practical continuance and enlargement of the legislation of 1878, and that is all it is. The Senators and the men who upheld that legislation of 1878 now come and say that they are willing not only to take the extreme limit then fixed, of \$4,000,000 a month, but they are willing to enlarge that to \$4,500,000 a month. Therefore, I regard this legislation and the unanimity with which it is proposed as a complete justification of the legislation of 1878, which contemplated a minimum coinage of 2,000,000 and a maximum coinage of 4,000,000 per month of silver dollars.

Mr. EUSTIS. Will the Senator allow me to ask a question?

Mr. ALLISON. Yes, sir.

Mr. EUSTIS. I understand the Senator to give as one of the reasons why he supports this bill that it may lead to some international arrangements upon the question of silver. I ask him whether he thinks that the prospect of an international arrangement will be promoted by a law which he proposes to pass demonetizing silver?

Mr. ALLISON. Well, Mr. President—

Mr. EUSTIS. And in that connection will the Senator allow me to call his attention to the fact—

Mr. ALLISON. I want to be as brief as I can. Of course the Senator knows that we have an arrangement about taking the vote.

Mr. EUSTIS. It will not take me a minute to state my question. The view the Senator presents was the view which the Republican party took in its platform—

Mr. ALLISON. I can not go into the Republican platform now. The Senator from Virginia [Mr. DANIEL] exhausted that subject. I do not want to do that. The Senator from Louisiana will excuse me.

Mr. EUSTIS. That is what the party said.

Mr. TELLER. If the Senator from Iowa will allow me to say a word—

Mr. ALLISON. Certainly.

Mr. TELLER. The Senator from Iowa seems to be under the impression that he has got to close his speech briefly, according to the arrangement which has been made. I do not think anybody is going to object to the extension of the time for taking the vote. There are at least two more speeches that I know of which are to be made. I am not going to make one myself, but there are two, and I think, perhaps, there is still another Senator who desires to speak before we shall be prepared to vote upon these amendments, and I think the Senator may as well go on with the feeling that we are going to extend the time.

Mr. ALLISON. Senators will see how difficult it is for me to subject myself to interruptions when, under the unanimous agreement of the Senate, I have only a few minutes remaining.

Mr. EUSTIS. With the consent of the Senator, I asked him a question to which I should like to have an answer.

Mr. ALLISON. Respecting demonetization?

Mr. EUSTIS. Yes, sir.

Mr. ALLISON. There is no demonetization of silver in this bill as it stands. The relations as respects the coinage of silver are in this bill as they were in the bill of 1878, except that it is provided that a half million of bullion more shall be purchased monthly than under the law of 1878. Therefore, there is nothing that can be used abroad or anywhere to say that we are demonetizing silver; *per contra*, this very bill will disclose to foreign nations that we are holding silver bullion in increasing quantities, taking our share of that responsibility during the intervening years when we hope to secure the open mintage of silver as of gold. Therefore it is that we can say to foreign countries, "Under the provisions of this bill we have suspended practically the coinage of the dollar of 16 to 1 in order that we may agree with you as to the dollar which shall circulate throughout the commercial nations of the world."

That is my theory as respects this bill, that we are simply putting ourselves in the attitude of waiting to see whether or not we can secure the complete rehabilitation and restoration of silver. When I so act I feel that I am acting not only in the interest of silver, but that I am acting in the interest of all the people of the world who believe as I do, that the affairs of this world can not be conducted upon the single basis of gold; and the war and the contest to-day, as the Senator from Louisiana well knows, is between those who seek to destroy and outlaw silver and those who seek to place it upon an equality with gold. That is the contest; and I am for the full and complete restoration of silver as one of the coined metals of the world, and therefore I propose to do whatever I can do to promote that most desirable object.

Mr. EUSTIS. I understood the Senator to state distinctly that it was his belief that if this bill was passed not a dollar of silver money would be coined. Now, I ask him whether it is not the demonetization of silver to pass a law which does not require or necessitate the coinage of a silver dollar. If that is not demonetization of silver what is demonetization?

Mr. ALLISON. This bill expressly provides for the coinage of silver.

Mr. EUSTIS. But it repeals the only law which requires the coinage of the silver dollar.

Mr. ALLISON. I stated that I believed that for a few years under the operation of this bill, if it shall become a law, no silver will be coined.

Mr. STEWART. Then I should like to ask the Senator in what way we shall redeem the Treasury notes.

Mr. ALLISON. In gold or silver either. I do not choose to go into that subject now. That is a mere opinion of mine.

Now, Mr. President, these are the provisions which, as I understand, have been adopted by the Committee on Finance as respects this question. There is but one thing confronting us, as I understand, as an alternative proposition, and that is, that now, without delay and without circumspection and without limitation, we shall proceed to the free and unlimited coinage of silver. While I have sympathy with that idea, and whilst I would be glad to vote for the free and unlimited coinage of silver, entertaining the views that I do upon this subject I can not cast such a vote at this time or at any time in the near future in the interest of silver until we have exhausted every effort to secure the unlimited use of silver by the other commercial nations of the world.

Now, it is said by the promoters of free coinage that we can enter upon that alone without limitation, unaided by any other country in the world. If I so believed, I would vote for free coinage, but I think all history discloses the fallacy of that possibility. Nothing better discloses it than our own history of coinage, beginning in 1792.

It is a matter just as well known as the multiplication table that in 1834 we had no gold in this country. There was not a million dollars of gold coin in the United States when the statute of 1834 was passed. I have not freshened my memory on that question, but the Senator from Virginia [Mr. DANIEL] the other day read an extract from a speech I made some years ago when I did examine the question. Yet we had free coinage of gold all the time at the ratio of 15 to 1.

Why was it that the gold went out of the country between 1792 and 1834? Why was it that we had an inundation of silver from every silver-producing country in the world between 1792 and 1834? It was because we had fixed a ratio as between gold and silver that was not the ratio fixed by the law of the commercial nations of the world, and therefore our gold went out and silver came in and remained here.

Mr. TELLER. Will the Senator from Iowa allow me to ask him how much silver was coined at that time, or how much we had coined when our mints were open to silver at 15 to 1?

Mr. ALLISON. I can not state it accurately, but it will be remembered that by the act of 1792 and the acts following it closely all the coinage of silver was a full legal tender for the payment of all debts, public and private. Therefore the half-dollars and the quarter-dollars were as much a legal tender for a million dollars as they were for five dollars; and although we suspended practically very soon the coinage of the dollar—that is to say, but very few dollars were coined—yet the half-dollars were coined by the million and the hundred million nearly, and those half-dollars were piled up in bank vaults as security for circulating notes. They were a full legal tender in the payment of debts,

and of these coins we coined between 1792 and 1834 more than \$140,000,000.

Mr. TELLER. If I may be allowed to interrupt the Senator, he does not answer my question. He says that we were inundated by silver from all parts of the world.

Mr. ALLISON. I do not mean to say that.

Mr. TELLER. I want to know whether we had a surplus of silver under the ratio of 1 to 15.

Mr. ALLISON. I see the point the Senator makes now. I used an unfortunate expression to the ear of the Senator when I said we were inundated. I withdraw it. I did not mean that. I meant to say that we not only coined a large amount of silver, but that silver came here from abroad and foreign silver coin was a full legal tender in payment of debts. So was gold, but gold did not come. We had no gold, practically, between 1792 and 1834.

Mr. HARRIS. Will the Senator from Iowa allow me to ask him if I understood him aright as expressing the opinion that under the pending bill, if passed, no silver would be coined for the next few years; and if so, how he construes section 3 of the House bill, as reported by the Senate committee:

That the Secretary of the Treasury shall coin such portion of the silver bullion purchased under the provisions of this act as may be necessary to provide for the redemption, etc.

Mr. ALLISON. Oh, undoubtedly.

Mr. HARRIS. Can it be possible that the Secretary under such an enactment would feel that no coinage would answer?

Mr. ALLISON. I thank the Senator for answering the Senator from Louisiana [Mr. EUSTIS], who said that we demonetized silver by this bill. That is a complete answer to that. The bill says it shall be coined.

Mr. President, why was it that the gold went out of the country? We had free coinage of gold. It went out because our ratio was not the right ratio. In 1834 we reversed the pendulum and swung the other way, and we changed our ratio from 15 to 1 to 16 to 1. What happened under that? Under that ratio, when 1853 came there was not a dollar, or a half-dollar, or a quarter-dollar of silver in the United States. Gold came in then, and gold was coined at our mints. We had reversed the pendulum and got silver because we overvalued gold. That was the situation in 1853.

I hear it said upon this floor that silver was practically disfranchised and outlawed by our own statutes in 1853. Why, sir, the history of that period discloses the very reverse to be true. The object and aim of the law of 1853 was to so coin fractional silver as to keep it here for the convenience of our people, and there was no expectation of outlawing silver.

Why was it that the silver went away? It was because we struck the wrong ratio in our legislation in 1834.

Eighteen hundred and seventy-three came. I agree that that was a most unfortunate act on the part of Congress by which the disfranchisement of silver occurred in 1873, but I have never taken much thought of it because at that time we had no silver or gold in the United States, practically. We were on a paper-currency basis, and not near a metallic basis in either of the precious metals. Therefore, it is true, as it was true in 1867, when the savants met in Paris and agreed that gold should be the universal standard of money; they did not discuss the silver question at that convention.

They discussed whether they could make a twenty-five-franc piece and a pound piece and a five-dollar gold piece upon an equality; and in that discussion they discovered that that could not be done as respects silver and gold unitedly, and therefore they said, "Inasmuch as we can not do it upon both metals without inconvenience, let us select one of them;" and the influences and the power there of those eminent men favored gold rather than silver. That is all there was in the action of 1867. Mr. Samuel B. Ruggles, of the United States, an eminent citizen of the State of New York, a member of that convention, had no more power to bind the people of the United States as respects its judgment upon this question than we have to bind the people to the adoption of the principles of the Koran. He knew nothing about the sentiments of the people of the United States upon this question of metallic money. There had been no expression of public sentiment either for or against silver or gold. They both stood in our coinage and mint acts as upon an equality at a ratio of 16 to 1. There had prior to that time been no public discussion in these halls or anywhere in the halls of legislation looking to the destruction and desecration and outlawry of silver.

But it was in pursuance of that action that in 1873 we fell in with what seemed to be the popular sentiment abroad in favor of disfranchising silver entirely. I say it was a mistake, but I want to call the attention of Senators to the fact that if that had not been done at that time, before we entered upon our specie resumption, if we had maintained the free coinage of silver we should have been obliged to have changed our ratio. The Senator from Missouri [Mr. COCKRELL] shakes his head. That is also an opinion of mine only.

Mr. President, here are two illustrations showing that silver and gold must have a ratio that is agreeable to the principal nations of the world, or else that they will interchangeably flow from one country to another. We are to-day upon an absolute gold standard. Does anybody deny

that? The standard of everything we have, of everything we own or that is owing to us, is upon the basis of gold. Can there be any doubt about that? That being true, we are entering upon the free coinage and free mintage of silver, not for the purpose but which will have the effect, if the historical statement I have made be true, of banishing gold and bringing silver here. I do not say banishing gold immediately; I am not speaking of that now; but ours is a gold standard.

Is there any Senator here who has recently traveled through Mexico? If there is such a one, he knows that the moment the American traveler crosses the border of Mexico the money of the United States is at a premium of from 30 to 35 per cent. Why is it? The paper money and the gold coin, the greenbacks and the silver certificates, are at a premium. Mexico is upon a silver basis, with a silver coin containing three and a half more grains of standard silver than is contained in the coin of the United States. Yet a silver certificate of the United States crossing the borders of the States of Mexico will bring 30 per cent. premium. Why is that? It is because we are on a gold standard and they are on a silver standard.

Mr. TELLER. Does the Senator mean to say that a piece of paper payable in a silver dollar is a gold standard? I want to enter my protest by not sitting silent and admitting that we are on a gold standard.

Mr. ALLISON. Then I shall be glad to have the Senator explain why it is.

Mr. TELLER. I do not care about explaining it during the Senator's speech, but it certainly needs some explanation when the Senator says that a silver certificate is worth 35 per cent. premium in Mexico.

Mr. ALLISON. No, I do not say 35 per cent.

Mr. TELLER. Or 30 per cent.

Mr. ALLISON. I do not say that it is at any particular premium.

Mr. TELLER. Or 20 per cent. or any premium, because it is payable in silver. It is payable in a silver dollar less valuable, so far as the bullion is concerned, than the Mexican dollar.

Mr. ALLISON. That is just what I was saying. I was saying that there must be some reason for that. Now, what is the reason?

Mr. MORGAN. The convenience of exchanges of paper money.

Mr. ALLISON. Not convenience of exchanges, because exchange upon New York is at 30 per cent. premium in the city of Mexico. It is because they have a silver standard and we have a gold standard, and it is because, although we issue silver certificates payable in silver dollars, up to this moment, and I believe it would be so if we had \$700,000,000 of them, twice the amount we have now, our silver certificates are upon a par with the rest of the money in the United States. Therefore it is that these silver certificates, representing our silver dollars, are worth a great deal more than the Mexican silver dollar containing three and one-half grains more of silver.

I may be wrong, but I argue from this that there is a difference of from 25 to 20 per cent. between the ratios of our country and of England, and France, and Germany, as between these gold-standard countries and the silver countries. Now, it may be that Senators are right who believe that this bridge of 30 per cent. can be passed over in thirty days, or ninety days, or even in a year, so as not to disturb and destroy the existing conditions, and so believing they may be willing to enter at once upon the free coinage of silver; but I do not believe that it is practicable. The savants of France and the members of the Latin Union are certainly as wise as we are here, some of them at least. Now, although they have \$1,200,000,000 of silver at the ratio of 15½ to 1, they have not been willing to open their mints to the free coinage of silver without, not only the United States, but either Germany or England joining with them.

In other words, they believe that if they open their mints for the free coinage of silver there will be such a disparity between silver and gold as will reduce the standard.

That is my trouble as respects the free coinage of silver in this country. I do not believe we can enter upon it at this moment. We might by such legislation as we propose here enhance the value of silver gradually, and thus in a few years be ready to open our mints to the free coinage of silver; but we are not ready for that now. Whilst I would gladly join with every man who favors the free coinage of silver, I can not do it now, because I believe it would greatly disturb and perhaps destroy the business interests of our country.

I have here from the Comptroller of the Currency a statement of the amount of bank deposits in the United States—\$1,500,000,000 of saving deposits alone. I ask Senators in good faith respecting this, can we run the risk of bridging over this difference of 30 per cent., or 25 per cent., or whatever it is, and endanger the people who own these savings in savings-banks? Can we run the risk of disturbing property by a sudden change in the ratio, whether it be part up or part down, making it 15 per cent. by our legislation in a single day? I can not do it for myself. Therefore, I shall not vote for the free and unlimited coinage of silver if that amendment shall be offered here.

Mr. VEST. Will the Senator from Iowa explain to me one proposition that he has advanced? I understand him to state that even if our silver coinage were put up to \$700,000,000, which he states to be about twice the present amount, it would not affect the value of the coin certificates of silver relatively with gold?

Mr. ALLISON. Under the present plan of coinage.

Mr. VEST. Would free coinage have any other effect?

Mr. ALLISON. I think so. That is what I am trying to explain. I will give another reason why.

Mr. VEST. I do not see how.

Mr. ALLISON. It is perfectly plain to me that the silver bullion of the world must regulate itself and be substantially of the same value everywhere. Now, if we go to free coinage at the ratio of 16 to 1, what do we do? We say to the Latin Union states, "Unless you will recoin the \$1,200,000,000 that you now hold on a basis of 15½ to 1, you must either sell your silver and get gold or you must leave your mints closed forever." Can there be any doubt about that? I should be glad to have Senators explain to me how it will be possible for us to have free coinage of silver at the ratio of 16, and the nations of Europe to have this enormous hoard of silver at the ratio of 15½ to 1.

That situation will not last always. They will be obliged to sell their silver at a loss of 3 per cent., or else they will be obliged to hold to their present status and condition. I do not believe that they will retain their silver. I believe they will sell it at some time.

Mr. BUTLER. May I ask the Senator if in his judgment the time will ever arrive in this country when we can resort to free coinage of silver with our present ratio existing as the difficulty in the way?

Mr. ALLISON. If I were to vote for free coinage to-day I should vote for the ratio of 15½ to 1. I believe that that would come nearer securing a parity between the silver and gold of the world than the ratio of 16 to 1. But I do believe that by proper negotiations with other countries we can in the very near future secure an arrangement whereby we can open our mints to the free coinage of silver at a ratio to be agreed upon. I will say further to the Senator from South Carolina that I may at some time vote with him, if he and I are both here, when I will not say now, in favor of the free coinage of silver; but I can not do so now for the reasons I have stated. When we do, we are either coming to the silver standard, or it may be a depressed standard, which I believe it will be for some time to come, or else we must come to it by an arrangement such as I have described. Now, that is all there is in this question.

Mr. BUTLER. The Senator has not answered my interrogatory exactly. The point of my inquiry was whether the time for free coinage would ever arrive with the present ratio of 16 to 1 in this country and 15½ to 1 in the Latin Union.

Mr. ALLISON. It may arrive within six months.

Mr. BUTLER. I ask whether the time will ever arrive when we can safely resort to free coinage with that obstacle in the way which I understand the Senator to say is an insuperable one.

Mr. ALLISON. That is not what I say at all. I say until there is an agreed ratio. It may be that that agreed ratio will be 16 to 1. I hope it will be, because that will prevent us from being obliged to lower our \$300,000,000 of silver that we have now. But what I mean to say is that I do not think it is wise for us to open our mints to the free coinage of silver until we have exhausted at least an effort to secure an agreed ratio between ourselves and other states.

Mr. BUTLER. In view of the experience of this Government upon that subject it seems to me that we never shall get an international monetary arrangement. We have made two efforts already, and the Governments of Europe have declined, as I understand it.

Mr. ALLISON. The view of the experience of our Government has no influence upon me. Our Government has had no experience.

Mr. BUTLER. We have made several efforts to get an international monetary arrangement.

Mr. ALLISON. We have made two efforts, one in 1879 and one in 1881, and if they had been pursued, in my belief they would have been successful soon after. But since that time we have had nothing except statements to European powers that the people of the United States were in favor of the single standard of gold, and that they did not believe in silver at all.

Mr. EUSTIS. Do I understand the Senator when he speaks of an international arrangement to include England?

Mr. ALLISON. I either include it or exclude it.

Mr. EUSTIS. I ask the Senator whether he includes England?

Mr. ALLISON. I am not speaking of an international arrangement with any particular country.

Mr. EUSTIS. I ask the Senator whether in speaking of an international arrangement he includes England?

Mr. ALLISON. I answered the Senator that I did not include it or exclude it. I believe that the United States and the Latin Union states could, if they agreed upon a ratio, maintain silver at that ratio, but other people do not think so. Therefore it may be that England is necessary. I do not think it is. So I do not include it or exclude it.

Mr. MORRILL. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield to the Senator from Vermont?

Mr. ALLISON. Certainly.

Mr. MORRILL. I wish to say that, as I happen to know, the Senator from Iowa has had no time to make any preparation for his speech to-day, and I hope therefore that he will not be further interrupted.

Mr. ALLISON. I thank the Senator from Vermont for that suggestion, although it does not disturb me especially to be interrupted,

except that it causes me to encroach upon time which belongs properly to others.

Mr. President, I want to say that in my view the free and unlimited coinage of silver at this moment will not result in placing silver at par with gold at the ratio of 16 to 1. I am not prepared to say what the proper dividing line would be. It would be somewhere between the dividing line of 25 and par. Hence I am not willing to enter upon an arrangement which will at once change the standard and thus change all relations in the United States, whether it be the wages of labor, the savings of the people, or the contracts that have been made. These are the reasons why I at this moment am not prepared to enter upon the free coinage of silver. I am prepared to enter upon a free coinage when this dividing line is lessened, as I am not sure it will be greatly by the bill which we propose here. This bill takes from out the markets of the world \$54,000,000 worth of silver per annum, and thereby places it in such relation to the other silver of the world as that it can be utilized hereafter in the coinage upon a relation that may be agreed upon.

Mr. DANIEL. If it will not interrupt the Senator from Iowa, will he allow me to ask him a question for information?

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield to the Senator from Virginia?

Mr. ALLISON. I do with the understanding that it is not to be long.

Mr. DANIEL. I should like to ask the Senator this question. He expresses the opinion, which is shared in by many, that it would be perhaps better, if we were to coin the silver dollar, to coin it at the ratio of 15½ to 1 rather than 15.98 or 16, as commonly called now, if we issue silver certificates or Treasury notes for bullion. Now, would it not be the same in effect as coining the silver dollars at a ratio of 15.98 or 16, as commonly called, to 1, in that we should be expected to redeem those representatives at that ratio?

Mr. ALLISON. There is no difficulty about that. These certificates are issued at the ratio of 15.98 to 1, but they are not coin, and they are redeemable now, and will be, not only in silver, but in gold. I trust that neither this Congress nor any other will ever propose a measure which will have the effect to separate one from the other. I know of but one instance where the public creditor suffered by a debasement of our coin, and that was in 1834 when 6½ per cent. was clipped from our gold coin by a change of ratio.

Mr. President, I do not like to go into the field of politics and I do not mean to do so; but we have for twelve years had the act of February 29, 1878, upon our statute-books. During four years of that period the control of this Government was in the hands of the Democratic party. The President of that party, before he was inaugurated, insisted that the coinage of silver under that act should stop before he took the oath of office. His Secretary of the Treasury, who came into power on the 4th of March, 1885, finding but \$2,000,000 a month had been coined under previous Secretaries, coined during the four years of his power only that minimum; and twice during his term, if I am not mistaken, he recommended the suspension of silver coinage absolutely. Although there was a majority during all this period in the House of Representatives of the Democratic party and a large and influential and able minority in this body during all those four years, ending only a year ago, there was not a voice raised in either House by the Democratic party in condemnation of the policy proposed.

Mr. COCKRELL. Oh, Mr. President, I hope the Senator will not make quite so broad a statement in regard to the action of the other House, because there were bills introduced and presented there and voted upon.

Mr. ALLISON. I am speaking now of action looking to the passage of bills. The House of Representatives passed no such bill from 1885 to 1889.

Mr. COCKRELL. It is true that the House passed no bills, but a bill was reported to the House by a Democratic member from Missouri and was voted down by the Republican minority and a few Democrats aiding them.

Mr. ALDRICH. A free-coinage bill was adversely reported from a Democratic committee in a Democratic House of Representatives, and it was voted down by a Democratic House of Representatives by a large majority.

Mr. MORGAN. They were not good Democrats; that is all.

Mr. REAGAN. But it was not voted down by a majority of Democrats.

Mr. ALLISON. Mr. President, we sent from this Chamber an important liberalizing bill in 1887 as an amendment to the national banking act. It went to the House of Representatives and there went to "the tomb of the Capulets," and never was heard of during the whole of the Administration of President Cleveland.

Now, what I do not understand is the new-born zeal that comes from that side of the Chamber in favor of free and unlimited coinage of silver when they had four years of power and made no effort—when I say "no effort" I mean no such effort as they could have made—to establish this free coinage.

Mr. BUTLER. The Senator certainly wants to be accurate—

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield? Mr. ALLISON. I yield.

Mr. BUTLER. The Senator wants to be accurate. The movement for the free coinage of silver came from his side of the Chamber.

Mr. ALLISON. I am just giving a little bit of historical information, because I have been interrupted on account of my expressing hostility to free coinage, and that interruption has come largely from the other side of the Chamber, and I wondered why it was that that side of the Chamber had waked up so suddenly to the great wrong that was being inflicted now upon the American people because we do not before daylight to-morrow pass a bill for the free coinage of silver.

Mr. BUTLER. We are following the lead of the Senator's colleagues on the other side of the Chamber.

Mr. ALLISON. I know you are.

Mr. BUTLER. Then I think that fact ought to be stated.

Mr. ALLISON. I only called attention to it.

Mr. VEST. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. ALLISON. For one moment.

Mr. VEST. My friend expresses great zeal for historical accuracy. Will he permit me to read from the RECORD in regard to a measure in which he figured very conspicuously?

Mr. ALLISON. I know what that record is.

Mr. VEST. I know the Senator does.

Mr. ALLISON. I voted in 1879, or whatever the date, against the free coinage of silver, as I shall do now.

Mr. VEST. Exactly, and the Senator states now in the Senate of the United States that he is surprised at the new-born zeal of the Democratic party. I have the RECORD here where I myself introduced a resolution for free coinage.

Mr. ALLISON. When was that?

Mr. VEST. On June 30, 1879.

Mr. ALLISON. In 1879. Eleven long years have elapsed and passed into history.

Mr. VEST. Will the Senator permit me to supplement it by a statement of the resolution? It was—

Resolved, etc., That the complete remonetization of silver and its restoration to a perfect equality with gold, both as coin and bullion, are demanded alike by the dictates of justice and wise statesmanship.

It was known that the Finance Committee was "the tomb of the Capulets" for all silver legislation. The Senator was a conspicuous member of that committee then, as he is now. He is a Republican, and a test vote was had here, and not one single Republican failed to vote to send this resolution to that committee when he knew that was the death of it. They sent it there by 1 majority, on the Senator's motion, and every Democrat but 3 voted against sending it there. It was a test vote.

Mr. ALLISON. I agree to that, but that was in 1879.

Mr. VEST. Oh, yes.

Mr. ALLISON. Where was the Senator during the four years of President Cleveland's Administration that he was not introducing these resolutions in this Chamber and asking test votes?

Mr. VEST. I was fighting the Republican party, as usual, on this and every other question.

Mr. ALLISON. But not in the same way.

It sometimes occurs that such resolutions presented by the minority are put in for the purpose of annoying and embarrassing the majority. During the placid quiet and comfort of a Democratic Administration of four years, if I heard the voice of the Senator from Missouri in favor of the free coinage of silver it has passed from my memory; but now when we have both Houses and the President the situation is changed, and the demand is made upon us for free coinage.

Mr. President, I have made these observations without preparation, as I have had no time to make preparation upon the discussion of this bill, for the purpose of stating the reasons why I at this moment of time can not support the amendment that has been suggested upon both sides of the Chamber, by my friend from Colorado and by the Senator from Missouri, but will support what I regard as a safe, liberal, conservative measure, having in view, and clearly in sight, I hope, the free coinage of silver at no distant day upon a basis which will make that free coinage permanent, and enable silver and gold to travel hand in hand, as they did for nearly a century, at a ratio fixed by law with reference to their coinage.

Mr. EUSTIS. Mr. President, I desire to say only a word. In 1878 I heard pretty much the same speeches that are made to-day with regard to some international arrangement with foreign governments; and the people of the United States were told then to wait and that an international arrangement would be secured in the course of time. We are now advocating, many of us, the free coinage of silver, and we hear the same argument over and over again, "Wait, and we will secure some international arrangement." When shall we secure it?

I asked the Senator from Iowa whether he included England in any possible arrangement. He said he did not. I rather think that, certainly up to the time when I asked him the question, he thought that England was a necessary party, and if England be a necessary party we shall never pass a law till judgment day giving the American people free coinage of silver.

It is a little singular that the Senators on the other side, the Senator from Vermont, the Senator from Ohio, the Senator from Iowa, Senators who may be called the Meccas of American finance, still use that argument, and no other argument, repudiating the Republican platform of 1888 and falling back and shielding themselves behind the platform of 1884. That was what the Republican party declared in favor of in 1884, an international arrangement; for the Republican party has been able from 1878 to 1884 to delude the American people by this specious argument and this impossible promise. This was the plank of the Republican platform of 1884—

Mr. ALDRICH. Will the Senator let me interrupt him for a moment?

Mr. EUSTIS. Let me read this.

The PRESIDENT *pro tempore*. It is the duty of the Chair to announce that the hour of 3 o'clock has arrived, at which time general debate was to cease and each Senator was to be permitted to speak but once only and for five minutes on any question. The Senator from Louisiana will proceed.

Mr. EUSTIS. This is the plank of the Republican platform of 1884:

We have always recommended the best money known to the civilized world, and we urge that an effort be made to unite all commercial nations in the establishment of an international standard which shall fix for all the relative value of gold and silver coinage.

That was the Republican platform of 1884, and that is the argument which we hear now from leading Republican Senators on the other side. The Republican platform of 1888 repudiated that idea. They did not then, in 1888, say a single word with reference to any international arrangement upon the silver question. They took an entirely new departure when they declared, as their plank reads, as follows:

The Republican party is in favor of the use of both gold and silver as money, and condemns the policy of the Democratic administration in its efforts to demonetize silver.

Mr. ALDRICH. Will the Senator from Louisiana now be kind enough to read the Democratic platform for 1888?

Mr. EUSTIS. I have not got it with me. [Laughter.]

Mr. EDMUNDS. Mr. President, may I ask the Senator if it is not in the same book he holds in his hand?

Mr. EUSTIS. I expect it is.

Mr. EDMUNDS. Then the Senator has it with him and does not wish to read it. [Laughter.]

Mr. EUSTIS. I have not examined the book. Perhaps the Senator from Vermont knows what the book contains.

Mr. EDMUNDS. I rather think it is there.

Mr. EUSTIS. But we said nothing about it in 1888.

Mr. EDMUNDS. Let us see what it says. Let me take it. [The book was handed.]

Mr. EUSTIS. Mr. President, I wish simply to bring to the attention of the American people the fact that the argument which is used to-day against free coinage is the argument that we must still continue to wait until it suits the pleasure of England and Germany and other countries to come down on their knees and to ask us into some conference, or consultation, or combination, or convention in order to establish the ratio between gold and silver which will be agreeable to them (which is an impossibility, and every Senator ought to know it), and to say that if we propose to give the American people silver dollars we shall have to give them irrespective of the wishes, of the policy, or the intent or purposes of any foreign Government.

Mr. VEST. Mr. President, I simply wish to observe that silence is sometimes preferable to falsehood. If the Democratic party said nothing upon the question of silver in 1888, it was not because it receded from the position assumed always by a large majority of that party, but it was because (and I state it frankly) the President of the United States who had been elected by the Democratic party was an Eastern man, a New York man, who did not sympathize with the majority of his party upon this question. Mr. Cleveland came to the Presidency imbued with the prejudices of the New York bankers. He knew nothing about the West. He was in one sense, as to his opinion upon silver, a sectional man. He had been simply governor of the State of New York, and although he developed after he became President of the United States a degree of ability which his friends, even, never claimed for him, his information upon the silver question was defective. I have reason to believe that he is better informed now upon it, and more in sympathy with the people of the great West and with the immense majority of the Democratic party.

But the Senator from Iowa, who to-day arraigns the Democratic party in this Chamber, pleads the statute of limitations on his own action in 1879. He knew when he voted to send the resolution for free coinage to the Committee on Finance that he sent it to certain and absolute death. He knew that no silver tracks ever came out from that den. He knew that even the Democratic chairman of that committee was opposed to silver. I have the vote here, and in order to make the record absolutely correct I will read it. There were but four Democrats, I believe, who voted in favor of the reference of that resolution. The resolution, which I have read, declared for the complete remonetization of silver.

The Senator from Iowa [Mr. ALLISON] moved to refer it to the Finance Committee on the 30th of June, 1879, and a reference to the RECORD will show that it was considered a test vote for and against the free coinage of silver. The yeas, to send it to the cave of death for the purpose of killing it, when they knew an echo would never be heard from it again, were—

Mr. MORRILL. Why does the Senator from Missouri say it was "the cave of death?"

Mr. VEST. It was known that a majority of the committee was against silver.

Mr. MORRILL. How did gentlemen know it? Was ever a bill of that character sent there which was reported adversely or was killed by suppression?

Mr. VEST. Well, Mr. President, nothing was ever heard of this resolution again. I have never heard of it from the day it entered the sacred precincts of that money committee. I knew then it was gone, and I bade it farewell—

Farewell, vain world, I'm going home.

It went there and it staid there; the chairman of that committee never reported upon it, and no action was taken, and it never was intended to be reported upon.

These yeas and nays show how the two parties stood. Now, I will read them. There is no escape. The yeas were Messrs. ALLISON, Anthony, Bayard, who was known to be an anti-silverman—

Mr. MORRILL. Let me ask the Senator from Missouri if Senator Bayard, a good Democrat, was not chairman of the committee at that time?

Mr. VEST. I will interrupt the reading of this roll simply to say that when the Senator from Delaware was made chairman of the Finance Committee, when the Democrats held control of the Senate, for the two years that we held it, he had measures sent to him in favor of the free coinage of silver and positively refused to report them, and when my Democratic colleagues and myself, those of us who were in the Senate, pressed him to report, he resigned rather than do it. Does the Senator want any more history?

Mr. EDMUNDS. Oh, yes.

Mr. VEST. Now, here are the yeas and nays. The yeas were:

Messrs. ALLISON, Anthony, Bayard, BLAIR, Burnside, Cameron of Wisconsin, Carpenter, CHANDLER, Conkling, Eaton, Ferry, Hill of Colorado, Kellogg, Kernan—

A New York man, a Democrat—

Kirkwood, Logan, MORRILL, PADDOCK, PLATT, Rollins, Saunders, Whyte—

A Democrat from Maryland—

and Windom—23—

who voted to put that resolution in the tomb.

The nays were:

Messrs. Beck, BUTLER, CALL, COCKRELL, COKE, Davis of Illinois, Garland, HARRIS, Hereford, Houston, Jones of Florida, Maxey, MORGAN, Pendleton, Saulsbury, Slater, VANCE, VEST, VOORHEES, Walker, and Williams—22.

Mr. EDMUNDS. What was the date of that?

Mr. VEST. June 30, 1879.

Mr. EDMUNDS. Just twenty-five days after the Democratic convention in St. Louis?

Mr. VEST. In 1879 I said.

Mr. EDMUNDS. Oh, in 1879. I thought the Senator said 1878.

Mr. TELLER. What is the date?

Mr. VEST. June 30, 1879.

The PRESIDENT *pro tempore*. The Senator from Missouri has spoken five minutes.

Mr. VEST. I ask the Senate to give me a few moments more, as I have not spoken upon this bill heretofore.

Mr. EDMUNDS. I hope the Senator will have leave to proceed.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the Senator from Missouri will be allowed to proceed without limit of time.

Mr. VEST. The Senator from Iowa wants to know why no voice on the Democratic side was raised against the position of Mr. Cleveland on silver. There was a Democratic voice raised, sir, in this Chamber, and raised within ten days after Congress met and after Mr. Cleveland had made known his anti-silver opinions. Before he had taken the oath of office an immense majority of Democrats of the House and Senate addressed him a written communication protesting against what were known to be, then, for the first time, his anti-silver opinions. He replied in that letter which has passed into history, in which he gave the reasons against silver coinage which were given to-day by the Senator from Iowa, that he believed silver would become the money of the country and gold would depart from it; that Europe would inundate us with its cheap silver, and so forth, and so on, *ad nauseam*.

Mr. ALLISON. I have made no such statement.

Mr. VEST. Well, Mr. President, the Senator wanted an international conference. I believe the Senator wants that.

Mr. ALLISON. I do.

Mr. VEST. I will amend then by saying that Mr. Cleveland wanted an international conference, which is absolutely impossible, and the Senator from Iowa must know it. England will never give up her

advantage upon this question by any international conference. England wants gold to be high and dear and silver to be cheap, because she can buy her silver at depreciated prices and use it in her dependency of India, whilst England itself remains the clearing-house of the world upon a gold basis. England is dictating the whole thing. England is responsible for the opinion of the world commercially to-day upon silver and gold.

The Republican party tell us they want an American system. They want to subsidize steam-ships so as to bring back our carrying trade under the American flag. They want to exclude foreign importations, so that we shall have our own American productions; but when we come to silver, the great American production of this continent, we must follow subserviently England and take the English system with gold as the standard of value and silver demonetized as one of the precious metals.

Mr. President, when Congress met after the election of Mr. Cleveland and after his views were known, there was one voice heard in Congress in a speech that reverberated from one end of this country to the other, a speech that brought to their feet the American people all over the West, a speech that had more effect upon public opinion than any which has been delivered since I have been a member of this body. That voice is now stilled in death. It was the voice of James B. Beck, of Kentucky, who in this hall, with the undivided attention of the whole Senate, attacked the views of the Democratic President and exposed their fallacy and the utter want of foundation upon which they could stand.

Yet the Senator from Iowa, who did not then say one word, who to-day stands as he did in 1879, opposed to the remonetization of silver, stands here and taunts the Democratic party with their record upon the silver question, and claims that the Republicans have been *par excellence* its friends!

In the Forty-ninth Congress, when the Committee on Coinage, Weights, and Measures of the House of Representatives reported adversely a bill framed by my colleague [Mr. BLAND] in favor of the free coinage of silver, and it was brought into the House and voted upon, what was the proportion between the two parties on free coinage then? Ninety-six Democrats and thirty Republicans voted for free coinage, and the Republican party beat the measure. If one-half of them had voted with the Democrats the success of silver coinage would then, so far as the action of the House of Representatives was concerned, have been fully achieved.

That is not all, Mr. President. I have before me a remarkable record. When the Bland bill was passed in 1878 and the banks of New York precipitated a financial panic, it was only averted by the action of the Treasury of the United States. I have before me the record of the extraordinary proceedings then adopted against even the limited coinage of silver to \$2,000,000 a month and not exceeding \$4,000,000. I read from Weston on the Silver Question:

On the 8th instant, a committee of these banks had a conference at Washington with the Secretary of the Treasury, at which were present the Attorney-General and some minor officials. The result was a plan submitted to these banks on the 12th instant, and agreed to, only one bank representative (Mr. Colgate) objecting. The leading features of it are, first, that the banks will reject silver deposits, except as repayable only in kind; second, that silver shall not be allowed as clearing-house money except for small fractional sums not exceeding \$10; and, third, that in respect to all payments by Government drafts on the New York banks, or on the United States assistant treasurer at New York, they shall be cleared at the clearing-house in New York, at which a desk is to be assigned to a representative of the United States Treasury.

At the bank meeting on the 12th, Mr. Colgate objected to the plan, that it "could only mean to fly in the face of Congress and declare the silver dollar that had been declared a legal tender to be worthless." According to the report in the New York Times of the next day—

To this the reply was made that there was not the slightest disposition to depreciate the silver dollar, or to reflect upon the Government, and certainly if it had appeared that there was, the Secretary of the Treasury and the members of the Cabinet who approved of the plan would have detected it and sought to modify the policy to be adopted.

Such a reply made by, and in the presence of, the committee of bankers present at the conference of the 8th at Washington, is decisive as to what occurred there. Even more decisive, as far as the Secretary of the Treasury is concerned, is his subsequent engagement which makes a part of the bank proceedings on the 12th, that a Government representative shall take a seat in a clearing-house, in which silver is rejected as money, and where such a representative could not sit, except on the basis of a promise that the Government drafts on New York, being the bulk of all its drafts, shall be paid in gold, or paper convertible into gold. To do all this is to change the metallic standard of this country from coin to gold. The New York Tribune said, exultingly, on the 13th, that "practically the banks of the city of New York repeal the silver bill!"

That is true—

"practically the banks of the city of New York repeal the silver bill." It is as much mistaken as when it said last winter that "the capital of the country is organized at last and Congress dare not fly in its face."

Mr. President, that shows the animus of this attack upon silver. It was deliberately determined upon that the United States of America should abandon silver and put itself *en rapport* with the commercial world by adopting the gold standard exclusively. If there ever could have been a doubt on this subject it is removed by the fact that the banks in the city of New York, with the consent of the Treasury Department, were to virtually demonetize silver and bring the business of the great metropolis of the country exclusively to a gold basis.

It is true that in 1888 the Democratic party said nothing upon the subject of silver in its platform. It is an open secret known to the whole

world that Mr. Cleveland by his message upon the tariff question had put that issue exclusively of all others before the people of the United States, and the campaign in which he was our candidate the second time was fought upon that and that alone. It was the salient point. Whilst we reaffirmed the former platform of the party, I ask no advantage by reason of that. I stand here to avow that the last canvass was fought on the tariff.

I know that in my section of the country the people have never wavered in their devotion to silver. I know that as a public man I have never addressed them from the hustings without declaring for the free coinage of silver. But in the last canvass the tariff overshadowed every other issue, and it is unfair for the Senator from Iowa to say that because nothing was said in our platform distinctively on the subject of silver, therefore the Democratic party had receded from its former position.

Mr. President, I assert that the position of the large mass of the Democratic party has been unwavering in favor of the free coinage of silver; that they have never faltered in their devotion to it, and because one leader or ten leaders did not agree with the rank and file and web and woof of the party, that is no indication that our sentiment had changed upon this great question.

I am not here to attack national banks. I think that for some purposes it is the best banking system ever invented in this country. I have consistently and persistently, and expect to do it until my public career is closed, opposed that feature of the national-banking system which gives them the power to expand or contract the currency of this country at their own pleasure. The first address I ever delivered in this Senate Chamber was against that feature of the national-banking law. I would not give that power to any set of men that God ever created. I would much less give to the Secretary of the Treasury the power that is given to him in this House bill, to do with silver as he pleases. Both these features, the one in the banking law, to which I have alluded, and the one in the House bill in regard to silver, are equally objectionable.

But to show the animus of this attack, to show how this party of aristocratic gold, for it is the aristocratic money now of the world, have persistently and systematically attacked silver, I want to read a circular of the national banks which was published extensively through the country and appeared first in the St. Louis Christian Advocate, having been sent to that paper:

DEAR SIR: It is advisable to do all in your power to sustain such daily and prominent weekly newspapers, especially the agricultural and religious press, as will oppose the issuing of greenback paper money, and that you withhold patronage or favors from all applicants who are not willing to oppose the Government issue of money. Let the Government issue the coin and the banks issue the paper money of the country, for then we can better protect each other. To repeal the law creating national banks, or to restore to circulation the Government issue of money, will be to provide the people with money, and will seriously affect your individual profits as banker and lender. See your member of Congress at once, and engage him to support our interest, that we may control legislation.

(Signed by the secretary.)

JAS. BUELL.

Mr. Buell was the president of a national bank in the city of New York, dead, I believe, some four or five years ago.

Mr. ALDRICH. What is the date?

Mr. VEST. There is no date given here, but this paper was published in 1889. It must have been issued some time before that. The date is not given, however; but that paper is an entirely responsible one and the circular has never been denied.

Mr. President, the animus of that circular indicates the spirit of all the bankers in the country without almost a single exception. It is that the money which is dearest and most valuable shall become the standard of value. It is that silver money, which is considered the cheap money of the country, the money of the people, shall be driven out of existence, directly or indirectly.

Mr. HOAR. Is there anything in the circular the Senator has read on the subject which he says indicates the animus of the bankers?

Mr. VEST. I leave the Senator from Massachusetts, who is exceedingly good at conclusions, to draw his own. I have read the circular for what it is worth. I say that the animus of that circular is that the banks should control the monetary system of the United States, and they are arrayed to-day, as their proceedings at Kansas City in national convention show, against silver almost to a man. If Senators will take the trouble to look at the proceeding of that convention they will find that when Mr. St. John undertook to advocate a limited coinage of silver on a bullion basis he was received almost with hisses, coldly, unsympathetically, and he saw that he had no support in that convention.

But when Mr. John Jay Knox, former Comptroller of the Currency under two Republican Administrations, now the president of a national bank in the city of New York, took the floor and declared against silver and for gold as the standard of value in the United States, enthusiasm was high; and when he reached the climax and said, "I stand here and avow that I am the author of the act of 1873 that demonetized the silver dollar," there was a roar of applause such as never was heard outside of a popular convention. Mr. Knox to-day holds it as the crown of his political and banking career that he is the author of the act of 1873 which struck the silver dollar from the coinage of the American

people, and he is the idol of the bankers of the United States because he did it.

It is useless for gentlemen to attempt to disguise this whole thing. There is but one safe ground for the friends of silver, and I announce it here to-day and propose that it shall be tested in the Senate by a yea-and-nay vote. There is no middle ground. Silver must be put on the same basis with gold. There never will be an equality between the metals as money metals so long as you limit the coinage of silver.

Sir, this idle fear that the nations of Europe will dump their silver upon the people of the United States if we have free coinage is a dream, an *ignis fatuus*. It is brought here in order to scare Senators and Representatives from the popular demand now made throughout the country except in a very few sections.

Men are governed by interest. We are sending abroad now—I do not care about statistics—say, \$17,000,000 in silver every year. Does any man believe that with this demand for silver abroad, with India as a dumping-ground and a sink for silver, where all they can get goes in and never a dollar comes out, they will lose 3 per cent. in the ratio of coinage and pay transportation for their silver here to be sold? But suppose they do, as the Senator from Kansas [Mr. PLUMB] said pertinently the other day, is silver poison? Is silver deadly? Do you want to drive silver from you? What is there about it that would destroy the interests and welfare of the people of the United States?

Mr. President, these arguments seem to be based upon the idea that the United States of America is Roumania, or Mexico, or a South American state. Senators seem to forget the vast resources of this country. We are to-day the commanding people of the world except as to commerce. We are to-day able to make our own standard. We are able to say for ourselves what shall be the money of the people of the United States, and we are able to maintain it. But if the friends of silver run from the flag, if under the caucus whip or the Executive lash they go from their honest convictions and allow its enemies to trample it under foot here again by bullion or limited coinage, the day of its redemption will never come.

Sir, I have seen strange things in my brief political career, but in the last few days I have seen and heard things that went beyond my credulity. I read in the CONGRESSIONAL RECORD with great pleasure but a few days since an eloquent and impassioned address in favor of silver. Every argument of the gold men was refuted; every plea for silver was urged in language that burned, and yet at the conclusion of that oration the gentleman who delivered it announced that he would vote for the pending bill and against silver, in hopes that the thing could be amended in another part of the Capitol. Every conviction was given up, every argument went for nothing, and he announced as the Representative of a district of free people that he proposed to surrender his convictions and vote against silver, because, he said, there were no rules in the Senate limiting debate, and Senators could speak as long as they pleased and offer any amendments they wanted.

Mr. President, the whole issue is silver money or not. I want my friend from Nevada [Mr. JONES] to make no mistake. He understands this question. He knows that the very minute you put any limit on the coinage of silver you degrade it. I was astonished to hear the junior Senator from Nevada [Mr. STEWART] say in answer to a question of the Senator from Rhode Island [Mr. ALDRICH] that four and a half million dollars' coinage a month would bring silver up to a parity with gold. In my judgment it will do no such thing. Nothing but equality by law will bring silver up.

The question between us is, shall we follow gold as the tail follows the kite, or shall we assert the true interests of this country and behind its vast resources, its illimitable energies, assert the American system as to an American production?

I happen to have before me, from a Republican and a national banker, a table—

Mr. EDMUNDS. Before the Senator goes on will he mind answering an inquiry?

Mr. VEST. Of course not.

Mr. EDMUNDS. The Senator has just spoken about bringing silver up to a parity with gold. Will he kindly tell us precisely what he means by a parity between the two metals?

Mr. VEST. Well, I mean that silver shall no longer be worth less than par value.

Mr. EDMUNDS. What is par?

Mr. VEST. Par value would be 100 cents in money of the United States.

Mr. EDMUNDS. That is easy enough. That it is now. The law says so.

Mr. VEST. I understand it is that now, but simply by virtue of one provision of law, whereas if we allowed the country to have free coinage the result would be that gold, instead of increasing in value and silver diminishing, the silver would go up in value and there would be one dollar really in both, the ounce and the dollar itself.

Mr. EDMUNDS. But if my friend will pardon me—

The PRESIDENT *pro tempore*. Does the Senator from Missouri yield?

Mr. VEST. Certainly.

Mr. EDMUNDS. I am not quite able (undoubtedly it is my own

fault) to understand yet what the Senator's definition of a parity between the two metals is. Does he mean that what we call a dollar in silver will buy the same amount of wheat or of labor (which I think is the final test of all values everywhere in the world or in the United States alone) as compared with gold? He has now merely stated the proposition in another form, to my humble apprehension.

Mr. VEST. A dollar in silver now in the United States will buy just as much as a dollar in gold. What I mean by a parity is that instead of there being 28 cents difference in the bullion value of a gold dollar and a silver dollar under any standard one will be worth as much as the other in bullion, according to the ratio of 16 to 1.

Mr. EDMUNDS. How can there be that difference if each will buy the same thing? How can there be 28 cents difference?

Mr. VEST. I stated intrinsically or in the bullion.

Mr. EDMUNDS. What is the test, then, of the bullion?

Mr. VEST. The test is its value the whole world over, if the Senator will have it that way.

Mr. EDMUNDS. Has the value the whole world over anything to do with the question?

Mr. VEST. According to the argument that is made on the other side of the Chamber it has.

Mr. EDMUNDS. But according to my friend's argument?

Mr. VEST. I am now arguing against the proposition advanced here that we must put ourselves absolutely under the gold standard because the great nations of the world are on it except the United States.

Mr. EDMUNDS. I am not arguing the question; I am trying to get information. I want to know whether the Senator thinks that the difference between the bullion value, as we call it, of gold and silver has anything to do with the question.

Mr. VEST. I think that so long as we degrade silver by limiting the coinage it will never be worth, commercially or otherwise, as bullion, as much as gold.

Mr. EDMUNDS. Is that of any consequence so long as it is worth a dollar in gold when it is coined.

Mr. VEST. That, so far as this country is concerned, may be true, but we can not tell what changes may occur in the future. I understand that the arguments upon the other side are based distinctively on the assertion that silver is not intrinsically worth as much as gold.

Mr. EDMUNDS. But as I have not made any argument on the other side and am hunting for information, I want to know the Senator's view, as he is making a very powerful appeal to us, whether the foreign state of the case or the bullion state of the case is an element in the question. It is, I should be glad to have him solve it in some way. If it is not, if he will only say so, then I shall know where I am so far.

Mr. VEST. I have stated what I meant. I know the Senator from Vermont understands it, and I also know that he needs no information on the subject. I have stated as plainly as I could that until you give us free coinage the value of the gold and the silver bullion will never approximate to each other.

Mr. EDMUNDS. Why should they, if one dollar is just as good as the other?

Mr. VEST. For the simple reason that you degrade one as a money metal; you do not give it its full value as a money metal. You make it a commodity.

Mr. EDMUNDS. The Senator has repeated in answer to my question, and repeats it again, that the silver dollar is at this moment just as good as the gold dollar. What is the consequence, then, about the bullion value so far as the people are concerned who want the dollars to pay their debts with?

Mr. VEST. Oh, Mr. President, that is simply caviling. It is true that so far as the purchasing power of the silver dollar and the gold dollar to-day is concerned in the United States they are the same.

Mr. EDMUNDS. Where is the degradation, then?

Mr. VEST. But our friends upon the other side declare to us that if we continue the coinage of the silver dollar the time will come when it will drive gold out of the country and make silver the only standard. As the Senator from Iowa says, it will be a cheapened metal, it will be a cheap currency. I say if you want to bring silver up to gold, give it free coinage. You can not possibly help silver as long as you keep it a tail to the gold kite.

So long as we say to the whole world, "We recognize gold as a money metal, but when it comes to coinage we limit the supply of silver," just that long will we find that silver will be depreciated relatively to gold in this country and abroad also. If our friends want to avoid what they consider the great disaster of gold leaving the country and our coming to a silver basis, the sooner they give us free coinage and allow silver a fair and equal chance in the monetary marts of the world the sooner will they avert this disaster.

Mr. President, something has been said in this debate about the contraction of the currency. I did not intend to argue the question, but I happen to see in the RECORD before me, prepared by a distinguished Republican, and himself, I believe, a national banker, a statement of the circulation per capita in the United States from 1854 to 1890. In 1854 it was \$17.04; in 1856, \$15.68; in 1858, \$13.27, and so on.

Mr. EDMUNDS. Is that currency alone, or does it include the whole outstanding obligations of the United States?

Mr. VEST. It says "we had the largest amount of circulating medium." I suppose it means all.

Mr. EDMUNDS. Does the Senator suppose it means merely currency?

Mr. VEST. I do not know; it says "circulating medium," and that would include all of it, currency, gold, silver, etc.

Mr. EDMUNDS. I think it would.

Mr. VEST. In 1864 we had \$58.72; in 1866, \$52.01; in 1879, skipping from 1866 to 1879, we had \$17.02, and in 1890 we have \$21.66 per capita.

Mr. EDMUNDS. Now, if my friend will pardon me right there, he is perfectly aware that that includes undoubtedly, as it is obvious, although I have not seen it, every description of obligation of the United States that was outstanding except time bonds, and an enormous depreciation of paper money, gold and silver both, any kind of coin, being at an enormous appreciation above the currency; or to state it the ordinary way, paper of every kind was below the other.

Now, then, I call my friend's attention (for I will not take up his time) to the fact that we have diminished down and down and down on that basis of circulation, without a disturbance to the prosperity of anybody, and with a continual lowering rate of interest to anybody who wished to borrow money and had anything to put up for it. If I go to a bank and have nothing to show, or to a private person, or to my friend, and wish to borrow a hundred dollars and have no security to put up, it is not easy to get it; but to anybody who has anything, be it land, or notes, or promises to pay of any kind, or suretyship, my friend perfectly well understands that through all that time of diminution of apparent circulation per capita, not only the public debt of the United States and the various States has gradually and steadily diminished, but the rate of interest has diminished also. Where, therefore, is the great difficulty about what is called the scarcity of money?

Mr. VEST. Mr. President, I do not care to go into the statistics, and I do not propose to do so, as to the condition of certain interests in this country at the present time. I have read statements that the agricultural interests in the State of Vermont were not in a flourishing condition; that there were abandoned farms there; and that people were engaged now in an attempt to introduce immigrants for the purpose of taking up their abandoned agricultural lands. Speaking for my own section of country—and it is as prosperous as any other agricultural State in the Union—I simply desire to say that within my personal observation the agricultural interests of Missouri are to-day depressed out of all proportion to the other interests of the country.

Mr. EDMUNDS. Now, may I ask the Senator a question there?

Mr. VEST. Certainly.

Mr. EDMUNDS. I do not mean to take the Senator's time, but only to ask a question, and he has referred to the State of Vermont, also. I wish to ask him whether, according to his knowledge and information, the farmer in Vermont or Missouri can not borrow money on fair average security such as in all the history of this country has been considered good, as cheap, if not a great deal cheaper, in this present year than he could fifteen years ago.

Mr. VEST. I will make answer to that question in two ways. In the first place, a prosperous farmer owning his own land, unless there is something abnormally wrong in the administration of public affairs and the legislation of the country, ought not to be compelled to borrow at all. In the second place, the fact that money is abundant in the banks and in the hands of one section of the country to be loaned to the other is no argument against the one I am making, that there is an abnormal and extraordinary condition of affairs as to the agricultural interests of the United States.

All over my part of the country there is abundance of money. In the city in which I live there is one sign after another, street after street, "Money to lend by Eastern capitalists;" "Money at 8 per cent., interest to be taken out in advance." It is so all over the West. But there is no farmer loaning money; and the farmer to-day who, although of good habits and a safe, sensible, prudent business man, who is educating his children, and with no mortgage on his farm, and coming out even year by year, is an exception to his class.

Mr. EDMUNDS. Yes; but I can not tell now which way my friend has explained the question, whether the farmer on the average and ordinary fair security of fifteen years ago and to-day can not borrow money cheaper to-day than he could then, if he needs to borrow it at all, as I hope he in general does not, but I am afraid he does.

Mr. VEST. I do not know that that is true. I hardly think it is true.

Mr. EDMUNDS. Oh my!

Mr. VEST. But I do not see that my answer to that would settle this question at all. I say here is a country with the greatest resources of any upon the face of the earth. We have a continent. We have the most remarkable people in the world, so far as energy and business talent are concerned. We have a diversity of climate and of production. We are to-day raising more agricultural products than we can consume at home. And yet the class that are producing really the substantial wealth of the country are complaining more than they have at any

time in the last quarter of a century. What is the reason of this? What is the cause of it? The conviction is settled with the people of the West (and I speak of my own section, with which I am acquainted) that the monetary system of the country is wrong; that there is a determined effort to bring this country to a gold standard in the interest of the money-lenders, the income-holders, and the bankers.

Mr. EDMUNDS. Would that compel the farmer in Missouri and Vermont to sell his butter or wheat at any less price for cash now on that account?

Mr. VEST. The trouble is he is bound to sell.

Mr. EDMUNDS. Yes, he is bound to sell.

Mr. VEST. If money is high and scarce, as a matter of course its purchasing power is increased.

Mr. EDMUNDS. That is perfectly true.

Mr. VEST. And if he owes a debt it takes more of the commodities which he raises upon his farm to discharge that indebtedness.

Mr. EDMUNDS. That is another thing altogether. Take the farmer the Senator is speaking of, who keeps mortgages off his farm and makes his ends meet somehow or other—

Mr. VEST. There are very few of them.

Mr. EDMUNDS. In Vermont a man has a thousand pounds of butter to sell and in Missouri another has a thousand bushels of wheat to sell for cash. Now, I should like to know, if money is so plentiful that it can be borrowed on good security for 5 or 6 per cent., as it can for less than 5 in Vermont, and probably 6 or 7 in Missouri—because always in some way or another the price of money is higher in the West than it is in the East—with the fear that gold is going to be the destroyer of all things and silver the panacea, how is it that he can not get the same price for his wheat in the one State, or his butter in the other, that he could if all this question were solved? That is what I wish to get at.

Mr. VEST. If the Senator from Vermont wants me to give him information as to the effect of a decrease of the currency of a country, his case is a hopeless one. I say that no proposition is or ever can be better established than that decreasing circulation produces hard times; and, when you strike out one-half the circulating medium of the country in the shape of silver money, as a matter of course you contract it to that extent and you increase the purchasing power of the other metal which is left. If that proposition is not a true one, I am at fault in regard to all my ideas about the money question.

Mr. EDMUNDS. Undoubtedly it is true that as you diminish a currency, the quantity of things to be had in the way of money, you increase its purchasing power and diminish the price of wheat in Missouri and the price of butter in Vermont. Now, I am talking about the cash coin; I am not talking about debtors at this moment.

Mr. VEST. I am talking about all of them.

Mr. EDMUNDS. The farmer in Missouri having sold a thousand bushels of wheat for 50 cents a bushel, instead of taking as his money in hand to buy his shoes and his wagons and the clothes for his family and to make his contributions to church and to do all the things that well regulated people do, is that money worth any more when he has got it than double the amount of it would be if he had got a dollar a bushel for his wheat? Not a bit. He has to submit to the same law after he has got his money that he does before, does he not?

Mr. VEST. If I owe a thousand dollars and I have a thousand bushels of wheat with which to pay it, and that wheat is worth a dollar a bushel, I can go and pay all that debt and discharge the obligation.

Mr. EDMUNDS. That is not the point I am asking the Senator about now.

Mr. VEST. That is the point with the people of the West in whose behalf I am speaking, that under this system, which has gone on for years, the capital of the country is in one section. Why is it that in Vermont money is worth 2, 3, or 4 per cent. and in Missouri it is worth 8 or 10 per cent. per annum?

Mr. EDMUNDS. If my friend will pardon me (and I will not interrupt him any more, because I know all interruptions are tiresome, as they prolong debate), the topic that I was asking him a question about was in relation to that class of farmers whom he spoke of in Missouri and in Vermont, if he alluded to Vermont, who are not in debt, but who make their ends meet, though I admit it is hard enough. It is about them that I am asking the question. When we come to people who owe money, as I owe myself, if I can get something cheaper to pay it in it is for my personal interest to do it. That is quite another question. Whether wise or not, it is to be considered later on.

Mr. VEST. If the Senator confines his question to farmers who are out of debt and who are making both ends meet, to use that expression, there is almost an infinitesimal portion of that class.

Mr. EDMUNDS. It is not the case in Vermont.

Mr. VEST. Mr. President, the question is not answered which I put to the Senator from Vermont, why is there the difference in interest?

Mr. EDMUNDS. I do not understand the Senator.

Mr. VEST. I asked the Senator why it was that money in Vermont is 2, 4, or 5 per cent., while in Missouri it is worth 8 or 10 per cent.

Mr. EDMUNDS. That is an extremely difficult question to answer, for the fact that there is a great disparity between new and growing

communities, where there is great speculation in lands, and booms, and all that, and people are willing to pay higher prices for money than people who had the same experience fifty or a hundred years ago and have gotten over it, is a very curious thing in the law of society, I admit, and it admits of no explanation that I know of except the foolishness of mankind, that money in a new, growing country will always command a greater price than in the other, although it circulates everywhere.

Mr. PLATT. It is worth more in the State of Washington than in Missouri.

Mr. EDMUNDS. My friend says it is worth more in Washington than in Missouri. It may be that it is on some real-estate booms around outside of the cities.

Mr. VEST. Who says it is worth more in Washington than in Missouri?

Mr. PLATT. In the State of Washington, I said.

Mr. EDMUNDS. It would be true here, I take it, if anybody wanted to loan money on operations outside of the city; it would be pretty high here. I think it is because the lender believes that the risk is greater in lending upon an uncultivated farm or a new town lot that only exists on a map than it is on a farm or town lot in a village that has been settled, whether in Kansas City or in Burlington, and values are fixed, and security is therefore better.

On the other hand, the hopeful and speculative man (I do not mean by speculator the man who is merely making a boom to cheat somebody else and to turn the thing over out of his hands, but the man who hopes he can build up a town and build up his house there and all that) is tempted to be willing—the population is to increase and everything is to rise—to pay more for everything than the man is in a more settled community. But it does not affect this question at all as it appears to me.

Mr. VEST. It makes no difference whether the cause is one or the other, the fact remains about which the Senator from Vermont and myself absolutely agree, and that is that one section of this country does not need money like the other. It may be because the West is a new country, but the fact remains that we do want money for legitimate purposes and that contraction has a peculiarly disastrous effect upon a people in our situation. It is true that in the newer regions of the country interest is higher because the country is being developed, there is more demand for money for improvements, the opening up of farms, making homes, establishing new plants; but the salient point of my argument is that the money is needed, and that is the reason why the whole West is in favor of the free coinage of silver.

We want more money. We are the sufferers if we do not get it. In an old established community like Vermont they do not need money except as a sort of daily medium for the small wants of life. The people are in grooves; the statute of limitations has run against a new enterprise; they are living as their fathers lived, and their children will live as they live. The country is finished, as the French say it is *un fait accompli*; it is the end of it so far as any development is concerned. That is true in ideas, in opinions, in physical life.

It is not so with us in the West. In the West we must have an increasing circulating medium because our country is increasing. The State in which I live is to-day the fifth State in the Union. But a few years ago it was a comparative wilderness.

Then look at the great imperial States to the west of Missouri. They want more money; they must have it. Yet it is proposed now to treat one part of this country like the other, and to bring us to a gold standard, for it is practically that, decreasing the currency of the country in the face of the absolute necessity for more money in certain sections.

I was astonished to hear in this debate, the other day, the Senator from New York say that there had been a surplus of production of agricultural products in this country, and that was the cause of depression. If I had time I should like to show that that is not true. I can show by the official reports that in years when the wheat crop was smaller than in others the scarcity or the diminished supply did not bring about higher prices, but on the contrary the depression continued.

The Senator alluded to one thing with which I happen to be familiar, and that is the cattle supply of the United States. The prices of cattle have been and are abnormally depressed. Cattle that were worth \$5 and \$6 a hundred have gone down to \$2 and \$3, until in my State the returns do not pay for the grass and labor that we put in cattle when sent to the Chicago market. We have heard this same story that there was an overproduction of cattle. The committee recently appointed to examine the meat product of the United States went to the bottom of that question, and they found out to an absolute mathematical certainty, if there is anything in the reports of living men, that there had not been an overproduction, but that population had increased in a larger ratio than the cattle supply of the United States.

Mr. BLAIR. May I make a suggestion to the Senator?

The PRESIDENT *pro tempore*. Does the Senator from Missouri yield?

Mr. VEST. Certainly.

Mr. BLAIR. All the statistics, the most reliable that are to be ob-

tained, fix as the minimum of the cost of the alcoholic-liquor trade of the country, \$900,000,000. Now, does not the Senator think that if this country would put that amount of money into the consumption of useful articles there would be an end to this growling about overproduction and underconsumption?

Mr. VEST. Well, Mr. President—

Mr. BLAIR. I should like the Senator's answer on that point. Would not \$900,000,000 of money, put into good, healthy, hearty food, proper clothing, and the real, actual necessities, rather than the poisons, of life, relieve this country of the difficulty about overproduction and underconsumption?

Mr. VEST. If my friend from New Hampshire could invent a law that would pump into every American citizen just what he considers healthy articles of food instead of whisky he could bring about the millennium he is talking about. My opinion is that they will have whisky, although wheat is worth \$5 a bushel and corn \$10, and you must eliminate the appetite for alcohol before you can do anything by sanitary legislation. I have some ideas on that matter, but I do not care about elucidating them just now.

Mr. BLAIR. May I make an observation, with the Senator's consent, out of his five minutes?

Mr. VEST. Certainly.

Mr. BLAIR. Then I will just say, if they will drink whisky and poison themselves, why should they growl when they are poor?

Mr. VEST. I do not think the people of the West are ruining themselves drinking whisky.

Mr. BLAIR. But there is this \$900,000,000 going into poison, and the poison is getting into the people, and the people are growling about overproduction and underconsumption.

Mr. VEST. Seriously speaking, I believe there is a great deal of humbug about the amount of alcoholic stimulants consumed; but I believe there is a great deal more humbug in any attempt to rectify that thing by coercive legislation.

Mr. BLAIR. I was not talking of coercive legislation, but was just stating the fact.

Mr. VEST. If my friend from New Hampshire would construct some sort of an educational system that would teach people what he says, that whisky is a poison and they ought not to drink it, and make his education effective, it would be a great discovery.

Mr. BLAIR. I am trying to do that, and I began by trying to teach people to read and write, so that they might get this information, but the Senator from Missouri balked it off.

Mr. VEST. The trouble is—

Mr. BLAIR. Now, I hold the Senator to the point. Here are \$900,000,000, or, if you please, \$700,000,000 or \$500,000,000 of money, earnings of the people of this country, going into the alcoholic-liquor trade, which, to say the least, is not a necessary of life. It may be rather a necessary of death, which it seems to produce, but it is not a necessary of life. If this money, which these people thus consume, were put into healthy, legitimate commodities, would it not relieve the country of the difficulties under which it is now suffering in an industrial way?

Mr. VEST. I have no doubt that a donation of \$900,000,000 would help any sort of an institution, even the people of the United States.

Mr. BLAIR. A penny saved is a penny gained, the Senator will remember; and if we did not pay this sum out in this way we would save it to expend in some more useful method.

Mr. VEST. If I could do anything by vote or example to help the cause of temperance and prevent the disastrous use of alcoholic stimulants, I would do it. But, if I were disposed to argue the point seriously, I could call the Senator's attention to the enormous amount of money that is thrown away in this country upon fashion, upon luxuries, upon expensive equipages, upon houses, useless except for show and ornament, upon a hundred different things that are the inevitable results of a high degree of civilization. If we are to go into the homes of the people and take charge of their diet, and then of their raiment, and then of their mode of living, and regulate all these things we will have the most extensive statute-book on the face of the earth.

Mr. BLAIR. If the Senator will allow me, my question is not a suggestion that we do any of those forcible things as against the will of the people. This is a matter which they can regulate themselves. If they should see fit to economize in the way I have suggested, would they not be relieved so far as suffering for the actual necessities of life is concerned? I quite agree with the Senator that there is an immense waste in the direction of extravagance in all that appertains to fashion, in the dwellings of the country, and all that, which is equally reprehensible in my belief.

Mr. VEST. Mr. President, I do not care to follow the Senator into a discussion of that subject.

Mr. BLAIR. I thought this might be an agreeable episode.

Mr. VEST. But it is not pertinent. However, I have not the slightest objection to the Senator giving his views upon the subject and his arguments in favor of any legislation he deems proper.

What I was proceeding to say is this, that the reason why we want free coinage in the West is because we want no contraction of the circulating medium, but want an expansion of it. I read from a table

prepared by a Republican and a national banker to show the enormous decrease in the circulating medium of the United States per capita in a few years, a decrease from \$50 per capita to \$17 and \$18, and to-day \$21.

Now, what is the effect of contraction? I happen to have here, not for the purpose of this debate, but for another purpose, a compendium, which I think is correct, as to the effect of contraction in this country, which took place under the resumption act authorizing the sale of five-twenties to retire currency. I am not attacking the necessity for that contraction at the time, but I am simply showing the effect of it.

The failures in 1866 were 520; in 1867, under this contraction, 2,386, with a loss to creditors of \$86,218,000. In 1868 \$473,000,000 in currency was retired. The failures in that year were 2,608, with a loss to creditors of \$36,774,000. In 1869 there were \$500,000,000 retired; the failures were 2,790, and the loss to creditors was \$75,054,000. In 1870 \$67,000,000 of currency was retired; there were 2,915 failures, and the loss to creditors was \$88,242,000. In 1871 \$35,000,000 was retired; there were 2,915 failures, with a loss of \$85,250,000. In 1872 \$12,000,000 of currency was retired; there were 4,609 failures and a creditors' loss of \$121,058,000.

In 1873, the year of the panic, there was \$1,609,000 of currency retired; there were 5,783 failures, with a loss to creditors of \$228,499,000. In 1874 there were \$75,484,000 of legal-tender certificates retired, \$85,760,000 of Treasury notes, and \$3,000,000 of fractional currency. The failures were 5,832, with a creditors' loss of \$155,239,000. In 1875 the currency was contracted \$40,817,418; the failures were 7,740, with a loss to creditors of \$201,060,000. That was the price we paid for contraction.

Mr. HOAR. Has the Senator brought that table down to the present day?

Mr. VEST. No, sir; only to 1875.

Mr. HOAR. Let me look at it, please. [The table was handed.]

Mr. VEST. I copied it from statistics I believe to be reliable.

Mr. President, it has been stated here that the silver dollar was driven out of the currency by Mr. Jefferson, and there have been divers statements about it. Here is the letter which was written by the Secretary of State, May 1, 1806, to Robert Patterson, esq., Director of the Mint:

DEPARTMENT OF STATE, May 1, 1806.

SIR: In consequence of a representation from the directors of the Bank of the United States that considerable purchases have been made of dollars coined at the Mint for the purpose of exporting them, and as it is probable further purchases and exportations will be made, the President directs that all silver to be coined at the Mint shall be of small denominations, so that the value of the largest pieces shall not exceed half a dollar.

I am, sir, etc.,

JAMES MADISON.

ROBERT PATTERSON, Esq.,
Director of the Mint.

The history of that transaction is very simple and well known.

Mr. HOAR. I should like to ask the Senator one question, if he will allow me, about the table which he is just passing from. There is either a mistake in the figures—

Mr. VEST. It is very probable. I copied it hurriedly.

Mr. HOAR. For the time of contraction is the time of the smallest number of failures.

Mr. VEST. That is very easily accounted for. If I had time I should have alluded to it. As a matter of course the amount of disaster that came from contraction was not in proportion to the amount retired for any one year.

Mr. HOAR. It seems very curiously to happen that in the period of the largest contraction there was the smallest amount of failures.

Mr. VEST. The effect of contraction would, as a matter of course, continue beyond the specific year. It is impossible to make any mathematical ratio as between the amount of contraction and the amount of failures.

Mr. HOAR. I also want to ask the attention of the Senator, if he will pardon me—I do not think I ought to interrupt him, speaking in a warm room so long—but in 1869 it appears, according to this table, \$500,000,000 of currency was withdrawn, and in 1868 \$473,000,000, making a diminution of our currency of \$1,000,000,000 in two years. Are those figures correct?

Mr. VEST. I do not pretend to say that the table is entirely accurate. I copied it from a statement in a monetary review, and compared it to some extent with official reports, but not altogether, for I did not have time to do it. Whether it be mathematically correct or not, I have simply to say that we know what was the effect of contraction. We know the effect of it upon the country during the number of years when it was carried on. We know that it produced disaster all over the land. I simply cite that to show that the inevitable effect of a contraction of the circulating medium of any country is to bring about commercial depression.

Mr. ALDRICH. I suppose the Senator must have had his attention called to the fact that this was before what he calls the demonetization of silver, and took place while silver was a full legal-tender money.

Mr. VEST. I beg the Senator's pardon; 1873 was the year when silver was demonetized.

Mr. ALDRICH. But 1868 and 1869, the years to which the Senator

from Massachusetts alluded, were three or four years before the silver demonetization, when the largest contraction took place.

Mr. VEST. I was unfortunate if I did state, but I certainly never did, that the demonetization of silver produced the contraction of the currency. The contraction commenced in 1866, when the resumption act was passed that authorized the sale of the five-twenties to retire the currency. That is the time contraction commenced in this country.

Mr. ALDRICH. Then it was not due to the demonetization of silver?

Mr. VEST. I never said the demonetization of silver precipitated the contraction of the currency.

Mr. SHERMAN. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. VEST. Certainly.

Mr. SHERMAN. The transaction to which the Senator refers was simply the conversion of 7-30 bonds running for three years. They were called Treasury notes, but they were bearing interest at the highest rate ever paid by the Government since the beginning of the war. They were not in any sense a currency, although I believe the face of them was a legal tender to pay debts, if I am not mistaken.

Mr. EDMUNDS. Yes, it was.

Mr. SHERMAN. At any rate they were money, but they were on interest and never circulated a day after they were issued. They were put in that form so that the people of the United States could get ready access to them, and partly under the administration of the Treasury Department by Mr. McCulloch and a part of the time under Mr. Fessenden they were refunded into the 5-20 bonds which have since been paid. They were not currency in any sense of the word.

Mr. VEST. The Senator may be right, but it has been my information that they did circulate.

Mr. SHERMAN. I am told never after the first day. A single day's interest would make them more valuable than money, and they would therefore be retired. I know the history of those 7-30 bonds. They were only running for three years, and I knew very well that after the war was over, as a matter of course, we would never pay such a rate of interest as 7.3 on bonds, with the right to redeem the bonds with five-twenties. The seven-thirties ran for only three years, and at the end of that time they were at once converted into 5-20 bonds, I think erroneously. In that particular I agree with the Senator. I think Secretary McCulloch did not fully appreciate the reviving credit of the people of the United States, and he ought not to have converted them into 5-20 bonds.

Mr. ALLISON. They were not convertible in terms?

Mr. SHERMAN. Not in terms. The seven-thirties were converted because there was a measure pending in 1866, on which I made, I know, quite a lengthy speech advising their conversion into what were called 10-40 bonds, which would be redeemable in ten years and bear only 5 per cent. interest.

Mr. EDMUNDS. What year were they issued?

Mr. SHERMAN. I think in 1864.

Mr. VEST. Mr. President, I take it for granted that whatever the details may be the fact remains that there was a contraction of the currency during those years.

The Senator from Rhode Island has alluded to the demonetization of the silver dollar in 1873. It is very true that under the order issued by Mr. Jefferson, and which I have read here, the silver dollar had not been in circulation practically to a very large amount in the United States for more than twenty odd years. That is true, but the fact still remains—and there is the salient point in this whole argument, and I want to use it to enforce what I said to my friends on the other side a few minutes ago—which is that just as soon as you put the brand upon silver that was put upon it by striking out the silver dollar, whether in circulation or not, you degraded it as a money metal; you put the badge of inferiority upon it, just as it is proposed now in this House bill, when you treat silver as a storage commodity.

The highest value of silver is its value as money, and when you say that there shall be a limited coinage of silver or when you say that it shall be deposited as bullion with the discretion in the Secretary of the Treasury and pay out any other thing than silver or gold, you put the badge of inferiority on it and say to the whole world, "We recognize the difference between gold and silver, and gold is the great standard and silver is not."

Mr. BLAIR. Does the Senator consider that the fall in the price of silver, which has taken place since 1873, is owing to the demonetization, as he calls it, by the United States?

Mr. VEST. I would not undertake to say that; but I have no sort of doubt that the demonetization of silver, as it is termed, the acts of 1873-'74, have resulted in the loss of millions upon millions of dollars to the American people. I have no doubt that it has caused a settled distrust in the country as to the monetary system.

I do not take issue with the Senator from Ohio as to the manner in which that was done. I never cared anything about it, whether it was done in one way or another. It was done, and when the people of the United States waked up four years afterwards to the fact that the silver dollar was struck out of the coinage, although there had been

very few of these dollars in circulation, there was a popular reaction in this country such as has never been seen on any financial question before or since.

It is a remarkable history. I make no charges; I take the record as it is; but I call attention to the fact that the striking out of the silver dollar was regarded by the people as a triumph of the moneyed interests of the country over the producers and the consumers. It was regarded as a part—no matter how effected—of the scheme of the national banks and money-lenders to bring us to the gold standard and make us subservient commercially to Great Britain.

I have spoken longer than I intended, and I apologize to the Senate for having done so.

Mr. TELLER. Mr. President, I do not propose to prolong this debate, but the Senator from Iowa [Mr. ALLISON] has made some statements which, I think, need a little attention.

The Senator stated in general terms that because of the improper ratio between silver and gold in the earlier history of our country we had gone on to a silver basis, and that later, because of the improper ratio, we had gone on a gold basis. Now, Mr. President, the terms used by the Senator are calculated to mislead. There is a wide distinction between a country being on a gold basis and a country not having gold or silver in circulation.

The Senator repeated also what has been repeated before, that we are now on a gold basis. That I deny. We shall never be on a gold basis until by law we so declare; but we have never been on a gold basis, as I stated the other day, save in the time between 1873 and 1878, which I need not repeat in detail.

Mr. ALLISON. What I meant to say—I may have been unfortunate in my phraseology—was that during the period from 1792 to 1861 we passed from free coinage; that, although by law the mints were open to the free coinage of gold and silver all the time, by a mistake in the ratio during the first period gold was the standard and during the second period silver was the standard. I did not mean to say that we did not have a basis of both silver and gold by law, as we always have had. I expressly stated that we had, but that by an overvaluation of one or the other metal one vanished and the other came in.

Mr. TELLER. I understood perfectly what the Senator meant, and I have no idea that the Senator designed to make any improper impression, but this loose way of speaking on economic questions has led to a great many fallacies among the people.

When the Senator says we were on a gold basis he simply means that at one time we had more gold than we had silver. When he says we were on a silver basis he means that we had more silver than gold. And yet all the time the Mint was open to both metals. That kept the relation between them at least partially, if not completely. Whenever the silver was worth a little more in France than it was here, it went to France. When France had too much of it, if she ever had, she sent it somewhere else.

Mr. President, there is an error as to our condition, which has been repeated over and over again, that up to 1834 we did not have any gold. That is not true. There was no time between 1792 and 1804, when we changed our ratio, that we did not have a considerable amount of both gold and silver in circulation.

Mr. MORRILL. Foreign gold.

Mr. COCKRELL. It was legal tender, if it was foreign.

Mr. TELLER. We had foreign gold and we had American gold. The Senator from Vermont [Mr. MORRILL] shakes his head. I will show from the coinage tables that we had American gold.

There is not a Senator here who is as old as I am who does not remember when the English sovereign was in common circulation in this country. There is not a Senator here as old as I am, and there are several who are quite as old, who does not remember that we had all sorts of foreign gold in circulation, as I stated the other day, made legal tender by law.

I will take ten years before the change of ratio and show from the coinage tables of the United States Mint, that we coined, in 1822, \$83,980 of gold, and we coined of silver, in the same year, \$95,806.50. We coined a little less the next year of gold and a little more of silver. In 1825 we coined \$156,385 of gold, and we coined that year \$1,564,583 of silver. In 1829, we coined \$295,717.50 of gold, and the next year, \$643,105 of gold; the next year, \$714,270 of gold; the next year, \$798,435 of gold, and in 1833, \$978,550 of gold.

During all that time we had a considerable amount of gold in circulation. I do not pretend to speak of that time from memory, for I know nothing about it personally, but that is historical. We had considerable gold in circulation at that time.

Now, let us go back and see how much silver we coined during that time. We coined in 1825 \$1,564,583 of silver. I think I gave that before. The next year we coined \$2,002,090; the next, \$2,899,200; the following year, \$1,575,600; in 1829, \$1,994,578, and in 1830, \$2,495,400. The next year we coined \$3,175,800; the next, \$2,579,000; and in 1833, \$2,759,000.

The difference between gold and silver in circulation in those days was not sufficiently great to say that we were upon a silver basis in fact, as we were not in law. Then we changed the ratio the next year, 1834, and the mints commenced coining more gold, yet not any con-

siderable amount of gold was coined until up in the forties. In 1834 we coined \$3,954,270 in gold; the next year, 1835, we coined \$2,186,175 in gold; the next year, \$4,135,700; the next year, 1837, \$1,148,305; the next year, 1838, \$1,809,765; in 1839, \$1,376,847.50; in 1840, \$1,675,482.50 in gold.

In silver dollars during that time we coined in 1834 \$3,415,002; the next year, \$3,443,003, or more than was coined of gold. The next year we coined \$3,606,100; and the next year \$2,096,010; and then we began to run down a little. Then there was a time after 1845 when we coined more gold than silver, and after the discovery of gold in California there were many times more gold than silver coined, and, as suggested to me by the Senator from Nevada [Mr. STEWART], the gold fields of Russia were opened in 1830, and we got a portion of that gold.

So the statement made so frequently, not merely by the Senator from Iowa, but by others here, is not correct. We were not absolutely on either a silver or a gold basis at any time in our history, except that it might be said we coined a large amount of gold during the war in proportion to the amount of silver we coined; but neither gold nor silver was in circulation during the war.

Mr. ALLISON. Will the Senator allow me?

Mr. TELLER. Certainly.

Mr. ALLISON. I, of course, have not at hand the data which will prove the correctness of the statements I make, but I submit to the Senator from Colorado that the coinage of silver or the coinage of gold does not show the amount in circulation, because until 1873, when the new mint act which we had under discussion was passed, the coined gold and the coined silver were then not in circulation; so that as soon as the gold was coined at the mint it went out and the silver remained. It was overvalued, and since 1873 and up to this moment those who export gold prefer to export the twenty-dollar gold pieces rather than to export gold bars; so that although we may have an enormous coinage of gold here it goes out if it is preferable to the exportation of gold bars.

Mr. TELLER. The gold put in fine bars would be put in fine bars by the silversmiths of the country and sent across in that way, and the same is true of silver. There is no advantage in shipping coin abroad, but the fact is there is a disadvantage in shipping coin. If it is intended to be bullion, the man who ships it prefers bullion for two reasons: first, that it is safer to ship bullion than coin; it costs less to ship bullion from this country to any portion of the world than it does to ship coin, infinitely less, by freight; and, second, he has it in a shape to be presented to the mints in a foreign country to be coined without reference to the alloy, which in this country is of a different character from what it is in many other countries of the world.

Mr. PLATT. What does the Senator suppose became of the gold and silver coined during the war?

Mr. TELLER. The gold coined during the war was insignificant compared with the demands of commerce upon it.

Mr. PLATT. What became of it?

Mr. TELLER. It went first into the hands of the Government to pay duties on imports, and when it got there, by this very same system of finance, of which I have not time to speak to-night and no patience to speak of at any time, by which we repudiated our own paper, our own legal-tender money, and declined to give it legal-tender functions, and demanded gold for duties on imports, the Government sent it abroad to pay the interest on the bonds that were held abroad, and the Government was bound to pay it not in bullion, but in coin. That is why it went abroad.

Mr. EDMUNDS. The Government was bound to keep its obligations.

Mr. TELLER. Nobody objects to the Government keeping its obligations. Does the Senator mean to insinuate by his remark that anybody here does not want the Government obligations to be kept? If he does, I am quite ready to meet him on that.

Mr. EDMUNDS. No, Mr. President.

Mr. TELLER. The trouble is that the Senator and his friends did not keep the Government obligation.

Mr. EDMUNDS. Mr. President, I did not mean to insinuate, if my friend will pardon me, anything at all, except, without insinuation, to express my opinion that my friend is laboring under an immeasurable and incurable delusion.

Mr. TELLER. The Senator from Vermont and other Senators who agree with him think they can sneer down this question, and whenever it is presented they will put some supercilious inquiry that does not touch it, so that the public may think there is something back of it. The Senator stated that the Government kept its obligation or he used words to infer that somebody did not want that. In 1862 the House of Representatives sent to the Senate a legal-tender bill for what is called the greenback, with legal-tender quality for all purposes on the face of the earth. It was good for everything; it was good for the Government and good for private parties, and the Senate seized that and struck out of it the legal-tender clause and said it should be a legal tender for everything except that the Government would not take its own paper. That is why I said I had no patience with that kind of finance.

The Senator then thinks I wanted something, I suppose, to pay the

interest on the debt better or worse than that—something cheaper. The Government had agreed to pay its interest. How? In lawful money: its bonds in lawful money and its interest in coin, and that is the way it made the contract. It had to have coin, and if it had to have coin it could have bought coin as merchants bought coin. If it had received the greenbacks for import duties, the greenbacks, in my judgment, would never have parted with gold. If we had not issued more than \$400,000,000 we could have maintained the parity between greenbacks and gold, but when we made an artificial demand for gold and declined to receive our own paper, then, of course, there was a divergence between the greenback and the coin.

I will not speak of a later transaction when we changed the obligation to pay the bonds, which obligation was in paper, in greenbacks, so that that was to be paid in gold, thus increasing the demand for gold in this country, thus deferring indefinitely almost, as appeared at one time, the resumption of specie payments.

In 1868 we coined \$19,371,387.50 of gold and we coined \$1,074,343 of silver. We coined the next year \$1,266,143 of silver; the next year \$1,378,255.50, and the following year \$3,104,038.30; the next year \$2,504,488.50. We were coining largely at the time the demonetization of silver took place in this country. Whether we coined a dollar or not, every dollar that we produced in the mines went out into the commerce of the world and was put into coin and thus relieved the gold of the world from the obligation that it was under to do money duty.

So it does not make any difference whether the mints of this country were open or not—I mean practically open—when all other nations were coining it. Then it went into money and did money duty everywhere; and if we had had our mints open in 1873, when France felt that she could take German silver, she would have been willing (and that is the consensus of opinion upon that subject abroad) to join with us and take Germany's \$400,000,000 of silver, and we should have maintained the open mints of the world if we had not shut ours; but I do not care about pursuing this subject further.

The Senator from Iowa says we can not go to free coinage. So the Senator said in 1878, and so a great many other men said in 1878. I do not believe there is an intelligent political economist on the face of the earth who does not believe to-day that we could safely have gone to free coinage in 1878. I know an innumerable number of men who did not believe it then who say now we could have gone to free coinage.

The Senator says France will send us over \$700,000,000 of silver. What will France get in place of that \$700,000,000? Where will she get gold? They have ransacked the world for gold, and gold has appreciated 30 per cent. because of this struggle for it. Does the Senator suppose that France is going to sell her silver and do her monetary work with the gold alone that she has got? She has got to reach out to get gold. She can not get it without disturbing all the relations of commerce in the world, and she knows it, and so ought the Senator to know it. Everybody who has given attention to this subject ought to know it.

We have been told several times that Roumania is going to sell her silver. I was taken somewhat by surprise when Germany was brought in here and I was told that Roumania had twenty-five or thirty millions of silver. I do not believe it. Roumania has not got five millions of silver. Roumania is on a paper basis, and not on a silver basis in fact. She does propose, I understand, to dispose of what little silver she has got and not attempt to have any metallic money, but to go upon paper money without any metallic money back of it, and we are frightened and shiver when it is said that Roumania will send us five millions of silver. If she sent us a hundred millions it would not affect our market.

Mr. ALLISON. I am not frightened.

Mr. TELLER. The Senator says he is not frightened. I am glad to hear that, but some people seem to be frightened.

Then we were told that Belgium had five and a half millions. Why, Mr. President, for thirty-eight months we put out of our Treasury and we coined more than \$7,000,000 each month of silver, and for what we have coined and what we have accumulated we put into the markets of the world silver to that extent.

There is not any danger of Belgium's silver or Roumania's silver if it should come, admitting that it will come, and there is not any danger of France's silver coming, because the French are too good financiers; they know too well what is necessary for their commerce, a commerce that is extending and increasing every day of the year. They will not abandon silver, but should they attempt to abandon it they would find the disturbance so great that they would be compelled to do what Germany has been compelled to do: suspend the sale of silver because of the disturbance of her financial affairs.

Germany has suffered immeasurably more at the hands of the gold monometallists of Germany than she suffered at the hands of the French Government; and France will not make the mistake which her enemy made. There is no danger of it, not a particle.

The Senator speaks of Mexico. He says Mexico is on a silver basis. True, yet Mexico has had a period of prosperity for the last ten years that she never had before in her history. She has brought out and produced commerce that was never thought of. I commend to the Sen-

ator from Iowa and others who are talking about a silver basis and the prices we shall get when on a silver basis the statement made by Mr. Romero before the Pan-American Congress, which was in session here recently. He shows that the financial condition of that country is better now than it ever has been heretofore.

It is better under the silver basis than it would be under the gold basis, infinitely better.

The Senator calls attention to the fact that silver certificates were at a premium somewhere. The silver certificate is equal to gold. That is why it is at a premium. It is equal to gold because it will settle balances not only here, but anywhere in the world.

The Senator from Ohio [Mr. SHERMAN] the other day said that we could not use our silver coin; that it was not as valuable when it got abroad as bullion. That is not correct. A financial circular sent out from one of the great banks of New York the other day made the statement that the 83-cent dollar, as they call it, when it went abroad was not treated as money, but was treated as bullion. That statement is not true either. If any man on this floor or any bank official had a million silver dollars in London it would mean to him a million dollars in gold, less what it would cost to get it to New York. He would not take \$830,000 for that million. He would take and send it over and draw against it here. He can do that on a silver certificate; he can do that on any money that will circulate in this country.

I want to ask, because I do not wish to detain the Senate by reading it, that a portion of Mr. Romero's speech may be incorporated in the RECORD, and I want Senators to look at it and see whether it is such a frightful thing to get on a silver basis! They are infinitely better off in Mexico proportionately than we.

I only rose to correct some of what I thought were the points in the speech of the Senator from Iowa that were liable to be misunderstood; of course I knew the Senator from Iowa understood them. I am aware that he knew we had never been on a gold basis legally. I thought he was mistaken as to the circulation of silver and gold in this country before 1834 and subsequent thereto. If I have permission to insert this in the RECORD without reading it, I shall not read it.

The PRESIDENT *pro tempore*. The Chair hears no objection.

The paper is as follows:

As the conference is aware, said Mr. Romero, Mexico has been the largest producer of silver in the world. Two-thirds of all the silver now existing has been produced by my country, and although in the last few years the annual production of that metal in the United States has exceeded that of Mexico, I have the conviction that when the Mexican mines attain their full development, which I believe will take place before long in view of the rapid manner in which railroads are being constructed there, our annual production of silver will exceed that of the United States. The production here has attained its largest development, while with us it is now only commencing to be developed. When our production is fully developed we will occupy again, as we did many years previously, the first rank in the world in the production of silver.

Notwithstanding its mining wealth, and very likely on account of it, Mexico has not suffered as much as might be expected from the depreciation in the value of silver. The Mexican monetary system is based upon silver coin; the wages, salaries, house rent, and the value of all services and productions in Mexico have not been subject to the fluctuations caused by the depreciation of silver. Foreign merchandise only has been affected by that. The enhanced value of real estate in some parts is due to the development of the country, and not to the depreciation of that metal. As Mexican mines are generally rich, the depreciation in the value of silver has reduced their profits more or less; but this is hardly perceptible in a business subject to so many contingencies as mining, and I have no information that a single Mexican mine has been abandoned on account of the low price of its productions caused by the depreciation in the value of silver.

For a Mexican who has never left his country or who is not aware of what takes place in the monetary centers of the world, silver has now the same value as it had twenty years ago; and if he could detect any difference at all it would only be in the lower price of foreign merchandise, which has almost been balanced with the price that they now command in comparison with what they had twenty years ago. The Mexican Government is the greatest sufferer on account of the payment in London of the interest of the Mexican foreign debt; but the elements of wealth of my country are so large that that difference is hardly perceptible, and to us it is equivalent to a higher rate of interest.

So far as Mexico is concerned there is no special interest, therefore, and much less an urgent one, which might induce it to take extreme measures to obtain an increase in the value of silver, although it is apparent that any increase in that value would be advantageous to us. The depreciation of silver has produced in Mexico a result which seems almost paradoxical, and notwithstanding it is a real one. It has established a bounty equal to the amount of depreciation in the value of silver, which is now about 33 per cent, in favor of the exportation of other Mexican products, and this cause has increased considerably the production and exportation of such other products.

For many years, and principally on account of the great expense of transportation on the Mexican roads, as a consequence of the uneven ground, and on account of our lack of large lakes and navigable rivers, the only Mexican products that could pay the expense of transportation were precious metals, because in small volume and weight they possess a greater value than other articles; and the Mexican exportations before the railroads were built consisted only of gold and silver. This condition of things prevented the development of the other sources of wealth of the country in whatever was not absolutely necessary for the local consumption, which was in itself quite small.

Before the depreciation of silver, which coincided with the beginning of the construction of railroads in Mexico, the exportation of Mexican products, besides precious metals, was really insignificant. That depreciation coincided—as it was natural, for the reasons stated—with the increase in the production of other articles for export, because these articles had a heavy bounty, equivalent to the amount of the depreciation in silver. If a Mexican merchant has to send \$1,000, for instance, to New York or London, he has to use 1,333 Mexican dollars in silver; while, if he sends coffee, vanilla, or any other articles of national production, as this is sold by gold in New York or London, he saves that loss. If the price, for instance, of coffee in New York or London is \$20 per 100 pounds, its price in Mexican national coin would be \$26.65, less freight, insurance, commission, and other small expenses.

With this view, it is therefore clear that the depreciation of silver has produced, in a great degree, a decided benefit for Mexico, because it has encouraged the

production of other articles of as much value as the precious metals, and for the production of which Mexico has great elements of wealth and very favorable conditions with which nature has bountifully supplied her.

This plain explanation of the actual condition of things in Mexico will show the conference that so far as my country is concerned there is not any great necessity, and much less an urgent one, to propose or adopt any extraordinary measures with the view to restoring the value of silver, and that we can wait as long as it may be necessary to see the old ratio of 1 to 15½ restored; and this, in my judgment, will take place before long.

Mr. MORRILL. Mr. President—

Mr. HALE. I rise to a question of order.

Mr. MORRILL. We have already passed beyond the point that was agreed upon when this bill was to be considered with the amendment, and debate confined to five minutes. I give notice now that I shall to-morrow, at the earliest moment I can after the morning business, insist upon the bill being completed to-morrow.

Mr. STEWART. Complete it to-night.

Mr. VEST. Mr. President—

The PRESIDENT *pro tempore*. The Senator from Maine [Mr. HALE] rises to a question of order.

Mr. VEST. I should like to make a parliamentary inquiry.

The PRESIDENT *pro tempore*. The Senator from Maine rises to a question of order. The Chair will first hear the Senator from Maine.

Mr. HALE. As I remember, by a fair and fully understood agreement, an hour was fixed, agreed to by everybody, when the bill was to be considered upon the amendments with five-minute speeches.

The PRESIDENT *pro tempore*. At 3 o'clock this afternoon.

Mr. HALE. I ask the Chair whether that rule is not now in force, unless in special cases it is waived?

Mr. SHERMAN. It ought to be general. It ought not to be waived.

Mr. HALE. I agree with the Senator. The Senator from Missouri appealed to the Senate that he had not spoken and asked permission for an extension of time, and that was given to him, and the Senator from Colorado then addressed the Senate.

Mr. TELLER. I did not speak five minutes.

Mr. HALE. The Senator spoke over five minutes. It seemed very short undoubtedly, but I think it was rather more than five minutes. I wish to give notice that from this time forward, if possible, debate shall be continued under the five-minute rule without exception. A great many Senators here have refrained from taking part in the discussion. It is not because they do not feel interested in this bill, but they feel that it has been thoroughly discussed up to the present time, and if the Senate is ever able to come to a conclusion now is the time; and it is not, so far as the voting is concerned, any harsh or arbitrary rule, but a fair and fully considered agreement, unanimously entered into by the Senate; and after the time comes that that agreement should be put in force it seems to me that it is not the fitting thing that more time should be asked than what has been agreed upon; and, for one, I give notice that I shall endeavor to have the rule enforced hereafter.

Mr. INGALLS (Mr. BERRY in the chair). The Senate knows I have been engaged for the last month in discharging the duties of the Chair, and I have therefore been unable to participate in this debate. I had intended to-day before 3 o'clock to ask the attention of the Senate for perhaps fifteen or twenty minutes, but the Senator from Virginia [Mr. DANIEL] continued his remarks that were begun on Friday, and he was followed by the Senator from Iowa [Mr. ALLISON], who spoke until almost 3 o'clock, after which the Senator from Missouri [Mr. VEST] took the floor, and continued for something over an hour. I respectfully ask that the rigor of the rule may be conditionally waived in my favor to-morrow, in case at any time between the close of the morning business and 2 o'clock I shall wish to ask the attention of the Senate for a brief space.

Mr. COCKRELL. I hope permission will be granted to the Senator from Kansas.

Mr. HALE. I should not propose to seek to enforce the rule in the case which has just arisen in the body. If the Presiding Officer, who has not spoken upon this subject, desires to speak as a Senator, I think all of us will agree that it is proper that he should have the opportunity of doing so.

Mr. HARRIS. Under the circumstances certainly nobody will object.

Mr. HALE rose.

Mr. TELLER. If the Senator will allow me, when I addressed the Senate I supposed I would be within the five-minute rule. Of course, unless we are called down, we never know how long we speak.

My colleague [Mr. WOLCOTT], who is not present, desires to address the Senate, and would have done so to-day if he had seen any chance, for about fifteen or twenty minutes, and I shall bespeak for him, as he is a new Senator, that privilege. Aside from him, I do not know of anybody else who wishes to speak.

Mr. HALE. Let us consider the rule in force, and when individual cases arise the Senate can deal with them as they arise. Let it be understood in that way.

Mr. TELLER. I should like to suggest to the Senator from Maine that, while it is desirable that these agreements should be kept in the very strictest manner, there is no order made, and it can not be enforced, and, of course, it is left to every Senator whether he will speak or not, and if a Senator has not abused the privilege of speaking often

I do not think there ought to be an objection to allowing him to be heard if he did not get in his speech in the time limited.

Mr. HALE. The Senate, as everybody knows, is very generous about these things, but still the force of a fair agreement entered into unanimously and thoroughly understood at the time when it was agreed upon ought not to be lost to the Senate. We are not likely to make any error here in the Senate by not talking enough, and when such an agreement is made I believe it ought to be the spirit of the Senate to carry it out, except in cases, such as arise occasionally, where personal exceptions would be recognized.

Mr. VEST. Mr. President, I simply want to make a statement in justice to myself. I have never asked for an extension of time under any rule and would not have done so to-day, for I did not anticipate that I should say a word a minute before I spoke. I spoke in reply to some statement of the Senator from Iowa. But the other day the Senator from Nevada [Mr. JONES] having charge of the bill informed me that there would be no vote upon the bill or amendments until to-morrow at 3 o'clock, and I supposed that was the understanding on the majority side of the Chamber. Therefore, when I asked to proceed for a few minutes beyond the five minutes it was with the understanding that there had been a change of the rule by consent of the majority.

Mr. CULLOM. Do you mean to-morrow or to-day?

Mr. VEST. Tuesday. I was so informed by the Senator from Nevada having charge of the bill, or else I never would have asked for a minute. The Senate, I am certain, will acquit me of ever having infringed upon any rule or ever having asked any special favors.

Mr. DAWES. There never has been any agreement as to when the vote shall be taken, but only as to the manner of debating, that hereafter the debate shall be under the five-minute rule.

Mr. VEST. I only mean to say that the Senator from Nevada, when I asked him if we were certain to take up the bill and debate it under the five-minute rule, said, "No, not until Tuesday," that there were three or four Senators who wanted to speak upon the bill. That was my understanding, and that was the reason I went over the five minutes.

Mr. ALLISON. I hope, in view of what has been said on the floor, that the Senator from Kansas [Mr. INGALLS], the Presiding Officer, will have an opportunity of speaking to-morrow at such length as he desires, and also the junior Senator from Colorado [Mr. WOLCOTT], who is absent, and that at some time to be named now, I do not care whether it is 3 o'clock or 4 o'clock—

Mr. SHERMAN. Say 2 o'clock.

Mr. ALLISON. That we shall agree to go on with this bill and vote upon the amendments, debating them under the five-minute rule, of course, and complete this bill to-morrow.

Mr. HARRIS. You can not get an agreement such as that.

Mr. COCKRELL. You could not read the amendments and make a five-minute speech on each one in that time.

Mr. ALLISON. The firmness with which the Senator from Tennessee [Mr. HARRIS] makes his statement admonishes me that it is not possible to secure any agreement of the kind I intimated.

Mr. HALE. Why not let us go on under the present agreement? All that is needed is to insist upon the rule, and nobody will object to the Senator from Kansas [Mr. INGALLS] and the junior Senator from Colorado [Mr. WOLCOTT] addressing the Senate, and I think the Presiding Officer will enforce the rule.

Mr. SPOONER. The agreement, as I understand it, is that all Senators shall be confined to five minutes, except those who desire to speak longer. [Laughter.]

Mr. ALLISON. Mr. President, I think we shall have no difficulty about making an arrangement in respect of this matter, whereby, say at 3 o'clock to-morrow, the debate shall be confined to five minutes on the part of each Senator.

Mr. HARRIS. I think that is the standing agreement, except so far as the Senate has within the last few moments made exceptions to it.

While I am referring to that particular phase of the question, I do not quite agree with utterances on the floor and I think once from the present occupant of the chair and from the Chair that one of those consent agreements is not within the power of the Chair to enforce. I think that one of these agreements, made by unanimous consent of the Senate, is within the power of the Chair to enforce, and I think it is his duty to enforce it, except so far as the Senate may make exceptions to the consent rule by its consent action.

The PRESIDENT *pro tempore*. It never has been so held.

Mr. COCKRELL. I differ materially with my distinguished friend from Tennessee [Mr. HARRIS]. I do not think that the Senate or the Presiding Officer has any such power.

Mr. HARRIS. We adopt rules by a majority of the Senate, the standing rules of the Senate, which the Chair does enforce; and, now, when every member of the Senate consents to a rule that shall apply to a particular case, I can not quite see why it is not within the power of the Chair and the duty of the Chair to enforce that rule; but I simply give that as my own opinion.

Mr. HOAR. Is it not a mere question as to the form of doing it? I suppose nobody questions that what is known as the eighth rule is en-

forced by the Chair, although that is a rule for a Senator speaking five minutes only; and I suppose it can be enforced in a matter of this kind, when it is in the form of an order of the Senate, and then the Chair would enforce it; but when it is put like this, merely in the form of an understanding by members, and so announced by the Chair himself, it is not the custom of the Senate, so far as I am aware, to treat it as an arrangement which the Chair can enforce.

Mr. ALLISON. I shall endeavor to confine my observations to five minutes. I wish merely to say a word in reply to the Senator from Colorado [Mr. TELLER].

In the observations I submitted a while ago, which I agree with the Senator from Colorado were rather loosely made, for the reason that, owing to the pressure of the committee business in which I have been engaged, I have not had the opportunity which other Senators have had to prepare with great accuracy statements to be submitted to this Senate, I meant to say, and did say, that although silver and gold from 1792 to 1873 were upon a par as respects their coinage in our mints, because of a mistaken ratio, the gold gradually passed out of our country until 1834, when there was practically no gold in it.

I shall be able, if it is necessary, to bring to the attention of the Senate information which will show, from the best statements of those who get statistical information in their minds, that at the time when the act of 1834 passed there was practically no gold in the United States.

Now, it is perfectly well known that after the passage of the act of 1834 silver gradually passed out of the United States, and the act of 1853 was made necessary because of the gradual passing away of silver and in order that we might have fractional silver here with which to conduct our business.

I made no comment as respects Mexico. I say this in justice to myself, because it might be inferred from what the Senator from Colorado said that I was depreciating the prosperity of Mexico. I made no comment upon that subject; neither did I make any comment upon what would be the condition of our own country if we had all silver rather than all gold or rather than both silver and gold. I made no allusion to either of those topics. My allusion to Mexico was simply to show that we were here upon the basis of gold as distinguished from silver in our daily transactions, although we have a limited coinage of silver, and that Mexico on the contrary had a silver standard exclusively, and that there was now a difference between the paper and coin money of the two countries varying from 25 to 28 per cent. I only alluded to that for the purpose of showing that if we open our mints to the free coinage of silver it will, in my belief, be necessary to bridge over that chasm of 25 or 28 per cent., and I expressed a fear that the free coinage of silver would not accomplish that result, and I do not believe it will.

Mr. FRYE. Mr. President, I was about to move that the Senate proceed to the consideration of executive business.

Mr. SPOONER. Will the Senator yield to me to present a conference report?

Mr. VEST. I should like to make a parliamentary inquiry about the pending bill.

The PRESIDENT *pro tempore*. The Senator will state his inquiry.

Mr. VEST. I should like to know the exact status of the question now before the Senate.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole, and the question is upon the first amendment reported by the Committee on Finance, which will now be stated by the Chief Clerk.

The CHIEF CLERK. In section 2, line 8, after the word "notes" where it occurs the second time, it is proposed to strike out "shall be a legal tender in payment of all debts, public and private, and."

The PRESIDENT *pro tempore*. The Senate by a previous order agreed that the bill of the House of Representatives should be substituted for and take the place of the Senate bill.

Mr. VEST. Is it in order now to move to strike out all after the enacting clause and insert a substitute?

The PRESIDENT *pro tempore*. Not until after the amendments proposed by the committee have been considered.

Mr. STEWART. I ask for the yeas and nays upon the pending amendment.

The PRESIDENT *pro tempore*. The Senator from Nevada asks for the yeas and nays.

Mr. PLUMB. I should like to ask if there is not an amendment which I offered to this bill now pending.

The PRESIDENT *pro tempore*. The Senate bill has been laid upon the table.

Mr. PLUMB. I offered it to the House bill as reported to the Senate.

The PRESIDENT *pro tempore*. The amendment is not yet in order, because the amendments proposed by the Committee on Finance have not been acted upon.

Mr. PLUMB. The amendment is pending to the House bill reported by the committee.

The PRESIDENT *pro tempore*. It will be in order whenever the proper parliamentary stage arises.

Mr. FRYE. I renew my motion.

The PRESIDENT *pro tempore*. Does the Senator yield to the Senator from Wisconsin?

Mr. FRYE. I do not.

Mr. SPOONER. I will withhold my report until to-morrow.

Mr. VANCE. I offer an amendment to the pending bill and ask that it lie on the table and be printed.

The PRESIDENT *pro tempore*. The amendment will be received and ordered to be printed, in the absence of objection.

Mr. BLAIR. I offer certain amendments to the amendment of the Senator from Kansas [Mr. PLUMB], and also an amendment to the bill.

Mr. ALDRICH. I suggest that these amendments be printed in the RECORD as well as printed separately.

The PRESIDENT *pro tempore*. The amendments will lie on the table and be printed, and also printed in the RECORD, if there be no objection. The Chair hears none, and it is so ordered.

Mr. VANCE's amendment is as follows:

Strike out all after enacting clause and insert:

That so much of the act approved February 28, 1878, as provides for the limitation of the coinage of silver bullion to \$2,000,000 worth per month is hereby repealed.

Mr. BLAIR's amendments are as follows:

Amend the amendment intended to be proposed by Mr. PLUMB by adding at the end of the first section the following:

And after the 1st day of January, A. D. 1900, there shall be no legal-tender in the United States except gold and silver coin.

Also add at the end of the second section the following:

Nor shall the amount of silver coined and issued from the mints of the United States be more than four and one-half millions of dollars for each calendar month.

Strike out all after the enacting clause and insert the following:

From and after the passage of this act the Secretary of the Treasury is authorized and directed to purchase and coin, in execution of the provisions of the act of February 28, 1878, silver bullion at the market price thereof worth \$4,000,000 monthly.

Mr. FRYE. I renew my motion.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate do now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and four minutes spent in executive session the doors were reopened, and (at 6 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 17, 1890, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 16th day of June, 1890.

UNITED STATES CONSUL.

Joseph Edward Hayden, of the District of Columbia, to be consul of the United States at Breslau, to fill a vacancy.

PROMOTIONS IN THE ARMY.

Ordnance Department.

First Lieut. Henry D. Borup, to be captain, June 15, 1890.
First Lieut. Lawrence L. Bruff, to be captain, June 15, 1890.
First Lieut. Charles H. Clark, to be captain, June 15, 1890.
First Lieut. William Crozier, to be captain, June 15, 1890.

HOUSE OF REPRESENTATIVES.

MONDAY, June 16, 1890.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D., of Washington, D. C.
The Journal of the proceedings of Saturday last was read and approved.

RELIEF AND CIVILIZATION OF THE CHIPPEWA INDIANS.

Mr. COMSTOCK. I ask unanimous consent for the present consideration of the bill (H. R. 9952) to enable the Secretary of the Interior to carry out an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota."

The bill was read at length for information.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of the bill which the Clerk has read. Is there objection?

Mr. PEEL. I do not see the chairman of our committee present.

Mr. COMSTOCK. I will state to the gentleman this is the bill that was recommended by the committee the other day.

Mr. PEEL. I simply want to ask the gentleman who calls the bill up if my recollection of the bill is right that it was all stricken out and that an item provides that the amount appropriated is to be reimbursed to the Government.

Mr. COMSTOCK. It was all stricken out and an amendment was reported by the committee, and I ask the passage of the bill as amended.

Mr. PEEL. I think the bill ought to pass. I do not see any objection to it.

Mr. CRISP. Mr. Speaker, I shall object until we know something about it.

The SPEAKER. The House will be in order so that the gentleman who called it up may explain the bill for which he asks the consideration of the House.

Mr. COMSTOCK. I will explain, Mr. Speaker, to the House that the Fiftyeth Congress passed a bill entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota." Under the provisions of that bill and by virtue of a treaty with these Indians, they have ceded 4,000,000 acres of land to the Government. This bill provides for an appropriation for surveying and an allotment to Indians who take some of the land in severalty, and for the removal of the Indians to two of the reservations—Red Lake reduced and White Earth.

Mr. KERR, of Iowa. Does this bill involve an appropriation?

Mr. CRISP. May I ask my friend why was this not provided for in an appropriation bill?

Mr. COMSTOCK. This bill was introduced and sent to the Committee on Indian Affairs, who recommend its passage unanimously, and every dollar of this money appropriated for this purpose is to be refunded by the sale of the lands. The lands are to be surveyed and opened for settlement. This is a loan, and not an appropriation really, because the money is to be refunded to the Government.

Mr. KERR, of Iowa. If it is a loan by the Government, it seems to me it ought to be carefully considered in Committee of the Whole, and I make objection.

The SPEAKER. The gentleman from Iowa objects.

ORDER OF BUSINESS.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

Mr. MILLIKEN. Mr. Speaker, I have two conference reports which I desire to offer.

The SPEAKER. The gentleman from Maine has conference reports which will take precedence of the motion of the gentleman from Illinois.

PUBLIC BUILDING AT BEAVER FALLS, PA.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2403) to provide for the purchase of a site and the erection of a public building thereon at Beaver Falls, in the State of Pennsylvania, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with an amendment, namely: Strike out all after the enacting clause and in lieu thereof insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use of the United States post-office and Government offices, in the borough of Beaver Falls and State of Pennsylvania, the cost of such site and building, complete, not to exceed the sum of \$50,000.

"Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said borough of largest circulation for at least twenty days prior to the day specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be mailed and addressed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of such examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, to be composed of an officer of the Treasury Department and two other persons, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by any statement, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected. The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but shall not exceed \$5 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used or applied when appropriated for the purposes mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Pennsylvania shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building herein provided for shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys."

And the House agree to the same.

S. L. MILLIKEN,
DANIEL KERR,
THOS. J. CLUNIE,
Managers on the part of the House.
M. S. QUAY,
G. G. VEST,
JOHN C. SPOONER,
Managers on the part of the Senate.

During the reading of the report,

Mr. MILLIKEN said: I ask unanimous consent to dispense with the reading of the formal part of the report.

The SPEAKER. Is there objection to dispensing with the reading of the formal part of the report? The Chair hears none.

The statement of the House conferees was read, as follows:

The effect of the report is to strike out the appropriating clause and conform its form to that hitherto adopted by committees of conference on bills from the Committee on Public Buildings and Grounds.

The report was adopted.

PUBLIC BUILDING AT SALINA, KANS.

Mr. MILLIKEN. I present the conference report on the disagreeing votes of the two Houses on the bill (S. 595) for the erection of a public building at Salina, Kans.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 595) for the erection of a public building at Salina, Kans., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same with an amendment as follows, namely: Strike out all of the bill and amendments, and in lieu thereof insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Salina and State of Kansas, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$75,000.

"Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plans, and statements which shall have come into his possession relating to the said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary, and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plans, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department, and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Kansas shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys."

And that the House agree to the same.

A. L. MILLIKEN,
HERMAN LEHLBACH,
Managers on the part of the House.
JOHN C. SPOONER,
JUSTIN S. MORRILL,
G. G. VEST,
Managers on the part of the Senate.

During the reading of the above report, Mr. MILLIKEN said: I ask unanimous consent to dispense with the reading of the formal part of the report.

The SPEAKER. Is there objection to the request of the gentleman from Maine? The Chair hears none.

The statement of the House conferees was read, as follows:

The effect of the report is to reduce the limitation of expenditure from one hundred and fifty thousand to seventy-five thousand dollars, to strike out the appropriating clause in the bill, and to conform the form of the bill to that adopted by conference committees of the Senate and House from the Committees on Public Buildings and Grounds.

The report of the committee of conference was adopted.

Mr. MILLIKEN moved to reconsider the votes by which the reports of the committees of conference were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PEUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

A bill (H. R. 856) to amend section 1 and section 9 of an act entitled "An act to authorize the Denison and Washita Valley Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved July 1, 1886;

A bill (H. R. 7619) making appropriations for the support of the Army for the fiscal year ending June 30, 1891, and for other purposes;

A bill (H. R. 6845) directing the issue of a duplicate of a lost check drawn by O. M. Carter, lieutenant United States Engineer Corps, in favor of Charles C. Ely;

A bill (H. R. 445) for the erection of a shop at the National Armory, Springfield, Mass.; and

A bill (H. R. 8235) to prevent desertion from the Army, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed without amendment bills and a joint resolution of the following titles:

A bill (H. R. 75) to fix the regular terms of circuit and district courts for the district of Alabama;

A bill (H. R. 10906) making appropriations to supply deficiencies in the appropriations for the payment of pensions and for the expenses of the Eleventh Census for the fiscal year 1890, and for other purposes;

A bill (H. R. 7856) granting the right of way to the Duluth and Manitoba Railroad Company across the Fort Pembina reservation, in North Dakota;

A bill (H. R. 1404) granting a pension to Mary Ann Lang;

A bill (H. R. 1884) granting a pension to George F. White;

A bill (H. R. 2424) granting a pension to Mary W. Smalley;

A bill (H. R. 4036) for the relief of Christian Kunzie;

A bill (H. R. 4967) granting a pension to Mrs. Catharine Reed;

A bill (H. R. 5118) granting a pension to Amanda J. Delap;

A bill (H. R. 6280) granting a pension to Lawrence Dougherty;

A bill (H. R. 6601) granting a pension to Archibald F. Coon;

A bill (H. R. 6831) granting a pension to Norman Cleveland;

A bill (H. R. 6913) granting a pension to Alexander G. Davis;

A bill (H. R. 7529) granting a pension to Belle Morrison, of Dillsborough, Ind.;

A bill (H. R. 7958) granting a pension to Christopher C. Funk;

A bill (H. R. 8560) granting a pension to Mrs. Sallie H. Wilson;

A bill (H. R. 8910) granting an increase of pension to Clinton Spencer;

A bill (H. R. 9359) to increase the pension of B. F. Hilliker; and

Joint resolution (H. Res. 37) providing for donation of certain personal property of the United States to South Dakota and North Dakota.

The message further announced that the Senate disagreed to the amendments of the House to the bill (S. 3163) to reorganize and establish the customs-collection district of Puget Sound, asked a conference with the House thereon, and had appointed Mr. DOLPH, Mr. CULLOM, and Mr. GORMAN conferees on the part of the Senate.

The message further announced that the Senate further insisted upon its amendment to the bill (H. R. 3538) for the relief of Albert H. Emery, disagreed to by the House; agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SPOONER, Mr. HIGGINS, and Mr. WILSON of Maryland conferees on the part of the Senate.

The message further announced that the Senate disagreed to the amendment of the House to the bill (S. 461) making an appropriation for a new light-house tender for use in the thirteenth light-house district, with headquarters at Portland, Oregon, requested a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. GORMAN, and Mr. MITCHELL conferees on the part of the Senate.

The message further announced that the Senate further insisted upon its amendments to the amendment of the House to the bill (S. 1) to protect trade and commerce against unlawful restraints and monopolies, agreed to the request for a further conference with the House thereon, and had appointed Mr. EDMUNDS, Mr. HOAR, and Mr. VEST conferees on the part of the Senate.

The message further announced that the Senate had passed with amendments bills of the following titles, asked a conference with the House on the said bills and amendments, and had appointed conferees on the part of the Senate as respectively indicated:

A bill (H. R. 8247) to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes—Mr. PLUMB, Mr. TELLER, and Mr. WALTHALL.

A bill (H. R. 1452) for the relief of Christopher C. Andrews—Mr. DOLPH, Mr. PADDOCK, and Mr. WALTHALL.

A bill (H. R. 188) for the erection of a public building at Columbus, Ga.—Mr. SPOONER, Mr. SQUIRE, and Mr. PASCO.

The message further announced that the Senate had passed, with amendments in which concurrence was requested, bills of the following titles:

A bill (H. R. 344) to grant the right of way to the Pittsburgh, Columbus and Fort Smith Railway Company through the Indian Territory, and for other purposes;

A bill (H. R. 1110) granting a pension to William J. Bryan;

A bill (H. R. 1405) granting a pension to Betsey Cole;

A bill (H. R. 1783) granting a pension to Mrs. Alice A. Cunningham; and

A bill (H. R. 7263) to increase the pension of Henry L. Potter.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

- A bill (S. 662) for the better protection of hotel-keepers and inn-keepers, lodging-house keepers, and boarding-house keepers of the District of Columbia;
- A bill (S. 1244) for the relief of the sureties of Dennis Murphy;
- A bill (S. 1418) for the relief of Dwight Hall;
- A bill (S. 1759) for the relief of Maj. Joseph W. Wham, paymaster United States Army;
- A bill (S. 1971) for the relief of William Clawson;
- A bill (S. 1992) relating to the execution of custom-house bonds;
- A bill (S. 2184) granting a pension to Sarah L. Knight;
- A bill (S. 2310) for the relief of M. A. Fulton, Silas Staples, and the other sureties upon the official bond of James D. Reymert, executed to the United States on the 7th of February, 1860, as receiver of public moneys;
- A bill (S. 2750) to remove the charge of desertion against Almon R. Tobey;
- A bill (S. 2782) to provide for the reduction of the Round Valley Indian reservation in the State of California, and for other purposes;
- A bill (S. 2783) for the relief of the Mission Indians in the State of California;
- A bill (S. 2865) granting to the Jacksonville, St. Augustine and Halifax River Railway Company a right of way across the United States military reservation at St. Augustine, Fla.;
- A bill (S. 3052) for the relief of the Michigan Military Academy;
- A bill (S. 3078) to carry out the findings of the Court of Claims in the case of James H. Dennis;
- A bill (S. 3134) to perfect the military record of Henry C. Barney, of Pella, Tex.;
- A bill (S. 3494) to establish a light-station at or near Page's Rock, in York River, Virginia;
- A bill (S. 3562) authorizing additional compensation to the assistant commissioners to the industrial exhibition held at Melbourne, Australia;
- A bill (S. 3716) to provide for the examination of certain officers of the Army and to regulate promotions therein;
- A bill (S. 3723) granting an increase of pension to Thomas B. Shaw; and
- A bill (S. 3740) to authorize the construction of a bridge across the Missouri River between the city of Pierre, in Hughes County, and Fort Pierre, in Stanley County, in the State of South Dakota.

CONFEDERATE AND OTHER FLAGS.

Mr. WILLIAMS, of Ohio, obtained unanimous consent to have printed in the RECORD the following memorial, without the names; which was referred to the Committee on the Judiciary:

HEADQUARTERS OLD GUARD POST, No. 23,
GRAND ARMY OF THE REPUBLIC,
Dayton, Ohio, May 30, 1890.

To the Senate and House of Representatives of the United States of America:

The undersigned, ex-soldiers and sailors, would respectfully call your attention to the propriety of enacting a law that will prohibit the use, sale, manufacture, and importation of any banner or flag purporting to be, or resembling in any way, the so-called "confederate flag" or the red flag of the anarchist, or any other so-called flag or banner of any society or class of people whose principles are at variance with the Constitution or laws of this country. Also to prevent the sending of matter through the United States mails the wrappers or outside covering of which shall contain any such representation, device, or emblem.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BURROWS in the chair.

The CHAIRMAN. The committee resumes consideration of the appropriations for sundry civil expenses of the Government, and the Clerk will read.

The Clerk read as follows:

At the Pacific Branch, at Santa Monica, Cal.: For maintenance of six hundred members, at \$150 per annum each, \$90,000.

Mr. CANNON. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 84, after line 23, insert: "For farm, including same objects specified under this head for the Central Branch, \$10,000."

The amendment was agreed to.

The Clerk read as follows:

For laundry, \$7,500; in all, \$222,500.

Mr. CANNON. I ask unanimous consent that that paragraph be amended by striking out on page 85, line 5, the word "twenty-two" and inserting "thirty-two."

The amendment was agreed to.

The Clerk read as follows:

At the Marion Branch, at Marion, Ind.: For maintenance of six hundred members, at \$150 per annum each, \$90,000.

Mr. MARTIN, of Indiana. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Amend by inserting in line 7, page 85, the word "eight" in lieu of the word "six," and by inserting the words "one hundred and twenty" in lieu of the word "ninety" in line 8, so as to make the paragraph read:

"For the maintenance of eight hundred members, at \$150 per annum each, \$120,000."

Mr. MARTIN, of Indiana. Mr. Chairman, although I may in part repeat on the separate amendments I intend to offer to this bill, I desire to now submit some remarks generally on the appropriations for the Marion Soldiers' Home.

On June 5, 1888, during the first session of the Fiftieth Congress, the House of Representatives passed the bill (H. R. 8391) introduced by my distinguished predecessor, Hon. George W. Steele, establishing a branch of the National Soldiers' Home at the city of Marion, in Grant County, in the State of Indiana. That bill was passed without a dissenting vote; and, by that action, not only the then Representative of the Eleventh Congressional district of Indiana, but also that House, earned and received the hearty gratitude of the citizens of that locality.

When later, during the same session of that Congress, that bill passed the Senate of the United States and received the approval of President Cleveland, both the Fiftieth Congress and the President earned an enduring place in the memories of the people of that district.

No people ever felt a greater degree of pride in any trust than do the people of the district I represent in this splendid public institution, known as the "Marion Branch of the National Home for Disabled Volunteer Soldiers." I am voicing the sentiments of my constituents when I declare that we do not want the Marion Home in any way belittled or limited.

We want it made a home indeed for the gallant veterans who seek its benefits in their declining years. These veterans come from far and near. This Marion Branch is not a mere local affair, but is a national institution in which the pride and interest of the whole nation mingle.

The board of managers, of which that gallant hero, General William B. Franklin, of Connecticut, is president, has taken great interest in this new branch, and has made a recommendation as to its absolute needs, which I desire to now incorporate in my remarks at this point, and which is as follows, to wit:

Marion Branch (800 members).

Maintenance	\$120,000
Hospital	50,000
Mess-hall and kitchen	30,000
Commissary and quartermaster's store-room	20,000
Officers' quarters	16,000
Headquarters	10,000
Laundry	7,500
Two additional barracks	46,000
Pumping station	4,000
Chapel	7,500
Total	311,000

This board of managers has had great experience in the control and management of the different branches of the National Home, and their recommendations ought to have great weight.

The bill under consideration reduces some of the amounts recommended by the national board of managers and omits some entirely, as will be seen by that part of the bill which I here incorporate in my remarks, and is as follows, to wit:

At the Marion Branch, at Marion, Ind.:

For maintenance of six hundred members, at \$150 per annum each, \$90,000.

For hospital, \$30,000.

For mess-hall and kitchen, \$15,000.

For company and quartermaster's store-rooms, \$10,000.

For laundry, \$7,500.

For two additional barracks, \$46,000.

For pumping station, \$4,000; in all, \$202,500.

Mr. Chairman, this Marion Branch is located in one of the finest sections of the United States, upon a splendid and fertile farm of 211 acres, with good railway facilities, abundant good water and pure air, and in the midst of an intelligent, high-minded people, who are very proud of the home and want this institution provided for as liberally as any other branch.

In addition to what I have already said as to the natural and other advantages surrounding the Marion Branch, it is important to remember that the farm I have mentioned not only belongs to the United States and that jurisdiction has been properly ceded in usual form to the Federal Government by an act of the last General Assembly of the State of Indiana, but that these grounds are traversed for a half mile or more by the Mississinewa River, an important tributary of the Wabash River, and is in the heart of that great gas belt within whose bosom the mighty engines of old Mother Earth belch up great streams of heat-giving, light-producing natural gas, that element which has dispensed with the necessity of ashes and coal smoke in that region.

This mighty natural force is of incalculable advantage to the United States and was the great consideration that induced the selection of a point within the natural-gas belt for the location of this home.

Within a radius of a few miles from this home scores of great manufacturing industries are driven day and night by smokeless fires fed from the exhaustless fountains below, and thousands of homes and business rooms, as well as the great avenues of the city of Marion, are lighted and heated from the same source.

Upon this farm every want of heat and light is supplied from wells which pour their gas into every stove, fire-place, and jet where light or heat is necessary.

It is no wonder, then, that the people of Indiana, the people everywhere who understand the situation and advantages of this home, are opposed to the growth of any sentiment in this or any other Congress that the Marion Home is to be considered as of secondary importance and that only a few hundred soldiers will ever be cared for there.

I have moved to amend this bill so as to conform to the recommendations of the Board of Managers. I do not ask any extravagance in appropriations for this home, and I know that neither the Committee on Appropriations nor this House intend to be parsimonious.

I do not mean to even suggest that this committee intends to be parsimonious by cutting down the appropriations recommended by the board of managers, but I do think the reduction was mistakenly made, and I ask its correction.

There are already six barracks about completed, with a capacity of at least eight hundred members, and all this room will soon be crowded from the ranks of worthy veterans, who, a quarter of a century ago, in camp, on the hot march and in the hotter battle, earned the right to be cared for by a grateful people, not in poor-houses, but in genuine, comfortable homes such as this one.

This appropriation ought to be \$120,000 for the maintenance of eight hundred members, as asked by my amendment.

As to another amendment which I will offer, that of increasing the allowance for a hospital from \$30,000 to \$50,000, it seems clear to me that this amendment ought to prevail, so as to have abundant room for the care of the sick and dying.

This is not war time, when the sick or wounded might need to be almost piled upon each other, to await the saw and knife and medicine of the tired surgeon. This is a time of peace, when we are building homes for the old veterans, where even the hospital ought to savor of home comfort, and not of the privations of army life. I entreat this committee to allow the amount recommended by the board of managers.

Mr. Chairman, I desire to also urge this committee to adopt, when I offer it, my amendment for the mess-room and kitchen, being the \$20,000 urged by the board of managers, as entirely necessary. Why, within a year there will be eight hundred or more old soldiers in this home, and it is not necessary to build a mess-room so small that they must be divided into reliefs as they march to their morning, noon, and evening meals. There ought to be no "Fall in, second relief!" sounded in the ears of these veterans when meal time comes. The first table is none too good for any of them. The board of managers urge this matter as expedient in every point of view, particularly as to comfort and health.

I desire now to call particular attention to another need, particularly since all appropriation therefor is omitted, namely, for headquarters and for officers' quarters. I have visited these grounds myself more than once, the last time in company with Colonel Brown, of Dayton, Ohio, who is inspector-general of all these homes under direction of the board of managers. On that visit we found General A. F. Devereux, formerly of Cincinnati, in charge.

What kind of accommodations do you suppose they have there for headquarters and officers' quarters for this great United States institution? A rather small house that looked to me to be about forty years old and in no respect very comfortable.

In front of this little house, high in mid-air, was floating the Stars and Stripes, emblem of the strength and dignity of 65,000,000 of people, and if it had not been for the starry banner floating there in the chill fall wind no one would have dreamed that the United States had any headquarters there.

Mr. Chairman, the appropriation offered by my amendments and recommended by the board of managers in these particulars ought to be made. I am sure that not a member of this committee would vote against these amendments if he had visited these grounds, as I have done, and seen the absolute necessity for these improvements.

And now, Mr. Chairman, I come to the last amendment which I will offer, namely: For a chapel, \$7,500, no appropriation for which is provided in this bill, although recommended by the board of managers in the sum I have named. It seems to me there can be no earthly ground for refusing this, and I do not believe the members of this committee will refuse.

Although this home has been opened but a few weeks, already one of the old comrades has been mustered out of the thinning Grand Army below into the growing Grand Army above. He has answered his last roll-call.

Many more, increasing with mournful rapidity, will soon answer "Here!" no more in this life. Ought not these men to have a peaceful place, the gift of the nation they gave so much for, in which to listen to the message of hope, peace, and forgiveness from Sabbath to Sabbath during the few years yet left them? Should they not have a peaceful

altar where their remains might be carried when the battle of life is over with them, and where kindly faces might stoop over the silent face of the sleeper and drop the sympathizing tear for him who may have left neither kith nor kin to pay the last sad tribute of affection?

Mr. Chairman, when we think how freely this body has given from the public Treasury for other public purposes, let us not hesitate to give enough for so worthy an object as this worthy monument of a nation's appreciation of her soldier poor, the Volunteer Soldiers' Home.

Mr. Chairman, I desire now to call the particular attention of members of the committee to the first amendment. I felt upon an examination of this bill that there must have been a misapprehension as to the number of barracks which were already completed at Marion and as to the capacity of those barracks, and on Saturday last I received a telegram in response to one which I had sent asking information on the subject. I had dispatched inquiring as to the number of barracks completed, and here is the reply:

General Devereux reports six barracks completed.

HOUCK & WRIGHT.

General Devereux is in charge as superintendent of the Marion Branch of the Soldiers' Home, and from the information he gives it turns out that there are six barracks completed instead of four, with a capacity for the accommodation of seven hundred and fifty or eight hundred members. From the large number of old soldiers now unable to support themselves and distributed among the poor-houses of the land, I am sure the members of this committee will agree with me that it would be in the interest of economy to have all the space that is now ready for their occupancy utilized, and I am sure that long before the completion of even half of the coming fiscal year there will be accommodation for eight hundred of the old soldiers at that branch, if proper provision is made by this appropriation bill.

For these reasons I have moved to strike out "six" and insert "eight" and also strike out "ninety" and insert "one hundred and twenty," making this an appropriation of \$120,000 for the maintenance of eight hundred members. I desire to say, Mr. Chairman, that this branch is one which has been constructed under the provisions of the act of July 29, 1888. That act passed this House without a dissenting vote and was passed in like manner by the Senate, and I am sure that the old soldiers, not alone of Indiana, but wherever they need the benefit of such a home, feel deeply indebted, not only to my distinguished predecessor who introduced the bill, but to the Fiftieth Congress for the passage of that bill.

The people of my district take a peculiar pride in this institution, and now that it is thus far completed they take great interest in seeing that it shall be utilized to the fullest extent. The home is located upon a farm of 211 acres upon the Mississinewa River, near the city of Marion. Upon the farm itself a large number of gas wells have been sunk, and are now supplying all the light and heat that are needed for the institution. I hope that the members of this committee will feel that instead of being extravagant it is in the interest of economy to make this additional appropriation. If these barracks will accommodate 800 members why should we make an appropriation for only 600 and none for the additional 200? I feel that this is a very important matter, and I have tried to do my full duty in relation to it in connection with the Committee on Appropriations. Early in the session I introduced a bill which was referred to the Committee on Military Affairs. That committee felt that it belonged more properly to the Committee on Appropriations and it was referred there. I sought out the subcommittee of the Committee on Appropriations repeatedly, but, through no fault of theirs, and yet through no fault of my own, I was never able to have as full a consultation with them in regard to the items of this bill as I desired. I think the subcommittee in recommending an appropriation of \$90,000 for 600 members at the Marion Home acted under a misapprehension as to the number of barracks completed, under the impression that there were but four of those barracks and that they could not accommodate more than 600.

In this connection I want to call attention to this fact: At the time General Franklin, the president of the board of managers of the national homes, was before the Committee on Military Affairs, but four of these barracks had been constructed, though two more were fast approaching completion. Since that time those two have been completed, and, as I understand, are now ready for occupancy. I hope the amendment I have offered will meet the approval of the subcommittee on appropriations, and also of the chairman of the committee, with whom I have not been able to have the conference I would have liked.

Mr. CANNON. Mr. Chairman, if I can have for a moment the attention of members of the Committee of the Whole and of my friend from Indiana, I think I can satisfy them that this amendment should not be adopted. The five old homes, to say nothing about those at Marion and Santa Monica, have capacity for 10 per cent. more inmates than we have appropriated for. This perhaps is proper enough; but we have for the coming year increased enormously—over double—the ordinary increase at the soldiers' homes. For instance, the average number of inmates in 1888 was 10,681; in 1889, 11,727. In 1890 we appropriated for 13,200. In this bill we provide for 15,500. It will be observed that the increase is extraordinary. We have increased the appropriations for soldiers' homes proper to the amount of \$605,000

and over. In addition to this, we provide for 4,000 inmates at the State homes at \$100 apiece under the legislation of 1888. So that I may say the provision recommended in this bill for soldiers' homes is nearly double the ordinary increase heretofore.

One word further. We gave very great attention to the appropriations and recommendations touching the soldiers' homes. We had before us time and again General Franklin and other members of the board of managers. Let me read from the evidence of General Franklin:

The CHAIRMAN. You have four barracks at Marion now; or is it six?

General FRANKLIN. It is four.

The CHAIRMAN. Are there any others under contract?

General FRANKLIN. No, sir.

The CHAIRMAN. Are there any appropriated for?

General FRANKLIN. No, sir; there is no appropriation for any. The completion of those four exhausted the appropriation. They are completed and occupied.

The CHAIRMAN. That gives you room for seven hundred men?

General FRANKLIN. No, there is not room for that number at Marion, but only room for five hundred. There is room for one hundred and twenty-five to each barracks.

General Franklin further says:

I ought to say that you appropriated \$40,000 for maintenance of the inmates of the branch from January until June of this year, for the four hundred men that are there now. That was done by a special act, and that is now becoming exhausted. The men are living on that fund, and have been since the bill passed.

The CHAIRMAN. How many people have you there?

General FRANKLIN. Three hundred and seventy men.

Then there was a long examination following, from which it appears that they have the four barracks and four only; they have no hospital, no kitchen or mess hall, no building for quartermaster's stores. For these buildings we recommend appropriations in this bill. But it will be time for the snow to fly, and probably longer, before those buildings are completed; in the mean time these barracks have to be occupied in part by these officers.

We have recommended appropriations for two additional barracks and then we make provision for six hundred inmates, far more than there can be for half a year. But it was supposed that upon the completion of the two new barracks the number of inmates would average six hundred, taking the year round, less than six hundred for the first six months and more than six hundred for the last six months. Now, in view of these extraordinary increases which we have made, after the fullest examination, I am satisfied the recommendations of the Committee on Appropriations should be adhered to and that this amendment should not be adopted.

Mr. MARTIN, of Indiana. I ask unanimous consent to make a few further remarks upon this subject.

Mr. CANNON. That is all right.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana.

Mr. MARTIN, of Indiana. I send to the Clerk's desk to be read an extract from one of the daily papers published in the city of Marion. This article appeared about five months ago.

The Clerk read as follows:

THE SOLDIERS' HOME.

The first two barracks at the soldiers' home are approaching completion and will be ready for occupancy the 25th of this month. Workmen are now putting on the finishing touches in the way of painting and varnishing.

The third barrack is under roof and in the hands of the plasterers, and the slate roof is being placed on the fourth. The stone work is completed on the fifth and sixth, and all, except one and two, which were to have been delivered to the Government January 1, will easily be completed within the time called for in the contract.

The barracks as they are completed will be occupied. Their ordinary capacity is about one hundred and twenty-five men each, but they will be crowded by placing cots in the attic, thus giving accommodation to about one hundred and fifty men each. With the six barracks completed May 1, we will have not less than nine hundred veterans with us.

The expenses up to date will about exhaust the original appropriation, and no additional funds will be available until June 1. For the purpose of carrying on the work the board of managers has asked \$311,000, and Congressman MARTIN has introduced a bill appropriating \$250,000. Out of this amount, whatever it may be, a reasonable sum at least will be used for erecting officers' quarters.—*Marion Chronicle*.

Mr. MARTIN, of Indiana. Mr. Chairman, the board of managers of the national homes recommend \$120,000 as the amount that would be necessary for maintaining the members of the Marion Branch of the Soldiers' Home. On last Friday night, after the conclusion of our session here, I telegraphed to Messrs. Houck & Wright, prominent gentlemen of Marion, editors and proprietors of one of the daily papers there, asking them how many barracks had already been completed. I send to the desk to be read their reply, which I received on Saturday morning.

The Clerk read as follows:

MARION, IND., June 14, 1890.

Hon. A. N. MARTIN, M. C.:

General Devereux reports six barracks completed.

HOUCK & WRIGHT.

Mr. MARTIN, of Indiana. Mr. Chairman, there certainly must have been some misapprehension at the time General Franklin was before the board. These gentlemen, whose telegram has just been read, live in the immediate locality; and while I do not mean to question at all any statement made by General Franklin, here is the statement of men

whom I know personally and well, and who I know understand what they are talking about, that there are actually six barracks there about ready for occupancy. Before the fiscal year will have half run out there will be accommodations, so far as barracks are concerned, for eight hundred men.

Now, if that be true—and in that connection we should weigh carefully the recommendation of the national board for an allowance for eight hundred members at \$120 each—would it be good economy to make an appropriation of only \$90,000 for six hundred members the year round?

Mr. CANNON. Will the gentleman allow me just there?

Mr. MARTIN, of Indiana. With pleasure.

Mr. CANNON. The gentleman says that there will be eight hundred members during the year.

Mr. MARTIN, of Indiana. Provision should be made for that number.

Mr. CANNON. Suppose it was. Before this is done there will be a less number than that. Now, this appropriation is available for the entire year. There may be eight hundred for a part of the year and a less number for the remainder of the year. But in making the average, and from the very best data that could be brought to bear, the committee believe that they have made an exceedingly liberal allowance.

Mr. MARTIN, of Indiana. If the telegram just read states the matter correctly, they are ready now for the occupancy of eight hundred.

Mr. CANNON. And just there a word further. It was only last week we exhausted this whole question from the governor of the home himself, from whose report I read, and I think that it is better information than mere newspaper statements. And I submit to my friend from Indiana that with this extraordinary increase made for the inmates of the Soldiers' Home, which is sufficient, it is a question of soldiers and their relief, and not a question of how many should be had at Marion or how many at the Dayton Home.

Mr. MARTIN, of Indiana. Let me suggest to the gentleman in this connection the further fact that if an appropriation of \$120,000 is made, which is admitted will be sufficient and which I claim will be necessary, it does not necessarily expend the money if the views of the gentleman be correct. If we appropriate the money and it is needed, at the rate of \$150 per member, it will be expended under the authority of law. If it is not needed, if it is not expended, then the money will revert to the Treasury. If, on the other hand, the appropriation is not made and the money is needed, then, of course, unusual and unnecessary hardships are entailed upon these people.

Mr. CANNON. Oh, according to the theory the gentleman propounds, why not make short work of the appropriations and appropriate all of the money in the public Treasury for the public service? If it is not needed it will not be used.

The truth of the matter is, Mr. Chairman, this matter has been thoroughly exhausted, and in the views of the committee, after a most careful examination of the question, we have made liberal provision.

Mr. MARTIN, of Indiana. Will the gentleman yield for a question?

Mr. CANNON. Certainly.

Mr. MARTIN, of Indiana. Is not the manuscript from which the gentleman is reading—the printed manuscript—the statement of General Franklin made early in the spring?

Mr. CANNON. No, sir; it was made last week.

Mr. MARTIN, of Indiana. I mean about the four barracks?

Mr. CANNON. Yes, sir; it was made on the 3d of June, 1890.

Mr. MARTIN, of Indiana. I hope, Mr. Chairman, without occupying further time of the committee, the amendment will be adopted, and I ask a vote upon it.

Mr. TARSNEY. Mr. Chairman, I have heard it repeatedly stated here on the floor, during this session of Congress, that there were more than twenty thousand deserving veterans of the Union Army in the poor-houses of this country. When I heard that statement made I did not know whether it was accurate or not, nor do I know now. But if it be true or if it approximate the truth, then it seems to me that this question about whether \$120,000 is necessary to be appropriated for the maintenance of the soldiers' homes, or whether \$90,000 will be sufficient, is quibbling over a matter that this Congress certainly ought not to quibble over.

If there be twenty thousand veterans in the poor-houses of this country, they ought not to be there. That is a matter we will not dispute about, because the duty of supporting them is upon the General Government, and not upon the States or the counties. They should be the wards of the Union, and not the wards of the counties or States. And I desire to say in this House here and now that from personal observation of the Soldiers' Home at Leavenworth, Kans., I believe that \$10,000 expended for such an institution as that does more real good and is better expended than \$100,000 given away in pensions, as this House has been giving them. It is not right to stand here and inquire Will all of this money be needed during the year in these various homes? but is there likely to be a contingency arise which will require the expenditure of it? If so, it ought to be available; and if the contingency does not arise, and your appropriation is larger than needed at the time, the Government loses nothing, for it is covered back into

the Treasury to be used for any other purpose during the next fiscal year. We should be safe, therefore, in making the appropriations large enough to meet every want that may arise, for there is no more meritorious measure of appropriation, in my judgment, than this.

Mr. CANNON. A single word, Mr. Chairman, at this point. I say again, as against 11,727 people provided for in 1889, that this bill provides and appropriates for 15,500 in soldiers' homes and \$100 each for 4,000 more in State homes. A liberal provision, I think. I am willing to rest upon that.

One further statement and I will ask for a vote. That gentleman says it is well to provide liberally. I assent to that proposition. The committee assented to it, and we have done it. And I call his attention to the fact that last week this House adopted a conference report which will take hundreds and multiplied hundreds of these people out of the soldiers' homes, worthy soldiers, by giving them a pension where they now receive none. I am backed up in my statement by my own observations as well as by the views of the chairman of the Committee on Pensions [Mr. MORRILL].

Mr. TARSNEY. Will the gentleman allow a question?

Mr. CANNON. Yes.

Mr. TARSNEY. Will \$96 a year take these people from the poor-houses and support them?

Mr. CANNON. Yes; but that is not all.

Mr. PETERS. The average sum is larger.

Mr. MORRILL. It provides \$144 a year.

Mr. TARSNEY. Six dollars a month, the minimum, would be \$72 a year only, not \$96.

Mr. CANNON. And \$12 a month, the maximum, would be \$144 a year, and no man will—

Mr. TARSNEY. Are they all going to get the maximum amount?

Mr. CANNON. No man can be admitted to the Soldiers' Home unless he is disabled to such an extent that he will get \$12 a month under the new legislation; and let me say to my friend that \$144 a year, given to the soldier for his support in his own neighborhood, is better than \$150 a year expended for his support in a soldiers' home, better for the Government, better for the soldier, better for humanity, better for everybody concerned, and from every standpoint.

Mr. PICKLER. That is right.

The question was taken; and on a division there were—ayes 61, noes 61.

So the amendment was rejected.

The Clerk read as follows:

For hospital, \$30,000.

Mr. MARTIN, of Indiana. I offer the following amendment, which the Clerk will read.

The Clerk read as follows:

In line 9, strike out the word "thirty" and insert the word "fifty;" so as to make it read, "For hospital, \$50,000."

Mr. MARTIN, of Indiana. I desire now to send to the Clerk's desk and ask to have read the recommendations of the national board of managers as to the amount necessary for this branch of the Soldiers' Home.

The Clerk read as follows:

For hospital, \$50,000; for mess-hall and kitchen, \$30,000; for commissary and quartermaster's store-room, \$20,000; for officers' quarters (three), \$16,000; for headquarters, \$10,000; for laundry, \$7,500; for two additional barracks, \$46,000; for pumping-station, \$4,000; for chapel, \$7,500.

Mr. MARTIN, of Indiana. Now, Mr. Chairman, I think that with the large experience these managers of the national home have had, their recommendation of \$50,000 for a hospital at this place ought to be given very great consideration, and that the amount recommended by them, \$50,000, ought to be allowed rather than the amount which the committee placed in this bill, \$30,000. I want to call the attention of the committee further to the fact that, while there may be reason for the same, yet it is a fact that the appropriation made for the Pacific branch at Santa Monica, Cal., for six hundred members is \$90,000, an appropriation is also made at that place for the hospital of the sum of \$50,000, it being a branch of the home which I understand is no larger than the one at Marion. Inasmuch as the committee have followed the recommendation of the board in the one case (and I believe the recommendations of the board were made carefully and with a full understanding of the situation), I therefore move the amendment to increase the amount from \$30,000 to \$50,000, which will place it just the same as the amount allowed to the Pacific branch.

Mr. CANNON. Mr. Chairman. I want to say that this recommendation for a hospital at Marion for \$30,000 was after the fullest inquiry by the committee and the fullest examination of General Franklin. And General Franklin was asked, as shown by that examination, how much, for a soldiers' home calculated to take care of one thousand inmates, the reduction should be both at Marion and Santa Monica, and he said \$30,000 for the hospital at Marion, and reduced to \$50,000 at Santa Monica, the difference being in the location, no doubt, and in the cost of building. The committee, I think I may say, were unanimously of the opinion that the improvements should be made at Marion, Ind., at the new home there, and at Santa Monica, Cal., for one thousand inmates at each place, and recommended appropriations accordingly.

The amendment was rejected.

The Clerk read as follows:

For mess-hall and kitchen, \$15,000.

Mr. MARTIN, of Indiana. I offer the following amendment.

The Clerk read as follows:

Strike out the word "fifteen," in line 10, and insert the word "thirty," making it read "\$30,000."

Mr. MARTIN, of Indiana. Mr. Chairman, I desire to submit a few observations in regard to this. I know that on this particular point as well as the other the gentleman from Illinois [Mr. CANNON] has spoken of, General Franklin was examined before the committee. I have examined what he stated upon that occasion and I want to call the attention of the committee and of the chairman of the Committee on Appropriations to this fact, that he thought that the amount for this purpose should be as recommended, \$30,000, and that \$15,000 was not sufficient. He thought in the interest of health and cleanliness that the amount appropriated ought to be \$30,000 in order that it would not be necessary to divide up the members of the home into reliefs or detachments when the bell sounded for dinner or supper. The amount appropriated in this bill, \$15,000, is with the expectation that when breakfast, dinner, or supper time comes the members will be divided into reliefs, that they will have to eat as members of the first, second, and third relief, and I for my part do not think that ought to be done.

Mr. CANNON. Here is just what General Franklin did say:

The CHAIRMAN. Suppose it was the sense of Congress that you should have a mess-hall and kitchen at Marion that would require a change at least of two services at each meal instead of one service, how much would that decrease the \$30,000 estimate?

General FRANKLIN. It would decrease it one-half.

The CHAIRMAN. That would leave it \$15,000 for building a mess-hall and kitchen?

General FRANKLIN. Yes, sir; that would give a mess-hall and kitchen of about one-half the capacity for which we have estimated.

The CHAIRMAN. The kitchen is sufficient for one thousand men, but the mess-hall would be sufficient for only about one-half of that number?

General FRANKLIN. Yes.

Now, this hospital or barracks, the whole of this establishment, is intended for one thousand men, and the \$15,000 will complete the kitchen and the mess-hall.

It will build a dining-room that will seat five hundred men at one time, and I submit that that is a large enough dining-room. It is true if there should happen to be a thousand people there (and that will not happen very often) they will be required to have a first and a second table; but down here at Hampton they have now and have had for years a first, second, and third table. It takes a little longer to dine, but I submit that we have provided liberally from every standpoint, and that it is liberal enough if you have a dining-room that will seat five hundred people at one time. Time is no object there, and it makes no difference whether they all get their meals at 12 o'clock or half of them at 12 and half at half past 12.

Mr. McCOMAS. I should like to ask the chairman of the committee if he recollects the statement made early in the session concerning this matter? Statement was made by the managers that there were only fifty men at that home.

Mr. CANNON. But there has been an increase since then.

Mr. McCOMAS. An increase since February, but is not the limit six hundred men at this place?

Mr. CANNON. We are laying out a plan for a thousand.

Mr. McCOMAS. They only spoke of six hundred in February.

Mr. CANNON. I believe that is so. I want to say to my friend—and I appreciate his desire in offering this amendment—we know when we get these matters in our district, that sometimes we feel this and that and the other is due to the institution. I do not complain. I have no doubt that I would do the same as my friend does under similar circumstances. But let it be recollected that this matter of soldiers' homes is for the soldiers. It is not for the locality that it be built a little larger or a little smaller.

Mr. MARTIN, of Indiana. I desire to call attention to other language of General Franklin in regard to this matter on page 100:

The CHAIRMAN. Don't you think it is good economy, as this is a temporary work and can not last over twenty-five years, to cut down so as to seat five hundred men at a time?

General FRANKLIN. That is a question for Congress to decide. If you have one thousand men it is better to dine them all at one time. If you seat five hundred men at a time, you have got to clear off the tables, or else the other five hundred men will be eating on dirty tables, and I think decency requires, when it is possible, that all should be seated at one table.

Mr. CANNON. Suppose you read all.

Mr. MARTIN, of Indiana. You read what follows.

Mr. CANNON. I will read it:

The CHAIRMAN. This is a pretty good home at Hampton, and they do not do it there.

General FRANKLIN. It would be a good deal better if they had a dining-room big enough for all.

The CHAIRMAN. They seem to get along very well; it does not injure their health in any way.

Mr. MARTIN, of Indiana. Mr. Chairman, I appreciate, I think, as fully as does the gentleman from Illinois that this home is not intended for any locality, that it is not intended for the Eleventh Congressional district of Indiana, nor even for the great State of Indiana itself, which

sent nearly two hundred thousand gallant soldiers to battle for the Union, but it is an offering showing the good will of the people of the United States towards Union soldiers everywhere and they will come from far and near. I will state that those who have given much attention to this matter say that the old homes are crowded and that they are turning them away from Dayton, from Leavenworth, and from other homes. So it seems to me that in making this provision for a new home we ought to make it large enough to accommodate as many as we can.

Mr. CANNON. If my friend will allow me, I will read a statement which shows to the contrary. The extraordinary increase of 15,500 as against 11,000 in 1889 does not fill up all the homes by 10 per cent.

The amendment was rejected.

The Clerk read as follows:

For company and quartermaster's store-rooms, \$10,000;
For laundry, \$7,500;
For two additional barracks, \$46,000;
For pumping station, \$4,000; in all \$222,500.

Mr. MARTIN, of Indiana. I desire to offer the amendment which I send to the Clerk's desk:

The Clerk read as follows:

Amend by inserting, at the close of line 16, on page 85, the following:

"For officers' quarters, \$16,000."

Mr. MARTIN, of Indiana. Now, I desire to say a few words, and wish to call the attention of the chairman of the Committee on Appropriations particularly to this item.

Last fall, during the month of November, I visited the soldiers' home at Marion, Ind., and I found there, as is the case to-day, that although the Government of the United States is building a soldiers' home which will be for the people of the whole country, there are absolutely no quarters there worthy of the name. I found General Devereux, who is in charge there as superintendent of the soldiers' home, and the officers connected with that institution in a little old farm-house which must be forty or fifty years of age, entirely insufficient for the accommodation of the officers and entirely insufficient for office purposes, entirely insufficient in any way for carrying on the business which must necessarily be conducted in connection with this home; and I want to call the attention of the chairman of the committee to this fact.

I indulged the hope that this had been overlooked rather than that it was intentional. I think that this bill ought to provide for the building of quarters even if all the rest of the amendments, except one more which I want to yet offer, have been rejected. We are building a great soldiers' home there, though not as large as some others. We are building it there, and yet leaving it without any headquarters and without quarters or any place for the transaction of business that must be conducted in connection with that home. I feel that this home ought to be made to look as well as other homes.

Mr. WILLIAMS, of Ohio. Do I understand your amendment to be for officers' headquarters?

Mr. MARTIN, of Indiana. For officers' quarters and business rooms.

Mr. CANNON. Now, then, Mr. Chairman, the committee considered this matter, and we took good care of this whole building, as the report will show, from an economic point of view. Look here:

For laundry, \$7,500.
For two additional barracks, \$46,000.
For company and quartermaster's store-rooms, \$10,000.

We intelligently considered it. So far as these officers' quarters are concerned, by and by, when we have provided for the soldiers, we will then take care of the officers. This amendment is \$16,000 for officers' quarters. The information of the committee is that the farm-house which the officers are now quartered in is better than the average farm-house, and they can very comfortably stay there pending the time of the completion of this home. We shall, of course, make further appropriations for this home hereafter, and in the mean time the officers can be very comfortable there.

The question was taken on the amendment of Mr. MARTIN, of Indiana; and the Chairman declared that the yeas seemed to have it.

Mr. MARTIN, of Indiana. I ask for a division.

The committee divided; and there were—ayes 42, yeas 67.

So the amendment was rejected.

Mr. MARTIN, of Indiana. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 85, after line 16, insert "For chapel, \$7,500."

Mr. MARTIN, of Indiana. Mr. Chairman, I feel authorized to ask the chairman of the Committee on Appropriations to consent to this amendment, the last that I intend to offer upon this bill. Here is a soldiers' home where there will be opportunity for the accommodation of eight hundred persons, and yet there is no place for them to assemble on the Sabbath day or at any time for any purpose of worship in which they may desire to engage. It seems to me that this amendment, if no other, ought to be adopted without question, and that a chapel should be erected at that home. In this connection I want to say to the committee that the home is located about 2 or 2½ miles from the city of Marion, and, of course, at a considerable distance from any place where the inmates can have an opportunity of attending upon any kind

of religious service. More than that, it is well known to all that the old soldiers who are sent to these homes are not in a condition of health or strength to enable them to travel even 1 mile, much less 2½ or 3 miles, and I ask the committee to adopt this amendment providing for the erection of the chapel.

Mr. CANNON. Mr. Chairman, I am glad the gentleman has offered that amendment, because it gives me an opportunity to state why the committee do not at this time make recommendation of an appropriation for a chapel at this home. Later, when we get the soldiers at this place under roof, where they can be kept warm, and can get something to eat, and have wherewithal to be clothed, I think it very likely that it will be the sense of Congress to make an appropriation to build a chapel. But, Mr. Chairman, on this general question, I doubt the wisdom of the erection of a chapel at any soldiers' home that is near to a center of population where there are churches. If there is any one thing that can be justly said against soldiers' homes it is that the old soldiers are there isolated to a great extent, and that there is not sufficient contact between them and other citizens. That criticism has been made. I do not make it myself, but it has been made, and I think it would be strange if there was not justice and force in the criticism. Let me read in this connection an extract from the report of the inspector-general touching the home at Togus, in Maine, and I may add that he says he found the same state of things at the other homes. I read:

During four days' general observation of the members of this home I was deeply impressed with the irksome idleness of over one thousand men. A large number of them would leave their quarters in the morning after breakfast and wander listlessly forth hither and thither over the grounds and surrounding fields and along the roads, without purpose, like withered leaves in a languid and fitful autumn wind. Many others would lie on their beds all the day. With this long-continued lack of occupation their physical strength must dwindle and their mental powers decay. Conversations with the surgeons and officers and with some of the members confirmed this opinion.

That is the criticism the inspector makes. Now, Mr. Chairman, we have entered upon this work, but I think it would have been far better if we had given attention earlier to legislation that would have taken every one of these men out of these "homes" and surrounded them with real homes and friends; and I want to say again that, in view of this condition of things, I think their condition will be far better if they have to go out once a week, in response to the call of the church-bell, to mingle in worship with the citizens of the community at large.

Mr. MARTIN, of Indiana. I think the chairman of the Committee on Appropriations has overlooked one fact in connection with this matter. As I have already said, in order to get to any church these crippled old soldiers will have to leave the home and, without other means of travel than walking, go a distance of 2½ or 3 miles to reach church, and it seems to me that ought not to be required of them. Those who have been in the habit, as many of them doubtless have, of attending divine service from Sabbath to Sabbath, ought to have an opportunity to continue to do so.

Although this home has been opened only about sixty days, already one of the old veterans has answered his last roll-call, has gone to join the great army beyond, and when he breathed out his life at that soldiers' home there was not a place on the premises where his remains could be taken for religious service and where his companions could gather about him to pay their last respects. It seems to me that if there is an item in connection with this bill that I ought to insist upon and that the Committee on Appropriations ought to concede it is this appropriation for a chapel.

The question was taken on the amendment of Mr. MARTIN, of Indiana; and the Chairman stated that the yeas seemed to have it.

Mr. MARTIN, of Indiana. I ask for a division.

The committee divided; and there were—ayes 39, yeas 40.

Mr. MARTIN, of Indiana. I demand tellers.

Tellers were ordered; and the Chairman appointed Mr. MARTIN, of Indiana, and Mr. CANNON.

The committee again divided; and the tellers reported—ayes 43, yeas 53.

So the amendment was rejected.

The Chief Clerk read as follows:

In all, \$2,601,765.45.

Mr. CANNON moved to amend by striking out "one," in line 19, and inserting "eleven;" so as to read: "\$2,611,765.45."

The amendments were agreed to.

Mr. WILLIAMS, of Ohio. I move to amend by inserting after the paragraph just read the clause which I send to the desk.

The Clerk read as follows:

That the Board of Managers for the National Home for Disabled Volunteer Soldiers shall hereafter consist of eleven members, and the following-named persons be, and are hereby, appointed managers of the National Home for Disabled Volunteer Soldiers, that is to say: Edmund N. Morrill, of Kansas, for the unexpired term of office of John A. Martin, deceased; Alfred L. Pearson, of Pennsylvania, for the unexpired term of office of John F. Hartman, deceased; and William B. Franklin of Connecticut, John C. Black of Illinois, Augustus B. Farnham of Maine, and George W. Steele of Indiana, for the terms of office commencing on the 21st day of April, 1890, to fill vacancies occasioned by the expiration of terms of office and by the increase provided hereby.

Mr. KERR, of Iowa. I make the point of order that this is new legislation.

Mr. WILLIAMS, of Ohio. I hope the gentleman will withdraw the point of order.

The CHAIRMAN. In what particular does this change the present law?

Mr. KERR, of Iowa. I might make the further point that the proposed legislation is unconstitutional. That is a point which ought to be made by the President.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WILLIAMS, of Ohio. I offer the amendment which I send to the desk, to which I hope there will be no objection.

The Clerk read as follows:

After line 20, on page 85, add the following:

"That the following-named persons be, and are hereby, appointed Managers of the National Home for Disabled Volunteer Soldiers, to wit: Edmund N. Morrill, of Kansas, for the unexpired term of office of John A. Martin, deceased; Alfred L. Pearson, of Pennsylvania, for the unexpired term of office of John F. Hartranft, deceased."

Mr. WILLIAMS, of Ohio. This amendment provides simply for filling vacancies now existing by reason of death.

Mr. BREWER. For the purpose at least of getting some information, I make a point of order upon the amendment.

Mr. CANNON. If I may be allowed by unanimous consent, I want to ask the gentleman from Ohio [Mr. WILLIAMS] a question. I understand there are now two vacancies in the Board of Managers of the Soldiers' Homes?

Mr. WILLIAMS, of Ohio. In reply to the gentleman's question, I will say that Mr. Martin, of Kansas, who was local manager for the soldiers' home at Leavenworth is dead; and this House, the beginning of April, passed a bill naming the gentleman from Kansas [Mr. MORRILL] to fill the vacancy occasioned by the death of Mr. Martin, and also naming General Alfred L. Pearson to fill the vacancy from the State of Pennsylvania occasioned by the death of General Hartranft. It is important that these vacancies should be promptly filled; and the Committee on Military Affairs have agreed on the selection of these two gentlemen.

Mr. FARQUHAR. The bill which we passed is in the Senate.

Mr. WILLIAMS, of Ohio. It is; but it has not been acted on, and we do not know when it will be.

Mr. SPINOLA. These are the two names agreed upon by our committee?

Mr. WILLIAMS, of Ohio. They are.

Mr. BREWER. I call for the regular order.

Mr. CANNON. I do not make any point of order.

Mr. SAYERS. I renew the point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. SAYERS. That this is new legislation on an appropriation bill.

The CHAIRMAN. The Chair desires to inquire where the appointment of these officers now lies.

Mr. CANNON. As I understand, it lies with Congress. I am speaking from general recollection. I know that from time to time the Committee on Military Affairs have reported resolutions making appointments or changes in the management of this board. My understanding from the gentleman from Ohio [Mr. WILLIAMS] is that there are now two vacancies, and that in view of this fact the Committee on Military Affairs recommended the appointment of our friend from Kansas [Mr. MORRILL] for the Kansas vacancy and General Pearson for the Pennsylvania vacancy. I know this mode of appointment has been the practice, but I have not examined the law. Gentlemen of the Committee on Military Affairs, I suppose, can speak as to that.

Mr. PETERS. I think this amendment does not change existing law at all. It is simply a provision for filling vacancies.

The CHAIRMAN. The appointment of these officers, as the Chair understands, is vested by law in Congress.

Mr. CANNON. These appointments, I have been informed, are made by Congress.

Mr. KERR, of Iowa. I do not see how they can be.

Mr. BAKER. These appointments are recommended by the Committee on Military Affairs.

The CHAIRMAN. The Chair overrules the point of order. The question is on agreeing to the amendment of the gentleman from Ohio.

The question being taken, there were, on a division (called for by Mr. BYNUM)—ayes 50, noes 36.

Mr. BYNUM called for tellers, but withdrew the demand.

So the amendment was adopted.

The Clerk read as follows:

Back pay and bounty: For payment of amounts for arrears of pay of two and three year volunteers that may be certified to be due by the accounting officers of the Treasury during the fiscal year 1891, so much thereof as may be necessary is hereby appropriated.

Mr. SAYERS. Mr. Chairman, I move to strike out in the fourth and fifth lines the words "so much thereof as may be necessary is hereby appropriated" and insert in lieu of it "\$350,000."

Mr. Chairman, the gentleman from Illinois, in charge of this bill, in his opening remarks gave to the committee as the amount that the bill carried the sum of \$27,975,143.22. It occurs to me that in making his aggregate he did not take into consideration or include in the sum total of the appropriations recommended the expenditures which are con-

templated by the item under consideration and also by the three items which follow.

The policy suggested by the majority of the committee, as it appears in this bill, reverses the policy which has existed heretofore in regard to this character of appropriations, and which has been pursued in the framing of these bills for the last sixteen years. We are called upon now, instead of making a definite appropriation, to give to the accounting officers of the Treasury authority to disburse money without regard to a supervision by Congress as is now provided by law. It seems to me that this is a most unwise policy. In my judgment it is not a proper system of framing an appropriation bill, and would be unwise for the House to adopt. I think the better plan would be to adhere to the policy which has obtained since 1874, and make this a definite appropriation, as it should be. We are informed that the estimated amount which would be required for this item is about \$350,000 for the next fiscal year, and adhering to the policy heretofore pursued, it will be better and wiser to insert the actual amount in the bill, and also definite instead of indefinite sums, as is proposed in the three following items.

Mr. DOCKERY. Mr. Chairman, I desire, in accordance with the understanding had with the chairman of the Committee on Appropriations, to speak without limit. I will not occupy any considerable time, but prefer this request, as I may desire to occupy more than the five minutes allowed under the rule.

The CHAIRMAN. In the absence of objection, the gentleman will proceed without limit.

There was no objection.

Mr. DOCKERY. Mr. Chairman, the minority of the committee object to the indefinite appropriation provided in this bill and found on page 86. Instead of appropriating a specific and definite amount for back pay and bounty the bill carries an appropriation in the following terms:

So much therefor as may be necessary is hereby appropriated.

The committee will remember that this new departure in respect to appropriations for the payment of this class of claims was inaugurated when the urgent deficiency bill was under consideration at the beginning of this session, and that the change led to some considerable discussion. At that time a point of order was made against a similar provision in the deficiency bill for the reason that it changed existing law. After a somewhat protracted discussion the chairman of the Committee of the Whole waived his right to pass upon the question and gracefully referred it to the committee, where, by a bare majority vote, it was decided that the form of the appropriation was in order under the rules. Now, Mr. Chairman, I desire to call the attention of the committee to the law relating to this class of claims. The law provides that—

It shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of said section (section 5), and the Secretary of the Treasury shall report the amount due each claimant at the commencement of each session to the Speaker of the House of Representatives and the Presiding Officer of the Senate, who shall lay the same before their respective Houses for consideration.

Mr. Chairman, that is the language of the law which was enacted June 20, 1874, and the policy of definite appropriations has continued from that date until the beginning of this session. These back-pay and bounty claims have first been audited by the accounting officers of the Treasury and then certified under this act to Congress for "consideration." Of course, Mr. Chairman, the language of the statute, "for consideration," necessarily carries with it the right of approval or of rejection. The word "consideration" can mean nothing else, and such consideration must of necessity precede payment. For sixteen years that was the construction of Congress under all administrations. When the urgent deficiency bill was being considered the minority of the committee earnestly opposed the change then made under the circumstances to which I have already adverted. The issue then presented is the same issue involved in the items under consideration.

Our contention is not as to the propriety of the payment of meritorious claims, but that the law which requires the supervision of Congress before payment should be adhered to, whilst at the same time a definite appropriation should be made for the payment of this class of claims, after the "consideration" required by the statute. The act of June 20, 1874, was prepared by the Treasury Department under the direction of the Secretary of the Treasury, and its intent was to provide an additional safeguard for the Treasury. These indefinite provisions, found on page 86, in fact repeal that provision of the law which requires "consideration;" and therefore the certification to Congress can only be for information, inasmuch as it would be entirely profitless to consider these claims after they had been paid.

No one on this side of the House, Mr. Chairman, objects to the payment of any claim which shall have been found under the statute to be meritorious, but we simply insist that the law, which has received the approval of every Secretary of the Treasury since its enactment, shall be maintained in its integrity. Its operations have been wholesome and have heretofore prevented the payment of unauthorized and fraudulent claims. Some few years since, as gentlemen will remember, over \$100,000 of what were called "insurance claims" passed the audit-

ing officers of the Treasury, and but for the safeguards of this statute these fraudulent claims would have been allowed and paid.

Mr. Chairman, if the law which has heretofore required the supervision of Congress is to be ignored and disregarded, I shall at least insist upon the continuance of the policy of making definite appropriations. The people are entitled to know the exact amount of their Governmental expenditures.

Mr. Chairman, the gentleman from Texas [Mr. SAYERS], a few moments since, invited the attention of the chairman of the Committee on Appropriations to the fact that the amount reported carried in this bill, as found on page 97, is \$27,926,000, when in fact it is very much more than that total. To speak plainly and come directly to the issue involved I will say that the effect of these indefinite appropriating clauses in the urgent deficiency bill and the bill now being considered is to conceal and take from the aggregate of the appropriations for the current fiscal year, and until after the November elections, the sum of \$1,092,000.

According to the estimates of the Treasury Department there was concealed in the urgent deficiency bill \$390,000. There is concealed—and I use the word in the sense that it does not appear in the total—there is concealed in this bill, for payments of arrears of pay for two and three year volunteers, \$350,000; there is concealed in this bill for the amount due for bounty to volunteers \$300,000; there is concealed in this bill under the bounty act of July 28, 1866, \$30,000; there is concealed in this bill for commutation of rations \$22,000.

These amounts are the estimates of the Treasury officials and are more likely to be under than over the actual expenditures. There is, therefore, concealed on page 86 of this bill, which amount does not appear in the sum total of the appropriations for the next fiscal year, \$702,000. In other words, instead of this bill aggregating \$27,926,000, as stated by the chairman of the Committee on Appropriations, the aggregate ought to be stated at \$28,628,000, or \$702,000 more than it is.

So that, Mr. Chairman, the effect of these indefinite clauses is to withhold from the people of the United States until after the elections information showing that the aggregate expenditures are \$1,092,000 greater than they purport to be on the face of the bills. I know, Mr. Chairman, that the exigency of our friends on the other side is somewhat great, and I sympathize with the chairman of the Committee on Appropriations in his efforts to stay the tide of extravagance and prevent an unusual increase of appropriations. We have all witnessed how day after day, in that aisle over there, he has protested against the extravagance of his own party, and it is in view of his economic loneliness that I have been coerced into a measure of sympathy; but I can not, Mr. Chairman, go to the extent of following him when he proposes to conceal by indefinite legislation the appropriation of \$1,092,000 of the people's money. We have witnessed, Mr. Chairman, not only the economic stress of my friend the chairman of the committee [Mr. CANNON], but we have been lookers on at the unusual enforced financial restraints manifested along the whole line of the Republican party.

Mr. Chairman, there has been a marked change in the attitude of that party in respect to some measures. We all remember that about eight days of the last session were occupied by the Republican Representatives in attempting to pass a bill which provided in round numbers \$18,000,000 in what is known as the direct-tax bill. Yet, notwithstanding the zeal of our Republican friends on that occasion in behalf of this measure, it is a matter of great comment that not one of them in this Congress has risen to urge the passage of the bill although its importance was deemed such as to entitle it to recognition in their last national platform. This inattention and neglect of the direct-tax bill probably results from the fact that the appropriations of the present session under the most economic management will be very largely increased over the last Congress.

Mr. Chairman, it is not my purpose at this time to estimate what that increase will be, but it is understood that it will be very great. I have referred to the direct-tax bill. There is the Blair bill also, and other bills carrying enormous sums of money that were urged by the Republican party in the last Congress, whilst the Democratic side of the House was censured for not passing them; and yet, after seven months of the present session have passed, not a gentleman on that side of the House has uplifted his voice either in behalf of the direct-tax bill, the Blair bill, or any other of these bills that were so strenuously urged by the Republican party during the last Congress—

Mr. BLAND. The French spoliation claims.

Mr. DOCKERY. My friend from Missouri suggests the French spoliation claims. Why, Mr. Chairman, we all recollect how the present Speaker of the House, then the leader of the minority, stood on that side of the Chamber and hour after hour urged upon my friend from Texas [Mr. SAYERS] that he should consent that the provision providing for the payment of those musty, antiquated, century claims have a place in the deficiency bill. For seven months the Republican party has exercised arbitrary control over this body, and yet no member has insisted on the payment of these French spoliation claims. We all understand the reason for this inaction—a wholesome fear of the people. I apprehend that our Republican friends are just as anxious as they ever were to pass those old, questionable claims, the direct-tax bill, and the Blair bill; but, confronted as they are with rules which

permit an uninterrupted passage-way to the Treasury, the leaders of that side have been intimidated and coerced by the strong probability of a Treasury deficit, and have therefore reluctantly consented that some of those measures should go over to the short session of Congress which will be held after the fall elections.

Mr. McCOMAS. Do I understand my friend from Missouri to be indicting the Republican party for extravagance, and sustaining his indictment by a list of appropriations that they do not make?

Mr. DOCKERY. I think my friend does not misapprehend my position. I am arraigning the Republican party for hypocrisy upon these public measures. [Applause on the Democratic side and cries of "Oh!" on the Republican side.]

Mr. McCOMAS. I understand, then, that you are going to relieve the Republican party from the charge of extravagance.

Mr. DOCKERY. I wish that I could relieve the Republican party from the charge of extravagance, but their record forbids such generosity and leniency. It is true that no attempt has thus far been made to pass the direct-tax bill, the Blair bill, or the French spoliation bill—

Mr. RICHARDSON. Or the subsidy.

Mr. DOCKERY. But the subsidy is with us. It will be passed shortly. But even deducting the enormous sums embraced in those measures, the appropriations will still be very burdensome, and the chairman of the committee [Mr. CANNON] in his frank and honest way will doubtless so state when he gets the floor.

Mr. McCOMAS. Does my friend take into that amount the enormous deficiencies that have come to us as a legacy from the last Administration?

Mr. DOCKERY. I know of no deficiencies that were made by the last Administration that are unusual or extraordinary. I trust that the gentleman does not refer to the deficiencies that come to this Congress that were made by bureau officers in violation of law and which have led to their removal.

Mr. McCOMAS. I will take occasion soon to recite to my friend a list of the deficiencies that came to us as a legacy from the last Administration. I will recount to my friend and bring them to his memory a little later.

Mr. DOCKERY. Very well; I hope my friend will explain some of these deficiencies, because they require explanation. The country desires information.

Now, Mr. Chairman, let us return for a moment to the item under consideration. We desire to appropriate for back pay and bounty every dollar that the Treasury Department estimates is necessary.

In this view my friend from Texas has offered an amendment providing the \$350,000 that the Department estimates for pay of two and three year volunteers, and it will be followed up by other amendments which will provide the full estimate. It can not be, Mr. Chairman, that the object of this appropriation is to afford speedy payment, because the minority propose to appropriate \$702,000, which is all the Department estimates is necessary.

And now, Mr. Chairman, but a single further word in conclusion. Before this money can possibly be expended Congress will be in session again, and if the Department officials find they have underestimated they can send in a supplemental estimate, so that we can amply provide for any deficiency likely to arise.

Mr. CANNON rose.

Mr. SAYERS. I desire to ask the gentleman from Illinois a question.

Mr. CANNON. Certainly.

Mr. SAYERS. I call the attention of the gentleman from Illinois to the four items of appropriation designated and I would ask him how much he has estimated will be involved in these four items of appropriation.

Mr. CANNON. The four that are now being considered?

Mr. SAYERS. Allowances for back pay and bounty, and for the commutation of rations.

Mr. CANNON. It is estimated that it will take at least \$702,000.

Mr. SAYERS. Does the gentleman from Illinois include that amount of \$702,000 in his amount as estimated of \$27,926,143.22?

Mr. CANNON. Oh, no, sir.

Mr. SAYERS. It is an addition, then?

Mr. CANNON. Yes, sir.

Mr. Chairman, I have only a word or two to say. Gentlemen will recollect that for many years heretofore items audited in the Treasury Department for payment of soldiers of the late war for back pay and for bounty and for commutation of rations have been certified to Congress. They have passed the accounting officers, and then awaited appropriations. So that frequently as much as ten or twelve months after the amount has been ascertained the soldier gets his money. Members of Congress, I apprehend, have gotten letters, just as I have, where they are informed that this amount is due them and that it can not be paid until appropriations are made by Congress.

The old soldiers write us and say: "For God's sake why can not we get our money? We have waited for a quarter of a century, after earning it in the heat of battle and on the long march. Now we are entitled to it, and we only want our money, and the money is in the Treasury." Now, in view of that fact, on a deficiency bill during this

session of Congress we appropriated some of this money—an indefinite sum, sufficient to meet all that class of claims for the balance of this year, ending June 30, which is just in front of us.

This is to provide every dollar that is needed, whether it is great or small; whether it be \$500,000, or \$700,000, or \$1,000,000, or \$2,000,000—whatever is needed is made available by this provision to pay back pay, bounty, and commutation of rations, as the accounting officers of the Treasury shall find it due. The very moment they find it due, if we enact this law, whatever may happen, the soldier will get his money.

Now, the gentleman from Texas criticises this provision. It was settled after a determined contest that this was right, and I only ask the House to do on this bill for the coming year what we have done for a part of this year in the deficiency bill in this exact language.

Mr. SPRINGER. I would like to ask my colleague a question.

Mr. CANNON. Certainly.

Mr. SPRINGER. Whose fault is it that these accounts have remained unadjusted for twenty-five years—the gentleman has said that they have been pending for a quarter of a century?

Mr. CANNON. I will say to my friend in part by the fault of Congress and in part by the fault of the soldiers, because the soldier, like everybody else, must make application for that which is due him before it is paid. I will say it is not worth while to endeavor to say whether the most of the fault lies in Congress or not. I have no desire to do that. I think that in the Second Auditor's Office some years heretofore the appropriation for the clerical force has not been as much as it ought to have been.

Mr. SPRINGER. These accounts embrace pay of soldiers and bounty provided for under the act of July 28, 1866, and accounts for commutation of rations.

Mr. CANNON. Precisely.

Mr. SPRINGER. It seems to me that Congress is at fault for allowing these claims to remain unpaid for a quarter of a century. I do not know how much of the fault lies with the soldier for his failure to make his claim; but it does seem to me very strange that the accounting officers of the Treasury Department have not been able to adjust these accounts during these many years. Many of the persons have died in the mean time and will never get the benefit of what is due them. I do not object to making this appropriation, but what I complain of is that they ought to have been paid at least twenty years ago. There ought to have been something to stimulate a man to make his claim, and there ought to have been a statute of limitations requiring him to make it within five years, or he should thereafter be forever barred. These cases are coming in now every day, and while the work is going on it seems to me that the gentleman can not do better service than require that all these cases be filed within a certain time in order that there can be an end to it some time in the future.

Mr. CANNON. If my friend will allow me, in reply I will state I am not anxious for any statute of limitations for the men who earned this money in the Army a quarter of a century ago, or to their legal heirs. Now, I am glad to welcome my colleague [Mr. SPRINGER] as a recruit in favor of this provision of the bill. It is not necessary to say at this time whose fault it is that those claims were not paid before, paid when they were audited, as they were not this year until we made the deficiency appropriation. But it would be my fault and the fault of my colleagues if every dollar of these claims that are audited during the next year was not to be paid as soon as audited, and if this provision stands they will be paid. Now, Mr. Chairman, that is all I want to say in favor of this provision. I think the House understands it. It has been fought over and settled very fully on the deficiency bill.

One further word. I do not design at this time to speak in reply to my friend from Missouri [Mr. DOCKERY], my colleague upon the committee. I thank him very heartily for his, in the main, hearty and earnest co-operation in the preparation and passage of this bill so far, and I have the same to say of the gentleman from Texas [Mr. SAYERS]. I want to thank them both for the substantial support that they have given to me and to this side of the House in the passage of the bill through this Committee of the Whole up to this time, because, when the gentleman from Indiana [Mr. MARTIN] and various other gentlemen on that side have offered amendments increasing the bill, and I have resisted them as best I could, my friend from Missouri [Mr. DOCKERY] and my friend from Texas [Mr. SAYERS] have stood up and voted with me. They did it because they knew it was right, but they were awfully lonesome on that side of the House. [Laughter.]

Mr. SAYERS. Will not the gentleman go further and state that the gentleman from Missouri [Mr. DOCKERY] and the gentleman from Texas [Mr. SAYERS] proposed in committee to reduce the amount of this bill much lower than it is now?

Mr. CANNON. I think not. I think there has been no difference of opinion between the two sides of the Committee on Appropriations except upon these items, and possibly one other that is to follow, and the criticism on the other item, as I understand it, is that we have not made it large enough.

Mr. SAYERS. Were not the gentleman from Missouri [Mr. DOCKERY] and myself always found voting in committee for the lowest appropriations?

Mr. CANNON. I understand that as to the appropriation for the Public Printer my friend claims that it is not large enough.

Mr. SAYERS. When we get to the Printing Office item we will talk about it.

Mr. CANNON. But I will say of my friend from Texas [Mr. SAYERS] that he has done his work conscientiously in connection with the preparation of this bill, and he and I have not disagreed seriously about it. He has done his work well and has done it from a non-partisan standpoint. But, Mr. Chairman, I was calling attention now, by way of reply to my friend from Missouri [Mr. DOCKERY], who has been rather severe in his criticism, to the fact that I felt disposed to thank him for his personal attitude in this matter, and I repeat that I have been thankful to him from time to time and also to the gentleman from Texas [Mr. SAYERS] for the support which they have given me in carrying the bill through this Committee of the Whole, especially because, as I have already said, they were quite lonesome upon that side of the House.

Mr. DOCKERY. I suppose the gentleman from Illinois has shared somewhat in that sense of loneliness. [Laughter.]

Mr. CANNON. No, I think not. I think my friends have stood by me pretty well, including the gentleman from Missouri [Mr. DOCKERY].

Now, Mr. Chairman, I have no doubt that it always will be the case that members of Congress will have to be industrious and vigilant and firm to see that the public money when it is taken from the Treasury shall be appropriated for legitimate objects and in proper amounts. We have had to do that this session, we have had to do it in every session that I have served here, and I have no doubt that it will always have to be done. We are here for that purpose, to appropriate for worthy objects, to refuse to appropriate for unworthy objects, and to make economical appropriations. I think that when this Congress adjourns we shall be able to say that we have not made extravagant appropriations. It looks to me that way now. So far there is not much that can be complained of, and I believe the majority of this House will so work it out to the end. When it is all over and the curtain is about to ring down upon this the first session of the Fifty-first Congress, then it will afford me great pleasure to meet my friend from Missouri [Mr. DOCKERY] and post books and see what we have done.

Mr. DOCKERY. We are keeping accounts.

Mr. CANNON. In the mean time I would be glad to have this amendment voted down.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I am very much interested in this amendment because of the principle involved, and I regret that it arises out of an appropriation which makes an appeal to a sentiment which may obscure the real principle involved. I do not think there is any duty or power imposed upon or granted to this House more important than its supervisory power over the action of executive officers prior to the payment of the claims found due by those officers. The power of the purse, primarily given to this House, and its power of supervision over the action of the Executive Departments, constitute the largest ordinary duty and the most important that is given to it. I say "ordinary," because there are times of extraordinary emergency when the permanence of the Government and the maintenance of our institutions may be involved; but in the daily routine of work, in the ordinary exercise of our duties, there can scarcely be a more important function than the exercise of control over executive officers, that the condition precedent to their expenditure of the public money shall be our warrant. It is not merely, as my friend from Missouri [Mr. DOCKERY] suggests, the question of definite or indefinite appropriations, but, in addition, it is the surrender of the power of supervision over the claims to be paid by the executive officers; and if the question arose upon any other matter than a payment to the soldiers of the late war, I venture with great respect to suggest the observation that there would not be a gentleman of this House who would cast his vote for this bill in its present shape.

But there seems to be a feeling on the part of many gentlemen here that if we touch any question connected with those who served in the late war it immediately becomes exceptional, and when the precedent is once made it may be applied to many other matters. The gentleman from Illinois [Mr. CANNON] of course has not examined this question very carefully or he would know that the statute of limitations had long since been applied to certain of these classes of claims and had been removed, and is now temporarily suspended under the provisions of the act of August 13, 1888.

During his term of service here, and, so far as I know, without any opposition from him, the statute of limitations as to certain of these claims was enacted, and afterwards was suspended for a period of only three years.

But this does not really touch the issue involved in this amendment, which is, shall Congress supervise the action of the auditing officers of the Government? I urge that we ought to do it in all cases, and the objection I have to this amendment is that it does not go far enough. It makes the appropriation definite instead of indefinite; but, if we could have carried that proposition, it ought to have gone one step further.

The other objection urged by my friend from Missouri is, of course, one which ought to receive the consideration of the committee. This is a mode by which appropriations are made without being estimated

and revealed in the act making them; it is a mode by which appropriations are enacted and the amount concealed—a mode by which executive officers are granted authority to pay out the public money without the people knowing the extent of the authority thus granted. We ought never to pass an appropriation bill that does not bear on its face, not only the object of the appropriation and the nature of the expenditure, but the amount to be expended, so that this may be clearly understood by those whom we represent. Of course there are permanent appropriations which, within certain narrow margins, are indefinite; but they are comparatively few, and the margin within which they are indefinite is small. For instance, the permanent appropriation for the payment of the interest on the public debt, which is a mere matter of calculation, and that for the payments into the sinking fund. These two items make up more than \$90,000,000 of the permanent appropriations of \$101,000,000 or \$102,000,000, and in the main the other items are substantially of a character easily ascertained. These matters of indefinite appropriation ought to be reduced to the narrowest possible limit; they ought to be made as simple, as direct, as distinct as possible.

There is room for practical reform here, for careful and wise legislation. It is possible that there is necessity for certain permanent and indefinite appropriations; but they ought to be very few, the necessity therefor clear, and even then Congress ought to require strict accountability for their proper expenditure. It is, perhaps, unfortunate that we do not more carefully examine and scrutinize these permanent appropriations, and I do not doubt that they could be materially reduced to the betterment of the public service.

Mr. Chairman, the legislation here proposed is in line with the abdication of the powers of the House which has been going on during the whole of this session. It would seem as though our friends on the other side want to impair every dignity and power of the House, as far as lies within their power, whenever our prerogatives come in conflict with the functions of any other branch of the Government. Who would have expected to see two of the most eminent Republicans on this floor justify votes for measures which their consciences condemned and their judgments disapproved, because they look to the Senate to repair the wrong, the want of wisdom, the folly, and the despotism of this House?

Who could have foreseen that the great question of currency would have been decided by this House upon the avowal, openly made, that the judgment of the House was not the judgment of the people; that the enactment of the House was not in accordance with wisdom, but that the dictates of a party caucus required that the measure pass the House that it might be corrected by the judgment of the Senate? Who could have expected to see a great measure involving the raising of revenue—taxation in the name of the tariff—passed in this House by the vote of gentlemen who openly admitted that it was not in accordance with their best judgments or with their sense of statesmanship, but that they united with the majority because they hoped it would be so amended in the other end of the Capitol as to make it endurable?

Now, when we have presented to us the question of making the Executive Departments observe the law, when we are passing an appropriation for the purpose of having these executive officers spend the money under our control, we propose on the very face of the enactment to abdicate to these executive officers the power of supervision of expenditures as we have abdicated to the Senate the power of deliberate legislation.

One of my friends on the other side speaks of deficiencies. Mr. Chairman, it has not been assigned to me until this session of Congress to study with particularity questions of appropriation. I do not profess yet to understand them. I have voted with great reluctance during my term of service for certain deficiency bills. I shall, as a member of the Committee on Appropriations, try to be just and liberal as to such measures, no matter by what officers the deficiencies may have been made, for, whoever may be in power in the administration of the Government, this is my Government; and its honor, its integrity, the payment of its debts of every sort, are as dear to me as if the officers charged with executive duties belonged to my party.

But I want to say that I think this whole question of deficiencies runs along with this very species of appropriation. We permit the law to be violated by executive officers. We undertake to measure in our appropriation bills the amount that shall be expended, and that should be the measure of the manner in which the executive officer discharges his duties. In the teeth of the law, in defiance of the action of Congress, the officer makes these deficiencies. Whether he be Democrat or Republican the case is precisely the same in my eyes. It is in violation of the spirit of the law.

The excuse that he could not do the duty assigned him without creating the deficiency is an excuse which simply means that he feels he is above Congress and his judgment higher and wiser than the law of the land. And I listen to appeals for deficiency bills, I confess, not only with a certain spirit of reluctance, but with some spirit of responsive indignation; and these deficiencies, whether created under the last Administration or under the present Administration, are simply arguments in favor of our putting into this bill and other bills of like character limitations upon the power of the executive officers instead of extend-

ing their powers and giving them greater authority and concealing the amounts involved.

I presume, sir, as a matter of fact that there will be in the future as there have been in the past deficiency bills required. Some of the items embodied will be just. Some have already been passed that met my approval; as, for instance, certain appropriations for the Printing Office, where the preceding estimates can not well be made, and there must be some degree of flexibility about such appropriations. But in the larger number of cases the claims presented have been simply deliberate violations of law by the head of a bureau or the chief of a Cabinet Department who expects us to supply that deficiency because of our sensitiveness to the honor of the Government that the debts which it has created shall be promptly paid.

I take it for granted that under this Administration the same thing has gone on that we have seen under other Administrations for the last thirty years. I am not speaking in the spirit of the partisan only. I am a partisan, and I do not put on any airs about it. I do not pose in the attitude of a Liberal who is almost a Republican. I never was near unto being a Republican in my life, and what I have witnessed during the last seven months would have utterly obliterated any tendency which I might possibly have possessed in that direction. [Laughter.]

But what I mean is this, that ever since the war, if not before, and notably in the last twelve or thirteen years when these things have been carried on with rather more than ordinary indifference to the law, with a completer belief that we will make it up, there have come demands upon Congress for deficiencies charged to former Administrations, and accompanied with all the excuses that we will hear or have heard in the past. But it does not change the essential principle that the House of Representatives ought to hold that power which it is abdicating day by day and which it is proposed in this bill to make another abdication of, and which it is prepared to surrender in that deficiency bill which will be reported in the next few weeks.

Take, for instance, as an illustration, that department which is the largest in expenditure and the most sensitive to criticism—that of Pensions. I heard my friends on the other side of the House criticize the last Administration because it estimated that the Pension Department would require only a certain amount when the deficiency turned out to be over \$21,000,000. The last Pension Commissioner—and he is safe from any criticism of mine, except that which is absolutely official, for he who bears upon his person the pathetic marks of so much gallantry shown in support of the cause in which his heart was enlisted is sacred from any personal criticism—conceived that he had the power to use the appropriations of 1889-'90 to pay the deficiencies for 1888-'89 utterly without law, absolutely without warrant of law, simply taking the money that Congress had appropriated to one year and applying it to the preceding year, an action which was illegal and in defiance of law. The estimate which was made by the present Commissioner, who is certainly one of the most capable men who has appeared before the committee of which I am a member, upon which we based the deficiency bill for \$21,500,000, has turned out to be a mistake.

He estimated before the committee in January or February that the deficiency would require, in round numbers, twenty-one and one-half millions of dollars. That amount was appropriated, and we have already passed another deficiency bill for over \$3,000,000, and unless I am mistaken that amount will be found not sufficient. It ought to have been much larger and he will have to violate the law by taking out of the appropriations for next year certain amounts to pay for that which ought to be appropriated for this year.

Mr. DOCKERY. And he virtually admits it.

Mr. BRECKINRIDGE, of Kentucky. It was virtually admitted, as my friend from Missouri [Mr. DOCKERY] says.

But the gentleman at the head of that bureau knows—and I speak it with respect to the House—he knows that the House dare not investigate the Pension Bureau. He knows that the House dare not treat that bureau as it would treat any other bureau of the Government; he knows that the House is afraid of what it supposes to be the popular sentiment upon that question. He believes he can again violate that law with impunity. He believes that his department is above the law of the land.

So he and his predecessor, and probably the predecessors of that predecessor running back for years, have not hesitated and do not hesitate to violate the law and use the appropriations of one year for the expenditure of the preceding or subsequent years, and then demand from Congress—for scarcely a word less absolute than "demand" describes the manner in which such requests are submitted to Congress—demand of Congress to make it up, with an absolute certainty that the demand will be complied with.

Now, sir, I think this ought not to be carried further. If gentlemen think that there are influences which require of them that treatment of that particular department, then confine it to that exclusively and do not let us carry it into any other department of the Government. It is not a question of party politics. It is a question affecting the right and dignity and power of the House and its relations to the Executive Departments of the Government. It is one that we can not afford to ignore.

What interest has any representative statesman—and I am not

speaking now of the ephemera that appear at every election and who hold their seats in this body under a commission of their people for temporary service, with the knowledge of their people that it is to be but temporary— but speaking of the men who largely control the House, men who have been here for years, gentlemen like the chairman of the Committee on Appropriations, who has borne the commission of his people for eight or nine terms, what interest have such men in concealing or attempting to conceal from the people what is in appropriation bills?

What interest have such men in playing the petty game of politics in the handling of the public money coming into the Treasury from the coined sweat of the labor of the people? It is a mistake, by whomsoever made, by whatever party, at whatever time. The franker we are with the people, the more open we are in our dealings with them, the more confidence we repose in their judgment, their patriotism, and their wisdom, the more they will repose their confidence in us and the greater will be their affection for us.

Why, then, is there any necessity to hide in the provisions of this bill a million of dollars? Why attempt to sugar-coat it by an appeal that it is for the soldiers who fought twenty-five years ago? Let us frankly say to the people, "These are the objects not of bounty but of justice. We promised to pay these. They have been slow in making their claims. We have been tardy in auditing their claims. We will see to it that they are paid, but we can not use these claims to make a precedent by which corrupt parties in possession of the House of Representatives may conceal appropriations. We will not use this exceptional case as a precedent to give power to bureau officers. We will not use it to impair the dignity of the House and lessen its power." And, my word for it, the very objects of the appropriation will be those who will most commend that action.

Mr. Chairman, we are now nearly at the end of seven months of this session. A remarkable and unique session it has been. Under a system of rules which gives to the minority no right of amendment on any of the great measures that have been before us, bills have been passed; not under that system of rules merely, but under a series of gag rules brought in by the Committee on Rules, governing nearly all the matters which have been considered by this House. The tariff bill, the silver bill, the bill reorganizing the judiciary of the United States, taking from the circuit courts their jurisdiction, conferring upon the district courts vast and new jurisdictional powers—that bill was passed within an hour and a half—have been passed under special rules framed to prevent amendments, to suppress deliberation, to prohibit true debate, and render representative independence impossible.

I do not complain of this. I am not saying this in a spirit either of censure or criticism; but I am using it as an argument that in this Committee of the Whole we should reserve the power of amendment, that in the action of this peculiar and ancient committee, which from the very foundation of parliamentary liberty in Great Britain has been the body where the spirit of freedom has resided when questions of taxation were under discussion, that in this body we should not abdicate our power. Do not let us, for any supposed temporary party advantage, give up our duties or surrender them to the executive officers of the Government. And so far as I am concerned, taking advantage merely of this particular amendment to utter this argument, germane to it and to every other form of legislation like unto it, I desire to ask the committee, in all seriousness, not to stoop to this particular form of evil legislation.

We are going to change the Administration. I do not mean to say that it is going to be Democratic next time, merely. I think it is more than likely that it will be; otherwise I would have a very poor opinion of the wisdom of the American people, and would have a very lofty opinion of the power of the "fat" that is "fried out;" but what I mean to say is that all these parties are in a broad sense of the word temporary. Some of us who are old enough have seen the Whig party go to destruction and have seen the Democratic party divided and lose power. We will live to see new persons in power, new questions coming into this House, new alignments of men and States and sections; but we will never see the end of a dangerous precedent.

We will see the personnel of the Government changed. We will see the alignment of parties readjusted upon new issues. We will see States break away from their sectional connections into new combinations, like the elements of a kaleidoscope, making new pictures by the turn of the hand of fate and under the power of a Supreme will; but we will never get rid of the influence of a dangerous precedent, of an admission of power in any other department of the Government. The impairing of our powers gives to the next generation who may want to belittle the House of Representatives the value of our name and the advantage of our character. When in another Congress some Representative is resisting, as I do to-day, this sort of legislation or something like unto it, he will be answered with the statement that in the better and purer days of the Republic the gentleman from Illinois [Mr. CANNON], canonized then by death and sanctified by forgetfulness of all but his good qualities, did this thing, and if he could do it, they could afford to do it too. [Applause on the Democratic side.]

My friend from Maryland [Mr. McCOMAS] and my friend from Kansas [Mr. PETERS], who, I am sorry to see, is going out of public

life, attired not only in the beauty of their present vigorous manhood, in all the gracefulness of their present eloquence, but with the added beauty which is given by that distance which lends enchantment to the view, will be described as the statesmen who, under august and earnest debate, gave their sanction to the principle that the appropriating power of Congress was not the supervision of expenditures, but was merely to hand the public money over into the hands of the auditing officers to be paid without regard to any further action by Congress.

And it has been so from the beginning. Everything ever done in this House to the injury of liberty, that hurt our institutions, that twists the nature of our Government, that gives new power where it ought not to be given and where it has not been conferred by the Constitution, is defended and justified by some former precedent, something no larger than this, but of the same nature. Therefore to-day I plead not merely for this small appropriation of a million of dollars; for what is a million of dollars in a Government that expends four hundred millions of dollars a year? What is a million of dollars? A mere drop in the bucket; nay, no larger than the dew-drop that in the morning sparkles in the sun, compared with \$170,000,000 that we pay for pensions, and the millions upon millions that are crowded into other expenditures which are made at the demand of those who have selected Representatives. It is not for this paltry million of dollars that I plead to-day, but it is for the establishment of another precedent that the power of the purse does not mean an appropriation of money only, but means the supervision of the expenditure which is appropriated for in our bill. [Applause on the Democratic side.]

Mr. PETERS. Mr. Chairman, I can not hope, of course, to follow the gentleman from Kentucky in his eloquence or in his elocutionary pyrotechnics. I desire, however, to call attention to one or two practical questions in connection with this amendment, and in doing so I will go back and call attention to one or two matters about which some expression of surprise has been made. One of these is that these debts, which are conceded to be debts, were not paid twenty-five years ago.

Now, there is a difference between these claims and the claims of many others that are brought before the Government officers. One main difference is this, that these were as much debts of the Government in 1865 and 1866 as they are to-day. The reason why these old soldiers did not receive their arrears of pay and bounty and commutation of rations at the time they were mustered out of the service, when they should have received them, was the negligence and default of the Government itself.

Mr. DOCKERY. Right there I hope the gentleman will be frank enough to this side of the House to state that the object of this amendment is not to refuse the pay, but simply proposes to appropriate the full amount of the estimates.

Mr. PETERS. I understand that, and will come to it presently.

Mr. BRECKINRIDGE, of Kentucky. If it will not interrupt my friend right there, I want to ask why pass a statute of limitations if it were not also to compel other persons who had not made their claims to file their claims?

Mr. PETERS. I conceive that it is to some extent, as the gentleman from Illinois has stated, the fault of the claimant himself, because in a hundred thousand cases I will guaranty that it was not until years and years after the close of the war that the individual himself ever knew that he was entitled to anything further from the Government. He supposed when the flag of the Union became triumphant and when the soldiers were mustered out, when the accounts were settled, and the boys went marching home, that he had received his entire due from the Government, and that nothing further was due to him. It was not until years afterwards that he ascertained that the Government had failed in its obligation to him, and had failed to pay him the full amount of compensation that was due him for the services he had rendered it. And now shall the old soldier who failed to have knowledge of the wrong the Government committed against him in declining to adjust his account according to law—shall that old soldier now be held responsible by a statute of limitations or any other criticism to say, "You have not applied for twenty-five years, therefore you shall not be allowed to do so now?"

Mr. DOCKERY. The gentleman will allow me to state right here that there is no such question as that in offering this amendment.

Mr. PETERS. That issue was made by the gentleman from Illinois [Mr. SPRINGER]. I know that the gentleman from Missouri [Mr. DOCKERY] is broad enough in his heart that beats in sympathy with the soldier, that his energetic legislative mind is too keen and too shrewd and too great to make criticisms of that kind. [Laughter.] But I want to come to this question, Mr. Chairman, that the soldier is absolutely guiltless in relation to this matter because he did not make application. If there is any fault that can attach to any one it can not attach to the soldier, simply because in time past he may have had the means with which to sustain life. He might have had money enough to buy provisions for his family and to clothe them and himself without calling upon the Government for any of its indebtedness.

That is not now the question in regard to these claims, but it is in regard to pensions. How many men are there who are entitled to pensions who from a feeling of pride did not make their application until

poverty came in at the window and their necessitous condition compelled them to seek some support and seek that from the Government which was due them? Then in their extremity was it that they made application for a pension. So it is in a large number of these claims. Although they may have ascertained that something was due them from the Government, yet they did not need it, nor did they make application for it until poverty came in at the door and necessity drove them to do it. Then they make their application for this pittance which is due to them.

Mr. SAYERS. If this rule which obtains to these four classes is a proper rule to be observed by Congress, why do you place any limitation on your appropriation for pensions? Why do you not authorize the Commissioner of Pensions to pay them just as fast as he can issue the certificates?

Mr. PETERS. I will state, first, as a general proposition, that any limit, I care not what it is, to be effectual must be based on an accurate estimate, and that accurate estimate is impossible in this class of cases. And now let me say a word further—

Mr. SAYERS. Can you not make just as accurate an estimate in regard to this class of cases as you can in regard to pensions?

Mr. PETERS. Yes, sir. I will state—

Mr. SAYERS. Then why do you not enforce the same rule in regard to pensions that you do in regard to back pay and bounty?

Mr. PETERS. I am willing to say that so far as pensions are concerned there is no more need of a limit as to the amount to be paid out in pensions than there is necessity for it here, and why? Because no power under the sun can do anything more than guess at the number of applications that will be made for pensions, for payment of arrears, for bounty, for commutation of rations. It is the merest guesswork in the world. No executive officer can do more than guess. The Pension Office can estimate as to the amount of money necessary to pay the clerical force, as to the amount necessary to pay the running expenses of the Pension Department; so estimates can be made as to the amount necessary for the clerical expenses in the Second Auditor's Office and in the Second Comptroller's Office and so of other similar items in the general expenditures of the Government; but there is nothing whatever upon which to make an accurate estimate as to the number of applications that will be made for the payment of pensions, for the payment of arrears, or for commutation of rations. There is nothing in the books that can furnish any basis for such an estimate.

Mr. SAYERS. Then the gentleman is willing to make indefinite appropriations for pensions?

Mr. PETERS. I am willing to make indefinite appropriations for the payment of pensions, just as we make indefinite appropriations for a great many other things concerning which there is less justification than there is in the matter of pensions.

Mr. SAYERS. Will the gentleman name any other indefinite appropriations that we make?

Mr. PETERS. Why, the whole of the permanent appropriations, several hundred million dollars, are really indefinite appropriations. We make appropriations each year for the payment of the permanent appropriations.

Mr. SAYERS. But there is an actual appropriation made by existing law for each year.

Mr. PETERS. Certainly. The law as it exists provides that certain things shall be paid each year, but there is no limit fixed. Take, for example, the interest on the public debt; that is a permanent annual appropriation. There is no law which says you shall pay so much, or you shall pay only so much each year; the law simply says that the interest on the public debt shall be paid, whether it be a million, two million, or a hundred million dollars a year. And so with regard to the sinking fund.

Mr. DOCKERY. But the analogy does not hold good, for the reason that there is no opportunity there for discretion. The amount of the indebtedness is fixed and the interest is fixed.

Mr. PETERS. So is the amount of the indebtedness fixed here.

Mr. SAYERS. What fixes it?

Mr. PETERS. It is fixed by prior law, the law which put these men in the field and said to them: "You shall have certain pay, certain bounty, certain commutation of rations if you are a prisoner of war." The original law first created the indebtedness, the relation between the soldier and the Government, and you are simply auditing the indebtedness which was created by that law.

Mr. DOCKERY. That involves discretion both as to the fact and as to law.

Mr. PETERS. No, sir.

Mr. DOCKERY. As to the application of the law to a given state of facts.

Mr. PETERS. It involves a discretion in the Auditor and the Second Comptroller as to the application of the law and as to the ascertainment of facts, but when the application of the law is made and the facts are ascertained the whole case is *res adjudicata*, or should be, and this Congress should have nothing to do with it.

Now, I do not want to take up the time of the committee too long, but I wish to call attention to one other matter in connection with this subject. Here is an indebtedness which has existed for long years, and

all there is to do is for the auditing officers of the Treasury Department to make application of the law and ascertain the facts and certify the amount to Congress. The whole question raised by this amendment is this, shall we pay this indebtedness as it is ascertained by these officers of the Government, or shall we not pay it until after that ascertainment is made and we have received the ascertainment? In other words, shall we compel these creditors of ours to wait until Congress, by reason of its being in session, can look over and examine these adjudications of the officers of the Treasury Department and see that they are correct, or shall we make the appropriation now and say that whenever the adjudication is made the money shall be paid? The amendment proposes a limit of \$350,000. That, I say, is the merest guesswork. The amount may be sufficient or it may be insufficient. If it exceeds the amount of \$10,000 it is no limit upon the discretion of the departmental officers. If it exceeds the limit of \$5,000 it is no limit upon their discretion; and, being the merest guesswork, it is really no limit at all. It is no safeguard to the Government; it is simply an injustice to the soldier. If the Government could derive any benefit from this limitation that is sought to be placed upon this appropriation, then the soldier might be content; but I submit that this simply does injustice to the soldier without any benefit to the Government.

In view of these considerations, it seems to me the proper way to make appropriations for all claims of this class as to which an estimate can not be accurately made is to make the appropriation indefinite, just as we do in all other matters where similar considerations apply. I can see no reason why a discrimination should be made against the soldier. I can see no reason why these claims which have been due for twenty-five years should be discriminated against. I hope, therefore, the amendment as offered will be voted down.

The CHAIRMAN (having put the question on the amendment of Mr. SAYERS). The yeas seem to have it.

Mr. SAYERS. I call for a division.

The question being again taken, there were—ayes 59, yeas 46.

Mr. CANNON. I call for tellers.

Tellers were ordered; and Mr. CANNON and Mr. SAYERS were appointed.

The committee again divided; and the tellers reported—ayes 71, yeas 67.

So the amendment was adopted. [Applause on the Democratic side.]

The Clerk read as follows:

For payment of amounts for bounty to volunteers and their widows and legal heirs that may be certified to be due by the accounting officers of the Treasury during the fiscal year 1891, so much thereof as may be necessary is hereby appropriated.

Mr. SAYERS. I move to amend by striking out in the paragraph just read the words "so much thereof as may be necessary" and inserting in lieu thereof "\$300,000."

Mr. DOCKERY. That is just the amount of the estimate.

Mr. CANNON. Mr. Chairman, this amendment proposes to do with respect to the bounties which have been due the soldiers for twenty-five years just what has been done by a vote of the Committee of the Whole, with three or four majority, touching the claims of the soldiers for arrears of pay which have been due for twenty-five years. I would be content to let this amendment be adopted, and let the question be finally settled by a vote of the House, were it not that the specious speech of the gentleman from Kentucky [Mr. BRECKINRIDGE] seems to have made upon some minds the impression that he was contending for a great and conservative principle touching the methods of appropriation. Now, I want to say, with the highest respect for the gentleman and for his remarks touching this matter, that his speech reminded me of the sweet sound of a silver bell. I recollect they had one out in our country a good many years ago, and they rang it on all occasions. Finally somebody said, "I want to know what they are ringing that bell for? What is going to happen?" Somebody replied, "It does sound awfully sweet; I guess they are just ringing it to hear it sound." Now, my friend from Kentucky, who is always able, and whose speech sounds like the sweet tones of a silver bell, spoke from that same standpoint, because the facts here did not justify the speech; and I will in a minute show why.

The gentleman says he wants to retain with the House of Representatives the power to examine these accounts. Now, there is nothing in that suggestion, I submit to the gentleman, for this reason: What is the manner of expenditure in this country? We appropriate for the Army, for the Navy, and for other branches of the public service. The money goes into the hands of the disbursing officer and is paid out, and is not reported to Congress except in general amounts of expenditure. Why is there any more necessity for reporting the \$5, the \$15, the \$20, or the \$100 that is due to the soldier, that he earned twenty-five years ago—why is there any more necessity for reporting these matters to be scrutinized here than there is to report these other items?

Why, sir, according to the gentleman's logic the Government could never pay a dollar for anything until the amount was first audited, reported to Congress, and examined by Congress item by item.

Mr. BRECKINRIDGE, of Kentucky. That is precisely the way it is done. The Secretary of the Treasury transmits to Congress an esti-

mate of each particular item—so much for pay of the soldier, so much for his subsistence, so much for his transportation, etc.; and there is also sent to Congress each year a report of the expenditures of the year before; and there is a provision of law prohibiting any officer from paying out money except upon warrant of law. That is precisely the way in which the expenditures are made.

Mr. CANNON. The disbursing officer pays every man his money before the matter is reported to Congress. But while, as to the pay of the soldier now in our Army, the money is paid through the disbursing officer and reported to Congress afterward, in these cases where the soldier earned the money years ago, the gentleman would have the amount audited and let the soldier wait until after it has been reported to Congress.

Mr. SAYERS. Can the gentleman inform the committee why it was that the act of 1874 was passed requiring all claims of this kind to be reported to Congress for its consideration?

Mr. CANNON. The law of 1874 to which the gentleman refers was, like many other acts, passed without consideration as to many items. That law is still in force, and the reports can still be made.

One word further in reply to the gentleman from Kentucky. It is said that this bill ought to show the \$700,000 or \$800,000 or \$1,000,000 in the aggregate. It never showed it under your Administration [addressing the Democratic side of the House].

Mr. DOCKERY rose.

Mr. CANNON. I measure my words when I say this, and the gentleman will be satisfied when I make my statement. These amounts never appeared under your Administration until after the audited claim was reported to Congress. For instance, two years ago, in 1888, the sundry civil appropriation bill did not carry one dollar—

Mr. DOCKERY. Just there the gentleman will allow me to say that according to the Department estimates \$390,000 does not appear in the appropriations for this fiscal year that ought to be there, should the gentleman desire to enter upon a comparative statement.

Mr. CANNON. Oh, certainly; but I said that two years ago this bill, the sundry civil bill, did not carry one dollar for this purpose.

Mr. DOCKERY. And why? Because we complied with the law which required the consideration of these items before their payment.

Mr. CANNON. If the gentleman will allow me to proceed, I will state the whole question. I say now that the sundry civil appropriation bill of two years ago did not carry one dollar for this purpose, and Congress adjourned and you did not appropriate one dollar for it. But ten months afterward you come in and appropriate by way of a deficiency. Now, we appropriate in the first instance, in place of a deficiency, enough money to do the work. That is the whole matter.

Mr. DOCKERY. Will the gentleman allow me a moment?

Mr. CANNON. Certainly.

Mr. DOCKERY. Is the gentleman from Illinois not willing to accept the estimates or statements of his own Department officials?

Mr. CANNON. No, I am not in every case.

Mr. DOCKERY. Oh, well, if the gentleman distrusts his own officials, of course I have no word to say.

Mr. CANNON. Because I do not want to appropriate \$700,000 or \$800,000 or \$1,000,000, which will not be enough. But whether it be much or little, I want to appropriate a sum sufficient to pay these claims.

Then one further step, and I beg the gentleman from Kentucky to give me his attention. There are \$101,000,000 every year of indefinite appropriations that have not been passed upon by Congress. All of this is of the kind of legislation to which the gentleman objects and which he criticises; and yet that \$101,000,000, a part of it at least, for a school for the blind in his own State of Kentucky, is an indefinite appropriation, not scrutinized or examined by Congress and passed as this is proposed to be passed.

And yet the gentleman's silvery voice is silent as to that \$101,000,000 of indefinite appropriations. But the moment you undertake to make what he calls an indefinite appropriation to pay the back pay and bounty of the soldiers, the gentleman's sweet voice is heard by the hour in denunciation, and he says it is all without precedent and proceeds to lecture this side of the House. It makes some difference, Mr. Chairman, whose ox is gored, I will submit to you and the committee. [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman from Illinois allow me to say that I stated in my speech that of the sum to which he alludes now nearly \$48,000,000 was the sinking fund and a large amount was interest on the public debt and various other objects which went to make up the total?

But will the gentleman from Illinois allow me to ask him another question? He introduced a bill to repeal all indefinite appropriations. Now I would like to ask my friend if the Committee on Rules, of which the gentleman is so conspicuous a member, will give us an opportunity to vote for a reform in that direction under the lead of the gentleman? If it will do so it will not need any lengthy speaking, if he and his committee in good faith will give us an opportunity, to carry out that bill and make that much needed and most desirable reform. [Applause on the Democratic side.]

Mr. CANNON. I did introduce such a bill and it has been intro-

duced *pro forma* for the last half dozen years. [Laughter on Democratic side.]

Mr. BRECKINRIDGE, of Kentucky. *Pro forma*! So I supposed; but I knew the gentleman did not ever do anything *pro forma*; that he did what he did always in earnestness, and hence I had hopes that we would have an opportunity of having a vote on the bill because he introduced it.

Mr. CANNON. It was introduced year after year by the late gentleman from Pennsylvania, Mr. Randall, and by others at different times, and has been referred to the Committee on Appropriations time and again. But the voice of the gentleman from Kentucky was not heard, like "the voice of the turtle in the land," in former Congresses begging that we might have a vote upon that bill. [Laughter.]

Now, I grant you that I do favor the principle, and if we were to start anew in the making of appropriations, in my opinion indefinite appropriations would not be made. But how are you going to avoid it when you swallow one hundred millions of indefinite appropriations, including the school for the blind in the State of Kentucky, and all along the line for almost every conceivable object? You swallow the camel without complaint, and when called upon to swallow the gnat, and pay the poor pittance of from \$5 to \$100 to these poor men when the claims are audited, your stomachs turn inside out because of the gnat. [Laughter and applause.]

Mr. BRECKINRIDGE, of Kentucky. As the gentleman from Illinois has now closed that sentence, will he allow an interruption?

Mr. CANNON. Oh, yes.

Mr. BRECKINRIDGE, of Kentucky. That bill to which the gentleman has referred was sent to the Committee on Appropriations, of which the gentleman is chairman. Has the gentleman taken any steps to have that bill considered in that committee and reported to the House?

Mr. CANNON. I referred that bill to a subcommittee, and I have been prayerfully waiting and waiting for the eloquent voice of the gentleman from Kentucky, who is upon that committee, to lift it out and ask for an early consideration. [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. But I am not on the committee. The gentleman did not assign it to me. And if he had done so, he did not use the right word when he said he had been "prayerfully" waiting, for as a matter of fact he has been silently waiting. [Laughter.]

Mr. DOCKERY. Allow me to say to the gentleman from Illinois that I represent the minority in part on that committee, and have frequently urged upon the chairman of the subcommittee the consideration of that measure; and the fact that it has not been so far considered is no fault of the minority. [Applause on the Democratic side.]

Mr. CANNON. Well, now, I have talked long enough about this. [Laughter.]

I want to say to this side of the House that we owe it to these men, who have waited for a quarter of a century for their money, to make this appropriation. We fought it over and settled it on the deficiency bill; and from the time the deficiency bill was passed in last February up to the close of this fiscal year, our friends on the other side having been overcome in that contest are now renewing it, and asking us to reverse the engines and refuse to do for the coming fiscal year what we are responsible for doing for a part of this fiscal year.

I trust we will not do it, Mr. Chairman.

Mr. BUTTERWORTH. I want to ask my friend a question before he takes his seat. The suggestion is made that this requires a careful computation and searching of the evidence before these appropriations can possibly be made. I want to ask the chairman of the committee [Mr. CANNON] if it is not the fact that all which has to be ascertained is, when the soldier volunteered, how long he served, and whether he was guilty of any act during that service which disqualified him from the benefit of this.

Mr. CANNON. And whether he has been paid.

Mr. BUTTERWORTH. And there is nothing else.

Mr. CANNON. No; and all appears of record.

Mr. DOCKERY. And \$100,000 of fraudulent insurance claims would have been allowed.

Mr. CANNON. Not under this bill. Those claims were not appropriated for here.

Mr. BUTTERWORTH. My friend suggests that in the army appropriation bill there is a large amount appropriated for pay of mileage of soldiers and all that, but before that is paid there must be the ascertainment of the fact as to whether an order has been issued requiring the soldier to make a trip, whether he made the trip, whether the vouchers are regular or not. Now certainly we risk no more in making this appropriation to pay a long existing debt than we do in making an appropriation under the army bill.

Mr. BRECKINRIDGE, of Kentucky. The exact difference is the difference between the bill as reported and the amendment offered by the gentleman from Texas [Mr. SAYERS]. We do put in the army bill the amount which is to be paid and in this bill you do not. That very principle which is contended for is the one carried into the army bill. So much for the pay of soldiers, so much for the transportation of soldiers, etc.

Mr. CANNON. Why not so much for this blind asylum?

Mr. BRECKINRIDGE, of Kentucky. I do not know anything about that. I have had no connection with that blind asylum. I confess it does seem something like blindness to try to find out what the Republican party are endeavoring to do about this.

Mr. BUTTERWORTH. The record in this case is made up and the facts are ascertained.

Mr. BRECKINRIDGE, of Kentucky. Possibly.

Mr. BUTTERWORTH. In the other case you limit the appropriation, thereby limiting the amount of indebtedness which may be created under the appropriation in the matter of ordering this or refraining from ordering that. In one case the record is all made up and the facts ascertained and are incontrovertible. In the other you limit the appropriation because you would limit the amount of service that may be ordered under it, and there is a manifest distinction in the two cases.

Mr. BLOUNT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That is not necessary.

Mr. BRECKINRIDGE, of Kentucky. This is under a general order for debate.

Mr. CANNON. Mr. Chairman, on this and the next item, if the gentleman will indicate about the time he wants, I would like to limit the debate.

Mr. BLOUNT. I want about five or ten minutes.

Mr. CANNON. Suppose you limit the debate to fifteen minutes.

Mr. McCOMAS. I want ten minutes.

Mr. CANNON. Make it twenty minutes.

Mr. SAYERS. I want five minutes.

Mr. CANNON. Let us limit it to thirty minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the debate on this paragraph and the next be limited to thirty minutes.

There was no objection, and it was so ordered.

The CHAIRMAN. Fifteen minutes will be allowed to the gentleman from Texas [Mr. SAYERS] and fifteen minutes to the gentleman from Illinois [Mr. CANNON].

Mr. SAYERS. I yield five minutes to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. Mr. Chairman, an act of Congress provides that these claims shall be reported to Congress for its consideration with a view to appropriation. It was a wise provision. It is, independent of this, a wise course of legislation any way, to appropriate in detail for expenditures out of the public Treasury. The policy of this country has been continually, from the beginning of the Government onward, in the direction of separating items of expenditure in order that they may be the more easily seen and examined, discussed, and acted upon. The early history of Congress discloses great laxity in this regard, and this statute to which I have referred, the act of 1874, coupled with many others, all point to the public necessity for appropriating in detail. It is in this way that there is brought before the House continually every item of expenditure with a view to its examination. The auditing of accounts does not carry absolute verity with it. Oftentimes error occurs, and it has happened in the past that in this class of claims errors have occurred. Therefore it is but the conservation of a wise principle in legislation that is sought to be applied by this amendment, and I trust that both sides of the House, recognizing its value, will preserve those proper methods in legislation that any gentleman disconnected with any proposition where he may have some special interest or inclination would see fit to approve.

Now, my friend from Illinois [Mr. CANNON] says we have a great many indefinite appropriations, amounting to over \$100,000,000. They are the law of the land. It is not for the Committee on Appropriations, it is not for the distinguished gentleman from Illinois [Mr. CANNON], nor the distinguished gentleman from Kentucky [Mr. BRECKINRIDGE], nor any other member of the Committee on Appropriations, to come into this House and on an appropriation bill endeavor to repeal that general legislation. It is a law to us, and it has no part in this discussion. For instance, as stated by the gentleman from Kentucky, the appropriations for the sinking fund are common in their nature, and are made so in order to give assurance that the financial policy of this country should not be subject to the accidents of annual legislation.

So it may be said of other items. Therefore, it has nothing to do with reaching a proper conclusion here. I would not undertake, sir, to say as other gentlemen have that the subjects covered in this provision relating to permanent appropriations were not wise, and certainly it is not true in relation to the sinking fund. There is no occasion why it should be subject to the incident of annual legislation. What harm is there in it? Why should the declaration of \$300,000 in the statute be omitted? Why should we not, when we read the statute, know what the amount is and of every item?

This is the representative branch of the Government. This is the place where is reposed the power first to originate appropriations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAYERS. I yield five minutes more to the gentleman from Georgia.

Mr. SPRINGER. A question here. I understood that this provis-

ion was to be considered without reference to the five-minute limit of debate.

Mr. PETERS. But while you were out we agreed upon it.

The CHAIRMAN. By unanimous consent debate was limited to thirty minutes.

Mr. SPRINGER. But that does not change it with reference to these other amendments.

Mr. BLOUNT. Now, what reason can there be for inserting an unknown amount here? Is the object to conceal the amount of money carried by the appropriation bill? Is it simply to have its effect upon a tabulated statement of the expenditures of the Government? If it is true, is it not sacrificing a salutary rule for a partisan purpose? The gentleman certainly can not justify this. I sympathize with the gentleman from Illinois oftentimes in his work with reference to expenditures. I concede that his services have for years been of great value. I have oftentimes co-operated with him with pleasure in keeping down the rate of expenditure, but this does not touch the amount. It simply preserves a rule which is contemplated by the statute, contemplated by wise legislation, and ought to be upheld by this body and by all succeeding Congresses.

The gentleman from Ohio [Mr. BUTTERWORTH] says that there are just three or four things to be ascertained. Why, that may be said of many claims. They may turn on a single item, but because it turns on a single item are we to ignore examination? Is it to conceal anything from this House? The merits do not depend upon points entirely, but upon its correctness. The appropriating of money should be made after all opportunities for examination. The auditing officers are likely to make mistakes. They have made them in the past, and they make them in this item.

The gentleman is persuasive, because it relates to an item for the soldiers of the country. Why, sir, there is no difficulty in the spirit of this House to provide for these things. I have never witnessed it here on either side of the House. The only matter involved is to preserve the law and proper practice in the matter of appropriations. And I trust that we shall not fail in our duty in this regard on this very point. I care nothing about the amount; it is only the principle, and the gentleman from Illinois, with his fidelity to the public Treasury, ought to be one of the last gentlemen on this floor to depart from such a principle.

Mr. Chairman, I care for no further time and yield it back to the gentleman from Texas.

Mr. McCOMAS. Mr. Chairman, in respect to the doctrine contended for, I heartily agree with the gentleman from Georgia [Mr. BLOUNT] and the gentleman from Kentucky [Mr. BRECKINRIDGE], and the practice and record of the gentleman from Illinois [Mr. CANNON] most conspicuously accords with the same general doctrine of the responsibility of Congress to consider appropriations and its right and duty to supervise and carefully scrutinize the estimates of appropriations. That ought never to be abandoned, but ought rather to be advanced; but when I see here the case of volunteers and their widows and heirs a quarter of a century after the war, I know from a service of six years on the Appropriations Committee and four years on the deficiency subcommittee having charge of these audited claims that no Appropriation Committee has ever reaudited these claims in fact, nor can do it in fact, as the gentleman from Kentucky and the gentleman from Georgia suggest. This is one of the class of audited claims wherein you ascertain the date of entering and ceasing service and the right of the soldier growing thereout; the identity of the person and the verification of the marriage of his widow.

All of these claims are for very small sums of money, and it is impossible for a subcommittee or the House to take them up by the hundreds and the thousands and go over the track of the auditing officer. They can do no more than carry on a general investigation, and that they can do now, and do as well under this form of appropriation as in any other way. So my point is that this is the explanation that I imagine can properly be made in regard to this appropriation; and certainly when you consider that after the average length of a lifetime these claims of soldiers, their widows and heirs, have gone by and are almost coming to an end in their application to the Government and their adjudication by the auditing officers, certainly there is no dangerous precedent here, and this explanation can fairly be made, that the only possible effect in thus appropriating will be to advance for ten months or twelve months the payment of these claims which have been delayed to the soldier or his widow, who has long been waiting, long expecting that which was but justly due and which is but a pittance in thousands of the items in these payments.

But I desire to speak to what has been said by the gentleman from Missouri [Mr. DOCKERY] and the gentleman from Kentucky [Mr. BRECKINRIDGE] with respect to the general subject rather than to this particular item. They have talked here of the large appropriations thus far made, but they have not given attention to deficiencies. I desire to call the attention of this committee to the difference of method between this Republican House and our Democratic predecessors when in control of this House. You have this year, by way of deficiencies, \$1,000,000 for the Department of Justice, not provided for by the leg-

islation of the last Congress. You have \$1,200,000 deficiencies in the Navy Department not provided for by the legislation of the last Congress.

Mr. SAYERS. Will the gentleman yield for a question?

Mr. McCOMAS. If it is a very brief one.

Mr. SAYERS. Does not the gentleman now report, in this very bill, an appropriation for the Government Printing Office which the officers say is \$100,000 less than will be necessary?

Mr. McCOMAS. When that comes up I will explain to my friend that we give the Public Printer more than was given the same official last year, and what they can get along with.

Now, the deficiencies for post-offices and post-roads was \$3,000,600—

Mr. SAYERS. Does the gentleman mean to say that the appropriation contained in this bill for the Printing Office is, in his judgment, sufficient to meet the expenditure of that office during the fiscal year?

Mr. McCOMAS. I will give my friend my view of that question when we reach it. I will ask him not to leap until we come to that stile. I am talking now of the deficiencies created by the action of the Democratic Congress, amounts not provided for by the legislation of the Democratic Congress and coming over from a Democratic Administration to ours.

Mr. SAYERS. What about a Republican Senate?

Mr. McCOMAS. The Republican Senate is here and I have no doubt will do as we have done, make up the appropriations for these deficiencies which have come over from a Democratic Administration.

Mr. SAYERS. Why did not you—

Mr. McCOMAS. Now, I trust the gentleman will allow me to proceed without interruption, or else that he will yield me some time, and then I will be glad to answer his questions. I ask my friend's attention now to the Post-Office Department, where there is a deficiency of more than three millions, and then there is the pension deficiency, which amounts to about twenty-five millions of dollars, and deficiencies in other Departments, making about \$35,000,000 of deficiencies coming from all the Departments, some for expenditures under the present Administration and some under the last, but all coming over as deficiencies, because the appropriations made by the Democratic Congress were not sufficient to meet the public expenditures, and all to be taken care of by this House as deficiencies.

Now, Mr. Chairman, one result of the liberal appropriations made this year, which do exceed by \$35,000,000, as gentlemen have said, those of the year 1889—one result of these liberal appropriations is an increase of two millions and odd in the Navy for this year and eighteen millions more for pensions, in order that there may be no more deficiencies in this department such as we have had coming over here from the past Administration and hampering the new one in doing justice to the soldiers. There are twelve millions more for the Post-Office Department. Because of our liberal provision for these deficiencies, and for next year, we no longer hear, as we heard a year or two ago, complaints coming up from every city and every community in the country of the inefficiency of the postal service, of the want of facilities for carrying the mails, or the slowness and uncertainty of the service.

Two or three years ago, under the last Administration, the people were loud and clamorous in their complaints upon this subject, but now they are quiet and contented, because we have provided for these deficiencies and have had the courage to provide in advance \$12,000,000 more to meet the growth of the country and in order to guard against a recurrence of such a condition of things as that which arose under the deficient appropriations of the last Administration.

Then as to pensions, in view of the large deficiency that has arisen in that department and in view of the outrage that it is upon the old soldiers to retard the payment to them of money which has been due for twenty-five years, this House has not hesitated, even on the verge of a Congressional election—this House, I say, has not hesitated even under such conditions to urge on and hurry up by all means possible the adjudication of pension claims, while in the Pension Office they have worked faster in order that long-delayed justice to the soldier and to the helpless widow of the soldier may be done, as, in the national convention that gave us the platform that gave us control of this Government, we pledged ourselves it should be done.

Mr. Chairman, we have done more than that. This Congress has been a virile Congress. Gentlemen have criticised it for some things that it has done and for some things that it has not done, for appropriations it has made and for some appropriations it has not made. I have, therefore, called attention to the virtue and the wisdom of these appropriations to which reference has been made. Gentlemen have talked also about certain laws that have not been enacted upon different subjects. My hope, gentlemen, is that we will have a chance yet, before this Congress comes to an end, to vote for an educational bill. I believe you will soon find it on your Calendar. One word further. For fourteen recent years you have had control of this House. We have had it seven months, half as many months as you have had it years, but I appeal to the record to show that the country has never seen a Congress with more industry than this. You have complained of the rapidity of legislation here, yet now, although we have been busy all the time, you complain that while we have done some things there are some things that we have not done. Well, gen-

tleman, the time has been well employed, crowded with noble and courageous legislation by the Republican party.

[Here the hammer fell.]

Mr. CANNON. I yield the gentleman the balance of the time.

Mr. McCOMAS. You confessed that you ought not to hamper the Supreme Court of the United States and denied it relief; but this House has passed a bill to make eight new circuit-court judges in order to give that court relief, and have sent it to the other end of this Capitol, where it will no doubt become a law.

We pledged ourselves in the last campaign to admit the new States, and already four of them have gone flying up to their places in the galaxy of States, and two more of them, Wyoming and Idaho, by the vote of this House are spinning their way toward the same destination. You have merely talked about trusts; but this House has passed a bill for the regulation and control of trusts which will soon be a law to be coiled about some of the most oppressive monopolies which burden our people.

You have wavered. We, having pledged you in our national platform that we would make "such a revision of the tariff laws as will tend to check imports of such articles as are produced by our people, the production of which gives employment to our labor, and relieve from impost duties those articles of foreign production (except luxuries) the like of which can not be produced at home," have done so; we have sent the McKinley bill to the Senate in full, fair, and honest compliance with the pledge of the Republican party. We said that silver and gold should both be used as money; and we have provided by the vote of this House that all the silver dug from all the mines, refined and smelted by the labor and capital of our country, should be turned into dollars. We have given you all the inflation that any prudent man could want or ask, taking the silver of the country and issuing upon it certificates of legal-tender value all over the country, on the same footing with gold.

You in your talk for years have promised pension legislation and have given none. We, after providing an appropriation for all the pensions that can be adjudicated at the Pension Office, have passed a general bill that will lift 100,000 widows from penury and want, which will take 200,000 soldiers from distress, some of them from the almshouses of the country—a bill which has already passed both Houses of Congress, has gone to the President for his signature, and will soon afford great, much-needed, but by you long-delayed relief to the soldiers of this country and those dependent upon them.

This Congress has made these exhibitions of its patriotism and courage. After all these years we have achieved more than any Congress since the Thirty-ninth Congress has achieved. We have marched up to the platform of the party, which I hold in my hand; we have taken its pledges one after another, and discarding your "stale, flat, and unprofitable" excuses for doing nothing, we have taken up these great questions with which you gentlemen did not care to grapple. We have passed upon them. And I believe we shall soon pass upon that other great and important question; we shall soon bring forward a measure whereby those who represent this great nation on the floor of Congress shall have a right and title which can be sifted in the light of public discussion, and to the contentment of the public mind be approved, when this Congress shall have had the courage to march up and by a wise and prudent extension of national legislation see that there shall be an honest count of a fair ballot safely and honestly returned, and a certificate which, undergoing the scrutiny of both State and national officials, shall be a double title to credence when any man takes his seat upon this floor. We have been busy; we have used our time, and used it with important results, used it with courage, nobly, and well. [Applause on the Republican side.]

Mr. SAYERS. Mr. Chairman—

The CHAIRMAN. The gentleman from Texas [Mr. SAYERS] has seven minutes.

Mr. SAYERS. Mr. Chairman, one might well imagine from the remarks just delivered by the gentleman from Maryland [Mr. McCOMAS] that he was upon the stump after the adjournment of the session, before his constituents, expatiating upon the very many great things that the Republican party had done for the country during the present Congress and the very many bad things which the Democrats did while they had control here.

Now, the gentleman knows just as well as he knows anything that the deficiency in the matter of pensions, of which he complains, is not to be attributed to the failure upon the part of this House in the last Congress to appropriate all sums of money which were estimated and asked for by the Commissioner of Pensions. The records and proceedings of Congress show the statement which I make to be true.

Mr. McCOMAS. Will the gentleman allow me half a minute? Perhaps I ought to be more explicit.

Mr. SAYERS. Certainly.

Mr. McCOMAS. I will make amends to this extent: Perhaps the reason you did not pass any pension legislation in the last four years your party had control here was that you were kept so busy in sustaining President Cleveland's vetoes of pension bills that you had not the time. [Laughter and applause on the Republican side.]

Mr. SAYERS. Well, sir, the country will pass upon the merits of

what you and your party have done and may do during this session upon the matter of pensions; and the country will decide whether you and your party, thrusting your hands into the public Treasury, shall be commended and indorsed for taking out during each fiscal year more than \$50,000,000 of the people's money upon the demand of the Grand Army of the Republic; and this, too, notwithstanding we are paying out more than \$100,000,000 annually to pensioners under existing laws. The issue in that respect has been made, and upon that issue both parties will appeal to the constituencies.

The gentleman talks about the appropriation bills of this session being swollen on account of the failure of the last Congress to pass the necessary amounts. Sir, was not his party in control of the Senate; and could any appropriation bill have become law without the consent of that body? Why, then, throw the entire responsibility of a deficiency (if a deficiency has really occurred for which Congress should be held responsible) upon the House?

The gentleman and his party may pass their election bill; they may enact such legislation as they please, but let me tell him it will not add one member to the other side of this Chamber.

Mr. McCOMAS. Why not?

Mr. SAYERS. Because the people will declare themselves utterly opposed to any such policy, and will repudiate your candidates at the polls in the North as well as in the South, in the East as well as in the West. That is the reason.

But, Mr. Chairman, we should not forget the proposition involved in the item under consideration. It is this and nothing more: Sixteen years ago, as I am informed, the then Secretary of the Treasury, Mr. Sherman, advised and urged upon Congress the enactment of a law which would furnish a safeguard against the reckless expenditure of money in matters of the kind before us. In response to that advice the act of 1874 was ingrafted upon the statute-book. Congress after Congress has met, deliberated, and adjourned, and yet that law has been faithfully observed until now. Since 1874 all claims like these under consideration have been referred to Congress for review and none have been paid without the proper appropriation, made in due course of procedure.

This policy, however, which has worked so well and which carries with it a responsibility by the Executive Departments and officials of the Government to Congress, is to be reversed and the same authority which adjudicates the claim is to be invested with the power of payment without the intervention of the law-making power. In this particular Congress is to surrender the key to the Treasury and to yield up its most important function. This is the issue, nothing else. It remains for Congress to decide whether it will adhere to the policy of sixteen years past, or whether it will relinquish its own high authority and confer upon executive officials an unlimited and irresponsible power not only to adjudicate, but also to pay claims of the character we are now considering.

[Here the hammer fell.]

Mr. SPRINGER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. By order of the committee the debate was limited and the time has been exhausted.

Mr. SPRINGER. I was not aware that a limitation had been placed upon it.

The CHAIRMAN. The question now is on agreeing to the amendment proposed by the gentleman from Texas, which the Clerk will report.

The amendment was again read.

The question was taken; and on a division there were—ayes 66, noes 72.

Mr. SAYERS. I demand tellers.

Tellers were ordered.

Mr. SAYERS and Mr. CANNON were appointed tellers.

The committee again divided; and the tellers reported—ayes 68, noes 70.

So the amendment was rejected.

The Clerk read as follows:

For payment of amounts of bounty under the act of July 28, 1866, that may be certified to be due by the accounting officers of the Treasury during the fiscal year 1891, so much therefor as may be necessary is hereby appropriated.

Mr. SAYERS. In view of the vote just taken on the preceding paragraph, I will not offer a similar amendment to this item or to the one succeeding.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Rent and incidental expenses, Territory of Alaska: For rent of offices for the marshal, district attorney, and commissioners; furniture, fuel, books, stationery, and other incidental expenses, \$500.

Mr. SPRINGER. I offer the amendment I send to the desk.

The Clerk read as follows:

Add after line 12, on page 89, the following additional paragraphs: "Public building in the Territory of Oklahoma: To enable the Secretary of the Treasury to construct in the city of Guthrie, Territory of Oklahoma, a public building suitable for the accommodation of the executive, legislative, and judicial departments of the Territory, the sum of \$50,000, provided an equal sum of money is furnished by the people of said Territory and placed in his hands to be used in the construction of said building."

Mr. CANNON. As to that amendment, Mr. Chairman, I make the point of order.

Mr. SPRINGER. I hope the gentleman will not make the point of order, but will allow an explanation as to the necessity for this.

Mr. CANNON. I have no objection to the gentleman making an explanation, but still I must make the point of order. The gentleman can make any statement he sees proper to make in regard to the matter.

Mr. SPRINGER. I think the gentleman will withdraw the point of order after hearing the statement.

Mr. CANNON. No, I will not withdraw the point of order; but will be very glad if my colleague will make his statement. I am always very glad to hear my friend talk; he says so little on the floor of the House. [Laughter.]

Mr. SPRINGER. I have been listening to my distinguished colleague all day with so much pleasure and interest that I can hardly summon up courage enough to take the floor in the brief time I shall occupy it, because he can do the work so much better.

Mr. CANNON. Thank you.

Mr. SPRINGER. But I desired to call the attention of the committee to the fact that we have recently organized the Territory of Oklahoma, appointed a governor and other officers who have gone there for the purpose of transacting the public business, and there is not a building in the Territory in which they can perform the business required of them by the law. This proposition is based upon the condition that the citizens there will furnish an equal amount of money with the amount appropriated by Congress, namely, \$50,000 for the construction of this building.

Now, if I can have the attention of my colleague and as the gentleman has an opportunity of addressing the Speaker oftener than anybody else, I hope he will not consume the time of the committee for that purpose, as I see he is engaged in conversation with him. [Laughter.]

Mr. CANNON. I am listening.

Mr. SPRINGER. I wanted to call his attention to one fact, that the public officers in that Territory are required to perform their duties without having any place furnished therefor, and, if you will allow this appropriation to go in, the citizens residing there have agreed and stand ready to furnish an equal amount by private subscription, and put it in the hands of the Secretary to build a substantial and suitable structure for this purpose.

There is already an acre of land reserved there by the Government, and a land office has been erected, costing, I believe, only \$800, a wooden building which has been placed upon this vacant lot. If, therefore, this appropriation is made the Government gets the benefit of a \$100,000 building for the expenditure of but \$50,000; and I think in the interest of economy, especially as the interest on \$50,000 will not equal one-fourth of the rents the Government must pay for the offices of the Territorial government there, this amendment ought to be adopted. So it is a matter of economy as well as public necessity.

The CHAIRMAN. Has the gentleman from Illinois any statute which authorizes this construction?

Mr. SPRINGER. The Chair understands very well that I do not submit any statute authority.

The CHAIRMAN. But the point of order is made that there is no existing law.

Mr. SPRINGER. No; that is correct. There is no law.

Mr. BURROWS. So the gentleman misapprehended the question of the Chair.

Mr. SPRINGER. The law does not authorize the construction of the building, but it authorizes these officers to perform and requires them to perform certain duties, while it furnishes no place in which to do them. Now, if they must perform their duties, they must have some office in which to perform them. I desire it also to be remembered, Mr. Chairman, that I hold in my hand an obligation on the part of the citizens there to subscribe an equal amount with the amount appropriated by the Government for this building.

The CHAIRMAN. The Chair will sustain the point of order, and the Clerk will read.

The Clerk read as follows:

For payment of the fees and expenses of United States marshals and deputies, \$675,000: *Provided*, That not exceeding \$400,000 of this appropriation may be advanced to marshals, to be accounted for in the usual way, the residue to remain in the Treasury, to be used, if at all, only in the payment of the accounts of marshals in the manner provided in section 856, Revised Statutes.

Mr. HENDERSON, of North Carolina. I move to amend this paragraph.

The CHAIRMAN. The Clerk will read the amendment of the gentleman from North Carolina.

The Clerk read as follows:

In line 5, page 90, strike out "four hundred thousand" and insert in lieu thereof "one hundred thousand dollars."

Mr. HENDERSON, of North Carolina. I understand that amendment is approved by the Treasury Department. I have a letter from the First Auditor of the Treasury, dated March 10, 1890, which was transmitted to me by the Secretary of the Treasury, and I take it for granted the Secretary of the Treasury approves the amendment. The Auditor inclosed to me some extracts from a report that was made to

the Secretary of the Treasury not long since by a commission appointed by the Secretary in regard to the payment of the expenses of United States marshals, and I send these extracts forward to the desk, and ask that they be read by the Clerk.

The Clerk read as follows:

Earliest attention is called to a practice which has obtained for years of advancing money to United States marshals for the appropriation of "Fees and expenses of United States marshals." Upon the qualification of a marshal, and before he has entered actively upon the discharge of his duties, it is the common practice to advance to him large sums upon the requisition of the Attorney-General, thus practically paying the marshal his fees before they are earned and his expenses before they are incurred.

This is the only instance known in which compensation is advanced before it is due, and in the absence of any reason for the exception we think it is an unsatisfactory business, in a measure demoralizing and often resulting in loss to the Government. The basis upon which it rests is that the marshal must have the money to meet the expenses of deputies in serving processes, etc. But it is believed that in the majority of cases, if not all, the marshal, upon the receipt of the funds, takes what he supposes he may earn in the ensuing quarter and deposits the remainder to his official credit to be drawn upon at option.

Generally the deputies bear their own expenses, and nothing is paid to them by the marshal until the accounts are settled at the Treasury. Thus, after paying himself in advance, he has remaining on hand, sometimes for months, very large sums, tempting him to misapplication. The books of the First Comptroller's Office show that the larger portion of balances remaining outstanding against United States marshals is on account of this appropriation, and caused by disallowances made of fees and expenses charged in excess and illegally paid by the marshal to himself or deputies. The loss and delay in making settlement with this class of officers could be to a very great extent avoided if no money was advanced to them except upon rendition and settlement of their accounts.

If this was required no balance would appear against a marshal in this class of accounts, and only the amount actually found to be due him would be remitted after settlement. The present practice of remitting in advance causes balances to appear, necessitates demands for deposits to close accounts, and very often entails actual loss of money and tedious suits by the Government. That the existing practice should be discontinued, and only sufficient sums advanced to meet the current necessities of the service, appears to be both just and proper. We can find no warrant of law for this present practice, but, on the contrary, section 859 of the Revised Statutes seems clearly to indicate that the fees and expenses of all court officers are reimbursable and only payable after settlement of the accounts therefor.

In the last appropriation act passed by Congress was incorporated a provision wisely prohibiting an advance of more than \$300,000 of the \$675,000 appropriated for these services for the year 1890.

We are of opinion that nothing should be advanced; but if the practice is to be continued the sum of \$100,000 would be ample to meet all emergencies, and this, judiciously distributed, would perhaps insure the Government against loss.

Mr. HENDERSON, of North Carolina. The paper just read is also contained in Report No. 3, special session of the Senate, submitted to the Senate by Mr. COKKRELL, March 28, 1889, from the Select Committee to Examine the Methods of Conducting Business in the Executive Departments (page 58).

I hope the gentleman from Illinois [Mr. CANNON] will accept that amendment. It seems to be approved by the Treasury Department.

Mr. CANNON. Now, Mr. Chairman, this is a paper without date and so far as I can see it is without signature.

Mr. HENDERSON, of North Carolina. I have here the letter of the First Auditor, Mr. George P. Fisher, dated March 10, 1890, transmitted to me by the Secretary of the Treasury, in which letter that paper is inclosed. The First Auditor says:

I inclose for your consideration a copy of the report bearing upon the accountability of marshals and clerks, and suggesting some changes in the present practices of the Department, which was prepared in my office some time ago and transmitted to the Secretary for his appropriate action. I shall be glad to render any further service in my power either to yourself or your committee, to the end that some measures may be adopted to correct an evil which has become a national scandal.

The letter of Mr. Fisher, the Auditor, was first transmitted to the Secretary of the Treasury and then by the Secretary of the Treasury transmitted to me, so I got it through the regular channel.

Mr. CANNON. Now, Mr. Chairman, it seems that the Auditor who has the first guess at auditing the accounts, but who does not have the last guess—the Comptroller has that—has written a letter. Now, I do not understand that it is in the shape of an official document which has ever received the approval of the Secretary of the Treasury. And, if it is, these are appropriations for the Department of Justice, and I will say to the gentleman from North Carolina that last Congress we went into this matter fully, and we did include the proviso that there should not be more than \$400,000—

Mr. HENDERSON, of North Carolina. Three hundred thousand dollars for the year ending June 30, 1889, and \$400,000 this year. I would like to know why the gentleman has increased the amount \$100,000 this year.

Mr. CANNON. I think it was \$400,000 last year. I will see in a moment. Yes, it was \$400,000 last year. My friend is mistaken.

Mr. HENDERSON, of North Carolina. I have not looked at the statute, but I took it for granted that the report was correct. The report says it was \$300,000.

Mr. CANNON. This proviso is exactly the same as was passed in the last Congress. We inquired about it, and, while it was not recommended, the official who came up from the Department of Justice said it seemed to him that a continuation of the provision might result in economy and closer administration. Therefore we put it in; but they insisted that the \$400,000 ought to go on if they were to proceed without very considerable embarrassment.

Mr. HENDERSON, of North Carolina. I want to know if the gentleman is positive that this has not been increased from \$300,000 to \$400,000.

Mr. CANNON. Oh, yes; there is no doubt about that. The amendment was agreed to.

The Clerk read as follows:

For fees of United States commissioners and justices of the peace acting as United States commissioners, \$100,000. And no part of any money appropriated by this act shall be used to pay any fees to United States commissioners, marshals, clerks for any warrant issued or arrest made, or other fees in prosecutions under the internal-revenue laws, unless the prosecution has been commenced upon a sworn complaint setting forth the facts constituting the offense and alleging them to be within the personal knowledge of the affiant, or upon sworn complaint by a collector or deputy collector of internal revenue or revenue agent, setting forth the facts upon information and belief and approved either before or after such arrest by a circuit or district judge or the attorney of the United States in the district where the offense is alleged to have been committed or the indictment is found.

Mr. HENDERSON, of North Carolina. I offer the following amendment:

The Clerk read as follows:

Amend by adding at the end of line 3, page 22, the following:

"Provided, That in each case where such prosecution has been approved by the district attorney, as herein required, he shall make out a written statement of the grounds upon which he rests such approval, and shall send a copy of the same to the Attorney-General."

Mr. CANNON. I make the point of order that that changes existing law.

Mr. HENDERSON, of North Carolina. I hope the gentleman will allow me to explain the amendment.

Mr. CANNON. It is getting late; still if the gentleman desires to do so I will allow him to make his explanation.

Mr. HENDERSON, of North Carolina. All I want is to put upon record the opinion of the Attorney-General in favor of this amendment.

Mr. CANNON. I must insist upon the point of order.

Mr. HENDERSON, of North Carolina. Then I ask leave to print the statement of the Attorney-General.

Mr. CANNON. I am perfectly willing that should be done, and I do not want to shut off the gentleman's statement if he wishes to make it; but I notify him that I must make the point of order.

Mr. HENDERSON, of North Carolina. This is approved in express terms by the Attorney-General in a letter dated April 20, 1890, from which I will ask the Clerk to read.

The Clerk read as follows:

The second section, I think, is right, but I would make one further provision, and that is that in every case where the prosecution has not been approved before the warrant issues, but is approved by the district attorney afterward, he shall make up a written statement of the grounds upon which he rests such approval, and send a copy of the same to the Attorney-General.

Mr. HENDERSON, of North Carolina. Now, bearing upon that subject, I want to quote from the report of Attorney-General Miller to the present Congress, and I will ask the Clerk to read what the Attorney-General says right there.

The Clerk read as follows:

From a number of judges, as well as from other sources, comes the information that very great abuses arise out of the action of commissioners of the circuit courts in the amount of fees they make and charge for themselves, as well as those which they assist the marshals, and, in some cases, district attorneys, in making. Whether it is practicable to eliminate entirely the excessive charges in the enormous bills of expense in proceedings had before these commissioners is perhaps doubtful; but certainly Congress, by enacting a clear and definite fee-bill for such proceedings and by providing that no prosecutions shall be commenced, except in an emergency shown in an affidavit, until the district attorney shall have approved of the commencement of such proceedings, and by prescribing severe punishment for any violations of the laws so enacted, can do much to repress these abuses and relieve the treasury from illegal exactions.

Mr. HENDERSON, of North Carolina. Mr. Chairman, just one remark further. I want to have read the opinion of the First Auditor on this same question, which will be found in the letter dated March 10, 1890.

The Clerk read as follows:

Section 2 of the bill, requiring the approval of the district attorney of all warrants in internal revenue cases, is already embodied in the appropriation act for the current fiscal year, and although no perceptible diminution of the number of internal-revenue cases has resulted by reason of its enactment, I have no doubt that it is a wise and wholesome restraint and should be retained.

I would, however, recommend the amendment of the existing requirement and also of section 2 of the bill, so as to provide for the approval of the district attorney or his assistant, in writing, of all warrants issued by United States commissioners before the arrest, except in cases in which the delay in obtaining such previous approval might result in the escape of the supposed offender, which last fact should be clearly shown by the commissioner. It seems to me a very useless requirement to make of the district attorney, to approve the issuance of a warrant, after the party has been arrested and, in many instances, after he himself has earned his fee in the case.

Mr. HENDERSON, of North Carolina. I hope the point of order will not be insisted upon, as I know by experience that unless this amendment can be adopted now the legislation desired will fail. It is conceded that the amendment is in the line of good legislation, but it is insisted upon that it ought not to be tacked on to this bill. I do not know how else to get the proposition agreed to. For more than five years I have been diligently striving, in season and out of season, to secure favorable action by Congress upon many measures which I have formulated and devised for the relief of the citizen from injustice and oppression and to protect the Treasury from spoliation.

This section of this bill which the Clerk has just read is the latter part of section 2 of a bill—H. R. 5931, first session of the Fiftieth Congress—which passed this House on my motion on February 7, 1888. The whole of said bill was made a part of the Mills tariff bill, and was adopted by the House of Representatives when that bill passed a few months later. The Mills bill also contained a number of other provisions draughted by me and contained in other bills introduced by me, intended to repeal burdensome laws upon the tax-payer and to ameliorate and remove obnoxious and annoying features of the internal-revenue laws. The sections of the Mills bill to which I allude are 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40.

I refer also to the bill "to modify the internal-revenue system of legislation," etc., which on my motion was considered by the House on March 3, 1887, and which failed to pass, a two-thirds vote being required, although the yeas were 139 and the nays were 112. There are many other gentlemen who have been quite as earnest as I have been to secure the enactment of similar legislation. All things, they say, come to him who waits, unless perchance he is a Representative in Congress. The section under consideration would not now be a law if the Committee on Appropriations had not consented to insert it in the sundry civil appropriation bill, and the amendment which I have just offered, approved by the Attorney-General and by the Secretary of the Treasury, will stand no chance for consideration in any other form by the Fifty-first Congress.

Nearly all the propositions I have mentioned have passed the House of Representatives several times. Two of them were enacted into law by the Fiftieth Congress, and one or two more may succeed in becoming law before this Congress adjourns. All the others will fail, because the business of Congress is so conducted that it is almost impossible for any measure of general importance to be safely engineered through the House and the Senate unless it is contained in some bill which is cordially approved by the Committee on Appropriations or by the Committee on Ways and Means. If either of these committees is determined that any measure shall pass, it is almost sure to become a law. I regret that the point of order will rule out my amendment.

Mr. CANNON. I only say that this may be proper legislation presented, but I do not know about it. I make the point of order against it.

The CHAIRMAN. The Chair thinks the point of order well taken. The Clerk read as follows:

The payment of such miscellaneous expenses as may be authorized by the Attorney-General, including the employment of janitors and watchmen in rooms or buildings rented for the use of courts, and of interpreters, experts, and stenographers; of furnishing and collecting evidence where the United States is or may be a party in interest, and moving of records, \$140,000.

Mr. BRECKINRIDGE, of Kentucky. I move to strike out that section providing that miscellaneous expenses may be authorized by the Attorney-General.

I do so for the purpose, Mr. Chairman, of calling the attention of the committee to the section of the bill which gives an appropriation for the judiciary department of the Government. It amounts to \$3,605,000, and of course there will be a deficiency. There always has been and there always will be and practically there is no control over this expenditure.

The Attorney-General himself can not control it under our system, and Congress will not pass the necessary limitations, as we have just seen, which this Attorney-General has asked and which his predecessor asked. We grant over \$900,000 for the fees of witnesses, and over \$600,000 for jurors' fees, and without any real control over it; and it is one of the means by which much injustice is done to the private citizen.

Under the internal-revenue laws it produces in a small way almost innumerable frauds, and a corruption that is growing into the very courts of justice themselves, and producing a good deal of arbitrary oppression. Now, I do not know that there is any remedy for it; but certainly it is getting worse every year instead of getting better. Expenditures grow larger; not much larger, but they are expenditures which ought not to grow any larger. There is field for real reform here, and no man seems to be willing to undertake the labor of it. A change from the fee system to the salary system would at once change the whole mode of action now in vogue in prosecutions in our courts.

Now, in cases where the Federal law is violated and there are prosecutions for it, the simple change from the fee system to the salary system would reduce the number of prosecutions probably 60 per cent., reduce the expense of these particular branches of the judiciary expenditure perhaps 60 per cent., and would relieve the Federal courts of the unjust, but very widespread suspicion that some of the court officials are in combination with marshals and other officers in making unnecessary fees in frivolous and oppressive prosecutions.

I do not desire to do more than call attention to two points: First, that there will inevitably be a deficiency in this item and, second, that this bill perpetuates all the evils of the system which have grown up, and these evils are extremely numerous. I offered the amendment simply for the purpose of calling attention to it and to express the hope that the gentleman who is at the head of the Committee on Appropriations or the gentlemen who are on the Committee on the Judiciary may, after taking a clear view of this matter from one of these

committees, report some well considered bill which would change our system, a system which is so oppressive and so expensive.

I withdraw the amendment.

Mr. OATES. Mr. Chairman, I do not know who controls the time. Mr. BRECKINRIDGE, of Kentucky. You can renew the amendment.

Mr. OATES. I renew the amendment.

I merely wish to say, in relation to the statement made by the gentleman from Kentucky respecting the present fee system of compensation of United States court officials, that, being a member of the Committee on the Judiciary detailed specially for the purpose of investigating the abuses in that connection, I can safely assure the House that the Judiciary Committee will soon report a bill which the investigation has shown to be absolutely necessary in the way of a wholesome reform and to change the fee system, not only in respect to the compensation of the district attorneys, but of many others of the court officials—the marshal and probably the commissioners also, and the clerks of the courts, perhaps, as well. I can agree with the gentleman from Kentucky that there is no way of reforming these abuses which now exist under the system, because they are largely due to the defects of the system itself; but I think it is a thing assured that before the expiration of this Congress—if not at this session, early in the next—the House will have an opportunity to pass such a reformatory measure.

The Clerk read as follows:

For printing and binding for Congress, including the proceedings and debates, \$806,000. And printing and binding for Congress chargeable to this appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress, within the fiscal year for which this appropriation is made (all reserve work shall be bound in sheep); and the heads of the Executive Departments, before transmitting their annual reports to Congress, the printing of which is chargeable to this appropriation, shall cause the same to be carefully examined, and shall exclude therefrom all matter, including engravings, maps, drawings, and illustrations, except such as they shall certify in their letters transmitting such reports to be necessary and to relate entirely to the transaction of public business.

Mr. BYNUM. I desire to offer the following proviso to come in at line 9, page 95.

The Clerk read as follows:

Insert the following after the word "business," on page 95, line 9: "Provided, That no money appropriated by this or the preceding paragraph or by this act shall be paid to any person employed in the Public Printing Office for or during any time such employé is on leave of absence with pay under existing law in excess of the pay allowed during such leave of absence, nor shall any such person receive pay for leave of absence during the time such person may be at work and receive pay therefor: And provided further, That no money appropriated under said paragraphs or under this act shall be paid to any person for work or labor performed in excess of eight hours a day, as prescribed by existing law, unless such labor in excess of eight hours a day is performed on the daily proceedings of Congress, when extra labor could not be procured in time for the publication of the CONGRESSIONAL RECORD on the morning succeeding the daily sessions of Congress."

Mr. CANNON. Mr. Chairman, to that amendment I make the point of order that it changes existing law and is not in order.

Mr. SPRINGER. I desire to call the attention of my colleague from Illinois [Mr. CANNON] to the fact that this was one of the provisions that I had in mind when I expressed a desire for general debate, and I claim the right to the floor now for general debate under that demand.

Mr. CANNON. I do not want to legislate upon this bill.

Mr. SPRINGER. This is not legislation; this is to carry out the law.

Mr. CANNON. The law carries itself out.

Mr. SPRINGER. Not under this Administration.

Mr. CANNON. Well, I must make the point of order upon the amendment.

Mr. SPRINGER. I desire to be heard upon the point of order.

The CHAIRMAN. The gentleman from Indiana [Mr. BYNUM] has the floor.

Mr. BYNUM. Mr. Chairman, on the point of order I desire to say that this amendment does not change any existing law; it does not modify any existing law, nor does it provide for any new legislation.

Mr. CANNON. Then what is the use of it?

Mr. BYNUM. The use of it is simply to compel, as we have heretofore done upon appropriation bills, officers of the Government to obey existing laws which they are violating. That is the object of it.

Mr. CANNON. That is to say, if an officer of the Government does not obey the law, if you pass the law over again he will obey it. Is that it?

Mr. BYNUM. No, that is not it. In the Forty-ninth Congress we provided for granting a leave of absence of fifteen days to employés in the Government Printing Office, and I think that every member of this Congress who was here at the time supported that law heartily, because the clerks in the other Departments were then receiving thirty days' annual leave of absence with pay, while no leave was given to the employés of the Government Printing Office, and it was generally conceded by every one that they needed the rest more than the employés of any other Department. Therefore, fifteen days' leave of absence was granted to them almost if not quite unanimously; and then, following that, in the Fiftieth Congress, fifteen days more was granted,

placing the Government printing employes upon an equality in that respect with the employes in all the other Departments.

While it is true that it was intended to grant a leave of thirty days to employes in the Government Printing Office with pay, I do not think a single member of Congress ever intended that those employes should receive double pay during the time of their "leave;" yet some of them have received it. That certainly was not the spirit in which the law was passed; that was not the purpose for which it was enacted. It was passed, first, to give those employes a sufficient leave of absence for rest during a certain season, the same as was given to other Government clerks. It was passed probably, in the second place, for the purpose of giving other persons, printers and others, who did not have employment, an opportunity to find work during that brief period. Now, the present Public Printer is not enforcing that law. Upon the contrary, he is violating not only the spirit but the letter of the law by working these employes during the time of their leave of absence and paying them for the work as well as compensation for their leave.

If that is the object of the leave, I am opposed to it. If we are not paying sufficient wages to the employes in this office, let us increase their wages; but do not leave it in the hands of the Government Printer to allow double pay for thirty days during the year to favorite employes, a thing which I am informed he has done and is doing. The Public Printer who preceded the present one held that he could not do that. When any employe approached him and said, "I desire to work during my leave of absence if you will pay me for the work and also for the time of my leave," the former Public Printer replied, "I can not do it; the law does not allow me to do it;" but when the present Public Printer is approached by an employe who makes the same request he does agree to do that, and he has, in several instances, paid the employes both for the work and for the time.

Now, this amendment is intended to put an end to that practice. It does not change existing law; it only provides that the existing law shall be carried out. And the same is true of the amendment as to the eight-hour law.

Mr. OATES. What is the language of the law with reference to this leave of absence?

Mr. BYNUM. These employes are given a leave of absence for thirty days with pay. I can not quote the language, but that is the substance of it.

Mr. OATES. Does the Public Printer violate the law when he lets them work?

Mr. BYNUM. I think he does. I think the law for granting the leave of absence means that they shall take their leave and be paid for the time; not that they shall take no leave, but shall work during the time and shall receive double pay.

Mr. OATES. Very likely the gentleman states the intention of the law correctly, but I suggest to my friend whether it would not be well to define clearly just what was intended by that law.

Mr. BYNUM. Well, this amendment proposes that when they work during the time of their leave they shall not receive double pay. It requires them to take their leave and thereby give an opportunity for some other employe to work during the time of their absence.

Mr. OATES. Your amendment is intended to make that clear?

Mr. BYNUM. Yes.

Mr. SPRINGER. The law does not require an employe to take his leave, but it says that he may have leave and may receive pay the same as if he were at work; but the Public Printer has construed that to allow him to give a man formal leave and then keep him at work and allow him double pay.

Mr. OATES. I think the principle is all wrong, but I would not single out the employes of any one Department.

Mr. BYNUM. There is no other Department in which this practice prevails.

Mr. OATES. The leave of absence, I think, is applicable to all the Departments.

Mr. BYNUM. But the employes are required to take their leave in the other Departments.

Mr. OATES. They ought never to have been given leave with pay, but I would not make the rule applicable to this particular Department when it is not applied to others.

Mr. BYNUM. I am not stopping to discuss that question. In the other Departments, as I understand, employes are required to take their leave in order to secure pay for the leave. In short, they are not allowed double pay in any other Department. Nor were they allowed double pay in the Government Printing Office until the present Public Printer so applied the law.

Now, with regard to the eight-hour law, the very same principle comes up. The law provides that eight hours shall constitute a day's work. We passed a provision on an appropriation bill in the last Congress requiring the Public Printer to enforce the eight-hour law. Some complaints had been made by Mr. Benedict to the effect that it was impossible to enforce the law, and there was complaint by the typographical union, who appealed to Congress on the subject, and, as gentlemen will recollect, the O'Neill amendment was ingrafted on the appropriation bill, requiring the Public Printer to enforce the eight-hour law.

In the Government Printing Office we pay ample wages to enable

printers there, even by piecework, to earn good wages during a day of eight hours. In fact, they earn much better wages when they work by the piece than when they work by the day. The typographical union has been here asking Congress to pass a law restoring the rate of wages for daily labor to \$4 instead of \$3.20, for a day of eight hours. But good printers working by the piece are able to earn more than \$4 a day.

It is very true, as many printers and employes of that office have said to me, that there are some men in all Departments who are not content with their share. The object of the eight-hour system is first to establish eight hours as a day's labor, to carry that principle through all the Departments of the Government. And one special reason for applying this principle to Government employes is the influence which it will have throughout the country. I do not doubt that a great majority of the members here are honestly in favor of the establishment of the eight-hour system. I repeat that one important object in enforcing this system in all the Departments of the Government where it can be is because of its influence with regard to labor throughout the country.

For this reason labor organizations have come to Congress desiring the establishment of this system in all the Departments of the Government wherever possible. And they are now asking that there be incorporated in all Government contracts for the construction of public buildings a provision requiring of the contractors that all such work shall be conducted on the eight-hour basis. I heartily favor this, because I believe the Government ought to take the lead in this matter and establish wherever it can be done the eight-hour system, paying good wages for a day's work of eight hours.

And whenever an employe in the Government Printing Office earns a good salary by working eight hours a day, I say he ought to be required to stop there, and give an opportunity for the employment of some of the idle labor upon the outside. But there are men there who want to work twelve, fourteen, or sixteen hours a day, earning \$5 to \$8 a day, as some of them do, while a large number of working people are forced to remain idle.

The whole object of this amendment is to require these men to take their leave if they get pay for it—to require the men who are employed to work so far as practicable upon the eight-hour basis. In this amendment I have provided one exception, which I think will be found necessary. In printing the daily proceedings of Congress it is probable the Government Printer would not be able to find idle printers to be called in during the evening or night to assist in setting up the RECORD. Hence, in the amendment I have provided this exception: that in the printing of the daily proceedings, if extra labor can not be supplied, the regular employes may work more than eight hours and receive pay accordingly.

The proposition I have submitted is in accord with the sentiments of the members of the Federation of Labor, who presented to the President a short time ago a statement of the evil influences and effects of the continual violation, by the officers of the Government, of this law which has been on the statute-book ever since 1868. They have called the President's attention to the fact that in the Government Printing Office this law is violated with impunity and have asked the President to take some action in regard to the enforcement of the law.

Not only has this law been on the statute-books since 1868, but, during the last Congress, as I have already stated, we ingrafted upon an appropriation bill a provision requiring the Government Printer to enforce it. The present incumbent violated it with impunity and ignores both the law and the instructions to enforce it. I have offered this amendment, providing that no money shall be paid under this appropriation except in accordance with the provisions of law. The amendment is not open to objection, so far as the rules of the House are concerned or so far as regards the merit and the propriety of the proposition.

Mr. CANNON. Mr. Chairman, a word on the point of order. This provision does change existing law or there is no necessity for it. The gentleman alleges—whether such is the fact or not, I do not know; I have no reason to say it is not so—he alleges that the Public Printer employs people in his establishment during their thirty days' leave of absence. Now, the Public Printer can not do that and have his accounts audited at the Treasury Department unless there is law for it. Then, if there is a law for it, this changes it. The bare statement of the proposition argues it.

Mr. BRECKINRIDGE, of Kentucky. Does the gentleman from Illinois mean to say that the fact that an auditor passes an account is conclusive proof that there is a law to justify the auditor in so doing?

Mr. CANNON. So far as the machinery of Congress has provided to settle these cases, yes.

Mr. BRECKINRIDGE, of Kentucky. But the bare fact that an auditor passes an account can not be conclusive proof that the auditor is infallible or that there is law for it. It may turn out that he was acting in combination with somebody else to produce an unwarranted result or his decision may involve a mistake.

Mr. CANNON. Congress has provided a tribunal to audit these accounts. Who? First, the Auditor and then the First or Second Comptroller. In practice, the Public Printer draws the money from the public Treasury and pays for this labor; but he can not settle his accounts or discharge his bond until first the Auditor has passed upon his accounts and second the Comptroller. That is the court of last resort

that Congress has provided to construe the law and settle the accounts.

Now the gentleman claims that under the law as enforced to-day the Public Printer is employing people during their thirty days' leave and paying them. If that is true, the law is that way and his provision changes the law.

Again the statutes of the United States declare that eight hours shall constitute a day's work. This provision repeals that law in part, because the gentleman now proposing this amendment in the name of the eight-hour law, and professing to be the friend of labor, in the latter part of the amendment authorizes the Public Printer to employ people more than eight hours, another change of law.

Now, I make the point of order for this reason: The House of Representatives has said to the Committee on Appropriations and to the Committee of the Whole, "You shall not report—you shall not have the power to report or consider legislation in connection with the appropriation bills." My own opinion was that that rule ought to be changed, and I made an effort to get it changed, that we might investigate and that we might within certain limits legislate upon appropriation bills. But the House of Representatives refused to make the change and we have not investigated it. Now the gentleman from Indiana, and perchance other gentlemen, notwithstanding the rule of the House, want to come in here and move amendments changing existing law. Against that I protest. If the law needs a change here is the Committee on Printing, which has jurisdiction and is a privileged committee for many purposes, to which such matters should be referred. Let the committee consider and let it report what legislation, if any, is needed.

Mr. OATES. Suppose the law is silent and the accounts of the Public Printer are presented for audit in just such a case as that suggested here by the gentleman from Indiana—I do not know anything of the facts—

Mr. CANNON. Neither do I.

Mr. OATES. But in such case, if the law is silent and the Auditor sees proper to pass the accounts, seeing that they are for work honestly performed for the Government, though it might embrace payments to men for a portion of the time when they were allowed leave of absence, the gentleman from Illinois holds, as I understand him, that that makes the law?

Mr. CANNON. Oh, I beg the gentleman's pardon. The statute places in the hands of the Comptroller the power to construe the various acts of Congress touching public expenditures, and his construction is just as much the law as when the court construes it. He is the court.

Mr. PETERS. But he has no discretion to go outside of the law.

Mr. CANNON. Certainly not.

Mr. OATES. Then you hold that, although the law may not be specific, yet it is sufficient to authorize the payment, if the Auditor so finds. I doubt that.

Mr. CANNON. Precisely. If the gentleman's statement is correct (of which, as I have said, I have no knowledge), I hold that his amendment works a change of law.

Mr. BLOUNT. Will the gentleman allow me a question?

Mr. CANNON. Certainly.

Mr. BLOUNT. I understood him to say that he tried to change that rule in this Congress. I do not think the report of the debates discloses any efforts on the part of the gentleman; and I would like to know where he made the effort.

Mr. CANNON. Well, perhaps I was a little too broad in the statement. I say that I advocated the change.

Mr. BLOUNT. At some other place. [Laughter.]

Mr. CANNON. No; at this place.

Mr. BLOUNT. Well, then, before some other body than this.

Mr. CANNON. I have been at all times desirous of such a change, and in this body.

Mr. SPRINGER. Mr. Chairman, I desire to be heard for a few moments on the point of order.

On the 16th of February, 1888, when the sundry civil bill was pending in Committee of the Whole, a member from Missouri, Mr. O'Neill, moved the adoption of the following amendment:

The Public Printer is hereby directed to rigidly enforce the provisions of the eight-hour law in the department under his charge.

Thereupon the gentleman from Missouri, Mr. Burnes, in charge of the bill, made the point of order that the amendment proposed a change of existing law and was new legislation. The Chairman of the committee at that time—

Mr. ANDERSON, of Kansas. Who was he?

A MEMBER. Mr. SPRINGER. [Laughter.]

Mr. SPRINGER. No, it was not, but it was a good decision, anyway. [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. If it was the gentleman from Illinois, he knows all about it, for we have never had a better parliamentarian. If he made the decision I know it is a good one; and if it was made by anybody else and he indorses it I am satisfied that it must be reliable.

Mr. SPRINGER. I do not happen to find the name here, but I will

find it and state it afterwards. I will read, however, what the Chairman said:

The CHAIRMAN. The Chair will ask the gentleman from Missouri [Mr. Burnes] to cite the statute in reference to this matter. The gentleman seems to admit with his colleague that there is an eight-hour law applying to this class of labor.

And further on, after an interruption:

The Chair understood the gentleman from Missouri [Mr. Burnes], in charge of the bill, to raise the question of order on the ground that the amendment offered by his colleague changed existing law. The Chair now understands him to admit that it does not change existing law, and if it does not the Chair would not feel disposed to exclude it.

Mr. O'NEILL, of Missouri. I move the adoption of the amendment.

After some debate had been had upon the bill the amendment was adopted by the committee and reported to the House and a yeas-and-nays vote was ordered upon it; and on the 17th of February, 1888, this was adopted—yeas 182, nays 53; and in the affirmative on that amendment I find the name of my distinguished colleague, the chairman of the Committee on Appropriations [Mr. CANNON].

So that he voted at that time—

That the Public Printer is hereby directed to rigidly enforce the provisions of the eight-hour law in the department under his charge.

Now, since that proposition was passed the Public Printer has refused to enforce the eight-hour law in the spirit which this House understands that law, namely, that eight hours, as the law says, shall constitute one day's work. Notwithstanding that fact, the Public Printer is now paying perhaps half of the employees in that department by piece, and by the hour, to work from ten to twelve and sometimes sixteen hours out of the twenty-four, and they are paid by the hour for those hours.

Mr. FARQUHAR. Will the gentleman allow me to ask him a question? Can he work piece hands on the eight-hour system? There is a practical printer's question, and you can get but one answer to it from Portland, Oregon, and San Francisco, to Portland, Me.

Mr. SPRINGER. I will answer that by saying that in the Printing Office the time required to do particular amounts of work is well understood.

Mr. FARQUHAR. You are complaining of this piece matter.

Mr. SPRINGER. So much time is allowed for each of these purposes, and the time is regulated by the office, under the office rules, and by the rules of the printers' union. But it is not on piecework that the complaint is made. It is on hour work; and will the gentleman say that under the rule the Public Printer is authorized to use this money to pay for more than eight hours' work? Will he answer that?

Mr. FARQUHAR. I will answer that question. The Committee on Labor investigated this matter, and as I am not chairman of that committee I do not want to say anything about the conclusions of the committee, but there were parties who appeared before the Committee on Labor on this eight-hour matter, and, as I remember, I asked the question of the practical printers—because of the complaint that had been made against the Public Printer—if it was possible to carry out the law in respect to piecework, and every practical printer before that committee said it was impossible to do it.

Mr. SPRINGER. Not in regard to piecework; but you have not answered the other question.

Mr. FARQUHAR. When you come to your hour hands you are in a different way, but this is not the city of New York, nor it is not the city of Chicago, nor St. Louis. You can not go out into your streets and get your men to fill up after your eight hours, nor you can not make a running schedule of your pay-roll. The Government is differently situated from that, and so the result is that—

Mr. SPRINGER. Is the gentleman making a speech now?

Mr. FARQUHAR. No; the gentleman is talking some genuine printer's sense.

Mr. SPRINGER. The gentleman from New York always says something that is worth hearing.

Mr. FARQUHAR. I have no personal care about this thing at all, but I have heard a great many critics outside of the Government Printing Office criticise the present Printer, and they also criticised his predecessor, Mr. Benedict, but any practical printer who has had charge of one hundred or two hundred hands knows how impossible it is to do piecework under the eight-hour rule.

Mr. SPRINGER. It is the hour work that I am talking about.

Mr. FARQUHAR. About the hour work there is this trouble, that you can not get your months or weeks to run even on work with the matter that you pour into the Government Printing Office, and the result is that no Public Printer can do any differently than the foreman there has done, in regulating the time of the men and numbers employed.

Mr. TURNER, of New York. Did not the delegation which appeared before the committee of which the gentleman from New York and myself were both members find a great deal of fault about this very evil that the gentleman from Indiana aims at in his amendment, and did they not say that he repeatedly employed men, when there was no necessity for it, to do piecework, and that they were employed for ten and twelve hours by the hour?

Mr. FARQUHAR. I do not mean to criticise the general objections

that were made at that time, but when they were before the committee I asked those who were most emphatic in their complaint—I asked the question positively of one of them, could he run the office any better than it was run now under the eight-hour system, and how he would regulate it, and he could not answer the question. Neither could any practical printer answer it. You have got to enact the restoration of wages bill, and you have got to put your men on a different footing in the Printing Office before you can work your eight-hour law, or else the Government work must stay behind.

Mr. TURNER, of New York. Did not this same delegation, which came from the Federation of Labor in this District, say that there were plenty of printers who could be had here in this city at any time if there was any extra rush of work?

Mr. FARQUHAR. I would answer that just as Mr. Benedict and the present Public Printer, Mr. Palmer, answered it, by saying that they had not been found.

Mr. TURNER, of New York. Did not that delegation say so?

Mr. FARQUHAR. It is utterly impossible to do in the city of Washington as you could do in the city of New York or in the city of Chicago. In the city of Washington there are not the number of printers to call upon.

Mr. TURNER, of New York. I want you to state, as a member of the Committee on Labor, what the delegation coming from those printers said to the Committee on Labor.

Mr. CANNON. Why does not the gentleman [Mr. TURNER], who is a member of this Committee on Labor, report, in his own time, some legislation instead of trying to put it on this bill?

Mr. SPRINGER. The point I wish to make in regard to this question of order is that this proposition is in order for another reason. It is there stated that no money appropriated by this act shall be paid for any time in excess of eight hours a day or paid for any time when they are getting leave-pay. Now it is in order for this purpose to limit the purposes of the appropriation. We can say for what purpose any money, under this bill, shall be appropriated, and can withhold it from any other purpose than that for which we say it shall go.

The CHAIRMAN. It provides for payment in excess of eight hours.

Mr. SPRINGER. That it shall not be paid for any work performed in excess of eight hours.

The CHAIRMAN. It provides that it shall be paid in excess of eight hours for certain kinds of work. The Chair thinks the point of order is well taken.

Mr. BYNUM. I will strike out the latter clause, if that is objectionable.

The CHAIRMAN. The Chair sustains the point of order on the other ground.

Mr. SPRINGER. Now, I move to strike out the last word of this section.

The CHAIRMAN. The point of order is sustained.

Mr. SPRINGER. I want to call the attention of the committee to the fact that at the time when the O'Neill matter was pending the gentleman from Maryland [Mr. McCOMAS] denounced the Public Printer, Mr. Benedict, for failing to carry out the eight-hour law.

Mr. McCOMAS. I am in favor of it.

Mr. SPRINGER. Why do you not carry it out?

Mr. McCOMAS. I am in favor of carrying it out.

Mr. SPRINGER. Yes; but in place of the present Public Printer carrying it out, with respect to more than two-thirds of his employes he has failed to obey that law; and personally I am in favor of anything that will enforce it absolutely.

I want to state that after the O'Neill amendment was passed Mr. Benedict did obey that law and continued to obey it as long as he remained in office and that it has been violated since the present Public Printer came in.

Mr. FARQUHAR. For how long did Mr. Benedict carry it out?

Mr. SPRINGER. Until he went out of office.

Mr. FARQUHAR. It was stated by his own foreman that he did not carry it out.

Mr. SPRINGER. I state that he did carry it out.

Mr. FARQUHAR. And, more than that, I say that he could not do it if he would.

Mr. SPRINGER. But I say that he did carry it out.

Mr. FARQUHAR. For not more than thirty days.

Mr. SPRINGER. I say that anybody who says he can not carry out a law of Congress should resign and not be allowed to hold such an office. It is no excuse for gentlemen to say that we can not enforce the laws of Congress. It is only for Congress to state that it must be done and it will be done.

Mr. McCOMAS. I want to say that if you ask the foreman of the Public Printing Office he will tell you that Mr. Benedict did not enforce that law.

Mr. SPRINGER. I know that the gentleman from Maryland did say that the Public Printer, Mr. Benedict, did not observe that law, and that he could have observed it if he had wanted to do so. Mr. Benedict, when he first came into office, simply followed the precedents until Congress compelled him to execute the law, and he executed it until he went out of office.

Mr. McCOMAS. His foreman will deny that.

Mr. SPRINGER. It is in order for this House to say that no money shall be paid under this bill for any unlawful purpose. I withdraw the amendment.

Mr. BYNUM. I desire to offer the same amendment with the exception stricken out.

The CHAIRMAN. The gentleman from Indiana offers the amendment previously offered, but strikes out the proviso.

Mr. SPRINGER. Let it be read, then.

The Clerk read as follows:

Insert following after the word "business," on page 95, line 9:

"Provided, That no money appropriated by this or the preceding paragraph, or by this act, shall be paid to any person employed in the Public Printing Office for or during any time such employee is on leave of absence with pay, under existing law, in excess of the pay allowed during such leave of absence; nor shall any such person receive pay for leave of absence during the time such person may be at work and receive pay therefor. And provided further, That no money appropriated under said paragraphs or under this act shall be paid to any person for work or labor performed in excess of eight hours a day, as prescribed by existing law."

Mr. CANNON. I renew my point of order to that amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SPRINGER. Upon that ruling I desire to appeal. I want simply to state that would rule that this bill may appropriate money for violating the law.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. SPRINGER. I want to debate that. I do not think it ought to stand. [Laughter.] I want to be heard.

The CHAIRMAN. The gentleman from Illinois.

Mr. SPRINGER. I want to state in explanation of this amendment that it simply provides that no money shall be paid under this bill in violation of law, and the Chair by ruling out this amendment says that you can use this money for purposes prohibited by general law already. Now, as a fact, there is a law on the statute-book that says eight hours shall constitute a day's work. The gentleman from New York [Mr. FARQUHAR] says that it is impossible to enforce this on piecework. I say that the Printing Office has certain working hours and other certain hours. The Public Printer has the key and can open the doors and close them at his will, so that those employed can go out when the eight hours have expired, and they can not stop there a moment unless he is willing that they shall stay there. The work is to be done at the Printing Office, and eight hours is to constitute a day's work.

The gentleman claims under the point of order that you can use money for the purpose of paying for sixteen hours' work performed. That not only means that when the law says he may be entitled to a leave of absence for thirty days that he may receive full pay for thirty days as if at work, but the Public Printer may allow him thirty days' leave and then employ him and let him work through the same thirty days and pay him extra for those thirty days, which is paying him double for the work done. That is in violation of law and against the spirit of this law. This amendment was simply for the purpose of saying that in reporting an appropriation of this kind no money shall be used by the Public Printer to pay a person in excess of the time when legal work can be performed, and also for time that the person was assumed to be, and legally was, on leave of absence and not at work at all.

So that under both features of this amendment, for the reason that it is to prevent this money from being used contrary to law and for the reason that it is the province of this House and of Congress to direct the objects and the purposes for which any and all appropriations are made, it is in order. And, with all due respect to the Chair, I hope this decision will not stand as the judgment of the committee. I hope that this committee will not say that the Public Printer may violate the eight-hour law and the leave-of-absence law at will and that we will sustain him in it. I hope my eloquent friend from Maryland [Mr. McCOMAS], who says he is in favor of the eight-hour law and who so fiercely denounced Mr. Benedict for doing what this Public Printer is now doing, will vote to enforce that law.

Mr. McCOMAS. I will vote for the proposition in another form.

Mr. BYNUM. Mr. Chairman, I have taken this appeal, with all due respect to the Chair, for the purpose of ascertaining the sentiment of the committee upon the correctness of the ruling. It strikes me that this amendment does not in any respect or any particular conflict with the rules of the House. It is in plain words and provides for nothing except the enforcement of existing laws. The present law for leave of absence certainly means that the employes shall have a leave of absence and shall receive pay for the time of the leave.

The eight-hour law applies to the Government Printing Office just the same as to any other Department. There is no exception made by the law. If the law is deficient in that respect it ought to be amended. I have before me the address made by Mr. Denham, the president of the Federation of Labor Unions of the District of Columbia, to the President of the United States on the 27th day of May last, in which, calling attention to the violation of the eight-hour law, he says:

We instance at the present time the Government Printing Office, where employes are required and allowed to make over-time.

Now, the gentleman from New York [Mr. FARQUHAR] speaks of the

difficulty of enforcing the eight-hour law with the men employed on piecework. Does not the very same difficulty arise in granting those men their thirty days' leave of absence? Yet every man who works piecework gets his thirty days' leave of absence. It is just as difficult to give a man whose work is piecework his thirty days' leave of absence as it is to require him to work only eight hours a day. The eight-hour law was enforced by Mr. Benedict when he was Public Printer, probably not up to the full extent of the law, but it was enforced much more rigidly than ever was done before or has been since his time.

I remember that Mr. Benedict did make some complaint about it, but nevertheless he went to work and enforced the law as faithfully as he could and complaints ceased, and the foreman of one of the divisions in the office told me that by the enforcement of the eight-hour law he was enabled to give extra work to a large number of men who were out of employment and who needed the work very badly; and that was one of the objects of the law.

Mr. BRECKINRIDGE, of Kentucky. If the law requires that eight hours shall constitute a day's labor and the piecework can not be so arranged as to make a day of eight hours, is it not a violation of law for the Public Printer to continue to give piecework instead of paying his men by the day?

Mr. FARQUHAR. There is a bill now before Congress to provide for employing all the men equally on the same basis, and if that bill were passed and extra compensation made for night work there would not be any trouble at the Government Printing Office in regard to the eight-hour question. No man stands on this floor who is a better friend of the eight-hour law than I am. I have been its friend since 1866. I walked in the first procession of workmen demanding the eight-hour law, and I will walk in the last, probably.

Mr. SPRINGER. Well, walk in the procession here now. [Laughter.]

Mr. BYNUM. This is the first time I have ever heard the gentleman from New York [Mr. FARQUHAR] assert upon this floor that the eight-hour law could not be enforced. I remember that when the amendment of Mr. O'Neill was ingrafted upon the appropriation bill the gentleman from New York was silent as to the difficulty of enforcing it, and this is the first time that he has come forward to say that it can not be enforced.

Mr. FARQUHAR. When Mr. O'Neill, with myself and others, agitated upon this floor in favor of the enforcement of the eight-hour law, it was to get the law enforced where it could be enforced, but I never said that it could be enforced in piecework, and I know it can not.

Mr. BYNUM. There was no qualification made in regard to that.

Mr. SPRINGER. Can not the Public Printer define the hours when the office shall be opened and when it shall be closed, and can not the law be enforced in that way?

Mr. FARQUHAR. Well, the gentleman from Illinois [Mr. SPRINGER] is so much of an amateur printer that I can not well answer his question. [Laughter.]

Mr. SPRINGER. I have been in a printing office and I know perhaps as much about it as some people who claim to know more.

Mr. CANNON. Mr. Chairman, in order to give my colleague, the eminent laborer from Illinois [Mr. SPRINGER], and the other eminent laborer from Indiana [Mr. BYNUM] a chance to "mend their hold," I move the committee do now rise. [Laughter.]

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BURROWS, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 10884) making appropriation for the sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and had come to no resolution thereon.

Mr. FRANK. I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted as follows:

- To Mr. TOWNSEND, of Pennsylvania, for the remainder of the week.
- To Mr. CUTCHEON, for two days.
- To Mr. CRAIG, for ten days.
- To Mr. MANSUR, till Wednesday next.
- To Mr. CONNELL, for the rest of this week.
- To Mr. COLEMAN, for about two weeks.
- To Mr. BARWIG, for this day.
- To Mr. LEHLBACH, for three days.
- To Mr. DIBBLE, for five days.

MESSAGE FROM THE PRESIDENT—FOREST FIRES.

The SPEAKER laid before the House the following message from the President; which was read, referred to the Committee on the Public Lands, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith for the information of Congress, with a view to securing such legislation as may be appropriate, a communication from the Secretary of the Interior relating to the destruction by fire, carelessly kindled or left, of the timber upon the public lands. If proper penalties were imposed by law and a few convictions thereunder secured, I do not doubt that much waste of our forests would be prevented.

BENJ. HARRISON.

EXECUTIVE MANSION, June 16, 1890.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they examined and found truly enrolled bills of the following titles; when the Speaker signed the same.

A bill (S. 3982) granting to the Chicago, Kansas and Nebraska Railway Company power to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway, property, rights, and franchises of the Chicago, Kansas and Nebraska Railway Company in the Territory of Oklahoma and in the Indian Territory; and

A bill (H. R. 8152) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1891.

The motion of Mr. FRANK was then agreed to; and the House accordingly (at 5 o'clock and 25 minutes p. m.) adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

ALFRED B. MALLET VS. UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact by said the court in the case of Alfred B. Mallet against the United States—to the Committee on Claims.

DEFICIENCY APPROPRIATION FOR ARMY AND NAVY PENSIONS.

Letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior, submitting an estimate of deficiency in the appropriations for Army and Navy pensions for the current fiscal year and urging immediate action thereon—to the Committee on Appropriations.

CLAIMS FOR ANTE-BELLUM MAIL SERVICE, ETC.

Letter from the Secretary of the Treasury, transmitting certain claims arising under the postal laws and regulations of the Flint and Pore Marquette Railroad Company, and Pacific Mail Steam-Ship Company; also a list of claims for ante bellum mail service, together with a report thereon by the Auditor of the Treasury for the Post-Office Department—to the Committee on Claims.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. BUTTERWORTH:

Resolved, That the House of Representatives meet on the 4th of July, at 11 o'clock a. m., and that said day be set apart and devoted to the celebration, by suitable exercises, of the adoption and promulgation of the Declaration of Independence.

Second. Resolved, That the Senate be invited to be present and participate in the exercises.

Third. Resolved, That the society of the Sons of the American Revolution be invited to attend the meeting of the House.

Fourth. Resolved, That a committee of nine members of the House be appointed by the Speaker to make suitable arrangements for carrying into effect the objects and purposes hereof;

to the Committee on Rules.

By Mr. MCKINLEY:

Resolved, That the Clerk of the House is hereby directed to have printed for the use of the House 3,000 copies of public act No. 145, entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890;

to the Committee on Printing.

By Mr. EZRA B. TAYLOR:

Resolved, That on Wednesday, June 18, immediately after the reading of the Journal, the bankruptcy bill, No. 3316, reported by the Committee on the Judiciary, shall be considered in the House, and that on the succeeding day at 1 o'clock p. m. the previous question shall be considered as ordered and the vote on all pending amendments and on the passage of the bill shall be taken;

to the Committee on Rules.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. SIMONDS, from the Committee on Patents, reported favorably the bill of the House (H. R. 10955) authorizing the Commissioner of Patents to refund money paid by mistake for Patent Office fees, accompanied by a report (No. 2458)—to the House Calendar.

Mr. DOLLIVER, from the Committee on Naval Affairs, reported with amendment the bill of the House (H. R. 4451) for the removal of the charge of desertion from the record of Daniel Mahoney, accompanied by a report (No. 2459)—to the Committee of the Whole House.

Mr. ROBERTSON, from the Committee on Military Affairs, reported with amendment the bill of the House (H. R. 6852) for the relief of North Storms, accompanied by a report (No. 2460)—to the Committee of the Whole House.

Mr. PAYSON, from the Committee on the Public Lands, reported favorably the bill of the Senate (S. 3817) for the protection of actual settlers who have made homestead or pre-emption entries upon the public lands of the United States in the State of Florida upon which

deposits of phosphate have been discovered since such entries were made, accompanied by a report (No. 2461)—to the House Calendar.

Mr. HAUGEN, from the Committee on Elections, to which was referred the contested-election case of John M. Langston vs. E. C. Venable, from the Fourth Congressional district of the State of Virginia, reported the following resolutions, namely:

Resolved, That E. C. Venable was not elected a Representative of the Fifty-first Congress from the Fourth Congressional district of Virginia, and is not entitled to a seat therein.

Resolved, That John M. Langston was elected a Representative of Congress from the Fourth Congressional district of Virginia, and is entitled to a seat therein;

accompanied by a report (No. 2462).

Mr. O'FERRALL, on behalf of the minority of said committee, submitted their views in writing thereon; which report and resolutions, together with the views of the minority thereon, were ordered to be printed.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. BARTINE: A bill (H. R. 10970) for the enlargement and improvement of the United States mint and grounds at Carson City, Nev.—to the Committee on Coinage, Weights, and Measures.

By Mr. OSBORNE: A bill (H. R. 10971) to authorize the appointment of a board of review in certain cases—to the Committee on Military Affairs.

By Mr. BYNUM: A bill (H. R. 10972) imposing punishment for counterfeiting, etc., trade-marks, labels, etc.—to the Committee on the Judiciary.

By Mr. MILLIKEN: A bill (H. R. 11000) to amend an act entitled "An act to adjust the salaries of postmasters," approved March 3, 1883—to the Committee on the Post-Office and Post-Roads.

By Mr. STOCKBRIDGE: A joint resolution (H. Res. 179) continuing in effect chapter 1065 of the acts passed at the first session of the Fiftieth Congress—to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ANDREW: A bill (H. R. 10973) to remove the charge of desertion from the military record of Robert Downing—to the Committee on Naval Affairs.

By Mr. BARTINE: A bill (H. R. 10974) granting a pension to Nathaniel Frost—to the Committee on Invalid Pensions.

By Mr. BAYNE: A bill (H. R. 10975) for the relief of the officers and crews of the rams Lioness, T. D. Horner, Dick Fulton, Mingo, and Sampson—to the Committee on War Claims.

By Mr. BYNUM: A bill (H. R. 10976) for the relief of H. Leiber & Co., Indianapolis, Ind.—to the Committee on Claims.

By Mr. CHIPMAN: A bill (H. R. 10977) for the relief of Jane McNeil—to the Committee on Invalid Pensions.

By Mr. CONGER: A bill (H. R. 10978) granting a pension to Mrs. Jennie B. Morris—to the Committee on Invalid Pensions.

By Mr. CULBERTSON, of Pennsylvania: A bill (H. R. 10979) for the relief of Louis A. Bright—to the Committee on Invalid Pensions.

By Mr. DUBOIS: A bill (H. R. 10980) to allow Hong Sling, a native of the Chinese Empire, to become a citizen of the United States—to the Committee on the Judiciary.

By Mr. ENLOE: A bill (H. R. 10981) for the relief of Stephen Moore, administrator of William Hopper, deceased—to the Committee on War Claims.

By Mr. HOUK: A bill (H. R. 10982) for the relief of Richard G. Sharp, of Little Barren, Tenn.—to the Committee on Pensions.

By Mr. KERR, of Iowa: A bill (H. R. 10983) granting a pension to Dennis Hogan—to the Committee on Invalid Pensions.

By Mr. KINSEY: A bill (H. R. 10984) for the relief of Henry Kortendorfer—to the Committee on Military Affairs.

By Mr. LACEY: A bill (H. R. 10985) granting a pension to Isaac N. Jacobs—to the Committee on Invalid Pensions.

By Mr. MANSUR: A bill (H. R. 10986) to increase the pension of T. R. Dice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10987) granting a pension to Robert H. Metcalf—to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 10988) to increase the pension of H. S. Mayball—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10989) to increase the pension of Martin V. Roark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10990) granting a pension to Sarah A. Phelps—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 10991) for the relief of the estate of H. S. Simmons, deceased, of Franklin County, Tennessee—to the Committee on War Claims.

By Mr. STEWART, of Georgia: A bill (H. R. 10992) granting a pension to Mrs. Mary B. Floyd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10993) for the relief of Benjamin F. Rogers—to the Committee on War Claims.

By Mr. VANDEVER: A bill (H. R. 10994) for the relief of James Otterson—to the Committee on Military Affairs.

By Mr. WATSON: A bill (H. R. 10995) for the relief of Pardon Worsley, his heirs or assigns—to the Committee on War Claims.

By Mr. WILKINSON: A bill (H. R. 10996) for the relief of the estate of Hugh Montgomery, deceased, of New Orleans, La.—to the Committee on War Claims.

Also, a bill (H. R. 10997) for the relief of the estate of Samuel McC. Montgomery, deceased, of New Orleans, La.—to the Committee on War Claims.

By Mr. BINGHAM: A bill (H. R. 10998) for the relief of John C. Stretch—to the Committee on Military Affairs.

By Mr. KERR, of Pennsylvania: A bill (H. R. 10999) to carry out the findings of the Court of Claims in the case of Susannah P. Swoope—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD: Petition for the passage of laws for the perpetuation of the national-banking system—to the Committee on Banking and Currency.

By Mr. BINGHAM: Petition of John C. Stutch, for amendment of record, and to accompany bill for his relief—to the Committee on Military Affairs.

By Mr. BREWER: Papers relating to the pension claim of Mary B. Swift—to the Committee on Invalid Pensions.

By Mr. BYNUM: Papers in the case of H. Leiber & Co., of Indianapolis, Ind.—to the Committee on Claims.

By Mr. CATCHINGS: Petition of the heirs of Mrs. Hixey Parker, late of Warren County, Mississippi, for reference of claim to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. CHIPMAN: Petition of Fairbanks Post, Grand Army of the Republic, in behalf of Mrs. Jane McNeil—to the Committee on Invalid Pensions.

By Mr. CONGER: Memorial of 13 ladies, of the Woman's Christian Temperance Union, Minburn, Iowa, for legislation subjecting intoxicating liquors transported into a State to the laws thereof—to the Committee on the Judiciary.

Also, petition of 326 citizens and voters of Dallas County, Iowa, for same measure—to the Committee on the Judiciary.

Also, petition of 70 voters and 52 others of Minburn, Iowa, for same measure—to the Committee on the Judiciary.

Also, remonstrance of 70 laboring men of Des Moines, Iowa, against proposed amendment to interstate-commerce law permitting the free transportation of barrels filled with petroleum—to the Committee on Commerce.

Also, memorial of Prairie View Grange, No. 480, of Winter-set, Iowa, consisting of 26 members, in favor of the Butterworth option bill—to the Committee on Agriculture.

Also, memorial of same alliance in favor of the Conger lard bill—to the Committee on Agriculture.

Also, petition of 124 voters of Des Moines, Iowa, for prompt passage of bill subjecting intoxicating liquors transported into a State to the police regulations thereof—to the Committee on the Judiciary.

By Mr. CONNELL: Petition of 75 teachers and superintendents of public schools of Lincoln, Nebr., in favor of an international copyright bill—to the Committee on Patents.

By Mr. CULBERTSON, of Pennsylvania: Petition of citizens of Cambridgeborough, Pa., asking for passage of House bill 5978, prohibiting the transportation of intoxicating liquors, etc.—to the Committee on Commerce.

By Mr. DALZELL: Petition of sundry citizens of the Twenty-second Congressional district of Pennsylvania in favor of the passage of laws to perpetuate the national-banking system, etc.—to the Committee on Banking and Currency.

By Mr. DE LANO: Petition for the passage of the Butterworth bill to prevent gambling in farm products and the Conger bill to regulate the sale of compound lard—to the Committee on Agriculture.

Also, petition for the passage of laws for the perpetuation of the national-banking system—to the Committee on Banking and Currency.

By Mr. DOCKERY: Petition of postal clerks at St. Joseph, Mo., asking for an increase of compensation—to the Committee on the Post-Office and Post-Roads.

By Mr. DORSEY: Resolutions of the Bluff Center Alliance, Hall County, Nebraska, asking for the passage of the Conger and Butterworth bills—to the Committee on Agriculture.

Also, resolutions of the West Emerick Farmers' Alliance, of Emerick, Nebr., for same measures—to the Committee on Agriculture.

Also, resolution of the Mt. Olive Alliance, of Sherman County, Nebraska, for the same measures—to the Committee on Agriculture.

Also, resolutions of Riverside Alliance, Ewing, Nebr., for same measures—to the Committee on Agriculture.

Also, resolutions of the Lincoln Alliance, of Knox County, Nebraska, for same measures—to the Committee on Agriculture.

Also, resolutions of Farmers' Alliance, No. 1008, of Buffalo County, Nebraska, for same measures—to the Committee on Agriculture.

Also, resolutions of Unity Alliance, No. 500, of Ansley, Nebr., for the same measures—to the Committee on Agriculture.

Also, resolutions of the Mt. Olive Alliance, of Sherman County, Nebraska, for the same measures—to the Committee on Agriculture.

Also, resolutions of the Birdwood Alliance, Nebraska, asking passage of same measures—to the Committee on Agriculture.

By Mr. DUBOIS: Petition of Judge H. P. Henderson, H. W. Smith, Mayor Frederick J. Kirsell, and numerous leading citizens of Ogden, Utah, asking that Hong Sling be allowed to become a citizen of the United States—to the Committee on the Judiciary.

By Mr. GEAR: Petition of 118 citizens of Henry County, Iowa, praying for the passage of an act prohibiting the importation of intoxicating liquors into a State in contravention of the laws thereof—to the Committee on the Judiciary.

Also, petition of 225 citizens of Washington County, Iowa, for same measure—to the Committee on the Judiciary.

Also, petition of 47 citizens of Jefferson County, Iowa, for same measure—to the Committee on the Judiciary.

Also, petition of 70 citizens of Louisa County, Iowa, for same measure—to the Committee on the Judiciary.

By Mr. GIFFORD: Petition of citizens of Twin Brooks, Grant County, South Dakota, for the passage of a law prohibiting the importation of liquors into States adopting prohibition—to the Committee on the Judiciary.

By Mr. HANSBROUGH: Petition of citizens of Lisbon, Ransom County, North Dakota, for the passage of House bill 5978—to the Committee on Commerce.

Also, petition of citizens of Caledonia, Traill County, North Dakota, for same measure—to the Committee on Commerce.

Also, petition of citizens of Yorktown, Dickey County, North Dakota, for same measure—to the Committee on Commerce.

By Mr. HAYNES: Petitions of Sandusky Trade and Labor Assembly, favoring the passage of House bill 260, imposing a punishment for counterfeiting trade-marks, etc.—to the Committee on the Judiciary.

Also petition of 30 citizens of the Tenth district of Ohio, for Sabbath observance—to the Committee on Labor.

Also, resolutions of the Sandusky Township (Ohio) Farmers' Alliance, favoring the passage of the Conger lard bill and the Butterworth option bill—to the Committee on Agriculture.

By Mr. HERMANN: Remonstrances of citizens of Oregon, against the Conger bill, taxing compound lard—to the Committee on Agriculture.

By Mr. JOSEPH: Petition of citizens of the Territory of New Mexico, asking for the passage of laws by Congress for the perpetuation of the present national-banking system—to the Committee on Banking and Currency.

Also, memorial of O. P. McMains, of the Territory of New Mexico, relating to private land claims in that Territory—to the Committee on Private Land Claims.

By Mr. KERR, of Iowa: Petition of 120 citizens of Cedar County, Iowa, for the passage of a law prohibiting the importation of liquors into States in violation of the laws thereof—to the Committee on the Judiciary.

By Mr. KNAPP: Petition of dairymen from Delaware County, New York, for pure dairy products—to the Committee on Agriculture.

Also, petition of citizens of Milton, Ulster County, New York, for passage of House bill 5978—to the Committee on the Judiciary.

Also, petition of citizens of Delaware County, New York, for same measure—to the Committee on the Judiciary.

By Mr. LACEY: Petition for pension for Isaac N. Jacobs—to the Committee on Invalid Pensions.

By Mr. LAWS: Petition of citizens of Hayes County, Nebraska, asking for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of Bluff Alliance, Nebraska, favoring passage of the Conger and Butterworth bills—to the Committee on Agriculture.

Also, petition of Farmers' Alliance of Frontier County, Nebraska, for same measures—to the Committee on Agriculture.

Also, petition of Sappa Alliance, Nebraska, for same measures—to the Committee on Agriculture.

Also, petition of citizens of Franklin County, Nebraska, for same measures—to the Committee on Agriculture.

By Mr. LEHLBACH: Petition of certain citizens of New Jersey, for pure lager-beer—to the Committee on Ways and Means.

By Mr. LESTER, of Georgia: Petition of Daniel McDonald, of Liberty County, Georgia, praying for the reference of his claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

By Mr. McMILLIN: Petition of discharged employes of the Fif-

tieth Congress, asking for compensation for services rendered—to the Committee on Appropriations.

By Mr. MAISH: Petition of 24 veterans of the late war, praying for the relief of Edward Woodward, of Gettysburg, Pa.—to the Committee on Invalid Pensions.

By Mr. MARTIN, of Indiana: Petition to accompany the bill to correct the military record of Joseph Grathis—to the Committee on Military Affairs.

By Mr. MILLIKEN: Petition of Thomas Leigh and others, for the perpetuation of the national-banking system—to the Committee on Banking and Currency.

Also, petition of the Congregational Conference, at Pittsfield, Me., for enactment of a law allowing States to control the sale of liquors within their borders—to the Committee on the Judiciary.

By Mr. MORRILL: Petition of J. E. Love and 40 others, of Whiting, Kans., asking passage of House bill 5978, an act prohibiting transportation of intoxicating liquors, etc.—to the Committee on the Judiciary.

Also, petition of I. J. Miller, of Baker, Kans., for same measure—to the Committee on the Judiciary.

By Mr. MORSE: Petition of citizens of Taunton, Mass., in favor of fewer hours and more pay for post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. MUTCHLER: Petition of citizens of the Eighth Congressional district of Pennsylvania for the passage of a law to perpetuate the national-banking system—to the Committee on Banking and Currency.

By Mr. NORTON: Petition of John Elder and 30 others, of Pike County, Missouri, asking passage of Senate bill 2716—to the Committee on Commerce.

Also, petition of same persons for passage of House bill 836—to the Committee on Coinage, Weights, and Measures.

By Mr. PAYNTER: Petition of F. M. Hanna and 13 others, of Lewis County, Kentucky, asking that \$6,200,000 be appropriated to improve Galveston Harbor—to the Committee on Rivers and Harbors.

Also, petition of George W. Reid and 26 others, of Bath County, Kentucky, for same measure—to the Committee on Rivers and Harbors.

By Mr. PERRY: Petition of citizens of Fairfield County, South Carolina, for passage of Senate bill 2716—to the Committee on Rivers and Harbors.

By Mr. PETERS: Petition of citizens of Dodge City, Kans., for temperance legislation to counteract the results of original-package decision—to the Committee on the Judiciary.

By Mr. PICKLER: Resolutions of Garfield Alliance, No. 454, South Dakota, asking immediate passage of House bill 5353, the Butterworth option bill—to the Committee on Agriculture.

Also, resolutions of Darlington Alliance, No. 68, South Dakota, for same measure—to the Committee on Agriculture.

Also, resolutions of same alliance for the Conger lard bill, H. R. 283—to the Committee on Agriculture.

Also, petition of 9 citizens of Arlington, Kingsbury County, South Dakota, asking immediate passage of bill prohibiting transportation of intoxicating liquors into prohibition States—to the Committee on the Judiciary.

Also, petition of 39 citizens of same county, for same measure—to the Committee on the Judiciary.

Also, petition of 59 citizens of Erwin, same county, for same measure—to the Committee on the Judiciary.

Also, petition of 39 citizens of Lake Henry, in same county, for same measure—to the Committee on the Judiciary.

Also, petition of 69 citizens of Miner County, South Dakota, for same measure—to the Committee on the Judiciary.

Also, petition of 74 citizens of Carthage, in same county, for same measure—to the Committee on the Judiciary.

Also, petition of 9 citizens of South Dakota, for same measure—to the Committee on the Judiciary.

Also, petition of 350 members of a Woman's Christian Temperance Union, of Falk County, South Dakota, for same measure—to the Committee on the Judiciary.

Also, petition of 41 citizens of Cavour, Beadle County, South Dakota, for same measure—to the Committee on the Judiciary.

Also, petition of 43 citizens of Moody County, South Dakota, for same measure—to the Committee on the Judiciary.

Also, petition of 23 citizens of Rauville, Codington County, South Dakota, for same measure—to the Committee on the Judiciary.

Also, petition of 19 citizens of Waverly, in same county, for same measure—to the Committee on the Judiciary.

Also, petition of 35 citizens of Hand County, South Dakota, for same measure—to the Committee on the Judiciary.

Also, petition of 39 citizens of same county, for same measure—to the Committee on the Judiciary.

By Mr. POST: Resolution of the Center Point (Ill.) Farmers' Alliance, for the passage of the Butterworth option bill—to the Committee on Agriculture.

Also, resolution of the same Alliance, for passage of the Conger lard bill—to the Committee on Agriculture.

By Mr. RICHARDSON: Petition of M. G. Osborn and 15 others, citizens of Moore County, Tennessee, praying for passage of Senate bill 2716, for first-class harbor on the coast of Texas—to the Committee on Rivers and Harbors.

By Mr. SIMONDS: Petition of Thomas H. L. Tolcott, for bounty for the children of Henry H. Lee—to the Committee on War Claims.

By Mr. SMITH, of West Virginia: Memorial of the Board of Trade and petitions of citizens of Huntington, W. Va., praying for the erection of a suitable public building in the city of Huntington, W. Va.—to the Committee on Public Buildings and Grounds.

By Mr. STRUBLE: Petition of the Red Ribbon Club, of Lincoln, Nebr. (nearly 400 voting at regular meeting), asking for a law giving relief to States from the original-package decision of the United States Supreme Court—to the Committee on the Judiciary.

Also, resolution of Oto Farmers' Alliance, Woodbury County, Iowa, urging passage of the Conger lard bill (H. R. 283)—to the Committee on Agriculture.

By Mr. EZRA B. TAYLOR: Petition of citizens of Atwater, Portage County, Ohio, for a law prohibiting the circulation of obscene literature—to the Committee on the Post-Office and Post-Roads.

Also, petition of 65 individuals from the Nineteenth district of Ohio, for a national Sunday-rest law—to the Committee on Labor.

By Mr. TOWNSEND, of Colorado: Petition of citizens of Colorado, for the perpetuation of the national-banking system—to the Committee on Banking and Currency.

By Mr. TOWNSEND, of Pennsylvania: Petition of T. O. Hazen and 132 others, citizens of Mercer County, Pennsylvania, asking for the enactment of a Sunday-rest law—to the Committee on Labor.

Also, resolutions of Farmers' Excelsior Alliance, Beaver Falls, Pa., asking for passage of the Conger lard bill—to the Committee on Agriculture.

By Mr. VANDEVER: Petition of 35 citizens of Los Angeles, Cal., for a national Sunday-rest law—to the Committee on the Judiciary.

By Mr. WATSON: Petition of Grand Army of the Republic Post No. 327, Warren County, Pennsylvania, for per diem and dependent pension bill—to the Committee on Invalid Pensions.

Also, petition of Post No. 354, Grand Army of the Republic, Venango County, Pennsylvania, for same measures—to the Committee on Invalid Pensions.

Also, petition of Post No. 336, Grand Army of the Republic, Warren County, Pennsylvania, for same measures—to the Committee on Invalid Pensions.

Also, memorial of Grange No. 236, in same county, for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, memorial from same grange, for same legislation—to the Committee on Coinage, Weights, and Measures.

By Mr. WILLIAMS, of Ohio: Petition of John N. Bell and 140 others, ex-soldiers and sailors of Dayton, Ohio, praying for the enactment of a law prohibiting the sale, use, manufacture, and importation of banners, or flags representing the confederate flag or the red flag of the anarchist—to the Committee on the Judiciary.

By Mr. WRIGHT: Memorial of Watkins Post, No. 68, of Towanda, Pa., Grand Army of the Republic, Department of Pennsylvania, asking for dependent and service pension legislation—to the Committee on Invalid Pensions.

Also, memorial of Myron French Post, No. 512, Grand Army of the Republic, of Jackson, Pa., asking for per diem and service pension legislation—to the Committee on Invalid Pensions.

Also, memorial of Phelps Post, No. 124, Bradford County, Pennsylvania, asking for removal of limitation of arrears of pensions—to the Committee on Invalid Pensions.

Also, memorial of J. W. Reynolds Post, No. 98, Grand Army of the Republic, of Wyoming County, Pennsylvania, asking for passage of the dependent pension bill and the per diem service-pension bill—to the Committee on Invalid Pensions.

Also, memorial of Captain Lyons Post, No. 85, Grand Army of the Republic, of Susquehanna County, Pennsylvania, for same measures—to the Committee on Invalid Pensions.

Also, memorial of Gilman Post, No. 227, Bradford County, Pennsylvania, for same measures—to the Committee on Invalid Pensions.

Also, memorial of McKee Post, No. 584, Grand Army of the Republic, of same county, for same measures—to the Committee on Invalid Pensions.

Also, memorial of E. F. Roberts Post, No. 437, Grand Army of the Republic, of Pennsylvania, for same measures—to the Committee on Invalid Pensions.

Also, memorial W. M. Williams Post, No. 392, of Wyoming County, Pennsylvania, for same measures—to the Committee on Invalid Pensions.

Also, memorial of Rufus Frear Post, No. 323, Grand Army of the Republic, of same county, for same measures—to the Committee on Invalid Pensions.

Also, memorial of Capt. John Whitney Post, No. 268, of same county, for same measures—to the Committee on Invalid Pensions.

Also, memorial of McPherson Post, No. 509, Grand Army of the Republic, of Susquehanna County, Pennsylvania, for same measures—to the Committee on Invalid Pensions.

Also, memorial of Frank Hall Post, No. 505, Grand Army of the Republic, of same county, for same measures—to the Committee on Invalid Pensions.

Also, memorial of Sergt. O. Phillips Post, No. 486, Grand Army of the Republic, of same county, for same measures—to the Committee on Invalid Pensions.

Also, memorial of Bissell Post, No. 466, Grand Army of the Republic, of same county, for same measures—to the Committee on Invalid Pensions.

Also, memorial of A. J. Rosser Post, No. 452, Grand Army of the Republic, of same county, for same measures—to the Committee on Invalid Pensions.

Also, memorial of M. Dowd Post, No. 291, Grand Army of the Republic, of same county, for same measures—to the Committee on Invalid Pensions.

Also, memorial of Southworth Post, No. 222, Grand Army of the Republic, of same county, for same measures—to the Committee on Invalid Pensions.

Also, memorial of Lieutenant Rogers Post, No. 143, Grand Army of the Republic, of same county, for same measures—to the Committee on Invalid Pensions.

Also, memorial of Moody Post, No. 53, Grand Army of the Republic, of same county, for same measures—to the Committee on Invalid Pensions.

Also, memorial of Oliver Mumford Post, No. 873, Grand Army of the Republic, of Wayne County, Pennsylvania, for same measures—to the Committee on Invalid Pensions.

Also, memorial of Sergeant Rix Post, No. 397, Grand Army of the Republic, of same county, for same measure—to the Committee on Invalid Pensions.

Also, memorial of Sergt. C. D. Waltz Post, No. 575, Grand Army of the Republic, of same county, for same measures—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, June 17, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

BURNING OF TIMBER ON PUBLIC LANDS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith, for the information of Congress, with a view to securing such legislation as may be appropriate, a communication from the Secretary of the Interior, relating to the destruction by fires, carelessly kindled or left, of the timber upon the public lands.

If proper penalties were imposed by law, and a few convictions thereunder secured, I do not doubt that much waste of our forests would be prevented.

BENJ. HARRISON.

EXECUTIVE MANSION, June 16, 1890.

The VICE-PRESIDENT. The message with the accompanying papers will be referred to the Committee on Public Lands and printed, if there be no objection.

Mr. STEWART. Mr. President, I should like to make a suggestion to the committee. This is one of the most important subjects that they can consider. The present system of sending agents to guard the forests without having some arrangement whereby the citizens can co-operate, is exceedingly defective. It is necessary to have a more friendly understanding between the agents of the Government and the people, who are as much interested as the Government. There is great friction between them. Without discussing who is to blame for it, the result is that the forests are being destroyed by fires. It is estimated that last year more timber was burned by fires than has been cut by settlers since the first settlement of the country, and under the present system of agents it will continue. The more money you spend and the more convictions you have under the present system, the more bad feeling will be created and the great forests will be burned. It is a subject that should be carefully considered.

The forests can not be protected without the co-operation of the people. There is no reason why the Government should not act in conjunction with the States and with the local communities in protecting the timber, and some system ought to be devised whereby we can have the co-operation of all the people. The agents who are sent there get on bad relations with the communities, whether rightfully or wrongfully, and it is impossible for them to protect the timber. If you spend any amount of money it can not be done; you must have the co-operation of the people who live there; and some arrangement ought to be made and some law ought to be passed whereby the States and the local communities will co-operate with the Government in protecting the forests from fires, or we shall lose all our timber.

Mr. PADDOCK. I should like to inquire what is the question before the Senate.

The VICE-PRESIDENT. The question is on the reference of the message of the President of the United States and accompanying papers. They will be referred to the Committee on Public Lands, if there be no objection.

Mr. PADDOCK. The reference should be made to the Committee on Agriculture and Forestry. I will state to the Senator from Nevada that several bills relating to the protection of forests are under consideration now by that committee, and the committee would be very glad to have any suggestions or any aid the Senator from Nevada, who is quite familiar with the subject, may be willing or able to give.

Mr. STEWART. That is probably the proper committee to consider it. I do not suggest the reference of the message to the Committee on Public Lands, and I should like to have it go before the Committee on Agriculture and Forestry.

Mr. PADDOCK. I move that the message and the accompanying papers be referred to the Committee on Agriculture and Forestry.

Mr. EDMUNDS. I hope that the Committee on Agriculture and Forestry will report as speedily as may be upon this subject, for it is one of the greatest importance, as I think, to the interest of the United States.

Mr. PADDOCK. I think the Senator is eminently correct, and that is the view the committee entertains in respect to the matter.

The VICE-PRESIDENT. The message, with the accompanying papers, will be referred to the Committee on Agriculture and Forestry and printed, if there be no objection. It is so ordered.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate for an additional force for the Pension Office; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of Naval Post No. 516, Grand Army of the Republic, Department of New York, praying for the passage of the bill to transfer the revenue-marine service to the Navy; which was ordered to lie on the table.

Mr. TELLER presented a petition of citizens of the State of Missouri, praying for the free coinage of silver; which was ordered to lie on the table.

He also presented a resolution of the Territorial Legislature of Arizona, favoring the passage of an act to secure to that Territory the revenue of the public lands set apart for a public school fund; which was referred to the Committee on Public Lands.

Mr. TURPIE presented a petition of Union Grove Farmers' Alliance, No. 17, of Whitley County, Indiana, praying for the passage of a bill against options and trusts; which was referred to the Committee on Finance.

Mr. GORMAN presented the petition of Anna B. Nicoll and 10 other citizens of Baltimore County, Maryland, praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of alcoholic liquors as a beverage; which was referred to the Committee on Education and Labor.

Mr. ALLISON presented a petition of officers and members of the Woman's Christian Temperance Union, of Washington Township, Dubuque County, Iowa, praying for an amendment to the interstate-commerce law so that no person or persons of any State or Territory of the United States shall have the right to ship intoxicating liquors into any other State or Territory contrary to the laws thereof; which was ordered to lie on the table.

He also presented a petition of citizens of Muscatine, Iowa, praying for the passage of a bill to limit the hours of work of clerks and employes in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the East Lincoln Farmers' Alliance, of Hartley, Iowa, praying for the passage of the Butterworth option bill, so called; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union, of Humboldt, Iowa, praying for the passage of an act providing for the payment of the claim of Miss Anna Ella Carroll; which was referred to the Committee on Military Affairs.

Mr. GRAY presented a petition of U. S. Grant Post, 327, Department of New York, Grand Army of the Republic; a petition of Dushane Post, No. 3, Grand Army of the Republic, of Maryland; a petition of Naval Post, No. 516, Grand Army of the Republic, Department of New York; a petition of Wilson Post, No. 1, Grand Army of the Republic, of Baltimore, Md.; a petition of the New York Board of Trade and Transportation; a petition of Thatcher Post, No. 111, Department of Maine, Grand Army of the Republic; and a petition of Post No. 46, Grand Army of the Republic, Department of Maine, praying for the passage of the House bill for the transfer of the revenue marine to the Navy as an act of economy and for the benefit of the public service; which were ordered to lie on the table.

Mr. PIERCE presented a petition of Sherbrooke Farmers' Alliance, of Steele County, North Dakota, praying for the passage of what is known as the Conger lard bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Sherbrooke Farmers' Alliance, of Steele County, North Dakota, praying for the passage of what is known as the Butterworth option bill; which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 2306) releasing S. H. Brooks, assistant treasurer of the United States, and his sureties on his official bond, asked that the committee be discharged from the further consideration of the bill, and that it be referred to the Committee on Claims; which was agreed to.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 1215) for the relief of Jeremiah Darling, reported it without amendment, and submitted a report thereon.

Mr. MOODY, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3275) for the relief of John William Cable;

A bill (H. R. 7959) granting a pension to Frederick B. Sells; and

A bill (S. 1521) granting a pension to David Drumbheller.

Mr. CULLOM, from the Committee on Commerce, to whom was referred the bill (H. R. 573) for the establishment of a light-station and fog-signal in the vicinity of Braddock's Point, Lake Ontario, New York, reported it with amendment, and submitted a report thereon.

IRONDEQUOIT BAY, NEW YORK.

Mr. CULLOM. From the Committee on Commerce, I report favorably, without amendment, the bill (H. R. 10065) constituting Irondequoit Bay, New York, a navigable water of the United States for certain purposes. I ask that the bill be now considered. It is a very short bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. INGALLS. Let it be read for information.

The VICE-PRESIDENT. The bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That Irondequoit Bay, New York, shall, for the purpose of applying the provisions of Title LII of the Revised Statutes, relating to steam-vessels navigating thereon, be declared a navigable water of the United States; and steam-vessels navigated thereon, and carrying passengers, shall be inspected under the provisions of section 4123 of the title referred to, and subject to the penalties provided therein for a failure to comply therewith.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ST. AUGUSTINE MILITARY RESERVATION.

Mr. HAWLEY. If there be no objection at this time, I should like to ask a reconsideration of the action of the Senate on Saturday last in passing the bill (S. 2865) granting to the Jacksonville, St. Augustine and Halifax River Railway Company a right of way across the United States military reservation at St. Augustine, Fla., for this reason: I was absent from the Senate on business, and when that bill came up I intended to ask leave to substitute for it the House bill on the same subject, which had come over to us passed by the other House. I desired to substitute that bill with a view of getting the measure through at this session. Now, the other House has passed a bill and the Senate has passed a bill, and they have crossed each other, and the action is such, as everybody knows, that I fear the measure will fail. It is a matter of local interest only, and I ask therefore that the Senate reconsider its action in order to have the House bill passed.

The VICE-PRESIDENT. The votes by which the bill was ordered to be engrossed for a third reading and passed will be reconsidered if there be no objection. It is so ordered.

Mr. HAWLEY. I ask now that the House of Representatives be requested to return the bill.

The VICE-PRESIDENT. That order will be made.

DISTRICT PUBLIC PARK.

Mr. HARRIS. Some days ago the Senate disagreed to the amendments of the House of Representatives to the bill (S. 4) authorizing the establishment of a public park in the District of Columbia. The Senator from Michigan [Mr. McMILLAN], myself, and the Senator from Delaware [Mr. HIGGINS] were appointed managers of the conference on the part of the Senate. The Senator from Michigan is necessarily absent from the Chamber, and will be for the next ten days. I ask that the Chair substitute another manager at the conference for that Senator inasmuch as the conferees desire to consider the bill, and I want all the managers on the part of the Senate to be present.

The VICE-PRESIDENT. The Chair will appoint the Senator from Kansas [Mr. INGALLS] in place of the Senator from Michigan [Mr. McMILLAN] as one of the conferees upon the bill.

REPORT ON PRECIOUS METALS PRODUCTION.

Mr. MANDERSON. I am directed by the Committee on Printing to report back favorably, with an amendment, a concurrent resolution, and I ask for its present consideration.

The VICE-PRESIDENT. The concurrent resolution will be read.

The concurrent resolution, submitted on the 12th instant by Mr. COCKRELL, was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed, for the use of the Director of the Mint, 2,000 additional copies of the report on the production of precious metals in the United States for the calendar year 1889.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

The amendment of the Committee on Printing was, in line 3, before the word "thousand," to strike out "two" and insert "one;" so as to read:

That there be printed, for the use of the Director of the Mint, 1,000 additional copies of the report on the production of precious metals in the United States for the calendar year 1889.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

INDEX OF CLAIMS.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed 500 copies of the consolidated index of claims reported by the Commissioners of Claims to the House of Representatives from 1871 to 1889, now in manuscript, prepared by the Clerk of the House of Representatives under resolutions considered and agreed to by the House in the Forty-eighth and subsequent Congresses. The printed copy of said index will be delivered to the Clerk of the House of Representatives.

DECISIONS RELATING TO PUBLIC LANDS AND PENSIONS.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 90) providing for the printing of decisions of the Department of the Interior regarding public lands and pensions, for sale, to report it with an amendment, filling the blank, and I ask its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It directs the Public Printer to print from the stereotype plates, and to bind in full sheep, 1,000 copies each of volumes 8 to 12, inclusive, of decisions of the Department of the Interior relating to public lands, and of volumes 3, 4, and 5 of decisions of the Department of the Interior relating to pensions, to be sold by the Secretary of the Interior in accordance with the provisions of joint resolution approved March 3, 1887, providing for the sale of public documents.

Mr. MANDERSON. I move to fill the blank by inserting "ten thousand."

Mr. EDMUNDS. What is the publication?

Mr. MANDERSON. It is the decisions of the Public Land Office and of the Pension Office, for sale under the provisions of the law. It provides for their sale at cost price, with 10 per cent. added. This is in accordance with a request made by the Secretary of the Interior that there is great demand for these decisions, and they ought to be on hand for sale.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In line 16, fill the blank by inserting the words "ten thousand;" so as to read:

And that there be appropriated \$10,000, or so much thereof as may be necessary, etc.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

SMITHSONIAN AND NATIONAL MUSEUM REPORT.

Mr. HAWLEY, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed of the report of the Smithsonian Institution and National Museum for the years ending June 30, 1888, and June 30, 1889, in two octavo volumes for each year, 16,000 copies of each; of which 3,000 copies shall be for the use of the Senate, 6,000 for the use of the House of Representatives, and 7,000 for the use of the Smithsonian Institution.

BILLS INTRODUCED.

Mr. HAWLEY introduced a bill (S. 4098) to promote the efficiency of the militia; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. INGALLS introduced a bill (S. 4099) to reimburse the State of Kansas for moneys expended in the adjustment and settlement of the claims of citizens of said State for property captured or destroyed by the confederate forces during the late war, and for other purposes; which was read twice by its title, and referred to the Committee on Claims.

Mr. KENNA introduced a bill (S. 4100) for the relief of Mrs. Ann E. Heiskell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. GIBSON introduced a bill (S. 4101) for the relief of Thomas G. Mackie and the heirs at law of William A. Hyde, deceased; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. BUTLER submitted an amendment intended to be proposed by him to the bill (S. 3823) in amendment of and supplementary to the act of Congress approved March 22, 1882, entitled "An act to amend section 5350 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes;" which was ordered to lie on the table and be printed.

Mr. HEARST submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PARIS EXPOSITION REPORTS.

Mr. MANDERSON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of State be, and he is hereby, authorized to have the reports of the commissioners of the United States to the Paris Exposition of 1889, or such of them as may be accepted by him for publication, printed and bound at the Government Printing Office, and that in addition to the usual number there shall be printed 3,000 extra copies for the use of the Senate, 6,000 for the use of the House of Representatives, and 4,000 for the use of the Department of State, of which 600 copies shall be distributed among the authors of the reports printed.

RIVER IMPROVEMENTS IN FLORIDA.

Mr. CALL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate the latest reports to the Chief of Engineers of the condition of the work for the improvement of the entrance to the St. John's River, Florida; also, the latest report of cost of improving the St. John's River, Florida; also, the latest report of the cost of improvement of Indian River, Florida; and the estimates of the Chief of Engineers based on the latest reports.

LOCATION OF THE LAFAYETTE STATUE.

Mr. BATE submitted the following concurrent resolutions; which were referred to the Committee on Public Buildings and Grounds:

Whereas the Committee on the Library, in their report on the resolutions of inquiry as to the location of the Lafayette monument, disavow any "share of responsibility in respect of the Lafayette statue, the selection of site, or its erection," but recognize that interruption of view of the Jackson statue must to a certain extent result from the Lafayette statue if erected on the site selected, and the chairman of the Committee on the Library (but not the committee) in the report suggests for those having the matter in charge that "if the relations of the statues to each other should prove unsatisfactory, it was thought, in the improvement of art in this country and the liberality of Congress in respect of commemorative statues and monuments, a greater and more imposing statue in honor of this illustrious soldier and statesman, as illustrative of his military achievements, might well be provided to replace or to be in addition to the equestrian statue now in Lafayette Square, and to be placed on a site more in accordance with the requirements of its position;" and

Whereas this suggestion of the committee carries with it the idea of experimenting as to perspective and artistic effect with these two statues, as it also does the contingency of the removal of the Jackson statue from the reservation in which it was appropriately located nearly forty years ago by President Fillmore, under the authority of Congress, with special reference to proximity and an unobstructed view from the Executive Mansion; and as silence now might hereafter be regarded as sanctioning a purpose to remove it: Therefore,

Be it resolved by the Senate (the House of Representatives concurring), That the equestrian statue of Andrew Jackson was located by Congress on its present site because of the association of that illustrious soldier, statesman, and patriot to the Executive Mansion in which he had served the Union with abilities no less signal than those exhibited in the defense of the country; and that to obscure the view of his monument by placing another between it and the Executive Mansion would be to reflect on the distinguished patriot and soldier in a manner not approved by the American people and hurtful to both monuments.

Resolved, That it is not less artistic injustice to the monumental statue of Lafayette than to that of Jackson for them to be so located that they will be confused and confounded in outlines and figures, and that each of these grand historic characters merits a separate, distinctive, and appropriate site for his respective statue.

Resolved, That the Committee on Public Buildings and Grounds are directed to select a site from among the many beautiful and appropriate ones in some reservation in the city of Washington on which to place the statue of Lafayette other than the site now selected immediately between the Executive Mansion and the equestrian statue of General Andrew Jackson.

Resolved, That the work in preparing the foundation and pedestal for the Lafayette statue be suspended until another site for it be designated, and that this action on the part of Congress be in no way to interfere with the present management and proceedings in reference to the Lafayette statue, or in any way affect the contracts and arrangements already made respecting said statue of Lafayette other than the change of site and necessary cost growing out of said change.

CLERKS TO SENATE COMMITTEES.

Mr. EVARTS. Mr. President, I ask the consent of the Senate to take up Order of Business 1651, House bill 7217, a bill regarding the public buildings in New York City, which will take but a moment to consider, and it is somewhat important.

Mr. MITCHELL. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon rise to morning business?

Mr. MITCHELL. I offer the following resolution, and ask for its present consideration:

Resolved, That the Secretary of the Senate be, and he is hereby, directed to furnish the Senate with a list of the names of all annual clerks to Senate com-

mittees during the year ending March 4, 1890, to what committees assigned, and the salary received by each; also under what authority, and when employed.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. ALLISON. I see no especial objection to the resolution, but all the clerks of committees have been employed under what is known as the legislative, executive, and judicial appropriation act, and they are all named in the bill now on the table, which I hope to have considered to-morrow.

Mr. SHERMAN. They are also named in the Congressional Directory.

Mr. MITCHELL. I understand that; but I think it advisable, in order to understand just the whole situation as it is, that we should have this information in one little paper so that we can see to what committees annual clerks have been assigned and how much they are given, and can determine whether it is proper to place all the committees on the same footing or upon some similar basis.

Mr. ALLISON. That information is contained in the legislative, executive, and judicial bill now pending; but I have no objection to the resolution.

Mr. MITCHELL. I would rather have the resolution adopted.

Mr. ALLISON. It will require considerable labor on the part of the Secretary to dig out the time when the clerks were assigned or appointed under the provisions of the legislative appropriation acts. Some of them will run back forty years, I think. But I have no objection to the resolution.

Mr. MITCHELL. There are quite a number of annual clerks, of course, to the more important committees who have been on the list a long while, and very properly, too; but I remember, as the chairman of the Committee on Appropriations will remember, that at the last Congress first one chairman of a committee and then another came in, and then another, and resolution after resolution was adopted, adding to the list of annual clerks.

Now, I think it is important that we should know precisely where we stand, just what committees have asked for annual clerks, so that we can determine whether it is important that they should have them; and if it is, whether there are not some other committees that ought also to have annual clerks. That is why I offer the resolution, not striking at anybody or any clerk, or anything of that kind.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

APPRAISERS' WAREHOUSE IN NEW YORK.

The VICE-PRESIDENT. If there is no further morning business, that order is closed. The Senator from New York [Mr. EVARTS] asks unanimous consent to take up a bill, the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 7217) to amend "An act for the erection of an appraisers' warehouse in the city of New York, and for other purposes."

The VICE-PRESIDENT. Is there any objection to the request of the Senator from New York?

Mr. HALE. What is that request?

The VICE-PRESIDENT. To take up for consideration the bill the title of which has just been read.

Mr. HALE. I do not object if it takes no time, but if it does I shall object.

Mr. EVARTS. I only want to say a word about this bill.

The act passed in 1888 and now on the statute-book arranges for an appraisers' store building and also for a new custom-house, and one section provided that if the Secretary of the Treasury should proceed with the two buildings they should be built contiguous. An amendment to the act has been proposed in the other House as a bill, merely relieving that obligation and enlarging the discretion of the Secretary of the Treasury, and that bill having passed the House has been reported from the Committee on Public Buildings and Grounds without amendment, and as will be seen it can be very easily disposed of.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SHERMAN. Let it be read at length for information.

The VICE-PRESIDENT. The bill will be read for information, subject to objection.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act for the erection of an appraisers' warehouse in the city of New York, and for other purposes," approved September 14, 1888, be, and the same is hereby, amended by striking out the words "in the vicinity of each other," wherever the same occur, so that the Secretary of the Treasury may locate said appraisers' warehouse at any point within the collection district, north of Liberty street, on the west side of the city of New York.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT SALINA, KANS.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 595) for the erection of a public build-

ing at Salina, Kans., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same with an amendment as follows, namely: Strike out all of the bill and amendments, and in lieu thereof insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Salina and State of Kansas, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$75,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$5 per day and actual traveling expenses. Provided, however, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Kansas shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys."

And that the House agree to the same.

JOHN C. SPOONER,

JUSTIN S. MORRILL,

G. G. VEST,

Managers on the part of the Senate.

S. L. MILLIKEN,

HERMAN LEHLBACH,

Managers on the part of the House.

The report was concurred in.

TREASURY NOTES AND SILVER BULLION.

Mr. HALE. I call for the regular order.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business of yesterday, which is the bill (H. R. 5381) directing the purchase of silver bullion and the issue of Treasury notes, and for other purposes.

Mr. WOLCOTT. Mr. President, there would seem to be little excuse for my fretting the time of the Senate upon the bill under discussion, even under the shortened rule contemplated for further debate, within which I shall endeavor to confine my remarks. The subject has been practically exhausted. Indeed, until the Senator from Alabama, almost at the close of the debate, disclosed so ably a fresh field and built a new bulwark for the white metal I had supposed nothing new could be said upon the question. I have the good fortune also to be associated with a colleague who almost since Colorado was admitted to the sisterhood of States has stood as the exponent of the views of an intelligent constituency upon this great subject, and who has left nothing pertinent unsaid. But when Senators opposed to the views which some of us entertain charge us who live in silver-producing States, directly and by imputation, with holding sordid and unworthy and unpatriotic opinions, and aver that the people who are demanding that silver be again recognized as a coin of the land equally with its sister metal are adventurers and speculators, and assert that they are indifferent to the true welfare of the country, I must be pardoned for feeling that I have the right to claim the attention of the Senate long enough to protest against such intimation and against such a method of conducting debate.

If, however, it were true, as it is not, that the people of the silver-producing States were governed in this matter by a desire to protect the product upon the value of which their prosperity depends, large warrant for such a course is being furnished us by some of the Eastern States. We seem to have fallen in the North upon days where politics are rated at a commercial value alone; where fealty to party depends on whether the prosperity of the locality in which the voter resides is to be best fostered by competition with other countries, or by large and prohibitory duties which shall exclude such foreign competition. The prosperity of the mountain States and Territories of the West must ever rest chiefly on the product of its mines; yet, we, who are less benefited than any other portion of the Union by a high protective tariff, are asked to stand each session by the duties which the East formulates; and when we ask that our silver shall be also protected,

and have behind us the wishes and desires of the vast majority of the people of the United States, we are called speculators, and told that our ideas are those of a dissatisfied and visionary people.

I wonder how long the Republican majority in Rhode Island, for instance, would last, if the interests upon which the people depend for their livelihood were no longer fostered and protected by the party in power. The worm of Democracy seems already to have made some headway in that Commonwealth, possibly because duties are not yet high enough, and how long does the Senator from Rhode Island expect the miners and farmers of the West will continue to help protect the industries he represents, while he and other Senators who agree with him can find for us only words of criticism and denunciation?

But, Mr. President, the East is not the custodian of the national conscience, and the people of the West are governed by no sectional and selfish views. They are intelligent, industrious, and patriotic, and are neither visionary nor sordid. If they believed that the re-instatement of silver to a parity with gold meant disaster to the best interests of the country, they would no more ask its further coinage than they would ask that the iron and lead with which their mountains likewise abound should be stamped as coin and given to the world.

We are jealous for the honor of our country and the sanctity of its obligations. Vital as is this question to us and our local prosperity, we would rather see our mining camps desolate and deserted, our mining shafts and tunnels abandoned, than see the currency of the country degraded or our credit impaired at home or abroad, and would cheerfully turn our hands to other industries if thereby the fabric of the nation could be strengthened. But we have the well grounded conviction that silver is entitled to its old position as money and to the extent of its availability for that purpose; that its re-establishment is but simple justice, and that its value for coin should no more be measured by the standard of gold than the value of gold should be measured by the standard of silver. And so believing, the person who questions the motives of a great and important section of the country because it happens to be a producer of the metal must himself hold narrow and contracted views of the high duties of citizenship.

I have read, Mr. President, with some care, the greater portion of what has been said on this subject. I should have been more satisfied to have listened to the spoken words, but that has been impossible. Instead of seating the newer Senators in the front rows, where they could hear and profit by the words of wisdom and of eloquence which flow with tolerable frequency from the lips of the older members of this body, we are relegated to the rear, where we have to be content with the stimulus of gesture alone. But I have read the RECORD faithfully, and nowhere, as I can gather, is it disputed that if this country stood alone in the use of gold and silver as coin, or if our financial relations with the rest of the world need not be considered the coinage of the silver product of this country available for that purpose into coin at present standards would work no financial embarrassment.

And, sir, no intelligent man can contemplate the vast growth of this country during the past quarter of a century and not share this view. The increase in population has been unexampled, great areas have been opened up to tillage, the growth of the towns and cities has more than kept pace with the farming communities, thousands of miles of railroad have been constructed, and important mineral belts have been opened and developed. Meanwhile, although facilities for the transaction of the ever-growing business and commerce of this great nation have been extended and improved, the needed increase of the currency of the country has moved with laggard step. I believe the silver available for coinage, produced in this country, will not exceed, even if it equals, fifty millions a year, but if it were double that amount it would still be needed to carry on the business of the country, reaching over vast areas and covering an enormous diversity of pursuits.

If these things be true it might pertinently be suggested that a currency properly adjusted for our own needs might well be tried rather than that our farmers and wage-workers should see prices of farm products and wages reduced in order that our financial policy should be in accord with that of foreign countries. But the evils foreshadowed from abroad seem too dim and uncertain to be seriously considered. It is somewhat singular that the Senators who seem most fearful of the troubles to come upon us from the other side if we adopt free coinage are the same gentlemen who are most conspicuous in their advocacy of a protective tariff of such proportions that if it becomes a law our commercial relations abroad would be minimized; but their fears, though genuine, seem to have little tangibility.

The great fear seems to be that silver from abroad will be shipped to this country and find its way to our mints, and dire forebodings are indulged in if the balance of trade should ever be against us. In spite of the reduced shipments of our cereals abroad, the balance of trade continues in our favor in increasing proportions. The amount of gold produced annually available for coinage diminishes rather than increases, and keeps pace in no proportion with the growing affairs and business of the world. In view of the sensitive relations sustained by many foreign countries towards each other, it is manifestly difficult, if not impossible, to secure unanimity of action in the first instance; but if this country will take the lead, there is every reason for believing

that the other nations will adopt our standards. Already every country except Germany and Great Britain is reaching out in effort to secure the establishment of silver as an international coin, and in the two last-named countries there is a growing and intelligent public sentiment in favor of the double standard.

The only other argument pressed with any earnestness is that Roumania has a few millions of silver she is liable to sell to us. Nobody seems to speak officially on the subject, and so far the awful rumor has not been confirmed. Why, sir, we could absorb her silver, and after six months never know we had taken it, and it is indicative of the absence of real objection to free coinage that such vague material should stand as argument against supplying this country with the currency it needs.

It would seem, therefore, that we may with safety resume the coinage of silver into standard dollars as it is presented at our mints, and if the measure shall prove unwise the same votes that pass it in this body will be cast for its repeal.

Yet, because the far Western States, fortified by good reason for the faith that is in them, favor the full resumption of the coinage of silver, as contemplated in the Constitution, sanctioned by the usages of all nations since the two metals were given to man, and enjoyed by this people for nearly a century and lost only in some mysterious fashion, they are charged with sinister and unworthy motives.

Before Senators charge the new West with selfishness in its advocacy of this or any other measure they should stop to consider. They should remember, sir, what our attitude has been since we have participated in the councils of the nation.

We have not within our borders—I am referring especially to Colorado—a single stream or lake to be benefited by the great annual appropriations for the improvement of rivers and harbors and for coast defenses. Yet we loyally join with you in voting vast sums for these purposes and contribute our share of the expense.

The interstate-commerce act, in its present condition, has wrought injury to every town of considerable size in the West; it is gradually causing the absorption of the smaller lines of railroad by the larger lines, is retarding the building of competitive roads, and must inevitably work injustice to inland communities on lines of through commerce, and far from the seaboard. Yet because the experiment must be tried, and having been inaugurated must be continued until some result universally patent is reached, we cordially second its enforcement and continuance.

Peace is in all our borders. There are no wars or rumors of wars, and no possibility is more remote than that we shall again be called upon to unsheathe the sword. Nevertheless you ask for millions for the further improvement of your Navy, and for the construction of new cruisers and battle-ships. We are 2,000 miles from the nearest sea. Few of our people can ever hope to look upon the pathless deep or to see the white sails of the stately ships they have helped to build. But, because from Paul Jones to Farragut our Navy has been manned by heroes, because we desire that other nations shall see that our country is strong and valiant and ready to protect its citizens and its interests abroad as well as at home, and, above all, because we love the flag and are proud of our common country, we willingly aid in voting whatever sum may be required to insure the supremacy of our Navy.

Colorado is less benefited by a protective tariff than any other State in the Union, yet, as loyal citizens, we have regularly voted to protect the industries of other States while our own have been neglected and ignored; and we shall probably continue so to vote under proper conditions.

In the face, then, of our record respecting public affairs, I trust that we may be hereafter spared the imputation of being either sordid or unpatriotic in any matter affecting the public welfare.

The struggles of the people ever since the demonetization of silver to secure its reinstatement, though unwearied, have been in a large degree unsuccessful; and it is doubtful if in the whole history of legislation in this country a parallel can be found to the ingenuity and disloyalty which have so far thwarted the efforts of the representatives of the large majority of the people, indorsed by the national conventions of both parties, to carry out the will of their constituents.

It is useless at this time to inquire into the circumstances under which silver was demonetized in 1873. It may have been by trick or it may have been by open proceeding. We only know that there were at that time in both branches of Congress able, vigilant friends of the double standard who did not know until it was too late that silver was demonetized, and we know that, notwithstanding all the extended statements since made by those who participated in the act, nobody has yet pretended to tell us why the silver dollar was dropped from further coinage.

Hostile as was the act of 1873 to silver coinage, it nevertheless contented itself with suspending the coinage, and it did not in terms make silver a commodity and debase it, as does the House bill before us.

When the act of 1878 was passed and the minimum was placed at two millions and the maximum at four millions a month, it was first vetoed and then carried over the veto, and it was expected that the discretion reposed in the Secretary of the Treasury was a discretion to be exercised in the interests of the whole people and not of any

section, yet from that day to this, whichever party has been in power, each Secretary has traveled in the direct path of his predecessor and contracted the currency by every means at his command.

The open and avowed views of ex-President Cleveland, while they convinced nobody apparently, either in the Democracy or out of it, were yet sufficient to paralyze the efforts of the friends of silver in both political parties to secure its full recognition.

The day star of hope did not rise for us until the national conventions of 1888. Then the Republican convention declared for silver. It seems droll now to recall the enthusiasm created in the far West in the last campaign. The Republican candidate for the Presidency had been in public life, but his utterances had not been many or particularly important. The motto, in part assumed by Junius, could have been applied to him: "*Stat magni nominis umbra.*" But we hunted up the CONGRESSIONAL RECORD, and being ardent and sanguine, and our hearts being illumined with hope, many of us found here and there a phrase or a sentence which indicated a friendly feeling for silver. And we labored among the farmers in the valleys and on the plains and with the toilers in the mining camps in the mountain gulches and cañons with these as texts. We held up Mr. Cleveland to contumely and scorn in withering language that would make him feel very badly if he ever heard of it, and we extolled our candidate in glowing terms and assured our friends that upon his election the remonetization of silver would be speedily accomplished, and that meanwhile his Secretary of the Treasury, whoever he might be, would certainly commence coining four millions a month.

If I remember aright, we made some other predictions as to the treatment and recognition the great Northwest would receive when he became President which have not exactly materialized, but I am confining myself to the silver question. We gave handsome majorities for the Republican ticket; our hopes were high; our confidence supreme. The awakening all along the line has been somewhat rude. If the Windom recommendation, approved by the President, could have been announced before the election, it is my humble opinion that not a single State west of the Missouri River would have given a Republican majority. Not because the large majority of the citizens of those States were not and are not and will not always be true and staunch and earnest Republicans, loving the traditions of the party and true to its principles, but because they would overwhelmingly rebuke a party that selected as its standard-bearer one unmindful of the interests of the country, and disregarding the wishes of the majority of its members. An open foe is to be preferred to a secret enemy; but who can foretell the future or gather figs of thistles?

The recommendations of the Secretary, largely followed in the House bill before the Senate, strike viciously at the interests of silver. The act of 1878 is infinitely preferable to the bill before us. Under that act we can at least have two millions a month of legal tender; and the whole purpose of the House bill seems to be to degrade and debase silver, and to make it a commodity, ranking it with the baser metals, and to forever prevent its again taking its place as a standard of value. Some amendments appear to be submitted by the Finance Committee, but while they eliminate one of the objectionable features, the bullion-redemption clause, other obnoxious clauses are retained and a curious amendment is added, concerning which I hope some explanation will be made. Why is the law to cease and terminate at the end of ten years? Instead of encouraging other nations to adjust their monetary system in harmony with ours, we give them notice that this increased silver coinage is a temporary device, expiring by its own limitation, and much of any good effect of the law is immediately destroyed.

Such are some of the difficulties under which the friends of silver have labored; but though we have much to contend with, we are by no means hopeless. A bill for the free coinage of silver will some day become a law. Administrative influence is strong and far reaching; the inducements it can offer are great, very great. Its friends, when it has any, are supposed to bask in the sunshine of executive patronage; those who, although of the same political faith, can not agree with it, must sit in outer darkness. Cabinet officers with patronage, soliciting support to a Government measure, are almost omnipotent, but not quite. We do not despair. The large majority of Senators on the other side were uninfluenced by the utterances of the last Chief Executive; a number of the Senators on this side of the Chamber feel able to form their own opinions. A bill for free coinage will become a law because the country is in favor of it, and in the end the wishes of the majority govern, notwithstanding the personal desires and efforts of the Executive. The measure is of vast importance; of far greater importance than a new election law, an anti-gerrymandering law, or a tariff law. So great are the interests involved that, in view of them, party lines are obliterated and forgotten, and the South and the West meet on common ground, animated by a common and patriotic purpose. [Applause in the galleries and on the floor of the Senate.]

The VICE-PRESIDENT. The pending question is on the first amendment reported by the Committee on Finance, which will be stated.

The CHIEF CLERK. In section 2, on page 2, line 8, after the word "notes," where it occurs the second time in the line, to strike out

"shall be a legal tender in payment of all debts, public and private, and;" so as to read:

And such Treasury notes shall be receivable for customs, taxes, and all public dues, and when so received may be reissued; and such notes when held by any national-banking association may be counted as a part of its lawful reserve.

Mr. REAGAN. Mr. President, the attention of Senators ought to be called to the amendment which is now before us. It is proposed to strike out of the bill the words "shall be a legal tender in payment of all debts, public and private," leaving the certificates which it is proposed to issue to be receivable only for taxes and public dues. Whatever question may exist or may have existed as to the right of the Government to issue paper money, mere promises to pay—

Mr. INGALLS. It is impossible to hear the Senator, there is so much confusion in the Chamber.

The VICE-PRESIDENT. The Senator from Texas will suspend until order is restored.

Mr. REAGAN. Whatever question may exist as to whether the Government may issue paper money not based upon dollar for dollar in coin, it seems to me is not raised by the proposition to make the silver and the gold certificates a lawful tender for all debts, public and private. The certificates are simply a convenient form of circulating silver dollars; and if silver dollars are a legal tender, then their representative dollar for dollar, the mere means of circulating them, ought to be a legal tender.

Mr. JONES, of Arkansas. I hope we shall have order. It is impossible to hear anything in the Senate Chamber, owing to the confusion.

The VICE-PRESIDENT. The Senator from Texas will suspend until order is restored in the Chamber.

Mr. REAGAN. I can not elaborate in five minutes the arguments in favor of making these certificates a legal tender, nor do I think it necessary to do so.

But there is another point in connection with this to which I desire to call the attention of the Senate. The object of the bill passed by the House of Representatives and the object of the bill presented by the Senate Committee on Finance has been to make silver a commodity, to prevent it from being money. One of the means of degrading it is to declare that it shall not be a legal tender. Whatever draws a distinction between gold and silver in their use as money, unfavorable to silver, tends to its degradation and to preserve this degradation. If, therefore, we desire that silver shall be treated as money, it is necessary that it shall be regarded as a legal tender, and the certificate, which simply is a means of circulating and using silver, should be a legal tender the same as the silver dollars would be a legal tender if they were offered.

I simply desire to call attention to this, because we ought to know right at the start that this is the first step and the first vote to be taken which is to test the question whether we mean to degrade silver and keep it degraded and prevent it from becoming money.

Mr. SHERMAN. I ask for the reading of the amendment again.

The VICE-PRESIDENT. The amendment will be again stated.

The Chief Clerk read the amendment.

Mr. STEWART. I call for the yeas and nays on that amendment.

The VICE-PRESIDENT. The Chair desires to be informed whether it is or is not the pleasure of the Senate that the Chair should undertake to enforce agreements made by unanimous consent affecting debate.

Mr. STEWART. It is, with the exceptions made yesterday. The Senator from Kansas [Mr. INGALLS] asked that when the free-coinage measure was up for consideration he might be heard upon it. With that exception, I believe that is the desire of the Senate.

The VICE-PRESIDENT. The Chair will understand then that it is the pleasure of the Senate, unless special exceptions are made, that he shall undertake to enforce agreements made by unanimous consent.

Mr. HOAR. Does the Chair understand that to be an order of the Senate for all time, or merely for the present occasion?

The VICE-PRESIDENT. The Chair desires information for his general government. The question having come up within the last day or two and two or three weeks since, he only wishes to know what is the pleasure of the Senate, whether he shall enforce agreements entered into by unanimous consent or not.

Mr. SHERMAN. The agreement applied only to this particular bill and to this occasion, with one exception, and I hope the Chair will enforce it, and I suppose the Senate expects the Chair to enforce this order like any other order applicable to this particular occasion.

The VICE-PRESIDENT. In similar cases what is the pleasure of the Senate?

Mr. SHERMAN. Sufficient unto the day is the duty thereof.

Mr. HALE. We will cross the bridge when we reach it.

The VICE-PRESIDENT. The question is on the amendment which has just been stated.

Mr. HARRIS. I did not hear the amendment read and I should be glad to hear it read.

Mr. TELLER. There is too much noise, and it is utterly impossible for us to hear anything in the back seats. Let the amendment be again stated.

The VICE-PRESIDENT. The amendment will be again stated.

The CHIEF CLERK. In section 2, on page 2, line 8, after the word "notes" where it occurs the second time, the Committee on Finance report to strike out the words "shall be a legal tender in payment of all debts, public and private, and;" so as to make the clause read:

But no greater or less amount of such notes shall be outstanding at any time than the cost of the silver bullion then held in the Treasury purchased by such notes; and such Treasury notes shall be receivable for customs, taxes, and all public dues, and when so received may be reissued.

The VICE-PRESIDENT. The Senator from Nevada [Mr. STEWART] has called for the yeas and nays on this amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DIXON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. HAMPTON], who is absent, and therefore I withhold my vote.

Mr. HAWLEY (when his name was called). I am paired with the Senator from California [Mr. STANFORD].

Mr. STOCKBRIDGE (when Mr. McMILLAN's name was called). My colleague [Mr. McMILLAN] is necessarily absent, and is paired with the Senator from North Carolina [Mr. VANCE].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "nay."

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. If he were present, I should vote "nay."

Mr. ALLEN (when Mr. SQUIRE's name was called). My colleague [Mr. SQUIRE] has been temporarily called from the city and is paired with the Senator from Virginia [Mr. DANIEL]. If present, my colleague would vote "nay."

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. McMILLAN]. If he were present, I should vote "nay."

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB]; but I am informed that if present he would vote "nay," and I shall vote "nay."

The roll-call was concluded.

Mr. CAMERON. My colleague [Mr. QUAY] is paired with the Senator from West Virginia [Mr. FAULKNER].

Mr. DOLPH. I am paired with the senior Senator from Georgia [Mr. BROWN], but I am informed he would vote "nay" on this motion, and I therefore vote "nay."

Mr. EDMUNDS (after having voted in the affirmative). I observe that my friend from Alabama [Mr. PUGH], with whom I have a general pair, is not in the Chamber, and I therefore withdraw my vote.

Mr. ALLISON. I desire to state that my colleague [Mr. WILSON, of Iowa] is absent because of illness and is paired with the Senator from Maryland [Mr. WILSON] upon these questions generally, but if he were present, my colleague would vote against striking out this provision.

Mr. CULLOM. My colleague [Mr. FARWELL], as I understand, is paired with the Senator from Florida [Mr. PASCO]. If my colleague were present he would vote against striking out the provision.

Mr. DANIEL. I think it proper to state that I am paired with the Senator from Washington [Mr. SQUIRE], but I understand that he would vote "nay" if here, and therefore I take the liberty to vote. I vote "nay."

Mr. ALLEN. That statement is correct.

Mr. WASHBURN. I desire to state that I understand that my colleague [Mr. DAVIS] is paired with the Senator from Indiana [Mr. TURPIE], but if he were present my colleague would have voted "nay," the same as the Senator from Indiana has voted.

Mr. PASCO. Upon the statement of the Senator from Illinois [Mr. CULLOM] with reference to how his colleague [Mr. FARWELL], with whom I am paired, would vote if present, I vote "nay."

The result was announced—yeas 14, nays 50; as follows:

YEAS—14.			
Aldrich,	Chandler,	Hale,	Morrill,
Blair,	Frye,	Harris,	Platt.
Blodgett,	Gibson,	Hoar,	
Carlisle,	Gray,	McPherson,	
NAYS—50.			
Allen,	Daniel,	Mitchell,	Sherman,
Allison,	Dolph,	Moody,	Spooner,
Barbour,	Eustis,	Morgan,	Stewart,
Bate,	Evarts,	Paddock,	Stockbridge,
Berry,	George,	Pasco,	Teller,
Butler,	Gorman,	Payne,	Turpie,
Call,	Hearst,	Pierce,	Vest,
Cameron,	Higgins,	Plumb,	Voorhees,
Casey,	Hiscock,	Power,	Walthall,
Cockrell,	Ingalls,	Ransom,	Washburn,
Coke,	Jones of Arkansas,	Reagan,	Wolcott.
Colquitt,	Jones of Nevada,	Sanders,	
Cullom,	Keuna,	Sawyer,	
ABSENT—20.			
Blackburn,	Edmunds,	McMillan,	Squire,
Brown,	Farwell,	Manderson,	Stanford,
Davis,	Faulkner,	Pettigrew,	Vance,
Dawes,	Hampton,	Pugh,	Wilson of Iowa,
Dixon,	Hawley,	Quay,	Wilson of Md.

So the amendment was rejected.

The VICE-PRESIDENT. The next amendment will be stated.

The next amendment of the Committee on Finance was, in section 2, line 13, after the word "reserve," to strike out the following proviso:

Provided, That upon demand of the holder of any of the Treasury notes herein provided for the Secretary of the Treasury may, at his discretion and under such regulations as he shall prescribe, exchange for such notes an amount of silver bullion which shall be equal in value at the market price thereof on the day of exchange to the amount of such notes presented.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DIXON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. HAMPTON]. In his absence I withhold my vote.

Mr. STOCKBRIDGE (when Mr. McMILLAN's name was called). My colleague [Mr. McMILLAN] is absent from the city. He is paired with the Senator from North Carolina [Mr. VANCE]. If present, my colleague would vote "yea," so that the Senator from North Carolina is at liberty to vote.

Mr. MANDERSON (when his name was called). I do not know how the Senator from Kentucky [Mr. BLACKBURN], with whom I am paired, would vote upon this proposition. Were he present, I should vote "yea."

Mr. PASCO (when his name was called). I again announce my pair with the Senator from Illinois [Mr. FARWELL], but I am informed by his colleague that he would vote as I do if present, and I therefore vote "yea."

Mr. ALLEN (when Mr. SQUIRE's name was called). My colleague [Mr. SQUIRE] is necessarily absent. He is paired with the Senator from Virginia [Mr. DANIEL]. If my colleague were present and given the opportunity, he would vote "yea."

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. McMILLAN], but I am informed that if he were present he would vote "yea." I therefore vote "yea."

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON]. If he were present he would vote "yea," and I should vote "nay."

The roll-call was concluded.

Mr. HIGGINS. I have a general pair on this bill with the Senator from South Dakota [Mr. PETTIGREW]. I was informed by his colleague last evening that he expected him to return to-day; but as he is not present I withhold my vote.

Mr. BATE. The Senator from West Virginia [Mr. FAULKNER] is necessarily absent, and I announce his pair with the Senator from Pennsylvania [Mr. QUAY]. It is hardly necessary for me to say that the Senator from West Virginia, if present, would vote "yea."

Mr. MOODY. I wish to say that my colleague [Mr. PETTIGREW] is necessarily absent, and, as stated by the Senator from Delaware [Mr. HIGGINS], has a general pair with him upon this bill. If he were present, my colleague would vote "yea" on this amendment.

Mr. HAWLEY. I am paired with the absent Senator from California [Mr. STANFORD], but I am informed by those who more especially represent him that he would vote "yea" if present. Therefore, I shall vote "yea."

Mr. WASHBURN. I desire to state that my colleague [Mr. DAVIS], who is absent, is paired with the Senator from Indiana [Mr. TURPIE]. If he were present, my colleague would vote "yea."

Mr. DOLPH. I am paired with the senior Senator from Georgia [Mr. BROWN]. Not knowing how he would vote on this particular question, if present, I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. MORGAN. My colleague [Mr. PUGH] is necessarily absent this morning temporarily, and is paired with the Senator from Vermont [Mr. EDMUNDS]. If my colleague were here, he would vote "yea" upon this proposition.

The result was announced—yeas 57, nays 7; as follows:

YEAS—57.			
Aldrich,	Colquitt,	Kenna,	Sawyer,
Allen,	Cullom,	McPherson,	Spooner,
Allison,	Daniel,	Mitchell,	Stewart,
Barbour,	Eustis,	Moody,	Stockbridge,
Bate,	Evarts,	Morgan,	Teller,
Berry,	George,	Paddock,	Turpie,
Blair,	Gibson,	Pasco,	Vance,
Blodgett,	Gorman,	Payne,	Vest,
Butler,	Gray,	Pierce,	Voorhees,
Call,	Harris,	Platt,	Walthall,
Cameron,	Hawley,	Plumb,	Washburn,
Carlisle,	Hearst,	Power,	Wolcott.
Casey,	Ingalls,	Ransom,	
Cockrell,	Jones of Arkansas,	Reagan,	
Coke,	Jones of Nevada,	Sanders,	
NAYS—7.			
Chandler,	Hale,	Hoar,	Sherman,
Frye,	Hiscock,	Morrill,	

ABSENT—20.

Blackburn,	Dolph,	Higgins,	Quay,
Brown,	Edmunds,	McMillan,	Squire,
Davis,	Farwell,	Manderson,	Stanford,
Dawes,	Faulkner,	Pettigrew,	Wilson of Iowa,
Dixon,	Hampton,	Pugh,	Wilson of Md.

The VICE-PRESIDENT. The next amendment will be stated.

The next amendment of the Committee on Finance was to strike out section 6, as follows:

Sec. 6. That whenever the market price of silver, as determined in pursuance of section 1 of this act, is \$1 for 371.25 grains of pure silver, it shall be lawful for the owner of any silver bullion to deposit the same at any coinage mint of the United States, to be formed into standard silver dollars for his benefit, as provided in the act of January 18, 1837. And purchases of silver bullion shall be suspended while it is being so deposited for coinage.

Mr. GORMAN. I ask for the yeas and nays on that question.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DIXON (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON], who is absent.

Mr. DOLPH (when his name was called). I have information which leads me to believe that the senior Senator from Georgia [Mr. BROWN], if present, would vote "nay," and as I would vote that way, I will vote. I vote "nay."

Mr. HAWLEY (when his name was called). I again announce my pair with the Senator from California [Mr. STANFORD]. If he were present, I should vote "yea."

Mr. HIGGINS (when his name was called). I am paired on all questions on this bill with the Senator from South Dakota [Mr. PETTIGREW]. If he were present, I should vote "nay."

Mr. PUGH (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were present, I should vote "nay."

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. McMILLAN]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. I am informed that if he were present he would vote "nay." I therefore desire to record my vote. I vote "nay."

Mr. WILSON, of Maryland. I am paired with the Senator from Iowa [Mr. WILSON]. Not knowing how he would vote upon this question, I withhold my vote.

The result was announced—yeas 16, nays 46; as follows:

YEAS—16.

Aldrich,	Evarts,	Hoar,	Sherman,
Allison,	Frye,	Morrill,	Spencer,
Chandler,	Hale,	Platt,	Stockbridge,
Dawes,	Hiscock,	Sawyer,	Washburn.

NAYS—46.

Allen,	Colquitt,	Jones of Arkansas,	Ransom,
Bate,	Cullom,	Jones of Nevada,	Reagan,
Berry,	Daniel,	Kenna,	Sanders,
Blair,	Dolph,	Manderson,	Stewart,
Blodgett,	Eustis,	Mitchell,	Teller,
Butler,	George,	Moody,	Turpie,
Call,	Gibson,	Morgan,	Vest,
Cameron,	Gorman,	Paddock,	Voorhees,
Carlisle,	Gray,	Payne,	Walthall,
Casey,	Harris,	Pierce,	Wolcott.
Cockrell,	Hearst,	Plumb,	
Coke,	Ingalls,	Power,	

ABSENT—22.

Barbour,	Farwell,	McPherson,	Stanford,
Blackburn,	Faulkner,	Pasco,	Vance,
Brown,	Hampton,	Pettigrew,	Wilson of Iowa,
Davis,	Hawley,	Pugh,	Wilson of Md.
Dixon,	Higgins,	Quay,	
Edmunds,	McMillan,	Squire,	

So the amendment was rejected.

The VICE-PRESIDENT. The next amendment will be stated.

The next amendment of the Committee on Finance was, in section [6] 7, line 2, after the word "passage," to insert "and terminate at the expiration of ten years therefrom;" so as to make the section read:

Sec. [8] 7. That this act shall take effect thirty days from and after its passage, and terminate at the expiration of ten years therefrom.

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EVARTS. Mr. President, I rise to ask from the committee upon what ground or beneficial or substantial idea this amendment is proposed. It is not customary for us to limit our laws unless under some very special reasons for so limiting them, and unless I hear some good reason to the contrary I shall vote against this amendment.

The Secretary proceeded to call the roll.

Mr. DIXON (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON]. In his absence, I withhold my vote.

Mr. DOLPH (when his name was called). Although paired with the senior Senator from Georgia [Mr. BROWN], I shall vote "nay" on this amendment, as I am satisfied he would vote the same way if present.

Mr. HAWLEY (when his name was called). I am informed that

the absent Senator from California [Mr. STANFORD] would vote "nay," if present, upon this question, and I therefore ask to be recorded. I vote "nay."

Mr. HIGGINS (when his name was called). Being informed by the Senator from South Dakota [Mr. MOODY] that his colleague [Mr. PETTIGREW] with whom I am paired, if present, would vote "nay," I vote "nay."

Mr. MANDERSON (when his name was called). Being assured that the Senator from Kentucky [Mr. BLACKBURN] with whom I am paired would vote "nay" on this question, if present, I will vote. I vote "nay."

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL], but understanding that if he were present he would vote against this amendment, I vote "nay."

Mr. CAMERON (when Mr. QUAY's name was called). My colleague [Mr. QUAY] is paired with the Senator from West Virginia [Mr. FAULKNER]. My colleague, if present, would vote "nay."

Mr. VANCE (when his name was called). Mr. President, I understand that the Senator from Michigan [Mr. McMILLAN], with whom I am paired for the present, would, if present, vote "nay." I therefore vote "nay."

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON].

The roll-call was concluded; and the result announced—yeas 4, nays 64; as follows:

YEAS—4.

Chandler,	Edmunds,	Morrill,	Sherman.
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NAYS—64.

Allen,	Dawes,	Ingalls,	Pugh,
Allison,	Dolph,	Jones of Arkansas,	Ransom,
Bate,	Eustis,	Jones of Nevada,	Reagan,
Berry,	Evarts,	Kenna,	Sanders,
Blair,	Frye,	Manderson,	Sawyer,
Blodgett,	George,	McPherson,	Spooner,
Butler,	Gibson,	Mitchell,	Stewart,
Call,	Gorman,	Moody,	Stockbridge,
Cameron,	Gray,	Morgan,	Teller,
Carlisle,	Hale,	Paddock,	Turpie,
Casey,	Harris,	Pasco,	Vance,
Cockrell,	Hawley,	Payne,	Vest,
Coke,	Hearst,	Pierce,	Voorhees,
Colquitt,	Higgins,	Platt,	Walthall,
Cullom,	Hiscock,	Plumb,	Washburn,
Daniel,	Hoar,	Power,	Wolcott.

ABSENT—16.

Aldrich,	Davis,	Hampton,	Squire,
Barbour,	Dixon,	McMillan,	Stanford,
Blackburn,	Farwell,	Pettigrew,	Wilson of Iowa,
Brown,	Faulkner,	Quay,	Wilson of Md.

So the amendment was rejected.

Mr. PLUMB. I move to strike out the first section of the bill and insert what I send to the desk.

Mr. BLAIR. Before the Senator offers that, I should like to call attention to the part of the text of the bill which I was going to move to strike out.

Mr. PLUMB. I move to strike out the first section and insert what I send to the desk.

The CHIEF CLERK. It is proposed to strike out section 1 of the bill and insert in lieu thereof:

That from and after the date of the passage of this act the unit of value in the United States shall be the dollar, and the same may be coined of 412½ grains of standard silver, or of 25.8 grains of standard gold; and the said coins shall be equally legal tender for all sums whatever. That hereafter any owner of silver or gold bullion may deposit the same at any mint of the United States to be formed into standard dollars or bars for his benefit and without charge; but it shall be lawful to refuse any deposit of less value than \$100, or any bullion so base as to be unsuitable for the operations of the Mint.

Mr. BLAIR. I offer an amendment to the proposed amendment of the Senator from Kansas, which is, to add at the end of the second section:

Nor shall the amount of silver coined and issued from the mints of the United States be more than \$5,000,000 for each calendar month.

Mr. SHERMAN. That is not in order, because it does not relate to the same section, the same subject-matter.

Mr. BLAIR. I move an amendment to the proposition of the Senator from Kansas, which is to strike out. I move to amend his amendment.

Mr. SHERMAN. It is not in any sense an amendment to that, because it has no connection at all with it. The Senator from Kansas moves to strike out the first section and insert in place of it other words.

Mr. BLAIR. My amendment is to add other words to these.

Mr. SHERMAN. The Senator from New Hampshire moves to add to the second section.

Mr. BLAIR. I propose to add words to be inserted after the amendment of the Senator from Kansas. I propose to add words perfecting the bill, in addition to the words moved by the Senator from Kansas.

Mr. SHERMAN. Then the Senator is quite right if his amendment is by way of addition.

Mr. BLAIR. I may possibly have misstated it. I was in some confusion as to what the Senator from Kansas had offered. What I desire to do is to amend his amendment.

The VICE-PRESIDENT. The amendment is in order as an amendment to the amendment offered by the Senator from Kansas.

Mr. BLAIR. Let me be understood. I move to amend the matter proposed by the Senator from Kansas to be inserted by adding to that the words which I ask may be read.

Mr. HARRIS. Let the amendment to the amendment be read, and we can see whether it is in order or not.

The VICE-PRESIDENT. It will be read.

The CHIEF CLERK. It is proposed to add to the amendment:

Nor shall the amount of silver coined and issued from the mints of the United States be more than \$5,000,000 for each calendar month.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. BLAIR] to the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. BLAIR. Mr. President, my purpose is that, if in the end a free-coinage act should be the result of the deliberations of Congress, for the present the amount coined and issued of silver under free coinage should be limited to the amount of \$5,000,000 monthly until there may be further action by Congress.

The only reason, as it seems to me, why there can be any apprehension of injury to the interests of the country by free coinage is the possibility which influences many minds that we may be deluged by the amount of silver depreciated below the value of gold which may be precipitated upon us by such an act. Now, I do not apprehend that danger myself. I believe that it is safe for the country at the present time to go direct to free coinage. I think the interests of the country would not be injured by an act of that kind. If they shall be injured it will be because of the state of mind that would be created throughout the country, the apprehension of danger which might precipitate panic to our business interests. But if that apprehension can be provided against, as it will be provided against if the amount of silver to be issued is limited to \$5,000,000 a month, then I believe we can adopt free coinage with perfect safety at the present time.

The capacity of the mints is such that nobody anticipates that we shall coin more than four or four and a half million dollars a month. We can not well do it, and there is that practical limit existing, even if there were no words whatever in a free-coinage act limiting the amount to be coined and issued. But if we place in the act itself these words of limitation, there can be no ground of apprehension, and then if we do go to free coinage I believe that the public confidence will be unshaken and that the business interests of the country will stand firmly, as they do to-day.

Mr. PLUMB. Mr. President, I do not think it is necessary to take up the time of the Senate. This is only one of many modifications of the proposition for free coinage which have from time to time been discussed. It has its merits probably as well as others, and its demerits. I think the Senate would prefer to vote on the question of free coinage pure and simple, which is involved in my amendment, and I hope it will not be embarrassed by the addition of the proposition of the Senator from New Hampshire.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Hampshire [Mr. BLAIR] to the amendment proposed by the Senator from Kansas [Mr. PLUMB].

Mr. HARRIS. I ask for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DANIEL (when Mr. BARBOUR's name was called). I beg leave to state that my colleague [Mr. BARBOUR] is absent, and is paired with the Senator from Connecticut [Mr. PLATT]. If my colleague were present, he would vote "nay."

Mr. DIXON (when his name was called). I am paired generally with the Senator from South Carolina [Mr. HAMPTON], who is absent. I therefore withhold my vote.

Mr. HAWLEY (when his name was called). I am paired as before stated. If I were at liberty, I should vote "yea."

Mr. STOCKBRIDGE (when Mr. McMILLAN's name was called). My colleague [Mr. McMILLAN] is away, and is paired with the Senator from North Carolina [Mr. VANCE]. If my colleague were here, he would vote "nay."

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR], who has been obliged to leave the Chamber on account of illness. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. I do not know how he would vote. I should vote "nay" if he were present.

Mr. PASCO. I again announce my pair with the Senator from Illinois [Mr. FARWELL]. If he were present, I should vote "nay."

The result was announced—yeas 12, nays 46; as follows:

YEAS—12.

Allen,	Chandler,	Frye,	Paddock,
Blair,	Dawes,	Hale,	Spooner,
Casey,	Edmunds,	McPherson,	Washburn,

NAYS—46.

Aldrich,	Daniel,	Mitchell,	Sawyer,
Allison,	Eustis,	Moody,	Stewart,
Bate,	George,	Morgan,	Stockbridge,
Berry,	Gibson,	Morrill,	Teller,
Blodgett,	Gorman,	Payne,	Turpie,
Call,	Harris,	Pierce,	Vance,
Cameron,	Hearst,	Plumb,	Vest,
Carlisle,	Hiscock,	Power,	Voorhees,
Cockrell,	Ingalls,	Pugh,	Walsh,
Coke,	Jones of Arkansas,	Ransom,	Walcott,
Colquitt,	Jones of Nevada,	Reagan,	
Cullom,	Kenna,	Sanders,	

ABSENT—26.

Barbour,	Evarts,	Hoar,	Sherman,
Blackburn,	Farwell,	McMillan,	Squire,
Brown,	Faulkner,	Manderson,	Stanford,
Butler,	Gray,	Pasco,	Wilson of Iowa,
Davis,	Hampton,	Pettigrew,	Wilson of Md.
Dixon,	Hawley,	Platt,	
Dolph,	Higgins,	Quay,	

So the amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs on the amendment offered by the Senator from Kansas [Mr. PLUMB].

Mr. BLAIR. In regard to that amendment, as I understand its effect, the bill, if passed, will stand in this wise: Coinage will take place as silver bullion is deposited by the individual owner, and not upon the bullion but upon that coinage certificates will be issued, as is now the case under the existing law. Whatsoever is purchased by the Government will be coined by the Government and will become legal tender, not the certificate that is issued, but the coin itself, the bullion formed and fashioned into coin and remaining on deposit; so that we shall have no legal tender by virtue of this act except the coin, as the Constitution contemplates in time of peace when there shall be no emergency.

Mr. GRAY. The Senator from New Hampshire will allow me to call his attention to the fact that the amendment does not provide for any purchase at all.

Mr. BLAIR. I did not state that it did. I stated that the individual owner makes his deposit of bullion with the Government, and the Government proceeds to coin without charge, and upon that coin, as is now the case, may then be issued the silver certificate, which certificate, like that at the present time issued, will be devoid of the legal-tender character.

So there will be by virtue of this act, if this amendment be adopted, no paper currency put in circulation which shall be made a legal tender by force of this act or any other law, and whatsoever there is of bullion deposited will be formed into coin, and thus behind the silver as well as the gold certificates there will be the actual coin, which can be had on the presentation of the certificate. Am I correct?

Mr. PLUMB. I did not hear the Senator's statement.

Mr. BLAIR. I know that must be the force and effect of the amendment from comparing it with the law.

Now, my principal objection to this whole business is that there is an undertaking to foist upon the country a legal tender which, in my belief, is unconstitutional, which can not properly in any sound discretion of Congress be issued under existing conditions in this country. We are in a time of peace and of as great prosperity as we have ever known, and here comes a proposition in the House bill as it now stands, the amendment reported by the committee having been rejected, to put one billion fifteen hundred million, \$2,000,000,000 as it soon will be, of actual currency, not coin, in circulation in the form of paper, and to make that paper a legal tender. To be sure there will be on deposit either the bullion or the coin, but it is not in actual circulation, and no private citizen demanding the payment of his debt can insist upon the coin; he must take the paper; and if in the catastrophes of the future, in the uncertainties of the future, it should so come, as it has in the past, that that coin should disappear, that the property which is behind the paper in circulation shall have vanished away, then the citizen would be left in possession of nothing but the paper, the valueless, the depreciating paper, as it would be under those circumstances.

That is the precise danger which the Constitution proposed to guard against, and even under the liberal interpretation of the Supreme Court there has never been the doctrine advanced that it was possible under the Constitution to issue or to make a legal tender of anything but property, coin, gold or silver, except in time of war or of the uttermost emergency in national affairs. Congress, to be sure, has the power, because Congress has the right to judge in its discretion when that necessity arises; but, sir, it is an honest discretion that we are bound to exercise under the conditions that surround us, and not to depart from the provisions of the Constitution in taking from the citizen his right to coin unless there be desperation in the general condition of the country. We know that is not now the case, and upon my oath as a legislator here I can not say that any such emergency exists.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. PLUMB. Mr. President, the Senator from New Hampshire has leaped the stile before he has come to it. Unless there shall be some other provision inserted in this bill than the one which I have proposed,

and in addition to what is already in the bill, no certificates can be issued on the basis of the coins provided for in the first section, and consequently there can be no occasion for their being made a legal tender. His fear about what may come from making a large addition of legal-tender money will come later if this amendment should be adopted, because other amendments then applicable to the case will be proposed.

Mr. BLAIR. Do I understand the Senator to say that it is his intention to offer an amendment providing for the issue of certificates upon that coin?

Mr. PLUMB. I do intend to offer such an amendment.

Mr. BLAIR. So the currency that would exist would not be a legal-tender paper currency?

Mr. PLUMB. Unless Congress shall in this act make it so.

Mr. BLAIR. By subsequent amendment?

Mr. PLUMB. By subsequent amendments.

Mr. BLAIR. Very well.

Mr. PLUMB. There has been some misapprehension in regard to the scope of the third section of the act of 1878, which provides—

That any holder of coin authorized by this act may deposit the same with the Treasurer or any assistant treasurer of the United States, in sums not less than \$10, and receive therefor certificates of not less than \$10 each.

So that any coinage provided for in this bill would not be subject to the provisions of that act unless made so specifically, which is not now according to the terms of any proposition pending.

Mr. HARRIS. I ask for the yeas and nays upon the amendment of the Senator from Kansas.

The yeas and nays were ordered.

Mr. ALDRICH. Mr. President, I have no intention of prolonging this discussion, but I desire very briefly to call the attention of the Senate to two provisions of this proposed amendment. One is that the coins shall be equally legal tender for all sums whatever. I shall be very glad if some friend of the amendment would tell us what that means. Equally a legal tender for what and in what way? What does it mean? What does any one mean by "sums that shall be equally a legal tender for any sums whatever?"

I want also to call the attention of the Senate to the fact that this section provides for the unlimited coinage of both gold and silver without any charge for seigniorage or for coinage. In other words, it gives the holders of silver bullion a right to have their bullion transformed into dollars without any charge.

Mr. PLUMB. Yet that is the precise provision contained in the resumption act of 1875 in favor of gold. If the Senator objects to this amendment because it does not provide for seigniorage in behalf of the Government in regard to this coinage I have no objection to the addition of a provision which shall be applicable equally to gold and silver, but I have adopted the precise plan which was adopted with reference to the proportion of coinage, the circulation, and the monetary functions of gold by the resumption act following the act of 1873 demonetizing silver. If gold is entitled to be coined free of seigniorage then silver is entitled to be so coined.

The VICE-PRESIDENT. The roll will be called on the question of agreeing to the amendment of the Senator from Kansas [Mr. PLUMB].

The Secretary proceeded to call the roll, and Mr. ALDRICH answered to his name.

Mr. MITCHELL. Mr. President, I desire to occupy the attention of the Senate for a very few moments.

The VICE-PRESIDENT. A response has been made to the roll-call. However, the Chair is informed that the Senator addressed the Chair before the Senator from Rhode Island had responded on the call, so that the Senator from Oregon is in order. The Senator from Oregon will proceed.

Mr. MITCHELL. Mr. President, the pending amendment is one providing for the free and unlimited coinage of silver. It is a proposition which meets my hearty and unqualified approval, and hence it shall receive my cordial support. It shall receive my vote, first, because I believe in it, because in my judgment it is only by such a measure the great wrong of 1873, by which the silver dollar was demonetized, can be properly and fully atoned for, and silver restored to its proper place as a money metal; and, secondly, it has my support because it is, as I firmly believe, the wish of nine-tenths of the qualified electors of the State I have the honor in part to represent on this floor, irrespective of party, that I should support it.

The recent Republican State convention of the State of Oregon, which met in Portland, Oregon, in April last, adopted unanimously and with enthusiasm the following resolution as a part and parcel of the State platform:

That recognizing the fact that the United States is the greatest silver-producing country in the world, and that both gold and silver were equally the money of the Constitution from the beginning of the Republic until the hostile legislation against silver, which unduly contracted the circulating medium of the country, and recognizing that the great interests of the people demand more money for use in the channels of trade and commerce; therefore we declare ourselves in favor of the free and unlimited coinage of silver, and denounce any attempt to discriminate against silver as unwise and unjust.

The Democratic State convention of the same State, which met in the same place a few days subsequently, followed suit and adopted with like

unanimity and enthusiasm, as part and parcel of the State Democratic platform, the following:

We reaffirm the position which has been maintained by the Democratic party, that gold and silver are equally the people's money, and are opposed to all measures of discrimination against silver, and demand free coinage to supply the needs of business, and that all money issued by the Government be legal tender for all debts, both public and private.

While the Union party of Oregon adopted the following resolution as expressive of the views of that party on this subject:

Resolved, That the Government establish a national monetary system by which a circulating medium in necessary quantity shall issue direct to the people; that all moneys issued, whether gold, silver, or paper, shall be full legal tender in payment of all debts, both public and private.

In the State of Oregon, therefore, Mr. President, as well as in every other State in this Union, as also in the Congress of the United States, this question as to the remonetization of silver and of an increase in the volume of the circulating medium of this country is not now, has not been for ten years past, and can not now by any attempted manipulation, caucus, conference, compromise, or combination on the part of either party, whether secret or otherwise, whether at the suggestion, entreaty, or dictation, either express or implied, of either President, Secretary, or any other agency, be tortured into a party question. It is not a party question. It is one so vitally connected with the general welfare and the common good as to rise above party, and so distinctively is it disconnected with everything pertaining to mere partisan politics, as parties are now organized in this country, as to take it out of, away from, and beyond the reach and the control of mere partisan politics.

Sentiment and opinions on this subject in this country are divided, not by party lines, but are rather in their different phases the outgrowth of that irrepressible conflict that is forever being waged between the creditor and the debtor classes, between the bondholder and the usurer on one hand, whose interests lie in the direction of a contraction of the currency and the consequent depression in the price of every commodity and every species of money, save and except bonds, notes, mortgages, and gold coin, and the great masses of the taxed and interest-paying people burdened with debt, their farms covered with mortgages, on the other hand, whose interests lie in the direction, not of inflation, but of a sufficient amount of circulating medium to meet the wants of the country, prevent contraction, and maintain at reasonable, proper, and living rates the prices of the products of the farm, mine, and shop. These are the lines, not of Republicanism or Democracy spoken of in a partisan sense, upon which the people of this country are divided on these great questions.

The late President Cleveland and his Administration sought to link the nation's fate with the gold standard. He was not sustained by his party and he perished in the attempt; and it is not an unsafe prediction that any Administration, whether Democratic or Republican, which shall hereafter strive to keep the nation's heel on silver and prevent the full remonetization of that metal, will, as it should be, when occasion presents, be hurled from power by a justly resentful and indignant constituency. I do not mean by this that a grand step, but yet one somewhat short of the free and unlimited coinage of silver, may not be taken by Congress in the direction of the remonetization of the silver dollar, and one which would tend largely to relieve the country by increasing the volume of circulating medium, and thus retard contraction and tend to increase the prices of all commodities. Upon the contrary, I believe such a measure, properly guarded, would be of much benefit, and the passage of such a measure by Congress and its approval by the present Administration would go far toward relieving those who gave it their support from the charge of opposition to bimetalism and the remonetization of silver; but what I do mean to say is that in my humble opinion, and with all due respect to those entertained by others, there is but one Congressional act that will rise to the real dignity of the occasion and which will correctly respond to the full demands of the great majority of the people of this country, and at the same time meet the real necessities of the case, and result in the absolute and complete remonetization of silver, and that is one providing for the free and unlimited coinage of the silver dollar. Anything short of this, however near to it in substance and effect the act may be, is lacking at least one step in reaching the real altitude, not only of the demand of the people, but of the necessities of the hour—the rights, privileges, and interests of the great masses of the people and of the Republic generally being considered. Believing this, and not believing that this ought to be by any possibility or arrangement a party question, I shall cast my vote freely, cordially, and hopefully for this amendment providing for the free and unlimited coinage of silver, not stopping while doing so to inquire in advance as to whether the proposition is to receive more or fewer Republican or Democratic votes; and should this amendment fail, then I shall cordially vote for the next best thing proposed, provided always that the measure is free from any provision which, in my judgment, will have the effect, whatever the intention of its promoters may be, to perpetuate the demonetization of silver by treating that metal purely as a commodity and not as legal-tender money.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. EDMUNDS. The Senator is entitled by the rule to proceed if he wishes.

Mr. PLATT. Why?

Mr. EDMUNDS. Because there is no order of the Senate against it.

Mr. MITCHELL. I think in about five minutes more I can conclude what I have to say.

Mr. ALLISON. I ask unanimous consent that the Senator from Oregon may have a few minutes longer.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Iowa? ["None."] The Chair hears none and the Senator from Oregon will proceed.

Mr. MITCHELL. A bill compelling the Secretary of the Treasury, for instance, to purchase, say, \$4,500,000 worth of silver bullion, or, what would be still better, 4,500,000 ounces of silver bullion per month, as that would doubtless consume the whole American product, including Mexican silver coming through American smelters, payable in United States legal-tender Treasury notes, redeemable in coin, either gold or silver, with a provision that one-half of this amount so purchased, or at least enough to meet all the requirements of redemption, shall from time to time be coined into legal-tender silver dollars of 412½ grains of standard silver, under the existing ratio of 16 to 1, would be a measure in its practical effect so nearly akin to free and unlimited coinage as to be of immense value to the business interests of the country. And some such bill, if free and unlimited coinage should fail, shall, if opportunity offers, receive my cordial support.

But sooner than see the bill recently passed the House of Representatives become a law without material amendment, I would infinitely prefer that the law as it stands to-day, compelling the Secretary of the Treasury to purchase at least \$2,000,000 worth of silver bullion each month and coin it into legal-tender silver dollars and issue silver certificates, should remain on the statute-book. The bullion-redemption feature of the House bill is one which, in my judgment, ought to stamp it as a measure not only intended, but the inevitable effect of which must necessarily be to absolutely demonetize silver by depriving it of its function as money and stamping it forever as a commodity only. Such a measure can never receive my vote. But why should Congress hesitate to provide for the free and unlimited coinage of silver the same as gold? What argument has been advanced against it which has for its support any averment of fact or logical deduction borne out by anything in our past financial history or in our present monetary or commercial conditions? What argument drawn from the history of other nations or from our relations, commercially, financially, or otherwise, with other nations has been brought forward that ought to cause us to hesitate? I have listened attentively, but have failed to hear it. Every argument used now against the free and unlimited coinage of silver was used in the shape of prediction seventeen years ago against the passage of the Allison-Bland bill, and yet not a single one of the evil effects then predicted has ever come to pass.

The seers of seventeen years ago are the false prophets of to-day, condemned before the country and the world as such by the utter and absolute failure to materialize of every prediction indulged in. We were then told, as we are now told, that the coinage of \$2,000,000 worth of silver bullion per month would drive all the gold from this country, and what is the actual fact? We have coined under that act nearly 370,000,000 of silver dollars—to be entirely accurate, up to the 10th of this month \$367,166,266—and so far from gold having taken wings and departed to foreign climes, we have to-day from five to seven hundred millions more gold in this country than we had then. We were told furthermore that not exceeding fifty millions of silver could be absorbed or be by any process forced into circulation in this country; but what has been the result? Of the 367,166,266 silver dollars coined under that act all but \$15,529,126 are to-day in circulation, either in the shape of the standard silver dollar or in silver certificates; there are 56,403,772 of the standard silver dollars in circulation, while 295,333,368 of these dollars are represented by silver certificates.

And so it has been with every other prediction indulged in. And now every argument in opposition to the free coinage of silver is based either upon some prediction as to the evil effects that may possibly follow the opening of our mints, or upon some fear upon the part of the objector that certain evil effects may possibly follow. And these may be summed up in a word:

First. Gold may be driven from the country and contraction would follow.

Second. The United States will be made the dumping-ground for the silver of the world, from France, Belgium, Roumania, India, and other European and Asiatic nations.

Third. It will destroy all chances of securing an international agreement.

Fourth. If the balance of trade should turn against us we would be ruined.

Fifth. If we should open our mints to free coinage at the present ratio of 15.98 to 1 and France should eventually open her mints to free coinage at her present ratio of 15½ to 1, that in such event all our silver would leave this country and flow into the French mints.

These, in brief, are the arguments—if supposition, prediction, and bald assertion can be taken for argument—upon which is based the objec-

tion to the free and unlimited coinage of silver. I submit, Mr. President, not one of them, singly or all taken together, are entitled to controlling weight. But my time has expired.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The roll will be called on the question of agreeing to the amendment of the Senator from Kansas [Mr. PLUMB], on which the yeas and nays have been ordered.

Mr. VEST. In order to perfect the amendment, in my judgment, I move to strike out in line 7 the word "equally," and to strike out "sums whatever" and insert "debts, public and private, except where otherwise stipulated." I do not like the expression "all sums whatever." We ought to specify the nature of the obligation. I suppose that is the meaning.

Mr. GEORGE. Will the Senator allow me to ask him a question?

Mr. VEST. Certainly.

Mr. GEORGE. I wish to ask the Senator this question, by his consent: Does he propose by this amendment to allow contracts to be made payable in gold or payable in silver, and if when so made payable in gold that they can not be paid by a tender of silver or if when made payable in silver they can not be paid by a tender of gold? Is that the view which the Senator intends to incorporate in the legislation of the United States?

Mr. VEST. If the Senator objects to the words "except where otherwise stipulated," I will leave them out and let it read "debts, public and private."

Mr. KENNA. Will the Senator from Missouri state his amendment again?

Mr. VEST. The word "equally," in line 7, is utterly unnecessary. Besides, it mars the structure of the sentence; but that does not amount to so much. It will mean the same thing to say "the said coins shall be legal tender." Then I proposed to strike out "sums whatever" and to insert "debts, public and private, except where otherwise stipulated;" but I will strike out the words "except where otherwise stipulated," and say "all debts, public and private." I do not like the expression "sums whatever."

Mr. GEORGE. If the Senator strikes out "except where otherwise stipulated," I am satisfied.

Mr. VEST. I will modify it by saying "all debts, public and private."

The PRESIDING OFFICER. The Senator from Missouri proposes an amendment to the amendment, which will be stated.

The CHIEF CLERK. In line 7 of the proposed amendment strike out "equally," and in line 8 strike out the words "sums whatever" and insert in lieu thereof the words "debts, public and private;" so as to make the clause read:

And the said coins shall be legal tender for all debts, public and private.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB] as amended.

Mr. BLAIR. I move to add at the end of the proposed amendment:

And after the 1st day of January, A. D. 1890, there shall be no legal tender in the United States except gold and silver coin.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from Kansas [Mr. PLUMB], upon which the yeas and nays have been ordered.

Mr. MORRILL. Let it be read.

The PRESIDING OFFICER. The amendment as amended will be read.

The CHIEF CLERK. It is proposed to strike out section 1 of the bill and in lieu thereof to insert:

That from and after the date of the passage of this act the unit of value in the United States shall be the dollar, and the same may be coined of 412½ grains of standard silver, or of 25.8 grains of standard gold, and the said coins shall be legal tender for all debts, public and private.

That hereafter any owner of silver or gold bullion may deposit the same in any mint of the United States to be formed into standard dollars or bars for his benefit and without charge, but it shall be lawful to refuse any deposit of less value than \$100 or any bullion so base as to be unsuitable for the operations of the mint.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB] as amended.

The Secretary proceeded to call the roll.

Mr. DANIEL (when his name was called). I beg leave to state that I have a general pair with the Senator from Washington [Mr. SQUIRE], but understanding that he would vote for the free coinage of silver I feel at liberty to do so. I vote "yea."

Mr. ALLEN. My colleague [Mr. SQUIRE] will be in the Chamber before the vote is finally taken. He is in the building.

Mr. DIXON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. HAMPTON], who is absent, and I therefore withhold my vote.

Mr. DOLPH (when his name was called). I am paired with the senior Senator from Georgia [Mr. BROWN]. If he were present, I un-

derstand he would vote for this amendment, and as I should vote "nay" I withhold my vote.

Mr. HAWLEY (when his name was called). I am paired with the senior Senator from California [Mr. STANFORD]. If he were present, I should vote "nay."

Mr. HIGGINS (when his name was called). I am paired with the Senator from South Dakota [Mr. PETTIGREW]. If he were present, I should vote "nay."

Mr. STOCKBRIDGE (when Mr. McMILLAN's name was called). My colleague [Mr. McMILLAN] is paired on this question with the Senator from North Carolina [Mr. VANCE]. If my colleague were present, he would vote "nay."

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. If he were present, I should vote "yea."

Mr. CAMERON (when Mr. QUAY's name was called). My colleague [Mr. QUAY] is paired with the Senator from West Virginia [Mr. FAULKNER].

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. McMILLAN]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. HAWLEY. I understand from the Senator from Iowa who is here [Mr. ALLISON] that his absent colleague [Mr. WILSON] would vote "nay," if he were here; and I will ask leave to transfer my pair with the Senator from California [Mr. STANFORD], which I do with the assent of his friends.

Mr. TELLER. The Senator from Iowa [Mr. WILSON] is paired with the Senator from Maryland [Mr. WILSON].

Mr. COCKRELL. That can not be done.

Mr. PLATT. The Senator from Maryland [Mr. WILSON] can then vote.

Mr. HAWLEY. The pair is easy enough to arrange. It is arranged. I transfer my pair to the Senator from Iowa [Mr. WILSON], and he then will stand upon the record paired with the Senator from California [Mr. STANFORD]. Then the Senator from Maryland [Mr. WILSON] and myself can both vote. I vote "nay."

Mr. WILSON, of Maryland. My pair with the Senator from Iowa [Mr. WILSON] having been transferred, I vote "nay."

Mr. SQUIRE. I have come into the Chamber since the Senator from Virginia [Mr. DANIEL] voted. I vote as he did. I vote "yea."

Mr. BATE. The Senator from West Virginia [Mr. FAULKNER] is absent necessarily and is paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PLATT. I am paired with the Senator from Virginia [Mr. BARBOUR], who has been compelled to leave the Chamber to-day on account of indisposition. If he were present, I should vote "nay."

Mr. MANDERSON. I understand that the Senator from Kentucky [Mr. BLACKBURN], with whom I am paired, would vote "yea" on this question, and I therefore vote "yea."

Mr. WASHBURN. My colleague [Mr. DAVIS] is paired with the Senator from Indiana [Mr. TURPIE].

Mr. VANCE. I am paired, as I have announced, with the Senator from Michigan [Mr. McMILLAN], but I transfer that pair to the Senator from Kentucky [Mr. BLACKBURN], and I desire to vote. I vote "yea."

Mr. TURPIE. I wish to say that in conference with the Senator from Minnesota [Mr. DAVIS], with whom I am paired, without saying how he would vote on this proposition or on others upon which I voted in his absence, we were both at liberty to vote as we pleased, and therefore I have recorded my vote when my name was called.

The result was announced—yeas 43, nays 24, as follows:

YEAS—43.

Bate,	Daniel,	Manderson,	Sanders,
Berry,	Eustis,	Mitchell,	Squire,
Blair,	George,	Moody,	Stewart,
Blodgett,	Gibson,	Morgan,	Teller,
Butler,	Gorman,	Paddock,	Turpie,
Call,	Harris,	Payne,	Vance,
Cameron,	Hearst,	Plumb,	Vest,
Carlisle,	Ingalls,	Power,	Voorhees,
Cockrell,	Jones of Arkansas,	Pugh,	Walthall,
Coke,	Jones of Nevada,	Ransom,	Wolcott,
Colquitt,	Kenna,	Reagan,	
Aldrich,	Dawes,	Hawley,	Sawyer,
Allen,	Edmunds,	Hiscock,	Sherman,
Allison,	Evarts,	Hoar,	Spooner,
Cass,	Frye,	McPherson,	Stockbridge,
Chandler,	Gray,	Morrill,	Washburn,
Cullum,	Hale,	Pierce,	Wilson of Md.
Barbour,	Dolph,	McMillan,	Stanford,
Blackburn,	Farwell,	Pasco,	Wilson of Iowa.
Brown,	Faulkner,	Pettigrew,	
Davis,	Hampton,	Platt,	
Dixon,	Higgins,	Quay,	

ABSENT—17.

So the amendment was agreed to.

Upon the announcement of the result there were manifestations of applause in the galleries.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair admonishes the galleries that neither demonstrations of approval nor disapproval are in order.

Mr. PLUMB. I move to add a new section as section 2, as follows:

Sec. 2. That the provisions of section 3 of "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," which became a law February 28, 1878, are hereby made applicable to the coinage in this act provided for.

Mr. REAGAN. Is it in order to offer a substitute for that amendment?

The PRESIDING OFFICER. The amendment is amendable.

Mr. REAGAN. I offer what I send to the desk to come in as sections 2 and 3 of the bill.

The PRESIDING OFFICER. The Secretary will read the amendment proposed by the Senator from Texas.

The Chief Clerk read as follows:

Sec. 2. That it shall be the duty of the Secretary of the Treasury to cause a sufficient number of coin certificates of the various denominations hereby authorized to be prepared and distributed among the United States depositories to enable them to comply with the provisions of this act.

Sec. 3. That the coin certificates issued under the provisions of this act shall be of denominations of not less than \$1 nor more than \$100, and such certificates shall be redeemable in coin of standard value.

Mr. REAGAN. I withdraw the amendment for the present.

The PRESIDING OFFICER. The amendment to the amendment is withdrawn. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB].

Mr. PLUMB. Section 3 of the act of the 28th of February, 1878, provides:

That any holder of the coin authorized by this act may deposit the same with the Treasurer or any assistant treasurer of the United States, in sums not less than \$10, and receive therefor certificates of not less than \$10 each, corresponding with the denominations of the United States notes. The coin deposited for or representing the certificates shall be retained in the Treasury for the payment of the same on demand. Said certificates shall be receivable for customs, taxes, and all public dues, and, when so received, may be reissued.

Mr. GEORGE. I should like to ask the Senator from Kansas whether under his amendment, if the bill is amended as he proposes, silver certificates of less than \$10 can be issued.

Mr. PLUMB. There is a provision of a subsequent act, in an appropriation act about 1887 or 1888, under which certificates of one and two dollars' denomination can be issued *ad libitum*.

Mr. GEORGE. Would that provision be applicable to coinage under this proposed act?

Mr. PLUMB. Undoubtedly.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

Mr. REAGAN. I move to add to the bill, to come in as section 3, what I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Texas will be read.

The CHIEF CLERK. It is proposed to add a new section, as follows:

Sec. 3. That the coin certificates issued under the provisions of this act shall be of denominations of not less than one nor more than one hundred dollars, and such certificates shall be redeemable in coin of standard value. And the Secretary of the Treasury shall cause to be coined from time to time so much of the bullion received under the provisions of this act as may be necessary to furnish coin for the redemption of such certificates. A sufficient sum to carry out the provisions of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated. The provision in section 1 of the act of February 28, 1878, entitled "An act to authorize the coinage of the standard dollar and to restore its legal-tender character," which requires the Secretary of the Treasury to purchase at the market price thereof not less than \$2,000,000 worth of silver bullion per month, nor more than \$4,000,000 worth per month of such bullion, is hereby repealed.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. REAGAN].

Mr. PLUMB. I move to strike out so much of the amendment as relates to the coinage of bullion, contained from lines 4 to 8, inclusive.

And the Secretary of the Treasury shall cause to be coined from time to time so much of the bullion received under the provisions of this act as may be necessary to furnish coin for the redemption of such certificates.

Mr. REAGAN. There is no objection to that. I accept the amendment.

The PRESIDING OFFICER. The Senator from Texas accepts the amendment of the Senator from Kansas, and so modifies his amendment. The question is on agreeing to the amendment of the Senator from Texas as modified.

Mr. EDMUNDS. I wish, without interfering at all with the fine symposium we are having on a subject very interesting to the people of the United States, to say (avoiding thereby, so far as I am concerned, any call of the yeas and nays) that I am opposed to the bill as it now stands and every one of its amendments, in general and in particular, and therefore that I am not to be called upon hereafter to account for having allowed an amendment to pass without calling for the yeas and nays. I am willing to deliver over to the Democratic party, whatever it may be (which is a question I have not time here to discuss), the management of the finances of this country for the time being, but I only state this in order that I may not trouble the Senate with demanding the yeas and nays upon the various ornamentations that are given to this hoodlum that is set up.

Mr. PLUMB. Mr. President, the question as to what responsibility the Senator from Vermont shall hold his people to or they shall hold him to is of course of no consequence except as between those two parties; but when he says he is going to deliver over to the Democratic party the control of the finances of this country on account of the vote just given for free coinage of silver I ask him what he is going to do with the last Republican national platform. Is he going to consent, or agree, or otherwise provide that the platform of the Republican party adopted at Chicago in 1888 shall be the Democratic platform? and, if he is, is he going to claim for the Republican party the platform adopted in St. Louis in 1888 upon which Mr. Cleveland was nominated?

Names are sometimes things. I prefer to believe, Mr. President, that in this ebullition the Senator from Vermont does not represent either himself or the Republican party. He will some day think better of this proposition to meet the reasonable and just demands of the people of the United States in regard to currency supply and the material of which it is to be composed; and, while I feel gratified at his course in declining to put any obstruction in the way of the passage of the bill now before the Senate, I am not willing that what he says shall go to the country as representing the Republican party, although, of course, if the question were between him and me as to who was entitled to speak authoritatively as to the Republican party, it would be decided in his favor.

Mr. EDMUNDS. Mr. President, I stand by the Republican platform, to which the Senator from Kansas has alluded, fully and in all its implications; but our friends the Democrats on the other side and their deluded followers and coadjutors have poisoned that Republican platform and transformed it into a platform that no Democratic convention ever dared to make and that no Democratic Administration, that no Democratic House of Representatives ever dared to propose to do, because they knew that surely—it may take some years to do so—the people of the United States would find out that they had been deluded and misled, as people before have been in all countries, by getting up a cry of people who have something to sell and people who have something to pay, to expand, and when the expansion comes and the break comes, as it certainly will and always has, then it is not the poor and the sorrowful that we are talking about or the debtors, who profit by it, but it is the very persons that these gentlemen are now howling against so strongly who make all the money out of it. That is what all human experience has shown.

Therefore, Mr. President, standing by everything that the Republican platform says, I declare that this has turned it into a poison and a wrong, and it is not what it purports to mean at all; and let those profit by it who make their profit by and by, and explain themselves.

Mr. VEST. Mr. President, the Senator from Vermont makes an assertion which is directly contradicted by the record and is historically untrue. He states that no Democratic House has ever passed a free-coinage bill. The House of Representatives in 1877, with a large Democratic majority, did pass a free-coinage act, pure and simple, and it came to the Senate and was mutilated here, with the free-coinage feature taken out of it by the Republican party, and that is the record.

Mr. EDMUNDS. Oh, yes, Mr. President, I had forgotten that there was a Democratic party in 1878 and 1879 [laughter]; and I will not believe there was—

The PRESIDING OFFICER. The Chair must remind the Senator from Vermont that under the rule no one is at liberty to speak oftener than once nor more than five minutes upon any pending question.

Mr. EDMUNDS. Then I move to postpone the bill indefinitely, and I will see what I can do then.

The PRESIDING OFFICER. That motion is in order.

Mr. BUTLER. I ask that the Senator from Vermont may have unanimous consent to proceed.

Mr. EDMUNDS. I do not ask any unanimous consent. I am not yet a servant of the party on the other side.

Mr. BUTLER. I am sorry he is not, Mr. President.

Mr. EDMUNDS. The Democratic party as it is called, being the House of Representatives, or a majority of it, in 1878 and 1879, did pass a contrivance of that kind, just as they are trying to pass it now, in order to overthrow by appeals to the worst instincts and the unhappiest solicitudes of the people of the United States something that might bring them into power. They accomplished it, and Mr. Cleveland was elected; and, having been elected by their votes, Mr. Cleveland was wise enough and brave enough to tell his Democratic supporters that that sort of delusion could not be carried into practice; and the Democratic party was wise enough for a wonder—wise enough for a wonder—to be absolutely silent for four years upon that topic. I was going to make a very improper quotation from Shakespeare, but I will not make it. No patriot—I will change Shakespeare a little—no patriot opened his mouth to bark at the Administration of President Cleveland because he persistently and steadily declined, under whatever influence, and I honor him for it. In whatever way I may differ from him as to his policy and career, he was certainly a patriot in that respect. He could not be betrayed nor seduced into destroying the prosperity of the people of the United States by advising any such measure as that which we have now or as is suggested by our Demo-

cratic associates, and no man in either House—there may have been an exception, but I never heard of it—in the whole four years—and think of it, Mr. President, four years of Democratic silence [laughter]—opened his lips to relieve a suffering people from a want of the coinage of the silver dollar, when everybody who had anything to pay could borrow money, if he had anything to present for borrowing it, of his neighbor or his bank or anywhere else, for a less cost of interest than he ever could before, and when all the time in those four years the Treasury was bulging (if I may use a nautical expression) with the silver coinage that was deposited in its vaults, and where a large surplus of it still is.

I say, then, with great respect to my friend from Kansas and to everybody else, that this is the new performance, renewed from 1878 and 1879 to 1890, of the Democratic party, when it has no responsibility (and I agree it ought never to have any), again proposing to entangle the Republican party, who must look a little further than the cry of to-day, into a measure of this kind. So be it. I deliver it over to the Democratic party.

Mr. REAGAN. Mr. President, I simply desire to say that the Senator from Vermont [Mr. EDMUNDS] is a little mistaken when he says that no member of either House opened his mouth against the policy of the President during the last Administration. It perhaps did not attract the attention of the Senator that one hundred Representatives, members of the House, signed a paper and addressed it to the President, after the newspapers gave it out that he was opposed to free coinage or desired the repeal of the law authorizing the limited coinage of silver, asking him to suspend his judgment upon that subject until he could come to Washington and consult with the representatives of the people who elected him President. President Cleveland was hardly expected to make an answer to that, but he did make a pretty vigorous answer to it, and that answer contained in substance the statement that the coinage of silver had already treasured so far upon the supply of gold in the country as to endanger our capacity to redeem legal-tender notes.

Mr. EDMUNDS. What year was that?

Mr. REAGAN. That was the year he was elected President and before the first Congress met after he was elected. A response was made to that. I had the honor to make that response and to inquire who informed the President that the coinage of silver had driven gold out of the country and to show from the Treasury reports a steady accumulation of the surplus of gold from the passage of the act of 1878 to that time. I also inquired who informed the President that the legal-tender notes were refused to be redeemed in gold. The law did not say so. I inquired also who informed him that they were to be redeemed at all, for the law of 1878 required that when paid into the Treasury they should be reissued and kept in circulation.

The Senator from Vermont is usually thoroughly informed, but evidently this morning he is somewhat out of humor, and it is not surprising that young and inexperienced men under defeat should get out of humor; and he may not recollect as well as he would under other circumstances.

Sir, there were Democrats brave enough to tell the President, who was willing to sacrifice the public interest, that they would not submit to it, just as to-day there are Republicans brave enough to tell the Administration that they can not be led to sacrifice the interest of this country, and that the interests of the people must be subserved, and not the interests of a class which seeks to get dear money and cheap labor and cheap property, to oppress the masses for the benefit of the few.

Mr. EDMUNDS. Mr. President, I did not happen to be invited to sign the private and confidential paper that the hundred gentlemen of the House of Representatives addressed to Mr. Cleveland, but I happen to know this, that whatever may have been the private appeals and oburgations by deluded men to the President of the United States, at that time Mr. Cleveland, he evidently denied their application and nothing came of it except a rejoinder that my friend from Texas says he or somebody else made. After that, the Democratic party at St. Louis—and there is a book (I was able to extract it like a brand from the burning from the hands of my friend from Louisiana [Mr. EUSTIS] yesterday) containing the Democratic declaration of principles—it is rather a joke to put it that way, but that is the way it is in the book, printed so—in which they extol Mr. Cleveland's administration of the public affairs from beginning to end. They shied on the silver question because it was party tactics, as they thought, to do so. They had not beliefs enough that they were willing to express to state them, knowing what their candidate's opinion was, and they would rather live under a conservative administration of Mr. Cleveland and get the offices, if he got in, than to make a frank and explicit declaration of what my friend from Texas says was the opinion of one hundred members of the House of Representatives.

After all this, when that solemn and respectable body met at St. Louis in June, eighteen hundred and whatever it was—1888, I suppose—I repeat that they declared in the most specific language that a Democratic committee on resolutions was capable of employing (and I assume it must be complete) that the whole Administration of Mr. Cleveland had redounded to the benefit and honor of the country. It included, I take it, the wicked measures that he repressed as much as

the good measures that he favored namely, free trade, or properly foreign trade, to the disadvantage of every laborer in the United States. That is where you were.

Now, your opportunity has come again when you have no responsibilities and only appeal to the cry of those who are desirous to pay their debts for less than they contracted to pay them, and the desire of those who have mines of silver to make products to sell to again make a perfectly safe declaration that you are for everything and for everybody, but when you have selected your man and put him in place I am bound to pay the homage of my respectful admiration to all of you that you would know enough not to pretend any such nonsense while he was in the chair.

Mr. VEST. Mr. President, the Senator from Vermont exhibits his usual ingenuity, accompanied by his usual unfairness in shirking the issue which he made himself and from which he is forced to retreat by the record. He asserted here that no Democratic House of Representatives had ever dared to pass a free-coinage bill. I assert that the record shows that the House of Representatives, in the Forty-fourth and Forty-fifth Congresses, both of them overwhelmingly Democratic, did pass a free-coinage bill and sent it to the Senate.

The Senator now seeks to evade his misstatement of facts by an appeal to the partisan passions of his own party. In one breath he alludes to his deluded associates upon that side of the Chamber and then turns with Parisian elegance to compliment his respected friend from Kansas, who is one of them.

But the Senator from Vermont makes another misstatement from the record. He says that no Democrat was found to protest openly against Mr. Cleveland's views in regard to silver. I assert that within ten days after the first Congress met after Cleveland had announced those views one of the most distinguished Democratic Senators in this body, our late associate, James B. Beck, of Kentucky, in a speech which attracted the attention of the whole country and electrified the West, attacked those opinions and upon this floor held the undivided attention of his brother Senators whilst he gave his reasons for differing with the Democratic President; and now the Senator from Vermont, with his usual candor, with his usual sincerity, compliments President Cleveland.

Sir, all I can say is that a great many hard things and harsh things have been said of that distinguished Democrat, but the encomium of the Senator from Vermont is the most terrible assault that ever was made upon him. [Laughter.]

Mr. EDMUNDS. You will nominate him again, all the same [Laughter.]

Mr. REAGAN. Mr. President, I ask leave to modify my amendment by striking out the words "coin certificates" and inserting in place of them "the certificates provided for in the first section of this act."

Mr. PLUMB. Mr. President, my service in this body has been long enough to enable me to recall that the Senator from Vermont [Mr. EDMUNDS] uttered about the same jeremiad in 1878 that he has just uttered in regard to the provision which has been adopted by a decided majority of the Senate. If I could have him sworn on his *voir dire*, as we say about a jurymen, I would be willing to leave it to him whether a single one of the dismal prophecies made about the effects to follow the passage of the bill remonetizing silver in 1878 had been realized.

I am aware that in very large measure the criticism upon the Republicanism of any one by the Senator from Vermont carries very great weight. The Senator from Colorado [Mr. TELLER] says "in Vermont." No, Mr. President, in the United States, and I would prefer always to resolve doubts by accepting his standard of Republicanism rather than my own; but when I have no doubt I must of necessity differ with him and accept his reproaches. At the present moment I feel comfortable about the company in which I find myself, embracing so large a number of Republicans whose faith is as well attested by works as that of the Senator from Vermont, and all the more because in 1878 I voted to carry the Bland bill over the veto of a Republican President and the Senator from Vermont voted to sustain that veto; all the more because I see that what he then said was Republicanism proved not to be so; all the more because the people whom I have the honor to represent in part upon this floor put the stamp of their approval upon my Republicanism as voiced in the votes which I gave at that time against the Senator from Vermont and men opinionated like him, who then, as now, talked with a sneer about the people of the West wanting to create cheaper money with which to pay their debts and accused them of repudiation. The Republicanism of Kansas is as conspicuous, as well founded, and as enlightened as that of Vermont.

Mr. President, I might say something disagreeable about the people who want the policy of the Government so fashioned that what they contracted for shall be largely increased in value before pay-day comes. He has no word of denunciation for the people who have so managed the affairs of the Government, or have had them so managed by those who represent them in Congress, as to add 30 per cent. to the value of the metal in which the debts due them are to be paid, to the great burden of those who have to pay them.

But this is not a time for recriminations. I thank Heaven that there

is room enough in the Republican party for wide differences of opinion upon great economic questions. No member, however eminent, can speak with absolute authority, and no one is necessary to the party, nor can it be held as the exponent of any locality or class. Whether he or I am on the right track now, so far as the tenets of the Republican party as to silver are concerned, I am willing to take the last national platform as meaning what the people I represent understood it to mean on that question. If the people of Vermont understood it differently that is their lookout. We shall all be wiser some of these days, and I do not doubt that the Senator from Vermont will have abundant and early occasion to recant what he has just said about the direful effects to follow the free coinage of silver.

Mr. President, there never has been an experience of human kind which justifies what the Senator from Vermont has said. There never was but one demonetization of silver in this country and that was in 1873. There never has been any disturbance growing out of the relations between the two metals except what grew out of that act. There is not a line or a syllable of human experience which can indicate to any unbiased person that this measure which the Senate has set its favorable seal upon and which it is about to perfect and pass can be otherwise than helpful in the highest and best sense to the great majority of the American people.

The VICE-PRESIDENT. The Senator's time has expired. The amendment offered by the Senator from Texas [Mr. REAGAN] will be read.

Mr. EDMUNDS. I withdraw my motion to postpone indefinitely. The CHIEF CLERK. In the first line of section 3 it is proposed to strike out the word "coin" and after the word "certificates" to insert "provided for in the first section of this act;" so as to read:

That the certificates provided for in the first section of this act, issued under the provisions of this act, shall be of denominations of not less than one nor more than one hundred dollars, and such certificates shall be redeemable in coin of standard value.

Mr. ALLISON. There are no certificates provided for in the first section.

Mr. REAGAN. I did not know that there was but one section.

Mr. PLATT. There is nothing in the first section about certificates.

Mr. GRAY. I should like to ask the Senator from Kansas, if I can have his attention for a moment, whether any change has been made in section 2 of the bill?

Mr. PLUMB. There has not been.

Mr. GRAY. Is it intended that that shall be left to read as it now reads?

Sec. 2. That the Treasury notes issued in accordance with the provisions of this act shall be redeemable on demand, in coin, at the Treasury of the United States, or at the office of any assistant treasurer of the United States, and when so redeemed may be reissued, etc.

Mr. PLUMB. The Senator from Texas [Mr. REAGAN] offered a substitute for that section which is now pending.

Mr. GRAY. I did not so understand. Is that amendment agreed to by the Senator from Kansas?

Mr. PLUMB. So far as I have been able to examine it, I think it is in exact accordance with the necessities which have been created by the adoption of the preceding section except so far as it relates to the question of the legal-tender character of the certificates.

Mr. GRAY. Is that provided for?

Mr. PLUMB. That is in the amendment of the Senator from Texas.

Mr. PLATT. Let the amendment of the Senator from Texas be read.

The VICE-PRESIDENT. The amendment of the Senator from Texas as modified will be again read.

Mr. REAGAN. I ask that it be modified so as to refer to the second section of the bill.

The CHIEF CLERK. In the first line of section 3, after the word "certificates," insert "provided for in the second section of this act;" so as to read:

That the certificates provided for in the second section of this act, issued under the provisions of this act, shall be of denominations of not less than one nor more than one hundred dollars, etc.

Mr. PLUMB. There seems to be tautology there:

That the certificates provided for in this act shall be received for all taxes and dues.

Is that the language?

The VICE-PRESIDENT. It is not.

Mr. PLUMB. I ask, then, that it be again read.

The VICE-PRESIDENT. The amendment of the Senator from Texas will be read.

The Chief Clerk read as follows:

Sec. 3. That the certificates provided for in the second section of this act, issued under the provisions of this act,

Mr. PLUMB. Those last words should come out.

Mr. REAGAN. Yes, they should be omitted.

The CHIEF CLERK. Strike out the words "issued under the provisions of this act;" so as to read:

That the certificates provided for in the second section of this act shall be of denominations of not less than one nor more than one hundred dollars.

The VICE-PRESIDENT. The modification will be agreed to, in the absence of objection.

Mr. GRAY. I should like to ask the Senator from Texas, as we have not the benefit of having the amendment in print, whether this amendment is to be a substitute for section 2 of the bill.

Mr. REAGAN. It is to take the place of section 3. The Senator will understand that an independent section had been adopted at the beginning and the second section has been adopted. Upon that we propose to build the bill that is to pass, and now I propose as a third section to insert what has been read.

Mr. GRAY. I should like to ask the Senator from Texas whether the second section, which is a substitute for the one we have—

Mr. REAGAN. To what bill does the Senator refer?

Mr. GRAY. The House bill, the one which has been amended and the one upon which we are now acting and to which we are offering amendments.

Mr. REAGAN. I had not in view specially to offer my amendment as a substitute for anything, but to offer it as a proposition.

Mr. GRAY. It is very important that we should understand the structure of this bill as it will be when it goes out of our hands, because it has already been amended very materially in the first section. I understood from the Senator from Kansas that the second section had been substituted by the amendment offered by the Senator from Texas, and now the Senator from Texas says that is not so.

Mr. REAGAN. I simply offered the section for the purpose of providing for coin certificates.

Mr. GRAY. Then I would ask the Senator from Texas, if he has studied this bill, as he seems to have done, whether section 2 of the House bill which we are now engaged in discussing and amending is still in force.

Mr. REAGAN. That has not yet been acted upon.

Mr. GRAY. Unless it is objected to, I should like to have section 2, as it now exists in the bill, read.

Mr. REAGAN. There is another section 2 adopted already.

Mr. GRAY. I should like to have that read.

Mr. PLATT. Mr. President, if I understand what has already been done, it is this: A substitute section has been adopted in place of section 1, and the Senator from Kansas [Mr. PLUMB] has offered an amendment as a substitute for section 2.

Mr. HOAR. No, an addition to section 1.

Mr. HARRIS. It was an addition to section 1.

Mr. REAGAN. My amendment is an amendment to the amendment of the Senator from Kansas.

Mr. PLATT. And the Senator from Texas has moved an amendment to the amendment of the Senator from Kansas.

Mr. GRAY. If the Senator from Connecticut will allow me—

Mr. PLATT. I had supposed—and I wish I might now have the attention of the Senator from Kansas [Mr. PLUMB]—that the amendment which the Senator from Kansas proposed was in lieu of section 2. I may be mistaken about that.

Mr. PLUMB. I have proposed a section to be section 2 of the bill.

Mr. PLATT. That is what I understood.

Mr. PLUMB. But it was not intended to take the place of section 2, which would only change the order of numbering the sections.

Mr. PLATT. I understand now.

Mr. PLUMB. But section 2 may more properly be dispensed with, and the amendment offered by the Senator from Texas is only for the purpose of carrying out in detail the provision which I had offered as section 2 of the bill, which provided for issuing coin certificates, and the amendment of the Senator from Texas provides the details of issuing those certificates, and in addition to that provides for an appropriation to carry out the act, and repeals so much of the Bland act of 1878 as authorizes the monthly purchase of silver.

Mr. GRAY. Let me ask the Senator from Kansas a question before he takes his seat. I understand he has amended the bill before the Senate by substituting for section 1 the two printed sections as one section submitted by him?

Mr. PLUMB. Yes.

Mr. GRAY. That leaves section 2 of the bill unacted upon.

Mr. PLUMB. It leaves the section which is in the bill as section 2 unacted upon. But there is another section which follows the one referred to which was adopted, and which is now section 2 of the bill. So, if the present section 2 should remain, it would require to be numbered section 3.

Mr. GRAY. But if the bill remains as it is now before the Senate the certificates provided to be issued in section 2 will be legal tender for all debt, public and private. Is that so?

Mr. PLUMB. Yes, if that should remain in.

The VICE-PRESIDENT. Is the Senate ready for the question?

Mr. TELLER. The Senator from Texas offers an amendment, I understand, to the amendment which has been accepted, which will become section 2 of the bill. What the Senator from Texas ought to do—

The VICE-PRESIDENT. The Chair understands the amendment of the Senator from Texas is offered as a new section.

Mr. TELLER. What the Senator should do is to offer it as a sub-

stitute for those sections which are rendered useless by the adoption of the amendment providing for free coinage.

Mr. BUTLER and others. That is right.

Mr. TELLER. With his consent I will ask that the motion may be put in that shape.

Mr. REAGAN. I have no objection. My purpose was to present that, and if it was adopted to vote down the other sections, but the suggestion presented by the Senator from Colorado is perhaps better, and I will consent to accept it as a substitute for the other sections of the bill.

Mr. TELLER. I suggest that it be offered as a substitute for sections 2, 3, 4, 5, and 6. That leaves sections 5 and 6, which were stricken out, and that leaves the section which pertains to the balance in the Treasury to stand. The amendment of the Senator from Texas should be a substitute for all of the bill except that.

The VICE-PRESIDENT. Except section 6?

Mr. TELLER. Except such as have already been stricken out by the amendments of the Senator from Kansas.

Mr. VEST. I ask that the bill as it now stands as already amended be read, and then that the amendment of the Senator from Texas be read, so that we can see exactly what its condition is.

The VICE-PRESIDENT. The bill will be read as amended.

The Chief Clerk read as follows:

That from and after the date of the passage of this act the unit of value in the United States shall be the dollar, and the same may be coined of 412½ grains of standard silver, or of 25.8 grains of standard gold; and the said coins shall be legal tender for all debts, public and private.

That hereafter any owner of silver or gold bullion may deposit the same at any mint of the United States to be formed into standard dollars or bars for his benefit and without charge; but it shall be lawful to refuse any deposit of less value than \$100 or any bullion so base as to be unsuitable for the operations of the mint.

SEC. 2. That the provisions of section 3 of "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," which became a law February 28, 1878, is hereby made applicable to the coinage in this act provided for.

Mr. VEST. Now read the amendment of the Senator from Texas.

The VICE-PRESIDENT. The amendment of the Senator from Texas will now be read.

The CHIEF CLERK. Strike out sections 2, 3, 4, 5, and 6, as follows—

Mr. CARLISLE. Section 6 of the original bill has already been stricken out by the Senate. I do not understand the purpose of the Senator from Texas to be to strike out section 6 as it now stands.

Mr. REAGAN. No, sir, I do not propose to do that. The old number 6 will be No. 6 as it now stands in the bill.

Mr. CARLISLE. Section 6 of the original bill has already been stricken out. ["No!" "No!"]

Mr. REAGAN. The committee recommended striking it out, but we have not yet acted upon that motion.

Mr. VOORHEES. Yes, we have acted on section 6. The Committee on Finance reported to strike it out, and a vote of the Senate restored it. Section 6 is now in the original bill by a vote of the Senate.

Mr. HARRIS. Then it should be included in the motion.

Mr. TELLER. There is not any trouble about this. The proposition is to strike out all of the bill that has not already been stricken out, except section 6 on page 4 and section 7 on page 5.

The VICE-PRESIDENT. That is the understanding of the Chair. The amendment will be reported.

The CHIEF CLERK. It is proposed to strike out section 2, section 3, section 4, section 5, and section 6, as follows—

Mr. HARRIS. The whole of section 6 was stricken out by the committee, but the Senate restored it.

The CHIEF CLERK. It is proposed to strike out the following sections:

SEC. 2. That the Treasury notes issued in accordance with the provisions of this act shall be redeemable on demand, in coin, at the Treasury of the United States or at the office of any assistant treasurer of the United States, and when so redeemed may be reissued.

Mr. HARRIS. I suggest that there is no necessity for reading those sections as the motion is to strike them out and every Senator has them before him.

Mr. SHERMAN. I wish to make an inquiry. If section 2 is stricken out, are these notes a legal tender for the payment of public or private debts?

Mr. TELLER. If the Senator will allow me, the Senator from Texas [Mr. REAGAN] has offered a substitute for those several sections which makes those notes a legal tender.

Mr. SHERMAN. Before section 2 is stricken out I think we ought to have that section read which makes these notes a legal tender. However much I am opposed to this whole bill, I certainly do not desire the Government of the United States to issue notes that it will not require its citizens to take, and therefore I should like to have the provision in the section proposed by the Senator from Texas which makes these notes a legal tender read.

Mr. PLUMB. It does not make them a legal tender.

Mr. SHERMAN. I wish it to be understood that this bill does not make these notes a legal tender.

Mr. PLUMB. The measure of the Senator from Texas does not

make the notes a legal tender. If this section shall be adopted, some one no doubt will move an amendment to it to make them a legal tender.

Mr. SHERMAN. Before section 2 is stricken out that matter ought to be attended to.

Mr. REAGAN. The Senate has already passed upon the question of legal tender.

Mr. HARRIS. I withdraw my suggestion not to read the sections which are proposed to be stricken out. I think the sections had better be read so that the record will show what they are.

The CHIEF CLERK. Strike out sections 2, 3, 4, 5, and 6, as follows:

SEC. 2. That the Treasury notes issued in accordance with the provisions of this act shall be redeemable on demand, in coin, at the Treasury of the United States or at the office of any assistant treasurer of the United States, and when so redeemed may be reissued; but no greater or less amount of such notes shall be outstanding at any time than the cost of the silver bullion then held in the Treasury purchased by such notes; and such Treasury notes shall be a legal tender in payment of all debts, public and private, and shall be receivable for customs, taxes, and all public dues, and when so received may be reissued; and such notes when held by any national-banking association may be counted as part of its lawful reserve.

SEC. 3. That the Secretary of the Treasury shall coin such portion of the silver bullion purchased under the provisions of this act as may be necessary to provide for the redemption of the Treasury notes herein provided for, and any gain or seigniorage arising from such coinage shall be accounted for and paid into the Treasury.

SEC. 4. That the silver bullion purchased under the provisions of this act shall be subject to the requirements of existing law and the regulations of the mint service governing the methods of determining the amount of pure silver contained, and the amount of charges or deductions, if any, to be made.

SEC. 5. That so much of the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," as requires the monthly purchase and coinage of the same into silver dollars of not less than \$2,000,000, nor more than \$4,000,000 worth of silver bullion, is hereby repealed.

SEC. 6. That whenever the market price of silver, as determined in pursuance of section 1 of this act, is \$1 for 371.25 grains of pure silver, it shall be lawful for the owner of any silver bullion to deposit the same at any coinage mint of the United States, to be formed into standard silver dollars for his benefit, as provided in the act of January 18, 1837. And purchases of silver bullion shall be suspended while it is being so deposited for coinage.

And insert in lieu thereof the following:

SEC. 3. That the certificates provided for in the second section of this act shall be of denominations of not less than one nor more than one hundred dollars, and such certificates shall be redeemable in coin of standard value. A sufficient sum to carry out the provisions of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated. The provision in section 1 of the act of February 28, 1878, entitled "An act to authorize the coinage of the standard dollar and to restore its legal-tender character," which requires the Secretary of the Treasury to purchase, at the market price thereof, not less than \$2,000,000 worth of silver bullion per month nor more \$4,000,000 worth per month of such bullion, is hereby repealed.

The VICE-PRESIDENT. Is the Senate ready for the question on the amendment of the Senator from Texas [Mr. REAGAN]?

Mr. PLUMB. I understand the question now is on the substitution of the amendment of the Senator from Texas for the old sections 2, 3, 4, 5, and 6 of the bill. Section 6 is already provided for by the first section, and consequently is not necessary to be retained. Section 5 is covered by the amendment of the Senator from Texas. Section 4 is unnecessary by reason of the adoption of the first section, as is also section 3. It only leaves some indifferent provisions of section 2 outside of the legal-tender provision not covered by the amendment of the Senator from Texas or by what has already been adopted. When that shall be adopted, if any one thinks the certificates which have been provided for by the bill shall be made legal tender, that can be moved as a separate proposition. I call attention to the fact that section 3 of the act of 1878, which has already been incorporated by reference in this bill, provides that the certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued. I hope there may be a vote on the amendment of the Senator from Texas.

Mr. EUSTIS. I should like to ask the Senator from Kansas whether, if we pass this bill as proposed, the certificates issued under the present law or under the law which we pass will be legal tender, and whether existing certificates which have been already issued will be a legal tender.

Mr. PLUMB. The existing certificates are not legal tender, and under the amendment of the Senator from Texas these will not be legal tender. They will only be receivable for customs, taxes, and other public dues.

Mr. COCKRELL and others. "Vote!" "Vote!"

The VICE-PRESIDENT. Is the Senate ready for the question on the amendment of the Senator from Texas?

The amendment was agreed to.

Mr. COCKRELL. I suggest to the Senator to strike out the last section of the bill, if that was not included in the amendment.

Mr. PLUMB. Section 7?

Mr. COCKRELL. Yes.

Mr. PLUMB. I think it would not be wise to leave that.

Mr. REAGAN. That has been stricken out by vote of the Senate.

Mr. COCKRELL. I beg pardon, the amendment was, but not the section itself. The first section of the amendment of the Senator makes it take effect from the date of the passage of the act and the seventh section puts it at thirty days.

Mr. PLUMB. I think that is correct. The section should be stricken out.

The VICE-PRESIDENT. The section will be read.

The CHIEF CLERK. It is proposed to strike out section 7, as follows:

SEC. (8) 7. That this act shall take effect thirty days from and after its passage.

The VICE-PRESIDENT. The question is on striking out section 7. Does the Senator refer to section 7 as it stood originally in the House bill or section 7 as reported from the committee?

Mr. COCKRELL. Eight or seven, it does not make any difference. It is the section now numbered 7 that is to be stricken out.

The VICE-PRESIDENT. The section on page 4?

Mr. COCKRELL. No; the section on page 5 is what we want stricken out.

The VICE-PRESIDENT. The amendment will be again stated.

The CHIEF CLERK. It is proposed to strike out section 7, as follows:

SEC. (8) 7. That this act shall take effect thirty days from and after its passage.

Mr. COCKRELL. That is all there is of the House bill that has not been substituted.

Mr. HARRIS. Except section 6.

The VICE-PRESIDENT. The Chair is of opinion that the original section 7, changed to section 6 by the committee, has not been acted upon.

Mr. COCKRELL. Yes, not on page 4; but all the remainder have been acted upon.

The VICE-PRESIDENT. What does the Senator desire to have read—the original section 7?

Mr. BUTLER. The proposition of the Senator from Kansas was to strike out section 7 of this bill on page 5. That is the proposition before the Senate, as I understand it.

The VICE-PRESIDENT. That is the section which has been read. The question is on the amendment striking out section 7.

The amendment was agreed to.

Mr. PLATT. I do not think that vote was understood. Does the Senator from Kansas desire to strike out the section upon page 4 of the original bill?

Mr. HARRIS and Mr. BUTLER. No; that on page 5.

Mr. PLATT. Not on page 4?

Mr. PLUMB. Oh, no.

Mr. BUTLER. There is really so much noise in the Chamber that I can not hear one word.

The VICE-PRESIDENT. The Chair has made every effort to maintain order. It must be impossible for the reporters to hear remarks when made.

Mr. BUTLER. I move that the Sergeant-at-Arms be instructed to keep order.

Mr. SPOONER. If Senators will be seated there will be no trouble.

The VICE-PRESIDENT. Senators will please be seated; and those who wish to engage in conversation will please retire to the cloak-room. Order should be maintained on the floor.

Mr. PLUMB. I do not understand that section 6 of this bill has been stricken out, but section 7, on page 5, has been stricken out. That section simply provides that this act shall take effect thirty days from and after its passage. That has been stricken out as inconsistent with the first section, which provides that any one may hereafter present his silver bullion for coinage at the mint.

The VICE-PRESIDENT. That is the understanding of the Chair, that section 7, on page 5, has been stricken out.

Mr. SHERMAN. Now I ask that quiet be restored long enough to have this bill, amended as it is, read carefully by the Secretary, so that we may understand it.

Mr. TELLER. Before that is done I wish to move an amendment:

That the certificates provided for in this act shall be receivable for all taxes and dues to the United States of every description, and shall be a lawful tender for the payment of all debts, public and private.

I offer that as an additional section.

The VICE-PRESIDENT. The amendment will be reported.

The CHIEF CLERK. It is proposed to add as a new section the following:

That the certificates provided for in this act shall be receivable for all taxes and dues to the United States of every description, and shall be a lawful tender for the payment of all debts, public and private.

Mr. BLAIR. Mr. President, there is the gist of this whole discussion, the important proposition that has engaged the Senate during all these weeks, and in my view it is of very little importance whether silver be remonetized or not, whether we go to free coinage now or a few months hence; but it is of the utmost importance whether we adopt a bill which carries every certificate of the country and its entire paper currency down to the degradation of fiat money.

What party platform asks that of its adherents, either Democratic or Republican? Is it necessary in order to fulfill our pledges that we unchain ourselves from the Constitution, that we abandon gold and silver and attach ourselves to this ruinous proposition of fiat money? Here in a time of peace, of unusual prosperity, and for the first time in a hundred years is made a proposition in the American Senate, in both branches of Congress, that we degrade gold and silver to the low level of mere paper—not even the ordinary promise of the Government

to pay money, but simply to redeem these pieces of paper in money which once to be sure was deposited, but which time and chance, as in the case of the Bank of Amsterdam, may have carried away so that when this paper, long a legal tender, is at last brought to the test and money demanded upon it, the real money may not be there at all.

Mr. President, the financiers of the Republican party or of the Democratic party who would carry us into this abyss, the men who have led us all these years and yet come here now and advise us to vote for this proposition, might well be shamed into private life and into oblivion, as I believe, for the public good. I can go to any extent in redeeming the pledges of the Republican platform in the free coinage of silver even, because I believe it is only a question of a short time whether we shall have free coinage or not, and the country can bear it, public confidence will not be shaken by our so doing; but when we go further and undertake to say that gold and silver are no longer the only legal tender in a time of peace, when there is no emergency, no decision of the Supreme Court, and no exercise of the war power justifies it at all, for the great parties of the United States to go blindly, foolishly, heedlessly, into this abyss, is something that I think might well "give us pause." For one, I can not consent to it.

Why do our silver friends insist upon this measure? Flushed with their victory will they undertake to go so far that they will lose the whole of it? Let them well understand that the people of the United States when they are again called upon to discuss the question, as they did a few years ago, whether fiat paper is to become the legal tender and the currency of the country, will in the end vanquish them in the light of the good sense of the American people, as was the case before.

We have gone to the extreme limit of the Constitution. We have undertaken to replant ourselves where we stood before the war, where we were for a hundred years, where the fathers of the Republic were, where all the great men of the Republic before the war stood, and where most of them have stood since, yet here to-day our friends insist, having gained everything, that we cross the line of the Equator and go into the Gulf. For one, sir, I will not go there. I do not care if the Senator from Ohio says this is good policy, that he does not want anything issued as currency by the country that is not legal tender.

He crosses the line; he does a thing which under no pretext whatever should ever be done in sound discretion in the light of any doctrine that anybody has ever advanced hitherto, for there is no emergency, there is no war, and nobody has ever undertaken to say that paper should be legal tender, no matter who issues it, unless by reason of such emergency.

Now, we have \$346,000,000 of paper outstanding that every honest financier has expected would be some time redeemed in gold coin or in silver coin—in coin, the legal tender of the Constitution. I have looked forward to the period when that would be called in, that as the result of this legislation we could get gold and silver—I am indifferent which—upon which being a coin legal tender we might issue a certificate and use that for convenience in circulation. With that I would be content, but not, Mr. President, with this proposition.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. GRAY. Mr. President, if I understand the amendment offered by the Senator from Colorado [Mr. TELLER], it is that the certificates which are provided for by the amendment of the Senator from Texas to this bill to be issued upon the deposit of silver coin—

Mr. TELLER. Silver or gold coin.

Mr. GRAY. Silver or gold coin shall be a legal tender for all debts, public and private.

Mr. TELLER. That is all there is of it.

Mr. GRAY. These certificates, if I understand the scope of the amendment, are mere receipts for so many silver dollars or so many gold dollars, as the case may be, giving the holder thereof an evidence of ownership in that many dollars in the vaults of the Treasury, and useful, as we all know, to pass again as currency, and very useful as a currency and performing all the functions of currency without having impressed upon them this legal-tender quality, which is not at all essential to the functions they are now performing.

The Senator from Colorado, by his amendment, seeks to go a step further, and to impress upon these certificates, which are more analogous to warehouse receipts than any other commercial paper that I know of, or to the certificate of deposit that one gets for the money that he has in bank where it is convenient for him to hold it, to impress upon paper like this the quality of fiat money, if you please, the quality of legal tender which absolutely gives, whether it be paper or gold, the quality of money *per se*.

This, Mr. President, as I have said, is not necessary in order to utilize these certificates, because we have had experience in the last ten years that shows how extensive that use may be without taking this extreme step.

But there is a further objection, a constitutional one. The States are inhibited from making anything but gold or silver coin a tender for the payment of debts. I always believed, and believe now, notwithstanding the decision of the Supreme Court to the contrary, that that inhibition was equally operative upon the Congress of the United States, that it was intended by that inhibition that we should be anchored forever to a metallic currency as a legal tender, and should never be

allowed in our history to drift without compass and without rudder upon the fathomless sea of irredeemable paper currency.

But, Mr. President, I wish to call the attention of Senators who are inclined to be favorable to this amendment of the Senator from Colorado to the further fact that the decision of the Supreme Court made in 1883 affirming the power of the Congress of the United States to make Treasury notes a legal tender does not, in the opinion of the court delivered in that case, go so far as to include within its reasoning these coin certificates as provided for by the amendments of the Senator from Colorado. The authority to make Treasury notes a legal tender was expressly placed by the court in the opinion delivered by them upon the power given to Congress by the Constitution to borrow money and to issue for the money so borrowed the promises of the Government to pay or repay that money.

Those are the notes that were the subject of the litigation which resulted in that decision, and the reasoning of the court expressly excludes paper such as is described in the amendment of the Senator from Colorado. These certificates are not promises of the Government to pay money; they are not Treasury notes; they do not come within the description of the paper that was before the court and in regard to which that opinion was delivered, but the reasoning of the court expressly excludes the paper now under consideration. In 110 United States Reports, in the legal-tender cases, the court says:

It appears to us to follow, as a logical and necessary consequence, that Congress has the power to issue the obligations of the United States in such form, and to impress upon them such qualities as currency for the purchase of merchandise and the payment of debts, as accord with the usage of sovereign governments. The power, as incident to the power of borrowing money and issuing bills or notes of the Government for money borrowed, of impressing upon those bills or notes the quality of being a legal tender for the payment of private debts, was a power universally understood to belong to sovereignty.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. SPOONER. I apprehend no more serious proposition was ever introduced in the Senate of the United States than that to which the Senator from Delaware is addressing himself, and I submit to the Senate that it is worse than absurd to limit Senators in discussing it to five minutes. It is a new proposition, one which has not been considered during this long debate, and I ask unanimous consent that in the discussion of this amendment Senators may speak without the five-minute limit. ["No!" "No!"]

Mr. TELLER. I do not know that I want to interfere, but we have already passed upon the question of legal tender by a very decided majority to-day.

Mr. PLATT. But not on the certificates.

Mr. COCKRELL. The legal-tender clause was stricken out.

Mr. SPOONER. I voted with the Senator from Colorado to make the Treasury notes to be issued under the bill with bullion at cost in the Treasury behind them a legal tender, but the question whether mere silver certificates should be made a legal tender for all debts, public and private, is a new question to this debate.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Wisconsin [Mr. SPOONER]?

Mr. HALE. There is objection.

Mr. PLUMB. I ask unanimous consent that the Senator from Delaware may proceed.

The VICE-PRESIDENT. Is there objection?

Mr. COCKRELL. I object to any longer discussion than five minutes, except where a new motion is made. I have no objection to the Senator from Delaware proceeding, but I do not propose to set aside the rule.

Mr. GRAY. I move to indefinitely postpone the amendment of the Senator from Colorado, and I will not trespass on the attention of the Senate more than a few minutes.

As I have said, the Supreme Court in its decision has expressly placed this power to impress the legal-tender character upon paper on the authority vested in the Government by the Constitution to borrow money, and the promise to pay issued for that money is the paper and the kind of paper which they say may be invested with this legal-tender quality.

Mr. MORGAN. If the Senator will allow me a moment, I suggest to him that the Supreme Court also rest their opinion upon the power of Congress to emit bills of credit.

Mr. GRAY. Will the Senator from Alabama kindly tell me what a bill of credit is?

Mr. MORGAN. One of these certificates is a bill of credit. A Treasury note is a bill of credit; a greenback is a bill of credit.

Mr. GRAY. I do not understand that a bill of credit differs at all in its essence and substance from the obligation to pay back money that the Government is bound to pay, as borrowed money.

Mr. MORGAN. Neither do I.

Mr. GRAY. But the court go further in their reasoning in this case, and, basing the decision upon the power to borrow money, they expressly exclude the power to make legal tender being inferred from the only other provision in the Constitution from which it could be inferred—that is, the power to coin money. You must get it from one source or the other. If the Congress of the United States may make anything but gold or silver coin a legal tender, then it must be on the ground stated by the Supreme Court, that the obligation to repay bor-

rowed money gives them that authority, or under the power given to the Government of the United States to coin money; and yet the Supreme Court have expressly excluded that authority from coming under that category of power. They say on page 462:

The power vested in Congress to coin money does not in my judgment fortify the position of the court as its opinion affirms. So far from deducing from that power any authority to impress the notes of the Government with the quality of legal tender, its existence seems to me inconsistent with a power to make anything but coin a legal tender.

Mr. President, I have not the time nor the disposition to weary the Senate by an extended argument about the constitutionality of this proposition. But there are other reasons. We have but recently emerged from a condition of things to which an irredeemable or a supposed irredeemable paper currency had brought us. We all recollect the commercial and business disturbance that existed during the war and followed for a decade afterwards, and we all hailed with delight and joy the advent of that resumption, which has continued from the date of the passage of the act until now, that has put us in a monetary condition better than has ever existed before in the history of this country in my humble opinion.

The money of the country, its coin and its paper and its bank notes, are issued and circulate all over this continent. They are taken in Canada as well as in the United States.

No man has to subject himself to inconvenience from exchange, and when traveling from one part of the country to another he is subject to no loss by a variation of value of the paper which he has in his pocket representing money. That is the condition in which we find ourselves to-day, and where is the reason and what can be alleged as a reason for disturbing that condition in which we happily find the monetary condition to be at this moment?

There is no demand for it that I have heard. We have adopted by the vote of the Senate a free-coinage measure which, if it becomes a law, will expand largely, and dangerously, as I think, the currency of the country, but what necessity exists for the further advance in that direction and making for the first time in the history of the country, in addition to the \$346,000,000 of Treasury notes which are now legal tender, these certificates of deposits, these evidences of property, a legal tender? It is reversing all the traditions of the Government, and especially the traditions of the Democratic party, in regard to this vital matter of the money of the country. It is not demanded anywhere so far as I have heard. It has been sprung upon the Senate at the very close of the debate and the voting on this question, and I think we might well pause and give the country the benefit of our doubts upon this question.

Mr. MORGAN. The legal-tender quality of these certificates was provided for in the House bill, so that that question has not been sprung upon us. We have known that it was here all the time.

Now, there are different kinds of certificates of deposit. There are certificates of special deposit.

Mr. CARLISLE. Will the Senator from Alabama allow me to call his attention to the fact that the legal-tender provision in the House bill related to Treasury notes, not to silver certificates?

Mr. MORGAN. A silver certificate or a coin certificate, as it has been expressed in the amendment of the Senator from Texas [Mr. REAGAN], is as much a Treasury note as other notes issued by the Government.

I was about to draw the distinction between a certificate of special deposit and a general certificate of deposit by a banker, for instance, for the Government of the United States in all these things is merely a banker and nothing but a banker. It has nothing to do with coin or finance at all except the mere coinage of money and giving to it its legal-tender value. National-bank notes, silver certificates, gold certificates, greenbacks, and whatever else they may issue, are issued by the Government of the United States as a banker would issue notes, and the Government is bound to the redemption of every one of them.

So the Government would be bound to redeem these as general certificates of deposit, not special certificates where the dollar deposited must be returned to the owner of it holding the certificate. The Government of the United States in the mean time, while it may have a million or one hundred millions of this money outstanding, if it finds it necessary to use the coin in its Treasury for any other purpose can do so, because the coin is not kept on special deposit for the redemption of these particular dollars or particular certificates, but it is a general deposit, and therefore amounts to nothing more than the express or implied promise of the Government of the United States to redeem national-bank notes or redeem greenbacks or any other money that it may issue. The obligation of the Government is an obligation to redeem.

Now, when I take \$100 or \$1,000 of these coin certificates and deposit them in the Treasury of the United States, I put that money under the control of the Treasury of the United States, and I have no specific right to the thousand dollars that I deposited there. I can not go and demand it as a special deposit, but I must take the credit of the Government as being sufficient at the time I claim redemption to pay these certificates in coin of gold or coin of silver, according to the option of the Government. That is money borrowed by the Government of the United States just as much as if it was raised upon the sale of bonds.

You sell a coin certificate for \$100 and deposit it in the Treasury; that is money borrowed just as much as if you had sold a bond of the United States for that amount of money. And the money when it goes into the Treasury is the property of the United States, and not the property of the depositor.

Now, Mr. President, we may be able some time or other to go back to the old standard, which is quoted here as the Democratic standard, of the issue of silver and gold alone as money on the part of the Government of the United States to circulate as money. But since the legal-tender decision has been made the people of the United States have acquiesced in that policy, and I have seen no disposition on the part of anybody to go back to it now except once in a while when a sort of polemical question like this arises in the House or in the Senate; but the people do not care about going back. The drift is in the other direction. The Greenback party is still an organized party in the United States, and they are continually demanding the issue of more greenbacks as legal tender. It is quite a formidable organization in my own State, and it is everywhere.

I think it is a wise policy, inasmuch as the Supreme Court of the United States have decided that the promises of the Government are to redeem in coin for legal-tender value without reference to whether they were issued in war or in peace—I think it is a wise policy that we should attribute that quality to these coin certificates that we are about to issue under this bill if it shall become a law.

In view of that decision of the Supreme Court of the United States and of the argument of the Senator from Delaware, I am satisfied that this is a debt of the Government and that these coin certificates either fill the office of a promise to redeem upon money borrowed or money deposited, and it becomes the general property of the United States, or else they are bills of credit, one of the two.

They are issued really upon the credit of the United States that it will redeem them, and the Supreme Court have announced their determined adhesion, so far at least, to the doctrine that that is good legal-tender money. I do not think we can go back of it, and I think it is just as reasonable to put these coin certificates under the influence of existing statutes operating upon greenbacks as it is to put any other money issued by the United States Government under the operation of them, as the greenbacks themselves.

I wish to say another word about these coin certificates—

THE VICE-PRESIDENT. The Senator's time has expired.

Mr. GRAY. Will the Senator from Alabama allow me, for this is a very important matter—

THE VICE-PRESIDENT. The time of the Senator from Alabama has expired.

Mr. GRAY. The Senator from Alabama said that the money that was deposited in the Treasury of the United States by one who sought to obtain coin certificates was the property of the Government. That may be, but in that special sense it must be kept there, and can not be used for any other purpose, I take it, whether the Government of the United States can use the coin deposited for the purposes of the general Government—

THE VICE-PRESIDENT. The time of the Senator from Alabama has expired, and the Senator from Delaware has spoken once on this question.

Mr. BLAIR. Is the motion to indefinitely postpone still pending? Several SENATORS. Oh, no.

Mr. BLAIR. Then I renew it. The Supreme Court says this:

Such being our conclusion in matter of law, the question whether at any particular time, in war or in peace, the exigency is such, by reason of unusual and pressing demands on the resources of the Government, or of the inadequacy of the supply of gold and silver coin to furnish the currency needed for the uses of the Government and of the people, that it is, as a matter of fact, wise and expedient to resort to this means, is a political question, to be determined by Congress, when the question of exigency arises, and not a judicial question, to be afterwards passed upon by the courts.

Is this any such exigency in a time as prosperous and as peaceful as now? This deposit is just like the old business of the Bank of Amsterdam. That was an institution established under a government:

The Bank of Amsterdam was established in January, 1609, under the guaranty of the city and the government of its magistrates. The avowed object was to afford some relief against the intolerable nuisance of worn and defaced coins, which flowed into a great commercial mart like Amsterdam from all the world. The currency made up of these coins had long been at a discount of 8 to 16 per cent.; and bills of exchange, payable in this currency, were of course at a like discount. The leading measure upon which it was founded, and by virtue of which it had a rapid rise and growth, was that all bills of exchange for sums over 600 florins were payable only at the bank. In a city where so many payments were concentrated this regulation drew daily vast sums to its vaults. Every person who had bills to pay for himself or others was obliged to open at once an account in the bank by depositing the amount of coins or bullion needed to meet his payments. These deposits were scrutinized, tested, valued, and the proceeds carried to the credit of the depositor, less 5 per cent., besides a charge of 10 florins for opening the first account.

These coins were placed on deposit and the owner of the coin was given a certificate that so much had been thus deposited. That certificate went into circulation and remained in circulation year after year, and year after year upon the strength of the belief in the integrity in the bank as guaranteed by the Government. But what was the result?

For almost two centuries the bank enjoyed unimpeached credit, performing all its functions with unceasing steadiness, and greatly to the benefit and com-

mercial prosperity of Amsterdam. The amount of treasure amassed in its vaults has been variously estimated at from five to eighty millions sterling. If ten millions sterling be taken as a safe estimate, and it be assumed that the whole capital was moved only one hundred times in a year, its payments in that time would amount to one thousand millions sterling, or \$4,800,000,000. The transfers of this enormous sum were made, during that long period, in unhesitating confidence as to the security of the deposit. The bank permitted no scrutiny into its condition, and rendered no account to the public, but merchants never doubted the validity of a security which was incessantly used in paying debts.

Who is going to scrutinize into the condition of this matter if the certificates become a legal tender and are obliged to be taken by everybody everywhere? Who is to test the condition of our Treasury vaults? Is the Democratic party to trust the Republican party, with no opportunity to investigate, and the Republican party to trust the Democratic party, for it may be fifty, one hundred, or two hundred years? By and by the time will come when we shall want to know whether the money is there. But if these are not legal tender they will be redeemed every day in a hundred places all over the country by private creditors who are demanding the legal tender, and they will be safe.

I omitted something. I will give you the result:

The bank failed, because its guardians had been unfaithful to their trust.

I take my stand right here. There is no necessity to depart from gold and silver. Put this bullion into the Treasury, coin it, and let that be the legal tender, and, if you please, distribute it over the country in the subtreasuries, put it where it will be convenient to everybody, in every bank, and all over the country, and whoever needs legal tender can go there and get it. But if you pass over this line, there is no legitimate or logical stopping point anywhere this side of all the dangers and ruin of fiat money.

Mr. DANIEL. I read from the syllabus of the decision of the Supreme Court, from which the Senator from New Hampshire has quoted:

Congress has the constitutional power to make the Treasury notes of the United States a legal tender in payment of private debts in time of peace as well as in time of war.

Mr. BLAIR. No one questions the power.

Mr. DANIEL. The syllabus continues:

Under the act of May 31, 1878, chapter 146, which enacts that when any United States legal-tender notes may be redeemed or received into the Treasury, and shall belong to the United States, they shall be reissued and paid out again, and kept in circulation; notes so reissued are a legal tender.

The Supreme Court of the United States, in a case made up for the purpose of testing the very question which the Senator from New Hampshire suggested, decided then in exact opposition to the position which he has taken.

Furthermore, Mr. President, the Senator from Delaware says that the Supreme Court has rested its legal-tender decision upon the power to borrow money on the credit of the United States, and that there must be a borrowing of money before any paper can be issued which is made legal tender. The Supreme Court in its latest opinion says this:

The constitutional authority of Congress to provide a currency for the whole country is now firmly established. In *Veazie Bank vs. Fenno* (8 Wall. 533, 548), Chief-Justice Chase, in delivering the opinion of the court, said:

"It can not be doubted that under the Constitution the power to provide a circulation of coin is given to Congress, and it is settled by the uniform practice of the Government and by repeated decisions that Congress may constitutionally authorize the emission of bills of credit."

It is to that constitutional authority to emit bills of credit from which the court in this opinion deduces the authority to make these bills of credit a legal tender in payment of debts. While the court incidentally alluded to the power to borrow money, it did not predicate the decision solely upon that power, but upon the general authority to issue bills of credit and to provide a currency for the country.

The new idea which gentlemen have suggested in opposition to this amendment it seems to me ought not to pass unnoticed. It is intimated by the Senator from Delaware that Congress proposes to launch out upon a sea of irredeemable paper money. On what authority or what fact can the Senator predicate any such suggestion? How can he contrast an irredeemable paper money with a currency which is to have for its redemption a dollar in hard money, dollar for dollar, all along the line?

Mr. GRAY. That may be sufficient to give it value.

Mr. DANIEL. That may be sufficient to give it value, but it is also sufficient to refute the value of the argument which you have attached to it.

Mr. President, it is said that there is no need of attaching legal tender to this, or less occasion for attaching the legal-tender provision to this amendment than there is to a Treasury note. The Treasury note which the Senate has to-day said should have the legal-tender attachment is merely payable out of the general balance, and there might be some objection to the attaching of a legal-tender provision to a piece of paper when you can not make sure that there will be coin behind it. The Senate has to-day voted for that—

The VICE-PRESIDENT. The Senator's time has expired.

Mr. EVARTS. Mr. President, I can not see that it is very well worth the Senate's while to go into this question of a legal tender to certificates of silver dollars as they will be, when we have not gone into that thus far in the issue of silver dollars in that quality of the silver certificates. What has happened is that we have planned a

scheme by which bullion should be admitted from its owners into the Government's keeping up to a certain amount. But let us suppose it was free; we are willing to say that the bullion should not be made a legal tender; that is, no one proposes to make it as bullion a legal tender, and that therefore we would treat a certificate that could have gold and yet be tied to just so many ounces or grains of silver in bullion as were expressed in the silver certificate; that we would go to the extreme, if you please, take what should not be legal tender, although the bulk and value was in bullion in our hands, these certificates might be made so.

Now, Mr. President, the bill as it stands, and as expected to pass, has nothing to do with bullion and nothing to do with inert silver that can not be legal tender. Every ounce of silver that will go into this Treasury is to go out as a silver legal-tender dollar; and then to add to that also that for every one of them there shall be a certificate that is also to be a legal-tender dollar is making a fiat money in addition to having made a solid silver legal dollar.

On the question of law I have no doubt, and I have argued it in the original inquiries before the court, that the power to issue legal tender does not rest upon any single clause of the Constitution, but is only measured by it. It belongs to the inherent quality of a nation to determine its legal tender. There can be no other source and no other power defining legal tender except Government; and when the Constitution of the United States has not denied the legal-tender power, then the Government has it, and there is no greater fallacy and no greater folly than to suppose that this great nation of ours was launched upon the stormy sea of human affairs and could be kept afloat only so long as the gold and silver accessible for use were adequate to carry us through.

Mr. REAGAN. Mr. President, I shall be governed in my vote upon this by the understanding that the certificate proposed to be issued is simply a method of circulating gold and silver, that it stands upon a distinct, and in that respect a different ground from the issuance of notes generally payable on demand from a general balance in the Treasury, that it is a method of circulating gold and silver, saving the waste of abrasion and offering convenience in the matter of handling and transmitting this money.

The Senator from New Hampshire [Mr. BLAIR] and the Senator from Delaware [Mr. GRAY] spoke of these certificates as fiat money, and the Senator from New York [Mr. EVARTS] has just used the same expression. I do not comprehend the meaning of such expressions with reference to certificates that represent a hundred cents in gold or a hundred cents in silver for every dollar that is there. I do not comprehend how the phrase "fiat money" can be applied to gold and silver which we recognize as the money of the world as well as the money of this country and the money of the Constitution.

There is another reason with me. First, because I regard it as simply a method of circulating gold and silver; and second, because I want to place it as far as we can in this act out of the power of money holders and bondholders to get advantage by discriminations against the currency of the United States. We have had enough of that, commencing with the legislation of 1869 and coming all the way down until the present time of discriminations in different sorts of currency of the United States. It seems to me that no one can be harmed, while all may to some extent be benefited, and while the harmful influence of attempting discriminations may be avoided, it is best to adopt the amendment proposed by the Senator from Colorado.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from New Hampshire withdraw his motion to indefinitely postpone the amendment?

Mr. BLAIR. There are four lines I desire to read in the extract. I ask unanimous consent to read them.

The PRESIDING OFFICER. Does the Senator withdraw his motion to indefinitely postpone?

Mr. BLAIR. I will withdraw the motion, but I ask unanimous consent to read four lines that I omitted in the extract with reference to the Bank of Amsterdam. ["Consent!" "Consent!"]

The PRESIDING OFFICER. The Chair hears no objection.

Mr. BLAIR. I wish to read this:

In 1790 it was discovered that a large portion of the famous deposit had disappeared fifty years before, and that a gradual diminution had been taking place during that period, until the actual quantity remaining was small indeed. The amount withdrawn had been lent to the East India Company, the provinces of Holland, and the city of Amsterdam, none of which were in a condition to make instant restitution.

Then it goes on to give more matter of the kind and to speak of the failure of the bank. I withdraw the motion.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Colorado [Mr. TELLER]. Is the Senate ready for the question?

Mr. GEORGE. I should like to have the amendment read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to add as a new section the following:

That the certificates provided for in this act shall be receivable for all taxes and dues to the United States of every description, and shall be a lawful tender for the payment of all debts, public and private.

Mr. PLUMB. That ought to be section 4 of the bill in place of section 5. It ought to come before section 6, which contains the provision in regard to the deposits for the redemption of national circulation.

The PRESIDING OFFICER. It will be properly placed and numbered.

Mr. EUSTIS. I offer the following amendment to the amendment proposed by the Senator from Colorado: After the words "that the certificates provided for in this act," I move to insert "and all silver certificates already issued;" so that there will be no discrimination between silver certificates.

The PRESIDING OFFICER. The amendment to the amendment will be stated from the desk.

The CHIEF CLERK. In the second line of the proposed amendment, after the word "act," it is proposed to insert "and all silver certificates already issued;" so as to read:

That the certificates provided for in this act and all silver certificates already issued shall be receivable for all taxes and dues to the United States of every description, and shall be a lawful tender for the payment of all debts, public and private.

Mr. EUSTIS. Insert, after the words "all silver," the words "and gold;" so as to read, "silver and gold certificates."

Mr. PLUMB. If the Senator will permit me, the language of the amendment is that the coin certificates provided for in this act—"certificates." Then, if he should add after the word "act," "and all other certificates heretofore issued under any other act," that would provide for all the certificates based upon coin.

Mr. EUSTIS. "All gold and silver certificates" includes everything. I offer that as an amendment.

Mr. PLUMB. I withdraw my suggestion, in view of what the Senator from Louisiana has stated.

Mr. TELLER. I will accept the amendment offered by the Senator from Louisiana [Mr. EUSTIS].

The PRESIDING OFFICER. The Senator from Colorado accepts the amendment of the Senator from Louisiana and so modifies his amendment.

Mr. TELLER. I wish to modify it further by using the word "legal" instead of "lawful;" so as to read "legal tender."

The PRESIDING OFFICER. The amendment will be so modified. The Secretary will report the amendment as modified.

The CHIEF CLERK. It is proposed to modify the amendment so as to read:

That the certificates provided for in this act and all silver and gold certificates already issued shall be receivable for all taxes and dues to the United States of every description, and shall be a legal tender for the payment of all debts, public and private.

Mr. CALL. I have been and I am in favor of the unlimited coinage of the precious metals, and I am also in favor of a liberal currency. I have no fear of the expansion of the currency, and when you make a legal tender of all kinds of certificates you guaranty the fidelity of the depository and the officers of the Government who have charge of them, and there is no part of the Constitution of the United States, no part of the economy of business of any kind that will make an obligation of an officer, which he has failed to perform, the satisfaction of a contract; and in that point of view it occurs to me that while it is entirely unnecessary to the equal value of gold and silver upon the most expanded basis that it is unnecessary to introduce this new feature into the bill making a certificate a profession, a statement that the value has been deposited, a satisfaction of an obligation to be performed.

For that reason I regret that this feature is brought into this bill. The States in my opinion alone have the power, whatever may have been the decision of the Supreme Court, to prescribe what shall be a legal tender between citizens of the State where the law is made, and there are many persons who entertain this opinion who are advocates of the free and unlimited coinage of silver. For that reason I am sorry that this feature is brought into the discussion.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Colorado [Mr. TELLER] as modified.

Mr. SHERMAN. I call for the yeas and nays.
The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DIXON (when his name was called). I am paired generally with the Senator from South Carolina [Mr. HAMPTON].

Mr. GRAY (when his name was called). I am paired with the Senator from Illinois [Mr. CULLOM]. Has he voted?

The VICE-PRESIDENT. He has not voted.

Mr. GRAY. Unless some Senator knows to the contrary I shall assume that he would vote "nay" and take the liberty of so voting myself.

Mr. TELLER. The Senator from Illinois, I understand, would vote for the amendment.

Mr. GRAY. I withhold my vote, then.

Mr. HIGGINS (when his name was called). I am paired with the Senator from South Dakota [Mr. PETTIGREW], or I should vote "nay."

Mr. STOCKBRIDGE (when Mr. McMILLAN's name was called). My colleague [Mr. McMILLAN] is paired on this question with the Senator from North Carolina [Mr. VANCE]. If my colleague were here, he would vote "nay."

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. In his absence, I withhold my vote.

Mr. WILSON, of Maryland (when his name was called). On this question I am paired with the Senator from Iowa [Mr. WILSON]. If he were present, I am informed he would vote "yea." I should vote "nay."

The roll-call was concluded.

Mr. HAWLEY. On this question I resume my pair with the Senator from California [Mr. STANFORD]. If at liberty to vote, I should vote "nay."

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "yea."

Mr. PLATT (after having voted in the negative). I voted inadvertently. I am paired with the Senator from Virginia [Mr. BARBOUR]. I desire to withdraw my vote.

The result was announced—yeas 34, nays 22; as follows:

YEAS—34.

Allen,	Dolph,	Moody,	Stewart,
Bate,	Eustis,	Morgan,	Teller,
Berry,	George,	Paddock,	Turpie,
Butler,	Hearst,	Plumb,	Vest,
Cameron,	Ingalls,	Pugh,	Voorhees,
Cockrell,	Jones of Arkansas,	Ransom,	Walthall,
Coke,	Jones of Nevada,	Reagan,	Wolcott.
Colquitt,	Kenna,	Sanders,	
Daniel,	Mitchell,	Squire,	

NAYS—22.

Aldrich,	Dawes,	Hale,	Sawyer,
Allison,	Edmunds,	Harris,	Spooner,
Blair,	Everts,	Hiscock,	Stockbridge,
Blodgett,	Frye,	Hoar,	Washburn.
Carlisle,	Gibson,	McPherson,	
Chandler,	Gorman,	Payne,	

ABSENT—28.

Barbour,	Dixon,	McMillan,	Power,
Blackburn,	Farwell,	Manderson,	Quay,
Brown,	Faulkner,	Morrill,	Sherman,
Call,	Gray,	Pasco,	Stanford,
Casey,	Hampton,	Pettigrew,	Vance,
Cullom,	Hawley,	Pierce,	Wilson of Iowa,
Davis,	Higgins,	Platt,	Wilson of Md.

So the amendment was agreed to.

Mr. PLUMB. I move to insert as a new section, to come in immediately after the section just adopted:

SEC. 5. The owners of bullion deposited for coinage shall have the option to receive coin or its equivalent in the certificates provided for in this act, and such bullion shall be subsequently coined.

That is to cover the contingency that the Treasury Department may not at the time of the presentation be in condition to coin it on account of lack of proper facilities. Bullion therefore may be taken in and the coinage occur at a subsequent period, at the convenience of the officers of the Mint and of the Secretary of the Treasury.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

Mr. REAGAN. I offer the following, to come in at the end of section 6:

And hereafter no funds available for the payment of the public debt, including such as are kept for the redemption of the United States notes, and excluding such as are held for the redemption of gold certificates and silver certificates, shall be retained as a reserve in the Treasury exceeding \$50,000,000; and the \$100,000,000 in gold now held in the Treasury for the redemption of United States notes shall be available for the payment of any demands on the Treasury.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. REAGAN].

Mr. EDMUNDS. Let us have the yeas and nays on that.

Mr. INGALLS. Mr. President, the proposition in that amendment does not logically belong to this bill, and I move to lay it on the table.

Mr. TELLER and others (to Mr. REAGAN). Withdraw the amendment.

Mr. REAGAN. In deference to the opinion of friends I will withdraw the amendment, though I do so against my conviction of right.

The VICE-PRESIDENT. The amendment is withdrawn. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. ALDRICH. I ask that the bill as it now stands may be read for the information of the Senate.

The VICE-PRESIDENT. The bill as it now stands amended will be reported.

The Chief Clerk read as follows:

That from and after the date and passage of this act the unit of value in the United States shall be the dollar, and the same may be coined of 412½ grains of standard silver, or of 25.8 grains of standard gold; and the said coins shall be legal tender for all debts, public and private. That hereafter any owner of silver or gold bullion may deposit the same at any mint of the United States to be formed into standard dollars or bars for his benefit and without charge; but it shall be lawful to refuse any deposit of less value than \$100, or any bullion so base as to be unsuitable for the operations of the mint.

SEC. 2. That the provisions of section 3 of "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," which became a law February 28, 1878, are hereby made applicable to the coinage in this act provided for.

SEC. 3. That the certificates provided for in the second section of this act shall be of denominations of not less than one nor more than one hundred dollars, and such certificates shall be redeemable in coin of standard value. A sufficient sum to carry out the provisions of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated. The provision in section 1 of the act of February 28, 1878, entitled "An act to authorize the coinage of the standard dollar and to restore its legal-tender character," which requires the Secretary of the Treasury to purchase, at the market price thereof, not less than \$2,000,000 worth of silver bullion per month nor more than \$4,000,000 worth per month of such bullion, is hereby repealed.

SEC. 4. That the certificates provided for in this act and all silver and gold certificates already issued shall be receivable for all taxes and dues to the United States of every description, and shall be a legal tender for the payment of all debts, public and private.

SEC. 5. The owners of bullion deposited for coinage shall have the option to receive coin or its equivalent in the certificates provided for in this act, and such bullion shall be subsequently coined.

SEC. 6. That upon the passage of this act the balances standing with the Treasurer of the United States to the respective credits of national banks for deposits made to redeem the circulating notes of such banks, and all deposits thereafter received for like purpose, shall be covered into the Treasury as a miscellaneous receipt, and the Treasurer of the United States shall redeem from the general cash in the Treasury the circulating notes of said banks which may come into his possession subject to redemption; and upon the certificate of the Comptroller of the Currency that such notes have been received by him and that they have been destroyed and that no new notes will be issued in their place, reimbursement of their amount shall be made to the Treasurer, under such regulations as the Secretary of the Treasury may prescribe, from an appropriation hereby created, to be known as "national bank notes, redemption account," but the provisions of this act shall not apply to the deposits received under section 3 of the act of June 20, 1874, requiring every national bank to keep in lawful money with the Treasurer of the United States a sum equal to 5 per cent. of its circulation, to be held and used for the redemption of its circulating notes; and the balance remaining of the deposits so covered shall, at the close of each month, be reported on the monthly public-debt statement as debt of the United States bearing no interest.

The VICE-PRESIDENT. If there be no further amendment as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. EDMUNDS. Let us have the yeas and nays on that.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DIXON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. HAMPTON]. If he were present, I should vote "nay."

Mr. DOLPH (when his name was called). I announce my pair with the senior Senator from Georgia [Mr. BROWN]. If he were present, I should vote "nay."

Mr. KENNA (when Mr. FAULKNER's name was called). My colleague [Mr. FAULKNER], who is necessarily absent to-day, is paired with the Senator from Pennsylvania [Mr. QUAY]. If my colleague were present, he would vote "yea."

Mr. HAWLEY (when his name was called). On this vote a pair has been arranged between the Senator from California [Mr. STANFORD] and the absent Senator from Iowa [Mr. WILSON]. So I am at liberty to vote, and I vote "nay."

Mr. HIGGINS (when his name was called). I am paired with the Senator from South Dakota [Mr. PETTIGREW]. If he were present, I should vote "nay."

Mr. STOCKBRIDGE (when Mr. McMILLAN's name was called). My colleague [Mr. McMILLAN] is paired with the Senator from North Carolina [Mr. VANCE]. If my colleague were here, he would vote "nay."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. The Senator from North Carolina [Mr. VANCE] is paired with the Senator from Michigan [Mr. McMILLAN]. We have arranged to transfer those pairs, so that the Senator from Michigan [Mr. McMILLAN] will stand paired with the Senator from Kentucky [Mr. BLACKBURN], and that will allow the Senator from North Carolina [Mr. VANCE] and myself to vote. I vote "yea."

Mr. PASCO (when his name was called). I again announce my pair with the Senator from Illinois [Mr. FARWELL].

Mr. MOODY (when Mr. PETTIGREW's name was called). I wish to state that my colleague [Mr. PETTIGREW] is paired with the Senator from Delaware [Mr. HIGGINS] on this question. If my colleague were present, he would have voted "yea."

The roll-call was concluded.

Mr. PLATT. I am paired with the Senator from Virginia [Mr. BARBOUR]. The Senator from Illinois [Mr. FARWELL] is paired with the Senator from Florida [Mr. PASCO]. I will transfer my pair with the Senator from Virginia [Mr. BARBOUR] to the Senator from Illinois [Mr. FARWELL], and vote "nay." That will enable the Senator from Florida [Mr. PASCO] to vote.

Mr. PASCO. Under that arrangement, I vote "yea."

The result was announced—yeas 41, nays 26; as follows:

YEAS—41.

Bate,	Coke,	Hearst,	Moody,
Berry,	Colquitt,	Ingalls,	Morgan,
Blodgett,	Daniel,	Jones of Arkansas,	Paddock,
Butler,	Eustis,	Jones of Nevada,	Pasco,
Call,	George,	Kenna,	Payne,
Cameron,	Gorman,	Manderson,	Plumb,
Cockrell,	Harris,	Mitchell,	Power,

Pugh,	Squire,	Vance,	Wolcott.
Ransom,	Stewart,	Vest,	
Reagan,	Teller,	Voorhees,	
Sanders,	Turpie,	Walthall,	
		NAYS—26.	
Aldrich,	Dawes,	Hiscock,	Sherman,
Allen,	Edmunds,	Hoar,	Spooner,
Allison,	Evarts,	McPherson,	Stockbridge,
Blair,	Frye,	Morrill,	Washburn,
Casey,	Gray,	Pierce,	Wilson of Md.
Chandler,	Hale,	Platt,	
Cullom,	Hawley,	Sawyer,	
		ABSENT—17.	
Barbour,	Dixon,	Hampton,	Stanford,
Blackburn,	Dolph,	Higgins,	Wilson of Iowa,
Brown,	Farwell,	McMillan,	
Carlisle,	Faulkner,	Pettigrew,	
Davis,	Gibson,	Quay,	

So the amendments made in Committee of the Whole were concurred in.

The VICE-PRESIDENT. The bill is still before the Senate and open to amendment.

Mr. CHANDLER. I move to amend the bill by adding a new section, as follows:

No gold or silver bullion shall be received by the Treasury Department under this act except such as shall be shown to be the product of mines within the United States.

Mr. TELLER. I move to lay that amendment on the table.

The VICE-PRESIDENT. The question is on the motion of the Senator from Colorado to lay the amendment offered by the Senator from New Hampshire on the table.

Mr. CHANDLER. On that motion I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DOLPH (when his name was called). I observe my pair with the Senator from Georgia [Mr. BROWN] on this question. If I were at liberty to vote, I should vote "nay."

Mr. HIGGINS (when his name was called). I am paired with the Senator from South Dakota [Mr. PETTIGREW]. If he were present, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 42, nays 19; as follows:

YEAS—42.

Allen,	Daniel,	Mitchell,	Squire,
Bate,	Eustis,	Moody,	Stewart,
Berry,	George,	Morgan,	Teller,
Blodgett,	Gorman,	Pasco,	Turpie,
Butler,	Gray,	Payne,	Vance,
Call,	Harris,	Plumb,	Vest,
Cameron,	Hearst,	Power,	Voorhees,
Cockrell,	Ingalls,	Pugh,	Walthall,
Cole,	Jones of Arkansas,	Ransom,	Wolcott.
Colquitt,	Jones of Nevada,	Reagan,	
Cullom,	Kenna,	Sanders,	

NAYS—19.

Aldrich,	Edmunds,	Hoar,	Sawyer,
Blair,	Evarts,	Morrill,	Spooner,
Casey,	Frye,	Paddock,	Stockbridge,
Chandler,	Hale,	Pierce,	Washburn.
Dawes,	Hiscock,	Platt,	

ABSENT—23.

Allison,	Dixon,	Hawley,	Quay,
Barbour,	Dolph,	Higgins,	Sherman,
Blackburn,	Farwell,	McMillan,	Stanford,
Brown,	Faulkner,	McPherson,	Wilson of Iowa,
Carlisle,	Gibson,	Manderson,	Wilson of Md.
Davis,	Hampton,	Pettigrew,	

So the amendment was laid on the table.

The VICE-PRESIDENT. If there be no further amendment proposed, the question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. EDMUNDS. On the passage of the bill I demand the yeas and nays.

The VICE-PRESIDENT. The question is, Shall the bill pass on which the yeas and nays are demanded?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DIXON (when his name was called). I am paired generally with the Senator from South Carolina [Mr. HAMPTON]. If he were present, I should vote "nay."

Mr. DOLPH (when his name was called). I am paired with the senior Senator from Georgia [Mr. BROWN]. If he were present, I should vote "nay."

Mr. KENNA (when Mr. FAULKNER's name was called). My colleague [Mr. FAULKNER] is paired, as I have already announced, with the Senator from Pennsylvania [Mr. QUAY]. If present, my colleague would vote "yea" on the passage of the bill.

Mr. HIGGINS (when his name was called). If the Senator from South Dakota [Mr. PETTIGREW], with whom I am paired, were present, I should vote "nay."

Mr. STOCKBRIDGE (when Mr. McMILLAN's name was called). My colleague [Mr. McMILLAN] is paired with the Senator from North Carolina [Mr. VANCE]. If my colleague were present, he would vote "nay."

Mr. MANDERSON (when his name was called). The Senator from North Carolina [Mr. VANCE], who is paired with the Senator from Michigan [Mr. McMILLAN], being present, we agreed to transfer pairs, so the pair stands between the Senator from Michigan [Mr. McMILLAN] and the Senator from Kentucky [Mr. BLACKBURN], which leaves us privileged to vote. I vote "yea."

Mr. VANCE (when his name was called). Under the arrangement announced by the Senator from Nebraska [Mr. MANDERSON], I am privileged to vote, and I vote "yea."

The roll-call was concluded.

Mr. ALLISON. I desire to say that my colleague [Mr. WILSON], being absent on account of illness, is paired on this question with the Senator from California [Mr. STANFORD]. If my colleague were present, he would vote in the negative.

The result was announced—yeas 42, nays 25; as follows:

YEAS—42.

Bate,	George,	Morgan,	Squire,
Berry,	Gorman,	Paddock,	Stewart,
Blodgett,	Harris,	Pasco,	Teller,
Butler,	Hearst,	Payne,	Turpie,
Call,	Ingalls,	Pierce,	Vance,
Cameron,	Jones of Arkansas,	Plumb,	Vest,
Cockrell,	Jones of Nevada,	Power,	Voorhees,
Coke,	Kenna,	Pugh,	Walthall,
Colquitt,	Manderson,	Ransom,	Wolcott,
Daniel,	Mitchell,	Reagan,	
Eustis,	Moody,	Sanders,	

NAYS—25.

Aldrich,	Dawes,	Hiscock,	Spooner,
Allen,	Edmonds,	Hoar,	Stockbridge,
Allison,	Evarts,	McPherson,	Washburn,
Blair,	Frye,	Morrill,	Wilson of Md.
Casey,	Gray,	Platt,	
Chandler,	Hale,	Sawyer,	
Cullom,	Hawley,	Sherman,	

ABSENT—17.

Barbour,	Dixon,	Hampton,	Stanford,
Blackburn,	Dolph,	Higgins,	Wilson of Iowa,
Brown,	Farwell,	McMillan,	
Carlisle,	Faulkner,	Pettigrew,	
Davis,	Gibson,	Quay,	

So the bill was passed.

Mr. PLUMB. I move to amend the title so as to read: "A bill to provide for the free coinage of gold and silver bullion, and for other purposes."

The VICE-PRESIDENT. The amendment to the title will be considered as agreed to, if there be no objection. The Chair hears none.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. 3052) for the relief of the Michigan Military Academy.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 401) to provide for the construction of a public building at the city of Alexandria, State of Louisiana.

The message further announced that the House had passed a bill (H. R. 10884) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 3982) granting to the Chicago, Kansas and Nebraska Railway Company power to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway, property, rights, and franchises of the Chicago, Kansas and Nebraska Railway Company in the Territory of Oklahoma and in the Indian Territory;

A bill (H. R. 75) to fix the regular terms of the circuit and district courts for the southern district of Alabama;

A bill (H. R. 1404) granting a pension to Mary Ann Lang;

A bill (H. R. 1884) granting a pension to George F. White;

A bill (H. R. 2424) granting a pension to Mary W. Smalley;

A bill (H. R. 4036) for the relief of Christian Kunzie;

A bill (H. R. 4967) granting a pension to Mrs. Catharine Reed;

A bill (H. R. 5118) granting a pension to Amanda J. Delap;

A bill (H. R. 6280) granting a pension to Lawrence Dougherty;

A bill (H. R. 6601) granting a pension to Archibald F. Coon;

A bill (H. R. 6831) for the relief of Norman Cleveland;

A bill (H. R. 6913) granting a pension to Alexander G. Davis;

A bill (H. R. 7529) granting a pension to Belle Morrison, of Dillsborough, Ind.;

A bill (H. R. 7824) granting a pension to Mary F. Cochran;

A bill (H. R. 7856) granting the right of way to the Duluth and Manitoba Railroad Company across the Fort Pembina reservation, in North Dakota;

A bill (H. R. 7958) granting a pension to Christopher C. Funk;

A bill (H. R. 8152) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1891;

A bill (H. R. 8560) granting a pension to Mrs. Sallie H. Wilson;

A bill (H. R. 8910) granting an increase of pension to Clinton Spencer;

A bill (H. R. 9359) to increase the pension of B. F. Hilliker;

A bill (H. R. 10906) making appropriations to supply deficiencies in the appropriations for the payment of pensions and for the expenses of the Eleventh Census for the fiscal year 1890, and for other purposes; and

Joint resolution (H. Res. 37) providing for donation of certain personal property of United States to South Dakota and North Dakota.

AMENDMENT TO BILL.

Mr. GIBSON submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ADMISSION OF WYOMING.

Mr. PLATT. I move that the Senate proceed to the consideration of the bill (S. 894) to provide for the admission of the State of Wyoming into the Union, and for other purposes.

The motion was agreed to.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole.

Mr. ALLISON. I desire to give notice that to-morrow morning, immediately after the conclusion of the morning business, I shall ask the Senator from Connecticut to informally lay aside this bill that I may call up the legislative, executive, and judicial appropriation bill.

HOUSE BILL REFERRED.

The bill (H. R. 10884) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

Mr. PLUMB. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 18, 1890, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, June 17, 1890.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D., of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

PUBLIC BUILDING AT ALEXANDRIA, LA.

Mr. KERR, of Iowa. I desire to call up for consideration a conference report, which I ask the Clerk to read.

The Clerk proceeded to read the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 401) "to provide for the construction of a public building at the city of Alexandria, State of Louisiana," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows: Strike out all of the amendment and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Alexandria and State of Louisiana, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$50,000.

"Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by, or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected. The

compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Louisiana shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys."

And that the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate as to the title, and agree to the same.

HERMAN LEHLBACH,
DANIEL KERR,
JO ABBOTT,
Managers on the part of the House.
R. L. GIBSON,
JOHN C. SPOONER,
Managers on the part of the Senate.

Mr. KERR, of Iowa (interrupting the reading of the report). Mr. Speaker, the substitute agreed upon by the committee of conference is in the usual form of bills of this character coming from the Senate. I ask unanimous consent that the further reading of the formal part of the report be omitted.

The SPEAKER. Is there objection? The Chair hears none.

Mr. KERR, of Iowa. Under the agreement reached by the conferees the appropriation in this case is reduced from \$75,000, as proposed in the Senate amendment, to \$60,000, being an increase of \$10,000 over the amount originally proposed by the House.

The SPEAKER. The Clerk will read the statement of the House conferees.

The Clerk read as follows:

The effect of the report is to make the limit of cost \$60,000 instead of the amount proposed by the House, \$50,000, and that proposed by the Senate, \$75,000; also to make the bill conform to the usual form adopted by the two Houses.

The report of the committee of conference was agreed to.

MICHIGAN MILITARY ACADEMY.

Mr. BREWER. I ask unanimous consent to take from the Speaker's table the bill (S. 3052) for the relief of the Michigan Military Academy. I desire to state that a bill precisely like this has been unanimously reported from the Committee on Military Affairs of the House.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to relieve the Michigan Military Academy at Orchard Lake, Mich., from all money responsibility for so much of the ordnance and ordnance stores issued to said college under its bonds dated November 26, 1877, March 13, 1878, February 1, 1886, and December 15, 1888, as was destroyed by fire on April 21, 1889.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

Mr. BREWER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. In the absence of objection, the House bill relating to the same subject as the Senate bill just passed will be laid on the table.

There was no objection.

JOHN HOLLINS M'BLAIR.

Mr. SPINOLA. I ask unanimous consent for the present consideration of the bill (S. 1074) for the relief of John Hollins McBlair.

The bill was read, as follows:

Whereas John Hollins McBlair, late a first lieutenant in the Fifteenth United States Infantry, was, by order of the President dated October 6, 1863, wholly retired from the service, and was afterwards, on April 8, 1864, ordered by the President to be retired for disability incident to the service and to be placed upon the retired-list, and has ever since been borne upon such retired-list, up to November 12, 1884, and has been regularly paid as such retired officer up to April 30, 1884, and the Court Claims has recently decided that the order of the President of April 8, 1864, attempting to revoke the order of October 6, 1863, wholly retiring him, and to restore him to the retired-list, was not operative: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of law regulating appointments in the Army by promotion in the line are hereby suspended for the purposes of this act only, and only so far as they affect John Hollins McBlair; and the President can, if he so desire, in the exercise of his own discretion and judgment, nominate and, by and with the advice and consent of the Senate, appoint said John Hollins McBlair, late a first lieutenant in the Fifteenth United States Infantry Regiment, to the same grade and rank of first lieutenant in the Army of the United States in the infantry service, and to place him upon the retired-list of the Army as of the date of April 8, 1864, with the pay of his grade and rank from April 30, 1884, and with a full discharge from all liability for any sums paid to or received by him previously to said date.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. I think the report ought to be read.

Mr. BLAND. Reserving the right to object, I wish to inquire whether a bill substantially the same as this was not passed by the last Congress and vetoed.

Mr. SPINOLA. Oh, yes; it was vetoed under a mistake. This measure is all right.

Mr. HOLMAN. I suggest that the gentleman let the report be read.

Mr. SPINOLA. I ask for the reading of the report.

The Clerk proceeded to read the report but was interrupted by Mr. CANNON, who said: Mr. Speaker, this report seems to be quite long; I think we had better go on with our regular business.

Mr. SPINOLA. This will take only a few minutes.

Mr. KILGORE. I demand the regular order.

ENROLLED BILL SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 10906) making appropriations to supply deficiencies in the appropriations for the payment of pensions and for the expenses of the Eleventh Census for the fiscal year 1890, and for other purposes; when the Speaker signed the same.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. I move that the House resolve itself into Committee of the Whole for the consideration of general appropriation bill/s.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. BURROWS in the chair) and resumed the consideration of the bill (H. R. 10884) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes.

Mr. CANNON. Mr. Chairman, when the Committee of the Whole rose last evening there was pending an appeal from the ruling of the Chair touching an amendment which will be recollected by members of the committee; and on that appeal my colleague from Illinois [Mr. SPRINGER] and the gentleman from Indiana [Mr. BYNUM] had been heard. I want to say that in my opinion, then and now, after the fullest examination, there is no doubt that the ruling of the Chair is correct, and that the proposed amendment does change existing law. As something was said about the practice of the present Public Printer and of the former Public Printer, I desire to say that this practice has been settled for many months, if not years—settled by the action of the former Public Printer, Mr. Benedict, and the decision of Mr. Durham, of Kentucky, then First Comptroller of the Treasury, the officer of last resort in reference to such matters. I ask the Clerk to read a letter of Mr. Durham addressed to Mr. Benedict, covering the whole ground.

The Clerk read as follows:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., April 15, 1889.

SIR: I am in receipt of your communication of the 12th instant, in which you state that Mr. H. T. Brian, foreman of printing in your office, holds a salaried position fixed by law; that for the fiscal years 1887 and 1888 the total amount appropriated for his salary was paid to him; that during all that time he was required to be present at his desk and employed in the interests of the public service; that you were compelled to deny him leaves of absence during that time, for which time of leave, if leave had been granted, he would have been paid from the appropriation made for his desk; that having been thus deprived of leave you have determined to grant him the annual leave due him for the years 1887 and 1888, under the provisions of law provided for in the "deficiency act" passed June 30, 1888, appropriating \$25,000 to enable the Public Printer to comply with the law granting fifteen days' annual leave to the employees of the Government Printing Office for the fiscal years 1887 and 1888; and you then ask my opinion as to the correctness of such determination.

In answer I will say that I understand the purport of your letter to be that Mr. Brian was a regular employe of the Government Printing Office, with a fixed salary; that owing to the demands of business his services were required during the whole time, so that you could not allow him to take the usual leave of absence granted to employes, and to which he was entitled.

The first question is, was Mr. Brian entitled to the fifteen days' leave of absence in each year by reason of his being an annual salaried officer? I answer that the act to which you refer makes no distinction between those that are salaried and those who work by the day or by the piece, and that he was entitled to said leave. Second, you inquire whether or not you are authorized to pay him for performing service for the fifteen days in each year for which he was entitled to leave with pay.

I am of opinion, and have heretofore decided, that where an employe of the Government is entitled to what is called a holiday, but from some necessity in connection with his work is required to perform service on such day, that he is entitled to what might be termed double compensation; that is, to his regular pay per diem and also for a day by reason of his being compelled to perform service on that day. The analogy in the case that you present is therefore plain, in my opinion. Since you required Mr. Brian to work on those days during which he was entitled to leave, you can now pay him out of any money in your hands for the time that he was required to work while he was entitled to be absent with pay.

Respectfully yours,

M. J. DURHAM, Comptroller.

THOMAS E. BENEDICT, Esq.,
Public Printer.

The CHAIRMAN. The amendment offered by the gentleman from Indiana proposed to prohibit such payments as the letter just read indicates have been made by the proper officers of the Treasury Department. The Chair ruled the amendment out upon the ground that it would change existing law; and from that decision the gentleman from Indiana [Mr. BYNUM] appealed. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. SPRINGER. Will the Chair allow me a single remark in regard to the letter just read?

The CHAIRMAN. Certainly.

Mr. SPRINGER. I have great respect for Mr. Durham and for his

opinions generally; but in this particular case I think he is entirely mistaken. In my view the law never contemplated that any person should be paid for thirteen months' work in any one year. To say that Congress ever contemplated paying a man for thirteen months in one year is an absurdity. In my view, the letter just read does not throw any light on the subject.

In addition to this we have unquestionably a right to say that no portion of this money shall be paid to anybody we may name, irrespective of the fact whether the law fixes the salary or not.

Mr. OATES. I would like to suggest to my friend from Illinois another consideration in respect to this ruling. On examination of the amendment proposed by the gentleman from Indiana it will be observed that it extends not only to a prohibition on the part of the Public Printer from using any portion of this money, covered by certain paragraphs of the bill relating to laborers in the Public Printing Office, but by an amendment the words are interlined—

Or by this act.

So that the effect of the amendment as proposed goes to the extent that none of the money appropriated by this act shall be paid to any employé of the Government under the circumstances named.

Mr. SPRINGER. In the Government Printing Office.

Mr. OATES. In the Government Printing Office by the text of the amendment itself; but it goes further, and by the use of the words *e* have specified it goes to all appropriations covered by the bill. The two paragraphs under consideration to which the amendment applies relate to the Printing Office, and if the amendment was limited to the paragraphs in question the argument of the gentleman from Illinois would be applicable to the point; but it provides that no portion of the appropriations made by this act shall be paid to any such employé.

Now, suppose an employé takes his annual leave of absence as authorized by law and goes to some other Department or bureau and engages there as a day laborer for a specified compensation. He can not, if this amendment is adopted, be paid out of any appropriation which may be made by this bill, although it be for an entirely different purpose from that under consideration in this paragraph, and altogether different from anything whatever connected with the Government Printing Office. In that respect, therefore, if the amendment is adopted in its present form, it certainly changes existing law.

Mr. BYNUM. But this amendment provides for nothing and has no reference to anything except the employés of the Government Printing Office.

Mr. OATES. But you have embodied words in the amendment which makes it applicable not only to the paragraphs under consideration, but to all the appropriations carried by the act.

Mr. BYNUM. Yes; but the amendment itself limits this to the appropriation for the Government Printing Office.

Mr. OATES. I think the amendment is not quite susceptible of that construction, because many appropriations come under this act for employés in other Departments of the Government; and by the use of the words "or by this act" you make the amendment applicable to all of them.

Mr. BYNUM. It applies only to the Government Printing Office, however.

Mr. OATES. It would, in my opinion, apply to any employé in any Department of the Government who performed any work under the circumstances suggested, and who was paid out of the appropriations made by this bill.

Mr. SPRINGER. Let me suggest to the gentleman from Alabama this point: Is it not competent for this House to say that no money or no part of the money appropriated by this act shall be paid to any one without violating any law at all? We are not obliged to appropriate for any specific purpose. We are not obliged, for instance, to appropriate for your salary or for mine; and hence you can put into the appropriation bill a provision that no part of the money shall be paid to John Smith, for instance. That has been done heretofore. A certain diplomat had displeased the House, and the appropriation bill provided that no part of the money should be paid to him, mentioning him by name. No one doubted the right of the House to make the appropriation in that manner; and hence, on the same basis of reasoning, you can provide in this bill that no part of the money shall be used for a specific purpose, in the manner suggested by the amendment.

Mr. OATES. I admit that it is competent for Congress to direct in an appropriation bill how the money shall be expended—

Mr. SPRINGER. And to limit the appropriations.

Mr. OATES. But I think the amendment proposed goes beyond that.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and the decision of the Chair was sustained.

The Clerk read as follows:

For Library of Congress, \$13,000.

Mr. COWLES. Mr. Chairman, I move to strike out the last word. The gentleman from Maryland [Mr. McCOMAS] on yesterday said, while this bill was under discussion:

My hope, gentlemen, is that we will have a chance yet, before this Congress comes to an end, to vote for an educational bill.

I attempted to obtain permission at the time to ask him a question, but he was going so fast that he got clear beyond the point before I could do so. Now, what I wish to know of him is, what benefit does he expect to confer on those who desire the passage of such a measure, when the Senate stands with bloody hands fresh from the murder of just such a bill. I say "murder" because it was done with malice aforethought.

It was done deceitfully, because they have always heretofore pretended to be in favor of it. It was also highway robbery, done *lucris causa* because they desire and expect to apply the money that it would take to educate the poor children of this country, white and black, to the payment of a vastly increased pension-roll, and thus keep all the money in the North. What good will it do for this House to vote upon or even pass an educational bill, when the Senate stands ready to kill it?

I have been and am as earnest as any gentleman here to obtain consideration of a proper measure of this kind. But I state candidly to this House and to the country that there is no hope of any measure of the kind becoming a law when the party in power now are opposed to it and the President stands ready to veto it. No, the farmers must wait for the aid in educating their children. The South is not to have any portion of the "surplus." The educational bill must, with the bill for the repeal of the tobacco tax, now that the Republican party have the power to do and do quickly anything they wish, go to the wall.

I withdraw the *pro forma* amendment.

The Clerk read as follows:

To enable the Public Printer to comply with the provisions of the law granting thirty days' annual leave to the employés of the Government Printing Office, \$150,000, or so much thereof as may be necessary.

Mr. SAYERS. Mr. Chairman, I move to strike out the last word. On yesterday afternoon the gentleman from Maryland [Mr. McCOMAS], as an excuse for the very large sums of money that have been appropriated by the present Congress, charged that a Democratic House in its failure to make the necessary appropriations was responsible for the many and heavy deficiencies which this Congress would have to provide for in order to meet the necessities of the different Departments of the Government.

Now, sir, we find that in the bill under consideration there is only appropriated for the Printing Office the sum of \$2,298,000. The representatives of that office when before the Appropriations Committee, or subcommittee, who were preparing this bill, stated that unless an appropriation was made of \$2,785,000 there would be a deficiency, and that this sum was just as little as the office could possibly get along with during the next fiscal year.

In response to this statement the Committee on Appropriations have only recommended an appropriation of \$2,298,000, which shows, if the statement of the representatives of the Printing Office be correct, that there will be a deficiency of \$487,000 in the Printing Office alone, a greater deficiency, by almost double, than has been incurred in the history of that office for the past six years. The appropriations for 1886 amounted to \$2,250,000; the deficiency for that year was \$231,500. The appropriation for 1887 was \$2,095,000; the deficiency \$85,000. The appropriation for 1888 was \$2,122,000; the deficiency \$113,000. The appropriation for 1889 was \$2,272,000; the deficiency \$187,000. The appropriation for 1890 was \$2,218,000; the deficiency \$420,000, so that with an appropriation amounting to \$2,298,000 we are advised that there will be a deficiency of at least \$487,000.

In regard to the appropriations for the Department of Justice, let us take the item of fees of witnesses. The representative of the Department of Justice came before the subcommittee who prepared this bill and urged an appropriation of \$1,200,000 as the necessary amount for the payment of the fees of witnesses. This bill only carries for that purpose \$900,000, so that the House may confidently expect a deficiency in the matter of fees of witnesses of \$300,000. As to the item for support of prisoners, we were told by the representative of the Department that \$490,000 would be absolutely necessary, and yet this bill provides only \$375,000, which will entail a deficiency of \$125,000 for the support of prisoners, and so with regard to other items for the Department of Justice. Now, it occurs to me that, in view of these facts (and I state them from the record and upon the authority of the representatives of the Printing Office and of the Department of Justice), the complaint of the gentleman from Maryland [Mr. McCOMAS] as to insufficient appropriations may be very properly urged against himself and his associates, and that this bill, if it would prevent a deficiency, ought to carry more than a million dollars additional.

Mr. CANNON. Mr. Chairman, I just want to say one word upon that point. It is true that for a number of years there has been a deficiency to be appropriated for for the Public Printer—a deficiency amounting to \$231,000 in 1886, \$85,000 in 1887, \$113,000 in 1888, \$187,000 in 1889, and \$420,000 in 1890. I think it entirely probable that there will be a deficiency also required for the Public Printer for the coming fiscal year. I will say, however, that it depends entirely upon the amount of printing that Congress orders. If you can tell me how much printing Congress is going to order, then I can tell you how much the deficiency will be.

Mr. PETERS. And it will depend something on the length of the session.

Mr. CANNON. But I want to say that the practice has grown up under our Democratic friends of appropriating so as to create a deficiency in the Public Printing Office. That is to say (and perhaps properly enough), they have deemed it to be good policy to keep the original appropriation as low as practicable, hoping thereby to influence the action of Congress in ordering printing, and also to hold down the Public Printing Office to the greatest possible economy.

Mr. SAYERS. Does the gentleman believe that the expenditure of the Printing Office would be less if we should give the amount provided in this bill—\$2,298,000—instead of giving the amount which its representative before the committee declared to be the very lowest amount it could possibly get along with and not have a deficiency—that is, \$2,785,000?

Mr. CANNON. It seems to me it is wise to make the appropriation for the coming fiscal year as it has been made under the lead of my friend and the late chairman of the Committee on Appropriations, Mr. Randall, for a half dozen years back.

Mr. SAYERS. Then the gentleman does not agree with his colleague, the gentleman from Maryland [Mr. McCOMAS], in the charge which he brought against a Democratic House?

Mr. CANNON. Oh, I do not agree with myself, often, especially if I am talking about two different things.

Mr. SAYERS. I do not ask the gentleman if he disagrees with himself, but if he disagrees with the gentleman from Maryland.

Mr. CANNON. I do not know what the gentleman from Maryland said.

Mr. DUNNELL. Nor what he thinks.

Mr. BUTTERWORTH. Oh, it would be impossible to frame a bill which would agree with what they both think.

Mr. CANNON. But I think this is one of the few cases where the precedent set by our friends upon the other side might as well be followed. It seems to me it is possibly in the line of economical administration.

Mr. MILLIKEN. Does my friend think it wise to make such an appropriation as he knows will lead to a deficiency, even though it be following the bright example of the Democratic party?

Mr. CANNON. I think not. But I would say to the gentleman from Maine [Mr. MILLIKEN], as I said at the commencement of my remarks, which he might have heard if he had been listening to me, that whether there will be a deficiency next year under the appropriation we recommend for the Public Printing Office depends purely upon the action of the House and Senate, and I would rather make the appropriation as we have recommended it here, hoping thereby to put a little bit of restraint upon the House and Senate, than to pour in money on the supposition of somebody as to the amount of printing that the Senate and House might order.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAYERS. Just one moment. I would like to have the committee understand that I do not disagree with my friend from Illinois as to the amount of this appropriation. The fault I find is with the gentleman from Maryland [Mr. McCOMAS], who blames a Democratic House for making an appropriation equally small. He does not carry fair.

Mr. CANNON. I did not hear the gentleman from Maryland, and do not know what he said.

Mr. MILLIKEN. In other words, I understand my friend from Texas [Mr. SAYERS] wants the gentleman from Illinois [Mr. CANNON] to vindicate the Democratic party, and I do not think he can do it.

Mr. SAYERS. I do not find any fault with the gentleman from Illinois. The fault I find is with the gentleman from Maryland [Mr. McCOMAS], who blames a Democratic House for making small appropriations, creating deficiencies, when the very committee of which he is a prominent and influential member does the very same thing.

Mr. CANNON. I want to say just one word in reply to that. There may be a deficiency in the Public Printing Office. I do not know. If Congress is as economical as it ought to be, and does not order any more printing than it ought to, there will not be one cent of deficiency. I want to say that.

Mr. DOCKERY. Will the gentleman from Illinois allow me—

Mr. CANNON. Hold on a minute. I want to say just one other thing. There has been a good deal of talk about deficiencies. I will prophesy, and stake my reputation upon the prophecy, that next year we will not have deficiencies to the extent of \$35,000,000, as we have this year.

Mr. SAYERS. Mr. Chairman, I will not enter into the field of prophecy with the gentleman from Illinois [Mr. CANNON], but I will venture the assertion that, leaving out the question of pensions, the expenditures of the Fifty-first Congress will be largely greater than the expenditures of the Fiftieth Congress, as evidenced by the appropriation bills.

Mr. DOCKERY. I must also decline to enter the domain of prophecy with the gentleman from Illinois, as in a contest of that sort the House will readily see that I would be at a disadvantage. I have myself some reputation as a prophet. [Laughter.]

Mr. CANNON. And besides the reputation of my friend, he has a capacity in that line.

Mr. DOCKERY. Now, Mr. Chairman, I desire to reply very briefly to the gentleman from Maryland [Mr. McCOMAS], who on yesterday indulged in some criticisms of the last Administration in respect to deficiencies. I wish to put it in the RECORD, that we may preserve for the Democratic side the truth of history—which is about all we can do under the present rules of the House—

Mr. MILLIKEN. I would not want to do that if I were you.

Mr. DOCKERY. I shall confine my statement to the deficiencies that will occur under the legislative and sundry civil bills because of the failure of the Appropriations Committee to provide in full for the necessities of the public service.

There will be deficiencies during the ensuing fiscal year in the legislative, executive, and judicial departments for the pay of store-keepers and gaugers, amounting to at least \$110,000; for mints and assay offices, \$70,500; for the contingent expenses of the House, \$5,000, and for the incidental expenses of the House, \$1,600, making a total deficiency in that bill of \$187,100.

Mr. PETERS. You prophesy that?

Mr. DOCKERY. I state the facts. There is nothing whatever problematic in the statement, because the officers charged with the control of these various interests have asked Congress to appropriate the amounts I have recited, and stated that these amounts will be necessary to carry on their various departments. I do not think that they have overestimated the necessities of the service. This is frequently done, but as to these items there was no controversy among the members of the subcommittee. They all conceded the correctness of the estimates.

Again, Mr. Chairman, in addition to these deficiencies there will be on the sundry civil bill a deficiency of \$487,000 for public printing; a deficiency for the expenditures of the Department of Justice—for fees of jurors, \$65,000; for fees of witnesses, \$300,000; for pay of bailiffs and carriers, \$35,000; for fees of clerks, \$45,000; for fees of marshals and their deputies, \$90,000; for fees of United States attorneys, \$25,000; for the support of United States prisoners, \$115,000. So that the entire deficiency in this bill, based upon the expenditures of last year and the estimates of the Department officials, will be \$1,162,000.

Not only this, Mr. Chairman, but additional to the item of \$1,092,000 concealed in the indefinite clauses discussed yesterday, this bill conceals—and I say it in no offensive sense, because it is a very proper expenditure—\$188,862.17 of the unexpended balance for the prevention of epidemic diseases. This is done by a reappropriation in general terms, and therefore the amount does not appear in the aggregate total of the bill.

Mr. Chairman, I will now briefly recapitulate. During the next fiscal year Congress will have to appropriate on account of deficiencies for legislative expenses \$187,100; on account of sundry civil expenses not less than \$1,162,000; whilst there is concealed in the back-pay and bounty clauses \$1,092,000, and \$188,862.17 in the reappropriation of the fund for the prevention of the spread of epidemic diseases. So that, Mr. Chairman, I may summarize the situation in the statement that within the ensuing twelve months deficiencies amounting to at least \$1,349,100 will have to be provided for because of underappropriations in these two great appropriation bills, and when to this is added the aggregate of the concealed expenditures, \$1,280,862.17, it exhibits a grand total of \$2,629,962.17 of insufficient and concealed appropriation.

I have only referred to the legislative and sundry civil bills because I have assisted in their preparation. It may be that the criticism I make as to these bills is also applicable to others, but I shall not at this time broaden the field of discussion.

My only purpose is to advise the House that these two great appropriation bills carry \$1,280,862.17 more than appears in their aggregate footings, whilst at the same time they fail to provide for the essential needs of the Government to the extent of \$1,349,100, an amount that must be appropriated in the near future and will be very soon after the November elections.

Mr. CANNON. One word in reply. At the usual time, after these bills have been finally enacted, in pursuance of a long-established custom, if the House of Representatives will give me a little time, I will give a statement of the amount of appropriations, covering all these and other items, and I have no doubt my friends upon the other side, at the same time, will do the same thing.

Mr. SAYERS. We will try to do it.

Mr. CANNON. Now, then, this by way of further reply. My friend is not quite fair in his criticisms. Take, for instance, the item for the prevention of epidemic diseases—\$188,000. That amount is reappropriated; but it has always been done that way, and it was not necessary to be done at all, because it is a continuing appropriation, and was only put in out of abundant caution, as my friend knows, to avoid criticism, as has been done heretofore.

Now, then, coming back to deficiencies in the Department of Justice, we are now appropriating that one million and odd dollars that was failed to be appropriated by the last Congress; that we have got to appropriate as a deficiency for the present fiscal year.

Mr. DOCKERY. And this bill fails to carry by \$1,162,000 all that it ought to carry, if it is thought wise to appropriate at this time the full amount that will be expended.

Mr. CANNON. I think not; but that will be demonstrated later on.
Mr. DOCKERY. I am correct in this statement, Mr. Chairman; but, understand me, I do not criticise some of the deficiencies in the Department of Justice, but simply put the facts in the record that the House may be advised of the real status of these appropriation bills.

Mr. CANNON. But the trouble with the gentleman's position is that we have given every cent for the Department of Justice that they have estimated for, and I submit to my friend that while we may indulge in crimination and recrimination about this matter, the first thing we know we shall not only have our hearers confused about it, but we shall get the matter mixed up on the record.

Mr. SAYERS. But the gentleman has not given the Department of Justice every dollar it has asked for. The gentleman must remember that there were representatives of the Department before the committee who said that the estimates were entirely too small in several particulars.

Mr. CANNON. Well, I would rather have the judgment of the head of the Department.

Mr. DOCKERY. I will simply say, Mr. Chairman, that it was not the purpose of the minority to make any reference whatever to the deficiencies in the Department of Justice, and we would not have done so but for the fact that the gentleman from Maryland [Mr. McCOMAS] on yesterday sharply criticised the deficiencies of the last Administration. We have made an aggressively defensive attack.

Mr. BYNUM. I offer the amendment which I send to the desk.

The amendment was read, as follows:

Insert after line 15, page 96, the following:

"Provided, That no money appropriated by this paragraph shall be paid to any person employed in the Public Printing Office for or during any time such employé is on leave of absence with pay, under existing law, in excess of the pay allowed during such leave of absence; nor shall any such person receive pay for leave of absence during the time such person may be at work and receive pay therefor; except in cases where the employé of the Government Printing Office is entitled to leave of absence, but, from some necessity in connection with his work, is compelled to perform service during the time he is entitled to such leave."

Mr. CANNON. I reserve the point of order upon that amendment.

Mr. BYNUM. Mr. Chairman, I will say upon the point of order that I have attempted to draught this amendment in exact accordance with the decision of the Comptroller, and have used the exact terms employed by him in making that decision, and I do not think the amendment as now offered is objectionable under the rule. I desire to call attention to another point. The gentleman from New York [Mr. FARQUHAR] stated yesterday that the representatives of the department who appeared before the Committee on Labor stated—

Mr. CANNON. Mr. Chairman, I want to insist upon my point of order.

Mr. BYNUM. I understand that the point of order is reserved. Pending the point of order I wish to occupy a few moments. The gentleman from New York [Mr. FARQUHAR] on yesterday stated that it was impossible to enforce the eight-hour law in the piece divisions of the Government Printing Office. I have before me a resolution adopted by the Columbia Typographical Union in 1886, calling upon Congress to enforce the eight-hour law. I have also a statement of members of that union employed in the Government Printing Office who appeared before the Committee on Labor and made complaint of the non-enforcement of the eight-hour law. Mr. Kennedy, who is now the president of the union, said:

You place upon the statute-books an eight-hour law so plain, so simple, that a child might interpret it as its authors intended it should be interpreted, and yet the executive officers of the Government flagrantly violate the law by compelling men to work more than eight hours without even giving them extra compensation. Then there is the milder form of violation of compelling men to work more than eight hours with pay for the time.

Considerable discussion followed as to whether it would not be a hardship to restrict the Government printer to eight hours' work in the office, and Mr. Kennedy held that it would be no hardship to restrict the Government printer, who worked mainly by the piece, to eight hours' work.

In addition to that I have the resolution passed by the same typographical union on the 16th of February, 1889, in favor of the enforcement of the eight-hour law.

Mr. FARQUHAR. Who was the Public Printer in February, 1889?

Mr. SPRINGER. Mr. Benedict.

Mr. BYNUM. I find that instead of this being, as I stated, a resolution calling for the enforcement of the law, it is an extract from the Craftsman, the official organ of the International Typographical Union, congratulating Columbia Typographical Union, No. 101, and the then Public Printer, Mr. Benedict, on the enforcement of the law.

Mr. SPRINGER. Does the gentleman say that that resolution was passed in February, 1889?

Mr. BYNUM. The article is dated February 16, 1889.

Mr. FARQUHAR. The resolution passed in February, 1889, was a demand by Columbia Typographical Union upon Mr. Benedict to carry out the eight-hour law.

Mr. BYNUM. The gentleman can present his view of the matter in his own time. I will read the article, so that every one can see just what it is.

Mr. FARQUHAR. But there was a resolution passed before that calling for the enforcement of the law. What about that?

Mr. BYNUM. I am not talking about the one that was passed before this. There was a resolution passed in 1886 calling upon Congress to enforce the eight-hour law in the Government Printing Office, but this is an article from the official organ in 1889 congratulating the union and the Public Printer upon the enforcement of the eight-hour law in the Government Printing Office.

Mr. FARQUHAR. Because in the same month—

Mr. BYNUM. The gentleman should occupy his own time.

Mr. FARQUHAR. Let this be explained now. In the same month the Columbia Typographical Union demanded of Mr. Benedict that he enforce the eight-hour law. He was not congratulated upon its enforcement; they demanded it of him.

Mr. BYNUM. I say to the gentleman that I was mistaken in saying that what I had was a resolution; it is an editorial from the Craftsman, the then official organ of the International Typographical Union, and appeared after the date of February 16, 1889, and is as follows:

[From the official paper of the International Typographical Union.]

EIGHT HOURS ENOUGH.

We congratulate Columbia Union, No. 101, upon the stand it has taken regarding the enforcement of the eight-hour law at the Government Printing Office. We congratulate the Public Printer upon the readiness with which he has complied with this requirement. We do not congratulate those of the members who, by their action or at least by their loud protests, have shown that, while they are ostensibly in favor of the eight-hour law, they are opposed to its enforcement in their individual cases. With the introduction of modern methods and modern machinery the necessity for long hours of labor has passed away. The large number of men involuntarily idle in our branch of industry as well as in all others, imperatively points out the vital necessity of curtailing the hours of toil. The workman who opposes the tendency to shorten the working day harms his chance for steady work and living wages. And yet there are men who complain when they are denied the opportunity to work more than eight hours per day. All we have to say is that they seem to be struck with blindness. The danger to steady employment, to fair wages, is the present large contingent of idle men. The true way to remove this danger is to agitate and to bring about a shorter working day. This done, the demand for labor will draft into service the many who are idle. And with the employment of those who have been only too glad to work, at almost any price, will come better wages for all. Fellow-craftsmen, our salvation lies in the success of the effort to establish a shorter working day. Let us, as intelligent men, do all we can to help, and not to hinder, its success.

Now, the gentleman says that this law can not be enforced in those branches of the office where piecework is done. I hold in my hand a list—

Mr. CANNON. I make this point of order: That this is an appropriation bill; that legislation is not in order upon it, and that gentlemen who have failed to perform their duties as members of committees and to present their matters in a proper way can not come in here and unload, out of order, their advertisements on this bill.

Mr. BYNUM. Well, I do not know that anybody "advertises" any more than the gentleman from Illinois.

Mr. CANNON. Well, I do not "advertise" out of order.

Mr. BYNUM. You "advertise" out of order as much as any other person does.

We are now engaged in considering an appropriation for the Government Printing Office. I desire to say (and this is all I shall have to say on the question) that I have in my hand a list of men employed and of the hours of labor given to them by reason of the enforcement of the eight-hour law in one division of that office. There were given to outside employes 13,696 hours of labor, amounting to \$6,848, which the superintendent of that division was enabled to give to these printers who were out of employment, by reason of the enforcement of the eight-hour law in that special division under Mr. Benedict.

Mr. FARQUHAR. Now, I should be permitted, of course, to say one or two words about this matter. I am just as much in favor of the enforcement of the eight-hour law in the Government Printing Office as in any other department. The law should be enforced and appropriations should be made with a view to its enforcement, just as is done with regard to the letter-carrier service. Although we have put through resolutions here for the enforcement of this law in the Government Printing Office, it should be known to the House that there are difficulties in connection with its enforcement there. The foremen of all the departments of that office will tell you this. There is only one remedy; and if it were in order to move that remedy now I would move to amend this bill by restoring the wages of 1877 and stopping the passage through this House of deficiency appropriations for the Government Printing Office. But I know such a proposition would not be in order and that a point of order would be made against it; so it must wait its appropriate time before it can be presented.

As I have said, the difficulties which must be encountered by the Public Printer in undertaking to carry on piecework under the eight-hour system are palpable. This is a practical question; it does not depend on any theory, or upon the spirit or letter of the law. For instance, take rule and figure work. Suppose a man works his eight hours upon a table, does the casting up of its columns, gets out the rules, etc., and is then succeeded by another man who has done none of this preliminary work and has probably an obscure idea about it. Or suppose the man who first goes on for eight hours has a certain quantity of distribution to be done. Now, you can not divide the distribution of "sorts" in any printing office between different men unless they

are hired by the week or the hour. A similar remark applies in regard to the subsequent correction of matter. Who shall decide the equities here involved?

Under this proposed bill for the restoration of wages all the employes in that office as nearly as possible would work by the hour. Of course the work on the RECORD must be an exception; that is and always will be piecework. This system would add a little to the cost, but it would place all the printers in that office on an equality. When such a bill has been passed no Public Printer will have any reason to say that he can not carry out the eight-hour law.

In this connection, Mr. Chairman, I wish to have read resolutions on this subject adopted by the International Typographical Union at Atlanta on the 11th of the present month. In these resolutions that great body of men, representing the skilled printers of the United States and Canada, give their views of the eight-hour system and also of the eight-hour bill which has been reported from the Committee on Labor of this House and is now on the Calendar. I hope the gentleman from Indiana [Mr. BYNUM] and the gentleman from Illinois [Mr. SPRINGER] will give attention to these resolutions, because they express the view of practical men from every section of the United States and Canada as to how the eight-hour system can be applied in the Government Printing Office or even in private establishments.

The Clerk read as follows:

Whereas the eight-hour law now upon the statute-books of the United States is totally inadequate to carry out the objects for which it was enacted, being vague and indefinite as to whether it is a violation of either the spirit or the letter of the law to work employes of the Government more than eight hours per day when they are paid overtime, its terms being not clearly applicable to the contract work of the Government, and there being no penalties prescribed for violations of the law; and

Whereas the measure known as the Wade eight-hour bill, now pending on the Calendar of the House of Representatives, seeks to remedy all the defects of the old law: Therefore,

Be it resolved, That the International Typographical Union hereby indorses the Wade eight-hour bill and respectfully urges the Senate and House of Representatives to speedily enact the same into law.

Resolved further, That the secretary-treasurer is directed to communicate this action to the President of the Senate, the Speaker of the House, and to Chairman WADE, of the Labor Committee of the House.

Adopted unanimously.

Mr. SPRINGER. In order to make response to what has just been read, I move to amend by striking out the last word. I desire to call attention to the fact that those resolutions in substance declare that the eight-hour law is not effective because it does not provide a penalty compelling public officers to observe it. These resolutions do not sustain the gentleman in his assertion that piecework can not be done under the eight-hour law or that the eight-hour law can not be administered in the Government Printing Office. The resolutions declare simply that the law does not provide a proper penalty to compel its observance, and that if the law be formulated in the manner proposed in the Wade eight-hour bill it can be effectively administered. Now, what does the Wade eight-hour bill provide? It does not provide a penalty at all, I believe; but it prescribes the manner in which the law shall be observed. Under the Wade eight-hour bill, reported by the committee of which the gentleman from New York is a member, the eight-hour law will be observed in the Government Printing Office as to piecework and contract work as well as in regard to the work of those receiving annual salaries. So that it is the fault of the law, and not the inability of the system to be covered by the law, of which complaint should be made.

Mr. FARQUHAR. Mr. Chairman, I will simply state in response to what the gentleman has said, that the Wade bill embodies in it certain conditions that do not exist in the original eight-hour law, and among them are just the exceptions that the gentleman is now arguing upon.

Now I grant you that the Wade bill, as it stands on the Calendar, has not the penalty clause in it, but I am willing, and to get that bill reported out of the committee I was willing, to allow that section to be stricken from the bill. But I am just as ready to move that section as an amendment to this bill, and if they will enforce the eight-hour law I will move that as an amendment.

Mr. SPRINGER. Have you the Wade bill?

Mr. FARQUHAR. I have a copy of it here.

Mr. SPRINGER. Send it up and let us have it read, and offered as an amendment to this bill.

The CHAIRMAN. The Chair will state that in his judgment the amendment is subject to the point of order.

Mr. BYNUM. I ask consent, Mr. Chairman, to be permitted to incorporate the resolutions to which I have referred in my remarks in the RECORD.

The CHAIRMAN. In the absence of objection, the gentleman will have leave to do so.

There was no objection.

Mr. FARQUHAR. If the gentleman would publish the resolutions of the Columbia Union I think it would cover the whole ground better.

Mr. CHEADLE. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Provided, however, That no employé to whom shall be granted leave of ab-

sence with pay shall be employed by the Public Printer during the term of such annual leave of absence.

Mr. CANNON. Against that I make the point of order.

Mr. CHEADLE. I hope the gentleman will not insist upon that.

Mr. SPINOLA. Let the point be reserved.

Mr. CANNON. I have no objection to hearing the gentleman, but I must make the point of order.

The CHAIRMAN. The Chair will recognize the gentleman from Indiana.

Mr. CHEADLE. I had hoped, Mr. Chairman, that the gentleman in charge of this bill, the chairman of the Committee on Appropriations, would not have made the point of order against a proposition so fair, so just, and so reasonable as this.

What is the purport of the amendment? It is this, that if an employé shall ask for and receive his annual leave of absence, with pay, that during the term of the annual leave of absence he shall not be employed by the Public Printer and receive wages in addition to that allowed him while on leave. I undertake to say that there can not be found any law that will authorize or justify any employé of the Government, any officer or official of the Government, in receiving two salaries for a definite term, whether that term be thirty days or more during the year.

Mr. CANNON. Now, will the gentleman allow me just there?

Mr. CHEADLE. Yes, sir.

Mr. CANNON. This amendment may be eminently just and proper. I have nothing to say against that. I am not arguing the question on its merits. But under the rules of the House, this being an appropriation bill, I conceive that it is not in order to offer such an amendment; and it seems to me that the clean way and the only safe way to legislate touching this and other important matters, is for the Committee on Labor and the appropriate committee of the House to perform its functions and duties and consider this business in order, instead of trying to unload such matters, piling them up upon this bill and upon the other appropriation bills coming from the Committee on Appropriations, and which subjects the committee has had no opportunity to investigate.

Mr. CHEADLE. With all due respect to the distinguished chairman of the committee, I must dissent from his conclusion.

Mr. CANNON. Why?

Mr. CHEADLE. In the first place it is not obligatory for a leave of absence to be granted. It is a right that does not exist unless the person to whom the leave shall be granted asks for and receives it. If he does not take the leave of absence he must be present, and if present, under existing law, he is present and employed at a fixed and stated rate of compensation, either by the hour, by the day, or by the thousand ems, as the condition of his employment may fix the compensation, and for that reason it does seem to me the amendment is in order, and that the objection urged by the gentleman will not lie against it, because it does not propose to change existing law, but proposes only this: That in the event any employé of the Public Printer—and it ought to apply to every other Department of the Government—shall ask for and obtain leave of absence with pay, that during the time of that annual leave of absence he shall not be employed by the Government and receive other compensation therefor. I undertake to say that there can not be found upon our statute-books a line, or a letter, or a word, or a sentence of law that will be changed by this amendment.

Mr. RICHARDSON. Let me ask the gentleman from Indiana, who is hurt or damaged by this if a man gets paid for thirteen months and works but twelve months?

Mr. CHEADLE. The only theory on which you can predicate the right to pay a man his salary during the time he is on leave of absence is that by his continual employment in the service of the Government it becomes necessary that he shall have recreation and rest. That is the only reason you can predicate your right to pay a man on leave of absence at all.

Mr. RICHARDSON. But what I want to get at is embodied in the question I propounded. Now, we concede the principle of giving twelve months' pay for eleven months' work. It is not disputed that we have the right to do that. I can not see, therefore, where the Government is injured in any way by compensating a man for thirteen months when he works but twelve. We are already operating under the same principle, and it is better for the Government—the Government makes money, or rather it loses less money—when it pays thirteen months' pay for twelve months' services, than when it pays twelve months' pay for eleven months' services. I ask the gentleman, then, who is hurt or damaged by this arrangement?

Mr. CHEADLE. I thought I had already answered the gentleman distinctly and clearly. There can be no other reason given for the granting of leaves of absence with pay unless it be the fact that by the continued confinement of the employé at his labor it becomes absolutely necessary, in order that the Government may receive a valuable consideration for the money it pays for his services, that he shall have a limited period of rest and recreation. The Government grants the leave for its own benefit, and upon the theory that the leave granted will restore the employé to the Government in a condition to perform better serv-

ice. I do not know that any employé is paid two salaries except from statements made during this debate. I know the Public Printer is honest, competent, and impartial. I do not doubt that he is enforcing existing laws, but my judgment tells me that this amendment ought to be made. It will relieve the Printer from any responsibility in construing the law. It will be directory, and easily complied with by the Public Printer.

Mr. TURNER, of New York, and Mr. KERR, of Iowa, addressed the Chair.

The CHAIRMAN. There is nothing before the committee. The Chair sustains the point of order.

Mr. KERR, of Iowa. I move to strike out the last word.

Mr. SPRINGER. Strike out the whole paragraph.

Mr. KERR, of Iowa. The only justification of the eight-hour law is that it is a law looking to the improvement of the condition of the laboring men. Its object is to secure a greater number of hours for recreation, more time for study and improvement, and at the same time incidentally to benefit the laboring masses by giving to other men opportunities of employment; and I believe that every laboring man who seeks to labor over eight hours is as much guilty of violating the spirit of the eight-hour law as the man who employs him—in fact, much more so. The theory on which the employé is granted the one month's leave of absence is, as my colleague has stated, that the man shall not be continually subjected to this strain, mental and physical, but that he may have time for recreation and improvement, so that when the month's leave of absence is over he will be in a better condition to perform his duties. Therefore the leave of absence is granted, not alone in the interest of the employé, but in the interest of the Government.

Now, I want to say a word in regard to another feature of the bill which has been passed. I hope I will be excused for speaking of it. I do not think the gentleman from Missouri [Mr. DOCKERY] can claim that there is any concealment in this bill in the sections in regard to the amount of money appropriated for the payment of bounties. The fact is, there is no concealment. If the gentleman will only figure out the exact amount that will be necessary to pay these old claims against the Government that were not fully paid when they were contracted by the Government, and if he will inform the country just how large those claims are, there will be no difficulty in arriving at the amount. The fact is, the Government ever since 1866 has owed the men who were in its employment every dollar that is provided for in this bill, and until all those claims are passed upon and adjudicated it will be impossible to tell the exact amount. The only reason that this specific amount is not provided for in this bill is because we do not know the exact amount that will be required until the next session of Congress.

Mr. SPRINGER. I move to strike out lines 12, 13, 14, and 15 of the bill, which I ask the Clerk to read.

The CHAIRMAN. The gentleman from Illinois [Mr. SPRINGER] moves to strike out the following paragraph, which the Clerk will read.

The Clerk reads as follows:

To enable the Public Printer to comply with the provisions of the law granting thirty days' annual leave to the employés of the Government Printing Office, \$150,000, or so much thereof as may be necessary.

Mr. SPRINGER. Mr. Chairman, if it is the avowed policy of Congress to use this appropriation to increase the salaries of the persons employed in the service of the Government, then it ought to be repealed, because it was not given for that purpose. I was a member of the Committee on Printing during one or two Congresses when the printers were not entitled to this leave, and when they were appealing to Congress for this relief, and the ground upon which they asked this pay during leave of absence was that the service in the Printing Office was of such a nature, so taxing upon their physical and their mental energies, that their health required they should have a leave of absence for thirty days for recreation, and that during the eleven months remaining in which they worked for the Government they could perform more services to the Government than they could in the whole twelve months if required to worked continuously. It was in answer to this appeal that Congress granted this leave-of-absence pay, and I venture to say that no gentleman upon either side of this House was induced to vote for that law upon the idea that he was giving the employés in the Printing Office thirteen months' pay for twelve months' labor. That was not the argument. If that had been the reason they would have simply stated that they thought the wages should be increased one-twelfth.

Mr. BRECKINRIDGE, of Kentucky. It was certainly not to put this money in the hands of the Public Printer to enable him to grant or refuse leave of absence as he pleased.

Mr. SPRINGER. Certainly, as the gentleman from Kentucky [Mr. BRECKINRIDGE] suggests, it was not intended to put this money in the hands of the Public Printer to enable him to grant or refuse leave of absence as he might see fit. I hope the committee will either agree to strike out this clause from the statute-book or require the money to be used for the purpose for which it was asked by the employés of the Government and for the purposes for which Congress originally granted it. It is a prostitution of this appropriation to say that persons may work twelve months and get pay for thirteen months' time. It is in the very nature of things contrary to the whole spirit of the appropriation. If we are not going to carry out this appropriation in its letter

and spirit, let us repeal it, and when it is re-enacted let it be re-enacted with the provision that it is only to be paid when the person actually takes his leave, and that he be entitled to take his leave whether the Public Printer says he is required to stay or not.

Mr. TURNER, of New York. Mr. Chairman—

The CHAIRMAN. The question is upon the amendment proposed by the gentleman from Illinois [Mr. SPRINGER]. Does the gentleman from New York desire to discuss the amendment?

Mr. TURNER, of New York. I desire to discuss the amendment. I trust the amendment offered by my friend from Illinois [Mr. SPRINGER] will not prevail, although it seems to be almost justified by the actual condition of things, as I understand it to be, in the Government Printing Office at the present time. Delegation after delegation of printers have appeared before the Committee on Labor, as my distinguished colleague from New York [Mr. FARQUHAR] can tell us, urging some reform there. I am aware, as he is aware, that it is difficult to enforce the eight-hour law throughout all the departments of the Public Printing Office, but it might be well to say that while this committee, headed by Mr. Kennedy, came there and said that the Public Printing Office was conducted under Mr. Benedict badly enough in reference to the eight-hour law, it was conducted in an infinitely worse manner under the present Public Printer.

Mr. FARQUHAR. Did Mr. Kennedy state that?

Mr. TURNER, of New York. That was the statement of the delegation of which Mr. Kennedy was chairman, and my recollection is that the statement was made by Mr. Kennedy himself. It was the statement of the delegation.

Mr. FARQUHAR. Can you recollect any particular gentleman who mentioned that?

Mr. TURNER, of New York. I think Mr. Kennedy himself made that statement.

Mr. FARQUHAR. Are you sure?

Mr. TURNER, of New York. I am reasonably sure that he did. Was the gentleman [Mr. FARQUHAR] present at the time?

Mr. FARQUHAR. Was it not a discharged employé of the Government Printing Office?

Mr. TURNER, of New York. Was the gentleman present at the committee meeting?

Mr. FARQUHAR. I think so.

Mr. TURNER, of New York. Will the roll of the committee disclose the fact that the gentleman was present three times at the beginning of the sessions?

Mr. FARQUHAR. I do not know whether I was there three times that day, but I was there at that investigation.

Mr. TURNER, of New York. That committee was there more than three times—quite a number of times.

Mr. FARQUHAR. The two gentlemen that were heard that day on that point were Mr. Oyster and Mr. Kennedy.

Mr. TURNER, of New York. Very true.

Mr. SPINOLA. Perhaps some one else chipped in.

Mr. FARQUHAR. If that statement was made at all, was it not made by Mr. Oyster?

Mr. TURNER, of New York. It may have been Mr. Oyster. I desire to say that when the distinguished chairman of the Appropriation Committee [Mr. CANNON] rises in this House and charges the Committee on Labor, either by inference or directly, with being lax in their duty, or when he says, as he said, replying to my suggestion, "Why does not the gentleman in his own time propose from his Committee on Labor some law to remedy this state of affairs," or substantially that, he well knows why the Committee on Labor is unheard. I want to call his attention to the fact that though a bill was reported away back in February (on the 27th) carrying nearly four millions of dollars, estimated, for back pay for men who worked over eight hours per day under Republican Administrations, and largely under that of Mr. Hayes, the Committee on Rules, of which the gentleman is a member, have so far throttled very effectively all labor legislation and have given the Labor Committee no hearing.

Mr. KERR, of Iowa. Will the gentleman allow me to ask him a question?

Mr. TURNER, of New York. With pleasure.

Mr. KERR, of Iowa. Did not these men receive all the payment they were promised at the time they did their work?

Mr. TURNER, of New York. Oh, well, I do not propose to enter now into a discussion of the bill and a long report. If the gentleman will vote to give consideration of this matter in the House I will try to explain the matter to him. We desired of the Committee on Rules an opportunity to consider this bill. They feared that it was a little too far-sweeping. It was taken back and amendments offered to it, and still we are denied a hearing. It comes with very ill grace from any gentleman on that side of the House to say anything about what they are doing in the interests of labor in this country.

Mr. KERR, of Iowa. Mr. Chairman—

The CHAIRMAN. The question is on the amendment.

The question was put; and the Chairman announced that the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To pay pro rata leaves of absence to employes who resign or are discharged (decision of First Comptroller), \$15,000.

Mr. SPRINGER. This is a summary way of disposing of amendments that are submitted in good faith.

Mr. KERR, of Iowa. I move to strike out the last word—

The CHAIRMAN. Does the gentleman from Illinois desire another vote upon the amendment?

Mr. SPRINGER. No, sir.

The CHAIRMAN. The Chair will submit it again if there is any doubt.

The amendment was rejected.

Mr. KERR, of Iowa. Mr. Chairman, I have no doubt that the present Public Printer is honestly endeavoring to carry out in good faith and spirit the eight-hour law; and any gentleman can see the very great difficulty of enforcing the eight-hour law in the performance of the work that is done upon the CONGRESSIONAL RECORD. A man who enters the Printing Office at 6 o'clock in the evening expects to work until 2 o'clock in the morning, and he expects that the force at night is sufficient to set up the RECORD that will be made during the day; but between the hour he goes to work and 10 or 11 o'clock at night a greater amount of matter comes into the office than was expected, and in order to get that work done and carry out literally the eight-hour law you would have to go throughout the city, wake up men out of bed, and get them to go in and carry on the balance of the work to carry the law out literally in good faith.

Mr. SNIDER. Mr. Chairman, I desire the consent of the committee to offer an amendment on page 62.

The CHAIRMAN. The gentleman from Minnesota was absent when this part of the bill was passed, and asks unanimous consent to return to it for the purpose of offering an amendment, which the Clerk will read.

The Clerk read as follows:

On page 62, after line 5, insert:

"For maintenance of an office for furnishing information, \$2,450."

Mr. SAYERS. Let the provision to which this amendment is offered be read.

Mr. SNIDER. If my friend will allow me—

Mr. CANNON. I will suggest to the gentleman that I do not want to assent to returning to this part of the bill that has been passed. I will say that the gentleman from Texas [Mr. SAYERS] and the gentleman from Massachusetts [Mr. COGSWELL], who had charge of the signal-service item, did agree that an amendment might be made further increasing the amount, at line 11, page 62, from \$45,000 to \$47,000.

Mr. SAYERS. Yes, sir; that was done.

Mr. SNIDER. Will the gentleman reserve his point of order until I can make a statement as to the necessity for this amendment?

Mr. CANNON. I can not assent to going back, but I have no disposition to cut the gentleman off from making a statement.

Mr. SNIDER. We want simply \$2,450; and I desire to state to the House—

Mr. CANNON. Well, I can not give assent to turn back except for one item.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. SAYERS. I withdraw the request that the provision to which the amendment is offered be read.

The CHAIRMAN. The Clerk will report the amendment.

The amendment was again reported.

Mr. DOCKERY. I thought objection was made.

Mr. CANNON. I did not object to the gentleman making his statement, but I do object to the amendment.

Mr. SNIDER. The reason why I desire the gentleman to withhold his point of order is that I may convince him or any other reasonable man of the necessity for this appropriation. I desire to say that this is for the purpose of establishing an office for the dissemination of information gathered by the signal office of Minneapolis, Minn. At this point almost the entire wheat crop of the Northwest is marketed—45,000,000 bushels a year—and one-third of that is exported. At times the market is extremely sensitive, and certainly the farmers ought to have the advantage of certain knowledge and information that the Government has obtained, as promptly as possible. The amount that is asked for is \$2,400 only—not for a full station—and I think it is but a reasonable request from the people of that country.

Mr. CANNON. That is for Minneapolis, is it not?

Mr. SNIDER. Yes.

Mr. CANNON. Have they not got an office at St. Paul?

Mr. SNIDER. Yes; they have a full office for observation at St. Paul.

Mr. CANNON. Well, now, I will just say to my friend that there is one at St. Paul, only 4 miles from the point he wants to establish this office at Minneapolis.

Mr. SNIDER. Ten miles.

Mr. CANNON. Very well; 10 miles. I will only say this, that when the signal office was before the committee we gave them every dollar that they wanted for St. Paul.

Mr. SNIDER. I will say that this application has the indorsement of the signal officer; and I will state in addition that there are four signal offices maintained where they are not 20 miles apart; and I only ask for \$2,400 for where there are 45,000,000 bushels of wheat marketed, one-third of which is exported. I think it is a very small thing for the House to deny to the farmers of that country the information they are entitled to as to approach of storms and disasters. I hope that the gentleman will not object.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. CANNON. I object.

Mr. TRACEY. Mr. Chairman, I desire to offer the amendment which I send to the Clerk's desk, and I will state that I do so with the consent and approval of the gentleman in charge of the bill.

The Clerk read as follows:

Page 55, after line 15, insert the following:

"Watervliet arsenal, West Troy, N. Y.: For electric-lighting plant, \$4,400; for new water-service system, \$5,542; for new sewerage system, \$10,259; for draining system, \$2,726; for macadamized road, \$14,700; for one set of quarters for foreman of gunshop, \$3,500; in all, \$41,127."

Mr. CANNON. Mr. Chairman, it was agreed substantially when this item was passed that if, upon further examination, it was found that it should go in, the gentleman from New York [Mr. TRACEY] should have an opportunity to insert it. This is a revised estimate, cutting down the original estimate one-half, and the committee are, I believe, unanimous in agreeing that it is necessary and should be inserted in the bill.

The amendment was agreed to.

Mr. DUNNELL. I ask unanimous consent to offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 62, line 10, strike out the words "forty-five thousand" and insert "forty-seven thousand two hundred and fifty."

The CHAIRMAN. Is there any objection to returning to the paragraph indicated in the amendment?

There was no objection, and the amendment was agreed to.

Mr. DUNNELL. In connection with that amendment I desire to have inserted as part of my remarks the letter which I send to the desk.

The letter was read, as follows:

SIGNAL OFFICE, WAR DEPARTMENT,
Washington City, June 16, 1890.

DEAR SIR: Supplementary to my letter of June 6, 1890, regarding the establishment of a signal-station at Red Wing, Minn., I beg to say that the Brotherhood of the Upper Mississippi Pilots has repeatedly expressed to this office the great importance of such a station in the interest of navigation in the upper river. They have represented that disasters are frequent each year in passing through Lake Pepin, and that the loss to commerce is very large, averaging \$15,000 annually.

The Chief Signal Officer would be glad to establish such a station, if possible, but, as he has clearly set forth in his annual report, it is not possible to increase the present number of stations without a corresponding increase in the appropriations for this service. As pointed out in the letter referred to (June 6, 1890), the cost of a regular station would be \$2,450 annually.

The Chief Signal Officer has no hesitation in saying that, in view of the representations made by the Brotherhood of the Upper Mississippi Pilots and by yourself, the establishment of such a station is clearly in the public interest, and is such as the importance of navigation of the Upper Mississippi demands.

The appropriation can be made either as a separate item or as an amendment on page 62, lines 10, 11, of H. R. 10884 (sundry civil bill) by increasing the amount to \$47,250.

Very truly yours,

A. W. GREELY,
Chief Signal Officer.

Hon. M. H. DUNNELL,
House of Representatives, United States.

A true copy.

A. W. GREELY,
Chief Signal Officer.

Mr. CANNON. Mr. Chairman, I move that the committee rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BURROWS, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 10884) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes, and had directed him to report the same to the House with various amendments, and with the recommendation that, as amended, the bill do pass.

The SPEAKER. The amendments will be read.

Mr. CANNON. Mr. Speaker, I think no separate vote is desired unless upon one amendment, which I understand the gentleman from Missouri [Mr. DOCKERY] is willing should be non-concurred in.

Mr. SAYERS. Is that the amendment offered by me?

Mr. CANNON. Yes.

Mr. SAYERS. Let a separate vote be taken upon that amendment.

Mr. CANNON. Then, Mr. Speaker, let all the other amendments be concurred in except that one, and let that be non-concurred in.

Mr. DOCKERY. That is satisfactory.

The SPEAKER. The Clerk will read the amendments, omitting the one indicated.

Mr. SPINOLA. Mr. Speaker, is it in order to demand a separate

vote upon the amendment just read providing for a clock in the tower of some building?

The SPEAKER. A separate vote may be demanded upon any amendment by any member.

Mr. SPINOLA. Well, I demand a separate vote upon that unless the necessity for it can be explained.

Mr. SPINOLA subsequently withdrew his request.

The SPEAKER. The question is upon concurring in the amendments just read.

The amendments were concurred in.

The SPEAKER. The Clerk will report the amendment which was reserved.

The amendment was read, as follows:

Lines 4 and 5, page 8, strike out "so much therefor as may be necessary," and insert in lieu thereof the words "three hundred and fifty thousand dollars."

The SPEAKER. The question is upon concurring in this amendment.

Mr. SAYERS. Mr. Speaker, it was the understanding that that amendment was to be rejected in view of a resolution which the gentleman from Missouri [Mr. DOCKERY] proposes to offer to recommit the bill.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] will please give his attention. It is stated that the amendment just reported is to be disagreed to with the understanding that a resolution for the recommitment of the bill is to be submitted by the gentleman from Missouri [Mr. DOCKERY].

Mr. CANNON. I understand that the gentleman desires to make a motion to recommit, with instructions to strike out in this and three other paragraphs.

The amendment was non-concurred in.

Mr. CANNON. Mr. Speaker, I desire to have the previous question operate upon this amendment: Page 62, line 11, "strike out \$47,250" and insert "\$49,750." That is an increase of \$2,400. This is the general item from which Signal Service stations and substations are established and supported by the Signal Office, and I offer this amendment with the view of furnishing money sufficient to enable the Chief Signal Officer to establish a signal office at the city of Minneapolis in the event it should be necessary in his opinion to do so.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time.

The SPEAKER. The question is on the passage of the bill.

Mr. DOCKERY. Mr. Speaker, pending that, I offer the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the bill H. R. 10884 be recommitted to the Committee on Appropriations with instructions to report the same back at once, amended as follows:

Page 86, in lines 4 and 5, strike out the words "so much therefor as may be necessary is hereby appropriated," and insert in lieu thereof "\$350,000."

Page 86, lines 9 and 10, strike out the words "so much therefor as may be necessary," and insert in lieu thereof "\$300,000."

Page 86, lines 14 and 15, strike out the words "so much therefor as may be necessary," and insert in lieu thereof "\$30,000."

Page 86, lines 20 and 21, strike out the words "so much therefor as may be necessary," and insert in lieu thereof "\$22,000."

The SPEAKER. The question is on concurring in the resolution of the gentleman from Missouri.

Mr. COBB. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. CANNON. Mr. Speaker, I demand the previous question upon that resolution.

Mr. COBB. I rise to move to amend the instructions by adding another.

The SPEAKER. The gentleman from Illinois asks for the previous question.

Mr. COBB. I had the floor, and I thought I was recognized.

The SPEAKER. The Chair asked the gentleman for what purpose he rose.

Mr. COBB. And I was making my motion in response to that inquiry.

The SPEAKER. The Chair thinks he is bound, under the custom of the House, to recognize the gentleman in charge of the bill. The matter is left entirely with the House, because if the House votes down the demand for the previous question, the amendment will then be in order.

Mr. COBB. I would like to state my amendment, so that the House may understand it.

The SPEAKER. It would not be in order.

Mr. COBB. The statement might affect the vote on the previous question.

The SPEAKER. It might affect the vote, and so might debate on the motion for the previous question; but it is not allowed under the rules.

Mr. COBB. Am I not allowed to make a statement of the motion I propose to submit?

The SPEAKER. It is not now allowable under the rules.

Mr. COBB. Then I ask unanimous consent to make that statement.

The SPEAKER. Is there objection?

Mr. CANNON. I have no objection to the gentleman making a statement for a minute or two; I do not wish any extended debate.

The SPEAKER. Is there objection? The Chair hears none.

Mr. COBB. I desire to move to add to the proposed instructions to be given to the committee, if the bill should be recommitted, an instruction to strike out that part of the bill commencing at line 13, on page 46, and extending to line 8, inclusive, on page 47. The provision I propose to strike out is known as "the irrigation-survey appropriation."

Mr. CANNON. I do not think the gentleman's motion would be germane if the previous question were voted down. I should make the point of order upon it.

The question being taken on ordering the previous question, it was determined in the affirmative—ayes 71, noes 50.

The SPEAKER. The question is now on the motion of the gentleman from Missouri [Mr. DOCKERY] to recommit the bill to the Committee on Appropriations with the instructions which have been read. The question being taken, there were—ayes 66, noes 69.

Mr. DOCKERY. I demand the yeas and nays.

The yeas and nays were ordered, 41 voting in favor thereof.

The question was taken; and it was decided in the negative—yeas 86, nays 100, not voting 141; as follows:

YEAS—86.

Abbott,	Covert,	Lee,	Robertson,
Anderson, Miss.	Cowles,	Lester, Ga.	Rusk,
Barnes,	Crisp,	Lewis,	Sayers,
Barwig,	Culberson, Tex.	Magner,	Shively,
Biggs,	Dargan,	Martin, Ind.	Springer,
Blount,	Davidson,	McAdoo,	Stewart, Ga.
Breckinridge, Ky.	Dockery,	McClellan,	Stewart, Tex.
Brookshire,	Dunphy,	McCreary,	Stone, Ky.
Brunner,	Elliott,	McMillin,	Stone, Mo.
Buchanan, Va.	Ellis,	McRae,	Tarsney,
Buckalew,	Enloe,	Mills,	Tillman,
Bullock,	Fowler,	Montgomery,	Turner, N. Y.
Bynum,	Geissenhainer,	Moore, Tex.	Vaux,
Campbell,	Goodnight,	Norton,	Washington,
Candler, Ga.	Grimes,	Oates,	Wheeler, Ala.
Carlton,	Hare,	O'Ferrall,	Wike,
Caruth,	Hayes,	O'Neill, Ind.	Wilkinson,
Catchings,	Heard,	Parrett,	Williams, Ill.
Chipman,	Holman,	Peel,	Wilson, Mo.
Clements,	Kilgore,	Perry,	Yoder.
Cobb,	Lane,	Reilly,	
Cothran,	Lanham,	Richardson,	

NAYS—100.

Allen, Mich.	Dolliver,	La Follette,	Russell,
Anderson, Kans.	Dunnell,	Laidlaw,	Sawyer,
Arnold,	Ewart,	Laws,	Simonds,
Atkinson, W. Va.	Farquhar,	Lind,	Smith, W. Va.
Banks,	Finley,	Lodge,	Smyser,
Bayne,	Flood,	McComas,	Snider,
Beckwith,	Frank,	McKenna,	Spooner,
Belden,	Funston,	McKinley,	Stephenson,
Belknap,	Gear,	Milliken,	Stivers,
Bliss,	Gest,	Moftt,	Stockbridge,
Boothman,	Gifford,	Morrow,	Struble,
Brewer,	Greenhalge,	Morse,	Sweeney,
Brosius,	Hall,	O'Donnell,	Thompson,
Brown, Va.	Hansbrough,	O'Neill, Pa.	Townsend, Colo.
Burrows,	Harmer,	Owen, Ind.	Turner, Kans.
Burton,	Haugen,	Perkins,	Vandever,
Cannon,	Henderson, Ill.	Pickler,	Van Schaick,
Carter,	Henderson, Iowa	Post,	Waddill,
Cheadle,	Hill,	Pugsley,	Walker, Mass.
Cheatham,	Hitt,	Raines,	Wallace, Mass.
Comstock,	Houk,	Reed, Iowa	Watson,
Conger,	Kennedy,	Reyburn,	Williams, Ohio
Culbertson, Pa.	Kinsey,	Rife,	Wilson, Ky.
Dalzell,	Knapp,	Rockwell,	Wright,
De Lano,	Lacey,	Rowell,	Yardley.

NOT VOTING—141.

Adams,	Clarke, Ala.	Hatch,	Morgan,
Alderson,	Clunie,	Haynes,	Morrill,
Allen, Miss.	Cogswell,	Hemphill,	Mudd,
Andrew,	Coleman,	Henderson, N. C.	Mutcher,
Atkinson, Pa.	Connell,	Herbert,	Niedringhaus,
Baker,	Cooper, Ind.	Hermann,	Nute,
Bankhead,	Cooper, Ohio	Hooker,	O'Neil, Mass.
Bartine,	Craig,	Hopkins,	Osborne,
Bergen,	Crain,	Kelley,	Outhwaite,
Bingham,	Cummings,	Kerr, Iowa	Owens, Ohio
Blanchard,	Cutcheon,	Kerr, Pa.	Payne,
Bland,	Darlington,	Ketcham,	Paynter,
Bontner,	De Haven,	Lansing,	Payson,
Boutelle,	Dibble,	Lawler,	Pennington,
Bowdler,	Dingley,	Lelbach,	Peters,
Breckinridge, Ark.	Dorsey,	Lester, Va.	Phelan,
Brickner,	Edmunds,	Maish,	Pierce,
Brower,	Evans,	Mansur,	Price,
Brown, J. B.	Featherston,	Martin, Tex.	Quackenbush,
Browne, T. M.	Fitch,	Mason,	Quinn,
Buchanan, N. J.	Fitzhian,	McCarthy,	Randall,
Bunn,	Flick,	McClammy,	Ray,
Butterworth,	Flower,	McCord,	Rogers,
Caldwell,	Forman,	McCormick,	Rowland,
Candler, Mass.	Forney,	McDuffie,	Sanford,
Caswell,	Gibson,	Miles,	Scranton,
Clancy,	Grosvenor,	Moore, N. H.	Seull,
Clark, Wis.	Grout,	Morey,	Seney,

Sherman,	Taylor, E. R.	Turner, Ga.	Wickham,
Skinner,	Taylor, Ill.	Venable,	Wiley,
Smith, Ill.	Taylor, J. D.	Wade,	Wilcox,
Spinola,	Taylor, Tenn.	Walker, Mo.	Wilson, Wash.
Stahnecker,	Thomas,	Wallace, N. Y.	Wilson, W. Va.
Stahnecker,	Townsend, Pa.	Wheeler, Mich.	
Stewart, Vt.	Tracey,	Whiting,	
Stockdale,	Tucker,	Whitthorne,	
Stump,			

So the motion to recommit with instructions was rejected.

Mr. SMITH, of Illinois. Mr. Speaker, I am informed that Mr. BUNN, with whom I paired some time ago, has not yet returned to the city. Were he present, I should vote "no," but I have refrained from voting because of my pair with him.

The following-named members were announced as paired until further notice:

Mr. BOUTELLE with Mr. HERBERT.
 Mr. THOMAS M. BROWNE with Mr. ANDREW.
 Mr. CALDWELL with Mr. WILLCOX.
 Mr. McDUFFIE with Mr. FORNEY.
 Mr. HEIMANN with Mr. CLARKE, of Alabama.
 Mr. OSBORNE with Mr. STOCKDALE.
 Mr. BERGEN with Mr. DIBBLE.
 Mr. QUACKENBUSH with Mr. MCCARTHY.
 Mr. BOWDEN with Mr. LESTER, of Virginia.
 Mr. DINGLEY with Mr. BLAND.
 Mr. TAYLOR, of Illinois, with Mr. BOATNER.
 Mr. COLEMAN with Mr. PRICE.
 Mr. EZRA B. TAYLOR with Mr. ROGERS.
 Mr. THOMAS with Mr. WHITING.
 Mr. THOMPSON with Mr. PAYNTER.
 Mr. COOPER, of Ohio, with Mr. FORMAN.
 Mr. SMITH, of Illinois, with Mr. BUNN.
 Mr. PETERS with Mr. HOOKER.
 Mr. CUTCHEN with Mr. CUMMINGS.
 Mr. NIEDRINGHAUS with Mr. MARTIN, of Texas.
 Mr. RANDALL with Mr. O'NEIL, of Massachusetts.
 Mr. LANSING with Mr. ROWLAND.
 Mr. EVANS with Mr. MORGAN.
 Mr. ADAMS with Mr. LAWLER.
 Mr. SCRANTON with Mr. PIERCE.
 Mr. WADE with Mr. HATCH.
 Mr. SCULL with Mr. OUTHWAITE.
 Mr. TAYLOR, of Tennessee, with Mr. OWENS, of Ohio.
 Mr. WILSON, of Washington, with Mr. SKINNER.
 Mr. CLARK, of Wisconsin, with Mr. WALKER, of Missouri.
 Mr. KETCHAM with Mr. FLOWER, for two weeks.
 Mr. CRAIG with Mr. MAISH, until Wednesday.
 Mr. MCCORMICK with Mr. MCCLAMMY, until Monday next.
 Mr. BAKER with Mr. TURNER, of Georgia, until Wednesday.
 Mr. MORRILL with Mr. BRECKINRIDGE, of Arkansas, until Wednesday next.

Mr. BARTINE with Mr. CLUNIE, until Friday next.
 Mr. CANDLER, of Massachusetts, with Mr. MANSUR, until further notice, except on the bankruptcy bill.

Mr. COGSWELL with Mr. BLANCHARD, on all political questions and on the bankruptcy bill.

On this vote:

Mr. NUTE with Mr. STAHLNECKER.
 Mr. PAYNE with Mr. JASON B. BROWN.
 Mr. ATKINSON, of Pennsylvania, with Mr. GIBSON.
 Mr. HOPKINS with Mr. BRICKNER.
 Mr. BUTTERWORTH with Mr. WHITTHORNE.

For this day:

Mr. MOREY with Mr. ALDERSON.
 Mr. MUDD with Mr. BANKHEAD.
 Mr. MOORE, of New Hampshire, with Mr. HEMPHILL.
 Mr. BUCHANAN, of New Jersey, with Mr. STUMP.
 Mr. DARLINGTON with Mr. HENDERSON, of North Carolina.
 Mr. WALLACE, of New York, with Mr. PENINGTON.

The result of the vote was announced as above stated.

The bill was then passed.

Mr. CANNON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED JOINT RESOLUTION AND BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution and bills of the following titles; when the Speaker signed the same, namely:

Joint resolution (H. Res. 37) providing for donations of certain personal property of the United States to South Dakota and North Dakota;
 A bill (H. R. 75) to fix the regular terms of the circuit and district courts for the southern district of Alabama;

A bill (H. R. 1404) granting a pension to Mary Ann Lang;
 A bill (H. R. 1884) granting a pension to George F. White;
 A bill (H. R. 2424) granting a pension to Mary W. Smalley;
 A bill (H. R. 4036) for the relief of Christian Kunzie;

A bill (H. R. 4967) granting a pension to Mrs. Catharine Reed;
 A bill (H. R. 5118) granting a pension to Amanda J. Delap;
 A bill (H. R. 6280) granting a pension to Lawrence Dougherty;
 A bill (H. R. 6601) granting a pension to Archibald F. Coon;
 A bill (H. R. 6831) for the relief of Norman Cleveland;
 A bill (H. R. 6913) granting a pension to Alexander G. Davis;
 A bill (H. R. 7529) granting a pension to Belle Morrison, of Dillsborough, Ind.;

A bill (H. R. 7824) granting a pension to Mary F. Cochran;
 A bill (H. R. 7856) granting the right of way to the Duluth and Manitoba Railroad Company across the Fort Pembina reservation, in North Dakota;

A bill (H. R. 7958) granting a pension to Christopher C. Funk;
 A bill (H. R. 8560) granting a pension to Mrs. Sallie H. Wilson;
 A bill (H. R. 8910) granting an increase of pension to Clinton Spencer; and

A bill (H. R. 9359) to increase the pension of B. F. Hilliker.

INDIAN APPROPRIATION BILL.

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Indian appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. ALLEN, of Michigan, in the chair.

The CHAIRMAN. The Clerk will report the title of the bill before the committee.

The Clerk read as follows:

A bill (H. R. 10726) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1891, and for other purposes.

Mr. PERKINS. I ask unanimous consent to dispense with the first formal reading of the bill.

There was no objection, and it was so ordered.

Mr. PERKINS. Mr. Chairman, I shall not consume much of the time of the committee, but desire to submit a brief statement in explanation of the general provisions of the bill. The bill carries—

Mr. SAYERS. Will the gentleman state how much the bill carries?

Mr. PERKINS. That is just what I was about to do.

This bill carries in the aggregate the sum of \$6,312,620.46.

Mr. SAYERS. How does that compare with similar bills heretofore passed by the House?

Mr. PERKINS. If the gentleman will listen I will give the figures; and that is about all I desire to say in the general debate.

The regular estimates of the department for this branch of the public service amounted to \$5,804,399.77. Since these regular estimates were submitted, however, several supplemental estimates have been prepared and forwarded with the approval of the Secretary of the Interior, aggregating, with the amount of the estimates originally submitted, an amount quite largely in excess of the amount appropriated by the bill, and no appropriation is made in the bill that has not been estimated for or recommended by the Executive Department of the Government.

The annual appropriation bill of last year carried the sum of \$8,077,453.39, so that the present bill carries in the aggregate \$1,764,832.93 less than was appropriated in the bill for the current year. I would say that this results largely from this fact: That the annual appropriation bill for the current year carried appropriations to pay for lands that had been purchased from the Creek and Seminole Indians, and contained some allowances and provisions that at this time are unnecessary, and which in the last appropriation bill swelled the aggregate to the amount I have just stated. We have made quite a considerable reduction in what is called the "subsistence account" carried by the provisions of the bill, but we have added to what is called the "educational account."

So that for the regular expenses of the Indian service the appropriations this year are as large as last year, and a little larger, but the miscellaneous items appropriated for are not as numerous and do not carry the amounts appropriated last year, and therefore the aggregate of this bill is almost \$2,000,000 less than the aggregate of last year's appropriation.

Mr. SAYERS. I understand, then, from the gentleman that the reason this bill is smaller than the similar bill reported in the Fiftieth Congress is that that bill carried appropriations for the purchase of lands from the Indians which this bill does not carry?

Mr. PERKINS. That is one reason.

Mr. SAYERS. Will the gentleman give the other reasons?

Mr. PERKINS. The other reason is that we made an appropriation last year to pay quite a number of claims due to the Indians that are not provided for in this bill.

Mr. SAYERS. Was the Choctaw claim embraced in that bill?

Mr. PERKINS. No; the Choctaw claim was provided for in the bill of two years ago.

But, Mr. Chairman, the aggregate amount carried by the bill of last year for miscellaneous purposes was more than the amounts carried by the miscellaneous provisions of this bill; and for that reason the aggregate appropriation of last year was more than it will be this, although

for the regular annual appropriations for the Indian service the amount carried by this bill is as large and a little larger than last year, because of the increase in the educational provision.

Mr. SAYERS. How much larger is it?

Mr. PERKINS. For educational purposes about \$400,000 more than the bill of last year; but we have reduced the subsistence account quite largely, and hence the aggregate is not \$400,000 more than the bill of last year.

As to the Indian agents, we have decreased the compensation of two or three and added a trifle to the salaries of two or three, the difference, however, being only about \$400 in all. I will say in this connection that the committee was importuned from all sections of the country to give favorable consideration to recommendations of the Commissioner of Indian Affairs concerning the educational work of his office. From all sections there seems to be a general demand that more liberal provisions should be made this year for such purposes than had been made heretofore; and the committee makes favorable response to these petitions and supplications by the bill which is reported to this committee for its consideration. Public interest in the work seems to be growing in all sections of the country, and the good people of the country ask and expect Congress to make liberal provision for the support of Indian industrial and day schools.

The schools are increasing in number, the attendance is increasing, more pupils are being educated than ever heretofore, and I think the educational work is reasonably encouraging to those who believe in this system of settling the Indian question. I think that as a matter of economy, to ignore the question of sentiment, the questions of right and wrong—ignoring these questions and looking at it simply as an economical question, I think it is cheaper to educate these Indian children and to provide suitable school accommodations for them than to maintain armies to fight them; and I believe that the system of education that has been adopted by the Indian Office and that has been sustained thus far by Congress, and for the support of which this year we make more liberal appropriations than ever heretofore, will prove in the end the true solution of this Indian question.

Mr. SAYERS. Will the gentleman from Kansas give us such information as he has as to the practical effect of this educational system for civilizing the Indian and to what extent these educated Indians enter into and become permanently a part of our civilization? I would like to have some light on that subject.

Mr. PERKINS. I would say, Mr. Chairman, that a teacher connected with the Hampton school addressed the committee, and gave to the committee such information as he possessed upon this subject. Hampton, as you all know, is a mixed school, not exclusively an Indian industrial school, but blacks and Indians are educated there alike, and the Government pays for the education of quite a number of Indian children at that school.

Last year this teacher visited the Dakotas for the purpose of inquiring into and ascertaining the condition of the Indian children that had been educated at that school. He informed the committee that there had been one hundred and fifteen in attendance at Hampton. Of those one hundred and fifteen he succeeded personally in interviewing ninety-eight, and he found, with three exceptions, all those he visited were doing well, maintaining their habits of civilized life, acquitting themselves with credit, and setting good examples to the boys and girls of the reservations to which they belonged. He said that in one case he found that a boy had become demoralized; had acquitted himself badly since his discharge from the school; had been guilty of larceny, and had been prosecuted for it, and did not seem disposed to take up the habits of civilized life with any credit to himself or with any credit to the institution that had educated him; and that in one or two other instances he found that they were doing indifferently, and did not set that example to others that it had been hoped they would when they were discharged from the school; but he said that with these exceptions he found they did conform to the habits of civilized life with credit to themselves and were acquitting themselves with credit to the institution, and he felt more encouraged since making that visit and since making that personal examination than he had ever felt theretofore concerning this work. And I would say that from his statement (and that, of course, applied simply to the Hampton school) the work must be as satisfactory as work that is accomplished at the colleges or academies attended by our white boys. I doubt whether a like number can be found discharged from our educational institutions who have acquitted themselves with more credit—that is, a greater per cent. of them—than these Indian children that went from Hampton. Out of the entire number, so far as this teacher could learn, but three had failed to acquit themselves with credit.

Mr. GIFFORD. I think the same proportion will hold good as to the other institutions.

Mr. PERKINS. I was about to suggest that as to Carlisle I was told the same was true, that the per cent. is equally large. I would say that at Carlisle they have this system, which I think is an excellent one, and which commends these industrial schools to me more than any other feature of the present system of Indian education. Upon the rolls of the Carlisle school there are almost one thousand Indian pupils, while in fact there are only about five hundred of them in the

school-room. The remaining number are hired out to the farmers, the good wives and the good people of Pennsylvania, to do household and farm work, and they are taught in that way the habits of civilized life.

Their earnings go to them and the school exercises a supervisory control over them, to see that they are treated well, to see that they get what is promised to them, to see that they are permitted to attend school during the winter months, and that they do not contract habits that are likely to lead to their demoralization or to their detriment. This care is exercised, and under a general supervision of that character these boys and girls are hired out to do farm and household work in the homes and upon the farms of Pennsylvania.

Mr. HENDERSON, of Iowa. Will the gentleman allow me right at that point to ask him a question? He states that after they leave school and go back to their tribes they do as well as other civilized people. What do they do? His statement is a little indefinite. Do they take up agriculture? Do they go into mechanical pursuits? Take those that come from the Carlisle school. I want to know, when that school lets go of these boys and girls, do they become a part of the civilization of the country or do they return to their Indian habits? I ask for information from the committee.

Mr. PERKINS. I have attempted, Mr. Chairman, to briefly answer that inquiry. It is impossible for me to enumerate what each scholar discharged from these schools accepts in the way of employment or occupation upon his discharge, but we have learned upon inquiry that, where there is business that they can do, upon their return to their reservations or to their people they follow that business; that where there is employment for them they accept that employment as a rule. Some of them accept lands in severalty and go to farming and build homes for themselves and continue the habits of civilized life taught them at the schools. This is the rule with those discharged from Hampton as found by the teacher last summer, and I think, Mr. Chairman, from the inquiries that have been made by the committee and from the information that we got, that this work is reasonably encouraging. In fact, so far as the committee can learn, but few indeed return to the habits of the old life; most of them acquit themselves with credit and set an example to the boys and girls of their tribal life and to the people of their reservations that is worthy of emulation and that does much good.

Mr. CANNON. Now, if my friend will allow me right there. Four years ago a committee of which I had the honor to be a member visited many of those tribes, and we made inquiry touching the condition of many of those children that had gone to the schools, and think I am safe in saying that without exception—I do not know that I recall a single exception—all the children that had been sent off to the schools, when they returned to the reservation, in cases where the Government did not employ them and have them virtually in charge, dropped back into the habits of the tribes, and their condition, as a rule, became worse, especially that of the females, than it would have been found if they had never gone to the schools. Whether that condition of affairs has changed or not I do not know, but in the nature of things I do not see how it is possible for it to have changed, where the Government has failed to give them employment on the Indian police, or in some such way, from the very fact that it was a matter of pride upon the part of the tribe to bring these children back to the level of the tribe.

Mr. PERKINS. I would say, Mr. Chairman, in answer to the suggestion of the gentleman from Illinois, that each year the prejudice existing among the Indian tribes against this system of Indian industrial education is disappearing and weakening. The agents representing these schools find less difficulty each year in getting children to attend them, and they find more of the adult Indians willing that their children should go and get the advantages of these industrial schools. That is the testimony of all those who have any connection whatever with these Indian schools, so far as we could learn.

I admit that a few years ago there was a great deal of prejudice existing in the minds of the Indians against this system of education, and in some instances teachers, or those representing these schools, had to resort to force to get scholars. They employed violence at times to get children from their reservations and from their homes that they might take them to these schools and give them the advantages there given. But I am told that has almost entirely disappeared, and as the work of the Government in separating the Indians and of giving them individual homes, of allotting lands to them in severalty and breaking up their tribal relations and encouraging their individuality, progresses, it is found that this work of education of the children and the work of the Government go hand in hand, and the system of Indian education adopted by the Indian Office, and encouraged by Congress, aids the Government very materially in dealing with the adult Indians. I do not think there is a doubt about it, and in time it will prove the solution of the Indian question.

Mr. HENDERSON, of Iowa. Mr. Chairman, I think it is proper to say that I did not wish my questions to be construed as indicating that I am in any way hostile to this class of legislation. I wanted information, and I think it is not the time to recede from this work. That, Mr. Chairman, was the only object I had, and I did not want to indicate or to be understood as antagonizing that feature of the bill.

Mr. PERKINS. I did not understand, Mr. Chairman, that the gentleman was criticising the appropriation, nor did I understand that he was criticising this work. I think the inquiry of the gentleman from Iowa was, as he has just stated, for information, and certainly that information should be given. We are appropriating a large amount of money for this work, and each year the appropriation is increasing. Each year more schools are being provided for. To-day less than 50 per cent. of the Indian children that should be at school are given school accommodations.

We have not reached the maximum that Congress will be called upon to appropriate for this purpose, and hence it is right for the House to know and for the country to know the progress of the work. Having confidence in the work the committee has been liberal with the Indian Office, and where we found upon investigation that the money could be used to advantage, where the local conditions were favorable and successful results were promised, we responded to the recommendations of the Indian Office and recommended the appropriations asked for, and have done what we could in a reasonable way to sustain and uphold the hands of the Commissioner, who I think is conscientiously and enthusiastically devoted to this work. If the present Commissioner is to be criticised at all it may be because of his zeal and enthusiasm upon this subject.

We did not give him all he asked, but where, as I suggested a moment ago, we found the conditions favorable, that good work could be accomplished, we have made the appropriations asked for and have in that way attempted to sustain him in the work in which he is engaged and in which the country is so much interested.

Mr. CHEADLE. Will the gentleman permit me to ask him a question?

Mr. PERKINS. Certainly.

Mr. CHEADLE. I wish to ask the gentleman this question for information: Where have the best results been secured in these schools; in the East or on the reservations, in the tribes?

Mr. PERKINS. Mr. Chairman, in answer to the question of the gentleman from Indiana, I will frankly state that I think the Carlisle school in Pennsylvania has done the best work of any of the industrial schools. My judgment is that the industrial schools located in the States are capable of doing better work than schools located upon the reservations. That is my judgment, and for this reason—

Mr. STEWART, of Georgia. Does the gentleman not know this fact, that the Creeks, Choctaws, and Chickasaws, under the manipulation or management of the Methodist, Baptist, and Presbyterian Churches in this matter of schools, have their schools filled to overflowing? I make this statement in order that you may use it, that they are getting more scholars than they can accommodate and are making great progress in the matter of education.

Mr. PERKINS. There is no question as to the truth of the suggestion made by the gentleman from Georgia, that almost the entire scholastic population of the Cherokees and the other civilized tribes is provided for in schools of their own. Most of them are educated and are now taught to read, to speak, and to write the English language.

In some of the civilized tribes they have schools that teach the language of the tribe, where some of the scholars are not taught to read, speak, and write the English language, but most of the children of school age in the five civilized tribes are taught in good schools that are sustained and maintained by the tribes. The religious denominations of the country, as suggested by the gentleman from Georgia, have largely supplemented this work and have contributed to its success.

Mr. STEWART, of Georgia. Will you allow me to make this further suggestion in order that it may go into the RECORD? That among these denominations in the five civilized tribes since the educational interest has been so increased there are a greater number in proportion to the population belonging to these churches than there are in the States, by actual enumeration.

Mr. PERKINS. I think that is true, Mr. Chairman. I think that the church membership in some of these civilized tribes is larger in proportion to population than the church membership in most of our civilized communities, and the per cent. of children in attendance upon the schools, in the Creek Nation particularly, is larger than in almost any State in this Union.

Mr. CHEADLE. I asked the question for this reason: One of the best educators of my acquaintance, who is now at work in the Indian schools in the West, has impressed me very much with the idea that if those schools could be located upon or near the reservations the influence upon the adult Indians and also upon the minor Indian children would be greater, and that that system would be more beneficial in its effect upon the tribal relations than the plan of sending the children East to be educated.

Mr. PERKINS. I know there are many who believe that, but my observation and my information do not sustain it. The day schools upon the reservations have not yet been as satisfactory in results as those who are interested in the work of Indian education could wish, for the reason that the teachers find difficulty in getting the scholars to attend the schools regularly or to devote themselves to their studies. The surroundings are such that the young Indians are tempted away, or they prefer to return to their people and to continue the habits

that have been taught them from their infancy. They are not so removed from temptation as they are when taken away from the reservations and sent to industrial schools in the States. Again, the system which has been adopted at the Carlisle school is, in my judgment, one of the best features that have ever been adopted in connection with Indian education, and it is a system that can not be carried out to any considerable extent on or near the reservations.

I refer to the custom of hiring out the boys and girls in the homes of farmers and others who live in the neighborhood of the schools, where the boys can be taught to hold the plow, to do the other work of the farm, and to engage in all those activities that are calculated to fit them for the duties and responsibilities of civilized life, and so with the girls. Almost 50 per cent. of the scholars carried upon the roll at Carlisle are hired out from month to month with the farmers and others in Pennsylvania; and when they are discharged from the school at the end of six years—that being the length of the term contemplated there, because during almost half the time they are hired out as I have described—when they are discharged, I say, at the end of six years, they are discharged fully prepared to care for themselves and to maintain themselves in the battle of life.

For these reasons I think, as I suggested a moment ago, that the Carlisle school has done the most effective work of any in the country, and at Haskell, in Kansas, Genoa, in Nebraska, and at some of the other schools the same practice has been adopted to some extent. I feel more encouraged to-day in this work of Indian education than ever before, because I believe that the system of education as it is now carried on aids the Government very materially in its work with the adult Indians. When the children go home prepared for the duties and responsibilities of citizenship, that fact greatly encourages their fathers and mothers to take up their homes or lands in severalty, and, where the children do not find other employment, they themselves assist in cultivating the farms and in leading the family toward civilized habits and from the traditions and superstitions of the tribal relations.

Mr. HENDERSON, of Iowa. It has a restraining influence, too, upon the savage characteristics of the tribe.

Mr. PERKINS. Yes, as suggested by my friend from Iowa, it has a restraining influence upon the savage characteristics of the tribe; and, in my judgment, it is a question of only a little time when the tribal organization of every Indian tribe in the United States will be broken up and the lands that they now own will be allotted in severalty, and the Indians themselves will be made citizens of the United States.

Mr. PICKLER. Does the gentleman think that when that allotment takes place the education of the Indians will still be better conducted in the States than on the reservations?

Mr. PERKINS. In answer to that question I would say that the Indian Office is providing for schools at the different agencies and on the different reservations as fast as appropriations are made, and by the provisions of this bill we make a very large appropriation for that purpose this year. That is where the increase in this bill is, in the fund that is appropriated in order that the Commissioner of Indian Affairs may enlarge and add to the work done upon the reservations. We do not provide in this bill for a single new industrial school. There are fifteen or eighteen bills before the committee, providing for additional industrial schools, which are strongly recommended by the people who live in the several localities, but in this bill we do not provide for a single new school, while we do add largely to the fund put at the disposal of the Commissioner to be expended in this work on the reservations and among the tribes.

Mr. SHIVELY. Is it the general rule that the new buildings that it is proposed to have erected are to be on the reservations?

Mr. PERKINS. As I said a moment ago, we do not provide in the bill for a single new industrial school, but the appropriation that is made will be expended by the Commissioner in the creation and construction of new reservation schools and day schools for the Indians, at their home.

Mr. SHIVELY. As between the system of the Government controlling the schools directly and the contract system, what is your opinion?

Mr. PERKINS. My judgment is that the contract schools have done very excellent work; and schools of this class do the work at less expense than the Government does it. We do not pay to the denominations that maintain the Indian schools under contract the same amount of money which it costs the Government to build and maintain the industrial schools. And, according to my judgment and observation, the work done by these denominational or contract schools is almost equal to that done by the industrial schools. For this reason, in part, as one member of the committee, I was not willing to insert in this bill provisions for the creation of additional industrial schools. I think a number of bills of that character will be reported from our committee before the session closes, and Congress may be called upon to consider them. These bills have reference to separate undertakings recommended or suggested by the Indian Office and asked for by the Indians and by people representing the communities affected.

I know, as I have already suggested, that these industrial schools are doing excellent work; but I know also that the contract schools have done and are doing excellent work likewise; and for that reason

we make in this bill a liberal appropriation in order that these contract schools may be continued and the work they are doing encouraged.

Mr. WASHINGTON. I do not see in this bill any provision which specifies how much of the fund appropriated shall be used for the maintenance of the contract schools and how much for the day schools as distinguished from the contract schools.

Mr. PERKINS. The gentleman is correct; we do not particularize in that respect. We never have done so.

Mr. WASHINGTON. Is it not best that such specification should be made? Has it not been made in the past?

Mr. PERKINS. No, sir; the provisions of this bill in that respect are the same as those which have been made ever since we have had appropriations for this purpose.

Mr. WASHINGTON. Then it is left entirely discretionary with the Commissioner of Indian Affairs as to whether we shall have any contract schools at all?

Mr. PERKINS. Just as it has been in the past since the Government has been engaged in this work.

Mr. WASHINGTON. Is it not the disposition of the present Commissioner of Indian Affairs and the superintendent of Indian education under him to abolish all these contract schools and take exclusive control themselves of this matter of Indian education?

Mr. PERKINS. I think not; on the contrary, the Commissioner has asked for more money to be expended on these contract schools than heretofore. The Commissioner is expending more money in that direction than at any time in the past. Instead of there being a disposition on the part of the present Commissioner to break up or destroy the contract work, I know from personal conversation with him that he feels disposed to encourage and continue it; and the appropriations which he asks and which we make for that work for the coming year are larger than they have ever been heretofore.

Mr. STEWART, of Georgia. I understand it to be the fact that at these contract schools the denominations having them in charge contribute large sums of money in aid of Indian education. Would it not therefore be better to allow the contract system to go on as it is?

Mr. PERKINS. It is no doubt true that these denominations do contribute liberally to the work of Indian education, and it is because of the private contributions made by the members of these denominations that the work of education is carried on there for less than it costs the Government at a purely Governmental industrial school. It is for this reason that the committee has felt disposed to encourage the work of these contract schools, and, as I have suggested, we have made in this bill a larger appropriation for such work than has ever been made heretofore, and this with the approval of the present Commissioner of Indian Affairs.

Mr. GIFFORD. Mr. Chairman, I should very much dislike to have the House or the country misled in regard to the course of life that the students in these Indian schools lead after they leave the schools. My experience, of course, is confined to the twenty or twenty-five thousand Indians within the State of South Dakota and to some in Wisconsin and in Minnesota. In years past, while those Indians retained their tribal relations, their savage habits and instincts, the influence exercised over the children after their return to their tribes induced them, in many instances, to resume the habits of savage life. Their education seemed to do them but little good. But as these Indians in South Dakota, in Minnesota, and Wisconsin have broken up their tribal relations and have become civilized, the tendency of those children is to retain the effect of the educational influences to which they have been subjected in their schools, to follow the habits and continue the dress of civilized life after their return to their tribes.

And in partial reply to the question of the gentleman from Illinois I will say that many of these Indian youth become farmers and herders of cattle. They endeavor to become self-supporting. The influence of those who have been educated in these Indian schools, and in fact in all the schools for that matter, is very beneficial to the older members of the tribe.

Now, in regard to this question of education. It is desirable that the Indian schools should be sustained; it is desirable that the appropriations for the maintenance of the present quota of children in these Eastern schools should be continued; and it is desirable also that the Government should maintain and support industrial schools of its own. The Government has to assume the care and guardianship of these Indians and it must maintain industrial schools in order to retain its influence over the Indians.

This Indian problem is by no means solved as yet. The question is not settled. The Indian is not yet a civilized being, but he is becoming civilized rapidly. All of these tribes of Indians that to-day feel the influences of the settlements in their vicinity are becoming civilized and self-supporting rapidly. We are brought into immediate and close contact with this question in South Dakota. We know these Indians in our State can be made self-supporting. We have examples of cases where Indians have pioneered twenty years ago right along with the white people, and to-day these Indians are on an average equal to the more improvident class of whites. They dress as the white people do, they have the white man's habits of life very largely. They own their lands there and are self-supporting, and as the tribal relations

are being more and more broken up they become more and more civilized.

The Indians, let me say as an evidence of this, in Dakota, in Michigan, in Minnesota, and, I apprehend, largely in Montana, will be self-supporting after awhile; but the Government must maintain and carry on the industrial schools and they must be conducted somewhere near these reservations. Eastern schools are beneficial, and, as the chairman of the committee says, some of the most beneficial results we have seen have grown out of the establishment of these Eastern schools and their influences. But, I repeat, the Government must maintain its influence over the Indians; it must retain its guardianship over them and must conduct industrial schools itself on or near the reservations. We can not depend upon these denominations and benevolent societies and the people throughout the country for the solution of the Indian educational question. We ought not to depend upon them. The Government must conduct schools, should conduct many of them for itself. The Government must construct and sustain schools. We teach the Indians to work on the farm and encourage them in all of the industrial pursuits of the white people in these schools, both boys and girls. The sooner we make them self-sustaining the better for them and the better for ourselves.

This process of improving the condition of the Indians by educational industrial facilities must be continued in the East as well as in the West; but should be carried on largely in the vicinity of the reservations. Those people who are benevolently inclined should be encouraged in their work, but the industrial school is a necessity, and the appropriation in this bill, I believe, as the chairman of the committee states, will go very far indeed towards preparing the Indian pupils for the proper appreciation of civilized life.

I now yield the time back to the chairman of the committee.

Mr. PICKLER. Before the gentleman takes his seat, will he permit a question?

Mr. GIFFORD. Certainly.

Mr. PICKLER. That is as to whether or not it is the desire of the parents of these Indians that these schools should be had at their homes or in their immediate vicinity rather than away from them.

Mr. GIFFORD. That is the desire largely among the Indians in our State. They so expressed themselves while here. But at the same time there is no difficulty in securing some of these Indian children for the Eastern schools. The parents prefer to have them educated near their homes. There is no question about that. The Indians will receive much more benefit from the influence of the schools if they are located near the reservation. I am not in favor of discontinuing the Eastern schools; let the Eastern schools continue their work, but let us have some industrial schools near their reservation. It will be much more satisfactory to the Indians. There are a sufficient number of children to much more than fill all the schools that can be established.

Mr. PERKINS. I ask unanimous consent that any one who desires to do so may be permitted to print remarks on this bill.

Mr. KERR, of Iowa. I shall have to make objection to that unless the time is limited. I think such remarks ought to be printed soon. I object to printing them a month after the bill has passed.

Mr. PERKINS. Then say within ten days.

Mr. KERR, of Iowa. I have no objection to that.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. CANNON. Before the debate is closed on this bill I would like to ask the gentleman from Kansas why, in an appropriation bill providing for the Indian service for the fiscal year coming, the committee have inserted a very considerable number of items of deficiencies from one to thirty years old.

Mr. PERKINS. Judging from where the gentleman has his bill turned down I do not think the item to which he is probably referring is made up of deficiencies. There are two or three items in the bill where we have made provision for adjustment and settling claims which have been due the Indians for many years. These have been unadjusted and have not been settled, but in the judgment of the committee they are meritorious. For several years, I think, we have in each Indian appropriation bill provided for the settlement of more or less claims of this character, thinking it was proper and right, claims due to the Indians under treaty obligations; and upon careful investigation, finding that the sums recommended were due to the Indians, we provided for them, believing it to be the proper policy to put them in this bill.

Mr. SHIVELY. And it has been the custom for years.

Mr. PERKINS. I so stated.

Mr. CANNON. Now, as to the respective committees of the House and their jurisdiction, we find that to the Committee on Indian Affairs the estimates are referred covering the Indian service. Yet I do not believe if the policy the gentleman speaks of has been pursued to any considerable extent that the Indian bill is the proper one to carry such items, because then the Indian bill would be not only a bill providing for the Indian service for the coming year, but for deficiencies for the current year and former years and relief bills involving matters of legislation. It divides the jurisdiction of the committee with the other committees

of the House, and you can not tell if you divide the responsibility where you are going to come out.

To illustrate, and to be entirely frank about it—for I do not believe this bill ought to carry these items—two years ago, against a point of order, and after full discussion, the Committee on Indian Affairs reported in the annual bill an appropriation for what is known as the Choctaw judgment of over \$2,000,000. Now, they did not have the jurisdiction to make that recommendation.

Mr. SHIVELY. But the Chairman of the Committee of the Whole determined otherwise.

Mr. CANNON. Oh, certainly; Chairmen of the Committee of the Wholesometimes make mistakes like other people. So unfortunately—and that is a marked example of what is liable to happen on similar occasions—unfortunately, under the lead of that committee, it happened that an appropriation was made for that judgment of \$2,800,000, which was due, and then over \$200,000 of interest was appropriated upon that judgment, when it never had drawn a cent of interest and not one cent of interest was due. But it was paid, a gift pure and simple, and in the mean time that item went to swell the amount of the bill.

Mr. SHIVELY. Will the gentleman permit an interruption right there? In the case of that claim judgment had been rendered by the Supreme Court, from which date it drew interest at 5 per cent., and the appropriation was made for that interest, due under the law.

Mr. CANNON. I beg your pardon. In this case Congress by an act of June 28, 1888, provided for the payment of the judgment with interest at 5 per cent. until the date of the act. Now, it had not drawn one cent of interest before the passage of the act. Interest was computed from the date of filing a copy of the mandate with the Secretary of the Treasury to June 29, 1888, the date of the act, and amounted to \$219,696.71, making a total of \$3,078,495.33, principal and interest.

Mr. COBB. Will the gentleman allow an interruption?

Mr. CANNON. Oh, certainly.

Mr. COBB. You said that the appropriation was made by the last Congress for interest on the claim, which interest was not due by law.

Mr. CANNON. Precisely.

Mr. COBB. What is the foundation for any statement of that sort?

Mr. CANNON. The Secretary of the Treasury, in the first place, never estimated for any interest. I have the estimate before me here. The estimate is not for interest.

Mr. COBB. Well, it is not necessary that the Secretary should estimate for interest. The legality and justice of the interest to be paid appeared on the very face of the claim.

Mr. CANNON. Oh, no.

Mr. COBB. For this reason, that it had not been the fault of those to whom the claim was due that it had not been paid years and years ago. They had been demanding it of the Government ever since the claim was due, but it was the fault of the Government and not of the individuals to whom the money went that the money was not paid. Therefore the committee took the view, and the House sustained them, that where there was no fault upon the part of the claimant, that where the fault alone for delay was upon the part of the Government, the Government should pay the interest.

Mr. CANNON. Now, here is the whole thing in a nut shell, stated by Mr. MacLennan, chief of the warrant division, the official who, under the direction of the Secretary of the Treasury, makes the estimate for this and supervises the estimates otherwise for the Government service, who forwards the judgment to the Court of Claims and the Supreme Court. I will read his letter.

Mr. COBB. Mark you, just one word, please. The interest was not calculated upon the claim proper; it was upon the judgment rendered by the Supreme Court of the United States.

Mr. CANNON. "Now mark how plain a tale shall put him down." I read from the Treasury official's letter:

On January 25, 1886, judgment was rendered in favor of the Choctaw Nation for \$386,605.32. February 23, 1886, the judgment was rendered in favor of claimants for \$408,120.32. An appeal to the Supreme Court was taken by the claimant on the same day. December 14, 1886, the judgment of the court below was set aside, and a mandate issued in favor of the claimant for the full amount claimed, \$2,858,798.62.

Mind you, that was December 14, 1886.

December 15, 1886, judgment was entered up pursuant to said mandate. December 16, 1886, a transcript of the mandate so entered was filed with the Secretary of the Treasury.

Then he says:

The records of this Department do not show that a certified copy of the judgment from which the appeal was taken to the Supreme Court was ever filed with the Secretary of the Treasury, as required by section 1089 of the Revised Statutes, and this omission alone would preclude the payment of interest. But this is not all. The right to interest depends on an appeal taken by the United States from a judgment of the Court of Claims in favor of the claimant, and on the affirmance of said judgment by the Supreme Court.

That is, the affirmance of the judgment taken by the United States.

Mr. PEEL. Will the gentleman allow me to ask a question right there?

Mr. CANNON. Let me complete this, and then I will.

This case in question was not affirmed, but set aside and a new judgment entered. In cases affirmed by the Supreme Court on appeal by the Government and in which certified copies of the original judgments were filed as prescribed

in section 1089, Revised Statutes, interest would run from that date to and including the date of the mandate of affirmance by the Supreme Court, and not after.

Now, the Government did not prosecute this appeal. The statute provides for interest where the Government prosecutes an appeal and where the judgment is affirmed by the Supreme Court, provided the other party files a transcript of the judgment from the Court of Claims with the Secretary of the Treasury.

This is a case where no interest was provided for under the law. The interest is a mere gift, a gratuity, upon this enormous indebtedness of \$2,800,000. That interest was appropriated swelling the amount to over \$3,000,000, and a large part of it is yet tied up in chancery down here by the attorneys who are quarreling over the question as to whether they shall have one-third or two-fifths or one-half of it, I believe. I only refer to it in connection—

Mr. COBB. Will the gentleman allow me to ask him a question?

Mr. CANNON. In one moment. I only refer to this to show that the safe way is to follow the rules of the House and let each committee take that jurisdiction which the rules give to it. I shall ask that that rule be enforced in the future as to this and all other bills.

Mr. COBB. Now, will you allow me?

Mr. CANNON. Certainly.

Mr. COBB. The matter about the interest to which you have referred has reference to the interest that accumulated on the claim, and comes in as a part of the judgment.

Mr. CANNON. Oh, no.

Mr. COBB. The interest read here and reported by the Committee on Indian Affairs of the last Congress was the interest upon the final judgment as rendered by the Supreme Court.

Mr. CANNON. Which under the law did not draw interest.

Mr. COBB. Whether under the law it drew interest or not, it was a question fairly submitted to this House; and the report was rightly submitted to this House, whether, in view of the fact that in this particular case a judgment had been rendered in favor of these claimants by the Supreme Court of the United States, from the time of the rendition of the judgment up to the time of the report made at the last Congress by the Committee on Indian Affairs the claimants had been prosecuting their rights with the utmost diligence and had not been in any particular in default, but they were not paid on account of the default of the Government itself. Does it make any particular difference whether there was any law allowing interest or not? When it came into this House it was submitted here for the approval of Congress whether in that particular case it was not honest and just and proper that this interest should be allowed.

I remember—being then a member of the Committee on Indian Affairs—of taking the position there, wherever a claim was due to an individual by the Government, and that individual failed diligently and properly to prosecute that claim, but allowed it to rest by his own negligence for years, no interest should be paid him, and on the ground and for the reason that the Government is presumed to be always ready to pay its debts on demand; but that, where the Government itself throws obstacles in the way of the collection of a claim and delays the collection of a claim through a series of years, it was nothing but fair, just, and honest that the Government should pay the interest if Congress thought that the Government of the United States ought to be honest.

Mr. SKINNER. Is not that rather a violent presumption?

Mr. CANNON. Then the gentleman takes the position now in explanation of that appropriation that he knew that judgment did not draw interest, but, notwithstanding that, appropriated and recommended payment of over \$200,000 that the Government was not bound to pay under the law. Does the gentleman take that position?

Mr. COBB. I do not know whether the matter of existing law was a question before us at all or not. So far as I am concerned I would not have stopped to consider it. We voted for the interest, and the committee reported for the interest with my assent, being a member of the committee, on the ground that under existing conditions and under the facts and circumstances of that case we could not refuse the interest without acting unjustly towards the claimants.

Mr. CANNON. Whether the Government owed it or not?

Mr. COBB. The Government did owe it, for the reason that the Government always gives the interest when it obstructs the prosecution of a judgment.

Mr. SHIVELY. I was a member of that committee and know that in reporting the appropriation we gave the interest as a matter of right.

Mr. COBB. We gave the interest because it was proper to allow the interest.

Mr. PEEL. Mr. Chairman, I have some recollection of that appropriation myself. The gentleman from Illinois has become so very watchful over the Treasury of this country this session of Congress that he has got to go back and dig up something that was done in the last Congress. I want to say to the gentleman about this very matter of interest in here that if he had been as watchful then as now we could have had that question discussed when the matter was before the House two years ago. He was on the Committee on Appropriations when this

very identical judgment was before that committee two years ago, and they did not appropriate for its payment, and the result of that was that they allowed \$150,000 of interest to accrue against the Government.

Mr. CANNON. I will suggest to my friend—

Mr. PEEL. Just wait a moment. The gentleman did not seem to understand the status of that judgment, that when the question was decided by the Court of Claims both the Government and the parties plaintiff appealed to the Supreme Court. There was an appeal on both sides. When the Supreme Court set aside the finding of the Court of Claims rendering a judgment of that amount a mandate was issued to the lower court, as is always done, and that was presented to the Secretary of the Treasury, and from that time on it drew 5 per cent. interest. There was no way of avoiding that interest without a violation of every principle of law and every principle of conscience and right.

Mr. SHIVELY. It was just as clear as the interest upon the public debt.

Mr. PEEL. Yes; I remember distinctly when we had that appropriation up two years ago in the Indian appropriation bill. It was discussed on a point of order, and the members of that committee did all in their power to prevent its adoption. I do not say that the gentleman from Illinois took any part in that, but he was a member of that committee. They were willing that Congress should allow this judgment, a judgment of the Supreme Court in favor of the Choctaw Nation, to stand for years and years, and that we should allow the interest to accumulate at the rate of \$150,000 a year against the Government. That committee had an opportunity two years before that to make an appropriation to pay this judgment and they did not do it; and we all know what the consequence of that was: that it accumulated at the rate of \$150,000 a year against the Government. The Committee on Indian Affairs, when it came before that body, found they had jurisdiction, and we felt it our duty as members of the committee and as members of this House to pay a debt that had been litigated from the lowest to the highest courts of this country and every advantage taken in behalf of the Government that could be taken; so it was by unanimous vote of the committee, if I recollect correctly, that we put a stop to this interest. I do not see why the gentleman from Illinois should point that out as an error of the Committee on Indian Affairs. We had charge of this bill, we found that we had jurisdiction, and we exercised it, as we ought to have done and as they ought to have done two years ago. If they had done so, that would have saved a good deal of money for the country.

Mr. CANNON. All I have to say is that I read a statement from the warrant officer of the Treasury Department, which I do not care about repeating. It is in the RECORD, and I am satisfied with it, and from the examination I have been able to give it my opinion is that not one cent of interest was due upon that judgment.

Mr. PEEL. Well, we examined the statute at the time.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that general debate upon this bill be considered as closed.

There was no objection, and it was so ordered.

Mr. PERKINS. Mr. Chairman, before proceeding to the consideration of the first paragraph, I want to say briefly, in answer to the criticism of my friend from Illinois [Mr. CANNON], that in my judgment there is no committee of this House that has jurisdiction of the subjects spoken of by him except the Committee on Indian Affairs. If there is money due from the Government of the United States to a tribe of Indians, it is the duty of the Committee on Indian Affairs, upon proper application, to investigate that matter and to make provision for its payment, and no other committee has jurisdiction of the subject at all.

Again, concerning this judgment, it may be that there was some technical reason why interest should not have been allowed upon it. If the judgment creditors had failed to file a transcript with the Secretary of the Treasury, or if there was any other technical reason why interest should not be allowed upon that judgment, it was the duty of the executive officers to advise the Committee on Indian Affairs and Congress of that fact; but no such advice or information was ever given to this House or to the committee that had jurisdiction of the subject.

Mr. CANNON. Here is the estimate of the payment of judgments of the Court of Claims, formally transmitted by the Treasury Department, and it says: "The Choctaw Nation," so much, and then the list runs along, and wherever a judgment bears interest it is noted, as the gentleman will see. For instance, here is one with interest at 5 per cent. from May 6, 1886, but there is no estimate for interest on the judgment we are discussing.

Mr. PERKINS. In answer to the gentleman from Illinois I would say that we had before us not only the estimates of the Secretary of the Treasury, but the recommendations of the Commissioner of Indian Affairs and of the Secretary of the Interior, with a transcript of all the proceedings pertaining to that case. They were laid before the committee, showing when the judgment was rendered, what the proceedings were, and giving a history of the case, as well as a history of the treaty under which the judgment was rendered, and showing that under the treaty the Indians were entitled to interest upon the amount due them. So, as suggested by the gentleman from Alabama [Mr. COBB], the committee, upon investigation of that claim, believed that there was

honestly due those Indians what the Supreme Court of the United States had adjudged to be due, and the committee believed, and Congress believed, that the amount drew interest from the date of the rendition of the judgment. That was the sum of our offending, if offending we did.

Mr. CANNON. In making the statement I have made I have not been reflecting upon the Committee on Indian Affairs, but I have merely cited this matter by way of illustration, to show that the safer way is to let each committee exhaust its jurisdiction.

Mr. PERKINS. I do not think we are intrenching upon the jurisdiction of any other committee of this House. I think the items provided for in this bill are items that were properly sent to the Committee on Indian Affairs to investigate and adjudicate, and, in the exercise of the jurisdiction that is given to that committee under the rules of the House they have reported this bill, and I hope this Committee of the Whole will now proceed to consider it.

Mr. PEEL. Mr. Chairman, I desire to say, in answer to the gentleman from Illinois [Mr. CANNON], in regard to the estimate by the Secretary of the Treasury in relation to this Choctaw judgment, that it is not strange that the Secretary did not mention the interest in the estimate, because that is a matter of computation arising under the law. All the Department had to do was to estimate for the amount of the judgment, and the interest followed as a matter of course.

Now, I presume the gentleman from Illinois did not mean any reflection upon the Committee on Indian Affairs when he said that a large portion of this judgment was tied up in the court of chancery and being fought over by lawyers. That is perfectly immaterial to Congress or to the country. It is quite immaterial to us who fight over the matter. The fact that the Government owed this debt to the Choctaw Nation made it its duty to appropriate the money subject to the order of the national council of the Choctaw Nation and stop the running of the interest. That discharges our obligation, that is all we have to do with it; and whether they get out writs of injunction or have litigation over questions of fees or not is a matter of minor importance or of no importance to us.

The CHAIRMAN. The Clerk will report the bill by paragraphs.

The Clerk read as follows:

For pay of fifty-seven agents of Indian affairs at the following-named agencies at the rates respectively indicated, namely:

Mr. PERKINS. Mr. Chairman, I move to strike out "fifty-seven" and insert "fifty-eight," so as to make the number of agents fifty-eight. In explanation of the amendment I will say that at the Hoopa Valley agency, in California, the work has been done for two years past by an army officer, there being a small garrison there, but the military force is removed now by order of the War Department, so that it becomes necessary to re-establish the agency.

The amendment was agreed to.

Mr. PERKINS offered the following amendment:

Page 2, after line 21, insert the following: "At Hoopa Valley agency, \$1,200."

The amendment was agreed to.

The Clerk read as follows:

At the Pueblo agency, at \$1,500.

Mr. CANNON. This appropriation of \$1,500 for the Pueblo agency is a decrease of \$300, and there are, I observe, half a dozen or more increases or decreases of salaries at these Indian agencies. I will ask the gentleman in charge of this bill whether, if this decrease of \$300 be made, the agent at the Pueblo agency would not have a standing in the Court of Claims to recover the deficit of \$300.

Mr. PERKINS. I think not. My own judgment is that there is no law fixing the compensation of these agents except as we fix them in the annual appropriations we make.

Mr. CANNON. If the gentleman is correct in that view, all right; but I suggest to him that he examine the matter and if that view be not correct he had better amend the enacting clause of the bill by inserting the words "in full;" so as to read, "for the purpose of paying the current and contingent expenses of the Indian Department in full for the year ending June 30, 1891," etc.

Mr. PERKINS. I see no objection to that.

Mr. CANNON. I do not desire the amendment unless it be found necessary.

Mr. PEEL. I ask the gentleman from Illinois whether he does not think the difficulty he suggests is fully met by a clause to be found on page 6, in these words:

And all provisions of law fixing compensation for Indian agents in excess of that herein provided are hereby repealed.

It seems to me that provision settles the question.

Mr. PERKINS. I think so, too.

Mr. CANNON. I had not noticed that clause. It seems to meet the difficulty.

The Clerk read as follows:

For the Eastern Cherokee agency, \$800; in all, \$87,800; and all provisions of law fixing compensation for Indian agents in excess of that herein provided are hereby repealed.

Mr. PERKINS. I move to amend by striking out in the clause just read the word "seven" and inserting "nine," and also by striking out

"eight hundred;" so as to read, "\$89,000." There has been a mistake either on the part of the printers or in computation, and this correction should be made.

The amendment was agreed to.

The Clerk read as follows:

Pay of one superintendent of Indian schools, \$4,000.

Mr. SHIVELY. Mr. Chairman, the bill reported to the House on the 4th of this month fixed the salary of the superintendent of Indian schools at \$3,000. I wish to invite the attention of the chairman of the Committee on Indian Affairs to the fact that the copy of the bill reported on the 11th instant fixes the salary of this officer at \$4,000 and to inquire as to the reason for the change.

Mr. PERKINS. When the bill was first draughted the subcommittee having it more particularly in charge thought that \$3,000 would be sufficient compensation for this officer, although \$4,000 is the sum heretofore fixed as his compensation. We thought that, as he was in the field most of the time and his expenses while in the field are paid by the Government, it would be fair that there should be a reduction of his annual compensation. But upon more mature reflection we yielded this point and changed the bill so as to appropriate the amount of salary fixed by statute.

Mr. SHIVELY. It is my recollection that the statute creating the office that corresponds to that of the present superintendent of Indian schools fixed the salary at \$3,000.

Mr. PERKINS. Four thousand dollars.

Mr. SHIVELY. At the first session of the Fiftieth Congress, Mr. Nelson, of Minnesota, offered and had adopted an amendment to the annual Indian appropriation bill changing the name of the office from supervisor of Indian schools to superintendent of Indian schools. That amendment also increased largely the duties and responsibilities of the officer and increased his salary to \$4,000.

At the second session of the Fiftieth Congress the provision of the former act enlarging the duties and responsibilities of this officer was repealed. To-day this office, so far as its duties are concerned, is substantially on a par with that of the five Indian inspectors, and there is no reason why there should be any discrimination in point of salary. The increased duties have been withdrawn by law and the officer bears the same relation to the Government that the supervisor of Indian schools did under the old law, and the latter's salary was \$3,000. Of course if the office were the same as it was made at the first session of the Fiftieth Congress \$4,000 might be reasonable; but the office is not the same by any means. I therefore move to strike out "4" and insert "3."

Mr. SKINNER. I call the gentleman's attention to the fact that there is a proviso to the effect that this officer shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs.

Mr. SHIVELY. I observe that is in here as a sort of saving clause. The Treasury Department must be cultivated, whether the Indian service is or not. That clause imposes on this officer no specific duties.

Mr. DOCKERY. What was the salary as fixed in the last appropriation bill?

Mr. PERKINS. Four thousand dollars, the same as in this. It is true, as the gentleman from Indiana [Mr. SHIVELY] has suggested, that there was last year or at the first session of the Fiftieth Congress—I have forgotten which—a modification of the duties imposed upon this officer, but it was not the judgment of the committee or the understanding of Congress that we were diminishing to any considerable degree those duties. The truth is that this officer is in the field almost all the time; the duties of his office are such as to keep him constantly employed. He is more than an Indian inspector. It is his duty under the law to visit the Indian schools, to examine their condition, to observe their workings, and to make recommendations looking to the employment of teachers—in short, to do any duty legitimately belonging to an officer of this character.

And in addition to this we have interpolated, perhaps, this amendment in the law. It may be subject to the point of order, but I think no objection will be made:

And provided, That he shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior.

That is new legislation.

Mr. DOCKERY. Has it been passed yet?

Mr. PERKINS. No; and it was partly in view of the suggestion of my friend from Indiana that we provided this additional work might be imposed upon him. In other words, upon an investigation we found that while visiting the schools and while performing the duties of his appointment in Dakota, Montana, Arizona, and New Mexico, looking after the duties of his office, additional duties might be imposed upon him to the advantage of the public service; and in such case we have provided that the duty may be imposed upon him subject to the approval of the Secretary of the Interior. We do not provide any additional compensation in the bill, but only the appropriation fixed by the statute itself.

Mr. DOCKERY. I desire to ask the chairman of the committee,

with the view of determining whether or not the motion of the gentleman from Indiana to strike out or to reduce the appropriation should prevail, whether or not this superintendent has any other member of his family on the pay-roll of the Government.

Mr. PERKINS. I will state that his wife is his private secretary, and in his absence has charge of the business of the office, looking after the duties of the superintendent.

Mr. SPINOLA. What pay does she get?

Mr. PERKINS. I think nine hundred or one thousand dollars a year.

Mr. SHIVELY. The wife is a special agent.

Mr. PERKINS. But this matter did not come to our committee and I can not say exactly.

Mr. SHIVELY. There is a vast difference between the duties performed by this officer under the former statute and those to be performed by him under this bill. Under the former statute he had the power of appointment and removal and was amenable directly to the Secretary of the Interior. He was not under the control of the Commissioner of Indian Affairs. But now all of these duties and responsibilities are withdrawn and he is substantially an inspector of Indian schools.

Mr. PERKINS. We are not changing the law in that particular.

Mr. SHIVELY. We changed the law in the last Congress. This clause simply attaches a \$4,000 salary to a \$3,000 office.

Mr. PERKINS. Yes; but not to relieve him of all his responsibilities.

Mr. SHIVELY. Well, he has substantially the duties of an Indian inspector, or \$3,000 officer.

Mr. PERKINS. In this the House gives the power, regardless of the wishes of the Indian Office, to make the appointments or changes there; and we found in making our investigations, and in many instances, that the recommendations and wishes of the superintendent of Indian schools and the Commissioner of Indian Affairs conflicted, and the working under that system was not satisfactory; and it was in consequence of that that the law was changed in the last Congress so there might not be friction between these officers engaged in the United States service in this department. That is all.

Mr. SHIVELY. This officer, as the chairman of the Committee on Indian Affairs stated a few moments ago, has an assistant, a special agent. She is the officer's wife and receives \$6 per day, including Sundays and all traveling expenses.

Mr. PERKINS. That is a clerk.

Mr. SHIVELY. No, a special agent.

Mr. SPINOLA. At \$6 a day?

Mr. SHIVELY. Yes.

Mr. SPINOLA. Who is the clerk? I think we ought to investigate this matter a little further.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Indiana.

Mr. LODGE. Before that amendment is voted upon I would like to say a few words in behalf of this officer to show the extent of the duties he performs. He happens to be a native of my State, but not a constituent of mine.

Dr. Dorchester, now the superintendent of the Indian schools, is one of the most prominent clergymen of the Methodist Church in Massachusetts. He occupied a position, a very well paid position, in the church, and stands very high in the community. He took this place largely from the interest he felt in the question of Indian education.

I wish to give the House further, before they vote on this amendment, some idea of the work that has been done by Dr. Dorchester since he accepted the appointment, and, if they think a man of his character and standing and energy is overpaid, I shall be very much surprised when they hear of the work involved in his appointment during the last thirteen months. In a letter addressed to myself, Dr. Dorchester states:

In the thirteen months since I took this office I have traveled 21,000 miles, over 2,200 of which have been on reservation roads, in rough wagons (buckboards), fording streams, penetrating forests, climbing mountains, descending declivities, often plodding our way on foot where wheels are unsafe, and enduring excessive heats and storms. I have visited forty Indian reservations and sixty-five Indian schools. It is safe to say that in two-thirds of these places the superintendent of Indian schools has never been seen before; and instead of six or seven hours of office work per day, as in Washington, from ten to fourteen, and even sixteen hours in many cases, has been the rule, so varied and numerous are the duties of inspection, investigation, consultation, preparing reports, and answering official correspondence.

I have not shrunk from the investigation of any field, even through arid Arizona. I traveled twice across the south and once across the north of that Territory, besides penetrating far into the central portions; because it seems to me that the wild Indians of that region, who have known little except West Point education, can be better civilized by the more rational education of the schools which the Government is trying to establish.

It seems to me, Mr. Chairman, that if we expect to get and keep men of proper character to perform these difficult and arduous duties, men who will devote their lives and energies to carrying out, as it ought to be carried out, whatever is needed to secure the education of the Indians, and when we get such a man, as I believe we have, and the universal testimony shows we have, in Dr. Dorchester, it seems an inauspicious time to cut down his salary.

I hope the amendment will not prevail.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Indiana.

The question was taken; and on a division there were—ayes 44, noes 35.

Mr. PERKINS and Mr. LODGE demanded tellers.

Tellers were ordered.

The CHAIRMAN appointed Mr. PERKINS and Mr. SHIVELY as tellers.

The committee again divided; and the tellers reported—ayes 53, noes 56.

So the amendment was rejected.

The Clerk read as follows:

Necessary traveling expenses of one superintendent of Indian schools, including telegraphing and incidental expenses of inspection and investigation, \$2,000: *Provided*, That he shall be allowed \$1 per day for traveling expenses when actually on duty in the field, exclusive of cost of transportation and sleeping-car fare: *And provided*, That he shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior.

Mr. CANNON. I ask the gentleman in charge of the bill what duties it is contemplated shall be conferred upon this officer.

Mr. PERKINS. That proviso was suggested by the Secretary of the Interior. He suggested that there might be times when the officer might perform some additional duty that did not legitimately and pertinently belong to the educational feature of the Indian service; that that additional service might be performed for the Government, and for that reason he would like to have the proviso incorporated in the bill. I do not know what duty may be imposed upon him but such as can be given to him in keeping with his other duties and in connection with the service that he now renders.

Mr. KERR, of Iowa. Will this involve any increase of compensation?

Mr. PERKINS. It does not increase his compensation at all.

The Clerk read as follows:

For the expenses of the commission of citizens, serving without compensation, appointed by the President under the provisions of the fourth section of the act of April 10, 1869, §5,000: *Provided*, That members of the commission may be allowed a per diem not exceeding \$5 per day for hotel and other expenses when traveling on duty, in lieu of all expenses now authorized by law, exclusive of cost of transportation and sleeping-car fare.

Mr. CANNON. I make the point of order upon the proviso that it changes existing law and is not in order upon this bill.

Mr. PERKINS. Mr. Chairman, the proviso is new legislation, but does not add anything to the cost of the service. As is well known by the gentleman from Illinois [Mr. CANNON], these gentlemen serve without any compensation whatever, except that their expenses are paid. It is a commission of gentlemen who volunteer their services, and they are designated by the President to perform this work, but without compensation, with the agreement, however, that their expenses are to be paid; and it was suggested, if this proviso could be incorporated into the bill, that it would be more satisfactory and would relieve the matter of doubt. The committee have no pride of opinion, nor any interest in the matter at all, and if the gentleman insists upon the point of order, I consent that it is new legislation; but these gentlemen serve, as I said, without any compensation whatever, and I think the point of order ought not to be made against the proviso.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

In order to carry out the treaty agreement made with the Cherokee Indians by the United States of December 29, 1835, to pay their transportation to, and subsistence for a year after their arrival in, the Indian Territory, ratified by Congress June 12, 1838, there is hereby appropriated the sum of \$20,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior in paying and refunding the sum of \$63.33 per head to such of said Indians as have removed themselves at their own cost to the Indian Territory and who have subsisted themselves for one year after such removal. The said money when paid as aforesaid to be accepted by said Indians as and in full compensation and satisfaction for their expenses in removing as aforesaid and in subsisting themselves for the first year after their arrival in said Territory.

Mr. CANNON. I desire to make the point of order as to that provision, commencing with line 7 on page 9 and ending with line 23 on the same page, and to say this much touching the point of order. It looks to me as though it was a claim, and not in order upon this bill. But if there be an estimate for it at all it is clearly a deficiency estimate, and not an estimate for the maintenance of the Indian service for the coming fiscal year. In either event, if it is a claim, it is not in order upon any bill, or, if it is a deficiency, it is not in order upon this bill. I call the attention of the Chairman to Rule XI, which provides:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows: namely, subjects relating—

3. To appropriation of the revenue for the support of the Government, as herein provided, namely: for legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; for the District of Columbia; for pensions, and for all deficiencies: to the Committee on Appropriations.

Later on, at clause 16, page 7, of the pamphlet:

16. To the relations of the United States with the Indians and the Indian tribes, including appropriations therefor: to the Committee on Indian Affairs.

Now, this rule must be so construed as to let both clauses operate, and, if that is done, the appropriations for the "Indian tribes" and "Indians," which are referred to the Committee on Indian Affairs, would relate to the appropriation for the coming fiscal year, and "all

deficiencies" would relate to the current year and former years, and would go to the Committee on Appropriations. Having said that much about the rule, I call the attention of the Chairman to the fact that this is an appropriation of the sum of \$20,000 to pay a claim originating somewhere from 1835 to 1838.

Mr. PERKINS. Mr. Chairman, upon the point of order I only desire to suggest that this appropriation is made for the purpose of carrying out a treaty that was made with these Indians in the year 1835. You will observe from the title of the bill that these appropriations are made—

for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1891, and for other purposes.

As suggested by the gentleman from Illinois [Mr. CANNON] the rule of the present House, which was read, gives to the Committee on Indian Affairs jurisdiction over matters relating to the Indians, as well as the annual appropriation bills.

Mr. CANNON. If my friend will allow me, here is the distinction: As to all treaties made with the Indians where those treaties are to be performed on the part of the Government during the coming fiscal year, then the Indian Committee would have jurisdiction; but as to all claims arising under treaties of 1835 to 1838 they would be claims or deficiencies, and do not relate to the coming fiscal year, but to the past, and, if this be an estimate at all, it would go to the Committee on Appropriations. I do not know whether this is an estimate or not. I will ask my friend.

Mr. PERKINS. It is an appropriation recommended by the Indian Office and by the Secretary of the Interior, and it is an old claim. I consent to that suggestion of the gentleman from Illinois. It is a matter that they have been prosecuting here against the Government for years, and it results from their transportation or removal from North Carolina to the Indian Territory years ago. Under the treaty that is referred to here, where they removed themselves they were to be compensated for the expense incurred in their removal, and the amount was fixed, and these Indians removed themselves, and they have been asking from year to year for the amount due them. From some cause Congress has failed to make the appropriation. Will my friend allow me to say that it is an estimate transmitted as the law provides, from the Secretary of the Interior to the Secretary of the Treasury, and by him to the House of Representatives, and referred by the Speaker to the Committee on Indian Affairs under the rules?

The committee informally rose to receive a message from the Senate, Mr. PAYSON in the chair.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed House bills of the following titles:

A bill (H. R. 7217) to amend "An act for the erection of an appraiser's warehouse in the city of New York, and for other purposes;" and A bill (H. R. 10065) constituting Irondequoit Bay, New York, a navigable water of the United States for certain purposes.

The message also announced that the Senate had agreed to the reports of the committee of conference on the following bills:

A bill (S. 2406) to provide for the purchase of a site and the erection of a public building thereon at Beaver Falls, in the State of Pennsylvania; and

A bill (S. 595) for the erection of a public building at Salina, Kans.

It also announced that the Senate had agreed to the House concurrent resolution to print the consolidated index of claims reported by the Commissioners of Claims to the House of Representatives from 1871 to 1880.

The message also announced that the Senate had agreed to the House concurrent resolution authorizing the printing of 16,000 copies of the report of the Smithsonian Institution and National Museum for the year ending June 30, 1888, and for the year ending June 30, 1889.

It also announced that the Senate had passed a concurrent resolution for the printing of additional copies of the report of the Director of the Mint on the production of precious metals in the United States for the current year 1889; in which it asked concurrence.

The message also announced that Mr. INGALLS had been appointed one of the conferees on the bill (S. 4) authorizing the establishing of a public park in the District of Columbia, in place of Mr. McMILLAN, excused.

The message also announced the passage of a resolution requesting the return to the Senate by the House of the bill (S. 2865) granting to the Jacksonville, St. Augustine and Halifax River Railway Company a right of way across the United States military reservation at St. Augustine, Fla.

The message also announced that the Senate had passed a joint resolution (S. R. 90) providing for the printing of decisions of the Department of the Interior regarding public lands and pensions, for sale; in which concurrence was asked.

INDIAN APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. PERKINS. The gentleman from North Carolina I think has all the papers and the executive document.

Mr. SKINNER. There was an executive document, but it is not in the letter of estimates that was sent to the Committee on Indian Affairs. It is not in the Book of Estimates.

Mr. CANNON. The gentleman states that it is not in the Book of Estimates. Was it transmitted by the Secretary of the Treasury?

Mr. SKINNER. It was transmitted by the Indian Office.

Mr. CANNON. Then it was not transmitted as the law provides.

Mr. SKINNER. How does the law provide it shall be transmitted?

Mr. CANNON. The law provides that it shall be transmitted by the Secretary of the Treasury.

Mr. SKINNER. It has not been transmitted by the Secretary of the Treasury.

Mr. CANNON. It is to be transmitted by the Secretary of the Treasury to the Speaker of the House and by the Speaker of the House referred under the rules to the appropriate committee; and, if for no other ground than this, it would not be in order unless it was so referred, because the very essence of the rule is that deficiencies shall be referred to the Committee on Appropriations and the annual appropriations for the coming year shall be referred to the Committee on Indian Affairs.

Mr. SKINNER. I will state to the gentleman that an estimate was made in the office of the Commissioner of Indian Affairs, and by him transmitted to the Secretary of the Interior, and by the Secretary of the Interior transmitted to the Speaker of the House, and from that source to our committee.

Mr. CANNON. Allow me to say there—

Mr. SKINNER. Not this session, though.

Mr. CANNON. I will state, if the gentleman will allow me, that the Secretary of the Interior, under the law, can not transmit to the Speaker of the House. He transmits to the Secretary of the Treasury or to the President.

Mr. SKINNER. This is an Executive Document, and it is properly referred to the Committee on Indian Affairs.

Mr. PEEL. Mr. Chairman, I do not see how this could properly be termed a deficiency. As I understand a deficiency, it is an item that has already been due, but for which there was a failure to appropriate. It is a remnant of some current expenses. Now, as to this item and the question as to the jurisdiction of the Committee on Indian Affairs over treaty stipulations and over all matters due to Indians under treaty stipulations, where the amount is fixed, it has always been held that the Committee on Indian Affairs had the jurisdiction. As the chairman of the committee has stated, the very title of the bill proves it. This is not a deficiency growing out of the current expenses for Indian service; it is not an amount to be paid and which ought to have been paid some time back. It is to be paid in the next fiscal year, and it grows out of treaty stipulation, which fixes the amount.

The treaty of 1835 with these Indians stipulated that they were to be paid so much for transporting them west of the Mississippi River and for subsisting them for twelve months; but it provided that any individual Indian that saw proper to remove himself and subsist himself should be paid at the rate of thirty-three and a third dollars per capita for the transportation and \$20 per capita for the subsistence. This is the amount fixed by treaty, and it is an item that is to be paid in the next fiscal year, and therefore can not be a deficiency.

Mr. CANNON. If my friend will allow me right there, I will say that this does not come in under any rule, for your own committee in this House has reported a bill on this claim and it is now on the Calendar; and no committee could be given any jurisdiction under the rules of this House for such a claim as this to put it on a general appropriation bill.

Mr. DOCKERY. Do I understand the gentleman from Illinois to say that the Committee on Indian Affairs has reported this matter to the House as a claim?

Mr. CANNON. Yes; and it is now on the Calendar.

Mr. PERKINS. Mr. Chairman, I think that this point of order can not be sustained, for there is no doubt about the jurisdiction of the Committee on Indian Affairs over this subject. This appropriation is made to carry out treaty stipulations with these Indians, and that gives jurisdiction to the committee.

Mr. GIFFORD. Mr. Chairman, I desire to say, in part reply to the gentleman from Illinois, that these estimates for carrying out treaty obligations do not come from the Secretary of the Treasury at all times.

Mr. CANNON. It is the only way they can come under the law.

Mr. GIFFORD. As to there being no other way of transmitting estimates except through the Secretary of the Treasury or the President, I will state that the Committee on Indian Affairs has to-day estimates and letters aggregating over \$4,000,000 from the President, coming from the Secretary of the Interior, that never went through the hands of the Secretary of the Treasury. They are for the fulfillment of treaty stipulations, just the same as we have in this instance. They come as an executive document from the President and not through the Secretary of the Treasury; and we have already reported a bill, or will report one—for it has been ordered in the committee—for an amount of \$1,500,000 to carry out treaty stipulations with the Sioux Indians. Permit me to say that the larger part of them would properly belong in this bill and they never went through the hands of the Secretary of the Treasury.

Mr. PERKINS. He has nothing to do with it.

Mr. GIFFORD. He has nothing to do with it, and the estimates for carrying out these treaty stipulations do not go through his hands except in some cases.

Mr. PERKINS. Only the regular appropriations.

Mr. GIFFORD. Only the regular appropriations. Now, Mr. Chairman, in this case we speak of carrying out the treaty obligations with these Indians. The estimate for carrying out those obligations is before the committee and has been presented to the House. Suppose that for five years this House should take no notice of that estimate, does the gentleman imagine for a moment that at each session of Congress the President or the Secretary would go on repeating and calling attention to that same treaty obligation and asking us to report the necessary amount to discharge it? Not at all. Unless their attention is particularly called to it they do not repeat these recommendations session after session and Congress after Congress. Unless their attention is called to the omission of Congress to make an appropriation they do not repeat the recommendation at all.

There are to be found in the files of this House communications a quarter of a century old from the Executive Departments calling attention to these treaty obligations; yet the money has never been appropriated, and the Government owes it to-day. Our attention is not called to those old obligations Congress after Congress by the Secretary of the Treasury or in any other way unless the official is urged by some one to send to Congress an estimate and urge an appropriation. In this case the document was laid before Congress years ago by the proper officer, and his attention has not been called to it since, and the omission of the Secretary of the Treasury or of the Secretary of the Interior to renew the recommendation does not deprive the Committee on Indian Affairs of its jurisdiction over this matter. It is the duty of that committee to report these to carry out our treaty stipulations and obligations, and it is the duty of no other committee, and that is precisely what this appropriation is for.

Mr. SKINNER. Mr. Chairman, I may have made a mistake. If I did say, I did not intend to say, that there had been no estimate made for this through the Secretary of the Treasury, but only that it, the estimate, had not been made by the Secretary of the Treasury or the President at this session of Congress. There was an estimate, and transmitted through the President and the Secretary of the Treasury to the Forty-ninth Congress, which estimate I hold in my hand. It is for the carrying out of a treaty stipulation, and if this Committee on Indian Affairs has jurisdiction to make an appropriation to carry out treaty stipulations at all, it strikes me it has jurisdiction to put this item in this bill. It is a just item. In 1835 the United States agreed that any Indian who saw fit to remove himself from any part of the East to the Indian Territory might do so at his own expense, and that the Government would pay him \$53 for doing that and maintaining himself there a year. In 1848 that treaty was again ratified and the money was actually appropriated. That money was used by the United States for some other purpose, but before it was so used, these Indians for whom this appropriation is made removed themselves, and they have never received this money, and they ought to have it. They removed themselves before any misappropriation was made of their money. Now, it may be that because this bill has been reported to Congress as a separate bill during this session it is liable to a point of order—I am not learned enough to say whether that is so or not; but if it is not open to that point of order, it is not obnoxious to a point of order for want of jurisdiction on the part of the committee who put it upon this bill.

Mr. CANNON. Mr. Chairman, no committee has jurisdiction of this matter, because it never has been transmitted to Congress as the law requires it should be in order to give jurisdiction. I read from the Statutes at Large, volume 23, enacted in 1884:

And hereafter all estimates of appropriations, and estimates of deficiencies in appropriations, intended for the consideration and seeking the action of any committee of Congress, shall be transmitted to Congress through the Secretary of the Treasury, and in no other manner; and the said Secretary shall first cause the same to be properly classified, compiled, indexed, and printed, under the supervision of the chief of the division of warrants, estimates, and appropriations of his Department.

Now, what was the object of that legislation? It was that the Executive Departments in their communications to Congress should make them in an orderly manner and with all due safeguards; so we made our rules provide that the estimates should be ratified and jurisdiction should be given by virtue of reference to the respective committees—deficiencies to the Committee on Appropriations, and annual appropriations for the Indian service to the Indian Committee, and so on. The gentleman can not claim that this was a misreference and thereby gave his committee jurisdiction by accident or inadvertence, because there never was a reference and there never was an estimate for this appropriation as the law requires. The law is specific and prohibitory upon that point. Therefore, from that standpoint the appropriation is not properly here.

From the other standpoint I claim that, even if it had come here, it should have gone to the Committee on Appropriations, where the rule sends it and gives the jurisdiction. Third, this is a mere private claim which is older than you are, Mr. Chairman. It comes here as a private

claim; a private bill is introduced and referred to the Committee on Indian Affairs, and they report that private bill back under their ordinary jurisdiction, apart from their jurisdiction to report a general appropriation bill, just as the Committee on Claims might report a bill, and it is placed upon the Calendar for consideration on private bill day, but now they come and put that item into this general appropriation bill and say that it belongs to the class of appropriations that should go through the House under the extraordinary rule which is made for the general appropriation bills that are required to carry on the general service of the Government. It was never intended, and the practice has never been, to spread the operation of those rules, designed for general appropriation bills, over claims of this kind, and when you come to change the practice so as to do that you open the door for serious mistakes and serious scandals in legislation. Therefore I claim that from every standpoint the point of order should be sustained.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read the bill by paragraphs until he came to the provisions (beginning on page 8) under the heading, "Fulfilling treaty stipulations with and support of Indian tribes."

Mr. PERKINS. I should like to know, Mr. Chairman, whether the point of order is to be made upon these items.

Mr. CANNON. Which one?

Mr. PERKINS. All of them. They are all for carrying out treaty stipulations.

Mr. CANNON. Well, here is one, for instance, on page 10:

For forty-fourth of forty-six installments, to be paid to Chief Hole-in-the-Day, or his heirs, per third article of treaty of August 2, 1847, and fifth article of treaty of March 19, 1867, \$1,000.

As I understand it, that is an appropriation in pursuance of a treaty and of an estimate that is due the coming fiscal year.

Mr. PERKINS. It is not the estimate that gives jurisdiction to this committee or to this House.

Mr. CANNON. This, I understand, is for an estimate that is due the coming fiscal year.

Mr. PERKINS. It is the law and the treaty and the rules of this House that give jurisdiction to the House of these subjects, and not any estimate of the Secretary of the Treasury, and, as suggested by the gentleman from Dakota [Mr. GIFFORD], if the point of order is well taken and is sustained as to the other item, it may as well be sustained as to all these items. These appropriations are made to fulfill treaty stipulations; that is the only authority there is for an appropriation of this kind. It is because of treaties heretofore made with these Indians that the Government of the United States is obligated to make this appropriation. If the point of order is well taken as to one of these items, it is well taken as to all. This question might as well be determined at once. I am not here to spend time upon the consideration of this bill if our committee has no jurisdiction of these subjects and if the point of order is to be sustained.

It may be that the Secretary of the Treasury submits estimates as to one of these items, while his attention may not be called to another; but that does not affect the jurisdiction of the Committee on Indian Affairs. It is a fact that there is a law obligating the Government of the United States, in the judgment of the committee, to make this appropriation and this payment.

If the appropriation is wrong let it be voted down. But the obligation of the Government exists; the treaty was made, and in the judgment of the committee it binds the Government to make this appropriation. I can not understand upon what theory the point of order has been sustained; and it is in that view I call the attention of the Chair to these other items. If because the Secretary of the Treasury has not sent in a formal estimate, or because this is simply a treaty obligation, this matter must go to the Committee on Appropriations rather than to the Committee on Indian Affairs, there is no necessity of consuming further time in considering these provisions.

Mr. CANNON. Mr. Chairman, what is there before the committee? Upon what does the gentleman make the point of order?

The CHAIRMAN. The Clerk was reading the bill. There is no point of order raised except the one which has been decided.

The Clerk read as follows:

This amount, to reimburse the Choctaw Orphan Reservation fund, being the sum taken from said fund on the 4th day of June, 1863, by order of the Commissioner of Indian Affairs, and advanced to William G. Coffin, superintendent of Indian affairs for the southern superintendency, for the relief of loyal Cherokee Indians, \$15,000: *Provided*, That said amount shall be reimbursed to the United States out of interest accruing to the Cherokee Nation on their funds held in trust by the Secretary of the Interior.

Mr. CANNON. Reserving a point of order, I desire to ask from the gentleman in charge of the bill an explanation as to the origin and necessity of this item.

Mr. PERKINS. This provision has been inserted in the bill because without action by Congress on this subject the Commissioner of Indian Affairs or the Secretary of the Treasury has not authority to make this payment. In making a payment to these Indians some years ago a fund was used which ought not to have been used for the purpose.

Mr. PEEL rose.

Mr. PERKINS. The gentleman from Arkansas [Mr. PEEL] has had

more particular charge of this matter and given it personal investigation. I yield to him to explain it.

Mr. PEEL. It appears from an examination of the papers remaining in the Indian Office that in 1863 there was considerable destitution among the Cherokees, from whom a delegation came here applying for funds. It appears that none were available for the particular purpose, but for some reason, we can not tell what, an item of \$15,000, which was standing to the credit of the Choctaw orphan fund, was placed in the hands of this agent, Mr. Coffin, who turned it over to the Cherokees.

The error of withdrawing the amount from this particular fund was not discovered until recently. The object of this provision is simply to place the amount to the credit of the Choctaw orphan fund, where it belongs, and to charge it to the account of the Cherokees. It is simply a transfer of the amount from one account to the other.

Mr. CANNON. It involves no expenditure from the Treasury?

Mr. PEEL. None at all.

Mr. CANNON. And the money was actually expended in 1863 for the benefit of the Cherokees?

Mr. PEEL. That is the statement from the Indian Office in a communication which I have in my desk.

The Clerk read as follows:

To pay the expenses of transportation of two hundred and seventy-four Creek Indians at \$30 each, and subsistence for twelve months at \$25 each for one hundred and sixty Creek Indians, said Indians being named and described in a list appended to the letter of A. B. Upshaw, Acting Commissioner of Indian Affairs, dated 19th of June, 1888, set forth in Executive Document No. 198, Fiftyeth Congress, first session, and being entitled to the sums per capita due them under the treaty of —, 1826, and the treaty of —, 1832, with the Creek Indians, the sum of \$12,220, to be paid to the person authorized to receive and pay out the same to the persons entitled thereto by the Legislature of the Creek tribe of Indians; and said sum shall be distributed only to the Indians named in said list, and shall be paid to them personally or their legal representatives, and the payment under this act shall be a full and final discharge of the United States from all further liability to any Indian of said tribe on account of any claim for transportation or subsistence under said treaties or under any act of Congress relating to said treaties.

Mr. CANNON. On the provision just read I desire to submit a point of order. It is upon its face a deficiency appropriation, not an appropriation for the coming fiscal year. The concluding clause, especially the language on page 15, deals, as the Chair will observe, in matters of legislation as well as appropriation.

Mr. PEEL. I am aware that this paragraph is very similar to the item which went out awhile ago on the point of order. I do not presume any member of the committee reporting this bill cares anything about this item except so far as justice dictates that this payment should be made. But as to the question of order raised here, I think the Chair, upon a full examination of the rules, will probably reverse the ruling he has heretofore made. I know he will unhesitatingly do so if convinced that the former ruling was a mistake.

The Chair will remember that two years ago the point of order was raised here upon the appropriation to pay the Choctaw judgment which we have discussed here to-day. The then occupant of the chair held that the rule, which was then exactly the same as to the jurisdiction of the Committee on Indian Affairs that it is now, was broad enough to cover all these questions relating to appropriations for tribes of Indians and individual Indians also. I call the attention of the Chair to the language of clause 16, Rule XI:

"To the relations of the United States with Indians and the Indian tribes, including appropriations therefor—to the Committee on Indian Affairs."

In that case there was simply a judgment of the court finding a certain amount due to the Choctaw Nation. The question arose upon a point of order as to what committee had jurisdiction. The gentleman from Missouri, who then had charge of the sundry civil bill—or the deficiency bill, I believe it was—made the point of order that the matter was a deficiency and therefore, under the rules, did not come within the jurisdiction of the Committee on Indian Affairs. After a very elaborate discussion, participated in by several gentlemen who were understood to be learned in parliamentary law, the Chair overruled the point of order; and that decision was sustained (though not formally) by the then Speaker of the House, it being held that the language of the rules as I have just read it covered all matters due the Indians under treaty stipulations or due them as a matter of law.

Now, here is an item due these Creek Indians under a treaty. True there is language there that might be construed as legislation, but that can be treated as surplusage and might be stricken out. But I am speaking now entirely of the appropriation itself. I say it is due them under the treaty. The language which contains legislation in this item was put there simply as a caution against any claim of this character coming up hereafter, that it should be paid to the proper person or to the legal representatives of the person to whom it was due, or that the person or persons receiving it should receive it in full satisfaction, etc. Now, as to the appropriation itself, I repeat it is an item due under a treaty with these Indians. It stands as a law between the Government of the United States and the Indians themselves. It is fixed; it is not an unliquidated claim, but the treaty fixes the amount due the Indians. It can not be questioned that if they have done certain things they are entitled to certain compensation. It is not a matter of mathematical calculation, but it is a question that settles itself under the language of the treaty; because, Mr. Chairman, these Indians have

gone out there at intervals, half a dozen or a dozen at one time, and after awhile another lot, and so on; but whenever any of them do go and comply with the obligation of the treaty by remaining there for the times specified in the treaty and subsisting themselves, this amount becomes due them under the law. All the Indian Office had to do was to determine whether the list made out by the commissioners was proper and that the Indians who went there paid their own transportation and subsisted themselves for twelve months, in which case they were entitled to this sum. There is the amount fixed by the treaty, and if the Committee on Indian Affairs is not the proper committee and can not appropriate for this item, then I do not know what committee can take jurisdiction of the matter. It seems to me that the mere statement of the question settles it.

It is not, therefore, a deficiency in the sense of the rule quoted by the gentleman from Illinois, because it is not the remnant of a conditional annual expense or a shortage; it does not apply and has no bearing upon a question relating to carrying on the ordinary expenses of the Government or to any ordinary charges upon the Treasury for the maintenance of the Government, but it is a payment due under the language of a treaty which is too explicit to admit of any dispute. The fact of the matter is that the Indian Bureau was not a function of the Government in the ordinary sense of the term. It was not created for that purpose. It is simply a bureau for the purpose of conducting the affairs of these wards of the nation; and it does not, therefore, belong to the rule as read in the statute by the gentleman, where reference is made to the three co-ordinate branches of the Government, for this certainly is not one of them. It is simply carrying out a treaty already in existence, complying with the obligations of the Government to pay these people.

Mr. PERKINS. Mr. Chairman, I did not suppose that the former point of order made by the gentleman from Illinois was really submitted with any seriousness on the part of the gentleman. It did not seem to me that it could be insisted upon with propriety that the Committee on Indian Affairs did not have jurisdiction to appropriate money due under treaty obligations, whether that treaty was made last year or thirty-five years ago. I did not believe it could seriously be made, for the reason that such obligations are not barred by any statute of limitation, and that no matter whether the Government had defaulted or not defaulted in paying the Indians year after year, or whether it has promptly made this payment year by year, the same principle was involved. As suggested by the gentleman from Arkansas, the case which was referred to by the gentleman from Illinois was so prominent and so fresh in the recollection of all that I did not think he would insist with any seriousness on the point of order. Their claim, as stated by my friend from Arkansas, grew out of treaty obligations. It resulted from a treaty with these Indians, but it had been merged in a judgment.

The Choctaw Indians had been prosecuting that claim against the Government for years and years. The Government had defaulted in its obligation and had not paid the Indians what they insisted was due them; and so in the course of time Congress gave them the right to go into the courts and adjudicate and investigate, in a judicial manner, their claim. This resulted in a judgment against the Government and in favor of the Indians, growing out of treaties made thirty-five or forty years before that time, and during that time the Government had defaulted, so far as the payment was concerned. When that judgment was rendered and the claim presented to Congress, after investigation and consideration it naturally and promptly went into the Indian appropriation bill. The Speaker did not think of sending it to the Committee on Appropriations, because the consideration of matters connected with the Indians had been given to the Committee on Indian Affairs. And this being a matter growing out of treaty stipulations, and resulting from our relations with the Indians, it went, as a matter of right and necessity, to the Committee on Indian Affairs.

So, I repeat, Mr. Chairman, it went originally and naturally and necessarily to the Indian Affairs Committee, and when the Committee on Indian Affairs reported the appropriation to pay that judgment the point of order was made against it, and this was the point of order made, it was an appropriation to pay a judgment. The gentleman from Missouri who made the point of order (Colonel Burnes) admitted at once that if it was to pay that which was due under treaty obligations it was in order and competent to be appropriated in that manner. But he argued that it had ceased to be a treaty obligation, that it had been merged in a judgment, and the proposition was to pay a judgment, and hence logically it should go to the Committee on Appropriations; that it had ceased to be a matter growing out of treaty, ceased to be a treaty obligation in any shape, and was merged in a higher obligation—that of a judgment against the Government.

But after argument even that point of order was not sustained, the Chairman then holding that it was his duty, logically and properly, to ascertain the antecedents of the debt, ascertain whether it grew out of treaty obligations or not, and if so, necessarily the Committee on Indian Affairs had jurisdiction. Ascertaining, therefore, that it did grow out of treaty obligations and in consequence of treaty obligations these Indians had succeeded in recovering judgment against the Government, the Chairman of the committee overruled the point of order, and no one, it seems to me, had any question as to the accuracy of the decision.

Now, here it is presumed or contended that this claim did not grow out of treaty obligations, and my friend from Illinois can not with any consistency argue that the Speaker of the House of Representatives should send such a claim to the Committee on Appropriations for their jurisdiction. This obligation grew out of relations with the Indians, resulting from our treaty with them because of the promises made them and because of the obligations entered into with them, and no committee has jurisdiction but the Indian Affairs Committee. The propriety of the legislation is one thing, but the right of the committee to report it is quite another. That they have a right to report it, and that the committee has jurisdiction, it seems to me can not be reasonably questioned. I repeat that I did not argue the other point of order with earnestness because I did not believe that it was insisted upon by the gentleman from Illinois.

Mr. CANNON. If the Chair desires to hear further from me I will submit the remark that this has all the force that the point of order I made with reference to the provision on page 9 had, which point of order the Chair sustained, with this difference, that this clause has legislation in it on page 15, as the Chair will discover by glancing at it. What is it? It is to pay the expenses of transportation of two hundred and seventy-four Creek Indians, at \$30 each, and subsistence for twelve months, at \$25 each, for one hundred and sixty Creek Indians, etc. Under what? It is under the treaties of 1826 and 1832. What for? Why, it is for transportation of these Creek Indians when they were removed to the Indian Territory over a generation ago. This claim has been slumbering through all these long years, and it now makes its first appearance upon this Indian appropriation bill, unless it is like the other, unless it has been reported in a private bill, and is on the Calendar in that form. And I will ask my friend from Arkansas what the fact is in regard to that.

Mr. PEEL. I do not remember; I do not think it is. This item passed the House last session. This item does not make its first appearance now. It passed the House in the appropriation bill in the Fiftieth Congress.

Mr. CANNON. It passed the House, but was knocked out in the Senate.

Mr. PEEL. I do not know why they knocked it out in the Senate. I do not think this has been placed in a private bill.

Mr. CANNON. It does not make any difference whether it has or not. The gentleman from Kansas [Mr. PERKINS] said he did not think I was in earnest. I would be glad to know what I could say or do to convince the gentleman from Kansas that I am in earnest on the point of order I made. I made the point of order; I sustained it with all the earnestness I could muster, and I assigned half a dozen good reasons why it is subject to the point of order. The gentleman then falls back and says that it is something that is due to these people under treaty, and then he goes off at a tangent and says that all the provisions of the bill are subject to this point of order if this provision is. No, not at all. You have got many provisions in this bill providing for the Indians, under treaties, that are not subject to the point of order, because the provision is under treaty, where the treaty calls for service during the next fiscal year.

Mr. PERKINS. Does my friend from Illinois [Mr. CANNON] contend that because the Government may have defaulted in its obligations that changes the rule and changes the jurisdiction of the subject? Does he contend that because the Government may not have been prompt in meeting its obligations, therefore the Committee on Indian Affairs has no jurisdiction?

Mr. CANNON. I beg the gentleman not to confuse matters. The moment an appropriation goes upon an appropriation bill not necessary for the conduct of the Government for the coming fiscal year, that moment it becomes, in the language of the rule, a deficiency estimate and a deficiency appropriation. And this applies to all the Departments. Take the Post-Office Department. We passed the other day a bill appropriating \$72,000,000 to carry on the Post-Office Department for the next year, but there is now pending in the Committee on Appropriations a bill carrying \$12,000,000 for deficiencies for carrying the mails for the current year and for the last year. That goes where? Not to the Post-Office Committee, but under the rule, it being a deficiency bill, it goes to the Appropriations Committee. That is all I desire to say about it.

Mr. PEEL. Mr. Chairman, I desire to occupy just a moment. That is the very distinction I attempted to draw awhile ago. This post-office appropriation is one that grows out of the constitutional provision as to our post-office system. It belongs to the Government. It is a shortage in current expenses. But this is not that character of a case. This is a specific item. It was just as large two years ago as it is now.

The very moment those Indians complied with the treaty which bound the Government to pay them this amount of money, when they defrayed their own expenses from east of Mississippi River to the west and supported themselves for twelve months, that moment under the treaty it became a fixed debt and due. Does the gentleman pretend to say that because it was not appropriated the next succeeding year it would be a deficiency? It just simply lies there unprovided for.

Mr. SAYERS. Is not the debt past due?

Mr. PEEL. It was due whenever the Indian Office ascertained

the fact, and they ascertained the fact under that clause when the list was filed with the Commissioner of Indian Affairs. Whenever it was established by the proper evidence, then those obligations were due. The obligation became fixed as provided in the treaty, and there is no other committee that has jurisdiction. Now, in all seriousness, I want to say to the Chair that we care nothing about this particular item. But if this rule is applied to this bill, then, as stated by the chairman on Indian Affairs, two-thirds of these provisions that we have been appropriating for from year to year, such as paying the interest on these trust funds, will be subject to the very same point of order, because they have no other legal force or effect except the treaty obligation, and are fixed as time rolls around under the provision that the debt shall become due. Why, according to the gentleman's argument, if one installment of interest on this trust fund was to lapse, was to be omitted this year and was to come up to have the total amount appropriated next year, would it be subject to the point of order?

Mr. CANNON. It would, sir.

Mr. PEEL. It certainly would not.

Mr. CANNON. That is, subject to the point of order if included in the annual appropriation bill. It would become a deficiency, because the year had passed when the money should have been appropriated.

Mr. PEEL. How would it be a deficiency, when it is no part of the current expenses of the Indian service? The Indian service is just as well executed, whether these appropriations are made or not. As far as the machinery of the bureau is concerned, if that is provided for, it would go on just the same whether the appropriation we are now considering is made or not. I hope the Chair will think seriously before he sustains the point of order on these items in this bill, because it is a very important matter and it will place these Indian claims in a very awkward attitude.

I want to call attention of the Chair to the Choctaw matter. There it was assumed that it had merged into the highest evidence of indebtedness; and it is technically so. The Chair held that as the original debt was incurred in pursuance of treaty stipulation that that obligation was in existence, and when the judgment was given it was merged into a higher state of evidence. Therefore, under clause 16 of Rule XI, which gives jurisdiction to the Committee on Indian Affairs, it would have jurisdiction over that matter, and in that way it would not be subject to the point of order. I can not for the life of me see how the item under consideration would be subject to the point of order.

Mr. PERKINS. If there is any doubt in the mind of the Chair upon this subject I would suggest that he reserve his decision until to-morrow, and that we now pass to the next paragraph in the bill.

The CHAIRMAN. The Chair would be very glad to take the benefit of that suggestion.

The Clerk read as follows:

CROWS.

For ninth of twenty-five installments, as provided in agreement with the Crows dated June 12, 1880, to be used by the Secretary of the Interior in such manner as the President may direct, \$30,000.

Mr. CANNON. I would like to call the attention of the gentleman from Kansas to these matters commencing here and continuing to pages 17 and 18. Commencing here at line 15 I desire to make the point of order upon every one of these; but I think they may all be considered together.

Mr. PERKINS. I would suggest if the point of order is good as to one it is good as to all the others; so the several items may be read and the point of order made upon them at the close of the reading.

Mr. CANNON. I desire to make the point of order on each one of the paragraphs, commencing at line 23 on page 16 and ending on page 18 at line 19.

Mr. PERKINS. Do you desire to argue the point of order now or let it go over?

The Clerk read as follows:

The sum of \$36,800, in payment for twenty-three sections of half-breed Kaw lands, as provided in the fourteenth article of the treaty of July 4, 1866.

Mr. CANNON. I desire also to make the point of order on that paragraph.

Mr. PERKINS. I would suggest that if the gentleman is willing to do so I would like him to make his argument so that the Chair might consider them all together.

The CHAIRMAN. Will the gentleman from Illinois [Mr. CANNON] state the paragraph upon which he makes the point of order?

Mr. CANNON. I make it to all these items. Here is a series of items, Mr. Chairman, that my eye now falls upon for the first time, that are new in bills of this kind, so far as I know, commencing at line 23 on page 16. There in the next clause are several general provisions for the payment of the Delaware Indians:

The sum of \$36,800, in payment for twenty-three sections of half-breed Kaw lands, as provided in the fourteenth article of the treaty of July 4, 1866.

I take it that that is a mere claim, and not as being due to the Indians the coming fiscal year, if due to them at all.

The next one, not properly in this bill, is—

The sum of \$36,402, in payment for stock stolen from said tribe, which payment is provided for in the fourteenth article of the said treaty of July 4, 1866.

Then comes a legislative declaration as to how it shall be paid:

Provided, That said sum shall be paid per capita to the persons or their heirs at law who actually lost said stock, as shown by the report of the Secretary of the Interior to Congress, dated January 31, 1870.

That is twenty years ago. It seems there was a report of the Secretary of the Interior. I have not examined the matter; but if anything is due under that treaty for stock stolen that should come out of the Treasury it is not due the coming year by virtue of that treaty. It was due over twenty years ago, if due at all; and this is a mere claim, and a stale one at that, and has no business on a general appropriation bill. If it is a proper claim a deficiency bill would carry it.

The next paragraph—

The sum of \$2,500 for ponies and cattle stolen from said tribe, indemnity for which is provided in the sixth article of the treaty of May 30, 1860.

I make the point that this was not stolen so that they would be entitled to the payment in the coming fiscal year. I do that without suggesting a doubt about their being entitled to pay at all; but it is a claim.

The next item is—

The sum of \$39,675.16, of which \$10,715.75 shall be paid to individual members of the said tribes for improvements upon lands sold to the Leavenworth, Pawnee and Western Railroad Company.

That is legislation. It tells how it shall be paid for under this treaty. From reading the whole of that paragraph it will be seen that this money, if due them by virtue of any treaty, is not due to be paid the coming fiscal year. Then the proviso to that clause on page 18, as the Chair will notice, is legislation again.

The next paragraph is—

That the above and several sums be paid to said Delaware Indians as herein provided, less the amount due the delegate or delegates of said Indians by virtue of contracts approved in Department of the Interior.

That is legislation. What equity does that settle? Who are the delegates? What kind of contracts have the delegates got? How much of these claims, if appropriated, do these delegates get? I do not know. They are claims.

Then the next—

And the Attorney-General is hereby authorized and directed to institute the necessary legal proceedings against the Leavenworth, Pawnee and Western Railroad Company, its successors or assigns, for recovery of the amounts heretofore found by the Department of the Interior to be due from said railroad company, its successor or assigns, under the last paragraph of the second article of the treaty with the Delaware tribe of Indians of May 30, 1860.

If due, they are not due the coming fiscal year. Who due from? From the railroad company to the Indians. That is legislation again.

Now the next—

And under the concluding clause of the third article of said treaty, and for damage done the said Indians in the taking and destruction of their property by said railroad company, which sums when recovered shall be used to reimburse the United States for the sum appropriated in the foregoing paragraph of this bill.

Legislation again, not in order upon a general appropriation bill.

It provides that the Government shall advance money and pay these stale old claims, and that then the Attorney-General may sue the Western Railway Company, which dates back to 1860. I do not know about the matter, but if I were a betting man I would bet four to one that it has no solvent corporate existence.

Mr. PEEL. I will take the bet. [Laughter.]

Mr. CANNON. Well, I do not know how that will be; but, Mr. Chairman, this whole thing is legislation; not for a regular appropriation under the rules of this House, but for the settlement of stale claims; not estimated for as the law provides, and it ought to have no place in this bill. Therefore I make the point of order that each of these paragraphs should be struck out, making my point of order separately upon each distinct paragraph and collectively upon the whole.

The CHAIRMAN. The Chair will be obliged if the gentleman will restate exactly his point of order.

Mr. CANNON. Well, I make the point against each paragraph, and then I make it against them all collectively. Some of them, in the hasty reading, are grouped together and one belongs with another.

Mr. PERKINS. Mr. Chairman, it is true that the claims that are provided for in these paragraphs to which my friend from Illinois [Mr. CANNON] objects are old claims, and if, because of their antiquity, or because they have not been contracted within the last twelve months, the Government of the United States is not in duty bound to pay them and to respect its obligations to these Indians, and if, in consequence of that, the Committee on Indian Affairs has no jurisdiction of the subject, then I confess that the point of order should be sustained. But that has not been the understanding of the Committee on Indian Affairs, nor do I think it will be the understanding or the decision of the Chair.

I do not believe the Chair will hold that because the Government of the United States has failed for ten or fifteen years to discharge its obligations to these Indians, therefore it should continue to fail to discharge those obligations. During my service in Congress these claims have been pending from year to year and from term to term, and no Speaker of this House has ever thought of sending them to any other committee for consideration and investigation than the Committee on Indian Affairs. No Speaker of this House ever thought of sending those claims to the Appropriations Committee.

Mr. CANNON. Will my friend allow me a remark right there?

Mr. PERKINS. With pleasure.

Mr. CANNON. As a claim to be dealt with by the introduction of a private bill to be referred to the Committee on Indian Affairs and to be reported as a claim, to be considered as other claims are considered, the Committee on Indian Affairs may have jurisdiction of any of these items, if the reference is made by bill or otherwise; but I beg of the gentleman to make the distinction between the jurisdiction of the Committee on Indian Affairs for that class of business and the jurisdiction of the same committee to report a general appropriation bill, for there is a wide difference between the two.

Mr. PERKINS. The Committee on Indian Affairs has jurisdiction of all matters relating to the Indians and charge of the annual Indian appropriation bill, and, as I have suggested, these claims have been pending from year to year and have been referred to the appropriate committee by the several Speakers of this House and no Speaker has ever thought of sending them to any other committee than the Committee on Indian Affairs. That committee has investigated the claims and has found them to be meritorious. It found these claims substantiated by proofs that could not be controverted. The committee in the Forty-eighth Congress, and again in the Forty-ninth Congress, reported them favorably, but they were not reached for consideration on the floor of the House, and hence the Indians did not get what in the judgment of the committee was due them, and they have not got it up to this time.

The CHAIRMAN. Will the gentleman from Kansas [Mr. PERKINS] state whether these claims, when heretofore presented, were placed upon general appropriation bills?

Mr. PERKINS. They were not. The claim that was discussed a few moments ago was incorporated in the Indian appropriation bill of last year as it passed the House, but it was stricken out by the Senate for some reason or other, I do not know just what. I have never investigated to ascertain the reason, but, as I have said, the item was put upon the appropriation bill so far as the House Committee on Indian Affairs was concerned, and was passed by the House. These claims have been investigated from year to year, as I have suggested, and have been found to be meritorious; but this argument goes more perhaps to the propriety of the legislation than to its right to a place in this bill.

Now, as suggested by the gentleman from Dakota [Mr. GIFFORD] a while ago, there were pending before the House Committee on Indian Affairs obligations under the treaties and other measures involving in the aggregate probably \$15,000,000, some of them growing out of recent negotiations with the Indians, some of them growing out of old negotiations, but all pending before that committee for investigation and action; and that committee could, in my judgment, with perfect propriety under the rules, have incorporated every single one of these items in this bill and reported appropriation for their payment. It was only a question of expediency with the committee.

The appropriation due the Sioux Indians resulting from the purchase of their great reservation in Dakota is pending before the committee, and they could with entire propriety so far as the rules are concerned have incorporated here a provision making an appropriation for that object, but, believing that it would receive due consideration upon the floor of the House at the proper time, they did not make it a part of this bill; and so with many other meritorious measures that have been referred to that committee for investigation and which might with entire propriety under the rules be made a part of this bill. But yet, as suggested by the gentleman from Illinois [Mr. CANNON], if we make an exception in favor of any one, that encourages those who are interested in other measures to come and press the committee that they shall also be inserted in the appropriation bill and provided for in that way, so, in most instances, we have refused these petitions and requests and have confined the bill to the current appropriations.

But the right of the committee to include in the bill these items incorporated here can not, it seems to me, be questioned. I do not understand the logic or the consistency of the gentleman from Illinois in maintaining that because this obligation was contracted several years ago, and has been ignored by the Government of the United States until now, *ergo* it can not be inserted in the Indian appropriation bill. The fact that the obligation has remained unpaid for several years does not discharge or change that obligation, and in my judgment does not take from the Committee on Indian Affairs jurisdiction of the matter; nor does it take from us the right to put it in the Indian appropriation bill, if in the judgment of the committee it is properly a part of that bill.

Mr. CANNON. Will the gentleman allow me a moment? Because we want to get at the correct rule.

Mr. PERKINS. Certainly.

Mr. CANNON. If the gentleman is correct in his view as to what can be placed on a general appropriation bill, the same considerations apply to the Committee on the Post-Office and Post-Roads with reference to the Post-Office appropriation bill, to the Committee on Military Affairs with regard to the Army bill, to the Committee on Naval Affairs with regard to the naval bill, to the Committee on Agriculture as to the agricultural appropriation bill, to the Committee on Foreign Affairs as to the diplomatic and consular appropriation bill, and to the Appropriations Committee proper in regard to the other general appro-

priation bills. According to the rule which the gentleman lays down, there is no possible claim which may have arisen under treaty or upon contract, from the foundation of the Government down to the present time, that it would not be competent, under the rules of the House, to place upon one of these privileged general appropriation bills.

Mr. PERKINS. Oh, no, Mr. Chairman; the proposition of my friend from Illinois is very different from the one which I have submitted, although if, for instance, the Committee on Foreign Affairs in making appropriations for the consular and diplomatic service should find that an appropriation of the preceding year had resulted in a deficiency somewhere, and if the committee should propose to provide for that deficiency in its regular appropriation bill I doubt whether a point of order could be made against it with any consistency or propriety. But I only make that suggestion as an answer to the proposition the gentleman has put.

Mr. CANNON. Allow me a moment. We have now pending in our committee hundreds of estimates covering the Indian service, the Army, the Navy, and foreign affairs, not for the next fiscal year, but for past fiscal years. We have already appropriated nearly \$30,000,000 for deficiencies, and there are more to follow. Does the gentleman claim that the jurisdiction of these deficiency appropriations is concurrent? The rule does not so state.

Mr. PERKINS. The Committee on Indian Affairs has not jurisdiction as a rule over appropriations for the pay of clerks and other employes in the Indian Office. Certain employes are provided for in the Indian appropriation bill, but as to clerks in the Indian Office the Indian appropriation bill carries no appropriation. So there is much of this service which legitimately and properly goes to the Committee on Appropriations; and if there should be a deficiency in that portion of the service it would go to that committee. But as to the items carried under the rules of the House in the annual appropriation bill coming from the Committee on Indian Affairs, it seems to me there can be no question that should a deficiency result in these appropriations the Committee on Indian Affairs would have jurisdiction of the matter. So as to these obligations growing out of treaties, growing out of statutes, growing out of contracts made with the Indians with the approval and consent of Congress, there can not be in my judgment any doubt that the Committee on Indian Affairs has jurisdiction of those subjects; and in my mind there is no question as to the power of the Committee on Indian Affairs to appropriate in this annual appropriation bill to meet such obligations and discharge the duty of the Government to these Indians.

As I suggested some time ago, it seems to me the rule is not changed because the Government may have been derelict or unmindful in regard to its obligations for a year or several years. That does not change the obligation and does not change the power of the committee to provide for it in this bill. The Chair will observe, on examination of the rule, that the jurisdiction of our committee is not confined to those matters which have arisen during the preceding twelve months or which result from contracts or treaties made during that period. But, according to the language of the rule, subjects relating "to the relations of the United States with the Indians and the Indian tribes, including appropriations therefor," belong properly to the Committee on Indian Affairs.

Here is an obligation growing out of a treaty made years ago with these Indians. In view of the arguments submitted by the gentleman from Arkansas [Mr. PEEL] and others and of the precedent which he cited, and to which I called attention a few moments ago, a conspicuous precedent which we have been referring to for a year or more as settling questions of this kind for all time, it seems to me there should be no doubt on this question of order. The precedent referred to was established in the case of an appropriation to satisfy a judgment carrying in the aggregate almost \$3,000,000. It was argued that the Committee on Indian Affairs had not jurisdiction of the subject-matter, had no authority to report an appropriation to pay such indebtedness, because while it arose from treaty obligation it had merged into an obligation of a higher order and had become a judgment against the Government. It was argued that therefore it should go to the Committee on Appropriations. It was admitted at that time by the gentleman from Missouri who made the point of order, and was admitted generally in the debate, that, if the Chair should hold the obligation was one simply growing out of treaty obligation, there would be no question as to the jurisdiction of the Committee on Indian Affairs to provide for it in the Indian appropriation bill. And it was upon that theory that the point of order was overruled and the jurisdiction of the Indian Committee sustained by the gentleman then occupying the chair.

Now, these claims never have been merged in judgment. They grow out of treaty obligations and stand here with the merit sustaining them that they possess because of the treaty on which they are based and by which the Government is clearly obligated.

Mr. BRECKINRIDGE, of Kentucky. If the gentleman from Kansas will permit me to interrupt him, it is evident there is no quorum present, and as it is half past 5 o'clock—

Mr. PERKINS. I thought perhaps we might discuss the point of order this evening a little later.

Mr. BRECKINRIDGE, of Kentucky. If the gentleman is willing to resume the argument of the point of order in the morning—

Mr. PERKINS. We will not proceed much further to-night.

Mr. BRECKINRIDGE, of Kentucky. Because there is evidently no quorum present.

Mr. PERKINS. I will not ask the committee to sit much longer.

Mr. PEEL. I would like to be heard, Mr. Chairman, before the Chair rules on the point of order.

Mr. BRECKINRIDGE, of Kentucky. This is evidently quite an important matter, and, although many of us may not desire to participate in the debate, still we would all like to hear the discussion.

Mr. PEEL. If it can be understood that I may be heard for a short time to-morrow I would much prefer to do so than to go on to-night.

Mr. PERKINS. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ALLEN, of Michigan, reported that the Committee of the Whole House on the state of the Union, having had under consideration the Indian appropriation bill, had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. PERKINS. I move that the House do now adjourn.

The SPEAKER. Pending that motion, the Chair desires to lay before the House a report of the Committee on Enrolled Bills and some personal requests of members.

ENROLLED BILL SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same, namely:

A bill (S. 3871) granting a pension to Kate Woodbridge Michaelis.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. O'FERRALL, for two days.

To Mr. PENINGTON, indefinitely.

AMERICAN REGISTER FOR BARGE OTTAWA.

Mr. PERKINS. I understand the gentleman from Pennsylvania desires to ask unanimous consent to consider a bill, and I will withdraw the motion to adjourn for that purpose.

Mr. YARDLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3571) to provide an American register for the barge Ottawa, of Philadelphia, Pa. I ask that this bill be substituted for House bill No. 9415, of the same title.

The SPEAKER. The Senate bill will be read.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built barge Ottawa, owned by Frank D. Zell, of Philadelphia, Pa., an American citizen, and rebuilt by him, to be registered as a vessel of the United States under the name of the schooner-barge Venus.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BRECKINRIDGE, of Kentucky. I have no objection to the consideration of the bill or to its passage, but I would like to know why this exception should be made. Some statement ought to be given to show the necessity for it at least.

Mr. YARDLEY. I do not know of any, except that it has been done in other cases and under similar circumstances.

Mr. BRECKINRIDGE, of Kentucky. Each case is a special case, resting upon its own special reasons, because, unless there were special reasons for doing this thing, there would be no necessity of retaining the act of Congress. Will the gentleman state what are the special facts in this case to warrant the action requested?

Mr. YARDLEY. The report is very short and I think, perhaps, will satisfy the gentleman.

Mr. BRECKINRIDGE, of Kentucky. I supposed an explanation on the part of the gentleman would be briefer.

Mr. YARDLEY. The vessel was wrecked outside of American waters and certain repairs were made in an American port. All of the acts of Congress have been complied with, and it is necessary that this provision should pass.

Mr. SPRINGER. All right; I hope you will register all of them.

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

The SPEAKER. In the absence of objection, the bill H. R. 9415, on the same subject, will be laid on the table.

ENSIGN J. B. BERNARDOU.

Mr. WILKINSON. I ask unanimous consent, Mr. Speaker, for the present consideration of the joint resolution (H. Res. 166) authorizing Ensign J. B. Bernardou, United States Navy, to accept two vases presented to him by the Government of Japan.

The joint resolution was read, as follows:

Resolved, etc., That Ensign J. B. Bernardou, United States Navy, be, and hereby is, authorized to receive two flower vases presented to him by the Government of Japan in recognition of services rendered by him to Japanese citizens at an outbreak at Seoul, Korea, in December, 1894.

The Committee on Foreign Affairs recommend the adoption of the following amendment:

Strike out the name of "Bernardou," in the third line of the bill, and insert "Bernardou."

Also, amend the title so as to read: "Joint resolution authorizing Ensign J. B. Bernardou, United States Navy, to accept two vases presented to him by the Government of Japan."

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, the amendment agreed to, and as amended the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The amendment to the title was adopted.

Mr. WILKINSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. PERKINS (at 5 o'clock and 39 minutes p. m.), the House adjourned.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, a Senate bill of the following title was taken from the Speaker's table and referred as follows:

A bill (S. 3740) to authorize the construction of a bridge across the Missouri River between the city of Pierre, in Hughes County, and Fort Pierre, in Stanley County, in the State of South Dakota—to the Committee on Commerce.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. FLICK, from the Committee on Invalid Pensions, reported favorably the bill of the Senate (S. 3414) granting a pension to James Melvin, accompanied by a report (No. 2463)—to the Committee of the Whole House.

Mr. CRAIG, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 9590) granting a pension to Matilda Evans, accompanied by a report (No. 2464)—to the Committee of the Whole House.

Mr. LAWS, from the Committee on Invalid Pensions, reported favorably the following bills of the Senate; which were severally referred to the Committee of the Whole House:

A bill (S. 3756) for the relief of William Elmendorf. (Report No. 2465.)

A bill (S. 1740) granting a pension to Mary J. Welch, an army nurse in the late war. (Report No. 2466.)

Mr. YODER, from the Committee on Invalid Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 8519) granting a pension to John Frohlin. (Report No. 2467.)

A bill (S. 848) granting a pension to Mary J. Eadie. (Report No. 2468.)

Mr. YODER also, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 9666) granting an increase of pension to Ransom E. Braman, accompanied by a report (No. 2469)—to the Committee of the Whole House.

Mr. BELKNAP, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 9763) granting a pension to Tunis S. Danforth, accompanied by a report (No. 2470)—to the Committee of the Whole House.

Mr. WILSON, of Kentucky, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 7718) granting a pension to Thomas Egan, accompanied by a report (No. 2471)—to the Committee of the Whole House.

Mr. LANE, from the Committee on Invalid Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 10602) granting a pension to Charles T. Sloat. (Report No. 2472.)

A bill (S. 2216) granting a pension to Mrs. Anna S. Taylor. (Report No. 2473.)

Mr. LANE also, from the Committee on Invalid Pensions, reported with amendment the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 8016) increasing the pension of John B. Reed, late lieutenant-colonel of the One hundred and thirtieth Regiment Illinois Volunteers. (Report No. 2474.)

A bill (S. 1059) granting an increase of pension to William W. Bliss. (Report No. 2475.)

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads, reported favorably the bill of the House (H. R. 9794) to repeal

sections 3952 and 3953 of the Revised Statutes of the United States, accompanied by a report (No. 2476)—to the House Calendar.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. GIFFORD (by request): A bill (H. R. 11001) for the substitution of steel cross-ties instead of wood for railroad purposes—to the Committee on Railways and Canals.

By Mr. SIMONDS: A bill (H. R. 11002) giving certain powers to States and lesser municipal districts—to the Committee on Commerce.

By Mr. KENNEDY: A bill (H. R. 11003) to detach the county of Logan, in the State of Ohio, from the northern and attach it to the southern judicial district of said State—to the Committee on the Judiciary.

By Mr. COBB (by request): A bill (H. R. 11004) to authorize the Secretary of the Interior to investigate certain claims of the Creek Nation of Indians—to the Committee on Indian Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following change of reference was made:

A bill (H. R. 10524) granting a pension to John Winkler, late a private of Company H, Fifth Regiment United States Cavalry—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ATKINSON, of West Virginia: A bill (H. R. 11005) to reimburse Albert Traub, late Lieutenant Twenty-eighth Ohio Volunteer Infantry, for moneys expended by him for the subsistence of troops—to the Committee on War Claims.

By Mr. BECKWITH: A bill (H. R. 11006) for the relief of W. D. C. Rodrock—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 11007) granting a pension to Ellen Downs—to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 11008) granting a pension to John Craver—to the Committee on Invalid Pensions.

By Mr. BLISS: A bill (H. R. 11009) granting a pension to Ozias C. Robbins—to the Committee on Invalid Pensions.

By Mr. CATCHINGS: A bill (H. R. 11010) for the relief of the estate of Hixey Parker, of Warren County, Mississippi—to the Committee on War Claims.

By Mr. COBB (by request): A bill (H. R. 11011) granting arrearage of pension to Samuel T. Haviland—to the Committee on Invalid Pensions.

By Mr. DUNPHY: A bill (H. R. 11012) authorizing the Secretary of War to grant an honorable discharge to Charles Dyer—to the Committee on Military Affairs.

By Mr. O'FERRALL: A bill (H. R. 11013) to authorize the purchase of certain manuscript papers and correspondence of Thomas Jefferson—to the Committee on the Library.

By Mr. PARRETT: A bill (H. R. 11014) granting a pension to Mrs. Malinda Hawkins, a hospital matron and nurse during the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. ROCKWELL: A bill (H. R. 11015) granting an increase of pension to Cornelius Johnson—to the Committee on Invalid Pensions.

By Mr. STONE, of Missouri: A bill (H. R. 11016) for the relief of Sarah C. Cline—to the Committee on War Claims.

By Mr. WHEELER, of Alabama: A bill (H. R. 11017) for the relief of Houston L. Bell—to the Committee on War Claims.

Also, a bill (H. R. 11018) for the relief of Thomas Davis—to the Committee on War Claims.

Also, a bill (H. R. 11019) for the relief of Mrs. Jinney Fowler—to the Committee on War Claims.

Also, a bill (H. R. 11020) for the relief of James Matthews—to the Committee on War Claims.

Also, a bill (H. R. 11021) for the relief of Marion McElyea—to the Committee on War Claims.

Also, a bill (H. R. 11022) for the relief of W. R. Siniard—to the Committee on War Claims.

Also, a bill (H. R. 11023) for the relief of Mrs. Cassa Simpson—to the Committee on War Claims.

Also, a bill (H. R. 11024) for the relief of F. Varin—to the Committee on War Claims.

Also, a bill (H. R. 11025) for the relief of Ezekiel Williams—to the Committee on War Claims.

Also, a bill (H. R. 11026) for the relief of John W. Williams—to the Committee on War Claims.

By Mr. WICKHAM: A bill (H. R. 11027) granting a pension to Benjamin Scram—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOOTHMAN: Resolution of the Farmers' Alliance of German Township, Fulton County, Ohio, in favor of the Butterworth option bill—to the Committee on Agriculture.

Also, resolution of the Emerald Farmers' Alliance, of Reid, Paulding County, Ohio, in favor of same measure—to the Committee on Agriculture.

By Mr. BUCHANAN, of Virginia: Petition of 18 citizens of Tazewell County, Virginia, in reference to the harbor of Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. CANNON: Petition of H. H. Cecil, secretary, J. W. Anderson, and 18 others, members of Pleasant Grove Grange, Coles County, Illinois, favoring the passage of the Conger bill—to the Committee on Agriculture.

By Mr. CONGER: Memorial of Ackworth Monthly Meeting of Friends, comprising 1,300 members, in the counties of Polk, Madison, Warren, Clarke, etc., Iowa, in favor of the Wilson bill—to the Committee on the Judiciary.

Also, petition of 71 officers and members of Presbyterian Sunday-school, in favor of same measure—to the Committee on the Judiciary.

By Mr. FUNSTON: Certificate of adjutant-general of Missouri, relating to case of Levi Matt—to the Committee on Military Affairs.

By Mr. GIFFORD: Petition of 31 citizens of Highmore, S. Dak., and 55 citizens of Hyde County, South Dakota, praying for the passage of a bill prohibiting the transportation of intoxicating liquors from any State or Territory of the United States or District of Columbia into any other State or Territory contrary to and in violation of the laws thereof—to the Committee on the Judiciary.

Also, petitions of 129 citizens of Spink County and 96 citizens of Turner County, South Dakota, for same measure—to the Committee on the Judiciary.

Also, petitions of 86 citizens of Marshall County, 64 citizens of Rapid City, and 65 citizens of Clay County, all of South Dakota, for same measure—to the Committee on the Judiciary.

Also, petitions of 77 citizens of Brulé County, 37 citizens of Chamberlain, and 32 citizens of Twin Brooks, all of South Dakota, for same measure—to the Committee on the Judiciary.

By Mr. HANSBROUGH: Resolutions of the Farmers' Alliance of Sherbrooke, Steele County, North Dakota, in favor of the passage of the Conger lard bill, H. R. 283—to the Committee on Agriculture.

Also, resolutions of the same alliance in favor of the passage of the Butterworth bill, H. R. 5353—to the Committee on Agriculture.

By Mr. HARE (by request): Petition of J. H. Lea and 73 others, of Clay County, Texas, asking passage of House bill 7162—to the Committee on Ways and Means.

Also (by request), petition of J. P. Welch and 23 others, of same county, for same measure—to the Committee on Ways and Means.

Also (by request), petition of J. R. Love and 22 others, of same county, for same purpose—to the Committee on Ways and Means.

Also (by request), petition of J. C. White and 83 others, of same county, for same measure—to the Committee on Ways and Means.

Also, petition of J. H. Smith and 18 others, of same county, opposing passage of the silver bill—to the Committee on Coinage, Weights, and Measures.

By Mr. HENDERSON, of Iowa: Resolution of Cedar Valley Alliance, No. 1648, Bremer County, Iowa, urging passage of the Conger lard bill—to the Committee on Agriculture.

Also, resolution of the same alliance, for the passage of the Butterworth bill against gambling in farm products—to the Committee on Agriculture.

By Mr. JOSEPH: Petition from citizens of the Territory of New Mexico, asking Congress to reserve townships 17, 18, 19, and 20 north, of ranges 11, 12, and 13 east, in said Territory, as a national park—to the Committee on the Public Lands.

By Mr. PETERS: Petition of railway postal clerks of Kansas for House bill 8999—to the Committee on the Post-Office and Post-Roads.

By Mr. PIERCE: Petition of Samuel Shone, of Gibson County, Tennessee, for compensation for property used by United States Army during the late war—to the Committee on War Claims.

By Mr. SPOONER: Petition of William E. Foster and others, librarians, for international copyright law—to the Committee on the Judiciary.

Also, petition of Hamilton S. Conant and 42 others (19 voters and 24 women), citizens of Providence, R. I., praying for proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage—to the Committee on the Judiciary.

By Mr. STIVERS: Petition of W. H. Austin and 50 others, of Eldred, N. Y., asking for the prompt passage of House bill 5987, prohibiting the importation of intoxicating liquors from any State or Territory in the United States into other State or Territory contrary to and in violation of the laws thereof—to the Committee on the Judiciary.

By Mr. STONE, of Missouri: Evidence in support of the claim of

Sarah C. Cline, to accompany bill for her relief—to the Committee on War Claims.

By Mr. SWENEY: Petition of J. C. Merrell and 11 others, citizens of Floyd County, Iowa, asking for the enactment of a law prohibiting the transportation of intoxicating liquors into States and Territories in violation of the laws thereof—to the Committee on the Judiciary.

By Mr. TURNER, of Kansas: Petition of D. W. Henderson and 30 others, asking passage of bill preventing importation of liquors into State of Kansas—to the Committee on the Judiciary.

Also, petition of Charles A. Hill and 60 others, asking passage of same measure—to the Committee on the Judiciary.

Also, petition of George S. Bishop and 30 others, in favor of same measure—to the Committee on the Judiciary.

SENATE.

WEDNESDAY, June 18, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of June 12, 1890, a report of the Chief of Engineers upon the improvement of the harbor at Buffalo, N. Y., together with the views of vessel owners in relation thereto; which was read.

Mr. CAMERON. I move that the communication, with the accompanying papers, be referred to the Committee on Commerce.

The motion was agreed to.

The VICE-PRESIDENT. The letter of transmittal, with the report of the Chief of Engineers, will be printed.

CLERKS TO SENATE COMMITTEES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Senate, transmitting, in response to a resolution of June 17, 1890, a list of the names of all annual clerks to Senate committees during the year ending March 4, 1890, etc.; which, with the accompanying paper, was ordered to lie on the table.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the president and members of the faculty of Howard University, and 37 other residents of the District of Columbia, praying for the enactment of a law to prevent pool selling and other gambling in the District; which was referred to the Committee on the District of Columbia.

Mr. CARLISLE. I present a petition of the Wool-Consumers' Association, of Boston, Mass., praying for a reduction or abolition of the duty on wool. I move that the petition be referred to the Committee on Finance, and printed as a document.

The motion was agreed to.

Mr. HOAR presented the memorial of Wade, Davis & Co., and other manufacturing jewelers in the State of Massachusetts, remonstrating against the proposed increase of duty on imitation stones; which was referred to the Committee on Finance.

Mr. ALLISON presented a petition of citizens of Polk County, Iowa; a petition of citizens of Ida County, Iowa; a petition of citizens of Clay County, Iowa; a petition of citizens of Buena Vista County, Iowa; a petition of Thomas Gurney and other citizens of the State of Iowa; a petition of citizens of Sac County, Iowa; a petition of citizens of Monona County, Iowa, and a petition of citizens of Plymouth County, Iowa, praying for the passage of a bill making it unlawful to transport liquors from any State or Territory of the United States into any other State or Territory contrary to the laws thereof; which were ordered to lie on the table.

He also presented a memorial of mechanics, workingmen, and business men, citizens of Davenport, Iowa, and Rock Island and Moline, Ill., remonstrating against the adoption of an amendment to the interstate commerce law to the effect that no freight shall be charged on packages or barrels in which oil is shipped from the East to the West, for the reason that such an amendment would injure the manufacture of barrels in the West; which was referred to the Committee on Interstate Commerce.

He also presented resolutions of Peiro Farmers' Alliance, of Woodbury County, Iowa, favoring the passage of the Conger land bill; which were referred to the Committee on Agriculture and Forestry.

Mr. MANDERSON presented a petition of the Farmers' Alliance of Saunders County, Nebraska, praying for the passage of the Conger land bill; which was referred to the Committee on Agriculture and Forestry.

Mr. MORRILL. I present sundry memorials from citizens of Ohio, Pennsylvania, New York, and Vermont, remonstrating against the imposition of an increased duty on tin-plate. They are in the usual printed form, and, as the tariff bill will be reported this morning, I move that the memorials lie on the table.

The motion was agreed to.

Mr. INGALLS presented a petition of Sheridan Post 161, Grand

Army of the Republic, of Arkansas, praying for the passage of a bill for the relief of Joshua S. Cox; which was referred to the Committee on Pensions.

Mr. CASEY presented resolutions of the North Dakota Baptist Association, favoring such Congressional enactments as will guaranty to the State of North Dakota and to every other State the right to enforce prohibitory laws; which were ordered to lie on the table.

Mr. ALDRICH presented the petition of Henry C. Anthony and 53 others, citizens of Portsmouth, R. I., and the petition of Harry A. Tallman and 101 others, citizens of Portsmouth, R. I., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

He also presented a petition of G. W. Warren Post, Grand Army of the Republic, of Newport, R. I., praying for the transfer of the revenue marine to the Navy; which was ordered to lie on the table.

He also presented a petition of the Carpenters and Joiners' Union of Narragansett Pier, R. I., praying for the passage of a law to establish shorter hours of labor; which was referred to the Committee on Education and Labor.

He also presented a memorial of citizens of Rhode Island, remonstrating against the extraordinary expenditure of public moneys for military and naval purposes; which was ordered to lie on the table.

Mr. FRYE presented a petition of Bosworth Post, No. 2, Department of Maine, Grand Army of the Republic, of Portland, Me., praying for the passage of the bill to transfer the revenue-cutter service to the Navy; which was ordered to lie on the table.

Mr. MOODY presented petitions of 76 citizens of Brûlé County, South Dakota, and 37 citizens of Chamberlain, S. Dak.; petitions of 62 citizens of Lake County, South Dakota; 94 citizens of Davison County, South Dakota, and 52 citizens of Hughes County, South Dakota; petition of 132 citizens of Spink County, South Dakota; petition of 56 citizens of Brookings County, South Dakota; petition of 56 citizens of Bon Homme County, South Dakota; petitions of 56 citizens of Douglas County, South Dakota; 31 citizens of Sully County, South Dakota, and 25 citizens of Codington County, South Dakota, praying for the passage of a bill prohibiting the transportation of intoxicating liquors from any State or Territory of the United States or the District of Columbia into any other State or Territory contrary to and in violation of the laws thereof; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MORRILL. I am directed by the Committee on Finance to report back with amendments the bill (H. R. 9416) to reduce the revenue and equalize the duties on imports, and for other purposes. I will state that it is not expected that this bill will be brought up for consideration earlier than a week from Monday next, and that the tables required by the resolution of the Senator from Kansas [Mr. PLUMB] will be ready probably within about four days.

Mr. COCKRELL. I should like to ask the Senator if there is any written report accompanying the bill.

Mr. MORRILL. There has not been any written report prepared. I will say to the Senator that a report, a very elaborate one, was made two years ago, and as the bill is substantially about the same as the measure reported by the Senate committee two years ago, perhaps there may not be a written report.

Mr. COCKRELL. When will the table called for by the resolution of the Senate be prepared?

Mr. MORRILL. I have already stated that I thought it would be here in about four days.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. MORRILL, from the Committee on Finance, reported an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. EVARTS, from the Committee on the Judiciary, to whom were referred three petitions of members of the Grand Army of the Republic and citizens of New York, praying for the passage of Senate bill 3146, to insure the preference of veterans in appointment to and retention in office, asked that the committee be discharged from the further consideration of the petitions, and that they be referred to the Committee to Examine the Several Branches of the Civil Service; which was agreed to.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (S. 2306) releasing S. H. Brooks, assistant treasurer of the United States, and his sureties on his official bond, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5674) for the relief of Frank A. Lee, reported it without amendment, and submitted a report thereon.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 9486) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, to report it with amendments; and I submit a written report, as required by the rules of the Senate, on every item of the bill.

The VICE-PRESIDENT. The bill will be placed on the Calendar.
Mr. EDMUNDS. I am instructed by the Committee on Foreign Relations, to which was referred a message of the President on the subject of the eighth article of the treaty between the United States and Sweden and Norway made in 1827, to report an original bill on the subject, together with a written report. I send up all the papers with the bill.

The bill (S. 4102) to give effect to the eighth article of the treaty of commerce and navigation with Sweden and Norway of July 4, 1827, was read twice by its title.

Mr. PADDOCK, from the Committee on Agriculture and Forestry, reported a joint resolution (S. R. 102) to print the annual report of the Bureau of Animal Industry for the year 1889; which was referred to the Committee on Printing, and ordered to be printed.

He also, from the Committee on Agriculture and Forestry, reported an amendment intended to be proposed to the agricultural appropriation bill; which, with the accompanying paper, was referred to the Committee on Appropriations.

He also, from the Committee on Agriculture and Forestry, reported an amendment intended to be proposed to the agricultural appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

BILLS INTRODUCED.

Mr. INGALLS introduced a bill (S. 4103) granting a pension to Joseph A. McKinsey; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4104) granting an increase of pension to Michael Lane; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4105) authorizing the construction of a jail and reformatory for women in and for the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. INGALLS. I introduce a bill by request of an organization described as the Wage-Workers' Political Alliance; which I ask may be twice read and referred to the Committee on Interstate Commerce.

The bill (S. 4106) to establish a Department of Transportation, and for other purposes was read twice by its title, and, with the accompanying papers, referred to the Committee on Interstate Commerce.

Mr. PLUMB introduced a bill (S. 4107) authorizing the President of the United States to grant an honorable discharge to William L. Lenau; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLATT introduced a bill (S. 4108) granting an increase of pension to Watson Weldon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HEARST introduced a bill (S. 4109) for the final adjustment of certain accounts arising in the Indian service in Arizona by payment of the amounts found due therein by the Court of Claims; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GIBSON introduced a joint resolution (S. R. 103) relative to the confirmation of certain land titles in Louisiana; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO BILLS.

Mr. HEARST submitted an amendment intended to be proposed by him to the bill (S. 3955) to authorize the Secretary of War to cause to be investigated and to provide for the payment of all claims for the use and occupation of church, college, and school buildings for Government purposes by the United States military authorities during the late war, and the value of any such buildings destroyed during such occupation by the United States, and all claims for repairs to any such buildings and the furniture of same rendered necessary by such occupation by the United States Army; which was referred to the Committee on Claims, and ordered to be printed.

Mr. DANIEL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. DOLPH. I present, by request, certain amendments to the bill (S. 3833) to provide for the adjudication and payment of claims arising from Indian depredations, reported by the Senator from South Dakota [Mr. MOODY] from the Select Committee on Indian Depredations. In some of the amendments proposed I concur, and in some I do not, but they have been prepared by some gentlemen who have given great attention to the subject. The paper presented is a complete bill in itself, showing the parts to be stricken out and inserted. For that reason I ask consent of the Senate to have it printed as presented.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

REMOVALS BY SERGEANT-AT-ARMS.

Mr. QUAY. I offer a resolution, and ask the Senate to proceed to its immediate consideration.

The resolution was read, as follows:

Resolved, That the Sergeant-at-Arms be instructed to make no changes in his subordinates, appointees, or employees, prior to 1st July proximo, without the consent of the Senate.

Mr. HALE. Let that lie over.

Mr. QUAY. I ask the Senate to proceed to the consideration of the resolution.

The VICE-PRESIDENT. Is there objection?

Mr. SPOONER. I ask that the resolution may be again read.

The Chief Clerk again read the resolution.

Mr. QUAY. I will say in explanation that we have had the resignation of the Sergeant-at-Arms to take effect in ten days or two weeks, and that a series of changes already seems to have been commenced. It is well known that the vacancy has already been filled by the selection of a highly distinguished gentleman from Nebraska, who will be thoroughly able to deal with these questions when he assumes the duties of his office; and I think for the protection of those who happen to be antagonized by the present Sergeant-at-Arms the resolution should be passed.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. HALE. Let it lie over.

The VICE-PRESIDENT. The resolution is objected to, and will go over and be printed.

EULOGIES ON DECEASED REPRESENTATIVES.

Mr. EVARTS. Mr. President, I ask attention to a statement that I made as to the arrangements for Thursday, to-morrow, at which there is to be a commemoration of my deceased colleagues. The commemoration of my deceased colleague, Mr. Cox, will be postponed for a week further, and to-morrow we shall proceed with the commemoration of Mr. Nutting and Mr. Wilber.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. 3571) to provide an American register for the barge Ottawa, of Philadelphia, Pa.

The message also announced that the House had passed a joint resolution (H. Res. 166) authorizing Ensign J. B. Bernardou, United States Navy, to accept two vases presented to him by the Government of Japan; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 209) to cause to be mustered William P. Atwell, with an amendment in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 3871) granting a pension to Kate Woodbridge Michaelis, and it was thereupon signed by the Vice-President.

EXECUTIVE SESSION.

Mr. FRYE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were reopened.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 17th instant approved and signed the act (S. 2784) to amend section 204 of the Revised Statutes of the United States, relating to the District of Columbia.

HOUSE RESOLUTION REFERRED.

The joint resolution (H. Res. 166) authorizing Ensign J. B. Bernardou, United States Navy, to accept two vases presented to him by the Government of Japan was read twice by its title, and referred to the Committee on Foreign Relations.

TRUSTS AND COMBINATIONS.

Mr. EDMUNDS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House of Representatives to the bill (S. 1) to protect trade and commerce against unlawful restraints and monopolies, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That both Houses recede from their respective amendments.
GEORGE F. EDMUNDS,
GEORGE F. HOAR,
Managers on the part of the Senate.
E. B. TAYLOR,
J. W. STEWART,
D. B. CULBERSON,
Managers on the part of the House.

The report was concurred in.

PURCHASERS OF OMAHA LANDS IN NEBRASKA.

Mr. ALLISON. I ask unanimous consent to call up the legislative appropriation bill.

Mr. MANDERSON. I appeal to the Senator from Iowa, before calling up the legislative appropriation bill, that he permit me to ask for and secure action upon a House bill on the Calendar, for the reason that there is an emergency requiring its passage. It is a bill to extend the time of payment to purchasers of lands of the Omaha tribe of Indians in Nebraska, and for other purposes. The time for payment expires on the 30th of

this month. The Committee on Indian Affairs has reported the House bill, with certain amendments to make the bill operative. It is essential that it shall become a law by the 30th day of June, and under these circumstances I ask the Senator from Iowa to allow me to call up the bill and ask the consent of the Senate for its consideration.

Mr. ALLISON. The view being to allow settlers further time to make payments?

Mr. MANDERSON. Yes, sir.

Mr. ALLISON. I feel constrained to yield if it will take no time.

Mr. MANDERSON. It will take no time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5974) extending the time of payment to purchasers of land of the Omaha tribe of Indians in Nebraska, and for other purposes.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 1, after the word "due," at the end of line 16, to insert:

And the Secretary of the Treasury shall retain in the Treasury all moneys heretofore and that may hereafter be paid as principal under the act approved August 7, 1882, and shall pay over 5 per cent. thereof annually to the Secretary of the Interior, to be expended by him annually for the benefit of said Indians as prescribed in section 3 of said act, and the Secretary of the Treasury shall pay all interest now in the Treasury to the Secretary of the Interior, to be by him paid over to said tribe, to be distributed to the members thereof pro rata by the agent of said tribe, and all interest hereafter coming into the Treasury shall be paid over and distributed to said tribe annually in like manner.

Mr. MANDERSON. I move to amend the committee's amendment by the words I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In line 24 of the amendment reported by the Committee on Indian Affairs, after the word "interest," it is proposed to strike out "now in the Treasury" and insert "has been paid on lands sold under said act;" so as to read:

And the Secretary of the Treasury shall pay all interest that has been paid on lands sold under said act to the Secretary of the Interior, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in section 1, line 29, after the word "act," to strike out "above mentioned" and insert "of August 7, 1882;" so as to read:

And provided, That the said act of August 7, 1882, except as changed or modified by this act, shall remain in full force and effect.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANDERSON. I move that the Senate insist on its amendments and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. MANDERSON, Mr. DAWES, and Mr. MORGAN were appointed.

PUBLIC BUILDING AT ALEXANDRIA, LA.

Mr. GIBSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 401) to provide for the construction of a public building at the city of Alexandria, State of Louisiana, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

Strike out all of the amendment and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office, and other Government offices, in the city of Alexandria and State of Louisiana, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$60,000.

"Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the

Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the state of Louisiana shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys."

And that the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate as to the title, and agree to the same.

R. L. GIBSON,
JOHN C. SPOONER,
Managers on the part of the Senate,
HERMAN LEHLBACH,
DANIEL KERR,
Managers on the part of the House.

The report was concurred in.

PUBLIC BUILDINGS IN WASHINGTON CITY.

Mr. DANIEL. I offer a resolution which I send to the desk, and ask for its present consideration.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read as follows:

Resolved, First. That the Committee on Public Buildings and Grounds be directed to inquire and report what additional public buildings in the city of Washington are needed for the General Government to carry on properly its necessary business and preserve and protect the public records, the estimated cost thereof and in connection therewith report the sums annually expended by the several Departments of the Government for rented buildings in the city of Washington.

Second. That the said committee do report, on or before the first Monday in December next, such legislation as may in their opinion be necessary in the premises.

Third. That if it be necessary to carry out the objects of this inquiry, said committee or a subcommittee be authorized to sit during the recess of the Senate.

Mr. ALLISON. I think that resolution might go over until to-morrow morning. It is morning business. I do not know the scope of it and I do not know that I am opposed to it at all.

Mr. DANIEL. I ask leave in a few words to explain the resolution. It is very obvious—

The VICE-PRESIDENT. Does the Senator from Iowa yield for that purpose?

Mr. ALLISON. The Senator can explain it to-morrow morning in the regular morning business.

Mr. DANIEL. I shall not be present to-morrow.

Mr. ALLISON. Very well. I yield to the Senator, but I hope he will be brief.

Mr. DANIEL. If there is any objection to it I shall not insist.

Mr. ALLISON. I will not object.

Mr. DANIEL. I shall only remark that it is very obvious to any one who has paid the least attention to the subject that the Government is exceedingly cramped and has not sufficient accommodations in the way of public buildings for the conduct of business, and many of the Departments are crowded, and every month and year—

Mr. ALLISON. I have read the resolution and I do not object to it. I think it is a proper resolution.

Mr. DANIEL. Every month and year that this is neglected will subject the Government to additional inconvenience and greatly enhance the expense. The sooner we attend to what is indispensably necessary for the good conduct of business the more economical and the better it will be.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. HARRIS. I suggest that the Senator modify the resolution by directing the committee to report by bill or otherwise.

Mr. DANIEL. Very well.

Mr. HARRIS. Let the Secretary insert the words.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In the second subdivision of the resolution, before the words "such legislation," insert "by bill or otherwise;" so as to read:

That the said committee do report on or before the first Monday of December next, by bill or otherwise, such legislation as may in their opinion be necessary in the premises.

The VICE-PRESIDENT. The question is on agreeing to the resolution as modified.

The resolution was agreed to.

RIGHT OF WAY THROUGH FORT LEWIS RESERVATION.

Mr. TELLER. I ask the Senator from Iowa [Mr. ALLISON] to allow me to call up Senate bill 3596. It is to grant the right of way across a military reservation. The railroad company is already building the road. They have got a license to go across, but they want the right of way. The bill is No. 1585 on the Calendar.

Mr. ALLISON. If it does not lead to debate I shall yield to the Senator from Colorado, as he has been pretty busy of late.

Mr. TELLER. It will not lead to debate.

There being no objection, the Senate, as in Committee of the Whole,

proceeded to consider the bill (S. 3596) granting to the Rio Grande Southern Railroad Company the right of way through the Fort Lewis military reservation in La Plata County, in the State of Colorado.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Rio Grande Southern Railway Company, a corporation created by the State of Colorado, be, and hereby is, permitted and authorized to locate, construct, equip, operate, and maintain a railway, telegraph, and telephone line through the United States military reservation in La Plata County of said State, known as the Fort Lewis military reservation, not exceeding 100 feet in width, subject to such conditions and requirements as may be prescribed by the Secretary of War; and as soon as said company has selected such line and right of way it shall present to and file with the Secretary of War a correct map or plat showing such located line for the consideration and approval or rejection and modification, as may be deemed necessary, by the Secretary of War; and no work of construction shall be commenced on or through said reservation until the selection of the route or line of such road shall be approved by the Secretary of War. Said company shall have the right, subject to the restrictions, limitations, and prohibitions deemed necessary by the Secretary of War, to take from any lands adjacent to said right of way such stone and earth as may be necessary for the construction and repair of said railway, but no timber; and the said company shall also have the right, for not exceeding one station for every 10 miles of said road through said reservation, to use and occupy such additional ground adjacent to the right of way, for station buildings, depots, shops, side-tracks, turn-outs, and water-stations, as may be deemed necessary and be approved by the Secretary of War, not to exceed 200 feet in width in addition to said right of way nor 3,000 feet in length, for the station; and the sites for such depots, etc., shall be approved by the Secretary of War before any work shall be commenced.

SEC. 2. That the right is expressly reserved to alter, amend, or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, returned to the Senate, in compliance with its request, the bill (S. 2865) granting to the Jacksonville, St. Augustine and Halifax River Railway Company a right of way across the United States military reservation at St. Augustine, Fla.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. 5183) for the relief of Dabney, Simmons & Co.;

A bill (H. R. 6018) for the relief of Thomas B. McElwee;

A bill (H. R. 8392) for the relief of William D. Matthews;

A bill (H. R. 9048) to confirm the title to certain lands in the city of Sault Ste. Marie and State of Michigan, and to release any reversionary right of the Government of the United States therein; and

A bill (H. R. 9523) authorizing the construction of a bridge over the Tennessee River at or near Guntersville, Ala., and for other purposes.

PRIVATE CLAIMS AGAINST FOREIGN GOVERNMENTS.

Mr. MORGAN submitted the following resolution; which was referred to the Committee on Foreign Relations, and ordered to be printed:

Resolved, First, that all private claims of citizens of the United States against foreign Governments presented to the Senate by petition or otherwise shall be referred to the committee now styled the Committee to Inquire into Claims of Citizens of the United States against the Government of Nicaragua, which shall be hereafter styled the Committee on Private Claims against Foreign Governments, and is hereby made a standing committee of the Senate.

Second, said committee shall receive any proofs that shall be offered in support of any such private claim and refer the same to the Department of State for consideration as to the legality and value of the same as evidence, and if said committee shall make any recommendation in respect of any such claim the same shall be reported to the Senate for consideration.

INDIAN LANDS IN THE INDIAN TERRITORY.

The VICE-PRESIDENT laid before the Senate a message from the President of the United States; which was read, and, on motion of Mr. EDMUNDS, referred to the Committee on Indian Affairs, and ordered to be printed, as follows:

To the Senate of the United States:

In response to the resolution of the Senate of the 16th instant, relating to the negotiations by the Cherokee Commission for the purchase of certain lands in the Indian Territory, I respectfully state that on the 24th day of May and the 12th day of June, respectively, agreements were signed by the Iowa and the Sac and Fox tribes, ceding to the United States certain of their lands. The contracts and accompanying papers were received at the Interior Department on the 2d and 17th days of June, respectively, and are now under examination by the proper officers of that Department. When these examinations are concluded the papers will, if found to be complete and conformable to law, be submitted to Congress.

EXECUTIVE MANSION, June 18, 1890.

BENJ. HARRISON.

REPORT OF AMERICAN HISTORICAL ASSOCIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Smithsonian Institution, transmitting the annual report of the American Historical Association; which, with the accompanying report, was referred to the Committee on the Library, and ordered to be printed.

Mr. HOAR submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed of the report of the American Historical Association for the year ending

December 31, 1889, 4,500 extra copies, of which 1,000 copies shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 1,500 for the use of the Smithsonian Institution and the American Historical Association.

UNVEILING OF THE HENDRICKS MONUMENT.

The VICE-PRESIDENT laid before the Senate the following communication; which was read, and ordered to lie on the table:

The Vice-President and Senate of the United States:

The executive committee of the Hendricks Monument Association requests the honor of your presence at the unveiling of the monument to the memory of the late Thomas A. Hendricks, at Indianapolis, on Tuesday afternoon, July 1, 1890, at 2 o'clock.

The recipient of this invitation, if expecting to attend, will please so notify the committee, in order that seats may be reserved on the platform.

Address:

JOHN A. HOLMAN, Secretary.

AMENDMENT TO A BILL.

Mr. REAGAN submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I now ask the Senate to proceed to the consideration of House bill 9066.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes.

Mr. ALLISON. I ask that the mere formal reading of the bill may be dispensed with, and that the committee amendments may be first considered, and considered in regular order as the bill is read. That is the usual method, and I hope it will be agreed to unanimously.

The VICE-PRESIDENT. The Chair hears no objection, and it will be so ordered.

The Chief Clerk proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, under the head of "Senate," on page 1, line 10, after the word "for," to strike out "salaries" and insert "compensation;" so as to read:

For compensation of eighty-four Senators, \$120,000.

The amendment was agreed to.

The next amendment was, on page 2, line 3, after the word "Senate," to strike out "three hundred and twenty-nine thousand seven hundred and sixty-eight dollars and ten" and insert "four hundred thousand eight hundred and forty-four dollars and ninety;" so as to make the clause read:

For compensation of the officers, clerks, messengers, and others in the service of the Senate, \$400,844.90, namely: etc.

The amendment was agreed to.

The next amendment was, on page 2, line 10, after the word "dollars," to insert "one telegraph page, at \$720, under resolution of the Senate of February 28, 1890," and in line 13, after the word "all," to strike out "four thousand eight hundred and sixty" and insert "five thousand five hundred and eighty;" so as to make the clause read:

Office of the Vice-President: For secretary to the Vice-President, \$2,200; for messenger, \$1,440; telegraph operator, \$1,200; one telegraph page, at \$720, under resolution of the Senate of February 28, 1890; in all \$5,560.

The amendment was agreed to.

The next amendment was, in the appropriations for office of Secretary of the Senate, on page 2, line 22, before the word "hundred," to strike out "seven" and insert "six," and in line 23, after the word "dollars," to strike out "or so much thereof as may be necessary;" so as to read:

Hire of horse and wagon for the Secretary's office, \$600.

The amendment was agreed to.

The next amendment was, in the same clause, on page 3, line 7, before the word "clerks," to strike out "five" and insert "six;" so as to read:

Six clerks, at \$2,100 each.

The amendment was agreed to.

The next amendment was, on page 3, line 14, to increase the total amount of appropriations for office of Secretary of the Senate from "\$62,418.90" to "\$64,418.90."

The amendment was agreed to.

The next amendment was, in the appropriations for clerks and messengers to committees of the Senate, on page 3, line 17, before the word "thousand," to insert "two;" so as to read:

Clerks and messengers to committees: For clerk of printing records, \$2,220.

The amendment was agreed to.

The reading of the bill was continued to line 10 on page 4. The PRESIDING OFFICER (Mr. PADDOCK in the chair). In line 4 the word "an" will be changed to "and."

Mr. ALLISON. On behalf of the committee I move to add, after line 10, what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 4, line 10, after the word "each," it is proposed to insert:

Assistant clerk to the Committee on Claims, \$1,440, under resolution of the Senate of December 21, 1890.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, in the appropriations for office of Sergeant-at-Arms and Doorkeeper of the Senate, on page 5, line 3, after the word "each," to insert:

Six additional messengers, at \$1,440 each, under resolution of the Senate of April 22, 1890.

The amendment was agreed to.

The next amendment was, in the same clause, on page 5, line 13, after the word "each," to insert:

Three additional skilled laborers, at \$1,000 each, under resolution of the Senate of April 22, 1890.

The amendment was agreed to.

The next amendment was, in the same clause, on page 5, line 21, after the word "each," to insert:

Three additional laborers, at \$720 each, under resolution of the Senate of April 22, 1890.

The amendment was agreed to.

The next amendment was, at the end of the same clause, on page 6, line 5, to increase the total amount of the appropriations for office of Sergeant-at-Arms and Doorkeeper of the Senate from "\$94,211.20" to "\$109,011.20."

The amendment was agreed to.

The next amendment was, in the appropriation for post-office of the Senate, on page 6, line 12, after the word "each," to insert:

Two additional mail-carriers, during the session, at the rate of \$1,200 per annum, under resolution of the Senate of March 4, 1890, \$808.80.

Mr. ALLISON. I desire to modify the amendment. In line 13, I move to strike out the words "during the session, at the rate of," before the word "one," in the same line, to insert "at," and in line 15, after the words "eighteen hundred and ninety," to strike out "\$808.80;" so as to read:

Two additional mail-carriers at \$1,200 per annum, under resolution of the Senate of March 4, 1890.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 6, line 18, to increase the total amount of the appropriations for post-office of the Senate from "\$15,788" to "\$16,596.80."

Mr. ALLISON. I move to change the total to \$18,188.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PLATT. The hour of 2 o'clock having arrived, I ask that the unfinished business may be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, being the bill (S. 894) to provide for the admission of the State of Wyoming into the Union, and for other purposes.

Mr. PLATT. There is no objection to its being laid aside.

Mr. ALLISON. I ask that the unfinished business may be laid aside informally, and that the Senate may proceed with the consideration of the legislative, etc., appropriation bill.

The PRESIDING OFFICER. The bill will be laid aside informally, and the Senate will proceed with the appropriation bill.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, in the appropriations for "folding-room" of the Senate, on page 7, line 9, after the word "dollars," to insert:

Six additional folders, during the session, at \$3 per day while actually employed, under resolution of the Senate of March 4, 1890, \$2,178.

The amendment was agreed to.

The next amendment was, on page 7, line 13, to increase the total amount of the appropriations for "folding-room" of the Senate from "\$12,130" to "\$14,308."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, on page 8, line 1, before the words "clerks," to strike out "twenty-five" and insert "twenty-six;" in the same line, after the word "at," to strike out "\$6 per day during the session" and insert "\$1,500 each;" and in line 3, after the word "each," to strike out "eighteen thousand one hundred and fifty" and insert "thirty-nine thousand;" so as to make the clause read:

For twenty-six clerks to committees, at \$1,500 each, \$39,000.

The amendment was agreed to.

The next amendment was, on page 8, line 6, after the word "committees," to strike out "during the session" and insert "at one thousand five hundred each;" and in line 7, after the word "each," to strike out "twenty-one thousand seven hundred and eighty" and insert "fifty-two thousand five hundred;" so as to make the clause read:

For clerks to Senators who are not chairmen of committees, at \$1,500 each, \$52,500.

Mr. MITCHELL. I hope the Committee on Appropriations will agree to amend their amendment by striking out the word "five," in line 2, page 8, and insert in lieu thereof the word "eight," the effect of which would be simply to pay these clerks to committees \$1,800 per annum instead of \$1,500, as proposed by the committee.

Mr. STEWART. I hope that will be done.

Mr. ALLISON. That has been passed, and we are now on the next paragraph.

Mr. MITCHELL. Then I ask that it be considered open.

Mr. ALLISON. If there is to be a controversy on that subject, I think we should have a fuller Senate.

Mr. MITCHELL. Let it go over, then.

Mr. STEWART. That can be considered as open.

The PRESIDING OFFICER. The Chair understands the Senator from Oregon to withdraw his amendment temporarily.

Mr. MITCHELL. The chairman of the committee says the matter can go over and be considered later on with a fuller Senate.

Mr. GIBSON. The amendment of the Senator from Oregon would strike out "five," in line 6, and insert, "eight," as well as in line 2?

Mr. MITCHELL. Certainly; it relates to both paragraphs.

The PRESIDING OFFICER. The two paragraphs may be passed over temporarily.

Mr. ALLISON. If this question is to be opened up, I think we may as well decide it at one time as another.

Mr. MITCHELL. All right.

Mr. ALLISON. The Committee on Appropriations did the best they could with this matter of committee clerks and clerks to Senators, and have increased the present compensation as much as the committee believed it ought to be increased at this session.

Mr. MITCHELL. I do not desire now to get into much of a controversy—

Mr. ALLISON. I will say to the Senator that so far as I am concerned, representing the Committee on Appropriations, I desire to have no controversy about it. It is a matter that concerns the whole body of the Senate. We have, as will be seen, increased very largely the expenses of the Senate by these two amendments; and if Senators are not satisfied with what we have done, then we must leave them to their own view respecting it.

Mr. MITCHELL. Mr. President, I wish in a word to call the attention of the Senate to the facts to show how great an injustice, as it seems to me, this works in reference to certain clerks and in reference to certain Senators and certain committees. There are fifty-three committees, all told, in the Senate, including those that are permanent and those that are special. Of those fifty-three committees twenty-five have annual clerks, and have had for some time. None of those clerks are paid less than \$1,440, and only two of them so low as that, and their compensation runs up as high as \$3,000 per annum.

Mr. DOLPH. Those who are paid \$1,440 are assistant clerks.

Mr. MITCHELL. Those are assistant clerks.

Mr. DOLPH. No annual clerk to a standing committee is paid less than \$2,220.

Mr. MITCHELL. I was about to state that no clerk of a standing committee is paid less than \$2,220 per annum, while at least one of them, the principal clerk to the Committee on Appropriations, is paid \$3,000. There is an assistant clerk to the Committee on Appropriations, which we all agree is very necessary and proper, and he is paid \$2,220. The Committee on Printing has an annual clerk who is paid \$2,220; the Committee on Finance has an annual clerk who is paid \$2,500; the Committee on Claims has an annual clerk paid \$2,220, and I believe it has had an assistant all the while also.

Mr. ALLISON. Since last winter.

Mr. MITCHELL. Since last winter, the chairman tells me. The Committee on Commerce has a principal clerk who is paid \$2,220, and an assistant clerk who is paid \$1,440. The Judiciary Committee has a principal clerk who is paid \$2,220. That committee, I believe, also has an assistant clerk most of the time, perhaps all the while. As to the Committee on Private Land Claims, there is not very much business, I presume, in that committee, but it has an annual clerk who receives \$2,220. The Committee on Pensions (of course there is a great deal of work in that committee, as we all agree) has a principal clerk who is paid \$2,220, and an assistant clerk who is paid \$1,440.

The Committee on Military Affairs has an annual clerk who is paid \$2,220; the Committee on Post-Offices and Post-Roads has an annual clerk who is paid \$2,220; the Committee on the District of Columbia has an annual clerk who is paid at the same rate, \$2,220; the Committee on the Library has an annual clerk at \$2,220, and the Committee on Naval Affairs also. The Committee on Foreign Relations has an annual clerk who is paid \$2,220, and it has an assistant clerk, I think, most of the time. The Committee on Public Lands has an annual clerk at \$2,220; the Committee on Contingent Expenses has a clerk at \$2,220; the Committee on Indian Affairs has a clerk at the same rate; and the Committee on Public Buildings and Grounds also. The Committee on Agriculture and Forestry has an annual clerk at \$2,220; the Committee on Education and Labor has an annual clerk at \$2,220; the Committee on Rules also an annual clerk at \$2,220; the Committee on Territories has an annual clerk at \$2,220; the Interstate-Commerce Committee has an annual clerk at \$2,220, and the Committee on Epidemic Diseases has also an annual clerk at \$2,220.

Now, the proposition of the Committee on Appropriations is to place the clerks to Senators who have no committees, and clerks to committees not otherwise provided, and which I have not mentioned, in the

annual list, but it only proposes to pay them \$1,500 a year. There is no controversy with the committee on any point except upon the simple question as to whether these outside clerks to committees not named specially and clerks to Senators who have no committees should receive \$1,500 or \$1,800 a year.

I submit to the chairman of the Committee on Appropriations and to the Senate that a man who is fit to be an annual clerk to any committee of the Senate or any Senator ought to receive at least \$1,800 per annum. The service is taken for the whole year, and the clerk ought to have reasonable compensation; and I submit that \$1,800 is not unreasonable. That is all I desire to say.

Mr. STEWART. Mr. President, I hope the amendment offered by the Senator from Oregon will be adopted.

Mr. MITCHELL. I will state, by the way, before I close, that I have no word of complaint to find against these other committees. I make no complaint of that kind. I know that important committees of the Senate must have valuable clerks and more than one of them.

Mr. STEWART. I think the class of service and the amount of work required ordinarily of a clerk to a Senator who discharges his duty to the public is certainly equivalent to the work required from any \$1,800 clerk in the service of the Government. I will undertake to take up the ordinary pay to clerks in the various Departments of the Government and show that for like services they usually get more pay. I think that the very important position of clerk to a Senator or clerk to a committee should be occupied by a competent person, and that he should be reasonably paid. I do not believe in extravagant salaries. Eighteen hundred dollars a year is not too much. These clerks ought to have that much. In the case of the committees that are selected, where there are extra services to be performed I do not object to \$2,200 being paid to the clerks.

Mr. GRAY. Do I understand that the sum fixed by the committee is \$1,500?

Mr. STEWART. It is \$1,500.

Mr. GRAY. I agree with the Senator from Nevada that \$1,800 is the proper amount.

Mr. STEWART. That would be a reasonable compensation.

Mr. MITCHELL. That is my amendment.

Mr. GRAY. That is the Senator's amendment.

Mr. STEWART. That is the amendment, and I think that is reasonable. The business of Senators, it ought to be understood, is increasing very rapidly. The correspondence of every Senator is accumulating beyond all comparison with what it was formerly. The public expect a reply to every letter, and every reasonable business letter must be replied to, and the labor is enormous. It requires a high degree of intelligence to relieve a Senator from the personal attention he can not give to his correspondence and to other business.

More than that, we deny to Senators the franking privilege which all the Departments have. Senators are taxed very largely. My tax is very heavy in paying postage on letters upon public business. It amounts to the salary of a clerk constantly, besides the labor connected with the correspondence that is imposed upon Senators. I do not propose to change that, but if that labor is to be performed which the public expect Senators ought to have competent assistants, and \$1,800 is as low as competent persons can be secured for those positions, unless it be understood that Senators shall not be called upon to answer their correspondence and attend to the public business devolved upon them. If we are to be relieved from that labor, very well, but the system is such that it is now required, and it seems to me that it may as well be understood in the country that we will discharge the duty and we will have such assistants as will make the discharge of this duty possible. Eighteen hundred dollars paid would be a reasonable compensation, and if proper service can be required then it will be the duty of Senators to answer business letters thoroughly, and the people then may have a right to expect them to do so.

Mr. GIBSON. Mr. President, I am heartily in favor of increasing the compensation proposed from \$1,500 to \$1,800 a year. I think a false impression prevails in the country about the duties of clerks or secretaries to committees of the Senate. They are in no sense secretaries or clerks of the Senators personally. They are appointed by the Senate of the United States and assigned to particular Senators, who point out the duties that they are to perform. Those duties relate not to the personal affairs of Senators, but they are public duties.

We all know that the duties which are imposed upon the secretaries assigned to Senators are public in their character, and I venture to say that it will be utterly impossible for any Senator to procure a clerk who would perform the duties that these clerks are called upon to perform at less than \$1,800 a year. That is a very reasonable and moderate compensation. It is not as much as they have received during the very long sessions of Congress, when we did not adjourn until late in October, at the rate of \$6 a day.

Mr. ALLISON. Mr. President, the number of committees having annual clerks at this time, I believe, is twenty-two or twenty-three, and it is true they receive \$2,220 each except two or three, who have a higher compensation. These committee clerkships have been made annual from year to year, on the motion of the committees in the open Senate. The Committee on Appropriations has not undertaken to dic-

tate in this matter in any respect, and it did not believe that it was wise to reorganize, as would be required, the entire force of the Senate as respects the compensation which is paid to clerks of committees.

The Senator from Oregon alluded incidentally to what may appear to be excessive compensation to clerks of certain committees. Whilst that may be true, the Committee on Appropriations did not see proper to interfere with it. Many of the committees which are here provided for, I think I can say without offense to Senators, are unimportant committees relatively. Several of them are select committees and temporary in their character and in their uses to the Senate.

It has been usual for some years to pay to clerks of Senators the same compensation that has been paid to the clerks to what are known as the minor committees of the Senate. In any arrangement or adjustment that we make here as respects these committees it will be necessary, it seems to me, for us to provide the same compensation to clerks of Senators.

Mr. STEWART. I agree to that.

Mr. ALLISON. Now, if the Senate on deliberation thinks that at this time we can enter into a contest with the House of Representatives, which has been a long contest, as respects this question, then of course the Committee on Appropriations can find no fault with it; but I submit to Senators that having in this bill, in pursuance of a recommendation made to the committee by a great body of the Senators, increased the compensation of these clerks to the extent of \$1,000 for a Congress, or an average of \$500 a year, it is substantially all that we ought to do at this session. That is all there is in this question.

Mr. MITCHELL. The chairman of the committee understands that my amendment relates to both.

Mr. ALLISON. I understand that it relates to both. Now, all I desire is that there shall be a ye-a-and-nay vote upon this amendment. I ask for the yeas and nays upon it.

Mr. MORRILL. Mr. President, I desire to say that so far as a large number of the committees are concerned the chairmen derive scarcely any benefit at all from the clerks. I have had hardly any for the last two months of the clerk of the Committee on Finance for any business of my own. So it would be decidedly for my interest to go outside and be without any committee and have a clerk. I do not myself believe in appointing clerks for Senators for anything more than during the session. So far as the clerks of committees are concerned, I want to say that, taking the Committee on Appropriations, the Committee on Foreign Relations, the Committee on Pensions, the Committee on Claims, and a great many of the committees, the chairmen do not derive any benefit, or scarcely any benefit, at all from the clerks.

Mr. STEWART. Mr. President, I do not intend to enter into a discussion of the comparative labor performed by the clerks of different committees, and make any invidious distinction about that. I undertake to say that the clerk of any Senator who is fit for the place and who discharges the public duties that belong to a clerk of a Senator is entitled to \$1,800 a year; that that is reasonable; and that he can also, where the duties of the committee are not very onerous, discharge the duties of a committee clerk. I would not ask any additional compensation in that case. There may be even in \$1,800 an inequality; one may do more than another; but if we take what would be an economical and reasonable compensation for a competent person to discharge these duties and fix that salary, I think we shall be justified in every way. We might go through the list and take particular men, and say some ought to be given one amount and some ought to be given another, that \$2,220 is too much for this one and that one, but I do not propose to disturb those who are classified.

I simply say that where a person is qualified to discharge the duties devolved upon a Senator's clerk in aiding him to go to the Departments and get information and to write letters and to do the business that devolves upon a Senator (and it is growing all the time) that officer should have a compensation of at least \$1,800, so that a competent person can be secured to discharge the duties.

That is all I have to say. I do not propose to discriminate; and I should like to have the sense of the Senate upon the question. I think the public service is better performed by giving reasonable compensation, not excessive compensation. I believe it is in the line of economy and the proper discharge of the duties. I believe the public would be better served by it. Without any discussion as to the merits of different persons, I say that any person fit for the place should receive \$1,800 a year.

Mr. HOAR. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon [Mr. MITCHELL] to the amendment of the Committee on Appropriations, which will be stated.

The CHIEF CLERK. On page 8, line 6, it is proposed to strike out the word "five" before "hundred" and insert "eight;" so as to read:

For clerks to Senators who are not chairmen of committees, at \$1,900.

Mr. MITCHELL. The amendment before that comes first in line 2, on page 8.

The PRESIDING OFFICER. That amendment will be stated.

The CHIEF CLERK. On page 8, line 2, it is proposed to strike out

the word "five" before the word "hundred" and insert "eight," so as to read:

For twenty-six clerks to committees, at \$1,800 each.

The PRESIDING OFFICER. Upon this question the Senator from Iowa [Mr. ALLISON] demands the yeas and nays.

The yeas and nays were ordered.

Mr. BLAIR. Mr. President, the proposition is, as I understand it, to pay the clerks who simply act as clerks of Senators, not as clerks of committees, the same that is paid to those clerks who perform the duties appertaining to a Senator plus the duties of the committee.

Mr. MITCHELL. That is not this proposition at all. This proposition is to pay the clerks of committees, who are not annual clerks, \$1,800 a year, instead of \$1,500 a year as proposed by the Committee on Appropriations.

Mr. HARRIS. As I understand, the status of this question is precisely this: Under the law as it now stands committee clerks, not annual, are paid \$6 a day during the session, and only during the session, and the clerks to Senators are paid the same during the session. Now, instead of paying these clerks \$6 per day during the session, this bill proposes, as reported from the committee, to pay them \$1,500 a year. It is evidently a very considerable increase, taking two years to a Congress, to the pay of these employes.

Mr. ALLISON. An increase of a thousand dollars.

Mr. HARRIS. Instead of paying \$1,500 a year, an increase of \$1,000 a Congress, as the compensation of these employes, the Senator from Oregon proposes to make it \$1,800 a year.

Mr. HOAR. It is an increase of a thousand dollars for a Congress of two years.

Mr. HARRIS. I say a thousand dollars for a Congress.

Mr. MITCHELL. I presume the Senator from Tennessee would not care to see any rule established, or continued if established, that would work great injustice and was unequal in every sense of the word. I think if put to the test I could name at least two, if not three, committees of this body who have annual clerks receiving \$2,220 that perhaps have not had two meetings of the committee this session, and have reported perhaps not more than one bill, and perhaps not any.

My object is to try and equalize this thing. I do not refer to the Committee on Claims, of course, or to the Committee on Appropriations, but the fact is that it has been the custom, after having provided for three or four of the committees of this body that we all agree ought to have not only a clerk, but an assistant clerk who ought to be paid well, to come in at each session of Congress, first one chairman of a committee with a resolution backed up by his committee asking that his clerk be made a permanent annual clerk, and it has been done time and time again, until now instead of the four or five committees that we all concede ought to be thus equipped, there are twenty-five of the standing committees of this body and some that are not standing that have annual clerks who are paid \$2,220 per annum.

When a proposition is made to put the remainder of the committees on an equal footing, if you please, not paying their clerks \$2,220, not paying them even \$2,000, but the proposition is to pay them \$1,800, the objection comes from certain sources that that is expensive and should not be done. It seems to me an objection of that kind comes with rather poor grace from certain parties. I do not mean from the Appropriations Committee either, because my understanding has been that the Appropriations Committee has from the first rather fought off this thing of supplying committees with annual clerks at an annual salary. But the thing has been done, nevertheless, until, as I say, we have twenty-five of the committees of this body now with annual clerks, when not one-half of the number have any considerable amount of business in their committees or certainly not enough to justify the employment of annual clerks at \$2,220 per annum. If they have, and if there are twenty-five committees of this Senate which have business to justify that, then I insist that the remainder of the committees have business enough to justify annual clerks at the rate of \$1,800.

Mr. INGALLS. Mr. President, the committee of which I have the honor to be chairman has an annual clerk at the compensation, I think, of \$2,220 per annum. I therefore have no special reason to complain, but at the same time I feel justified in saying that, in my opinion, the whole committee and clerical force of the Senate requires readjustment. There are at least twenty of the standing and select committees of this body that are absolutely superfluous and unnecessary. It has been difficult to find names and invent functions for them. They have been created and established merely for the purpose of assigning some Senator to a chairmanship, giving him a room, and providing for him a clerk, and, in addition, practically a messenger also. Now, to pay the clerk of a committee that has nothing whatever to do \$1,800 a year is to make him practically the private secretary of the chairman of the committee, with no other duties or functions, and that I respectfully submit is injurious to the chairmen of those committees which have work to do and who can avail themselves of the services of their clerks but a very small portion of the time.

I am therefore prepared to say that, in my judgment, the committees of this body should be largely reduced. They ought to be brought down to the proportions of the business that is to be transacted, and

the clerks who are assigned to committees ought to do committee work and nothing else.

Then we shall come to the consideration of the question what shall be done for those Senators who are not chairmen of committees and who have no opportunity of availing themselves of clerical assistance. I am prepared to admit also on that point that, considering the enormous increase of the public business and the tremendous exactions upon the time and strength of those who are engaged in the public service, the period has long passed when any individual Senator can personally perform the duties which are devolved upon him by the requirements of the public service.

Since this Administration came in I have accumulated nearly thirty volumes of copied letters, of 500 pages each, in addition to a vast number of letters which have not been copied that have been merely answers to formal requests for seeds or public documents, of which no copy was required. I have a monthly impost upon my income of from \$30 to \$60 for postage alone, and I am allowed by this Government \$125 annually for the payment of postage, for newspapers, and for stationery.

It was well enough when there were ten or twelve million people in this country, when there were a dozen or fifteen or twenty States, when the business was of infinitely diminished proportions from what it is to-day, to talk about the discharge of his duties by a Senator in person. In many cases the correspondence, the public duties, the demands upon the time of a Senator from a great State are equivalent practically to the duties of a Department of this Government fifty years ago.

Therefore, I say that the whole system ought to be readjusted, and every member of this body ought to be assigned a clerk as a Senator, and we ought not to be compelled to resort to the subterfuge of chairmen of committees for which there is no use before we can obtain the necessary clerical service to enable us to discharge our duties to our constituents. If it were that one's obligations were confined to one's own immediate constituents, it might be different, but there is no Senator of long service here whose correspondence does not extend into every State and every Territory in the Union upon all subjects that are engrossing public attention; and to say that in addition to the demands made upon our time for the consideration of great public questions, the duties of debate, work in committees, study upon questions which are likely to engage public attention, we should be required to run the errands of the people of all the States in this Union to the Departments and attend to pensions, public lands, post-offices, and everything that engages the attention of the individual, without clerical assistance, is absurd and preposterous. It is a demand beyond the strength or the capacity of any living human being. It ought not to be a man merely of the capacity of a messenger; it ought not to be a person who shall be an errand boy to fetch and carry. The man who is to serve a Senator in this capacity should be an accomplished typewriter and stenographer in addition to being able to write a good clerical long-hand, and equal to the chief clerk of a Department or bureau in this Government, and I suggest that \$1,800 per annum is a very reasonable compensation for such services as are required.

I do not think that it is a matter that concerns us what the House of Representatives may think or do. I heard, with some regret, the Senator from Iowa, the chairman of the committee, intimate that it would be difficult to secure the co-operation of the House of Representatives to an appropriation for this purpose. That is, in my judgment, a violation of the proprieties of debate. It is a departure from the independence that ought to characterize the proceedings of the two Houses. I could, if I would, make some comments upon the House of Representatives myself, which might be interesting, but I forbear. It is sufficient to say that in my judgment the Senate is an independent organization and the House is an independent organization, and it is immaterial, or should be, to any member of this body when considering a question affecting the rights of the members thereof or the duties of its membership, what the House of Representatives may do or may not do.

At the same time we must be practical; we want to obtain results; and while I think that \$1,800 would not be too much, that we could justify ourselves by asking that amount of compensation, still, if it appears that \$1,500 is all that can be obtained reasonably in view of present circumstances, I shall hope that the friends of this measure, among whom I am to be enumerated, would agree with the chairman of the Committee on Appropriations and relieve him from embarrassment, because we can not readjust this whole question now, and if it can be readjusted hereafter then the compensation which is asked for by the Senator from Oregon, of \$1,800 per annum, will furnish every member of this body an annual clerk at an aggregate not to exceed the amount now paid for such services.

The VICE-PRESIDENT. The pending question is on the amendment of the Senator from Oregon [Mr. MITCHELL] to the amendment reported by the Committee on Appropriations, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BLAIR (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. DIXON (when his name was called). I have a general pair with

the Senator from South Carolina [Mr. HAMPTON]. I am informed by Senators on the other side that he would vote "yea" on this question if present, and therefore I will vote. I vote "yea."

Mr. HIGGINS (when his name was called). I am paired on political questions with the Senator from New Jersey [Mr. MCPHERSON], who is absent from the Senate. As this is not a political question, I will vote. I vote "yea."

The roll-call was concluded.

Mr. PASCO. I announce my pair with the Senator from Illinois [Mr. FARWELL]. In his absence, I withhold my vote.

Mr. WALTHALL. On this question I am paired with the Senator from New Jersey [Mr. BLODGETT]. If he were present, I should vote "nay."

Mr. FAULKNER. I am paired generally with the Senator from Pennsylvania [Mr. QUAY]. I do not know how he would vote on this question if present, and therefore I withhold my vote.

The result was announced—yeas 28, nays 18; as follows:

YEAS—28.			
Allen,	Dixon,	Higgins,	Power,
Call,	Dolph,	Hoar,	Spooner,
Cameron,	Eustis,	Mitchell,	Stewart,
Carlisle,	Everts,	Moody,	Stockbridge,
Chandler,	Gibson,	Morgan,	Teller,
Colquitt,	Gray,	Paddock,	Vance,
Daniel,	Hearst,	Payne,	Wolcott,
NAYS—18.			
Allison,	Frye,	Hawley,	Pugh,
Bate,	George,	Ingalls,	Vest,
Berry,	Gorman,	Morrill,	Wilson of Md.
Cockrell,	Hale,	Pierce,	
Coke,	Harris,	Plumb,	
ABSENT—38.			
Aldrich,	Dawes,	McPherson,	Sherman,
Barbour,	Edmunds,	Manderson,	Squire,
Blackburn,	Farwell,	Pasco,	Stanford,
Blair,	Faulkner,	Pettigrew,	Turpie,
Blodgett,	Hampton,	Platt,	Voorhees,
Brown,	Hiscock,	Quay,	Walthall,
Butler,	Jones of Arkansas,	Ransom,	Washburn,
Casey,	Jones of Nevada,	Reagan,	Wilson of Iowa.
Cullom,	Kenna,	Sanders,	
Davis,	McMillan,	Sawyer,	

So the amendment to the amendment was agreed to.

Mr. MITCHELL. I ask that the amendment of the committee, in line 3, on the same page, inserting \$39,000, be stricken out, and \$46,800 inserted instead, which is necessary in order to meet the increase.

Mr. ALLISON. You mean to strike out "\$18,150," as it stood in the bill originally, and insert "\$46,800."

Mr. MITCHELL. I mean to strike out "\$39,000" and insert "\$46,800."

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee as amended in line 2.

The amendment as amended was agreed to.

The VICE-PRESIDENT. The amendment now proposed by the Senator from Oregon to the amendment of the committee will be stated.

The CHIEF CLERK. On page 8, in line 3, it is proposed to strike out "\$39,000" and insert "\$46,800;" so as to make the clause read:

For twenty-six clerks to committees, at \$1,800 each, \$46,800.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. MITCHELL. I move now to amend the amendment of the committee by striking out the word "five," in line 6, on page 8, and inserting in lieu thereof the word "eight;" so as to read "\$1,800," instead of "\$1,500."

Mr. ALLISON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MITCHELL. The effect of this amendment is simply to give those Senators who are not chairmen of committees clerks at the rate of \$1,800 per annum.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 8, line 6, before the word "hundred" it is proposed to strike out "five" and insert "eight;" so as to read:

For clerks to Senators who are not chairmen of committees, at \$1,800 each.

The VICE-PRESIDENT. The question is on this amendment, on which the yeas and nays have been ordered.

Mr. COCKRELL. Mr. President, I find that we have forty-two committees known as standing committees and eleven known as select committees, and that we have annual clerks to the Committees on Appropriations, Finance, Claims, Commerce, Judiciary, Private Land Claims, Pensions, Military Affairs, Post-Offices and Post-Roads, District of Columbia, Naval Affairs, Joint Committee on the Library, Census, Foreign Relations, Public Lands, Indian Affairs, to Audit and Control the Contingent Expenses of the Senate, Public Buildings and Grounds, Agriculture and Forestry, Education and Labor, Territories, Interstate Commerce, Epidemic Diseases, and Rules, at \$2,220 each; and assistant clerks to the Committees on Pensions and Commerce, at \$1,440 each.

I agree with the distinguished Senator from Kansas [Mr. INGALLS] that we should reorganize the committees and cut them down and re-

duce them to such point as the business capacities of the Senate require, and then let every Senator have his clerk. He has just as much use for a clerk, not being the chairman of a committee, as he has being the chairman of a committee, and no Senator upon this floor who does his duty honestly, faithfully, and conscientiously can perform the labors which are imposed upon him individually. It is more than any one man's power, mental and physical, can do, and if we do what our constituents call upon us to do, we must have assistance and we must have it in the form of a clerk.

Then we have, as has just been adopted, twenty-six clerks who are not annual clerks and whose salaries by the vote of the Senate have been placed at \$1,800. Now, the question before the Senate is what shall the clerks of Senators have who are not chairmen of committees, many of which are merely nominal and have no duties to perform, \$1,500 or \$1,800?

I voted in the committee and co-operated with the chairman in fixing the amount of the compensation of these clerks to committees and of the clerks to Senators at \$1,500 each. But the Senate has decided that the clerks to the chairmen of the select committees and other committees and the clerks who are not annual shall have \$1,800. Now, I say it is but a matter of justice and right that Senators' clerks should have just as much as these others.

Fortunately or unfortunately, I am the chairman of a standing committee, but I have not an annual clerk. He is only a session clerk. The vote which has been given putting this clerk at \$1,800 gives my clerk \$1,800 a year. That committee is a mere nominal committee, as everybody knows, but it is no more nominal than twenty or thirty others, and it has just as much work to do, and I have the services of that clerk as completely as any Senator has the services of his clerk, and there should be no discrimination and no distinction.

We already have too much discrimination. We already have too many of these committees which have annual clerks where the committees do nothing on the face of God's green earth from the beginning to the end of the year. We all know that, and it is not worth while to disguise it.

Now, why have these committees to be multiplied and increased? Every Senator knows it has been for the purpose of giving to the chairman a clerk and giving him a committee-room.

I can do, I think, as much work as almost any living man, and I know that I can not possibly sleep over six hours a night on account of the work that is imposed upon me by my constituents, and I can not do it as I should like to do it even with the assistance of a clerk, staying in my house and working night and day—a stenographer and typewriter at that.

But we should make no distinctions; and now that we have no necessity for this large number of committees we should change them, we should reduce them, giving the committees the committee-rooms, and then give Senators who desire it without the mere formality of the chairmanship of a committee, committee-rooms in which to do their work.

I am placed in an awkward position in regard to this. In co-operation with the chairman of the Committee on Appropriations, being one of the subcommittee, I voted to place all these clerks at \$1,500, and I voted against the amendment of the Senator from Oregon to increase them. But the clerks of the select committees have been increased, and now what am I to do about the others? I am chairman of a committee, and my clerk will get \$1,800 a year; and now shall I turn around and say that clerks to Senators shall only have \$1,500 a year. I am sorry the chairman of the committee has called for the yeas and nays on this amendment, because I shall have to reverse my vote.

Mr. STEWART. That is right. Reverse your vote. You were wrong the first time.

Mr. COCKRELL. I did not think I was wrong the first time.

Mr. ALLISON. I called for the yeas and nays in order that it may be placed upon the record how strong we are respecting this question.

I agree very much with the statement made by the Senator from Missouri. Many of these clerks of committees have little to do. That is perfectly well known. I need not mention those committees. Therefore the clerks whose salaries have already been fixed are practically the clerks to certain Senators, and there is great force in what has been said by the Senator from Missouri. But I want the Senate, if that is its opinion, to express that opinion in a way that we all shall understand it.

Mr. STEWART. That is right.

Mr. ALLISON. Now, I wish to say a word respecting the situation of a good many members of this body.

The Committee on Appropriations has a clerk who is paid a compensation which is not more than adequate to the services he renders. He is here during all the summer except for a brief vacation, preparing the work of the committee from year to year. His services, as every member of that committee knows, are invaluable to the committee. In addition to that we have an assistant clerk to that committee who is also an accomplished and able young man. Neither the assistant nor the clerk of the committee has been able to do any work—not for me, but for my constituents, because the clerks that are employed here, whether for Senators or for committees, are employed not in the private

affairs of Senators, for very few of them have private affairs; I know I have none; I do not need the services of a clerk to write two private letters a month; I have no business occupation that requires my attention; and yet with the assistance of the clerk and assistant clerk this session I have been compelled in order to do the work of my constituents to employ and pay out of my own pocket the compensation of an additional clerk.

So the result is that although there are criticisms here with respect to these committee clerks, the fact turns out to be that those Senators who have no committee clerks are the best served under the arrangement we have made.

Nothing would give me greater pleasure than to be able to secure the services of a man who could earn \$1,800 a year in the matters pertaining to my constituents, but I have not under this amendment now the benefit of that situation at all, being chairman of a committee that has a great amount of work to do as respects the public business.

It is not that I desire especially to draw a discrimination between these clerks and the clerks of Senators that I asked for the yeas and nays upon this question, but I want the judgment of Senators put upon the record as respects this matter of compensation and as to the character of men who shall be employed by Senators. I know very well that if any Senator upon this floor belonging to either political party discharges the duties which are laid upon him by his constituents, it is necessary for him to occupy most of his own time and the time of a man well qualified for the transaction of detail business in the Departments besides.

Therefore it is, Mr. President, that in calling for the yeas and nays I simply want the judgment of the Senate in respect to this matter. I think we are making a mistake in placing this compensation at the sum proposed by the Senator from Oregon, but whatever it is I shall endeavor to sustain it and maintain it wherever I can, if that is the judgment of the Senate.

Mr. VEST. May I ask the Senator does this amendment now pending put all the salaries at \$1,800?

Mr. ALLISON. All of them.

Mr. VEST. Without any distinction?

Mr. STEWART. All of them, without distinction.

Mr. MITCHELL. That is why I move this amendment. It is unjust, of course, in every sense of the term to put the salaries of the clerks of committees, many of whom have very little work to do, at \$1,800 a year and pay the clerks of Senators who have no committee chairmanships at \$1,500 a year. Therefore, I move to put them all on the same basis.

Mr. HALE. Mr. President, the tendency all the while is to increase the force of the Senate and to increase its pay, and some day or other the result of it will be that public attention will be called to the expenditures of the body, and if a scandal is not created, at any rate great public censure will be visited on this body.

The truth is that the salaries of the employes in this body are by no means properly adjusted. The chairmanships of the committees are not properly arranged. There are clerkships of twenty-two hundred and odd dollars that ought not to be more than \$1,500. There are some committees the pay of whose clerks possibly ought to be raised; but, in my judgment, any step that the Senate takes now in the direction of raising the pay of its force, instead of a general increase, ought to be in the way of adjusting and fixing the salary that should be paid to committee clerks something in accordance with the work they do.

It is also a fact, Mr. President, that the best-paid places in the whole range of the Government are the subordinate places about the Senate. For the same work, for the same time, for the same responsibility, they are better paid than any other employes of the Government in any Department. They are the most desirable places. There is no man holding a clerkship in any of the Departments or in the House of Representatives who if he could change to a corresponding place in the Senate would not be glad to do it. The rates are higher, the vacations are long, the duties are not onerous, and in my judgment the Senate will make a mistake if it adds to its expenditures now in the direction the Senate is evidently inclined.

Mr. VEST. May I ask the Senator a question?

Mr. HALE. Certainly.

Mr. VEST. I should like to hear from the Committee on Appropriations what are the relative expenditures of the House of Representatives and of the Senate.

Mr. HALE. I can not give the figures in that regard.

Mr. ALLISON. They are nearly equal.

Mr. HALE. They are very nearly equal. Of course pretty much everything in one body is duplicated or paralleled in the other body. There are the same number of committees, or about the same, and, with the exception of perhaps the folding-rooms and one or two other offices, the employes are about the same number. I think that with the much larger body that the House is to-day, the expenditures for its official force are but a little above those of the Senate. The Senate is constantly going on and increasing. It seems to be the fashion for every man who comes into a subordinate place in the Senate to at once, the

moment he has got into a good place, begin to importune his Senator to get him raised, and Senators do not withstand the pressure, and they make the same effort to increase the compensation of their clerks and others who are here by their recommendations that they would make to get them into these places, and all the while the Committee on Appropriations has to withstand, as far as it can, these advances.

What I wish is that some committee would take charge of this matter, having ample time, and go over the whole scale of the committees of the body and classify them. A few clerks should have, perhaps, \$2,000 or \$2,200, another portion \$1,600 or \$1,800 possibly, and the clerks to other committees who have little to do \$1,500. I think there can be no difficulty in getting good men to fill these places, and we should thereby not add to the expenses of the Senate.

Mr. MITCHELL. May I make a suggestion to the Senator?

Mr. HALE. Certainly.

Mr. MITCHELL. Does not the Senator from Maine believe that there has been quite an amount of material furnished within the last two or three sessions of the Senate for scandal by Senators coming first one and then another, backed up by their committees, recommending and asking that their particular secretary or clerk be placed in the annual list at a salary of five or six or seven hundred dollars more than you propose to pay others?

Mr. HALE. I think that has been an evil.

Mr. MITCHELL. Will not the proposition now, instead of having the tendency to lead to scandal, have a tendency to prevent it?

Mr. HALE. The aggregate expenditure will be raised.

Mr. MITCHELL. The Committee on Appropriations themselves have already laid down a programme, first of putting up the salary. The only controversy here is whether it should be \$1,500 or \$1,800.

Mr. HALE. Of course the larger sum increases the expenditure of the body, and some day attention will be called to it.

What the Senator has referred to has led to just the condition we are in now. Every session Senators have come in at the solicitation of their clerks and by unanimous consent have got resolutions through putting their clerkships up to \$2,200, and when there was nothing commensurate in the work of the committee to that salary, and out of that has sprung this natural desire which Senators have. I see it and I appreciate it, but we ought not to forget the other side of the question, and we ought not to forget that some day or other there will be a reckoning for us.

Mr. ALLISON. I only desire to answer the Senator from Missouri [Mr. VEST] as respects the relative expenditures of the House of Representatives and the Senate. As this bill came to the Senate the expenditures provided for amounted to \$329,000 for the Senate and the corresponding expenditures for the House to \$392,000; but owing to a large increase of the force—not a large increase, but a considerable increase of the force—during the session, the additions already made, including those just voted, increase the expenditures of the Senate to \$408,000, which is, of course, more than \$392,000, a difference of \$16,000 in favor of the House.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Oregon [Mr. MITCHELL], upon which the yeas and nays have been ordered.

The Chief Clerk proceeded to call the roll.

Mr. BLAIR (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER]. If he were present, I should vote "nay."

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. I do not know how he would vote if present, and therefore withhold my vote.

Mr. PASCO (when his name was called). I again announce my pair with the Senator from Illinois [Mr. FARWELL]. In his absence, I withhold my vote.

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. McMILLAN].

Mr. WALTHALL (when his name was called). On this question I am paired with the Senator from New Jersey [Mr. BLODGETT]. If he were present, he would vote "yea" and I should vote "nay."

The roll-call was concluded.

Mr. HIGGINS. I am paired generally with the Senator from New Jersey [Mr. MCPHERSON], but this not being a party question, I vote "yea."

Mr. PLATT. I am paired with the Senator from Virginia [Mr. BARBOUR]. If he were present, I should vote "nay."

Mr. TURPIE. I am paired with the Senator from Minnesota [Mr. DAVIS], and therefore withhold my vote.

The result was announced—yeas 29, nays 24; as follows:

YEAS—29.

Allen,	Dixon,	Jones of Arkansas, Squire,
Blackburn,	Dolph,	Manderson,
Call,	Eustis,	Mitchell,
Cameron,	Evarts,	Mood,
Carlisle,	Gibson,	Morgan,
Cass,	Gray,	Paddock,
Chandler,	Higgins,	Power,
Cockrell,	Hoar,	Sanders,
		Stewart,
		Stockbridge,
		Teller,
		Wolcott,

NAYS—24.			
Aldrich,	Dawes,	Harris,	Reagan,
Allison,	Edmonds,	Hawley,	Sawyer,
Bate,	Frye,	Morrill,	Sherman,
Berry,	George,	Payne,	Spooner,
Coke,	Gorman,	Pierce,	Vest,
Cullom,	Hale,	Pugh,	Wilson of Md.
ABSENT—31.			
Barbour,	Farwell,	McMillan,	Stanford,
Blair,	Faulkner,	McPherson,	Turpie,
Blodgett,	Hampton,	Pasco,	Vance,
Brown,	Hearst,	Pettigrew,	Voorhees,
Butler,	Hiscock,	Platt,	Walthall,
Colquitt,	Ingalls,	Plumb,	Washburn,
Daniel,	Jones of Nevada,	Quay,	Wilson of Iowa.
Davis,	Kenna,	Ransom,	

So the amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on agreement to the amendment as amended.

The amendment as amended was agreed to.

Mr. MITCHELL. I now move, in order to make the section conform, to amend the amendment of the committee in lines 7 and 8, page 8, by striking out the words "fifty-two thousand five hundred dollars" and inserting the words "sixty-three thousand dollars."

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In lines 7 and 8, on page 8, it is proposed to strike out "fifty-two thousand five hundred" and insert "sixty-three thousand;" so as to read:

For clerks to Senators who are not chairmen of committees, at \$1,800 each, \$63,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CAMERON. I ask leave at this time to move to amend the bill, on page 55, line 23, by striking out, before "hundred," the word "two" and inserting the word "five;" so as to increase the salary of the chief clerk of the mint at Philadelphia from \$2,250 to \$2,550. I am going away, and I wish to have it done at this time.

Mr. ALLISON. I shall be constrained to raise a point of order on that amendment.

Mr. CAMERON. It has been before the committee.

Mr. ALLISON. I know it has been before the committee. A great many amendments of this character have been before the committee, and they have all been rejected. I hope the Senator will not press it. I feel obliged to raise the point of order on it.

The VICE-PRESIDENT. The point of order is well taken, in the opinion of the Chair.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 8, line 10, before the word "thousand," to strike out "four" and insert "five," and in line 11, after the word "Senate," to strike out "fourteen" and insert "fifteen;" so as to make the clause read:

For contingent expenses, namely: For stationery and newspapers, including \$5,000 for stationery for committees and officers of the Senate, \$15,500.

The amendment was agreed to.

The next amendment was, on page 8, line 14, after the word "Senate," to strike out "one hundred and fifty" and insert "two hundred;" and in line 16, after the word "all," to strike out "two hundred and fifty" and insert "three hundred;" so as to make the clause read:

For postage-stamps for the office of the Secretary of the Senate, \$200; for the office of the Sergeant-at-Arms, \$100; in all, \$300.

The amendment was agreed to.

The next amendment was, on page 8, line 24, after the word "labor," to strike out "six thousand," and insert "eight thousand five hundred;" so as to make the clause read:

For fuel, oil, and cotton-waste, and advertising, for the heating apparatus, exclusive of labor, \$8,500.

The amendment was agreed to.

The next amendment was, on page 9, line 4, after the word "cleaning," to insert "repairing;" so as to make the clause read:

For services in cleaning, repairing, and varnishing furniture, \$1,000.

The amendment was agreed to.

The next amendment was, on page 9, line 6, to increase the appropriation for packing boxes to be used in the service of the Senate from "\$870" to "\$970."

The amendment was agreed to.

The next amendment was, on page 9, line 15, before the word "thousand," to strike out "fifteen" and insert "twenty-five;" so as to make the clause read:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding \$1.25 per printed page, \$25,000.

The amendment was agreed to.

Mr. VEST. I wish to call the attention of the chairman of the committee to an abuse in regard to this matter. I happen to know from personal experience that the custom has grown up in the Senate, in regard to these appropriations for special committees, of permitting the

first chairman of a special committee who goes to the Secretary or disbursing officer to draw what he pleases. There is no sort of rule observed. There is no sort of justice in the practice. It is simply a question as to who gets there first.

As a conspicuous illustration of this, in the last Congress we made an appropriation, I think, of \$15,000 for investigating committees. There were five of the committees, six possibly, but I think five. I was chairman of one of the committees, the Select Committee on the Meat Product, and, taking it for granted that there would be an equitable distribution of the fund, I waited some time, my committee not being called together for two or three months after Congress adjourned; and when I went to the Secretary of the Senate I found that these other special committees, particularly two of them, had drawn out all the fund except about \$1,000. One of the committees took \$8,000, I think. I speak without having the figures before me and in round numbers, but one of these committees, the first one that came, took \$8,000, the other took over \$5,000, and that left for the other four committees about \$2,000.

If it had not been for the fact that there was an appropriation left over for my committee of \$700 or \$800, which the assistant sergeant-at-arms, now dead, who had been in charge of the committee, happened to have in his possession, I should have been without a dollar and could not have held any session of the committee at all. As it was, I was compelled to exercise the utmost economy and to use my own personal means in order to carry my committee through its necessary investigation.

Now, I say it is not right that one chairman of a committee should be permitted to draw what he pleases out of this appropriation. There ought to be some sort of rule, and a discretion ought to be vested somewhere as to paying out this money. In the case I have mentioned I was indignant, and I told the Secretary of the Senate that it was an outrage that he had allowed these other committees to engross the whole of the appropriation for special committees. I asked him the plain question, "Suppose that the chairman of one of these committees had come and drawn the whole of that amount, would you have permitted it?" He said, "Yes, sir, I would have been obliged to have recognized his draft for the whole amount if he had wanted it."

Mr. PLUMB. Mr. President—

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. VEST. I yield to the Senator.

Mr. PLUMB. I was going to make a suggestion to the Senator from Missouri. I recall very well the case that he has in mind, and it impressed me very much as it does him. But the difficulty is in arranging the matter in such a way that the money can be expended consistently with the freedom of the committee. I suggest to the chairman of the committee that a provision might be inserted that the money shall be disbursed as expended. That would provide, at all events, against the evil which the Senator from Missouri has in mind; but it might possibly embarrass some committees in regard to expenditures, because they could not have money advanced to them. Still, I can not conceive of any very great embarrassment of the public service that would be incurred by reason of such a provision. I think it would be very much better, in any event, than to give the chairmen of the committees lump sums to carry around with them, whereby, as the Senator has said, the fund might be exhausted in such a way by one committee as to prevent other committees, equally important and equally authorized by the Senate, from having what they were entitled to.

Mr. ALLISON. The Committee on Appropriations has given attention to this question. It is not an easy one to solve.

Mr. VEST. I understand that.

Mr. ALLISON. Ordinarily it would be supposed that no grab game, as it were, would be played, but that only a pro rata amount would be required by each chairman of a committee. That is one difficulty arising perhaps from the fact that we never appropriate as much as we expend. Now, the appropriation here of \$15,000 as it came from the other House, or \$25,000 as provided for by the Senate committee, will probably not be sufficient to carry on these investigations during the coming fiscal year. I hope it will be, because the next is a short session.

I do not see any way to improve this matter unless it is provided that when we raise a committee of investigation we shall, when that committee is raised, name the sum that is to be expended by the committee. The Secretary of the Senate can exercise no discretion. If the chairman of a committee presents himself at the office of the Secretary and asks for \$5,000 or \$2,000 or \$3,000, or whatever sum, to carry on an investigation, the Secretary of the Senate must undoubtedly respond to that request.

Mr. VEST. That is not right.

Mr. HALE. The presumption is, is it not, if the Senator will allow me, that the chairman in making his request on the disbursing officer has looked the ground over and will only request what he expects to expend?

Mr. ALLISON. A reasonable sum.

Mr. HALE. A reasonable sum. I do not see how the Secretary can decide in such a case.

Mr. ALLISON. I do not think that discretion can be or ought to

be imposed upon the Secretary. He can not deny a Senator who is chairman of a committee making an investigation.

Mr. HALE. There is one thing that might be done. All these expenses of committees, as they are made out by bills, might be paid by drafts of the chairman of the committee on the Secretary of the Senate, which would obviate the great inconvenience of a committee starting without any money, and having to advance its own funds. They could be paid by drafts of the chairman of the committee on the Secretary of the Senate, and would then only come in as they were expended. But it clearly would not be the right thing to provide that they should only be paid after the expenditures were made, because then every chairman of a committee investigating a subject would have to advance his own money.

Mr. PLUMB. Then we come back to the same point. If the chairman starting out should draw the entire fund appropriated for this purpose, the Secretary would be obliged to honor the draft or else protest it.

Mr. HALE. He would only draw as the expenditures accrued. For instance, if a committee goes to Chicago and conducts an investigation there, and there is \$500 to be paid for a stenographer, when the stenographer presents his bill the chairman of the committee makes his draft upon the Secretary of the Senate for that sum; and it is only done as the bills accrue.

Mr. PLUMB. That is exactly as I suggested, that it be paid as the money is expended, or as the expenses accrue, which would mean the same thing. I think there ought to be some amendment of the present system. In the first place, I think it would tend to economy in the expenditure. This has gone on in some rather haphazard way. As a matter of course there are a great many valuable investigations made, but at the same time it is altogether probable that even the most valuable of them might be made for a less sum of money.

Mr. HALE. We probably start too many investigations.

Mr. PLUMB. Very likely. But I suggest the amendment which I have stated, that the fund shall be disbursed as the expenditures accrue.

Mr. VEST. That is infinitely preferable to the present system, but why could not an amendment be adopted that would put the distribution of this money at the discretion of the Presiding Officer of the Senate; for instance, that the Secretary should not pay out to any chairman of a committee more than the Presiding Officer of the Senate should indorse as a just proportion of the appropriation?

I repeat, that under the present system it is possible to defeat the operations of every special or select committee of the Senate except one. I was approached last session by a Senator who was chairman of another select committee who asked me what would be the probable expense of my committee during the vacation. I told him that I could not even approximate to it; that it was impossible for me to do so; that I did not know how long the sessions of the committee would last or to what places we would go; that subsequent events would control our action. Then, within three months afterwards, when I went to draw the necessary expenses (not a large sum, either, for my committee did not expend over \$1,500 or \$1,800 during the whole summer) I found that the first chairman of a select committee who had gone to the Secretary drew \$8,000 and segregated it from the general appropriations so that nobody who came afterwards could reach it.

Mr. INGALLS. Before the investigation commenced?

Mr. VEST. Before it commenced.

Mr. HALE. I suppose the amount drawn was all expended?

Mr. VEST. I have no doubt of it. I am not saying anything about that. The chairman of the next committee came and drew \$5,000, and the appropriation was only \$15,000, so that when I came I found that the actual appropriation left was \$700 or \$800.

Mr. ALLISON. I think the plan suggested by the Senator from Kansas is a very good one. It certainly will be economical, and in that way no chairman of a committee can secure any funds until he is ready to expend the money.

Mr. VEST. That is a great deal better than the present system.

Mr. PLUMB. I think it would be well to try that for one year, anyhow.

Mr. ALLISON. I am perfectly willing to try it. I think that would be a very good plan. Of course it may add somewhat to the circulation, because when this appropriation is exhausted, if the chairman expends money the Secretary can not pay the draft.

Mr. PLUMB. That is a very decided recommendation in favor of the amendment. What we want now is an increase of the circulating medium. If we can not get what we want we shall take what we can get.

The VICE-PRESIDENT. The Senator from Kansas will state his amendment.

Mr. PLUMB. I propose to insert, "to be disbursed as the expenditures accrue."

Mr. HALE. Then, to avoid any inconvenience, it can be paid by draft on the Secretary of the Senate.

Mr. SHERMAN. Mr. President, I do not think that a Senator charged with an important public duty ought to be required to advance money. I remember the first time I was called upon to act on a com-

mittee to investigate anything it was as a member of the House of Representatives, and I signed a note for \$10,000, borrowed money. I thought it was a mean thing to require me to do. It was in the famous Kansas investigation. The Senate refused to appropriate money for the investigation.

Mr. PLUMB. At that date the credit of the Senator from Ohio was better than that of the Government of the United States. That is the reason of that.

Mr. SHERMAN. No; I simply borrowed money on the credit of the Republican party, to be reimbursed, and it was afterwards paid. The money was borrowed from Mr. Morgan, of New York. He advanced the money. I do not think when a Senator is sent off on an important duty that he ought to be required to borrow money, to beg money, or to advance his own money. It seems to me that a reasonable discretion left to each Senator charged with a duty of this kind would not be abused.

Mr. PLUMB. But here, for instance, is an appropriation of \$25,000. The Senate in the mean time may order a dozen investigations. The chairman of a committee comes in and draws the entire amount from the Secretary, which practically occurred last year. Two other committees were left almost without anything. Now, I think it would be just as well, while the pendulum is swinging, to let it swing back awhile and try the other plan.

Mr. PADDOCK. Mr. President, it seems to me that it would be better if there could be a provision as to each committee when it is created, and that an estimate should be made as nearly as possible for the funds required by the committee for the investigation which it is about to make. Of course, as the Senator from Kansas has remarked, under the present system the first chairman who comes to the financial clerk may get all the money, if he represents to the financial clerk that he requires so much, because there is no authority on the part of the financial clerk to withhold anything so long as there may be a demand on him by the chairman of a committee, which committee is charged with the responsible duty of making an investigation.

It came to my knowledge last summer as a member of the Committee to Audit and Control the Contingent Expenses of the Senate that the financial clerk was very greatly embarrassed in the instance alluded to by the Senator from Kansas. I can see no way to get at this problem satisfactorily so as to place a safeguard around it other than to have the amount required to be estimated for by the committee when it is created, and to have the committee limited to that amount.

Mr. PLUMB. The trouble about that is that the Senate can not appropriate money for the use of these investigating committees except as the same may have been appropriated for in one of the regular supply bills.

Mr. PADDOCK. I know; but the Senate can say in the resolution raising the committee that no more than a certain amount shall be expended for the particular investigation.

Mr. PLUMB. But suppose it should happen that we pass this bill providing \$25,000 as the expenses of investigating committees and the Senate should appropriate in various resolutions \$75,000 before we have adjourned. We have then the same problem as to how the \$75,000 is to be accommodated to the \$25,000 appropriation.

Mr. PADDOCK. Then the responsibility will be upon the Senate to pass a deficiency appropriation bill specially to cover that matter.

Mr. PLUMB. If the Senate had the power to pass a deficiency appropriation bill, that would be another thing; but unfortunately the Senate has not that power. It has not the power to originate an appropriation bill; it can only originate on the other side. If the Senate were to seek to thus provide for the deficiencies created, the other House would simply lay the appropriation bill on the table and we should never hear again from it.

Mr. PADDOCK. We appropriate in gross for this purpose. If we appropriated a specific amount to be used by such a committee, it would be an authority to the financial clerk to restrain a committee seeking to get too large a sum.

Mr. REAGAN. Mr. President, I agree with the Senator from Kansas as to the necessity of some step being taken to prevent the absorption of this fund by any one or two committees, if there should be more than that number appointed, but if it is meant to allow any investigations it would be better not to adopt his amendment. If it is intended to prevent all investigations, let us strike the item out.

It is impracticable, all will understand, in cases of that kind to provide for the payment of the expenditures as they occur, because if the committee is away from here it must spend its own money or it will have no money to spend under such a provision. It can not reach the Treasury from where it goes.

So it seems to me the amendment simply means that it is not the purpose of Congress to allow such investigations. If that is its meaning it would be better to strike out the paragraph; but if it is meant to be made available, it seems to me the suggestion of the Senator from Missouri is one that would overcome the difficulty by leaving it in the discretion of the Presiding Officer of the Senate to allot to the different committees, in view of the character of the investigations with which they are charged, their relative proportions of the sum appropriated.

I would suggest to the Senator from Kansas that we had better adopt some other plan than the one he proposes, because that is quite impracticable.

Mr. PLUMB. It might be practicable to provide that the chairman should draw in advance a sum not exceeding, say, \$500 or \$1,000.

Mr. REAGAN. What would be the objection to allowing the Presiding Officer of the Senate, in view of the contemplated investigations of special committees, to make allotments in proportion to the work required?

Mr. PLUMB. That would devolve on him a duty which he might not be able to properly perform, and it might perhaps operate just as the Senator says, to prevent the investigations. We carry on a great many investigations; I am not speaking now about their expediency; but when it comes to a question of distribution there is room for any one chairman to prevent the other committees from carrying on the other investigations at all.

The VICE-PRESIDENT. Will the Senator from Kansas state where he desires to have his amendment inserted?

Mr. PLUMB. It should be inserted after the word "Senate" in line 11.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. After the word "Senate," in line 11, insert "to be disbursed as the expenditures accrue;" so as to read:

For expenses of inquiries and investigations ordered by the Senate, to be disbursed as the expenditures accrue, including compensation to stenographers to committees, etc.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kansas.

Mr. PADDOCK. To be approved by whom?

Mr. PLUMB. As they accrue; not as they are approved, but as they accrue. The chairman of the committee will settle that. As he wants funds he will draw for them.

Mr. ALLISON. "To be disbursed as the expenditures accrue."

Mr. PLUMB. "To be disbursed as the expenditures accrue." If he needs money he will draw for it just as he would if drawing on his own bank account.

The amendment was agreed to.

The reading of the bill was resumed and continued to page 16, line 25.

Mr. ALLISON. In line 21, I move to strike out the words "For one chief official reporter, \$6,000, and for four," and to insert "five;" so as to read:

Five official reporters of the proceedings and debates of the House, at \$5,000 each.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the "Library of Congress," on page 18, line 12, before the word "assistant," to strike out "twenty-five" and insert "twenty-six;" after the word "exchanges," at the end of line 17, to strike out "six" and insert "seven;" and in line 20, after the word "all," to strike out "thirty-nine thousand" and insert "forty thousand two hundred;" so as to make the clause read:

For compensation of librarian, \$4,000; and for twenty-six assistant librarians, two at \$2,500 each; two at \$1,800 each; two at \$1,600 each; two at \$1,440 each; eight at \$1,400 each, one of whom shall be in charge of international exchanges; seven at \$1,200 each; one at \$720, and two at \$640 each; in all, \$40,200.

The amendment was agreed to.

The next amendment was, in the appropriations for "Civil Service Commission," on page 21, line 5, before the words "clerks of class three," to strike out "two" and insert "three;" and in line 8, after the word "all," to strike out "thirty-six thousand four hundred" and insert "thirty-eight thousand;" so as to make the clause read:

For three commissioners, at \$3,500 each; one chief examiner, \$5,000; one secretary, \$2,000; two clerks of class 4; three clerks of class 3; three clerks of class 2; three clerks of class 1; three clerks at \$1,000 each; two clerks at \$900 each; one messenger, and one laborer; in all, \$38,000.

The amendment was agreed to.

The next amendment was, on page 21, line 10, before the word "traveling," to strike out "actual" and insert "necessary;" so as to read:

For necessary traveling expenses, including those of examiners acting under the direction of the commission, and for expenses of examinations and investigations held elsewhere than at Washington, \$5,250.

The amendment was agreed to.

The next amendment was, in the same clause, on page 21, line 14, after the word "dollars," to strike out the following proviso:

Provided, That hereafter every application for examination before the Civil Service Commission shall be accompanied by a certificate of an officer, with his official seal attached, of the county and State of which the applicant claims to be a citizen, that such applicant was, at the time of making such application, an actual and bona fide resident of said county; but this provision shall not apply to persons who may be in the service and seek promotion or appointment in other branches of the Government.

The amendment was agreed to.

The next amendment was, under the head of "Department of State," on page 22, line 5, before the words "to the Secretary," to strike out "stenographer" and insert "clerk;" and in the same line, after the word "Secretary," to strike out "one thousand eight hundred" and insert "two thousand;" so as to read:

Clerk to the Secretary, \$2,000.

The amendment was agreed to.

The next amendment was, in the same clause, on page 22, line 14, to increase the total amount of the appropriations for compensation of the Secretary of State, Assistant Secretaries, the clerical force in the Department, etc., from "\$117,470" to "\$119,470."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, on page 22, line 25, after the word "for," to insert "the purchase of an official carriage;" and on page 23, line 5, after the word "all," to strike out "four thousand eight" and insert "six thousand three;" so as to make the clause read:

For contingent expenses, namely: For the purchase of an official carriage, care and subsistence of horses and repairs of wagons, carriage, and harness; for rent of stable and wagon-shed; for care of clock, telegraphic and electric apparatus and repairs to the same, and for miscellaneous items not included in the foregoing; in all, \$6,300.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 23, line 14, before the words "Assistant Secretaries," to strike out "two" and insert "three;" in line 15, to strike out the semicolon after "thousand;" and in line 22, after the word "all," to strike out "thirty-one thousand three" and insert "thirty-five thousand eight;" so as to make the clause read:

Secretary's Office: For compensation of the Secretary of the Treasury, \$8,000; three Assistant Secretaries of the Treasury, at \$4,500 each; clerk to the Secretary, \$2,400; two private secretaries, one to each Assistant Secretary, at \$1,800 each; Government actuary, under the control of the Treasury Department, \$2,250; one clerk of class 1; one copyist; three messengers; two assistant messengers; in all, \$35,810.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for office of chief clerk and superintendent of the Treasury Department, on page 24, line 14, after the word "locksmith," to strike out "and electrician;" so as to read:

One locksmith, \$1,200.

The amendment was agreed to.

Mr. COCKRELL. I call the attention of the Senator in charge of the bill to line 15 on page 24. There seems to be something omitted there. In line 14 it reads, "one locksmith, \$1,200;" and then comes:

Three firemen; five firemen, at \$650 each.

Mr. ALLISON. That is all right. "Three firemen." There is a regular salary for firemen. Then there are five firemen at a lower rate.

The VICE-PRESIDENT. The Secretary suggests that the comma ought to be stricken out in that line.

Mr. ALLISON. I think the comma ought to go out after the words "three firemen," and the semicolon should stay.

The VICE-PRESIDENT. That modification will be made.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the clause making appropriations for office of chief clerk and superintendent of the Treasury Department, on page 24, line 20, after the word "watchmen," to insert "six special watchmen, at \$720 each."

The amendment was agreed to.

The next amendment was, at the end of the same clause, on page 25, line 13, to increase the total amount of appropriations for office of clerk and superintendent of the Treasury Department from "\$163,086.50" to "\$167,406.50."

The amendment was agreed to.

The reading of the bill was resumed and continued to line 9 on page 28.

The VICE-PRESIDENT. In line 6, on page 28, after the word "bindery," the Secretary is of the opinion that there should be a comma instead of a semicolon.

Mr. ALLISON. Yes; strike out the semicolon.

The VICE-PRESIDENT. That amendment will be made.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for office of Second Comptroller of the Treasury, on page 30, line 13, before the words "clerks of class one," to strike out "ten" and insert "twelve;" and in line 15, after the word "all," to strike out "ninety-one thousand seven" and insert "ninety-four thousand one;" so as to make the clause read:

Second Comptroller of the Treasury: For Second Comptroller of the Treasury, \$5,000; deputy comptroller, \$2,700; seven chiefs of division, at \$2,100 each; ten clerks of class 4; ten clerks of class 3; ten clerks of class 2; twelve clerks of class 1; two clerks at \$1,000 each; five clerks at \$900 each; one messenger; and three laborers; in all \$94,120.

The amendment was agreed to.

The next amendment was, on page 33, line 6, before the words "clerks of class four," to strike out "two" and insert "three;" and in line 11, after the word "all," to strike out "sixty-nine thousand two hundred" and insert "seventy-one thousand;" so as to make the clause read:

Fourth Auditor: For Fourth Auditor, \$3,600; deputy auditor, \$2,250; three chiefs of division, at \$2,000 each; three clerks of class 4; thirteen clerks of class 3; eight clerks of class 2; nine clerks of class 1; two clerks at \$1,000 each; five clerks at \$900 each; two clerks at \$800 each; one messenger; one assistant messenger; and two laborers; in all, \$71,030.

The amendment was agreed to.

The next amendment was, on page 36, line 6, before the words "clerks of class one," to strike out "fifteen" and insert "seventeen;" and in line 9, after the word "all," to strike out "sixty-four thousand and eight" and insert "sixty-seven thousand two;" so as to make the clause read:

For the force employed in redeeming the national currency (to be reimbursed by the national banks), namely: For superintendent, \$3,500; one teller and one principal book-keeper, \$2,500 each; one assistant book-keeper, at \$2,400; and one assistant teller, at \$2,000; two clerks of class 4; three clerks of class 3; four clerks of class 2; seventeen clerks of class 1; thirteen clerks at \$1,000 each; five clerks at \$900 each; three assistant messengers; and one charwoman; in all, \$67,200.

The amendment was agreed to.

The next amendment was, on page 37, line 3, before the words "clerks of class two," to strike out "eight" and insert "ten;" in line 4, after the words "class one," to strike out "two" and insert "ten;" and in the same line, after the word "each," to strike out "twenty-five" and insert "thirteen;" so as to make the clause read:

Comptroller of the Currency: For Comptroller of the Currency, \$5,000; deputy comptroller, \$2,800; chief clerk, \$2,500; three chiefs of division, at \$2,500 each; one stenographer, at \$1,600; eight clerks of class 4, additional to bond clerk, \$200; eleven clerks of class 3; ten clerks of class 2; eight clerks of class 1; ten clerks, at \$1,000 each; thirteen clerks, at \$900 each; one messenger; two assistant messengers; one engineer, \$1,000; one fireman; three laborers; and two night watchmen; in all, \$103,420.

The amendment was agreed to.

The next amendment was, on page 37, line 16, after the word "thousand," to insert "200;" after the word "each," at the end of line 17, to insert "two clerks of class 1; one clerk, at \$1,000;" and in line 19, before the words "clerks," at \$900 each," to strike out "nine" and insert "five;" so as to make the clause read:

For expenses of the national currency (to be reimbursed by the national banks), namely: One superintendent, at \$2,200; one teller, one book-keeper, and one assistant book-keeper, at \$2,000 each; two clerks of class 1; one clerk, at \$1,000; five clerks, at \$900 each; and one assistant messenger; in all, \$16,820.

The amendment was agreed to.

The next amendment was, on page 38, line 24, after the word "board," to strike out "who shall be paid from the appropriations for the Light-House Establishment;" so as to read:

For the following additional employees in the office of the Light-House Board, namely, etc.

The amendment was agreed to.

The next amendment was, in the appropriations for "Bureau of Statistics," on page 40, line 16, to increase the appropriation for compensation of chief clerk of the bureau from "\$2,000" to "\$2,250."

The amendment was agreed to.

The next amendment was, in the same clause, on page 40, line 23, to increase the total amount of the appropriation for officer in charge of the Bureau of Statistics and the clerical and other force in the office from "\$46,460" to "\$46,710."

The amendment was agreed to.

The next amendment was, on page 41, line 3, after the word "thousand," to insert "five hundred;" so as to make the clause read:

For the payment of the services of experts, and for other necessary expenditures connected with the collection of facts relative to the internal and foreign commerce of the United States, \$1,500.

The amendment was agreed to.

The next amendment was, in the appropriations for "Office of Construction of Standard Weights and Measures," on page 42, after line 3, to insert:

For the construction of standard gallons and their subdivisions for the use of States and Territories which have not received the same, \$1,500.

The amendment was agreed to.

The next amendment was, in the appropriations "For contingent expenses of the Treasury Department, including all buildings under control of the Treasury in Washington, D. C.," on page 45, line 6, after the word "expenses," to strike out "seven hundred" and insert "one thousand;" so as to make the clause read:

For investigation of accounts and records, including the necessary traveling expenses, and for other traveling expenses, \$1,000.

The amendment was agreed to.

The next amendment was, on page 46, after line 24, to insert:

To enable the Secretary of the Treasury to dispose of useless papers in the Treasury Department under the act of February 16, 1889, in accordance with the report of the Joint Committee of the Senate and House of Representatives, being Senate Report No. 1083, Fifty-first Congress, first session, \$1,000.

The amendment was agreed to.

The next amendment was, in the appropriation for collecting internal revenue, on page 47, line 11, after the word "butter," to strike out "and so forth" and insert "also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," and in line 19, after the word "act," to strike out "defining butter, and so forth;" so as to make the clause read:

For salaries and expenses of collectors and deputy collectors, including expenses incident to enforcing the provisions of the act of August 2, 1886, entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," \$1,750,000: *Provided*, That the number of deputy collectors and clerks employed in the collection of internal revenue shall not be increased, nor shall the salary of said officers and employees be increased beyond the salaries paid during the last fiscal year, exclusive of the number employed under the said act.

Mr. ALLISON. After the word "million," in line 14, I move to strike out "seven hundred and fifty" and to insert "eight hundred;" so as to read "one million eight hundred thousand."

Mr. COCKRELL. I should like to ask the Senator if that is sufficient. Is it possible for the office to be conducted during the entire coming fiscal year without a much larger sum than that being appropriated?

Mr. ALLISON. The Senator has in mind, I think, the item following. As to this particular item the Commissioner of Internal Revenue states that he has readjusted the salaries for the next year and that \$1,800,000 will be enough.

Mr. COCKRELL. He thinks that will cover this particular appropriation?

Mr. ALLISON. He thinks that will cover this particular item, but as to the next item the Senator knows there may be some question about it.

Mr. COCKRELL. I wanted to know if the Commissioner had made an accurate estimate, so as to be certain that \$1,800,000 instead of \$1,750,000 will be required.

Mr. ALLISON. He has made not an accurate estimate, but a careful estimate.

Mr. COCKRELL. We ought to appropriate just the amount that is necessary, no more and no less.

Mr. EDMUNDS. I should be glad to ask my friend from Iowa to explain to us the proviso of the clause that is under consideration:

Provided, That the number of deputy collectors and clerks employed in the collection of internal revenue shall not be increased, nor shall the salary of said officers and employees be increased beyond the salaries paid during the last fiscal year, exclusive of the number employed under the said act.

What does the phrase "exclusive of the number" mean? How is it to work out?

Mr. ALLISON. There is annually made an adjustment of all salaries of deputy collectors and expenditures in the offices of collectors, but that does not include such additional force as may be necessary from time to time to execute the oleomargarine law. As I understand the words "exclusive of the number employed under the said act," that is, under the oleomargarine act, the employees shall not be increased. They have not been increased in number for a good many years except under that act.

Mr. EDMUNDS. It means, then, that the Secretary of the Treasury, or whoever has charge of it, may increase the number of people employed to execute the oleomargarine act?

Mr. ALLISON. He may.

Mr. EDMUNDS. That is a very doubtful way of putting it; but, if the Department and the committee are satisfied, I ought to be. I do not see it.

Mr. ALLISON. What is the special criticism that the Senator makes?

Mr. EDMUNDS. From the proviso, which is a proviso with a limitation apparently, if the purpose be to allow the Secretary a discretion, to increase the number and the pay, if he likes, of the employees under the oleomargarine act, I am not able to see that this phrase accomplishes that end.

Mr. ALLISON. That has been in every similar appropriation act since the oleomargarine law was passed, and I have heard no complaint.

Mr. EDMUNDS. So it has received a construction?

Mr. ALLISON. It has received a construction.

Mr. EDMUNDS. Very well.

Mr. INGALLS. As the oleomargarine act is brought into this consideration, I should like to be advised by the chairman of the committee as to the condition of the revenue derived from the tax upon oleomargarine, if he has the statistics at hand.

Mr. ALLISON. I have not them at this moment in my memory; but I can have them here in a minute. The clerk has gone for them. I do not remember the exact amount received under that act, but my impression now is that it is over a million dollars.

Mr. INGALLS. Per annum?

Mr. ALLISON. Per annum.

Mr. INGALLS. Can the Senator state whether the revenue derived from that source is increasing or diminishing?

Mr. ALLISON. I think it is increasing.

Mr. INGALLS. That would indicate, then, that the manufacture of oleomargarine is increasing in the number of pounds produced yearly.

Mr. ALLISON. I think that is the fact.

Mr. INGALLS. I make this inquiry, Mr. President, because I understand the original purpose of what was known as the oleomargarine act was, not to collect revenue, but to protect the dairy products of the country and to destroy as far as possible the production of oleomargarine, on the theory that it was an injurious product, dangerous to the public health and detrimental to other important industries of the country. From the statement of the Senator from Iowa it would appear to have been a law excellently adapted for the purposes for which it was designed!

Mr. ALLISON. I do not understand the result of the law to be as

claimed by the Senator from Kansas, although the revenue has increased, I think, moderately from year to year. I am not sure even about that. But it has served one purpose, and that is to protect the people from buying oleomargarine when they supposed they were buying butter. It has segregated that traffic from the more legitimate traffic perhaps of the purchase and sale of butter.

Mr. INGALLS. The result of it is that the people buy more and more each year, and in that way they buy less of the genuine products of the dairy.

Mr. EDMUNDS. I should like to say about this business, for the farmers of Vermont are interested in it, that I did not understand, and I do not think they understood, that the purpose of Congress was to prevent any citizen of Vermont or any other part of the United States from buying and eating oleomargarine if he wanted to do so, but to protect him against the fraud and pretense of oleomargarine being sold to him and being called genuine butter. That was the point. If, therefore, the number of people in the United States and in foreign countries (to which it largely goes, I believe, rather than being eaten here) wish to buy oleomargarine and eat that, they have a perfect right to do it, and the farmers of Vermont do not complain on that point. The only thing is not to have their product put in competition with a sham that pretends to be their product and the product of every other farmer in the United States. That was the point of it.

Mr. INGALLS. It seems, then, that in competition with the genuine dairy products of the United States the people are coming gradually more and more to eat oleomargarine.

Mr. EDMUNDS. It does not seem at all to be that way. It only seems that with the increasing trade of the world and the increasing population of the world the production of this thing, being defined and classed by itself, has increased—I will take that to be true—and the exportation of it to savages, who have hitherto eaten palm oil, or opossum oil, or whatever it may be, has increased. But what the farmers of the United States want is that their reality shall be distinguished from the sham that was put off upon the people of the United States before as butter, but which was not.

Mr. PLATT. The report of the Commissioner of Internal Revenue gives all the receipts from oleomargarine, including the tax upon manufacturers, etc.

Mr. ALLISON. From what page does the Senator read?

Mr. PLATT. Page 278 of the report of the Secretary of the Treasury. It gives the receipts for the year 1888 at \$894,000, in round numbers, and for 1889 at \$894,000, in round numbers, an increase of about \$30,000.

Mr. INGALLS. What annual consumption is shown by the report, in pounds? [A pause.] That does not appear.

Mr. PLATT. I think not.

Mr. COCKRELL. In response to the inquiry of the Senator from Kansas in regard to the production of oleomargarine, he will find on page 330 of the Finance Report, as it is called:

It appears from the subjoined tables that the average monthly production of oleomargarine during the fiscal year was 2,972,002 pounds.

Mr. EDMUNDS. Which fiscal year?

Mr. COCKRELL. The fiscal year 1889.

Mr. EDMUNDS. Ending on the 30th of June last.

Mr. ALLISON. How much?

Mr. COCKRELL. Two million nine hundred and seventy-two thousand and two pounds.

Mr. ALLISON. That must be a mistake.

Mr. PLATT. That must be per month.

Mr. COCKRELL. The report says:

The average monthly production for the previous year was 2,860,460 pounds, and the average monthly production during the eight months ended June 30, 1887, was 2,711,828 pounds. It also appears that the average monthly quantity withdrawn from factories on payment of the tax was as follows: During the eight months ended June 30, 1887—

That was the beginning of the law—

	Pounds.
During the eight months ended June 30, 1887	2,592,946
During the fiscal year ending June 30, 1888.....	2,707,430
During the fiscal year ending June 30, 1889.....	2,821,970

Mr. EDMUNDS. Then the production has not increased to any considerable extent?

Mr. COCKRELL. Not apparently; only about one hundred and odd thousand pounds.

Mr. ALLISON. If the Senator will allow me, on page 163 of the Report of the Commissioner of Internal Revenue, the production is given as 34,325,527 pounds during the fiscal year 1888, and for the year ending June 30, 1889, 35,664,026 pounds, over a million pounds more. So my answer to the Senator from Kansas, although from memory and not with the book before me, was moderately accurate.

Mr. COCKRELL. That corresponds exactly with the tables I have read, except that I have read the monthly product and the Senator gives the gross annual product. That is the only difference. He gives the annual statement and what I gave was the monthly statement.

Mr. ALLISON. But I merely wanted to state that there was an increase, and not a decrease.

Mr. COCKRELL. Yes, there was an increase of very little over 100,000 pounds per month.

Mr. ALLISON. Or over 1,000,000 pounds per annum.

Mr. COCKRELL. The table I read shows that for the year ended June 30, 1888, the average monthly product was 2,707,430 and for the year ended June 30, 1889, it was 2,821,970; so that there was an increase of 114,540 pounds monthly during that year.

Mr. EDMUNDS. It seems to be working well. Let us go ahead.

The Secretary resumed the reading of the bill with the appropriations for "Independent Treasury," on page 47, line 23.

Mr. COCKRELL. We have not acted upon the amendment before the provision in relation to the Independent Treasury. That certainly has not been read.

The PRESIDING OFFICER (Mr. TURPIE in the chair). The amendment referred to by the Senator from Missouri has been agreed to. The reading of the bill will be resumed at line 20, on page 47.

The Secretary resumed the reading of the bill at line 20 on page 47, with the following provision:

For salaries and expenses of agents and surveyors, fees and expenses of gaugers, salaries of storekeepers, and for miscellaneous expenses, \$2,000,000.

Mr. COCKRELL. At that point I wanted the Senator from Iowa in charge of the bill to state to the Senate the amount that the Commissioner of Internal Revenue estimates, and what it is believed will actually be necessary to cover that item.

Mr. ALLISON. That is the amount of the appropriation of last year, as I remember it, and we have hoped that the expenditure may be confined to the sum appropriated. It may or it may not. I agree with the Senator that it is a very close appropriation, but we hope to get through with it.

Mr. COCKRELL. Does not the Commissioner state expressly that it will take a decided advance over the amount named in the bill, and does he not estimate for it?

Mr. ALLISON. Yes, he does.

Mr. COCKRELL. How much?

Mr. ALLISON. He estimated for \$2,000,000, but afterwards he estimated for an additional sum of \$100,000.

Mr. COCKRELL. He estimates that it will take at least \$100,000 more. I have not the remotest doubt that it will take \$100,000, or more than that. There is no doubt about it at all. The Commissioner is a man who seems to understand his business, and after reviewing the estimates and everything of the kind he says there is a necessity for an additional \$100,000.

Mr. ALLISON. This is the deliberate estimate of the Secretary of the Treasury, \$2,000,000, and I do not wish to exceed his estimate, although I rather share the view of the Senator from Missouri that it will take something more; but, if it does, we can provide for it by a deficiency bill.

Mr. COCKRELL. In regard to the estimates, the committee, in the consideration of this bill, were guided very largely by the regular estimates submitted by the Secretary of the Treasury, and because these estimates had been submitted by the Secretary of the Treasury we left this item at the amount in the bill, but a subsequent estimate shows conclusively to my mind that it will take \$100,000 more. Now, the Secretary of the Treasury is presumed, when quoted, to have given some consideration to these various estimates, but that is all imaginary, that is all ideal. Does anybody suppose the Secretary of the Treasury sits down and with the facts and data before him makes a calculation of the necessary expenditures for all the branches of the public service? He could not do it to save his soul and body. It would be a physical impossibility for him to do it.

Mr. ALLISON. Yes; but, if the Senator will allow me to interrupt him, the Secretary of the Treasury always has behind him and before him the expenditures of prior years.

Mr. COCKRELL. I understand that.

Mr. ALLISON. Now, the appropriation for this current year is only \$1,950,000, and, so far as I have heard, there is no estimate for a deficiency this year. So it seems to me by economic efforts the Commissioner may be able to get on with \$2,000,000. If he can not, of course we shall be in such a condition next winter that we can provide for the deficiency and no injury will be done to the public service.

Mr. COCKRELL. There is no doubt about that. No injury will be done to the public service, as we shall have to appropriate many, many, many millions of dollars next winter to defray the expenditures legitimately necessary in the conduct of the Government during the coming fiscal year, which will not be appropriated for at this session of Congress.

Mr. EDMUNDS. That has been our previous experience always.

Mr. COCKRELL. To a greater or less extent it is always the case.

Mr. EDMUNDS. And generally greater.

Mr. COCKRELL. And it will be this time to a greater extent.

Mr. President, in regard to these estimates, the Senator from Iowa stated correctly that the Secretaries have before them the previous estimates and the previous appropriations, and there is just the trouble. They run in the same ruts that have been worn out from time to time, and if they keep within close proximity to what has been done before they are perfectly satisfied.

I am not censuring the present Secretary in regard to these estimates, not at all. I am not criticising. He is only tramping in the footsteps of his predecessors for years and years. The Secretaries do not make these estimates; they do not know anything about them; they can not explain them to save their lives, and it is a physical impossibility that they should. The estimates are made by the clerical force in the Departments, and we necessarily have to attach a great deal of importance to them, and in the consideration of this bill we aimed to follow as closely as we could the regular estimates. Although our judgment in many cases was—my own certainly was—that we should have to increase the appropriations, the committee decided not to exceed the estimates, and the deficiency could be provided for in a subsequent bill. I have no doubt in my own mind we shall have to increase this at the coming session \$100,000.

Mr. EDMUNDS. Do you mean on this particular item?

Mr. COCKRELL. This particular item.

Mr. EDMUNDS. What has been the experience of the present year?

Mr. COCKRELL. One million nine hundred and fifty thousand dollars was appropriated for this year.

Mr. EDMUNDS. Is there a deficiency now about to occur?

Mr. COCKRELL. We do not know. I have not examined the estimates on that point.

Mr. ALLISON. We have not heard of any deficiency on this account.

Mr. COCKRELL. No deficiency bill has yet been passed, except what is known as the little urgent deficiency bill.

Mr. EDMUNDS. You have no information at this time that the appropriation of the last regular bill has been found insufficient?

Mr. COCKRELL. No; but I am satisfied from the statement of the Commissioner that an additional sum will be necessary.

Mr. PADDOCK. I was informed the other day by the Commissioner, Colonel Mason, that there is an unexpended balance of \$50,000 applicable to the payment of salaries of a particular class of clerks who receive a very small compensation, and for whom there is no demand, according to the requirements of the statute as it has been heretofore, which would require the expenditure of so large a sum as has been appropriated; but in another class of clerks there is a deficiency or will be a deficiency of more than \$50,000 if the bureau shall be allowed the number of clerks it ought to have to carefully and fully and thoroughly carry on the business intrusted to it.

Mr. ALLISON. The Senator from Nebraska is now speaking to the former paragraph, which we have passed and increased to \$1,800,000.

Mr. PADDOCK. I want this appropriation made in gross to cover all the expenditures for clerks.

Mr. ALLISON. The paragraph under consideration is "for salaries and expenses of agents and surveyors, fees and expenses of gaugers, and salaries of storekeepers." The salaries of all these people are absolutely fixed, or practically so, but no man can estimate exactly what they will be, as the Senator from Missouri well knows, because it depends entirely on the number of distilleries, etc., in operation. Of course, if all the distilleries in the United States should stop work during the year, which is hardly probable, there would be less use for these storekeepers and gaugers.

Mr. COCKRELL. There will be a good corn crop this year in certain portions of North Carolina and the expenses will be immensely increased.

Mr. PADDOCK. The idea which I wish to convey is that the appropriation should be made in gross, so as to enable the Commissioner to make such changes in the classifications as may be necessary as the business itself develops the necessity for the changes. That is the point in my mind.

The PRESIDING OFFICER. The reading of the bill will be resumed.

The Chief Clerk resumed the reading of the bill on page 47, line 23, with the appropriations for "Independent Treasury," and continued to page 50, line 18, in the clause making appropriations for "office of the assistant treasurer at New York."

Mr. COCKRELL. In lines 17 and 18, on page 50, the bill reads "two chiefs of division at two thousand four hundred each." I suggest that we insert the word "dollars" just before the word "each," so that it will read "\$2,400 each."

Mr. ALLISON. I agree with that.

The PRESIDING OFFICER. That amendment will be made, in the absence of objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "office of the assistant treasurer at New York," on page 51, line 6, before the word "clerks," to strike out "twelve" and insert "fourteen;" so as to read:

Fourteen clerks, at \$1,400 each.

The amendment was agreed to.

The next amendment was, in the same clause, on page 51, line 8, before the word "clerks," to strike out "three" and insert "five;" so as to read:

Five clerks, at \$1,200 each.

The amendment was agreed to.

The next amendment was, in the same clause, on page 51, line 19, to increase the total amount of the appropriations for "office of the assistant treasurer at New York" from "\$178,890" to "\$184,090."

The amendment was agreed to.

The reading of the bill was resumed and continued to line 7, on page 52, in the clause making appropriations for "office of assistant treasurer at Philadelphia."

Mr. ALLISON. I move to insert the word "dollars" after the word "hundred," in line 7, on page 52; so as to read:

Assistant cashier and assistant coin teller, at \$1,400 each.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 53, line 16, after the word "dollars," to insert:

And any unexpended balance of the appropriation for this purpose for the fiscal year 1890 is hereby reappropriated and made available for the fiscal year 1891.

So as to make the clause read:

For compensation of special agents to examine the books, accounts, and money on hand at the several subtreasuries and depositaries, including national banks acting as depositaries, under the requirements of section 3649 of the Revised Statutes of United States, also including examinations of cash accounts at mints, \$5,000; and any unexpended balance of the appropriation for this purpose for the fiscal year 1890 is hereby reappropriated and made available for the fiscal year 1891.

Mr. COCKRELL. How much is that balance? I should like to ask the Senator from Iowa.

Mr. ALLISON. I do not know the exact sum, but it is a very small sum. These counters are now counting the money in San Francisco, and they will not complete it before the 1st of July. The intention is to allow this appropriation, whatever it may be—it is probably not more than \$200—to extend over beyond the beginning of the next fiscal year.

The amendment was agreed to.

The Chief Clerk resumed and continued the reading of the bill to the provision for "mint at Carson, Nev.," on page 54, line 25.

Mr. STEWART. I have an amendment which was prepared in the Department, which I desire to offer to that clause.

Mr. EDMUNDS. Had the Senator not better wait until the committee amendments are concluded?

Mr. ALLISON. I was about to offer an amendment from the Committee on Appropriations. If the Senator prefers to offer his amendment now, I shall not object.

Mr. STEWART. That is all right. I shall wait.

Mr. ALLISON. I move, in line 11, on page 54, in the appropriations for "mint at Carson, Nev.," to insert "sixty" instead of "thirty."

Mr. STEWART. That is right. I meant to offer such an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 54, line 11, after the word "adjusters," before the word "thousand," strike out "thirty" and insert "sixty;" so as to read:

For wages of workmen and adjusters, \$90,000.

Mr. COCKRELL. I should like to have the reason for that explained. Let the letter from the Department be read.

Mr. ALLISON. I will say respecting the incidental expenses of all these mints that I have in my hand a letter from the Secretary of the Treasury asking increased appropriations for them.

Mr. EDMUNDS. Let the letter be read.

Mr. PLATT. Is that amendment offered on account of the increased coinage of silver?

Mr. ALLISON. The letter explains the matter.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., June 19, 1890.

SIR: Referring to the legislative appropriation bill reported to the Senate on the 12th instant, I beg to direct your attention to certain reductions which have been made in the appropriations for "United States mints and assay offices" for the next fiscal year.

Under the head of "mint at Carson, Nev.," on page 54, the appropriation for "wages of workmen and adjusters" has been reduced from \$90,000 to \$80,000, and the appropriation for "incidental and contingent expenses" from \$25,000 to \$12,500.

These reductions were not recommended by the Department, and it will be impossible to carry on coinage operations at the mint at Carson with the amount appropriated in this bill.

Since October 1 of last year a coinage of 200,000 silver dollars and some gold has been executed monthly at this mint, and the appropriation "for wages and incidental expenses" made in the bill, as reported to the House of Representatives, was on the basis of an assay office. The present expenses for "wages of workmen and adjusters" at the mint at Carson aggregate \$6,000 a month, the deficiency being paid from the appropriation for the coinage of the standard silver dollar.

If it is intended that coinage operations shall be continued at the mint at Carson it will be necessary to restore the appropriation to the amounts made for the current fiscal year and as recommended by the Department for the fiscal year 1891.

On the same page, under the head of "mint at Denver," the appropriation "for incidental and contingent expenses" has been reduced from \$5,000 to \$3,000.

This reduction was not recommended by the Department and is not in keeping with the growing business of the mint at Denver.

It will be practically impossible to purchase apparatus, supplies, chemicals, fuel, etc., necessary to conduct the business of this institution for the sum of \$3,000, and I respectfully request that the appropriation be restored to the amount appropriated for the current fiscal year, namely, \$6,000.

On page 56, under the head of "mint at Philadelphia," the appropriation "for incidental and contingent expenses" has been reduced from \$100,000 to \$80,000. This reduction was not recommended by the Department and should not be made. The mint at Philadelphia is one of the most economically conducted institutions in the Government service, and the coinage annually turned out from it is enormous and constantly increasing.

It will be understood that this appropriation is intended to cover not only the supplies, acids, chemicals, fuel, etc., necessary for the business of this large manufacturing institution, but also the purchase of new machinery, repairs, the entire gold wastage, and the expenses of the annual assay commission.

On page 57, under the head of "assay office at Boise City," the appropriation "for incidental and contingent expenses, including labor," has been reduced from \$7,500 to \$6,000.

This reduction was not recommended by the Department and is not in keeping with the increased business of this office. The present pay-roll of workmen amounts to \$525 a month, so that if this appropriation is reduced to \$6,000 a year it will be insufficient to pay the present small force of necessary workmen without providing anything for the purchase of supplies and the necessary incidental expenses connected with the establishment.

On page 57, under the head of "assay office at Helena," the appropriation "for incidental and contingent expenses" has been reduced from \$5,000 to \$4,000.

This reduction was not recommended by the Department, and, as in the case of the assay office at Boise City, is not in keeping with the growing business of the office.

I respectfully request that the appropriation be restored to \$5,000.

I beg to say that the estimates for the mint service for the fiscal year ending June 30, 1891, were very carefully prepared by the Director of the Mint and showed a net reduction of \$1,800 from the appropriations for the current fiscal year.

Very respectfully,

W. WINDOM, Secretary.

Hon. W. B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. ALLISON].

Mr. EDMUNDS. Let it be again reported.

The SECRETARY. On page 54, line 11, before the word "thousand," it is proposed to strike out "thirty" and insert "sixty;" so as to read:

For wages of workmen and adjusters, \$80,000.

The amendment was agreed to.

Mr. ALLISON. I move to insert, in line 13, on page 54, "\$25,000," instead of "\$12,500;" so as to read:

For incidental and contingent expenses, \$25,000.

Mr. COCKRELL. Is that based upon the same letter?

Mr. ALLISON. It is based upon the same letter.

Mr. EDMUNDS. We ought to say "payable in silver." [Laughter.]

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 24, on page 54, in the appropriations for "mint at Denver, Colo."

Mr. ALLISON. In line 24, on page 54, before the word "thousand," I move to strike out "three" and insert "six;" so as to read:

For incidental and contingent expenses \$6,000.

The amendment was agreed to.

Mr. ALLISON. I will say that the mint at Denver is only an assay office really. There is no coinage of silver there and no necessity for an increase of the adjusters.

The reading of the bill was resumed and continued to line 11, on page 56, in the appropriations for the "mint at Philadelphia."

Mr. ALLISON. In line 11, on page 56, I move to strike out "eighty," before the word "thousand," and insert "one hundred," which is in accordance with the recommendation of the Secretary of the Treasury.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 56, line 11, before the word "thousand," it is proposed to strike out "eighty" and insert "one hundred;" so as to make the clause read:

For incidental and contingent expenses, including new machinery and repairs, expenses annual assay commission (and purchases, not exceeding \$300 in value, of specimen coins and ores for the cabinet of the mint), \$100,000.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 7, on page 57, in the appropriations for "assay office at Boise City, Idaho Territory."

Mr. ALLISON. In line 8, on page 57, I move to strike out "six thousand" and insert "seven thousand five hundred;" so as to read:

For incidental and contingent expenses, including labor, \$7,500.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 22, on page 57, in the appropriations for "assay office at Helena, Mont."

Mr. SANDERS. Mr. President—

Mr. ALLISON. I move to strike out "four" and insert "five" before the word "thousand," in line 22, on page 57.

Mr. SANDERS. That is just what I wanted to do.

Mr. ALLISON. That is in accordance with the recommendation of the Secretary of the Treasury.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In line 22, on page 57, before the word "thousand," strike out "four" and insert "five;" so as to read:

For incidental and contingent expenses, \$5,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in

the appropriations for "Government in the Territories," on page 59, line 3, after the word "dollars," to strike out "Judge" and insert "judge;" in line 6, before the words "deputy marshals," to strike out "four" and insert "six;" and in line 7, after the word "all," to strike out "twenty thousand five hundred" and insert "twenty-two thousand;" so as to make the clause read:

Territory of Alaska: For salary of governor, \$3,000; judge, \$3,000; attorney, marshal, and clerk, \$2,500 each; four commissioners, \$1,000 each; six deputy marshals, \$750 each; in all, \$22,000.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 9, on page 59, in the appropriations for "Territory of Alaska."

Mr. EDMUNDS. A comma should be inserted at the end of line 9, after the word "Territory."

The PRESIDING OFFICER. That correction shall be made.

The reading of the bill was resumed and continued to page 60, line 5, in the appropriation for "Territory of Idaho."

Mr. ALLISON. I move to insert on page 60, after line 5, the amendment which I send to the desk, which is made necessary by the fact that we have not yet admitted Idaho as a State.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 60, after line 5, it is proposed to insert: For legislative expenses, namely: For rent, fuel, lights, stationery, postage and other contingent and incidental expenses of the secretary's office, \$1,000.

Mr. COCKRELL. What is that for? Let us hear the explanation of that, Mr. President.

Mr. ALLISON. It is to cover for the time intervening before the admission of Idaho as a State, the incidental expenses of the Territory. It was supposed when this bill was prepared in the House and passed by the House that Idaho would be a State in the very near future, and the House made no provision for the contingency that it should continue a Territory for a brief space of time.

Mr. PLATT. They had passed the bill there for the admission of Idaho.

Mr. ALLISON. They had passed the bill there and we were trying to pass it here.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 10, on page 60, in the appropriations for the "Territory of New Mexico."

Mr. COCKRELL. Have we not passed a bill granting another judge in New Mexico?

Mr. EDMUNDS. No; the bill is on the Calendar, and the additional judge has to be provided for somewhere, and the same is the case, I think, in Arizona, that we have passed by; but before the bill is finished I shall have the matter looked into so that it can be got into a condition for the committee of conference to act upon if it is necessary.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, at the top of page 61, beginning in line 1, to insert:

Territory of Oklahoma: For salary of governor, \$2,600; chief-justice and two associate judges, at \$3,000 each; and secretary, at \$1,800, \$13,400.

For legislative expenses, namely: For contingent expenses of secretary's office, \$2,100.

For contingent expenses of the Territory, to be expended by the governor, \$1,500.

The amendment was agreed to.

The next amendment was, in the appropriations for "Territory of Utah," on page 61, line 18, after the word "governor," to strike out "five hundred" and insert "one thousand;" so as to make the clause read:

For contingent expenses of the Territory, to be expended by the governor, \$1,000.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 14, on page 62, in the appropriations for "Territory of Wyoming."

Mr. ALLISON. I offer an amendment relating to Wyoming, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 62, after line 14, it is proposed to insert:

For legislative expenses, namely: For rent, fuel, light, stationery, postage, messenger, clerk, and incidental expenses of secretary's office, \$1,000.

Mr. COCKRELL. That is the same as the provision inserted in relation to Idaho?

Mr. ALLISON. The same.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "War Department," on page 62, line 22, before the word "chiefs," to strike out "three" and insert "four;" so as to read:

Four chiefs of division, at \$2,000 each.

The amendment was agreed to.

The next amendment was, in the same clause, on page 62, line 24, before the word "clerks," to strike out "five" and insert "six;" so as to read:

Six clerks of class 4.

The amendment was agreed to.

The next amendment was, in the same clause, on page 63, line 7, to increase the total amount of the appropriations for compensation of the Secretary of War, Assistant Secretary, and the clerks and employes in the office of the Secretary from "\$106,350," to "\$110,150."

The amendment was agreed to.

The next amendment was, at the end of the clause making appropriations for the record and pension division, on page 63, after the word "dollars," in line 21, to insert:

And all employes provided for by this paragraph for the record and pension division of the War Department shall be exclusively engaged on the work of this division for the fiscal year 1891.

The amendment was agreed to.

The next amendment was, in the appropriations for the Signal Office, on page 64, line 25, before the word "clerks," to strike out the word "four" and insert "six," so as to read:

Six clerks of class 2.

The amendment was agreed to.

The next amendment was, in the same clause, on page 65, line 14, before the word "watchmen," to strike out "two" and insert "three," so as to read:

Three watchmen.

The amendment was agreed to.

The next amendment was, in the same clause, on page 65, line 15, before the word "laborers," to strike out "five" and insert "seven," so as to read:

Seven laborers.

The amendment was agreed to.

The next amendment was, in the same clause, on page 65, line 16, after the word "laborers," to insert:

Two firemen, at \$600 each.

The amendment was agreed to.

The next amendment was, in the same clause, on page 65, line 23, after the word "each," to insert "charwoman."

The amendment was agreed to.

The next amendment was, at the end of the same clause, on page 66, line 5, to increase the total amount of appropriations for "the Signal Office" from "\$153,960" to "\$158,960."

The amendment was agreed to.

The reading of the bill was resumed and continued to line 23, on page 66, in the clause making appropriations for "the office of the Commissary-General."

Mr. EDMUNDS. A semicolon should be inserted on page 66, line 23, after the first word "four."

The PRESIDING OFFICER. It will be so inserted, if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, at the end of the clause making appropriations for "the Office of the Surgeon-General," on page 67, line 15, to add the following proviso:

Provided, That so much of the printing for the office of the Surgeon-General of the Army as is required to meet emergencies or to expedite the work of that office may, when practicable, be done in the office of the Adjutant-General or of the Chief of Ordnance, as the Secretary of War may direct.

Mr. EDMUNDS. What does that mean? I should like that explained.

Mr. COCKRELL. I will explain that. It was put in at my instance. Some years ago there was a printing office in the Surgeon-General's Office. It was put in charge of a gentleman and his brother, who were interested in an outside printing office, and a great deal of the work was done in this outside printing office, and we wiped out the office, destroyed it entirely. Now they have no printing office and are issuing a great many circulars, and are frequently delayed, on sending the papers to the Public Printer, in getting them back. This amendment simply provides that in an emergency of that kind the work may be done at the little printing office they have in the Adjutant-General's Office or in the office of the Chief of Ordnance, without putting any new printing press there.

Mr. EDMUNDS. Where is the appropriation to pay for it?

Mr. COCKRELL. The general appropriation will pay for it.

Mr. EDMUNDS. What general appropriation?

Mr. COCKRELL. The appropriation for the contingent expenses of the Surgeon-General's printing and of the Adjutant-General's printing and of that of the Chief of Ordnance.

Mr. EDMUNDS. I do not see any contingent expenses provided for here. I am opposed to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the "Office of the Chief of Engineers," on page 68, line 12, after the word "draughtsmen" to insert "civil engineers," so as to read:

And the services of skilled draughtsmen, civil engineers, and such other services as the Secretary of War may deem necessary may be employed in the office of the Chief of Engineers to carry into effect the various appropriations for rivers and harbors, fortifications, and surveys for military defenses, to be paid from such appropriations, etc.

The amendment was agreed to.

The next amendment was, on page 68, line 25, before the words "clerks of class 4," to strike out "three" and insert "four;" on page 69, line 1, before the words "of class 2," to strike out "one clerk" and insert "two clerks;" in line 3, after the word "each," to strike out "one pressman and compositor, \$1,200," and insert "two pressmen and compositors, at \$1,200 each;" and in line 8, after the word "all," to strike out "twenty-seven thousand three" and insert "thirty-one thousand seven;" so as to make the clause read:

Office of publication of Records of the Rebellion: For one agent, \$2,000; four clerks of class 4; three clerks of class 3; two clerks of class 2; three clerks of class 1; three copyists, at \$900 each; two pressmen and compositors, at \$1,200 each; one compositor, \$1,000; two copy-holders, at \$900 each; two assistant messengers; two watchmen; and one laborer, at \$900; in all, \$31,790.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 24, on page 69, in the appropriations for "Office of publication of Records of the Rebellion."

Mr. COCKRELL. I suggest an amendment after the words "Records of the Rebellion," in line 24 on page 69, to insert "and pension division." That is a building occupied on Tenth street, and there may be some repairs necessary to be made to it.

Mr. ALLISON. I have a memorandum of that. I move to strike out the word "and," in line 23, and insert what the Senator from Missouri suggests.

Mr. COCKRELL. After the word "Rebellion," insert "record and pension division."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In line 23, on page 69, after the words "Signal Office," strike out the word "and," and after the word "Rebellion," in line 24, insert the words "and the record and pension division of the War Department."

The amendment was agreed to.

The reading of the bill was resumed and continued to the clause in lines 1 and 2, on page 70, appropriating \$25,000 "for stationery for the War Department, its bureaus and offices."

Mr. COCKRELL. While we are passing there I move to change "\$25,000" to "\$30,000," which is the amount of the estimate.

Mr. ALLISON. That is right.

Mr. COCKRELL. It is absolutely necessary that that amount shall be appropriated, and, in my judgment, it will not cover the necessary printing which must be done. In the preparation of the card-index records a great deal of printing is required.

Mr. EDMUNDS. This clause refers to stationery.

Mr. COCKRELL. A great deal of stationery has to be purchased for printing the card-index records.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 70, line 2, before the word "thousand," it is proposed to strike out "twenty-five" and insert "thirty;" so as to read:

For stationery for the War Department, its bureaus and offices, \$30,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 70, line 5, after the words "Rebellion Record Office," to strike out "one thousand two hundred" and insert "three thousand;" in line 6, after the word "dollars," to insert "and for expenses of removal of office, \$150;" and in line 8, after the word "all," to strike out "two thousand two hundred" and insert "four thousand one hundred and fifty," so as to make the clause read:

For rent of buildings for use of the War Department, as follows: For medical dispensary, Surgeon-General's Office, \$1,000; for the Rebellion Record Office, \$3,000, and for expenses of removal of office, \$150; in all, \$4,150.

The amendment was agreed to.

The next amendment was, on page 70, after line 9, to insert:

To enable the Secretary of War to dispose of useless papers in the War Department under the act of February 16, 1890, in accordance with the report of the joint committee of the Senate and House of Representatives, being Senate Report No. 1084, Fifty-first Congress, first session, \$300.

The amendment was agreed to.

Mr. ALLISON. I move that the Senate do now adjourn.

Mr. EDMUNDS. Let us finish the bill to-night.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 44 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 19, 1890, at 12 o'clock m.

CONFIRMATIONS.

Executive nomination confirmed by the Senate June 14, 1890.

SURVEYOR-GENERAL OF IDAHO.

Willis H. Pettit, of Wallace, Idaho, to be surveyor-general of Idaho.

Executive nominations confirmed by the Senate June 18, 1890.

JUSTICE OF THE PEACE.

James A. Tait, of District of Columbia, to be justice of the peace in the District of Columbia.

APPOINTMENT IN THE MARINE-HOSPITAL SERVICE.

Dr. Benjamin W. Brown, of Virginia, to be assistant surgeon in the Marine-Hospital Service of the United States.

APPOINTMENTS IN THE NAVY.

John Evelyn Page, a resident of Virginia, and Robert Morris Kennedy, a resident of Pennsylvania, to be assistant surgeons in the Navy.
Lewis Hiram Stone, a resident of Connecticut, and James Morehead Whitfield, a resident of Virginia, to be assistant surgeons in the Navy.

UNITED STATES ATTORNEYS.

Abial Lathrop, of South Carolina, to be attorney of the United States for the district of South Carolina.

Eugene Marshall, of Texas, to be attorney of the United States for the northern district of Texas.

COLLECTORS OF CUSTOMS.

William A. Pew, of Massachusetts, to be collector of customs for the district of Gloucester, in the State of Massachusetts.

Royal A. Bensell, of Oregon, to be collector of customs for the district of Yaquina, in the State of Oregon.

UNITED STATES MARSHALS.

William F. Furay, of Montana, to be marshal of the United States for the district of Montana.

Rollin Amsden, of Vermont, to be marshal of the United States for the district of Vermont.

SURVEYOR OF CUSTOMS.

William L. McMillen, of Louisiana, to be surveyor of customs in the district of New Orleans, in the State of Louisiana.

ASSISTANT COLLECTOR OF CUSTOMS.

J. Eugene Troth, of New Jersey, to be assistant collector of customs for the port of Camden, N. J., in the district of Philadelphia, in the State of Pennsylvania.

CONSUL.

Laton S. Hunt, of New York, to be consul of the United States at Guelph, Ontario.

TERRITORIAL OFFICERS.

Lilleston B. Bartlett, of Grand County, Territory of Utah, to be judge of probate in said county.

Asbury B. Conaway, of Wyoming, to be associate justice of the supreme court of the Territory of Wyoming.

Nicholas R. Peckinpaugh, of Leavenworth, Ind., to be clerk of the district court for the district of Alaska.

John C. Delaney, of Harrisburg, Pa., to be receiver of public moneys at Oklahoma, in the Territory of Oklahoma.

William R. Hoyt, of Chippewa Falls, Wis., to be a commissioner in and for the district of Alaska, to reside at Juneau City.

POSTMASTERS.

Robert W. Correy, to be postmaster at Milton, in the county of Northumberland and State of Pennsylvania.

Mrs. Selina Gibson, to be postmaster at Freeport, in the county of Armstrong and State of Pennsylvania.

REJECTIONS.

Executive nominations rejected by the Senate June 18, 1890.

COLLECTOR OF INTERNAL REVENUE.

John B. Eaves, of North Carolina, to be collector of internal revenue for the fifth district of North Carolina.

POSTMASTER.

H. Harvey Schoch, to be postmaster at Selin's Grove, in the county of Snyder and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 18, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D., as follows:

Almighty God, forasmuch as it hath pleased Thee to take out of this world the soul of an old and honored servant of this House, whose unwearied and skillful hand has these forty years preserved for the future the words and acts of Congress; whose intelligence, industry, and faithfulness awakened the regard and admiration of all who knew him, we humbly beseech Thee, grant to the wife and children, bereaved by this heavy blow of affliction, Thy consolation and peace. Give to us, who day by day are drawing nearer to that "undiscovered country, from whose bourn no traveler returns," a simpler and more reverential faith in Thee, a profounder sense of obligation to Thy Son and to our duty, and thus may we be prepared for that solemn change so near to some of us. And may we enter with joy into the rest which Thou hast prepared for those who love Thee. We humbly pray, through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

BRIDGE OVER TENNESSEE RIVER AT OR NEAR GUNTERSVILLE, ALA.

Mr. FORNEY. Mr. Speaker, I ask unanimous consent that the bill (H. R. 9523) authorizing the construction of a bridge over the Tennessee River at or near Gunter'sville, Ala., and for other purposes be called up for present consideration.

The bill was read by the Clerk, as follows:

Be it enacted, etc., That it shall be lawful for the Tennessee and Coosa Railroad Company of Alabama, a corporation duly and legally incorporated under the laws of the State of Alabama, its successors or assigns, to construct and maintain a bridge over the Tennessee River at or near Gunter'sville, Ala. Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of the persons by whom it may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers, for such reasonable rates of toll as may be approved from time to time by the Secretary of War.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or passengers or freight passing over said bridge, than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridge; and it shall enjoy the rights and privileges of other post-roads in the United States. And equal privileges in the use of said bridge shall be granted to all companies upon such terms as may be agreed upon by the parties, and, if they can not agree, then as the same shall be determined by the Secretary of War; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

SEC. 3. That the said bridge shall be constructed as a draw-bridge; the draw or pivot pier shall be at such point in the channel of the river as the Secretary of War may direct, and the opening or passage-way of said draw-pier shall be so protected and arranged that water craft can be worked through it at any and all times; and the draw-span shall not be of less width, nor shall the lowest part of the same be of less elevation above high water, than are the widest and highest of those authorized by Congress for any bridge over the Tennessee River, and the piers of said bridge shall be parallel with and the bridge itself at right angles to the current of the river: *Provided*, That in said bridge there shall be one span of not less than 300 feet in the clear: *Provided, also*, That said draw shall be opened promptly upon reasonable signal for the passing of boats; and said company or corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe. No bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed at the expense of the owner or owners of said bridge; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the cause may be brought in the circuit court of the United States of the State of Alabama in whose territorial jurisdiction any portion of said obstruction or bridge may be located: *Provided further*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt this bridge from the operation of the same.

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties.

SEC. 5. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving, for the space of 1 mile above and 1 mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built. And if any change is required by the Secretary of War in the plan of said bridge, whilst the same is in process of construction, or after its completion, or if the entire removal of said bridge is required by him at any time, the cost of such change or removal shall be paid by the company owning or controlling said bridge.

SEC. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within three years from the date thereof.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved.

THE SPEAKER. Is there objection to the present consideration of the bill? [A pause.] The Chair hears none.

MR. RICHARDSON. I desire to ask the gentleman from Alabama [Mr. FORNEY] if he will consent to insert as an amendment, after the words "at or near Gunter'sville," the further words "or at or near Deposit, in the discretion of the railroad company." I ask him if he will agree to that?

MR. FORNEY. No, sir, I do not wish to agree to it. I would like to accommodate the gentleman, but I prefer the bill as it is. Gunter'sville is the terminus of the railroad.

MR. RICHARDSON. I have introduced a bill in the exact words of this one, with the exception of the words which I have repeated; but, inasmuch as the gentleman objects to the insertion of them in this bill, I will not object to the passage of this bill as it stands and will trust to further legislation in the future.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

MR. FORNEY. I move to reconsider the vote by which the bill was passed; and also move to lay the motion to reconsider on the table. The latter motion was agreed to.

WILLIAM D. MATTHEWS.

Mr. MORRILL. Mr. Speaker, I ask unanimous consent for the present consideration of House bill (H. R. 8392) for the relief of William D. Matthews.

The bill was read by the Clerk, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William D. Matthews, out of any money in the Treasury not otherwise appropriated, the pay and emoluments of a captain of infantry from the 4th day of August, 1862, to the 2d day of May, 1863.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McMILLIN. Mr. Speaker, I am entirely willing that the bill be considered, but I would like to have the report read or some statement made.

The SPEAKER. The Chair hears no objection.

Mr. MORRILL. Mr. Speaker, the circumstances are these: Captain Matthews was appointed as a recruiting officer by the War Department in August, 1862. He went to work and recruited a company of eighty-seven colored men, and served with the regiment until May, 1863, when the officers were mustered in, and the mustering officer refused to muster him in because he said he could not muster in as an officer of any company, in any regiment, any colored man; that all the officers must be white. Captain Matthews served faithfully for nearly eight months, was at considerable expense, and has never received any compensation therefor whatever.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time, and passed.

Mr. MORRILL. I move to reconsider the vote by which the bill was passed; and also move to lay the motion to reconsider on the table. The latter motion was agreed to.

TITLE TO LANDS, SAULT STE. MARIE, MICH.

Mr. PAYSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk (H. R. 9048), to confirm the title of certain lands in the city of Sault Ste. Marie and State of Michigan, and to release any reversionary right of the Government of the United States therein.

The Clerk read the bill, as follows:

Be it enacted, etc., That the lot or parcel of land in the city of Sault Ste. Marie, in the county of Chippewa and State of Michigan, subject to the provisions of the act of Congress approved the 26th day of September, 1850, entitled "An act providing for the examination and settlement of claims for land at the Sault Ste. Marie, in Michigan," and designated on the connected [corrected] plat of survey, approved under date of September 4, 1855, by the surveyor-general at Detroit, made pursuant to the act aforesaid, as lot numbered 135, and also known and designated on said plat as "village cemetery," containing 2.65 acres, be, and the same is hereby, confirmed to the corporate authorities of said city of Sault Ste. Marie, Mich., to make such disposition of the said land included in said cemetery or burying-ground as said corporate authorities may deem proper.

SEC. 2. That any right of reversion or otherwise which the United States may have or be supposed to have in the said cemetery lot be, and the same is hereby, granted and released to the said corporate authorities of said city of Sault Ste. Marie, Mich.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

In line 16, page 2, after the word "Michigan," insert the words "with authority."

In line 18 strike out the words "or burying-ground."

In line 3 of section 2, strike out the words "granted and."

Mr. McMILLIN. Let us have some statement in regard to this bill.

The SPEAKER. The question is upon unanimous consent for present consideration.

Mr. PAYSON. Mr. Speaker, this bill affects only the title to a piece of ground containing a trifle over 2½ acres of land in the city of Sault Ste. Marie in the State of Michigan. It was platted in 1822 and this piece of ground was set apart for cemetery purposes. With the growth of the city, it being in the heart of the place, the result of the location was found to affect the health of the city, or so considered by the city authorities, and so proceedings were had in the local courts to authorize a change of the use of the land from the dedication that was made, for public purposes; this was obtained, and one-half of this piece of ground—a little over an acre—was exchanged by the city authorities for 5½ acres of ground upon the outskirts of the city for a cemetery, and upon the other half the buildings of the town were located.

Prior to the Forty-ninth Congress some question was raised by some holders of preferential scrip up in that country as to whether or not by reason of some technicality in the original dedication and the subsequent change of the use of the ground from a cemetery and exchanging a part of it for a piece of ground outside the town, this land did not so revert to the General Government as that scrip might not be located upon it for speculative purposes, and a bill similar in character to this was introduced in the Forty-ninth Congress and favorably reported, but no action was had for want of time. In the mean time the application for scrip entry of the land in the Land Office came to a hearing, and finally, on appeal, the Secretary of the Interior decided against the application. The decision of the Secretary of the Interior I have incorporated in the report which I have made upon this bill.

Mr. RICHARDSON. I may have misunderstood the gentleman, but I understood him to say that the ground was unhealthy for cemetery purposes. [Laughter.]

Mr. PAYSON. I said that, the land being located in the heart of the city and it being used for cemetery purposes, it was regarded as an improper place for a cemetery, detrimental to the health of the community, and so application was made to the local courts for permission to dispose of it by judicial authority and change the use of it. I hope I make myself understood. Nothing is decided by this bill except simply quieting the title to this land in the village of Sault Ste. Marie.

The SPEAKER. Is there objection to the consideration of this bill? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM P. ATWELL.

Mr. BRICKNER. I ask unanimous consent for the present consideration of the bill (S. 209) to authorize the Secretary of War to cause to be mustered William P. Atwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized to cause to be mustered William P. Atwell as captain of Company G, Thirty-seventh Wisconsin Volunteer Regiment of Infantry, to date November 18, 1864.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McMILLIN. Let us have the report read, reserving the right to object.

The report (by Mr. OSBORNE) was read, as follows:

The Committee on Military Affairs, to whom was referred Senate bill 209, have had the same under consideration, and recommend that the bill be amended by adding the following words: "and that the Secretary of War give to him an honorable discharge as captain of said company and regiment, to date at the time said regiment was mustered out of the service."

Your committee adopt the report of the Senate committee, as follows:

"William P. Atwell, on the 30th day of July, 1864, was acting as first lieutenant of Company G, Thirty-seventh Wisconsin Volunteer Infantry, and while acting in that capacity on that day was severely wounded in front of Petersburg, Va., and lost his leg, being in hospital from the incurrence of wound until November 18, 1864, on which day the captain of his company, M. H. Hells, was discharged the service, which created a vacancy in that office, and but for the wound received and necessary absence of said Atwell at that time he would have been entitled to have been commissioned as captain of said Company G in said regiment. Atwell's commission as captain was not issued until after his discharge as first lieutenant, to wit, November 22, 1864.

"Application was made by Atwell to the Adjutant-General United States Army for recognition as captain from November 18, 1864, the date on which the vacancy occurred in that office, but his application was denied, there being no power under the general law acts of 1864, 1867, to afford the relief asked for, as will appear from letter of Adjutant-General United States Army hereto annexed and made a part of this report.

"Your committee are of the opinion that the absence of the petitioner because of the serious wound received, and from which he was still suffering at time of the vacancy in the office of captain, should not deprive him of a commission which the War Department recognized him as entitled to, and that the same should date from November 18, 1864, the date on which the vacancy occurred. His enforced absence was the result of faithful discharge of duty patriotically performed."

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE.
Washington, January 4, 1889.

SIR: In reply to your request for the re-examination of your claim for recognition as captain Company G, Thirty-seventh Regiment Wisconsin Volunteers, from November 18, 1864, to November 22, 1864, under the provisions of the acts approved June 3, 1864, and February 3, 1867, I have the honor to inform you that the act approved February 3, 1867, is construed to afford relief only to those who actually rendered service in a grade from the date of rank fixed in their respective commissions.

The records of this office show that your commission as captain Thirty-seventh Wisconsin Volunteers was issued July 3, 1866, to rank from November 18, 1864; that although a vacancy existed for you as of that grade in Company G from November 18, 1864 (date of rank of commission), to November 22, 1864 (date of your discharge as first lieutenant), you were absent from your command owing to wounds received in action, and therefore any relief looking to your recognition as that of the grade and organization named can only be afforded by Congressional legislation.

Letter from this office of October 16, 1888, is herewith returned.

Very respectfully, your obedient servant,

THOMAS WARD,
Assistant Adjutant-General.

Capt. W. P. ATWELL.

U. S. Army (retired), No. 2913 P street, N. W., Washington, D. C.

Your committee recommend that the bill as amended do pass.

Mr. KERR, of Iowa. I ask the gentleman if this man would have been entitled to the promotion if he had been present?

Mr. BRICKNER. Yes, sir.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended in the report of the committee was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS B. McELWEE.

Mr. EVANS. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 6018) for the relief of Thomas B. McElwee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to Thomas B. McElwee, of Athens, Tenn., the sum of \$117.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

The committee recommend, after the word "dollars," in line 6, to add the following: "Being for freight paid the military authorities of the United States on twelve bales of cotton in the year 1865."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. EVANS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DABNEY, SIMMONS & CO.

Mr. ANDREW. I ask unanimous consent that the bill (H. R. 5183) for the relief of Dabney, Simmons & Co. be taken up for consideration at the present time.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to examine and settle the claim of Dabney, Simmons & Co., of Boston, Mass., for expenses incurred in retesting 88 cases of opium condemned by the Government, and pay them such amount as may be found due.

The committee recommended to strike out all after the enacting clause and insert the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to examine the claim of Dabney, Simmons & Co., of Boston, Mass., for expenses incurred by them in the retesting of 101 cases of opium condemned by the Government, and to repay to said firm, out of the moneys in the Treasury not otherwise appropriated, the expense of the re-examination of all of said cases which upon such re-examination were found to contain the standard amount of morphia.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KILGORE. Let us have the regular order.

Mr. HOLMAN. Let the report be read.

The SPEAKER. The gentleman from Texas demands the regular order.

Mr. ANDREW. I hope the gentleman will withdraw the demand for the regular order until the report can be read.

Mr. KILGORE. If you will give time to consider that bill, I will withdraw the demand for the regular order. Still I think we may as well have the regular order.

Mr. ANDREW. This matter will only take one moment.

Mr. KILGORE. I withdraw the demand for the regular order for a moment.

Mr. SPRINGER. Let the report be read, reserving the right to object.

The report (by Mr. DUNPHY) was read, as follows:

The Committee on Claims, to which was referred the bill (H. R. 5183) for the relief of Dabney, Simmons & Co., of Boston, Mass., report as follows:

During the three months prior to December, 1889, Dabney, Simmons & Co., of Boston, Mass., imported through their agents, Paddock & Fowler, of New York, 101 cases of opium. The opium was rejected by the customs authorities at New York, on the ground that it did not contain 9 per cent. of morphia, the required standard.

Dabney, Simmons & Co. demanded a re-examination of the opium, and, as required by section 2936 of the Revised Statutes, deposited with the collector \$1,111 to defray the expense of such re-examination.

A re-examination was made by a competent analytical chemist, who found that 88 of these 101 cases contained morphia considerably in excess of the required standard, which 88 cases were passed.

Dabney, Simmons & Co. ask the return of \$968, the amount deposited with the collector for the re-examination of the cases which, upon a proper examination, were found up to the standard.

The law makes no provision for the repayment of such expenses.

The committee believe that the first examination, if made by competent, careful persons, would have disclosed the presence in these 88 cases of the standard amount of morphia. The rejection, after examination, of the entire 101 cases satisfies the committee of the incompetency or carelessness of the person or persons who made the first examination. Dabney, Simmons & Co. should never have been put to the expense of a retest of the 88 cases passed upon re-examination. They seem to have been required to pay \$968 for an opportunity to prove the incompetency or carelessness of the Government employes.

The committee recommend that the accompanying amended bill do pass.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. ANDREW moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT WINONA, MINN.

Mr. DUNNELL. I ask unanimous consent for the present consideration of the bill (H. R. 8792) to authorize the construction of a bridge across the Mississippi River at Winona, Minn.

The Clerk proceeded to read the bill.

Mr. DUNNELL. I ask that the reading of that part of the bill which has been stricken out by the committee be omitted and that the italics be read. That is a substitute.

The SPEAKER. Without objection, that part of the bill reported by the committee will be read, and not the portion which is stricken out.

Mr. HOLMAN. That is in the nature of a substitute?

Mr. DUNNELL. It is a substitute to the original bill, and embraces the amendments recommended by the Secretary of War.

The Clerk proceeded to read the substitute.

Mr. SPINOLA (during the reading). Mr. Speaker, is it in order to object to this bill at the present time? If it is, I desire to do so in order to save time.

The SPEAKER. The gentleman has the right to make objection.

Mr. DUNNELL. I would state to the gentleman from New York that the reading is very nearly through, not more than a line or two remaining.

Mr. SPINOLA. It is too much of a bridge for me to-day.

Mr. DUNNELL. The bill that is being read contains the amendments recommended by the Secretary of War.

Mr. SPINOLA. I repeat, it is too much of a bridge for me to-day.

ORDER OF BUSINESS.

Mr. PERKINS. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10726) making appropriations for the current and contingent expenses of the Indian Department, etc.

The question was put.

RETURN OF A SENATE BILL.

The SPEAKER. Pending the announcement of the vote the Chair desires to lay before the House the following resolution of the Senate.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, June 17, 1890.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2865) granting to the Jacksonville, St. Augustine and Halifax River Railway Company a right of way across the United States military reservation at St. Augustine, Fla.

The SPEAKER. Without objection, the request of the Senate will be complied with.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

The SPEAKER. The "ayes" have it, and the motion of the gentleman from Kansas is agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. ALLEN, of Michigan, in the chair.

INDIAN APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10762. At the time when the committee rose a point of order had been made upon that paragraph of the bill found at page 14 relative to claims for removal of certain Indians, and the gentleman from Arkansas [Mr. PEEL] desired to address the Chair on the point of order.

Mr. PEEL. Mr. Chairman, I do not desire at this time to occupy the time of the committee with any further remarks of my own. On yesterday, in the discussion of this point of order, the Chair's attention was called to a ruling of the Chair during the first session of the Fiftieth Congress on a point of order made to that item in the Indian appropriation bill known as the Choctaw judgment. The present occupant of the chair was a member of that committee, and no doubt well remembers the discussion. I desire now to have read from the Clerk's desk the ruling of the Chair upon that point of order.

Mr. Chairman, I hope there will be order in the committee while the decision referred to is being read.

The CHAIRMAN. The Chair desires that members of the committee will pay close attention to what is being said and to the decision which is to be read, because it is more than probable an appeal will be taken from the decision of the Chair, whatever it may be, and hence it is proper that members should be advised of what the points are.

The Clerk read as follows:

The CHAIRMAN. The subject-matter of this point of order is the provision incorporated in this bill providing payment to the Choctaw Nation of the sum of \$2,838,798.62, which amount had been adjudged to be due that nation from the United States by a decision of the Supreme Court, and also by the Court of Claims acting in pursuance of a mandate of the Supreme Court.

It is true that this is a judgment of the court, but at the same time it does not prevent the House of Representatives, or a committee of the House, from looking into the decision of the court to determine the subject-matter of the decision; and if we refer to the legislation of Congress upon the subject it will be found that the act of Congress referring this claim to the Court of Claims provided that that court was authorized to take jurisdiction and try all questions of difference arising out of treaty stipulations with the Choctaw Nation and to render judgment thereon.

The matter, therefore, referred to the court was the matter of a treaty stipulation between the Choctaw Nation and the United States; and the Court of Claims and the Supreme Court of the United States have adjudged that under that treaty stipulation the United States was indebted to this Indian tribe, or Indian nation, in the amount set forth in this bill covering the judgment of the court, which sum of money is adjudged to be due them in pursuance of this treaty made between the Government and the Indians. Therefore, the subject-matter of this claim, as the present occupant of the chair understands and believes, comes within the very terms of clause 16 of Rule XI, which provides that—

"All subjects relating to the relations of the United States with the Indians and the Indian tribes, including appropriations therefor—shall be referred to the Committee on Indian Affairs."

It has been stated in the discussion of this point of order that previous to the rule of the House which divided the powers of the Appropriation Committee judgments of the Court of Claims and of the Supreme Court of the United States were reported either in the sundry civil bill or in a deficiency bill. That may be true, but the present occupant of the chair is not aware of any ruling or any judgment of the Court of Claims or of the Supreme Court relating to Indian affairs or carrying out the stipulations of treaties with the Indian tribes which has been made since this new rule was established by the House of Representatives, and as this is the first time that the House or a committee of the Whole House has been called on to interpret the powers of these committees, being the first claim arising out of treaty stipulations on a judgment since these powers of appropriation were divided among the committees, the Chair thinks that this committee may well infer that as this was a judgment based upon treaty stipulations the subject-matter of that judgment is a proper one to be taken cognizance of by the Committee on Indian Affairs.

Now the question recurs as to whether this matter has been so referred. The Chair is of opinion that it has been. Under the rule laid down in Cushing, to which the Chair has called attention and which the Clerk has just read, the powers of a committee are found to be, first, those included by its title and the power which it has, and, second, such matters as it has referred to it by the House of Representatives. Under both of these heads this committee, it seems to the Chair, has jurisdiction of the subject-matter here referred to. It is a proposition within the general powers or jurisdiction which the committee has; and it has also been referred to it by a memorial of the Choctaw Nation, which, in due course of proceedings, under the rules of the House, was referred to the Committee on Indian Affairs. That memorial, as appears by the indorsement upon the back of it, was sent to the Committee on Indian Affairs on the 3d day of March last; and by reference to the contents of the paper itself it will be seen that the memorial relates entirely to the subject-matter of these claims. The Choctaw Nation in this memorial requests Congress to make an appropriation for the payment of the sum of money found due under this award.

It seems, therefore, to the present occupant of the chair that on both grounds the Committee on Indian Affairs had jurisdiction of the claim. It also appears from various other papers cited that the Committee on Appropriations might have taken jurisdiction of this claim by the reference to it of the item in the Book of Estimates or by reference to it also of those papers accompanying the case; and if the present occupant of the chair had been presiding in the House at the time, and the question had been raised as to the power of the Committee on Appropriations in the premises, or the committee had shown its right, by the papers cited, to take cognizance of it, the Chair would have held that it could take, and properly take, jurisdiction of the case. But as the Committee on Indian Affairs has reported this proposition, and it comes within the name and general scope of the powers of the committee, and as it has been placed in a bill the very title of which is in part "for the purpose of fulfilling treaty stipulations with the various Indian tribes," the Chair is of opinion that it is properly in the bill, and that the committee had rightful jurisdiction of the subject.

One word further and the Chair will submit the question. The Chair desires to state that he would be glad to be relieved of the responsibility of deciding this question, and to have the judgment of the House upon it. It is a very important question and the present occupant of the chair has no pride of opinion whatever upon the subject, but would greatly prefer that an appeal should be taken to have the matter decided by the House.

While the Clerk was reading the extract sent up by Mr. PEEL the committee rose informally to receive a

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed the bill (H. R. 5381) directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes, with amendments in which the concurrence of the House was requested. [Applause on the Democratic side.]

Mr. COWLES. Let us have its present consideration. The committee resumed its session.

ORDER OF BUSINESS.

Mr. BLAND. I move that we proceed to consider the bill in the House.

The CHAIRMAN (Mr. ALLEN, of Michigan). The motion of the gentleman is not in order. The Clerk will continue the reading. The gentleman from Arkansas [Mr. PEEL] is in the act of addressing the House and the Clerk is reading an extract as a part of the gentleman's remarks.

Mr. SPRINGER. The Chair will not hold that it is not in order to move that the committee rise, because the committee has risen.

The CHAIRMAN. The gentleman from Arkansas [Mr. PEEL] has the floor.

Mr. BLOUNT. I ask the gentleman from Arkansas to yield for a motion that the committee rise.

Mr. BLAND. Mr. Chairman, the gentleman from Arkansas has yielded for a motion that the committee rise.

The CHAIRMAN. The gentleman from Arkansas has not so informed the Chair, and the motion to rise is not in order while he holds the floor.

The Clerk resumed and completed the reading of the extract.

Mr. BLAND. Now, Mr. Chairman, I move that the committee rise, my object being to move to proceed to the consideration of the silver bill in the House.

The question was taken on the motion of Mr. BLAND; and the Chairman declared that the yeas seemed to have it.

Mr. BLAND. I ask for a division.

Mr. COWLES. Every man who is a silver man let him stand up. [Laughter.]

The committee divided; and there were—ayes 79, yeas 87.

Mr. BLAND and Mr. SPRINGER demanded tellers.

Tellers were ordered; and the Chairman appointed Mr. BLAND and Mr. PERKINS.

The committee again divided; and the tellers reported—ayes 94, yeas 105.

So the committee refused to rise.

INDIAN APPROPRIATION BILL.

The CHAIRMAN. The question is upon the point of order pending before the committee.

Mr. PEEL. Mr. Chairman, I only desire to say, in conclusion, that if the ruling of the Chair in the case just read by the Clerk was correct there can be no question that the point of order now under consideration ought to be overruled. I can say furthermore that, having been chairman of the Committee on Indian Affairs at that time, I conferred with the then Speaker, and with several other gentlemen, and they all concurred in the opinion that the committee had jurisdiction of the Choctaw matter and that it was proper to put it on the appropriation bill. That is all I desire to say.

The CHAIRMAN. During the consideration of the bill by the Committee of the Whole yesterday, a paragraph found on page 9, relative to the Cherokee Indians, to pay for their transportation to, and subsistence for a year after their arrival in, the Indian Territory, was the subject of a point of order made by the gentleman from Illinois [Mr. CANNON], the point being that the paragraph was not properly in this bill; that the item, if anything, was a claim or a deficiency, and had no place upon this general appropriation bill.

The Chair ruled upon that point of order and sustained it. Subsequently several other paragraphs were read, as to which the same and other points of order were made. Points of order were raised on the paragraph beginning on page 13 and continuing to line 11 on page 15, and also on the paragraph extending from line 23, page 16, down to line 8, page 19. These paragraphs embrace sundry items, some for the payment of money to individuals and others for the payment of money to tribes of Indians. The bill before the committee is entitled "A bill making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1891, and for other purposes." Had these items been offered as amendments to the bill in Committee of the Whole and had the point been made upon them, all points of order having been reserved, the Chair does not hesitate to say that they would not have been in order. Though in the bill, they have no status higher than if offered as amendments. This is an appropriation bill, appropriating money for the current and contingent expenses of the Indian Department, and for fulfilling certain treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1891, and for other purposes. The "other purposes," in the judgment of the Chair, are those incidental to the main purpose. If, then, these items could not be considered as amendments to the bill when offered in Committee of the Whole, neither can they be considered when reported in the bill. If they are anything, they are deficiencies—some of them—and others are claims of individuals.

Mr. SPRINGER. If the Chair will allow me, I will suggest that a "deficiency" is a failure to appropriate a sufficient amount of money to carry on the Government under existing law, and that a treaty stipulation does not come within the definition of a provision of an appropriation to carry on the Government. It is simply an obligation created by law.

The CHAIRMAN. The Chair has carefully examined the decision made by the gentleman from Illinois [Mr. SPRINGER] in the Choctaw case, so called, was present when the point was made and decided, and heard the whole discussion, and is clear as to how the word "deficiency" has been treated heretofore in the proceedings of the House.

Mr. SPRINGER. If the Chair will pardon me, the point I make is that the carrying out of a treaty stipulation is not the making of an appropriation for a deficiency, even though the money may have been due for several years past; because it is not a part of the ordinary and necessary expenses of the Government.

The CHAIRMAN. The Chair is of opinion that if any appropriation to carry out treaty stipulations for the fiscal year ending June 30, 1891, should by any possibility fail to be reported by the committee or acted upon by Congress, the Government would not be absolved from its obligations, but the matter would be a deficiency to be cared for the following year under the rules of the House by being placed upon a deficiency bill.

Mr. PERKINS. Will the Chair permit a suggestion? I do not know that it will furnish any additional light to the Chair, but I wish to suggest that during this session of Congress the Secretary of the Interior called the attention of Congress to the fact that there was a deficiency in the appropriations which had been made for the care and support of Indians, and that consequently the Indians at La Pointe agency in Wisconsin and Devil's Lake agency in North Dakota were in a destitute condition—suffering for the want of the necessities of life, and that an emergency appropriation should be made for their relief. The recommendations in those cases went by order of the Speaker of this House to the Committee on Indian Affairs, not to the Committee on Appropriations; and it was not presumed by anybody that any other committee had jurisdiction of the subject-matter.

The CHAIRMAN. The Chair is under obligations to the gentleman from Kansas for his suggestion; the Chair intended to cover that point in his decision. The relief was granted by a special bill properly reported from the Committee on Indian Affairs, and there could be no question as to its jurisdiction.

The Chair has no doubt that, these separate items having been referred as they were to the Committee on Indian Affairs, that committee has jurisdiction to report suitable bills upon the subject, but they have no place upon the annual appropriation bill. The Chair puts the question upon that ground squarely. The Chair has stated that these items would have no place here as amendments, for as amendments they would not be germane to the purpose or spirit of the bill as defined in its title; hence certainly they have no place when reported in the bill.

The Chair regrets that the Government owes as much as it does, the payment of which ought to be provided for by suitable legislation; but that legislation of course must proceed under the rules of the House. The Chair has nothing to do in the matter but to decide the question according to the best of his knowledge and ability, regretting exceedingly that the question has arisen while he was in the chair. Therefore the point of order upon these items is sustained.

Mr. PEEL. Mr. Chairman, with deference to the opinion of the Chair, I respectfully appeal.

The CHAIRMAN. From the decision of the Chair the gentleman from Arkansas [Mr. PEEL] appeals. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question being taken, there were, on a division (called for by Mr. PEEL)—ayes 56, noes 28.

So the decision of the Chairman was sustained.

The Clerk read as follows, under the heading "Northern Cheyennes and Arapahoes:"

For pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer, per seventh article of same treaty, \$9,000; in all, \$56,000.

Mr. CARTER. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "dollars," in line 18, page 23, insert the following:

"To enable the Secretary of the Interior to appoint a commission, to consist of three persons, with authority to negotiate with the northern band of Cheyenne Indians on the Tongue River reservation and in its vicinity in Montana and with the band of Northern Cheyenne Indians on the Pine Ridge reservation in South Dakota, and with the Sioux Indians of said Pine Ridge reservation for such modification of their treaty and other rights as may be deemed desirable by said Indians and the Secretary of the Interior, and for the removal of said northern bands of Cheyenne Indians to a permanent settlement together upon one of the existing reservations in South Dakota, Wyoming, or Montana; and if the result of such negotiations shall make it necessary to negotiate with any other tribes or bands of Indians for such portion of their reservation as may be necessary for the permanent settlement of the said northern bands of Cheyennes as herein contemplated, \$10,000, or so much thereof as may be necessary, to be immediately available; but no agreement shall take effect until ratified by Congress."

Mr. CARTER. This amendment is offered with the approval of the Committee on Indian Affairs. The Northern Cheyenne Indians are divided into two separate bands, one located at the Pine Ridge agency in South Dakota, and the other at an agency heretofore established by Executive order in Montana. These Indians have been traveling back and forth over the intervening territory, giving considerable trouble to settlers and preying upon the country by the killing of stock. To such an extent had this line of depredations proceeded that on the 14th of May last the President communicated to this House and at the same time to the Senate a statement of the facts embodied in Senate Executive Document No. 121. In that document this amendment is recommended by the Commissioner of Indian Affairs, the Secretary of the Interior and the President concurring. The amendment as now submitted is practically identical in language with the item furnished by the Commissioner of Indian Affairs. As I understand, the committee has no objection to the adoption of the amendment.

The question being taken on the amendment of Mr. CARTER, it was agreed to.

The Clerk read as follows:

OSAGES.

For interest on \$69,120, at 5 per cent. per annum, being value of fifty-four sections of land set apart by treaty of June 2, 1825, for educational purposes, per Senate resolution of January 9, 1838, \$3,456, and the Secretary of the Interior is hereby authorized and directed to pay to the Osage Indians in quarterly payments the interest on their land fund as it accrues, except so much as may be necessary for support of schools and pay of employes.

Mr. PERKINS. I move to amend by inserting after the word "for," in the last line of the paragraph just read, the words "establishment and;" so as to read "necessary for establishment and support of schools," etc.

The amendment was agreed to.

The Clerk read as follows:

That the sum of \$30,000 be, and the same is hereby, appropriated out of any moneys in the Treasury of the United States of America not otherwise appropriated, and that said sum be expended and paid to the Pottawatomie Indians, known as the Citizen and Prairie bands, according to their respective rights and interest, by the Secretary of the Interior. This amount to be in full for the sums due said Indians for arrears under article 3 of treaty of October 16, 1826; article 2, treaty of September 20, 1825; article 4, treaty of October 27, 1825; for educational purposes up to and including fiscal year ending June 30, 1891; this amount to be set apart as specified in said several treaties as a school fund for said Indians, and paid out under the direction of the Secretary of the Interior.

Mr. CANNON. Reserving a point of order on this paragraph, I desire to obtain some explanation of it. It involves an appropriation of \$80,000, which amount appears to be money due under treaties of 1826

and 1828, for arrears, as it is claimed, for educational purposes; and it includes the fiscal year 1891. I wish to ask the gentleman in charge of this bill why this money has not been appropriated heretofore, whether any question has been made as to its not having been used, whether there are any charges upon it, and why it should be placed in this bill.

Mr. PERKINS. I will say to the gentleman from Illinois that the gentleman from Arkansas [Mr. PEEL] has the papers relating to this matter in his possession, and I will refer to him for an answer.

Mr. PEEL. I will state, Mr. Chairman, that under various treaties there rests with Congress the discretion of appropriating an annual amount for the education of these people. In other words, we are at liberty to appropriate \$5,000 during the pleasure of Congress.

Mr. CANNON. During the pleasure of Congress?

Mr. PEEL. Yes, sir; but they were dropped from the estimates for some cause or other some years ago, and the appropriations were suspended. The Indian Office in making up its estimate of the school fund generally, and in determining the best manner of appropriating the money for these people, whether it would be better to carry out the terms of the treaty, which rests in the discretion of Congress, or to appropriate a separate fund for the maintenance of the schools there, recommended that the treaty be carried out and recommended that an appropriation of money for this purpose be embodied in the bill.

I will state to the gentleman further, that this appropriation now embodied is made in conformity with the treaty. We are under obligation to supply a fund for the education of these people, and whether the appropriation is made in the manner here suggested, or a separate fund is set apart, the question is as broad as it is long. They want school money—and I have the recommendation of the Department here in my desk if the gentleman desires to see it—and in making up the general school fund it was found that these Indians were not provided for in any other way nor would they be provided for unless we carried out this treaty. Then this is simply keeping faith with them under our treaty stipulations, and giving them the money which is actually needed for their schools, and to which they are entitled.

Mr. CANNON. Then, as I understand from the reading of this provision, and from what the gentleman himself states, in 1826 and also in 1828 treaties were made with the Pottawatomie Indians by which they were entitled to have \$5,000 a year appropriated for their use for educational purposes, provided Congress saw fit to appropriate the money and give it to them, and that heretofore Congress, for a number of years past, has not seen fit to do so, but has refused.

Mr. PEEL. Not exactly. I will state to the gentleman that Congress made an appropriation for years and years, up to—well, I do not remember exactly the period—when the estimates ceased to come in.

Mr. CANNON. Well, say twenty years ago.

Mr. PEEL. I should say ten or fifteen years ago the estimates failed to come in.

Mr. CANNON. This provides \$80,000, which I take it to be about twenty years.

Mr. PEEL. It is \$5,000 a year.

Mr. CANNON. Now, Congress for twenty years, we will say, not having seen proper to exercise that discretion and appropriate \$5,000 a year for these people, this appropriation now embodied in the bill makes up for twenty years' exercise of the discretion of Congress, running back, say, for nineteen years past, which it failed to exercise during all that time, and that, too, in the light of the fact that Congress by this bill, independent of treaty stipulations, but from a humanitarian standpoint, provides for the education of all the Indians.

Mr. PEEL. Well, Mr. Chairman, while that may strike the gentleman from Illinois as an improper procedure, it is still a matter of obligation with the Government under treaty stipulations, and the only question was as to the best way to provide this fund for them, whether to exercise the discretion in Congress remaining under that treaty or to provide a separate common school fund for them.

The question of giving these Indians an educational fund came up. The gentleman will remember that these Indians were removed from Kansas and placed in the Indian Territory some years ago.

Mr. CANNON. Precisely; but we have appropriated for years and years for them.

Mr. PEEL. Yes, but not for this purpose.

Mr. CANNON. Well, we could have done so if Congress had chosen to exercise the discretion.

Mr. PEEL. Yes, but we did not. There were no estimates. The question came before the Indian Office and was before our committee whether it was not better to carry out the treaty here so that the Indians would have no claim against the Government for non-fulfillment of these obligations hereafter.

Mr. CANNON. But they have no claim anyway. You say it is discretionary with Congress.

Mr. PEEL. But Congress never refused to so appropriate, and every time the estimates were sent in the appropriation was made. But the estimates were dropped.

Mr. BUCKALEW. This, then, might be called the exercise of an *ex post facto* discretion?

Mr. CANNON. Yes. That is to say, you now propose to exercise,

as the gentleman from Pennsylvania well suggests, an *ex post facto* discretion—

Mr. PEEL. It may seem so to the gentleman, but we believe it is an obligation resting upon the Government.

Mr. CANNON. And make up for the twenty years' failure of Congress to exercise its discretion.

Mr. GIFFORD. I presume the gentleman from Illinois wants to be exactly correct in his statement?

Mr. CANNON. Of course; but I am taking the statement of the gentleman from Arkansas as my guide.

Mr. GIFFORD. Fifteen times five is seventy-five; so that this appropriation, which the gentleman speaks of being for twenty years, is really only for fifteen years.

Mr. CANNON. Very well; say fifteen years. What difference does it make? The principle is the same.

Mr. PEEL. Let me state further, Mr. Chairman, that the Indian Office on an investigation of this question, looking into the condition of the Indians as far as education is concerned, generally found that these people were entirely without funds. Now, the gentleman from Illinois knows that it is the policy of the Government—and we have plenty of it in this bill, because we have provided funds for certain Indians and appropriated money to carry on schools, some specifically and some generally—that it is the policy of the Government to educate the Indians as far as practicable. But these Indians not having any school fund, and never having started their schools since they removed from Kansas a few years ago, and the lands having been allotted to them in severalty and inalienable for twenty-five years, which means that they have to stay there for that time at least, the demand for schools naturally and necessarily comes up from them, and we must meet that in some way. Now, the question is, Is it better to drop the treaty altogether, to ignore it, and go on and establish independent schools, or appropriate this money exactly in pursuance of the treaty so as to avoid any question that may arise hereafter on the part of these Indians under the treaty? On a full investigation of the subject, and on reflection, the committee believe it to be better to carry out this provision than to appropriate some money independent of the treaty; because nobody need make any complaint if the Government appropriates the money in conformity exactly with the three several treaties with these Indians, one of the treaties being for \$2,000, another one for \$1,000, the other for \$2,000. That is all there is of it.

Mr. CANNON. Now I make the point of order upon this provision that it is not in order to appropriate this \$80,000 under a treaty, as the gentleman states it, where Congress had the discretion, at the rate of \$5,000 a year; while this proposes to appropriate not only for the coming fiscal year \$5,000, but in arrears for fifteen years back, and is in the nature of legislation not authorized by any law.

Mr. PEEL. Mr. Chairman, I will say to the gentleman, if he will think a moment, I do not think he will insist that the point of order is well taken at all.

Mr. CANNON. If it is necessary to appropriate for the coming fiscal year for these Indians for educational purposes, I will make no point of order upon that, but I do not want to commit the Government to the performance of a treaty and the exercise of discretion now for all the years when Congress has exercised the contrary discretion.

Mr. PEEL. What I was going to say, if the Chair should hold the point of order was well taken, and I think it is not parallel to these other cases we have discussed at all, yet if the Chair should hold that it is well taken it simply forces the committee to make it up in some other way. There is no other estimate for it in this bill, and you just simply leave the treaty uncomplied with and force us under the general policy of the Indian Bureau and of the Government to make an independent appropriation and add to the appropriation for schools just that amount.

Mr. CANNON. Yes; but, if my friend will allow me, this is a wonderfully unhappy appropriation. It appropriates \$80,000, professing to do it under a treaty, professes that it is for arrears due to them under treaty for fifteen years, sets it apart as a school fund for said Indians, and to be paid out under the direction of the Secretary of the Interior, a lump sum that, if it was in order here, I would never agree to at all.

Mr. PEEL. If the gentleman will remember, all the Indian funds are paid out under the direction of the Secretary of the Interior. The Indian Bureau is but a bureau of that Department. If gentlemen want the language changed we have no objection to that. We thought it was proper to put it in that way.

Mr. CANNON. If you want to build schools for the Pottawatomies, how much is it going to cost, and how many of them? If you want to appropriate for teachers for the Pottawatomies, how many, and what does it cost to take care of them? But do not give, under the bare form of fulfilling a treaty, where it is not their due, and where it is subject to point of order, \$80,000 in a lump sum, to be used in a way that we do not know.

Mr. PEEL. It seems the gentleman would like to have the appropriation in small pieces rather to have it all together. That is about the only point in his objection.

Mr. CANNON. For the reasons that I have stated, I make the point of order.

Mr. PEEL. If you will let this stand as it is, it complies with these treaties strictly, and with what the Government agreed to do. It will then be settled. As a matter of course this Indian school fund is under the direction of the Secretary of the Interior, and when they come to locate school-houses for the Pottawatomies in the Indian Territory where they now reside, as a matter of course the estimates will have to be made and the amounts set apart by the Indian Office for that purpose. It is all under their control. Then they can hire teachers and put them in and start the school, and they will have this fund as a school fund. It is in conformity with the treaty, and if you do not do it in this way you have got to appropriate for them anyhow.

Mr. KERR, of Iowa. Will the gentleman allow me to ask him a question? How much is now needed for this special purpose, to establish this school?

Mr. PEEL. I do not know, because we do not know how many children there are of school age. The only object is to carry out this treaty obligation.

Mr. KERR, of Iowa. As I understood you to say, this is only a conditional treaty, that Congress may exercise the discretion of appropriating \$5,000 a year.

Mr. PEEL. All of these treaties are subject to the action of Congress.

Mr. KERR, of Iowa. They have gotten along without this school for the last fifteen years.

Mr. PEEL. Because they have not been so situated that they could have a school.

Mr. DOCKERY. Has my friend from Arkansas any estimate as to the probable number of children?

Mr. PEEL. No, I have not. I have the recommendation of the Indian Office on this subject.

The CHAIRMAN. The Chair would like to hear some portion of the conversation which gentlemen are carrying on among themselves, as a point of order is involved.

Mr. DOCKERY. It was simply a point of fact that I was inquiring about.

Mr. PEEL. They gave us a statement of the conditions of the treaties and recommended that we pass this legislation in this form rather than in an independent measure. There are about fourteen or fifteen hundred of the Indians, and you can, of course, form some idea as to how many children there would be of school age.

Now, Mr. Chairman, if the gentleman from Illinois [Mr. CANNON] insists on the point of order, I want to say in regard to that that the Committee on Indian Affairs have appropriated money for the support of Indian schools independent of treaties, at their discretion. There is no law and no rule to govern Congress in regard to the amount they will give for educational purposes. It is a question addressed to the sound discretion of Congress. At the commencement of each fiscal year the estimates are made up by the school superintendent and the Commissioner of Indian Affairs and sent in by the Secretary of the Interior, but they are the regular estimates. It is all discretionary. There is no rule about it. There is no treaty stipulation, except in specific cases with a few of the Indian tribes, in regard to this school question. Two-thirds of the money which has been appropriated for this purpose ever since I have been a member of Congress and upon this committee has been appropriated independent of any treaty obligations at all. It is a matter of general policy upon which the Government entered years and years ago, and it is simply the carrying out of that policy which has been encouraged and followed out by Congress since I have been a member and long before. So that we could appropriate this item, and it is not subject to the point of order, independent of any treaty. It is only adopted in order that it may be said to be kept in perfect good faith. It would be upon the face of it literally a compliance with the treaty, and that we could do just as well as not to do so. We could throw the treaty away and appropriate this \$80,000 if Congress thinks proper, and it is not subject to the point of order.

Mr. CANNON. Now, a word upon the point of order. I had to ask the gentleman about these treaties to see what they were, and it will be noticed that the gentleman points to three treaties made in 1826 and 1828 providing that the Government should give \$5,000 a year to these Indians for educational purposes during the discretion of Congress. It then appears that for fifteen years it has not been appropriated. Congress exercised its discretion not to appropriate. So that there has been no treaty obligation for the past fifteen years.

Again, in line 16:

For educational purposes up to and including the fiscal year ending June 30, 1891.

It seems that this is a deficiency.

Again—and this is something more than providing for the education of the Indians; it is legislation in its nature, and appropriates \$80,000. Then in line 18:

This amount to be set apart as specified in said treaties as a school fund for said Indians—

Again legislation—

and paid out under the direction of the Secretary of the Interior.

So that we find legislation as well as appropriation. Under the discretion of the Secretary of the Interior every dollar of this \$80,000 can

be paid out according to his own sweet will, practically according to the will of the Commissioner of Indian Affairs.

Now, as to another point that he gives. The gentleman says that independent of law we could appropriate for the payment of this money to these Indians. That is broader, I think, than the rules justify. The rule allows appropriations on a general appropriation bill "where authorized by law," and in other instances "where a work or object is in progress."

Now, the gentleman says that the Pottawatomies never have been appropriated for. Well, if that is so there is no "law authorizing" the appropriation, and there is no educational "work in progress" among these two bands; yet I am frank to say that if the Committee on Indian Affairs will come and say how many children there are down there who are not provided for, how much it will take next fiscal year, and come in with a recommendation saying that it is necessary, I will be the last man to raise a point of order against it; but when it comes up by wholesale for the establishing of a special educational fund, all or part of which may at any time in the future be spent according to the will of the Secretary of the Interior, I will not support it. Therefore I make the point of order.

Mr. McMILLIN. Will the gentleman permit me to ask him a question?

Mr. CANNON. Certainly.

Mr. McMILLIN. This provision is not, then, carrying out a treaty stipulation with these Indians?

Mr. CANNON. According to the statement of the gentleman from Arkansas it is not. The gentleman from Arkansas states that the treaties of 1826 and 1828 provided that the Government should pay \$5,000 a year to these two bands of the Pottawatomie Indians for school purposes so long as Congress saw proper to do it, and for the past fifteen years Congress has not seen fit to appropriate.

Mr. PEEL. It has never refused to do so.

Mr. CANNON. Why, a failure to appropriate is a refusal. Now, this comes in under color of a treaty, and it proposes an appropriation of not only \$5,000 a year, but \$75,000 for fifteen years back; not for the purpose of education and to be spent next year, but to make an educational fund, and then the clause artfully or otherwise provides that the whole of that fund shall be expended by the Secretary of the Interior according to his will.

Mr. PEEL. Mr. Chairman, the criticism in which the gentleman indulges as to the phraseology of the bill has nothing to do with the point of order. I never did like to argue a question of fact on a question of demurrer.

Mr. CANNON. Oh, no; I was speaking on the face of the bill itself.

Mr. PEEL. I want to say that the point of order that the gentleman has made is just as good against every other item of school money in this bill, unless it is in cases where a treaty provides for it. The Chairman and the gentleman know by experience that hundreds and thousands and millions of dollars are appropriated every Congress for the education of Indians, and it is discretionary with Congress whether they appropriate it all in one great bulk and let it be expended amongst the various Indian tribes, scattered all over this broad land, by the Secretary of the Interior, or whether you specify in the bill an appropriation for a certain band or tribe or located school.

We have got a school located at Pierre, S. Dak., which is not provided for by treaty. There are two or three in Colorado, and some in almost every State in the West. The industrial schools are ten in number and not one of them is provided for by treaty, according to my recollection; but yet Congress has entered upon a system of education of the Indians in various ways, at various places, and on various plans and systems. Now, these Pottawatomie Indians in the Indian Territory are as much entitled to education as any of the Indians. They are peaceable, quiet, law-abiding, good people. They were once citizens of the United States when in Kansas; but when they sold their lands under the order of the Government they yielded up their citizenship, and when they went into the Indian Territory became Indians again. In consequence of that this treaty stipulation provided for \$5,000 a year for educational purposes. It has been omitted and they have gone without education, and their children have received no education from that time until now.

The CHAIRMAN. Will the gentleman from Arkansas allow a question there?

Mr. PEEL. Certainly.

The CHAIRMAN. Under the treaty had Congress the right to appropriate \$5,000 per annum?

Mr. PEEL. Yes, sir.

The CHAIRMAN. Does the Chair also understand that it was in the discretion of Congress whether it should do so or not?

Mr. PEEL. Why, the language of the treaty was simple. There are three treaties upon that subject, two of which provide that there shall be appropriated \$2,000 annually; the other that \$1,000 should be appropriated during the pleasure of Congress. As far as that is concerned, there is not a treaty in existence but that is subject to the pleasure of Congress.

Mr. CANNON. Oh!

Mr. PEEL. I beg the gentleman's pardon. The Supreme Court

has decided that a treaty obligation is no higher than an act of Congress. It is all a matter of legislative enactment, and there is not a treaty in the land but is subject to ratification, or rejection, or abrogation, or repeal by Congress. If that is not true, then the Supreme Court of the United States is wrong.

The gentleman's strongest point is that these treaties only provide for five thousand annually, and that this item goes back and provides for past years. That is very true, but the question comes back: Suppose we had put \$80,000 into this bill without saying a word about treaty or other obligations on the part of the Government; suppose we had just put in that amount of money for these Pottawatomies, for school purposes, would it be subject to a point of order? If so, every dollar in this bill for educational purposes is subject to the point of order. Remember that the Government does not proceed upon these educational matters as it does upon appropriations for the support of the Indians. There are large amounts of money appropriated in this bill where there is no treaty stipulation or obligation requiring such appropriation. It is a matter of humanity, a matter of a policy entered upon by the Government years and years ago, and we can not now afford to take a step backward. This item, I say, is in the same condition. Therefore, in regard to this treaty, wipe out all mention of it if you please and say that we propose to give this \$80,000 to these Pottawatomie Indians in the Indian Territory; this House may vote the proposition down if they desire to, but it is not subject to the point of order.

Mr. CANNON. The gentleman says that the work of education has not been entered upon with these two bands of Pottawatomies. It has been entered upon with nearly all the Indian tribes; school-houses have been built and teachers employed, and that is a public work already in progress. But if the work has not been entered upon with these Indians, then I do not think the appropriation would be in order even as an independent educational appropriation.

Mr. PEEL. It has not been entered upon with them where they are now. Before they were removed it was entered upon, but when they were removed down there it was stopped. But I claim, Mr. Chairman, that the appropriation of this money for educational purposes is in the discretion of Congress; I claim that it is for Congress to give what it pleases for school purposes, and that this appropriation is certainly not subject to the point of order.

The CHAIRMAN. The Chair will inquire of the gentleman from Illinois [Mr. CANNON] whether he does not think that an appropriation of \$5,000 would be in order?

Mr. CANNON. From what the gentleman from Arkansas says of the treaty—I am not familiar with the treaty myself—it seems to me that an appropriation of \$5,000 would be in order on this bill.

The CHAIRMAN. That is, on the theory that the treaty is as the gentleman from Arkansas states it.

Mr. PEEL. I have it here before me.

Mr. CANNON. Oh, I will take the gentleman's word that it is as he says.

The CHAIRMAN. The Chair is of opinion that an appropriation of \$5,000 for the year ending June 30, 1891, would be in order, the treaty being as the gentleman from Arkansas states; but the amount beyond that, the deficiency, is not, in the judgment of the Chair, in order on this bill.

Mr. PEEL. With all due deference to the Chair, I ask how the item can be divided? Why would not the point of order lie against every educational item in the bill, whether with or without treaty stipulations? Does the treaty obligation make it less in order?

The CHAIRMAN. Suppose that this clause had been offered to-day for the first time as an amendment to this bill, all points of order having been reserved, does my friend think that a point of order would not lie against it?

Mr. PEEL. This item simply recites the treaty in order to show that we are carrying out a treaty stipulation. The Indian Office thought that this amount of money was needed for these Indians and so recommended, and the Committee on Indian Affairs thought so, too, and they put the \$80,000 in the school fund because these people had been doing without educational facilities for some fifteen years past, and it was felt that they ought to have some assurance of schools in the future. The recital of the treaty here might very well be treated as surplusage. We only cited it for the reason that it looked respectful to these Indians to show them that we had cited the treaty and were carrying out its provisions; because all over the country, when you come to deal with the Indians, you are met with the reproach, "You have not kept your treaties." Suppose there were no treaty about the matter at all (and the treaty surely does not make the case weaker), this item would certainly not be subject to the point of order. The only question is whether Congress will make the appropriation or not.

Mr. CANNON. If there are no schools there, I think it would be subject to the point of order.

Mr. PEEL. I can not see why; and, although I dislike to make an appeal, I must respectfully appeal from the decision of the Chair.

The CHAIRMAN. The question is, Shall the opinion of the Chair stand as the judgment of the committee?

The question was taken; and there were—ayes 25, noes 34.

Mr. CANNON. I demand tellers. I suppose the fact that less than a quorum have voted entitles me to have tellers.

Tellers were ordered; and the Chairman appointed Mr. CANNON and Mr. PEEL.

The committee again divided; and the tellers reported—ayes 38, noes 37.

So the opinion of the Chair was sustained.

The Clerk read as follows:

That the sum of \$48,897.95 be, and the same is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, and that said sum be paid, under direction of the Secretary of the Interior, to the Pottawatomie Indians, known as Citizen and Prairie bands, according to their respective rights, shares, and interest, this amount to be in full for the amount found due said Indians by supplemental report of commissioners appointed by the President of the United States under Senate amendment to article 10, treaty of August 7, 1868, with said Pottawatomie Indians; in all, \$130,997.95. These several amounts to be paid as above directed, less the amount due the delegate or delegates, agent or agents, under contracts made with said Indians and approved in the Interior Department.

Mr. CANNON. Mr. Chairman, I reserve the point of order upon that paragraph until I can hear some reason given for including it in this bill.

Mr. PERKINS. Mr. Chairman, this is an item which the gentleman from Arkansas [Mr. PEEL] had in charge as a subcommittee. He reported upon it favorably, and subsequently, upon his motion, the committee consented to incorporate it in this bill. The gentleman [Mr. PEEL] is entirely familiar with its history and with all the circumstances, and I yield to him to explain it, merely suggesting that if the Chair is disposed to sustain this point of order, there is no propriety in spending time here in talking about it.

Mr. CANNON. I simply make the point of order.

Mr. PERKINS. All I regret is that the gentleman does not make his point of order against every provision in the bill. The committee has no interest in this matter.

Mr. CANNON. I have made a point of order on every provision on which in my opinion the point should be made.

Mr. PERKINS. But every provision in the bill proposing to make payments in pursuance of treaty obligations stands upon precisely the same footing; and if the Committee on Indian Affairs has not jurisdiction in respect to such matters, all those provisions ought to be stricken out.

Mr. CANNON. The gentleman talks about "treaty obligations" upon this point of order. Somebody exclaimed many years ago, "O, Liberty! Liberty! how many crimes are committed in thy name." Now look at this provision. It appropriates \$48,897 to pay the Pottawatomie Indians "according to their respective rights, shares, and interest." Now, listen to this legislation:

This amount to be in full for the amount found due said Indians by supplemental report of commissioners appointed by the President of the United States under Senate amendment to article 10, treaty of August 7, 1868, with said Pottawatomie Indians; in all, \$130,997.95.

Listen to this additional language:

These several amounts to be paid as above directed, less the amount due the delegate or delegates, agent or agents, under contracts made with said Indians and approved in the Interior Department.

There is legislation for you. What contract is it that we are legalizing? What is the portion of this money that is to go to the "delegate or delegates," "agent or agents"—one-half or three-quarters? Is this money to go to a swarm of attorneys? To whom is it to go? I do not know. My point is that this is not an item for the annual appropriation bill for the expenses of the next fiscal year; that in lines 10 to 13 we have legislation; and also in this clause:

This amount to be in full for the amount found due, etc.

Mr. PEEL. Mr. Chairman, I do not desire to argue the point of order with the gentleman any further; but I do want to reply to the criticism of the gentleman from Illinois—

Mr. CANNON. I had to criticize, because this was legislation.

Mr. PEEL. If the gentleman will read those portions of the bill appropriating the school funds he will find plenty of legislation; and if the reason urged in this case is a good one, this bill ought to be kicked out at once. I venture to say that the bill reported by the gentleman himself from the Committee on Appropriations contained similar language in many an item—language directing how money should be expended.

I simply want to say in regard to this matter of payment to agents, which the gentleman seems to think is a job—

Mr. CANNON. I do not know whether it is a job or not.

Mr. PEEL. The gentleman asked whether these agents are to get a half or three-quarters of the amount.

Mr. CANNON. Well, how much are they to get?

Mr. PEEL. Do you distrust the Secretary of the Interior?

Mr. CANNON. How much are they to get?

Mr. PEEL. I do not know what the contract is; but unless it be approved by the Secretary of the Interior no agent will be paid a cent.

Mr. CANNON. How much does this agent get—a half or three-quarters of the amount?

Mr. PEEL. I do not know.

Mr. CANNON. It was your business to know before recommending this appropriation.

Mr. PEEL. The Secretary of the Interior is a man of standing in this country, and although that officer is not of my political faith I would not insinuate anything against his integrity, as the gentleman from Illinois has done.

Mr. CANNON. Oh, I do not insinuate anything against anybody's integrity.

Mr. PEEL. The Indians themselves select their delegates to come to Congress; these delegates toil year in and year out, paying their own expenses, and the Indians are forced thus to send delegates, because Congress has neglected year after year to fulfill its treaty stipulations with them. If they employ an attorney they are criticised; if they undertake to come here themselves they are criticised. In this case an old Pottawatomie Indian has been here year in and year out looking after the interests of his people. The contract with him in regard to compensation must be filed in the Interior Department, and nothing can be paid under it unless with the approval of the Secretary of the Interior. This is the course which has always been pursued—to allow the Secretary of the Interior to make payment where the contracts are such as he approves. The gentleman is so zealous in regard to the interests of the Treasury that he can not trust responsible officers of the Government to adjust these little matters. Why, sir, the gentleman is getting to be like the negro's pole—so plumb that he leans over very considerably. That is all I have to say.

Mr. CANNON. Just one word in reply to the gentleman. The Secretary of the Interior runs his Department. The Indian Department, while in form under the control of the Secretary of the Interior, is in fact conducted by the Commissioner of Indian Affairs. I am here helping to legislate and appropriate, and in the performance of my duty I am going to see that nothing takes place here by my vote or without my protest that I do not believe to be wise. Therefore I make this point of order that in the first place this item, if proper at all, is a deficiency; second, that various portions of the paragraph embrace legislation, which is not in order upon a general appropriation bill. It is not necessary for me to "insinuate anything against anybody's integrity;" but here is a provision undertaking to legalize a contract. See how broad the language is:

Less the amount due the delegate or delegates, agent or agents, under contracts made with said Indians and approved in the Interior Department.

The large amount here appropriated is to be paid to these Indians less the amount which may be due to agents or delegates under these contracts. I have asked how much is to be paid in this way, whether one-half or three-quarters, and the gentleman from Arkansas says he does not know. I say that we are entitled to know; and as it is against the rules of the House, in the absence of that knowledge I stand by the rules. They are wise rules, and I insist upon them and their enforcement.

Mr. PERKINS. Mr. Chairman, I do not desire to discuss the point of order. The Chair seems to have formed its own judgment upon these several points of order, and there is no propriety in consuming the time of the committee longer in discussing them.

But I desire to answer, and very briefly, the criticism of the gentleman from Illinois who has just taken his seat. We all know that for fifty years or more there has been a general complaint among the people of the United States that this Government has not been fair and honest in its dealings with these wards of the nation, the red people of the country. Whether that complaint has been well founded or not is perhaps not for me to say or to discuss at this time. It is not the question before us. I do not desire to pose as a sentimentalist on this subject, but I do believe in that which is just and right and proper. I believe that the white people of this country have some rights that it is the duty of Congress to respect as well as the red men, and while I believe that, I also believe it is the duty of Congress to meet its honest obligations and pay to the Indians that which is honestly due to them, and so far as I have occupied a seat on this floor or participated in the legislation of this body I have tried to conform to that policy and to secure the enactment of such legislation as would accomplish that end.

Now the claim embodied in this paragraph of the bill was investigated by the Committee on Indian Affairs, which made a thorough examination of the subject. It came to our committee recommended by the Commissioner of Indian Affairs; it came to us with the approval of the Secretary of the Interior, and upon a careful investigation of it by the committee it was the judgment of the committee that it was honest and right; and upon a further investigation it was found that the treaties obligated the Government of the United States, in the judgment of the committee, to meet the demand and pay it. We did not stop to inquire whether it was an obligation, growing out of a treaty, which occurred this year, or last year, or the preceding one, and we do not understand, and did not understand, from the rules of the House that any distinction is created by them in that particular. But we found upon an investigation that the Indians had an honest demand upon the Government of the United States, and we believed that the Government was strong enough and that it should be honest enough to meet its obligations and pay what was honestly, rightfully, and properly due to these people. We believed that they should be relieved from the necessity of sending their delegates here year after year beg-

ging and beseeching Congress to meet its obligations to them and pay that which was honestly due to them. Because Congress has not done this heretofore, because Congress has failed to meet its payments to these people under our treaty obligations, the duty has been imposed upon these people of sending their delegates here year after year, incurring unnecessary expense, employing delegations and paying them, solely for the purpose of engaging in an effort to get from the Government that which was rightly their due.

Believing this, the Committee on Indian Affairs has for four years pursued this policy, not to load down the Indian appropriation bill with a vast aggregation of claims, but in a consistent and conservative way to appropriate each year for a few of these demands so that in the end all of these honest and meritorious claims can be met, and the Indians will be enabled to get from the Government that which they are entitled to receive. That, I say, has been the policy of the committee heretofore; and every Chairman of the Committee of the Whole heretofore has sustained them in that effort; and we had a right, Mr. Chairman, to expect that we would be sustained in this, because the treaty imposes the obligation on the Government of the United States to meet these payments. We did not suppose that we were violating the rules of the House when we were making an appropriation that the law directed us to make and the treaties required; and these treaties have been respected by all of the Speakers of the House, so far as I know, and by the Chairmen who have presided in Committee of the Whole, as law that should be respected and upheld.

And so, as I have said, we have attempted in a conservative way to provide gradually for the payment and extinguishment of the claims due these wards of the nation that we believed to be honest and right. We do not propose in this bill to pay all of them. There is a great accumulation of claims in the hands of the Indians, many of which are honest and right and which are established by proof in the various Departments of the Government, and yet they have been compelled by the technical positions taken by the committees of the House to come here year after year and ask for that which is honestly their due, and which they should receive without asking. As I said before, we have adopted the policy—our committee—of taking a few of those claims that we believed were meritorious, believing the rules of the House authorized us to do so, and providing for their payment in the appropriation bill, in which we have heretofore been sustained by the House.

If the judgment of the House should be that this claim is not honest, if their judgment is that it is not a meritorious claim, if the judgment of the House should be that the claim ought not to be paid at all, I have not a word to say. There is not a member of the committee who desires that there should be paid through the Indian appropriation bill, or otherwise, a dollar of these claims that is not rightfully, honestly, and fairly due to the Indians. But we have taken, as I said before, a conservative view of the matter and placed a number of those which we knew to be honest and proper in the bill with a view to adopting such a system to gradually secure the extinguishment of all the claims by their proper settlement and payment.

Mr. BREWER. Will the gentleman yield for a question?

Mr. PERKINS. With pleasure.

Mr. BREWER. In relation to the point of order only, which is the pending question, does not the gentleman concede that there is legislation in this section?

Mr. PERKINS. The concluding paragraph is legislation; and if the point of order had been leveled at that simply I believe it should have been sustained. That which provides that the money shall be paid to the Indians less whatever amount may be found due to the delegates or agents under contracts made with the Indians is perhaps subject to the point of order.

That, I believe, is new legislation; and if the point of order had been leveled at that I believe it would have been the duty of the Chair to sustain it; but as it has been made it covers the whole paragraph. Now, that is not new legislation, but it is simply making an appropriation to carry out the solemn treaty obligation of the Government of the United States with the Indians. I think that duty and obligation rests with the Committee on Indian Affairs; it is given to that committee by the rules, and no other committee has that jurisdiction, and no Speaker has ever referred a bill to any other committee of the House that carried such an appropriation.

Mr. CANNON. Now, only a word in reply to all that. The gentleman says his committee have jurisdiction of claims. If so, let them do as the Claims Committee do. I, with my claim, and you with your claim, have to take our chances on the Calendar. The gentleman admits this is a claim, and not an annual appropriation to carry on the service for the next year.

Mr. PEEL. Mr. Chairman, I do not intend to say anything more, but for fear the gentleman from Illinois [Mr. CANNON] or some other member of the committee might misunderstand the criticisms that were placed upon the bill in regard to paying delegates, I want to say that under the law an Indian tribe has the right to send its delegates to Washington to look after the tribal business, just as we do with regard to our own affairs. In this case and all other cases that have come before the committee since I have been a member of it the Indian tribe are first called in council to transact their public affairs

like any other council of people. They then and there nominate and select their delegates to represent them at Washington, in very much the same way as the people in our districts nominate us to come and look after their business, the only difference being that while the law fixes our salary, that is, we fix it ourselves, at \$5,000 a year—

Mr. BRECKINRIDGE, of Kentucky. When the delegates are elected, do they take their seats, or is there a subsequent election?

Mr. PEEL. Well, they might be contested and put out if they happen to vote wrong.

As I was going to say, the delegates are selected in council, the only difference being that they do not have the say in fixing their salary, as we do with reference to ours. They take a contract in writing from their people, which has to be acknowledged before a court of record and has to be approved by the agent. They then come to Washington as best they can, they wait around here year after year waiting for Congress and pressing their claims upon the committees, as the Chairman knows. They take that written contract that has been approved by their own people to the Commissioner of Indian Affairs and it is filed in that office. The Commissioner of Indian Affairs investigates the regularity of it. If he has any doubt about it he sends it back to the agent to see whether it is the free act of the people in regular council. If he finds it correct and reasonable he approves it. It then goes to the Secretary of the Interior, who supervises it. If he finds it in conformity with the rules and all right, he approves it. But even then, after that is done, when the work is completed and the day of settlement rolls round that Indian delegate can not demand his money, as we gentlemen can at the office of the Sergeant-at-Arms, but the Secretary of the Interior can cut and curtail the amount as much as he pleases, and he finally settles with him for whatever he thinks his work is worth, in proportion to what he has done for his people. That is all there is about it. And if we do not know how much he is getting, that is not a strange thing to a man who understands that kind of business. It is not for Congress nor the Committee on Indian Affairs to run around and hunt up these contracts. That matter belongs to the Department in whose charge this is committed, and I have always proceeded upon the principle that other branches of the Government were as honest as I was and would discharge their duty as faithfully as I would if I was there. That is all there is about it.

The CHAIRMAN (Mr. ALLEN in the chair). The Chair in passing upon this point of order desires to say, in addition to what the gentleman from Kansas [Mr. PERKINS], the chairman of this committee, has said, that he heartily acquiesces in all that he has said about the injustice of delaying these long-deferred claims against the Government of the United States in favor of these Indians. And the gentleman from Kansas [Mr. PERKINS] has the Chair for a witness as to his assiduity and faithfulness in undertaking to bring these claims to the attention of Congress and the country that they might be adjudicated. But that does not do away with the duty of the Chair to rule as he understands the rules of this House require, that claims of this nature can not be put into or acted upon in a bill which provides for "the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1891." That all these claims can be paid whenever Congress desires to pay them is evident, and that the Committee on Indian Affairs has jurisdiction of these matters is also evident to the Chair, and they can be brought in by bills at any time and passed upon by this House; but the Chair still feels, and is stronger in his opinion than before, that upon an annual appropriation bill items of this kind have no place whatever, and the Chair sustains the point of order.

The Clerk read as follows:

SIoux, MEDAWAKANTON BAND.

For the support of the full and mixed blood Indians in Minnesota heretofore belonging to the Medawakanton band of Sioux Indians, who have resided in said State since the 20th day of May, 1886, or who were then engaged in removing to said State, and have since resided therein, and have severed their tribal relations, \$8,000, to be expended by the Secretary of the Interior, as in his judgment he may think best, for such lands, agricultural implements, seeds, cattle, horses, food, or clothing as may be deemed best in the case of each of these Indians or families thereof: *Provided*, That \$2,000 of the above \$8,000 shall be expended for the Prairie Island settlement of Indians in Goodhue County: *And provided*, That if the amount in this paragraph appropriated shall not be expended within the fiscal year for which said sum is appropriated it shall not be covered into the Treasury, but shall, notwithstanding, be used and expended for the purposes for which the same was appropriated and for the benefit of the above-named Indians: *And provided*, also, That the Secretary of the Interior may appoint a suitable person to make the above-mentioned expenditure under his direction; and all of said money which is to be expended for lands, cattle, horses, implements, seeds, food, or clothing shall be so expended that each of the Indians in this paragraph mentioned shall receive, as nearly as practicable, an equal amount in value of this appropriation: *And provided* further, That, as far as practicable, lands for said Indians shall be purchased in such locality as each Indian desires, and none of said Indians shall be required to remove from where he now resides and to any locality or land against his will.

Mr. PERKINS. I offer the following amendment: In line 25 of page 36, after the word "implements," I desire to have inserted the word "buildings;" not to increase the amount of the appropriation, but authorizing it to be expended in the erection of buildings, if in the judgment of the Secretary of the Interior it can be used to a better advantage in that way than otherwise.

The Clerk read the amendment, as follows:

In line 25, page 36, after the word "implements," insert the word "buildings."

The amendment was agreed to.

The Clerk read as follows:

For support and civilization of the Nez Percé Indians in Idaho, including pay of physician, \$6,500.

Mr. PERKINS. I desire to offer the following amendment, which I will ask the Clerk to read.

The Clerk read as follows:

On page 43, in line 16, after the word "dollars," insert the following words: "For support and civilization of the Poncas, including pay of employes, \$18,000: *Provided*, That this amount be divided pro rata among all the members of said tribe in the Indian Territory and in South Dakota."

Mr. PERKINS. In some way that was omitted in the preparation of the bill.

The amendment was agreed to.

The Clerk read as follows:

For support and civilization of the Yakamas and other Indians at said agency, including pay of employes, \$10,000.

Mr. PERKINS. I desire to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 44, line 12, after the word "dollars," insert the following words: "To supply food and other necessities of life in case of distress among the Indians not having treaty funds, arising from emergencies not foreseen or otherwise provided for, to be used at the discretion of the Secretary of the Interior, \$25,000; and a report of all expenditures under this provision shall be made to Congress at its next session thereafter."

Mr. PERKINS. I will say, Mr. Chairman, that the Department asked for \$100,000, and we thought it best to give them something; so we recommend this appropriation.

The amendment was agreed to.

The Clerk read as follows:

Unfinished allotments under act of February 8, 1887, reimbursable: To enable the President to complete the work already undertaken and commenced under the third section of the act of February 8, 1887, including the necessary clerical work incident thereto in the field and in the office of Indian Affairs, and the delivery to the Indians entitled thereunder of the trust patents authorized under said acts, to be immediately available, \$10,000.

Mr. HANSBROUGH. I offer the amendment which I send to the Clerk's desk, to come in between lines 12 and 13, on page 48.

The Clerk read as follows:

That the Secretary of the Interior is hereby authorized to appoint a commission to consist of three persons, who shall negotiate with the Turtle Mountain band of Chippewa Indians, in North Dakota, for the cession and relinquishment to the United States of whatever right or interest they may have in and to any and all land in said State to which they claim title, and for their removal to and settlement upon the White Earth reservation, or any other lands reserved for the Chippewa Indians in the State of Minnesota; also to obtain the consent of the Chippewa Indians in Minnesota to the settlement of said Turtle Mountain Chippewa Indians on the reservation lands of the Chippewas in Minnesota if they hold sufficient land for that purpose; and the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated for the purpose of defraying the expense of the proposed negotiations.

Mr. HANSBROUGH. Mr. Chairman, I will say that that paragraph is recommended by the Commissioner of Indian Affairs, and is accepted by members of the Indian Committee.

The amendment was agreed to.

The Clerk read as follows:

Pay of farmers: To enable the Secretary of the Interior to employ practical farmers, in addition to the agency farmers now employed, at wages not exceeding \$75 each month, to superintend and direct farming among such Indians as are making effort for self-support, \$60,000.

Mr. PERKINS. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 48, in line 18, after the word "dollars," insert: "And no person shall be employed as such farmer who has not been for at least five years previous to such employment practically engaged in the occupation of farming."

The amendment was agreed to.

The Clerk read as follows:

Pay of Indian police: For services of not exceeding thirty captains, at \$25 per month each; forty lieutenants, at \$20 per month each; sixty sergeants, at \$17 per month each; and six hundred and forty privates, at \$13 per month each, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations and within the Territory of Alaska, in the discretion of the Secretary of the Interior, and for the purchase of equipments and rations for policemen at non-ration agencies, \$160,000.

Mr. CANNON. I desire to make the point of order on all that paragraph, commencing at line 19 and ending with the word "each," in line 23.

It will be noticed that the paragraph provides for the thirty captains, at \$25 each; forty lieutenants, at \$20 per month, and sixty sergeants, at \$17 per month, and six hundred and forty privates, at \$13 per month, whereas the law provides for seventy officers, at \$12 a month, and seven hundred privates, at \$10 per month.

This is an increase of salary, creating forty lieutenants and sixty sergeants. I have no objection to an appropriation in pursuance of law, but I do object to a change of the law and an increase of the salaries of these seven or eight hundred people.

Mr. PERKINS. Mr. Chairman, it is probable that the point of order made by the gentleman from Illinois is good, and if insisted on it will

have to be sustained by the Chair where a change of law is made. The Indian police, so called, is provided for by statute, and the appropriation is imposed upon us as a duty in consequence, but in this provision we are classifying and changing it somewhat under the recommendation of the Commissioner.

We thought that it would be better to provide for officers, so that they might rank as captains, lieutenants, and sergeants, which would create a spirit of emulation and ambition among them; we thought that the service would be performed in a more satisfactory way; that it would encourage something like ambition among the Indians that would be to their credit and to their advantage. If the point of order is insisted upon it is good.

Mr. BREWER. What is the increase in the expense?

Mr. PERKINS. The appropriation for this same service last year was \$114,000.

Mr. SHIVELY. Is not the gentleman mistaken? Was it not \$90,000?

Mr. PERKINS. It was \$114,000 last year for this same service, and this year we recommend \$160,000.

The CHAIRMAN (Mr. PAYSON in the chair). The paragraph before the committee is obnoxious to the point of order, and the point is therefore sustained.

Mr. PERKINS. Mr. Chairman, then I offer this amendment as an amendment to the entire paragraph.

The Clerk read as follows:

For the service of not exceeding seven hundred privates at \$10 per month each, and not exceeding seventy officers at \$12 per month each, of Indian police to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations, and for the purchase of equipments and rations for policemen at non-ration agencies, \$114,000.

The amendment was agreed to.

The Clerk read as follows:

For one female skilled laborer, to be employed in Indian Office, \$840 per annum.

Mr. CANNON. Mr. Chairman, I make the point of order on lines 1 and 2, on page 50. This is a matter that belongs to the legislative appropriation bill, and is, therefore, not in order upon this bill, being for the pay of a laborer in the Indian Office in the city of Washington.

Mr. PEEL. Mr. Chairman, the gentleman does not understand. This is a laborer already employed.

Mr. CANNON. Oh, no.

Mr. PEEL. This is not on that bill.

Mr. CANNON. Let me explain to my friend, and I speak by the card. A female laborer was provided for in last year's Indian appropriation bill at \$660, but she is now carried on the legislative appropriation bill for next year. We picked her up where she belonged, and you now put in another female laborer, not at \$660, as we picked her up, but at \$840. Well, I do not complain much about one, but I do when it becomes chronic; and therefore I make the point of order.

Mr. PEEL. This female laborer was intended for the same purpose as the one provided for last year. Of course we do not want to duplicate.

Mr. CANNON. That one is provided for.

Mr. PEEL. She serves there as a skilled laborer mostly. There is a little difference in the pay. I do not suppose the gentleman cares about that.

Mr. CANNON. Oh, yes.

Mr. PEEL. The gentleman objects to a dollar and a half on the pay of a poor laboring woman. That is the kind of economy he wants to practice.

The CHAIRMAN. Upon the statement made by the gentleman from Illinois the point of order will be sustained.

The Clerk read as follows:

That there be paid to the Mexican Pottawatomie Indians of Kansas the sum of \$27,011.60, to be apportioned among those now living and the heirs of those who may be dead, by the Secretary of the Interior, as their respective rights may appear; and that for this purpose there be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$17,995.46, and that the Secretary of the Interior be authorized and directed to pay them the further sum of \$9,016.14 from funds standing to the credit of said Indians on the books of the Treasury: *Provided*, That said Indians shall accept said sum of \$27,011.60 in full of all their money demands and claims arising out of any payments heretofore made under treaties with the Pottawatomie Indian Nation, of which they are a part.

Mr. CANNON. Mr. Chairman, upon the paragraph commencing in line 5 and ending in line 21, on page 51, just read, I make the point of order, first, that it is not authorized by existing law; second, that it is not a provision for carrying on the Indian service for the coming fiscal year; third, that this is a mere claim; and fourth, that the paragraph contains legislation, as the Chair will discover.

Mr. PERKINS. Mr. Chairman, I agree, as to this provision, that the point of order is well taken, but I attempted to explain briefly to the gentleman from Illinois [Mr. CANNON] the merits of the provision, and I had hoped that he would not insist upon the point of order against it. The truth is that these Mexican Pottawatomies, so called, were at one time citizens of Kansas, but soon after the war they went to Mexico, and while they were absent unscrupulous men in Kansas took advantage of their absence, had them reported as dead, got themselves appointed administrators of their estates and guardians

of their minor children, and took possession of everything that they had and squandered it. Subsequently, on the return of these Indians, suits were brought against some of these people and judgments were recovered in the United States district courts, but the parties proved to be insolvent and bankrupt, and only a mere bagatelle was collected on the judgments. These poor, unfortunate Indians came to Congress and asked for relief. The matter was presented to the Indian Office and the Secretary of the Interior, and it met approval there. Then it came to the Committee on Indian Affairs at this as well as at a former session, and upon careful investigation the committee thought it right. However, at the time of including the item in this bill they were of opinion that if the point of order was insisted upon it would have to be sustained. I agree that the paragraph contains new legislation, but I am in hopes that the gentleman from Illinois [Mr. CANNON], realizing the merits of the appropriation, will not insist upon the point of order.

These Indians need this money; it was wrongly taken from them in the method I have stated, and a technical objection ought not to be interposed at this time. I trust that upon this explanation the gentleman from Illinois will withdraw the point of order. The item carries only \$17,000 from the Treasury. There is about \$9,000 already to their credit, that has been collected, and that amount, with the \$17,000 from the Treasury, makes up the total.

The CHAIRMAN. The point of order will have to be sustained.

The Clerk read as follows:

To enable the Commissioner of Indian Affairs to employ one suitable person as matron to teach Indian girls in housekeeping and other household duties, at a rate not exceeding \$60 per month, \$720.

Mr. SPINOLA. Will the gentleman be kind enough to explain what the "other duties" are?

Mr. PERKINS. I would state for the information of the gentleman from New York that the Quakers have been exceedingly anxious that matrons should be employed at the agencies to teach the Indian girls and Indian women housekeeping and the household duties of a Christian home. That may be objectionable to my friend from New York; I do not know whether it is or not—

Mr. SPINOLA. That depends upon whether it is upon the Quaker plan or not. [Laughter.]

Mr. PERKINS. But the item seemed to the committee to be a reasonable and proper one. While it is merely experimental, the committee thought the suggestion was reasonable, and they decided that they would provide for one, and, if the experiment proved successful, others might be provided for in the future.

Mr. SPINOLA. The gentleman has not answered my question at all.

The Clerk read as follows:

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, including pay of draughtsmen to be employed in the office of the Commissioner of Indian Affairs, \$751,870; for the construction on Indian reservations of school buildings and repair of school buildings, \$100,000; and for purchase of horses, cattle, sheep, and swine for schools, \$10,000; in all, \$862,700: *Provided*, That the entire cost of any boarding-school building, exclusive of outbuildings, to be built from the moneys appropriated hereby, shall not exceed \$12,000, and the entire cost of any day-school building to be so built shall not exceed \$600, and any of the unexpended appropriation of the current year is re-appropriated and made available at once upon the close of the fiscal year.

Mr. CANNON. I desire to ask the gentleman in charge of the bill why this provision extends the limit of cost of the boarding-school to \$12,000. Heretofore the limit has been \$10,000, and I wish to ask the gentleman if he does not think it is bad policy to allow the building of these structures at any higher cost than that.

Mr. PERKINS. I will state that the Commissioner of Indian Affairs was before the committee and explained particularly this provision. He thought that as a matter of economy it was better that the provision should be enlarged as recommended by the committee. He said that for \$12,000 he could get a larger building which would accommodate more, and more in proportion, than a building costing \$10,000, and while there is not any increase in the aggregate appropriation, the bill simply authorizes \$12,000 to be expended in the construction of a building where heretofore the limit has been \$10,000; the enlarged limit being given for the reason I have stated.

Mr. SHIVELY. I observe that there is here an appropriation of \$100,000. This is additional to appropriations we have made heretofore, is it not? There has never been in any former bill a special appropriation of this kind has there, appropriating \$100,000 for buildings on reservations?

Mr. PERKINS. Oh, yes. The gentleman will find in the appropriation bill of last year the same provision.

Mr. SAYERS. I wish the gentleman in charge of the bill would tell us whether any estimates have been given as to the cost of these buildings and any statement of the reservations they are to be erected upon.

Mr. PERKINS. The general appropriation is estimated for, but the details are not sent to the committee by the Secretary of the Interior, although the Commissioner of Indian Affairs, in the detailed statement that he made, did furnish a list of the schools and of the places where

it was thought best to provide these additional accommodations. That list I have not got here, but the Commissioner had it with him when he was before the committee. He brought with him the educational clerk of the Indian Office and they gave us all that information, and the committee thought that in view of the importance of this work, and in view of what the Indian Office was accomplishing in this particular, it was right to give a larger appropriation for the service than has heretofore been made.

Mr. SAYERS. Did he inform you as to the character of the buildings that he proposed to erect?

Mr. PERKINS. Under this provision of the bill no building can exceed the limit of \$12,000.

Mr. CULBERSON, of Texas. Who has the right, under this bill, to designate the places where these buildings shall be constructed?

Mr. PERKINS. The Commissioner of Indian Affairs.

Mr. CULBERSON, of Texas. Solely?

Mr. PERKINS. Solely. There may be a general supervision by the Secretary of the Interior, and the plans and specifications are subject to the approval of the Secretary of the Interior. But I think the determination of the question where the buildings are to be erected is with the Commissioner of Indian Affairs, who acts upon the recommendation of the superintendent of Indian education.

Mr. SAYERS. I would like to ask the gentleman a question. Did the Commissioner give the committee any information as to the character of material which it is proposed to use in the construction of these buildings? Twelve thousand dollars will erect a very fine house. In our country it would be regarded as a liberal sum for the erection of a school building.

Mr. PERKINS. No detailed information of that character was furnished to us. On some of these reservations stone buildings are erected and on others frame buildings, the matter being dependent somewhat on local conditions.

Mr. SAYERS. Are these buildings to be erected by contract?

Mr. PERKINS. They are erected generally, I think, under the direction of a superintendent appointed by the Commissioner of Indian Affairs, the persons employed being paid, I believe, by the day. The work is not done under contract as a rule. But that matter is left by us discretionary with the Commissioner of Indian Affairs, as it has been heretofore.

Mr. SAYERS. Can the gentleman tell us how much money there is appropriated in this bill, the disbursement of which is left to the discretion of the Commissioner of Indian Affairs?

Mr. PERKINS. In the aggregate nearly a million dollars.

Mr. SAYERS. All told, from beginning to end?

Mr. PERKINS. All told.

Mr. SAYERS. For what purposes?

Mr. PERKINS. Exclusively for educational purposes.

Mr. SAYERS. The employment of teachers?

Mr. PERKINS. For the employment of teachers, the erection of school buildings, the maintenance and support of children at day and reservation schools, and for payments to the contract schools. We do not provide for such payments specifically; they are made out of this general fund of which I have spoken. A very large portion of this money is expended in payments to the contract schools.

Mr. CHEADLE. Is it not true that it is the policy of the Indian Commissioner to build several industrial schools?

Mr. PERKINS. It is his purpose, I believe, to do so.

Mr. CHEADLE. That is the question to which I called attention yesterday, and I have no doubt that is the reason for asking this additional amount of \$100,000.

Mr. PERKINS. That is one reason why the additional \$100,000 was asked for.

Mr. CHEADLE. I believe that some of the best educators think that these industrial schools ought to be located on the reservations where their influence can operate alike upon the adult Indians and the children.

Mr. SHIVELY. I would like the attention of the chairman of the committee for a moment. This bill, on page 53, provides an appropriation of \$751,870 for educational purposes. Following that there is a provision for \$100,000 additional. This additional item occurs in no former annual appropriation bill. It is a new and distinct provision, is it not?

Mr. PERKINS. The gentleman is right in that respect. But there is a limitation; this sum of \$100,000 can not be used for any purpose except the construction and repair of school buildings on Indian reservations.

Mr. SHIVELY. And any portion of the other appropriation can also be used for that purpose?

Mr. PERKINS. It can, although most of it, as I suggested a moment ago in answer to the gentleman from Texas [Mr. SAYERS], is used for the support of the contract schools; yet it may be used for the purpose suggested by the gentleman from Indiana.

If the gentleman has no further question to ask, I move to amend by striking out after the word "and," in line 13, page 53, the words "eighty-two thousand seven hundred dollars" and inserting "sixty-one thousand eight hundred and seventy dollars." This amendment

is designed to correct a mistake in computation or an error of the printer.

The amendment was agreed to.

The Clerk read as follows:

For support of Indian pupils, at \$167 per annum each; enlarging and improving buildings, necessary out-buildings, repairs, and fencing at the Indian school at Pierre, S. Dak., and for pay of superintendent of said school, at \$1,500 per annum, \$35,000.

Mr. PERKINS. I move to amend by adding to the paragraph just read the following:

Provided, That any unexpended balance of the current appropriation made for the establishment and support of the Indian school at Pierre, S. Dak., is continued and reappropriated and made immediately available.

The amendment was agreed to.

Mr. PERKINS. Mr. Chairman, I move further to amend the pending paragraph by inserting before the word "Dakota" the word "South."

The amendment was agreed to.

The Clerk read as follows:

For support of ninety Indian pupils at White's Manual Labor Institute, of Wabash, Ind., \$12,525.

Mr. MARTIN, of Indiana. I move to amend the paragraph just read by striking out in the first line the word "ninety" and inserting "seventy-five." Mr. Chairman, the appropriation for White's Manual Labor Institute has heretofore been \$10,020 for sixty Indian pupils. This is a school which is under the charge of the Society of Friends, and the appropriation has been at the rate of \$167 per pupil, and for sixty pupils. The management of this school has enlarged it so that it has now an outside capacity for ninety pupils. The Committee on Indian Affairs, before which I went, agreed on this appropriation of \$12,525 for the support of ninety pupils, which would be at the rate of \$137.83½ per pupil.

The management of the school, however, inform me that while they have a total capacity for ninety they must make allowance for at least five on account of the reductions in the number of attendance that might be possible by reason of sickness and from other causes. The Society of Friends are under a contract to pay for the education and maintenance of ten Indian pupils outside of and in addition to any appropriation made by the General Government. The effect of the amendment which I offer will be to provide for the education of seventy-five Indian pupils in place of sixty, as heretofore provided, at the same rate per pupil, namely, \$167 per capita.

I will state that I have been in communication in this connection with Professor E. O. Ellis, of Marion, Ind., Professor O. H. Bales, superintendent of White's Institute, and also with Mr. Mr. J. E. Rhoads, of Bryn Mawr, Pa., and these gentlemen have asked me to impress upon the committee the necessity and expediency of making an appropriation to provide for the support and education of seventy-five instead of sixty pupils as heretofore, and this without increasing the amount fixed in this bill.

Mr. GREENHALGE. Will the gentleman yield for a question?

Mr. MARTIN, of Indiana. Certainly.

Mr. GREENHALGE. Why do you not offer an amendment making the total sum \$15,030, to correspond with an aggregate of ninety pupils at \$167 per capita?

Mr. MARTIN, of Indiana. Because the management of the school inform me—I have the letters here—and I have so informed the Committee on Indian Affairs, that an appropriation for ninety pupils would be an appropriation for ten pupils more than the Government ought to provide for, and of five more than they ought to bind themselves to educate.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Indiana.

Mr. PERKINS. I would like to have the amendment again reported.

The Clerk read as follows:

In line 34, on page 55, strike out "ninety" and insert "seventy-five."

Mr. PERKINS. Mr. Chairman, it is true, as suggested by the gentleman from Indiana, that for several years the Government has maintained more or less Indian pupils at this White's Manual Labor Institute or industrial school in Indiana, and during the current year we are supporting sixty there under a contract with that institution, paying \$167 per capita for them. This is more than, with one exception, the Government is paying anywhere for the tuition of any of these pupils at any contract school. Many of the contract schools have to support the Indian pupils at \$108, others at \$125, and I think the average, as I remember, is about \$125 per capita per annum. But last year the House consented, and also the Committee on Indian Affairs, to increase the compensation to be paid to White's Manual Training School, so as to allow the same to that institution as was allowed to the Lincoln School in Philadelphia.

My judgment then was against it and is against it now. I yielded then, or, perhaps, I was voted down—I have forgotten which. But so the committee decided to allow for sixty pupils at \$167 per capita. This year the representatives of the school came before the committee and wanted to get an additional number. They wanted to provide for seventy-five rather than for sixty; and the proposition was that if we

would vote for seventy-five at \$167 per capita they would maintain and support ten in addition without charge to the Government. The matter was considered by the committee, and finally the committee made this proposition: That if they would take ninety, and let ninety be mentioned in the bill, so that they should be obligated to take, care for, and maintain that number, we would appropriate in the aggregate what they asked us to appropriate. That was consented to at the time, though I think the gentleman from Indiana [Mr. MARTIN], speaking for the school, said he had no authority to consent to that, but thought it would be satisfactory to the school. That was accepted, however, by the committee, and I think it is now as much as ought to be allowed. If this institution is willing to maintain and support ten gratuitously, I do not know any reason why the number should not be mentioned in the bill and the appropriation made definite.

Mr. CASWELL. Let me ask the gentleman a question. How many are now supported there?

Mr. PERKINS. Sixty; that is, sixty under the Government contract; and they are receiving for the care and support of that number the sum mentioned, namely, \$167 per capita.

Mr. CHEADLE. Is not that the same amount that is paid at the Carlisle school in Pennsylvania?

Mr. PERKINS. Well, the Carlisle school is a Government industrial school. I do not know of any contract school of any State, except the Lincoln School, or any private establishment, where the Government pays per capita as much as is paid at this White's Manual Training School.

Mr. GREENHALGE. Let me ask the gentleman what is the occasion for the difference in the rates per capita paid at these different schools? I notice that they vary considerably.

Mr. PERKINS. The reason is that in certain of the States, in Oregon and in other States where everything is high, provisions and everything that is necessary for the Government to procure for the support of the schools cost more than in other States, and therefore the committee made an exception in their favor. But in Pennsylvania and Kansas and Nebraska, and most of the States, the maximum amount was \$167 per capita, while at the contract schools, with the single exception I have mentioned, there is no school that gets \$167.

Mr. GREENHALGE. The average rate is about \$137.

Mr. PERKINS. A little more—\$139 and a fraction.

Mr. CANNON. Mr. Chairman, the statement of the gentleman in charge of the bill I have no doubt is correct in every particular; I have no doubt he gives us an exact statement of the condition of affairs. But still it shows an extraordinary condition. At the Government schools, where the Government erects the building, buys the land, keeps the school in repair, furnishes everything, and makes an appropriation for the superintendent and an appropriation for the teacher, and all that kind of thing outside—at these schools, as I gather from what the gentleman says, it costs from \$167 to \$175 per year for pupils with all of these things thrown in. And yet at the private schools, where the teacher, the superintendent, and the building and the maintenance is provided, it costs the Government, as my friend says, from \$108 to \$125 per head for the pupils each year; another illustration of the fact that it is always best, where you can get the service, to do work for the Government by contract.

Mr. PERKINS. I would say, Mr. Chairman, in explanation of that, that it is because of the contributions of the denominations or associations that partially sustain these schools. There is not a contract school in the country that can afford to take and support one of these Indian children for \$108 a year nor for \$125 a year, but the denominations that are represented in and that sustain these schools make personal and private contributions to assist in this work, and in that way it is done for the figures suggested.

Mr. CUTCHEON. Will the gentleman allow me to ask him a question? Is it not a fact that before the Government undertook the education of these Indians that these denominations were carrying on these schools and educating these Indian children, and that the Government simply came to their assistance, and they still carry them on partly as a benevolent enterprise?

Mr. PERKINS. That is correct, Mr. Chairman, and the most of them were what were known and are known now as mission schools, the Baptist Mission School, the Catholic Mission School, the Methodist Mission School, the Presbyterian Mission School, and other schools of that character, established here and there throughout the country, and aided by the private contributions of the associations or persons sustaining them. In that way these Indians were educated, and in the course of time the associations carrying on the schools came to the Government and contracted with the Government to assist them in the work of educating some of these pupils and to make contributions for their support, and that is the way this contract system grew up; and, as I suggested before, it is not because it has cost these schools \$108 or \$125 to do this work that the appropriation is confined to that amount, but it is because they do the work in part and ask the Government to assist them to that extent, while in the schools that are maintained exclusively by the Government of the United States it is necessary to appropriate what it costs to maintain them, because there are no private contributions.

Mr. SHIVELY. No one, Mr. Chairman, can study this question without being impressed by the contrast between the Government school and the contract school in point of expense, and in my judgment, likewise in point of results. There has never been a stronger exhibition of enlarged charity and philanthropy than is displayed in our contract Indian schools, which are contributing in a practical way to the solution of the Indian problem. It is clear that the same amount of money effects vastly more substantial results when expended under the direction of these private charities than when expended by the Government. The Government is a corporation; it is the last thing in the world that can improve the mind or heart. Earnestness and zeal always accompany charity and philanthropy. The contract Indian school stands closer to the Indian children. There is more of heart and soul in the work. There is less of selfishness, less of politics, less of peculation.

To-day the contract schools are educating the Indian children at a cost to the Government of from \$108 to \$167 per pupil per annum. In these cases the Government buys no land, constructs no buildings, pays no salaries.

In the case of the Government schools the Government buys lands, erects buildings, furnishes school-rooms, pays agents and superintendents, employs a corps of teachers, and after all this expenditure pays from \$167 to \$175 per pupil per annum. Besides, the Indian question is not a permanency. The problem in a few years, we hope, may be solved. It is expected that the Government free-lunch counter will be taken off the reservation, the reservation broken up, lands allotted in severalty, all tribal relations dissolved, and the Indian incorporated into the body of American citizenship.

When that day comes the Government will have on hand an assortment of school-houses all over the country, a vast plant which can be of no service but to suggest the continuance of the relation of guardian and ward between the Indian and the Government, to the end that the school property may be utilized. It were better to encourage and sustain the contract schools, otherwise there is constant temptation to the Indian Office to perpetuate itself by keeping open the Indian question and magnifying its importance.

Instead of being a temporary bureau of the Government for the execution of a particular work, it will become an appetite that must grow with what it feeds on. I doubt the wisdom of any policy that endows the Commissioner of Indian Affairs with discretion to expend hundreds of thousands of dollars of the public money in building Indian school-houses all over the country without any reference to the temporary character of the Indian service.

Mr. MARTIN, of Indiana. Mr. Chairman, I move to strike out the last word. I wish to make an observation or two further in regard to the matter. I notice in some of the items of the bill which has just been read there is an appropriation of \$167 in some instances, and in one or two instances \$175 for each pupil. Now, it seems to me that the amount asked by my amendment has been recognized as a reasonable amount heretofore, and that it would be reasonable to allow the same amount per capita, as heretofore, for fifteen additional pupils. One matter which I speak of in particular is this: This is not only a question of teaching these Indian pupils how to read and write and instructing them in arithmetic, but it is a manual labor institution, at which every boy and every girl is educated in some of the useful callings of life, and when they return to their Western homes they carry with them not only a literary education, but they also carry with them a training that fits them for taking their place as actual, useful members of society, of great benefit to those around them. It is simply a question of providing for fifteen more Indian pupils, and it seems to me that a reasonable amount of the money of our Government can not be better expended than in educating these Indians. When they are brought away from their homes it is in every instance with the consent of their parents. Take them to these schools and teach them, educate them, civilize them, and in that way make them a potent factor for civilization amongst their own people when they return to their homes. This White's Institute is not only a most excellent institution, but those in charge thereof, including the lady teachers, are people of the highest character, and peculiarly successful in their work.

Mr. PERKINS. Just a word. If the gentleman from Indiana [Mr. MARTIN], who speaks for this school, is not willing to accept the provision of the bill reported by the committee, I am willing that it should be amended so as to conform with the bill of last year, giving to the school \$167 each for sixty pupils, although, as I suggest, there is but one contract school in the United States that we pay so much, and that is the Lincoln School in Philadelphia, where living is high and where everything has to be paid for at the high rates which are to be found in a great city like that. This school in Indiana has a little farm and garden of its own and it can afford to take care of these children for less than the Lincoln School in Philadelphia can. Yet we are paying out to them what we are paying to the Lincoln School in Philadelphia, more than to any other contract school in the United States; and if they are not satisfied with the provision reported by the committee, I think the most they can ask for is to give them what we are giving to them to-day under existing law. And if the gentleman is not satisfied, or if the school is not satisfied with the provision reported,

I would move to amend it so as to reduce the number to sixty and pay what we are paying under the current appropriation.

Mr. CANNON. I will ask the gentleman if in the current appropriation we provide for sixty at \$167; that is, we were paying at that highest rate of \$167 for sixty, and the amendment of the gentleman from Indiana makes it seventy-five instead of sixty.

Mr. PERKINS. He wants fifteen more at the same rate.

Mr. CHEADLE. Is not this true: that if you pay them \$167 apiece for seventy-five pupils they obligate themselves to take ten more for nothing?

Mr. PERKINS. They do not obligate themselves. That is simply a statement. The gentleman wants ninety provided for at \$167. In the bill we provided for ninety, but we fixed the appropriation which gives \$167 for seventy-five of them; and I will say, Mr. Chairman, if we accept this amendment to give this increase every other contract school in the United States will come here and ask for the same.

The question was taken on the amendment, and it was rejected.

Mr. MARTIN, of Indiana. Mr. Chairman, I desire to offer another amendment, so as to make it conform to the proposition of the gentleman from Kansas.

The Clerk read as follows:

In line 24, page 56, amend by striking out the word "ninety" and insert "sixty" in lieu thereof; and in lines 1 and 2, on page 57, by inserting "\$10,020" instead of "\$12,525."

The amendment was agreed to.

The Clerk read as follows:

For education and support of one hundred Chippewa Indian boys and girls at St. John's University and at St. Benedict's Academy, in Stearns County, State of Minnesota, at \$150 each per annum, and for the education and support of one hundred Indian pupils at St. Paul's Industrial School at Cloutarf, in the State of Minnesota, \$30,000.

Mr. PERKINS. Mr. Chairman, there is a verbal amendment to that paragraph. It should be "Cloutarf" instead of "Cloutarf."

The amendment was agreed to.

Mr. SHIVELY. Mr. Chairman, we have passed a section over I wish to refer to, and I ask unanimous consent to turn back to line 3, in regard to the Cherokee training-school in North Carolina. The bill gives \$167 per capita, while last year's act I think made it \$150.

Mr. PERKINS. The gentleman is correct; and that is an illustration of the evil that was suggested a moment ago. These Quaker people said we were paying \$167 at White's school, Indiana, and why should you not pay them the same? The committee yielded in this instance and consented that we should pay to this school the same as we were paying to the White school in Indiana.

Mr. SHIVELY. Is not this a Government school?

Mr. PERKINS. No, sir; it is a Quaker school.

Mr. SHIVELY. Well, has it not got Government buildings?

Mr. PERKINS. I think not. The buildings were all erected by the Quakers. The Government never made an appropriation of a dollar except as contribution for its support. Mr. SKINNER, of North Carolina, is more familiar with the facts than I.

The Clerk read as follows:

For trust-fund interest due Menomonees, \$950; in all, \$101,460.

Mr. PEEL. Now, if the Chairman will turn back to page 52, I desire to offer the amendment that I spoke of awhile ago, to come in right after line 16, on page 52, so that it will read just like the item above it.

The Clerk read as follows:

After line 16, page 52, add the following:

"The accounting officers of the Treasury Department are authorized and empowered to settle the account of Thomas W. Jones, late an agent at the Shoshone agency, according to equity."

Mr. PEEL. It is just like the Patterson item.

Mr. CANNON. Mr. Chairman, I was absent from the House when the item was passed, and I want to reserve a point of order against this amendment until I hear something about it at least.

Mr. PERKINS. Mr. Chairman, if the gentleman from Arkansas [Mr. PEEL] will permit a suggestion, he should make his amendment conform to that reported in the bill in the interest of Mr. Anderson, which designates and fixes the sum.

Mr. PEEL. I want it like the item of Patterson, just above.

Mr. PERKINS. But that is not my understanding. My understanding is that Jones claims that his claim is of the same character as that of Anderson—that he was appointed but was not confirmed until subsequently. The Comptroller of the Treasury held that he would have to give a new bond, and during the time that he was there in the performance of the duties of agent, in charge of the agency, charged with the responsibility and with the care of the property there, he was required to give a new bond, and until that bond was given he did not get his pay. He received his appointment under the recent Democratic Administration and there are several others in the same condition, where, under a technical decision of the Comptroller of the Treasury, they were not able to get their pay. If my friend will agree to make it the same as the Anderson item, so far as I am concerned I have no objection.

Mr. PEEL. I would state to the chairman of the committee that I do not know what the amount is. The gentleman from Virginia [Mr. LEE] called my attention to it, but he had to go away, and the best I

could do was to make it the same as the Patterson item above, where it authorizes the accounting officer to settle the claim according to equity. I have no interest in it, but I think that would be proper.

Mr. CANNON. If the gentleman can state that this is the same as the Anderson case, and can fix the amount—

Mr. PEEL. I can not fix the amount, for I do not know it.

Mr. CANNON. Then it is not in order upon the bill. It seems to me well enough where that amount can be given to make provision for the payment, but here is a provision, which I do not think ought to go into a bill unless on the fullest investigation and report, to settle an Indian agent's account according to equity.

Mr. PEEL. Very well.

Mr. CANNON. It is pretty broad.

Mr. PEEL. That was why I incorporated it. That was the best I could do with the information I had.

Mr. CANNON. The gentleman can get it put in in conference. I have no objection to its going in on the conference.

Mr. PERKINS. I would suggest to the gentleman from Arkansas that he leave the amount blank (my understanding is that it is less than \$200), and let the provision be the same as in the case of Mr. Anderson.

Mr. PEEL. I am perfectly willing to do that.

Mr. CANNON. Then it would read, For the salary of so and so, late an agent at such and such an agency, the sum of blank.

Mr. PEEL. Very well. I will prepare an amendment, and will withdraw this amendment for the present.

I ask unanimous consent to return to page 62, and insert, after line 21, the amendment which I send to the desk.

The amendment was read, as follows:

Page 62, after line 21, insert:

"For salary of Thomas W. Jones, late agent at the Shoshone Indian agency, from the — day of — to the — day of —, — dollars."

The amendment was agreed to.

Mr. CARTER. I ask unanimous consent for the consideration of the amendment which I send to the desk.

The amendment was read, as follows:

After the word "dollars," in line 24, page 57, insert:

"For the education and support of one hundred Indian children at the Holy Trinity Indian School at Blackfeet agency, Montana, \$12,500."

Mr. CARTER. Mr. Chairman, with reference to this amendment I will say that under a permit from the Department charitably disposed persons have erected a building at the Blackfeet agency in Montana, costing about \$20,000. The report of the Indian Commissioner shows that outside of this building there are accommodations at that agency for but fifty Indian children, whereas there are four hundred and fifty children of school age on the reservation. This amendment makes but appropriate provision for a portion of the children there who are in no manner provided for in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana.

Mr. PERKINS. I desire to say, Mr. Chairman, that the amendment offered by the gentleman from Montana is substantially the same in form as the provisions in the bill pertaining to the St. Joseph School, in Indiana, and the St. Boniface School, in California, and other schools that we authorize the Commissioner of Indian Affairs to make contracts with, and I think the amendment should be adopted.

The amendment was agreed to.

Mr. CANNON. I move to strike out the last word, for the purpose of occupying two or three minutes in making a comparison between this bill and former Indian appropriation bills, not to criticize the work of the present Committee on Indian Affairs, but to show how when appropriations even for extraordinary purposes once get a footing they are apt to be kept up in aggregate, even for ordinary purposes.

To illustrate: The Indian appropriation acts for the fiscal years 1881 to 1888, inclusive, were as follows:

1881.....	\$4,657,262.72	1887.....	5,546,282.84
1882.....	4,567,866.80	1888.....	5,226,897.66
1883.....	5,228,374.01		
1884.....	5,358,635.91		
1885.....	5,859,402.91		
1886.....	5,762,512.70		
		Total for eight years.....	42,228,235.55
		Average per annum.....	5,278,529.44

According to the report on the pending bill it appropriates \$6,312,620.46, to which there has been added, as reprinted, items swelling it to \$6,390,743.10, which is \$1,112,213.66 more than the average appropriated each year by appropriation acts for the years 1881 to 1888.

For 1889 the Indian appropriation act was unduly swollen by an appropriation of \$2,858,798.62 to pay the Choctaw judgment; if that item had been omitted the act would have appropriated only \$5,404,902.17, or \$985,840.93 less than the pending bill.

For 1890 the Indian appropriation act was again unduly swollen by two unusual items, namely: Payment to Pottawatomie Indians of an old award, with interest for twenty years, and amounting to \$361,682.04; and payment to Seminole Indians for certain lands, \$1,912,942.02. If these items had been omitted from the act it would have appropriated only \$5,802,829.33, or \$587,913.77 less than the pending bill as it was reported by the Committee on Indian Affairs.

This bill, however, now carries in round numbers \$300,000 less than it did when reported from the Committee on Indian Affairs, that amount having been eliminated by points of order that I believed it my duty to make.

Mr. SAYERS. Are there any extraordinary items in this bill?

Mr. CANNON. I am not aware of any extraordinary items in this bill now.

Mr. DOCKERY. I think there are some very extraordinary items in it. [Laughter.]

Mr. SAYERS. I mean in regard to amounts.

Mr. CANNON. I speak with reference to appropriations for the necessities of the public service. I understand that there has been a growth in the Indian schools to the amount of three or four hundred thousand dollars, and an increase in some other items. So, Mr. Chairman, we have here a bill which they say is less than the bill of 1890 and less than the bill of 1889, and of course it is. It is somewhat less now than when it was reported to the House, but possibly and probably it ought to be still less, because the bill of 1889 and the bill of 1890 were swollen by the extraordinary items I have spoken of.

I have thought it was proper, Mr. Chairman, not at all by way of unfriendly criticism upon the Indian Committee, to call attention at this time to the manner in which the bill of 1889 and the bill of 1890 were swollen by the extraordinary items I have mentioned, and to show how difficult it is, when you get an annual appropriation bill up to a certain point, to reduce it again, even after the extraordinary items have been disposed of.

Mr. PEEL. Having listened with interest to the remarks of the gentleman from Illinois [Mr. CANNON], I desire only to thank him for his complimentary allusions to the action heretofore of the Committee on Indian Affairs.

Mr. PERKINS. Mr. Chairman, the fact is, as the gentleman from Illinois has suggested, that for two or three years at least the annual appropriations for the Indian service have been growing, and I think rightly growing. All who are at all familiar with the efforts which have been made by the Government to educate the Indians and improve their condition know that those efforts are, comparatively speaking, of recent origin. We know that this system of building up Indian industrial schools, of encouraging the adult Indians to send their little ones to school that they may be qualified for the duties and responsibilities of citizenship, is of quite recent growth. Hence, naturally, and as I think properly, the expenditures on the part of the Government for this service have increased.

The Carlisle school, which was organized nine years ago, was the first school of its character in the United States. That was the inception of this system of Indian education. The results there proving satisfactory, Congress was encouraged to make appropriations to sustain that institution, the success of which prompted the organization of other schools. Thus the Indian education system has grown—grown upon the country, grown upon Congress; and in my judgment it is growing in the confidence and good-will of the people of the United States every day.

As I suggested in my introductory remarks on this bill, we receive petitions constantly from all sections of the country urging us to sustain the Commissioner of Indian Affairs in his work and in the recommendations he has made to Congress for more liberal appropriations than have heretofore been made for this service. Responding to these petitions, responding to the supplications of the good people of the country, who believe it is proper to educate and christianize the Indians, rather than to maintain armies to fight them, we reported this bill. Because of the extension of this policy it may be that the bill carries more than did the annual appropriation bill of last year or the bills of previous years. But the increase involved is in the right direction. It is in the interest of humanity, in the interest of the wards of the nation; and I believe that our action has the approval of the good people of this land, irrespective of party and without denominational distinctions.

While it may be true that this Indian appropriation bill carries more than previous bills of this character, yet, if we examine carefully and find how much has been appropriated by the Government in the past to maintain armies for the purpose of fighting the Indians, we shall find that in the aggregate there is a great saving to the Government; that it costs less to maintain these schools, to employ these teachers, to educate these red children, and to qualify them for the duties and responsibilities of good citizens than it does to send battalions to the Rocky Mountains and to the lava beds of the West to carry on Indian wars. If we are actuated by no higher motives than those of economy—if we divest ourselves of all sentiment in this matter and look at this simply as an economical proposition, in that view alone the policy we are now pursuing is cheaper and better than that adopted in the past.

Mr. MORSE. Will my friend from Kansas [Mr. PERKINS] allow me to interject a remark?

Mr. PERKINS. With pleasure.

Mr. MORSE. It has been estimated by competent authority that it costs the Government of the United States and the tax-payers a million dollars to shoot an Indian. Had we not better spend a far less sum in educating and civilizing these people?

Mr. PERKINS. The suggestion of the gentleman is in harmony with the views I have endeavored to submit.

It was not until 1887 that Congress passed the act providing for the allotment of lands to Indians in severalty. All this legislation looking to the education and moral elevation of the Indian is of recent origin. The system of building industrial schools, of erecting reservation day-schools and boarding-schools, of qualifying the Indians to discharge the duties and responsibilities of citizenship, of allotting lands to them in severalty, of encouraging them to build up homes and cultivate individuality of character, breaking up the tribal organizations—everything of this kind is of recent origin. And the work of the Government in allotting lands to the Indians in severalty and inducing them to establish homes distinct and apart from the tribal organization goes hand in hand with this work of Indian education; and this policy is accomplishing much in the direction that the people like to see work accomplished.

It is seldom now that you hear of an Indian outbreak. It is seldom you hear of the military forces of the Government being called upon to put down an Indian insurrection. As we progress in our work these Indian depredations and outbreaks gradually disappear, and in my judgment the time is near when every Indian tribe in the country will be prepared to take its lands in severalty and the members ready to establish and maintain their individual homes, and their little ones will thus be trained for the duties and responsibilities of citizenship. And as a matter of economy, as I suggested a moment ago, if we are not to be governed by higher considerations, it is better and cheaper; and so while this bill may swell in the aggregate the expenditures of the Government in this direction, there is a decrease of appropriation and there is economy in it. That is all I desired to say in answer to the suggestion of the gentleman from Illinois.

The gentleman from Michigan, I believe, desired to occupy the floor for a few moments, but as I do not see him in his seat at present, I move that the committee now rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ALLEN, of Michigan, reported that the Committee of the Whole House on the state of the Union, having had under consideration the Indian appropriation bill, had directed him to report the same to the House with sundry amendments, and as so amended that the bill do pass.

The amendments reported from the Committee of the Whole were severally read, considered, and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PERKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 1) to protect trade and commerce against unlawful restraints and monopolies.

The message also announced that the Senate had passed, with amendments, the bill (H. R. 5974) extending the time of payment to purchasers of land of the Omaha tribe of Indians in Nebraska, and for other purposes, asked a conference on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. MANDERSON, Mr. DAWES, and Mr. MORGAN.

The message also announced that the Senate had passed a bill (S. 3596) granting to the Rio Grande Southern Railroad Company the right of way through the Fort Lewis military reservation, in La Plata County, in the State of Colorado.

It further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 401) to provide for the construction of a public building at the city of Alexandria, State of Louisiana.

ORDER OF BUSINESS.

Mr. PERKINS. I move that the House do now adjourn.

Mr. BELDEN. I ask unanimous consent—

Mr. KILGORE. I demand the regular order.

The SPEAKER. The gentleman from Kansas moves that the House do now adjourn, and the gentleman from Texas demands the regular order.

The question being taken on the motion of Mr. PERKINS, it was agreed to.

The SPEAKER. Pending the announcement of the vote, the Chair desires to lay before the House certain personal requests, changes of reference, and a report from the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported

that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 10065) constituting Irondequoit Bay, New York, a navigable water of the United States for certain purposes; and
A bill (H. R. 7217) to amend "An act for the erection of an appraiser's warehouse in the city of New York, and for other purposes."

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ATKINSON, of Pennsylvania, indefinitely, on account of a death in his family.

To Mr. PRICE, for ten days from this date, on account of important business.

To Mr. LEE, until Thursday next, on account of important business.

CHANGE OF REFERENCE.

The SPEAKER. The Chair desires to announce the following changes of reference, reported back by the committees to which the bills were originally referred, namely:

The bill (H. R. 10590) to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank—from the Committee on Foreign Affairs to the Committee on Banking and Currency; and

The joint resolution (H. Res. 176) authorizing payment of pay and allowance to minors who were discharged from Army of United States after close of war of rebellion by special order secured by action of friends and before the date of general order mustering out their commands—from the Committee on Invalid Pensions to the Committee on Military Affairs.

The result of the vote on the motion of Mr. PERKINS was then announced; and accordingly (at 4 o'clock and 47 minutes p. m.) the House adjourned.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 662) for the better protection of hotel-keepers, inn-keepers, lodging-house keepers, and boarding-house keepers of the District of Columbia—to the Committee on the District of Columbia.

A bill (S. 1244) for the relief of the sureties of Dennis Murphy—to the Committee on Claims.

A bill (S. 1418) for the relief of Dwight Hall—to the Committee on Claims.

A bill (S. 1759) for the relief of Maj. Joseph W. Wham, paymaster United States Army—to the Committee on Claims.

A bill (S. 1971) for the relief of William Clawson—to the Committee on War Claims.

A bill (S. 1992) relating to the execution of customs-revenue bonds—to the Committee on Ways and Means.

A bill (S. 2184) granting a pension to Sarah L. Knight—to the Committee on Invalid Pensions.

A bill (S. 2310) for the relief of M. A. Fulton, Silas Staples, and the other sureties upon the official bond of James D. Reymert, executed to the United States on the 7th of February, 1860, as receiver of public moneys—to the Committee on Claims.

A bill (S. 2750) to remove the charge of desertion against Almon R. Tobey—to the Committee on Military Affairs.

A bill (S. 2782) to provide for the reduction of the Round Valley Indian reservation, in the State of California, and for other purposes—to the Committee on Indian Affairs.

A bill (S. 2783) for the relief of the Mission Indians in the State of California—to the Committee on Indian Affairs.

A bill (S. 3078) to carry out the findings of the Court of Claims in the case of James H. Dennis—to the Committee on Claims.

A bill (S. 3134) to perfect the military record of Henry C. Barney, of Pella, Tex.—to the Committee on Military Affairs.

A bill (S. 3494) to establish a light station at or near Page's Rock, in York River, Virginia—to the Committee on Commerce.

A bill (S. 3562) authorizing additional compensation to the assistant commissioners to the industrial exhibition held at Melbourne, Australia—to the Committee on Foreign Affairs.

A bill (S. 3716) to provide for the examination of certain officers of the Army and to regulate promotions therein—to the Committee on Military Affairs.

A bill (S. 3723) granting an increase of pension to Thomas B. Shaw—to the Committee on Invalid Pensions.

A joint resolution (S. R. 90) providing for the printing of decisions of the Department of the Interior regarding public lands and pensions, for sale—to the Committee on Printing.

A joint resolution (S. R. 53) authorizing the printing of the annual report of the Chief of the Bureau of Statistics on internal commerce for 1889—to the Committee on Printing.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, a House bill of the following title with Senate amendments was taken from the Speaker's table and referred as follows:

A bill (H. R. 5381) directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes—to the Committee on Coinage, Weights, and Measures.

SENATE RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate resolution was taken from the Speaker's table and referred as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Director of the Mint 1,000 additional copies of the report on the production of precious metals in the United States for the calendar year 1889;

to the Committee on Printing.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. CLUNIE, from the Committee on Public Buildings and Grounds, reported favorably the bill of the Senate (S. 1264) to provide for the erection of a public building at San Diego, Cal., accompanied by a report (No. 2477)—to the Committee of the Whole House on the state of the Union.

Mr. BELKNAP, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 10557) for the relief of W. G. Trice, accompanied by a report (No. 2478)—to the Committee of the Whole House.

Mr. O'NEILL, of Pennsylvania, from the Committee on the Library, reported favorably the bill of the House (H. R. 10643) authorizing the Librarian of Congress to purchase "Townsend's Library of National, State, and Individual Records, comprising a collection of historical records concerning the origin, progress, and consequences of the late civil war," accompanied by a report (No. 2479)—to the Committee of the Whole House on the state of the Union.

He also, from the same committee, reported, with amendment, the bill of the House (H. R. 10068) providing for a library for the Government Printing Office, accompanied by a report (No. 2480)—to the Committee of the Whole House on the state of the Union.

Mr. DAVIDSON, from the Committee on the Library, reported favorably the bill of the House (H. R. 647) to provide for the erection of a monument to Maj. Gen. Nathaniel Greene on the battle-field of the battle of Guilford Court-House, North Carolina, fought March 15, 1781, accompanied by a report (No. 2481)—to the Committee of the Whole House on the state of the Union.

Mr. RANDALL, from the Committee on Pensions, reported favorably the bill of the House (H. R. 10503) granting an increase of pension to Jeanie Brent Davenport, accompanied by a report (No. 2482)—to the Committee of the Whole House.

Mr. BANKHEAD, from the Committee on Public Buildings and Grounds, reported favorably the bill of the House (H. R. 10904) to authorize the Secretary of the Treasury to consent to the use of a portion of the public grounds of the United States in the town of Arlington, Va., for a public street, accompanied by a report (No. 2483)—to the House Calendar.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and joint resolutions of the following titles were introduced, severally read twice, and referred as follows:

By Mr. LEWIS: A bill (H. R. 11028) to repeal the joint resolution authorizing the Secretary of the Treasury to anticipate the payment of interest on the public debt—to the Committee on Ways and Means.

By Mr. CASWELL: A bill (H. R. 11029) to increase the compensation of the assistants to the attorney of the United States for the District of Columbia and to amend section 907 of the Revised Statutes of the United States, relating to said District—to the Committee on the Judiciary.

By Mr. HARE: A bill (H. R. 11030) to grant the right of way to the Sherman and Northwestern Railway Company through the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BROWER: A bill (H. R. 11031) for the relief of John S. Leary and Mathew N. Leary, executors of Mathew N. Leary, deceased—to the Committee on War Claims.

By Mr. FUNSTON: A bill (H. R. 11032) to increase the pension of John E. Tharp—to the Committee on Invalid Pensions.

By Mr. GREENHALGE: A bill (H. R. 11033) granting an increased pension to John S. Daniels—to the Committee on Invalid Pensions.

By Mr. LIND: A bill (H. R. 11034) to amend an act entitled "An

act for the relief of Marzel Altmann," approved March 3, 1883—to the Committee on Public Lands.

By Mr. MCRAE (by request): A bill (H. R. 11035) for the relief of certain enlisted men of the First Battalion of the Fourth Regiment of Arkansas (Union) Calvary Volunteers—to the Committee on Military Affairs.

By Mr. MUDD: A bill (H. R. 11036) for the relief of Nathan Plummer—to the Committee on Claims.

By Mr. ROBERTSON: A bill (H. R. 11037) for the relief of John J. Burnett, of New Orleans, La.—to the Committee on War Claims.

Also, a bill (H. R. 11038) for the relief of Adeline N. Larche, of Carroll Parish, Louisiana—to the Committee on War Claims.

Also, a bill (H. R. 11039) for the relief of the estate of Benjamin Roach, late of Adams County, Mississippi—to the Committee on War Claims.

By Mr. WRIGHT: A bill (H. R. 11040) to relieve Myron A. Eastman of the charge of desertion—to the Committee on Military Affairs.

By Mr. YARDLEY: A bill (H. R. 11041) granting a pension to Sarah A. Walters, widow of the late William T. Walters—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOUTELLE: Petition of 28 citizens of the Fourth Congressional district of Maine, in favor of a national Sunday-rest law—to the Committee on Labor.

By Mr. BRECKINRIDGE, of Arkansas: Petition of 370 citizens of Morrilton, Ark., against transmission of impure literature through the mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of 109 citizens of Beebe, Ark., for same relief—to the Committee on the Post-Office and Post-Roads.

Also, petition of 170 citizens of Searcy, Ark., for same relief—to the Committee on the Post-Office and Post-Roads.

Also, petition of 64 others, citizens of same place, for same relief—to the Committee on the Post-Office and Post-Roads.

By Mr. BROOKSHIRE: Petition of the Farmers' Alliance of Wilson Lodge, No. 3977, of Vermillion County, Indiana, for the suppression of trusts, etc., and the early consideration of the bill to suppress trusts, etc.—to the Committee on Agriculture.

By Mr. BUCHANAN, of Virginia: Petition of the Asbury Farmers' Alliance of Wythe County, Virginia, in reference to Galveston Harbor improvement—to the Committee on Rivers and Harbors.

By Mr. BULLOCK: Petition of F. B. Kervan and 16 others, of Putnam County, Florida, asking passage of House bill 7162—to the Committee on Ways and Means.

By Mr. CANDLER, of Massachusetts: Petition of employes of Boston post-office in favor of House bills 6448 and 6449—to the Committee on the Post-Office and Post-Roads.

Also, petition in regard to the national-bankingsystem—to the Committee on Banking and Currency.

Also, petitions of citizens of Massachusetts in favor of House bills 6448 and 6449—to the Committee on the Post-Office and Post-Roads.

By Mr. CANNON: Resolutions of Farmers' Alliance, No. 59, Cheeneville, Vermillion County, Illinois, urging passage of the Butterworth bill—to the Committee on Agriculture.

Also, resolutions of same Alliance, urging passage of the Conger bill—to the Committee on Agriculture.

By Mr. CATCHINGS: Petition of Phillip Henson, of Alcorn County, Mississippi, for reference of his claim for services as scout and guide to the Court of Claims under provisions of the Bowman act—to the Committee on War Claims.

By Mr. CUMMINGS: Petition from San Francisco news-dealers, protesting against the passage of House Bill 9197 providing for the return of second-class mail matter at increased rates—to the Committee on the Post-Office and Post-Roads.

Also, petition from publishers in St. Paul, Minn., protesting against passage of same measure—to the Committee on the Post-Office and Post-Roads.

Also, petition of publishers and others, citizens of Newark, N. J., protesting against same measure—to the Committee on the Post-Office and Post-Roads.

Also, petition of publishers of newspapers in Cleveland, Ohio, protesting against passage of same measure—to the Committee on the Post-Office and Post-Roads.

Also, petition of publishers of newspapers in Kansas City, Mo., protesting against passage of same measure—to the Committee on the Post-Office and Post-Roads.

Also, petition of publishers of newspapers in Providence, R. I., protesting against passage of same measure—to the Committee on the Post-Office and Post-Roads.

By Mr. DARGAN: Petition of certain citizens of South Carolina, asking for the appropriation of \$6,200,000 for the improvement of Galveston Harbor, Texas—to the Committee on River and Harbors.

By Mr. HANSBROUGH: Petition of the Farmers' Alliance of Ster-

ling, N. Dak., for passage of the Butterworth option bill—to the Committee on Agriculture.

Also, petition of same alliance, for passage of the Conger lard bill—to the Committee on Agriculture.

By Mr. HAYNES: Resolutions of the Farmers' Alliance, Townsend Township, Sandusky County, Ohio, favoring the passage of the Conger lard bill and the Butterworth option bill—to the Committee on Agriculture.

By Mr. HENDERSON, of Illinois: Petition of A. W. Hursey and 6 others, superintendents and teachers of public schools at Tiskilwa, Ill., for the support of the international copyright bill now pending in Congress—to the Committee on the Judiciary.

By Mr. JOSEPH: Petition of agent for settlers in Colorado and New Mexico for investigation of official corruption—to the Committee on the Judiciary.

By Mr. KELLEY: Petition of 175 citizens of Topeka, Kans., asking for the enactment of such laws by Congress as will counteract the bad influence of the recent decision of the Supreme Court in reference to the original-package business, or liquors imported from one State into another and sold in violation of the laws thereof—to the Committee on the Judiciary.

By Mr. KERR, of Iowa: Petition of citizens of West Branch, Cedar County, Iowa, in favor of the passage of a law to prohibit the importation of intoxicating liquors into States in violation of the laws thereof—to the Committee on the Judiciary.

By Mr. KETCHAM: Petition of 27 citizens of Union Vale, N. Y., for passage of House bill 5987—to the Committee on the Judiciary.

By Mr. MCRAE: Memorial of First Battalion Fourth Arkansas Union Cavalry—to the Committee on Military Affairs.

By Mr. O'DONNELL: Preamble and resolution of Equity Lodge, Farmers' Alliance, of Rice Creek, Calhoun County, Michigan, in favor of passage of the Butterworth option bill—to the Committee on Agriculture.

Also, preamble and resolution of same alliance, in favor of passage of the Conger lard bill—to the Committee on Agriculture.

By Mr. PARRETT: Petition and papers to accompany House bill 11014, granting pension to Mrs. Malinda Hawkins, a matron and nurse during the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. PICKLER: Petitions of 61 citizens of Lake County, 94 citizens of Davison County, and 51 citizens of Hughes County, all in South Dakota, praying passage of a bill prohibiting the transportation of intoxicating liquors from any State or Territory of the United States or District of Columbia into any other State or Territory contrary to and in violation of the laws thereof—to the Committee on the Judiciary.

Also, petitions of 66 citizens of Garretson, 20 citizens of Kingsbury County, 46 citizens of Minnehaha County, all in South Dakota, for the same measure—to the Committee on the Judiciary.

Also, petitions of 145 citizens of Jerauld County, South Dakota, the Bethel and Hawkeye Valley Sabbath schools, the Harmony Church and Sabbath school of the Society of Friends, the Methodist Episcopal Church, and the Methodist Episcopal Sabbath school of Wessington Springs, and the Jerauld County Sabbath school convention, held at Wessington Springs May 25, 1890, all of Jerauld County, South Dakota, for same measure—to the Committee on the Judiciary.

Also, petitions of 58 citizens of Douglas County, 30 citizens of Sully County, 27 citizens of Codington County, all of South Dakota, for same measure—to the Committee on the Judiciary.

By Mr. SAYERS: Petition of the citizens of Coleman County, Texas, for the free and unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of citizens of Blanco, Tex., praying passage of House bill 5353—to the Committee on Agriculture.

Also, petition of citizens of San Saba County, Texas, for passage of a bill to prevent the adulteration of lard—to the Committee on Agriculture.

By Mr. STIVERS: Petition of James F. Ogilispie and 29 others, of Montgomery, N. Y., asking for the prompt passage of House bill 5987, to prohibit the transportation of intoxicating liquors from any State or Territory in the United States into any other State or Territory contrary to and in violation of the laws thereof—to the Committee on the Judiciary.

Also, petition of Mrs. May Morgan McKoon and 31 others, of Long Eddy, N. Y., asking passage of same measure—to the Committee on the Judiciary.

By Mr. STRUBLE: Resolution of Peiro Farmers' Alliance, of Woodbury County, Iowa, No. 1482, urging the early passage of the Butterworth option bill (H. R. 5353)—to the Committee on Agriculture.

Also, resolution of Brooks Township Alliance, No. 1560, urging passage of same measure—to the Committee on Agriculture.

By Mr. TARSNEY: Petition of Troy Annual Conference of Ministers, asking that the corps of Army chaplains be enlarged, etc.—to the Committee on Military Affairs.

By Mr. YARDLEY: Petition of 140 citizens of Bucks County, Pennsylvania, asking passage of House bill 8608, to prevent the adulteration of food and drugs—to the Committee on Agriculture.

By Mr. YODER: Petition of Darke County (Ohio) Tobacco-Growers' Association—to the Committee on Ways and Means.

SENATE.

THURSDAY, June 19, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter of the Secretary of the Interior, submitting the estimate of an appropriation in the sum of \$5,000 for appraisement of the Fort Angeles town-site reservation; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills, received yesterday from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 5183) for relief of Dabney, Simmons & Co.; and

A bill (H. R. 6018) for the relief of Thomas B. McElwee.

The bill (H. R. 8392) for the relief of William D. Matthews was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 9048) to confirm the title to certain lands in the city of Sault Ste. Marie, and State of Michigan, and to release any reversionary right of the Government of the United States therein was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 9523) authorizing the construction of a bridge over the Tennessee River at or near Guntersville, Ala., and for other purposes was read twice by its title, and referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

Mr. MORGAN. I have a petition that is addressed to the President of the United States (but I have been requested to present it to the Senate for reference to the Committee on Foreign Relations) by certain citizens of the United States, who claim that they are the rightful owners of certain lands in the Fiji Islands, in the South Sea, now known as the British colony of Fiji, and that they acquired their titles from the native chiefs by certain conveyances, which they proceed here to proclaim. They set forth the grounds upon which their title is based and the difficulty of getting any proper adjudication by the colonial authorities there upon that question; and they ask for a joint commission to be organized by agreement between the Governments of Great Britain and the United States for the purpose of taking into consideration their claim of title to those lands; and they pray that the Senate will take such action upon the subject as may be considered appropriate. Accompanying the paper is a long printed statement which sets forth the grounds upon which their title is based.

I move the reference of this petition or paper, with the accompanying documents, to the Committee on Foreign Relations.

The motion was agreed to.

Mr. SHERMAN presented a petition of ex-Union soldiers of Logan County, Ohio, praying for the passage of a per diem pension bill; which was referred to the Committee on Pensions.

He also presented a petition of 11 citizens of Cheyenne, Wyo., praying for the passage of the McKinley tariff bill; which was ordered to lie on the table.

Mr. VOORHEES. I present the petition of the Lake View Post, No. 246, Grand Army of the Republic, Department of Indiana, praying for the passage of a service-pension bill, and stating that if the platform of the Republican national convention at Chicago, in 1888, on this subject meant anything it meant the passage of such a bill; and further stating that they believe their interests have been neglected by the present Congress. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. VOORHEES presented the petition of John H. Clark and other citizens of Clay County, Indiana, praying for the free coinage of silver and an increase of legal-tender Treasury-note circulation; which was ordered to lie on the table.

He also presented the petition of N. L. Noble and other citizens of Sebastian County, Arkansas, praying for the construction of a complete system of levees from Cairo to New Orleans on the Mississippi River; which was referred to the Committee on Commerce.

He also presented the petition of John Colter, late a member of Company H, One hundred and thirty-ninth Regiment Indiana Volunteers, praying to be paid certain sums of money advanced as bounty to enlisted men during the war of the rebellion; which was referred to the Committee on Military Affairs.

Mr. WASHBURN. I present the petition of Eric Johnson, John Gahn, and a large number of other citizens of Stark, Chicago County, Minnesota, praying for the passage of the pending tariff bill called the McKinley bill. The petitioners suggest that they have heard that large importing firms are asking for the defeat of this measure, and that it would be very strange if the Senate of the United States would

take part in favor of the rich importer as against the mortgage-burdened farmers.

I move that the petition lie on the table, as the bill has been reported.

The motion was agreed to.

Mr. PADDOCK presented a petition of the Sunny Hillside Farmers' Alliance, No. 542, of Cambridge, Nebr., praying for the speedy passage by Congress of House bill 283, known as the Conger lard bill, and also House bill 5353, known as the Butterworth option bill; which was referred to the Committee on Agriculture and Forestry.

Mr. DIXON presented the petition of A. W. Colvin and 73 other citizens of Kent County, Rhode Island, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was referred to the Committee on Education and Labor.

Mr. SAWYER presented the petition of J. E. Kennedy and others, merchants of Cshkosh, Wis., praying that a rebate be given dealers on all refined sugar on hand at the time the pending tariff bill takes effect; which was ordered to lie on the table.

Mr. MORRILL. I present memorials from New York, Vermont, Pennsylvania, and Ohio, opposing any heavier tax upon tin than is now imposed. The memorials are in the usual printed style. I move that they lie on the table.

The motion was agreed to.

Mr. HOAR presented a memorial of many fish-dealers of Boston, Mass., remonstrating against any increase of duties on fresh and salt fish; which was ordered to lie on the table.

Mr. VEST presented a memorial of District Assembly, No. 4, Knights of Labor, of St. Louis, Mo., praying for the passage of House bill 260, for the punishment of parties counterfeiting trade marks, labels, etc., and also remonstrating against the passage of Federal election bills; which was referred to the Committee on Education and Labor.

He also presented a petition of the Williams Farmers and Laborers' Union, No. 1276, of Blue Springs, Mo., praying for the free coinage of silver and denouncing the subtreasury system; which was ordered to lie on the table.

Mr. TURPIE presented a memorial of the Carpenters and Joiners' Union of Indianapolis, Ind., remonstrating against the proposed increase of duties upon tobacco; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 3834) to enable the Secretary of the Interior to carry out an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota, and for other purposes," approved January 14, 1889, reported it without amendment.

He also, from the same committee, reported three amendments intended to be proposed to the Indian appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. EVARTS, from the Committee on the Judiciary, to whom was referred the bill (S. 1411) to authorize corporations to become surety in certain cases in the courts of the United States, reported it with amendments.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 9677) to authorize the county of Pulaski, in the State of Georgia, to maintain a high wagon and foot bridge across the Ocmulgee River at or near Hawkinsville, in the State of Georgia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 9521) to authorize the construction of a bridge across the Savannah River, reported it without amendment.

Mr. DOLPH. By direction of the Committee on Commerce, I report back favorably, with amendments, the bill (S. 3917) to adopt regulations for preventing collisions at sea. This bill adopts the regulations agreed upon by the late International Maritime Convention and is recommended by the Secretary of State, by the Maritime Association of the port of New York, the Board of Trade of Philadelphia, the Maritime Exchange of Philadelphia, and other mercantile bodies. It is an important bill, and I shall ask for its early consideration. It repeals the existing regulations and takes effect only upon the proclamation of the President, which I presume will not be until a sufficient number of nations have agreed to its provisions.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. CAMERON, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1004) granting a bounty of \$100 to the Second Regiment Kansas Volunteer Infantry;

A bill (S. 118) to remove the charge of desertion from the military record of George S. Ackerson; and

A bill (S. 1124) for the relief of Daniel W. Boutwell.

Mr. WALTHALL, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon; and the bills were postponed indefinitely:

A bill (S. 3436) to correct the military record of Roswell M. Shurtleff; and

A bill (S. 3455) to restore Henry S. Cohn to the rank of second lieutenant.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (S. 865) to provide for paying certain advances made to the United States by the States of Maryland and Virginia, reported it with amendments, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 3799) making an appropriation for the purchase of a site and the construction of a light and fog-signal at St. Andrew's Bay, Florida, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2792) to make the Lake Borgne outlet and to improve the low-water channel of the Lower Mississippi River, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 278) to amend paragraph 3 of section 4414 of the Revised Statutes, reported it without amendment.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1358) to remove the charge of desertion against John Milroy, and authorizing his honorable discharge, reported it with amendments, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3865) to provide for the reorganization of the artillery force of the Army, reported it with amendments.

RETURN OF PAPERS.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations to report back, with an amendment, the joint resolution (S. R. 95) relative to certain bonds, drafts, and other papers in the Department of State, and to ask for its immediate passage. It does not involve an appropriation and there is some urgency why the party interested should have these papers. I ask the Senate to consider the resolution now.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. COCKRELL. Let it be read for information and then we can tell whether there will be objection.

The Chief Clerk read the joint resolution, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. INGALLS. If there be no report in writing, will the Senator from Ohio kindly give us a statement of the reasons why this joint resolution should pass?

Mr. SHERMAN. There is a report in writing, but I can state the case in a few words. Mr. Hargous had a claim against Mexico and submitted it to the Mexican and American Claims Commission, and they rejected it on the ground that it was not within their jurisdiction under the terms of the treaty. So the administrator has commenced a suit against Mexico in the Mexican courts, and it is necessary for him to produce these papers. We asked the Secretary of State if there was any objection. He says there is no objection whatever. The papers belong to a private party, and they were left in the Department of State by the commission because they could not take jurisdiction of the case. That is all there is of it.

The VICE-PRESIDENT. The amendment reported by the Committee on Foreign Relations will be stated.

The CHIEF CLERK. In line 20, after the words "claim of," strike out the remainder of the joint resolution in the following words:

The person so entitled as aforesaid against Mexico, the same having been deposited in the State Department in error.

And in lieu thereof insert:

Louis S. Hargous against Mexico presented before the American and Mexican Mixed Commission, numbered 782, 783, and 784, and rejected by said commission for want of jurisdiction, and now in litigation before the courts of Mexico at the suit of Robert S. Hargous, administrator of said Louis S. Hargous, deceased.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution to surrender certain bonds, drafts, and other papers in the Department of State to Robert S. Hargous, administrator of Louis S. Hargous, deceased."

MISSOURI RIVER BRIDGE AT KANSAS CITY.

Mr. VEST. I am instructed by the Committee on Commerce, to whom was referred House bill 8831, to report it without amendment, and I ask the Senate to consider the bill at the present time, because there is great exigency for its passage. It is very short, and is simply amendatory of a former act of Congress for the construction of a bridge over the Missouri River. It is an extension simply of one of the provisions of that law. It will take but a moment to dispose of the measure.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill (H. R. 8831) to amend an act entitled "An act authorizing the construction of a bridge over the Missouri River at or near Kansas City, Kana., and not over 10 miles above the Hannibal and St. Joseph Railway bridge at Kansas City, Mo.," approved March 1, 1889.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. HAWLEY. I am instructed by the Committee on Military Affairs, to whom was referred the joint resolution (H. Res. 138) to increase the number of members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, and to fill vacancies in such board, to report it with one amendment, and I beg immediate action upon this matter, as the vacancies in the board have existed for some time and ought to be filled for business reasons.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. EDMUNDS. Let it be read, subject to objection.

The VICE-PRESIDENT. The joint resolution will be read.

The joint resolution was read, as follows:

Resolved, etc. That the Board of Managers for the National Home for Disabled Volunteer Soldiers shall hereafter consist of eleven members, and the following-named persons be, and are hereby, appointed managers of the National Home for Disabled Volunteer Soldiers, that is to say: Edmund N. Morrill, of Kansas, for the unexpired term of office of John A. Martin, deceased; Alfred L. Pearson, of Pennsylvania, for the unexpired term of office of John F. Hartranft, deceased; and William B. Franklin, of Connecticut, John C. Black, of Illinois, Augustus B. Farnham, of Maine, and George W. Steele, of Indiana, for the terms of office commencing on the 21st day of April, 1890, to fill vacancies occasioned by the expiration of terms of office and by the increase provided hereby.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution which was reported from the Committee on Military Affairs, with an amendment, in line 11, to strike out the name "Augustus B. Farnham" and insert "Thomas W. Hyde;" so as to read:

Thomas W. Hyde, of Maine.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. HAWLEY. These vacancies have existed for about two months and a half. For reasons I need not explain I wish the Senate would insist upon its amendment and ask for a committee of conference.

The VICE-PRESIDENT. The Senator from Connecticut moves that the Senate insist upon its amendment and request a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HAWLEY, Mr. MANDERSON, and Mr. WALTHALL were appointed.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 4110) granting a pension to Cornelius Johnson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WOLCOTT (by request) introduced a bill (S. 4111) to establish and maintain a national park in the State of Colorado; which was read twice by its title.

The VICE-PRESIDENT. The bill will be referred to the Committee on Public Lands.

Mr. EDMUNDS. I rather think that it ought to go to the Committee on Agriculture and Forestry. That committee has special charge of the matter of mountain forests.

Mr. TELLER. The bill ought to go to the Committee on Public Lands.

Mr. PADDOCK. Such bills have generally gone to the Committee on Public Lands.

Mr. EDMUNDS. All right.

The VICE-PRESIDENT. The bill will be referred to the Committee on Public Lands.

Mr. MANDERSON introduced a bill (S. 4112) to amend section 1225 of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CALL introduced a bill (S. 4113) to provide for the removal of saloons, breweries, and distilleries in Washington City on the complaint of persons residing in their immediate vicinity; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. VOORHEES introduced a bill (S. 4114) for the relief of John G. Bright and Robert T. Humphrey; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HISCOCK introduced a bill (S. 4115) to appropriate \$18,484 for the completion and dedication of the monument commemorating the surrender of Burgoyne at Saratoga; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 4116) to provide for the purchase of a site and the erection of a public building thereon at Amsterdam, in the State of New York; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AMENDMENTS TO BILLS.

Mr. TURPIE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which, together with the accompanying petition of Silas Q. Howe, surviving partner of W. T. Pate & Co., praying for the payment of his audited claim against the Government, and other papers, was referred to the Committee on Claims, and ordered to be printed.

Mr. VOORHEES. I desire to offer an amendment to the sundry civil appropriation bill, to be referred to the Committee on Appropriations. There is a bill (S. 3397) for the purchase of George B. Matthews's portrait of John Paul Jones already pending before the Senate, and I propose it now as an amendment to the sundry civil bill.

The VICE-PRESIDENT. The proposed amendment will be referred to the Committee on Appropriations, and printed.

Mr. FAULKNER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations.

Mr. DOLPH submitted an amendment intended to be proposed by him to the tariff bill; which was ordered to lie on the table and be printed.

PRINTING OF TARIFF BILL.

Mr. MORRILL. I ask that 10,000 copies of the tariff bill, reported yesterday, be printed in pamphlet form for the use of the Senate.

The VICE-PRESIDENT. The Senator from Vermont asks that 10,000 copies of the tariff bill be printed in pamphlet form. Is there objection?

Mr. SHERMAN. I also, in that connection, ask that the printer be instructed to indicate the amendments proposed by the Senate committee in italics in the usual manner, so that any one may see the difference between the House bill and the bill as reported.

The VICE-PRESIDENT. That order will be made.

Mr. COCKRELL. We did not catch on this side what was the request of the Senator from Ohio.

Mr. SHERMAN. The Senator from Vermont asks for the printing of a large number of copies of the tariff bill as reported, which is right, and I want it printed so as to show the amendments of the Senate committee to the text of the House bill, and then the people of the country may know exactly what has been done.

Mr. MORRILL. There is no objection to that, and I think that would be done, as a matter of course, without a special order.

Mr. COCKRELL. Did I understand the Senator to move for an additional number of copies of the report or of the bill?

Mr. MORRILL. Of the bill.

Mr. SHERMAN. Just the bill, with the amendments.

Mr. COCKRELL. That is what I understood.

Mr. SHERMAN. And the amendments to be so designated that anybody may tell the difference between the House bill and the bill as reported.

The VICE-PRESIDENT. That order will be made.

Mr. INGALLS. Can the Senator from Vermont inform us when the tabular information that was to be furnished in accordance with the resolution of my colleague [Mr. PLUMB] will be ready for the printer?

Mr. MORRILL. I said yesterday that it would be ready within four days, and it will be ready, I think, sooner than that, to be sent to the printer.

Mr. INGALLS. How long will it take to print it?

Mr. MORRILL. I suppose a few days.

Mr. INGALLS. It will be ready, then, by the first of the week after next?

Mr. MORRILL. Yes.

The VICE-PRESIDENT. The Chair hears no objection, and the order to print will be made as requested.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. 10726) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1891, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 7217) to amend "An act for the erection of an appraisers' warehouse in the city of New York, and for other purposes;" and

A bill (H. R. 10065) constituting Irondequoit Bay, New York, a navigable water of the United States for certain purposes.

REMOVALS BY SERGEANT-AT-ARMS.

Mr. CAMERON. My colleague [Mr. QUAY] yesterday offered a resolution which went over under objection.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution offered by the Senator from Pennsylvania [Mr. QUAY] coming over from yesterday. It will be read.

The resolution submitted by Mr. QUAY was read, as follows:

Resolved, That the Sergeant-at-Arms be instructed to make no changes in his subordinates, appointees, or employés, prior to 1st July proximo, without the consent of the Senate.

Mr. CAMERON. I move the following as a substitute for the resolution, and I ask for its immediate consideration:

Resolved, That Charles H. Mann be employed as an additional page in the Senate.

Mr. EDMUNDS. Both these resolutions should go to the Committee on Contingent Expenses. The last one must, under the rule, for it makes a charge on the contingent fund, out of which he has to be paid. I move that both these resolutions be referred to the Committee on Contingent Expenses.

Mr. SHERMAN. I do not wish to interfere with the resolution offered by the Senator from Pennsylvania [Mr. CAMERON], but the other resolution I do not think ought to be referred. It had better be laid on the table.

Mr. INGALLS. The second resolution ought not to pass, for the reason that if an employé is put on the force by resolution of the Senate he is out of the control of the Sergeant-at-Arms. We have a number of those instances already, and they have been increasing from year to year to the detriment of the discipline of the official staff of the body. I have no objection whatever to the appointment of the person who is named in the resolution, but the practice of putting persons on the official staff by order of the Senate and thereby exempting them from the discipline of the Sergeant-at-Arms is destructive of the morale of the force. It ought not to be done; and I hope the Senator from Pennsylvania, with whom I am entirely in sympathy, will have some other arrangements made. We do not want to put people on as pages or as messengers by resolution of the Senate.

Mr. CAMERON. I do not see how any other arrangement could be made that would benefit this boy. I do not know anything about him personally, but I am told he is an exceptionally good lad, and it seems to me hard that he should be turned out at this stage of the session.

Mr. EDMUNDS. It is.

Mr. CAMERON. And thus the little money that he would otherwise get be taken from him. I believe that without any very great stretch of discipline or without violating the rules of the Senate, so that it would make a precedent at all, this resolution might be acted upon to-day and the boy be put where I think he is entitled to be placed.

Mr. EDMUNDS. Mr. President, assuming that my friend from Pennsylvania is correct about this lad, as I have no doubt he is, it would seem a great hardship that he should be displaced just before the end of the session, and the Committee on Contingent Expenses, I have no doubt, with the unanimous consent of the Senate, can report a provision which will be consistent with the very just observations of my friend from Kansas and at the same time put this boy right from the day when his pay stopped if there is any trouble about it.

Mr. SHERMAN. I have no desire to interfere at all with this young man, but the Sergeant-at-Arms is about to leave his position here, he having resigned it, but it seems that he turned out a person, which gave displeasure to the Senator from Pennsylvania, but it ought to be explained, in justice to the Sergeant-at-Arms, that the gentleman named is beyond the age at which he can be retained as a page, and therefore, in order to keep him over the time he gave him other employment, and there was no objection to him, but he was put on some other roll in connection with one of the other branches of the Sergeant-at-Arms's office. But under the rules of the Senate, which are permanent and which we ought not to change except in the form of legislation, the person referred to can not be kept as a page because he is beyond the age. He is now serving on another roll, and kept on another roll until the Sergeant-at-Arms, upon the urgent request of a member of this body, a Senator who had the right to claim something at his hands, gave another very worthy person the place that was occupied, some subordinate place occupied by the gentleman named by the Senator from Pennsylvania.

All I feel is that this resolution introduced and slapping a man in the face just as he is leaving the Senate service, I think ought not to be referred, but it ought to be disposed of, it ought to be laid on the table, and then, if the resolution of the Senator from Pennsylvania [Mr. CAMERON] can be acted upon, I shall make no objection. This person can be kept on the roll in connection with the service in which he has been employed recently for the time required without violating the rules of the Senate, but he can not be kept as a page without expressly violating the rules.

Mr. CAMERON. If he can not be kept as a page, then the Committee on Contingent Expenses can not report the resolution favorably.

Mr. INGALLS. They can report an amendment to it.

Mr. EDMUNDS. The law of the Senate forbids the employment of

a page above a certain age, which we have found a necessary law. If the young gentleman is over that age, of course it is not fair to send him out into the world instantly. Something can be done useful to the Senate and for him, too.

Mr. CAMERON. I was not aware that he was over the age.

Mr. VOORHEES. I ask that the amendment be read.

The Secretary read as follows:

Resolved, That Charles H. Mann be employed as an additional page in the Senate.

Mr. VOORHEES. Is that a substitute for the resolution offered by the colleague of the Senator from Pennsylvania?

The VICE-PRESIDENT. It is in the nature of a substitute. What is the pleasure of the Senate?

Mr. EDMUNDS. My motion was to refer both the substitute and the original resolution to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. HOAR. That resolution would be liable to a point of order if we were strict about it, because the rule fixes the age.

Mr. SHERMAN. Let the resolution be adopted as an amendment to the original proposition, and then the whole be referred to the committee. I think that would be the better way to dispose of it.

Mr. EDMUNDS. If it makes any difference in respect of any implied reproach to the retiring Sergeant-at-Arms, I shall withdraw my motion for the moment in order that the amendment proposed by the Senator from Pennsylvania [Mr. CAMERON] may be adopted, and it being adopted then I shall renew my motion to refer it, as it must be referred under the rule.

Mr. CAMERON. Very well.

Mr. INGALLS. I suggest to the Senator from Pennsylvania to modify his amendment by adding the words "for the present session of the Senate," so that this person will not be placed permanently by resolution of the Senate on the rolls as a page.

Mr. CAMERON. I agree to that. I do not desire to place him there permanently against the rule of the Senate. I am informed that I have made a mistake in the name. The name should be George H. Mann, instead of Charles H. Mann.

The VICE-PRESIDENT. The amendment will be so modified. The question is on the amendment of the Senator from Pennsylvania [Mr. CAMERON] to the resolution offered by his colleague [Mr. QUAY].

The amendment was agreed to.

Mr. EDMUNDS. Now, I move that the resolution as amended be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

SCIENTIFIC AND INDUSTRIAL EDUCATION.

The VICE-PRESIDENT. The Chair desires to call the attention of the Senator from Maine to the agreement reached on Saturday last with reference to the bill reported by the Senator from Vermont [Mr. MORRILL], the title of which will be stated.

The SECRETARY. A bill (S. 3714) to establish an educational fund and apply the proceeds of the public lands and the receipts from certain land-grant railroad companies to the more complete endowment and support of colleges for the advancement of scientific and industrial education.

Mr. HALE. The Senator from Vermont does not propose to antagonize the appropriation bill.

Mr. MORRILL. I suppose it is understood that as soon as the appropriation bill is concluded this bill will come up in order.

Mr. PLATT. What was the understanding reached about that bill?

The VICE-PRESIDENT. The bill was to be taken up after the morning business to-day.

Mr. EDMUNDS. That is only an understanding, not an order.

Mr. MORRILL. There was unanimous consent given.

Mr. PLATT. For the time being I do not wish to be put in the position of consenting to have the unfinished business displaced by this. I simply make this remark at this time. I do not suppose there will be any difficulty about it, but I want to preserve my rights if I should see fit to insist upon them.

The VICE-PRESIDENT. The Secretary will report the agreement reached on Saturday last.

The Secretary read as follows from the RECORD of June 15, 1890:

Mr. MORRILL. Mr. President, if there is any desire on the part of Senators to have this bill considered and if they will give unanimous consent, so that it shall be considered next Thursday, after the morning business, I will consent to have it go over.

Mr. COCKRELL. Nobody will object to that, I suppose. I suggest that the bill be printed with the amendments already adopted and the amendments pending. Then every Senator can see it and have it before him, and know exactly what to do.

Mr. MORRILL. There is no objection to that.

The PRESIDING OFFICER. The Senator from Vermont withdraws his motion to proceed to the consideration of the bill notwithstanding the objection, and

asks that it be considered as the order of business on next Thursday—at 2 o'clock?

Mr. MORRILL. No, after the morning business.

The PRESIDING OFFICER. After the morning business. Is there objection?

Mr. HARRIS. Of course I am not inclined to object, but no such consent understanding will displace the unfinished business, and I do not know exactly what it amounts to. However, I shall not interfere with it.

The PRESIDING OFFICER. There being no objection, that will be the order.

Mr. COCKRELL. Now, let the order be made to print the bill with the amendments already adopted and the amendment pending, and then we can see exactly what it is.

The PRESIDING OFFICER. It will be so ordered. The next bill on the Calendar will be stated.

Mr. MORRILL. By unanimous consent, I understand that the bill is to be taken up immediately after the morning business on Thursday.

The PRESIDING OFFICER. It is to be taken up immediately after the morning business on Thursday next.

Mr. PLATT. There will be no difficulty between myself and the Senator from Vermont. I simply want to reserve all rights, not to have the unfinished business displaced, but we may make some arrangement about it.

Mr. HALE. Meantime let us go on with the appropriation bill.

Mr. EDMUNDS. You have not got it up yet.

Mr. HALE. Oh, yes, I have.

Mr. EDMUNDS. Is the appropriation bill before the Senate?

The VICE-PRESIDENT. The appropriation bill is before the Senate.

Mr. EDMUNDS. Very well, let us go on with it.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 18th instant, approved and signed the following acts:

An act (S. 2311) to amend section 3354 of the Revised Statutes of the United States; and

An act (S. 2317) to provide for the exportation of fermented liquor in bond without payment of internal-revenue tax.

HOUSE BILL REFERRED.

The bill (H. R. 10726) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1891, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes.

Mr. EDMUNDS. Before the reading goes on where it was left off on page 70 at the end of the paragraph on line 16, I wish to go back to page 59, a paragraph that attention was called to when the matter was in charge of the chairman of the committee [Mr. ALLISON], in respect of an additional judge for Arizona.

The Senate on the 7th of June passed a bill providing for an additional judge in the Territory of Arizona and it will undoubtedly become a law, but at any rate it is within the rule, it being to carry out a bill that has passed the Senate to make an amendment to appropriate sufficient for his salary if it should become a law. I accordingly move on page 59, line 13, in the paragraph headed "Territory of Arizona," to strike out the word "two" and insert the word "three," and in line 16 of the same paragraph and page to strike out the word "thirteen" and insert "sixteen," so as to make the total of the appropriation correspond to the \$3,000 increase for the additional judge.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 59, line 13, before the word "associate," it is proposed to strike out "two" and insert "three," and in line 16, before the word "thousand," to strike out "thirteen" and insert "sixteen;" so as to make the clause read:

Territory of Arizona: For salary of governor, \$2,600; chief-justice and three associate judges, at \$3,000 each; secretary, \$1,900; interpreter and translator in the executive office, \$500; in all, \$16,900.

The amendment was agreed to.

Mr. EDMUNDS. On the same subject of "Territorial judges" on page 60, line 10, in the paragraph commencing "Territory of New Mexico," I move to strike out the word "three" and insert "four;" and before the amendment is stated from the desk, and in explanation of it, I will say that the House of Representatives has passed a bill providing for this additional judge in New Mexico; and the Senate Committee on the Judiciary having reported favorably upon a Senate bill of the same character, for convenience the House bill has been substituted on the Calendar, but is not yet reached, so that this motion is in order and is proper.

Mr. HALE. Of course in any of these cases if it happens that unperfected measures do not become laws the amendments will be struck out in conference.

Mr. EDMUNDS. If the bill does not become a law the appropriation goes for nothing.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 60, line 10, before the word "associ-

ate," it is proposed to strike out "three" and insert "four;" so as to read:

Territory of New Mexico: For salary of governor, \$2,600; chief-justice and four associate judges, at \$3,000 each; secretary, at \$1,900.

The amendment was agreed to.

Mr. EDMUNDS. In line 13 of the same paragraph I move to strike out the word "sixteen," before the word "thousand," and insert "nineteen;" so as to make the total correspond to the additional \$3,000.

The amendment was agreed to.

Mr. CAMERON. Yesterday I moved an amendment to the present bill on page 55, line 23, to strike out "two hundred" and insert "five hundred." The Senator then in charge of the bill had it ruled out on a point of order. I find since that he was mistaken as to that point of order, inasmuch as the increase has been recommended by the head of a Department. I now ask that that change be made on page 55, line 23, striking out "two" and inserting "five."

The CHIEF CLERK. On page 55, line 23, it is proposed to strike out the word "two" and to insert "five;" so as to read:

Chief clerk, \$2,350.

Mr. CAMERON. Strike out the word "fifty," so as to read "\$2,500."

Mr. COCKRELL. We can not hear a word. What is the point?

The CHIEF CLERK. On page 55, line 23, it is proposed to strike out "two hundred and fifty" and to insert "five hundred;" so as to read:

Chief clerk, \$2,500.

Mr. CAMERON. I have moved this amendment at the request of the Director of the Mint, who addressed me a letter on the 13th of May, which I will read:

TREASURY DEPARTMENT, BUREAU OF THE MINT,
Washington, D. C., May 13, 1890.

SIR: I transmit herewith copy of a letter of the superintendent of the mint at Philadelphia and my indorsement thereon to the Secretary of the Treasury, recommending an increase in the salary of the chief clerk of that mint from \$2,250 to \$2,500 per annum. I also inclose copy of a letter from the Secretary of the Treasury, transmitting copy of the above to the Speaker of the House of Representatives for the favorable consideration of Congress.

Respectfully, yours,

E. O. LEECH, Director of the Mint.

Hon. J. D. CAMERON, United States Senate.

He indorses a long letter from the superintendent of the mint at Philadelphia who says, under date of December 18, 1889:

MINT OF THE UNITED STATES AT PHILADELPHIA, PA.,
Superintendent's Office, December 18, 1889.

Hon. E. O. LEECH, Director of the Mint:

SIR: The chief clerk of this institution is one of the most responsible and important places in it. Under section 3502, Revised Statutes, he becomes, in the temporary absence of the superintendent, acting superintendent, with all the responsibilities of the place. For some unexplained reason, the cashier of the institution in point of salary is rated above the chief clerk, whilst in reality the latter certainly outranks the former, as he can regulate the policy of the duties of the cashier, and the cashier would be obliged to take instructions from him. The salary of the chief clerk is \$2,250 per annum, that of the cashier \$2,500. I want to strongly urge that the salary of the former be increased to \$2,500 per annum, to be at least equal to that of the cashier.

When I assumed the position of superintendent, I desired as the chief clerk of this mint the man best equipped for the place I could get, and I found that Mr. Mark H. Cobb, who was the cashier, was the man I wanted. He came here in 1870, and his long service, earnest, absolute devotion to the interests of this institution has peculiarly fitted him for the position of chief clerk. When I expressed my desire to have him accept the place, he unselfishly said if I desired his services he would render them whenever I chose to designate, although he sacrificed \$250 per annum to take a place he so acceptably fills. Apart from the fact that the place is rated too low in salary, Mr. Cobb's ability entitles him to a salary at least as great as the one he relinquished, and the services he renders the Government in the new place are fully entitled to receive all of the increase requested.

Trusting that the recommendation submitted will meet your cordial approval, I am, very respectfully, your obedient servant,

O. C. BOSBYSHILL, Superintendent.

It is needless to add that Mr. Cobb is entirely ignorant of my recommendation, and that he has not referred to it at all.

TREASURY DEPARTMENT, BUREAU OF THE MINT,
December 19, 1889.

Respectfully referred to the Secretary of the Treasury with the recommendation that he transmit this communication to Congress with an earnest recommendation on his part to have the salary of the chief clerk of the mint at Philadelphia increased from \$2,250 to \$2,500 per annum.

The salary paid the chief clerk of the mint at San Francisco and chief clerk at the assay office at New York is \$2,500 per annum, and yet the salary of the same office in the most important institution in the mint service is only \$2,250. Not only are the duties of the office arduous and important, but the chief clerk is required by law to perform all the duties of the superintendent of the mint, in the absence of the latter officer. The salary of the cashier of the mint at Philadelphia is \$250 more per annum than that of the chief clerk. All of my predecessors, and all of the superintendents of the mint at Philadelphia for a long number of years past, have recommended that the salary of the position of chief clerk be fixed at \$2,500. The present occupant of the office has been in the mint since 1870, and for a number of years past has been the cashier of the mint. He is one of the most experienced and valuable officers in the mint service.

I most urgently request that the increase recommended be granted by Congress.

E. O. LEECH, Director of the Mint.

I know Mr. Cobb personally. He is one of the most capable men that I know of, and I should be very much pleased if this small advance should be made in his salary.

Mr. ALLISON. What is the amendment that is pending?

The VICE-PRESIDENT. On page 55, line 23, to increase the appropriation for compensation of "chief clerk of the mint of Philadelphia" from \$2,250 to \$2,500.

Mr. ALLISON. I make the point of order first that under the arrangement the committee amendments were to be first considered, and I hope the Senator from Pennsylvania will not press his amendment now.

Mr. CAMERON. If the Senator will permit me I will say that I expect to leave the Senate in a few minutes to be gone for several hours, and I should be glad to have the amendment considered now. The Senator yesterday made the point of order that this could not be introduced as it was not estimated for. I have a letter from the Director of the Mint asking that this change be made and giving the reasons for the change.

Mr. ALLISON. That does not constitute an estimate, and I still make the point of order that it is not in order, not being estimated for.

The VICE-PRESIDENT. The Chair understands that a recommendation, in order to be considered as an estimate, must be made by the head of a Department.

Mr. ALLISON. Is the estimate made by the Secretary of the Treasury?

Mr. CAMERON. No; it is made by the Director of the Mint. I trust the Senator will not insist upon the point of order. It is a very small matter, and certainly this gentleman is entitled to it.

Mr. ALLISON. If this was the only case I would not object, but this bill is full of items as to which there are similar requests, and I feel constrained to make the point of order, for the present, at least.

Mr. CAMERON. That means for all time.

Mr. ALLISON. I think so.

The VICE-PRESIDENT. The reading of the bill will proceed.

The Chief Clerk resumed the reading of the bill on page 70, beginning in line 17, with the appropriations for "Public Buildings and Grounds."

Mr. COCKRELL. I should like to call the attention of the Senator in charge of the bill to the language on page 71, line 14, in the clause providing for watchmen in the different squares and circles. It says, "one at Rawlins Square." The statue of General Rawlins was removed from that square just west of the State Department, as I understand. Does that square still go by the name of Rawlins Square since the removal of the statue?

Mr. ALLISON. I so understand.

Mr. COCKRELL. Because there is no square now where the statue of General Rawlins is.

Mr. ALLISON. I do not think that the removal of the statue would necessarily change the name of the square.

Mr. COCKRELL. As a rule those squares all go by the name of the statues that are placed in them.

Mr. ALLISON. I think these watchmen will be able to find it.

Mr. COCKRELL. There is no doubt he will find Washington Circle, but whether the provision for Rawlins Square ought to be there or not is a question.

Mr. ALLISON. I think it had better remain as it is. It is estimated for in that way.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for public buildings and grounds, on page 71, after line 22, to insert:

For one night watchman at Garfield Park, \$720.

Mr. INGALLS. Will the Senator from Iowa oblige us with an explanation of the necessity for a night watchman in Garfield Park?

Mr. ALLISON. That is one of the new reservations, one of the large reservations in the District. Two watchmen for Garfield Park are estimated for.

Mr. INGALLS. By whom?

Mr. ALLISON. The Treasury Department; and it is now included in the other estimates affecting the parks in this city. We have spent a large sum of money there in fitting up that park, decorating and ornamenting it in various ways, and instead of providing for two watchmen we have provided for one night watchman.

Mr. INGALLS. Garfield Park lies south of what was formerly known as Duddington, where there was a few years since one of the few remaining specimens of colonial architecture, a magnificent house surrounded by a noble growth of original forest trees, constituting a part of the original estate of Carroll of Duddington, which, I think to the regret of all lovers of association and art, the Government allowed to be destroyed.

There is nothing in Garfield Park that requires a watchman, night or day. There is no fountain there, no statue, no money has been expended there except for a few gravel drives and walks and the planting of some shade trees. Of course I have no objection if the Government desires to put a day and night watchman there. It may be a very agreeable and comfortable place for some deserving patriot, I have no doubt, but there is no more necessity for a day and night watchman in Garfield Park than there is in any neighboring corn-field adjoining the city.

Mr. ALLISON. I will read what is said in the Book of Estimates respecting it and then leave it to the Senate:

5. One day-watchman for Garfield Park, \$660; one night-watchman for Garfield Park, \$720. Garfield Park, containing an area of about 24 acres, is now highly improved and contains a large number of valuable trees and flowering shrubs.

Many of these have undoubtedly been put there since the Senator from Kansas visited the place.

Mr. INGALLS. Then they have been placed there since last week, when I passed through on foot within that period of time.

Mr. ALLISON. There is a park containing 24 acres and it is possible that a few of these improved trees and shrubs have escaped the attention of the Senator from Kansas. Says the Secretary:

During the past year numerous acts of vandalism have occurred during both day and night. On one occasion the store-house on the reservation was broken open and a number of valuable tools stolen; these were recovered with the assistance of the District police. Watchmen are very much needed at the park.

I merely read this for the purpose of showing why the committee inserted this provision.

Mr. INGALLS. Then why do they disregard the recommendations of the Secretary of the Treasury when acts of vandalism have been committed there, and only give one-half of what is required?

Mr. ALLISON. Because they were afraid they might find in the Senate some critic who would object, and therefore we thought at present we would limit it to one. That is all.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "State, War, and Navy Department building," on page 72, after the word "laborers," at the end of line 16, to insert "four leading charwomen, at \$300 each;" in line 18, before the word "charwomen," to strike out "eighty" and insert "seventy-six;" and in line 19, after the word "thousand," to strike out "five hundred" and insert "seven hundred and forty;" so as to make the clause read:

Office of the superintendent: One clerk of class 1; one chief engineer, at \$1,200; eight assistant engineers, at \$1,000 each; one captain of the watch, \$1,200; two lieutenants of the watch, at \$840 each; fifty-eight watchmen; one carpenter, \$1,000; one machinist, \$900; one plumber, \$900; one painter, \$900; four skilled laborers, at \$720 each; twenty-four firemen; ten conductors of elevators, at \$720 each; twenty laborers; four leading charwomen, at \$300 each; and seventy-six charwomen; in all, \$118,740.

The amendment was agreed to.

The next amendment was, in the appropriations for "Navy Department," on page 72, line 25, after the word "dollars," to insert:

Assistant Secretary of the Navy, \$4,500.

The amendment was agreed to.

The next amendment was, at the end of the same clause, on page 73, line 14, to increase the total amount of the appropriations for compensation of the Secretary of the Navy, Assistant Secretary, and the clerical and other force in the office of the Secretary from "\$41,660" to "\$46,160."

The amendment was agreed to.

The next amendment was, in the appropriations for Hydrographic Office, on page 75, line 12, to increase the total appropriations "for purchase of copper-plates, steel-plates, chart-paper, electrotyping copper-plates, cleaning copper-plates, tools, instruments, and materials for drawing, engraving, and printing," etc., from "\$30,000" to "\$35,000."

The amendment was agreed to.

The next amendment was, on page 75, line 21, after "San Francisco," to strike out "and;" in the same line, after the word "Oregon," to insert "Portland, Me., and Chicago;" and in line 1, on page 76, before the word "thousand," to strike out "twelve" and insert "eighteen;" so as to make the clause read:

Contingent expenses of branch offices at Boston, New York, Philadelphia, Baltimore, Norfolk, Savannah, New Orleans, San Francisco, Portland, Oregon, Portland, Me., and Chicago, including furniture, fuel, lights, rent and care of offices, car-fare and ferrage in visiting merchant vessels, freight, express, telegrams and other necessary expenses incurred in collecting the latest information for the Pilot Chart, and for other purposes for which the offices were established, \$18,000.

The amendment was agreed to.

The VICE-PRESIDENT. At the end of line 22, on page 75, the Chair thinks the comma should be stricken out after the words "care of."

Mr. COCKRELL. I move that it be stricken out.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 76, line 4, after the word "dollars," to insert "one clerk of class 3;" in line 5, after the word "two," to strike out "one clerk" and insert "two clerks;" and after the word "all," at the end of line 6, to strike out "seven thousand five" and insert "ten thousand three;" so as to make the clause read:

Bureau of Equipment and Recruiting: For chief clerk, \$1,800; one clerk of class 3; one clerk of class 2; two clerks of class 1; two copyists; one assistant messenger, and one laborer; in all, \$10,380.

The amendment was agreed to.

The next amendment was, in the appropriations for Nautical Almanac office, on page 76, after line 21, to insert:

For rent of building, and for fuel, for use of the Nautical Almanac office, \$1,000.

The amendment was agreed to.

The next amendment was, on page 77, line 3, after the word "each," to insert "one assistant librarian, \$1,200; one copyist, \$720;" and in line 8, after the word "all," to strike out "twenty thousand five hundred and twenty" and insert "twenty-two thousand four hundred and forty;" so as to make the clause read:

Naval Observatory: For pay of three assistant astronomers, one at \$2,000 and two at \$1,800 each; one clerk of class 4; one instrument-maker, \$1,500; two computers, at \$1,200 each; one assistant librarian, \$1,200; one copyist, \$720; four watchmen, including one for new Naval Observatory grounds; two skilled laborers, one at \$1,000 and one at \$720; and seven laborers; in all, \$22,440.

The amendment was agreed to.

The next amendment was, on page 77, line 18, after the word "freight," to insert "including payment to Smithsonian Institution for freight on Observatory publications sent to foreign countries;" and in line 22, after the words "five hundred," to insert "and fifty;" so as to make the clause read:

For repairs to buildings, fixtures, and fences, fuel, gas, furniture, chemicals, stationery, freight, including payment to Smithsonian Institution for freight on Observatory publications sent to foreign countries, foreign postage, expressage, fertilizers, plants, and all contingent expenses, four thousand and five hundred and fifty dollars.

Mr. COCKRELL. I move to strike out the first word "and," in line 22, on page 77, so as to read "four thousand five hundred and fifty."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 77, to strike out the clause from line 23 to line 25, inclusive, as follows:

For payment to Smithsonian Institution for freight on Observatory publications sent to foreign countries, \$136.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," on page 80, line 9, after the word "building," to insert:

Nine members of a board of pension appeals, to be appointed by the Secretary of the Interior, at \$2,000 each.

Mr. PLATT. I inquire of the Senator in charge of the bill how much of an addition that is to the number of the board of pension appeals?

Mr. ALLISON. An addition of six. There are three now.

Mr. PLATT. Do they go out of office now?

Mr. COCKRELL. Oh, no.

Mr. PLATT. Are the three provided for anywhere here?

Mr. ALLISON. The present law provides for three members of the board. We simply add six, making the number nine.

Mr. INGALLS. It seems to me that it would be better to say "six additional members." It is very ambiguous the way it stands now, and the suggestion of the Senator from Connecticut [Mr. PLATT] appears to me to be very pertinent. Either the three that are now in will be legislated out of office by this amendment or there are to be nine additional members of the board of pension appeals. I would suggest that if the three that are now in are to remain and there is to be an addition to the force it would be better to say "six additional members of the board of pension appeals, to be appointed by the Secretary of the Interior," etc.

Mr. PLATT. Then the three would not be provided for, would they?

Mr. ALLISON. The present appropriation for the current year is—Three members of a board of pension appeals, to be appointed by the Secretary of the Interior, at \$2,000 each.

The year previous the same language was employed that we now employ, to wit, nine. If any Senator thinks this will have the effect to legislate any of the three gentlemen who occupy the places now out of office, I have no objection to a change; but we have put the item in here in the exact language of the Book of Estimates.

Mr. INGALLS. Were the three that are now serving appointed under a clause in an appropriation bill previously?

Mr. COCKRELL. I should like to ask in that connection is there any appropriation in this bill for those three members of the board?

Mr. PLATT. That is included in the appropriation for the nine.

Mr. ALLISON. It is included in the nine.

Mr. COCKRELL. That was not in the bill as it came from the House of Representatives.

Mr. ALLISON. The Senator is aware that the Committee on Appropriations in the House reported the language that we have here, but on a point of order the whole clause was ruled out.

Mr. COCKRELL. Not only the six increase was ruled out, but the three existing under the law.

Mr. INGALLS. Where were they ruled out?

Mr. ALLISON. In the other House.

Mr. COCKRELL. The House, you know, is no longer a deliberative body, and the clause was ruled out; and not only was the proposed increase of six ruled out, but the three members of the board of pension appeals now existing. So the House bill as it came to us made no provision whatever for any pension appeal board.

Mr. PLATT. I think that explains what I could not understand about this amendment.

Mr. ALLISON. There was no provision made in the House bill, and these members of the board of appeals have been provided for from time to time in these appropriation bills.

Mr. INGALLS. Are they required to be appointed annually?

Mr. ALLISON. Not as I understand. Last year's appropriation provided for six members of the board of pension appeals, to be appointed by the Secretary of the Interior, at \$2,000 each, and the year before the same bill provided for nine, but I do not think there is the slightest trouble about it. They have been carried all the time in these appropriation bills.

Mr. COCKRELL. The language used in this proposed amendment of the Committee on Appropriations is precisely the language which has been heretofore used in the authorization of the existence and payment of these members of the board of pension appeals. Now, I should like to have the Senator from Iowa state to the Senate why it is necessary that we shall increase the board of pension appeals. It was once composed of nine members, and then we reduced it down to three members, and at that time all pension appeal cases were disposed of. Now we are increasing it, and I should like to have the Senator explain to the Senate so that we may see that our action is justifiable.

Mr. ALLISON. My mind was diverted for the moment. Does the Senator wish that I should state why we insert this provision?

Mr. COCKRELL. Yes.

Mr. ALLISON. We insert it because the appeals are now largely in arrears. I think there are about four thousand cases pending; the cases are being disposed of in the Pension Office very rapidly; the Secretary of the Interior deems this number necessary to keep up the work constantly with the work in the Pension Office.

I should say, in addition, that they have now details from the Pension Office, and have had for two or three years clerks doing this business, which we think, if not reprehensible, ought not to be continued.

Mr. COCKRELL. I wanted to make this statement clear to the Senate that in the spring of 1885 the pension appeal cases were practically disposed of, and there were no arrears of business. In consequence of that, in the appropriation bill for the fiscal year 1886 the numbers of the board of pension appeals were greatly reduced. But the appeals taken since then have multiplied so rapidly that, as I understand, with the present force it would take them two years to dispose of the present accumulation of appeals.

Mr. ALLISON. That is substantially the situation.

Mr. COCKRELL. That is my recollection. That is, it would take the present number, the three members of the board of pension appeals, two years to dispose of the appeal cases now pending, not taking into account the number that come up from day to day.

Mr. MITCHELL. Does the Senator know how many of these appeals are disposed of per month?

Mr. COCKRELL. I do not know. We have no report as to the number disposed of a month. In the Appropriations Committee we thought it was a necessity to increase the number of members of this board of appeals in order that the pension appeal cases might be heard in the lifetime of the claimants and disposed of.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Appropriations on page 80, line 9, which has been read.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 81, line 16, to increase the total amount of the appropriations for compensation of the Secretary of the Interior, assistant secretaries, and the clerical and other force in the office of the Secretary, from "\$174,210" to "\$192,210."

The amendment was agreed to.

The next amendment was, on page 81, after the word "dollars," at the end of line 21, to insert "one reporter of land decisions, \$2,250;" and at the end of the same clause, in line 1, on page 82, after the word "all," to strike out "thirty-six thousand seven hundred" and insert "thirty-eight thousand nine hundred and fifty;" so as to make the clause read:

Office of Assistant Attorney-General: For one law clerk, at \$2,750; one law clerk, at \$2,500; one law clerk, at \$2,250; one reporter of land decisions, \$2,250; thirteen law clerks, at \$2,000; two clerks of class 3, one of whom shall act as stenographer; in all, \$38,950.

The amendment was agreed to.

The next amendment was, in the appropriation for "General Land Office," on page 82, line 23, after the word "at," to strike out "eighteen hundred" and insert "two thousand;" so as to read:

Three principal clerks, at \$2,000 each.

The amendment was agreed to.

The next amendment was, in the same clause, on page 82, line 23, after the word "each," to insert:

Eight chiefs of division, at \$2,000 each.

The amendment was agreed to.

The next amendment was, in the same clause, on page 83, line 1, after the word "each," to strike out "forty" and insert "thirty-two;" so as to read:

Thirty-two clerks of class 4.

The amendment was agreed to.

The next amendment was, at the end of the same clause, on page 83, line 7, to increase the total amount of the appropriation for compensation of the Commissioner of the General Land Office, Assistant Commissioner, and the clerical force in the General Land Office, from "\$542,550," to "\$544,750."

Mr. PADDOCK. Under the head of "General Land Office," I propose to offer an amendment from the Committee on Public Lands.

The PRESIDING OFFICER (Mr. PLATT in the chair). Is there objection to the adoption of the amendment which is now under consideration?

Mr. ALLISON. I ask the Senator to withhold his amendment until the Appropriations Committee amendments are first disposed of.

Mr. PADDOCK. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Committee on Appropriations, in line 7, on page 83.

The amendment was agreed to.

The next amendment was, on page 83, line 21, before the word "copies," to strike out "one thousand" and insert "two thousand five hundred;" and in line 22, after the word "and," to insert "of," so as to make the clause read:

For connected and separate United States and other maps prepared in the General Land Office, \$15,000; 2,500 copies of said maps shall be delivered to the General Land Office, and of the remainder, one-third shall be delivered to the Senate and two-thirds to the House of Representatives for distribution.

The amendment was agreed to.

The next amendment was, in the appropriations for the Pension Office, on page 84, before the word "medical," to strike out "eighteen" and insert "thirty-six;" so as to read:

Thirty-six medical examiners, who shall be surgeons of education, skill, and experience in their profession, at \$1,800 each.

The amendment was agreed to.

The next amendment was, on page 85, line 21, to increase the total amount of the appropriations for compensation of the Commissioner of Pensions, deputy commissioners, and the clerical and other force in the office of the Commissioner, from "\$1,814,150" to "\$1,846,550."

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of the following clause, on page 86, beginning in line 21:

For per diem in lieu of subsistence for one hundred and fifty additional special examiners above provided for, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding \$3 per day, and for actual and necessary expenses for transportation and assistance, \$190,000.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Iowa to the word "assistance," in line 26, and inquires whether it should not be "subsistence."

Mr. ALLISON. I will say to the Chair that it is correct as it is. It is the language employed many years, covering a certain class of expenditures.

The reading of the bill was resumed. The next amendment was, in the appropriations for United States Patent Office, on page 87, line 10, before the word "hundred," to strike out "four" and insert "five;" so as to read:

Thirty principal examiners, \$2,500 each.

The amendment was agreed to.

The next amendment was, on page 88, line 12, to increase the total amount of the appropriations for compensation of the Commissioner of the Patent Office, assistant commissioner, the examiners, and the clerical and other force in the office of the Commissioner, from "\$664,790" to "\$667,790."

The amendment was agreed to.

The next amendment was, in the appropriations for the Bureau of Education, on page 89, line 22, after the word "dollars," to insert:

One specialist in foreign educational system, \$1,800.

The amendment was agreed to.

The next amendment was, on page 90, line 8, to increase the total amount of the appropriations for compensation of the Commissioner of Education, collector and compiler of statistics, and the clerical and other force in the office of the Commissioner, from "\$45,420" to "\$47,220."

The amendment was agreed to.

The next amendment was, on page 90, line 14, after the word "information," to strike out "two thousand five hundred" and insert "three thousand;" so as to make the clause read:

For collecting statistics for special reports and circulars of information, \$3,000.

The amendment was agreed to.

The next amendment was, on page 90, line 16, before the word "distribution," to insert "purchase;" and in line 18, after the word "appliances," to insert "text-books and educational reference-books;" so as to make the clause read:

For the purchase, distribution, and exchange of educational documents, and for the collection, exchange, and cataloguing of educational apparatus and appliances, text-books, and educational reference-books, articles of school furniture, and models of school buildings illustrative of foreign and domestic systems and methods of education, and for repairing the same, \$2,000.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 6, on page 90, in the clause making appropriations for the Bureau of Education.

The PRESIDING OFFICER. The Chair inquires of the Senator from Iowa whether it is advisable to insert the word "at" after the word "clerk" at the end of line 6? The word "at" is usually inserted.

Mr. ALLISON. Where is that?

The SECRETARY. On page 92, at the end of line 6, "one clerk, \$1,000."

Mr. COCKRELL. I move to insert the word "at" after the word "clerk."

Mr. ALLISON. That is better. It is evidently an omission.

The PRESIDING OFFICER. The amendment will be agreed to, in the absence of objection.

Mr. ALLISON. The word "at" ought to be inserted in line 9, after the word "watchman," and after the word "janitor," in line 10.

The PRESIDING OFFICER. The Chair will suggest that in looking further he observes that when only one person is named in the bill the word "at" is not used, and that where more than one person is named in the bill the word "at" is used. So perhaps it is not necessary to insert the word "at" in these instances.

Mr. ALLISON. The Chair is right.

The PRESIDING OFFICER. The attention of the Chair was called to it by the Secretary. It seems unnecessary to insert the word "at" in the places named, and it will be omitted if there be no objection. The Chair hears none.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 92, line 23, to increase the total amount of the appropriations for "contingent expenses Interior Department," from "\$75,000" to "\$90,000."

The amendment was agreed to.

The next amendment was, on page 93, line 2, to increase the appropriation "for stationery for the Department of the Interior and its several bureaus and offices, including the Civil Service Commission and the Geological Survey," from "\$50,000" to "\$70,000."

The amendment was agreed to.

The next amendment was, on page 93, line 7, after the words "Bureau of Education," to strike out "four" and insert "five;" after the words "Indian Office," at the end of line 8, to strike out "five thousand five hundred" and insert "six thousand;" in line 10, after the words "General Land Office," to strike out "one thousand five hundred" and insert "two thousand;" and in line 11, after the word "all," to strike out "twenty-one" and insert "twenty-three;" so as to make the clause read:

For rent of buildings for the Department of the Interior, namely: For the Bureau of Education, \$5,000; Geological Survey, \$10,000; Indian Office, \$6,000; General Land Office, \$2,000; in all, \$23,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "surveyors-general and their clerks," on page 94, line 12, after the word "office," to strike out "three thousand five hundred" and insert "seven thousand;" and in line 13, after the word "all," to strike out "five thousand five hundred" and insert "nine thousand;" so as to make the clause read:

For surveyor-general of North Dakota, \$2,000; and for the clerks in his office, \$7,000; in all, \$9,000.

The amendment was agreed to.

The next amendment was, on page 94, line 19, after the word "office," to strike out "three thousand five" and insert "thirteen thousand seven;" and in line 20, after the word "all," to strike out "five thousand five" and insert "fifteen thousand seven;" so as to make the clause read:

For surveyor-general of South Dakota, \$2,000; and for the clerks in his office, \$13,700; in all, \$15,700.

The amendment was agreed to.

Mr. COCKRELL. I think it due to the Senate that some explanation should be made in regard to these very large increases for the two Dakotas.

Mr. ALLISON. Mr. President, when the estimates were made for North and South Dakota they were estimated for as one office for the surveyor-general of the Territory of Dakota. Then a new surveyor-general was appointed for North Dakota. The law providing for two districts, the House in making up the bill simply divided the sum that had been originally appropriated for the one office. We sent, as the Senator from Missouri perhaps will remember, to the Secretary of the Interior for a statement as to what was needed in these two offices, and the result was a statement of something less than the amount inserted here.

Mr. COCKRELL. If there was only one before, how does it come that there are two now?

Mr. ALLISON. That is on account of the law.

Mr. COCKRELL. A recent law?

Mr. ALLISON. A recent law provides for an additional surveyor-general, or, rather, for two surveyors-general, one in North and one in South Dakota, a law passed at this session.

The reading of the bill was resumed and continued to the end of the clause making appropriations for "surveyor-general of the Territory of Idaho," on page 95, beginning in line 12.

Mr. ALLISON. On line 14, page 95, I move to insert "\$3,000" instead of "\$1,500."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 95, line 14, strike out "fifteen hundred" and insert "three thousand;" so as to read:

For surveyor-general of the Territory of Idaho, \$2,500; and for the clerks in his office, \$3,000.

Mr. ALLISON. That is an estimate by the Secretary of the Interior furnished us later on, but was omitted in the amount. I desire to insert that amount in order that it may go into conference and we may look at it. The total should be changed.

The SECRETARY. In line 14 of the same clause, after the word "all," strike out "four thousand" and insert "five thousand five hundred;" so as to read:

In all, \$5,500.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 97, line 11, after the word "office," to strike out "five" and insert "ten;" and in line 12, after the word "all," to strike out "eight" and insert "thirteen;" so as to make the clause read:

For surveyor-general of Washington, \$2,500; and for the clerks in his office, \$10,500; in all, \$13,000.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," on page 98, after line 12, to insert:

For twenty temporary clerks for five months' service, at \$60 per month each, to be appointed by the Postmaster-General to enable him to tabulate the returns from all post-offices of a general count of the several classes of mail matter for one week, \$6,000, to be immediately available.

Mr. COCKRELL. Let us have some explanation of that.

Mr. ALLISON. The Postmaster-General states that he has been engaged for several months in classifying or arranging different classes of mail matter. He has a large accumulation of valuable information on this subject, and he now desires a small force for a few months to tabulate the information in his office which can not be tabulated otherwise.

Mr. COCKRELL. It is not to be a permanent force?

Mr. ALLISON. A temporary force for only a few months.

The amendment was agreed to.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (S. 894) to provide for the admission of the State of Wyoming into the Union, and for other purposes.

Mr. ALLISON. I ask that the bill be temporarily laid aside.

The PRESIDING OFFICER. Unless there is objection, the bill will be temporarily laid aside, in order that the appropriation bill under consideration may be proceeded with.

Mr. CULLOM. It being the regular order?

The PRESIDING OFFICER. Certainly, it remains the unfinished business.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 98, line 21, before the words "of class one," to strike out "one clerk" and insert "two clerks;" in the same line, after the word "one," to insert "assistant messenger;" and in line 22, after the word "all," to strike out "ten thousand three hundred" and insert "twelve thousand two hundred and twenty;" so as to make the clause read:

Office of Assistant Attorney-General for the Post-Office Department: Law clerk, \$2,500; two clerks of class 4; one clerk of class 3; one clerk of class 2; two clerks of class 1; assistant messenger; in all, \$12,220.

The amendment was agreed to.

The next amendment was, in the appropriations for "Office First Assistant Postmaster-General," on page 99, line 2, before the word "hundred," to strike out "two" and insert "five;" so as to make the clause read:

Chief of salary and allowance division, \$2,500.

The amendment was agreed to.

The next amendment was, on page 99, line 13, to increase the total amount of the appropriations for compensation of First Assistant Postmaster-General, and the clerical and other force in his office, from "\$123,980" to "\$124,280."

The amendment was agreed to.

Mr. ALLISON. On page 98, line 21, I move to strike out "two" and insert "three;" that is, substitute "three" for "two;" and in line 23 substitute "\$13,420" for "\$12,220."

The PRESIDING OFFICER. The amendment will be reported by the Secretary.

The SECRETARY. In line 21, on page 98, it is proposed to amend the committee's amendment by striking out "two" and inserting "three;" so as to read:

Three clerks of class 1.

In line 23 it is proposed to strike out "\$12,220" and to insert "\$13,400."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the appropriations for "Office Third Assistant Postmaster-General," on page 100, line 8, before the word "clerks," to strike out "sixteen" and insert "seventeen;" so as to read:

Seventeen clerks of class 3.

The amendment was agreed to.

The next amendment was, in the same clause, on page 100, line 9, before the word "clerks," to strike out "twenty-one" and insert "twenty-two;" so as to read:

Twenty-two clerks of class 2.

The amendment was agreed to.

The next amendment was, on page 100, line 12, to increase the total amount of the appropriations for compensation of the Third Assistant Postmaster-General, and the clerical and other force in his office, from "\$118,570" to "\$121,570."

The amendment was agreed to.

The next amendment was, in the appropriations for office of disbursing clerk, Post-Office Department, on page 102, line 21, before the word "firemen," to strike out "two" and insert "four;" so as to read:

Four firemen.

The amendment was agreed to.

The next amendment was, on page 103, line 5, to increase the total amount of the appropriations for office of disbursing clerk, Post-Office Department, from "\$55,780" to "\$57,220."

The amendment was agreed to.

The next amendment was, on page 103, line 9, after the word "Department," to insert "including the additional building occupied by the money-order division of the Sixth Auditor's Office, and the additional building used for storage of post-office supplies;" so as to make the heading read:

For contingent expenses of the Post-Office Department, including the additional building occupied by the money-order division of the Sixth Auditor's Office, and the additional building used for storage of post-office supplies, namely,

The amendment was agreed to.

Mr. ALLISON. There seems to be some confusion respecting these contingent expenses in the Post-Office Department and in the Sixth Auditor's Office. The Postmaster-General, who sends me a letter respecting these expenses, states that if he is to have under his control or direction the Sixth Auditor's Office, the contingent expenses provided for by the House of Representatives are entirely insufficient. The chief clerk of the Treasury Department appeared, as the Senator from Missouri will remember, before the Committee on Appropriations and stated that, if a change was to be made, as the House bill provided, the contingent expenses of the Treasury Department should be increased. In that view I think it is proper that this amendment now proposed should remain in the bill. I suppose that it will then give us jurisdiction over the whole question to examine it more in detail than we can do now. The Postmaster-General sent me a letter this morning since 12 o'clock.

Mr. COCKRELL. I ask that it may be read.

Mr. ALLISON. I will send to the desk the letter of the Postmaster-General to be read.

The PRESIDING OFFICER. The letter will be read.

The Chief Clerk read as follows:

OFFICE OF THE POSTMASTER-GENERAL, Washington, June 15, 1890.

SIR: On the 12th of February last I had the honor to address Mr. CANNON, chairman of the Committee on Appropriations of the House of Representatives, a letter, of which the inclosed is a copy, requesting that the wording of the appropriations for the contingent expenses of the Post-Office Department (see page 103 of the legislative bill as reported to the Senate) should be so modified as to confine those appropriations, with the exception of fuel and repairs to heating apparatus, to the Post-Office Department, and not to require this Department to pay expenses properly under the charge of the Secretary of the Treasury. I notice that the wording which this Department requested should be eliminated has been restored in the Senate bill. I have the honor to advise you that this Department has not heretofore paid for the contingent expenses incident to the occupancy of the additional building known as Marini's Hall, and that if it is proposed by the wording to which reference is made to require the Post-Office Department to bear these expenses, it will be necessary that additional appropriations shall be made, as follows:

Under the head of "Stationery, blank-books," etc., lines 13, 14, and 15, page 103, \$10,150, a total of \$22,150. Under the heading of "Carpets and matting," line 22, \$1,500, a total of \$4,500. Under the heading of "Furniture," line 23, \$1,500, a total of \$4,500. Under the head of "Miscellaneous items," line 2, page 104, \$412, a total of \$12,412. These appropriations will be absolutely necessary if this Department is to defray the cost of the items for a division of the Treasury Department.

Very respectfully,

JNO. WANAMAKER,
Postmaster-General.

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

Mr. COCKRELL. I should like to ask the Senator from Iowa whether we left in the incidental expenses of the Treasury Department the total estimates for their incidental expenses, including Marini's Hall.

Mr. ALLISON. Including the Sixth Auditor's Office. This includes the office immediately opposite the Post-Office building.

Mr. COCKRELL. We ought to make an amendment in the item

relating to the contingent expenses of the Treasury Department, so that if we make the appropriations recommended by the Postmaster-General here we can deduct the proper amount out of the Treasury Department appropriations.

Mr. ALLISON. So I think; but the Senator will remember that the chief clerk of the Treasury Department came to us and said that unless the phraseology which is now under consideration be inserted in the bill we must increase the appropriation for the contingent expenses of the Treasury Department. It is evident from this letter that the House of Representatives intend to eliminate from the bill the provision which we have inserted, and that they made what they considered a sufficient appropriation for the contingencies of the Treasury Department. I only call attention to it now.

Mr. COCKRELL. Then they made no provision at all for the contingencies of the Post-Office Department.

Mr. ALLISON. The Treasury Department insist that they made their estimate for contingent expenses upon the basis of the appropriations for the current fiscal year, which included the expenditures for the Sixth Auditor's Office under the direction of the Postmaster-General. The Postmaster-General informs us this morning that they have paid none of these contingent expenses during the current fiscal year, and that they have just now discovered the difficulty between the two offices.

Mr. COCKRELL. That reminds me of the possibility, and even the probability, of a very important factor and a question in connection with these matters which the Senate is compelled to pass upon when they come to us from another branch of the service. It seems that probably sufficient deliberation and consideration had not been given in some place or other to some matters of legislation. In order that we may understand exactly how legislation is disposed of in some branches, I will read a clipping from a newspaper quoting a very distinguished citizen of the United States in regard to one deliberative branch of Congress, and a gentleman who is supposed to be somewhat familiar with the proceedings of that body, and this paragraph may account for what we at one time here witnessed early in the proceedings of the Senate—an announcement at the door of the Senate Chamber from a Clerk of the House of Representatives that "the Speaker" had "passed" certain bills and had sent them to the Senate for the consideration of the Senate. This is a quotation from the New York Star, a paper which I never see, and is dated Washington, June 16:

Meeting—

This is what the correspondent says:

Meeting Speaker REED in the Shoreham to-day. I said: "I presume, Mr. Speaker, it is useless to ask you when Congress is likely to adjourn?" "I can only answer for the House," he replied. "The House will be ready by the 1st of July. It will have completed all its business by that time." "Election bill included?" "Election bill included. Thank heaven, the House is not a deliberative body. We haven't thirty or forty members, each with a six or seven hours' speech in his belly."

That may account for the shape in which some of these bills come to the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for contingent expenses of the Post-Office Department, on page 103, line 14, before the word "thousand," to strike out "eleven" and insert twelve;" so as to read:

For stationery and blank-books, including amount necessary for the purchase of free-penalty envelopes, \$12,000.

Mr. ALLISON. Before the word "thousand," I move to strike out "twelve" and insert "twenty."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed and continued to line 22, on page 103.

Mr. ALLISON. In line 22, before the word "thousand," I move to strike out "three" and insert "four;" so as to read:

For carpets and matting, \$4,000.

The amendment was agreed to.

Mr. ALLISON. In line 23, before the word "thousand," I move to strike out "three" and insert "four;" so as to read:

For furniture, \$4,000.

The amendment was agreed to.

Mr. ALLISON. I give notice that later on I shall move to deduct similar amounts from the Treasury contingent expenses, and that will leave the whole matter to be further examined.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 103, line 24, after the word "purchase," to strike out "of;" so as to read:

For purchase and keeping of horses and repair of wagons and harness to be used only for official purposes, \$1,500.

The amendment was agreed to.

The next amendment was, on page 104, line 7, after the words "Marini Hall," to insert "which shall be vacated;" in line 9, after

the word "Department," to strike out "four thousand five hundred" and insert "five thousand;" in line 10, after the word "dollars," to insert "and for expenses of removal to new location, \$500;" in line 12, after the word "supplies," to strike out "three" and insert "five;" and in line 12, after the word "all," to strike out "seventeen" and insert "twenty;" so as to make the clause read:

For rent of topographer's office, \$1,500; for rent of a suitable building or buildings for the use of the money-order office of the Post-Office Department, \$8,000; for rent of building other than the Marini Hall, which shall be vacated; for the use of the money-order division of the Auditor of the Treasury for the Post-Office Department, \$5,000; and for expenses of removal to new location, \$500; for rent of a suitable building for the storage of post-office supplies, \$5,000; in all, \$20,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," on page 105, line 8, before the word "Assistant," to strike out "three" and insert "four;" so as to read:

Four Assistant Attorneys-General, at \$5,000 each.

The amendment was agreed to.

The next amendment was, in the same clause, on page 105, line 21, after the word "each," to insert:

Clerk in charge of pardons, \$2,400.

The amendment was agreed to.

The next amendment was, in the same clause, on page 105, line 22, before the word "clerks," to strike out "five" and insert "four;" so as to read:

Four clerks of class 4.

The amendment was agreed to.

The next amendment was, in the same clause, on page 105, line 23, after the words "disbursing clerk," to strike out "and clerk in charge of pardons;" and in line 24, after the word "dollars," to strike out "each;" so as to read:

Additional for disbursing clerk, \$200.

The amendment was agreed to.

The next amendment was, on page 106, line 8, to increase the total amount of the appropriations for compensation of the Attorney-General, Solicitor-General, Assistant Attorneys-General, and the clerical and other force in the office of the Attorney-General from "\$122,070" to "\$127,470."

The amendment was agreed to.

The reading of the bill was continued to line 15, page 106.

The PRESIDING OFFICER. In line 15, after the word "for," the Chair suggests that the words "use of" should perhaps be inserted.

Mr. COCKRELL. It should read "for the use of the Department."

Mr. ALLISON. Yes; "for the use of the Department."

Mr. COCKRELL. Put in the words "the use of."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 106, line 15, after the word "for," insert the words "the use;" so as to read:

For purchase of session laws and statutes of the States and Territories for the use of the Department, \$1,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Department of Labor," on page 108, line 4, after the word "laborers," to strike out "at \$600 each;" and in line 8, after the word "thousand," to strike out "five hundred" and insert "six hundred and twenty;" so as to make the clause read:

For compensation of the Commissioner of Labor, \$5,000; chief clerk, \$2,500; disbursing clerk, \$1,800; three statistical experts, at \$2,000 each; two clerks of class 4, who may be statistical experts; five clerks of class 3; six clerks of class 2; eight clerks of class 1; five clerks, at \$1,000 each; two copyists; one messenger; one assistant messenger; three watchmen; two laborers; two charwomen; six special agents, at \$1,600 each; ten special agents, at \$1,400 each; four special agents, at \$1,200 each; in all, \$85,620.

The amendment was agreed to.

The next amendment was, on page 108, line 20, to increase the appropriation for postage-stamps to prepay postage on matter addressed to Postal-Union countries from "\$200" to "\$250."

The amendment was agreed to.

The next amendment was, on page 109, after line 3, to insert:

For the investigation of, and report upon, the various industrial school systems, and also technical school systems, of the United States and foreign countries, \$5,000.

The amendment was agreed to.

The next amendment was, in the appropriations for United States courts, on page 110, line 7, to increase the amount of the appropriation for compensation of the district attorneys of the United States from "\$20,550" to "\$20,800."

The amendment was agreed to.

The next amendment was, on page 110, line 10, to increase the appropriation for compensation of the district marshals of the United States from "\$13,300" to "\$13,500."

The amendment was agreed to.

The reading of the bill was concluded.

Mr. ALLISON. I desire now to make the corresponding amendment with reference to the contingent expenses of the Treasury De-

partment. On page 44, line 19, I move to strike out "eight" before "thousand;" so as to read "\$20,000."

The PRESIDING OFFICER. The proposed amendment will be stated.

The CHIEF CLERK. On page 44, line 19, before the word "dollars," it is proposed to strike out "twenty-eight" and insert "twenty;" so as to read:

For stationery for the Treasury and its several bureaus, \$30,000.

The amendment was agreed to.

Mr. ALLISON. On page 46, line 1, before the word "thousand," I move to strike out "six" and insert "five;" so as to read:

For purchase of carpets, carpet-border and lining, linoleum, mats, rugs, matting, and repairs, and for cleaning, laying, and relaying of the same by contract, \$9,500.

The amendment was agreed to.

Mr. ALLISON. On page 46, in line 10, before the word "thousand," I move to strike out "ten" and insert "nine;" so as to read:

For purchase of boxes, book-rests, chairs, chair-caning, chair-covers, desks, book-cases, clocks, cloth for covering desks, cushions, leather for covering chairs and sofas, locks, lumber, screens, tables, type-writers, ventilators, wardrobe cabinets, washstands, water-coolers and stands, \$9,000.

The amendment was agreed to.

Mr. ALLISON. In the appropriation for "clerks and messengers to committees," on page 13, line 18, after the words "war claims," I move to insert "irrigation of arid lands." This is a request that comes from the House of Representatives.

Mr. COCKRELL. How is that?

Mr. ALLISON. I have a note from the chairman of the House committee suggesting it.

Mr. COCKRELL. It is a dangerous precedent for the Senate to go to interfering with the offices of the other House.

Mr. ALLISON. I withdraw the amendment if there is any objection to it.

Mr. COCKRELL. No, wait a moment. If we have any authority from the House Committee on Appropriations that this is an omission, or anything of that kind, and they desire us to insert it, as a matter of courtesy to them, I have no objection to doing it.

Mr. ALLISON. I withdraw it, Mr. President.

The PRESIDING OFFICER. The proposed amendment is withdrawn.

Mr. ALLISON. I should be glad to have the Senator read that letter, and if he assents to it I will offer the amendment. Otherwise I will not press it. [The letter was handed to Mr. COCKRELL.] On page 10, line 16, I move to strike out "ninety-two" and insert "ninety-one." That is in accordance with the other changes made yesterday.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 10, line 16, before the word "thousand," it is proposed to strike out "ninety-two" and insert "ninety-one;" so as to read:

For compensation of the officers, clerks, messengers, and others in the service of the House of Representatives, \$991,113.30.

The amendment was agreed to.

Mr. ALLISON. On page 73, line 17, before the word "clerks," where it first occurs, I move to strike out "four" and insert "five."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 73, line 17, in the appropriation for Bureau of Navigation, before the word "clerks," where it first occurs, it is proposed to strike out "four" and insert "five;" so as to read:

Five clerks of class 4.

The amendment was agreed to.

Mr. ALLISON. I move, on page 73, in line 21, to change the total to correspond with the amendment just made in line 21, from \$28,120 to \$29,920.

The amendment was agreed to.

Mr. ALLISON. In the appropriations for the office of the Secretary of the Senate, on page 3, line 5, I move to strike out "five" and insert "six."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 3, at the end of line 5, it is proposed to strike out "five" and insert "six;" so as to read:

Six clerks, at \$2,220 each.

The amendment was agreed to.

Mr. ALLISON. On page 3, I ask unanimous consent to omit the amendment which has been agreed to in line 7, so as to leave it "five clerks at \$2,100 each."

The PRESIDING OFFICER. The amendment already adopted on page 7 will be disagreed to, if there be no objection.

Mr. ALLISON. It has been agreed to, and I ask unanimous consent that it may be reconsidered and disagreed to.

The PRESIDING OFFICER. It will be so considered, so that the line will read, "five clerks."

Mr. ALLISON. I move to change the total there so as to read, "\$64,538.90."

The amendment was agreed to.

Mr. ALLISON. I ask unanimous consent that in the appropriation

"for compensation of officers, clerks, messengers, and others in the service of the Senate," on page 2, lines 3, 4, and 5, the proper sum may be inserted when it is footed up according to these amendments. The clerks will be able to fix that amount.

The PRESIDING OFFICER. If there be no objection, the clerks will be authorized to insert the proper amount.

Mr. ALLISON. They will make the computation. The clerk of the Committee on Appropriations will aid them.

The PRESIDING OFFICER. It is so ordered.

Mr. PADDOCK. From the Committee on Public Lands, I report an amendment to come in on page 82 of the bill.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. On page 82, it is proposed to strike out all after the words "General Land Office," in the tenth line, down to and including the word "dollars," in the eighteenth line, and to insert in lieu thereof:

For the Commissioner of the General Land Office, \$5,000; one assistant commissioner, to be appointed by the President by and with the advice and consent of the Senate, who shall be authorized to sign such letters, papers, and documents, and to perform such other duties as may be directed by the Commissioner, and shall act as Commissioner in the absence of that officer, or in case of a vacancy in the office of Commissioner, \$3,500.

Mr. ALLISON. Inasmuch as that amendment changes existing law, I think it is subject to a point of order, and therefore I make the point of order.

Mr. PADDOCK. Do I understand the Senator to make the point of order against the amendment?

Mr. ALLISON. I do.

Mr. PADDOCK. I think the amendment is clearly within the rule. It is recommended by a standing committee of the Senate and was referred to the Committee on Appropriations in accordance with the rules of the Senate. It is recommended by the Secretary of the Interior, the head of the Department of which this officer is a subordinate. I think the point of order is not well taken. It has the double recommendation of a standing committee and of the proper head of a Department—the Secretary of the Interior.

Mr. ALLISON. Of course I do not wish to discuss the point of order, but it is clear to my mind that if this salary can be changed every salary in the bill can be changed, and we open up a field that is certainly a very dangerous one to enter upon. I happen to know the Commissioner of the General Land Office to be a most able, efficient, and capable man, and I should be glad to serve him in any way possible or practicable, but I think that we can not afford to open the door to the increase of salaries that are provided for in the bill under existing statutes.

The PRESIDING OFFICER. The Chief Clerk will read the portions of the rule which refer to the question of order.

The Chief Clerk read as follows:

RULE XVI.

And no amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

2. All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, and when actually proposed to the bill, no amendment proposing to increase the amount stated in such amendment shall be received.

The PRESIDING OFFICER. The Chair is of opinion—

Mr. PADDOCK. Mr. President, allow me to make a suggestion.

The PRESIDING OFFICER. The Chair was about to decide in favor of the amendment being in order.

Mr. PADDOCK. Then I shall not interpose any objection to the ruling of the Chair.

The PRESIDING OFFICER. In the opinion of the Chair, this amendment, having been reported by the Committee on Public Lands and referred to the Committee on Appropriations more than one day previous to the time of its being moved, is in order under the last clause of section 1 of Rule XVI.

Mr. PADDOCK. Mr. President, the argument made by the chairman of the committee against an increase of the salary of this officer, which he will admit as readily as any Senator on this floor is too low a salary, considering the responsibilities and duties of the office and considering the equipment required for the faithful and thorough and capable performance of those duties, I think is a very poor argument, with all due deference to my distinguished friend from Iowa. If comparisons are to be instituted I should like to call the attention of the the Senator from Iowa, the chairman of the committee, to other salaries which are above and not below; and I believe the Senator from Iowa will admit that the duties and responsibilities of this officer are as great as those of any one of the officers to whom I shall call his attention.

The Comptroller of the Currency receives \$5,000; the Treasurer, \$6,000; the Second Comptroller, \$5,000; the Commissioner of Internal Revenue, \$6,000; the Commissioner of Pensions, \$5,000; the Director

of the Geological Survey, \$6,000; the Commissioner of the Department of Labor, \$5,000; the Commissioner of Patents, \$5,000.

I do not think it is necessary to make any comment on those salaries. Whatever may be below I care to say nothing about by way of invidious comparison. Even these salaries may be too low; I know in some instances they are too low. I know the one in question is conspicuously, exceptionally, and the most absurdly low salary that is paid by the Government, considering the amount, character, and responsibility of the duties performed.

Here is an officer who is not only an executive officer, not only in charge of administrative affairs, with three or four hundred people or more under him to look after, but he is a judge. He is required to pass upon questions of law and of fact. In his hands there are the titles of hundreds of thousands of people which are to be adjusted. Why, sir, this officer passes upon a larger number of titles than any court of this country, not excepting the Supreme Court of the United States. The Director of the Geological Survey gets a salary of \$6,000 for overlooking a section of country which is not one-half of the whole area within the jurisdiction of the Commissioner of the General Land Office. And yet every acre of these arid lands which the Director of the Geological Survey has to deal with is under the jurisdiction of the General Land Office.

I make no complaint as to the salary paid to this officer, but I do complain, I protest, considering the enormously greater jurisdiction, labor, and responsibilities of the Commissioner of the General Land Office, that his salary should be only two-thirds as large as that of the officer in charge of these surveys, and that it should be permitted to be at least a thousand dollars less than that of any officer of his grade in the public service. It is wrong. It is shamefully unjust.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. PADDOCK].

The question being put, there were on a division—ayes 10, noes 6—no quorum voting.

Mr. ALLISON. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. HIGGINS (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON], and I withhold my vote, in his absence.

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. In his absence, I withhold my vote.

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR], and will withhold my vote unless it shall be necessary to make a quorum.

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER].

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON].

The roll-call was concluded.

Mr. DIXON (after having voted in the affirmative). I have a general pair with the Senator from South Carolina [Mr. HAMPTON], and in his absence, I wish to withdraw my vote.

Mr. CASEY. I desire to State that my colleague [Mr. PIERCE] is paired with the Senator from North Carolina [Mr. VANCE].

Mr. MORRILL (after having voted in the negative). In the absence of the Senator from Tennessee [Mr. HARRIS], with whom I am paired, I withdraw my vote.

The result was announced—yeas 26, nays 11; as follows:

YEAS—26.

Allen,	Dolph,	Moody,	Sherman,
Bate,	Evarts,	Morgan,	Squire,
Blair,	Gibson,	Paddock,	Stewart,
Call,	Hawley,	Payne,	Stockbridge,
Casey,	Hiscock,	Power,	Teller,
Chandler,	Ingalls,	Sanders,	
Cullom,	Mitchell,	Sawyer,	

NAYS—11.

Allison,	Coke,	Gorman,	Pugh,
Berry,	Edmunds,	Hale,	Vest,
Cockrell,	Frye,	Hoar,	

ABSENT—47.

Aldrich,	Dixon,	Kenna,	Reagan,
Barbour,	Eustis,	McMillan,	Spooner,
Blackburn,	Farwell,	McPherson,	Stanford,
Blodgett,	Faulkner,	Manderson,	Turpie,
Brown,	George,	Morrill,	Vance,
Butler,	Gray,	Pasco,	Voorhees,
Cameron,	Hampton,	Pettigrew,	Walthall,
Carlisle,	Harris,	Pierce,	Washburn,
Colquitt,	Hearst,	Platt,	Wilson of Iowa,
Daniel,	Higgins,	Plumb,	Wilson of Md.,
Davis,	Jones of Arkansas,	Quay,	Wolcott,
Dawes,	Jones of Nevada,	Ransom,	

The VICE-PRESIDENT. No quorum having voted, the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cullom,	Hiscock,	Power,
Allison,	Dixon,	Hoar,	Pugh,
Bate,	Dolph,	Ingalls,	Sanders,
Berry,	Edmunds,	Mitchell,	Sawyer,
Blackburn,	Evarts,	Moody,	Sherman,
Blair,	Faulkner,	Morgan,	Stockbridge,
Casey,	Frye,	Morrill,	Teller,
Chandler,	Gibson,	Paddock,	Turpie,
Cockrell,	Gorman,	Pasco,	Vest,
Coke,	Hale,	Payne,	Walthall,
Colquitt,	Higgins,	Platt,	Wilson of Md.

The VICE-PRESIDENT. Forty-four Senators have responded to their names. A quorum is present. The roll will be again called on the question of agreeing to the amendment of the Senator from Nebraska [Mr. PADDOCK].

Mr. BERRY. Is the question open to debate?

The VICE-PRESIDENT. It is.

Mr. BERRY. Mr. President, I was not in the Chamber when the matter was presented a few minutes ago. I have been informed, however, that the pending amendment is a proposition to increase the salary of the Commissioner of the General Land Office from \$4,000 to \$5,000. Is that the question pending?

The VICE-PRESIDENT. That is the pending question.

Mr. BERRY. There was a bill reported from the Committee on Public Lands proposing to increase this salary. It came before the Senate some two or three weeks ago. It was debated some time, and it was evident that a majority of the Senate was opposed to the increase. The senior Senator from Kansas [Mr. INGALLS] made a very able speech in opposition to an increase of salary for this particular officer when that bill was pending. That bill is still before the Senate, and now the Senator from Nebraska seeks to take out of that bill, which could not be passed upon its merits, and place in an appropriation bill an increase of the salary of this officer.

Mr. PADDOCK. Mr. President, I should like to ask the Senator from Arkansas a question.

The VICE-PRESIDENT. Does the Senator from Arkansas yield?

Mr. BERRY. I yield to the Senator.

Mr. PADDOCK. I should like to know upon what authority the Senator states that the bill when it was up for consideration by the Senate was substantially defeated. I got no such impression as that from the action of the Senate, nor did the friends of the bill.

Mr. BERRY. It was so evident that the friends of the bill allowed it to go over.

Mr. PADDOCK. The bill went over because there was an absence of a quorum; and we were on the Calendar of unobjected cases. The Senator from Maine [Mr. FRYE] objected to its further consideration in the absence of a quorum, and therefore it had to go over.

Mr. BERRY. The RECORD will show what was done upon that occasion. It was evident I think to every Senator upon this floor at that time that the bill would be defeated, and the friends of the bill did not press it upon the Senate, but agreed that it should go over.

Mr. PADDOCK. The bill went over, as I said before, for want of a quorum. I urged a vote repeatedly, and only yielded because it was impossible, under the objection raised, to get one.

Mr. BERRY. But this is a proposition to increase an officer's salary upon an appropriation bill when there is a bill pending for the same purpose now on the Calendar of the Senate which the Senate has declined to pass.

I want to say in addition, Mr. President, that there are a number of other officers who receive less salary than is proposed to be given in this amendment. The Assistant Secretary of the Interior, if I remember correctly, receives only \$4,000 or \$4,500 a year. There are a number of other officers who were named at the time of that debate (I do not remember them now) whose positions are equally as important as this officer's and who receive less than that sum. I can see no justice, no reason, no equity in selecting out one particular officer and increasing his salary while others equally important are left with a less amount.

A similar proposition came before the Senate during the last Administration to increase the salary of this officer from \$4,000 to \$4,500. I opposed the proposition then, and it was opposed in the Senate by a large number of Democrats at that time, when we had a Democratic administration. It is claimed now that the salary of the Commissioner of Pensions was increased when we had a Democratic majority. Probably it was increased to \$4,500.

But the law upon the statute-book fixes the salary at a less sum than has been appropriated for a number of these officers from year to year. This method of making the law state that an officer shall receive so much and then trying to hoodwink the country by coming in here and making an appropriation for a larger sum is, in my opinion, an unjust system. If the law says that the salary of an official shall be \$4,000 a year, then I think that it is unjust and unfair to go on and appropriate \$4,500 or \$5,000 when the statute fixes the amount on the deliberate judgment of Congress as to what the officer should receive. If it is not enough it ought to be corrected by an act regu-

larly for that purpose, so that the country would understand that we were increasing the salary.

We go before the people from year to year and insist that we are opposed to the increase of salaries, and when you seek to increase them for the purpose of giving some favorite more money than he is entitled to you ought to come up and do it directly, by a repeal of the present law, and not increase it by putting an amendment on an appropriation bill.

I think that this officer should be treated as other officers. If the salary is not enough, let the bill now on the Calendar take its chances, but do not seek to select him out and make a specialty of him because he happens to have friends when others have not, and give him more than the statute says he is entitled to receive.

Mr. PADDOCK. Mr. President, I should like to ask the Senator from Arkansas if it is not true that the salary of the Commissioner of Pensions during the last Administration was increased upon an appropriation bill by Democratic effort, and Republican effort as well, because, as I remember, every Republican believed it ought to be, and was willing to see it increased?

Mr. BERRY. I stated awhile ago that while General Black occupied the position of Commissioner of Pensions the salary of the office was increased on an appropriation bill, I think, from \$4,000 to \$4,500. But I opposed it then, as did a number of other Democrats. It was carried by a majority, some Republicans and some Democrats voting for it, I do not know the proportion. But I care not whether it was in that Administration or in this Administration. I say that it is a wrong system and an unjust system, and that the salaries should be fixed by the statute, and that the amount should not be increased in an appropriation bill.

Appropriation bills are intended to appropriate according to the laws in force, but it is proposed to leave the law standing which provides that this officer shall have \$4,000 and to give him by an appropriation bill \$5,000. I say, Mr. President, that is not dealing openly; that is not dealing fairly. It misleads the country, and they do not understand it. It is an unjust way of dealing with salaries, and it is doubly unjust to pick out one particular officer when there are others equally important and equally entitled to an increase of salary, and give it to him on an appropriation bill, and that too when there is a bill pending, now on the Calendar, which will settle the whole question in regard to this salary.

Mr. PADDOCK. That seems to me to be a very absurd proposition on the part of the Senator from Arkansas.

Mr. BERRY. I did not hear the remark.

Mr. PADDOCK. I say, with all due deference to the Senator, it seems to be rather an absurd proposition to oppose the amendment because a bill is pending on the Calendar which was intended to accomplish the same purpose. Here is an amendment reported from the committee that reported the bill to which the Senator refers—a standing committee. The amendment was reported regularly and in order, and referred properly to the Committee on Appropriations, and now presented, not only as a report from a standing committee, as the bill itself was, but backed up by the opinion and the desire and the recommendation of the Secretary of the Interior himself.

Mr. BERRY. Mr. President, as to whether my position as a Senator is absurd or otherwise, that is simply the opinion of the Senator from Nebraska. It is no argument in regard to the proposition.

Mr. PADDOCK. What I mean is this—

Mr. BERRY. The statute law at this time fixes the salary of the Commissioner of the General Land Office at \$4,000, or \$3,500, I do not remember which it is.

Mr. PADDOCK. If the Senator will allow me just one moment, I do not object to his antagonizing the bill on its merits. That is his undoubted right, but I do object to his making an invidious reflection upon this particular proceeding, which is altogether regular and just and fair and proper. Here is a most meritorious officer, one of the most capable and efficient and thorough officers who has ever been in the administration of that bureau, and everybody knows it on both sides of the Chamber. He has accomplished reforms and systematized the work there, purified the service, and among other results accomplished has reduced the number of final entries pending fully sixty thousand since he came into office, and kept the routine work of the office up from day to day.

Mr. BERRY. Mr. President, as to my manner of opposing or antagonizing this amendment, with all due respect to the Senator from Nebraska, I will select that myself, and not look to him to dictate as to how or in what manner I shall oppose it. I opposed the bill and I opposed putting it on this appropriation bill because I believe that the system is wrong. I am opposed, in addition to that, to increasing this officer's salary, because he receives enough already. I oppose it because there are other officers equally important who are receiving a less salary than it is proposed to give this one. I oppose it for the same reason that was so ably given by the Senator from Kansas when this matter was last before the Senate, that this is a bad time to be increasing the salaries of the officials of this Government, at a time when there is distress throughout the country, when the farmers are complaining from one end to the other.

It is proposed to give this officer \$5,000 a year, and to do it in an indirect way, when you have not the courage to come in and pass a bill to give it to him directly. You seek to cover it up by putting it on an appropriation bill, and point to the statute as though he were receiving \$4,000, when in fact he is receiving \$5,000. I say if there is anything insidious about my manner of opposing this amendment it is far less so than this attempt to mislead and hoodwink the people and tell them the salaries are so and so when you are giving to the officers on appropriation bills more than the statute says they are entitled to have. I say that the system is wrong. It was inaugurated by the Republican party, and if the Democratic party or any part of it in the last Administration did it that was a mistake. The Republicans invariably quote something of that kind where the Democrats follow them in their worst methods.

I hope, Mr. President, that the Senator from Nebraska will let this question be settled upon the bill now pending upon the Calendar, and not seek to force it on an appropriation bill where it does not belong.

Mr. STEWART. Mr. President, I do not see why there should be any discrimination in salary against the Commissioner of the General Land Office. That was supposed to be the most important bureau in the Interior Department, and it ought to be to-day. They have taken from it in various ways and usurped its jurisdiction in various forms. I admit that that bureau is very much crippled, to the detriment of the people. It is true it fell behind, and it may have been the fault of some Commissioners and it may have been the fault of the appropriations. It got into disrepute.

Mr. ALLISON. I will state to the Senator from Nevada that this is a statutory salary that has been in existence for a great many years.

Mr. STEWART. I understand that. I will ask the Senator a question about statutory salaries when I get a little further on, and I hope the Senator will stay here a moment longer.

Mr. ALLISON. I have been here all day, and propose to stay.

Mr. STEWART. I say the Commissioner of the General Land Office ought to be at the head of the most important bureau in the Interior Department, and it would be if the legislation would allow an officer there who is competent. I must say that I believe the present incumbent is competent. I have not been able to say that for some of the Commissioners, and I profess to be familiar with the Land Office. I believe this gentleman is competent, and I do not know why he should not receive as much as the Commissioner of Patents or the Commissioner of Pensions, both of whom receive \$5,000 under this bill. The Director of the Geological Survey receives \$6,000. Whether that is useful or not posterity can judge.

Besides, the Director of the Geological Survey has an executive officer at \$3,000. I should like to inquire of the Senator from Iowa what that executive officer is for, and what he does. I see that none of the other bureaus have that kind of an officer. It is an anomaly; and I want to know under what law that office was created and what are the duties of an executive officer of the Geological Survey.

Mr. ALLISON. The executive officer of the Geological Survey, I have no doubt, is engaged in the various executive and administrative duties of that office, while the Director of the Survey is engaged in the examination of scientific questions. But I did not know that that question was under consideration at this moment. If the Senator desires to make any motion respecting the executive officer of the Geological Survey he may not find me opposing it, unless he also wants to increase that salary.

Mr. STEWART. I do not want to increase any salary except that of the Commissioner of the General Land Office. I want to put his salary up to that of the other Commissioners, simply because I think it is fair. The Commissioner of Patents and the Commissioner of Pensions receive \$5,000, and the Commissioner of the General Land Office has not only the same executive duties that they have to perform, but he has judicial functions. It requires a lawyer of high standing to discharge the duties of that office well, and we rarely get a man competent. I believe we have one now, and I think if we put the salary at \$5,000 we should secure the services of a competent man. There has been great difficulty in filling that office with competent men, and the suffering and inconvenience of the people in consequence of incompetency in the Land Office have been immense.

Mr. HALE. We have had good men there.

Mr. STEWART. You had good men there formerly. You had Mr. Hendricks there at one time, and his decisions are luminous.

Mr. HALE. Voluminous?

Mr. STEWART. Not voluminous, but luminous. They were landmarks. You had Joe Wilson there.

Mr. MANDERSON. And Sparks.

Mr. STEWART. I do not want to talk about him; that is too recent. But you have had great failures in recent dates. The present Commissioner is from Nebraska. He is a lawyer and a competent man, and I would put him on a level with the Commissioner of Patents and the Commissioner of Pensions. I do not see that the bureau of posterity should be placed above the other bureaus, the living bureaus. They are bureaus for posterity; yet the head of the bureau for posterity gets \$4,000. If we should reduce that to \$5,000 and raise the salary of the Commissioner of the General Land Office to \$5,000 we

should have all of these great bureaus on a level. It seems to me that nobody could object to that.

I hope that the amendment will prevail; and I will try to move a further amendment then, if that is proper, to equalize the salaries by reducing the salary of the Director of the Geological Survey \$1,000, the amount that we should add to the salary of the Commissioner of the General Land Office.

Mr. PADDOCK. I hope the Senator will not move such an amendment now.

Mr. STEWART. I would not make that motion now, but I say it might be done if anybody wants to make the motion.

Mr. MITCHELL. The Senator does not desire to decrease the general expenses, then?

Mr. STEWART. I should like to decrease them by getting rid of the executive officer of the Geological Survey. I think unless somebody can say what he is useful for I shall make that motion. But I hope that the Commissioner of the General Land Office will be placed on an equality with the Commissioner of Patents and the Commissioner of Pensions. I hope he will be placed on a level with them, because he is an important officer.

As to whether we shall give a large amount of money to officers we have no use for in this generation, I leave that to the Senate; but so far as these officers are useful we ought to make no discrimination among the useful ones. The Commissioner of the General Land Office and the Commissioner of Patents and the Commissioner of Pensions are useful and necessary officers, and their compensation should be equal. There is no reason why it should not be.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Nebraska [Mr. PADDOCK].

Mr. ALLISON. The occupant of the chair a few moments ago decided that this proposition is in order. I think that is a matter of so much importance that we ought to understand clearly and definitely that this is now a proposition to change on an appropriation bill the salary of an officer fixed by law. If this can be done in the case of the Commissioner of the General Land Office, it can be done as respects every salary in the United States, including our own, and the salaries of all the bureau officers, of the members of the Cabinet, etc. I think it is a matter of such grave and serious importance that it ought to be decided on the question of order.

There shall be in the Department of the Interior a Commissioner of the General Land Office—

Mr. INGALLS. What is the Senator reading from?

Mr. ALLISON. I am reading from the Revised Statutes of the United States, second edition, 1878.

Mr. INGALLS. What section?

Mr. ALLISON. Section 446, chapter 3:

There shall be in the Department of the Interior a Commissioner of the General Land Office, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of \$4,000 a year.

Mr. BLAIR. That is the existing salary.

Mr. ALLISON. That is the existing statutory salary. I therefore make the point of order again. This is a matter of so much moment and affects so many other things involved in this bill and in other bills that I think it is a question which ought to be understood in the Chamber.

Mr. PADDOCK. I will state that this question has already been decided by the Chair, but not by the present occupant of it. I do not see how the Chair can determine it a second time. Of course I do not object to a ruling by the present occupant of the chair, but I can not see how there can be any other ruling by anybody.

Mr. MANDERSON. I should like to ask the Senator from Iowa, the chairman of the Committee on Appropriations, whether it is not a fact that the salaries of a great many other of the executive officers of the Government that are fixed by general statute, by the law creating the office, have been changed by legislation upon appropriation bills and their salaries increased, and whether that increase of salary as made upon appropriation bills has not received the sanction of the Appropriations Committee year after year, and the raising of the salaries been recognized in appropriation bills.

Mr. ALLISON. I have no recollection of any such instance, but it may be true. I should be glad to have an instance called to my attention; I have no recollection of any such instance.

Mr. MANDERSON. Is it not true as to the Commissioner of Pensions?

Mr. ALLISON. The Commissioner of Pensions formerly received a salary of \$6,000. It was reduced to \$5,000.

Mr. MANDERSON. By a general statute?

Mr. TELLER. We raised it during the last Administration.

Mr. MANDERSON. On an appropriation bill, when Mr. Black was Commissioner.

Mr. ALLISON. We changed the salary; I do not remember precisely how it was changed. But the salary of the Commissioner of Pensions, as I understand it, is not a salary fixed in the Revised Statutes, as is this salary. The salary of the Commissioner of Pensions was reduced and afterwards restored. That is my recollection about it.

This is a matter I care nothing about personally. I know the Com-

missioner of the General Land Office, and I know him to be an estimable person; but I want the Senate now to decide whether the whole question and range of public salaries and compensation shall be subject to change from year to year upon these appropriation bills. That is all.

Mr. INGALLS. Mr. President, when the bill to which the Senator from Arkansas [Mr. BERRY] adverted was under consideration by report from the Committee on Public Lands, to raise the salary of the Commissioner of the General Land Office from \$4,000 to \$5,000, I expressed myself in opposition to it. Upon further inquiry, I became satisfied that the position I took was incorrect, and that considering the amount of labor performed, and by comparison with other officers of similar rank and grade, he was entitled to the benefit of the bill reported from the Committee on Public Lands.

When the occupant of the chair temporarily, the Senator from Connecticut [Mr. PLATT], in the absence of the Vice-President, ruled upon the point of order suggested by the Senator from Iowa, I was inclined to coincide with him and to support its correctness, supposing, as I did then, that the salary of the Commissioner of the General Land Office had been established in an appropriation bill, and not by general statute. If that were the case, an amendment to increase the item of appropriation or add a new item increasing the aggregate of the bill would plainly have been in order if reported from a standing or select committee and referred to the Committee on Appropriations one day previous to its being offered in the Senate.

I was not aware, until my attention was called to the fact by the Senator from Iowa, that the salary of the Commissioner of the General Land Office was fixed by statute. That being the case, the salary could only be changed by a general law, and that would be by general legislation. The third clause of Rule XVI provides that—

No amendment which proposes general legislation shall be received to any general appropriation bill.

Therefore it seems, the salary having been fixed by general statute, that an attempt to change that by an amendment to an appropriation bill would be within the terms of the rule "general legislation," and in my opinion, therefore, open to objection, as suggested by the Senator from Iowa.

I sincerely regret to come to this conclusion, because I should, under the information that I have received, were I not forbidden by the rules, very cordially support the amendment proposed to raise the salary from \$4,000 to \$5,000.

Mr. HARRIS. I wish to inquire if the amount appropriated is the amount of salary fixed by the general law.

Mr. INGALLS. It is.

Mr. MANDERSON. I desire simply to correct the statement based on the recollection of the Senator from Iowa, the chairman of the Committee on Appropriations. In the few moments that have been given me for examination, I find that every one of the officers who are of like grade to the Commissioner of the General Land Office has had his salary raised upon appropriation bills. By the Revised Statutes the salary of the Commissioner of Pensions is fixed at \$4,000 a year. While General Black, I think, was the incumbent of that office his salary was raised to either \$4,500 or \$5,000 a year, and so it stands upon this appropriation bill reported by the Committee on Appropriations. So the committee stands in the position, if this amendment be in violation of the rules of the Senate, of violating the rule as to that officer and changing the existing statute by an appropriation bill that it reports and advocates on the floor of the Senate.

Mr. ALLISON. I will say, if the Senator will allow me—

Mr. MANDERSON. Certainly I yield.

Mr. ALLISON. The salary of the Commissioner of Pensions is in the exact attitude of the proposed amendment now. That was put on an appropriation bill two or three years ago over the head of the Committee on Appropriations in this Chamber.

Mr. MANDERSON. Still it stands as changing the existing law for the coming fiscal year by the report of the Committee on Appropriations.

Mr. ALLISON. Undoubtedly.

Mr. MANDERSON. The fact that the Senate at that time violated the rules of the Senate is no precedent for the Committee on Appropriations that it should violate the rule by again reporting an increase.

Mr. ALLISON. It is, under the law.

Mr. MANDERSON. Now, I turn to the Commissioner of Patents, and I find that his salary is fixed by general statute at \$4,500 a year, and by this bill the salary of the Commissioner of Patents is raised to \$5,000 for the coming fiscal year.

So we have abundant precedent for this violation of the rule, if it be a violation. But it seems to me, with all deference, that this is not a violation of the rules of the Senate. It is a fixing of the compensation of this officer for the coming year, and I submit that it is within the right of Congress to change, increase, or diminish his compensation during the coming fiscal year. It is a matter of increase of appropriation, and not general legislation, within the meaning of the rules.

The VICE-PRESIDENT. The point of order having been ruled upon by the previous occupant of the chair, the present occupant submits the question raised by the Senator from Iowa to the Senate for decision. Is the amendment in order?

Mr. PADDOCK. Would it not be more appropriate to put to the Senate the question whether the ruling of the preceding occupant of the Chair shall stand?

Mr. MANDERSON. No; it is not an appeal.

The VICE-PRESIDENT. The question is, Is the amendment in order?

Mr. COCKRELL. Mr. President, I certainly think that this amendment is not in order under our rules. The rule has been read by the Senator from Kansas, and the amendment is certainly objectionable under that rule.

I fear that Senators do not appreciate the delicate position in which the Committee on Appropriations is so often placed in regard to this question of the increase of salaries. Year by year we are besought, besieged by the executive officers and their friends, by Representatives and by brother Senators, to increase this salary and that salary; and, unfortunately for the tax-payers, we have never been solicited to reduce any salary, whatever the amount might be; it is always an increase that is desired.

At the present session there is scarcely a bureau here in the Departments, where we have not been importuned in some way—I mean solicited or asked—to increase the salary, if not of the head of the bureau, of some official of that bureau. We have done the very best we could in maintaining the salaries at the amounts heretofore fixed by law or by the preceding appropriation acts.

I have some knowledge of the duties of the Commissioner of the General Land Office, and I have some knowledge also of the manner in which the present incumbent of that office has performed his duties. It gives me very great pleasure to say that in my judgment the present incumbent, Judge Groff, is doing the very best he can. I have for the present, at least, but one criticism to submit, and that is a criticism which I shall submit under a different branch of the bill, in regard to the inefficient and worthless employes in his office, who are dead timber there, who are doing no equivalent for their salaries and ought to be discharged peremptorily and summarily. But that is not the only office where incompetent clerks are, and I presume that Judge Groff is in the same position with a great many others, and is unable to have his own way in regard to that matter.

My good friend from Maryland [Mr. GORMAN] says the civil service prevents it. I desire now to say distinctly that not one solitary human being is kept in office in any shape, manner, or form by the civil-service law. The civil-service law has nothing to do with retention in office, and those who want to retain incompetent persons in office can not shield themselves behind the civil-service law. The civil-service law guards the entrance to office, the front door, and not the back door. The back door is always open, and it ought to be kept open a great deal more than it is, and there ought to be a great many more exits added. The work of the Departments could be brought up a great deal better.

I appreciate, I say, that Judge Groff is doing the very best he can; that he is an efficient officer, and relatively with other officers his salary is not adequate to the labor and the responsibility of his office.

Mr. PADDOCK. Will the Senator allow me one moment?

The VICE-PRESIDENT. Does the Senator from Missouri yield?

Mr. COCKRELL. Certainly.

Mr. PADDOCK. I think if the Senator will investigate he will find that the present Commissioner, during the brief period in which he has been in charge of the General Land Office, has done more thorough and good weeding out than any man ever did in the same length of time who was at the head of the bureau. He has done all he could under the civil-service circumstances in which he has been placed.

Mr. COCKRELL. I am not discussing that. I want simply to say in regard to the General Land Office that it never has been run systematically and efficiently since 1833, I can not help in whose Administration or under whose control that office has been. There was a record-book prepared in that office in which the title to every tract of land disposed of by the General Government was to be traced and entered, so that you could go to that one book and there see the subdivision of the land, when disposed of, at what price, in what manner, to whom, whether it was confirmed or not, the date of the issue of the patent, to whom the patent was delivered, and where it was recorded, and in that one book you could have the complete history of every piece of the public domain. The entries in that book have not been filled up since 1853. The blanks are there, but they have never been filled. So the office has not been managed in a business way. After I had investigated into the methods of business in 1887 my judgment, deliberately made, without any prejudice or passion in the matter, was that the only word that would describe the condition of the business of the General Land Office was chaos.

Mr. MITCHELL. I should like to ask the Senator a question.

Mr. COCKRELL. Certainly.

Mr. MITCHELL. Has the Senator made any investigation since the present Commissioner came in with reference to the manner in which the office is conducted?

Mr. COCKRELL. I have not.

Mr. MITCHELL. Then it is hardly fair, I suggest to the Senator, to say that the office has not been conducted in a proper business way since 1833.

Mr. COCKRELL. I am perfectly satisfied as to the entries, that there has been no effort to bring all the mass of past entries up to this time, so that they will have one record, where the entire history of the public lands can be traced.

Mr. MITCHELL. I wish to assure the Senator that the office is being better administered now than it has been for a good many years.

Mr. COCKRELL. That may be. I am not disputing that. I am not raising that question. But the Commissioner of the General Land Office, with the number of incompetents he has under him and the force he has, can not even dispose of the business on hand, much less undertake to bring up arrears of business for thirty or forty years. I am not speaking of this in the way of criticism of the present Commissioner, for I have no doubt he is doing very well.

Mr. BLAIR. Why should the Senator make this wholesale charge against the employes of the bureau?

Mr. COCKRELL. Simply because it is true; that is all.

Mr. BLAIR. I do not believe it is true. I think the Senator is wrong.

Mr. COCKRELL. I can not help what the Senator from New Hampshire thinks.

Mr. BLAIR. I know something about those employes as well as the Senator from Missouri. There may be incompetent persons among them, but I venture to say that there is not an equal body of men in the employ of the Government who, as a whole, render better service than those engaged in the Land Office. While it may be proper to make charges by saying that there is incompetency here and there, so there is in the church, so there is in society generally, and there were failures in heaven even.

Mr. COCKRELL. I do not know how the Senator has any right to assert the last proposition, that there have been failures in heaven.

Mr. BLAIR. I do it on high authority.

Mr. COCKRELL. I do not know when the Senator came from there or when he was there.

Mr. BLAIR. I do not pretend to know it.

Mr. PADDOCK. Will the Senator from Missouri allow me to interrupt him?

Mr. COCKRELL. Wait one moment.

The VICE-PRESIDENT. The Senator from Missouri declines to yield.

Mr. COCKRELL. The Senator from New Hampshire is simply speaking without any authority.

Mr. BLAIR. I do not admit that; but when the Senator makes an absolutely incorrect charge against an entire force under this Government, and of the kind he does, for incompetency, and says that they ought to be discharged—

Mr. COCKRELL. When did I make any charge against the entire force?

Mr. BLAIR. A few moments ago.

Mr. COCKRELL. Not at all.

Mr. BLAIR. Without a single exception.

Mr. COCKRELL. No; I said there were inefficient, incompetent people there.

Mr. BLAIR. I do not know what the Senator may have said at the very last, since being interrupted, but I refer to his first assertion. I noted it, and I asked him the question if he meant the whole of it, and he made no response; perhaps he did not hear me. But as to the Land Office as an office, I venture to say that it is as well and as honestly and as competently administered as any bureau of the Government.

Mr. COCKRELL. Mr. President, I read now a letter addressed by the Acting Commissioner of the General Land Office to the chairman of the Committee on Appropriations of the House of Representatives:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 28, 1900.

Sir: Referring to a verbal inquiry made on the 27th inst. by one of your committee as to the efficiency of the clerical force of the General Land Office, I have the honor to state that the clerical force of this office embraces about forty clerks and copyists whose efficiency may be said to be below the average of others in their respective grades. Four of these receive annual salaries of \$600; seven, \$500; four, \$1,000; five, \$1,200; eleven, \$1,400; eight, \$1,600; and one, \$1,800.

A few of these have been long in the service, and their partial lack of efficiency is due to infirmity and old age. None are entirely worthless. It may be proper to add that the office contains a still larger number of clerks who are above the average of their respective grades in efficiency and who merit increased compensation.

Very respectfully,

GEO. REDWAY, Acting Commissioner.

THE CHAIRMAN COMMITTEE ON APPROPRIATIONS,
House of Representatives.

Mr. BLAIR. How many clerks are there in that office?

Mr. COCKRELL. I do not remember exactly the number now.

Mr. BLAIR. There are more than twice the number that are there mentioned, I am very confident—about three times the number.

Mr. COCKRELL. Oh, as a matter of course, I have forgotten the exact number, but there are more than twice the number, or three times, probably four times the number mentioned here.

Mr. BLAIR. I had occasion to know something of that office myself some years ago. I do not remember the number of employes, but it is very much larger than the forty which the Senator's document says are below the average of the others. Now, taking those who are above

the general average, perhaps forty could well be selected who are below the general average. It would be so anywhere else, at all events.

Mr. COCKRELL. I only spoke of this incidentally. I am not holding the present Commissioner responsible for the retention of this inefficient force. It exists there. It has been there for years. It existed under a preceding Republican Administration, it continued largely under a Democratic Administration, and it exists to-day.

Mr. REAGAN. It ought to be stated that if it was continued under a Democratic Administration it was continued against the wishes and desires of the Commissioner of the General Land Office. He did not wish it, and would have turned them out if he could have done so.

Mr. COCKRELL. I do not know whether he would have turned them out or not. I never heard of any effort that was made to turn them out.

Mr. REAGAN. I know what he told me himself.

Mr. COCKRELL. That may be. I never inquired on that point. I know of one instance—

Mr. PADDOCK. Will the Senator allow me to make a statement as to the labor performed there by the inefficient force of which he speaks?

Mr. COCKRELL. After I get through, the Senator from Nebraska will have plenty of time.

Mr. PADDOCK. It will take but a moment.

Mr. COCKRELL. Very well.

Mr. PADDOCK. When the present Commissioner took the office in September last there were 292,886 final entries pending and awaiting action. There are now pending 232,198 entries, showing a net gain of 60,688 entries disposed of, in addition to keeping up with the current business of the office. If a better record than that can be shown in any other bureau of the Government I should like to have the Senator point it out.

Mr. COCKRELL. It is not worth while to talk about a better record in any one bureau of the Government. I can point the Senator to one bureau where the business was cleaned up inside of sixty days, when there were over forty thousand cases pending there, and the business has been since disposed of on the day it is received, and that is in the pension and record division of the War Department.

I am not criticizing the present Commissioner of the General Land Office, because, as I have said, I believe he is doing the very best he can, and I believe relatively with others the salary ought to be higher than it is—relatively with others—but I simply state, as a matter of fact, the condition of the business there, and the condition it had been in ever since 1833, and the inefficiency of the force, which has existed there for some time.

Mr. President, I simply desire to say that we can not increase all these salaries. The Commissioners in that office for a good many years have been receiving this salary. I believe myself there ought to be a readjustment of the salaries of a good many of the executive officers so as to place them nearer on an equality. If we increase the salary of the officer in this case, there is my good friend from Massachusetts [Mr. DAWES], who stands ready to have the salary of the Commissioner of Indian Affairs placed on an equality, and then everybody else whose friend is not receiving \$5,000 a year must come in, and they must be placed upon an equality.

It is not worth while to throw up to us the salary of the Director of the Geological Survey at \$6,000. There it is. It is in the law. If it is to be amended or changed, let it be so amended or changed without throwing that duty upon the Committee on Appropriations.

I think that this amendment is amenable to the point of order which has been made. Under ordinary circumstances, if we were in a condition to equalize these salaries and this was not an appropriation bill, I should support an increase of the salary of this office, believing that the officer himself is entitled to it and believing that the office, with its duties and responsibilities, relatively to the other offices which have been named, ought to have a higher salary than \$4,000.

Mr. BLAIR. I should like to make one inquiry. Has any Senator ever known an instance where a hardship in the case of the salary of any particular officer was remedied by the passage of a bill applying to that office alone? I have known several to be introduced, but I never knew the pay of a single officer to be increased otherwise than upon an appropriation bill. I venture to say that there never will be, in the experience of any Senator, a specific bill passed to increase the salary of this or any other one officer. You do not get general legislation of that kind through at all. If this man's salary goes up we shall have to do it this way, as all other similar grievances have been remedied hitherto.

The VICE-PRESIDENT. The question is, Is the amendment in order?

The question being put, there were, on a division—ayes 20, noes 17; no quorum voting.

Mr. ALLISON. What is the state of the vote?

The VICE-PRESIDENT. No quorum has voted. The roll will be called.

Mr. INGALLS. Let us have the yeas and nays, to avoid calling the roll.

The yeas and nays were ordered.

Mr. MANDERSON. I simply desire to call the attention of the

Senate to Rule XVI. It seems to me that, on deliberation, Senators will be compelled to conclude that the proposed amendment is not subject to this point of order. In the first place there is a uniform precedent of the Senate in this direction, as suggested by the Senator from New Hampshire [Mr. BLAIR], according to which the salary of no one of these numerous executive officers—and nearly all of them have been raised that are of this grade—has ever been raised by an amendment to the general statutes, but in every instance, as in the case, I think, of the Director of the Geological Survey, but certainly in the cases of the Commissioner of Pensions, the Commissioner of Patents, and the Commissioner of Indian Affairs, the raise of salary has been upon an appropriation bill.

Mr. DAWES. Have those that the Senator has just enumerated been raised at all or were the offices created with that salary?

Mr. MANDERSON. They have been raised from the amount fixed in the general statute by legislation, if it be such, upon an appropriation bill.

Mr. DAWES. The Director of the Geological Survey?

Mr. MANDERSON. I so understand.

Mr. DAWES. I think the salary of that office was fixed when it was created. I may be mistaken.

Mr. STEWART. I do not think it was created at all.

Mr. DAWES. When the office was created the salary was fixed, whether it was created by a separate statute or by putting an amendment into an appropriation bill, as was the habit in former years, for the whole Army was reorganized and the salaries of the Army were readjusted in an appropriation bill. It is true that it has been the habit to raise salaries in appropriation bills, but it occurred to me that, in some of the instances the Senator referred to, the salary was attached to the office when it was created. I may be mistaken.

Mr. MANDERSON. I do not know how that may be as to the Director of the Geological Survey. As to that official I may be mistaken.

Mr. HISCOCK. I want to ask the Senator from Massachusetts a question, if the Senator from Nebraska will allow me; and that is, Does the Committee on Appropriations hold that the increase of a salary for a current year has the effect to amend, modify, change, or repeal the law fixing the salary?

Mr. DAWES. It will stand as the law for that year.

Mr. HISCOCK. Has it not been the custom of the Committee on Appropriations to base the salaries for the next fiscal year on those of the current fiscal year without attempting to change them, and then in all subsequent years after that to maintain them at the amount fixed in that appropriation?

Mr. DAWES. It has been the custom to run along from year to year, and when a salary once gets raised it stays raised.

Mr. HISCOCK. I inquire of the chairman of the Committee on Appropriations if that custom is not a violation of the rule that is invoked here.

Mr. ALLISON. What is that?

Mr. HISCOCK. My question is this: In an appropriation for a fiscal year if a salary is increased, that is, if it is an appropriation of so much money to pay the salary of the Commissioner of the General Land Office, \$4,000 or \$5,000, as I understand it the effect of that appropriation is only to repeal the statute *pro tanto*, for that year for which you appropriate.

Mr. DAWES. So I understand.

Mr. HISCOCK. Now, then, by what authority in a subsequent appropriation bill do you continue to appropriate that increased amount?

Mr. ALLISON. By the same authority that we continue to appropriate for the decreased amount. There are probably two hundred salaries in this bill that are below the statutory requirement.

Mr. HISCOCK. Let me ask the Senator this question: It is always, I understand, within the rule to appropriate a less amount than is required to pay an indebtedness, but there is an entirely different rule that applies when you proceed to appropriate a larger amount than is necessary to pay an indebtedness.

Mr. ALLISON. If the Senator from New York will point out where we have violated any rule of the Senate in making an amendment, I shall be glad myself to concede the point.

Mr. HISCOCK. I am not talking about a concession of the point. I am asking, on the point that was suggested by the Senator from Nebraska, that this appropriation bill contains violations of the rule which is invoked here to keep out this amendment.

Mr. MANDERSON. I submit they are not violations of the rule, although that construction is attempted to be forced. I find, upon an investigation kindly made by the Senator from Connecticut [Mr. PLATT], that the salary of the Director of the Geological Survey was originally fixed in an appropriation bill and has remained at the amount fixed originally; but, as to the other officials I have referred to, in every instance their salaries have been raised from those fixed in the general statute by an appropriation bill, and the most notable case is that where the salary of the President of the United States, fixed, as I believe by general statute, was doubled upon an appropriation bill, and that sum has been appropriated annually ever since for the pay of the President.

Mr. HARRIS. Will the Senator from Nebraska allow me to ask him if the fixing of official salaries is not the subject of general legislation?

Mr. MANDERSON. No, I do not think it is, within the meaning of the Senate rules.

Mr. HARRIS. That is the test. If it be the subject of general legislation, then, of course, it is prohibited by the third clause of Rule XVI upon this bill. If it is not general legislation, then that clause does not affect it. I think myself this is a subject of general legislation.

Mr. MANDERSON. I do not think it is within the provisions of Rule XVI. I will come to that in one moment.

I am simply now trying to show the numerous precedents that Congress has established in the direction of this proposed change in the salary of this officer. They are numerous and beyond question, and I suggest, as I submitted before, that the Committee on Appropriations has itself repeatedly and again upon this very bill done the same thing. By the confession of the chairman there are some two hundred instances in this bill where salaries have been either raised or lowered.

Mr. ALLISON. I say two hundred instances where they have been reduced, not in this bill, but in former bills, below the statutory compensation.

Mr. MANDERSON. Well, in other appropriation bills besides this, which, it seems to me, is the very principle I am advocating, and that is, that the Committee on Appropriations have thought it within their power and within the power of the Senate of the United States to change salaries by annual appropriation bills, and either to raise or to lower them above or below the figure established by general law.

Now, Mr. President, one word as to Rule XVI. It seems to me that this case comes rather under section 2 of this rule, which reads:

2. All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill.

That, I think, is this case. We propose to increase the appropriation for the pay of this officer for the next fiscal year from \$4,000 to \$5,000. Has that proposition gone through the process prescribed by Rule XVI? Has it been referred to a regular committee of the Senate? I understand that this amendment was referred to the Committee on Public Lands and that committee reported in favor of the change and within the time limited by this rule, and then had it referred to the Committee on Appropriations.

Now, I submit to the chairman of the Committee on Appropriations that in no instance has he known a Presiding Officer of this body to rule otherwise than as suggested. I do not think the Senator from Ohio [Mr. SHERMAN] when he occupied the position of Presiding Officer, or the Senator from Vermont [Mr. EDMUNDS], or the Senator from Kansas [Mr. INGALLS] ever ruled that a change of salary, either lowering it or raising it, has been in the nature of general legislation and came within this language of section 3 of Rule XVI:

3. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received.

As suggested by the Senator from Connecticut [Mr. PLATT], while there have been no adverse rulings by any Presiding Officer of this body, in no instance where the question has been presented for the decision of the Senate by the Presiding Officer has it been held that we were limited in this regard, and that we could not change the appropriation for the fiscal year the expenditures of which were the subject-matter of the bill.

One word, Mr. President, in response to the Senator from Missouri [Mr. COCKRELL]. I do not understand from him that he holds the present head of the General Land Office as responsible for any of the alleged inefficiencies in the clerical force of that office?

Mr. COCKRELL. Certainly not.

Mr. MANDERSON. As to whether there is inefficiency there or not, I do not know. I simply know that the head of that office is as hard-worked a man as there is in the employ of this Government. I know that he brings to the performance of his duties an ability of such character that it has challenged the respect, and the admiration even, of those who differ with him in politics. I submit that no man goes there to transact his business with the Government who does not come away with increased respect for the efficiency and the ability of this man. He works early and late. You compare his work with that of those officers who are better paid, the Railroad Commissioner, for instance. I hardly know what the duties of that office are, but it seems to me an office that is rather ornamental than useful, and yet he is paid higher than this most important officer—

Mr. TELLER. If the Senator will allow me, I would say there is about as much difference between the duties of the Commissioner of Railroads and those of the Commissioner of the General Land Office as there is between the duties of the Commissioner of the General Land Office and those of the head of one of his divisions, just about.

Mr. MANDERSON. I think that would be about a parallel.

Mr. President, on this question of high salaries, I do not believe that the people of the United States desire that their public servants shall be poorly paid. Poor pay means poor work; it means inefficient service; and certainly the people of this country do not desire that. At this session of Congress we have passed through both Houses what is known as the customs administrative bill. We created by that bill nine appraisers, I think they are called, with salaries of \$7,000 each

per annum, and I venture the assertion that when that board gets under full headway, and in the performance of the duties that will devolve upon it, no man of the board will have one-half of the labor incident to his well paid office that the Commissioner of the General Land Office has to-day.

I think it is no more than fair, as Congress has seen fit to raise the salaries of these other heads of bureaus, that this efficient and hard-worked officer should receive the compensation that his ability and his labor certainly entitle him to.

Mr. BERRY. Will the Senator permit me to ask him a question?

Mr. MANDERSON. Certainly.

Mr. BERRY. The Senator spoke about the Commissioner of Indian Affairs and about his salary being raised by an appropriation bill. I find that by this bill only \$4,000 is appropriated for the salary of the Commissioner of Indian Affairs, and I think that is the amount which the law specifies. Now, why should not the Commissioner of Indian Affairs receive \$5,000 as well as the Commissioner of the General Land Office?

Mr. MANDERSON. I will answer that in a word. It is because I do not think the office of Commissioner of Indian Affairs has one-half the labor, one-half the responsibility, and does not require as high a degree of professional talent as that of the Commissioner of the General Land Office.

BOUNDARIES OF UNCOMPAGNEE RESERVATION—VETO MESSAGE.

The VICE-PRESIDENT. The hour of 4 o'clock has arrived, the hour set apart for memorial exercises. The Chair will first lay before the Senate a message from the President of the United States, which will be read.

The Chief Clerk read as follows:

To the Senate of the United States:

I return without my approval the bill (S. 1742) to change the boundaries of the Uncompagnee reservation.

This bill proposes to separate from the Ute Indian reservation in Utah and restore to the public domain two ranges of townships along the east side of the reservation and bordering the Colorado State line. It is said that these lands are wholly worthless to the Indians for cultivation or for grazing purposes, and it must follow, I think, that they are equally worthless for such purposes to white men.

The object, then, of this legislation is to be sought, not in any public demand for these lands for the use of settlers—for if they are susceptible of that use the Indians have a clear equity to take allotments upon them—but in that part of the bill which confirms the mineral entries, or entries for mineral uses, which have been unlawfully made "or attempted to be made on said lands." It is evidently a private and not a public end that is to be promoted. It does not follow, of course, that this private end may not be wholly meritorious and the relief sought on behalf of these persons altogether just and proper. The facts, as I am advised, are that upon these lands there are veins or beds of asphaltum or gilsonite, supposed to be of very great value.

Entries have been made in that vicinity, but upon public lands, which lands have been resold for very large amounts. It is not important, perhaps, that the United States should, in parting with these lands, realize their value, but it is essential, I think, that favoritism should have no part in connection with the sales. The bill confirms all attempted entries of these mineral lands at the price of \$30 per acre (a price that is suggestive of something unusual) without requiring evidence of the expenditure of any money upon the claim or even proof that the claimant was the discoverer of the deposits.

The bill requires "good faith," but it will be next to impossible for the officers of the Interior Department to show actual knowledge on the part of the claimant of the lines of the reservation. The case will practically be, as to this matter, in the hands of the claimant. But why should good faith, at the moment of attempting the entry, without any requirement of expenditure, and followed, it may be within twenty-four hours, by actual notice that he was upon a reservation, give an advantage in the sale of these lands that may represent a very large sum of money?

In the second place, I do not think it wise without notice even to the Indians to segregate these lands from their reservation. It is true, I think, that they hold these lands by an Executive order, with a contract right to take allotments upon them, and that the lands in question are not likely to be sought as an allotment by any Indian. But the Indians have been placed on this reservation and its boundaries explained to them, and to take these lands in this manner is calculated to excite their distrust and fears and possibly to create serious trouble.

BENJ. HARRISON.

EXECUTIVE MARRIAGE, June 19, 1890.

The VICE-PRESIDENT. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. TELLER. I suggest that the message be referred to the Committee on Indian Affairs.

The VICE-PRESIDENT. The message will be so referred and printed, in the absence of objection.

RECIPROCITY TREATIES WITH THE LATIN-AMERICAN STATES.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith for your information a letter from the Secretary of State, inclosing a report of the International American Conference, which recommends that reciprocal commercial treaties be entered into between the United States and the several other Republics of this hemisphere.

It has been so often and so persistently stated that our tariff laws offered an insurmountable barrier to a large exchange of products with the Latin-American nations that I deem it proper to call especial attention to the fact that more than 87 per cent. of the products of those nations sent to our ports are now admitted free. If sugar is placed upon the free-list, practically every important article exported from those states will be given untaxed access to our markets, except wool. The real difficulty in the way of negotiating profitable reciprocity treaties is that we have given freely so much that would have had value in the mutual concessions which such treaties imply. I can not doubt, however, that the present advantages which the products of these near and friendly states enjoy in our markets—though they are not by law exclusive—will, with other

considerations, favorably dispose them to adopt such measures, by treaty or otherwise, as will tend to equalize and greatly enlarge our mutual exchanges.

It will certainly be time enough for us to consider whether we must cheapen the cost of production by cheapening labor in order to gain access to the South American markets when we have fairly tried the effect of established and reliable steam communication and of convenient methods of money exchanges. There can be no doubt, I think, that, with these facilities well established and with a rebate of duties upon imported raw materials used in the manufacture of goods for export, our merchants will be able to compete in the ports of the Latin-American nations with those of any other country.

If, after the Congress shall have acted upon pending tariff legislation, it shall appear that, under the general treaty-making power or under any special powers given by law, our trade with the States represented in the conference can be enlarged upon a basis of mutual advantage, it will be promptly done.

BENJ. HARRISON.

EXECUTIVE MANSION, June 19, 1890.

Mr. HALE. Is there a report accompanying that message?

The VICE-PRESIDENT. There is a letter from the Secretary of State.

Mr. HALE. I ask that that be not read here, but printed in the RECORD.

The VICE-PRESIDENT. The letter of the Secretary of State will be printed in the RECORD, if there be no objection. The Chair hears none.

Mr. FRYE. What reference is made of the papers?

The VICE-PRESIDENT. What is the pleasure of the Senate as to the reference of the message and the accompanying papers?

Mr. HALE. They should lie upon the table, should they not, as the tariff bill has been reported?

The VICE-PRESIDENT. The message of the President and the letter of the Secretary of State will be printed in the RECORD and also as a document, and lie on the table, if there be no objection.

The letter of the Secretary of State is as follows:

DEPARTMENT OF STATE, Washington, June 4, 1890.

To the President:

I beg leave to submit herewith the report upon "Customs Union" adopted by the International American Conference.

The act of Congress, approved May 24, 1890, authorizing the President to invite delegates to this conference named, as one of the topics to be considered, "Measures toward the formation of an American Customs Union, under which the trade of the American nations shall, so far as possible and profitable, be promoted."

The committee of the conference to which this topic was referred interpreted the term "Customs Union" to mean an association or agreement among the several American nations for a free interchange of domestic products, a common and uniform system of tariff laws, and an equitable division of the customs dues collected under them.

Such a proposition was at once pronounced impracticable. Its adoption would require a complete revision of the tariff laws of all the eighteen nations, and most, if not all, of our sister republics are largely, if not entirely, dependent upon the collection of customs dues for the revenue to sustain their Governments. But the conference declared that partial reciprocity between the American Republics was not only practicable, but "must necessarily increase the trade and the development of the material resources of the countries adopting that system, and it would in all probability bring about as favorable results as those obtained by free trade among the different States of this Union."

The conference recommended, therefore, that the several Governments represented negotiate reciprocity treaties "upon such a basis as would be acceptable in each case, taking into consideration the special situations, conditions, and interests of each country, and with a view to promote their common welfare."

The delegates from Chili and the Argentine Republic did not concur in these recommendations, for the reason that the attitude of our Congress at that time was not such as to encourage them to expect favorable responses from the United States in return for concessions which their Government might offer. They had come here with an expectation that our Government and people desired to make whatever concessions were necessary and possible to increase the trade between the United States and the two countries named. The President of the Argentine Republic, in communicating to his Congress the appointment of delegates to the International Conference, said:

"The Argentine Republic feels the liveliest interest in the subject, and hopes that its commercial relations with the United States may find some practical solution of the question of the interchange of products between the two countries, considering that this is the most efficacious way of strengthening the ties which bind this country with that grand Republic whose institutions serve us as a model."

It was therefore unfortunate that the Argentine delegates, shortly after their arrival in Washington, in search of reciprocal trade, should have read in the daily press that propositions were pending in our Congress to impose a heavy duty upon Argentine hides, which for many years had been upon the free-list, and to increase the duty on Argentine wool. Since the adoption of the recommendations of the conference, which I herewith inclose, hides have been restored to the free-list, but the duty upon carpet wool remains, and, as the Argentine delegates declared, represents the only concession we have to offer them in exchange for the removal of duties upon our peculiar products.

Only those who have given the subject careful study realize the magnitude of the commerce of these sister nations. In 1888 the combined imports of Chili and the Argentine Republic reached the enormous sum of \$233,127,696. The statistics of Chilean commerce for 1890 have not yet been received, but the imports of the Argentine Republic for that year were \$143,000,000. These imports consisted in the greater part of articles that could have been furnished by the manufacturers of the United States, yet in 1888, of the total of \$233,000,000 imports, we contributed but \$13,000,000; while England contributed \$90,000,000; Germany, \$43,000,000; and France, \$34,000,000.

With our extraordinary increase in population and even more extraordinary increase in material wealth, our progress in trade with South America has been strangely hindered and limited.

In 1888 our total exports to all the world were \$975,737,000, of which \$53,197,000 went to Spanish America, 14 per cent.

In 1888 our exports to all the world were \$742,368,000, an increase of 100 per cent., while but \$69,273,000 went to Spanish America, little more than 9 per cent.; and the greatest gain (nine millions) has been noticed during the last two years.

It was the unanimous judgment of the delegates that our exports to these countries and to the other Republics could be increased to a great degree by the negotiation of such treaties as are recommended by the conference. The practical, every-day experience of our merchants engaged in the trade demonstrates beyond a question that in all classes of merchandise which we have long and successfully produced for export they are able to compete with their European

rivals in quality and in price; and the reiterated statement that our Latin-American neighbors do not buy of us because we do not buy of them or because we tax their products has been annually contradicted by the statistics of our commerce for a quarter of a century. The lack of means for reaching their markets has been the chief obstacle in the way of increased exports. The carrying trade has been controlled by European merchants who have forbidden an exchange of commodities. The merchandise we sell in South America is carried there in American ships or foreign ships chartered by American commission houses. The merchandise we buy in South America is brought to us in European vessels that never take return cargoes, but sail for Liverpool, Havre, Bremen, or Hamburg with wheat, corn, and cotton. There they load again with manufactured goods for the South American markets, and continue their triangular voyages, paying for the food they are compelled to buy of us with the proceeds of the sale of their manufactures in markets that we could and would supply if we controlled the carrying trade.

France taxes imports as we do, and in 1880 her merchants suffered, as ours do now, from the lack of transportation facilities with the Argentine Republic. Under liberal encouragement from the Government direct and regular steamship lines were established between Havre and Buenos Ayres, and, as a direct and natural result, her exports increased from \$8,292,872 in 1880 to \$22,996,000 in 1888.

The experience of Germany furnishes an even more striking example. In 1880 the exports from Germany to the Argentine Republic were only \$3,365,182. In 1888 they were \$13,310,000. "This result," writes Mr. Baker, our most useful and intelligent consul at Buenos Ayres, "is due, first, to the establishment of quick and regular steam communication between the two countries; second, to the establishment of branch houses by German merchants and manufacturers; and, third, to the opening of a German-Argentine bank to facilitate exchange."

There is no direct steamship communication whatever between the United States and the Argentine Republic and there are no direct banking facilities. The International American Conference has earnestly recommended the establishment of both; but reciprocal exchanges of tariff concessions will be equally effective in stimulating commerce and in increasing the export of the products of which we have the largest surplus, not only to the progressive republic named, but to all the other American nations.

The conference believed that, while great profit would come to all the countries if reciprocity treaties should be adopted, the United States would be by far the greatest gainer. Nearly all the articles we export to our neighbors are subjected to heavy customs taxes; so heavy, in many cases, as to prohibit their consumption by the masses of the people. On the other hand, more than 87 per cent. of our imports from Latin America are admitted free, leaving but 12 per cent. upon which duties may still be removed. But, mindful of the fact that the United States has, from time to time, removed the duties from coffee, cocoa, India rubber, hides, cinchona bark, dye and cabinet woods, and other Latin-American products, our Government may confidently ask the concessions suggested.

The increased exports would be drawn alike from our farms, our factories, and our forests. None of the Latin-American countries produce building lumber; the most of them are dependent upon foreign markets for their breadstuffs and provisions; and in few is there any opportunity or inclination for mechanical industry.

The effect of such reciprocity would be felt in every portion of the land. Not long ago the Brazilian Mail Steam-Ship Company took the trouble to trace to its origin every article that composed the cargo carried by one of its steamers to Rio de Janeiro, and the investigation disclosed the fact that thirty-six States and Territories contributed to the total, as follows:

New York.....	\$74,546.00	North Carolina.....	\$2,647.00
Vermont.....	95.00	Maryland.....	2,359.00
Delaware.....	20,908.00	Mississippi.....	2,066.00
Illinois.....	19,331.47	Louisiana.....	3,111.00
New Jersey.....	17,054.40	Wyoming.....	1,800.00
Pennsylvania.....	48,065.00	Oregon.....	1,183.00
Connecticut.....	11,874.00	Tennessee.....	1,150.00
Kansas.....	11,332.00	Iowa.....	807.00
Indiana.....	9,098.00	South Carolina.....	887.00
Massachusetts.....	7,190.00	Kentucky.....	781.00
Ohio.....	6,230.00	Wisconsin.....	576.00
New Hampshire.....	6,035.00	California.....	239.00
Missouri.....	5,773.00	Dakota.....	220.00
Georgia.....	5,096.00	Texas.....	162.00
Rhode Island.....	4,020.00	Nebraska.....	125.00
Michigan.....	3,732.00	Alabama.....	56.00
Virginia.....	3,704.54	Florida.....	40.00
Maine.....	2,765.00		
Minnesota.....	2,668.00		
		Total.....	301,417.41

The 12 per cent. of our imports from Latin America upon which duties are still assessed consists only of raw sugar and the coarse grades of wool used in the manufacture of carpets.

The sugar-growing nations comprise four-fifths, or forty millions, of Latin America; but with geographical conditions against them their free labor can not successfully compete with the cooly labor of the European colonies. A slight discrimination in their favor would greatly stimulate their agricultural interests, enlarge their purchasing power, and tend to promote friendly sentiments and intercourse.

The wool-growing nations are Chili, Uruguay, and the Argentine Republic, and from them our manufacturers of carpets receive a great portion of their supply. It was most strongly urged by the delegates who had carefully studied this subject that the free admission of coarse wools from these countries could not prove injurious to the wool-growers of the United States, because the greater profit derived by them from the higher grades discourages, if it does not actually prohibit, their production. On the contrary they maintained that the free importation of the coarse wool would result in a large reduction in the cost of the cheaper grades of carpets and enable the manufacturers of the United States to secure an enormous export trade in these fabrics. It was also suggested that the use of the coarse wools for the purpose of adulteration in the manufacture of clothing might be prevented by requiring that imports withdrawn for the manufacture of carpets should be so designated to exempt them from customs dues, and the existing duty retained upon those used for other purposes.

The wool-growers of the Argentine Republic protest against what they consider a serious discrimination against their products in the tariff laws of the United States, which impose a duty upon the gross weight instead of the value of the article.

The Argentine wools are much heavier in grease and dirt than those from Australia and New Zealand, which is said to be due to unavoidable climatic conditions, and sell at a lower price. But the imports from the three countries are subject to the same duty. This fact was very strongly urged, to the end that at least equal advantages should be given to the products of a friendly country with which we are endeavoring to build up a trade.

The Argentines desire the free admission of their sugar to the ports of this country, with the understanding that our peculiar products shall, in turn, be admitted free into their ports. At present, by reason of the high duties levied by them, the chief articles of our production are beyond the purchasing power

of the great mass of the people in those countries, and are luxuries which only the wealthy can enjoy.

Excepting raw cotton, our four largest exports during the last fiscal year were breadstuffs, provisions, refined petroleum, and lumber.

The following statement shows the total exports of each of said articles in 1899, and the proportion exported to Latin America:

Articles.	Total exports.	Exported to Latin America.
Breadstuffs.....	\$123,570,423	\$5,123,523
Provisions.....	104,122,328	2,507,375
Refined petroleum.....	44,830,424	2,943,149
Wood and lumber.....	26,907,161	5,039,886

These figures should be closely studied. It would be difficult to understand, but for the explanations given in the conference, why, out of the three hundred millions of staples exported from this country only fifteen millions should be consumed in all Latin America, with its population of 50,000,000 of people, when the United States is the only source of supply for those articles which are regarded by us as the necessities of life.

The foreign delegates all agreed that this proportion could be increased many fold by extending to their people the ability to purchase, and the ability to purchase rests, in their opinion, upon reciprocal concessions.

Attached hereto is a statement showing the duties charged by the South American countries of the largest commerce upon the articles which they import chiefly from the United States, and also a statement showing the meager amounts of our peculiar exportable products shipped to the several Latin American states. By a comparison of these statements the effect of the removal of the duties upon these articles by the countries of Latin America will at once be apparent.

Fifteen of the seventeen Republics with which we have been in conference have indicated, by the votes of their representatives in the International American Conference and by other methods which it is not necessary to define, their desire to enter upon reciprocal commercial relations with the United States; the remaining two express equal willingness could they be assured that their advances would be favorably considered.

To escape the delay and uncertainty of treaties it has been suggested that a practicable and prompt mode of testing the question was to submit an amendment to the pending tariff bill, authorizing the President to declare the ports of the United States free to all the products of any nation of the American hemisphere upon which no export duties are imposed whenever and so long as such nation shall admit to its ports, free of all national, provincial (state), municipal, and other taxes, our flour, corn meal, and other breadstuffs, preserved meats, fish, vegetables, and fruits, cotton-seed oil, rice, and other provisions, including all articles of food, lumber, furniture, and all other articles of wood, agricultural implements and machinery, mining and mechanical machinery, structural steel and iron, steel rails, locomotives, railway cars and supplies, street-cars, and refined petroleum. I mention these particular articles because they have been most frequently referred to as those with which a valuable exchange could be readily effected. The list could no doubt be profitably enlarged by a careful investigation of the needs and advantage of both the home and foreign markets.

The opinion was general among the foreign delegates that the legislation herein referred to would lead to the opening of new and profitable markets for the products of which we have so large a surplus, and thus invigorate every branch of agriculture and mechanical industry. Of course the exchanges involved in these propositions would be rendered impossible if Congress, in its wisdom, should repeal the duty on sugar by direct legislation instead of allowing the same object to be attained by the reciprocal arrangement suggested.

Respectfully submitted,

JAMES G. BLAINE.

APPENDIX A.—EXPORTS TO LATIN AMERICA.

Statement showing the amount of breadstuffs, provisions, refined petroleum, and lumber exported to the Latin American States during the fiscal year ending June 30, 1899; also, the population of each of said States.

BREADSTUFFS.

In 1899 our shipment of breadstuffs to Latin America were as follows:

Countries.	Population.	Exports.
Mexico.....	12,000,000	\$345,048
Central America.....	2,800,000	821,314
Colombia.....	3,900,000	821,314
Venezuela.....	2,200,000	698,786
Brazil.....	14,000,000	2,812,281
Uruguay.....	600,000	2,633
Ecuador.....	1,000,000	None.
Argentine Republic.....	3,900,000	None.
Bolivia.....	1,200,000	None.
Chile.....	2,500,000	None.
Paraguay.....	250,000	None.
Peru.....	2,600,000	46,294
Total.....	46,950,000	5,135,523

PROVISIONS.

Our exports of provisions during the same year were as follows:

Countries.	Population.	Exports.
Mexico.....	12,000,000	\$390,425
Central America.....	2,800,000	255,673
Colombia.....	3,900,000	307,474
Venezuela.....	2,200,000	554,653
Brazil.....	14,000,000	433,365
Uruguay.....	600,000	42,900
Ecuador.....	1,000,000	None.
Argentine Republic.....	3,900,000	49,431
Bolivia.....	1,200,000	None.
Chile.....	2,500,000	None.
Paraguay.....	250,000	None.
Peru.....	2,600,000	114,873
Total.....	46,950,000	2,507,375

Statement showing amount of breadstuffs, etc.—Continued.

REFINED PETROLEUM.

Our shipments of refined petroleum were as follows:

Countries.	Population.	Exports.
Mexico.....	12,000,000	\$175,537
Central America.....	2,800,000	205,160
Colombia.....	3,900,000	457,819
Venezuela.....	2,200,000	72,765
Brazil.....	14,000,000	384,495
Uruguay.....	600,000	412,754
Ecuador.....	1,000,000	None.
Argentine Republic.....	3,900,000	1,839,012
Bolivia.....	1,200,000	None.
Chile.....	2,500,000	279,495
Paraguay.....	250,000	None.
Peru.....	2,600,000	106,560
Total.....	46,950,000	2,943,149

* None reported.

WOOD AND LUMBER.

Our exports of wood and the manufactures thereof, including furniture, were as follows:

Countries.	Population.	Exports.
Mexico.....	12,000,000	\$1,280,126
Central America.....	2,800,000	205,160
Colombia.....	3,900,000	457,819
Venezuela.....	2,200,000	72,765
Brazil.....	14,000,000	384,495
Uruguay.....	600,000	412,754
Ecuador.....	1,000,000	None.
Argentine Republic.....	3,900,000	1,839,012
Bolivia.....	1,200,000	None.
Chile.....	2,500,000	279,495
Paraguay.....	250,000	None.
Peru.....	2,600,000	106,560
Total.....	46,950,000	5,039,886

APPENDIX B.

Statement showing duties charged by several South American nations upon merchandise imported from the United States.

The following statement shows the duties charged by several countries of South America upon the principal articles imported from the United States. Duties are assessed upon the gross weight of the package, including the lumber of which it is made and the waste often used to fill up. The duty on petroleum, for example, is charged per pound upon the whole, the can and the wooden frame that incloses the can:

ARGENTINE REPUBLIC.

Law of 1896.

Tariff not a continuing law. Only runs the year for which enacted, each Congress modifying its provisions. Tariff except for few specified articles is ad valorem.

Tariff for 1899.

Specified articles:	Per cwt.
Wheat.....	\$0.80
Starch.....	3.50
Crackers and biscuits.....	4.50
Flour and corn-meal.....	2.00
Kerosene, per quart.....	.05

Per cent.

	ad valorem.
Furniture, preserved fruits, preserved vegetables, preserved meats.....	45
White-pine and spruce lumber.....	10
Agricultural implements:	
Plows.....	5
Spades, handles, axes, hatchets, cutting-knives, sickles.....	25
Machines for adjusting wire fences; for making butter.....	25
Fanning machines.....	5
Corn mills.....	25
Thrashing machines.....	5
Steam-engines.....	5
Mowers and reapers.....	5
Fish.....	25

Provisions:
Beef, pork, bacon, lard, butter, cheese, etc..... 25
NOTE.—By a supplemental law there is a duty of 1 per cent. additional to the rates above specified on all articles of importation.

BRAZIL.

Breadstuffs:	Per cwt.
Barley.....	\$1.00
Biscuits:	
Ship biscuits.....	1.20
Other kinds of crackers.....	4.00
Corn.....	1.00
Flour.....	1.20
Fish:	
Salted, dried, or pickled.....	.40
Preserved, in whatever manner prepared.....	5.70
Kerosene.....	1.10
Provisions:	
Hams, prepared in any way.....	4.70
Canned, of any preparation not medicinal.....	5.70
Sausages.....	9.50
Lard.....	2.30
Butter.....	6.60
Cheese.....	5.70
Wood:	
Oak (stocks).....	per meter \$0.16 to \$2.25
Pine (stocks) or other wood not classified.....	.08 to 1.68

Statement showing duties charged by several South American nations, etc.—Cont'd.

BRAZIL—continued.

Planks or logs:		
Of oak, teak, or pine	per cubic meter.	\$0.67
Staves	per pound.	.04
Chairs	each	\$0.12 to 3.36
Beds	do.	2.36 to 12.60
Bureaus	do.	2.10 to 12.60
Washstands	do.	.75 to 8.40
Tables	do.	1.68 to 15.12
Sofas	do.	.63 to 8.40

CHILL.

Articles.	Per cwt.	And ad valorem.
Agricultural implements:		Per cent
Machinery, gross	\$10.00	15
Plows, gross	6.56	15
Spades, shovels, gross	20.00	15
Forks:		
Three teeth, per dozen	7.00	15
Four teeth, per dozen	8.00	15
Five teeth, per dozen	12.00	15
Six teeth, per dozen	15.00	15
Discuts:		
Ship	4.50	35
Cabin	8.70	35
Fish, large, dried, smoked, or salted, gross	6.00	25
Salmon:		
Dried, smoked, or salted, gross	8.50	35
Tinned, gross	12.50	35
Small fish:		
Dried, smoked, or salted, net	8.50	35
Tinned, net	11.00	35
Fruits, preserves, gross	15.00	25
Naphtha, paraffine, petroleum, and kerosene	4.00	25
Provisions:		
Salted, beef or pork, gross	6.00	25
Lard:		
In tins, gross	15.00	25
In kegs, gross	11.00	25
Cheese	30.00	25
Vegetables:		
Dried, gross	75.00	25
In water, vinegar, or sauce:		
Bottled, gross	10.00	25
Barreled, gross	5.00	25
Wood:		
Furniture, on valuation		25

NOTE.—In addition to the percentage specified in the tariff, there is a surcharge of 40 per cent. on all goods.

COLOMBIA.

	Per cwt.
Flour, corn-meal, and other breadstuffs	gross weight... \$2.30
Potatoes, onions, corn, rice, and beans	do. .50
Codfish, meat in pickle	do. 2.30
Preserved meats	do. 10.00
Petroleum	do. 4.50
Lumber	do. .50
Beds, large tables for dining	do. 2.50
Other furniture	do. 15.00
Iron or steel wire for fences	do. 1.50
Machinery:	
Exceeding a ton in weight	do. .55
Under a ton in weight	do. 2.50
Agricultural machines	do. 1.00

NOTE.—An additional duty of 25 per cent. is charged (under decree 693 of 1885).

VENEZUELA.

	Per cwt.
Breadstuffs:	
Bran, barley (in husk), corn, oats, rice (in grain), rye (in grain), wheat (in grain)	gross weight... \$0.87
Beans, rice (ground), potatoes	do. 2.21
Barley, corn starch	do. 6.63
Crackers:	
Sweet	do. 6.64
Plain	do. 2.21
Wheat flour	do. 2.21
Potato, corn, and rye flours	do. 6.63
Fruits:	
Fresh apples, pears, and grapes	do. .87
Dried or in liquor or in sirup	do. 6.63
Fish (salt or smoked)	do. 2.21
Steel wire	do. 6.63
Iron wire (galvanized), unmanufactured	do. .87
Beer	do. 2.21
Kerosene	do. 2.21
Provisions:	
Hams, tongues	do. 2.21
Lard and butter	do. 2.21
Cheese	do. 6.63
Vegetables, preserved	do. 6.63
Wood manufactures:	
Common, such as boards, beams, and scantling, of pine, oak, etc., for sawing into boards	gross weight... .87
Sawn, planed, or joined, fine, for musical instruments and cabinet work, veneers, barrels, pipes, or hogheads, set up or in part, staves, blinds for doors and windows	gross weight... 2.21
Manufactured (not specified), billiard and bagatelle tables, with accessories, boxes, chairs, piano stools, carpenters' chests, planes, saddles, furniture (common) of wood, cane, or straw	gross weight... 6.63
Sashes, molding, trunks	do. 11.05
Furniture, upholstered or of fine woods	do. 11.05

APPENDIX C.—INTERNATIONAL AMERICAN CONFERENCE.

REPORT ON CUSTOMS UNION AS ADOPTED APRIL, 1890.

The committee on Customs Union has made a careful study of the questions submitted to its consideration by the International American Conference, in reference to forming a Customs Union among the several nations of this continent.

It is generally understood by Customs Union the establishing among several nations of a single customs territory, to wit, that the nations forming the union shall collect import duties on foreign goods under substantially the same tariff laws; divide the proceeds thereof in a given proportion, and mutually receive, free of duty, their respective natural or manufactured products.

The acceptance of this plan would demand, as a previous requirement, a change in the fundamental laws of the countries accepting the Union. Even after they were ready to make such changes, a great many other difficulties, almost insurmountable, would have to be overcome, as, for instance, fixing the representation of each nation at the international assembly empowered to frame a common tariff and amend it in the future. The territorial extent, the populations, and the national wealth differ so much among the American Republics that if these conditions should be taken as the basis of representation at said assembly the small states would not have sufficient protection for their interests; and if all the nations were admitted as sovereigns, to wit, on an equal footing, the large ones would be sufficiently protected. It might be necessary, to obviate this difficulty, to create two bodies, one representing the population and the other the states, as this problem was solved in the Constitution of the United States of America. But this step would, in the opinion of the committee, require not only a partial sacrifice of the national sovereignty of the American nations, but more radical changes in their respective constitutions than in their judgment they are willing to accept.

If by Customs Union is meant the free trade between the American nations of all their natural or manufactured products, what is properly speaking unrestricted reciprocity, the committee believes it is in principle acceptable, because all measures looking to the freedom of commerce must necessarily increase the trade and the development of the material resources of the countries accepting that system, and it would in all probability bring about as favorable results as those obtained by free trade among the different States of this Union.

But while the committee believes that such a union is at present impracticable as a continental system, among other reasons, because the import duties levied on foreign trade constitute the main source of revenue of all the American nations, and such of them as are not manufacturing countries would thus lose more or less such revenue, on which they depend in a great measure to defray their national expenses; while the manufacturing countries, as the United States of America, would have to abandon, at least partially, the protective policy which they have adopted to more or less extent, and they do not seem yet prepared to change that system. Besides, a reciprocity treaty mutually advantageous between two contiguous countries might prove onerous if extended to all as a continental compact, especially as the products of many of the American Republics are similar. Therefore, while these obstacles are in the way, it seems premature to propose free trade among the nations of this hemisphere.

But if it is not easy, in the opinion of the committee, to arrive at once at unrestricted reciprocity, that end might be obtained gradually and partially. The first and most efficient step in that direction is the negotiation of partial reciprocity treaties among the American nations, whereby each may agree to reciprocate or diminish their respective import duties on some of the natural or manufactured products of one or more of the other nations, in exchange for similar and equivalent advantages, as, if the mutual concessions were not equivalent, the treaties would soon become odious, could last but for a limited time, and would discredit the system. If after this has been tried for some reasonable time a good result should follow, as it is to be expected, the number of articles on the free-list might be enlarged in each case, from time to time, until they attain, through the development of the natural elements of wealth, other sources of revenue or an increase of the existing ones, which would allow the contracting nations to reach unrestricted reciprocity or a free trade among some or all the American nations.

Therefore the committee proposes:

To recommend to such of the Governments represented in the conference as may be interested in the celebration of partial reciprocity commercial treaties, to negotiate such treaties with one or more of the American countries, as it may be in their interest to make them, under such a basis as may be acceptable in each case, taking into consideration the special situation, conditions, and interests of each country, and with a view to promote their common welfare.

Mr. HALE. I offer an amendment upon this subject-matter to the tariff bill, which I ask to have read.

The VICE-PRESIDENT. The proposed amendment will be read.

The amendment was read, as follows:

And the President of the United States is hereby authorized, without further legislation, to declare the ports of the United States free and open to all the products of any nation of the American hemisphere upon which no export duties are imposed whenever and so long as such nation shall admit to its ports, free of all national, provincial (state), municipal, and other taxes, flour, corn-meal, and other breadstuffs, preserved meats, fish, vegetables, and fruits, cotton-seed oil, rice, and other provisions, including all articles of food, lumber, furniture and all other articles of wood, agricultural implements and machinery, mining and mechanical machinery, structural steel and iron, steel rails, locomotives, railway cars and supplies, street-cars, refined petroleum, or such products of the United States as may be agreed upon.

DEATH OF REPRESENTATIVE NUTTING.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, April 5, 1890.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. Newton W. Nutting, late a Representative from the State of New York.

Resolved, As a further mark of respect to the memory of the deceased and in recognition of his eminent abilities as a distinguished public servant, that the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Mr. HISCOCK. Mr. President, Newton W. Nutting was most emphatically a self-made man. He was born and resided until his death in the county and Congressional district of New York which he represented in Congress at the time of his death. The district is overwhelmingly Republican and comprises a part of the fairest portion of the State of New York; I believe that no part of the State is richer in agricultural resources; it ranks high in manufactures; the merchants and bankers in the leading towns and cities are men of marked ability and high character. Mr. Nutting was a lawyer by profession, and until his election to Congress devoted himself assiduously to the practice of that profession, and I may add that the bar of the district was a very able one. In his Congressional district an election to the House of Representatives was regarded as a distinguished mark of favor and appreciation by the constituency. Their varied industries, their dependency to some extent upon Federal aid, prompted close scrutiny into

the character and capacity of the candidate of the Republican party. I say the candidate of the Republican party because the district was so overwhelmingly Republican that whatever contest there was was within the ranks of that party, and it is just, therefore, to say of Mr. Nutting that he competed for the honor with the best and purest of the State of New York, but his political triumphs were never won by unworthy means or doubtful methods. There, sir, the tricks of machine politics and packed caucuses were unknown, and success depended entirely upon the judgment of the people, and, without undue or unseemly effort on his part, Mr. Nutting easily commanded the honors conferred upon him.

I knew him well; we were warm personal friends. He died after a protracted struggle with a painful and from the outset a recognized deadly disease. He was a devoted husband and father, and I well remember when in this Chamber, with suppressed emotion and without regret for himself, he told me of his approaching death; that he was hopelessly afflicted, and within a few months at farthest must die. It is sad, sir, to hear a strong man speak of his sure, near, and certain death, seemingly without emotion, until the thought of wife and children like a great wave rushes over him, when, with the same immobility of countenance, the tears stream from either eye.

Mr. President, Mr. Nutting was stricken down in the full strength of manhood, in the possession of all his physical and intellectual powers. He was possessed of far more than ordinary ability, was industrious, and had a rare power of application. His friends might well have expected for him higher honors than he had achieved. As I have said, we were personal friends, and "friends" hardly expresses our relation. With a most absolute confidence in his integrity and judgment I would almost unquestionably have responded to his call for support of any legislative measure here that he approved.

When a valued friend dies, for a period, at least, one feels that his place can not be supplied. It is true, however, that vacant places in our social and political life are quickly filled. I believe, sir, that it is better so, as otherwise we would always wear the badges of mourning, and it is far better for society and each individual that griefs should be put behind us while we devote ourselves to the labors of life; but, sir, it will be a long time before Newton W. Nutting will be forgotten by me and the other friends who loved and admired him.

Mr. President, I offer the resolutions which I send to the desk.

The Chief Clerk read as follows:

Resolved, That the Senate shares with the House of Representatives in its expressions of sorrow at the death of Hon. Newton W. Nutting, late a Representative from the State of New York.

Resolved, That as a mark of sympathy toward the family of the deceased the Secretary will transmit to them a copy of these proceedings.

Mr. EVARTS. Mr. President, the State of New York within the twelve months has been called upon three times to lament the death of distinguished citizens who held seats in the House of Representatives. A numerous delegation such as the State is entitled to exposes us, no doubt, to a greater frequency by this invasion of death than other States in their representations; but it has been an unusual occurrence that within this brief period three excellent and worthy Representatives, standing so high in the opinion of their colleagues, whether in that House or in this, and with the public at large, should have passed away.

My colleague [Mr. HISCOCK] has narrated the circumstances of Mr. Nutting's life, both private and public; and I might well leave that portion of the considerations that attend an occasion of this kind to what he has said; but the life of Mr. Nutting as narrated is a very striking and interesting one. It is interesting in the circumstances which I shall advert to, and remarkable, while it is not uncommon in the experience of our wide citizenship of this land.

Mr. Nutting was born near the place of his residence and his home at the time of his death, and never, I believe, moved outside of that Congressional district. He was born the son of a poor clergyman, who was unable to give the advantages of collegiate education to this son, who, from the earliest time, attracted the attention of all who saw him as giving promise for distinction in life.

But, Mr. President, while it is very common to speak of sons born in the circumstances that I have adverted to as not enjoying the advantages for a career that are open to the sons of those who live in affluence and ease, the observation of American life justifies no such opinion.

What better can there be for a career under institutions like ours than that a son should be born to a clergyman, himself educated and the husband of a wife attracted by considerations personal and elevated in character and in conduct—what better chance in life and under our institutions is there for a boy thus born and thus to be nurtured? Enjoying an academic education and with the father and mother attending his early efforts to overcome the disadvantage of not enjoying a college education (which I by no means depreciate), this boy went on and on in the eyes of his neighbors, in the eyes of his county, in the eyes of his district, and everybody knew that what he gained in public opinion and in his personal powers was what belonged to his nature and his right of birth, and his whole progress showed that he was strong enough to make his pathway for himself; and thus, without any step backward and without unseemly ostentation, he grew in the eyes of those about him till, as a natural interest of their own that his

promotion should be accorded, he took step by step in the profession, in a judicial employment, in confidence, in all the great relations of society, till he became a Representative from a great State, with great interests, in the House of Representatives.

Mr. President, it has been wisely stated, no doubt, that no one should be called fortunate until he be dead, and we might find much to notice in the darker shades of this departed life which might make us say that our deceased friend could not be pronounced fortunate when he was dead. "It is appointed unto all men once to die," but it is not appointed to all men to stand for many months in view of the open grave that is being prepared for them. It is not appointed to every man to die when he has reached the high plane of personal, of moral, and of political influence and authority, and then have all these accepted and enjoyed faculties and duties suddenly taken from him. And that was what befell our friend in his fiftieth year, when he had reached, by climbing, a plane from which no further climbing was necessary, for all the rest would follow from his accumulated power and credit.

And yet, Mr. President, when you look at the more serious relations of life, how it is but a span, whether it be of fifty years or of eighty years, and when you see that this life had been without a flaw and without a moral defeat, when you see that there gathered around him over an increasing number of adherents, admirers, and friends, and when you see, as is disclosed in what is stated by his colleagues in the House of Representatives, that his early faith had attended him from his boyhood to this open grave, we can say that this, too, is a fortunate life and a fortunate end. Mr. President, no man but must be affected by the conduct of our friend during these declining months, which have so touchingly been adverted to.

He was submissive. He was resigned. But, more than that, he was serene, and he left a memory and a faith to his household that will be to them a blessing and to them a sentence that their father's and their husband's life and the son's life was fortunate.

The VICE-PRESIDENT. The question is on the adoption of the resolutions offered by the Senator from New York [Mr. HISCOCK].

The resolutions were agreed to unanimously.

DEATH OF REPRESENTATIVE DAVID WILBER.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, May 24, 1897.

Resolved, That the business of the House be now suspended, that opportunity be afforded members to pay proper tribute to the memory of Hon. David Wilber, late a Representative from the State of New York.

Resolved, That in the death of David Wilber the country has lost the services of a safe legislator and faithful public servant.

Resolved, That as a further mark of respect to his memory the House shall at the conclusion of these ceremonies adjourn.

Resolved, That the Clerk communicate these resolutions to the Senate.

Mr. EVARTS. Mr. President, David Wilber lived to the age of seventy years, and died very near the spot in which he was born, in the Otsego district of the State of New York. Yet probably, though his home was the same, no greater change could be found in a man's lifetime than in the surroundings in which he was born and in the surroundings in which he died.

Seventy years ago, Mr. President, calls up to mind a condition of life, both in nature and society, at the spot at which David Wilber was born that was almost frontier life in a certain sense, and in some very important particulars much more of a frontier life than our present system of sending populations to occupy new lands. The railroads, the telegraphs have changed wholly the circumstances of new settlements which attended far beyond the time of Mr. Wilber's birth the situation in which he was born.

Mr. Wilber was born entirely poor, but from parents of great character and conduct in life. He followed the path of life of one who labors in the pursuit of wealth or prosperity at least. I believe that he met no misfortunes in the whole career in which he started in life with nothing but the earnings of his hands.

His thrift, his prudence, his savings, his faculties, his high moral character, and his large and increasing authority among his fellow-men brought him to be possessed of a great fortune and to be at all times an animating member of all interests surrounding him in his town, in his county, in his section of the State, in his party, and, so far as his private and public life were connected with it, the welfare of the country.

Without education, I believe, even academic, there has been no stage in his progress in which he did not show those natural faculties and those natural traits which made him adequate for increasing obligations, increasing responsibilities, and increasing duties. His relations to his neighbors, whether in the interest of commerce and manufactures, or of society, or then opening into a political career, wrought from all sides, from all portions of society, a consenting confidence in him, however differences might give preference for this or that competitor. I believe that political opponents at no time hesitated to feel that David Wilber brought into all these employments, whether public or private, a character and a conduct that every one should recognize as an advantage and an honor to the communities in which he lived.

Mr. President, he grew up to the age of seventy to see himself surrounded and the whole State filled up with largest interests of popu-

lation, of commerce, of manufacture, and of political interests of that State and that State's share of political interests in this great country.

It is not easy to speak without great respect of a life that has thus been made up from the beginning and is closed with no shadow of turning in the traits and conduct which have made him useful to his fellow-citizens and always remembered by those who survive him.

I can hardly say that I had the privilege of any beyond a mere personal acquaintance with David Wilber, but I had long known him and respected him for his situation and conduct in life.

He did not live to take his seat in this Congress, but died at home. He was elected in 1872 a member of the Forty-third Congress and in 1878 of the Forty-sixth Congress and then of the Fiftieth Congress. He was expecting and was looked for by all who surrounded him to do a useful duty during this Congress, but Providence directed otherwise. His steps were turned to a greater and higher sphere, and he passed out of life in the honorable respect and affection of all who knew him.

Mr. President, I offer the following resolutions:

Resolved, That the Senate receives with deep sensibility the announcement of the death of the Hon. David Wilber, late a member of the House of Representatives from the State of New York, and tenders to the family and relatives of the deceased the assurance of its sympathy in their bereavement.

Resolved, That the Secretary be directed to transmit to the family of Mr. Wilber a copy of the foregoing resolution.

Mr. HISCOCK. Mr. President, I avail myself of this opportunity to respectfully pay a tribute to my late colleague in the House of Representatives from the Twenty-fourth Congressional district of New York, Hon. David Wilber.

Mr. Wilber was born near Quaker street, in the city and county of Schenectady, New York, on October 5, 1820. In boyhood he removed with his parents to Milford, Otsego County, New York, where he received a common-school education.

At the time of his death he was president of the Wilber National Bank of Oneonta, N. Y. He was a Representative of the State of New York in the Forty-third, Forty-sixth, Fiftieth, and was re-elected to, but on account of the illness of which he died never took his seat in, the Fifty-first Congress.

This brief statement is the history of his progress and achievements from boyhood to manhood, and will find a parallel in the career of many of those men who have contributed to the development of New York and maintained her political and commercial supremacy. Without the advantages of inherited wealth, without the aid of a liberal education, much less than that—with a common-school education of fifty years ago—Mr. Wilber accumulated a large fortune, and by his business methods, marked by ability and integrity, so impressed himself upon a constituency represented by 36,000 voters that at four general elections he was chosen to represent them in the most honorable position within their power of selection.

I am conversant, sir, somewhat with the Congressional district that Mr. Wilber so long and so ably represented, and I believe it embraces within its boundaries the earlier settlements in New York west of Albany. Rich in agricultural resources, it early invited immigrants from more eastern parts of New York and the New England States, and Mr. Wilber was compelled to measure mental and moral forces in the achievement of his positions with the best intellects and the highest culture of his native State, and there was hardly a contest between him and others for supremacy. A thoroughly honest man, a decidedly able man, he gained, and continued to possess until his death, the esteem, absolute confidence, and admiration of all who knew him; he accumulated wealth, but not at the sacrifice of the respect of his fellow-citizens, and when he was selected to high official positions his political opponents conceded his eminent fitness, and that they were worthily bestowed by his political party. He was, sir, one of those men who, without trickery or manipulation, commanded a large support from his political opponents. He was not a brilliant man, as that expression is applied to orators, and he was not a genius, as we often apply the term to those who have been eminently successful. His growth was slow but constant and unmarked by disaster to others or by those questionable methods that are so often in the public mind obscured by great results.

It is just to say that he was not regarded as a great man, compared with many who have added to the renown of his native State; yet, sir, I can recall very few who accomplished so much as a leader, in molding sentiment or voicing its purposes, as David Wilber. And in his generation I do not recall one who has contributed more to the material interests of a Congressional district, more largely influenced its people, and at the same time maintained, as he had a right to, the confidence and respect of those whom he represented, than he.

Men of his character and achievements, taking into account the disadvantageous circumstances with which he was surrounded in early youth, are fast joining the majority upon the other side, and I believe, sir, it is more than doubtful if others will be found to fill their places.

The VICE-PRESIDENT. The question is on the adoption of the resolutions submitted by the Senator from New York [Mr. EVARTS]. The resolutions were agreed to unanimously.

Mr. EVARTS. I move that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 44 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 20, 1890, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, June 19, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

APPROVAL OF THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER. If there be no objection, the Journal as read will be approved.

Mr. MILLS. I object to the approval of the Journal.

Mr. BRECKINRIDGE, of Kentucky. Let the entire Journal be read. I think the reference of bills has not been read, as well as other matters which properly belong to the Journal.

The SPEAKER. It has not been. Only the usual portions have been read.

Mr. MCKINLEY. I move that the Journal be approved, and upon that I demand the previous question.

Mr. MILLS. I move to correct the Journal as follows—

Mr. BRECKINRIDGE, of Kentucky. I rise to a question of order. The motion of the gentleman from Ohio is not in order until the Journal has been read through. The Clerk has not read the entire Journal.

The SPEAKER. The Journal has not been read in full.

Mr. MCKINLEY. I supposed the Clerk had concluded the reading of the Journal.

The SPEAKER. The Clerk will read the remainder of the Journal. Any member has a right to demand the reading of the Journal in full.

Mr. MILLS. I move to correct the Journal in the following particulars, Mr. Speaker—

The SPEAKER. The Clerk will read the Journal. The Clerk had only completed the reading of those portions of the Journal which are usually read.

Mr. BRECKINRIDGE, of Kentucky. I did not mean, of course, to be understood as criticising the Clerk for the manner in which the Journal had been read.

The SPEAKER. Not at all; but whenever any member wants the Journal read he can have it done. The Clerk will read.

The Clerk resumed the reading of the Journal, as follows:

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 662) for the better protection of hotel-keepers, inn-keepers, lodging-house keepers, and boarding-house keepers of the District of Columbia—to the Committee on the District of Columbia.

A bill (S. 1244) for the relief of the sureties of Dennis Murphy—to the Committee on Claims.

A bill (S. 1418) for the relief of Dwight Hall—to the Committee on Claims.

A bill (S. 1759) for the relief of Maj. Joseph W. Wham, paymaster United States Army—to the Committee on Claims.

A bill (S. 1971) for the relief of William Clawson—to the Committee on War Claims.

A bill (S. 1992) relating to the execution of customs-revenue bonds—to the Committee on Ways and Means.

A bill (S. 2184) granting a pension to Sarah L. Knight—to the Committee on Invalid Pensions.

A bill (S. 2310) for the relief of M. A. Fulton, Silas Staples, and the other sureties upon the official bond of James D. Reymert, executed to the United States on the 7th of February, 1860, as receiver of public moneys—to the Committee on Claims.

A bill (S. 2750) to remove the charge of desertion against Almon R. Tobey—to the Committee on Military Affairs.

A bill (S. 2782) to provide for the reduction of the Round Valley Indian reservation, in the State of California, and for other purposes—to the Committee on Indian Affairs.

A bill (S. 2783) for the relief of the Mission Indians in the State of California—to the Committee on Indian Affairs.

A bill (S. 3078) to carry out the findings of the Court of Claims in the case of James H. Dennis—to the Committee on Claims.

A bill (S. 3134) to perfect the military record of Henry C. Barney, of Pella, Tex.—to the Committee on Military Affairs.

A bill (S. 3494) to establish a light station at or near Page's Rock, in York River, Virginia—to the Committee on Commerce.

A bill (S. 3562) authorizing additional compensation to the assistant commissioners to the industrial exhibition held at Melbourne, Australia—to the Committee on Foreign Affairs.

A bill (S. 3716) to provide for the examination of certain officers of the Army and to regulate promotions therein—to the Committee on Military Affairs.

A bill (S. 3728) granting an increase of pension to Thomas B. Shaw—to the Committee on Invalid Pensions.

A joint resolution (S. R. 90) providing for the printing of decisions of the Department of the Interior regarding public lands and pensions, for sale—to the Committee on Printing.

A joint resolution (S. R. 93) authorizing the printing of the annual report of the Chief of the Bureau of Statistics on internal commerce for 1889—to the Committee on Printing.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, a House bill of the following title with Senate amendments was taken from the Speaker's table and referred as follows:

A bill (H. R. 5381) directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes—to the Committee on Coinage, Weights, and Measures.

Mr. MCKINLEY. Now, Mr. Speaker, I move the approval of the Journal, and on that I demand the previous question.

Mr. MILLS. I have the floor to move a correction of the Journal.

The SPEAKER. The gentleman from Ohio submits a motion which is in order.

Mr. MILLS. I have the floor and the gentleman from Ohio can not take possession of it without my consent to make his motion.

The SPEAKER. The Clerk informs the Chair that the entire Journal has not yet been read.

The Clerk resumed and concluded the reading of the Journal relating to the reference of bills, petitions, etc., under the rule.

The SPEAKER. The gentleman from Ohio—

Mr. MCKINLEY. I move that the Journal of the proceedings of yesterday be approved, and upon that I demand the previous question.

Mr. MILLS. The gentleman from Ohio certainly does not want to prevent a correction of the Journal.

The SPEAKER. The gentleman from Ohio demands the previous question.

Mr. MILLS. The scent of the gentleman is keen; he smells the battle afar off.

On the demand for the previous question I ask the yeas and nays.

Mr. SPRINGER. I rise to a question of order. I make the point of order that a portion of the RECORD just read by the Clerk forms no part of the Journal of the House and can not be a part of the Journal of the House. I make the point that the Clerk has read, as of the Journal of the House, a fact which can not properly go into the proceedings of this House, because it did not take place in the House, to wit, the fact that certain Senate bills were referred to committees, particularly the amendments of the Senate to the House bill 5381—

The SPEAKER. That is a question for the House to determine.

The question is on the demand of the gentleman from Texas for the yeas and nays.

The yeas and nays were ordered.

Mr. SPRINGER. Does the Speaker deny the right of a Representative on this floor to submit a question of order?

The SPEAKER. The Clerk will call the roll.

The Clerk proceeded to call the roll.

Mr. SPRINGER. Does the Speaker deny my right to raise the question of order? You may ignore it, and put down the representatives of the people on this floor; but the people will put you down, sir, at the polls in November [applause and cheers on the Democratic side], and your party with you.

I demand the yeas and nays on this motion.

The question was taken; and there were—yeas 105, nays 117, not voting 105; as follows:

YEAS—105.

Adams,	Conger,	Laidlaw,	Smysar,
Allen, Mich.	Culbertson, Pa.	Laws,	Snider,
Anderson, Kans.	Cutcheon,	Lodge,	Spooner,
Arnold,	De Lano,	McCormick,	Stephenson,
Atkinson, W. Va.	Dolliver,	McKenna,	Stewart, Vt.
Baker,	Dunnell,	McKinley,	Stivers,
Banks,	Evans,	Miles,	Stockbridge,
Beckwith,	Farguhar,	Moore, N. H.	Struble,
Belden,	Finley,	Morrill,	Sweeney,
Belknap,	Flick,	Morse,	Taylor, E. B.
Bingham,	Flood,	O'Donnell,	Taylor, J. D.
Bliss,	Frank,	O'Neill, Pa.	Thomas,
Boothman,	Furston,	Osborne,	Thompson,
Boutelle,	Gear,	Pickler,	Vandever,
Brewer,	Gest,	Post,	Van Schaick,
Brosius,	Gifford,	Pugsley,	Waddill,
Brower,	Greenhalge,	Reed, Iowa	Walker, Mass.
Buchanan, N. J.	Hall,	Reynolds,	Wallace, Mass.
Burrows,	Hansbrough,	Rife,	Wallace, N. Y.
Burton,	Harmer,	Rowell,	Watson,
Butterworth,	Haugen,	Russell,	Wickham,
Candler, Mass.	Henderson, Ill.	Sawyer,	Williams, Ohio
Cannon,	Hill,	Sherman,	Wright,
Casswell,	Hitt,	Simonds,	Yardley.
Chandler,	Kinney,	Smith, W. Va.	
Cogswell,	Knapp,		
Comstock,	Lacey,		

NAYS—117.

Alderson,	Crisp,	Kilgore,	Quinn,
Anderson, Miss.	Culbertson, Tex.	Lane,	Reilly,
Bankhead,	Cummings,	Lanham,	Richardson,
Barnes,	Davidson,	Lee,	Robertson,
Bartine,	De Haven,	Lester, Ga.	Sayers,
Bland,	Decker,	Lewis,	Shively,
Blount,	Dunphy,	Lind,	Spinola,
Breckinridge, Ark.	Edmunds,	Maish,	Springer,
Breckinridge, Ky.	Elliot,	Mansur,	Stewart, Ga.
Brickner,	Ellis,	Martin, Ind.	Stewart, Tex.
Brookshire,	Enloe,	McAdoo,	Stockdale,
Brown, J. B.	Fitch,	McClammy,	Stone, Ky.
Brunner,	Fithian,	McClellan,	Stone, Mo.
Buchanan, Va.	Forman,	McCreary,	Tarsney,
Buckalow,	Forney,	McMillin,	Tillman,
Bullock,	Fowler,	McRae,	Townsend, Colo.
Bynum,	Geisenhainer,	Mills,	Tracey,
Campbell,	Goodnight,	Montgomery,	Turner, Ga.
Candler, Ga.	Grimes,	Moore, Tex.	Turner, N. Y.
Carlton,	Hare,	Morrow,	Vaux,
Carter,	Hayes,	Mitchler,	Wheeler, Ala.
Caruth,	Haynes,	Norton,	Whiting,
Catchings,	Heard,	O'Neill, Ind.	Whithorne,
Chipman,	Hemphill,	Owens, Ohio	Wilkinson,
Clarke, Ala.	Henderson, N. C.	Parrett,	Williams, Ill.
Clements,	Herbert,	Peel,	Wilson, Mo.
Cobb,	Holman,	Pennington,	Wilson, W. Va.
Cooper, Ind.	Kelley,	Perry,	
Cowles,	Kerr, Iowa		
Crain,	Kerr, Pa.		

NOT VOTING—105.

Abbott,	Darlington,	McComas,	Sanford,
Allen, Miss.	Dibble,	McCord,	Scranton,
Andrew,	Dingley,	McDuffie,	Soull,
Atkinson, Pa.	Dorsey,	Milliken,	Seney,
Barwig,	Ewart,	Morey,	Skinner,
Bayne,	Featherston,	Morgan,	Smith, Ill.
Bergen,	Flower,	Mudd,	Stahlnecker,
Biggs,	Gibson,	Niedringhaus,	Stump,
Blanchard,	Grosvenor,	Nuie,	Taylor, Ill.
Boatner,	Grout,	Oates,	Taylor, Tenn.
Bowden,	Hatch,	O'Ferrall,	Townsend, Pa.
Browne, T. M.	Henderson, Iowa	Outhwaite,	Tucker,
Browne, Va.	Hermann,	Owen, Ind.	Turner, Kans.
Bunn,	Hooker,	Payne,	Venable,
Caldwell,	Hopkins,	Perkins,	Wade,
Cheatham,	Houk,	Peters,	Walker, Mo.
Clancy,	Kennedy,	Phelan,	Washington,
Clark, Wis.	Ketcham,	Pierce,	Wheeler, Mich.
Clunie,	La Follette,	Price,	Wike,
Coleman,	Lansing,	Quackenbush,	Wiley,
Connell,	Lawler,	Raines,	Willcox,
Cooper, Ohio	Lehibach,	Randall,	Wilson, Ky.
Cothran,	Lester, Va.	Ray,	Wilson, Wash.
Covert,	Magner,	Rockwell,	Yoder.
Craig,	Martin, Tex.	Rogers,	
Dalzell,	Mason,	Rowland,	
Dargan,	McCarthy,	Rusk,	

So the House refused to order the previous question.

The Clerk announced the following pairs until further notice:

Mr. COLEMAN with Mr. PRICE.

Mr. TAYLOR, of Illinois, with Mr. BOATNER.

Mr. QUACKENBUSH with Mr. MCCARTHY.

Mr. BERGEN with Mr. DIBBLE.

Mr. CALDWELL with Mr. WILLCOX.

Mr. MCCOMAS with Mr. BARWIG.

Mr. DINGLEY with Mr. LAWLER.

Mr. T. M. BROWNE with Mr. ALLEN, of Mississippi.

Mr. MCCORD with Mr. MORGAN.

Mr. BOWDEN with Mr. LESTER, of Virginia.

Mr. CLARKE, of Wisconsin, with Mr. WALKER, of Missouri.

Mr. WILSON, of Washington, with Mr. SKINNER.

Mr. SCULL with Mr. OUTHWAITE.

Mr. SCRANTON with Mr. PIERCE.

Mr. LANSING with Mr. ROWLAND.

Mr. PETERS with Mr. HOOKER.

Mr. ANDREWS with Mr. MARTIN, of Texas, on the silver bill.

On this vote:

Mr. TOWNSEND, of Pennsylvania, with Mr. ROGERS.

Mr. NUTE with Mr. ABBOTT.

Mr. DARLINGTON with Mr. BIGGS.

Mr. ATKINSON, of Pennsylvania, with Mr. BLANCHARD.

Mr. TAYLOR, of Tennessee, with Mr. STAHLNECKER.

Mr. CRAIG with Mr. WILEY.

Mr. HOPKINS with Mr. SENEY.

Mr. McDUFFIE with Mr. OATES.

Mr. LEHLBACH with Mr. VENABLE.

Mr. HOUK with Mr. WASHINGTON.

Mr. DORSEY with Mr. O'FERRALL, for this day.

Mr. BARTINE with Mr. CLUNIE, on all political questions and on the bankruptcy bill, until Friday next.

Mr. KETCHAM with Mr. FLOWER, on all political questions for two weeks.

Mr. KENNEDY with Mr. YODER, on all political questions until Friday.

Mr. BROWNE, of Virginia, with Mr. GIBSON, on all political questions until Friday.

Mr. WADE with Mr. HATCH, on all political questions from this date until further notice, not to be transferred without the consent of both parties.

Mr. SMITH, of Illinois, with Mr. BUNK, on all political questions from 29th of May until further notice.

Mr. WRIGHT with Mr. CLANCY, on all political questions, except silver bill, until further notice.

Mr. MILLIKEN with Mr. CLUNIE, on this vote. Mr. MILLIKEN would vote "ay" and Mr. CLUNIE "no."

Mr. MARTINE. I was announced as being paired with Mr. CLUNIE. I wish to say that Mr. CLUNIE returned yesterday, and the pair is off. For that reason I voted.

Mr. BOATNER. I desire to withdraw my vote. I voted inadvertently, not knowing I was paired with Mr. TAYLOR, of Illinois.

Mr. HEARD. I ask unanimous consent to dispense with the recapitulation of the names.

There was no objection.

The SPEAKER. On this question the yeas are 108, and the nays are 117; and the House refuses to order the previous question. [Applause on the Democratic side.]

Mr. MILLS. Mr. Speaker, I offer the following resolution, to correct the Journal.

The SPEAKER. The gentleman from Texas offers the following resolution for the correction of the Journal, which the Clerk will read.

The Clerk read as follows:

Whereas the order of reference made by the Speaker referring House bill 5381, which was returned to the House yesterday with a Senate amendment, to the Committee on Coinage, Weights, and Measures, was incorrect under the rules of the House and without authority under said rules: Therefore,

Resolved, That the Journal of yesterday, Wednesday, June 13, be corrected by striking therefrom this entry, to wit:

"Under clause 2 of Rule XXIV, a House bill of the following title with Senate amendments was taken from the Speaker's table and referred as follows:

"A bill (H. R. 5381) directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes—to the Committee on Coinage, Weights, and Measures."

Mr. MILLS. Mr. Speaker—

Mr. CANNON. Mr. Speaker, to that I raise a point of order.

Mr. MILLS. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. CANNON. To that resolution I make the point of order—

The SPEAKER. The gentleman from Illinois has the right to make a point of order.

Mr. CANNON. I supposed so.

The SPEAKER. The gentleman will state his point of order.

Mr. CANNON. My point of order is that the resolution is not in order, for the following reasons: First, it proposes to strike out an entry in the Journal that records a matter of fact. Second, it is not in order for the reason, under the rule, that if adopted it would have the effect, if it has any effect at all, to change a reference of a bill with a Senate amendment otherwise than as provided by the rules. Rule XXIV, clause 2, is as follows:

2. Business on the Speaker's table shall be disposed of as follows:

Messages from the President shall be referred to the appropriate committees without debate. Reports and communications from the heads of Departments, and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner, and with the same right of correction as public bills presented by members; but House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of, as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House, and not required to be considered in Committee of the Whole, may also be disposed of in the same manner on motion directed to be made by such committee.

It will be seen, then, that under this rule a House bill with a Senate amendment, which Senate amendment makes an appropriation on the one hand, or contains legislation upon the other, which makes a charge upon the Treasury, shall be referred to the appropriate committee, as public bills and resolutions are referred. Now, under Rule XXIII—

Mr. ANDERSON, of Kansas. Will the gentleman from Illinois have the kindness to read again the rule on that point? I did not quite catch what he said.

Mr. CANNON. If the gentleman will turn to Rule XXIV, clause 2, he will find that it provides that House bills with Senate amendments, called messages from the Senate, may be referred to the appropriate committee, in the same manner and with the same right of correction as public bills presented by members.

Now, public bills presented by members are referred by virtue of clause 3 of Rule XXII, which provides:

All other bills—

Clause 2 speaks of private bills—

3. All other bills, memorials, and resolutions, may, in like manner, be delivered, indorsed with the names of members introducing them, to the Speaker, to be by him referred, and the titles and references thereof and of all bills, resolutions, and documents referred under the rules, shall be entered on the Journal and printed in the Record of the next day, and correction in case of error of reference may be made by the House in accordance with Rule XI on any day immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.

Now, in that connection, clause 3 of Rule XXIII provides that all motions or propositions involving a tax or charge upon the people, or touching appropriations of money, shall receive their first consideration in Committee of the Whole.

Rule XX provides:

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

So here is a Senate amendment that makes an appropriation and that makes a charge upon the Treasury. It comes over by way of a message from the Senate, and under clause 2 of Rule XXIV it is referred by the Speaker to the appropriate committee, as defined by Rule XI, which makes all provisions of this kind referable to the Committee on Coinage, Weights, and Measures.

Mr. BUTTERWORTH. Mr. Speaker, a question of order. It is impossible to hear the gentleman unless there is better order.

The SPEAKER. The House will please be in order and gentlemen will cease conversation.

Mr. CANNON. I will get the matter in the RECORD, whether I have the attention of gentlemen or not.

Mr. KERR, of Iowa. I would like to ask the gentleman a question.

Mr. CANNON. Certainly.

Mr. KERR, of Iowa. Do the amendments of the Senate provide any appropriation?

Mr. CANNON. Yes; an indefinite, unlimited appropriation, and, in addition, imposes the charge of free coinage upon the Treasury. So that it will be seen, first, that the Senate amendments are open to the point of order, and the moment that they are open to the point of order that they should receive their first consideration in Committee of the Whole, that moment, under clause 2 of Rule XXIV, it is the duty of the Speaker to refer the bill to the appropriate committee. That the Speaker has done. The Journal truly records the act done in pursuance of the rule. That is done every day that this House meets touching all classes of messages from the Senate, and also all executive documents other than messages from the President. And being referred to that committee, the rule points out one of three ways, and one of three ways only, that it can be taken from that committee. What are the three ways? Clause 2 of Rule XXII provides:

By unanimous consent or on a motion of the committee claiming jurisdiction.

Is unanimous consent asked? No. Does any committee come and make a motion claiming jurisdiction of this bill with the Senate amendments? No.

Or, third—

On the report of the committee to which the bill has been erroneously referred.

Does the Committee on Coinage, Weights, and Measures come and make a report and ask to be discharged? No. You may read the rules through and you will find no other motions provided except the three that are mentioned in this rule. Gentlemen do not claim that the rule does not mean that. It does mean that, and nothing more nor less.

If you will turn to the debates on the 13th day of last February, as found in the RECORD of the 14th of the month, you will find that the whole question was discussed between the gentleman from Georgia [Mr. CRISP] and the gentleman from Tennessee [Mr. McMILLIN] and myself, and was fully understood by the House. After the fullest and freest discussion the House adopted Rule XXIV and the other rules as they are. I had the honor at that time to have charge or management of the report from the Committee on Rules. When clause 3 of Rule XXIV was under consideration by the House by way of amendment moved by myself, the following colloquy between the gentleman from Georgia [Mr. CRISP], my colleague [Mr. SPRINGER], and myself was had bearing upon the object and meaning of said rule.

Mr. CANNON. I desire to offer the following amendment.

Mr. CRISP. How many more have you got?

Mr. CANNON. Two more.

The Clerk read as follows:

"In clause 2 of Rule XXIV strike out the following words:

"Messages from the President, reports and communications from the heads of Departments, and other communications addressed to the House, and bills, resolutions, and messages from the Senate, shall be referred to appropriate committees without debate."

"And insert the following words:

"Messages from the President shall be referred to the appropriate committees without debate; reports and communications from the heads of Departments and all other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner and with the same right of correction as public bills presented by members."

Mr. SPRINGER. I desire to propose an amendment. It is provided that the message from the President shall not be announced to the House, but referred immediately to a committee.

Mr. CANNON. Oh, no. It provides just the contrary, if the gentleman will read the first clause of the amendment.

Mr. SPRINGER. What does it provide?

Mr. CANNON. If the Clerk will read the first clause, and the words we propose to insert, it will inform the gentleman from Illinois.

Mr. ROBERTS. That was a long amendment and I did not catch it accurately, and I hope that it will be read again.

The SPEAKER. If there is no objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. SPRINGER. I think the gentleman has overlooked one clause of the Constitution, and I do not suppose that he desires to violate it. The Constitution provides that if the President of the United States should send a message here vetoing a bill it would be our duty to enter his objection upon our Journal and proceed to reconsider the bill; and the gentleman says we shall refer it to a committee.

Mr. CANNON. Not at all. If the gentleman will allow me, he did not watch closely the words proposed to be inserted. Messages from the President are to be referred to the proper committee, as heretofore. We propose, however, that reports and communications from the heads of Departments, and other communications addressed to the House, and also bills, resolutions, and messages from the Senate, shall be referred to the appropriate committees the same as public bills introduced here are referred by the Speaker. We leave the reference of the President's message as it has always been.

Mr. SPRINGER. Does not this resolution as proposed to be amended require the President's message to be referred?

Mr. CANNON. To the appropriate committee. That has been always so.

Mr. SPRINGER. But we may not desire to refer a message.

Mr. CANNON. Well, it is always subject to the order of the House.

Mr. SPRINGER. We might want to pass a bill at once over the President's veto, and by sending it to a committee we would be deprived of the privilege which the Constitution gives us, to immediately consider such a bill.

Mr. CANNON. Let us not misunderstand each other. As to President's messages, the proposed amendment leaves the matter just as it has always been and as it was under the former rules of this House, and if the rule was made differently as to the President's messages, the Constitution would control. But, as I have said, the rule as to the President's messages is left as it has always been.

Mr. CRISP. Will the gentleman permit a question?

Mr. CANNON. Yes, sir.

Mr. CRISP. As I understand the gentleman's proposed amendment, a Senate bill coming over here would never, either by title or otherwise, be read to the

House until after it had been referred to and acted upon by a committee of the House. In other words, this House would never be informed by the Speaker in clearing off his table every morning of what bills had come over from the Senate.

Mr. CANNON. In reply to the gentleman I will say that as to one class of bills the effect is—

Mr. CHIEF. But I mean Senate bills generally.

Mr. CANNON. As to one class of bills referred to here, they will be referred by the Speaker just as bills that we introduce are referred to the appropriate committees; they will be referred in that way, entered upon the Journal, and printed in the RECORD, so that everybody will know exactly what bill had come over from the Senate.

Mr. CHIEF. Mr. Speaker, I know there is some provision in these rules which provides that members of Congress, who are sent here to represent their people, are to find out by reading the RECORD what the House has done. Of course I am to be numbered among those who believe that it is the right and the privilege and the duty of a member of this House to be able to ascertain from what takes place before his eyes in the House what has been done in the House, and not to be left to the RECORD to ascertain what the Speaker has privately done, when the member has no right or privilege to make even a suggestion about the matter until after it has been done. What I want to ask the gentleman is, whether he now proposes to go further than his rules already go and to extend to Senate bills the same system which he has already provided shall obtain as to House bills and reports from committees. Is that the effect of the provision?

Mr. CANNON. In reply I will say we propose to refer Senate bills just exactly as we now refer House bills. We propose to treat bills of the Senate just as we treat the bills of members of the House.

Mr. CHIEF. Just as we now refer House bills? You mean just as your rules propose to refer them.

Mr. CANNON. Precisely. When bills come from the Senate they will go down to the Speaker's table, and under this rule the Speaker will take those bills and refer them, as the rule directs, to the appropriate committees, and they will be entered upon the Journal and printed in the RECORD.

Now, if the gentleman will take the latter portion of this clause he will see that it does not refer to House bills with Senate amendments, nor to Senate bills where a committee directs their consideration, a committee of the House having reported favorably substantially the same bill. So that, instead of the individual member having less privilege under the proposed rule than he has had heretofore, both the committees of this House and the individual members will have far greater privilege and power than they ever have had under the rules of the House in former Congresses.

Mr. CHIEF. Only a word more, because I do not want to take up time in debating this. Perhaps we shall have something to say later on the idea that runs all through these rules of minifying, so to speak, the individual member, especially if he be of the minority, and magnifying the committee service and the Speaker, taking away from the individual the right to be heard upon important questions. But for the present I will waive that, and will call the attention of the other side of the House to one effect of this proposition. I call your attention to this, gentlemen, because this proposition you have not ratified in caucus; you are not bound and sworn to support it, because it is not in the printed rules; it is new matter and therefore I take it that you are open to conviction upon this point. Every old member of this House knows the importance and the value to a Representative here of the privilege, which he has heretofore had, when the presiding officer laid before the House a Senate bill, of rising in his place and saying, "I ask unanimous consent to put that bill upon its passage."

But under this provision that privilege is to be taken away, because all Senate bills are to be referred by the Speaker. The older members of this House can note and remember many bills that have been passed in that way. I might almost say, and I think I would be within the facts if I said it, that there have been more private bills passed in that way since I have been a member of the House than on all the Fridays that you have met in Committee of the Whole to consider private bills. Now, this proposed rule would deprive you gentlemen of that privilege. It may not seem important to you that it deprives us of that privilege, because a great many of our rights we see going with the adoption of these rules, but, appealing to your own interests, I say to you that this proposition deprives you of a privilege which members who have had experience here know to be a very important and valuable one to a Representative upon this floor.

Again, in answer to questions from the gentleman from Kentucky [Mr. BRECKINRIDGE] I answered as follows:

Mr. CANNON. Mr. Speaker, this amendment, which I offer to the proposed code of rules by the direction of the committee, is a very simple amendment; there can be no misunderstanding it, if gentlemen will give attention for a moment.

All Senate bills and all communications from the Executive Departments are provided for, so far as their reference is concerned, by these rules as we propose to adopt them. The jurisdiction of the various committees is defined. Under these rules when these Senate bills or Executive communications come in and are laid on the Speaker's table it is made the duty of the Speaker, instead of laying them one by one before the House for reference, to refer them to the appropriate committees; and then there is power for correction of any misreference, just as there is in the case of House bills otherwise provided for in the code.

Mr. McMILLIN. But even there—

Mr. CANNON. Let me finish answering the gentleman.

Mr. McMILLIN. I beg pardon.

Mr. CANNON. Now, the object of this proposed amendment is twofold: first, to allow the business from the Senate and from the Executive Departments to go daily and hourly to the committees that we have created and whose jurisdiction we have marked out, instead of permitting such business to accumulate, as it now sometimes does, day after day, piling up a foot high on the Speaker's table, until it can be laid before the House bill by bill or communication by communication for the formal action of the House. The proposed amendment secures promptness and certainty of action. If you do not adopt it you have communications or bills piling up a foot high to be "performed upon," if you please, for a day, a week, a month, or a year under the leadership of my genial friend from Missouri [Mr. BLAND], with motions to misrefer to one committee and another, with roll-calls, etc., upon these various motions.

This is in the interest of orderly, prompt dispatch of business.

Now, so far as one class of Senate bills are concerned, House bills with Senate amendments which do not make any charge upon the Treasury, and Senate bills similar to House bills which have been reported favorably, which do not make any charge upon the Treasury, in a subsequent clause of the rule which we do not touch, can be taken up the moment they come into the House and the Speaker's table is reached, and disposed of by the House, passed, rejected, or referred, as the House may choose.

Mr. Speaker, it is seen that the rule is perfectly plain and the construction was fully understood by the House, and especially by the gentlemen [Mr. CHIEF, Mr. SPRINGER, and Mr. McMILLIN], at the time it was adopted, and fully criticised by them.

Now, then, having said that much as a foundation upon which to make my point of order, what does the amendment of the gentleman from Texas [Mr. MILLS] seek to do? It seeks to strike out, to expunge, and change that entry on the Journal which records the reference of the bill to the Committee on Coinage, Weights, and Measures under the rule. It seeks to strike out a recital of fact. That is what the Journal recites. Facts are facts, whatever you may resolve to do, and the record of that fact stands there, and the motion to strike out is not in order. It is not in order by striking out to seek to take up this bill, which has been referred to the Committee on Coinage, Weights, and Measures, in some other method than that prescribed by the rules.

I know there is interest in this legislation; I know that it is an important matter; I know that gentlemen desire to consider it, and it ought to be considered, but no man on the floor of this House, whatever his views may be touching the merits of this legislation, can consistently, in my opinion, with his own conscience, or dare upon his responsibility as a member of the House and in the face of the country, strike out a recital of fact in the Journal which is a fact whether you falsify the Journal or not and be successful in this left-handed, unparliamentary method in taking that from a committee which under the rules of this House the committee has.

Therefore, I make the point of order that the amendment is not in order.

Mr. MILLS. Mr. Speaker, the position assumed by my friend from Illinois is one of the boldest, one of the most reckless, and one of the most absurd propositions that has ever been assumed before a deliberative body. It only shows, Mr. Speaker, how a bright, well stored and well disciplined mind may become beclouded by starting out in error and pursuing that course. It calls to mind those beautiful lines of Pope—

Vice is a monster of so frightful mien,
As, to be hated, needs but to be seen;
Yet seen too oft, familiar with her face,
We first endure, then pity, then embrace.

[Applause on the Democratic side.]

The gentleman and his party set out at the beginning of this Congress by asserting before the country, by a code of rules which they adopted, that one man, or a triumvirate of men, could control the Congressional action of the Representatives of 66,000,000 of people, and the gentleman seems to be overwhelmed with astonishment when a motion is made in a representative assembly to correct the Journal which that body is required, by the Constitution that creates it, to keep, which Journal is required to be kept by the House, and not by the Speaker, nor by anybody who serves upon his legislative staff. The Constitution provides that the House shall keep the Journal, not that the Speaker shall keep it, not that the Committee on Rules shall keep it, but that the House, the Representatives of the people here assembled to transact their business, shall keep a Journal for the inspection of their masters who have sent them here, so that the people may be able to hold their Representatives responsible for their legislative conduct. And when a misstatement is placed by the Speaker, under whatever motive, in that Journal, and that statement is challenged by a member of the House on the floor as being incorrect, we are met with the assertion, and it is argued with force and vehemence, that it is not in the power of this House to discharge the obligation which is imposed upon it by the Constitution which creates it, and which we are sworn to support.

Now, Mr. Speaker, it is clear that we have a right to correct this Journal. It is the Journal of the House; and I was astonished that the Speaker did not tell the gentleman from Illinois [Mr. CANNON], as he told my other friend from Illinois [Mr. SPRINGER], that this was a question which the House must determine and which it was proceeding to determine for itself. My friend from Illinois [Mr. SPRINGER] made a point of order on this very Journal, and the Speaker stopped him from discussing it, stating that it was a question the decision of which belonged to the House, and the House was now proceeding to render that decision. What say the rules which you yourselves have made? Why, the rule says that when a private bill is introduced for the first time in this House the Speaker shall refer it. The rule says further, that when a public bill is introduced for the first time in this House the Speaker shall refer it to the appropriate committee. It says further, that when a bill comes from the Senate and is to be first considered in this House, the Speaker shall refer it. That is very clear, and why? Because in all legislative bodies, and in this especially, the very base of investigation is a committee of the House. Now, this bill has passed through all these forms and stages. This is a House bill. It came to the House from the Committee on Coinage, Weights, and Measures, to which committee the Speaker referred it when it was first introduced. It was considered by this House; it went to the other House of Congress which was charged with its consideration after it passed from this House. In that other body it was referred, under its rules, to the appropriate committee, and was reported back to the Senate. It has passed the Senate with an amendment, and it has now got beyond all committees except the Committee of the Whole of this House under certain conditions.

When that bill, or any bill, comes back from the Senate, if it contains a provision which, had it been in the original bill when first introduced in the House, would have sent the bill under our rules to the Committee of the Whole, then the bill goes to the Committee of the Whole on a point of order, and any one of the three hundred and thirty members of this House could have made the point of order on this bill, and the Speaker would have been compelled under the rules to send the bill, if it contained such a provision, to the Committee of the Whole.

Mr. BURROWS. Will the gentleman allow a question there, just to elucidate the matter? How did it happen that your tariff bill in the last Congress, when it had passed the House and gone to the Senate and been amended there and had come back to the House, was referred to the Committee on Ways and Means?

Mr. MILLS. I am coming right to that now, and perhaps you had better busy yourself by telling the House how your tariff bill has been dealt with.

Mr. BURROWS. Will the gentleman state under what rule it was that his tariff bill, when it came back to this House with the Senate amendments, was referred to the Committee on Ways and Means?

Mr. MILLS. I will answer the question.

The SPEAKER. The gentleman declines to be interrupted.

Mr. MILLS. Oh, Mr. Speaker, I do not mind the interruption at all. I will answer the gentleman. It was done by the unanimous consent of this body; just as appropriation bills when they come back to this House from the Senate with Senate amendments are generally referred to the Committee on Appropriations. But that is done by unanimous consent; it is done by the House, not by the Speaker; it is done by the consent of the House, nobody objecting. But now, suppose that when the bill had come back to this House, the rules of the House requiring that every bill which makes a charge upon the people shall receive its first consideration in the Committee of the Whole, my friend from Michigan [Mr. BURROWS] had asked to have that bill referred to his committee and I had made the point of order that, under the rules of the House, the bill had got to receive its first consideration in Committee of the Whole, the Speaker would be bound, if he intended to execute faithfully the rules of this House, to sustain my point of order and send the bill to the Committee of the Whole. I know that bills coming back from the Senate with amendments are repeatedly referred to committees; that is done constantly with appropriation bills which are sent to the Committee on Appropriations, but it is done with the consent of the House.

But, Mr. Speaker, here is a bill that has passed the House and gone to the Senate; it has passed the ordeal of investigation in the committees of both bodies, and now it comes back to this House from the Senate with an amendment, and not that exceptional kind of amendment which would send it to the Committee of the Whole. Where is it, then? Where does it rightfully belong? Why, under the rule of this House, which I will read to you, it belongs right here in this House. The question on the bill is a question between the Senate and the House. There is a disagreement between the two bodies. The bill having passed beyond the committees of both Houses, it is here before the House, and the question is to be determined by this body whether we will concur with the Senate amendment or whether we will non-concur and ask for a conference and see whether an adjustment can be made as to the disagreeing votes of the two Houses upon certain parts of the bill. I will read the rule.

Mr. ANDERSON, of Kansas. What rule?

Mr. MILLS. Rule XXIV, second paragraph, near the bottom:

House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine; as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House, and not required to be considered in Committee of the Whole, may also be disposed of in the same manner on motion directed to be made by such committee.

"As the House may determine." The bill has passed beyond the reach of any committee of the House except the Committee of the Whole. It is here on the Speaker's table. The Speaker, in violation of this rule, referred it to the committee, and I say that in no captious sense; perhaps the Speaker thought that was a proper construction of the rule, but it is perfectly clear to any man, it seems to me, who will look at it that the bill is here for the determination of the House and not for any one of its officers.

Now, Mr. Speaker, the Journal discloses the fact that this bill has gone, by the Speaker's order, beyond the jurisdiction of the House, and that being so it is entirely proper for the House to make such an order as will correct this erroneous action on the part of an officer of the House and make the Journal state the exact facts. The House has authority to demand that this bill shall be brought before it—

Mr. PETERS. Will the gentleman yield for a question?

Mr. MILLS. Oh, yes.

Mr. PETERS. Of course the gentleman from Texas knows that I am with him on the question of free coinage of silver, and always have been, and I am very anxious to see things in this connection as does the gentleman from Texas. But, as I understand it, this bill as amended by the Senate calls for an appropriation—

Mr. SPRINGER. The Senate cut out the larger part of the appropriation.

Mr. PETERS. And under our rules it must be considered in the Committee of the Whole House on the state of the Union. If so, the clause of the rule to which the gentleman refers does not apply.

Mr. BRECKINRIDGE, of Kentucky. Why?

Mr. MILLS. Will the gentleman state that proposition again?

Mr. PETERS. I understand this amendment of the Senate provides for an appropriation. Consequently, since all bills or amendments providing appropriations must be considered in Committee of the Whole, the rule to which the gentleman refers does not apply.

Mr. MILLS. Even in that event it should have been sent by the Speaker to the Committee of the Whole House on the state of the Union, and not to the Committee on Coinage, Weights, and Measures.

Mr. KERR, of Iowa, and others. Oh, no.

Mr. OATES. Will the gentleman from Texas yield for a question?

Mr. MILLS. Certainly.

Mr. OATES. The gentleman from Illinois [Mr. CANNON], as I understood him, made the point that this bill did make an appropriation. Now, is not the appropriation clause in the bill identical with the one which it contained originally when it passed the House, and not an appropriation put upon it by the Senate?

Mr. SPRINGER. The Senate have cut out the appropriation for the purchase of silver bullion.

Mr. MILLS. The House bill provided for the purchase of silver bullion.

But, Mr. Speaker, I can not understand why our friends who are such great friends of silver, and who want to increase the volume of good money amongst the people of the country, and say so everywhere else except when they come into this House and are charged with the duty of redeeming the promises made to their people—then they are endeavoring to conjure up all sorts of objections as to why they should not discharge their obligations to the people—I say I can not understand the inconsistency of their course in regard to this bill. Why, our friends over there made promises to the American people in the last Presidential election, and they promised that they would be the very best friends of silver if the people would return them here again. You said about silver what you said about the tariff and taxation; and you used a word which meant that those should go up or go down, as the case may be. It was "going up" when talking with the barons who made steel rails and pig-iron, and it was going down when you were talking to the people who had the taxes to pay, and you never got beyond the word "revision." You came to this House pledged to the people, and you redeemed your promise to reduce taxation in the interest of the people by increasing the burdens of the people, by destroying the commerce of the country, destroying their labor, and spreading distress and suffering abroad in the land. [Applause on the Democratic side.]

Mr. KERR, of Iowa. I rise to a question of order.

The SPEAKER. Does the gentleman from Texas yield for a question?

Mr. KERR, of Iowa. I did not rise for a question, but to a question of order. It does not seem to me that discussing the tariff is pertinent to this question. [Laughter on the Democratic side.]

Mr. WHEELER, of Alabama. It hurts mighty bad, does it not? [Laughter.]

The SPEAKER. The gentleman from Texas will proceed.

Mr. MILLS. I think it will occur to the constituents of my friend from Iowa that it is a very pertinent question to discuss now and very soon at the hustings. You have promised to be the devoted friends of both gold and silver—a bimetallic circulation. You were the friends of an increased volume of circulation of gold and silver, and all that could be done to relieve the wants of the people, owing to the constricted condition of the currency; you were pledged to it, and you said you would do it better than these heathen Democrats. [Laughter.] Here is what you said. It is good reading; I will call your attention to it, gentlemen; and it may be well when you read your Bible and go down on your knees at night to commit your souls to the keeping of Divine Providence that you should also read and reflect over these promises and see how well you have kept them:

The Republican party is in favor of the use of both gold and silver money, and condemns the purpose of the Democratic party in its efforts to demonetize silver.

Who is now making efforts to demonetize silver?

Mr. KERR, of Iowa. No one.

Mr. MILLS. Who is trying to get it off into a hole somewhere?

Mr. KERR, of Iowa. No one.

Mr. MILLS. Who is making the point of order to-day to keep this legislation back from the people and prevent the redemption of the promises which all the parties have made to them?

A MEMBER. No one. [Laughter.]

Mr. MILLS. Here stand all the members of this side of the House, except what you may count on the fingers of one hand, ready to redeem that promise demanded by the people; and we have asked you on that side to come to our assistance and enable it to be done. We are ready to perform our duties, and we are here challenging you to give us the opportunity, and that the two together should redeem the promises to the American people. You have charged that we are not faith-

ful to the people on the question of coinage. We passed a free-coinage bill over twelve years ago. It went to the Senate, and your Republican Senate put a restriction upon it, and prevented it from being what the Democrats of the House asked that it should be.

Again a few years afterwards we did it, and you sent it back to us emasculated. Again we sent another bill to the Senate, framed as best we could in view of the stand taken by that side of the House. But the Republicans on the other side of this building, a minority of them with the Democratic members there, send back this bill with promises to redeem our obligations to the people embodied in it; and now when it comes back there is nothing for you to do but to concur in what they have done. This is all that is left for us, to concur and pass the bill. Why do you send that bill to the Committee on Coinage, Weights, and Measures? Why do you want it to go there? Why do you make a plea to send it there, beyond the reach of the House, where, perhaps, it will remain buried forever? And if it comes back—as it may in the providence of God at some future time—when it does come none of us will know the bill. [Applause on the Democratic side.] You will have some more bullion in it and other things which will give the Secretary of the Treasury power to stop the free coinage of silver. I give you, gentlemen, fair notice now that we are going to have a free and unlimited coinage of silver in this country. [Applause on the Democratic side.]

Mr. BIGGS. That is right.

Mr. MILLS. I give you notice now that we will call on you soon at the hustings, and we will ask the American people to ask you why it is that when they sent you here as the friends of silver, as you professed to be, you refused, you debated, you halted, and you put on your armor and fought to the death to prevent the consummation of their desires and the fulfillment of your promises. [Applause on the Democratic side.]

Mr. PETERS. Mr. Speaker, I want to read the provision to which the gentleman from Texas [Mr. MILLS] called attention and to which I call his attention:

But House bills—

I read from paragraph 2 of Rule XXIV—

But House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine.

Now, if this bill requires consideration in the Committee of the Whole, then the paragraph does not apply to it; and there seems to arise here a question of fact as to whether the amendments placed upon the bill by the Senate do require consideration in Committee of the Whole. If they make an appropriation, why, then, under the rules of the House, certainly they must go to the Committee of the Whole, and there can be no question about it.

Mr. SPRINGER. Will the gentleman allow me?

Mr. PETERS. If the Senate bill does not make any appropriation, or if it does not provide for the expenditure of money, then it would come under the clause referred to by the gentleman from Texas [Mr. MILLS].

Mr. SPRINGER. Will the gentleman allow me? The original bill provides for the appropriation of \$4,500,000 a month for the purchase of bullion to be coined. This bill strikes that provision out and only provides an appropriation for the purpose of paying the expenses of the free coinage of silver.

Mr. BUCHANAN, of New Jersey. That is an appropriation all the same.

Mr. SPRINGER. So that this amendment is an amendment which reduces the amount in the bill which passed the House, and the point of order never has been sustained that a bill shall be considered in the Committee of the Whole when the Senate has reduced the House appropriation.

Mr. CUTCHEON. But, nevertheless, the bill makes an appropriation, and must go to the Committee of the Whole.

Mr. PETERS. Under the very admission the gentleman from Illinois makes—

Mr. BLAND. I would like to ask—

Mr. PETERS. This is an appropriation different from that which was in the bill as it passed this House.

Mr. BLAND. I would like to suggest—

Mr. PETERS. These gentlemen put upon that bill the provision of free coinage, and for the purpose of carrying out free coinage they provided an appropriation, and both those provisions were foreign to the bill as it passed the House, and that calls for an entirely different action on the part of this House.

Mr. BLAND. Mr. Speaker, I would like to make the suggestion—

Mr. PETERS. It calls for consideration in Committee of the Whole, as I understand.

A MEMBER. How does it get there?

Mr. BLAND. The point in this resolution is this, if I understand it, that the bill itself, in its condition, coming from the Senate, is not a subject that may be referred under the rule at all. It is not a question of an improper reference under the rule. Now, if a bill is referred improperly the rule provides how that may be corrected: first, by unanimous consent; second, on motion of a committee claiming juris-

diction. But here is a bill that ought not to have been referred; that is to say, it is not an improper reference, but a reference where there was no right under the rule to refer at all.

Mr. PETERS. Why, Mr. Speaker—

Mr. BLAND. Just one moment. Hence it is a question affecting the dignity and the integrity of the proceedings of the House; that is, that a bill has been referred which under the rules is not for reference at all. It is not an improper reference under the rules, but the reference by the Speaker of a bill that was not under the rules of the House the subject of reference; and hence to correct that is a question of the highest privilege in this House.

Mr. PETERS. Mr. Speaker, I should be very glad if I could conscientiously see through the same glasses that my friend from Missouri [Mr. BLAND] does, but these rules were deliberately adopted by this House, and we either must ignore them, or must stand by them, or repeal them.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman allow me?

Mr. PETERS. And I will call the attention of the gentleman to this fact, that a bill that has passed the House, gone to the Senate, has been there amended, and is upon the Speaker's table—that bill can never be considered by the House except by unanimous consent. We have it here time and time again, morning after morning, when these bills are placed before the House, that it is only by unanimous consent.

Mr. DOCKERY. Oh, no.

Mr. PETERS. And when an objection is made the bill must go to the committee.

Mr. BRECKINRIDGE, of Kentucky. Under what rule?

Mr. PETERS. Wait one moment.

Mr. BRECKINRIDGE, of Kentucky. All right, I will not interrupt the gentleman.

Mr. PETERS. I will yield in a moment if the gentleman from Kentucky will allow me to finish my sentence. I want to call attention to this case: Here is a House bill that comes over from the Senate with amendments. Now, the gentleman from Missouri says that this bill is not properly referred to a committee. Well, that would be the case if it did not provide for an appropriation. If there was nothing in the Senate amendment that called for an appropriation, and which called for consideration in the Committee of the Whole, why then it could be laid before the House by the Speaker, and it would be then considered by the House; but when it provides for an appropriation, then under the rule it must be referred to the committee having charge of it, unless by unanimous consent, or unless by action of that committee, it is disposed of otherwise. I should be glad to see this in any other light, but it seems to me any fair construction of the rule must lead to that one conclusion.

Mr. BIGGS. Will the gentleman allow me?

Mr. SPRINGER. Mr. Speaker—

Mr. OATES addressed the Chair.

Mr. BIGGS. I would like to ask my friend from Kansas [Mr. PETERS] a question by permission of the Chair. Have I that permission?

The SPEAKER. Does the gentleman from Kansas yield to the gentleman from California?

Mr. PETERS. Yes.

Mr. BIGGS. You say you are in favor of the free coinage of silver?

Mr. PETERS. I am, sir.

Mr. BIGGS. Why do you stand upon technicalities here? Why do you not come out and vote for it like a man? [Laughter and applause on the Democratic side.] I mean just what I say.

Mr. PETERS. Now, Mr. Speaker, I want with regard for the oath I have registered to represent my constituents and to obey the Constitution and laws and the rules of this House.

Mr. BIGGS. Yes, sir; but the constitution of your State says nothing but gold and silver shall be legal tender.

Mr. PETERS. And I will go just as far as any one to reach that conclusion, but I will do so honorably.

Mr. BIGGS. You would strain at a gnat and swallow a camel.

Mr. PETERS. I will not seek to attain that end in a dishonorable way; but if reached at all it must be reached in an honorable way.

Mr. BIGGS. Let us have this fight out right here. [Great laughter.]

The SPEAKER. The House will be in order.

Mr. BIGGS. Mr. Speaker, I am an old man, and I am going home tomorrow, and I want to ask the gentleman one more question. [Laughter.]

The SPEAKER. The Chair can not, even under that consideration, permit disorder. [Renewed laughter.]

Mr. BIGGS. Then I move to strike out the last word. [Renewed laughter.]

The SPEAKER. The gentleman from Georgia [Mr. CHAP] is recognized.

Mr. BIGGS. As an American citizen—

The SPEAKER. The gentleman from California is not in order.

Mr. BIGGS. Then I rise to a parliamentary inquiry.

The SPEAKER. Will the gentleman from California be in order?

Mr. BIGGS. I will, sir.

The SPEAKER. Then the gentleman from Georgia [Mr. CRISP] will proceed. [Laughter.]

Mr. CRISP. Mr. Speaker, I wish only to detain the House for a moment to present what I conceive to be the real situation in which we find ourselves and to invoke such a decision of this question as will be in harmony with the previous rulings of the presiding officer of the House, so that we may have indeed and in fact a rule to go by, a rule which we can all understand, and which may be uniformly observed in the conduct of business in the House. If this were an open question, if there had been no decision by the presiding officer upon this question, then there might be room for debate and discussion as to what was the effect and purpose or intention of clause 2 of Rule XXIV, under which the Speaker has privately referred this bill.

The House passed a bill for the coinage of silver. It went to the Senate. The Senate amended the bill. It was returned to the House, and the Speaker, under Rule XXIV of the House, but not in open House, referred the bill to the Committee on Coinage, Weights, and Measures.

Now, this reference was either right or it was not right. Either Rule XXIV gives the Speaker such right or it does not give it. Gentlemen who have discussed the question have discussed it upon the rule itself. I propose to call the attention of the House to the fact that there has been an express ruling by the present Speaker of the House upon his power in this respect on a bill exactly all fours with this. Now, Mr. Speaker, there may be discussion as to the propriety or the impropriety of a given or a proposed rule, but there can be no discussion as to the propriety and desirability of uniformity of ruling by the presiding officer of the House; where the facts are the same the ruling should be the same.

It is of much more importance that the rulings of our presiding officer should be uniform than it is that they should be correct. If they are incorrect, they may, when first made, injuriously affect the rights of the House respecting the measure or measures upon which they are made, but if thereafter such incorrect rulings are uniformly observed, then we can get along, although the original ruling was wrong; because we know how the rules are construed, we know what to expect, and we know what our rights are.

Now, Mr. Speaker, on the 30th day of May last the Senate had before it House bill 407, a bill relating to the erection of a post-office building in the city of Washington. The Senate amended that House bill so as to make it read as follows:

That in order to provide an eligible site for a city post-office the Secretary of the Treasury be, and he is hereby, empowered and instructed to acquire, as hereinafter provided, the following-described real estate, embraced in square numbered 323 of the said city, etc.—

And then describes the boundaries and proceeds—

and a sum of money sufficient to pay for said lot or lots or any part thereof, in the manner hereinafter provided, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

That bill so amended came to the House.

Mr. BUTTERWORTH. Will my friend point out the distinction between the two bills? I do not know what the original bill contained, and whether it was not for the same purpose as the original bill.

Mr. CRISP. The original bill? I do not know that I can give you the provisions of the original bill from this RECORD.

Mr. BRECKINRIDGE, of Kentucky. I have the original bill, which shows what is stricken out and what is inserted.

Mr. CRISP. The original bill carried an appropriation.

Mr. BUTTERWORTH. Of not greater than a certain amount.

Mr. CRISP. The original bill carried an appropriation. I do not know how much.

Mr. MILLIKEN. It carried an appropriation of \$275,000.

Mr. CRISP. The gentleman states that it carried an appropriation of \$275,000 as it passed the House.

Mr. MILLIKEN. And \$300,000 for the building.

Mr. CRISP. The bill passed the House and went to the Senate. The Senate amended it by appropriating—

a sum of money sufficient to pay for said lot or lots or any part thereof, in the manner hereinafter provided.

It came back to the House thus amended.

Mr. BUTTERWORTH. Right there. I do not remember what are the limitations to which the words "hereinafter provided" refer.

Mr. CRISP. They refer to the proceedings of condemning this property and acquiring title by condemnation.

Mr. FARQUHAR. Was it not an indefinite appropriation, simply on account of the provision that they were to acquire land different from that specified in the House bill?

Mr. CRISP. I do not know. On the 3d day of June last, that bill was laid before the House by the Speaker. I read from the RECORD:

The SPEAKER laid before the House the bill (H. R. 407) to authorize the acquisition of certain parcels of real estate embraced in square No. 323 of the city of Washington, to provide an eligible site for a city post-office; said bill having been passed by the Senate with amendments and with a request for a conference thereon with the House.

The amendments were read.

Mr. MILLIKEN. I move that the House non-concur in the amendments of the Senate and agree to the conference asked.

Mr. ROGERS. I rise to a parliamentary inquiry. How does this bill come before the House? Is it a conference report?

The SPEAKER. It is a House bill with Senate amendments.

Mr. ROGERS. Does it fall within clause 2 of Rule XXIV? Does not the bill carry an appropriation?

Mr. MILLIKEN. The bill has already been considered by the House in Committee of the Whole.

The SPEAKER (after examining the bill). There is no appropriation in the bill.

Mr. ROGERS. Does it not involve an appropriation or a charge on the Treasury?

The SPEAKER. The House bill has been considered in Committee of the Whole.

The Speaker says: "The House bill has been considered in Committee of the Whole." What does he mean by that?

Mr. BUTTERWORTH. Right there let me suggest to my friend that the potent and controlling fact in that case was whether the bill carried an appropriation or not, and the Speaker had just said that it did not carry an appropriation.

Mr. CRISP. If the gentleman will turn to the rule he will see that is not the potent fact. He will see that the potent fact is whether or not it makes a charge on the people.

Mr. BUTTERWORTH. Oh, no.

Mr. CRISP. Oh, yes; look at your rule.

Mr. BUTTERWORTH. The Speaker, in response to the question whether the bill carries an appropriation, says that it does not, and then he goes on to say that the original bill was considered in Committee of the Whole.

Mr. CRISP. Well, what did he mean by that?

Mr. BUTTERWORTH. Well, I have not read the rest of his remarks. [Laughter.]

Mr. CRISP. He meant either something or nothing. He either meant to imply that the consideration of the bill in Committee of the Whole before it went to the Senate dispensed with the necessity of the consideration of Senate amendments in that committee when it came back, or else his words would seem to be idle; and the gentleman who presides over this House, whatever else may be said of him, fully understands the use of words. [Laughter.] I read further:

Mr. ROGERS. That is not the point I am trying to get at. I simply wanted to know whether this is one of the bills that can be appropriately laid before the House at this time under the rules.

I ask, says the gentleman from Arkansas, is this bill which you now lay before the House one of those bills that can be appropriately laid before the House at this time under the rule?

The SPEAKER. The Chair thinks so.

Mr. ROGERS. That is all. I simply wanted to understand the practice.

Mr. CRISP. Now, Mr. Speaker, as I said at the outset, the important thing for this House to do, if it intends to have rules which will protect the rights of individuals, the rights of the people, and the rights of the House in the aggregate, is to conform to the rulings heretofore made by the Speaker of the House under these new rules. The gentleman from Arkansas [Mr. ROGERS] said that he wanted to know the practice, and that is what we all want to know. It is not necessary to say to so intelligent a body of men as this that it is important that we should know what the practice of the House is. Is it to be the practice that when a House public building bill comes back here with a Senate amendment it shall be in order for the Speaker to submit it at once to the House, but when a Senate amendment is put upon a House silver bill, which amendment gives the people free coinage of silver, the practice shall be to bury that bill in one of the committee rooms of this House by a private reference, without submitting the bill and amendment to the House at all?

Mr. BUTTERWORTH. Mr. Speaker, possibly I may reply to my friend from Georgia after awhile, but I do not understand that the gentleman's communication to the House conveys all of the facts touching the opinion of the Speaker.

Mr. CRISP. I have read every word of it.

Mr. BUTTERWORTH. I understand that; but it is perfectly clear, since the gentleman says himself that whenever the Speaker of this House makes an observation he always means something by the word he uses, that he also meant something more when he said a certain bill as it comes back does not carry or make an appropriation.

Mr. CRISP. But let me interrupt—

Mr. BUTTERWORTH. One moment. I say thereby suggesting that it did not come within the rule which would send it to the Committee of the Whole House on the state of the Union.

Mr. CRISP. But let me suggest this to the gentleman from Ohio: Suppose it did not carry an appropriation?

Mr. BUTTERWORTH. Ah, that is just the very point; that is the point involved here.

Mr. CRISP. No, that is not the point. The gentleman is begging the question. After the Speaker said that there was no appropriation in the bill, and after he said that the House bill had been considered in the Committee of the Whole, the gentleman from Arkansas says:

That is not the point I am trying to get at.

He did not ask whether it carried an appropriation, or whether it had been considered in Committee of the Whole, but he simply wanted to know whether it was one of the bills that could be properly laid before the House at that time under the rules.

Mr. BUTTERWORTH. And the Speaker of the House said so.

Mr. CRISP. The Speaker decided as I have read.

Mr. BUTTERWORTH. Yes, he having already given the reason I submit, that it is one of the bills referred to under this clause 2.

Mr. CRISP. He did not say so.

Mr. BUTTERWORTH. No, but that was a fair inference from the language. That is a proper construction.

Mr. CRISP. It is easy to draw inferences favorable to what we are anxious to see sustained.

Mr. BUTTERWORTH. I will say to my friend frankly that, if the Speaker consciously made a ruling which my friend says he did make, I would dissent from it as incorrect and would ask him to reverse it as an obviously erroneous ruling.

Mr. CRISP. Well, if the gentleman from Ohio did that, it would be the first ruling of the present Speaker to which he has made, so far as I am informed, any objection. [Laughter.]

Mr. BUTTERWORTH. Well, I am gratified to know that the Speaker has been generally right, although annoying to some of my friends. [Laughter.]

Mr. CRISP. Yes; during this whole session the gentleman and his party, if I may be permitted to borrow a simile, have seemed to bow before the Speaker of the House with much the same feeling with which the Hindoo bows before the hideous image of his god, "He knows that he is ugly, but he feels that he is great." [Laughter.]

Mr. BUTTERWORTH. Well, I do not dissent from the good looks of the Speaker, and I agree that he is great. [Renewed laughter.]

Mr. CRISP. Now, Mr. Speaker—

Mr. RICHARDSON. Mr. Speaker, I desire to call the attention of my friend from Georgia to this further point: Suppose, as a matter of fact, that the Speaker held that the bill contained an appropriation, what would he then have done with it? Would he have referred it in this way? In other words, would he have referred it, outside of the House when the House was not in session, as this reference was made?

Mr. CRISP. I beg to be excused from pursuing that line of thought. I am speaking of a case which, in my judgment, is *res adjudicata*, that has already been decided by the Speaker of the House—the present Speaker of the House.

Now, if this House shall by its vote approve the act of the distinguished Speaker in referring this bill to the Committee on Coinage, Weights, and Measures, then it puts itself in this attitude, that it approves a decision which is in direct conflict with a previous ruling of its presiding officer, in a case all fours with this. The effect of this is, that as to some House bills, where the Senate has put on amendments appropriating money, the House can have a direct vote without a reference; in other such cases the House can not. The Speaker can determine, as he does or does not favor a measure, whether the House shall have the privilege of voting upon it, or whether he will privately refer it to some committee of the House where it will lie as completely buried as though it were in the tomb of the Capulets.

Mr. STEWART, of Vermont. Will the gentleman allow a question?

Mr. CRISP. Certainly.

Mr. STEWART, of Vermont. I have great confidence in the judgment of my friend from Georgia as a parliamentarian, and I would like his personal judgment on this question—

Mr. CRISP. I beg to be excused from commenting—

Mr. STEWART, of Vermont. But I would like to have the judgment of my friend from Georgia on this point: If a House bill comes over here with Senate amendments, carrying an appropriation, does he think, under the rules, such a bill is entitled to immediate consideration?

Mr. BUTTERWORTH. If any one demands its reference.

Mr. CRISP. I must again say to my friend, Mr. Speaker, that I am inviting his attention to your decision on that question—

Mr. MORRILL. I do not think so.

Mr. CRISP. To the decision on that question made by the highest authority you recognize.

Mr. MORRILL. We are acting here on our own independent judgment.

A MEMBER. Oh, no.

Mr. CRISP. And mere suggestions from us on this side would not be likely, I think, to influence you at this time.

Mr. MORRILL. I would like to know what you think about it.

Mr. CRISP. I have shown you a ruling of your Speaker, made in a case in which he was wholly disinterested; that is, uninfluenced by any party or personal feeling. You ought not to overturn the construction he then gave the rule, simply because in another and subsequent case he rules differently, and particularly is this so when the latter ruling is made on a bill involving a great party question, the free coinage of silver, on which question, perhaps, the Speaker is not anxious that gentlemen on that side and on this should have an opportunity to directly vote.

I appeal from the last decision of the Speaker to the first, and hope the House will sustain the appeal.

Mr. MORRILL. I ask you, what is your own judgment? I appeal to you to give your judgment.

Mr. CRISP. There does not lie any appeal to me now.

Mr. CLUNIE. That time will come later on—perhaps at the next session.

Mr. MORRILL. What may we infer from your reticence on the subject?

Mr. CRISP. I am not responsible for the gentleman's inference.

Mr. SPRINGER. I desire to address myself, Mr. Speaker, to the point of order which my colleague, the gentleman from Illinois [Mr. CANNON], has made, and I desire to have order in the room.

The SPEAKER. The gentleman from Illinois desires that the House shall be in order. Gentlemen will please take their seats and be in order.

Mr. SPRINGER. The gentleman from Illinois [Mr. CANNON] has made the point of order that the motion of the gentleman from Texas [Mr. MILLS] to amend the Journal is not in order; in other words, that this House has not the control of the Journal of its proceedings.

Mr. MORRILL. May I ask my friend a question?

Mr. SPRINGER. Certainly.

Mr. MORRILL. Is not the Journal of the House a record of the proceedings of the House as they actually occur?

Mr. SPRINGER. It ought to be.

Mr. MORRILL. Very well, that is what it is, is it not? Now, is not the Speaker a constituent part of the House?

Mr. SPRINGER. One of three hundred and thirty; yes, sir.

Mr. MORRILL. Is not even an erroneous decision of the Speaker upon any question a part of the proceedings of the House, and ought not the Journal to record the fact, if the Speaker makes an erroneous ruling on a point of order?

Mr. SPRINGER. That is just what I am coming to.

Mr. MORRILL. Now, suppose the Speaker makes an erroneous ruling, should not that remain as a part of the record of the proceedings of the House?

Mr. BRECKINRIDGE, of Kentucky. Now, is that a question of order or a question of fact?

Mr. SPRINGER. The claim of the gentleman from Kansas [Mr. MORRILL] is, then, that if the Speaker erroneously puts into the record something that ought not to be there, therefore it must remain in the record and we can not get it out.

Mr. MORRILL. He does not make the record. Suppose he makes an erroneous ruling, is not the record of that a part of the record of the proceedings of this House, and is not the Journal the record of the proceedings of this House?

Mr. SPRINGER. The Journal ought to be the record of the proceedings of this House.

Mr. MORRILL. If the Speaker is a constituent part of the House, is it not true that what he does in his official capacity should appear on the record as a part of the proceedings of the House?

Mr. BRECKINRIDGE, of Kentucky. If the gentleman from Kansas will allow me, is not that a question for the House to decide, under a question of order? Is it not reasoning in a circle to say that the Speaker has a right to put into the Journal something, and then that he has the right upon the point of order to decide that the House shall not pass upon the question whether it ought to have gone into the Journal?

Mr. BUCKALEW. And it is for the House to decide whether the Journal shall be approved?

Mr. MORRILL. Will the gentleman allow me to make a statement? The error of the gentleman from Kentucky [Mr. BRECKINRIDGE] is in saying that the Speaker makes the Journal. He makes a part of the Journal as a member of the House, and just as the gentleman from Kentucky makes it or just as I make it.

Mr. BRECKINRIDGE, of Kentucky. What I asked was whether it was not arguing in a circle for the gentleman to say that the Speaker had the right first to make the Journal and then to decide as a point of order that the House did not have to approve it, so that it would become the Journal upon the act of the Speaker instead of upon the indorsement of the House.

The SPEAKER. The Chair desires to say, lest there should be some misunderstanding on that point, that the Speaker has never seen the Journal of yesterday, and was not aware that that item was in it, except that he supposed that the Journal would state the fact correctly.

Mr. SPRINGER. Mr. Speaker, I desire, then, to address myself to the question under consideration, namely, as to whether this House can correct the Journal of its proceedings. The Speaker has just stated that he did not put this into the Journal, and I presume, then, that the Clerk put it in. Now, the point of order of my friend from Illinois [Mr. SPRINGER] is, that if the Clerk puts anything into the Journal that ought not to be there, the House can not get it out.

Mr. MORRILL. That depends upon whether it correctly records what took place in the House.

Mr. SPRINGER. I am very much obliged to the Speaker for enabling me to reduce my friend's proposition to an absurdity so readily as I have done. If the Chair will pardon me for calling attention to what has been facetiously called at times "general parliamentary law,"

I will read from section 418 of the Law and Practice of Legislative Assemblies, by Mr. Cushing:

418. The journal is to be kept or made up, in the first instance, by the clerk alone, who is the sworn recording officer of the assembly, subject only to the control of the assembly itself, and not to the control of the presiding officer, or of any other member; though in cases of difficulty and importance, the form of the entry has been settled by a committee appointed for the purpose. So, too, the assembly itself may direct a particular proceeding to be entered or not be entered on the journals, or to be entered thereon in a particular manner, or with explanatory remarks stating the grounds of it. In general, it is the custom, in the legislative assemblies of the United States, to make the entries in the journals in a more concise and summary form. It appears to be a general rule in keeping of the journal of a legislative assembly that nothing shall be spread upon it at length, by way of correction or otherwise, which the assembly has previously refused to admit.

419. The practice is very general, with us, though the secretary or clerk is an independent officer, and, in the first instance, makes up his record of the proceedings of the assembly, without any dictation, for the clerk to read over, at the commencement of each daily sitting, the journal of the preceding sitting. The journal is to be corrected, either at the suggestion of a member, or upon motion, when the reading is completed. It is then considered as approved by the assembly; in which no formal vote or proceeding is necessary.

It is further said that the approving of the Journal can not take place unless a quorum of the House is present.

Mr. EZRA B. TAYLOR. Will the gentleman from Illinois [Mr. SPRINGER] permit me to ask him a question?

Mr. SPRINGER. Certainly.

Mr. EZRA B. TAYLOR. Did the Speaker yesterday refer this bill to the Committee on Coinage, Weights, and Measures?

Mr. SPRINGER. If he did I did not know it. It was not done in the presence of the House.

Mr. EZRA B. TAYLOR. Did you understand that he did it?

Mr. SPRINGER. I find it in the Journal. That is the only evidence I have of it.

Mr. EZRA B. TAYLOR. If he did it how can you correct the Journal by saying that he did not do it?

Mr. SPRINGER. From the fact that it is not in accordance with the facts.

Mr. EZRA B. TAYLOR. That is you want to say that he ought not to have done it. But this is a very simple question, that is, did he do it? You now say he did it, and you know he did it, and how can you correct the Journal by saying he did not do it?

Mr. SPRINGER. The Speaker has stated to the House already that he did not do it; that the Clerk did it.

Mr. EZRA B. TAYLOR. He has not stated that.

Mr. SPRINGER. I appeal to the record. The Chair stated that he did not know that it was there until yesterday, but that he assumed the Clerk would do his duty.

Mr. EZRA B. TAYLOR. The Chair did not say that he did not make the reference as stated in the Journal. What he said was that he did not make the Journal entry.

The SPEAKER. The Chair said he did not know what was in the Journal, except that he supposed that the Clerk would correctly report the fact.

Mr. SPRINGER. The Chair said he did not know what was in the Journal until he heard it read.

Mr. EZRA B. TAYLOR. Yet the Chair says that the reference was made yesterday. The Journal is a correct statement of what was done.

Mr. SPRINGER. The point of order is just this, that the Clerk having put into this record on his own motion what he conceived to be a part of the proceedings of the House, it is claimed that it is not the province of this House to take it out.

Mr. EZRA B. TAYLOR. Will the gentleman allow me to ask him another question?

Mr. SPRINGER. Certainly.

Mr. EZRA B. TAYLOR. Does the gentleman from Illinois say now that the Clerk put in the record anything that did not occur?

Mr. SPRINGER. It is not necessary for me to say that he did. I say this—

Mr. EZRA B. TAYLOR. Then, why do you want to correct it?

Mr. SPRINGER. Whether he put in what occurred or did not put in what occurred, it is within the province of this House to take it out if it desires to do so.

Mr. EZRA B. TAYLOR. I deny that it can be corrected to-day.

Mr. SPRINGER. Now, Mr. Speaker, I am very glad to hear gentlemen upon the other side avow so distinctively a proposition such as is made by the distinguished gentleman from Ohio. It is this, that this House is now powerless to make up the record of its own proceedings, and that it is compelled to stand mute—

Mr. EZRA B. TAYLOR. I have made no such statement as that. I simply say this: That in a proceeding of this kind, if the record of yesterday is a true record of what took place, there is no power now to correct the record in favor of a lie. That is all.

Mr. SPRINGER. Well, now, of this who is to be the judge? The gentleman from Ohio has brought himself around in this circle, which is right to this proposition: If the Journal states a fact, then this House can not correct that fact. Now, who is the judge as to whether the Journal states a fact? Is the Clerk of the House of Representatives to be the judge, or are the representatives of the people, whose record it is? Are we to judge whether it is the fact? Let the gentleman—

Mr. EZRA B. TAYLOR. If the gentleman will show that it is not true, then I will take it all back.

Mr. SPRINGER. I say that these proceedings never took place in the House. I was present, and I never heard him, and other gentlemen were present and never heard these proceedings. They say that the first they knew of it was seeing it in the newspapers and in the RECORD this morning. Some have only heard of it for the first time as it was read at the Clerk's desk. So that whether true or not true, whether the Clerk put in what he supposed was the record or not, this House of Representatives and every other legislative body has the right to revise its journal and to make it show just what the majority of the legislative body says it should show.

Now, then, Mr. Speaker, we were told in the early part of this session that we had rules which would enable the majority of this House to express its will upon any subject that might come before it. The question now presented is whether the majority of this House can under these rules express its sentiment upon a question before it. That is the question. We want rules that do not work arbitrarily, or arbitrary rulings of a Speaker, or arbitrary action of the Clerk to say what the record is, and to say that the representatives of the people shall not change it. I claim that it is part of the power of this legislative body to revise its Journal, and to make it show just what the majority of the Representatives are of the opinion it should show. That is what I contend. It has never been assumed in the history of a parliamentary body that the speaker of the house could put anything into the journal, and on a point of order say that it should not be ruled out by the assembly.

Such action is without precedent in legislative bodies. Now, I wish to make another point. I hold that under the second clause of Rule XXIV the business on the Speaker's table shall be disposed of as follows: That it shall be "disposed of"—disposed of by the House of Representatives, and not disposed of by the Speaker.

Mr. Speaker, the reference of a bill to a committee is a legislative act. It is an act of the assembly, and the Speaker has no more right to refer a bill to a committee than any member of this House has unless by a positive rule given to him for that purpose, and a positive rule was given for that in three cases.

Mr. EZRA B. TAYLOR. Will the gentleman allow me a suggestion? I will state to the gentleman from Illinois that this House can overrule the Speaker in a reference; but here is the point I made, and I wish to call the attention of the gentleman to it: If on yesterday the Speaker made the reference to a committee and the House did not overrule it, can the House to-day, and be honest, say that the reference was not made?

Mr. SPRINGER. If the reference had been in open House and the House had acquiesced in it, that would have concluded us; but we know that it was not made in open House.

Mr. COWLES. No such reference was announced from the chair. I was here all the time listening and watching just to see what would be done with the bill.

Mr. SPRINGER. I want to call attention to the fact that we have authorized the Speaker to refer bills and executive and other reports to committees without the action of the House. We find in clause 2 of Rule XIII, that reports from committees are handed to the Clerk, and by the Speaker, under this rule, referred to the appropriate committee, and also in reference to private bills and to general bills, bills and petitions are handed to the Clerk and under this specific rule are referred by the Speaker to the appropriate committee. The rules reserve the right to revise that, and if he makes a reference to which this House does not agree, then under the third section of Rule XXII the order is given as to the correction of the reference of public bills. It is, therefore, the province of the House to revise the Speaker's action in that case and to see that it is referred to a committee properly. In the power that is given him to dispose of business on the Speaker's table it is a disposition that is contemplated by the House of Representatives, and it was never intended that the Speaker should proceed to refer bills hither and thither from the Speaker's table without consulting the House of Representatives, or to let the Clerk do it.

Mr. CUTCHEON. Will the gentleman allow a question? I understand him to admit that, either rightfully or wrongfully, the Speaker made the reference of this bill to the Committee on Coinage, Weights, and Measures.

Mr. SPRINGER. He says he did not.

Mr. CUTCHEON. I beg pardon; the Speaker says no such thing as that. He says he expected or assumed that the Clerk would record what was ordered to be done. Now, my question is this: Instead of attempting to "correct" or change this record so as to make it appear to the contrary of what it is, why is not your proper proceeding to move to discharge the Committee on Coinage, Weights, and Measures from the further consideration of the bill and overrule the reference of the Speaker?

Mr. SPRINGER. Because we are of the opinion that the bill has never gone to that committee under the rules of the House.

Mr. CUTCHEON. How does this case differ from what is done every day here?

Mr. SPRINGER. The bill has never gone to that committee, under the rules, and I want to show you why.

Mr. CUTCHEON. But how does it differ from what is done every day?

Mr. SPRINGER. I have never known it to be done before in a case of this kind.

Mr. CUTCHEON. Oh, it is done every day.

Mr. SPRINGER. Now, what is the order of business under the rule? It is this:

But House bills with Senate amendments which do not require consideration in the Committee of the Whole may be at once disposed of as the House may determine; as may also Senate bills substantially the same as House bills already favorably reported by the Committee of the Whole, and may be disposed of in the same manner, on motion directed to be made by such committee.

Now, I want to know how the Chair knows, in reference to these other Senate bills which are assumed to be referred here, that there is not on some of the calendars of this House a similar bill to the Senate bill which he has referred to the committee, and that the House Committee has not authorized its chairman to call up the Senate bill when it is laid before the House, and put it upon its passage?

Mr. CUTCHEON. I think the Speaker may fairly assume that if there be such a similar House bill some gentleman will rise and state the fact, and appeal to him to take the Senate bill from the Speaker's table and put it upon its passage.

Mr. SPRINGER. If the reference was made in open House we could have done so in this case, but it was not. It is the duty of the Speaker, when we reach the Speaker's table, to lay the business upon it before the House, and then he can state that, under the rule, this or that bill should go to such a committee and the House can assent, or can say "no," and refer the bill to another committee. Or the Speaker can say that this or that bill makes an appropriation and should therefore go to the Committee of the Whole if anybody makes the point of order; but if not, it is open for immediate consideration in the House. So it will be seen that these rules were intended to be executed in open House and not by the Speaker alone when the House is not in session, and when it can have no opportunity to revise his action.

Mr. CUTCHEON. Paragraph 2 of Rule XXIV provides that "messages from the Senate may be referred to the appropriate committee in the same manner and with the same right of correction as public bills presented by members." Now, why that clause, "with the same right of correction," if the rule does not contemplate that the Speaker shall make the references without making them in open House? There is the gentleman's remedy, in the "right of correction."

Mr. SPRINGER. The right of correction is the right to correct on the spot, but we can not know what the reference is under this practice.

Mr. CUTCHEON. Oh, no; it may be done within three days. It may be done to-day, or to-morrow, or the day after to-morrow. Now, that saving clause, "the right of correction," confutes your whole argument.

Mr. SPRINGER. If the House should inadvertently fail to observe an erroneous reference at the time it is made, it can correct it at any time thereafter.

Mr. CUTCHEON. I want to say to my friend that if he objects to hot weather he might as well break the thermometer in order to stop the heat as try to change a fact by changing the record of the fact.

Mr. SPRINGER. We are trying to correct the record in accordance with the fact. My point is that the business on the Speaker's table should be referred in open House and not after the House has adjourned or any other time the Speaker may choose to make the reference, especially in the case of a bill of this kind, a House bill with a Senate amendment. This being a House bill with a Senate amendment we have the right to consider the bill in the House unless it is subject to the point that it must first be considered in Committee of the Whole.

Mr. TURNER, of Georgia. Will the gentleman pardon a suggestion?

Mr. SPRINGER. Certainly.

Mr. TURNER, of Georgia. As I understand the gentleman from Illinois [Mr. SPRINGER], he means to insist that, the Speaker having no power to refer this bill under the rules to the Committee on Coinage, Weights, and Measures, his action is void, and the bill has not gone to that committee, and the Journal ought not to show that it has gone there.

Mr. SPRINGER. That is the point I have been trying to make ever since I have had the floor.

Now, I want to call attention to the fact that this is a House bill with a Senate amendment, and the rule provides that this kind of a bill, if it does not require consideration in Committee of the Whole, may be disposed of immediately by the House. Now, who is to determine whether the bill is to be considered in Committee of the Whole or not? When the bill is called up, being a House bill with a Senate amendment, the Speaker is obliged to permit any member to make the point of order that it is subject to the point of order that it should have its first consideration in Committee of the Whole House, and when that point of order is made the Speaker may sustain it, or he may over-

rule it. If he sustains it, the House may overrule him and refer the bill and take up the bill and dispose of it. Therefore, under the rules of the House, the House has a right, when the Speaker lays before it such a bill as this, to pass upon the question whether it is subject to the point of order or not, and to revise the Speaker's decision if he holds that it should go to the committee.

Now, mark you, the Speaker has not sent this bill to that committee. He has sent it to the Committee on Coinage, Weights, and Measures, not the Committee of the Whole, as contemplated in the rule, but one of the standing committees of this House, a committee which has already considered this bill once and reported it to the House. The committee reported it to the House and the House considered the bill under a special order, dispensing with the Committee of the Whole on the state of the Union; it has gone to the Senate and the Senate has put an amendment upon it; that amendment is now before this House for its consideration, and if this order passes and this entry is removed from the record, the bill will be on the Speaker's table and any member may make the point of order that it should go where? Not to the Committee on Coinage, Weights, and Measures, but to the Committee of the Whole House on the state of the Union.

Mr. CUTCHEON. Will the gentleman allow me—

Mr. SPRINGER. In a moment.

And if the Speaker should sustain that point of order I or any other member of this House would have a right to appeal from the decision, and I should hope the honorable gentleman occupying the chair would entertain it. I should make the point myself if no one else did so.

Now, the House may overrule his judgment, and if so the bill would be here where it ought to be, in order to be called up with a view to moving concurrence in the Senate amendment and taking a direct vote on that question. I call the attention of the House to the fact that that is just what some gentlemen on the other side are determined that we shall not do. They are determined that we shall not have a direct vote on the question of concurrence. And so the rules of the House, which they claim were intended to allow the majority of this House to do business, and which the honorable gentleman from Ohio declared were made to "produce results," are now to be prostituted to the base purpose of gagging the majority of the House and preventing it from carrying out its own sovereign will. [Applause on the Democratic side.]

Mr. KERR, of Iowa. Mr. Speaker, the only question involved in this case is whether this bill has been properly referred to an appropriate committee of the House. The reference has been made by the Speaker, as the organ of the House, in the same manner that other references have been made under the rules. On yesterday I introduced a petition, which was put into the petition-box and referred to the Judiciary Committee. I venture the assertion that no member of the House heard a word or any single remark with regard to it, and yet the reference was properly made by the Speaker of the House as the RECORD shows, in the same manner as this bill.

Rule XXIV of the House provides that—

Messages from the President shall be referred to the appropriate committees without debate. Reports and communications from the heads of Departments, and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner, and with the same right of correction as public bills presented by members; but House bills with Senate amendments which do not require consideration in a Committee of the Whole, may be at once disposed of as the House may determine.

"As the House may determine." I was not in favor of ordering the previous question upon this subject because I wanted some information as to the fact of whether or not the amendments of the Senate were of such a nature that they required their consideration in the Committee of the Whole House on the state of the Union. There is no question now by any member on that side of the House but what the amendments of the Senate are of such a nature that they required their consideration in Committee of the Whole. So that the reference of the Speaker was made in accordance with the rules of the House.

In case it should be argued by any member that the reference was not made in accordance with the rules of the House there are provided in Rule XXII certain methods of correction of the reference, and I want to call the attention of the House to the methods by which such correction must be made.

The rule provides:

Correction in case of error may be made by the House in accordance with Rule XI on any day immediately after the reading of the Journal, by unanimous consent.

First, then, by unanimous consent an erroneous reference may be corrected. Now, certainly unanimous consent has not been given to make the correction of the reference made of this bill by the Speaker. There are only two other ways in which the change of reference can be made, and this rule provides for both of them.

The next is:

On motion of a committee claiming jurisdiction.

Is there any committee in this House that has claimed jurisdiction in this bill and has asked this reference to be changed? Certainly not. That is one of the methods provided in the rule; and the other is:

Or on the report of the committee to which the bill has been erroneously referred.

Now, this bill has been referred to the Committee on Coinage, Weights, and Measures. Did that committee come here and claim that the bill had been erroneously referred to them? Certainly not. Now, I hold that that being the case, under the rules, if there is any remedy the method of acquiring it or pointing it out has not been specified by the resolution of the gentleman from Texas. I have no doubt that the reference is properly made. The Speaker in making it has acted in accordance with the methods provided in the rule, and by which every bill is referred in the House, and if any injury has been done, any improper reference made, the committee of the House can secure a proper reference on the motion of the committee that would be entitled to jurisdiction or on motion of the committee which has taken it and which requires it to be sent somewhere else, and in no other way. The point of order is in the nature of a demurrer and admits a state of facts which clearly shows that the action of the Speaker was taken and that the remedy sought for by the gentleman from Texas is not warranted by the facts.

Mr. BLAND. Mr. Speaker, I desire, at the proper time, to offer an amendment to the motion of the gentleman from Texas. At present I suppose we are confined to the point of order.

In answer to the gentleman from Iowa [Mr. KERR] and other gentlemen on that side of the House, I wish to state, as I did a moment ago, that this is no question of an improper reference, under the rules of the House, of a bill that might be referred. Of course the rules point out in what manner the Speaker may refer certain bills; and if he makes a mistake or an erroneous reference, under the rules of the House, there is but one way to get the bill back.

Mr. KERR, of Iowa. Three ways.

Mr. BLAND. That is, by unanimous consent, or by the committee claiming jurisdiction. But the proposition here is that under the rules of the House this bill was not the subject of reference by the Speaker, that he had no jurisdiction over it in order to refer it, and that he took the bill from the Speaker's table without the authority of the House.

Mr. FARQUHAR. How long does the gentleman expect the bill to remain on the table?

Mr. BLAND. Until the House sees proper to take it up and dispose of it.

Mr. FARQUHAR. Where is the rule that when a bill comes from the Senate and goes to the Speaker's table it shall remain there?

Mr. BLAND. The rule referred to by the gentleman from Iowa, that House bills with Senate amendments were, in certain cases, to be taken up for consideration.

Mr. FARQUHAR. Does the rule specify—

Mr. BLAND. I must decline to yield further.

The SPEAKER. The gentleman from Missouri declines to be interrupted.

Mr. BLAND. Now, Mr. Speaker, where the Speaker, under the rules, has no power to refer a bill, a resolution, or a proposition, and that resolution, bill, or proposition is referred without authority of the rule by the Speaker, as we claim in this case, then, as a matter of fact, he having no jurisdiction over the subject-matter of this question and undertaking to refer it without authority, the bill is before us yet, and the Journal ought not to say that the bill has been referred. Hence that part of the Journal ought to be stricken from the records of the House. It was an assumption on the part of the Speaker, by mistake, as a matter of course, that he had jurisdiction to do a certain thing that the rules of the House confer no jurisdiction upon him to do. Now, that is the contention of this side of the House. The other side of the House call upon the Speaker himself to rule upon that very question as to his authority, and thus take from the House the question as to his authority under the rules to refer this bill at all. It is a higher question than the question of the rules of the House. It is a question affecting the dignity and integrity of the proceedings of this House, under which in a former Congress, as is well remembered, bills were brought back from committees.

Mr. CUTCHEON. Is there any other way to decide a point of order under the rules of the House except for the Speaker to decide it?

Mr. BLAND. I am arguing the point of order.

Mr. CUTCHEON. Then you can have your appeal from the Speaker and it goes to the House. That is the regular way.

Mr. BLAND. I hope that the gentleman will not take it for granted that if I am right the Speaker is not going to rule wrong. [Laughter on the Democratic side.] I expect to convince the Speaker that I am right. I am arguing this question to the Speaker. I do not understand that the Speaker is bound to rule as gentlemen upon that side of the House desire; and I expect if there is an appeal made it will come from that side of the House. I expect the Speaker to rule with me, because I believe I am right, and I expect the Speaker to rule in accordance with the right of this case.

Mr. CUTCHEON. But is not the Speaker primarily the administrator of the rules of the House? Is there any other way to decide the matter? What is the gentleman finding fault with?

Mr. BLAND. I am addressing the Speaker on this point of order and arguing why I do not think he can sustain the point of order, because it is a question, not as to whether this bill has been properly re-

ferred under the rules of the House, but it is a question whether the rules authorize the reference, whether the reference itself is not a nullity, whether the act performed was not a nullity under the rules of the House, and whether the Journal entry referring to it ought not to be stricken out. That is the question. Certainly if the Speaker of the House assumes to refer a matter over which he has no jurisdiction it would be a nullity, and the duty of this House would be to so declare it, and to strike it out of the Journal. Undoubtedly there is no other way to get at it, and, as I stated a moment ago, Mr. Speaker, I desire to offer an amendment that the bill lie upon the Speaker's table, subject to the order of the House, under the rules of the House.

Mr. BUTTERWORTH. I would make the point of order against that—

Mr. BLAND. Of course a point of order is already pending, and I expect after the point of order is decided to offer that amendment.

Mr. BUTTERWORTH. There are two abstract propositions in which we are very considerably interested upon both sides of the House. One is as to whether we are to reach results in accordance with the established rules, rules prescribed by ourselves for the orderly conduct of business. In this the whole House is specially interested, since in the open violation of the rules of the House the dignity and honor of our proceedings are compromised. This side of the House, if I may address myself for one moment to my political associates, is interested in seeing to it that we do not abandon the charge of the public business to our honored friends across the aisle.

This side of the House, this Republican majority, is responsible to the country for the legislation of the Fifty-first Congress. We are able to respond to the just demands of the country. Our proceedings ought to be in conformity to the rules we have prescribed for the government of this body in the transaction of the business of legislation, and, if at any time we find ourselves incapable of conducting the public business committed to our care, then let us formally abdicate in favor of our friends upon the other side and let the Democracy try it.

Mr. McMILLIN. I second the motion.

Mr. BUTTERWORTH. The motion will not be in order until next fall. [Laughter.]

Mr. McMILLIN. It will be carried then, though.

Mr. BUTTERWORTH. And it will not be in time to affect this question.

Mr. McMILLIN. But it will be in time for this question to affect it. [Laughter on the Democratic side.]

Mr. BUTTERWORTH. Now, Mr. Speaker, the first thing in the proper order of this discussion is, I submit, to ascertain the object and purpose of the pending resolution, at what it is aimed. I ask, with the consent of the House, that the clause in the Journal which is sought to be stricken out be read, and immediately thereafter the resolution of the honorable gentleman from Texas.

Mr. CUTCHEON. That portion of the Journal is incorporated in the resolution.

Mr. BUTTERWORTH. I ask, then, that the resolution of the gentleman from Texas [Mr. MILLS] be read as a part of my remarks.

The SPEAKER. The gentleman desires the resolution to be read.

The resolution was read by the Clerk.

Mr. BUTTERWORTH. That preamble and resolution, you will observe, in terms first recite what was actually done in the course of the proceedings of the House and then proceeds to assert that that which has been declared to have been done was not done, and the resolution proposes to amend the Journal by striking out the recital of the proceedings which the resolution concedes to have taken place. If the preamble is true, the resolution would falsify the record. If the preamble is not true, there is no necessity for the resolution. Now, the Constitution provides, as my honored friend from Texas [Mr. MILLS] has suggested, that the House shall keep a Journal of its proceedings. What are its proceedings? The things that are done by this body. And a record of its proceeding discloses just what is done in the matter of transacting legislative business. Does anybody doubt it? And a reference of a bill, though erroneous, is still a reference, and is a part of the proceedings of the House; and any action the House might take in correcting the error would also be a part of the proceedings of the House which the Journal must disclose. Does any one doubt it? Can any one doubt that if we should do forty erroneous things here to-day, as we may, our acts in that behalf are a part of the proceedings of this House?

Mr. BIGGS. But that does not make them right.

Mr. BUTTERWORTH. That may not make them right, that is very true. It is not a question whether what the House, or the Speaker, as the organ of the House, does is right or wise, but did that which appears on the Journal, which records our proceedings, actually transpire as recited. It might be neither right nor wise, judged by the standard of my friend or my own standard. The question is whether what is done is part of the proceedings of this House.

Mr. SPRINGER. Will the gentleman allow me to ask him a question?

Mr. BUTTERWORTH. Yes, sir; in one moment. Suppose the Speaker, either through error of judgment or through perverseness, had erroneously referred every bill that reached this House from the Senate

on that day. Would such action on the part of the Speaker have been a part of the proceedings of this House or not? If not, it follows that when we are proceeding erroneously we are not proceeding at all. But, in the case supposed, nobody can deny, I think, that it would be. And, if so, why single out the silver bill and say the reference, being erroneous, the act of referring it constituted no part of the proceedings; that the Speaker did not act at all because he acted erroneously and, therefore, his official action being no action, the recital of the fact should be stricken from the Journal? First recite that a bill was referred, second that the reference was erroneous, and because it was erroneous it was not referred. Now, that is what I call logic. [Laughter on the Republican side.]

Mr. BIGGS. But there has never been a bill of this character referred in this way before, and you can not find authority for it from the foundation of the Government up to the present time. You know that.

Mr. BUTTERWORTH. If it had not occurred, that would be a different thing.

Mr. McMILLIN. Will my friend from Ohio allow me to continue the illustration he makes? Suppose that the Speaker did improperly refer a dozen bills yesterday. Would the House have to abide by that Journal and would the House have no remedy and no control over it?

Mr. BUTTERWORTH. I wonder that my friend asks such a question. Of course this House is supreme, both over the Speaker and the Journal, and it corrects erroneous references, but it does not recite that the reference did not take place. [Laughter and applause on the Republican side.] The trouble with the proposition of my honored friend from Texas [Mr. MILLS] is that he first recites what did take place, and then he says it was erroneous, and then he says because it was erroneous it did not take place at all.

Mr. McMILLIN. If my friend will permit me right there, I think his error is in this, that what purports to have been read as a Journal of the House will never be the Journal of this House until it is approved by this House, so that it becomes the action of the House itself.

Mr. BUTTERWORTH. Undoubtedly, but when we seek to amend the Journal, the amendment looks to reciting what did take place or to correcting any error in the recital of the facts which constituted the proceeding, a record of which the Journal should disclose.

Mr. SPRINGER. Will the gentleman allow me?

Mr. BUTTERWORTH. Certainly I will, in a moment.

Mr. SPRINGER. If the majority of this House are of the opinion that the words moved to be stricken out by the gentleman from Texas were not inserted in the Journal by action of this House, have we not the right to take them out?

Mr. BUTTERWORTH. If it had recited that we had adjourned at 2 o'clock when in fact we did not adjourn until 6, we would correct it.

Mr. SPRINGER. That is not the point.

Mr. BUTTERWORTH. One moment. If in point of fact the Journal recites what did not take place, then the Journal is erroneous, and we strike out the recital, because it records what did not transpire, but the pending resolution seeks to correct the Journal by striking out what did actually occur.

Mr. SPRINGER. The House is to be the judge of that question.

Mr. BUTTERWORTH. Yes, sir.

Mr. SPRINGER. That is it.

Mr. BUTTERWORTH. But, I repeat, your resolution recites that this reference did take place, and so it formed a part of the proceedings; and then you proceed to strike it out, not because it did not take place, but because it did take place.

Mr. SPRINGER. It says it was put in the record, but that the proceedings did not take place.

Mr. BUTTERWORTH. Oh, well, you can not get away from that, my brother. [Laughter.] You have recited a fact here that a certain thing was done, and we know it was done; and now you say, because it was erroneously done, we propose to assert that it was not done. There is no philosophy in that.

One thing further. Now, it is always in order to amend the Journal to make it conform to the facts; and to make it conform to what facts? To make it recite what did take place, whether erroneous or not. If erroneous, then we proceed to correct the error, but not to obliterate, to mar, and to mutilate the record.

Mr. BOUTELLE. Will my friend permit me to make a suggestion?

Mr. BUTTERWORTH. Certainly.

Mr. BOUTELLE. It seems to be the object of our friends on the other side not to amend the Journal, but to amend the fact.

Mr. BUTTERWORTH. Yes, that is a fair inference, I will say to my friend from Maine.

Mr. SPRINGER. But we dispute the fact. [Cries of "No, you don't!"]

Mr. BOUTELLE. You declare the fact in the resolution.

Mr. SPRINGER. I want to say—

Mr. BUTTERWORTH. But you are estopped by your pleading.

Mr. SPRINGER. We deny that this proceeding took place in the House. Suppose a majority of this House should vote that it did not take place. Now, then, would it not be in the province of the ma-

jority to say that, that having been put upon record in the Journal as having taken place, it should be stricken out?

Mr. BUTTERWORTH. Certainly. But I have too much confidence in the truthfulness of this House to expect it to do anything of the kind.

Mr. SPRINGER. I know that it did not take place. And who is to judge?

Mr. BUTTERWORTH. The House is to judge. I agree with my honored friend about that. We are sovereign here.

Now, one other proposition. To refer to the remarks of my honored friend from Georgia [Mr. CRISP]. I do not think my friend from Vermont was quite fair to put such a troublesome question to my brother. He did not answer the question. He is too good a parliamentarian to assert, and he did not and would not assert, that the ruling of the Speaker was wrong in the question under consideration, but wishes to leave gentlemen with the former ruling and say, "You may wrestle and wrangle among yourselves and with the Speaker about that."

I have already suggested that the statement made in connection with the ruling of the Speaker, referred to by the gentleman from Georgia, points conclusively to the fact that it is in harmony with his reference yesterday; he starts out by saying (I have not the RECORD, so as to quote the language with certainty) "this bill does not carry an appropriation," therefore it is within the second clause of Rule XXIV, which says it may be taken up and disposed of as the House may determine.

Why? Because it does not contain that which makes it a subject-matter for reference to the Committee of the Whole House on the state of the Union, nor yet to any committee under the rules of the House. My friend from Georgia [Mr. CRISP] would not say—but it is not for me to guess what he would say if he would answer the question of my honored friend from Vermont. His only answer, however, is, "You wrestle with that question; I point you to the ruling of the Speaker." But the Speaker states the substantive fact at the beginning of the colloquy between the gentleman from Georgia and himself, which controls his decision; and the rest is leather and prunello so far as that is concerned.

Now, the question that arises here is whether the Speaker was authorized to make this reference. It will not be disputed by this House that under the rules (whether they are wisely ordained or not) the Speaker is charged with the duty of making such reference of all public bills, memorials, and petitions as in his judgment the rules require, each being referred, under the rule, to its appropriate committee according to the subject-matter of the bill.

Now, what are his duties in the present case? A large number of bills—some House bills and some Senate bills—were presented to the House by a messenger from the Senate. The rule fixes the duty of the Speaker in that behalf. The rule prescribes how they shall be disposed of. Let me read:

Business on the Speaker's table shall be disposed of as follows:

Messages from the President shall be referred to the appropriate committees without debate. Reports and communications from the heads of Departments, and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committees.

How? By the House? Under the direction of the House? No; but in the same manner and with the same right as public bills presented by members. What does that mean?

A MEMBER. For correction.

Mr. BUTTERWORTH. Certainly; but it means for consideration. I do not care what special purpose they are referred for; it is the consideration of the new matter introduced by the Senate. Why? Because that comes to this House absolutely new, and has never received the consideration of this body. Suppose we send a bill to the Senate providing for the prosecution of some public work, but making no appropriation, and suppose that bill comes back making an appropriation of \$10,000,000, is it enough for the Speaker to say, "This bill has been once considered in Committee of the Whole House on the state of the Union?" Or, to put the case in a fairer shape, suppose the bill as it passed the House carried an appropriation of \$1,000, and it came back here from the Senate burdened with an appropriation of \$10,000,000, would it be enough to say, or would the Speaker say, "This bill has already been considered in Committee of the Whole House on the state of the Union, and may therefore be immediately disposed of in the House?"

What is the object of the reference to a committee? It is in order that the bill may have that careful revision, within the jurisdiction of a designated committee, that is essential to advise the House as to all the particulars and ramifications connected with the appropriation proposed in the Senate amendment.

Mr. SPRINGER. The gentleman was reading from clause 2 of Rule XXIV, I believe?

Mr. BUTTERWORTH. I was.

Mr. SPRINGER. If you will look at the heading of that rule you will find that that clause comes under what is called the "Daily order of business" of the House. First comes "Prayer"—

Mr. BUTTERWORTH. Yes, I understand that. [Laughter.]

Mr. SPRINGER. Then comes the "Reading and approval of the Journal;" then "Correction of reference of public bills;" then "Dis-

posal of business on the Speaker's table;" then "Unfinished business." This, you see, is part of the "Daily order of business." Now if that disposition of this business was made in the House during its session, should not the members of the House have been apprised of it?

Mr. BUTTERWORTH. The House is apprised of all that is done. The Speaker is the organ of the House in the dispatch of its business, and all the business that the rules devolve upon him is done by him as the organ of the House. Beyond that, the rule provides that in case an erroneous reference be made the House may correct it.

Mr. SPRINGER. But how are we to know when the business on the Speaker's table is disposed of?

Mr. BUTTERWORTH. You can always know that as you know every other fact concerning legislation in this House. You probably do not know where any bill in this House is to-day except by the RECORD or the Journal, nor do I. The Journal discloses what action the Speaker takes, but, so far as I can see, it can not disclose it until the action has been taken. [Laughter.]

Mr. SPRINGER. As a matter of fact, on yesterday this bill was not in the House until after that stage of business had been passed, so that it could not have been laid before the House at the time the Speaker claims it was, under this order of "unfinished business."

Mr. BUTTERWORTH. The attention of the House and of the country is called to communications from the Senate when they are presented to the House and laid upon the Speaker's table. Then the rule provides what disposition shall be made of them, that they shall be referred "in the same manner" as other bills. How is that? Not necessarily in open House, but by the Speaker, in obedience to the letter and the spirit of the rule. The action taken by the Speaker appears in the RECORD, where you find it the next morning, and if the RECORD is not correct, you proceed to correct it.

Mr. SPRINGER. Did not this bill come into the House from the Senate yesterday after that order of business had been passed, and therefore how can it have been disposed of as the Journal says?

The SPEAKER. The order of business on the Speaker's table was not entered upon.

Mr. SPRINGER. Then what right had the Chair to journalize this bill as having been disposed of in that way?

The SPEAKER. Prior to the order of business on the Speaker's table being entered upon a motion was made to go into Committee of the Whole House.

Mr. SPRINGER. Then we did not enter upon the business on the Speaker's table at all, so that it could not have been disposed of in the "unfinished business" of yesterday, but ought to appear in the business of this day. We never got to the Speaker's table yesterday to do that business, and the bill is therefore still on the Speaker's table. [Laughter.]

Mr. BUTTERWORTH. I did not yield the floor, Mr. Speaker.

Mr. SPRINGER. I beg the gentleman's pardon.

Mr. BUTTERWORTH. My pardon is granted. Now, I beg to call attention to this fact. We are dealing here with a resolution which recites certain facts, and we can not depart from that resolution because we are acting upon its recital of facts. But the gentleman from Illinois proposes to set up another set of facts although he has not filed affidavits. I repeat, we are dealing with the recital in that resolution upon which they have asked the House to act. Your resolution, gentlemen, recites that the House did certain things which went upon the record, and very properly, for it would have been a scandalous omission if they had not, and, after that recital, my friend [Mr. SPRINGER] comes in and asks leave to amend his petition. Now, he may have thirty days in which to do that, but it can not be done to-day. [Laughter.]

Mr. CRISP. Does not my friend from Ohio recognize a distinction between an erroneous reference and an unauthorized reference? The rule provides for the correction of an erroneous reference, but what would my friend say about an unauthorized reference?

Mr. BUTTERWORTH. What a delightful metaphysical question my friend presents. [Laughter.] If by a reference of the Speaker, a bill revising the tariff, and hence properly referable to the Committee on Ways and Means, should go to the Committee on Patents, that would be both erroneous and unauthorized.

Mr. CRISP. Oh, no; let me—

Mr. BUTTERWORTH. Oh, yes. It would not be authorized because the rules prescribe what shall be done by the Speaker in regard to the reference of such matters, and it would be erroneous unquestionably.

Mr. CRISP. But the gentleman does not make an apt illustration, I think.

Mr. BUTTERWORTH. Well, I can give the gentleman one that will be.

Mr. CRISP. Let me suggest one to the gentleman.

Mr. BUTTERWORTH. Well, I would rather do so in my own language. [Laughter.]

Mr. CRISP. The Speaker, where he has any authority at all to refer a bill, may make an erroneous reference. But the claim here is that he had no authority; that he was not authorized to refer this at all, and there is no metaphysics whatever in that position.

Mr. BUTTERWORTH. Let us see the logic of this matter. The

Speaker of this House is not authorized at all to refer a bill which deals with the revenue to the Committee on Patents, is he? The Speaker of this House is not authorized by the rules, nor by that higher parliamentary law of which gentlemen sometimes talk so much on the floor, to refer a bill raising revenue to the Committee on Patents.

Mr. BLAND. But there was no authority—

Mr. BUTTERWORTH. If my friend from Missouri will allow me, I am going to answer myself. [Laughter.]

Mr. BLAND. But there was no reference here, because there was no authority.

Mr. BUTTERWORTH. I say the Speaker is not authorized by the rules to refer a bill raising revenue to the Committee on Patents. Clearly he is not. But such a reference might be made. Therefore it would be both erroneous and unauthorized. My friend from Georgia will see the appropriateness of the illustration.

Mr. MILLS. Will my friend from Ohio allow me a moment?

Mr. BUTTERWORTH. Certainly.

Mr. MILLS. That very thing occurred in the Forty-sixth Congress—

Mr. BUTTERWORTH. Oh, yes, I remember that.

Mr. MILLS. When Mr. Townshend, of Illinois, referred a bill pertaining to the revenues and belonging to the Committee on Ways and Means to the Committee on the Revision of the Laws. I do not remember—

Mr. BUTTERWORTH. I remember it perfectly.

Mr. MILLS. Two days afterward, let me say to the gentleman, the House by a resolution determined to correct the Journal, and corrected the reference of the bill, made on its own motion, by striking out the "Revision of the Laws," and inserting the Committee on "Ways and Means," and took the bill away from the committee which had no authority to consider it, referring it where it properly belonged.

Mr. BUTTERWORTH. Certainly; Mr. Townshend—peace to his ashes—had introduced a revenue bill simply by reference to a statute. The title was to revise a certain section of the Revised Statutes. On its face—for it did not show its contents—it was as harmless a bill as one granting a pension of \$6 a month. It was afterwards discovered, however, and gentlemen will remember that fact, that it embodied an entire revision of the tariff laws, that it was a revenue bill, and that it had been erroneously referred to the Committee on the Revision of the Laws. What did they do? What did the House do?

They introduced a resolution recalling it from the committee to which it had been referred and making proper reference of the bill to the Committee on Ways and Means. I remember very well the circumstances. That reference was erroneous and it was not authorized.

Mr. STRUBLE. That is clear.

Mr. BLAND. The gentleman did not answer my question a moment ago; did not allow me to ask it, in fact. Will he now permit an interruption?

Mr. BUTTERWORTH. Certainly; I will answer it now.

Mr. BLAND. I want to suggest to the gentleman that in all of these cases the rules themselves provided for the reference. That is to say, a reference was provided for under the rules of the House; consequently erroneous reference could be corrected under the rules. But here is a case, as we contend, where the rules have not authorized such a reference to be made.

Now, the gentleman from Ohio has suggested the case of a revenue bill being referred to the Committee on Patents. But the rules of the House gave to the Speaker the right to refer such matters when bills were introduced; and if it was referred to the wrong committee methods are pointed out for correcting. But there is no rule which authorizes the reference of this proposition.

Mr. BUTTERWORTH. The gentleman from Missouri, I think, is entirely begging the question.

Mr. BLAND. Certainly not. Suppose the bill carried no appropriation whatever and was clearly in order to be laid before the House, and suppose, by mistake, it had been referred to the committee. The House could exercise its authority; it could overrule the reference; and in fact it would be the duty of the House to correct the Journal by striking out the erroneous reference, leaving the bill where it had been all the time and where it was before the Speaker undertook to refer it, namely, on the Speaker's table.

Mr. BUTTERWORTH. But if it was unauthorized it would still have been a part of the proceedings, as the gentleman recites the question. If it did not carry an appropriation, clearly the Speaker would not have been authorized to take the course he did here. But this bill does carry an appropriation, and hence the illustration the gentleman makes has no application to the question.

Mr. BLAND. I am speaking of a case where the reference is authorized by the rules and where there is a proper mode of correcting the reference under the rules. But in this case, as we claim, there was no authority to refer at all; hence this proposition now pending is in order unquestionably, because the bill is still on the table; the Journal contains extraneous matter that does not belong to it, is susceptible of correction, and should be corrected.

Mr. BUTTERWORTH. Mr. Speaker, I have only a word more to add. My friend from Missouri, I still maintain, begs the question when

he says in this case there is no authority. In this case there is authority, and the gentleman from Missouri, to whom I will pay the deserved compliment of saying that he is too good a parliamentarian to allow himself to be misled on so plain a proposition, must know it.

Mr. BLAND. But the very question in dispute here is as to the authority of the Speaker to make such a reference.

Mr. BUTTERWORTH. Well, my friend is chopping up my sentences terribly. [Laughter.]

Our honored friend from Georgia [Mr. CRISP] insists that the House shall follow what I think he believes to be an erroneous ruling, but which I insist, however, was a ruling made in conformity to the reference now made by the Chair, the ruling in regard to the bill No. 407, which he brought before us.

Now, I have only this to say, for there have been a large number of interruptions: First, Mr. Speaker, this proposition looks to correcting the record by striking out a part which the resolution itself says constituted a part of the proceedings—an absurdity in itself. Next, it seeks to amend the record in that way, and thereby defeat a reference of this House in direct defiance of its rules. Third, it seeks to unhorse the Republican majority of this House and place in the saddle our friends across the aisle, as being more devoted and better able to determine what the wants of the people are, better able than we to respond to the demands of our party platform. I insist that we shall not abdicate in their favor until at least it has been determined by a fair majority that we are unable to conduct the business of the majority.

Mr. WILLIAMS, of Illinois. Your fellows are all here.

Mr. BUTTERWORTH. I insist further than that, that to reach that desideratum, if it is such with any gentleman on this floor, we shall not do it in defiance of the rules which we ourselves ordained. I am in favor of an early consideration of this bill. The question is not whether we shall have an early consideration of the bill, but it is whether we shall stultify ourselves by voting for a resolution which first asserts that a thing was done and then says it was not done; second, for a resolution that absolutely paralyzes and nullifies the rules of the House and rebukes the Speaker for having conformed to the plain letter and spirit of the rules which the honorable gentlemen here have made for his guidance. I do not think it is well to do so. [Applause on the Republican side.]

Mr. ANDERSON, of Kansas. Mr. Speaker, there are two distinct questions involved in this discussion and both are undermining the thoughts of members in the House, namely: First, a fact and, secondly, the effects of that fact. And I wish, for a moment, to address myself to these two points, because the effects of the fact are something in which we all have a very deep interest, and I need not say that in so far as these effects affect the silver question I am most earnestly interested in them. As is well known, I am in favor of free coinage. I voted against the special order of the House. I voted against the House bill; and with an amendment I prefer the Senate bill to the House bill. And it is simply because of these effects and because of my interest in the silver question that I now do what I have rarely done in years of service in the House, discuss a point of order.

Under my oath and as a man trying to do what I believe to be right, I find myself first confronted with a fact. And I wish to speak of it for a moment. This fact is that yesterday the Speaker, after the silver bill had been received from the Senate, made reference of it to the Committee on Coinage, Weights, and Measures. The question presented by the resolution of the gentleman from Texas [Mr. MILLS] has been ably discussed by the gentleman from Ohio who has just taken his seat [Mr. BUTTERWORTH], and I shall not go into that part of the subject. But the fact did occur that the Speaker referred that bill to that committee.

Now, the question is whether in so doing the Speaker was executing the rule of the House or whether he was not. If he was executing the rules of the House then, as a member of the House, I propose to stand by him in that action. If he was not executing the rules of the House, then I think my course in the past has often shown that I would be perfectly ready to vote as I thought right in the case, and not to sustain the Chair on that point if I believed the decision wrong. So that now the simple question is this: Did the Speaker, in the execution of his sworn duty as the executive officer of the House, obey the rule or did he not? Gentlemen allege that there was no authorization, no authority given to him, under which he could make any such reference. If they are right in this position, then, of course, he did not obey the rule. Now, what is the rule? It is simply this: That—

Bills, resolutions, and messages from the Senate—

Please observe that the silver bill was "a message from the Senate;" that is to say, it was a House bill which the Senate had considered and amended and which it had returned to this body by message.

Mr. COWLES. Will the gentleman yield for a question?

Mr. ANDERSON, of Kansas. Just one moment, please. If my friend will permit me to say uninterruptedly what I have to say, when I have concluded, if I have not met his point, I will then be very glad to yield, but I would very much prefer to continue in my own line if the gentleman would permit me.

Mr. COWLES. Very well, I will wait.

Mr. ANDERSON, of Kansas. As I was suggesting, this silver bill is covered by that technical phrase of the rule, it being a message from the Senate. The rule continues:

Bills, rules, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner and with the same right of correction as public bills presented by members.

Every one knows that a public bill presented by a member goes to the Clerk and is referred during the session of the House, or I presume it might be done afterwards, but at any rate during the session of the House it is referred by the Speaker to the appropriate committee, and that fact is entered of record in the Journal and appears in the RECORD. There is the foundation for this whole proceeding, namely, the manner in which a bill introduced by a member is referred. It is not read to the House. It used to be under the old rules, but it is not now. It is not referred to a committee in open House. It simply is presented and by the Speaker, or some one under his direction acting as his agent, is referred to the appropriate committee, and that reference is an act of the House.

Mr. COWLES. Now will my friend permit a question?

Mr. ANDERSON, of Kansas. Will my friend please allow me to finish my remarks? That is an act of the House and is made a part of the record of the proceedings of the House. Coming now to this particular bill which is covered by the phrase, as I said, "messages from the Senate." It came to the Speaker's table in the usual way, and it is either covered by the clause of the rule which I have read or else it is covered by the second clause of the rule which I will read.

The second clause is this:

But House bills with Senate amendments—

And that is this case—

which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills, etc.

This bill must fall under either one or the other of those two clauses. That it does not fall under the second clause is evident from the fact that it carried an appropriation, and therefore, under a point of order, must have been considered in a Committee of the Whole, and that fact takes it out from under the second clause, which I will again read:

House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of.

But those which do require consideration in Committee of the Whole may not be at once disposed of. They come under the first clause, and they must be referred by the Speaker, as in the case of public bills introduced by members, to the appropriate committee.

This bill, as I said, comes under the first or the second of these clauses. It can not, by virtue of the express language of the second clause, come under it. Therefore it must come under the first clause, and so the Speaker could do nothing else than he did, namely, refer that bill to that committee in the execution of a rule of the House. [Applause on the Republican side.]

Mr. COWLES. Will the gentleman permit me to ask him a question?

Mr. ANDERSON, of Kansas. Certainly.

Mr. COWLES. Would it not have been in order under the rules of this House to concur in the Senate amendments? and, in fact, was there any time given to do that by the Speaker? The gentleman was here upon the floor and I ask him, as a question of fact and as a question of practice, would it not have been, according to the practice of this House, in order to move to concur in the Senate amendments or to allow some gentleman upon this floor to move to concur in the Senate amendments?

Mr. ANDERSON, of Kansas. I will gladly and frankly say—

Mr. COWLES. Was that done?

Mr. ANDERSON, of Kansas. I will gladly and candidly answer my friend; but in answering I want to go back to the case cited by the gentleman from Georgia [Mr. CRISP], which he described as being on all fours with this—

Mr. COWLES. That has nothing to do with this proposition.

Mr. ANDERSON, of Kansas. Now, my friend has asked his question. I am proceeding to answer it.

Mr. COWLES. I asked the gentleman a question directly and I want a direct answer.

Mr. ANDERSON, of Kansas. I will give you a direct answer, but you will allow me to pursue my own way. My friend from Georgia cited the case of the city post-office bill as being on all fours with this bill; but I claim that it was not on all fours with this one, for the reason that it was a bill where the Senate had asked for the appointment of a committee of conference. If you will look at the record you will find that that is so.

Mr. COWLES. But the gentleman is getting away from the question.

Mr. ANDERSON, of Kansas. Just let me answer the question in my own way.

Mr. CRISP. Let me say this to my friend, that there has to be a disagreement before there is a committee of conference and before it becomes a question of privilege.

Mr. ANDERSON, of Kansas. The point I make is this: That the

bill which the gentleman from Georgia cited was a bill where the Senate had asked for a conference, and because of this request it was placed on a higher plane of privilege. But this bill—and I am now coming to the answer to my friend from North Carolina—is one in which the Senate had not asked for a conference. In other words, it is not lifted out of and above the level of ordinary bills, but stands upon precisely the same plane as any bill which has been sent to the Senate and amended by the Senate, but as to which neither body has asked for a conference.

The case cited by my friend from Georgia was a case where the Senate had asked for a conference, where a conference was accordingly granted by the House, and where the Speaker appointed the conferees. This important difference makes the two cases wholly dissimilar. If the Senate had asked for a committee of conference on this bill, and it then had gone upon the Speaker's table, it would have come before the House, and the question, in my opinion (and I do not pretend to be a parliamentary expert), would have been properly either to concur or non-concur; but as the Senate did not ask for a conference the silver bill came over simply as does any other bill, and went upon the Speaker's table precisely as does any other bill, there to be treated by the Speaker under the rule exactly as he would treat a public bill introduced by a member.

Mr. COWLES. Now, right there. Did not this bill come from the Senate with Senate amendments?

Mr. ANDERSON, of Kansas. Yes, sir.

Mr. COWLES. It was handed in here through the regular channel and went to the Speaker's table. It was announced there as being received and the amendments were read. Then was it not in order for any member to move that the amendments be concurred in?

Mr. ANDERSON, of Kansas. The amendments were not read. The bill was received while we were in Committee of the Whole.

Mr. COWLES. The amendments were read. Was it not in order, then, to move to concur in the Senate amendments?

Mr. ANDERSON, of Kansas. The bill was not up for consideration and the amendments were not read, and my friend will recollect that we were in Committee of the Whole.

Mr. COWLES. No, sir; the Speaker was in his chair. We could not receive a message in Committee of the Whole.

Mr. ANDERSON, of Kansas. It was received in the House, but the committee informally rose.

A MEMBER. Without any motion.

Mr. ANDERSON, of Kansas. Without any motion.

Mr. COWLES. The Committee of the Whole rising, the House received the bill. Now (and I do not wish to insult my friend's intelligence by presuming he does not know it), was it not in order to move to concur in the Senate amendments?

Mr. ANDERSON, of Kansas. My friend will remember this, that where a bill is taken from the Speaker's table—

Mr. COWLES. But no opportunity was given to make a motion to take it from the Speaker's table.

Mr. ANDERSON, of Kansas. The reply that I make is that during that day no member under the rule could be recognized to make that motion unless by unanimous consent.

Mr. COWLES. But the Speaker slipped out of the chair and the Chairman of the Committee of the Whole slipped in so quickly that no one had an opportunity to make a motion.

Mr. ANDERSON, of Kansas. Well, I hope my friend will state all he has to state and then allow me to resume my remarks.

Mr. COWLES. I asked for the immediate consideration of the bill, but that went without notice.

Mr. ANDERSON, of Kansas. The question is not what my friend would have liked to have done or what I would have liked to have had done, but the question I am trying to discuss is the rule of the House.

Mr. COWLES. And the objection I make is to the manner of answering the question, which avoids the whole issue.

Mr. ANDERSON, of Kansas. Oh, no. My friend will give me at least the same credit for sincerity that he claims for himself.

Mr. COWLES. Certainly I do.

Mr. ANDERSON, of Kansas. We may differ on parliamentary questions.

Mr. COWLES. I have looked upon the gentleman up to this time as being a friend to the free coinage of silver.

Mr. ANDERSON, of Kansas. I am a friend of silver; but you gentlemen have been trying to prove, as to the rules, that two and two are six, when I know that two and two are four. [Applause on the Republican side.] Now, what I am trying to do is to show that two and two are four and that two and two are not five. I want to know what this rule is; and if that rule requires the Speaker to send that bill to a committee I will stand by him, and that is the point I am trying to make.

Mr. COWLES. It is not required that the Speaker shall do it. It is for the House to do.

Mr. ANDERSON, of Kansas. That is where we differ and that is where I am trying to convince my friend.

Now, I think I have shown that the Speaker, under the rule, could

do nothing else than refer the bill to that committee. If it had been a bill which would properly come from the Speaker's table to the House, then the time for it to do so would have been this morning; and that is a full answer to my friend; but, as the reference was made under the rules before this morning, of course that opportunity did not arise. Daily bills come from the Senate and go to the Speaker's table; and no one when they are so reported to the House pretends to ask for their consideration as a matter of right and rarely by unanimous consent. They are either referred by the Speaker or, if not, remain on his table till the next legislative day. We all know that.

Mr. Speaker, I wish to address myself for a very few minutes to the effect of this first fact which I have been discussing. There is the important point, and I would like to have the attention of the gentleman from Iowa [Mr. CONGER], the chairman of the Committee on Coinage, Weights, and Measures. Our friends on the other side of the House seek to make the impression upon us and the country that the reference of this bill to the Committee on Coinage, Weights, and Measures is a practical burial of the bill. If they are correct in this assertion, we want to know it; I want to know it. If they are not correct, I want to know that. Because, gentlemen, when all is said and done, there is the real point in this whole proceeding. If I believed that your committee would not permit this House to have a vote upon the silver bill and the silver question, then I am frank to say that I would call a halt as to my vote—

Mr. CONGER. Would that make two and two five? [Laughter.]

Mr. ANDERSON, of Kansas. No; but it raises the question whether, because two and two are four, we are to permit ourselves to be manacled when it may be in our power to do otherwise. Now, I want to ask my friend from Iowa a direct question.

Mr. COWLES. I want to remind my friend that the Committee on Rules control the question of consideration, and not the Committee on Coinage, Weights, and Measures.

Mr. ANDERSON, of Kansas. I did not catch the gentleman's remark, and I want to ask my friend, the chairman of the Committee on Coinage, Weights, and Measures, whether in his judgment that committee will give this House an opportunity to consider this measure.

Mr. COWLES. They can not do it.

Mr. CONGER. I want to ask the gentleman from Kansas whether my reply to his question will determine in his mind whether two and two make four or five. [Laughter.]

Mr. ANDERSON, of Kansas. Skip that. I would like to have an answer.

Mr. CONGER. What is your question?

Mr. ANDERSON, of Kansas. I would like to know from my friend whether, in his judgment, in view of the interest of the people of this country in this question and in view of the interest shown in this measure by the Representatives in this body and also in another branch of Congress, this bill will be reported back to the House so that the House can have an opportunity to act upon it.

Mr. CONGER. I am willing to say for myself that I am as anxious for legislation upon this question as any other man in this House, and that, so far as I am concerned, my efforts will be directed to securing the earliest possible legislation upon this question.

Mr. ANDERSON, of Kansas. Mr. Speaker, that is all I want. I am satisfied. [Laughter on the Democratic side.]

Mr. CRISP. Does not the gentleman know that the Committee on Rules control that whole matter? Does he not know that the Committee on Coinage, Weights, and Measures may report this bill back and put it upon the Calendar, but that their action will have no effect unless it is vitalized by the Committee on Rules?

Mr. ANDERSON, of Kansas. Oh! Let my friend remember that the Committee on Rules has the interest of the people and the interest of the Republican party at heart—

Mr. CRISP. Yes, the interest of the Republican party; and they had that at heart before when they would not let us vote on free coinage.

Mr. ANDERSON, of Kansas. The interest of the Republican party at heart, and I will trust them a good deal quicker than I will the Democratic party.

Mr. KERR, of Iowa. That remark does not come with very good grace from men who have suppressed the discussion of the silver question for the last four years.

Mr. ANDERSON, of Kansas. Mr. Speaker, I ask unanimous consent to add to my remarks some precedents which I have found in the RECORD, cases where from day to day and from week to week Senate bills have been referred precisely in the same way that this bill was referred.

Objection was made.

Mr. WILLIAMS, of Illinois. Before giving my consent I would like to ask the gentleman a question. The gentleman's question to the chairman of the Committee on Coinage, Weights, and Measures, as I understood it, was whether that committee would report this bill back, and the answer of the gentleman from Iowa [Mr. CONGER] was that he was anxious for legislation upon "this question," meaning of course the silver question, and that so far as he was concerned he was willing to report back this bill so as to give the House a chance to vote upon "this question," not upon this amendment.

I suppose the gentleman from Kansas is aware by this time that a majority of the Committee on Coinage, Weights, and Measures are opposed to the free coinage of silver, and will never report back to this House a bill in favor of free coinage. Now, I want to ask the gentleman: Are you willing as a member of this House to send this Senate amendment to that committee when you must know that the majority of the committee are against the free coinage of silver, and can you suggest any other way by which you can get the amendment back, if you do send it there, except by the report of a committee, the majority of which is against free coinage?

Mr. ANDERSON, of Kansas. I will answer the gentleman in half a minute. My answer is that whether I want the bill sent there or not it is there; and, secondly, the assumption that a majority of the committee may have been opposed to free coinage may or may not be true, but there has been a very loud gun fired in this country in the last few days, and my expectation and belief, founded on good authority, is that the House will have opportunity to vote as I desire to vote.

Mr. WILLIAMS, of Illinois. I only wished to express my surprise at the weight the gentleman seemed to give to the answer of the gentleman from Iowa.

Mr. ANDERSON, of Kansas. Well, I am not at all responsible for my friend's surprise. I have full confidence in the gentleman from Iowa.

Mr. BURROWS. Mr. Speaker, when I propounded the inquiry to the gentleman from Texas [Mr. MILLS], if he would be kind enough to explain to the House how it happened that his tariff bill in the last Congress, originating in this House and coming back from the Senate, was referred to the Committee on Ways and Means, I hoped he would be frank enough to state the history of that transaction, because to have done so would have served to elucidate this point of order. But the only response I received from the gentleman from Texas was that it was done by unanimous consent. I turn to the RECORD and find that the gentleman is entirely in error. It will be remembered that this bill originated in the House, went to the Senate, was amended in the Senate and returned to the House with its amendment and a request for a conference. When the bill came back to the House, instead of its going to the Committee on Ways and Means or any other committee by unanimous consent, I find the following proceedings took place in reference to it (I read from the RECORD):

The SPEAKER also laid before the House the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, with an amendment by the Senate in the nature of a substitute.

Mr. REED. Subject to a point of order with reference to the measure going to the Committee of the Whole, I desire to propose that the House concur in the Senate amendment. Or, if the House determines to non-concur, that a committee of conference be granted as the Senate has requested; and upon that I wish to submit some remarks.

Mr. McMILLIN. Mr. Speaker, I reserve the point of order that this bill must have its first consideration in the Committee of the Whole.

Mr. MILLS. I reserve the point of order that the bill must first go to the Committee on Ways and Means.

[Laughter.]

And on that Mr. MILLS launches forth on the sufferings of the people, and among other things says:

Mr. Speaker, under the Constitution of the United States each House has the power to make rules to govern its own proceedings, and each House, in the manner of disposing of its business, is independent of the other. This House, in pursuance of that constitutional authority, has made a rule which requires all bills of this nature to be considered in the Committee of the Whole House, and so jealous has the House been of the purse of the people and so regardful has it been of the people's rights that it has adopted a rule that whenever a bill dealing with these great rights comes from the Senate it shall receive its first consideration in the Committee of the Whole House.

By the rules which we have adopted we have several Calendars, and before any bill can receive consideration in this House on those Calendars it must have been reported from some of the standing committees of this House.

Further on Mr. McMILLIN said:

Now, Mr. Speaker, what are the rules of this House concerning the consideration of bills raising revenue, or, in other words, tax bills? for by the rules we propose to stand or fall, and there will be no surrender of every principle and prerogative of this House in violation of its rules and of the Constitution. Rule 20 provides, Mr. Speaker, as follows:

"Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union, if, originating in the House, it would be subject to that point."

It will thus be seen that this bill must have its first consideration in Committee of the Whole, and not in a conference room.

Clause 3 of Rule XXIII provides:

"All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced."

Neither the gentleman from Maine [Mr. REED] nor the gentleman from Ohio [Mr. McKINLEY] has suggested any rule under which we are forced to go to conference merely because the Senate invites us to conference. Nor can they cite such a rule. I think, Mr. Speaker, that these two rules settle it that this bill should receive its first consideration in Committee of the Whole, and not in conference. In the next place, there is no means by which it can get to the Committee of the Whole except through a committee of this House. Hence it must first go to the Committee on Ways and Means.

And if gentlemen will point out some rule or principle by which this bill will go to the Committee of the Whole House on the state of

the Union without its being referred to one of the standing committees of the House, I will be glad to see it.

The then Speaker of the House, Mr. CARLISLE, reviews the whole situation so clearly that if my friend from Texas at the beginning of this question had read this ruling it would have aided us very materially in reaching a conclusion. In the absence of his doing so I desire to read it myself. Mr. CARLISLE, the Speaker, then said:

The Chair decided the same question now presented, not only in the case of the oleomargarine bill, but upon several other occasions; yet it may not be inappropriate to restate briefly the grounds of those decisions.

And I desire to call particular attention to this:

Prior to the beginning of the Forty-ninth Congress all bills coming from the Senate and Senate amendments to House bills—

And that is the case now before us—

went upon what was called the Speaker's table, which was one of the Calendars of the House. The business on the Speaker's table was reached precisely in the same way as the business upon any other Calendar, by a motion to proceed to its consideration; and when that motion was agreed to by the House the bills and amendments in their regular order were laid before the House, not for reference to a committee, but for immediate consideration, subject, of course, in the case of Senate bills or Senate amendments to House bills making appropriations or creating liabilities on the part of the Government, to the point of order that they must first have consideration in the Committee of the Whole on the state of the Union. So long as that practice continued it was in order for any gentleman, when a Senate amendment was taken up from the Speaker's table, to move to concur or non-concur, as the case might be, subject, as the Chair has stated, to the point of order that the proposition should go to the Committee of the Whole on the state of the Union, if it was a proposition which the rules of the House required to go there.

But at the beginning of the Forty-ninth Congress the Speaker's table, as one of the Calendars of the House, was abolished; and in lieu of that proceeding the House adopted a rule which made it the duty of the Speaker every morning, immediately after the reading of the Journal, except on Monday mornings, to lay before the House—

Mark the language, "to lay before the House"—

Mr. SPRINGER. That is what we want done now.

Mr. BURROWS—

for reference, all bills, amendments, and other communications from the Senate and communications from the heads of Departments; and under the rule the invariable practice has been to send Senate amendments to House bills to the appropriate standing committee of the House, unless unanimous consent was given to concur or non-concur. So the Chair thinks that under that rule the Senate amendment must go to the Committee on Ways and Means, and can not, except by unanimous consent, go to the Committee of the Whole on the state of the Union, which is one of the House Calendars, until it has been reported back.

On the other point, as to the effect of a request by the Senate for the appointment of a committee of conference before there has been any actual disagreement between the two Houses—

And this I cite in answer to the argument of the gentleman from Texas, that it has reached that stage where the House ought to take the matter up and bring about an agreement—

Mr. CARLISLE said: The Chair has repeatedly ruled that until there has been an actual vote of disagreement between the two Houses the privileged stage of the bill has not been reached; and it can not be taken up for consideration under the other rule to which the Chair has referred, but must go to the committee.

The Chair has re-examined this rule and re-examined the practice of the House, and is constrained to adhere to the rulings heretofore made, because the Chair believes it is the only proper practice under the rule which this House itself has established and which has been the uniform practice ever since they were adopted.

Mr. CRISP. Does he refer to the change of the rules?

Mr. BURROWS. I will come to that. Now, under the rules of the House in existence when that decision was made, Rule XXIV, clause 2, provided that—

After the Journal is read and approved on each day other than Monday, the Speaker shall lay before the House for reference—

And this language, it will be seen, is very clear—

shall lay before the House for reference messages from the Senate, reports and communications from the heads of Departments and other communications addressed to the House, and also such bills, resolutions, and other messages from the Senate as may have been received on previous days.

The same as our rule, so far as these documents are concerned. Now, the rule is changed in this, so as to provide as far as business on the Speaker's table is concerned:

Business on the Speaker's table shall be disposed of as follows:

It does not say "immediately after the reading of the Journal," as in the old rule.

Mr. SPRINGER. But will the gentleman read that clause of the rule providing for the disposal of business on the Speaker's table? It comes before that.

Mr. BURROWS. It comes after the disposal of the morning hour, and provides specifically for the disposition of the business on the Speaker's table.

"Messages from the President," not laid before the House, but "referred to the appropriate committees without debate."

Mr. SPRINGER. But the gentleman does not read the rule for the disposition of business on the Speaker's table. Even messages have always been laid before the House.

Mr. BURROWS. I decline to yield to the gentleman just now. I want to compare these rules.

Messages from the President shall be referred to the appropriate committees without debate.

And if my friend from Illinois will listen to this rule he will not have to ask the question:

Reports and communications from the heads of Departments and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred—

By whom?—

May be referred to the appropriate committees in the same manner and with the same right of correction as public bills.

Now, how are public bills referred under the rules?

Mr. CRISP. Read further. Certain classes of bills are not so referred.

Mr. BURROWS. I understand.

Mr. CRISP. The Speaker says this comes in that class.

Mr. BURROWS. I am not discussing that question now. I am now discussing simply the reference.

Mr. CRISP. That is where the change of rule comes in. You do not read it.

Mr. BURROWS. It is not, I beg my friend's pardon. The other rule provides these messages should be laid before the House. This does not.

Mr. CRISP. The point is this, that under the old rule there was no bill on the Speaker's table, which was amended by the Senate, which without unanimous consent could be passed upon by the House; but under these rules bills so amended, without unanimous consent, may be and must be passed upon by the House.

Mr. CONGER. Certain bills, but not this bill.

Mr. BURROWS. I have not reached that point. I want to discuss this point, that under this rule these messages and bills and communications from the Senate are not to be laid before the House, but they may be referred to the appropriate committees in the same manner and with the same right of correction as public bills; these references to be made in the same manner as public bills are referred, carrying with the reference the right to correct which the reference of public bills carries. Now, turning right back to our rule, how are public bills referred? for that is the language of this rule:

In the same manner and with the same right of correction as public bills.

How are public bills referred?

All other bills, memorials, and resolutions may, in like manner, be delivered, indorsed with the names of the persons introducing them, to the Speaker, to be by him referred.

But the rule provides that a correction may be made if there is an erroneous reference, and this rule says that these references are to be made in the same manner as public bills are referred, and public bills, under the rules, are referred by the Speaker, and by the Speaker only. Can anything be put plainer in the English language?

Mr. CRISP. My friend omits to quote the section under which it is claimed this bill ought to be referred to the House.

Mr. BURROWS. I was discussing this, item by item. I have passed that point, and now I will go to the next.

Mr. CRISP. We claim that this is one of the bills that the Speaker must submit under that very rule which you fail to read.

Mr. BURROWS. I understand. Now, what is the rest of that rule? The rule is broad and general:

Messages from the President shall be referred to the appropriate committees without debate. Reports and communications from the heads of Departments, and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner and with the same right of correction as public bills.

It is done by the Speaker.

But House bills with Senate amendments which do not require consideration in a Committee of the Whole—

In other words, that do not carry appropriations—

may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills, etc.

That is my friend's point.

Mr. CRISP. And that was not in the old rules at all. That is the distinction.

Mr. BURROWS. I understand my friend's point.

Mr. CRISP. And the further point that the Speaker has held expressly that this bill is one which does not require consideration in Committee of the Whole.

Mr. BURROWS. I am not discussing that question. I am discussing this rule and nothing else.

Mr. CRISP. You are getting away from the point.

Mr. BURROWS. And it is not only the right of the Speaker, but it is his duty, to refer these measures coming from the Senate; that is, House bills with Senate amendments. He is directed by the rule to do it, and he would be derelict in the discharge of his duties if he did not do it.

But what bills are excepted?

House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of.

The Speaker looks over the bills, and if a bill carries an appropriation it is his duty to refer it. If it does not carry an appropriation it is his duty not to refer it, but to lay it before the House, and it is the bills upon which no appropriation is borne, bills which need not be considered in the Committee of the Whole, that the House may instan-

ter dispose of; but any bill that carries an appropriation, the rule enjoins upon the Speaker to refer that bill just as he refers a public bill introduced by a member of this House.

Mr. SPRINGER. Will the gentleman allow me to interrupt him?

Mr. BURROWS. I yield to the gentleman from Kansas [Mr. ANDERSON].

Mr. ANDERSON, of Kansas. I simply wish to say that the practice of the House as to bills is precisely that which the Speaker did with reference to this bill. At haphazard I turn to page 6485. Here are Senate bills referred under clause 2 of Rule IV, certainly a dozen of them, and I will find twenty places in that RECORD where the Speaker has referred bills like this precisely as he referred this bill, and that has been the uniform practice of the House this session.

Mr. MILLS. My friend from Michigan has made a very artful presentation of his side of the question. He reminds me of an incident that I once heard of in the old days when the ladies wore top-knots and when the ministers thought it was wicked for them to do so; and one of them reproved one of the sisters for doing it. She told him that if he would show her where the Scripture said a top-knot was wrong she would abandon it. He said very well, he would preach a sermon on that subject and convince her. So he took his Bible on Sunday and turned to that passage where the inspired writer was predicting the downfall of the city of Jerusalem, and where he said "Let him that is upon the house top not come down." He took the latter part of the text and preached a sermon from the words, "Top not, come down." [Laughter.]

Now, my friend has shown from the record that there was a controversy in this House under the old rules, which he seems to have forgotten have been abandoned—the controversy about referring the tariff bill of two years ago. In that controversy he has thought proper to read what I said to the House on the one side and failed to read what he said on the other side. Now, it seems that we have swapped sides on that question, and he is where he was not in that contest, but right on the opposite side, and contending for the opposite principle; and so it is that he and I have changed positions. Why? It is because, Mr. Speaker, the rules of the House have changed. The decision in that case was made by the distinguished Speaker who sat in the Speaker's chair during that session of Congress under the then existing rules of the House, and not under the present rules. The point which I have made is that under the existing rules of this House this bill remains upon the Speaker's table to be disposed of as the House shall determine, and not the Speaker.

That is the question; and my friend from Ohio who made his speech created a man of straw and amused himself for some considerable time in knocking it to pieces to the delectation of his friends on the other side. He said that the resolution which I have offered admitted that the House had referred the bill; that then we proposed to determine that the House illegally did it, and now to resolve that the House did not do it. Now, the resolution states no such thing. The resolution states that the Speaker has done what the House ought to have done; what the House alone had the power to do; that the Speaker did not have the authority of this House to do what he did do; that what he did do was illegal, and this House simply declares itself, asserting that that act was illegal; and that is what my resolution proposes to do.

Now, the gentleman has read the rules of the present House in reference to the reference of bills. I stated them in my opening remarks. All private bills when first introduced into this House may be referred by the Speaker under the existing rules to the committee which he thinks has jurisdiction over the subject. Another provision of the rules says:

All public bills originating in this House may be referred by the Speaker.

And still another provision which says:

All Senate bills coming into this House may be referred.

And then a provision comes which says that—

All House bills coming back with Senate amendments shall be disposed of as the House shall determine.

And that is the question before you.

Now, here is a House bill which has been considered by all the committees of the Senate and House of Representatives, and it comes back with an amendment, and what says the rule? The rule says that—

House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine—

Not the Speaker.

Now, then, that is what I ask for: that this House shall determine what disposition shall be made of that bill; that the Speaker shall not have the power to send it to any committee; that he shall not have the power that he would have with a bill which originated in the House; and all the sophistry and all the artful dodging that may be brought to bear on this question can not confound that proposition. There are two lines that are as clear as light: that conferring the jurisdiction upon this House upon that particular bill; and the rules of the old House are not the rules of this House; but it is the rules of this House that determine this question. I now yield the remainder of my time to the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Kentucky. I want to address myself to the consideration of the question raised by the resolution and the point of order. The point of order as made by the gentleman from Illinois [Mr. CANNON] seems to me to be clearly in error, even if all that has been said by the gentleman from Michigan [Mr. BURROWS] and other gentlemen who take that view of the power of the Speaker be correct. The question of order raised by the gentleman from Illinois is that it may be out of order for the House to strike from the Journal, a provision in it? The power of the House over the Journal is constitutional. It does not become the Journal until the House has approved it. It is the minutes of the Clerk. Under our rules the Clerk is ordered to make up a paper which, in loose language, we call the Journal, but it is simply his minutes; and until it receives our approval it is not the Journal. Therefore I beg the attention of the Speaker to the point that the power of the House over that paper is absolute.

It is not for the Speaker to decide that any entry made in that paper must have the imprimatur of the House, because it is that action of the House which gives to the Journal verity. It is that which makes the statement a journal, and changes its entire nature from an unofficial paper, having no verity, to an official paper, conclusive and exclusive, the sole evidence of what has been done—the conclusive evidence of what has been done. So that I confess I was surprised to hear the gentleman from Illinois say that because the Speaker had the power to do this, because the Speaker had done this, that therefore it followed as a question of order that the House could not vote upon whether it would order this Journal approved. This consideration may well be submitted to the House when the House passes upon the proposition contained in the resolution. The "whereas" of the resolution, Mr. Speaker, does not affect the substance of the question. That can easily be stricken from it, and the question of order goes to the resolution, and the resolution is "that this entry be stricken out."

Now, it can not possibly be that a motion to strike out an entry made by the Clerk is subject to any point of order. It is not a pure question of power or of fact, but a mixed question of power and of fact. If it be a fact, it may yet be improper to be put in the Journal, for only those acts ought to be put in the Journal which the House has acted upon and are of the order of its business. The Journal does not include all that happens in the House. It does not include the debate. It includes only what is done by this House or by its officers in its presence and by its order which is necessary to a fair and just historical narration of its action. So that I do not see how the point of order can be sustained, even if the view as to the power and propriety of the action of the Speaker taken by the gentlemen on the other side is correct. The action of the Speaker not in the presence of the House and as Speaker acting officially is not the action of the House except when it is taken under the order of the House and in the scope of the authority conferred upon him in the rules.

I admit in all its force the proposition laid down by some gentleman on the other side, that the Speaker is a constituent factor in the transaction of the business of the House, and he is a most important one. I agree that every Speaker, by the very nature of his office, is necessarily the organ of the House, its representative, empowered in its name to act; and, acting within the scope of his authority, whether his action be erroneous or not, it is in fact and in law the action of the House until reversed or corrected. Therefore, the resolution to strike from the Journal this particular entry must necessarily be based upon the proposition that the Speaker, in his chamber and not in the presence of the House, did that which he had no power to do; not that he acted erroneously, but that he acted illegally in the sense that he overstepped the authority given to him.

I can not imagine why my friend from Ohio [Mr. BUTTERWORTH], who is so able a lawyer, could for a moment have been confused about the clear distinction between the erroneous execution of a power and an illegal attempt to execute a power. An agent authorized to do a particular act may do it improperly, or may do it in such a way as may well be said to be erroneous, but when he does an act beyond the scope of his authority it is not merely erroneous, but it is void. Now, if the Speaker had a right, in his chamber, to refer this bill, then I admit that an erroneous reference of the bill can not be corrected except under the provision of the other rule. Of course that is impracticable, but it is the only mode open to the House. That mode is, first, by unanimous consent, which, of course, would not be given; second, upon the motion of the committee claiming jurisdiction of the bill or by the return of the bill by the committee to whom it was referred, which of course would not be made in this case. So that if it be an erroneous reference the House is powerless.

But my judgment is that it was not an erroneous reference, but an illegal reference. I do not mean to say that this proposition is free from doubt. On the contrary, dealing with the House with entire candor, as I endeavor to do on all occasions, I say that it is a very doubtful question. It is a case which, under a fair construction of the provisions of these rules in the light of the decisions under the former rules, presents a question of very grave doubt, and for one, if the question had never been passed upon by the Speaker, I would not have resisted this reference. But when the Speaker made the reference in the other case to which reference has been made, having studied

these rules with some care, and having very grave doubt in my own mind upon the point in question, I sent for the bill so that I might know what was the real gist of the Speaker's decision, and I confess that I came to the conclusion that his decision was right.

His construction applied to a case where there was an appropriation, for it is perfectly clear that the Speaker was mistaken when he said in that case that there was no appropriation, and I think it is clear from the colloquy which took place that he meant to correct that mistaken statement of his. Of course, we all know how these things are done at the Speaker's table, in a hurry, the bill read hurriedly, and he relying on the statement of somebody that there was no appropriation, but the Speaker no doubt subsequently looked at the bill and proceeded to change the position he had taken. Not that in his previous statement he was misleading the House; not that what was done was not done openly and frankly, because I believe it was so done, and that there was no covert or concealed action or purpose, not anything that was in any way improper.

It was simply a mistake of the Speaker in an attempt to reach a just conclusion in a hurry. In that case the House had passed a bill authorizing the condemnation of a certain piece of ground and appropriating a certain fixed amount. The Senate took the bill, changed, by way of amendment, the particular plot of ground and put in a different one, and erased the fixed appropriation and put in an indefinite one. The bill was therefore in principle on all fours with this bill. When that bill got to the Speaker's table it had to be disposed of, and the proper disposition of it the Speaker held was to submit it to the House, and the Speaker having submitted it to the House, nobody made the point of order that it should be first considered in Committee of the Whole.

If the point of order had been made on that bill, then there would have arisen these questions for the Speaker to decide: First, the proposition that the bill having been considered in Committee of the Whole in the House it was not within the spirit of the rule, and therefore did not have to be considered in Committee of the Whole again. Or he could have decided that the amendment presented a different form of appropriation from that made in the House bill, not merely a change of amount, but an entirely different form of appropriation, and would therefore have to be considered in Committee of the Whole; and then what would the Speaker have done? He would have referred the bill to the Committee of the Whole and it would have gone on the Calendar of the Committee of the Whole, and that would have been the simple disposition of it, and, it seems to me, to be the proper disposition.

Here is the reference which the Speaker made in the case of a bill in which there was no special interest, which attracted no special attention, in which no great party issue was involved, and as to which there was no reason why he should not decide it according to the best judgment of the trained parliamentarian who is the author of the rule. And in either event, as is suggested to me by a friend, it would be subject to the control of the House.

I call the attention of the House to that colloquy, and I hold in my hand, subject to inspection, the bill (H. R. 407) as amended by the Senate:

HOUSE OF REPRESENTATIVES.

TUESDAY, June 3, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILLBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

POST-OFFICE BUILDING, WASHINGTON, D. C.

The SPEAKER laid before the House the bill (H. R. 407) to authorize the acquisition of certain parcels of real estate embraced in square No. 380 of the city of Washington, to provide an eligible site for a city post-office; said bill having been passed by the Senate with amendments and with a request for a conference thereon with the House.

The amendments were read.

Mr. MILLIKEN. I move that the House non-concur in the amendments of the Senate and agree to the conference asked.

Mr. ROGERS. I rise to a parliamentary inquiry. How does this bill come before the House? Is it a conference report?

The SPEAKER. Is it a House bill with Senate amendments?

Mr. ROGERS. Does it fall within clause 3 of Rule XXIV? Does not the bill carry an appropriation?

Mr. MILLIKEN. The bill has already been considered by the House in Committee of the Whole.

The SPEAKER (after examining the bill). There is no appropriation in the bill.

Mr. ROGERS. Does it not involve an appropriation or a charge on the Treasury?

The SPEAKER. The House bill has been considered in Committee of the Whole. Mr. ROGERS. That is not the point I am trying to get at. I simply wanted to know whether this is one of the bills that can be appropriately laid before the House at this time under the rules.

The SPEAKER. The Chair so thinks.

Mr. ROGERS. That is all. I simply wanted to understand the practice.

The SPEAKER. The gentleman from Maine [Mr. MILLIKEN] moves that the House disagree to the amendments of the Senate and agree to the conference asked.

The motion was agreed to.

The SPEAKER subsequently announced the appointment of Mr. MILLIKEN, Mr. LEHLBACH, and Mr. OLIVER as conferees on the part of the House.

Now, therefore, when this bill came here from the Senate, it came under the rule as construed by the present Speaker. Let us not refine the point away. The Speaker may have been in error. No doubt if

he is convinced that he was in error in that decision he will frankly say so in reversing it. But this bill came here under a decision made by the present Speaker upon a bill which any lawyer who takes it up and examines it will find it difficult to distinguish on principle from this one. Of course there are points of difference. No two bills are exactly on all fours. There is always some difference to be found between them. But the judgments of the Speaker of the House are somewhat like the decisions of the Chief-Justice of the United States. They are not mere temporary make-shifts for party supremacy in the struggles on the floor of the House or in the political struggles of the day. They are not the forgotten statements that arise amid excited disputes upon the floor.

The Speaker stands as the representative of the parliamentary law like the justices of the Supreme Court, or like the Chief-Justice of that court, of "the law of the land," and therefore his decisions are the decisions which ought to be—which I will not intimate are not—derived from his very best judgment, and not from the desire to accomplish party advantage or some party supremacy and make votes at the polls; and it can not be that any lawyer can draw a distinction in principle between that decision and this.

But my friend from Michigan [Mr. BURROWS], always able, and if he will not take it as an unkind criticism I might say not always ingenuous, for the vigor of his mind and his intense desire to succeed sometimes blind him to the ingenuousness of the arguments he uses, illustrates the position he takes by a citation from a decision of ex-Speaker CARLISLE, decided on a point of order raised by the present Speaker of the House, and argued by my friend from Ohio [Mr. MCKINLEY], chairman of the Committee on Ways and Means, on January 26, 1887, on the return of the Mills bill with the Senate substitute. The two cases are in some respects analogous, and that decision does shed light upon the theory raised here by gentlemen who submit this point of order. That decision was under the old rules, and would control the decision in this case if the old rules were in operation. But my friend was not entirely ingenuous when he read with great emphasis certain quotations from the decision of Mr. CARLISLE on that question. Under the rules prior to the Forty-ninth Congress there was a provision for a calendar known as the Speaker's table. A change was made subsequently in the rules, and in reference to this Mr. CARLISLE said:

At the beginning of the Forty-ninth Congress the Speaker's table, as one of the calendars of the House, was abolished; and in lieu of that proceeding the House adopted a rule which made it the duty of the Speaker every morning immediately after the reading of the Journal, except on Monday mornings, to lay before the House—

And my friend says the emphatic pivotal words of the opinion are "to lay before the House"—

to lay before the House for reference all bills, amendments, and other communications from the Senate and communications from heads of Departments.

The controlling phrase of this opinion is "all bills, amendments, and other communications from the Senate," and these—"all"—were to be laid before the House "for reference," and this is clear, because under the rule as it then was, all messages, all bills, all communications came to the Speaker, and it was the Speaker's duty to lay them before the House solely for reference; and there was no other mode of consideration except by reference or a report from a committee. Now, let us see what the present Speaker did. I am not speaking of the Speaker's practice. I have no criticism to make on the cases as referred to by the gentleman from Kansas [Mr. ANDERSON], my friend who is always clamorous for silver, and yet always voting in such a way as to tie his hands so that he can not vote to get more silver; who always succeeds in tying his hands so as to prevent getting what he wants. It may be that the Speaker has sent such bills to committees. I have not examined; no question was made; no decision announced. It is true that he was not subject to the rules of the Forty-ninth Congress which required that all messages which came to the Speaker's table shall by him be laid before the House for reference, but under the new rules.

Let us see what are the changes in the present rules. All bills and communications must come to the Speaker's table now as then and the Speaker must in public clear his table. My friend from Michigan shakes his head.

Mr. BURROWS. Read the language of the rule.

Mr. BRECKINRIDGE, of Kentucky. I will. I will read the exact text of the rule, because I want to treat this whole subject as a lawyer would treat an intricate question of law. First, then, under Rule XXIV, it is of the Speaker's duty to see that the daily order of business as therein prescribed is carried out. He is the organ of the House to carry out that order of business. What is that daily order of business? First, prayer by the Chaplain. The Speaker does not do the praying; but he sees, first, that all of us rise in our places and that we stand with proper decorum until the Chaplain offers prayer; and then comes the reading and approval of the Journal. Third, the correction of reference of public bills; and when that is disposed of, fourth, "disposal of business on the Speaker's table." How, where, when is "this disposal" to be made?

In the same presence, under the same conditions, and by the same authority as he supervises the transaction of the other prescribed duties. *Noscitur a sociis* is a well established canon of construction. This duty is incumbent upon the Speaker in the presence of the House, as

the organ of the House. This must be the meaning of this rule of the House.

Mr. BUTTERWORTH. Mr. Speaker—

Mr. BRECKINRIDGE, of Kentucky. One moment. I will gladly give way to my friend from Ohio after awhile. I want first to get through with the comparison between these rules.

In the presence of the House, as the Speaker of the House, in the fixed order of business prescribed by the rules of the House, the Speaker goes to the business on the Speaker's table, and disposes of it. When we come to the second section of that rule—

(2) The business on the Speaker's table shall be disposed of as follows: Messages from the President shall be referred to the appropriate committees without debate.

That must be done in open House. Second:

Reports and communications from the heads of Departments, and other communications addressed to the House.

Mr. BUTTERWORTH rose.

Mr. BRECKINRIDGE, of Kentucky. I see my friend rises. I can not yield to him just at present.

Mr. BUTTERWORTH. I suppose I have a right to stand. [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. Undoubtedly; and I am very glad, however powerful my argument has been, that you are able to stand it. Though, when I have seen my friend from Ohio in the last seven months approve what he has, I am not surprised at anything he can stand. [Laughter.] There is nothing that can be done on either side of the House that, in the superabundance of his good humor, he would not stand, after what I have seen him stand in the last few months.

The SPEAKER. The Chair hopes the gentleman will confine himself to the point of order. [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. I freely admit, Mr. Speaker, that I was not confining myself to the point of order in intimating that the gentleman from Ohio [Mr. BUTTERWORTH] could stand all the points of order made by all the gentlemen on the floor, even by my friend from Illinois; and I take the censure of the Chair, I being the first person to whom it has been given to-day, with the proper degree of respect, I hope, to the Chair.

Mr. BUTTERWORTH. Will my friend yield to me for a question just there?

Mr. BRECKINRIDGE, of Kentucky. Is it on the point of order?

Mr. BUTTERWORTH. Yes.

Mr. BRECKINRIDGE, of Kentucky. You are certain it is on the point of order?

Mr. BUTTERWORTH. Yes.

Mr. BRECKINRIDGE, of Kentucky. Then I yield.

Mr. BUTTERWORTH. The gentleman suggests that it is the duty of the Speaker publicly to dispatch business under the rule to which he has called the attention of the House. There is a certain part of that business, my friend will observe, which he disposes of as he does of the bills.

Mr. BRECKINRIDGE, of Kentucky. I was just coming to that.

Mr. BUTTERWORTH. I want to call my friend's attention to that. The other may be disposed of by the House without reference, but the rule itself provides that as to certain bills they shall be disposed of as they are disposed of when presented by members of the House.

Mr. BRECKINRIDGE, of Kentucky. No such rule.

Mr. BUTTERWORTH. Read it and see.

Mr. BRECKINRIDGE, of Kentucky. There is no such rule. That is what I was coming to. The gentleman has construed a rule by changing a word entirely. I say that the Order of Business No. 4 is the disposal of the business upon the Speaker's table. That must be done publicly. That is fourth. I wish the gentleman would get his copy of the rules and follow me, because I want him to consider it carefully. It is in language drawn, I have no doubt, by the Speaker himself, and drawn, I think, with great care, capable, I freely admit, of two constructions, but capable, I think, of that construction which the Chair himself put upon it on the 3d of June. He is engaged in the disposition of public business when disposing of the business on the Speaker's table. Messages of the President are put first, and he reads them.

Now the next part of that rule is:

Reports and communications from the heads of Departments, and other communications addressed to the House, and bills, resolutions, and messages from the Senate may—

Not "shall," as my friend reads it—

may be referred to the appropriate committees in the same manner and with the same right of correction as public bills presented by members.

Now, therefore, it is not an obligation upon the Speaker to do it privately. It is a grant of permission, and as an exception, that he may do it privately. It is not his duty to do it privately. He is not only not guilty of the dereliction of which my friend from Michigan spoke so eloquently if he does not act privately, but he simply has permission to do it. The obligation is to do it publicly, but the permission is, as an exception, to do it privately. Under this permission he has the right to do it, and if this bill comes within its scope,

then of course he had the right to make this reference. What is the next?

House bills with Senate amendments—
are especially excepted.

Now, the description of "bills, resolutions, and messages from the Senate" which he has the right to refer privately must have a technical meaning. The word "bills" there evidently means Senate bills, not House bills. "Bills from the Senate" means bills passed by the Senate. "Resolutions from the Senate" means resolutions passed by the Senate and sent here; so that in the word "message" must be found the construction contended for, and does include House bills with Senate amendments. But "House bills with Senate amendments" are expressly taken out of the operation of the rule, and as to them this clause—

Mr. BUTTERWORTH rose.

Mr. BRECKINRIDGE, of Kentucky. Please let me read the clause, and then I will answer any question my friend may wish to ask.

But bills with Senate amendments which do not require consideration in a Committee of the Whole—

shall have what done to them? Why, they may be disposed of at once, as the House may determine.

Senate bills, substantially as House bills already favorably reported by a committee of the House, not required to be considered in a Committee of the Whole, may be disposed of in the same manner on motion, as directed. Now, how is the House to know what is contained in the bills, and whether they come within this rule? The Speaker acts as our organ. He acts subject to our will. He submits all questions when decided to the judgment of the House, so they may be appealed from. How is the House to know when a House bill with Senate amendments is or is not subject to the point of order that it should be considered in the Committee of the Whole, except by the action being done openly before the House? How that a Senate bill is a bill substantially like a House bill already favorably reported by the Committee, except by having the bills laid before it; and if any decision on such bills is made by the Speaker it is a decision as Speaker, not merely as to the reference of a bill, but as to its nature, provisions, and the right of the House to act upon at once, and such decision must be in his chair as Speaker of the House, and in the presence of the House, upon which a member has a right to be heard, a right to have the bill openly read, examined, and compared, and from which a member has a right to take an appeal; on which appeal the House has a right to pass.

Therefore you must construe those rules in consonance with the rights of the House and its members and so as not to widen the exception, but to limit it, as it is a canon of construction that the general provisions of a statute are to be modified, explained, and construed in the light of a proviso. This power of the Speaker to privately refer bills must not be construed to refer to Senate bills which are of the same nature as House bills favorably reported, or House bills with Senate amendments; but as to them the Speaker decides in the presence of the House. Whether the Speaker decides rightfully or wrongfully is a question that must be determined by the House, and the House must have the power to overrule that decision by a direct vote on appeal made at the time of the decision. It is not a reference. I beg the gentleman to read that clause again. This is not a power of reference.

The House in this rule reserves the power to act at once on bills of a certain description. As to them there can be no reference until the House has an opportunity to take action. As to other bills the Speaker has a power of reference. By whom is the decision to be made, and when? Surely when these bills are on the Speaker's table and before a reference, and surely by the House, who only has the power to act. If the bill be a House bill with a Senate amendment, creating a change or making an appropriation, and that point of order be made, then it goes to that Calendar, or on motion the House can resolve itself into Committee of the Whole and consider it.

These be questions which the House has the right to pass upon, upon which Representatives have the right to be heard, and by this construction every clause and phrase of the rule are given full and consistent effect. The general rule is that the Speaker must act in his chair in the presence of the House. There is an exception; it ought not by inference to be widened; it is not necessary to do so; it is only by a forced construction that it can be done.

Now I will answer any question that my friend, Mr. BUTTERWORTH, may desire to ask.

Mr. CUTCHEON. Mr. Speaker—

Mr. BUTTERWORTH. I beg to call attention—

The SPEAKER. The Chair recognizes the gentleman from Michigan [Mr. CUTCHEON].

Mr. BRECKINRIDGE, of Kentucky. Does the Speaker take me off the floor for yielding to a question asked by the gentleman from Ohio?

The SPEAKER. Not in the least. The Chair supposed the gentleman had ceased. The gentleman was taking his seat.

Mr. BRECKINRIDGE, of Kentucky. The gentleman from Ohio wished to ask me a question. I was simply going back to my seat to get another paper.

The SPEAKER. If the gentleman has not concluded the Chair has

no intention to take him off the floor. The Chair supposed he had concluded.

Mr. BUTTERWORTH. I do not desire to interrupt the gentleman, except to ask him a question.

Mr. BRECKINRIDGE, of Kentucky. It is no interruption. I was simply trying to be courteous to the gentleman from Ohio who wished to ask a question. I beg the gentleman from Ohio to believe that nothing could make me treat him discourteously.

Mr. BUTTERWORTH. The gentleman from Kentucky [Mr. BRECKINRIDGE] is always courteous. My friend will observe, referring to the words he omits to call special attention to, that these bills may be referred—may be referred, I admit, but in the same manner as certain other bills. How are these bills referred? By the Speaker, with reference to the subject-matter, and the line is drawn between those bills which the House may dispose of without reference and those bills which should be referred by reason of their subject-matter. And the Speaker, in my judgment, is called upon to decide that question precisely as he does in the original reference; that is, in disposing of this bill he may do it in the same manner that he disposes of the bills which are presented by members of the House.

Mr. BRECKINRIDGE, of Kentucky. I will say frankly that under that clause the Speaker has the right, as to bills described therein, to refer them precisely as he does the public bills introduced by members, and that, of course, is to a standing committee. He can not refer them to anything but a standing committee. As to those public bills which are introduced by members, he must refer them to standing committees; but the argument that I was trying to make was that when you consider the whole rule, the fourth clause of the first section of that Rule XXIV and the first clause of section 2 of this rule, about messages from the President and the provisions in the latter clause, that this particular bill, a House bill with Senate amendments, does not come within the clause of the rule which confers permission to the Speaker to refer privately, and the reason is perfectly clear, all bills ought to be considered by a committee.

This is the principle that lies at the foundation of the legislation of the House. That committee reports it—it goes upon the Calendar. The Calendar has been presumed heretofore to be the indication of how the bill is to be considered. If it went upon the Calendar of the Committee of the Whole House on the state of the Union, then it was supposed to be considered in Committee of the Whole under the rules of that committee. That, however, has ceased to be anything but historical as to most of the important bills of the House; but the reason why a bill should be referred to a standing committee does not hold good with reference to a bill which has first been considered in the House, then considered in the Senate, and sent back here. The bill has been considered privately in the committee here, publicly on the floor, has gone to the Senate, been considered by a committee privately there, discussed there, and amended there, and it then comes back here, and there is no reason why there should be any further consideration by a standing committee here.

Mr. Speaker, I have tried to confine myself to a discussion of the question, and to make it clear that the action of the Speaker is not valid until we give it our sanction.

Mr. BUTTERWORTH. Before my friend passes from that, I beg to call his attention to the fact that under the old rules the words used are not "shall be," but "may be" referred, and he is aware that the words "may be" are very often construed as "shall be," perhaps quite as often as the word "shall" is construed as "shall."

Mr. BRECKINRIDGE, of Kentucky. I was going to say the Speaker is the organ of the House, and this act of the Speaker gets no validity until we approve this Journal to-day. Whether it goes off on a point of order, or whether the Speaker holds the point of order made by the gentleman from Illinois good, so that we shall not have the right to have a vote upon that question, or whether the Journal is approved by a vote of the House, it is the House which makes this reference, and not the Speaker.

I presume no man will be clearer than the present Speaker of the House in the announcement of the principle that he acts in no other way than as the organ of the House; that he speaks in its name, uttering its voice, and doing its will. Now, we refuse to give validity to this action of his by adopting this resolution as now drawn, drawn as we understand to be in accordance with existing facts, that some order made by him in a way he thought proper was delivered to the Clerk, and that then the Clerk, in the execution of what he believed to be his duty, entered it upon the Journal, and it was done without legal authority and was void; was beyond the power granted and was a nullity, and it was fair and frank in the gentleman from Texas to so draw his resolution as to show that the order had been entered by the Speaker, not as a criticism of the action of the Speaker, except as to the claim of authority, which is a pure question of law under the rules. I suppose no Speaker, and certainly not the present Speaker, would claim that he can act officially except in obedience to the law and within the authority granted, and that any act not so authorized is binding upon the House and has any place in its Journal.

We give validity to this reference by our action, and a vote upon the approval of this Journal is a vote that sends this bill to that commit-

tee. It is not the act of the Speaker; it is not the act of a Representative from Maine; it is the act done by this House, for the Speaker acts only in the name of this House in sending it there, and it would be indorsed by the votes of the Representatives on this floor. Let us deal frankly with each other. He who votes to sustain that reference gives it whatever validity it can have. It is that act which buries it in that committee or gives to that committee the right to bring it out. Thus when we are passing upon this question we are not passing on a question as to what is due the Speaker or of what is the respect due the Speaker, but is a respectful construction of his acts as the incumbent of the chair. It is that we discharge our duties upon this floor on this question as to whether we shall take this bill up and act upon it. We have the power to act upon it.

The Speaker has no right to assume that if under the rules it ought to go to the Committee of the Whole some member will raise that point of order. The House has the right by unanimous consent, without a point of order, even if it ought to go to the Committee of the Whole, to take it up and consider it. I think upon this important matter the Speaker has no right to act in his private chamber upon the hypothesis that any member of this House will interpose a point of order to the settlement of this great question quieting the business interests dependent upon it, restoring stability to trade, removing obstructions to the growth of prosperity, and making a settlement of matters of great public concern. The whole matter depends upon the House. Gentlemen have said that the majority has all power. It depends upon that majority frankly to give the House the right to legislate or frankly to say they will not. They can not straddle this position under the pretense of sustaining the Speaker and go before the bar of this country under the cover of a set of rules which they themselves have made. [Applause on the Democratic side.]

The SPEAKER. The Chair is ready to pass upon this question whenever the House is ready.

Mr. CUTCHEON. I desire to submit some very brief observations on this matter.

The SPEAKER. The gentleman will suspend until a message has been received from the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed the bill (H. R. 8831) to amend an act entitled "An act authorizing the construction of a bridge over the Missouri River, at or near Kansas City, Kans., and not over 10 miles above the Hannibal and St. Joseph Railway bridge at Kansas City, Mo.," approved March 1, 1889.

The message also announced that the Senate had passed with amendment the joint resolution (H. Res. 138) to increase the number of members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, and to fill vacancies in such board, asked for a conference on the disagreeing votes thereon, and had appointed as conferees on the part of the Senate Mr. HAWLEY, Mr. MANDERSON, and Mr. WALTHALL.

The message further announced that the Senate had passed the following: A joint resolution (S. R. 95) to surrender certain bonds, drafts, and other papers in the Department of State to Robert S. Hargous, administrator of Louis S. Hargous, deceased; in which concurrence was asked.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States, was delivered to the House by Mr. PRUDEN, one of his secretaries, who also announced the approval of acts of the following titles:

An act (H. R. 8295) to authorize the purchase of certain public lands by the city of Buffalo, Wyo., and for other purposes;

An act (H. R. 10390) making an appropriation to supply a deficiency in the appropriation for public printing and binding for the last quarter of the fiscal year 1890, and for other purposes;

An act (H. R. 1306) for the relief of the Southern Exposition at Louisville, Ky.; and

An act (H. R. 10906) making appropriations to supply deficiencies in the appropriations for the payment of pensions, and for the expenses of the Eleventh Census, for the fiscal year 1890, and for other purposes.

APPROVAL OF THE JOURNAL.

Mr. CUTCHEON. With the intimation of the Chair, I will not consume the time of the House.

The SPEAKER. The Chair desires first that the House, if any member of it has that impression, should rid itself of the idea that any unusual procedure has taken place in connection with this bill. The reference of bills of this kind and in this way has been of daily occurrence since the adoption of the present rules of the House. The Chair desires also that the House should know that this particular transaction did not take place in a corner. In the regular course of business the officer of the House to whom the Speaker has intrusted the clerical work of the reference of bills, the Journal clerk, informed the Speaker that upon his list of bills which were to be referred, under the rules, to committees of the House, in the same manner as hundreds, and possibly thousands, of bills have been referred heretofore, was the bill known

as the bill for silver coinage which had come from the Senate, and the Chair was asked if he had any particular direction to make in regard to it.

Knowing the bill to be one of grave public importance and anxious that he might have all the light that could be thrown upon it, he consulted with two members upon the other side of the Committee on Rules, also the gentleman who was specially in charge of the bill upon the Democratic side, the gentleman from Missouri [Mr. BLAND], and with another gentleman upon the left of the Chair, not for the purpose of throwing any responsibility upon them, but for the purpose of obtaining whatever light it might be possible to obtain in that way. After listening to and conversing with those gentlemen it seemed very clear to the Speaker that the rules of the House covered the question and that his duty was to treat this bill the same as he would treat any other. Accordingly, the Clerk was not directed to make any change in regard to the reference. It is due to the House, since the question has been made—and the Chair is appreciative of the courteous manner in which the question has been discussed—it is due to the House that the Chair should give the reasons which induced him to make such reference and to feel perfectly clear that that reference was in accordance with the rules of the House.

The House must bear in mind that this is not a question of politics or of currency, but a question of parliamentary law, and that upon its decision depends the carrying out of the system of rules which the House has adopted. That system of rules, like every other, is an evolution from the preceding rules. Under the former rules of the House every bill which came from the Senate had to be referred in open House to a committee. No other motion was permissible unless by unanimous consent. When the tariff bill, for instance, came over here, suggestion was made that it go at once to the Committee of the Whole House on the state of the Union, but the Speaker ruled that it should go to the Committee on Ways and Means, and it went there. The only control which the House had left to itself, under its rules, was to change the reference if it was not satisfied with the reference directed by the Speaker. Under the present system of rules the same reference is to be given to Senate bills, because the same language which applied to them then is applied to them now. The only difference is that, instead of being done in open House, it is done by the Speaker, with a right of correction which the House thought ample; because, if the committee to whom the bill was wrongfully referred did not desire it or if there was another committee that thought the bill ought rightfully to be referred to them, either committee could make a motion in open House (there being a special provision in the order of business for the time of that motion) for a change of reference.

Such had been the case for a long time with petitions. Such had been the case for a considerable time with private bills, and under the new rules of the House it was made so with regard to public bills, both those sent in by members and those which came from the Senate. But the new rules made two exceptions: first, Senate bills the like of which had been passed upon favorably by a committee of the House could be taken up and disposed of when that committee voted that it should be done whenever the bills came over from the Senate; second, House bills with Senate amendments which were not subject to be considered in Committee of the Whole, could also be laid before the House for its disposal. The question is, Was this a House bill? Undoubtedly it was. Did it have Senate amendments? Unquestionably. The third test is: Does it contain provisions which under our rules require it to be considered in a Committee of the Whole? There was a provision in the original House bill by which certain bullion was to be purchased, for coinage or otherwise, and certificates were to be issued.

The Senate amendment was an amendment for free coinage, or for fashioning the silver into bars without charge to those who deposited it, and for that an appropriation was made. It has been said that the House dispensed with the consideration of the original bill in Committee of the Whole. That is perfectly true, and it was perfectly competent for the House in a proper way so to do. But the fact that the House dispensed with the consideration in Committee of the Whole of a provision which it knew, does not in any way indicate that it was its intention to dispose in the same way of an amendment which it did not know. This being a Senate amendment, the question is, What rule of the House is applicable to it? And the Chair desires to call the attention of the House to the very strong language of the rule, which is Rule XX. It does not content itself with saying that an amendment of the Senate to a House bill shall be subject to the point of order, but it says any amendment of the Senate to any House bill shall be subject to the point of order. If there is anything clear in parliamentary law, it is that this bill was one of those that would be properly considered in a Committee of the Whole, and consequently was not within the exception. What, then, was the duty of the Speaker in regard to it? Obviously, to refer it in the same manner in which hundreds and thousands of bills have been referred at this session.

Some gentlemen contend, not many, but some contend that it was not intended that bills which came from the Senate, which were subject to the point of order under Rule XX, should go to a committee at all, but must go directly to the Calendar. The Chair thinks that if any gentleman will carefully examine the rule he will perceive that it is impossible for the bill to go to the Calendar in that manner.

The Chair desires also to animadvert upon a decision which has been the subject of so much studied compliment on the part of the gentleman from Kentucky, a decision said to have been made with regard to a bill which came over from the Senate. The fact that that bill contained an appropriation or required an appropriation for a matter different from the House bill was not in any way called to the attention of the Chair, and there are too many lawyers in this House for the House to fail to comprehend that when the matter is not brought to the attention of the presiding officer or the judge he can not be making a direct decision upon that point.

If the Chair recollects this matter correctly, the answer which was made to the inquiry of the gentleman from Arkansas [Mr. ROGERS] was with reference to the request, or the Chair had in mind rather the request, for a conference on the part of the Senate. The former Speaker of the House decided both ways in regard to that question of asking for a conference, that it was to be permitted, and afterwards, upon what was perhaps maturer consideration, that it was not. The present occupant of the chair had a different opinion, and, until argument convinced him to the contrary, he would be disposed to regard that as a desirable thing; not meaning, however, now or at any other time, except at the proper time, to enter into the consideration of the question whether the point of order upon an appropriation bill would send it to the committee even if the conference had been asked by the Senate.

But the particular point of order which has been presented here by the gentleman from Illinois puts the Chair in a position somewhat of embarrassment, because the proposed action of the House is the declaration that an error has been made in parliamentary law upon this subject, and it is proposed to erase from the Journal a statement of fact. While the Chair might have some doubt upon that point of order, it feels this to be a question which the House ought to determine. As to what would be the effect of overruling a statement in the Journal which was a fact would have to be a matter of afterconsideration. But it is a matter now for consideration on the part of the House. If the House sees fit to put anything which is or is not a fact into its Journal, the Chair has no means of interfering and no desire to interfere, and the Chair will therefore overrule the point of order and submit the question on the motion of the gentleman from Texas.

Mr. MILLS. I demand the previous question.

Mr. BLAND. I rise to a question of personal privilege. In order that there may be no misunderstanding as to the statement of the Speaker with reference to gentlemen consulted in connection with this subject, I wish to state that I received a communication through the Speaker's clerk stating that the Speaker desired to see me in his room. I called upon the Speaker in obedience to that summons. The Speaker there contended, as he contends now, that he had authority under the rules to send this bill to the Committee on Coinage, Weights, and Measures. I want to state, however, that I insisted then, as I do now, that the matter had to be considered by the House, and I gave no assent at that time to the opinion of the Speaker, as I do not at this time.

I wish to say further that I make this statement in order that I may be understood. The fact that the Speaker stated that I had been consulted might convey a wrong impression as to my position, and I had supposed at any rate the bill would come before the House from the Speaker's table for reference.

The SPEAKER. The Chair desires to say that he did not intend to convey any inference in regard to the action of the gentleman from Missouri other than he has himself stated. It was solely on the point mentioned, and the matter was not in any way secret.

Mr. McMILLIN. I will ask the indulgence of the House for a few moments, Mr. Speaker. I suppose the Speaker's statement would probably convey the correct idea; but it is not improper to state, as the Speaker would bear witness, that at the time of this consultation I suggested the propriety of whatever was done being done in open House.

The SPEAKER. The gentleman did; and the Chair gave it careful consideration.

Mr. BLOUNT. The Speaker has correctly stated, so far as I am concerned, what took place: that he submitted this question of the construction of this rule to myself, and I gave the opinion announced by the Chair. I take pleasure in saying here that, so far as I know, there was no effort on the part of the Chair to do any other thing than what was fair about this matter. The opinion given by me was rather an off-hand opinion, and I desire to state that I have some difficulty in my own mind, and I wish to state that fact to the House.

Whatever may be the conclusion of the House or the opinions of other gentlemen on this question, I have no doubt the Speaker has undertaken to reach a right conclusion in the matter; but in the course of the discussion a difficulty has arisen in my mind which I wish to present. It occurs under Rule XXIV, section 2:

2. Business on the Speaker's table shall be disposed of as follows: Messages from the President shall be referred to the appropriate committees without debate. Reports and communications from the heads of Departments, and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner, and with the same right of correction, as public bills presented by members.

If this were all I should have no difficulty in my own mind as to the true construction. But further it provides:

But House bills with Senate amendments which do not require consideration

in a Committee of the Whole may be at once disposed of, as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House, and not required to be considered in Committee of the Whole, may also be disposed of in the same manner on motion directed to be made by such committee.

Now, here is a discretion to be exercised by the Speaker of the House in determining whether any House bill with a Senate amendment belongs to the one class or to the other of these bills. There is a discretion to be exercised by the Speaker in that matter, and in the exercise of that discretion the House has the right to review that decision. The Speaker may err as to whether or not a particular amendment to a Senate bill contains any appropriation. Suppose he should err about that, how would the House ever get consideration of it at all? Suppose some bill without any appropriation should be referred by the Speaker in the manner that House bills are referred; suppose he should do that; there would be no chance for the House to correct it.

There would be no opportunity for appeal from that decision, and it does seem to me that the true course is to give a reasonable construction to all portions of the rule, so that all may have their effect. There is some contradiction. There is a difficulty in reaching a conclusion, but the very fact that this House has the right to pass upon the ruling of the Speaker upon that question, if he makes a ruling distinguishing erroneously between these two, and that the House may have the right to correct it by appeal, it does seem to me the better construction is that where there is a House bill with Senate amendments it shall be disposed of in the House. I freely confess, sir, that it is not a matter free from doubt.

Mr. MILLS. I now insist on the previous question.

Mr. CANNON. I move to lay the resolution offered by the gentleman from Texas [Mr. MILLS] upon the table.

The question was taken on the motion of Mr. CANNON; and the Chair announced that the ayes seemed to have it.

A division was called for.

The House divided; and there were—ayes 120, noes 110.

Several Members demanded the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 118, nays 123, not voting 86; as follows:

YEAS—118.

Adams,	Dalsell,	Lodge,	Sherman,
Allen, Mich.	Dargan,	McCormick,	Simonds,
Anderson, Kans.	De Lano,	McKenna,	Smith, W. Va.
Arnold,	Dolliver,	McKinley,	Smyser,
Atkinson, W. Va.	Dunnell,	Miles,	Snider,
Baker,	Evans,	Milliken,	Spooner,
Banks,	Farquhar,	Moffitt,	Stephenson,
Beckwith,	Fialay,	Moore, N. H.	Stewart, Vt.
Belknap,	Flick,	Morrill,	Stivers,
Bingham,	Flood,	Morse,	Stockbridge,
Biss,	Frank,	Mudd,	Struble,
Boothman,	Funkson,	Niedringhaus,	Sweeney,
Boutelle,	Gear,	O'Donnell,	Taylor, E. B.
Brewer,	Gifford,	O'Neill, Pa.	Taylor, J. D.
Brosius,	Greenhalgo,	Osborne,	Thomas,
Brower,	Hall,	Owen, Ind.	Thompson,
Buchanan, N. J.	Hansbrough,	Payson,	Turner, Kans.
Burrows,	Haugen,	Pickler,	Vanderwer,
Burton,	Henderson, Ill.	Post,	Van Schaick,
Butterworth,	Hill,	Pugsley,	Waddill,
Candler, Mass.	Hitt,	Raines,	Walker, Mass.
Cannon,	Kerr, Iowa	Randall,	Wallace, Mass.
Caswell,	Keitcham,	Reed, Iowa	Wallace, N. Y.
Cheadle,	Kinsey,	Reyburn,	Wickham,
Cogswell,	Knapp,	Rife,	Williams, Ohio
Comstock,	Lacey,	Rockwell,	Wilson, Ky.
Conger,	La Follette,	Roswell,	Wright,
Culbertson, Pa.	Laidlaw,	Russell,	Yardley.
Cutcheon,	Laws,	Sanford,	
	Lind,	Sawyer,	

NAYS—123.

Abbott,	Cobb,	Kerr, Pa.	Quinn,
Alderson,	Cooper, Ind.	Kilgore,	Reilly,
Anderson, Miss.	Cottrill,	Lane,	Richardson,
Bankhead,	Cowles,	Langham,	Robertson,
Barnes,	Crisp,	Leahy, Ga.	Sayers,
Bartine,	Culbertson, Tex.	Lewis,	Seney,
Biggs,	Cummings,	Magner,	Shively,
Blanchard,	Davidson,	Malish,	Skinner,
Bland,	De Haven,	Mansur,	Spinola,
Blount,	Dockery,	Martin, Ind.	Springer,
Boatner,	Dunphy,	McAdoo,	Stewart, Ga.
Breckinridge, Ark.	Edmonds,	McClammy,	Stewart, Tex.
Breckinridge, Ky.	Elliott,	McClellan,	Stockdale,
Brickner,	Ellis,	McCreary,	Stone, Mo.
Brookshire,	Enloe,	McMillin,	Stump,
Brown, J. B.	Ewart,	McRae,	Tarsney,
Brunner,	Fithian,	Mills,	Tillman,
Buchanan, Va.	Forman,	Montgomery,	Townsend, Colo.
Buckalew,	Fowler,	Moore, Tex.	Tucker,
Bullock,	Geissenhainer,	Morrow,	Turner, N. Y.
Bynum,	Goodnight,	Mutcher,	Turner, N. Y.
Campbell,	Grimes,	Norton,	Vaux,
Candler, Ga.	Hare,	Oates,	Wheeler, Ala.
Carlton,	Hayes,	O'Neill, Ind.	Whiting,
Carter,	Haynes,	O'Neill, Mass.	Whitthorne,
Caruth,	Heard,	Owens, Ohio	Wilkinson,
Catchings,	Hempill,	Parrett,	Willcox,
Chipman,	Henderson, N. C.	Paynter,	Williams, Ill.
Clarke, Ala.	Herbert,	Peel,	Wilson, Mo.
Clements,	Holman,	Pennington,	Wilson, W. Va.
Clunio,	Kelley,	Perry,	

NOT VOTING—86.

Allen, Miss.	Dingley,	Lester, Va.	Rusk,
Andrew,	Dorsey,	Martin, Tex.	Scranton,
Atkinson, Pa.	Featherston,	Mason,	Scull,
Barwig,	Fitch,	McCarthy,	Smith, Ill.
Bayne,	Flower,	McComas,	Stahnecker,
Bergen,	Forney,	McCord,	Stone, Ky.
Bowden,	Gest,	McDuffie,	Taylor, Ill.
Brown, T. M.	Gibson,	Morey,	Taylor, Tenn.
Brown, Va.	Grosvenor,	Morgan,	Townsend, Pa.
Bunn,	Groul,	Nute,	Tracey,
Caldwell,	Harmer,	O'Ferrall,	Venable,
Cheatham,	Hatch,	Outhwaite,	Wade,
Clancy,	Henderson, Iowa	Payne,	Walker, Mo.
Clark, Wis.	Hermann,	Perkins,	Washington,
Coleman,	Hooker,	Peters,	Watson,
CConnell,	Hopkins,	Phelan,	Wheeler, Mich.
Cooper, Ohio	Houk,	Pierce,	Wike,
Covett,	Kennedy,	Price,	Wiley,
Craig,	Lansing,	Quackenbush,	Wilson, Wash.
Crain,	Lawler,	Ray,	Yoder,
Darlington,	Lee,	Rogers,	
Dibble,	Lehbach,	Rowland,	

So the motion was rejected.

The following additional pairs were announced from the Clerk's desk:

Until further notice:

Mr. McDUFFIE with Mr. FORNEY.

Mr. HENDERSON, of Iowa, with Mr. PHELAN.

Mr. WATSON with Mr. ROGERS.

Mr. PAYNE with Mr. STAHLNECKER.

Mr. DARLINGTON with Mr. FLOWER.

For the rest of this day:

Mr. NUTE with Mr. RUSK.

Mr. WILSON, of Washington, with Mr. WIKE.

Mr. HOUK with Mr. WASHINGTON.

Mr. GEST with Mr. STONE, of Kentucky.

Mr. PERKINS with Mr. CRAIN, on this vote.

Mr. HARMER with Mr. LEE, on this vote. Mr. HARMER would vote "ay" and Mr. LEE "no."

Mr. PERKINS. Mr. Speaker, I was paired with the gentleman from Texas [Mr. CRAIN] on this vote. Had I not been paired, I should have voted yea, to lay the motion on the table.

On motion of Mr. LODGE, by unanimous consent, the recapitulation of the vote was omitted.

The SPEAKER. On the motion to lay upon the table the yeas are 118 and the nays are 123, and the motion is lost. The question recurs upon the motion of the gentleman from Texas for the previous question.

The previous question was ordered.

The question recurred upon the resolution offered by the gentleman from Texas [Mr. MILLS].

Mr. BUTTERWORTH. I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will report the resolution of the gentleman from Texas [Mr. MILLS].

The resolution was again read.

The question was taken; and it was decided in the affirmative—yeas 121, nays 117, not voting 89; as follows:

YEAS—121.

Abbott,	Cowles,	Lanham,	Robertson,
Alderson,	Crisp,	Lester, Ga.	Sayers,
Anderson, Miss.	Culbertson, Tex.	Lewis,	Seney,
Bankhead,	Cummings,	Magner,	Shively,
Barnes,	Davidson,	Maish,	Skinner,
Bartine,	De Haven,	Manor,	Spindola,
Biggs,	Dockery,	Martin, Ind.	Springer,
Bland,	Dunphy,	McAdoo,	Stewart, Ga.
Blount,	Edmunds,	McClammy,	Stewart, Tex.
Boatner,	Elliott,	McClellan,	Stockdale,
Breckinridge, Ark.	Ellis,	McCreary,	Stone, Mo.
Breckinridge, Ky.	Enloe,	McKinley,	Stump,
Briekner,	Fitch,	McMillin,	Tarsney,
Brookshire,	Fithian,	McRae,	Tillman,
Brown, J. B.	Forman,	Mills,	Townsend, Colo.
Brunner,	Fowler,	Montgomery,	Tucker,
Buchanan, Va.	Geissenhainer,	Moore, Tex.	Turner, Ga.
Buckalew,	Goodnight,	Morrow,	Turner, N. Y.
Bullock,	Grimes,	Mutchler,	Vaux,
Bynum,	Hare,	Norton,	Wheeler, Ala.
Candler, Ga.	Hayes,	Oates,	Whiting,
Carlton,	Haynes,	O'Neill, Ind.	Whitthorne,
Carter,	Heard,	O'Neill, Mass.	Wiley,
Caruth,	Hemphill,	Owens, Ohio	Wilkinson,
Catchings,	Henderson, N. C.	Parrett,	Willcox,
Clarke, Ala.	Herbert,	Paynter,	Williams, Ill.
Clements,	Holman,	Peel,	Wilson, Mo.
Clunie,	Kelley,	Penington,	Wilson, W. Va.
Cobb,	Kerr, Pa.	Ferry,	
Cooper, Ind.	Kilgore,	Reilly,	
Cothran,	Lane,	Richardson,	

NAYS—117.

Adams,	Belknap,	Burrows,	Conger,
Allen, Mich.	Bingham,	Burton,	Culbertson, Pa.
Anderson, Kans.	Bliss,	Butterworth,	Cutcheon,
Arnold,	Boothman,	Candler, Mass.	Dalzell,
Atkinson, W. Va.	Boutelle,	Cannon,	De Lano,
Baker,	Brewer,	Caswell,	Dolliver,
Banks,	Brosius,	Cheadle,	Dunnell,
Beckwith,	Brower,	Cogswell,	Evans,
Belden,	Buchanan, N. J.	Comstock,	Farquhar,

Finley,	Laws,	Raines,	Sweeney,
Flick,	Lind,	Randall,	Taylor, E. B.
Flood,	Lodge,	Reed, Iowa	Taylor, J. D.
Frank,	McCormick,	Reyburn,	Thomas,
Funston,	McKenna,	Rife,	Thompson,
Gear,	Miles,	Rockwell,	Tracey,
Gifford,	Milliken,	Rowell,	Turner, Kans.
Greenhalge,	Moffitt,	Russell,	Vandover,
Hall,	Moore, N. H.	Sanford,	Van Schaick,
Hansbrough,	Morrill,	Sawyer,	Waddill,
Haugen,	Morse,	Sherman,	Walker, Mass.
Henderson, Ill.	Mudd,	Simonds,	Wallace, Mass.
Hill,	Niedringhaus,	Smith, W. Va.	Wallace, N. Y.
Hitt,	O'Donnell,	Smyser,	Wickham,
Kerr, Iowa	O'Neill, Pa.	Snider,	Williams, Ohio
Ketcham,	Osborne,	Spooner,	Wilson, Ky.
Kinney,	Owen, Ind.	Stephenson,	Wright,
Knapp,	Payson,	Stewart, Vt.	Yardley,
Lacey,	Pickler,	Stivers,	
La Follette,	Post,	Stockbridge,	
Laidlaw,	Pugsley,	Struble,	

NOT VOTING—89.

Allen, Miss.	Dargan,	Lee,	Rogers,
Andrew,	Darlington,	Lehbach,	Rowland,
Atkinson, Pa.	Dibble,	Lester, Va.	Rusk,
Barwig,	Dingley,	Martin, Tex.	Scranton,
Bayne,	Dorsey,	Mason,	Scull,
Bergen,	Ewart,	McCarthy,	Smith, Ill.
Blanchard,	Featherston,	McComas,	Stahnecker,
Bowden,	Flower,	McCord,	Stone, Ky.
Brown, T. M.	Forney,	McDuffie,	Taylor, Ill.
Brown, Va.	Gest,	Morey,	Taylor, Tenn.
Bunn,	Gibson,	Morgan,	Townsend, Pa.
Caldwell,	Grosvenor,	Nute,	Venable,
Campbell,	Groul,	O'Ferrall,	Wade,
Cheatham,	Harmer,	Outhwaite,	Walker, Mo.
Chipman,	Hatch,	Payne,	Washington,
Clancy,	Henderson, Iowa	Perkins,	Watson,
Clark, Wis.	Hermann,	Peters,	Wheeler, Mich.
Coleman,	Hooker,	Phelan,	Wike,
CConnell,	Hopkins,	Pierce,	Wilson, Wash.
Cooper, Ohio	Houk,	Price,	Yoder,
Covett,	Kennedy,	Quackenbush,	
Craig,	Lansing,	Quinn,	
Crain,	Lawler,	Ray,	

So the resolution was adopted.

The following additional pairs were announced:

On this vote:

Mr. HOPKINS with Mr. BLANCHARD.

Mr. DARLINGTON with Mr. FLOWER.

Mr. PERKINS with Mr. CRAIN.

Mr. HARMER with Mr. LEE.

Mr. PERKINS. Mr. Speaker, I desire to say that I am paired with the gentleman from Texas [Mr. CRAIN]. Had I not been paired, I would have voted to sustain the action of the Chair on this question.

Mr. SMITH, of Illinois. I am paired with the gentleman from North Carolina [Mr. BUNN]. Had I not been paired, I should have voted to sustain the Speaker on this question.

Mr. GEST. I am paired with the gentleman from Kentucky [Mr. STONE]. If I had not been paired, I should have voted "nay."

The vote was recapitulated.

Mr. FUNSTON. Mr. Speaker, I desire to change my vote from "ay" to "nay." [Cries of "Ah!" on the Democratic side, and applause on the Republican side.]

Mr. ABBOTT. Mr. Speaker, I desire to have my vote recorded. It was not called by the Clerk. I voted on both roll-calls.

Mr. MILLS and Mr. MCCREARY. I heard him.

The SPEAKER. The Chair does not need any testimony except the statement of the gentleman himself.

The name of Mr. ABBOTT was called, and he voted "yea."

Mr. BULLOCK. Mr. Speaker, I voted on the first roll-call.

The SPEAKER. The name of the gentleman will be recorded.

Mr. MCKINLEY. I desire to change my vote.

The name of Mr. MCKINLEY was called, and he voted "ay." [Applause on the Democratic side.]

The result of the vote was then announced as above recorded.

Mr. MCKINLEY. I move to reconsider the vote by which the resolution was adopted.

Mr. MILLS. I move to lay that motion on the table.

Mr. MCKINLEY. And pending that, I move that the House do now adjourn.

Mr. MILLS. I moved to lay the motion to reconsider on the table.

The SPEAKER. The gentleman from Ohio was recognized to move to reconsider, and he also moved that the House do now adjourn.

Mr. MILLS. But I moved to lay his motion on the table, and then he moved to adjourn.

The SPEAKER. Will the gentleman give the authority which gives that precedence over a motion to adjourn?

Mr. MILLS. He moved to reconsider; I made the motion to lay that on the table, and then he moved to adjourn.

The SPEAKER. The Chair has not said that the gentleman did not make the motion.

Mr. MILLS. There is no question that a motion to adjourn has precedence over my motion. There is no difference about that.

The question was taken upon the motion to adjourn; and the Speaker announced that the "yeas" seemed to have it.

Mr. MILLS. I demand the yeas and nays.
The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 119, nays 120, not voting 88; as follows:

YEAS—119.

Adams,	De Lano,	McCormick,	Sherman,
Allen, Mich.	Dolliver,	McKenna,	Simonds,
Anderson, Kans.	Dunnell,	McKinley,	Smith, Ill.
Arnold,	Evans,	Miles,	Smith, W. Va.
Atkinson, W. Va.	Ewart,	Milliken,	Smyser,
Baker,	Farquhar,	Moffitt,	Snider,
Banks,	Finley,	Moore, N. H.	Spooner,
Belden,	Flick,	Morrill,	Stephenson,
Belknap,	Flood,	Morse,	Stewart, Vt.
Bingham,	Frank,	Mudd,	Stivers,
Bliss,	Funston,	Niedringhaus,	Stockbridge,
Boothman,	Gear,	O'Donnell,	Struble,
Boutelle,	Gifford,	O'Neill, Pa.	Sweeney,
Brewer,	Greenhalge,	Osborne,	Taylor, E. B.
Brosius,	Hall,	Owen, Ind.	Taylor, J. D.
Brower,	Hansbrough,	Payson,	Thomas,
Buchanan, N. J.	Haugen,	Perkins,	Thompson,
Burrows,	Henderson, Ill.	Pickler,	Turner, Kans.
Burton,	Hitt,	Post,	Vandever,
Butterworth,	Kerr, Iowa	Pugaley,	Van Schaick,
Candler, Mass.	Ketchum,	Raines,	Waddill,
Cannon,	Kinsey,	Randall,	Walker, Mass.
Caswell,	Knapp,	Reed, Iowa	Wallace, Mass.
Cheadle,	Lacey,	Reynolds,	Wallace, N. Y.
Cogswell,	La Follette,	Rife,	Wickham,
Comstock,	Laidlaw,	Rockwell,	Williams, Ohio
Conger,	Laws,	Rowell,	Wilson, Ky.
Culbertson, Pa.	Lodge,	Russell,	Wright,
Cutcheon,		Sanford,	Yardley.
Dalzell,		Sawyer,	

NAYS—120.

Abbott,	Cowles,	Kilgore,	Reilly,
Alderson,	Crisp,	Lane,	Richardson,
Anderson, Miss.	Culbertson, Tex.	Lanham,	Robertson,
Bankhead,	Cummings,	Lester, Ga.	Sayers,
Barnes,	Davidson,	Lewis,	Seney,
Bartine,	De Haven,	Magner,	Shively,
Biggs,	Dockery,	Maish,	Skinner,
Blanchard,	Dunphy,	Mansur,	Spinola,
Bland,	Edmunds,	Martin, Ind.	Springer,
Blount,	Elliott,	McAdoo,	Stewart, Ga.
Boatner,	Ellis,	McClammy,	Stewart, Tex.
Breckinridge, Ark.	Enloe,	McClellan,	Stockdale,
Breckinridge, Ky.	Fitch,	McCreary,	Stone, Mo.
Brickner,	Fithian,	McMillin,	Stump,
Brookshire,	Forman,	McRae,	Tarmey,
Brown, J. B.	Forney,	Mills,	Tillman,
Brunner,	Fowler,	Montgomery,	Townsend, Colo.
Buchanan, Va.	Geissenhainer,	Moore, Tex.	Tucker,
Buckalew,	Goodnight,	Morrow,	Turner, Ga.
Bullock,	Grimes,	Mutchler,	Turner, N. Y.
Bynum,	Hare,	Norton,	Vaux,
Candler, Ga.	Hayes,	Oates,	Wheeler, Ala.
Caruth,	Haynes,	O'Neill, Ind.	Whiting,
Catchings,	Heard,	O'Neill, Mass.	Whithorne,
Clarke, Ala.	Hemphill,	Owens, Ohio	Wiley,
Clements,	Henderson, N. C.	Parrett,	Wilkinson,
Clunie,	Herbert,	Paynter,	Williams, Ill.
Cobb,	Holman,	Peel,	Wilson, Mo.
Cooper, Ind.	Kelley,	Pennington,	Wilson, W. Va.
Cothran,	Kerr, Pa.	Perry,	

NOT VOTING—88.

Allen, Miss.	Covert,	Lansing,	Quinn,
Andrew,	Craig,	Lawler,	Ray,
Atkinson, Pa.	Crain,	Lee,	Rogers,
Barwig,	Dargan,	Lehlbach,	Rowland,
Bayne,	Darlington,	Lester, Va.	Rusk,
Beckwith,	Dibble,	Martin, Tex.	Seranton,
Bergen,	Dingley,	Mason,	Scull,
Bowden,	Dorsey,	McCarthy,	Simonds,
Browne, T. M.	Featherston,	McComas,	Skinner,
Browne, Va.	Flower,	McCord,	Stahneck,
Bunn,	Gest,	McDuffie,	Stewart, Vt.
Caldwell,	Gibson,	Morey,	Stone, Ky.
Campbell,	Grosvenor,	Morgan,	Taylor, Ill.
Carlton,	Grout,	Nute,	Taylor, Tenn.
Carter,	Harmer,	O'Ferrall,	Taylor, E. B.
Cheatham,	Hatch,	Outhwaite,	Townsend, Pa.
Chipman,	Henderson, Iowa	Payne,	Venable,
Clancy,	Hill,	Peters,	Walker, Mo.
Clark, Wis.	Hooker,	Phelan,	Washington,
Coleman,	Hopkins,	Pierce,	Watson,
Connell,	Houk,	Price,	Wheeler, Mich.
Cooper, Ohio	Kennedy,	Quackenbush,	Wike,
			Willcox,
			Wilson, Wash.
			Yoder.

So the House refused to adjourn.

Mr. SMITH, of Illinois. Mr. Speaker, my pair with Mr. BUNN having been transferred to another gentleman, I vote "ay."

The following additional pairs were announced:

Mr. WHEELER, of Michigan, with Mr. BUNN, until further notice.

Mr. DARLINGTON with Mr. FLOWER, on this vote.

Mr. HARMER with Mr. LEE, on this vote.

Mr. McDUFFIE with Mr. CHIPMAN, on this vote.

Mr. SPRINGER. Mr. Speaker, I did not hear the name of the gentleman from Pennsylvania, Mr. MUTCHLER, read.

The SPEAKER. There has been no recapitulation thus far, which may account for the gentleman not hearing the name of the gentleman from Pennsylvania read.

Mr. SPRINGER. His name was called on the second roll-call, but he did not answer, having answered on the first.

The Clerk recapitulated the name of members voting.

Mr. MUTCHLER. Mr. Speaker, how am I recorded as voting?

The SPEAKER. The gentleman is not recorded.

Mr. MUTCHLER. I voted on both roll-calls, and voted "no."

The SPEAKER. The Chair takes the gentleman's statement, and his vote will be recorded.

The SPEAKER. On this question, the yeas are 119 and the nays 120. The motion to adjourn is lost, and the question recurs upon the motion made by the gentleman from Texas [Mr. MILLS], that the motion of the gentleman from Ohio [Mr. MCKINLEY] to reconsider be laid on the table.

The question was taken; and the Speaker declared that the Chair was in doubt.

Mr. MCKINLEY. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 121, nays 114, not voting 92; as follows:

YEAS—121.

Abbott,	Cothran,	Kilgore,	Richardson,
Alderson,	Cowles,	Lane,	Robertson,
Anderson, Miss.	Crisp,	Lanham,	Sayers,
Bankhead,	Cummings,	Lester, Ga.	Seney,
Barnes,	Davidson,	Lewis,	Shively,
Bartine,	De Haven,	Magner,	Spinola,
Biggs,	Dockery,	Maish,	Springer,
Blanchard,	Dunphy,	Mansur,	Stewart, Ga.
Bland,	Edmunds,	Martin, Ind.	Stewart, Tex.
Blount,	Elliot,	McAdoo,	Stockdale,
Boatner,	Ellis,	McClammy,	Stone, Mo.
Breckinridge, Ark.	Enloe,	McClellan,	Stump,
Breckinridge, Ky.	Fitch,	McCreary,	Tarmey,
Brickner,	Fithian,	McMillin,	Tillman,
Brookshire,	Forman,	McRae,	Townsend, Colo.
Brown, J. B.	Forney,	Mills,	Tracey,
Brunner,	Fowler,	Montgomery,	Tucker,
Buchanan, Va.	Geissenhainer,	Moore, Tex.	Turner, Ga.
Buckalew,	Goodnight,	Morrow,	Turner, N. Y.
Bullock,	Grimes,	Mutchler,	Vaux,
Bynum,	Hare,	Norton,	Wheeler, Ala.
Campbell,	Hayes,	Oates,	Whiting,
Candler, Ga.	Haynes,	O'Neill, Ind.	Whithorne,
Carlton,	Heard,	O'Neill, Mass.	Wiley,
Carter,	Hemphill,	Owens, Ohio	Wilkinson,
Caruth,	Henderson, N. C.	Parrett,	Williams, Ill.
Catchings,	Herbert,	Paynter,	Wilson, Mo.
Clarke, Ala.	Holman,	Peel,	Wilson, W. Va.
Clements,	Kelley,	Pennington,	
Clunie,	Kerr, Pa.	Perry,	
Cobb,		Reilly,	
Cooper, Ind.			

NAYS—114.

Adams,	Dalzell,	Lodge,	Sawyer,
Allen, Mich.	De Lano,	McCormick,	Sherman,
Anderson, Kans.	Dolliver,	McKenna,	Smith, Ill.
Arnold,	Dunnell,	McKinley,	Smith, W. Va.
Atkinson, W. Va.	Evans,	Miles,	Smyser,
Baker,	Farquhar,	Moffitt,	Snider,
Banks,	Finley,	Moore, N. H.	Spooner,
Belden,	Flick,	Morrill,	Stephenson,
Belknap,	Flood,	Morse,	Stivers,
Bingham,	Frank,	Mudd,	Stockbridge,
Bliss,	Funston,	Niedringhaus,	Struble,
Boothman,	Gear,	O'Donnell,	Sweeney,
Boutelle,	Gifford,	O'Neill, Pa.	Taylor, J. D.
Brewer,	Greenhalge,	Osborne,	Thomas,
Brosius,	Hall,	Owen, Ind.	Thompson,
Brower,	Hansbrough,	Payson,	Turner, Kans.
Buchanan, N. J.	Haugen,	Perkins,	Vandever,
Burrows,	Henderson, Ill.	Pickler,	Van Schaick,
Burton,	Hitt,	Post,	Waddill,
Butterworth,	Kerr, Iowa	Pugaley,	Walker, Mass.
Candler, Mass.	Ketchum,	Raines,	Wallace, Mass.
Cannon,	Kinsey,	Randall,	Wallace, N. Y.
Caswell,	Knapp,	Reed, Iowa	Wickham,
Cheadle,	Lacey,	Reynolds,	Williams, Ohio
Cogswell,	La Follette,	Rife,	Wilson, Ky.
Comstock,	Laidlaw,	Rockwell,	Wright,
Conger,	Laws,	Rowell,	Yardley.
Culbertson, Pa.	Lodge,	Russell,	
Cutcheon,		Sanford,	

NOT VOTING—92.

Allen, Miss.	Culbertson, Tex.	Lehlbach,	Rowland,
Andrew,	Dargan,	Lester, Va.	Rusk,
Atkinson, Pa.	Darlington,	Martin, Tex.	Seranton,
Barwig,	Dibble,	Mason,	Scull,
Bayne,	Dingley,	McCarthy,	Simonds,
Beckwith,	Dorsey,	McComas,	Skinner,
Bergen,	Ewart,	McCord,	Stahneck,
Bowden,	Featherston,	McDuffie,	Stewart, Vt.
Browne, Va.	Flower,	Morey,	Stone, Ky.
Browne, T. M.	Gest,	Morgan,	Taylor, Ill.
Bunn,	Gibson,	Nute,	Taylor, Tenn.
Caldwell,	Grosvenor,	O'Ferrall,	Taylor, E. B.
Catchings,	Grout,	Outhwaite,	Townsend, Pa.
Cheatham,	Harmer,	Payne,	Venable,
Chipman,	Hatch,	Peters,	Walker, Mo.
Clancy,	Henderson, Iowa	Phelan,	Washington,
Clark, Wis.	Hooker,	Pierce,	Watson,
Coleman,	Hopkins,	Price,	Wheeler, Mich.
Connell,	Houk,	Quackenbush,	Wike,
Cooper, Ohio	Kennedy,	Quinn,	Willcox,
Covert,	Lansing,	Ray,	Wilson, Wash.
Craig,	Lawler,	Rogers,	Yoder.
Crain,	Lee,		

So the motion to reconsider was laid on the table.

The following additional pairs were announced:

Mr. STEWART, of Vermont, with Mr. CULBERTSON, of Texas.

Mr. EZRA B. TAYLOR with Mr. SKINNER, for the rest of this day.

Mr. SIMONDS with Mr. WILLCOX, for the rest of this day.
Mr. MILLIKEN with Mr. CATCHINGS, for the rest of this day.
Mr. DARLINGTON with Mr. FLOWER, for the rest of this day.
Mr. HARMER with Mr. LEE, on this vote.
On motion of Mr. SPRINGER, the reading of the names of members voting was dispensed with.

The result of the vote was then announced as above recorded.

Mr. MILLS. I now move the approval of the Journal as amended, and on that I ask for the previous question.

The SPEAKER. There is still a question pending with regard to the preamble. Does the gentleman from Texas move the adoption of the preamble?

Mr. MILLS. I am moving the approval of the Journal as amended.

The SPEAKER. The preamble is before the House for its disposal.

Mr. MILLS. I withdraw the preamble, and move the approval of the Journal as amended.

The SPEAKER. The preamble can not be withdrawn except by unanimous consent.

Several MEMBERS. Let us hear it.

The SPEAKER. The question is on the preamble. The House must either adopt or reject it.

The preamble was again read, as follows:

Whereas the order of reference made by the Speaker referring House bill 5381, which was returned to the House yesterday with a Senate amendment, to the Committee on Coinage, Weights, and Measures, was incorrect under the rules of the House and done without authority under said rules—

Mr. MCKINLEY. I object to any withdrawal of that preamble.

Mr. LODGE. So do I.

The SPEAKER. The question is on the adoption of the preamble.

Mr. KERR, of Iowa. On that I demand the yeas and nays.

Mr. LODGE. Yes; let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 121, not voting 97; as follows:

YEAS—109.

Abbott,	Cooper, Ind.	Lanham,	Richardson,
Alderson,	Cowles,	Lester, Ga.	Robertson,
Anderson, Miss.	Crisp,	Lewis,	Sayers,
Bankhead,	Cummings,	Magner,	Seney,
Barnes,	Davidson,	Maish,	Shively,
Biggs,	Dockery,	Mansur,	Spinola,
Blanchard,	Dunphy,	Martin, Ind.	Springer,
Bland,	Edmunds,	McAdoo,	Stewart, Ga.
Blount,	Elliott,	McClammy,	Stewart, Tex.
Boatner,	Ellis,	McClellan,	Stockdale,
Breckinridge, Ark.	Enloe,	McCreary,	Stone, Mo.
Breckinridge, Ky.	Fithian,	McMillin,	Stump,
Brickner,	Forman,	McRae,	Tarney,
Brookshire,	Fowler,	Mills,	Tillman,
Brown, J. B.	Geisenbainer,	Montgomery,	Tucker,
Brunner,	Goodnight,	Moore, Tex.	Turner, Ga.
Buchanan, Va.	Grimes,	Mitchler,	Turner, N. Y.
Buckalew,	Harc,	Norton,	Vaux,
Bullock,	Hayes,	Oates,	Whelan, Ala.
Bynum,	Haynes,	O'Neill, Ind.	Whiting,
Campbell,	Heard,	O'Neill, Mass.	Wiley,
Candler, Ga.	Hemphill,	Owens, Ohio	Wilkinson,
Carlton,	Henderson, N. C.	Parrett,	Williams, Ill.
Caruth,	Herbert,	Paynter,	Wilson, Mo.
Clarke, Ala.	Holman,	Peel,	Wilson, W. Va.
Clements,	Kerr, Pa.	Pennington,	
Clunie,	Kilgore,	Perry,	
Cobb,	Lane,	Reilly,	

NAYS—121.

Adams,	De Haven,	Lodge,	Sherman,
Allen, Mich.	De Lano,	McCormick,	Smith, Ill.
Anderson, Kans.	Dolliver,	McKenna,	Smith, W. Va.
Arnold,	Dunnell,	McKinley,	Snyder,
Atkinson, W. Va.	Evans,	Miles,	Snider,
Baker,	Farquhar,	Moffitt,	Spooner,
Banks,	Finley,	Moore, N. H.	Stephenson,
Bartine,	Flick,	Morrill,	Stivers,
Belden,	Flood,	Morrow,	Stockbridge,
Belknap,	Frank,	Morse,	Struble,
Bingham,	Funston,	Mudd,	Sweeney,
Blies,	Gear,	Niedringhaus,	Taylor, J. D.
Boothman,	Gifford,	O'Donnell,	Thomas,
Boutelle,	Greenhalge,	O'Neill, Pa.	Thompson,
Brewer,	Hall,	Osborne,	Townsend, Colo.
Brosius,	Hansbrough,	Owen, Ind.	Tracey,
Brower,	Haugen,	Payson,	Turner, Kans.
Buchanan, N. J.	Henderson, Ill.	Perkins,	Vandever,
Burrows,	Hermann,	Pickler,	Van Schaick,
Burton,	Hill,	Post,	Waddill,
Butterworth,	Hitt,	Pugsley,	Walker, Mass.
Candler, Mass.	Kelley,	Raines,	Wallace, Mass.
Cannon,	Kerr, Iowa	Randall,	Wallace, N. Y.
Carter,	Ketcham,	Reed, Iowa	Wickham,
Caswell,	Kinsey,	Reyburn,	Williams, Ohio
Cogswell,	Knapp,	Rife,	Wilson, Ky.
Constock,	Lacey,	Rockwell,	Wright,
Conger,	La Pointe,	Rowell,	Yardley,
Culbertson, Pa.	Laidlaw,	Russell,	
Cutcheon,	Laws,	Sanford,	
Dalzell,	Lind,	Sawyer,	

NOT VOTING—97.

Allen, Miss.	Bergen,	Catchings,	Coleman,
Andrew,	Bowden,	Cheadle,	Connell,
Atkinson, Pa.	Browne, T. M.	Cheatham,	Cooper, Ohio
Barwig,	Browne, Va.	Chipman,	Cottrhan,
Bayne,	Bunn,	Clancy,	Covert,
Beckwith,	Caldwell,	Clark, Wis.	Craig,

Crain,	Hooker,	O'Ferrall,	Stone, Ky.
Culbertson, Tex.	Hopkins,	Onthwaite,	Taylor, E. B.
Dargan,	Houk,	Payne,	Taylor, Ill.
Darlington,	Kennedy,	Peters,	Taylor, Tenn.
Dibble,	Lansing,	Phelan,	Townsend, Pa.
Dingley,	Lawler,	Pierce,	Venable,
Dorsey,	Lee,	Price,	Wade,
Ewart,	Lehbach,	Quackenbush,	Walker, Mo.
Featherston,	Lester, Va.	Quinn,	Washington,
Fitch,	Martin, Tex.	Ray,	Watson,
Flower,	Mason,	Rogers,	Wheeler, Mich.
Forney,	McCarthy,	Rowland,	Whithorne,
Gest,	McComas,	Rusk,	Wike,
Gibson,	McCord,	Scranton,	Willcox,
Grosvonor,	McDuffie,	Seull,	Wilson, Wash.
Groat,	Milliken,	Simonds,	Yoder,
Harmer,	Morey,	Skinner,	
Hatch,	Morgan,	Stahneck,	
Henderson, Iowa	Nute,	Stewart, Vt.	

So the preamble was rejected.

The following additional pairs were announced:

Mr. McDUFFIE with Mr. FORNEY, until further notice.

Mr. TAYLOR, of Tennessee, with Mr. WHITTHORNE, for the rest of this day.

Mr. HARMER with Mr. LEE, for the rest of the day.

Mr. CHADLE with Mr. COTHRAN, for the rest of the day.

On motion of Mr. STRUBLE, by unanimous consent, the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

Mr. MILLS. I move the previous question on the adoption of the motion of the gentleman from Ohio.

Mr. MCKINLEY. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 6 o'clock and 55 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

LANDING EMIGRANTS IN VIOLATION OF CONTRACT-LABOR LAW.

Communication from the Acting Secretary of the Treasury, inclosing a letter from the collector of the port of New York, and certain other papers in reply to the resolution of the House of Representatives inquiring into the action of the Cunard Steam-Ship Company refusing to obey the orders of the officers of the United States to give return passage to certain emigrants landed at New York by said company in violation of the contract-labor laws, and also looking to a thorough enforcement by the Department of the laws prohibiting the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States—to the Committee on Foreign Affairs.

RECLASSIFICATION OF RAILWAY POSTAL CLERKS.

Communication from the general superintendent of the railway mail service in reference to the reclassifying of the railway postal clerks employed in the railway mail service, and requesting and urging the passage of House bill 8299, which pertains to the same—to the Committee on the Post-Office and Post-Roads.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. LODGE:

Resolved, That on Tuesday, June 24, immediately after the reading of the Journal, House bill 10958 and the substitute therefor, reported with favorable recommendation from the Committee on the Election of President, Vice-President, and Members of Congress, be considered then and thereafter, from day to day, until Saturday, June 23, at 3 p. m., when the previous question shall be considered ordered on the bill and all pending amendments;

to the Committee on Rules.

By Mr. RUSSELL:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of State be, and he is hereby, authorized to have the reports of the commissioners of the United States to the Paris Exposition of 1889, or such of them as may be accepted by him for publication, printed and bound at the Government Printing Office; and that, in addition to the usual number, there shall be printed 13,000 extra copies, of which number 3,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, and 4,000 for the use of the Department of State, of which 600 copies shall be distributed among the authors of the reports printed;

to the Committee on Printing.

By Mr. RUSSELL:

Resolved by the House of Representatives (the Senate concurring), That there be printed, in addition to the usual number, 13,000 copies of the twelfth number of the Statistical Abstract of the United States, for the year 1889, of which 5,000 copies shall be for the use of the Senate and 10,000 copies for the use of the House of Representatives;

to the Committee on Printing.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. THOMAS, from the Committee on War Claims, reported fa-

vorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 5838) for the relief of Andrew J. Boss (Report No. 2484); and

A bill (S. 471) for the relief of the Norfolk Ferry Committee (Report No. 2485).

Mr. DOLLIVER, from the Committee on Naval Affairs, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 6559) to provide for the issue of the commission of Philip C. Johnson as a rear-admiral in the United States Navy. (Report No. 2486.)

A bill (H. R. 5440) for the relief of H. E. Rhoades, of New York, N. Y. (Report No. 2487.)

A bill (S. 388) to remove the charge of desertion now standing against the record of Noyes Barber on the rolls of the Navy Department. (Report No. 2488.)

Mr. DUNNELL, from the Committee on Foreign Affairs, reported favorably the bill of the Senate (S. 3562) authorizing additional compensation to the assistant commissioners to the industrial exhibition held at Melbourne, Australia, accompanied by a report (No. 2489)—to the Committee of the Whole House on the state of the Union.

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads, to which were referred the following bills of the House:

A bill (H. R. 3847) to readjust the salary and allowances of the postmaster at Guthrie, Ind. T.;

A bill (H. R. 4757) to readjust the salary and allowances of the postmaster at Kingfisher, Ind. T.; and

A bill (H. R. 5623) to readjust the salary and allowances of the postmaster at Oklahoma, Ind. T.;

reported, in lieu thereof, a bill (H. R. 11044) to readjust the salary and allowances of the postmasters at Guthrie, Oklahoma City, and Kingfisher, in Oklahoma Territory; which was read twice, and, with the accompanying report (No. 2490), referred to the Committee of the Whole House on the state of the Union.

Mr. HITT, from the Committee on Foreign Affairs, reported favorably the following joint resolutions of the House; which were severally referred to the Committee of the Whole House:

A joint resolution (H. Res. 178) authorizing certain officers and employees of the United States Government to accept diplomas from the President of the French Republic. (Report No. 2491.)

A joint resolution (H. Res. 173) to authorize Carl Berlin to accept from the King of Sweden and Norway the decoration of the "Royal Order of the Sword." (Report No. 2492.)

Mr. LODGE, from the Select Committee on the Election of President, Vice-President, and Representatives in Congress, to which was referred the bill of the House (H. R. 10958) to amend and supplement the election laws of the United States and to provide for the more efficient enforcement of such laws, and for other purposes, reported, as a substitute therefor, a bill (H. R. 11045) to amend and supplement the election laws of the United States and to provide for the more efficient enforcement of such laws, and for other purposes; which was read twice, and, with accompanying report (No. 2493), referred to the Committee of the Whole House on the state of the Union.

Mr. KINSEY, from the Committee on Military Affairs, reported favorably the bill of the House (H. R. 2968) for the relief of Thomas W. Houts, accompanied by a report (No. 2494)—to the Committee of the Whole House.

Mr. PARRETT, from the Committee on Pensions, reported with amendment the bill of the House (H. R. 2487) granting a pension to Micagen Hancock, accompanied by a report (No. 2495)—to the Committee of the Whole House.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. MORRILL: A bill (H. R. 11042) to amend section 4700 of the Revised Statutes—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 11043) to incorporate the Trans-Anaestha Railway Company—to the Committee on the District of Columbia.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BELKNAP: A bill (H. R. 11046) granting an increase of pension to Mary G. Champlin—to the Committee on Invalid Pensions.

By Mr. COMSTOCK: A bill (H. R. 11047) authorizing the Secretary of the Interior to determine certain claims against Fond du Lac Indians—to the Committee on Indian Affairs.

By Mr. FINLEY: A bill (H. R. 11048) for the relief of James Culbrith, of Whitley County, Kentucky—to the Committee on War Claims.

By Mr. GEAR: A bill (H. R. 11049) for the relief of the heirs or legal representatives of Robert J. Baugnass, deceased—to the Committee on Military Affairs.

By Mr. GEST: A bill (H. R. 11050) to grant a pension to Mrs. Etta Hubbs as an army nurse—to the Committee on Invalid Pensions.

By Mr. KERR, of Pennsylvania: A bill (H. R. 11051) granting an increase of pension to Walter Barrett, late major Eighty-fourth Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11052) to remove the charge of desertion against William Symonds—to the Committee on Military Affairs.

By Mr. SHIVELY: A bill (H. R. 11053) for the relief of Dieterick Glander—to the Committee on Indian Affairs.

By Mr. STOCKBRIDGE (by request): A bill (H. R. 11054) for the relief of the heirs of Wesley Hartlove—to the Committee on War Claims.

By Mr. WHITTHORNE: A bill (H. R. 11055) for the relief of Samuel J. Stocker—to the Committee on War Claims.

By Mr. WHITING: A bill (H. R. 11056) for the relief of William G. Atkinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11057) for the relief of Wallace Harsen—to the Committee on Military Affairs.

Also, a bill (H. R. 11058) for the relief of George Heller—to the Committee on Military Affairs.

Also, a bill (H. R. 11059) granting a pension to Joseph Lambert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11060) granting the pay and allowance of a second lieutenant to John H. Wilkinson—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BLOUNT: Petition from citizens of Upson County, Georgia, for the passage of House bill 2716—to the Committee on Rivers and Harbors.

By Mr. BRECKINRIDGE, of Arkansas: Petition of 60 citizens of White County, Arkansas, in favor of free tin-plate—to the Committee on Ways and Means.

By Mr. CUTCHEON: Petition of J. H. Holbrook and others, citizens of Muskegon, Mich., in favor of bill limiting hours of labor of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Lake County, Michigan, in favor of deep-water harbor on the Gulf of Mexico—to the Committee on Rivers and Harbors.

By Mr. EDMUNDS: Petition of citizens of Halifax County, Virginia, for Galveston Harbor improvement—to the Committee on Rivers and Harbors.

By Mr. EVANS: Resolutions of Commercial Club, of South Pittsburgh, Tenn., asking that sufficient appropriation be made to complete improvements at Muscle Shoals, Tennessee—to the Committee on Rivers and Harbors.

By Mr. FUNSTON: Resolutions of the faculty and students of the Kansas State University, that such laws be enacted as will delegate to the several States the power to control all sales of intoxicating liquors within their borders—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. GEAR: Petition of George Cochran and 39 others, citizens of Jefferson County, Iowa, praying for the passage of the Butterworth option bill—to the Committee on Commerce.

By Mr. GEST: Petition and proof upon the pension claim of Mrs. Etta Hubbs—to the Committee on Invalid Pensions.

By Mr. GIFFORD: Petition of citizens of Hand County, South Dakota, for the passage of a law prohibiting the importation of liquors into States adopting prohibition—to the Committee on the Judiciary.

By Mr. KERR, of Pennsylvania: Petition of farmers of Grange No. 802, Clearfield County, Pennsylvania, for legislation—to the Committee on Ways and Means.

By Mr. McCLAMMY: Petition of R. A. Ingram and 27 others, of Sampson County, North Carolina, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of J. Q. A. Kelley and 13 others, of Moon County, North Carolina, for same measure—to the Committee on Ways and Means.

Also, petition of W. E. Stevens and 15 others, of Sampson County, North Carolina, for same measure—to the Committee on Ways and Means.

By Mr. MCKINLEY: Petition of citizens of New Waterford, Ohio, praying for restoration of silver to its constitutional place as a money metal—to the Committee on Coinage, Weights, and Measures.

Also, petition of citizens of Ohio, favoring passage of laws for the perpetuation of the national-banking system—to the Committee on Banking and Currency.

By Mr. MORROW: Petition of Carlos Trayer, librarian of California Academy of Sciences, and 18 others, for the passage of the international copyright bill—to the Committee on the Judiciary.

Also, petition of Willamette Pulp Company and others of like industry, in reference to paper felting—to the Committee on Ways and Means.

By Mr. OSBORNE: Resolutions of the Commercial Exchange of Phil-

adelphia, relative to the continued overflow of the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. STAHLNECKER: Petition of the Baltimore (Md.) Board of Trade, against the tonnage bill—to the Committee on Commerce.

Also, petition from the same source, favoring compensation to American shipping for carrying United States mail—to the Committee on the Post-Office and Post-Roads.

By Mr. STEWART, of Georgia: Petition of citizens of Georgia, favoring passage of House bill 2716—to the Committee on Rivers and Harbors.

By Mr. WALLACE, of New York: Resolutions of the New York Board of Trade and Transportation, favoring establishment of navy-yard at New Orleans—to the Committee on Naval Affairs.

SENATE.

FRIDAY, June 20, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting supplemental estimates for newly established land offices; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an additional estimate of appropriation for contingent expenses, Department of the Interior, for the fiscal year ending June 30, 1891, in the sum of \$18,481.30, for furniture, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office relative to accounts of disbursing officers, etc., and recommending a modification of section 3622 of the Revised Statutes upon that subject; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

He also laid before the Senate a communication from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Chief of the Bureau of Engraving and Printing recommending an enlargement of the building occupied by the bureau; which was referred to the Committee on Public Buildings and Grounds.

WILLIAM P. ATWELL.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 209) to authorize the Secretary of War to cause to be mustered William P. Atwell.

Mr. MANDERSON. I move that the Senate non-concur in the amendment of the House of Representatives, and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. MANDERSON, Mr. DAVIS, and Mr. COCKRELL were appointed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a resolution adopted by the Farquhar Association of Naval Veterans, of the port of New York, favoring the passage of the bill transferring the revenue-cutter service to the Navy Department; which was ordered to lie on the table.

He also presented a resolution adopted by the Merchants and Manufacturers' Association of Baltimore, Md., favoring an appropriation of \$500,000 to widen and maintain the ship-channel of that port; which was ordered to lie on the table.

Mr. MANDERSON presented petitions of Farmers' Alliances of Furnas and Dundy Counties, in the State of Nebraska, praying for the passage of the Conger lard bill; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Farmers' Alliance of Furnas County, Nebraska, and a petition of citizens of Furnas and Dundy Counties, in the State of Nebraska, praying for the passage of what is known as the Butterworth option bill; which were referred to the Committee on Agriculture and Forestry.

Mr. CAMERON presented the petition of George W. Albright and 47 other residents of Easton, Pa., praying for the passage of House bill 5978, to prohibit the transportation of intoxicating liquors from any State or Territory of the United States to any prohibition State or Territory; which was ordered to lie on the table.

Mr. MORRILL presented memorials of citizens of Chittenden, Orange, and Windsor Counties, in the State of Vermont, and a petition of citizens of Cortland County, New York, remonstrating against the imposition of an increase of duty on tin-plate; which were ordered to lie on the table.

Mr. VOORHEES. I present the proceedings of the Business Men's Association of Evansville, Ind., in which they urge upon Congress the wisdom and importance of adopting promptly such measures as experience, the results of the Mississippi River Commission, and the judgment of the United States Corps of Engineers shall determine to be needed to create a permanent protection against the overflows of the Mississippi River. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. BLACKBURN presented a petition of the National Association of Naval Veterans of the port of New York, praying for the passage of a bill proposing to transfer the revenue-cutter service to the Navy Department; which was ordered to lie on the table.

Mr. REAGAN presented resolutions of the Farmers' Institute of Kent County, Delaware, in favor of the free coinage of silver; which were ordered to lie on the table.

Mr. PIERCE. I present a petition of the Farmers' Alliance of North Dakota, praying Congress to enact legislation to restrict so far as possible the operation of lotteries in the United States, which I ask may be referred to the Committee on Post-Offices and Post-Roads. In this connection I should like to inquire of the chairman of the Committee on Post-Offices and Post-Roads what has been done with the bill which I understood was introduced by him and referred to that committee some weeks ago.

Mr. SAWYER. That subject was referred to the Senator from Oregon [Mr. MITCHELL] as a subcommittee, and it has not yet been reported to the full committee.

Mr. PIERCE. May I inquire if it is likely that there will be an early report?

Mr. SAWYER. I think so. I spoke to the member who is the subcommittee about it the other day, and he said he had been very busy with other matters, but he had now time to pay attention to it, and would soon report it.

The VICE-PRESIDENT. The petition will be referred to the Committee on Post-Offices and Post-Roads.

Mr. CHANDLER presented a petition of the New Hampshire Society of the Sons of the Revolution, signed by C. R. Morrison, president, and C. L. Tappan, secretary, of Concord, N. H., praying for the erection by the General Government of an equestrian statue of Maj. Gen. John Stark in the city of Manchester, N. H.; which was ordered to lie on the table.

Mr. BLAIR presented the petition of S. G. Griffin and many others, citizens of Keene, N. H., praying for an amendment to the Constitution prohibiting the application of public funds to the support of sectarian schools; which was referred to the Committee on Education and Labor.

Mr. DAWES presented a memorial of certain fish-dealers of Boston, Mass., remonstrating against an increase of duties on salt or fresh fish; which was ordered to lie on the table.

Mr. MITCHELL. I present a memorial, 10 feet in length, containing the names of 263 citizens of the District of Columbia, protesting against the passage of Senate bill 2352 or Senate bill 2396 at the present session. There are five reasons given, about 2 inches in length, which I ask to have inserted in the RECORD, if there is no objection.

Mr. EDMUNDS. No; that is against the rule.

Mr. MITCHELL. Then I ask leave to state what the objection of the memorialists is, very briefly, within the rules.

These people object to the passage of these bills because they say that—

The people of this District are sufficiently protected by existing laws against the evils of malpractice.

Said bills are clearly in the interest of the two medical sects named, and not in the interest of the people.

Said bills propose to prohibit by severe penalties the sale of any medical remedy by any except physicians licensed by a board of allopathic and homeopathic physicians, whereas we, the people, claim the right to buy and use medicines without restriction.

Said bills make it a misdemeanor punishable by fine and imprisonment for any person, without permission of said board of physicians, to treat disease by manipulation of any sort, i. e., by Swedish movements, magnetic treatment, mind cure, Christian science, etc.

And the memorialists think the proposed legislation is all wrong, and they object to the bills.

I move that the memorial be referred to the Committee on the District of Columbia.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 7079) for the relief of Thomas J. Parker, reported it without amendment.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4686) granting a pension to Hannah Bedford;

A bill (H. R. 2110) granting a pension to Braddock F. Stocking; and

A bill (H. R. 1598) granting a pension to Sarah A. Tryon.

Mr. PLUMB. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 9856) making appropriations for the service of the Post-Office Department for the fiscal year ending

June 30, 1891, to report it with amendments. I desire to give notice that at an early day as possible I shall ask the Senate to proceed to the consideration of the bill.

The VICE-PRESIDENT. The bill will be placed on the Calendar. Mr. MORRILL, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 8061) to increase the pension of Jennie D. Hoakins, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3927) granting a pension to Maria E. Baker, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Education and Labor, to whom was referred the bill (S. 2031) to incorporate the trustees of the National Industrial Institute, in Washington, D. C., reported it with amendments, and submitted a report thereon.

Mr. HALE, from the Committee on Appropriations I report the bill (H. R. 9603) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1891, with sundry amendments, and give notice that I shall call it up at an early day, probably on Monday next or perhaps to-morrow.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. EVARTS, from the Committee on the Library, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT, from the Committee on Indian Affairs, to whom was referred the bill (S. 497) to provide for the sale of certain New York Indian lands in Kansas, reported it with an amendment, and submitted a report thereon.

Mr. DOLPH. I report from the Committee on Commerce the bill (S. 3918) in regard to collisions at sea. I will state that it is a companion of the bill reported by me yesterday to adopt regulations to prevent collisions at sea, an important public measure, and I hope to get both bills up for consideration in the Senate at a very early day.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

ROSWELL M. SHURTLEFF.

Mr. PLATT. I ask that the bill (S. 3436) to correct the military record of Roswell M. Shurtleff, which was adversely reported from the Committee on Military Affairs yesterday by the Senator from Mississippi [Mr. WALTHALL] and postponed indefinitely during my absence yesterday, may be placed on the Calendar. I suppose there will be no objection.

The PRESIDING OFFICER (Mr. HARRIS in the chair). If there be no objection, the vote by which the bill was indefinitely postponed will be reconsidered. The Chair hears no objection; and the bill will be placed on the Calendar with the adverse report of the committee.

BILLS INTRODUCED.

Mr. BUTLER introduced a bill (S. 4117) for the relief of the Mount Zion Society of Willsborough, S. C.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. BLACKBURN introduced a bill (S. 4118) for the relief of Rosa Vestner Jeffrey; which was read twice by its title, and referred to the Committee on Claims.

Mr. FAULKNER introduced a bill (S. 4119) granting the right of way to the Metropolitan Southern Railroad Company through the property of the United States in Montgomery County, Maryland; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. INGALLS introduced a bill (S. 4120) granting a pension to Patrick Flynn; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. COCKRELL. I have been requested by the Wage-Workers' Political Alliance of Washington, D. C., to introduce a bill, and I ask that in printing it that fact shall be distinctly shown upon its face, for I have not read the bill and know nothing of its merits.

The bill (S. 4121) to establish a Department of Printing, and for other purposes was read twice by its title, and referred to the Committee on Printing.

Mr. EDMUNDS introduced a bill (S. 4122) to regulate the confinement of prisoners sentenced by courts created under treaties and laws of the United States in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. STOCKBRIDGE introduced a bill (S. 4123) to increase the appropriation for the erection of the public building at Jackson, Mich.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. RANSOM introduced a bill (S. 4124) for the relief of the Cape Fear Steam-Boat Company; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4125) for the relief of Thomas S. Luterloh; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4126) for the relief of Elizabeth Jones, widow of John Jones, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4127) for the relief of Levi Jones; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MORGAN introduced a bill (S. 4128) for the relief of Mrs. Letitia Tyler Semple; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES, of Arkansas, introduced a bill (S. 4129) to appropriate \$400,000 to the Creek Nation of Indians, as per third article of treaty of 1866; which was read twice by its title, and referred to the Committee on Indian Affairs.

AMENDMENTS TO BILLS.

Mr. SQUIRE. I submit an amendment intended to be proposed to the bill (H. R. 10716) making appropriation for the Department of Agriculture for the fiscal year ending June 30, 1890.

I will explain that the Agricultural College in the State of Washington has just been established, and I present, to accompany the amendment, a letter from the Acting Secretary of Agriculture, showing that the appropriation for experiment stations needs to be increased from \$660,000 to \$675,000.

I move that the amendment, with the accompanying papers, be referred to the Committee on Appropriations, and printed.

The motion was agreed to.

Mr. DAVIS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLUMB submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PERSONAL EXPLANATION.

Mr. STEWART. Mr. President, I rise to a question of privilege. I ask the Chief Clerk to read what I send to the desk.

The VICE-PRESIDENT. The Chief Clerk will read as requested. The Chief Clerk read as follows:

[Washington dispatch to the Philadelphia Evening Bulletin.]

REAGAN AND STEWART—THEY QUARREL AND COME TO BLOWS—NO BLOOD SHED, HOWEVER.

If the present hot weather continues there will be blood on the face of the moon as it courses over the Senate wing.

Two antiquies in that dignified body got into an altercation yesterday afternoon in the Marble Room that might have ended in filling two hospital cots if bystanders had not wrenched apart the two venerable gladiators engaged.

Senator STEWART is about seventy years old, with hair and beard white as snow. REAGAN, the ex-postmaster-general of the Confederacy, is seventy-five years old and weighs about 250 pounds. Mr. REAGAN was chatting with some friends yesterday afternoon when STEWART came along. The Nevada Senator has just met with a decided defeat in the fight he has made on Major Powell, the chief of the Geological Survey, and consequently feels very tender. REAGAN, on the contrary, has been a staunch champion of Powell. As STEWART passed REAGAN, the latter began chaffing him about his defeat.

Mr. STEWART took one or two samples of Texas badinage, then wearied of it, and angrily charged REAGAN with being a mere tool and puppet of Powell. REAGAN's wrath rose, and he retorted in good kind. Words ran high, until at last STEWART, beside himself with anger, charged REAGAN with falsehood. Despite his seventy-five years of age and 250 pounds, the ancient Texan jumped for the venerable Nevada, and for a moment it looked as if the two antiquies would indulge in an old-fashioned fist fight of the date of 1800. REAGAN's arm shot out for STEWART's eye, but his arm was short and he missed STEWART by a foot. Before STEWART could retaliate the horrified bystanders interfered, and the old gentlemen were carefully led to sofas in opposite ends of the room and calmed down. Later in the afternoon Mr. STEWART called on Mr. REAGAN and apologized for his remarks, but Mr. REAGAN haughtily declined to speak to him.

Mr. STEWART. Mr. President, a paragraph of this kind in different forms has been going around in the papers for the last two or three weeks, and I felt it due the dignity of the Senate to call attention to it. There is not one word of truth in it. The Senator from Texas [Mr. REAGAN] and myself are the best of friends and never on any occasion has an unpleasant remark passed between us. We have always been cordial friends, and there is not a word of truth in the statement. I think that this much ought to be said out of respect to the Senate. It is said that this quarrel occurred in the Marble Room of the Senate. Who invented such a story I am unable say, but I want it known that the Senator from Texas and myself are friends, and that there is no truth whatever in the story.

Mr. PLATT and Mr. REAGAN addressed the Chair.

The VICE-PRESIDENT. The Senator from Connecticut. Does the Senator from Connecticut yield to the Senator from Texas?

Mr. PLATT. I have only a word to say.

I doubt very much whether it is necessary for the dignity of the Senate to take any notice of such newspaper articles, or rather special dispatches. I think it is within the experience of every Senator here that it is very seldom if ever that a newspaper dispatch, a special dispatch, purporting to contain information of a personal character relating to Senators, is ever sent out from Washington without more or less inaccuracy, and usually such inaccuracy as to make it entirely unworthy of belief or credence. I think that the people of the United States are coming to understand that when they see a special dispatch

from Washington relating to Senators or members of the House they are to take it certainly with many grains of allowance.

I think myself that the dignity of the Senate would be much better preserved and the dignity of Senators much better preserved by treating such matters with silence.

Mr. STEWART. Let me say in reply to that, in excuse for my bringing the matter before the Senate, that friends in different parts of the country have written to me, a large number of them, and relatives, regretting that such an occurrence should happen in the Senate Chamber or in the Marble Room, and that I should be a party to it. They have really been deceived about it, and I thought it was time I should call attention to it.

Mr. REAGAN. Mr. President, when this publication first made its appearance the Senator from Nevada and myself saw it and talked about it, and thought it best to let it go without any notice whatever. But it seems to have been circulated rather extensively and to have drawn out letters and expressions of a kind which indicated that it was not only discreditable to that Senator and myself, but discreditable to the Senate of the United States that such things should occur.

Mr. President, I can not conceive what could have originated this story. Sometimes stories of that kind have some sort of foundation, but there never was any controversy, never any ill feeling, between the Senator from Nevada and myself. We never met in the Marble Room, we never used harsh words to each other, nor, as far as I know, felt unkindly to each other. So the thing is the work evidently of a genius in lying, a man who was prepared to make a lie altogether without any kind of a foundation to begin upon. I think among liars on the part of newspapers he ought to be pensioned for such an achievement in manufacturing a lie that had no earthly foundation.

Mr. BLAIR. I should like to ask the Senator a question before he takes his seat. Is the statement accurate in regard to the ages of the Senators? I thought it was flattering to the Senator.

Mr. REAGAN. That is an important question. I will deliberate upon that.

Mr. VANCE. Peace having been restored, I should like to have a little morning business transacted.

The VICE-PRESIDENT. The Chair will receive further morning business.

BILL RECOMMENDED.

Mr. VANCE. I move that the bill (H. R. 10193) providing for the assessment and collection of water-main taxes be taken from the Calendar and recommitted to the Committee on the District of Columbia. The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1) to protect trade and commerce against unlawful restraints and monopolies.

DISPOSITION OF ESCHATEED MORMON CHURCH FUNDS.

Mr. EDMUNDS. I wish to ask unanimous consent, with the leave of my friend from Iowa, who has charge of the legislative appropriation bill, that the Senate take up and pass Senate bill 4047, Order of Business 1634. In asking that unanimous consent I wish to say that the bill is very short—it will not take two minutes to read it—and that it is a bill which only provides, after the decision of the Supreme Court about the abolished church in Utah, that the funds to which no private right appears shall be turned over to the common schools, as according to the decision of the Supreme Court is right, but the act of Congress did not say to what purpose these escheated funds should go. Therefore, in order to avoid a difficulty in mere equity law, to save a question, the bill should be passed. I suppose nobody will oppose it, and as it is a matter of public and immediate interest, I ask unanimous consent that the bill may be considered. If it leads to any debate, of course I shall withdraw it for the present.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4047) supplemental to the act of Congress passed in March, 1887, entitled "An act to amend an act entitled 'An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes,' approved March 22, 1882."

The bill was reported from the Committee on the Judiciary with an amendment, in line 11, to strike out the words "in respect of which funds and property it shall appear" and to insert in lieu thereof the words "except so far as it shall appear in respect thereto," and in line 13, after the word "is," to strike out the word "no" and insert "a," so as to make the bill read:

Be it enacted, etc., That any and all funds or other property lately belonging to or in the possession of or claimed by the corporation mentioned in section 17 of the act entitled "An act to amend an act entitled 'An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes,' approved March 22, 1882," at, before, or since the taking effect of said act, except so far as it shall appear in respect thereto that there is a lawful private right, shall be devoted to the use and benefit of public common schools in the Territory of Utah; and the Secretary of the Interior shall take and receive the same and dispose thereof to the uses aforesaid in such manner as shall seem to him, with the approval of the President, to be most expedient. And

the supreme court of said Territory is hereby invested with power and authority to make all necessary and proper orders and decrees for the purpose hereinbefore mentioned.

The amendment was agreed to.

Mr. EDMUNDS. I move, at the suggestion of a very learned and eminent gentleman in the law, to amend the bill further by inserting, after the word "right," the words "to the contrary," so as to make the phrase, as it appears to him, a little more clear.

The CHIEF CLERK. In line 13, after the word "right," it is proposed to insert the words "to the contrary;" so as to read:

Except so far as it shall appear in respect thereto that there is a lawful private right to the contrary, shall be devoted to the use and benefit of public common schools in the Territory of Utah.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. CALL. I should like to have that bill again read.

The VICE-PRESIDENT. The bill will be again read.

The Chief Clerk read the bill as amended.

Mr. CALL. Mr. President, I do not think that bill ought to pass without some mature consideration of the late decision of the Supreme Court.

Mr. EDMUNDS. I think, if my friend from Florida, whose views upon the general subject I understand perfectly and respect, will give me a minute to explain he will not ask that this bill go over.

The law which he opposed passed; the corporation was dissolved; its property was disposed of and is in the hands of a receiver in the court there now. All private rights and donations and everything that the other bill provided for, saving for churches and parsonages, etc., have been attended to. The Supreme Court has held that the act is constitutional and that everything is all right in point of law; but there is left a residuum of personal estate in the hands of the court to which there is no private claimant, and the only question is whether that money shall be used for the purposes of common schools or shall stay in a perpetual receivership in the court. All that this bill does is to settle that, I assure my friend on the most careful examination.

Mr. BLAIR. How much does it amount to?

Mr. EDMUNDS. I am not able to say; but probably three or four hundred thousand dollars.

Mr. CALL. It was not my intention to express any opinion on the subject, but only to say that I understood there had been some decision of the Supreme Court upon some of the legislation which had been enacted by Congress, and I thought it would be more satisfactory that we should have a very full understanding of how far the decision of the Supreme Court had made the legislation adopted here valid. I have understood that upon a motion made to the court a mandate in this case had been withdrawn. Now, the precise effect of this bill is a matter, I think, of very great importance, and which ought to be carefully considered by the Senate.

Mr. EDMUNDS. It is due to say, and after the remark of my friend from Florida I will say, that I have the best of reasons for believing—the Senator will know what I mean by that—that the mandate was withdrawn on account of this very difficulty in the minds of the court as to what could be done by the Supreme Court of the United States on appeal or the supreme court of the Territory as a court of equity. The law which they held valid did not fully provide for what in England is called the power of the King, as *parens patrie*, to devote these funds to which there was no claimant to the nearest use possible of the charity or beneficence that was intended; and therefore they withheld the mandate in order that Congress might solve this question. As I said before, it is the simple question, as the thing now stands, whether this money shall stay in the hands of the court as a perpetual receivership, or whether it shall be devoted to schools. That is all there is to it.

Mr. VOORHEES. I regard this as very important legislation, and I do not think the Senate has looked into it. If it is open to objection, I object to the present consideration of the bill, in order that we may have some time to look into the matter.

The VICE-PRESIDENT. Objection is made to the consideration of the bill.

Mr. EDMUNDS. I give notice that I shall move to-morrow to take it up again, because this money should not be left in that condition.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 20th instant approved and signed the following acts:

An act (S. 977) for the erection of a public building at New London, Conn.; and

An act (S. 2143) granting a pension to Henry Strawbridge.

The message also announced that the following bill and joint resolution were presented to the President on the 7th instant, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution they have become laws without his approval.

A bill (S. 1854) for the relief of James H. Bacon; and

A joint resolution (S. R. 28) for the relief of the Venezuela Steam Transportation Company.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I now move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9086) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes.

The VICE-PRESIDENT. The pending question is on the point of order raised by the Senator from Iowa [Mr. ALLISON] on the amendment offered by the Senator from Nebraska [Mr. PADDOCK] whether the amendment offered by the Senator from Nebraska is in order. Upon that question the yeas and nays have been ordered.

Mr. COCKRELL. Let the question upon which the yeas and nays have already been ordered be stated again by the Chair, so that there may be no misunderstanding.

The VICE-PRESIDENT. The question is whether the amendment offered by the Senator from Nebraska increasing an appropriation is or is not in order.

Mr. COCKRELL. Those who believe the amendment is in order will vote "yea."

The VICE-PRESIDENT. Those who believe the amendment is in order will vote "yea."

Mr. EDMUNDS. I should like to hear the amendment read. I was not in the Senate when the precise form of the amendment was stated.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 82, it is proposed to strike out all after the words "General Land Office," in the tenth line, down to and including the word "dollars," in the eighteenth line, and to insert in lieu thereof:

For the Commissioner of the General Land Office, \$5,000; one assistant commissioner, to be appointed by the President by and with the advice and consent of the Senate, who shall be authorized to sign such letters, papers, and documents, and to perform such other duties as may be directed by the Commissioner, and shall act as Commissioner in the absence of that officer, or in case of a vacancy in the office of Commissioner, \$3,500.

Mr. TELLER. Mr. President, I understand the objection made is that this amendment is general legislation, and therefore not in order on this appropriation bill. I should like to call the attention of the chairman of the committee to the fact that there is a good deal of general legislation in this bill if that view is correct. While the general statutes provide that the governors of Territories shall receive a certain amount as salary, that salary, in some cases at least, is cut down in the bill, and the salaries of the surveyors-general, I think, of all the States, except the very newest ones, are cut down. If this is general legislation there is general legislation already on the bill.

Mr. MITCHELL. On that point I will state that in the case of the surveyor-general of Oregon the amount of salary is fixed by law at \$2,500 and the appropriation in this bill is only \$1,800.

Mr. ALLISON. I should say that the statutory salaries alluded to by the Senator from Colorado have all been changed in appropriation bills.

Mr. TELLER. They have all been changed by appropriation bills from time to time. That is true. The Supreme Court said that was proper, and, as I understand, that is all the court said.

Mr. ALLISON. I mean that these old statutes have been repealed.

Mr. TELLER. They have not been. If they have, I am not aware of it.

Mr. EDMUNDS. Mr. President, I have just looked at this question and I feel bound to say, although I am opposed to the amendment so far as I now understand it, that I think the amendment is in order. The point, I suppose, is that it is general legislation. I see that the bill is only limited, and these appropriation bills generally are, to one year or a certain fiscal year, and the amendment proposes to give this gentleman during this year more money than the general law says his salary shall be. Well, I can hardly suppose that to be general legislation. If the amendment had said "that hereafter the salary of the Commissioner of the General Land Office shall be \$5,000 a year instead of \$4,000," it would have been general legislation; but if Congress choose to give this gentleman a bonus for this year or an additional gratuity of another \$1,000, I am not able to see that that is general legislation.

Mr. DOLPH. I entirely agree with the Senator from Vermont, but I should like to ask him a question. There are numerous cases in this bill where less than the amount fixed by statute for the salary of Federal officers is appropriated. Is it not a fact that the statute is left intact and that the officer would have a claim on the General Government for the salary fixed by the statute, notwithstanding Congress appropriates less this year for it?

Mr. EDMUNDS. I am very much afraid that is so.

Mr. HALE. This is a fact, that in some of the appropriation bills which originated in the other branch there is a sweeping clause declaring that thereafter the salaries of the officers provided for in the bill should not be larger than the amount therein appropriated.

Mr. EDMUNDS. Is that in this bill?

Mr. HALE. That is in some of the old bills. It changes the general legislation which is found in the statutes and leaves the legal salary as provided in the appropriation bill by that sweeping clause.

Mr. TELLER. I think the Supreme Court decided without reference to that, and before that was passed, that Congress could change the amount of salary in an appropriation bill, and there was no claim by the officer for the difference between the statutory amount and the amount fixed in the appropriation bill.

Mr. BLACKBURN. But if the Senator from Colorado will allow me, the Supreme Court went further in that very case and decided that when the general statute fixed the salary of an officer and less than that amount was appropriated for the payment of it, he might go into court and recover the difference.

Mr. EDMUNDS. Yes, but that was before the statute.

Mr. BLACKBURN. That was before the statute of 1884. I called up the case of the marshal of the Supreme Court this morning. His salary is fixed in the general statute at \$3,600. For several years past he has absolutely been paid a salary of \$3,000, but on investigation this morning I became satisfied that that statute passed in 1884, if I remember correctly the date, did repeal the general statute fixing that salary at \$3,600.

Mr. EDMUNDS. Most certainly, if its language is what is stated.

Mr. ALLISON. In all the legislative bills for the last eight or nine years these repealing clauses have been inserted, and in the beginning of the act a clause has been inserted that the amounts therein appropriated shall be in full compensation for that year, and, as properly stated by the Senator from Colorado, the Supreme Court has decided that that operates as a repeal of the previously existing law.

Mr. EDMUNDS. Undoubtedly, but that is not this case.

Mr. ALLISON. I am not now speaking of this case.

Mr. EDMUNDS. Here is a statute which says the particular officer shall be entitled to a particular sum, and this amendment is that for this particular year we shall give him a thousand dollars more than the law entitles him to, as I wish Congress would put in a clause to give it to me, for I think I need it. We simply say we will give this gentleman for this year a gratuity of a thousand dollars in addition to his salary; and I am unable to see, I confess, wishing to stand by the committee, how that is obnoxious to the point of order that it is general legislation.

Mr. DAWES. Is it not the province of appropriation bills to make appropriations in pursuance of existing law?

Mr. EDMUNDS. But the practice has not shown it to be that way.

The Secretary proceeded to call the roll.

Mr. HOAR. Which way does an affirmative vote resolve the question? The VICE-PRESIDENT. An affirmative vote is to the effect that the amendment is in order.

Mr. DIXON (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON].

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]; otherwise I should vote "yea."

Mr. EDMUNDS. This is a mere point of order and pairs should not be observed about it.

Mr. FAULKNER. Then I vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL], and withhold my vote.

Mr. VANCE. I am paired with the Senator from Michigan [Mr. McMILLAN]. I am not informed how he would vote. If he were present I should vote "nay."

The roll-call was concluded.

Mr. FAULKNER. I desire to state that my colleague [Mr. KENNA] is detained from the Senate by sickness and is paired with the Senator from Colorado [Mr. WOLCOTT].

Mr. PASCO. I wish to announce that the Senator from Mississippi [Mr. WALTHALL] is detained from the Senate, and is paired with the Senator from Wisconsin [Mr. SPOONER].

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "yea."

Mr. HIGGINS. I am paired with the Senator from New Jersey [Mr. MCPHERSON] on party questions, but I understand this is not a party question, and therefore I shall vote. I vote "yea."

The result was announced—yeas 33, nays 14; as follows:

YEAS—33

Allen,	Davis,	Hiscock,	Platt,
Blair,	Dolph,	Hoar,	Plumb,
Call,	Edmunds,	Mitchell,	Ransom,
Cameron,	Faulkner,	Moody,	Teller,
Cassidy,	Frye,	Morgan,	Turpie,
Chandler,	George,	Paddock,	Washburn,
Coke,	Gibson,	Payne,	
Collins,	Hawley,	Pettigrew,	
Daniel,	Higgins,	Pierce,	

NAYS—14

Allison,	Cockrell,	Harris,	Reagan,
Bate,	Dawes,	Ingalls,	Vest,
Berry,	Gorman,	Jones of Arkansas,	
Butler,	Hale,	Morrill,	

ABSENT—37

Aldrich,	Carlisle,	Farwell,	Kenna,
Barbour,	Colquhoun,	Gray,	McMillan,
Blackburn,	Dixon,	Hampton,	McPherson,
Bodgett,	Eustis,	Hearn,	Manderson,
Brown,	Evarts,	Jones of Nevada,	Pasco,

Power, Sherman, Stockbridge, Wilson of Md.
Fugh, Spooner, Vance, Wolcott.
Quay, Squire, Voorhees,
Sanders, Stanford, Walthall,
Sawyer, Stewart, Wilson of Iowa.

The VICE-PRESIDENT. The amendment is in order. The question is on agreeing to the amendment.

Mr. BERRY. The yeas and nays were ordered upon that yesterday and there was no quorum present.

The VICE-PRESIDENT. The yeas and nays are ordered and the roll will be called on the question of agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. DIXON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. HAMPTON]. In his absence I withhold my vote.

Mr. EDMUNDS (when his name was called). I am paired with the Senator from Alabama [Mr. PUGH], except when my vote is necessary to make a quorum, and as I do not know how he would vote on the merits of this question I withhold my vote. If he were present, I should vote "nay."

Mr. PASCO (when his name was called). I again announce my pair with the Senator from Illinois [Mr. FARWELL].

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR]. Not knowing how he would vote, I withhold my vote. If he were present, I think I should vote "nay."

The roll-call was concluded.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "yea."

Mr. GEORGE. My colleague [Mr. WALTHALL] is absent from the Senate necessarily and is paired with the Senator from Wisconsin [Mr. SPOONER]. My colleague, if present, I think would vote "nay."

The result was announced—yeas 28, nays 16; as follows:

YEAS—28.

Allen,	Daniel,	Mitchell,	Plumb,
Blair,	Davis,	Moody,	Power,
Call,	Dolph,	Morgan,	Ransom,
Cameron,	Frye,	Paddock,	Sanders,
Casey,	Gibson,	Payne,	Stewart,
Chandler,	Hawley,	Pettigrow,	Teller,
Cullom,	Hiscock,	Pierce,	Washburn.

NAYS—16.

Allison,	Coke,	Hale,	Reagan,
Bate,	Dawes,	Harris,	Turpie,
Berry,	George,	Jones of Arkansas,	Vest,
Cockrell,	Gorman,	Morrill,	Voorhees.

ABSENT—40.

Aldrich,	Eustis,	Jones of Nevada,	Sherman,
Barbour,	Evarts,	Kenyon,	Spooner,
Blackburn,	Farwell,	McMillan,	Squire,
Blodgett,	Faulkner,	McPherson,	Stanford,
Brown,	Gray,	Manderson,	Stockbridge,
Butler,	Hampton,	Pasco,	Vance,
Carlisle,	Hearst,	Platt,	Walthall,
Colquhoun,	Higgins,	Pugh,	Wilson of Iowa,
Dixon,	Hoar,	Quay,	Wilson of Md.,
Edmunds,	Ingalls,	Sawyer,	Wolcott.

Mr. EDMUNDS. I move to amend the bill, on page 105, line 18, by striking out the word "two" before the word "hundred," and inserting the word "five," and after the amendment is stated from the desk I will explain it.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 105, line 18, before the word "hundred," it is proposed to strike out the word "two" and insert "five;" so as to read:

The Chief Clerk and *ex officio* superintendent of the building, \$2,500.

Mr. EDMUNDS. Mr. President, this is the chief clerk of the Department of Justice, whose present salary, compared with that of the chief clerks of other Departments, is extremely small, and in respect of whom the estimate of the Department of Justice and of the Treasury sent to us provides for this increase. I should not stand on that alone, nor stop the committee a moment, but the matter in the form of a bill having been brought to the attention of the Committee on the Judiciary, it considered the bill, and some time in April last it reported the bill increasing this salary in a regular and square way to \$2,500 a year. On the 19th of April the Senate passed the bill.

So in this instance we have had the judgment of the Senate, and within the very letter of the rule a bill passed to do this thing, and if I may speak of the other House I am informed the House committee has reported a similar bill, and perhaps the very same bill, and I think it is now on its Calendar.

So, then, the motion I make is not to strain any point, but the Senate having passed a bill to increase this salary in the regular way to \$2,500, in order to conform to a bill passed by the Senate, I make this motion, and I presume there will be no objection to it.

Mr. ALLISON. I object to the amendment, if I have a right to object to it.

Mr. EDMUNDS. You have the right to take the sense of the Senate upon it.

Mr. ALLISON. Yes, as to the merits of it, but this amendment comes from no standing committee so far as I know—it certainly has not

been referred to the Committee on Appropriations, and therefore I submit it is not in order. I make the point with great deference to the Senator from Vermont, who finds a thing in order generally when it is convenient to have it in order. If he can point out the rule under which it is proper, of course I shall have to yield.

Mr. EDMUNDS. My friend from Iowa does me great injustice. I find it convenient to have a thing in order when, according to the law of the Senate and the truth, it is in order, and I do not find it convenient to have it in order otherwise; and on the last case we had up, if my friend had done me the credit to listen to me, while I saw that the amendment was in order I stated that but for my pair I should have voted against the amendment that I thought was in order. It is not a question, therefore, of convenience, and my friend has got a little silvery, I should say, upon that particular topic just now. [Laughter.]

Now let us see what the law of the Senate is. The Senator's point is that the amendment has not been reported by a standing committee and referred to the Committee on Appropriations. The rules say:

All amendments to general appropriation bills moved by the direction of a standing or select committee of the Senate proposing to increase an appropriation already contained in the bill * * * shall be referred.

This is not an amendment "moved by direction of a standing or select committee" at all. I do not claim any privilege for it on that ground. But this is what I stand upon:

Unless it be made to carry out the provisions of some existing law or treaty stipulation, or act, or resolution previously passed by the Senate during that session.

It is all in the disjunctive, and therefore the Senate having passed a bill to increase this gentleman's salary by the sum of \$300, I submit to my distinguished friend from Iowa, whether it is convenient or inconvenient, the amendment is in order. If the Senate thinks that the Senate made a mistake in passing the bill that it did, then it can say it does not want the amendment.

Mr. DAWES. Is that an "act?"

Mr. EDMUNDS. It is "an act."

Mr. DAWES. Before it gets through both Houses?

Mr. EDMUNDS. And that has been so for forty years, as the Senator perfectly well knows, in the sense of this rule.

The VICE-PRESIDENT. The Chair is of opinion that the point of order is not well taken. The question is on agreeing to the amendment. The amendment will be considered agreed to, if there be no objection.

Mr. ALLISON. No; I ask for a division.

Mr. COCKRELL. Let us have a vote upon it.

The question being put, there were on a division—ayes 24, noes 26—no quorum voting.

Mr. HARRIS. It is evident that no quorum has voted and I ask for the yeas and nays upon the amendment so that we shall develop a quorum.

The yeas and nays were ordered.

Mr. STEWART. Let the amendment be reported.

The CHIEF CLERK. Under the head of Department of Justice, on page 105, line 18, before the word "hundred," it is proposed to strike out "two" and insert "five;" so as to read:

Chief Clerk and *ex officio* superintendent of the building, \$2,500.

Mr. EDMUNDS. Mr. President, now if the Senate will do me the grace to listen to me for two minutes, I will try to state this case, and then my duty will have been done.

On the recommendation of the Executive Department of the Government a bill was introduced to provide for the paying of this chief clerk the salary of \$2,500 a year instead of \$2,200 a year. The Committee on the Judiciary, to which the bill was referred, reported in its favor, and on the 19th of April, 1890, the bill passed the Senate. If I may allude to proceedings in the other House, and I do not know that it is right—well, they are officially reported, and I think I may, without any comment, take the risk of doing it, for I think myself it is probably in order—on the 17th of February on a House bill for this very same thing the House Judiciary Committee made a report in favor of this same increase. I have no doubt of the fact that the House is for it, though that ought to have no influence upon us at all, I agree. In the House report are tables as to the pay of the various chief clerks of Departments. The chief clerk of the State Department receives \$2,750 a year; of the War Department, \$2,750; of the Navy Department, \$2,500; of the Treasury, \$2,700 a year and \$300 as superintendent of the building, making \$3,000; of the Post-Office, \$2,500; of the Interior, \$2,500 and \$250 as superintendent of the building, making \$2,750; of the Department of Agriculture, \$2,500; of the Department of Justice, \$2,200. Then the tables go on to show the various appropriations and the times when the salaries appeared to be fixed, etc., that I will not delay the Senate by reading.

It is for the Senate to consider—and that is all I care about it, to have gentlemen vote on the statement of the facts—whether it is wise or just that this gentleman's salary in the Department of Justice should be increased by this \$300. It is my duty to state the case, and that is all there is to it.

The Secretary proceeded to call the roll.

Mr. EDMUNDS (when his name was called). I will vote "yea" for the time, for I am afraid there is no quorum present.

Mr. HIGGINS (when his name was called). I am paired generally with the Senator from New Jersey [Mr. MCPHERSON]. If he were present, I should vote "yea."

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR], but I do not think he will object to my voting on this question. I vote "yea."

Mr. VANCE (when his name was called). I now announce for the day my pair with the Senator from Michigan [Mr. McMILLAN].

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON].

Mr. EDMUNDS. I will say to the Senator from Maryland that the Senator from Iowa [Mr. WILSON] concurred in the report, and if the Senator from Maryland is in favor of the motion he is entitled to vote, as I know the Senator from Iowa concurred in this report.

Mr. WILSON, of Maryland. I prefer not to vote.

The roll-call was concluded.

Mr. MANDERSON. As this is not a party question and my vote seems to be needed to make a quorum, I vote "yea."

Mr. WILSON, of Maryland. To make a quorum, I vote. I vote "nay."

Mr. DIXON. I will transfer my pair with the Senator from South Carolina [Mr. HAMPTON] to my colleague [Mr. ALDRICH], and I will vote. I vote "nay."

Mr. HIGGINS. In order to make a quorum, I vote.

The VICE-PRESIDENT. There is a quorum now.

The result was announced—yeas 26, nays 18; as follows:

YEAS—26.

Allen,	Edmunds,	Mitchell,	Platt,
Blair,	Evarts,	Moody,	Power,
Call,	Harris,	Morgan,	Sanders,
Cameron,	Hawley,	Morrill,	Stewart,
Cass,	Hoar,	Paddock,	Washburn.
Cullum,	Jones of Arkansas,	Pettigrew,	
Dolph,	Manderson,	Pierce,	

NAYS—18.

Allison,	Coke,	Gorman,	Teller,
Bate,	Dawes,	Hale,	Vest,
Berry,	Dixon,	Payne,	Wilson of Md.
Butler,	George,	Reagan,	
Cockrell,	Gibson,	Sawyer,	

ABSENT—40.

Aldrich,	Eustis,	Jones of Nevada,	Spooner,
Barbour,	Farwell,	Kenna,	Squire,
Blackburn,	Paulkner,	McMillan,	Stanford,
Blodgett,	Frye,	MCPHERSON,	Stockbridge,
Brown,	Gray,	Pasco,	Turpie,
Carlisle,	Hampton,	Plumb,	Vance,
Chandler,	Hearst,	Pugh,	Voorhees,
Colquitt,	Higgins,	Quay,	Walthall,
Daniel,	Hiscock,	Ransom,	Wilson of Iowa,
Davis,	Ingalls,	Sherman,	Wolcott.

So the amendment was agreed to.

Mr. HARRIS. On page 5, line 12—

Mr. ALLISON. Before the Senator proceeds I ask, in view of this amendment, on page 106, line 8, to increase the total by striking out "four" and inserting "seven."

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 106, line 8, it is proposed to strike out "four" and to insert "seven;" so as to read "\$27,770."

The amendment was agreed to.

Mr. HARRIS. On page 5, line 12, after the word "each," I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 5, line 12, after the word "each," it is proposed to insert:

One superintendent of Senate stables, at \$1,440, under resolution of Senate of March 4, 1890.

Mr. ALLISON. I make the point of order on that amendment that it is not estimated for. The resolution referred to expires on July 1.

Mr. HARRIS. My friend from Iowa is a little at fault in his memory as to the resolution. He is right, of course, as to the fact that this is not estimated for, but the resolution is "until the further order of the Senate," which does not expire until the Senate shall, by resolution, order otherwise. The office exists and will continue to exist after the 1st of July as well as before.

Mr. ALLISON. Will the Senator read the resolution?

Mr. HARRIS—

Resolved, That William R. Reynolds, who has been for the past five years a faithful and efficient officer of the Senate, be appointed, under the authority of the Sergeant-at-Arms, superintendent of the Senate stables, at a salary of \$1,500 per annum, until the further order of the Senate.

I will send it to the Secretary's desk.

Mr. ALLISON. Well, Mr. President, does the Senator read from the RECORD?

Mr. HARRIS. I read from the RECORD; yes.

Mr. ALLISON. I will thank the Chief Clerk to read what immediately precedes and follows that resolution.

The VICE-PRESIDENT. The matter will be read.

The Chief Clerk read as follows:

SUPERINTENDENT OF SENATE STABLES.

Mr. FARWELL submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That William R. Reynolds, who has been for the past five years a faithful and efficient officer of the Senate, be appointed, under the authority of the Sergeant-at-Arms, superintendent of the Senate stables, at a salary of \$1,500 per annum, until the further orders of the Senate.

Mr. ALLISON. The resolution read by the Chief Clerk is the resolution referred to the Committee on Contingent Expenses.

Mr. HARRIS. It came up on March 4, and you will find that the Committee to Audit and Control the Contingent Expenses of the Senate reported it back, and by unanimous consent of the Senate it was considered and agreed to.

Mr. ALLISON. Reported by the committee?

Mr. HARRIS. Precisely.

Mr. ALLISON. I, of course, only speak from memory; but now I have the resolution, and will see what it is. I read now from the CONGRESSIONAL RECORD of March 4:

SUPERINTENDENT OF SENATE STABLES.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. FARWELL, December 4, 1889, reported it with an amendment, in the nature of a substitute; which was considered by unanimous consent and agreed to, as follows:

Resolved, That the Sergeant-at-Arms be, and he is hereby, authorized and directed to appoint a superintendent of the Senate stables, at a salary of \$1,440 per annum, to be paid from the contingent fund of the Senate, during the remainder of the current fiscal year, upon vouchers approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

Now, the Committee on Appropriations regarded this as a resolution only existing up to the 1st day of July.

Mr. EDMUNDS. That is what it is.

Mr. ALLISON. And certainly, unless there is a further order of the Senate in some way, it will not exist after that time.

Mr. PLATT. This would make a further order.

Mr. ALLISON. This would make a further order, as the Senator from Connecticut suggests.

Mr. HARRIS. Will the Senator please send me the paper from which he reads? And it is due to myself to say—

Mr. ALLISON. I do so with pleasure. I only desire to correct the Senator from Tennessee by showing him a very different resolution passed from the one read at the Secretary's desk and the one read by him.

Mr. HARRIS. Yesterday I asked the Journal Clerk to look up the resolution and the action of the Senate upon it, and he referred me to the resolution and to the action of the Senate as it was read from the desk a moment since. If the resolution just read by the Senator from Iowa was adopted, certainly that resolution was changed and that record does not show it.

Mr. ALLISON. I will say to the Senator, if he will allow me a moment, the Committee on Appropriations examined all these resolutions with care. We had an apprehension that the expenditures of the Senate were beyond the necessities of the Senate, and therefore it was that we looked into these resolutions carefully, intending to appropriate whatever the Senate ordered us to appropriate and not a dollar more, and on examination of this resolution we found that practically it was intended to expire by limitation on the 1st day of July.

Now, I hope that the Senator from Tennessee will not press this amendment, because if it is necessary to have this new office, created on the 4th of March, 1890, of superintendent of the stables, it can easily be ascertained hereafter and the necessary sum can be appropriated out of the contingent fund. But I submit to the Senator that to have a superintendent of the stables and four or five or six or seven employes at the stables for the purpose of caring for the few horses that are owned by the Senate to carry around the mails is an unnecessary and extravagant expenditure.

Mr. BLAIR. May I ask the Senator if it is a fact that there are more employes at the stables than there are horses?

Mr. ALLISON. I think so; but I am not sure.

Mr. BLAIR. At least the number is twice as many as the horses that belong to the Senate.

Mr. ALLISON. It is one more or one less. I think there is one more employe than there are horses. That is my recollection.

Mr. DAWES. I should like to ask how the exigency, after the experience of the Senate for now a hundred years, arose last March for the first time. The country had been able to get along without a superintendent of Senate stables for well-nigh a hundred years till last March. Some Senator may be able to enlighten the Committee on Appropriations as to the sudden exigency which arose last March.

Mr. EDMUNDS. I wish the Senator would tell us what are the Senate stables, and how many horses the Senate has.

Mr. HALE. It is a little building off at one corner of the Capitol grounds where the few horses that are used in the Senate mail-wagons are kept. It is an establishment that a private individual keeping would have one man attend to, and possibly one cheaper man assisting him. That that should be dignified and should be swelled up into the importance of having a superintendent at \$1,200 a year is the *reductio ad absurdum* of all the absurd things that we are asked to do for

the Senate employes. This has run the thing into the ground, and it is the natural result of the pressure that is being made here to swell the importance of everybody who is about the Senate—a superintendent of stables, who shall order, like a centurion, a colored man who is engaged in cleaning the horses or putting them into the wagons, to go and do such a thing, and shall have \$1,200 a year for it, or who shall order somebody to lock up the stable at 9 o'clock at night, and that shall go to make up his duties.

Mr. DAWES. The Senator mistakes his duties. He is to see that the other man locks the stable.

Mr. HALE. I say he gives the order to another man, who exceeds, with his fellows, as the Senator from New Hampshire has said, the number of horses. What we ought to have, in order to satisfy everybody who wants these places, is to have two or three men to every horse, and every third man ought to have a superintendent, and there ought to be over the superintendent a supervisor of stables, and then there ought to be over him a commissioner of stables, and there ought to be, as the Senator from Kansas suggests, a grand master of stables and harnesses and wagons and horses.

Mr. DAWES. And there ought to be a chief clerk!

Mr. HALE. Of course, a chief clerk, as the Senator suggests.

Mr. BLAIR. And a chief of staff, also!

Mr. HALE. And messengers to wait upon these officials, and private secretaries, and telephones, and all these things; and by that time you would get a really respectable establishment, and a great many people who have not got these places would get into them.

Therefore it is difficult to oppose this amendment. I have not the pleasure of knowing who it was that offered it, for I was out of the Chamber; but the subject has been before the committee time and time again, and we are beginning to be impressed with the magnificence of this superintendent of stables.

Mr. BLAIR. I suggest to the Senator that upon the best judgment I can form from having seen the horses, they undoubtedly did service in the original entry into Jerusalem, at least eighteen hundred years ago. There are not more than three or four horses in the use of the Senate that anybody ever sees.

Mr. HALE. You would not want these employes of the Senate to endanger their valuable lives with getting behind fast horses? They ought to be safe animals, and this superintendent ought not to imperil himself by going into a building where a horse has any activity or liveliness in him. They ought to be old horses, so as to make it a safe place.

Mr. BLAIR. Well, they are old horses.

Mr. HARRIS. Mr. President, I desire to say that when I answered the Senator from Iowa a moment since that I was reading from the RECORD I was in error. I was reading from the Journal of the Senate, as the Journal Clerk informs me. Yesterday he furnished me the data. On page 151, under date of March 4, I find the following:

Mr. JONES, of Nevada, from the Committee to Audit and Control the contingent expenses of the Senate, to whom were referred the following resolutions, reported them without amendment:

Resolution submitted by Mr. FARWELL, December 4, 1889, authorizing the Sergeant-at-Arms to appoint a superintendent of the Senate stables.

Resolution submitted by Mr. MITCHELL—

And so on; other resolutions reported without amendment. So says the Journal; and by unanimous consent the resolutions were agreed to.

Now, with regard to the merit of this amendment, I desire to say that I know, perhaps, as little as any other Senator upon this floor about the present superintendent. I could not have called him by name if I had met him on the street until day before yesterday. But I am informed by the Sergeant-at-Arms of the Senate that he has inaugurated economies at that stable which save annually more than the proposed salary, besides a vast improvement in the general conduct and care and management of it.

I feel no earthly interest in the matter. If the resolution as read by the Senator from Iowa was the resolution that was passed, then I think he is right upon the question of order; but if the resolution as handed to me by the Journal Clerk was the resolution that was passed, then the amendment is clearly in order, and the Senate can dispose of the question on the merits of it. It is a matter of the supremest indifference to me in what way it may be disposed of; but upon the authority of the Sergeant-at-Arms of the Senate and the showing on the Journal of the Senate I offered the amendment for the action and judgment of the Senate.

That is all, Mr. President, that I care to say; but I should like to have it ascertained with certainty which resolution was the resolution that was actually passed.

Mr. ALLISON. Of course I did not know what the Journal contained. I will only say to the Senator that what I sent to the Senator from Tennessee is taken from the daily RECORD, and I do not see how the daily RECORD could possibly be mistaken in recording in the RECORD a substitute offered by the Senator from Nevada.

Mr. HARRIS. There may have been a failure to record the substitute.

Mr. ALLISON. But, whether in order or out of order, I hope the Senator from Tennessee will not press the amendment.

Mr. HARRIS. If the resolution is as the Senator thinks it is, then

the amendment is not in order; but if the Journal resolution was passed it is clearly in order. However, it is a matter about which I feel no personal concern.

The VICE-PRESIDENT. The Chair is of opinion that the Journal entry is incorrect, and rules that the point of order is well taken.

Mr. DOLPH. I move, in lines 23 and 24, on page 96, to strike out "\$1,800" and insert "\$2,500;" so that the clause will read:

For surveyor-general of Oregon, \$2,500.

The VICE-PRESIDENT. Is the Senate ready for the question on the amendment proposed by the Senator from Oregon?

Mr. COCKRELL. I should like to have some reason given for that amendment.

Mr. DOLPH. I desire to say in regard to the amendment that on the 20th day of September, 1850, when the first law for the disposal of the public domain in Oregon was passed and the office of surveyor-general of that Territory was created, the salary of the surveyor-general of Oregon was fixed at \$2,500. That salary is also fixed by section 2209 of the Revised Statutes. Up to and including the legislative, executive, and judicial appropriation act of 1884, annual appropriations were made for the salary of the surveyor-general of Oregon at \$2,500. So if there was not any act passed in 1884 repealing the general laws fixing the salaries of officers whose compensation was appropriated for in that year, the salary of the surveyor-general of Oregon has not been changed, because, as I say, the amount appropriated in 1884 was \$2,500. I believe in 1885, or if not 1885 in 1886, in the appropriation act only \$1,800 was appropriated for the salary of the surveyor-general of Oregon.

Oregon is a State 300 miles square. It contains nearly 100,000 square miles. A large amount of the public domain is yet unsurveyed. The surveyor-general's office is as important in Oregon as in any of the States or Territories where the surveyors-general to-day are paid \$2,500. If Senators will refer to the bill under consideration they will find that for the surveyor-general of Arizona Territory \$2,500 is appropriated, for the surveyor-general of California \$2,750 is appropriated, for the surveyor-general of the State of Colorado \$2,500 is appropriated, for the surveyors-general of the two Dakotas \$2,000 each is appropriated, for the surveyor-general of the Territory of Idaho \$2,500, and for the surveyor-general of Montana \$2,500.

The question of reducing the compensation of the surveyor-general of Oregon never has received the consideration of any committee of either branch of Congress except the Committee on Appropriations. It never has been changed except by an appropriation bill. The Representative and Senators from Oregon never have known any reason why this discrepancy was made and why the salary was reduced by the appropriation act of 1885 or 1886 to \$1,800. I assert that there is no provision of law for it.

Mr. HALE. Is this office vacant?

Mr. DOLPH. No, it is not. There is an incumbent.

Mr. BERRY. I should like to ask the Senator from Oregon a question, if he will permit me.

Mr. DOLPH. Certainly.

Mr. BERRY. Do I understand that up to 1885 this salary was \$2,500, and since that time only \$1,800 has been appropriated? Is that the statement of the Senator?

Mr. DOLPH. I do not remember just the year when the changes were made. I say in 1884 \$2,500 was appropriated.

Mr. ALLISON. The change was made in 1886.

Mr. DOLPH. The change was made before any change in office on the incoming of this Administration, and I understand it was made on the recommendation of the Commissioner of the General Land Office.

Mr. MITCHELL. Section 2209 of the Revised Statutes fixes the salary at \$2,500.

Mr. DOLPH. The salary is fixed by statute.

Now, I desire to come to the question as to whether there has been any change in the statute. The legislative, executive, and judicial appropriation act of 1884 provides, in substance, that the amount appropriated by that act shall be in full for the services for the next fiscal year. Then at the close of the act there is a provision that "all acts and parts of acts inconsistent with this act are hereby repealed." I suppose that to be the only general legislation changing the salaries of officers that is referred to. That is susceptible of two constructions.

One construction would be that "all acts and parts of acts so far as inconsistent with this act are hereby repealed." That would be sufficient to prevent the incumbent from claiming any greater compensation for that year, but that would be the only intent to which the act would be inconsistent with the general law fixing the salaries of surveyors-general.

The other construction would be that the law was repealed *in toto* for all future time; and as the appropriation act does not fix the salary for any other year except the year for which appropriations were made, in every case where it was changed it would leave this situation: there would be no law whatever fixing the salary of these officials.

I can not believe that it is the effect of the repealing clause that as to the large body of officers appropriated for in this bill there is no law to-day which fixes their annual salary.

If that is the case, then it is competent for the Committee on Appro-

provisions every year in making appropriations to fix the salary of every official, more or less, in accordance with its own judgment. I do not believe that that is a proper function of a Committee on Appropriations. I believe that if that act is construed in that way it is most vicious legislation.

It seems to me that the duties of the Committee on Appropriations are onerous and important enough to determine the amount of appropriations and allow the salaries of officials to stand as fixed by law, after the matter has been considered by the appropriate committees and passed upon by Congress, rather than to undertake in every annual appropriation bill to fix for every year the salary of every official wherever there is to be a change in the compensation.

Mr. ALLISON. Mr. President, I desire to say a word once for all respecting these salaries. In 1876 the House of Representatives—I speak historically—cut down a large number of salaries, and in doing so they inserted apt phraseology to work a repeal, as they believed and as the courts have construed, of all existing laws in conflict with the salaries there fixed.

Mr. DOLPH. I should like to say to the Senator that I should be glad to see a decision which holds that the repealing clause contained in these acts affects any more than the year for which the appropriation is made.

Mr. ALLISON. I hope the Senator will pardon me; I have not time now to look it up. That has gone on from year to year, and although the Senate for some years insisted upon appropriating the salaries provided for in the statutes, yet the House of Representatives finally prevailed in this respect on these appropriations, and we yielded. The appropriations as they are now fixed in this bill are substantially the appropriations that have prevailed as respects these officers for the last twelve years or more.

Mr. DOLPH. Not in this case to which I refer.

Mr. ALLISON. Very well; I will come to the case of the Senator. That is the general rule as respects these salaries. In 1885-'86, when the House of Representatives was under the control of an opposing party and when the Administration was under similar control, they cut down the salary of the surveyor-general of Oregon to \$1,800 on the ground that that was a sufficient compensation in view of the small appropriations being made for surveys of the public lands. When the Republican party came into power in the executive and in the legislative departments your Committee on Appropriations, following the precedents that have been laid down and have been incorporated in your statutes year by year, are confronted with one amendment after another increasing the compensation of officers appointed under this Administration, when similar officers have served under prior Administrations for the compensation proposed to be appropriated by the bill.

Now, all I ask is that Senators will understand that if this is to be pursued to the logical sequence of the amendment of the Senator from Oregon then this appropriation bill must be practically reorganized as respects these salaries, and we shall be confronted with the question of undoing what has been done for the last twelve years in the way of reducing compensation; and we are called upon now to do this as Republicans at a time when there is complaint, whether just or otherwise, as to the extravagance of Congress, and when there is complaint, whether just or otherwise, of the extravagance of the Senate. We are doing this at a time when there is prevailing over this country a belief that those who are engaged in laboring pursuits are not receiving that compensation which their labors require. We are doing it at a time when a great many people in this country feel the oppression of low prices and of no or but little employment.

I submit to my fellow-Senators on both sides of the Chamber that this is not the time to run through this appropriation bill and increase salary after salary in the Senate above and beyond what has been the rule for the last twelve years. I do not say in this particular instance whether this salary is exactly what it ought to be or not. I know that for two years of Democratic administration, and under Democratic dominance, it was reduced and held. I have no doubt a most worthy and excellent man holds it now, but I submit that he ought not to ask us at this time to increase his compensation when there is practically no increase of duties for him to perform.

Mr. DOLPH. The Senator knows very well that the Senators from Oregon made strenuous opposition to the reduction of the salary the first time it was attempted.

Mr. ALLISON. I do.

Mr. DOLPH. So far as following it to its legitimate conclusion is concerned, I give the Senator notice that as long as such a difference as exists, for instance, between the Territory of Idaho and the State of Oregon is made, I shall follow it to the legitimate conclusion of securing an increase of the appropriation, if possible. If we are going to have general retrenchment and reform and cut down the salaries in all the States and Territories similarly situated, that would be one thing; but I have never been able to learn why the State of Oregon was singled out and why the salary of the surveyor-general of Oregon should be cut down \$700, from \$2,500 to \$1,800, while the surveyor-general of the Territory of Idaho and the State of Washington and the Territory of Arizona and the Territory of Wyoming and the Territory of New Mexico and the Territory of Utah, and nearly all the public-land States

and Territories should be left at \$2,500, and why the Senate committee should have fixed the compensation of the surveyor-general of the two Dakotas at the present session at \$2,000 and the Senate should appropriate for their salary without question, and Oregon be still left at \$1,800.

I will say that the present incumbent of the surveyor-general's office is an appointment made under the last Administration, but that is a matter of entire indifference to me. It does not affect my judgment at all. I have made just as strenuous an effort here when the reduction was first attempted, and every year I have offered an amendment to increase the salary. I think it has been raised by a vote of the Senate on one or two occasions and dropped out in conference.

Mr. MITCHELL. That is true. Since this salary was reduced to \$1,800 a year, I think it has been twice increased upon an appropriation bill by a vote of the Senate, but finally dropped out.

Mr. President, because under a Democratic Administration or any other Administration a wrong has been committed, it does not follow that we are to continue that wrong. My friend, the chairman of the Committee on Appropriations, if he will be entirely candid about this matter, as he generally is candid about everything, must admit, if he will look over the ground, that \$1,800 is not an adequate salary for the surveyor-general of the State of Oregon, in view of the amount of unsurveyed lands in that State and in view of the amount of work that is imposed, or should be imposed if it is not, by proper appropriations, upon that officer.

Again, an invidious distinction is made here that is all wrong and should be righted, and righted now. The surveyor-general of the Territory of Arizona gets \$2,500; the surveyor-general of Colorado gets \$2,500; the surveyor-general of Idaho, where there is really less work than in the State of Oregon, a less number of acres of public land to be surveyed and smaller appropriations made, perhaps, for the surveys, gets \$2,500; the surveyor-general of Montana gets \$2,500. And yet a few Congresses ago Congress singled out Oregon, in the face of the statute fixing the salary of the surveyor-general of Oregon at \$2,500, and reduced it to the sum of \$1,800. Not by a regular statute repealing the act fixing the salary, but in an inappropriate way, by a clause in the appropriation bill, that statute was repealed either for the purposes of that year or for all time, as the case may be, by reducing the salary of the surveyor-general of the State of Oregon from \$2,500 to \$1,800.

The chairman of the Committee on Appropriations talks about extravagant and increasing expenses, and what we propose now as a Republican Administration to do in view of what has been done before. Mr. President, I do not think the fate of the Republican party in this nation depends upon the question as to whether we shall pay the surveyor-general of the State of Oregon a proper salary, to wit, \$2,500, or whether we shall pay him \$1,800. I think if there is nothing more than that to be brought up against the Republican party hereafter the Republican party will win in the future as it has won in the past.

In view of all the circumstances of the case I sincerely hope that no further opposition will be made by the committee to the proposition to increase this salary to the same amount that is paid in the surrounding States and Territories. The surveyor-general of the State of Washington gets \$2,500; of the Territory of Idaho, \$2,500; of Arizona, \$2,500; of Montana, \$2,500; and with the same amount of business, if not more, in comparison with some of these adjoining districts the surveyor-general of Oregon must be put off with \$1,800, and with an allowance of \$3,000, I believe it is, for clerk-hire.

Mr. DAWES. I call the attention of the Presiding Officer to the fact that there is no quorum here.

Mr. ALLISON. I ask that there may be a call of the Senate, if there is no quorum.

The VICE-PRESIDENT. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Edmunds,	Hoar,	Ransom,
Bate,	Evarts,	Jones of Nevada,	Reagan,
Berry,	Faulkner,	Manderson,	Sanders,
Blair,	Frye,	Mitchell,	Sawyer,
Call,	George,	Moody,	Squire,
Carlisle,	Gibson,	Morgan,	Stewart,
Cockrell,	Gorman,	Morrill,	Stockbridge,
Oullom,	Gray,	Paddock,	Teller,
Davis,	Harris,	Payne,	Turpie,
Dawes,	Hawley,	Platt,	Washburn,
Dolph,	Hearst,	Power,	

The PRESIDING OFFICER (Mr. HARRIS in the chair). The roll-call develops the presence of forty-three Senators. A quorum is present. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (S. 894) to provide for the admission of the State of Wyoming into the Union, and for other purposes.

Mr. ALLISON. I ask unanimous consent that that order may be laid aside temporarily, until the Senate can act upon the legislative appropriation bill.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the unfinished business be informally laid aside in order that the Senate may proceed with the appropriation bill. Is there objection? The Chair hears none. The pending question is upon

agreeing to the amendment proposed by the Senator from Oregon [Mr. DOLPH].

Mr. BERRY. Mr. President, I was very much astonished to hear both Senators from Oregon state a few moments ago to the Senate that it was vicious legislation to appropriate a different sum than that which was provided by law as the salary of an officer. That identical question has been pending before the Senate since yesterday; and if I am not very much mistaken both Senators from Oregon voted this morning to appropriate \$5,000 to pay an officer's salary when the amount fixed by law was \$4,000. Yet each of them says that where the statute fixes the salary it is vicious legislation to change it on an appropriation bill, although it has not been one hour since both those Senators voted to change the salary of the Commissioner of the General Land Office from \$4,000 to \$5,000, and that by an amendment to an appropriation bill. It would seem, then, that it is only vicious where it reduces a salary, and not vicious where it raises it. If I have misstated the vote of either of the Senators, I hope they will correct me, but that is the way I understood it.

Mr. DOLPH. Then I will correct the Senator right away. I said the question was whether the repealing clause contained in this bill and contained in other appropriation acts since 1884—

Mr. BERRY. Did not the Senator vote to raise the salary?

Mr. DOLPH. Wait a moment; I am coming to that. I said the question was whether that was a repeal, in so far as it was inconsistent with the first clause of the act which provided that the appropriations made in it should be in full for the service of the fiscal year. But I said if it was construed to be a repeal of the clause of the general statute fixing the salaries, there is now no law fixing the salary of officers, and it leaves the Committee on Appropriations every year to fix the amount they should receive; and I said that would be vicious legislation.

Mr. BERRY. I ask the Senator if he did not vote to raise the salary of the Commissioner of the General Land Office?

Mr. DOLPH. I did.

Mr. BERRY. You did so vote?

Mr. DOLPH. I did, for the coming fiscal year.

Mr. BERRY. Although the statute fixed the salary at \$4,000, both Senators voted to change that and give him \$5,000 upon an appropriation bill?

Mr. MITCHELL. Yes, I did, and will do it again, because I believe the salary of \$4,000 is entirely insufficient; and I believe the salary of \$1,800 is insufficient and inadequate for the surveyor-general of the State of Oregon. Therefore I shall vote to put up the salary of the surveyor-general of Oregon to what the statute fixes it at, and because I believe the statute does not fix the salary of the Commissioner of the General Land Office at an adequate sum I voted to increase it to what I think is adequate. So I will try to do right all around.

Mr. BERRY. Mr. President, the Senator from Oregon may reconcile it to himself to say that it is vicious legislation to appropriate \$1,800 where the statute fixes a salary at \$2,500—

Mr. MITCHELL. I said, so far as I am concerned.

The PRESIDING OFFICER. Does the Senator from Arkansas yield?

Mr. BERRY. I decline to yield for the present.

The PRESIDING OFFICER. The Senator from Arkansas declines to yield.

Mr. BERRY. And yet the Senator says it is not vicious where the statute fixes it at \$4,000, and therefore he votes to raise it to \$5,000. If he thinks there is no inconsistency in that position, if he can assert that the one is vicious legislation while the other is entirely proper to be put upon an appropriation bill, that is a question for him; between him and the Senate. Now I will hear the Senator.

Mr. MITCHELL. Will the Senator yield now?

Mr. BERRY. Yes; I yield.

Mr. MITCHELL. So far as I am concerned, Mr. President, although the Senator from Arkansas has repeated it at least half a dozen times, I said nothing at all about vicious legislation.

Mr. BERRY. The RECORD will show.

Mr. MITCHELL. The RECORD will not show anything of the kind. I did not use the term. I said nothing about vicious legislation. I simply advocated this amendment because I believe the salary of the surveyor-general of Oregon is inadequate and ought to be raised. I never used the word "vicious." I said nothing about "vicious legislation," and the RECORD will not show it; and I defy the Senator from Arkansas to point it out, either now or to-morrow morning.

Mr. BERRY. It is not in the RECORD now; it is in the Reporter's notes. As to the exact language, unless the Senator changes his notes, I think he will find it in the RECORD. The Senator may see the Reporter and have it made different to-night, but we shall see to-morrow morning. At any rate, both Senators attacked the practice, referred to the fact that the statute fixed the salary at a certain amount.

There is another thing that is a little peculiar about this to me. It is remarkably strange that in 1884, or, as the chairman of the Committee on Appropriations said, in 1885, when a Democratic Administration came in and there was a Democratic surveyor-general for the State of Oregon, this salary should have been changed, which before that time had been \$2,500 by statute. Yet it was changed, and he was

given \$1,800, and I do not remember in all the years from that time to this that either Senator has ever appeared upon this floor and asked to have it raised back again until now.

Mr. DOLPH and Mr. MITCHELL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield?

Mr. BERRY. Yes, sir.

The PRESIDING OFFICER. To which Senator does the Senator from Arkansas yield?

Mr. BERRY. To either one.

Mr. DOLPH. I yield to my colleague.

Mr. MITCHELL. Will the Senator from Arkansas yield to me a moment?

Mr. BERRY. Yes; I yield.

Mr. MITCHELL. The Senator from Arkansas surely does not desire to misrepresent me.

Mr. BERRY. I not only do not desire to misrepresent, but I have not done so.

Mr. MITCHELL. The Senator from Arkansas has without intending it misrepresented, because there has been no session of Congress that I have been in the Senate since the salary of the surveyor-general of Oregon was reduced to \$1,800 when I have not advocated an increase. I advocated an increase for Mr. Taylor, the Democratic surveyor-general of the State of Oregon, at two sessions prior to this, as the records will show. Therefore, either the Senator from Arkansas does not know what he is talking about, or he is willfully misrepresenting the fact.

Mr. BERRY. Will the Senator from Oregon produce the record and show where he advocated an increase for a Democratic surveyor-general? When he does that, I will admit that my recollection is reversed.

Mr. DOLPH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Oregon?

Mr. BERRY. Not now.

Mr. DOLPH. I wish to make—

Mr. BERRY. No, not now. I stated that I did not remember upon any occasion that either of the Senators had appeared here and advocated a change of this salary. That was the statement I made, and if the Senator [Mr. MITCHELL], instead of making an assertion, would bring forward the record which shows where he has done so, it would be a good deal better evidence. However, it might have been done when I was not present. I simply said that I had no such recollection.

But the fact remains, Mr. President, that up to 1885, as stated by the chairman of the Committee on Appropriations, this surveyor-general, when he was a Republican, was paid \$2,500, and the fact remains that whoever may have advocated an increase no change was made during the four years of Democratic rule and that the Democratic surveyor-general received only \$1,800; and now at the first session after a Republican surveyor-general has been appointed the Senators come here and ask that it be brought back to \$2,500. Those are facts which can not be denied. Whoever did advocate it the law was changed in 1884, as stated by the Senator from Oregon, or in 1885, as stated by the Senator from Iowa, the chairman of the committee, and the salary has remained at \$1,800 up to this day, and now they ask the Senate to give \$2,500.

I say, Mr. President, that such legislation is unfair; it is unjust; and it illustrates better than anything I can say the impropriety of changing on an appropriation bill the statute law where the salary is fixed, and increasing or decreasing the salary, if it has not already been done, as in this case. I believe the rule should work both ways. I say when Congress deliberately fixes a salary we have no right on an appropriation bill to give more or give less. That is true.

But, as the chairman of the committee has stated, this salary and many others have been changed heretofore. It remained so for years, and I presume it will so remain. In view of that fact I think it would be very unfair and very unjust that now at this time, after four years at \$1,800, without showing that there is any necessity for an increased salary, the new officer should be paid \$700 more per annum than the one who served under the last Administration.

Mr. DOLPH. The Senator is incorrect when he states that I said the change was made in 1884.

Mr. BERRY. I so stated.

Mr. DOLPH. On the contrary, I stated that in 1884 in the legislative, executive, and judicial appropriation bill the salary fixed by statute was appropriated, that is \$2,500; and therefore if there was an act, as has been claimed, in 1884, which provided that the sums appropriated by that act should be the salaries of the officers, the salary should remain fixed at \$2,500. I also stated that I did not know whether it was the next year, 1885, or a subsequent year that the salary was cut down.

I now state, for the benefit of the Senator, that the very first year that the salary was cut down I offered an amendment in the Senate restoring it to \$2,500. The amendment was adopted by the Senate, but it was dropped out in conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. DOLPH].

Mr. BERRY. I ask for the yeas and nays, Mr. President.
The yeas and nays were ordered.

Mr. GEORGE. I should like to know from Senators who are in favor of this amendment what special necessity exists, if there exists such, for raising the salary of this officer at this particular time. If the Senator from Arkansas is correct, for the last four years the officer has been paid only \$1,800. I should be glad to be informed of the fact.

Mr. MITCHELL. The Senators from Oregon believe, both of them, that he has been paid just \$700 too little all the while, and on this floor, whenever the opportunity presented, both of us have advocated an increase, all through the Democratic Administration, for the Democratic surveyor-general of Oregon, Mr. Taylor. We believe that \$1,800 is inadequate. It is \$700 per annum less than is paid to the surveyor-general of any of the surrounding Territories or States.

Mr. DOLPH. The surveyor-general of California receives \$2,750.

Mr. MITCHELL. The surveyor-general of California receives \$2,750; of Idaho, \$2,500; of Arizona, \$2,500; of Washington, \$2,500; of Montana, \$2,500; but for some reason which I could never understand Oregon was singled out some three or four years ago and the salary was reduced from the amount fixed by statute, \$2,500, to \$1,800; and we have been endeavoring all the while to get it back, because we thought it was an injustice to that officer, irrespective of the question as to what his politics were.

Mr. GEORGE. I should like to ask the Senator if he means to say that the officer discharging the same duties in Washington and in the other places which he has named receives a different compensation from the salary received in Oregon?

Mr. MITCHELL. I mean to say exactly that. I mean to say that they all receive \$2,500, while this officer, performing the same duties in the State of Oregon, receives but \$1,800, and that the amount of \$2,500 has been reduced by clauses in appropriation bills from year to year, whereas there is a statute on the statute-book to-day, unless it has been repealed by the clauses in the appropriation acts, which fixes the salary of the surveyor-general of Oregon at \$2,500. Those are the facts.

Mr. GEORGE. Is there any difference, so far as the Senator knows, between the duties and the labors of the officers of the several States and Territories, and the expenses attendant on the duties of their offices, and those of this office?

Mr. MITCHELL. In some of the Territories there is more surveying done, perhaps, than in others, but in each and every case the whole time and attention of the officer is required.

Mr. DAWES. If that be so, there are several of them that are in as bad a predicament as the surveyor-general of Oregon.

Mr. MITCHELL. In a few of the old States, where there are no lands to be surveyed, they still have surveyors-general who are receiving \$1,800 a year.

Mr. DAWES. In the old States of North Dakota and South Dakota the surveyor-general receives \$2,000 a year.

The PRESIDING OFFICER. Is the Senate ready for the question on the amendment proposed by the Senator from Oregon [Mr. DOLPH]? The yeas and nays have been ordered, and the Secretary will call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. DIXON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. HAMPTON]. I transfer that pair to my colleague [Mr. ALDRICH], and vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the junior Senator from Wisconsin [Mr. SPOONER].

The roll-call was concluded.

Mr. SAWYER. I am paired with the Senator from Georgia [Mr. COLQUITT], but I have reserved the right to vote to make a quorum, or where the question involved was not political, so I vote "nay."

Mr. STOCKBRIDGE. My colleague [Mr. McMILLAN] is paired with the Senator from North Carolina [Mr. VANCE].

Mr. HIGGINS. I am paired with the Senator from New Jersey [Mr. MCPHERSON]. In his absence, I withhold my vote.

Mr. PASCO. I again announce my pair with the Senator from Illinois [Mr. FARWELL].

Mr. WILSON, of Maryland. I am paired with the Senator from Iowa [Mr. WILSON], but I will vote to make a quorum. I vote "nay."

Mr. HIGGINS. As my vote is necessary to make a quorum, I vote "yea."

Mr. DAVIS. I vote "yea."

The result was announced—yeas 27, nays 20; as follows:

YEAS—27.

Allen,	Davis,	Jones of Nevada,	Ransom,
Blair,	Dixon,	Mitchell,	Sanders,
Oali,	Dolph,	Morgan,	Squire,
Cameron,	Evaris,	Payne,	Stewart,
Carlisle,	Frye,	Pierce,	Stockbridge,
Casney,	Hawley,	Plumb,	Teller,
Chandler,	Higgins,	Power,	

NAYS—20.

Allieon,	Dawes,	Jones of Arkansas,	Sawyer,
Bate,	Edmonds,	Morrill,	Vest,
Berry,	George,	Platt,	Voorhees,
Cockrell,	Gibson,	Pugh,	Washburn,
Coke,	Harris,	Reagan,	Wilson of Md.

ABSENT—37.

Aldrich,	Farwell,	Kenna,	Spooner,
Barbour,	Faulkner,	McMillan,	Stanford,
Blackburn,	Gorman,	McPherson,	Turpie,
Blodgett,	Gray,	Manderson,	Vance,
Brown,	Hale,	Moody,	Walthall,
Butler,	Hampton,	Paddock,	Wilson of Iowa,
Colquitt,	Hearst,	Pasco,	Woolcott,
Cullom,	Hiscock,	Pettigrew,	
Daniel,	Hoar,	Quay,	
Eustis,	Ingalls,	Sherman,	

So the amendment was agreed to.

Mr. TELLER. I wish to offer an amendment on page 2.

Mr. ALLISON. If the Senator will allow me, I want to change a footing, made necessary by the amendment just agreed to. In line 25, on page 96, I move to insert "\$5,500" in lieu of "\$4,800."

The amendment was agreed to.

Mr. TELLER. On page 2, line 24, I move to strike out the words "and financial clerk, at" and the word "each" after "dollars," and to insert after the words "three thousand dollars" the words:

Financial clerk, \$3,000.

The financial clerk now gets \$3,000.

Mr. EDMUNDS. Which financial clerk?

Mr. TELLER. Mr. Nixon.

Mr. EDMUNDS. Oh, yes; the Senate financial clerk.

Mr. TELLER. He handles a very large amount of money, not only for the payment of Senators and the force of the Senate, but he has a great many demands upon him by Senators in the way of having drafts cashed and those things which are inevitable to his position. It seems to me that after his long service he is entitled, if we are going into raising salaries, to have his salary raised.

Mr. PLATT. How much does the Senator propose to make it?

Mr. TELLER. I propose to make it \$3,600. It is now \$3,000.

Mr. ALLISON. I make the point of order upon the amendment that it is not estimated for and that it has not been reported from any standing committee of the Senate.

Mr. GEORGE. I can not hear what the Senator says.

Mr. ALLISON. I make the point of order upon this amendment that it is not estimated for, nor is it reported from any standing committee of the Senate.

Mr. GEORGE. I understand that the Senate has ruled this morning on an exactly similar case that such an amendment was in order. If that be so—

Mr. EDMUNDS. What case does the Senator refer to?

Mr. GEORGE. I believe it was the proposition to raise the salary of the Commissioner of the General Land Office.

Mr. EDMUNDS. That was reported by a standing committee.

Mr. ALLISON. And referred to the Committee on Appropriations.

Mr. EDMUNDS. And referred to the Committee on Appropriations.

Mr. GEORGE. I understood from several Senators who are familiar with the rules—I am not—that that was a precedent for this case. I desire to say, in opposition to the point of order which has been made by the Senator from Iowa—

The PRESIDING OFFICER. This debate proceeds by unanimous consent, as the question of order is not debatable.

Mr. GEORGE. Very well; I should like to say just one word on that subject.

Mr. EDMUNDS and others. No objection.

Mr. GEORGE. I understand that the rule under which the point of order is made is the one which says that general legislation shall not be grafted on an appropriation bill. Am I right in that proposition?

The PRESIDING OFFICER. That is not the question of order raised by the Senator from Iowa. It is that this amendment is not reported by any standing or select committee and referred to the Committee on Appropriations, and that it is not estimated for. That is what the Chair understands to be the question of order raised by the Senator from Iowa.

Mr. ALLISON. Those are the points I make on the amendment.

Mr. GEORGE. Is there a rule which prevents the Senate from making an appropriation which has not been estimated for and which has not been reported from any standing committee?

The PRESIDING OFFICER. In this particular case the Chair says he regrets that there is.

Mr. CALL. I submit the question whether this is any more general legislation than the other cases which have been admitted by the Senate.

The PRESIDING OFFICER. The question of general legislation is not raised in this point of order. The Chair sustains the point of order.

Mr. DAWES. On page 84, in the first line—

Mr. CALL. If the decision of the Chair has not been made, it seems to me that as this is a matter concerning an officer of the Senate there can be no estimate made. There is nobody to make an estimate. As to the matter of general legislation, it seems to me clearly within the decision of the Senate this morning.

Mr. DAWES. On page 84, in the first line, I move to strike out "four" and insert "five."

The PRESIDING OFFICER. The amendment moved by the Senator from Massachusetts will be stated.

Mr. GEORGE. Has any disposition been made of the amendment moved by the Senator from Colorado?

The PRESIDING OFFICER. The Chair sustained the point of order raised by the Senator from Iowa.

Mr. GEORGE. Then I will appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Mississippi has a right to appeal, and does appeal, from the decision of the Chair, and the question is: Shall the decision of the Chair stand as the judgment of the Senate? That question is debatable.

Mr. GEORGE. Now, Mr. President, as suggested by the Senator from Florida [Mr. CALL], this does not come within the rule of estimates, because it does not belong to any department of the Government except the Senate itself. If one of the Departments makes an estimate for an increase of salary for one of its officers, it is allowed to be in order, because we have the judgment of the Department in favor of the advisability of raising the salary. We stand in relation to this officer exactly as the head of a Department stands in relation to any officer under him. I think, therefore, that the true meaning of the rule can not be applied to an officer of this body, since it is impossible under our rules and proceedings that any Department of the Government should make an estimate for that purpose.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. PLUMB. Mr. President, there is a mistake about this matter, as is evident by the statement of the Senator from Florida. These officers are all embraced in the estimates which are submitted to Congress for appropriation, just the same as all the other employees of the various Departments.

Mr. COCKRELL. I should like to ask the Senator this question, How are these estimates made out? Is there any officer in the Senate who makes any estimate, or does the Treasury Department take the appropriation of the last session as its guide and simply estimate that amount?

Mr. PLUMB. The Secretary of the Senate sends to the Secretary of the Treasury his own estimate, and the Secretary of the Treasury either adopts that or revises it according as his judgment dictates, and embodies it in the formal estimates which he sends down at the beginning of the session of Congress.

Mr. GEORGE. Allow me to ask a question. Does the Secretary of the Treasury ever submit an estimate of this sort—

Mr. PLUMB. Always.

Mr. GEORGE. So many dollars for the Secretary of the Senate, so many dollars for the Chief Clerk, so many dollars for the various officers of the Senate, specifying each one of them, or does he submit an estimate in a lump for the whole expenditures of the Senate for its officers?

Mr. PLUMB. They are estimated for in detail, just as they appear here in the bill.

Mr. GEORGE. How is that? Are the estimates made in detail or in a lump sum?

Mr. PLUMB. They are estimated for in detail, just as they appear in the bill.

I want to say, Mr. President, that I think there is no member of the Senate who will take issue with anything that may be said favorable to the officer who is the subject of this proposed increase. He is as faithful and intelligent as any official about the Senate, and that is saying enough. But I want to say upon the general proposition, in which the point of order is only remotely involved, if at all, that the officers of the Senate are better paid than any persons performing similar duty in any other branch of the civil service. The places about the Senate are the prize positions of the civil service of the United States. The pay is not only greater, but the duties are less arduous and less protracted. One year of every two there is a vacation of at least eight months, during which all these persons are perfectly free to go and come as they please, without any restraint growing out of their official employment, while their salaries go regularly on and are paid to them every month by drafts transmitted to their post-office address.

Mr. PLATT. That hardly applies to this officer.

Mr. PLUMB. After the long session, of course the vacation that these people have is less, but they all have less service and more pay than any persons similarly employed by the Government. I do not object to that, Mr. President, but I think we have got to a point where we ought to stop, and we ought to stop, not because we may not have our compassion moved about a particular individual, but we ought to stop because it is our duty to stop. It is our duty to the Senate as a body, it is our duty to the country, that we should stop.

I want to say further that I regard the service of the Senate (I am only repeating in this what I have said before) as being exceedingly top-heavy. I believe \$100,000 a year more is spent every twelve months for the service of attendance upon the Senators here than is anywhere necessary for the proper discharge of the public duties. It is growing every year, and it will soon become so large that in itself it will become an issue in this country; and it would not surprise me if men were elected to this body within a very short period of time upon a pledge to ruthlessly and relentlessly apply the knife and cut off the excrescences around this body.

I do not speak of this as reflecting upon any individual member of the

Senate force. So far as the duties devolved upon them are concerned they are equal to them, and they discharge them faithfully and well. We have been generous with them in the matter of salaries. But that is not enough, Mr. President. Not a session goes by that we are not importuned from the beginning of the session to the close thereof, or at all events so long as the proper appropriation bill is pending, to increase somebody's salary and to add to the already extraordinary and extravagant force with which the Senate is provided.

I think, Mr. President, we have a right to say to these people whom we thus employ that they shall let us alone; that they shall not pursue us in our committee-rooms and in the corridors, and all other places where men can be got at, soliciting us to increase their salaries. There is an open way which any one of them can find if he desires to, and that is the way of resignation. If any one is not satisfied with his pay here, I hope he will manifest that dissatisfaction in the only practicable way, and that is by resigning.

It is not fair that these people whom we come to regard so kindly should impose upon the good nature of the Senate in the way it has been imposed upon during this session and during all the sessions. We have at intervals given premiums at the close of a session of 10 per cent. of the annual pay of all these people upon the theory that they were overworked, and so on, without any pretense whatever that there was any justice in it, or fairness in it, or anything else but the absolute robbery of the Treasury. Salaries fixed by law for service rendered in accordance with it, slight as it has been, have been added to by an absolute donation out of the Treasury in defiance of law.

I hope, Mr. President, that we shall be satisfied, as I said, to stop where we are, and, when we have taken a careful account of what we are confronted with, that the Senate will deliberately take up this question of force and apply to it the doctrine of retrenchment which ought to be applied and reduce the expenses of this body, as I said, by at least \$100,000 annually, bringing about, of course, two things: the discharge of a very large number of persons already employed and the reduction of the salaries of many of those who will remain.

As I said, this is not in any sense a personal reflection upon any of these people, except as they may have transcended the proprieties by solicitation, but it is a protest against a system totally unjustifiable and entirely out of keeping with the rules which we prescribe for other branches of the public service, and totally at variance with everything which men do with reference to their own private affairs.

Mr. DAWES. Mr. President, I think that while the Senator from Kansas in what he says is correct he overlooks the difficulty and the reason of the condition of things to which he alludes, and that is a law which pervades both branches of the National Legislature, and has for many years, to let each House regulate its own affairs in this respect. The Committee on Appropriations of the House and the Committee on Appropriations of the Senate, with the sanction of the two bodies, have assumed to say that we will let each House regulate its own affairs and its compensation according to its own suggestions. The courtesy which exists has pervaded the relations between the two Houses for many years and has resulted in just this condition of things. The House does not feel at liberty to criticize our provisions for our service, and we in turn do not feel at liberty to criticize any provision which the House makes for its own service, whatever may be our own opinion in respect to it.

So each House goes on with the feeling that the other House will have nothing to say, whatever provision it may make, and imperceptibly almost this condition of things has come to be such that it is, as the Senator from Kansas says, a serious matter, which sooner or later the two branches together must take hold of and reform.

Mr. GEORGE and Mr. MORRILL addressed the Chair.

Mr. GEORGE. Of course I yield to the Senator from Vermont if he desires to occupy the floor.

Mr. MORRILL. Only for a moment. I was going to say, Mr. President, that I hope the time of the Senate will not be consumed in useless debate, because I am sure that this will result in no action. This amendment is clearly out of order. If it were otherwise I should vote in favor of it. This officer is in charge of a financial trust that would be rewarded by any private party or corporation by a salary of not less than \$5,000 or \$6,000 a year. He is detained here during the entire year. He is a man of character and is worthy of an increase of compensation, but at the same time no committee has reported in favor of the proposition. It is clearly out of order, and therefore I shall vote against it.

Mr. GEORGE. Mr. President, I feel that I ought to reply to the remarks made by the Senator from Kansas [Mr. PLUMB], and, in the first place, I desire to state to the Senate that the officer in whose behalf this motion has been made has not requested me, nor, as far as I know or believe, any other member of this body, to make the motion. He has not gone to any Senator in his committee-room or elsewhere asking for an increase of his salary.

Mr. President, allow me further to say in the line of the remarks made by the Senator from Vermont that this officer is not, as was stated by the Senator from Kansas, relieved from his duties during the vacation. He stays here all the time and makes remittances to absent Senators every week or every month as they direct him to do. More than a million of dollars is received by this officer every year and disbursed.

He has received this large sum and disbursed it, as I understand, for about twenty-seven years, and not one dollar, not one nickel, not one cent, has been lost to the Government by his action. In addition to that, Mr. President, as was suggested by the Senator from Colorado, he collects for the accommodation of Senators and the employees of this body from eighteen to twenty-five thousand dollars a month outside of the fiscal operations of his office.

Under these circumstances, I think that this meritorious, this honest, and this modest officer, who I undertake to aver has never suggested to a single member of this body (and if there has been one to whom the suggestion has been made I should like him to get up and say so), known by every member of this body to be all that I describe him to be, and who has never suggested to any member of this body that he desired his salary raised—I say that, taking into consideration all that has been said by the Senator from Vermont and all that we all of us ought to know, he ought to have the very moderate compensation for this very large responsibility, for this very careful, honest, and continuous service of the Senate, at least the sum of \$3,600, and I was in hopes that, as every Senator knew of the extraordinary merits, of the fidelity, the care, the skill with which the duties of this office have been performed, every Senator in this body would be glad to testify his appreciation of his merits by voting for this very small increase in his salary. I believe notwithstanding the technical reading of the rule that it was never meant by this body that its discretion, its power to deal with its own officers, should ever have been transferred to a head of a Department.

We, sir, are the head of the Departments so far as our officers are concerned. We are presumed to know what our officers deserve, and not the Secretary of the Treasury, and it is a strained and technical construction, if not a perversion of the rule, for it to be asserted here in opposition to our right to deal with things within our personal knowledge, that we can not do so without the permission of the Secretary of the Treasury. I have done what I believed to be a duty which I owe to the Senate and to this very meritorious officer in saying that much.

I might be indulged in making one single remark which I hope will be offensive to nobody, that, in this day of faithlessness on the part of private and public custodians of other people's money, a conspicuous example of one who has been faithful in all things ought to receive recognition from us.

Mr. HARRIS. Mr. President, upon the appeal from the decision of the Chair the merit of the amendment has been somewhat extensively debated. As the temporary occupant of the chair I decided the question of order as I understand the parliamentary law and the rule of the Senate to be. I regretted the necessity of so deciding. Nothing has been said by the Senator from Mississippi or any other Senator in commendation of the conduct of the financial clerk of the Senate that I can not most fully indorse. I do not know an employé of the Government in any one of its Departments of any grade that I regard as more meritorious or worthy than the official whose salary it is proposed to increase. I am quite satisfied that he deserves every dollar that he would receive if this amendment were agreed to; and if the Senate shall decide it in order against my judgment I shall most cheerfully vote for the amendment; but that it is out of order I am perfectly satisfied. That is all I desire to say.

Mr. CALL. I should be glad to have the rule read under which it is ruled out.

Mr. HARRIS. Rule XVI.

The VICE-PRESIDENT. The rule will be read.

Mr. CALL. I hold it in my hand, the rule.

All general appropriation bills shall be referred to the Committee on Appropriations.

The VICE-PRESIDENT. Does the Senator desire to have the first or second clause read?

Mr. CALL. I will read it. I have it here.

And no amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law.

Now, what does that mean, Mr. President? Is there any existing law authorizing the office of financial clerk of the Senate or is there not? If there is, is there any existing law which confers upon this body the authority to increase or decrease that appropriation? There can be no doubt about that, that this amendment is to carry out the provisions of an existing law, a law creating the office of Secretary of the Senate and a law which leaves his compensation to be fixed by each Congress that may sit and pass an appropriation bill.

Now, as to the question of an estimate. There is no doubt that the estimate provided for in this rule does not refer to the case of an officer of the Senate, that the recommendation of a Cabinet officer upon a subject which he is expressly forbidden to have any cognizance of and in reference to which his opinion can not even be considered by the Senate, because by the Constitution the Senate is made the sole judge of whatever is necessary for its organization, would be out of place. How, then, can it be said that that rule is intended to ask of a Cabinet officer what his opinion is in reference to the manner in which the Senate shall perform a function committed to it alone?

For these reasons, Mr. President, it is not only certain that this provision in regard to an estimate being required to move an increase in an appropriation bill does not refer to the estimate that is made by the head of a Department of the appropriations for the expenses of the Senate, for the reasons, as I have stated, that the opinion and recommendation of the Secretary of the Treasury or of any other authority outside of the Senate can not be regarded by the Senate. The Senate must be the judge of the compensation of its own officers and what is necessary for them.

Now, Mr. President, in regard to this matter of economy, if it be true that the service of the Senate contains a great many superfluous persons they should be dismissed immediately from employment, but that has nothing to do with the question of whether a particular officer deserves a higher or a lower compensation. The duties performed by Mr. Nixon and many other officers here require their entire time and attention, both during vacation and during the session of the Senate. The compensation, according to the rates of living in Washington, leaves them to serve their lifetime, and if they have a family, without the ability to make any adequate provision for them.

If, then, this service is important to be rendered, it is important to the people of the United States that it should be rendered efficiently, that it should be rendered by men of capacity; and the fact that there are thousands of others who are willing to do it for nothing or for a small compensation makes nothing in the argument that the true interests of the people and the true economy of the Government consist in selecting capable persons and paying them a reasonable and even a liberal compensation. Let there be no superfluous servants in this body, but let the compensation be what is not only reasonable, but sufficient to enable them to make some adequate provision for their families. That is the true rule of economy which would diminish the expenditures of the Government in every Department.

Mr. ALLISON. I move to lay the appeal on the table.

The VICE-PRESIDENT. The Senator from Iowa moves to lay the appeal on the table.

The motion was agreed to.

Mr. ALLISON. I ask that the bill may be reported to the Senate.

The VICE-PRESIDENT. If there be no further amendment proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. DAWES. I was absent when the bill was taken from the Committee of the Whole.

Mr. HARRIS. The bill has not been reported from the Committee of the Whole, I think.

The VICE-PRESIDENT. It has been reported at this moment.

Mr. HARRIS. I had not noticed it.

Mr. GEORGE. I think the Senator from Massachusetts will allow me to make a parliamentary inquiry of the Chair. As I understood the question just now upon the amendment offered by the Senator from Colorado, it was on an appeal from the decision of the Chair, and that the question to be determined by the Senate was, Shall the decision of the Chair stand as the judgment of the Senate? and under that impression I voted "ay."

The VICE-PRESIDENT. The Senator from Iowa [Mr. ALLISON] moved to lay the appeal on the table, and that motion was carried.

Mr. GEORGE. To lay the appeal on the table?

The VICE-PRESIDENT. Yes.

Mr. GEORGE. I did not understand it at the time, and if I had I should have called for the yeas and nays.

The VICE-PRESIDENT. The Chair will again put the motion. The question is on the motion of the Senator from Iowa to lay the appeal on the table.

Mr. FRYE. I hope the Senator will not do that. It compels a great many Senators here who are just as warmly in favor of this amendment as the Senator from Mississippi is to vote "no," because the Chair was clearly right in his decision.

Mr. GEORGE. I do not see why, if everybody is in favor of it, the amendment can not pass. That is what bothers me. That is one of the troubles I have in this whole matter. On the suggestion of friends around me, I shall call for the yeas and nays, if I can be sustained on that question.

Mr. ALLISON. I do not wish to interfere with any full and proper consideration of this question, but the bill is now in the Senate and open to amendment, and I suggest to the Senator from Mississippi that the amendment can be renewed in the Senate, and the same question can be considered over and over again.

Mr. GEORGE. All right. Then I shall offer it at the proper time.

The VICE-PRESIDENT. The bill is before the Senate, and the question is on agreeing to the amendments made as in Committee of the Whole.

The amendments made as in Committee of the Whole were concurred in.

The VICE-PRESIDENT. The bill is now before the Senate and open to further amendment.

Mr. DAWES. I moved to amend in Committee of the Whole, but

was taken off my feet by the Senator from Mississippi [Mr. GEORGE], and I now renew the amendment in the Senate. On page 84, in line 1, I move to strike out "four" and insert "five."

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 84, line 1, before the word "thousand," it is proposed to strike out "four" and insert "five;" so as to read:

For the Commissioner of Indian Affairs, \$5,000.

Mr. DAWES. Mr. President—

Mr. ALLISON. At the proper time—I do not wish to interfere with the Senator from Massachusetts—I shall make the point of order upon this amendment that it has not been estimated for.

Mr. DAWES. The Senator is laboring under a mistake in that respect. I desire to state to the Senate, however, why I have made this motion. I have uniformly during the whole discussion voted against the raising of any of these salaries. I did not think it was right to enter upon the raising of salaries in the manner and at the time the Senate has done it to-day. I entered my protest against it. I am upon the Committee on Appropriations, where all this matter was discussed. I co-operated with the Committee on Appropriations in the conclusion they came to that it was not wise at this time to raise these salaries.

At the same time and in committee I was compelled to state—if I am not out of order I will state here now that if the salary of the Commissioner of Indian Affairs is to be measured by the amount of labor to be performed, by the annoying, perplexing, and wearing character of that labor, as well as by the responsibility attached to the office, there was no office of them all that called upon the Senate for raising it so much as the salary of the Commissioner of Indian Affairs. I stated also that, as I have been supposed to be somewhat so situated that it was my duty to look after the proper administration of that office, I should be compelled in committee to insist upon it, so far as I could, if any of these salaries were to be raised, that the salary of that office, first of all, should be raised to the sum of \$5,000.

The Committee on Appropriations, with my approval, as I have said, decided against raising any of these salaries. I have come into the Senate and, in the face of a very strong case put by the Senators from Nebraska, I have stood by that decision. But here is an officer the character of whose work, as everybody knows, is more perplexing, more wearing, and more continuous day and night than that of the Commissioner of the General Land Office or any other. He has to do with those who never know whether he is doing right with them or wrong. He has to hear their complaints from sunrise till sunset, and if he is not called out of his bed by night to hear their stories of complaint and injustice, whether right or wrong, he does well. He discharges what no other one of these Commissioners does, an appropriation to the amount of \$7,000,000.

For the last ten years and more every Secretary of the Interior has recommended and urged upon Congress that his salary be raised to \$5,000. Secretary Kirkwood in his time, while Mr. Price were himself out in that office, urged upon Congress that he should have a compensation more in accordance with that received by others in less laborious and responsible situations. He was followed by Mr. Schurz in the same recommendation, and he in turn was followed by the Senator from Colorado [Mr. TELLER] when Secretary of the Interior; and when Mr. Atkins had to leave the office of Commissioner of Indian Affairs, so laborious was it as to exhaust him in the earnest efforts to discharge its duties, Secretary Lamar sent a communication to Congress in these words:

The office of Commissioner of Indian Affairs, with the great responsibilities and the peculiar nature of the duties imposed upon it by law for "the management, under the direction of the Secretary of the Interior, of all Indian affairs and of all matters arising out of Indian relations," is one of the most trying and difficult positions in the public service, requiring constant and exacting labors and unremitting care and watchfulness. The salary of \$4,000 allowed by law is by no means commensurate with the requirements of the office, and I therefore recommend that it be increased to \$5,000 per annum, thus making it to correspond with the salaries allowed for other bureau officers of this Department, which it at least equals in importance.

He also called attention to the fact that the Commissioner of Indian Affairs was responsible for the disbursement of \$7,000,000 or thereabouts each year. The present Secretary communicated all these facts to Congress and earnestly recommended that this salary be raised. On the 18th of May the Secretary of the Treasury communicated to Congress a new estimate for this salary made by the Secretary of the Interior in Executive Document No. 130, and therefore I suppose there can be no question that the amendment is in order.

Mr. President, I submit this because this man ought to have his salary raised. If the Senate had adhered to the position recommended by the Committee on Appropriations, I should not have said a word. I took my share of the responsibility in the committee-room and I took my share of it here in the Senate during the discussion; but the Senate has decided differently, and having so decided I think they ought not to make an exception in their decision, but should give this officer a compensation in some measure commensurate with the responsibilities of his office.

The VICE-PRESIDENT. Will the Senator from Iowa state his point of order?

Mr. ALLISON. My point of order is that this is not estimated for and that it is not recommended by a standing committee of the Senate.

The Senator from Massachusetts calls the document which I hold in my hand an estimate. I do not think, fairly construed, it can be so designated. I desire to show to the Senate how this "estimate" had its origin. It will be borne in mind that in the Book of Estimates there is no suggestion for an increase of the salary of this office. I hold in my hand what the Senator from Massachusetts calls an estimate, which begins as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, May 24.

Mr. DAWES. It does not begin there.

The VICE-PRESIDENT. What year?

Mr. ALLISON. Eighteen hundred and ninety. This is the communication:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, May 24, 1890.

SIR: I have the honor to be in receipt, by your reference of the 23d instant with direction to forward the estimate called for, of a communication addressed to you by Hon. R. T. PETTIGREW, United States Senator, in which he states that he has introduced a bill to increase the salary of the Commissioner of Indian Affairs and the assistant commissioner.

He further states that this bill can be incorporated in the judicial, executive, and legislative appropriation bill if an estimate for it from the Department be transmitted to the Committee on Appropriations in regular order.

He further requests that such an estimate be prepared and forwarded at once, the increase of these salaries to be at \$1,000 per annum, each.

In compliance with the request of the Department, I have caused to be prepared the necessary estimate, herewith inclosed, and inasmuch as the bill introduced by Mr. PETTIGREW (S. 3908; see CONGRESSIONAL RECORD of the 23d instant, page 5396) contemplates in addition the increase of salary of the financial clerk of the Indian Office, I have also estimated for an increase at the rate of \$50 per annum for said financial clerk, with the recommendation that the same be forwarded to the chairman of the Senate Committee on Appropriations through the honorable the Secretary of the Treasury.

The letter of Senator PETTIGREW is respectfully returned herewith.

Very respectfully,

R. V. BELT, Acting Commissioner.

The SECRETARY OF THE INTERIOR.

It proceeds to estimate additional compensation for Commissioner of \$1,000 and additional compensation for assistant commissioner of \$1,000 and for financial clerk \$250. That estimate is transmitted by the Secretary of the Interior to the Secretary of the Treasury in a brief note which I will read:

DEPARTMENT OF THE INTERIOR, Washington, May 26, 1890.

SIR: I have the honor to transmit herewith a supplemental estimate of appropriation for "Salaries, Indian Office, 1891," and request that the increase of salaries of the several officers therein proposed be incorporated in the legislative, executive, and judicial appropriation bill, now pending in the United States Senate.

Very respectfully,

JOHN W. NOBLE, Secretary.

The SECRETARY OF THE TREASURY.

The point I make is that these are not estimates made by the Secretary of the Treasury in contemplation of law. Now I will read the letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, May 28, 1890.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of the Interior of the 26th instant, submitting a supplemental estimate for "Salaries, Indian Office," for the ensuing fiscal year.

Respectfully yours,

WM. WINDOM, Secretary.

The PRESIDENT OF THE SENATE.

That is a mere letter of transmittal, and is not an estimate in contemplation of the law which requires that an estimate shall be made by the Secretary of the Treasury.

The VICE-PRESIDENT. The Chair is of opinion that the point of order is well taken.

Mr. DAWES. I should like to read the letter of the Secretary of the Treasury transmitting this whole Book of Estimates.

In conformity to the requirements of sections—

Of the Revised Statutes named—

I have the honor to transmit, for the information of Congress, the estimates of appropriations required for the service of the fiscal year ending June 30, 1891, as furnished by the several Executive Departments; also, statements of the proceeds of sales of Government property.

Mr. ALLISON. What are the sections of the Revised Statutes to which the Senator refers?

Mr. DAWES. Sections 3669, 3670, and 3672. That is the way they come here. Each Department makes its separate estimate and transmits it through the Secretary of the Treasury, and he recommends the appropriations exactly in the words here for the consideration of Congress. They are to be transmitted through him as made by the Secretary of the Interior for the purpose of complying with the law.

Mr. ALLISON. I read two of the sections of the Revised Statutes referred to. They are as follows:

SEC. 3670. The Secretary of the Treasury shall annex to the annual estimates of the appropriations required for the public service a statement of the appropriations for the service of the year, which may have been made by former acts.

SEC. 3669. All annual estimates for the public service shall be submitted to Congress through the Secretary of the Treasury, and shall be included in the Book of Estimates prepared under his direction.

Mr. DAWES. If the Senator will allow me, the estimates are to be

submitted through the Secretary of the Treasury. This is the letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, May 28, 1890.

Sir: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of the Interior of the 26th instant, submitting a supplemental estimate for "Salaries, Indian Office," for the ensuing fiscal year.

Respectfully yours,

WM. WINDOM, Secretary.

The PRESIDENT OF THE SENATE.

Mr. BLAIR. I ask the Senator from Massachusetts if I may make an observation?

Mr. DAWES. I yield to the Senator.

Mr. BLAIR. I am desired by those who know to make a correction, by authority, in regard to the horses taken care of by the Senate employes. The Senate has ten horses and five men to take care of them; and instead of there being two men to one horse it is two horses to one man. I make this statement in justice to those who have been maligned in debate.

The VICE-PRESIDENT. In view of the difference of opinion existing among Senators in relation to the point of order raised by the Senator from Iowa [Mr. ALLISON], the Chair prefers to submit the question for the decision of the Senate.

Mr. ALLISON. Mr. President, I want to complete this bill, and I waive the point of order made on the Senator from Massachusetts as respects the question of the estimates, but I submit that such a letter as I have read, whether it is or is not technically an estimate, is not such a paper as the Senate should act upon in making appropriations. It shows distinctly that this originated in a special bill introduced into the Senate, and that it had not its origin in the office of the Secretary of the Interior.

Mr. DAWES. In answer to the Senator from Iowa, I wish to call his attention to the fact that this estimate was preceded on March 10 by a letter from the Secretary of the Interior to the Speaker of the House of Representatives, in which he elaborates his recommendation of this proposed increase of salary in five pages, and in which he sets forth the duties of this officer, and from which I quoted myself Secretary Lamar, and accompanying it with the form of a bill.

The Senator from South Dakota [Mr. PETTIGREW] took the bill sent here by the Secretary of the Interior and introduced it as a separate measure; but, knowing, as everybody does, that there was great doubt whether that would get through, the Senator from South Dakota, proceeding as everybody else did, undertook to make this increase of salary in order upon this bill, and the Secretary, carrying out his recommendation, on purpose to make that which he recommended in March in order, made these estimates and states the reasons therefor. That is why there are no reasons accompanying the estimates, because they preceded the estimates made out there.

I think, if there had been nothing before the Senate from the Secretary of the Interior but that naked estimate, there would be some force in what the Senator from Iowa says. The Secretary, however, took the responsibility of urging this upon Congress at length before he sent in the estimate, and, when he was told that to make the amendment in order an estimate must be made, he simply made the estimate.

I put this, as I have already stated, upon the ground of the position the Senate has taken in reference to the other measure. The Senator from Iowa will do me the credit to say that in all these matters I have stood by him; but I have told him distinctly that if the Senate should depart from the decision of the committee there was no reason in the world why the salary of this office should not be raised like the others.

The VICE-PRESIDENT. Is the Chair to understand that the Senator from Iowa withdraws the point of order?

Mr. ALLISON. I withdraw the point of order.

The VICE-PRESIDENT. Then the question is on agreeing to the amendment.

Mr. DAWES. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. JONES, of Arkansas (when his name was called). I am paired with the Senator from New York [Mr. HISCOCK].

Mr. STOCKBRIDGE (when Mr. McMILLAN's name was called). My colleague [Mr. McMILLAN] is paired with the Senator from North Carolina [Mr. VANCE].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. If he were present, I should vote "nay."

Mr. SAWYER (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT], but I reserved the right to vote on questions not political, and therefore I shall vote. I vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the junior Senator from Wisconsin [Mr. SPOONER].

The roll-call was concluded.

Mr. DIXON. I am paired with the Senator from South Carolina [Mr. HAMPTON].

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. ALLISON. I hope Senators who have pairs will feel authorized to vote on this question.

Mr. DAWES. I inquire if, by unanimous consent, the call of the yeas and nays can not be withdrawn. I do not know that it can be.

Mr. COCKRELL. No; it can not.

Mr. WALTHALL. I am paired with the Senator from Wisconsin [Mr. SPOONER] and the Senator from Nebraska [Mr. PADDOCK] is paired with the Senator from Louisiana [Mr. EUSTIS]. We transfer those pairs so that the Senator from Nebraska and I can vote. I vote "nay."

Mr. CULLOM. I desire to say that I have a general pair with the Senator from Delaware [Mr. GRAY], but, believing that he would feel at liberty to vote upon this question if I were absent, I have taken the liberty of doing it also. I have already voted, but I desire to make this statement, as I am satisfied the Senator from Delaware would be willing to allow me to vote.

Mr. PADDOCK. Under the arrangement for the transfer of pairs indicated by the Senator from Mississippi [Mr. WALTHALL], I am at liberty to vote. I vote "yea."

Mr. DIXON. I will transfer the pair I have with the Senator from South Carolina [Mr. HAMPTON] to my colleague [Mr. ALDRICH], who is absent, and I vote "yea."

Mr. PLATT. I am paired with the Senator from Virginia [Mr. BARBOUR].

The result was announced—yeas 22, nays 24; as follows:

YEAS—22.			
Allen,	Hawley,	Pettigrew,	Stewart,
Blair,	Hearst,	Pierce,	Stockbridge,
Casey,	Hoar,	Power,	Teller,
Dawes,	Moody,	Sanders,	Washburn.
Dixon,	Morgan,	Sawyer,	
Dolph,	Paddock,	Squire,	
NAYS—24.			
Allison,	Coke,	Gibson,	Plumb,
Berry,	Cullom,	Gorman,	Pugh,
Butler,	Edmonds,	Hale,	Reagan,
Call,	Evarts,	Harris,	Vest,
Chandler,	Frye,	Ingalls,	Walthall,
Cockrell,	George,	Morrill,	Wilson of Md.
ABSENT—38.			
Aldrich,	Davis,	Kenna,	Sherman,
Barbour,	Eustis,	McMillan,	Spooner,
Bate,	Farwell,	McPherson,	Stanford,
Blackburn,	Faulkner,	Manderson,	Turpie,
Blodgett,	Gray,	Mitchell,	Vance,
Brown,	Hampton,	Pasco,	Voorhees,
Cameron,	Higgins,	Payne,	Wilson of Iowa,
Carlisle,	Hiscock,	Platt,	Wolcott.
Colquitt,	Jones of Arkansas,	Quay,	
Daniel,	Jones of Nevada,	Ransom,	

So the amendment was rejected.

Mr. STEWART. I should like to inquire of the chairman of the Committee on Appropriations what duties the executive officer of the Geological Survey has to perform. I find on page 91 of the bill that the Director of the Survey receives a salary of \$6,000 a year, which is higher than that received by any other bureau official by \$1,000. Then come executive officer, \$3,000; chief clerk, \$2,400; chief disbursing clerk, \$2,400; librarian, \$2,000; one photographer, \$2,000; three assistant photographers, one at \$900, one at \$720, and one at \$480; two clerks of class 1; one clerk, \$1,000; four clerks, at \$900 each; four copyists, at \$720 each; one watchman, \$840; four watchmen, at \$600 each; one janitor, \$600; four messengers, at \$480 each; in all, \$35,540.

It will be seen that there are two clerks of very high grade, and the Director receives a larger salary, as I have said, than any other bureau officer, and then the executive officer receives \$3,000. I should like to inquire what the functions of the executive officer are and if there is any law creating such an office, unless it be some item in an appropriation bill?

Mr. ALLISON. Is any amendment now pending?

The VICE-PRESIDENT. There is no amendment pending.

Mr. ALLISON. There is one matter that I omitted. On page 95, line 25, I move to strike out "six" and insert "nine;" and in line 1, on page 96, to strike out "eight" and insert "eleven." That is in the appropriations for the office of the surveyor-general of Montana.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 95, line 25, it is proposed to strike out "six" before the word "thousand" and insert "nine;" and in line 1, on page 96, before the word "thousand," to strike out "eight" and insert "eleven;" so as to make the clause read:

For surveyor-general of Montana, \$2,500; and for the clerks in his office, \$9,000; in all, \$11,500.

Mr. COCKRELL. Is that to increase the salary of the surveyor-general?

Mr. ALLISON. No, it is an additional amendment for the surveyor-general's office in Montana.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. COCKRELL. Is the amendment only for the expenses of the surveyor-general's office or for the increase of his salary, or both?

Mr. ALLISON. It is for clerk-hire only in the office of the surveyor-general of Montana, I having omitted to make that amendment, which ought to have been made, for the increase of clerk-hire in view of the estimate which was sent to us after the bill had been made up. Of course the whole matter will be open in conference.

The amendment was agreed to.

Mr. ALLISON. On page 96, line 5, I desire to add \$500 to the incidental expenses of the office of the surveyor-general of Montana, making the amount \$2,500. My amendment is to insert the word "five" after the word "thousand."

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 96, line 5, after the word "thousand," it is proposed to insert "five hundred;" so as to read:

For rent of office for the surveyor-general, fuel, books, stationery, pay of messenger, and other incidental expenses, \$2,500.

The amendment was agreed to.

Mr. ALLISON. Now, in response to the suggestion of the Senator from Nevada [Mr. STEWART], I will say that the position of executive officer of the Geological Survey has been in existence for a number of years. I understand the duties of the officer to be to take charge of the surveying parties in the field and arrange their accounts, etc. He is the executive officer of this great bureau.

Mr. STEWART. Surveying parties in the field! Why, one branch is in charge of a gentleman whose name I do not recall, one branch is in charge of Captain Dutton, the irrigation department, and Major Thompson—I think that is his name—of the geological department. I am inclined to think that the executive officer at the head of this bureau and the two high-priced clerks are supernumerary. There is no law creating the office and I move to amend by striking out the words "executive officer, \$3,000."

Mr. COCKRELL. On what page?

Mr. STEWART. On page 91. I believe the office entirely unnecessary and there is no law for it.

Mr. ALLISON. There is no law but the appropriation bills from year to year. The Geological Survey itself is a creation of an appropriation bill.

Mr. STEWART. There are two clerks in that bureau of a higher grade, so far as the salary is concerned, than can be found in any other bureau. I move to strike out the words "executive officer, \$3,000."

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 91, line 24, in the appropriations for office of the Director of the Geological Survey, it is proposed to strike out the words "executive officer, \$3,000."

Mr. STEWART. I ask for the yeas and nays on that amendment. I think it is an entirely useless office. The person who fills it has the reputation of being an executive officer of a literary bureau that runs newspapers. I want to know whether that office shall be continued.

Several SENATORS. Let it go.

Mr. STEWART. Friends around me say, "Let it go." Very well, if Senators desire, let it pass. I withdraw the amendment.

Mr. BLAIR. I should like to ask the attention of the chairman of the committee a moment. Of course the Senate is aware that the Commissioner of Education is one of the most eminent educators in the world and that the duties of that office are exceedingly onerous and constantly increasing in importance. In fact, it has now become one of the most laborious bureaus of the Government, and the salary, as I observe, is only \$3,000. I ask the Senator from Iowa if he would object if I should ask unanimous consent of the Senate that that salary be increased to \$5,000?

Mr. ALLISON. I will not object to the Senator asking unanimous consent, but I shall object when that consent is asked.

Mr. BLAIR. I ask unanimous consent that at the proper place this be inserted:

The Commissioner of Education, \$5,000.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from New Hampshire?

Mr. ALLISON. I object.

The VICE-PRESIDENT. There is objection.

Mr. BLAIR. Does the Senator object?

Mr. ALLISON. I do.

Mr. BLAIR. I did not expect the blow would come thence; but I call the attention of the Committee on Appropriations to this office and ask their favorable consideration in their deliberations upon the next appropriation bill of the merits of the application for the increase of this salary.

Mr. ALLISON. I will say to the Senator from New Hampshire that I think the present Commissioner of Education is an able and accomplished man for the work he is doing and that he is not paid as highly as he should be; but it is not our province to increase his compensation in this way. That more properly comes under the consideration of the Committee on Education and Labor.

Mr. BLAIR. I will say to the Senator that that same committee has on former occasions made an effort to have the salary of this office increased, but we have not succeeded. There may have been reasons why we should not have succeeded formerly, but the continually increasing importance of the duties of that office, its greater consequences to the country, the greater labors, and other considerations which

might be suggested are such that I think the Committee on Education and Labor will no doubt ask the attention of the Committee on Appropriations to this matter at the next session, and I hope successfully.

Mr. COCKRELL. I desire to call the attention of the chairman of the committee to page 111. Before I do that, however, I wish to call his attention to an amendment which was offered by the chairman himself yesterday, but about which I asked for some information. If the Senator desires to renew that amendment, I shall not interpose an objection, understanding that it is a matter to be left entirely to the other House.

Mr. ALLISON. Then, at the suggestion of the Senator from Missouri, I shall move, on page 13, line 18, after the words "War Claims," to insert "Irrigation of Arid Lands." It is a matter for the convenience of the House and will entirely rest with them after the action of the Senate.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 13, after the words "War Claims," in line 18, it is proposed to insert "Irrigation of Arid Lands;" so as to add to the list of committees entitled to clerks in the House of Representatives the "Committee on Irrigation of Arid Lands."

The amendment was agreed to.

Mr. ALLISON. I line 22, on the same page, I move to strike out "forty-eight," before the word "thousand," and insert "fifty;" so as to make the total correspond to the increase which has been made.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In line 22, on page 13, before the word "thousand," strike out "forty-eight" and insert "fifty;" so as to make the total "\$50,400."

The amendment was agreed to.

Mr. ALLISON. On page 10, line 16, we have already struck out "two" and inserted "one," but in view of the amendment just made "one" must be stricken out and "three" inserted; so as to read "\$393,113.30."

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 10, line 16, strike out the word "one" and insert "three;" so as to make the clause read:

For compensation of the officers, clerks, messengers, and others in the service of the House of Representatives, \$393,113.30, etc.

The amendment was agreed to.

Mr. COCKRELL. I was going to ask what had become of the amendment offered by the Senator from Nevada [Mr. STEWART]. Was any action had upon it?

Mr. ALLISON. He withdrew it.

The VICE-PRESIDENT. That amendment was withdrawn.

Mr. STEWART. I will renew it again in the Senate.

Mr. EDMUNDS. The bill is in the Senate now.

The VICE-PRESIDENT. The call for the yeas and nays was withdrawn.

Mr. STEWART. The amendment was withdrawn, but I will renew it in the Senate.

Mr. COCKRELL. The bill is in the Senate now, and this is your last chance.

Mr. STEWART. I want to have a vote on that amendment, and I will offer it again. I move to strike out, on page 91, lines 24 and 25, the words "executive officer, \$3,000."

Mr. GORMAN. I should like to ask the Senator from Nevada why he makes that motion. What is the object of it?

Mr. STEWART. Because I think the office is entirely unnecessary. There are two high-priced clerks at \$2,400 each, and the director, who should be the executive officer himself, has \$6,000; and now here is another executive officer who is provided for, and no law for it, at \$3,000. It is entirely out of proportion to all of the salaries paid to other officers of the Government, and nobody is able to say what the duties of that new executive officer are, at least nobody states them publicly. I do not think he has much legitimate business to do. I think that giving one bureau so many more high-priced officers than any of the others and giving them a larger force than the others is not fair. We ought to have legitimate business, and there is no use for an executive officer.

Mr. DAWES. The work of the Geological Survey is not in a particular room in this Capitol, but is in the field, in the distant field, and is carried on upon such a scale that it is necessary to have a considerable outfit for every party sent into the field. There are three or four parties sent in different directions during the year, and each one of them has to have an outfit, and this executive officer stands in the relation of quartermaster to all of these field arrangements, some dozen or fifteen, or twenty or thirty in each one of them, with horses and mules and carriages and tents and everything much like unto an army of that size, and it is absolutely necessary for somebody to be in the field to procure these outfits, to be responsible for them, to receipt for them, to return to the War Department such of them as the War Department furnishes, to purchase such articles as it is necessary to purchase, and at the close of the season either sell them and account for the proceeds, or procure the care of them during the winter for further use in the coming season. The executive officer disburses all of the money except that which is disbursed here in this city. He is one of the most responsible of all the officers connected with the service.

Mr. STEWART. Are you sure of that? There is a provision here for a chief disbursing clerk at \$2,400.

Mr. DAWES. There is a chief disbursing clerk, who keeps accounts such as a disbursing clerk of a quartermaster keeps, but he does not go and purchase horses and mules. There are some twenty or thirty horses which accompany every one of these expeditions.

If it is worth while to carry on this Geological Survey at all, it can not be carried on in a picayune one-horse wagon.

Mr. EDMUNDS. It might be done in a Senate wagon.

Mr. STEWART. I should like to inquire of the Senator if the executive officer furnishes any of these things and if there is not a head of each division in the field making the purchases. The head of the Geological Survey, the head of the topographical survey, and the head of the irrigation survey, and their subordinates make the purchases. I will ask the Senator further if he is aware of the fact that the executive officer never leaves Washington, but is here all the time.

Mr. DAWES. I am not only not aware of that, but, to my personal knowledge, for the last five or six years he has been in the field during all the summer.

Mr. STEWART. I want to ask further if the Senator is positive that this vast service is necessary to the Government at all.

Mr. DAWES. I will answer that by saying that upon an appropriation bill I did not suppose it would be necessary to argue the usefulness of any of these divisions of the Interior Department or of the other Departments of the Government. I supposed it was necessary to appropriate according to law; but if there is any question about whether the Geological Survey ought to be suppressed or carried on with vigor and efficiency and economy, let that be brought up in a proper way and let it be attended to.

Mr. STEWART. I should like to know of the Senator in what possible way it can otherwise ever be brought up, as the whole thing has grown out of appropriations on appropriation bills, and there is no law for the whole survey. If we can not reach it on an appropriation bill, where can we reach it? It is a fungus grown up as no other bureau ever did on appropriation bills and nothing else, and we can not discuss it in any other way except on an appropriation bill.

Mr. DAWES. I did not rise for the purpose of discussing funguses. I merely rose for the purpose of communicating to the Senator what he seems to have entirely overlooked, the duties of this executive officer.

Mr. STEWART. And I have overlooked the duties of the Appropriations Committee of the Senate in lecturing the Senate for not having considered this in general legislation. They have never had an opportunity of considering this in general legislation. This bureau has got in these appropriation bills now nearly a million and a half of money, all given to one man in a lump sum, to be distributed, and what it is to pay for never has been determined by any general legislation, but stuck in an appropriation bill, commencing with a map, and growing year by year until it overgrows everything else, and here is an executive officer, and nobody knows what his duties are, who draws \$3,000 a year. If we do not object to it on appropriation bills we can never object to it anywhere, for it is the only way in which it can be reached. This whole bureau has been built up by appropriations in appropriation bills. There is no law for the whole fabric and no use for it.

Mr. VEST. I wish to ask the Senator from Nevada a question. Do I understand him to say there is a million and a half of dollars absolutely at the discretion of this officer?

Mr. STEWART. Very nearly. It is over \$1,300,000, and in this bill and in the sundry civil bill which is pending, and then the other contingent expenses, the printing, etc., will bring the expenses of that office to over \$1,500,000 this year if it is carried out according to the plan of the Director, and, as I have said, the whole of it has grown up out of appropriation bills, putting in items without any authority of law. It was created by the Appropriations Committee without the necessity for such a bureau ever having been discussed. It has exceeded the limits of its powers. This condition of things has grown up in this way, and now we are told that we should not consider it on an appropriation bill. Where shall we consider it appropriately except on an appropriation bill?

Mr. VEST. May I ask the Senator who is this executive officer to whom he refers?

Mr. STEWART. I understand his name is Croft. I believe you can see him any day around the corridors here.

Mr. DAWES. I do not know the officer; I never saw him in my life, to my knowledge; but I have had something to do with the growth of this Geological Survey, and I have thought it was taking in work that would enlarge it to a very great extent. I have known from the functions which have devolved upon me here in the Senate what have been the duties of the different officers in that bureau. The Senator has waked up a remarkably new idea, that things grow up on appropriation bills.

Mr. STEWART. I know it.

Mr. DAWES. The Senator has forgotten that the whole Army system as it now exists grew up on an appropriation bill. The Senator must have also forgotten that the Signal Service grew up with a start on an appropriation bill of only \$15,000, but now it has gone up to over a million dollars, I believe.

Mr. EDMUNDS. And misleads us every day as to the state of the weather.

Mr. DAWES. And what it is worth the Senator from Vermont has some doubts about. The Fish Commission may be another. The Fish Commission started in an appropriation bill with only \$5,000. And so in appropriation bills, whether this be one or not, great and valuable bureaus of this Government have been created to carry it on upon a larger and broader and grander scale than when it began, and when these institutions were created by specific acts of Congress. A very large part of the efficient force of the Government owes its creation to appropriation bills. I see nothing in the way, if that be so, as to this particular branch of the service. If it be good for nothing, as the Senator says, I see nothing in the way of his bringing in a bill to dispense with it. But the Senator prefers here at the last end of the legislative bill—not the bill upon which the funds are appropriated to carry the bureau on, but in the last gasp of opportunity on the legislative bill, that provides for officers created by law—to discuss the merits of some particular individual with whom he unfortunately has had a difference.

Mr. STEWART. The Senator then withdraws his censure of us considering it on an appropriation bill. He justifies the creation of these things on an appropriation bill, but denies the right to discuss them on an appropriation bill. That is the way. If it is proper to create everything on appropriation bills, if that is the only place we are to have general legislation, we should have discussion of its details.

Now, that the Senate may see a little of the style of this bureau, I will read a few salaries of the officers:

For Director, \$6,000; for executive officer, \$3,000—

Mr. EDMUNDS. Who is the Director?

Mr. STEWART. Major Powell, Director of the Geological Survey—

Executive officer, \$3,000; chief clerk, \$2,400; chief disbursing clerk, \$2,400; librarian, \$2,000; one photographer, \$2,000; three assistant photographers, one at \$600, one at \$720, and one at \$480; two clerks of class 1; one clerk, \$1,000; four clerks, at \$600 each; four copyists, at \$720 each; one watchman, \$840; four watchmen, at \$600 each; one janitor, \$600; four messengers, at \$480 each; in all, \$35,540.

That is not a complete list of all the officers. In the next bill we see that many others are provided for.

UNITED STATES GEOLOGICAL SURVEY.

For salaries of the scientific assistants of the Geological Survey: For five geologists, at \$4,000 each;
For two geologists, at \$3,000 each;
For one geologist, \$2,700;
For two geologists, at \$2,400 each—

Mr. EDMUNDS. From what bill is the Senator reading?

Mr. STEWART. I am reading from the sundry civil appropriation bill for this year, on page 44—

For two geologists, at \$2,000 each;
For one paleontologist, \$4,000;
For one paleontologist, \$2,000;
For one chemist, \$3,000;
For one chemist, \$2,000;
For one chief geographer, \$2,700;
For three geographers, at \$2,500 each;
For one general assistant, \$3,000;
For three topographers, at \$2,000 each; in all, \$67,700.

For general expenses of the Geological Survey: For the Geological Survey, and the classification of the public lands, and examination of the geological structure, mineral resources, and the products of the national domain, and to continue the preparation of a geological map of the United States, including the pay of temporary employees in the field and office, and all other necessary expenses, to be expended under the direction of the Secretary of the Interior, namely:

For pay of skilled laborers and various temporary employees, \$15,000;
For topographic surveys in various portions of the United States, \$200,000;
For geological surveys in the various portions of the United States, \$100,000;
For paleontologic researches relating to the geology of the United States, \$40,000;

For chemical and physical researches relating to the geology of the United States, \$17,000;

For the preparation of the illustrations of the Geological Survey, \$16,000;

For the preparation of the report on the mineral resources of the United States, \$10,000;

For the purchase of necessary books for the library, and the payment for the transmission of public documents through the Smithsonian exchange, \$5,000; in all, \$468,000.

For engraving the geological maps of the United States, \$45,000.

Irrigation Survey: For the purpose of investigating the extent to which the arid region of the United States can be redeemed by irrigation and for the investigation of the sources of water to be used in irrigation, and the segregation of irrigable lands in such arid region, and for the selection of sites for reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation and for ascertaining the cost thereof, and the prevention of floods and overflows, and to make the necessary maps, including the pay of employees in the field and in office, the cost of all instruments, apparatus, and materials, and all other necessary expenses connected therewith, the work to be performed by the Geological Survey under the direction of the Secretary of the Interior, \$720,000, and the Director of the Geological Survey, under the supervision of the Secretary of the Interior, shall make a report to Congress on the first Monday in December of each year, showing in detail how the said money has been expended, the amount used for actual survey and the engineer work in the field in locating sites for reservoirs, and an itemized account of the expenditures under this and any future appropriation.

For the engraving of maps, including the pay of employees, the cost of apparatus, instruments, and materials, and all other necessary expenses connected therewith, \$50,000.

For rent of office rooms in Washington, D. C., \$7,500.

There is \$67,700 for salaries in that bill and there are \$35,540 in the bill under consideration for salaries in this bureau, independent of the work of the bureau, regular salaried officers, in the bill under consid-

eration \$35,540, and in another bill that has come from the other House we have this further amount for salaries.

Mr. EDMUNDS. How much does it foot up altogether.

Mr. STEWART. You can figure it up.

Mr. EDMUNDS. Over \$100,000.

Mr. STEWART. Over \$100,000.

Mr. EDMUNDS. That is the draft on the Treasury.

Mr. STEWART. The draft on the Treasury for the regular salaries of this bureau is more than \$100,000. I believe the amount is \$67,700 in this one bill and \$103,000 for the regular salaried officers of this bureau, which has grown up in appropriation bills. None of these offices has been created by law, but all have been created by appropriation bills. There is over \$1,300,000 in these bills in lump sums to be disposed of by the Director, besides these regular salaries. Is there any other officer of a Department that is allowed to run his bureau in this way?

When it is proposed to increase the clerks in one of the other bureaus we discuss the necessity for it. When my friend from Vermont [Mr. EDMUNDS] desires to increase the salary of the chief clerk of the Department of Justice, he makes a regular report from his committee, tells us what the duties of the officer are in the Department of Justice and the necessity for the increase, and then after deliberation the office is created, or the salary is increased, and so in every other bureau. But here is a bureau that has higher salaried officers than any of the rest probably, certainly more than any other one bureau, and not one of these offices created under any general statute, but created in an appropriation bill.

There is not a parallel for it to be found in the history of the Government. Then after giving the number of salaried officers, a million and a quarter is given in a lump sum, which is never allowed to any other bureau or Department. When they want in the General Land Office a few additional clerks, they are scrutinized here and you discussed particularly the salary of the Commissioner of the General Land Office and you have kept him down to \$4,000 during all these years, and it was discussed twenty years ago whether that salary should be raised to \$4,500, and it has not been done because it was said a regular law was necessary to do it, and it was said there was no statute for it. It has been so in the Treasury Department and in the War Department, but here is a bureau that has grown up in a few years, having more salaried officers than all the rest, with a lump sum of a million and a quarter dollars to distribute at the good pleasure of the head of this bureau. I have nothing to say about him, but I say that is not good legislation.

If it is necessary to have a Geological Survey, let it be created by law and let the number of officers and their duties be defined by law and be based upon some statute. But this bureau was built up on a little map. First, they got a map at \$5,000, and on that this whole fabric has been built.

Mr. EDMUNDS. I think my friend from Nevada is slightly mistaken about that. My recollection goes back a good way, and I think the first time this appeared was in a provision for one single item in an appropriation bill of \$10,000 to provide for the survey of the Colorado River under Major Powell, then a professor in an Illinois college. The Senate was not very agreeable to it, but our late friend, then chairman of the Judiciary Committee, Judge Trumbull, took a deep interest in the survey of the Colorado River and started the \$10,000 for that year, and out of that little beautiful scheme these millions have grown, which shows the capability of a republic.

Mr. DAWES. Will the Senator from Vermont allow me to correct him?

Mr. EDMUNDS. Certainly.

Mr. DAWES. Previous to Mr. Powell's being authorized by law to survey the Colorado River, Professor Hayden had been employed under the Government to make the surveys of the Yellowstone and all that region of country.

Mr. EDMUNDS. That was later on.

Mr. DAWES. Lieutenant Wheeler was employed in the Army to do the same thing, and another gentleman, who preceded Professor Powell in this particular office, had a survey. So there were four different surveys cognate and having very much the like duties in different sections of the country, all going on at the same time, and Professor Powell came in as the last of them.

Mr. EDMUNDS. The Senator is mistaken about that. He was the first.

Mr. DAWES. Whether he was last or not is of no importance, but there were four of them. Finally, the four were consolidated and one of the four was put at the head of the Geological Survey, which embraces all of those different portions or different departments or different work, and he remained several years. I can not call to mind his name. He published a very large report.

Mr. BLAIR. Hayden?

Mr. DAWES. No, Hayden was one of the others. Afterwards Congress by law imposed upon this geological survey of the western country of our domain the duty of a geological survey of all the States. It was then clearly set forth to Congress that that would involve an immense outlay of money and a large force and that they would be a long time in the work; and Congress, after long debate upon a bill for that

purpose, imposed upon this Geological Survey, which was the consolidation of four different surveys, the duty of making a geological survey of all the States, and that is why there is a large force and this large expenditure. It is at this moment making maps of the old States in connection with the geological surveys of those States, carried on by the States themselves.

Congress, without the action of this Geological Survey, upon its own motion, prompted and urged by a distinguished Senator from West Virginia here in this body, imposed upon this survey a duty which exceeded its original duty many fold and involving many thousands, if not millions, of dollars before it will be completed. But Congress insisted upon imposing it upon that bureau, and maps of the old States, Virginia and West Virginia and all of these States—geological maps—are the result from time to time of this work imposed by law, by statute, upon this Geological Survey.

Mr. EDMUNDS. That fell under the regulation of commerce, I suppose, among the several States?

Mr. DAWES. I am not discussing that question. I am only suggesting to the Senator that the Congress has made this great work.

Mr. EDMUNDS. We anticipated the judgment of the Supreme Court in the Iowa case.

Mr. DAWES. I opposed this feebly, for I foresaw this great expenditure, and I said to the Senate here in my place that I could not think that the Senate was aware of the magnitude of this undertaking and what it would lead to, but the Senate was wiser than I was, and imposed this duty upon this survey, and now the Senator from Nevada thinks it has grown into a very large institution, as it has, but the judgment of the people of the United States in the several States where this work has been done, I think, is nearly unanimous, if not quite so—

Mr. STEWART. Which State?

Mr. DAWES. The judgment of all scientific men.

Mr. STEWART. How many scientific men are there on the payroll whose judgments have been rendered?

Mr. DAWES. I am not prepared to say. Perhaps the Senator's position as a scientific man could enable him to tell me that better than I can tell him.

Mr. STEWART. Are you sure that nearly every institution in the country has not one of its professors on the scientific roll?

Mr. DAWES. If every scientific institution of the country contributed some of its best men to carry on this work it would not be so bad a thing as it would be to pick up politicians to do it. I am inclined to think, if that be true—whether it is or not I do not know—it is one of the best things that can be said about this institution.

Mr. EDMUNDS. May I ask my friend a question?

Mr. DAWES. Yes, sir.

Mr. EDMUNDS. What has this particular bureau been doing the last year for which we have spent, I assume, a million of dollars? What has happened in the last fiscal year? What have they been doing?

Mr. DAWES. I can not give the Senator any detail as to what has been done on such a day of such a month of such a year.

Mr. EDMUNDS. I did not ask that.

Mr. DAWES. I can tell the Senator that from the investigation which the committee and others have made into this matter they have been carrying on this work—

Mr. EDMUNDS. What work?

Mr. DAWES. The work of a geological survey of the United States and making geological maps of the United States. Is that new to the Senator? The Senator was here, and, if I do not forget, participated in the debate very much with a view, that I had myself, to the magnitude of this undertaking and its expenditure. I have not forgotten it.

Mr. REAGAN. In response to the inquiries as to what has been done, I will say that the Geological Survey has been engaged in nearly all the States, at least a great many of them, in making topographical surveys and maps and explorations which are tending to develop the mining resources and other elements of wealth of this country. Besides that the main item of expense is growing out of another duty imposed on that survey of making the necessary topographic surveys, and the engineering work, the measuring of the flow of water in the arid regions of the United States. There is where the main work has been.

Mr. EDMUNDS. I beg to ask my friend from Texas, for whose judgment I sincerely have the very highest respect, where we get the constitutional authority to provide for a geological survey of the State of Vermont or the State of Texas out of the Treasury of the United States.

Mr. REAGAN. The Senator is a better constitutional lawyer than I am, and I leave him to answer his own question. Perhaps he can satisfy the Congress that provided for this survey that they did wrong. If he can, it is all right.

Mr. INGALLS. Mr. President, I know nothing whatever about the details of the management and administration of this bureau. It may be extravagant. There may have been improper expenditures. It may be that there are too many officials. But I have no hesitation in saying that there is no department of this Government that has more cordially approved itself to the common sense and intelligence of all

the people where its operations are known than the work that has been done by the Geological Survey.

I do not speak as the advocate or champion of the head of the bureau or of any of his subordinates. I do not know them. If they have approached others, they never have approached me. I do not know their names or their salaries. But the contributions of that bureau to the knowledge of this country have been exceedingly valuable and exceedingly important. There is not a Territory of the United States west of the Mississippi River that has not been greatly increased in value by the operations of the bureau. There is no publication by any one of the bureaus of this Government that is sought for with more avidity by readers, cultivated and uncultivated, everywhere, than the contributions that have been published by the Geological Survey; not only those of this year, but those of previous years. They have been of enormous scientific and positive value. The work that has been done has been a contribution to the resources of this country, and, instead of being curtailed and diminished, the operations of the survey ought to be extended.

It is a matter of great importance to all the people of this country that we should know topographically what it contains, its water falls, the area of its irrigable lands, its mineral resources. Therefore, connected with the topography, the geology of the country has a commercial value. I am surprised to hear from the cultivated and educated East these strictures upon scientific inquiries for the development of knowledge about the condition of our common country. I had supposed, Mr. President, that these denunciations of culture and of scientific investigation were confined to the wild and lawless West.

Mr. VEST. The woolly West.

Mr. INGALLS. "Woolly," as the Senator from Missouri says, speaking after the manner of the tariff. I suppose we all know the secret of the hostility of the Senator from Nevada [Mr. STEWART] to this bureau. He is known and read of all men. If there is any special grievance that he has to complain of, I shall be glad, if it be a grievance, to concur with him. If there has been improper expenditure, I will agree with him in curtailing it. If there has been any officer appointed who ought not to remain there, I shall be glad to assist him in dismissing him. But this vague and incoherent expectation of abuse against this bureau is not sustained by the facts and it is not warranted by the common sense of this country.

Mr. EDMUNDS. Mr. President, it might be said for the "wild and woolly West" that it is the llama inside of the fence that is expectorating in defense of his preserves rather than the other fellow who is expectorating the other way. The real point about this business, as I do not belong to the East—I live in the North—is this: We have gradually enlarged, as unhappily we do when we legislate on appropriation bills and start this business of geological surveys and maps of all the States in the United States, not merely the Territories, until we have reached this point. Granting that it was within our competence to do it, as I feel inclined to admit, as it was for the increase of human knowledge, I am not opposed to it; but out of very small beginnings the thing is growing, and the more work that is done and the more States that are finished geologically the more reason there is for a larger appropriation and more force the next year, like the sibilant leaves.

So in some way, with the greatest possible respect to my friend from Kansas and to the very good ideas he has expressed about the increase of knowledge, there must come a time in the Senate when this business is looked straight in the face, to see what these people are doing and what comes out of the money that the tax-payers of the United States pay for it; and the tax-payer in Kansas, and in Maryland, and in Vermont, and in California, and in Louisiana, and in every other State has a right to know about it. The only way he can know about it is if with meekness and apology we address the Committee on Appropriations and ask them to tell us really how the thing is and what they are doing. I do not think we ought to be accused in that case of being opponents of the advance of human knowledge; but that we have a right for our tax-payers to ask where is the hard fact, what has become of this money, and what is being done, and how much unnecessary force, if any, is employed, and so on. That is the way it seems to me.

Now, I am bound to say that, as to Professor Powell, who is at the head of this affair, he has been a most earnest and diligent, as I believe, friend of his country, trying to do the best of his duty. I am glad to say it, as I believe it; but I am bound to say also in criticism of Professor Powell that it appears to me, and not to me alone, but to everybody interested in the agriculture and safety of the United States in respect of its forests, that Major Powell has gone wild on the subject of forests. That does not affect the question whether we shall pass this bill or not, but only this item.

However, it is due to us here, it is due to us, as he is my personal friend, to say it, Major Powell is of opinion that the best thing to do, as appears in an article of his in *The Century* of a month or two ago, or whatever the time was, to increase the availability of the arid lands of the United States for the homestead agriculturist, the honest man and father of a family who builds up his home, is to cut off every tree there is in the mountains in order that the arid lands may have more water.

I think in some way or somehow the administration of that department, if he has charge of it, should be controlled, if the Senate and the House of Representatives and the President think so too, in such a

way as that thing should not be done, unless we think that the best way to get water is to set fire to everything in order to get it. I feel bound, as I say, as a friend of Major Powell personally and privately and publicly and every other way, to state here publicly, so far as my voice goes among you gentlemen, that I am amazed that he has entered upon a career, so far as his influence can go, of that kind, which I believe would be destructive to all the interests of the States that are concerned.

Mr. TELLER. I should like to ask the Senator a question. Can he state what the Director's theory is; that is, what are his ideas about cutting off timber? What reason does he give? I never heard of it before. Why does he say that will produce more water?

Mr. EDMUNDS. He gives the reason apparently—and I do not speak by the book exactly, but I think I am pretty sure of what I am saying—he gives the reason apparently, as is stated by Professor Sargent in the last number of *The Garden and Forest*—and Professor Sargent I suppose everybody in the Senate knows as one of the most capable and level-headed men, not drawing any salary from any one, in reviewing this article of Professor Powell in *The Century*—Professor Sargent, as I read it last evening, states that Professor Powell's view is that if you cut off the forest the winds will blow all the snow into the gulches and there it will pack, and it will give a more continuous stream during the summer than if you leave the great shadows of forest to stand and let the snow fall in where it would not be concentrated. I think, according to Sargent (and I will stand by Sargent in advance every time), that that is a fair statement of Powell's idea as to what is to be got out of cutting off the forests.

Mr. TELLER. I should like to say to the Senator from Vermont that I never heard that statement made by Professor Powell; I did not know that he had ever mentioned it; but very reputable engineers and practical men who have lived in the mountains have asserted for years that that is the fact, and that the destruction of timber on the mountains does not destroy, but on the contrary increases the water supply late in the season, which is upon the theory he states.

Mr. EDMUNDS. Can my friend name an engineer of that kind?

Mr. TELLER. I can name a good many engineers.

Mr. EDMUNDS. I wish my friend would.

Mr. TELLER. I am not proposing to answer the question in the Senate; and if the Senator proposes to inquire whether I am telling the truth or not, I will state—

Mr. EDMUNDS. I am not proposing to inquire whether my friend is telling the truth, for I know he always does, according to the light he has, and therefore, if I may, I will ask him if he will privately kindly furnish me the names of those gentlemen, for I am only hungry for knowledge; I shall be very much obliged to him. I hope my friend will not think that I was implying any doubt as to his statement, but I only wish to get at all the facts.

Mr. STEWART. The Senator from Kansas [Mr. INGALLS] states that my grievance is known of all the world against Major Powell, and what I do here he attributes to some personal motives of mine.

Mr. INGALLS. Oh, no.

Mr. STEWART. To some personal influence. So far from that, my difference with Major Powell was a matter of extreme regret. I never regretted anything more in my whole public career than the necessity of differing with Major Powell. I have in the last year been brought in contact with his work; I have seen the workings of his bureau; I have seen the whole thing, and as a public man and as an honest representative of the people I have had to differ with him. I found that he was wrong in his theories.

It so happened that there was an appropriation of \$100,000 in 1888 and \$250,000 in 1889 for the purposes of irrigation. I invited Major Powell to go with me; we traveled over the country together, and I conversed with him daily for months. We came back here and on the very best of relations. I found on my arrival here that he had used more than half the money that was appropriated for irrigation for topography. I told him that topography was another branch; that we did not want agriculture loaded up with such expense; that all we wanted done for agriculture was to have the reservoir sites surveyed and the lines of the ditches to segregate the lands that were irrigable from the other lands; that that is all that agriculture wants, and it was in the line of our general surveys, involving very little expense, and that that was all we started out for.

Thereupon he became my enemy. Thereupon his bureau sent forth all sorts of criticisms, attributing my position to something personal. It was charged immediately that it was personal. When I could not agree with that expenditure of money I was charged with personal motives; and that has been the charge by which they have attempted to break down my influence in this matter.

I had no personal motives in the matter except to keep the expenditure within the bounds of decency, so that my conduct would be approved by my fellow Senators and by the community. I could not consent to his using the large millions of money in topography on the theory that it was an aid to irrigation; but I knew myself, being something of an engineer, having had great experience in this matter, that it was unnecessary; that more than 10,000,000 acres of land had already been reclaimed without any topography with ordinary engineering; and I knew that ordinary engineering was all that was necessary and

topography could not be used for that purpose, and no topography has been used for that purpose up to this day.

I told him, I begged of him to consent in the future that the work might be separated. In the course of this I was also brought in connection with the Geological Survey. Although I am from the wild West there are some things that can be learned in the wild West about geology. It is in the wild West that the excavations have been made in the earth that have revealed the condition of the earth's crust to an extent that was not known before. The most important lessons in geology have been learned from the country where I have been in active operation. It so happened that I have had under my charge, as experts to examine the mines, to examine the deep shafts and testify in regard to them, nearly all the eminent geologists of this country. They have testified and they have given the result of their examinations and their opinions with regard to those excavations.

I have traveled with them by day and by night over that country and examined it. I have some little knowledge of it. I know how difficult it is for geologists to be accurate and to ascertain any information that shall be of general application. Geology is an inductive science. It can only be found little by little as excavations of the earth's surface and explorations are made. The deep shafts on the Comstock, and in California, and in Arizona, and in Montana, and in all the mining regions have done much to reveal the formations and to enable geologists to take notes.

But I do say this, to take a swarm of boys and send them over the valleys to collect geological information, you might as well have a drove of grasshoppers. I came in contact with one or two of those geologists and I examined them. The men who have traveled for the last forty years over the mountains and observed the geological formations with a view of finding mines simply laugh at the crude ideas of the swarm of geologists who are sent out by Major Powell.

It may be that Major Powell has done something for science, but the Government of the United States has done a great deal for Major Powell. It is true that he has made pretty books that people like to have and that there is a demand for. They are fine pictures, that are made at vast expense and distributed broadcast in the country, and of course there is demand for them. They cost a vast amount of money; they are ornaments to parlors; they are ornaments to gentlemen's drawing-rooms, and they are used very liberally among the influential. They are made at the expense of the Government, and I have no doubt there is a demand for those; but to say that there has been any adequate return for the vast outlay that Major Powell has expended, that there has been any return that is anything like commensurate with the expenditure, is false. It has not been the case. He superseded men as much superior to him as he is superior to the veriest clod-hopper in the country. He took the place of Captain Wheeler as a topographical surveyor and engineer. He took the place of Hayden, who was a real geologist, who died of grief by being crowded out. He has by his wily arts superseded many men who were his superiors. But there is no man in this country who is his superior as a lobbyist or who can better organize and control Congress. What other man could have built up such a bureau, costing now a million dollars and a half a year, by appropriations, without ever having the merits of it discussed in Congress, without having any law passed for it?

If we are to have a Geological Survey, let us define its limits and powers by law. It should be connected with the Smithsonian Institution. It might go on gradually and collect information as it is developed. But to say that you must have a complete topographic map all at once, as if there was any crying necessity for that; that we should be spending a million and a half a year for such a purpose, it seems to me unwise. At all events, before this is done I should think it would be the duty of Congress to pass a law upon the report of some committee, defining the duties of this officer, as is done with others.

Upon what meat doth this our Caesar feed,
That he is grown so great?

What does he feed on that he can create without legislation and be defended by men like my friend from Massachusetts, who says this must be a great good? I should like to have men tell me specifically what good it has performed. The people of my country, the people of the West, the people who have had their attention for the last forty years directed to these subjects, are not admirers of Major Powell. They would no more take his practical opinion as to a mine than they would take the opinion of one of the Indians who have traveled over the mountains. We have gentlemen who have spent the last forty years in traveling over the country to hunt mines, who know vastly more than he can ever learn. It takes some time to learn the mineral formation of the country. We have experts on that subject, and they would not trust Major Powell.

No professional expert, no person who has been employed by any government ever found a mine or ever indicated exactly where a mine could be. They have made predictions that no mines could be found in vast regions of a particular kind, and the miners went on and proved that their predictions were false.

Take these books that Major Powell is putting out; the practical operations of them in the next generation will be of no use. There will be stubborn facts that will be developed which will contradict them,

and the pretty pictures will mislead. The real facts will be learned, although it may take a generation to get rid of the falsehoods that will be published in finely bound books, if this vast expenditure goes on.

But if you are to have a Geological Survey you want men devoted to it, but you do not want them highly paid because they are devoted to civic science. Pay their expenses, and let them collect the information and lodge it in the Smithsonian Institution, and let them take a reasonable time to collect it. Do it according to some regular system, and we shall be sufficiently advanced. But to pile in this vast expense and create a great leading department of the Government that overrides all others under the pretense that it is necessary to science, and that the world is going to be greatly benefited by it, is assuming too much, until some committee of this body has examined it and arrived at that conclusion.

I repudiate any feeling on this subject except the feeling for the public Treasury and the public weal. But I was brought in connection with this subject in such a way that if I should sanction this and did not proclaim that the money was being squandered, I myself would feel disgraced. I, as a truthful, honest representative, protested to him, I protest now, that this proceeding is wasteful, expensive, unnecessary, and not governed by any legitimate law.

It is no personal feeling. I have done my entire duty when I have brought it to the attention of the Senate. I have no more interest in it than any other Senator. I simply shall ask when the time comes that agriculture, that irrigation, shall not be made an excuse for any of these grand schemes. I want the agriculturists to be liberated from this incubus, or reproach, or from the charge that it is necessary to spend millions, perhaps hundreds of millions, I do not know how much, in these scientific schemes that branch out yearly, in order to carry on agriculture. I want them separated from it. Then the people will understand the pure magnificence of the thing, and if the Treasury can stand it I can.

That is all I have to say. I should not have said this much if my motives had not been questioned.

Mr. PLATT. If the Geological Survey or the Director of the Geological Survey has been guilty of any improprieties or mismanagement, it seems to me that a resolution charging him with those improprieties and that mismanagement should be introduced and referred to an appropriate committee and an investigation had. I do not think that upon an appropriation bill, this matter having been first brought to its attention in this way, the Senate should proceed to stigmatize the Geological Survey or to attempt to cripple it. I suppose that there is really no intention on the part of the Senator from Nevada to have the Senate so act.

Whether this office is necessary or not or whether the present incumbent of it is a proper incumbent of it or not is a matter which can be ascertained in a proper way. I do not think that a matter which has never been brought to the attention of the Appropriation Committee, about which there has been no discussion before the Appropriation Committee, about which there are no particular charges filed or made, ought longer to engage the attention of the Senate, and I hope we may have a vote on this question.

Mr. CALL. Mr. President, since I have been in the Senate it has come within the range of my observation at different times to be informed somewhat in reference to the work that was being done by the Geological Bureau under Major Powell. The necessities of my own State have required, in my judgment, that there should be some geological examination there, and that has induced me from a period commencing very shortly after my first term in the Senate to give some attention and consideration to that subject and to the work of that bureau. I found that it had received and was receiving the most distinguished commendation from all the scientific schools of the world, from the most eminent scientists and investigators in geology and its kindred sciences.

I found, furthermore, that Major Powell himself had received and was receiving the commendation of the most eminent scientific men in the world, and that special attention was being called to the work that he was performing, and to its thoroughness and efficiency.

Mr. President, I do not feel myself capable, nor do I think that the judgment of any other person who is not a thorough scientist is sufficient to impeach a man who thus stands accredited by the encomium of the most distinguished and successful scientists in the world, and I think that there can be no fairness in indicting such a man before the country upon vague opinions formed from personal experience by non-scientific persons.

Geological research is of necessity confined to observers of facts, who are sent out as faithful observers to gather together the specific facts as observed by them in regard to geological formations and natural phenomena, and in regard to the survey of levels and the natural characteristics of the earth, and when gathered together they constitute the basis upon which scientific deductions and conclusions are made, evidently, oftentimes of slow progress, and oftentimes of mistake; but that the work performed by Major Powell has commended itself to the most distinguished scientific opinion of this day there can be and is no kind of question.

I am not competent, and I doubt very much if there be a Senator

here who is competent, to form a reasonable judgment against the combined opinion of those men and those schools of men whose special business in life it has been to devote themselves to these investigations. But on behalf of Major Powell I desire to say here that upon an inquiry before a school of scientific men there would be no doubt that his work would receive their approval, and that he would stand, as he does, very high in the estimation of the world.

It is wise for us to consider that, in the presence, as we are to-day, of the wonderful results of a practical and useful kind of applied science, no one can speak intelligently with disparagement of scientific research. It was thought by the uninformed a few years ago that the men who devoted their lives to the study of the forces of electricity were wild and useless dreamers. To-day it stands as a great and useful motor, promising to be handmaid and servant in all the domestic uses of life. The geologic explorers may yet find in the recesses of the earth currents of subtle force and riches greater than the fountains of oil which nature pours out with lavish bounty for man's use.

Mr. GORMAN. Mr. President, I only desire to say a few words on the amendment offered by the Senator from Nevada. It is true that this office has grown up by small appropriations on annual appropriation bills and that it has continued to grow without any direct or proper supervision until the expenditures have exceeded anything that was anticipated by the gentlemen who introduced the original proposition, and have unquestionably gone beyond the control of the Committee on Appropriations.

In the act of July 7, 1884, I think, my friend from Iowa, the chairman of the Committee on Appropriations, inserted a provision requiring a commission to be appointed to ascertain what was the proper organization of this among other bureaus of the Interior Department, and that endeavor was made on the part of Congress. That commission, as the Director of the Survey says himself in his last annual report, was incomplete, the presentation was partial, so that that office stands to-day, I have no question, as quite a number of others do possibly, with extravagant expenditures on account of the pay of officials, and, if it were properly taken hold of and looked into by some responsible head, I have no question that the expenditures could be largely reduced.

That I think is true of other branches of the Interior and other Departments. There is no hope, in all probability, of reaching the point when this examination shall be made in all the Departments, and the expenditures of the Government reduced on this account, within a reasonable limit until we shall have approached the time, which is now near at hand, when we shall necessarily be compelled to inquire from what source the money is to be derived by which these salaries and these expenditures can be paid; for, if we continue as we are now going on, in one year from this date it will be a question of raising the money by taxation, and not of merely continuing liberal expenditures.

But, Mr. President, this particular Department is surrounded by influences which Major Powell, whom I regard as an honest, an upright, and a capable man, can not resist until Congress shall have determined by an act precisely the number of employes who shall be under him. It is to-day the asylum of all the scientists of the country who have nothing else to do. It is the final step of the young men who are graduating at the colleges of the country. It is a power that he can not resist, and it is due to him, as well as to the interests of the Government, in my judgment, before this Congress adjourns, that a commission shall be appointed by an act of Congress, or that a committee of this branch or the other, or a joint committee of the two bodies, shall define the duties of this office and the number of employes and their compensation.

I do not believe, in the present condition and with the knowledge that we have now, that it would be wise or proper to adopt the amendment offered by the Senator from Nevada. After what that Senator has said himself it is perfectly proper and right that I should say that, but for the fact that a great controversy has arisen between Major Powell and those who take a different view upon the question of irrigating arid lands, I do not believe that this attack would have been made upon that gallant officer and soldier. I have never yet heard even his bitterest enemy charge him with being derelict in his duty, or incompetent, or dishonest. He has been, in my judgment, extravagant, for the reasons which have been given, incident to the office as it is organized, but his integrity and his desire to serve his Government I have never heard questioned.

When this question of the arid lands came up, impatient as the people of the West and the Northwest are, they desired the opportunity to make entries and to secure the water rights. The directions of Congress to Major Powell made it necessary in his judgment that the lands should be taken out, and not be subject to pre-emption or location during the progress of his survey, which, if it is to be complete, is necessarily to be slow. That has grown into an angry and a bitter controversy.

I have no word of excuse to offer for the head of this department, who, I think, has improperly and unwisely criticised gentlemen in the Senate and elsewhere because they have different views from his, but his honesty and, as I believe, the methods which he is pursuing in his work unquestionably are in the interest of the people of the coun-

try, and will tend if carried out to prevent, I will not use a harsh word, the taking of public lands without proper compensation to the Government. There is no excuse, in my judgment, for his criticisms of individuals and charging them with a desire to defraud and rob the Government.

Mr. CULLOM. Will the Senator allow me?

Mr. GORMAN. Certainly.

Mr. CULLOM. Has the Senator any information other than newspaper talk that he has criticised anybody in the Senate?

Mr. GORMAN. I have not, Mr. President.

Mr. CULLOM. I have not, and that is the reason why I made the inquiry.

Mr. GORMAN. The Senator from Nevada had a statement read from a public newspaper.

Mr. CULLOM. From some newspaper, and nobody knows whether it is authentic or not.

Mr. GORMAN. We all understand how newspapers misrepresent everybody. The fact is that a large portion of the public press do not believe that there is any honest man in the executive or legislative branch of the Government. I pay no attention to what they say as to Major Powell or as to any Senator, but the Senator from Nevada saw proper to dignify these statements by making them a part of the record of this body.

Mr. STEWART. Does the Senator deny that Major Powell put forth that interview? He never has denied it, and I think, if he did deny it, it could be proved on him by abundant witnesses. I refer to the interview in which he alleged that there are \$500,000,000 of lobby money behind the opposition—those who were contending that the land offices in the West should be opened and people should continue to make homes on some conditions.

Mr. GORMAN. No, Mr. President, I do not deny that Major Powell made that statement. I am not his defender. I treat him only as a public officer. I scarcely know him. I have no interest in him except that I believe him to be an efficient, an able, and an honest public officer of the Government.

I am inclined to believe that these statements in the public press have some foundation on both sides. I know it has been charged that he is in the interest of somebody else and it is not the public interest that he serves in taking these lands (as he unquestionably secured the passage of the act) out of pre-emption and occupation until he should determine the question as to the water rights and the location of the surveys. Charges and countercharges have been made. I look at it impartially, and from all the information that I can gather I believe the policy that he is pursuing is in the interest of the whole people of this country.

Mr. EDMUNDS. What does the Senator mean by that policy? Will he define what that policy is?

Mr. GORMAN. The act of Congress withdraws all of these lands and all the water in the streams that may be necessary for the irrigation of them. At some time later on, when the sites for the reservoirs have been located, they can be used for the common purpose of all the people of that country, and the object is not to permit companies and organizations and individuals to get possession of the streams and the locations for the reservoirs, thereby controlling hundreds of millions of acres.

Mr. EDMUNDS. To that, if my friend will allow me, I yield my most hearty adherence, but my friend intimated that he thought Major Powell was right in his policy, if that be his policy, of cutting off all the forests; and, as I should wish to keep the land as stated, I should wish to enter my most decided dissent from the policy that is to cut off the forests of the mountains in order to get water.

Mr. GORMAN. The article to which the Senator from Vermont refers I think is a magazine article—

Mr. REAGAN. Will the Senator from Maryland allow me?

Mr. GORMAN. In one second. It is a magazine article, and has no reference whatever to the performance of Major Powell's public duties, nor does this question involve the question of forestry at all. The whole question involved, as I understand it, is whether he shall locate these streams and reserve them and the places for the reservoirs, so that under some arrangement hereafter to be made by Congress all the people may have an opportunity to use them, instead of being pre-empted by individuals.

Mr. EDMUNDS. To that I entirely agree.

Mr. REAGAN. If the Senator from Maryland will allow me—

Mr. GORMAN. Certainly.

Mr. REAGAN. I would inquire of the Senator from Vermont where he learned and how he learned that Major Powell was in favor of cutting the forests away.

Mr. EDMUNDS. It is in an article in The Century Magazine—I have forgotten the month, but a very recent one—which appears to advocate, and very clearly does, the idea that the best interest for the water is to cut off the forests on the top of the mountains and let the snow drift into the gullies, as I stated a little while ago, and thus preserve the water that falls in the form of snow, etc., to melt down gradually. Major Powell, apparently, in that article suggests that that is the best way to do it, and I wish for one, as Professor Sargent, who

I think is probably the best informed man in the United States in respect of all that sort of thing, in the other publication that I spoke of, of which he is the editor, makes a kindly comment, having nothing to gain or lose by it, and goes on to show that that will not do, and he finally adds that human experience in the Alps, for instance, which are snow mountains in Europe, where perpetual snow exists in a much larger degree than it does in any place in the Rocky Mountains—the experience in those countries has shown that, when the forests on the highest Alps up to the snow line were cut off, devastation and ruin followed; and it will certainly follow, in my opinion, as Professor Sargent thinks it will also, in which my opinion will not add anything to the value of his, I admit, although I am a ruralist and live in a mountain country.

If the forests on the Rocky Mountains were cut off on this idea of Major Powell's there would come devastation and ruin, instead of the benefit of storing water, as Major Powell thinks. That is no objection to Major Powell's going on with this work of saving these lands, but it is only a question of the future for administration. I only wished to say this now in order that it should not be taken that these views of Major Powell's in this particular respect should be considered as being agreed to be the wise thing to do, because, as I repeat, human experience has proven the reverse.

Mr. REAGAN. Mr. President, I confess to some surprise at the suggestion of the Senator from Vermont, and if he will pardon me I will state the reason of it.

During the last summer and fall I traveled through the entire arid region with the Senator from Nevada and some others, and Major Powell in our company. I heard him make numbers of lectures, and we conversed upon that and all other subjects, I suppose, that came up in connection with irrigation. I know from what he there said and from his lectures delivered in this city, which I have listened to this winter, that he has urged the great importance, and that he continually urges the great importance, of preserving the timber on the mountains as a means of preserving the water supply—exactly the reverse of what the Senator supposes. I know this from his uniform statement in his lectures both here and in the arid regions.

Mr. EDMUNDS. I shall be most glad if I find that I am mistaken—

Mr. REAGAN. The Senator certainly has been misled, beyond all doubt.

Mr. EDMUNDS. In my reading and in what Professor Sargent, of whom I have said enough, says in respect to this article in *The Century Magazine*, and I have sent for the article and we shall see how it is.

Mr. REAGAN. I have never seen the article, but I have seen Major Powell and I have heard him discuss this subject in public lectures, and heard him privately, and I know that he regards it as necessary to preserve the timber, and that he regards it as a great calamity that the timber shall be destroyed by fire on the mountains, because he fears that it will reduce the water supply.

Mr. EDMUNDS. Then, Mr. President—

The VICE-PRESIDENT. The Senator from Maryland is still on the floor. Does he yield to the Senator from Vermont?

Mr. GORMAN. Certainly; with pleasure.

Mr. EDMUNDS. Then I shall be most happy to learn that I have been misinformed about the nature of Major Powell's views.

Mr. CALL. If the Senator from Maryland will allow me, I will make a suggestion to him pertinent to the subject of Major Powell and his efficiency or the contrary, that some three or four years ago there was a committee of investigation in the House of Representatives; I think Mr. Randall was the chairman of it, but of that I am not sure; certainly he was a member of it. That committee examined very thoroughly into the Coast Survey organization and that of the Geological Survey Bureau, its appointees, the work it had done, and the expenditures it had made. I am quite sure I do not err in saying that the result of that investigation was entirely favorable to Major Powell and to the manner in which he conducted that bureau.

Mr. BLAIR. Will the Senator from Maryland give way for a motion to go into executive session?

Mr. GORMAN. I think the Senator in charge of the bill desires to finish it and I will conclude in one second.

Mr. ALLISON. Oh, yes, I want to finish the bill to-night.

Mr. GORMAN. I will conclude in one moment by simply saying that I believe the statement of the Senator from Florida is exactly correct, and that there is no question about the integrity of this officer. But the fact does remain, and it is admitted by himself in his last report, that the commission that was appointed under the act of 1884 did not complete that examination, and that the organization of that office is loose, disjointed, and extravagant, in my judgment. While I trust we shall vote down the amendment now offered by the Senator from Nevada, I hope before this session terminates the chairman of the Committee on Appropriations will take some method, either by a joint committee of Congress or by a commission, to reorganize this entire department.

Mr. MOODY. Mr. President, I know that it is late and that the Senate is impatient, and I will not undertake to enter into a discussion of the question that is involved in the motion made by the Senator

from Nevada this evening. The same proposition will arise when the sundry civil appropriation bill is reported to the Senate and the items which there are found come under consideration. But I can not, even though it is late, pass this without saying something upon a matter so thoroughly vital to the interests of the people whom I represent and of the great West.

I shall not dwell upon the question which is directly before the Senate, whether the appropriation for the payment of an executive officer of that bureau shall be stricken out; but it is curious, in looking over the appropriations, that there is not an executive officer in any other branch or any other bureau of the entire Government, so far as I have observed. This peculiar bureau possesses this peculiar officer, an executive officer.

Another curious thing appears by this discussion and by the record. The officers of this bureau are not alone provided for in the bill which is before the Senate, but the officers are either repeated again in the sundry civil appropriation bill or else additional officers of that bureau are there provided for. Why could not those officers be grouped in the legislative, executive, and judicial appropriation bill as well as the officers of other bureaus? Is it because the extravagance is apparent with reference to this bureau and is so great that it is wise not to put the matter into the record all in a body, so that the people may see what expenditures are being made?

Mr. President, the West has a wonderful interest in the question of the surveys of the public lands, and the money of this Government is being wasted in what is pretended to be a survey of the public lands, which is not. No results have yet come and in my judgment no results ever will come unless a thoroughly different course is taken from that which is provided in these bills.

I find that there is the sum of \$1,328,740 appropriated in these two bills for the purpose of surveying, largely in the Western States and Territories. It involves the surveys relating to the irrigation of the arid lands as well as the surveys relating to the geological formation. Seven hundred and eighty-two thousand dollars of that relates to irrigation surveys, the rest to geological surveys.

Now, let us look up some of the items. In addition to the bill which is before the Senate, there is a provision for the expenditure of \$37,500 for geologists in the other bill; for geological surveys, \$100,000; for topographic surveys, \$200,000 for pay of the scientists, providing for the salaries; and again in the general provision we find that \$720,000 is given for the survey and making of the maps relating to irrigation surveys and \$50,000 for engraving those maps. We turn to the bill and we find that for the surveys of the public land in all the public-land States there is the sum of \$154,700 given for the surveys of all the public lands in all the public-land States—\$1,328,740 in the wisdom of the Appropriation Committee is given for what? To enable this Geological Bureau to make maps and publish expensively bound books. That is the result of it.

Mr. ALLISON. If I may make a suggestion to my friend from South Dakota, I should like to say to him that the Appropriations Committee of the Senate has not yet considered one item of the appropriation that he is now discussing, and therefore I submit to him that when he uses the term "Appropriations Committee" he ought to use the singular, and not the plural.

Mr. MOODY. I am perfectly well aware that the Senate committee has but recently had the general civil bill before it, and I have not the slightest criticism in the world to express against either that committee or any individual member of it. If I used the term "committees" instead of the term "committee," where the singular was proper, then I ask the Senator's pardon for it. I have stated what is the record before us. The legislative, judicial, and executive appropriation bill has been reported and is under consideration. The other bill is in the hands of the committee of the Senate.

Mr. President, the range of this discussion has included both of these bills, and necessarily the appropriation which has been reported for this bureau and its officers includes the very subject-matter that is involved in the bill which comes from the other House and is known as the sundry civil bill; and we must, in order to determine the necessity of the appropriation in the bill now under consideration, also look at the bill which comes from the other House, because it involves the very subject-matter upon which this appropriation is based, and for which the appropriation is made, and the subject-matter which these officers appropriated for are to treat, and therefore properly the discussion has taken this wide range.

Now, what is the object and purpose of this Geological Bureau? Of course one branch of it, as I have said, is to promote knowledge of the geological formations of the United States. Whatever good that may do or whether it does any good or not, I certainly should not criticize any expenditure within reason for the purpose of promoting the researches in that direction. We all know, who have had any practical knowledge of the results of geological research, how totally futile it is for scientists to undertake to look into the ground where there is no hole in it; and the experience of every practical man has shown that in nine times out of ten the guesses which geologists make as to the formation of the earth have been proven to be not well founded; they have been shown to be mistaken.

But I certainly am in favor of pursuing this mystic science, because it is a mystery. I live among those who dig and delve in the formations of the earth, who go down hundreds and hundreds and thousands of feet, and they know what there is in the earth underneath them. They despise the opinion of your ordinary geologist. They are practical men.

But, Mr. President, there is another branch of the duties of this office recently put upon it that we have a deeper and a clearer interest in than we have in the researches of these geologists. That is the applying of the water of the earth to those regions of the country where it is needed to bring forth in plenty bountiful crops. That is a practical question for all of us who live in the West, and we can not await these years and years of scientific research, of picture-making. We want results. It is crops we ask for, and not pictures. You may go on with your picture-making, you may hang them in your halls and in your parlors, you may expend your thousands and hundreds of thousands for pictures, but, as you are the main proprietor, we ask that you assist us in the spreading of the waters over these lands, that they may be thereby enriched.

That, I say, is a practical question, and we shall resist—and when I say “we,” Mr. President, I mean those who represent the Western country, the country that is particularly interested in this question—we shall resist with all the strength we have the proposition to continue in that bureau the expenditure of the Government funds for that purpose, because we have found by these years of experience that it is wholly useless to expect results from that bureau.

Mr. President, from the ninety-seventh meridian of longitude west from Greenwich to the eastern foot-hills of the Rocky Mountains is an empire greater than was imagined, for twenty-five years after the Revolutionary war, existed to the west. It is peopled with its hundreds of thousands, it has its representatives in both branches of Congress. Nevertheless there are hundreds of thousands of acres there that are not utilized and can not be utilized to their full capacity until the waters of the earth are spread over them and they are given that which nature requires with a rich soil to bring forth the best results. There is beyond all question a sufficient water supply if it can be utilized, and it will be.

I am a member of the committee of which the distinguished Senator from Nevada [Mr. STEWART] is chairman. I know the zeal with which he has worked. I know how earnest he is in forwarding the interests of the Western people. I want to say to the Senate that every Senator and every member of the other House, so far as I know, is in sympathy with him in desiring to take from the Geological Bureau the pursuit of this branch of the governmental business and put it where it properly belongs, to wit, in the Agricultural Department of the Government.

We have reports from that bureau upon subjects arising where none of the members of it, not even these two-thousand-dollar geologists or the four-thousand-dollar geologists, have ever set their distinguished feet upon the soil.

We were told but a few moments ago of the vast benefit that has accrued to every State and every Territory by this Geological Survey. To my knowledge—and I think I am stating it accurately—there has never a soul of that bureau been in the State of South Dakota or when it was a Territory. We have every condition of soil, every condition of mineral wealth, everything that would delight the scientist and the geologist, and they have never been there. Still we find these reports pretending to tell what exists there.

In relation to this irrigation, the present Director of the bureau tells us in committee and tells me privately that it is impossible to utilize the waters of that great artesian basin there found; that we must depend upon the “storm waters,” as he calls them. Why, our State, with the exception of the little portion of it in the extreme west, is one great plain. The idea of utilizing the storm waters! We do not ask the Government to devise any means to retain the storm waters of our State. As the water falls from heaven or comes from the melted snow wherever it is not absorbed by the soil it goes into natural lakes and ponds. It needs no artificial help from the Geological Bureau or its Director; and the man who undertakes to urge such a theory is simply thoroughly and wholly mistaken, because he has never set his foot there and does not know anything about whether it is a plain or a mountain country. It is because he will not see before he forms his opinion, it is because he precludes the bureau from being useful to us, that we insist he shall not use such money as is appropriated by Congress and charge it to our people.

We want, as I have said, practical results. We do not want an agent employed for us who says at the outset that he can not accomplish the purposes of his agency. We say to him, then we will discharge you and get one who has some faith in this labor that we ask you to perform.

Mr. President, I do not think that I should ever be as a member of Congress in either branch niggardly in the appropriation of money from the Treasury for the benefit of the people. I certainly believe that a liberal policy of expenditure for the direct benefit of the people is far better for them and for the Government than to adopt a mean and niggardly and stingy policy. But at the same time I would say that not one dollar of extravagance should be incorporated into any appropriation,

if I knew it, that I would vote for. When there are undertaken to be placed large sums, vast sums, it will seem to the people of this country, to be in the hands of one man, under his exclusive control, which he can absolutely without control distribute and disburse, it is wholly wrong and ought not under any circumstances to be approved.

I wish to say, as I am a member of the committee with him, that I wholly disagree with the Senator from Maryland [Mr. GORMAN] with reference to the plan proposed of reserving all the lands indiscriminately, as the Director has proposed to do, west of a certain meridian of longitude.

Mr. PADDOCK. That has been practically done.

Mr. MOODY. Yes, that has been practically done; and there is not a man from any of those States who agrees with it. Who knows best, he, the distinguished Senator from Maryland, or he, the distinguished officer in the Geological Bureau, who makes occasional summer pleasure jaunts into the West, or those of us who were born and bred and lived there? Whenever this order that was made under the recommendation of the head of the bureau is spoken of, you will find, as you witnessed, Mr. President, a few moments ago, every man from that country rise up in indignation and denounce it.

It is detrimental to our country. Ay, Mr. President, it is not merely detrimental, it is absolutely paralyzing. In the Western States and Territories the land offices are closed under it; not one acre of public land can be taken by the poor homesteader who has gone there. As they have decreed, every entry that has been made, every settlement that has been had by the pioneers who have preceded the great mass of population, is and has been void since the 2d of October, 1888, under that act which was passed. I am glad to say that in no possible sense, either directly or indirectly, am I responsible for the passage of such an act as that; and I believe that the construction which has been put upon it is neither logical nor equitable, neither legal, nor is it decent. Why, to say that under that act what has been attempted could be done, to wit, take from the market, from settlement and occupation, every acre of the public lands west of the one hundredth meridian of longitude clear to the borders of California, is putting a construction upon it which it seems to me would declare Congress to have been absolutely worthy of being as a body incarcerated in a lunatic asylum.

No; the purpose and intention of that act was this, that the reservoir sites should be reserved; that the lines of ditches and canals conveying water to and taking water from those reservoirs should be reserved; that such lands as by the surveys were ascertained to be within the limits of those water ways and water resources should be reserved, irrigable lands, lands capable of irrigation. What is land capable of irrigation? Is it the naked land? No; it is land upon which water can be brought and utilized. It is the land on which water can be brought and can be used. That is the land that was reserved, and that alone.

Mr. President, the one hundredth meridian, where it was proposed to make this dividing line between the arid belt and the eastern fertile soil, is very near the center of this great continent from ocean to ocean, and west of that line there is a country susceptible of maintaining a larger and a denser population than that east of it to the Atlantic Ocean. It abounds with greater richness, first, in all the precious metals; second, in all the useful metals; third, in the coal that will make the useful metals possible of production; and then in the soil.

So again west of that line are found hundreds and thousands of acres—millions of acres—as well watered as any county in the great State of Massachusetts. In my own State west of the one hundredth meridian is a large area of country that possesses more water to the square mile than the same area in the State of New York, in the State of Massachusetts, or any other of the Eastern States in the agricultural districts—a district of country at least 150 miles in length and 110 miles in width at its widest point. There is no better watered country anywhere; but it is put into this arid region, and an attempt was made to withdraw that whole country from market because it was irrigable country; in other words, because the presumption existed, according to these wise men of this Capitol, that the lands are arid simply from the fact they are west of the one hundredth meridian.

Mr. President, I have been tempted into talking much longer on this subject than I intended. I shall vote for this amendment because I can not conceive for what an executive officer is needed. Why, he must be a clerk of some kind, a \$3,000 a year clerk. I have heard it said here that he was a horse-buyer. Now, wages are pretty strong in our country, but we will furnish the Government horse-buyers of better judgment than he—if I am to take the word of the Senator from Nevada at least in his judgment of him—for \$35 a month, and they will board themselves and will not lobby about Congress, but will attend to the business of horse-buying or mule-buying, if that is the business in which the executive officer is employed.

I have looked through the disbursements reported to Congress by this Director of Geology and I find that it is horses and mules that are purchased, and we are told that upon every expedition that goes out horses and mules must be purchased. Yet I see the large item of transportation from the city of Washington. Why, they can buy as many horses and mules in the West as they can transport on the Baltimore and Ohio Railroad from now until next April in one month's time. It is nonsense to talk about such an expenditure.

It is, perhaps, not altogether compatible with the extreme height of

the dignity of this tribunal to stop a moment at the sum of \$3,000 paid to an executive officer of the Geological Directory. We may sweep it aside and brush it away as we would a particle of dust. I might consent to that view of it, and say not a word if it was not followed by hundreds of thousands of dollars of equally useless expenditure.

Here is \$3,000 for a general assistant. Now, an assistant to what, I can not tell. The bill does not disclose it; I mean the bill that recently came from the other House. Perhaps it is a general assistant to this horse-buyer or to some horse-doctor whom they must have along.

But, Mr. President, this bill with these expenditures ought never to pass until the investigation that has been asked for by the distinguished Senators has been had. That act should precede its passage and not follow it. What good will it do us, what good will it do this country, to examine into the necessity of this appropriation after it has been made and becomes a law, if, as has been the case in numerous instances since I have had the honor to be a member of this body, the object of your wonderful investigation will laugh in your face?

Mr. STEWART. I do not wish to delay this matter, and, with the leave of the Senate, I will withdraw the amendment and let this man have his \$3,000 for another year, and if the Senate is of the opinion that he shall have it perpetually I shall say no more about it.

Mr. REAGAN. Mr. President—

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. ALLISON. The amendment having been withdrawn and the Senate having about concluded this bill, we shall have an opportunity again in a very few days to consider this whole question, when the matter will be pertinent and when the debate will be proper on the appropriations in the sundry civil bill, and I hope my friend from Texas will allow this bill to pass now.

Mr. CULLOM. So do I.

Mr. REAGAN. It seems to me that sheer justice requires that some reply should be made to what has been said this evening, but, as it is late in the day and as the question will arise hereafter on another bill, I shall defer what I wish to say until that other bill comes up.

Mr. ALLISON. I am much obliged to the Senator.

Mr. COCKRELL. In 1887 I had occasion to investigate the methods of business in the Interior Department, and I confess frankly that I was very much prepossessed with the methods of this bureau under Major Powell, and I had a very full report from him, which is found in the report which the select committee made, in which he goes on to define the methods of business in his bureau, and, as far as I could see them, his methods of business were very accurate and quite complete. As a matter of course, I could make no investigation as to the expenditures actually made. This was as to the methods of transacting the business as reported upon paper, and it was a very fair method, I thought, and I believed the bureau was in good condition in that respect.

I desired to say that much, and I confess very frankly that I regret that it is so late now that I shall not have an opportunity of bringing to the attention of the Senate as fully as I would wish a matter in the last part of this bill, and that is the proviso on page 111, which reads:

Provided, That hereafter it shall be the duty of the heads of the several Executive Departments of the Government to report to Congress each year in the annual estimates the number of employees in each bureau and office and the salaries of each who are below a fair standard of efficiency.

I think that is a matter which should be brought to the attention of the Senate and the country, and the people of the country should know what is the tendency of the Executive branches of the Government to establish a civil pension-list.

Mr. President, before the Committee on Appropriations we had very strong pressure for an increase of the clerical force in the General Land Office and an increase of the clerical force in the Sixth Auditor's Office.

Now, I want to read what the Sixth Auditor says in regard to the efficiency of the force in his office:

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., March 31, 1890.

SIR: In reply to your telegram of the 29th instant, I have the honor to state that there are on the rolls of this office at this time sixteen clerks (nine at \$1,600, two at \$1,400, four at \$1,200, and one at \$1,000) who, by reason of age or physical infirmities, are unable to render such an equivalent in quality and quantity of work as their salaries reasonably demand. Many of them have been in the office for a long period of time and have been faithful and competent clerks when in the full enjoyment of health and before their usefulness became impaired by years or disease.

Respectfully,

T. B. COULTER, Auditor.

COMMITTEE ON APPROPRIATIONS,
House of Representatives.

I will next read from a communication of the Acting Commissioner of the General Land Office:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 28, 1890.

SIR: Referring to a verbal inquiry made on the 27th instant by one of your committee as to the efficiency of the clerical force of the General Land Office, I have the honor to state that the clerical force of this office embraces about forty clerks and copyists whose efficiency may be said to be below the average of others in their respective grades. Four of these receive annual salaries of \$600; seven \$800; four, \$1,000; five, \$1,200; eleven, \$1,400; eight, \$1,600; and one, \$1,800.

A few of these have been long in the service, and their partial lack of effi-

ciency is due to infirmity and old age. None are entirely worthless. It may be proper to add that the office contains a still larger number of clerks who are above the average of their respective grades in efficiency and who merit increased compensation.

Very respectfully,

GEO. REDWAY, Acting Commissioner.

The CHAIRMAN COMMITTEE ON APPROPRIATIONS,
House of Representatives.

Mr. President, the estimate in regard to the inefficiency of the force in the different Departments is very large. I have before me some of these estimates. I will not at this late hour consume the time of the Senate in reading them. There are probably at the very lowest estimate four hundred inefficient employees in the different branches of the public service who are not rendering an equivalent for the salaries they are receiving and who are partially or totally pensioned upon the taxpayers of this country.

I am not bringing this up against the existing Administration. I am not making it as a charge against the present Administration. The same thing existed under the preceding Democratic Administration. Many of these persons have been in office for a long period of years, and they were retained much to my dissatisfaction and discontent during the last Democratic Administration, and many of them are still retained, though quite a number were turned out. I know of an incident where the last Democratic Secretary of the Interior, on an investigation, found that one or two of his employees had not been to the Department for probably a year or more and that absolutely they did not pretend to go to the office or do a particle of work and yet they were borne on the rolls at high salaries.

This is not right. This Government was not instituted upon the theory that the civil officers of the Government were entitled to any pensions. The tendency for years has been to establish a civil pension-list in the Departments here in Washington. It is wrong, it is in violation of the principles of our Government, and I desire to say now, as this matter is before Congress, that if some steps are not taken by the Department officials I shall insist upon legislation, and shall make the issue directly and squarely whether we intend to pension these cormorants for place after they have obtained their places and are no longer able to perform their duties. We all know how anxious they are to get places.

You gentlemen on the opposite side of the Chamber know the pressure which has been brought to bear upon you during the present Administration to secure places, and when they get the places—and there are thousands of others more anxious or at least as anxious to get them as they were—then they turn around and say that the people of the United States have come under an obligation to them, because they have done their duty partially, it may be fully, to pension them during the remainder of their lives. They are under obligation to the taxpayers of the country for permitting them to occupy the positions so long and to draw the salaries they have, but the taxpayers are under no kind of obligation to pension them during the rest of their lives.

Go to any business establishment, and you will not find one that would not discharge such persons at once. These people are retained in the service, and we are beset year by year to increase the clerical force because they have got worthless and inefficient employees in the Departments. I say it is not right. We should not give them one solitary additional employee until they discharge these incompetent and inefficient ones, and they can get plenty of others from the outside, plenty of Republicans to fill the positions, plenty of efficient persons to fill the positions, and then bring the work up to date. It is a disgrace that today three-fourths of the work of Senators is imposed upon them because the Departments are in arrears in the transaction of their business.

If the Departments transacted all the business before them current and answered every letter that was received promptly, one-half of the labors imposed upon Senators and Representatives would be taken off them; and if the clerks were efficient and made to do their duty every Department of the Government could bring up all these arrears of business and attend to all current business without one additional clerk, and, in fact, could discharge at least one-fifth of the present force.

The VICE-PRESIDENT. The question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 401) to provide for the purchase of a site and the erection of a public building thereon at Alexandria, in the State of Louisiana;

A bill (S. 3571) to provide an American register for the barge Ottawa of Philadelphia, Pa.;

A bill (S. 3052) for the relief of the Michigan military academy;

A bill (S. 2403) to provide for the purchase of a site and the erection of a public building thereon at Beaver Falls, in the State of Pennsylvania; and

A bill (S. 595) for the erection of a public building at Salina, Kans.

ADMINISTRATIVE SERVICE OF THE SENATE.

Mr. EDMUNDS. I ask leave to introduce a resolution to go over until to-morrow.

The resolution was read, as follows:

Resolved, That a committee of seven be, and is hereby, constituted, whose duty it shall be to take into immediate consideration the state of the administrative service of the Senate and report to the Senate as early as may be what measures should be adopted in respect of the greatest efficiency and economy of the service.

The VICE-PRESIDENT. The resolution will lie over.

Mr. EDMUNDS. Let it be printed.

The VICE-PRESIDENT. It will be printed.

REPORT ON RIVER AND HARBOR BILL.

Mr. FRYE. I ask for the printing of 300 more copies of the report of the Committee on Commerce upon the river and harbor bill. I understand of what were printed the edition has been practically exhausted.

The VICE-PRESIDENT. It will be so ordered, if there be no objection. The Chair hears none.

AMENDMENTS TO BILLS.

Mr. JONES, of Arkansas, submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. DOLPH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a letter of the Secretary of War, transmitting, in answer to a resolution of the Senate of the 17th instant, copies of reports relative to the improvement of the entrance to St. John's River, Florida, and the cost of improvement of Indian River, Florida, which was referred to the Committee on Commerce, and ordered to be printed.

NOTICES OF BUSINESS.

Mr. PLUMB. I give notice that to-morrow at the conclusion of the morning business I shall ask the Senate to proceed to the consideration of the post-office appropriation bill, which, I presume, will take but a short time.

Mr. EDMUNDS. I wish to state before I make a motion to adjourn that I shall ask the Senate to-morrow to again consider the bill about the undisposed-of fund in Utah, which I called attention to this morning, and which I think will not take five minutes.

Now I move that the Senate adjourn.

Mr. MORRILL. With the permission of my colleague, I give notice that I shall call up the agricultural college bill to-morrow, if I can get the consent of the Senate.

ADMISSION OF WYOMING.

The VICE-PRESIDENT. Before submitting the motion to adjourn, the Chair lays before the Senate the unfinished business, being the bill (S. 894) to provide for the admission of the State of Wyoming into the Union, and for other purposes.

The Senator from Vermont moves that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 1 minute p. m.) the Senate adjourned until to-morrow, Saturday, June 21, 1890, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, June 20, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

APPROVAL OF THE JOURNAL OF WEDNESDAY.

The SPEAKER. The House will give its attention. The question before the House is the motion of the gentleman from Texas [Mr. MILLS] for the previous question upon the motion to approve the Journal of the proceedings of Wednesday last.

Mr. MCKINLEY. Upon that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER again stated the pending question.

Mr. SPRINGER. I do not understand that we ordered the yeas and nays on the previous question, but on the approval of the Journal as amended.

Mr. MCKINLEY. The yeas and nays have been ordered on the previous question.

Mr. SPRINGER. There is no objection to the previous question.

The SPEAKER. The gentleman from Texas moved the previous question, on which the yeas and nays have been ordered by the House.

Mr. MCKINLEY. The gentleman's motion—

The SPEAKER. The Clerk will call the roll.

Mr. MILLS. One moment, Mr. Speaker; let us have no confusion about this matter. What is the question?

The SPEAKER. On ordering the previous question on the motion to approve the Journal.

Mr. MCKINLEY. The motion of the gentleman from Texas as shown by the RECORD of yesterday is:

I move the previous question on the adoption of the motion of the gentleman from Ohio.

Mr. MILLS. It was my motion to approve the Journal as amended.

Mr. MCKINLEY. We both made the motion to approve the Journal.

Mr. MILLS. But I made the motion to approve the Journal as amended.

The SPEAKER. There is no question about that whatever.

Mr. MILLS. I only wanted the Journal to show that fact.

The SPEAKER. The Clerk will proceed to call the roll. The question was taken; and there were—yeas 126, nays 122, not voting 79; as follows:

YEAS—126.

Abbott,	Crisp,	Lanham,	Robertson,
Alderson,	Culbertson, Tex.	Lee,	Rowland,
Anderson, Miss.	Cummings,	Lester, Ga.	Rusk,
Bankhead,	Dargan,	Lester, Va.	Sayers,
Barnes,	Davidson,	Lewis,	Shively,
Bartine,	De Haven,	Maigne,	Spinola,
Biggs,	Dockery,	Mahish,	Springer,
Blanchard,	Dunphy,	Mansur,	Stewart, Ga.
Blair,	Elliott,	Martin, Ind.	Stewart, Tex.
Bount,	Ellis,	McAdoo,	Stockdale,
Bosner,	Enloe,	McClannan,	Stone, Ky.
Breckinridge, Ark.	Fitch,	McClellan,	Stump,
Breckinridge, Ky.	Fithian,	McCreary,	Tarsney,
Brickner,	Forman,	McKinley,	Tillman,
Brookshire,	Forney,	McMillin,	Townsend, Colo.
Brown, J. H.	Fowler,	McRae,	Tucker,
Brunner,	Geisenhainer,	Mills,	Turner, Ga.
Buchanan, Va.	Gibson,	Montgomery,	Turner, N. Y.
Bullock,	Goodnight,	Moore, Tex.	Vaux,
Bunn,	Grimes,	Morrow,	Venable,
Bynum,	Hare,	Norton,	Wheeler, Ala.
Campbell,	Hayes,	Oates,	Whiting,
Carlton,	Haynes,	O'Neill, Ind.	Whithorne,
Carter,	Heard,	O'Neill, Mass.	Wike,
Caruth,	Hemphill,	Parrett,	Wilkinson,
Chipman,	Henderson, N. C.	Paynter,	Willcox,
Clements,	Herbert,	Peel,	Williams, Ill.
Clunie,	Hermann,	Pennington,	Wilson, Mo.
Cobb,	Holman,	Perry,	Wilson, W. Va.
Cochran,	Kelley,	Quinn,	Yoder.
Cowles,	Kilgore,	Reilly,	
Craig,	Lane,	Richardson,	

NAYS—122.

Adams,	Culbertson, Pa.	Laws,	Sherman,
Allen, Mich.	Cutcheon,	Lehlbach,	Simons,
Anderson, Kans.	Dalzell,	Lind,	Smith, Ill.
Arnold,	De Lano,	Lodge,	Smith, W. Va.
Atkinson, W. Va.	Dolliver,	McComas,	Smoyer,
Baker,	Dunnell,	McCormick,	Snider,
Banks,	Evans,	McKenna,	Spooner,
Beckwith,	Farquhar,	Miles,	Stephenson,
Belden,	Finley,	Milliken,	Stewart, Vt.
Belknap,	Flood,	Moffitt,	Stivers,
Bergen,	Frank,	Moore, N. H.	Stockbridge,
Bingham,	Funston,	Morrill,	Struble,
Bliss,	Gear,	Morse,	Sweeney,
Boothman,	Geel,	Mudd,	Taylor, E. B.
Boutelle,	Gifford,	Niedringhaus,	Taylor, J. D.
Bowden,	Greenhalge,	O'Neill, Pa.	Thomas,
Brower,	Grosvenor,	Osborne,	Tracey,
Brosius,	Hall,	Payson,	Turner, Kans.
Brower,	Hansbrough,	Perkins,	Vandever,
Browne, Va.	Harmer,	Pickler,	Van Schaick,
Buchanan, N. J.	Haugen,	Post,	Waddill,
Burrows,	Henderson, Ill.	Raines,	Walker, Mass.
Burton,	Henderson, Iowa	Randall,	Wallace, Mass.
Butterworth,	Hill,	Reed, Iowa	Wallace, N. Y.
Candler, Mass.	Hitt,	Reynolds,	Wickham,
Cannon,	Kennedy,	Rife,	Williams, Ohio
Caswell,	Ketchum,	Rockwell,	Wilson, Ky.
Cheadle,	Kinsay,	Rowell,	Wright,
Cogswell,	Lacey,	Russell,	Yardley.
Comstock,	La Follette,	Sawyer,	
Conger,	Laidlaw,	Saul,	

NOT VOTING—79.

Allen, Miss.	Darlington,	Mason,	Ray,
Andrew,	Dibble,	McCarthy,	Rogers,
Atkinson, Pa.	Dingley,	McCord,	Sanford,
Barwig,	Dorsey,	McDuffie,	Scranton,
Bayne,	Edmunds,	Morey,	Seney,
Browne, T. M.	Ewart,	Morgan,	Skinner,
Buckalew,	Featherston,	Mutchler,	Stahnecker,
Caldwell,	Flick,	Nute,	Stone, Mo.
Candler, Ga.	Flower,	O'Donnell,	Taylor, Ill.
Catchings,	Grout,	O'Ferrall,	Taylor, Tenn.
Cheatham,	Hatch,	Outhwaite,	Thompson,
Clancy,	Hooker,	Owen, Ind.	Townsend, Pa.
Clarke, Ala.	Hopkins,	Owens, Ohio	Wade,
Clark, Wis.	Houk,	Payne,	Walker, Mo.
Coleman,	Kerr, Iowa	Peters,	Washington,
Connell,	Kerr, Pa.	Phelan,	Watson,
Cooper, Ind.	Knapp,	Pierce,	Wheeler, Mich.
Cooper, Ohio	Lansing,	Price,	Wiley,
Covett,	Lawler,	Pugley,	Wilson, Wash.
Craig,	Martin, Tex.	Quackenbush,	

So the previous question was ordered.

The following pairs were announced until further notice:

Mr. BAYNE with Mr. PHILAN.

Mr. PAYNE with Mr. STAHLNECKER.
 Mr. TOWNSEND, of Pennsylvania, with Mr. KERR, of Pennsylvania.
 Mr. MOREY with Mr. OUTHWAITE.
 Mr. ANDREW with Mr. MARTIN, of Texas, on silver bill.
 Mr. WATSON with Mr. ROGERS.
 Mr. COLEMAN with Mr. PRICE.
 Mr. QUACKENBUSH with Mr. MCCARTHY.
 Mr. WHEELER, of Michigan, with Mr. CLANCY.
 Mr. THOMPSON with Mr. SENEY.
 Mr. PETERS with Mr. HOOKER.
 Mr. WADE with Mr. HATCH.
 Mr. SCRANTON with Mr. PIERCE.
 Mr. WILSON, of Washington, with Mr. SKINNER.
 Mr. CLARK, of Wisconsin, with Mr. WALKER, of Missouri.
 Mr. MCCORD with Mr. MORGAN.
 Mr. THOMAS M. BROWNE with Mr. ALLEN, of Mississippi.
 Mr. DINGLEY with Mr. LAWLER.
 Mr. TAYLOR, of Illinois, with Mr. BARWIG.
 Mr. O'DONNELL with Mr. CANDLER, of Georgia, until Wednesday next.

The following for this day:

Mr. DORSEY with Mr. O'FERRALL.
 Mr. McDUFFIE with Mr. CLARKE, of Alabama.
 Mr. DARLINGTON with Mr. FLOWER.
 Mr. HOUK with Mr. WASHINGTON.
 Mr. TAYLOR, of Tennessee, with Mr. OWENS, of Ohio, on this vote.
 Mr. NUTE with Mr. WILEY, on this vote.
 Mr. PUGSLEY with Mr. CATCHINGS, on this vote.
 Mr. ATKINSON, of Pennsylvania, with Mr. STONE, of Missouri, on this vote.

Mr. COOPER, of Ohio, with Mr. EDMUNDS, on this vote.

Mr. MCKINLEY (having voted in the negative). Mr. Speaker, I desire to change my vote from "no" to "ay."

The result of the vote was then announced as above recorded.
 Mr. MCKINLEY. I move to reconsider the vote just taken.

Mr. BLAND. I make the point of order that that is a dilatory motion.

Mr. MILLS. I move that the motion to reconsider be laid upon the table.

The SPEAKER proceeded to submit the question.

Mr. MILLS. Let us have the yeas and nays.

Mr. SPRINGER. Yes; we may as well have the yeas and nays at once, to save time.

The yeas and nays were ordered.

The SPEAKER. The yeas and nays are ordered on the motion of the gentleman from Texas, which is to lay upon the table the motion of the gentleman from Ohio for reconsideration of the vote last taken, and the Clerk will call the roll.

The question was taken; and there were—yeas 131, nays 129, not voting 67; as follows:

YEAS—131.

Abbott,	Crisp,	Lanham,	Rusk,
Alderson,	Culberson, Tex.	Lee,	Sayers,
Anderson, Miss.	Cummings,	Lester, Ga.	Shively,
Hankhead,	Dargan,	Lester, Va.	Skinner,
Barnes,	Davidson,	Lewis,	Spinola,
Bartine,	De Haven,	Magner,	Springer,
Biggs,	Dockery,	Maish,	Stewart, Ga.
Blanchard,	Dunphy,	Mansur,	Stewart, Tex.
Blount,	Edmonds,	Martin, Ind.	Stockdale,
Boatner,	Elliott,	McAdoo,	Stone, Ky.
Breckinridge, Ark.	Ellis,	McClammy,	Stone, Mo.
Breckinridge, Ky.	Enloe,	McCreary,	Stump,
Brickner,	Fitch,	McMillin,	Tarney,
Brookshire,	Fithian,	McRae,	Tillman,
Brown, J. B.	Forman,	Montgomery,	Townsend, Colo.
Brunner,	Forney,	Mills,	Tucker,
Buchanan, Va.	Fowler,	Moore, Tex.	Turner, Ga.
Buckalew,	Geissenhainer,	Morrow,	Turner, N. Y.
Bullock,	Gibson,	Norton,	Vaux,
Bunn,	Goodnight,	Oates,	Venable,
Bynum,	Grimes,	O'Neill, Ind.	Washington,
Campbell,	Hare,	O'Neill, Mass.	Wheeler, Ala.
Carlton,	Hayes,	Parrett,	Whitting,
Caruth,	Haynes,	Paynter,	Whitthorne,
Chipman,	Heard,	Peel,	Wike,
Clarke, Ala.	Hemphill,	Pennington,	Wiley,
Clements,	Henderson, N. C.	Perry,	Wilkinson,
Clunie,	Herbert,	Quinn,	Willcox,
Cobb,	Holman,	Reilly,	Williams, Ill.
Cothran,	Kelley,	Richardson,	Wilson, Mo.
Cowles,	Kilgore,	Robertson,	Wilson, W. Va.
Crain,	Lane,	Rowland,	Yoder.

NAYS—129.

Adams,	Belknap,	Brower,	Cheadle,
Allen, Mich.	Bergen,	Brown, Va.	Cogswell,
Anderson, Kans.	Bingham,	Buchanan, N. J.	Comstock,
Arnold,	Bliss,	Burrows,	Conger,
Atkinson, W. Va.	Boothman,	Burton,	Culbertson, Pa.
Baker,	Boutelle,	Butterworth,	Dalzell,
Banks,	Bowden,	Candler, Mass.	De Lano,
Beckwith,	Brower,	Cannon,	Dolliver,
Belden,	Brosius,	Caswell,	

Dunnell,
 Evans,
 Farquhar,
 Finley,
 Flick,
 Flood,
 Frank,
 Funston,
 Gear,
 Gest,
 Gifford,
 Greenhalge,
 Grosvenor,
 Hall,
 Hansbrough,
 Harmer,
 Hanger,
 Henderson, Ill.
 Henderson, Iowa
 Hill,
 Hitt,
 Houk,
 Kennedy,
 Kerr, Iowa

Ketcham,
 Kinsey,
 Knapp,
 Lacey,
 La Follette,
 Laidlaw,
 Laws,
 Lehlbach,
 Lind,
 Lodge,
 McCormack,
 McCormick,
 McKenna,
 McKinley,
 Miles,
 Milliken,
 Moffitt,
 Moore, N. H.
 Morrill,
 Morse,
 Mudd,
 Niedringhaus,
 O'Neill, Pa.
 Osborne,

Owen, Ind.
 Payson,
 Perkins,
 Pickler,
 Post,
 Pugsley,
 Raines,
 Randall,
 Reed, Iowa
 Reymann,
 Rife,
 Rockwell,
 Rowell,
 Russell,
 Sanford,
 Sawyer,
 Scull,
 Sherman,
 Simonds,
 Smith, Ill.
 Smith, W. Va.
 Smyser,
 Snider,
 Spooner,

Stephenson,
 Stewart, Va.
 Stivers,
 Stockbridge,
 Struble,
 Sweney,
 Taylor, E. B.
 Taylor, J. D.
 Thomas,
 Turner, Kans.
 Vandever,
 Van Schalk,
 Waddill,
 Walker, Mass.
 Wallace, Mass.
 Wallace, N. Y.
 Wickham,
 Williams, Ohio
 Wilson, Ky.
 Wright,
 Yardley.

NOT VOTING—67.

Allen, Miss.
 Andrew,
 Atkinson, Pa.
 Barwig,
 Bayne,
 Browne, T. M.
 Caldwell,
 Candler, Ga.
 Carter,
 Catchings,
 Cheatham,
 Clancy,
 Clark, Wis.
 Coleman,
 Connell,
 Cooper, Ind.
 Cooper, Ohio

Covert,
 Craig,
 Darlington,
 Dibble,
 Dingley,
 Dorsey,
 Ewart,
 Featherston,
 Flower,
 Grout,
 Hatch,
 Hooker,
 Hopkins,
 Kerr, Pa.
 Lansing,
 Lawler,
 Martin, Tex.

Mason,
 McCarthy,
 McCord,
 McDuffie,
 Morey,
 Morgan,
 Mutchler,
 Nute,
 O'Donnell,
 O'Ferrall,
 Outhwaite,
 Owens, Ohio
 Payne,
 Peters,
 Phelan,
 Pierce,
 Price,

Quackenbush,
 Ray,
 Rogers,
 Scranton,
 SENEY,
 Stahlnecker,
 Taylor, Ill.
 Taylor, Tenn.
 Thompson,
 Townsend, Pa.
 Tracey,
 Wade,
 Walker, Mo.
 Watson,
 Wheeler, Mich.
 Wilson, Wash.

So the motion to lay on the table was agreed to.

The Clerk commenced to recapitulate the names of those that voted.

Mr. TURNER, of New York. I ask unanimous consent to dispense with the recapitulation.

Mr. MCKINLEY. I object.

The Clerk completed the recapitulation of those that voted.

The Clerk announced the following additional pairs:

Mr. CALDWELL with Mr. PHELAN, until further notice.

Mr. BAYNE with Mr. CATCHINGS, for the rest of this day.

Mr. WILSON, of Washington, with Mr. COVERT, for the rest of this day.

Mr. NUTE with Mr. OWENS, of Ohio, on this vote.

Mr. McDUFFIE with Mr. COOPER, of Indiana, on this vote.

The SPEAKER. The previous question is ordered, and the question now recurs upon the approval of the Journal as amended.

Mr. MCKINLEY. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 132, nays 130, not voting 65; as follows:

YEAS—132.

Abbott,	Cowles,	Kilgore,	Richardson,
Alderson,	Crain,	Lane,	Robertson,
Anderson, Miss.	Crisp,	Lanham,	Rowland,
Bankhead,	Culberson, Tex.	Lee,	Rusk,
Barnes,	Dargan,	Lester, Ga.	Sayers,
Bartine,	Davidson,	Lester, Va.	Shively,
Biggs,	De Haven,	Lewis,	Spinola,
Blanchard,	Dockery,	Magner,	Springer,
Blount,	Dunphy,	Maish,	Stewart, Ga.
Boatner,	Edmonds,	Mansur,	Stewart, Tex.
Breckinridge, Ark.	Elliott,	Martin, Ind.	Stockdale,
Breckinridge, Ky.	Ellis,	McAdoo,	Stone, Ky.
Brickner,	Enloe,	McClammy,	Stone, Mo.
Brookshire,	Fitch,	McCreary,	Stump,
Brown, J. B.	Fithian,	McMillin,	Tarney,
Brunner,	Forman,	McRae,	Tillman,
Buchanan, Va.	Forney,	Mills,	Townsend, Colo.
Buckalew,	Fowler,	Montgomery,	Tucker,
Bullock,	Geissenhainer,	Moore, Tex.	Turner, Ga.
Bunn,	Gibson,	Morrow,	Turner, N. Y.
Bynum,	Goodnight,	Norton,	Vaux,
Campbell,	Grimes,	Oates,	Venable,
Carlton,	Hare,	O'Neill, Ind.	Wheeler, Ala.
Carter,	Hayes,	O'Neill, Mass.	Whitting,
Caruth,	Haynes,	Owens, Ohio	Whitthorne,
Chipman,	Heard,	Parrett,	Wike,
Clarke, Ala.	Hemphill,	Paynter,	Wilkinson,
Clements,	Henderson, N. C.	Peel,	Willcox,
Clunie,	Herbert,	Pennington,	Williams, Ill.
Cobb,	Holman,	Perry,	Wilson, Mo.
Cothran,	Kelley,	Quinn,	Wilson, W. Va.
Cowles,		Reilly,	Yoder.

NAYS—130.

Adams,	Belden,	Brewer,	Candler, Mass.
Allen, Mich.	Belknap,	Brosius,	Cannon,
Anderson, Kans.	Bergen,	Brower,	Caswell,
Arnold,	Bingham,	Browne, Va.	Cheadle,
Atkinson, W. Va.	Bliss,	Buchanan, N. J.	Cogswell,
Baker,	Boothman,	Burrows,	Comstock,
Banks,	Boutelle,	Burton,	Conger,
Beckwith,	Bowden,	Butterworth,	Culbertson, Pa.

Cutcheon,	Hitt,	O'Neill, Pa.	Spooner,
Dalzell,	Kennedy,	Osborne,	Stephenson,
De Lano,	Kerr, Iowa	Owen, Ind.	Stewart, Vt.
Dolliver,	Ketcham,	Payson,	Stivers,
Dunnell,	Kinsey,	Perkins,	Stockbridge,
Evans,	Knapp,	Pickler,	Struble,
Ewart,	Lacey,	Post,	Sweeney,
Farquhar,	La Follette,	Pugsley,	Taylor, E. B.
Finley,	Laidlaw,	Raines,	Taylor, J. D.
Flick,	Laws,	Randall,	Thomas,
Flood,	Lehlbach,	Reed, Iowa	Tracey,
Frank,	Lind,	Reyburn,	Turner, Kans.
Funston,	Lodge,	Rife,	Vandever,
Gear,	McComas,	Rockwell,	Van Schaick,
Gest,	McCormick,	Rowell,	Waddill,
Gifford,	McKenna,	Russell,	Walker, Mass.
Greenhalge,	McKinley,	Sanford,	Wallace, Mass.
Grosvenor,	Miles,	Sawyer,	Wallace, N. Y.
Hall,	Milliken,	Seull,	Wickham,
Hansbrough,	Moffitt,	Sherman,	Williams, Ohio
Harmer,	Moore, N. H.	Simonds,	Wilson, Ky.
Haugen,	Morrill,	Smith, Ill.	Wright,
Henderson, Ill.	Morse,	Smith, W. Va.	Yardley.
Henderson, Iowa	Mudd,	Smyster,	
Hill,	Niedringhaus,	Snider,	

NOT VOTING—65.

Allen, Miss.	Darlington,	McCord,	Scranton,
Andrew,	Dibble,	McDuffie,	Seney,
Atkinson, Pa.	Dingley,	Morey,	Skinner,
Barwig,	Dorsey,	Morgan,	Stahneck,
Bayne,	Featherston,	Mutchler,	Taylor, Ill.
Browne, T. M.	Flower,	Nute,	Taylor, Tenn.
Caldwell,	Grout,	O'Donnell,	Thompson,
Candler, Ga.	Hatch,	O'Ferrall,	Townsend, Pa.
Catchings,	Hooker,	Outbvalie,	Wade,
Chenham,	Hopkins,	Payne,	Walker, Mo.
Clancy,	Houk,	Peters,	Washington,
Clark, Wis.	Kerr, Pa.	Phelan,	Watson,
Coleman,	Lansing,	Pierce,	Wheeler, Mich.
Connell,	Lawler,	Price,	Wilson, Wash.
Cooper, Ohio	Martin, Tex.	Quackenbush,	
Covert,	Mason,	Ray,	
Craig,	McCarthy,	Rogers,	

Mr. DARGAN, having voted in the negative, changed his vote to the affirmative.

So the Journal as amended was approved.

The Clerk announced the following additional pairs:

Mr. NUTE with Mr. COVERT, on this vote.

Mr. McDUFFIE with Mr. MUTCHLER, on this vote.

Mr. HOUK with Mr. WASHINGTON, for the rest of the day.

Mr. WILSON, of Washington, with Mr. SKINNER, until further notice.

Mr. WASHINGTON. I voted inadvertently. I find that I am paired with my colleague [Mr. HOUK].

The SPEAKER. The gentleman's vote will be withdrawn.

THE JOURNAL.

The SPEAKER. The Clerk will read the Journal of yesterday's proceedings.

The Clerk began the reading of the Journal of Thursday, June 19, 1890.

During the reading of the Journal the following occurred:

Mr. MCCREARY. Mr. Speaker, I would like to have order. It is impossible to hear the Journal read. I ask the Speaker to give us order.

The SPEAKER. The Speaker desires to ask the House to be in order. The business of the House can not go on unless the House maintains order. Will gentlemen please cease conversation? [A pause.] The Clerk will begin the reading of the Journal at the beginning of it.

The Clerk again read from the beginning of the Journal and completed the reading of the same.

The SPEAKER. Without objection, the Journal will be considered as approved.

There was no objection.

SENATE BILL NO. 1, TO PROTECT TRADE, ETC.

Mr. STEWART, of Vermont. Mr. Speaker, I desire to submit the following conference report.

Mr. BLAND. I desire to raise a question of order.

The SPEAKER. The gentleman from Vermont presents a conference report.

Mr. BLAND. The question simply is, whether under the rules bills are now in order to be reported from the Speaker's table.

The SPEAKER. The conference report takes precedence of even a motion to adjourn.

Mr. BLAND. Mr. Speaker, I raise the question of consideration.

The SPEAKER. The conference report must first be read.

Mr. BLAND. I raise the question of consideration.

The SPEAKER. Precisely, but the House must know what it is asked to consider.

Mr. STEWART, of Vermont. Let me say to the gentleman from Missouri that it will take but a moment. I hope it will be read.

The SPEAKER. The Clerk will read the conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1) to protect trade

and commerce against unlawful restraints and monopolies, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That both Houses recede from their respective amendments.

E. B. TAYLOR,

J. W. STEWART,

D. B. CULBERSON,

Managers on the part of the House of Representatives.

GEO. F. EDMUNDS,

GEO. F. HOAR,

Managers on the part of the Senate.

The statement submitted by the House conferees was read, as follows:

STATEMENT.

The committee of conference on the part of the House on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1) to protect trade and commerce against unlawful restraints and monopolies submit the following statement:

The report recommends recession by the House from the House amendment and by the Senate from the Senate amendment to the House amendment.

The adoption of the report therefore leaves the bill as it passed the Senate.

J. W. STEWART, For House Conferees.

Mr. BLAND. Now, Mr. Speaker, I raise the question of consideration, in order to go to the Speaker's table and take up the silver bill.

Mr. STEWART, of Vermont. On that question I demand the yeas and nays.

The SPEAKER. The question is: Will the House now consider the conference report; and on that the gentleman from Vermont demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 144, nays 103, not voting 80; as follows:

YEAS—144.

Adams,	De Haven,	Laws,	Rowell,
Allen, Mich.	De Lano,	Lehlbach,	Russell,
Anderson, Kans.	Dolliver,	Lind,	Sanford,
Arnold,	Dunnell,	Lodge,	Sherman,
Atkinson, W. Va.	Dunphy,	Malish,	Simonds,
Baker,	Evans,	McAdoo,	Smith, Ill.
Banks,	Farquhar,	McComas,	Smith, W. Va.
Barline,	Finley,	McCormick,	Smyster,
Beckwith,	Fitch,	McKenna,	Snider,
Beiden,	Flick,	McKinley,	Spooner,
Belknap,	Flood,	Milliken,	Stewart, Vt.
Bergen,	Frank,	Morrill,	Stivers,
Bingham,	Genr.	Moore, N. H.	Stockbridge,
Bliss,	Geisenhainer,	Morrow,	Struble,
Boothman,	Gest,	Mudd,	Sweeney,
Boutelle,	Gifford,	Mutchler,	Taylor, J. D.
Bowden,	Greenhalge,	Niedringhaus,	Thomas,
Brewer,	Grosvenor,	O'Neill, Mass.	Townsend, Colo.
Brosius,	Hall,	O'Neill, Pa.	Tracey,
Browne, Va.	Hansbrough,	Osborne,	Turner, Kans.
Buchanan, N. J.	Harmer,	Owen, Ind.	Vandever,
Buckalew,	Haugen,	Payson,	Van Schaick,
Burton,	Henderson, Ill.	Perkins,	Vaux,
Butterworth,	Hermann,	Pickler,	Waddill,
Candler, Mass.	Hill,	Post,	Walker, Mass.
Cannon,	Hitt,	Pugsley,	Wallace, Mass.
Carter,	Kelley,	Quinn,	Wallace, N. Y.
Caswell,	Kennedy,	Raines,	Wickham,
Cheadle,	Kerr, Iowa	Randall,	Wiley,
Cheggwell,	Ketcham,	Reed, Iowa	Willcox,
Comstock,	Kinsey,	Reyburn,	Williams, Ohio
Conger,	Knapp,	Rife,	Wilson, Ky.
Culbertson, Pa.	Lacey,	Rockwell,	Wilson, W. Va.
Cutcheon,	La Follette,		Wright,
Dalzell,	Laidlaw,		Yardley.

NAYS—103.

Abbott,	Cooper, Ind.	Kilgore,	Reilly,
Alderson,	Cothran,	Lane,	Richardson,
Anderson, Miss.	Cowles,	Lanham,	Robertson,
Bankhead,	Crain,	Lee,	Rowland,
Barnes,	Crisp,	Lester, Ga.	Rusk,
Biggs,	Cummings,	Lester, Va.	Sayers,
Blanchard,	Dargan,	Lewis,	Shively,
Bland,	Davidson,	Magnor,	Spinola,
Bloom,	Dockery,	Mansur,	Springer,
Boatner,	Edmunds,	Martin, Ind.	Stewart, Tex.
Breckinridge, Ark.	Elliott,	McClammy,	Stockdale,
Breckinridge, Ky.	Ellis,	McClellan,	Stone, Ky.
Brickner,	Enloe,	McCreary,	Stone, Mo.
Brookshire,	Fithian,	McMillin,	Stump,
Brown, J. B.	Forman,	McRae,	Tarsney,
Brunner,	Forney,	Mills,	Tillman,
Buchanan, Va.	Powier,	Montgomery,	Tucker,
Hullock,	Gibson,	Moore, Tex.	Turner, Ga.
Bunn,	Goodnight,	Norton,	Venable,
Bynum,	Grimes,	O'Neill, Ind.	Wheeler, Ala.
Campbell,	Hare,	Owens, Ohio	Whiting,
Caruth,	Hayes,	Parrett,	Wike,
Chipman,	Heard,	Paynter,	Wilkinson,
Clements,	Henderson, N. C.	Peel,	Williams, Ill.
Clunie,	Herbert,	Pennington,	Wilson, Mo.
Cobb,	Holman,	Perry,	

NOT VOTING—80.

Allen, Miss.	Candler, Ga.	Connell,	Dorsey,
Andrew,	Carlton,	Cooper, Ohio	Ewart,
Atkinson, Pa.	Catchings,	Covert,	Featherston,
Barwig,	Chenham,	Craig,	Flower,
Bayne,	Clancy,	Culbertson, Tex.	Funston,
Brower,	Clark, Wis.	Darlington,	Grout,
Browne, T. M.	Clarke, Ala.	Dibble,	Hatch,
Caldwell,	Coleman,	Dingley,	Haynes,

Hemphill,
Hooker,
Hopkins,
Houk,
Kerr, Pa.
Lansing,
Lawler,
Martin, Tex.
Mason,
McCarthy,
McCord,
McDuffie,

Morey,
Morgan,
Nute,
Oates,
O'Donnell,
O'Ferrail,
Outhwaite,
Payne,
Peters,
Phelan,
Pierce,
Price,

Quackenbush,
Ray,
Rogers,
Sawyer,
Scranton,
Seull,
Seney,
Skinner,
Stahneckker,
Stewart, Ga.
Taylor, E. B.
Taylor, Ill.

Taylor, Tenn.
Thompson,
Townsend, Pa.
Turner, N. Y.
Wade,
Walker, Mo.
Washington,
Watson,
Wheeler, Mich.
Whitthorne,
Wilson, Wash.
Yoder.

So the House determined to consider the conference report.

The following additional pairs were announced until further notice:

Mr. NUTE with Mr. TURNER, of New York.

Mr. McDUFFIE with Mr. CLARKE, of Alabama.

Mr. EZRA B. TAYLOR with Mr. YODER, for the rest of this day.

Mr. HEARD. I ask unanimous consent that the recapitulation of the vote be dispensed with.

Mr. LA FOLLETTE. I object.

The vote was recapitulated.

The result of the vote was then announced as above recorded.

Mr. STEWART, of Vermont. Mr. Speaker, the statement submitted with the conference report is perhaps all that is necessary in order to give the information desired by the House, and as the conference report submits the question to the House it stands upon the Senate bill as it came originally to the House, which gentlemen perhaps will remember as a bill against trusts and combinations. Its provisions are very general and sweeping, and perhaps cover the whole ground. Inasmuch as the amendments made by the House to the Senate bill and the Senate amendment to that amendment are all withdrawn by the conference and inasmuch as these amendments were discussed at considerable length the other day, unless some gentleman desires further debate, I shall ask for a vote on the adoption of the report.

Mr. CULBERSON, of Texas. Will the gentleman permit me to make a statement?

Mr. STEWART, of Vermont. Certainly.

Mr. CULBERSON, of Texas. Mr. Speaker, I desire to state to the House that I rise simply to state that we agree to this report because it is in compliance with the instructions of the House. Individually I thought the amendment originally made by the House was desirable, but, the House having instructed otherwise, I agree to this report in accordance with that instruction.

Mr. BLAND. I would like to make a statement.

Mr. STEWART, of Vermont. I will yield the floor for a question.

Mr. BLAND. I only want a minute in which to make a statement.

Mr. STEWART, of Vermont. Very well.

Mr. BLAND. I regret that the amendments that the House put upon the bill were stricken out; and while I fear the bill in its present shape is not what its friends expect of it I shall cheerfully vote for it. I raised the question of consideration simply for the purpose of going to the Speaker's table and taking up the silver bill. I am not opposed to the bill itself. [Cries of "Vote!" "Vote!"]

Mr. STEWART, of Vermont. As there seems to be no disposition, or at least I am not advised of any disposition, to discuss the bill, I will ask for a vote.

Mr. KERR, of Iowa. Mr. Speaker, this bill, as it came from the Senate, as was stated by the gentleman from Texas [Mr. CULBERSON]—

Mr. STEWART, of Vermont. Do I understand the gentleman from Iowa [Mr. KERR] desires to discuss this question?

Mr. KERR, of Iowa. I do.

The SPEAKER. The Chair so understood.

Mr. STEWART, of Vermont. Then I yield the floor to the gentleman if he desires to discuss the measure.

Mr. KERR, of Iowa. When this bill was before the House recently the gentleman from Texas [Mr. CULBERSON], in discussing its provisions, made the statement that the power given in this bill was an exercise of the entire power of the General Government over the subject of trusts, and that its provisions presented the matter in a shape to obtain the decisions of the courts, out of which we might gather the full extent of the power of the Government on that subject. Now, as a great deal has been said in this Congress about trusts, it seems to me but justice to this side of the Chamber that a statement of the facts should be made to the House and the country in regard to the situation before this question is put to the House.

For four years during the last Administration we heard a great deal on the other side of this Chamber about trusts, and all over the country a great clamor has been raised about trusts. It was stated in this Chamber and to the people that the trusts were crushing the life-blood out of the people, and that everything that we bought was being enhanced in value by the trusts in various parts of the country, and so increasing the prices. While, perhaps, there was a great deal of misstatement about this proposition, there was, perhaps, also a great deal of truth in it; and we know that the sugar trust came before the last Congress and exacted from the Democratic side of the House, as was generally believed, some concession making it possible for that great monopoly to exact from the people of the United States a vast sum of money out of the products of their enriched business, and we know

that many millions of dollars were obtained by them through the trust.

The stock of the sugar trust became a very profitable investment, and vast sums of money were made out of it. Now, this was true; but it is also true that, while so much was being said on the subject, not one single syllable of legislation came from that side of the House during the four years of the last Administration on the subject of trusts. The leading gentlemen on that side of the Chamber went so far as to say that the only method by which we could control the trusts of this country was by a change of the Constitution, granting additional power to the General Government over the subject of trusts, and the fact that no legislation was proposed by this House seemed to imply that that view was a generally accepted theory of the Democratic party, and that Congress could only control trusts after a change of the Constitution.

Mr. HEARD. Who said that?

Mr. KERR, of Iowa. And the gentleman from Tennessee [Mr. ENLOE], in order to further that view of the case, took occasion to introduce a proposition for an amendment to the Constitution of the United States, making a grant of power to the General Government over the subject.

Mr. ENLOE. I would like to ask the gentleman from Iowa [Mr. KERR] if he believes that when this bill is passed into a law it will be worth even the blank paper it is written on.

Mr. KERR, of Iowa. We have a statement from the gentleman from Texas [Mr. CULBERSON] and other members of the committee who framed this bill—

Mr. ENLOE. I am asking your opinion.

Mr. KERR, of Iowa. My opinion is that it will be the exercise of the entire power of the Government over the subject, except in so far as it applies to the Territories and the District of Columbia.

Mr. ENLOE. But will it accomplish anything?

Mr. KERR, of Iowa. I think it will accomplish a great deal. The gentleman from Texas [Mr. CULBERSON] very truly said that this was an unexplored field, that this was new legislation, that it was a case which demanded that the Government should declare the law, and that out of that declaration of the law would be evolved the decisions of the court, which would settle the question and determine the extent of our control over the subject. When the gentleman from Texas made that statement he had the approval, I believe, of every gentleman on this side of the House, and also of a number of gentlemen on the other side.

Mr. ENLOE. The gentleman from Iowa [Mr. KERR] says that the gentleman from Texas [Mr. CULBERSON] stated that this bill was the complete exercise of the powers of the Federal Government, under the Constitution, to control trusts. If I remember the statement of the gentleman from Texas correctly it was that this bill was the exercise of all the constitutional power that Congress had except the power to repeal the duties which protect these trusts, and I would like to ask the gentleman from Iowa a question on that point.

Mr. KERR, of Iowa. So far as the question of duties is concerned, that entire question has been gone over fully in this House, and we know that some of the most injurious trusts, those from which the people of this country have suffered most, have been beyond our control, trusts existing in other countries. We know, further, that the only way in which we can control those foreign trusts and prevent their exactions upon our people is to establish or maintain industries in this country which will compete against the exactions of the trusts existing on the other side of the ocean, and the policy which is favored by some gentlemen, including the gentleman from Tennessee, would leave us entirely at the mercy of those monopolies on the other side of the ocean.

Mr. ENLOE. I would like the gentleman to name some of the trusts that exist on the other side of the ocean that interfere with business here.

Mr. KERR, of Iowa. Well, since we have had our tariff laws in operation they have not been so extensive in their effects, but we know that until our tariff laws were passed, protecting our American industries, the combinations among the foreign producers of articles that had no competition in this country compelled our people to pay very high prices. Steel rails, for example, cost three or four times what our people have to pay for them to-day.

Mr. ENLOE. That was twenty-five years ago.

Mr. KERR, of Iowa. But when we got our American competition established against these foreign trusts, which were exacting such high prices from our people, prices began to fall, and the cost to the consumer has been steadily reduced.

Mr. ENLOE. I venture to say that the gentleman never heard of a "trust" twenty-five years ago.

Mr. KERR, of Iowa. But everybody knows that they were in existence. As to hearing of them, we have only heard much about trusts since the Democratic party began to think that they could make political capital out of that question. [Applause on the Republican side.]

Mr. ENLOE. You heard of them when Mr. Cleveland said that they were all over this country and when Mr. Blaine responded that they were private affairs, with which the Government had nothing to do.

Mr. BUCHANAN, of New Jersey. And that England was "plastered with them."

Mr. SPRINGER. I wish to call the attention of my friend from Iowa to the fact that steel rails cost \$22.50 in England and \$31.50 in this country.

Mr. KERR, of Iowa. Yes; and until we had American competition they used to cost about \$150 a ton in England. Everybody knows that to be a fact.

Mr. SPRINGER. But they cost more here at the same time. They have always been cheaper there.

Mr. KERR, of Iowa. By American competition we reduced the price until it was brought down to a reasonable figure, and the gentleman from Illinois knows that as well as any man in this country.

Mr. SPRINGER. What reduced the price of them over there? They have always been \$10 or \$15 or \$20 cheaper there than here.

Mr. BUCHANAN, of New Jersey. Our cutting into them.

Mr. KERR, of Iowa. But, Mr. Speaker, I suppose I shall have to draw my remarks to a close, as the gentleman in charge of this bill seems to be in a hurry to have it disposed of. I only wanted to call attention to the fact that this is the first bill that has ever passed the American Congress undertaking or pretending to regulate trusts in this country, and also to the fact that this is a bill passed by a Republican Congress. For fourteen years the Democratic party had control of the legislation of this country, and until now no legislation has ever been carried through for the purpose of regulating trusts.

Mr. ENLOE. Where was your Republican Senate, that it did not pass such a bill?

Mr. STEWART, of Vermont. I had no idea that I was going to open such a Pandora's box. The tariff, Mr. Speaker, is a very amusing subject, and I think I have heard something about it during this session. [Laughter.] It is, however, so far as this question is concerned, a mere "local issue," as our Democratic friends used to say. At all events, it does not seem to me that it has any particular relation to the bill under consideration. The provisions of this trust bill are just as broad, sweeping, and explicit as the English language can make them to express the power of Congress over this subject under the Constitution of the United States. If the bill does not go far enough, then the proposition of my friend from Tennessee [Mr. ENLOE], made some time ago, will be in order. When it is found that the power of Congress as it now exists has been exhausted in this legislation, then it will be time to look for some amendment to the Constitution. Mr. Speaker, I demand the previous question on the adoption of the conference report.

The previous question was ordered.

Mr. HEARD. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 242, nay 0, not voting 85; as follows:

YEAS—242

Abbott,	Cheadle,	Haugen,	Moore, N. H.
Adams,	Chipman,	Hayes,	Moore, Tex.
Alderson,	Clemenis,	Haynes,	Morey,
Allen, Mich.	Clunie,	Heard,	Morrill,
Anderson, Kans.	Cobb,	Hemphill,	Morrow,
Anderson, Miss.	Cogswell,	Henderson, Ill.	Moran,
Arnold,	Comstock,	Henderson, Iowa	Mudd,
Atkinson, W. Va.	Conger,	Henderson, N. C.	Niedringhaus,
Baker,	Cooper, Ind.	Herbert,	Norton,
Bankhead,	Cotman,	Hermann,	Oates,
Banks,	Cowles,	Hill,	O'Neill, Ind.
Barnes,	Crain,	Hitt,	O'Neill, Mass.
Bartine,	Crisp,	Holman,	O'Neill, Pa.
Beckwith,	Culbertson, Tex.	Kelley,	Osborne,
Belden,	Culbertson, Pa.	Kennedy,	Owen, Ind.
Belknap,	Cummings,	Kerr, Iowa	Owens, Ohio
Borgen,	Cutcheon,	Ketcham,	Parrett,
Bingham,	Daisell,	Kilgore,	Paynter,
Blanchard,	Davidson,	Kinsey,	Payson,
Bland,	De Lano,	Knap,	Peel,
Bliss,	Dockery,	Lacey,	Pennington,
Bonham,	Dolliver,	La Follette,	Perkins,
Boothman,	Dunnell,	Laidlaw,	Perry,
Boutelle,	Dunphy,	Lane,	Pickler,
Bowden,	Elliott,	Lanham,	Post,
Breckinridge, Ark.	Ellis,	Laws,	Pugsley,
Breckinridge, Ky.	Enloe,	Lee,	Quinn,
Brewer,	Evans,	Leibach,	Raines,
Brickner,	Ewart,	Lester, Ga.	Reed, Iowa
Brookshire,	Farguhar,	Lester, Va.	Reilly,
Brosius,	Finley,	Lewis,	Richardson,
Brown, J. B.	Fithian,	Lind,	Rife,
Browne, Va.	Flick,	Lodge,	Robertson,
Brunner,	Flood,	Magnor,	Rockwell,
Buchanan, N. J.	Forman,	Malsh,	Rowell,
Buchanan, Va.	Forney,	Manaur,	Rowland,
Buckalew,	Fowler,	Martin, Ind.	Rusk,
Bullock,	Frank,	McAdoo,	Russell,
Bunn,	Funston,	McClammy,	Sanford,
Burrows,	Gear,	McClellan,	Sayers,
Burton,	Geisenhainer,	McComas,	Scull,
Bulterworth,	Gess,	McCormack,	Sherman,
Eynum,	Gibson,	McCrary,	Shively,
Caldwell,	Gifford,	McKenna,	Simonds,
Campbell,	Goodnight,	McKinley,	Smith, Ill.
Candler, Mass.	Greenhalge,	McMillin,	Smith, W. Va.
Cannon,	Grimes,	McRae,	Smyser,
Carlton,	Grosvonor,	Miles,	Snider,
Carter,	Hall,	Mills,	Spinola,
Caruth,	Hansbrough,	Moffitt,	Spooner,
Caswell,	Hare,	Montgomery,	Springer,

Stephenson,
Stewart, Ga.
Stewart, Tex.
Stewart, Va.
Sivens,
Stockdale,
Stone, Ky.
Stone, Mo.
Struble,
Stump,

Sweeney,
Tarsney,
Taylor, J. D.
Thomas,
Tillman,
Townsend, Colo.
Tracey,
Tucker,
Turner, Ga.
Turner, Kans.

Vandever,
Vaux,
Venable,
Walker, Mass.
Wallace, N. Y.
Wheeler, Ala.
Whiting,
Whithorne,
Wickham,
Wike,

Wilkinson,
Willcox,
Williams, Ill.
Williams, Ohio
Wilson, Ky.
Wilson, Mo.
Wilson, W. Va.
Wright.

NAY—0.

NOT VOTING—85.

Allen, Miss.
Andrew,
Atkinson, Pa.
Barwig,
Bayne,
Biggs,
Blount,
Brower,
Browne, T. M.
Candler, Ga.
Catchinga,
Chatham,
Clancy,
Clark, Wis.
Clark, Ala.
Coleman,
Connell,
Cooper, Ohio
Cover,
Craig,
Dargan,
Darlington,

De Haven,
Dibble,
Dingley,
Dorsey,
Edmunds,
Featherston,
Fitch,
Flower,
Grout,
Harmer,
Hatch,
Hooker,
Hopkins,
Hunk,
Kerr, Pa.
Lansing,
Lawler,
Martin, Tex.
Mason,
McCarthy,
McCord,
McDuffie,

Milliken,
Morgan,
Mutchler,
Nute,
O'Donnell,
O'Ferrall,
Outhwaite,
Payne,
Peters,
Phelan,
Pierce,
Price,
Quackenbush,
Randall,
Ray,
Reynolds,
Rogers,
Sawyer,
Seranton,
Senev,
Skinner,
Stahnecker,

Stockbridge,
Taylor, E. B.
Taylor, Ill.
Taylor, Tenn.
Thompson,
Townsend, Pa.
Turner, N. Y.
Van Schaick,
Waddill,
Wade,
Walker, Mo.
Wallace, Mass.
Washington,
Watson,
Wheeler, Mich.
Wiley,
Wilson, Wash.
Yardley,
Yoder.

So the conference report was adopted.

The following additional pairs were announced:

Mr. LANSING with Mr. PHELAN, until further notice.

Mr. TAYLOR, of Tennessee, with Mr. OUTHWAITE, until further notice.

Mr. NUTE with Mr. WILEY, for the rest of this day.

Mr. MILLIKEN with Mr. BIGGS, for the rest of this day.

Mr. BLOUNT with Mr. STOCKBRIDGE, on this vote.

Mr. WADDILL with Mr. EDMUNDS, on this vote.

Mr. ENLOE. I ask unanimous consent to dispense with the reading of the names.

Mr. CONGER. I object.

The Clerk then recapitulated the names of those voting.

The result of the vote was then announced as above recorded.

CONTESTED-ELECTION CASE—CHALMERS VS. MORGAN.

Mr. BLAND. Mr. Speaker—

Mr. DALZELL. Mr. Speaker, I present, on behalf of the Committee on Elections, a report in the case of Chalmers vs. Morgan. My colleague on the committee [Mr. HOUK] desires to submit a minority report, and, as he is absent by reason of sickness, I present that also.

The SPEAKER. The report will be printed with the views of the minority, and properly referred.

CONTESTED-ELECTION CASE—MILLER VS. ELLIOTT.

Mr. BLAND. I rise to a privileged question in connection with the order of business in the House.

Mr. ROWELL. I also submit a privileged report from the Committee on Elections in the case of Miller vs. Elliott.

Mr. BLAND. I wish to submit a privileged motion.

The SPEAKER. The gentleman from Illinois raises a question which has preference. The gentleman submits a report from the Committee on Elections, which will be printed and properly referred.

Mr. ROWELL. The minority desire to present their views also.

The SPEAKER. At some future time?

Mr. ROWELL. Yes, sir. I believe they are not prepared.

The SPEAKER. Without objection, the minority will have leave to file its views hereafter.

There was no objection, and it was so ordered.

THE SILVER BILL.

Mr. BLAND. Now, Mr. Speaker, I desire to submit a privileged resolution. I offer a resolution to take from the Speaker's table a Senate bill for immediate consideration in the House. Inasmuch as the Journal of the House was corrected and approved—

A MEMBER. What bill?

Mr. BLAND. The bill H. R. 5381 with Senate amendments, what is known as the silver bill.

It will be remembered that the House corrected and approved the Journal. This bill came over from the Senate with certain amendments to it, and by the vote of the House taken this morning it is shown that this bill is upon the Speaker's table, and under Rule XXIV should be laid before the House for consideration. I desire to offer a resolution to that effect.

Mr. KERR, of Iowa. I was going to suggest to the gentleman from Missouri that this is Friday, private-bill day, and, the appropriation bills all being out of the way, perhaps the gentleman from Tennessee had as well make the usual motion for the consideration of private business.

Mr. BLAND. Let this resolution be read.

The SPEAKER. The gentleman raises a question upon the resolution which he sends to the desk. The Clerk will read the resolution, so that the House may understand the question presented.

The Clerk read as follows:

Resolved, That the Speaker lay before the House the bill No. 5381, directing the purchase of silver bullion and the issue of Treasury notes therefor, and for other purposes, with Senate amendments, for consideration.

Mr. MCKINLEY. I make the point of order that that is not now in order.

Mr. SPRINGER. Why not?

Mr. MCKINLEY. First, I make the point of order that the motion is not a privileged motion, and that under the rules of this House the only way to reach the Speaker's table is under the order of morning business.

Mr. BLAND. This is the morning business and is the regular order of business, which I am demanding.

Mr. BURROWS. Besides, it changes the rule.

Mr. MCKINLEY. And it changes the rule of the House, as suggested.

Mr. BLAND. Mr. Speaker, under Rule XXIV—

Mr. CONGER. I make the additional point of order that the bill is not on the Speaker's table, but in the Committee on Coinage, Weights, and Measures. [Derisive laughter on Democratic side.]

Mr. BLAND. Under Rule XXIV it is provided that the order of business shall be, first, prayer by the Chaplain; second, reading and approval of the Journal; third, correction of reference of public bills; the disposition of business on the Speaker's table, and then unfinished business. Under the second subdivision of that rule—

Reports and communications from the heads of Departments, and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner and with the same right of correction as public bills presented by members; but House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House.

Now, that is the regular order of morning business. The privilege that we claim is that any member of the House has a right to demand the regular order, and the proceeding under the rules of the House, which is to lay before the House Senate bills or House bills with amendments of the Senate, for consideration. Hence I have offered that resolution.

I will state, Mr. Speaker, in this connection, that upon the vote of the House striking out that portion of the Journal referring to the matter of the reference of this bill to the Committee on Coinage, Weights, and Measures—and this in answer to the gentleman from Iowa [Mr. CONGER]—that the Journal of the House is required to be kept by the Constitution, and is like the records of a court. It must speak by the record, and you cannot go outside of it and bring in evidence *alunde*, to prove anything. Now, the Journal says that this bill is on the Speaker's table, as it came from the Senate with amendments, and there is no constitutional record of this bill to show that it is elsewhere, but under our constitutional record it is shown to be still on the Speaker's table, and no gentleman has any evidence to claim that it is elsewhere or to make any such point of order. It was on the Speaker's table, and necessarily it must be there still. The Journal shows it to be there, or at least there is nothing on the Journal to show that it has been referred elsewhere; and the vote of the House declares that that bill is still upon the Speaker's table, and the Journal of the House as corrected must stand in that relation.

Mr. SPRINGER. Mr. Speaker, I desire to call the attention of the Chair and the House to the fact that this bill is one of the bills referred to in the order of business as a House bill with a Senate amendment.

Mr. CANNON. If the gentleman will allow me a moment, I think I can save time by calling for the regular order. I suppose the gentleman is now asking unanimous consent.

Mr. BLAND. This is the regular order.

Mr. SPRINGER. Does the gentleman call for the order of presenting bills of this class?

Mr. CANNON. I just called for the regular order.

Mr. BLAND. This is the regular order.

Mr. SPRINGER. We think this is the regular order. I desire to call the attention of the gentleman from Ohio [Mr. MCKINLEY] and of the gentleman from Iowa, the chairman of the Committee on Coinage, Weights, and Measures [Mr. CONGER] to the fact that the bill now referred to by the gentleman from Missouri [Mr. BLAND] is a House bill with a Senate amendment, and that the rule of the House provides that, if such amendment is not required to be considered by a Committee of the Whole House, it may be at once disposed of by the House or from the Speaker's table. Now, the question is as to whether the amendments of the Senate are such as require this bill to go to the Committee of the Whole House on the state of the Union.

Mr. BUCKALEW. We do not know what the amendments are.

Mr. SPRINGER. If gentlemen will turn to the rule of the House they will find that under Rule XXIII, clause 3—

All motions or propositions involving a tax or charge upon the people; all proceedings touching the appropriations of money, * * * shall be first

considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of the bill has commenced.

And also under the other rule that this point of order is good against a Senate amendment the same as against House amendments. Rule XX provides that—

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall be first considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

Now, mind, the reference is that it must first be considered in the Committee of the Whole House. This bill was in the Committee of the Whole House on the state of the Union, and a resolution was reported to the House from the Committee on Rules which suspended that order of business and took this bill out of the Committee of the Whole House on the state of the Union and ordered that it be considered in the House, so that the requirement of our rule that this bill should be considered in the Committee of the Whole House on the state of the Union was dispensed with by the vote of the House, which brought it into the House and required it to be considered in the House, so that the requirement of the rule is complied with so far as the original bill is concerned.

Mr. BUCHANAN, of New Jersey. Will the gentleman allow me to ask him a question?

Mr. SPRINGER. Certainly.

Mr. BUCHANAN, of New Jersey. Does the gentleman hold that that special order is still continuing?

Mr. SPRINGER. I hold that that special order is still continuing, as far as the original bill is concerned.

Mr. BUCHANAN, of New Jersey. I simply wanted to know the length of the absurdity to which you would go.

Mr. SPRINGER. I hold that the special order dispenses with the necessity of considering that bill in the Committee of the Whole House on the state of the Union. Now, the question comes up as to whether the amendment of the Senate was of such a nature as brought new matters into this bill which required the consideration of that new matter in the Committee of the Whole House. The original bill had this appropriation in it that went to the Senate:

And a sum sufficient to carry into effect the provisions of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated.

That was the language of the bill that passed this House and as to the consideration of which the Committee of the Whole was dispensed with by the vote of the House, taking it out of the Committee of the Whole House and considering it in the House, so that it was not necessary that that proposition should be considered in the committee, because the House decided by vote, on a proposition coming from the Committee on Rules, to dispense with the rule of the House requiring that it should be considered in the Committee of the Whole House and ordered it to be considered in the House itself. Now, that was the bill that went to the Senate. What did the Senate do with that? The language of the Senate, so far as this appropriation is concerned in the Senate amendment, is as follows:

A sufficient sum to carry out the provisions of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Being precisely the same language in the Senate bill that was in the House bill with this exception, that the House bill said—

A sum sufficient—

And the Senate bill says—

A sufficient sum.

Mr. PETERS. But the language was used concerning an entirely different appropriation, was it not?

Mr. SPRINGER. No, the same exactly except this, that in the House an order had been made upon the Secretary of the Treasury to purchase \$4,500,000 of bullion per month, and hold it in the Treasury, which was a monthly appropriation, during the existence of this act, of \$4,500,000. And in order to carry out the provisions of this act as to that, and as to the printing of the certificates, this general clause of appropriation was put into the House bill. Now the Senate bill has taken out that part of the bill which required this appropriation to be made for purchasing bullion, so that the appropriation under the general clause as it stands in the Senate bill is not more than 2 per cent. of what that appropriation was in the House bill under the same general clause.

Mr. PETERS. But, if my friend from Illinois will allow me, what is the appropriation for in the Senate bill?

Mr. SPRINGER. In the Senate bill it was just exactly for the same as this. I will read it.

And a sum sufficient to carry into effect the provisions of this bill—

All the provisions that required expenditure— is hereby appropriated, etc.

Mr. PETERS. The provisions of the act referred to are the provisions relating to free coinage, while there was no such provision in the bill as it passed the House.

Mr. BLAND. Now, the general appropriation bill appropriating for the expenses of the Mint covers that.

Mr. SPRINGER. That same thing is covered in the Senate proposition that was covered in the House bill, except that the House bill

covered \$4,500,000 to purchase bullion which the Senate does not. So that this proposition of the Senate is not a new matter, but contains the very identical words that the House has passed upon. Therefore this bill does not contain new matter which should take it to the Committee of the Whole House on the state of the Union.

Mr. CASWELL. This appropriation is for coinage, while the other is for the purchase of the bullion.

Mr. SPRINGER. The gentleman states it is for coinage. Which appropriation?

Mr. CASWELL. That in the Senate bill.

Mr. SPRINGER. No; there is nothing for coinage in the Senate bill, because coinage is free.

Mr. CASWELL. Exactly; but the Government furnishes the money to carry that out.

Mr. SPRINGER. It is coined at the mints free.

Mr. BLAND. The general appropriation bills carry all that. We appropriate annually so much for carrying on the Mint.

Mr. McMILLIN. I think my friend from Missouri does not state the fact as strongly as it is. The appropriation for the coinage of silver, if I remember correctly, is a permanent appropriation.

Mr. DOCKERY. That is correct; that is the law.

Mr. McMILLIN. Yes; that was my memory of it.

Mr. SPRINGER. So that the Senate amendment places it under the general appropriation; and it is now exactly the same as it passed in the House.

Mr. DUNNELL. Mr. Speaker, who has the floor?

The SPEAKER. The gentleman from Illinois has the floor, if he can manage to keep it.

Mr. SPRINGER. I know I have the floor, but it is a very difficult thing to keep it on an occasion like this. I desire to submit this question to the House: That this bill does not require its consideration in Committee of the Whole on account of the Senate amendments, for the Senate amendments leave the exact text, and the last section of the bill of the House is not disturbed at all. Hence, it is no new matter and does not take it to the Committee of the Whole, because the House has already agreed to it. So that the only new matter in this bill is the matter which reduces the appropriation so far as expenses are concerned, but leaves the general words precisely the same in one bill as they are in the other. So that there is nothing in the Senate amendments which requires this bill to go to the Committee of the Whole House on the state of the Union. Then it comes within this second clause of Rule XXIV, which says that this may be disposed of as the House may determine.

Hence we are now at the point in the order of business of the House, at the business on the Speaker's table, when this bill may be disposed of as the House may determine, and therefore the motion of the gentleman from Missouri is in order, and the question before the House is, Will the House proceed to the consideration of business on the Speaker's table? If it should do so and a motion be made and entertained by the Chair to concur in the Senate amendments to this bill, it will pass the bill if a majority of the House is in favor of it.

Now, all we ask is permission for the members of this House to vote upon the question of concurring in what the Senate of the United States has done; and if the friends of free silver will just vote in the direction of free silver we will soon offer them an opportunity to vote to concur in the Senate amendments to this bill. [Applause on the Democratic side.]

Mr. CONGER. Mr. Speaker, this question that the gentleman from Illinois has been discussing was very largely discussed yesterday, except possibly in one feature. He says that the amendments added to this bill by the Senate add no new features. Now, if any one will carefully read the bill that passed the House he will discover that the first section of the bill provided for the purchase of four and a half million dollars' worth of silver each month, and an appropriation was made for that. The amendment that the Senate adds provides for the coinage of all silver at the public expense that may be brought to the mints; and that is what the money is provided for in that bill. It is true the gentleman says that the House bill provides for the coinage of silver also. It does provide for so much as may be necessary to redeem the notes; but it provides that the profit that is made from the purchase of this silver at 75 cents on the dollar shall pay the coinage fee, and no appropriation is made in the House bill for the coinage of silver. Now, these two features of the bills are as wide apart as the north and south poles.

Now, Mr. Speaker—

Mr. BLAND. The gentleman will hardly claim—

Mr. CONGER. I do not yield. The gentleman has had his time.

But as to the point of order on the motion just made by the gentleman from Missouri. I understand, Mr. Speaker, that the proceeding in this House on yesterday, which culminated this morning in the passage of the resolution approving the Journal with the amendment, simply amends the Journal by striking out the record of the reference which the Speaker had made of this bill to the Committee on Coinage, Weights, and Measures. The gentleman from Texas [Mr. MILLS] had embodied in his original resolution a preamble which recited that that reference was wrong. That preamble was not sustained by this House, but a

simple resolution was adopted erasing the record of the reference which had been made. How does that affect the fact of the reference? Did the Speaker refer this bill under the rules of the House to the Committee on Coinage, Weights, and Measures? He certainly did; and if gentlemen will follow the course of every bill which has been referred by the Speaker they will find a record of it duly made in the appropriate place, as they will find the record of this reference.

Mr. McMILLIN. I desire to ask the gentleman a pertinent question.

Mr. CONGER. I decline to be interrupted. I will answer the gentleman after I get done. I say if gentlemen will follow the course of this bill from the time it left the Speaker's hands, with the order that it be referred to the Committee on Coinage, Weights, and Measures, they will find the proper entries made in the various offices in this Capitol through which it should pass; they will find that it was sent to the Public Printer, was printed, and was yesterday morning placed with the printed amendments in the document-room of this House. They will find that the Journal Clerk, whose duty it is to convey these bills to the various committees to which they are referred, did deliver this bill to the Committee on Coinage, Weights, and Measures and did take a proper receipt on his book for it.

Mr. WILLIAMS, of Illinois. Right there I want to ask the gentleman a question.

Mr. CONGER. When I get through with my statement I will answer any questions that may be put. This bill, I say, was so referred to the Committee on Coinage, Weights, and Measures. The Clerk receipted for it early yesterday morning, and it has been in possession of that committee from that time until this. Now what did the proceedings of this House yesterday do? They simply destroyed the record in the Journal of this House of the reference as made, but they did not change the fact that the Speaker had made such a reference. If gentlemen want to recall that bill from the Committee on Coinage, Weights, and Measures, the rules provide how it shall be done, and when they proceed in that way they will certainly get the bill back before the House.

Mr. STRUBLE. If the House wishes it.

Mr. CONGER. If the House wishes it.

Mr. CUTCHEON. Does the chairman of the Committee on Coinage, Weights, and Measures mean to be understood as saying that this bill is now actually, physically, in the possession of his committee?

Mr. CONGER. I do not wish to be interrupted, but I do say that the bill has been and is in the possession of the committee. Now, one other word, Mr. Speaker—

Mr. CRISP. I want to ask my friend a question. I understood him to say that the Committee on Coinage, Weights, and Measures had the bill, that the Speaker had referred it to that committee.

Mr. CONGER. Yes, sir.

Mr. CRISP. Where is the gentleman's evidence of that reference?

Mr. CONGER. I have just told you where you will find it. If you will step in and examine the records that are kept in the Journal Clerk's office you will find the evidence or if you will call on the Committee on Coinage, Weights, and Measures they will show you the bill. [Laughter.]

Mr. CRISP. But the Journal of the House imports absolute verity and can not be controlled by any other subordinate records, and it contains no evidence of any such reference.

Mr. CONGER. Mr. Speaker, suppose that my friend from Michigan [Mr. O'DONNELL] delivers to me the deed of a piece of property that I have purchased of him, and he not only delivers me the deed but I enter into possession of that property, and take my deed to the proper recording officer and have it recorded. Then, suppose that recording officer, or even the judge of a court, orders that the record of that fact shall be expunged or erased, does that dispossess me from the possession of the property the title to which the deed has conferred to me? Not by any means. So, Mr. Speaker, I claim that, because all of these subordinate records are part of the records of the House and because the Speaker has referred this bill as I have stated, and it has been put in the possession of the Committee on Coinage, Weights, and Measures, and also because no proper proceeding has been had, no attempt even has been made under the rules of the House to recall the bill from that committee, therefore it can not be at this moment on the Speaker's table for consideration.

Mr. MORROW. Mr. Speaker, in determining the position of this bill at this time, it is not only necessary to refer to the rules of this House under which we have been acting, but also, as has been suggested by the gentleman from Iowa [Mr. CONGER], it is proper and necessary to refer to the record made by this House on yesterday and to-day, and by that record and by the rules we can determine where this bill now is.

The action of the House yesterday was exceedingly significant. It passed upon every phase of this question. We had the bill as it came from the Senate. We had a record, or a proposed record, upon the Journal as to the reference of the bill to the Committee on Coinage, Weights, and Measures.

The House determined that the bill had not been referred to the Committee on Coinage, Weights, and Measures. The preamble of the

resolution as introduced by the gentleman from Texas [Mr. MILLS] recited that there had been a reference of the bill which was incorrect under the rules, and the gentleman from Ohio [Mr. BUTTERWORTH] appealed very strongly to the House on yesterday to vote against the resolution upon the ground that the recital of the Journal entry was merely the recital of a fact, and that the preamble and resolution were inconsistent in alleging a reference that was erroneous and because it was erroneous the bill was not referred.

The gentleman from Ohio, who is a good lawyer, saw the force of the point he made against the preamble and resolution when he claimed that an incorrect reference would not warrant the House in striking the order of reference from the Journal. But the fact was that there was no reference of the bill at all. The Speaker of this House, as declared in effect by the resolution adopted yesterday, had no jurisdiction to make the reference; and, the Speaker having no jurisdiction, what was the result? It was not that the reference as made was voidable, but that it was void; that it never took place. [Applause on the Democratic side.] Lawyers here know very well that when a court acts without jurisdiction its act is not voidable, but void. Take the case of the appointment of a receiver to take possession of property placed in his hands by a court.

If the court had jurisdiction to appoint the receiver, of course subsequent acts of failure on his part, for instance, to give bond, or something of that kind, might interfere with his right of possession and require that the goods or property should be restored; but, if the court had no jurisdiction to appoint the receiver, then in the eye of the law the court had no authority in the premises and its action was void. In such a case the receiver would never be in legal possession of the property. In a criminal case the trial of an accused by a court not having jurisdiction is void and the accused is not even placed in jeopardy by the proceedings.

Now, what is the position of the bill in view of what occurred on yesterday? The House determined then that this reference had not been made, and by striking out the preamble of the resolution it determined further that the Speaker had no jurisdiction to make the reference. There may possibly have been some personal considerations that entered into it, but that does not involve the legal question, the legal status being that under the order of the House, as taken on yesterday, that bill now lies on the Speaker's table and is subject to be considered at any time that the House proceeds to business on the Speaker's table. Why? Because the House has declared by the proceedings of yesterday that the reference of the bill was void *ab initio*, and by its vote the House restores the bill to its place on the table.

Mr. CONGER rose.

Mr. MORROW. I will yield to the gentleman in a moment.

Now, the mere physical fact that the bill is in the hands of the gentleman from Iowa, as chairman of the Committee on Coinage, Weights, and Measures, has nothing whatever to do with this question. Why, any member of this House may proceed to the desk and take therefrom any bill and take it to his desk and look it over to ascertain what motion or order shall be made in regard to it. But such a taking from the Speaker's table is not a reference by the Speaker. He may assent to such taking, but such action does not confer any jurisdiction over the bill in the hands of such a member. If the bill is therefore in the hands of any member or committee it is there without authority of law and should be returned at once.

Furthermore, the Speaker, in deciding the point of order raised by the gentleman from Illinois [Mr. CANNON], ruled that this bill should be disposed of in the House, which is of course a determination that the bill is properly on the Speaker's table. He said:

Now, here is a discretion to be exercised by the Speaker of the House in determining whether any House bill with a Senate amendment belongs to the one class or to the other of these bills. There is a discretion to be exercised by the Speaker in that matter, and in the exercise of that discretion the House has the right to review that decision. The Speaker may err as to whether or not a particular amendment to a Senate bill contains any appropriation. Suppose he should err about that, how would the House ever get consideration of it at all? Suppose some bill without any appropriation should be referred by the Speaker in the manner that House bills are referred; suppose he should do that; there would be no chance for the House to correct it.

There would be no opportunity for appeal from that decision, and it does seem to me that the true course is to give a reasonable construction to all portions of the rule, so that all may have their effect. There is some contradiction. There is a difficulty in reaching a conclusion, but the very fact that this House has the right to pass upon the ruling of the Speaker upon that question, if he makes a ruling distinguishing erroneously between these two, and that the House may have the right to correct it by appeal, it does seem to me the better construction is that where there is a House bill with Senate amendments it shall be disposed of in the House. I freely confess, sir, that this is not a matter free from doubt.

This morning the House reached a final vote on the question and left the bill upon the Speaker's table, and although the gentleman from Iowa may have it in his physical possession, it is his duty, on the suggestion of the Speaker, to restore that bill to its place on the table, where it belongs. [Applause on the Democratic side.]

Mr. CONGER. Will the gentleman yield for a question now?

Mr. MORROW. Yes, sir.

Mr. CONGER. I want the gentleman to tell us whether the resolution which we passed on yesterday said anything about the jurisdiction of the Speaker or the right of the Speaker to refer this bill.

Mr. MORROW. It was not necessary.

Mr. CONGER. Did it not simply wipe out the record that appeared in the Journal?

Mr. MORROW. Certainly, the House declared that there was no reference of the bill.

Mr. CONGER. Not at all.

Mr. BUTTERWORTH. Before the gentleman takes his seat let me ask him a question.

Mr. MORROW. Certainly.

Mr. BUTTERWORTH. I understand the gentleman to have asserted that I made the point on yesterday that there was an inconsistency in the declaration of the preamble and the resolution which followed. I did so assert, and I maintain it now. But I wish to call his attention to the further fact, which he seems to have overlooked, that the preamble recites that the bill was incorrectly referred, and the House last night on a ye-and-nay vote directed that preamble to be stricken out.

Mr. MORROW. Oh, yes, it voted that there was no reference. [Cries of "Oh, no!" on the Republican side.]

Mr. BUTTERWORTH. Let me read the preamble for the gentleman.

Mr. MORROW. I understand that the preamble was stricken out.

Mr. BUTTERWORTH. Then, I will read it so that the House may understand it. The preamble recites:

Whereas the order of reference made by the Speaker referring House bill 5381, which was returned to the House yesterday with a Senate amendment, to the Committee on Coinage, Weights, and Measures, was incorrect under the rules of the House and without authority under said rules: Therefore.

Then follows the resolution. Now this preamble was by a ye-and-nay vote of the House stricken out; and what is the logic of that vote?

Mr. OATES. The gentleman from Ohio has read the preamble; now will he read the resolution itself?

Mr. BUTTERWORTH. I will do so.

Mr. OATES. You have read the preamble; now let us have the resolution.

Mr. BUTTERWORTH. Exactly. But I read the preamble to show that inasmuch as the House struck it out with the recital that the reference was incorrect, and made without authority of the rules of the House, the House by that vote refused to assent to the proposition that the reference was incorrect, and logically adopted the contrary of that proposition, the negative—

Mr. MORROW. Now, right there—

Mr. BUTTERWORTH. Let me conclude this. Therefore the negative proposition was adopted, namely, that it was a correct reference. [Cries of "Oh no!" on the Democratic side.]

Mr. MORROW. Allow me to call the attention of the gentleman to the words of the preamble to which he can address himself in whatever reply he chooses to make. I read from the preamble itself:

Whereas the order of reference made by the Speaker referring House bill 5381—

"Whereas the order of reference."

Mr. BOUTELLE. That sounds just the same as when BUTTERWORTH read it. [Laughter.]

Mr. MORROW. I understand; but when the House struck out the preamble it struck out the statement that there was an order of reference. The House declared that there was no order of reference, and that the bill, in the eye of the law and in the judgment of the House, was still on the Speaker's table.

Mr. BUTTERWORTH. I recognize the force of the resolution which was adopted, but the point was distinctly made yesterday, and I call the attention of the gentleman to it, and we talked about it yesterday considerably, that the recital in the preamble discloses the fact—discloses what was really done. Now, what are the facts as disclosed by the preamble? First, that a reference had been made; second, that it was incorrect and without authority. The House voted that down, the logic of which, I take it, is the assertion of the counter-proposition that the House did not regard the reference as incorrect. The point that the Speaker did not refer the bill at all, because he may have referred it improperly, is amusing. It hardly deserves to be treated seriously. He must know the cases he cites are not in point. To be satisfied he has only to carry the logic of those cases to the last analysis in the matter of the reference of a bill by the Speaker.

Mr. MORROW. The proceedings of yesterday might, as I said before, be compared to a proceeding in court. Where a court has jurisdiction, and the record contains an erroneous recital it may be properly amended by saying that it was incorrectly entered; but where the court has no jurisdiction it can make no record, and any pretended record must be stricken from the proceedings.

Mr. BUTTERWORTH. Unfortunately for the gentleman's argument, the Speaker has jurisdiction to refer bills. In fact, that jurisdiction is specifically conferred, and he is to determine, in the first instance, what reference shall be made. And the rules prescribe just how an error in judgment on the part of the Speaker in the matter of referring a bill can be corrected. That he has jurisdiction is clear. Whether he acted erroneously in the exercise of that jurisdiction was the precise question presented by the preamble, and the House voted "No." And now to escape from the dilemma in which that vote placed the gentleman from California he says, "Oh, no; I was voting

that the Speaker had no jurisdiction at all to even attempt to refer the bill." The gentleman's argument is ingenious, but utterly unsound. Mr. HENDERSON, of Iowa. Let me ask my friend from California a question.

Mr. MORROW. Yes, sir.

Mr. HENDERSON, of Iowa. Suppose a bill comes over from the Senate and is by the Speaker under the rules referred to a committee, and the actual fact of transfer takes place, so that it goes to the committee, and the House of Representatives, under Democratic management and leadership for the time being, orders the record burnt up *in toto*, is the reference void *ab initio*?

Mr. MORROW. The question of jurisdiction does not obtain in a case of that kind.

Mr. HENDERSON, of Iowa. But the principle is the same.

Mr. MORROW. Oh, no.

Mr. HENDERSON, of Iowa. You have destroyed your evidence, on your theory, because there is no record of it.

Mr. MORROW. The destruction of evidence does not destroy the jurisdiction of the court, if jurisdiction existed. The jurisdiction is derived from the law or is wanting by reason of the law.

Mr. HENDERSON, of Iowa. I know it, because you can prove it some other way, and here by every testimony the bill is in the hands of the committee by a legal reference.

Mr. MORROW. The destruction of a record is a very different and distinct proceeding from a correction of it.

Mr. HENDERSON, of Iowa. Ah, but this is not a correction. The resolution might have gone far enough to meet the gentleman's views, but it did not, and the only other issue was presented in the preamble, which is against the gentleman's views.

Mr. MORROW. No, if the Speaker had no jurisdiction, there was nothing for the House to do but simply to erase the record, destroy the record so far as it purported to show a fact of which the Speaker had no jurisdiction.

Mr. HENDERSON, of Iowa. But the rules show that the Speaker had jurisdiction, and there is no action of the House to show that his act was an act without that jurisdiction, as I understand it.

Mr. MORROW. Now I call the attention of the gentleman to the fact that yesterday's proceedings were a construction of the rule upon that point, and the House declared that the Speaker did not have jurisdiction to make the reference of the bill as set forth in the Journal.

Mr. HENDERSON, of Iowa. Not at all, because you voted down the proposition involved in the preamble, and you yourself very wisely voted against the preamble. [Laughter.]

Mr. MORROW. Because we wanted it distinctly to appear that our vote in this matter was for the purpose of declaring that the Speaker had not jurisdiction to make that reference.

Mr. HENDERSON, of Iowa. Yes; but you did not do it. You might have drawn a resolution to do that, but you did not do it, and the only element in issue was in your preamble, which was voted down, and you, like a sensible man, helped to do it. [Laughter on the Republican side.]

Mr. MORROW. That was because the preamble did not tell the truth, but the resolution did, and so we adopted the resolution and rejected the preamble.

Mr. ALLEN, of Michigan. Will the gentleman allow me to ask him a question?

Mr. BUTTERWORTH. My friend will not deny that the resolution was predicated upon the facts recited in the preamble.

Mr. MORROW. Not at all.

Mr. GREENHALGE. You think it was entirely independent, do you?

Mr. BUTTERWORTH. I suppose the preamble was a mere exercise in chirography. But what folly to say, after reading the preamble and resolution, that the latter is not predicated solely upon the former. The resolution is nothing if it is not a conclusion drawn from the facts alleged in the preamble.

Mr. MORROW. The resolution was good without the preamble.

Mr. BUTTERWORTH. It gets its point from the preamble which recites the facts upon which the resolution is predicated. It must be obvious to all that without the preamble the resolution is, so far as the purpose sought by those who are trying to return the bill to the Speaker's table is concerned, pointless and is in effect a mere falsification of the record. The preamble and resolution together present to the House a distinct proposition that all can understand.

Mr. MORROW. Not necessarily. The resolution was sufficient without it and it conformed to our views.

Mr. BUTTERWORTH. The resolution does not present any views that can be understood in the absence of the recital of facts upon which it is predicated, *i. e.*, a supposed improper reference of that bill. It was recited in the preamble that there had been such an erroneous or unauthorized action. This House said, not so; refusing flatly to agree to the recital that the reference had been made without authority; and so the resolution stood, like a conclusion without a premise.

I wish to call my friend's attention specially to another thing, to wit, that certain facts are recited in the preamble as the basis upon which the resolution rests, and which give it vitality; and my friend

will observe that this preamble, after reciting the facts to which I have called his attention, says:

Therefore, Resolved, etc.

That is, the facts recited being so, it is resolved, etc. But if the facts are not as recited, then obviously the resolution would not follow. And this House, unwilling to stultify itself in the face of the record, refused to agree to that preamble. Why? Because this House knew the bill had been referred, and a majority believed that it had been correctly referred, and hence could not assent to the correctness of the recitals in the preamble. And I assert here my belief, Mr. Speaker, that there are not twenty-five men in this Hall who do not believe that bill was correctly referred. [Applause on the Republican side.]

Mr. SPRINGER. I am one of the twenty-five who do not so believe.

Mr. MORROW. And several votes on this side declared otherwise.

Mr. BUTTERWORTH. I know we were voted down and the minority and the rules walked on as if they were a macadamized road. [Laughter.]

Mr. SPRINGER. That was because you ought to be voted down.

Mr. BUTTERWORTH. But nevertheless it is true that the House, when standing face to face with the distinct proposition as to whether that bill had been correctly referred under the rules, refused to vote that it was not so referred. The distinct statement was made in the preamble that the silver bill was referred without authority under the rules. That it was referred everybody knew and knows, but, said the preamble, it was erroneously referred and without authority, and the House was distinctly asked to answer the question presented by that preamble, which was this and nothing more or less: Was that reference erroneous and without authority under the rules? And the House voted no. So that it occurs that the House in effect votes that the bill was properly referred, but for some reason desires to expunge the record of the fact.

Mr. MORROW. Mr. Speaker, the gentleman from Ohio has declaimed with considerable emphasis and energy about the fact that he and his associates became a macadamized road yesterday, and they and the rules went down together. I want to say to him that this is a representative body, and that the majority rules. [Loud applause on the Democratic side.] You went down because you were in the minority, and in the judgment of the House wrong in your position. It may be true that there were but few on this side who understood and insisted upon the fact that there had been no reference of this bill, but we did that conscientiously.

Mr. BUTTERWORTH. Oh, certainly.

Mr. MORROW. Owing our allegiance to the people of this country, we do not propose either here or elsewhere to respond to anybody for our conduct as Representatives but to the people who sent us here. [General applause.]

Mr. BUTTERWORTH. Mr. Speaker, my friend will recognize that that there is no tyranny like the tyranny of a majority that acts in disregard of law. [Loud applause on the Democratic side.]

Mr. ENLOE. Except the tyranny of one man. [Renewed applause.]

Mr. BUTTERWORTH. And in this case—[continued applause on the Democratic side]—gentlemen, if you acted in conformity with your applause you would hardly be attempting to place a bill before this House in violation of the plain letter of the law. [Applause on the Republican side.] Now, so far as this reference is concerned, the RECORD, equally clear and of the same force as the Journal, declares that this bill has been referred to the Committee on Coinage, Weights, and Measures. That they have it is certain.

And the RECORD also discloses that this House refused to vote that it was improperly in the hands of that committee. But it adopted a resolution which tends to show that a different reference was desired; and that is the beginning and the end of the effect of the resolution as adopted.

Mr. MORROW. Mr. Speaker, I have simply one further word to say. The gentleman has declaimed very eloquently about the tyranny of a majority and all that sort of thing. Of course, the tyranny of a majority as expressed in this question has simply been that we might have under the rules of this House consideration of this bill. That is what we have asked from the beginning, and that is all we ask for now.

Now, with reference to the preamble to this resolution. The gentleman knows as well as any lawyer in this House, or any gentleman familiar with legislative proceedings, that this resolution does not depend for its existence upon the preamble. We have resolutions offered here every day, if you please, during the session without a preamble, and sometimes there are preambles that are amended by the House. The Speaker of the House disclosed the condition of the rules with reference to preambles last night when, after the adoption of the resolution, and perhaps to the surprise of many members, he informed the House that it was necessary to pass upon this preamble. Why? Because under the rules it is necessary that the House should consider its recitals separately.

Now, the House determined that so far as this preamble was concerned that it had not truly set forth the reasons why this resolution was adopted, and that it was not necessary in this instance, as generally it is not, to have the preamble in order to sustain the resolution.

Mr. BUTTERWORTH. Let me interrupt my friend right there. I want to be perfectly fair about the matter. He will admit that the soul of that preamble, upon which the resolution rests as a predicate, is the recital of the fact that a certain reference was erroneous and unauthorized. That was the distinct question, the vital point, the only point upon which the resolution turned; that is, whether that reference was unauthorized and erroneous, or not. This House decided that it was not erroneous, not unauthorized, and that was the end of it. The resolution without the preamble is a mere expression of opinion touching the reference.

Mr. MORROW. I concede that. The question in the preamble was as to whether this was an incorrect reference.

Mr. BUTTERWORTH. Yes, sir.

Mr. MORROW. And the House affirmed that there was no reference, and that is the whole of it.

Mr. CUTCHEON. Will my friend from California permit me to ask him a question?

Mr. MORROW. Yes, sir.

Mr. CUTCHEON. I would like him to explain what difference there is in the reference of this bill from that of all bills that come up in the House, or that come to this House from the Senate and are referred to appropriate committees almost every day. If you will refer to your RECORD you will find every day that messages and bills are referred under clause 2 of Rule XXIV.

Mr. MORROW. I do not know that the point has been made in any case except in the case of the bill for the purchase of a site and the erection of a post-office in the city of Washington, alluded to by the gentleman from Georgia [Mr. CRISP].

Mr. CUTCHEON. If the gentlemen will turn to his RECORD—

Mr. MORROW. The point of order was not raised in any of these cases that I know of, or that my attention has been called to, except the single instance I have spoken of.

Mr. CUTCHEON. I would like to have the gentleman explain why this is an improper reference in view of the references to which I have referred.

Mr. MORROW. I am not discussing that.

The SPEAKER. The Chair recognizes the gentleman from Illinois [Mr. WILLIAMS].

Mr. BREWER. In connection with this first bill that the gentleman from California has been alluding to, did you not vote that it was not incorrectly referred at the very first time?

Mr. MORROW. I voted that it was not referred.

Mr. BREWER. You voted that it was not incorrectly referred. It stands that way on the record.

The SPEAKER. Gentlemen must cease conversation.

Mr. WILLIAMS, of Illinois. Mr. Speaker, on yesterday, when this question first came up, the Journal of this House showed that the Speaker had referred this bill to the Committee on Coinage, Weights, and Measures. A resolution was offered by the gentleman from Texas [Mr. MILLS] to strike out of the Journal the words showing the making of such reference. That resolution was adopted by this House. A motion was made to reconsider the vote by which that resolution was adopted, and also a motion to lay the motion to reconsider on the table. While the motion to lay on the table the motion to reconsider was being voted upon, the chairman of the Committee on Coinage, Weights, and Measures happened to go to the Speaker's desk, and received there a bill, which appeared to me to be a bill with an amendment from the Senate. The clerk of the Committee on Coinage, Weights, and Measures happened to follow the chairman of the Committee on Coinage, Weights, and Measures, and the chairman of the committee, standing upon the step, turned and handed the bill to the clerk of the committee, who stuck it under his arm. I turned to him and said, "You have the silver bill?" and he made no reply.

This, I say, was after the resolution had been adopted striking from the Journal the words which showed that the bill had been referred to the Committee on Coinage, Weights, and Measures. Of course, Mr. Speaker, it is not for me to say positively that that was the silver bill, but I believe it was almost as firmly as I believe in my own existence. [Laughter on the Republican side.] Now, why that was done at that particular time and under those particular circumstances is something that can be explained by some one who understands the matter better than I do. Whether the Speaker—

Mr. CONGER. Mr. Speaker—

Mr. WILLIAMS, of Illinois. I can not yield now.

Mr. CANNON. Will the gentleman permit a question?

Mr. WILLIAMS, of Illinois. Not until I get through.

Mr. CANNON. I just wanted to know if the clerk walked fast. [Laughter.]

The SPEAKER. The gentleman from Illinois [Mr. WILLIAMS] requests that he shall not be interrupted, and the Chair is quite sure that gentlemen on the other side will not interrupt him.

Mr. WILLIAMS, of Illinois. When the clerk of the committee was asked whether that was the silver bill, he made no reply. Now, Mr. Speaker, at whose suggestion or just how the chairman of the Committee on Coinage, Weights, and Measures happened to go for that bill at that particular time, after the resolution had been adopted by this

House declaring in substance that the bill had not been referred, and why it was taken off at that particular time I can not understand, unless it was for the purpose of basing an argument here upon the fact that the bill itself was physically in the possession of the Committee on Coinage, Weights, and Measures.

I refer to this matter for the reason that I believe it is right that the House should know it, and if it was done in good faith it can be properly explained, as it ought to be, for other members, perhaps, saw it as well as myself. The transaction, I say, calls for an explanation, for without an explanation it might lead members of this House to suppose that there was some kind of conspiracy or trick to get this bill away from the House and defeat the will of the majority of the House upon this question. I shall not undertake to say what the motives were, or anything of that kind, but will leave that for the explanation that may come from the other side.

Coming now to the question before the House, the inquiry is where is this bill? How are you going to find out where it is? That is the question.

A MEMBER. Tell us.

Mr. WILLIAMS, of Illinois. I will tell you before I get through. [Laughter.] Where is the bill? What is the evidence of the action of this House? What does the Journal show? The Journal shows that that bill was brought in here from the Senate, and the Journal does not show, since the order was passed here, that that bill was referred to any committee. Where is your evidence?

The gentleman from Iowa [Mr. HENDERSON] says: "Suppose the Journal had been destroyed or burnt up?" Why, sir, in that case we might resort to the next best evidence; but as long as that Journal exists and is the Journal of this House, approved by this House, a Journal which, according to the vote of this House, should contain no entry showing any reference of this bill—as long as that Journal exists, it is the proper evidence and the controlling evidence upon this question. That Journal does not show that this bill has been referred to the Committee on Coinage, Weights, and Measures. The distinguished chairman of that committee says that all the various offices and departments through which a bill goes when referred to a committee do show by their records that this reference has been made.

I do not care what those other offices and departments show. The question is, what is the order made here? That is what sends the bill to the Committee on Coinage, Weights, and Measures if it goes there. The question is, what is the order made here? And there is no order here. How does the Committee on Coinage, Weights, and Measures get jurisdiction? Suppose that question should be raised, would you undertake to prove the bill had been referred to the committee by calling in the Speaker and putting him on the stand and having him sworn, or would you take as evidence the Journal of the House? You would take the Journal; and the Journal shows that that bill is still in this House, upon the Speaker's table, ready to be laid before the House for its consideration.

Mr. CONGER. Mr. Speaker, I want to make the explanation now which the gentleman refused to let me make when he asked for it.

Mr. ALLEN, of Michigan. Well, the reason he refused was that he never interrupts anybody himself. [Laughter.]

Mr. CONGER. I desire to state to the House again that before 11 o'clock on yesterday this bill, with the proper indorsement on it, was brought to the room of the Committee on Coinage, Weights, and Measures, and was handed into the possession of the clerk of the committee and received for. During the discussion yesterday afternoon the Journal Clerk of the House came to me and said that he thought one or two words in the printed bill were incorrect, and desired to have the original bill so that he might compare the printed bill with the bill as it came from the Senate. I instructed my clerk to bring the bill into the House, which he did. The bill was not out of his sight at any time. After they got through with it at the desk the clerk of the committee asked me to get the bill for him in order that he might take it back to the room. I stepped up to the desk, took the bill and handed it to him, and he carried it back to the room, it having been in his sight the whole time.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was delivered to the House by Mr. PRUDEN, one of his secretaries, who also announced the approval of acts of the following titles:

- An act (H. R. 1832) granting a pension to Mary Ann Schirye;
- An act (H. R. 3511) granting a pension to James S. Ferrin;
- An act (H. R. 4134) granting a pension to Margaret Stewart;
- An act (H. R. 4247) granting a pension to Mrs. Jane Potts;
- An act (H. R. 4763) granting a pension to Annie E. Lambing;
- An act (H. R. 5205) granting a pension to Richard D. McKinney;
- An act (H. R. 5240) granting a pension to Alexander McCormick;
- An act (H. R. 5885) granting a pension to Daniel Sober;
- An act (H. R. 5452) granting a pension to Joseph K. Hamilton, dependent father of John E. Hamilton, late private Company D, One hundred and third Pennsylvania Volunteers;
- An act (H. R. 3083) for the relief of Humbert Brothers;
- An act (H. R. 10813) authorizing and directing the Secretary of War

to establish new harbor lines in Portage Lake, Houghton County, Michigan;

An act (H. R. 2469) increasing the pension of Thomas Ward;
 An act (H. R. 3531) to grant a pension to Eliza Richardson;
 An act (H. R. 2481) granting a pension to Bridget Tole;
 An act (H. R. 3383) granting a pension to Charles H. Perry;
 An act (H. R. 3393) granting a pension to Jane A. Lusk;
 An act (H. R. 5660) granting a pension to Mrs. Pauline Hohmann;
 An act (H. R. 6291) granting a pension to Della T. S. Parnell;
 An act (H. R. 6757) granting a pension to William Crawford;
 An act (H. R. 6799) granting a pension to Mary A. Lefebvre, widow of Hiram Goodspeed, late of Company A, Fifty-sixth Massachusetts Volunteers;

An act (H. R. 8056) granting a pension to Mrs. Sallie J. Miner;
 An act (H. R. 2503) for the relief of Sarah D. Duke;
 An act (H. R. 5098) for the relief of William A. Bengie;
 An act (H. R. 1094) to increase the pension of Joseph Claire;
 An act (H. R. 4021) to increase the pension of Isaiah Humrichouser;
 An act (H. R. 6146) to increase the pension of George C. Quick;
 An act (H. R. 6725) to increase the pension of Levi H. Utt;
 An act (H. R. 2287) granting an increase of pension to John F. Chase;
 An act (H. R. 4128) granting an increase of pension to Samuel Chandler;

An act (H. R. 4980) granting an increase of pension to Margaret A. Blake;

An act (H. R. 4987) granting an increase of pension to William Thompson;

An act (H. R. 6089) granting an increase of pension to George Uhl;
 An act (H. R. 4495) granting an increase of pension to Thomas Riley, late of Company L, Seventh United States Cavalry;

An act (H. R. 3056) for the relief of Theodore J. Shandal;
 An act (H. R. 2057) for the relief of Barent S. Van Buren;
 An act (H. R. 6350) for the relief of Asher Post;
 An act (H. R. 7577) granting a pension to William H. Chapman;
 An act (H. R. 5444) granting a pension to John A. Miller;
 An act (H. R. 8474) to restore the name of Belinda Lloyd to the pension-roll and pay her a pension; and

An act (H. R. 5777) increasing the pension of Sarah Dabney, a Revolutionary pensioner.

THE SILVER BILL.

Mr. MCCREARY. Mr. Speaker, I am in favor of the resolution offered by the gentleman from Missouri [Mr. BLAND], which requests the Speaker to lay before the House the bill 5381 with the amendments of the Senate thereto. But before action can be had upon that resolution the point of order raised by the gentleman from Iowa [Mr. CONGER] must be decided.

Responding, in the beginning of my remarks, to the gentleman from Iowa [Mr. CONGER], who says that this bill as early as 11 o'clock on yesterday was sent to the Committee on Coinage, Weights, and Measures, of which he is chairman, and receipted for by him or by his clerk, I wish to say that under the Constitution of the United States, if we have proper respect for that instrument, that bill should not have been sent to that committee at that time. There was no warrant of authority to send it to that committee, and he had no right to receipt for it.

The Constitution of the United States provides, in section 5, Article I, that "each House shall keep a journal of its proceedings," and the Journal which contained the Speaker's order referring the bill in regard to "the purchase of silver bullion and the issue of Treasury notes thereon" to the Committee on Coinage, Weights, and Measures had not been approved by the House at that time, and therefore it was not proper to send the bill then to that committee. The Journal containing the order referred to was not approved until to-day, and before it was approved the order of the Speaker referring the bill to the Committee on Coinage, Weights, and Measures was under a resolution adopted by this House ordered to be stricken out.

Mr. Speaker, if each House is required by the Constitution to keep a journal of its proceedings, it is clear that until the Journal was approved by the House the Clerk of this House had no right, and no person had authority to take House bill 5381 from the Speaker's table to the committee-room or elsewhere, and the gentleman from Iowa had no right to receipt for it, and if he did receipt for it, his action was absolutely void.

Again, Mr. Speaker, the bill with its amendments came over from the Senate. When the bill came here it was laid upon the Speaker's table. It would have been there now, and there would have been no contest about it, if the Speaker had not undertaken to send it to the Committee on Coinage, Weights, and Measures. I hold, with all due respect to the Speaker, that his act in sending that bill to that committee, or attempting to send it, was an illegal act; it was not an erroneous act and not voidable, but it was illegal and absolutely void. The Speaker may have thought that he had that power, but the Speaker, as well as judges of our courts, is sometimes mistaken. Yesterday when the House adopted the resolution of the gentleman from Texas [Mr. MILLS] it adopted a resolution that was conclusive that the

House denied the right of the Speaker to send that bill to the Committee on Coinage, Weights, and Measures.

It matters not if the bill has been taken away by mistake; it matters not where it is now. According to the rules of the House and according to the rights of this House under the Constitution it belongs upon the Speaker's table, and I believe the Speaker of the House in the discharge of his duty will see that it is properly disposed of as if lying on the table. Reference has been made to the action of the House yesterday. Let us see exactly what was done. The RECORD shows that the following resolution was adopted:

Resolved, That the Journal of yesterday, Wednesday, June 18, be corrected by striking therefrom this entry, to wit:

"Under clause 3 of Rule XXIV, a House bill of the following title, with Senate amendments, was taken from the Speaker's table and referred as follows: 'A bill (H. R. 5381) directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes—to the Committee on Coinage, Weights, and Measures.'"

That resolution having been adopted, the entry made in the Journal is void—not voidable, not erroneous, but void—and this case does not turn, as the gentleman from Ohio [Mr. BUTTERWORTH] intimates, upon the preamble. It does not hinge upon the preamble which was not adopted, but upon the resolution which was adopted. It has been repeatedly held by the courts that where a conflict existed between a preamble and a resolution or bill and the resolution or bill should be paramount, I believe, the resolution should be paramount to the preamble. The resolution is the gist of the business that was transacted, and must be regarded as what was desired to be done by the House. The House adopted the resolution, not the preamble. Now, if the resolution controls, Mr. Speaker, it leaves the bill upon your table. Then, if the bill is on the table, I hold that, under Rule XXIV, it is the duty of the Speaker to lay it before the House. Why? Rule XXIV defines the authority of the Speaker in connection with the order of business of the House—

The SPEAKER. If the gentleman from Kentucky believes it to be the duty of the Speaker to lay the bill before the House, how is the resolution in order which requires it to be presented for consideration? Should it not be taken up under the regular order of business under the rules?

Mr. MCCREARY. I will endeavor, Mr. Speaker, to answer that question.

The SPEAKER. The Chair quite agrees with the gentleman that if the bill is on the table it would come up in the regular order of business.

Mr. MCCREARY. Does the Chair state that the bill is on the Speaker's table?

The SPEAKER. The Chair makes no statement in regard to the matter, but has listened to the gentleman and to other gentlemen who have spoken upon the matter for the purpose of determining what was to be done in regard to the question.

Mr. MCCREARY. I have asserted, Mr. Speaker, and I again assert, that the bill and amendments came from the Senate to the House and were laid on the Speaker's table, and that you had no authority to refer the bill to the Committee on Coinage, Weights, and Measures; and if that authority did not exist, the bill must be on the Speaker's table still.

The SPEAKER. Then, if so, it would come up in the regular way; would it not?

Mr. MCCREARY. I hold that this bill (No. 5381) is now on the Speaker's table by right, and I believe that under the rules of the House it is the duty of the Speaker to lay it before the House.

The SPEAKER. In its order.

Mr. MCCREARY. To support my position I refer to Rule XXIV, which declares that the daily order of business in the House shall be as follows: First, prayer by the Chaplain; second, reading and approval of the Journal; third, correction of reference of public bills; fourth, the disposition of business on the Speaker's table.

The SPEAKER. That business to be taken up in its regular order.

Mr. MCCREARY. The rule does not say in what order the business shall be taken up. The second clause of the rule provides that—

Reports and communications from the heads of Departments, and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner and with the same right of correction as public bills presented by members; but House bills with Senate amendments which do not require consideration in a Committee of the Whole, may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House, and not required to be considered in Committee of the Whole, may also be disposed of in the same manner on motion directed to be made by such committee.

Bill No. 5381 is not required to be considered in Committee of the Whole. There is a provision in the bill which requires an appropriation of money, but the amount appropriated was not increased by the Senate after the bill passed the House.

The SPEAKER. The Chair would be glad to have the judgment of the gentleman from Kentucky [Mr. MCCREARY] upon the question of order. Supposing that the question as to where the bill is is disposed of, and if it be found to be upon the Speaker's table, does it not then come up in regular order?

Mr. BLAND. If the gentleman from Kentucky [Mr. McCREARY] will allow me—

The SPEAKER. I should like to have the opinion of the gentleman from Kentucky [Mr. McCREARY] upon that point.

Mr. BLAND. If the gentleman from Kentucky [Mr. McCREARY] will allow me, I will give him the information that I demanded the regular order when I introduced the resolution. I read what the regular order was, and when in the regular order the resolution is reached I desire to have it voted on. I demanded the regular order.

The SPEAKER. But the resolution was presented for immediate action, was it not?

Mr. BLAND. I read the rule, to show what the regular order was, and I demanded the regular order, and I sent that resolution to be voted upon in its regular order; that is, that the Speaker proceed to the business on the Speaker's table in the regular order, and when Senate bills were reached in their regular order, that that bill be taken up. That was the motion.

The SPEAKER. The Chair did not so understand the motion at the time.

Mr. BLAND. If the Speaker please, I have read the rule in the hearing of the Speaker.

The SPEAKER. Precisely.

Mr. BLAND. And I stated that I demanded the regular order of business.

The SPEAKER. And sent up this resolution as the regular order.

Mr. BLAND. Certainly, as a part of the regular order.

The SPEAKER. That is that whenever this bill came up in its order, if it is on the Speaker's table, it should be considered.

Mr. BLAND. It being on the Speaker's table, I demanded the regular order of business, which is, under this rule, to lay before the House whatever is on the Speaker's table, and whenever that resolution is reached I demand that it be voted upon.

The SPEAKER. It will be impossible for this resolution to go to the Speaker's table.

Mr. McCREARY. Mr. Speaker, I desire to make a single statement in regard to the question asked me. Rule XXIV, to which I have referred, does not prescribe the manner in which you shall lay the bills on the Speaker's table before the House. It does not give precedence to any bill, and therefore I hold that the silver bill with the Senate amendments may be laid before the House by the Speaker, or, in accordance with the resolution offered by the gentleman from Missouri [Mr. BLAND], the House has the right under the rule to call it up.

The SPEAKER. The Chair will state that that was not the practice under a former rule of similar wording, in that regard, and the Chair desires to say to the gentleman from Kentucky [Mr. McCREARY], with regard to one suggestion which he made, namely, that it was not the duty of the Clerk to send this resolution to the committee at the time of its reference, but that the Clerk should have waited until the approval of the Journal by the House, the Chair is informed it has always been the custom for the Clerk to send a bill at once upon action by the House, even before the Journal has been approved.

Mr. McCREARY. But, Mr. Speaker, it matters not what the Clerk may have done heretofore. Under the Constitution of the United States, which requires the House to keep a journal of its proceedings, I hold that the Clerk has no right to send bills to the committee until the Journal is approved.

The SPEAKER. Bills have often been passed, have gone to the Committee on Enrolled Bills, and have been signed and have become a part of the archives before the Journal was approved.

Mr. McCREARY. Responding to the suggestion of the honorable Speaker with regard to precedents, I have this to say: As the Speaker has made his own precedents upon several previous occasions, I think he might make now a precedent that would be in accordance with the Constitution and in accordance with the rules of the House.

The SPEAKER. But if it be objectionable to violate a precedent it must be praiseworthy to follow it.

Mr. MORROW addressed the Chair.

Mr. CANNON. Mr. Speaker, I would like to have a ruling upon the point of order that was made to the resolution of the gentleman from Missouri [Mr. BLAND].

The SPEAKER. The Chair does not think that resolution is in order now.

Mr. McMILLIN addressed the Chair.

Mr. BLAND. I desire to have an appeal when the decision is made.

The SPEAKER. The gentleman from Tennessee desires to address the House.

Mr. McMILLIN. Mr. Speaker, I should not trespass upon the time of the House but for an utterance that fell from the lips of the gentleman from Iowa [Mr. CONGER], chairman of the Committee on Coinage, Weights, and Measures. If I understand him, he conceives that his committee now has charge of the silver bill, or the bill at present under consideration, and may proceed to act thereon. Against that idea I desire to enter my protest. That alone do I wish to discuss. I will not take the time of the House to recite the transactions in detail that have occurred here for the last two days, further than to say that the Speaker, following what he conceived to be his duty, referred this bill

under the second section of the twenty-fourth rule to the Committee on Coinage, Weights, and Measures.

The rule has this exception to the bills that must be referred by the Speaker:

But House bills with Senate amendments which do not require consideration in a Committee of the Whole, may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported, etc.

The Speaker construed that exception not to embrace the bill now under consideration, and referred it; but the House, when it came to ratify the entry made in the Journal in pursuance of the Speaker's action, held that the bill did come within the exception, and was to be laid before and referred or acted on by the House, which is the thing to be done when that class of business is reached.

The SPEAKER. The Chair would suggest to the gentleman from Tennessee, that at least one gentleman in the observations he has made based his action upon the idea that such a bill as this should be presented to the House for the purpose of discovering in the presence of the House whether it was subject to the point of order.

Mr. McMILLIN. I think, Mr. Speaker, that the correct interpretation of what has occurred is, that the House differed from the Speaker as to the construction of that rule—that the House did not conceive this to be a bill which required its first consideration in the Committee of the Whole, and hence held that it was not the duty of the Speaker to refer it under the rule.

Now, it was very fully discussed yesterday. It was very deliberately considered. It was as dispassionately considered as any measure has ever been that involved such great interest, and on which so much of feeling exists as on this bill. The House did not simply take one vote; but over, and over, and over again, in different forms, and in different hours, and then to-day as yesterday (on different days), it has placed that construction upon this rule; and when the House of Representatives speaks every member of the House must obey. And this is what I want to impress on the gentleman from Iowa [Mr. CONGER].

So far as his claim is concerned, that it is in the Committee on Coinage, Weights, and Measures, and may be acted on by that committee, it is my deliberate opinion, and upon that I would act if I were in his place, that he would have as much right to take charge of a bill which he seized from that table and take it into his room, call his committee together, and consider it as he has to take charge and act upon this bill, which the House has said was not referred to the Committee on Coinage, Weights, and Measures. That is what I conceive to be the status.

Now, I am not proposing to question the motives of the gentleman from Iowa, chairman of the Committee on Coinage, Weights, and Measures, in his declaration of their rights over the bill; but I am proposing to stand by the rights of this House. There may have been doubts yesterday, there may have been doubts to-day as to what was the correct thing to do. This was a new rule. It had never been construed by the House. There were doubts on the part of members on both sides of this House as to the proper construction; but a construction has been given, and but one thing can characterize that construction, and that is, action under it and obedience to it.

Now, much has been said by the gentleman from Ohio as to the fact that the resolution adopted yesterday did not negative the action of the Speaker; and he argues that it does not, because the preamble to the resolution was stricken out.

But the preamble to the resolution, Mr. Speaker, was merely a recitation of the facts which called for action; the action was the same whether the preamble was there or not. So thoroughly was that felt to be so, that the gentleman from Texas [Mr. MILLS] himself, after the resolution had been adopted, got up and proposed to withdraw the preamble; but gentlemen on the other side objected to the withdrawal, and in that way—they laying no stress upon it—they got the votes of the gentleman from California [Mr. MORROW] and others who had voted against ratifying the action of the Speaker in referring this bill.

Mr. OATES. I would suggest to the gentleman from Tennessee the fact that wherever a law has come before the courts of last resort for construction it has uniformly been held that the preamble is no part of the act.

Mr. McMILLIN. That is true. It is no part of it. The Journal recited that the Speaker had referred this bill under the second section of Rule XXIV. The House struck it out of the Journal, holding that there had been no reference of the bill; and hence, whether the preamble was adopted or not, the effect of the resolution is the same. It could have no significance whatever. No importance was attached to it. There was not a man on this side of the House who was not willing to have it withdrawn; and if it had been known or thought that gentlemen were going to make the use of it which has been made to-day, I believe it could not have been rejected.

I do not wish to detain the House with any further suggestions.

Mr. BLAND. Mr. Speaker, I desire to modify the resolution in the manner that I stated in the beginning with reference to this rule. I demanded the regular order, and do now in the manner indicated in that resolution.

The SPEAKER. The Clerk will report the modification proposed by the gentleman from Missouri.

to establish new harbor lines in Portage Lake, Houghton County, Michigan;

An act (H. R. 2469) increasing the pension of Thomas Ward;
 An act (H. R. 3531) to grant a pension to Eliza Richardson;
 An act (H. R. 2481) granting a pension to Bridget Toole;
 An act (H. R. 3383) granting a pension to Charles H. Perry;
 An act (H. R. 3393) granting a pension to Jane A. Lusk;
 An act (H. R. 5660) granting a pension to Mrs. Pauline Hohmann;
 An act (H. R. 6291) granting a pension to Delia T. S. Parnell;
 An act (H. R. 6757) granting a pension to William Crawford;
 An act (H. R. 6799) granting a pension to Mary A. Lefebvre, widow of Hiram Goodspeed, late of Company A, Fifty-sixth Massachusetts Volunteers;

An act (H. R. 8056) granting a pension to Mrs. Sallie J. Miner;
 An act (H. R. 2503) for the relief of Sarah D. Duke;
 An act (H. R. 5098) for the relief of William A. Bengé;
 An act (H. R. 1094) to increase the pension of Joseph Claire;
 An act (H. R. 4021) to increase the pension of Isaiah Humrichouser;
 An act (H. R. 6146) to increase the pension of George C. Quick;
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 An act (H. R. 2287) granting an increase of pension to John F. Chase;
 An act (H. R. 4128) granting an increase of pension to Samuel Chandler;

An act (H. R. 4980) granting an increase of pension to Margaret A. Blake;

An act (H. R. 4987) granting an increase of pension to William Thompson;

An act (H. R. 6089) granting an increase of pension to George Uhl;
 An act (H. R. 4495) granting an increase of pension to Thomas Riley, late of Company L, Seventh United States Cavalry;

An act (H. R. 3056) for the relief of Theodore J. Shandal;
 An act (H. R. 2057) for the relief of Barent S. Van Buren;
 An act (H. R. 6350) for the relief of Asher Post;
 An act (H. R. 7577) granting a pension to William H. Chapman;
 An act (H. R. 5444) granting a pension to John A. Miller;
 An act (H. R. 8474) to restore the name of Belinda Lloyd to the pension-roll and pay her a pension; and
 An act (H. R. 5777) increasing the pension of Sarah Dabney, a Revolutionary pensioner.

THE SILVER BILL.

Mr. McCREARY. Mr. Speaker, I am in favor of the resolution offered by the gentleman from Missouri [Mr. BLAND], which requests the Speaker to lay before the House the bill 5381 with the amendments of the Senate thereto. But before action can be had upon that resolution the point of order raised by the gentleman from Iowa [Mr. CONGER] must be decided.

Responding, in the beginning of my remarks, to the gentleman from Iowa [Mr. CONGER], who says that this bill as early as 11 o'clock on yesterday was sent to the Committee on Coinage, Weights, and Measures, of which he is chairman, and receipted for by him or by his clerk, I wish to say that under the Constitution of the United States, if we have proper respect for that instrument, that bill should not have been sent to that committee at that time. There was no warrant of authority to send it to that committee, and he had no right to receipt for it.

The Constitution of the United States provides, in section 5, Article I, that "each House shall keep a journal of its proceedings," and the Journal which contained the Speaker's order referring the bill in regard to "the purchase of silver bullion and the issue of Treasury notes thereon" to the Committee on Coinage, Weights, and Measures had not been approved by the House at that time, and therefore it was not proper to send the bill then to that committee. The Journal containing the order referred to was not approved until to-day, and before it was approved the order of the Speaker referring the bill to the Committee on Coinage, Weights, and Measures was under a resolution adopted by this House ordered to be stricken out.

Mr. Speaker, if each House is required by the Constitution to keep a journal of its proceedings, it is clear that until the Journal was approved by the House the Clerk of this House had no right, and no person had authority to take House bill 5381 from the Speaker's table to the committee-room or elsewhere, and the gentleman from Iowa had no right to receipt for it, and if he did receipt for it, his action was absolutely void.

Again, Mr. Speaker, the bill with its amendments came over from the Senate. When the bill came here it was laid upon the Speaker's table. It would have been there now, and there would have been no contest about it, if the Speaker had not undertaken to send it to the Committee on Coinage, Weights, and Measures. I hold, with all due respect to the Speaker, that his act in sending that bill to that committee, or attempting to send it, was an illegal act; it was not an erroneous act and not voidable, but it was illegal and absolutely void. The Speaker may have thought that he had that power, but the Speaker, as well as judges of our courts, is sometimes mistaken. Yesterday when the House adopted the resolution of the gentleman from Texas [Mr. MILLS] it adopted a resolution that was conclusive that the

House denied the right of the Speaker to send that bill to the Committee on Coinage, Weights, and Measures.

It matters not if the bill has been taken away by mistake; it matters not where it is now. According to the rules of the House and according to the rights of this House under the Constitution it belongs upon the Speaker's table, and I believe the Speaker of the House in the discharge of his duty will see that it is properly disposed of as if lying on the table. Reference has been made to the action of the House yesterday. Let us see exactly what was done. The RECORD shows that the following resolution was adopted:

Resolved, That the Journal of yesterday, Wednesday, June 18, be corrected by striking therefrom this entry, to wit:

"Under clause 2 of Rule XXIV, a House bill of the following title, with Senate amendments, was taken from the Speaker's table and referred as follows:
 "A bill (H. R. 5381) directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes—to the Committee on Coinage, Weights, and Measures."

That resolution having been adopted, the entry made in the Journal is void—not voidable, not erroneous, but void—and this case does not turn, as the gentleman from Ohio [Mr. BUTTERWORTH] intimates, upon the preamble. It does not hinge upon the preamble which was not adopted, but upon the resolution which was adopted. It has been repeatedly held by the courts that where a conflict existed between a preamble and a resolution or bill and the resolution or bill should be paramount, I believe, the resolution should be paramount to the preamble. The resolution is the gist of the business that was transacted, and must be regarded as what was desired to be done by the House. The House adopted the resolution, not the preamble. Now, if the resolution controls, Mr. Speaker, it leaves the bill upon your table. Then, if the bill is on the table, I hold that, under Rule XXIV, it is the duty of the Speaker to lay it before the House. Why? Rule XXIV defines the authority of the Speaker in connection with the order of business of the House—

The SPEAKER. If the gentleman from Kentucky believes it to be the duty of the Speaker to lay the bill before the House, how is the resolution in order which requires it to be presented for consideration? Should it not be taken up under the regular order of business under the rules?

Mr. McCREARY. I will endeavor, Mr. Speaker, to answer that question.

The SPEAKER. The Chair quite agrees with the gentleman that if the bill is on the table it would come up in the regular order of business.

Mr. McCREARY. Does the Chair state that the bill is on the Speaker's table?

The SPEAKER. The Chair makes no statement in regard to the matter, but has listened to the gentleman and to other gentlemen who have spoken upon the matter for the purpose of determining what was to be done in regard to the question.

Mr. McCREARY. I have asserted, Mr. Speaker, and I again assert, that the bill and amendments came from the Senate to the House and were laid on the Speaker's table, and that you had no authority to refer the bill to the Committee on Coinage, Weights, and Measures; and if that authority did not exist, the bill must be on the Speaker's table still.

The SPEAKER. Then, if so, it would come up in the regular way; would it not?

Mr. McCREARY. I hold that this bill (No. 5381) is now on the Speaker's table by right, and I believe that under the rules of the House it is the duty of the Speaker to lay it before the House.

The SPEAKER. In its order.

Mr. McCREARY. To support my position I refer to Rule XXIV, which declares that the daily order of business in the House shall be as follows: First, prayer by the Chaplain; second, reading and approval of the Journal; third, correction of reference of public bills; fourth, the disposition of business on the Speaker's table.

The SPEAKER. That business to be taken up in its regular order.

Mr. McCREARY. The rule does not say in what order the business shall be taken up. The second clause of the rule provides that—

Reports and communications from the heads of Departments, and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner and with the same right of correction as public bills presented by members; but House bills with Senate amendments which do not require consideration in a Committee of the Whole, may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House, and not required to be considered in Committee of the Whole, may also be disposed of in the same manner on motion directed to be made by such committee.

Bill No. 5381 is not required to be considered in Committee of the Whole. There is a provision in the bill which requires an appropriation of money, but the amount appropriated was not increased by the Senate after the bill passed the House.

The SPEAKER. The Chair would be glad to have the judgment of the gentleman from Kentucky [Mr. McCREARY] upon the question of order. Supposing that the question as to where the bill is is disposed of, and if it be found to be upon the Speaker's table, does it not then come up in regular order?

Mr. BLAND. If the gentleman from Kentucky [Mr. McCREARY] will allow me—

The SPEAKER. I should like to have the opinion of the gentleman from Kentucky [Mr. McCREARY] upon that point.

Mr. BLAND. If the gentleman from Kentucky [Mr. McCREARY] will allow me, I will give him the information that I demanded the regular order when I introduced the resolution. I read what the regular order was, and when in the regular order the resolution is reached I desire to have it voted on. I demanded the regular order.

The SPEAKER. But the resolution was presented for immediate action, was it not?

Mr. BLAND. I read the rule, to show what the regular order was, and I demanded the regular order, and I sent that resolution to be voted upon in its regular order; that is, that the Speaker proceed to the business on the Speaker's table in the regular order, and when Senate bills were reached in their regular order, that that bill be taken up. That was the motion.

The SPEAKER. The Chair did not so understand the motion at the time.

Mr. BLAND. If the Speaker please, I have read the rule in the hearing of the Speaker.

The SPEAKER. Precisely.

Mr. BLAND. And I stated that I demanded the regular order of business.

The SPEAKER. And sent up this resolution as the regular order.

Mr. BLAND. Certainly, as a part of the regular order.

The SPEAKER. That is that whenever this bill came up in its order, if it is on the Speaker's table, it should be considered.

Mr. BLAND. It being on the Speaker's table, I demanded the regular order of business, which is, under this rule, to lay before the House whatever is on the Speaker's table, and whenever that resolution is reached I demand that it be voted upon.

The SPEAKER. It will be impossible for this resolution to go to the Speaker's table.

Mr. McCREARY. Mr. Speaker, I desire to make a single statement in regard to the question asked me. Rule XXIV, to which I have referred, does not prescribe the manner in which you shall lay the bills on the Speaker's table before the House. It does not give precedence to any bill, and therefore I hold that the silver bill with the Senate amendments may be laid before the House by the Speaker, or, in accordance with the resolution offered by the gentleman from Missouri [Mr. BLAND], the House has the right under the rule to call it up.

The SPEAKER. The Chair will state that that was not the practice under a former rule of similar wording, in that regard, and the Chair desires to say to the gentleman from Kentucky [Mr. McCREARY], with regard to one suggestion which he made, namely, that it was not the duty of the Clerk to send this resolution to the committee at the time of its reference, but that the Clerk should have waited until the approval of the Journal by the House, the Chair is informed it has always been the custom for the Clerk to send a bill at once upon action by the House, even before the Journal has been approved.

Mr. McCREARY. But, Mr. Speaker, it matters not what the Clerk may have done heretofore. Under the Constitution of the United States, which requires the House to keep a journal of its proceedings, I hold that the Clerk has no right to send bills to the committee until the Journal is approved.

The SPEAKER. Bills have often been passed, have gone to the Committee on Enrolled Bills, and have been signed and have become a part of the archives before the Journal was approved.

Mr. McCREARY. Responding to the suggestion of the honorable Speaker with regard to precedents, I have this to say: As the Speaker has made his own precedents upon several previous occasions, I think he might make now a precedent that would be in accordance with the Constitution and in accordance with the rules of the House.

The SPEAKER. But if it be objectionable to violate a precedent it must be praiseworthy to follow it.

Mr. MORROW addressed the Chair.

Mr. CANNON. Mr. Speaker, I would like to have a ruling upon the point of order that was made to the resolution of the gentleman from Missouri [Mr. BLAND].

The SPEAKER. The Chair does not think that resolution is in order now.

Mr. McMILLIN addressed the Chair.

Mr. BLAND. I desire to have an appeal when the decision is made.

The SPEAKER. The gentleman from Tennessee desires to address the House.

Mr. McMILLIN. Mr. Speaker, I should not trespass upon the time of the House but for an utterance that fell from the lips of the gentleman from Iowa [Mr. CONGER], chairman of the Committee on Coinage, Weights, and Measures. If I understand him, he conceives that his committee now has charge of the silver bill, or the bill at present under consideration, and may proceed to act thereon. Against that idea I desire to enter my protest. That alone do I wish to discuss. I will not take the time of the House to recite the transactions in detail that have occurred here for the last two days, further than to say that the Speaker, following what he conceived to be his duty, referred this bill

under the second section of the twenty-fourth rule to the Committee on Coinage, Weights, and Measures.

The rule has this exception to the bills that must be referred by the Speaker:

But House bills with Senate amendments which do not require consideration in a Committee of the Whole, may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported, etc.

The Speaker construed that exception not to embrace the bill now under consideration, and referred it; but the House, when it came to ratify the entry made in the Journal in pursuance of the Speaker's action, held that the bill did come within the exception, and was to be laid before and referred or acted on by the House, which is the thing to be done when that class of business is reached.

The SPEAKER. The Chair would suggest to the gentleman from Tennessee, that at least one gentleman in the observations he has made based his action upon the idea that such a bill as this should be presented to the House for the purpose of discovering in the presence of the House whether it was subject to the point of order.

Mr. McMILLIN. I think, Mr. Speaker, that the correct interpretation of what has occurred is, that the House differed from the Speaker as to the construction of that rule—that the House did not conceive this to be a bill which required its first consideration in the Committee of the Whole, and hence held that it was not the duty of the Speaker to refer it under the rule.

Now, it was very fully discussed yesterday. It was very deliberately considered. It was as dispassionately considered as any measure has ever been that involved such great interest, and on which so much of feeling exists as on this bill. The House did not simply take one vote; but over, and over, and over again, in different forms, and in different hours, and then to-day as yesterday (on different days), it has placed that construction upon this rule; and when the House of Representatives speaks every member of the House must obey. And this is what I want to impress on the gentleman from Iowa [Mr. CONGER].

So far as his claim is concerned, that it is in the Committee on Coinage, Weights, and Measures, and may be acted on by that committee, it is my deliberate opinion, and upon that I would act if I were in his place, that he would have as much right to take charge of a bill which he seized from that table and take it into his room, call his committee together, and consider it as he has to take charge and act upon this bill, which the House has said was not referred to the Committee on Coinage, Weights, and Measures. That is what I conceive to be the status.

Now, I am not proposing to question the motives of the gentleman from Iowa, chairman of the Committee on Coinage, Weights, and Measures, in his declaration of their rights over the bill; but I am proposing to stand by the rights of this House. There may have been doubts yesterday, there may have been doubts to-day as to what was the correct thing to do. This was a new rule. It had never been construed by the House. There were doubts on the part of members on both sides of this House as to the proper construction; but a construction has been given, and but one thing can characterize that construction, and that is, action under it and obedience to it.

Now, much has been said by the gentleman from Ohio as to the fact that the resolution adopted yesterday did not negative the action of the Speaker; and he argues that it does not, because the preamble to the resolution was stricken out.

But the preamble to the resolution, Mr. Speaker, was merely a recitation of the facts which called for action; the action was the same whether the preamble was there or not. So thoroughly was that felt to be so, that the gentleman from Texas [Mr. MILLS] himself, after the resolution had been adopted, got up and proposed to withdraw the preamble; but gentlemen on the other side objected to the withdrawal, and in that way—they laying no stress upon it—they got the votes of the gentleman from California [Mr. MORROW] and others who had voted against ratifying the action of the Speaker in referring this bill.

Mr. OATES. I would suggest to the gentleman from Tennessee the fact that wherever a law has come before the courts of last resort for construction it has uniformly been held that the preamble is no part of the act.

Mr. McMILLIN. That is true. It is no part of it. The Journal recited that the Speaker had referred this bill under the second section of Rule XXIV. The House struck it out of the Journal, holding that there had been no reference of the bill; and hence, whether the preamble was adopted or not, the effect of the resolution is the same. It could have no significance whatever. No importance was attached to it. There was not a man on this side of the House who was not willing to have it withdrawn; and if it had been known or thought that gentlemen were going to make the use of it which has been made to-day, I believe it could not have been rejected.

I do not wish to detain the House with any further suggestions.

Mr. BLAND. Mr. Speaker, I desire to modify the resolution in the manner that I stated in the beginning with reference to this rule. I demanded the regular order, and do now in the manner indicated in that resolution.

The SPEAKER. The Clerk will report the modification proposed by the gentleman from Missouri.

The Clerk read as follows:

That the Speaker proceed under Rule XXIV to lay matters on the Speaker's table under said rule, and House bill 5381, directing the purchase of silver bullion and issue of Treasury notes thereon, and for other purposes, with Senate amendments, be laid before the House for its action.

Mr. MCKINLEY. On that I make the point of order.

Mr. CANNON. Mr. Speaker, a single word. The point of order that the gentleman from Ohio has made I am satisfied is well taken, for the reason that we have not yet reached the second order of business under Rule XXIV. I suppose if private-bill day is successfully antagonized we can reach this order before a great while, and when the order of business is reached, and when the messages from the President, of which I believe several were presented yesterday and to-day, are first laid before the House, then whatever else may be upon the Speaker's table will be in order to be laid by the Speaker before the House on his resolution, and then when laid before the House under the rules it will be competent for action to be had.

So that the resolution is not in order at this time, or at any other time for that matter, because from step to step as these different orders are reached it is in order to consider matters under the different clauses. Now, having said that much, it seems to me that I have covered the whole situation. In due and proper time, when the matter is presented for action, I may or may not be called upon to answer the observations that have fallen from the lips of the gentleman from Tennessee [Mr. McMILLIN]. It is not necessary to do so now. I am perfectly willing to proceed with the public business in order.

Mr. BLAND. On that question, Mr. Speaker—

The SPEAKER. The Chair perhaps can simplify the matter by a suggestion to the gentleman from Missouri. The Chair understands the wish of the gentleman to be simply to get at this matter when it would naturally come up, supposing it was on the Speaker's table, without having that question passed upon at present.

Mr. BLAND. No; that is the very question that I want passed upon.

The SPEAKER. Precisely; but that question must be passed upon in its regular order, like every other question, and what the Chair purposed to do with regard to the matter was this: When that bill, or its hiatus—whatever there may be there [laughter]—was reached, to bring the matter to the attention of the House, and then the gentleman from Missouri [Mr. BLAND] can offer his resolution if he deems it necessary. But there is one difficulty which the gentleman does not seem to consider, and that is that this is private-bill day and that the business now in order is private bills.

Mr. SPRINGER. I call the attention of the Chair on that point to the sixth clause of Rule XXIV, which provides that "Friday of each week, after the unfinished business has been disposed of," is set apart for business on the Private Calendar, and the unfinished business has not been taken up. Now, private business is not to be taken up until after the business on the Speaker's table is disposed of.

The SPEAKER. "Unfinished business" is the third order of business. The first order of business, the Chair supposes, would be private bills on the Speaker's table.

Mr. SPRINGER. But clause 3 of this rule provides that "the consideration of the unfinished business in which the House may be engaged at an adjournment, except business in the morning hour, shall be resumed as soon as the business on the Speaker's table is finished, and at the same time each day thereafter until disposed of." So that the unfinished business is not in order until after the business on the Speaker's table is finished, so it is not in order now.

The SPEAKER. But the rule is that Friday in each week shall be set apart for private business.

Mr. SPRINGER. After the unfinished business is disposed of.

The SPEAKER. Not at all. After the unfinished business is disposed of the House can go into Committee of the Whole.

Mr. SPRINGER. Well, that is the only way we can consider private business. That is the place where the private business is.

Mr. BLAND. If I properly understand the position of the Speaker, we may come to some agreement about this matter. I suppose that in the morning the Speaker will proceed, under this rule, to lay matters on the Speaker's table before the House, and that this bill will be reached, and that the resolution can then be offered and voted upon.

The SPEAKER. The Chair does not decide that.

Mr. BLAND. In what manner, then, can that question come up?

The SPEAKER. The Chair decides that whatever matter would be in order at that time can then be entertained. There is no difficulty, the Chair thinks, in making the matter very clear to the gentleman from Missouri. The gentleman proposes a certain resolution, but he does not propose to have it acted upon until the proper time. Of course he can not propose that resolution until the proper time in any parliamentary assembly, and when the proper time comes for action upon the subject, if he deems it necessary he can take that action, and of course no effort will be made to prevent the gentleman from taking that action.

Mr. BLAND. What I wanted to understand from the Chair was whether—

Mr. McCOMAS. I ask for the regular order.

The SPEAKER. The Chair thinks the regular order is the following bill—

Mr. BLOUNT. I rise to a parliamentary inquiry.

The SPEAKER. The Chair will hear the gentleman.

Mr. BLAND. I have the floor, Mr. Speaker.

Mr. HENDERSON, of Iowa. No one has the floor when the regular order is demanded.

Mr. BLAND. Mr. Speaker, I raise a question of order. That resolution which I offered has been pending here for over an hour, and has been under consideration. The Chair held that the resolution was not in order, and I immediately said that I desired to appeal from that decision.

The SPEAKER. The Chair has made no decision whatever with regard to it.

Mr. BLAND. I did not understand the Chair.

The SPEAKER. The Chair has made no decision with regard to it, whatever.

Mr. BLAND. But we were proceeding to consider it, and while it is under consideration nothing else can be entered upon.

Mr. McCOMAS. I call for the regular order, which is the omnibus bill containing the war claims reported from the Court of Claims.

Mr. BLAND. The regular order is the matter we have been proceeding with. There has been no objection made to it.

Mr. McCOMAS. I demand the regular order.

The SPEAKER. There is not the slightest occasion for confusion about this matter. The Chair will endeavor to arrange it if gentleman will not make it a matter of feeling.

Mr. SPRINGER. Will the Chair please state to the House, for its information, when it will be in order to lay this before the House?

The SPEAKER. It will be in order, the Chair will state, whenever the bill would have been in order, provided the views which gentlemen on the other side entertained on that subject were correct, upon which the Chair does not now express an opinion, because the Chair does not think now is the proper time. [Laughter.]

Mr. SPRINGER. The Chair is very lucid, indeed. I compliment him on the adroitness of his language.

The SPEAKER. There need not be any misunderstanding whatever about this thing. The Chair desires to accommodate itself to the wishes of the House, and does not purpose to avoid by any technicality the wishes of the House. That ought to go without saying.

Mr. SPRINGER. I have not questioned the Chair's good faith, but I simply desired the Chair to state to those who are not so well versed in parliamentary law as the Chair is, the particular time when we can have this matter before the House for consideration.

Mr. McCOMAS. The gentleman has so many desires. Now, I desire simply the regular order. [Laughter.]

Mr. SPRINGER. Under the rules of the House when will it be in order?

Mr. BLAND. I trust the Chair will allow every member of this House who desires information to know when this question may come up.

Mr. SPRINGER. I have been trying to get that information.

Mr. BLAND. I want to know when is the proper time if it is not now.

Mr. STRUBLE. Let them be here every day and they will find out.

Mr. BLAND. Will this not come up to-morrow morning immediately after the reading of the Journal? Will it not then be in order under the rules to proceed to business on the Speaker's table?

Mr. McCOMAS. Mr. Speaker, I make the point of order that when the regular order is demanded no procedure of this character can be had. I have insisted on the regular order, I now demand it again.

Mr. BLAND. Well, this has been going on for over an hour on the resolution presented by myself, and you can not cut it off.

Mr. McCOMAS. Well, I insist upon the regular order.

Mr. McCREARY. Mr. Speaker, allow me a moment. The gentleman from Missouri [Mr. BLAND] offered a resolution this morning upon which the gentleman from Iowa made the point of order. As I understand it, that is the regular order of business before the House, and I desire to ask the Speaker if it is not in order at this time to decide the point of order made on the resolution of the gentleman from Missouri—the second resolution—on which the gentleman from Iowa [Mr. CONGER] made the point of order.

Mr. CONGER. I rise to a question of order, or rather a question of information.

[Cries of "Regular order!"]

The SPEAKER. The gentleman will state it.

Mr. CONGER. I want to inquire if this is not the situation—

[Renewed cries of "Regular order!"]

Mr. McCREARY. I have submitted a parliamentary question—

The SPEAKER. The Chair will request the House to be in order. The Chair will endeavor to answer all questions. It seems really necessary that the Chair should hear the observations of gentlemen in order to pass upon them.

Mr. McCOMAS. I rise to a parliamentary inquiry.

The SPEAKER. There is a parliamentary inquiry now pending. There can not be two at the same instant of time.

Mr. McCOMAS. Then I will make mine later.

The SPEAKER. The Chair must request gentlemen to be in order. Will gentlemen please take their seats? The Chair will suspend all public business until the House is in order.

Mr. McCREARY. Mr. Speaker, I made a parliamentary inquiry to ascertain what was before the House.

The SPEAKER. The gentleman from Iowa was recognized for a parliamentary inquiry.

Mr. CONGER. My inquiry is this, if this is not the proper parliamentary status of the question: The gentleman from Missouri offered a resolution, a point of order was made upon it, after which the gentleman withdrew his resolution which was being considered, and offered another; and immediately, before any discussion was entered upon, the gentleman from Ohio made a point of order upon it.

Mr. BLAND. Another point of order was made.

The SPEAKER. The original resolution was withdrawn, and the other resolution has been offered by the gentleman from Missouri, and it is for the Chair first, and then the House, to pass upon it.

Mr. McCOMAS. Fridays are devoted, by the rules, to private bills. I make a parliamentary inquiry now whether or not the bill known as the "Omnibus bill," the Court of Claims bill, is not the unfinished business, and now in order?

The SPEAKER. The Chair is informed that that bill is in the Committee of the Whole House on the state of the Union. [Laughter.]

Mr. McCOMAS. Then, Mr. Speaker, if it be in order, I will move that the House resolve itself into Committee of the Whole for the consideration of that bill.

The SPEAKER. That is not yet in order.

The Chair will state that this matter is entirely within the control of the House under the rules of the House.

Mr. BLAND. Then, Mr. Speaker, I resume the floor. I was on the floor and the gentleman from Illinois made a point of order against the resolution.

The SPEAKER. Precisely; and the gentleman from Missouri will be heard on the point of order.

Mr. BLAND. I was on the floor addressing myself to the point of order when the Chair made the suggestion.

Now, I want simply to state that the gentleman from Illinois raised the question of order against this resolution and said that it was out of order because it directed, or gave as a direction, what the House itself by its rules has done; that is to say, for the Speaker to proceed under the regular order, under Rule XXIV, to lay the business on the Speaker's table under the rule before the House. The gentleman now states that that can be accomplished without any resolution by calling for the regular order.

That, Mr. Speaker, is very true, with this important exception: The resolution directs among other things that this matter in controversy is one of the things on the Speaker's table to lay before the House. So that it covers that point, a point that is in controversy between the gentleman and myself, and between those who hold to the opinion in regard to this bill which I do, and those who hold to the opinion of the gentleman from Illinois. Thus, the passage of this resolution would settle that question, whether the House will determine that the bill shall be placed before the House. And the mere calling for the regular order would not necessarily settle that point at all; for it is clear from the statement of the Speaker that the bill would not come up in regular order if it is not on the Speaker's table. This resolution declares where the bill is, and settles that question beyond controversy.

This resolution directs that the bill shall be laid before the House. And that is the only way we can reach this question and settle it; and I want to say to my friends who favor silver: and especially free coinage, that when a mere technicality stands in the way, rules about which, so far as this House is concerned, there is great divergence of opinion, great doubt concerning them—I ask you now to resolve that doubt in favor of your convictions, and take this bill up and consider it. [Cries of "Vote!" "Vote!"] Now, Mr. Speaker, that is all I have to say about this matter. I ask the Chair to rule whether the resolution is in order or not.

Mr. CANNON. Rule XXVI provides that Friday in every week shall be set apart for the consideration of private business.

A MEMBER. Is that done?

Mr. CANNON. "That Friday of every week shall be set apart for the consideration of private business, unless otherwise determined by the House." The House has not otherwise determined this Friday. It might or might not, if it had a chance. Second, the regular order was called for, which would be to proceed with business on the Speaker's table, and Friday's business is to take from the Speaker's table the private bills.

Mr. SPRINGER. That never was the instruction. It never was done under that.

Mr. BLAND. That is an afterconsideration.

Mr. CANNON. It has happened before, and that is the rule; and private bills, House bills with Senate amendments that do not make appropriations, or Senate bills where there are similar House bills with favorable reports, may be taken from the Speaker's table and passed. Now, that being the order, and the House not having dispensed with the order, the gentleman from Missouri [Mr. BLAND], out of order, gets up and offers this resolution and hangs on to it, and when we point out the rule and call his attention to the fact that it is Friday he proceeds to orate about free coinage, and resolves that coinage is great,

and that BLAND is the only creature on God Almighty's foot-stool that has charge of it. [Laughter.] Now, there is the whole situation.

Mr. BLAND. No, you seem to think that the only one who has charge of it is the Speaker. I want the House to take charge of it.

Mr. CANNON. Certainly the House will take charge of it, but I am curious to see how far the gentleman from Georgia [Mr. CRISP] and his colleague [Mr. BLOUNT] and how far other gentlemen upon that side that think they see Speakerships looming up will follow the eminent parliamentary example and leadership of the gentleman from Missouri [Mr. BLAND]. If it is the desire of the House to dispense with the order of Friday for private business, let us go to work and do it.

Mr. CRISP. Will the gentleman from Illinois [Mr. CANNON] allow me to tell him what I am trying to arrive at? I am trying to arrive at what the gentleman from Ohio [Mr. McKINLEY] has stated is the business of this session, which is to obtain practical results, and the practical result we are after is the free coinage of silver. [Applause on the Democratic side.]

Mr. BUCHANAN, of New Jersey. That is an impracticable result. Mr. CANNON. And the gentleman, as some people think, with his eyes wide open and the rules of the House before him, fully discussed when they were adopted, as I had the honor to show yesterday by putting him in the RECORD upon the subject, under those circumstances proceeds in spite of the rules to nullify that rule which he criticised from an opposite standpoint when it was adopted.

Mr. CRISP. Do you not believe the doctrine of *stare decisis* covers it? Has not the Speaker the right to construe the rules, and have not I the right to follow his construction while he is there? [Laughter and applause on the Democratic side.]

Mr. CANNON. And now I am curious to see how my friend with the judicial mind, who knows a great deal about parliamentary usage—

Mr. HENDERSON, of Iowa. And with the Presbyterian antecedents—

Mr. CANNON. I am curious to see now whether, without Friday's business being disposed of, he will follow the lead of the eminent gentleman from Missouri [Mr. BLAND].

Mr. HENDERSON, of Iowa. The financier—

Mr. CANNON. And who, in spite of the rules, expects on an appeal from the decision of the Chair to sustain the eminent gentleman from Missouri [Mr. BLAND]. God knows how far my friend from Georgia [Mr. CRISP] would go. God does not know how far my colleague from Illinois [Mr. SPRINGER] would go. [Prolonged laughter.]

Mr. McCOMAS. Mr. Speaker, I make the motion, under clause 6 of Rule XXIV, that the House now resolve itself into the Committee of the Whole, to consider the business on the Private Calendar. I make that motion in good faith and I hope it will be considered.

The SPEAKER. There is another proposition pending, which is the resolution offered by the gentleman from Missouri. The Chair rules that that resolution is not in order under the rules of the House.

Mr. BLAND. I appeal from the decision of the Chair.

Mr. McKINLEY. I move to lay that appeal on the table, and on that question I demand the yeas and nays.

Mr. BUCKALEW. If it is in order I move that this House do now adjourn.

The SPEAKER. The gentleman from Ohio demands the yeas and nays.

The yeas and nays were ordered.

Mr. McKINLEY. I understood the Speaker to decide that this resolution is not now in order.

The SPEAKER. That is the ruling, that the resolution is not in order.

Mr. BRECKINRIDGE, of Kentucky. I rise to a parliamentary inquiry.

The SPEAKER. The yeas and nays are ordered, and the Clerk will call the roll.

Mr. BRECKINRIDGE, of Kentucky. Is it not necessary that the Speaker shall state the question? It has not yet been stated.

The SPEAKER. The Chair stated that the gentleman from Missouri appealed, and thereupon the gentleman from Ohio moved to lay that appeal upon the table.

Mr. BRECKINRIDGE, of Kentucky. Without stating what the appeal was.

The SPEAKER. An appeal from the decision of the Chair.

Mr. BRECKINRIDGE, of Kentucky. The Chair has not stated what is the question decided by the Chair, from which the appeal was taken.

The SPEAKER. The Chair decided that the resolution of the gentleman from Missouri [Mr. BLAND] is not now in order, and from that decision the gentleman from Missouri [Mr. BLAND] appeals.

Mr. FITCH. I ask unanimous consent that the resolution be read.

The SPEAKER. Without objection, the resolution will be read to the House.

The resolution of Mr. BLAND was again read.

The SPEAKER. The Chair rules that that resolution is not in order on account of its being a change of the rule on the question of the order of business. From that decision the gentleman from Mis-

souri [Mr. BLAND] appeals, and the gentleman from Ohio moves to lay the appeal on the table. On that the yeas and nays have been ordered.

Mr. CRISP. Pending that I move that the House do now adjourn.

Mr. CANNON. Do not filibuster.

Mr. SPRINGER. Do not let that Cannon go off any more.

Mr. MCKINLEY. If the House adjourns now it means to do away with the Friday evening session.

A MEMBER. The yeas and nays have been ordered on the motion to lay the appeal on the table.

The SPEAKER. No name had been called. The gentleman interrupted and another gentleman asked that the resolution be read.

Mr. CANNON. If the House adjourns it cuts off pension night.

Mr. CRISP. I move that the House do now adjourn, and on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 13, nays 228, not voting 86; as follows:

YEAS—13.

Buckalew,	Crisp,	Enloe,	Whithorne,
Bullock,	Cummings,	Grimes,	
Bunn,	Dargan,	Kilgore,	
Crain,	Edmunds,	O'Neill, Ind.	

NAYS—228.

Abbott,	Cowles,	Laidlaw,	Rife,
Adams,	Culbertson, Tex.	Lane,	Robertson,
Alderson,	Culbertson, Pa.	Lanham,	Rockwell,
Allen, Mich.	Cutcheon,	Laws,	Rowell,
Anderson, Kans.	Dale,	Lester, Ga.	Rowland,
Anderson, Miss.	Davidson,	Lewis,	Russell,
Arnold,	De Haven,	Lind,	Sanford,
Atkinson, W. Va.	Dockery,	Lodge,	Sawyer,
Baker,	Dolliver,	Magner,	Sayers,
Bankhead,	Dunnell,	Mansur,	Seall,
Banks,	Dunphy,	Martin, Ind.	Sherman,
Barnes,	Elliott,	McAdoo,	Shively,
Bartine,	Ellis,	McClammy,	Smith, Ill.
Beckwith,	Evans,	McClellan,	Smith, W. Va.
Belden,	Ewart,	McComas,	Smyser,
Belknap,	Farquhar,	McCormick,	Snider,
Bergen,	Finley,	McCreary,	Spinoia,
Bingham,	Fitch,	McKenna,	Spooner,
Blanchard,	Fithian,	McKinley,	Springer,
Blund,	Flood,	McMillin,	Stephenson,
Blunt,	Forman,	McRae,	Stewart, Ga.
Bosmer,	Forney,	Miles,	Stewart, Tex.
Boothman,	Fowler,	Milliken,	Stivers,
Boutelle,	Frank,	Mills,	Stockbridge,
Breckinridge, Ark.	Funkson,	Moffitt,	Stockdale,
Breckinridge, Ky.	Gear,	Montgomery,	Stone, Ky.
Brewer,	Geisenhainer,	Moore, N. H.	Stone, Mo.
Brickner,	Gest,	Morey,	Struble,
Brookshire,	Gibson,	Morrill,	Stump,
Brocius,	Gifford,	Morrill,	Sweeney,
Brown, J. B.	Goodnight,	Morrow,	Taney,
Brown, Va.	Greenhalge,	Morse,	Taylor, J. D.
Brunner,	Grosvenor,	Mudd,	Thomas,
Buchanan, N. J.	Hall,	Mutcher,	Tillman,
Buchanan, Va.	Hansbrough,	Niedringhaus,	Townsend, Colo.
Burrows,	Hare,	Norton,	Tracey,
Burton,	Haugen,	Oates,	Tucker,
Butterworth,	Hayes,	O'Neill, Mass.	Turner, Ga.
Bynum,	Haynes,	O'Neill, Pa.	Vandever,
Caldwell,	Heard,	Osborne,	Van Schaick,
Candler, Mass.	Hemphill,	Owen, Ind.	Venable,
Cannon,	Henderson, Ill.	Parrett,	Waddill,
Carlton,	Henderson, Iowa,	Paynter,	Walker, Mass.
Carter,	Henderson, N. C.	Payson,	Wallace, Mass.
Caruth,	Hermann,	Peel,	Wallace, N. Y.
Caswell,	Hill,	Pennington,	Wheeler, Ala.
Cheadle,	Hill,	Peters,	Whiting,
Chipman,	Holman,	Pickler,	Wike,
Clements,	Kelley,	Post,	Wilkinson,
Cobb,	Kennedy,	Pugsley,	Williams, Ill.
Cogswell,	Kerr, Iowa,	Haines,	Williams, Ohio
Constock,	Ketcham,	Randall,	Wilson, Ky.
Conger,	Kinsey,	Reed, Iowa,	Wilson, Mo.
Cooper, Ind.	Knapp,	Reilly,	Wilson, W. Va.
Cothran,	Lacey,	Richardson,	Wright,
	La Follette,		Yardley,
			Yoder,

NOT VOTING—86.

Allen, Miss.	De Lano,	McCarthy,	Skinner,
Andrew,	Dibble,	McCord,	Stahnecker,
Atkinson, Pa.	Dingley,	McDuffie,	Stewart, Vt.
Barwig,	Dorsey,	Nute,	Taylor, Ill.
Bayne,	Featherston,	O'Donnell,	Taylor, Tenn.
Biggs,	Flick,	O'Ferrall,	Taylor, E. B.
Bowden,	Flower,	Outhwaite,	Thompson,
Brower,	Groat,	Owens, Ohio	Turner, Kans.
Browne, T. M.	Harmer,	Payne,	Turner, N. Y.
Campbell,	Hatch,	Perry,	Vaux,
Candler, Ga.	Hooker,	Phelan,	Wade,
Catchings,	Hopkins,	Pierce,	Walker, Mo.
Cheatham,	Houk,	Price,	Washington,
Clancy,	Kerr, Pa.	Quackenbush,	Wheeler, Mich.
Clarke, Ala.	Lanning,	Ray,	Wickham,
Clark, Wis.	Lawler,	Rogers,	Wiley,
Coleman,	Lee,	Seranton,	Willcox,
Connell,	Leibach,	Seney,	Wilson, Wash.
Cooper, Ohio	Lester, Va.	Simonds,	
Covert,	Majah,		
Craig,	Martin, Tex.		
Darlington,	Mason,		

So the House refused to adjourn.

The following additional pairs were announced:

For the rest of the day:

Mr. FLICK with Mr. TURNER, of New York.

Mr. BOWDEN with Mr. LESTER, of Virginia.

Mr. MASON with Mr. HEARD.

Mr. DE LANO with Mr. LEE, from 4 p. m. to 5 p. m.

Mr. RAY with Mr. HOOKER, until further notice.

Mr. HARMER with Mr. COVERT, until Monday.

Mr. STEWART, of Vermont, with Mr. OATES, until Tuesday.

Mr. PETERS. Mr. Speaker, I have been paired with the gentleman from Mississippi [Mr. HOOKER] for the last month. This afternoon I received a telegram from him giving me permission to transfer the pair, and therefore I voted upon this proposition.

Mr. SPRINGER. I ask that the vote be recapitulated, Mr. Speaker.

The Clerk proceeded with the recapitulation.

Mr. McMILLIN (interrupting the reading). I ask unanimous consent to dispense with the reading of the names.

Mr. SPRINGER. I withdraw my demand for the recapitulation.

Mr. MORROW. I object.

Mr. SPRINGER. There is a message which the Chair desires to lay before the House. That is the reason why I withdraw the demand.

The SPEAKER. It does not matter. The Chair will venture to lay the message before the House.

The recapitulation of the vote was resumed and concluded.

Pending the announcement of the result,

RECIPROCITY TREATIES WITH THE LATIN-AMERICAN STATES.

The Speaker laid before the House the following message from the President; which, with the accompanying papers, was referred to the Committee on Ways and Means, and ordered to be printed:

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith, for your information, a letter from the Secretary of State, enclosing a report of the International American Conference, which recommends that reciprocal commercial treaties be entered into between the United States and the several other republics of this hemisphere.

It has been so often and so persistently stated that our tariff laws offered an insurmountable barrier to a large exchange of products with the Latin-American nations, that I deem it proper to call especial attention to the fact that more than 87 per cent. of the products of these nations sent to our ports are now admitted free. If sugar is placed upon the free-list, practically every important article exported from those states will be given untaxed access to our markets except wool. The real difficulty in the way of negotiating profitable reciprocity treaties is that we have given freely so much that would have had value in the mutual concessions which such treaties imply. I can not doubt, however, that the present advantages which the products of these near and friendly states enjoy in our markets, though they are not by law exclusive, will, with other considerations, favorably dispose them to adopt such measures, by treaty or otherwise, as will tend to equalize and greatly enlarge our mutual exchanges.

It will certainly be time enough for us to consider whether we must cheapen the cost of production by cheapening labor, in order to gain access to the South American markets, when we have fairly tried the effect of established and reliable steam communication and of convenient methods of money exchanges. There can be no doubt, I think, that with these facilities well established, and with a rebate of duties upon imported raw materials used in the manufacture of goods for export, our merchants will be able to compete in the ports of the Latin-American nations with those of any other country.

If, after the Congress shall have acted upon pending tariff legislation, it shall appear that under the general treaty-making power or under any special powers given by law, or trade with the states represented in the conference can be enlarged, upon a basis of mutual advantage, it will be promptly done.

BENJ. HARRISON.

EXECUTIVE MANSION, June 19, 1890.

MARICOPA COUNTY BONDS, ARIZONA.

The SPEAKER also laid before the House the following message from the President:

The Clerk read as follows:

To the House of Representatives:

I return without my approval the bill (H. R. No. 3984) to authorize the board of supervisors of Maricopa County, Arizona, to issue certain bonds in aid of the construction of a certain railroad.

This bill proposes to confer authority upon the supervisors of the county of Maricopa to issue county bonds at the rate of \$4,000 per mile, in aid of a railroad to be constructed from Phoenix northwardly to the county line, a distance estimated at 50 miles, but probably somewhat longer. The bill seems to have passed the House of Representatives under an entire misapprehension of its true scope and effect. In the brief report submitted by the Committee on Territories, it is said that "by the terms of the bill the county receives bonds in payment of the money proposed to be advanced," and in the course of the debate the Delegate from Arizona mistakenly stated in response to a request for information that the bill proposed a loan by the county, in exchange for which it was to receive the bonds of the railroad company. In fact, the bill does not provide for a loan to be secured by bonds, but for a subscription of stock. How far this mistake may have affected the passage of the bill can not, of course, be known.

The bill does not submit the question of granting this aid to a vote of the people of the county, but confers direct authority upon the supervisors to issue the bonds. It is said, however, that in April, 1889, an election was held to obtain the views of the people upon the question. It does not appear from any papers submitted to me who were the managers of this so-called election, what notice, if any, was given, what qualifications on the part of voters were insisted upon, if any, or in what form the question was presented. There was no law providing for such an election. Being wholly voluntary, the election was, of course, under the management of those who favored the subsidy, and was conducted without any legal restraints as to the voting or certification. I have asked for a statement of the vote by precincts, and have been given what purports to be the vote at twelve points. The total affirmative vote given was 1,975 and the negative 134. But of the affirmative vote 1,543 were given at Phoenix and 168 at Tempe, a town very near to Phoenix. If there were no other objections to this bill, I should deem this alone sufficient, that no provision is made

for submitting to a vote of the people, at an election after due notice and under the sanction of law, the question whether this subscription shall be made.

But again the bill proposes to suspend for this case two provisions of the act of Congress of July 30, 1886: First, that provision which forbids municipal corporations from subscribing to the stock of other corporations or loaning their credit to such corporations; and second, that provision which forbids any municipal corporation from creating a debt in excess of 4 per cent. of its taxable property as fixed by the last assessment. The condition of things then existing in Arizona had not a little to do with the enactment by Congress of this law, intended to give to the people of the Territories that protection against oppressive municipal debts which was secured to the people of most of the States by constitutional limitations. The wisdom of this legislation is not contested by the friends of this bill, but they claim that the circumstances here are so peculiar as to justify this exception. I do not think so. In the States the limitation upon municipal indebtedness is usually placed in the constitution, in order that it may be inflexible. If a showing of need, gain, or advantage is to overcome the barrier, then it is scarcely worth while to declare a limitation. Only a belief that the limit is inflexible will promote care and economy in administration. If this bill becomes a law how can Congress refuse to any county in any of the Territories the right to subscribe to the stock of a railroad company—especially where the subscription would not exceed the debt limit—upon a showing of the advantages of better and cheaper communications?

Maricopa County is one of great extent. Its northern boundary is 95 miles long, its southern boundary 65, its eastern 45, and its western 102. This great area is to be taxed to construct a road which can in the nature of things be of advantage to but a fraction of it. There is no unity of interest or equality of advantage. It may very well be that a section of these lands along the line of the road, and especially town lots in Phoenix, would have an added value much greater than the increased burden imposed, but it is equally clear that much property in the county will receive no appreciable benefit.

The existing bonded indebtedness of Maricopa County is \$272,000; the tax assessment of the county is about \$5,000,000; and the population is, estimated by multiplying the vote cast in 1888 by six, about 12,000. It will be seen that the bonded debt—to say nothing of a floating debt, which is said to be small—is already largely in excess of the legal limit, and it is proposed to increase it by a subscription that will certainly involve \$200,000, and possibly \$250,000. If the bill becomes a law the bonded indebtedness will very closely approximate 10 per cent. of the assessed valuation of the property of the county.

The condition of things in the county of Yavapai, lying immediately north of Maricopa, and through which this road is also to run, though not directly affected by this legislation, is very instructive in this connection.

By an act of the Legislature of Arizona, passed the year before the act of Congress to which I have referred, Yavapai County was authorized to subscribe \$4,000 per mile to this line of road. The total length of the road in the county was 147 miles, and 74 miles to Prescott have been constructed. The secretary of the Territory, in response to an inquiry, states the debt of Yavapai County at \$563,000, and the assessment for taxation at "between six and seven millions." There are 73 miles of road yet to be built from the present terminus, Prescott, to the south line of the county, for which Yavapai County must make a further issue of bonds of \$292,000, making a total county debt of \$855,000, or above 13 per cent. upon the taxable assessment (taking that at \$5,500,000), and a per capita county debt of nearly \$85, taking the population at about 10,600, as stated in the report of the Senate committee. Surely no one will insist that the true and permanent prosperity of these communities will be promoted by loading their energies and their industries with these great debts.

I feel the force of the suggestion that the freight charges now imposed upon the farm and orchard products of Maricopa County by the railroads now in operation are oppressive. But this bill does not afford much relief even in that direction. There would be but one competing point, namely, Phoenix. At all other points on the proposed road the people would be subject to the exaction of just such rates as are demanded by the other lines. If this bill contained some effective provision to secure reasonable freight rates to the people who are to be taxed to build the road it would go far to secure my favorable consideration for it.

I have carefully examined the reports of the committees and every argument that has been submitted to me by the friends of the bill, but I can not bring myself to believe that the permanent welfare of the communities affected by it will be promoted by its passage.

BENJ. HARRISON.

EXECUTIVE MANSION, June 20, 1890.

Mr. STRUBLE. Mr. Speaker, I move that the message and accompanying bill be referred to the Committee on the Territories.

Mr. PAYSON. A parliamentary inquiry. Will this bill, if thus referred, retain its privileged character?

The SPEAKER. Without question. Without objection the message and bill will be referred to the Committee on the Territories, and ordered to be printed.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STEWART, of Vermont, until Tuesday, the 24th instant, on account of important business.

To Mr. BARWIG, indefinitely, on account of sickness.

To Mr. WATSON, for five days.

To Mr. KERR, of Pennsylvania, on account of important business.

To Mr. PRICE, for ten days, on account of important business.

To Mr. McDUFFIE, for ten days from the 18th instant, on account of sickness in his family.

To Mr. CANDLER, of Georgia, for five days.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same.

Mr. STOCKBRIDGE. I ask unanimous consent that the titles be printed in the RECORD, and that the reading be omitted.

There was no objection, and it was so ordered.

A bill (H. R. 401) to provide for the purchase of a site, and the erection of a public building thereon, at Alexandria, in the State of Louisiana.

A bill (S. 595) for the erection of a public building at Salina, Kans.

A bill (S. 2403) to provide for the purchase of a site and the erec-

tion of a public building thereon at Beaver Falls, in the State of Pennsylvania.

A bill (S. 3052) for the relief of the Michigan military academy.

A bill (S. 3571) to provide an American register for the barge Ottawa, of Philadelphia, Pa.

The SPEAKER. On the motion to adjourn the yeas are 13 and the nays 228, and accordingly the House refuses to adjourn; but under the rule of the House, the hour of 5 o'clock having passed, the House is declared in recess until 8 o'clock this evening.

EVENING SESSION.

The recess having expired, the House was called to order by Mr. PERKINS as Speaker *pro tempore*, who directed the reading of the following communication:

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, June 20, 1890.

I hereby appoint Mr. PERKINS, of Kansas, as Speaker *pro tempore* for this evening's session.

T. B. REED, Speaker.

ORDER OF BUSINESS.

Mr. MORRILL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar under the rule regulating Friday evening sessions.

The question was put: and the Speaker *pro tempore* announced that the "ayes" seemed to have it.

Mr. ENLOE. Division, Mr. Speaker.

The question was put; and there were—ayes 24, no 1.

Mr. ENLOE. I make the point that no quorum is present and none voted.

Mr. MORRILL. I move that the House do now adjourn.

Mr. WILSON, of Missouri. I hope the gentleman from Tennessee will reconsider his action. If the House does adjourn and such adjournment is to be extended to the record of those who compose it, in matters of this kind, I want it to go upon record that it is done at the instance of the gentleman from Tennessee, and that he does it because he wishes to punish certain members of this House or all of us for some imaginary trouble of his own.

The SPEAKER *pro tempore*. The Chair has no power in the premises. The Chair would be very glad to permit members to do business, but without a constitutional quorum the gentleman has a right to make the point, and if he insists it will be the duty of the Chair to respect it. There are but two motions in order under these circumstances: one for a call of the House and the other to adjourn.

Mr. O'DONNELL. Is it not in order to move for a call of the House?

The SPEAKER *pro tempore*. The Chair has just stated that there are but two motions in order, a call of the House and a motion to adjourn, if the point of order is insisted upon.

Mr. ENLOE. I want to say in reply to the statement of the gentleman from Missouri—

Mr. ALLEN, of Michigan. A parliamentary inquiry. A motion to adjourn having been made, can a motion for a call of the House be made?

The SPEAKER *pro tempore*. A motion to adjourn is not debatable, but the Chair has allowed the matter to proceed by unanimous consent.

Mr. ALLEN, of Michigan. I understood that my colleague [Mr. O'DONNELL] had moved a call of the House.

The SPEAKER *pro tempore*. The Chair is not considering that motion as having been made.

Mr. CHEADLE. Regular order.

Mr. MORRILL. I made the motion to adjourn; it is the only question before the House, and not debatable.

The question was put; and the Chair announced that the "ayes" seemed to have it.

Mr. SHIVELY. Division.

The House divided; and there were—ayes 11, noes 10.

So the motion to adjourn was agreed to; and accordingly (at 8 o'clock and 7 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communication was taken from the Speaker's table and referred as follows:

COMPENSATION OF UNITED STATES MARSHALS FOR SERVICES IN OKLAHOMA TERRITORY.

Letter from the Attorney-General, inclosing copy of a letter from W. P. Hackney, of Guthrie, Oklahoma Territory, and copies of various other letters and petitions; also certificates of United States Marshals Jones and Walker, of Kansas, to the services performed by their deputies as police officers for the people of the Territory, and asking that suitable remuneration be made them by Congress—to the Committee on Appropriations.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. SPINOLA:

Resolved, That when the House adjourns on July 3, it will be until Saturday, July 5, at 12 o'clock noon;
to the Committee on Rules.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. SAWYER, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 8234) granting a pension to Catherine S. Lawrence, accompanied by a report (No. 2496)—to the Committee of the Whole House.

Mr. TURNER, of Georgia, from the Committee on Commerce, to which was referred the bill of the House (H. R. 10115) to authorize the Mobile, Jackson and Kansas City Railroad Company to cross certain rivers in the State of Mississippi, reported, as a substitute therefor, a bill (H. R. 11062) to authorize the Mobile, Jackson and Kansas City Railroad Company to bridge certain rivers in the State of Mississippi; which was read twice, and, accompanied by a report (No. 2497), referred to the House Calendar.

Mr. CAMPBELL, from the Committee on Commerce, reported favorably the bill of the House (H. R. 7621) to establish a marine hospital at the port of New York, accompanied by a report (No. 2498)—to the Committee of the Whole House on the state of the Union.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 10999) to carry out the findings of the Court of Claims in the case of Susannah P. Swoope. (Report No. 2499.)

A bill (H. R. 9407) for relief of T. T. Garrard, of Clay County, Kentucky. (Report No. 2500.)

Mr. DALZELL, from the Committee on the Pacific Railroads, reported favorably the bill of the House (H. R. 10954) authorizing the Secretary of the Treasury to settle the indebtedness to the Government of the Sioux City and Pacific Railroad Company, accompanied by a report (No. 2501)—to the Committee of the Whole House on the state of the Union.

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads, reported favorably the bill of the House (H. R. 7022) to provide for the employment of twenty-six supervisors of post-offices, accompanied by a report (No. 2504)—to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMS, of Ohio, from the Committee on Military Affairs, reported with amendment the bill of the House (H. R. 878) to open and build a roadway to the Federal cemetery at Winchester, Va., and for other purposes, accompanied by a report (No. 2505)—to the Committee of the Whole House on the state of the Union.

He also, from the same committee, reported favorably the bill of the House (H. R. 933) to grant the right of way to the Tacoma and Olympic Railway and Navigation Company across certain military reservations, accompanied by a report (No. 2506)—to the House Calendar.

He also, from the same committee, reported with amendment the joint resolution of the House (H. Res. 169) authorizing the use of a portion of United States military reservation at Chattanooga for a public park by the city of Chattanooga, Tenn., accompanied by a report (No. 2507)—to the House Calendar.

Mr. MORRILL, from the Committee on Invalid Pensions, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 2542) pensioning Joseph A. Blair. (Report No. 2508.)

A bill (H. R. 5265) granting a pension to Emma Chapman. (Report No. 2509.)

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. RICHARDSON: A bill (H. R. 11061) to incorporate the District of Columbia Suburban Railway Company—to the Committee on the District of Columbia.

By Mr. FUNSTON (by request): A bill (H. R. 11071) to amend section 4714 of the Revised Statutes of the United States—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (H. R. 1257) to remove the charge of desertion against Richard Weller, and authorize his honorable discharge—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 11053) for the relief of Dieterick Glander—Committee on Indian Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 10840) to provide an American register for the bark Campanero, of Baltimore, Md.—Committee on Commerce discharged, and referred to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ANDERSON, of Mississippi: A bill (H. R. 11063) granting a pension to J. G. Flournoy—to the Committee on Invalid Pensions.

By Mr. BELKNAP: A bill (H. R. 11064) granting a pension to Mrs. Amanda E. Parkis—to the Committee on Invalid Pensions.

By Mr. FITCH: A bill (H. R. 11065) to increase the pension of Susan N. Mulford, widow of Surgeon Joseph L. Mulford—to the Committee on Invalid Pensions.

By Mr. LA FOLLETTE: A bill (H. R. 11066) granting a pension to Peter Zimmerman—to the Committee on Invalid Pensions.

By Mr. PERRY: A bill (H. R. 11067) for the relief of the Mount Zion Society—to the Committee on War Claims.

By Mr. STIVERS: A bill (H. R. 11068) to relieve Nathaniel H. Williams of the charge of desertion—to the Committee on Military Affairs.

By Mr. JOSEPH D. TAYLOR: A bill (H. R. 11069) for the relief of Alfred Clayton—to the Committee on Military Affairs.

By Mr. WHITTHORNE: A bill (H. R. 11070) to correct the military record of Jesse C. Taylor, Sixth Tennessee Cavalry—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By Mr. BUCHANAN, of Virginia: Petition of W. A. Reynolds, F. W. Compton, and 18 others, citizens of Tazewell County, Virginia, asking Congress for appropriation of money for complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and to improve navigation—to the Committee on Rivers and Harbors.

Also, petition of C. T. Scott, William Clayton, A. F. Buchanan, and 37 others, citizens of same county, for same purpose—to the Committee on Rivers and Harbors.

By Mr. CONGER: Paper to accompany the bill to pension Mrs. Jennie Morris—to the Committee on Invalid Pensions.

By Mr. DE LANO: Petition, numerously signed, protesting against the original-package decision as inimical to the dairy interests of New York—to the Committee on Agriculture.

By Mr. ELLIS: Proofs to accompany House bill 4080, for the relief of Robert C. Speed—to the Committee on the Post-Office and Post-Roads.

By Mr. FITCH: Petition protesting against the increase of duty on cheese from 4 to 6 cents per pound—to the Committee on Ways and Means.

By Mr. FUNSTON: Petition of railway postal clerks, asking passage of House bill 8299—to the Committee on the Post-Office and Post-Roads.

By Mr. GROSVENOR: Memorial of certain Grand Army of the Republic men of Buchtel, Ohio, favoring a bill for the relief of F. Connor—to the Committee on Military Affairs.

By Mr. GROUT: Petition of 25 citizens of Montpelier, Vt., to limit hours of work of clerks and employes in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. HANSBROUGH: Resolutions of the Walsh County Alliance, North Dakota, favoring passage of the Butterworth option bill—to the Committee on Agriculture.

Also, resolutions of same alliance, favoring passage of the Conger lard bill—to the Committee on Agriculture.

By Mr. HENDERSON, of Iowa: Paper from 40 railroad employes of Meadville, Pa., petitioning for passage of House bill 9682—to the Committee on Railways and Canals.

Also, paper from C. W. Hutchinson, secretary Cedar Valley Alliance, No. 1648, Bremer County, Iowa, urging passage of the Butterworth bill and Conger lard bill—to the Committee on Agriculture.

By Mr. KELLEY: Petition of 139 citizens of Topeka, Kans., asking Congress to pass a law to allow States to prevent the sale of liquor in such States when liquors are imported from other States—to the Committee on the Judiciary.

By Mr. LACEY: Petition of Rev. J. W. Lambert and others, citizens of Poweshiek County, Iowa, asking for the passage of a law to prohibit importation of intoxicating liquors in violation of State laws—to the Committee on the Judiciary.

By Mr. MCKINLEY: Petition of citizens of East Palestine, Ohio, praying passage of bill concerning importation of liquors from one State or Territory into another—to the Committee on the Judiciary.

By Mr. MAISH: Petition of Thomas G. Gillespie, of Newville, Cumberland County, Pennsylvania, praying enactment of a law granting him a pension—to the Committee on Invalid Pensions.

By Mr. O'NEILL, of Pennsylvania: Memorial from the Philadelphia Board of Trade favoring passage of House bill 6449 making eight hours a day's work for post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNTER: Petition of Thomas Forman, Company K, Twenty-third Kentucky Volunteer Infantry, for pay and honorable discharge from service—to the Committee on Military Affairs.

Also, petition of William J. Meadows, Company G, Twenty-fourth Kentucky Infantry Volunteers, to remove charge of desertion, for pay and bounty—to the Committee on Military Affairs.

Also, petition of Caroline Dillon, sister of Edwin T. Dillon, deceased, private of Company F, Twenty-fourth Volunteers, for relief and allowance of pension claim No. 339480—to the Committee on Military Affairs.

By Mr. PERKINS: Petition of Thomas S. Murray and 800 others, residents of Arkansas City and vicinity, asking that the bill opening to settlement the Cherokee Outlet be attached to the Indian appropriation bill—to the Committee on Indian Affairs.

By Mr. PICKLER: Petition of 39 citizens of Alexandria, Handson County, South Dakota, asking immediate passage of bill prohibiting the transportation of intoxicating liquors into prohibition States—to the Committee on the Judiciary.

Also, petition of 30 other citizens of same county, for same purpose—to the Committee on the Judiciary.

Also, petition of 21 citizens of Howard, Minor County, South Dakota, for same purpose—to the Committee on the Judiciary.

Also, petition of 25 citizens of same county, for same purpose—to the Committee on the Judiciary.

Also, petition of 28 other citizens of same county, for same purpose—to the Committee on the Judiciary.

Also, petition of 12 citizens of Canova, in same county, for same purpose—to the Committee on the Judiciary.

Also, petition of 35 other citizens of same county, for same purpose—to the Committee on the Judiciary.

Also, petition of 14 citizens of Lenox, S. Dak., for same purpose—to the Committee on the Judiciary.

Also, petition of 40 citizens of Hitchcock, Beadle County, South Dakota, for the same purpose—to the Committee on the Judiciary.

Also, petition of 43 other citizens of same village, for same purpose—to the Committee on the Judiciary.

By Mr. SNIDER: Petition of citizens of Minneapolis, Minn., in favor of limiting the hours of labor of post-office clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. STAHLNECKER: Petition of merchants and manufacturers of Baltimore, Md., urging and requesting an appropriation of \$500,000 for widening and maintaining the ship-channel of the port of Baltimore, Md.—to the Committee on Rivers and Harbors.

By Mr. STEWART, of Georgia: Petition of J. F. Thompson and W. G. Mason and 14 others, citizens of Campbell County, Georgia, asking Congress for appropriation of money for complete system of levees on Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of James Nixon, S. C. Britt, and 21 others, citizens of Wilcox County, Georgia, for same relief—to the Committee on Rivers and Harbors.

Also, petition of E. C. Smith, W. T. Williams, and 16 others, citizens of Washington County, Georgia, for same relief—to the Committee on Rivers and Harbors.

By Mr. STIVERS: Petition of Nathaniel H. Williams, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. STONE, of Kentucky: Memorial of citizens of Calloway County, Kentucky, praying passage of bill providing for increased depth of harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. STRUBLE: Petition of W. A. Sanford and 98 others, citizens of Cherokee County, Iowa, praying for the amendment of the national-banking laws in five particulars, as therein set forth—to the Committee on Banking and Currency.

By Mr. JOSEPH D. TAYLOR: Petition of various organizations in Ohio, containing 308 signatures, for a national Sunday-rest law—to the Committee on Labor.

Also, petition of John R. Hall and 69 others, citizens of Quaker City, Ohio, for the perpetuation of the national-banking system—to the Committee on Banking and Currency.

Also, resolutions of Junction Lodge No. 66, A. A. of I. and T. W., held May 17, 1890, at Steubenville, Ohio, against foreign immigration—to the Select Committee on Immigration and Naturalization.

By Mr. TRACEY: Petition of Troy Annual Conference of Ministers, asking that the corps of army chaplains be enlarged—to the Committee on Military Affairs.

By Mr. TUCKER: Petition of Farmers' Alliance, No. 606, of Fluvanna County, Virginia, asking Congress for appropriation of money for complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

By Mr. VAN SCHAICK: Petition of Naval Post No. 516, Department of New York, Grand Army of the Republic, for the bill to transfer the revenue-cutter service to the Navy—to the Committee on Naval Affairs.

Also, petition of National Association of Naval Veterans, of New York, for same purpose—to the Committee on Naval Affairs.

Also, petition of W. L. Rodman Post, No. 1, Department of Massachusetts, for same purpose—to the Committee on Naval Affairs.

By Mr. WADDILL: Petition of Capt. P. S. Mosby and others, for passage of Senate bill 2716, known as Galveston harbor bill—to the Committee on Rivers and Harbors.

Also, petition of Randolph Farmers' Alliance, No. 407, Charlotte County, Virginia, asking Congress for appropriation of money for complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and to improve navigation—to the Committee on Rivers and Harbors.

Also, petition of B. A. Burton, W. W. Neal, G. W. Daniel, and 15 others, citizens of Pittsylvania County, Virginia, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of L. L. Brandon, of Halifax County, Virginia, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of C. L. Pleasant, M. L. Jones, W. H. Lowry and 11 others, citizens of Hanover County, Virginia, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of Isaac Rainey, secretary Farmers' Alliance, Greenville County, Virginia, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of C. M. Hardy, J. A. Love, J. B. Wilson, and 19 others, citizens of Lunenburg County, for same purpose—to the Committee on Rivers and Harbors.

By Mr. WILSON, of Missouri: Petition of John T. Murray, S. G. Daily, and many others, railway postal clerks, for increase of salaries—to the Committee on the Post-Office and Post-Roads.

SENATE.

SATURDAY, June 21, 1890.

Prayer by the Chaplain Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. CAMERON presented a petition of the Board of Trade of Philadelphia, Pa., praying for the passage of House bill 6449, limiting the hours of labor for clerks in post-offices of the first, second, and third classes; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Grange No. 530, Patrons of Husbandry, of Dauphin County, Pennsylvania, praying for the free coinage of silver; which was ordered to lie on the table.

He also presented a petition of the W. L. Rodman Post, No. 1, Grand Army of the Republic, of New Bedford, Mass., praying for the transfer of the revenue marine to the naval establishment; which was ordered to lie on the table.

Mr. PETTIGREW. I present sundry petitions, signed by over 1,200 citizens of South Dakota, praying for the passage of a law prohibiting the transportation of intoxicating liquors from any State or Territory of the United States into any other State or Territory contrary to the laws thereof. I move that the petitions lie on the table.

The motion was agreed to.

Mr. PADDOCK presented a petition of Laurel Hill Alliance, No. 889, of Nebraska, praying for the passage of the so-called Butterworth option bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Laurel Hill Alliance, No. 889, of Nebraska, urging the speedy passage by Congress of the bill known as the Conger lard bill; which was referred to the Committee on Agriculture and Forestry.

Mr. MORRILL. I present a petition very numerous signed in favor of \$2 per pound tariff duty upon tobacco. It does not state where it is from. I present another one of a like character, which does not state where it comes from. I present another petition in favor of a duty of \$2 per pound on tobacco, which does not state where it is from; another of like character, without any reference to the part of the country from where it comes; and still another.

I move that all these petitions lie on the table.

The motion was agreed to.

Mr. MORRILL. I present a memorial remonstrating against an increased tax on tin-plate. It does not state where it is from. I present a memorial from citizens of Clinton County, Indiana, remonstrating against the tax upon tin-plate, and one from somewhere else, it is not stated where, for the same purpose; another one from citizens of Allegan County, Michigan, for the same purpose, all printed memorials, and all emanating from one firm in Ohio, sent out for signatures.

I move that these memorials lie on the table.

The motion was agreed to.

Mr. INGALLS presented the petition of Grand Army of the Republic Post No. 199, of Englewood, Kans., praying that the remainder of the Fort Dodge military reservation may be donated for use as a soldiers' home; which was referred to the Committee on Public Lands.

He also presented a petition of Grand Army of the Republic Post No. 180, of Garnett, Kans., praying for the passage of what is known as the Ingalls-Cheadle pension bill; which was referred to the Committee on Pensions.

He also presented the petition of David C. McGee, late a private in Company I, Fifth Illinois Infantry, praying for the correction of his military record; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. FADDOCK, from the Committee on Public Lands, to whom was referred the bill (S. 4071) construing so much of the act approved October 2, 1888, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes," as relates to the reservation of sites for reservoirs, ditches, and canals, and of irrigable lands in the arid regions of the United States, reported adversely thereon; and the bill was postponed indefinitely.

He also from the same committee to whom the subject was referred reported a bill (S. 4137) to restore the irrigable lands of the United States to settlement, with certain limitations; which was read twice by its title.

Mr. DOLPH, from the Committee on Commerce, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DANIEL, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 8947) to pay the administratrix of the estate of Bluford West, deceased, for the Bluford West Saline, in Cherokee nation, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom were referred the following bills, reported them severally with amendments:

A bill (S. 3798) to authorize the Mobile, Jackson and Kansas City Railroad Company to cross certain rivers in the State of Mississippi;

A bill (S. 3929) authorizing the city of Albany, in the county of Linn, State of Oregon, to construct a bridge across the Willamette River, in the said State; and

A bill (S. 3952) to authorize the construction of a bridge across the Alabama River at or near Selma, Ala., by the Selma and Cahawba Valley Railroad Company.

BILLS INTRODUCED.

Mr. DAVIS introduced a bill (S. 4130) for the relief of Jeremiah Sullivan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. ALLEN (by request) introduced a bill (S. 4131) granting to the county of Clallam, State of Washington, certain public lands in trust, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 4132) for the relief of Henry L. Tilton and Isaac S. Kaufman; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAWES introduced a bill (S. 4133) for the relief of Lester Noble; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4134) for the relief of the Cherokee Shawnees, authorizing investigation and report of funds and lands in severalty allotments; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. POWER (by request) introduced a bill (S. 4135) to regulate the sale of lands unfit for cultivation, but valuable because of the stone thereon; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. TELLER introduced a bill (S. 4136) to provide for the disposal of the Pagosa Springs military reservation, in the State of Colorado, to actual settlers under the provisions of the homestead laws; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

AMENDMENTS TO BILLS.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. DANIEL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BUTLER submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. EDMUNDS. I present two amendments to the sundry civil appropriation bill, the first to provide for giving the widow of the late Chief-Justice Morrison R. Waite the balance of the year's pay of her husband, to be printed and referred to the Committee on the Judiciary. And the other is an amendment referring to the Washington Monument, and which I ask may be printed and referred to the Committee on the Library.

The VICE-PRESIDENT. The amendments will be so referred and printed.

WITHDRAWAL OF PAPERS.

Mr. DANIEL. I ask for the adoption of an order authorizing a petitioner for a pension to withdraw papers to be used before the Pension Bureau.

The order was read, as follows:

Ordered, That Mrs. T. W. Lion, wife of Maj. T. W. Lion, have leave, and it is hereby given her, to withdraw from the files the petition of Maj. T. W. Lion for a pension, and the papers filed therewith.

Mr. EDMUNDS. That ought to be granted only subject to the rule of the Senate about adverse reports, leaving copies if there be an adverse report. There is a standing rule of the Senate that no papers are to be withdrawn where there is an adverse report without leaving copies, and so these orders are ordinarily made subject to the rule.

Mr. DANIEL. I understand that no report has been made on the subject.

Mr. EDMUNDS. Just say "subject to the rule," which is the ordinary course.

The VICE-PRESIDENT. The order will be made, subject to the rule.

Mr. DANIEL. Very well.

ADMINISTRATIVE SERVICE OF THE SENATE.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The resolution submitted yesterday by Mr. EDMUNDS was read, as follows:

Resolved, That a committee of seven be, and is hereby, constituted, whose duty it shall be to take into immediate consideration the state of the administrative service of the Senate and report to the Senate as early as may be what measures should be adopted in respect to the greatest efficiency and economy of the service.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. EDMUNDS. I ask that the Chair appoint the committee.

The VICE-PRESIDENT. By unanimous consent, the Chair will be authorized to appoint the committee, and will make the appointment in due time.

Mr. EDMUNDS. I wish to say also that I am so pressed as the chairman of another committee and a working member of still another that it will be practically impossible for me to serve upon the committee to be appointed by the Chair.

DISPOSITION OF ESCHEATED MORMON CHURCH FUNDS.

The VICE-PRESIDENT. Is there further morning business?

Mr. EDMUNDS. If the morning business is closed, I wish to ask the Senate to take up the bill that I called attention to yesterday morning, being Senate bill 4047.

The VICE-PRESIDENT. If there is no further morning business, that order is closed.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of the bill (S. 4047) supplemental to the act of Congress passed in March, 1887, entitled "An act to amend an act entitled 'An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes,' approved March 23, 1882."

The motion was agreed to.

Mr. EDMUNDS. The bill was read as in Committee of the Whole and reported to the Senate and the amendments concurred in. I have no further amendment to propose. The bill is now in the Senate, and still open to amendment.

The VICE-PRESIDENT. The bill is in the Senate and open to amendment. The amendments made as in Committee of the Whole have been concurred in in the Senate.

Mr. BUTLER. I offer an amendment, which I send to the desk.

The VICE-PRESIDENT. The Senator from South Carolina proposes an amendment, which will be read.

The CHIEF CLERK. Strike out in line 12, beginning with the word "be" and ending with the word "expedient," in the seventeenth line, and insert:

Be devoted to the use and benefit of the schools of the unincorporated sect known as the Church of Jesus Christ of Latter-Day Saints and to the endowment of institutions of learning in said Territory of Utah; and for that purpose the same shall be turned over to the general board of education of said church by the Secretary of the Interior in such manner and under such rules, regulations, and restrictions, framed with the approval of the President, as shall prevent the said property and proceeds arising therefrom from being in any manner used or applied in the disseminating, teaching, or in any other form or manner upholding or propagating the doctrine and practices of polygamy or plural marriages.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from South Carolina.

Mr. BUTLER. Mr. President, unless I am misinformed (the Senator from Vermont can tell me if I am misinformed) the present status of the case is about this: The Supreme Court rendered a decision, and subsequently not only withdrew the mandate issued in pursuance of that decision, but practically withdrew the decree until the next term of the court. The Senator from Vermont stated yesterday that this property, which was confiscated by the court, belonging to the Mormon Church, was without an owner, and this bill provides that it shall be disposed of as the bill indicates. The amendment that I have offered simply directs that the money arising from the sale of this property shall be turned over to the Mormon schools instead of to the common-school fund of the Territory of Utah. This property, as I understand, belongs to the Mormons—there is no question about that—and having been taken from them in this way, it seems to me entirely fair and proper that the fund arising from it should be devoted to their schools and to their schools alone. Hence the amendment that I have offered.

Mr. EDMUNDS. Mr. President, in an ordinary case there would be much force in what the Senator from South Carolina states. If an ordinary eleemosynary corporation is dissolved and its funds had before been devoted to charity, for instance, then under the English law of the rights of the Crown in such a case as *parens patrie* it would be the duty of the Crown, through the lord chancellor, to find the charity nearest in its nature to the one to which the fund had before been devoted, and to come as near to it as he could for the general objects and purposes in view.

In this case, as we all know, the Church of the Latter Day Saints, whose dissolution has left this personal fund, the real-estate funds having been declared by act of Congress to go to common schools before. This personal fund consists of money that came from nobody knows whom, for so far as anybody can know who were the donors it is given back to them; but where it is purely the money of that corporation in respect of whom no private owner or donor can be found in the State that the thing now is, the court of the Territory, subject to the Supreme Court here, would have to decide one of two things, either that the property would lapse into the Treasury of the United States as being the *parens patrie*, waiting for some future act of Congress to determine what should be the nearest just purpose to which the money could be devoted that the donors may be supposed to have contributed it for, or the court might hold possibly (I think it lawfully might hold, and I think it will if we do not provide for this probably, but it is a nice and technical and very interesting question in equity and in public law whether they can without an act of Congress) that the nearest substantial purpose that this money can be devoted to that is lawful and moral is to teach all the children of that Territory, where the largest part of them are Mormons yet, that sort of instruction which well-regulated communities give to all their children everywhere else; that is, the instruction of the common school.

The only thing, as I have reason to know, and particularly to know, because it appears in the printed opinion of the court, the last paragraph of it—after they had affirmed the judgment of the supreme court of the Territory, and the end of the term coming, an application was made for a rehearing or something of that kind, asking that the case should go over for an application for a rehearing at the next term, which was denied. Then the court on consideration, on account of this difficulty which I have stated of mere fine law, whether the courts of equity of the United States succeed to the same powers that the King of England had through his lord chancellor as *parens patrie* to take this fund out of the hand of the receiver and apply it to the use of common schools, or whether they do not, as I say, I think they do; but it is one of those nice and doubtful questions that ought to be left, and not to have the fund eaten up by lawyers disputing over a question which is not at all practical.

In the last clause of the opinion it is stated that the reason why the decree is vacated and the case continued is that the detail of some modifications of the decree below, which did turn it over, as I believe, to common schools, might be further considered. So there is no opinion in the judgment of the court as to the propriety of the statute we passed to abolish that corporation in the way we did, or any other difficulty except what is stated at the bottom of this opinion of the detail in the form of the decree which the mandate shall direct to be entered, and, as I say, I have reason to know that that rests upon this fine question of the ethics of jurisprudence, whether the courts of equity of the United States succeed to represent the *parens patrie* of the old English law.

Mr. BUTLER. Then I understand the practical effect of this bill if it shall become a law will be somewhat in the nature of a supplemental decree to the decree of the Supreme Court, directing how the fund shall be applied. It seems to me, if the honorable Senator from Vermont will permit me one moment, that it would be very much more in accordance with the principles of justice and equity and the observance of the rights of all people, to permit this matter to go over until the Supreme Court have finally disposed of it, and then if they find themselves in the dilemma in which the Senator says they are, Congress may come in and by appropriate legislation dispose of the fund; and that was the object I had in introducing the amendment.

Mr. EDMUNDS. That leaves it to the very evil of having funds in

the hands of a receiver and a court to be disputed about, for there are no disputes about funds in court, even if the receiver keeps them safely, which do not cost money; and unless we step in and save further contention about this mere theoretical difficulty of detail this fund is going to be gradually frittered away by the expenses of counsel to be paid out of the fund, and it has been considerably assailed already in the same way and left in the hands of the receiver. Now, there is not a member of the Supreme Court of the United States—I feel pretty safe in saying—nor a member of the bar anywhere in the United States who doubts the power of Congress to stand in the place of the king under the English equity law and declare what shall be done with the property of the dissolved corporation to which there is no private claimant and for which no private donor can be found. Nobody doubts that.

Now, to get this fund out of the hands of the receiver and to save it being eaten up by discussing a perfectly immaterial and theoretical question, I have thought it right and the committee have thought it right and I think it is not improper to say that the court thinks it right that Congress should say what its devotion shall be.

Now, the amendment of my friend from South Carolina, to which I wish to speak a moment, is simply declaring in the present state of the construction of the Mormon Church in Utah just as much that this fund shall go to this corporation established by a law which is now repealed and dissolved, as before, though its fundamental theory is—and it is upon the ground that that is their theory, that opposition is being made to the bill pending in the Committee on Territories, which requires a certain oath about voting—is that polygamy is a part of the religious and moral practice and duty of the members of that church. Therefore it is impossible to apply this money to the instruction of Mormon children under the Mormon Church organization, incorporated or not incorporated, for the reason that it is impossible for them to use it teaching against polygamy, which their church articles hold to be one of their fundamental church institutions.

Mr. BUTLER. Mr. President, it is due to truth to state that the Mormons deny that proposition. They deny it, and it has been denied over and over again before the Committee on Territories, of which I happen to be a member, and we heard a most interesting, I might say an extremely able presentation of the view of one branch of the Mormons, the younger men of that church, which I think it would behoove the honorable Senator to read. The Mormons deny emphatically that they are practicing polygamy or bigamy at all. They have abandoned it or are abandoning it, and taking all the steps that respectable people can be expected to take to get rid of it.

Mr. EDMUNDS. Mr. President, I think I have seen the young gentleman to whom my friend refers. I think I have read the paper to which my friend refers. I think the paper was shown to me before it went to the Committee on Territories, and it made an impression upon me, and if I understood that gentleman—if we are speaking now about the same gentleman and the same paper (and I think we are)—the very point was to have the House bill, or a similar bill, changed in one particular phraseology. He admitted that polygamy was the written and standing doctrine of that church organization, and while he did not believe in it himself, he was a member of that church and he could not therefore honestly take an oath that he was not a member of a sect that taught a belief in the ordinance of polygamy.

Mr. CULLOM. I suppose the Senator from South Carolina refers to a gentleman who came before the Committee on Territories and addressed the committee without any prepared paper.

Mr. BUTLER. Mr. Cannon is the young man to whom I refer.

Mr. VORHEES. When this bill was called up for consideration yesterday morning I objected to it for the reason that I thought there were some matters which did not entitle it to a hearing and to action at this time. The trouble with the Senator from Vermont is that he is in too great a hurry to get at the results of litigation which is not yet concluded. I stand here and say in the hearing of Senators that there is no decision of the Supreme Court on this question. I stand here and say that the question is as open in the Supreme Court to future consideration as if it had not been considered there at all. There was a decision made and a mandate ordered and an application for a rehearing was filed, and instead of acting upon that application for a rehearing the Supreme Court, for reasons satisfactory to itself, vacated its own decree, and by virtue of that vacation of the decree the mandate fell and everything else fell, and the case goes over to be considered at the next term. The Senator from Vermont volunteered to give us the reasons why the Supreme Court did this thing. It is immaterial to me what their reasons were. That is the fact; that is the matter which stands in the way of legislation upon this subject now.

This money that is said to be in the hands of a receiver is one of the results of this case, whenever it comes to a finality. I care not what becomes of it any more than I care for the general good and welfare of the human race. I care nothing for the affairs of the Mormon people, except that they should regulate their conduct upon principles of sound morality; and if under the Constitution and laws of their country they have forfeited certain moneys, I do not know but what it would be as well to apply these moneys to common-school purposes as to any other, nor indeed do I know that that would be the correct destination for them. But this I do know, that with the question undetermined in the Su-

preme Court of the United States, this is not the proper time for legislation to fix and determine where certain fruits of this litigation shall go. That is the point I make.

There is no need of any great hurry about this matter. Whatever may be the reasons of the Supreme Court's action, and I know them not, nor do I accept those reasons at second hand even from the Senator from Vermont—whatever those reasons may be, is a matter of little consequence to me. The fact is that the case is not decided in the Supreme Court of the United States at this hour. It will take any Senator but a moment to go to the Clerk's office of the Supreme Court to see whether my statement is correct or not. If it is not, I will stand corrected with a great deal of pleasure. I know, however, whereof I speak, and this bill ought to go over.

I am not objecting. I told the Senator from Vermont yesterday after I had made the objection then that I should not object again to the consideration of this bill to-day, but I would look into the status of the case and see what its condition was. I have done so, and I have stated the result of my investigation. If Senators want to vote to dispose of the proceeds of this litigation before it is determined in the Supreme Court of the United States, while the case is yet upon the docket and continued to the next term, it is a matter for them to consider upon their own responsibility and not upon mine.

Mr. EDMUNDS. The Senator, if I can be pardoned for a moment, is mistaken in supposing that this bill goes solely or chiefly upon the notion that we are trying to regulate the affairs of the Supreme Court; and the fact that the case is not yet decided (and in a technical and legal sense, as I said before, it is not) does not affect the necessity of this bill. The court in pronouncing its decision, at the foot of the opinion state why the case went over to modify some details of the decree of the court below which they had before affirmed. That is in the print; I have read it this morning.

This clause should have been in the bill of 1884 that passed, just as it was as to the real estate, before any litigation at all, so that if the court should hold that this corporation should be dissolved and if it should appear that there was some of this money to which there was no private donor to be found and no private claimant having any moral or equitable right to it, it should not stay in the hands of the receiver for his use forever or go into the Treasury of the United States, but should be devoted to schools. As to the real estate, specific provision was made in the original bill. Perhaps by my fault and carelessness, or somebody's, that particular phrase was not repeated in this section with respect of any residue of the personal estate. It should properly have been in the original bill; and the fact that the case is not decided has nothing to do with it in the sense that the bill should not go on now.

Mr. BUTLER. Is it not the fact that a petition for a rehearing of the case upon its merits has been filed?

Mr. EDMUNDS. Application was made.

Mr. BUTLER. Application was made to file a petition to rehear the case upon its merits.

Mr. EDMUNDS. And I understand the court denied it.

Mr. VOORHEES. The court denied it because they vacated their decree, and of course there was then no decree to have a rehearing upon.

Mr. BUTLER. So it seems to me, even with the statement of the Senator from Vermont, that this legislation is somewhat premature. I think we had better defer any action until the court has finally disposed of the case upon its merits in all of its details, and I can scarcely think that a receiver would squander the funds. I presume that he has given the usual security for the protection of the funds that is generally required of receivers, and it is therefore under reasonable protection.

I can not for the life of me see what great harm can befall anybody if this matter should go over until the Supreme Court meets and finally passes upon this case. The amendment that I offered was, as I thought, in the interest of common justice to these people, and nothing more.

The VICE-PRESIDENT. The question is on the amendment of the Senator from South Carolina [Mr. BUTLER].

Mr. TELLER. The amendment offered by the Senator from South Carolina seems to me an important amendment, and we have had no opportunity to examine it. Nobody knows very much about it. I just saw it a moment, when the Senator showed it to me. I think the Senator from Vermont should let this matter go over until such time as that amendment can be printed and we have an opportunity to see what there is in it.

This certainly is not a case about which there is any hurry. The Senator says it will be expensive to keep the money in the hands of the court. It does not cost a cent, as I understand, to keep it unless the court should think there was some reason why some of it should be expended; none will ever be paid out to attorneys, and certainly it is not at all probable that a dollar of it will be paid out to attorneys between this and the time of the final determination by the court of what the law is.

I do not see any reason why we should make haste in this matter now. It strikes me if this money can be applied for a purpose that is admitted by all to be strictly legal and in the line which it was intended in the first instance, nobody can object. That is the principle upon

which these distributions are made. The Mormon Church contributed this money, and the Mormon Church can take it and use it in such a way that nobody can find any fault with it. So, it is perfectly proper, and the Mormon Church is in equity and right entitled to this money. Whether it be popular or not, that is the ethics of this case, the equity of it.

I suppose the Supreme Court of the United States might, in the absence of any statute, designate how it should be used. The Senator himself says he thinks that is so. I should be quite as willing to leave it to the Supreme Court to say whether it should be devoted to some purpose in harmony and in consonance with the ideas of the people who contributed it, as to have Congress take hold of this matter. There is certainly no hurry about it, and I think the bill ought to go over until we can have an opportunity to examine it. My attention was never called to it until yesterday. I did not know there was such a proposition before Congress. I myself should like an opportunity to look into the matter.

The VICE-PRESIDENT. The question is on the amendment of the Senator from South Carolina [Mr. BUTLER].

Mr. EDMUNDS. Let us have the yeas and nays. This is the old story.

Mr. TELLER. I should like to have the yeas and nays as far as I am concerned. I should like to put myself on record on this amendment.

Mr. PADDOCK. What is the pending question?

The VICE-PRESIDENT. The pending question is on the amendment of the Senator from South Carolina [Mr. BUTLER].

Mr. HOAR. What is that?

Mr. EDMUNDS. I demand the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. EDMUNDS. Now let the amendment be read.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In line 13, after the word "shall," it is proposed to strike out all down to and including the word "expedient," in line 18, as follows:

Be devoted to the use and benefit of public common schools in the Territory of Utah; and the Secretary of the Interior shall take and receive the same and dispose thereof to the uses aforesaid in such manner as shall seem to him, with the approval of the President, to be most expedient.

And in lieu thereof to insert:

Be devoted to the use and benefit of the schools of the unincorporated sect known as the Church of Jesus Christ of Latter-Day Saints, to the endowment of institutions of learning in said Territory of Utah, and for that purpose the same shall be turned over to the general board of education of said church by the Secretary of the Interior in such manner and under such rules, regulations, and restrictions, framed with the approval of the President, as shall prevent the said property and proceeds arising therefrom from being in any manner used or applied in the disseminating, teaching, or in any other form or manner upholding and propagating the doctrine or practices of polygamy or plural marriages.

The VICE-PRESIDENT. The roll will be called.

The Secretary proceeded to call the roll.

Mr. DIXON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. HAMPTON]. In his absence I transfer that pair to my colleague [Mr. ALDRICH], and I shall vote "nay."

Mr. DOLPH (when his name was called). I am paired with the Senator from Georgia [Mr. BROWN]. I think I shall withhold my vote on this question as I do not know the position of that Senator on legislation upon this subject.

Mr. MANDERSON (when his name was called). I refrain from voting, because I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "nay."

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, I should vote "nay."

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. In his absence, I withhold my vote.

Mr. SAWYER (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT]. If he were here, I should vote "nay."

Mr. TURPIE (when his name was called). I inquire if the Senator from Minnesota [Mr. DAVIS] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. TURPIE. Then I withhold my vote.

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. McMILLAN]. I transfer that pair to the Senator from Louisiana [Mr. EUSTIS], so that Mr. McMILLAN and Mr. EUSTIS stand paired. I therefore vote "yea."

Mr. PADDOCK. Under the arrangement for the transfer of pairs announced by the Senator from North Carolina [Mr. VANCE] I desire myself to vote. I vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the junior Senator from Wisconsin [Mr. SPOONER]. While I am on the floor I announce that my colleague [Mr. GEORGE] is paired with the Senator from New Hampshire [Mr. BLAIR].

The roll-call was concluded.

Mr. CULLOM. I am paired with the Senator from Delaware [Mr. GRAY]. Not knowing how he would vote, I withhold my vote. If at liberty, I should vote "nay."

Mr. BATE. The Senator from West Virginia [Mr. FAULKNER] is necessarily absent to-day. He has been called home. He is paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PLATT. I am paired with the Senator from Virginia [Mr. BARBOUR], who is detained from the Senate on account of illness, and therefore withhold my vote. If he were present, I should vote "nay."

Mr. CULLOM. I think I understand my pair well enough to know that he would allow me to vote under the circumstances, there being no quorum so far as is determined now, and I cast my vote. I vote "nay."

The result was announced—yeas 9, nays 24; as follows:

YEAS—9.			
Bate, Berry, Butler,	Call, Coke,	Harris, Ransom,	Teller, Vance.
NAYS—24.			
Allen, Allison, Casey, Chandler, Cullom, Dixon,	Edmunds, Evarts, Frye, Hale, Hawley, Hoar,	Ingalls, Moody, Morgan, Morrill, Paddock, Payne,	Pettigrew, Pierce, Power, Sanders, Stewart, Washburn.
ABSENT—31.			
Aldrich, Barbour, Blackburn, Blair, Blodgett, Brown, Cameron, Carlisle, Cockrell, Colquitt, Daniel, Davis, Dawes,	Dolph, Eustis, Farwell, Faulkner, George, Gibson, Gorman, Gray, Hampton, Hearst, Higgins, Hiscock, Jones of Arkansas,	Jones of Nevada, Kenna, McMillan, McPherson, Manderson, Mitchell, Payson, Platt, Plumb, Pugh, Quay, Reagan, Sawyer,	Sherman, Spooner, Squire, Stanford, Stockbridge, Turpie, Vest, Voorhees, Walthall, Wilson of Iowa, Wilson of Md., Wolcott.

The VICE-PRESIDENT. No quorum being present, the roll of the Senate will be called.

The Secretary called the roll, and the following Senators answered to their names:

Allen, Allison, Bate, Berry, Blair, Butler, Call, Cameron, Casey, Chandler, Cockrell, Coke,	Cullom, Daniel, Dawes, Dixon, Dolph, Edmunds, Evarts, Hale, Harris, Hawley, Higgins, Hiscock, Hoar,	Ingalls, Manderson, Moody, Morgan, Morrill, Paddock, Payson, Payne, Pierce, Platt, Power, Ransom,	Sanders, Sawyer, Stewart, Teller, Turpie, Vance, Voorhees, Walthall, Washburn.
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The VICE-PRESIDENT. Forty-five Senators having responded to their names a quorum is present, and the roll will be again called on the amendment.

Mr. BUTLER. As the Senate has indicated very clearly that it is not in favor of this amendment, I withdraw it.

Mr. VOORHEES. Mr. President, I desire to make a motion in which I think all fair-minded men will concur. I move that the further consideration of this bill be postponed until the second Tuesday in December next. By that time the Supreme Court will have found a termination of the litigation now pending in that tribunal. In the mean time I can see no public or private interest endangered. I do not know whether I am correct, but it occurred to me that the tone of the Senator from Vermont was something of distrust as to what a receiver might do with this money meantime. I do not share that distrust. The courts in Utah are in the hands of the party to which the Senator from Vermont belongs—all of them. The receiver is appointed by a court of that character. Doubtless the receiver is of the same political persuasion, and I will say doubtless an honest man. I have no reason to say otherwise. Certainly if I can trust him, the Senator from Vermont ought to trust him, and ought to trust the machinery of justice in that much-litigated region of the United States.

It is a fact which the Senator from Vermont finally admitted upon the floor distinctly and specifically, that there was no decision made on this question at this time by the Supreme Court of the United States. Now, I call upon lawyers and laymen to answer whether they think it safe to legislate in regard to one of the properties touched and affected by the pending suit before that suit is decided? That is the whole question. I have neither sympathy nor concern on this question one way or the other, but it is illegitimate, hurried, and, it seems to me, wholly improper legislation to pass a bill affecting property that is in controversy before the court which has been charged with it and has not come to a final conclusion. I can see no reason for this hurried action; on the contrary, every reason that appeals to a judicial, legal, or fair mind why this legislation should be postponed until after the action of the Supreme Court of the United States. Hence I move that the bill be postponed until the second Tuesday of next December.

Mr. EDMUNDS. Mr. President, it is sufficient to say, in one min-

ute by the clock, that this bill does not touch or affect the property at all until the supreme court of the Territory and the Supreme Court of the United States on appeal shall have finally disposed of everybody's private and public right, any more than the original bill did, and, therefore, if the Senator will pardon me for saying so, there is no more reason for postponing this until December than there was for postponing the original bill dissolving the corporation until December.

Mr. VOORHEES. Let me ask the Senator from Vermont a question. In less than one minute by the clock, I will ask the Senator from Vermont, suppose the Supreme Court should decide the other way, what have we been doing here except making spectacles of ourselves in legislating inconsequently, passing a bill that will be void by the very decision of the Supreme Court?

I believe I have not occupied a half minute by the clock, and I have put a question which can not be answered.

The VICE-PRESIDENT. The question is on the motion of the Senator from Indiana [Mr. VOORHEES], that the further consideration of the bill be postponed until the second Tuesday in December. On this question the yeas and nays are asked for.

The yeas and nays were ordered.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have transferred, by consent of the Senator of South Carolina, the pair that I have with the Senator from Delaware [Mr. GRAY] to my colleague [Mr. FARWELL], so that the Senator from Florida [Mr. PASCO] and myself can vote. I vote "nay."

Mr. DOLPH (when his name was called). I am paired with the Senator from Georgia [Mr. BROWN]. I will vote if it be necessary to make a quorum.

Mr. HIGGINS. Mr. President, I announce my pair with the senior Senator from New Jersey [Mr. MCPHERSON]. In his absence, I withhold my vote.

Mr. PASCO (when his name was called). Under the arrangement announced by the Senator from Illinois [Mr. CULLOM] I am at liberty to vote, and I vote "yea."

Mr. PAYNE (when his name was called). I am paired with my colleague [Mr. SHERMAN], and as we generally differ in opinion I do not feel at liberty to vote. If he were present, I should vote "yea."

Mr. VANCE (when his name was called). Under the arrangement for the transfer of pairs which I announced on the previous vote, I take the liberty of voting, and vote "yea."

The roll-call was concluded.

Mr. PLATT. I am paired with the Senator from Virginia [Mr. BARBOUR]. The Senator from Mississippi [Mr. WALTHALL] is paired with the Senator from Wisconsin [Mr. SPOONER]. By an arrangement of the pair between the Senator from Virginia and myself, he is transferred to the Senator from Wisconsin [Mr. SPOONER], so that the Senator from Mississippi and myself can vote.

Mr. WALTHALL. Under the arrangement just announced by the Senator from Connecticut [Mr. PLATT] I vote "nay."

Mr. DIXON. I desire to announce the pair of my colleague [Mr. ALDRICH] with the Senator from South Carolina [Mr. HAMPTON].

Mr. EVARTS. I wish to state that my colleague [Mr. HISCOCK] is called away from the city by a domestic occasion.

Mr. BLAIR. I am paired with the Senator from Mississippi [Mr. GEORGE]. If he were present, I should vote "nay."

Mr. DOLPH. I vote "nay" to make a quorum.

Mr. SAWYER. I am paired with the Senator from Georgia [Mr. COLQUITT], but I reserved the right to vote to make a quorum. I vote "nay."

The result was announced—yeas 20, nays 25; as follows:

YEAS—20.			
Bate, Berry, Butler, Call, Carlisle,	Coke, Daniel, Harris, Hawley, Morgan,	Pasco, Plumb, Ransom, Reagan, Teller,	Turpie, Vance, Voorhees, Walthall, Wilson of Md.
NAYS—25.			
Allen, Allison, Casey, Chandler, Cullom, Davis, Dawes,	Dixon, Dolph, Edmunds, Evarts, Frye, Hale, Hoar,	Ingalls, Moody, Morrill, Paddock, Pierce, Platt, Power,	Sanders, Sawyer, Stewart, Washburn.
ABSENT—30.			
Aldrich, Barbour, Blackburn, Blair, Blodgett, Brown, Cameron, Cockrell, Colquitt, Eustis,	Farwell, Faulkner, George, Gibson, Gorman, Gray, Hampton, Hearst, Higgins, Hiscock,	Jones of Arkansas, Jones of Nevada, Kenna, McMillan, McPherson, Manderson, Mitchell, Payne, Pettigrew, Pugh,	Quay, Sherman, Spooner, Squire, Stanford, Stockbridge, Vest, Wilson of Iowa, Wolcott.

So the motion to postpone was not agreed to.

Mr. BERRY. I should have been very glad if the Senator from Vermont would have consented that this matter might be postponed. I

confess that I have some doubts as to what the proper disposition of this money should be. I do not know whether it can be disposed of in this way or not. I have thought probably it could be donated to the sixteen surviving children of the Mountain Meadow massacre, and that would be about as good disposition of it as could be made. But nevertheless it seems to me this matter ought not to be hurried through at this time, and I wish to make the point of order now that by agreement made before, Saturday has been set apart for unobjected cases on the Calendar. I object under that agreement, which has been in existence for several weeks, to the further consideration of this bill to-day.

The VICE-PRESIDENT. The bill has been taken up on motion and is before the Senate.

Mr. BERRY. It is subject to objection at any time, however, under the agreement, if the agreement exists at all. It has always been held by the Presiding Officer that an objection made at any time is tenable. It seems to me that the matter ought not to be hurried through at this time, nor do I think the bill was taken up by the vote of the Senate, with all due respect to the Chair. I think it was simply called up. I am told by Senators around me that it was taken up on motion, and I withdraw the remark I have just made. I had supposed it was merely called up; but I am told it was taken up regularly on motion by a vote of the Senate.

Where an objection would lie it has always been held that it would lie at any time before the final vote was taken. As I said before, of course the Senate can violate the agreement, but the understanding has been for weeks that Saturday should be devoted to unobjected cases on the Calendar.

The VICE-PRESIDENT. The Chair does not understand that when a bill is taken up by a vote of the Senate a single objection will carry it over.

Mr. EDMUNDS. That is so. The question is on the engrossment and the third reading of the bill.

The VICE-PRESIDENT. The question is, Shall the bill be engrossed and read the third time?

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDUSTRIAL AND SCIENTIFIC EDUCATION.

Mr. MORRILL. I move that the Senate proceed to the consideration of Senate bill 3714.

The VICE-PRESIDENT. The title of the bill will be stated.

The CHIEF CLERK. A bill (S. 3714) to establish an educational fund and apply the proceeds of the public lands and the receipts from certain land-grant railroad companies to the more complete endowment and support of colleges for the advancement of scientific and industrial education.

Mr. MORGAN. My colleague [Mr. PUGH] has an amendment to that bill.

Mr. MORRILL. The amendment is here.

The VICE-PRESIDENT. The question first is on the motion of the Senator from Vermont to proceed to the consideration of the bill.

Mr. MORGAN. What has become of the general-consent rule as to Saturdays if motions are to be pressed in this way to take up this or that bill?

Mr. MORRILL. I desire to say that this bill was made the special order for last Thursday, immediately after the morning hour.

Mr. MORGAN. That is very true.

Mr. MORRILL. I expected to have gotten it through before this time. I am very anxious to have action upon the bill, for the reason that I am desirous of leaving the city for four or five days on account of my health.

The VICE-PRESIDENT. The Chair understands that the motion is in order. The Chair has no power to enforce general understandings.

Mr. MORGAN. If that motion is in order and is pressed by the Senator from Vermont, then I give notice that I shall object to the consideration of any case that is not taken up by vote of the Senate. The rule has been established, we have been acting under it by common consent, and I am informed by the gentlemen around me—I do not know about that—that this bill is going to take all day.

Mr. MORRILL. Oh, no; I think not.

Mr. MORGAN. That is what they tell me. I do not know.

Mr. MORRILL. I think it will not take over an hour.

Mr. MORGAN. That is what gentlemen tell me; I do not know about it, but I do not think the Senator from Vermont ought to come in on Saturday morning and break up a rule that the Senate have been relying upon and acting upon for weeks to get rid of this enormous Calendar we have here of unobjected cases. The bill of the Senator from Vermont can just as well be taken up on Monday as to-day.

Mr. MORRILL. I would not press the bill now except for the peculiar circumstances in which I am placed. I do not expect to be here on Monday, and therefore I desire the bill to be taken up to-day.

Mr. MORGAN. Of course, under the rules of the Senate I can not resist the Senator's right to make a motion to take this bill up, but I just give notice that there will not be any other business taken up to-day after this is disposed of except by a vote of the Senate.

Mr. MANDERSON. I do not think the Senator from Alabama

caught the import of the last remark made by the Senator from Vermont. He stated that he called up the bill to-day because he expected to be absent next week, and because of his proposed absence he asked that it be now taken up.

Mr. MORGAN. I object, Mr. President, to the Senators from the same State occupying this Senate with all of their business on the same Saturday and nobody else getting a chance under a rule agreed upon to bring forward anything for the consideration of this body except by a vote. The rule is violated, and so far as I am concerned, I intend to take what remedy I can to avoid the consequences, and I shall demand a vote on every bill that comes before the Senate hereafter on Saturdays.

Mr. BUTLER. If it is in order, I object to the consideration of the bill.

The VICE-PRESIDENT. The Senator from Vermont has moved its consideration, and that is the question pending. The question is on the motion made by the Senator from Vermont [Mr. MORRILL] to take up for consideration the bill the title of which has been read.

Mr. BUTLER. The Senator from Vermont has been notified by gentlemen, who I have no doubt are thoroughly in earnest about it, that this bill will occupy the entire day, and I must submit to him that it is not fair when other Senators have bills on the Calendars of unobjected cases which they would like to have considered, to precipitate a debate that is going to occupy the entire day. I shall call for the yeas and nays on the motion to take up the bill.

Mr. INGALLS. Mr. President, I am aware that this question is not debatable—

The VICE-PRESIDENT. Except by unanimous consent.

Mr. INGALLS. Under ordinary circumstances I should be inclined to oppose the motion, but the Senator from Vermont has stated that it is imperatively necessary that at an early day he shall leave the city for reasons and considerations personal to himself. I am sure that the Senator from Vermont would make no appeal personally to any member of this body to which the response would not be instantaneous and affirmative. It seems to me under the circumstances attending this matter, in view of our relations to the Senator from Vermont, his relations to the body, his great and often-expressed interest in this subject, that he is entitled to ask us to waive our personal considerations and grant him this favor which he asks. Reluctant as I should be under ordinary circumstances to depart from the rule of the body, setting aside Saturday for the consideration of the Calendar, in this instance I shall do so with pleasure, and sincerely hope that the desire of the Senator from Vermont will be acceded to by the Senate.

Mr. VOORHEES. Knowing the very heavy labors the Senator from Vermont has undergone as chairman of the Finance Committee, and knowing how he is situated and surrounded, while I regret extremely that this bill comes forward on Saturday, I wish to say that I have not the heart to object to his having this privilege, knowing as I do he desires to go away and rest.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont [Mr. MORRILL].

The motion was agreed to.

TARIFF BILL.

Mr. VEST. Mr. President, before the Senate proceeds with the consideration of this bill, I ask permission to make an inquiry of the chairman of the Finance Committee. As I understand, he is to leave the city on Monday. We adopted on May 26, 1890, the following resolution:

Resolved, That the Finance Committee be directed to report to the Senate, in connection with House bill No. 9416, commonly known as the tariff bill, a statement showing the duties levied by the present law, the duties as they would be according to said House bill, and the duties as proposed by said committee, all said duties to be stated in parallel columns or otherwise, as may be most convenient for examination and comparison.

The resolution was offered by the Senator from Kansas [Mr. PLUMB].

Mr. MORRILL. I will say to the Senator from Missouri that the tables were prepared and sent to the Printing Office last evening.

INDUSTRIAL AND SCIENTIFIC EDUCATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3714) to establish an educational fund and apply the proceeds of the public lands and the receipts from certain land-grant railroad companies to the more complete endowment and support of colleges for the advancement of scientific and industrial education.

Mr. PLUMB. Has the bill been read?

The VICE-PRESIDENT. The bill has been read, and the question is on an amendment to an amendment reported by the Committee on Education and Labor.

Mr. MORRILL. I will suggest to the Senator from Kansas—I know the motion he desires to make—that the bill has been half read through and part of the amendments of the committee have already been agreed to. Let the amendments that are pending be stated.

The VICE-PRESIDENT. The question is on the amendment offered by the Senator from Vermont [Mr. MORRILL] to the amendment reported by the Committee on Education and Labor, which will be stated.

Mr. HARRIS. Let the amendment of the committee be read, and then the amendment proposed by the Senator from Vermont.

The CHIEF CLERK. In section 3, on page 4, line 16, after the word "disbursement," the Committee on Education and Labor reported to insert:

Showing specifically its application to instruction in agriculture and the mechanic arts and the facilities for such instruction. The grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That payments of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of the Legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury.

It is proposed to amend this amendment by inserting, in line 18, after the word "instruction:"

Including the various branches of mathematical, physical, natural, and economic science, with special reference to their applications in the industries of life, and in a thorough training in the English language.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question now recurs on agreeing to the amendment reported by the committee as amended.

Mr. MORGAN. I should like to ask the Senator from Vermont why he desires to depart in this amended bill from the entire principle of the act of 1862. That honorable Senator, as I understand, was the author of that great and beneficent plan of education which has built up the forty or forty-two agricultural colleges in the United States. He devised a plan in the act of 1862 which has gone without amendment and without the necessity of amendment to this day. Nobody has objected to it, nobody has found fault with it, and the colleges have had the liberty of exercising their discretion in the particular branches of science connected with mechanics and other cognate sciences, and in the exercise of their discretion they have broadened the field of education, they have brought high education within the reach of a great many young men who could not obtain it at the ordinary colleges in the States, and the system has had an admirable effect in every part of the United States where it has been tried.

Here is a fund of \$25,000 a year ultimately, \$15,000 now, to be applied to the agricultural schools in the nature of a subvention, an additional fund to the endowment fund provided under the act of 1862. I do not know whether it is the purpose to change the law in respect of this fifteen to twenty-five thousand dollar amendment, so as to have that apply to the particular sciences which are required to be taught, or whether it is to go back and take the law of 1862 from the foundation and amend that also, so as to require that act and all the endowments under which it has been shaped by the States and by the boards of trustees organized in the States under a certain direction in the education of the youth of the country.

If the Senator from Vermont wants to undertake the education of the people in the different States, because we are voting money out of the public lands for that purpose, and wants to bring that subject within the jurisdiction of Congress to control the studies they shall pursue in these schools, then I am opposed *to toto* to his plan. I do not believe in the Congress of the United States undertaking the scheme of educating the young men of this country; but I do believe, and I believe heartily and earnestly, in complying with the great trust under which the public lands are held under the deeds of conveyance to the Government of the United States for the benefit of the States by placing these funds in the control of the States and letting them regulate education according to their best judgment.

It seems to me, Mr. President, that the Senator from Vermont is lending himself to a scheme here for the purpose of introducing into the act of 1862 certain new features which imply that the Congress of the United States shall take the control of education in the States where these colleges are situated, and that the schools shall be regulated by a law passed here and by administrative measures enacted here. I wish to say to the Senator from Vermont that if that is his purpose he will have several days' work here in trying to get that thing stuffed into this bill—several days' work, and pretty hard at that.

After that Senator has built a monument to himself that the future historian of the United States will be proud to refer to, there is no reason why in endeavoring to broaden its foundations or raise the height of the structure he should bring into it stained or imperfect or improper material. The system which he projected in 1862 has worked admirably; but now to take it out and for the sake of getting this allowance from the Congress of the United States when it is not necessary to make the concession, the plan to put the whole subject of the education in these colleges directly under the supervision of the Congress of the United States, is something that violates the ground upon which he stood in 1862. It ignores all the experience of this admirable system since that time, and brings in here a brand of difficulty and contention and strife in regard to these schools which have so long been happily free from any interference on the part of the Congress of the United States.

If any one thing has ever occurred in the history of the legislation of the United States to prove that the States are the proper guardians of public education, the history of the act of 1862 establishing the agricultural colleges is the best proof that could be adduced. At a proper time, and now is the proper time, I shall ask those gentlemen in this body who have committed themselves against the propositions of the interference of Congress in the administration of public schools in the States to strike

out of this bill what is proposed to be inserted here and which is entirely unnecessary.

The curriculum of the Agricultural and Mechanical College of Alabama is as high as that of the University of Alabama, with the exception perhaps of the teaching of Greek. I believe that is the only language which is omitted. The modern languages are taught there, and all branches of science that have any practical connection with the life of an American citizen are taught there, and taught by a board of professors who, I think it is not an exaggeration to say, for talent, ability, zeal, industry, capacity to teach, and all that, are perhaps the equals of any board of professors in the United States. I do not know a man in the United States whose ability is of higher range, whose education, scientific and literary, is more complete and more exact, and the experiences and works of whose life have better demonstrated his ability than Leroy Brown, the president of the Agricultural and Mechanical College of Alabama. He, supported by a very able faculty, has brought that institution up into very high rank, and it includes hundreds—I have the last circular of that school before me, and here are lists of hundreds of young men in that State who are being educated, and educated very thoroughly in that school. It has been the boast of our people, and it is a just source of congratulation. The young men of that school, many of them, as soon as they get their diplomas from this able faculty, are employed in institutions of different kinds, as railroad engineers, civil engineers, in various capacities, as the managers of iron furnaces, as builders, and architects, and all that.

I see no occasion now, Mr. President, for undertaking to prescribe to that college what the Congress of the United States ought not to undertake to prescribe to any college. The fact is that the curriculum of that college and its management is better in every particular than if it was controlled by a board of five or ten Senators of this body. There are no five or ten Senators of this body to-day who are able to go into the faculty of that college and manage it as well as President Brown and the able men who support him. They have not only an interest in the college, but they have an affectionate zeal for it.

I can see no necessity why we should undertake to interfere with the course of study there unless it is merely to get a precedent here of the actual control of the agricultural colleges, which for a great number of years we have entirely refused to participate in beyond that scheme which was presented in the act of 1862, just for the purpose of having this matter of the education of the children of the United States declared to be within the jurisdiction of the Congress of the United States.

This body, Mr. President, has voted against that proposition. The people of the United States, after they have come to look the field over and to consider it, have ascertained that we have enough to do here to take care of the Government as a government. We need not be spreading our powers about so as to get hold of the children and youth of the land and undertake the plan of educating them under our laws and our regulations.

I hope this amendment will not be adopted.

Mr. REAGAN. Mr. President, on a former occasion I called attention briefly to some objections to this bill, which I desire to repeat substantially. If the bill had been framed upon the theory and terms of the law of 1862 I should have supported it very cheerfully.

Before I proceed with the criticism I desire to make upon the bill, I will say that it seems to me the purpose of the bill is to fix upon our legislation the principle that Congress is to go into the States, take charge of educational institutions, and regulate what is to be done with them. That was a principal argument made against an educational bill which has been urged with great ability and persistency here. It seems to me now, if we consent to adopt this bill in the form in which it is presented by the committee amendments, it takes away all argument in the future that Congress has no right to control the schools of the States.

I wish to add here that it seems to be upon the theory of a great many leading men in New England, almost a New England idea, that the Constitution of the United States is to be overthrown by the enlargement of the powers of the Federal Government and by the abridgment of the powers of the States, and this is one of the means of doing it.

I call attention to section 3 as it has been amended. I will read the section as it is, and then point out the part of it to which I object:

That the sums hereby appropriated to the States and Territories for the further endowment and support of colleges shall be annually paid on or before the 31st day of July of each year, by the Secretary of the Treasury, upon the warrant of the Commissioner of Education, countersigned by the Secretary of the Interior, out of the Treasury of the United States, to the State or Territorial treasurer, or to such officer as shall be designated by the laws of such State or Territory to receive the same, who shall, upon the order of the trustees of the college, immediately pay over said sums to the treasurers of the respective colleges entitled to receive the same, and such treasurers shall be required to report to the Secretary of Agriculture and to the Commissioner of Education, on or before the 1st day of September of each year, a detailed statement of the amount so received and of its disbursement—

That far I have no objection to the section—I believe it is all right—but I do object to what follows—

showing specifically its application to instruction in agriculture and the mechanic arts and the facilities for such instruction, including the various branches of mathematical, physical, natural, and economic science, with special reference to their applications in the industries of life, and in a thorough training in the English language. The grants of moneys authorized by this act are made sub-

ject to the legislative assent of the several States and Territories to the purpose of said grants.

It will be seen that it first proposes that the money shall go down to the schools, and then to have the legislative assent to that. Now, I call attention to part of the language of section 4, on page 5 of the bill; and I will first read the last sentence of that part of it that I do not object to:

An annual report by the president of each of said colleges shall be made to the Secretary of Agriculture, as well as the Secretary of the Interior—

That seems to be a repetition of what is required in the preceding section—

regarding the condition and progress of each college—

I do not know that that can do any special harm, but I do not see the need of it. Then I object to what follows—

Including statistical information in relation to its receipts and expenditures, its library, the number of its students and professors, and also as to any improvements and experiments made under the direction of any experiment stations attached to said colleges, with their cost and results, and such other industrial and economical statistics as may be regarded as useful, one copy of which shall be transmitted by mail free to all other colleges further endowed under this act.

A portion of that is part of the old act, but a portion of it is not, and it is so interwoven as to make it, to my mind, objectionable.

Now I call attention to the last sentence in section 5 of this proposed act:

And the Secretary of the Interior is hereby charged with the proper administration of this law, through the Commissioner of Education; and they are authorized and directed, under the approval of the President, to make all needful rules and regulations not inconsistent with its provisions, to carry this law into effect.

So we go by this act into the States and take charge of their schools, prescribing their curriculum, prescribing what shall be done, and how it shall be done, and require legislative assent to it, and then make provisions that the Secretary of the Interior and the Commissioner of Education shall prescribe a system of rules under which this policy shall be carried out.

It seems to me that the Senator from Vermont might have contented himself by letting this appropriation be made under the terms of the original law making appropriations for the benefit of agricultural colleges, but it appears that that does not satisfy him; that he must go further, extend the powers of the Federal Government, require the consent of the States to do it, and give supervision over this branch of schools to the officers of the Federal Government under rules which they may adopt.

Mr. President, I do not think it is worth while to prolong the discussion on such a measure. To my mind it evidently means to shut out one of the leading arguments used against the educational bill, that of the Federal Government going into the States and taking charge of education, and to enable parties when that bill comes up again to say, "You can not oppose this bill, because you voted for one giving the Federal Government authority over this class of your schools."

Mr. MORRILL. Mr. President, I was glad to hear the Senator from Alabama [Mr. MORGAN] give praise to the institutions that are already established, and I wish to assure him and others that so far as this bill is concerned it will not change the character of the institutions that have been already established.

Under the original act Congress provided for the maintenance in each State of "at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the Legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life."

Mr. MORGAN. That is the law of 1862.

Mr. MORRILL. That was the original law. This amendment is but a mere amplification of the original law, providing that instruction shall be given "including the various branches of mathematical, physical, natural, and economic science, with special reference to their applications in the industries of life, and in a thorough training in the English language," etc. Mr. President, I do not think that there should be any unnecessary alarm in relation to that method.

Then, in relation to the reports which are to be made to the Government, they are also to be made and sent to every other college. It will be advantageous to the colleges in every State to see what has been done in any other.

I can not see that the objection of the Senator from Texas or the Senator from Alabama ought to have any weight here. Of course, if we make this appropriation, the Government ought to be assured that it is to be applied and spent in the manner expected and provided.

I do not intend myself to debate this question to-day. I have already given it all the attention that I think is necessary.

Mr. MORGAN. Will the Senator from Vermont point out what advantage there is in the proposed amendment to the agricultural college system above that found in the act of 1862?

Mr. MORRILL. I will say that some of the institutions are repre-

sented as not giving sufficient attention to the agricultural and mechanical parts of their studies; that they do not give them the lead; and this provision has been inserted in order to insure that they shall be so devoted.

Mr. HAWLEY. Mr. President, I am very sorry that the Senator from Vermont did not think it best to confine this bill to the precise terms of the grant of 1862. I concur with the Senator from Texas [Mr. REAGAN] in saying that if he had done so I should with pleasure have voted for it. That act gave specific grants, 30,000 acres of land for each Congressman, I believe for each Senator also, to the States, to be dedicated to a well-defined purpose, and affixed only the simple conditions practically of faithfully reporting every year the progress made in science, and the condition of such institutions. It did say, of course, that no portion of it should be applied to buildings, etc., but these specifications were to be accepted by the several States, and when they were accepted the whole business was closed, excepting the annual report. There was no inspection except by the reports. There was no saying "If this fund be not wisely and honestly expended we will stop it," as there is said here. This desires to say, or does say, that if any part of this fund, this new grant, "be applied to any purpose or object other than for instruction in agricultural and the mechanic arts and facilities for such instruction, it shall be replaced by the State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys shall be applied, directly or indirectly, under any pretense whatever," no, that is beyond; that if anything shall "be applied to any purpose or object other than for instruction in agricultural and the mechanic arts and facilities for such instruction, it shall be replaced."

Mr. MORRILL. There is an amendment pending that is to come in there.

Mr. HAWLEY. I will come to that. The original act said "the maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts."

This bill, with its various specifications, does not add anything really to that except to say that if in the expenditure they trespass in the least beyond the lines of instruction in the mechanic arts, then the Government will cease to pay them. That absolutely forbids, if not in the original grant, if it does not change the terms of the original trust, it does nevertheless forbid that any portion of this new grant shall go a hair beyond agriculture and the mechanic arts. If it does, the appropriation shall be stopped.

Now, it is going to be a little difficult for a college to keep up the line of distinction between the expenditures. If one of the boys who are studying agriculture and at the same time, if you please, studying with a view to becoming a civil engineer, should think it best to take a little something of a liberal course of English literature and in the classics, you will have to keep a separate account for that boy. You will have to tell us what share and how, whether he got his education from the old fund or from the new fund. It is introducing a possible subject of dispute over the construction.

Mr. HOAR. Or whether it was from the other funds of the institution.

Mr. HAWLEY. Or whether from the other funds. There may be other funds. Now, that would make three separate accounts to be kept, and you have got to educate a boy according to the fund that he wants to take advantage of.

I would be very glad indeed (for I do not think the Senator from Vermont has helped himself by the new specification) if he would just leave it to the old specification, for the schools have been in general very well administered; and after the money has been given, as it has been, to Connecticut, where it has been honestly kept and honestly administered, while I hunger for the addition because I love that school, I know how good it has been—while I hunger for the addition to its resources I do not desire, I very much oppose, any new dedication or any plan of administration which is coming down there to inspect us, and say, "You taught this boy in Latin while you were teaching him engineering and therefore we are going to dock part of your allowance next year." For Connecticut—and I can not speak for that school, for it is so hungry to take it, I would rather say we do not want your money unless you will just trust this State of Connecticut, which has honestly administered since 1862 its old grant, and proposing to take more funds under that same dedication it will accept the trust and close the bargain and make its annual report, but do not come around exercising a guardianship over us as if we were wards in chancery and could not be trusted with these schools.

Mr. PLUMB. Mr. President, I think there is a great deal of force in what the Senator from Connecticut has said about the proposition to enlarge the scope of the original law, or perhaps to contract it, but at all events to change it. But leaving that matter out of account, I want to say that while I have no objection to the passage of a bill which shall make an addition out of the Treasury of the United States to the endowment fund or to the fund for the current expenses of the agricultural colleges of the United States, I do most seriously object to this

bill in its present form, and in saying that I say it with great reluctance.

The Senator from Vermont had honorable identification with the original measure, a measure of very great importance, and one which he is entitled to view in its operations with a very pardonable pride; and I do not wonder that at this later period, a generation after the passage of the first act, he should now seek to supplement that act by appropriations out of the Treasury. I want to say to him that I think if in the beginning the bill which was passed under his auspices had provided for an appropriation out of the Treasury for agricultural colleges it would have been very much better than the plan finally adopted. The endowment consisted of land. It was based upon the status of representation in the lower House of Congress. It was unequal, in the first place, in its allowance of lands, and very unequal in the results by which those lands were commuted into money. Some of them were disposed of properly and others were disposed of improperly. Some were disposed of wisely and some unwisely. Some of the colleges got a large endowment, and others got a very small endowment.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Kansas will please suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, being the bill (S. 894) to provide for the admission of the State of Wyoming into the Union, and for other purposes.

Mr. PLATT. I have no objection to that bill being laid aside informally in order that the measure which has been under consideration may be proceeded with.

The PRESIDING OFFICER. Shall the unfinished business be informally laid aside? The Chair hears no objection. The Senator from Kansas will proceed.

Mr. PLUMB. And worse than all, perhaps, Mr. President, the issue of the scrip representing the amounts of land to which the colleges were entitled resulted in a very vicious disposition of large areas of the public lands in many cases. Immense fortunes were built up by dealing in that scrip. I have been told, on what I conceive to be perfectly good authority, that from one of the institutions in the Northern States their certificates for the location of lands were bought for the price of a dollar and a quarter an acre, while the lands on which the scrip was located were worth from \$25 to \$100 per acre.

Mr. PADDOCK. Will the Senator allow me?

Mr. PLUMB. Certainly.

Mr. PADDOCK. A great deal of that scrip was sold at 60 cents an acre.

Mr. PLUMB. Some of it was sold, as the Senator from Nebraska says, as low as 60 cents an acre. That I refer to incidentally in speaking of the inequality of endowment which resulted from the original act.

Now, we have these agricultural colleges. I know very little about their operation except as I get it in a general way, save as it relates to the college in my own State. If the work they have done generally compares favorably with the work of that institution, the result has been beneficial.

I do not know of any educational institution anywhere, in the East or in the West, in this country or abroad, that does not need, for the purpose which it feels to be important to its maintenance and the spread of its power and influence, more money. Therefore I have no doubt that these colleges would make use of this extra sum of money if we should give it to them, and I have no doubt that use would be on the whole in the right direction; I should hope also that it might be in the direction of the giving of a more thorough agricultural education than has heretofore been the case. In other words, I should hope it would more and more conform to the terms of the original act of endowment and to the idea which was in the mind of Congress and of the distinguished Senator from Vermont who originated the plan.

Now, if we are to give anything in the shape of money, it must come out of the Treasury in one way or another. We can not make this appropriation out of the proceeds of the public lands and of the sums that we may get from different railroads, and deceive anybody into the belief that it does not cost the people of the United States anything. If these institutions are worthy objects of support why not give them the money directly out of the Treasury, unembarrassed by any other consideration? Is it fair to the colleges to say, "We have got a lot of old accounts that we can not collect, or that we do not know whether we shall collect or not, but if we do collect anything you shall have it?" It may create an appetite which we shall never be able to satisfy except by making a direct appropriation finally. It is not assuming the proper relation to them as the subjects of national support.

But, Mr. President, I object to this first section, not alone on the ground I have stated, but on much more important ground. We are to give to these colleges this money out of the proceeds of the sales of the public lands. The first section is practically a dedication of all the moneys that we shall receive from public-land sales to the purposes of scholastic agricultural education. Whatever that fund may be, upon the equities of the case as it will be construed by the colleges, the colleges will be entitled to it. We shall have a new element, therefore, entering into the management of our public-land system.

We ought to have a definite policy in regard to the public lands

which shall not be modified by any considerations of local expediency. There is a great area of land which ought to be held in trust for beneficial uses for the people of the United States, for the occupancy of men who make upon them their homes, and for no other purpose, and we never ought to subject ourselves to the temptation that we shall make any use of them except that, nor put any person, or any corporation, or any institution, in the attitude of becoming a solicitor at the doors of Congress to have that done in regard to the public-land system which otherwise would not be done. We can not afford to have our public-land system embarrassed in its administration by considerations of this sort.

Then, Mr. President, we have here a provision that all the funds which are received from railroads shall be likewise a part of this educational fund upon the books of the Treasury and in the vaults of the Treasury. There are, so far as my memory now serves me, two classes of revenues derived from railroads. One, and much the smaller, is what is called the surveying fund. The Pacific railroads, by the twenty-first section of the act of 1864, were required to pay into the Treasury of the United States the cost of the survey of their lands. By the act chartering the Northern Pacific Railroad, giving to it its land grant, it was required to pay the cost of surveying the land, the Government in both cases incurring the expense and the companies undertaking before the patents were received to reimburse the Government. That is one fund. How much it amounts to I do not know; but probably several million dollars before it is concluded.

The other fund arises, of course, out of the loan of the credit of the United States to these railroads in the shape of the bonds of 1865, 1866, and succeeding years during the construction of the Pacific roads. The debt represented by those bonds is to-day in round numbers \$100,000,000. We have presented to us already through the medium of the Pacific Railroad Committee a proposition for a settlement with those companies, about which I will not say anything now except that when we come to consider what we shall do with those railroads we ought to be under no constraint that will not permit us to deal with them from the highest standpoint of the public policy which is involved. We ought not to have colleges in different portions of the United States here, at any stage of the proceedings by which we settle the obligations of those railroads to the Government, saying, "settle this way," or "settle that way, in order that we may have a swift realization of the promise you have made that we shall have this fund for the benefit of the colleges."

It is unwise legislation. If we are going to give these colleges money let us give it to them directly out of the Treasury. That is the only frank, manly, honest way to act.

But, Mr. President, there are hundreds of embarrassments that will arise in the administration of this first section. Suppose, for instance, that the payment for any one year from the public lands and from the railroads both combined does not equal the \$25,000 a year each which we limit these institutions to by a subsequent section.

Mr. BLAIR. Fifteen thousand dollars, to begin with, until it comes to \$25,000, and they are limited to that.

Mr. PLUMB. Yes, the maximum is \$25,000 under this bill. Suppose we do get that, what then? Does any one doubt that the colleges will come here and say: "We have got our appetites prepared for this entire sum. We have our professors employed. We have these instrumentalities of education engaged; and you must give us this money out of the Treasury?" Does any one doubt that we would do it? Then, why not do it in the first instance?

But suppose more than \$25,000 per annum for each institution is realized, as will probably be the case. We have dedicated by this first section all this fund to the purposes of scholastic agricultural education. We have become the trustees by an act of Congress of this fund for the benefit of the agricultural colleges of the United States. The entire fund, first and last, will probably be \$200,000,000. They will come here and insist that as we have dedicated this fund to them, the limitation of the preceding Congress ought to be removed, and they will have great claim upon us on that score. They will say that this limitation here was not conclusive; that "if you had intended only to limit it to \$25,000 per annum why did you provide for these vast sums aggregating \$200,000,000? If you intended only to give us the pittance of \$25,000 a year each out of it, what was the necessity of putting in this great dedication?"

Who does not realize that that limitation is a mere temporary expedient, practically the sugar-coating of this bill? The public will so regard it; and Congress by passing the bill practically says, this is the educational fund, and this limitation is only for temporary purposes.

Then, Mr. President, we shall have an unequal annual dividend to these institutions. Some years there will be \$50,000 apiece, perhaps; some years there will be \$100,000, and some years probably \$200,000 apiece, and we shall have endowed them more munificently than any institutions of the kind were ever endowed in the history of the world. I do not mean to say that is not right, but I want the Senator who says we ought to give \$200,000,000 to these agricultural colleges to put that into black and white in order that the people may understand it, and that Congress may know what it is to pay and make the appropriation direct out of the Treasury.

I do not mean to say that the question of this amount of money is

one that ought to concern us very much; and yet in my judgment, within two years of this time, whoever proposes on this floor or in the other branch of Congress to make an appropriation which shall perceptibly add to the annual supply bill will of necessity be required to put with it a provision to raise the revenue to pay it.

Mr. COCKRELL. In less time than that.

Mr. PLUMB. The Senator from Missouri says in less time than that. I agree with him. In eighteen months from now whoever proposes the addition of a million of dollars to the annual budget will have to provide with it the means of raising the revenue to pay it.

On the threshold of this condition of things it is proposed to take these enormous revenues, segregate them from the funds of the Treasury, put them out of circulation in a place where there is already \$150,000,000 more of the people's money than there ought to be, to the great harm of the country, and to put it there as a fund either to be withdrawn wholly from circulation and remain there to accumulate or else to be there the prey of solicitation by these institutions that we shall give it to them according to the dedication contained in this first section.

Mr. President, whatever is necessary from a public standpoint I am willing to vote. If this section and a succeeding one which is in the same line shall be eliminated, I will vote for the bill, granting a maximum of \$25,000 a year, or about a million three or four hundred thousand dollars, to be continued until the end of time. But I will not vote for any bill which, under the pretense of voting \$1,300,000 a year, opens the door inevitably and necessarily to the donation out of the Treasury of the United States of as vast a sum as that of which I have spoken, and which at the same time puts us in embarrassing relations with these institutions concerning important questions of public policy.

Mr. President, it seems to me at this time, with a bill on our table about which there are various opinions as to its effect upon the revenues, with legislation that is pending on the table of the Presiding Officer which will add to the annual expenses of the Government not less than fifty and probably equal to sixty million dollars per annum, it seems to me that this is an unwise time to enter upon an indefinite expense of this character, and that if there ever was a time when we ought to determine carefully and prudently what we shall do with the public funds it is now. We may need, as we clearly shall within a very brief period of time, much of the Pacific Railroad fund to piece out the expenses of the Government, which are going to overrun the revenues, and we shall need similarly to take from the funds derived from the sales of public lands.

And yet, sir, we are going ahead with expenditures and with propositions for additional burdens upon the people just as though we were in the heyday of that surplus about which we have heard so much in the last few years, but which has been vanishing like a snow bank under the rays of the summer sun, until now it practically has no longer any existence.

I shall move at the proper time to strike out the first section, and if that should prevail, also the seventh and eighth sections. Looking at the eighth section now reminds me that it contains a provision that this shall not be construed to affect or limit the power of Congress over the public-land system or any future law in regard to railroads, as though one Congress could bind another—the merest pretense, totally unnecessary, and to be utterly ineffective, in view of the pressure of which I have spoken.

If this bill passes one of two things we shall be under the necessity of doing, as I said, in a very brief period of time—either to yield wholly to the demands of these institutions up to the full amount provided for in the first section, which, as I said, will amount to a total of at least \$200,000,000 before this act will cease to operate, or we shall be obliged to withdraw it altogether, to the very great hurt of the institutions. We ought either to go forward cautiously now with our feet upon solid ground, incurring obligations only of a character which we know we can fairly meet, or we ought not to go at all.

Mr. MORRILL. Mr. President, I am aware of the great ability of the Senator from Kansas [Mr. PLUMB] whenever he tackles any bill, and I regret that he is not of the same hearty opinion in favor of this bill as his predecessors were in 1862, both of whom here exerted a very strong influence in favor of the passage of the act of that year.

The Senator from Kansas expresses a willingness to appropriate this money out of the Treasury, but he objects to it in consequence of the dedication of all the proceeds of the public lands and all the debts due to the Government from the Pacific endowed railroads being pledged to these institutions. Any one who will read the bill will see that it is utterly without the slightest foundation. All that it proposes is that the appropriations which are to be made to the several States and Territories under the act for the benefit of colleges shall be made from funds arising from receipts and credits thereon on account of public lands and the railroads.

Then there is this magnificent display of what these colleges are going to call for. He says one Congress can not bind the next. Even if this first section did bind Congress, it could be repealed. But there is no such phraseology here that allows the meaning put upon it by the Senator from Kansas. The amount is very pitiable. In the first in-

stance there will be but about \$750,000 appropriated so long as there is \$15,000 a year paid to each institution; and when the whole sum of \$25,000 shall be reached, ten years hence, it will only amount to \$1,250,000, or a little less, perhaps.

Mr. PLUMB. Will the Senator please explain why not just make an appropriation right out of the Treasury instead of complicating it with this kind of a system of book-keeping?

Mr. MORRILL. For the reason that it has always been regarded that the Congress of the United States has a right to dispose of the public lands for any purpose that it may see fit, provided the object shall be one of national import and equally applicable to all the States; and these debts that are due to us are as much a part of the public lands as the lands themselves.

Mr. PLUMB. How does that apply to the provisions in regard to the railroad funds?

Mr. MORRILL. I say that the debt due to us from the railroads was derived from the public lands.

Mr. PLUMB. Not at all; not a dollar of it.

Mr. MORRILL. We recouped them. Nearly all the companies got—

Mr. PLUMB. The debt is represented by bonds of the United States outstanding, by virtue of which the Government has a statutory lien upon the railroads. It has no more relation to the lands than if the roads were built upon the water.

Mr. MORRILL. Nearly all the actual debt the companies owe of their own right has been derived from the public lands.

Mr. President, the power of Congress is reserved at the end of the bill to repeal or amend, or do anything in relation to the public lands or these railroads that they may see fit and proper to do.

I will say, while on my feet, that the amendments which are now pending were inserted by the Committee on Education and Labor, and I suppose that they had a proper consideration of the subject. I did not see fit to make any opposition to them except to amend them and make them a little more broad. I should have no sort of objection to those amendments going out, but I do not desire to change the bill from what it was reported by the Committee on Education and Labor.

Mr. BLAIR obtained the floor.

Mr. ALLISON. Before the Senator from New Hampshire begins—
The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. BLAIR. He only desires to ask a question, I understand.

Mr. ALLISON. Yes; relating to the first section.

Mr. BLAIR. Certainly; I yield.

Mr. ALLISON. I understand the Senator from Vermont now to state that this appropriation of the funds derived from the railroads is not the entire indebtedness of these railroads and does not include the sinking fund provided for by the act of May 7, 1878. If it is not intended to dedicate that fund, I think the phraseology here is rather unfortunate, and without interfering with the bill more than I think I ought, I hope some suggestion will be made to exclude that idea.

Mr. BLAIR. In what part of the bill?

Mr. ALLISON. I allude to the first section, because under this first section, if the interpretation of the Senator from Kansas is the correct interpretation, there will be two or three million dollars of this money flowing annually into this fund, and there will be at once a fund of over \$10,000,000 that will be transferred to it without a single moment's delay, because there is now in that sinking fund a large amount. I do not remember the exact sum, but I think it is certainly over \$10,000,000, and it may be over \$12,000,000.

Mr. MORRILL. If the Senator will look at the last part of section 1 he will see that only so much of that as may be necessary is appropriated. It only provides that the appropriations made under the bill shall be taken from funds arising from this source, so far as may be necessary.

Mr. ALLISON. I understand, but of course when that is done this fund is dedicated to this particular purpose, it seems to me. If that is not the intention, I hope it will be excluded. If the Senator from New Hampshire will allow me just one word more, I should like to call his attention to another point. I notice by referring to section 8 of the act—

Mr. DOLPH. If the Senator will permit me, I should like to call his attention—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Iowa or to the Senator from Oregon?

Mr. ALLISON. In a moment I will yield. I want to call the attention of the Senator from New Hampshire to section 8 of the act of 1878, wherein this fund is set apart already for another purpose, and it is for sometime to come.

Mr. MORRILL. That is, the experiment-station fund is set apart so far as \$15,000 a year is concerned.

Mr. PLUMB. No, that has always been paid out of the Treasury, every dollar of it.

Mr. ALLISON. We appropriate annually in the agricultural appropriation bill five hundred and some odd thousand dollars for that purpose.

Mr. DOLPH. What I desire to suggest is that the second section makes this appropriation out of any money in the Treasury not otherwise appropriated:

That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated.

Is not that a contradiction of the provisions of the first section and a repeal of that?

Mr. ALLISON. I think it is, and for that reason I made the inquiry of the Senator from Kansas, and asked him if the appropriation by the second section was not an addition to the dedication in the first section.

Mr. PLUMB. Yes, but that is a mere question of phraseology. Of course, if the policy provided for in the second section prevails, a change of phraseology would undoubtedly follow, because that is the kernel of the whole thing. There is to be a segregation of this large sum of money in the Treasury as an educational fund for the benefit of the agricultural colleges of the United States. The balance of it is mere "leather and prunello." It is only the step by which we propose now to gradually approach the subtraction of that fund for the benefit of these institutions.

Mr. ALLISON. I will say, for one, if that is the purpose of this section I can not give it my support, because I do not want to dedicate now \$100,000,000 for this special purpose. Of course I am in entire sympathy with the object of the bill.

Mr. BLAIR. Mr. President, the last amendment of the bill as reported is to amend the title so as to read, "A bill to apply a portion of the proceeds of the public lands and the receipts from certain land-grant railroad companies to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July 2, 1862," which modification of the title of the bill is designed so that the title may indicate what the bill will be if passed as reported from the committee and proposed to be amended.

I want to say in regard to this bill and the amendments to it that there are no amendments made to the bill which have not been designed to effectuate the purpose of the bill itself as revealed in its original form. There had to be some modifications in order that it might meet the concurrence of the committee to such an extent as to be reported, and as it now stands it was reported unanimously.

The idea of the bill is, as the Senate will of course understand, rooted in the original measure introduced in the Senate some ten or twelve years ago by the Senator from Vermont [Mr. MORRILL], which proposed a dedication of the fund to be derived from the public lands and from the railroads, or rather the interest to be derived from those funds as the annual payments came into the Treasury, and provided for the annual application of that interest, one part of it to the support of the agricultural colleges and another part of it the support of the common schools. That bill passed the Senate, I think, twice; I do not know but more. The amount involved, being the annual interest upon a very small sum, was thought by many not to be tangible or of consequence to the existing condition of illiteracy in the country; and about 1881 there was a bill reported proposing to make a specific appropriation for the benefit of the common schools of the country. That was discussed from time to time and passed through the Senate, until finally at the present session it met with a repulse, and is now upon the table on a motion to reconsider.

When that action had been taken at the present session the Senator from Vermont introduced his original bill, but changing it in such a way as to give not the interest upon the proceeds, but a portion of the proceeds outright for the use of schools annually and also making provision for the agricultural colleges. That bill was referred to the Committee on Education and Labor, and the committee, mindful of the opposition which the idea of an appropriation for common schools had received, informed the Senator that there was great difficulty in securing the passage of the bill through the committee in that form, there being a strong anxiety felt by the committee in some way make provision for the agricultural colleges.

I may say that the representatives of the agricultural colleges came before the committee and were heard, and heard thoroughly and fully, and they made such investigation as to the condition of sentiment in Congress as satisfied them that they would do better not to burden themselves in the effort to secure an appropriation for their colleges or entangle themselves, I should say, with the other idea with reference to the common schools of the country.

This condition of things being made known to the Senator from Vermont, and the strong impression of the committee upon the matter being made known also, a second bill was introduced by the Senator, which is this bill, drawn with the idea of making provision for the agricultural colleges alone, and entirely excluding the idea of the common schools or any interference with or connection with the common schools of the country.

The first section of this bill is there because the Senator from Vermont deemed it to be of great consequence. The idea of the committee was to make a direct appropriation, according to the suggestion of the Senator from Kansas, of the necessary amounts, but for reasons which the Senator has stated, and with great force, this section was included and remains in the bill, and is reported favorably by the com-

mittee. The committee have made in the first section a change by the addition of these words:

So long as such receipts and credits shall be sufficient therefor.

As this was designed to be a perpetual appropriation, the time of course must be contemplated when the fund coming from the sale of the public lands, which is largely diminishing, or likely to diminish from year to year until entirely exhausted within a few years, and also the receipts from the indebtedness of the railroads shall both entirely disappear, and until such times the \$15,000 first and ultimately \$25,000 to each college is to be paid from the proceeds of the public lands and from the receipts coming from the railroads, only "so long as such receipts and credits shall be sufficient therefor."

But, contemplating the time when there may be a deficiency, the second section makes provision for an appropriation of the necessary moneys out of the funds in the Treasury. That is in no wise inconsistent with the provision of the previous section that these funds shall come so far as is necessary from the receipts from the public lands and from the income from the railroads, because those funds go into the public Treasury, and an appropriation, as in the second section, out of the funds in the public Treasury would be grammatically and really correct, notwithstanding the appropriation to a specific use of the funds arising from the public lands and the railroads as contained in the first section, the whole being like other assets of the country in the Treasury.

Mr. ALLISON. May I ask the Senator to explain whether he understands that the first section dedicates what is known as the sinking fund and the amount that is paid into the Treasury on account of the Pacific railroads to this fund, or, if not the whole of it, any part?

Mr. BLAIR. I do not understand that it is so designed. The amount that comes from these funds is only a very small proportion of the actual receipts.

Mr. ALLISON. It is over \$2,000,000 annually now.

Mr. BLAIR. The receipts from the railroads?

Mr. ALLISON. Yes; under the act of 1878.

Mr. BLAIR. The receipts from the public lands have averaged some \$5,000,000 or \$6,000,000 a year for ten years past. One year the receipts were some nine or ten million dollars.

Mr. ALLISON. I know.

Mr. BLAIR. But they are likely to diminish largely in the future. Now, I do not understand that any amount, except so much as is necessary to meet this annual charge, is appropriated or is understood to be appropriated or set apart for the use of the agricultural colleges.

Mr. MORRILL. That is all; no more.

Mr. ALLISON. Then there is no dedication of any of these funds?

Mr. BLAIR. There is not designed to be, not the slightest.

Mr. ALLISON. Then I hope that will be stricken out.

Mr. BLAIR. There is a dedication to the amount which is to go to the colleges, provided that amount coming from these sources is in the public Treasury. Of course that will continue to be the case for many years to come.

Mr. ALLISON. It will be a constantly accumulating fund. If we are only to pay out \$25,000 each to these colleges, this railroad debt of itself put at reasonable interest in the Treasury and the income from the sales of the public lands would produce an enormous income, far beyond the amount appropriated or suggested in this bill, annually.

Mr. BLAIR. The Senator from Vermont informs me that he had no such idea, and I never supposed that there was an appropriation of anything annually.

Mr. MORRILL. There is no such idea in the bill.

Mr. BLAIR. There is no such dedication.

Mr. ALLISON. Then the section ought to be stricken out, I submit to the Senator from Vermont, because it will be so construed by other people.

Mr. MORRILL. I do not think it will.

Mr. BLAIR. But to go on with such explanations as I think necessary to make in view of the arguments of Senators; in the third section is the next amendment of the committee. It consists of the insertion of the words "upon the order of the trustees of the college." That is merely a provision with reference to the manner in which the funds shall be drawn, and it was inserted at the suggestion, I may say, of the Senator from Mississippi [Mr. GEORGE], whom I do not now see in his seat, and is a very harmless and at the same time very useful amendment, not at all bearing, however, upon the general merits of the bill.

I come now to the sixteenth line of the third section, where there is this amendment by way of addition: Speaking of the report to be made to the Secretary of Agriculture and also to the Commissioner of Education on or before the 1st day of September of each year, requiring a detailed statement of the amount so received and of its disbursement, these words are added by the committee:

Showing specifically its application to instruction in agriculture and the mechanic arts and the facilities for such instruction.

That Senators may feel sure that there is no trap designed here by the committee, and, that the Senator from Vermont may not feel that he must disclaim it because it was reported by the committee or indicate his willingness that it should be stricken out, I want to say that those words were inserted on the suggestion of Mr. Bingham, who ap-

peared as representing the National Grange of Patrons of Husbandry, and, I think it was, Colonel Polk, who represented the Farmers' Alliance. They were quite anxious that this language should go in, and it was indorsed and recommended, too, by the committee of the agricultural colleges, who were present and manifested great zeal and anxiety about the bill, because these representatives of the farmers said that the farming interest felt that in many of the States these funds were being diverted from agricultural education and education in the mechanic arts, and that if this large additional amount—much more, as the Senate will perceive, than the interest on the original investment made on the public lands—if this annual amount, supporting the colleges very largely, is to be appropriated year after year, this tendency to divert the appropriation of Congress in other directions should be corrected by a specific provision requiring the application of the fund for the benefit of education in agriculture and in the mechanic arts. That is why the language is there, that the report shall show "specifically its application to instruction in agriculture and the mechanic arts, and the facilities for such instruction." The remainder of the amendatory language of that section comes from another source:

The grants of money authorized by this act are made subject to the legislative assent of the several States and Territories to the purpose of said grants.

No Senator can complain that this is a provision looking to the enlargement of our nationality and the swallowing up of the children of the country in the vortex of national power. It is not a national whole by any means, and these poor little Jonahs are safe so far as this provision of the bill is concerned. It was inserted with direct deference to, and humble humility and obsequious prostration before, the idea of States' rights, understood distinctly to be so, and upon the suggestion of members of the committee.

Mr. DAWES. I will ask the Senator if he thinks it is wise—

Mr. BLAIR. I certainly think it is wise. I am not one of those, let it be distinctly understood, who wish the National Government to interfere with or to have control of the educational institutions of the States, either the common schools of the States, or these institutions, or any other of the educational institutions of the States or within the States. I am for the application of the resources of the General Government through the forces of the common schools and other institutions of the State to the ends of legitimate education within the States, and I think—

Mr. DAWES. Right on that question may I ask if the Senator thinks it is wise—

Mr. BLAIR. I was defining my position.

Mr. DAWES. I did not ask the Senator to define his position.

Mr. BLAIR. I had a right to do so. Perhaps the Senator did not ask me—

Mr. DAWES. I thought the Senator would allow me to put my question.

Mr. BLAIR. Besides that, I supposed I had the floor.

Mr. DAWES. I did not suppose the Senator had not.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Massachusetts?

Mr. BLAIR. I shall be very glad to hear the Senator's question. I thought I did answer it.

Mr. DAWES. I wanted to know of the Senator whether he thinks it wise to bring up the children of this country in the idea that the General Government is subordinate to the States in carrying on these schools.

Mr. BLAIR. Oh, no; the Senator asked me no such question as that. But I do think it well for the children of this country—

Mr. DAWES. Will the Senator answer that?

Mr. BLAIR. I will. If the Senate desires to hear me I have no objection to delivering a lecture on constitutional law, with my views upon the subject at length, though I feel ordinarily great hesitation in addressing the Senate at any length. I do not believe that it would be well to bring up the children of the country in the idea that the National Government is subordinate to the States.

Mr. DAWES. The Senator said with meek humility that the committee agreed to submit to the States and get their consent.

Mr. BLAIR. No, I did not use the expression "meek humility." The RECORD will show that I did not. If the Senator desires to hear me, I submit that the ordinary rule should be complied with by him. He would hardly be allowed in a moot court to interfere with the charge of a judge in this way.

I was saying that I do not believe in the idea of training the children of the country in the view that the National Government is subordinate in its powers to the powers of the States; nor do I believe in training the children of the country in the idea that the States are subordinate in their powers to those of the General Government. I believe that both are independent and are sovereign each within its proper sphere.

I was saying to the Senator that I believe, in the matter of education, it is well and right and proper that through the institutions of the States education should be given to the children who live within them. I adhere to the power that the National Government has of self-defense, and when the parent and the State both neglect the proper education of the children living within their jurisdiction, so that the

child becomes incapable of discharging his duty as a citizen either of the State or of the United States, then the nation has the power of necessity, in self-defense it has the power, to educate those who are to be the State and are to be the nation, so that they may exercise the powers of self-government. Any other theory is a destruction of a republican form of government in the nation as well as in the States.

But this particular provision is consistent with the original act by virtue of which the agricultural colleges were created. As I understand it, these funds were all taken, accepted by the States; the agricultural colleges are in fact the creation of the joint action of the nation and the States acting together; and most of them, I think all of them, are now more largely maintained, not from funds derived from this original appropriation by the Government, but from regular annual appropriation made by the States. What the Government did was really to put in the original plant. Now, the Government has gone further and recently made an appropriation for the maintenance of what are known as experiment stations. Just at this moment it is the amount of \$15,000 a year. These appropriations have been accepted in the various States by action of the Legislatures of the States. This appropriation, made for the general uses and support of the agricultural colleges, is merely made with the assent of the States in conformity to all the legislation that appertains to the entire subject from the beginning.

But I made the suggestion that this was not open to the objection which was urged by some Senators on this floor, that there was an effort to grasp the control of the children and the institutions of the States, because the acceptance of this grant is made specifically dependent upon the action of the Legislatures of the States, as in fact it has been always hitherto:

The grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That payments of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of the Legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury.

This language, the whole of it, does not come from a source that would be objected to by those who raise this objection to the bill.

The fourth section has no amendments which are not necessary in order to conform to the changes made in the bill on its second introduction. As first introduced by the Senator from Vermont, contemplating the creation of a fund, the language was consistent throughout. When the second draught was introduced by him it was found that the necessary corrections had not been made in the body of the bill. So the committee made some miscellaneous and otherwise unimportant amendments, but which were indispensable in order to have the bill consistent with its idea of providing only for the agricultural colleges.

The fifth section was stricken out in order to negative the idea of a permanent fund. I call the attention of the Senator from Vermont and the Senator from Kansas to this action in striking out the fifth section, which is one alluding to the permanent fund and was designed to be a correction of the idea of the creation of a permanent fund that was in the original bill.

Mr. PLUMB. That is, if I understand the Senator, the Senator from Vermont, who introduced this bill, according to his view intended to create a permanent fund and the committee have stricken it out.

Mr. BLAIR. Originally, years ago, the idea was to take these payments as they came in year by year, set them apart in the Treasury for all time, and thus to create a permanent fund, the interest whereon (which in the far future would be very large, but in the present would be very small, of course) would be appropriated and distributed among the various States according to population after a certain period, so that there would in that case have been a permanent fund; and this provision of the old bill crept into the draught which was first referred to the committee.

Mr. MORRILL. Merely by accident. I very hastily prepared the bill, after having been informed of the position of the chairman and of the committee.

Mr. BLAIR. Traces of it appeared through other sections, which the committee struck out, all with the idea of making the bill conform with the views of the Senator, which merely are, as I understand, this immediate source of revenue, and taking it from it might meet some of the objections, as he supposed, on the floor of the Senate, so that this appropriation for education in the agricultural colleges might be derived so long as those funds lasted.

I have commented upon all of the amendments. Now we come to the ninth section, which is stricken out in full and stricken out for the reason that members of the committee objected to any legislation which could in any wise seem to tie up the income from the public lands or to interfere with the system of their disposition in any way whatever. The Senator from Nevada [Mr. STEWART], whom I do not now see, who, being from a Western State, was peculiarly sensitive in regard to what might be done with the public lands, objected to that section so vigorously that in the next section an amendment was draughted which entirely met all his objections and secured his full concurrence, and as a result of it a unanimous report of the committee in support of the bill as proposed to be amended.

I wish to say with reference to the amendment which the Senator

from Alabama [Mr. MORGAN] has objected to, the language of which was put into the bill as it stands, inserted upon the motion of the Senator from Vermont, and which attracted his objection, the exact form of which I do not now recollect—that language is not recommended by the committee, and is not deemed by those, so far as I know, representing these institutions as at all essential. If it has anything to do with the support which might be received by the bill on the floor of the Senate, I should be very glad if the Senator from Vermont would consent that that language should be stricken out.

Mr. MORRILL. I will consent.

Mr. BLAIR. It is not helpful.

Mr. HAWLEY. Which language is that?

Mr. BLAIR. Will the Secretary please read the amendment to the amendment reported by the committee, in the way of an addition after the word "instruction" in the eighteenth line of the third section?

The Secretary read as follows:

Including the various branches of mathematical, physical, natural, and economic science, with special reference to their applications in the industries of life, and in a thorough training in the English language.

Mr. MORRILL. I should prefer to have the whole stricken out after the word "disbursement," in line 16.

Mr. BLAIR. I will just say in regard to those words, "showing specifically its application to instruction in agriculture and the mechanic arts and the facilities for such instruction," the representatives of the farmers' organizations of the country made their support of the bill conditional upon the insertion of those words, as I was informed.

Mr. HAWLEY. The Senator will allow me to suggest if this does not repeal the act of 1872, which provides that—

An annual report shall be made regarding the progress of each college, recording any improvements and experiments made, with their cost and results and such other matters, including State industrial and economical statistics, as may be supposed useful.

That is already provided for.

Mr. BLAIR. No, this only relates to the fund appropriated by this bill. It could have no relation whatever to the control or management of the funds derived from the original appropriation.

Mr. HAWLEY. But if this is in addition?

Mr. BLAIR. I wish to say to the Senator and to the Senate that I do not see any anxiety in reference to the retention of that language. I only stated to the Senate that it was deemed to be very important by the representatives of the great interests chiefly concerned in the appropriation provided by the bill.

Mr. President, I have but a word more to say. The report of the committee was printed in the RECORD the other day. It has never been read to the Senate. It presents a somewhat full and comprehensive view, a comparatively brief view of the condition and necessities of these institutions. It shows something of the vast influence for good that they have already exerted throughout the country, of the great possible development of their usefulness beyond the degree already attained, and it also shows, and it is information based upon the written statement made by their representatives before the committee, that the present time is a crucial period with them. As they look upon it throughout the country it is an emergency in the lives of these colleges. They are at a point, nearly all of them, where they imperatively need rescue from some source. They are helped in the Southern States, and in many of the other States they are helped to the extent of the ability of the States wherein they are located, but all too little is their power to accomplish the purpose for which they were created, and the demands are increasing upon them.

The people of the country, the common people of the country, "we, the people," are turning to these industrial institutions for the education of the rising generation with a vastly increased sense of the importance of industrial education as compared with education in any other form. These institutions are really the nuclei where this form of education must take root and from which it must expand throughout all portions of the country. These colleges are taking the lead in this regard and they need a little money. No appropriations save one for the common schools of the country, in my judgment, could be made which would reach and benefit so vast a number of the people of the United States as these sums distributed throughout all the States and the Territories for the benefit of these colleges.

The amount given is very small. Only three years ago we gave the amount which is given for these general purposes to the colleges by the provisions of this bill, simply for the establishment at each one of them of an experiment station. This money can be vastly more usefully distributed, as it will be, to secure the flow of the very life-current of these schools in this emergency in their existence.

As to the form of the bill, we have done the best we could to make it conform to the views of the Senator from Vermont, whose interest in these colleges has been almost life-long, existing for a generation, and who desires, and I think we would all second him in this desire for personal reasons as well as those which are identical with the public good also, that his wish should be gratified in this culmination of the means of permanent, perpetual support of this great system of institutions, which, if successful, as they must be if properly sustained, would of themselves almost insure the perpetuity of our institutions. There is no inclination and there has been none on the part of the com-

mittee to object to any sort of amendment which seemed to be necessary, but I do hope that the Senate will leave the bill as nearly in the form in which the Senator from Vermont desires it to be as shall be consistent with their sense of legislative duty.

Mr. HAWLEY. Mr. President, I have been looking over this bill and it seems to me that it can be put into a form covering about one-half of the space and more distinctly accomplish the work needed.

I agree with the Senator from New Hampshire [Mr. BLAIR] in saying that these are very useful institutions, but I do not agree with him in representing them as in a state of pauperism practically. This is no special crucial period with them. They are doing well at Harvard to-day; they are doing well at New Haven; they are doing splendidly at Cornell; they are doing well in Pennsylvania, and in general these colleges are prosperous, with large numbers of students coming in and with very fair endowments, especially where they have taken any care of the original endowments.

Now, there are too many details and specifications and examinations and reports and intermeddlements in this bill as it stands, and I can do what the Senator from New Hampshire wants to do and gratify the patriotic aspirations and purposes of the Senator from Vermont [Mr. MORRILL], whom we all love, and make a simpler bill, one as simple as that Senator presented to Congress in 1862 and which was then adopted.

I concur with the objections that have been made to the first section of the bill. One has to study a good while to see that the provisions mean and the end and the upshot of it are simply that out of the Treasury of the United States we propose to give certain moneys.

Now, to meet the scruples of some people—and I do not say that I do not share in them—it is proposed that these moneys shall come from certain funds. I am quite willing to agree to that, but I do not care to attempt to designate all the receipts from the sales of public lands nor all the railroad credits. I am willing to say just this, and it will dispense with the whole of the first section:

That there shall be, and hereby is, annually appropriated, out of any money in the Treasury, the proceeds of the sales of public lands not otherwise appropriated, etc.

And if in the course of five years or ten or fifteen years the proceeds from the sales of public lands are not sufficient for the demands of the bill, we can find some other fountain, some other source to get the moneys from. That covers the whole of the first section, all the purposes of it.

Now let me read—and I beg pardon, for my bill is short and I want to read what I call my substitute—beginning at section 2 and calling it section 1:

That there shall be paid out of the proceeds of the sales of public lands—

I condense it a little—

as hereinafter provided for, to each State and Territory for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts—

Why spend pages in describing the purpose? That is enough—

or which may be hereafter established in accordance with an act of Congress approved July 2, 1862—

So much a year—

Provided, That there shall be no distinction of race or color.

That is my first section.

Certain sums of the proceeds of the sales of public lands shall be appropriated to these States for colleges under the act of 1862. You can not make any more out of it if you make four pages of it:

SEC. 2. That these sums shall be paid before the 31st day of July of each year by the Secretary of the Treasury, etc., to the State officer authorized to receive them.

You can not make any more of that if you make a page of it. Stop at the word "who," in line 10, on page 3 of section 2, and strike out the provision about the money after it has gone into the State treasury being subject to the draft of the treasurer of the college and paid upon his draft and all that.

You have got it into the hands of the State as such under the conditions of the act of 1862; and do the States not know enough to prescribe rules under which the money shall be paid on draft to the treasurer of the college? You do not want those other words, nor do you want the words "including the various branches of the mathematical, physical, natural, and economic science, with special reference to their applications in the industries of life," etc., because you donate the money by giving it to these established colleges for agriculture and the mechanic arts, and you can not help it by mere preaching. I would strike out all after the word "same," in line 9, of section 2, near the bottom of page 3, and going over to the words "English language," in line 23, on page 4, and make a new section 3:

The grants of moneys authorized by this act are made under the conditions specified in the act of July 2, 1862, and subject to the legislative assent of the several States and Territories for the purposes of said grant: *Provided*, That payments of such installments of the appropriation, etc.

Regulating the time of payment. That is enough of that. Then strike out section 4, down to the word "buildings" in line 14, on page 5. By the way, the reports referred to there are already provided for in the conditions which are accepted by the States, the conditions of

the act of 1862, but that requires them to only be made to one Cabinet officer. Let this stand if you wish it:

An annual report by the president of each of said colleges shall be made to the Secretary of Agriculture, as well as to the Secretary of the Interior, regarding the condition and progress of each college, including statistical information in relation to its receipts and expenditures, its library, the number of its students and professors, etc.

And then the bill is done. All this conversation about the railroad funds and land grants and receipts from public lands is done away with and nothing need be added except a few lines.

Mr. PAYNE. I suggest to the Senator from Connecticut, what is the necessity for referring to the proceeds of the sales of public lands when all this money comes out of the Treasury of the United States?

Mr. HAWLEY. I will repeat what was said by the Senator from Ohio, as perhaps his remark was not heard. He asks, why refer to the proceeds of sales of public lands at all, as this money comes out of the Treasury? That is a very sensible inquiry. For many years after the war Congress was in the habit of saying that the moneys required to support the homes for disabled volunteersoldiers should be taken from lapsed and forfeited moneys of soldiers who deserted and left money due them and from the fines and penalties upon soldiers, and all that, and it required forty clerks constantly employed to keep the accounts of the soldiers' homes, running over dead muster-rolls and records of courts-martial to find out where penalties had been inflicted and where soldiers deserted and add them up each year, and at the end of the month the treasurers of the soldiers' homes ran through and got the sums found to be due out of these old, moldy papers. It occurred to somebody that that would all go to the support of the soldiers' homes any way, and they discharged the forty clerks and paid to the soldiers' homes whatever money there was due a runaway soldier anywhere or fines incurred.

So, to be sure, if you are going to support these colleges, it is not necessary to say you take the money from any particular fund, for the money is an indistinguishable mass in the Treasury; like a hoghead of water, it does not make any particular pint that you can specify; but it does meet the scruples of many men to the support of this bill, the men who desire to be its friends and maintain and enlarge these colleges, because they hold that the public lands were in some mysterious way a different property from any other property of the United States and that the proceeds of their sale may be given, and as they have been given many times, a precedent well established. Those proceeds and those lands may be given as you propose in this bill, a little more freely than you would give the ordinary proceeds of taxation. That is why that remains there, because it will make votes and gratify scruples which are reasonably founded.

I am sure that what I have specified here, which will not make three pages, will add to the act of 1862, under the same conditions and specifications, a sum of money which every year will be valuable to these colleges. I omit, in the first place, the whole section about the public lands; in the next place, the machinery for getting the money out of the State treasurer's hands into the hands of the officers of the colleges. It will get there if you pay it to the State and the State accepts it.

In the next place, in section 4 it is provided that if this money "shall, by any action or contingency, be diminished or lost" there shall be no payment until it is paid up. That is in the act of 1862. I have provided for this being done under the provisions of that act. But here is something else:

or be applied to any purpose or object other than for instruction in agriculture and mechanic arts and facilities for such instruction.

It is the faculty of the State, and if it does not apply the money as it has agreed to do by its acceptance of the provisions of the act of 1862, then no further appropriation shall be paid to such State or Territory.

Mr. HOAR. But if the money intended for the college is misapplied?

Mr. HAWLEY. It shall be replaced by the Territory or State to which it belongs, and until so replaced no subsequent appropriation shall be paid.

Mr. HOAR. The State is the conduit or channel through which this money reaches the college.

Mr. HAWLEY. I do not understand precisely the criticism.

Mr. HOAR. I understand the Senator's objection to this provision is that it is establishing a certain guardianship over the college and over the State and putting the State under a penalty. Now, as I understand, this goes to certain colleges in the States, to certain particular institutions, and those that are the beneficiaries under the statute of 1862, and there ought to be some control over these colleges.

The great temptation, and one of the greatest temptations that will come to an honest man very often is the temptation to apply a particular trust fund to some other trust or purpose which he thinks will subserve the public interest. As I understand the purpose of this provision of the Senator from Vermont, if the college misappropriates the money, the college having complete control of the money after it goes into its treasury, it shall be left simply alone, nothing shall happen; out it says that the college which makes that misappropriation does it at the risk of losing the bounty of Congress for the future unless the State shall see fit to make good the loss.

Mr. HAWLEY. Now, I do not know that we differ. The act of 1862 says that—

• • • shall, by any action or contingency—

Which is very much this language—

be diminished or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished.

That is already provided for.

Mr. HOAR. That is another proposition.

Mr. HAWLEY. Now, the Senator says, as I understand him, that the State is the guarantor or trustee or guardian or master of the college and if the college wastes the money the State must make it good. I do not object to that particularly. I think that is already provided for, however. But this is so if they wish to pay, and in case the State shall lose any of the money the United States shall stop paying to it the annual payment. I have no particular objection to that.

Mr. HOAR. If the Senator will pardon me, he either misunderstands me or I misunderstand him. I understood when I came in that he was making a criticism which I think has been made also on the other side of the Chamber, and that is if this act undertook to exercise a certain guardianship or supervision over the State it would put the State in an ignominious or at any rate in a dependent position. I asked the question whether the language was necessary to be repeated in the present bill or whether it should be left to the same provision of the statute of 1862. The same argument has been made with great earnestness against the provision of the bill of the Senator from New Hampshire [Mr. BLAIR], the old bill. I desire to call the attention of the Senator—

The VICE-PRESIDENT. The Senator from Massachusetts will please address the Chair.

Mr. HOAR. I am desiring to address the Chair, but I want to be heard by the Senator behind me as well, and so I turned to him.

Mr. HAWLEY. The Senator's face was turned this way.

Mr. HOAR. My face was turned toward the Senator.

Mr. President, I understand that there is nothing in this proposition, whether in this bill or any other, which is designed on the part of its framers to put the States under guardianship in any way, shape, or manner, or to exercise control over them or interfere with either their dignity or their power.

Mr. HAWLEY. I must ask the Senator to reserve his argument. I should rather make mine, and when I get through he can go on. I have not the courage to occupy the floor an hour or two, and while I am up I want to get through.

This is the phrase I more particularly object to:

or be applied to any purpose or object other than for instruction in agricultural and the mechanic arts and facilities for such instruction.

That provides for a continual supervision as to whether the funds which are divided among different professors shall go beyond the strict line of agriculture and the mechanic arts, because that is changing the terms of the act of 1862, which said those other elements of a liberal education need not be disregarded.

Mr. MORRILL. I am perfectly willing that that amendment should be stricken out and the amendment on the fourth page after the word "instruction," in line 18, down to and including the word "language," in line 23. I am willing to strike out both of those amendments.

Mr. HAWLEY. The Senator would perhaps consent to strike out the words beginning after the word "same," in line 9, on page 3, of section 3:

Who shall, upon the order of the trustees of the college, immediately pay over said sums to the treasurers of the respective colleges entitled to receive the same.

That is unnecessary; the money having been given to the treasury of the State under a contract with the State, we need not tell the treasurer how to pay it out. He has already contracted to pay it out.

Mr. MORRILL. I think it should be stated so as to go to the colleges.

Mr. HAWLEY. The Senator from Vermont does not object to striking out "or be applied to any purpose or object other than for instruction in agriculture and the mechanic arts and facilities for such instruction."

Mr. MORRILL. Provided this other can be passed.

Mr. HAWLEY. Then if it "be diminished or lost it shall be replaced by the State or Territory to which it belongs, and, until so replaced, no subsequent appropriation shall be apportioned or paid to such State or Territory." I do not know that there is any objection to that. The whole of section 6, in my judgment, ought to be left out. It is the machinery which you differed so much about in discussing the Blair bill:

That the Commissioner of Education, under the direction of the Secretary of the Interior, shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is entitled to receive its share of the annual appropriation.

Then it provides "if the Commissioner shall withhold a certificate from any State or Territory of its appropriation the facts and reasons therefor shall be reported to the President," etc. In my judgment neither the Secretary of the Interior nor the Commissioner of Education should have anything to do with withholding a certificate.

That on or before the 1st day of July in each year after the passage of this act the Commissioner of Education, under the direction of the Secretary of the Interior, shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is entitled to receive its share of the annual appropriation for colleges under this act.

If the Commissioner shall withhold a certificate from any State or Territory of its appropriation the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the close of the next Congress, in order that the State or Territory may, if it should so desire, appeal to Congress from the determination of the Commissioner.

There is the same vicious machinery. A subordinate officer of the Government is to stop the payment and summon the State to come here and answer to him or anybody else, I do not care who, as to whether it has wasted the appropriation—the same identical machinery!

And the Secretary of the Interior is hereby charged with the proper administration of this law, through the Commissioner of Education; and they are authorized and directed, under the approval of the President, to make all needful rules and regulations not inconsistent with its provisions to carry this law into effect.

No rules and regulations are needed. The transaction can be completed in an hour each year by the payment of the annual sum, and the United States Government is done with it then, and under the act of 1862 the United States Government is done with it then.

Mr. HIGGINS. If there were a case of misrepresentation or misfeasance upon the part of the State, would the Senator have no remedy on the part of the General Government provided or would he leave it entirely to the State?

Mr. HAWLEY. Here is the place in section 4, and I do not see any objection to that, because it is substantially the old condition of the act of 1862, that if any of the fund is diminished or lost it shall be replaced by the State or Territory, or annual payments shall be stopped.

The original act of 1862 made a gift and was done with it, but we did put in a provision that if any portion of the money was wasted the State should make it good; but the General Government had no way of enforcing that, the final payment having been made; but in this case, it being in annual payments, if any of it should be thrown away the United States Government would under this clause, to which I do not object, have a right to say We stop making payments.

Mr. HOAR. May I ask the Senator with his permission a question which I will make in four words?

Mr. HAWLEY. Very well.

Mr. HOAR. If that be there, then, instead of the section putting the State under a subordinate officer, we provide a method by which the matter shall be referred to Congress for its decision.

Mr. HAWLEY. It stands just like any other payment made by the Treasury. Thousands of payments are made from month to month and year to year, and the Treasury will stop making payments when they are perverted. Why then should the Secretary of the Interior or the Commissioner of Education be charged with the duty of making these rules and regulations, the act already having stated that if the money is not properly applied no further payments shall be made and the Secretary of the Treasury is to judge? There do not need to be any rules as to the manner of payment.

That the Secretary of the Treasury shall annually make a detailed report to Congress of the amount of receipts from the sales of public lands and from the railroads—

Which I think should be stricken out anyhow. In short, I mean to say in about three pages the whole thing may be done in compliance with the principles and rules of the act of 1862.

Mr. EVARTS. Mr. President, I had hoped that this measure might pass promptly, and yet I was unwilling that it should pass without my taking some little part in it to show the great interest of all the people of the State of New York, those engaged in education and those who had been educated in these colleges, that this additional aid should be given.

I should be very sorry if differences among the friends of the measure as to some details or methods or guaranties should lead to a defeat of the bill. I will be very glad to vote for the bill with all of the amendments, and I also shall be glad to vote for it without any of the amendments.

I believe that a closer examination of the matter under the debate that has now transpired would show that a simplification of the bill might be attempted which would remove most of the criticisms and at least remove the opposition in the vote that shall be taken.

The question between funds taken out of the Treasury and funds that come from public lands has been discussed very fully on the great educational bill for four or five years. My views on that subject are understood to be that as a constitutional question it is immaterial. Other eminent lawyers and Senators think otherwise, but I believe the great body of the Senators by their votes, as shown on the great educational bill in this body in preceding Congresses as well as this, have adopted the conclusion that they can not insist upon a distinction between the proceeds of lands and the general funds in the Treasury.

But, Mr. President, as we have an abundant resource to meet all these criticisms, I should be very glad to have conciliation upon that point with a protest only on my part that by yielding to it I am not disposed to encourage that distinction on any other similar bill.

The usefulness of these institutions in our State has been so conspicuous, I might say so brilliant, that no one I think but must wish that an increased power should be given to them. Besides what has been accomplished by these institutions directly under these endowments and under obligations, I imagine that a very considerable extension has been made in the same line of education in institutions without any such endowments and that have heretofore been exclusively devoted to the classics and the scientific courses of instruction. Therefore it seems to me that we ought to have some way out of an entanglement in unimportant considerations and that if we should have a bill that we could pass, as I am sure it would with almost general support on both sides of the Chamber, that would answer the practical purpose which we all value and which the public are looking with great interest upon.

Mr. DOLPH. Mr. President—

Mr. MORRILL. If the Senator from Oregon will allow me, I merely wish to interpose an objection to the idea of delaying this bill. I very much regret that it has taken so much of the time of the Senate, and I had no idea that it would take so much. I hope that we shall conclude the debate and let the bill pass to-day. I do not want it referred back to a committee or have it delayed, because, if it passes at all through both Houses, it is necessary that it should be passed by the Senate promptly.

I shall be ready myself to agree, not to all of the suggestions of the Senator from Connecticut [Mr. HAWLEY], who seems to have come in here for the purpose of making an entirely new bill, but I will agree to strike out the first section and to insert, in section 3, line 2, the words "arising from the sales of the public lands."

Mr. HAWLEY. The Senator will allow me to say right there that I did not come in for the purpose of making a new bill. The amendment he is making is exactly what suits me. I was myself going to move it.

Mr. MORRILL. I will also consent to the amendment on page 4, that all after the word "disbursement," in line 16 of section 3, down to the words "English language," in line 23, shall be stricken out; and I agree to the amendment on page 5 "or be applied to any purpose or object other than for instruction in agricultural and the mechanic arts and facilities for such instruction." And, of course, I agree to the amendment striking out the original fifth section.

Mr. HOAR. I think, if the Senator will allow me, the word "misapplied" should be inserted in line 5 of section 4.

Mr. MORRILL. Yes; that should be inserted. Also on page 6, am willing to strike out in line 18 section [6] 5, after the word "Education"—

And they are authorized and directed, under the approval of the President, to make all needful rules and regulations not inconsistent with its provisions to carry this law into effect.

Then there is the amendment of the Senator from Alabama [Mr. PUGH] in relation to colored colleges that I should be willing to accept.

Mr. DOLPH. Mr. President—

Mr. PUGH. I ask to have the amendment which I propose to offer at the proper time read for information.

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Alabama?

Mr. DOLPH. I yield for the purpose stated.

Mr. PUGH. It is to meet the situation in my State and in several others, and the Senator from Vermont having read the amendment has offered no objection to it, as I understand.

Mr. MORRILL. To come in at the end of section 2?

Mr. PUGH. To come in at the end of section 2.

The SECRETARY. It is proposed to add at the end of section 2:

Provided further, That the Legislature of any State in which institutions of like character have been established and are now being aided by such State out of its own revenue for the education of colored students in agricultural or the mechanical arts, whether styled colleges or not, and whether they have or not received any money heretofore under the act to which this is an amendment, may appropriate any portion of the fund received under this bill to such institutions so established and aided by such State as a compliance with the provision in reference to separate colleges for white and colored students.

Mr. DOLPH. Mr. President, I am in hearty sympathy with the object of this bill, which is to grant to the several States certain sums of money, commencing with \$15,000 a year and being increased until the same reaches \$25,000 a year, in aid of agricultural colleges, and I am not particular as to the conditions upon which the grant is made. Senators may settle the conditions to suit themselves, and if the amendments which the Senator from Vermont says he is willing to accept are adopted, then I shall have no objection to the bill; but I was prepared to show that the fund estimated for the next fiscal year to arise from the sale of public lands is \$7,000,000.

Mr. TELLER. How much?

Mr. DOLPH. Seven million dollars, and the fund estimated to be raised from the Pacific railways is \$2,000,000, making a total of \$9,000,000.

This first section does something more than to require a statement of accounts between the United States and the railroad companies and the receipts of the public lands over and above the necessary disbursement for the disposal of the public domain. In my judgment it makes, as it came from the committee, a special dedication of all these proceeds and the amounts received from the railroads for all future time; that

is, it creates a separate fund and withdraws those proceeds of the sales of public lands and amounts received from railroad companies from the general fund. Now I will read the clause:

and the appropriations which are to be made to the several States and Territories under this act for the benefit of colleges—

Not each annual appropriation—
shall be made from funds in the Treasury.

They must be "in the Treasury," and therefore it must be a special fund, or it would not be there and it could not be expended—

arising from receipts and credits therein on account of the public lands and railroads aforesaid, so long as such receipts and credits shall be sufficient therefor.

Not each annual appropriation from the receipts of each year, but from the total receipts arising from the fund which is hereby created just as long as that is sufficient to make this annual appropriation, which will only be \$1,200,000, or one million two hundred and fifty thousand when the maximum is reached by the bill. So we should have for the time being and perhaps for the next twenty-five years we should have set apart as a special fund, unemployed, not less than from five to ten million dollars, and that would be constituted a special fund to pay this appropriation a hundred years hence, when there were no longer any receipts from public lands.

That was my objection. Besides, it would repeal, in my judgment, the provision for payment to the States of 5 per cent. of the public-land proceeds; and how much further it would interfere with the general dispositions of the proceeds of the public lands I do not know. I have become pretty careful about these propositions since there was smuggled into—I do not know that I ought to say that—but since there was a provision incorporated into the sundry civil bill, as I understand, in conference a year or two ago, by which nearly all the western half of this continent, so far as embraced in the boundaries of the United States, can be withdrawn from settlement and people who have lived on them under the various land laws of the United States cut off from obtaining their titles. I never heard of that provision until I heard of it about two months ago.

Mr. ALLISON. I will say to the Senator and the Senate in relation to that provision that it was the exact provision inserted in that appropriation bill and agreed to by the friends of the irrigation scheme, and was not in any sense the act of the Committee on Appropriations as distinguished from the act and wish and judgment of those who desired that appropriation.

Mr. DOLPH. Then it was a very bad judgment.

Mr. REAGAN. If the Senator will allow me I will state that about 30,000,000 acres of that land are ready to be opened by the proclamation of the President.

Mr. TELLER. If the Senator from Oregon will allow me, I should like to correct the Senator from Iowa.

Mr. DOLPH. I yield for that purpose.

Mr. TELLER. That provision was not put in by the friends of the irrigation movement at all, but was a hostile amendment put on in the other House.

Mr. ALLISON. The Senator will find that the advocates of that measure appeared before the Committee on Appropriations and urged it.

Mr. TELLER. It might have been assented to under a construction that could easily have been put upon it and was professedly put upon it by those who put it in, but the Department since then have given it an entirely different construction.

Mr. ALLISON. The allegation was that in some indirect way an important amendment had been inserted. I only want to say in justification of the action of the committee—because I remember that whole affair thoroughly—that, as is suggested by the Senator from Colorado, it was put on in the other House, and it was modified in the conference committee to meet the views, as was supposed, of those friendly to that legislation. It was never intended or supposed by anybody that it would have the effect to segregate all the public lands beyond a particular line.

Mr. DOLPH. I have been a member of the Committee on Public Lands ever since I entered the Senate, and I think that at every session that committee has considered the question of desert lands and reported some bill upon that subject, and I never heard or imagined until two months ago that there was any such provision in the statutes of the United States as the provision alluded to. It never came before the Committee on Public Lands for consideration, and I undertake to say that the way it is construed it is the most atrocious piece of legislation as far as the West is concerned that has ever been enacted. I am not complaining of Major Powell or the Geological Survey. I do not care how much money Congress appropriates for Major Powell or for that office; but I say it would be a great outrage upon the people of the West if nearly one-half of the territory of the West was to be withdrawn from settlement—not only from future settlement, but withdrawn so that people who have settled under the existing land laws of the United States can not obtain title. The sooner that invidious legislation is repealed and the sooner, if we want to legislate in regard to desert lands, that we proceed to do it advisedly the better. That is all I have to say.

Mr. HAWLEY. I move to strike out the first section of the bill.

The Senator from Vermont indicated that he was willing to consent to that.

Mr. REAGAN. Mr. President, the law of 1888, as it passed the Senate, provided that the water places for reservoirs and ditches should be reserved from private entry, the object being to prevent in the arid regions the water of those regions from being monopolized so that people could not settle the country without paying tribute to those who happened to get hold of the water. The bill went to the House, and the House added to that that the land subject to irrigation should be reserved from location until further legislation.

The legislation now contains a provision that when the topographical surveys are made, the places for the reservoirs and ditches designated, and the land liable to irrigation segregated from the public lands the President by proclamation may open it to settlement, the object being to secure to actual settlers the settlement and occupation of arable land and to keep it out of the hands of corporations and monopolies. At this time I am told that 30,000,000 acres of that land are ready to be opened to settlement by the proclamation of the President and that this year it is contemplated that 15,000,000 acres more will be opened. But there is a struggle on hand, and it seems to come to the front on every possible occasion, to repeal that law and let men who have organized companies and made settlements commence the work of applying this water to the arid lands in the face of this law and in defiance of it to seize upon the water and the land, so as not only to prevent settlement by actual settlers, but so as, in my judgment, to retard the settlement of that country for a half-century if this plan of allowing a few men and a few corporations to get possession of these lands can supersede and override the policy of reserving the lands for actual settlement.

Mr. MORRILL. I desire to call attention back to the bill under consideration for the purpose of facilitating its progress, and I regret very much that so much time of the Senate has been taken up by it, although I think the time of the Senate could not be more profitably and appropriately devoted. I move to strike out on page 4, section 3, the amendment now pending, after the word "disbursement," in line 16, down to and including the words "English language," in line 23.

Mr. HAWLEY. I do not know that my motion was heard. I moved to strike out the first section.

Mr. MORRILL. Let the committee amendment be made first.

Mr. HAWLEY. Very well.

The VICE-PRESIDENT. The amendment will be reported.

The CHIEF CLERK. In line 16, section 3, after the word "disbursement," it is proposed to strike out all down to and including the words "English language," in line 23, as follows:

Showing specifically its application to instruction in agriculture and the mechanic arts and the facilities for such instruction, including the various branches of mathematical, physical, natural, and economic science, with special reference to their applications in the industries of life and in a thorough training in the English language.

Mr. VEST. Is that to be stricken out?

The VICE-PRESIDENT. The question is on the amendment striking out the words just read.

Mr. MORRILL. I ask to have those words stricken out.

Mr. INGALLS. The Senator moves to disagree to that amendment.

Mr. MORRILL. My motion is to strike out those words.

Mr. BLAIR. I hope that amendment will be adopted, to strike out. It has been accepted once.

The amendment of Mr. MORRILL was agreed to.

Mr. MORRILL. On page 5, section 4, line 5, after the word "lost," I move to insert "or misapplied," and to strike out all the words in italics down to and including the word "instruction," in line 7.

Mr. GEORGE. What page is that?

The VICE-PRESIDENT. The amendment will be stated by the Secretary.

The CHIEF CLERK. On page 4, section 5, line 5, after the word "lost," it is proposed to insert the following words:

or be applied to any purpose or object other than for instruction in agricultural and the mechanic arts and facilities for such instruction.

Mr. BLAIR. I hope that amendment will be rejected.

Mr. MORRILL. I ask that in lieu of that amendment of the committee the words "or misapplied," after the word "lost," be inserted.

Mr. HOAR. Let me make a suggestion to the Senator from Vermont to take the other question first as to inserting after the word "be" the letters "mis" before the word "applied," so as to read "misapplied;" then strike out all after "misapplied" in italics, and it will read so as to secure the desire of the Senator from New Hampshire [Mr. BLAIR].

Mr. BLAIR. I have no desire about it only to secure the wishes of the Senator from Vermont.

Mr. HAWLEY. Strike out all after the word "or," in line 5 of section 4, down to and including the word "instruction," in line 7, and then insert in lieu thereof the word "misapplied."

Mr. MORRILL. "Or be misapplied."

Mr. VEST. I should like to ask the Senator from Vermont a question. Is it the object of the Senator from Vermont, in moving the amendment which has just been adopted, to strike out the feature of agricultural instruction for these colleges?

Mr. MORRILL. That is included already.

Mr. BLAIR. That is in the original act.

Mr. VEST. Then if I understand it this was simply surplusage in the first instance.

Mr. BLAIR. That is all there is to it.

Mr. INGALLS. Section 2, at the bottom of page 2, refers to the objects for which these institutions are to be established and maintained.

Mr. VEST. Oh, yes; I see.

Mr. BLAIR. That is an amendment which was to be inserted at the request of the representatives of the Farmers' Alliance and of the Patrons of Husbandry, so that if Senators desire to have it stricken out there will be no objection excepting on the part of the farmers.

Mr. GIBSON. I should like to inquire what became of the amendment offered by the Senator from Alabama [Mr. PUGH].

The VICE-PRESIDENT. It is not yet in order. The pending question is on the motion of the Senator from Vermont to disagree to the amendment reported by the committee, which has just been read, commencing on page 4, in section 4, line 5. Is the Senate ready for the question?

Mr. GEORGE. I should like to have the amendment read.

The VICE-PRESIDENT. The amendment will be again read.

The CHIEF CLERK. On page 5, section 4, in line 5, after the word "lost"—

Mr. HAWLEY. It should be after the word "or," but it is not material.

The CHIEF CLERK. After the word "lost," it is proposed by the Committee on Education and Labor to insert:
or be applied to any purpose or object other than for instruction in agricultural and the mechanic arts and facilities for such instruction.

Mr. HAWLEY. The Senator from Vermont desires to have that rejected, as I understand, or has he waived it?

The VICE-PRESIDENT. The question is on agreeing to the amendment. Senators who desire to have the amendment retained will vote "ay." Those who desire to carry out the wishes expressed by the Senator from Vermont will vote "no."

Mr. BLAIR. I hope the suggestion of the Senator from Vermont will prevail to strike out those words.

Mr. GEORGE. I should like to ask the Senator from Vermont if he desires those words which have been read by the Chief Clerk to be omitted from the bill.

Mr. MORRILL. I do; because we have struck out on page 4 the amendment proposed to be inserted there. They are therefore not applicable.

Mr. GEORGE. Then, as I understand, if I desire to vote with the Senator from Vermont, I vote "no."

The VICE-PRESIDENT. So the Chair understands. The question is on the amendment.

The amendment was rejected.

The CHIEF CLERK. In line 5, same section, after the word "lost" it is proposed to insert "or be misapplied;" so as to read:

That if any portion of the moneys received by the State or Territory for the further and more complete endowment, support, and maintenance of colleges, as provided in this act, shall, by any action or contingency, be diminished or lost, or be misapplied, it shall be replaced by the State or Territory to which it belongs, etc.

Mr. BLAIR. The words "or lost" are in the original text. They should not be stricken out by the vote of "no."

Mr. MORRILL. They have not been stricken out.

Mr. BLAIR. They were not intended to be included in the motion. Now they are to be stricken out, and the other words inserted.

Mr. MORRILL. Oh, no; the words "or be misapplied" are to be added.

Mr. BLAIR. That is correct.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Vermont.

The amendment was agreed to.

Mr. BLAIR. There is an amendment in the first line of the section to be adopted.

The CHIEF CLERK. In section 4, line 1, it is proposed by the Committee on Education and Labor to strike out the words "college fund" and to insert the word "moneys;" so as to read:

SEC. 4. That if any portion of the moneys received by the State or Territory for the further and more complete endowment, support, and maintenance of colleges, as provided in this act, shall, by any action or contingency, be diminished or lost or be misapplied, etc.

The VICE-PRESIDENT. The question is on agreeing to this amendment.

The amendment was agreed to.

Mr. BLAIR. There is a like amendment in the ninth and tenth lines, an informal amendment.

The VICE-PRESIDENT. The committee amendment will be reported.

The CHIEF CLERK. On page 5, section 4, line 9, it is proposed to strike out the words "interest or income of said college fund," and to insert in lieu thereof the word "appropriation."

Mr. HOAR. Is this a subsequent appropriation to the appropriation to be yearly made?

The amendment was agreed to.

Mr. BLAIR. Also in line 11, there is a like amendment.

The CHIEF CLERK. In line 11, section 4, it is proposed to strike out the word "fund" and to insert the word "moneys."

The amendment was agreed to.

Mr. BLAIR. There is also an amendment in line 21.

The CHIEF CLERK. In section 4, line 21, it is proposed to strike out the word "experimental" and to insert the word "experiments;" so as to read:

Experiments made under the direction of any experiment stations.

The amendment was agreed to.

The CHIEF CLERK. On page 5, it is proposed to strike out section 5, as follows:

SEC. 5. That the Secretary of the Treasury is authorized to accept and add to the principal of said permanent college fund any sums which may be given to the United States for that purpose by will or otherwise.

Mr. COCKRELL. I should like to know from the Senator from New Hampshire, in charge of the bill—he seems to be in charge of it, at least—why this is proposed to be stricken out.

Mr. BLAIR. For the reason that there is no permanent fund provided, and consequently not any occasion for the existence of the section at all. It is struck out as a matter of necessity from the modification of the original bill, dispensing with any permanent fund.

The amendment was agreed to.

Mr. BLAIR. There is an amendment in the ninth line of the next section.

The CHIEF CLERK. On page 6, line 9, it is proposed to strike out the words "share of the college fund" and to insert the word "appropriation."

The amendment was agreed to.

Mr. BLAIR. There is also an amendment in section 6.

The CHIEF CLERK. On page 6, line 4, of section 6, it is proposed to strike out the word "share" and to insert "appropriation."

The amendment was agreed to.

Mr. BLAIR. There is an amendment in the sixth line of the same section.

The CHIEF CLERK. On page 7, line 6, it is proposed to strike out the words "any such" and to insert "so."

The amendment was agreed to.

The CHIEF CLERK. On page 7 it is proposed to strike out section 9, as follows:

SEC. 9. That nothing contained in this act shall be so construed as to affect in any manner the existing laws and regulations in regard to the adjustment and payment to States, upon their admission into the Union, the per centum of the net proceeds of the sales of the public lands within their respective limits, or to repeal, impair, or suspend any law now authorizing the pre-emption of public lands, or the entry of public lands for homesteads, or to impair the law relating to experiment stations, or limit the power of Congress over the public domain, or interfere with granting bounty lands to soldiers and sailors, or affect the existing or any future provisions of law relating to railroad companies. And the power to amend or repeal this act is hereby reserved.

And insert in lieu thereof the following:

SEC. 8—

Mr. BLAIR. The original motion was to strike out and insert. Under the modification which has taken place in the bill that section should be stricken out, and then the eighth section proposed to be inserted should be rejected.

Mr. HOAR. Should not the last clause of the eighth section be retained, the power of amendment and repeal?

Mr. BLAIR. That is in the next section.

Mr. HOAR. No; that is the last clause in this section.

The VICE-PRESIDENT. The question will be put on striking out section 9.

Mr. BLAIR. I move to amend the amendment of the committee by striking out all of the section down to the concluding sentence.

Mr. HAWLEY. Would it not be well to strike out section 9 first?

Mr. BLAIR. That is what we are talking about. Would it not be better to strike out the section 8 proposed to be inserted and then insert a concluding section with the power to alter, amend, or repeal?

The VICE-PRESIDENT. The question is on striking out section 9.

The amendment was agreed to.

Mr. BLAIR. Now let section 8 which the committee reported to insert be disagreed to.

Mr. MORRILL. Let it be rejected down to line 7, including the word "but;" so as to read:

Congress may at any time amend, suspend, or repeal any or all of the provisions of this act.

Mr. COCKRELL. To and including the word "but."

Mr. BLAIR. No, insert a separate section as to altering, amending, and repealing, when section 8 is all struck out.

Mr. MORRILL. Insert the word "that" before the word "Congress."

Mr. BLAIR. Do what you please, gentlemen.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to amend the amendment reported by the Committee on Education and Labor by striking out of the new section 8 the following:

SEC. 8. That nothing in this act shall be so construed as to affect or in any

manner to limit the power of Congress over the public domain or any future provisions of law relating to railroad companies, and nothing in this act shall be held or construed as binding the United States to continue any payments from the Treasury to any or all the States or institutions mentioned in this act; but.

The VICE-PRESIDENT. If there be no objection, the amendment will be considered as agreed to.

Mr. FRYE. The amendment, including those words, should be rejected.

The VICE-PRESIDENT. The question was on striking out the words—

Mr. BLAIR. Section 8 will stand then as follows:

SEC. 8. Congress may at any time amend, suspend, or repeal any or all of the provisions of this act.

Mr. HOAR. As I understand, the committee propose an amendment which is printed as section 8 in italics. That amendment has been amended by striking out all down to the word "but," in line 7. Now, the question is whether the remainder of the amendment, which is that "Congress may at any time amend, suspend, or repeal any or all of the provisions of this act," shall be agreed to.

The VICE-PRESIDENT. The question is on the amendment reported by the Committee on Education and Labor as amended.

The amendment as amended was agreed to.

Mr. HARRIS. The question now is upon agreeing to that part of section 8 that was not stricken out.

The VICE-PRESIDENT. That has been agreed to.

Mr. HAWLEY. Are the committee amendments disposed of?

Mr. MORRILL. I want to make one more amendment, on page 6, in section [6] 5, after the word "Education," in line 18.

Mr. GEORGE. Will the Senator from Vermont allow me to make an inquiry as to how section 8 stands? Am I to understand that all of section 8 has been stricken out except the words "Congress may at any time amend, suspend, or repeal any or all of the provisions of this act," and they have been inserted?

Mr. MORRILL. Yes; that is correct. I move to strike out after the word "Education," in line 18 of section [6] 5, to the end of the section.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In section [6] 5, on page 6, line 18, after the words "Commissioner of Education," it is proposed to strike out:

And they are authorized and directed, under the approval of the President, to make all needful rules and regulations not inconsistent with its provisions to carry this law into effect.

The VICE-PRESIDENT. The question is on striking out the words which have just been read.

The amendment was agreed to.

Mr. HAWLEY. I ask the Senator's attention to section 7, which was section 8, on page 7, which reads:

SEC. [8] 7. That the Secretary of the Treasury shall annually make a detailed report to Congress of the amount of receipts from the sales of public lands and from the railroads, as mentioned in this act, and also of all disbursements to States and Territories made under the same for the benefit of agricultural and mechanical colleges.

I move to strike that out.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Connecticut to strike out section [8] 7, which he has read.

The amendment was agreed to.

Mr. MORRILL. Now I move to amend section 2, after the word "appropriated," in line 3, by inserting "arising from the sales of public lands."

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, section 2, line 3, after the word "appropriated," it is proposed to insert "arising from the sales of public lands;" so as to read:

SEC. 2. That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, arising from the sales of public lands, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of colleges for the benefit of agriculture, etc.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HAWLEY. Now the first section ought to be stricken out. I move to strike out section 1.

Mr. BLAIR. I hope that section will be stricken out, because we have had the unanimous approval of the committee that it should go out.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out section 1, as follows:

That at the close of each fiscal year, beginning as of June 30, 1890, the Secretary of the Interior shall cause an account to be taken and shall ascertain the total receipts from the sale or other disposition of the public lands of the United States, including all fees received at the general and district land offices during said year, and the amount of expenditures occasioned by the survey, sale or entry, or other disposition of such lands, including appropriations for the expenses of the said offices for said year. He shall thereupon certify to the Secretary of the Treasury the amount of said receipts for public lands after deducting such expenditures. The Secretary of the Treasury shall in like manner, at the close of the fiscal year, beginning as of June 30, 1890, ascertain and add to the sum so certified to him by the Secretary of the Interior all moneys paid, or receipts, into the Treasury, or credits allowed by the United States, to any

railroads therein during the then last fiscal year by all railroad companies, or their assigns or successors, named in the act of Congress approved May 7, 1878, and the appropriations which are to be made to the several States and Territories under this act for the benefit of colleges shall be made from funds in the Treasury, arising from receipts and credits therein on account of the public lands and railroads aforesaid, so long as such receipts and credits shall be sufficient therefor.

The VICE-PRESIDENT. The question is on the amendment to strike out the section which has been read.

The amendment was agreed to.

Mr. MORRILL. Now the amendment of the Senator from Alabama [Mr. PUGH] is in order.

Mr. PUGH. I now offer the amendment of which I gave notice and ask that it be read.

The CHIEF CLERK. It is proposed to add to section 2 the following proviso:

Provided further, That the Legislature of any State in which institutions of a like character have been established and are now being aided by such State out of its own revenue for the education of colored students in agriculture or the mechanical arts, whether styled colleges or not, and whether they have or not received any money heretofore under the act to which this is an amendment, may appropriate any portion of the fund received under this bill to such institutions so established and aided by such State as a compliance with the provision in reference to separate colleges for white and colored students.

Mr. HALE. Has this amendment been considered by the committee?

Mr. MORRILL. I think it is eminently proper, because I understand in two of the States they have colleges that are supported by the State or institutions equivalent to colleges which will not come under the provisions of the bill unless they are expressly provided for. They are supported by State taxation in Louisiana and Alabama.

Mr. HALE. How far does this amendment give control of the fund that is granted by the bill, to the Legislature of the State absolutely?

Mr. PUGH. Only to the extent that the appropriation is made for the benefit of the agricultural colleges.

Mr. HALE. Let the amendment be again read.

The Chief Clerk read the amendment proposed by Mr. PUGH.

Mr. HALE. As I gather from the reading of this, it gives the Legislature of any State that is covered by the amendment the right to absolutely control the benefaction of Congress and to appropriate it to any school of the kind mentioned, whether established as a regular college or otherwise. In fact, it turns over the funds in the case of the amendment absolutely to the State Legislatures.

Mr. PUGH. Not at all. I beg the Senator's pardon. The power given to the State Legislature is to appropriate a portion of this money to the support of the schools the State has established for the education of colored students in agriculture and mechanics. Under the bill as it was reported from the committee there being but one agricultural college in which white students alone are admitted and educated these colored schools would get no portion of this appropriation. There is a flourishing colored school in the adjoining county but one to that in which the agricultural college is established, and it is now in a very prosperous condition, and my purpose is to give the Legislature the power of dividing this appropriation between the agricultural college and the institution at Tuskegee for the education of colored students.

Mr. HALE. I thought as the amendment was read it applied to schools which might be very transitory in their character. It does not need to be applied to a regular college, but to any school.

Mr. HAWLEY. There is another objection to it. The Senator will allow me to say that it may be given to as many schools as the Legislature chooses, half a dozen of them that may not be devoted and may not have the facilities for instruction in agriculture and the mechanic arts. They may be the ordinary academical and very useful institutions, but that may entirely escape the purposes of this act. Now, the thing aimed at by the Senator from Alabama, if he will look at page 3, is already sufficiently provided for. The proviso to what was section 2, and which is now section 1, beginning on line 15, on page 3, reads:

Provided, That no money shall be paid out under this act to any State or Territory for the support and maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of this act.

Mr. PUGH. But the separate institution for the education of students is not a college. It is an institution of a different name, and it would not be embraced in the descriptive word "college" as reported in the bill. An amendment to cover a similar purpose was offered by the Senator from Massachusetts [Mr. HOAR], and that was objected to by the Senator from Vermont [Mr. MORRILL] because it was too general in its terms and operated in the future. My amendment is limited to institutions already established and being aided by the State out of its own revenue.

Mr. HAWLEY. But they may be quite inferior schools. It comes outside of the general purpose of this act and abandons the agricultural and mechanical feature distinctly.

Mr. PLATT. It is expressly limited to "agricultural and mechanic arts."

Mr. PUGH. It is expressly stated to be for agricultural and mechanical education, and that is the character of the school that I desire shall receive a portion of this appropriation.

Mr. HOAR. It appears to me that the Senator from Alabama, if he will give me his attention, would agree with me that his amendment ought to be somewhat extended, because it only authorizes the State Legislature to give a portion of this money to institutions now being aided.

Mr. PUGH. I am perfectly willing to give it any extension that the Senator desires if it will not be objected to by the Senator from Vermont.

Mr. HOAR. As I understand, there are States, certainly one State, which was called to my attention within a few minutes, where there is now but one such institution, and that institution is an institution exclusively for white children. There is no provision for an institution for colored children there, and this bill does not help it as it stands, either with or without the amendment of the Senator from Alabama. Without the amendment of the Senator from Alabama, the bill only authorizes the appropriation of this fund to institutions which have already received aid or have been established under the appropriations of the statute of 1862, and you can not extend it to any others.

Now the Senator comes in and says the Legislature may extend it. I do not say anything about the criticism of the Senator from Maine [Mr. HALE] as to the particular institutions or colleges. But the Senator from Alabama comes in and says if there be a colored institution now being aided by the State the State may apply this money to that. So that in the case of the State of Delaware, where they have but one institution, which is for whites, they would not get anything under this bill for the colored pupils. I do not know how it is in the State of Georgia. Perhaps the Senator from Alabama knows.

Mr. PUGH. I do not.

Mr. HOAR. The Senator from Alabama is aware that there is an endowed school in the State of Georgia, an institution the name of which is the Atlanta University—I may be mistaken about the name—from which the State withdrew about two years ago the fund which it appropriated to that institution because white professors received their own children into colored classes which they taught, and the State of Georgia thinking that was opposed to its policy in regard to the coeducation of the races withdrew its appropriation from that institution, and it has been made up by voluntary subscription at the North for the last two or three years.

But I do not propose to go into any discussion of any such matter further than merely to point out that the phrase "now be aided" in the Senator's amendment is not enough. I am not aware that there is any other colored institution of the kind which is being aided by the Legislature, but I suppose not.

Mr. PUGH. Does the Senator propose any amendment to the amendment that I offer?

Mr. HOAR. If I may be permitted to say a word further, I do not think we ought to limit this power of the Legislature to give this fund to existing institutions alone. I think we ought to give the State discretion to go further and extend its benefits to institutions which were created after 1862.

Now, let me put a case which was intended to be covered by one amendment. In my State the fund under the statute of 1862, the land-grant fund, was divided between two most admirable institutions, one being the agricultural college at Amherst, which is an institution with able instructors doing excellent work, and the other the Boston Technological School, which is an institution which mainly is devoted to the education of chemists, of civil engineers, of professors, and of scientific men who take a large place in the world. It is a very useful institution, the pride of the city where it exists and of the State, and is under the charge of General Francis A. Walker. But the particular interest of Massachusetts is the mechanical and manufacturing arts. Ninety or 95 per cent. of its whole people are supported directly or indirectly in that way. Neither of these institutions is devoted, exclusively or even chiefly, prominently to the great interests of our people.

Now, we have in that State an institution which has been largely endowed—it has an endowment from private sources of five or six hundred thousand dollars in addition to its valuable real estate and its costly buildings—which is devoted exclusively to the education of young men for the mechanic arts, and when young men come out of that institution they go into machine shops and factories, they become journeymen, they become foremen, and they rise very rapidly, indeed, to the high places in their calling. It has been a marvelous success. But the Legislature of Massachusetts can not, under the old act or now under this new bill, give any portion of this fund to the institution which in reality is the important one in our State in reference to the callings of the people of the State.

That was the object of my amendment. I desisted from pressing the amendment out of deference to my honored friend from Vermont, who has given so much study to this matter, and although, as I understand him, it was conceded that the situation in my State would make this amendment eminently just and proper, he was afraid that the opening of this thing would create a good deal of confusion and disorder in many States of the Union, and he was unwilling to have it done; and out of deference to him, and having some doubt about my duty, I have refrained from pressing this amendment. But certainly when this bill passes it should be made sure—I will say, of course, in the institution

of my State colored and white youth study together; there is no separation—that wherever colored and white youth do not study together the bill shall secure equal provision for colored youth. That, I understand, is the object of the Senator from Alabama, but there ought to be some different phraseology than the phraseology of his amendment to accomplish that result.

Mr. PLATT. I desire to ask a question of the Senator from Massachusetts, while the matter about which he has been speaking is fresh in my mind. I do not know that I caught the exact point of difficulty which he referred to, but if I understand this section I now, it does provide for any college which may be hereafter established where agricultural and mechanical arts are taught, established under the act of 1862, whether it be for white or colored children.

Mr. HOAR. They must be institutions established expressly in accordance with that act.

Mr. PLATT. Certainly.

Mr. HOAR. Now, suppose he has an institution in the State which was not established in accordance with that act.

Mr. PLATT. That is what the Senator from Alabama is desirous of providing for. If they are established in pursuance of the act they will be covered by the bill.

Mr. HALE. I have now before me the amendment which has been written and submitted by the Senator from Alabama [Mr. PUGH], and I think I am able to observe what it is intended to cover.

The fundamental object of the bill as it is left after the amendments which have been passed, is found in what was section 2, and which is now section 1, which provides—

That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, now established, or which may be hereafter established, in accordance with an act of Congress approved July 2, 1862, etc.

Under that amendment, if it passes, any State that is, out of its own funds, assisting and aiding any school of this kind (whether one or two or twenty, not up to the degree of a college, not up to the rank and the attitude that a college may attain, which is intended to be covered by the original act, but any system of schools of the kind described when this amendment shall pass), may take the control of this benefaction of Congress and divide it among those schools. It may do more. If the State thinks it is appropriating more than it should for such schools, or such systems of schools, all of which are covered by the words "whether they be styled colleges or otherwise," the State can refrain thereafter from appropriating so much money and substitute this appropriation by Congress instead of it.

It was not intended in the fundamental act, and I think it is not the intention of the movers and projectors of this bill, that this benefaction of the General Government shall be scattered pervasive to schools generally, but shall go to a distinctive class of institutions of education covered by the phrase "colleges for the benefit of agricultural and mechanic arts now established." It is intended to flow in a given direction to a particular kind of institution. It is not intended to be an addition to the general fund of a State for schools, and to be assumed and controlled by the State in place of the appropriations for schools generally. But the fault I find with the amendment of the Senator from Alabama is that it goes to just that extent. Now let me read it:

Provided further, That the Legislature of any State in which institutions of like character have been established and are now being aided by such State out of its own revenue for the education of colored students in agricultural or the mechanical arts, whether styled colleges or not, and whether they have or not received any money heretofore under the act to which this is an amendment, may appropriate any portion of the fund received under this bill to such institutions, etc.

In other words, the effect of the amendment of the Senator from Alabama is that this appropriation, made for a distinctive purpose and so intended in the fundamental act and in this amendatory act, can be used by the States as an addition to their fund that they are giving to another class of schools entirely, and it may be used by the States as a substitute for their own funds. I do not understand the scope of the original act to be anything like that. I do not think that we ought to appropriate in that way. I do not think that if the Legislature of any State is doing this meritorious work of encouraging these schools outside, which are not and never can be termed colleges, which may be many instead of few, and the appropriations for which may be ever so meritorious, it should encroach upon this fund for that purpose. That is entirely different from the intention, it seems to me, of the framers of this act.

Mr. MORRILL. Will it not answer the purpose of the Senator from Maine if after the word "institutions" we insert "for the benefit of agricultural and the mechanic arts?"

Mr. HALE. The Senator has gone further and has got affirmative language in there.

Mr. HOAR. If the Senator from Maine will allow me—

Mr. HALE. The Senator will please permit me to finish my sentence—"whether styled a college or not." Those words are in. As I have said, this may apply to any class of schools, and it seems to me that those words should be stricken out, or that something should be

done so that this benefaction may flow in the direction which was intended by the original act.

Mr. HOAR. I think those words, "whether styled a college or not," were probably inserted by the Senator from Alabama from the amendment which I proposed the other day and had printed.

Mr. PUGH. That is correct.

Mr. HOAR. They were proposed for the reason that a great many of these institutions are not called colleges. The Miller Institute, in Virginia, is one of the most important institutions of the kind, where there was a very large fund given by a gentleman of that name for an agricultural and technical school. Then there is the Rose Polytechnic Institute in Indiana, at Terre Haute, one of the most important institutions in the Northwest. Then there is the Boston Technological School, and there is a new school in Georgia, I do not remember what the name of the institution is—

Mr. MORRILL. Then there is the Hampton Normal and Agricultural Institution, and there are several others.

Mr. HOAR. The claim might be made that the institution must be incorporated by the name of a college in order to entitle it to this fund. It is quite common in the establishment of these institutions now to use some other designation. So my amendment contained the provision:

Which it shall deem of equal grade with such colleges, whether styled a college in its incorporation or not.

If the Senator from Alabama will allow me to make a suggestion of a slight modification in the amendment, I think it will cover all he desires and what the Senator from Maine desires and what I desire. I will read the amendment:

Provided further, That the Legislature of any State in which institutions of like character have been established—

Now, I propose to insert the words "or may be," so that it will cover a case like that of Delaware, so that it will read:

Have been or may be established, and are now being aided by such State out of its own revenue.

I propose to strike out those lines, so that it will read:

In which institutions of like character have been or may be established for the education of colored students in agriculture or the mechanic arts.

That will confine it as the Senator from Maine desires. Then I propose to insert the words from my former amendment:

If of equal grade with such colleges, whether styled a college in its incorporation or not, and whether it have or not received any money heretofore under the act of which this is an amendment, may appropriate any portion of the funds received under this bill to such institutions so established by such State.

Mr. HAWLEY. I wish to make a suggestion to the Senator from Massachusetts. I hope he will hear me. I should be very much discouraged about the use of this measure if we begin to subdivide. The original purpose in the measure was to set an example to the country by helping to build up one fine institution in each State devoted to the most practical studies imaginable.

I will not object to the provision on page 3 which forbids any distinction of race or color, or forbids giving any money where a distinction of race or color is made in the admission of students, but allows the establishment and maintenance of such colleges separately for white and colored students, which shall be held to be a compliance with the provisions of this act. That is what I mean. I have no objection to what is done in Texas. I have no criticisms to make; it is none of my business anyhow, but I think they are doing very well. I think they have one very large and prosperous and successful institution, but it is for whites alone.

I would not do that, but that is their way. They have, however, a large, and they claim, equally well conducted college for colored men, attended by a large number of students, not quite as many, because there are not as many colored people in proportion. But they are observing the spirit of this amendment already in the bill. If we should say "and other institutions of proper grade," or whatever language you please shall be allowed a share in the distribution of this fund, we should get down to a \$500 apiece scattering of this money, and it would not be in accordance with the original statesmanlike purpose of the act.

Mr. HOAR. I desire to remind the Senator from Connecticut of what he seems not to recall, that in many of the States, certainly in several of them, this was divided between two institutions. Suppose in his State there is one institution for agriculture and the other for the mechanic arts—

Mr. HAWLEY. That is what we have.

Mr. HOAR. You have two in your State?

Mr. HAWLEY. We have.

Mr. HOAR. Very well; then this amendment does not contemplate the division any more than the original act did, any more than has in fact taken place. There is no further subdivision made possible or proposed by this amendment.

Mr. HAWLEY. Does the amendment say there shall be but one other institution?

Mr. HOAR. No; that was not said in the original act.

Mr. HAWLEY. That is my point, if the Senator will pardon me. Is it not possible, under the amendment of the Senator from Alabama,

to give a part of this sum to the distinctive old agricultural and mechanical college, the Morrill college, if I may call it so, and take half of it and scatter it among half a dozen other colleges?

Mr. HOAR. It is not possible, absolutely.

Mr. HAWLEY. I thought it was, under the amendment offered by the Senator from Alabama; and the Senator from New Hampshire confirms me.

Mr. HOAR. Let me answer the question. It is not possible to do it except as was done in contemplation of the original act. The purpose of the Senator from Alabama is, and the only purpose which I have in mind now (because I abandoned my own amendment in deference to the wishes of the Senator from Vermont), to see that the colored schools, the colleges for agriculture and mechanic arts, may have an even chance with the white. That is all that the amendment as now modified by the Senator from Alabama proposes, that where there is a colored institution, where they have separate institutions for the colored people, the State may give to those institutions their share. Then the amendment says that whether they are styled college or not, in order to get over the objection that many of these institutions do not have the name of college in their incorporation; but it requires them to be of an equal or like grade with the colleges. That is now inserted; he accepts that.

The Senator from Connecticut suggests that the object of the original act was to have but one institution, to which I reply that that is a mistake, because the original act left the Legislature to divide it among twenty, and this does not undertake to deal with that subject any more than the original act did. In point of fact in many of the States, including my own, and I believe his own, the Legislature did divide it between at least two, and that is necessary, because one institution may be for agriculture and the other may be for the mechanic arts, and it may be desired by the Legislature to provide for both.

Mr. HAWLEY. Let me make a correction as a matter of fact. Perhaps I misled the Senator. The original fund given under the Morrill act of 1862 is devoted in Connecticut to one large and flourishing institution, but the State afterwards established a smaller affair, a practical farming institution, and aided that very largely, and it is made an experimental station under the act we passed a year or two ago. That does not get a portion of the old Morrill fund.

Mr. MORGAN. Mr. President—

Mr. HOAR. If the Senator will pardon me, one further statement I should like to make. This does not in the least extend the scope of the original act in that particular. It leaves it untouched.

Mr. MORGAN. Mr. President, the anguish of Senators over this question is amusing. The amendment was framed by my colleague with a view to the situation in Alabama, I suppose, which is this: Alabama sustains two important colored institutions. One is a literary college at Montgomery, Ala., with a very fine faculty, and has made very fine progress indeed. The other is a normal mechanical and agricultural school at Tuskegee, Macon County, Alabama, and that is certainly one of the most prosperous of all the colored institutions in the South, and I think has done more good for the youthful colored population in that State than can be claimed by almost any other State in the South.

Now, if you give this aid to colleges without restraining or restricting the appropriation to those devoted to agriculture and the mechanic arts, it would go to this college, so called under the laws of Alabama, at Montgomery. It was necessary therefore that we should avoid that feature of the bill which gave it to colleges of like kind and give it to another institution which is called a normal agricultural and mechanical school at Tuskegee.

That was the object of our amendment; but it has a much wider scope, I find, because it provides a convenient and proper way of distributing this fund for the purposes of agriculture and the mechanic arts among the colored population of the South.

We think that we ought to be trusted about a matter of this kind. We feel a great deal more interest in the education of those people than anybody can feel who is not of that community, for we find that it is beneficial to them. They become useful citizens, valuable men in a great many respects.

I think the States can be trusted upon this subject. All we want to do here is to see that this money is applied to instruction in agriculture and in the mechanic arts. If the States have incorporated institutions which do not fill the designation or denomination of colleges according to the letter of the statute, it makes no difference. This school at Tuskegee is one of very high grade, and it is a more useful establishment altogether than the general literary college at Montgomery.

Mr. MORRILL. Let the amendment be read as modified.

Mr. PUGH. I have examined the modifications proposed by the Senator from Massachusetts. They are acceptable to me, and I ask to have the amendment read as modified.

Mr. HALE. Let the amendment be read as it will stand after putting in those words. There is no necessity for the clerks to read the words separately. Read the whole amendment.

Mr. EDMUNDS. The Senator has a right to modify it. Read it as modified.

The VICE-PRESIDENT. The amendment will be read as modified.

The CHIEF CLERK. It is proposed to add to section 2 the following proviso:

Provided further, That the Legislature of any State in which institutions of like character have been or may be established for the education of colored students in agriculture and the mechanical arts, whether styled a college or not, and whether they have or not received any money heretofore under the act of which this is an amendment, may appropriate any portion of the funds received under this bill to such institutions so established by such State as a compliance with the provisions in reference to separate colleges for white and colored students.

Mr. HALE. Where are the words suggested by the Senator from Massachusetts providing that these institutions should be of like grade?

Mr. PUGH. The phrase "of like character" is substituted.

Mr. HOAR. "Of like character and grade."

Mr. PUGH. We struck out "of like character and grade" and inserted "of like character."

Mr. HALE. The words in the first two lines were in the amendment originally suggested by the Senator from Alabama, but the words suggested by the Senator from Massachusetts, which confine the institutions that shall receive the benefit of this act, if they are named colleges or otherwise, to institutions of a like grade, do not appear there.

Mr. HOAR. If the Senator will pardon me, I suggested the words "of like grade" and some Senator, either the Senator from Maine himself or the Senator from Connecticut, suggested the words "of like character," so I substituted that. Then on looking at the amendment I found that was already in the language of the amendment of the Senator from Alabama.

Mr. HALE. That was in the original amendment; there is no doubt about that; but I do not think that carries the distinction far enough.

Mr. HOAR. I suggest, then, in lieu of the words "of like character," to use the words "institutions of like character and grade." That will perhaps meet the Senator's view.

Mr. GIBSON. I suggest to the Senator from Massachusetts that we strike out the words "such colleges," in line 19, of section 2, and insert "of colleges, universities, and institutes for agricultural and mechanical education." That appears to cover the point of the Senator. We have in the State of Louisiana two colleges supported by the State, one for the colored people, to which the State contributes very liberally, and another for the white people of the State. They are separate and distinct, but they get equal advantages. If the words I suggest were inserted in lieu of the words "such colleges," the proviso would read as follows:

That no money shall be paid out under this act to any State or Territory for the support and maintenance of a college where distinction of race or color is made in the admission of students, but the establishment and maintenance of colleges, universities, and institutes for agricultural and mechanical education separately for white and colored students shall be held to be a compliance with the provisions of this act.

That appears to cover the point.

Mr. HALE. In the suggestions that I made I had only one object in view, and the debate that has arisen since confirms me in the belief that that was a sound view. I agree with the Senator from Connecticut that whatever may have been the fact in different States, and although it may be true that this appropriation or this gift dedicated by the General Government may have been divided in some cases among two institutions, to divide or begin to divide this gift of the General Government is a misfortune. The object I had in suggesting what I thought was the fault, the weakness, in the amendment of the Senator from Alabama was that as it was left it allowed almost a general division and scattering. I think that would be a calamity.

I think, in any State, if you begin to divide this appropriation, this gift, you will soon destroy it. If there were half a dozen institutions in Alabama, or Louisiana, or Maine, or Massachusetts, and each of them comes to the Legislature and asks for an equal component part of this gift of the Federal Government, the whole general aim of it will be destroyed. It had better be amended and the language had better be so framed that it will be divided as little as possible, and then it will do something. Then it will penetrate somewhere. Then its uses will be known and realized, and it will help to build up one school, possibly two. But when you go further than that it will be frittered away. Both the Senators from Alabama, who have this situation at home, ought to desire that this appropriation, which is an addition to what has been already given, shall not be so scattered.

I hope the amendment if adopted will be modified in such a way that it shall narrow the scope and number of the institutions that will at once apply to the Legislature inevitably and demand their share of this benefaction of the General Government.

Mr. MORGAN. In the State of Maine it might be necessary, perhaps, to keep them from frittering away this fund and distributing it out among a dozen schools or more; but the people of Alabama have a more intelligent idea of the way to handle the money for education than that; and I think that the Senator from Maine can trust us as well as we can trust him upon a question of that sort.

Mr. HALE. It is not a question of discrimination between one locality and another. The Senator himself is a constant example before us of intelligence and of assumption that is superior to anybody else.

But it is not a question as to whether the people of Alabama can be trusted in this matter better than the people of Maine.

I am legislating, Mr. President, for the people of Alabama here as much as the Senator from Alabama is legislating for that people, and I want the clauses of and the amendments to this bill to be well guarded. No matter what happens in that State, the Senator with his superior intelligence is not going to be on the scene of action forever in Alabama; I wish he could be; all of us wish that; but a time will come and its teeth will eat away the things of the present. We are legislating not for his life nor for mine, but for the future.

I again affirm that it will be an evil to his people if this is left so that every class of institution can come in and seek to divide \$25,000 between five institutions or fifteen or twenty-five, and what the Senators in common with what I seek will then be entirely destroyed and these good currents will—

Turn away,
And lose the name of action.

Mr. PUGH. Mr. President, I desire to call the attention of the Senator from Maine to the fact that in the original act of 1862 there was no provision in reference to a division of this appropriation among institutions for the instruction of white and colored students.

Mr. HALE. Undoubtedly.

Mr. PUGH. The necessity for my amendment grows out of the proviso in the original bill reported from the committee requiring that there shall be no distinction in the admission of students to the college on account of race or color, but that that provision might be complied with by the establishment of separate colleges. The necessity for my amendment grows out of that provision in the original bill itself. While the Senator is right in saying that in the original conception of the appropriation for the establishment of these colleges there was no thought that the appropriation should be divided and dedicated to different institutions, the bill reported from the Committee on Education and Labor requires that we shall make the provision which is contained in my amendment, so that the colored institutions now existing and flourishing in Alabama shall receive equal benefit from this appropriation, to be given them by the Legislature of the State.

Mr. HALE. I do not object to adapting the bill to changed conditions, as indicated by the Senator from Alabama. My only objection is to leaving it in such a way that a class and grade of institutions not contemplated either in the terms or the spirit of the original act may come in and claim benefaction. All that I ask is that the language may be so framed and adopted that this appropriation which we are providing for now shall only go to institutions of a like grade and character with those contemplated in the original act.

Mr. PUGH. I do not know how the word "grade," in the phrase "of like grade," would be construed. Say "of like nature," or "of like character," and then go on to define what shall be taught.

Mr. HALE. I think perhaps it is rather more than being of like character. They are all educational institutions.

Mr. PUGH. There is a colored college in the State of Alabama that is a literary college, and to say "of like grade" might be construed to embrace a college that was not teaching agriculture and the mechanic arts.

Mr. HALE. No, because the Senator has in terms made one description which must answer; that is, that it shall be for this specific purpose of agriculture. If he puts in simply the word "grade," I still believe there is danger of the Legislature being besought in any State, in my State or any where else, to divide this appropriation, but the number of institutions that could possibly come would be very limited. There would perhaps be but two, as there ought to be.

Mr. GIBSON. I ask the Senator from Maine to give attention to the words embraced in the amendment that I suggest, which I trust my friend from Alabama will accept, as it shortens the matter very much. I propose to make the clause read:

And maintenance of colleges, universities, and institutes for agricultural and mechanical education, separately for white and colored students, etc.

Mr. HALE. What is the third word the Senator uses?

Mr. GIBSON. "Institutes;" the Massachusetts Institute of Technology, for instance, and several of those institutions are called institutes.

Mr. HALE. I have no objection to that.

Mr. GIBSON. I suggest this as a substitute for the amendment offered by the Senator from Alabama. I will read it, and ask a vote on it if it is necessary, if the Senator from Alabama will not accept it:

That no money shall be paid out under this act to any State or Territory for the support and maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of colleges, universities, and institutes for agricultural and mechanical education separately for white and colored students shall be held to be a compliance with the provisions of this act.

Or, I will say "institutions" in place of "institutes."

Mr. PUGH. That is acceptable to me.

Mr. GIBSON. It is not likely that there will be established in any one of the Southern States more than one institution of this kind for the colored people supported by the State. For instance, in the State of Louisiana, where the white people pay 90 per cent. per annum of

the taxes, the Legislature of that State contributes an equal sum for the maintenance of the colored school as the white school of that State. I think that Senators who have any apprehensions on the subject may rest assured that the people of these States are doing all they can in proportion to their means to advance the education of the colored as well as the white people.

Mr. ALLISON. Will the Senator from Louisiana allow me to suggest a defect in his amendment which is not found in the amendment of the Senator from Alabama?

Mr. GIBSON. Certainly.

The VICE-PRESIDENT. The pending question is on the amendment offered by the Senator from Alabama [Mr. PUGH].

Mr. ALLISON. The theory of this bill is that the States have nothing to do with this appropriation. The third section of the bill ties up this money absolutely in the hands of the General Government. The Commissioner of Education is the initial point under the third section of the bill. Then the Secretary of the Interior appears on the scene, and then the Secretary of the Treasury. The money is paid over under the third section to the treasurer or other designated officer of the State, who shall upon the request of a college immediately pay that money to that college.

If the amendment of the Senator from Louisiana is agreed to, I do not see who is to decide this question as between these different institutions. It will then rest either with the Commissioner of Education or the Secretary of the Interior or some central power having control here, because the amendment of the Senator from Louisiana does not contemplate that the Legislature of the State shall have any power of distribution, and there is no such power contained anywhere in the bill unless it is specially provided for.

I was about to suggest to the Senator from Alabama that even if his amendment be adopted it will be necessary to wholly modify and reconstruct, in my judgment, the third section of the bill, because as it now stands the States are the mere conduit pipes; they have no discretion, no power. The Legislature has no control whatever, unless I am mistaken in the phraseology of the bill, as respects this money in any way.

Mr. HAWLEY. May I correct the Senator?

Mr. ALLISON. I hope to be correct, because I have endeavored to be.

Mr. HAWLEY. I see it is provided in the second section, or what will now be the second section, in the last half-dozen or ten lines on the third page—

That the sums hereby appropriated to the States and Territories for the further endowment and support of colleges shall be annually paid on or before the 31st day of July of each year by the Secretary of the Treasury upon the warrant of the Commissioner of Education, countersigned by the Secretary of the Interior, out of the Treasury of the United States, to the State or Territorial treasurer, or to such officer as shall be designated by the laws of such State or Territory to receive the same.

Mr. ALLISON—

Who shall, upon the order of the trustees of the college, immediately pay over—

Mr. HAWLEY. That is the college established by the State?

Mr. ALLISON. That is the agricultural college—

Pay over said sums—

Mr. GIBSON. The colleges are described in the proviso of the second section.

Mr. HOAR. They are described in the original act.

Mr. GIBSON. They are also described in the original act.

Mr. ALLISON. Very well; but here are to be three or four colleges in a State. Now, I want to ask Senators how it will be, and who shall say whether one or the other of these institutions in Alabama or one or the other of these institutions in Louisiana shall receive this sum. You at once get up a question of jurisdiction.

Mr. HAWLEY. Allow me to read another two or three lines:

to each State and Territory for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanics now established, or which may be hereafter established, in accordance with an act of Congress approved July 2, 1862.

Mr. HOAR. Will the Senator allow me to read this, if he pleases?

Mr. ALLISON. I only raised the question for information.

Mr. HOAR. A clause of the fifth section of the old act of 1862 provides that—

Any State which may take and claim the benefit of the provisions of this act shall provide, within five years, at least not less than one college, as described in the fourth section of this act, or the grant to such State shall cease; and said State shall be bound to pay the United States, etc.

Now, the new act comes in and says it shall be paid over to the colleges established by the State, according to the provisions of this old act. Then comes in the amendment of the Senator from Alabama as to the colored institutions, which, of course, shall also have their share. The State has got to designate.

Mr. ALLISON. Yes, under the amendment of the Senator from Alabama; but the Senator from Alabama now accepts the suggestion of the Senator from Louisiana, which leaves that in the discretion of the Legislature.

Mr. PUGH. Then I decline to accept it.

Mr. ALLISON. What I mean to say is that we have a provision here making an expenditure of \$25,000 a year to the State without the State having the slightest control over this money or any portion of it. It goes right into these colleges by a direct method under section 3, and nobody else has any control over it except the trustees of the college, and the Secretary of the Interior, and the Commissioner of Education.

Mr. GIBSON. I suppose under section 3 the officer who is to distribute this money will have to himself decide to which of these colleges it will go. Somebody has to do it.

Mr. ALLISON. But who is that officer, I should like to ask? This bill does not say.

Mr. GIBSON. The provision is:

Or to such officer as shall be designated by the laws of such State or Territory to receive the same, who shall upon the order of the trustees of the college immediately pay over said sums to the treasurers of the respective colleges entitled to receive the same, etc.

If he does that he is bound to decide himself which of these colleges complies with the conditions of this proposed act.

Mr. ALLISON. Suppose there are a dozen of them. Here is my State. We have one agricultural college now. Suppose another one comes up to-morrow and asks for a division.

Mr. BLAIR. But they must be organized under the act of 1862.

Mr. GIBSON. It is not likely that there will be more than one other such institution or college already organized under the act of 1862.

Mr. BLAIR. Mr. President, I hope we may soon reach a vote on this question.

Mr. MORRILL. I ask for a vote on the pending amendment.

Mr. BLAIR. I should like to proceed. I was about to say that I hoped we might reach a vote on this pending matter. I desire to observe, however, that the objection raised by the Senator from Maine [Mr. HALE] to legislation which might result in the general dissipation of this fund would of course be equivalent to its waste. The Senator from Massachusetts [Mr. HOAR] withdrew an amendment to which that was the principal objection out of deference to its force. The friends of the measure generally and the whole system of colleges, the representatives of those institutions as they now exist, were very strenuous in their opposition to any legislation which could serve to dissipate this fund.

The heads of these institutions have an association called the Association of the American Agricultural Colleges and Experiment Stations. The president is James H. Smart, LL.D., who is at the head of the institution of Indiana. The vice-presidents are Messrs. Fairchild, Gates, Gulley, Hilgard, and Redding; secretary and treasurer, H. P. Armsby. The executive committee is composed of Messrs. Alvord, Armsby, Jenkins, Lee, Scott, Scovell, and Smart. All these are gentlemen of high scientific attainments, with plenty of titles, and they are the heads of these institutions scattered through the country. Through them the institutions have been represented at the hearings during the progress of the bill thus far.

Now, the Senator from Massachusetts has withdrawn his amendment, which could have effect only where these institutions are patronized exclusively by white students. It would apply to the Northern States specifically. His amendment in fact would apply to all the States, and until he withdrew that their opposition was very strong. I have received this letter, which I do not read in hostility to that amendment, because the Senator has withdrawn it, but speaking of that the chairman of the executive committee of the Association of American Agricultural Colleges and Experiment Stations addressed this letter to me of date of Tuesday, June 17:

AGRICULTURAL COLLEGE, Md., Tuesday, June 17, 1890.

DEAR SIR: On behalf of this association, its executive committee desire to express the hope that you will strenuously oppose the amendment offered by Senator HOAR to Senate bill 3714, to be considered on Thursday, which would change the entire character of the bill. It would no longer be a measure for the more complete endowment of a distinct class of meritorious yet needy institutions, but would place before the Legislature of every State a sum of money to be contested for by numberless schools, and to be ultimately dissipated, in too many cases, by division and "log-rolling."

The bill substantially as it came from the committee is the bill asked for by the agricultural-college people and the farmers of every State.

Yours very respectfully, for the executive committee,

HENRY E. ALVORD,

President Maryland Agricultural College, Chairman.

Hon. H. W. BLAIR,

United States Senate, Washington, D. C.

The amendment of the Senator from Alabama applies only in specific localities, in very few States, and for the benefit of an exceptional class of people.

Mr. MORRILL. It applies only to colored students.

Mr. BLAIR. Its adoption will relate only to colored students. It will not interfere with the general force or efficiency of the act, which applies to fifty-five or sixty million people, while this amendment would reach only the children of perhaps five, six, or eight million.

I hope that the amendment will be adopted, but I would be opposed to any general amendment which would be subject to the objection specified.

The VICE-PRESIDENT. Does the Senator from Alabama accept the modification suggested by the Senator from Massachusetts?

Mr. PUGH. Yes, sir; I accept the modification suggested by the Senator from Massachusetts.

The VICE-PRESIDENT. The amendment will be stated as modified.

The Chief Clerk read as follows:

Provided further, That the Legislature of any State in which institutions of like character and grade—

Mr. PUGH. The word "grade" is taken out. It reads, "of like character."

The VICE-PRESIDENT. The Chair understood the suggestion made by the Senator from Massachusetts was to add the word "grade."

Mr. HALE. That is right.

Mr. PUGH. I do not know.

Mr. BLAIR. I suggest that these colored schools can not be of the same grade with those of longer standing and a higher grade of efficiency. They may be all of the same character for the reason that they deal with the same subject-matter, but the word "grade" would afford the opportunity to any State Legislature or to any officer who is inclined to construe this act as against the colored people, and enable him to deprive them of the benefits of this act until, without any help from any source, they should have lifted themselves to the same grade of white colleges that had been receiving assistance all the time.

Mr. INGALLS. Mr. President, the comments which have been made about the dangers that would arise from the distribution and frittering away of these funds very strongly corroborate and re-enforce the position taken by the Senator from Connecticut [Mr. HAWLEY], with which I entirely concur, that the original design and purpose of this legislation was to establish one institution in each State for instruction in agriculture and the mechanic arts as distinguished from academic and classical education. That was the result in Kansas. We established there one great institution, a central station, in accordance with the ideas of the act, from which light was to radiate to the boundaries of the State, a great fountain through which education was to percolate down to its lowest strata.

Now, so far as the changed condition of the South is concerned, we all realize the fact that there are difficulties to be overcome in carrying out this idea. I believe that it is inappropriate and improper, in various ways detrimental to the best interests of both races, that coeducation should be conducted. I am therefore entirely willing that in the Southern States where these conditions exist provision should be made for the instruction of white and colored people separately, but in two institutions, as the original bill provided.

I am entirely opposed to the amendment that has been submitted so far, believing as I do that it will permit the whole fund to be dispersed, to be dissipated and wasted away in little dribbles and little dribbles, going here and there by local importunity, so that the whole benevolent object will be destroyed.

Further than that, Mr. President, I am opposed to that amendment for another reason. If the Senator from Maine who is now looking at it will be kind enough to repeat the language, I think it is that a State is exempt from any penalty if it distributes any portion of this fund for the education of colored people. That does not satisfy me, sir. "Any portion" is a very indefinite and vague phrase.

Mr. HALE. This is the language:

May appropriate any portion of the fund received under this bill to such institution.

Mr. INGALLS. That is, the appropriation of \$1 out of this fund will be a technical compliance with the terms of that provision. I am opposed to it. While I am inclined to be entirely liberal to the Southern people and to recognize fully the difficulties under which they labor, while I do not impute to them any insincerity or any disingenuousness, I do not believe they like the colored people as well as they do the white people, and I think they must be put under bonds just the same as the Northern people must be put under bonds to do justice.

Therefore it is that that language is not satisfactory to me. I do not want this left so that by the appropriation of a dollar out of this fund the law will be complied with. It should read that there shall be an equal or a proportionate share of this fund distributed for the education of the colored people in the several States.

I think, Mr. President, the Senator from Vermont is premature, that he is improvident, in expressing his inclination and willingness to have the terms of that amendment incorporated into his bill.

Mr. PUGH. Mr. President, I will state to the Senator from Kansas that that language, "any portion of the appropriation," was taken from the amendment of the Senator from Massachusetts. I copied that from the amendment of the Senator from Massachusetts. I am perfectly willing to insert the words "a proportionate or a reasonable share."

Mr. GEORGE. "Equal or proportionate?"

Mr. PUGH. Or "a proportionate share according to numbers."

Mr. INGALLS. I do not want to say "an equal share," because there may not be anything like as many colored people as there are white people. It ought not to be divided share and share alike, a moiety to each, because there might not be more than one-half as many colored people as there were white.

Mr. PUGH. Any word that will embrace the meaning desired will suit me.

Mr. INGALLS. All I want is a recognition of the principle of pro-

portionate distribution of the gratuity and beneficence of the United States to all classes of its citizens.

Mr. PUGH. The Senator from New York [Mr. EVARTS] suggests "fair and just proportion according to numbers."

Mr. GEORGE. I am opposed to that.

Mr. PUGH. Just say "fair and just proportion."

Mr. CHANDLER. I ask only to have read an amendment which I desire to suggest, which covers this point.

The VICE-PRESIDENT. The suggested amendment will be read for information, if there be no objection.

The CHIEF CLERK. Add the following:

And in case of the establishment of such separate colleges, the Legislature of the State or Territory shall provide for the division of the amount received among such colleges according to the relative numbers of the white and colored population within said State or Territory.

Mr. GEORGE. Mr. President, I am opposed to such an amendment as that.

Mr. PUGH. That will not do.

The VICE-PRESIDENT. The Senator from New Hampshire [Mr. CHANDLER] has the floor.

Mr. GEORGE. Is that proposition before the Senate now?

The VICE-PRESIDENT. It is not, but the Chair had recognized the Senator from New Hampshire before the Senator from Mississippi rose.

Mr. CHANDLER. My amendment is not before the Senate now. I sent it to the desk to be read as a suggestion in connection with the amendment which is before the Senate proposed by the Senator from Alabama. It seems to me that the Senate would do well to take heed of the suggestion made by the Senator from Kansas [Mr. INGALLS], that the amendment which the Senator proposes is satisfied by the appropriation for a colored school by the Legislature of a Southern State of any portion of the \$25,000 which is given to the State.

Mr. PUGH. That was the proposition of the Senator from Massachusetts [Mr. HOAR].

Mr. CHANDLER. And I do not think, Mr. President, that the Congress of the United States will be satisfied with that provision, without intending in the slightest degree to throw a doubt upon the intention of the Legislature of Alabama or of any other Southern State to make a reasonably fair division of this money; and so I think that some provision of this kind should be incorporated into the amendment which the Senator proposes.

I also wish to call attention to the danger in which the Senate finds itself when it undertakes by an amendment of this kind to change the character of the agricultural and mechanical colleges by an amendment put upon this bill. The original act of July 2, 1862, which is before me, carefully defines the character of these institutions. By the title of the act the lands were to be given to colleges for the benefit of agriculture and the mechanic arts, and by section 4, which the Senator from Massachusetts did not read, the lands were to be invested and given to each State—

For the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the Legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

Mr. President, there is a very careful and well-defined object in view. The bill which is now before the Senate was intended to limit the new donations to be made by this bill to precisely such institutions, because in section 2, now the first section, the additional moneys are given—

For the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts now established, or which may be hereafter established, in accordance with an act of Congress approved July 21, 1862.

That is to say, limiting the new donations to colleges of the character described in the original act of 1862.

But if the Senate adopts the amendment which has been proposed by the Senator from Louisiana [Mr. GIBSON] substituting for this careful definition in the original act the words "colleges, universities, and institutes," or "institutions"—I am not certain which word the Senator from Louisiana proposes to use—for agricultural and mechanical education, you have completely opened the subject. You have allowed this additional donation of \$25,000 to each State to be used for any college or university or institute or institution which may fairly come within the language of the amendment proposed by the Senator from Alabama; and you have not only given an opportunity, which the original act did in terms give, of establishing more than one college, but you have given an invitation to the States to take these new moneys and scatter them out among half a dozen, a dozen or more colleges for blacks and whites in the Southern States.

It seems to me that this legislation is being too hastily framed, and that, instead of adopting here in the last hour of this Saturday afternoon an amendment which so wholly changes, as in my judgment it will, the whole character of these institutions, these amendments should be printed and the bill should go over until the first of the week, in order that we may ascertain exactly what is to be done in these Southern

States where separate agricultural and mechanical colleges are to be allowed, according to the provisions of the bill.

Mr. GIBSON. I suggest that that might be accomplished by putting in a further proviso that the money shall not be received by more than one college for white students and one college for colored students in a State.

Mr. CHANDLER. And divided according to population?

Mr. GIBSON. And divided according to the number of students in each. I think that would accomplish the purpose in view.

Mr. HOAR. Mr. President, I wish utterly to reject the suggestion made by the Senator from New Hampshire [Mr. BLAIR], that I abandon my amendment in consequence of any force in the argument presented by these agricultural-college gentlemen, however wise they may be and however much I respect them. I abandoned it solely because the Senator from Vermont, who is the author of this bill, as of the original act, thought that it would embarrass the passage of the bill through the Senate, and I did not wish to risk it in any way or shape. I think the original act intended that there should be more than one of these colleges wherever the demands or wants or tastes of a community required institutions for agriculture to be separate from institutions for the promotion of the mechanic arts. The language of the original act is express, "at least one."

Mr. President, the one want of these Southern States is, in my judgment, to add to the agricultural, mechanical, and manufacturing employment of their people. It is not presumptuous for me to say that, because they are giving evidence of their own opinion to that effect by large appropriations and endowments for institutions intended for instruction in the mechanic arts. I enumerated quite a number of these institutions established in States which in 1862 were almost exclusively agricultural—Indiana, Virginia, Georgia, Alabama.

Mr. REAGAN. And Texas.

Mr. HOAR. The Senator near me says, "and Texas." They are all undertaking to have within their own limits institutions which shall fit the young men by sufficient scientific education and equipment to give a direction in the establishing of mechanical and manufacturing industries within their borders.

Undoubtedly, the gentlemen whose names were read by my friend from New Hampshire do not want a fund divided when if it is not divided they will get the whole of it for their institutions. It is natural and it is to be expected, but it is not for the public interest. It is for the public interest to-day that the mechanical and manufacturing arts should be promoted all over this country, and that they should be promoted by proper and appropriate scientific education.

How idle it would have been for the State of Massachusetts, 95 per cent. of whose population are engaged in or supported chiefly by mechanical and manufacturing employments, to have this whole fund appropriated as far as she is concerned to an agricultural institution?

Mr. HALE. Why not, Mr. President?

Mr. HOAR. Because the interest of the State is largely otherwise.

Mr. HALE. Undoubtedly; but you may as well say that another State may devote it to a commercial college. The object of it was agriculture.

Mr. HOAR. It was not agriculture; I deny it, if my friend will pardon me for my emphasis. It is a little discursive.

Mr. HALE. The Senator may have his view of the question, and I may have mine.

Mr. HOAR. I understand, and I am stating mine at this moment. The language which the Senator from New Hampshire read contradicts the Senator's view. It is that this is an appropriation for the industrial pursuits of the people, and it enumerates in words "the mechanic arts."

Mr. CHANDLER. The title is "for the benefit of agriculture and the mechanic arts."

Mr. HOAR. Certainly; agriculture and the mechanic arts. I beg my honorable friend's pardon for the emphasis with which I contradicted him, but he will see that the purpose of the original act was that the mechanical as well as the agricultural arts should be promoted by this benefaction, and as the bill goes on to say in the clause which the Senator from New Hampshire read that it should promote the industrial pursuits of the people. It is not that an agricultural college in Massachusetts is not of great value. We have a most admirable one there; but that is why it would not have been just to have taken this whole fund and within the limits of that State give it to one college when the colleges there divide this matter of education.

Mr. GIBSON. I wish to complete the amendment that I offered. I move in line 19 to strike out "colleges" and insert "of colleges, universities, and institutions for agricultural and mechanical education;" and then at the end of line 21 to insert:

Provided, That the money shall not be received by more than one such college, institute, or university, or institution for white, and one for colored students, to be divided in proportion to the number of students in attendance in each college, between them.

Mr. INGALLS. That will not do.

Mr. GIBSON. "In proportion to the number of students in attendance."

The VICE-PRESIDENT. The pending question is on the amendment offered by the Senator from Alabama [Mr. PUGH].

Mr. HALE. I offer a substitute for the amendment.

The VICE-PRESIDENT. The proposed substitute will be read.

The CHIEF CLERK. It is proposed to add to section 2 the following proviso:

Provided, That such share of the moneys herein given as shall be the proportion which the colored population of any State bears to the entire population of such State shall be paid to and used for the purposes of this act to any one college or institution of learning which may be maintained for the education of colored students in agriculture and the mechanic arts in such State, which college or institution of learning may be selected by the governor of such State.

Mr. CHANDLER. "Selected by the Legislature?"

Mr. HALE. No; I will not have the Legislature to have anything to do with it. Let the governor make the selection.

Mr. GEORGE. Is that proposition before the Senate now?

The VICE-PRESIDENT. It is before the Senate.

Mr. GEORGE. I desire, Mr. President, to call the attention of the Senate to the injustice of the proposition which has just been read to those States like my own, and South Carolina, and Louisiana, in which the colored population exceeds the white population.

Under the original act of 1862 a fund of about \$200,000 fell to the share of Mississippi. Every dollar of that fund, as I have stated on a former occasion in this body, was spent in the ordinary expenses of the Government, so that in 1876 when proceedings were to commence in relation to the establishment of an agricultural college the treasury was empty so far as that fund was concerned.

Mr. MORGAN. When was it spent?

Mr. GEORGE. It was spent between the year 1869 and the year 1876. When the people of Mississippi came to use the fund, every bit of which was raised by taxation, they divided equally the interest, one-half to the colored agricultural college and one-half to the white agricultural college, there being only \$5,000 to each, the whole interest being about \$10,000.

In addition to that the State has outside of its obligation arising under the act of 1862 to make good the loss of the fund, all of which had been lost as appropriated out of the treasury to both of these colleges, in addition, as I say, to this fund.

I feel authorized to say that the white agricultural college in Mississippi is one of the best regulated and the most successful institutions of that sort in the United States, so recognized, I believe. So the colored agricultural college has been managed with great efficiency, and I believe I am authorized to say that it is the best institution of that sort in the United States.

Now, sir, this proposition is made to the tax-payers of Mississippi and to the people of Mississippi, when they have been thus generous with reference to the fund under the act of 1862, concerning which I desire to call the attention of the Senate to this: There was no obligation to make any division of the fund or to admit to the college any students except such as the State might direct. We find in this bill, intended by the venerable Senator from Vermont to be a beneficent measure for all the States without distinction, a provision which I deem unjust so far as Mississippi is concerned, after this fair, liberal, and generous action on the part of the white people of that State, not only in dividing the fund which they were not obliged to divide, but also in making appropriations which they voluntarily made out of the taxes paid by them, so as to keep up and maintain, as I aver is the fact, one of the best and best regulated and best conducted schools in the United States. When this proposed law, intended for the equal benefit of all and of both races, comes to be enacted, contrary to the intent of the venerable author of it, the people of Mississippi are required to go back on their past record of an equal division of this fund, which they voluntarily made, of the old fund, and to give \$3 of this fund to the colored agricultural college and about \$2 (that is nearly the proportion, I have not got it exactly) to the white agricultural college.

I do not think, Mr. President, that the Senate ought to do that. We have been fair about the thing, and if there is still distrust here, if the Senate is still unwilling to treat the Southern people as having ordinary feelings of propriety and magnanimity and generosity and justice in the management of a fund devoted to education, you have reserved the power, which you can use at any time, to stop any unjust, unequal, and unfair distribution. It is contained in the last section of the bill:

Congress may at any time amend, suspend, or repeal any of the provisions of this act.

So, without this unjust and unfair provision, without this attempt to impose shackles and fetters in the distribution of this fund and the management of it, the Senate, the Congress, the Federal Government has it in its own hands, requiring by the bill in another provision that reports shall be made of the condition of these colleges, the proceedings of these colleges, the administration of the fund in these colleges, and all that sort of thing. The Government has the power to enforce, if it thinks force is needed, a fair and equitable distribution of this fund.

I want to call the attention of the Senate to the provision as it was introduced by the venerable Senator from Vermont. I hope Senators will give attention to what I am saying, because it is a matter of very deep and vital importance to us, not so much as to the amount which the whites would lose if they force us to an unequal distribution of this

fund which shall operate unjustly upon the whites; we have the power to withdraw from the appropriations which we have heretofore made to the colored agricultural college a sum sufficient to equalize it; but that is not what I desire to do. I desire the State of Mississippi and the other Southern States to be treated here not as predestined and unreclaimable criminals requiring the supervision and care of Congress in the disposition of the fund.

Mr. HALE. Will the Senator let me ask him a question there?

Mr. GEORGE. Certainly.

Mr. HALE. Premising by saying that the amendment that has been offered here providing for the distribution had its birth in the suggestion made by the Senator from Alabama—

Mr. GEORGE. I know that.

Mr. HALE. Who stated that there were colored schools there, two institutions that ought to be cared for, the question I wish to ask is this: The Senator says it would operate unfairly in Mississippi because it would give \$3 to colored schools upon this basis—

Mr. GEORGE. About that.

Mr. HALE. To \$2 to the white schools. Of course that must be upon the basis of there being a colored population of three-fifths and two-fifths of the whites.

Mr. GEORGE. Nearly that proportion.

Mr. HALE. Now, if that is the case, what does the Senator mean by saying that "We, in Mississippi, may be tempted to withdraw our benefactions that we have given to the colored people?"

Mr. GEORGE. I mean the white people, the tax-payers, of the State.

Mr. HALE. It is difficult to see, if there are three colored people there who share in legislation to two white people, how it is that the "we" can withdraw from the colored people. Why may not the colored people say "we will withdraw from the white people unless we have this aid?"

Mr. GEORGE. Oh, I expected that, Mr. President.

Mr. HALE. Then I have not surprised the Senator.

Mr. GEORGE. Oh, not at all. It was just impossible to get through the discussion of this bill without a waving of the ensanguined garment.

Mr. HALE. That has not been brought up by me. The Senator himself has provoked it.

Mr. GEORGE. I knew it was impossible to get through with the discussion without interjecting into this matter the relations, the assumed or reputed relations, or the actual relations between the races in Mississippi.

Mr. HALE. The Senator himself is talking about that, making that the basis of his talk.

Mr. GEORGE. I have not done any such thing, sir.

Mr. BLAIR. May I make a suggestion to the Senator from Mississippi?

Mr. GEORGE. Mr. President, I think I had better go on—

Mr. BLAIR. Will the Senator allow me to make a suggestion?

Mr. GEORGE. Because, if I allow interruptions, we shall get into a sectional debate, it is very evident.

Mr. BLAIR. At all events, let me make a suggestion.

Mr. GEORGE. All right; go on.

Mr. BLAIR. There is no State where the two races exist but where each race would furnish students enough for a very much larger college than all these funds will maintain, and where the two races are the fund is to be divided between two colleges by the suggestions of this amendment. Now, would it satisfy the Senator if the Senator from Maine would modify his amendment so that this fund would be equally divided between the two colleges?

Mr. HALE. Would that do to apply, for instance, to a State like Delaware, where there are only a few?

Mr. BLAIR. We have difficulties enough as it is.

Mr. HALE. Or take Tennessee.

Mr. GEORGE. I am perfectly willing to have an equal division. That has been done before.

Mr. HALE. How would that work in Texas?

Mr. GEORGE. I do not know that I have anything to do with Texas or Tennessee.

Mr. BLAIR. It costs nearly as much to maintain a school for one hundred pupils as for one hundred and fifty. Substantially the same equipment is necessary. The white college will be larger at one time and at others it will be surpassed by the colored. An equal division to be maintained for all time ought to satisfy everybody.

Mr. HALE. I do not object to the equal division, but I see plainly that, while that might satisfy Mississippi and perhaps Alabama, it would not satisfy Texas, Arkansas, Delaware, or North Carolina.

Mr. BERRY. I should like to ask the Senator from Maine if he would object to the proposition made by the Senator from Louisiana—that is, that the fund be distributed in proportion to the number of students attending each college for the year previous to the time it was paid.

Mr. HALE. That would not be as good a plan.

Mr. GEORGE. I believe I am entitled to the floor. When I was interrupted by the question of the Senator from Maine [Mr. HALE], I was about to read to the Senate the judgment of what was right and

proper in this matter of the Committee on Education and Labor and of the venerable Senator from Vermont [Mr. MORRILL], who is the father of this bill, and that judgment is in these words:

Provided, That no money shall be paid out under this act to any State or Territory for the support and maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be in compliance with the provisions of this act.

It seems to me that provision ought to be enough to satisfy Senators. That was as far as this Senate went on three occasions—I believe it was three occasions—when we passed what was called the Blair educational bill.

There was no attempt—and if I misstate it I desire to call the attention of the Senator from New Hampshire [Mr. BLAIR], so that I may be corrected—there was no attempt, and, if any, no successful attempt, made in either of those bills as they passed this Senate to provide for a pro rata race division of the funds.

Now, Mr. President, here comes this amendment right in the face, right in the teeth of the constant and unforced practice of the State of Mississippi under the original act of 1862, by which the State not only equally divided that fund, which she was not bound to divide, between the two races, but supplementing that fund in each college by taxation raised from the general mass of the people.

I hope, therefore, that Senators upon the other side of the Chamber, after voting down the amendment of the Senator from Alabama, if they see proper to do so—I am very willing to vote against it—will allow the provision upon that subject to stand as it was draughted by the Senator from Vermont and approved by the Committee on Education and Labor.

Mr. SAWYER. I move now that the Senate proceed to the consideration of executive business.

Mr. MORRILL. I hope we may be able to get through with the bill to-night.

Several SENATORS. We can not do so.

Mr. SAWYER. I will not press the motion if the Senator from Vermont thinks he can get a vote on his bill. We have not had any executive session since Tuesday. Several executive messages have come in since and they ought to be referred.

Mr. CHANDLER. It is now a quarter to 6 o'clock and I do not think that we can get through with this bill to-night. I hope the motion of the Senator from Wisconsin will be adopted.

Mr. HALE. Let the amendments that are pending be printed.

The VICE-PRESIDENT. The pending amendments will be printed.

Mr. HARRIS. I suggest that the bill as amended be printed, with any amendments pending.

Mr. HALE. That is right.

The VICE-PRESIDENT. The bill as amended, together with the amendments submitted, will be printed, in the absence of objection.

Before putting the motion for an executive session—

Mr. MORRILL. I move that the Senate adjourn.

Several SENATORS. Let us have an executive session.

Mr. MORRILL. I withdraw my motion.

ADMINISTRATIVE SERVICE OF THE SENATE.

The VICE-PRESIDENT. Before putting the motion of the Senator from Wisconsin [Mr. SAWYER] the Chair appoints, under the resolution of the Senator from Vermont [Mr. EDMUNDS] to inquire into the administrative service of the Senate, Mr. ALLISON, Mr. PLATT, Mr. CULLOM, Mr. DOLPH, Mr. WASHBURN, Mr. COCKRELL, and Mr. CARLISLE.

Mr. ALLISON was subsequently, on his own motion, excused from service on the committee.

REPORTS OF COMMITTEES.

Mr. HIGGINS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 7795) for the relief of certain property-owners in the city of Washington, D. C., reported it without amendment.

Mr. MORGAN, from the Committee on Indian Affairs, to whom was referred the bill (S. 3362) to regulate, define, establish, and secure the civil, political, and property rights of such American citizens as have intermarried with the Chickasaw Indians, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, reported a bill (S. 4133) to extend the jurisdiction of the Supreme Court of the United States as the same is defined in section 709 of the Revised Statutes of the United States, to include the judgments and decrees of the highest courts of the Cherokee, Creek, Seminole, Choctaw, and Chickasaw tribes of Indians, respectively; which was read twice by its title.

AMENDMENT TO A BILL.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

EXECUTIVE SESSION.

Mr. SAYER. I renew my motion.

The VICE-PRESIDENT. The question is on the motion made by

the Senator from Wisconsin to proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until Monday, June 23, 1890, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 21st day of June, 1890.

UNITED STATES CONSULS.

William Newell, of Washington, to be consul of the United States at Managua, to fill a vacancy.

Edward D. Ropes, jr., of Massachusetts, to be consul of the United States at Zanzibar, *vice* Seth A. Pratt, recalled.

COLLECTOR OF CUSTOMS.

Charles H. Marchant, of Massachusetts, to be collector of customs for the district of Edgartown, in the State of Massachusetts, to succeed Sirson P. Coffin, whose term of office expired by limitation.

COMMISSIONER, DISTRICT OF ALASKA.

Robert C. Rogers, of San Francisco, Cal., to be a commissioner in and for the district of Alaska, to reside at Sitka, *vice* T. Carlos Jewett, to be removed.

REGISTERS OF THE LAND OFFICE.

George G. Mills, of Olympia, Wash., to be register of the land office at Olympia, Wash., a newly established office.

John C. Lawrence, of Garfield, Wash., to be register of the land office at Waterville, Wash., a newly established office.

RECEIVERS OF PUBLIC MONEYS.

John W. Clark, of Bishop, Cal., to be receiver of public moneys at Independence, Cal., *vice* Aaron W. Eibeshutz, to be removed.

William H. Bush, of Montesano, Wash., to be receiver of public moneys at Olympia, Wash., a newly established office.

Charles M. Ogden, of Seattle, Wash., to be receiver of public moneys at Seattle, Wash., *vice* James R. Hayden, resigned.

Frank M. Dullam, of Davenport, Wash., to be receiver of public moneys at Waterville, Wash., a newly established office.

POSTMASTERS.

Samuel A. Cravath, to be postmaster at Grinnell, in the county of Poweshiek and State of Iowa, in the place of David S. Beardsley, whose commission expires July 26, 1890.

Thomas M. Rodgers, to be postmaster at Newton, in the county of Jasper and State of Iowa, in the place of David W. Flowers, whose commission expires July 26, 1890.

Charles M. Heaton, to be postmaster at Lincoln, in the county of Lincoln and State of Kansas, in the place of James B. Goff, resigned.

Edward B. Jewett, to be postmaster at Wichita, in the county of Sedgwick and State of Kansas, in the place of Frank B. Smith, whose commission expires July 26, 1890.

John E. Junkin, to be postmaster at Sterling, in the county of Rice and State of Kansas, in the place of Frank S. Blades, removed.

Charles S. Radcliff, to be postmaster at Salina, in the county of Saline and State of Kansas, in the place of Nicholas F. Carroll, deceased.

Walter H. Downs, to be postmaster at South Berwick, in the county of York and State of Maine, in the place of Joshua Goodwin, removed.

James Buckley, to be postmaster at Petoskey, in the county of Emmett and State of Michigan, in the place of Isaac D. Toll, resigned.

Lewis V. Curry, to be postmaster at Fenton, in the county of Genesee and State of Michigan, in the place of Frank Chapman, whose commission expires July 26, 1890.

James H. Vandyke, to be postmaster at Alexandria, in the county of Douglas and State of Minnesota, in the place of Godfrey Vivian, resigned.

George J. Collins, to be postmaster at Brooklyn, in the county of Kings and State of New York, in the place of Joseph C. Hendrix, whose commission expired June 7, 1890; Andrew D. Baird, who was confirmed by the Senate June 10, 1890, having declined.

John Pentreath, to be postmaster at Yonkers, in the county of Westchester and State of New York, in the place of Lillian C. Keys, resigned.

Peter H. Vosburgh, to be postmaster at Matteawan, in the county of Dutchess and State of New York, in the place of John Vanderburgh, whose commission expires July 26, 1890.

Michael T. Nolan, to be postmaster at The Dalles, in the county of Wasco and State of Oregon, in the place of James B. Crossen, whose commission expired May 28, 1890.

Mrs. Minnie Washburne, to be postmaster at Eugene, in the county of Lane and State of Oregon, in the place of Frank W. Osburn, whose commission expired May 28, 1890.

Judson A. Elliott, to be postmaster at Mansfield, in the county of Tioga and State of Pennsylvania, in the place of A. A. Elliott, whose commission expired April 6, 1890.

Frank S. Johnson, to be postmaster at Bradford, in the county of McKean and State of Pennsylvania, in place of Charles B. Whitehead, whose commission expired May 5, 1890.

Mrs. Nancy Smart, to be postmaster at Manitowoc, in the county of Manitowoc and State of Wisconsin, in the place of Reuben D. Smart, deceased.

Simpson J. Chester, to be postmaster at Fairfield, in the county of Jefferson and State of Iowa, in place of Charles M. McElroy, removed.

Mrs. Louisa N. Corning, to be postmaster at Palmyra, in the county of Wayne and State of New York, in place of J. W. Corning, resigned.

INDIAN AGENT.

Perian P. Palmer, of Estelline, S. Dak., to be agent for the Indians of the Cheyenne River agency in South Dakota, *vice* Charles E. McCasney, whose term of office will expire August 1, 1890.

PROMOTION IN THE ARMY.

Eighteenth Regiment of Infantry.

Second Lieut. Everard E. Hatch, to be first lieutenant June 16, 1890, *vice* Barnhart, retired from active service.

SECOND LIEUTENANT OF INFANTRY.

Horatio P. Van Cleve, of Minnesota, formerly second lieutenant Fifth United States Infantry and late brigadier and brevet major general United States Volunteers, to be second lieutenant of infantry, United States Army, June 19, 1890.

PROMOTIONS IN THE MARINE CORPS.

First Lieut. Allan C. Kelton, United States Marine Corps, to be a captain in said corps, from June 18, 1890, *vice* Capt. A. S. Taylor, Marine Corps, retired.

Second Lieut. William H. Stayton, Marine Corps, to be a first lieutenant in said corps from June 18, 1890, *vice* First Lieut. Allan C. Kelton, promoted.

UNITED STATES ATTORNEY.

Thomas E. Milchrist, of Illinois, to be attorney of the United States for the northern district of Illinois, *vice* William G. Ewing, whose term will expire August 2, 1890.

ASSOCIATE JUSTICE, SUPREME COURT OF UTAH.

James A. Miner, of Michigan, to be associate justice of the supreme court of the Territory of Utah, *vice* Henry P. Henderson, whose term will expire August 2, 1890.

HOUSE OF REPRESENTATIVES.

SATURDAY, June 21, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

THE SILVER BILL.

The SPEAKER. The question is upon the motion to lay on the table the appeal of the gentleman from Missouri [Mr. BLAND], the yeas and nays having been ordered upon the proposition.

Mr. BLAND. I move to reconsider the vote by which the yeas and nays were ordered. If the House will indulge me a moment—

The SPEAKER. The gentleman from Missouri [Mr. BLAND] moves to reconsider the vote by which the yeas and nays were ordered.

Mr. BLAND. I simply desire to make one statement—

Mr. MCKINLEY. Regular order.

The SPEAKER. The regular order is demanded, which is upon the question of reconsideration.

Mr. BLAND. I simply want to withdraw the appeal.

Mr. MCKINLEY. We want to vote upon the appeal.

Mr. BLAND. Then, Mr. Speaker, I move to reconsider the vote by which the yeas and nays were ordered, and on that I demand the yeas and nays.

Mr. CANNON. I rise to a point of order.

Mr. BLAND. I withdraw the demand.

Mr. CANNON. My point of order is this: The appeal of the gentleman from Missouri [Mr. BLAND] having been made on Friday, private-bill day, although the yeas and nays were ordered and although it is unfinished business, yet it seems to me that it ought to go over until next Friday, the next private-bill day.

The SPEAKER. The Chair overrules the point of order. The question is upon the motion to reconsider.

Mr. BLOUNT. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state his point of order.

Mr. BLOUNT. I submit that this question is not in order at this time. The rule directs the order of business in a very simple way, as I understand it. There is, first, prayer by the Chaplain, then the approval of the Journal, then the disposition of business on the Speaker's table, and after that unfinished business. Now, we have not reached unfinished business at all, and the next thing in order, by virtue of the rule, is to dispose of business on the Speaker's table.

The SPEAKER. But this is a motion relating to the disposal of business on the Speaker's table. The question is upon the motion of the gentleman from Missouri [Mr. BLAND], to reconsider the vote by which the yeas and nays were ordered.

Mr. SPRINGER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman is interrupting a roll-call.

Mr. SPRINGER. The roll-call has not begun. I desire to submit the point whether the gentleman from Missouri [Mr. BLAND] is not now entitled to withdraw his appeal, no decision of the House having been made upon the question—

Mr. ALLEN, of Michigan. I object.

Mr. SPRINGER. And no previous question having been ordered.

The SPEAKER. There has been a decision to have the yeas and nays, which is a constitutional right.

Mr. SPRINGER. That is not a decision upon the question itself. It is simply a decision as to the mode of taking the vote; and, no decision having been made upon the question, I hold that the gentleman is entitled to withdraw his appeal. Now I ask the Chair to look at that question carefully, because it relates to the proper order of business in the House.

The SPEAKER. If the gentleman has any decision upon the point the Chair will be glad to have his attention called to it. The Chair understands that the matter has been decided the other way repeatedly.

Mr. SPRINGER. If the Chair will point to those decisions I should be very glad. I call to the attention of the Chair the Digest, page 553:

A motion may be withdrawn at any time before a decision or amendment (Rule XVI, clause 2), but not after the previous question is ordered. It may, however, be withdrawn while the House is dividing on a demand for the previous question (Journal, 2, 29, page 241); and all incidental questions fall with such withdrawal (Journal, 1, 26, page 57).

It has been held and acquiesced in by the House that a motion (or proposition) can not be withdrawn after the previous question is ordered, that being held to be a "decision" that the House desires to vote thereon. It has also been held that a motion to suspend the rules can not be modified or withdrawn after said motion has been seconded, as required by clause 2, Rule XXVIII.

Now, there has been no decision upon this subject. Ordering the yeas and nays is simply an ordering of the mode of taking the vote; it is not a decision upon the question, and therefore the gentleman from Missouri [Mr. BLAND] has the right to withdraw his appeal.

Mr. MCKINLEY. The question is upon my motion, and not upon the motion of the gentleman from Missouri [Mr. BLAND]. The gentleman from Missouri appealed from the decision of the Chair, I moved to lay that appeal upon the table, and thereupon the yeas and nays were ordered upon my motion. I demand the regular order.

Mr. SPRINGER. I call the attention of the Chair to the rule which states that all incidental questions fall with the withdrawal of the main question. Now, the motion to lay the appeal upon the table is an incidental question, and therefore it falls with the withdrawal of the main question.

The SPEAKER. But the motion that is now under consideration is the motion to lay the appeal on the table.

Mr. SPRINGER. And that, I say, is an incidental question, which falls with the withdrawal of the main question.

The SPEAKER. No; there has been a decision by the Chair since the motion was made, a decision that it was out of order, and the gentleman from Missouri [Mr. BLAND] appealed from that decision. The gentleman from Ohio [Mr. MCKINLEY] moved to lay that appeal on the table, and upon that the House has already ordered the yeas and nays.

Mr. SPRINGER. That is very true.

The SPEAKER. And that can not be withdrawn.

Mr. SPRINGER. But what is the question before the House? It is: Shall the decision of the Chair stand as the judgment of the House?

The SPEAKER. Not at all.

Mr. SPRINGER. That is the original question.

The SPEAKER. Not at all. The question before the House is on the motion to lay the appeal on the table.

Mr. SPRINGER. But the gentleman from Missouri offered a resolution in regard to this business.

[Cries of "Regular order!"]

The SPEAKER. The gentleman from Missouri moves to reconsider the vote by which the yeas and nays were ordered.

Mr. PAYSON. I rise to a parliamentary inquiry. Whatever is done (if I may preface the inquiry I am going to make by a single observation) ought to be done in order. I understand that, the yeas and nays having been demanded under the constitutional provision, one-fifth of the members present rose in their places to support that demand. Now, how can that action be reconsidered by a vote of the House?

The SPEAKER. That has been repeatedly done and is settled by the practice of the House. But if the motion to reconsider should be adopted the question would then recur upon ordering the yeas and nays; and a decision a second time would be conclusive.

Mr. SPRINGER. I desire to make a further parliamentary inquiry. If this appeal be laid on the table, will the appeal relate to the business of Friday or to-day?

The SPEAKER. The Chair declines to answer that question. The question is upon the motion of the gentleman from Missouri to reconsider the vote by which the yeas and nays were ordered.

The question being taken, there were on a division (called for by Mr. BLAND)—ayes 92, noes 122.

The SPEAKER. On this question the yeas are 92, the noes 122; and the motion to reconsider is lost. The Clerk will call the roll.

After the Clerk had proceeded some time with the roll-call—
The SPEAKER said: There is so much confusion in the Hall that it is impossible for the Clerk to hear the responses of members. The House will come to order.

Mr. MCKINLEY. I ask that the Chair may announce the exact question to be voted upon.

The SPEAKER. The question before the House is the motion of the gentleman from Ohio [Mr. MCKINLEY] to lay on the table the appeal taken by the gentleman from Missouri from the decision of the Chair.

Mr. ANDERSON, of Kansas. As I voted under the misapprehension, I would like to know whether I can not change my vote.

The SPEAKER. The Clerk will begin the call again.

The question was taken; and it was decided in the affirmative—yeas 146, nays 45, not voting 136; as follows:

YEAS—146.

Adams,	Culbertson, Pa.	Laidlaw,	Reed, Iowa
Allen, Mich.	Cutcheon,	Laws,	Ryburn,
Anderson, Kans.	Dalzell,	Lehlbach,	Rife,
Arnold,	Darlington,	Lewis,	Rockwell,
Atkinson, W. Va.	De Lano,	Lind,	Russell,
Baker,	Dolliver,	Lodge,	Russell,
Banks,	Dunnell,	McAdoo,	Sanford,
Bartine,	Dunphy,	McComas,	Sawyer,
Bayne,	Evans,	McCormick,	Saul,
Beckwith,	Farquhar,	McKenna,	Sherman,
Belden,	Finley,	McKinley,	Smith, W. Va.
Beknap,	Fitch,	Miles,	Smyser,
Bergen,	Flick,	Milliken,	Snider,
Bingham,	Flood,	Moffitt,	Spooner,
Bliss,	Frank,	Moore, N. H.	Stephenson,
Bootman,	Funston,	Morey,	Stivers,
Boutelle,	Gear,	Morrill,	Stockbridge,
Bowden,	Geissenhainer,	Morrow,	Struble,
Brewer,	Gest,	Morse,	Taylor, E. B.
Brosius,	Gifford,	Mudd,	Thomas,
Brower,	Greenhalge,	Mutcher,	Townsend, Colo.
Browne, Va.	Grosvenor,	Niedringhaus,	Tracey,
Buchanan, N. J.	Hansbrough,	O'Donnell,	Turner, Kans.
Buckalew,	Haugen,	O'Neil, Mass.	Vandever,
Burrows,	Henderson, Ill.	O'Neil, Pa.	Van Schaick,
Burton,	Henderson, Iowa	Osborne,	Waddill,
Butterworth,	Hermann,	Owen, Ind.	Walker, Mass.
Caldwell,	Hill,	Payne,	Wallace, Mass.
Campbell,	Hitt,	Payson,	Wallace, N. Y.
Candler, Mass.	Kelley,	Perkins,	Watson,
Cannon,	Kennedy,	Peters,	Wickham,
Carter,	Kerr, Iowa	Pickler,	Williams, Ohio
Casswell,	Ketcham,	Post,	Wilson, Ky.
Cheadle,	Kinsey,	Pugaley,	Wright,
Cogswell,	Knapp,	Quinn,	Yardley.
Comstock,	Lacey,	Raines,	
Conger,	La Follette,	Randall,	

NAYS—45.

Anderson, Miss.	Catchings,	Henderson, N. C.	Owens, Ohio
Barnes,	Clarke, Ala.	Holman,	Parrett,
Blanchard,	Clements,	Kilgore,	Reilly,
Bland,	Cooper, Ind.	Lee,	Robertson,
Boatner,	Cowles,	Mansur,	Rowland,
Brickner,	Cummings,	Martin, Ind.	Springer,
Brookshire,	Davidson,	McClammy,	Stump,
Brunner,	Ellis,	McClellan,	Wheeler, Ala.
Bullock,	Fithian,	McCreary,	Wilkinson.
Bunn,	Forman,	Moore, Tex.	
Bynum,	Fowler,	Norton,	
Caruth,	Hayes,	O'Neill, Ind.	

NOT VOTING—136.

Abbott,	Dingley,	Martin, Tex.	Stahlnecker,
Alderson,	Dockery,	Mason,	Stewart, Ga.
Allen, Miss.	Dorsey,	McCarthy,	Stewart, Tex.
Andrew,	Edmunds,	McCord,	Stewart, Vt.
Atkinson, Pa.	Elliott,	McDuffie,	Stockdale,
Bankhead,	Enloe,	McMillin,	Stone, Ky.
Barwig,	Ewart,	McRae,	Stone, Mo.
Biggs,	Featherston,	Mills,	Sweeney,
Blount,	Flower,	Montgomery,	Tarney,
Breckinridge, Ark.	Forney,	Morgan,	Taylor, Ill.
Brown, J. B.	Gibson,	Nute,	Taylor, J. D.
Browne, T. M.	Goodnight,	Oates,	Taylor, Tenn.
Buchanan, Va.	Grimes,	O'Ferrall,	Thompson,
Candler, Ga.	Grout,	Outhwaite,	Tillman,
Carlton,	Hall,	Paynter,	Townsend, Pa.
Chestham,	Hare,	Peel,	Tucker,
Chipman,	Harmer,	Pennington,	Turner, Ga.
Clancy,	Hatch,	Perry,	Turner, N. Y.
Clark, Wis.	Haynes,	Phelan,	Vaux,
Clunie,	Heard,	Pierce,	Venable,
Cobb,	Hemphill,	Price,	Wade,
Coleman,	Herbert,	Quackenbush,	Walker, Mo.
Connell,	Hooker,	Ray,	Washington,
Cooper, Ohio	Hopkins,	Richardson,	Wheeler, Mich.
Cothran,	Houk,	Rogers,	Whiting,
Covett,	Kerr, Pa.	Rusk,	Whitthorne,
Craig,	Lane,	Sayers,	Wike,
Crain,	Lanham,	Scranton,	Wiley,
Crisp,	Lansing,	Seney,	Willcox,
Culbertson, Tex.	Lawler,	Shively,	Williams, Ill.
Dargan,	Lester, Ga.	Simonds,	Wilson, Mo.
De Haven,	Lester, Va.	Skinner,	Wilson, Wash.
Dibble,	Magner,	Smith, Ill.	Wilson, W. Va.
	Maleb,	Spinola,	Yoder.

So the appeal from the decision of the Chair was laid on the table. The following-named members were announced as paired until further notice:

Mr. COOPER, of Ohio, with Mr. VAUX.
 Mr. McDUFFIE with Mr. FORNEY.
 Mr. ATKINSON, of Pennsylvania, with Mr. ROGERS.
 Mr. DORSEY with Mr. FLOWER.
 Mr. GROUT with Mr. CANDLER, of Georgia.
 Mr. LANSING with Mr. PHELAN.
 Mr. RAY with Mr. HOOKER.
 Mr. NUTE with Mr. TURNER, of New York.
 Mr. TAYLOR, of Tennessee, with Mr. OUTHWAITE.
 Mr. TAYLOR, of Illinois, with Mr. BARWIG.
 Mr. CRAIG with Mr. CAMPBELL.
 Mr. MASON with Mr. STAHLNECKER.
 Mr. DINGLEY with Mr. LAWLER.
 Mr. THOMAS M. BROWNE with Mr. ALLEN, of Mississippi.
 Mr. MCCORD with Mr. MORGAN.
 Mr. CLARK, of Wisconsin, with Mr. WALKER, of Missouri.
 Mr. SCRANTON with Mr. PIERCE.
 Mr. WADE with Mr. HATCH.
 Mr. QUACKENBUSH with Mr. MCCARTHY.
 Mr. THOMPSON with Mr. SENEY.
 Mr. COLEMAN with Mr. PRICE.
 Mr. TOWNSEND, of Pennsylvania, with Mr. KERR, of Pennsylvania.
 Mr. HOOK with Mr. WASHINGTON.
 Mr. WHEELER, of Michigan, with Mr. CLANCY.
 Mr. STEWART, of Vermont, with Mr. OATES, until Tuesday next.
 Mr. HAERMEER with Mr. COVERT, until Monday.
 Mr. ANDREW with Mr. MARTIN, of Texas, on the silver bill.
 Mr. WILSON, of Washington, with Mr. O'FERRALL, for this day.
 Mr. HALL with Mr. STOCKDALE, for this day.
 Mr. ENLOE, Mr. HEARD, Mr. CLUNIE, and Mr. STONE, of Kentucky, withdrew their votes.

Mr. O'NEIL, of Massachusetts. My colleague [Mr. ANDREW] is absent and paired. Were he here he would vote in the affirmative.

The Clerk proceeded to read the names of those voting.

Mr. MCKINLEY. I ask unanimous consent to dispense with the reading.

Mr. RICHARDSON. I object.

The Clerk resumed and concluded the recapitulation of the names.

The result of the vote was then announced as above recorded.

QUESTION OF PRIVILEGE.

Mr. FORMAN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. FORMAN. I have been as diligent, perhaps, as most members of the House in the discharge of my official duties; but I am the last man to accept credit for anything which I do not believe I deserve. On the 2d day of this month I obtained leave of absence for ten days. On the 4th I was in Springfield, Ill., and yet on that day action was had on the administrative bill here, and I was counted by the Speaker and the Clerk as being present in this Hall and refusing to vote. The Journal of the 4th instant shows the same as the RECORD, and I desire that the proper correction shall be made, as I do not want to impose upon my constituency by being at home and being recorded here at the same time. [Laughter and applause on the Democratic side.]

The SPEAKER. The gentleman is put down as present and not voting upon the Journal at the time he specifies. The gentleman states that he was not present.

Mr. FORMAN. No, sir; I was in Springfield, Ill., on that day.

The SPEAKER. Without objection, the Journal will be corrected to correspond with the statement of the gentleman.

Mr. SPRINGER. It is not a matter for objection; he has a right to have it corrected.

The SPEAKER. The Chair hears no objection, and the Journal will be corrected.

ORDER OF BUSINESS.

Mr. BLAND. I call for the regular order.

Mr. SPRINGER. What is the regular order?

The SPEAKER. The Chair will announce it as soon as the House is in order.

Mr. SPRINGER. Let us have the regular order.

The SPEAKER. The Chair desires the attention of the House on this matter.

The question was somewhat discussed on yesterday as to the condition of the bill which had been referred by the Speaker, and the record of which in the Journal was not concurred in by the House, but was rejected, or, if it can be said to be—the Journal not having been then adopted—erased. The provision of our rules requires not only that such bills should be referred, but that a statement of the reference should be put into the Journal and also into the RECORD. The statement was made in the RECORD. It was also put into the Journal, which was submitted to the consideration of the House. The House saw fit not to permit that record to be made and to become a

part of the Journal. That left a somewhat difficult question as to the status of the bill.

The opinion of the present occupant of the chair, as an individual, would be very much in accord with what was said by the gentleman from Iowa [Mr. CONGER], that the refusal to record a fact did not obliterate the fact itself, any more than the destruction of a deed would prevent the transfer of property which had already taken place, or the scuttling of a boat, which had carried a man across a lake, would reland him on the other side. [Laughter.] Nevertheless, the action of the House may have had its origin in another motive, which was that it would not give its sanction, by recording it in the Journal, to a transaction which it desired to subvert; and while it might seem to the Chair that some definite action ought to be taken by the House, yet, as gentlemen may have noticed, within the last few days parliamentary law does not seem to be an exact science. [Laughter and applause.]

The great object which every one must have is in trying to arrive, in proper fashion, at a legitimate decision; and it is especially the business of the occupant of the chair to give the House, so far as in him lies, all proper opportunity for the transaction of business in the manner which the House may determine upon, subject to all the rules of the House.

The Chair, therefore, in order to enable the House to pass its judgment upon this question, whether the bill should go to the Committee on Coinage, Weights, and Measures, will take action in regard to it, with an opportunity for the House to review the same, believing that that will enable the House to come quickest to its conclusion upon the subject. That conclusion, the Chair need not say, ought to be arrived at with reference to all the business of the House; and the House ought to come to its decision in some way that will not disarrange its business. As the Chair remarked the other day, this reference which was made of the bill was made in accordance with the custom which has prevailed ever since the establishment of the rules of the House.

The Chair believes, after a careful examination of the Senate amendments to the House bill, which is known as the silver bill, that it comes within the purview of Rule XX, which prescribes that any amendment made by the Senate to any House bill must be considered first in the Committee of the Whole, which would have been so liable to be considered had it originated in the House. It is not necessary to enlarge upon that point except to point out the fact that the Senate amendments to the House bill entirely strike out the first section, which contains the words of appropriation in the House bill, and substitute another section containing no words of appropriation, but embodying an altogether different line of action, to wit, the substitution of the fashioning of silver bars and the coining of all silver which may be presented instead of the purchase by the Treasurer of a certain amount of silver and the coining of it for the use of the Government. Another section is also stricken out and a substitution made; and in that substitution is an appropriation for the purpose of carrying out, not what the House ordered, but what the Senate ordered.

This plainly is a new proposition, which requires its consideration in the Committee of the Whole House. Its consideration being required in the Committee of the Whole House—and this does not depend upon the point of order being made, because it is a description of a class of bills—the Chair is of opinion that it should be referred to the committee, and the reason for the opinion that it should be referred to the committee arises from this provision in the rule, that all proposed legislation must be referred to certain committees. Legislation can be proposed to this House either by a member of it or by the Senate. Such has always been the construction of the identical language which is used in this set of rules and in those which preceded it. Under those circumstances and in conformity to the rules, the Chair announces to the House that in obedience to the rules the bill has been referred, is now referred, to the Committee on Coinage, Weights, and Measures. From that decision, if the House thinks the Chair is wrong, an appeal can be taken.

Mr. BLAND. Mr. Speaker, I desire to appeal from the decision of the Chair.

Mr. MCKINLEY. I move to lay that appeal on the table.

Mr. BLAND. I hope the gentleman will allow some debate upon it.

Mr. MCKINLEY again addressed the Chair.

Mr. MILLS. The gentleman from Missouri has taken an appeal from the decision of the Chair and he has the floor to debate the proposition. It is debatable.

Mr. BRECKINRIDGE, of Kentucky. I rise to a parliamentary inquiry. Is it in order to move to change the reference made by the Speaker? Under the old rules it was in order when the Speaker referred a bill, to move to change the reference.

Mr. BUTTERWORTH. It is impossible to hear what the gentleman is saying, as there is so much confusion in the House.

The SPEAKER. The House will be in order. There is no occasion for confusion.

Mr. BRECKINRIDGE, of Kentucky. The inquiry I submit to the Speaker is, whether under the present code of rules it is in order to make a motion changing the reference. Under the old rules it was in order. If the question has arisen under the new rules I am not familiar with the precedent and do not know how the Chair has ruled.

The SPEAKER. The Chair thinks the rules point out the only method of correction, and that there would be no right to make such a motion.

Mr. BRECKINRIDGE, of Kentucky. If the Chair will allow a single suggestion, as it is a matter of law, whether that reference which the Speaker has made is yet complete. The rule which corrects erroneous references, of course, only applies to a completed reference. Now, the reference made by the Speaker in open House is made as Speaker, and is not a completed reference, of course, if the House by its order changes the reference. Therefore I would submit that the House has the power to change the reference from the Committee on Coinage, Weights, and Measures to some other committee.

The SPEAKER. The Chair thinks that would not come in under that motion.

Mr. BRECKINRIDGE, of Kentucky. I have no desire to do anything except to submit the inquiry.

Mr. CONGER. I demand the regular order.

The SPEAKER. The gentleman from Ohio made a motion to lay the appeal on the table.

Mr. BLAND. Mr. Speaker, I have the floor.

Mr. MCKINLEY. This matter has delayed this House two days. The very question that is involved in the decision of the Chair has been discussed over and over again.

Mr. BLAND. We have not discussed it at all. We have not discussed that point.

Mr. MCKINLEY. And upon my motion I demand the yeas and nays.

Mr. BLAND. I have the floor.

The SPEAKER. The gentleman from Missouri knows that a motion to lay on the table takes precedence.

Mr. BLAND. But I had the floor.

Mr. MILLS. Does not the Chair know that in order for the gentleman from Ohio to make the motion he must obtain the floor, and he can not obtain the floor while a gentleman is on the floor discussing a question that is debatable under the rules?

Mr. BLAND. I had taken an appeal and was going on to answer the objections made by the Speaker in his argument. The Speaker has made a ruling and there has been no debate upon it.

Mr. SPRINGER. And I think I can show the Chair that his ruling is wrong, if I can be heard.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] will proceed.

Mr. BLAND. Mr. Speaker, if I can only get order I would like to be heard.

The SPEAKER. The House will be in order.

Mr. BLAND. I want to call attention to the bill. Having a copy of the bill before me, I want to call attention to the two appropriations.

The appropriation in the House bill, before it went to the Senate, is found in section 1. That section provides for the purchase of bullion and the issuing of Treasury notes. It says:

A sum sufficient to carry into effect the provisions of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated.

It is very true that that appropriation is made for the purchase of \$4,500,000 of silver bullion per month, on which notes are to be issued, and a sufficient sum of money is to be appropriated to purchase the bullion (\$4,500,000 a month), and also for the issuing of notes.

Now, the Senate amendment to that is:

That a sufficient sum of money is hereby appropriated, etc.

One is "a sufficient sum," and the other is "that a sum sufficient;" a mere transposition of the words.

Now, the Senate provides for the free coinage of silver, that is all, and the issuing of notes upon the coined dollar and also upon the bullion.

Mr. COWLES. Mr. Speaker, I rise to a question of order. It is impossible to hear the gentleman.

Mr. BLAND. It is hardly possible for me to hear my own language.

The SPEAKER. The Chair would suggest that the gentlemen near by the gentleman from Missouri are responsible for much of the trouble in hearing. The gentleman will suspend until order is obtained, when the Chair presumes the House can go on with its business.

Mr. COWLES. I would suggest to the Chair that a large portion of the trouble is from gentlemen on the other side of the House.

The SPEAKER. The gentlemen on the other side of the House, so far as they are amenable, will conform to the request of the gentleman from North Carolina, and the House will be in order.

Mr. BLAND. Now, the Speaker has claimed that, because the Senate amendments required an appropriation for a different purpose from the House bill, that necessarily sends it to the Committee of the Whole. I do not think it follows at all. The appropriation is the matter that is material. The Senate bill provides for free coinage; the House bill provides for the purchase of bullion. But the appropriation made by the Senate bill, the language used, is identical with that of the House bill, and so far as the purposes and the objects of the two appropriations are concerned it is not material. Indeed, the Senate bill, on a

fair construction, makes a much less appropriation than the House bill, for the House bill appropriates not less than \$4,500,000 every month, or \$54,000,000 annually, while the Senate bill simply appropriates a sufficient sum of money to coin, even going to that extent, which I do not, for our general appropriation bills appropriate the money for the coinage of gold and silver, and the carrying of these appropriations for the Mint service. So that presumably the matter of the appropriation of the Senate bill would be confined to the printing of the certificates alone, which is a mere insignificant sum compared with the House appropriation; and it is in harmony, so far as this is concerned, with the House appropriation, because the House appropriation requires the Secretary of the Treasury to issue these certificates, and the appropriation is made for the certificates in the House bill. The appropriation in the Senate bill is made for the issuing of certificates, and they are largely, therefore, identical even if that which is claimed be true.

But, Mr. Speaker, I contend that this House has already settled this question, and it is too late now to raise that point. By the vote of this House striking from the Journal the reference of this bill or the record of it, this House has determined that that bill is upon the Speaker's table now; and it will not do to say that because the House struck out of the record a reference that was null and void therefore the Speaker can now refer a bill or the House by such a proceeding as this can refer it. The reference of the Speaker, according to the vote of the House, and it was based upon that—and the whole argument was based upon the proposition that the Speaker had no jurisdiction over the subject-matter of that bill to dispose of it in the way he did, and that his act was a nullity. Now, I suppose if we take the illustration of the Speaker himself, that if a deed was made and a judgment rendered which was a nullity upon its face, the destruction of that record and the destruction of that deed would make no difference whatever.

Now, I say this matter is already settled by a vote of this House. This bill is now practically upon the Speaker's table, and if this reference and this decision of the Speaker is voted down we have but one thing to do, and that is to go to the Speaker's table and take this bill up and pass it, or else get a conference committee and have a conference between the House and the Senate and agree upon some bill that may be passed. So that I say, if the opinion of the Speaker is not the opinion of the House, that bill lies upon the Speaker's table to be immediately reported to this House for its action; and now is the time for gentlemen who are in favor of the free coinage of silver to show by their votes their confidence in the free coinage of silver, and the confidence of their constituencies will not be betrayed upon the floor of the American Congress on this bill by a vote of the House. You can not dodge behind the fact that the Speaker has rendered an opinion that you have already thought that bill was not referred, and that he has no power to thus refer it. It is on the Speaker's table by a vote of this House, and if these gentlemen do not stultify the action of the House then they will be compelled to stand upon the point that the bill is still upon the Speaker's table and has to be laid before this House.

I have another case in point very analogous to the one which the gentleman from Georgia the other day laid before the House—the bill of Albert H. Emery—which I will read from the RECORD:

The SPEAKER also laid before the House the bill (H. R. 3538) for the relief of Albert H. Emery, with the following amendment of the Senate thereto, and a request for a committee of conference:

"Line 10, strike out 'fifty' and insert 'one hundred and twenty-five.'"

Mr. HOLMAN. I move that the House non-concur in the amendment of the Senate and agree to the request for a conference.

The motion was agreed to.

Now, there is a bill that has passed the House with an appropriation of \$50,000; it went to the Senate, and the appropriation was raised to \$125,000, and yet the Speaker, under this rule, laid that bill before the House.

Mr. PETERS. But that was an appropriation for the same object, namely, the payment of Mr. Emery for the invention of a certain testing machine. I want to ask the gentleman from Missouri a question: If this bill had been prepared and introduced by the gentleman himself, providing for free coinage and providing that "a sufficient sum of money to carry out the provisions of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated," would not such a bill have to have its first consideration in Committee of the Whole?

Mr. BLAND. I will answer the gentleman by saying that that is not at all the proposition before the House. The proposition before the House is an appropriation in direct terms, and the very language of the two Houses—

Mr. PETERS. I realize that the gentleman can not answer the question without stultifying his position.

Mr. BLAND. Oh, well, the gentleman can stultify himself if he wants to, by voting to sustain the Speaker.

Now, Mr. Speaker, here was an appropriation bill that went to the Senate with an appropriation of \$50,000, the amount was raised there to \$125,000; and yet, although that appropriation was largely increased in the Senate, the bill when it came back was laid before this House by the Speaker and was not sent to the Committee of the Whole or to any

other committee. The House bill contained an appropriation of money. The House, by a special order, took that bill from the Committee of the Whole and considered it in the House, and thus, by special order, dispensed with consideration in Committee of the Whole, and the case is on all fours with the case quoted this morning by myself and also the one quoted by the gentleman from Georgia the other day.

But, laying aside all these questions, here is a matter that has been adjudicated by the House itself, by a vote of the House, and I hope the House will not now reverse its action upon this question. I yield ten minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. I desire to call the attention of the House to the fact that the Speaker is under a misapprehension with regard to the practice of the House heretofore with reference to House bills with Senate amendments. The Speaker stated to the House the day before yesterday that the reference of this bill, out of the session of the House, to the Committee on Coinage, Weights, and Measures was not an unusual procedure, but was in the ordinary course of business. He said:

In the regular course of business the officer of the House to whom the Speaker has intrusted the clerical work of the reference of bills, the Journal clerk, informed the Speaker that upon his list of bills which were to be referred, under the rules, to committees of the House, in the same manner as hundreds, and possibly thousands, of bills have been referred heretofore, was the bill known as the bill for silver coinage which had come from the Senate, and the Chair was asked if he had any particular direction to make in regard to it.

The Speaker further said:

What, then, was the duty of the Speaker in regard to it? Obviously, to refer it in the same manner in which hundreds and thousands of bills have been referred at this session.

Now, I was led to believe from that statement that hundreds and thousands of bills in the same parliamentary situation as this bill had been so referred by the Speaker during this session of Congress, but I have taken the pains, in two hours' time this morning, to examine every page of the CONGRESSIONAL RECORD where such references appear, and I say here now, and this RECORD will prove it, that the silver bill is the only bill of this kind that has been so referred. [Applause on the Democratic side.]

Mr. PETERS. The gentleman from Illinois will remember that every appropriation bill that comes back from the Senate with amendments is referred to the Committee on Appropriations in the same way.

Mr. SPRINGER. I deny it; I deny it; and I challenge the gentleman from Kansas and I challenge the Speaker to point to the CONGRESSIONAL RECORD of this House which shows a single case in which a House bill with a Senate amendment has been referred to a standing committee of this House by the Speaker without calling the attention of the House to it. Now, I stand upon the RECORD and I challenge any gentleman to produce any evidence to the contrary of what I have stated. The Speaker made that statement in order to influence the judgment of this House at the very time his action in referring this bill was under consideration and when no answer could be made to it. [Applause on the Democratic side.]

I desire to call attention to the further fact that the practice of the House has been uniform, so far as House bills with Senate amendments are concerned, to the effect that those bills have been laid before the House in the order of "business on the Speaker's table," just as was done in the Emery case, to which the gentleman from Missouri [Mr. BLAND] has referred, and in the cases of all other bills of that kind.

I call particular attention to the Emery case. After the Speaker had laid before the House several other House bills with Senate amendments, he also laid before the House the bill (H. R. 3538) for the relief of Albert H. Emery, with the accompanying amendment of the Senate thereto and a request for a committee of conference.

The amendment of the Senate to that bill was this: Line 10, strike out "fifty" and insert "one hundred and twenty-five"—an amendment increasing the amount of the appropriation made by the House from \$50,000 to \$125,000. Yet the Speaker laid that bill before the House in the ordinary course of business as business on the Speaker's table. The gentleman from Indiana [Mr. HOLMAN] thereupon made this motion:

I move that the House non-concur in the amendment of the Senate and agree to the request for a conference.

That motion was agreed to, and that disposed of the matter. And such has been the course of proceeding as to all bills of this class.

Now, if the Chair will pardon me again, I want to call attention to the fact that the bills coming from the Senate which have been referred in this way to committees by the Speaker are Senate bills, bills originating in the Senate, which under the rule are properly so referred. They have been principally public-building bills, pension bills and relief bills, bills which originated in the Senate and which, never having been before any committee of this House, were properly, under the rule, referred by the Speaker to the appropriate committees. But that is not this case.

This is a House bill with Senate amendments to it; and I reassert the fact that no other bill of this kind has ever been referred by the Speaker of this House to a standing committee, so far as appears in our proceedings as recorded in the CONGRESSIONAL RECORD.

Now, what is the condition of the question? A few days ago, in face of this record and in face of the fact that it was generally believed that, if this bill were laid before the House and an opportunity afforded the

House to vote to concur in the Senate amendments, that vote would pass in the affirmative—that was the understanding of the country, that was the understanding of this House, that if the House should vote upon this bill as it did upon the Emery bill and upon all other House bills with Senate amendments, the House would vote to concur in the Senate amendments and thus pass the bill; and in order to stifle the voice of the people's representatives, in order to prevent this House from doing what our constituents demand that we should do, in order to prevent the representatives of the people from carrying out the people's demands and behests, that bill was by the act of the Speaker referred to a committee of the House; and the House was not consulted as to the matter. And now, after the House has reversed that action, stricken that record of reference from our Journal, the Speaker takes the bill up from the table and refers it to the same committee with no power on our part to reach it, to make a motion to concur in the Senate amendments, unless we override the decision on an appeal from the decision of the Chair as we are now undertaking to do. So that I hold this as an attempt to revolutionize the rules themselves, which were revolutionary in their inception—

Mr. HAYES. Conception.

Mr. SPRINGER. Yes, and conception, as the gentleman from Iowa suggests. I was somewhat amused yesterday by the remarks of the honorable gentleman from Ohio [Mr. BUTTERWORTH] when he commented upon the preamble to the resolution submitted by the gentleman from Texas [Mr. MILLS], and which was rejected by the House. It reminded me of the fact that "drowning men catch at straws." When the gentlemen on the other side were overwhelmed in the flood tide of opposition raised by this act of the Speaker they did not find a straw upon the surface at which to grasp, but they clutched at a rejected preamble and vainly imagined that would keep them above the waves. But a rejected preamble will not save you, gentlemen. You are dodging this question; your Speaker is dodging it; and the people know you are dodging it. We intend to have a fair vote on this question before this Congress adjourns. You may put it aside now; you may get it out of the way by arbitrary rulings; but those who aid in getting it out of the way will be repudiated by their constituents at the polls in November. [Applause on the Democratic side.]

I want to call the attention of the House to the further fact that, while it is believed a majority of this House would concur in these amendments of the Senate, it is well known to the country that the Committee on Coinage, Weights, and Measures, as at present constituted, is hostile to this measure of the Senate, hostile to the free coinage of silver. That committee reported against the same proposition heretofore; so that an unusual course is to be taken in regard to this bill; it is to be referred arbitrarily to an unfriendly committee—

Mr. KERR, of Iowa. I rise to a question of order. I desire to have a correct vote on this question of sustaining the action of the Speaker, and it seems to me our time ought to be confined to the consideration of the question of the propriety of the ruling. I insist that the gentleman from Illinois, in discussing this question in the manner he does, is not giving us any light on the subject.

The SPEAKER. The Chair hopes the gentleman from Illinois [Mr. SPRINGER] will proceed in order.

Mr. SPRINGER. I beg pardon of the gentleman and of the House if I digress in some small degree. There ought to be some latitude, of course, in discussing a question of this kind, a great public question.

I want to call the attention of the House to the further fact that all public-building bills which have passed the House and have gone to the Senate and there been amended have been laid before the House by the Chair.

The SPEAKER. The gentleman's ten minutes have expired.

Mr. BLAND. I yield the gentleman five minutes more.

Mr. SPRINGER. I am obliged to the gentleman from Missouri for his kindness and will conclude in a very few minutes. All these House bills for public buildings, which have been returned with Senate amendments, have been laid before the House in open House, and the House has taken action on them.

Mr. RICHARDSON. And pension bills also.

Mr. SPRINGER. Yes, sir; pension bills also. So that there has been no deviation from the rule heretofore with regard to House bills with Senate amendments. They have all been laid before the House for its action.

Now, Mr. Speaker, what is the proper order of business here? We are now upon the Speaker's table, and having reached a bill on the Speaker's table it is the province of this House to deal with that bill just as with any other bill that might be reached in its order. The Speaker has admitted by his ruling that this bill was on the table, and that he undertook to refer it to a committee, the Committee on Coinage, Weights, and Measures.

The bill is now upon the Speaker's table under an order of the House; and under the rules of the House it is our province to pass upon that bill in any way we see fit; it is subject here to every point of order and every parliamentary motion that can be made in reference to any bill before the House. The first proposition that could be made in regard to this bill (if any gentleman saw fit to make it) would be that the Senate amendments should receive their first consideration in Commit-

tee of the Whole. That would be a point of order which the Speaker could rule upon; and, if he sustained it, it would be the right of any member to take an appeal from that ruling; and if the ruling were sustained by the House the bill would go not to the Committee on Coinage, Weights, and Measures, but to the Committee of the Whole House on the state of the Union. If the opinion of the Chair should not be sustained by the House, the bill would still be in our hands—what for?

The rule says, "to be at once disposed of, as the House may determine." Therefore, we could then properly move to concur in the Senate amendments to the bill, and it would be the duty of the Speaker to put that motion to the House. If a majority should vote in the affirmative then the bill would be passed, so far as Congress is concerned, and would go to the President. So that gentleman can see how near (and perhaps how far, under this ruling) we are now to a final decision upon the silver bill.

If the ordinary rules of procedure can be had, if we can proceed as in other cases, then the Speaker must lay this bill before the House for our consideration, for the action of the people's Representatives, for them to consider and deal with it as they see fit. If, Mr. Speaker, we can have that right, if we can ever reach the question properly presented, whether the House will agree to the Senate amendments to the bill or not, there can be no question in the minds of any gentleman present that the action here will be overwhelmingly in favor of the adoption of the Senate amendments. We will then have performed our whole duty to our constituents and to our country.

I yield the remainder of the time back to the gentleman from Missouri.

Mr. BLAND. I yield five minutes to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. As I intend, Mr. Speaker, to vote to sustain the appeal from the decision of the Chair, I desire to say a word or two respecting the reasons which influence my vote.

As the Speaker has often stated, the rules of the House are a growth. They come from experience and practice. Very often the impression the individual Representative has as to what ought to be done under a given rule, as it stands in our code, is inconsistent with the usage and practice of the House under such rule.

I can cite members to many instances of this. Under the old rules the Speaker was expressly forbidden after the second roll-call to recognize a gentleman to ask unanimous consent to cast his vote; and yet for very many years, notwithstanding that express rule, the practice of the Speaker, assented to by the House, was, whenever a gentleman stated that he was in his seat during the roll-call and had not voted, to permit him to vote. The rule seemed plain and unequivocal, and yet the practice under it was essentially different from the rule itself.

Now, take the rule under which the Speaker referred this bill. Whatever my impression or your impression may be as to the meaning of the rule, standing alone, when we come to vote on its construction we must vote in the light of the decisions heretofore made upon it and the practice of the House under it. I have referred the House on a previous occasion to the decision of the present Speaker made when a point of order was raised that the House bill for the condemnation of land in the District of Columbia for a post-office building, which had been amended in the Senate so as to make it carry an appropriation, was not such a bill as, under the rules and practice of the House, could be taken from the Speaker's table and laid before the House for consideration; the Speaker distinctly decided that it was his duty to submit the bill to the House for its action.

The gentleman from Illinois [Mr. SPRINGER] has shown you that during this whole session of Congress the silver bill is the first House bill with a Senate amendment which has been privately referred. Why, Mr. Speaker, on the bill involving the question of coinage of silver, should we depart from what has been the usage and practice of the House? What is there peculiar in legislation respecting silver which seems to make a certain party in this House and country so anxious to do secretly that which they do in regard to it? We are told, and we believe it, that the demonetization of silver was a secret process; that it was done without full notice. It was done when the people were not aware of what was being done.

Here we have a repetition of those tactics. Here you find a House bill coming from the Senate with an amendment providing for the free coinage of silver. Here you find that as to that bill the ordinary course of parliamentary procedure in respect to such matters is not followed, but a new and different practice obtains. The bill is not laid before the House, but is secretly referred to a committee. We are not permitted to consider the legislation proposed by the Senate; we are not permitted to have a direct vote upon the Senate amendment.

The SPEAKER. The time of the gentleman has expired.

Mr. BLAND. I yield two or three minutes longer to the gentleman from Georgia.

Mr. CRISP. Now, Mr. Speaker, I recognize the necessity of rules of procedure, although I regard the rules we have as extremely vicious. I believe, however, they do what they were designed to do. They put it in the power of a majority of the House, with the aid of the Committee on Rules, to do pretty much what they please. You gentlemen

have so construed and so enforced them as to absolutely stifle the voice of the minority.

A mixed majority here now desire "to do business." I believe the chief advantage claimed for our rules is that they enable a majority to do business; and yet when we seek, under the rules you have established, "to do business," you pursue a course contrary to the usages and practice of the House, which with the aid of the Committee on Rules will enable you to defeat and deprive us of the right to do so. Against that kind of practice, sir, I protest. While I have not always sympathized with the purposes and intention of gentlemen to "do business," while I have not always sympathized with the great desire expressed by gentlemen on the other side to attain "results," yet, Mr. Speaker, when I find a practice has obtained since the beginning of this Congress, by which the Republican majority has been permitted to attain practical results and to do business, I propose to follow that practice, when by following it the majority of the House—all the Democrats and a few of the Republicans together making such majority—can attain the practical result of free coinage of silver.

I propose now to adhere to the Speaker's construction and the practice, not to the letter of the law. I call your attention to the practice under the rule; I call your attention to the decisions under the rule, and I confidently say to you that, conforming to both, we can, if we will, in this case attain practical results.

If on this appeal the decision of the Speaker is overruled, the silver bill is on our table. It will be submitted to the House (the House has expressly decided that it ought to have been submitted), a motion will then be in order to concur in the Senate amendments, and those gentlemen whose constituents demand that there should be in this country free coinage of silver can settle the question, so far as the legislative department of the Government is concerned, before the sun goes down to-day.

Mr. FITCH. Will the gentleman yield for a question?

Mr. CRISP. One moment. If, on the other hand, this ruling of the Speaker, which is new and a departure from the practice, is sustained, then this bill is sent to the Committee on Coinage, Weights, and Measures, where neither that committee nor the House can control its fate. Even if that committee were friendly to the free coinage of silver, they could do nothing more than to report their bill back and put it upon the Calendar. When it reached the Calendar, there it would sleep until the Committee on Rules gave life and vitality to it.

That committee, and that committee alone, if this bill is referred, can give this House an opportunity to vote on the question of the free coinage of silver. How does that committee feel on the question? My friend from Kansas [Mr. ANDERSON], who claims to be an earnest advocate of free coinage, tells us that the Committee on Rules are patriotic and that they will take care of the interests of the Republican party. So they will, Mr. Speaker, but many of us here are anxious to take care of the interests of the people, and not specially of the interests of the Republican party.

We are not left to conjecture how the majority of the Committee on Rules stand. When we were permitted to consider this bill before, how did they permit us to consider it? They brought in an iron-clad rule by which a certain number of days were given for debate. In the rule an hour was fixed at which the previous question should be ordered upon the bill and pending amendments. That was an iron-clad rule. What was it for? The rule on its face was a harsh one, because in saying that at a fixed hour the previous question should be considered as ordered upon the bill and pending amendments, it limited our right to propose amendments. Harsh as it was, however, under it there might be offered, first, an amendment; second, an amendment to the amendment; third, a substitute, and, fourth, an amendment to the substitute—four motions. Under the rules no more could be offered until one of those was disposed of. This harsh rule was adopted by a party vote.

Then what happened? Four motions could be made, four motions only. The Speaker of the House recognized four Republicans to move amendments, not one of which touched the question of free coinage of silver. Mr. BLAND had been on his feet all the time demanding recognition to offer a substitute providing for the free coinage of silver, but the Speaker could not see him until after he had recognized the four Republicans and the right to amend had been exhausted, then he blandly turned to the gentleman from Missouri and said "No further amendments are in order." [Laughter on the Democratic side.]

Are you left in doubt as to how the Committee on Rules stand on the question of the free coinage of silver? Is there room for speculation? Now, if you sustain the ruling this bill goes to the Committee on Coinage, Weights, and Measures. They may report it back as they please, and it goes upon the Calendar. They please to report against the free coinage of silver. The gentlemen do not deny it. When it goes upon the Calendar it lies there until the Committee on Rules bring in another iron-clad rule, which, perhaps, will read about this way: "Resolved, That this bill shall be taken up at such a day, that it shall be debated so long, and at such an hour a vote shall be taken upon the bill and pending amendments." The rule will be again adopted, and then the Speaker, in sympathy with the gold men of this country, will again recognize their representatives alone to offer amendments to the bill.

Mr. Speaker, those representatives who desire to secure legislation in favor of the free coinage of silver may rest assured that their only hope of success lies in overruling the decision of the Speaker. In so doing you are not violating the precedents. In so doing you are not violating the practice of the House. So that the people may rightly conclude, the people may justly determine, that those representatives who vote to sustain the decision of the Speaker in this case are opposed to the free coinage of silver, and that those gentlemen who vote in this case that this bill is on the Speaker's table and must now be presented to the House for consideration are those who stand as the recognized and earnest advocates of the free and unlimited coinage of silver.

Mr. BLAND. Mr. Speaker, I would like to inquire how much time I have remaining.

The SPEAKER. Nineteen minutes more.

Mr. BLAND. I yield three minutes to the gentleman from Colorado [Mr. TOWNSEND].

Mr. TOWNSEND, of Colorado. Mr. Speaker, I will not attempt to say anything that would throw any light with reference to the question of the rule. Many gentlemen are better fit to discuss that matter than I am, but I say this: It does seem to me that this question, if it is not, ought to be *res adjudicata*, so far as the present action is proposed. Now, sir, if I did not believe that this was the only way to the consideration of the free coinage of silver, I might cast a different vote from what I have cast, and I know, and gentlemen on this floor know, how, when this bill was before the House for consideration in the first instance, there was no opportunity or permission given to offer any amendment except such as was at the disposal of the Committee on Coinage, Weights, and Measures; and if this bill should go to that committee, we have no reason to believe that this House will ever be permitted to cast a vote for the free coinage of silver.

Now, Mr. Speaker, the people whom I have the honor to represent upon this floor are for the free coinage of silver, every man, woman, and child of every party in that State; and did I not vote for an opportunity to get consideration of that question I would be unfaithful to the people whom I represent upon this floor. [Applause.] They look upon the demonetization of silver as the most infamous crime that ever was perpetrated upon a producing people of this country and upon the people of this world. [Applause.] They desire to have that reversed. We simply want to get the matter up here so that we can reverse it, if the majority of this House sees fit to do so. I believe it is wise, and I believe it is the thing to do, and so believing, and so being practically instructed by my people, I shall vote in every way I can to get to the consideration of this bill. [Applause.]

Mr. BLAND. I now yield five minutes to the gentleman from California [Mr. MORROW].

Mr. MORROW. Mr. Speaker, when the present Congress assembled it was confronted with the complaint that in preceding Congresses public business had not been transacted as the people of the country desired and expected. During the last year the subject was a matter of discussion among the people and in the leading magazines in the country by the leaders of both parties. The people demanded, very properly, that there should be some modification of the rules of this House in order that legislation should be expedited and that the business of the House might be transacted. There were many difficulties in the way. Some of them have not been and may never be removed.

The Committee on Rules reported certain modifications of the rules of the former Congress, and among the modifications was an amendment or amendments to Rule XXIV of the preceding Congress. This is the rule that relates to the order of business, and as amended it provides for the immediate consideration of business coming on to the Speaker's table from the Senate.

It is provided—

1. The daily order of business shall be as follows:
First. Prayer by the Chaplain.
- Second. Reading and approval of the Journal.
- Third. Correction of reference of public bills.
- Fourth. Disposal of business on the Speaker's table.

This last provision of the rule, it was supposed, would in some degree at least facilitate the transaction of the business of this House, as we shall see further on. The order proceeds—

- Fifth. Unfinished business.
- Sixth. The morning hour for the consideration of bills called up by committees.
- Seventh. Motions to go into Committee of the Whole House on the state of the Union.
- Eighth. Orders of the day.

The second general clause of the rule is as follows:

2. Business on the Speaker's table shall be disposed of as follows:
Messages from the President shall be referred to the appropriate committees without debate. Reports and communications from the heads of Departments and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner, and with the same right of correction as public bills presented by members; but House bills with Senate amendments which do not require consideration in a Committee of the Whole, may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills.

Mr. Speaker, I desire to call your attention to this provision that follows:

Senate bills, substantially the same as House bills, already favorably reported by a committee of the House, and not required to be considered in Committee of the Whole, may also be disposed of in the same manner on motion directed to be made by such committees.

Now, this last provision was a new method of procedure adopted for the consideration of Senate bills. It was for the purpose of enabling committees to take from the Speaker's table a bill from the Senate when substantially the same bill had been reported by a House committee for the consideration of the House. Unquestionably this facilitated business, because it did away with the necessity of referring the Senate bill to a committee, and probably in the end sending it to the foot of the House Calendar. So it has happened during the present session of this House that many Senate bills have become laws which under the old rules would to-day be at the foot of the Calendar, and these laws owe their existence on the statute-book to the very fact that under this rule they have been taken from the Speaker's table and passed because of the privilege of immediate consideration provided for by this rule.

Now, Mr. Speaker, the country approves of the modification of the rule which has enabled this House to transact business in that way, and we can say to the people with some claim of credit that, with reference to that particular method of procedure, we have so modified the rules that we can transact the business of this House in a more expeditious manner than before. And in doing this we do not deprive bills of proper consideration. They have already been considered by the appropriate committee and reported to the House, and when the same bills have come from the Senate, certainly they have advanced to a position where they should be considered by the House without further delay.

Now the same reason for immediate consideration obtains where a bill has passed the House and has been amended and passed the Senate. It has progressed to a point where the prompt dispatch of business requires that it should be taken from the Speaker's table and laid before the House for immediate action. And referring again to the rule we find it is so provided with reference to certain bills as follows:

House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of, as the House may determine.

But suppose the amendments do require consideration in a Committee of the Whole, what then? Why, Rule XX provides—

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

Now, assuming that the amendments to the bill under consideration render the bill subject to the point of order, what is to be done with the bill? It is on the Speaker's table. It should be laid before the House, and if the point of order is made it must be considered by the Committee of the Whole House, and I submit that a motion would then be in order for the House to resolve itself into the Committee of the Whole House for the purpose of considering the bill. This in the extreme case, but it is a question whether the bill is subject to the point of order.

The original bill contained an appropriation. The bill has been amended by the Senate, but it still relates to the same subject. The Senate amendments contain an appropriation in almost the identical language of the original bill. If the bill is not subject to the point of order that it must be considered in the Committee of the Whole it should be at once considered by the House, but it is nowhere provided that the bill should be considered by any one of the general committees, and there is no authority, either express or implied, for referring this bill to the Committee on Coinage, Weights, and Measures. Such a reference can only result in delay which the rule was framed to avoid. This was the procedure under the old rule. It is not in accordance with the spirit of the new rule, and I submit the bill should be laid before the House for present consideration.

[Here the hammer fell.]

Mr. BLAND. I yield three minutes to the gentleman from Oregon [Mr. HERMANN].

Mr. HERMANN. Mr. Speaker, it is a matter of most profound regret to me to disagree with a large proportion of my associates upon this side of the Chamber, and I feel that it is incumbent upon me to state to the House and to the country the position in which I am situated with regard to this question. I am here as a Representative of the people of Oregon, and as such I feel it to be my bounden duty and obligation to represent those people to the very best of my ability and according to their wishes and their interest.

But recently, within four weeks, this question with others was made an issue before the people of Oregon in an election. Both parties went before them with substantially the same platform. I stood upon the platform of the Republican party and indorsed the sentiments it contained. I agreed to abide by the wishes of the party as set forth in that platform, and I engaged that after I was elected as a Representative to Congress from that State I would endeavor to carry out those wishes as the wishes of the whole people to the best of my ability.

In order that my associates upon this side, particularly, may understand the pledge which I have made to those people, and the sentiments which they have expressed on this question, indeed I may say the instructions which they have given me to execute, I will take the liberty of reading from the platform of the Republican party of Oregon:

6. That, recognizing the fact that the United States is the greatest silver-producing country in the world and that both gold and silver were equally the money of the Constitution from the beginning of the Republic until the hostile legislation against silver which unduly contracted the circulating medium of the country, and recognizing that the great interests of the people demand more money for use in the channels of trade and commerce, therefore we declare ourselves in favor of the free and unlimited coinage of silver and denounce any attempt to discriminate against silver as unwise and unjust.

Mr. Speaker, those are my "sailing orders," and I feel it my duty as a conscientious Representative, upon all questions and upon all motions in which the subject may be involved, to obey those instructions to the best of my ability. I propose to stand or fall by them.

[Here the hammer fell.]

Mr. BLAND. I yield three minutes to the gentleman from Montana [Mr. CARTER].

Mr. CARTER. Mr. Speaker, the action of this House on yesterday, from my point of view, was but the exercise of the supreme right of the House, recognized by the Speaker himself, to control the business of the House. The opinion has been expressed by parliamentarians on both sides of this Chamber that the reference of the bill to the Committee on Coinage, Weights, and Measures was an authorized act, and the defeat of the preamble to the resolution of the gentleman from Texas emphasized that view. But, independent of the reference, regardless of the right to make it, stood the supreme right of the House not only to undo that which the Speaker, as the authorized organ of the House, had done, but to undo that which the House itself might have done the day preceding.

I propose to consistently support the votes cast by me upon yesterday, and that position I will maintain for the reason that I believe such course to be the most direct and business-like way of reaching and disposing of the momentous question in hand. It would be entirely proper to refer this bill to the Committee on Coinage, Weights, and Measures. Who can assert that it is not equally proper for the House to hold the bill and act upon it without the intervention of that committee? Does the assertion of this supreme right by the House imply reflection upon any member or any officer of the House? Not at all. So believing, I propose to combine with those who hold similar sentiments to my own in asserting the right of the House to dispose of its own business in its own way. That right no gentleman in this body recognizes more clearly than the eminent Speaker who presides over the deliberations of the House. We can dispose of this bill to-day with as much intelligence as we can bring to bear upon it at any other time.

Mr. JOSEPH D. TAYLOR. Can this House amend it?

Mr. CARTER. This House is supreme in this Chamber.

[Here the hammer fell.]

Mr. BLAND. I yield three minutes to the gentleman from Nevada [Mr. BARTINE].

Mr. BARTINE. I suppose that every member of this House is perfectly aware of the fact that every gentleman upon this floor who represents a silver-producing constituency represents one every individual of which is in favor of the free coinage of silver. For that reason gentlemen representing those States do not approach this question in a purely technical spirit. We are all of us new members of this House. We do not claim to be great parliamentarians, and for that reason we have not undertaken to discuss the refinements of parliamentary law which have been presented during the course of this debate; but there is one thing which, as a matter of plain common sense, I wish to suggest. While I do not claim to understand parliamentary law, I do claim to understand plain, simple, commonplace English when it is presented to my gaze. The rule under which we are acting, and under which it is proposed to act, makes the statement that when a House bill is returned with a Senate amendment it may be considered and disposed of by the House, unless it requires consideration in a Committee of the Whole.

Now, I do not see how an exception requiring the consideration of a bill in a Committee of the Whole requires its consideration by the Committee on Coinage, Weights, and Measures. The little that I know about law amounts to just this, that when a thing is expressly mentioned in a statute everything else that is not mentioned is excluded, and when this rule says that a bill of this kind may require consideration in a Committee of the Whole, it carries with it the necessary implication that that consideration must be in a Committee of the Whole and not anywhere else, and sending the bill to the Committee on Coinage, Weights, and Measures does not even tend to get it into a Committee of the Whole.

Now, then, aside from all technicalities, I regard the great question involved in this contest as being simply this: Shall we have the opportunity of voting fairly and squarely upon the question of free coinage? I am a member of the Coinage Committee—

[Here the hammer fell.]

Mr. BLAND. I reserve the remainder of my time.

The SPEAKER. The gentleman's time is exhausted.

Mr. MCKINLEY rose.

Mr. BLAND. I had nineteen minutes, of which I yielded five to the gentleman from California [Mr. MORROW], and three minutes to each of three other gentlemen, making fourteen minutes.

The SPEAKER. It is an hour since the gentleman rose and took the floor.

Mr. BLAND. I can not help that. There has been occasionally a good deal of confusion and time has been taken up in that way. The Speaker, when I asked him how much time I had remaining, said nineteen minutes. I then yielded to the gentleman from California five minutes, and to three other gentlemen three minutes each, making fourteen of the nineteen minutes. I may have very little time to reserve, but whatever it is I desire to do so.

The SPEAKER. The gentleman must not be in error about this matter. If the gentleman from Ohio [Mr. MCKINLEY] should move to lay on the table, the time reserved to the gentleman from Missouri would not be at his disposal.

Mr. BLAND. If no further debate is desired, all right; but if there is to be further debate I reserve my time.

Mr. MCKINLEY. If the gentleman from Missouri yields the floor, I desire to take it.

Mr. BLAND. I want it understood that I may have the opportunity hereafter to use the little time I have remaining.

The SPEAKER. The gentleman from Ohio desires to take the floor in his own right.

Mr. BLAND. Certainly; but I suppose I shall have my time to reply.

The SPEAKER. The Chair thinks, under the circumstances, the gentleman had better use his time now.

Mr. BLAND. I believe I have the affirmative on this proposition.

Mr. MCKINLEY. Mr. Speaker, if the gentleman's hour has expired—

Mr. BLAND. The question is on the appeal I have taken, and I think I have the affirmative.

The SPEAKER. Exactly; but the gentleman from Ohio has made a motion to lay on the table, or indicated—

Mr. BLAND. The gentleman has not made the motion.

The SPEAKER. He has indicated that he desired to do so. The Chair simply wished to warn the gentleman from Missouri of the situation, so that he might not lose his four minutes if he desires to occupy them.

Mr. BLAND. If I am compelled to use them now I will do so. I yield two minutes to the gentleman from Georgia [Mr. CLEMENTS].

Mr. CLEMENTS. Mr. Speaker, this ought not to be a political or partisan question, and I shall not discuss it as such. It appears to me, however, to be an appeal on the part of the Speaker from the decision of the House which was rendered yesterday. The House, after voting down numerous dilatory motions, decided at last to erase from the Journal the declaration that this bill had been sent to the Committee on Coinage, Weights, and Measures. If the Speaker has the power this morning in open House to send it there, he had the power to do so privately the other day when he attempted to do so.

This is simply a question as to whether or not the Representatives of the people shall have the right to execute the will of the people; and I want to say to the friends of free coinage of silver on either side of the House this word of warning: If you pass this station the probability is you will not have another opportunity to vote on the question of free coinage of silver upon this bill. I say this in the light of the history of the proceedings on this bill in the House before it went to the Senate and the proceedings here during the last two days.

Now, certainly the condition of this country is such—and a majority of the people recognize that condition to be such—that there ought to be a large increase of the circulating medium in order to respond to the demands of the growing business and trade of the country and to relieve the present depression. Here is a direct opportunity, if the Representatives of the people decide to avail themselves of it, to vote to execute that will; and no technical reason ought to stand between the Representatives of the people and a direct vote on this question.

Now, the fact that the Senate struck out one section of this bill which carried an appropriation at one place and inserted it at another and appropriated more than the House did or proposed an indefinite appropriation does not make it a new appropriation or proposition. Neither does an enlargement of the purposes of the appropriation as stated in the amendment require it to be again considered in Committee of the Whole.

The appropriation, though made indefinite as to amount, is substantially the same as proposed by the House. The substantial object of the bill is the same. It is simply made broader and more effective. The members of the House are ready to pass upon the bill. Again I repeat that no technical reason should defeat direct, immediate, and substantial action upon this important measure.

[Here the hammer fell.]

Mr. BLAND. Did I understand the Speaker to say that I can not reserve my two minutes?

The SPEAKER. The Chair stated that if the gentleman from Ohio moved to lay upon the table the gentleman from Missouri would not be enabled to use the time reserved.

Mr. BLAND. Well, if he should not, I reserve my time.

Mr. McKINLEY. I yield to the gentleman from Pennsylvania [Mr. BUCKALEW]. How much does the gentleman desire?

Mr. BUCKALEW. Three minutes.

Mr. McKINLEY. I yield three minutes to the gentleman.

Mr. BUCKALEW. Mr. Speaker, since the present controversy has arisen I have voted steadily that those members of this House who are the friends of unlimited silver coinage should have fair play and that any action in the House by the Speaker or otherwise should be open and known when it takes place. Besides, it is my conviction that amendments made in the Senate to House bills are, under parliamentary law and under a reasonable and just construction of our rules, to be disposed of in open session, permitting the House to control its business with reference to all matters of that sort which are brought before it by message.

Our new rules have not yet settled into construction. Upon most of the points that can be raised upon them and upon this one, on which contrariety of opinion has arisen, on which there are honest differences, our rules, in my judgment, are to be construed, first, in favor of the power of the House and, second, in favor of free and fair action of the House with reference to all interests concerned in any and every bill that comes before it.

This accounts for the votes I have given up to this moment, and practically for the votes of many other gentlemen who are not committed to the measure of unlimited silver coinage which has been sent to this House from the Senate.

Now, sir, as to that, this bill being now introduced to the consideration of the House and the proposed action of the Speaker upon it announced, it is for this House, by a fair and open vote, according to its best judgment, to determine whether the Speaker shall send the bill to the Committee on Coinage, Weights, and Measures or whether the House shall resist that action and itself proceed to consider the bill.

Well, sir, those who are in favor of the Senate amendment, those who want no prolonged consideration of this measure, may vote to take this bill up immediately and under the previous question drive it through the House without delay. If they have power to do that, possibly it may be their wish and they may succeed, but I, who desire a fair consideration for this gigantic measure in this House as well as in the Senate, I who pay some attention to the proprieties and dignity of public debate and parliamentary proceedings, want this bill to be considered in some regular and proper manner; and, sir, I see no objection on general grounds to the reference of the bill to the appropriate committee, the one indicated by the Chair, to see whether that committee be in favor of it or against it and report their conclusions to the House. Let it make its report and if it shall not come before the House within a reasonable time the House can control it and command it.

And why should not this bill receive such consideration? At all events, from my standpoint of independence in regard to this measure, I shall vote upon it as I shall probably vote upon all other great public measures at this session, that there shall be fair and reasonable consideration before the House is called upon to act on it. And therefore the vote I may now give, for the reason explained, is perfectly consistent with the votes I have heretofore given in favor of bringing this subject before the House. Let us now have a fair, square, and decisive vote, if it can possibly be taken between those hot, warm-headed men who want unlimited silver coinage and without consideration in this House, and those of us who desire its consideration before the House in the regular way and in conformity with our rules.

Mr. BLAND. All we want is consideration. We do not ask anything else.

[Here the hammer fell.]

Mr. McKINLEY. I now yield five minutes to the gentleman from New York [Mr. FITCH].

Mr. FITCH. Mr. Speaker, I have been one of those who for a couple of days past have insisted that this bill should not be sent to a committee by the Speaker without an opportunity for the House to appeal from his decision and to debate that bill and vote upon it; and I have rejoiced with my other friends that there are Republicans on the other side who are willing to take that view of the subject and go along with us to the success which we achieved in connection with the matter on yesterday. But to-day, Mr. Speaker, it is claimed on both sides of the House that this is a victory for free coinage, and those of us who do not believe in free coinage are called upon to go on with this crusade, as my distinguished friend has said, to have immediate consideration for the silver bill and its final passage under the previous question.

Mr. BLAND. Oh, no; we want consideration only.

Mr. FITCH. When it comes to that point my friend from Montana [Mr. CARTER] says that he, combined with those on this side of the House who agree with him, can secure it. Now, Mr. Speaker, he can not combine with me on that branch of the silver question. [Laughter.] So far as I am concerned, I will vote to send this bill to the Committee on Coinage, Weights, and Measures, on which there are distinguished Democrats, in which committee it can be fully considered, so that we may have a full, fair, and open discussion of the subject. Then when it comes back to the House, if there is a majority on both sides of the House who are willing to go to the extreme length which my people at least do not approve, then it will have been at all events

considered in order under the rules, and those who believe as I do upon the subject will not be held responsible.

For the gentleman from Georgia no one has more admiration or higher respect—I refer to the gentleman from Georgia, Mr. CRISP—than I have. But the gentleman made a little mistake to-day when he said that some Republicans, combined with all the Democrats of the House, had voted in favor of this subject of free coinage. I have not voted here for free coinage and I never will. You may make any kind of coin money you please. You may make it out of clam shells, as it was originally fashioned, but you can not have the support of all the representatives of the city of New York in any such legislation as that. [Applause.]

[Here the hammer fell.]

Mr. McKINLEY. I now yield ten minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I am for the consideration of this bill; I am for the enactment of silver legislation. There is no man on the floor of this House that more heartily desires the use of both metals for money than I do. But, in treating of this question and in legislating about it, I propose, so far as my vote goes, to proceed in an orderly way by the aid of a majority of the House, under the rules of the House, to consider, to determine, to legislate.

Much has been said by the gentleman from Georgia [Mr. CRISP] and the gentleman from California [Mr. MORROW] about the position of various members of this House. I want to say that when any man states as a Representative that I am not for the fullest use of both metals, keeping them equal in value for money purposes, he states that which is incorrect.

Now, what is the question before the House? Whether or not, under the rules that were made by the aid of the votes of the gentleman from California [Mr. MORROW], the gentlemen from Oregon [Mr. HERMANN], the gentleman from Montana [Mr. CARTER], and others for the consideration, not of one bill, but of all bills—whether these rules shall be observed. I nowhere find within the body of the rules that they shall be observed except as to the silver bill. The exception is not there.

You did not make the reservation. And I want to say that I honor the gentleman from Montana. He has the manhood to avow his position and has the courage of his convictions. He marches straight to the mark. He says "True, so is the rule, but with the rule, or in the teeth of the rule, before it is repealed, I will march under the rule or over the rule to this legislation."

I commend his frankness to the gentleman from California [Mr. MORROW] and to the gentleman from Oregon [Mr. HERMANN].

Mr. MORROW. Does the gentleman from Illinois question the integrity of the other gentlemen who vote here, believing that the rule authorizes them to vote as they do?

Mr. CANNON. I never question anybody's integrity. [Laughter.] I said, and I say it again, that I honor the gentleman from Montana [Mr. CARTER] for his manliness, and directness, and courage in saying, "True, the rule is the other way, but I want legislation, and I want it so badly and so quickly that I will trample upon the rule," and he does not pettifog—I will not say pettifog, but he does not undertake to manipulate the rule away.

Mr. MORROW. Will the gentleman allow me to ask him another question?

Mr. CANNON. Certainly.

Mr. MORROW. Does not he think it requires some little courage on our part under any circumstances to face the Republican side of this House and vote upon this question as we have voted from day to day?

Mr. CANNON. Ah, my friend, each man in this House must settle his vote by his own judgment, by his own wisdom, for himself. It is not for me to criticize; but standing here as a Representative, recognizing that this is a Government from time to time by parties, and will continue so as long as the Republic lives, for one, so far as I am concerned in this Congress, having helped to make these rules, I will observe them and march shoulder to shoulder with other Representatives under the rules, to work out wise, just, and proper legislation that will honor silver, not degrade it, that will keep the yellow and the white metals side by side. That is the way I propose to work it out.

Mr. MORROW. That is a discussion of the silver bill, not of this decision.

Mr. BLAND. That rule was prepared to enforce gag law, and that is the way you want it.

Mr. CANNON. My friend is always being gagged. Why, God knows a barrel of ipecac would not gag him. [Laughter.]

Mr. ENLOE. Put a fresh cracker on your whip. [Laughter on the Democratic side.]

Mr. BLAND. I think free coinage would gag you very much.

Mr. CANNON. Why, gentlemen, this is a rule of a majority in the House of Representatives. A majority can make the Journal, which should tell the truth, tell that which is untrue. A majority can do anything. It can adopt a special order; it can disregard the rules; it did falsify the Journal. It can do all these things. And yet these gentlemen say they are oppressed by three members of the Committee on Rules.

Mr. BLAND. Did you allow us to vote on a bill for free coinage?

Did you not gag it? Do you not know the Speaker gagged it and the Committee on Rules gagged it?

Mr. CANNON. I am going next week to introduce a resolution to bring from Paris an apostle of Pasteur and establish a hydrophobic hospital here. I think we will need it pretty soon.

Mr. FARQUHAR. Judging by the way they keep barking.

Mr. CANNON. Now, one word further. Gentlemen say that this Committee on Coinage is an unfriendly committee. If so and we want it to act, we can compel it to act. But I say, from the bills which it has reported and from what the chairman has stated in open House in the last two days, that it is not an unfriendly committee. But, whether it is unfriendly or not, there is where the rule sends the bill, and speaking as a representative of the people, to the representatives of the people, we go to our people to the laboring men who earn their bread by the sweat of their brows [derisive laughter on the Democratic side]—we go to them for indorsement or rejection in November. We get our letters of attorneyship direct from the fountain-head. We do not get them once in six years through a Legislature. And now is the time for the representatives of the people, for the protection of the people, all the people—the silver men, and the gold men, and the man who earns his living in the sweat of his brow—now is the time for this body to consider and legislate so that every man, woman, and child in this country, everywhere, shall receive the price honestly given of a day's wage. And nothing seen or unseen, no threat, nothing to come or to be apprehended, will drive me or should drive the House of Representatives from a full, fair consideration and an honest settlement of this question, a settlement that will always keep gold and silver, and that gold and silver as good as the best money in the world, in circulation in this country.

Mr. WILLIAMS, of Illinois. My friend from Illinois [Mr. CANNON], as a member of the Committee on Rules, when the question was up before, did not give us an opportunity to discuss this measure as we wished.

Mr. CANNON. My colleague from Illinois [Mr. WILLIAMS], my friend from the district so long represented by my worthy colleague who has passed away, Mr. Townshend, interrupts me. I sometimes wonder whether my old friend and ex-colleague, whom I prized so much, if he could look down from above, would look with approval upon all the performances, and interpolations, and interruptions by his successor. [Laughter.]

Mr. WILLIAMS, of Illinois. I am not a candidate for the Speakership, however.

Mr. PERKINS. Mr. Speaker, I do not consider the pending appeal from the decision of the Chair a question as to whether we shall have free coinage or something less than that, or whether we shall have legislation upon this important subject or not. In my judgment the question that we are called to consider and determine now is one whether, according to the rules of this House, we will have an orderly and methodical consideration of business and thoughtful and patriotic legislation or whether, without consideration, without deliberation, and in violation of the rules, there shall be forced through this House a measure honestly believed in by many, but forced through under circumstances that if possible will induce an Executive veto when presented to the President of the United States for his consideration. [Applause on the Democratic side.]

I know many gentlemen upon the other side of this House personally, and I know them as individuals to be reputable and deserving gentlemen, but they deem that their allegiance is to the Democracy of the United States, and collectively, in my judgment, they would wreck the business interests of this country, if by doing so they could advance the interests of the Democratic party. [Applause on the Republican side.] To-day, yesterday, and the day before we saw them unitedly contending for the position they assumed, not in the interest of free coinage, not in the interest of wise legislation, and not to secure the passage of a bill that would give us free and unlimited coinage of silver, but to force through this House a measure under circumstances that if possible would compel the Executive of this nation to veto it, because it did not secure the sanction of a deliberative body. [Derisive jeers on the Democratic side.]

Personally I am in favor of free coinage. [Cries of "Oh!" on the Democratic side.] I represent a constituency that believes in free coinage and in the remonetization of the silver dollar. [Renewed jeers on the Democratic side.] But I do not represent a constituency that sent me here to rebuke the Speaker of this House when he honestly and fearlessly discharges the duty that is given to him under the law and under the rules of this House. [Applause on the Republican side.] I do not represent a constituency that sent me here to vote to have the Journal of this House certify and recite a lie or to expunge a respectful and truthful statement of fact. [Cries of "Good!" and applause on the Republican side.] I do not represent a constituency that sends me here to induce the consideration of this measure in violation of the rules that we as Republicans adopted for our government and for the dispatch of business; and I am much mistaken, Mr. Speaker, in my judgment, if the intelligent people of Oregon, who sent this honorable gentleman here [Mr. HERMANN] sent him here with any such instructions or for any such purpose.

Mr. HERMANN. They sent me here in favor of free coinage of silver.

Mr. PERKINS. Their instructions are to give your support and indorsement to a free-coinage measure; and when that proposition is before the House I shall stand and vote with my friend from Oregon. [Derisive jeers on the Democratic side.] But I do not allow nor will I suffer myself to be swayed by gentlemen upon the other side, who are not anxious to secure free silver, but who are anxious to embarrass the Republicans, who are anxious to embarrass the Administration, and who are only anxious to force through this House this measure under circumstances that will compel a veto from the Executive if it is passed. [Renewed derisive jeers on the Democratic side.] It is not legislation that they want; it is not a free-coinage bill that they want.

Mr. HEARD. How do you know it is not free coinage?

Mr. PERKINS. It is not a larger volume of money and prosperity for the people that they desire, but to gain political advantages they would wreck this important legislation, hoping thereby to embarrass the Republican party and the Republican Administration. [Laughter on the Democratic side.] This fact is shown by the votes of the anti-silver men on the Democratic side of the House as well as by those who profess to be the friends of silver.

Mr. Speaker, let us be done with this juggling. In due time this bill will be reported to this House for our consideration and action, and in my judgment legislation will be secured that will be of great value to the people. Our mines will be opened, the volume of our money will be increased, and thrift and prosperity will come to our people, but those of us who are the friends of free silver ought not to permit ourselves to be used by our political enemies for the sole purpose of embarrassing the Administration with the hope that by such methods it will be induced to veto this measure of so much importance to the great agricultural sections of the country. [Loud applause on the Republican side.]

Mr. SPRINGER. I call the gentleman to order.

The SPEAKER. The gentleman from Kansas has yielded the floor.

Mr. SPRINGER. It is in violation of order to make a threat of an executive veto against any measure; and I want to make that point against the remarks of the gentleman from Kansas. [Applause on the Democratic side.]

Mr. MCKINLEY. I yield five minutes to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON, of Iowa. The gentleman from Illinois [Mr. SPRINGER] stated the question when he was on his feet about the custom of referring bills by the Speaker—House bills coming back from the Senate with amendments—without its being done in open House, and challenged any one to state an instance when it had been done. I accept the challenge. I had charge of the urgent deficiency bill appropriating money for the Government Printing Office, being House bill 10390. That bill was returned to the House, referred to the Committee on Appropriations by the Speaker, considered there, referred back and passed this House with certain amendments which were recommended by the Committee on Appropriations; and not one word was said about that bill in open House between the time that the message of the Senate was read and when I reported it back to this House in pursuance of the instructions of the Committee on Appropriations. In support of that statement, I ask the Clerk to read from the Journal the reference made of House bill 10390.

Mr. SPRINGER. What page is it in the RECORD?

Mr. HENDERSON, of Iowa. The Clerk will read it from the Journal.

The Clerk read as follows:

June 9.—Under clause 2 of Rule XXIV, a bill of the House of the following title on the Speaker's table was referred by the Speaker as follows, to wit: With amendments of the Senate thereto, House bill 10390, making appropriations to supply a deficiency in the appropriation for public printing and binding for the last quarter of the fiscal year 1890—to the Committee on Appropriations.

Mr. HENDERSON, of Iowa. That settles the issue presented by the gentleman from Illinois [Mr. SPRINGER]. Now, Mr. Speaker, some of the practices of this House have been, when matters have come from the Senate, to have a reference asked for then and there, and the Speaker sometimes in clearing his table has presented them, and sometimes the party in charge of the bill would ask to have it done; but in many other cases, and I think in perhaps half of the urgency deficiency bills that I have had charge of, they have been referred in the same manner as that of which I have spoken, which is exactly the manner in which the bill under consideration was referred to the Committee on Coinage, Weights, and Measures.

Mr. SPRINGER. Now I want to call the attention of the gentleman—

Mr. HENDERSON, of Iowa. I will not yield. I will not allow the gentleman to interrupt me.

Mr. SPRINGER. But you will. The RECORD does not show the fact. Mr. HENDERSON, of Iowa. I have given a case. I have accepted the gentleman's challenge and given the evidence of the reference of such bills. It is in the Journal of the House as I have proved.

Mr. SPRINGER. I say that it is not here in the RECORD. Mr. HENDERSON, of Iowa. I might as well try to stop Vesuvius as try to stop him. I do not yield to the gentleman from Illinois.

The SPEAKER. The gentleman from Illinois has no right to interrupt the gentleman from Iowa unless he consents, and the gentleman knows that very well.

Mr. HENDERSON, of Iowa. Now, Mr. Speaker, I am not here representing the money-lenders of Wall street; I am not here representing the great mine and silver-bullion owners of the West; I do not care a snap of my hand for either or all of them; I am representing my own good people, who want good money, people who want money that will be as good in the hands of the poor as in the hands of the rich.

In my representative capacity in this Congress I have fought and will continue to fight for such legislation as will keep the mints of this country at work every minute they can be utilized, and that will consume the entire silver product of the silver mines of my country [applause], and that is what I want. It is charged on this floor that to follow the clear rules of this House, clean cut and unquestionable, and send this bill to the Committee on Coinage, Weights, and Measures, is to bury it. I deny that proposition. I know this side of the House—yes, and I know that side of the House—and I say to you, gentlemen of the House of Representatives, that the proper reference of this bill, under the rules of this House, will give that bill its due consideration and that it will come back promptly to this House for consideration and action.

Mr. BLAND. Will that free-coinage bill come back?

Mr. HENDERSON, of Iowa. I do not yield to the gentleman from Missouri. [Laughter on the Democratic side.]

Mr. BLAND. You know it will not.

Mr. HENDERSON, of Iowa. I say that the bill of the House amended by the Senate, with the judgment of the Committee on Coinage, Weights, and Measures, will be reported back to this House for action, and I expect to see a bill passed that will provide for consuming the entire product of the silver mines of this country. In spite of your Democratic opposition, I expect to see such a bill enacted into law with the sanction of a Republican President before this Congress adjourns. [Applause on the Republican side.]

No men voting as we have done in this House want to defeat silver legislation. A few gentlemen may honestly fear that a commitment of this bill will defeat silver legislation, but I do not agree with them in the policy they have pursued. These men who have been voting with the Democrats know my sentiments and know how I have stood side by side with each and all of them to secure silver legislation, and there I stand to-day. But I stand also by the rules of this House. I am ready, under the rules, to fight to enlarge the law so as to give a greater currency to the country, a currency that will be good and acceptable; not a currency that will be found valueless and discredited. Some want currency without regard to its value or standing. Let our money go down in value and where will it be found? Not in the banks of Wall street, not in the safes and vaults of the great money centers, but among the farmers and the laboring men of the country.

There is where the discredited money will be found. It is not the bright men who lend money and shave notes that get caught at such an hour. No, no; it is the laborers and the farmers of the country, and for these I stand in favor of a currency that they will not have to consult a bank detective or a great financial genius to find out whether it is good money or not and whether worth as much as a gold dollar or not. On that line of thought I stand by the rules of the House; I believe that the ruling of the Speaker is right, and I would be glad to see every man on this side of the House and on that take an orderly course of procedure which will bring this bill here, through the proper channels, for our final and wise consideration and disposition. [Applause on the Republican side.]

Mr. SPRINGER. Now, may I be permitted to make an explanation?

Mr. ALLEN, of Michigan. I object.

[Cries of "Regular order."]

Mr. CUTCHEON. Mr. Speaker, it seems to me that the issue presented to us this morning is very simple, clear-cut, and well defined. It is not whether we are in favor of the free coinage of silver; it is not whether we are in favor of the Senate amendments to the House bill; but the sole and only question is whether the Speaker of this House has acted in accordance with the rules of this House in the reference of this bill to the Committee on Coinage, Weights, and Measures.

Now, I desire to corroborate the statement of my friend from Iowa [Mr. HENDERSON] in regard to the practice of the House. It happens that two important bills, both appropriation bills, have been reported from the Committee on Military Affairs, with which I am connected, have gone from the House to the Senate, have been there amended and returned to the House with the Senate amendments, and have been referred to the Committee on Military Affairs, precisely as this bill was referred to the Committee on Coinage, Weights, and Measures. I refer to the Army appropriation bill and the Military Academy appropriation bill. When those bills came back to the Speaker's table, without one word being said in open House, the first we knew they made their appearance in the committee-room of the Committee on Military Affairs by a reference made precisely as the reference in this case was made. And now I desire to challenge the gentleman from Illinois [Mr. SPRINGER] to cite one single instance of a House bill re-

turned from the Senate with Senate amendments since the 14th day of February, when these rules were adopted, that has not been referred to the appropriate committee precisely as this bill was referred if it came in the same category and was a bill demanding consideration in a Committee of the Whole.

Mr. SPRINGER. There is not one case reported in the RECORD where a bill was referred as you state.

Mr. CUTCHEON. There is not a single instance of an appropriation bill which has gone to the Senate from the House and has been amended by the Senate and returned to the House that has not been referred in the due, orderly course of business precisely as this bill has been referred.

Mr. SPRINGER. That I distinctly deny, and I cite the RECORD to the contrary.

Mr. CUTCHEON. The gentleman from Iowa [Mr. HENDERSON] testifies as to what was done in the case of a deficiency bill, and I know that my statement is correct as to the bills of the Committee on Military Affairs. There has not been a single bill that has been reported from that committee to the House and has gone from the House to the Senate and been amended there and then has come back to the House with the Senate amendments that has not been referred in the manner I have stated. I defy contradiction.

Mr. SPRINGER. I contradict the statement now, and I point to the CONGRESSIONAL RECORD for the proof.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] knows that he has no right to interrupt another gentleman without his consent, but it seems impossible for him to obey the rules of the House.

Mr. SPRINGER. I am obeying them.

The SPEAKER. The gentleman from Michigan [Mr. CUTCHEON] has the floor, and the gentleman from Illinois has no right to interrupt him.

Mr. SPRINGER. The gentleman challenged me.

The SPEAKER. It makes no difference whether the gentleman from Michigan "challenged" the gentleman from Illinois or not—

Mr. SPRINGER. It makes a difference to me, though apparently not to the Speaker. [Laughter.]

The SPEAKER. The gentleman from Illinois has no right to interrupt the gentleman from Michigan without his consent.

Mr. CUTCHEON. Clause 2 of Rule XXIV is perfectly plain. There are but two classes of bills referred to in this paragraph. First: "Bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner and with the same right of correction as public bills presented by members;" secondly, "House bills with Senate amendments which do not require consideration in a Committee of the Whole."

Bills of the first class are to be referred precisely as bills introduced by members, that is, they are to be referred by the Speaker precisely as private bills are referred by the Clerk, and not otherwise. The second class of bills, provided they do not require consideration in Committee of the Whole, may be laid before the House for immediate consideration. "May be" is the language of the rule.

Now, Mr. Speaker, the only remaining question is, does this measure require consideration in Committee of the Whole? I hold in my hand the Senate proposition, and, as remarked by the Speaker in his ruling, it provides that—

A sufficient sum of money to carry out the provisions of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated.

I now refer to the language of Rule XXIII, paragraph 3:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole.

That, Mr. Speaker, concludes the argument. This bill does make an appropriation of money; it must be considered in Committee of the Whole. Therefore the reference is correct; and the Speaker must be sustained or we must violate our oaths of office.

Mr. MCKINLEY. I yield five minutes to the gentleman from Iowa [Mr. CONGER].

Mr. CONGER. Mr. Speaker, the question before the House at this time is not whether we shall have free coinage or shall not have free coinage, but it is a question of parliamentary procedure under the rules of this House. The Speaker has referred a bill to the proper committee of this House under the rules, and the question is whether he shall be sustained in that proper reference.

No question of equal magnitude with the measure that has been sent over to us from the Senate was ever acted on in this House without deliberate consideration by some committee of the House. Why, gentlemen, the bill sent over here from the Senate is not simply a free-coinage bill. There are matters in that bill which have never yet been discussed in either branch of this Congress.

Why, sir, this bill goes infinitely beyond the free coinage of silver. It not only proposes to coin all the silver that may be brought to our mints from anywhere in the world free of expense to the holder, but it also provides and advertises the fact to the world that any man who

can by any accumulation of capital control the purchase of silver bullion anywhere in the world may bring it immediately to our mints and be paid for it in legal-tender money of the United States, at a price 30 per cent. above its market value, and fixed and guaranteed by the Government. Gentlemen, I say there are not three districts in the United States outside of the silver-producing States that are in favor of such a proposition as that; and the people of this country outside of those districts would not indorse such a proposition for a single moment if they understood it. Now, gentlemen, such a measure as this does deserve deliberate consideration. It did not have it in the other branch of Congress.

That part of the measure was never considered; in fact, the details of the Senate amendment were scarcely discussed in the Senate, and, gentlemen, I, for one, insist that a measure of this magnitude ought to be deliberately and carefully considered, and if sent to the Committee on Coinage, Weights, and Measures it shall have such consideration, and at the earliest possible date.

To those gentlemen who have intimated that by sending this bill to the Committee on Coinage, Weights, and Measures it will be consigned to the "tomb of the Capulets," I want to say here that I, for one (and I believe I understand the sentiments of that committee), promise today, as I did the other day, that this measure shall be reported back to the House at the earliest possible moment.

Why, sir, this committee is not unfair to silver. The Speaker in making up this committee has made it up as fairly as a committee could possibly be made. He has placed upon it, at the head of the minority, the most notorious silver man on the Democratic side of this House and he has placed upon it on this side two of not only the ablest, but the most enthusiastic supporters of silver. And I want to say for myself that no man on this floor or elsewhere has ever heard me offer a single argument against the free coinage of silver. I am, and every utterance I have made will prove it, in favor of the free coinage of silver. But I wish to reach that condition under some safe, honest, conservative plan that will insure the use of both gold and silver as money, and am not for a plan like this of the Senate which will permit only the use of silver.

[Here the hammer fell.]

Mr. McKINLEY. I yield five minutes to the gentleman from Kansas [Mr. PETERS].

Mr. PETERS. Mr. Speaker, I want to call the attention of the House to the exact status of the question now before us. The Speaker decided that this bill under our rules must be referred to the Committee on Coinage, Weights, and Measures, and an appeal has been taken from that decision. That is the whole question at issue. If the Senate amendment requires an appropriation, then it must be considered in the Committee of the Whole, because, according to Rule XX—

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union, if, originating in the House, it would be subject to that point.

When the gentleman from Missouri [Mr. BLAND] was speaking I asked him the question, Suppose the Senate amendment which provided for the free coinage of silver had been introduced as a House bill by him and reported to the House by the Committee on Coinage, Weights, and Measures, would not such a bill under our rules necessarily receive its first consideration in the Committee of the Whole? The gentleman declined to answer the question or evaded it.

Mr. BLAND. I understand—

Mr. PETERS. I have not time to yield.

Mr. BLAND. Just an instant. I understand you claim that the bill under consideration, the Senate bill, and the House bill are different propositions. Now, they both relate simply to one proposition, that of silver and silver coinage and the utilization of silver. It is therefore one proposition.

Mr. PETERS. I will come to that presently, if I have time.

The primary question, Mr. Speaker, for us to consider now is this: If the Senate amendment had been introduced as a bill in the House and referred to the Committee on Coinage, Weights, and Measures and had been reported back for the consideration of the House by that committee, would it not receive its first consideration in the Committee of the Whole? I think it would, and there is no escape from that conclusion.

If, therefore, a Senate amendment is put upon a House bill, which amendment, if it had been originally introduced in the House or placed on the bill when reported from the committee, must first be considered in Committee of the Whole, then the action of the Speaker is undoubtedly correct and the bill must necessarily be referred to the Committee on Coinage, Weights, and Measures.

I spoke the other day on the question of whether the reference was proper or not without being called to the attention of the House. Other gentlemen have so clearly and forcibly established the proposition that I need not refer to it again. That has been conclusively shown in the discussions which have taken place during the last two days.

I stated to-day that the practice in the House had been, with regard to appropriation bills, for the Speaker to refer them to the appropriate committees without calling the attention of the House to them.

That statement was denied; but gentlemen on committees having charge of appropriation bills say that it has been frequently done. I know that the record shows certain cases where appropriation bills were referred in open House. But there were reasons for it which made such action necessary. For instance, where the committee wanted to take action upon such bill messaged from the Senate, the Speaker at once laid it before the House for reference to the committee, which committee could examine promptly and thereby economize time. Such are the only exceptions and such is the only purpose of calling the attention of the House to such reference.

So, Mr. Speaker, the whole question now resolves itself into one, not of free coinage or the reverse of free coinage, but whether the Speaker, under the rules of the House, has decided correctly to refer this bill to the Committee on Coinage, Weights, and Measures.

Mr. COWLES. Oh, no; that is not the question at all.

Mr. PETERS. I believe, looking at it from the standpoint of a lawyer, that no other action on his part would have been proper, and in fact that any other action would be a clear violation of the rule; and I will never vote to censure the Speaker for carrying out what I believe to be the spirit as well as the letter of the rule. To do so and to go home to my constituents and state to them that I had condemned the Speaker for doing what he was required to do under the Constitution and the rules of the House, would subject me to that just condemnation to which every member should be subjected who violates the sacred obligation of the oath that he takes here.

Mr. FUNSTON. Will my colleague yield for a question?

Mr. PETERS. In a moment.

I concede that other gentlemen may differ on these propositions. I can readily understand how differences of opinion may arise; but my own judgment and conviction, from a careful consideration of the subject lead me to this conclusion and must be my guide.

Now I will yield to my colleague.

Mr. FUNSTON. The House virtually decided on yesterday that the Speaker had not properly referred the bill, or rather that it was not referred at all. Now, if they decide the same thing to-day, when is this re-referring of the matter to come to an end?

Mr. PETERS. If the House decides to-day that this bill is not properly referred, it simply postpones the consideration and final action upon the silver question.

Mr. FUNSTON. But every time the House decides that this has not been properly referred, is the Speaker to bring it up and re-refer it?

Mr. PETERS. If the House decides to-day that it has been properly referred to the Committee on Coinage, Weights, and Measures, then we have a promise of speedy and prompt action.

Mr. FUNSTON. But that is not the question. Suppose the reference to the Committee on Coinage, Weights, and Measures is set aside; this is a question as to what shall be done with the bill which is on the Speaker's table. Shall the Speaker continue referring it?

Mr. PETERS. No; the Speaker has decided to refer it to the Committee on Coinage, Weights, and Measures.

[Here the hammer fell.]

Mr. McKINLEY. I now yield two minutes to the gentleman from Minnesota [Mr. DUNNELL].

Mr. DUNNELL. Mr. Speaker, I have not occupied the attention of the House for a minute since the discussion of this matter began. I have the fullest confidence in the Committee on Coinage, Weights, and Measures; and I shall therefore vote to place the House bill with Senate amendments in the charge of that committee, and I have no doubt that they will immediately enter upon the discussion and consideration of the new bill and report their conclusions promptly to the House.

I believe that the sentiment of this House is too strong to be disregarded either by the committee or the dominant party of this House. I believe at least that the majority of this House is in favor of a coinage that shall absorb the entire product of the United States, or it may be in favor of a coinage that shall be open to the silver product of the world. I am for a measure that shall provide for the coinage of American silver.

A remark was dropped this morning by the gentleman from Georgia [Mr. CRISP] with which I have become somewhat weary. It is that the demonetization of silver in 1873 was done in a corner; that it was not known at the time; that it was a secret; that it was a snap judgment; and that the two branches of Congress knew nothing about the passage of the bill which demonetized silver when they passed it.

Mr. Speaker, only four or five days ago Senator SHERMAN, in a full and elaborate speech, showed from the CONGRESSIONAL RECORD that sixty days were given to the discussion of that question and that silver was not demonetized until it had had a full discussion in both branches of Congress.

[Here the hammer fell.]

Mr. McKINLEY. I yield five minutes to the gentleman from Iowa [Mr. KERR].

The SPEAKER. The gentleman has ten minutes remaining.

Mr. KERR, of Iowa. Mr. Speaker, I have several times had occasion to call attention to the fact that gentlemen on that side of the House had only recently become impatient on this silver question. No proposition looking to an increase in the amount of silver money in

circulation in this country came from any committee on that side of the House during the four years of the last Administration, except in the form of a minority report. And gentlemen on that side were entirely patient under that condition of affairs, and notwithstanding the fact that their President proposed to entirely abolish the coinage of silver he received a renomination by a unanimous vote from every constituency in the United States, including the great district of Missouri. So that I have the right to infer that this anxiety on the part of gentlemen on the other side is simply for political purposes and with a view to embarrassing this Administration. Now, in that view of the case, having, as I have, entire confidence in the gentleman from Iowa [Mr. CONGER] who is chairman of this committee—

Mr. BLAND. Will the gentleman yield—

Mr. KERR, of Iowa. I have not time. And this committee being in favor of using the entire silver product of the United States, and ultimately of the unlimited free coinage of silver, I am in favor of referring the matter to that committee. I wish to say further that this bill as it comes to us from the Senate is not only a bill for free coinage, but it is a bill for the unlimited issue of Treasury notes, based upon the silver of the entire world and redeemable in coin generally. It is a proposition for the issuing of paper money that would never receive the sanction of one-half of the men on that side of the House if it were not for the fact that the act in that direction will embarrass, as gentlemen think, this Administration; because the decision of their courts and the entire history of their party are against the issuing of paper money and making anything but gold and silver a legal tender. And on that ground every gentleman on that side knows that the Senate bill, or this bill with the amendments of the Senate, would never receive the sanction of that side of the House except for the purposes that I have indicated.

Mr. MCKINLEY. I now move to lay the appeal of the gentleman from Missouri [Mr. BLAND] on the table.

Mr. BLAND. I had two minutes.

The SPEAKER. The gentleman yielded his two minutes to the gentleman from Kansas [Mr. PETERS].

Mr. BLAND. No, sir; I did not yield to him.

The SPEAKER. The gentleman asked a question, and upon the gentleman from Kansas saying that he had not time, the gentleman from Missouri said he yielded his time.

Mr. BLAND. No; I said I had yielded to him for a question when I was on the floor before. The Speaker misunderstood me.

The SPEAKER. Then, if the Chair misunderstood the gentleman from Missouri [Mr. BLAND], the gentleman is in the position which the Chair warned him of before, namely, that the gentleman from Ohio now moves to lay the appeal on the table, and that is not debatable.

Mr. MCKINLEY. I will not make the motion until the gentleman has occupied his two minutes.

Mr. BLAND. I yield to the gentleman from Nebraska [Mr. CONNELL].

Mr. CONNELL. Mr. Speaker, like my friend from Nevada [Mr. BARTINE] I am a new member, from the wild and woolly West. I am free to admit that I have only a limited knowledge regarding national legislation. I confess I am inexperienced so far as the rules and practice of this House are concerned.

It may be that it is due to such limited knowledge and inexperience that I am unable to understand the position of Republican members about me who declare in favor of free coinage and vote in the opposite direction. There is much regarding the rules and procedure of this House which I do not understand.

But I do not propose, in the brief space of two minutes which has been yielded to me, to undertake to tell all I do not know, as that would be impossible. I do wish, however, to refer to one thing I can not understand, and that is, why this is made a political question. I can not see why a line should be drawn from the Speaker's desk through the center of this Hall, dividing Democrats and Republicans. I deny that this is a political question. It is above and beyond that, and if you wait until the roll is called you will hear members on the other side voting according to their convictions, not their political convictions, but according to their belief on this question of free coinage.

Then, why, on this side, should not members who are in favor of free and unlimited coinage of silver vote according to their convictions, vote as representatives of the people who sent them here? Why do not the Western members, who know the sentiment of the West, stand up like men and vote according to their convictions, and vote according to the speeches they have been delivering here in this House? Now, Mr. Speaker, there is one other thing I do not understand, and that is why those who favored limited debate when the silver bill was originally discussed are now pleading for time for its further consideration. If not for the purpose of "burying" the bill, it must be to suspend it, like Mohammed's coffin, "between high heaven and earth." I am in favor of meeting all questions arising under the amendments proposed by the Senate right here and now.

[Here the hammer fell.]

Mr. MCKINLEY. I move now to lay upon the table the appeal of the gentleman from Missouri [Mr. BLAND].

The SPEAKER. The question is upon the motion of the gentleman

from Ohio [Mr. MCKINLEY]. The Chair has announced to the House that he refers the bill to the Committee on Coinage, Weights, and Measures, and that the Chair does so under the rules of the House for the reasons given. The gentleman from Missouri [Mr. BLAND] appeals from the decision of the Chair, and the gentleman from Ohio [Mr. MCKINLEY] moves to lay that appeal upon the table.

Mr. MCKINLEY. And upon that I demand the yeas and nays.

Mr. BLAND. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 144, nays 117, not voting 66; as follows:

YEAS—144.

Adams,	Dargan,	Lind,	Rockwell,
Allen, Mich.	Darlington,	Lodge,	Rowell,
Anderson, Kans.	De Lano,	Maish,	Russell,
Arnold,	Dolliver,	McAdoo,	Sanford,
Atkinson, W. Va.	Dunnell,	McComas,	Sawyer,
Baker,	Dunphy,	McCormick,	Seull,
Banks,	Evans,	McKenna,	Sherman,
Bayne,	Ewart,	McKinley,	Smith, Ill.
Beckwith,	Farquhar,	Miles,	Smith, W. Va.
Belden,	Finley,	Milliken,	Smyster,
Belknap,	Fitch,	Moffitt,	Spider,
Bergen,	Flek,	Moore, N. H.	Spencer,
Bingham,	Flood,	Morey,	Stahneck,
Bliss,	Frank,	Morrill,	Stephenson,
Boothman,	Gear,	Morse,	Stivers,
Boutelle,	Geissenhauer,	Mudd,	Stocksbridge,
Bowden,	Gest,	Mitchler,	Struble,
Brewer,	Gifford,	Niedringhaus,	Sweeney,
Brosius,	Greenhalge,	O'Donnell,	Taylor, E. B.
Browne, Va.	Grosvenor,	O'Neill, Mass.	Taylor, J. D.
Buchanan, N. J.	Hansbrough,	O'Neill, Pa.	Thomas,
Buckalew,	Haugen,	Osborne,	Tracey,
Burrows,	Henderson, Ill.	Owen, Ind.	Turner, Kans.
Burton,	Henderson, Iowa	Payne,	Vandever,
Butterworth,	Hill,	Payson,	Van Schaick,
Caldwell,	Hitt,	Perkins,	Waddill,
Candler, Mass.	Kennedy,	Peters,	Walker, Mass.
Cannon,	Kerr, Iowa	Pickler,	Wallace, Mass.
Caswell,	Ketcham,	Post,	Wallace, N. Y.
Cheadle,	Kinsey,	Pugsley,	Watson,
Cogswell,	Knapp,	Quinn,	Wickham,
Comstock,	Lacey,	Raines,	Wiley,
Conger,	La Follette,	Randall,	Williams, Ohio
Culbertson, Pa.	Laidlaw,	Reed, Iowa	Wilson, Ky.
Cutcheon,	Laws,	Reyburn,	Wright,
Dalzell,	Lehbach,	Rife,	Yardley.

NAYS—117.

Abbott,	Cothran,	Kelley,	Robertson,
Alderson,	Cowles,	Kilgore,	Rowland,
Anderson, Miss.	Crain,	Lane,	Sayers,
Bankhead,	Crisp,	Lanham,	Shively,
Barnes,	Culbertson, Tex.	Lee,	Skinner,
Bartine,	Cummings,	Lester, Ga.	Spinola,
Bianchard,	Davidson,	Lester, Va.	Springer,
Blair,	De Haven,	Lewis,	Stewart, Ga.
Bostner,	Dockery,	Magner,	Stewart, Tex.
Brockridge, Ark.	Edmonds,	Mansur,	Stone, Ky.
Brockridge, Ky.	Elliott,	Martin, Ind.	Stone, Mo.
Briekner,	Ellis,	McClammy,	Stump,
Brookshire,	Enloe,	McCleary,	Tarsney,
Brown, J. B.	Fithian,	McCreary,	Tillman,
Brunner,	Forman,	McMillin,	Townsend, Colo.
Buchanan, Va.	Forney,	McRae,	Tucker,
Bullock,	Fowler,	Mills,	Turner, Ga.
Bunn,	Funston,	Montgomery,	Venable,
Bynum,	Gibson,	Moore, Tex.	Wade,
Carlton,	Goodnight,	Morrow,	Wheeler, Ala.
Carier,	Grimes,	Norton,	Whiting,
Caruth,	Hare,	O'Neill, Ind.	Wike,
Catchings,	Hayes,	Owens, Ohio	Wilkinson,
Chapman,	Haynes,	Parrett,	Williams, Ill.
Clarke, Ala.	Heard,	Paynter,	Wilson, Mo.
Clements,	Hemphill,	Peel,	Wilson, W. Va.
Clunie,	Henderson, N. C.	Penington,	Yoder.
Cobb,	Herbert,	Perry,	
Connell,	Hermann,	Reilly,	
Cooper, Ind.	Holman,	Richardson,	

NOT VOTING—66.

Allen, Miss.	Dibble,	McCarthy,	Simonds,
Andrew,	Dingley,	McCord,	Stewart, Va.
Atkinson, Pa.	Dorsey,	McDuffie,	Stockdale,
Barwig,	Featherston,	Morgan,	Taylor, Ill.
Biggs,	Flower,	Nuite,	Taylor, Tenn.
Blount,	Groat,	Odias,	Thompson,
Brower,	Hall,	O'Ferrall,	Townsend, Pa.
Browne, T. M.	Harmer,	Outhwaite,	Turner, N. Y.
Campbell,	Hatch,	Phelan,	Vaux,
Candler, Ga.	Hooker,	Pierce,	Walker, Mo.
Cheatham,	Hopkins,	Price,	Washington,
Clancy,	Houk,	Quackenbush,	Wheeler, Mich.
Clark, Wis.	Kerr, Pa.	Ray,	Whitthorne,
Coleman,	Lansing,	Rogers,	Willcox,
Cooper, Ohio	Lawler,	Rusk,	Wilson, Wash.
Covert,	Martin, Tex.	Sernston,	
Craig,	Mason,	Seney,	

So the appeal was laid on the table.

The following additional pairs were announced:

Mr. McDUFFIE with Mr. BLOUNT, on this vote only.

Mr. BROWER with Mr. WHITTHORNE. On this vote Mr. BROWER would vote "yea" and Mr. WHITTHORNE would vote "nay."

Mr. PAYSON. I ask unanimous consent to dispense with the reading of the names.

Mr. BLAND. We had better have the names read, as this is an important vote.

The vote was recapitulated.

Mr. MCRAE. I desire to announce that my colleague [Mr. ROGERS] is paired generally with the gentleman from Ohio [Mr. EZRA B. TAYLOR]. If present, he would vote "nay."

Mr. STOCKDALE. I am paired with Mr. HALL. If he were present, I would vote "nay."

Mr. WADE. I was paired with the gentleman from Missouri [Mr. HATCH]. If he had been present, he would have voted "nay." I voted "nay."

The result of the vote was then announced, as above recorded.

ORDER OF BUSINESS.

Mr. MCKINLEY. I move that the House do now adjourn.

Mr. BREWER. I am instructed by the Committee on Appropriations to report back the fortifications bill.

Mr. MILLS. I demand the regular order.

Mr. CANNON. We want to report the fortifications bill back.

Several MEMBERS. Regular order.

Mr. MCKINLEY. I withdraw the motion to adjourn.

Mr. MILLS. I renew it.

The SPEAKER. This is a report from the Committee on Appropriations.

Mr. MILLS. I withdraw the motion to adjourn.

FORTIFICATIONS APPROPRIATIONS BILL.

Mr. BREWER. Mr. Speaker, I am directed by the Committee on Appropriations to report back the bill (H. R. 8391) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service for the fiscal year ending June 30, 1891, and for other purposes. We ask the House to non-concur in all the amendments of the Senate and ask for a conference.

The Clerk proceeded to read the report of the committee.

Mr. HOLMAN. The reading of the report furnishes no information. If there is a statement I think it should be read.

The SPEAKER. This is not a conference report. It is a report of the Committee on Appropriations, and the gentleman from Michigan simply desires that the House non-concur in all the Senate amendments.

Mr. BRECKINRIDGE, of Kentucky. I will state to the gentleman from Indiana [Mr. HOLMAN] that this is a unanimous report to non-concur in all the amendments.

The motion to non-concur in the Senate amendments was agreed to.

Mr. BREWER. I now ask that a committee of conference be appointed.

The motion was agreed to.

Mr. BREWER. There were certain hearings had before our committee on these amendments. I ask that they may be printed as a part of our report.

The SPEAKER. Without objection, it will be so ordered.

There was no objection, and it was so ordered.

Mr. MCKINLEY. I move that the House do now adjourn.

The question was put and, pending the announcement, by unanimous consent leave of absence was granted to Mr. THOMPSON for ten days, on account of important business.

The motion of Mr. MCKINLEY that the House adjourn was then agreed to.

Accordingly (at 3 o'clock and 30 minutes p. m.) the House adjourned until Monday, June 23, at 12 o'clock m.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communication was taken from the Speaker's table and referred as follows:

NORTH DAKOTA AGRICULTURAL-EXPERIMENT STATION.

Communication from the Acting Secretary of Agriculture in reference to a deficiency in the appropriation for the North Dakota agricultural-experiment station, and stating that said appropriation should be made—to the Committee on Appropriations.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, a Senate bill and a joint resolution of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 3596) granting to the Rio Grande Southern Railroad Company the right of way through the Fort Lewis military reservation in La Plata County, in the State of Colorado—to the Committee on Military Affairs.

Joint resolution (S. R. 95) to surrender certain bonds, drafts, and other papers in the Department of State to Robert S. Hargous, administrator of Louis S. Hargous, deceased—to the Committee on Claims.

RESOLUTION.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. BAKER:

Resolved, That Tuesday, July 8, be devoted to the consideration of bills previously reported with favorable recommendation by the Committee on Commerce, beginning immediately after the approval of the Journal and continuing until one full day shall have been devoted to such purpose. This shall be a continuing order for such purpose; to the Committee on Rules.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. SMITH, of Illinois, from the Committee on Claims, reported favorably the bill of the House (H. R. 5514) for the relief of John W. Kennedy, accompanied by a report (No. 2510)—to the Committee of the Whole House.

Mr. DOLLIVER, from the Committee on Naval Affairs, reported favorably the bill of the House (H. R. 3390) to promote Commodore Louis C. Sartori, now on the retired-list of the Navy, to be a rear-admiral on said list, in accordance with his original position on the Navy Register, accompanied by a report (No. 2512)—to the Committee of the Whole House.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BERGEN: A bill (H. R. 11072) to remove the charge of desertion borne against the name of George H. Holmes, private Company B, Ninety-fifth Pennsylvania Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. BROWNE, of Virginia: A bill (H. R. 11073) to place on the retired-list as second lieutenant John Curlett—to the Committee on Naval Affairs.

By Mr. CUTCHEON (by request): A bill (H. R. 11074) for the relief of Annie R. Chesley—to the Committee on War Claims.

By Mr. FORMAN: A bill (H. R. 11075) for the relief of John B. Roper, late lieutenant in Company A, Second Regiment Illinois Volunteers, Mexican war—to the Committee on Pensions.

By Mr. GROUT (by request): A bill (H. R. 11076) for the relief of the trustees of Anacostia Lodge, No. 21, Free and Accepted Masons, of the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 11077) granting a pension to Sarah Hutchins—to the Committee on Invalid Pensions.

By Mr. LEE (by request): A bill (H. R. 11078) for the relief of Agnes McBurney, widow of George McBurney, deceased—to the Committee on War Claims.

By Mr. MCADOO: A bill (H. R. 11079) for the relief of George H. Plant, of the District of Columbia—to the Committee on Claims.

By Mr. MORSE: A bill (H. R. 11080) granting a pension to Ann M. Mosher—to the Committee on Invalid Pensions.

By Mr. NORTON: A bill (H. R. 11081) granting a pension to Sarah Cheatham—to the Committee on Invalid Pensions.

By Mr. STEWART, of Georgia: A bill (H. R. 11082) granting a pension to Hampton T. Dickens—to the Committee on Pensions.

By Mr. EZRA B. TAYLOR (by request): A bill (H. R. 11083) for the relief of Eben E. Caldwell—to the Committee on War Claims.

By Mr. WHEELER, of Alabama: A bill (H. R. 11084) for the relief of Miranda Marrett—to the Committee on War Claims.

Also, a bill (H. R. 11085) to correct the record of John Andrew Reid—to the Committee on Military Affairs.

Also, a bill (H. R. 11086) for the relief of A. M. Shelton, of Jackson County, Alabama—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were placed on the Clerk's desk and referred as follows:

By Mr. BANKHEAD: Petition of E. Sheffield, F. E. Edmonds, and 38 others, citizens of Marshall County, Alabama, asking Congress for appropriation of money for complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of W. J. Razzelle, J. H. Robertson, and 22 others, citizens of Pickens County, Alabama, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of John Richardson, J. T. Perry, and 35 others, citizens of Walker County, Alabama, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of Samuel Curry, A. J. Johnson, and 36 others, citizens of Lamar County, Alabama, for same purpose—to the Committee on Rivers and Harbors.

By Mr. BLANCHARD: Petition of Daniel Smith, J. A. Ford, and 46 others, citizens of Bossier Parish, Louisiana, asking Congress for appropriation of money for complete system of levees on Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of S. B. Kelly, W. G. Johnson, and 36 others, citizens of Polk County, Texas, asking passage of above measure—to the Committee on Rivers and Harbors.

By Mr. BLOUNT: Petition against amendment of the interstate-commerce law—to the Committee on Commerce.

By Mr. BRECKINRIDGE, of Arkansas: Petition of T. W. Williams and 28 others, of Faulkner County, Arkansas, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of 17 citizens of Grant County, Arkansas, in favor of improvement of Galveston Harbor, Texas—to the Committee on Rivers and Harbors.

By Mr. BROWER: Petition of William P. Wharton and 20 others, citizens of Guilford County, North Carolina, asking passage of Senate bill 2716, for improvement of Galveston Harbor—to the Committee on Rivers and Harbors.

Also, petition of I. S. Oliver and 16 others, members of Oliver's Alliance, in Caswell County, North Carolina, for same purpose—to the Committee on Rivers and Harbors.

By Mr. CARLTON: Petition of citizens of Greene County, Georgia, asking passage of Senate bill 2716—to the Committee on Rivers and Harbors.

Also, petition of T. S. Cunningham and 18 others, of Oglethorpe County, Georgia, asking passage of House bill 7162—to the Committee on Ways and Means.

By Mr. CHEADLE: Petition of National Farmers' Alliance and Industrial Union, of Howard County, Indiana (48 members), asking Congress for appropriation of money for complete system of levees of Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of John L. Thompson and 3 others, citizens of Grant County, Indiana, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of John W. Judson, L. Dalton, and 38 others, citizens of Lawrence County, Indiana, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of Jefferson Anderson, James Fortner, and 7 others, citizens of Martin County, Indiana, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of J. L. Meredith, Charles G. Eckberg, and 33 others, citizens of Tippecanoe County, Indiana, for same purpose—to the Committee on Rivers and Harbors.

By Mr. CLEMENTS: Petition of J. R. Latimer, James Bean, and 34 others, citizens of Haralson County, Georgia, asking Congress for appropriation of money for complete system of levees on Mississippi River, from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of W. E. Lee, W. F. Moore, and 9 others, citizens of Bartow County, Georgia, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of John C. Foster, A. W. Turner, and others, citizens of Floyd County, Georgia, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of Farmers' Alliance No. 290 (75 members), of Polk County, Georgia, for same purpose—to the Committee on Rivers and Harbors.

By Mr. COMSTOCK: Petition of William McGraw, M. Kelly, and 31 others, citizens of Otter Tail County, Minnesota, asking Congress for appropriation of money for a complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of H. T. Gondron and 2 others, citizens of Polk County, Minnesota, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of Ignatius Donnelly, Frank Carlson, and others, of Dakota County, Minnesota, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of W. H. Sharp and 16 others, citizens of Nicollet County, Minnesota, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of B. F. Fixsen, Frank Wohlford, and 15 others, citizens of Redwood County, Minnesota, for same purpose—to the Committee on Rivers and Harbors.

By Mr. COWLES: Petition of Robert Forney and 56 others, of Burke County, North Carolina, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of J. J. White and others, of Gaston County, North Carolina, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of P. H. Rich and others, of Burke County, North Carolina, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of P. H. Rich and 26 others, of Burke County, North Carolina, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of R. G. Rutledge and 35 others, of Lincoln County, North Carolina, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of William H. Chapman and 57 others, of Alexander County, North Carolina, asking passage of House bill 7162—to the Committee on Ways and Means.

By Mr. CRISP (by request): Petition of W. J. Douglas, M. A. Scarborough, and 19 others, members of Suballiance No. 1464, of Dodge County, Georgia, asking Congress for appropriation of money for complete system of levees on Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

By Mr. DARLINGTON: Memorial to the House of Representatives from Chester County, Pennsylvania, asking for Federal legislation to protect State liquor laws—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. ELLIS: Petition of C. C. Howell, J. I. Hogland, and 38 others, citizens of Webster County, Kentucky, asking Congress for complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of D. C. Robinson, J. M. Jones, and 11 others, citizens of Daviess County, Kentucky, for same purpose—to the Committee on Rivers and Harbors.

By Mr. ENLOE: Petition of J. N. Tull and 14 others, citizens of Chester County, Tennessee, in favor of the appropriation for the improvement of Galveston Harbor—to the Committee on Rivers and Harbors.

Also, petition of W. T. Weems and 11 others, of the Farmers and Laborers' Union No. 870, of Perry County, Tennessee, in favor of a deep-water port at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, petition of A. P. Bashain and 21 others, of Hardin County, Tennessee, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of N. W. Covey, of Hardin County, Tennessee, for reference of claim to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. FORMAN: Petition signed by 51 coopers, opposing the passage of House bill 9920—to the Committee on Commerce.

By Mr. FORNEY: Petition of A. Cline, R. H. Jones, and 13 others, citizens of Alabama, asking Congress for appropriation of money for complete system of levees on Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of S. W. Penn, E. H. Small, and 48 others, citizens of Etowah County, Alabama, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of J. H. Reid, B. F. Butler, and 24 others, citizens of Shelby County, Alabama, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of John W. Lockhart, Joseph P. Turner, and 14 others, citizens of St. Clair County, Alabama, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of J. W. McCann, of Talladega County, Alabama, for same purpose—to the Committee on Rivers and Harbors.

By Mr. FUNSTON: Petition of 264 citizens of Fort Scott, Kans., asking immediate passage of the Wilson Senate bill—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of members of the Turnverein, of Lawrence, Kans., against a material change in the present national laws on immigration and naturalization—to the Committee on Foreign Affairs.

By Mr. GEST: Petition by 62 citizens of Rock Island, Ill., for legislation for perpetuation of the national-banking system—to the Committee on Banking and Currency.

By Mr. GIBSON: Petition of Albert Frank, A. C. Warner, and 16 others, citizens of McCracken County, Kentucky, asking Congress for appropriation of money for complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition John S. Mertz, M. F. Bennett, and 16 others, citizens of Sussex County, Delaware, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of Farmers' Alliance, of Caroline County, Maryland, for same purpose—to the Committee on Rivers and Harbors.

By Mr. GOODNIGHT: Petition of Wilbur F. Browder, I. S. Flower, and 41 others, citizens of Logan County, Kentucky, asking Congress for appropriation of money for complete system of levees on Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of Farmers and Laborers' Union, No. 573, of Todd County, Kentucky, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of R. E. Robinson, S. G. Wheeler, and 23 others, citizens of Johnson County, Kentucky, for same purpose—to the Committee on Rivers and Harbors.

By Mr. GRIMES: Petition of I. S. Phillips and 16 others, of Chattahoochee County, Georgia, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of P. Stevens and 71 others, of Chattahoochee County, Georgia, asking passage of House bill 7162—to the Committee on Ways and Means.

By Mr. GROUT: Petition of Sarah Hutchinson, for a pension—to the Committee on Invalid Pensions.

By Mr. HANSBROUGH: Petition of citizens of Thompson, N. Dak., in favor of the passage of House bill 5978—to the Committee on Commerce.

Also, resolution of the Broadtown (N. Dak.) Farmers' Alliance, favoring passage of the Conger land bill—to the Committee on Agriculture.

Also, resolution of the same alliance, favoring passage of the Butterworth option bill—to the Committee on Agriculture.

By Mr. HEMPHILL: Petition of J. R. Culp and 29 others, citizens of Chester County, South Carolina, in favor of improvement of Galveston Harbor—to the Committee on Rivers and Harbors.

By Mr. HENDERSON, of Iowa: Paper from 98 citizens of Hardin County, Iowa, petitioning for the passage of a bill prohibiting the transportation of intoxicating liquors from any State or Territory of the United States or the District of Columbia into any other State or Territory contrary to the laws thereof—to the Committee on Commerce.

Also, paper from 80 railroad employes, of Norwood, N. Y., petitioning for the passage of House bill 9682—to the Committee on Railways and Canals.

Also, paper from 35 railroad employes, of Elmira, N. Y., for same measure—to the Committee on Railways and Canals.

By Mr. HOUK: Petitions in support of House bill 6313—to the Committee on Invalid Pensions.

By Mr. KELLEY: Petition of 108 citizens of Burlingame, Kans., asking Congress to pass a law allowing the States to prohibit the importation and sale of intoxicating liquors from other States, which is Wilson Senate bill—to the Committee on the Judiciary.

By Mr. LEE (by request): Petition of William Beverley, W. H. Smith, A. W. Kerns, and 13 others, citizens of Fauquier County, Virginia, asking Congress for an appropriation of money for a complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and to improve navigation—to the Committee on Rivers and Harbors.

By Mr. LESTER, of Georgia (by request): Petition of W. M. Henderson, A. B. Burk, and 17 others, citizens of Screven County, Georgia, asking Congress for appropriation of money for complete system of levees on Mississippi River, from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also (by request), petition of David Herndon, sheriff, J. F. Hall, M. D., and 31 others, citizens of Echols County, Georgia, asking for above measure—to the Committee on Rivers and Harbors.

Also (by request), petition of J. L. Swearingen, S. S. Mabley, and 34 others, citizens of Clinch County, Georgia, asking for above measure—to the Committee on Rivers and Harbors.

Also (by request), petition of I. D. Carter, J. D. Mallon, and 10 others, citizens of Appling County, Georgia, asking for above measure—to the Committee on Rivers and Harbors.

By Mr. McCLAMMY: Petition of T. H. Davis and 72 others, of Franklin County, North Carolina, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of J. T. Carter and 29 others, of Chatham County, North Carolina, asking passage of House bill 7162—to the Committee on Ways and Means.

By Mr. McRAE: Petition of W. P. Buchanan and 55 others, citizens of Nevada County, Arkansas, for passage of a law authorizing loans on farms—to the Committee on Agriculture.

Also, petition of John A. Ansley, of same county, asking Congress for appropriation of money for complete system of levees on Mississippi River, from Cairo, Ill., to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of A. C. Rhodes, of Drew County, Arkansas, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of G. Buffington, Daniel Johnson, and 10 others, citizens of Columbia County, Arkansas, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of G. W. Helphrey, S. B. Lynch, and 38 others, citizens of Izard County, Arkansas, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of N. M. Alexander, Byers Smith, H. S. Coleman, and 35 others, citizens of Independence County, Arkansas, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of T. J. Young, W. R. Priest, and 32 others, citizens of Lonoke County, Arkansas, for same purpose—to the Committee on Rivers and Harbors.

By Mr. MILES: Petition of Bridget Hopkins for a special act for pension—to the Committee on Invalid Pensions.

By Mr. OATES (by request): Petition of W. C. McLauchlin, E. C. Childs, and 31 others, citizens of Geneva County, Alabama, asking Congress for appropriation of money for complete system of levees on Mississippi River, from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also (by request), petition of King's Alliance, No. 1310, of Dallas County, Alabama, for above measure—to the Committee on Rivers and Harbors.

Also (by request), petition of W. B. Alexander, of Perry County, Alabama, for above measure—to the Committee on Rivers and Harbors.

Also (by request), petition of A. McPherson, T. H. Lipecomb, and 34 others, citizens of De Kalb County, Alabama, for above measure—to the Committee on Rivers and Harbors.

Also (by request), petition of A. M. Holland, C. W. Shipp, and 16 others, citizens of Jackson County, Alabama, for above measure—to the Committee on Rivers and Harbors.

By Mr. O'NEILL, of Pennsylvania: Petition of Henry H. Lowery, Company A, Two hundred and fourteenth Regiment Pennsylvania Infantry Volunteers, for relief from charge of desertion—to the Committee on Military Affairs.

By Mr. PERKINS: Petition of W. H. Ellis and 79 others, of Cherokee County, Kansas, asking for legislation to counteract the effects of the recent decision of the Supreme Court as to original packages—to the Committee on the Judiciary.

By Mr. REED, of Iowa: Petition of A. W. Baird, of Shelby County, Iowa, asking for appropriation to complete system of levees on Mississippi River, from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of L. W. Van Dyke, D. D. Catnell and 38 others, citizens of Woodbury County, Iowa, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of J. S. Conway, G. C. Ashland, and 9 others, of Cerro Gordo County, Iowa, for same purpose—to the Committee on Rivers and Harbors.

By Mr. REYBURN: Petition of citizens of Philadelphia, asking that a pension be granted to Mrs. Mary E. Rubicame, widow of John R. Rubicame, a soldier of the Mexican war—to the Committee on Pensions.

By Mr. ROBERTSON: Petition of J. A. J. Griffin, A. J. Watson, and 15 others, citizens of Bayou Sara, La., asking Congress for appropriation of money for complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

By Mr. RUSK: Petition of George T. Adams and others, for the continuance of the national-banking system—to the Committee on Banking and Currency.

By Mr. SKINNER: Petition of Gibbs Alliance, No. 1716, of Currituck County, North Carolina, asking Congress for an appropriation of money for a complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of W. B. Wingate, J. T. Smith, and 14 others, citizens of Pitt County, North Carolina, for same purpose—to the Committee on Rivers and Harbors.

By Mr. STAHLNECKER: Petition of the Grand Army of the Republic, Department of New York, in favor of the purchase of Mount McGregor for a soldiers' home—to the Committee on the Library.

By Mr. TARSNEY (by request): Petition of R. D. Chinn, A. J. Layne, and 39 others, citizens of Audrain County, Missouri, asking Congress for appropriation of money for complete system of levees on the Mississippi River, from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also (by request), petition of Aaron Slifer, sheriff; R. M. Meager, E. J. Brochia, mayor of Chillicothe; the grand jury of circuit court, and 21 others, citizens of Livingston County, Missouri, for same purpose—to the Committee on Rivers and Harbors.

Also (by request), petition of J. C. Smith, J. S. Plattenburg, and 37 others, citizens of Ozark County, Missouri, for same purpose—to the Committee on Rivers and Harbors.

Also (by request), petition of Rev. S. M. Page and 2 others, citizens of Palaski County, Missouri, for same purpose—to the Committee on Rivers and Harbors.

Also (by request), petition of R. J. Barker, C. Miller, and 32 others, citizens of Jackson County, Missouri, for same purpose—to the Committee on Rivers and Harbors.

Also (by request), petition of N. Rollo Davis, Joshua Craven, and 38 others, citizens of Clay County, Missouri, for same purpose—to the Committee on Rivers and Harbors.

By Mr. EZRA B. TAYLOR: Petition of Eben C. Caldwell, praying that his claim for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

Also, petition against the transmission of obscene literature through the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. TURNER, of Kansas: Petition of J. B. Colt and 350 others, of Oberlin, Kans., asking for immediate consideration of legislative measures to prohibit importations of liquors into the State of Kansas—to the Committee on the Judiciary.

By Mr. VENABLE: Petition of heirs of John Avery, deceased, late of Virginia, praying that their war claim be referred to the Court of Claims under the act of March 3, 1883, and the act of March 3, 1887—to the Committee on War Claims.

Also, petition of citizens of Mecklenburgh County, Virginia, asking for an appropriation of \$6,200,000 to Galveston Harbor—to the Committee on Rivers and Harbors.

Also, petition of Farmers' Alliance No. 116 (53 members), of Southampton County, Virginia, asking Congress for appropriation of money for complete system of levees on the Mississippi River, from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of Farmers' Alliance No. 52 (80 members), of Fayette County, West Virginia, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of Dover Alliance, No. 538 (27 members), of Goochland County, Virginia, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of W. Holladay, Charles M. Harris, and 19 others, citizens of Orange County, Virginia, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of H. A. Stokes, J. L. Weaver, and 7 others, citizens of Prince Edward County, Virginia, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of P. L. Johnson, P. L. Lovelace, and 10 others, citizens of Halifax County, Virginia, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of Blue Stone Alliance, No. 195, 41 members, of Mecklenburgh County, Virginia, for same purpose—to the Committee on Rivers and Harbors.

By Mr. WILEY: Petition prohibiting free transportation of alcoholic liquors—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. WILSON, of West Virginia: Petition of John H. Woodford, of Harbour County, West Virginia, late of Taylor County, West Virginia, praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. WRIGHT: Petition of citizens of Eaton, Wyoming County, Pennsylvania, asking for passage of House bill 5978—to the Select Committee on the Alcoholic Liquor Traffic.

SENATE.

MONDAY, June 23, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, submitting an estimate of appropriation to reimburse the Chickasaw Nation, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 2d instant, certain reports with reference to the practice of the United States courts at Fort Smith, Ark., and Paris, Tex., in the appointment of commissioners for the investigation of offenses committed in the Indian Territory; which, with the accompanying papers, was referred to the Committee on the Judiciary, and ordered to be printed.

ADMINISTRATIVE SERVICE OF THE SENATE.

The VICE-PRESIDENT. The Chair appoints the Senator from Kansas [Mr. PLUMB] in place of the Senator from Iowa [Mr. ALLISON] on the Committee to Inquire into the Administrative Service of the Senate.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a communication from the chairman of the Republican Central Committee of New Mexico, transmitting resolutions of that committee urging the favorable consideration of some one of the measures now pending before Congress for the settlement of private land claims in New Mexico, Arizona, and Colorado; which was referred to the Committee on Private Land Claims.

Mr. CAMERON presented a petition of the Board of Trade of Reading, Pa., favoring the limited postal-telegraph system as recommended by the Postmaster-General; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Henry H. Lowery, late a private in Company A, Two hundred and fourteenth Regiment, Pennsylvania Infantry Volunteers, praying for relief from the charge of desertion; which was referred to the Committee on Military Affairs.

Mr. CASEY presented a petition of the Fort Ransom Farmers' Alliance, No. 9, of North Dakota, praying for the passage of House bill No. 5353, known as the Butterworth option bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Farmers' Alliance, No. 70, of Sanborn, N. Dak., praying for the passage of what are known as the Conger lard bill and the Butterworth option bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Fort Ransom Farmers' Alliance, No. 9, of North Dakota, praying for the passage of House bill 283, known as the Conger lard bill; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Messrs. Procter & Gamble, of Cincinnati, Ohio, praying that the duty on crude and refined glycerine be increased rather than lessened; which was ordered to lie on the table.

He also printed a memorial of 419 members of the medical profession of various cities in the United States and the Clinical Society of the State of Maryland, remonstrating against the proposed tariff tax on bottles containing mineral waters, and the impost proposed on effervescent natural mineral waters; which was ordered to lie on the table.

Mr. PADDOCK presented a memorial of citizens of Philadelphia, Pa., remonstrating against specific duties on guns; which was ordered to lie on the table.

He also presented a petition of Grant Farmers' Alliance, No. 963, of Nebraska, praying for the passage by Congress of the so-called Conger lard bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Grant Farmers' Alliance, No. 963, of Nebraska, urging the passage by Congress of the so-called Butterworth option bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of 400 members of the medical profession of the United States, praying for the admission duty free of effervescent mineral waters into the United States; which was ordered to lie on the table.

He also presented a memorial of citizens of Cincinnati, Ohio, remonstrating against a reduction of the duty on crude and refined glycerine; which was ordered to lie on the table.

Mr. TURPIE presented the petition of Kingan & Co., of Indianapolis, Ind., praying for a rebate of duty upon foreign salt; which was ordered to lie on the table.

He also presented a petition of certain physicians of the United States, praying that foreign mineral waters be placed upon the free-list; which was referred to the Committee on Finance.

Mr. REAGAN presented a petition of citizens of Navarro County, Texas, praying for the passage of a law to limit the labor of post-office clerks to eight hours a day; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. INGALLS presented the petition of Alexander Johnston, late captain United States Army, Southern Branch National Home for Disabled Volunteer Soldiers, praying for certain legislation for his relief; which was referred to the Committee on Military Affairs.

He also presented the petition and the annual report of the Woman's Christian Association of the District of Columbia, praying for certain relief; which was referred to the Committee on Appropriations.

Mr. MANDERSON presented petitions of the Farmers' Alliances of Harlan and Clay Counties, in the State of Nebraska, praying for the passage of the Butterworth option bill; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Farmers' Alliances of Clay and Harlan Counties, in the State of Nebraska, praying for the passage of what is known as the Conger lard bill; which were referred to the Committee on Agriculture and Forestry.

Mr. PLATT. I present resolutions passed by a meeting of the Hat-Makers and Hat-Finishers' Association in South Norwalk, Conn., relative to the tariff on hats. As the memorial relates to the time when the tariff bill shall go into operation, and as that is a matter which is undetermined in the bill as reported, I move that the resolutions be referred to the Committee on Finance.

The motion was agreed to.

Mr. EVARTS presented a petition of citizens of the city of New York, praying for the passage of a law to limit the hours of labor in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MORRILL. I present two memorials, one from Michigan with one name, and one from Vermont with one name, remonstrating against the duty on tin. The memorials are in the usual printed forms. I move that they lie on the table.

The motion was agreed to.

Mr. BLAIR presented a petition of 31 citizens of Latham, Kans., praying for the passage of the education bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. EDMUNDS, from the Committee on the Judiciary, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3893) to provide for the purchase of a site, and the erection of a public building thereon, at Nevada, in the State of Missouri, reported it without amendment.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (H. R. 5939) for the relief of settlers on Northern Pacific Railroad indemnity lands, reported it with an amendment.

Mr. MANDERSON, from the Committee on Printing, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, with the accompanying report, and ordered to be printed.

Mr. MANDERSON. I shall ask leave later to make a written report on this subject-matter.

The VICE-PRESIDENT. Leave will be granted.

Mr. DOLPH, from the Committee on Commerce, to whom was referred the bill (H. R. 901) for the erection of a new tower near the site of the light-house on Smith's Island, Virginia, reported it with amendments.

Mr. JONES, of Arkansas, from the Committee on Indian Affairs, reported an amendment, which had heretofore been referred to that committee, intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WASHBURN, from the Committee on Commerce, reported an amendment intended to be proposed to the consular and diplomatic appropriation bill; which was referred to the Committee on Appropriations.

BILLS INTRODUCED.

Mr. INGALLS introduced a bill (S. 4139) granting a pension to Rebecca Page; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 4140) granting a pension to Alexander Ross; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 4141) referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852; which was read twice by its title, and referred to the Committee on Patents.

Mr. HOAR introduced a bill (S. 4142) for the relief of the heirs of Sterling T. Austin, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. JONES, of Arkansas, introduced a bill (S. 4143) granting a pension to John S. Elder; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 4144) to incorporate the Woman's National Industrial University and School of Useful and Ornamental Arts; which was read twice by its title, and referred to the Committee on Education and Labor.

He also introduced a bill (S. 4145) granting increase of pension to Mary Marsh; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. VEST submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WASHBURN submitted an amendment intended to be proposed to the diplomatic and consular appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. WASHBURN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the river and harbor bill; which was ordered to lie on the table and be printed.

SALARIES OF SENATORS FROM NEW STATES.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Privileges and Elections be, and they are hereby, directed to inquire as to the date on which under the law and precedent of the case the salaries of the Senators from the States of Montana, Washington, and North and South Dakota, respectively, began, and report their conclusions to the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MARTIN, its Chief Clerk, announced that the House had disagreed to the amendments

of the Senate to the bill (H. R. 8391) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1891, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BREWER, Mr. BUTTERWORTH, and Mr. SAYERS managers at the conference on the part of the House.

The message also announced that the House had passed a concurrent resolution requesting the President to return to the House of Representatives the bill (H. R. 5702) granting a pension to Ann Bryan.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 8831) to amend an act entitled "An act authorizing the construction of a bridge over the Missouri River at or near Kansas City, Kans., and not over 10 miles above the Hannibal and St. Joseph Railway bridge at Kansas City, Mo.," approved March 1, 1889, and it was thereupon signed by the Vice-President.

INDUSTRIAL AND SCIENTIFIC EDUCATION.

Mr. MORRILL. If the morning business is through—

The VICE-PRESIDENT. Is there further morning business? If not, that order is closed.

Mr. MORRILL. I ask the Senate to proceed to the consideration of the bill (S. 3714) to establish an educational fund and apply the proceeds of the public lands and the receipts from certain land-grant railroad companies to the more complete endowment and support of colleges for the advancement of scientific and industrial education. I desire to have read an amendment, which I think will be acceptable to all parties on both sides of the Chamber, in lieu of the amendment proposed by the Senator from Maine [Mr. HALE].

Mr. PLUMB. Is the bill up for consideration?

The VICE-PRESIDENT. It is not. The question is on proceeding to the consideration of the bill.

Mr. PLUMB. I object to its consideration now. I want to call up an appropriation bill.

Mr. MORRILL. It will take but a few minutes to dispose of the bill.

Mr. PLUMB. I think it will take more, Mr. President.

The VICE-PRESIDENT. The Senator from Vermont moves that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate resumed the consideration of the bill.

Mr. MORRILL. I ask that the amendment which I send to the desk may be read.

The VICE-PRESIDENT. The amendment will be read.

The CHIEF CLERK. It is proposed to add to section 1 the following additional proviso:

Provided further, That in any State in which there has been one college established in pursuance of the act of July 2, 1862, and also in which an educational institution of like character has been established and is now aided by such State from its own revenue for the education of colored students in agriculture and the mechanic arts, however named or styled, or whether or not it has received money heretofore under the act to which this act is an amendment, the Legislature of such State may propose and report to the Secretary of the Interior a just and equitable division of the fund to be received under this act between one college for white students and one institution for colored students established as aforesaid, which shall be divided into two parts and paid accordingly. And thereupon such institution for colored students shall be entitled to the benefits of this act and subject to its provisions as much as it would have been if it had been included under the act of 1862; and the fulfillment of the foregoing provisions shall be taken as a compliance with the provision in reference to separate colleges for white and colored students.

Mr. HALE. Mr. President, I did not hear the entire reading of the amendment. I ask the Senator from Vermont if it contains the feature in it of the appropriation going to one college for colored students and one for whites?

Mr. MORRILL. Yes; one for colored and one for whites.

Mr. HALE. Then, with that view, with the consent of the Senate, I withdraw the amendment submitted by me on Saturday evening.

Mr. MORRILL. I have shown this amendment to members on both sides of the Chamber who took an interest in the question on Saturday, and I believe all are content with the amendment as now proposed. I ask that it be adopted.

Mr. WALTHALL. I did not catch the reading exactly of the amendment. I ask the Senator from Vermont to state how it affects a State which, like Mississippi, has an agricultural and mechanical college for white students and an agricultural and mechanical college for colored students.

Mr. MORRILL. It would only affect them so that the fund would be divided between those two and no others.

Mr. WALTHALL. In what proportion? The proportion is not fixed.

Mr. MORRILL. It does not name the proportion, but leaves the Legislature of the State to make a just and equitable division of the fund.

Mr. GIBSON. I have carefully examined the amendment offered by the Senator from Vermont, and I think it covers all the points that have been discussed in respect to the bill. I trust it may be accepted.

Mr. CULLOM. There was some confusion when the amendment was

read, and I should be glad to have it read again so that we may understand it fully.

The VICE-PRESIDENT. The amendment will be again read.

Mr. CHANDLER. The first amendment pending is the amendment proposed by the Senator from Alabama [Mr. PUGH]. I will inquire whether that has been withdrawn.

The VICE-PRESIDENT. That has not been withdrawn.

Mr. CHANDLER. Then I raise the question of order whether that is not the pending amendment.

The VICE-PRESIDENT. That is the pending amendment.

Mr. HAWLEY. The Senator from Maine [Mr. HALE] offered an amendment to the amendment of the Senator from Alabama [Mr. PUGH].

The VICE-PRESIDENT. That has been withdrawn.

Mr. HAWLEY. That has been withdrawn. So I suggest that the amendment now offered by the Senator from Vermont is in order as an amendment to the amendment of the Senator from Alabama.

Mr. CHANDLER. But it is not proposed as an amendment to that amendment.

The VICE-PRESIDENT. It is in order as an amendment to the amendment offered by the Senator from Alabama [Mr. PUGH].

Mr. MORRILL. I hope the Senator from Alabama will withdraw his amendment.

Mr. PUGH. I have examined the amendment which has been read, offered by the Senator from Vermont. I heard all the debate on Saturday, and I have endeavored to instruct myself further by reading it as reported in the RECORD. The amendment of the Senator from Vermont substantially covers all that I am aiming to accomplish to meet the situation in my State, and I am willing to accept it in the place of the one that I offered.

Mr. CULLOM. Let us have it read.

Mr. CHANDLER. Then I understand all the prior amendments have been withdrawn.

The VICE-PRESIDENT. That is the understanding of the Chair.

Mr. CHANDLER. And the Senator from Vermont moves his amendment as an independent proposition.

The VICE-PRESIDENT. The only pending amendment is the one offered this morning by the Senator from Vermont [Mr. MORRILL] to the amendment previously offered by the Senator from Alabama [Mr. PUGH], which has been withdrawn. The amendment moved by the Senator from Vermont will be again read.

The Chief Clerk read the amendment of Mr. MORRILL.

Mr. CULLOM. As the other amendments have all been withdrawn I think the word "further" after "provided" is not needed.

Mr. MORRILL. There is another proviso preceding in the section.

Mr. CULLOM. All right, as there is another proviso.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Vermont [Mr. MORRILL].

The amendment was agreed to.

Mr. MORRILL. There are two or three slight verbal amendments that are further necessary to the bill. On page 3 of the reprinted bill, section 2, line 10, after the word "college," I move to insert the words "or the institution for colored students."

The VICE-PRESIDENT. The amendment will be stated.

The Chief Clerk. On page 3 of the reprinted bill, line 10 of section 2, after the word "college," insert "or the institution for colored students;" so as to read:

That the sums hereby appropriated to the States and Territories for the further endowment and support of colleges shall be annually paid on or before the 31st day of July of each year, by the Secretary of the Treasury, upon the warrant of the Commissioner of Education, countersigned by the Secretary of the Interior, out of the Treasury of the United States, to the State or Territorial treasurer, or to such officer as shall be designated by the laws of such State or Territory to receive the same, who shall, upon the order of the trustees of the college, or the institution for colored students, immediately pay over said sums to the treasurers of the respective colleges entitled to receive the same, and such treasurers shall be required to report to the Secretary of Agriculture and to the Commissioner of Education, on or before the 1st day of September of each year, detailed statement of the amount so received and of its disbursement.

The amendment was agreed to.

Mr. MORRILL. There are two like amendments to be made, one in section 3, line 3, after the word "colleges," to insert the same words, "or of institutions for colored students."

The VICE-PRESIDENT. The amendment will be stated.

The Chief Clerk. On page 4 of the newly printed bill, line 3, section 3, after the word "colleges," insert the words "or of institutions for colored students;" so as to read:

That if any portion of the moneys received by the State or Territory for the further and more complete endowment, support, and maintenance of colleges or of institutions for colored students as provided in this act shall, by any action or contingency be diminished or lost, or be misapplied, it shall be replaced by the State or Territory to which it belongs, etc.

The amendment was agreed to.

Mr. MORRILL. On page 5 of the reprinted bill, section 4, line 6, after the word "colleges," I move to insert "or institutions for colored students;" so as to read:

That on or before the 1st day of July in each year, after the passage of this act, the Commissioner of Education, under the direction of the Secretary of the Interior, shall ascertain and certify to the Secretary of the Treasury as to each

State and Territory whether it is entitled to receive its share of the annual appropriation for colleges or institutions for colored students under this act, and the amount which thereupon each is entitled, respectively, to receive.

The amendment was agreed to.

Mr. MORRILL. There is but one other amendment, which is made necessary by striking out the first section. That having been stricken out, after the words "arising from the sale of public lands" in what is now section 1, I wish to add the words "so long as the same shall be sufficient therefor."

The VICE-PRESIDENT. The amendment will be stated.

The Chief Clerk. In section 1 of the reprinted bill, line 5, after the word "lands" insert "so long as the same shall be sufficient therefor;" so as to read:

That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated arising from sales of public lands, so long as the same shall be sufficient therefor, to be paid as hereinafter provided to each State and Territory for the more complete endowment and maintenance of colleges for the benefit of agricultural and the mechanic arts, etc.

Mr. HARRIS. I hope the Senator from Vermont will not press that amendment. Let the future take care of itself.

Mr. MORRILL. I will not press it if there is the slightest objection to it.

Mr. HARRIS. There is objection with some on this side of the Chamber; myself for one.

Mr. MORRILL. I withdraw the amendment.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. MORRILL. I have no other amendment to offer.

Mr. PADDOCK. I should like to suggest to the Senator from Vermont to insert, in line 11 of section 2, after the word "colleges," the same words he did in a preceding line.

Mr. HAWLEY. "Or other institutions."

Mr. PADDOCK. "Or other institutions." That will make it correspond.

Mr. MORRILL. Very well.

The VICE-PRESIDENT. The amendment will be stated.

The Chief Clerk. On page 3, section 2, of the reprinted bill, line 11, after the word "colleges," insert "or the institutions for colored students;" so as to read:

Immediately pay over said sums to the treasurers of the respective colleges or of the institutions for colored students entitled to receive the same, etc.

Mr. PADDOCK. The Senator from Connecticut suggests a modification, which I think is a good one, to insert simply the words "or other institutions."

Mr. HAWLEY. There is no necessity of repeating the other words.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Nebraska as modified.

The amendment was agreed to.

Mr. CHANDLER. Calling attention to the amendment proposed this morning by the Senator from Vermont, I should like to inquire why he limits this just and equitable division of the fund to colleges for colored students already established, and whether he does not intend that the same just and equitable division shall be made in case, under the provisions of this act, schools for colored students are hereafter established by the States?

Mr. MORRILL. I may say that I would be willing to insert the words "or which may be established." I understand that there is one State where there is no such college or institution established; that is Delaware.

Mr. CHANDLER. Then I move that there be added to the amendment proposed by the Senator from Vermont, after the words "colleges already established," the words "or which may be hereafter established."

Mr. VANCE. I think that is a very proper amendment.

The VICE-PRESIDENT. The amendment will be stated.

The Chief Clerk. In the second line of the amendment, after the word "established," it is proposed to insert "or that may be hereafter established."

Mr. HARRIS. The second line of what amendment?

The Chief Clerk. In the second line of the amendment to the first section adopted this morning, after the word "established," it is proposed to insert:

Or that may be hereafter established.

So as to read:

Provided further, That in any State in which there has been one college established or that may be hereafter established, in pursuance of the act of July 2, 1862, etc.

The amendment was agreed to.

The VICE-PRESIDENT. The Chair is of opinion that the amendment should come in after the second word "established." The Chief Clerk will again read it.

The Chief Clerk. In the fifth line, after the word "established," insert the words "or that may be hereafter established;" so as to read:

Provided, That in any State in which there has been one college established in pursuance of the act of July 2, 1862, and also in which an educational institution of like character has been established, or that may be hereafter established, is now aided by such State from its own revenue, etc.

Mr. PLATT. Leave out the word "that," so as to read "or may be."

The VICE-PRESIDENT. That modification will be made.

The amendment was agreed to.

Mr. HOAR. I think the bill should also be amended in the first section, before the new proviso comes in, after the word "act," in line 24, page 2, by adding the following:

If the funds received in such State or Territory be equitably divided as hereinafter set forth.

That is, in all cases where there are separate establishments for white and colored students, the principle which has just been adopted shall be applied. I move that amendment.

The amendment was agreed to.

Mr. INGALLS. Mr. President, I call the attention of the Senator from Vermont to the provision on page 4, in section 3, as to the reports that are to be made by the presidents of the colleges endowed under this act. It declares that they "shall be made to the Secretary of Agriculture, as well as to the Secretary of the Interior." What is the use of duplicating these reports and having one made to two different Cabinet ministers? It seems to me to be superfluous.

Mr. MORRILL. The machinery of the bill requires these reports to be made to the Secretary of the Interior. They were so under the original act. Now, the Department of Agriculture having been established, it will be very little work in addition that they should also make a report to the Secretary of Agriculture, as in relation to experimental stations.

Mr. INGALLS. It seems to me entirely superfluous, because the section does not provide that there shall be any different report made to the one from that made to the other.

Mr. MORRILL. They will be separate. What is intended for one is not intended for the other.

Mr. INGALLS. In section 4 of page 5 there seems to be a still further complication, providing that the Commissioner of Education is to "ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is entitled to receive its share of the annual appropriation for colleges under this act and the amount which thereupon each is entitled, respectively, to receive."

The machinery of the bill seems to be unnecessarily complicated. There is no report to be made to the Commissioner of Education, and yet he is charged with the duty of ascertaining the disbursements that have been made and the title of the colleges to receive the benefit of the act. Of course it is immaterial, but the bill should be made as complete as possible. It seems to me that there should be some amendment made in these particulars.

Mr. MORRILL. I think not, Mr. President. It is expected that the Commissioner of Education will do this sort of work for the Secretary of the Interior. It has been so provided in all the bills that we have had in relation to education in these colleges.

Mr. HAWLEY. I suggest that the Secretary of the Interior shall be charged with that duty. Say: "The Secretary of the Interior shall ascertain and certify to the Secretary of the Treasury whether each State and Territory has received," etc. There comes afterwards "and the Secretary of the Interior is hereby charged with the proper administration of this law through the Commissioner of Education;" but when it comes to the serious business of reporting a deficiency or fault of some kind in the action of a State, I think that certainly should be by the Secretary of the Interior. He can get the information from a bureau officer, of course, as in any other case. I agree with the suggestion of the Senator from Kansas [Mr. INGALLS].

Mr. MORRILL. That is a mere matter of taste, whether it be done by the Secretary of the Interior or the Commissioner of Education. I have no objection to the clause cited being stricken out.

Mr. HAWLEY. I think the bureau officer ought not to make a report to the Secretary of the Treasury. The Secretary of the Interior is specifically charged with the general execution of the act through his bureau officer, the Commissioner of Education; but when it comes to the highest act the Secretary of the Interior is to perform, then it is said the Commissioner of Education shall perform it. I think it will be better if section 4 in the first three lines should read in this way:

That on or before the 1st day of July in each year after the passage of this act the Secretary of the Interior shall ascertain and certify to the Secretary of the Treasury, etc.

Striking out the words "Commissioner of Education under the direction of" before "the Secretary of the Interior."

Mr. PLUMB. I think the amendment ought to be adopted. I know at some time it has been the theory that in legislation of this kind we should put the responsibility upon the head of the Department rather than upon one of his subordinates, not to do anything that would weaken his authority over them or divide the responsibility for the exercise of whatever function is committed to the Department or to any branch of it. I think it is conducive to good administration to give this power to the Secretary of the Interior.

The VICE-PRESIDENT. Does the Senator from Connecticut move the amendment he has suggested?

Mr. HAWLEY. I do.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In section 4, on page 5 of the reprinted bill,

line 2, after the word "act" it is proposed to strike out "Commissioner of Education under the direction of the;" so as to read:

That on or before the 1st day of July in each year after the passage of this act the Secretary of the Interior shall ascertain and certify to the Secretary of the Treasury, etc.

The amendment was agreed to.

Mr. HAWLEY. In line 8 of section 4 the word "Commissioner" should be changed to "Secretary."

Mr. MORRILL. "Secretary of the Interior."

Mr. HAWLEY. Yes; "Secretary of the Interior."

The CHIEF CLERK. On page 5, in section 4, line 8, it is proposed to strike out "Commissioner" and insert "Secretary of the Interior;" so as to read:

If the Secretary of the Interior shall withhold a certificate from any State or Territory, etc.

The amendment was agreed to.

Mr. MORRILL. In line 14 the same amendment should be made.

Mr. HAWLEY. Yes, in line 14 the same amendment should be made.

The CHIEF CLERK. In section 4, line 14, it is proposed to strike out "Commissioner" and insert "Secretary of the Interior."

The amendment was agreed to.

Mr. CHANDLER. On page 4 of the present section 3, and at the end of the first line, I move to add the words "the designated officer of;" so as to read:

That if any portion of the moneys received by the designated officer of the State or Territory for the further and more complete endowment, etc.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 4, section 3, at the end of the first line, it is proposed to insert "the designated officer of;" so as to read:

That if any portion of the moneys received by the designated officer of the State or Territory for the further and more complete endowment, etc.

The amendment was agreed to.

Mr. PADDOCK. I should like to inquire of the Senator from Connecticut if the words "Commissioner of Education" ought not to be erased and "Secretary of the Interior" ought not to be substituted in line 14, as the officer to whom the report shall be made.

Mr. HAWLEY. Yes.

Mr. PADDOCK. I move that amendment; that the words "Secretary of the Interior," on line 14, page 4, be substituted for "Commissioner of Education."

The CHIEF CLERK. On page 4, in section 2, line 14, it is proposed to strike out the words "Commissioner of Education" and to insert the words "Secretary of the Interior;" so as to read:

And such treasurers shall be required to report to the Secretary of Agriculture and to the Secretary of the Interior, on or before the 1st day of September of each year, a detailed statement, etc.

The amendment was agreed to.

Mr. INGALLS. On page 3, section 2, lines 5 and 6, I move to strike out the words "Commissioner of Education countersigned by the," so that it will leave the warrant to be drawn on the Secretary of the Treasury, not by the Commissioner of Education, but by the Secretary of the Interior.

The CHIEF CLERK. On page 3, section 2, line 5, it is proposed to strike out the words "Commissioner of Education, countersigned by the;" so as to read:

That the sums hereby appropriated to the States and Territories for the further endowment and support of colleges shall be annually paid on or before the 1st day of July of each year, by the Secretary of the Treasury, upon the warrant of the Secretary of the Interior, out of the Treasury of the United States, etc.

The amendment was agreed to.

Mr. INGALLS. On page 6, line 18, has there been any amendment made?

The VICE-PRESIDENT. There has not been.

Mr. INGALLS. I move to strike out the words "through the Commissioner of Education," leaving the Secretary of the Interior to be charged with the proper administration of the law.

The CHIEF CLERK. On page 6, line 18, it is proposed to strike out the words "through the Commissioner of Education;" so as to read:

And the Secretary of the Interior is hereby charged with the proper administration of this law.

The amendment was agreed to.

Mr. INGALLS. In section 5, lines 1 and 2, I move to strike out the words "the Commissioner of Education under the direction of," so that the Secretary of the Interior shall make the annual report.

The CHIEF CLERK. On page 6, section 5, lines 1 and 2, it is proposed to strike out the words "the Commissioner of Education under the direction of;" so as to read:

That the Secretary of the Interior shall annually report to Congress, etc.

The amendment was agreed to.

Mr. CULLOM. I should like, as I have not been in the Senate all the time during the discussion of this bill, to know of the chairman of the committee who has it in charge whether the bill has reference to any appropriations or contributions of land by the Government for the establishment of these colleges heretofore, or only to the fund hereby appropriated?

Mr. MORRILL. That is all.

Mr. CULLOM. I should like to know further whether on a division of this fund, where two different institutions are established, it is under an act of the Legislature or in the discretion of the Secretary of the Treasury as to the amount that each college shall receive?

Mr. MORRILL. It is in the discretion of the Legislature.

Mr. CULLOM. Of the Legislature of the State?

Mr. MORRILL. Yes, sir.

Mr. CULLOM. I am inclined to think it ought to be the other way myself, but I simply wanted to know the fact, so that it might be understood.

Mr. PADDOCK. After the amendments already made striking out "the Commissioner of Education" and inserting "Secretary of the Interior" there should be an amendment in the latter part of the section to strike out the word "Commissioner" in line 8 on page 5, section 4.

Mr. MORRILL. That has been done.

The VICE-PRESIDENT. That change has been made.

Mr. BLAIR. I will simply say that I think, and it is an observation to which no one can object, that this whole movement, about which we are so critical and hypercritical and overhypercritical, to take care of the colored people in the distribution of this money, came into the Senate upon the motion of the Senator from Alabama [Mr. PUGH], and that no Northern man thought of it.

Mr. HAWLEY. I am unwilling to let that go. The Senator from Alabama is a thoughtful and judicious man about these things, but there was already in the bill a proviso in this language:

Provided, That no money shall be paid out under this act to any State or Territory for the support and maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of this act.

The difficulty is that there were some institutions quite proper to be added that could not exactly be called colleges.

Mr. BLAIR. That being the general provision in the bill, that satisfied all; but the Senator from Alabama knowing of a particular institution which did not quite reach the denomination of a college, brought in this amendment.

Mr. INGALLS. So far as any imputation rests upon any Northern member of the Senate for the action that has been taken, I assume my share without hesitation or trepidation. I frankly confess, Mr. President, that a proposition to distribute this money among white and colored schools could not proceed with propriety from any Northern Senator. My instincts and my convictions are against it. There is no demand in any Northern State, so far as I know, for such a distribution. The necessity could arise only in a Southern State, and the Senator from Alabama therefore logically offered his proposition to adapt this measure to a condition that exists in the South; and as a practical friend of education, realizing the obstacles that exist, while I could not propose such a plan, I cordially gave my consent to it. I do not understand that it imposes any turpitude upon those who unite with him in that direction.

Mr. HAWLEY. I thank the Senator from Kansas for his speech. I think so myself. I would have one institution in each State with all the money I could get for it, open to everybody that the Lord may see fit to allow to come into the school. That is the way I would have it. I yielded to this other because it seemed to be the best on the whole to do it.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HARRIS. The title ought to be amended.

The CHIEF CLERK. It is proposed to amend the title so as to read: "A bill to apply a portion of the proceeds of the public lands and the receipts from certain land-grant railroad companies to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July 2, 1862."

Mr. HARRIS. The title ought not to read in that way. The land-grant railroad fund is stricken out of the bill.

Mr. BLAIR. The title should be amended according to the report of the committee as just read.

Mr. HAWLEY. The words "and the receipts from certain land-grant railroad companies" should be stricken out, because there are not any provided for in the bill. The railroad-grant business is entirely eliminated.

The VICE-PRESIDENT. The title will be read as proposed to be amended.

The CHIEF CLERK. It is proposed to amend the title so as to read: "A bill to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July 2, 1862."

Mr. PLUMB. Am I to understand that the provision in regard to public lands has been stricken out?

Mr. MORRILL. The original first section has been stricken out.

Mr. BLAIR. Does this amendment come in line 5?

Mr. HAWLEY. It has been adopted.

Mr. PLUMB. I do not understand that. My objection to the first section was because it tied the public lands to this system of agricultural education. I certainly should not have allowed the bill to go as far as it has without my protest if I had understood that that was in it. I understood the Senator to say that that was entirely out of the bill.

Mr. MORRILL. No. I said the first section was stricken out.

Mr. PLUMB. The first section was stricken out and the substance of it was put in somewhere else, which does not seem to be quite candid.

Mr. HAWLEY. The bill does not require now a separate account of the public lands to be kept, but it eliminates that whole entanglement in the first section. There will be enough to answer this bill for many years to come, in the proceeds of the sales of public lands, but there is no special account to be kept for the sake of these institutions.

Mr. PLUMB. Why should we not make this appropriation, then, of public money when it comes in? Why should there be this distinction? If it is not to cost anything, why should we not vote money right along to be paid out of the proceeds of the public lands?

Mr. HAWLEY. The Senator happened to be absent when that was being discussed. He will remember that we have had a great deal of discussion about the extreme liberty that the United States might exercise in controlling the public lands and the proceeds of the sales thereof; that it might go wider and go further with this money than with the moneys received from ordinary taxation. I do not know how much it would trouble the Senator or myself if the funds were drawn from the Treasury in general, though I like this provision, I rather prefer it; but there are many Senators friendly to the bill who would have very much trouble if this were taken out of the proceeds of the ordinary or direct or indirect taxation.

Mr. BLAIR. In regard to this careful navigation to avoid other questions and enable Senators to meet consistency, possibly if they look their records over long enough back this will not be quite sufficient, because they have often voted in a way to involve them in difficulties so far as precedents go. By an amendment in the second section, the first having been stricken out, I would say to the Senator that the appropriation for the agricultural experiment stations is a clean and absolute appropriation from year to year out of the money in the Treasury of the United States, and not out of the money derived from the sale of public lands. In the original act the money coming from the sale of the public lands was appropriated for the support of the experiment stations, as I recollect it. In subsequent appropriations Congress do, as the Senator from Kansas suggests as the sensible and proper way, just take the money from the public Treasury and pay it out to the support of the experiment stations which are appurtenant to the agricultural colleges.

The VICE-PRESIDENT. The title of the bill will be amended as last read by the Secretary, if there be no objection.

Mr. DAVIS. Has the bill been passed?

The VICE-PRESIDENT. The bill has been passed. The title will be as last read.

FORTIFICATION APPROPRIATION BILL.

Mr. DAWES. I ask that the fortification bill be laid before the Senate.

The PRESIDING OFFICER (Mr. MANDERSON in the chair) laid before the Senate the message from the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 8391) making appropriation for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial for the service for the fiscal year ending June 30, 1891, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DAWES. I move that the Senate insist upon its amendment, and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. DAWES, Mr. PLUMB, and Mr. GORMAN were appointed.

PENSIONS TO SOLDIERS AND DEPENDENT RELATIVES.

Mr. DAVIS. I now call up the conference report on the bill (S. 389) granting pensions to soldiers and sailors who are incapacitated for the performance of labor, and providing for pensions to widows, minor children, and dependent parents.

The VICE-PRESIDENT. That is a privileged question. The question is on agreeing to the report of the committee of conference.

Mr. BERRY. Mr. President, I was not in the Senate a few days ago when the Senator from Minnesota [Mr. DAVIS] explained to the Senate the difference between the conference report and the original bill as it was passed by the Senate. If I understand it, however, from the reading of the report, the principal difference is that the Senate bill provided that those who had served in the Union Army for a certain period of time, and who from any cause were disabled, and were injured to such an extent that they were incapable of earning their support by manual labor, and who had no other adequate means of support, were placed upon the pension-roll.

Now, as I understand, the Senate conferees have yielded that part which required that the beneficiaries should have no other means of support, and if this report be adopted then all persons who were disabled from any cause will be placed upon the pension-roll without regard to the state of their fortune or the amount of money which they have. In other words, this conference report places upon the pension-roll all Union soldiers who served for the period of ninety days who for any cause are disabled to such an extent that they can not earn a living by manual labor, and in addition the widows of all deceased soldiers who are dependent upon their labor receive a pension of \$8 a month and minor children \$2 a month, and when there is no widow then the parents of the deceased soldier receive the pension.

The passage of the bill has been advocated for the reason which has been given again and again, that in the absence of some such measure as this a large number of Union soldiers, men who fought upon the Union side during the war, will be compelled to go to the almshouses or become a charge upon the public; and yet that being the reason given for the passage of the bill the conference report proposes to put all parties upon the pension-roll, whether the man is worth a million dollars or whether he is not worth a dollar.

It seems to me the reasons that were urged then do not apply to this bill, or, in other words, the practical effect of this bill will be to place 90 per cent. of the Union soldiers upon the pension-roll of the Government of the United States. The Senate persistently refused to pass a service-pension bill, yet the conferees agree to an amendment which in its practical effect will be a service bill. I do not think the chairman of the committee himself will dispute the fact, or that he can dispute it successfully, that if this bill becomes a law at least 90 per cent. of the soldiers of the Union Army can prove that they are disabled to the extent required by the bill, which will authorize them to go upon the pension-roll. I do not assert that they will commit perjury in order to do this, but I assert that of those who served in the war, on account of age, on account of exposure, or from any other cause, the great body to-day can prove and prove truthfully that they are more or less disabled from some cause or other.

Then, I say, if that be true we ought not, under the guise of passing a bill for the relief of those who are unable to take care of themselves and have no means of support, to pass what is in effect practically a service-pension bill.

The estimate of the chairman of the committee is that this will add about \$42,000,000 to the pensions that we are already paying, or, in other words, that if this bill becomes a law, in addition to the \$103,000,000 that we are paying annually for pensions the amount paid will be \$145,000,000 each year. And yet, Mr. President, when we have passed this bill, although we have paid \$1,000,000,000 for pensions since the war, although we are paying \$103,000,000 annually to-day for pensions and if this bill should become a law this estimate will be swelled to \$145,000,000 according to the lowest estimate, we shall still hear the cry, as we have heard it for the last fifteen years, that the Government is neglecting the soldiers of the Union Army and not providing for those who saved the nation in the hour of danger.

We all know, as far as this estimate goes, judging this bill by those which have been passed heretofore, that no estimate which has ever been made either by the chairman of the committee or by any of the Departments has ever reached anything like the cost that was imposed upon the Government when we came to the practical administration of the law; and I think to-day if this bill passes no one will be astonished if, in the course of three or four years, the pension-roll will be found to have been swelled from \$103,000,000 annually to \$200,000,000 annually. I say I think no Senator upon this floor will be astonished if in the course of three or four years under the provisions of this bill our pension-roll shall be swelled to that, and yet the cry will be for more.

So skillfully and systematically has this sentiment been worked to pass every character of pension bill which could be proposed that it matters not how extravagant the demand is it always finds advocates and numerous defenders. There are various causes which contribute to the working up of public sentiment in favor of every class of pensions, but the most potent and efficient cause is the pension agents in the city of Washington, men who have grown rich by collecting pensions for soldiers, men who are supplied with literary bureaus, men who send out newspapers and circulars and letters to every locality in the country, men who have their agents in every town and hamlet throughout this nation, all combined to urge upon Congress to give more pensions to the Union soldiers. Added to this are the Grand Army of the Republic and the soldiers, men who are continually asserting that the Government has not met their just demands. I say so skillfully has this sentiment been worked up that scarcely any member of Congress from the Northern States dares to stand in opposition to any character of pension bill that is offered, and we find upon every occasion that the Northern Democrats and the Northern Republicans contest with each other as to who shall be first to introduce a pension bill or who shall go furthest to satisfy the demands of the soldiers; and, Mr. President, if any Southern member of the other House or any Senator from a Southern State dares to interpose a possible objection he is assailed by both friend and foe, and it is urged upon him that if he opposes such legislation he will injure the party to which he be-

longs, while in many instances he is denounced by the other side as a traitor who has no right to express any opinion upon the question of pensions.

Mr. President, we either occupy upon this floor a position here as free and independent representatives or we do not. I for one do not believe in this "stand-and-deliver" manner of passing this or any other bill. I believe that each man here has taken an oath to oppose such legislation as he believes is not for the best interests of his country, and it is his duty to do it regardless of the section from which he may come. Therefore, I am opposed to this indiscriminate granting of pensions. I am opposed to this bill, which I state practically is a service-pension bill in disguise. I am opposed to it because I do not believe it in the best interests of this nation that such enormous sums of money should be collected by taxation from the people and distributed out to the Union soldiers. I am opposed to it because I believe it is injurious to the men who receive it. It was the boast of every American in the past, and it was that which made our country as great as it was, that each citizen was a free and independent man, dependent alone upon God and his own strong right arm, and whenever you make him dependent upon the nation you not only destroy his energies, but you to a large extent destroy his usefulness.

In addition to that, when you foist upon the Government a million and a half of men who are living out of the labors of others, men who are doing no work, but simply drawing their pay from the work and labor of the other citizens, you not only destroy that man's energy and make him comparatively useless as a citizen, but you breed discontent in the minds of his neighbors and his fellow-citizens, men who are obliged to toil from day to day in order to meet the demands upon them. It creates a bitterness with them and a feeling of injustice rankles in their hearts when they know that their burdens are added to in order that they may support men in idleness who are sometimes far more able to work than themselves. I say that is another reason why this bill should not pass.

I wish to say here, as I said upon a former occasion, that in my opposition to this indiscriminate granting of pensions to the soldiers of the Union I have not been actuated, whatever may have been charged to the contrary, by any hostility to the soldier himself or to the Government for which he fought. Upon the other hand, I believe that that man who, through motives of patriotism, entered the service of his country at the time when he believed its flag was in danger, who endured all the hardships and toils incident to a soldier's life, is entitled to more consideration than the citizen who did not so serve. But when the demands become extravagant, when he seeks to make it a question of dollars and cents, when it comes to the fact that we measure the patriotism and the honor and the glory acquired by the Union soldiers by so many dollars and cents, and put it simply upon a financial basis, it seems to me that it detracts from the high position that the soldier occupies; it seems to me he would prefer to occupy the standpoint that he went forth with motives of patriotism, without hope of reward, to defend the country in the hour of danger; and when his friends here place him in the position that he has a right to come and demand in dollars and cents whatever he may conceive he is entitled to, they are doing an injustice to that soldier.

Nor do I believe that there is any necessity for this legislation to the extent that has been charged. I do not believe that there are any great numbers of ex-Union soldiers of this country who are in any great danger of going to the poor-house. I can not think it is possible that so many men as has been asserted are in that condition that unless the Government comes to their relief they will be compelled to beg for bread or go to the almshouses of the country. I think the statement which has been so often made to that effect is an injustice to the Union soldiers. As I stated upon another occasion, I judge them by those with whom I am acquainted. I judge the Union soldiers by those who opposed them in the contest, the men who were in the Southern army, who neither ask nor desire anything from the Government—the men who for four long years endured hardships equal to any other men, who returned to their homes in 1865 to find desolation upon every hand; men who returned with their hopes of victory and success crushed forever; men who went back to their homes without money, without farm implements, without stock, without aid from the Government, or elsewhere; men who found desolation on every hand, who went to work to rebuild their fortunes, and, instead of being a charge upon their neighbors, they have at times innumerable not only taken care of themselves, but stretched forth their hands to aid their less fortunate brethren. That being the situation as shown by them, I believe this hue and cry which is so often raised for political effect in order to secure the soldiers' votes, that there are thousands of Union soldiers in danger of going to the poor-house, is a false cry.

I believe that this bill is not just to the people of the nation. I believe the idea that it carries with it, an idea that has been asserted again and again, that the Union soldiers saved the Government and have the right to demand whatever they please, is an idea destructive of liberty. I believe that at least we owe it to ourselves and we owe it to those we represent to say that there must come a time when this pension-roll shall no longer be swollen. More than ten years ago the late Mr. Garfield, President of the United States, asserted, when \$38,-

000,000 were appropriated in a bill, that he thought the limit had been reached and that thereafter pension appropriations would be decreased; and yet year by year and day by day the appropriations continue to increase, and so certain is it that whatever is demanded will pass that men sit mute and silent and see bills which are unjust and unfair go through this Senate from day to day.

I say, as I said before, with no unkindness to any Union soldier, I say it respecting and honoring him and respecting and honoring as I do today the flag and the Government for which he fought, that I believe I owe a duty to oppose this bill to the thousands and thousands of poor laboring people who are compelled to toil from year to year, and I confess that my sympathies go out to them as well as to those who fought to save the flag in the hour of danger, and believe that they have some rights which the Congress of the United States should respect.

The VICE-PRESIDENT. The question is on concurring in the report of the conference committee.

Mr. BERRY. Upon that I ask the yeas and nays.

The yeas and nays were ordered.

Mr. GORMAN. Mr. President, when the conference report was under consideration a few days since, I made inquiry of the chairman of the conference committee, who has given this matter great consideration, what the probable expenditure would be in case this report was adopted. I understood the Senator from Minnesota to say that the gross expense per annum under the provisions of this bill if it becomes a law will be between forty-one and forty-two million dollars. The estimate made elsewhere he will find by reference to the record is that it will not exceed \$35,000,000 per annum.

Mr. President, I have uniformly voted for the most liberal appropriations to the men who served their Government in the Army or the Navy. I believe that there is a consensus of opinion that the men who have so served, and are unable to provide properly for themselves or their wives and dependent children, ought to be provided for by the Government. Therefore, in what I may have to say there will be no hostility to the most liberal appropriations for that class of our fellow-citizens.

But, Mr. President, there is a limit to all things. There must be a limit to the appropriations that are now being made upon this account. We have appropriated and actually paid to the 508,419 pensioners now on the roll since 1861 \$1,105,326,017, an amount sufficient, if the Department had been properly administered and the laws properly framed, to provide amply and well for all those who served their country during the last and preceding wars, provided the bounty had been conferred on those who were disabled to such a degree as to prevent them from earning a support. The payments since 1861 to January 1, 1890, are as follows:

Table showing the number of pension claims filed and allowed each year since July, 1861, and the number of pensioners on the rolls at the close of each year, with annual disbursements on account of pensions since July 1, 1860.

Fiscal year ending June 30—	Claims filed.	Claims allowed.	Pensioners on the roll.	Disbursements.
1861.....			8,636	\$1,072,461.55
1862.....	2,487	462	8,150	790,384.76
1863.....	49,333	7,894	14,791	1,025,139.91
1864.....	53,990	29,487	51,135	4,904,616.92
1865.....	72,084	40,171	55,968	8,535,153.11
1866.....	65,256	50,177	126,722	13,459,996.43
1867.....	36,753	36,493	153,193	18,619,956.46
1868.....	20,708	28,921	169,643	24,016,981.99
1869.....	26,006	23,196	187,963	28,423,894.08
1870.....	24,851	18,221	198,686	27,780,811.81
1871.....	43,969	16,569	207,406	38,077,583.63
1872.....	26,261	84,839	233,229	30,169,841.00
1873.....	18,308	16,662	236,411	29,165,269.62
1874.....	16,781	16,462	236,241	30,593,749.56
1875.....	18,764	11,152	264,821	29,083,116.63
1876.....	23,522	9,977	282,137	28,351,990.69
1877.....	22,715	11,836	282,104	28,580,157.04
1878.....	41,567	11,982	223,958	28,844,415.18
1879.....	57,118	31,348	242,755	32,780,525.19
1880.....	141,448	19,545	350,802	67,340,540.14
1881.....	31,116	27,394	368,630	60,036,589.51
1882.....	40,939	27,664	385,697	54,296,280.54
1883.....	48,776	26,162	308,658	60,431,972.85
1884.....	41,785	34,189	326,756	67,278,536.74
1885.....	40,918	35,787	345,136	65,696,706.72
1886.....	49,895	40,857	306,788	64,584,370.45
1887.....	72,465	55,194	406,007	74,315,436.85
1888.....	75,726	60,282	432,587	79,646,146.37
1889.....	81,230	61,921	496,725	89,131,964.44
1890, to January 1.....	51,434	37,346	508,419	93,207,604.00
Total.....	1,259,980	816,469	408,419	1,105,326,017.17

Mr. President, the annual expenditures on account of pensions for the year ending June 30, 1861, were only \$1,072,461.55, and for the year ending the 30th of June, 1890, now to expire within a few days, the whole amount in round numbers is \$109,000,000. That is the amount actually appropriated and which will be expended by the 30th of

June, this month. This amount does not include the expenditures on account of the administration of the Department, the pay of the clerks, and everything connected with the administration and the adjustment of these claims. The rate at which the payments are increasing per annum under the operation of the present laws and with the present force in the Pension Office may be safely put down at ten millions; if that be so, then we shall be compelled to appropriate for the year 1891 under the operation of the present law \$120,000,000 in round numbers. If you add to that the expense of the Department for adjusting the claims and the payment of them, the gross expenditures will not be less than \$125,000,000. There are pending, as I understand, over 450,000 claims. Probably it will take \$250,000,000 to pay these with their arrearages. If they are to be adjusted and paid at the same rate as during the past year the expenditures for the year ending June 30, 1892, will be \$135,000,000, and so on until they will reach within five years \$200,000,000 per annum under the present laws.

Mr. President, this statement does not differ materially from that made by the Senator from Minnesota in his report. That Senator has given this matter great attention and he unquestionably desires to do full justice to the soldiers, but he, I am sure, does not desire to increase taxation to meet the exorbitant demands made. He had the courage to stand as a member of the Committee on Pensions, as its chairman and as a Senator upon this floor, to some extent to stay the effort that is being made to absolutely bankrupt the Treasury. I give him full credit. I believe that but for his courage and that of the members of his committee and the Senate supporting him this bill would have increased our expenditures at least \$150,000,000 per annum.

But the bill that he now presents to the Senate, if I am not greatly mistaken—and I have taken some care to have it examined since the matter was last under consideration—largely exceeds the estimate of the Senator from Minnesota. I was led to make this examination or cause it to be made, because of the extraordinary statement which he presents in his report, and which was known to all of us, that when the act of January 25, 1879, was passed it was estimated that \$20,000,000 would cover the entire expenditure, and yet up to June 30, 1885, there had been paid by the Government \$179,405,872.

Mr. INGALLS. The Senator from Maryland, I am sure, does not intend to convey an inaccurate or untruthful impression to the country.

Mr. GORMAN. Not at all.

Mr. INGALLS. The report declares that the estimate of eighteen or twenty million dollars was for the additional expenditure thereunder up to January 1, 1879.

I speak of this with some interest because I was chairman of the Committee on Pensions at the time when what is commonly known as the arrears bill was reported, and it was on my motion it was passed through the Senate.

Mr. GORMAN. The Senator from Kansas is quite right. I would not make an inaccurate statement knowingly or convey an impression that the facts do not warrant. So that the Senate and the country may have the benefit of an exact statement made by the Senator himself when he was chairman, I shall read to the Senate what occurred in the debate in this body, which will be found on page 484, volume 33, of the RECORD, when that bill was before the Senate in January, 1879:

Mr. SAULSBURY. I should like the chairman of the Committee on Pensions to indicate to us something as to the amount of money which will be required to pay the pensions here provided for. We ought not to vote blindly on this matter.

Mr. INGALLS. Mr. President, in 1876, when a similar measure was pending before the Senate, I addressed a communication to the Commissioner of Pensions and asked him for information in regard to the amount which would be required to make the bill operative. I received from him a statement which was printed as Miscellaneous Document No. 113, at the first session of the Forty-fourth Congress, which gives in detail, as far as it could be ascertained from the records of the Pension Office, the amount that would be required to pay the arrears both of invalids and widows and dependents in each year since the adoption of section 4709 of the Revised Statutes. I do not know that it will be necessary to read specifically the annual amounts, but up to the 1st of January, 1876, the Commissioner reports that there were 16,454 invalid cases to which the limitation of the section applied, and the estimated amount of arrears at that time was \$9,529,775. The number of widows and dependents was 5,143. The amount required to pay the arrears of those would be \$3,867,334; making a total at that time of \$13,417,109.

There have been three years since that date, and of course I can only estimate what amount would be required since this computation was made; but taking the estimate for 1875 as an average my judgment would be that this sum should be added not less than \$5,000,000 for claims since allowed to which the limitation now applies. Of course these estimates are very largely in the nature of surmises, because we can not tell until the bill is put practically in operation exactly what will be required.

Mr. CONKLING. Making in all how much, as the Senator has it there?

Mr. INGALLS. Making in all up to the 1st of January, 1876, the sum of \$13,417,109, and that amount I should judge would be increased by not less than \$5,000,000 up to the 1st of January, 1879.

Mr. CONKLING. Which makes about \$19,000,000?

Mr. INGALLS. I should judge somewhere from eighteen to twenty million dollars in round numbers. Of course it is impossible to make anything like an accurate calculation upon matters of this kind.

And yet, as is stated in the report of the Senator from Minnesota, up to June 30, 1885, the aggregate paid was \$179,405,872.

Mr. INGALLS. Do I interrupt the Senator by calling attention for one moment to the misleading character of his statement?

Mr. GORMAN. I may be mistaken, but I will read what the report of the Senate committee, which is Report No. 989 of the present

session, made by the distinguished Senator from Minnesota, says of this act:

It was estimated while the act of January 25, 1879, was under consideration that the additional expense thereunder up to January 1, 1879, would be from \$18,000,000 to \$20,000,000—

Mr. INGALLS. That is right.

Mr. GORMAN—

This was based upon the estimate of the Commissioner of Pensions up to January 1, 1876, and other estimates of \$5,000,000 from that date to January 1, 1879. Shortly after the passage of the act of January 25, 1879, the Secretary of the Interior addressed to the President of the Senate a communication, of which a copy is hereto annexed, dated February 18, 1879. This was closely followed by the act of March 3, 1879, imposing the limitation. The legislation requested by the Secretary as to the proper mode of obtaining evidence in claims for arrears of pension was not accorded, but the act of limitation was passed.

Under date of January 25, 1888, in a communication addressed to Hon. Samuel J. Randall, House of Representatives, General J. C. Black, then Commissioner of Pensions, estimated that the said arrears act had up to June 30, 1885, cost the Government \$179,405,872.

Now, I ask the Senator from Kansas, who has always been liberal to the soldiers, whether it was in his mind or whether he, as chairman of the Committee on Pensions, had the information from the Department communicating in any shape or form to Congress any estimate that began to cover one-tenth part of this \$179,000,000, or whether he conceived it possible that that act would require the expenditure of a tenth part of that amount.

Mr. INGALLS. If the Senator has the debate before him of January, 1879, he will see that that interrogation was addressed to me, inquiring what would be necessary in the opinion of the Pension Committee to pay what might accrue after the 1st of January, 1879, and the answer was there explicitly made that it would depend upon the number of claims that might be filed after January, 1879, and that there was no more means of ascertaining accurately or computing definitely what would be required than there was of ascertaining how many wild fowl would fly over the Capitol in the course of a year.

Mr. GORMAN. I shall be glad to be corrected if I am mistaken.

Mr. INGALLS. The Senator has read from the debate that occurred when the passage of that bill was moved and is endeavoring, of course, to produce the impression upon the country that there was an enormous and bewildering discrepancy between the amount that it was then stated would be required to make this act operative and what has since been paid.

Now, the Senator, I am sure, after reading what he has recited to the Senate, will admit that \$18,000,000 was the amount required up to the 1st of January, 1879.

Mr. GORMAN. I think the Senator from Kansas—he and I want to be entirely frank about this matter—will now admit that neither he nor other gentlemen in Congress nor the Commissioner of Pensions ever supposed that that act would require this enormous expenditure. There was no estimate ever made that it would take a quarter of that amount of money. There was no suggestion that it would or could ever reach \$175,000,000 or \$180,000,000.

But, Mr. President, we are met with a condition. I am not complaining of the Senator from Kansas or any other gentleman who was in either branch of Congress who voted for that act. That is not the question now. A mistake was made, an underestimate was made.

Mr. INGALLS. A mistake?

Mr. GORMAN. I will change it and say an underestimate. An underestimate was made of the cost of that legislation.

Mr. INGALLS. No estimate at all was made about it. The Senator persists in his misleading statements. There never was any attempt to estimate the cost of it. The only statement that was made was that up to a certain date, then under consideration, the amount required to carry the act into operation would be about eighteen or twenty million dollars.

Mr. GORMAN. That is a most extraordinary statement of the Senator from Kansas. Is it possible that these various acts appropriating any amount of money from the Treasury of the United States were passed without the attempt being made to estimate what they would cost the people of this country? I have never supposed that in any of the legislation we have had we had ever been as loose in our methods as that. No such procedure takes place to-day. The Senator from Minnesota [Mr. DAVIS], who comes forward with this proposition, comes to the Senate with an estimate, the best he can get, as to what the probable cost will be to the tax-payers of this country.

Mr. INGALLS. Only annually, not the aggregate.

Mr. GORMAN. The aggregate annual appropriation under this bill the Senator from Minnesota fixes at from \$41,000,000 to \$42,000,000.

Mr. INGALLS. There is no attempt to estimate what the aggregate expense of this statute will be. The Senator from Minnesota furnished an estimate of the annual expense that will be added by the operations of this law.

Mr. GORMAN. Yes; and the Senator from Minnesota and the Committee on Pensions go beyond that. They furnish a table which they admit is inaccurate; they say it is not possible to determine with accuracy the actual annual gross amount carried by this act, nor do they give in figures the total expenditures that will accrue because of this law, but they do furnish a table of the number of persons who will probably be entitled to the benefit of it and the probable life of those

benefited, so we can estimate to some extent how long this appropriation will run; but that estimate of the Senator from Minnesota, which he places at forty-one or forty-two millions of dollars, as I have said, I have gone over carefully, with the benefit of some experts, and I find from the best information I can get and from the closest calculations I have been able to make that he largely underestimates the amount.

Mr. President, the principal item of expense under this bill will, of course, be the provision made for disabled survivors by section 2. For the purpose of estimating the cost of the legislation proposed in this section, it is assumed as a very low estimate that three-fourths of all the men accepted into the service during the war served ninety days or more, which I think is an underestimate that will be admitted by the Senator from Minnesota. According to the best estimates which can be made there will be living on July 1, 1890, 812,951 honorably discharged survivors of the war whose service was not less than ninety days and who are either not on the pension-rolls or are pensioned at less than \$8 per month. How many of these are disabled, and to what extent, of course there is no means of determining; but if only one-half of them are added to the pension-rolls at \$9 per month—the mean between the maximum and minimum rates fixed by this section—the maximum being \$12, the number to be provided for under this section would be 406,475, and the cost would be \$43,899,300 per annum, that is, if only one-half of the claims of those who are supposed to be entitled to pensions are allowed. But if the additions to the rolls should be equivalent to three-fourths—that is the experience of the Pension Department—of the survivors, at the average rate of \$9 per month, then the cost of this section alone would be \$65,848,950 per annum.

Of the 331,410 veterans of not less than ninety days' service who have died since the war, it is believed that three-fourths, or 248,557, left widows, of whom 186,746 are now living. Of these it is fair to assume that at least one-half, or 93,373, remain unmarried, are not pensioned, are dependent upon their labor for support, and consequently come within the provisions of section 3, and that one-fifth of the latter number, or 18,675, have each at least one child under sixteen years of age. The annual pensions, then, for dependent widows under this section would amount to \$8,963,808, and for minor children \$448,200.

There is no basis whatever upon which any reliable estimate can be made of the probable number of dependent parents who would become beneficiaries under section 1 of the act, or of the cost of this section, but if the number thus added to the rolls should only equal the number on the rolls on January 1, 1890, the accessions would number 34,501, and if these should only receive the minimum rate of \$8 per month the total cost would be \$3,312,096.

From the foregoing the following figures are obtained:

Disabled survivors.....	\$43,880,300
Dependent widows.....	8,963,808
Minor children.....	448,200
Dependent parents.....	3,312,096
Total.....	56,623,404

In the foregoing calculations it has been assumed that the accessions to the pension-list under section 2 of this bill will only be equal to one-half the survivors at the average rating of \$9 per month. But if the accessions under this section should be equal to three-fourths of the survivors at that rating the annual cost would be increased by \$21,949,650, making the total cost of the bill \$78,573,054.

Therefore, if three-fourths of the survivors should be pensioned the expenditures under this bill would be as follows:

812,951 survivors, estimating three-fourths of them to be placed upon the roll at an average of \$9 per month, would amount to.....	\$65,848,950
Dependent widows.....	8,963,808
Minor children.....	448,200
Dependent parents.....	3,312,096

Total.....	78,573,054
Salaries of 500 additional clerks at \$1,000.....	500,000

Total cost per annum..... 79,073,054

Then, Mr. President, with the amount that we are to pay under the present laws, amounting this year to \$109,000,000 and in the year 1892 from one hundred and twenty to one hundred and twenty-five millions, you have bankrupted the Treasury. There is not money enough from the present revenues of the Government to pay these charges with the ordinary expenses which must be provided for.

Mr. BLAIR. May I ask the Senator if he thinks that is an argument against this bill?

The PRESIDING OFFICER (Mr. MANDERSON in the chair). Does the Senator from Maryland yield to the Senator from New Hampshire?

Mr. GORMAN. I do.

Mr. BLAIR. Does the Senator consider that an argument against the bill?

Mr. GORMAN. Is that the Senator's question?

Mr. BLAIR. That is my question.

Mr. GORMAN. Mr. President, we are face to face with a condition and not a theory. Now my friend from New Hampshire looks only at the theory.

Mr. BLAIR. If the Senator will permit me, I look at the condition

of those who have claims upon their country, which is not a theory by any means.

Mr. GORMAN. As I said in the beginning of my remarks, whatever I may say is not in opposition to liberal and fair provision for the disabled and dependent soldiers of the country. The Senator from New Hampshire knows perfectly well that ever since I have had the honor of a seat upon this floor I have taken great pleasure always in voting to make liberal provision for the men who are dependent and who have served their country in the Army or the Navy. But we are to-day confronted with another condition of affairs. The prodigality, the extravagance in the administration of the affairs of the Pension Office, and loose legislation have brought about an expenditure which by the year 1892 will leave your Treasury bankrupt. You insist in largely increasing the amount that must be appropriated to meet claims now pending by this bill, which will take nearly the entire amount received from the customs and internal-revenue receipts.

I say, Mr. President, that there are sixty-five other millions of people in this country who have an interest in this matter, and they will stop to inquire whether we are not bankrupting them to provide, to an extent that they have never contemplated, for the soldiers who served in the late war.

Mr. BLAIR. May I ask the Senator if he doubts the ability of the Government to replenish the Treasury to the extent of paying the just claims of those who saved the country and the Treasury alike? Is not the real difficulty that the war was too big and we expended too much to preserve our institutions?

Mr. GORMAN. Oh, no, Mr. President; I do not doubt the ability of this country to do anything. But prudence requires that while we vote fair and liberal appropriations on this account we shall not give any such extravagant amounts as will necessitate the increase of the taxes of an overburdened people; and that is the object of my calling the attention of the Senate to the condition of the Treasury, and staying, if I can, this extravagance.

Now, let us see how this matter will stand. The amount of actual revenues, including the postal receipts, of the Government for the current year is estimated at \$450,414,377.34. The amounts appropriated in the regular appropriation bills and miscellaneous, as they stand to-day, without any reference to the additions which will be made and must be made, amount to \$344,120,313.97. The general deficiency bill will be not less than \$5,000,000. The miscellaneous appropriations I placed at only \$5,000,000, but they will more probably amount to \$10,000,000. The new pension bill, if the entire amount of the estimates which I have presented were appropriated, would be \$79,073,054, and the permanent appropriations \$101,628,453, making the total expenditures of the Government \$534,821,820.97, or a deficit of \$84,407,483.63 at the end of the next fiscal year.

But, Mr. President, there will be no such deficit, and for this reason: While you have proceeded to increase the obligations of the Government by extending these pension laws, you have made no provision for the adjustment of the claims which are now pending or for the adjustment of the claims under this bill; and while the obligation will exist the soldier will be without his money, because the claims can not and will not be adjusted, and in that way, and in that way only, can you prevent this large deficit in the Treasury.

I know that when the pension question is presented to Congress, as well as upon the hustings, it is made a political foot-ball. I am perfectly aware that whenever a Democrat opposes these extravagant appropriations, when he tells the other side that he is anxious to make provision for all who are disabled and unable to take care of themselves, but is opposed to this extravagance which will bankrupt the Government, the old charges, the old statements come back, and there is never an opportunity lost to twit the Democratic party with a desire to do injustice to these gallant men. In the consideration of this bill the same charge has been made. I have a right to read statements which I find in the public prints in connection with this bill. I find that in another place Mr. CANNON said:

Mr. CANNON. Mr. Speaker, this legislation is not perfect. Nobody claims that it is or that it is possible to enact perfect legislation touching this or any other question. It does not go as far as the House desires to go. The House has gone as far as it could after persistent effort and has gotten all it could get. The gentleman from Kansas [Mr. MORRILL] informs us he could not get the Senate to go farther. This is good legislation. It places on the pension-roll 250,000 names that are not on it. It increases the pensions of 50,000 men now on the rolls. The pension-roll under existing law carries half a million pensioners. This increases the number to 750,000. We will have paid out this fiscal year under existing law by the 30th day of June, \$109,000,000, and under existing law next year we will pay out \$115,000,000, and we will pay out \$35,000,000 under this law, making \$150,000,000 in all for the payment of pensions next fiscal year.

Our total revenue from customs under existing law is \$220,000,000 a year, from internal revenue \$135,000,000, making together \$355,000,000, \$150,000,000 of which will be paid for pensions. For the coming year the Government will pay out \$2 of every \$5 that it collects, and gladly do it under existing law and under this legislation, for pensions. It is the best we could do now. We will do it and do it cheerfully; and as the years roll round the Government of the United States will enlarge its pension legislation for the benefit of those who served it in the Army and Navy. [Loud applause on the Republican side.]

Mr. McCOMAS said:

Mr. McCOMAS. Mr. Speaker, although all that was desired by me has not been obtained, although the service pension, for which I voted and for which the Republicans of this House voted, has not been agreed to by the Senate, yet under the lead and guidance and by the devoted labors of the wisest, truest,

noblest, and best friend the soldier has had in Congress on either side in eight years, the gentleman from Kansas [Mr. MORRILL], to whom they owe a debt they can never pay, such as they owe no other man in House or Senate [applause on the Republican side], we have gotten a good bill.

Mr. YODER. Mr. Speaker, if the gentleman from Maryland will allow me, I desire to state that after serving for four years with the gentleman from Kansas [Mr. MORRILL] on the Committee on Invalid Pensions I most heartily indorse every word he has said. The soldiers never had a more sincere, earnest, hard-working friend in the world than the present chairman of the committee, Major MORRILL.

Mr. McCOMAS. We have here a measure that the people of this country who care for the helpless soldiers, widows, and orphans want, because it gives immediate relief. The soldiers who grow older while we debate, the widows who grow more needy will prefer it to hypocritical promises, deceitful pledges, and disappointing platforms. By it we will begin at once to take two hundred thousand men who served our country away from the edge of distress and poverty and give them a pension. By it we will succor thousands of soldiers who were getting from one to two dollars a month pension, and we will have their pensions increased to \$5 a month. We give to them all the help that comes from \$35,000,000 paid out annually, and not simply an empty utterance of platform and deceit of party. Under this bill proper care will be taken of one hundred thousand widows of the soldiers who helped to save the Government, and under this bill you will begin at once to take ten thousand men out of the almshouses of the country, where they have been allowed to go, carrying an honorable discharge in a ragged coat-pocket, a standing disgrace to my country and your country.

This is a good measure of help, Mr. Speaker, not all that I wanted, not all other men wanted, not all that some Democrats cheaply profess to want here and then vote against. You gentlemen on that side of the Chamber talk and we vote; you declaim and we act; and we now give this large part of the revenue of the nation rather than debate and delay. You do nothing and we do something, and we do it cheerfully and gratefully. The Republican party acts up fully to its platform, and all the good work that has been done for our soldiers has been done by the Republican party, has been done in spite of the continuous opposition of that side of the House. [Loud applause on the Republican side.]

Mr. HENDERSON, of Iowa, said:

The regular pension appropriation bill which passed at this session carried \$68,427,461. In the urgent deficiency act which I reported in January we appropriated for pensions \$11,613,009. For soldiers' homes we included in the urgent deficiency bill \$81,000,000. For artificial limbs there was included in the same bill \$60,000; for pay and bounty claims (actual and estimated), \$1,123,629.76.

In the sundry civil bill, as reported yesterday, there is provided for soldiers' homes (seven branches) an appropriation of \$2,601,785.45; aid to State homes for soldiers, paid out of the Federal Treasury, \$400,000; for artificial limbs and appliances (this being the year when that appropriation is called for), \$402,000; pay and bounty claims (estimated), \$680,000.

In the legislative, executive, and judicial appropriation act, which has passed the House, we appropriated for expenses of the Pension Office \$2,439,150; for record and pension division, War Department—what is known as Dr. Ainsworth's division—\$837,270, a division doing a great work for the soldiers in speeding the examination of all claims.

Then there was the bill which passed this House, and, I think, has become a law. I will ask the gentleman from Kansas whether that bill, known as the "totally helpless bill," has not passed both Houses and become a law—

Mr. FERRISS. It has.

Mr. HENDERSON, of Iowa. That bill carries \$450,000. Then the general pension bill which passed this House yesterday for the benefit of disabled soldiers, their widows, and the old fathers and mothers, carried, as was estimated, not less than \$35,000,000. So that we have appropriated by our legislation, including what is covered in the sundry civil bill now pending in the House, the sum of \$164,115,894.80. Then add the amount carried by the pending bill, and we have a grand total of \$167,824,733.24.

Mr. HILL. How much of that is in direct aid of the soldiers by way of pensions—

Mr. HENDERSON, of Iowa. I have given each item as I went along. It is all for the benefit of the soldiers in one way or another.

Then, in order that we may be perfectly fair and frank with each other, because there should be no concealments about this matter, I desire to say that the estimated receipts of the Government for 1891 are \$450,414,377.34.

Mr. SAYERS. That includes post-office receipts?

Mr. HENDERSON, of Iowa. It does, as do the other statements which I will give. The estimated revenues for the current year amount to \$439,509,000. The actual revenues for 1889 were \$443,148,000. Thus it will be seen that more than one-third of the entire receipts of the Government as provided for in this Congress go for the benefit of the soldiers of the Union. I feel it due to this Congress, and to both sides of it, that these facts should be given here and now.

As I have stated, the estimated revenues for next year are \$450,414,377.34, including receipts from the postal service. The amount from the latter service for this year is estimated at \$65,414,377.34, leaving all our Federal income from import duties and internal revenues and miscellaneous items, amounting to \$385,000,000. Of this sum, as I have shown, we have appropriated this year, and gladly, the sum of \$167,824,733.24 for the benefit of old soldiers, their widows, children, and helpless parents. Almost one-half of the revenues of the Government goes to this sacred use, and it is proper that the soldiers should know these facts.

So in the passage of the act the appeal of the partisan comes, and it is urged because it is a party measure. The Democrats who happen to oppose such legislation and ask you to stop and think are denounced and the country is appealed to, the soldiers are appealed to to stand by the "grand old party," because it votes these liberal pensions; and yet, Mr. President, that party, or the members of that party who so talk and so act, know perfectly well that they have refrained from doing the only one thing that they could possibly do to pay the soldiers, and that is to act upon the recommendation of the Department, to give a sufficient number of clerks to adjust the claims already pending. Let me read what the Commissioner of Pensions says upon this subject. There are pending in the Pension Office, the Commissioner says in his last report for 1889, 479,000 claims which have not been adjusted or examined, and he makes an appeal to Congress to give him sufficient clerical force to adjust these claims. I will read what he says on this subject, to be found on page 14 of his report:

CLERICAL FORCE.

The request for additional force that my predecessor repeatedly made, I feel impelled to renew with all the earnestness it is proper for me to use.

The number of pending claims, as shown by the published reports, has been constantly increasing beyond the utmost power of the office to dispose of them for the past four years, and a notable increase since the 1st of last March. From

March 1 to the close of the fiscal year there were filed 35,000 original invalid claims, making 112,000 claims of all classes filed in that period. This was again upon the office of over 35,000.

Considering that there are now pending 479,000 claims of all classes and that it is twenty-four years since the war closed, it seems to me there are sufficient reasons for asking that additional force be put upon this work to enable those entitled to pension to get the benefit of it while they live.

I respectfully recommend that an appropriation for an increased force of three hundred clerks be asked for, and that it be made available at once.

That was the statement of the Commissioner of Pensions at that time, Mr. James Tanner. It was made substantially by his predecessor, General Black, when he was Commissioner of Pensions. If instead of appealing to partisanship, if instead of passing an act extending the pension laws, something practical was to be done by the men who professed to be the only friends of the soldiers, then the wise thing, the one thing that would have given them the money which they are entitled to during their lifetime, as the Commissioner of Pensions states it, would have been to increase the appropriation for the clerical force in the Pension Office and elsewhere and have the claims adjusted. But instead of that, upon the great appropriation bills as they came to this body, you find no effort whatever to increase this force and to do the only practical thing by which these claims can be adjusted. A small increase in one bill of thirty medical examiners, cut down by this body to eighteen, is the sum total of the increased machinery which the very men who have promised so much in the speeches which I have read have given for the purpose of dispensing this money. Not a dollar is provided for in this bill—it may be hereafter—for examining the claims, of employing clerks and others to examine claims under this bill. No provision whatever has been made for putting it in force, and the party that is responsible for this legislation, the men who have given utterance in another place to the sentiments which I have quoted—two of them had charge of appropriation bills—have not attempted to make and dare not make sufficient provision to carry out the existing laws or to adjust the claims that will be made under this bill.

Mr. President, if the party in power had done the practical thing to secure the money to the soldiers, your revenues of to-day would be insufficient; there would not have been enough to pay the ordinary expenses of the Government, and you would be forced, as you will be forced before this Congress closes, to so shape your legislation for bringing money into the Treasury that the taxes and the revenues must be increased instead of diminished, as the whole country had a right to expect.

We can not fail to take note of what is going on all around us. The leaders of the Republican party here and elsewhere have made great pretensions of reducing taxation \$60,000,000. But the great leader of your party has called a halt. Those in charge of the executive branch know, as those of you do who are in charge of appropriations in this body and elsewhere, that you can not go before the country with increased taxation. You have evidently been afraid to go back to the soldiers, to whom you promised so much, without legislation; but your legislation will not benefit them, says your Commissioner of Pensions, Mr. Tanner, during their lifetime, unless you make appropriations for enlarging the clerical force of the office so as to permit the office to adjust these claims. You can not adjust these claims, you can not make such provision without alarming sixty or sixty-five millions of people who pay these taxes; they will ask you why it is that within two years, since you came into power in all branches of the Government with \$100,000,000 of surplus, you have bankrupted the Treasury and increased their taxes.

Mr. BLAIR. May I make a suggestion right there?

Mr. GORMAN. I yield to the Senator with pleasure.

Mr. BLAIR. I suggest that if the claims are not adjusted they can not be paid; so that the Treasury is not likely to suffer nor the people to endure much taxation if the claims are not adjusted.

Mr. GORMAN. That is precisely what I stated, and yet you induce the soldiers to believe that they shall have all they are entitled to under the acts prior to this, and that you will now give them seventy millions more, when you deliberately refuse to adjust their claims and pay them what is due them under the laws on the statute-book.

Mr. BLAIR. Is the Senator at all fearful that the claims will not be adjusted and that this law will not be carried into effect?

Mr. GORMAN. I think in the course of time they will all be adjusted.

Mr. BLAIR. Then, does not the Senator really base his opposition to this bill and is not his whole argument simply that this bill is to take money out of the Treasury, and can it do so unless the claims are adjusted?

Mr. GORMAN. I was commenting upon the statements which I quoted, which ought never to have been made, for I never myself on a pension bill brought in the matter of politics; but I say this question has been kicked around as a foot-ball upon every stump in the land, and that afterwards when it came up for consideration, where we ought to have calm deliberation, in the passage of this very act, the men who are responsible for it, who have charge of the purse-strings of the Government in one of its co-ordinate branches, taunt the Democrats with being opposed to these appropriations and tell the soldiers they have given them this and it was all that they could get from the

Senate, though they hoped to give them more, and yet at the same time deliberately and knowingly deceive the very men whose votes they are courting, because they have not made provision to adjust the claims already pending and they have made no provision whatever for those included in this bill.

I say it is wrong for either of the great parties to attempt to deceive the country or to pile upon the statute-book provisions which put us under obligation hereafter to pay sums of money beyond what is required to take care honestly and faithfully of the men who served in the Army and in the Navy and who are in indigent circumstances.

Mr. President, as I said a moment ago, you have been driven to stop the adjustment of these claims or else to increase taxation; as I said a moment ago, your great leader in another branch of the Government sees the condition you are in. He knows you can not reduce the revenues. Nobody claims that your revenue bill can be passed to reduce the revenue. Before you have passed through this session, if you deal with the revenue bill here you must so revise it as to keep your revenue standard at the present amount of \$450,000,000 or increase it, or you will have a deficit or encroach upon the sinking fund.

Mr. President, in the interest of the millions of people in this country who are bearing burdens now of which they complain, I say that it is unwise, unjust, to increase their burdens. Mr. President, pensions should not be a party question; all acts for the benefit of the men who served their country in the hour of need should be fairly considered and disposed of without political bias. Both sides should in the interest of all the tax-payers of the country, the great mass of the people, overhaul the Pension Office, look at its methods, and inquire why it is with four or five hundred thousand men upon the rolls there are 479,000 unadjusted. Everybody who takes only a cursory glance knows that there has been looseness in the administration of that department. Men are upon the pension-roll who are not entitled to pensions.

Mr. President, this bill, I suppose, will pass. The decree of a great party has gone forth. The responsible leaders of that party have promised more, a better bill, a greater sum in the near future. You may keep the soldier in your party ranks by these promises, but the millions of toilers—the farmers, merchants, wage-earners, all tax-payers—will, if I mistake not, put the pointed inquiry, "Why have you increased our taxes?" And you must answer. That answer can not be satisfactory, because the people know it is only to redeem a party promise.

Mr. DAVIS. Mr. President, this question of pensions, and especially of pensions in the line of the bill under present consideration, has been for the last four years so much discussed in print and by speech that it had not been my intention, after saying what I have said on this subject on frequent occasions, to take up the valuable time of the Senate with any additional remarks. But there are some things in the observations of the Senator from Arkansas [Mr. BERRY] and of the Senator from Maryland [Mr. GORMAN] which do require some consideration.

The Senator from Arkansas, ever since I have been here, with motives which I do not discredit by referring to him in the least, has been a consistent opponent of pension legislation for the benefit of the Union soldier, and what he has said this morning is in the direct line of what he has said upon other occasions. Between persons holding views so diametrically different as his and mine on this question there can be very little debate. He is distinctly opposed to any further pension legislation whatever. He thinks we have gone too far. He criticizes and stigmatizes what has been done, and a consistent pursuit of his argument on its line of logical sequence would require him or his party, if it ever comes into power again, to move a repeal of much that has been enacted by the Republican party in the long time of its ascendancy.

He says the present bill is a service pension. Not at all. The question of a service pension was eliminated from this measure by the report of the conference committee. It is a disability bill pure and simple, a bill which has been demanded by an overpowering sentiment of the North, to say the least, which has met with no dissent in the platform of any political party in that region, and which finds ample argument and justification for its passage in the personal observation of the residents of every community in that portion of the country.

Mr. President, a pension measure was before the Senate some two Congresses ago, and the voice of the Senator from Arkansas was not heard, nor that of the Senator from Maryland, in objection to it. It was a measure of generosity in a large manner from the North to the Southern survivors of those who helped to subjugate a large portion of Mexico. When in that Congress the proposition was made to put the survivors of the Mexican war of the age of sixty-two years upon the pension-roll as a service pension, I do not read that the Senator from Arkansas made any objection to that proceeding; and yet it was a service pension pure and simple. But when it comes to pensioning the Northern soldier for a disability as his old age approaches him, perhaps provably not traceable, and yet according to all experience manifestly deducible from the hardships of military life, then the Senator from Arkansas appeals to this great principle of personal dignity which should make men independent of pensions which are in their nature service pension. If there is the slightest basis of right in the service pension to the Mex-

ican war veterans, then how can he rise and say that this pension bill for a disability merely to the veteran Union soldier does not exceed that greatly in its merit?

The trouble with the Senator from Arkansas is not with the principle or the degree of relief. The trouble is (and it is to his credit so far as its frankness is concerned) that he is opposed to any further legislation for the benefit of the Northern soldier.

Mr. President, the report under present consideration is a conference report. It presents conclusions which were arrived at by the committee after strenuous debate, much difference of opinion, and to some extent unwilling reconciliation of views. Like all measures of this character it does not in a full degree represent the matured convictions of each member of that committee. I do not present or advocate it as the best measure which could be matured, but I do say that it is the best measure attainable in the state of mind of those to whom was delegated the task of endeavoring to produce a reconciliation upon this question.

Now, what does it provide? It provides in section 2—

That all persons who served ninety days or more in the military or naval service of the United States during the war of the rebellion, and who have been honorably discharged therefrom, and who are now, or may hereafter be, suffering from mental or physical disability, equivalent to the grade now established in the Pension Office for the rating of \$6 per month, upon due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, shall be placed upon the list of invalid pensioners of the United States.

Three or four conditions precedent are prescribed by this measure to entitle an applicant to be placed upon the pension-rolls. He must be suffering from a mental or physical disability. It must not be of an acute character, but it must be of a permanent character. It must be not the result of his own vicious habits. It must incapacitate him from the performance of manual labor in such a degree as to render him unable to earn a support. Now, to say that, under these circumstances and with such requirements, this is a service pension, or that 90 per cent., as the Senator from Arkansas estimated, or 75 per cent., as I understood the Senator from Maryland to estimate, of those not pensioned are going upon the pension-rolls is an estimate surely made without any proper consideration of the facts, or of the ordinary rules which guide human experience in such cases.

Mr. President, there are, speaking in round numbers, of the survivors of the war 800,000 not pensioned. Of these, 167,000, or, to be precise, 166,804, have claims pending under the present laws of the United States in the Pension Office which have not yet been considered or allowed. So, in dealing with the round numbers this bill will affect, we have 800,000 men, less 166,000, namely, 634,000 men, from whom all must come who are pensionable under section 2 of this act. Does any man suppose, and can any man who will seriously discuss this question for a moment maintain, that of 634,000 men of that character 90 per cent. or 75 per cent. are suffering from a mental or physical disability of a permanent character which incapacitates them from the performance of manual labor in such a degree as to disable them from earning a support? The question contains within itself the answer. The experience of each of us in the communities in which we live, testing this question by the range of our acquaintance with the soldiers, shows that an estimate of that kind is simply preposterous, absurd, and, if persisted in, made with a motive which can not be to arrive at a true solution of the question.

As I stated the other day, the data for estimates in this matter were exceedingly difficult to obtain with that clearness which is desirable, and while I stated that according to my own opinion this bill would cost from forty to forty-one million dollars, it was difficult for me to give to my own satisfaction the precise details upon which I would make a distributive statement in that respect. Yet I have looked this matter over some and have considered it.

Out of the 634,000 soldiers from whom all must come who are to be benefited by this bill, I estimate as an extreme estimate, and it goes far beyond that of any expert with whom I have talked upon this subject, that 300,000 soldiers, nearly 50 per cent., are at present suffering from a mental or physical disability of a permanent character not the result of their own vicious habits, which incapacitates them from the performance of manual labor in such a degree as to disable them from earning a support. I say that is an extreme estimate. I wish to be safe in this matter and not mislead the country, and when I say that 50 per cent. of these soldiers substantially can claim under this bill, I am going to the very length of conjectural possibility in that respect.

This pension is to be graded from eight to twelve dollars a month according to the degree of disability to earn a support, and I take, as the Senator from Maryland did, the mean of \$9, the average between the sums, and at that basis 300,000 soldiers at \$108 a year would cost annually \$32,400,000. The widows who will claim under this bill according to the best information I can get after consulting the records and those who are best qualified to know in the Pension Office, will be 75,000, making at \$96 a year \$7,205,000. It is estimated that 25,000 children of these widows will be added to the pension-roll at the rate of \$2 per month each until they reach the age of sixteen. That at \$24 a year is \$601,000. It is estimated that under the provisions of this bill

there will be 2,000 children surviving widows who may debase and whose pensions go to such children under the provisions of the bill, which would be \$48,000 per year; making the total appropriation \$40,254,000.

As I said the other day, it may exceed that, but I do not believe it can largely. The Commissioner of Pensions informs me that he thinks my estimate is more than ample to cover every expenditure which can be conjectured under this bill.

Mr. BERRY. Will the Senator permit me to ask him a question?

Mr. DAVIS. Certainly.

Mr. BERRY. I ask the Senator if under the present bill a large number of those who are upon the rolls already will not receive an increased pension.

Mr. DAVIS. I have taken that into account in estimating the 300,000 pensioners.

Mr. BERRY. I understood the Senator to estimate 300,000 at a pension of \$108 for each one of the 300,000 not on the rolls at all.

Mr. DAVIS. I have taken those into account, and I will give the Senator the figures, for I had anticipated that question. According to the best information I can obtain at the Pension Bureau the utmost increase that can be had to this estimate under that question, if it is a proper one, is about \$3,000,000 per year, which would increase this estimate of \$40,000,000 by the amount of \$3,000,000 were it not for the fact that I have as near as possible included it in my estimate of 300,000 pensioners at \$108 a year (for I am not giving analyzed tables), making \$32,400,000 a year.

Mr. President, all the experts with whom I have consulted, and there have been several, men of great experience in this matter, have stated that I have placed this amount too high. I can not believe that in a matter which has been so carefully considered by so many qualified persons, acting under a sense of immediate responsibility, any of us could have gone very far wide of the mark.

Mr. SPOONER. May I ask the Senator from Minnesota to state again the total?

Mr. DAVIS. Forty million four hundred and forty thousand dollars.

Mr. SPOONER. Thank you.

Mr. DAVIS. Mr. President, I listened with a great deal of interest to the remarks of the Senator from Maryland. They are in the same line of opposition to measures of relief of this character which we have heard ever since I have been in the Senate, and which were prevalent long before I became a member of this body. It is the refrain of Grover Cleveland's veto message, and, disguised with whatever protestations, it is an array of the Democratic party so far as so distinguished a member of that party can array it, against any further pension legislation whatever, and a complaint against the party in power of all existing methods by which present pension legislation is endeavored to be administered. If this bill contains error of detail or of principle the Senator from Maryland, with all his vast experience in these matters, ventures no correction or suggestion. His opposition is radical and from the foundation, and it is, as he expresses it, that there should be an end to all this; and, so far as he is concerned and is qualified to speak for the party of which he is so eminent a member, it is a declaration by the Democratic party against further or extended pension legislation. He takes exception to the amount which has been paid on account of pensions since the year 1861.

I may remark here, for fear that I may forget it in a more appropriate connection, that if the principle of this measure is right and if this country is performing to this body of men a duty that ought to be performed, the question of expense as an objection to any performance in this direction is of no moment whatever.

Mr. PLATT. Nothing is extravagant that is right.

Mr. DAVIS. As the Senator from Connecticut remarks, nothing is extravagant that is right; and when we reflect with what promises we sent those men out to save this country, and reflect that hundreds of thousands of them subtracted from three to five of the best years of their lives in order that we may sit secure here and perform our duties in this place; when we reflect on all that they did for humanity, for free government, for republican institutions; when we reflect upon the amount of suffering that has followed as an inevitable consequence in the case of almost every man who served through that war and did his duty, we shall not set up as an obstacle to the performance of our duty to them any mere question of the expense which it will be upon the Treasury; we shall provide ways and means to meet all our just obligations to these men, checking them when in their desire they go too far, or further than other interests of the country warrant them in their demands.

The Senator from Maryland—and I have heard that table read almost every session—says that since the year 1860 or 1861 we have expended \$1,100,000,000 in pensions in round numbers. Very true; so we have; but, Mr. President, that is only about \$33,000,000 a year. It is not such a great sum spread over the lifetime of a generation. Nobody has ever complained of it yet in any manner which has sufficiently impressed the public conscience to call upon that conscience to reprobate the perpetrators of this enormity who in thirty years have paid \$1,100,000,000.

The Senator from Maryland takes exceptions to the estimate which was made, or which he states was made, by the Committee on Pensions in 1879 as to the amount necessary to pay the arrears. That committee made the only estimate and gave to the Senate and country the only information that human prescience could give upon that subject. That bill provided that the pensioner should draw his pension from the date of his disability, and outside certain narrow limits it was impossible to state when that date was; and it was also impossible to foresee or foretell the extent of the disability when it should be proved. Nobody ever supposed, I venture to say, that eighteen or twenty million dollars could possibly pay the cost of that bill. But in this particular instance we are subject to no want of data. We know precisely, so far as statisticians can give us, the number of men on the pension-rolls, the number who are not so enrolled, the number of widows, the number of children; and in the long track of thirty years the experience in the administration of that office has been such that it can arrive at results of this character with that remarkable accuracy of statistics which surprises persons who have not had occasion to deal with them. When from all these points these gentlemen come and say that the estimates of the committee are within reason, are ample, and will cover all of the expense, it is in vain to hold up as an argument against estimates of that character what is said to have been an opinion of nearly twenty years ago upon a state of facts illusory, deceptive, and not perceptible by any human cognizance.

Now, the Senator from Maryland claims that there will be no money to pay the pensioners under this bill.

Mr. GORMAN. Unless you make provision for enforcing the law.

Mr. DAVIS. Of course, if this bill imposes an obligation, the country will expect the Committee on Appropriations, of which the Senator is so eminent a member, to provide for carrying out this law, and I presume he will be among the foremost to do it. But he is entirely in error in his statement that there will be no money to pay those who are pensionable under existing laws, because it is perfectly well known that of the appropriation of \$98,000,000, which was made the other day for the purpose of carrying out existing laws, at least \$25,000,000 of it was for the purpose of paying what are called arrears, namely, the sums which accrue from the time of the filing of applications down to the time when they are finally allowed. So that so far as present laws are concerned and pensions under present laws, the appropriation of \$98,000,000 amply takes care of that, and all the Committee on Appropriations have to consider is the amount called for by the bill under present consideration.

Mr. GORMAN. I presume the Senator wants to be entirely accurate about the matter, and I should like to say that he misunderstands me. The amount that was actually appropriated for the fiscal year which ends on the 30th day of the present month is, in round numbers, \$109,000,000.

Mr. DAVIS. I understand there was a deficit.

Mr. GORMAN. There is a deficit, and there will be also for the year 1891, and the chairman of the Committee on Appropriations elsewhere and all authorities do not place the amount at less than \$115,000,000 for the year ending June 30, 1891.

Mr. DAVIS. Was not the amount appropriated for the administration of pensions under the present law \$98,000,000? That is one item, is it not?

Mr. GORMAN. I will give it to the Senator exactly.

Mr. DAVIS. I do not care for a table, but I understand that \$98,000,000 was appropriated to pay the expenses of pension administration during the year, and that there were other items of nine millions (the Senator says fifteen millions) to cover deficits which had come down to us from a former Administration.

So, Mr. President, if the principle of this bill is just, if it is the judgment of the Senate that this measure shall become a law, and it is destined to take \$40,000,000 to administer it, of course the Committee on Appropriations will not hesitate to provide the means.

But the Senator from Maryland is very solicitous that the working force in the Pension Office is not and will not be sufficient to give that measure of relief to the soldier which this bill seeks to extend to him. I have no doubt that sound policy will require and justify an increase of the working force of that department, but that is a mere matter of administration and detail, which has nothing to do with the principle of this bill. If the principle of this bill is correct, it will be a malfeasance in the gentlemen who are intrusted with the duty of providing for the administration of the laws not to have it receive their full and considerate attention.

But there is this to say about the present administration of the Pension Office, that the Commissioner reports that within the next twelve months all of the arrears which have plagued, perplexed, and distressed the soldier under the present laws will be brought up. I am firmly of the persuasion myself that with the present able administration of that bureau, and distribution of duties and exaction of more work than seems to have been obtained of employes in former times, the working force of that bureau is ample to carry this bill and all the relief which it is destined to bring to so many suffering people throughout the country.

Mr. President, I have said all I care to say upon the subject of this

bill. As I said the other day and stated a few moments ago, it is a conference report. It may not meet the entire convictions of everybody, but it is the result of that average of conciliation and agreement upon which so much of the most important legislation often depends.

Mr. GORMAN. Mr. President, only a word in response to the Senator from Minnesota. He seems to regard the statements that I have made as the usual attack upon pension legislation by the Democratic party. I disclaim any such intention, as I did in the opening of my remarks. I desired to call attention to the condition of this branch of the service, and the condition of the Treasury, and the evident result if this proposed legislation becomes a law and is properly enforced.

It is not a question whether we shall do justice to these soldiers, for that I am heartily in favor of, but it is a question of the amount of ability of this Government to pay. It is a question whether we shall pursue the policy that became operative of a largely increasing pension-roll and increasing taxation which must necessarily follow.

The Senator from Minnesota insists that his estimate of \$40,000,000 under this bill is a liberal estimate of the expenditures per annum if it becomes a law. For the moment I will accept the Senator's figures. If he be entirely accurate, if it does not exceed that amount, and the party that is in power in all branches of this Government make provision for the Pension Office by which the claims shall be audited that are pending, and will make reasonable provision to enforce this proposed act, you will find by the year 1892 from seventy-five to one hundred million dollars deficit in the Treasury.

I charge, and I again repeat, that up to this hour, with nearly all the appropriation bills passed one or the other House, no attempt has been made to make provision by which the claims now pending may be adjusted, and none whatever has been made or will be made for administering this law; and you can not do it, because you know that it would bankrupt the Treasury, and you would be compelled to face an indignant people.

Mr. DAVIS. Will the Senator submit to an interruption?

Mr. GORMAN. With great pleasure.

Mr. DAVIS. The Senator states that no attempt has been made to provide for the adjustment of claims pending under present laws. I assert that the attempt has been made in this way: That of the appropriation of \$98,000,000, in round numbers, \$64,000,000 are for regular appropriations and that \$25,000,000 are for the arrears, namely, the amounts that are being carried up to the time of adjudication. The Senator is in entire error upon that point.

Mr. GORMAN. The Senator from Minnesota, I think, has not given the matter very much attention, or he would not make that statement. The amount I included when I was up for pensions means the arrears as well as the cases that accrue from now on. That is not the point I make at all. In the legislative and sundry civil appropriation bills, entirely different from this, which all goes to the soldier in the end when the claims are audited, no provision has been made at this Congress and none is likely to be made by which you will increase the appropriation for the Pension Department so that the claims pending there may be adjusted. All that are adjusted are covered by the two items the Senator from Minnesota reads; but no provision has been made to increase the clerical force, the medical examiners, other than the eighteen which I referred to, which is an insignificant number, and there they will lie under your legislation, the soldiers waiting, as the Commissioner of Pensions in his last report says, until they die. As the case now stands, if you did make an appropriation to increase the force and adjust the claims pending and make a reasonable provision for those provided for under this bill, you would find \$100,000,000 deficit in 1892.

Mr. PLATT. May I ask the Senator a question?

Mr. GORMAN. Certainly.

Mr. PLATT. When we passed the law to pension all the survivors of the Mexican war, was it found necessary to increase the force of the Pension Bureau in order that those claims might be adjusted, and can not the present force in the Bureau adjust these claims as well?

Mr. GORMAN. In answer to the Senator, I will read precisely what the last Commissioner, Commissioner Tanner, whom all the soldiers of the country, if nobody else, have great confidence in, says, repeating substantially what his predecessor, Mr. Black, had said:

I respectfully recommend that an appropriation for an increased force of three hundred clerks be asked for, and that it be made available at once. It is absolutely necessary that an additional number of messengers, etc., be allowed.

He said:

Considering that there are now pending 479,000 claims of all classes, and that it is twenty-four years since the war closed, it seems to me there is sufficient reason to ask that an additional force be put upon this work to enable those who are entitled to a pension to get the benefit of it while they live.

That is exactly a true statement. If the estimate of the Senator from Minnesota is correct, and I think that time will prove that it is far below the fact of only 300,000 additional claims under this bill, it will make 700,000 claims that will confront us by that Department to be adjusted, and you have not made provision for adjusting those already pending. I repeat that the party in power in holding out this hope to the soldier can not afford to do it. If the estimate of the Senator from Minnesota is correct, and only \$40,000,000 are covered by this bill, with the appropriations as they stand to-day without any further additions, with the only estimate of \$10,000,000 for the miscellaneous appropri-

tion, which is below the average made by every session of Congress, and adding \$40,000,000 by this new bill, you will have a deficit on the 30th day of June, 1891, of \$40,000,000.

I therefore say, sir, that this whole matter is misleading. My object has been to call the attention of the Senate and of the country, so far as I can, to the condition of the Treasury. I repeat, unless these men are to be deluded, unless you are to proceed as you have in the past by piling up the legislation and piling up the claims in the Department and not paying them while these men live, you are driven to acknowledge that the expenditures of the Government under your administration have exceeded the revenues.

You must remodel the legislation that is pending here. You can no longer boast of a reduction of \$60,000,000 of taxation, but you must so frame that measure as to increase taxation and increase the revenues of the Government. That is the responsibility that is on the majority party.

I do not rise for the purpose, as the Senator from Minnesota indicated, of protesting against all fair legislation for pensions to the soldiers. I am in favor of that. But my purpose was to enter a protest against the administration of the office as we have had it, against the loose methods which spend \$125,000,000 per annum. It was to enter a protest against these promises which have created great expectations among men who served their country in the time of need that will not be realized in their lifetime. It was for the purpose of emphasizing so far as I could, and calling attention to what your own great leader, the greatest your party has had in his day and generation, brought to your attention—the extravagance in your appropriations—the unthoughtful and unwise legislation which you propose in the matter of revenue. It was for the purpose of aiding my friend from Minnesota, whom I acknowledged has with great courage stemmed the tide of demagoguery throughout the land and the claim agents who had been urging these claims, who now receive, as the Commissioner states, \$1,300,000 per annum for the prosecution of these claims and who get three millions more under his bill. I congratulated him and rejoiced that he has stood here and prevented this amount from reaching \$150,000,000, as I believe he did. It is for the purpose, Mr. President, so far as what I say may have that effect, of bringing us back to the consideration of the pension matter with a view to fair treatment to the man who is dependent, with a view to liberality, if you please, but not this extravagant and wasteful expenditure that we have had. It is with a view of calling the attention of the majority for the purpose of joining you in preventing again by legislation the rerating of men who are drawing great salaries in the Pension Office while there are 400,000 soldiers who have never received a dollar. It is the condition, Mr. President, and not the general theory of the Treasury and of the country, not the theory that the Senator from Minnesota speaks of, that confronts us.

Mr. TELLER. Will the Senator answer me a question?

Mr. GORMAN. With great pleasure.

Mr. TELLER. The Senator speaks of these men being deluded. Does the Senator mean to say that we shall not be able to pay these men? Is that what the Senator means—that we are bankrupt, or likely to be?

Mr. GORMAN. I have stated in reply to my friend from New Hampshire that in my judgment this country is able to pay any debt it contracts, and it will pay any debt it contracts; it never has repudiated and never will repudiate a debt; but I mean to say that the manner in which we are proceeding, with the loose administration of the office, with the desire, natural, and it has been so with both parties, to grant every claim that can be brought up, to pension men who are not properly and justly entitled to it, we have reached a point where if you enforce the acts now upon the books and make provision for adjusting the claims provided for under this bill, you are compelled to increase the taxes of the people of this country.

Mr. TELLER. Will the Senator allow me to ask him one other question?

Mr. GORMAN. Certainly.

Mr. TELLER. Does the Senator from Maryland think that this bill does any more than justice to the soldiers and the widows of soldiers and the orphan children of soldiers? Does he find fault with the bill itself? Is it too generous?

Mr. GORMAN. The Senator from Colorado and myself, following the lead of our own committee, voted for one that was not so liberal as this conference report, and we all thought it did exact justice; at all events that it was as far as we could go prudently at this time.

Now, in the interest of the Pension Office, in the interest of these old soldiers, I think it is unwise to go on and make such provision as we are about to make in this measure, to hold out to them the hope of instant relief at from \$8 to \$12 a month, and to their widows and their dependent children, when we know that we can not make provision for properly adjusting the claims or paying the money without bankrupting the Treasury. I do not want to use an improper expression, but it seems to me we are juggling and playing with them. We had better have gone on, in my judgment, and made provision for the purpose of adjusting the 479,000 claims that are pending, rather than to have extended the law when they can not have any benefit from the measure as it stands to-day; and we all know it. My purpose has been to enter

my protest against this class of legislation, against these appeals which I have referred to, that have been made elsewhere for party purposes, and so far as I may to call the attention of the tax-payers of this country to the fact that we can no longer boast of \$100,000,000 surplus in the Treasury; but that when we reach the end of 1892 the Treasury will be bankrupt, or increased taxation must follow.

Mr. PLATT. Mr. President, it seems to me that the argument of the Senator from Maryland, if the protest which he makes may be called an argument, is either a delusion or a criticism of a committee to which he belongs. If it be true that in order to adjust properly and with proper celerity the pending claims in the Pension Office an additional force of clerks should be appointed there, then it is a criticism of the Appropriations Committee, to which he belongs.

I am aware that the Commissioner of Pensions at this session of Congress has asked for an additional force. I am aware that General Black, during his administration of the Pension Office, asked for an additional clerical force. But those recommendations went every year to the Committee on Appropriations during General Black's service and during the service of the Commissioners who have succeeded him, and if it were true that the present force in the Pension Office could not within a reasonable time adjust the claims there pending it became the duty of the Appropriations Committee to increase that force, and it became the duty of the Senator from Maryland, as a member of that Appropriations Committee, to recommend and insist upon an increase of that force. It seems to me it comes with poor grace from him, who, so far as my recollection goes, has never in the Senate, whatever he may have done in the Committee on Appropriations, suggested on the consideration of any appropriation bill that there ought to be any increase in that force. It will hardly do—

Mr. GORMAN. Will the Senator permit me to interrupt him right there? I have been a member of the Committee on Appropriations, it is true, for some years, but since I have had the honor of a seat upon this floor I have been in a minority, and in no way responsible for the shape that legislation has taken. But, I repeat, now that the Senator's party is in a majority in every branch of the Government, no attempt has been made by the party in power to increase the appropriation for clerical force.

Mr. PLATT. I had supposed that although a Senator might be in the minority upon a committee of the Senate he did not thereby become absolved from suggesting and urging and insisting upon what he thought the proper action of that committee should be, and in a matter so vital as this, in which he says the soldiers of this country are being deluded, I should like to know if it is even an excuse to his own mind, if the duty was upon him as a member of that committee to see that an additional force was provided, to say that he was in the minority of the committee. Has the minority of that committee ever suggested on the floor of the Senate an increase of the force? Certainly not; and if it had been suggested by the majority of that committee we should have been told, I have no doubt, that the force in the Pension Office was amply sufficient to dispose of the business there.

Mr. INGALLS. Mr. President, the statement of the Senator from Maryland about the condition of business in the Pension Office is inaccurate and in some respects incorrect. The principal cause of delay in the adjudication of claims pending before the Commissioner of Pensions now is caused by the failure of the applicant to furnish the necessary evidence.

It is an astounding fact, Mr. President, that twenty-five years after the war has closed there are nearly five hundred thousand unadjusted pension claims. But I repeat that the delay in their adjudication results largely from the failure on the part of the applicants to furnish the necessary evidence. It is precisely like the prosecution of a suit at law. Whenever a case is complete under existing statutes it is placed in what are known as the "completed files," and the clerical force in the office at the present time is such that every case that is placed in the completed files is now adjudicated one way or the other within sixty days.

It is idle, Mr. President, it is superfluous, for the Senator from Maryland to attempt to produce the impression on the people of this country, on the soldiers and their friends, that the Republican party has been holding out delusive and impossible promises to them; that we are paltering with them in a double sense, and giving the word of promise to the ear and breaking it to the hope. The force is ample for all ordinary purposes, and whatever difficulty there is, and whatever difficulty there will be hereafter, will not be from want of sufficient appropriations to supply the necessary clerical assistance to pass upon the merit or demerit of the applications, but upon the fact that from one reason or another, the death or absence of witnesses, the failure of memory, the want it may be of medical testimony, or the extraordinary number of special requests while Congress is in session, the claimants are unable to have their cases placed in the completed files of the office. The Senator from Maryland shakes his head. I speak by authority, and I challenge denial from any source competent to contradict me, that there is a delay or will be a delay of over sixty days in the adjudication of any one of the nearly five hundred thousand cases now pending before that bureau after the evidence shall be complete, under the requirements of existing law.

The argument of the Senator from Maryland brings up an old ques-

tion. He is a patriotic man. He is not the object of censure. He is not the subject of suspicion. There has never been any imputation on him of want of patriotism, of want of fidelity to the interests of the country and the welfare of its defenders. I know that just as much as myself, or as any Senator upon this side of the Chamber, he believes that justice ought to be done to the men who saved the country from destruction, and I think he believes with me that there is no time to be just but the present.

This revives the old controversy, Mr. President. The Senator from Maryland well said that this Government is able to perform any contract into which it enters. Is the pension to the surviving soldier, to the dependent relatives of the dead soldier of the Republic, a gratuity or is it a contract? I ask the Senator from Maryland who has presented this argument to tell me whether he regards the promise to pay pensions as a gratuity or as a contract.

Mr. GORMAN. A contract, of course.

Mr. INGALLS. A contract, of course. I supposed the Senator would answer that. I have no doubt that he thinks, as I think, that the agreement to pension the surviving soldiers of the Union Army and the dependent relatives of those who fell was a contract that was as much a part of the agreement under which he enlisted as the promise to pay him the paltry compensation that he received to furnish the rations that he ate, the uniform that he wore.

Therefore, the question is, Mr. President, this being a contract, upon what ground does the Senator from Maryland claim that it should not now be paid? He says it is a contract that when the soldier enlisted the Government agreed with him as a condition-precedent that if he would serve during the war, or the period of his enlistment incurring the dangers and hazards of battle, the possibilities of death, the privations of the bivouac, the camp, and the march, that if he fell a pension should be paid to his survivor, that if he survived and was disabled compensation should be given him as an equivalent for the loss that he had suffered in his capacity for labor or earning a support for himself and his family.

If this were a charity, Mr. President, if it were a gratuity, if we were doling out these amounts year by year to the surviving veterans of the Union armies or their dependent relatives as we give a crust to a starving beggar, we might properly inquire how much we were able to pay. But if it is a contract, as the Senator from Maryland admits, the only question is not what we shall pay, but how much we owe. I am surprised that the Senator from Maryland, a just man, a patriotic man, should rise here and claim, admitting this to be a contract, that we are to be confronted by the question of not what we owe, but of what we can afford to pay. Mr. President, an honest debtor does not inquire the amount of his obligation, whether it be large or small, but he asks whether it is due and whether he has the means to pay it, and this should be the attitude of the Government of the United States towards its disabled defenders.

It seems a little strange, Mr. President, when we recollect that this is a debt, one of the obligations incurred in consequence of the war and its operations, that we should be met by the argument that possibly it may require more than the surplus in the Treasury to pay it. If I recollect aright, the obligations incurred during the progress of the war itself were frequently more than it was within the capacity of the Government to defray from its surplus revenues from day to day. Suppose these frugal patriots, these parsimonious defenders of the Treasury, had arisen during the war and said, "We will not pay these troops, we will not discharge these obligations for subsistence, and forage, and guns, and ammunition, until there is money in the Treasury derived from taxation with which to pay it," how long would the war have continued? Is that the basis on which we are to discharge this obligation?

I tell you nay, Mr. President. This is an obligation as sacred as that under which the soldiers were paid. The Senator admits it, and yet we are to postpone it. We are to dicker and haggle about it; we are to take out slate and pencil and sit down and compute how much we can spare, how much we can cut down, how much we can save from the ordinary expenses of the Government in order to meet this sacred obligation. I am sure, Mr. President, the Senator from Maryland does not wish to occupy that attitude.

I have another remark to make about that obligation, and that is this: I am in favor of the removal of the limitation in the act granting arrears of pensions, and believe that every soldier should be paid from the date of his discharge or disability, and that the survivors ought to be paid from the death of the person for whom the pension is claimed. Whether it costs \$100,000,000 or \$1,000,000,000,000, it was a part of the contract. It was so nominated in the bond. It is not for us, twenty-five years after the war closed, to sit down and begin to make mathematical computations how much of this debt we can afford to pay. I believe, further, that every surviving soldier of the Union armies ought to be put on the pension-rolls to-day for service, irrespective of disability. We placed upon the pension-rolls in 1871 every surviving soldier of the war of 1812, fifty-six years after the war closed. We placed upon the pension-rolls for service only, irrespective of disability, every surviving soldier of the Mexican war in 1887, between thirty-nine and forty years after the war closed. If you will shorten the interval between the close of the Mexican war and the close of the war for the

Union by the same number of years that you shortened the interval between the Mexican war and the close of the war of 1812, every surviving soldier of the Union armies is entitled by precedent to be placed on the rolls to-day for service, irrespective of disability.

I voted for that measure, Mr. President, with some reluctance and some misgiving. I knew that a large part of those who had served in the Mexican war subsequently served in the Confederate army, and that we were placing upon the pension-rolls of the United States by that act large numbers of Confederate soldiers. I did it because I wanted to remove from the pathway of service pension for the surviving veterans of the Union armies every obstacle in the way of precedent, and I regret that the committee of conference did not incorporate into this bill the service principle that was in the amendment made by the House of Representatives.

I am in favor of that, whether it costs, as the removal of the limitation in the act granting arrears might cost, \$100,000,000 or \$1,000,000,000. I know of no reason why the present generation should be called upon to pay all the expenses incurred in the suppression of the rebellion and the preservation of the Union and Constitution. I know of no reason, if justice to the surviving soldiers of the Republic requires extraordinary expenditures to be made, why the money should not be raised as it was raised to defray the expenses of carrying on the war. Why should we be confronted here on every occasion with this parsimonious cry that there is not money enough in the Treasury to-day, that there may not be to-morrow, that there possibly will not be on the day after that, to pay what may be required to perform this sacred contract and obligation of the Government?

I am not deterred, sir, by the considerations suggested by the Senator from Maryland. I do not believe that those arguments are rightly addressed to the conscience of the American people. That debt is due; it ought to be paid; and if we can not raise money enough from the tax on whisky, from the tax on tobacco, and from the tariff on sugar and other of the necessities of life to pay it we have resources, as we had resources to defray the expenses of carrying on the war. As the Senator from Maryland says, the United States Government never can make a contract that it is not capable of performing.

Upon every occasion, Mr. President, when this question arises we are confronted with the statement that a stupendous amount of money has been paid to the soldiers of the Republic. The Senator from Maryland rolls over as a sweet morsel under his tongue the avowal that more than \$1,100,000,000 have already been paid on account of pensions. Very true, Mr. President, very true; and before the pension account is closed, which will be in the course, perhaps, of fifty or sixty years, it will be found that we shall have paid in pensions an amount equivalent to the entire cost of suppressing the rebellion itself. I have no doubt that when this great account is closed, when the ledger has been finally balanced, and when the last survivor of those armies has gone to his account, it will be found that we have disbursed on account of pensions alone not less than \$5,000,000,000.

When that has been paid, Mr. President, an entirely inadequate equivalent will have been rendered for the services that they performed. Reduced to a three-year term, there were 2,300,000 enlistments in the armies and navies of the United States. They were paid a paltry equivalent of \$15 or \$16 a month.

Mr. CULLOM. Thirteen dollars a part of the time.

Mr. INGALLS. A part of the time \$13. They were paid in degraded and depreciated currency. The Government gave, in addition rations costing \$7.50 per month, clothing worth \$42 per year, making a total expenditure for their three years' service of about \$1,036. This was \$1,000 less than each one of them could have earned, according to the rate then prevailing, of wages in the daily avocations of life. Aside from all that each soldier received in what the Government gave them, supposing they had all survived—the 2,300,000 men presented to this Government in the value of their own services over and above what each received not less than \$1,000, or an aggregate of \$2,300,000,000 in all. We have paid \$1,100,000,000. So, upon the mere question of money compensation, if there were no other element in the problem, after all it has paid for pensions in the aggregate, the Government stands to-day a debtor in cash for services rendered in excess of compensation received more than \$1,200,000,000.

So that side of the ledger, Mr. President, is not at all alarming to me; and when this continual onset is made, when this denunciation is made of extravagance and wastefulness and excessive compensation, I repeat that the Government has not paid 50 per cent. of what it actually owes to those men who enlisted in its armies.

There is one other consideration, Mr. President, when we come to the arithmetic of this problem. When the war broke out the assessed valuation of all the property in the country was about \$1,600,000,000, real, personal, and mixed. Notwithstanding all the losses and perils and expenditures of war, notwithstanding the enfranchisement and liberation of \$400,000,000 of slave property, notwithstanding all that we spent during that period in feeding and clothing the best fed and best clothed people on the face of the earth, during all that period our national wealth went on increasing more and more, day by day and year by year, until in the census of authority of 1890 the national wealth aggregated nearly \$50,000,000,000.

Mr. President, for all that increment the people of this country are

indebted to the soldiers of the Union army. They saved every cent of it. If it had not been for their services, for their sacrifices, for what they did and endured and suffered, there would have been no nation, and no Treasury, and no accumulations, and no increment, and no valuation. If we are going into the mathematics of it, for this increment and addition to the national resources we are indebted to the soldiers of the Union armies. The amount that we have paid up to this time for pensions since the close of the war does not amount to 2 per cent. upon the amount that they saved and we should have paid a second-rate country attorney 10 per cent. for collecting a doubtful debt. We have not paid 2 per cent., notwithstanding the gigantic summary presented by the Senator from Maryland, upon the actual amount that was saved to this country by the services of the Union armies.

Therefore, Mr. President, when the relation of the soldiers of the Union armies to the Treasury of the United States, to the property of the United States, comes to be considered in its true aspect, the people will not agree with the Senator from Maryland in his estimate that there has been an extravagant equivalent paid either in compensation or in pensions.

Mr. GORMAN. Mr. President, I of course shall not follow the Senator from Kansas in his remarks as to what this Government owes the soldiers. He has gone away beyond the declarations of his party. He is the advance guard in the payment of untold millions to these old defenders of the country, and it is not necessary to comment upon it. But I do desire to bring the Senator back to the one proposition which I made, and which he denied, that ample provision had been made for the adjustment of the claims now pending. As I understood the Senator from Kansas, he denied in toto my statement that there were 479,000 claims, nearly 500,000 claims, awaiting adjustment in the Pension Office because of the deficiency in the clerical force to adjust them, and he stated that the reason of the delay was because of insufficient evidence and what not.

Mr. President, I have read before what Mr. James Tanner, the late Commissioner of Pensions, said upon that subject. He asserted that it was impossible to adjust these cases for the want of clerical force. I hold in my hand a letter from the Secretary of the Treasury, which is found in Executive Document No. 153 of this session, conveying to the Senate a communication from the Secretary of the Interior and the Commissioner of Pensions, General Raum, in which the latter asks for an increased appropriation for clerical force. The communication of General Raum, the present Commissioner, is as follows:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., June 12, 1890.

SIR: In view of the probable enactment of the bill upon which the conference committee of the two Houses of Congress has agreed and which has passed the House of Representatives, I respectfully invite your attention to the fact that the work of this office is steadily increasing by the filing of new claims in excess of the number of claims disposed of from month to month. In my opinion the official force is performing about all the work that can be expected of it; consequently the prompt execution of this new act will require a large increase of the force of the office. I respectfully recommend that Congress be asked to authorize the employment of the following force:

Twenty principal examiners.....	\$2,000
Thirty clerks, class 4.....	1,800
Fifty clerks, class 2.....	1,600
One hundred and ten clerks, class 2.....	1,400
One hundred clerks, class 1.....	1,200
Forty-five clerks, class \$1,000.....	1,000
Sixty copyists.....	900
One private secretary to Commissioner.....	1,800
Two stenographers.....	1,600
Ten messengers.....	840
Fifteen assistant messengers.....	720

I also respectfully recommend that the salaries of six of the heads of divisions of this office be increased to \$2,500 and six to \$2,250, and that the salary of the chief clerk be increased to \$2,500. These positions are of such responsibility and importance that there should be attached to them salaries much better than are now provided for by law. This, I am sure, is in the interest of the public service, and I earnestly recommend it.

I also beg to invite your attention to the importance of having a suitable printing office established in the Pension Office building. This can be done at a comparatively small expense, and would materially facilitate the transaction of business. The printing-press could be set up in a room immediately over the steam machinery which propels the elevator, and the power could be taken from that boiler.

Very respectfully,

Hon. JOHN W. NOBLE,
Secretary of the Interior.

GREEN B. RAUM, Commissioner.

Additional estimates of appropriations required for the service of the fiscal year ending June 30, 1891, by the Bureau of Pensions, Department of the Interior.

Salaries, Bureau of Pensions:	
Twenty principal examiners, at \$2,000 each.....	\$40,000
Thirty clerks of class 4.....	54,000
Fifty clerks of class 2.....	80,000
One hundred and ten clerks of class 2.....	154,000
One hundred clerks of class 1.....	120,000
Forty-five clerks of class \$1,000.....	45,000
Sixty copyists at \$900.....	54,000
One private secretary to Commissioner.....	1,800
Two stenographers at \$1,600.....	3,200
Ten messengers at \$840.....	8,400
Fifteen assistant messengers, at \$720.....	10,700
Total.....	\$71,700

That is to say, General Raum says that now, under the present legislation, there are more claims filed each month than his force can dis-

pose of. Then he makes a recommendation for an appropriation of \$571,100 for clerks at this session. That embraces, it is true, the proposed legislation; but I assert again, notwithstanding the statement of the Senator from Kansas that the fact is that the reason why these claims have not been adjusted is because ample provision has not been made, and I assert again that the party in power, with its representative men like the Senator from Kansas making these extravagant promises to the soldiers, going beyond anything that this country has ever thought of heretofore, induces hopes that may never be realized; and that to-day, as the case stands, the one party in power in every branch of this Government can not and dare not make ample provision for the prompt and speedy adjustment of these claims, for the reason that you would bankrupt your Treasury, and you dare not go to the country and ask for increased taxation.

I agree with the Senator from Kansas, as I have with my honored friend from West Virginia [Mr. FAULKNER], a minority member of the Pension Committee, that there is a contract between the Government and the soldier who served his country, that if he is dependent, if he has been disabled, if he can not make a livelihood, if his wife and children are dependent, no such man, or woman, or child should ever be permitted to occupy a poor-house in this country. I would make ample provision for every one of them. But what I complain of is that you have gone beyond that. You have been extravagant in the administration of the office. Men are upon the rolls who are not entitled to pensions. Other provisions have been made that are not necessary for the comfortable support of these people; and now when you have reached that point, as has been shown by the debates which I read in another place, in making an appropriation for \$35,000,000 or \$40,000,000 or \$79,000,000, as I think, per annum, it is a delusion to the soldiers. You are doing it with full knowledge that you have not made provision to pay them the amounts that are already due since 1879, and you can not do it; you dare not do it, because you can not go before an indignant people, as there is in this country, increasing their taxation at a time when you, as well as we, have promised that the burdens shall be taken from them.

Mr. President, for both the Senator from Kansas and the Senator from Minnesota I have high regard. The courage of the Senator from Kansas I have great respect for. He states the broad proposition that he would pay every man who was in the service, and pay him now, no matter at what cost. He would issue bonds to pay this so-called debt. Let that proposition go before the people of the country. Let us go before them upon that statement, and there can be but one response, in my judgment, from an already overtaxed people.

Mr. TELLER. Mr. President, the Senator from Maryland says that he and I voted for the Senate bill, when this measure was before the Senate, upon the theory that it was as liberal as we could afford to be. The Senator may speak for himself on that subject. I stated specially when that bill was before the Senate that I would vote for that bill because it had a certain end in view; that was, taking care of the dependent poor and needy soldiers who were unable under the existing law to make a case in the Pension Office by which they could receive a pension. I said that when a more liberal proposition was presented I expected to vote for that. I stated further that I was not myself frightened at the statement made then that we were likely to face a bankrupt Treasury. I stated then that once when we needed money, when we called on these soldiers, we found a way to get it, and if we needed money to discharge the obligation we owe to these soldiers we should find a way to get it.

Mr. President, I do not propose to prolong the debate. I do not propose to go into any extended speech on the pension question. I only want to say to the Senator from Maryland that I do not think he understands public sentiment when he speaks of the indignation of the people with reference to these pensions. There is no disbursement of the Government that has met with more universal favor and approval than the payment of pensions. It is a distribution of the funds of the Government in compliance with the contract, as the Senator himself says, that we made with the soldiers. It is a general distribution in small sums that go to every portion and every part of the country, and reach the people who need these sums more than any others. It does more good than any other appropriation that the Government could make or ever has made.

Mr. President, there is not any disposition among the American people to repudiate any contract that the Government makes. Burdensome as it may be, unwise as they may think some of the contracts were, there has never been any considerable sentiment among the American people in favor of repudiation. There are thousands and tens of thousands of men in this country who do not believe that our financial affairs have been wisely managed with reference to the payment of the public debt, and criticisms sharp and bitter have been made, yet no considerable number of people anywhere have ever suggested that, unwise as the contract had been or was, there should be a repudiation of it. Much less, Mr. President, do they propose or will they repudiate this obligation on the part of the Government to the defenders of our flag.

The Senator from Kansas called attention to the fact that these men served for small pay. Depreciated money was good enough for them,

money that the Government declined to receive for imports, money that the Government did not pay out to the men who held its indebtedness in the shape of bonds, and money that only brought 50 cents and some of the time 40 cents on the dollar compared with what it would if they had been paid in gold, in which the bondholder was paid. They served this country not for the money, they served it because they were a part and parcel of the nation and because they intended to sustain the honor and the integrity of the whole country.

Mr. President, the \$1,100,000,000 that we pay to them is an insignificant sum compared with the great outlay that we made to accomplish what they were the principal and chief actors in accomplishing. We have paid to the bondholders of this country nearly \$2.50 where we paid \$1 to the soldier, and not a soldier has complained of that. It was the contract, it was "nominated in the bond;" and if, as I heard not long since, the business interests of the country would not stand this, the business interests of the country have been willing to stand the payment of \$2,500,000,000 nearly of interest money to the bondholders, and I think they will stand with equal equanimity the payment of \$1,100,000,000 or twice that amount if it is paid to the deserving and needy soldiers.

Mr. President, I have not any doubt myself that the great majority of men who go on the pension-rolls under this bill would have gone there under existing laws if the laws could be properly administered; but it is impossible for these men to make proof to connect their disabilities with the service. The very men who rendered the most valuable service to the Government, the very men who were the most efficient and kept out of the hospital, who have no hospital record, and find it the most difficult to make the proof which is required under the terms of existing law and which, of course, the Pension Office is bound to exact, it not having the authority to set aside the statute or to change the rule of evidence provided for by law.

This bill lets in a meritorious class of men who are needy now, who are suffering under disability incurred in the line of duty, clearly in the line of duty in many cases, but the proof does not come and can not be had; the comrade is dead, the surgeon is dead, somebody whom he might have known is dead; and we say now every man who can not thus connect his disability with the service, if needy, shall be put upon the pension-roll.

Mr. President, nobody ought to complain of that. We say in the first section, a most beneficent section, too, that the fathers and the mothers of the soldiers, who are in distress, who are dependent on other people, shall have from the Government, not charity, but that which is properly theirs. There is not a father or mother anywhere in this country whose son went into the Army and died who would not have had that son's support if the son had been living, and the Government has been derelict and long waiting to do this act of justice to that class of people, who deserve much of the Republic.

Mr. VEST. Mr. President, there is one aspect of this question which has not been discussed, within my hearing at least, in this debate, about which I propose to say a word. As to what is due to the soldiers of the Union, I shall make no argument and raise no issue. I believe that the country should pay them, to the last cent, the most extravagant estimate as to the real services they rendered. I should despise myself if I stood here or elsewhere and caviled in regard to dollars and cents as the price of blood and life in the preservation of the country.

But I shall not be deterred by the fact that I was on the other side in this conflict from doing my duty to my constituents and the country in regard to what I consider monstrous abuses that have grown up under the system and about which it is time now to talk. I know, sir, that the glamour of patriotism may be invoked as an argument. I know that the splendor of military achievement, which I do not propose to depreciate, may be brought here as a defense for great abuses. I know that personal invective even and assaults upon treason and upon those who sought the life of the country may be used as a pander for monstrous outrages, that, in my opinion, have grown up in the United States under these specious pretenses. But I shall not be deterred from stating what I believe to be the truth in regard to it in the interest of the tax-payers whom I represent.

Mr. President, I know no man so narrow-minded, so bigoted, so vindictive as to refuse justice to the Union soldiers of the late war. When any man says to me that I am disposed, because I oppose them, to refuse them justice, I have but one answer: he utters a willful and deliberate falsehood. I have voted for every pension bill that I believed to be just, and I shall continue to do so, and the people whom I represent here will justify me in that action.

But, sir, I believe that this pension system is being prostituted for personal and political purposes. I have evidence of it that to my mind is beyond any sort of question. There are men in this city of Washington whose sole business in life is to originate schemes for increase of pensions and new schemes for pensions in order that they may be the recipients of large fees at the expense of the claimants. The rolls of the Pension Office show that political motives have entered into the distribution of the enormous sum that we are paying to soldiers of the last war.

It is well known that the vote of Indiana controls the election of a President of the United States, and I assert here now, from the rolls of

the Pension Office itself, that pensions are being distributed in that State out of all proportion to the number of soldiers furnished by Indiana in the war. There can be but one reason for it, and that is in order to make votes for the Republican party, in order that the distribution of this enormous sum may be made accessory to political purposes. As a matter of course, it is impossible to bring that direct evidence which comes from physical knowledge and observation, but if there be any such thing as a moral conviction it can be shown from the figures. Take the last report of the Commissioner of Pensions, and what does it show? Indiana furnished in the war 195,147 soldiers; Illinois, lying side by side, furnished 253,211. Indiana has upon the pension-roll 42,553 pensioners, whilst Illinois has but 36,595.

There are two States with the same sort of population, sprung from the same stock, Western soldiers, led by the same sort of officers; and why is it that this enormous disproportion exists between these two States? Does any Senator pretend to say that the men who were led by Logan were backward in the contest and upon the battle-field? Does any man pretend to say that the soldiers of Illinois, those iron regiments that were hurled in the Western army upon the Confederacy until they pounded our veterans to pieces, were backward in the fight? Why is this enormous disproportion? Read the report of the examining committees and the evidence taken when Dudley was Commissioner of Pensions and you will find the solution. You will find that it was declared and it was acted upon, "Give pensions freely, liberally; every man that you pension is made or induced to vote the Republican ticket."

Ohio, instead of 195,147 soldiers, furnished 317,133, and Ohio has upon the pension-roll 50,081 pensioners against 42,553 for Indiana. Pennsylvania furnished 368,326 soldiers. Indiana, as I have stated, furnished 195,147, and Indiana has upon the pension-roll 42,553 and Pennsylvania but 46,361, or about 4,000 more pensioners when she furnished two and a half times as many soldiers. Massachusetts furnished 157,785 soldiers against 195,147 for Indiana, and instead of 42,553 pensioners Massachusetts has 20,272. Illinois furnished 63,070 soldiers more than Indiana, yet Indiana has on the pension-roll 5,933 more pensioners.

Mr. President, I care not what plausible excuse may be made; I say that I believe from this and other evidence—and the conviction is steadily growing upon the honest men of this country—that this Pension Bureau is being used for political purposes and that the generous feeling of the United States towards the soldiers who preserved the Government is being prostituted for partisan purposes.

Sir, I do not care to indulge in speculations as to how much money will be paid upon these pensions. I shall not be here to see the end of it, but I prophesy that the people of this country will revolt against this system as at present carried on. I know that this money is being distributed, not only among the recipients themselves, but it goes to country merchants, to petty dealers, and therefore it percolates and permeates every neighborhood in the country and is the largest campaign fund that can possibly be used. But there will come an end to it. The American people are long-suffering and patient, but their common sense and their sense of justice will at last revolt against this abuse of the most generous and holy feeling which a people can entertain towards its soldiers.

Mr. BLAIR. Mr. President, there is one thing that might be suggested to account for the disproportion of pensioners in the State of Indiana which was not suggested by the Senator who has just taken his seat—I have heard it suggested outside of this Chamber—and that is, the fact that for four years the Democratic party administered the pension laws, during which period there was some complaint that they were prostituted for political purposes in the State of Indiana. The subsidiary facts in support of that proposition were pretty generally understood in my intercourse and conversation among public men, and the records of the country show something in regard to it. But we are nearing, I hope, the end of this debate, and I trust that this bill very soon will be a law. Hence I do not feel disposed to occupy time; but the Senate will pardon me one other suggestion which does not partake of a partisan nature, which will account for the disproportions revealed in the Senator's table.

The State of Pennsylvania unquestionably sent five more emigrants to other parts of the country where Indiana has sent one of those who fought in the war. Massachusetts has poured her vigorous population all over the country, and not only in States as far west as Illinois and Iowa, but the great States which have been so recently admitted into the Union are very largely made up of the men who fought during the war of the rebellion and preserved the country intact wherein they have made their new homes. There is no ground, as I believe, to argue—

Mr. VEST. Will my friend allow me to ask him a question?

Mr. BLAIR. Certainly.

Mr. VEST. Has there not been as much emigration from Illinois as from Indiana?

Mr. BLAIR. I understand so.

Mr. VEST. Very good.

Mr. BLAIR. Indiana has a comfortable, steady population, an agricultural population, and I suppose from Illinois there is a very much larger emigration, which accounts for the smaller number of pensioners which she has, notwithstanding she furnished more men for the war.

There is another corroboration of this theory which does not, in order to account for this discrepancy, necessarily lead to indulgence in acrimonious and partisan debate. I think a Senator with a disposition to account for these facts as they are, upon principles which are honorable to human nature, will be amply satisfied himself upon further examination of the subject.

Mr. TURPIE. Mr. President, whatever may be thought of the purity of the administration of the Pension Bureau as to claims in Indiana, I do not recollect to have heard of any charges against the administration of the bureau during the presidency of Mr. Cleveland and during the official term of General Black.

I have heard in some places serious charges and have seen them in the public prints during the preceding administration, and especially under the service of Colonel Dudley; but I know nothing of them and I am not prepared myself to make any charges against any administration of the Pension Bureau upon that subject, and I do not know that political bias has had anything to do either with granting or refusing pensions to ex-soldiers of Indiana.

Whatever may have been the purpose in the granting or refusal of pensions, neither the grant nor the refusal has had the effect to align the soldiers of Indiana under any one party. The United States pensioners, residents in that State, are very equally divided as to party. The Senator from Missouri has already given the number of them, 44,553. We have not for the last eight or ten years in Indiana had 5,000 majority either way. At the last election there was 2,500 majority, and I believe once or twice in recent years four or five thousand for the Democratic State ticket. But if there had been any considerable political fraudulent issuance of pensions to affect the elections, the vote for the Republican or for the Democratic ticket would have shown it and demonstrated it. I think the pension vote of that State, if not independent, is thoroughly impartial. It follows no party as a leader. The pensioners themselves, as other citizens, make up and decide their political opinions and determine their political action as freely as if they had not been in the Army, as if they had not received the bounty of the Government.

Mr. HAWLEY. Mr. President, I am not quite willing that the debate should close without at least one or two observations that I shall attempt to submit quite imperfectly. I am afraid, if nothing be said to the contrary, it may be supposed by the great body of soldiers that the Senate of the United States is favorable to the payment of all arrears of pensions.

Mr. INGALLS. We voted directly on that proposition this session, and the ayes were 9 and the noes were between 40 and 50.

Mr. HAWLEY. The Senator has only anticipated, perhaps, my next sentence. I was about to refer to that vote as showing that there is a difference of opinion upon that subject. Nor do I think that the Senate, either party of it or section or portion of it, is united upon the question of the equalization of bounties. I regard that as a past issue. Nor do I think that anybody will seriously undertake to make up to the soldiers the difference between the value of our paper and gold during the war.

I want to say also mildly and modestly that I think too much altogether is said about what this nation owes the soldier. I think that Union soldiers of the United States or if you choose the Confederacy, bearing in mind their relation to their people, would be very sorry to be called up and have it said to them now "How much do we owe you in dollars? for we want to pay you all." It can not be done, and they would be very sorry to have it done and very much ashamed to have the offer made to them. That is not what they want; that is not what they fought for. One of my old soldiers, a colonel, with two ribs smashed in and one of them grinding in his lungs until he died, and with a broken leg, would not take a pension for some ten or twelve years after the war because he always said he could get along without it. Finally his friends compelled him to take it.

Down here in one of the shops of this town worked a young man who came to me about five years ago and said he had all the proofs of his wounds and sufferings "salted down," and, said he, "I have been able to live this long without my pension; but when I find I lost seventy days in the last year on account of disability I am going to ask for it now, because I need it." These men are typical of great bodies of the American soldiers, great masses of them. One thing they do think we owe them, and that is that no honest, honorable soldier should be allowed to go to an almshouse. Somebody will keep him from it, perhaps the State, or the State should support him there. My State is setting an example and felt it to be her duty by maintaining two excellent hospitals of its own and a soldiers' home to supply what it thinks are deficiencies of the National Government in this matter, for it does not intend that the soldier shall suffer there, a poor or broken-down man; but this is the doctrine, the prevalent feeling of my State, I am sure, and I shall be safe in acting in accordance with it, that the needy soldier shall not suffer, but that nothing shall be wasted on a man who does not need it for his real support and comfort.

That is the only criticism I would make upon this bill, that these new payments provided for are distributed without reference to the wealth or poverty of the man who gets a pension. A man worth a hundred millions may get it and a poor man may get it all the same.

I cannot find fault with that in one respect, though I was very well satisfied with the dependent pension bill; but my friends on the other side will remember that in all the pension legislation hitherto we have never asked a man who had lost a leg or an arm and who had been very much disabled by disease whether he was rich or poor, but we paid him the pension. So this bill is not a departure from the past in that respect, but it does give to the rich as well as to the poor.

We tried to avoid that in the pension bill, justly and fairly, the injury not being one resulting directly from the service. I would say any injury traceable to the service receives now some comfort and consolation and acknowledgment, and hereafter permanent disabilities arising, no matter in what shape, will receive pensions also. If those injuries go to the extent of making a man needy or dependent upon the town or his neighbors, I am quite willing that the Government should pay him, and they ought to pay him. We all believe in, I was going to say generosity, no, in justice and fraternal feeling towards these men; but the true soldiers of the Republic do not want money thrown away upon them or anybody else; they want to have their suffering comrades aided, and then they want the glory of having fought, money or no money.

Mr. HALE. Mr. President, I have been looking over some reports as to the number of pension cases examined and admitted and allowed in some of the years past. I sent for the volumes showing the number of cases in the different States during Commissioner Black's administration, because, if there was anything to be drawn from the censures of the Senator from Missouri as illustrating the alleged overplus of pensions in Indiana above Illinois, it was that it was done by Republicans for political reasons, and naturally there occurred to me, as to other Senators, the question of what the figures showed during the administration of Commissioner Black, who was never suspected of having Republican affiliations or inclinations.

Mr. INGALLS. Who was that?

Mr. HALE. Mr. Black, John Charles Black, as I occasionally heard him called by the Senator on my left [Mr. INGALLS].

I have the figures here in the report of 1887, in which the number of pensions admitted, the cases allowed from Illinois were 4,337 and from Indiana 5,296, and this not by a Republican Commissioner. That was in the report of 1887, as I have said. Then in the report of the previous year it is for Illinois 4,200 and for Indiana 4,604. I have not been able to follow up the other years, because I have not got them, but enough has been shown by the two volumes which I have produced to the Senate to make a complete answer to the Senator from Missouri.

Whatever reasons there may have been why more pensions should be granted to the soldiers of Indiana than to those of Illinois—and the presumption is that there were good reasons—apply to a Democratic administration equally as to a Republican administration. The number carried out here through all the different years in which pensions have been granted would more than make up the deficiency that the Senator found in the aggregate between the two States, so that the proportion of overplus Indiana had above Illinois was greater during those four years than the average could have been during the other years.

Thus falls the whole political argument which the Senator from Missouri sought to make. It is undoubtedly a fact that there are reasons contributory to this that any man can appreciate. The emigration from Illinois is greater than from Indiana. The next census returns I believe will show a very marked distinction in that regard. There are more people in the Western States and Territories from Illinois than from Indiana, and in getting Illinois' support of the soldiers of the war, that represented her in the time of war, you have got to go to more States and find them in greater numbers than in Indiana.

These, with other reasons which have been suggested here, clinched by the citations I have made from the reports, show—and in that the Senator from Indiana [Mr. TURPIE] himself is right—that so far as his State goes the pensions granted to her soldiers over and above those granted to the soldiers of any border or sister State are accounted for by natural conditions, and not by any attempt to make political capital out of them.

Mr. BLAIR. I will illustrate this matter of emigration in the State of Kansas, and as I was just informed by the chairman of the committee of the House of Representatives, who resides in Kansas, that State furnished 20,000 troops to the war and she has now 22,000 pensioners.

Mr. INGALLS. I will add that the State of Kansas furnished more troops during the war than she had voters when the war began.

Mr. BLAIR. Undoubtedly.

Mr. PADDOCK. I desire to say, so far as my State is concerned, in connection with this controversy, that the largest contribution in the way of emigration filling up the population of my State has been from Illinois, and a very large percentage of that emigration has been of ex-soldiers; and I think of the pension claims that come from my State, and of the pension claims that are allowed, which come to me from soldiers in my State, 10 per cent. at least are from soldiers in that State who came from Illinois.

Mr. DAVIS. I call for the yeas and nays.

The VICE-PRESIDENT. The yeas and nays have been ordered, and the roll will be called.

The Secretary proceeded to call the roll.

Mr. HAWLEY (when Mr. ALLISON's name was called). A pair has been arranged between the Senator from Missouri [Mr. COCKRELL] and the Senator from Iowa [Mr. ALLISON], both being called away by serious afflictions.

Mr. VEST (when Mr. COCKRELL's name was called). I desire to state that my colleague [Mr. COCKRELL] is called away from the city by a great personal bereavement, and will be absent necessarily for some days. I make this announcement now, so that I shall not be compelled to make it hereafter.

Mr. BLACKBURN (when Mr. CARLISLE's name was called). I desire to announce that my colleague [Mr. CARLISLE] is paired with the Senator from Colorado [Mr. TELLER].

Mr. CULLOM (when his name was called). I am paired generally with the Senator from Delaware [Mr. GRAY]. By consent of the Senator from Ohio [Mr. PAYNE], the pair of the Senator from Delaware [Mr. GRAY] is transferred to the Senator from Ohio [Mr. SHERMAN] and we can both vote. I vote "yea."

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. GORMAN (when his name was called). I am paired for to-day with the Senator from California [Mr. STANFORD].

Mr. KENNA (when his name was called). I am paired with the Senator from Colorado [Mr. WOLCOTT].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. The Senator from North Carolina [Mr. VANCE] is paired with the Senator from Michigan [Mr. McMILLAN]. I transfer these pairs so that the Senator from North Carolina and myself can vote and the other two Senators remain paired. I vote "yea."

Mr. SAWYER (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT], but I transfer that pair to the Senator from Michigan [Mr. STOCKBRIDGE], and I vote "yea."

Mr. TELLER (when his name was called). I am paired with the junior Senator from Kentucky [Mr. CARLISLE]. If he were present, I should vote "yea."

Mr. TURPIE (when his name was called). I wish to state that my colleague [Mr. VOORHEES] is necessarily absent from the Chamber to-day. If present he would vote "yea." I vote "yea."

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. McMILLAN]. That pair has been transferred to the Senator from Louisiana [Mr. EUSTIS]. I vote "nay."

The roll-call was concluded.

Mr. DIXON. I desire to announce the pair of my colleague [Mr. ALDRICH] with the Senator from South Carolina [Mr. HAMPTON].

Mr. DOLPH. I inquire if there has been a pair announced with my colleague [Mr. MITCHELL].

The VICE-PRESIDENT. No pair has been announced with the colleague of the Senator.

Mr. DOLPH. My colleague is necessarily absent. I am not aware with whom he is paired, if anybody. I will transfer my pair with the Senator from Georgia [Mr. BROWN] to my colleague [Mr. MITCHELL]. I should not hesitate to vote on this question anyway, even in the absence of the Senator from Georgia, but in order that I may feel at full liberty to vote, I make the transfer. My colleague, if present, would vote "yea." I vote "yea."

Mr. ALLEN. I wish to announce the necessary absence of my colleague [Mr. SQUIRE]. He is paired with the Senator from Virginia [Mr. DANIEL]. My colleague, if present, would vote "yea."

Mr. CAMERON. I am paired with the Senator from South Carolina [Mr. BUTLER]. If he were present, I should vote "yea." My colleague [Mr. QUAY] is paired with the Senator from West Virginia [Mr. FAULKNER]. If my colleague were present, he would vote "yea."

Mr. HALE. I am paired with the Senator from North Carolina [Mr. RANSOM], but, by arrangement, I transfer the pair to the Senator from Colorado [Mr. WOLCOTT], and that enables the Senator from West Virginia [Mr. KENNA], who is paired with the Senator from Colorado, and me to vote. I vote "yea."

Mr. EVARTS. I wish to say that my colleague [Mr. HISCOCK] is called away from the city by illness in his family. He is paired with the Senator from Arkansas [Mr. JONES].

Mr. JONES, of Arkansas (after having voted in the negative). When I voted I forgot the fact that I was paired with the Senator from New York [Mr. HISCOCK]. I withdraw my vote.

Mr. KENNA. Under the arrangement announced by the Senator from Maine [Mr. HALE], I am at liberty to vote. I vote "nay."

Mr. HARRIS. I inquire if the Senator from Vermont [Mr. MORRILL] is recorded as voting?

The VICE-PRESIDENT. He is not.

Mr. HARRIS. I suggest to the Senator from Colorado [Mr. TELLER] that I am paired with the Senator from Vermont, who is absent. The Senator from Colorado may transfer his pair to the Senator from Vermont, and then the Senator from Colorado and I can both vote.

Mr. TELLER. Very well, that is satisfactory to me.

Mr. HARRIS. I have already voted, but I was going to withdraw my vote unless some such arrangement could be made.

Mr. TELLER. On that statement I vote. I vote "yea." The result was announced—yeas 34, nays 18; as follows:

YEAS—34.

Allen,
Blair,
Call,
Casey,
Chandler,
Cullom,
Davis,
Dixon,

Dolph,
Edmunds,
Call,
Evarts,
Farwell,
Frye,
Hale,
Hawley,
Hearst,
Higgins,

Hoar,
Ingalls,
Manderson,
Moody,
Paddock,
Pettigrew,
Pierce,
Platt,
Plumb,

Power,
Sanders,
Sawyer,
Spooner,
Teller,
Turpie,
Washburn,

NAYS—18.

Barbour,
Bate,
Berry,
Blackburn,
Coke,

George,
Gibson,
Harris,
Kenna,
McPherson,

Morgan,
Pasco,
Payne,
Pugh,
Reagan,

Vance,
Vest,
Walthall.

ABSENT—32.

Aldrich,
Allison,
Blodgett,
Brown,
Butler,
Cameron,
Carlisle,
Cockrell,

Colquitt,
Daniel,
Eustis,
Faulkner,
Gorman,
Gray,
Hampton,
Hiscock,

Jones of Arkansas,
Jones of Nevada,
McMillan,
Mitchell,
Gorman,
Quay,
Ransom,
Sherman,

Squire,
Stanford,
Stewart,
Stockbridge,
Voorhees,
Wilson of Iowa,
Wilson of Md.,
Wolcott.

So the report of the committee of conference was concurred in.

MARY ALICE WHITE OGDEN.

Mr. DOLPH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6034) for the relief of Mary Alice White Ogden, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same.

J. N. DOLPH,
JOHN B. ALLEN,
S. PASCO,
Managers on the part of the Senate.
L. E. PAYSON,
E. J. TURNER,
THOS. C. McRAE,
Managers on the part of the House.

The report was concurred in.

REPRESENTATIVES OF HENRY S. FRENCH.

Mr. JONES, of Arkansas. I offer the following concurrent resolution:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 145) for the relief of the legal representatives of Henry S. French.

I ask for the immediate consideration of the resolution.

Mr. EDMUNDS. I should like to have an explanation of it.

Mr. JONES, of Arkansas. From the Committee on Claims the bill referred to, which passed here, was reported. There was an omission in the bill conferring power on the Court of Claims to hear the case. It is to correct the omission in accordance with the intention of the committee that I ask that the bill may be returned.

I will state to the Senator from Vermont, if he desires any further explanation, that in drawing the bill there was no provision that the question of loyalty should be considered by the court in hearing and determining the case. It was a mere omission on my part, as I drew the bill, and I ask to have it recalled for the purpose of correcting the bill in that respect.

The resolution was considered by unanimous consent, and agreed to.

ANN BRYAN.

The PRESIDING OFFICER (Mr. MANDERSON in the chair) laid before the Senate the following concurrent resolution from the House of Representatives; which was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 5702) granting a pension to Ann Bryan.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. I ask that the unfinished business may be laid aside in order that I may move to have the post-office appropriation bill considered by the Senate.

The VICE-PRESIDENT. The question is on the motion of the Senator from Kansas. If there be no objection, the motion will be regarded as agreed to.

Mr. PLATT. Mr. President, I wish to say—

Mr. PLUMB. I asked that the unfinished business might be temporarily laid aside in order that the Senate might proceed to the consideration of House bill 9856.

Mr. PLATT. It should be done by unanimous consent.

The VICE-PRESIDENT. That motion has been agreed to.

Mr. HARRIS. That should be done by unanimous consent.

Mr. INGALLS. The Chair submitted that as a motion, and the effect of a vote in the affirmative is to lay aside and displace the unfinished business. I hope that it will be regarded as unanimous consent given.

Mr. HARRIS. That should be done.

The VICE-PRESIDENT. It will be understood that the unfinished business has been laid aside temporarily to take up the bill indicated by the Senator from Kansas [Mr. PLUMB].

Mr. PLATT. I take this opportunity to give notice that to-morrow morning, immediately after the morning business shall have been concluded, I will ask the Senate to take up and consider the unfinished business, which is the bill for the admission of Wyoming, and I trust, as I have been pretty patient in waiting for this opportunity, that the bill may not be objected to at that time, but that we may proceed with it until it is finished.

Mr. HALE. The Senator means not to interfere with appropriation bills.

Mr. PLATT. Of course I have not that right. I suppose the appropriation bill will probably get out of the way this afternoon.

Mr. HALE. Following that will be the consular and diplomatic appropriation bill, which will only take a short time.

Several SENATORS. Let us adjourn.

Mr. PLATT. Can not we go on with the Post-Office appropriation bill this afternoon?

Mr. HALE. If any Senator desires to move an executive session, very well.

Mr. CHANDLER. I move that the Senate proceed to the consideration of executive business.

EULOGIES ON THE LATE REPRESENTATIVE COX.

Mr. EVARTS. Before that is done I wish to make a statement. I have been advised from the other side of the Chamber that several Senators wish to take part in the addresses in commemoration of my late colleague, Mr. Cox, of the House of Representatives, and there are also some on this side who may desire to take part besides the Senators from our State. I am called out of the city to attend the funeral of a friend in New York, and I beg to state, therefore, that, instead of Thursday next at 4 o'clock, the commemorative addresses will be made at 3 o'clock on Tuesday of next week.

EXECUTIVE SESSION.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Hampshire [Mr. CHANDLER] that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 24, 1890, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 23d day of June, 1890.

UNITED STATES MARSHAL.

Henry C. Mahaffy, of Delaware, to be marshal of the United States for the district of Delaware, *vice* Charles M. Newlin, whose term will expire August 2, 1890.

POSTMASTER.

Daniel F. Stewart, to be postmaster at Wilmington, in the county of New Castle and State of Delaware, in the place of Robert H. Taylor, whose commission expired June 18, 1890.

PROMOTIONS IN THE ARMY.

Second Regiment of Cavalry.

First Lieut. Charles B. Schofield, to be captain, June 19, 1890, *vice* MacAdams, deceased.

Second Lieut. Herbert H. Sargent, to be first lieutenant, June 19, 1890, *vice* Schofield, promoted.

Eighteenth Regiment of Infantry.

First Lieut. John Anderson, regimental quartermaster, to be captain, June 21, 1890, *vice* Bomford, retired from active service.

Second Lieut. David C. Shanks, to be first lieutenant, June 22, 1890, *vice* Wood, appointed regimental quartermaster.

CONFIRMATIONS.

Executive nomination confirmed by the Senate June 17, 1890.

COLLECTOR OF CUSTOMS.

John R. Mizell, of Florida, to be collector of customs for the district of Pensacola, in the State of Florida.

Executive nominations confirmed by the Senate June 23, 1890.

COLLECTOR OF CUSTOMS.

Charles M. Marchant, of Massachusetts, to be collector of customs for the district of Edgartown, in the State of Massachusetts.

PENSION AGENT.

Thomas P. Cheney, of Ashland, N. H., to be pension agent at Concord, N. H.

UNITED STATES CONSULS.

William Newall, of Washington, to be consul of the United States at Managua.

Edward D. Ropes, jr., of Massachusetts, to be consul of the United States at Zanzibar.

RECEIVERS OF PUBLIC MONEYS.

William H. Bush, of Montesano, Wash., to be receiver of public moneys at Olympia, Wash.

Charles M. Ogden, of Seattle, Wash., to be receiver of public moneys at Seattle, Wash.

Frank M. Dallam, of Davenport, Wash., to be receiver of public moneys at Waterville, Wash.

REGISTERS OF THE LAND OFFICE.

Waldo M. Potter, of La Moure, N. Dak., to be register of the land office at Fargo, N. Dak.

George G. Mills, of Olympia, Wash., to be register of the land office at Olympia, Wash.

John C. Lawrence, of Garfield, Wash., to be register of land office at Waterville, Wash.

PROMOTIONS IN THE ARMY.

Fourteenth Regiment of Infantry.

First Lieut. James A. Buchanan, to be captain.

Second Lieut. William B. Reynolds, to be first lieutenant.

Eighteenth Regiment of Infantry.

Second Lieut. Everard E. Hatch, to be first lieutenant.

Ordinance Department.

First Lieut. Henry D. Borup, to be captain.

First Lieut. Lawrence L. Bruff, to be captain.

First Lieut. Charles H. Clark, to be captain.

First Lieut. William Crozier, to be captain.

POSTMASTERS.

Simpson J. Chester, to be postmaster at Fairfield, in the county of Jefferson and State of Iowa.

Mrs. Nancy Smart, to be postmaster at Manitowoc, in the county of Manitowoc and State of Wisconsin.

Frank S. Johnson, to be postmaster at Bradford, in the county of McKean and State of Pennsylvania.

Peter H. Voeburgh, to be postmaster at Matteawan, in the county of Dutchess and State of New York.

Mrs. Louisa N. Corning, to be postmaster at Palmyra, in the county of Wayne and State of New York.

James H. Vandyke, to be postmaster at Alexandria, in the county of Douglas and State of Minnesota.

George J. Collins, to be postmaster at Brooklyn, in the county of Kings and State of New York.

John Pentreath, to be postmaster at Yonkers, in the county of Westchester and State of New York.

Edward B. Jewett, to be postmaster at Wichita, in the county of Sedgwick and State of Kansas.

Charles S. Radcliff, to be postmaster at Salina, in the county of Saline and State of Kansas.

Walter H. Downs, to be postmaster at South Berwick, in the county of York and State of Maine.

James A. Tolliver, to be postmaster at Columbus, in the county of Colorado and State of Texas.

Samuel A. Cravath, to be postmaster at Grinnell, in the county of Poweshiek and State of Iowa.

Thomas M. Rodgers, to be postmaster at Newton, in the county of Jasper and State of Iowa.

HOUSE OF REPRESENTATIVES.

MONDAY, June 23, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. WILLIAM H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved.

PRINTING THE ADMINISTRATIVE BILL.

Mr. RUSSELL. Mr. Speaker, I desire to present a privileged report.

The report was read, as follows:

Resolved, That the Clerk of the House is hereby directed to have printed for the use of the House 3,000 copies of public act No. 143, entitled "An act to simplify the laws in relation to the collection of the revenues, approved June 10, 1890."

The Committee on Printing, to whom was referred the House resolution, introduced by Mr. McKIMLEY, to print 3,000 copies, for the use of the House, of public act No. 143, entitled "An act to simplify the laws in relation to the collection of the revenues," have considered the same, and report it back with the recommendation that it be adopted.

The estimated cost of the publication is \$23.

The resolution was adopted.

ELECTION BILL.

Mr. ROWELL. Mr. Speaker, I ask unanimous consent for the consideration of the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That House bill 11045, and the accompanying report (No. 2493) of the House, be reprinted.

Mr. McMILLIN. What bill is that?

Mr. ROWELL. This is a resolution for a reprint of the election bill.

Mr. McMILLIN. It embraces the minority report as well, I suppose. That ought to be included.

Mr. ROWELL. Yes, I desire to have that included.

The SPEAKER. That is understood. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was adopted.

FORTIFICATION BILL.

The SPEAKER appointed as House conferees on the fortification bill Mr. BREWER, Mr. BUTTERWORTH, and Mr. SAYERS.

LEAVE OF ABSENCE FOR CUSTOMS EMPLOYÉS.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 276, an act providing for leave of absence for officers and employés in the customs service of the Government who receive per diem compensation.

The bill was read, as follows:

Be it enacted, etc., That all officers and employés of the customs service of the Government who receive a per diem compensation shall be entitled to receive the same leave of absence as is provided for clerks and employés in the several Executive Departments at Washington, District of Columbia, by chapter 128, section 4, of the United States Statutes at Large, volume 22, pages 563 and 564, approved March 3, A. D. 1883.

Sec. 2. That the Secretary of the Treasury shall make all rules and regulations necessary to carry the provisions of this act into effect.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MILLS. Has the bill been considered by a committee?

Mr. SHERMAN. It has been considered and reported by a committee.

The SPEAKER. Is there objection?

Mr. BYNUM. I object.

Mr. BLAND. I will ask the gentleman who calls up this bill whether it has been reported by any committee.

Mr. SHERMAN. I have just stated that has been so reported. The report is at the desk.

Mr. SPINOLA. Mr. Speaker, I trust that the gentleman from Indiana will withdraw his objection to the consideration of this bill. It is a bill that ought to pass. These employés are on duty twenty-four hours out of the twenty-four. There is not a single hour assigned when they can have a leave of absence in case of accident or sickness or for any other reason. The bill passed the Senate unanimously, and it has been unanimously reported by the House committee. It is a bill which ought to pass in common justice, and I hope that our friends on this side will not object to it. I would not favor the passage of the bill if I did not believe it was right and just, and I do believe in extending equal privileges to all.

Mr. MILLS. I understand that the bill has been reported from a committee.

Mr. SPINOLA. Yes, sir; unanimously.

The SPEAKER. The Chair understands that the objection is not withdrawn.

Mr. MILLS. I did not make objection, Mr. Speaker, I only asked whether the bill had been referred to a committee and reported.

The SPEAKER. The gentleman from Indiana [Mr. BYNUM] objected, and the Chair understands that the objection is not withdrawn.

ORDER OF BUSINESS.

Mr. GROUT. Mr. Speaker, this is a day assigned under the rule for the consideration of business reported from the Committee on the District of Columbia—

Mr. GEAR. I ask the gentleman to yield to me a moment.

Mr. GROUT. I yield to the gentleman.

The SPEAKER. The Chair understands that the gentleman from Iowa [Mr. GEAR] desires to present a conference report. That takes precedence.

Mr. GEAR. No, Mr. Speaker. The bill was referred to a committee of conference, but after consultation we concluded to accept the amendment of the Senate.

The SPEAKER. Then the gentleman must submit a conference report.

Mr. GEAR. The bill has not gone to a conference.

The SPEAKER. Then it is not the case of a conference report, and unanimous consent is required. The gentleman from Iowa asks unanimous consent for the present consideration of the bill (H. R. 8296) to allow the erection of bridges across the Iowa River at Wapello, Iowa, with an amendment by the Senate.

The Senate amendment was read.

The SPEAKER. The Chair is inclined to think that this bill, being

already in conference, can not be taken out of it in this way. The House asked for a conference and the Senate agreed to it, and both Houses have appointed committees of conference. There is no difficulty about the case, because the conference report will be privileged when made.

WILLIAM C. SMITH.

Mr. BOOTHMAN. Mr. Speaker, I desire to present a privileged report from the Committee on Accounts.

The report was read, as follows:

Resolved, That the Committee on Accounts be, and they are hereby, instructed to provide for the payment, out of the contingent fund of the House, of the sum of \$270 to William C. Smith, salary as temporary clerk in the House document-room from January 1 to May 15, 1890, at \$60 per month. Your committee find that said Smith was employed by the superintendent during the time set forth in the resolution at the rate named therein, and that his services were absolutely necessary in order to place the work of that office in condition to meet the needs and demands of the members of the House, and were faithfully rendered. We therefore report the resolution favorably.

Mr. McMILLIN. I desire to ask the gentleman reporting the resolution when this employment began.

Mr. BOOTHMAN. I do not remember the exact date, but it was in January last.

Mr. McMILLIN. When Congress was in session?

Mr. BOOTHMAN. Yes, sir.

Mr. McMILLIN. An employment without authority of Congress?

Mr. BOOTHMAN. An employment by the superintendent of the document-room at that time, after having consulted with the Committee on Accounts as to the necessity for an increase of his force.

Mr. McMILLIN. But without any authority of Congress, although Congress was in session?

Mr. BOOTHMAN. Except as he received authority from the Committee on Accounts at the suggestion of that committee.

Mr. McMILLIN. But, as the gentleman will see, the Committee on Accounts has no more authority to appoint a clerk than has any other committee, and any other committee has no more authority than an individual member, and an individual member no more authority than an outsider. So that this proceeding is wholly without authority. I think it well that if Congress is in session the authority of Congress be obtained before officers are employed.

Mr. BOOTHMAN. In answer to the gentleman from Tennessee I will say this: There was at that time a resolution pending before the Committee on Accounts for an increase of force in that office. The superintendent and the men who were working with him were required to, and did, work until 11 or 12 o'clock almost every night in the week in order to get the business of the office in order so that bills and papers called for by members of the House could be obtained. At the suggestion of the Committee on Accounts that a temporary arrangement might be made, I understand this arrangement was made; and it was absolutely essential in order to get the business of that office in good shape that when members of the House called for bills or other documents they could be obtained at once.

Mr. McMILLIN. Mr. Speaker, it may be that additional force was needed, it may be that the service was rendered, but it is a little strange to me that the Committee on Accounts, having authority to report at any time, did not report to the House in favor of the employment of the additional force and let the House take action.

Mr. BOOTHMAN. The answer to that is this: We desired first to consider the condition of that office, to ascertain how much help was required. I have here in my possession at the present time a resolution providing for an increase of one person in that office. There was a request, submitted to us I believe by way of resolution, for a larger increase than that. But we desired to ascertain the facts; and this was a temporary arrangement which was carried out while we were making that investigation.

Mr. McMILLIN. The gentleman says the object was to investigate and see whether the force was needed or not, yet the Committee on Accounts suggested the employment of the additional force.

Now, this in one view is a small matter; but the principle involved is a large one. It is well for this House and all connected with it to know where the appointing or employing authority is and that when the House is in session it is at least respectful to call upon the House for its opinion before any additional officer is employed.

Mr. BLOUNT. I wish to say a single word on this question. It was, I believe, during the Forty-fifth Congress that additional persons were employed without authority of law by the Doorkeeper of the House on the allegation that it was necessary for the purpose of transacting the business of the House. A great deal of feeling grew out of the matter, and the Doorkeeper concerned was seriously injured at the time. In order to avoid a recurrence of the unauthorized employment of persons in connection with the business of the House, there then commenced, for the first time, the reference of these questions to the Committee on Accounts, in order to prevent the very thing that has happened in the case now before us—the employment of a person without any authority of law. Under the declaration in this resolution this person has been employed from January to May without any authority, and we are called upon at this time to sanction and compensate that unlawful employment. I hold, sir, that this House and the employés of the

House and all the members of the House are bound by the law and the rules of the House in matters of this sort.

Now, I do not undertake to reflect upon the Committee on Accounts as to this particular matter, except to call attention to the fact that the employment in this case was not in conformity with any existing authority vested in them or anywhere else. I complain because the principle upon which this has been done may be applied to the Clerk's Office, to the Doorkeeper's Office, to the Office of the Sergeant-at-Arms. I complain because in the past there has been notorious abuse in connection with this very matter, creating scandal all over this country. While I shall not, under the circumstances, object to the adoption of this resolution, I do hope that the attention called to the matter now will prevent any recurrence of anything of this sort. I do not object because of the statement of the gentleman from Ohio that in this particular instance the thing was done pending an investigation, although even under those circumstances it was unjustifiable. I am willing that the resolution be agreed to because it seems to be a matter of public necessity in this particular case; or it seems that is the allegation, which, however, I do not think is correct. I do trust that the Committee on Accounts will not remit us to a practice which at one time obtained and which scandalized the country, and out of which came the very reference of this authority to the Committee on Accounts for the purpose of avoiding its repetition.

Mr. BOOTHMAN. Mr. Speaker, in my judgment every member of the Committee on Accounts is as anxious as the gentleman from Georgia can be to inaugurate a system that shall not result in unauthorized work in connection with the business of the House. But the condition in which that office was found at the beginning of this session made it absolutely essential that certain work which was not done should be performed. To what extent it was necessary to go the committee was not informed; and the officers then recently appointed could not themselves state.

Mr. BLOUNT. The gentleman will allow me to ask whether it was not possible to make provision from time to time as exigencies arose.

Mr. BOOTHMAN. Certainly; and afterward from the date at which these services and appointments were made. In one case which I have in my charge the appointment was made on the 1st day of February, if I remember correctly, and pay will be asked during the month of January for which the help was employed.

The Committee on Accounts, I may say, are not disposed to be extravagant in the expenditures of the contingent fund of the House. We do not desire or intend to expend one dollar more than is necessary to preserve the efficiency of the various offices connected with the House by law, for the purpose of transacting the business of the House; and in this connection the committee feel thoroughly satisfied as to the propriety of the action here proposed, and unanimously report that this help was necessary and also that it had been rendered.

Mr. BUTTERWORTH. Will the gentleman yield for a question?

Mr. BOOTHMAN. Certainly.

Mr. McMILLIN. Let me state, Mr. Speaker, before the gentleman proceeds, in response to what he has said, that he mistakes the point I make altogether. It is not the extravagance of the appropriation I am attacking, it is simply the matter that this sets a precedent by which a committee of this House, who has no more authority in the premises than any citizen of this Government, undertakes to authorize the employment of officials who are not provided for by law. If gentlemen will examine the room of the Committee on Claims they will find that scores, and I would not exaggerate if I said hundreds, of the claims pending there grow out of just such matters as this. Now, this may not be an extravagance. I do not mean to say that it is. It may be that the service is needed; I do not know anything about that; but it was not because of its extravagance or because the service was not needed that I called the attention of the House to the matter, but simply that I am opposed to the establishment of any such precedent as this.

Mr. MILLIKEN. I desire to say further that I sent a resolution to the Committee on Accounts and could not get even a report from it; and yet in this case the committee seems to have acted upon its own responsibility without the authority of the House.

Mr. BOOTHMAN. I ask a vote on the adoption of the resolution.

The resolution was adopted.

Mr. BOOTHMAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES H. CLARK.

Mr. BOOTHMAN. We may as well close up all of these now, and I have another report to submit.

The Clerk read as follows:

Resolved, That the Clerk be, and he is hereby, authorized and directed to pay out of the contingent fund of the House of Representatives to Charles H. Clark the sum of \$50, being the amount due him for services rendered as temporary clerk in the document-room of the House of Representatives from January 6, 1890, to February 1, 1890.

The resolution was adopted.

Mr. BOOTHMAN moved to reconsider the vote by which the reso-

lution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RETURN OF A BILL FROM THE PRESIDENT.

Mr. LANE. Mr. Speaker, I ask unanimous consent to submit a resolution for immediate action.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 5702) granting a pension to Ann Bryan.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. LANE. The beneficiary named in the bill is dead, and the President suggests that this is the only thing to do, to have it recalled.

There being no objection, the resolution was considered and adopted.

ENROLLED BILL SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 8831) to amend an act entitled "An act authorizing the construction of a bridge over the Missouri River at or near Kansas City, Kans., and not over 10 miles above the Hannibal and St. Joseph Railway bridge at Kansas City, Mo.," approved March 1, 1889.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 9066) making appropriation for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes; in which concurrence was requested.

Also, that the Senate had passed a bill (S. 4047) supplemental to the act of Congress passed in March, 1887, entitled "An act amending an act entitled 'An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes,' approved March 22, 1882;" in which concurrence was requested.

Also, that the Senate disagreed to the amendments of the House to the bill (S. 209) to authorize the Secretary of War to cause to be mustered William P. Atwell, and asked a conference with the House thereon, and had appointed Mr. MANDERSON, Mr. VEST, and Mr. COCKRELL managers on the part of the Senate.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MCCORMICK, for three days, on account of important business.

To Mr. PICKLER, indefinitely, on account of important business.

To Mr. WIKK, indefinitely.

To Mr. YARDLEY, for four days, on account of important business.

To Mr. SHIVELY, for four days, on account of important business.

To Mr. ROCKWELL, indefinitely.

Mr. CLUNIE. I desire on behalf of my colleague [Mr. BIGGS], who was called home on account of sickness in his family, to ask that indefinite leave of absence be granted him.

There was no objection.

BALTIMORE AND POTOMAC RAILROAD, DISTRICT OF COLUMBIA.

Mr. GROUT. Mr. Speaker, I call up the District business. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8243) supplementary to an act entitled "An act to authorize the construction of the Baltimore and Potomac Railroad in the District of Columbia."

Mr. ATKINSON, of Pennsylvania. Pending that, I move that all general debate upon this bill be limited to one hour and ten minutes.

Mr. MILLIKEN. I hope that will not be agreed to. I think any one who will go down and look over the ground that the Pennsylvania Railroad is claiming here, and see the effect it is going to have upon this capital, will want a full discussion before consenting that this matter shall become a law.

The SPEAKER. It is not debatable. The question is on agreeing to the motion of the gentleman from Pennsylvania.

The motion of Mr. ATKINSON, of Pennsylvania, was rejected.

The motion of Mr. GROUT was then agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DUNNELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole for consideration of the bill (H. R. 8243) supplementary to an act entitled "An act to authorize the construction of the Baltimore and Potomac Railroad in the District of Columbia."

Mr. GROUT. I yield to the gentleman from Pennsylvania [Mr. ATKINSON].

Mr. ANDERSON, of Kansas. Mr. Chairman, I rise to a parliamentary inquiry. If the Chair will refer to the RECORD, on page 6276, recording the conclusion of the proceedings when this bill was last before the committee, he will find that I had the floor and was entitled to

ten minutes of unexpired time. My parliamentary inquiry is whether, as general debate has not been closed, I am not entitled to the floor.

Mr. ATKINSON, of Pennsylvania. Mr. Chairman, before the inquiry of the gentleman from Kansas is answered, I desire to say that I presume it will be right that there should be an even division of time allotted to each side in this general debate. The friends of the bill occupied one hour, those in opposition occupied an hour and fifty minutes, and ten minutes of their second hour yet remains. I believe that it will be right to allow the gentleman from Kansas [Mr. ANDERSON] his remaining ten minutes, to be followed by one hour allotted to the friends of the measure.

Mr. ANDERSON, of Kansas. Mr. Chairman, that is a very surprising proposition. The gentleman has just made a motion in the House to close general debate, which motion the House voted down. Now the gentleman from Pennsylvania [Mr. ATKINSON] seems to assume that the House agreed to his proposition, and upon that assumption he is talking of dividing time. The House has just refused to close debate, and under that action the committee certainly ought to be permitted to go on so far as it shall see best, and irrespective of what time may have been consumed by the respective sides two weeks ago.

The CHAIRMAN. The Chair will recognize the gentleman from Kansas [Mr. ANDERSON] for the ten minutes remaining to him, and will endeavor to divide the time equally between the friends and opponents of the bill.

Mr. MCCREARY. Mr. Chairman, I rise to a parliamentary inquiry. Will the Chair be kind enough to state the question that is before the committee? There is so much disorder that I have been unable to hear.

The CHAIRMAN. General debate is not yet closed on the pending bill, and when the committee rose two weeks ago there were ten minutes remaining, to which the gentleman from Kansas [Mr. ANDERSON] is entitled.

Mr. MCCREARY. We on this side have heard the number of the bill, but we have not heard the title of the bill.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

Mr. ANDERSON, of Kansas. Mr. Chairman, when I was about taking the floor two weeks ago to discuss this measure, one of the best lawyers in the House, in whose judgment I have great confidence, suggested to me that this bill would enable the Pennsylvania Company to take about any squares of ground that it saw fit adjacent to the Mall, and I made that statement in my remarks. Afterward on looking at the restrictions of the bill I inclined to the opinion that perhaps I had said a little more than I should have said on that particular point, because the language of the act is, that the company may enter such squares with its turn-outs as shall be approved by the said commissioners, abutting on the line of said railroad on Maryland avenue and Virginia avenue. There were perhaps three or four squares that I named which were not upon Maryland or Virginia avenues, and in justice to the friends of the bill, as well as in justice to myself, I wish to correct the statement to that extent.

But if any one will read the bill he will see that in the first section it conveys to the company, subject to the approval of the commissioners, the right of entrance to sixteen squares in that portion of the city where the main tracks are now laid, and further, that it legalizes and confirms the title of the company to the property which it is now occupying with and adjacent to those tracks. He would ascertain also that by section 2 there is conferred to the company the same right of entry into a large number of squares, and especially by section 3. I have not counted up the different blocks as to which this company, were this bill to become a law, would have the right of entrance, but I find that the first section opens up sixteen squares, and the second might open forty or more, and I would not be surprised if an actual count would show that the company, as the bill stands, might enter sixty blocks, and enter and condemn not less than forty squares in the city.

During the last two weeks I have looked at an original map of the city for the purpose of ascertaining why three different blocks of ground were designated in the bill by the same number. There are some two or three duplicates of other blocks designated in the same manner. Ordinarily, where a city plat is laid out, and where the blocks are numbered, it is done for the purpose of enabling identification of a particular block in the transfer of titles. Certainly there was no lack of figures when the blocks in this city were numbered. And I find the explanation of what is on its face a suspicious circumstance, namely, why so many blocks named in this bill carry the same number, with some modifications as "north," "west," or "south," in the fact that the company is now occupying ground which was originally a part of what is known on the plats as the Garfield Park. And it seems to me that a wise thing for this committee to do would be to refer the bill to the Committee on the District of Columbia in order that that committee should give to the House more precise and accurate information than has yet been furnished; in order that it might give us maps showing the original plat of the city, and maps of the present city, and the particular tracks that shall be opened to the company by this bill.

I have some other objections in addition to those just suggested. The first is that in the first section there is a phrase which before at-

tracted some attention and which is not quite explicable to many of us, namely, in line 21:

And the use and maintenance of its shops, stations, and other structures now erected thereon is hereby legalized and confirmed.

I say that in my judgment the committee ought to strike out that clause. It also shows the reason why we should be put in possession of the information of which I have just spoken, because there evidently was in the mind of the Pennsylvania Railroad attorney—and by that I mean no member of the House at all, because the gentleman from Pennsylvania [Mr. ATKINSON] told us that he did not draw the bill—there was in the mind of the attorney in the employ of the Pennsylvania Railroad Company who drew this bill a question as to whether the company now has legal title to the several tracts of land designated in its first section or some of them, and a desire to heal every defect of title.

I am utterly opposed to enacting this clause, to legalizing by Congress and confirming by Congress to that company under a blanket provision all the ground designated in this first section. And I submit that this committee ought not to pass any such proposition without knowing precisely what it is doing, and that under this bill it can not know, and none of us do know, exactly what tracts of ground are included or exactly what legal defects or titles will be cured or conveyed by this section.

There is another strong objection which I have to the bill, and that is—

Mr. HEARD. Will the gentleman allow me just a moment?

Mr. ANDERSON, of Kansas. I would rather proceed and conclude what I have to say on this point, and then afterwards I will yield to the gentleman.

There is another objection which to my mind is a very strong one, namely, that provision of the second section which delegates the power of Congress, and a power which Congress alone holds and can wield, to the District commissioners, which vests in three men the power to-day, next year, or twenty years hence to permit this company to enter those squares abutting on Maryland and Virginia avenues, and those other squares in the southwestern portion of the city named in the bill, and to condemn that property and to lay and maintain side-tracks or structures in such streets as they may choose.

Mr. McKINLEY. Are these squares private property?

Mr. ANDERSON, of Kansas. Yes, sir; they are private property, and the power proposed to be conferred is simply the right of entrance and of condemnation; but that condemnation should be made by a court, and not by the District commissioners, and it should be limited as to area, and not sweeping. But the specific point to which I am speaking is this: That a street railway company, or, in fact, any other company, can not enter upon any private property except by confirmation of the courts. It can not occupy any street, except Congress so authorize. And for us to-day to give to the commissioners the power to say to the Pennsylvania Company at any future time, "You may enter any street or any square that you require," is an abdication of our power which ought not to be made.

[Here the hammer fell.]

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. ATKINSON, of Pennsylvania. I believe I am entitled to control the time of the friends of this measure, and I will give to the gentleman from Georgia such time as—

Mr. KERR, of Iowa. A point of order.

Mr. BLOUNT. But I have the floor.

Mr. ATKINSON, of Pennsylvania. The gentleman from Kansas [Mr. ANDERSON] has consumed the remainder of an hour in opposition to the bill, and therefore, as the Chairman remarked a little while ago that there should be an equal distribution of the time between the friends and the opponents of this measure—

The CHAIRMAN. That will be done.

Mr. ATKINSON, of Pennsylvania. I claim the floor now in the interest of the measure.

Mr. BLOUNT. I do not know how the gentleman from Pennsylvania will get the floor after I have been recognized.

Mr. KERR, of Iowa. I make the point of order that the gentleman has already occupied the floor on this measure.

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. BLOUNT. Mr. Chairman, my attention was casually called on the reading of this bill on the last District day to some of its terms, and I thought certain criticisms in relation to it were proper, and that the bill ought to be amended. I recognize the fact that it is the duty of Congress in this connection to give such legislation as is necessary to this corporation, engaged in the transportation of freight through this city over its lines. I conceive that no gentleman would be willing to take a position that this great artery of commerce should be dammed up in this city and the country be denied the use of this avenue of trade.

I felt that each gentleman of this House would be bound to give respectful consideration to this situation, and at the same time that the public and other parties should be guarded against exactions or anything unreasonable in the way of legislation on the part of this company.

I have given some little attention to it with the view of directing at least my own conduct in relation to it.

In the first section of the bill it will be remembered that in the discussion two weeks ago the following language was objected to by myself and others:

And the use and maintenance of its shops, stations, and other structures now erected thereon is hereby legalized and confirmed.

We were told this language related to the ground whereon the freight depot of the Baltimore and Potomac Railroad is located. The confirmation of that title by Congress suggested the fact that there was some defect, and this language was intended to bind the Government of the United States to make perfect what was defective, without any reason apparent upon the record in the debate. The gentleman from Pennsylvania [Mr. ATKINSON], in charge of this measure, promptly announced that he was willing that a correction should be made here by striking out this provision, which my friend from Missouri [Mr. HEARD] says he has an amendment to accomplish. The vice-president of the road, Mr. Green, came to my seat, I think it was on Saturday, having noticed the proceedings of what occurred in the discussion, in my inquiries and those of others, to make some observations and suggestions about the bill. I asked why it was that this language was placed in the bill in relation to the freight depot if the property belonged to the company and they had a perfect title to it. The answer was that they had been previously on other grounds near a church and that they were compelled to pay annually a certain sum of money to the church on account of its being a nuisance, and so they moved their freight depot there and they thought that they might be threatened hereafter by a similar complaint where they are now by reason of newcomers settling in that neighborhood. If that be true, Mr. Chairman, I think this part of the bill ought to be stricken out. However good the title may be, I do not believe that it is the duty of Congress to come in and guard this great corporation, which is amply able to take care of itself in a matter of this sort, against litigation on the part of persons in the neighborhood. But if the language is to be stricken out as suggested by the gentleman from Missouri, then I am content with that portion of it.

Mr. MCKINLEY. I would like to know if it is the intention of the friends of this bill to propose to strike out that provision of it to which the gentleman has called attention and which was criticised at the last session.

Mr. BLOUNT. I understand from the gentleman from Missouri [Mr. HEARD] and the gentleman from Pennsylvania [Mr. ATKINSON] that it is their purpose—

Mr. MCKINLEY. I wish to ask whether it is proposed by the friends of this bill to strike out this feature.

Mr. BUCHANAN, of New Jersey. What feature does the gentleman refer to?

Mr. BLOUNT. The first section.

Mr. ATKINSON, of Pennsylvania. That is the purpose of the friends of the bill, and I have an amendment prepared which I will offer as soon as I get the opportunity.

Mr. BLOUNT. If such an amendment should be agreed to, it disposes of so much of my criticism. I am speaking neither as a friend nor as an enemy of the bill, but am simply trying to find out what may be the proper course for me to take in my vote.

It seems to me, further, that after the provision just referred to is stricken out, there should be an amendment in regard to the company's right of way over the tracks in substantially this language: "It is hereby authorized, but Congress may at any time revoke said authority."

The railroad company has already had granted to it by the commissioners of the District of Columbia a right of way over certain streets, revocable at the pleasure of the commissioners. It appears to have been determined, upon a legal investigation in the courts, that the commissioners had no authority to grant such right of way. Now, if the railroad company were content with the grant which they thus had from the commissioners, it appears to me we should not go beyond that, but should simply ratify or confirm the right of way which the commissioners undertook to grant, reserving to Congress the right at any time to revoke such authority.

The question being determined in this way in regard to the freight depot and the right of way into it and the right of way to lots connected with it now occupied under the authority of the District commissioners, we shall have escaped the confirmation of any title, while we shall have granted to the company the right to use those streets, a right which they are about to lose by reason of a mistaken supposition that the commissioners of the District had authority to grant them permission in that regard—a supposition which the courts have found to be unwarranted. It seems to me proper not to block the business of this company which is thus threatened by this mistake in reference to the authority of the District commissioners.

The second section provides—

That it shall be the duty of the commissioners of the District of Columbia, and they are hereby authorized and empowered, whenever they consider it a public benefit, to grant the Baltimore and Potomac Railroad Company permission to lay, maintain, and use side-tracks and sidings from the main line or lines of said railroad into any real estate in the said city abutting on the streets or ave-

nues on which such line of such company is or may be situated, which may be used or occupied for manufacturing, commercial, or other business purposes by parties desiring the use of such facilities. Such side-tracks or sidings shall be laid and maintained under the direction of said commissioners, and in such manner as shall least obstruct the use of the public streets for ordinary purposes.

It seems to me this section should embrace a provision to the effect that wherever these tracks of the company go alongside of private property, the owners of which are damaged by reason of the noise, smoke, or other incidents connected with the passage of trains, nothing in this act shall be construed to relieve the company from liability for such damage. I understand from my friend from Missouri that this will be acceptable to the committee.

Mr. HEARD. Let the question be left to the courts.

Mr. BLOUNT. It is much better to put in here a distinct provision, so that no doubt may arise in this regard.

Mr. HEARD. If the gentleman will yield a moment I will say that I do not understand it is the design of the committee or the friends of the bill on this floor to ask that the company have any exemption from any liability now existing. If that does not appear in the language of the bill, let it be made clear. I am sure there can be no objection to a provision of that kind.

Mr. BLOUNT. Then, Mr. Speaker, if gentlemen are willing to accept a declaration of that sort in the shape of a proviso I shall be content in that matter.

There is one further observation I wish to submit in connection with this section and the section following, which I will read:

SEC. 3. That the Baltimore and Potomac Railroad Company is hereby authorized and empowered to acquire, subject to the approval of said commissioners, for the purposes of its business, any one or more of the squares of ground in the city of Washington south of the line of the said railroad and north of L street and north of the Eastern Branch and east of Thirteenth street southeast, and any one or more squares as shall be approved by the said commissioners abutting on the line of said railroad on Maryland and Virginia avenues, and to extend, maintain, and use tracks from convenient points on the line of said railroad into the said property, and to cross such streets as may be necessary for that purpose, and to construct thereon such facilities as may be necessary for its business.

Now, it was apprehended by some members, myself among the number, that there was such uncertainty in this language that the railroad company might buy a great number of lots for other than railroad purposes, going into sections of the city where they would have no justification for going.

Mr. HEARD. Will the gentleman yield to me a moment?

Mr. BLOUNT. I will in a few minutes. It was said by some gentlemen that under the authority of the bill the company might occupy the ground where the Observatory is or ground contiguous thereto; might come up near the Capitol, with the smoke and noise attending the movement of trains. In a conversation with the vice-president of the road, Mr. Green, I suggested to him that this difficulty existed in my own mind and in the minds of other members, and that there was a desire on our part that the area which the company might occupy and which was necessary to be occupied in connection with their transportation should be restricted to definite limits defined on a map, so that there could be no misunderstanding in relation to the matter.

This morning the map came, and the gentleman from Pennsylvania [Mr. ATKINSON] has had it placed in front of the Reporter's desk for the information of members. It shows the lots which the company ask to be allowed to have condemned. From this map it appears that they are confined to lots south of Virginia and Maryland avenues and east of Four-and-a-half street except as to two squares down by the river which are specified and shown on the map. Therefore, any vague apprehensions that may have been entertained in that regard are made specific by this map, and, as I understand from the gentleman from Missouri [Mr. HEARD], the gentleman from Pennsylvania [Mr. ATKINSON] in charge of this bill proposes to offer an amendment confining the provisions of the bill, so far as the purchase of lots is concerned, to the streets and squares indicated on the map. Therefore, there is no danger of any obstruction of the railroad with its depots and buildings into parts of the city where it would be objectionable.

Now, Mr. Chairman, for one, I can not see any objection to the bill with these amendments. We have our duty to discharge as members of the Congress of the United States, to whom this matter is presented as an object for legislation. We are compelled as legislators to take notice of the fact that this road is in the city, and that its transportation has been embarrassed and is embarrassed now by reason of the fact that it has not space enough to handle its freight. I believe, sir, that we should give this company an opportunity to purchase land for the purpose of obtaining increased facilities for its freight and passenger traffic; and if hereafter we find freight blockaded in this city and transportation obstructed by reason of any negligence on the part of this railroad company, let us then exercise the rights that we have over the subject-matter and see to it that the like does not occur again. They have asked the privilege given in this bill and intelligent persons inform me that it is reasonable, and it being reasonable I am willing to agree to it. If, however, the company shall fail to meet the public necessities, then let us legislate in a way to accomplish that end. Furthermore, it is to be remembered that in the last clause of this bill there is a provision by which Congress reserves the right to alter, amend, or repeal this act. Therefore, if this railroad company shall abuse the

privileges which we hereby grant, or shall transcend the scope of the power granted by this bill, we shall have the whole subject-matter within our own control.

So far as the Baltimore and Potomac depot is concerned there is no claim that that property belongs to the railroad company. Their presence there is simply by permission. It is thought by some that we had better require that depot to be removed. Possibly that may be the case. It is thought by others that the depot is now at the most convenient point for the public, and the public have a right to have their convenience consulted. But in any case that is a separate matter from this bill, and I have indulged in any observations in relation to it only because some gentlemen seemed to think that if we were legislating in regard to the Baltimore and Potomac road at all we ought to deal with this question of the location of the depot.

I am not prepared to say whether the present location is the most convenient one, or whether the depot ought not to be removed to some other point, but I am not willing to destroy this bill in order to accomplish that purpose, and it seems to me that, as this is a matter that may be determined at any time, as the propositions contained in this bill do not impinge upon that question at all, and as the question of where the depot should be located is a doubtful one, we had better go forward and dispose of this pending matter, provided we are able to bring the committee to the acceptance of the amendments which I have suggested.

Mr. Chairman, I will not occupy time in reading a letter which I have received from Mr. Green, the vice-president of this road, but, as it may at some future time be of interest to see just what is the present attitude of the railroad company as stated by its vice-president, I think it proper to print the letter as a part of my remarks.

Mr. Chairman, I have, in a very brief way, without claiming any knowledge except such as I have gathered from the discussion, submitted my own views in relation to this matter, and if these amendments are accepted I shall give this measure my support. My friend from Missouri [Mr. HEARD] informs me that there are other amendments designed to protect the public against any bad consequences which might possibly arise from the operation of this bill, and of course we shall have an opportunity later to know what those amendments are.

There is one other observation which I wish to indulge in and then I shall be through. The exactions of corporations of all sorts meet with no sympathy from me. Their duty to the public in regard to the transportation of persons and property is a matter in which we are all concerned. The privileges and facilities that they require in order to enable them to perform those duties to the public are matters about which we are called upon to legislate. Our own duty to the public requires that we shall give to these railroad corporations all the privileges that are really needed to enable them to accomplish the objects for which they exist, and finding myself, as a humble member upon this floor, charged with the consideration of a subject of this character, I should feel that I were unworthy of a place here if I hesitated to support this measure in the interest of the public because it happened also to relate to a railroad corporation.

Mr. McCLAMMY. I will ask the gentleman to state whether in his opinion—and I know he has studied the subject closely and intelligently—if this bill is amended as suggested by him and the bill is passed, we shall be giving this company any more or greater privileges than are granted to similar corporations in almost every city throughout the country.

Mr. BLOUNT. I think not. It is simply a grant of the privilege of condemning property with the view of facilitating the transaction of the business of the company and promoting the public convenience.

Mr. McCLAMMY. Giving the privilege of condemning property and paying for it?

Mr. BLOUNT. Yes.

The letter is as follows:

THE PENNSYLVANIA RAILROAD COMPANY,
OFFICE OF THE THIRD VICE-PRESIDENT,
Philadelphia, June 20, 1890.

MY DEAR SIR: I was very glad to have an opportunity for a frank and full talk with you in regard to the Atkinson bill, giving the Baltimore and Potomac Company the right to condemn property for railway purposes in Washington, and also the power to the commissioners to grant permits for sidings into private establishments located directly on the line of the road.

In accordance with the suggestion made by yourself and others of our friends, I have had prepared a map showing the area within which this power of condemnation would be exercised, and have also restricted the number of blocks abutting on the road so as to remove any ground for the charge that, under this bill, we would have the power of acquiring an undue amount of property in Washington. Of course it is hardly necessary for me to say that a railroad does not spend money unnecessarily any more than a private individual does, and that the Baltimore and Potomac Company will not buy property unless it is absolutely needed to take care of the freight business that is destined to and through Washington.

I have asked Mr. Barclay, who will be in Washington, to talk this matter over thoroughly with Mr. ATKINSON and with Mr. HEARD, who, as Mr. ATKINSON has been called away by a sudden death in his family, may have charge of the bill on the floor of the House on Monday, and have asked him to confer with you and advise fully in regard to the matter. I hope, with the suggested amendments, that you will find the bill in such a shape that it can have your cordial support. I want to say most emphatically that there is not a line in the bill which is intended to give the Baltimore and Potomac road any power which does not fully appear on the face of the bill, and that it is not intended that one foot of Government property of any kind should be used by the Baltimore and

Potomac Company except such as it has now full authority under existing acts of Congress to use.

I would like simply to add that the charge made on the floor of the House that we were using certain reservations, some five in number, is utterly without foundation; that there are no reservations except such as were laid out by the General Government at the time the city of Washington was founded, and that the so-called reservations to which reference was made are simply spaces formed by the junctions of streets, and that along these streets we have the full right, of course, to lay our track under the act of Congress of 1873. As the charge may be made that we are unlawfully occupying public property, I would like you to know the facts of the case, and know that it has no foundation at all, but that as far as the charge is made, it relates simply to these junctions of streets which we must cross in getting from the tunnel to the Long Bridge and in laying down the sidings under the permits granted by the commissioners of the District.

Very truly yours,

JNO. P. GREEN, Vice-President.

HON. JAMES H. BLOUNT,
United States House of Representatives, Washington, D. C.

Mr. ATKINSON, of Pennsylvania. Mr. Chairman, I have repeatedly stated that the sole purpose of this bill was to secure facilities for the Baltimore and Potomac Railroad Company so that it might be the better able to transact the business for which it was incorporated. The bill has been subjected to considerable criticism, and in order to meet that criticism I now desire to offer certain amendments which I think will make the provisions of the bill satisfactory.

The CHAIRMAN (Mr. DUNNELL). The Chair will state to the gentleman from Pennsylvania that general debate has not been closed. The bill is still open to general debate.

Mr. ATKINSON, of Pennsylvania. I will offer these amendments in my own time, and ask that they may be read.

The CHAIRMAN. They may be read for information, but the gentleman has already consumed his time.

Mr. ANDERSON, of Kansas. I do not understand that these are for consideration, but that they are simply read for information, not as pending amendments.

The CHAIRMAN. The general debate has not yet been concluded, and of course amendments can not be offered for consideration. They can be read, and they will be read in the time of the gentleman from Pennsylvania.

The Clerk proceeded to read, as follows:

On page 2, line 21, commencing after the word "seven"—

Mr. HEARD. Mr. Chairman, before that I desire to ask for information—we could not hear distinctly the request of the gentleman from Pennsylvania—but I wish to know if these are the amendments which the committee in part propose to offer, or if these are the amendments proposed by the gentleman in charge of the bill?

Mr. GROUT. They are not the committee amendments.

Mr. ATKINSON, of Pennsylvania. I stated that they were offered by the friends of the bill.

The CHAIRMAN. The Clerk will proceed with the reading.

The Clerk read as follows:

On page 2, line 21, commencing after the word "seven," strike out down to and including the word "confirm," in line 23, as follows:
"And the use and maintenance of its shops, stations, and other structures now erected thereon is hereby legalized and confirmed."

On page 3, lines 8 and 9, after the word "situated," insert "east of Four-and-a-half street and south of Virginia avenue and Maryland avenue, and south of D street and east of Fourth street;" so that it will read:

"The line of said company is or may be situated east of Four-and-a-half street and south of Virginia avenue and Maryland avenue, and south of D street and east of Fourth street, which may be used or occupied for manufacturing, commercial, or other business purposes, etc."

On page 4, at the end of line 27, add "or shall be construed as making a grant or confirmation to the said company of any land now the property of the United States."

Mr. HEARD. Will my colleague yield to me for a moment?

Mr. ATKINSON, of Pennsylvania. Yes, sir.

Mr. HEARD. I desire to offer another amendment in the same line and for the same purpose.

The CHAIRMAN. The debate upon the bill has not been closed by order of the House.

Mr. HEARD. I simply desire to ask to have this read for information, to be offered at the proper time.

The CHAIRMAN. It can be offered later on.

Mr. HEARD. I offer it in the same line and for the same purpose as the amendment just read by the gentleman from Pennsylvania. It relates to the bridging of the tracks, which I referred to in my speech on a former occasion, or providing subways, with a view that persons who have occasion to cross the tracks may be protected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Add as section 4:

"The company shall, under direction of the District commissioners and subject to their approval, construct subways for the passage of vehicles and passengers under the railroad tracks on Fourth street and on Eleventh street."

Mr. ANDERSON, of Kansas. Why not make the railroad company itself lay the subway?

Mr. HEARD. They do so under this provision.

Mr. ATKINSON, of Pennsylvania. I now yield five minutes to the gentleman from New Jersey [Mr. BUCHANAN].

The CHAIRMAN. The gentleman from Pennsylvania was not recognized for that purpose. The Chair has pledged itself to the House to divide the time equally between the friends and opponents of the bill.

Mr. ATKINSON, of Pennsylvania. The chairman of the committee yielded to me to take charge of the bill.

The CHAIRMAN. The Chair does not understand that the gentleman, as chairman of the committee, can assign the time in the general debate.

Mr. ATKINSON, of Pennsylvania. First of all we have occupied an hour in favor of the bill; two hours were then occupied in opposition, and the Chairman has assured me that he will see that the time is equally divided.

The CHAIRMAN. The gentleman from Pennsylvania and the gentleman from Missouri occupied two hours and sixteen minutes in favor of the bill, and two hours have been occupied in opposition; and this morning thirty minutes, practically in favor of the bill, by the gentleman from Georgia.

Mr. ATKINSON, of Pennsylvania. I insist there is an error in the record of the Chairman, because we occupied but a single hour, the gentleman from Missouri and myself.

The CHAIRMAN. The gentleman from Missouri occupied an hour and sixteen minutes—sixteen minutes of the time that was not previously occupied—and afterwards, in his own right, he occupied an hour. The Chair is not in error.

Mr. HEARD. I do not pretend to contest the correctness of the time with the Chair, though I did not think I had occupied more than thirty minutes altogether. But I hope my colleague from Pennsylvania will not be captious, but leave the time to be divided by the Chair equitably between the friends and opponents of the measure. So long as this course is adopted, and the Chair equitably divides the time, there can be no cause for complaint. I hope there will be no restriction, therefore, upon the pleasure of the Chair in that regard.

The CHAIRMAN. The Chair will endeavor to divide the time equally. Several gentlemen have asked recognition. The gentleman from Maine is recognized.

Mr. MILLIKEN. Mr. Chairman, I can say, as my friend from Georgia [Mr. BLOUNT] has said, that I do not discuss this measure with any hostility to this railroad or to any other railroad. I have never been, either in this House or outside of it, one of those men who has what may properly be called "railroadphobia," and who are as ready to fight a railroad at any time as a mad bull is a red cloth shaken in his face. On the contrary, I have as much appreciation, I think, as even the gentleman from Pennsylvania [Mr. ATKINSON] himself of the great benefits the railroads have rendered to this country. At the same time, I can not shut my eyes, and I do not believe he can, to the fact that the railroads, quite as much as individuals, are very willing to grasp all they can and hold on to all they can grasp.

Now, taking the case that is before this House: The history, so far as I can find it, is that the Pennsylvania Railroad Company came here and begged of this body the privilege of crossing the Mall, making an agreement that they would run no engines across there, but that they would let their cars run across by their impetus. That agreement has not only been violated, sir, but, at the same time, the friends of that railroad company say absolutely that they have no idea of getting out of the possession there, and that they will contest the right of the Government whenever it attempts to remove them back across the Mall.

Now, how do they come in here? Why, they come into this House as criminals, indicted for assuming privileges that do not belong to them, that have not belonged to them, and they ask the House to relieve them from the position of criminals and to confirm them in rights which will in my judgment spoil or in a large degree injure the south part of Washington and place this Capitol in a very unpleasant position. Now, one of the friends of the company, a gentleman for whom I have a great deal of respect and who is a very strong friend of the railroad and of this bill, invited me to go down there and see the ground which they wish to take and to look at the site, and I was assured that if I did so I would be convinced that this bill was all right. I have simply to say that if other men have such eyes as I have and see things as I do I would advise the friends of the railroad to take nobody else down there to look and see what they want. Why, the first proposition this gentleman made to me was, "This ground is all covered with water and is not fit for settlement." I could not quite understand why a railroad company wanted grounds that were continually covered with water to run its tracks over and do business on. The next proposition made to me was that it is a "malarial district, so much so that a white man could not live there." Why the railroad wants to place its employes down there, in a place so malarial that a white man can not live there, and kill them off in that way, is another proposition that my feeble mind was entirely unable to comprehend.

Mr. CONNELL. At \$1.50 a day.

Mr. MILLIKEN. At \$1.50 a day, as suggested by the gentleman. The railroad proposes first to take these sidings named in this bill. It proposes to have the power, and it will get it from this bill, to condemn a hundred acres of land right at the south of us. The northern part of it will come within 300 yards of this Capitol.

Mr. BLOUNT. Will the gentleman allow me?

Mr. MILLIKEN. I do not yield now. They may put their machine-shops there if they please, they may envelop this Capitol in a great volume of smoke from the beginning of summer to the end of it. You

have got the other railroad here on the other side, so that you will have your Capitol situated between two malarial rivers, as our ancestors unfortunately placed it, on the east and west, and between the smoke of two railroads on the north and south, and will make it a place not fit for a white man to live in.

Mr. BLOUNT. Will the gentleman allow me to ask him a question for information?

Mr. MILLIKEN. Certainly.

Mr. BLOUNT. The gentleman sees on the map the red block which indicates the territory where they ask the privilege of being allowed to go and condemn lots. The gentleman from Missouri [Mr. HEARD] informs me that the chairman of the committee proposes to restrict this bill to that area, and the gentleman can not claim that they will then be in a position to get 100 acres.

Mr. MILLIKEN. What I have to say is simply this: that the bill as at present worded does not restrict them to that area. And I have further to say that the information I get from the friends of the railroad is exactly what I state to the House. Now, in order to get this bill passed through this House and through Congress it is just as simple to restrict their condemnatory clause to the area that is on that map, it is just as innocent a thing as it was when they begged the right to cross the Mall. They have crossed the Mall, they are running their engines across the Mall, and neither you nor I can get them off the Mall. When they have got that one inch they will take the other ell, and it is a question simply whether the city of Washington will be put entirely in the grasp of this railroad and whether South Washington and the rest of the city shall be as much separated from each other as if the Missouri River ran between them. Now, what do they propose to do? Do they propose to put their railroad under ground, as they could easily do, and stop the deaths that occur there already so frequently? Not at all.

Why, the whole length across there is gridironed with railroads. You can not get from here to South Washington to-day without danger unless you are very careful to look both ways, and there is not a place where you can safely cross from here to South Washington or where you dare send a child across without having somebody to take care of her while she is crossing the track; there is not one place from the point where the railroad comes out of the tunnel to where it goes across the Long Bridge. Now, it seems to me a little amusing that gentlemen should say that Washington ought to give up this property because it is covered with water. Who makes the floods that have caused the covering of this territory down there with water? Who has caused the avenue to be covered with water, as certain gentlemen allege that it has been covered, though it has not been so covered when I have been here? Why, these very railroads that come here, that run over the Long Bridge and dam up the water.

Mr. O'NEILL, of Pennsylvania. The Long Bridge was there before the railroads were there.

Mr. HEARD. The bridge was built by the Government.

Mr. MILLIKEN. But the railroads maintain it. It is maintained by the railroads.

Mr. O'NEILL, of Pennsylvania. They may use it, but the Long Bridge is there as a fixed fact, and was there long before the tracks of this railroad were laid.

Mr. MILLIKEN. The land was here and the hills were here undoubtedly, and the river was here, even before the gentleman was; and a good many nuisances existed here before the railroads came and long before the gentleman and I came to Congress, but that is no reason why we should help to maintain those nuisances now.

Mr. O'NEILL, of Pennsylvania. I want to relate to the gentleman at some time what I experienced before the railroad came into the city of Washington, and hundreds and hundreds of people beside myself experienced the same thing.

Mr. MILLIKEN. The gentleman may discount as much as he pleases upon the improved condition of getting in and out of Washington on account of railroads. That applies to every city or every town in this country where railroads exist, but it is no reason at all why a railroad should be allowed to grasp the whole of this city; and as I said in my remarks the other day, by this bill they can run over the entire city.

Mr. O'NEILL, of Pennsylvania. I want to ask the gentleman, not for the sake of interrupting him, whether he knows of any city in this country which declines to give a railroad facilities to come into or through it. Is there any city that he knows of—Baltimore, Philadelphia, Boston, Chicago—which has not given facilities not only for the transaction of freight business, but also for passenger business, to lines coming to it or going through it?

Mr. MILLIKEN. I will answer the gentleman by saying that in his own city this railroad had to buy the streets, and it has had to run its road upon an elevated track and above the street so that it may come in.

Mr. O'NEILL, of Pennsylvania. The gentleman is very much mistaken, and I want to take this opportunity to correct him. The city of Philadelphia gave the right to close the streets for this railroad over ten blocks, from Broad street to the Schuylkill River, and the railroad itself expended three or four million dollars on the elevated railroad to bring its road into the heart of Philadelphia. The city council,

standing in the same place as the commissioners of this District, gave these facilities to the Pennsylvania road.

Mr. MILLIKEN. I do not yield to the gentleman for a speech.

Mr. O'NEILL, of Pennsylvania. I will give you a chance.

Mr. MILLIKEN. Let me say to the gentleman that the Pennsylvania Railroad was obliged to build an elevated railroad that comes up almost over the tops of the buildings there where the people can go and can drive without being endangered and without being obstructed. Now, if this railroad will build such a way across where they come out of the tunnel as the citizens of Philadelphia did, that they may have voted their money there, that they should make it there, and that they did make it there, then I am ready to vote in favor of the gentleman's proposition.

Mr. O'NEILL, of Pennsylvania. Mr. Chairman, the Pennsylvania Railroad build that elevated railroad so as to suit the elevation of their road and tracks west of the Schuylkill.

Mr. MILLIKEN. And to suit the people of Philadelphia, who would not allow them to lay it on the ground.

Mr. O'NEILL, of Pennsylvania. Now, the question before the House is whether it shall be allowed to get land for a depot for freight purposes and sidings to accommodate the business of the people.

Mr. MILLIKEN. There is a tunnel that they can come under the ground a long distance.

Mr. O'NEILL, of Pennsylvania. And the gentleman from Missouri informs me that there are eighty side-tracks—

Mr. MILLIKEN. I hope the gentleman will not take all my time. Now, I have simply to repeat, for I did not get up here to make a speech, that gentlemen when they vote on this question will vote with their eyes open and know that if this bill passes and shall become a law that the whole place from where the railroad comes out of the tunnel across this Mall down to the Long Bridge will be covered with railroad tracks, so that it will not be possible to pass without danger.

I have to say further, that the railroad comes in here and asks for this great franchise, worth millions of dollars to them, a franchise which I believe if granted this Government could not buy back to-morrow for \$10,000,000, and even asking all this they do not propose, neither will they consent to do anything for the convenience of the city. They do not consent to put their railroad under ground from the Long Bridge through that portion of the city where they could do it. That question has been put to them, and they have answered that they can not do it. They say they do not propose to take their depot across the Mall, back where it may be taken, and where it was intended their engines should stop. They do not propose to do anything except to grasp this territory, to grasp this franchise, and make the best use of it they can. Why, Mr. Chairman, we are now paying hundreds of thousands of dollars in this city for land on which to build public buildings, and if such public buildings shall be built within the next twenty-five years as the public service demands, you will have to spend millions of dollars here for land on which to build your public buildings; yet you propose to give away to this railroad company, which is able to pay and which has paid nothing for getting into this city of Washington a franchise worth all these millions, and at the same time put your hand into the public Treasury and take out your own money and buy land on which to put your public buildings.

Mr. McCLAMMY. Can you state that any Government land is granted to the company by this bill?

Mr. MILLIKEN. Yes, sir.

Mr. McCLAMMY. Will you state specifically where it is, and I will state that we will accept an amendment so as to grant no Government lands to this company.

Mr. MILLIKEN. Part of Garfield Park is given. That is the smallest objection I have to make. You grant a franchise which will give them control of all the land here at the south, and bring it close up to this Capitol itself. Why, the gentleman himself knows that during these heated days in the summer there is hardly a breath of air that comes into this Capitol that does not come from the Potomac, and you propose to put these railroad shops and railroad depots over there so that every breath of air that comes in for you and me to breathe is charged with coal smoke.

Mr. O'NEILL, of Pennsylvania. Does it ever come into this Capitol?

Mr. MILLIKEN. It will when you have your shops there.

Mr. O'NEILL, of Pennsylvania. That is the most ridiculous proposition I have ever heard. [Laughter.] The gentleman states that this railway is about 300 yards distant from the Capitol, and he never smelt smoke in this Hall wherever he may have been, either at this end or at the other end in the Senate Chamber.

Mr. MILLIKEN. If the gentleman will allow me a part of my own time I shall be much obliged to him.

Mr. O'NEILL, of Pennsylvania. I will. [Laughter.]

Mr. MILLIKEN. I will say to my friend that I think every man in this House whose olfactory nerves are in a healthy condition can smell an almighty lot of "smoke" in this bill.

Mr. O'NEILL, of Pennsylvania. There is just where the gentleman is mistaken. This bill states in every line exactly what is needed to give freight facilities to this railroad company, and where would the city of Washington be to-day if it had not been that Congress in 1871

granted a charter to this railroad company? It would be under the control of one railroad company and at its mercy.

Mr. MILLIKEN. Now, I hope my friend will be kind enough to allow me a little more of my own time. [Laughter.]

Mr. O'NEILL, of Pennsylvania. Let the gentleman ask me any question he pleases and I will answer it. [Laughter.]

Mr. MILLIKEN. I knew the gentleman would have the courtesy to allow me a little of my own time—for he is speaking in my time, he should understand.

Mr. O'NEILL, of Pennsylvania. I will give the gentleman all the time he wants. [Laughter.]

Mr. MILLIKEN. Well, I would like a little of my own. Sometimes a man likes his own better than that which does not belong to him, but I am afraid that is not the case with this railroad company. [Laughter.]

Mr. O'NEILL, of Pennsylvania. It is pretty much the way with me; I do not know how it may be with the railroad company.

Mr. MILLIKEN. I knew that; so it was unnecessary for the gentleman to state it.

Now, Mr. Chairman, all this talk about the facilities which the railroad company has given the city of Washington is mere fustian. What are railroads built for? What do we give them charters for? Why are they laid upon the surface of the earth? Is it simply that the men who build them shall make money out of them? Do we grant a charter to a railroad company simply that certain men may make a good financial investment? Or does the public have some rights in the matter? This railroad has done nothing more than it was obliged to do in order to utilize its charter and its own property and put money into its own pockets, and it has never exhibited any of this generosity towards the city of Washington which the gentleman would imply. The proposition which the railroad company makes to-day in this bill is to take a franchise which, I repeat, if it gets it, it will not be willing to sell the day after it gets it for \$10,000,000—the proposition, I say, is to take that charter for nothing, but then when the Government wants property on which to erect its public buildings in this city it takes the money out of its own Treasury and pays for it. I do not believe that so outrageous a bill as this has ever been introduced into Congress since I have been a member of it.

Mr. O'NEILL, of Pennsylvania. I want to ask the gentleman, because he is chairman of the Committee on Public Buildings and Grounds, why he did not favor the location of the new post-office for Washington down upon this flat ground. Why did he not favor putting the new public buildings down in that territory, upon that flat land, which is absolutely useless, which never can improve, never will improve, which never did improve until this railroad company got permission, by act of Congress, to come into the city of Washington in that way?

Mr. MILLIKEN. In answer to my friend, I have simply to say that I voted for such a site for the post-office as I believed would be most convenient to the people for that purpose, but it does not follow, as a matter of course, that because I did not vote to put the post-office down in the region to which he refers, I should vote to give the land away, or to give the railroad company an opportunity to make that land a nuisance to this capital.

Mr. O'NEILL, of Pennsylvania. Why, Mr. Chairman, you can not get people to buy land down there, and you never could at any time in the history of Washington get people to buy land for the purpose of living there. The gentleman speaks of malaria. There may be malaria down there, and I have no doubt there is, but the men who work for their day's wages there are no more subject to malaria than the employes of the navy-yard farther to the southeast.

Mr. McCLAMMY. Burn some North Carolina tar-knots down there. That will destroy your malaria. [Laughter.]

Mr. MILLIKEN. I stated that the friend of the railroad company who took me to show me the land said that there was so much malaria that white men could not live down there, and I could not understand why the railroad company wanted property for their machine-shops at a place where their workmen could not live.

Mr. O'NEILL, of Pennsylvania. I am obliged to the gentleman for permitting me to interrupt him. All I wanted to say was that the trouble of malaria applies no more to that locality than it does to the Washington navy-yard, where hundreds of men have been and are employed.

Mr. MILLIKEN. My friend need not thank me for allowing him to interrupt me, because the dulcet tones of his voice are so pleasant that I would make almost any sacrifice for the pleasure of hearing him.

Mr. O'NEILL, of Pennsylvania. Well, in return I will give the gentleman all the time I have. [Laughter.]

Mr. BUCHANAN, of New Jersey. Mr. Chairman, the love-feast between the gentleman from Pennsylvania and the gentleman from Maine having reached such an auspicious conclusion, I take this opportunity of offering a word or two upon this bill. First, I say that the bill seems to be criticised mainly for those things that are not in it. The objection in the newspapers, the objection upon the street, the objection in this committee, so far as I have heard it, has been mainly based upon matters with which this bill has nothing whatever to do, and it has seemed to me that perhaps interested parties have

been raising a smoke under which they could fight to better advantage than if they came out into the clear sunlight of truth.

Mr. MILLIKEN. I will ask the gentleman what he means by "interested parties."

Mr. BUCHANAN, of New Jersey. I do not mean the gentleman from Maine [Mr. MILLIKEN]. That satisfies him.

Mr. MILLIKEN. All right.

Mr. BUCHANAN, of New Jersey. In the first place, this bill has nothing whatever to do with the location of the passenger depot. It has nothing whatever to do with confirming any title which the railroad company may have or may not have to that location. That question is left, as was shown here the other day, entirely outside of the province of this bill.

In the next place, this bill does not allow, as was stated, a roving commission to go all over this city and condemn plot after plot of land. Any reputable lawyer that will read this bill and look at that map will so state. But to "make assurance doubly sure," the gentleman from Pennsylvania has prepared an amendment which in express terms prevents anything of that sort being done. The bill does not provide for either the raising or the lowering of the tracks; it leaves that for future legislation. But right here I want to say that if any one will go along the line of this railroad and see these turnouts which have been constructed from the main track into private property, I want to ask him how the interests of citizens of that section owning these squares into which these turnouts run can be subverted if the tracks be either raised or lowered.

What does the bill propose to do in connection with the amendments offered by the gentleman from Pennsylvania and which he says the friends of the bill are ready to accept? It proposes, as I understand, only this—and if I am not correct I will thank any gentleman to rise in his place and correct me—it provides that as to certain turnouts and tracks which have now been laid the railroad company shall have the right to continue them where they now are. And what are those turnouts?

Mr. MILLIKEN. Will the gentleman allow me to ask under what authority the railroad company laid those tracks and how they happened to be indicted for having done so?

Mr. BUCHANAN, of New Jersey. If the gentleman wants me to make my speech, all of it, first I will do so. I have not got to that part of the question yet; but if my ten minutes do not expire too soon I will get there, and I think to the gentleman's satisfaction, unless he does not want to be convinced.

There was authority granted to this railroad company to come into this city on the line of certain avenues. As time went on certain gentlemen along the line of those avenues desired to have sidings laid into their property for their own mercantile or commercial purposes, and the railroad company laid those tracks. As time went on, and the commerce of this road increased, and the vast volume of freight poured up from the Southern seaboard, it became necessary to have additional tracks for the accommodation of that freight. As this city grew and its freight business increased it became necessary to have tracks upon which to place its cars, and if any man will go to-day out to Benning's I warrant he will see at this moment siding after siding occupied with cars because there is no room for them elsewhere.

The company laid these tracks; but before it did so what did it do? It went to the District commissioners and asked permission; and it was granted. The matter was carried to the courts, and it was found that the commissioners had no authority in law to grant that permission; that the power was vested in the Congress of the United States; and thereupon, because of this act unauthorized in law, but authorized by what the company supposed was the proper authority, the grand jury of the District indicted the company for the laying of these tracks. More than that, as I understand, the grand jury indicted the commissioners for the act of former commissioners in granting the permission. That is the size of that indictment, and I think the size shows its spirit.

I have gone along this route since this discussion commenced—alone, not convoyed by anybody either in favor of or against the bill—and have looked for myself to see whether the privileges granted by this bill are needed or not. I want to say that as the bill first came before the Committee of the Whole I was not in favor of it. I regarded its provisions as too wide, too sweeping, not guarded enough. But with the amendments offered, or which will be offered, for our vote by this committee, it seems to me the bill will be such as the interests of this city itself, of the shippers to and from this city, of the passengers to and from the city require us to pass.

I reserve the remainder of my time.

Mr. CANNON. May I ask the gentleman a question?

Mr. BUCHANAN, of New Jersey. Certainly.

Mr. CANNON. I have not been present during the consideration of this bill; and I want to ask the gentleman whether under its provisions the railroad company is allowed to put down these sidings that he has referred to and to condemn property? Is that the scope of it?

Mr. BUCHANAN, of New Jersey. Well, the gentleman asks a very wide question.

Mr. CANNON. Do they pay for what they get?

Mr. POST. Certainly.

Mr. BUCHANAN, of New Jersey. Certainly they pay for what they get.

Mr. CANNON. And the bill authorizes them to utilize the ground necessary to operate their railway along the line where it now runs?

Mr. BUCHANAN, of New Jersey. As to the necessity, that is my judgment from viewing the situation. I am not a railroad man. Sometimes when I look into the smiling face of my friend from Kansas [Mr. ANDERSON] I am glad I am not, because thereby I retain his friendship. [Laughter.]

Mr. ANDERSON, of Kansas. Well, I thank God that you are not, too. [Laughter.]

Mr. BUCHANAN, of New Jersey. As to the necessity in all proceedings for condemnation of lands for railroad purposes the necessity must be proved as an initial fact or no condemnation can be had. This bill grants no wider power of condemnation than is granted by the general railroad laws of our several States. And this bill, as proposed to be amended by the gentleman from Pennsylvania, it seems to me, is necessary for the trade and traffic coming into this city and going out of it—

Mr. ANDERSON, of Kansas. Will you allow me to ask you a question?

Mr. BUCHANAN, of New Jersey. Oh, certainly.

Mr. ANDERSON, of Kansas. Can you show where the gentleman from Pennsylvania offers any amendment to section 3 which limits the power of this company to acquire any squares that abut on its track on Virginia or Maryland avenues?

Mr. BUCHANAN, of New Jersey. They abut on its tracks, and that abutment is in itself a limitation.

Mr. ANDERSON, of Kansas. I am not speaking now of the running of side-tracks into squares owned by other people, but am calling attention to the fact that the gentleman from Pennsylvania has not offered any amendment which limits the power of this company to take, by condemnation, all of the squares adjacent to its tracks on Virginia and Maryland avenues.

Mr. BUCHANAN, of New Jersey. Why, my dear sir, if you will look at the map you will see that a large part of the land is owned and has been paid for by the company; and in one instance, to my personal knowledge, after constructing a siding into property that they owned themselves, they have been indicted for doing it.

Mr. ANDERSON, of Kansas. Well, they ought to have been, for undertaking to run tracks on such authority.

Mr. BUCHANAN, of New Jersey. Well, if the gentleman from Kansas will say that anybody ought to be indicted for doing that which he was advised he had legal authority for doing, that is his code of morals, not mine.

Mr. ANDERSON, of Kansas. Why, does my friend believe that the attorneys of the Pennsylvania Railroad Company considered as good legal authority the act of the commissioners of the District of Columbia in exercising a power that Congress could alone exercise? They are not fools.

Mr. BUCHANAN, of New Jersey. I know this, that in this case, as in the original-package act, we are much wiser after the court has decided than we were before.

Mr. ANDERSON, of Kansas. Oh, no; the Pennsylvania road employs good lawyers.

Mr. BUCHANAN, of New Jersey. I do not know anything in regard to that. I neither know whom they employ nor how they employ them, nor do I care.

Mr. CASWELL. Will the gentleman from Kansas point out a single clause in this bill that grants anything to this railroad company that it does not grant to any other company which operates its lines in this city?

Mr. ANDERSON, of Kansas. Yes, sir.

Mr. CASWELL. Where is it?

Mr. ANDERSON, of Kansas. I do not believe that there is any city in this country that will give any company the right to come in and occupy, by condemnation, sixty-eight of its public squares.

Mr. CASWELL. Does the gentleman believe that any such right exists in the bill?

Mr. ANDERSON, of Kansas. Yes.

Mr. CASWELL. Then I credit that to the gentleman as the reason for his opposing the bill. It is evident he does not understand its features.

Mr. ANDERSON, of Kansas. Oh, that is a very easy way to get out of the advocacy of the bill.

Mr. CASWELL. I credit the gentleman with that as the reason for opposing it.

The CHAIRMAN. The gentleman from Mississippi is recognized.

Mr. STOCKDALE. Mr. Chairman, I desire to say in reference to this bill that I do not favor the removal of the passenger depot from where it is, nor to obstruct the passage of trains to and from that depot. I think that the people of this city ought to be willing to submit to such inconveniences as may be imposed upon them in that manner, in the interest of the traveling public.

The objection I have to this bill does not come of any objection to railroads in themselves; nor do I propose to invoke any influence of that

sort in my antagonism to this bill, because I believe, as everybody else does, that they are the great institution of the present civilization. At the same time they may well be classed among that part of the influences and persons of this country called powerful. There is enough of human nature in railroad corporations of this day to do whatever they can to advance their own interests, and they wield a powerful arm to accomplish their purposes.

This bill, as I understand it, was drawn by a railroad lawyer, and they usually have the best talent in the profession. The bill itself indicates that sort of a brain as having framed it; even the punctuation indicates skill. The first objection I make to the bill is the ratification and confirmation of the Government reservations or squares, Nos. 101, 109, 120, 174, 178, 211, 309, and whatever other Government property is occupied or partially occupied by the companies and now in the possession of this company, and that they shall be ratified and confirmed by Congress; that means a perpetual possession and is equivalent to a fee-simple title, and by implication repeals the clause in the original grant reserving to the Government the right to amend or repeal it.

Mr. HEARD. Will the gentleman submit for an interruption?

Mr. STOCKDALE. Yes, sir.

Mr. HEARD. There is an amendment pending now, if the gentleman is aware of the fact, proposing to declare substantially that this shall not be construed as a grant of the right to occupy any reservation belonging to the Federal Government.

Mr. STOCKDALE. I understood those lines were to be stricken out, but they have not been stricken out.

Mr. ANDERSON, of Kansas. Why did not the committee strike them out?

Mr. STOCKDALE. Yes; why did not they do it themselves, and not insert a provision that they shall not be "construed" so as to legalize and confirm the titles to these public reservations in the company? The lines use the words "legalized and confirmed," and we are told now that there is an amendment pending to the effect that "legalized and confirmed" shall not be construed to mean "legalized and confirmed;" then I ask what will they mean? I say that if this is an honest amendment section 1 will mean nothing; and unless there is a dodge in this construction these lines ought to go out altogether, and when they do go out the whole first section is without meaning or force, unless it be that the railroad company will claim that after describing the squares that the words in the bill following the words "legalized and confirmed," to wit, "said tracts to be maintained in such manner" etc., mean the same as to say "said tracts shall be maintained where they are," etc. If that be true, the section will be as objectionable as before.

Mr. HEARD. The amendment now pending negatives the proposition of the gentleman.

Mr. STOCKDALE. Then we will be compelled to charge folly on a committee of the House for inserting lines in a bill of grave significance and submit an amendment to negative their meaning and destroy their effect, and will amount to nothing; that they are negated by something else they propose to add.

Mr. HEARD. I do not say that they are going to do that.

Mr. STOCKDALE. Oh, well, they are just like my friend down in Mississippi, who said his lawyer was affirming on one side and negating on the other.

Mr. HEARD. But I did say that an amendment was pending before the House—

Mr. STOCKDALE. Well, I do not yield for a speech.

Mr. HEARD. I do not mean to make a speech, but simply to correct the gentleman.

Mr. STOCKDALE. Then please let me have a part of my own time.

Now, here is another objection to this bill. They say it is all open and fair. Let us see. I read from the bill:

SEC. 2. That it shall be the duty of the commissioners of the District of Columbia, and they are hereby authorized and empowered, whenever they consider it a public benefit, to grant the Baltimore and Potomac Railroad Company permission to lay, maintain, and use side-tracks and sidings from the main line or lines of said railroad into any real estate in said city abutting on the streets or avenues on which such line of such company is or may be situated.

When?

Whenever they consider it a public benefit.

No limit upon their discretion; no power to restrain them, but—

whenever they consider it a public benefit, to grant to the Baltimore and Potomac Railroad Company permission to lay, maintain, and use side-tracks and sidings from the main line or lines of said railroad into any real estate in the said city abutting on the streets or avenues on which such line of such company is or may be situated.

Now look at that map, you gentlemen who press this bill upon this House, and see where that company can go. It is not "squares or property abutting on the railroad line," but it is squares abutting on any street or avenue upon which the railroad is or may be situated. Why of course it was a railroad lawyer who drew the bill. That road crosses twenty-five streets perhaps; any square abutting on any one of them can be condemned, if there be a manufactory, store, or any business house on it. Any square on any street or abutting on any street that that railroad is upon may be condemned by this railroad company, says the bill.

Mr. ATKINSON, of Pennsylvania. Will the gentleman from Mississippi yield—

Mr. STOCKDALE. And for what purpose may they condemn this property? Why, for any purposes that the railroad company may want it—for it may condemn private property and erect upon that private property shanties or houses for residences for its employes, from one end to the other of Maryland avenue and Virginia avenue and perhaps twenty other streets and avenues, provided they can get some one to put up a factory or a store or any business house, however small. There is no escape from that construction if they want to make it, and they are sure to want to make it.

Mr. ANDERSON, of Kansas. Will you make that a little clearer?

Mr. STOCKDALE. I make it clear by reading the second section of the bill. It is made the duty, I say, not left in the discretion of even the commissioners of this District, that they shall grant to this company whenever they consider it a public benefit—and it is wonderful how pliant is the consideration of the commissioners of this District for the benefit of the public, sometimes—

To grant the Baltimore and Potomac Railroad Company permission to lay, maintain, and use side-tracks and sidings from the main line or lines of said railroad into any real estate in the said city abutting on—

On what? On the railroad?

Ah no, the scope is far broader than that. It would not have needed a railroad lawyer to draft the bill if that had been all they wanted, although that would have been too much; but—

abutting on the streets or avenues on which such line of such company is or may be situated.

Well now, it is situated on Maryland avenue—

Mr. POST. Read the balance of the section.

Mr. STOCKDALE. I will read it. It is situated on Maryland avenue; it is situated on Virginia avenue; it is situated on twenty streets. Now, I say by the language of this bill they can take abutting property on any of those streets.

I say I will make it plainer at the suggestion of the gentleman from Kansas and will read the balance of the section at the suggestion my friend from Illinois [Mr. Post]. Here is the whole section:

SEC. 2. That it shall be the duty of the commissioners of the District of Columbia, and they are hereby authorized and empowered, whenever they consider it a public benefit, to grant the Baltimore and Potomac Railroad Company permission to lay, maintain, and use side-tracks and sidings from the main line or lines of said railroad into any real estate in said city abutting on the streets or avenues on which such line of such company is or may be situated which may be used or occupied for manufacturing, commercial, or other business purposes by parties desiring the use of such facilities. Such side-tracks or sidings shall be laid and maintained under the direction of said commissioners, and in such manner as shall least obstruct the use of the public streets for ordinary purposes.

I say this road is situated on Maryland and Virginia avenues.

Mr. ANDERSON, of Kansas. And it may be situated on any other avenue.

Mr. STOCKDALE. That is true; it may be situated on any other avenue hereafter. Now, ever since I have been in Congress I have been importuned to vote to spend the people's money to embellish and enlarge and beautify this great capital city. I have been urged by some of these same gentlemen to lay out avenues, to spend hundreds of thousands of dollars to extend the avenues of this great city so that it will embrace the whole District, if you please. There is no end to the money they want to spend for pleasure parks, for pleasure streets, and for a menagerie for the amusement of Congressmen and the people of the city of Washington.

I have no enmity against this railroad company, except that I do not want it turned loose to run over this city without restraint, and this bill is simply a license to do that. They do not need any sympathy; they generally can take care of themselves. But are we to allow them to go without limit into this city, to condemn when and where they please, not for their passenger tracks, but for their railroad shops, for any structure they may want to build? They may put out the people of this city from their own property by condemnation and build rows of houses for their employes in the heart of this city. They ask the right to run their side-tracks into any square abutting on any avenue or street in this city upon which the railroad is, and for what? Why, I will not even attempt to name all the purposes the company may want lands for. If a manufactory is upon any square or upon any street or avenue of this city and it wants a side-track from the main line of this road, the railroad will have the right to put it there and will have the right to condemn private property to get it there. They will have the right to put it on any street they may choose, to get there, and cross as many as they choose. They can cross any street or any avenue, they can keep their trains standing upon these side-tracks and cross these streets or cross these avenues, and every man who has traveled knows enough about railroads to know that when they put their side-tracks in for freight purposes and run the long trains over them and when they have the right to extend them from their depot to the boundaries of this city, it will cut in two the whole of the southwest portion of the city of Washington, as far as the inhabitants are concerned, and will destroy intercommunication. They cross Maryland avenue, they cross Virginia avenue, and they may take any squares that

about upon any of them where there is a manufactory or store. By this bill, if it shall become a law, this company can run its road the whole length of these avenues to get to a store at the end of either. I say that it would be a blot upon the city and a reflection on us. This rushing to and fro of these enormous freight trains would utterly destroy the proper use of the streets, as these people have already said. Here is a communication from citizens of this District, and they are entitled to some consideration.

My friend from Pennsylvania, who lives in the beautiful city of steady habits, says that nobody will buy property down there. Why? Perhaps a gentleman living on Chestnut street, Philadelphia, would not, but there are 30,000 people living there, and a large number of them on their own property, in this southwest portion of the city of Washington. They have their humble homes, many of them good homes, there, and they like to live there. They can not go into the northwestern portion of the city and buy a home at \$40,000, but their homes are dear to them. And, by the way, I might pause here to say that if this proposition was made to go through the northwestern portion of this city gentlemen in this House would quail before the people that would come here to oppose it. But because it affects people who live on these malarial flats, and because they are powerless to save themselves from the aggressions of this railroad company, which is attempting to run over those people—we are told it does not improve as an excuse—I say it ought to be the very proudest act of the Congress of the United States to protect these people in their humble homes against the tramp of this colossal corporation.

Mr. CASWELL. If the gentleman from Mississippi will allow me, I will state that I understand the people of that locality petition and ask the railroad to extend to them further facilities. The people of that locality want it now for business purposes.

Mr. STOCKDALE. That is not my understanding. They petitioned the other way.

Mr. CASWELL. The company laid their track there, for which they have been indicted in pursuance of a decision of the supreme court of the District of Columbia.

Mr. STOCKDALE. It is not the people of the southwest. Here are a series of resolutions from the citizens of the southwestern portion of the city of Washington condemning all this business, and asking for the passage of another bill far different from this one.

Mr. CASWELL. There is a petition which says that the people want these tracks, and the company have to pay for what they get.

Mr. STOCKDALE. I suppose the gentleman got his information from the railroad company or their attorney.

Mr. CASWELL. I get it from the gentleman who has charge of this bill.

Mr. STOCKDALE. I want to say—

Mr. CASWELL. It is asked for by the business men who want to be able to transact business with the railroad.

Mr. MILLIKEN. They do not live in South Washington.

The CHAIRMAN. The committee will be in order. The gentleman from Mississippi is entitled to the floor.

Mr. STOCKDALE. There are a series of resolutions by these people.

Mr. GROSVENOR. Will the gentleman permit a question?

Mr. STOCKDALE. Certainly.

Mr. GROSVENOR. Are these a series of resolutions of the people?

Mr. STOCKDALE. You have a copy in your hands.

Mr. GROSVENOR. That is not the question. I asked you if these resolutions are not resolutions of an association?

Mr. STOCKDALE. Certainly; they are by associations and signed by their officers. Here I find the name of J. H. Johnson, president Citizens' Association, 709 C street, southwest, and then Charles Allen, M. D., vice-president Citizens' Association. O. T. Thompson, secretary, and N. H. Shea, president, South Washington Protective Association, A. M. Fitzgerald, vice president, etc. Now, I do not know what this "Citizens' Association" amounts to, but I say that it must be something.

Mr. GROSVENOR. But it only purports to come from the officers who signed it.

Mr. STOCKDALE. The gentleman says it does not come from any one but from those officers who signed it. These officers must represent somebody.

Mr. O'NEILL, of Pennsylvania. They may make themselves officers.

Mr. STOCKDALE. Why, how do you know?

Mr. O'NEILL, of Pennsylvania. I presume so.

Mr. STOCKDALE. Ah, you presume so, and that is what you always presume when you want the people's land.

You go down to these flats and say to these poor people, "Get out of your houses; a railroad company wants the land." I say that the owners ought to be consulted whether they shall go out of their own homes, and I say that the people ought to be consulted whether the inhabitants in the southwest portion of the city shall be continually endangered by the rushing of freight trains through the city when all freight establishments and facilities can be erected at the edge of the city, and not render the thickly inhabited portions so that people can not pass with safety, and already there have been a number of persons

killed and crippled at these crossings. Say the people in these resolutions or this document—I will insert the document in my remarks:

We submit the following facts and conclusions as set forth by the only organizations representing the 30,000 inhabitants of South Washington, to which we ask your earnest attention in view of the pending Atkinson bill, in relation to the Baltimore and Potomac Railroad:

In 1871 Congress passed an act giving the Baltimore and Potomac Railroad the right of entrance into this city. By a subsequent act it was allowed to build a depot on the public reservation on Sixth street. This dose was sugar-coated in various ways. The building was to be of such a style, etc. A Senator, Mr. Frelinghuysen, pledged the Senate that no steam was to be used on Sixth street in crossing the public grounds. At the time of the passage of this bill Messrs. Potter, in the House, and Cameron, in the Senate, stated that the authority to use this Mall could be repealed whenever it was desired, and the right to do so was expressly reserved in the bill. This road has seized upon and is now using public squares 101, 109, 120, 174, 178, 241, and 309 for its business.

The law has been persistently violated to the great damage of the Government and the citizens, and in answer to our demand for redress the law-breakers come forward now to ask, not only that its illegal act be condoned, but that it be given a *carte blanche* to take and to use all the streets, avenues, and squares it may choose, placing the people of South Washington completely at its mercy.

We can hardly believe that Congress will confirm the use of the Mall and grant seven reservations to this company free of cost, while ground is being purchased for Government uses, and yet that such a bill should be reported to the House by a minority of the whole Committee on the District, a bill admittedly drawn by the attorney of the road, awakens our greatest fears.

It was an unfortunate mistake to have given the railroad company the right to occupy the Mall and the two finest avenues in the most valuable portion of South Washington, and we believe that now is the proper time to correct that mistake, and that no measure should be passed for the benefit of the railroad which would not afford relief to that long suffering section.

We submit that the Atkinson bill ought not to pass, for the following reasons: That the railroad should not be allowed to use any of the public grounds, but should be made to remove from all such property at once.

That the Mall should not be any longer disfigured by the depot and trains of the road, nor should be allowed to use the other reservations now occupied by it.

That the use of Maryland and Virginia avenues by this road is not necessary, and its tracks should be taken off these thoroughfares.

That the effect of the present situation of the tracks crossing at surface grade on the principal thoroughfares to the river front has become notorious in causing the death and injury of a great many persons as well as interfering with business communication and travel to and from the river.

That east of Third street there is ample space for the erection of passenger and freight depots, where the evils may be reduced to a minimum, while the road will have excellent access to the public in the transaction of its business.

That for through traffic the route from the tunnel to and along a route lying between I and K streets southwest to Water street and the river is the most direct, and that by elevating the road travel will not be impeded at the street crossings, while the use of the squares by the tracks will leave the streets free and give the road needed space for all its requirements.

We also believe a new elevated bridge as recommended by Colonel Hains should be built for railroad purposes.

A change of route as above will relieve nearly fifty squares, thickly inhabited, and of the most valuable property in this section of the city, from injury now caused by the present unnecessary misuse of our avenues and streets.

We refer you to House bill 9484 for a solution of this question, and ask your favorable consideration of the same, feeling certain that the plan of elevation is feasible, notwithstanding Captain Russell's report, and, in fact, that it can easily and quickly be carried out.

We will be pleased to give you any further and particular information you may desire.

Instead of the passage of the Atkinson bill we ask that Congress will at once repeal the act giving the company the use of the Mall and require the removal of its tracks from Sixth street and Maryland and Virginia avenues as an act of simplest justice.

N. H. Shea, president South Washington Protective Association, 632 Pennsylvania avenue, northwest; M. Fitzgerald, vice-president South Washington Protective Association, 601 Second street, southwest; J. H. Johnson, president Citizens' Association, No. 1, 709 C street, southwest; Charles Allen, M. D., vice-president Citizens' Association, No. 1, 1230 G street, southwest; O. T. Thompson, secretary Citizens' Association, No. 1, 631 Pennsylvania avenue, northwest.

The passenger trains alone go so frequently that the gates across the streets are down and travel blocked a great portion of the time. Of that I do not complain. It is proper to have the gates there; but you pass this bill and have the freight trains and the machine-shops, perhaps, and have all this traffic, with freight-houses and store-houses and switches and side-tracks and long trains standing to unload, and everything of this kind done there, and you will have these beautiful avenues about which gentlemen talk so much and so eloquently, and for which they ask so much of the people's money to be expended, blocked and cut in two by a railroad company, practically, and destroyed for travel. The people will be driven from their homes in that community for the benefit of a railroad company that can have the same facilities elsewhere. It is not opposition to the railroad company that I express; it is simply opposition to the unreasonable and dishonest demand that these people shall be removed from their homes, not for the needs, but for the mere convenience of this company, for as I have said they can have the same facilities a little farther out and damage no one. It is not that a passenger train may come in here; it is not because of the want of a passenger depot and for the benefit of the passenger traffic that these extraordinary demands are made by this company; those they have. It is for other schemes that can as well be done elsewhere; and I want to emphasize the declaration that, in my opinion, it is a palpable and willful violation of the Constitution to condemn people's property when no necessity exists; to take people's property by force and hand it over to a corporation to enrich it is to commit a great wrong.

Therefore I say this company should go outside, to the suburbs of the city, and get what they want for one-fourth of the cost; but instead of that they come in here and make this enormous demand—a

demand that the Government in its power and its might shall rally and with strong hand drive people from their homes and give them to this company, at a price it is true; but American citizens, however humble, like to have something to say about selling their homes, and the price. Mr. Chairman, the very fact that this company persist in their unreasonable demands is a suspicious circumstance that there are other schemes than public convenience in their operations.

The bill does not permit school-houses and churches to be condemned; that is an objection to the bill, and why? Whenever there is a school-house or a church there it will be practically destroyed. They will not condemn it, and therefore they will not have to pay for it. Who would send a child to a school-house close to one of these machine-shops or to one of these freight depots with the network of side-tracks, where the switch engine, the yard engine and other engines are continually going backwards and forwards? The people will not send their children to such a school, and therefore the school-house is rendered practically worthless, and they do not have to pay for it because they did not condemn it. Then, again, as to churches. Who is going to a church near which a whistle is blowing every five minutes? Members can easily see that there is no reason in the bill. Let these gentlemen tell us what they want. Let a bill be prepared by some gentleman of this House. Let it be submitted plainly, so that men who are not railroad men can understand it; so that it needs no amendments to construe its terms and tell us what it means. Let it not talk in riddles.

I may not be sufficiently bright to comprehend this bill which these gentlemen see through so clearly. The railroad lawyers and managers can see through it. They know exactly what they will get if this bill passes, and that will be just what they please to take, and I have no doubt that wherever the lawyer is who drew this bill, he is now chuckling over the folly of the members of Congress who can not see what it means nor how vast are the privileges granted by it. I may not be able to understand it in all its phases, but I can see enough to turn me against it. Whatever is necessary for the convenience of the public I am willing to grant this company. But let them come in here with a clear, fair, and honest bill. The English language is easily understood and the majority of us claim to understand that language reasonably well, and surely a bill can be drawn that an ordinary Congressman could understand. Let it define the boundaries of the land they want and let us know why, if they can so far condescend. I am opposed to these blanket grants and unalterably opposed to conferring the power on the District commissioners to make grants.

I have not a doubt that gentlemen who favor this bill do it with pure motives and prompted by an honest judgment. Yet I believe that this bill is either so craftily or so loosely drawn that if it shall pass in its present form we will see operations in Southwest Washington at which gentlemen will blush.

Mr. GROUT. Mr. Chairman, with the view of completing this bill to-day, I move that the committee rise for the purpose of limiting debate.

Mr. GROSVENOR. Why not agree to a limitation here in committee?

Mr. GROUT. My object is this: There are amendments to be proposed to the bill, and when they are brought in and the bill is examined section by section, then the members of the House will be able to understand what they are talking about. As it is, this debate is proceeding largely at random, and it seems to me that it will be a great advantage to all gentlemen who desire to discuss this bill to have the amendments introduced and to have general debate limited.

Mr. GROSVENOR. Why not propose in committee to limit the time?

Mr. MILLIKEN. I do not doubt that gentlemen on that side want to shorten the time for discussion. I should, if I were in favor of this bill.

Mr. GROUT. I shall propose that general debate be limited on each side to twenty minutes.

Mr. ANDERSON, of Kansas. And I shall propose that there shall be two hours debate on each side.

Mr. SPINOLA. Let us have a day on each side. [Laughter.]

Mr. ANDERSON, of Kansas. There are several gentlemen who wish to speak upon this bill.

Mr. SPINOLA. Mr. Chairman—

The CHAIRMAN. The gentleman from Vermont [Mr. GROUT] has the floor.

The question was taken on the motion of Mr. GROUT that the committee rise, and there were—ayes 42, noes 27.

Tellers were demanded.

Mr. ANDERSON, of Kansas. I make the point that there is no quorum.

Mr. BURROWS. It does not require a quorum for the committee to rise, Mr. Chairman, any more than it does to adjourn.

The CHAIRMAN. It does not, but tellers have been demanded.

Mr. WHEELER, of Alabama. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. SPINOLA] be allowed a certain limited time for the discussion of this matter. We are wasting valuable time in this way.

[Cries of "Regular order!"]

Tellers were ordered; and the Chairman appointed Mr. GROUT and Mr. ANDERSON, of Kansas, to act as tellers.

The committee divided; and the tellers reported—ayes 75, noes 28.

The committee accordingly rose; and Mr. BURROWS having taken the chair as Speaker *pro tempore*, Mr. DUNNELL, from the Committee of the Whole, reported they had had under consideration a bill (H. R. 8243) supplementary to an act entitled "An act to authorize the construction of the Baltimore and Potomac Railroad in the District of Columbia," and had come to no resolution thereon.

Mr. GROUT. Mr. Speaker, it is not for the purpose of suppressing debate that I propose this limitation, but it is rather for the purpose of facilitating it by means of a proper understanding of the provisions of this bill. It seems to me that the time that we consume in these general stump speeches ought to be brief and that we had better have the amendments offered, and then there will be an opportunity for full and free discussion of the bill by paragraphs. I move, therefore, that general debate upon this bill be limited to twenty minutes on each side.

Mr. ANDERSON, of Kansas. And I move to make the time one hour on each side, and I ask the indulgence of the House to the same extent that the gentleman from Vermont has had in stating his motion, in order to say that whenever a bill drawn by the employé of a railroad company is brought before Congress, giving to that company the right to occupy a great part of this city, this House can well afford to spend sufficient time, not in stump speeches, but in getting at the real inwardness of the rascally designs of the railroad company. [Laughter.]

Mr. GROUT. Mr. Speaker, it is suggested to me that the time ought to be thirty minutes on each side, and, with the leave of the House, I will so modify my motion.

Mr. ANDERSON, of Kansas. Pending which, I move that general debate be limited to two hours, to be equally divided between the advocates and the opponents of the bill.

The question was taken on the amendment of Mr. ANDERSON, of Kansas, and there were—ayes 38, noes 59.

Mr. ANDERSON, of Kansas. I ask for tellers, and I make the point of no quorum.

The SPEAKER *pro tempore*. The point of no quorum is overruled unless the gentleman makes the point that there is no quorum present.

Mr. ANDERSON, of Kansas. I make the point of no quorum present.

The SPEAKER *pro tempore*. The gentleman makes the point that there is no quorum present. The Chair will ascertain whether there is a quorum or not. (Having counted the members). There are 170 members present—more than a quorum. The gentleman from Kansas [Mr. ANDERSON] demands tellers.

Tellers were ordered; and Mr. GROUT and Mr. ANDERSON, of Kansas, were appointed.

The question being again taken on the amendment of Mr. ANDERSON, of Kansas, to limit debate in Committee of the Whole to two hours instead of one, there were—ayes 36, noes 67.

Mr. LIND. I demand the yeas and nays on this question.

Mr. HEMPHILL. I would like the privilege to make one statement which I think will facilitate this matter very much if gentlemen will hear me. As the House knows I was opposed to this bill the other day. I am anxious to submit some amendments which I think really cover the question before us. If we consume all our time in general debate, we shall not reach a vote on the merits of the proposition. If we limit debate to one hour, we can then come to these amendments which I would like the House to understand and vote upon. As it is now, the bill amounts to nothing.

The yeas and nays were not ordered—there being, ayes 20, noes 117—less than one-fifth voting in the affirmative.

So the amendment of Mr. ANDERSON, of Kansas, was rejected.

The question recurring on the motion of Mr. GROUT that general debate in Committee of the Whole be limited to one hour, it was agreed to.

Mr. GROUT. I move that the House now resolve itself into Committee of the Whole to resume the consideration of House bill No. 8243.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. DUNNELL in the chair) and resumed the consideration of the bill (H. R. 8243) supplementary to an act entitled "An act to authorize the construction of the Baltimore and Potomac Railroad in the District of Columbia."

The CHAIRMAN. The House has voted to limit general debate on this bill to one hour, which will be equally divided between the friends and the opponents of the measure. The gentleman from Pennsylvania [Mr. ATKINSON] and the gentleman from Vermont [Mr. GROUT] will be recognized to control the time upon the respective sides.

Mr. SPINOLA. They are both on the same side.

The CHAIRMAN. The Chair does not so understand.

Mr. ANDERSON, of Kansas. I desire to know whether the gentleman from Vermont, whom the Chair has recognized to control the time against this bill, is for it or against it?

The CHAIRMAN. Against it, as the Chair understands.

Mr. ANDERSON, of Kansas. I would like him to say whether he is or not.

Mr. GROUT. Had the gentleman from Kansas been attentive he would have learned on the last District day whether I was for or against this bill. In the most unequivocal manner I stated then to the House that I was opposed to the bill as it now stands. But I said there was just a little kernel of something in the bill that it was suitable to grant this railroad corporation; and that was the privilege to condemn land under proper restrictions for a freight depot in this city. There is no question about that. Those who have informed themselves will not deny it. And when the friends of this bill cry out that we are withholding proper facilities to this railroad company, their cry should be listened to by gentlemen who stand in factious opposition to any consideration of the bill.

Mr. ANDERSON, of Kansas. I do not know of any such gentleman on the floor.

Mr. GROUT. Well, if there are such. I will modify my statement in that way.

Mr. ANDERSON, of Kansas. You had better do so.

Mr. GROUT. There are some gentlemen who do not seem willing—

The CHAIRMAN. Does the gentleman from Vermont commence now to use his time?

Mr. GROUT. Yes, sir.

Mr. ANDERSON, of Kansas. The gentleman's statement is entirely satisfactory to me.

Mr. GROUT. It is not quite satisfactory to me; I want to say something more. I say there is just this little kernel in the bill, namely, providing for a freight depot, that should have the considerate attention of this House and should be provided for. There is no question about that. Any fair man who understands the situation must admit it. So I say it is improper to insist that the bill shall be killed outright. But, while that is the case, there are many other things in the bill that are wrong, radically wrong, which this House ought never to approve and never will approve if members rightly understand the provisions in question.

Now, to begin with, here is the first section of the bill which is wrong; and it is not made right by the amendment of the gentleman from Pennsylvania [Mr. ATKINSON].

This section provides—

That the construction, maintenance, and use for railway purposes of the turnouts and sidings of the Baltimore and Potomac Railroad Company, now extending from its line between the Anacostia or Eastern Branch of the Potomac River and the Long Bridge, in the city of Washington, into the several squares of ground known and designated on the plat of the city of Washington as follows.

Here follows the enumeration of certain squares; and after that the following language which the gentleman proposes to strike out:

And the use and maintenance of its shops, stations, and other structures now erected thereon is hereby legalized and confirmed.

Now the gentleman from Pennsylvania proposes to strike that out, but when that provision had been stricken out the section still provides as follows:

Said tracks to be maintained in such manner as will least obstruct the public streets, avenues, or alleys on which said tracks are laid, and to be under the general supervision of the commissioners of the District of Columbia.

Thus it will be seen that this section as proposed to be amended will still legalize the turnouts and sidings. It simply proposes to strike out the provision with reference to stations and other structures which have been erected, that is all.

Mr. BLOUNT. If the provision confirming the title to land should be struck out and the right of way as it has been exercised should be legalized subject to the right of the Federal Government to revoke the same at any time, would that be satisfactory?

Mr. GROUT. No, sir. Let it be understood distinctly that it is proposed to legalize the turnouts and sidings; and these words mean two different things. A turnout is where the track runs off into a man's place of business; a siding is a side-track along the main track in some street or avenue; and there are seven or eight of such unauthorized and illegal tracks in Virginia avenue.

Mr. CONNELL. Should not the bill even with the proposed amendments be sent back to the committee, that they may hunt for the "little kernel" to which you refer?

Mr. GROUT. If the gentleman will be attentive he will find the "kernel" to which I refer. I distinctly stated what it was. It is the right of this company to condemn within the city limits (the location being specified) land for a freight station. I say this privilege should be granted to the corporation for the purposes of its business in this city; it should not be driven outside of the city limits for a depot for its freight business, and the people of the city should not be compelled to go outside to get their freight. There are not now sufficient facilities in that respect. This is the "kernel" that should be provided for. The amendments to be proposed by the gentleman from South Carolina makes suitable provision for that. When we reach the different sections of the bill and gentlemen listen to those amendments they will then understand the bill.

Mr. ANDERSON, of Kansas. What are those amendments?

Mr. GROUT. I can not tell you now; they are numerous and

lengthy. I am glad the gentleman is inquiring after the amendments. They will so improve the bill, I think, that even my friend from Kansas will vote for it.

Mr. ANDERSON, of Kansas. Will the gentleman yield to me for a moment?

Mr. GROUT. Certainly, for a question.

Mr. ANDERSON, of Kansas. I will vote promptly for anything that is right.

Mr. GROUT. So I understand.

Mr. ANDERSON, of Kansas. But I never yet saw any bill drawn by any railroad attorney as to which I did not want to take a microscope and four weeks to find the dodges in it. [Laughter.]

Mr. GROUT. Well, this bill—drawn by an attorney, if that be the fact, although I know nothing about it—will, when remodeled by the amendments proposed by the minority of the committee, be so purged of its present vices that I believe the gentleman will give it his support; for, as he says, he always desires to vote in behalf of the right.

But why should we not legalize these sidings and turnouts? I will tell you why, and the House will understand the reason instantly. There are now tracks across several reservations without any sort of authority of law. From one to four tracks run across reservations 174, 178, 241, and 307, beside tracks that occupy the streets I have spoken of. They run across little triangular reservations in one way and another. I can not now give a better location of these little reservations than to give their numbers and say that the tracks which cross them are other than the main track which runs up the street. The main track has a right to be there. That is a privilege granted under the charter. That is their right. But the bill when amended as proposed by the gentleman from Pennsylvania would still legalize all these sidings and turnouts; but it is clear that such as cross these little reservations should not be approved, and thus do we see that the gentleman's amendment is as sagacious as the bill itself, for it only strikes out "shops, stations, and other structures erected thereon"—and I do not know that there are any; there may be some, but I have no personal knowledge of it—but is careful to leave the section so that it legalizes all these illegal sidings and turnouts.

Mr. LIND. Will the gentleman yield for a question?

Mr. GROUT. Yes, sir.

Mr. LIND. If this bill legalizes these turnouts in different places, does it not legalize also the use indefinitely and for all time to come of the main tracks? Is not that the logical sequence and does it not follow as a matter of law?

Mr. GROUT. No, I do not think so.

Mr. LIND. Why?

Mr. GROUT. Because this bill should be kept under the control of the Congress to alter, amend, or repeal; and in this respect will be precisely what the original charter was. There will always be the right left in Congress to repeal the act or to amend it so as to cause the removal of any such track.

So much, therefore, for the first section. It should be stricken out, Mr. Chairman, as the amendment which will be offered by the gentleman from South Carolina proposes when we come to it—and that is the reason why I moved to limit debate, it was to make some progress and not fritter away the time of the House in stump speeches on the question of railroad usurpation generally, speeches that may be well timed at home or here, but they do not help forward the action which the House is now engaged in—I say that the amendment proposes to eliminate the objectionable features from this section.

Mr. RAINES. Does the amendment propose to strike out all of the first section?

Mr. GROUT. Yes, sir; it will be read in due time.

Mr. RAINES. I thought it only amended by striking out certain words from that section.

Mr. GROUT. That is the amendment of the gentleman from Pennsylvania [Mr. ATKINSON]. I am referring now to the amendment proposed by the minority of the District Committee. They have prepared amendments which will be submitted in due time by the gentleman from South Carolina [Mr. HEMPHILL], which will put the bill in shape, so I think the House not only can afford to pass it, but ought to pass it.

Now, on the last District day I stated my objections to the second section of the bill, that the commissioners of the District of Columbia may hereafter authorize this railroad company to make its sidings and turnouts at pleasure here and there throughout the city as they choose. I deny in the first place the right of Congress to delegate to the commissioners of the District of Columbia that power. If it could be legally done, I do not believe that it ought to be done as a matter of policy. Let the railroad company say first what they want. Let it be understood by the law-making power exactly what they are doing, and let the law-making power make provision for what the railroad company want, if they think they are entitled to it, and then we know where we are and the railroad company know where they are. That is business; that is the common-sense way of doing it. I think that section is objectionable because it embodies a feature which is indefinite and uncertain and leaves everything at loose ends.

In regard to the other section, the third section, I spoke fully the

other day, and I need not repeat now the arguments I made then. This section authorizes the taking of land anywhere. Now, they should have land and the right to condemn it, if necessary, for freight purposes. But they should specify where they want it, and then be authorized to go forward and take it, pay for it, put their station on it, and the business is settled. I am in favor of that proposition. I think they should have proper freight facilities. That feature of the bill really needs modification, because it justifies this clamor about a factious opposition withholding what the company wants: necessary facilities for its freight business.

Mr. MILLIKEN. May I ask the gentleman a question?

Mr. GROUT. Certainly.

Mr. MILLIKEN. Do you not think the railroad company should first specify what it wants?

Mr. GROUT. Yes; I say so.

Mr. MILLIKEN. So when Congress comes to act upon it it will know what it is granting?

Mr. GROUT. That is what I have just said, that it should be specified. They have stated what they want in this bill, but the gentleman from Maine and myself do not agree with them, and so if we can substitute something which we think they ought to have, it is our privilege, of course, and not only our privilege, but our duty, to substitute it.

I have said that unless we do this there is just ground for the clamor that Congress is withholding from the company suitable facilities for the transaction of its legitimate business in this city. But they should not have these side-tracks through our public streets, seven or eight, trenching on the sidewalks, occupying up to a narrow limit all of the street, as I think, in Virginia avenue, where my eye rested on it the other day—I would not be quite sure of the avenue, but that was the condition. Now, they have no business doing that; they are not entitled to that occupancy; they have no right to it under their charter. They have simply done it without authority. The people are entitled to the occupancy of the streets, with, perhaps, the passage of a single track through it; but in place of that the streets are filled with sidings which are kept for empty cars, where they back in their cars and unload them, and in some instances where they make up trains, as I am told. This should not be allowed.

The railroad company should go outside of the city limits, where land is cheap, where the people do not want to occupy the line of the road with their places of business, and where the railroad company can go without interruption, transact its business, put down its sidings, make up its trains, store its empty cars, and transact its business without interfering with the public. That should be done. They have done it in part, but they should be required to do it altogether. As trains are made up there for the north all they would have to do would be to quietly draw the train through the city on a single track, and it would not then require the occupancy of all the streets on the line of its track for the transaction of this kind of business which should be kept outside the city limits.

Now, I do not want to put myself, Mr. Chairman, in the attitude of being uncompromisingly opposed to this bill for the reasons stated, but I say, let us come to an early understanding in the light of the proposed amendments. If they are not agreed to, then I am opposed to the bill, but I have no doubt these amendments will be adopted.

Mr. MILLIKEN. Will my friend allow me to ask a question?

Mr. GROUT. Yes.

Mr. MILLIKEN. Do not you think that when the Government has anything that anybody else wants, and it needs something in return, it would be a good deal better to trade off what it has and to get something in return than to give away all it has?

Mr. GROUT. Yes, sir; I certainly do.

Mr. MILLIKEN. And let me say then—

Mr. GROUT. I can not yield to the gentleman for a speech, for I want to make the speech, sir. I say yes, and I say before we grant these privileges to this railroad company we should have a time fixed when they shall get off the public property with their station and railroad tracks, which now cut a public park in the heart of the city in two pieces, and which they have occupied for eighteen years without price, as a free gift from the Government. They should set their station back to the very place where by the original charter it was to be placed, which they thought was a good place then. The friends of the road say it is not a good place now. They thought it was a good place then, and its charter provided for its location there.

As I stated on the last District day, after the road was constructed the president of the road, Tom Scott, came here and coaxed from Congress the privilege of coming up across the reservation 800 feet further and sitting down upon the public property, cutting the public reservation in two. Since then the city has become populous. People are over there in South Washington by the hundred, where there were then only here and there a stray house. We are buying land for a public park up at Rock Creek, and is it not time that this other public park was no longer severed by a railroad with half a dozen tracks across it, over which are passing every five or ten minutes locomotives and trains? There are scores of trains, more or less, coming into or leaving this city every day, such has become the great business of the road

and the great population of the town. Now they say they do not want to move back, and some gentlemen upon the floor here say they do not want to move the depot back, because they want it convenient. It will go back 800 feet, and in the bus they take to go to their hotel when they come to town it will take a minute longer, perhaps, with no additional charge—

Mr. MILLIKEN. And it will be quite as convenient to this Capitol as it is now, and nearer.

Mr. GROUT. Yes, certainly. And it will cost no more. To the gentleman who wants to take his carriage it is a minute, more or less, and to a man who takes a street car it is no more than two minutes more, and we as a body shall no longer suffer the reproach of letting a private corporation occupy the public property with its railway stations and its tracks. I say it is not right; it can not be right in our own eyes, nor in the eyes of the public. We go down across Pennsylvania avenue for a city post-office site and condemn property, a square or two, and pay our money out for it, half a million or so, but we graciously fold our arms and let the Pennsylvania Railroad Company occupy public land which we should have asked them to step out from long before this and put our post-office right there. It is a good place for it, better than the other. But, as a gentleman from New York remarked to me—and I do not mean to steal his thunder—he said, "As good a man as Sam Randall, who has gone to his reward, tried for years to get some place upon some public reservation in this city whereon to erect public buildings, and he was unable to do it, and many another gentleman has tried to accomplish the same end and failed, but yet we sit silently by and let a private corporation occupy without compensation the public property."

How does it look when it comes to be stated fairly and squarely? I say it is a public scandal. I am not going to call to account those gentlemen who eighteen years ago saw fit, through Tom Scott's plausible methods, to let them in there, because the situation was different then. The city was sparsely populated. That whole section now known as South Washington was a vacant tract. But it is densely populated now, and that railroad company should now go back across the reservation, right where their original charter planted them, and leave that reservation for the public use.

Another thing is the depression of the tracks which the amendments of the minority provide for when we reach them. The amendments provide for putting the tracks under ground, so that human life shall not be put in jeopardy. Something less than a hundred lives have gone out as the result of the occupancy of the public streets by these railroads within the last eighteen years, and between one and two hundred persons have been maimed. The amendment provides that the tracks shall, as in other large cities, be depressed where they can be, and they can a portion of the way. Then the river front will be accessible and the south part of the city can communicate with the other part of the city. They will no longer be practically cut off, as they are now, by this railroad with its many tracks, in many places between northern and southern portions of the town, and that part of the city can thrive as well as the rest of it.

Mr. Chairman, I have spoken longer than I intended to. I reserve the balance of my time.

Mr. SPINOLA. How much time is there remaining—a minute?

The CHAIRMAN. Ten minutes remain to that side.

Mr. ATKINSON, of Pennsylvania. I yield ten minutes of my time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. I suppose it does not make a great deal of difference about the quality of a bill pending in Congress, whether it was drawn by a lawyer, or a preacher, or a politician without any profession, or an ordinary sort of common countryman. Most of the lawsuits that have grown up in this country by reason of the misconstruction of statutes have grown up by the misconstruction of statutes drawn by some of our people who always shy at anything a lawyer does.

Now, I take it that this House need not be afraid of this bill because it is said a lawyer draughted it. A lawyer draughted the Declaration of Independence and the Constitution of the United States, and I believe everything else on the statute-books or organic law of the country that we consider worth having. [Laughter.] This bill grants to this railroad company, Mr. Chairman, exactly what every railroad company in the State which I have the honor in part to represent has absolutely without any enactment of the Legislature. There is nothing new in this bill whatever, except the proposition to legalize certain occupation which I know nothing about and care nothing about, and which I understand is to be stricken out of the bill. So that there is absolutely nothing in this bill but what is granted by the organic law and statute law of almost every State in the Union as a matter of right.

A corporation is not such a deadly weapon against the prosperity of the country after all. Suppose you take this corporation out of Washington. I suppose that the gentleman from Vermont would cheerfully walk from here down to the Chesapeake Bay somewhere and get into a dug-out and row his way towards Vermont. [Laughter.] There are a great many people who are not willing to do that. Here is a railroad company that has come to the city of Washington. We are told by the official representatives of the railroad that up to this time they have

not made any money, but have actually lost money by coming here. Now it is solemnly proposed that in this year of our Lord, when we expect to discover a population of nearly a quarter of a million, or perhaps more than that, in this capital city of ours where the population is drifting away out miles from here, that a railroad company is to be driven out of this town, and for what purpose? For the purpose of making better a piece of city property of certain individuals living down here in the southwest part of the city, and whose property is constantly becoming affected by the presence and the operation of a railroad company that has been going on for eighteen years without any protest and against every aggression, and that, too, while that population has a perfect right in the courts to enforce their claims and demands against the corporation.

Gentlemen say that it is a terrible thing to allow a railroad to cross a street. Why, the courts of every State in this Union, where the question has been tried, have held that every abutting property owner upon every street has a right to prosecute a railroad company for damages even as to the air, the light, sound, and dust, and everything of that kind. This is one of the greatest appliances of modern civilization. Railroads must come, and the only question is to limit them by enactment of the legislative department of the Government to their right, and not to let them have anything for nothing.

Mr. STOCKDALE. Will the gentleman allow me a question there?

Mr. GROSVENOR. Yes; but I believe you refused to yield to me for a question.

Mr. STOCKDALE. I consented that you should ask me a question.

Mr. GROSVENOR. And you stated that it was not a question.

Mr. STOCKDALE. Yes.

Mr. GROSVENOR. I yield to you for a question.

Mr. STOCKDALE. If you do not think it is a question you can say that. [Laughter.]

Mr. GROSVENOR. I yield to you for a question.

Mr. STOCKDALE. Do you not know that a small property-owner would litigate with the Pennsylvania Railroad Company at a great disadvantage?

Mr. GROSVENOR. All the property-owners living along the line of the Pennsylvania Railroad, or any one of the property-owners, can sue for himself and all the rest of the smaller property-owners. He is not limited in any such way.

Mr. LIND. To recover damages?

Mr. GROSVENOR. Certainly not to recover damages; but he can sue against any unlawful occupation of public property which has operated as a damage to the individuals along that line. To abate the nuisance. It does not require that you should have individual suits for that purpose; and every lawyer knows that, and every man who is not a lawyer ought to know it.

Mr. MILLIKEN. Does the bill, if you will allow me, make provision as to the ground they are unlawfully occupying?

Mr. GROSVENOR. I am not talking about that; but I understand that part is to be stricken out of this bill.

Now, Mr. Chairman, I am not complaining about interruptions, but I have a very few moments to speak.

The city of Washington presents to-day a singular aspect to the people of the country. Property here is commanding a price wholly and utterly fictitious and impossible of being maintained. No man can account for the price that property is selling for by any knowledge of or any comparison with the conditions in any other city in the United States. It is either absolutely fictitious or else there must be the coming of some event that is going to change the whole character of the city of Washington. There must either be manufacturing industries introduced in the city of Washington and made profitable within the next five years, or there must be a collapse of the values of these properties such as we have never seen outside of one of the paper towns of the far Southwest. So I undertake to say at this time that a railroad that is handling three-quarters of a million car-loads of freight in this city of Washington, either coming in or going through every year, ought not to be limited by anything short of its actual necessities for the corporation in the way of property for its necessary uses.

Mr. MILLIKEN. Will my friend yield to me for one question?

Mr. GROSVENOR. Certainly.

Mr. MILLIKEN. Now, if that be true, ought not the railroad to be made to take that property where it will not become a nuisance to the capital of the nation and the people of the city?

Mr. GROSVENOR. That is a relative question; and if that is to be absolutely carried out it must go on the other side of the Potomac, as was done with the old Baltimore and Potomac road, where it was the one and sole arbiter of the question of transportation in this city.

Mr. LIND. Will the gentleman allow me to ask him a question at this point?

Mr. GROSVENOR. Yes.

Mr. LIND. Does the gentleman know of any other city except this city, of the size of Washington, where a railroad corporation is permitted to have side-tracks and turn-outs on the streets to go to the establishment of any business man who may desire it in the locality in the manner in which it is done in the southwestern portion of the city?

Mr. GROSVENOR. I will state to the gentleman that this bill

limits the right of this railroad company to build side-tracks on the streets just where the authorities of this city may grant permission and nowhere else—that is, the commissioners of the District of Columbia, appointed by the President and removable at his will.

Mr. LIND. And they are responsible to nobody.

Mr. GROSVENOR. I wish to incorporate into my remarks a statement of the exact question involved, which I cut from the correspondence of a morning paper this morning, and which I adopt as one of the best statements of the whole question.

The extract is as follows:

THE RAILWAY QUESTION—HOW PRESENTED AND PROVIDED FOR BY THE ATKINSON BILL—A MEASURE IN THE INTEREST OF WASHINGTON AND OF THE COUNTRY AT LARGE.

[Major Carson, in the Philadelphia Ledger.]

The Atkinson bill, which is intended to grant certain privileges in the way of terminal facilities at Washington to the Baltimore and Potomac Railroad Company, will be resumed in the House on Monday next. There is a local contest over this bill, which includes the newspapers, and which has been conducted with so much feeling and determination by the opponents of the measure as to cause considerable confusion in the minds of many members and create doubt and uncertainty among that class who have no time nor disposition to personally investigate the matter. The question is not difficult of solution. It is a simple business proposition, with all the facts bearing upon and all the merits connected with it plainly revealed on the surface. The present interests involved and the future interests to be affected are not confined to the District of Columbia, because it is a question of facilities in reaching the national capital and of personal comfort and convenience of the strangers within its gates, as well as a question affecting the personal comfort of a comparatively few residents on the line of the railroad and the business interests of the city. The local feeling and prejudice aroused by the contest should not be permitted to stand in the way of necessary and proper legislation.

The Baltimore and Potomac Company has its passenger station located on public property, permission for this occupation having been granted by Congress when the road was constructed. This occupation gives the company no legal right whatever to the land occupied, and Congress can remove it at any time. To reach the passenger station the tracks cross the Mall, which forms part of the public reservation extending westward from the Capitol to the Potomac River. The section of the city thus embraced is not considered desirable for domiciliary purposes. Much of it is in bad repute, and all of it would be greatly improved and the city benefited in morals and business if entirely given over to mercantile purposes. Residents of this section, contiguous to the railroad tracks, who are annoyed by the passage of trains, regard the railroad as a nuisance, and naturally want the tracks removed. In furtherance of this desire sentiment is invoked touching the Mall, the occupation of public property, the destruction of public parks, etc. The question of the location of the passenger station, however, is not involved in the pending bill, nor have its provisions any bearing upon the occupation of the Mall or any other land belonging to the Government.

The question presented by the Atkinson bill is whether the railroad company shall have the required facilities to carry the persons and the property of the people who must depend upon it. To this end the bill provides that the company, subject to the approval of the District commissioners, shall have the right to acquire property along the line of its main roadbed within certain defined limits, to connect the same with sidings, and also to run sidings into such lumber and coal yards and other business establishments at the request of their owners. This privilege is necessary to the prompt discharge of freight by the company; it is demanded by the business men of the city; it is a privilege freely granted by every city entered by railroads, and the withholding of it in this case inflicts an injury alike on the railroad company and the general public.

The bill also proposes to legalize the acts of the company in erecting a round-house and repair shop on certain property acquired by purchase, situated one mile from the public reservation, and the construction of side-tracks to reach these buildings, all of which are on the line of the road. This is made necessary by the fact that not only has the company been indicted for erecting and maintaining these shops, which gave employment to many laborers and mechanics, but the District commissioners have also been indicted because their predecessors in office granted the necessary building permits to construct the buildings and tracks leading to them. The company is indicted for illegally constructing and maintaining side-tracks to its own shops and round-house, and for maintaining a nuisance, and the commissioners are indicted for the issuance of permits to the company to perform an illegal act, the violation of law consisting in erecting and maintaining side-track across the curb line. The effect of a conviction under the indictments would be that the railroad company would be powerless to transact any business whatever. Freight could not be carried into any yard or warehouse erected for its reception, nor could the locomotives be moved into the round-house from the main track either for rest or repair.

This is a fair statement of the controversy. Leaving the railroad company out of the question entirely, Congress owes it to the business interests of Washington and to the people of the country at large, who are entitled to speedy and untrammelled ingress to and egress from the national capital, that the great lines of travel and business shall have proper facilities to fulfill their obligations to the public, and that they shall not be subjected to such annoyances and persecution as the Baltimore and Potomac Company has been so long made the victim.

[S. E. Johnson, in Cincinnati Enquirer.]

With the silver question rampant in the House, nobody can tell how much other business is going to be displaced. Next Monday will be District of Columbia day, and if the silver fight comes to a conclusion before that day there will be another wrestle with the Atkinson railroad bill. This has come to be a matter of national interest, though it directly pertains only to the city of Washington. The bill is for the purpose of giving the Pennsylvania Railroad people facilities for switching their cars and delivering freight, and has nothing to do with the location of the passenger station. That branch of the subject has been "lugged in" for the purpose of furnishing propelling power to the anti-railroad windmills.

Whether the Congressional grants to railroads have always been wise or not, and whether the Government or the railroad company has had the best of the deals that have been made, are questions too old and too complicated to go into here. The railroad company seems to have been obliged to fight over nearly every inch of ground. The local papers are flooded with complaints that owing to the lack of terminal facilities merchants can not get their freight till it has perished, and in inauguration times excursion passengers have been "dumped" out in the country and left to foot it into town. On the other hand, there is a shower of complaints that the railroad is a damage to property on streets with which it comes in contact, and there seems to be a widespread impression that it ought to be abolished as a nuisance.

The object of the Atkinson bill is to confirm the company in the occupation

of the ground it now has and to relieve it from the annoyance of harassing legal business, and to allow it to have reasonable access to grounds it may purchase for additional terminal facilities. Congress ought to do something about this, and do it quickly. The people of Washington are suffering more than the railroad company is, and the Senators and Representatives ought to divest themselves of the fear that they will destroy themselves politically if they do something in the interest of transportation.

The quickest way to improve the terminal facilities is to confirm the company in what it holds now and to occupy other property that it may purchase. If the plan presented in the bill is not the right one, let them enact something else—only let it be something effective, immediate, and permanent. The people whose official or private occupation compels them to live in Washington are entitled to a rest from the railroad war. They are also entitled to facilities for getting themselves and their effects into and out of town without ballooning from the Maryland border or traversing South Washington on stilts.

Mr. EVANS. I wish to ask the gentleman from Ohio [Mr. GROSVENOR] this question: Will not the location, under this bill, of the freight depot and other buildings of this railroad be at a much greater distance from the Capitol than those of the Baltimore and Ohio Railroad now are?

Mr. GROSVENOR. Certainly; they are so already.

Mr. ATKINSON, of Pennsylvania. Mr. Chairman, I should have been very much pleased if the gentleman from Vermont [Mr. GROUT] had stated his objections to the first section of this bill when it was before the committee instead of waiting until the present time. If there were found an objectionable expression in this first section it would have been modified then, as we were and are willing to have it modified now. The whole purpose of the bill, as I originally stated, is to legalize the sidings that run into business squares in the neighborhood of the line of this railroad. Out of the sixteen sidings which it is proposed to legalize, ten go into squares that are occupied for private business purposes. The railroad company is not interested in them at all, further than that it desires to afford its patrons such facilities as are given to every business of the kind in most of the cities of this country. It is right that freight cars should be run into lumber and coal yards, because the freight is so heavy that it would add very much to its cost if the expense of transporting it in wagons over the streets had to be added to the other items which make up the selling price. The whole city, as it has been remarked, gets the benefit of the reduction in the price which is the result of the increased facilities that you give to the railroad company. Outside of those ten squares to which sidings are laid for the benefit of private business men, this bill only asks that sidings shall be legalized to the freight-yards and the round-house of this company. That is all that the first section of the bill was ever intended to include. It was intended to save the facilities that this company now enjoys and which are threatened by an indictment which is pending against the company and the commissioners. The company asks for nothing more than this, and it appears to me to be a most reasonable request.

Mr. MILLIKEN. The gentleman states that they want to save the facilities that they now enjoy and which they illegally acquired. Now if we confirm them in those facilities that they have already acquired illegally, why will they not go on and acquire other facilities illegally and then come into Congress to have them confirmed?

Mr. ATKINSON, of Pennsylvania. For the reason that we are not to assume that subsequent Congresses will be any more ready than this Congress is to do wrong or to permit it to be done. We are bound to consider that the next Congress and all succeeding Congresses will have as much wisdom as this Fifty-first Congress; although some of our members perhaps may question that proposition and may entertain the idea that wisdom will die with them. [Laughter.]

As to the second section of this bill it is designed exclusively for the benefit of private individuals and for the benefit of the trade of this city. Wipe out that second section if you will and you do no harm to the interests of this company further than to deprive it of the power to give ordinary business facilities to men who may hereafter desire to engage in business in this city. The wonderful growth of the city of Washington has been commented upon during this debate. If such facilities as are asked for in the second section of this bill are not given, the men who already have sidings connected with their coal-yards and lumber-yards will have a monopoly of the coal and lumber business. Nobody else can start a business of that sort because nobody else can get a siding into a square to enable him to transact such business.

Mr. BUCHANAN, of New Jersey. Let me ask the gentleman a question. Suppose it be held on the trial of the pending indictment that these sidings are illegal and that all the company had the right to construct were its two tracks into the city, would it be possible for this company, as the law now stands, and with the law thus expounded, to land a single pound of freight inside of the city of Washington, except that which would be unloaded from the cars upon its two main tracks?

Mr. ATKINSON, of Pennsylvania. If that indictment is sustained, a part of the judgment will be that these side tracks shall be torn up, and the cars of this company will have access to no place outside of the main tracks of its road, as the gentleman from New Jersey suggests, and every pound of freight must be taken from the cars on the main line.

Mr. BUCHANAN, of New Jersey. It can not even reach its own round-house.

Mr. ATKINSON, of Pennsylvania. It can not reach its own round-house.

Mr. MILLIKEN. How does it happen to have a round-house that it can not reach?

Mr. BUCHANAN, of New Jersey. It bought the ground and built the round-house. That is how it comes to have it.

Mr. ATKINSON, of Pennsylvania. The gentleman from South Carolina [Mr. HEMPHILL] the other day quoted something from the statement of the president of this railroad company, from which we were led to infer that Mr. Roberts had said that these sidings were not necessary for the transaction of through business. The statement from which the gentleman quoted was made in 1887 before a Congressional committee, and my attention has been drawn to the fact that the business of transporting perishable freight from the South has doubled or trebled since that time, and has so increased in magnitude that what may have been a fact then is no longer a fact, because of the new conditions which have arisen.

But I have a letter from Mr. Roberts, stating that it was not his purpose to say that the Southern trade did not need the advantages of sufficient freight-yards here. He explains in this letter that trains are brought here with through freight from the South on its way North, but in addition to that the trains are made up with local freight for Washington City; and in order to separate the through freight from the local freight the company must have sufficient yards in which to run its freight cars for the purpose of making the necessary separation. The following is the letter of Mr. Roberts:

PENNSYLVANIA RAILROAD COMPANY,
OFFICE OF THE PRESIDENT, 233 SOUTH FOURTH STREET,
Philadelphia, June 19, 1890.

MY DEAR SIR: I thank you for calling my attention to the debate in the House of Representatives on the 9th instant, in regard to the bill which proposes to give the Baltimore and Potomac Railroad Company power to acquire additional facilities in Washington, and especially to that portion of it in which Mr. HEMPHILL, of South Carolina, made reference to certain remarks made by me before a subcommittee of the Senate Committee on the District of Columbia on the 30th of November, 1887.

In reply to your inquiry as to the subject-matter then under discussion, I beg to say that if you will refer to my testimony, you will find that it was a fact that the Baltimore and Potomac Railroad Company having no power to purchase real estate in Washington, and lay tracks into it from its main line, had been compelled, to a certain extent, to load and unload its traffic on the public streets; and that we were there, before the subcommittee, to show just exactly the unfortunate position in which we were placed, and to say to them that (as we could not of course use the public streets for that purpose), unless power were given to us to acquire real estate for loading, unloading, and shifting cars, and also power to lay tracks into that property, it would be impossible for us to handle the constantly increasing business to and from the city of Washington.

In response to the inquiry of the chairman of that committee, in November, 1887, as to what portion of our business it was necessary to handle in the city, I stated that the local freight business of the city of Washington had, of course, to be handled on grounds located within the city; but that the interchange of through business did not enter into this question, and that it was unnecessary to make any transfer of through business between the North and the South in the streets of Washington. Of course, since that testimony was given, the business between the North and the South via Washington and the business of the North and the South with Washington have steadily increased. The position in which we are to-day is, therefore, vastly worse than it was at that time.

I find upon looking into the facts of the case that of the cars received at Washington from the Southern roads during 1889, only one-fourth, or 8,800 cars, were delivered to us in train loads, so that they could be taken right through Washington without requiring the use of our facilities at that point for shifting or making up trains in the city; the other three-fourths, or over 25,000 cars, came to us in trains in which through cars and local cars were indiscriminately mixed so that it was absolutely necessary to drill out, in the city, those cars which contained local freight for Washington itself.

You will, therefore, see that while Mr. HEMPHILL's inference would be entirely correct if we were able to get the cars from the Southern roads in such shape that the local and through cars would be in different trains, yet as that is not practicable we must, as the matter now stands, have facilities in the city of Washington to handle, not only the local business received from the Southern roads, but also a very large proportion of the through freight.

I find that the business received at Washington from the North during 1889 amounted to about 47,000 cars, and that while about 26,000 of these cars contained local freight for Washington, the other 21,000 destined to points in the South had to pass through the city, and the trains in passing through had to stop to take on cars which had been loaded in Washington for points in the South, so that it is absolutely necessary for us to have proper facilities in Washington to handle these south-bound trains without obstruction to the public streets.

I think from these statements that you will see clearly that Mr. HEMPHILL's remark "that this matter does not in the least degree affect the through freight which was received from the South and transported to the North" is hardly warranted by the facts of the case, and I am sure that if these facts are stated upon the floor of the House, Mr. HEMPHILL, as well as the other gentlemen interested in the question, will recognize their force and be willing to do what is fair and just, not only to the railroad company, but also to the citizens of Washington whom it is endeavoring to serve.

Very truly yours,

G. B. ROBERTS, President.

Hon. L. E. ATKINSON,
United States House of Representatives, Washington, D. C.

The growth of the passenger business in the past sixteen years has been such as to more than treble the facilities needed outside of the passenger station for storing, cleaning, and repairing the cars needed for the passenger service.

Last year nearly 1,800,000 passengers were carried to and from Washington, with the indications that this year they will approximate 2,000,000. This service alone needs more side-tracks than were originally provided for the entire service, freight and passenger both.

The vast growth of the business of this company is shown in a table which I have here.

Passengers handled monthly at the passenger station, Sixth and B streets, North and South, from the opening of the station in October, 1874, to January 1, 1890.

Year.	January.	February.	March.	April.	May.	June.
1874						
1875	80,706	58,000	62,835	65,417	76,143	127,407
1876	67,388	68,406	64,513	61,873	69,113	64,198
1877	61,949	49,375	50,204	50,246	50,051	41,309
1878	53,911	47,376	48,446	51,324	50,242	42,951
1879	53,446	46,588	49,384	48,870	48,356	45,480
1880	46,722	43,905	44,724	50,375	48,594	45,738
1881	52,750	45,234	62,000	73,246	65,478	53,167
1882	65,995	57,439	61,305	65,385	67,438	65,525
1883	72,134	60,019	78,105	70,556	73,788	67,849
1884	98,935	94,079	96,082	92,750	101,115	99,887
1885	94,753	96,210	130,183	126,586	100,702	104,249
1886	98,738	95,812	98,000	100,590	102,245	107,779
1887	112,623	114,825	117,930	118,533	123,572	129,406
1888	129,485	132,343	133,685	134,722	129,123	138,780
1889	132,589	122,560	162,080	162,860	150,820	132,156

Year.	July.	August.	September.	October.	November.	December.
1874						
1875	83,308	68,240	68,905	62,944	58,510	61,184
1876	70,286	58,744	77,306	114,068	80,337	77,480
1877	44,740	47,900	41,743	65,480	48,587	46,892
1878	45,671	49,112	54,144	53,964	44,668	50,767
1879	45,700	48,103	53,324	50,075	45,021	43,140
1880	46,891	49,318	52,981	57,917	48,836	50,148
1881	54,211	55,113	69,845	63,274	73,848	52,081
1882	65,516	61,650	71,573	64,350	73,677	72,449
1883	69,915	72,052	83,579	80,778	81,639	87,960
1884	92,843	85,192	104,083	92,354	96,729	91,578
1885	92,412	99,263	108,782	103,100	101,841	109,702
1886	103,165	107,036	100,639	119,192	111,992	109,404
1887	111,784	112,326	126,553	131,443	131,996	126,618
1888	136,219	123,840	150,413	136,447	133,910	130,190
1889	119,884	130,410	185,156	153,778	167,585	156,158

Number of passengers arriving at and departing from the Baltimore and Potomac Railroad depot, Washington, D. C.

Years.	Via Baltimore and Potomac.	Via Alexandria and Fredericksburg.	Via Virginia Midland.	Via Washington, Ohio and Western.	Total.
1874*	66,868	107,183	19,530		193,581
1875	398,219	476,661	36,186		910,066
1876	424,639	443,313	38,570		906,522
1877	265,773	333,638	48,147		647,558
1878	269,443	331,623	48,889		650,955
1879	292,063	299,637	45,985		637,685
1880	326,154	269,369	55,431		650,954
1881	401,838	304,452	63,480		770,770
1882	453,286	349,796	70,917		874,000
1883	461,611	430,519	92,586		984,716
1884	535,373	506,976	93,073		1,135,422
1885	630,691	481,110	107,616	45,700	1,265,116
1886	636,063	445,703	102,092	76,178	1,260,036
1887	713,679	643,167	130,959	82,018	1,569,823
1888	782,136	638,330	139,186	98,422	1,658,074
1889	635,338	643,669	191,688	109,669	1,580,364
Total.					15,700,273

* October to December.

† July to December.

It is charged that the freight blockade of last fall, which ran into the winter, was not caused by the occupation of terminal facilities for the use of the triennial convalescence of Knights Templars, who came here last fall, and made the largest gathering that there has ever been in the city of Washington. An inquiry made develops the fact that in one month last fall the railroad company brought into this city 92,238 passengers, and returned during the same thirty days 92,948, being the largest business ever done in any similar period since its entrance in the city. The 3,100 cars required to handle these passengers, if they had been put into a continuous train, would have extended 35 miles.

Sidings were needed in the city on which to stand hundreds of sleepers from nearly every State in the Union, some of which remained here for ten days, the occupants sleeping in them at night, to whom it would have been a cold welcome, when the hotels and boarding-houses were filled to overflowing, to have required them to go to Alexandria or Baltimore to find their cars at night, or take the chances of procuring other accommodations in those cities.

I have procured a statement of the loaded freight cars which came into this city and went out during each month in the years 1888 and 1889, which shows that the railroad company not only did not reduce their freight facilities in the aggregate, but for the last four months of 1889 handled in each month more cars than they did in the corresponding month in the previous year, having handled 748 more cars in September and reduced the accumulations in October by handling 2,000 more cars than they did in the previous year.

Loaded cars in and out on Baltimore and Potomac Railroad, by months, in 1888 and 1889.

Months.	1888.			1889.		
	In.	Out.	Total.	In.	Out.	Total.
January	5,124	3,167	8,291	5,507	3,594	9,101
February	5,376	3,186	8,561	4,902	3,196	8,098
March	4,900	3,196	7,205	4,867	3,902	8,769
April	5,350	3,493	8,843	5,805	4,212	10,017
May	6,285	4,791	10,885	7,063	5,474	12,537
June	5,546	5,115	10,661	5,777	4,266	10,043
July	6,405	4,796	11,201	6,055	6,021	12,076
August	6,243	4,856	11,204	6,837	5,147	11,984
September	6,284	4,647	10,931	6,890	4,899	11,789
October	7,425	5,006	12,431	8,172	6,249	14,421
November	6,990	4,597	11,586	7,682	6,217	13,899
December	6,417	4,389	10,770	7,173	5,431	12,604

RECAP.

Year.	In.	Out.	Total.
1888	73,688	51,309	124,997
1889	79,651	59,447	139,098

Five thousand nine hundred and sixty-four cars received in 1889 over 1888. Eight thousand two hundred and thirty-six cars sent out in 1889 over 1888.

In order to enable the company to handle this increased business it is proposed in the fourth section of this bill that they shall be permitted to buy additional squares for the transaction of freight business. That is all there is in the fourth section. If there is any objectionable language there, if there is anything in that section which indicates what my friend from Kansas [Mr. ANDERSON] so very much suspects, a trick by a railroad lawyer, I for one have no hesitation in saying that I do not want to be misled myself and I do not want this House to be misled; and I want that section pruned of any expression (if such can be found) which indicates that this company has any intention of taking an improper advantage of the people of this city or of the United States.

Subsequent Congresses, I presume, will be as able to care for the people of this District as the present Congress; and we have added to the bill a section authorizing Congress to amend, alter, or repeal the entire bill. Under the circumstances I take it that no danger is to arise from its passage. If there be some hidden trick it will ultimately be exposed; and its exposure, I apprehend, will lead to its immediate correction. Hostile as the sentiments of this House seem to be toward railroads, no member of Congress would willingly permit a railroad company to avail itself of an ambiguous expression without immediate correction.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Five minutes.

Mr. ATKINSON, of Pennsylvania. I reserve that.

Mr. GROUT. Mr. Chairman, I yield the balance of my time to the gentleman from New Hampshire [Mr. MOORE].

The CHAIRMAN. The gentleman from New Hampshire has ten minutes.

Mr. MOORE, of New Hampshire. Mr. Chairman, there is a question involved here that seems to have escaped the clear conception of the members of this House up to the present time, and that question is simply this: shall the great Government reservation that stretches from this Capitol to the White House be preserved as a Government reservation, or shall it be cut in two and destroyed as a reservation for all time by concessions to the Pennsylvania Railroad Company. That is the question involved in this bill, and it is the principal question.

Mr. O'NEILL, of Pennsylvania. That was settled eighteen years ago by an act of Congress.

Mr. MOORE, of New Hampshire. My friend says this question was settled eighteen years ago by an act of Congress. I do not wonder at the enthusiasm of our Philadelphia friends for the Pennsylvania Railroad. It is a great railroad, and superbly managed. It is one of the great railroads of this country and of the world, and I am not surprised that the citizens of Pennsylvania, and especially of Philadelphia, come in here as its enthusiastic champions.

Mr. O'NEILL, of Pennsylvania. I am surprised, and have been for years, that Vermont has always opposed anything that the Baltimore and Potomac Railroad Company in this city seemed to consider for its interests.

Mr. MOORE, of New Hampshire. I can not permit the gentleman to take all my time as he did the time of the gentleman from Maine. I have only ten minutes, and I propose to occupy that time in presenting to this House some views on which they can base an intelligent judgment on this question.

Now, the gentleman from Philadelphia says that that question was settled eighteen years ago. Well, it was not settled eighteen years ago. What was settled then? The management of the Pennsylvania Rail-

road came to Congress and secured an act, passed in May, 1872, by which they were permitted to change the proposed location of their passenger station from the junction of Virginia and Maryland avenues to this Government reservation at the foot of the Capitol, and that act subject to amendment or repeal by Congress at any time thereafter. That is the only tenure, my friend from Pennsylvania, by which the Pennsylvania Railroad holds its passenger station on this great and magnificent Government reservation.

The question here, Mr. Chairman, is not directly, but indirectly, whether they shall be permitted to remain there forever, and this reservation, that has cost so many hundreds of thousands of dollars, be cut in twain and probably destroyed. I know that it is not in the bill; but what is in the bill leads to that conclusion, and to none other. It is in that provision of the bill which confirms to the railroad company the present site of its sidings and side-tracks and turnouts wherever they may be located. It confirms the railroad company in the coga of vantage which they now hold, and gives them the authority, with the permission of the commissioners of the District of Columbia, to trench themselves still deeper by further purchases of property. I say to you that if you pass the bill in its present shape it is a virtual surrender of this great reservation to the Pennsylvania Railroad Company, and it will be a long and weary day before Congress ousts them from that possession.

Now, Mr. Chairman, bear in mind this further fact: The Committee on the District of Columbia referred this question to the District commissioners, who have the welfare of this District in their keeping, and what was their answer? It was this, that if the Pennsylvania Railroad is to be confirmed in its present tracks and stations as now located, then they advise the passage of this bill. What is the implication? Not that the commissioners advise that this bill be passed, but that if Congress, in view of the situation which I have tried clearly and with an unbiased judgment to place before the committee, decides that this reservation shall be given up, and given up forever, then the Pennsylvania Railroad may well be confirmed in its present location; and I say to you, gentlemen of this committee, and it is all I propose to say on this question, that if you are in favor of surrendering this magnificent reservation, surrendering it forever, you will vote for this bill; but if you are in favor of keeping that reservation for the use of the people, and for the adornment of this grand Capitol, then you will vote against the bill, or you will vote to so amend it that the interests of the Government may be protected and the interest of the railroad as well. [Applause.]

Mr. CASWELL. Will the gentleman yield for a question, one single question?

Mr. MOORE, of New Hampshire. Certainly.

Mr. CASWELL. A question only for information.

How is it involved in this bill—the occupancy at all of the public park? I am anxious to know. I have heard that suggestion made several times from gentlemen who seem to be driven to a great extreme for an argument. Now, if the gentleman can answer me how that question is involved in this bill, extending freight facilities to the railroad company and to the people engaged in business along the side-tracks of the company, I shall be pleased to know, and I pause for an answer.

Mr. MOORE, of New Hampshire. I will answer the gentleman with entire truthfulness. It was stated in the hearings before the District Committee by one of the leading officials of the Pennsylvania Railroad, when the suggestion was made whether they would agree to their leaving this reservation, that gentleman said that he would not leave the reservation unless compelled.

Mr. BUCHANAN, of New Jersey. But that is not in the bill.

Mr. MOORE, of New Hampshire. I say to this House that the Pennsylvania Railroad Company does not propose to leave that reservation—

Mr. BUCHANAN, of New Jersey. But you said it was in the bill. Mr. MOORE, of New Hampshire (continuing). Unless Congress compels them to leave.

I know it is not directly in the bill, but still let us not forget that there are some lines of action which by indirection mean more and have more effect often than is indicated by a direct line of action.

Mr. ATKINSON, of Pennsylvania. I reserve the remainder of my time.

Mr. HEARD. Will my colleague on the committee yield to me for one minute?

Mr. ATKINSON, of Pennsylvania. Certainly.

Mr. HEARD. Mr. Chairman, nothing is more disagreeable to me than to be obliged to take issue with any colleague of mine on the committee about a matter of fact which occurred in the committee; but I want to state, as a matter of right, that the gentleman from New Hampshire is wholly mistaken in his statement in regard to the statement of an officer of the Pennsylvania Railroad Company who appeared before the committee. I think I was present at every meeting of the committee; I am quite certain that I was, and I was present when an official of the road was before the committee, but he did not state, as I understood him, that they "would not leave this reservation unless compelled to." He stated that it was not a question that was touched

by the bill, and he therefore declined to discuss it before the committee. That was what he said, and I put myself upon the memory of the committee for the correctness of my statement.

Mr. MOORE, of New Hampshire. Mr. Chairman, I do not yield to the gentleman from Missouri in his memory of facts. What I have said to this House is the truth, the whole truth, and nothing but the truth, that an official of that railroad did intimate that they did not believe it was to their interest to leave that reservation, and they had no purpose to leave it.

Mr. HEARD. The gentleman has changed his statement entirely. He says that an official of the road intimated that it was not to their advantage, and therefore they did not propose to leave it, which is a very different statement from his first one. I say that the gentlemen stated in my hearing—and I was present at every meeting of the committee—that they declined to discuss the question of leaving the reservation, because it was not involved in the bill under consideration.

Mr. HILL. Does the gentleman think they intend to leave the reservation?

Mr. HEARD. I am not discussing that question. I will say for myself, however, that if they were here petitioning for permission to go away from there, I would oppose the granting of the petition, because I believe the depot is where the interest of the public require it to be, and it ought to be kept where it is. But that question was not discussed, and they declined to discuss it, as they said that was foreign to the purpose of the bill. It is a matter over which Congress has absolute control. As stated by the gentleman from New Hampshire [Mr. MOORE] the provision in the bill which locates them there reserves the right to Congress to alter, amend, or modify the act, and under that I apprehend Congress has the supreme power over them; but it is not a matter pertinent to be put into this bill, nor to be discussed in connection therewith. When that question comes before the House then let every gentleman act as he believes his duty to be in the premises, but let us not anticipate it.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. PETERS having taken the chair as Speaker *pro tempore*, a message from the President was communicated to the House by Mr. PRUDEN, one of his secretaries, who announced the approval of acts and a joint resolution of the following titles:

An act (H. R. 8555) to authorize the President of the United States to cause certain lands heretofore withdrawn from market for reservoir purposes to be restored to the public domain subject to entry under the homestead law, with certain restrictions;

An act (H. R. 8152) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1891;

An act (H. R. 1084) granting a pension to Mrs. Eliza J. Drake;

An act (H. R. 1086) granting a pension to Sarah Cuthbert;

An act (H. R. 1573) granting a pension to Mary Murphy;

An act (H. R. 2012) granting a pension to William V. Cronk;

An act (H. R. 2014) granting a pension to Anna Haarstick;

An act (H. R. 4181) granting a pension to David Doty;

An act (H. R. 4851) granting a pension to Eliza J. Glass;

An act (H. R. 4968) granting a pension to Elizabeth A. Jones;

An act (H. R. 5050) granting a pension to Dolly Blazer;

An act (H. R. 2958) for the relief of Johanna Eckle;

An act (H. R. 3055) for the relief of W. P. Alexander;

An act (H. R. 1871) granting a pension to Sarah Meader;

An act (H. R. 2011) granting a pension to Susanna Mitts;

An act (H. R. 2015) granting a pension to Mary Personous;

An act (H. R. 3739) granting a pension to Thomas F. Robinson;

An act (H. R. 3969) granting a pension to Seth M. Walter;

An act (H. R. 3983) granting a pension to Samuel Sterling;

An act (H. R. 4094) granting a pension to James M. McKinney;

An act (H. R. 5619) granting a pension to Maria Solles;

An act (H. R. 8865) granting a pension to Angelina Silver;

An act (H. R. 2043) granting a pension to Thomas J. Cassidy;

An act (H. R. 2044) granting a pension to James H. Fleming;

An act (H. R. 2061) granting a pension to Ellen Shea;

An act (H. R. 2066) granting a pension to James McCusker;

An act (H. R. 2067) granting a pension to Mrs. Maria Clark;

An act (H. R. 2175) granting a pension to Mrs. Elizabeth Burreas;

An act (H. R. 2429) granting a pension to Susan M. Gardner;

An act (H. R. 2834) granting a pension to Frances J. Elgar;

An act (H. R. 3242) granting a pension to Sarah Devine, mother of Jesse Chapman;

An act (H. R. 3256) granting a pension to Anastasia McGrievy;

An act (H. R. 3262) granting a pension to Mary A. Selbach;

An act (H. R. 4190) granting a pension to Mrs. Susannah D. Clark;

An act (H. R. 4765) granting a pension to Martin McIlwain;

An act (H. R. 4869) granting a pension to Mrs. Mary Shumway;

An act (H. R. 5263) granting a pension to Sarah C. McCamly;

An act (H. R. 5486) granting a pension to Eugenia A. Helston;

An act (H. R. 6153) granting a pension to Elizabeth Bennett;

An act (H. R. 6211) granting a pension to John S. Lozier;

An act (H. R. 6402) granting a pension to Mrs. Harriet McMann;

An act (H. R. 6726) granting a pension to Isaac Moore;
 An act (H. R. 6769) granting a pension to Elizabeth L. Elam;
 An act (H. R. 6863) granting a pension to Henry Stumpf;
 An act (H. R. 6865) granting a pension to Clara Frey;
 An act (H. R. 6906) granting a pension to John H. McLaughlin;
 An act (H. R. 7185) granting a pension to Mary G. Caley;
 An act (H. R. 7513) granting a pension to Pauline M. Beach;
 An act (H. R. 7659) granting a pension to Warner M. Ellis;
 An act (H. R. 7726) granting a pension to Eva T. Blake;
 An act (H. R. 9752) granting a pension to Elijah Kilday;
 An act (H. R. 2046) to grant a pension to Barbara Madden;
 An act (H. R. 2049) to grant a pension to Jacob E. Goudy;
 An act (H. R. 6166) to grant a pension to Elizabeth T. Garrett;
 An act (H. R. 5997) restoring to the pension-roll the name of Florian

Lischewsky;

An act (H. R. 2173) for the relief of Mrs. Olive Padgett;
 An act (H. R. 2864) for the relief of Elizabeth Earp;
 An act (H. R. 4694) for the relief of Edward Haynes;
 An act (H. R. 6292) for the relief of Ellen Baddeley;
 An act (H. R. 6294) for the relief of Isabel Hensley;
 An act (H. R. 4355) for the relief of Emeline Beam, mother of Isaac

W. Beam;

An act (H. R. 347) to grant the right of way to the Galena, Guthrie and Western Railway Company through the Indian Territory, and for other purposes;

An act (H. R. 8544) to increase the limit of cost of site and public building at Duluth, Minn.; and

Joint resolution (H. Res. 57) providing for donation of certain personal property of United States to South Dakota and North Dakota.

BALTIMORE AND POTOMAC RAILROAD.

Mr. SPINOLA. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The House was in Committee of the Whole.

Mr. SPINOLA. I beg the Speaker's pardon. The committee rose.

The SPEAKER *pro tempore*. Simply to receive a message.

The committee then resumed its session with Mr. DUNNELL in the chair.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ATKINSON] has four minutes.

Mr. ATKINSON, of Pennsylvania. I yield to the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Chairman, I have no hesitancy in saying that I shall vote for this bill. I shall do this because I believe that the people as well as the railroad company demand increased railroad facilities in Washington.

I have never owned a share of railroad stock, and never have had the slightest pecuniary interest in a road. My experience, my reading, and my surroundings may have prejudiced me against railroad corporations in a measure, but I recognize the fact that railroads are a necessity to great cities, and that all the accommodations necessary to transport passengers, freight, and supplies are imperative, and should be given in the interests of the people. I go no further. Forfeited land grants should be returned to the nation, and all railroads should be held to a strict accountability. This bill gives the Baltimore and Potomac Company no more privileges than are given to railroads in every city of the United States. Side-tracks leading to manufactories, to lumber-yards, to coal-yards, and to machine-shops are found in cities North and South. They aid in the development of said cities. Freight depots and freight facilities are necessary not only to the railroad but to the welfare of the city through which the road runs.

Mr. MILLIKEN. Will my friend allow me to ask a question right there?

Mr. CUMMINGS. I will, although I have only four minutes' time.

Mr. MILLIKEN. Will the gentleman point to a city in this country which allows a railroad to cut it in two in the middle and go through the heart of the city with its side-tracks?

Mr. CUMMINGS. I will answer my friend by a comparison. Take the city of New York. Compare her railroad facilities with those of Washington. The Legislature of New York gave a railroad permission to close certain streets of the city to build a depot for the accommodation of the people. The Legislature also gave a railroad the privilege of erecting a freight depot upon the largest park in the lower part of the city. The park itself was entirely wiped out.

Mr. MILLIKEN. But does she not run her tracks for miles under ground?

Mr. CUMMINGS. She runs tracks from Laight street to Spuyten Duyvil on the public streets through the most thickly populated portion of the city.

Mr. MILLIKEN. But they run for miles under ground.

Mr. CUMMINGS. Not in this case. Here they run for miles along the streets. The tunnel is in another part of the city. New York sets an example for the city of Washington. She knows that increased railroad facilities benefits her people and increases her commercial prosperity. While miles of her streets are in use by railroads, you make an outcry because of a few switches running into manufactories, lum-

ber-yards, and elsewhere here in Washington. There are scores of these switches in New York. You find them in every city in the United States—Birmingham, Buffalo, Cleveland, New Haven, Providence, and in every manufacturing city. Chicago is gridironed with them. Why, it is such railroad facilities that really develop the life of a city. In one street in Philadelphia there are over seventy such switches. The more manufactories the more work for the people, and the more switches the more manufactories.

Now, as to facilities for freighting. You might as well refuse a line of steamers running from Liverpool to New York wharf facilities as to refuse a railroad permission to acquire land for a freight depot.

Mr. MILLIKEN. You do not find anybody walking on the water to be run over by ships.

Mr. CUMMINGS. This bill asks for no more than other cities grant. As to injury to your parks, it is nonsense. Your parks are not and will not be injured. Washington has more parks than any three cities in the United States to-day, and you have already voted \$1,200,000 of the Government money to make another one. If you are so sensitive as to your parks, why not tear up all the railroad tracks and turn the whole city into a park? Railroad facilities are needed far more than a Rock Creek Park. I speak not on behalf of the Pennsylvania Railroad or of the Baltimore and Potomac Railroad Company. It is on behalf of the city of Washington that I speak. The needs of the railroad company are the needs of the city. The price of your vegetables depends upon your railroad facilities; the price of your lumber depends upon them; the price of your coal depends upon them; and the price of a thousand and one products of commerce and of mechanical enterprises brought here depends upon them. These are self-evident facts.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. ATKINSON, of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The bill will now be read by sections.

The Clerk read as follows:

Be it enacted, etc., That the construction, maintenance, and use for railway purposes of the turnouts and sidings of the Baltimore and Potomac Railroad Company, now extending from its line between the Anacostia or Eastern Branch of the Potomac River and the Long Bridge, in the city of Washington, into the several squares of ground known and designated on the plat of the city of Washington as follows: Square 737; square 739; square 695; square northwest of square 695; square west of square 695; square north of square 697; square east of square 642; square north of square 642; square 641; square 536; square 493; square south of square 463; square 464; square 596; square 507; and square south of square 267; and the use and maintenance of its shops, stations, and other structures now erected thereon is hereby legalized and confirmed; said tracks to be maintained in such manner as will least obstruct the public streets, avenues, or alleys on which said tracks are laid, and to be under the general supervision of the commissioners of the District of Columbia.

The amendment of Mr. ATKINSON, of Pennsylvania, was read, as follows:

On page 2, line 21, after the word "seven," strike out down to and including the word "confirmed," in line 23.

Mr. ATKINSON, of Pennsylvania. Mr. Chairman, I wish the petitions which I forward to the Clerk's desk to be read in my time.

The Clerk read as follows:

To the Senate and House of Representatives of the United States of America in Congress assembled:

We, the undersigned petitioners, who are engaged in active business in the city of Washington, respectfully ask that the bill now pending in the House of Representatives known as the Atkinson bill, which provides for additional railroad facilities for handling freight in said city, be passed.

A most urgent necessity exists for such additional facilities to accommodate the daily business of the city. All commercial interests are greatly embarrassed for want of them, and we think that if the said bill shall become a law such embarrassment will be relieved and with less inconvenience than by any other plan.

May 6, 1890.

Jan. L. Barbour & Son, wholesale grocers; John Miller, coal; J. B. Bryan & Bros.; Browning & Middleton, grocers; Mount, Orr & Co.; J. B. Kendall, iron and steel; Noah Walker & Co., clothiers; F. Tenney & Co.; Brooke & Rowland, hatters and furnisiers; F. Brinkman, tobaccoist.

Hume & Co.; Jackson & Co., grocers; Robert Cohen, boots and shoes; Johnson, Garner & Co., dry goods; Peter F. Bacon; John B. Scott, Howard House; Frank Hume, wholesale grocer; John M. Young, 456 Pennsylvania avenue, dealer in carriages; Beall & Baker, grocers; F. P. May & Co., hardware; Orndorff & Truxton, agricultural implements; J. T. Varnell & Son, Chicago dressed beef; J. S. Redman, wholesale grocer; N. A. Poole, grocer; F. M. Walker, grocer; J. C. Ergood & Co.; A. J. Biedlen; Schafer & Clary, produce, 923 Louisiana avenue; Albin Price & Co., 935 Louisiana avenue; Spilman & Newlin, 935 Louisiana avenue; Hendrickson & Co., produce; Snouffer & Yakey, 909 Louisiana avenue; R. H. Harris, commission merchant, 907 Louisiana avenue; G. K. Andrews & Co., commission, 905 Louisiana avenue; William Hollis, commission, 933 Louisiana avenue; Joseph Auerbach, outfitter and hatter, 923 Pennsylvania avenue and Fifteenth and New York avenues; E. M. Lowe, real estate and loans, 304 East Capitol street; I. Hamburger & Sons, clothiers and tailors, 621 Pennsylvania avenue, northwest.

Hill & Co., grocers; Wash B. Williams, merchant, Seventh and D streets, northwest; Robinson, Parker & Co., clothiers; Henry Frank, jr., furnisher, 401 Seventh street, northwest; Chr. Ruppert, fancy notions and worsted goods, 408 and 405 Seventh street; H. Reizenstrin, gentlemen's furnishings and hats, 406 and 407 Seventh street, northwest; M. B. Strickler, M. D., 512 East Capitol street; M. & P. Metzger, grocers, 417 Seventh street, northwest; Geo. Breitbarth, furniture dealer; Frank T. Scott, 423 Seventh

street, northwest; K. Kneass & Sons, 425 Seventh street, northwest, harness and trunks; Chas. Kaufman, clothier, 481 Seventh street, northwest; Jacob Strasburger, per J. O., Seventh street, boots and shoes; O. P. Burdette, 437 Seventh street; Strauss & Marx, 441 Seventh street, northwest; Eisenman Bros., per Jacob, Seventh and E streets, northwest; R. Harris & Co., jewelers, 433 Seventh street, northwest; Lansburgh & Bro., 420 to 426, Seventh street, northwest; W. Y. Partello, wholesale grocer, 639 Louisiana avenue; Weeks & Co., auctioneers; F. Germueller, harness and trunks; Smith & Wardwell, Boston variety store, 705, 707, and 709, Market Space; E. A. Stiebel, London Bazaar, 715 Market Space; Geo. W. Rich, boots and shoes, 717 Market Space; Kelley & Chamberlin, commission merchants, 714 and 716 D street, northwest; Geo. A. Shehan, lumber, Fifteenth and B street, northwest; H. S. Zimmerman, 410 Ninth street, northwest; Sumter Phillips, at Keen's, 414 Ninth street; M. H. Tompkins, at Keen's, 414 Ninth street; Hayward & Hutchinson, 424 Ninth street; Elphonso Youngs Company, wholesale and retail grocers, 428 Ninth street; Cropley & Gregory, wholesale liquors, 436 Ninth street, northwest; Henry Miller, paints and oils.

James F. Barbours, 1418 F street, northwest; Smith Pettit, Fourteenth and B streets, northwest; Chalmers & Voorhees, 1418 F street; Frank B. Conger, 1415 F street; W. H. Moses & Sons, Eleventh and F streets, northwest; Woodward & Lothrop; R. Goldschmidt, 1007 F street, northwest; W. H. Houghton & Co.; Julius Lansburgh; Dulaney & Whiting; Beale & Harris; B. F. Guy & Co., 1005 Pennsylvania avenue; M. A. Tappan, 1013 Pennsylvania avenue; Harris & Shafer, 1113 Pennsylvania avenue; Brentano & Co., 1015 Pennsylvania avenue; Overman Wheel Company, 715 Thirteenth street, northwest; J. Karr, 945 Pennsylvania avenue; Dalton & Strickland, 909 Pennsylvania avenue; Edward F. Droop, 925 Pennsylvania avenue; Sam Cross, 916 Pennsylvania avenue; J. W. Boteler & Son; W. M. Shuster & Sons, 919 Pennsylvania avenue, northwest; Willett & Ruoff, 805 Pennsylvania avenue; Saks & Company; Wash'n Danenhower, 1415 F street, northwest; Bright, Humphrey & Co., 1406 Pennsylvania avenue; H. L. Cranford, 1418 F street, northwest; J. T. Dyer, 1304 F street; Danenhower & Co., 462 H street, southwest; David A. Windsor, 1213 F street, northwest; John W. Corson, 1419 F street; Thos. A. Brown, 1417 F street, northwest; F. M. Draney, 643 New York avenue; Frank N. Carver, 1417 F street, northwest; Francis R. Fava, Jr., & Co., civil engineers, Corcoran Building; E. F. Brooks, gas fixtures; Chas. Early, real estate; C. A. McEuen, real estate; Childs & Sons, brick manufacturers; W. W. McCullough, lumber merchant; W. E. Clark.

GOLDSBOROUGH, N. C., June 13, 1890.

We, the undersigned shippers of truck, lumber, and other products, feel a great interest in the passage of the bill known as the Atkinson bill, now pending before Congress. We have heretofore suffered serious loss in consequence of the block of freight-cars at Washington City. This bill gives authority to the Pennsylvania Railroad Company to purchase more space and legalize the sidings now used to accommodate our Southern business for Washington and other Northern points. Now we, your petitioners, humbly ask our Representatives in Congress to do all they can to aid the passage of this bill and thereby encourage the infant industries of marketing truck, lumber, and other products in Washington and Northern markets. Give us room for the commerce of the country.

Royall & Borden, J. B. Griffin, C. P. Griffin, Jno. H. Hill & Son, John R. Higgins, Smith & Yelverton, S. H. Dunmark, Amos W. Borden, Miller & Shomer, H. C. Shomer, Chas. B. Miller, Wm. H. Cobb, Jr., W. H. Borden, J. B. Edgerton, Chas. N. Edgerton, J. C. Cox, W. W. Prince, H. Weil & Bros., Joe Rosenthal, L. D. Giddens, L. D. Giddens, Jr., C. W. Grainger, L. C. Southerland, T. B. Galloway, John Spicer, M. E. Robinson & Bro., Hood & Britt, I. B. Farwell, W. J. Jones, W. C. Munroe, B. E. Smith, W. J. Crews, Hattie Durey, Mary C. Borden, Mrs. Ella Borden, Rev. B. R. Hall, R. P. Howell, Enterprise Lumber Company, Nathan O. Busy, J. F. Miller, Bissell, Bro. & Co.; Neuse Lumber Company, I. S. D. Lany & Co.; Henry M. Lee, F. B. Edmundson, R. C. Freeman, C. B. Ayerck, Z. M. L. Jeffreys, T. B. Parker, Goldsborough Lumber Company, W. L. Graul, W. P. Lane, F. W. Smith, C. T. Willis, E. B. Borden, Pioneer Lumber Company, W. P. Hall, J. D. Aaron, D. J. Aaron, G. A. Griswold, R. M. Johnson, A. D. Perkins, Geo. C. Royall, Geo. W. Dewey, E. B. Dewey, C. Dewey, Dewey Bros., W. H. Griffin, Chas. J. Nelson, M. J. Ham, T. A. Ham, I. Hodges, Best & Thompson, L. W. Humphrey, Jno. T. Edmundson, F. H. Piedmont, A. J. Shannon, L. J. Galloway, K. Galloway, A. J. Galloway.

Mr. ATKINSON, of Pennsylvania. This amendment that I offer is intended to remove from the bill the expression—

And the use and maintenance of its shops, stations, and other structures now erected thereon is hereby legalized and confirmed.

This expression, it appears, was objectionable. It was not essential to the purposes of the bill, and I therefore ask that it be stricken out. The section then will simply authorize the construction, maintenance, and use of the turnouts and sidings now extending from the line of the road to the several squares of ground known and designated on the plat of Washington as follows, and then come the squares that are designated.

Criticism was indulged in by the gentleman from Vermont [Mr. GROUR], chairman of the Committee on the District of Columbia, because of the ambiguity of the expression "turnouts and sidings," he saying they meant different things, and that a turnout was something parallel to a road, as I understood him; but this section limits these turnouts and sidings entirely to those tracks which go to the squares in question. It legalizes no other turnouts or sidings, but only those which are intended for this one definite purpose that is fully disclosed by the bill. I take it that with this amendment every ambiguous expression of this section will have been removed and an interpretation of it such as a school-boy might make would indicate that there is no trickery that a railroad lawyer could conceal within it; that it is straight forward and direct, expressing its purpose clearly and without any need of interpretation.

Mr. MOREY. Will the gentleman from Pennsylvania yield to me for a question?

Mr. BLOUNT. Mr. Chairman, I now offer an amendment to the amendment.

Mr. ATKINSON, of Pennsylvania. Mr. Chairman, has my time expired?

The CHAIRMAN. The gentleman from Pennsylvania has one minute remaining.

Mr. ATKINSON, of Pennsylvania. Then I yield to the gentleman from Ohio, who desires to ask me a question.

Mr. MOREY. I desire to ask the gentleman if this amendment is adopted whether or not the section would not be meaningless and without any operative words whatever?

Mr. ATKINSON, of Pennsylvania. I propose to offer an amendment, to insert in lieu of the words stricken out, "are hereby authorized, and;" so that it will read:

Are hereby authorized, and said tracks to be maintained in such a manner as will least obstruct the public streets.

Mr. BLOUNT. I desire to offer the following amendment: In line 27, after the word "seven," insert "is hereby authorized; but Congress may at any time revoke said authority."

Mr. Chairman, the object I have in proposing the amendment is to meet this situation: It appears that on a supposed authority in the District commissioners heretofore, the company have located its tracks by virtue of the permission given by the commissioners, which permission contained a provision reserving the right on the part of the commissioners to revoke the privilege of running these tracks designated in this first section of the bill.

These tracks referred to in this section are actually being used by the company at this time, as I said, upon the supposed authority existing in the District commissioners. A question as to that authority has recently been made in the courts and they have held that the commissioners had not the authority. The object of the amendment is to do what it has been supposed was legally done heretofore by the commissioners of the District, to wit, allow this company to lay their tracks there, but to reserve, as the commissioners did, the right of Congress at any time to revoke that authority. Now, there is a general provision at the close of the bill providing that Congress may modify or repeal the bill. Sometimes there has been some difficulty about obtaining an agreement as to the exact meaning of such section, and therefore I offer to insert this specific provision here, which leaves the purpose of Congress, if this shall be adopted, without any room for criticism at all; and it seems to me it ought to be placed here.

Mr. MILLIKEN. Mr. Chairman, the amendment of the gentleman seems to be very plausible, and I have not the slightest doubt that it is made with the most honest purpose, but the objection to it is this, that when you have once by act of Congress allowed this great corporation to get hold of these franchises the chances of ever recovering them back amounts to almost nothing at all, no matter how or what opportunities for revocation you may provide. As evidence of that fact, look at the case of the depot on Sixth street. As has been stated in this House, and has not been denied, a simple privilege of sending their cars across by the impetus of the train without any engines is what was originally granted. But now they have taken that reservation for all the purposes they desire, and, notwithstanding what my friend from Missouri [Mr. HEARD] may say on that subject, I say that the friends of the railroad, whether they be officials of the road or not, have given it to be understood in the most explicit manner that they do not intend to get out of that place until they are driven out.

Mr. HEARD. Will the gentleman pardon a correction?

Mr. MILLIKEN. It is not a correction, because what I have stated is correct.

Mr. HEARD. I want you to correct your own statement for your own sake. You say that the original grant restricted the company to sending cars across the reservation without the use of engines.

Mr. MILLIKEN. I said that it was so stated here and had not been contradicted.

Mr. HEARD. It is contradicted by the act itself, which was reprinted lately on motion of the gentleman from Georgia [Mr. BLOUNT].

Mr. MILLIKEN. Well, now I hope the gentleman will allow me to go on. My friend from New York [Mr. CUMMINGS] is kind enough to say that nothing more is proposed in this bill than is granted in every city in this country. I tell him it is not so in the cities in his own State. Let any railroad company attempt to put tracks across from the East River to the Hudson, right through the city of New York, cutting off one-sixth of the population on one side, and leaving the other five-sixths on the other side, let that company put down four or five tracks through there, with provision for freight depots, and perhaps for engine-houses and machine-shops, and you would hear such a remonstrance against it from the citizens of New York as would be heard around the globe.

Mr. CUMMINGS. The New York Central Railroad Company runs a track from the Lighthouse street depot in New York clean to Spuyten Duyvil, cutting off in some places three or four blocks from the Hudson River front.

Mr. MILLIKEN. I am not so well acquainted with Spuyten Duy-

vil as my friend from New York may be; I do not dwell in such a region; but I know that the Hudson River Railroad has been made to run its track for miles underground in New York City, and that on top of its tunnel are good streets and fine residences, as a result of the company being compelled to do there just what we ask this company to do in Washington.

Mr. CUMMINGS. I will say to the gentleman that that is in another part of the city.

Mr. LA FOLLETTE. Mr. Chairman—

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. LA FOLLETTE. I rise for the purpose of offering an amendment to the amendment.

The CHAIRMAN. The question is on the amendment to the amendment which is already pending.

Mr. ANDERSON, of Kansas. I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ANDERSON, of Kansas. Is it not in order to move to strike out the last word?

Mr. BUCHANAN, of New Jersey. That can only be done by way of an amendment to an amendment, but there is already one such amendment pending.

Mr. ANDERSON, of Kansas. Two amendments are in order.

Mr. HEMPHILL. Mr. Chairman, I offer a substitute for the amendment to the amendment.

Mr. ATKINSON, of Pennsylvania. I rise to a point of order. My point is that a substitute for a section is not in order where there is an amendment pending. The friends of the bill have a right to first perfect the section.

Mr. HEMPHILL. I thought the amendment had been adopted. I withdraw the substitute for the time being.

The CHAIRMAN. The question is on the amendment of the gentleman from Georgia [Mr. BLOUNT] to the amendment of the gentleman from Pennsylvania [Mr. ATKINSON].

Mr. ANDERSON, of Kansas. I ask that the amendment of the gentleman from Georgia be again read.

The amendment of Mr. BLOUNT was again read.

Mr. ATKINSON, of Pennsylvania. I have no objection to that.

The amendment of Mr. BLOUNT was agreed to.

The CHAIRMAN. The question now is on the adoption of the amendment of the gentleman from Pennsylvania [Mr. ATKINSON] as amended by the adoption of the amendment offered by the gentleman from Georgia [Mr. BLOUNT].

The amendment of Mr. ATKINSON, of Pennsylvania, as amended was adopted.

Mr. HEMPHILL. Now, Mr. Chairman, I offer a substitute for the first section of the bill as amended.

The substitute was read, as follows:

Amend House bill 8243 by inserting immediately after the enacting clause, as section 1 of the bill, the following:

"That the Baltimore and Potomac Railroad Company shall, on or before the 1st day of January, 1894, remove its tracks running north and south on Sixth street west, abandon its station and depot now located on the public reservation at Sixth and B streets northwest in the city of Washington, and in lieu thereof the said company shall, under the supervision of the commissioners of the District of Columbia, construct and maintain, at the intersection of Virginia and Maryland avenues, upon land described as squares 484, 485, 410, and 385, or any part thereof, to be secured by purchase or condemnation, south of said intersection, a passenger station of such extent, architectural design, and arrangements as may be found advisable and necessary. That there shall be paid by the United States to the said Baltimore and Potomac Railroad Company, for the depot building and the bridge on the public reservation, such reasonable sum, or the value thereof, as may be agreed upon by and between said Baltimore and Potomac Railroad Company and the commissioners of the District of Columbia, and in case of failure of the said company and commissioners to agree upon the sum so to be paid, the said commissioners shall apply, by petition, to the supreme court of the District of Columbia sitting in general term, which is hereby given authority and jurisdiction in the premises; and the said court shall, upon such petition, provide for proper notice and hearing of the said company and commissioners in the premises, and shall have power to determine in such manner as it may deem proper the price so to be paid as aforesaid; and the Secretary of the Treasury is hereby authorized and directed to pay to the said Baltimore and Potomac Railroad Company, when it shall have vacated its station on Sixth street, out of any moneys in the Treasury not otherwise appropriated, such sum as is herein provided for when the same shall have been ascertained, determined, and adjudged according to the provisions herein."

Mr. ATKINSON, of Pennsylvania. I desire to make a point of order against the proposed substitute. I submit that it is not germane to the bill, and I cite as an authority the latter clause of the seventh paragraph of Rule XVI:

And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

The same rule applies to a substitute as to an amendment, a substitute being practically an amendment. It was decided in the Forty-eighth Congress that a motion to commit with instructions to report a certain amendment is not in order if the proposed amendment is not germane or in order to the pending bill.

The bill presented here is upon a single subject—upon the subject of turnouts and sidings for the Baltimore and Potomac Railroad. It involves nothing whatever but an increase in freight facilities to be obtained by the legalization of sidings to certain lots of ground which are indicated in the bill, and the additional power is given to the company to condemn land and lay additional sidings to the land so condemned.

The bill goes no further than that. The subject of the bill is not the general subject of railroads, but is confined within the narrow limits I have stated. Let me illustrate. A bill granting a pension to John Brown might be introduced here. The subject of the bill is a pension; and it would not be in order under the rule, as I take it, to add to such a bill a clause giving to John Brown a certain sum as bounty. This bill, then, relating only to this narrow subject of which I speak, may not be modified by a substitute, or an amendment in the nature of a substitute, enlarging its scope as this proposition contemplates. What does the gentleman propose? To change the location of the road? He proposes to do more than that—to locate a depot, to remove another depot or station, and to make an appropriation. All these things are foreign to the subject-matter of the bill now before the Committee of the Whole; and therefore I submit the substitute is excluded by the rule I have read, which forbids the entertaining of a proposition on a subject different from that under consideration.

Mr. HEMPHILL. Mr. Chairman, the argument of the gentleman from Pennsylvania would be very good if it had any application; but the difficulty is that he has made a speech which suits the pension case, but does not suit the case of this railroad company. What is the proposition in this bill? It is in the first section, to confirm the Baltimore and Potomac Company in the use and occupancy of certain portions of the city of Washington. In addition to that, it proposes to give the company the right to condemn other portions of the property of the people of the District. The proposition I make is that the company shall remove their tracks to a certain part of the District, and that they shall then have the right to condemn other squares in the District. Thus the difference between the gentleman's bill and my amendment is that the bill proposes to confirm the company in their rights where they have already laid their tracks and to authorize them to condemn certain squares which the bill specifies; while my amendment requires them to remove certain tracks and to condemn certain other squares which are specified. For the gentleman to assert that these two things are not akin one to the other, and that the amendment is not germane, shows—I will not say a want of good judgment on his part—but it shows the extremities to which the advocates of this bill are going in order to put it through this House without the slightest opportunity of making any amendments to it for the preservation of the rights of the people of this District.

Mr. QUINN. Mr. Chairman, in rising to support the amendment offered by the honorable gentleman from South Carolina [Mr. HEMPHILL], I do so convinced that the subject under discussion is one of the very gravest and most important. The granting of such a franchise to the railroad company as this bill calls for is of very serious importance to the people of the city of Washington, and a measure that we, the representatives of the people, should meet boldly and intelligently.

The privilege here asked for by the Baltimore and Potomac Railroad is to extend their tracks over and along the surface of the streets and avenues—

The CHAIRMAN. The gentleman from New York will please confine himself to the point of order.

Mr. QUINN. I think that I am confining myself closely to the main question. But if the Chair will kindly indulge me I will soon return to the point of order raised by the gentleman from Pennsylvania.

One of my colleagues from the city of New York has stated that a railroad runs for miles through the streets of that city, and from the manner of his statement we might take it for granted that this was done with the concurrence and approval of the people. Such, Mr. Chairman, is not the fact, for, living on the line of that railroad, as I do, I can assure you that as my friend, General SPINOLA, has told you, so it is. The whole people are up in arms against allowing the railroad there. I know as a positive fact that not less than 40,000 residents along the line of that railroad in the city of New York are protesting against it every day; and all because it is allowed to continue to use the streets and avenues of that city.

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. QUINN. Most certainly.

Mr. GROSVENOR. Is it not a fact that one of the Senators from the State of New York advocated striking from the river and harbor bill (and succeeded in accomplishing it) all appropriations for the improvement of the Harlem River upon the ground of the superior necessity of the New York Central and Hudson River Railroad?

Mr. QUINN. In answer to the gentleman from Ohio [Mr. GROSVENOR], I will say that I regret very much that the appropriation referred to by him was stricken out, thereby retarding one of the greatest improvements now going on on this continent. This is the railroad which uses and controls the streets and avenues to which I have referred. Why, then, should I not regret the powerful influence exercised by railroad companies, not alone in the city of New York, but also in the city of Washington. It is against this influence here that I protest, and urge my colleagues on the floor of this House to oppose also.

I see no reason, Mr. Chairman, why that portion of the city of Washington mentioned in this bill should be turned over for all time to the Pennsylvania Railroad Company. To permit this would establish here a condition of things exactly similar to that which we have on the west side of the city of New York, where for miles through one of the finest and

most populous avenues of the city the railroad trains, both passenger and freight, are going night and day, destroying life and property, and all despite the protests of forty or fifty thousand people residing along that line. Yes, fifty thousand of the most respectable people in that great city protesting, and yet the power and influence of that company is so great that they laugh at the women made widows and the children made fatherless by the company's engines of death.

I assure you, Mr. Chairman and gentlemen of this House—for I know of what I speak—that there is at least one human being, it may be a father, a mother, or one of those dear little ones, who a moment before banished the care from the brow of a parent, sacrificed to the greed of that corporation every week. Then, I ask you, are we going to establish a similar condition of things here in the city of Washington? Be careful, gentlemen, and do not grant privileges of such a sweeping character to this company. If you do the time will come, and at no distant date, when the Baltimore and Potomac Company, otherwise known as the great Pennsylvania Railroad, will have such hold upon, not alone the property, but the rights of the citizens of the Capital of this nation, that Congress, with all its so-called protective clauses, might find it difficult to restore to the people again. In view of these facts, Mr. Chairman, I hope that the point of order raised by the gentleman from Pennsylvania [Mr. ATKINSON] will not be sustained.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PAYSON having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate insisted upon its amendments disagreed to by the House to the bill (H. R. 8391) making appropriations for fortifications and other works of defense, etc., for the fiscal year ending June 30, 1891, and for other purposes, agreed to the conference asked thereon, and had appointed Mr. DAWES, Mr. PLUMB, and Mr. GORMAN as managers on the part of the Senate.

Also, that the Senate agreed to the concurrent resolution of the House requesting the President to return to the House the bill (H. R. 5702) granting a pension to Ann Bryan.

Also, that the Senate had passed a bill of the following title; in which the concurrence of the House was requested, namely: A bill (S. 3714) to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and mechanic arts established under the act of Congress approved July 2, 1862.

BALTIMORE AND POTOMAC RAILROAD COMPANY.

The Committee of the Whole resumed its session.

Mr. ANDERSON, of Kansas. I would like to address the Chair on the point of order alone.

The status of the case is that the gentleman from South Carolina [Mr. HEMPHILL] offered an amendment, which has been read, as a substitute for the first section of the bill. Against it the gentleman from Pennsylvania [Mr. ATKINSON] makes the point of order that it is not germane to the bill. If the Chair will have the kindness to read the title of the bill he will find it to be as follows:

A bill supplementary to an act entitled "An act to authorize the construction of the Baltimore and Potomac Railroad in the District of Columbia."

Some years ago Congress passed the act which this bill proposes to amend, and the bill is expressly declared to be supplementary to that original act.

There was nothing in the original act which gave to the Pennsylvania Company, now controlling the Baltimore and Potomac road, the right to lay turnouts or sidings from the streets into the adjacent squares. If I am correctly advised, and if I am not the gentleman from Pennsylvania will please correct the statement, the act to which this is supplementary was the one which gave to the company the right to lay its main tracks through Maryland and Virginia avenues. I believe that to be a correct statement. My friend assents.

That act did not give to the company the right to lay any sidings at all into abutting squares, which it is proposed in this bill by the first section to give to them. The original act did not give to the company the right to maintain any line of railway except upon the two avenues designated by it; nor did the original act give to the company any right to enter or condemn either adjacent property or any other property.

This bill is presented by the committee under the title that I have just read for the purpose, first, of legalizing certain illegal turnouts into adjacent property; second, for the purpose of enabling the company to maintain sidings and main lines in other streets than those covered by the original act; and third, and especially, to enable them to exercise the power of eminent domain as to a great many different blocks therein specified. So, if the Chair please, there is a direct statement in the title of the bill as to what it purports to do. It purports to amend the original act to which this bill is supplementary; and it specifies in three different sections three different things which it proposes to give this company the right to do.

I submit, therefore, the amendment offered by the gentleman from South Carolina is as fully germane, is as precisely relevant to the lines of the proposed bill as any amendment can be that anybody could frame or offer. And for the gentleman to endeavor to prevent the House

with a point of order from saying to that company when it comes here, not simply asking that which it has had for years—the power granted by the original act—but when it comes here asking to be relieved from the position and penalties of a criminal before the courts, because the court has declared that it is indictable for the exercise of illegal power; I say when it comes here asking to be clothed with the greatest power any sovereign can wield, that of eminent domain, the power to seize private property (and only for public use) and dedicate it to this private corporation, under these circumstances, for the gentleman from Pennsylvania to attempt to prevent the House from passing judgment upon this substitute by means of a point of order, seems to me to be one of those things which the Chair will not sustain; first, because it is wrong in itself, and secondly, because the amendment is precisely germane to the title, purpose, scope, and effect of the proposed bill.

Mr. ATKINSON, of Pennsylvania. Does the gentleman from Kansas not know that there is a bill pending before the District committee—

Mr. ANDERSON, of Kansas. Why did you not report it?

Mr. ATKINSON, of Pennsylvania. Because it has not yet received the majority of the votes of the committee.

Mr. ANDERSON, of Kansas. Ah, because it was not a thing that the Pennsylvania Company wanted brought before this House.

Mr. ATKINSON, of Pennsylvania. Not only the company, but thousands of the citizens of Washington did not want it brought before the House.

Mr. ANDERSON, of Kansas. We are not legislating simply for the company, nor for the people of Washington, but for the people of the United States.

Mr. ATKINSON, of Pennsylvania. We are the Legislature of the District of Columbia, in session to-day under the Constitution, which gives to Congress the exclusive right of legislation for this District. That is what we are here for.

Mr. BUCHANAN, of New Jersey. Mr. Chairman, a single word upon the point of order.

Replying to the somewhat vociferous reasoning of the gentleman from Kansas [Mr. ANDERSON] I will say that this first section as it stands has nothing whatever to do with the property of the Baltimore and Potomac Railroad north of the intersection of Virginia and Maryland avenues. That part which runs from that intersection north to the Sixth street station is not included in this bill in any way or manner. The substitute offered by the gentleman from South Carolina [Mr. HEMPHILL] only has to do with that part which is not included in this bill. In other words, not only is the subject different, but the properties to be dealt with are entirely different and distinct.

Mr. HILL. Mr. Chairman, a word or two on this question on the point of order. The gentleman from Pennsylvania who makes the point of order seems to predicate it, so far as I can judge from his argument, wholly upon the supposition that the amendment offered by the gentleman from South Carolina is not germane to the first section of the bill. He did not so state in terms, but that was the substance of the argument which he offered to the Chair. I think that is not the test of the question. The question presented to the Chair is whether or not this amendment is germane to the bill as it stands as a whole. Now, what is the meaning of the word "germane?" It is that it must be within the general scope and effect and purpose of the bill. What is the general scope and purpose of this bill as it now stands? It relates simply to the Baltimore and Potomac Railroad. It relates to its turnouts, to its sidings as they now stand, as they propose to make them, and also to the condemnation of other property for the purposes of the railroad. How far does the amendment offered by the gentleman from South Carolina extend them? I will admit that if the amendment was offered here to this section to fix railroad rates, either passenger or freight, of this railroad company—if that were sought to be attached to this bill—that it might not be germane, but this company now is proposing by one section of this bill to acquire additional ground for railroad purposes. Clearly a part of this amendment offered by the gentleman from South Carolina is for the same purpose. Taking it then, Mr. Chairman, as a whole, it seems to me that this amendment is within the general scope and purpose of the bill.

Mr. MILLIKEN. Mr. Chairman, my friend from Pennsylvania makes the point that this applies to an entirely different piece of ground. Why, only the other day we amended a bill coming from the Committee on Public Buildings and Grounds, and in the amendment took an entirely different piece of land from that which had been provided in the original bill, and no point of order was raised against it.

Mr. BINGHAM. That was in conference committee.

Mr. MILLIKEN. I think if my friend from Pennsylvania and my friend from New Jersey were to state the absolute truth as it is away down deep in their consciences in this matter, they would say, not that this amendment is not germane to the bill, but that it is not germane to the purposes of the Pennsylvania Railroad.

Mr. ATKINSON, of Pennsylvania. Who made you the keeper of my conscience?

Mr. BUCHANAN, of New Jersey. The gentleman can keep his conscience and I will keep mine. Any assertion of that sort, so far as I am concerned, is utterly without foundation, and I repudiate it.

Mr. MILLIKEN. So far as the gentleman is concerned, I do not mean any invidious reference to him, but I go far enough to say that I thank God I have not his conscience to keep.

Mr. BUCHANAN, of New Jersey. And so do I, for it would be poorly kept. [Laughter.]

Mr. GROSVENOR. With the permission of the gentleman from Pennsylvania, I wish to ask the gentleman from Maine [Mr. MILLIKEN] who has cited a precedent to the Chair upon this question, whether the bill he refers to, containing the change in the location, did not come from a report of a committee of conference.

Mr. BINGHAM. Of course it did.

Mr. MILLIKEN. It came back to the House with an amendment from the Senate.

Mr. GROSVENOR. And was agreed to finally in committee of conference of the two Houses.

Mr. MILLIKEN. The change in location was made by the committee.

A MEMBER. It was not done in Committee of the Whole at all.

Mr. MILLIKEN. The bill came back to the House with an amendment by the Senate. It then went to a committee of conference.

Mr. GROSVENOR. And then the change in location was agreed to.

Mr. MILLIKEN. The final location was agreed to by the committee of conference.

Mr. O'NEILL, of Pennsylvania. I merely wish to send up to the Chairman for his information the bill (H. R. 8903) which is now pending in the Committee on the District of Columbia. I wish to say that it contains almost the exact proposition that is contained in the amendment. I refer to this, although I am aware that the old rule on the subject is abolished.

The CHAIRMAN. The Chair is of the opinion that the gentleman from Pennsylvania [Mr. O'NEILL] is not in order. He might have been in order under the old rule, but not under the present rule.

Mr. GROSVENOR. Does the Chair understand what the gentleman from Pennsylvania is saying? He calls the attention of the Chair to the fact that the same matter which is sought to be put in here as an amendment is pending in a bill now before the House.

The CHAIRMAN. The Chair thinks that is not in order in debate upon the point of order.

Mr. BINGHAM. That was the old rule.

Mr. HEMPHILL. I ask that the question be taken.

The CHAIRMAN. The Chair can not regard the amendment as germane to the purposes and objects of the subject-matter of the bill under consideration, and therefore sustains the point of order.

Mr. HEMPHILL. I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from South Carolina appeals from the decision of the Chair, and the question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. ATKINSON, of Pennsylvania. I move to lay the appeal on the table.

The CHAIRMAN. The question before the committee is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. ANDERSON, of Kansas. I heard some one make a motion to lay the appeal on the table.

The question was put; and the Chair announced that the ayes seemed to have it.

Mr. HEMPHILL. Division.

Mr. PAYSON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. PAYSON. There seems to be a misunderstanding as to what the precise question is, and I will ask the Chairman to be kind enough to state it again to the committee.

The CHAIRMAN. The Chair decided that the substitute offered by the gentleman from South Carolina [Mr. HEMPHILL] was not germane to the subject-matter of the bill under consideration, and therefore sustained the point of order made by the gentleman from Pennsylvania [Mr. ATKINSON]; thereupon the gentleman from South Carolina appealed from the decision of the Chair, and the question is, Shall the decision of the Chair stand as the judgment of the committee?

A MEMBER. Tellers.

The CHAIRMAN. The Chair will appoint as tellers the gentleman from South Carolina [Mr. HEMPHILL] and the gentleman from Pennsylvania [Mr. ATKINSON].

The committee divided; and the tellers reported—ayes 73, noes 31.

So the decision of the Chair was sustained.

The CHAIRMAN. The Clerk will read the second section.

Mr. HEMPHILL. I move to strike out the first section of the bill.

Mr. HILL. On that I want to be heard.

The CHAIRMAN. The gentleman from South Carolina is entitled to the floor.

Mr. HEMPHILL. I yield to the gentleman from Illinois [Mr. HILL]. How much time does the gentleman desire?

Mr. HILL. Five minutes.

Mr. HEMPHILL. I yield five minutes to the gentleman from Illinois.

Mr. HILL. Mr. Chairman, it seems to be thought by some members of the committee that the amendment offered by the gentleman

from Pennsylvania and adopted, striking out parts of lines 21, 22, and 23, leaves this section of the bill comparatively harmless. I do not agree with that. In my judgment the section is almost if not quite as obnoxious now as with those lines in. It is true the southern part of this city—

Mr. McCLAMMY. Mr. Chairman, I rise to a question of order. I desire to hear what the gentleman says, and it is impossible on account of the confusion.

The CHAIRMAN. The committee will be in order.

Mr. HILL. The Baltimore and Potomac Railroad Company is located there in the southern part of the city, as gentlemen all are aware. It has a legal status there to some extent, and it is illegally there to a much greater extent.

It has a right of way under old statutes of the United States running back to 1867, under which they are entitled to one or at most two tracks there in the southern part of the city across certain Government reservations and parks or parts of parks. They have extended their side-tracks and turnouts until there is a perfect network of railroad tracks, eight and ten, and in some places as many as a dozen in number, occupying a portion of a public park without authority.

In the several reservations, in whole or in part, as I have heard, they have now over 22,000 feet of the reservation of the people of the United States. What does this first section propose to do? It proposes to legalize these sidings and turnouts, as they are in the first section of the bill. It finds them there illegally, and then the first section proposes that they may hold them for all time, or until such time as this bill is amended or repealed. That is the effect. By voting for this first section you will vote to retain this railroad company in its present usurpation, because that is as mild a term as can be used in characterizing its seizure upon lands not belonging to itself, but to the United States. In other words, gentlemen, you are asked by voting for this section to anchor the Pennsylvania Railroad Company where it is and on the ground that it now occupies in large part by usurpation. It is simply a squatter there. It went there without any right; under color of right, it may be, by permission granted by the District authorities, but that has been decided to be illegal, and you are now asked to legalize this usurpation. That will be the effect of a negative vote upon this proposition.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MOORE, of New Hampshire. Mr. Chairman, in order that the House may have an opportunity to vote upon such amendments to this bill as will perfect the bill, and as that opportunity is not now presented, I move that the bill (H. R. 8243) be reported to the House with the recommendation that it be recommended to the Committee on the District of Columbia with instructions to report the same with the following as a substitute for said bill:

Amend House bill 8243 by inserting immediately after the enacting clause as section 1 of the bill the following:

"That the Baltimore and Potomac Railroad Company shall, on or before the 1st day of January, 1894, remove its tracks running north and south on Sixth street west, abandon its station and depot now located on the public reservation at Sixth and B streets northwest, in the city of Washington, and in lieu thereof the said company shall, under the supervision of the commissioners of the District of Columbia, construct and maintain, at the intersection of Virginia and Maryland avenues upon land described as squares 464, 434, 410, and 396, or any part thereof, to be secured by purchase or condemnation south of said intersection, a passenger station of such extent, architectural design, and arrangements as may be found advisable and necessary.

That there shall be paid by the United States to the said Baltimore and Potomac Railroad Company for the depot building and the bridge on the public reservation such reasonable sum, or the value thereof, as may be agreed upon by and between said Baltimore and Potomac Railroad Company and the commissioners of the District of Columbia, and in case of failure of the said company and commissioners to agree upon the sum so to be paid, the said commissioners shall apply, by petition, to the supreme court of the District of Columbia, sitting in general term, which is hereby given authority and jurisdiction in the premises; and the said court shall, upon such petition, provide for proper notice and hearing of the said company and commissioners in the premises; and shall have power to determine in such manner as it may deem proper the price so to be paid as aforesaid; and the Secretary of the Treasury is hereby authorized and directed to pay to the said Baltimore and Potomac Railroad Company, when it shall have vacated its station on Sixth street, out of any moneys in the Treasury not otherwise appropriated, such sum as is herein provided for when the same shall have been ascertained, determined, and adjudged according to the provisions herein.

Mr. BLAND. Mr. Chairman, I hope if any instructions are given it will be an instruction to report a bill for a union depot in Washington. That will relieve all this difficulty. It ought to be done now before the railroads get established in various parts of the city and own the property, after which you can not move them.

Mr. HEMPHILL. Mr. Chairman, I suppose I can speak on the amendment which I have proposed, striking out this section. I stated the other day, and I desire to reiterate, that I have no antagonism to this railroad company, and no desire to prevent it from getting whatever facilities are necessary for the transaction of the transportation business of the people of this District; but from a somewhat careful examination of this question I am satisfied that the railroad is asking for a good deal more than there is any real necessity for, and that, under the plea of serving the people of this city, and the people of the Southern States, particularly with reference to freight and matters of that kind, they are trying to get from this Congress, if matters go on at the present rate, facilities and privileges which the members of this House

would never consent to grant if they understood the real situation. I made a motion to strike out that section, not because I desired to see these gentlemen prosecuted, but simply because they have done that which is illegal and unjust to the people of this District by occupying their streets, and putting down upon them their main tracks and their sidings. They have done that in violation of law. Whether they knew it was in violation of law or not, of course I can not say, but now they come here and ask Congress to confirm them in that violation of the law of this country; yet they are unwilling that any concession whatever shall be made to the people of this District, or that any precautions shall be taken which will protect the rights of the people in the future.

The proposition which I submitted, and which was ruled out by the Chair—and I bow to his decision and to that of the majority of the committee—that proposition, I say with all due respect to the Chair, is just as germane to this bill as a man's head is germane to his body. [Laughter.] There is no question about that in my mind. This railroad, which has come here against the wishes of the people of this District and has gone upon the public property of the United States under a solemn promise that it would not put down more than two tracks and that the whistle of an engine should never be heard on that public reservation, comes here now and musters its forces in opposition to the exercise of the plain right and duty which we as legislators have to guard the public property of the United States. And what is their plea? Their plea is that they got that property twenty years ago and that they are going to hold on to it. They got that property on account of the opposition which existed here at that time to the Baltimore and Ohio Railroad, and they got it when the Baltimore and Potomac Company was a poor corporation and when it had not begun to do the great business that it now does. They did not pay a cent for it when they acquired it, and they have not paid a cent for rent of it since that time, and yet gentlemen upon this floor who are willing to vote to let the Baltimore and Potomac Railroad Company occupy that property would not vote to put a public building upon it for the accommodation of the people of this District.

[Here the hammer fell.]

Mr. HEARD. Mr. Chairman, it occurs to me that the proposition to recommit this bill, as a matter of right as well as a matter of parliamentary law, ought not to come until the bill shall have been perfected in Committee of the Whole. That is the time to make the motion to recommit with whatever instruction the House may at that time feel disposed to give upon the bill as then presented. Several amendments have been read this morning which can not fail to make the bill much more acceptable to every member of this House, because the purpose and effect of them will be to remove most if not all of the objections which have been urged against it.

One word with regard to the remarks of the gentleman from South Carolina [Mr. HEMPHILL], who I know always desires to be fair. He says that this railroad came here in opposition to the wishes of the people of this District and occupied this ground upon a promise that no engine should run in there. When the pending bill was before us the other day there was a good deal of discussion about that question, and the gentleman from Georgia [Mr. BLOUNT] moved that the act under which the railroad was permitted to enter upon the reservation should be reprinted. That act was reprinted, and it is now in the CONGRESSIONAL RECORD, and it shows what was done by Congress in that behalf, and I maintain that there is not a word in the act limiting or restraining this company from bringing their locomotives across the reservation. In fact, the purpose of the act was to authorize the company to bring its locomotives and cars in there, and their cars could not be brought in and out of the depot without, because even if you could, by the momentum of an incoming train, send your cars in without a locomotive, how would you get them out again? You might get a car in in that way, but you certainly could not get it out. [Laughter.] But in fact, Mr. Chairman, there is no such proposition in the act, and it is absurd to talk about it. This corporation came here eighteen years ago. There are many people who were then anxious to get the railroad to come here who now oppose giving them the facilities which are needed; and, on the other hand, there are those like myself who would not wish them to go away from their present location even if they desired to do so, believing that it is better for the public interest and the public convenience that they shall stay where they are. Now, what were the conditions of the act under which they came here? It required them to pay the damages arising from the laying of the tracks on Sixth street, and they paid them. It required also that they should take the place of the District of Columbia in being responsible for certain damages due to citizens, and they did that. It required the company to buy out certain squatters then on this ground claiming rights, and it did that.

Mr. ANDERSON, of Kansas. Will the gentleman yield—

Mr. HEARD. I can not give way to the gentleman from Kansas. We have had enough of Kansas cyclones, on general principles, to-day. [Laughter.] One word more. This corporation is required by that act to pay taxes on its property, and that money goes into the school fund of this District, and it now amounts, as I am advised, to \$3,500 per annum. They also rented a part of an old sewer, an old canal, which

they have covered over and used as a storage place for their cars, and they pay a rental there of \$3,500 to this District for doing an act largely benefiting the public. This railroad is in its present location by act of Congress. As to how that act was obtained I know just as much as do the gentlemen who have discussed it here, and that is absolutely nothing. But I will not indulge the presumption that it was corruptly obtained, or that that act of Congress did not express the public will at the time. As to the question whether the passenger depot shall be removed or not, let that be reserved for an occasion when this House shall have opportunity to consider it deliberately. In conclusion I want to call attention to the fact that some of the very people who denounce the commissioners for undertaking to give this railroad company permission to occupy two or three squares of ground, and who oppose the provision of the bill empowering the commissioners to authorize the condemnation of ground, are in favor of having the commissioners negotiate with the railroad company in regard to four or five hundred thousand dollars' worth of property on the Mall, and that the Government shall foot the bill agreed to by said commissioners and the railroad company.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLOUNT. Mr. Chairman—

Mr. ANDERSON, of Kansas. Is the gentleman from Georgia willing to yield for a motion that the committee do now rise?

Mr. McCLAMMY. Mr. Chairman, I would like to know the status of this matter. I understand that the pending motion is to recommit the bill.

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] has the floor.

Mr. BLOUNT. As I understand the proposition of the gentleman from South Carolina it is to recommit this bill with instructions to report it back with a substitute, the purport of which is a requirement that the Baltimore and Potomac Railroad Company shall remove their passenger depot from where it is now located.

The CHAIRMAN. The gentleman from Georgia is in error.

Mr. HEMPHILL. The gentleman from New Hampshire made that motion.

The CHAIRMAN. The motion to recommit was made by the gentleman from New Hampshire [Mr. MOORE].

Mr. BLOUNT. And that is pending?

The CHAIRMAN. It is, and the motion of the gentleman from South Carolina to strike out the first section is also pending.

Mr. BLAND. I rise to a parliamentary inquiry.

Mr. BLOUNT. I should like to know the parliamentary situation.

The CHAIRMAN. The Chair has permitted the debate to go on largely upon the motion of the gentleman from South Carolina; but the pending question is upon the motion of the gentleman from New Hampshire, inasmuch as it takes precedence.

Mr. BLAND. I rise to a parliamentary inquiry.

Mr. CASWELL. I submit that a motion to commit or recommit a bill is not in order in Committee of the Whole.

Mr. HEMPHILL. Mr. Chairman—

Mr. BLOUNT. I believe I have the floor.

The CHAIRMAN. The Chair has recognized the gentleman from Georgia [Mr. BLOUNT].

Mr. BLAND. I rose to a parliamentary inquiry some time ago, but could not get the attention of the Chair.

Mr. BLOUNT. I hope that these observations will be withheld for a few moments.

The CHAIRMAN. The Chair will hear the parliamentary inquiry of the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. Do I understand that the Chair entertains a motion to recommit while we are in Committee of the Whole?

The CHAIRMAN. The motion is that when the committee shall rise it recommend to the House that the bill be recommitted with instructions.

Mr. BLAND. I want at the proper time to offer an amendment to that motion.

Mr. McCLAMMY. I make the point of order that the Committee of the Whole can not recommit.

Mr. BLOUNT. Mr. Chairman, can I proceed now?

The CHAIRMAN. The gentleman from Georgia will proceed.

Mr. ATKINSON, of Pennsylvania. I wish to make a point of order against the motion to recommit: that it is not germane.

The CHAIRMAN. It is too late to make that point of order now. The motion has been debated for ten or fifteen minutes. The gentleman from Georgia will proceed.

Mr. ATKINSON, of Pennsylvania. I wish now to move that the committee rise.

The CHAIRMAN. The gentleman from Georgia is on the floor, and entitled to proceed.

Mr. BLOUNT. I will yield to the gentleman from Pennsylvania in charge of the bill if he wishes the committee to rise.

Mr. BLAND. Before that is done, I ask unanimous consent to offer an amendment to the motion to recommit with instructions.

Mr. ATKINSON, of Pennsylvania. I move that the committee do now rise.

Mr. BLAND. I hope the gentleman from Pennsylvania will allow this amendment to be offered.

The CHAIRMAN. If there be no objection, the amendment of the gentleman from Missouri [Mr. BLAND] will be considered as pending.

Mr. BLAND. I would like to have it read, so that the committee may know what it is.

The Clerk read as follows:

That the bill be recommitted to the Committee on the District of Columbia with instructions to report back a bill providing a plan for the establishment of a union depot in the city of Washington, with the privilege of reporting at any time.

Mr. ATKINSON, of Pennsylvania. I make a point of order against that amendment, and I renew my motion that the committee do now rise.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BLAND. I offer that as an amendment to the proposition to recommit with instructions.

The CHAIRMAN. A point of order was raised against the amendment and has been sustained by the Chair. The gentleman from Georgia is entitled to the floor.

Mr. BLOUNT. I yielded for the motion that the committee rise.

Mr. ATKINSON, of Pennsylvania. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DUNNELL reported that the Committee of the Whole on the state of the Union having under consideration the bill (H. R. 8243) supplementary to an act entitled "An act to authorize the construction of the Baltimore and Potomac Railroad in the District of Columbia," had come to no resolution thereon.

PENSION APPROPRIATION BILL.

Mr. MORROW. I desire to submit a report of a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 9 and 10 to the bill (H. R. 7160) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1891, and for other purposes, having met, after full and free conference have been unable to agree.

W. W. MORROW,
JOSEPH D. BAYERS,
Managers on the part of the House.
H. L. DAVES,
A. P. GORMAN,
Managers on the part of the Senate.

Mr. MORROW. I move that the House insist on its disagreement to the amendments of the Senate.

The motion was agreed to.

Mr. ATKINSON, of Pennsylvania. I move that the House adjourn.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (S. 1) to protect trade and commerce against unlawful restraints and monopolies; which the Speaker signed the same.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DALZELL, for five days.

The motion of Mr. ATKINSON, of Pennsylvania, was then agreed to; and accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. THOMAS:

Resolved, That on Wednesday, June 25, immediately after the reading of the Journal, the House shall proceed to the consideration of bills favorably reported by the Committee on War Claims, to be called up in such order as the committee may direct, to the exclusion of all other business for that day, and at 6 o'clock p. m. of said day and on Thursday, June 26, the House shall take a recess until 8 o'clock p. m., said evening sessions to be set apart for the consideration exclusively of bills favorably reported by the said committee to which no objection is offered.

to the Committee on Rules.

By Mr. OATES:

Resolved, That Saturday, July 5, immediately after the reading and approval of the Journal, be set apart for the consideration of the bill (H. R. 63) to prohibit aliens from acquiring title to or owning lands within the United States of America, which has been favorably reported from the Judiciary Committee and is now on the House Calendar;

to the Committee on Rules.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, a House bill of the following title, with Senate amendments, was taken from the Speaker's table and referred as follows:

A bill (H. R. 9086) making appropriations for the legislative, execu-

tive and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes—to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows, viz:

Mr. HENDERSON, of North Carolina, from the Committee on Pensions, reported favorably the following bills of the House, which were severally referred to the Committee of the Whole House:

A bill (H. R. 10311) granting a pension to Asa Joiner. (Report No. 2513.)

A bill (H. R. 10753) for the relief of Mary E. Hicks. (Report No. 2514.)

A bill (H. R. 10310) granting a pension to Samuel S. Humphreys. (Report No. 2515.)

Mr. HENDERSON, of North Carolina, also, from the Committee on Pensions, reported with amendment the bill of the House (H. R. 9724) granting a pension to A. R. Martin, accompanied by a report (No. 2516)—to the Committee of the Whole House.

Mr. DE LANO, from the Committee on Pensions, reported favorably the bill of the House (H. R. 9405) granting an increase of pension to Michael Hargain, accompanied by a report (No. 2517)—to the Committee of the Whole House.

Mr. DE LANO also, from the Committee on Pensions, reported with amendment the bill of the House (H. R. 10902) to grant a pension to Martin Brachall, accompanied by a report (No. 2518)—to the Committee of the Whole House.

Mr. PARRETT, from the Committee on Pensions, reported with amendment the bill of the House (H. R. 10334) granting a pension to Wiatt Parish, accompanied by a report (No. 2519)—to the Committee of the Whole House.

Mr. MAISH, from the Committee on War Claims, reported with amendment, the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 10995) for the relief of Pardon Worsley, his heirs, or assigns. (Report No. 2520.)

A bill (H. R. 8360) for the relief of the legal owners of the Columbia Bridge at Columbia, Pa. (Report No. 2521.)

Mr. MAISH also, from the Committee on War Claims, reported favorably the bill of the House (H. R. 9820) for the relief of the Berks County Agricultural Society, of Berks County, Pennsylvania, accompanied by a report (No. 2522)—to the Committee of the Whole House.

Mr. CULBERTSON, of Pennsylvania, from the Committee on War Claims, reported favorably the bill of the House (H. R. 5137) for the relief of the Society of United Brethren in Christ, accompanied by a report (No. 2523)—to the Committee of the Whole House.

Mr. STONE, of Kentucky, from the Committee on War Claims, to which were referred the following bills of the House:

A bill (H. R. 5501) for the relief of St. Charles College, St. Charles, Mo.;

A bill (H. R. 7596) for the relief of the legal representatives of Adam Ruebeling, deceased; and

A bill (H. R. 7683) for the relief of John H. Faulconer, reported in lieu thereof the following resolution:

Resolved, That the claims represented by H. R. bills Nos. 5596, for the relief of St. Charles College, St. Charles, Mo.; 7596, for the relief of the legal representatives of Adam Ruebeling, deceased; and 7683, for the relief of John H. Faulconer, with all the papers relating thereto, be, and the same are hereby, referred to the Court of Claims to find the facts, under the provisions of the act of Congress of March 3, 1883, chapter 118, commonly called the "Bowman act," as amended by section 14, chapter 359, of the act of March 3, 1897, commonly called the "Tucker act;"

which, accompanied by a report (No. 2524), was referred to the Committee of the Whole House.

Mr. WHEELER, of Alabama, from the Committee on Military Affairs, reported with amendment the bill of the House (H. R. 51) to define the line of the Army and increase its efficiency, accompanied by a report (No. 2525)—to the Committee of the Whole House on the state of the Union.

Mr. BROWNE, of Virginia, from the Committee on Pensions, reported favorably the bill of the House (H. R. 10651) granting a pension to J. W. Robertson, accompanied by a report (No. 2526)—to the Committee of the Whole House.

Mr. LEHLBACH, from the Committee on Public Buildings and Grounds, reported with amendment the bill of the House (H. R. 4402) to provide for the erection of a public building at Durham, N. C., accompanied by a report (No. 2527)—to the Committee of the Whole House on the state of the Union.

Mr. SCULL, from the Committee on Pensions, reported favorably the bill of the House (H. R. 8211) granting increase of pension to Mrs. Rebecca E. Simon, accompanied by a report (No. 2528)—to the Committee of the Whole House.

Mr. CULBERTSON, of Pennsylvania, from the Committee on War Claims, reported with amendment the bill of the House (H. R. 3775) for the relief of Nicholas White, accompanied by a report (No. 2529)—to the Committee of the Whole House.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXI, bills and a joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. RANDALL: A bill (H. R. 11037) to provide for the acquisition of land adjacent to the United States custom-house and post-office building in Fall River, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. LODGE: A bill (H. R. 11038) to provide an American register for the steamer Italia—to the Committee on Merchant Marine and Fisheries.

By Mr. MCADOO: A bill (H. R. 11039) to provide for the construction of a public building at West Hoboken, N. J.—to the Committee on Public Buildings and Grounds.

By Mr. WATSON: A bill (H. R. 11090) making an appropriation for a public monument to the memory of John Ericsson, the inventor and constructor of the Monitor—to the Committee on the Library.

By Mr. LAWS: A bill (H. R. 11091) for preventing adulteration and misbranding food and drugs, and for other purposes—to the Committee on Agriculture.

By Mr. SMITH, of Illinois: A bill (H. R. 11092) granting authority to postmasters to administer oaths in certain pension cases, and for other purposes—to the Committee on the Post-Office and Post-Roads.

By Mr. OATES: A bill (H. R. 11093) to authorize national-banking associations to loan money on real-estate security—to the Committee on Banking and Currency.

By Mr. WHEELER, of Alabama: A bill (H. R. 11094) to authorize the Secretary of War to appoint a board of review in certain cases—to the Committee on Military Affairs.

By Mr. EVANS: A bill (H. R. 11095) to retire superintendents of national military cemeteries—to the Committee on Military Affairs.

By Mr. RUSSELL: A joint resolution (H. Res. 190) providing for the binding and distribution to libraries of certain volumes of the Congressional Globe—to the Committee on Printing.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (H. R. 10951) granting a pension to Lucinda Rawlingson—Committee on Invalid Pensions discharged, and referred to Committee on Pensions.

A bill (H. R. 9787) for the relief of Ami Simmons—Committee on Invalid Pensions discharged, and referred to Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BREWER: A bill (H. R. 11096) granting a pension to Persis Barnard—to the Committee on Invalid Pensions.

By Mr. COGSWELL: A bill (H. R. 11097) granting a pension to William Hale—to the Committee on Pensions.

By Mr. DOLLIVER: A bill (H. R. 11098) for the relief of Lorenzo S. Coffin, late chaplain Thirty-second Regiment of Iowa Volunteers—to the Committee on Military Affairs.

By Mr. HENDERSON, of Illinois (by request): A bill (H. R. 11099) for the relief of Margaret A. Fithian—to the Committee on Claims.

Also (by request), A bill (H. R. 11100) for the relief of the legal representatives of Hartshorne R. Thomas—to the Committee on Claims.

By Mr. LODGE: A bill (H. R. 11101) for the relief of the heirs of Sterling T. Austin, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11102) to authorize the Commissioner of Patents to extend the letters patent heretofore granted to J. W. Caldwell—to the Committee on Patents.

By Mr. PHELAN: A bill (H. R. 11103) for the relief of Martha A. Booth—to the Committee on War Claims.

Also, a bill (H. R. 11104) for the relief of the estate of Stativa Moore, deceased, of Shelby County, Tennessee—to the Committee on War Claims.

Also, a bill (H. R. 11105) for the relief of Lager Rentle, of Shelby County, Tennessee—to the Committee on War Claims.

By Mr. REILLY: A bill (H. R. 11106) for the relief of Bridget Welsh, widow of Patrick Welsh, Company K, Ninety-sixth Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11107) for the relief of Robert M. McCormick, son of Robert M. McCormick, late of Company G, Seventh Regiment Pennsylvania Cavalry—to the Committee on Invalid Pensions.

By Mr. STONE, of Missouri: A bill (H. R. 11108) for the relief of Wiley Bailey—to the Committee on War Claims.

Also, a bill (H. R. 11109) for the relief of Missouri Cook—to the Committee on War Claims.

Also, a bill (H. R. 11110) for the relief of David Graham—to the Committee on War Claims.

Also, a bill (H. R. 11111) for the relief of George W. Griffith—to the Committee on War Claims.

Also, a bill (H. R. 11112) for the relief of George W. Kreeger—to the Committee on War Claims.

Also, a bill (H. R. 11113) for the relief of Josiah H. Pitcher—to the Committee on War Claims.

Also, a bill (H. R. 11114) for the relief of Charles R. Wilmott—to the Committee on War Claims.

By Mr. SWENEY: A bill (H. R. 11115) increasing the pension of Benjamin W. Gaylord—to the Committee on Invalid Pensions.

By Mr. WHEELER, of Alabama: A bill (H. R. 11116) for the relief of James H. Livingston—to the Committee on War Claims.

Also, a bill (H. R. 11117) for the relief of the estate of Jacob W. Todd, deceased, formerly of Limestone County, Alabama—to the Committee on War Claims.

By Mr. WILLIAMS, of Ohio: A bill (H. R. 11118) to place the name of Ruth McAnnally on the pension-roll—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELKNAP: Petition of H. Huber and 423 others, protesting against the passage of any and all measures now before the Senate and House of Representatives designed to change the present national law on immigration and naturalization—to the Select Committee on Immigration and Naturalization.

By Mr. BRECKINRIDGE, of Arkansas: Petition of J. T. Johnston and 55 others, citizens of Prairie County, Arkansas, in favor of deep-water harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, petition of 12 citizens of Pennsylvania, in favor of House bill 8526—to the Committee on Commerce.

By Mr. BREWER: Resolutions of Michigan fish commission in opposition to the transfer of the Fishery Bureau to the Department of Agriculture—to the Committee on Agriculture.

By Mr. BRUNNER: Petition from citizens of Pennsylvania, favoring an amendment to the Constitution of the United States prohibiting a union of church and state—to the Committee on the Judiciary.

By Mr. BUNN: Petition of W. L. Edgerton and 32 others, of Johnston County, North Carolina, in favor of House bill 7162—to the Committee on Ways and Means.

Also, petition of J. D. Dennis and 11 others, of Wake County, North Carolina, in favor of House bill 7162—to the Committee on Ways and Means.

Also, petition of J. W. Bone and 23 others, of Nash County, North Carolina, in favor of House bill 7162—to the Committee on Ways and Means.

Also, petition of J. J. H. Edward and 16 others, of Nash County, North Carolina, in favor of House bill 7162—to the Committee on Ways and Means.

Also, petition of N. C. Cognell and 27 others, citizens of Johnston County, North Carolina, asking appropriation for the improvement of Nense River—to the Committee on Rivers and Harbors.

Also, petition of J. D. Smith and 39 others, citizens of Johnston County, North Carolina, for same measure—to the Committee on Rivers and Harbors.

Also, petition of B. W. Lee and 25 others, citizens of Johnston County, North Carolina, in favor of Senate bill 2716—to the Committee on Rivers and Harbors.

Also, petition of J. F. Bass and 17 others, citizens of Nash County, North Carolina, in favor of Senate bill 2716—to the Committee on Rivers and Harbors.

By Mr. BUTTERWORTH: Protest of Andrew J. Fox and 25 others, coopers, against the proposed amendment to the interstate-commerce bill which permits railroads to haul oil barrels free—to the Committee on Commerce.

By Mr. CARLTON: Petition of citizens of Wilkes County, Georgia, asking passage of Senate bill 2716—to the Committee on Rivers and Harbors.

By Mr. CONGER: Memorial of Sunday-school of Marion County, Iowa, in favor of the Wilson bill—to the Committee on the Judiciary.

By Mr. COOPER, of Indiana: Petition of 65 persons in the Fifth district of Indiana, in favor of a national Sunday-rest law—to the Committee on Labor.

By Mr. COWLES: Petition of L. E. Dickson and 3 others, citizens of Cleveland County, North Carolina, asking Congress for appropriation of money for complete system of levees from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of J. E. Stephens, L. J. Weathers, and 33 others, citizens of Wake County, North Carolina, for same purpose—to the Committee on Rivers and Harbors.

By Mr. CRISP: Petition of J. T. Harrell and others, citizens of Pulaski County, Georgia, asking appropriation for a harbor at Galveston—to the Committee on Rivers and Harbors.

Also, petition of W. W. Wilson and others, of Wilcox County, Geor-

gia, in favor of same measure—to the Committee on Rivers and Harbors.

Also, petition of G. W. Smith and others, citizens of Pulaski County, Georgia, in favor of same measure—to the Committee on Rivers and Harbors.

Also, petition of B. Picketson and 19 others, of Coffee County, Mississippi, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of W. H. Bares and 15 others, of Pulaski County, Georgia, in favor of same measure—to the Committee on Ways and Means.

By Mr. CUTCHEON: Resolution of post-office clerks of Muskegon, Mich., favoring legislation to shorten the period of labor and increase compensation of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. DE LANO: Petition numerously signed by citizens of New York, urging the adoption of bill to prevent the adulteration of lard—to the Committee on Agriculture.

Also, petition numerously signed by citizens of same State, praying the passage of House bill 8648, to prevent the adulteration and misbranding of food and drugs—to the Committee on Agriculture.

By Mr. ELLIS: Proofs to accompany House bill 4090, for the benefit of R. C. Speed—to the Committee on the Post-Office and Post-Roads.

By Mr. FORNEY: Petition of H. L. Whitesides and others, citizens of Calhoun County, Alabama, favoring Senate bill 2716, for harbor on the Gulf of Mexico—to the Committee on Rivers and Harbors.

By Mr. FUNSTON: Petition for passage of the Butterworth bill, from citizens of Kansas—to the Committee on Agriculture.

Also, petition, being certificates relating to pension bill of O. Strain—to the Committee on Invalid Pensions.

By Mr. GIFFORD: Petition of James A. Fletcher and 40 others, of Sioux Falls, S. Dak., against permitting railway companies to transport barrels filled with petroleum free of charge—to the Committee on the Judiciary.

Also, petition of citizens of Hurley, S. Dak., asking for a law prohibiting the importation of liquors into States which have adopted prohibition—to the Committee on the Judiciary.

By Mr. HARE (by request): Petition of J. W. Douglas and 28 others, of Collin County, Texas, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of W. C. Portman and 106 others, of Denton County, Texas, asking passage of House bill 7162—to the Committee on Ways and Means.

By Mr. HARMER: Petition of manufacturers, merchants, and business men of the State of Pennsylvania, in favor of an amendment to the act to regulate commerce so that reduced rates shall not be prohibited to commercial travelers who sell merchandise from samples for subsequent delivery—to the Committee on Commerce.

By Mr. HAYES: Remonstrances of William Burrent and others, citizens of Jackson County, Iowa, against the Conger lard bill—to the Committee on Agriculture.

By Mr. HENDERSON, of North Carolina: Petition of N. E. Sygman and 25 others, citizens of Catawba County, North Carolina, in favor of an appropriation of \$8,200,000 to improve Galveston Harbor—to the Committee on Rivers and Harbors.

Also, petition of J. F. Brown and 32 others, of Iredell County, North Carolina, asking passage of House bill 7162—to the Committee on Ways and Means.

By Mr. KELLEY: Petition of J. B. Bartholomew and 252 others, citizens of Oakland and Shawnee Counties, Kansas, asking passage of a law that will allow States to prevent the sale of liquor imported from other States and suppress the original-package saloon—to the Committee on the Judiciary.

Also, petition of W. E. Hogueland and 58 others, citizens of Yates Center, Kans., asking for the passage by the House of Representatives of the Wilson Senate bill or some other measure that will prevent citizens from other States, or allow the States to do it, to prevent the establishment of saloons—to the Committee on the Judiciary.

Also, petition of Judge N. C. McFarland and 420 others, citizens of Topeka, Kans., asking for the passage by the House of Representatives of the Wilson Senate bill or some other law to enable prohibition States to prevent the importation and sale of liquors from other States. Prompt action is asked for—to the Committee on the Judiciary.

By Mr. KINSEY: Petition of 40 members of the St. Louis Cotton Exchange, St. Louis, Mo., asking Congress for an appropriation of money for complete system of levees on Mississippi River from Cairo to the Gulf to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

By Mr. LAIDLAW: Petition of members of the Women's Christian Temperance Association and others, citizens and residents of the Thirty-fourth Congressional district of New York, for the prompt passage of House bill 5987—to the Committee on Commerce.

By Mr. LANHAM: Petition of D. McMahan and 39 others, of Coryell County, Texas, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of A. A. Mayhew and 20 others, of same county, for

passage of silver bill—to the Committee on Coinage, Weights, and Measures.

Also, petition of E. Adams and 39 others, citizens of same county, for same measure—to the Committee on Coinage, Weights, and Measures.

By Mr. LAWS: Petition of Farmers' Alliance, York County, Nebraska, urging passage of the Conger bill and the Butterworth bill—to the Committee on Agriculture.

Also, petition of Farmers' Alliance of Furnas County, Nebraska, for same measures—to the Committee on Agriculture.

Also, petition of Crescent Farmers' Alliance urging passage of same measures—to the Committee on Agriculture.

Also, petition of Farmers' Alliance of Harlan County, Nebraska, urging passage of same measures—to the Committee on Agriculture.

Also, petition of Farmers' Alliance, Furnas County, Nebraska, urging passage of same measures—to the Committee on Agriculture.

Also, petition of Farmers' Alliance of Frontier County, Nebraska, urging passage of same measures—to the Committee on Agriculture.

By Mr. OATES (by request): Petition of D. J. Coleman, T. J. Ray, and 22 others, citizens of Clay County, Alabama, asking Congress for appropriation of money for complete system of levees on Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of John A. Manes, P. W. Smith, and 27 others, citizens of Alabama, for same purposes—to the Committee on Rivers and Harbors.

By Mr. O'DONNELL: Resolutions of the Michigan Fish Commission, protesting against the transfer of the fish commission to the Department of Agriculture—to the Committee on Agriculture.

By Mr. PERKINS: Petition of J. M. Rawling and 84 others, of Cherokee, in favor of deep-water harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. PETERS: Petition of Frank Perry and 44 others, of Harvey County, Kansas, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of James M. Wood and 19 others, of Stafford County, Kansas, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of D. Schneeberger and 51 others, of Reno County, Kansas, for same measure—to the Committee on Ways and Means.

Also, petition of J. S. Porter and 65 others, of Reno County, Kansas, for same measure—to the Committee on Ways and Means.

Also, petition of Farmers' Alliance of Harper County, Kansas, favoring the subtreasury bill—to the Committee on Banking and Currency.

Also, petition of alliances of the same county, approving House bill 4668 to regulate the militia—to the Committee on the Militia.

Also, petition of citizens of same county, for deep harbor on the Gulf of Mexico—to the Committee on Rivers and Harbors.

Also, petition of citizens of Pawnee County, Kansas, for same measure—to the Committee on Rivers and Harbors.

By Mr. PICKLER: Petition of 51 citizens of Hanson County, South Dakota, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of William J. Graham, M. Snyder, and 38 others, citizens of Butte County, South Dakota, asking Congress for appropriation of money for complete system of levees on Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of 11 citizens of Miner County, South Dakota, asking passage of a bill prohibiting the transportation of intoxicating liquors into prohibition States—to the Committee on the Judiciary.

By Mr. RAINES: Petition of the Women's Christian Temperance Union, of Milo, N. Y., for passage of House bill 5987—to the Committee on the Judiciary.

By Mr. RANDALL: Petition signed by citizens of Fall River, Mass., to limit the hours of work of clerks and employes in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. REILLY: Memorial of officers of Grange No. 825, of Schuylkill County, Pennsylvania, in favor of silver coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. ROWLAND: Petition of B. F. McGregor and 215 others, of Richmond County, North Carolina, in favor of House bill 7162—to the Committee on Ways and Means.

Also, petition of H. Milliken and 10 others, of Brunswick County, North Carolina, in favor of House bill 7162—to the Committee on Ways and Means.

By Mr. RUSSELL: Resolutions of South Norwalk (Conn.) hatters, for the immediate enactment and application of the McKinley tariff bill—to the Committee on Ways and Means.

By Mr. SKINNER: Petition of J. H. Dixon and 71 others, of Pitt County, North Carolina, in favor of House bill 7162—to the Committee on Ways and Means.

Also, petition of G. C. Sanborn and 44 others, of Currituck County, North Carolina, in favor of House bill 7162—to the Committee on Ways and Means.

Also, petition of J. C. Speis and 45 others, of Pitt County, North Carolina, in favor of House bill 7162—to the Committee on Ways and Means.

Also, petition of H. Murdock and 49 others, of Carteret County, North Carolina, in favor of House bill 7162—to the Committee on Ways and Means.

Also, petition of H. Murdock and 42 others, of Carteret County, North Carolina, in favor of House bill 2806—to the Committee on Ways and Means.

By Mr. SPRINGER: Memorial of J. K. Huffmann, secretary of Oak Ridge Lodge, No. 58, of the Brotherhood of Railroad Trainmen, and other members of said brotherhood, praying the passage of House bill 9682—to the Committee on Railways and Canals.

By Mr. STONE, of Kentucky: Petition of S. B. Perin and 26 others, of Ballard County, Kentucky, in favor of House bill 7162—to the Committee on Ways and Means.

Also, memorial of citizens of Ballard County, Kentucky, praying passage of Senate bill 2716—to the Committee on Rivers and Harbors.

Also, memorial of citizens of Carlisle County, Kentucky, praying for same measure—to the Committee on Rivers and Harbors.

Also, memorial of citizens of McCracken County, Kentucky, praying passage of Senate bill 2716—to the Committee on Rivers and Harbors.

By Mr. STONE, of Missouri: Petition of Missouri Cook, praying that his claim for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of George W. Griffith, for the same relief—to the Committee on War Claims.

Also, petition of George W. Kreeger, praying that his claim for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of Daniel P. Belcher, for same relief—to the Committee on War Claims.

Also, petition of Wiley Bailey, for same relief—to the Committee on War Claims.

Also, petition of Charles R. Wilmott, for same relief—to the Committee on War Claims.

Also, petition of Isaiah H. Pilcher, for same relief—to the Committee on War Claims.

Also, petition of A. W. Cassady and 6 others, from Barton County, Missouri, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of L. T. Yockey and others, in favor of Senate bill 2716—to the Committee on Rivers and Harbors.

By Mr. STRUBLE: Resolution of the Wilson Township Alliance, of Osceola County, Iowa, favoring passage of the Butterworth bill, H. R. 5353—to the Committee on Agriculture.

By Mr. TILLMAN: Petition of M. O. Youmans and 20 others, citizens of Hampton County, South Carolina, praying for the construction of a deep-water harbor on the coast of Texas—to the Committee on Rivers and Harbors.

By Mr. TOWNSEND, of Colorado: Petition of John Medill and 45 others, from Huerfano County, Colorado, asking for passage of House bill 7162—to the Committee on Ways and Means.

By Mr. TUCKER, of Virginia: Petition of Peter Sheets, of Augusta County, Virginia, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of W. A. Kincaid, heir of Samuel Kincaid, deceased, late of Alleghany County, Virginia, praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

Also (by request), petition of J. A. Coffman, James Keister, and 26 others, citizens of Rockingham County, Virginia, asking Congress to appropriate money for complete system of levees on Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also (by request), petition of Buck Mountain Farmers' Alliance, 29 members, of Albemarle County, Virginia, for same purpose—to the Committee on Rivers and Harbors.

Also (by request), petition of Haywood Alliance, 25 members, of Madison County, Virginia, for same purpose—to the Committee on Rivers and Harbors.

Also (by request), petition of O. B. Cooley, John P. Burke, H. Wise, and 29 others, citizens of Rockingham County, Virginia, for same purpose—to the Committee on Rivers and Harbors.

Also (by request), petition of Henry Taylor, W. H. Webb, and 13 others, citizens of Washington County, Virginia, for same purpose—to the Committee on Rivers and Harbors.

Also (by request), petition of Farmers' Alliance No. 604, of Fluvanna County, Virginia, 44 members, for same purpose—to the Committee on Rivers and Harbors.

Also, petitions of William B. Rickard, J. W. Kauffman, P. D. Kibler, and 16 others, citizens of Page County, Virginia, for same purpose—to the Committee on Rivers and Harbors.

By Mr. WALLACE, of Massachusetts: Paper in support of House bill to limit the hours of work of clerks and employees in first and sec-

ond class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. WATSON: Memorial from Warren County Grange, No. 320, in favor of protecting farm products—to the Committee on Ways and Means.

By Mr. WHEELER, of Alabama: Petition of J. O. Roberts and 34 others, from Morgan County, Alabama, asking passage of House bill 7162—to the Committee on Ways and Means.

By Mr. WILEY: Petition of New York and New Jersey Bridge Company in favor of Senate bill 4065—to the Committee on Commerce.

SENATE.

TUESDAY, June 24, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting estimates of additional appropriations for Howard University; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Republican central committee of New Mexico, praying for the imposition of a duty on imported lead ore; which was ordered to lie on the table.

Mr. FARWELL presented a petition of certain importers of leather gloves, of New York, Boston, and Chicago, praying for certain amendments to the McKinley tariff bill; which was referred to the Committee on Finance.

He also presented a memorial of druggists of Chicago, Ill., remonstrating against the passage of Senate bill 279, in relation to the drug trade and proprietary medicines; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of citizens of Elgin, Ill., praying for the passage of a law prohibiting the mailing of immoral publications; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented a petition of 16 members of the Society of Christian Endeavor of Pomeroy, Wash., praying for the passage of an act prohibiting the importation of liquors from one State or Territory into another contrary to the laws thereof; which was referred to the Committee on Education and Labor.

He also presented a petition of the Traders' Council of the city of Spokane Falls, Wash., praying for the insertion of a provision in all Government contracts for public work limiting a day's labor to eight hours; which was referred to the Committee on Education and Labor.

He also presented petitions of Farmers' Alliances of Palouse City, Guy, Uniontown, Poplar Grove, Johnson, Walla Walla, West Liberty, and Wylloe, in the State of Washington, praying for the passage of what are known as the Butterworth option bill and the Conger compound-lard bill; which were referred to the Committee on Agriculture and Forestry.

Mr. PETTIGREW presented sundry petitions signed by 326 citizens of the State of South Dakota, praying for the passage of a bill making it unlawful to import intoxicating liquors from any State or Territory of the United States into any other State or Territory contrary to the laws thereof; which were ordered to lie on the table.

He also presented a petition of the Redstone Farmers' Alliance of Miner County, South Dakota, praying for the passage of Senate bill 2716, appropriating \$6,000,000 for a deep-water harbor at Galveston, Tex.; which was ordered to lie on the table.

He also presented a petition of the Big Lions Farmers' Alliance, of Sioux Falls, S. Dak., praying Congress to pass laws to prevent speculation by dealers in options in farm products; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of a convention of farmers, held at Minnehaha County, South Dakota, praying Congress to pass certain laws for the relief of the farmers of the Northwest; which was referred to the Committee on Agriculture and Forestry.

Mr. HOAR. I have been requested by the senior Senator from New York [Mr. EVARTS], who is obliged to be absent at the funeral of a friend, to present in his behalf a memorial of the New York Produce Exchange in regard to the relation between the Harlem River Canal and the various proposed methods of rapid transit. I move that the memorial be referred to the Committee on Commerce.

The motion was agreed to.

Mr. TELLER. I present a large number of petitions signed by very many people, residents of Missouri, praying for the free coinage of silver. I move that the petitions lie on the table.

The motion was agreed to.

Mr. PLUMB. I present a memorial of certain colored people, of a representative character, on the subject of the improvement of the

Mississippi River. I think I have never asked that any memorial which did not emanate from the authority of a State should be printed in the RECORD, but this is a somewhat unique memorial and deals with two very considerable problems, the incidental one of which is the improvement of the Mississippi River. I ask that it may be inserted in the RECORD without being read.

There being no objection, the memorial was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

To the President and Congress of the United States:

We, the undersigned members of the various Republican county committees of the Mississippi Valley, respectfully represent that there are about 20,000,000 acres of land having a most fertile and inexhaustible soil lying on either side of the Mississippi River which has been, is now, and will continue to be subject to destructive floods occurring in a greater or less degree annually, but which might be made the equal of any, if not the most valuable, section of these United States in point of productions, and possibly superior to any in the known world by the action of the Federal Government, provided this subject is properly considered and appropriate legislation provided for its redemption.

Much has been written and spoken for and against the feasibility or practicability of redeeming this important section of country from the visitation of these annual overflows, and, owing to the imperfect data that have heretofore been available upon which to predicate correct conclusions, the public mind is still undecided as to the practicability or otherwise of protecting this section from floods.

A brief statement of the facts upon which the many conflicting ideas have been based is perhaps necessary in order to have anything like a correct appreciation of the reasons for the many diverse opinions which now exist upon this important subject.

In the first place, it is necessary to state that up to this time there has been no plan of action which was supported by any power adequate to supply either the thought or means necessary to comprehend, elaborate, or carry out any plan on a sufficiently large scale to even give promise of any great success.

It is to be remembered that not even the States adjacent to the Mississippi River, as a rule, have taken action in their capacity as States, but the efforts that have been made toward protection from overflow have been made by the various river counties—at most by a few counties organized into districts under legislative enactment by the several States; and even in these districts, where so organized, they have been made up of counties that would suffer by an overflow of a particular section or locality, and have not been extensive enough to protect all of any of the three or four great basins which lie between Cairo and New Orleans, first upon one and then upon the other side of the river.

It will thus be manifest that it was unreasonable to expect anything but failure in such disconnected and limited organizations, which in the main have been without means, except such small sums as could be gathered from taxation of a district, which, owing to the fact that it has been subject to these destructive floods, is up to this time but sparsely settled. Enough has been accomplished, however, in this very disconnected and limited manner to prove beyond question the feasibility and practicability of redeeming this vast and fertile section at a cost which is very insignificant in comparison to its value to the nation when reclaimed.

Owing to the fact that the portion of the river country subject to overflow lies partly in as many as four or five States, and that owing to the further fact that in none of these States is there a large enough section of such State subject to overflow to give a controlling power in the Legislature, it is almost out of the question to hope that, for at least many years to come, the strength and power of the States can be enlisted in any intelligent system of legislation on this most important matter.

It may be truly said that this is strictly an interstate question, the more so when it is taken into consideration that the water of this great river is derived from the following States and Territories, namely, New York, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, Georgia, Alabama, Mississippi, Louisiana, Texas, Tennessee, Kentucky, Ohio, Indiana, Illinois, Wisconsin, Minnesota, Dakota, Montana, Wyoming, Colorado, Nebraska, Iowa, Kansas, Missouri, New Mexico, Indian Territory, and Arkansas.

The framers of the Constitution very wisely reserved to the Federal Government the treatment of all such questions, for the simple reason that whatever concerned several States was primarily the concern of all the States. Believing, as we do, that this great subject comes within the province of national legislation, and further believing that when this fact is realized by the people of the United States this vast country can be redeemed, as already stated, at a comparatively insignificant cost through a system of dikes or levees, we earnestly request your attention to this subject as a matter that concerns the people of the United States at large, and as of vital interest to the colored race.

It is peculiarly in this section that the colored people of the United States can, with reasonable chance of success, make for themselves homes and become an independent and self-sustaining population of the country. As already stated, this whole country, owing to the destructive effects of the floods, is up to the present time very thinly settled, and the lands are selling at very low prices compared to their intrinsic value; and it is also a fact that the climate of this portion of the country is better adapted to the colored race than it is to the white race. Within the last five years the population of this overflowed region has been probably doubled, and this increase is made up almost entirely of the colored people. Here they have bought land at from \$1 to \$5 per acre, on credit, and in hundreds of instances have located in the most primitive way, hastily constructing small houses in which to live, and the man with his children has gone into the woods and cleared eight or ten acres of land, and during the coming season has produced from \$1,000 to \$1,500 worth of cotton, which has enabled these poor and dependent settlers to make payment for their lands; and in this way, mainly, it is safe to estimate that more than 20,000 families have located homes in this section within the last ten years. And it is a most gratifying fact to note that in five cases out of six families thus located have been successful. But it is to be remembered that the levee systems, although very inadequate and imperfect, have, in a great part of this country, been sufficient to protect from the overflows of the past five years, which, until the present year, have been comparatively light. During the present year, however, we have had a recurrence of the flood of 1882, with all its disastrous effects, except as the country, in the primitive way heretofore mentioned, has been protected by the present levees. But enough has been shown to make it an absolutely demonstrable fact that, with wise legislation on the part of Congress, which would establish a system of levee work extending over half a dozen years or more with a moderate appropriation of, say, \$5,000,000 to \$7,000,000, to be expended annually, the whole of this vast section of country could, through a system of levees, be made almost if not quite absolutely secure from overflow. And after this system of levees is constructed they could be maintained at a comparatively insignificant cost to the Government.

There is no denying the fact that the confinement of the water within given limits would contribute immensely towards the maintenance of the unobstructed navigation of the river through the deepening of its channel.

In addition to all the foregoing considerations, it may be stated that the annual products of this section of country, which would be produced mainly by

the labor of the colored race, would contribute an aggregate sum of nearly \$1,000,000,000 per annum to the nation's wealth. This section would become their home, in a large measure, and would remove much of the supposed threatened friction between the races, about which so much has recently been said; and when that race is once in possession of homes of their own, from which so large a contribution to the national wealth annually flows, it is believed that they would no longer be objectionable to the people of any section of the Union, and that if there still should linger in the minds of any portion of the community a prejudice, the very independence of the colored people that would thus be brought about would be sufficient to, in the end, remove such objections and render the race independent and no longer a subject of public consideration any more than would be any other portion of the community.

In view of all these facts, we again earnestly entreat the Congress of the United States to take this matter into consideration and adopt such wise legislation as will bestow upon our people, and especially upon the colored race, the protection which would bring to us such blessings and benefits as we confidently believe would result.

We hereby appoint and constitute the following committee as our representatives to lay this matter before the President and Congress of the United States forthwith: W. H. Allen, L. A. Bell, A. T. Wimberly, Peter Mitchell, T. M. Broadwaters, George W. Butler, John Scates, Frank Hawkins, Isaiah T. Montgomery, G. W. Gilliam, G. W. Gayles, W. E. Mollison, A. J. Oakes, W. W. Cox, T. W. Stringer, J. S. Pratt, A. P. Pollard; and specially request our Representatives in Washington to render them all the assistance in their power.

Very respectfully submitted on behalf of the Republicans of the Mississippi Valley, this 25th day of April, 1890.

L. A. Bell, Jas. A. Scott, G. W. Gilliam, E. H. Humphrey, G. W. Gayles, J. E. Ousley, L. C. Reynolds, A. G. Pearce, W. H. Smith, Gilbert Horton, W. E. Mollison, Henry Scott, Wesley Crayton, F. M. Broadwaters, A. J. Oakes, Geo. W. Butler, D. J. Foreman, Henry Hall, John Scates, Frank Hawkins, Austin Bell, Henry Avant, W. H. Allen, Geo. H. Oliver, A. C. Jackson, I. T. Montgomery, J. H. Bufford, L. C. Moore, Peter Mitchell, Anderson Levy, B. F. Garrett, S. B. Blackwell, N. A. Anderson, T. W. Stringer, Thos. Bell, Dr. James Porter, S. B. Brooks, W. W. Cox, Geo. Cox, John Reed, B. G. Booth, J. S. Pratt, A. P. Pollard.

Mr. McPHERSON presented a petition of the Bureau of Associated Charities, of Newark, N. J., through its officers, praying for legislation for the restriction of immigration; which was referred to the Committee on Immigration.

Mr. BLAIR presented the petition of J. A. Thompson, president of Tarkio College, and 11 other leading educators of Tarkio, Mo., and the petition of Rev. W. P. McNary and 12 other leading citizens of Tarkio, Mo., praying for the passage of the Blair educational bill; which were ordered to lie on the table.

He also presented the petition, officially signed by Miss Frances E. Willard as president, of the National Woman's Christian Temperance Union and the World's Woman's Temperance Union, praying for the suppression, by appropriate legislation, of the immoral traffic in Chinese women and girls at the port of San Francisco, Cal.; which was referred to the Committee on Immigration.

Mr. MORRILL presented a memorial of citizens of Addison County, Vermont, remonstrating against an increased duty on tin-plate, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (S. 3734) to increase the pension of E. S. Bishop; and
A bill (H. R. 5810) to increase the pension of John B. Davis.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the bill (H. R. 9008) to increase the pension of Zo S. Cook, of Wilcox County, Alabama, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1685) to increase the pension of Zo S. Cook, of Wilcox County, Alabama, reported adversely thereon; and the bill was postponed indefinitely.

Mr. MORRILL. I am directed by the Committee on Public Buildings and Grounds to report four amendments to the sundry civil appropriation bill to be referred to the Committee on Appropriations. Three of them have passed the Senate. The other has been reported favorably by the committee. I move that the amendments be printed and referred to the Committee on Appropriations.

The motion was agreed to.

Mr. ALLEN. I am instructed by the Committee on Public Lands to report adversely four Senate bills, but I am so instructed because the same committee have directed me to submit a proposed amendment to the sundry civil appropriation bill which relates to the surveys of public lands in the new States of Washington, Montana, North Dakota, and South Dakota. The proposed amendment increases the appropriation to meet the objects of the several bills reported adversely.

The VICE-PRESIDENT. The amendment will be referred to the Committee on Appropriations, and printed, and the bills will be postponed indefinitely.

The bills were postponed indefinitely, as follows:

A bill (S. 3742) to provide for the survey of public lands in the State of North Dakota;

A bill (S. 3743) to provide for the survey of public lands in the State of Montana;

A bill (S. 3363) to provide for the survey of public lands in the State of South Dakota; and

A bill (S. 3164) to provide for the survey of public lands in the State of Washington.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 578) in relation to oaths in pension and other cases;
A bill (H. R. 6775) granting a pension to A. B. Reeves;
A bill (S. 1473) to increase the pension of Cornelia R. Chandler, widow of the late Rear-Admiral Ralph Chandler; and

A bill (H. R. 7881) granting a pension to Mrs. Martha E. Grant.
Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 3183) granting a pension to Amanda M. Smyth, reported it with an amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred a proposed amendment to the Indian appropriation bill, reported it favorably, and it was ordered to be printed and, with the accompanying report and papers, referred to the Committee on Appropriations.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 7885) granting a pension to R. Allen McCormick, reported it with an amendment, and submitted a report thereon.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (S. 3214) granting a pension to Mary S. Miller, reported it with an amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8201) to amend the Articles of War relative to the punishment on conviction by courts-martial, reported it without amendment, and submitted a report thereon.

Mr. MOODY, from the Select Committee on Irrigation and Reclamation of Arid Lands, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PADDOCK, from the Committee on Agriculture and Forestry, to whom the subject was referred, reported a bill (S. 4155) to provide for the inspection of live cattle, hogs, and the carcasses and products thereof, which are the subjects of interstate commerce, and for other purposes; which was read twice by its title.

Mr. PADDOCK. I am instructed by the Committee on Agriculture and Forestry to report back the message of the President of the United States on the subject of preventive legislation in regard to the destruction of forests by fire, with a bill in pursuance of the recommendation thereof.

The bill (S. 4156) for the protection of trees and other growth on the public domain from destruction by fire was read twice by its title.

BILLS INTRODUCED.

Mr. McPHERSON introduced a bill (S. 4146) granting a pension to Mary Martin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4147) for the relief of James R. Mullikin, late captain Company K, Thirty-fifth Regiment Indiana Volunteers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 4148) for the relief of Margaret A. Fithian; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4149) for the relief of the legal representatives of Hartshorne R. Thomas, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. VANCE introduced a bill (S. 4150) to increase the pension of Calvin McDaniel; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FARWELL introduced a bill (S. 4151) for the relief of Sarah A. Fisher; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4152) granting a pension to Mrs. Harriet E. Rinker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 4153) granting a pension to Charles McCauley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 4154) for the relief of George Rushburger; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN (by request) introduced a joint resolution (S. R. 104) to request the President of the United States to negotiate with the British Government for the purpose of appointing a commission to meet at Washington, D. C., to investigate and make awards in satisfaction of all American citizens who had purchased lands from the chiefs of the Fiji Islands prior to 1874, and whose property has been seized and claims for lands disallowed by the British Government at the Fiji Islands; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. MORGAN. In this connection I will move for the printing of a petition which I filed the other day, and which was referred to the Committee on Foreign Relations, relating to the same subject. That petition sets forth the title upon which these American citizens predi-

cate their claim to relief, and it is necessary to have it printed in order to get the matter clearly before the committee.

The motion was agreed to.

NATIONAL INDUSTRIAL UNIVERSITY.

Mr. BLAIR. In regard to the bill (S. 4144) to incorporate the National Industrial University and School of Useful and Ornamental Arts, introduced by me during an interruption of the debate yesterday, I designed to state that it was prepared by me at the request of the Woman's National League of this city. Mrs. Charlotte Smith was particularly active in securing the names of the incorporators and is much interested in the passage of the bill.

AMENDMENTS TO BILLS.

Mr. PIERCE and Mr. PLUMB submitted amendments intended to be proposed by them, respectively, to the Indian appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. PIERCE submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MORGAN submitted an amendment intended to be proposed by him to the amendment reported by Mr. ALLEN, from the Committee on Public Lands, in regard to surveys of public lands in certain Western States; which was referred to the Committee on Appropriations, and ordered to be printed.

NOTIFICATION OF CLAIMS.

Mr. BLAIR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to inform the Senate whether there be due claims and accounts in his possession in favor of soldiers and sailors and other creditors of the United States of which there is reason to believe them to be in ignorance, and whether or not such knowledge of claims and accounts so due is withheld from such creditors by the practice of his Department, and, if so, for what reason; and whether or not it is the practice of his Department to notify such creditors or their legal representatives by mail or by publication, or in any other manner when by reason of long delay or for any other reason there is cause to believe that the creditor is ignorant of the existence of his claim, and especially to inform the Senate as to the subject-matter of this resolution in its application to the settlement of the claims of soldiers and sailors and those of their parents, widows, children, and legal representatives.

SARAH A. BLAKELY.

Mr. CULLOM. I ask unanimous consent that the action of the Senate indefinitely postponing the bill (S. 1208) granting a pension to Sarah A. Blakely, which sometime ago was adversely reported, be reconsidered, and that the bill be recommitted to the Committee on Pensions for consideration.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Illinois? The Chair hears none, and it is so ordered.

ISLAND OF CUBA.

Mr. CALL. Mr. President, I desire to give notice that to-morrow morning, at the conclusion of the morning business, I shall ask the Senate to take up for consideration the resolution reported adversely by the Committee on Foreign Relations, offered by me, relating to the independence of Cuba, for the purpose of submitting some remarks to the Senate.

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8909) making appropriations for the naval service for the fiscal year ending June 30, 1891, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 5, 19, 41, 64, 69, 70, and 75.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 9, 20, 22, 23, 24, 33, 39, 43, 44, 45, 50, 51, 52, 53, 65, 66, 67, 73, 79, 81, 82, and 83; and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Strike out from said amendment the words "the reception of" and insert in lieu thereof the word "reception;" and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following:

"Provided, That the moneys heretofore and hereby appropriated for the purpose of erecting buildings and making other improvements on said proving-ground may be forthwith expended upon the acquisition by the United States of the title thereto."

And the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: Insert after the word "dollars," where it first occurs in said amendment, the following:

"Provided, That no part of this money shall be expended until the owners of the patents to be tested under this provision shall agree by contract to give the Government the option within a specified time to contract at such price as shall be satisfactory to the Secretary of the Navy for the exclusive right on the part of the Government to manufacture by contract or otherwise such submarine guns and projectiles without the payment of any royalty on the same; Provided, That submarine guns and projectiles shall prove satisfactory on due test, and be approved by the Secretary of the Navy."

And the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: After the matter inserted by said amendment insert the following paragraph:

"Coaling station, Port Royal, S. C.: Toward the construction of a timber dry-dock or floating-dock at the coaling station, Port Royal, S. C., in accordance with the recommendation of the commission to report as to the most desirable location on or near the coast of the Gulf of Mexico and the South Atlantic coasts for navy-yards and dry-docks, \$200,000. And the Secretary of the Navy be, and he is hereby, authorized to make a contract for the construction of said timber dry-dock or floating-dock, the cost not exceeding \$500,000."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Strike out all after the word "Congress" and insert in lieu of the matter stricken out the following:

"And the President be, and he hereby is, required to appoint a commission composed of two competent naval officers, one competent army officer, and two competent persons from civil life, whose duty it shall be to select a suitable site, having due regard to commercial and naval interests, for a dry-dock at some point on the shores of the Gulf of Mexico, or the waters connected therewith; and having selected such site shall, if upon private lands, estimate its value and ascertain as nearly as practicable the cost for which it can be purchased or acquired, and of their proceedings and action make full and detailed report to the President, and the President shall transmit such report with his recommendations to Congress."

"That to defray the expenses of such commission the sum of \$15,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated."

And the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Strike out, after the word "ships," the words "which yard is hereby reopened for the repair of vessels of the Navy;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"Improvement of machinery plant, navy-yard, Boston, Mass.: For extra tools required to put the yard in condition for repairing modern marine machinery with economy and dispatch, including improvements in boiler-making plant and improved machine tools, \$40,000."

And the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$75,000;" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$20,000;" and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "\$68,083.51;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: Strike out in line 6, page 25 of the bill, the word "twenty" and insert in lieu thereof the word "twenty-one;" and the Senate agree to the same.

EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.
C. A. BOUTELLE,
HENRY CABOT LODGE,
H. A. HERBERT,
Managers on the part of the House.

The report was concurred in.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. I move that the Senate proceed to the consideration of the bill (H. R. 9856) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1891.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Appropriations with amendments.

The VICE-PRESIDENT. If there be no objection, the amendments of the committee will be considered as they are reached in the reading of the bill. The bill will be read.

The Chief Clerk proceeded to read the bill. The first amendment reported by the Committee on Appropriations was, in section 1, in the appropriations for Office of the Postmaster-General, on page 1, line 10, to increase from "\$250,000" to "\$300,000" the appropriation "for mail depredations, and post-office inspectors, and fees to United States marshals, attorneys, and the necessary incidental expenses connected therewith."

Mr. GORMAN. I should like to ask the Senator from Kansas who has charge of this bill to make some explanation of this increased appropriation on this account.

Mr. PLUMB. I make the suggestion, if not already made, that the bill be read for amendment.

The VICE-PRESIDENT. It has been so ordered.

Mr. PLUMB. Now I will hear the statement of the Senator from Maryland.

Mr. GORMAN. I inquired of the Senator from Kansas what reason there is for the increase of \$50,000 on this account for post-office inspectors, mail depredations, etc. I should like to have some explanation of that increased appropriation.

Mr. PLUMB. The increase recommended by the Senate Committee on Appropriations is in excess of the estimates and for that reason, if no other, naturally calls for explanation.

The Postmaster-General, as the Senator from Maryland knows, asked

the committee to provide for a new force of persons to perform duties somewhat different from those performed by the post-office inspectors. I think perhaps the Senator has the statement made by the Postmaster-General before the House committee, and it explains his purpose at length in the use of the force in case it should be provided for; but the committee did not indorse wholly the Postmaster-General's idea about the force and concluded not to recommend its establishment, but instead did recommend an appropriation of \$50,000 to be added to the appropriation for the employment of inspectors, partly because the work of that force is behind. I think the Postmaster-General stated that there were some seventy odd cases originating now per annum of which at least a third he is not able to dispose of, whereby for a time they were abandoned and the ends of justice were thereby defeated. It was thought also that if this additional force was given him he might enter to some extent upon the field which he desired to enter upon in connection with the other force, and he might see at the expiration of the next twelve months what result was reached, so as to be able to determine whether it was worth while to go on and enlarge the force and give it the scope and personnel which he had in mind and which he urged upon the committee.

Mr. GORMAN. Mr. President, I am perfectly aware of the immense increase of the business of the Post-Office Department and the general liberality with which we have treated the Department, practically giving it all it requires and estimates for.

In 1874 there were 34,300 post-offices, length of routes (miles), 270,000, and the gross revenue was \$28,500,000; in 1880 there were 43,000 post-offices, length of routes (miles), 344,000, and the gross revenue \$33,300,000, and in 1889 there were 58,989 post-offices, length of routes (miles) 416,150, and the gross revenue \$56,175,611. This increase, as a matter of course, demands an increase of the number of officers of the Department from time to time, but it seems to me from the statement made by the Postmaster-General that he has, in this matter of special agents and inspectors and detectives, made a recommendation which is very large and far reaching, and it would seem without further explanation unnecessary for the service.

There has been no disposition on the part of anybody, certainly none on my part, to object to the making of ample provision for the extension of the service in every direction, the star-route service, the railroad service, and the provisions for postmasters. I think I am not mistaken in saying that the whole amount of this bill is \$71,000,000 or \$72,000,000, exceeding the postal revenues some six or seven million dollars.

The Postmaster-General seems to have in his mind a system of detectives and officials to supervise all the postmasters of the country. I find that one of the reasons he assigns for this large increase, larger than the committee allowed him, is that he proposes to have the detectives ascertain and report, among other items, these:

To report whether or not each postmaster is complying with the law and regulations relative to the selling of intoxicating liquors in post-offices, and whether or not such post-office is, from its surroundings and general character, a proper place to be visited by ladies and children, who are in smaller offices the most numerous of any class of visitors.

To ascertain from personal contact with the patrons of the office whether or not service is reasonably satisfactory, and, if not, to locate the cause of complaint and correct it.

I read from a statement made by the Postmaster-General before the Committee on Appropriations of the House of Representatives at the present session. Mr. President, I have no objection, and there can be no objection on the part of anybody, to furnishing the Postmaster-General with enough detectives and special agents to ascertain whether depredations have been made and the general conduct of his business; but when he wants an increase of one hundred more men to ascertain the amount of whisky that is being sold in the little post-offices located in the mountains and by-ways he adopts the theory that all the morals of the people must be directed from this central point by agents selected by him, reversing the policy that the people themselves in each locality are perfectly competent and always ready to see that in this public service the postmaster, the man who is nearest to them, performs his duty properly, and is entering upon a system which I think is unfortunate and unwise. The Postmaster-General desires the country to be divided, and recommended "twenty-six geographical postal districts, and place over each district a supervisor of post-offices to teach the postmasters and clerks, improve systems, and develop the postal business."

The Senator from New Jersey [Mr. McPHERSON] asks me at what cost. I think the desire upon the part of the Postmaster-General is that we shall begin with an appropriation that amounts to about \$200,000 per annum; but that is only a beginning. If we are to have agents sent out from Washington with a chief located in each of the twenty-six divisions of the Union, to inquire into the conduct of all the little cross-road post-offices, to ascertain the morals of the people, to investigate the postmaster, and look into his conduct, and ascertain whether he has a daughter or his wife employed—for that is one of the specifications—or any of his family in these little offices, it seems to me is reaching a point which is entirely ridiculous.

Mr. BUTLER. May I interrupt the Senator for one moment to inquire how these officials are to be appointed according to the scheme of the Postmaster-General?

Mr. GORMAN. The Postmaster-General recommends that these

officials be selected from those now within the classified service. During the last Administration and at the close of the Administration, the then Postmaster-General, Mr. Vilas, recommended for the first time that these post-office inspectors and the railway clerks be placed under the classified service, and the President of the United States issued an order placing them all under the classified service. The present Postmaster-General found it, I believe, to be absolutely correct that that system gives him a different class of men from those found to be most efficient for that service; but up to this time he has not succeeded in having that order reversed, so that it stands to-day that all who enter this service as inspectors or railway clerks must have passed the civil-service examination, and from that list are selected. The Postmaster-General—and in that I think he is correct—insists that he shall have the right to select the new appointees from anybody who is now in the service; the fitness of the man and his peculiar qualification for this duty may be ascertained outside of the civil-service rules, as they can not be ascertained by that examination. He says in his report, on page 17:

The civil-service rules became applicable to the inspector division on July 1, 1888. The work to be done by the post-office inspectors relates to depredations of the mail, defalcations, and irregularities in the offices. Their duties are complex and variable, and can rarely be measured by uniform rule. It is a personal and confidential service, requiring a class of men of the utmost quickness and discretion, men with eyes and ears that are always alert and nerves that are always steady, keen to track a stage-coach robber on the frontier or discover the missing mail on the railway post-office routes or at the postal stations, or lost in the street letter-boxes.

Therefore he desires that he shall have a wider scope than that now permitted by the law so as to enable him to select these gentlemen from any that are in the classified service, and to that I have no objection.

Mr. BUTLER. May I again interrupt the Senator and inquire if it is not the fact that when these post-office inspectors were appointed by the Postmaster-General of the late Administration they were all subjected to an examination, whether by regulation of the Post-Office Department or under the civil-service system I do not now remember, but my recollection is that before anybody could get an appointment as inspector of the Post-Office Department he was subjected to a very rigid examination, perhaps, as I say, under some rule prescribed by the Postmaster-General himself?

Mr. GORMAN. That is true. The Postmaster-General required an examination of all the applicants for like positions, but it was a departmental examination which was as broad as that provided for by the Civil Service Commission to-day, with this addition, that the Postmaster-General had the opportunity to inspect the applicants, to ascertain outside of the mere technical examination whether an applicant had the qualities necessary for a detective, and it was a rule absolutely necessary to secure efficiency in that office, in my judgment.

But that did not stop there. That rule was abrogated, and now we are to rely solely upon the technical examination at the civil-service examination. To that the present Postmaster-General, as I think properly, objects, but the order still stands, and to remedy the difficulty to some extent he asks that he may have the opportunity now to select from all the men in the classified service who have passed the civil-service examination. The provision in this bill does not give him that authority. If the increased appropriation of \$50,000 is made, as proposed by the Committee on Appropriations, the new appointments that are to be made under it will come directly from the certification of the civil-service board. So in that matter the Postmaster-General has not been gratified, and I think it is a great misfortune to the service that he has not been.

But, Mr. President, it is the increase of these men at this time on the part of the Postmaster-General, as I stated a moment ago, which places every post-office in the country under his supervision and centers everything in Washington, reversing the policy of a hundred years, of relying upon the people in each locality to ascertain whether a man at a little cross-roads post-office is discharging his duty, whether his office is conducted properly, and, if it is not, to state that fact to the Postmaster-General. The old system has worked well in the past, and there is no reason why he should enter upon this question of ascertaining how much whisky is drunk or whether the postmaster has his wife or daughter attending the post-office. Give the Postmaster-General enough officers, enough of these detectives to look after the depredations on the mails and after the men who rob post-offices, and that ought to suffice. Probably there ought to be an increase, as he has now inefficient men compared with those who have been heretofore employed, and for the reason which I have assigned we shall probably have to submit to an increased expenditure; but I want to protest against entering upon the system which he has alluded to in the communication which I will now send to the Secretary and ask to have read.

Mr. BUTLER. Before that is done I should like to ask a question for information, or rather to confirm what I believe to be the fact, whether or not the present post-office inspectors are not charged with that very duty of which the Senator speaks in regard to these appointees for which the Postmaster-General asks.

I have always understood that the purpose and object of the present post-office inspectors was to do precisely what is contemplated by this increase of officials; that is to say, to visit every post-office in the United States if need be, to examine the books, see if they are properly kept,

whether order is maintained and the office is properly conducted, and make their report to the Postmaster-General.

I agree with the Senator entirely. I can see no earthly reason for a different class of officials who, as I understand the Postmaster-General to recommend, are to go there to the post-offices and teach the postmasters how to keep books. These post-office inspectors have had that duty in charge as I have understood, and I have understood that to be part of their official duty, so that I agree with the Senator, and I can see no need for this increase of officials to supplement simply what is already being done by the post-office inspector. The principal object of the post-office inspector is to examine the books of postmasters, to see if their accounts are properly kept, to ascertain whether their financial standing with the Post-Office Department is correct or incorrect, and, if incorrect, in what respect. Am I not right about that?

Mr. GORMAN. The Senator from South Carolina is quite correct. Wherever a complaint has been made by any patrons of the office or where the returns of the local postmaster to the Post-Office Department show upon their face that there are irregularities in the allowances, where there are specific complaints made by the people of the locality or any of them that the officer is not discharging his duty, where there is a depredation or robbery, the loss of a letter or a shortage in accounts, examination is made by the inspectors. For all these matters we make as ample provision as is possible. It is possible that the growth of the service, as indicated by the statistics I have read, will require that some small addition should be made to the present force.

The Postmaster-General, as I understand, claims that the men who are now appointed are not as efficient as if they were appointed under another system. That we may have to meet and make ample provision for. But what I object to is that, upon the statement which I shall have read in a moment, we are to enter upon a system by which the whole country shall be divided into twenty-six districts, with a chief for each district and a corps of detectives under him whose shall be used, as the Postmaster-General says in this statement, for the purpose of going and visiting and getting in touch with the people.

He has nothing to do with the people except to obey their will so far as a public official ought to obey it. His duty and that of his officers ought to be confined to examining the accounts, as stated by the Senator from South Carolina [Mr. BUTLER], of the men who are in office. I do not want a large force of officials, whether they be Republicans or Democrats, who are well paid and whose avowed duty, as stated by the Postmaster-General, will be to go around among the people and come "in touch" with them. The time may come when we may have a Postmaster-General who will be more of a politician than the present Postmaster-General, some man who may take an interest in his party and who may want to promote its success by contributions or otherwise; and I do not want to see such a Postmaster-General, if we should ever have one, with a corps organized in twenty-six districts into which it is proposed to divide the Union, with his men around "in touch" with the people.

I ask that the statement made by the Postmaster-General before the Committee on Appropriations of the House of Representatives may be read.

The VICE-PRESIDENT. The statement will be read.

The Secretary proceeded to read the statement, but before concluding was interrupted by—

Mr. SPOONER. That document will take, I should think, an hour to read.

Mr. GORMAN. I have no objection to its being printed.

Mr. SPOONER. There is not a Senator in the Chamber listening to it, and I ask unanimous consent that it may be printed without being read.

Mr. HAWLEY. I suggest that, certainly, if Senators will not pay attention to the reading of the letter they probably will not read it in the RECORD.

Mr. SPOONER. If Senators will not listen to it they probably will not read it. It is taking too much time.

Mr. GORMAN. I have no objection to the document being printed if we have unanimous consent. I think the Senator from Connecticut [Mr. HAWLEY] will find a great many people in the country who will read it and will be glad to read it.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Maryland that the statement may be printed in the RECORD? The Chair hears none, and it is so ordered.

The statement is as follows:

[Argument of the Postmaster-General May 15, 1890, before the Committee on the Post-Office and Post-Roads of the House of Representatives in behalf of the appointment of postal supervisors.]

Mr. CHAIRMAN: If your committee were to ask me what, in my judgment, was the best thing Congress could do for the postal service I should unhesitatingly affirm that it would be to direct the Postmaster-General to divide the United States into twenty-six geographical postal districts, and place over each district a supervisor of post-offices to teach the postmasters and clerks, improve systems, and develop the postal business.

I have not been fifteen months reaching this conclusion. I reached it nearly a year ago, and my conviction of the wisdom of such a course has been deepened by experience.

We have 62,000 post-offices that are run on paper wheels, or, in other words, by correspondence and report, except that, as misfortune overtakes them, an

inspector is detailed to visit them and inquire and report. There are engaged on general mail depredations 58 inspectors; on money-order business, 30; and on free delivery, 10. Last year these inspectors had 73,741 cases before them, one-third of which they could not act upon for lack of sufficient force. Many of these cases were, therefore, abandoned, and became obsolete, by reason of changed conditions, growing out of the great lapse of time. It takes on an average thirty days to get a report on any case, to say nothing of information desired by this Department on a hundred different points, and without which information the Post-Office Department acts less intelligently.

I desire to call your attention to a class of cases serious in character, demanding prompt investigation, and oftentimes a concentration of a number of inspectors at a given point, in order to secure arrest and collect evidence necessary to conviction.

The first in the list of these cases are burglaries of post-offices, of which there were 849 last year. These burglaries are often at points remote from the headquarters of the division inspector, and with his force scattered widely over an immense territory it is often difficult, even with the utmost dispatch, to secure the presence of inspectors before the evidences of the crime are lost or the perpetrator has got beyond the reach of the law.

Scarcely second to these in importance are the losses resulting from the tampering with registered and ordinary mail, money-orders, and other forms of depredation. Add to this defalcations by postmasters, failure to properly deposit funds, delays in so doing, using the mails for fraudulent schemes, forging, counterfeiting, or changing money-orders, and you have arrayed an amount of work requiring the utmost skill and patience, utterly beyond the power of the present corps of inspectors to properly investigate and correct. To this is to be added what might properly be termed emergency work, an enormous number of investigations of lost and mislaid letters.

Take the matter of registered letters. I think the honorable committee will agree with me in the proposition that where a fee of 10 cents is charged for the conveyance of a letter or package, in addition to the full rate of postage due under the law, some increased security should be guaranteed to the sender. Under existing regulations, as you are, of course, aware, the Government does not hold itself financially responsible to the sender for the loss of the package. It simply undertakes to surround the letter with certain safeguards, such as receipts for letters, numbering letters, inclosing same in registered-package envelopes, properly sealed, depositing same in a special form of pouch, and locking same with a rotary register lock, superior, perhaps, to anything in use by any Government in the world at this time, by attending delivery of such letter with certain formalities, in the shape of return cards, and requiring receipt for letter when delivered; but beyond this it does not undertake to go.

It is not flattering to the Government that within the last three years there has grown up in New York a company whose business it was to insure the sender of registered letters against loss by the Government.

This class of cases in a peculiar sense requires prompt, thorough, and exhaustive investigation, and with such investigation there is little doubt that in the large majority of cases the lost valuables will be recovered and returned to the sender of the letter. Every improvement that intelligence and experience have been able to suggest has been thrown about this system to render it perfect. It is growing every year to be of greater importance to the people of this country, and in many sections of the West it supersedes largely every other form of conveyance of moneys and valuables. No class of Government business requires a greater degree of promptness, and with the present force it must be simply an incident to a great system of detecting and punishing frauds.

It will, I think, be evident, even upon a cursory examination, that the work I have outlined above is entirely beyond the capacity of the present limited force of inspectors, even were no other duties intrusted to them, leaving the great work of systematizing the accounts of the various offices, the instruction of postmasters, the supervision of the labor of securing post-office sites eligible and convenient for the public, and the introduction of new and improved methods into the various post-offices of the United States, entirely without intelligent supervision and control. It is a matter of complaint, in many sections of the country, that an inspector has not been there for twelve months or more.

That we have a postal system, in the main intelligent and efficient, is, in my judgment, a marked compliment to the versatility, adaptability, and general business qualifications of our people. That the best results will not be achieved, the work made uniform, and a general system of intelligent advance made, until we have a closer supervision of the work is, I think, a proposition beyond dispute. There are in the United States to-day sixty-three offices of collectors of internal revenue, representing as many districts. Each collector is given a number of deputy collectors, running from two to five or more. Added to these he has a large corps of store-keepers and gaugers, running from ten to a hundred. To supervise these districts, instruct and examine the officers, examine the offices with a view to determining the financial standing of each, to report in disputed cases, where there is an issue between the tax-payer and the collector, there is now a corps of twenty internal-revenue agents.

A few years ago the number of collection districts was greatly in excess of the number above stated, and the corps of officers was correspondingly great. There were, at that time, thirty-five internal-revenue agents. The reports of the internal-revenue office, published from time to time, and not controverted, so far as I know, afford in themselves the best evidence of what may be accomplished by systematic work and the employment of proper forces. Over \$700,000,000 was collected, through the various offices of the country, without the loss of a cent, and at an expense of about 8 per cent. of the total amount collected. It is believed, all things considered, that this service attained to a degree of efficiency never excelled, and perhaps never equaled, in the history of governmental taxation.

Although differing widely from the Post-Office Department in its operation and the laws and regulations governing it, it is useful in this connection, as affording an illustration of what may be attained by a systematic and direct application of personal intelligence and experience, in the operation of an important Government office. As it is with the collector of internal revenue, so should it be with the larger post-offices of the country. There should not be a month in a year when they might not anticipate the visit of an inspector, whose duty it should be not merely to make a hurried call and superficial examination, but should be charged with the specific duty of counting every cent in money and every stamp and stamped envelope in his office, and should examine the amounts deposited to the credit of the office, verify certificates of any fund said to be in transit to the Department, and generally make such examination as would satisfy the financial office of the Post-Office Department that every dollar charged to that postmaster was either deposited or represented in stamps and funds in possession of the postmaster.

The ex-postmaster of one of the largest offices in the United States advised me a day or two since in conversation that during the five years that he held the office of postmaster his office was counted up and balanced three times, and that two of these three counts or examinations only were complete.

That defalcations exist, that public funds are used by officials with impunity, growing out of the fact that they know that their offices will not be critically counted up and balanced oftener than once in a year or two, or perhaps not that often, is not strange, and we may reasonably expect that it will continue under the present system.

There is also an urgent demand in the various large offices of the country, and in the smaller offices in a lesser degree, for a uniform and complete system of bookkeeping. It is true at this time that there is very little uniformity in the system of bookkeeping in vogue in the larger offices of the country. These

books, usually kept by the cashier, and in some instances by the assistant postmaster, are after a system of their own, often difficult to be understood and in many cases misleading. There should be, as in the internal-revenue offices of the country, certain books and forms prescribed, which should be rigidly adhered to. I can not think of any single thing that would tend to a greater degree to secure the absolute safety of the funds and simplify the work of examining the various offices than would such an improved and uniform system of accounting in the offices.

To-day the efficiency of the various post-offices of the country depends largely upon the intelligence, zeal, business ability, and character of the postmaster, and while it is conceded that a fair average scale of merit is reached in the matter of appointments, it is confidently believed that the strong and able men can be added to do even better work, and the weak and inefficient can be encouraged by help, instruction, and the benefit of experience, to attain to a much higher level. I feel strongly on this subject, as I realize more and more how thoroughly the post-office is the people's office, and that they may come more and more, every year, to depend upon it, and to watch with anxious eyes any deterioration in any branch of its service. In many districts of our country it is about the only evidence of the existence of a government that comes palpably before them. To set up offices and let them get on the best they can without oversight, is unbusinesslike and differs from the usual order. A railroad company has every mile of track under trackmen and superintendents, and the sections under managers, and managers grouped under vice-presidents, so that the entire road is touched at every nerve with life and force.

To return to the illustration cited above, the collector of internal revenue, who is new in his office, is given for three or four days, and, if necessary, for a week, the services of an agent of large experience, who instructs him thoroughly, not only in the system of accounts of the office to which he has been appointed, but who accompanies him to the distilleries and breweries and other large-paying establishments, and he is there instructed in the practical work necessary to the protection of the Government and the proper collection of its revenues. On the other hand, a postmaster starts in without experience, with a volume of Postal Laws and Regulations, and a volume of rulings, more or less abstruse, which he is expected to master and apply at once to the numberless interests that arise in his office. In the large number of removals made, it will often happen that the out-going postmaster, from feelings of personal or political ill-will, will afford his successor very little if any aid or instruction, and he starts upon his important work literally trusting to luck to enable him to pull through the first few months of his administration.

To pursue this line of thought further, there is no doubt that, as a matter of dollars and cents, the Government will be the gainer and not the loser in considering favorably the recommendation I have the honor to make, and that expenses can be lessened and the revenues of the offices increased by intelligent supervision and by arousing throughout the country an *esprit de corps* among the 62,000 post-offices, there can be no question.

Not only in the direction of decreased expenses and increased revenues will great good result, but I desire to direct your attention to another important matter. There are attached to the office of the Second Assistant Postmaster-General, who has control of star and steam-boat service, as well as the ordering of all new and increased railroad service, but two inspectors. It is needless to say that these inspectors are unable properly to investigate complaints of bad service and important applications for new service, changes of routes proposed, etc.

It would be the duty of the supervisors on the spot to look carefully into the transportation question, especially in the matter of star and steam-boat service, and there is no doubt in my mind that they would be able to report to the Second Assistant Postmaster-General such constant revision, pruning, and protecting of the service as would result in the saving of large sums to the Government, during a four years' contract term, without in any way delaying or decreasing the frequency of the delivery to the people of the country, but on the contrary greatly improving the service.

I would specify among other duties of these supervisors that they should see carried into effect the system of accounts to be prepared by the experts I had the honor to urge upon you when I appeared personally before your committee last week. Notwithstanding the unparalleled growth of the service, and the multiplication of new offices, and the increase of business of the old ones, I am satisfied that the supervision I contemplate will soon demonstrate that order and uniformity can be established and an infinitely higher degree of intelligence attained.

The supervisors recommended to your honorable committee should be chosen from the very best talent to be found in the classified service, selecting for appointment only such men as have had demonstrated their fitness to guide, direct, and instruct others, and to impress their individuality upon this great system, of which so much may reasonably be expected in the future. The educating and refining influences of the post-office, properly directed and stimulated, can not be overestimated.

In the matter of compensation, I have the honor to recommend that these supervisors be appointed by the Postmaster-General from the classified postal service and be paid \$1,800 a year and \$4 per diem.

To restate briefly and succinctly the work of these supervisors, if it shall please your committee to recommend and Congress to pass a law authorizing them:

To visit personally and examine carefully, at regular but not stated intervals, the physical conditions of each office, to ascertain as to the responsibility of the bondsmen of postmasters, and to report deaths, insolvency, or removals of such bondsmen, which under the present system often remain unknown to the Department during the greater portion of the term of the postmaster.

To instruct each new postmaster in the postal laws and regulations, methods of work found from experience to be most effective, and to give special supervision and instruction in the matter of making up and dispatching mails, forming carriers' routes, and aid to expedite and tone up the service.

To examine and report upon the general efficiency and intelligence of the postmasters, and what degree of personal attention is given, habits, etc.

To report upon the location of each post-office, state whether or not it accommodates the public and whether or not the public or private interests are served in the matter of rent, selection of site, and general adaptability of the building.

To report whether or not each postmaster is complying with the law and regulations relative to the selling of intoxicating liquors in post-offices, and whether or not such post-office is, from its surroundings and general character, a proper place to be visited by ladies and children, who are in smaller offices the most numerous of any class of visitors.

To see whether or not the appointments made by postmasters are in the interest of the service, and that the places are not filled by the relatives of the postmaster to the detriment of the public service.

To see that the post-offices are kept open for the accommodation of the public a reasonable number of business hours.

To ascertain and report whether or not the office is safely and suitably fitted up to secure proper privacy and security of the mail.

When remote from depositories, to see that proper and safe receptacles are afforded for the security of moneys and stamps.

To advise Department of regularity and punctuality of contractor's work and character of railway mail work.

To see that the schedule of departure of carriers in the various offices is made to conform to the arrival and distribution of important mails, and to see that collections are made with a view to sending out all mails to the first departing trains.

To revise the list of undeliverable letters, and see that every effort is made to forward same, failing in which, to see whether or not they are promptly sent to the Dead Letter Office at the Department.

To ascertain and report whether or not stations are needed and substations are so arranged as to meet the wants of the public.

To ascertain from personal contact with the patrons of the office whether or not service is reasonably satisfactory, and if not to locate the cause of complaint and correct it.

To make a stated report to the Postmaster-General on each office upon which the offices, both Presidential and fourth-class, should be graded according to merit of condition and growth.

It would be an unnecessary intrusion upon your valuable time to enumerate further the wide scope of work that could properly and profitably be performed by the class of officials I have indicated. I have certainly not stated any aspect of the case too strongly. The value of a steady and constant touch upon the work of each office is beyond estimate.

In the matter of the appointment of a Fourth Assistant Postmaster-General, I concur most heartily in the recommendations to that end made by my various predecessors in office. The arguments made many years ago could be made at length with increased force, as time demonstrates every year more thoroughly the absolute necessity of this additional official. To this office should be transferred the direct care of the various bureaus, Railway Mail, Money Order, Free Delivery, Foreign Mail, Dead Letter Office, which are now running in a sense independently and without that vigilant supervision that is important in securing the best results. This subject has been discussed so fully before, and its necessity impressed upon your honorable committee, that it would seem that further elaboration would be a work of supererogation at this time.

Mr. PLUMB. Mr. President, there is a great deal of force in the criticism which the Senator from Maryland makes upon the plan of the Postmaster-General, but the Senator will observe that the committee did not yield to it, but took up another branch of the subject which is represented by the recommendation for the increase of the appropriation. After careful reading of the statement of the Postmaster-General, which has just now been ordered to be incorporated in the RECORD, I have come to the conclusion that that official entirely misconceives the status of the postmasters of the country and their relations to him and to the public service. They occupy a dual position. They are his subordinates in every proper sense; that is to say, in the sense that he is entitled to require of them that they shall keep their accounts in a certain way and perform the functions which relate to the postal business of the country according to law and under such direction as he may from time to time make. But in another sense they are local officials, men possessing a representative character, and justifying themselves, as they have done, I am glad to say, under whatever Administration they may have been appointed, to the confidence and good-will of the people whom they particularly serve.

I know the American people better than the Postmaster-General does, if he thinks, as he seems to do, that, if there is any lack upon the part of any one of these officials to properly discharge his local duty, his duty to the patrons of the office, or if there is any conspicuous defect in his character which is offensive to the moral sense of the community, they will not complain so that thereby he will find out all these facts concerning him; and I think myself that his view of a force whose duty it should be to make private inquiry in the various neighborhoods as to the character of the postmaster, and as to whether the people are satisfied with the transaction of the public business by the postmaster, entirely misconceives his relations to the officials and their relations to the people of the community where they reside and whose business in connection with postal affairs they transact. It would set in motion every element of scandal, of backbiting, and everything else that was hurtful to the peace of communities and to the proper transaction of the public business. It would be an unwarrantable intrusion, something which finds no parallel in private business, and which ought not to be for one single instant tolerated in the public service.

The American people are alert. They know how to write; they know that a complaint lodged with the Postmaster-General in regard to the postmasters will be investigated, and that Congress furnishes a force for the purpose of investigating such charges as may be made, and it is expected that the force of inspectors which have been the accompaniment of the postal service for many years will be used for the purpose of investigating complaints which will be made, and for that purpose only as they relate to depredation upon the mails. Of course, in connection with that, it is entirely proper that they should consider cases which involve no turpitude, as for instance failures to render accounts, which of themselves come to the attention of the Department in the ordinary course of business, and suggest the necessity for investigation, carelessness in regard to the handling of the mail, which comes to the attention of the Department rather than that of the individual whose mail is handled, being the subject of investigation as it properly ought to.

The entire scope of the relation which the Department now exercises to the various postmasters throughout the country is not only properly based upon common sense, but upon a long course of experience. It does not need enlarging in the direction of any inquiry as to the habits or personal character of the postmaster, or in regard to the minor details of the management of the office which relate to the convenience and comfort and well-being of the patrons of the office. In fact that is a domain which the Postmaster-General may well keep out of unless he is invited into it by the people who are served. His entrance into it could not be helpful to the service, but undoubtedly it would be hurtful as well as to private character. It would assimilate the post-offices of the country to him or would put them in relation to him, just as a business man has related to him the force which takes

care of his store or whatever business he may attend to, to whom he occupies the relation of employer in the direct sense, and who, as they deal with his funds and with his own relation to his own customers, has a right to make the most keen and searching inquiry as to everything which affects their character and qualifications.

I do not mean that the Postmaster-General might not properly establish a standard to which persons should conform who are to be appointed as postmasters, but, whatever he may do properly or improperly, the fact still remains that they are local officers in all that great amount of dealing which they have with the patrons of their respective offices, and he can not enter into that domain without doing more harm than good.

For these reasons, Mr. President, and for some others which I do not think are worth naming, the Committee on Appropriations did not agree to give the Postmaster-General this force which he asked for. They felt, however, that in view of his statement that the inspectors had 73,741 cases before them last year of mail depredations and other matters involving irregularity or worse in the transaction of the public business, and that a third of those cases had to be abandoned because there was not force enough to attend to them, they might properly enlarge that force of inspectors to enable him to bring that work up, just as under the preceding administration of Mr. Vilas, and on his request, we added 50 per cent. to the force of post-office inspectors in order to enable him to thoroughly inspect at the beginning of his administration all the post-offices in the country, that he might be able to know the manner in which the business was carried on and dispose of all prosecutions or otherwise act on the various charges which had been made in regard to the irregularities in and depredations upon the mail service.

Mr. GORMAN. A temporary force.

Mr. PLUMB. That was a temporary force. Since that time the business of the Post-Office Department has increased. The first time I had charge of this bill, some six or seven years ago, as I recall it now, the appropriations for the postal service were about \$40,000,000. They are for this year over \$70,000,000, and the increase is going on at about the rate of 8 per cent. per annum, with the probability that that increase will be maintained for an indefinite period.

Mr. GORMAN. What is the exact amount appropriated in this bill?

Mr. PLUMB. The exact amount of this bill as recommended by the Committee on Appropriations is \$72,461,698.99.

Mr. INGALLS. Will that leave a deficiency?

Mr. PLUMB. It will leave a deficiency in the revenues of \$7,017,261.65.

Mr. GIBSON. Does the Senator mean to say the expenditures will exceed the receipts to that extent?

Mr. PLUMB. The expenditures will exceed the estimated revenues of the Department by the amount which I have named.

Mr. GIBSON. How are the estimates made of what the revenues are to be?

Mr. PLUMB. That is estimated upon the basis of a certain increase, determined by experience, over the preceding year.

Mr. INGALLS. What were they last year?

Mr. PLUMB. I do not remember, but about 8 per cent. less.

I think, Mr. President, that the addition made by the Senate Committee on Appropriations is conservative and proper. I do not have any fear that it will be misused. I do not mean that the Postmaster-General might not extend to some extent the inquiry that he now makes through inspectors, enlarging their functions to some extent. I am very sure that, on account of the limitation contained in this appropriation and for other reasons, he will not enter the field which has been properly characterized by the Senator from Maryland.

I ask permission to insert in the RECORD a letter of the Postmaster-General, directed to the chairman of the Committee on Appropriations, in relation to the application for supervisors of postal districts.

The VICE-PRESIDENT. The letter will be so inserted, in the absence of objection.

The letter is as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., June 20, 1890.

DEAR SIR: Pursuant to your request of yesterday, when I appeared before your committee to ask for an amendment to the appropriation bill to enable me to more efficiently organize the postal service, I beg now to present formally this application for an appropriation of a sum not to exceed \$78,000 for the payment of twenty-six men, at \$1,800 per year and \$4 per diem for expenses, who shall be selected from the men now in the classified service and be known as supervisors of postal districts, whose duties shall be to educate postmasters and improve and grade post-offices, according to regulations prescribed by the Postmaster-General.

I do not know any other scheme that will do as much good for the postal service as the organization which can be effected by the plan proposed. In my judgment it will not be any increase of numbers to the service, but will lessen numbers and appropriations for each year after it goes into operation.

This subject was presented to the Committee on Post-Offices and Post-Roads of the House after the bill was reported, and the argument there made by the Postmaster-General—copy of which is herewith—contains many reasons in its favor.

I earnestly ask your committee to give me their confidence and support in this measure for economy and better service.

I have the honor to remain, very respectfully, yours,

JNO. WANAMAKER,
Postmaster-General.

HON. WILLIAM B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

The VICE-PRESIDENT. The question is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "Office of the First Assistant Postmaster-General," in section 1, on page 2, line 17, to increase the appropriation "for compensation to clerks in post-offices" from "\$7,200,000" to "\$7,590,000."

The amendment was agreed to.

The next amendment was, in section 1, on page 2, line 20, before the word "sum" to strike out "that" and insert "this," so as to read:

"For rent, light, and fuel for first and second class post-offices, including rent of city post-office at Washington, D. C., and of this sum not exceeding \$900 may be paid for rent of a branch post-office on Capitol Hill, in the city of Washington, D. C., \$665,000."

The amendment was agreed to.

The next amendment was, in the appropriations for "Office of the Second Assistant Postmaster-General," in section 1, on page 4, line 13, to reduce the appropriation "for mail locks and keys" from "\$50,000" to "\$35,000."

The amendment was agreed to.

The next amendment was, in the appropriations for "Office of Superintendent of Foreign Mails," in section 1, on page 6, line 11, to increase the appropriation "for transportation of foreign mails" from "\$664,000" to "\$712,000."

Mr. GORMAN. I ask that the addition to that paragraph, made by the committee inserting what appears in the bill in italics after the word "dollars," in line 12, may be read before we act upon the amendment in line 11.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In the same clause on page 6, line 12, after the word "dollars," it is proposed by the Committee on Appropriations to insert:

And from this appropriation the Postmaster-General is hereby authorized to expend the sum of \$45,000, or so much thereof as may be necessary, to cover one-half of the cost of transportation, compensation, and expense of clerks to be employed in assorting and pouching mails in transit on steam-ships between the United States and other postal administrations in the International Postal Union.

The VICE-PRESIDENT. These propositions will be treated as one amendment, if there be no objection.

Mr. GORMAN. I ask the Senator in charge of the bill to favor the Senate with an explanation of that increased appropriation, and also of the additional words which have just been read.

Mr. PLUMB. That is to be found stated as succinctly as it can be stated in the letter of the Postmaster-General, which I will read. It is as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., June 20, 1890.

DEAR SIR: The mails from foreign countries arrive mainly at New York, and reach that post-office unworked, where, under the present system, all the work of assorting and distributing takes place. This necessitates delays, governed by the volume of current domestic business at the New York office, and also by the number of steamers arriving concurrently.

In order to expedite the foreign mails, important to so many interests, but especially to the financial world, I desire, as the commencement of a better system, to establish international marine post-offices for a tri-weekly service upon the fast ships of the North German Lloyd and Hamburg-American Steam-Ship Companies, sailing for New York from Hamburg and Bremen, touching at Southampton, England. The marine system proposed is similar to the railway post-office service on the land.

Your attention is called to the accompanying report of William Potter, esq., of Philadelphia, who officially represented this Department in investigating this subject in England, France, and Germany. To enable the Department to establish sea post-offices as above indicated, and facilities for handling the foreign mail, I respectfully ask that the appropriation bill be amended as follows:

Amend by striking out of lines 5 and 6, page 6, of the bill the words "six hundred and sixty-four thousand" and insert in lieu thereof the words "seven hundred and twelve thousand." And also by adding after the word "dollars," in line 6, the following: "out of which appropriation the Postmaster-General is hereby authorized to expend the sum of \$45,000, or as much thereof as may be necessary, to cover one-half of the cost of transportation, compensation, and expense of clerks to be employed in assorting and pouching mails in transit on steam-ships between the United States and other postal administrations in the International Postal Union."

So that the clause when amended will read:

"For transportation of foreign mails, \$712,000; out of which appropriation the Postmaster-General is hereby authorized to expend the sum of \$45,000, or so much thereof as may be necessary, to cover one-half of the cost of transportation, compensation, and expense of clerks to be employed in assorting and pouching mails in transit on steam-ships between the United States and other postal administrations in the International Postal Union."

I have the honor to remain, very respectfully yours,

JNO. WANAMAKER,
Postmaster-General.

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

The report of Mr. Potter is here and I will ask that it go into the RECORD without reading it, unless some Senator desires to have it read. I think, perhaps, it had better be read as it treats the subject somewhat comprehensively, and I will state that Mr. Potter was employed by the Postmaster-General, who, having no funds for the purpose, practically imposed upon Mr. Potter the friendly office of the performance of this duty without charge to the Government, and the Postmaster-General stated to the committee—which I have read and speak of here—that Mr. Potter performed a very satisfactory service, indeed, in connection with this matter of a sea post-office to correspond with

the post-offices which are provided for now upon railroad trains. I ask that the report of Mr. Potter be read.

The VICE-PRESIDENT. The paper will be read.

The Chief Clerk read as follows:

WASHINGTON, D. C., June 18, 1890.

SIR: As per your letter of instructions, dated January 2, 1890, authorizing me to enter into negotiations with the authorities of the English, French, and German Governments, with a view of establishing marine or sea post-offices on transatlantic mail steam-ships, I proceeded to London, leaving New York January 4, by Cunard steam-ship *Etruria*. Upon my arrival in London I forwarded my crediting letter from the Secretary of State to Hon. Robert Lincoln, American minister, asking him to deliver my credentials from you to the postmaster-general of Great Britain, to arrange for an appointment. The favor of an immediate interview was granted, and the entire question of sea post-offices between New York, Queensdown, and Liverpool was laid before the English post-office department. After many interviews, lengthy correspondence, and careful research into the subject, the English postmaster-general reported that, owing to the mail from New York being discharged at Queensdown, and assorted in transit on train and boat to London, there appeared to be no appreciable advantage to be gained in establishing sea post service. They presented me the estimate of the Cunard and White Star Steam-Ship Companies for the cost of a semi-weekly service amounting annually to 26,442*l.*, or \$123,772.54 (see Exhibit A), and stated that while they could appreciate the saving of such a service to our Department, we having no port of entry corresponding to Queensdown, it was however no advantage to them; but as an earnest of their desire to see established between the United States and Great Britain a parcel-post system, they submitted a proposition (see letters of Sir Arthur Blackwood, dated 21, 1890, March, marked Exhibits B and C) offering to contribute 5,935*l.* 10*s.* or \$23,905.98 annually to the cost of the sea post-offices, it being a condition, however, that we adopt the parcel post. While I had no power or desire to discuss this new question which brought in tariff complications, I have submitted the papers concerning the subject, marking them Exhibit D.

I proceeded thence to Paris, and through Hon. Whitelaw Reid, American minister, presented my credentials and arranged for an interview with the minister of commerce and industry and the director-general of post and telegraphs in France. The question of the advantage to be obtained by both countries in the establishment of the sea post-offices between New York and Havre was carefully and I think forcibly placed before the French department. After investigating the matter thoroughly and receiving an estimate of the cost of a weekly service on the General Transatlantic Company amounting to 166,100 francs, \$32,057.30, annually (see Exhibit E), the French director-general reported that while there would be a considerable time saved to them in the adopting of this service, it would require legislative authority for the necessary appropriation, and that their tenure of office being at all times uncertain, they did not care in the beginning of their administration to incur the risk of unpopularity in asking for an additional appropriation for this service. They would therefore postpone the subject for the present, hoping later to take it up and conduct the same to a favorable termination.

Proceeding to Berlin and arranging for interviews through Hon. William Walter Phelps, American minister, I was gratified to find that the German Government was not only favorably inclined but most anxious to establish the marine post-offices between New York, Bremen, and Hamburg. In their communication to your Department, dated Berlin, September 13, 1889, they stated that they had entered into preliminary arrangements with the North German Lloyd and the Hamburg-American Steam-Ship Company, according to which these companies will place at the disposal of the postal administration on each steamer a space of 10 square meters, 107.58 square feet, which should be arranged in such a manner as to provide office room for the distribution of the mail and a place for the officials to sleep. For furnishing these spaces and for the conveyance and board of the officials the company to receive for each round trip \$2.25 marks, \$335.50. If the steamer carries a sea post-office only in one direction, however, half that amount will be paid to the company. I stated to the imperial secretary of state of Germany that these figures, though satisfactory to the German post-office, would not for a moment be entertained by you, and that (see your letter of November 8, 1889) you had stated that while you fully appreciated the advantage of the sea post-offices as to expediting the delivery of articles in the two countries, you were of the opinion that the rate named was entirely too high, and that you felt satisfied that the transatlantic companies will be disposed to furnish facilities for sea post-offices at more reasonable and equitable rates of compensation, and to that end had commissioned me to see the German post-office department and to endeavor through them to accomplish the desired result. The German officials, while not hopeful of being able to obtain any satisfactory results, named the Messrs. Fritsch and Kratke as their commissioners to accompany myself as the representative of your Department, and visit the directors of the North German Lloyd at Bremen and the Hamburg-American Steamship Company at Hamburg, and to endeavor to obtain from them a more favorable estimate of the cost for this new service. I have great satisfaction in saying that the result of our interview was to obtain in writing (see Exhibits F and G.) from the directors of both steamship companies an agreement to make the cost of furnishing space and conveyance and board of two international officials 1,500 marks a round trip, this amount being 33 per cent. less than the offer of 2,250 marks which had been accepted as perfectly satisfactory on the part of the German post-office. (See their letter to you dated September 13, 1890.)

According to the memorandum made by the German secretary of state, and marked Exhibit H, the total cost of a semi-weekly service on the German steamers will be 243,288 marks, \$67,008.94 per annum, or 121,144 marks or \$23,504.47 for each country; and for a tri-weekly service, which is much preferred by the German Government, 363,432 marks, \$95,513.41, or to each country 181,716 marks, \$42,756.70. These figures are supposed to include every expense, and should be about the total cost of the service. In the appointment of officials, in order to avoid any future complications, it is suggested that international sea post-offices be established; the officials, one-half American and one-half German, to be appointed as international officers, and the total expense of the service to be divided equally between the two departments.

The imperial secretary of state of the German Empire, Dr. Von Stephan, supplements the negotiations with a final letter to you, dated 17th of May, 1890 (see Exhibit I), in which he expresses the hope that the sea post-office service may speedily be inaugurated, as he is positive that it will not only save time and money to both departments, but that it will be a mutual advantage, "and greatly facilitating and improving communication between the United States and Germany," and therefore be the means of bringing the countries nearer together in peace and unity.

I have the honor to be, with great respect, your obedient servant,

WILLIAM POTTER.

Hon. JOHN WANAMAKER,
Postmaster-General, Washington, D. C.

Mr. GORMAN. Mr. President, I have no special objection to adopting an amendment authorizing the Postmaster-General to make provision for postal clerks on ocean mail steamers, but I think the condition of our mail service on the ocean requires a thorough overhauling

and a radical change to make it a success. We have struggled for a great many years to see how it might be improved, but all the efforts we have made in the last six or eight years, since I have had the honor of a seat on this floor, have been rather in the direction of extending our mail facilities to the countries south of us. It has been admitted on all sides, while our mail is carried in foreign vessels on the Northern Atlantic, that that service is equal to any in the world. Those great vessels which are owned by foreigners come and go with the regularity of our fast mail service on our own railroads, and the hour of arrival and departure is as well understood as the arrival and departure of trains from the Baltimore and Potomac depot. It is a splendid service, made now in a time that ten years ago would have been supposed impossible—less than seven days. The amount of mail that comes, immense as it is, I understand is promptly distributed by the officials at New York where they have a corps of admirable men trained for this special service.

Mr. HAWLEY. Will the Senator kindly tell us what it is in minutes and hours? My impression is that between the time when it arrives and leaves New York, if the mail is very heavy, there is considerable delay.

Mr. GORMAN. I understand there is from twelve to twenty-four hours' delay on some of the mails going west, which is a great consideration. I have no objection, as I said or intended to say when I began, to making ample provision for this service, but here is a partial provision; here is a provision for only two lines of steamers, the German lines.

The English Government, as it appears by the document just read by the Secretary, declined to enter into an arrangement by which the transatlantic mail should be facilitated and expedited, because of the cost to them. Their mails landing at Queenstown can be distributed upon the railway trains before they reach the principal ports; and for that reason and on account of the expense they declined to enter into the arrangement. The French Government, because of the increased expense and also because of the uncertainty of the appropriations, declined to enter into it.

Now, to begin this matter with simply the two German lines, it seems to me, is unfortunate and unwise. The whole scheme ought to have been perfected, in my judgment, before we were asked to enter into it at all. But my principal objection is not to this small appropriation. I think before we take the matter up and expend any more money upon this almost perfect system in the Northern Atlantic we ought to consider the question as to the countries south of us that our attention has been so sharply brought to by the recent conference of the countries south of us and by the President and Secretary of State.

It appears that the total expenditure on account of the mail service in all the American steam-ships the last year was \$109,829.14. That is the amount of postage upon the letters. Now, instead of expending our revenues for the purpose of increasing this trade south of us (and I would only pay fair compensation to the vessels in that trade, as we do to vessels on our inland waters), we are asked to expend one-half of the amount we pay to all the American vessels for a few postal clerks to run upon two lines of German steamers between New York and Hamburg. We had better devote that money to extending our facilities elsewhere, where our trade will be increased, and let this matter of the Northern Atlantic wait for the time being until we shall have entered into negotiations and arrangements with the English and French lines as well.

Why, Mr. President, during the last Administration we began the experiment in a small way of encouraging the enterprise south of us, and while some of our friends on both sides of the Chamber insisted that a fair compensation was a subsidy, nevertheless under the last Administration we did, in connection with the fast-mail service running from New York to Tampa, Fla., make a specific appropriation for carrying the mails thence to Havana. The result of that appropriation (and it was a specific appropriation for a small steamer plying between Tampa and Havana of about \$58,000—I do not have the exact figures before me) has been not only to increase our mail facilities, but, as I understand, all the Spanish mails come to-day by the way of Tampa, and thence to New York, and thence by steamer to Spain.

It seems to me that it would be better to strike out this provision, or rather not to agree to this appropriation at this time, and wait until the Post-Office Committee or the Committee on Appropriations, either one of them, may formulate a proper proposition covering the entire mail service upon the ocean. I do not understand what we are to gain, how much the commerce of the country is to be benefited by having this expenditure of \$48,000, nearly half the amount we pay to all the American vessels, expended on two German lines of steamers. I should like the Senator from Kansas, who has been foremost in the endeavor always to make proper provision for this service, to agree to strike out this provision.

Mr. BLACKBURN. With all deference, I am inclined to dissent from the conclusions of my colleague upon the Committee on Appropriations, the Senator from Maryland. This matter was very thoroughly inquired into, the Postmaster-General was before the committee and made a full statement in his interview with the subcommittee, and then filed an argument, which has been, I believe, read at the Secretary's desk.

The object of this amendment is simply to do for the mails upon the sea what we are already doing every day for the mails upon our lines of railroad in this country. The objection made by the Senator from Maryland, at first blush, is well taken, when he calls the attention of the Senate to the fact that if this amendment shall be agreed to and incorporated in this bill it will simply establish this postal-clerk service on two lines of steamships. That is true. The Postmaster-General was unable to make any arrangement reciprocally as to the sharing of expenses either with the British or with the French Governments. It is true that the North German and the Hamburg lines will be the only ones upon which this arrangement will go into operation should this clause become a part of the bill.

But, Mr. President, that is not all of it. These ships touch at Southampton. The mails that they carry would thereby get at least one day in advance of their present delivery going from this to the older countries, and it is but fair for us to conclude that it would not be long until the English and French lines of steamers would find themselves compelled and forced to come into this arrangement or else see all the mail drift to these two German lines.

Now, as the mail comes here it is landed in New York. If one of these great mail steam-ships lands, only one a day, the chances are that twelve hours or twenty-four hours will suffice for the distribution of that mail and the scattering of it over the railroad lines to the different sections of this country. But suppose two or three mail steamers come in on the same day. That is not an elastic force in the post-office at New York City. It can not be enlarged or reduced at pleasure. If two or three mail steam-ships come in there on the same day and dump their mails—

Mr. HAWLEY. Suppose they deliver their mails during the night. Mr. BLACKBURN. Yes, sir; that may be. These mails under the present arrangement must all be carried to the New York City post-office. There they must wait until the force which they have on hand shall be able to go through them, distribute and scatter them over the country by the different mail service that we have over the different lines of railroad.

This amendment proposes to do for our mail on the sea precisely what we have already done and are every day doing for the mail over our lines of railway.

What would be thought if we were at this day without postal clerks upon the different lines of railway over this country? It must involve an average delay of at least twenty-four hours. It may be a loss of twice that; it may be of thirty-six or even forty-eight hours in the distribution of these mails in the post-office at New York City. If it was good policy to adopt the system of distribution of mails on the trains in order to save time in delivery at the places served by the railways of the country, I do not see that that argument is in any wise lacking when you apply it to the sea service as proposed here. If we can shorten the delivery of the mail in coming from Europe to this country twenty-four hours by an appropriation of \$48,000, and shorten the delivery of our mail matter going to European countries to the same extent, it seems to me that it goes without argument that the investment is a good one; at any rate it is exactly similar to the postal service we have upon the railways of the country, and I can not bring myself to oppose the incorporation of this amendment in the bill. That it is an experiment I agree. It is the first time it has been suggested; it has never been tested; but by parity of reasoning we are forced to conclude that results warrant the expenditure and warrant the undertaking in the light of what has come from the employment of this system of mail distribution on the railways of the land.

For me, I indorse the suggestion made by the Postmaster-General, and believe we ought to agree to this amendment.

Mr. PLUMB. The fundamental proposition at the bottom of all this mail service is the cost of it as compared to the efficiency. More than any other branch of the public service it concerns all the people of the United States; and the entire tendency of administration and of legislation concerning it has been, while keeping the expenses within proper bounds, to increase its efficiency and make it more and more answer the purposes of its establishment in the facilitating of intercourse between our people on land and between our own people and those of foreign countries by sea. We have a good service, and yet it can be made better. I think it does increase in efficiency every year somewhat. We can have the same efficiency on the sea that we now have on the land, and we ought undoubtedly, as the Senator from Maryland has said, to increase our facilities with the people south of us. He and I, notwithstanding our chronic party differences, have always united upon measures of this kind. I agree now, as always, that the Government pursues a niggardly policy in regard to that service, and that without reference to the incidental benefits to be derived to our commerce from the extension of our mail facilities with South and Central America, but as a matter of decent obligation to the persons from whom we practically require the carrying of our mails in their ships, and in order that we may treat them as we treat other persons who deal with the Government and as we treat with railroads who carry our mails upon the land, we ought to pay them for rendering the precise service which they do render. Now, whether that shall be twice as much or three or four or five times as much as they now get, I will not stop to discuss.

It ought to be greatly enlarged without any reference to the increase of facilities, certainly where that increase would result in increased cost to the ships rendering the service; but we ought of course to go further and provide some way of increasing the facilities. We do that in a comparatively generous way on the land. This bill contains an appropriation of nearly \$300,000, and it has carried a similar amount for the last six or seven years, to increase the facilities between Boston and Tampa by rail in order that the intervening communities may be benefited by the quicker transit of the mail, and also that we may have more rapid communication with Cuba from which we have expected to derive and from which we have derived commercial advantage.

If we were to carry that system into our ship service with South and Central America we should derive still greater advantages, no doubt. A proposition of that kind, looking to that end, was referred to the Committee on Appropriations from the Committee on Commerce by the Senator from Maine [Mr. FRYE], who has always taken a great deal of interest in this subject and has given to it probably more thought than any other member of this body; but it was a very elaborate system, so elaborate and so comprehensive that the postal service was a mere incident of it. It related to the building of ships which could be made to serve in time of war for offense and defense, which should be built after specifications to be provided by the General Government and under contract at the time of construction, whereby the Government should have the right to acquire the title to those ships or the use of them at its will in time of national peril.

Mr. GIBSON. Is not that the system which the British Government has adopted?

Mr. PLUMB. The Senator from Louisiana asks if that is not the system which the British Government adopts. Substantially it is, and under it its merchant marine is convertible at very short notice into a naval establishment, having merits of its own in regard to speed not possessed perhaps by the more powerful war-ships of the British navy.

I do not now criticize that system, because I did not have time to examine it thoroughly. I have no doubt it would be admirably adapted to accomplish the purpose the Senator from Maine has in view, and which I have no doubt is in accordance with the views of the nation as connected with this great subject. But, as I said, the postal service was a mere incident to that system, and it did not seem proper to put such a system on this bill. It either belongs on a bill by itself or a bill having a purpose different from that of the mere carrying of the mail; and for that reason the committee ignored it, and the Senator from Maine, I think, has been persuaded that it is not wise to offer it as an amendment to this bill, and will allow it to take some other course at a more convenient season.

Now, if the \$48,000 carried by this appropriation could be wisely expended upon some such project as that on which the Senate has heretofore passed and which the Senator from Maryland has always supported, and if we had but \$48,000 in addition to what the bill otherwise carried to be expended for any purpose whatever, I would agree that it would be far more important to give it to the lines carrying our mails to South and Central America than it would be to establish this sea post-office upon the lines carrying the mail between the Atlantic ports and the ports of England and France and Germany. But no such proposition is presented. The country has the money or the means of getting the money whereby ample aid can be given if the Congress is so minded for the establishment of new and better service between our country and the countries to the south of us. There is no necessity, therefore, of making any choice. We have this service now carrying a much larger proportion of all mails which are sent from our ports to foreign countries. It is the most important service in its present condition of the external mail service of the country in existence at this time.

If it is important that the mail which starts from Washington and New York for the West should not be deposited at Chicago and St. Louis for distribution there because of the delay, it is of equal importance, in character if not in degree, that the mails which arrive in New York from Europe from points in the interior shall be distributed before they arrive in New York, in order that there may be no delay in placing them upon connecting trains in order that they may go forward to their destination in the interior.

But, Mr. President, I believe this will also result in the more prompt distribution of the mail local to New York and Boston. There must inevitably be some delay. There can not be at all times a force which can be placed upon this mail to work it as rapidly as is required, because the service is comparatively infrequent. These mails do not arrive every day. The force, therefore, which works them must be either detached from somewhere else or doing it in such a way as to prolong the operation, and thus make a delay, it may be an hour, and to the people of New York sometimes an hour is a question of a day, because if the mail is not deposited in the box and delivered until after business hours it might as well not be delivered until the next morning; but I have no doubt the delay oftentimes will be many hours, and all this affects the business relations which are represented in the carrying of the mails. I know within my own limited experience that it often happens that bankers and other business men in New York, desiring to make perfectly sure that the letters which they send shall be delivered as promptly as possible, send them by individual messenger or

arrange otherwise for their special delivery, so as not to run the risk of the delay which naturally occurs from sorting the mails after their arrival at the first point on the land.

I believe that the Postmaster-General in taking up this subject has done wisely, and he has resolved it wisely, I think, so far as he can resolve it at all. The British Government interposes what is a very fair objection from their standpoint. They say their mails are delivered at Southampton, and there is abundant time to work between there and their delivery at Liverpool or other points in the interior. But the Postmaster-General says that under the operation of this system, while it will apply only to the German lines, every letter which is addressed via those lines will be sent by them and distributed on board, and therefore will gain time in delivery over those sent by British lines in such a way as to finally divert the mails from the British lines; and he anticipates, and it seems to be reasonable, that under those circumstances the British Government itself will very soon come into it. Of course that will mean some increased cost, but it will mean a very considerable shortening in the time of the delivery of the mails; I think, therefore, that this measure is wise by itself.

I do not see that there is any necessary connection between that and the other proposition which the Senator has spoken of, and which has heretofore received the concurrence of the Appropriations Committee and of the Senate, but I will call his attention to the fact that after all the efforts which have been made for the purpose of increasing the mail-pay of the steamers plying between our ports and those of South and Central America, finally, just at the incoming of the late Democratic Administration, a provision of that kind was by the concurrence of both Houses incorporated upon an appropriation bill and \$800,000 was placed at the disposal of the incoming Postmaster-General for the uses of which I have spoken. He declined to expend the money, as I am persuaded that a Republican Postmaster-General would not have done, with the result that nothing came of it. Not only that, but so much friction grew up between him and the various steam-ship lines doing this service for the United States Government as, to some extent, at least, to impede the proper operation of that service. Meanwhile things have somewhat changed, and I am not so thoroughly persuaded now as I have been heretofore that the large compensation which we had in contemplation at the time is now necessary. When the subject comes up before the Senate in the regular way, I shall have occasion to say something on that point, indicating wherein I think we may, with the certainty of getting what we seek, do less than we have heretofore proposed and with the assurance that the proper result may be reached.

At all events, the committee, for the reasons which I have stated, did not think it worth while to put it in this bill, but they did believe it was worth while to increase the efficiency of the service we already have, and which has the largest and most conspicuous relation to the business of this country of any portion of our foreign mail service.

Mr. HAWLEY. Mr. President, I am very glad to see this provision in the bill. I think it is one of the most sensible and progressive steps that the Department has taken in a long time. I am also glad to hear the reasons given why something does not appear in the bill in relation to the extension of our postal service southward, and the encouragement, incidentally, of our merchant marine.

The whole world rejoiced when the Bessemer rail came and with it accompanying improvements in steam-engines, safer and cheaper travel, so that railway freights were reduced three-quarters. Everybody rejoiced when the telegraph came; everybody rejoiced when the telephone came; for time is money. Every one of these things had a great influence, not immediate, perceptible, and measurable, but a large influence in facilitating the business of the world. The whole world has been greatly interested and even excited from time to time by the struggles of the steam-ships to make shorter trips across the Atlantic, and every time an hour was gained it was thought to be something gained for civilization. It is something to find the average time reduced from seven and a half days to six or six and a half. In the mean time we have been going on, not to say stupidly, because if we can practically reduce that time from twelve to twenty-four hours by the measure here under consideration it is equivalent to shortening the voyage of the ship. It is wonderful that we have permitted ourselves to bring these enormous piles of mail-bags across the ocean for six or seven days and dump them unsorted, and in the middle of the night, perhaps three or four steamers at a time, and leave the whole commercial city of New York anxiously awaiting for its mails, and the people all over the United States observe the delay and not understanding why, after seeing the arrival of the steamer announced, their letters do not come.

I can see very easily why Great Britain is not so very anxious on her end of the line, because she gets her mails at Queenstown, and while they are going from Queenstown to London or while going from Southampton to London they are assorted; but Great Britain will find out that she has an interest not only in the mails that she is receiving, but in the mails that she is sending. It is just as much an interest to her probably that these mails should be quickly distributed in New York as it is to us—not quite perhaps—but her interests are enormous over here, and her people are just as anxious to have this done as we are. They are not ready perhaps to join with us, because at their end of the line it is already practically done.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, being the bill (S. 894) to provide for the admission of the State of Wyoming into the Union, and for other purposes.

Mr. PLUMB. I ask that the regular order may be temporarily laid aside that the Senate may proceed with the consideration of the post-office appropriation bill.

The VICE-PRESIDENT. The unfinished business will be temporarily laid aside, if there be no objection. The Chair hears none.

Mr. FRYE. Mr. President, I think that the United States Government can afford to pay the sum which is provided in this bill. In 1864 we passed a law which authorized the Postmaster-General to seize any United States steam-ship he pleased, to compel it to wait for United States mails, take the mails, carry them to their destination, and receive as pay for it the sea postage. No other government on the face of this earth ever did that. The postage at that time was from 10 cents to 22 cents a half-ounce. In 1874 the great governments of the earth met at Berne, I believe, and in the interests of the people and cheap postage they concluded that they would reduce the postage to 5 cents a half-ounce, 2 cents of it being sea postage and 3 cents of it being inland. There was not a nation on the face of the earth except the United States that charged that decrease to the ship-owners, not one. But the United States of America, as rich as she was, insisted that that law should still be observed and that these mails should be taken and carried for 2 cents a half-ounce, and, except our spasmodic attempt at a subsidy, from that day to this our vessels have been carrying the mails of the United States, so far as they have been permitted to carry mails of ours at all, for 2 cents a half-ounce.

Why, sir, the United States of America from its foreign mails alone in the last twelve years has netted over \$9,000,000.

Mr. GORMAN. From sea and inland postage?

Mr. FRYE. No, sir; from the sea postage alone. I have deducted the amount paid for inland postage. Nine million dollars have been netted by the United States in twelve years from carrying the foreign mails; and there is hardly a State in the United States during the same time that has paid by its mails for carrying them. The State of Ohio did not do it two years ago by \$600,000. During the same twelve years Great Britain has paid, over and above what she has received from her mail service, \$20,000,000 to her steam-ships, and we have made \$9,000,000.

The Brazilian line from New York to Rio de Janeiro to-day is carrying United States mails for nothing, and has been for the last five years. Why? Because the Postmaster-General under the law said that he could only pay them 2 cents a half-ounce for carrying the letters of the United States to Brazil, and when the other steam-ship companies refused to carry, the Brazilian line continued to carry and accommodated the United States, and the amount which the United States could pay that company did not pay it within 15 per cent. of the money the company was compelled to pay out for handling the mails alone. Consequently, for five years it has not received a dollar from the United States for carrying the mail and is depending upon Congress to appropriate money to pay it something or other some time or other.

The Senator from Kentucky [Mr. BLACKBURN] says that we ought to do on a vessel something as we do on the railroad. I wish he was here. I am delighted to have him discover that there is a duty about that, because my impression is that every time he has voted against every proposition which has been made in that direction. He would have us do the same carrying of our mails on steam-ships as we do on land! Why, we paid \$5,000,000 for carrying the mails of the United States in stage-coaches—\$5,000,000 for carrying the mails 225,000 miles; and we refuse to pay over \$40,000 for carrying the United States mails in United States vessels over 2,000,000 miles! We pay to-day for carrying the mails upon little steamers on the Florida rivers, \$24,000, on the rivers of Louisiana, \$42,000—more money than we pay for carrying all the United States mails over the Pacific Ocean, millions of miles. We paid \$500,000 for carrying United States mails in little coastwise vessels, protected absolutely from competition by the laws of the United States, and they did not carry the mails over 300,000 miles for the \$500,000. Yet we refuse to pay more than \$40,000 for the carrying of all the United States mails on all the American ships over 2,000,000 miles a year.

I think, sir, it is about time that even so conservative a Senator as the Senator from Kentucky should awaken to the fact that the United States does owe some duty on the ocean as well as on the shore.

Mr. CALL. Mr. President, I do not know that I have any opposition to the provisions of this bill. Certainly, everything that promotes the advancement of our commerce and the certainty and expedition of the mails is worthy of reasonable compensation. The question and the only question here, it seems to me, is as to the practicability at any reasonable expenditure of accomplishing this object, and that depends upon the bulk of the foreign mails, the amount of mail matter, and the number of clerks who are required to assort it. I take it that it is a vast bulk of matter, and that there may be some question whether or not the necessary force could be supplied on board the ships at any reasonable amount of money to perform this service. I have no information upon that subject. I have not heard any estimate upon any data whatever of the amount of mail matter and the amount of

clerical service that will be necessary to perform this duty. That is a subject, I think, that ought to be presented, and is the important and determining fact in this whole matter. Is it practicable to distribute these mails with any reasonable amount of service in this small space within the time occupied in the transit of the vessel? That depends upon the bulk of the mail matter.

With reference, however, to the suggestion, and it is to that that I rose particularly to speak, of the efficiency of this mail service in the South to the West India Islands and its prospective extension to Central and South America, that service has been a most eminent and distinguished success. The service from Tampa with the fast mail from Boston and New York has perhaps accomplished more than any other mail service that this Government has or has ever had in a short space of time. The vessels that have been constructed by Mr. H. B. Plant and his associates for that service and have been induced by the fast mail appropriation are models of beauty and of modern art in naval architecture. They have succeeded in drawing the great mass of the mails from the West India Islands, as I am informed, over that transit, passing through this country entirely from Tampa to New York and there seeking transit over the ocean to European countries.

Mr. GORMAN. How frequent is the service?

Mr. CALL. It is, I think, a biweekly service, and it has brought in dollars and cents a remunerative compensation to the Government.

Now, I think it would have been very wise, if this system of sea postal service be practicable at all, to have extended it to those ships, as it certainly is wise to encourage the extension of that communication not only to the Island of Cuba, where it now terminates, but to Central and to South America. The port of Tampa presents a most favorable point for communication with the West India Islands and with South and Central America, and this port and its mail service ought to be encouraged and fostered and developed by every means in order that the commercial intercourse between this country and the people of those countries should be extended. It is easy to accomplish. They lie almost within a stone's-throw of the coast of Florida. The magnificent port and harbor of Pensacola, which is destined some day to become beyond all question one of the great cities of the Gulf, presents a harbor unsurpassed in all the world for all the purposes of commercial and naval intercourse either in war or in peace. The great harbors upon that coast present to this country opportunities for the mail transit to the Central and South American and West India countries which would be remunerative in itself, leaving out of view the advantages of the commercial intercourse that could easily be established by a quick transit upon those routes.

Mr. President, I make no objection to this provision, although I agree with the Senator from Maryland that it would have been wiser to have made the provision applicable to the mail transit either now or hereafter to be established to the West Indies and to Central and South America.

Mr. GORMAN. Mr. President, I do not care to detain the Senate, although I am very glad that I made the inquiry of the Senator from Kansas [Mr. PLUMB] who has charge of the bill, and that the valuable statements which have been made by the Senator from Maine [Mr. FRYE] and others will appear in the RECORD and go to the country.

I have never been in the consideration of this or any of the appropriation bills opposed *per se* to the advance made in the facilities of the mail service, or to the increase of facilities in any other branch of the Government. I recognize, however, that the expenditures of the Post-Office Department exceed the revenues some \$7,000,000 per annum. What I feared was that entering upon this new scheme untried, as I understand, by any nation upon the face of the globe, appropriating to begin with forty-eight or fifty thousand dollars per annum, would probably divert and prevent us from extending our system to the countries south of us.

I have advocated a fast-mail service on land and on the ocean. I believe with the Senator from Florida [Mr. CALL] that the great service between New York and Tampa and thence to Havana is the most valuable service to-day of this kind in the country. It is a direct subsidy, as the word "subsidy" is popularly or commonly understood, because it is a special appropriation for a special service, and it is a subsidy in that particular because there is absolutely no competition in the steamship service between Tampa and Havana.

The fact that I have supported such appropriations, the fact that I have presented here, and I am glad to say succeeded for my own community, in addition to this great through service in years past, in securing one from Baltimore to Hagerstown, which extends on to the southwest, and which is of great value to that people, has been misunderstood; and there have been some who supposed that I was outside of the declarations of the party to which I belong. But when the communities and the people who are interested in it look at the matter practically, it is admitted by a great many of those in my own State who at first criticised my action that there is a wide difference between paying fair service for the carriage of the mails upon land and upon our inland waters from that which is understood as a subsidy. We subsidize the railroads when we pay the railroads compensation for speed and the weight of the mails. We apply the same rule to the steamers that ply upon the Chesapeake Bay and upon the rivers of the country and all the inland waters, and we pay them for that service. I voted that that

same rule and the same measure of compensation should be applied to the steamers from Tampa to Havana, outside of the jurisdiction of the United States—nothing but a fair and just compensation for the service rendered to the country.

Now, I would apply that same rule to all the vessels which ply between any American port and any port of any country south of us. To that extent, and to that extent alone, do I believe that it is wise and proper to go; and that is very different from the other proposition which is advocated to subsidize the ship-builders and the ship-owners, to which I am utterly opposed, although I recognize that it will be most difficult for us to establish these lines in competition with other countries who do subsidize them. Yet I believe the genius and the enterprise of the American people are such that, with only fair compensation, with such compensation as we pay upon our own great bay, the Chesapeake, we can extend our commerce and have these additional facilities.

I am very glad to know, Mr. President, and to state to the Senate that I believe ten years ago the entire commercial community of the city of Baltimore was unalterably opposed even to the payment of the same compensation that we give per mile to our steamers upon the Chesapeake Bay to any vessels that should ply between our ports and foreign ports. I have received within the past few months resolutions of our boards of trade and Merchants and Manufacturers' Association advocating and urging that such compensation should be paid, drawing

the distinction clearly and sharply between such action and what is known as subsidizing these vessels.

I trust the Senator from Maine [Mr. FRYE] who has charge of these bills, who goes away beyond the point where I can follow him, will in the end so modify his proposition that it may be reduced to that point where it will give American vessels trading with South American ports in the matter of compensation the same measure that we give to those upon the Mississippi River, and the Arkansas River, and Chesapeake Bay.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The question is on agreeing to the amendment. The words in italics in the paragraph will be considered as one amendment.

The amendment was agreed to.

The Secretary resumed and concluded the reading of the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PLUMB. I ask leave to have inserted in the RECORD tabular statements covering the various items of expenditure.

The PRESIDING OFFICER. The Chair hears no objection, and the table will be inserted in the RECORD.

The table referred to is as follows:

POSTAL SERVICE, 1891.

Comparative statement showing the appropriations for 1890, the estimates for 1891, the amounts provided by the House bill, and the amounts recommended by the Senate Committee on Appropriations for 1891.

Object.	Appropriations, 1890.	Estimates, 1891.	House bill, 1891.	Senate committee, 1891.
OFFICE OF THE POSTMASTER-GENERAL.				
Mail depredations and post-office inspectors.....	\$200,000.00	\$250,000.00	\$250,000.00	\$300,000.00
Rewards for apprehension of mail robbers and post-office burglars.....		25,000.00		
Advertising.....	18,000.00	18,000.00	18,000.00	18,000.00
Miscellaneous items.....	1,500.00	1,500.00	1,500.00	1,500.00
Total, Office of the Postmaster-General.....	219,500.00	294,500.00	269,500.00	319,500.00
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL.				
Compensation to postmasters.....	13,000,000.00	14,000,000.00	14,000,000.00	14,000,000.00
Compensation to clerks in post-offices.....	6,590,000.00	7,590,000.00	7,200,000.00	7,590,000.00
Rent, light, and fuel for first and second class offices.....	610,000.00	665,000.00	665,000.00	665,000.00
Rent, light, and fuel for third-class offices.....	505,080.06	574,500.00	571,500.00	571,500.00
Miscellaneous items for first and second class offices, including furniture.....	110,000.00	120,000.00	120,000.00	120,000.00
Free-delivery service.....	8,000,000.00	9,019,485.00	9,094,485.00	9,094,485.00
Stationery in post-offices.....	57,500.00	57,000.00	57,000.00	57,000.00
Wrapping-twine.....	85,000.00	85,000.00	85,000.00	85,000.00
Wrapping-paper.....	50,000.00	53,000.00	58,000.00	58,000.00
Letter-balances, scales, and test-weights.....	15,000.00	18,000.00	18,000.00	18,000.00
Postmarking and rating stamps, ink and pads.....	35,000.00	40,000.00	40,000.00	40,000.00
Packing-boxes, sawdust, paste, and hardware.....	3,000.00	3,000.00	3,000.00	3,000.00
Printing facing-slips, blanks, etc., for offices of first and second classes.....	7,000.00	7,000.00	7,000.00	7,000.00
Total, Office of First Assistant Postmaster-General.....	29,627,580.00	32,231,985.00	31,918,985.00	32,308,985.00
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL.				
Inland mail transportation by star routes.....	5,650,000.00	5,902,216.55	5,512,216.55	5,512,216.55
Inland mail transportation by steam-boat routes.....	450,000.00	525,000.00	525,000.00	525,000.00
Mail messenger service.....	1,000,000.00	1,100,000.00	1,100,000.00	1,100,000.00
Mail-bags and mail-bag catchers.....	225,000.00	275,000.00	275,000.00	275,000.00
Mail locks and keys.....	15,000.00	25,000.00	50,000.00	35,000.00
Rent and expenses of mail-bag repair shop.....	10,000.00	6,500.00	4,500.00	6,500.00
Inland transportation by railroad routes.....	19,108,557.99	21,106,275.65	21,106,275.65	21,106,275.65
Railway post-office car service.....	2,260,000.00	2,543,000.00	2,510,000.00	2,510,000.00
Railway post-office clerks.....	5,800,000.00	5,910,000.00	5,910,000.00	5,910,000.00
Necessary and special facilities on trunk lines.....	295,655.88	295,421.79	295,421.79	295,421.79
Miscellaneous items.....	1,000.00	1,000.00	1,000.00	1,000.00
Total, Office of Second Assistant Postmaster-General.....	34,612,213.28	37,000,412.99	37,501,413.99	37,576,413.99
OFFICE OF THE THIRD ASSISTANT POSTMASTER-GENERAL.				
Manufacture of adhesive postage and special delivery stamps.....	155,874.00	173,000.00	173,000.00	173,000.00
Pay of agent and assistants to distribute stamps, and expenses of agency.....	9,000.00	9,000.00	9,000.00	9,000.00
Manufacture of stamped envelopes, newspaper wrappers, and letter sheets.....	252,351.00	275,000.00	275,000.00	275,000.00
Pay of agent and assistants to distribute stamped envelopes, etc., and expenses of agency.....	16,000.00	16,000.00	16,000.00	16,000.00
Manufacture of postal-cards.....	228,781.00	180,000.00	180,000.00	180,000.00
Pay of agent and assistants to distribute postal-cards, and expenses of agency.....	7,800.00	7,800.00	7,800.00	7,800.00
Registered package, tag, official, and dead-letter envelopes.....	109,745.00	116,000.00	116,000.00	116,000.00
Ship, steam-boat, and way letters.....	2,500.00	2,500.00	2,500.00	2,500.00
Engraving, printing, and binding drafts and warrants.....	3,000.00	3,500.00	3,500.00	3,500.00
Miscellaneous items.....	1,000.00	1,000.00	1,000.00	1,000.00
Total, Office of Third Assistant Postmaster-General.....	1,388,051.00	1,383,800.00	1,383,800.00	1,383,800.00
OFFICE OF SUPERINTENDENT OF FOREIGN MAILS.				
Transportation of foreign mails.....	655,000.00	664,000.00	664,000.00	712,000.00
Balance due foreign countries.....	100,000.00	161,000.00	161,000.00	161,000.00
Total, Office of Superintendent of Foreign Mails.....	755,000.00	825,000.00	825,000.00	873,000.00
Expenses of the United States delegates to the Vienna Postal Congress.....	5,000.00			
Total, postal service.....	66,605,344.28	72,434,698.99	71,983,698.99	72,461,698.99

Total estimated postal receipts for 1891, \$65,414,337.94. The bill as reported exceeds estimated receipts, \$7,047,361.05.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MARTIN, its Chief Clerk, announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes; had agreed to the thirty-ninth amendment of the Senate with an amendment; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BUTTERWORTH, Mr. CANNON, and Mr. FORNEY managers at the conference on the part of the House.

The message also announced that the House further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 7160) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1891, and for other purposes, numbered 9 and 10.

The message further announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return to the Senate the bill (S. 145) for the relief of the legal representatives of Henry S. French.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 344) to grant the right of way to the Pittsburgh, Columbus and Fort Smith Railway Company through the Indian Territory, and for other purposes;

A bill (H. R. 1110) granting a pension to William J. Bryan;

A bill (H. R. 1405) granting a pension to Betsy Cole;

A bill (H. R. 1474) to remove the charge of desertion from the military record of George W. Madden;

A bill (H. R. 1783) granting a pension to Mrs. Alice A. Cunningham;

A bill (H. R. 3458) granting a pension to Ann Ruffner; and

A bill (H. R. 5974) extending the time of payment to purchasers of land of the Omaha tribe of Indians in Nebraska, and for other purposes.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 1) to protect trade and commerce against unlawful restraints and monopolies; and it was thereupon signed by the Vice-President.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I ask that the unfinished business be laid aside in order to take up the diplomatic and consular appropriation bill.

The PRESIDING OFFICER. The Senator from Maine asks that the unfinished business be laid aside temporarily in order to take up the consular and diplomatic appropriation bill. The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9603) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1891.

The bill was reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, and that the amendments of the Committee on Appropriations be considered as they are reached in the reading of the bill.

The PRESIDING OFFICER. There being no objection, it is so ordered.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under Schedule A, in the appropriations for salaries of ministers, on page 2, line 7, after the word "Chili," to strike out "and" and insert "the Argentine Republic, the United States of Colombia, and;" and in line 8, after the word "each," to strike out "twenty" and insert "forty;" so as to make the clause read:

Envoys extraordinary and ministers plenipotentiary to Chili, the Argentine Republic, the United States of Colombia, and Peru, at \$10,000 each, \$40,000.

Mr. DOLPH. I should like to inquire of the Senator who has charge of the bill how much increase is made in the ministers to the Argentine Republic and the United States of Colombia.

Mr. HALE. Two thousand five hundred dollars each. They are South American Republics with which we have a large trade, and it seemed to the State Department that they ought at least be put on the basis of Chili and Peru, where they have less trade and less likelihood of important commercial relations in the future. For that reason the committee put them in the same schedule.

Mr. DOLPH. There must be some mistake about the amount appropriated, then. The original amount appropriated in this clause was \$20,000. It is increased to \$40,000.

Mr. HALE. The two ministers are put in each at \$10,000.

Mr. DOLPH. The two are taken out of the provision in lines 14 to 19, inclusive, and that is only reduced \$7,500. That would look as if these had been increased from \$3,750 each to \$10,000; that is to say, it should not be \$60,000, it should be \$45,000.

The PRESIDING OFFICER. The Chair calls attention to the fact that there is one inserted in that paragraph, Denmark, which changes the calculation.

Mr. HALE. Yes, Denmark is inserted there; that is right.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 2, after the words "plenipotentiary to," at the end of line 14, to strike out "the Argentine Republic, the United States of Colombia;" in line 17, after the word "Norway," to insert "Denmark;" and in line 18, after the word "each," to strike out "sixty-seven thousand five hundred" and insert "sixty thousand;" so as to make the clause read:

Envoys extraordinary and ministers plenipotentiary to Paraguay and Uruguay, Hawaiian Islands, Turkey, Belgium, Netherlands, Sweden and Norway, Denmark, and Venezuela, at \$7,500 each, \$60,000.

The amendment was agreed to.

The next amendment was, on page 2, to strike out in line 22 the following words:

Minister resident in Denmark, \$5,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "miscellaneous expenses foreign intercourse," on page 7, line 19, after the word "necessary," to insert "of which the sum of \$3,500 may be expended on the certificate of the Secretary of State;" so as to make the clause read:

To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, to be expended pursuant to the requirements of section 291 of the Revised Statutes, \$80,000, or so much thereof as may be necessary, of which the sum of \$3,500 may be expended on the certificate of the Secretary of State.

The amendment was agreed to.

The next amendment was, on page 8, line 23, before the word "thousand," to strike out "four" and insert "six;" so as to make the clause read:

For salary and expenses of a commercial agent at Boma, in the Lower Congo Basin, with authority to visit and report upon the commercial resources of the Upper and Lower Congo Basin, their products, their minerals, their vegetable wealth, the openings for American trade, and to collect such information on the subject of that country as shall be thought of interest to the United States, \$5,000.

Mr. MORGAN. If there is any recommendation from the Secretary of State on the subject of this appropriation, I should like to have it read.

Mr. HALE. I will send for that and have it read before we get through.

Mr. MORGAN. I hope the chairman of the committee will consent to postpone the part of the bill in italics, on pages 8 to 11, relating to the International American Conference until the end of the bill is reached. There are some Senators who are out who desire to examine into that question, and they ask me to request the Senator in charge of the bill to postpone it until they could be present.

Mr. HALE. I ask that the Secretary may omit the next portion of the bill to page 11, Schedule B; that we go on from that point and take up these amendments afterwards.

The PRESIDING OFFICER. The Secretary will read accordingly. The reading of the bill will be resumed at Schedule B on page 11.

The Secretary resumed the reading of the bill at line 11 on page 11.

The next amendment of the Committee on Appropriations was, under "Schedule B," in the appropriations for "Salaries consular service," on page 11, line 21, after "Montreal," to insert "Mexico;" and in line 22, before the word "thousand," to strike out "twenty" and insert "twenty-four;" so as to make the clause read:

Consuls-general at Berlin, Honolulu, Kanagawa, Montreal, Mexico, and Panama, at \$4,000 each, \$24,000.

Mr. HALE. Before the word "Panama," in line 21, I move to strike out the word "and," and after "Panama" to insert "and Vienna," changing the total from \$24,000 to \$28,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment was, on page 12, to strike out lines 3 and 4 in the following words:

Consuls-general at Mexico and Nuevo Laredo, at \$2,500 each, \$5,000.

And in lieu thereof insert:

Consul-general at Nuevo Laredo, \$2,500.

The amendment was agreed to.

The next amendment was, on page 12, line 11, to increase the total amount of appropriations "for salaries of consuls, vice-consuls, and commercial agents" from "\$374,000" to "\$411,000."

The amendment was agreed to.

The next amendment was, under the head of "Class 2," on page 12, after line 19, to insert:

France:
Consul at Havre.

The reading of the bill was continued to line 5, on page 13.

Mr. HALE. After "Chili," on line 5, I move to insert:

Uruguay:
Consul at Montevideo.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Class III," on page 13, line 10, after the word "at," to strike out "Havre" and insert "Bordeaux;" so as to read:

France:
Consul at Bordeaux.

The amendment was agreed to.

The next amendment was, on page 13, line 12, before the word "at," to strike out "consul" and insert "consuls;" and in the same line, after the word "Barmen," to insert "Chemnitz, and Flauen;" so as to read:

Germany:
Consuls at Barmen, Chemnitz, and Flauen.

The amendment was agreed to.

The next amendment was, on page 13, after line 21, to insert:

Switzerland:
Consul at Basle.

The amendment was agreed to.

The next amendment was, under the head of "Class IV," on page 14, after line 4, to insert:

Austria:
Consul at Reichenberg.

The amendment was agreed to.

The next amendment was, on page 14, line 12, before the word "Lyons," to strike out "Bordeaux;" so as to read:

France:
Consuls at Lyons and Marseilles.

The amendment was agreed to.

The next amendment was, on page 14, line 14, after the word "Annaberg," to insert "Aix-la-Chapelle;" so as to read:

Germany:
Consuls at Annaberg, Aix-la-Chapelle, Bremen, Brunswick, Dresden, Hamburg, and Mayence.

The amendment was agreed to.

The next amendment was, on page 14, after line 22, to insert:

Orange River Free State:
Consul in Orange River Free State.

The amendment was agreed to.

The next amendment was, on page 15, after line 6, to insert:

Venezuela:
Consul at Maracaibo.

The amendment was agreed to.

The next amendment was, under the head of "Class V," on page 15, at the beginning of line 14, to strike out "Consul at," and insert "Consuls at Pará and," so as to read:

Brazil:
Consuls at Pará and Pernambuco.

The amendment was agreed to.

The next amendment was, on page 15, line 22, before the word "Cologne," to strike out "Chemnitz;" and in line 23, after the word "Nuremberg," to insert "Stuttgart;" so as to read:

Germany:
Consuls at Cologne, Crefeld, Düsseldorf, Leipzig, Nuremberg, Stuttgart, and Sonneberg.

The amendment was agreed to.

The next amendment was, on page 16, line 2, after the words "(New Providence)," to insert "Newcastle-on-Tyne;" and in line 4, after "(New South Wales)," to insert "Trinidad;" so as to read:

Great Britain and British dominions:
Consuls at Cardiff, Chatham, Cork, Dublin, Dunfermline, Hamilton (Canada), Kingston (Jamaica), Leeds, Nassau (New Providence), Newcastle-on-Tyne, Port Louis (Mauritius), Port Stanley and St. Thomas (Canada), St. John's (New Brunswick), Sherbrook (Canada), Sydney (New South Wales), Trinidad, and Toronto (Canada).

The amendment was agreed to.

The next amendment was, on page 16, line 23, before "Manila," to insert "Baracca;" so as to read:

Spain and Spanish dominions:
Consuls at Baracca, Manila (Philippine Islands), San Juan (Porto Rico), and Sagua la Grande (Cuba).

The amendment was agreed to.

The next amendment was, on page 17, line 2, before the word "Horgen," to strike out "Basle;" so as to read:

Switzerland:
Consuls at Horgen and Zurich.

The amendment was agreed to.

The reading of the bill was continued to line 6, on page 17.

Mr. HALE. I move to strike out lines 5 and 6, in the following words:

Uruguay:
Consul at Montevideo.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 17, to strike out lines 7 and 8, in the following words:

Venezuela:
Consul at Maracaibo.

The amendment was agreed to.

The next amendment was, under the head of "Class VI," on page 17, line 12, after "Bahia," to strike out "Para;" so as to read:

Brazil:
Consuls at Bahia and Santos.

The amendment was agreed to.

The next amendment was, on page 17, line 22, before "Breslau," to strike out "Aix-la-Chapelle;" in line 23, before "Munich," to insert "and," and after "Munich," to strike out "and Stuttgart;" so as to read:

Germany:
Consuls at Breslau, Kehl, Mannheim, and Munich.

The amendment was agreed to.

The next amendment was, on page 18, line 4, after "Cape Town," to insert "Coaticook (Canada);" in line 8, before "Quebec," to strike out "Newcastle-on-Tyne;" in line 11, after "St. John's (Canada)," to insert "Haycinthe (Canada);" in line 13, before "Windsor," to insert "Wallaceburg (Canada);" in the same line, before "Winnipeg," to strike out "and," and in line 14, after "Manitoba," to insert "Woodstock (New Brunswick)," and "Yarmouth (Nova Scotia);" so as to make the clause read:

Great Britain and British dominions:
Consuls at Amherstburg (Canada), Antigua (West Indies), Auckland (New Zealand), Barbadoes, Bermuda, Bristol, Brookville (Canada), Cape Town, Coaticook (Canada), Ceylon (India), Charlottetown (Prince Edward Island), Clifton (Canada), Fort Erie (Canada), Goderich (Canada), Gibraltar, Guelph (Canada), Kingston (Canada), London (Canada), Malta, Quebec, Picton (Canada), Port Hope (Canada), Port Sarnia (Canada), Port Stanley (Falkland Islands), Prescott (Canada), Southampton, St. Helena, St. John's (Canada), St. Hyacinthe (Canada), St. Stephen (Canada), Stratford (Canada), Three Rivers (Canada), Wallaceburg (Canada), Windsor (Canada), Winnipeg (Manitoba), Woodstock (New Brunswick), and Yarmouth (Nova Scotia).

The amendment was agreed to.

The next amendment was, on page 18, line 17, before "Florence," to insert "Castel-a-Mare, Catania;" so as to read:

Italy:
Consuls at Castel-a-Mare, Catania, Florence, Genoa, Leghorn, Messina, Milan, and Naples.

The amendment was agreed to.

The next amendment was, on page 18, line 20, after "Matamoras," to insert "Merida;" so as to read:

Mexico:
Consuls at Matamoras, Merida, Nogales, and Tampico.

The amendment was agreed to.

The next amendment was, on page 19, line 6, after "Cadiz," to insert "Cardenas, Denia;" so as to read:

Spain:
Consuls at Barcelona, Cadiz, Cardenas, Denia, and Malaga.

The amendment was agreed to.

The next amendment was, on page 19, after line 9, to insert:

Sweden and Norway:
Consuls at Gottenberg and Stockholm.

The amendment was agreed to.

The next amendment was, in Schedule C, Class VII, on page 20, line 7, after "Gaspé Basin (Canada)," to insert "Morrisburg (Canada);" so as to read:

Great Britain and British dominions:
Consuls at Bombay (India), Gaspé Basin (Canada), Morrisburg (Canada), Sierra Leone (West Africa), Turk's Island and Windsor (Nova Scotia), and commercial agent at Levuka (Fiji).

The amendment was agreed to.

The next amendment was, under the head of Allowance for clerks at consular offices, on page 21, line 24, after the word "consulates," to strike out "fifty-two thousand four hundred and eighty" and insert "fifty-five thousand one hundred and forty;" so as to make the clause read:

For allowance for clerks at consulates-general and consulates, \$55,140, the sum to be allowed at each not to exceed the rate herein specified, as follows.

The amendment was agreed to.

The next amendment was, on page 22, after line 4, to insert:

Antwerp, \$1,500.

The amendment was agreed to.

Mr. HALE. In line 6 I move to strike out "two," before "hundred," and insert "six;" so as to read:

Shanghai, \$1,600.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 12.

Mr. HALE. In line 11, after the word "Barmen," I move to insert "Mexico."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 23, after line 12, to insert:

Belfast, \$1,000.

The amendment was agreed to.

The next amendment was, on page 23, at the beginning of line 17, before "Bordeaux," to strike out "Antwerp;" in the same line, after "Dresden," to insert "Dundee;" in line 18, after "Melbourne," to insert "Nuevo Laredo;" and after the word "each," at the end of

line 20, to strike out "thirteen thousand six" and insert "fourteen thousand four;" so as to make the clause read:

Bordeaux, Calcutta, Colon, Dresden, Dundee, Glasgow, Leipzig, Melbourne, Nuevo Laredo, Nuremberg, Panama, Port au Prince, Sheffield, Singapore, Sonneberg, Tustall, Toronto, and Brussels, at \$900 each, \$14,400.

The amendment was agreed to.

The next amendment was, on page 22, line 22, after "Belfast," to strike out "Dundee," and after the words "three thousand," at the end of line 23, to strike out "eight hundred and forty" and insert "two hundred;" so as to make the clause read:

Belfast, Halifax, Leith, Matamoras, and Victoria, at \$640 each, \$3,200.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 3, on page 23.

The PRESIDING OFFICER. The Chair calls the attention of the Senator in charge of the bill to the word "Mexico," in line 1, on page 23.

Mr. HALE. In line 1, on page 23, I move to strike out the word "Mexico."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 25, after line 18, to insert:

AMERICAN CEMETERY AT ACAPULCO, MEXICO.

For improving and putting in proper condition the American cemetery at Acapulco, Mexico, \$1,500.

The amendment was agreed to.

The Secretary resumed and concluded the reading of the bill.

Mr. HALE. On page 3, line 4, I move to insert "and" before "Siam," after "Siam" to strike out "and Switzerland," and after line 7 to insert:

Envoy extraordinary and minister plenipotentiary to Switzerland, \$5,000.

That does not change the salary at all, only the rank, and makes it correspond to the rank of the Swiss minister here.

Mr. GORMAN. I should like to make an inquiry of the Senator from Maine. While his amendment at the moment does not increase the appropriation for the salary, necessarily if you increase the rank of the minister at Switzerland, must not the appropriation follow?

Mr. HALE. No, it does not in any way change the pay; it only changes the rank and makes it correspond with the rank of the minister Switzerland sends to this country. It is only a question of form.

The amendment was agreed to.

Mr. HALE. Those are all the committee amendments, except the amendments from pages 8 to 11, which, by request of the Senator from Alabama, were deferred until other amendments were considered. If there are other smaller amendments than those which Senators have to offer, I give way at present.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations to report an amendment to be inserted on page 2, at the end of line 6. At the end of that line and before the word "Chili," in line 7, I move to insert "Turkey;" so as to read:

Envoys extraordinary and ministers plenipotentiary to Turkey, Chili, the Argentine Republic, the United States of Colombia, etc.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The question is on agreeing to the amendment proposed by the Senator from Ohio.

Mr. SHERMAN. This amendment is proposed by the unanimous opinion of the Committee on Foreign Relations, and is very strongly supported by a letter from the Secretary of State. As I see that the committee have adopted the other amendments recommended at the same time, I am only surprised that this amendment was not inserted here, because the case is stronger for Turkey than for any other country. It has now an envoy extraordinary and minister plenipotentiary, but at one time it was reduced by the ordinary way to \$7,500, and afterwards when Mr. Cox became envoy extraordinary and minister plenipotentiary it was increased to \$10,000, and then in the last appropriation act it was reduced again to \$7,500.

I think I shall ask to have read the letter of the Secretary of State which explains the whole matter fully. I do not care to have it read, however, unless some Senator desires it. It explains the whole matter, and it may be printed. I should like to have it go into the RECORD so as to show the reasons for the amendment.

Mr. GORMAN. It had better be read.

Mr. SHERMAN. Very well; let it be read.

The PRESIDING OFFICER. The letter will be read.

The Chief Clerk read as follows:

DEPARTMENT OF STATE, Washington, April 19, 1890.

SIR: I have the honor to acknowledge the receipt of your letter of the 16th instant, with which you transmit a copy of a resolution of the Senate, of the date of March 3, 1890, in respect to the "advisability of advancing the American legation in the Empire of Turkey to a grade of a second-class mission, with a salary to the envoy extraordinary and minister plenipotentiary of \$12,000 per annum." Your committee accordingly request the views of this Department as to the expediency of recommending such a change in the law.

The mission of the United States to the Ottoman Porte is now, and has been since July 1, 1882, of the plenipotentiary grade, so that the only question to be considered is touching the rate of salary suitable for the office. The relative

representative rank of the United States minister at Constantinople depends solely upon his official style and title, not upon his compensation.

Section 1675 of the Revised Statutes, in its first unamended form, classed Turkey among the missions resident at a salary of \$7,500. In the amended form (R. S., 2d edition) the specific designation of Turkey is omitted, and it comes as a plenipotentiary mission under the general provision:

"Those to all other countries, unless where a different compensation is prescribed by law, each, \$10,000."

A different compensation was, in fact, prescribed by law between 1875 and 1882, annual appropriations having been made for a minister resident to Turkey at \$7,500. By the act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1883, the grade of the office was raised to envoy extraordinary and minister plenipotentiary, but without corresponding increase of salary, and General Lew. Wallace, then minister resident, was commissioned to the higher grade. While the late Hon. S. S. Cox was minister plenipotentiary, the salary appropriated was increased to \$10,000, but after his retirement the rate of \$7,500 was resumed.

In view alike of the relative importance of the Ottoman mission among those of Europe, and of the high cost of living at Constantinople, owing to the exigencies of a non-Christian oriental society, the salary of \$7,500 now allotted is regarded as wholly inadequate. The precedent set in section 1675, Revised Statutes, and followed during Mr. Cox's incumbency of the mission, by which \$10,000 was appropriated, should, in my judgment, be followed, and the office be permanently classed in the grade to which it fitly belongs.

I am not, however, in favor of raising the mission to the \$12,000 grade, as proposed.

I have the honor to be, sir, your obedient servant,

JAMES G. BLAINE.

Hon. JOHN SHERMAN,

Chairman Committee on Foreign Relations, United States Senate.

Mr. HALE. Mr. President, while there were several recommendations from the Secretary of State to increase the salaries of different ministers, the Committee on Appropriations did not see that the condition demanded any increase or raising in importance of the Turkish minister. In reporting as they did for the increases which were recommended for the Argentine Republic and for Colombia, in South America, the committee believed that these nations are ones with which we are increasing our relations and hope to still further increase them in trade and commerce, and could see no reason why the Argentine Republic and the United States of Colombia should not be on the same basis with Chili and Peru, with whom we have no such relations. Therefore, it being in the line to which the American mind is directed now, we reported that increase.

The only other increase that was reported was in the case of Denmark, which was not put up to \$10,000, but only to \$7,500 to make it commensurate with the mission they send here now, and it being a country where we have large interests by way of immigration of her population that is constantly increasing.

The committee did not see, and I do not see, that there is anything in the importance of the mission to Turkey that demands the increase of its salary. Whether the Secretary of State recommends it or otherwise, we have very little to do with Turkey. We have no immigrants from Turkey of any account; we have no relation such as European powers with any of the delicate questions that require the highest rank of a minister to be maintained there; and for that reason the committee voted down the proposition to increase the importance and pay of this mission.

In saying this I represent the committee. The matter, of course, must be left to the Senate. I do not see any good reason why, if this is done, it shall not be done in other cases.

Mr. SHERMAN. Mr. President, although Turkey may be said in some sense to be not an increasing, but rather a decreasing power, yet it is very certain that all European nations regard diplomatic relations that are conducted with Turkey as equal to any with the most powerful nations of the world. Therefore it is that all European countries without exception send to Turkey officers of the very highest grade, because the questions constantly arising in diplomatic intercourse with Turkey are of the greatest importance, involving the peace of nations.

Mr. HALE. Let me ask the Senator if those questions are not purely European and nothing else. Do they not arise from the fact that Turkey is considered the "sick man" of Europe; that each great power has its eye upon him; and that it is necessary as a great many complications center there that they have high ministers, none of which reasons apply to the United States?

Mr. SHERMAN. I think all of them apply to the United States, because the questions that may be involved in Turkey not only affect the peace of Europe, but may affect our relations with other countries, and the Government of the United States has always so considered it. The mission to Turkey is filled by an envoy extraordinary and minister plenipotentiary by the general statutes of the United States. In the statutes as they now stand to-day the mission to Turkey is classed as an envoy extraordinary and minister plenipotentiary. The variation in pay has only been made by the appropriations in the Committee on Appropriations.

Mr. HALE. The mission is down in the bill as an envoy extraordinary and minister plenipotentiary. It is only a question of raising the salary.

Mr. SHERMAN. Very well. Our officer there comes into contact with all the leading diplomats of the world, and we have all along felt that it was necessary to give him a rank commensurate with the other diplomatic officers with whom he is associated. The only question was whether he should have \$7,500 or \$10,000 a year. A general law, which came from the Committee on Foreign Relations in 1863, fixed

the grade of envoy extraordinary and minister plenipotentiary, and so it has always stood, and the pay was awarded to him at \$10,000 a year, because he must live there at a very expensive place, costing at least 25 or 30 per cent. more than at any other capital in Europe. The foreign ministers there have to live in a colony by themselves, and our representative is associated with persons of very high pay and high salary. Therefore it is that the law, not the wish of the Committee on Appropriations, but the law, fixes the rank and pay at \$10,000 a year. He has only been reduced in the *ad captandum* way in which many of the salaries of our diplomatic officers have been disturbed.

This has been recommended. When Mr. Cox was sent there by common consent he was given \$10,000 a year. Now there is a very worthy and excellent gentleman, a man of ability and character, sent there to represent this Government and he ought to be put in the same position as his predecessor. To go there with a less salary would be a discrimination against him and against his office. Therefore the Committee on Foreign Relations, I believe, were unanimously of the opinion that the mission to Turkey should be placed where it is by law among the \$10,000 envoys extraordinary and ministers plenipotentiary. It seems to me that the law itself is the governing rule here, and not the mere idea which the Committee on Appropriations might form; not that they are not entitled, if they can justify it and see a good occasion to make a change, but this is not an occasion of the kind. The difference between the salary may disable the officer from holding his relative social position in that very peculiar country.

Mr. HALE. The sum fixed by the bill is the same that it was last year. The committee have not reduced it. It is the same that it has been for years, with the exception in the case of Mr. Cox, because it was made exceptional then.

Mr. SHERMAN. But the law itself fixes the salary at \$10,000.

Mr. HALE. There is no law.

Mr. SHERMAN. The general statutes, in the Revised Statutes.

Mr. HALE. But that has been changed since by appropriation acts which have fixed the salaries. You will find all those things determined by the appropriation acts.

Mr. SHERMAN. It is changed in a very irregular way, not in the way it should be done, because the law itself, which is the permanent law of the day, fixes the salary. It has been changed for the time, from year to year, because the changes in the appropriation bills were only changes for a year, by limiting the amount of appropriation, saying that the amount appropriated shall be all that the person shall receive. But that does not change the law. It still stands and entitles the officer to receive \$10,000 a year unless it is excepted in the way that has been done by the appropriation bills. It seems to me that the recommendation of the Secretary of State is a wise one.

Mr. GIBSON. I did not hear the amendment offered by the Senator from Ohio. Was it to increase the grade or rank?

Mr. SHERMAN. No, the grade is now fixed by law as envoy extraordinary and minister plenipotentiary.

Mr. GIBSON. It was to change the salary?

Mr. SHERMAN. The salary is fixed by law, by the Revised Statutes, at \$10,000—

Mr. HALE. I do not admit that, by any means.

Mr. SHERMAN. But, as was said, at different times the Committee on Appropriations have reduced the amount appropriated, and in some cases have inserted a clause providing that no greater sum should be paid than the amount appropriated. But when Mr. Cox was sent there it was increased to \$10,000, and now when the present incumbent comes in it is reduced to \$7,500.

Mr. HALE. I want to say right here on this point that the remark is continually made that the Committee on Appropriations has cut down the salary for different places from what the regular law establishes it at. Sir, the Committee on Appropriations of the Senate has done that in no case. It has never pretended or asked the authority to do that. Certain salaries were fixed by the old Revised Statutes years ago, but subsequent to that the House of Representatives in raising and cutting down the expenses of the Government reduced salaries by the hundreds. But they put provisions into some bills that the amount they appropriated should be in full satisfaction for the year, and in other bills declared in terms, making it the law, that thereafter the salaries should be as fixed in that bill. The committee since then has followed those provisions, and it is not now fitting and proper that anybody should receive the impression that the Committee on Appropriations of the Senate has sought to interfere with the law. It takes the salaries as they come from the House of Representatives, as it is found they have existed for years, as in the case of the mission to Turkey at \$7,500. It is not attempted to raise either the importance or the rank or the titular name by which the minister is known. It leaves all that, and leaves the bill as it came from the House of Representatives, and as the minister has been paid there for ten or twelve years, with the exception of the case of Mr. Cox; and it does not believe, for the reason I have stated, that this is a case where the needs of commerce and trade and close relations require any raising of the salary. But I leave it to the Senate.

Mr. GIBSON. Mr. President, I agree with the Senator from Maine that the relations between the people of the United States and the

people of Turkey are perhaps most remote, but Constantinople is the most important diplomatic point in the world. The only question that agitates Europe is what they call the Eastern question, and that question has been discussed and determined pretty much at Constantinople. For this reason every one of the European Governments, the Government of Great Britain, of Russia, of France, of Germany, and of Austria, each sends its ablest diplomatists to Constantinople, because, as I have already stated, it is there that the Eastern question assumes its most acute and interesting form. I think for that reason we should send to Constantinople one of our most accomplished publicists and diplomatists, and should give him a salary that would enable him to mingle with the diplomatists and ambassadors there from every European country. They hold the highest rank at Constantinople; they receive the largest pay. I think, therefore, it would be wise policy to vote to our minister at Constantinople a salary that would enable him without embarrassment to meet on equal terms with the ambassadors from the great European powers.

Our ministers have always labored under the embarrassment of not knowing personally the public men of Europe, nor have they been able to form accurate opinions of the sentiments and designs of the different cabinets of the European states. This was our difficulty in making the treaty of Ghent. We know very well that in making that treaty, for six months our ministers were dancing in attendance in the ante-chamber of the British commissioners who assembled there, and that it was owing to the personal relations between John Quincy Adams and the court of the Czar of Russia that we were enabled to ascertain that it was the purpose of the allies to insist that Great Britain should make peace with us in the war of 1812. That strengthened the hand of our commissioners. It enabled them to assume a dignified attitude, and to insist upon a recognition of the rights of the American people.

So to-day if any question were to arise between the United States and any European Government, between the United States and Great Britain, or Germany, or Spain, or France, we should gain a great advantage by having ministers who were personally acquainted with the strength, the designs, the motives of the different European courts. I know, sir, no place in Europe where they would be so likely to acquire this information in authentic form as at Constantinople, where are assembled the ablest diplomatists of Europe, because there is to be settled and determined the burning question that concerns every European Government to-day. On that issue depends the relation of every European state with its neighbor, and on that issue hangs the question of war and peace to-day in Europe.

Mr. DOLPH. Mr. President, presumably the Secretary of State knows as much about the importance of the mission at Constantinople and the cost of living there as any of us, and he says:

In view alike of the relative importance of the Ottoman mission among those of Europe, and of the high cost of living at Constantinople, owing to the exigencies of a non-Christian oriental society, the salary of \$7,500 now allotted is regarded as wholly inadequate.

This matter was before the Committee on Foreign Relations. As was stated by the chairman of the committee, the committee were united in believing that this increase ought to be made, and the amendment was reported from the committee by the chairman by the direction of the committee, and referred to the Committee on Appropriations.

The committee have increased the salary of our ministers to the Argentine Republic and the United States of Colombia largely in view of what we hope to accomplish in the future, the growing or future importance of our relations with those countries. They have discounted the future to increase those salaries, and I can not understand why they should have left Turkey out.

I disagree entirely with the Senator who has this bill in charge. There are very important questions arising constantly in Turkey affecting American citizens; questions arising there between the missionaries and the Government, between American citizens and the Government. The Government of Turkey, as every one knows, is a despotic Government, in which without constant attention to the rights of American citizens they are liable to be infringed.

I know personally that we now have a very excellent and competent man there, and I can not see why having during the incumbency of Mr. Cox paid a salary of \$10,000 it should not be continued or why it should be cut down as soon as there is a change. The salary ought to be paid without reference particularly to the man who occupies the position, but to the importance of the position and the duties to be discharged.

I hope the amendment will be adopted.

Mr. MORGAN. Mr. President, if there should arise any differences between the House of Representatives and the Senate on a question of this kind, it seems to me that the other House, in a spirit of proper comity, ought to yield its opinion to that of the Senate in regard to the compensation of our foreign ministers. We have to deal with them more particularly and more directly than the other House has to do. We have to examine into their character and capacity when they are nominated and confirmed for these high positions. The bills relating to the regulation of foreign relations ought to be considered here, and it is expected that this body should be able to furnish such information as is necessary to proper legislation upon any question involving our foreign relations.

I think when in the Revised Statutes this mission was raised to that of our highest rank and a salary of \$10,000 was affixed to it, the Senate ought never to have permitted a lapse from that salary to \$7,500, which it appears now the other House has established as a rule for the regulation of the compensation of the minister plenipotentiary to the Government or Dominion of Turkey. We ought either to abolish that office entirely, or we ought to so compensate whoever holds it as that he can at least maintain a decent and respectable appearance among the different great ministers who assemble at that very important point, without drawing upon his private resources. It looks like a pity that an American citizen can not be supported by his Government in a sufficient style and a sufficient allowance of money to maintain himself in respectability among the society of other foreign ministers and diplomats at Constantinople, unless he happens to have a large private fortune to draw upon for that purpose. I think, sir, that the foreign missions of this country ought to be open to its talent, to its ability, to its enterprise, and that men who are not possessed of large fortunes ought to have sufficient compensation to enable them to live in decency at least at the places to which they are assigned.

Constantinople is upon the sea, the inlet that leads from the Black Sea into the Mediterranean. The Dardanelles, the Bosphorus, the Sea of Azov, form a channel of commercial intercommunication which is of very considerable advantage to the people of the United States, and I trust will be very greatly increased. In the midst of the very sensitive and delicate situations that are constantly occurring at Constantinople, it is to be expected that American commerce may suddenly receive a check and that we may find it necessary to have a man on the ground of sufficient ability to handle any question concerning the commercial rights of the American people that may arise, and so of the personal rights of American citizens.

We have just made an appropriation in this bill for paying the expenses of feeding American citizens who are imprisoned in the Turkish Dominions. We do this because we have found it necessary in that non-Christian state, in Egypt at least if not elsewhere in the Turkish dominions, to establish a court in which the officers of the United States Government have jurisdiction to try and punish American citizens for crime, and it is within my recollection that a citizen of the United States was condemned and sentenced to death by the minister at Constantinople, subject, however, to an appeal to the President of the United States.

Having found it necessary to confer upon our ministers supervisory jurisdiction in respect to matters of life and death, matters of criminal punishment and the like, I think that no sane man can point out any particular diplomatic residence in the world, unless it may be in China or Japan, where the minister would have more important or more delicate duties to perform than interchange in respect of the rights of American citizens, their liberties and their lives. Your British minister or French minister has not anything to do with matters of this kind, nor the minister to any other country except a non-Christian country.

We need in Turkey, if we need him anywhere in the world, a man of high capacity, broad information, sound judgment, perfect patriotism, and real statesmanship, to conduct the affairs of that mission. Here is this dominion of Turkey sweeping out all over Arabia, over Syria, a suzerainty over Egypt, all along the coast of the Mediterranean Sea, down the Red Sea and the canal that leads from the Red Sea to the Mediterranean. There is Turkish power found everywhere, and there is American commerce found everywhere at all the ports of that country. We have consuls-general and consuls at different places who ought to be under the supervision and correction, to some extent at least, of the minister at Constantinople, and I have no doubt they are.

Mr. HALE. The consuls have nothing whatever to do with the minister.

Mr. MORGAN. I have read of many cases I think in history where the consuls were held bound to strict accountability to the ministers, who had a right to overrule them and to declare their judgments void, and to correct them in matters of commerce, particularly when there was a threat of war between two countries, a quarrel of a diplomatic kind.

Mr. HALE. The Senator, who is as well informed upon foreign relations as any member of this body, knows that it is the unwritten law of the diplomatic service that a sharp line is drawn between the diplomatic and the consular service, not only socially but in business. A minister will not give advice. As is suggested by the Senator at my right, Mr. Adams in a very critical time declined to even give counsel or suggestion to Americans in the consular service. The two are entirely distinct. In the Turkish dominions the American consulates are thick and frequent, and they attend to all this matter of business. The minister has as little to do as a man possibly could have to do anywhere.

Mr. MORGAN. At the same time if the Secretary of State orders the consuls to make their reports to the minister and to abide by his regulations and directions, they are obliged to do it.

Mr. HALE. I wish the Senator would produce an instance where a Secretary of State has ordered a consul in the consular service to report to the minister, instead of directly to the State Department.

Mr. MORGAN. It occurs sometimes, and has occurred frequently in South America.

Mr. HALE. I have never known of such a case.

Mr. MORGAN. I have not the citations at hand at this moment, but I will gratify the Senator from Maine by producing them if he desires. But it is part of the diplomatic and consular system, the foreign relation system of this country, that the Secretary of State has the right to put the consuls in any country under the direction of the minister resident there and to compel them to obey his directions in all matters concerning their office where they are not regulated by positive law. We should have a very tangled and a very loose system indeed if that were not so, if a consul could set himself up in doing or refusing to do what he might choose when the Secretary of State had put him under the orders of the minister resident at a particular court or at a particular place.

Now, we have another field of disputation, and one that is of very considerable importance, and a good deal of friction about it, too, in the Turkish dominions. American missionaries are there. I hope they will continue there until they have wrought very great good among those people. Our Government has treaty relations with Turkey under which these American missionaries have certain rights and privileges, and a certain protection is due to them according to our treaty arrangements with the Turkish Porte. Difficulties are continually arising; they come to the attention of the Committee on Foreign Relations, and they always involve very delicate questions indeed—questions of conscience. We have schools over there, and those schools are continually producing questions between the people of the different provinces of Turkey and the persons who are engaged in teaching these Christian or religious schools, as you please to call them. These questions must come, of course, through the minister at Constantinople. Mr. Cox, in his correspondence with the United States Government, laid bare a number of these questions and made very important recommendations in respect of them. To deal with questions of this kind, which are questions of conscience, between permanently established systems of religion that are in direct hostility to each other, as we may say, and as has been the fact in ages past as well as more modernly, requires a man in Constantinople to have a head on his shoulders and some courage in his heart to act on these questions and to prevent collision between the two Governments.

We have interests in Turkey that if they were denied to us by the practical administration of Turkish laws would require us to send our Navy to the coasts of Turkey for the purpose of seeking redress and indemnity. I do not know any country with which our relations are more delicate and more involved really than with Turkey, unless it may be one of the great nations with which we have constant, frequent, very large commercial intercourse.

The nature of the duties to be performed by the minister at Constantinople requires a man of ability and character there. I feel, Mr. President, a little bit ashamed of the idea of sending a man to Constantinople with \$7,500 a year as support derived from this Government, when perhaps it will not pay one-half of his expense, not more than one-half, anyway, in the community where he is bound to reside, in that colony of diplomatists who reside, I believe, on the Bosphorus.

So I am in favor and have always been in favor and the Committee on Foreign Relations is unanimously in favor of increasing this salary to at least \$10,000. It ought to be more. Of course we have got to try to get back to the standard of the law as it was at the time the Revised Statutes were adopted and at the time the other House commenced clipping off these salaries, a fragment at a time, until they got them down to zero. Let us abolish that mission entirely and recall our minister unless we can sustain him there in something like decency and respectability.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. SHERMAN].

The amendment was agreed to.

Mr. HALE. I ask the Secretary to turn to page 8 and read the amendments that were passed over.

The VICE-PRESIDENT. The first reserved amendment will be stated.

The CHIEF CLERK. On page 8, line 23, before the word "thousand," strike out "four" and insert "six;" so as to read:

For salary and expenses of commercial agent at Boma, in the Lower Congo basin, \$6,000.

Mr. HALE. No; I meant for the Secretary to read the amendment following that one.

The VICE-PRESIDENT. That is the first reserved amendment.

Mr. HALE. I shall call that up by and by. Read the conference amendment.

The VICE-PRESIDENT. The next amendment will be stated.

Mr. MORGAN. I have no objection to reading the entire matter proposed to be inserted as one amendment.

Mr. HALE. Let the Secretary read through all the paragraphs.

The CHIEF CLERK. After line 23, on page 8, the Committee on Appropriations report to insert:

INTERNATIONAL AMERICAN CONFERENCE.

To enable the President to complete the work and carry into effect the recommendations of the International American Conference, including the compensation of translators, copyists, clerks, and other employees, \$15,500; for office rent, stationery, postage, fuel, lights, and other miscellaneous expenses, \$9,250; for the printing and distribution to the public of the proceedings and reports of

the International American Conference, \$25,000; in all, \$49,750; and such appropriations, or so much thereof as may be necessary, shall be expended under the direction and subject to the approval of the Secretary of State.

For compensation of three commissioners, not more than two of whom shall belong to one political party, to be appointed by the President, by and with the advice and consent of the Senate, to consider the establishment of an international coin or coins, as recommended by the International American Conference, who shall receive, in lieu of expenses, an allowance of \$10 per diem during the time they shall be engaged in the actual performance of their duties; and for other expenses attending the meeting of such commissioners, \$15,000, to be expended under the direction and subject to the approval of the Secretary of State; and the President of the United States is authorized to invite the Governments of the several other American Republics and the Hawaiian Kingdom to appoint commissioners for a like purpose to meet in the city of Washington on the first Wednesday of January, 1891.

For payment of the share of the United States of a preliminary survey for an intercontinental railway as recommended by the International American Conference, \$65,000; and in furtherance of said preliminary survey the President is authorized to appoint, by and with the advice and consent of the Senate, three members of the Intercontinental Railway Commission, not more than two of whom shall belong to one political party, whose compensation shall be paid from the common intercontinental railway fund, as recommended by the International American Conference; and the President may, in addition to civil engineers employed by said commission, and at the request of the commission, detail from the Army and Navy of the United States such officers as, in his discretion, may be spared without detriment to the service, to serve as engineers under such commission in making a survey for an intercontinental railway; and officers so detailed may receive, in addition to their lawful pay and allowances, from the common intercontinental railway fund, such compensation in lieu of expenses as may be allowed them by said commission.

For the organization and establishment, under the direction of the Secretary of State, of "The International Union of American Republics for the prompt collection and distribution of commercial information," \$36,000, and the sums contributed by other American Republics for this purpose, when collected, shall be covered into the Treasury.

For the compilation and publication, under the direction of the Secretary of State, of a uniform nomenclature of articles of merchandise exported and imported in the English, Spanish, and Portuguese languages, and provided by the International American Conference, \$10,000.

Mr. MORGAN. Mr. President, the language of the first few lines of this amendment is very general, and it seems to me it ought to be made more definite:

To enable the President to complete the work and carry into effect the recommendations of the International American Conference, including the compensation of translators, copyists, clerks, and other employes, etc.—so many thousand dollars.

Now, the question would naturally arise in my mind, What are the recommendations of the International American Conference? To what recommendations of that conference does this particular part of this act apply if we "enable the President to complete the work and carry into effect the recommendations of the International American Conference?" I find in a message of the President, Executive Document No. 135, a communication from the President to the Senate and House of Representatives, in which he says:

The International American Conference, recently in session at this Capital, recommended for adoption by the several American Republics:

1. A uniform system of customs regulations for the classification and valuation of imported merchandise;
2. A uniform nomenclature for the description of articles of merchandise imported and exported; and
3. The establishment at Washington of an International Bureau of Information.

The conference also, at its final session, decided to establish in the city of Washington, as a fitting memorial of its meeting, a Latin-American Library, to be formed by contributions from the several nations of historical, geographical, and literary works, maps, manuscripts, and official documents relating to the history and civilization of America, and expressed a desire that the Government of the United States should provide a suitable building for the shelter of such a library, to be solemnly dedicated upon the four hundredth anniversary of the discovery of America.

The President proceeds:

The importance of these suggestions is fully set forth in the letter of the Secretary of State, and the accompanying documents herewith transmitted, to which I invite your attention.

BENJ. HARRISON.

EXECUTIVE MANSION, June 2, 1890.

I suppose that that message summarizes and expresses, perhaps in as clear language as could be stated, what are the recommendations of the Pan-American Congress, and this amendment is to enable the President to carry into effect those recommendations and to complete the work.

If that be a full statement of what the recommendations are that this amendment applies to, it occurs to me that we are getting along a little too fast perhaps in this matter, because we have not as yet, so far as I am informed, the commitment of either of the Governments represented in the Pan-American Congress, by treaty or by convention, to any of the propositions contained in the President's message, and the support and payment for which are provided for in this amendment to this bill.

Take the first of these recommendations, if these be all, to establish "a uniform system of customs regulations for the classification and valuation of imported merchandise." The House and the Senate have been at the pains during the present session of Congress to pass a law, the wisdom and value of which has not yet been ascertained by experience, but is very much doubted indeed by many persons who have undertaken to criticize it, for the purpose of regulating our own customs, operations, and business, and that law has a peculiar relation to our own Government, to the nature and characteristics of our own country, and to the tariff system, and also somewhat to the internal-revenue system, under which we raise money for the support of the Government of the United States.

We have had no intimation, so far as I am informed, that any South American state in respect to valuations and undervaluations of merchandise, for instance, is ready or is likely to become ready at an early day to adopt the bill or the principles of the bill which we have enacted at this session of Congress on this matter. Until there is concert between the Governments who were represented in the Pan-American Congress and our Government upon this proposition, which concert must be obtained either by strict parallelism in legislation or by treaty negotiation—until there is such concert and co-operation of action between these Governments that I refer to and ours, it would seem to me to be impossible that the President of the United States could complete that work or carry into effect the recommendations of that conference.

It seems to me, sir, that it is impossible to avoid the position that this merely nebulous recommendation on the part of the representatives of the Pan-American Congress, including our own, to their respective Governments, is not, by any means, so substantial and so settled and so fixed a matter as to entitle us to begin to legislate about it before we have secured the co-operation of those different Governments and bound them to an engagement of this kind.

Now, I will suppose that every republic represented in that congress should pass a law corresponding word for word in reference to its own Government with the law in regard to the regulation of customs business, I will call it, that we have passed during the present session of Congress; yet even that general and uniform legislation amongst all of these different states would not justify us in proceeding to try to execute that law, to carry it into effect, and to complete the system until we had entered into actual treaty engagements with these different countries binding them to comply with the regulations of those statutes. Merely parallel or identical legislation in matters of this kind will not do for the regulation of affairs between different states, for the reason that there is nothing binding them not to repeal at their pleasure their own system and change it to our disadvantage. To do anything at all in the direction of bringing the states into conformity of action and harmony of action in respect of any matter relating to the customs dues, duties, or business of the several states, it is necessary to resort to the treaty-making power, and until we bind them in the obligations of a treaty to do what is agreed between the countries, nothing has really been accomplished. You merely expose yourself to loss and damage by having fixed your laws in such a shape as you think will be beneficial or agreeable to these other people, without having bound them at all to abide by those laws after they have been enacted, or to do anything for the promotion of the general good understanding, commercially speaking, between these different states.

It seems to me that this part of the legislation, undertaking, as I suppose it does, to carry into effect that first recommendation of "a uniform system of customs regulations for the classification and valuation of imported merchandise" is premature.

In this matter, as well as in respect of a uniform coinage of silver to be agreed upon as a custom-house legal tender between all the different nations represented in the Pan-American Congress, I think it is necessary that the diplomatic power of this Government should be brought into requisition in due and constitutional form, and that the agreements which may be formed between our country and other countries should be formulated in treaties and ratified by the Senate, and that then we should legislate to carry those treaties into effect as far as legislation might be necessary.

In the first paragraph of this amendment \$49,750 are appropriated, and of that sum translators, copyists, clerks, and other employes are to be paid \$15,500; office rent, stationery, etc., \$9,250; for printing and distributing to the public the proceedings and reports of the conference, \$25,000; in all, \$49,750. I do not find in that any proposition or any appropriation for the purpose of establishing either the "International Bureau of Information" or this monumental building to the memory of Columbus on the four hundredth anniversary of the discovery of America; and I suppose that that is entirely omitted. But the language of the preceding part of the amendment is "to enable the President to complete the work and carry into effect the recommendations of the International American Conference." That is one of the recommendations.

I do not know as yet, not having thought of the subject in a very accurate way, for the matter has just come to my attention, what language it would be necessary to introduce here to modify the effect of this general and sweeping provision, committing us to carrying into effect the work and recommendations of the International American Conference and enabling the President at his own discretion to determine the time, place, and manner of carrying out these recommendations.

I do not know the meaning either of "An international bureau of information." We have no bureau of information in the United States, unless it is the Bureau of Statistics, that I know anything about, and yet all of them profess more or less to give information upon the subjects that belong to their jurisdiction and come within the scope of their authority; but we have no separate bureau of information. We have never had such a thing in the Government of the United States that I am aware of, and I should like to have a more perfect definition of what a "bureau of information" is, and what it has a right to do

and what it has not a right to do, and who is to control it, and to what Department of the Government, if any, it is responsible, or whether responsible directly to Congress, or to the President.

I do not know that it is intended to establish a bureau of information under this sweeping language in the first part of this amendment; but, if it is, it seems to me that the committee ought to favor us with a more definite statement of what are the functions and powers of this bureau of information and what particular purposes it is to be devoted to, what kind of information it is that we are going to get, whether it relates to geology or mineralogy or commerce in all of its broad sweep, navigation, politics, or what not. I am unable to determine anything about it so far as this amendment is concerned. There is not enough said in the amendment to enable me to determine anything about it.

Now I am in favor of all this plan. I am in favor of all that the Pan-American Congress attempted to do, so far as I understand it, and so far as I am informed of what they really did attempt to do. To express it in my own way, as I endeavored to do at the time we had the bill on passage during the recent Administration for the organization and calling together of this congress, I am in favor of closer relations of every kind with the sister Republics of the southern part of this hemisphere, commencing with Mexico and going through Central America on down to the Argentine Republic. I believe with Mr. Blaine, as he has expressed himself very recently—not quoting his language, however, but the idea he put forward—that there is no one interest that is open to the enterprise of the American people which is so inviting and likely to be so rich in its rewards as to cultivate commercial relations and close fraternity with the South American states.

Those states are in the attitude of nascent development. Although some of their Governments are nearly as old as our own, they have not had the Anglo-American impulse among them, the genius and the enterprise to push their projects of government and civilization and improvement to the front as we have had. Perhaps they have not had as much of attrition with and as much of support from the great Anglo-American family across the ocean as we have had; their rivalry and competition have not been so stimulated as ours have by the example of the mother government from which we came, but the progress they have made since 1819 down to the present day, in the presence of difficulties that we never had to encounter, is certainly very great.

The South American states under the Spanish régime had one difficulty to encounter that we never really were confronted with, which has been more potent, more influential, upon the destinies of those states than the negro question has been in the United States, or any other question which we have had to contend with, not excepting our war with Great Britain; and that is the influence of an established religion in a country. Every one of those Republics, commencing with Mexico and going on down to Patagonia, which is now incorporated in the Argentine states, was dominated by an ecclesiastical power that it could not break away from, and it has taken the better part of the lives of their respective Governments and an enormous outlay of money and the shedding of vast quantities of human blood to free them from the mistake which we escaped through our good sense in discarding the domination of any religious sect or power or church in our Government and in adopting that wonderful scheme, promoted by Mr. Jefferson, of the divorce of the church and the state. These people, one by one, nation by nation, have struggled out of the embrace of "this body of death," for that is what it was to them, politically considered, and as fast as they have broken away from it (and most conspicuously in the case of Mexico) they have risen at once to order and progress and deliverance from embarrassment, and they have established themselves with wonderful rapidity in power and in dignity and in influence amongst the nations of the earth.

Now that the ban is removed, now that those cords which fettered them down to a low, creeping condition, have been snapped asunder, they need and will appreciate the assistance of this free American Republic in the promotion of their progress in every way. Look at the Argentine Republic. It seems to be almost absolutely reckless in its progress. It is very true they have got into an embarrassing condition there in respect of their finances, but it is merely because the temptations of that country to enterprise through the investment of money and to speculation have been so great that the Government itself did not have power to control it, and the reaction has set in there, but not in a disastrous way. The Government of the Argentine Republic is a sound and safe and good Government to-day, and whatever losses there may be in the cases of individuals from overspeculation in that Argentine Republic, there has been an enormous accumulation of wealth there in the last ten or fifteen years.

I do not believe, Mr. President, that this great Republic of ours in any era of ten years has relatively exhibited a more decided and wonderful progress than the Argentine Republic. That Republic is free from this embarrassment of which I have been speaking.

Then there is the Brazilian Government that six or eight months ago looked as if it was quivering in the balance, and Senators on this floor were afraid to reach out and take it by the hand lest Dom Pedro might return, or lest some foreign power might threaten us and disturb our relations, commercial and otherwise, or lest the imperial party in Brazil might spring up and, as I said then, from the long deference from a

resort into a permanent form of government and the establishment of a constitution the spirit of Brazilian independence might perish, might die out like a burnt ember. But we find that Government has gone along peacefully and quietly and progressively. It has established banks upon certain foundations of absolutely permanent credit which have capital that measures by the hundred millions of dollars. They now, according to the latest accounts of the newspapers of the country, have put forth the programme of their constitution, which in all respects compares favorably with ours, and in some respects, I must say, I think is better for those people; and Brazil, that was said to have a sort of mongrel population, part negro, part Portuguese, and part Indian, upon whose shoulders the rights and responsibilities and duties of republican institutions could not be safely rested—those people have proceeded quietly, peacefully, without revolution, without a proclamation of hostility towards the central authority, the temporary provisional authority there—they have proceeded quietly in their way and are laying down the deep foundations of a great republic that will follow our example and honor the principles upon which this wonderful Government of ours is constructed and is administered.

South America from Chili up on the other coast to Colombia; yes, to the Central American States; yes, up to Mexico and as well on the Atlantic side—South America, through all of her borders and through her interior country, is developing a capacity for wealth and power and the genius of liberty that seems to be at this moment of time the most interesting invitation to American fraternity that ever has been extended to us during our history.

Mr. President, I have not been conscious during my employment in this very great body of men of a moment when I was not heartily in favor of all near approaches that could be made legitimately to the most intimate relations, commercial and political, with the people of the South American and Central American states and with Mexico. When I first had the honor of a seat in this body it was quite a fashionable thing, and I thought a pretty cruel one, too, to point to the Government of Mexico as one of exceeding uncertainty; a government afflicted with pronunciamientos, with an upstart soldiery, who would put themselves at the head of their battalions and keep strife and friction and bloodshed rife and riotous throughout the whole of almost every state in that Republic. Our people did not then seem to understand or to appreciate what Mexico had passed through. They did not seem to understand that, while we were here engaged in a bloody fraternal struggle, millions of men employed in fighting each other over a question that unfortunately found a lodgment in our national Constitution, when it should have been left in the beginning to the local authorities of every State and nowhere else—while that great struggle was raging here, whose animosities have not yet died out of our minds entirely, I fear, the foreign powers, in violation of what we call so proudly and so affectionately "the Monroe doctrine," had determined, upon a pretense of an indebtedness of Mexico to some of them, to come over here while we were clutched in deadly embrace with each other, and to conquer Mexico and transplant the imperial eagles to the soil of that great Republic, conquer her, and tread her beneath the feet of Europe at that moment of intense anxiety.

Then it was fashionable to point to the Mexican people as being incapable of self-government, not crediting that great Indian, Juarez, who did not have a drop of Spanish blood in his veins, with the magnificent ability that he displayed in rescuing his country from the grasp of Austrian and French tyranny and usurpation, not thinking about the struggles that that man had to endure when at one time he was driven as far north as Piedras Negras, if not to El Paso del Norte, with not more than 300 men in his army, and, returning, inch by inch fought his way back to the capital of Mexico, captured Maximilian, and slew him, and restored Mexican authority absolutely based upon the power of the Mexican people, and reversed a decree which they said had been voted by a plebiscite which established the empire as the government in Mexico. We have seen that after the death of Juarez, Diaz came forward, a conservative, splendid man, a man who has so far commanded the confidence of his people that for the second time and now about the third time they even changed their constitution to keep him, with his wisdom and his conservatism, at the head of that splendid Republic.

Behold how Mexico has risen up, how she has mastered her enormous public debt which passed almost beyond the reach of computation at the time she regained her liberties and re-established the true authority of republican government in that great country, free from the palsy restraints of an established church! See what she has accomplished. And, sir, my heart has grown and swelled in my bosom with pride with every step of progress that that splendid Republic has made. She is our true sister, if not our daughter, and our relations with Mexico ought to be the most fraternal that it is possible to conceive of, more fraternal than with Canada, who refused to come into our Revolutionary struggle, although Canada is bone of our bone, blood of our blood, and flesh of our flesh, as to the composition of her population.

So the Central American States, after having been long dissevered by the private ambitions of men who were not large enough to grasp the magnificent destiny and splendor of that country, are beginning to see

and feel the important part that they are playing or are about to play amongst the nations of the earth. Sitting at the very gates of commerce which connect the Mississippi and the Atlantic with the Pacific, and about to become the recipients of more of the blessings and benefits of commercial intercourse than any other people in the world, they are reconsidering their shattered and scattered and disintegrated condition, and they are drawing together now, if not with bonds of cordial relationship and fraternity, at least with the stronger bonds of mutual interest.

Go southward and you will find that Peru, Bolivia, and Chili have sunk their wars out of sight and peace reigns along the Pacific there. Ecuador has a man of very decided intelligence and very high character to preside as the president of that Republic, a man engaged always patriotically and industriously in the development of the real resources and wealth and power of his country. I happen to have the pleasure of knowing him well.

Go to the Argentine Republic, of which I have just spoken; Brazil, of which I have just spoken; go along up the coast there and you find some French and some Dutch and some English possessions, and there you find strife and cupidity and zeal for acquiring more domain and more land.

Mr. EDMUNDS. More than zeal.

Mr. MORGAN. I do not know what word exactly would be polite to apply to it. In the South in the Indian times we used to call people who practiced those things "land pirates." I do not know whether that would be an apt phrase to apply to those Governments in their desire to rob weaker powers of their land and of their commercial power and influence.

But now the whole of South America, Central America, and Mexico present to the intelligent and enlightened American mind, it seems to me, the finest field that was ever opened to human imagination, to human experience, to say the least of it, for splendid commercial intercourse and mutual development and advantage.

Mr. President, I never in my life gave a vote with more pleasure than I did during the last Administration for the bill which authorized and organized this Pan-American Congress, and every member of the Committee on Foreign Relations, I think, felt in a certain degree electrified at the opportunity that seemed to present itself to do those things which are now progressing, and which I hope will progress with so much steadiness and so much clearness and so much decision of purpose that there will be nothing left to regret and certainly nothing left to explain about hereafter.

I should like to say right here as a fact that I comprehend within my views of true American policy, and have done so since it was first suggested, I believe, by Mr. Frelinghuysen, the control by the Government of the United States of the transit across the Isthmus of Panama—whether at Nicaragua or at Panama or wherever. I always include that; for, however there may be an obstruction apparent at this moment of time against the present accomplishment of such a grand design as this, whoever has a forecast of the future of this great country must include within the horoscope the domination of the American people over that transit between these great oceans. Our interest in the Gulf of Mexico forbids us to deny to ourselves this power and influence. Corresponding interests of the people of the Pacific coast demand at our hands earnest, manly, unyielding action for the shortening of the communications between the Atlantic ports and the ports of the Pacific.

In what I have had to say about this amendment I have merely desired to draw the attention of the honorable Senator who has the bill in charge to the explanations which seem to be necessary in order to give point and definiteness to what the committee are trying to do, and I assure him that in the direction I think he is traveling I will go hand in hand with him as far as he chooses to go in the line of securing all the benefits to this country and to South America, Mexico, and Central America which have resulted from the Pan-American Congress.

I was unfortunately not in a condition of health to keep up with the proceedings of that body and I am unread in their actual debates and discussions, except in a general way, but I think I comprehend the general scope of what they were trying to do and what they accomplished, and I believe it is the general judgment of the American people, and will be the judgment of the Senate and of both Houses of Congress indeed, that they have made a tremendous march in the direction of accomplishing this close fraternity for which I plead here between the Central and South American States and Mexico and the United States.

I will wait, Mr. President, until I have heard from the Senator from Maine before I venture to say anything more about this question.

Mr. HALE. Mr. President, I am not surprised to find that the Senator from Alabama [Mr. MORGAN], who has given long and faithful attention to our foreign relations, is in full sympathy with the purposes of these amendments which have been read at the desk by the Secretary. They cover, in short, the recommendations of what is known popularly as the Pan-American Conference, which adjourned a few months since.

Mr. EDMUNDS. What are those recommendations?

Mr. HALE. Those recommendations are all found in Senate Executive Document No. 135, submitted by the President of the United States

in a message from him, naming the subjects embraced by the recommendations.

With this was transmitted a letter from the Secretary of State recommending the propositions which are found in amendments to this bill, and accompanying that, what is most interesting and what I think Senators may find, unless the edition has been exhausted, if they will send to the document-room, the proceedings of the international conference adopting the reports to that conference of those several committees. For instance, the committee on arranging and fixing upon the nomenclature of articles found and used in trade between the countries is signed by foreign delegates, Alfonso, Romero, Mendonça, and Calderón, and by the American delegates, our own national delegates, Flint and Davis.

I will not take the time of the Senate by reading this in full, but every Senator can find in detail what is covered by looking at this report.

The report on the classification and arranging rules and regulations as to customs, entries, and ports, is signed by the foreign representatives, Alfonso, Romero, Calderón, Mendonça, Aragon, Peraza, and by our own delegates, and so with the others. The report is a most interesting one which covers the proposition for a survey of a great communication by railroad between North and South America and it was sent to both Houses of Congress some three or four weeks since and is now in the hands of the Public Printer.

The Committee on Appropriations in making these recommendations conferred fully with the State Department, and in fact requested the presence of the Secretary, whom they had before them, and so framed these amendments as to carry out the recommendations of the conference.

I will say in response to a suggestion that none of the other powers are committed to this. These proceedings resulted most harmoniously, and any one who will read the different reports of the various committees of the conference will become convinced of what was the fact, that our sister republics in Central and South America were represented by men as keen and bright and well-informed upon all the subjects-matter coming before the conference as could be found in any of the Governments of the old countries who have had years of diplomacy and of foreign intercourse. The reading of these reports will show how harmoniously and cordially they all acted together, and so far from their being committed, for instance, upon the commission to a survey and report as to the site of the great railway, which was in the mind of the conference, commissioners have already been appointed by several of the South American Governments and it is expected that they will meet here in October.

There is not a dollar provided here that the committee did not carefully scrutinize and believe that the objects of the different recommendations which are mentioned by the President need and require, and the money is divided as applying to the different branches of work laid out by the Pan-American Conference.

Mr. EDMUNDS. Which message of the President does the Senator refer to?

Mr. HALE. Executive Document No. 135, "June 2, 1890, read and referred to the Committee on Foreign Relations."

One recommendation is not embodied in this bill by the Committee on Appropriations, and that is the recommendation as a fitting memorial of the meeting of this great conference and as a medium for cementing intercourse between their representatives and ours in the future, the building of a Latin-American memorial library. All such things as involve the erection of buildings or the purchasing of lands have always been, under the rules of the Senate, placed upon the sundry civil appropriation bill. I may say, for one, that I am in favor, when that bill comes up, of the additional recommendation of this convention or conference, or whatever you call it, being put upon that bill, because I think—and I need not spend much time upon that because it is not here—that nothing would be more fitting than that there should be in the future such a building, a suitable and not an extravagant one here; but that will be considered when the sundry civil bill is reached.

Mr. INGALLS. A structure to be erected in this city?

Mr. HALE. A structure to be erected in this city entitled the "Latin-American Library." The recommendation of the conference upon that is very earnest and very fervent, and is to me convincing.

So I may say with regard to these other things, they were all embraced in the work, and it was a great work; and it appeals not only to the Senator from Alabama, but to all of us, I think, and not only does it appeal, as it has, to his imagination and to our imaginations, but to the practical side. It is not a dream alone that hereafter all of these great peoples, these sister Republics of ours upon the American continent, shut out by this great vale of waters from the Old World, shall be brought together nearer and closer by ties that spring from common interest, by the intercourse of trade and commerce, by the removal of all the obstacles that now lie in the way of the increase of trade and commerce, by cultivating a spirit of friendship, and by dealing with them in a spirit of comity; and when all those things are considered, the little appropriation that is found upon this bill is a bagatelle. It is a thing that the American people would raise no murmur against if the amount were ten times as much. It is only blazing out a way in

which we ought to be glad and proud to tread in the future, and I am glad that in this matter we have the co-operation of the distinguished Senator from Alabama, who has given such long and faithful attention to all of these subjects. He is a mine of information upon all such matters, and his aid in any project of this kind, broad, vast, and enlightened as it is, is a thing that I welcome most gladly.

I have endeavored, without taking up the time of the Senate by going into the details which are found in these reports, but by referring to the reports, to show to the Senate where it is that these specific recommendations are found upon which the action of the Committee on Appropriations is based. But I do not wish to take any more time of the Senate. I might have the document read at the desk, but it would take a couple of hours to do so, and at this time I fancy no Senator would call for it.

Mr. MORGAN. Let it be printed in the RECORD.

Mr. HALE. I do not know that any better disposition of the space could be made. I accept that suggestion of the Senator, that the document be printed in the RECORD.

Mr. MORGAN. It is necessary for the purpose of explaining exactly what we are doing.

Mr. HALE. I ask unanimous consent that Executive Document No. 135, submitted by the President of the United States, and referred to the Committee on Foreign Relations June 2, 1890, be printed in the RECORD as part of the proceedings, and when the other document relating to the intercontinental railway survey comes in, if necessary, I shall ask the same course as to that.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine that the document referred to by him may be printed in the RECORD? The Chair hears none, and it is so ordered.

The document referred to is as follows:

Message from the President of the United States, transmitting a letter of the Secretary of State relative to certain recommendations of the International American Conference.

To the Senate and House of Representatives:

The International American Conference, recently in session at this Capital, recommended for adoption by the several American Republics—

1. A uniform system of customs regulations for the classification and valuation of imported merchandise;
2. A uniform nomenclature for the description of articles of merchandise imported and exported; and
3. The establishment at Washington of an International Bureau of Information.

The conference also, at its final session, decided to establish in the city of Washington, as a fitting memorial of its meeting, a Latin-American Library, to be formed by contributions from the several nations of historical, geographical, and literary works, maps, manuscripts, and official documents relating to the history and civilization of America, and expressed a desire that the Government of the United States should provide a suitable building for the shelter of such a library, to be solemnly dedicated upon the four hundredth anniversary of the discovery of America.

The importance of these suggestions is fully set forth in the letter of the Secretary of State, and the accompanying documents herewith transmitted, to which I invite your attention.

BENJ. HARRISON.

EXECUTIVE MANSION, June 2, 1890.

CUSTOMS REGULATIONS AND BUREAU OF INFORMATION.

DEPARTMENT OF STATE, Washington, May 14, 1890.

The PRESIDENT:

The act of Congress authorizing the International American Conference, recently in session at this Capital, provided that, among other subjects, it should "consider the establishment of a uniform system of customs regulations in each of the independent American states, to govern the mode of importation and exportation of merchandise, and port dues and charges, a uniform method of determining the classification and valuation of such merchandise in the ports of each country, and a uniform system of invoices."

The conference received from the committee intrusted with this branch of its investigation three reports, all of which were unanimously adopted, and copies are hereto attached. The action of the conference in this respect is of great importance to all merchants and manufacturers of the United States who have commercial relations with Latin America and are endeavoring to extend their trade, as its recommendations, if adopted by the several Governments, will so simplify the formalities to be observed in the importation and exportation of merchandise that the obstacles heretofore existing will be removed.

This report, which was prepared after repeated consultation with the custom-house officials in New York and representatives of the Treasury Department, will be found in detail and ready for the consideration of Congress.

Another serious difficulty met with in our inter-American commerce has been the lack of uniformity in the nomenclature of articles of merchandise in common use, each country having its local terms and idioms that are obsolete or at least unfamiliar to its neighbors. For example, a calico print is known by a different name in nearly every one of the Latin-American States, and the same term used in one market may describe an entirely different article in another. This has been the source of great confusion and annoyance to those engaged in the export trade, and the conference has proposed as a remedy the compilation and publication of a code of common nomenclature, which shall designate in alphabetical order and equivalent terms, in English, Spanish, and Portuguese, the commodities upon which import duties are levied, to be adopted by all the American nations, and to be used in shipping manifests, consular invoices, entries, clearance petitions, and other official documents.

It is suggested that the preparation of this code be done under the direction of the proposed commercial bureau of the American Republics referred to below, that the work be commenced at the earliest date practicable, for which an appropriation by Congress will be necessary.

The third report of the committee on customs regulations, which was prepared by the direction of the conference and unanimously adopted, recommends the organization of an association under the title of "The International Union of American Republics, for the prompt collection and distribution of commercial information."

This union is to be represented at Washington, under the supervision of the Secretary of State, by a bureau called "The Commercial Bureau of the American Republics," and its organ is to be a publication entitled "The Bulletin of the Commercial Bureau of the American Republics," to be printed in the English,

Spanish, and Portuguese languages, and to contain, in addition to important information concerning the American Republics, the following:

(a) The existing customs tariffs of the several countries belonging to the union and all changes of the same as they occur, with such explanations as may be deemed useful.

(b) All official regulations which affect the entrance and clearance of vessels and the importation and exportation of merchandise in the ports of the represented countries; also all circulars of instruction to customs officials which relate to customs procedure or to the classification of merchandise for duty.

(c) Ample quotations from commercial and parcel-post treaties between any of the American republics.

(d) Important statistics of external commerce and domestic products and other information of special interest to merchants and shippers of the represented countries.

This bureau is at all times to be available as a medium of communication and correspondence for persons applying for information in regard to matters pertaining to the commerce of the American republics, and the bulletin is to be supplied to the public.

The expense of sustaining the proposed bureau and its publications is to be divided among the several American republics in shares proportionate to their respective populations.

No one familiar with the conditions of our commerce with Latin America will fail to recognize the advantages of such an organization, and, if it shall please Congress to approve the project, I suggest the importance of prompt action in making the appropriations required to carry the recommendation of the conference into effect.

It seems fitting in this connection to refer to the action of the conference at its final session concerning the establishment at Washington of a memorial library of American literature.

The foreign delegates, appreciating the importance of the conference and the significance of the assemblage of representatives of eighteen nations for the purpose of promoting the peace and prosperity of each other, frequently expressed a desire to erect some monument or memorial to permanently commemorate such an unprecedented event. Various propositions were suggested, but this desire finally found formal expression in the following resolution, offered by the Hon. Carlos Martinez Silva, a delegate from the Republic of Colombia:

"Resolved, That there be established at such location in the city of Washington as the Government of the United States may designate, to commemorate the meeting of the International American Conference, a Latin-American Memorial Library, to be formed by contributions from all the Governments represented in this conference, wherein shall be collected all the historical, geographical, and literary works, maps, manuscripts, and official documents relating to the history and civilization of America, such library to be solemnly dedicated on the day on which the United States celebrates the fourth centennial of the discovery of America."

The Hon. Bolet Peraza, a delegate from Venezuela, after applauding and supporting Mr. Martinez Silva's resolution, suggested that the library should be named in honor of Columbus, which amendment Mr. Silva accepted.

The resolution was unanimously adopted.

Mr. Martinez Silva, in presenting his resolution, said:

"Mr. President, ever since my distinguished colleague, Mr. Mendonça, spoke, at a private gathering, of the appropriateness and expediency of erecting a monument to commemorate the assembling of the International American Conference, the honorable delegates seem to have been unanimously of the opinion that something of the sort ought to be done. But it has since occurred to me that, among the various embarrassments which would be encountered in the attempt to carry out the suggestion, it would be very difficult to select a model which all would accept and that discussions and delays would arise, discussions and delays which might at last lead to that worst result, that nothing should be done."

"With this fear in my mind and thinking, furthermore, that the memorial to be erected ought to be something at once useful and made up of various elements, to which each Government might contribute independently, it occurred to me that the only plan which would satisfy all these requirements was the establishment in Washington of a memorial library, to which each Government could send on its own account the most complete collection possible of historical, literary, and geographical works, laws, official reports, maps, etc., so that the results of the intellectual and scientific labor in all America might be collected together under a single roof."

"That would be a monument more lasting and more noble than any in bronze or marble, because, in the first place, such a memorial would redound to our honor and help to make the Spanish-American nations known; while at the same time it would be very agreeable to the United States to have erected in Washington the library which I propose. It will gradually be enriched and enlarged, day by day, because the several Governments will take care to transmit every new work which may be published in their respective countries, until at last it will become so complete a collection that whoever shall desire to pursue any study concerning America will come to Washington to do it; even from Europe itself students would have to come for any special study concerning these countries."

"We are so disconnected in America, there are so many difficulties in the way of communication, that it may be said that we do not know each other. It is, for instance, almost impossible in Bogota to procure a book published in the Argentine Republic, and I believe that the same is the case in the Argentine Republic respecting the publications of Bogota. Let us suppose that a person is desirous of writing on America; how could he collect data as correct and complete as the case demands? He would have to go from country to country, spending much money and time to attain his object; but, if there be a library such as I propose, then all those dedicating themselves to such research or in need of data can come here and find what they want."

"Catalogues of this library would be distributed in all the countries of America and Europe, so that the people of all parts of the world would know what could here be obtained. It would be, moreover, of great usefulness for the permanent Spanish-American legations in Washington. All of the honorable delegates may have had occasion to note that great difficulties have presented themselves each time that information or a book respecting our countries is needed here."

"It would also be of great value to the Government of the United States, for it would stimulate the study of those nations in this country. So that my idea reduces itself to the establishment, in Washington, in some building or apartment which could be provided by the Government of the United States, of a Portuguese-Spanish-American library, each Government sending a collection, as complete as possible, of geographical charts, historical, statistical, and literary works, etc., enriching this library from year to year with the new publications which may be issued by the American nations. At the outset we might collect here fifteen or twenty thousand volumes, but in the course of twenty years this library will have an importance unrivaled in the world."

"I would desire to propose, also, that each Government should send its share of books in time for the library to be publicly dedicated on the anniversary of the discovery of America."

I most cordially endorse all that was said by the honorable delegate from Colombia with reference to the importance and appropriateness of the proposed memorial, and have full confidence that the sentiments which he uttered, and which were shared by all his colleagues, are heartily reciprocated by the people of the United States.

To receive and protect the proposed collection it will be necessary to provide a safe and suitable building, in a convenient locality, which may also be used for the offices of the proposed bureau of information, and should contain a hall or assembly room for the accommodation of such international bodies as the two conferences that have just adjourned. I respectfully suggest that the authority of Congress be asked to purchase, or erect, a structure of appropriate design and dimensions at a cost not exceeding \$250,000.

Respectfully submitted,

JAMES G. BLAINE.

[International American Conference.]

REPORTS OF THE COMMITTEE ON CUSTOMS REGULATIONS.

(As adopted by the Conference.)

I.—CLASSIFICATION AND VALUATION OF MERCHANDISE.

The committee on customs regulations, appointed by resolution passed at the sitting of the twelfth day, has the honor to submit the following report. The subjects designated for consideration by this committee, as appears in the printed minutes of the conference, are the following:

- A.—Formalities to be observed in the importation and exportation of merchandise.
- B.—The classification, examination, and valuation of merchandise.
- C.—Methods of imposing fines and penalties for the violation of customs and harbor regulations.

The committee has already made a preliminary report to the conference, recommending the adoption of a plan for the assistance of importers and exporters by means of an official and uniform nomenclature and classification of merchandise, in alphabetical order, which is intended to furnish equivalents in the English, Spanish, and Portuguese languages.

In continuation of its labors, the committee now presents the following suggestions:

A.—Importation and exportation of merchandise.

1. The committee has not been authorized to take into consideration the varying rates of duties imposed upon exports and imports by the countries represented in the conference, and such recommendations as are made in this report are intended to be applicable alike to the present and the future rates of duty.

2. The committee has given due weight to the fact that each of the countries represented depends upon customs duties as the chief source of national revenue, and that the productiveness and security of this revenue must not be threatened nor impaired under the guise of simplification or improvement of regulations for its collection.

3. It is recognized that each country should regulate and administer its own system of customs revenue, and that differences of race, habit, condition, and environment prevail among the conferring nations. The committee, therefore, proposes nothing that does not take cognizance of these important considerations.

4. The committee realizes that an active and desirable international commerce can be established only by the energy and skill of private enterprise, and can not be created and maintained by the cultivation of mutual sentiments of amity and good will. The true bases of such intercourse can be found only in parallelism of interests and in satisfactory profits derived from the supply of material wants.

5. Convinced that an increased commerce amongst the American Republics would be mutually beneficial to the citizens of those republics, the committee has considered the customs regulations of the several countries for the purpose of devising means of reducing some of the existing burdens of labor, time, expense, and risk.

6. The committee is gratified to find that, in a general sense, the revenue laws and regulations of the several republics are reasonable and moderate in their provisions; that their administration is, upon the whole, considerate of the rights and interests of the citizen, and that as a rule those who conduct the international navigation and commerce of the American continent are candid and honest in their relations with the revenue laws.

7. Nevertheless it is apparent that the laws and regulations as well as the administration thereof are, in some respects, susceptible of important improvements, and it is proposed in part to effect these improvements by establishing certain uniform rules and practices, without attempting to regulate minor local details.

8. Commerce is now carried on mainly by the instrumentality of the steamship, the railway, and the telegraph. These agencies have created necessities and conditions which often conflict with administrative arrangements which are preserved only because they are traditional and which do not accord with modern methods.

9. Excessive formality in administration is a serious evil, for the reason that it introduces expense, risk, and uncertainty in commercial transactions in such degree as to discourage commercial enterprise. It leads to the multiplication of agents in the business of importation, exportation, and transportation, and thereby reduces the legitimate profits and reasonable expectations of merchants and carriers and increases the expenses of government.

10. A ship's manifest is a marine document universally required of vessels arriving from foreign ports, as a basis for determining their cargoes, and in time of war to furnish the evidence of non-contraband goods. No vessel should be allowed to clear from any customs port before the master has lodged in the custom-house a manifest of his cargo, but consular certification of such manifests should not be required. Vessels belonging to regular lines of steamers, which are advertised to sail on schedule time, are usually compelled to take in cargo up to the last moment of their departure, and it is therefore impracticable before the hour of sailing to complete the manifest for clearance at the custom-house. The resident agents of such vessels should therefore be allowed to lodge in the custom-house, within twenty-four hours after the sailing of the vessel, such supplementary manifests as may be required to account for the whole cargo.

Before entering a foreign port the master of every vessel should prepare, for surrender to the customs authorities, an inward manifest containing all the facts shown by the outward manifests, together with a list of the passengers and crew and an account of surplus ship stores remaining on board. This manifest should be lodged at the custom-house together with the register and any other documents required by the local regulations, and should be verified by the master's personal declaration before the proper customs officer. The inward manifest may be used in verifying the cargo, but should not be accepted in lieu of an invoice.

The committee will present for the consideration of the conference a proposed international form of manifest and supplementary manifest. On the exportation of merchandise every shipper should be required, under penalty for failure, to lodge at the custom-house a special manifest of the goods sent by him out of the country, containing full particulars respecting the character, quality, value, and destination of the goods, so that the Governments may have authentic data for statistical records and reports. (See Recommendation I.)

11. Invoices for customs purposes should be made out in the language of either the country of import or of export, and should declare the wholesale market value of the goods at the date of exportation in the market whence imported, and all amounts or quantities should be expressed in figures only. The value so declared should be accepted, *prima facie*, as a basis for estimating ad valorem duties. It is recommended that the fee for consular certification

throughout republican America be established at the uniform rate of \$2.50 for each invoice, but that no fee be required for duplicates of an original invoice, nor in any case where the value does not exceed \$100. (Rec. 2.)

12. Entries of imported merchandise should be made out in the language of the country of importation and should name the vessel and the importer; entries should agree with bills of lading and with invoices in all material particulars, and the bill of lading and invoice should be lodged with the customs authorities at the time of entry. In case any of the packages covered by an invoice should fail to arrive by reason of short shipment, entry should be allowed of the missing packages by means of a properly verified extract or copy of the original invoice. Wherever oaths are now required in customs procedure they should be abolished, because they entail needless hardship and loss of time upon the importer in requiring his personal attendance at the custom-house. The signature of the importer to his declaration for entry should be invested with all the penal responsibilities now attached to his affidavit. (Rec. 3.)

13. Special facilities without the imposition of unnecessary charges should be accorded to goods in transit by railroad or water transportation through one country to another, provided they be kept in bond during such transit and that the transit be made under the supervision of the customs authorities, but without any verification of contents of packages. (Rec. 4.)

14. The hours and regulations for the lading and unlading of vessels should be made as liberal as local circumstances will permit, and special means should be provided for their entrance and clearance before and after the regular hours for business at the custom-house, and on all days when general business is suspended. (Rec. 5.)

15. The abolition of all fees and charges in the customs service is desirable and none should be exacted except such as are fixed and published by due authority; whenever they do exist, they should be limited to the actual cost of the service rendered, and never be imposed for the purpose of raising public revenue. (Rec. 7.)

16. In cases where the rate or amount of duty is doubtful or disputed the importer should be permitted to deposit, under protest, the amount claimed by the customs authorities and to take possession of his goods; his duties should be liquidated, as promptly as practicable, in accordance with the final decision on his protest, and any excess of deposit refunded without abatement. (Rec. 8.)

17. The committee earnestly recommends the adoption, in the principal ports of the countries here represented, of a system of bonded warehouses similar to that which wherever it has been tried has demonstrated its convenience to importers and its advantage to the national revenue. By availing himself of this system the importer can delay the payment of duties until he has effected the sale of the articles imported, or if he prefers to export them he can do so without payment of duty. To secure this privilege he must store the imported merchandise at his own risk and expense in some designated warehouse which is kept under the special supervision of the collector of customs, and must furnish satisfactory bonds for the payment of the duty or the exportation of the merchandise within a prescribed period. The importer, under this system, may withdraw his goods in lots of one or more packages, or, if the merchandise be in bulk, in stated quantities according to the demands of his business upon paying all duties and costs of labor and storage which have accrued upon the portion withdrawn for consumption.

The Government is thus absolutely protected against loss while the importer is relieved from the necessity of forcing his goods upon an unsatisfactory market. (Rec. 9.)

18. Peculiar hardship is suffered by importers in some of the countries from the revision of invoices by the supreme authority at the capital. In case of doubt or controversy, where a deposit of the maximum duty is exacted and the amount is paid under protest, this revision by the central authorities is necessary in the interest of justice, but in all other cases, except where fraud or culpable negligence appears, the merchant, upon paying the assessed duty at the custom-house, should receive his goods exempted from further liability for reclamations which may absorb his apparent profits. (Rec. 15.)

19. Internal duties upon imported commodities which have paid duty at the frontier are intolerable burdens upon and obstructions to international commerce. As soon as the legally assessed import duties are paid, on arrival, the goods become a part of the general stock of commodities and should thereafter be treated in the same manner as domestic products. An increase of import duties at the frontier is preferable to the vexatious system of internal duties. There should be no interior control nor supervision of duty-paid imported goods. A custom-house delivery of goods should entitle them to all the privileges and exemptions accorded to domestic merchandise. (Rec. 13.)

20. In the general interest of the American people, it is urged that prompt information be circulated by the Governments of the outbreak or prevalence of contagious diseases among cattle or other live-stock, in order that such importations may be subjected to a proper quarantine.

B.—The classification, examination, and valuation of merchandise.

21. With regard to the customs examination of merchandise, it need only be said that it should be conducted with as little delay, expense, and damage as possible, and should be limited to a reasonable verification of the statements of the entry and invoice. This suggestion applies as well to examinations conducted for the purpose of verifying the dutiable value of ad valorem merchandise as to examinations for ascertaining weights and quantities for the assessment of specific duty. The committee has interpreted the phrase "valuation of merchandise" as meaning its invoice valuation, and where duties are specific this valuation should be received without question or the necessity of verification, except in cases of suspected fraud. (Rec. 10.)

22. Merchandise contained in the baggage of tourists and immigrants, not exceeding a limited amount, should be admitted to entry and payment of duties without bill of lading or invoice, and tools of trade or occupation and other articles brought by passengers in reasonable quantities, for their own personal use and not for sale, should be exempted from duty. (Rec. 11.)

23. Actual samples of merchandise consigned, in reasonable quantities, solely for inspection or contained in the baggage of bona fide commercial travelers and intended to be used in the prosecution of their business, should, in the interest of commerce, be admitted duty free, under such restrictions as may be deemed necessary. (Rec. 11.)

24. The system of appraisement for ad valorem duties is so intricate and voluminous in its details, and is so little likely to be practiced *in extenso* by many of the countries represented in the conference, that the committee has decided not to recommend the consideration of that system.

25. The assessment of duty upon the gross weight of dutiable products seems onerous, but where the rate has been adjusted with due regard to the insignificant value of the taxed materials used for packing any particular class of goods, the duty upon the "gross weight" has the great advantage of certainty and simplicity and avoids troublesome questions about tare and weight. Through carelessness in packing and the use of light, strong coverings, importers can minimize the tax. Whenever "net weight" is required the tares should be regulated as far as practicable by schedules officially prepared and published. (Rec. 16.)

26. Merchandise which has been recovered from a wrecked or stranded vessel should be allowed to be entered without invoice at the custom-house by either the salvors or importers for appraisement by the proper authorities, duties to be paid on the appraised value. The importers should also be accorded the privilege of abandoning to the Government merchandise included in any invoice and seriously damaged by sea transportation, free of liability for duty,

provided such merchandise represents 10 per cent. of the total value of the invoice, and whenever goods have been surrendered to the insurance companies the latter should be recognized as rightful owners of the same for all customs purposes. (Rec. 13.)

C.—Methods of imposing fines and penalties.

27. Against the imposition of fines and excessive duties there should be granted the right of appeal to some tribunal which would promptly investigate all the facts and take into account the good or bad faith of the importer, as may appear in evidence. The importer should be allowed to appear personally or by representative before such tribunal and the decision should in such cases be made without delay. Clerical errors, minor inaccuracies, and informalities in the entry or invoice, or in any customs proceedings which do not affect the amount of collectible duty, should not, in themselves, be deemed sufficient ground for imposing fines and penalties. (Rec. 17.)

28. The committee is deeply impressed with the belief that equity and regularity of administration are in constant danger of infraction whenever officers of customs are allowed to participate in any share of penalties or forfeitures. A pecuniary interest in fines and penalties has a tendency to bias the judgment of the officer and incline him toward undue exactions for his own benefit. The committee therefore recommends to all the countries represented the adoption of laws (where they do not already exist) providing for the deposit in the Government Treasury of all the moneys received by customs officers and the substitution of a system of rewards for specially meritorious service. (Rec. 17.)

D.—Additional suggestions.

29. The committee has been convinced of the advantages to be derived from a periodical compilation, publication, and distribution of official statistics of the navigation and foreign commerce of the countries represented in the conference. These statistics are often the indispensable bases for legislative enactments affecting international interests. (Rec. 18.)

30. In addition to the adoption of common statistical forms, the committee recommends the establishment of an international bureau for the systematic collection and distribution of useful information relating to the exterior navigation and commerce of the conferring powers, and to the changes in their customs, laws and regulations.

The expense of maintaining such a bureau would be inconsiderable and its benefits inestimable. As one example of the practicability and economy of such a bureau, the bureau of universal postal union, conducted by the Government of Switzerland, may be cited. A more cogent instance is to be found in the plan for an international union for the publication of customs tariffs, etc., formulated by the conference held at Brussels in May, 1888, in which most of the commercial nations of the globe were represented, and it is urged that a union be effected between the republics represented in this conference, which would insure a prompt and accurate publication, at the common expense, for the common benefit of important commercial information. To accomplish this purpose the proposed international bureau might with advantage be maintained under the supervision of one of the represented countries and charged with the translation into English, Spanish, and Portuguese, and the publication and distribution of all the American tariffs, and such modifications of the same as may occur in due course. The countries comprised in this conference should each engage to send to the bureau without delay copies of—

1. Their representative customs laws, including tariffs corrected to date.
2. Explanations of the effect of modifications which are made in the original laws.
3. All circulars of instruction which have been addressed to their respective customs officers concerning the exaction of duties on, and the classification of, merchandise under the tariff laws.
4. All commercial and parcel-post treaties in force or subsequently adopted.
5. All available statistics relating to external commerce and domestic productions.

The annual expense of maintenance would properly be assessed in due proportion to the amount of the foreign commerce of the countries interested.

A common form adapted to the uniform exhibition of the desired facts will, if desired by the conference, be prepared and submitted hereafter. (Rec. 18.)

MEASURES RECOMMENDED.

In accordance with the conclusions thus carefully set forth, your committee asks the conference to recommend to all the countries here represented the adoption of the following measures:

1. That forms be adopted for outward manifests of vessels, which shall be lodged at the custom-house by masters of vessels at the time of clearance, and for supplementary manifests of steamers belonging to established lines to be made by the resident agents thereof and lodged by them in the custom-house within twenty-four hours after the sailing of the vessels, which manifests shall be used only for the determination of the cargo, etc., and shall not require consular certification.

That every such manifest shall show the name of the vessel and of her master, the ports of departure and destination, a description of her cargo by marks, numbers, and supposed contents of packages, with names of consignees and consignors, but no statement of values.

On the exportation of merchandise each individual shipper shall make and lodge at the custom-house for statistical purposes a special manifest, stating quantities, character, and values of the goods exported by him; and for a failure so to do he shall be subjected to a penalty.

The master of any vessel may, within forty-eight hours after the entrance at the custom-house and before any of the cargo shall have been landed, change her destination and proceed on his voyage. On entering a foreign port the master of every vessel belonging to one of the represented countries shall lodge with the custom authorities an inward manifest, containing all the facts shown by the outward manifest, including a list of the passengers and crew and an account of surplus ship stores remaining on board. This manifest must be verified by the master's personal declaration at the custom-house. It shall not be accepted in lieu of an invoice and no consular certification shall be required. Forms for outward, inward, and shipper's manifests are herewith submitted.

With a view that each government shall have official record of its export trade by rail with adjoining countries, any persons delivering to a railway or other transportation company commodities for export to an adjoining country shall also deliver a manifest thereof, showing the kind, quantity, and value of such commodities; and this manifest shall be delivered to the customs officer of the exporting country nearest to the borders thereof.

2. For the entry of imported merchandise, invoices shall be made out in the language and currency of either the country of import or of export or in any currency actually paid for the merchandise. They must declare the contents and value of each package, and state the quantities and the values of the goods in figures, and not in words, and the amounts so expressed, with any additions which the importer may make in his entry, shall be accepted at the custom-house as the basis for preliminary estimates of duty.

Wherever consular certification of manifests has heretofore been required the certification of invoices shall be accepted in lieu of the same. The consul's fee for legalization and certification shall be fixed at the uniform rate of \$2.50 for each invoice, but no fee shall be required for duplicates of an original invoice, nor for any invoice the value of which does not exceed \$100, provided that such invoice shall not have been subdivided for the purpose of reducing its total value.

If, by the reason of delay in the mails or other satisfactory cause, a certified invoice can not be produced, entry shall be allowed on a statement in the form of an invoice, and when the amount exceeds \$100 the execution of a bond shall be required for the subsequent production of an invoice duly certified.

In case any of the packages covered by an invoice shall, by reason of short shipment, fail to arrive, entry may subsequently be made of the missing packages by means of a properly verified extract or copy of the original invoice. (Par. 11.)

3. That all imported merchandise shall be entered at the port of arrival on a prescribed form, which shall be a declaration or petition signed by the importer and giving the ship's name, port of departure and date of arrival, the particulars of the packages, including the weight or quantity, and the supposed dutiable or free class of contents; also their values expressed in the currency of the invoice and reduced to the currency of the country of importation. The entry must agree in all essentials with the invoice and the bill of lading. That in all proceedings relating to the importation and entry of merchandise the declaration of the importer over his signature shall be received in lieu of his oath, and that any false declaration so signed shall subject him to such penalties as may be provided by the respective countries. (Par. 12.)

4. That every reasonable facility shall be afforded for the unobstructed transit of merchandise through one country to an adjacent country, especially where transportation can be directly affected by railway or water routes and where bonds can be furnished for the delivery of such merchandise, intact, within the jurisdiction of the adjoining country. That in no case shall the contents of such packages be made subject to duty or to examination by custom officers while in transit, or to any onerous requirements and exactions, but they shall be held amenable to such supervision only as shall be incidental to proper safeguards against their unlawful introduction into the markets of the country through which they may be transported. (Par. 13.)

5. That technical defects in the form of any document which has been duly authenticated before the consul of any one of the countries shall not, in that country, be deemed sufficient cause for the imposition of fines or penalties, and that all other manifest clerical errors may be corrected, after entry at the custom-house, without prejudice to the consignee or the owner. (Par. 9.)

6. That every facility shall be granted in the various ports of entry for the entrance and clearance of vessels and the discharge and lading of cargoes; and, on all days when other official business may be suspended, that the custom-house shall be open during some part of each day for the prompt entrance and clearance of vessels. (Par. 14.)

7. That the scale of duties shall be so arranged as to avoid the necessity of additional fees and charges, and that every country in which they continue to be exacted shall establish and publish a list of all fees and charges which are statutory in its ports, and that such exactions shall be respectively adjusted, so far as it is practicable, to cover the actual cost of the service rendered therefor. (Par. 15.)

8. That in all cases of dispute as to the legal rate or amount of duty, the importer shall be allowed to deposit under protest the maximum duty demanded by the customs authorities and to take possession of his goods; the entry in such cases to be liquidated as promptly as practicable after the final decision is reached, and the excess (if any) refunded to the importer. (Par. 16.)

9. That in the principal ports of the countries here represented a system shall be adopted as soon as practicable whereby an importer who desires to place his importation temporarily in the custody of the Government before payment of duty shall be enabled to store it at his own expense and risk, under the supervision of the customs authorities. For this purpose, warehouses shall be provided in which such goods may remain on storage under bond during one or more years, and from which they may be withdrawn at any time by the importer, in quantities of not less than one package, or, if in bulk, not less than 1 ton in weight, upon payment of the duty and charges upon the portion withdrawn for consumption, or, if withdrawn for export, upon payment of the expenses of storage and labor. (Par. 17.)

10. That customs examinations shall be made solely for the verification of the declarations of the invoice and entry, and be conducted with the least possible delay and expense to the importer. Where the duties are specific, the invoice valuation shall be accepted for statistical purposes without verification. (Par. 21.)

11. That actual samples of merchandise of no commercial value sent by foreign dealers or brought by bona fide commercial travelers solely for inspection, and personal effects and tools of trade or occupation, brought by passengers for their own use, and not for sale, shall be admitted without payment of duty, under such restrictions as may be provided. (Par. 22.)

12. That the countries here represented shall agree to circulate prompt information of the existence, within their respective borders, of contagious disease among cattle and other live-stock, and to establish proper precautions where importations of this character are threatened. (Par. 20.)

13. Merchandise which has been recovered from a wrecked or stranded vessel may be entered without invoice at the custom-house by either the salvors or the importers for appraisement by the proper authorities, and duties shall be paid in accordance with such appraisement. Importers shall also be accorded the privilege of abandoning to the Government, without liability for duty, any damaged merchandise included in any invoice, provided that the portion so abandoned shall amount in value or quantity to 10 per cent. of the entire invoice, and whenever recovered goods have been surrendered to an insurance company, the latter shall be recognized as the rightful owner of the same for all customs purposes. (Par. 23.)

14. That when importers have paid at the frontier the full amount of import duties assessed they shall be exempted from all further liability for duties within the limits of the country of importation. (Par. 18, 19.)

15. That where the rate or amount of duties is dependent upon the weight gross weight shall generally be used, and that in case net weight is required allowances for tare shall be made according to schedules officially published. (Par. 25.)

16. Against the imposition of fines or excessive duties importers shall be granted the right of appeal to a tribunal by which their good or bad faith, as it may appear from the evidence, will be taken into account; and the decision of said tribunal upon the facts shall be final and shall be made as promptly as practicable, and whenever the good faith of the importer is satisfactorily shown no penalty shall be incurred. Customs officers shall have no participation in any of the customs receipts, but shall deposit them intact, including moneys derived from fines and forfeitures, into the treasuries of their respective Governments. (Par. 27, 28.)

17. That the Governments here represented shall unite for the establishment of an American international bureau for the collection, tabulation, and publication, in the English, Spanish, and Portuguese languages, of information as to the productions and commerce and as to the customs laws and regulations of their respective countries; such bureau to be maintained in one of the countries for the common benefit and at the common expense, and to furnish all the other countries represented such commercial statistics and other useful information as may be contributed to it by any of the American republics.

That the committee on customs be authorized and instructed to furnish to the conference a plan of organization and a scheme for the practical work of the proposed bureau. (Par. 29, 30.)

18. The acceptance of the foregoing recommendations shall not require any change in the present legislation of the American Republics, in case it should contain more liberal provisions than here proposed, as the purpose of the con-

ference is not only to adopt uniform rules, but to establish more liberal provisions than are now in force.

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CLIMACO CALDERÓN.
CHAS. R. FLINT.
SALVADOR DE MENDONÇA.
MANUEL ARAGON.
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II.—BUREAU OF INFORMATION.

At the meeting of the conference, held March 23, 1890, the following resolution was adopted:

"That the Governments here represented shall unite for the establishment of an American International Bureau for the collection, tabulation, and publication, in the English, Spanish, and Portuguese languages, of information as to the productions and commerce and as to the customs laws and regulations of their respective countries, such bureau to be maintained in one of the countries for the common benefit and at the common expense, and to furnish to all the other countries such commercial statistics and other useful information as may be contributed to it by any of the American Republics. That the committee on customs regulations be authorized and instructed to furnish to the conference a plan of organization and a scheme for the practical work of the proposed bureau."

In accordance with said resolution the committee submits the following recommendations:

1. There shall be formed by the countries represented in this conference an association under the title of "The International Union of American Republics for the prompt collection and distribution of commercial information."

2. The International Union shall be represented by a bureau to be established in the city of Washington, D. C., under the supervision of the Secretary of State of the United States and to be charged with the care of all transactions and publications and with all correspondence pertaining to the International Union.

3. This bureau shall be called "The Commercial Bureau of the American Republics," and its organ shall be a publication to be entitled "Bulletin of the Commercial Bureau of the American Republics."

4. The bulletin shall be printed in the English, Spanish, and Portuguese languages.

5. The contents of the bulletin shall consist of—

(a) The existing customs tariffs of the several countries belonging to the union and all changes of the same as they occur, with such explanations as may be deemed useful.

(b) All official regulations which affect the entrance and clearance of vessels and the importation and exportation of merchandise in the ports of the represented countries; also all circulars of instruction to customs officials which relate to customs procedure or to the classification of merchandise for duty.

(c) Ample quotations from commercial and parcel-post treaties between any of the American Republics.

(d) Important statistics of external commerce and domestic products and other information of special interest to merchants and shippers of the represented countries.

6. In order to enable the commercial bureau to secure the utmost accuracy in the publication of the bulletin, each country belonging to this union shall send directly to the bureau, without delay, two copies each of all official documents which may pertain to matters having relation to the objects of the union, including customs tariffs, official circulars, international treaties or agreements, local regulations, and, so far as practical, complete statistics regarding commerce and domestic products and resources.

7. This bureau shall at all times be available as a medium of communication and correspondence for persons applying for reasonable information in regard to matters pertaining to the customs tariffs and regulations and to the commerce and navigation of the American Republics.

8. The form and style of the bulletin shall be determined by the commercial bureau and each edition shall consist of at least 1,000 copies. In order that diplomatic representatives, consular agents, boards of trade, and other preferred persons shall be promptly supplied with the bulletin, each member of the union may furnish the bureau with addresses to which copies shall be mailed at its expense.

9. Every country belonging to the International Union shall receive its quota of each issue of the bulletin and the quota of each country shall be in proportion to its population.

Copies of the bulletin may be sold (if there be a surplus) at a price to be fixed by the bureau.

10. While it shall be required that the utmost possible care be taken to insure absolute accuracy in the publications of the bureau, the International Union will assume no pecuniary responsibility on account of errors or inaccuracies which may occur therein. A notice to this effect shall be conspicuously printed upon the first page of every successive issue of the bulletin.

11. The maximum expense to be incurred for establishing the bureau and for its annual maintenance shall be \$36,000, and the following is a detailed estimate of its organization, subject to such changes as prove desirable:

One director in charge of bureau, compensation	\$5,000
One secretary	3,000
One accountant	2,200
One clerk	1,800
One clerk and type-writer	1,800
One translator (Spanish and English)	2,500
One translator (Spanish and English)	2,000
One translator (Portuguese and English)	2,500
One messenger	800
One porter	600

Office expenses.

Rent of apartments, to contain one room for director, one room for secretary, one room for translators, one room for clerks, etc., and one room for library and archives	\$3,000
Lights, heat, cleaning, etc	500
	\$3,500

Publication of bulletin.

Printing, paper, and other expenses	\$10,000
Postage, express, and miscellaneous expenses	600
	10,500

12. The Government of the United States, through the Secretary of State, to advance to the International Union a fund of \$36,000, or so much of that amount as may be required, for the expenses of the commercial bureau during its first year, and a like sum for each subsequent year of the existence of this union.

13. On the 1st day of July of the year 1891 and of each subsequent year during the continuance of this union, the director of the commercial bureau shall transmit to every Government belonging to the union a statement in detail of the expenses incurred for the purposes of the union, not to exceed \$36,000, and shall assess upon each of said Governments the same proportion of the total outlay as the populations of the respective countries bear to the total populations of all the countries represented in the union, and all the Governments so assessed shall promptly remit to the Secretary of State of the United States, in coin or its equivalent, the amounts respectively assessed upon them by the director of the bureau. In computing the population of any of the countries of this union, the director of the bureau shall be authorized to use the latest official statistics in his possession, the first assessment to be made according to the following table:

Table of assessments for commercial bureau.

Countries.	Population.	Tax.
Hayti	500,000	\$157.50
Nicaragua	200,000	75.00
Peru	2,000,000	975.00
Guatemala	1,400,000	825.00
Uruguay	600,000	225.00
Colombia	2,900,000	1,462.50
Argentina	3,900,000	1,462.50
Costa Rica	200,000	75.00
Paraguay	250,000	93.75
Brazil	1,400,000	5,250.00
Honduras	350,000	131.25
Mexico	10,400,000	3,900.00
Bolivia	1,200,000	450.00
United States	50,150,000	18,806.00
Venezuela	2,200,000	825.00
Chili	2,500,000	937.50
Salvador	650,000	243.75
Ecuador	1,000,000	375.00
Total	96,000,000	36,000.00

14. In order to avoid delay in the establishment of the union herein described, the delegates assembled in this conference will promptly communicate to their respective Governments the plan of organization and of practical work adopted by the conference, and will ask the said Governments to notify the Secretary of State of the United States, through their accredited representatives at this capital or otherwise, of their adhesion or non-adhesion, as the case may be, to the terms proposed.

15. The Secretary of State of the United States is requested to organize and establish the commercial bureau as soon as practicable after a majority of the countries here represented have officially signified their consent to join the International Union.

16. Amendments and modifications of the plans of this union may be made at any time during its continuance by the vote, officially communicated to the Secretary of State of the United States, of a majority of the members of the union.

17. This union shall continue in force during a term of ten years from the date of its organization, and no country becoming a member of the union shall cease to be a member until the end of said period of ten years. Unless twelve months before the expiration of said period a majority of the members of the union shall have given to the Secretary of State of the United States official notice of their wish to terminate the union at the end of its first period, the union shall continue to be maintained for another period of ten years, and thereafter, under the same conditions, for successive periods of ten years each.

JOSÉ ALFONSO.
M. ROMERO.
N. BOLET PERAZA.
SALVADOR DE MENDONÇA.
H. G. DAVIS.
CHAS. R. FLINT.

III.—NOMENCLATURE.

NOTES.

Resolved, That the proper committee of this conference be requested to examine and report about the convenience and practicability of adopting a common schedule of foreign goods, to be used by the several nations represented in this conference for the purpose of collecting import duties, making invoices, bills of lading, etc., each country having the exclusive right to fix the amount of duties to be levied on each article, but the schedule of the articles to be common to all.

M. ROMERO, Delegate from Mexico.

WASHINGTON, January 2, 1890.

REPORT.

The committee on customs regulations has considered the resolution presented by Mr. Romero, delegate from Mexico, with a view to the adoption by the nations represented at this conference of a common nomenclature which shall designate in equivalent terms, in English, Spanish, and Portuguese, the commodities on which import duties are levied, and also to be used in shipping manifests, consular invoices, entries, clearance petitions, and other customs documents, without restricting thereby the right of each nation to maintain the duties levied at present or to change them in any way which may be most convenient to their respective interests.

The committee favors this resolution in the belief that one of the objects for which this conference has been convened is the assimilation of the customs laws and regulations of the American nations, in order that simplification may facilitate the mercantile operations between them and promote the development of their reciprocal trade. The committee will formulate the nomenclature contemplated in said resolution, if the occupations of the members thereof allow it, if they are able to obtain the necessary data and expert help therefor, and, if unable to do this, will report to the conference the manner in which, in its opinion, this labor can best be performed.

This is not the only subject with which the committee has had to deal. The committee is carefully considering all the other important and complex matters which the conference has intrusted to it, and as soon as its labors are finished it will submit them to the enlightened decision of the conference.

While such results will be presented later, the committee now submits to the conference the following resolution:

Resolved, That the International American Conference recommends to the Governments represented therein the adoption of a common nomenclature which shall designate in alphabetical order, in equivalent terms, in English, Portuguese, and Spanish, the commodities on which import duties are levied, to be used respectively by all the American nations for the purpose of levying

customs imposts which are or may hereafter be established, and also to be used in shipping manifests, consular invoices, entries, clearance petitions, and other customs documents, but not to affect in any manner the right of each nation to levy the import duties now in force or which may hereafter be established."

J. ALFONSO.
CHARLES R. FLINT.
M. ROMERO.
H. G. DAVIS.
SALVADOR DE MENDONÇA.
CLIMACO CALDERÓN.

Mr. HALE. Now I ask that we take a vote on these amendments.

Mr. EDMUNDS. I move to amend, on page 9, line 2, in the amendment of the committee, by inserting, after the word "conference," the words "as stated in his message of June 2, 1890, and so far as he shall deem it expedient, as follows." And then follow the appropriations. I do not wish to commit myself, without having an opportunity to run through all these documents, to a positive implied direction to the President to go forward with every one of these propositions, and I wish to leave it to his expedient discretion as to whether some one or the other of them may not be omitted for the time being or modified in some way, and particularly in regard to the preliminary survey, as it is called, of an intercontinental railway as recommended, although that is not mentioned in the message of the President, so far as I can see, sent to us on the 2d of June, 1890.

Mr. HALE. That is in another document.

Mr. EDMUNDS. I do not find it in that message of the President nor in the preceding one of the 27th of May, 1890, which earlier one was on the subject of an international bank. Now, if an international bank is one of the things recommended by the international conference, I should think it would require considerable consideration with respect to the establishment of such a bank, if it were wise to establish it at all, and so on.

Mr. HALE. That is not in this appropriation.

Mr. EDMUNDS. No, it is not in this appropriation, unless it is in the first clause of the appropriation, which is general for employes and stationery, and so forth and so on.

Mr. HALE. Will the Senator have the language he proposes to insert read?

Mr. EDMUNDS. After the word "Conference," in line 2, on page 9, in the committee's amendment, I move to insert the words:

As stated in his message of June 2, 1890, and so far as he shall deem it expedient, as follows.

Then follows the appropriation; so that it would read:

To enable the President to complete the work and carry into effect the recommendations of the International American Conference, as stated in his message of June 2, 1890, and so far as he shall deem it expedient, as follows.

Then comes the appropriation.

Mr. HALE. I have no objection to that amendment.

The amendment to the amendment was agreed to.

Mr. REAGAN. Mr. President, the items in the bill making appropriations for the diplomatic and consular service, which are under consideration, bring before the Senate a subject of more general interest to this hemisphere probably than any other that could come before it. The want of a proper understanding between the governments on this hemisphere, the want of proper commercial relations between them, has deprived our country as well other American countries of many of the advantages which they ought to have enjoyed.

The language employed in the paragraphs under consideration seems to be very general in its terms, and it would be desirable to have it, if possible, more specific; but I take it the committee have considered and understand the recommendations which are made in the bill, and I should be disposed to go a great way in accepting their views upon the propriety of the appropriations to be made.

If we can, by carrying out the purposes of this conference, secure a uniform system of customs regulations for the classification and valuation of imported merchandise and a uniform nomenclature for the description of articles of merchandise imported and exported, we shall have done much to benefit the commercial intercourse and to promote the prosperity of the American Governments.

If, by the co-operation of the United States and the other American Governments, we can secure the construction of an international railroad extending from North to South America, and producing more frequent intercommunication between the peoples of these countries, and a better understanding of their mutual wants and necessities, we shall have accomplished another great purpose.

If we can secure a common coin of like value in all these countries, we shall have accomplished another great purpose.

To accomplish these great objects is simply to push forward our country on a grander scale than was done by the unification of the German states. They for a long period of time were embarrassed by commercial regulations in each of the petty communities of that country, absorbing the fruits of their labor and giving rise to questions which caused strife and contention, which were overcome finally by what we denominate the German Zollverein. It would be difficult to estimate in that small country and territory the value to those people of that Zollverein in the simplifying of their relations and reducing of expenses in intercommunication and commercial transactions; and when we come to apply the same principles to the immense countries here, to the whole Amer-

ican hemisphere, like advantages must result to all the countries concerned here.

Perhaps we may never reach the time when we shall have political unity, as they have in Germany now. That may not be desirable, but if we can get commercial unity, if we can get uniform customs regulations and classifications and valuations, and a uniform nomenclature and description of articles of merchandise, and a uniform coin which will circulate at par in all these countries, with free communication between our people, we can hardly estimate the value of this achievement to the American Governments.

The United States, from one cause or another, have failed to secure that control of American commerce to which our position and enterprise and capital and manufactures entitle this country. Here we are, Mr. President, with an amount of capital invested in manufactures and an amount of machinery engaged in the manufactories that could supply two or three countries like our own, but for the want of a market outside of our own country we find that frequently the mills here have to be shut down, the laborers thrown out of employment, the pecuniary interests of the men in the manufacturing companies suffer, and the people who depend upon their labor in carrying on the business of these establishments meet with disaster and suffering; while if we had free commercial intercourse with the countries to the south of us and open markets there our manufacturing establishments could have constant employment, and the labor employed in them need not be interrupted by the closing of the mills. Whatever we can do to get freer commercial intercourse must benefit every possible class of American interests.

I regret, Mr. President, that I did not anticipate that this question would come up, so that I might have looked more carefully into the proceedings of the Pan-American Congress. Other duties prevented me from keeping up with their proceedings as I desired to do, and subsequently to the adjournment of that congress I have not been able to give their proceedings the attention which I desired to give them. But it is hardly necessary that we should follow closely their proceedings to understand the great importance of carrying out the purposes of that conference.

That conference recommend a banking establishment with branches in the various countries for the purpose of accommodating the commercial interests of these different countries. While, as I said at the outset, I am sorry that these provisions are not more specific, particularly the first one, because it seems, especially with reference to other documents, to be too general and too broad, still my anxiety to see the purposes of that conference carried out induces me to accept the recommendations of the committee as to the necessary appropriations for that purpose, and whatever will promote the purposes of that conference shall have my earnest support.

Mr. EDMUNDS. In the amendment of the committee, on page 10, line 6, after the word "for," I move to amend by inserting the words "information in respect of," and after the word "railway," in the same line, I move to strike out the word "as;" so that the paragraph will read:

For payment of the share of the United States of a preliminary survey for information in respect of an intercontinental railway, recommended by the International American Conference, etc.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In the amendment of the Committee on Appropriations, in line 6, on page 10, after the word "for," it is proposed to insert the words "information in respect of," and in the same line, after the word "railway," to strike out "as;" so as to make the clause read:

For payment of the share of the United States of a preliminary survey for information in respect of an intercontinental railway, recommended by the International American Conference, \$65,000.

Mr. HALE. I do not object to that.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. On the same page, in line 8, I move to amend the amendment by striking out the words "furtherance of said preliminary" and insert "aid of such;" so as to read:

And in aid of such survey the President is authorized to appoint, etc.

The VICE-PRESIDENT. The Secretary will report the amendment.

The SECRETARY. In the amendment of the Committee on Appropriations, in line 8, on page 10, it is proposed to amend by striking out the words "furtherance of said preliminary" and inserting "aid of such;" so as to read:

And in aid of such survey the President is authorized to appoint, etc.

Mr. HALE. I have no objection to that.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. I think it proper to state that I have moved those amendments with the view of having this appropriation not to commit the United States to any moral or implied engagement to go on with an intercontinental railway as recommended by this conference, if it was, but only to furnish this money in order that we may get information upon the subject, and my motive was the same in the former amendment which I had the honor to offer and which was agreed to, that all these appropriations, following the first statement and referring to this

message of the President, are only tentative, to go on under these recommendations until we get further information about it.

Mr. HALE. I would not so readily have accepted the amendments if I had thought that they interfered with the next stage of this work that has been initiated by this conference. I do not believe that they will so interfere. I do not think that without these amendments the United States would in any way have been committed to the final project, but I do not object to the insertion of the words suggested by the Senator from Vermont, because they are in the line of caution, which is eminently proper.

Nothing will finally be done after this survey has been made until it shall have been fully reported, discussed, debated, amended, and put into such condition that it will be satisfactory and be deemed safe by both Houses of Congress and the President; but we must, if the whole thing does not end now, go on and step from one point to another, and the step we are now taking, guarded as it is, is neither an unsafe nor expensive one, in my judgment.

Mr. EDMUNDS. It does not imply the taking of any further step.

Mr. HALE. No, it does not imply the taking of any further step.

Mr. CULLOM. I simply desire to say that, for one, I am very anxious to see this railroad built, if it turns out, upon information, that it is a practical enterprise—

Mr. EDMUNDS. And useful.

Mr. CULLOM. And useful to the countries through which it will run.

Mr. VEST. I want to suggest to the Senator from Maine [Mr. HALE] that the Senator from Alabama [Mr. MORGAN], who spoke as long as his strength permitted him in this atmosphere, desires to offer some amendments to this portion of the bill, and that he is desirous that the consideration of the matter should go over until to-morrow. It is not possible that we can complete the bill this afternoon, and I make that suggestion to the Senator from Maine.

Mr. REAGAN. Before the Senator from Maine responds to that I wish to call his attention to the paragraph in the latter part of page 10, where the President is empowered to appoint officers of the Army and Navy to aid in this survey "in addition to civil engineers employed by said commission." It is provided that—

Officers so detailed may receive, in addition to their lawful pay and allowances, from the common intercontinental railway fund, such compensation in lieu of expenses as may be allowed them by said commission.

To avoid embarrassment to the commission in determining the amount of allowances, I inquire of the Senator from Maine if it would not be better to say that these allowances shall be limited to the actual expenses, because otherwise the question will arise, and the commission will be involved in the consideration and discussion of the subject, of how much should be allowed these officers for their services.

Mr. HALE. I do not think the officers of the Army and Navy will ever figure much in this matter, because the Senator may have noticed that the committee has confined it very closely:

And the President may, in addition to civil engineers employed by said commission, and at the request of the commission, detail from the Army and Navy of the United States such officers as, in his discretion, may be spared without detriment to the service.

I doubt whether under that it will be deemed advisable or that any of these officers will be called upon. It is only a question whether in the surveys, which will be not only novel, but dangerous, the commission should not have the power to increase the pay as well as pay the expenses of such officers.

I am not very strenuous about it. If the Senator wants to add the words "may be allowed by said commission to cover actual expenses," I shall make no objection.

Mr. REAGAN. Something to that effect would relieve the commission from embarrassment and the pay of the officers would go on and all their expenses would be met, and I suppose that would be sufficient to avoid any embarrassment to the commission.

Mr. HALE. After all I think this language covers it:

And officers so detailed may receive in addition to their lawful pay and allowances, from the common intercontinental railway fund, such compensation in lieu of expenses.

It is to be in lieu of expenses. It is not any additional compensation, but only in lieu of expenses. I think that is all right.

Mr. REAGAN. Very well; that will cover it, I think.

Mr. CALL. I hope the Senator from Maine, if there be any doubt about it, will make the language such as to make it an inducement to an officer. The mere question of paying his expenses in a dangerous undertaking, requiring great scientific ability, is, in my judgment, entirely too illiberal.

Mr. HALE. We think the language is good as it is. We framed it very carefully, as the Senator knows.

Mr. GORMAN. I think the language of the amendment is all right. It is but just to those officers if they are so employed; but I object very strongly to the provision beginning on line 15 of page 10:

And the President may, in addition to civil engineers employed by said commission, and at the request of the commission, detail from the Army and Navy of the United States such officers.

I thought in committee, and I think now, that it would be very much better to permit the commission to select any engineers they saw proper,

without any reference to army and navy officers. It is a great international question, and it occurred to me that possibly there might be found an objection in the Republics south of us to the employment of our naval and military officers. It might be objected to by their people.

Mr. HALE. If that is so the commission will not call upon them. The Senator will remember that on his suggestion we modified the amendment so that no army or navy officer can be detailed unless the President is requested by the commission to do it. The language is "in addition to civil engineers employed by said commission." That raises and establishes the presumption that they will employ their own engineers, and now, if, in addition, the commission itself should desire that the President should detail one or two or more army or navy engineers to aid, not to control, the work, he may do so. I do not think there ought to be any objection to that.

I would not myself think it would be wise that this should be left to be carried on by army engineers. I doubt whether this kind of work would be such as would be best carried on by them, accomplished men as they are; but if the commission wants, in addition to its own officers, its own civil engineers, one or two army officers detailed by the President, I think it ought to have that right. That is all there is in this.

Mr. GORMAN rose.

Mr. HALE. Mr. President, I am very desirous—I do not want to interfere with the Senator from Maryland—

Mr. GORMAN. Oh, no.

Mr. HALE. I am very desirous of getting this bill through, and would be willing to stay an hour or two hours to finish it and have it out of the way. Other matters are pushing and pressing upon us. I appreciate the appeal that is made by the Senator from Missouri [Mr. VEST] on account of the condition of health of the Senator from Alabama [Mr. MORGAN].

Mr. GORMAN. I suggest to the Senator from Maine that this is the second great appropriation bill we have considered to-day. We have been here since 12 o'clock in the Senate and two or three hours prior to that in committees, and I think if the bill goes over until to-morrow it will not take more than an hour or an hour and a half in the morning to complete it.

The VICE-PRESIDENT. The Chair would call the attention of the Senator from Maine to the fact that, in view of the amendment increasing the salary of the minister to Turkey, in line 7, on page 2, there is also an appropriation still pending, practically providing for two payments. That should be stricken out.

Mr. HALE. The other may be struck out.

The VICE-PRESIDENT. It will be reported.

The CHIEF CLERK. In line 18, on page 2, it is proposed to strike out the word "Turkey."

Mr. HALE. That is all right.

The amendment was agreed to.

Mr. HALE. Now, Mr. President, there is only one thing. Let us finish up the whole bill, excepting these amendments. Let the amendment on page 8, line 23, be adopted, and have inserted in the RECORD the communication from the Secretary of State called for by the Senator from Alabama.

The CHIEF CLERK. On page 8, line 23, it is proposed to strike out "four" and insert "six," as so to read:

For salary and expenses of a commercial agent at Boma, in the Lower Congo Basin, with authority to visit and report upon the commercial resources of the Upper and Lower Congo Basin, their products, their minerals, their vegetable wealth, the openings for American trade, and to collect such information on the subject of that country as shall be thought of interest to the United States, \$6,000.

The amendment was agreed to.

The letter from the Secretary of State is as follows:

DEPARTMENT OF STATE, Washington, May 27, 1890.

SIR: I have the honor to invite your special attention to that clause of the diplomatic and consular appropriation bill which, as it now stands, provides \$4,000 for "salary and expenses of a commercial agent at Boma, in the Lower Congo Basin, with authority to visit and report upon the commercial resources of the Upper and Lower Congo Basin, their products, their minerals, the vegetable wealth, the openings for American trade, and to collect such information on the subject of that country as shall be thought of interest to the United States," and in connection therewith to state that, from the information in the possession of the Department, it is clearly apparent that the sum named is inadequate to the requirements of the case.

I therefore most earnestly recommend that your committee will be pleased to increase the appropriation to at least \$6,000, believing that the money so appropriated and expended for the purpose indicated in the law above quoted will result in very material advantage to the country.

I have the honor to be, sir, your obedient servant,

JAMES G. BLAINE.

HOB. WILLIAM B. ALLISON,

Chairman Committee on Appropriations, United States Senate.

Mr. EDMUNDS. Mr. President, I wish to call attention to the amendment recommended by the committee on page 7, which I presume has been adopted, and I call my friend's attention to it, which provides for enabling the President "to meet unforeseen emergencies arising in the diplomatic service," and so on, "to be expended pursuant to the requirements of section 291 of the Revised Statutes, §80,000," which is, I believe, what is called the "secret-service fund." A certificate of the President is a sufficient voucher. The committee

have added "of which the sum of \$3,500 may be expended on the certificate of the Secretary of State."

I think that is an entirely new and unusual provision that has never been suggested before in respect of the expenditure of confidential moneys. It appears to me that the President of the United States ought to be in charge of the whole of that fund; and, therefore, when the proper time comes, if my friend will not permit it now—

Mr. HALE. If the Senator moves to strike that out, I shall not resist it.

Mr. EDMUNDS. I suppose it has been adopted in committee.

The VICE-PRESIDENT. It has been agreed to.

Mr. EDMUNDS. I move to reconsider the vote by which that was adopted. It is wrong in principle. I have no ground to complain of the practical propriety of it, whatever it may be, but in point of principle it is wrong.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. The question recurs on the amendment of the committee.

The amendment was rejected.

Mr. HALE. Now let the bill be reported to the Senate with permission to the clerks to correct the footings.

Mr. MORGAN. I wish to offer an amendment. I thought this bill would go over until to-morrow probably.

Mr. GORMAN. I understood the Senator from Maine to consent that it should go over until to-morrow.

Mr. HALE. I have conferred with the Senator from Alabama since then.

Mr. MORGAN. I move an amendment, on page 9, line 2, after the word "conference," to insert:

When the same are agreed to by the governments represented in such conference or a majority of them;

So as to read:

To enable the President to complete the work and carry into effect the recommendations of the International American Conference, when the same are agreed to by the Governments represented in such conference, or a majority of them, etc.

Mr. EDMUNDS. That would properly come in after the amendment already agreed to on my motion.

Mr. MORGAN. I was not in the Chamber when the amendment of the Senator from Vermont was agreed to.

Mr. EDMUNDS. That clause now reads:

To enable the President to complete the work and carry into effect the recommendations of the International American Conference as stated in his message of June 2, 1890, and so far as he shall deem it expedient, as follows.

Then follows this appropriating clause; so that, if the Senator wishes to add anything, I suggest that it would more properly come in after the amendment already agreed to.

Mr. MORGAN. I know of no difficulty about where it will come in. I merely want to get that point in the enactment.

Mr. HALE. Let us have it read and see if there is any objection to it.

The CHIEF CLERK. After the amendment already agreed to in line 2, on page 9, following the word "conference," it is proposed to insert:

When the same are agreed to by the governments represented in such conference, or a majority of them;

So as to read:

To enable the President to complete the work and carry into effect the recommendations of the International American Conference as stated in his message of June 2, 1890, and so far as he shall deem it expedient, when the same are agreed to by the governments represented in such conference, or a majority of them, as follows, including the compensation of translators, etc.

Mr. HALE. I do not know that that would in any way impede the work. These governments, through their representatives here, have agreed to it, and I should not want to agree to anything, neither would the Senator want to put in anything, that would obstruct the continuance of this work and prevent anything more from being done for the next year to come.

Mr. MORGAN. What I mean by "an agreement," of course, is an agreement notified to the Government of the United States through its diplomatic channels, which is submitted to the Senate for its ratification; because, after all, this is in the nature of a convention. It is a convention. I do not know that it can be anything else. It is not mere parallel legislation, and it would not be obligatory until we had agreed to it all around. So I think there ought to be an agreement between these Governments before we commence to appropriate money. We have got one end of the subject in the air if we do. I suggest to the Senator that it will take but a very few moments in the morning to close this. There will be probably no debate about it then, but I should like to look over the text, and particularly the allocation of the amendment of the Senator from Vermont, to see where my view ought to come, in what language.

Mr. HALE. I am very desirous of finishing the bill to-night, and I would rather accept the amendment. I do not think it will do any harm.

Mr. MORGAN. I am a little afraid to undertake to amend the bill myself, unless I know exactly the bearing of the whole of it, because I want to promote this and I am a friend of the proposition.

Mr. HALE. I will accept the amendment. The whole thing is left in the discretion of the President by the amendment of the Senator from Vermont, and so I do not feel that there is any risk or danger either the one way or the other.

Mr. MORGAN. I do not understand that the matter of applying this money to one of these routes agreed upon between the members of the Pan-American Congress is obligatory. I do not understand that the President can act upon that until he is notified in the proper way that these Governments have agreed to it.

Mr. HALE. He will not act, of course, until he believes the Governments will agree to it. I have no fear of his doing that. I think the amendment offered by the Senator from Vermont will cover it.

Mr. MORGAN. I understood the Senator from Maine to imply that we were empowering him to act notwithstanding we had not agreed to it.

Mr. HALE. Oh, no.

Mr. GORMAN. I suggest to the Senator from Maine that from the reading of the amendment offered by the Senator from Alabama, if it is adopted, it would prevent the Secretary of State or the President from the employment of these clerks in distributing the reports of the American conference, and everything else connected with it, until a majority of the Governments adopt it.

Mr. REAGAN. I think it would be better to leave the question open until to-morrow morning.

Mr. HALE. I want to finish the bill to-night.

Mr. GORMAN. I am quite certain the Senator from Alabama does not intend that, and I ask him if that is not the effect of his amendment. I think it would stop everything that is contemplated in the first paragraph of the amendment until that agreement had been formally entered into by the majority of the Republics south of us.

Mr. MORGAN. That is precisely what I want to do; that is exactly what I am trying to do. I do not think we have got any agreement—I know we have not—that is binding upon anybody, and I do not propose to commit the President of the United States to executing an agreement or to commit Congress to the expenditure of money until we have an agreement. These people can "renig" at any time they please, and leave us with our appropriations and expenditures here, and all that, without any foundation, in fact, or any agreement to go on.

Mr. HALE. The President will not go on unless a majority of these States send delegates. There is no doubt about that.

Mr. MORGAN. I do not know.

Mr. HALE. Therefore I do not think the amendment of the Senator does any harm.

Mr. MORGAN. I wish to change the point where my amendment comes in. Let my amendment come in after the word "expedient" in the amendment of the Senator from Vermont, and not after the words "as follows."

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. So as to read:

To enable the President to complete the work and carry into effect the recommendations of the International American Conference, as stated in his message of June 2, 1890, and so far as he shall deem it expedient when the same are agreed to by the Governments represented in such conference, or a majority of them, as follows, including compensation of translators, etc.

Mr. HALE. That is better, Mr. President.

Mr. COKE. I desire to suggest to the Senator from Alabama that if a majority of the Republics of Central and South America have to agree, and there should be others who did not join in the agreement, he would find it impossible to survey a railroad across the territory of the non-consenting powers.

Mr. EDMUNDS. The fact is that these messages of the President were referred to the Committee on Foreign Relations for consideration. So far as I am informed the committee has not yet had any opportunity to consider the reports and recommendations of the International Conference at all, and therefore the action of the Committee on Appropriations, without so far as I know any communication with the chairman or any member of the Committee on Foreign Relations, takes me somewhat by surprise. I am not prepared to say whether any part of this thing ought to be done at this present moment or not, for the committee to which the subject was referred has had it, by this report of the Committee on Appropriations, apparently entirely taken out of its hands for consideration.

So, while I am not going to affirmatively oppose these recommendations of the Committee on Appropriations (who undoubtedly ought to have everything concerning the safety of the Government in their hands) I think it right to mention that I wish to take these amendments *sub modo*, as the saying is, for the time being, and without being committed to any part of them, and for the reason that I have not had the opportunity, and I believe the proper committee has not, to consider the subject.

That is all I wish to say on that topic. I am not going to interfere. I merely wish to propose while I am up, on page 8, line 25, of these amendments, to strike out the words "complete the work and;" so as to read:

To enable the President to carry into effect, etc.

I do not think we ought to start with the proposition of completing

any work which is not yet agreed upon. I presume my friend will have no objection to that.

Mr. HALE. It is my impression that the amendment we are on now was reported to our committee by the Senate Committee on Foreign Relations. I will ascertain. I think this is one of those amendments.

Mr. MORGAN. I wish to call the attention of the Senator from Vermont and the Senate to the fact that the Committee on Foreign Relations will meet to-morrow morning, and we can have the subject brought up for examination, as I think ought to be done. I think we ought to understand exactly how far we are going before we take a step.

Mr. REAGAN. At the bottom of page 9, the paragraph which provides "for an international coin or coins" reads:

And the President of the United States is authorized to invite the Governments of the several other American Republics and the Hawaiian Kingdom to appoint commissioners for a like purpose to meet in the city of Washington on the first Wednesday of January, 1891.

It seems to me deserving of consideration whether there may not be something the Government of the United States will have to do before it can probably get a diplomatic agreement with other Governments, and we had better look carefully at that before adopting any provision of that kind.

Mr. HALE. Well, Mr. President, the committee has waited long and there has been ample opportunity for every Senator to look at these matters. I have no pride of opinion about them, neither has the Committee on Appropriations, but it has felt, and I feel now, that this is simply in the direction that we ought to move, and we ought not to lose any time. There may be criticism as to form and as to words in different places, and you may strike the whole out and say this whole operation may cease and nothing may be done. The proper place for it is on this diplomatic and consular appropriation bill, and the committee only took what amendments were referred to it and conferred with the Secretary of State.

Mr. EDMUNDS. What committee referred these amendments to the Committee on Appropriations?

Mr. HALE. The amendments were referred to the committee direct.

Mr. EDMUNDS. From where?

Mr. HALE. From the floor of the Senate, which is a body almost as high as the Committee on Foreign Relations. The Committee on Appropriations has only dealt with amendments that it found before it.

Now, if there is a disposition to wait, and to delay, and to obstruct, and put amendments on here that will stop the operation of this thing, which we all claim to be for, I can not hinder it. I protest against any such action being taken, and I should be glad to have the bill finished to-night.

Mr. EDMUNDS. What is the pending question?

The VICE-PRESIDENT. The amendment offered by the Senator from Alabama [Mr. MORGAN] is still pending.

Mr. HALE. I do not object to the amendment.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. On page 8, line 25, I move to strike out the words "complete the work, and," so as to read:

To enable the President to carry into effect the recommendations, etc.

Mr. HALE. I think that is an improvement. I do not object to that amendment.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. HALE. On page 12, line 1, after the word "Rome," I move to insert "and;" and in the same line, after "St. Petersburg," to strike out "and Vienna;" and in line 2, after "each," to strike out "twenty-one" and insert "eighteen;" so as to make the clause read:

Consuls-general at Constantinople, Ecuador, Frankfort, Ottawa, Rome, and St. Petersburg, at \$3,000 each, \$18,000.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

AMENDMENTS TO BILLS.

Mr. PLATT submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. DAWES. I ask that the legislative appropriation bill may be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 9066) making appropriations for the legislative, executive, and

judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DAWES. I move that the Senate insist upon its amendments to which the House has not agreed and consent to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. DAWES, Mr. PLUMB, and Mr. CALL were appointed.

PREVENTION OF COLLISIONS AT SEA.

Mr. DOLPH. I ask that the pending business may be laid aside for the purpose of taking up the bill (S. 3917) to adopt regulations for preventing collisions at sea. The bill adopts the recommendation of the International Maritime Conference. It is strongly recommended by the Department of State. It will take, I think, only the time needed to read the bill. It is to take effect only on the proclamation of the President and the adherence of the other Governments. All the maritime nations were parties to the convention, and the Department is anxious that in communicating with the other Governments, which it will do soon, it can communicate the action of this Government. The bill was reported from the Committee on Commerce. There are two bills. They are important public matters in which I have no personal interest.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Oregon?

Mr. HALE. What is that request?

The VICE-PRESIDENT. To consider the bill (S. 3917) to adopt regulations for preventing collisions at sea.

Mr. FRYE. The bill ought to pass because it must be sent over to the other House before a grant while. Notice of acceptance by this Government will model the action of the other Governments. It is the report of the maritime conference.

Mr. HALE. All right.

The VICE-PRESIDENT. The bill will be read.

The bill was read, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, on page 6, section 1, line 24, after the word "such," to insert "a"; so as to read:

And of such a character as to be visible, etc.

The amendment was agreed to.

The next amendment was, on page 8, section 1, line 13, before the word "prescribed," to strike out "a" and insert "as"; so as to read:

To be used as prescribed above.

The amendment was agreed to.

The next amendment was, on page 9, section 1, line 20, after the word "sailing," to insert "vessels"; so as to read:

Second. If sailing vessels, of 7 tons gross tonnage and upwards, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COLLISION AT SEA.

Mr. FRYE. There is one other bill of the same kind.

Mr. DOLPH. I ask the Senate now to consider the bill (S. 3918) in regard to collision at sea. It is part of the same recommendation. The two measures ought to go together to the other House.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first section provides that in every case of collision between two vessels it shall be the duty of the master or person in charge of each vessel, if and so far as he can do so without serious danger to his own vessel, crew, and passengers (if any), to stay by the other vessel until he has ascertained that she has no need of further assistance, and to render to the other vessel, her master, crew, and passengers (if any) such assistance as may be practicable and as may be necessary in order to save them from any danger caused by the collision, and also to give to the master or person in charge of the other vessel the name of his own vessel and her port of registry, or the port or place to which she belongs, and also the name of the ports and places from which and to which she is bound. If he fails so to do and no reasonable cause for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect, or default.

Section 2 provides that every master or person in charge of a United States vessel who fails, without reasonable cause, to render such assistance or give such information as aforesaid, shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of \$1,000, or imprisonment for a term not exceeding two years; and for the above sum the vessel shall be liable and may be seized and proceeded against by process in any district court of the United States by any person, one-half

such sum to be payable to the informer and the other half to the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORT BROOKE MILITARY RESERVATION.

Mr. CALL. I ask unanimous consent to consider the bill (S. 2786) for the donation of Fort Brooke military reservation at Tampa, Fla., for free schools, and other purposes. An amendment to the bill was recommended by the Committee on Public Lands, and passed the Senate by vote, and I am authorized by the Senator from Colorado [Mr. TELLER] to say that the opposition to it is withdrawn.

By unanimous consent, the Senate resumed the consideration of the bill.

The VICE-PRESIDENT. The bill is before the Senate. It has been read, as in Committee of the Whole, amended, reported to the Senate, and the amendment made as in Committee of the Whole has been concurred in.

Mr. CHANDLER. What is the Calendar number of the bill?

Mr. GORMAN. It has passed the Senate heretofore.

Mr. CALL. The bill has passed the Senate.

Mr. CHANDLER. What is the Calendar number? I ask.

The VICE-PRESIDENT. No. 488.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACKSONVILLE, ST. AUGUSTINE AND HALIFAX RIVER RAILWAY CO.

Several Senators addressed the Chair.

Mr. HALE. Let us adjourn.

Mr. HAWLEY. No, let me call up a bill that will pass without objection.

Mr. HALE. I give notice that after it is disposed of I shall insist on a motion to adjourn.

Mr. HAWLEY. I should like to call up a bill, and a word of explanation will make it easy. The same bill has passed both Houses. It passed the Senate, and I had it recalled from the other House in order that I might put it as an amendment on the House bill. It is in a little different form. The Senate bill is amended, perfected. I will now report favorably from the Committee on Military Affairs, if the Senate is willing, the bill (H. R. 9104) granting to the Jacksonville, St. Augustine and Halifax River Railway Company a right of way across the United States military reservation at St. Augustine, Fla.

The VICE-PRESIDENT. Does the Senator report the bill without amendment?

Mr. HAWLEY. With an amendment. I wish to call up now the bill (S. 2865) granting to the Jacksonville, St. Augustine and Halifax River Railway Company a right of way across the United States military reservation at St. Augustine, Fla., which is on the table, and I move to reconsider the vote by which it was passed.

The motion to reconsider was agreed to.

Mr. HAWLEY. I now move to strike out all after the enacting clause in the House bill and substitute therefor the Senate bill, which is the amendment of the Military Committee.

The VICE-PRESIDENT. The proposed amendment will be read.

The CHIEF CLERK. Strike out all after the enacting clause in the House bill and insert:

That the Jacksonville, St. Augustine and Halifax River Railway Company, a corporation duly organized and existing under the laws of the State of Florida, be, and is hereby, granted a right of way across the prolongation of "the lines" or ditch on the United States military reservation at St. Augustine, Fla., for the construction, maintenance, and use thereon of one or more tracks and sidings, as may be approved by the Secretary of War: *Provided*, That the said right of way shall not exceed 100 feet in width, and shall be subject to such change, revocation, or removal as may be prescribed by the Secretary of War, at the expense of the railroad company.

Sec. 2. That the said company shall provide and keep clear a sufficient channel at the proper grade for the flow into and out of the ditch in "the lines;" and shall, upon request by the Secretary of War, provide a grade crossing for teams and tram-cars across its tracks in the prolongation of "the lines."

Sec. 3. That the work hereby authorized and directed shall be done to the satisfaction of the Secretary of War.

Sec. 4. That if the right hereby conferred shall not be exercised and the road built within two years next after the passage of this act all the rights and authority hereby granted shall absolutely cease and determine.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The VICE-PRESIDENT. The question is on the amendment reported from the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HAWLEY. I move that the Senate insist upon its amendment and request a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HAWLEY, Mr. DAVIS, and Mr. COCKBELL were appointed.

PENSION APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives further insisting on its disagreement to the amendments of the Senate numbered 9 and 10 to the bill (H. R. 7160) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1891, and for other purposes.

Mr. GORMAN. I move that the Senate recede from its amendments to the bill. This is the general appropriation bill for pensions. The disagreement is only on one item of amendment made by the Senate, providing for two additional pension agencies. The other House have after two conferences declined to agree to the Senate amendment, and there is no possibility of an agreement. I therefore move that the Senate recede.

The VICE-PRESIDENT. The Senator from Maryland moves that the Senate recede from its amendments numbered 9 and 10 to the bill. The motion was agreed to.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 11th instant, a report from the Commissioner of Indian Affairs relative to the amount of claims heretofore presented to the Department on account of Indian depredations, etc., which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 54 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 25, 1890, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, June 24, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. WILLIAM H. MILBURN, D. D.

APPROVAL OF THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER. In the absence of objection, the Journal as read will be approved.

Mr. SPRINGER. I object.

Mr. Speaker, I desire to call the attention of the House to the fact that the Clerk has not read, as customary, that part of the Journal which relates to the resolutions and bills referred when the House is not in session. I notice on page 6925 of the RECORD this statement:

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, a House bill of the following title, with Senate amendments, was taken from the Speaker's table and referred as follows:

A bill (H. R. 9086) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes—to the Committee on Appropriations.

I desire to call the attention of the Chair to the fact that if the House decided anything in regard to the silver bill it was that it could not be referred out of the open session of the House, but that it must be referred while the House was in session, so that if the House desired to correct the reference at the time, by appealing from the decision of the Chair or otherwise, if it was not satisfied with the accuracy of the reference, it would then have the opportunity to do so. I had supposed from that action that the policy of the House in the future and the practice to be established under the rule would be as I have indicated. I also inferred this from the further fact that the Speaker stated, when the silver bill was referred in open House, that he "now referred" that bill to the Committee on Coinage, Weights, and Measures, the assumption being that the bill was then on the Speaker's table. I think, therefore, the clause that I have read should be stricken from the RECORD.

The SPEAKER. The Chair thinks not.

Mr. SPRINGER. So far as I am individually concerned, I am somewhat indifferent as to what the practice shall be under the rule, and I only call attention to this with the view of securing uniformity. I think it desirable that we should have at least uniformity in our practice, because a bill of the importance of the legislative, executive, and judicial appropriation bill with Senate amendments ought to have been laid before the House, so that the House itself could pass upon the question of reference and concur or non-concur in the amendments of the Senate.

I understand this action to be a reversal of the policy of the House as laid down by the result of appeals from the decision of the Chair, and the action of the House taken itself, during the discussion of the silver bill on Friday and Saturday of last week. I merely call the attention of the House to the fact now, and as the Speaker has held that

the reference in question is a proper one, I will not make any further objection.

The SPEAKER. In the absence of objection, the Journal will stand approved.

The Chair hears none.

Mr. CUTCHEON. Does the gentleman from Illinois claim that this bill would not have to go to the Committee of the Whole?

Mr. SPRINGER. I did not hear the remark of the gentleman from Michigan.

Mr. CUTCHEON. I wish to know if you claim that this would not have to go to the Committee of the Whole.

Mr. SPRINGER. I claim that it should go to the Committee of the Whole.

Mr. CUTCHEON. Then, of course, it is correctly referred.

The SPEAKER. The Chair desires to say in this connection that it has not been customary to read the list of bills in the Journal because of the length of time it would consume, and also because of the fact that the list is furnished by the RECORD where every one can see it.

The Chair desires to state that it has never been the custom—

Mr. SPRINGER. No, not the custom to read the list of bills, but the references.

The SPEAKER. And this has been misunderstood in some quarters; and the fact that the silver bill was not read when the silver bill was referred has been made a handle of in some directions to criticize unfairly the action taken; but every member knows that it was not read because such has not been the custom of the House.

Mr. SPRINGER. I have not made that criticism, Mr. Speaker, and if any person outside has made the assertion or is under that impression I hope it will be corrected.

The SPEAKER. The Chair hopes, also, that if any one outside has done it it will be corrected, because it is important that the public should not be misled as to the integrity of our record; and the action in that respect has, as the Chair has suggested, been made use of to create that impression.

Mr. SPRINGER. I have not seen such a statement myself in the papers, but I hope if it has been made that it will be corrected.

LEGISLATIVE APPROPRIATION BILL.

Mr. BUTTERWORTH. Mr. Speaker, I am directed by the Committee on Appropriations to report back the legislative, executive, and judicial appropriation bill with Senate amendments, and recommend concurrence in a part of the amendments and non-concurrence as to others.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The Committee on Appropriations, to whom was referred the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes, together with the amendments of the Senate—

Mr. HOLMAN (interrupting the reading). Mr. Speaker, this reading of course will not suspend the point of order that this matter should have its first consideration in the Committee of the Whole.

The SPEAKER. The gentleman has a right to make that point.

Mr. HOLMAN. I think the amendments ought to be considered in Committee of the Whole.

The SPEAKER. The gentleman from Indiana makes the point of order that the amendments should be considered in Committee of the Whole.

Mr. BUTTERWORTH. Permit me to say to my friend from Indiana, before pressing the point, that the differences, and the only ones, between the two Houses, relate to an increase of the forces in the several departments of the Government and an increase of salaries. The Committee on Appropriations has asked the House to non-concur in these increases, and has asked concurrence in those only the items of which are in their nature inconsequential and do not increase either the number of officials employed or the amount of salaries paid. Many of the amendments are mere verbal corrections, but wherever the Senate has increased the amount appropriated or the number of employes we have recommended non-concurrence, in deference to what we understand to be the desire of the House in that behalf, and in that regard the committee, I think, are unanimous.

Mr. CANNON. The committee are unanimous.

Mr. BUTTERWORTH. If there had been any substantial changes or modifications of the bill in any other behalf than those I have mentioned, we should have asked that it go to the Committee of the Whole.

Mr. HOLMAN. Mr. Speaker, with the understanding that all the amendments that increase salaries and officers are reported adversely, that is, with the recommendation that the House non-concur, I do not insist that the amendments shall be considered in Committee of the Whole.

Mr. BUTTERWORTH. I do not now recall one. There may be one or two, but I do not now recall one case in which we do not recommend non-concurrence in those amendments which increase salaries or officers.

Mr. HOLMAN. What is the recommendation in regard to the Senators' clerks?

Mr. BUTTERWORTH. We dissented from that and recommended non-concurrence.

Mr. HOLMAN. And the same as to the other increases of salaries?

Mr. BUTTERWORTH. Yes, sir.

Mr. HOLMAN. I will not insist on its consideration in Committee of the Whole.

The SPEAKER. Is the objection withdrawn?

Mr. HOLMAN. Yes, it is withdrawn.

The SPEAKER. The House will then consider the bill in the House. The Clerk began reading the report of the Committee on Appropriations.

Mr. SPRINGER. I ask unanimous consent that the reading of the numbers of the amendments, which does not throw any light upon the facts, or furnish us with any information as we listen to them, may be dispensed with.

Mr. BUTTERWORTH. There are some three hundred of them altogether.

Mr. SPRINGER. The reading of the numbers does not furnish any light.

The SPEAKER. They ought to be printed in the RECORD. The Chair suggests that they be printed in the RECORD, and without objection it will be so ordered.

There was no objection.

The report of the Committee on Appropriations is as follows:

Mr. BUTTERWORTH, from the Committee on Appropriations, submitted the following report, to accompany bill H. R. 9066:

The Committee on Appropriations, to whom was referred the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1891, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows:

They recommend concurrence in the amendments of the Senate numbered 1, 9, 10, 31, 32, 33, 35, 36, 37, 38, 45, 54, 55, 58, 63, 66, 67, 68, 69, 70, 80, 81, 83, 84, 88, 96, 99, 106, 112, 126, 127, 132, 151, 152, 153, 154, 166, 200, 222, 223, 224, 225, 226, and 229.

They recommend non-concurrence in the amendments numbered 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 34, 40, 41, 42, 43, 44, 46, 47, 48, 49, 50, 51, 52, 53, 56, 57, 59, 60, 61, 62, 63, 64, 71, 72, 73, 74, 75, 76, 77, 78, 79, 82, 85, 86, 87, 89, 90, 91, 92, 93, 94, 95, 97, 98, 100, 101, 102, 103, 104, 106, 107, 108, 109, 110, 111, 112, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 128, 129, 130, 131, 133, 134, 136, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 188, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 226, and 227.

They recommend concurrence in the amendment numbered 30, with an amendment as follows:

"On page 12 of the bill, in line 30, strike out the words 'under the Chief Official Reporter.'"

Mr. BUTTERWORTH. I will ask concurrence in all of those amendments in which the committee recommend it.

The SPEAKER. The question is upon concurrence in such of the amendments as are recommended by the Committee on Appropriations to be concurred in.

The amendments referred to were agreed to.

The SPEAKER. The amendments in which concurrence is recommended by the Committee on Appropriations are concurred in. The question is now upon concurrence in an amendment with an amendment, which the Clerk will report:

The Clerk read as follows:

They recommend concurrence in the amendment numbered 30 with an amendment as follows:

"On page 12 of the bill, in line 30, strike out the words 'under the Chief Official Reporter.'"

Mr. HOLMAN. What is the purpose of that amendment?

Mr. BUTTERWORTH. I will say to my friend from Indiana [Mr. HOLMAN] that that simply is intended to make the law conform to the fact. There is no Chief Official Stenographer now, since Mr. McElhorne's death, and we simply eliminate that part of the bill which designated that officer and fixed his salary.

Mr. DOCKERY. The printed copy of this bill which came from the Senate yesterday reached the Committee on Appropriations at about 9 o'clock this morning; and in view of that fact I desire permission of the House to extend my remarks in the RECORD. It is my purpose to make an analysis of the increased appropriations asked by the Senate, and I have not up to this moment had an opportunity to do this.

The SPEAKER. Without objection, permission will be granted. There was no objection.

Mr. DOCKERY. Now, Mr. Speaker, I desire to submit only a few observations in reference to the amendments of the Senate. This bill as it passed the House created one hundred and thirty-four new offices and appropriated \$20,842,446.75. The Senate has provided one hundred and thirty-one new offices in the bill additional to the one hundred and thirty-four which it carried when it left the House, whilst the increased appropriation added by the Senate amounts to \$496,422, making the sum total of the bill as it now stands \$21,338,868.75. This very large and extraordinary increase arises in the main from the creation of new offices, the salaries they carry, and the increase of the salaries under existing law.

Inasmuch as there was some controversy in the Senate when this bill was being considered, as to the relative expenditures of the House and of the Senate, I desire to submit, briefly, a comparative statement

of the expenditures of the House and of the Senate for the fiscal year which closes on the 30th of this month.

There are three employes in the office of the Vice-President and four employes in the office of the Speaker, the corresponding office here. The employes in the office of the Vice-President receive \$4,860, whilst the corresponding employes in the office of the Speaker receive \$6,804.80.

There is one Chaplain for the Senate and one Chaplain for the House, and, as I shall show a little further on, that is the only department in the House service in which we stand upon an equality with the Senate.

There are thirty-one officers employed by the Secretary of the Senate, whose salaries amount to \$62,418.90, whereas the fifty-six persons who perform like service under the Clerk of the House receive \$95,632.

There are employed by the Sergeant-at-Arms and Doorkeeper of the Senate one hundred and eight persons, with salaries amounting to \$119,221.20; while the Sergeant-at-Arms and the Doorkeeper of the House employ one hundred and fifty-nine persons, with salaries amounting to \$144,144. There are twelve employes in the office of the Postmaster of the Senate, at a compensation of \$15,788; twenty employes in the office of the Postmaster of the House, at a compensation of \$22,420; thirteen employes in the engineer department of the Senate, with a compensation of \$14,950; sixteen employes in the engineer's department of the House, at a compensation of \$16,480; sixty-three clerks and messengers to committees of the Senate, at a compensation amounting to \$107,860; sixty-one clerks and messengers to the committees in the House, whose compensation amounts to \$94,192. The cost of reporting the proceedings of the Senate is \$26,440; while the same service in the House costs \$35,000, including two stenographers to committees at \$4,000 each.

So that, Mr. Speaker, to sum up the entire cost of the clerical force of the Senate, it aggregates \$389,326.10, whilst in the House it amounts to \$415,672.80. Now, if to this be added the contingent expenses of the House and the contingent expenses of the Senate, we find that the total expenditures on account of the clerical force in the House and contingent fund amount to \$524,709.80, whereas the same service of the Senate costs \$461,446.10.

Now, Mr. Speaker, let us analyze this hurried recapitulation. The Vice-President has three employes, and their average salaries are \$1,620. The Speaker has four employes, and the average of their salaries is \$1,701.20, the average being \$81.20 more than those in the office of the Vice-President. I will say, however, for the Speaker, that the force for the present fiscal year is that which has been carried on that roll for a number of years. That, however, is the only branch of the House service where the average salaries of its employes exceed those of the corresponding service in the Senate.

The Chaplain of the House receives \$900; the Chaplain of the Senate receives \$900. This is the only branch of the public service upon which we stand upon the plane of absolute equality.

There are thirty-one employes in the office of the Secretary of the Senate, whose average salaries are \$2,013; and fifty-six employes under the Clerk of the House, who receive an average salary of \$1,707; so that the average salaries of the employes of the Clerk of the House are \$306 less than the average salaries of the employes of the Secretary of the Senate.

There are one hundred and eight employes in the office of the Sergeant-at-Arms and Doorkeeper of the Senate, whose average salaries are \$1,104; but the average salaries of the one hundred and fifty-nine persons employed by the House are only \$900, or \$193 less than those in the Senate.

The twelve employes of the Senate Postmaster receive \$1,316 on an average, while the twenty employes here receive \$1,121.

In the engineer's department the thirteen employes in the Senate receive an average salary of \$1,150, while our sixteen employes only receive \$1,030.

The clerks and messengers to the Senate committees, numbering sixty-three, receive on an average \$1,712, while the sixty-one clerks and messengers to committees of the House receive \$1,544, or \$168 less.

The twenty-five annual clerks of the Senate receive \$2,262 on an average; the annual clerks of the House are twenty and receive \$2,100.

The clerks to Senators during the last year received (I mean those clerks who are not clerks to committees) \$36,888. There is no force at this end of the Capitol that enables me to make any comparison in respect to that item.

So that, Mr. Speaker, the average salary of each one of the two hundred and sixty-one clerks employed by the Senate is \$1,491, while the average salary of the three hundred and twenty-five clerks employed by the House is \$1,275, or \$193 less, on an average, than the clerks of the Senate.

Mr. OATES. Will the gentleman allow me to inquire whether the clerks to individual Senators are continued on the roll during the vacation or only during the session?

Mr. DOCKERY. There are in the Senate twenty-five annual clerks, twenty-five session clerks, and three that are classed as annual assistant clerks.

Mr. OATES. But I am speaking of the clerks to the individual Senators.

Mr. SAYERS. They only serve during the session.

Mr. OATES. What is the compensation of the clerks to individual members of the Senate, and are they continued on the rolls during the year or only during the session?

Mr. DOCKERY. They are only session clerks now, and receive, I think, the pay of \$100 a month.

Mr. PEEL. They receive \$6 a day.

Mr. OATES. Do they get \$100 a month or \$180 a month?

Mr. RICHARDSON. They get \$6 a day.

Mr. DOCKERY. I am incorrect in that. I believe that the clerks to Senators do get \$6 a day.

Mr. OATES. Does that salary continue during the vacation or only during the session?

Mr. DOCKERY. The salary is \$6 per day during the session and does not continue during vacation. Again, Mr. Speaker, there are eighty-four Senators and two hundred and sixty-one employes, or an average of three employes to each Senator, whilst there are three hundred and thirty Members of the House and five Delegates, or less than one employe to each member of this body. The average clerical cost, including contingent fund in the Senate, based on the total membership of that body, is \$4,473; whilst the corresponding cost in the House is but \$1,278. The average difference, therefore, under the current law, amounts to \$3,195 in favor of the House.

This sharp contrast, Mr. Speaker, is emphasized in the bill under consideration. The appropriations demanded by the Senate for its contingent fund and clerical force for the next fiscal year amount to \$509,066.10, or an average, ascertained on the basis just stated, of \$6,060, whilst the like appropriations asked for by the House for the same period amount only to \$497,518.30, or an average of but \$1,521, as against \$6,060 for the Senate. Now, Mr. Speaker, this bill as it passed this body only made an increase of two employes for the House, and provided for a clerical force at a cost of about \$393,000 or \$29,000 less than was asked for the current fiscal year.

The bill comes back to us from the Senate with the clerical roll of that body increased from 261 to 291 employes, while the appropriations for the service of the Senate have mounted up to \$422,296.10, or \$57,970 more than during the present fiscal year, although the bill for the next fiscal year provides only for the short session.

Let me recapitulate. As I stated at the outset, I have not had time to analyze this bill fully; and can therefore only state at this time a few of the increases in the force of the Senate. One telegraph page for the Vice-President, \$720; in the Secretary's office an additional clerk, salary \$2,100; an assistant clerk to the Committee on Claims, at \$1,440; the Sergeant-at-Arms and Doorkeeper, six additional employes at an expense of \$8,640; three additional "skilled laborers" are provided at a cost of \$3,000, and three "laborers," at a cost of \$2,160; two additional mail-carriers, at a cost of \$2,400; six additional folders, at \$3 a day; and one clerk, at \$1,800. This very large increase of force is supplemented by the increase of the compensation for clerks to Senators now provided for only during the session. In other words, this bill carries an increase of \$26,112 on account of clerks to Senators who have heretofore been carried on the rolls as session clerks, but hereafter under the Senate amendment will be compensated with an annual salary of \$1,800.

Mr. Speaker, if I had the time and the House the patience I could show that this entire bill, which comes to us from the Senate with nearly three hundred amendments, is honeycombed with provisions for increases of offices and increases of salaries. So great have been the increases, Mr. Speaker, that Senators themselves have protested against them.

I trust, sir, that I do not trench upon the proprieties of debate when I join with Senators in characterizing the greater number of the Senate amendments as extravagant to a degree that invites criticism. Senator INGALLS made the following statement when this bill was under discussion in the Senate:

Mr. President, the committee of which I have the honor to be chairman has an annual clerk at the compensation, I think, of \$2,220 per annum. I therefore have no special reason to complain, but at the same time I feel justified in saying that, in my opinion, the whole committee and clerical force of the Senate requires readjustment. There are at least twenty of the standing and select committees of this body that are absolutely superfluous and unnecessary. It has been difficult to find names and invent functions for them. They have been created and established merely for the purpose of assigning some Senator to a chairmanship, giving him a room, and providing for him a clerk, and, in addition, practically a messenger also.

Senator HALE also protested against increasing salaries. Let me remark in passing that there was but one proposition, as I now remember, offered for an increase of offices or of salaries that failed of approval. It was to create the office of superintendent of Senate stables at a salary of \$1,440 a year, but when the debate developed the fact that there were already more employes for the stables than there were horses, the amendment was rejected. [Laughter.]

Here is what Senator HALE said upon the subject:

Mr. President, the tendency all the while is to increase the force of the Senate and to increase its pay, and some day or other the result will be that public at-

tention will be called to the expenditures of this body and, if a scandal is not created, at any rate grave public censure will be visited on this bill.

Further on he declares:

It is also a fact, Mr. President, that the best paid places in the whole range of the Government are the subordinate places about the Senate. For the same work, for the same time, for the same responsibility, they are better paid than any other employes of the Government in any Department. They are the most desirable places. There is no man holding a clerkship in any of the Departments or in the House of Representatives but what, if he could change to a corresponding place in the Senate, would not be glad to do it. The rates are higher, the vacations are long, the duties are not onerous, and in my judgment the Senate will make a mistake if it adds to its expenditures now in the direction the Senate is evidently inclined.

Again, Mr. Speaker, when efforts were made to increase the salary of an employe out in Oregon, which had been cut down under a Democratic Administration, Senator ALLISON protested against it in the following language:

In 1885-'86, when the House of Representatives was under the control of an opposing party and when the Administration was under similar control, they cut down the salary of the surveyor-general of Oregon to \$1,800 on the ground that that was a sufficient compensation in view of the small appropriations being made for surveys of the public lands. When the Republican party came into power in the executive and in the legislative departments your Committee on Appropriations, following the precedents that have been laid down and have been incorporated in your statutes year by year, are confronted with one amendment after another increasing the compensation of officers appointed under this Administration, when similar officers have served under prior Administrations for the compensation proposed to be appropriated by the bill.

Now, all I ask is that Senators will understand that if this is to be pursued to the logical sequence of the amendment of the Senator from Oregon then this appropriation bill must be practically reorganized as respects these salaries, and we shall be confronted with the question of undoing what has been done for the last twelve years in the way of reducing compensation; and we are called upon now to do this as Republicans at a time when there is complaint, whether just or otherwise, as to the extravagance of Congress, and when there is complaint, whether just or otherwise, of the extravagance of the Senate. We are doing this at a time when there is prevailing over this country a belief that those who are engaged in laboring pursuits are not receiving that compensation which their labors require. We are doing it at a time when a great many people in this country feel the oppression of low prices and of no or but little employment.

I submit to my fellow-Senators on both sides of the Chamber that this is not the time to run through this appropriation bill and increase salary after salary in the Senate above and beyond what has been the rule for the last twelve years.

Then Senator PLUMB, of Kansas, said—

Mr. BUTTERWORTH. Mr. Speaker, I think it proper to call my friend's attention to the fact that his remarks, as to their form, are subject to a point of order, because it is not it order to refer to Senators or the Senate in discussing these matters.

Mr. DOCKERY. Why, Mr. Speaker, I do not understand that the rule is subject to any such construction. I am reading from the RECORD, and if I have a right to read this RECORD privately, certainly I have a right to read it in open House.

Mr. BUTTERWORTH. I am not disposed to criticize my friend at all, but I think he could make the comment he desires to make and still keep within the rule.

The SPEAKER. The Chair thinks the gentleman has no right to read from the record of current debate in the Senate. The object of the rule, as the Chair understands it, is to prevent irritation arising between the two bodies.

Mr. DOCKERY. Very well. I shall defer to the views of the Chair. Now, Mr. Speaker, I shall quote from a distinguished Republican, who also commented upon the question at issue in the following terms:

I hope that the Senate will be satisfied, as I said, to stop where they are, and that when we have taken a careful account of the expenditures of this body, we can apply the pruning knife and reduce the expenditures \$100,000.

Mr. Speaker, I could multiply quotations in the line of the ones presented, but I forbear, and have briefly adverted to these facts because in due time a conference report will be made, and I hope that in the light of these unquestioned facts—for if I can not quote the statements made in the other body, I can at least refer to the figures—the conference committee which is to be appointed on this bill will stand firm and not recede from the position taken by the Committee on Appropriations in their recommendations that the House non-concur in all the amendments of the Senate which create new offices and increase existing salaries.

Mr. BUTTERWORTH. I now ask for a vote.

The SPEAKER. The question is upon concurring in the amendment of the Senate with the amendment which has been reported to the House.

The question was determined in the affirmative.

The SPEAKER. The question is now upon non-concurring in the amendments recommended for non-concurrence by the Committee on Appropriations.

The amendments were non-concurred in.

Mr. BUTTERWORTH. I now move the appointment of a committee of conference on the disagreeing votes of the two Houses on this bill.

The motion was agreed to.

The SPEAKER subsequently announced the appointment of Mr. BUTTERWORTH, Mr. CANNON, and Mr. FORNEY as conferees on the part of the House.

Mr. BUTTERWORTH moved to reconsider the several votes in relation to amendments of the Senate to the legislative, executive, and

judicial appropriation bill; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FUNERAL EXPENSES OF HON. JAMES LAIRD.

Mr. KELLEY. I desire to make a privileged report from the Committee on Accounts, and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay out of the contingent fund of the House the sum of \$600, or so much thereof as may be necessary, to pay in full the funeral expenses of the late James Laird, Representative-elect from the Second district of Nebraska.

The following amendment, recommended by the Committee on Accounts, was read:

Strike out the word "sixty" and insert in lieu thereof "thirty-five," so as to make the amount to be paid \$335.

The amendment was agreed to.

The resolution as amended was adopted.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed acts of the following titles:

An act (H. R. 1188) granting a pension to Elizabeth Cheesman;
An act (H. R. 3066) granting a pension to John Dunn;
An act (H. R. 4522) granting a pension to J. N. Jordan;
An act (H. R. 0097) granting a pension to James Goff, of Tennessee;

An act (H. R. 8326) granting a pension to Benjamin F. Douglass;
An act (H. R. 8431) granting a pension to Sarah Ann Nos;
An act (H. R. 4807) for the relief of Lydia G. Carnes;
An act (H. R. 5719) for the relief of Harrison Tryon; and
An act (H. R. 7367) for the relief of Sarah M. Williams.

CHANGE OF REFERENCE.

The SPEAKER announced the change of reference of a bill of the following title, from the Committee on Military Affairs to the Committee on the Public Lands:

A bill (H. R. 7507) to grant the Mesilla Valley Irrigation and Land Company the right of way for an irrigating ditch across the Fort Selden military reservation in New Mexico.

ANN RUFFNER.

The bill (H. R. 3458) granting a pension to Ann Ruffner was laid before the House with the following amendment of the Senate:

In line 5 strike out the word "cavalry" and insert "artillery."

The amendment was concurred in.

BRIDGE OVER MISSOURI RIVER.

The bill (H. R. 4570) to authorize the Leavenworth and Platte County Bridge Company to substitute a pivot draw-bridge over the Missouri River in place of a ponton bridge was laid before the House with the following amendment of the Senate:

Strike out lines 13 to 22, inclusive, on page 1, and lines 1 and 2, on page 2, and insert the following:

"Not be built or commenced until the plan and specification for its construction have been submitted to the Secretary of War for his approval, nor until he shall approve the plan and location of said bridge; and if any change be made in the plan of construction of said bridge at any time such change shall be subject to the approval of the Secretary of War; and any change in the construction, or any alteration of said bridge that may be directed at any time by Congress or the Secretary of War, shall be made at the cost and expense of the owners thereof; *Provided*, That said Leavenworth and Platte County Bridge Company shall at its own expense build and maintain, under direction and supervision of the Secretary of War, such wing-dams and booms or other works necessary to maintain the channel within the draw span or spans of said bridge, and shall, at their own expense, maintain a depth of water through said draw span or spans not less than that now existing at the point where said bridge may be located; and if said Leavenworth and Platte County Bridge Company shall fail to maintain such channel as aforesaid, then the Secretary of War may cause said channel to be opened and maintained at proper depth for navigation through said span or spans at the expense of the owners of said bridge.

Mr. MORRILL. I move that the House non-concur in the amendment of the Senate and ask for a conference.

The motion was agreed to.

GEORGE W. MADDEN.

The bill (H. R. 1474) to remove the charge of desertion from the military record of George W. Madden was laid before the House with the following amendment of the Senate:

Strike out all after the enacting clause and insert the following:

"That the Secretary of War is hereby directed to remove the charge of desertion standing on the records of his Department against George W. Madden, late a private in Company I, Thirty-third Regiment New York Volunteer Infantry, and substitute therefor 'Absent without leave; enlisted April 7, 1863, for four years, in the United States Marine Corps; discharged September 3, 1864, by order of Secretary of Navy, having been enlisted illegally; enlisted again in same corps September 4, 1864; honorably discharged September 4, 1868; re-enlisted November, 1868, and honorably discharged December 13, 1872, at Mare Island, California;' and the charge of desertion so removed and the substitution thereof of 'absent without leave' shall be no bar to his claim for pension."

Amend the title of the bill so as to read "An act for the relief of George W. Madden."

Mr. CAREY. I move that these Senate amendments be concurred in. The motion was agreed to.

KING THEOLOGICAL HALL.

The bill (S. 884) to incorporate the King Theological Hall was laid before the House with the notification that the Senate disagreed to the amendments of the House, asked a conference on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. SPOONER, Mr. HIGGINS, and Mr. HARRIS.

Mr. HEMPHILL. I move that the House insist on its amendments, and agree to the conference asked by the Senate.

The motion was agreed to.

PUBLIC BUILDING, COLUMBUS, GA.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 188) for the erection of a public building at Columbus, Ga., with request of the Senate for a conference thereon.

Mr. GRIMES. Mr. Speaker, I move to non-concur in the amendments of the Senate and agree to the conference asked.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on bills of the following titles, namely:

On the amendments of the House of Representatives to the bill (S. 389) granting pensions to soldiers and sailors who are incapacitated for the performance of labor, and providing for pensions to widows, minor children, and dependent parents.

Also, to the amendments of the Senate to the bill (H. R. 6034) for the relief of Mary Alice White Ogden.

The message also announced that the Senate had passed a concurrent resolution requesting the President to return to the Senate the bill (S. 145) for the relief of the legal representatives of Henry S. French.

PITTSBURGH, COLUMBUS AND FORT SMITH RAILWAY.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 344) granting the right of way to the Pittsburgh, Columbus and Fort Smith Railway Company through the Indian Territory, and for other purposes.

The amendments were read, as follows:

Page 3, line 20, strike out "district."
Page 7, line 23, strike out "and district courts" and insert "courts."
Page 7, line 24, strike out all after the word "Arkansas," down to and including "Congress," in line 26.
Page 7, line 24, after the word "shall," insert "except as provided in section 3 of this act."
Page 9, lines 18 and 19, strike out "prior to the construction and completion of the road."

Mr. PERKINS. Mr. Speaker, I move that the House concur in the amendments of the Senate.

The motion was agreed to.

WILLIAM J. BRYAN.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 1110) granting a pension to William J. Bryan.

The amendment was read, as follows:

In line 4, strike out all after "United States," down to the end of the bill, and insert "subject to the provisions and limitations of the pension law."

Mr. BOOTHMAN. I move concurrence in the amendments of the Senate.

The motion was agreed to.

BETSY E. COLE.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 1405) granting a pension to Betsy Cole.

The amendment was read, as follows:

In line 4, after the word "Betsy," insert the initial letter "E."
Amend the title to read: "An act to grant a pension to Betsy E. Cole."

Mr. MORRILL. I move concurrence in the amendment of the Senate.

The motion was agreed to.

The SPEAKER. The title will be amended in accordance with the action of the two Houses.

CHRISTOPHER C. ANDREWS.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 1452) for the relief of Christopher C. Andrews, with request for a conference on the disagreeing votes of the two Houses thereon.

The amendments of the Senate were read at length.

Mr. PAYSON. Mr. Speaker, I move that the House non-concur in the Senate amendments and agree to the conference asked thereon.

The motion was agreed to.

MRS. ALICE A. CUNNINGHAM.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 1783) granting a pension to Mrs. Alice A. Cunningham.

The amendment of the Senate was read, as follows:

In line 3, strike out the sum proposed by the bill, and insert "subject to the provisions and limitations of the pension laws."

Mr. MORRILL. I move concurrence in the amendment of the Senate.

The motion was agreed to.

HENRY L. POTTER.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 7263) to increase the pension of Henry L. Potter, with request of the Senate for a conference thereon.

Mr. MORRILL. I move that the House non-concur in the amendments of the Senate and agree to the conference asked thereon.

The motion was agreed to.

ENTRY OF PUBLIC LANDS FOR CEMETERY PURPOSES.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 8247) to authorize the entry of public lands by incorporated cities and towns for cemetery and park purposes, with request for a conference with the House on the said bill and amendments.

Mr. PAYSON. I move that the House non-concur in the amendments of the Senate and agree to the conference asked thereon.

The motion was agreed to.

LIGHT-HOUSE TENDER, THIRTEENTH LIGHT-HOUSE DISTRICT.

The SPEAKER also laid before the House the bill (S. 461) making appropriations for a new light-house tender for use in the thirteenth light-house district, with headquarters at Portland, Oregon, with amendments of the House, disagreed to by the Senate, and request for conference on the disagreeing votes thereon.

Mr. BAKER. Mr. Speaker, I move that the House insist upon its amendments to this bill and agree to the conference asked by the Senate.

The motion was agreed to.

CUSTOMS-COLLECTION DISTRICT, PUGET SOUND.

The SPEAKER also laid before the House the bill (S. 3163) to reorganize and establish the customs-collection district of Puget Sound, with amendments.

The Clerk read as follows:

Resolved, That the Senate disagree to the amendments of the House of Representatives to the bill S. 3163 and ask a conference on the disagreeing votes of the two Houses.

Ordered, That Messrs. DOLPH, CULLOM, and GORMAN be the conferees on the part of the Senate.

Mr. WILSON, of Washington. I move that the House insist on its amendments and ask for a committee of conference.

The motion was agreed to.

EXTENSION OF TIME TO PURCHASERS OF LAND OF OMAHA INDIANS.

The SPEAKER also laid before the House the bill (H. R. 5974) extending the time of payment to purchasers of land of the Omaha tribe of Indians in Nebraska, and for other purposes, with amendments.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, June 13, 1890.

Resolved, That the bill from the House of Representatives numbered 5974 do pass with the following amendments:

Page 1, line 15, after the word "due," insert:
"And the Secretary of the Treasury shall retain in the Treasury all moneys heretofore and that may hereafter be paid as principal, under the act approved August 7, 1882, and shall pay over 5 per cent. thereof annually to the Secretary of the Interior, to be expended by him annually for the benefit of said Indians as prescribed in section 3 of said act, and the Secretary of the Treasury shall pay all interest that has been paid on lands sold under said act to the Secretary of the Interior, to be by him paid over to said tribe, to be distributed to the members thereof pro rata by the agent of said tribe, and all interest hereafter coming into the Treasury shall be paid over and distributed to said tribe annually in like manner."

Page 1, lines 15 and 16, strike out "above mentioned" and insert:

"Of August 7, 1882."
Ordered, That Mr. MANDERSON, Mr. DAWES, and Mr. MORGAN be the conferees on the part of the Senate.

Mr. PERKINS. I move that the amendments be concurred in without conference.

Mr. CANNON. What is this bill?

Mr. DORSEY. The bill extends the time of the payment of the purchasers of land on the Omaha Indian reservation. The bill passed the House and went to the Senate, and the amendment provides simply that 5 per cent. of the money paid in under the act of August 7, 1882, shall be expended by him annually for the benefit of the Indians.

The amendments were concurred in.

BOARD OF MANAGERS NATIONAL HOME FOR DISABLED SOLDIERS.

The SPEAKER also laid before the House the joint resolution (H. Res. 138) with amendments:

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, June 19, 1890.

Resolved, That the joint resolution (H. Res. 138) to increase the number of members of the Board of Managers of the National Home for Disabled Volunteer Soldiers and to fill vacancies in such board do pass with the following amendment:

In line 11 strike out "Augustus B. Farnham" and insert "Thomas W. Hyde."

Resolved, That the Senate request a conference with the House of Representatives on said joint resolution, with amendment.

Ordered, That Messrs. HAWLEY, MANDERSON, and WALTHALL be the conferees on the part of the Senate.

Mr. CUTCHEON. I move that the House non-concur in the Senate amendment and agree to the conference asked for.

Mr. SPINOLA. Mr. Speaker, I would like to inquire—

The SPEAKER. The question is on the motion of the gentleman from Michigan [Mr. CUTCHEON] to non-concur in the Senate amendment and agree to the committee of conference.

The SPEAKER announced that the ayes seemed to have it.

Mr. SPINOLA. How many voted "ay?" I voted "nd."

The SPEAKER. Unless there are some more vigorous measures taken the Chair will announce that the motion is agreed to.

WILLIAM P. ATWELL.

The SPEAKER also laid before the House the bill (S. 209) to authorize the Secretary of War to cause to be mustered William P. Atwell. The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, June 20, 1890.

Resolved, That the Senate disagree to the amendment of the House of Representatives to the bill (S. 209) to authorize the Secretary of War to cause to be mustered William P. Atwell, and ask a conference with the House of Representatives on the disagreeing votes of the two Houses thereon.

Ordered, That Messrs. MANDERSON, DAVIS, and COCKRELL be the conferees on the part of the Senate.

Mr. SPRINGER. What is this bill?

The SPEAKER. The Clerk will report the title again.

The Clerk again read the title of the bill.

The SPEAKER. The question is, Will the House insist upon its amendment and agree to the committee of conference?

The question was taken, and it was decided in the affirmative.

THE SILVER BILL.

Mr. MCKINLEY. I am instructed by the Committee on Rules to make the following report and ask immediate action thereon.

The Clerk read as follows:

The Committee on Rules, to whom was referred the accompanying resolution of the House relating to a time for the consideration of House bill No. 5381 (the silver bill), have considered the same, and beg leave to report the following substitute:

Resolved, That immediately after the passage of this resolution the House proceed to consider House bill No. 5381, with Senate amendments, and at 2 o'clock Wednesday, June 25, 1890, the previous question be considered as ordered.

Mr. MCKINLEY. I demand the previous question.

Mr. BLOUNT. If the gentleman is willing to allow twenty minutes' debate on each side on this resolution and will agree to that before the previous question is ordered—

Mr. MCKINLEY. I yield to the gentleman such time as he may want, to distribute in his own way.

Mr. SPRINGER. Let us have the twenty minutes.

Mr. MCKINLEY. If the gentleman from Georgia wants twenty minutes' debate I would rather consent now to twenty minutes' debate upon each side instead of taking up the time in ordering the previous question. With the understanding that we can have a like time on our part, if we desire it, I am perfectly willing to consent to that.

Mr. BLOUNT. I am perfectly content with forty minutes' debate, twenty minutes on either side now, instead of after the previous question is ordered.

Mr. MILLIKEN. Is it in order to offer an amendment to the resolution at this time?

The SPEAKER. The Chair thinks not.

Mr. MCKINLEY. I move the previous question, and then withhold it, so that gentlemen on the other side may take their twenty minutes now; that it shall be considered as ordered or my right to demand the previous question, and gentlemen on the other side can take their twenty minutes.

Mr. BLOUNT. That the previous question be considered as ordered?

Mr. McMILLIN. Let them order it.

Mr. BLOUNT. There is objection on this side.

Mr. MCKINLEY. Then let us order the previous question and take the time for debate after the previous question is ordered.

The previous question was ordered.

The SPEAKER. There are twenty minutes for debate on either side.

Mr. McMILLIN. Mr. Speaker, my colleague and I on the committee were not able to concur in this resolution for the reason that we thought the time had come when there ought to be some opportunity of unrestricted consideration of a measure so important as the silver bill. The House will remember that when it was considered before it was under a special rule, which took it out of the Committee of the Whole, which limited beforehand the time when debate should cease, which limited in the beginning the time when amendments should any longer be in order, and which had the effect, whether intended or not, of preventing amendment.

In that way it was put through the House. It was passed without amendments or without opportunity to amend, which ought to be the right of the House, and went to the Senate. It is disclosing no secret to say that gentlemen who voted for it did so under protest; did so, stating to the House that they would not support it but for the fact that the Senate would have a chance for deliberate consideration and amendment. I submit to the House whether this is a proper method

of legislating for sixty-odd millions of people? Why abdicate in behalf of the Senate and dump our immature measures upon the Senate?

It went to the Senate; it was amended there; it came back to this House, and the proceedings by which it was referred to the Committee on Coinage, Weights, and Measures are a part of the history of this House. That committee, I understand, have reported it back this morning. Now, before even their report is printed, before it has been read, before it has been considered for one moment, it is proposed to apply a new iron-bound rule and to again cut off the right of amendment and to again cut off the right of debate. Now, it was thought by a good many when this bill came to the House that it was not subject to consideration in Committee of the Whole, but that when laid before the House by the Speaker, under the second clause of Rule XXIV, the House might determine what should be done with it; but in the course of three days' parliamentary fight, it was determined that it should go to the Committee on Coinage, Weights, and Measures, and, having gone there, the House had the right to consider it in Committee of the Whole. But that is taken off by this rule, and we are to have the previous question ordered on it to-morrow and a final vote upon the Senate amendments. If the power is artfully used, the enemies of free coinage can again defeat the will of the people and free coinage.

When the present code of rules was adopted there were very radical changes made in those rules, the most radical that ever have been made since the organization of the Government.

Those changes were made under pretense that it was done to enable the House to transact the business, but in the face of that the code of rules has been utterly ignored and has been allowed to fall into "innocuous desuetude," and we have from time to time had new rules for the consideration of each important measure. The House ought to have notice of the rules under which measures are to be considered. It ought not to have one rule to-day and another rule to-morrow and another the next day. Against this constant change and uncertainty and the tying of our hands before we begin the conflict of legislation we have entered our protest and have not joined in the report.

Mr. BLOUNT. I will yield five minutes to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. A parliamentary inquiry, Mr. Speaker. Do I understand, under this rule, that the vote to be taken to-morrow, in the regular order, would be, first, to concur in the Senate amendments and then to non-concur and ask for a committee of conference? If I understand the parliamentary situation, that is the way; and that is what I desire to know.

The SPEAKER. That will be the case. Provided a motion to concur should be made, that would have precedence; but that might be open to amendment.

Mr. BLAND. I want to give notice that I desire to move to concur in the Senate amendments.

So far as I am concerned, Mr. Speaker, the bill as amended by the Senate is entirely satisfactory to me, and I am ready to vote upon it to-day or to-morrow, whenever the House sees proper. It is very true I would have liked in the beginning to have more time for the consideration of the bill and more time for amendments when it was before the House, in order that the House might have sent a better bill to Senate; but that was not conceded. Now we have got a good bill, and I hope the House will concur in it. I am quite willing to fix to-morrow at 2 o'clock or to-day at 2 o'clock or any other day for that purpose.

Mr. BLOUNT. I hope the gentleman from Ohio will now proceed.

Mr. MCKINLEY. I only want to say a word in conclusion. [Cries of "Vote!"]

Mr. BLOUNT. Mr. Speaker, so far as I am concerned the only difficulty we have about this matter is a right which I think has been restricted without reason on several occasions—the right of considering Senate amendments, which, under the rules, have to go to the Committee of the Whole—the right to exercise that privilege.

Now, it is well known, sir, that only a few days ago, on this very silver bill, there was a restraint on the part of the majority of this House by reason of an order made and agreed to in advance of debate. There was a restraint on the rights of the majority of this House to do what it wanted to do. There were three days afterwards wasted on a parliamentary question, fought with intense earnestness, because the majority of this House believed it had been wronged on this question.

We have gotten into the habit on every question of any importance, before any debate is had, before the House is enlightened by debate, to see what amendments are desirable, before there has been any debate had to indicate whether or not the subject has been sufficiently elaborated in order to reach the truth; there has been a habit—in advance of all this, by an order, by an edict emanating from the Committee on Rules—of declaring that there shall be a limit to the amendments and a limit of debate. We have seen it on various propositions. The Committee of the Whole took time for amendment, time for discussion, legitimate discussion, and legitimate amendment; but the Committee on Rules are weary of that and have inaugurated a system in this House which takes from the minority the power it has under the rules of the House in relation to important questions, which rules were made in the interest of sound legislation. Why, sir, we had better at once abolish

the Committee of the Whole. I have in my hand the CONGRESSIONAL RECORD of the Forty-ninth Congress, in which an order of this sort was sought to be made by the gentleman from Alabama [Mr. HERBERT], and the present distinguished Speaker of this House, then on the floor, objected to it. He objected to it because, he said:

Under this resolution we had no debate under the five-minute rule, which is the most valuable debate there is. We get no consideration of particular measures.

Mr. HERBERT. We do.

Mr. REED. The gentleman from Alabama knows as well as anybody else that in the consideration of a bill like this the best debate is the five-minute debate, because there is more consideration of particular points.

I read this, Mr. Speaker, because it was based on sound reason, and the present Speaker of the House before he was the Speaker was always in favor of fair debate and opportunity for amendment; but, now that he has the power to do his own will without debate, it is much easier to do it in that way. It is perhaps a little inconvenient for men who have opinions of their own, but is all right for the majority. [Laughter.] I have instanced this, I say, because it illustrates the proceedings that we had here only a few days ago on the silver question. I do not know what may come next, but I am not willing, in the face of the fact that in all parliamentary bodies in England and in this country, with the best parliamentarians of the world, there has been a general insistence upon the importance of the Committee of the Whole in the consideration of certain classes of questions—I am unwilling, I say, at any time to consent to any order the purpose of which is to do away, in impatience, with this wise principle of legislation. I do not know, sir, what may take place here in relation to this silver bill or what may be the special inconvenience in the operation of this order in this case. I do not know what amendments the Committee on Coinage, Weights, and Measures may offer to the bill; I can not anticipate the parliamentary situation; I can not know in advance what motions will be made, and therefore I do not believe it is right or wise, in the outset, before knowing the situation, to deliberately tie our hands in this way.

In the debate on the silver bill previously had, the gentleman from Illinois [Mr. CANNON] and the gentleman from Ohio [Mr. MCKINLEY], when I stated that there would be no right to vote on the question of free coinage, that there would be four amendments offered, all coming from the other side and all following one line of thought, responded: "Why, you have all the rights you have under the rules of the House." Well we did have all the rights we had under the rules of the House as the rules were administered, and when we had it, with all its seeming fairness, with all the demand there was for the free coinage of silver in this country, we never had an opportunity to vote upon free coinage. The disciplinary process has been steadily going on in Republican caucuses, in Republican councils, and in the Republican Committee on Rules, to prevent such a vote.

Now, what will be the situation when we shall execute this order and come to a vote? The gentleman from Ohio [Mr. MCKINLEY] has declined to take any portion of his time to make explanations or suggestions to which I might make such reply as seemed to me proper, but I can see, and I fear the members of the House will see, that the Committee on Coinage, Weights, and Measures will come in with their cut-and-dried motion to concur, not in the Senate amendments to the House bill, but in the Senate amendments with amendments, and the previous question being ordered on the same we shall never reach a vote on the question of free coinage. And when we shall have done that, with the Committee on Coinage, Weights, and Measures of this House adverse to it, with the presiding officer of the Senate adverse to it, with the conferees of the two Houses adverse to it, I can see how this Congress may never reach a vote on that question. I am not willing, therefore, in view of the situation on the silver question, to vote for this order; but even if I saw no difficulty in this case, I would still urge upon the members of this House—for they know now when the differences between them shall cease to be differences of party—I would urge upon the majority of this House, I would urge upon the minority of this House, to execute and preserve that rule which requires a certain class of legislation to be considered in the Committee of the Whole, to preserve it as one of the most important rules of this House, having its sanction in the precedents and the practice of all the other great parliamentary bodies in the world. I reserve the balance of my time.

Mr. MCKINLEY. Mr. Speaker, the purpose of this resolution must be manifest to both sides of the Chamber. It is that we may have some definite and speedy action touching the subject of silver, and give to the country a larger use of silver as a circulating medium and do it at once, and I am very much surprised to find gentlemen on the other side of the House to-day engaged in opposition to this bill who, three or four days ago, were insisting that this question should not go to the Committee of the Whole on the state of the Union, but should be considered immediately in open House, because, as they said, they and the country were ready to vote upon it. They said in that debate, Mr. Speaker, that the purpose of this side of the House was to smother the silver bill, to send it to the Committee on Coinage, Weights, and Measures, where it would sleep during the remainder of this session, and that we should have no silver legislation at all.

We have given to-day a direct refutation of that unfounded charge

made last week, that the purpose of this side of the House was to delay and indefinitely postpone silver legislation. We did not choose to abdicate last week in favor of the other side of the Chamber and give them control of this House. We determined on one thing, namely, that the business of this House should be conducted in accordance with the parliamentary law and the rules which were made at the beginning of this Congress, and that this bill should go to the Committee on Coinage, Weights, and Measures, where it belonged under the rules and where the Speaker properly referred it; and, so far as we were concerned, that was the whole object of the parliamentary struggle of last week. That was our purpose and our only purpose. We said over and over again that it did not mean delay of legislation upon the silver question, and that, as the Speaker himself said, it was not a question of currency or of coin, but it was a question of the orderly procedure of this House under the rules of the House.

The Republican party having taken possession of this Chamber again [laughter] bring this bill back at once, and what do they invite you to? They recommend non-concurrence in the Senate amendments and ask for a conference. They invite you by their report to concur or non-concur in the Senate amendments as you shall determine. If a majority on that side of the House, with gentlemen on this side of the House, desire to concur in the Senate amendments and give us free and unlimited coinage of silver, not only of the silver of our own mines, but the silver of the entire world, and to give the bullion-owners the seigniorage rather than to the Government, as now provided by law, making this Government coin the silver of the world without charge, then by this order we give them an opportunity to do it. That is what concurrence in the Senate amendments will mean.

If the House shall non-concur in the Senate amendments, then a committee of conference will be had, and out of it will come, as we believe, such legislation as will be satisfactory to our whole people of every section and interest, and conform to the majority sentiment here and throughout the country. I am for the largest use of silver in the currency of the country. I would not dishonor it; I would give it equal credit and honor with gold. I would make no discrimination; I would utilize both metals as money and discredit neither. I want the double standard, and I believe a conference will accomplish these purposes.

Mr. Speaker, if it is practical legislation we are after, if it is the desire to coin every dollar of the silver product of the United States and make the Treasury notes issued in payment for that bullion a legal tender for debts, public and private, redeemable in coin, if that is what the people of this country want, they can have it by a vote concurring in the recommendation of the Committee on Coinage, Weights, and Measures to non-concur in the Senate amendments and have a committee of conference.

I say to the gentleman from Georgia what he has been pleased to quote from me a number of times, "it is results we are after" on this side of the House and it is politics you are after on the other side. [Applause on the Republican side.] We have passed the period of political maneuvering on this question. We have passed the parliamentary struggle.

We are confronted face to face with the practical question whether we shall have free and unlimited coinage of the world's silver product, before any international arrangement for the monetary use of silver is made, or whether we shall have legislation that will absorb every ounce of silver produced in the United States and make it a part of our monetary system, and accessible to the business uses of the country, and yet not interfere with future international arrangements. That, Mr. Speaker, is what is involved in the report this morning. We give you time for debate, all the time you want. Why, even the gentleman from Missouri [Mr. BLAND], who has been leading the Democratic party for the last three or four days, says it is all the time he wants, all he needs, that he is ready to vote at 2 o'clock to-day. So are we. But last week we were not ready to vote in opposition to rules and parliamentary laws for the financial policy of that part of the Democratic party led by the gentleman from Missouri. A party like ours, that for thirty years has had control of the financial legislation of this country, that has given the country the best monetary system known to the financial world, was not willing to be stamped by the other side of the House and to give up its splendid record in obedience to the leadership of the gentleman from Missouri [Mr. BLAND] and the gentleman from Illinois [Mr. SPRINGER], the two great financial statesmen of the Democratic party on the floor of the House. [Laughter on the Republican side.]

Now, Mr. Speaker, I ask for a vote.

Mr. BLOUNT. I believe I have two minutes left, which I yield to the gentleman from Illinois [Mr. SPRINGER].

Mr. MCKINLEY. How much time have I left, Mr. Speaker?

The SPEAKER. Fourteen minutes.

Mr. MCKINLEY. I reserve that time.

Mr. SPRINGER. In the brief time allowed me—two minutes—I can not answer all of the arguments of the gentleman from Ohio; and it is not necessary.

I concede [addressing the Republican side] you are now offering, according to your statement, what this side of the House has been demand-

ing for the last four or five weeks and what you have persisted in denying. If you are so anxious to give us a vote upon concurring with the Senate amendments or upon free coinage, as you state now, why did you not give it when this bill was before the House on the report of the Committee on Coinage, Weights, and Measures, when the amendments offered were all agreed to outside of this House and were put to the House in such a manner as to prevent a vote on the question of free coinage? Why did you not give it to us last week, when for three days we were contending in this House, in a very spirited parliamentary contest, for this privilege? Why did you not give it to us then? I will tell you why. You had not heard from the people yet. You have now had your ears to the ground, and you have discovered that the people of the country are demanding that their representatives shall have a vote on this question; and you have tardily consented to give it to us. We accept it. We will take that vote tomorrow at 2 o'clock; and then you will hear from the representatives of the people on this subject. And I warn the gentlemen on the other side who are now seeking nominations from the people that if they expect to be in the Fifty-second Congress they must vote in the affirmative on this question or their places will be taken by Democrats who are in favor of the free coinage of silver.

A MEMBER on the Republican side. Good-bye!

Mr. SPRINGER. Good-bye! I shall have to say it to a great many of you before the meeting of the next Congress.

Mr. McKINLEY. There seems to be nothing to reply to [laughter] and I will ask for a vote.

The question being taken on adopting the resolution, it was adopted.

Mr. McKINLEY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CONGER. I now call for the reading of the report of the committee.

The Clerk read as follows:

The Committee on Coinage, Weights, and Measures, to whom was referred House bill No. 5381, directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes, with various Senate amendments, having given the same due consideration, report the same back to the House with a recommendation that the House non-concur in each and all of said amendments and request a conference on the same.

Mr. CONGER. Now, Mr. Speaker, I move that the House non-concur in the Senate amendments and request a conference. I desire to say, Mr. Speaker—

Mr. PAYSON. Let us have order.

Mr. BLAND. I desire to move to concur with the Senate amendments. I wish to have that motion pending.

The SPEAKER. The gentleman from Iowa [Mr. CONGER] moves that the House non-concur in the Senate amendments and ask for a committee of conference. Pending that the gentleman from Missouri [Mr. BLAND] moves that the House concur in the Senate amendments.

Mr. McMILLIN. I presume we shall be entitled to a division of the question. There are a number of amendments.

The SPEAKER. The amendments will have to be voted on separately, if demanded.

Mr. BLOUNT. They are all pending?

The SPEAKER. They are all pending.

Mr. BLOUNT. So that we shall get a vote on both questions.

The SPEAKER. If the motion to concur is negatived—

Mr. BLOUNT. That is the first vote?

The SPEAKER. If that motion is negatived it is equivalent to a vote to non-concur.

Mr. BLOUNT. That will be the first question submitted?

The SPEAKER. That will be the first question submitted, the question on concurrence.

Mr. SPRINGER. That will be at 2 o'clock to-morrow.

Mr. McCREARY. I rise to a parliamentary inquiry. Does the motion to concur apply to all the Senate amendments on the first vote?

The SPEAKER. The motion covers all the amendments, but any member will have the right to demand a separate vote.

Mr. CONGER. Mr. Speaker, I came to the beginning of this Congress fully impressed with the necessity of some legislation upon this important question which we have under discussion before us to-day, and I believe I can safely speak for a majority of the members of this side of the House when I say that they came here fully impressed with the same spirit and belief. To that end the committee over which I have the honor to preside have continually and patiently labored.

We gave to the matter before any report was made to the House the fullest possible consideration. We listened to the statements and arguments of every member and of every man who desired to appear before the committee. We had first before us a committee representing the national silver convention that met in St. Louis last fall. General A. J. Warner, of Ohio, came here to represent and speak for that convention, and he came with full authority as expressing the wishes and the views of the convention. We listened to Mr. Warner, we took his suggestions, and we found that upon the date of his appearance before our committee he was practically in accord with the bill which was afterwards reported by that committee and placed upon the Calendar of this House. He indorsed and advocated the commercial instead of the coin-

ing ratio between gold and silver, and also the principle of bullion redemption, which are the main features of the House bill. And I understand, Mr. Speaker, if he does not still believe in the principles which were acted upon by the committee in the adoption of that bill, there certainly has come a great change over the spirit of his dream, as well as that of the great crowd of silver men for whom he spoke.

Now, Mr. Speaker, following in that line we reported that bill to the House. We reported a bill which we believed was for the best interests of the whole people of this country—not simply for the bullion-owners, not simply for the holders of capital, but for the interest of every man, woman, and child in this country, for there is nothing upon which the prosperity of a community or a country depends so much as upon safe and judicious financial legislation. For that reason and so believing, while we were all in favor of the additional and enlarged use of silver as money in this country, we tried to find some method in which that enlargement and that additional use could come about without creating great or disastrous financial disturbance. We believed we had arrived at a proper and safe conclusion in that respect when we reported the House bill, and have seen nothing to change that conviction. We still believe it.

I speak for myself when I say that the action of the United States Senate has not changed my views upon this question in the least. Why, Mr. Speaker, the Senators did not discuss the bill that they sent over to us, and they do not want the bill passed. Many of them are ashamed of the legislation which they enacted and sent over here, and they have acknowledged it.

Mr. Speaker, just let me for one moment compare some of the sections of these two bills for the information of the House. The first section of the House bill provided for the purchase of four and a half million dollars' worth of silver bullion each month, four and a half millions of dollars, which is practically the entire product of all the silver mines of this country and of all the ores that are imported and smelted in this country, less the quantity that is used in the arts. Upon this bullion we propose the issue of Treasury notes, which are made by the bill a full legal tender, and which shall be redeemable in coin, gold or silver, because every lawyer knows and will admit that when you specify coin you must mean either kind of coin. Then we provide by our bill some means by which either gold or silver, or both, may be obtained to redeem the notes so issued. That we do by the proviso embraced in the second section of our bill, which provides that upon the demand of the holder the Secretary of the Treasury may exchange silver bullion for these certificates. This enables him, if by reason of this legislation or any other cause gold should rise to a premium or become scarce, to exercise the privilege and thus have an opportunity to procure the gold with which to redeem these circulating notes, if that should be demanded.

Now, it is proposed by some to strike out this feature of bullion redemption. If that should be done what condition are we in? You propose to purchase bullion and issue Treasury notes, making them redeemable in gold or silver coin, and yet you provide nothing but silver with which to redeem them—nothing but silver. If you are going to do that then you want to simply promise to redeem them in silver, and let the people understand just what sort of money they are to get when these notes are issued.

But what does the Senate do with the first section of their bill? They simply come at once to the free and unlimited coinage of silver. They open our mints, not only to the production of our own silver mines, but open them freely to the production of the silver mines of all the world, if it should come here to be coined. This means—and I tell you, gentlemen, the people of this country who are clamoring for free coinage do not understand the full import of immediate free coinage—this means that the man who has \$100 worth of bullion can bring it to the mints of the United States and get \$130 for it, walking away with \$30 profit on each \$100. Why, it means a profit to the bullion-owners of this country in a single year of \$13,000,000. Are you ready, gentlemen, to put this burden, this tax upon the constituency which you represent on this floor? I, for one, am not at this present moment.

It is proposed by some, and possibly such an amendment may be offered here, to limit the free coinage of silver to the product of our own country. What does that mean? It simply means that you fix a price upon the bullion of this country which is one-third above its actual value and say to the bullion-owner that he can bring it to the mint, can deposit it, and "we will give you 30 per cent. more than it is worth in the markets of the world, and more than you can get for it anywhere else in the world."

Now, there is no more reason for doing that, Mr. Speaker, than for passing a law and advertising to the wheat-growers of the country that we will by law fix the price of their wheat at 30 per cent. above the market price and take it all if they choose to deposit it with us and pay them cash for it.

Under our bill we propose to take the silver of the country at what it is worth, pay for it at what it is worth, and then, if in the coining of it there should be a profit, the Government shall make the profit itself and use it to lessen your taxes and the taxes of your constituents and mine, instead of putting it into the pockets of the bullion-owners.

I want, in connection with this section, to show you the effect of

section 5 of their bill which must go with it. Section 5 provides that the owners of bullion deposited for coinage shall have the option to receive the coin, or its equivalent, in the certificates provided for under the provisions of this act; and such bullion shall be subsequently coined. Now, what does that mean? That not only the bullion-owners of our own country can bring the products of their mines to the mints and get legal-tender notes for it, but that all the bullion capital can command, in this country or elsewhere, can, as rapidly as it may be gathered together, be brought here and paid for in legal-tender notes, which are redeemable in gold, not waiting for it to be coined.

Under this provision it is not only possible, but easy, for hundreds of millions of foreign bullion to be brought to our mints in the next ninety days bought with our gold, thus increasing our supply of silver at the expense of gold. Two million five hundred thousand dollars' worth of gold has been sent abroad for this purpose within the last ten days, and the speculators are busy scraping together all the gold they can for the same purpose.

I believe in the policy as announced in the Republican national platform of 1888, of using both gold and silver as money, and I believe the House bill will insure this. The Senate amendments, if at once enacted into law, will drive us to the use of one alone, and that one silver.

Now, gentleman, your constituents do not ask for such legislation as that, neither do mine; and it is not a course that men charged with legislating upon the financial matters of this country ought to accede to. Gentlemen have said upon this floor and elsewhere that in 1878, when the Bland bill was passed, dire prophecies were made as to what would be the result if we coined two or four millions of dollars' worth of silver per month, and they tell us that none of those prophecies ever came true. Well, I know they have not come true, neither has the prophecy of a single free-coinage man, made at that or any other time, come true. The prophecies of the men who opposed free coinage at that time, or who opposed the Bland-Allison bill, or who advocated these measures, have not come true upon either side. And if you would study all the conditions through which we have passed since that time you could easily find the reasons why.

Mr. BLAND. Will the gentleman yield for a question?

Mr. CONGER. Certainly.

Mr. BLAND. What prophecies do you allude to as having been made by gentlemen favoring free coinage at that time?

Mr. CONGER. The prophecy that if that bill was passed silver would at once appreciate to the value of gold.

Mr. BLAND. Another question. Have you ever seen a single statement of that kind on the part of any free-coinage man then or at any other time?

Mr. CONGER. Oh, yes.

Mr. BLAND. I never did. I participated in that debate and I never heard any such claim made, and there was never any such claim, that I remember, made in the House or the Senate.

Mr. CONGER. The country was full of it, and prophecies have been made this winter that under any sort of legislation, that upon either of these bills, silver will at once appreciate to a parity with gold.

Mr. BLAND. I did not make any such claim.

Mr. CONGER. It will appreciate to a parity with gold at the mints under free coinage, simply because you fix the price of what shall go there by law. If under our measure it does appreciate, then of course we are willing to pay for it, because it will be worth it in the markets of the world, and the Government must pay for it what it is worth as well as for any other product; but under free coinage you absolutely agree to pay for it at that price, whether it appreciates in the markets of the world or not. Now, it has been the history of this country that at one time gold has gone up, that silver has gone down, and that at another time silver has been above gold and that gold has gone down, and it has never been true that for any considerable time they have stood side by side at the same value fixed by legislation; and to keep them together the Government has more than once been compelled to change the legal or coining ratio. And it is not likely, if history repeats itself, that it will be true under this Senate proposition. If we shall adopt the policy by which we forcibly by legislation raise the price of silver and put it in circulation as a legal tender, upheld simply by law, without reference to its value anywhere else in the world or without any attention being paid to what the legislation in regard to its use shall be in other parts of the world, you will find that silver will be plenty and cheap in this country, but that gold will of necessity be scarce, and when this is discovered gold is bound to go to a premium and then be hidden, hoarded, or sent abroad.

Then you have got to depend upon your silver money. Now, there are many misfortunes that can and will be likely to come upon us under such a condition of things. I had occasion to say in my remarks the other day that if this condition of things comes about the men who are now the debtors, who are paying the interest upon mortgages upon their farms or homes, will be forced to pay them off at maturity or else renew them payable in gold. Not only that, but there are hundreds and thousands of dollars' worth of mortgages already upon the Western farms to-day that are payable in gold. Legislate in the direction of these Senate amendments and you absolutely prevent these

debtors from discharging their debts except at a very great cost and sacrifice, because by the terms of their contract they must pay in gold, and pay a high premium to obtain it.

Mr. FUNSTON. Will the gentleman permit a question?

Mr. CONGER. Yes.

Mr. FUNSTON. Will you kindly tell us how much better off the farmer will be under your bill which requires them to pay in gold or its equivalent?

Mr. CONGER. Yes, I will tell you that under the Senate proposition you require a man to pay in gold and then by legislation you make it absolutely impossible for him to get it, but under our bill we make gold just as easy to get as silver and it does not matter what his mortgages are payable in. Under our bill it is just as easy to get gold as it is for him to get silver.

Mr. FUNSTON. I beg your pardon—

Mr. CONGER. I grant it.

Mr. FUNSTON. Your bill makes it payable in gold or its equivalent in silver which is really the equivalent of gold. Now, I want you to show how much better off the farmer will be.

Mr. CONGER. Now, I have told you very plainly, and if you have not got hold of it I think you are probably the only one in the House who has not. There is another class of people who will be forced into calamitous circumstances by the passage of the Senate bill, that is the four million savings-bank depositors, nearly fifty thousand in my own State, men, women, and children, who have earned small pittances and saved them out of the sweat of their faces, and deposited them in savings-banks to be called upon in times of sickness or distress. These savings, which ought to be sacred, under our proposition will be paid and can be paid in money that is just as good as that which they deposited.

Under the Senate proposition they have deposited money which is just as good as gold, and they will be paid, if this proposition passes, in money which is largely depreciated by this legislation, and very much less in value than that which they deposited. The laboring men in this country, whose only capital is the sweat of their brows and the exercise of their muscles, receive their pay and must receive it in the current money of the country. To-day they receive it in money which, either by its intrinsic value or by legislation up to this time, is worth 100 cents on the dollar. Pass the Senate bill, and you drive us to a silver basis, to the position of all silver-using countries, and you must pay in silver.

There are nearly 400,000 pensioners on the rolls of our Government, to whom we are paying every year, or will after the bill becomes a law which has just been agreed to by the Senate, \$150,000,000. Every dollar in the hands of those men to-day means 100 cents, and its purchasing power is of the very highest. Under this legislation and the condition which it will drive us to, you propose to pay these gallant men, whose scars are their glory, in a currency worth from 25 to 30 per cent. less than its face.

Mr. FUNSTON. Do you not pay them in silver certificates and silver dollars now?

Mr. CONGER. Yes, sir; but these silver certificates are just as good as gold.

Mr. FUNSTON. I am glad you have come to our side.

Mr. CONGER. They are worth as much as gold, and always will be worth as much as gold if the condition of things we propose is agreed to.

Mr. FUNSTON. I understood you to claim that the silver dollar was 25 or 30 per cent. depreciated.

Mr. CONGER. No, sir; I have said that it was yet equal to gold, but it would not be so long if we shall attempt singly and alone to coin all the silver of the world.

Mr. FUNSTON. We have always gotten 100 cents for it.

Mr. CONGER. No, sir; I have said that the bullion-owner can take 75 cents' worth of bullion to the Mint and walk away with a dollar that to-day is worth 100 cents, and we want it to continue to be worth that.

Now, Mr. Speaker, I believe that if silver can in any way be brought to a parity with gold then our mints should be opened to its free coinage. If under the operation of the bill proposed by the House silver shall appreciate to a parity with gold, we have provided by the sixth section that our mints shall then be opened to its free and unlimited coinage.

Mr. Speaker, this bill, as we believe, answers every demand of the people of this country. What are those demands? That we shall have an addition to our currency which shall take the place of the rapidly retiring bank notes. This we will get in our proposition. We respond to the demand of the increasing population and of business by a large increase in the circulation that we will get in this bill. We respond to the idea that free coinage ought to come to pass in this country by the section which provides that whenever the conditions are such that it can safely be resorted to it shall be established.

Now, what more do the people of this country want? Gentlemen, the people of this country, outside of the bullion-owners, do not want anything more than this. They want an ample currency, equal to the increasing population, equal to the increase of business, and to supply the deficiency made by the retirement of bank notes, but they want it

good and they want it safe. Our bill gives them all that, and without taking any chances whatever.

As I said before, the bullion-owners were not satisfied with this, and I wish that my colleagues upon this floor could understand, as I believe I do and as I am sure they do not, the pressure that has been brought to bear by the men who own or speculate in bullion in this country to have some sort of silver legislation, and that legislation immediate, free, and unlimited coinage. You can not point to a single locality where free-coinage resolutions have been adopted, nor a single paper which has advocated the free coinage of silver, except you find in that locality the foot-prints of the silver-bullion owner or his agents or else the mark of the men who are employed by them in pressing this legislation.

Mr. WILLIAMS, of Illinois. Will the gentleman allow me to interrupt him there?

Mr. CONGER. Yes, sir.

Mr. WILLIAMS, of Illinois. I wish to deny that so far as my district is concerned. My constituents are decidedly in favor of free coinage.

Mr. CONGER. I think if a disinterested party will go out there and make examination he will find the statement I have made is true.

Why, Mr. Chairman, during this winter there has been about this Capitol the most persistent, courageous, and audacious lobby upon this question that I have ever seen since my term of service here began.

Mr. MCCOMAS. And worse in summer than in winter.

Mr. CONGER. Yes. It has been as bad all the time as it could be; and not only have these paid lobbyists been plying their avocation here, but various other means have been resorted to by the men interested in raising the price of bullion to secure the legislation they demand. Pool after pool has been organized here in this city to speculate in this metal. Money has been deposited in banks in this country by the thousands and hundreds of thousands, lying there ready to purchase bullion with as soon as this legislation shall pass. But they oppose our bill. Why? Simply because if our bill passes they have got to trust to the market value of their product for the profits; while, if free coinage passes Congress, the Government of the United States fixes the value at 30 per cent. above what it is worth and they may bring in all the bullion they can buy. Why, Mr. Chairman, I have been invited time and again to join silver pools, but as long as I hold a seat upon this floor or stand here, my vote shall be cast and my voice raised for the people of this country, for the laboring men of this country, for the savings-bank depositors of this country, for the crippled and scarred soldiers of this country, instead of for a few bullion-owners.

Mr. BLAND. Does not the gentleman know that the free coinage of silver would stop all speculation in it and that that is the only way it can be stopped?

Mr. CONGER. No, sir, I do not; neither does the gentleman from Missouri.

Mr. BLAND. There is no speculation in gold, and that has free coinage.

Mr. CONGER. I have repeated over and over again, Mr. Speaker, that the speculation, whatever there may be, whatever there can be, will be in the hands of the bullion-owners, who will get it all. None of it will reach the pockets of the people.

Mr. Speaker, the Committee on Coinage, Weights, and Measures have reported this bill back to the House, as some gentlemen think, with indecent haste, but when I made the promise on last Friday that, so far as I was concerned, the bill should come back as soon as it was possible to get it back, I intended to fulfill that promise, and it is now fulfilled. The bill is here before the House with the recommendation of the Committee on Coinage, Weights, and Measures that this body non-concur in the Senate amendments. We have made that recommendation because we believe that is the speediest and surest way to secure some legislation upon this silver question. If the Senate amendments are non-concurred in and a conference committee is appointed, the bill goes at once into the hands of that conference committee. It is then privileged, and some sort of legislation will come out of that committee upon which the Senate and this House can agree and the signature of the Executive will make it a law. I am in favor of some sort of silver legislation. But if it shall come about that there shall be no legislation upon this question the responsibility will rest upon the advocates of free silver on this floor, because the delay largely up to this time rests upon their shoulders. Now they have an opportunity to secure the best possible legislation that can grow out of a conference, if this motion to non-concur is agreed to, and I hope, for the sake of revived business and for the general good of the country, that the recommendation of the committee will be agreed to, and early legislation be thus secured.

I reserve the balance of my time.

HENRY S. FRENCH.

The SPEAKER *pro tempore* (Mr. DINGLEY) laid before the House the following concurrent resolution of the Senate:

IN THE SENATE OF THE UNITED STATES, June 23, 1890.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill No. 145, for the relief of the legal representatives of Henry S. French.

The resolution was concurred in.

THE SILVER BILL.

Mr. BLAND. The gentleman from Iowa [Mr. CONGER] assumed that the great pressure for free coinage in this country comes only from the owners of silver mines, and he has alluded to the St. Louis convention and the efforts there made to educate the minds of the people of this country upon the silver question. As for the lobby of which he speaks, I know nothing about it. I have not seen it myself and I have never heard of it unless he applies that term to gentlemen who have printed documents on this subject, who have addressed the Committee on Coinage, Weights, and Measures upon the subject, and who have adopted every means within their power to give us information upon this very important question. In that way and to that extent I suppose we are always beset by "lobbyists." Indeed, in that sense we might be called lobbyists ourselves—if such a term could be applied to gentlemen upon this floor—because it is our duty to give each other all the information that we have upon subjects of legislation and to obtain information from all legitimate quarters.

My friend [Mr. CONGER] has also alluded to a silver "pool" and silver speculation. Mr. Speaker, there is but one way to prevent speculation in silver bullion, the same sort of speculation that you have in wheat, the same sort of speculation that you have in corn, the same sort of speculation that you have in iron and steel and in other products. There is, I say, but one way to prevent it, and that is to give it an unlimited coinage at the mints of this country. In that way you establish for silver, as you have established for gold, a price as money which will always fix the value of the bullion at the mints, and beyond that price it can not go unless other countries should desire to pay a higher price for it. Any legislation that restricts the coinage of silver offers an opportunity for speculation, and that was the difficulty with the legislation of 1878, to which my colleague, the chairman of the committee, has referred. At that time it was contended that silver was depreciated, and that therefore it ought not to have the privileges of the mints of this Government. The House at that time passed a free-coinage bill, pure and simple. It sent that bill to the Senate. There it was amended so as to provide for the coinage of not less than \$2,000,000 worth of bullion per month and not more than \$4,000,000 worth.

That was the great mistake made when this question was up for solution in 1878. There is no question in my mind that had the Congress of the United States at that time done its duty with regard to this subject and opened the mints to the unlimited coinage of silver it would have settled the silver question, and settled it satisfactorily to the people of this country, and we would have no such question to deal with to-day. But gentlemen contended then, as they contend now, that gold was the only proper measure of value, that gold was the only safe coin, that gold was to dominate the silver question, and that silver as a standard of value should play no part in our coinage system or in our currency system. First it was resolved that gold and gold alone was the dollar, the measure of value, and because silver bullion, after having been denied the privilege of free coinage, is not worth as much as gold which has that privilege, for that reason it is contended that silver ought not to be coined, but should be left to be a mere object of speculation. What has been the consequence? Gentlemen who live in the great Northwestern and Western States have been the sufferers. The cry for gold has been raised by Eastern capitalists and bondholders for the purpose of collecting from the tax-payers of this country enormous sums of money in excess of what the laws of the country have promised them and in excess of what justice and right would dictate.

How is this and why is it? They say that if we coin silver here this country will be supplied with silver circulation to such an extent that our gold will leave us and we shall have nothing but silver as our currency. What of it? Mr. Speaker, even had that occurred in 1878 and we had been practically upon a silver basis—that is, had coined silver almost exclusively and coined but little gold—what would have been the effect upon the products of the agricultural people of this country? Why, sir, we know that the moment we resumed specie payments and gave but a limited use for silver we compelled a flow of gold from European countries to this country, depriving them to that extent of a circulating medium. We have brought here since that time gold to the amount of four or five hundred million dollars. What effect has that upon prices in this country? What effect has it upon all exports from this country to foreign countries? We send abroad our cotton, our wheat, our breadstuffs; they constitute our chief articles of export to foreign countries. Now, is it not to the interest of the agriculturists of this country to have high prices in foreign countries for their products? Certainly it is, because it is the price obtained abroad that fixes the price at home. If we had better prices abroad for the products of the farms in this country there would be better prices at home and a larger surplus to export. How has that prevented higher prices, or, in other words, how has it operated to continue in this country lower prices, especially for all farm products? It has been done in the way I have indicated. We have been drawing upon the stock of circulating gold of European countries. We have to that extent decreased their circulating medium and lowered prices there—lowered prices in the very markets where it is our interest to increase them. Had European countries to-day five hundred or six hundred million dollars more of gold in circulation than they have, the effect would be, as a

matter of course, to increase to that extent or in that proportion the price of every article we export and sell in those markets. It would increase the price of farm products in foreign markets at least 15 per cent. and would prevent the fall of such commodities in this country to a corresponding extent.

Then, sir, suppose all that is claimed with regard to the coinage of silver should be true—that our currency would practically consist of silver, that our gold would go abroad—the effect would be to raise prices abroad and also to raise the prices here; and that is the very object of the free coinage of silver. Unless that should occur there would be but little benefit from it. Now, what do we find to be the case in all silver-using countries? Take India, for instance. The statistics show that, since we have demonetized silver here and since the European countries have discontinued its coinage, this policy has acted as a bonus for the export trade of India. She to-day is coming in sharp competition with the wheat-fields of the West. Why? For two reasons, the main reason being that her currency has not been contracted; her prices have kept up; her business enterprises have been in a prosperous condition; and thus she has been enabled to produce largely beyond what she did before. Secondly, she did not have par exchange with European countries; to send her silver to Europe and undertake to settle her balances with it would entail a loss; therefore she is raising wheat, she is raising cotton, and thus producing articles of commerce that have not lost their purchasing power in those countries; and she is sending to them those articles instead of money. In this way she not only retains her money at home, but is shipping largely to the European countries articles that we ought to ship. Thus we are brought in direct competition with her.

Mr. MILLIKEN. Does my friend contend that raising the prices of articles in India and other countries gives them better opportunities to contend in the markets of the world against us?

Mr. BLAND. I state that prices have not fallen in India, measured by silver, while of course they have, measured by gold. The gentleman did not understand me. My claim is that silver-using countries have not felt the steady decline in prices that we have. The fact is that when they send their products—cotton and other similar articles—to be sold in European countries at a gold price, they gain the difference between silver and gold; and it pays them better to send their commodities than to send their money.

Mr. MILLIKEN. I do not wish to interrupt the gentleman. The point I wanted to bring out was simply this: If in the manner the gentleman has stated those countries have been able to keep up their prices, I do not understand how they can contend with us in the markets of the world so well as if they were selling their commodities at lower prices.

Mr. BLAND. They are not selling their commodities at lower prices; they are selling them at gold prices; and on account of the demonetization of silver they recoup by purchasing silver in the London markets.

I want to impress this point upon the agricultural interests of this country: that it is not to their advantage to have low prices in European countries, because agricultural products constitute nearly all of our export trade; and by draining those countries of their gold, of their coin, we are constantly reducing prices there; and there is a reaction upon prices here, which continue to fall and fall.

Now, I propose, Mr. Speaker, to have read a letter that I received two or three days ago, if the Clerk will do me the kindness, to show that the agricultural people of this country fully and completely understand this subject, and to show, also, to my friend from Iowa that there are lobbyists in the interest of free coinage of silver even out as far as upon the prairies of Nebraska. I ask the Clerk to read.

The Clerk read as follows:

NEBRASKA STATE FARMERS' ALLIANCE,
President's Office, Cornell, Neb., June 19, 1890.

DEAR SIR: Seeing by the papers that a conference on the silver bill has been called, I take the liberty to address you to let you know that the farmers of Nebraska are not careless spectators of the struggle for free coinage of silver.

We feel that although the House bill presents a little temporary relief there should be no temporizing or compromise. But I believe the farmers and working people generally of the country demand a larger increase of money, and that there is less prejudice and objection to the increase by the free coinage of silver than by any other way.

We would urge you then, most respectfully, to stand by the principle, and if it is defeated we will use our best efforts to bring its enemies before the bar of the country for sentence and condemnation.

Yours, with respect,

J. H. POWERS,

President Nebraska State Farmers' Alliance.

Hon. R. P. BLAND.

Mr. BLAND. Now, Mr. Speaker, I think if gentlemen will take pains to inquire into the state of public feeling on this subject, and especially as to the feeling existing in agricultural communities throughout the West, they will ascertain the fact that these people believe we ought to have a large increase in the circulating medium, and they believe that this increase should be based upon something that is permanent, something that is constitutional, that is legal, and that the experience of the past warrants us in resorting to.

The statement is made that they desire a large increase of the circulating medium; they believe that the most practical mode of getting

that increase is by the use of silver and by its free coinage; and that statement comes from an organization that can not be denounced on this floor as "lobbyists;" and you may go into Iowa, the gentleman's own State, and Wisconsin, and Michigan, and you may go into Illinois, Indiana, in Missouri, in Kansas, leaving all the Southern country out, and find that the same sentiment prevails, the same demand is being heard, and I have not yet read a single resolution passed by these farmers in all of these States upon the currency question in which they have not directly demanded the free coinage of silver. The gentleman from Iowa and other gentlemen can denominate them as lobbyists if they please; they are not interested in the question as silver men or silver-bullion holders. They are interested in the increased circulation of the volume of money in this country, and they are interested in that direction to have good money in circulation, which is silver.

From 1792 to 1873 we had that system of money which the Senate bill will re-establish. We tried it in this country for over eighty years. It is no experiment, then, because we know its results; but, simply because of the fact that Congress saw proper in 1873 to suspend the coinage of the standard silver dollar, and simply because gentlemen who desire to collect from the people, the tax-payers of this country, an enormous tribute in the way of low prices and high money, because they are demanding gold, and gold only, we are to surrender the history of the past and we are to surrender one of the money metals of the world to accommodate a few Shylocks in America. Mr. Speaker, I hope it will not be the pleasure of this House to agree to such a proposition.

As I stated before, when this question was under discussion, the act of 1878, when this question was discussed in the House and acted upon, had we settled it then as we ought to have settled it, we would have had no silver question with us to-day. Now the opportunity is presented to us to remedy the evil. Now again is the opportunity offered to do right by repealing virtually the laws that demonetized silver and rehabilitate it in its proper position as a money metal in this country.

How shall that be done? The Committee on Coinage, Weights, and Measures have recommended non-concurrence in the Senate amendments to the House bill. They insist upon the passage of the House bill without amendment. They insist upon a bill that in reality makes a commodity of silver. They insist upon a bill that provides for the purchasing of silver bullion at its market rates, four and one-half millions per month, and the issuance of certificates upon the bullion, redeemable in coin or in silver bullion, at the discretion of the Secretary of the Treasury. I had occasion, Mr. Speaker, to allude to this bill when it was being considered before and to call attention to the fact that it was a departure from all past history with regard to the use of gold and silver as money in this country. I called attention to the fact that under the Constitution Congress was given the sole power to coin money and to regulate the value thereof and of foreign coins; that no State could make anything but gold and silver a legal tender in the payment of debts. It was contemplated by the framers of the Constitution that Congress should coin the money, gold and silver. But this bill, if enacted into a law, makes silver bullion not a subject for coinage, except that part of it which it is claimed may be necessary to redeem the notes. But it also provides that the notes may be redeemed in the bullion itself on deposit, and thus afford an opportunity of expanding or contracting the currency of the country at the will of the "speculators" the gentleman from Iowa a moment ago alluded to.

Now, if there have been organized combinations or syndicates of individuals for the purpose of speculating in silver bullion, having that object in view, it must have been in contemplation of the passage of this House bill, because that opened the doors to the widest speculation in silver bullion. To-day, for instance, you may have ten millions of bullion under this bill in the Treasury, to-morrow not a million, not a dollar, not a cent. You put silver bullion into the Treasury at one door and issue notes upon it, and then go right straight to the next door and take the whole of it out. You may have a hundred millions in the Treasury four or five years from now, and under the bill, in the discretion of the Secretary of the Treasury (to enable the speculators to speculate and realize fortunes in silver bullion), you can turn it out daily to the amount of fifty millions until it is all gone, if he sees proper. So the bill as it passed the House was an invitation to the formation of these syndicates and gentlemen who desire to speculate in silver bullion; and the doors would have been wide open if the Senate had agreed to the House bill.

But there are other objections to it, Mr. Speaker. As I stated before, it is a departure from all the traditions, from all the principles of bimetallism. It measures silver by gold and gold only in the purchase of the bullion. It measures the amount of certificates that may be in circulation upon the gold value of the bullion. In other words, there can be no bimetallism under that system. The bill provides that the notes, when issued, shall not exceed in circulation the cost of the bullion, or, in other words, that you will not be permitted to have in circulation in this country the coinage value of the bullion, but only its gold value. Thus, practically, you fix the market rate of the two metals as the ratio of issuing money, instead of that established by the law fixing the legal rate or ratio as we have it to-day at 16 to 1.

Now if the bill provided that the bullion should be purchased at its market rate and that the notes outstanding should not be less than the market rates of the bullion on hand nor exceeding its coinage value, you would then keep up a legal ratio. The Secretary of the Treasury would have some discretion possibly, but you would have the power to issue notes up to the coining value of the bullion; whereas under this bill the Secretary of the Treasury is absolutely prohibited from keeping in circulation a dollar in notes beyond the gold value of the bullion deposited. Now, in that I say we establish a new ratio of issuing money upon silver. We depart from the ratio of 16 to 1 entirely. We issue notes upon silver bullion at the gold value of the bullion, and not upon its coining value. Now, the present law—and I want to call gentlemen's attention particularly to that, because it is an important part of the discussion of this bill—the present law provides for the purchase of the bullion, but it also compels the coinage of that bullion into standard dollars of 412½ grains, which are a legal tender, and on this coin a note is issued, so that under the present law we have a circulation equal to the coining value of all the bullion purchased. In other words, we maintain the ratio between the two metals, that ratio being 16 to 1 (or 15.98, more correctly speaking), and in the issuing of the money and putting it in circulation we recognize that legal ratio between gold and silver and maintain it. Under this bullion bill, that is the House bill, we depart from it and we not only purchase the bullion at its market rate, but we prohibit the issuing of money upon it except at its gold value, thus permanently fixing for this country the gold standard and the gold standard alone, whereas the present law is a modification of the gold standard. It is a modification of the gold standard in so far as we issue silver and put it in circulation at a fixed ratio of 16 to 1, and every silver dollar that is a legal tender for every debt, public and private, at the ratio of 16 to 1 comes in competition with the gold dollar, and to that extent competes with the gold dollar and maintains the ratio between the two. But this House bill and all the bullion propositions that I have seen yet depart from that ratio, an important matter to be considered by this House, and one which must be considered by the Senate if we undertake to get up a conference committee. It is an important matter for those in favor of silver, whether you deposit bullion and issue notes upon it or whether you coin the money, that you maintain the ratio and insist upon the right and power of the Government to issue notes equal to the coining value of the bullion on deposit.

Mr. HERMANN. Will the gentleman kindly reply to the proposition made on the other side, that for 72 cents' worth of bullion the bullion-owner gets \$1 in certificates?

Mr. BLAND. I did not understand the gentleman.

Mr. HERMANN. The proposition is made that for 72 cents' worth of bullion the owner gets a certificate worth a dollar. Will you kindly reply to that?

Mr. BLAND. I will reply to the general proposition later on. What I claim is this, that if we are to have the limited coinage of silver, if we are to have this House bill agreed to by a committee of conference, which provides for the purchase of \$4,500,000 worth of silver bullion every month and the issue of \$4,500,000 in notes on the bullion so purchased and purchased at its gold value and the notes issued at its gold value—I say, after it is purchased, we ought to insist upon the right and the power and we ought to give the power to the Secretary of the Treasury to issue beyond that; not to the bullion-holder, because the Government when it purchases the bullion owns it and has paid for it at its gold value, at its cost; but after the bullion is paid for and is the property of the Government we ought, to keep up the ratio, to permit the Secretary of the Treasury to increase the notes to the coining value of the bullion.

You understand the proposition. I say we get the benefit of the seigniorage now, because we purchase bullion and coin it into 412½ grain dollars, and the notes are issued upon this coin and in that way the Government and the people get the benefit of the seigniorage. In other words, \$2,000,000 of silver bullion, if silver is worth 72 cents, will coin \$2,280,000. That is to say, the Secretary of the Treasury purchases two millions' worth of bullion and that two millions' worth of bullion yields a circulation of \$2,280,000. That is the gain, and that gain goes into circulation under the present law. Four million dollars' worth of bullion each month, coined into standard money, will put into circulation about \$80,000,000 per year. That is, forty-eight millions' worth of silver bullion will coin about sixty million standard dollars, or more than this bill will put into circulation in its present state. In other words, we get the benefit of the seigniorage; so we get the difference between the cost value and the coining value. And it is important to keep up that as a principle, not only in order to gain the benefit of that outside circulation, but in order that we may not here establish a precedent; because this bill will establish this precedent, if it is enacted into a law, that we have abandoned the ratio of 16 to 1 in issuing money on silver; that we have established a new relation and a new ratio; that we have established its gold value as the ratio, whatever that may be, for the notes outstanding; and when contracts are based upon it, years hence, when we want free coinage and come before Congress demanding it, it will be claimed that you have established here a market ratio between gold and silver, that all con-

tracts are resting upon, and that you can not now go back to the ratio of 16 to 1.

It will be claimed that it will be unjust to creditors, that debtors would have the advantage, and that it would be unjust to go back to the ratio of 16 to 1 in issuing money. Hence, I say it is an important matter, if this bill is to become a law, that gentlemen watch that point, that we do not depart from our ratio; and, although you may put in your bill that the notes outstanding shall not be less than the cost of the bullion, let it further provide that the issue may be to the limit of the coining value after the Government has purchased the bullion. Then if we should have a deficit in the Treasury Department and we want more money issued upon that bullion, you have the power to do it. Reserve that power in the bill to increase the notes to the amount of the coining value of the bullion, and do not depart from that, but insist upon it. Now, that is the general proposition. If the gentleman from Oregon [Mr. HERMANN] desires to ask any further question, I will yield to him.

Mr. HERMANN. I think you have substantially answered the proposition. I understand your proposition is that the same advantage should be retained to the Government as at the present time, so far as any profit may accrue. The proposition made by the chairman of the committee, as the gentleman remembers, was that it only takes 72 cents' worth of bullion to make a dollar and that the bullion-owner receives one dollar in the certificate, and, therefore, that the profit goes into the pockets of the bullion-owners, and not to the advantage of the Government.

Mr. BLAND. Well, I suppose that the chairman of the committee, in arguing that proposition, meant that it would be so if you had free coinage. That was my understanding. Certainly he could not claim that where the Government purchased bullion at its market rate that bullion would get any more than the bullion was worth in the market, as I do not insist after purchasing the bullion that the Government shall issue notes at its coin value, but at its cost.

The defect of the bill is that it goes further than that. It proposes that the amount of notes in circulation may not exceed the cost of the bullion. Now, I say, after the Government has purchased the bullion at its cost and the notes are issued for its purchase, it shall then reserve the power and the right in the Secretary of the Treasury to issue on it notes equal to its coin value, and the Government gets the benefit of the difference between the bullion value and the dollar. I say that we propose that point, first, because it is necessary, so that we keep up the ratio of the two metals and not permit gold to be the whole measure, as it is being made by this bill; not to establish the gold standard entirely, and use silver only as a commodity, and as having no part or parcel in the measure of the circulation of the country.

Now, Mr. Speaker, the other point is this, that the bullion-owner—

Mr. HILL. Will the gentleman permit me to interrupt him there?

Mr. BLAND. Certainly.

Mr. HILL. I have not had the benefit of all the gentleman's remarks, and perhaps I did not understand him entirely in his position. The question which I desire to ask him is this: The owner of bullion presents at the mint 72 cents' worth of silver; if free coinage were adopted would not the bullion-owner get the benefit of the seigniorage?

Mr. BLAND. I was coming to that, and the gentleman will bear in mind that I was discussing the House bill and the purchasing of \$4,500,000 worth of silver per month. My point was this: That the bill provides that there shall be purchased \$4,500,000 every month. Now, the bullion-owner gets what? He gets the market rate for the bullion in notes, which will pay to him the market price for his bullion. Well, now, the bill provides that no more notes shall be outstanding than the market price of the bullion.

Mr. HILL. That is the House bill?

Mr. BLAND. That is the House bill; and therefore I insist that this changes the ratio of issuing money upon silver. Instead of making the legal ratio of 16½ to 1, it is establishing a market ratio on which money shall be issued, changing the whole theory of our coinage and changing the ratio of 16½ to 1 to the market ratio, which to-day is 22 to 1. Now the gentleman sees the point. In other words, this bill proposes to change the ratio from 16 to 1 to 22 to 1 in issuing money on silver.

Now, I say if the bill is so amended that after the bullion is purchased notes issue at its market price, but after it is purchased giving the power to the Secretary of the Treasury or reserving it somewhere, either in Congress or in the Secretary of the Treasury, to authorize the further issue of the amount of the difference between the market value and the coin value of the bullion, then I say to you we get the benefit of the profit or seigniorage, for certainly no one will claim that it is not safe to issue money on silver bullion when it has behind it dollar for dollar the coin value of bullion, and I am claiming and am demonstrating that that is safe enough. We have a currency based dollar for dollar on 412½ grains of silver with a paper-dollar note behind it. It is safe. Do we want to depart from that and issue notes and say notes shall not be outstanding in greater amount than the actual value of the bullion?

Mr. DARLINGTON. Will the gentleman allow me to ask him a question there?

Mr. BLAND. Certainly.

Mr. DARLINGTON. If the bill is amended in that particular would the gentleman support it?

Mr. BLAND. I will cheerfully, if I can not get free coinage. I want to say right here, in order that I may be understood—

Mr. DARLINGTON. That is a very frank answer.

Mr. BLAND. Of course, every gentleman understands that I have been arguing all the while that the only proper mode of settling this question is by free coinage, and I wish to do whatever is in my power to secure that. If it is impossible to get that and we can get this with two amendments, I will vote for it. Those particular amendments are simply this: First, that the notes outstanding shall not be less than the cost price of the bullion and not exceeding its coin value. Second, in order to keep up the coinage, that the notes shall be redeemed in coin, and the Secretary of the Treasury shall coin, if necessary, for its redemption, no less in amount than two millions per month.

In other words, let coinage go on. Do not stop that. Now, gentlemen, I insist upon that. It is an important matter. I object to continuing piling up and piling up bullion in the Treasury without ever coining it; for it will not be coined. You will set a precedent that will come home to trouble you. It will be a boomerang. I insist upon coining this money, and there ought to be coined not less than two millions a month; and if you can not get that, get one million. It is an important point that you must have it coined. Take from the note the legal-tender feature and probably there will not be presented for redemption one million, probably not half a million; and if they are not presented for redemption there will be no coinage. There will be no coinage in any event. Mark that; and I will tell you why. You have about two hundred millions of standard silver dollars already coined, and on them you have notes outstanding almost equal to the amount of the coined dollars, except the dollars in circulation—probably fifty-six or fifty-eight millions.

There is nothing in this bill or in the present law to prevent the Secretary of the Treasury from canceling the present silver certificates to whatever amount he sees proper. The law simply provides that they may be reissued. When these certificates come in for the payment of taxes they are canceled or reissued at the pleasure of the Secretary, and he will simply cancel a sufficient number of the certificates and will leave the resulting coin for the redemption of legal-tender notes. I see nothing at all to prevent it, and we know that the present Secretary of the Treasury has already stated, as all Secretaries preceding him have stated, that we ought not to coin another dollar; so that not another dollar will be coined under this bill unless there is compulsion in it, because the coin on hand will answer all these purposes. The notes outstanding will be canceled for that purpose. The eight, ten, fifteen, or twenty millions of silver dollars already coined will be kept on hand for the redemption of the notes, and you can not get another dollar coined under this bill.

Mr. CONGER. Will the gentleman explain to the House what is the necessity for coining the dollars when they do not circulate and when the certificates are what are wanted and do circulate everywhere instead of the dollar?

Mr. BLAND. I was coming to that. Our national banks are insisting upon maintaining their legal status by a small issue of circulating notes and they are desirous of reducing their circulation and having a system that will permit them to exist with as small a circulation as possible, keeping within the purview of the law. On the same principle the friends of silver ought to insist on the continued coinage of silver in order to keep it within the purview of the law and the Constitution; for, mark you, unless silver bullion is coined, if it is simply bought as a commodity and put into the Treasury simply as a commodity, as it would be under this bill, you will have it said, and said truly, by the people that you have as much right to put iron there, that you have as much right to put lead there, that you have as much right to put zinc there, that you have as much right to put wheat there, as you have to put silver bullion; and you have the same right and you can not answer the argument.

Mr. CONGER. Will the gentleman answer my question?

Mr. BLAND. In a moment. But, on the other hand, if the mints of the Government are continually coining this silver bullion into money the case will be entirely different. That is what the Constitution contemplates. It contemplates silver as money, because it can be coined. Cotton can not be coined, neither can lead, nor zinc, nor any other commodity, and therefore they are not money; but, under the Constitution of our country we can legally make money out of silver bullion, and silver is good as bullion in the Treasury simply because your mints are open to its coinage, and when you stop that the principle is abandoned.

Mr. CONGER. But will the gentleman please explain the necessity for coining the silver bullion into dollars when the dollars would not circulate and when the certificates are what the people want and are circulating in place of the dollars? What is the use of coining the bullion into dollars to be stored away?

Mr. HILL. And in that connection let me call the attention of the gentleman to the fact that the Senate bill, which he is in favor of, provides in terms for the issue of Treasury notes upon the silver after it is coined into money.

Mr. BLAND. Certainly.

Mr. HILL. Now what is the difference in principle between issuing the notes upon the bullion and issuing them upon the coin?

Mr. CONGER. Let him answer my question first.

Mr. BLAND. I can answer them both. In the first place we have free coinage of gold. There can be no objection to issuing notes on gold at its coinage value. You do not take its bullion value, but you take its coin value at the mint, and you can issue notes upon it. Why? Because if I have a gold note I can take it to the Treasury, if I wish to do so, and take out the gold bullion and go to the mint and have it coined into money. I do not care whether a piece of gold is bullion or coin in the Treasury, in fact it is money, and the miner who extracts gold from the earth does not extract a product, a commodity, but he extracts dollars and cents, because he can take the gold to the mints of the country anywhere and have it turned into money. So as to silver bullion, when you give it free coinage at your mints, then the party can deposit his bullion or he can have it coined. It is no longer a commodity, because it is monetized. The free coinage of silver has the same effect as the free coinage of gold. It monetizes the metal, and all the Government does is to put a die upon it to show what the coin is. Whether in bullion or in coin, such a metal is worth precisely what it will coin, neither more nor less.

Mr. HILL. If silver bullion is, in effect, as much money before it is coined as it is afterwards—

Mr. BLAND. I say it would be under the Senate bill.

Mr. HILL. I understand; and you are in favor of the Senate bill?

Mr. BLAND. Certainly.

Mr. HILL. If that be so, then what is the difference between issuing Treasury notes upon the silver bullion before it is coined and issuing them upon the silver after it is coined? What is the difference, so far as the principle is concerned?

Mr. BLAND. I have tried to make the distinction plain. I repeat that until silver has free coinage it is a commodity, and not money.

Mr. HILL. You have just stated that it is not a commodity.

Mr. BLAND. I say that the moment you provide for the free coinage of silver it is no longer a commodity; it is monetized. Why? Because every man who has got 412 grains of silver will refuse to take one cent less than a dollar for it, knowing that he can take it to the mint and have it coined into a dollar. That fixes a price below which it can not fall, but when silver is not monetized, when it is a commodity, as this bill makes it, the case is different. You pile it up in the Treasury as a commodity, and when you take it out by a note you can not go and have that silver coined; it is a mere commodity. On the other hand, when you take out a piece of gold bullion with a note, you can take it directly to the mint and have it coined. There is a vast difference between a metal that is monetized and one that is demonetized. Silver is now monetized. It is now a commodity, and when you issue notes upon it you issue notes upon it as a commodity.

Unless you have some compulsory coinage of that bullion you can not maintain the proposition that it is any better as a basis for coinage than wheat, except that it is not perishable, or any better than lead or zinc, which are not perishable. You can not coin lead or iron or zinc, nor can you coin the silver that is piled up in the Treasury Department unless you authorize it by law.

Hence, I claim that it is a matter of great importance to the friends of silver, to those who are in favor of the true theory of money in this country, to insist that silver shall have the right of coinage to some extent, however limited it may be, so as to contradict and distinguish it from commodities. That is what I mean. When you say that silver bullion shall not be coined, that practically no coin shall be issued upon it, but it shall be placed in the Treasury and notes issued upon it, you treat it as a commodity; it is no more entitled to coinage than iron or zinc or any other metal.

Mr. REILLY. The practical effect of such legislation is the demonetization of silver.

Mr. BLAND. Yes, by such measures you demonetize silver; you make a commodity of it. When you gentlemen on the other side go home to your constituents and undertake to explain this point and tell them why you provided for the deposit of silver bullion and the issue of Treasury notes upon it, and why you would not treat cotton or wheat or iron or lead in the same way, you can not explain your position. But if you say to your constituents, "We have put bullion in the Treasury, it is true, but we have compelled the Secretary of the Treasury to coin it under the Constitution," however limited the coinage may be, you then draw the distinction between silver bullion and other commodities. You then point to the Constitution of the country which makes silver money; you point to the law which recognizes it as money at a fixed ratio of coinage; you keep up the ratio as well as the coinage. Thus you educate the people of this country in the true theory of monetary science. But when you undertake to select any particular commodity on which to issue notes without coinage you are departing from all the theories of bimetalism, and you are giving silver a stab in this very bill, which is claimed to be friendly to it.

Mr. CONGER. Under the present law does the Government buy silver as a commodity?

Mr. BLAND. Certainly.

Mr. CONGER. Then when does it become money? What makes it money?

Mr. BLAND. The coinage of it.

Mr. CONGER. Then if under the bill proposed by the House we buy silver, we buy it as a commodity, do we not?

Mr. BLAND. Certainly.

Mr. CONGER. Then if it shall be coined (as the bill provides it may be, if it should be necessary for purposes of redemption) it becomes money, does it not?

Mr. BLAND. But I insist there never will be a dollar of it coined; that is the very point.

Mr. CONGER. It has got to be coined, if needed.

Mr. BLAND. That is not the question. I say it will not be coined, and you will find my prediction true. You may think it will be coined, but it will not, unless there should be a change which will make the administration of the Treasury Department different from anything that has been witnessed there since the coinage of silver commenced. The present Secretary of the Treasury himself says that this coinage ought to be stopped.

Mr. CONGER. Will coining the silver make the certificates of any greater value?

Mr. BLAND. Certainly not. I am not talking about the certificates.

Mr. CONGER. Those are what we are going to use. They are what we have used, we are using now, and what we would use under the Senate bill.

Mr. BLAND. The gentleman, it seems to me, can not appreciate my argument or else I do not appreciate it myself; I do not know which. [Laughter.]

But I am trying to impress upon the House, if I can, one point; it may be good or it may be bad, but I want it understood. It is that there ought to be some provision in this bill for compulsory coinage; the question whether silver shall be coined or not should not be left to the discretion of anybody. I am willing the bill shall say that so much silver as may be necessary to redeem the notes may be coined, but it ought to go further and compel the coinage of a certain amount, so as not to permit any discretion in this matter; for, as I remarked before, to provide that so much as may be necessary to redeem these notes shall be coined means practically none at all, because the Secretary of the Treasury—

Mr. TAYLOR, of Illinois. Unless silver be coined how will the Secretary of the Treasury redeem these notes if they be presented?

Mr. BLAND. He will redeem them with the present stock of silver.

Mr. TAYLOR, of Illinois. That is impossible.

Mr. BLAND. There is nothing impossible in this country with regard to defeating silver legislation. The bill simply declares that a sufficient amount for the redemption of the notes shall be coined. That might mean that coinage should begin after you had utilized the \$300,000,000 of coin you already have. There is nothing in the bill to prevent the present supply of coin from being used for this purpose.

Mr. CONGER. There is in the present law.

Mr. BLAND. How? Where?

Mr. CONGER. Because the law requires that those silver dollars upon which the Secretary of the Treasury has issued certificates shall be kept for their redemption.

Mr. BLAND. But he is not compelled to keep the certificates out. There is the loop-hole to which I tried to call the attention of the House. The present law provides that the silver certificates, when returned to the Treasury, may be released, but there is nothing compulsory about it; and it has been the practice of the Treasury Department to cancel them whenever it pleased; and we remember a time when there were 60,000,000 or 70,000,000 of silver dollars in the Treasury on which not a note was issued. There is nothing in the present law to prevent the Secretary of the Treasury from calling in a hundred million dollars of certificates and holding a hundred million of coin—not reissuing one dollar of those certificates.

Mr. CONGER. How will he call them in?

Mr. BLAND. They are coming in every day.

Mr. CONGER. How will he call them in?

Mr. BLAND. By canceling them when paid in for taxes. They come in now as payments for taxes. What I mean by calling them in is canceling them.

Mr. CONGER. You said, "Calling them in."

Mr. BLAND. That is practically calling them in. They come in as payments of internal-revenue taxation or customs dues. The Treasury is full of them, has been all the time, and will be. Now, the Secretary of the Treasury can cancel them as they come in and hold a hundred million dollars of the silver already coined for the redemption of these notes, you see. And hence I say it is indispensable that we should not overlook or slight these points, because here we are considering a great and important question. We are legislating upon a vital subject, and if free coinage is to be defeated here—I will not say it will be, but the indications are not favorable—and this bill goes to the committee of conference, I want gentlemen to understand that these are essential points to be considered with reference to the theory of our money upon which we proceed.

Then, Mr. Speaker, I say in order to meet that difficulty, in order to prevent the utilization of silver already coined for the purposes contemplated by this bill, we must keep on coining. It may be limited in quantity; but it will be for the purpose of monetizing the bullion. It shows what was the purpose in view, the intention of Congress in the passage of the bill. It keeps up the fixed ratio between the two metals. It is important in every sense of the word, and the cost is very little, because the mints are kept open almost all the time anyhow or ought to be. They are carried on; they have their employees; the appropriations are made for them, and they will be there, and the expense will be but little, or it will be about the same whether we coin it or not, and therefore they had just as well be put at work as to be allowed to do nothing. But I do not want Congress in legislating upon this subject to lose sight of this important fact, that if we proceed with the House bill without the amendments of the Senate, simply making a commodity of silver, the effect will be to use the silver in the Treasury for the purpose of the redemption of these notes and no more will be coined.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. REILLY. I ask unanimous consent that the gentleman may be permitted to conclude his remarks.

Mr. CONGER. To come out of the time belonging to that side of the question?

Mr. REILLY. To be taken out of that side.

The SPEAKER. How much time does the gentleman desire?

Mr. BLAND. Not more than ten minutes.

The SPEAKER. Without objection, the gentleman will proceed for ten minutes longer to come out of the time of that side.

There was no objection.

Mr. BLAND. But, Mr. Speaker, I hope that this free-coinage bill will not be voted down. I trust this House will do what the Forty-fifth Congress seemed to be unable to do, and that is to grapple with this great question. The longer we postpone it the greater becomes the difficulty. It was postponed in 1878, and a provision was put into the bill asking a conference of foreign Governments for the purpose of coming to some agreement upon the subject, and some understanding by which France, England, and Germany could open their mints to the free coinage of silver. We were told then—that was the prediction that defeated free coinage then—that we could have this agreement which was promised us. But instead of that we were met, especially by England and by Germany, with an absolute refusal even to consider the proposition.

If we have free coinage of silver now we are in this position: We are in the position to control the metals of this country in our own interest. Instead of London being the great center where you find gold and silver exchanged and instead of England controlling the value of the two metals, New York will become the exchange for the world as between gold and silver. France, that occupied that position for over seventy years, with the coinage between the two metals on a fixed ratio of 15½ to 1, was the clearing-house of the world for the money metals, and has to-day more metallic money within its borders than any country in the world, this country not excepted. There you could go and exchange your gold for silver and silver for gold at a fixed ratio of 15½ to 1; and if we had that ratio and free coinage here to-day this country would simply be the clearing-house of the world upon the metallic question, and would stand in the position of controlling the value of gold and the value of silver, as established by law for all the world. Because, Mr. Speaker, having, as we do, the South American countries and China and India, constituting over five-sevenths, or about that number, of the people of this world using silver, and the other part using gold, we would simply be the clearing-house for the silver-using and the gold-using countries of the world, and stand in the position of masters of the situation, instead of being, as we are to-day, simply a tail to the London kite.

Mr. HILL. If it would not interrupt the line of the gentleman's argument, I would like his view in regard to what the effect would be of opening our mints to the coinage of all the silver of the world at the ratio of 16 to 1, when the foreign ratio is 15½ to 1.

Mr. BLAND. I understand this is an important question, and one that we will hereafter be called upon to consider. That is a question that originated in 1878. The fact that European governments are coining at a ratio of 15½ to 1, and ourselves at 16 to 1, and they open up their mints to free coinage, of course all of our silver would go there, as it did then. But the difficulty we were then in still confronts us, and it was especially so at that time because our bonded debt was issued and made payable by the act of January, 1870, and amended in July following. The bonds were made payable in coin of the standard value of that date. The coin of that date was the standard silver dollar of 412½ grains—we had free coinage then—and the gold dollar of 28.8 grains. We were under the bimetallic system. We had the two metals side by side. We had the right to pay in gold or silver. That was the law and the contract, and when we came to legislate in 1878 on that question it was said, "You can not change the ratio between your metals, because if you put less silver in the dollar"—as we would be compelled to do to change to the European ratio—we were

told we could not pay our bonded debt with silver; that we would have to make the silver dollar legal tender for private debts, but not public debts, and that was the difficulty that confronted us at that time. Besides, other countries were not coining silver then at that ratio.

The fact that we proceed to coin at this ratio at this time is a guaranty that none of the silver of European countries can come to our mint, if there is any danger of that. A great many gentlemen are opposed to the free coinage of silver, because they say the silver of the world will come here to be coined at our mints. Our ratio prevents that. They are compelled to lose at least 3 cents on every dollar, their silver being on a par with gold, and, as has been said by the Secretary of the Treasury, every cent of it is needed and every dollar, and they can not spare it; and if they were to undertake to bring it here to be coined into the standard dollar they would lose 3 cents on every dollar besides the transportation. But if we open our mints to the unlimited coinage of silver and take this step, like the great nation we are, we are in a position to bring other countries to our ratio. But if we postpone it we will find ourselves twenty years from now in the same condition that we are in now, after eleven years have elapsed since we commenced the coining of silver. All that time has gone by and we are no nearer to a common ratio than we were then.

Mr. HILL. The gentleman has not quite caught the point of my question. If we open our doors to free coinage and make a market for the silver of the world, perhaps raising the market value of silver to par, increasing the value of silver from 72 cents to 100 cents on the dollar, could not the foreign producers or owners of silver, even of silver coin, afford to bring it here and sell it at our mint and get the 25 or 28 cents, even if they had to lose 3 cents?

Mr. BLAND. I presume the gentleman does not allude to coined silver which is in circulation. As to the product of silver bullion his question might hold good, but you will find that the silver is needed in other parts of the world. India needs about thirty millions, Mexico twenty-five or thirty millions. The South American States are compelled to have a certain amount of it, and according to the figures of the Secretary of the Treasury himself, in his bullion scheme, wherein he proposed to take all of the silver of the world at its market rate (I do not mean at its coinage rate), he could only figure about fifty millions of silver that would come to this country, because other countries are bound to have silver to use themselves. So that it would be impossible, so far as this Government is concerned, to receive all the silver of the world.

But my friend must remember one thing and that is, when we establish the free coinage of silver we have simply given to the people of this country the opportunity of exchanging their commodities. They are not going to give them away. Silver can not come here to be coined at the mints unless they buy something. If they bring silver here and put it into our mints to be coined into standard dollars they are bound to buy something or there is no profit. We have billions of dollars of products of this country every year, and especially agricultural products, that the people are glad to exchange for good silver dollars, more than we will ever get by free coinage. The free coinage of silver will not supply this country with enough money, and it is a great mistake to suppose that it will. [Applause.]

[Here the hammer fell.]

Mr. KERR, of Iowa. Mr. Speaker, the bill that comes back here from the Senate contains some provisions that it seems to me are very dangerous. I would not, perhaps, have any objection to the free coinage of silver, subject to such limitations as would naturally be placed upon it by the measure of the ability of the Government to coin silver dollars, because the limitations of our mints' capacity would be an important restriction upon free coinage. Under its present capacity, without an amendment to our laws, it might not be possible to coin enough silver to cause any very great danger. But with the amendment in this bill provided for in the Senate giving the owners of silver bullion the absolute right to go to the Treasury of the United States and receive from the Treasury of the United States, not only coin, but its equivalent in certificates, not silver certificates, but coin certificates, it seems to me there would be a very great danger.

I wish to address my remarks to this side of the House—the Democratic side—for a few minutes. It is well known that there existed in this country a determined opposition up to 1860 against the issuance of anything but gold and silver by the Government as a legal tender in payment of debts. It was considered to be beyond the power of the General Government to make anything but gold and silver a legal tender. This bill makes all of these Treasury notes legal tender in the payment of debts, and it provides that the holder of silver bullion anywhere in the world can go to the Treasury of the United States and demand either coin or, at his option, certificates for the whole product that he may bring to the Treasury. Now, I can see very clearly that it would be possible in the period of three months to bring to the Treasury of the United States the entire silver product of the world that is now subject to sale and which this bill offers a premium of 25 per cent. upon and require from the Treasury of the United States the issue of certificates payable in coin for that entire amount. And when these certificates were sold to the owners of the certificates might present them

to the Treasury of the United States and demand a redemption, and thereby take from the Treasury of the United States, within the period of three months, every dollar of gold in the Treasury before there would be time or opportunity to coin the necessary silver to redeem them. This would leave this country with only silver in circulation when the necessary amount should have been afterwards coined.

I think that is a great danger. The gentleman from Missouri [Mr. BLAND] does not apprehend that that is a danger. He did not seem to think that the entire banishment of gold from the United States would be any great national injury; but while I as a Republican am in favor of the use of both of the metals for currency and for money I am not in favor of a proposition that would reduce us to a single metal in violation of the policy as declared by the party in its platform, which emphatically declares for the use of both as money. I have no doubt that, considering the premium that we would be required to pay foreign nations or foreign owners of silver bullion in the purchase of this silver, this would be the result. The gentleman did not answer the question whether this would not in fact be paying to the present owners of the bullion of the United States about \$13,000,000 as a bonus for their property; not to the laborers in the mines, but to the money kings who hold the bullion.

Mr. BLAND. Mr. Speaker, I ask the gentleman if he will yield to me for a moment.

Mr. KERR, of Iowa. Yes, sir.

Mr. BLAND. It may be that I did not answer that, but the gentleman is aware that I was asked a good many questions and that I was turned away in my remarks from covering some of the points. I claim that the free coinage of silver will cheapen gold; that is to say, that gold will fall in value and fall more than the silver will rise. Silver will probably rise 10 or 15 per cent., and that would give perhaps to the owners of silver mines five or six millions of dollars. But if the gentleman will calculate the loss to the farmers alone in the State of Iowa on account of the dearth of money he will see that the free coinage of silver would be worth to them millions of dollars, while the silver men have not lost a sou.

Mr. KERR, of Iowa. I agree with the gentleman from Missouri that demonetization was a great injury and the continued use of both the metals is necessary for public prosperity; but I think the gentleman will be able to see that the banishment of gold from the United States would be just as disastrous in effect and perhaps more disastrous in effect upon the public prosperity of this country than would the banishment of silver alone.

Mr. BLAND. How could that be?

Mr. KERR, of Iowa. When we take into consideration the fact that the greatest commercial nations of the world are using gold and that some of them have demonetized silver, but have not demonetized gold.

Mr. BLAND. If you had the same volume in circulation of silver that you have of gold, would not that answer all purposes?

Mr. KERR, of Iowa. So far as the volume is concerned; it is a question of value. Sir, years ago I was in favor of equalization of the values so as to bring gold and silver down to the actual cost of production; and I believe ultimately that will be the way in which this matter will be settled. If it costs a dollar to produce or to dig from the dirt a dollar's worth of silver, then a dollar's worth of silver will have to be the proper measure of value for a dollar coined; but if silver should become so very abundant that it will only require a half-dollar's worth of labor to produce a dollar in silver in the markets of the world, ultimately silver will be reduced in value, and it will be necessary in order to equalize the values, perhaps, to put a smaller amount of the precious metal in the gold dollar and a larger amount in the silver dollar.

Mr. BARTINE. Will the gentleman permit me to ask him a question there?

Mr. KERR, of Iowa. Yes, sir.

Mr. BARTINE. Does not the gentleman know that gentlemen of information in monetary matters state that it cost two or three dollars to produce every dollar in silver?

Mr. KERR, of Iowa. I know the gentleman and his friends from the West tell us that, and I have heard it stated, but I doubt it very much. We are told that it costs more to produce a dollar in silver by mining than in any other manner possible in the world; and yet I am informed that the mine-owners of Colorado pay their hands \$5 a day and make money by the mining of silver.

Mr. GEAR. From two and a half to three dollars.

Mr. KERR, of Iowa. My colleague informs me that it is from two and a half to three dollars. I have heard others state it as high as five.

Mr. BARTINE. Does not the gentleman understand perfectly well that in silver-mining there is a great deal of uncertainty and that there is a large amount of dead work that makes it difficult to estimate the cost? But I have given him the estimates, not of miners and men engaged in the production of silver, but of writers on monetary affairs.

Mr. KERR, of Iowa. I am not sure about that. I may say to this proposition that the value of gold and all money is dependent upon its cost of production.

Mr. BARTINE. And on its rarity.

Mr. KERR, of Iowa. Its cost of production depends on its rarity. Mr. BARTINE. And the question of demand and desire has a good deal to do with the cost and value of silver.

Mr. KERR, of Iowa. I admit that; and I repeat my proposition that if silver shall become very abundant and there shall be found to be a very great deal larger proportion of silver than of gold in the world above former comparisons silver will necessarily be reduced in value, and either the silver dollars will have to be coined with more of silver or a gold dollar with less of gold in it in order to preserve the equilibrium between both metals; and I think that will finally solve the question, when we have settled the question that in this country both metals are to be used.

As I said, the Senate amendments to this bill provide that we shall at once issue certificates redeemable in coin for all the silver in the world if it is offered; and the man who brings it to the mint to-day when it is worth 75 cents gets a certificate for it on which he can receive payment in coin, either gold or silver, and by that means the entire money in the Treasury of the United States may be taken, if the demand shall be sufficient to take it all, and if that were done it would leave us in this country entirely without gold, and that is a danger to be apprehended if the Senate amendments shall be adopted.

Mr. Speaker, I want to make another remark in connection with this subject. It seems to me from the method in which the matter has been treated that there is an endeavor to make it a political question, and mainly with a view to embarrass this side of the House. Otherwise how shall we account for the solid vote on that side of the House on some preliminary questions a few days ago? How shall we account for the fact that the men on the other side, when it appeared to be a matter of politics, came up in solid phalanx and went, in some instances as they afterwards confessed, against their own feelings? Up to this moment it has not been a political question, and I hope that for the future it will not be a matter entirely of politics.

But how is it as a matter of politics? Our friends on the other side know very well that this act of 1878 has been indorsed in practice by the Democratic party ever since it was enacted into law. How is it to-day? Why, one of the gentlemen upon this floor from Illinois went out, as I understand, a few days ago to attend a convention in that great State with the view of having a resolution passed indorsing the free coinage of silver, and he came back after having suffered an overwhelming defeat in an Illinois Democratic convention. In the State of Illinois a convention of the Democratic party voted down a resolution in favor of free coinage of silver.

I have alluded frequently heretofore, and I allude again, to the fact that during the last Administration not only was no effort made in the direction of the greater coinage of the precious metals, but, on the contrary, the organs of the late Administration advised that the coinage of silver should be absolutely discontinued. The gentleman from Arkansas [Mr. McRAE] the other day, when I alluded to this subject, stated that the late President had changed his mind on this question, and intimated that Mr. Cleveland was now in favor of the free coinage of silver. Why, sir, we have been waiting and listening with the utmost patience for the last three or four days to hear from the gentleman who will probably be the Democratic candidate for the Presidency on the subject of the free coinage of silver, waiting for a manifesto taking back his Warner letter, receding from the policy which he and his Secretaries adhered to for four years without protest from his party, and saying that hereafter he would be found in favor of the unlimited coinage in our mints of the silver product of the world, but that manifesto has not appeared.

Mr. BAYNE. He has been writing upon every other subject.

Mr. KERR, of Iowa. Yes, sir, he has been writing upon almost every other subject that is before the American people, but he has written nothing about this. He has failed to utter a single syllable upon this question of free coinage. Not only that, but Representatives on this floor from the great State of New York, representing the great commercial State of the Union, come here, when the question becomes a matter of judgment, and say, by speeches and by votes, that they are not in favor of the free coinage of silver. So, also, with other leading gentlemen on the other side of the House for whom I have the highest respect, gentlemen representing the great State of Pennsylvania.

I hope that there will come in this country a time when there will be a free coinage of silver. I do hope that both parties, in their national platforms, will be in favor of judicious measures looking in that direction, although the Democratic party has not heretofore favored it. But I do not think the Democratic party at least will ever declare in favor of the issue of an unlimited amount of Treasury notes based upon the entire silver product of the world to be coined throughout the coming generations at the cost of the Government and to be redeemed from the United States Treasury. I do not think there is a man on the other side of the House who believes that that proposition will ever be sustained in a Democratic national convention or by the men who are the doctrinaires of the Democratic party. If they took that position, they would abandon every part of their party's history up to the present time. If they took that position, they would turn their backs upon the entire record of Democratic history in the management of the finances of this Government, and they will not be likely to do that.

We are informed that the entire product of the silver mines of the United States amounts to from forty-five to sixty million dollars a year. This House bill proposes to coin \$54,000,000 worth of silver every year or to pledge the Government to its coinage by the issuance of certificates. A large portion of the silver product of our mines will be necessary for use in the arts and for various purposes, and if the demand shall come up to what it has been in the past it will consume the entire product of the American mines and at the same time save us from any danger of being deluged with the entire silver product of the world.

In that view of the case, Mr. Speaker, I do think that we fairly represent the demand of our Western people who are in favor of the use of both gold and silver as money when we say that we are willing and desirous that this bill shall pass, so that the entire product of the American mines can be put into American circulation. Gentlemen say that we ought to coin more silver than we do now. If we have its representative in certificates it will answer the same purpose. I think we ought to examine a little into the history of silver coinage. I think there are many men on this floor who had not given the matter full previous consideration who have been surprised to find, upon examination, that up to 1873 there had never been coined in this country more than eight millions of silver dollars.

Mr. KELLEY. They are not surprised when they understand the reason.

Mr. KERR, of Iowa. Well, in so far as it may be charged that silver circulation caused high prices formerly and its absence is the only way in which we can account for the absence of high prices since, I think I may come to that conclusion, because if prices were high when there were only eight million dollars of silver in the United States, it certainly ought not to be claimed that they should be very low as a result since over three hundred and sixty millions of silver have been put in circulation.

Mr. MILLS. The gentleman says there were only eight millions of silver dollars coined, but he should remember the large amount of subsidiary silver coin.

Mr. KERR, of Iowa. I know there were forty or fifty million dollars of subsidiary silver coin in circulation, and I suppose there is something near that amount at present.

Mr. POST. I do not suppose the gentleman intends to be unfair or to make any statement to the House that is incorrect.

Mr. KERR, of Iowa. I do not.

Mr. POST. The only reason that silver was not coined in this country was because we coined it at 16 to 1, whereas all the other countries coined it at 15½ to 1.

Mr. KERR, of Iowa. Yet we know there were very few silver dollars in circulation in this country at that time except American dollars. We occasionally saw a Mexican dollar; but the great bulk of the money then in circulation was of American coinage. The gentleman knows that as well as I. If we now have \$360,000,000 of silver in circulation, either in the form of coin or silver certificates, we certainly ought not to have hard times when previous to 1873 we had good times, as it is claimed, when the entire circulation of silver dollars was only eight millions. The hard times will have to be accounted for on some other ground. I concede, however, that the increase of the silver circulation, if it shall be done in such a way as not to banish the more valuable metal, will be a great relief to the business interests of the country and will tend to enhance prices of the products of labor.

[Here the hammer fell.]

Mr. HILL. Mr. Speaker, it is with great diffidence that I rise to address the House upon the silver question. I am free to confess at the very outset of what little I can say upon this subject that I have not made it a study, that I have not examined the question with that care which other gentlemen on the floor of the House have undoubtedly devoted to its consideration, especially the gentleman from Missouri [Mr. BLAND] to whom we have listened this afternoon, and the members of the Committee on Coinage, Weights, and Measures, as well as other and older members of the House.

Mr. Speaker, I should be glad to be a free-coinage man. I am a gold and a silver man and a greenback man, about equally divided. I believe in all three of those moneys, or coins, if you choose to call them so, because a greenback, under the decisions of the Supreme Court of the United States is placed very nearly upon a par, as constitutional money, with gold and silver. I hope we shall never see the time, whatever else this House or this country may see, that these three moneys—gold, silver, and greenbacks—will part company.

I have said that I should be glad to be a free-coinage man. If the conditions were such as to warrant it I would vote for free coinage of silver to-day, and my only regret is that the conditions do not warrant it. Now, what is free coinage? There seems to be a great misapprehension, not, perhaps, on the floor of this House and with members here, but with the country at large, or at least a considerable portion or element of the country at large, in regard to the meaning of free coinage. The impression prevails, I will not say the general impression, but the impression prevails that free coinage means the right of a bullion-owner to take a dollar's worth of bullion to the mint and have it coined into a shining dollar. I say that is a very prevalent impres-

sion to-day, not merely with the unreading and unthinking class of American citizens, but even with the leaders, or so-called leaders, of public opinion. I hold in my hand an editorial clipped from one of the leading papers of my Congressional district, a paper edited by gentlemen of ability, gentlemen honest and earnest in their convictions. Without naming the paper I will read what they say free coinage means:

To illustrate: There are 412½ grains of standard silver in a silver dollar. The Mint requires that amount of pure metal for every such coin it turns out, but as there are only 371½ grains of pure metal in such coin the Government adds 41½ grains of alloy and displaces 41½ grains of pure metal, which goes to the Government in the shape of toll, and is known as "seigniorage." It is the same with gold as with silver, so that in reality the miner pays for coinage, but the Government gives him in lieu of his bullion the same weight in coin with the difference that instead of being pure metal it is what is called standard, or nine-tenths fine, and passes current for just what it is stamped.

The Government therefore charges a tenth of the metal for coining it into money. The miner loses nothing by free coinage, while the Government is a large gainer. Free coinage, therefore, it will be seen, means that it costs the miner nothing, while the Government gets a tenth of his bullion for coining it.

Now, Mr. Speaker, I think that fairly represents the general impression or opinion of a large per cent. of our constituencies as to what free coinage means. In fact it means, as you and we all here know, something entirely different. A standard silver dollar—the "dollar of the daddies," as it is called; the dollar that has been coined and has passed current as a silver dollar for more than fifty years—contains 412½ grains, not of silver, but of silver and alloy; in other words, 371½ grains of pure silver and 41½ grains of copper. That makes the silver dollar, the dollar of the fathers when shaped and fashioned by the Mint into the form and semblance of a dollar.

Now, what are we asked to do by the bill as it comes from the Senate? We are asked to open the mints of this country to the bullion and mine owners and holders—not merely in fact to the mine-owners and bullion-holders of this country, but of all the world, inviting them to bring 371½ grains of pure silver to any one of the mints of the United States and there, at the expense of the Government, by machinery and by workmen hired and paid by the Government of the United States, have it shaped and fashioned by the introduction of 41½ grains of alloy into a shining dollar. That dollar goes into all the channels and avenues of trade as a dollar. It buys all that a dollar can buy. It will buy as much as a gold dollar. In other words, as silver, according to the present market prices I have heard it stated, I think, by the great father of free coinage here in this House, the gentleman from Missouri [Mr. BLAND], is at 72 cents on the dollar—I understand that since this discussion began on the floor of this House and in the Senate it has risen gradually until perhaps it may be worth in the markets to-day 75 cents on the dollar—we are asked to permit these bullion-owners, these mine-owners, to bring the product of their mines and the bullion they own to these mints, 72 cents' worth, and get it coined or fashioned into the silver dollar at the expense of the Government and take it home with them, the act of coining making it worth 100 cents. In other words, it is proposed to give, not to the Government of the United States this difference, not to the great people of the United States this seigniorage, but to add it to the wealth of the mine-owners or the bullion-owners of the country.

Mr. Speaker, I have been a little amused as well as instructed by the arguments and suggestions of my friend from Missouri [Mr. BLAND], and I always listen to him with a great deal of interest, if not with much profit. But since he closed his hour and ten minutes' speech I have turned to the "Bland act," so called, of which he is regarded as the father, passed by Congress in 1878. That Bland act, as it is called—and I suppose the gentleman is responsible for it and that he will not disown the child—that Bland act provides in express terms that the Government shall do just what the present House bill provides to be done; in other words, to purchase from two to four millions of bullion per month and have it coined into shining dollars, and upon that issue Treasury notes, or silver certificates, as they are called.

Mr. BLAND. Will the gentleman yield for a correction?

Mr. HILL. Certainly. If the gentleman is not the father of the Bland act, I am perfectly willing to hear his disavowal.

Mr. BLAND. The bill that passed the House might possibly have been called the Bland act, for that was a free-coinage act. The law as it is now, however, is the result of an amendment put on in the Senate by Senator ALLISON, to substitute the two millions' worth for the four millions' worth, and hence his name is connected with it. Now, that part of it is the Allison part and the Bland part is the free-coinage feature.

Mr. BREWER. In other words, the Bland bill when it came back from the Senate was not as Bland as when it went over?

Mr. BLAND. No, sir; Mr. ALLISON took the Bland-ness out of it, [laughter], and the Allison part and the Bland part are essentially different.

Mr. HILL. Well, I am glad to be corrected and instructed; and I hope hereafter my friend [Mr. BLAND] will not have the reputation of being the father of this act, because he has expressly disowned it here this afternoon, in part at least, on the floor of the House.

Mr. BLAND. The Bland dollar is all right, but it is not the Bland act as I would have had it.

Mr. HILL. But the point that I wanted to call the attention of the gentleman from Missouri to is this, Mr. Speaker, that this act, which he now says he helped to fashion and shape, provides in express terms for the purchase of silver bullion by the Government and says in express terms that the object is to save this seigniorage to the Government of the United States.

Now, I will read for the benefit of the gentleman from Missouri, because his memory may be failing somewhat, what the so-called Bland act does say:

And any gain or seigniorage received from this coinage shall be accounted for and paid into the Treasury, provided under existing laws, relative to the subsidiary coinage.

Has the gentleman seen any new light since that day? Has he taken a step forward or a step backward, or is his position here in relation to this House bill the result of the fact that this is a Republican measure and that Mr. Bland is to-day in opposition?

Now, Mr. Speaker, what was the condition of things when the so-called Bland-Allison act was passed? We have been told that in 1873 silver money was demonetized. It was not demonetized in full. The act at that time simply omitted a provision for the coinage of the silver dollar, but it did provide in express terms for the coinage of the subsidiary coins ranging from 10 cents up to 50 cents. It was only the silver dollar that was dropped out at that time. It is called, however, the demonetization of silver. We are told that at that time silver was worth 103 cents in the markets.

I am not going to stop here to discuss, and I probably would not be able without more careful preparation to enlighten any single member of this House, as to the reasons for this so-called or supposed demonetization of silver, or the motives that prompted it, or the condition of things that warranted or seemed to warrant the so-called demonetization. We know, however, that up to that time the United States, during all the period of its history, ranging clear back to the organization of this Government, had only coined in silver a little over \$8,000,000.

Mr. BLAND. The gentleman now is speaking of the coinage of the silver dollar.

Mr. HILL. Yes, sir.

The SPEAKER. The gentleman has exhausted seventeen minutes.

Mr. BREWER. I move that the gentleman's time be extended for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. BLAND. As the gentleman's time has been extended, right in this connection I would like to make this statement: That from 1779 to 1855, I think it was, an immense amount of silver, half dollars down to half dimes, all of them being full legal tender for all debts, public and private, had been coined. Silver was coined in halves and quarters, but not in dollars. There was a vast quantity, some hundreds of millions, coined, but not in dollars, but it was a legal tender for all debts.

Mr. HILL. I understand the aggregate amount, whatever form it may have assumed, was a little over \$8,000,000 during that entire period.

Mr. BLAND. That was the standard dollar.

Mr. HILL. Yes, sir.

Mr. BLAND. But taking the half dollars and similar denominations of the coins amounted to a great many millions.

Mr. HILL. Yes; but I am speaking of the dollar. This act—the Bland-Allison act of 1878, at that time I am informed, and informed also by the gentleman from Missouri, to whom I turn as authority on the matter of silver coinage, that in 1878 silver was worth about 85 cents on the dollar.

The Bland-Allison act was passed providing for the coinage of from two to four millions of dollars per month. That coinage has gone on at all the mints of the United States, and we have rolled off since that time, I understand, in silver dollars, about three hundred and sixty millions as against a little over eight millions in all the prior history of the Government. Every month during all this period of time the Secretary of the Treasury has purchased and had coined into dollars two millions in value of bullion and upon these silver certificates have been issued. Those certificates pass at par. They are sought after even by members of Congress on pay days. They are good, if not in the markets of the world, at least in the markets of America. What is the result? To-day, in spite of this increased coinage, silver is worth only 72 cents or at most 75 cents on the dollar. And yet with that brief history in view—and my time is too short to attempt to enlarge upon it—we are now asked by the opposition to adopt free coinage, practically placing at once in the hands of these mine and bullion owners the seigniorage of from 25 to 28 cents on the dollar. And for one I am not prepared to vote for it. I would be glad, as I said, to vote for free coinage if silver was at or even near par. But I can not see how I can go before my constituents and state the facts as they are and in effect say to them that by my vote I have enacted such legislation as will place in the pocket of these bullion and mine owners of the great West from 25 to 28 cents on every dollar of silver bullion that is coined.

Mr. BARTINE. I yield ten minutes to the gentleman from Illinois [Mr. POST].

Mr. POST. Mr. Speaker, the real question before this House is whether silver shall be recognized as a money metal. I listened with great attention to the opening speech of the chairman of the Committee on Coinage, Weights, and Measures [Mr. CONGER], and a gentleman at my side said it was an excellent speech. I said it was, indeed, a splendid argument from a gold-standard point of view. And striking out that single gold-standard point of view you will find that there is nothing whatever in the argument. Unless we are willing to recognize silver as a money metal we might as well, as some have said, increase the currency by a paper money. That is the real question.

And now, Mr. Speaker, I want to refer to one other matter mentioned by the chairman of the Committee on Coinage, Weights, and Measures, and that is to the silver lobby, the lobby representing the silver miners, that is supposed to be about this Capitol. I want to say that I know nothing of them, I have heard nothing of them, have seen nothing of them. There are no silver mines in my district. I never had any interest in silver bullion and have no interest in silver in any form, except the few coins which happen to be in my pocket. To state my connection with this proposition whether gold and silver shall be used as money, I will say that it commenced back in 1868, when the discussion went on in Europe that if it were possible to induce the principal commercial nations of the world to use gold alone as their standard the immediate result would be to increase the value of gold 38½ per cent.

I put that statement in the speech which I made some days ago on this question, and I have expected that possibly it would be controverted. I have not seen it controverted, and I know that right here in the library are documents by which I can prove every word of it. It was then pointed out that it would be a disadvantage to the producer and to the advantage of the fund-holder. I took my stand with the producer and against the fund-holder at that time. I was absolutely amazed when I found that the United States in 1873 had fallen into the trap which England had laid for it, and I think this Government was not aware of the change, for in truth the officers of the Treasury did not seem to find out that silver had been demonetized and the single gold standard adopted until nearly a year afterward. They continued silver all the while during that time as the standard of these United States. And let me say right here, when people are talking about their fear of what will happen when silver comes into use in this way by its free coinage, that we had free coinage of silver from the commencement of this Government down to 1873. We had more, than that; we had the single silver standard, and gold was simply a legal tender, precisely like the greenbacks.

Mr. CONGER. Will it interrupt you if I ask you a question?

Mr. POST. Not a particle.

Mr. CONGER. Will you please tell me if it was not also true that the other commercial nations of the world were at that time coining and using silver and are not coining it now?

Mr. POST. The other commercial nations of the world were at that time coining and using silver, except England. England demonetized it in 1816. France was the other bimetal country and it uses silver to-day just as much as it ever used it.

Mr. CONGER. It does not coin any.

Mr. POST. It does not give the unlimited coinage of silver.

Germany was a single-standard country also, and owing to the results of the war with France it thought it had more gold than silver, and consequently it determined to have the single gold standard, but it has abandoned its proposed policy and is not selling silver. But when you come to the commercial nations of the world I take it that all nations are more or less commercial nations. You talk scornfully sometimes of India, and yet India is a great commercial nation, and you talk scornfully of a great many other countries that use silver, and I have never heard any good reason for it, because certainly nine-tenths of the nations of the earth are single-standard, silver-coinage countries.

But now, Mr. Speaker, my objection to this discussion, or rather to the form in which this matter comes before us, is that it is proposed to continue to buy silver at its gold valuation. Almost all the bills that have been presented have come in that form. It is true that the Senate have sent over a bill here for the free coinage of silver or what is equivalent to it. I think it has one very serious defect, and that is in the use of the word "coin" in reference to the certificates. Let every tub stand on its own bottom. Issue a silver certificate when silver bullion is brought to the mint and issue a gold certificate when gold is brought to the mint.

Let me say, in reply to one suggestion that was made by the gentleman from Iowa [Mr. CONGER], that I can not imagine any possible objection to making contracts in gold. I can not dream or imagine that it will work out any harm. Let them make contracts in any kind of money that they see fit. The one thing that I want to obtain here is to return to the position we occupied in 1873. It has never done us any harm, and there is no possible reason why we should not return to it. But we are told: "Oh, that would be flooding us with the silver of the world." But where is this silver to come from? There is very little bullion in the world to come here, and certainly silver that is

already coined at 15½ to 1 of gold is not going to be brought here to be recoined at 16 to 1, a loss of one-sixteenth in the coinage, in order to secure gold. That certainly can not happen. But it has seemed to me, since there are people who believe in ghosts when there are no ghosts, men's apprehensions are entitled to consideration. I recognize that feeling, and for that purpose at the beginning of the session—

Mr. HILL. Will the gentleman permit me to interrupt him there?

Mr. POST. Certainly.

Mr. HILL. It seems to me that that is a pretty substantial kind of ghost. [Laughter.] When these owners of bullion in Mexico, or on the continent, or anywhere in the wide world find out that we pay here 100 cents for silver that is worth 72 cents, do you not think that that will bring foreign silver to this country?

Mr. STRUBLE. Is not the gentleman mistaken about the value of bullion at the present time? Is it not worth about 80 cents?

Mr. POST. Let us take it at 72. What are the other nations to do? Are they going to take their own coin that is already coined at 15½ or 16 to 1, as it is in India, and bring it here to be coined at 16 to 1? Are they going to come here and give more silver for 1 of gold than they are paying elsewhere. On the contrary, it will be likely to occur, just as it occurred in the past, when other nations coin 1 of gold to 15½ of silver and we 1 of gold to 16 of silver, that the silver will continue to go to the people who coin it at the less ratio.

Mr. HILL. What is the objection to them bringing their bullion here and getting it coined into a shining silver dollar? We say that they can not take American silver away, but they can take American gold. They can go to the banks and exchange it for gold and take that gold away.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. BARTINE. I yield five minutes more to the gentleman from Illinois.

Mr. POST. Mr. Speaker, I only want to say, in order that this matter may be fully understood, that in connection with this matter, at the beginning of the session, I introduced a bill that would meet that particular objection. It was a provision that would allow the present law to stand just as it is; that we should continue to buy \$2,000,000 worth a month. It provided that the silver production of the American mines might be brought to the Mint and coined. In that respect it recognizes the principle of free coinage, and that is all in fact that there is in the present discussion, the principle of the free coinage of silver, the principle of recognizing silver as a money metal. The question is whether you will go back to that as it has always been prior to 1873 or whether you are going to treat silver as a commodity. You are doing that now. It is true at present that it is bought at its gold value, carried into the Mint and stamped as money. Once in the Mint it ceases to be treated as a commodity; it becomes money, and that is the principle it is important to preserve. The vital defect in the House bill, if it shall again go before the House, is that provision by which silver after it has gone into the Mint, where it should properly go only for coinage purposes, can be taken out as commodity at value again fixed by gold.

Mr. BARTINE. I yield ten minutes to the gentleman from Colorado [Mr. TOWNSEND].

Mr. TOWNSEND, of Colorado. Mr. Speaker, there is evidently a very great misapprehension with reference to the value of silver bullion. We hear and we have heard frequently statements in regard to the "72-cent dollar." Now, as a matter of fact, since the discussion of the silver question has arisen in Congress at this session and by reason of that discussion the price of silver bullion has been raised so that at the quotations of to-day it is worth 83 cents. We say that the moment free coinage is made the law that moment gold and silver bullion are at a parity.

Mr. CUTCHEON. What market does the gentleman quote?

Mr. TOWNSEND, of Colorado. The New York market.

Mr. TAYLOR, of Illinois. It is not worth 83.

Mr. TOWNSEND, of Colorado. It is worth from 81 to 83 cents.

Now, the moment we have free coinage that moment gold and silver are at par. Then there is no seigniorage; then there is no difference between the value of the two metals. Now, this apprehension in regard to gold being driven out of the country is to my mind a very ridiculous thing. The question has been discussed very ably at the other end of the Capitol by the distinguished Senator from New York [Mr. EVARTS], who demonstrates that there is no danger of gold leaving the country except as the balance of trade shall happen to be against us. When gold goes out of the country it goes out to pay for something. There is no ground for apprehension as to gold leaving the country, although that seems to be the bugbear which frightens a great many people.

Mr. TAYLOR, of Illinois. If they can bring their silver here and get a hundred cents for it, why will they not do so and take away our gold?

Mr. TOWNSEND, of Colorado. Does not the gentleman know that the silver coined in foreign countries is coined at a ratio below ours?

Mr. TAYLOR, of Illinois. Does not the gentleman know that it is not all coined?

Mr. TOWNSEND, of Colorado. It is not all coined. That is true. It

was stopped in 1873. It is an historical fact that up to 1873 the fact that the mints of France were open to the coinage of silver at 15½ to 1 preserved the value of silver so that for two hundred years there was not a difference of more than 3 per cent. between silver and gold. The gentleman from Iowa [Mr. KERR] spoke about the large increase in silver production causing a difference in the ratio. Why the ratio of difference prior to 1873 was much more marked than since that time, there being at one time a great increase in the production of gold, at another time a great increase in the production of silver, yet in all that period there was not a difference of over 3 per cent. between gold and silver.

Mr. CONGER. The ratio was changed to prevent it, though.

Mr. TOWNSEND, of Colorado. Not seriously.

Mr. CONGER. But it was changed.

Mr. TOWNSEND, of Colorado. Now, Mr. Speaker, up to 1873 the mints of some countries were open to the coinage of silver on a given basis, in some cases 15½ to 1 and in other cases, like ours, 16 to 1, and the fact that our ratio was 16 to 1 was the reason that we coined no silver, because it could be coined abroad at 15½ to 1. The moment we make free coinage a part of our system, it will compel the people of every other country who wish to retain their silver to open their mints, and the moment they do that at the ratio they have heretofore adopted there will be no more coinage in this country.

Mr. CONGER. Do I understand the gentleman to say that if we open our mints to force coinage at 16 to 1, that will compel European countries to open their mints at 15½ to 1?

Mr. TOWNSEND, of Colorado. I think it will compel them to do it in order to retain their bullion, not their coin.

Mr. CONGER. If they should do that, would it not necessarily follow that our silver would all go there to be coined, and that if France should open her mints at 15½ to 1 which is her ratio, ours being 16 to 1, our silver would all go over there and overwhelm her? And would not that fact alone keep France from opening her mints?

Mr. TOWNSEND, of Colorado. I do not think so.

Mr. STRUBLE. The gentleman said a moment ago that the bullion of foreign countries would leave them under certain conditions.

Mr. TOWNSEND, of Colorado. Yes, sir.

Mr. STRUBLE. Where would it go?

Mr. TOWNSEND, of Colorado. I think it would probably come to our mints, but I do not think that any coin would come here. I understand as a matter of fact that France has about six hundred millions of coined silver, at 15½ to 1, which is circulating at par with gold. They have not demonetized silver; they have simply closed their mints.

Mr. STRUBLE. Is it not reasonable to suppose that if we should adopt free coinage the silver bullion would move towards this country?

Mr. TOWNSEND, of Colorado. I do not think that when France was coming at 15½ to 1 that fact resulted in her coining all the bullion in the world; but when the price of bullion got too low in any country the fact that it could be taken to France, where it could be coined into money that could be exchanged for commodities at 15½ to 1, had the effect to maintain the price of silver bullion at about that figure, no matter where it was or for what country it was destined.

In the opinion of the royal commission the very fact that men could take their bullion to France and have it coined into money with which they could purchase products at the rate of 15½ of silver to 1 of gold—that fact itself maintained the market price; that kept the measure of value steady. What is the effect? Bimetallism, as I understand it and as I believe it is understood by those who have given it the most investigation—bimetallism furnishes a safe and steady measure of value. The demonetization of silver has had the effect to increase the price of gold.

Now, what is a dollar worth? A dollar is only good for what it will buy, for what it will exchange for in commodities. Very well. A silver dollar in bullion will exchange for more commodities to-day than it would when silver was demonetized in this country. A dollar in silver bullion will buy more wheat, more corn, more cotton, more everything, than it would when silver was demonetized.

Mr. STRUBLE. How do you account for that? By reason of the increased value of gold?

Mr. TOWNSEND, of Colorado. Yes, sir. That is to say, silver has gone down in its relation to gold only. Now, if a dollar of gold which yesterday would buy one bushel of wheat will to-day buy two bushels, wheat has gone down or gold has gone up. There has been a change somewhere.

Mr. ALLEN, of Michigan. Which is it?

Mr. TOWNSEND, of Colorado. Silver bullion has remained nearer to the value of commodities than gold has. Gold has increased in value, but silver has not depreciated in its relation to gold as much as wheat, corn, oats, and all other commodities. This is shown by the statements of the Bureau of Statistics.

Hence I say that to secure the true solution of the coinage question and to have a fixed and staple measure of value we must have free coinage. If we can not obtain free coinage, I say very frankly I am for the proposition providing for the coinage of 4,500,000 ounces of silver. Why? Simply because it furnishes that much larger demand than we now have by requiring the coinage of \$2,000,000 a month.

Whenever the demand becomes larger than or as great as the supply, that moment you have the highest prices you can have. And when your mints are opened there is the demand for all the silver at that ratio. The result is that a staple ratio is maintained. Any demand less than the amount of supply will keep the value fluctuating more or less, will keep silver more or less depreciated in its relation to gold.

Mr. CUTCHEON. Does the gentleman see any objection to confining free coinage to the American output?

Mr. TOWNSEND, of Colorado. I should be very much gratified to see that if I can not have more, because silver bullion and gold bullion have a market not only in America, but throughout the world. Whenever the price rises in America, it rises everywhere else. When silver bullion rises here, it will rise in India. In that country, where they have a silver basis exclusively, there has been no change in the price of commodities; they are the same to-day as they were before demonetization.

Mr. STRUBLE. I wish to ask the gentleman whether he thinks that the price of silver bullion in this country which, as I understand, produces less than is produced outside, will control the price of silver throughout the world?

Mr. TOWNSEND, of Colorado. If we raise the price by free coinage to a parity with gold, it will be the same everywhere, allowing for transportation charges, insurance, etc.

[Here the hammer fell.]

Mr. BARTINE. I yield ten minutes to the gentleman from Kansas [Mr. KELLEY].

Mr. KELLEY. Mr. Speaker, it seems to me that this debate is the culmination of a debate that has been going on in this country for twelve or fourteen years; in other words, we are about to reach the crisis of a discussion that has had its effect upon this House and the other branch of Congress. From the remarks which have been made on this question to-day and heretofore I apprehend that most of us have learned something about this question. But many of us, after listening to the remarks of one or another gentleman, have, when he has taken his seat, come to the conclusion that upon the question of silver he knew nothing, not because he did in fact know nothing, but because we knew so much more than he did.

I have observed another thing in this controversy. Some men seem to think that because they are bankers, because they have handled a great deal of money, because they know how to collect interest and how to squeeze as much interest as possible out of the fellow who borrows the money, therefore they are financiers, they "know it all," and the man who makes the money, who produces the product, is not supposed to know anything. With that idea, Mr. Speaker, I can not agree.

Now, as a preliminary remark, I wish to say that I represent a district that does not produce a single ounce of silver. It would not be fair to accuse any one representing a district of that kind of being influenced by the bullion-producers or the bullion-holders. But, sir, I represent a district that produces other things than silver; and, in my judgment, the result of the discussion that has been going on, not only in that, but in every other district in the State of Kansas and almost every other district of the West, has been to bring the minds of the people there to the conclusion that in the demonetization of silver in this country in 1873 a great wrong was done to the producers. The people there are confident that this is so. They have discussed the question in their school-houses, in their debating societies, and upon the stump, and, in my judgment, they have discussed it as intelligently as it has been discussed in either branch of Congress. Having come to that conclusion, another conclusion has naturally followed, that if they have been wronged—if the people of this country who are producers have been obliged since that time to take less for their products and thus have been wronged—it is no more than right now, after the fraud and theft have been perpetrated upon them for seventeen years, that justice should be done.

This, Mr. Speaker, is the conclusion of the people of the Western States almost unanimously, and it is folly to undertake to prove to the people, the Grangers and the Alliance men of the West, who have organized themselves upon this basis, that anything else is the case.

Mr. CUTCHEON. Will the gentleman yield for a question?

Mr. KELLEY. Presently.

Some gentleman, two or three, in fact, I believe, on that side, has presented the idea that now to remonetize silver would be simply giving to the bullion-holder or the bullion-producer 100 cents for 80 cents of silver. In reply to that proposition I want to say that you have not only stolen from the bullion-producer for the last seventeen years that 20 cents on the dollar, but you have stolen from the corn-producer, from the wheat-producer, from the oats-producer, and from the pork and beef producer the same sum during all of these years.

Now, the people I represent and the people that many other gentlemen represent, who represent Western constituencies, while they are producers, have also been induced—for the purpose, you may say, of speculation, but really for the purpose of improving their condition and enhancing the value of their property, making their homes better, improving the value of their lands, and building up their fortunes—they have seen fit when silver was equal with gold in 1873 to go in debt.

They have issued their county bonds for the purpose of building railroads. They have issued State and city bonds for the same purpose, and in order that their children upon the Western frontiers may have equal advantages and school facilities with the children of the older States, they have issued bonds for the construction of school-houses. This was done when silver and gold were at a parity; but the moment you demonetized silver you made these bonds which they issued in payment of these various things payable in gold or its equivalent, and therefore made the interest as well as the principal of the bonds relatively, worth more to the holder than they were before. And here is a continuance of that proposition to-day. The men who hold the bonds, the men who hold the mortgages, who hold the securities are all opposed to this thing, and would defeat it if they could on the theory and principle that their pocket-books would suffer, because they are opposed to making their money worth less than it is. And I am frank enough to say, Mr. Speaker, just here, that so soon as this silver is remonetized all money will be worth less and all products will be worth more than they are now.

All bonds, all mortgages, all notes, all securities, national, State, county, township, school district, or private individual, will be worth less, not because the payment, interest or principal, is any the less sure to be made, but because it is to be paid in money that is worth less, and worth less because the volume of money is greater, or to be greater; and for the same reason, Mr. Speaker, the product of the farm, the shop, the mine, the factory will be worth more—more dollars—will pay more interest on the note, on the bond, on the mortgage. In short, Mr. Speaker, this bill as it comes from the Senate in favor of free coinage is a bill in favor of the debtor class, the class that has been swindled for the last seventeen years, and the results of that swindle have been handed over to the creditor by the demonetization of silver.

Mr. Speaker, it has been common for the last few years to hear the Senate of the United States spoken of as the "Millionaire Club," and the feeling among the common people has been growing that the Senate was their enemy. I am very glad to be able to say that the act of the Senate in passing this bill for free coinage of silver has done more to remove that sentiment among the common people than any act that has passed the Senate for fifteen years. The Senate has had its ear to the ground, and has heard the voice of the people, and has heeded it. I hope this House will be wise enough to do likewise and give to the people what they so much need, and what they know is theirs by right. Pass this bill and it will bring joy, not only to the agriculturists of the West, but to the agriculturists of the whole country. It is heavier freighted with joy and relief in a material sense than any bill of any kind that has been considered by Congress for a decade of years.

This bill will wrong no one, it will relieve many. I beg of you to not miss this great opportunity to relieve a wronged and suffering people. I beg of you to heed not the voice of Shylock, but heed rather the voice of patriotic justice, that voice that crieth from the wilderness, "Make ye the crooked paths straight."

I say that the people who from a material standpoint are opposed to the proposition of the bondholder, the mortgage-holder, the note-holder, and the scrip-holder are the men and women who must pay the interest on the bonds and eventually must also pay their principal, are the people that are to be benefited by free coinage after seventeen years of injustice and wrong.

Now I yield to the gentleman from Michigan.

Mr. CUTCHEON. My question would have come in more properly where I first interrupted the gentleman. You stated that in the demonetization of silver in 1873, in your opinion, a great wrong was inflicted upon the producing class.

Mr. KELLEY. I did.

Mr. CUTCHEON. I wanted to ask you to state the total amount in silver dollars that has been coined by this Government from its foundation down to 1873.

Mr. KELLEY. It makes but little difference what the total is in silver dollars. It (dollars) has been emphasized on the other side in speaking of the amount coined, and in commenting upon the trick that had been played upon the people when silver was demonetized. The gentleman should remember that there were not only silver dollars coined, but half-dollars; there was no doubt fifty times as much silver coined in halves and quarters, which were all legal tender, as was coined into dollars.

Mr. CUTCHEON. Then, I will enlarge my question by asking the gentleman to state the total amount of dollars and half-dollars which had been coined by the Government up to 1873.

Mr. KELLEY. I understand the exact figures are right there in the hands of the gentleman from Minnesota, and I will ask him to give them to you.

Mr. LIND. Of silver dollars prior to 1878 about eight million had been coined.

Mr. CUTCHEON. Yes; about eight millions.

Mr. LIND. Of the other silver coins—

Mr. CUTCHEON. That is, quarters and dimes.

Mr. LIND. Yes; halves, quarters, dimes, half-dimes, and three-cent pieces, all of which were legal tender, there had been coined over \$300,000,000.

Mr. CUTCHEON. Now, how much of this does the gentleman think was in existence after specie payments had been resumed?

Mr. KELLEY. I should say about \$308,000,000 from that statement. [Laughter.]

Mr. CUTCHEON. Oh, no.

Mr. KELLEY. Then, what became of it?

Mr. CUTCHEON. You know and I know that from 1861 on but very little silver was in circulation in this country.

Mr. BLAND. If the gentleman from Kansas will allow me an interruption just there.

Mr. KELLEY. Certainly.

Mr. BLAND. Prior to 1873 silver dollars were just beginning to be coined at the mint. There had been two millions of them coined two years prior to that, but for two months, about the time of the demonetization of silver, nearly a million dollars had been coined. They were coming in at the rate of half million a month, and would have come in at the rate of eight or ten millions if the coinage had not been stopped.

Mr. KELLEY. Now, Mr. Speaker, I desire to say—

The SPEAKER. The time of the gentleman has expired.

Mr. BARTINE. I yield to the gentleman a few moments longer.

Mr. KELLEY. If you will call in mind the date at the time silver was demonetized it was almost immediately after the culmination of the national debt. And the object of the people who had it demonetized, by a trick I say, and can prove—demonetized by a Congress that did not know what they were doing and by a President that when he signed that bill did not know what was in it; at that time it was about the time or soon after the public debt had culminated at its highest point.

It was, therefore, to the advantage of those men who held those bonds that they should make the money that was in those bonds, and the interest as well as the principal, worth as much as possible.

Now, Mr. Speaker, one more idea, and that is that at the time that Germany demonetized silver it was immediately after the war with France, when France was compelled to pay to Germany a great amount of tribute for damages that she had sustained. After obtaining the bonds from France, the obligation of France, for the purpose of indicating how much she owed Germany, Germany proceeded to make her money more valuable, in order that every dollar of principal and interest paid her by France should also be worth more to her; and it is the exact reverse of this proposition that we are asking for to-day. Therefore I say this is a crisis of a discussion that has been going on in this country, and it is a subject that is as well, if not better, understood by the great majority of the people of this country, especially the people of the West and the Northwest, than by the members of this House.

Now, Mr. Speaker, another idea. You will all remember that shortly after the culmination of the war, at high tide, when the debt of this country was near its height, the subject came up and troubled the minds of many as to how we would ever be able to pay that debt, and the idea was suggested to Abraham Lincoln, that great man who was always so full of good sense and common sense that he could apply to any business or other proposition, and he said to them, "The money is not in sight to pay this debt to-day, but we have an intimation that in the West and the Southwest there are mountains of silver." Said he, "I think there is more than enough silver there to pay it. But little of it has been taken out as yet, but it seems to me that that is to be the solution of this question, that the silver to pay this debt is to come from the mountains of the West and the Southwest." And added that every inducement should be offered to the miner to take it out. Little did Abraham Lincoln think at that time that the very proposition he was submitting was to be shorn of its power, its virtue, and its strength by the very party that held the obligations of this Government, and that indicated how much was to be paid.

Mr. KERR, of Iowa. Can you point to the time when Lincoln made this remark?

Mr. KELLEY. It was but a few days, or weeks, before he was assassinated. I do not remember the exact time.

One other idea, Mr. Speaker, and that is this: A celebrated statesman, a gentleman who lives in Illinois and who has lived there for a number of years, who was a compatriot of Abraham Lincoln, who has nearly as much sense as Lincoln had, as nearly so as any man I know of—I refer to Oglesby—has said that much of the success of his life, politically at any rate, was due to following the advice of that wise and sagacious statesman, Abraham Lincoln, when he said to him, "Dick, you want to keep your ear to the ground, and hear the voice of the people as soon as possible, and follow that voice wherever it leads; and remember always that the people will never lead you wrong." I say, Mr. Speaker, that the people of this country, and by them I mean the great mass of the people, I do not mean those who own the bonds or own the mortgages, because they are not the one-fiftieth part of the people—I say that the people, the voters who make Congress and who make Presidents, have voiced with no uncertain sound what their disposition and their desire is upon this question.

Now, Mr. Speaker, speaking of this crisis that I think is about to culminate, I think we are either about to make or unmake the farmers

of the West and the producers of the West, as well as of the East; for I want you to understand, as I think you well know, that the agricultural interests of the East are nearly as much depressed as those of the West. And I say that in this crisis we are either about to give the farmer and the producer the instrument with which they can help themselves to pay off the mortgages and be relieved from the bondholders and the mortgage-holders, or we are about to retain that power and that instrument from them and to make them forever the slaves of the bondholders and the slaves of the holders of their obligations.

It has been repeatedly asserted upon this floor, for the purpose I think of influencing votes upon this question, that if this bill is passed it will receive the veto of the Executive of this Government. Well, I do not believe in that kind of an argument, but inasmuch as it has been made, I want to put alongside of it this other argument and this further advice, that gentlemen should keep their ears close to the ground and listen to the voice of the people; because when this question is voted upon to-morrow it will decide the question whether many of the members of this House shall return to the next House, or whether their seats are to be occupied by others. [Applause.]

Mr. BARTINE. How much time have I remaining?

The SPEAKER. The gentleman has nineteen minutes remaining.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8909) making appropriations for the naval service for the fiscal year ending June 30, 1891, and for other purposes.

The message also announced that the Senate insisted upon its amendments disagreed to by the House to the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes, disagreed to the amendment of the House to the amendment of the Senate numbered 39, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DAWES, Mr. PLUMB, and Mr. CALL as conferees on the part of the Senate.

The message also announced that the Senate had passed the bill (H. R. 9856) making an appropriation for the service of the Post-Office Department for the fiscal year ending June 30, 1891, with amendments in which concurrence is asked.

THE SILVER BILL.

Mr. BARTINE. Mr. Speaker, in the nineteen minutes remaining, after having been so very generous in dividing with my friends, I shall not undertake anything like an elaborate discussion of the silver question; but a few points have been made during the progress of this debate upon the other side of the question in opposition to what I believe to be the true monetary doctrine, to which I wish briefly to refer. Among others, my esteemed friend, the chairman of the Committee on Coinage, Weights, and Measures, in the course of his very excellent speech, made the statement that if this House refused to non-concur, that if this House voted for free coinage, and as a result of that vote we failed to get any substantial legislation, the extreme silver men would have themselves to blame for that result. I wish to say that this remark was uncalled for, unjust, and unkind. If one single advocate of free coinage upon this floor has done anything more than what he believes to be his duty to himself and his people, I am not aware of that fact. Speaking for myself individually, as I have said on former occasions, I represent a constituency who are an absolute unit upon this question. The feeling in our country is not confined to the mine-owners, but it permeates the mind of every person there who is old enough to think, because every other industry in the State depends for its existence upon the mining for the precious metals.

Upon this point I desire to say that while this interest is of great importance to us, it is altogether unfair to accuse us of mercenary motives. We are looking out for our substantial interests just the same as other sections, but it comes with exceeding bad grace from many gentlemen upon the floor of this House to suggest undue selfishness on our part.

There are gentlemen representing districts upon this floor which have realized more benefit by what may rightly be termed special legislation in their favor than the State of Nevada could ever expect to realize from the free coinage of silver. Single great manufacturing districts of the Eastern States have been more directly benefited by the operation of the protective tariff in a decade than my State can be advantaged by free coinage in fifty years; and I repeat that for a gentleman representing a constituency or a district of that kind, it is in exceedingly bad taste for him to suggest a doubt as to the disinterestedness of those who advocate the free coinage of silver.

Now, Mr. Speaker and gentlemen, I am in favor of the free coinage of silver, because I firmly believe in a double standard, and because I believe the only way to reach and preserve the double standard is by placing both metals upon an exactly equal footing. In opposition to that doctrine a great many objections are made. Among them it has been prominently urged here to-day that if you establish the free coinage of silver the mine-owner gets the benefit of the seigniorage, which is 25 or 30 per cent. But why should he not get the benefit of the

seigniorage if it works no injustice to anybody else? Every ounce of silver that is dragged from the depths of our mines is the work of a toiling miner, and why should he be required to give up one-fourth of the profit of his labor in order to furnish money for the commercial requirements of this country?

Mr. TAYLOR, of Illinois. Because it is all that it is worth in the markets of the world.

Mr. BARTINE. Because that is all it is worth in the markets of the world, says my friend, but he omits to add because of the limitation upon coinage, and that leads me to another point.

They say the coinage of gold and silver involves two entirely different propositions, because the bullion value of the gold and the coin value of the gold are identical. In the name of common sense, I would like to know how there can be a difference between the coin value and the bullion value when every man who has any bullion can take it to the mint and have it stamped into coin free. They are interconvertible in the most complete sense, just the same as the greenback is interconvertible with coin at the present time, and consequently worth just the same, but as a matter of fact the value of gold is being artificially sustained all the time, just exactly the same as the value of silver would be artificially sustained if we were to establish free coinage. Is there a gentleman within the sound of my voice who believes for an instant that if the mints of the commercial nations were to be closed to the free coinage of gold and that metal demonetized it would retain its present value? Do we not know that there are about \$3,200,000,000 worth of gold used as money? Suppose it were demonetized; suppose it were deprived of that use and compelled to find employment in some other way. Is there a gentleman, I ask again, who believes that it would retain its present coinage value?

It has been shown that for ordinary industrial purposes there is an accumulation of gold on hand at the present time sufficient to supply the wants of the whole world for from fifty to seventy-five years. Suppose that that quantity of iron, or of coal, or of lead, or of tin, or of any other commodity that might be named were on hand. What would be its value? Practically nothing. Almost every writer on monetary matters who has any standing whatever at the present time recognizes the fact, and admits it, that it is its employment as money which gives to gold its principal value. Just so it would be with silver if treated like gold, and as it always was until it was demonetized. Silver bullion was worth as much as silver coin, and no sufficient reason can be given why there should be any substantial difference between the two cases. If a man having the bullion can take it right to the mint and have it stamped into standard coin he would be very silly to take any less than its coin value for it.

The royal silver commission, which has recently completed its labors in England, six of whom were radically opposed to silver coinage, recognizes this fact, and as I have said before in this Hall, and as has been agreed by all writers on the monetary question, the further fact that France, with 25,000,000 of people, from the year 1803 to the year 1865, by the maintenance of free coinage held these two metals practically equal at a ratio of 15 to 1, and, further, that just as soon as free coinage was stopped they parted company. If there is any reason to suppose that we are unable to do the same thing our opponents have very carefully kept that reason to themselves.

It has been said that at the time of the demonetization of silver in this country we had no considerable amount of it in circulation. The reason has already been given by Mr. BLAND. Its coining value abroad was greater than its coining value here, and it naturally sought the best market. This fact fully establishes the correctness of our position, because when the ratio was fixed in France at 15 to 1 that fixed the value throughout the whole commercial world. It sought the best market for coinage, but when it got there it became a part of the circulating medium of the world and had a potent effect upon prices everywhere, because prices in the great majority of cases are international. A large volume of money thrown into the currency of England will affect the price of every great staple in America. The silver, then, was all absorbed into the monetary system of the world, somewhere, as full, complete legal-tender money, but when the mints abroad were closed, and we followed in the wake and closed ours, silver became an outcast, and wherever it was used at all as money it was only in a subsidiary way. It became "token" money, so to speak, and gold governed the value of everything, including the value of silver. The result was that everything was drawn up to the gold value, and all the commercial nations found themselves upon the gold standard, supplemented in a certain degree by this subsidiary "token" money.

Now, it has been said that free coinage is visionary and that it will not have the effect which its friends claim—that it will not raise silver to par. But this is mere assertion. We are not dealing with theories. We invoke all the experience of the past, and I say without fear of truthful contradiction that wherever free coinage has been tried it has proved a complete success.

It proved a success in France with 25,000,000 of people, and in the name of common sense why can not it prove an equal success in the United States of America with 65,000,000 of people?

Mr. TAYLOR, of Illinois. It would, as long as your gold holds out.

Mr. BARTINE. Why should not the gold hold out? The gentle-

man says it will go abroad to pay for the silver. Why should it, when silver would be worth as much abroad as it is here? Does not the gentleman know that as long as free coinage held the two metals together the price was substantially the same throughout the whole commercial world, and what particular object is there in foreigners selling silver in the United States when it is worth as much in Europe as here.

Mr. TAYLOR, of Illinois. Does not the gentleman know that you can buy silver bars for 80 cents on the dollar in London to-day?

Mr. BARTINE. Yes, sir.

Mr. TAYLOR, of Illinois. Now, if they can be bought for 80 cents on the dollar and sold here for 100 cents on the dollar, why will they not be sent here?

Mr. BARTINE. I will answer the gentleman in a word. Silver bars sell in London at 80 per cent. to-day; but suppose our mints are thrown open to the coinage of silver to-morrow, then where will you find a man who will be willing to sell his silver at that price? In other words, does not the gentleman see that the opening of the mints brings up the price everywhere and destroys his whole argument?

Mr. TAYLOR, of Illinois. But they will bring their silver here and take away our gold just as long as our gold holds out.

Mr. BARTINE. Not at all. At the beginning there may be one transaction of that character, but when the silver reaches par that puts an end to speculation. Why did it not have the effect which the gentleman suggests in France, when they had free coinage there? The facts are against his theory. Of course there is a profit in the first instance, but as soon as the silver is brought to par the profit disappears. It is only because there is a little surplus of silver left over that is not turned into coin that men get the idea of a discount upon silver; but every nation in the world maintains its silver money at par; not one of them has any silver to spare, and, as far as coin is concerned, it could only be brought here and recoined at a loss.

Again, we are always being confronted with the bugbear of the United States being flooded with cheap silver from somewhere. That is a most remarkable argument in view of the fact that the Secretary of the Treasury shows that the total amount of silver available for coinage after the wants of other countries are supplied is only \$51,000,000 a year, and he tells us that if we adopt his plan we can take all the available silver of the world without danger or trouble; but the instant we propose free coinage the fifty-one millions become magnified into five hundred millions, or some other almost inconceivable amount, and we are threatened with the danger of a great tidal wave of cheap silver from some unknown and undiscoverable quarter. Now, Mr. Speaker, with reference to this suggestion, I wish to say that the little reading and study I have been able to devote to this subject have never brought to my attention a single nation on the face of the earth that has been cursed with too much silver, and, as Senator EVARTS shows in his elaborate speech delivered a few days ago, our gold will not go abroad unless the currents of trade carry it there and we get something for it; and if we do get an equivalent, what difference whether it goes abroad or not does it make? Value is value, and if we get the same value in silver, we are not hurt. Again, it is said that the fact of silver having depreciated under the operation of the existing law is proof that free coinage will not bring it to par. A more untenable argument than that was never made in this world.

Every fair-minded person knows that no silver man was ever content with the Bland law, as it is now called. It is said that both sides made predictions. I never in my life saw a silver man who claimed or pretended to believe that the coinage of \$2,000,000 worth of silver a month would bring silver to par. And if it was a fact that some men made rather extravagant estimates of the probable effect of that law, where was there one who believed for an instant that it would be only executed to its minimum? Who believed that only \$2,000,000 per month would be coined by every successive Secretary of the Treasury? And I unhesitatingly express the opinion here and now that if \$4,000,000 a month had been coined during one-half of the time that the law has been in operation every ounce of surplus silver in the world would have been absorbed and there would be no discount on silver to haunt the fears of our "gold-bug" friends.

But it is claimed that the silvermen are particularly anxious to form "combines" and to speculate in silver. Now it is a fact of which my friend and colleague on the committee, the gentleman from Illinois [Mr. TAYLOR], is well aware that the one peculiarly speculative feature which was contained in the original bill was the one of all others that silver men fought at all times and in all places; that is the provision allowing the same bullion to be deposited and withdrawn a hundred times over, making it the foot-ball of speculation in every market. To any such provision every silver miner in this country has been opposed from first to last. Our people do not want any speculation in bullion. They want it to stand solidly and squarely at par and to be kept there; because when the line is drawn, when you say it shall not go above a certain price, all the speculation, all the variation in value, must take place beneath that line; and consequently the speculation is to our disadvantage.

Again, referring to the selfishness or grasping avarice of the silver men, I want to call attention to the fact that the Secretary of the Treasury himself, in an open published letter, makes the statement that he

believes his bill will be more beneficial to the silver men than free coinage would be. If that is true it certainly ought to relieve us of the charge of being mercenary; and if it is not true it shows that he has a very incorrect conception of the probable result of his plan.

Mr. TAYLOR, of Illinois. You do not believe that?

Mr. BARTINE. No, I do not.

There is another thing which shows the silver men are not selfish or mercenary in this matter. All around me within the last day or two I have heard men declare that they were willing to coin the product of the American mines, but do not want to bring here the cheap silver from all over the world. A most remarkable circumstance is that the mine-owners themselves insist upon having the mints of this country thrown open to the bullion product of the entire commercial world. If there is anything in the principle of protection—if they are selfish in this matter—it would seem that they would be in favor of erecting a Chinese wall around the country and reserving our mints for their exclusive benefit. But, instead of that, looking at this question fairly, from the standpoint of principle, they say that the double standard can only be maintained in one way; and that is by placing the two metals upon a precisely equal footing, and that any limitation upon the privilege of one is an advantage to the other.

Mr. TAYLOR, of Illinois. The more silver they can get into the vaults of the Treasury, the higher they can put the price.

Mr. BARTINE. Then you think it is to the advantage of the silver men to throw open the ports of this country and let in the cheap silver of all the world to keep down the price?

Mr. TAYLOR, of Illinois. The more silver you put in the vaults of the Treasury, the scarcer you make it and the higher you make the price.

Mr. BARTINE. But your argument is that the price will not stay up; that it is bound to go down; that it is altogether artificial—

Mr. TAYLOR, of Illinois. Oh, no—

Mr. BARTINE. Then, if the price is going to stay up, what harm is done? If you get a dollar's worth of money for a dollar's worth of silver, what right have you to complain?

Mr. TAYLOR, of Illinois. We do not get it.

Mr. BARTINE. Does not the silver dollar answer fully the purposes of a dollar? Is there any gentleman in this Hall who has ever lost a cent on these silver dollars, which are stated to be worth only 72 or 75 or 78 cents? If these dollars are not worth a dollar, then any gentleman by buying them up at their actual value and selling them again at the value they command at the Treasury can make himself in a few weeks the richest man in the United States.

Mr. TAYLOR, of Illinois. But they will not pass for the value of a dollar except in this country.

Mr. BARTINE. Is not that enough? Does it not answer every purpose? But in fact you can get substantially the same for them everywhere else. The silver dollar is exchangeable in the London market at substantially our valuation, less the exchange, whatever that may happen to be.

Mr. TAYLOR, of Illinois. No; it will only pass there for 72 cents.

Mr. BARTINE. I know better. What man would be fool enough to part with a dollar in the London market for 72 cents when he could send it across to this country and get a full dollar for it? Any man must be an idiot to do that.

[Here the hammer fell.]

Mr. BARTINE. My time is exhausted, but in conclusion let me add that I feel it my duty to vote for any measure that points in the direction of free coinage and against anything which may stand between me and that measure.

Mr. STRUBLE. Mr. Speaker, I may belong to that unfortunate class described by my friend from Kansas [Mr. KELLEY] a little while ago; nevertheless I desire to talk for a few moments on the silver question as it is now presented in the report of the Committee on Coinage, Weights, and Measures.

I desire to say at the outset that I favored the bill which was passed originally by the House, but I desire that from that bill may be eliminated the bullion redemption feature. I hope before we are through with the discussion of this question, Mr. Speaker, we may have a silver bill that will consume the silver product of this country, and thereby afford an exemplification of the true doctrine of protection for which Republicans contend, and also give us a conservative line of policy on the monetary question which may be safely and wisely continued until a time in the not remote future when unlimited free coinage may become the permanent financial policy of the Government.

Now, it seems to me, it is well for us to consider, as gentlemen have emphasized, that we are but one of a number of large nations of the world; that we produce, as my colleague from Iowa said the other day, less than half the silver of the world, and that for seventeen years silver has been demonetized in this country, and for many years in the leading foreign nations of the Old World, meantime the production of this metal continuing in large quantities annually. I agree with gentlemen when they say that the demonetization of silver in the United States never ought to have occurred. I believed it was wrong at the time, a bad principle and bad financial management. But the fact is, it took place, and it seems to me it will be unwise in discussing the question

to ignore the effect of this fact at home and abroad. The product has been going on. Other nations have demonetized silver, as I have already indicated. It is demonetized to-day by the large nations across the water; and while our Government has made repeated efforts to bring about an international understanding that would result in remonetizing silver again and bringing it into general use, placing it alongside of gold as a money metal in all countries, yet we well know that these attempts on our part to bring about such understanding have absolutely failed. And my thought about it, Mr. Speaker, is that if we at this time, with the financial conditions pending, shall pass a law which will consume the silver product of this country and await the result of that law here and elsewhere, it will be safer than to at once throw open our mints to the unlimited coinage of the world's accumulated silver product. If we find after a few years that no ill consequences result from the free coinage of American silver and that we may venture further without danger of serious financial derangement, we can take the remaining step and permit the absolutely free coinage of all silver that may be offered our mints, whether produced here or elsewhere. We will then be in a condition to determine what the effect of our action will be and whether the final step can be taken without danger; and, sir, I am free to say that if experience demonstrates that absolutely free coinage can be safely adopted, it ought to be immediately declared the policy of the country. But let us not at this time by one bound, in the face of the facts that are before us, go from the present limited coinage of silver to an inflated condition of the currency, thereby placing the immense business and financial interests of the nation in danger.

All agree that we need more money than we have in circulation. I think there is no dispute in this discussion on that point, but while we are laboring under the disadvantages of too little currency there is great danger, in my estimation, of going at once to the other extreme of an inflated condition, and that this extreme would soon be found as detrimental, if not far more so, than an inadequate supply of circulating medium. The House bill, amended as I believe it will be, will increase our money at the rate of nearly sixty millions annually. This will be found to be a very rapid increase in the volume of money. Five years under such a law will realize an increase of nearly three hundred millions above our present volume, provided retirement of the currency by well known current methods is not enlarged.

Now, I submit it is wise to enact a law, in the face of the unfavorable policies of the leading great nations of the world, that may result in flooding us with unknown millions of silver? It seems to me plainly we should not. I for one wish to see silver remonetized; and I wish then to see the free coinage of silver; but when this is accomplished I wish it to be accomplished for all time to come, and not by an inflation of the currency to compel us in the near future to take a backward step and to again disparage, if not demonetize, this metal. Let us take the step proposed here of purchasing the four and one-half million ounces per month, as this bill provides; let us consume the product of our own home mines, issue certificates upon the bullion, making the certificates legal tender for all public and private debts; and let us show to our people all over the land that we believe in that protection which comprehends not only articles which are manufactured in the East, but articles produced in all sections of the country. Let us take this position first. Let that be tried in a business-like, practical way, and, as I said a moment ago, if we then find ourselves in the condition to advance still further and to absolute free coinage, it can be done without financial disturbance, which I fear might result if we open our mints to the world's silver product, as proposed by the Senate bill.

Gentlemen have said to-day that if we take this step other nations will follow. That can not be conclusively claimed, I think. Gentlemen will remember that other nations have declined to negotiate with us with a view to following where we desired to lead. We know that England and Germany and the great nations abroad have not been willing to accede to our views on this question. They have not acceded to the wishes of this great Government, but have declined to open their mints. Now, the question is, will they open their mints simply because we open ours? I say no; for, while we are one of the great nations of the world, the greatest nation in the world, yet we can not reasonably expect, it seems to me, that immediately upon declaring our mints open and free these nations will at once or soon follow in our wake. Their financial policies are too firmly established and their influence in the world too well understood by them. What is the result if they do not? Clearly, as admitted by the gentleman from Colorado [Mr. TOWNSEND] to-day, the moment we open our mints to free and unlimited coinage of the world's product of silver on comes or over comes the bullion of the other countries to our mints.

Gentlemen say there is no danger; that it will make no difference whatever; that there is not enough to affect us in that way. I do not know how much there may be, and no one here seems to have accurate data on the point; but this is a pretty large world, Mr. Speaker, and there must be a large amount of silver bullion afloat in it, and I think the danger would be that we would find an exceedingly large quantity of silver coming from abroad to the mints of this country the moment we declare for unrestricted coinage.

Mr. KELLEY. Will the gentleman yield for a question?

Mr. STRUBLE. Certainly.

Mr. KELLEY. I would like to ask the gentleman if it is not a fact that three-fourths of the nations of the world, counting the population of the world, are to-day using silver as their unit of value instead of gold.

Mr. STRUBLE. I think there is something in that, Mr. Speaker, although I am not able to give the gentleman the exact facts; but, of the most influential nations of this age, England does not use it, Germany does not use it, France does not use it—i. e., does not have free coinage—and the gentleman knows very well that it is the voice and influence of these great nations in finance, as well as in general commerce, that leads the thought and shapes the policies of the world.

Mr. KELLEY. Will the gentleman allow me to ask him another question?

Mr. STRUBLE. Yes, sir.

Mr. KELLEY. I will ask him if it is not a fact that the greatest nation of the world so far as population and wealth are concerned (I refer to the nation of China), which has eight times the population of this country, does not to-day use silver as the unit of value instead of gold.

Mr. STRUBLE. I understand it does.

Mr. CUTCHEON. And we have more transactions in one day than they have in one year.

Mr. STRUBLE. And, as suggested by the gentleman from Michigan, we have more transactions in one day in finance and commerce than that slow-going country has in many days. Your very point shows that one nation, especially whose influence is not greater than that of China, can not settle this question with reference to the appreciation of silver. I tell you, Mr. Speaker, we want in this country, our people in the West and all over the country, want the best money, the soundest money that is to be had, money that has in it the greatest purchasing power that is possible to be gotten.

Mr. McCLAMMY. And do they not want more?

Mr. STRUBLE. Certainly, and I am contending for that; but, Mr. Speaker, I maintain that an increase of sixty millions per year is getting more money very rapidly. I believe my constituents in the West, who are agriculturists largely, want the best money that is possible for any nation in the world to produce, and they want as much freedom from financial panics as possible. They want, if possible, to avoid the extreme contraction of the currency or the undue and unjustifiable expansion of it. What we desire, and what I think our constituents desire, is to have that safe, sure, and substantial condition of finance which can be obtained only by wise, careful, and conservative legislation upon such a great question as this. Let us make progress, but let us make it carefully and conservatively. Let us consider all the bearings of this great question upon all the interests involved, in so far as we are capable. If we do that, my judgment is, Mr. Speaker, that, while we certainly should and will move in the direction of the unlimited coinage of silver, we will do so in a way that will make it impossible for financial crises to come upon the country, because of this policy, and drive us back to the gold standard, from which we may not recover for many years to come. [Applause.]

[Mr. WHEELER, of Alabama, withholds his remarks for revision. See Appendix.]

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. CONGER. I move that the House do now adjourn.

ANN BRYAN.

The SPEAKER. Pending that, the Chair will lay before the House the following message from the President.

The Clerk read as follows:

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 23d inst. (the Senate concurring), I return herewith the bill (H. R. 5702) granting a pension to Ann Bryan.

BENJ. HARRISON.

EXECUTIVE MANSION, June 24, 1890.

The SPEAKER. The bill will lie on the table for further consideration.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WALKER, of Massachusetts, for two weeks.

To Mr. RUSK, for this day.

WITHDRAWAL OF PAPERS.

Mr. MARTIN, of Indiana, by unanimous consent, obtained leave to withdraw from the files of the House the petition of Capt. E. D. Pierce for compensation, which was introduced into the Fiftieth Congress on January 10, 1888, by his predecessor, and referred to the Committee on Claims, as shown by RECORD, first session, Fiftieth Congress, page 385, and on which claim no action was ever taken.

The motion of Mr. CONGER was then agreed to; and accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 4047) supplemental to the act of Congress passed in March, 1887, entitled "An act to amend an act entitled 'An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes,' approved March 22, 1882"—to the Committee on the Judiciary.

A bill (S. 3714) to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July 2, 1862—to the Committee on Education.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. CONGER:

Resolved, That to-day, immediately after the reading of the Journal, the House proceed to the consideration of H. R. 6381, with Senate amendments thereto, and that a vote on the question of concurrence with said amendments be taken at 2 o'clock to-morrow, the 25th;

to the Committee on Rules.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. CUTCHEON, from the Committee on Military Affairs, reported favorably the bill of the Senate (S. 3716) to provide for the examination of certain officers of the Army and to regulate promotions therein, accompanied by a report (No. 2530)—to the House Calendar.

Mr. SAWYER, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 6084) for the relief of Thomas Nelson, accompanied by a report (No. 2531)—to the Committee of the Whole House.

Mr. MARTIN, of Indiana, from the Committee on Invalid Pensions, reported with amendment the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 8557) granting a pension to John McGregor. (Report No. 2532.)

A bill (H. R. 8561) granting a pension to Martha Torrence. (Report No. 2533.)

Mr. BELKNAP, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 11064) granting a pension to Amanda E. Parks, accompanied by a report (No. 2534)—to the Committee of the Whole House.

Mr. LANE, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 10817) granting a pension to Elmira Brooks, widow of Odney D. Brooks, late assistant surgeon Twenty-sixth Michigan Volunteers, accompanied by a report (No. 2535)—to the Committee of the Whole House.

Mr. DE LANO, from the Committee on Pensions, reported favorably the bill of the Senate (S. 3325) for the relief of Margaret F. Smith, accompanied by a report (No. 2536)—to the Committee of the Whole House.

Mr. HILL, from the Committee on Pensions, reported favorably the bill of the Senate (S. 1237) granting a pension to Mary E. Crimmins, widow of Patrick Crimmins, accompanied by a report (No. 2537)—to the Committee of the Whole House.

Mr. MARTIN, of Indiana, from the Committee on Invalid Pensions, reported favorably the bill of the Senate (S. 3194) granting a pension to Joseph H. Scoopmire, accompanied by a report (No. 2538)—to the Committee of the Whole House.

Mr. REED, of Iowa, from the Committee on the Judiciary, reported adversely the bill of the House (H. R. 10972) imposing punishment for counterfeiting, etc., trade-marks, labels, etc., accompanied by a report (No. 2539); which (by request) was referred to the House Calendar.

Mr. DOLLIVER, from the Committee on Naval Affairs, reported favorably the bill of the House (H. R. 9212) to relieve John J. Murphy from the charge of desertion, accompanied by a report (No. 2540)—to the Committee of the Whole House.

Mr. VAN SCHAIK, from the Committee on Public Buildings and Grounds, reported favorably the bill of the Senate (S. 3796) to provide for the purchase of a site and the erection of a public building thereon at Racine, in the State of Wisconsin, accompanied by a report (No. 2541)—to the Committee of the Whole House on the state of the Union.

Mr. BROWER, from the Committee on Expenditures in the Post-Office Department, reported favorably the bill of the House (H. R. 803) to pay employes of the Post-Office Department additional compensation for extra hours of duty required of them in the year 1885, accompanied by a report (No. 2542)—to the Committee of the Whole House on the state of the Union.

Mr. WHEELER, of Alabama, from the Committee on Military Af-

fairs, reported with amendment the bill of the House (H. R. 11094) to authorize the Secretary of War to appoint a board of review in certain cases, accompanied by a report (No. 2549)—to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

By Mr. SNIDER, from the Committee on Military Affairs, on a bill (H. R. 7266) to remove the charge of desertion from the service record of Robert Withington. (Report No. 2543.)

Also, on a bill (H. R. 8616) for the relief of Eli Small, late assistant surgeon, One hundred and fifty-second New York Volunteers. (Report No. 2544.)

By Mr. WILLIAMS, of Ohio, from the Committee on Military Affairs, on a bill (H. R. 2997) to remove the charge of desertion against Edward Whitehouse, alias Edward Williams. (Report No. 2545.)

Also, on a bill (H. R. 3013) to remove the charge of desertion from the record of John Cartner. (Report No. 2546.)

Also, on a bill (H. R. 3019) to remove the charge of desertion against Frank Woolever. (Report No. 2547.)

By Mr. STOCKBRIDGE, from the Committee on Commerce, on a bill (H. R. 6779) to amend section 4443 of the Revised Statutes of the United States in relation to the license of masters, mates, and pilots of steam vessels. (Report No. 2548.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (H. R. 7187) for the relief of Eli Conner—Committee on Invalid Pensions discharged, and referred to Committee on Claims.

A bill (H. R. 8484) granting a pension to Jared D. Wheelock—Committee on Pensions discharged, and referred to Committee on Invalid Pensions.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. CONNELL (by request): A bill (H. R. 11119) for an act to provide pensions for freedmen—to the Committee on Invalid Pensions.

By Mr. GEST: A bill (H. R. 11120) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law—to the Committee on Labor.

By Mr. BANKS: A joint resolution (H. Res. 181) for printing the history of colored troops in war—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BRECKINRIDGE, of Arkansas: A bill (H. R. 11121) granting a pension to Martha A. Kendrick—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 11122) granting a pension to Sarah Anderson—to the Committee on Invalid Pensions.

By Mr. MARTIN, of Indiana: A bill (H. R. 11123) granting a pension to Eleanor Grafton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11124) granting a pension to John K. Hummer—to the Committee on Invalid Pensions.

By Mr. QUINN: A bill (H. R. 11125) granting a pension to Margaret Cooney, formerly Margaret Dolan—to the Committee on Invalid Pensions.

By Mr. STEWART, of Georgia: A bill (H. R. 11126) granting a pension to John P. Champion—to the Committee on Pensions.

Also, a bill (H. R. 11127) granting a pension to Mrs. Elizabeth Parks Pegg—to the Committee on Pensions.

Also, a bill (H. R. 11128) granting a pension to William R. Smith—to the Committee on Pensions.

Also, a bill (H. R. 11129) granting a pension to John F. Whaley—to the Committee on Pensions.

By Mr. STIVERS: A bill (H. R. 11130) granting a pension to Henry T. Bell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11131) granting a pension to Augustus T. Hulso—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11132) granting a pension to William McDowell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11133) granting a pension to John Ostrander—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By Mr. BRECKINRIDGE, of Arkansas: Petition of J. L. McKenna

and 18 others, citizens of Grant County, Arkansas, for deep-water harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. BUNN: Petition of Austin Jones for the estate of Martha A. Jones, late of Wake County, North Carolina, that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. CRISP: Petition of J. M. Woodward, H. M. Allen, and others, citizens of Dodge County, Georgia, asking the passage of the bill for deep-water harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. CUTCHEON: Resolution of the fish commission of the State of Michigan, against the transfer of the United States Fish Commission to the Agricultural Department—to the Committee on Agriculture.

By Mr. ENLOE: Petition of Sidney Bancom, of Carroll County, Tennessee, for reference of claim to Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. EVANS: Petition of J. C. and G. R. Wade, administrators, for relief—to the Committee on War Claims.

Also, petition of John Anderson, for relief—to the Committee on War Claims.

By Mr. FITCH: Petition of Susan N. Mulford, widow of Joseph L. Mulford, for a pension—to the Committee on Invalid Pensions.

By Mr. FLOWER: Resolution of clothiers' meeting, Samuel Fleischman, secretary, in favor of Torrey bankrupt law—to the Committee on the Judiciary.

By Mr. HANSBROUGH: Resolutions passed by the North Dakota Baptist Association, for the overthrow of the liquor traffic—to the Committee on Commerce.

Also, resolutions of the Clifton (N. Dak.) Alliance, in favor of the passage of the Butterworth option bill—to the Committee on Agriculture.

Also, petition of citizens of Pierce County, North Dakota, favoring the passage of House bill 5978—to the Committee on Commerce.

Also, resolutions of the same Alliance, in favor of the passage of the Conger lard bill—to the Committee on Agriculture.

Also, petition of J. S. Ferguson and 6 others, citizens of Bottineau County, North Dakota, asking Congress for appropriation of money for a complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

By Mr. HENDERSON, of Iowa: A paper from 61 railroad employes, of Perth Amboy, N. J., petitioning for the passage of House bill 9682—to the Committee on Railways and Canals.

By Mr. KELLEY: Petitions of 238 citizens of Topeka, Kans., asking Congress to pass the Wilson bill or some other law granting States the right to exclude the sale of liquors imported from other States—to the Committee on the Judiciary.

By Mr. KENNEDY: Petition of Hon. William Lawrence and members of the bar of Logan County, Ohio, asking the transfer of Logan County from northern to southern district of Ohio—to the Committee on the Judiciary.

Also, petitions of Messrs. Heffren & Co., asking for modification of interstate-commerce law affecting shippers of grain—to the Committee on Commerce.

By Mr. LEE (by request): Petition of D. H. Plaster and 16 others, of Loudoun County, Virginia, asking passage of silver bill—to the Committee on Coinage, Weights, and Measures.

Also (by request), petition by citizens of Louisa County, Virginia, for deep harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. LESTER, of Georgia: Petition of A. A. Louier and 35 others, of Bullock County, Georgia, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of W. M. Henderson and 17 others, of Scriven County, Georgia, in reference to Galveston Harbor—to the Committee on Rivers and Harbors.

Also, petition of T. G. James and 14 others, citizens of Ward County, Georgia, for the same purpose—to the Committee on Rivers and Harbors.

By Mr. LEWIS: Petition of A. D. McClellan and 20 others, of Montgomery County, Mississippi, asking passage of House bill 7162—to the Committee on Ways and Means.

By Mr. MANSUR: Petition of 90 members of Sumner Union, No. 844, Charlton County, Missouri, asking Congress for a complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of M. C. Nixon, M.D., J. H. Jones, and 26 others, citizens of Oregon County, Missouri, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of Thomas F. Horn, Rudolph Wissner, and 38 others, citizens of Wayne County, Missouri, for same purpose—to the Committee on Rivers and Harbors.

By Mr. MOORE, of New Hampshire (by request): Petition in favor of Leretta W. Spaulding, for pension—to the Committee on Invalid Pensions.

By Mr. MOREY: Petition of H. P. Demher and 34 others, citizens of Butler County, Ohio, for the passage of the Turner bill—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of citizens of Xenia, Ohio, for eight hours' work in post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. O'FERRALL: Petition of trustees of Braddock Street Methodist Episcopal Church South, of Winchester, Va.—to the Committee on War Claims.

By Mr. PHELAN: Petition of James A. Cole, administrator of Wesley Cole, Shelby County, Tennessee, for reference of claim for commissary subsistence supplies to Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. QUACKENBUSH: Petition of Henry A. Johnston and 100 others, bankers of the Eighteenth Congressional district of New York, asking for the passage of laws relating to the perpetuation of the national-banking system—to the Committee on Banking and Currency.

By Mr. STAHLNECKER (by request): Petition of the Woman's Christian Temperance Union, of Dobbs Ferry, N. Y., in favor of House bill 5987—to the Committee on the District of Columbia.

Also, memorial of the New York Produce Exchange, favoring certain restrictions relating to Harlem River improvement—to the Committee on Rivers and Harbors.

By Mr. STEWART, of Georgia: Petition of citizens of Georgia, in favor of House bill 2716—to the Committee on Rivers and Harbors.

Also, petition of other citizens of the same State, for the same measure—to the Committee on Rivers and Harbors.

Also, petition of Union Farmers' Alliance, No. 324, 30 members, of Pike County, Georgia, asking Congress for appropriation of money for a complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of W. L. Cox, J. E. Cooper, and 20 others, citizens of Fayette County, Georgia, for the same purpose—to the Committee on Rivers and Harbors.

Also, petition of J. W. Chalser, George W. Poor, and 33 others, citizens of Cobb County, Georgia, for the same purpose—to the Committee on Rivers and Harbors.

By Mr. VANDEVER: Petition from citizens of Santa Paula, Cal., for perpetuation of the national-banking system—to the Committee on Banking and Currency.

By Mr. WHITING: Petition of D. E. Sellars and 56 others, residents of Huron and Sanilac Counties, Michigan, asking for the passage of a law authorizing Government loans of money upon farm securities at a rate of interest not exceeding 2½ per cent. per annum—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, June 25, 1890.

Prayer by Rev. CHARLES B. RAMSDALL, of the city of Washington. The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented the memorial of Henry F. Colby and 14 others, citizens of Ohio, remonstrating against the appropriation of public money for sectarian purposes; which was referred to the Committee on Education and Labor.

He also presented a petition of the Methodist Episcopal Church of North Bloomfield, Ohio, praying for the enactment of a law relative to the sale of obscene literature, similar to the Ohio statute on that subject; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. VEST presented a memorial of Local Assembly No. 448, Knights of Labor, of St. Louis, Mo., remonstrating against the ownership of lands in the United States by aliens; which was referred to the Committee on Public Lands.

Mr. CASEY. I present resolutions adopted by the Farmers' Alliance of North Dakota, at meetings held June 4 and 5, 1890, favoring the enactment by Congress of the Conger lard bill, the Butterworth option bill, a bill providing for the free coinage of silver, and especially a bill to restrict as far as possible the operations of lottery companies. I move that the resolutions be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. BATE presented a petition of the Colored Farmers' National Alliance of America, praying that an appropriation of money be made to provide a perfect system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation; which was referred to the Committee on Commerce.

Mr. PADDOCK presented a memorial of the Flax Dressers' Association of the United States, remonstrating against the reduction of the dressed-flax tariff rate provided for in the McKinley tariff bill; which was ordered to lie on the table.

Mr. DAVIS presented a petition of citizens of Minneapolis, Minn., praying for the passage of a bill to limit the hours of work of clerks and employes in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BLACKBURN presented additional papers to accompany the bill to correct the military record of Alfred V. Townes; which were referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Commerce, to whom were referred the following bills, reported them severally with amendments: A bill (S. 4011) to authorize the Canaveral and South Florida Railroad Company to construct and maintain a bridge across the Indian River and one across the Bannas River, both in the State of Florida, and to establish the same in each case as a post-road;

A bill (H. R. 9523) authorizing the construction of a bridge over the Tennessee River at or near Gunterville, Ala., and for other purposes; and

A bill (H. R. 10907) to amend an act entitled "An act to authorize the Cairo and Tennessee River Railroad Company to construct bridges across the Tennessee and Cumberland Rivers," approved January 8, 1889.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 3557) for the relief of Thomas B. Dicken, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (S. 2474) for the relief of Charles N. Felton, formerly assistant treasurer of the United States at San Francisco, Cal., reported it with an amendment, and submitted a report thereon.

Mr. CULLOM. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 1642) to prevent the transportation of merchandise in bond through the ports and territory of the United States into the Republic of Mexico, and to restore that privilege whenever the Zona Libre along the boundary between the two countries shall be abolished, to report it adversely. I ask that the bill be placed upon the Calendar at the suggestion of the Senator from Texas [Mr. REAGAN], so that he may be heard upon it hereafter, if he desires.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. REAGAN. I shall at some early occasion, as I can get an opportunity after the conclusion of the morning business, ask for a few minutes to express some views upon the subject of the bill.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 4064) for the relief of William J. Martin, reported it with an amendment, and submitted a report thereon.

Mr. PADDOCK, from the Committee on Agriculture and Forestry, submitted a report to accompany the bill (S. 4156) for the protection of trees and other growth on the public domain from destruction by fire heretofore reported by him.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the bill (S. 2409) for the removal of the charge of desertion from the record of Daniel Mahoney, reported it with amendments, and submitted a report thereon.

GOVERNMENT PIER AT CHICAGO.

Mr. FRYE. I am instructed by the Committee on Commerce to report back with amendments the joint resolution (H. Res. 104) to permit the Secretary of War to grant a revocable license to use a pier, as petitioned by vessel-owners of Chicago, Ill. There are reasons why I should like to have the amendments considered and final action on the resolution had now.

Mr. CULLOM. I hope leave will be granted, as it is important that action should be taken at once.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The Committee on Commerce reported an amendment, to strike out all after the resolving clause and insert:

That the Secretary of War is hereby authorized to grant by revocable license the use of the United States pier at Chicago, Ill., situated north and east of the Illinois Central Railroad Company's wharf No. 1, and on south side of Chicago River, to Walker, Whitehead & Co., of Chicago, Ill., subject to the following conditions:

First, Said Walker, Whitehead & Co. shall keep in thorough repair that part of the pier, 225 feet in length, projecting beyond the end of the Illinois Central Railroad car docks, so called.

Second, That the said Walker, Whitehead & Co., at their own expense, shall rebuild and keep in repair the superstructure of the said 1,000 feet of pier during the continuance of the license.

Third, That the United States Government shall have free use of any necessary part thereof for storage upon giving the said Walker, Whitehead & Co. sufficient notice to clear such part of said pier for such uses by the United States.

Fourth, That the said Walker, Whitehead & Co. shall keep that part of the entrance to the Chicago River within 50 feet of the pier dredged, and shall prevent the dumping of ashes or refuse from vessels landing at the pier into the entrance to Chicago Harbor.

Mr. REAGAN. I wish some one would state why the control of that pier should be taken from the city of Chicago and put into the hands of the Secretary of War.

Mr. FRYE. The city of Chicago has nothing to do with it. It is a Government pier.

Mr. CULLOM. It is a Government pier entirely.

Mr. FRYE. It is a Government pier and can not be used by others without leave. It is absolutely necessary that it shall be used, and the party keeps it in repair, and all that, and is entitled to the license of the Secretary of War.

Mr. REAGAN. I do not understand how it is, it being a Government pier.

Mr. FRYE. It is one of the original jetties built by the Government for the improvement of the harbor, and it has gradually filled up until it becomes practically a filled-up pier, so that it can be driven right on to and used just the same as any other wharf or pier; but it lies right between the wharves and piers used by other parties, private parties at Chicago, and this pier can not be used at all.

Mr. REAGAN. It may be that that is a way out of this, but it is a new departure about piers.

Mr. FRYE. Oh, no; it has been done in quite a number of instances. I went to see General Casey in relation to it, and General Casey said it ought to be done.

Mr. CULLOM. There is no question about the propriety of it. There is no giving away by the Government of any of its rights.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. FRYE. The committee report to strike out the preamble. I move that the preamble be stricken out.

The motion was agreed to.

Mr. FRYE. I move that the Senate insist upon its amendments and request a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. CULLOM, Mr. DOLPH, and Mr. RANSOM were appointed.

BILLS INTRODUCED.

Mr. INGALLS introduced a bill (S. 4157) to provide for fixing a uniform standard of classification and grading of wheat, corn, oats, barley, and rye, and for other purposes; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. SAWYER introduced a bill (S. 4158) for a public building at Sheboygan, Wis.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4159) amendatory of and supplemental to sections 3952 and 3953 of the Revised Statutes of the United States and of the act of Congress approved June 23, 1874, entitled "An act making appropriations for the service of the Post-Office Department for the year ending June 30, 1875, and for other purposes;" which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. SPOONER introduced a bill (S. 4160) granting a pension to George Randall; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 4162) requiring the United States to defend the title of homesteaders under the laws of the United States in all suits where the land is claimed to be mineral because of phosphate deposits; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CULLOM introduced a joint resolution (S. R. 105) to provide for the settlement of a claim against the Antietam National Cemetery; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CULLOM submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Fisheries, and ordered to be printed.

Mr. JONES, of Arkansas, submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. GEORGE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORT ON IRRIGATION.

Mr. STEWART submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 15,000 extra copies of the report of the Select Committee on Irrigation and Reclamation of Arid Lands, with the views of the minority and the testimony, to be bound in cloth in two volumes, 10,000 copies for the House of Representatives and 5,000 copies for the Senate.

WITHDRAWAL OF PAPERS.

On motion of Mr. INGALLS, it was

Ordered, That Mrs. L. L. Wallen have leave to withdraw her papers from the files of the Senate.

ADMISSION OF WYOMING.

Mr. PLATT. Is the morning business concluded?

The VICE-PRESIDENT. Is there further morning business? If not, that order is closed.

Mr. PLATT. I move that the Senate proceed to the consideration of the bill (S. 894) to provide for the admission of the State of Wyoming into the Union, and for other purposes.

The motion was agreed to.

PUBLIC BUILDING AT SPRINGFIELD, MO.

Mr. VEST. Will the Senator from Connecticut permit me to call up a little bill, which will take but a moment?

Mr. PLATT. If it does not lead to discussion, I do not object.

Mr. VEST. Not at all. I ask the Senate to proceed to the consideration of the bill (H. R. 516) to extend the limit for the erection of a public building at Springfield, Mo.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOTEL AT FORTRESS MONROE.

Mr. CAMERON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from Pennsylvania?

Mr. PLATT. For what purpose?

Mr. CAMERON. To pass a bill.

Mr. PLATT. Will the bill take any time?

Mr. CAMERON. It ought not to take a minute.

Mr. PLATT. Reserving my right to object if it leads to debate, I yield for the present.

Mr. CAMERON. I ask the Senate to proceed to the consideration of the bill (H. R. 887) authorizing the erection of a hotel upon the Government reservation at Fortress Monroe.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. EDMUNDS. I should like to hear the report, Mr. President.

The VICE-PRESIDENT. The report will be read.

The Secretary read the following report, submitted by Mr. CAMERON May 15, 1890:

The Committee on Military Affairs, to whom was referred the bill (H. R. 887) authorizing the erection of a hotel upon the Government reservation at Fortress Monroe, having had the same under consideration, beg leave to submit the following report:

The facts in this case are briefly summed up in the House report:

"Fortress Monroe is a very important military post and the Secretary of War reports that 'It is unfortunate that so many licenses have been given. The site proposed is for a small hotel particularly for the use of the colored people. The building is situated at the extreme point on the land side towards Hampton, and is far less objectionable than any of the other sites that have been given.'"

"As the hotels for white people are now in operation your committee is of the opinion that no discrimination should be made, and therefore recommend the passage of the bill."

"Your committee likewise report the bill favorably and recommend its passage."

NORFOLK, VA., April 14, 1890.

DEAR SIR: There has lately passed the House, and is now before the Committee on Military Affairs of the Senate for its consideration, a bill authorizing the Secretary of War to grant me the privilege of erecting a hotel on the Government reservation at Fortress Monroe.

This hotel is especially designed for the accommodation of colored people, and while I am advised that the military authorities usually are strongly opposed to such grants, yet in this case they have concluded that this hotel is necessary, and that its proposed location is the least objectionable that could have been suggested, being remote from the white hotels, in rear of the fort, and in no way an obstruction from a military point of view.

The location of many public institutions in which the colored people are specially interested, and the absence of any place to accommodate them, renders a hotel there for their use a public necessity.

As to my general character, standing, and fitness to conduct the enterprise I confidently refer to my Representative in Congress, Hon. GEORGE E. BOWDER. The object of this communication is to enlist your interest in the matter to the end of securing a speedy and favorable action in the committee.

Very respectfully,

J. C. ASBURY.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISLAND OF CUBA.

Mr. PLATT. Mr. President, I understand that the Senator from Florida [Mr. CALL] yesterday gave notice that he desired the usual courtesy to be extended to him to be allowed to make some remarks this morning upon a resolution which he has heretofore introduced. While I can not yield to any further business, I think I ought to yield, under the custom and practice of the Senate, to the Senator from Florida.

Mr. CALL. I ask that the joint resolution on the Calendar authorizing the President to open negotiations with Spain be taken up for consideration and read by the Secretary.

Mr. PLATT. The Senator from Florida will ask, I presume, to have

the bill for the admission of Wyoming laid aside informally, so that the resolution to which he refers may be taken up.

Mr. CALL. I thought that had been done. I ask unanimous consent that the bill in charge of the Senator from Connecticut [Mr. PLATT] may be laid aside informally, in order that the Senate may proceed to the consideration of the joint resolution I have named.

The VICE-PRESIDENT. It will be so ordered in the absence of objection; and the joint resolution (S. R. 20) authorizing the President to open negotiations with Spain will be considered as being before the Senate as in Committee of the Whole.

Mr. CALL. I ask that the joint resolution be read at length.

The VICE-PRESIDENT. The joint resolution will be read.

The Chief Clerk read as follows:

Resolved by the Senate and House of Representatives, etc., That the President be, and he is hereby, authorized and requested to open negotiations with the Government of Spain for the purpose of inducing that Government to consent to the establishment in the Island of Cuba of a free and independent republic; such consent to be given upon the payment by Cuba to the Government of Spain of such a sum of money as may be equivalent both to the value of the public property belonging to Spain in the said island and to the relinquishment of her sovereign rights, and also the securing by treaty of such commercial advantages as may be stipulated.

Mr. CALL. There is another resolution which I introduced early in the session and which was referred to the Committee on Foreign Relations, which I ask may be also read.

The Chief Clerk read the following resolution, submitted by Mr. CALL and referred to the Committee on Foreign Relations, January 6, 1890:

Whereas there is reason to believe that the debt of the Island of Cuba, such as consolidated by the decree of Her Majesty the Queen Regent of Spain, dated May 10, 1886, amounting to \$124,000,000, bearing an interest of 6 per cent. per annum and payable within the maximum time of fifty years, is now wholly and exclusively, by the action of the Government of Spain, in the hands of German bankers and subject to the control more or less actual and direct of the Government of the German Empire;

Whereas under a subsequent decree of the same sovereign, or acting sovereign, of Spain, dated November 19, 1886, the said debt was converted into a new one bearing a lesser interest, but for a larger amount and subject to the same conditions and guaranties as the former one;

Whereas under Article II of the same decree of May 10, 1886, the payment of the aforesaid debt, and of the bonds which represent it, and are called in the Spanish language "*billetes hipotecarios*," or "mortgage bonds," is secured by "special mortgage of the customs revenues of the Island of Cuba, and also of the stamp revenue of the same island, and of all the taxes, whether direct or indirect, already levied or hereafter to be levied, on real or personal property in the same island," to all of which the guaranty of the Government of Spain shall be added;

Whereas under the ordinary course of events and the financial condition which exists both in Cuba and in Spain, it is more than probable that neither Cuba nor Spain will be able to meet at the proper time their obligations in this respect and pay either the principal or the interest when they become due;

Whereas under these circumstances, and for all practical purposes, the political as well as the financial control of the Island of Cuba has been transferred, by the action of Spain, to the Government of the German Empire;

Whereas the immediate consequence of such a state of affairs is an alliance between Spain and Germany, not less binding and powerful because of its being unwritten, whereby the German Government becomes interested in assisting Spain to perpetuate her sovereignty in the Island of Cuba; thus interfering with the historical laws and principles which must rule in the American hemisphere;

Whereas it has been often declared by the Government of the United States that it is obvious there would be danger for the United States if a great naval power were to possess the key of the Gulf of Mexico and the Caribbean Sea, and that the United States could not with safety to herself permit any foreign power to interfere to sustain Spanish rule in the Island of Cuba, or to have such relations with Spain as would give such power the right and opportunity to interfere in our affairs, and also generally in the affairs of the North American continent;

Whereas it has been the declared policy of the United States, whatever political party has happened to be in power, as was forcibly expressed by John Quincy Adams as far back as in 1823, that no countenance or approval, whether direct or indirect, expressed or implied, can be given by the Government of the United States, under any circumstances, to pledges of the Spanish Government to be redeemed thereafter, for which the Island of Cuba may be both the only indemnity which Spain can give and the most satisfactory which any European power can receive; and

Whereas the condition of things above described is not only contrary to the traditional policy of the United States and to its most cherished tenets, but constitutes a menace to the best interests of the United States, as well as to the interests of the whole sisterhood of American Republics; while on the other hand it increases considerably the burden to be borne by the inhabitants of the Island of Cuba, among whom there is a large number of American citizens;

Be it resolved by the Senate, That, in the sense of the Senate, everything done, or attempted, in the Island of Cuba tending in any way whatever to transfer the financial and political control of that island to any European power is contrary to the policy and the best interests of the United States, and must be discountenanced and protested against.

And be it further resolved, That the President of the United States be, and he is hereby, requested to furnish to the Senate such information as may be found in the possession of the State Department in regard to this matter, so as to enable the Senate, in its executive capacity or otherwise, to take such action as may be deemed proper under the circumstances.

Mr. CALL. Mr. President—

Mr. SHERMAN. I move that the doors be closed.

Mr. EDMUNDS. I second the motion.

Mr. CALL. I desire to submit some remarks upon the joint resolution.

Mr. EDMUNDS and Mr. INGALLS. Debate is not in order.

The VICE-PRESIDENT. Debate is not in order. The Senator from Ohio [Mr. SHERMAN] moves that the doors be closed.

Mr. EDMUNDS. And I second the motion.

The VICE-PRESIDENT. The Senators in the affirmative—

Mr. EDMUNDS. When such a motion is made the doors are to be closed.

The VICE-PRESIDENT. The Senator from Vermont is correct.
 Mr. CALL. I withdraw the resolution.
 Mr. EDMUNDS. The Senator can not withdraw the resolution.
 Mr. CALL. I have withdrawn the resolution, Mr. President.
 Mr. SPOONER. How can the Senator withdraw the resolution?
 Mr. EDMUNDS. Let the order of the Senate be executed.
 The VICE-PRESIDENT. The Sergeant-at-Arms will close the doors and clear the galleries.
 The doors were thereupon closed and at the expiration of fifty-five minutes were reopened.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 24th instant approved and signed the following acts:

An act (S. 3052) for the relief of the Michigan Military Academy; and

An act (S. 3871) granting a pension to Kate Woodbridge Michaelis. The message also announced that the President had this day approved and signed the act (S. 3571) to provide an American register for the barge Ottawa, of Philadelphia, Pa.

ADMISSION OF WYOMING.

Mr. PLATT. I ask the Chair to state what is the order now before the Senate.

The VICE-PRESIDENT. The regular order is the unfinished business, being the bill (S. 894) to provide for the admission of the State of Wyoming into the Union, and for other purposes.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. PLATT. Since this bill was reported to the Senate on the 20th of January last, a bill upon the same subject has been passed by the House of Representatives—House bill 982—and that bill now lies on the table of the Senate. It is almost identical with this bill. The only differences are verbal and unimportant. I therefore ask that the House bill may be substituted for the Senate bill, and that the Senate act upon the House bill.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Connecticut to substitute the House bill for the Senate bill? The title of the House bill will be stated.

The CHIEF CLERK. A bill (H. R. 982) to provide for the admission of the State of Wyoming into the Union, and for other purposes.

The VICE-PRESIDENT. The Chair hears no objection, and the House bill is before the Senate as in Committee of the Whole.

Mr. PLATT. Let the House bill be read.

The VICE-PRESIDENT. The House bill will be read.

REVISION OF REMARKS.

Mr. INGALLS. I ask the Senator from Connecticut to yield to me for a moment that I may offer a resolution, which I ask may be read. The resolution was read, as follows:

Resolved, That the Committee on Privileges and Elections be directed to inquire into the publication of the personal explanation of Hon. WILKINSON CALL in the CONGRESSIONAL RECORD of this date, and report whether the same is in accordance with the rules, regulations, and practice of the Senate; and that the said explanation be withheld from the permanent edition of the RECORD until the further order of the Senate.

Mr. INGALLS. I ask that the resolution may be now adopted.

The VICE-PRESIDENT. The Senator from Kansas asks for the present consideration of the resolution which has been read. Is there objection? The Chair hears none. The question is on agreeing to the resolution.

Mr. CALL. Mr. President, I do not think that resolution ought to be passed by this body. There is no possible ground or reason for it, and no possible excuse for it. I asked and obtained leave of the Senate to print the statements, the letters, the extracts from the CONGRESSIONAL RECORD, using those very words.

Mr. PLATT. I ask the Senator from Florida to yield while I make a parliamentary inquiry.

Mr. CALL. Certainly.

Mr. PLATT. Is it in order at this time to object to the further consideration of the resolution?

Mr. CALL. I appeal to the Senator that the resolution shall not be allowed to go out without my statement.

Mr. PLATT. Of course, I have no business to take a Senator off his feet. I should like to object to its further consideration to-day, if he will consent. I know I have no right to interrupt his speech.

Mr. CALL. I desire that my statement shall go out with this resolution.

It is very disagreeable to me unquestionably to have such resolutions introduced here. I state again that I asked the leave of the Senate, stating at the time that I would not proceed further then, but print with my remarks the statements, the extracts from the CONGRESSIONAL RECORD, and the letters which I thought necessary for my vindication from what I pronounced to be a most outrageous libel upon me in reference to my public duties here. That libel contained a statement from

a public document of the Senate of the number of bills that I had introduced, giving their numbers and their titles, and the number that had become laws. That statement assailed me in my personal demeanor here in this body. It characterized me in my public career here in a great many respects in the most disrespectful and slanderous manner. I obtained the leave of the Senate to vindicate myself, as it was a part not only of my privilege but of the character of this body that a member of it should vindicate himself from such false charges. It was accorded to me by the Senate, the Senator from Kansas sitting in the chair.

Mr. GORMAN. It was the Senator from Tennessee [Mr. HARRIS] who was in the chair.

Mr. CALL. The Senator from Kansas was there first when I made the application. I think the occupancy of the chair was changed.

Mr. GORMAN. The RECORD shows it was the Senator from Tennessee.

Mr. CALL. Very well; the RECORD shows that the Senator from Tennessee was Presiding Officer.

Mr. President, having done that, at my leisure I prepared that statement, and when it was prepared I submitted it to a member of the Committee on Printing upon whose judgment and knowledge of the rules and practice of the Senate I had a right to rely. He informed me that there was no impropriety whatever, that it was within the leave granted to me by the Senate. Having obtained that, and being further informed that it was necessary for it to go in the RECORD, I directed that it should be printed; and that is the whole statement of the case.

Now, where is the abuse of the privilege of the Senate? I not only understood the leave to be full, but the member of the Committee on Printing whom I consulted understood it to be so. Is it not contained in the words "leave to print the statements?" What statements? The statements that I should make and others should make. The "extracts from the CONGRESSIONAL RECORD." What extracts? Any extracts that I thought necessary for my vindication. "Letters." What letters? The letters that I thought necessary for my vindication from the foul libels and statements of that pamphlet.

Whom did it injure that I should do that? Who would have a right to complain that I, a Senator here, should be permitted to defend myself by the records of the Senate and the statements of respectable and reputable people against infamous charges that had been made against me and circulated, sent to every Senator here and to the members of the other House, and all over the United States, and relating, many of them, to matters which are contained in the public records of the Senate?

I understand that grave complaint is made against me because I have alluded to a table taken from a public document here in defending myself and in defending other Senators against the charge that they could be assailed in their records by an exhibition of the number of bills introduced by them and the number which had been passed, showing the absurdity of that charge, and that the most distinguished members of this body who had served here for years had not sought to make any record by the number of bills they had introduced which had become laws, but showing that the course of legislation was such that bills introduced by Senators often became laws in other bills, and were by the committees to whom they had been referred compounded and made a joint report, and other bills had become laws containing them. I alluded to the case of the distinguished Senator from Texas [Mr. REAGAN] who was the author of the legislation upon the subject of interstate commerce, which finally became a law, and yet none of the bills which that Senator had introduced for years and advocated ever became a law, and when the principles which he had advocated in those bills finally became a law it was done upon a bill introduced by another.

Now, what impeachment is that to any Senator, and where is even the pretense of an abuse of the privileges of the Senate by my doing exactly that which the Senate gave leave to do, after having consulted the Committee on Printing upon the subject and taken their advice?

If I had dreamed, Mr. President, that there was anything in this vindication of myself which was in any way whatever disagreeable to any other Senator, I should not have allowed it to be inserted, but I can not conceive why a Senator should take any kind of exception at the presentation of a public record of this body here, which is a true record, or whether true or not, is taken from the public records, and which simply exhibits the number of bills that he has introduced and those which have become laws.

I therefore say, Mr. President, that there is, I think, no reason whatever for this inquiry, and I request the member of the Committee on Printing to whom I have referred to state the facts for my vindication here.

Mr. INGALLS. Mr. President—

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator from Kansas will proceed by unanimous consent.

Mr. INGALLS. The Senator from Florida has not only, in my judgment, grossly violated and abused the privileges of the Senate, but he has deliberately falsified the record of what occurred on the day when the transaction took place. In the RECORD of the 3d day of June

of the proceedings of the 2d, the Senator from Florida, as it appears from the print before me, concluded his observations as follows:

With this remark, Mr. President, I will insert in the RECORD the statements and the extracts which will be sufficient for my own vindication in an appendix to these remarks, which I shall have carefully prepared.

In the publication that appears this morning, June 25, which purports to be a transcript of what occurred on the 2d day of June, the Senator from Florida has falsified the record by omitting the words "in an appendix to these remarks."

Mr. BUTLER. Mr. President, I call the Senator from Kansas to order.

Mr. CALL. I hope the Senator—

Mr. BUTLER. One moment.

Mr. INGALLS. I will withdraw the observation.

Mr. BUTLER. I rise to a point of order, and ask if it is parliamentary for one Senator to get up and denounce another upon this floor as having been guilty of infamous crime?

Mr. INGALLS. I withdraw the observation, and say that the Senator from Florida changed the record.

Mr. BUTLER. Well.

Mr. CALL. Mr. President—

Mr. INGALLS. So far as that is a modification, I cheerfully make it. The PRESIDING OFFICER. The Senator from Kansas will come to order, and not proceed until there is a motion to allow the Senator to proceed in order.

Mr. CALL. I move that the Senator be allowed to proceed, and I ask leave to make a single remark.

The PRESIDING OFFICER. It is moved by the Senator from Florida that the Senator from Kansas be allowed to proceed in order. [Putting the question.] The motion is agreed to, and the Senator from Kansas will proceed.

Mr. CALL. I hope he may be allowed—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Florida?

Mr. INGALLS. Certainly.

Mr. CALL. I beg that the Senator from Kansas may be allowed to proceed without interruption, and not in order, to say whatever he may desire to say upon this subject, and I will make my reply.

Mr. BUTLER. The Senator from Florida is not entirely the judge of that matter, if he will allow me to say so.

The PRESIDING OFFICER. The Senator from Kansas will proceed in order.

Mr. BUTLER. I think it is due to the dignity of this body that such epithets and such charges as have escaped from the Senator from Kansas, which I am very glad he has withdrawn, should not be allowed to go upon the record without the attention of the Senate being called to them.

Mr. INGALLS. I withdraw the assertion that the Senator from Florida falsified the record and say that he changed the record without leave of the Senate by striking out in his report or transcript of his observations that appear this morning what seems to have occurred in the report of the 2d day of June. If that is a falsification of the record then the Senator from Florida, I suppose, if the facts were established, would be amenable to that charge.

I call attention to the fact that he obtained leave on the 2d day of June to insert certain portions of the CONGRESSIONAL RECORD and certain letters and statements as an appendix to the remarks that he delivered on that day, and that in the report which appears this morning that has been changed without the leave of the Senate, the words "in an appendix to these remarks" having been stricken out by the Senator from Florida without leave of the Senate, so as to make it appear that he had the leave to print this mass of material that he has inserted in the RECORD, that never was uttered, that he never obtained leave to insert, and that appears for the first time in the history of the Senate, in violation of its rules and orders, as the insertion of a speech that never was delivered. It is the first time it ever has occurred.

But I should not complain of that, Mr. President, if the Senator from Florida had not seen fit in his own attempted vindication to prepare what he calls a tabulated abstract of a public document which he has inserted here, in which he compares the relative services of members of this body with his own, and in many ways to their detriment. Upon the sixty-nine hundred and forty-first page of the RECORD this morning the Senator has inserted what he calls an abstract of bills and joint resolutions of the Fiftieth Congress, prepared for the purpose of vindicating himself at the expense of the records of the other members of this body. It is a table that I have no hesitation in saying is incorrect in many important particulars. So far as I have had the opportunity of examining the history of bills and joint resolutions in this body with regard to the record of one Senator who is reported here as having secured the passage of one bill introduced by him, eight have already been shown to have been passed.

The Senator from Florida has taken the trouble to make a history of my conduct during the Fiftieth Congress, showing that during that period I introduced forty-four bills, of which one pension bill became a law and two others, omitting all reference to the fact, to which I was entitled if I am to be held up before the country and my work

measured in comparison with the work of the Senator from Florida, that during all that period, from the time when the clock struck at 12 on the first day of the session until the gavel fell announcing the final adjournment of Congress and a new President was inaugurated, I was the Presiding Officer of the body, not offering bills, having no connection whatever with legislative business except as the President of the body.

Mr. President, I insist, with all due reference to those who assert that this is a justifiable and allowable transaction, in the first place, that the Senator from Florida has not done what he obtained leave to do, that is, to insert extracts from the RECORD, letters, and other statements, in vindication of his own course as an appendix to the remarks he made on that day. I insist, further, that he has mutilated the record of what occurred on that day by striking out the privilege which he asked might be extended to him, allowing him to print those observations as an appendix. He struck it out apparently for the purpose of enabling him to appear to be in order in printing these matters in a speech that never was delivered here.

I insist, sir, it is a violation of privilege that deserves the attention of this body; and I submit, further, that the Senator from Florida is not alone in being asspersed, he is not alone in being assailed by personal enemies, and it is a very injurious and pernicious precedent if we are to establish the rule that a Senator can rise here and make a few disconnected and incoherent observations, ask leave to print in an appendix certain statements in defense of himself, and then make the CONGRESSIONAL RECORD the conduit through which personal accusations are to be answered, and answered at the expense of the standing and the record and the history of his associates in this body.

Mr. GORMAN. Mr. President—

Mr. HOAR. The Senator from Maryland will pardon me. Before the Senator from Kansas takes his seat I desire to call his attention to one statement he made.

The PRESIDING OFFICER. Does the Senator from Maryland yield?

Mr. GORMAN. Certainly.

The PRESIDING OFFICER. The Chair desires to state that this entire discussion is by unanimous consent.

Mr. HOAR. The Senator from Kansas stated that during the winter, when he was Presiding Officer of the body, he had no connection with legislative business. That might be understood in reading the RECORD that that was the practice of the Presiding Officer. The Senator, of course, meant to say that he had no connection with the legislative business upon the floor when the passage of bills was being secured. The Senator during that winter performed, to my personal knowledge, a very large amount of labor in committees.

Mr. INGALLS. The Senator is correct.

Mr. GORMAN. Mr. President, the Senate will remember that some time prior to June 2, the Senator from Florida having been attacked in a public pamphlet that was distributed to every member of this body and put in general circulation—a violent and abusive personal attack—and feeling it incumbent upon him to answer it in some form, undertook to do so by the publication, as a document, of certain statements which he regarded as a complete answer and vindication of himself. I advised him, as his friend and brother Senator, not to pursue that course, nor do I share in the responsibility or agree that it is proper or wise for any Senator to refer here to attacks upon his public and private record, made by citizens outside and not in official position. That, however, is a matter of taste and of judgment to be determined by each Senator for himself. The Senator from Florida, therefore, determined to bring the matter to the attention of the Senate and get upon record all that he believed was necessary for his vindication.

In his speech on the 2d day of June, which will be found in the RECORD, not wishing, I take it, to weary the Senate with the details, probably not being entirely prepared with all the extracts that he desired to furnish, he stated to the Senate:

It is my purpose to ask of the Senate that I may be allowed to print as a part of these remarks for my own vindication such parts of the CONGRESSIONAL RECORD as are necessary and proper. In my judgment, to exhibit the falsehood of these charges, and the letters which I have here relating to them, and the statements which are proper for my vindication against the charges of this pamphlet. If there be no objection, I will ask to be allowed, without detaining the Senate, to print as a part of my remarks—

"As a part of my remarks"—

these several statements and the letters and the portions of the CONGRESSIONAL RECORD which relate to them.

That was broad enough to cover everything which he desired to place upon record in answer to the charges which had been made against him, and in vindication of himself. He then proceeded, as the Senator from Kansas has stated, to say:

With this remark, Mr. President, I will insert in the RECORD the statements and the extracts which will be sufficient for my own vindication in an appendix to these remarks.

And it is upon the latter statement that the Senator from Kansas, as I understand, dwells; but the fact is that the Senator from Florida did ask permission to incorporate the statements and extracts in his remarks and make them part of his remarks.

Mr. INGALLS. I dwell upon the further fact that he has stricken

out of the report that appears to-day the words that appear in the RECORD of June 3, asking that the additional matter might be printed " in an appendix." He has stricken that out.

Mr. GORMAN. That is true, but it has no special bearing upon this question. Unquestionably the Senator from Florida obtained permission from the Senate to publish anything in connection with that matter that he saw proper. When the Senator from Florida came to me as he did, I having advised him not to pursue another course which he intended, reading this RECORD of the 3d day of June, I said: "You have unquestionably the right to incorporate in your remarks anything bearing upon this question and make any extract whatever that you may see proper from the CONGRESSIONAL RECORDS or other public documents, and as the Senate has given you permission to publish other statements outside of the RECORD, letters, and documents that you have, under that permission you are entirely within the rule of the Senate and the permission of the Senate."

I submit to the Senator from Kansas that while the Senator from Florida has changed the order of the statement and while he has omitted one or two statements that he made which are not at all necessary and have no significance whatever, it is a matter of procedure that is not uncommon and not unknown to us all; and in saying that I do not indorse such a practice, for I think it is very unfortunate that any Senator shall deem it his duty to lumber up the records with these matters of personal quarrel or in answer to charges that are made by irresponsible people. It was not necessary in the case of the Senator from Florida for his own vindication in the opinion of anybody who knows him and knows his public record.

Now, Mr. President, as to the table to which the Senator from Kansas has referred, the Senator from Florida, whether in good taste or not, has produced what he believes, as I have no doubt, an accurate transcript from a public document, which is published by order of this body at every session of the Senate, showing the history of every bill that is introduced by each Senator and how many have been acted upon favorably and how many have become laws. Whether that statement be accurate or not, does not matter so far as I am concerned, but there can not be any question of one thing, that in his remarks uttered on the floor of the Senate on the 2d day of June the Senator from Florida did present that identical table in part. The name and the record of the Senator from Kansas was not included in that list, nor was mine included in it; but the Senator from Florida did give a list of names and it will be found on page 5846 of the RECORD, in order to vindicate himself and show that the statement of the person who had made these charges against him was not correct—that he had not obtained legislation for his State—and going on to say that that statement demonstrated nothing; that Senators, and all Senators on this floor, had performed great services for their country without happening to have their bills become laws; that the ideas they presented, the suggestions they made, had been incorporated into public acts, when they did not by the record receive the credit for them; and in the statement he made here, which was not objected to by anybody, it was said that the Senator from South Carolina [Mr. BUTLER] had introduced 33 bills and only 1 became a law; that Mr. CALL introduced 88 and 6 became laws, Mr. Chace, 17 and none became law; Mr. CHANDLER introduced 53 bills and 3 became laws; Mr. COCKRELL, 119 and 13 became laws, and then he gave the records of Messrs. COKE, and CULLOM, and DANIEL, and DAVIS, BLACKBURN, BROWN, and BERRY, and there he stopped.

Mr. INGALLS. That never was uttered on the floor of the Senate. That was written in his own handwriting in the Reporter's transcript after it had gone to the printer.

Mr. GORMAN. Of that I was not aware.

Mr. INGALLS. That is the fact, and I will produce the manuscript to show it in five minutes.

Mr. GORMAN. At all events it has been in the RECORD since the 3d day of June without the slightest objection on the part of any Senator whose name was used.

Mr. CALL. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Florida?

Mr. GORMAN. Certainly.

Mr. CALL. I will answer the statement of the Senator from Kansas in the conclusion of his remarks. I will say that the statement of the Senator from Kansas that these statements appear in my handwriting afterwards is in all respects, to use a mild term, incorrect. It is true that the table which I had, and which I took a few names from, and which I expressly asked leave to insert as a part of the CONGRESSIONAL RECORD to be printed—it is true that that table was not inserted in full, and that I took a few names of personal friends that I had the right to take, instead of publishing the table in full, and did have that printed; but it is not true that that table was not here and ready to be read and placed before the Senate and that it was included in my intention, as I stated, holding it up to the Senate, to be printed in my remarks.

Mr. REAGAN. If the Senator will allow me.

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Texas?

Mr. GORMAN. I do.

Mr. REAGAN. The Senator from Florida used a portion of those names. I know he called over mine in stating what had been done by different Senators.

Mr. BUTLER. I do not remember whether my name was called or not; but inasmuch as it has been mentioned, I think, perhaps, I have a right to make the observation that so far from my having any feeling of resentment against the Senator from Florida for proving by the RECORD that I introduced thirty-three bills and passed but one, I think he has conferred upon me a decoration of honor, for, if there is any one thing with which this country is cursed more than another, it is the enormous number of bills which are introduced and passed. Therefore I thank him for bringing me out conspicuously as having introduced and passed very few bills through this body, and if others would follow my example the country would get along a great deal better, in my judgment.

Mr. GORMAN. Mr. President—

Mr. INGALLS. Will the Senator allow me a moment? I have sent to the Reporter's Office and I have here the notes extended of the debate that occurred on that occasion, and I hold in my hand three added sheets in the handwriting of the Senator from Florida in lead pencil, added after the report was extended, in which every name with the number of bills that were introduced and became laws, is in his own chirography, as follows:

Senator BUTLER, 33 bills; 1 became law;
Senator CALL, 88; 6 became law;
Chace, 17; none became law;
CHANDLER—

A personal friend of the Senator from Florida, I think he said in his remarks—

59; 3 became law;
COCKRELL, 119; 13 became law;
COKE, 34; 6 became law;
CULLOM, 134; 18 became law;
DANIEL, 69; 8 became law;
DAVIS, 97; 23 became law;
BLACKBURN, 41; 8 became law;
BROWN, 9; 1 became law;
BERRY, 31; 1 became law;

Every one in the handwriting of the Senator from Florida.

Mr. CALL. Mr. President, this is very small, very small; I will not use any other language. I stated here that I had this table and I asked leave of the Senate to print with my remarks any portions of it that I thought proper. I did add in my own chirography, as the Senator uses the term, a few of the names that I had time to do, in order that this paper might go before the country immediately, and inserted them. But what does that prove? It is too small to notice, Mr. President.

As to the Senator's reference to my statement about my "personal friend," I did not think for a moment of the Senator from New Hampshire, but I do not remember, as does the Senator from Kansas, a quarrel from one day to another. I am ready to fight it out at the moment with the Senator from Kansas or anybody else, but when that is done it is over. I do not carry my quarrels over.

Mr. GORMAN. Mr. President, there is nothing unusual or strange or extraordinary in a Senator while delivering a speech here asking the privilege of publishing any statement he may hold in his hand and have it inserted, whether in his own handwriting or somebody else's. The fact is that all there is in this case, whether wisely or unwisely—and I think unwisely myself—the Senate gave the Senator from Florida permission to publish anything that he might find in the CONGRESSIONAL RECORD or any other public document or any letters that he had in his possession bearing upon this subject.

That was the fault of the Senate. When he asked that permission it ought not to have been granted, in my judgment, but having been granted it does not lie in the mouth of the Senator from Kansas or of this body, in my judgment, to reprimand the Senator from Florida now. It is too late. The time has passed. The Senator from Kansas knows as well as I do the fact that speeches appear in the CONGRESSIONAL RECORD which are never delivered. That is not true of this body, but there is an immense mass of matter which is incorporated in the speeches of nearly every Senator who makes one, that we do not want to weary the Senate with, and we ask permission to have it printed. But yesterday the very RECORD in which the Senator's speech appears, he will find on examination that the Senator from Kansas [Mr. PLUMB] asked to insert in the RECORD a statement regarding the post-office appropriation bill, and so you find it with us all. A few days since I made a similar request, in discussing a matter, to insert a table without reading the entire table to the Senate. Permission was granted and I so incorporated it, as I had the right to do.

I have nothing to do with the matter of taste; I have nothing to do with the matter of judgment in bringing in these matters here and making them a part of the public record. I am unalterably opposed to it. I trust it will never be done again; but I assert that the Senator from Florida is entirely within the order, within the rules, within the permission granted by this body, and it is too late to bring this question up. Therefore I move that the resolution lie on the table.

Mr. CALL. I ask the Senator from Maryland to withdraw that motion.

The PRESIDING OFFICER. The motion of the Senator from Maryland is to lay the resolution of the Senator from Kansas on the table.

Mr. MANDERSON. I hope that it will be withdrawn for a moment.

The PRESIDING OFFICER. The Chair will state that the condition of this resolution is that it is subject to objection.

Mr. PLATT. I object, if I have that right.

Mr. CALL. I ask unanimous consent of the Senate to make a statement. There were some things stated with regard to me by the Senator from Kansas which I think it is proper that I should make some allusion to.

Mr. PLATT. May I be permitted to make a suggestion? I know it is out of order, but I am coming to feel that at least I have some rights upon this floor.

The PRESIDING OFFICER. Is unanimous consent given to the request of the Senator from Connecticut? The Chair hears no objection, and he will proceed.

Mr. PLATT. I really feel that I ought not longer to give way the bill which was under consideration and which I have been trying to get considered for the last ten days for this discussion. There is no telling when this discussion will end, and I think I am justified in making and insisting upon my objection.

Mr. CALL. I appeal to the Senator from Connecticut. There have been terms used in regard to me which I should make some reply to.

Mr. PLATT. Well, I withhold the objection for the present.

Mr. MANDERSON. Mr. President—

The PRESIDING OFFICER. Is there unanimous consent given by the Senate to the request of the Senator from Florida? The Chair hears none, and the Chair recognizes the Senator from Florida.

Mr. MANDERSON. I ask unanimous consent before the Senator from Florida proceeds that I may be permitted to make a statement.

The PRESIDING OFFICER. Does the Senator from Florida yield?

Mr. CALL. I do.

Mr. MANDERSON. Mr. President, I had no consultation with my colleague on the Committee on Printing, the Senator from Maryland, in regard to this publication. All I know about it is this, and I give the facts for the information of the Senate: The Public Printer keeps in the Capitol an agent or messenger whose duty it is to take orders for such speeches as Senators or Representatives may desire to have published in pamphlet form, and to give an estimate of the cost, etc. Two or three days ago this messenger came to me with an amount of printed matter which he said had been sent to the Public Printing Office, part in print and part in manuscript, by the Senator from Florida, with the request that it be printed in pamphlet form, and the question was asked me whether that could be so printed under the rules of the Senate. I advised the messenger—and he reported it, as I understand, to the Public Printer—that that could not be done.

My attention was called to this, that may be construed as a leave to print to a certain extent, and I said that under that very liberal leave the printing would have to be done first in the CONGRESSIONAL RECORD; that if the matter contained in the pamphlet was not an extract from the RECORD it could not be printed at the Public Printing Office, and would not be frankable if it was printed; and after that occurrence, the matter appeared in the RECORD.

That is the simple statement which I desired to make in justification of the action of the Public Printer, and showing the action of the chairman, at least, of the Committee on Printing.

Now, I wish further simply to say that I have during the progress of this debate made such hurried examination as I could of the publication with which we are all familiar, known as the "History of Senate Bills and Joint Resolutions," and I feel quite satisfied that the Senator from Florida will, upon an examination of the table which he has printed, make very considerable alterations in it. I do not think it contains a correct statement of the facts, as to one Senator particularly, through whose record, if I may call it such, I have glanced, who is reported as having secured the passage of but one bill other than pension bills. I find that that Senator procured the passage through the Senate of twenty-eight bills in all. I have not been able to examine how many of those became laws by the concurrent action of the House of Representatives, but I am positive that this table is very inaccurate, and will be revised by the Senator from Florida on further examination.

Mr. CALL. Mr. President, with reference to this table I wish to say that I did not prepare it; there may be some errors in it, but I will venture to say, as it was prepared by a very careful person, that it is substantially correct. The point of the whole matter, if there is any point in it, is as to the bills which became laws. The table of the history of bills shows that very few bills introduced by Senators became laws.

What is the need of such feeling upon the subject? The Senator from Vermont [Mr. EDMUNDS] everybody knows to be a man of great experience and great ability. His record is there; and it will be seen that the number of bills which became laws at his hands is small, though he is chairman of a leading committee. And so it is of all the Senators. It was designed simply to show the fact, as to which there

should be no kind of question or dispute, that a Senator's record here is not to be judged by the number of little bills presented by him that become laws.

That is the whole of it. The country knows it. Why should not a Senator be defended upon just and proper grounds on impeachment? How small the man, how bitter the malevolence, how mean the character that can find in such circumstances the willingness to accuse another Senator of falsifying the record!

Mr. President, I will not use such expressions. When I have occasion to say that of a Senator, I shall demand of him that he show the courage of a man and not the cowardice of a slanderer. I will ask him to act like a man and not like a coward—a poor coward—by the falsification of the record and the imputation of improper motives to others.

Mr. President, I had not the slightest idea that I was not defending the character of every Senator. I have sought peace and friendship with every associate I have here, and have accorded to them the highest respect. If I have said anything in discussion which impinged upon the feelings of any one, I have always been ready in advance to withdraw it. Had I for a moment supposed that in this table of the history of bills, which I aver to be substantially correct and which I will have revised by a more careful man, if one can be found, though I doubt it, I will have it revised and corrected in the smallest particular. Substantially it is correct. It may be compared, item by item, with the history of the bills. Its whole purpose was to show that a Senator made a record here by the principles that he advocated, by the ability of his speeches, by his constant attention to business, and by the impression he made upon the general public policy of the country. He is sent here to consider great public measures, to be a part in the formation of the public policy. The drawing of a bill is a small thing. It is designed to call the attention of Congress to the consideration of the subject.

Mr. President, the Senator from Kansas should be far above doing what he has done. The distance between the heights to which his intellect should carry him and the moral degradation of making an imputation upon a person should be the difference between heaven and earth. He should feel humiliated to have made this attack here. It is unbecoming to him and to the ability that he possesses. Why, Mr. President, it is small; it is mean. There is no language which can characterize a willingness to inflict upon another person the imputation of falsehood. I deny it. I affirm that I intended and believe that I have conformed literally to the letter of the leave given to me by the Senate.

I differ in opinion from my distinguished friend from Maryland [Mr. GORMAN]. I hold that when a Senator is charged with false swearing, when he is charged with inattention to business, with incapacity, with a want of influence, when his record is incorrectly stated to his injury by persons outside of this Chamber, it is his duty to his State, his duty to the Senate, his duty to himself and his own manhood to defend himself, and defend himself upon the floor of the Senate, and clear the Senate of the imputation of having members who are falsely charged with improper and with criminal acts. Therefore, Mr. President, I had no hesitation, having consulted one of the members of the Committee on Printing and had the pamphlet carried to another member, the Senator from Nebraska [Mr. MANDERSON], for his personal examination, and when it was reported to me that it would have to appear in the CONGRESSIONAL RECORD, I, desiring to print it as an appendix, and an objection being made, had the manuscript carried to both members of the Committee on Printing, and consulted them and received from them the information that it was proper to print it.

Now, Mr. President, in regard to this very small thing, the Senator from Kansas accuses me here of striking out this clause about the appendix.

Mr. TELLER. Will the Senator from Florida allow me to interrupt him for a moment?

Mr. CALL. I will.

Mr. TELLER. I should like to say to the Senator from Florida that in the appendix he wants to reform his figures. I see that he gives me credit of having passed one bill. If the Senator will look over the RECORD he will find that a great many introduced by me passed this body, and more than ten times the number stated also passed the House of Representatives.

Mr. CALL. Mr. President, I have not read the printed form. There may be various errors of the printers, and I will have them corrected. I desire to say that if there be such a statement in this pamphlet in regard to the Senator from Colorado it will do him no harm, for the country knows his distinguished ability and his great fidelity, and a hundred statements of that sort would do him no injury.

I was proceeding to say that the Senator from Kansas deliberately accuses me of a falsification of this record. Now let us try that question. If I am guilty, I deserve condemnation. If the Senator from Kansas is guilty, I will leave it to himself and to others to say. Let us look at it a little. The President of the Senate, the Presiding Officer of the body, a distinguished orator, rises here in the Senate and accuses me of falsifying the record. If his charge be false, upon whom does it rest?

Mr. INGALLS. Will the Senator allow me a moment?

Mr. CALL. I will.

Mr. INGALLS. Did or did not the Senator leave out in the print this morning the words that appear in the print of June 2, relating to the appendix?

Mr. CALL. Yes.

Mr. INGALLS. He left them out?

Mr. CALL. He did, purposely.

Mr. INGALLS. He did? By what authority?

Mr. CALL. But the Senator from Kansas when he makes that statement accuses himself. The Senator from Kansas does injury to his own character. Why? Ah, you need not smile, you can not escape the blot. Who does not know that the Senator from Kansas knows that he is making a charge of falsification upon an immaterial thing, which conveys no culpability of any kind whatever? I could convict him before a jury of his own Kansas people, and send him to the penitentiary upon that charge—a charge of falsification—and the specification that I had left out the words to be printed "in an appendix to these remarks." What difference does it make whether it was printed in an appendix or as part of the remarks? That is the question. Does the Senator from Kansas say it was material to the order of this body and the leave that was given that this should be printed as an appendix or as a part of this RECORD and part of my speech? But that is not sufficient. The Senator from Maryland [Mr. GORMAN] read to the Senator from Kansas that I had obtained a double leave. I had obtained the specific leave of the Senate to print this as a part of my remarks and, again, I had obtained leave to print it as an appendix, which gave me privilege of doing either, and the Senator from Kansas, when he made that charge of falsification against me, knew that that RECORD contained the leave to print this statement and these letters and that table to which I specifically referred in my remarks, to print it either as a part of my remarks or as an appendix to my speech; and when I asked to print it as an appendix to my speech I show the evidence here of the Senator from Maryland [Mr. GORMAN] and the Senator from Nebraska [Mr. MANDERSON] that I applied to them to know which of the two courses I should pursue, and they said "print it as a part of your remarks."

That is all I have to say.

Mr. CULLOM. Now I hope we shall have the regular order.

The PRESIDING OFFICER. There being objection to the consideration of the resolution, it will go over.

ADMISSION OF WYOMING.

Mr. CULLOM. Regular order.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 982) to provide for the admission of the State of Wyoming into the Union, and for other purposes.

Mr. PLATT. Mr. President, there is but one amendment which the Committee on Territories desire to propose, and that is in relation to the Yellowstone National Park, reserving the jurisdiction and the right of control of Congress over the Park. I hardly think it is necessary, but in order to avoid any possible question about it, in behalf of the committee I offer a proviso to come in at the end of section 1.

The VICE-PRESIDENT. The amendment will be read.

The CHIEF CLERK. At the end of section 1 it is proposed to add the following proviso:

Provided, That nothing in this act contained shall repeal or affect any act of Congress relating to the Yellowstone National Park, or the reservation of the park as now defined, or as may be hereafter defined or extended, or the power of the United States over it; and nothing contained in this act shall interfere with the right and ownership of the United States in said park and reservation as it now is or may hereafter be defined or extended by law; but exclusive legislation, in all cases whatsoever, shall be exercised by the United States, which shall have exclusive control and jurisdiction over the same; and the said State shall not be entitled to select indemnity school lands for the sixteenth and thirty-sixth sections that may be in said park reservation as the same is now defined or may be hereafter defined.

Mr. JONES, of Arkansas. I rise to suggest to the Senator from Connecticut that that amendment would probably come in better at the end of section 2 than section 1.

Mr. PLATT. I have no objection to that.

Mr. JONES, of Arkansas. I am not sure about it. I merely make the suggestion to the Senator.

Mr. PLATT. It was offered as a proviso to section 1.

Mr. VEST. That ought to come in at the end of section 2.

Mr. PLATT. At the end of section 2?

Mr. VEST. Section 2 applies to boundaries.

Mr. PLATT. I cut it out from the RECORD, it being an amendment offered in another place.

The PRESIDING OFFICER (Mr. GRAY in the chair). The question is on the amendment proposed to section 2.

The amendment was agreed to.

Mr. PLATT. Mr. President, I do not desire to take the time of the Senate in a speech or statement of the claims of Wyoming to admission as a State; and if it be thought that such a statement ought to be made to go in the RECORD, I can not make a better or a more condensed one than is made in the report of the committee, and in lieu of any oral statement I ask that the report of the committee may be read.

The PRESIDING OFFICER. If there be no objection, the report will be read.

Mr. PLATT. I mean that portion of it which precedes the appendices.

The Chief Clerk read the report submitted by Mr. PLATT January 20, 1890, as follows:

The Committee on Territories, to whom was referred the bill (S. 894) entitled "A bill to provide for the admission of the State of Wyoming into the Union, and for other purposes," together with the memorial of the people of the Territory of Wyoming praying for the admission of that Territory as a State, having considered the same, respectfully submit the following report:

At the last session of Congress your committee reported favorably a bill authorizing the people of Wyoming Territory to hold a convention to frame a constitution, and to submit the same to the people of the Territory for adoption or rejection, preparatory to admission as a State. This bill having failed to receive consideration in the Senate, a majority of the boards of county commissioners in Wyoming petitioned the governor of the Territory to issue a proclamation for a constitutional convention such as was contemplated by the bill.

An apportionment of the Territory into districts was thereupon made in the same manner as was provided in the bill by the governor, chief-justice, and secretary of the Territory.

A proclamation was issued by the governor, calling a constitutional convention for the purpose of framing a constitution and forming a State government preparatory to admission. In his proclamation the governor substantially adopted the provisions of the Senate bill.

The election of delegates was held on the second Monday of July, 1889, and the convention assembled on the first Monday of September, 1889, at Cheyenne, the capital of the Territory. The convention adjourned on the 30th day of September, 1889, having framed a constitution, a copy of which is hereto annexed. (Appendix A.)

The constitution was submitted to a vote of the people of the Territory of Wyoming, at a special election held in pursuance of a proclamation of the governor, on the 4th day of November, 1889, and adopted by a vote of 6,272 in favor of the constitution to 1,923 against it, the total number of votes cast being 8,195. The vote on the adoption was small, compared with the vote cast at the Delegate election in 1885, which was 18,010. But a severe snow-storm occurred on the day before the election, and election day was an unusually cold and uncomfortable one throughout the Territory; and the fact that no more votes were cast at that election, in the opinion of the committee, does not at all reflect any indifference of the people of the Territory, who have, indeed, manifested during the last few years an earnest desire for statehood.

The committee can not better set forth the claims of the Territory of Wyoming to admission than by attaching to this report the memorial addressed to the President and Congress by the memorial committee appointed by the constitutional convention above referred to. (Appendix B.)

Your committee believe that the claims of the people of the Territory of Wyoming should be recognized, and Wyoming admitted as a State into the Union under the constitution so framed and ratified.

Wyoming was carved out of territory acquired by the United States with the purpose that new States should be formed whenever it should be sufficiently settled and developed to make the creation of such States wise and proper. This purpose has been too often expressed to be the subject of doubt.

The third article of the Louisiana treaty says:

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States."

The Territorial system was adopted only as a matter of necessity, in order that there might be some government in an undeveloped and sparsely settled region. And whenever settlement and development make it possible for a people to sustain a State government, according to the principles of the Federal Constitution, the Territorial government should be abandoned and the privileges of State citizenship conferred upon its people.

Sufficient progress and development have been made in the settlement of Wyoming Territory to make it certain that it will become a strong, prosperous, and progressive State, an honor alike to its own people and to the nation. Its area is about 98,000 square miles; it is rich in material resources; its people are intelligent, enterprising, imbued with republican spirit, and eager to assume the responsibilities of citizenship. It is exceedingly rich in minerals, metals, and petroleum. Its coal deposits are undoubtedly equal in extent and value to those of Pennsylvania, about 30,000 square miles of the Territory being underlain with coal. Gold and silver, copper, lead, and iron are abundant; and recent developments indicate that its petroleum product will be very great. The mineral wealth of the Territory can scarcely be comprehended, and from this source alone it is destined to become one of the richest States in the Union.

Its agricultural development will depend largely on irrigation; but its arid lands when irrigated will be capable of a wonderful production, and able to sustain a dense population. No other State or Territory having arid lands equals Wyoming in the number of its streams whose waters can be diverted and uniformly distributed over its entire area. Irrigated land produces much more to the acre than the most fertile land not requiring irrigation. Professor Mead, the water engineer of the Territory, says:

"Wyoming stands third in extent of irrigated lands and in number and mileage of irrigation canals. More than \$10,000,000 are invested in irrigation ditches and canals, and over \$15,000,000 have been expended in the reclamation of desert lands. The irrigated districts, as to extent, are equal to two-thirds of Italy, and are greater than that of France and Spain combined. The lands now reclaimed would, if divided, make 30,000 80-acre farms; and, if provided with transportation facilities, would furnish employment and support for more than one-quarter of a million of people. Fully 10,000,000 acres can be reclaimed by irrigation if proper measures are taken for storing and distributing the water. These lands are not only enormously productive, but their agricultural value is enhanced by contiguity of over 13,000,000 of acres of valuable grazing lands. The irrigable land of this Territory equals in extent the combined irrigation of Egypt and Italy, the agricultural area of which supports over 10,000,000 people. Taken in connection with the grazing land, its area and productive value are above the States in the Mississippi Valley."

Most of the lands of Wyoming not capable of being irrigated are well adapted to grazing.

It has large tracts of timber land, from 8,000,000 to 10,000,000 acres being covered with forests. Its assessable wealth in 1889 was \$31,500,000; its actual wealth probably exceeds \$100,000,000. Few States, if any, have been admitted to the Union which at the date of admission had as much actual wealth as Wyoming. Its enterprise in the erection and maintenance of public schools shows the high estimation which its people put upon education. By the census of 1880 its illiteracy was less than that of any State or other Territory. Institutions which characterize a progressive and enlightened people are already well established in Wyoming. A university, an insane asylum, a deaf and dumb asylum, a Territorial farm for the poor, have already been established, at a total cost of not less than \$200,000. A fine capitol building has been erected at a cost of \$275,000.

The population of Wyoming undoubtedly exceeds 100,000, and is probably in the neighborhood of 125,000. It is rapidly increasing, and its great resources, as yet scarcely touched in their development, insure a steady increase for many years to come. The enterprise of its citizens, their intelligence and public spirit, and the wisdom with which they have managed their Territorial affairs are

guaranties that they would conduct a State government with great credit to themselves and to the Union.

The committee would supplement this meager sketch of the condition of Wyoming by a quotation from the report of Governor Warren to the Secretary of the Interior for 1889.

"WYOMING EPIITOMIZED.

"Wyoming will be in size the eighth State in the Union. It is more than ninety-seven times the size of Rhode Island.

"*Statehood.*—The Territory desires statehood, and having nearly 100,000 square miles of area, 100,000 population, \$100,000,000 of wealth, and extensive undeveloped resources, the people are entitled to the full benefits of State government.

"Excepting coal, the mineral wealth of Wyoming has been but slightly developed. The extension of railroads now being built and projected will early bring about great changes and rapid development.

"About 30,000 square miles of the Territory is underlaid with coal.

"Wyoming will perhaps become more noted for her oils than any other product. Oil is found in large areas, some of the basins reaching 30 by 150 miles.

"Mountains of iron and generous deposits of gold, silver, copper, lead, mica, cinnabar, tin, sulphur, soda, salt, borax, asphaltum, gypsum, graphite, magnes-ium, asbestos, kaolin, and mineral paint are found; also marble, sandstone, limestone, granite, slate, and other decorating and building stones.

"The mineral wealth of Wyoming is more than sufficient to pay the national debt, as will be demonstrated by future development.

"Natural gas is believed to exist, but no considerable discovery has yet been made.

"Brick clay exists in all parts of the Territory.

"One hundred and fifty thousand horses and mules, 1,500,000 cattle, and 1,250,000 sheep graze on the ranges of Wyoming.

"Nutritious grasses, curing where they grow, furnish abundant food for both domestic animals and wild game.

"Irrigation is largely depended upon to raise farm products, yet small grains, grasses, and vegetables are raised without irrigation over a very considerable area. With irrigation alfalfa makes from two to four crops a year, and grains and vegetables make a phenomenal yield.

"The Union Pacific Railway runs nearly 500 miles through Southern Wyoming. The Denver Pacific branch runs south from Cheyenne; also the Colorado Central. The Cheyenne and Northern runs north from Cheyenne. The Oregon Short Line runs northwest from Granger, in the western portion of the Territory. The Fremont, Elkhorn, and Missouri Valley Railway extends nearly 200 miles from the eastern border to the center of the Territory. The Burlington has a complete line to Cheyenne, and has a line graded, about receiving iron, in the northeast portion of Wyoming. The Wyoming Eastern will traverse the entire Territory from east to west, and many other projected lines and branches are reported in progress.

"The climate of Wyoming is cool in summer and mild in winter, with but few snow-storms, which are usually accompanied by wind, preventing a complete covering of the ground. While subjected to occasional heavy snowfalls, the average winters are neither severe nor long. We have few cloudy and many sunny days, and it is healthful in the highest degree.

"The many rivers of Wyoming, with their numerous branches, water very large tracts of land, and also furnish food-fishes.

"Wild game abounds in nearly every portion of the Territory, and its wanton slaughter is prohibited by law.

"A very large portion of the public lands are yet unsurveyed, and much of that surveyed is still unoccupied.

"There is room for all, either in agricultural pursuits, mining, stock-raising, or other business.

"The birds of Wyoming include over one hundred and twenty-five species.

"Yellowstone National Park is nearly all within the borders of Wyoming. Its scenery and its wonderful freaks of nature are unequalled in the world.

"Business in Wyoming is generally prosperous notwithstanding the present low price of the cattle product.

"There are thirty-one newspapers printed in the Territory, four of them dailies.

"The people of Wyoming are of high average in education and general habits. The early settlers came from nearly every part of the world, but later they came chiefly from the Eastern and Southern States.

"Public schools are maintained throughout the Territory, and teachers are carefully selected.

"The church edifices are very numerous, and many of them are costly and of high order of architecture. They are very generally attended.

"The laws of Wyoming are good and generally applicable to the country, and the people are law-abiding.

"No fatal contagious diseases exist among live-stock and the Territory constantly employs an efficient veterinary surgeon to prevent the dissemination of disease, and quarantine laws and sanitary regulations are maintained.

"The Territory created the office of mining inspector to secure the safety of men employed in coal and other mines.

"The office of Territorial geologist is maintained to encourage the development of mining.

"The office of Territorial engineer provides a skillful official, whose duties are to encourage, superintend, and control irrigation.

"The Territory has a fish hatchery for the purpose of stocking streams not already provided, and a competent fish commissioner is in charge.

"The social status of Wyoming is excellent. Societies, literary, social, secret, and others, are well represented and satisfactorily supported.

"Wyoming has a law library of 15,000 volumes, and other public libraries are found in the larger towns.

"The flora of the Territory comprehends, in addition to flowering plants, large varieties of grasses, and some sixty species of mosses, lichens, and various species of tree flora, the latter more fully described under the heading of timber and lumber supply.

"The fauna of Wyoming is extensive in its genera and species. Perhaps no State or Territory excels in this. Some fifty species of food-fishes abound in our water courses and lakes.

"Some thirty species of mammals abound, including game animals.

"Wyoming now has a population more than double that of either Alabama, Missouri, Ohio, Oregon, Illinois, and some other States, when admitted.

"Women's suffrage, first adopted in 1890, is favored by both political parties.

"Wyoming is becoming noted as a resort for those in search of health and strength and the highest physical development.

"The Indians of Wyoming are not warlike, and efforts are being made to educate them in farming and other industrial pursuits.

"The mail service is fair, but in many localities more mail routes and better facilities are needed to accommodate the inhabitants and to assist in developing the Territory.

"Financial standing in the Territory (public, private, and corporate) is high.

"There are two companies of Wyoming National Guards already organized and equipped.

"Wyoming has one county, Fremont, with an area equal to that of Massachusetts, New Jersey, Delaware, and Rhode Island combined.

"The coal area of Wyoming is twice as large as that of Pennsylvania.

"The mineral paint of Wyoming is the best ever used on bridges, roofs, and other structures exposed to the elements.

"The people of Wyoming have \$10,000,000 invested in irrigating canals, ditches, and reservoirs, which is not included in the assessed valuation of the land on which the same are located.

"The high mountain ranges of the Territory shield its valleys from the severe blizzards so common in some of the Western States and Territories.

"The scenic features in Wyoming are remarkable. Meadows and great natural parks are encircled by lofty and majestic snow-capped mountains, their sides covered with forests, innumerable streams, great water-falls, and extraordinary and fantastic rock formations, and other grand and beautiful scenery.

"The census of 1880 shows that Wyoming has the smallest percentage of illiteracy of any political division of the United States. The people are generally young, vigorous, industrious, and of high character.

"Wyoming has provided laws for free county libraries and a small tax is levied for their support.

"Wyoming has a Territorial agricultural fair and a number of county fairs.

"Rainfall in Wyoming averages on the plains about 14 inches; on the mountains perhaps three times as much.

"There are twenty banks in Wyoming.

"Interest rates are from 6 per cent. to 12 per cent.

"Live-stock and mining industries furnish an excellent market for all kinds of produce.

"Wyoming public buildings comprise the capitol, university, fish hatchery, penitentiary, poor farm, asylum for deaf, dumb, and blind, and asylum for insane.

"The cities and towns of Wyoming have a high class of municipal buildings.

"Our undeveloped resources are abundant and very promising, simply needing brains, money, and muscle.

"Wyoming has several telephone exchanges and fair telegraphic advantages.

"Women's suffrage, conferred in 1890, is recognized and established in the proposed constitution.

"Under the present Administration all appointees of the Territory have been bona fide residents.

"Representatives met in convention and adopted a constitution for the proposed State of Wyoming.

"In 1886 the total acres of land assessed was 394,789; in 1889 it is 5,868,370.

"Wyoming has already 1,000 miles of main trunk-line of Union Pacific Railway, Chicago and Northwestern, and Chicago, Burlington and Quincy, but needs more.

"The mean altitude is about 6,000 feet, ranging from 3,000 to 14,000.

"Wyoming has numerous advantageous sites for the easy construction of large storage reservoirs.

"The Territory produces annually a large amount of hay. Small grains do remarkably well.

"The soils of Wyoming are generally rich, the only fertilizer needed being water. The sage-brush districts raise good crops when subjected to irrigation.

"Four-fifths of the counties in Wyoming have substantial and commodious brick or stone court-houses.

"Wyoming is the youngest of the Territories. It is 275 miles north to south and 350 east to west, forming a parallelogram.

"School-houses and school property in the Territory are worth \$1,000,000.

"The Territorial public buildings have a value of \$500,000.

"Wyoming has a compulsory school law and the teachers are carefully selected.

"Heavy forests cover over 7,000,000 acres of Wyoming, and there are about 15,000,000 acres having more or less timber.

"School and university lands are rented in Wyoming and rental applied to support of public schools.

"Wyoming cast a vote of 18,010 in 1888. The next vote will be much larger.

"The streams of Wyoming furnish water enough to irrigate 18 to 20 per cent. of its area.

"Wyoming has 600 streams already used to some extent for irrigation, and a great many more from which no ditches have been taken.

"The number of recorded ditches is over 2,600, and there are more than 5,000 unrecorded.

"The total length of irrigating ditches is over 5,000 miles."

Your committee find much to praise and nothing to condemn in the constitution which has been adopted, and believe that the highest and best interests of its people as well as the strength and glory of the Republic will be subserved by its immediate admission as a State. The bill referred to the committee conforms to the bill recommended at the last session of Congress for an enabling act, except as to the method of admission; and with some verbal and unimportant amendments in the text, the committee recommend that it do pass.

Mr. PLATT. It has been suggested to me by the Senator from Colorado [Mr. TELLER] that perhaps the amendment which was adopted might operate to prevent the service within the park of civil and criminal process issued within the State of Wyoming, and thus afford an asylum to criminals and persons who want to avoid process. I therefore ask leave to amend the amendment which has already been adopted. I suppose it will require unanimous consent.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the eighth line of the amendment agreed to, after the word "same," it is proposed to insert:

But nothing in this proviso contained shall be construed to prevent the service within said park of civil and criminal process lawfully issued by the authorities of said State.

The PRESIDING OFFICER. If there be no objection, the amendment will be considered as agreed to. It is agreed to.

Mr. JONES, of Arkansas. I wish to ask the Senator from Connecticut if he does not think that it would be better, in connection with the report of the committee he has had read, to have certain portions at least of Appendix B, the memorial of the constitutional convention asking for the admission of the State, read, or does he prefer to let that come up in the course of the discussion.

Mr. PLATT. I have finished my part of the discussion of this bill unless some Senator should desire some further information. If the Senator from Arkansas desires that anything which is printed in either of the appendices to the report should be inserted in the RECORD, I have no objection, if he will indicate what it is.

Mr. JONES, of Arkansas. I simply suggested that as this was a memorial coming from the constitutional convention, probably it would be best to have it appear as a part of the record as made up showing the committee's side of this question. So far as I am concerned, the part of it I desire to have read I can have read subsequently in the

course of the debate, but it occurred to me that it might be well for it to go into the RECORD as a fair statement of the case in connection with the report.

Mr. PLATT. Does the Senator desire that it shall be read at length at the desk, or merely inserted in the RECORD?

Mr. JONES, of Arkansas. I leave that entirely with the Senator. So far as I am concerned if it is not read to the Senate there are some parts of it that I shall feel myself called upon to read later in the course of the discussion. It can be read to the Senate now, and it would perhaps avoid the necessity of a subsequent reading. I leave that, however, to the discretion of the Senator from Connecticut, just whatever he thinks best.

Mr. PLATT. At the request of the Senator from Arkansas I will ask that Appendix B, containing the memorial of the constitutional convention of the Territory of Wyoming, praying for admission as a State into the Union, be read.

The PRESIDING OFFICER. It will be read.

The Chief Clerk read as follows:

APPENDIX B.

Memorial of the State constitutional convention of the Territory of Wyoming, praying the admission of that Territory as a State into the Union.

To the President and Congress of the United States:

The people of Wyoming, prompted thereto by a consideration of the great importance of an early escape from the Territorial condition and of the rights which pertain to American citizens, having taken the preliminary steps toward organizing a State government by the adoption of a constitution republican in form, do now, through their authorized agents, present such constitution to the President and Congress of the United States, and respectfully pray to be admitted as a State into the Union of States.

BRIEF ANTECEDENT.

During the nearly twenty-one years since the organization of the Territory, the people of Wyoming have with energy, industry, and becoming patience labored to reclaim the vast region of country embraced within its boundaries, meanwhile graciously accepting the general rule of Federal authorities, confident that when sufficiently populous and sufficiently developed to justify such action, the Territory would be cheerfully accorded the full benefits of statehood. In their judgment that condition of things has been fully realized. And accordingly, moved by their conviction of what was demanded, and by the known wish of the great body of their constituents, the Tenth Legislative Assembly, which convened in January, 1888, memorialized Congress for an enabling act; declaring it to be "manifest that the prosperity and welfare of the people of this Territory will advance under State institutions far beyond what can be realized under a Territorial condition." This memorial is hereto attached as Appendix A.

Through the instrumentality of the Delegate from Wyoming, Hon. JOSEPH M. CAREY, a bill was accordingly introduced in the Senate during the Fiftieth Congress (S. 2415) to provide for the formation and admission into the Union of the State of Wyoming, and for other purposes. During the closing days of that Congress the Committee on Territories, to whom it was referred, having amended the same, unanimously reported it with the recommendation that it pass, setting forth in a very strong light, as reasons therefor, the vastness and varied character of the resources of the Territory; its very considerable development; its high financial standing; the excellent provision made for education, as well as for public charities, and the sufficiency of population.

At the same session a bill (H. R. 1211) to enable Wyoming and certain other Territories to form constitutions and State governments was also favorably reported by the House Committee on Territories, whose report in like manner illustrated the wealth of Wyoming, with its advanced condition and excellent prospects, submitting in connection that the facts fully established the claims of Wyoming to statehood.

Not desiring that, if time had permitted, an enabling act would have been passed by Congress during said session, and assuming the no less favorable action of the Fifty-first Congress upon a proper constitution presented for its approval, boards of county commissioners of a large majority of the counties, basing their action on the Senate bill aforesaid, passed resolutions expressing the opinion that there should be immediate action to this end; pledging themselves to put in operation the election machinery under the laws of the Territory for the election of delegates to a constitutional convention, as well as to submit such constitution as should be framed to the people for their ratification or rejection, in case the Territorial officers in said bill designated should take the requisite initiatory steps, and requesting such Territorial officers to divide the Territory into districts, apportion the number of delegates thereto respectively, and do such other acts as were necessary for convening a constitutional convention in the manner and form provided by the terms of said Senate bill. The form of resolution so adopted by the county boards is hereto attached as Appendix B.

In pursuance of the requests so made, the governor, chief justice, and secretary of the Territory did on the 3d day of June, 1889, convene at the capitol, divide the Territory into delegate districts, and apportion the number of delegates thereto on the basis of the population of each as shown by the votes cast for Delegate in Congress at the last general election, namely, on the 6th of November, 1888, officially certifying to such action on their part; which certificate will be found hereto attached as Appendix C.

Whereupon the governor of the Territory, "recognizing the superior and material advantages of a State government over our Territorial system, and being desirous of carrying into effect the will of the people," issued his proclamation, recommending the necessary action, and directing that an election be held throughout the Territory on the second Monday of July, 1889, for the election of delegates to a constitutional convention, to assemble at Cheyenne on the first Monday of September, 1889, for the purpose of framing a constitution for the State of Wyoming, and of submitting such constitution to the people for their ratification or rejection; also recommending that in framing a State government "the provisions of the aforesaid Senate bill be followed as nearly as possible," and directing that the constitution so formed by such convention be submitted to the people on the first Tuesday of November, 1889. The said proclamation is hereto attached as Appendix D.

In obedience to the call of the governor, fifty-five delegates were chosen, and on the said 2d day of September, 1889, delegates to the number of forty-nine, every county and both political parties being represented, convened in the capitol at Cheyenne, and having been duly sworn, organized as a convention and proceeded to frame the constitution, a copy of which will be found attached hereto as Appendix E.

The constitution so framed was submitted as directed, according to the provisions of section 7 of Article XXI thereof, and was ratified by five-sixths of the citizens voting thereon, by a vote small in itself, and yet large in view of the little opposition felt by the people, and of the facts that no other issue was presented and that the day of the election followed one of the severest snowstorms ever known at that season, and was also marked by extreme cold,

rendering it practically impossible for the people of many precincts to reach the polls.

From the foregoing, it will be apparent that the people of Wyoming are almost unanimous in their desire for a State government, and that they have earnestly, harmoniously, and with due observance of the proper forms, taken all the steps necessary to a formal application for admission into the Union.

PRECEDENTS FOR LIKE ACTION.

Numerous precedents for just such methods of procedure might be cited, nearly half of the whole number of States admitted since the formation of the Federal Union (to wit, Vermont, Kentucky, Tennessee, Maine, Michigan, Arkansas, Florida, Iowa, Wisconsin, California, and Oregon) having in like manner proceeded without enabling acts from Congress.

THE RIGHT TO ADMISSION.

Discussing briefly the grounds upon which the admission may be urged as a right, it may be declared a settled principle of the Government that territory acquired by the United States is, in the language of Chief Justice Taney (19 Howard, 446), "acquired to become a State, and not to be held as a colony and governed by Congress by absolute authority;" that "Territorial governments are organized as matters of necessity, because the people are too few in number and want in resources to maintain a State government," but "are contrary to the spirit of our American Constitution" and "are to be tolerated and continued only so long as that necessity exists." This view has been entertained by leading statesmen from Washington's day to the present time. It found expression in the ordinance of 1787, which, giving to the Northwest Territory at first a colonial government, yet carefully provided for an early transition to the Territorial state and then for the admission of States formed therefrom at as early a day as practicable, and on such conditions as should be deemed "consistent with the general interests of the Confederacy." It also had expression in the Louisiana treaty, which secured to the Government the territory out of which have been formed so many great States, the third article of which treaty says:

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States."

The same principle is recognized in the treaty of 1848 with Mexico, whereby yet other vast areas were added to our domain.

It is by virtue of these treaties that the area embraced within our boundaries became a part of the Federal domain, on which account it may of right be claimed that the principle therein enunciated has full application to the case of Wyoming.

While the expression "as soon as possible, according to the principles of the Federal Constitution," is general and indefinite, it will not be denied that it involves the idea of reasonable conditions and clearly implies a strong and solemn obligation of the Federal Government to deal with the people of the Territories in a just and equitable manner as their fiduciary, for the time holding in trust the most sacred interests, bound to relieve them at the earliest moment, consistent with the general welfare, from the disadvantages of the Territorial condition.

THE CONDITIONS REQUISITE ALREADY FULFILLED.

The proper conditions to be fulfilled by any Territory seeking admission are simply these:

1. The boundaries of the proposed State should be free from the embarrassment of conflicting claims and should include such reasonable area as will at once insure a strong and competent State and in no way disturb the policy of the Federal Government or the peace of neighboring communities.

As to this matter the boundaries proposed for the State of Wyoming are precisely those fixed by Congress when the Territory was organized, and the physical features of the area of 98,000 square miles embraced are of such character as to favor homogeneity of population and harmony between all sections.

THE MATERIAL FOUNDATION VAST AND SUBSTANTIAL.

2. There should be a sufficient material foundation upon which to build the State.

On this head there is but little need of enlargement, since the resources of Wyoming are already well known to the world as being unsurpassed, either in variety or extent, by those of any equal area. Of the whole area, the greater portion affords as good grazing for stock as can be found in the world; some 10,000,000 acres are fertile valley lands, irrigable by means of numerous streams, no less remarkable for the permanence of water supply than for their wide and equal distribution over the whole Territory, while the eccentric chains and spurs of mountains, much broken up and interrupted by broad stretches of valley and plain, besides being clothed, many of them, with forest timber, are also great store-houses of mineral wealth, containing not only gold and silver, copper and tin, but an almost unexampled supply of other minerals, such as iron, asbestos, mica, plumbago, sulphur, mineral paint, kaolin, fire-clay, and gypsum; also granites, sandstones, limestones, and marbles in great variety. Moreover, outside of the mountain ranges, some 20,000 square miles of broken and basin lands are underlaid with coal of excellent quality in veins of extraordinary thickness. Vast deposits of soda and magnesia occur in many localities, while the oil basins are so many and so extensive as to indicate that Wyoming may become one of the most important petroleum districts of the world.

IMPORTANT DEVELOPMENT ALREADY ACHIEVED.

3. It is admitted that the resources of a Territory seeking admission should have been so far developed as to furnish the requisite guaranty of ability on the part of the new State to support a State government and to perform its part as a member of the family of States.

That this point has been reached by Wyoming, there is no room for doubt. Notwithstanding the recent heavy losses in the department of live-stock, the total assessed valuation of property has reached in 1889 the sum of \$31,431,495, a valuation representing a real wealth of not less than \$100,000,000 including 900 miles of railway with equipment; 5,868,370 acres of land assessed; 4,506 miles of irrigating ditches, for the irrigation of 2,000,000 acres of land, and valued by the Territorial engineer at \$10,000,000; about 3,000,000 head of live-stock, together with a large amount in roads, bridges, and other general improvements, besides developed mines (those of coal alone being valued at \$10,000,000 and yielding \$4,000,000 to \$5,000,000 worth of coal annually), with mills, furnaces, and factories, and the very considerable amounts in cities and villages, characterized by the substantiality and even elegance of their structures, both public and private.

Possessing all these and adding thereto her numerous extensive mercantile houses and her banks, increased from one national bank in 1871, with a capital of \$75,000, to nineteen banks, national and private, in 1889, with a total capital of \$1,553,000, Wyoming is abundantly able to make comparison of her industrial development and financial condition with those of any of the Territories that have gained admission since the formation of the Union—more than able to compare with many, as for example, with California, whose assessable wealth (assuming that it was assessed at even 60 per cent. of its true value) at the date of admission was \$12,597,123; Arkansas, whose valuation fourteen years after admission was \$19,000,000; Florida, whose valuation four years after admission was \$12,000,000; Iowa, whose valuation four years after admission was \$14,000,000.

000; Oregon, whose valuation two years after admission was \$19,084,000; and Kansas, whose valuation at the date of admission was but \$22,518,282.

A SUFFICIENT AND WORTHY POPULATION.

4. It is admitted that there should be such number of people with such intelligence and virtue as will constitute a reasonable guaranty of a successful and honorable career for the new State.

Touching the question of mere numbers in this case it is proper to say that it is of necessity a matter of estimate on the basis of the vote since the census of 1880. In 1870 the population was 9,115; in 1880, 29,799. In 1888 the vote for Delegate was 18,010, nearly equal to the whole population of eight years before. The rapid increase has been on account of the extraordinary progress of agriculture, as shown by the construction of no less than 2,600 irrigating ditches within the past five years, by the increase in the amount of land assessed to owners, and finally by the recent making of thousands of homes and the building of prosperous cities and villages in districts wholly uninhabited at the date of the last census.

Concluding on this one point, it is safe to assume that a population equal to the marvelous development faintly outlined above is a sufficient population, whether in number more or less than that of some other Territories heretofore admitted; especially when it is borne in mind that some of the great States were admitted with a population less than one-half that of Wyoming, at a low estimate, and that the average population of seventeen of the States, as estimated by their own people at date of admission, was but 60,000.

As to character the people of Wyoming are of the very best class of American citizens, having come from the most enlightened portions of the United States and Europe. Their intelligence is manifest from the fact that those over ten years of age unable to read and write amount to 2.6 per cent. only; that, without Government aid or a permanent school fund, they have maintained a compulsory school system since the organization of the Territory—a system under which schools of excellent character and for the education of all the children are for the most part kept open during the year; that they have founded a free university, now in the third year of its work, with building and grounds valued at \$150,000, with an able faculty of eight regular instructors and several lecturers; that the property consecrated to educational uses, generally, amounts to not less than \$1,000,000; that free public libraries, maintained by a general county tax, have been established and liberally supported in the principal cities; that newspapers are well supported at all the centers; that numerous literary associations are in active operation for the promotion of general culture, and that an enterprising academy of sciences is already contributing to the progress of science and the arts.

The virtue of the people and their active interest in all matters of social advancement are attested by the general good order of the community, the prevalence of religious organizations, and the munificent provision made for the unfortunate classes by the establishment and liberal maintenance of hospitals, and of asylums for the insane, the deaf and dumb, and blind. Their integrity is also manifest from the solidity of mercantile and banking houses, the non-default of public officers, and that extraordinary financial credit of Territory, counties, and municipalities, which has enabled them to negotiate their securities at a premium of 5 per cent. to 12½ per cent. although bearing low rates of interest.

5. It is important that there should be such homogeneity of the population and such share in the spirit, aims, and institutions of the country as will afford assurance of the requisite co-operation of the new State in furthering the great ends of the nation.

In Wyoming there are no dissensions among the people, whether on the ground of differing nationalities or diverse religions. They are as homogeneous and harmonious as the people of any of the States. In the language of the convention's address to the people, "the residents of Wyoming are the descendants of free citizens—such as framed the Constitution of the United States. The loyalty of the sons to republican institutions and their love of liberty have not been diminished, but increased by the hardships, dangers, and difficulties that have been encountered and overcome in laying the foundations of the commonwealth."

A GOVERNMENT REPUBLICAN IN FORM.

6. If it be a *sine qua non* that the State government to be framed shall be "republican in form," then it may be confidently asserted that the constitution of the State of Wyoming herewith submitted for the approval of Congress is pre-eminently republican, both in form and spirit; providing not only the usual frame of republican government, but also declaring absolute equality of rights, natural, civil, and religious, and likewise guarantying full equality of political rights and privileges to all citizens equal to the exercise of the political function, regardless of any condition or circumstance whatsoever other than individual incompetency, or unworthiness duly ascertained according to law.

A CONSTITUTION WITH PROPER COMPACTS AND SAFEGUARDS.

7. The further conditions precedent that the constitution and ordinances offered for the approval of Congress shall duly protect the property of the United States within the proposed State, and shall make no unjust discrimination against citizens of other States; that all debts and liabilities of the Territory shall be assumed and paid by the State; that perfect toleration of religious sentiment and opinion shall be secured, and that the Legislature shall make laws for the establishment and maintenance of a system of public schools open to all the children of the State, and free from sectarian control—all these conditions are entirely fulfilled by the constitution herewith submitted.

8. If it be also a reasonable requirement that the constitution shall afford every possible guaranty to the freedom and purity of elections, honesty and economy of legislation, competency and purity of administration, justice between man and man, just and equal taxation, with freedom from the heavy burdens of public indebtedness, reasonable limitations upon corporate power, with equal and suitable provisions for the encouragement of the industries of the State, as well as for the protection of the laboring classes of the people, then your memorialists represent that all these great interests have found in the constitution for Wyoming all such guaranties of every sort as the representatives of the people in convention were able to devise.

Wherefore, the people of Wyoming, feeling the justice of their claims, present this their cause, in full confidence that it will have favorable consideration from the President and Congress of the United States. We present no grievances, file no bill of complaint in their behalf. Their conviction is deep that great benefits in the form of a proper increase of public confidence and consequent influx of population and of capital, with more rapid growth of industries and a general increase of activities in every department of life would result from statehood, while they also crave that independence so dear to every American heart, and hence would press their claims in the strongest possible manner. They believe that there has never been a case in the whole history of the admission of States where less could have been said against the proposition on any score. Representing them, we have made demonstration of vastness and variety of resources as a foundation for great industries, actual industrial development quite beyond that of most of the existing States when admitted, with extraordinary proofs of an advanced social state; and finally, that the inhabitants of Wyoming are an intelligent, enterprising, and virtuous people, more than sufficient in number to assume the responsibilities of maintaining a prosperous State—a people as worthy, as competent, and strongly desiring not only the material benefits that would certainly follow admission, but also those price-

less immunities and dignities which attach to self-governing powers; a people, moreover, with oneness of feeling, and with earnestness of purpose to place Wyoming in the very vanguard of the Union.

Hence this petition, for the granting of which your memorialists will ever pray.

JOHN A. RINER, HENRY A. COFFEEN,
CLARENCE D. CLARK, H. G. NICKERSON,
JOHN W. HOYT, J. A. CASEBERER,
HENRY S. ELLIOTT, ELLIOTT S. N. MORGAN,
WM. C. IRVINE, LOUIS J. PALMER,

Memorial Committee appointed by Constitutional Convention.

Mr. PLATT. Several Senators have expressed to me a wish that the constitution as published in the appendix to the report which the committee made be printed in the RECORD. The report has been read and the memorial of the constitutional convention. The constitution is between the two in the report; and as the Reporters have to make up the RECORD about this time, I ask that the constitution may be put in the RECORD, if there is no objection.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the constitution will be printed.

The constitution is as follows:

APPENDIX A.

Constitution of the State of Wyoming.

PREAMBLE.

We, the people of the State of Wyoming, grateful to God for our civil, political, and religious liberties, and desiring to secure them to ourselves and perpetuate them to our posterity, do ordain and establish this constitution.

ARTICLE No. I.

DECLARATION OF RIGHTS.

SECTION 1. All power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; for the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper.

SEC. 2. In their inherent right to life, liberty, and the pursuit of happiness, all members of the human race are equal.

SEC. 3. Since equality in the enjoyment of natural and civil rights is made sure only through political equality, the laws of this State affecting the political rights and privileges of its citizens shall be without distinction of race, color, sex, or any circumstance or condition whatsoever other than individual incompetency, or unworthiness duly ascertained by a court of competent jurisdiction.

SEC. 4. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause, supported by affidavit particularly describing the place to be searched or the person or thing to be seized.

SEC. 5. No person shall be imprisoned for debt except in cases of fraud.

SEC. 6. No person shall be deprived of life, liberty, or property without due process of law.

SEC. 7. Absolute, arbitrary power over the lives, liberty, and property of freemen exists nowhere in a republic, not even in the largest majority.

SEC. 8. All courts shall be open, and every person for an injury done to person, reputation, or property shall have justice administered without sale, denial, or delay. Suits may be brought against the State in such manner and in such courts as the Legislature may by law direct.

SEC. 9. The right of trial by jury shall remain inviolate in criminal cases, but a jury in civil cases in all courts, or in criminal cases in courts not of record, may consist of less than twelve men, as may be prescribed by law. Hereafter a grand jury may consist of twelve men, any nine of whom concurring may find an indictment, but the Legislature may change, regulate, or abolish the grand-jury system.

SEC. 10. In all criminal prosecutions the accused shall have the right to defend in person or by counsel; to demand the nature and cause of the accusation, to have a copy thereof, to be confronted with the witnesses against him, to have compulsory process served for obtaining witnesses, and to a speedy trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

SEC. 11. No person shall be compelled to testify against himself in any criminal case, nor shall any person be twice put in jeopardy for the same offense. If the jury disagree, or if the judgment be arrested after a verdict, or if the judgment be reversed for error in law, the accused shall not be deemed to have been in jeopardy.

SEC. 12. No person shall be detained as a witness in any criminal prosecution longer than may be necessary to take his testimony or deposition, nor be confined in any room where criminals are imprisoned.

SEC. 13. Until otherwise provided by law, no person shall, for a felony, be proceeded against criminally, otherwise than by indictment, except in cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger.

SEC. 14. All persons shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishment be inflicted.

SEC. 15. The penal code shall be framed on the humane principles of reformation and prevention.

SEC. 16. No person arrested and confined in jail shall be treated with unnecessary rigor. The erection of safe and comfortable prisons and inspection of prisons and the humane treatment of prisoners shall be provided for.

SEC. 17. The privilege of the writ of habeas corpus shall not be suspended unless, when in case of rebellion or invasion, the public safety may require it.

SEC. 18. The free exercise and enjoyment of religious profession and worship without discrimination or preference shall be forever guaranteed in this State; and no person shall be rendered incompetent to hold any office of trust or profit or to serve as a witness or juror because of his opinion on any matter of religious belief whatever, but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace or safety of the State.

SEC. 19. No money of the State shall ever be given or appropriated to any sectarian or religious society or institution.

SEC. 20. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right; and in all trials for libel, both civil and criminal, the truth, when published with good intent and for justifiable ends, shall be a sufficient defense, the jury having the right to determine the facts and the law under direction of the court.

SEC. 21. The right of petition and of the people peaceably to assemble to consult for the common good and to make known their opinions shall never be denied or abridged.

SEC. 22. The rights of labor shall have just protection through laws calculated to secure to the laborer proper rewards for his service and to promote the industrial welfare of the State.

SEC. 23. The right of citizens to opportunities for education should have practical recognition. The Legislature shall suitably encourage means and agencies calculated to advance the sciences and liberal arts.

SEC. 24. The right of citizens to bear arms in defense of themselves and of the State shall not be denied.

SEC. 25. The military shall ever be in strict subordination to the civil power. No soldier in time of peace shall be quartered in any house without consent of the owner, nor in time of war except in the manner prescribed by law.

SEC. 26. Treason against the State shall consist only in levying war against it or in adhering to its enemies or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or on confession in open court; nor shall any person be attainted of treason by the Legislature.

SEC. 27. Elections shall be open, free, and equal, and no power, civil or military, shall at any time interfere to prevent an untrammelled exercise of the right of suffrage.

SEC. 28. No tax shall be imposed without the consent of the people or their authorized representatives. All taxation shall be equal and uniform.

SEC. 29. No distinction shall ever be made by law between resident aliens and citizens as to the possession, taxation, enjoyment, and descent of property.

SEC. 30. Perpetuities and monopolies are contrary to the genius of a free State, and shall not be allowed. Corporations, being creatures of the State, endowed for the public good with a portion of its sovereign powers, must be subject to its control.

SEC. 31. Water being essential to industrial prosperity, of limited amount, and easy of diversion from its natural channels, its control must be in the State, which, in providing for its use, shall equally guard all the various interests involved.

SEC. 32. Private property shall not be taken for private use unless by consent of the owner, except for private ways of necessity, and for reservoirs, drains, flumes, or ditches on or across the lands of others for agriculture, mining, milling, domestic, or sanitary purposes, nor in any case without due compensation.

SEC. 33. Private property shall not be taken or damaged for public or private use without just compensation.

SEC. 34. All laws of a general nature shall have a uniform operation.

SEC. 35. No *ex post facto* law, nor any law impairing the obligation of contracts, shall ever be made.

SEC. 36. The enumeration in this constitution of certain rights shall not be construed to deny, impair, or disparage others retained by the people.

SEC. 37. The State of Wyoming is an inseparable part of the Federal Union, and the Constitution of the United States is the supreme law of the land.

ARTICLE NO. II.

BOUNDARIES.

SECTION 1. The boundaries of the State of Wyoming shall be as follows: Commencing at the intersection of the twenty-seventh meridian of longitude west from Washington with the forty-fifth degree of north latitude, and running thence west to the thirty-fourth meridian of west longitude, thence south to the forty-first degree of north latitude, thence east to the twenty-seventh meridian of west longitude, and thence north to place of beginning.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the government of this State are divided into three distinct departments—the legislative, executive, and judicial; and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others, except as in this constitution expressly directed or permitted.

ARTICLE NO. III.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power shall be vested in a senate and house of representatives, which shall be designated "The Legislature of the State of Wyoming."

SEC. 2. Senators shall be elected for the term of four years and representatives for the term of two years. The senators elected at the first election shall be divided by lot into two classes as nearly equal as may be. The seats of senators of the first class shall be vacated at the expiration of the first two years, and of the second class at the expiration of four years. No person shall be a senator who has not attained the age of twenty-five years, or a representative who has not attained the age of twenty-one years, and who is not a citizen of the United States and of this State, and who has not for at least twelve months next preceding his election resided within the county or district in which he was elected.

SEC. 3. Each county shall constitute a senatorial and representative district; the senate and house of representatives shall be composed of members elected by the legal voters of the counties, respectively, every two years. They shall be apportioned among the said counties as nearly as may be according to the number of their inhabitants. Each county shall have at least one senator and one representative; but at no time shall the number of members of the house of representatives be less than twice nor greater than three times the number of members of the senate. The senate and house of representatives first elected in pursuance of this constitution shall consist of sixteen and thirty-three members respectively.

SEC. 4. When vacancies occur in either house by death, resignation, or otherwise, such vacancy shall be filled for the remainder of the term by special election, to be called in such manner as may be prescribed by law.

SEC. 5. Members of the senate and house of representatives shall be elected on the day provided by law for the general election of a member of Congress, and their term of office shall begin on the first Monday of January thereafter.

SEC. 6. Each member of the first Legislature, as a compensation for his services, shall receive \$5 for each day's attendance, and 15 cents for each mile traveled in going to and returning from the seat of government to his residence by the usual traveled route, and shall receive no other compensation, perquisite, or allowance whatever. No session of the Legislature after the first, which may be sixty days, shall exceed forty days. After the first session the compensation of the members of the Legislature shall be as provided by law; but no Legislature shall fix its own compensation.

SEC. 7. The Legislature shall meet at the seat of government at 12 o'clock, noon, on the second Tuesday of January next succeeding the general election provided by law, and at 12 o'clock, noon, on the second Tuesday of January of each alternate year thereafter, and at other times when convened by the governor.

SEC. 8. No senator or representative shall, during the term for which he was elected, be appointed to any civil office under the State, and no member of Congress or other person holding an office (except that of notary public or an office in the militia) under the United States or this State, shall be a member of either house during his continuance in office.

SEC. 9. No member of either house shall, during the term for which he was elected, receive any increase in salary or mileage under any law passed during that term.

SEC. 10. The senate shall, at the beginning and close of each regular session and at such other times as may be necessary, elect one of its members president; the house of representatives shall elect one of its members speaker; each

house shall choose its other officers, and shall judge of the election returns and qualifications of its members.

SEC. 11. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

SEC. 12. Each house shall have power to determine the rules of its proceedings, and to punish its members or other persons for contempt or disorderly behavior in its presence; to protect its members against violence or offers of bribes or private solicitation, and, with the concurrence of two-thirds, to expel a member, and shall have all other powers necessary to the Legislature of a free State. A member expelled for corruption shall not thereafter be eligible to either house of the Legislature, and punishment for contempt or disorderly behavior shall not bar a criminal prosecution for the same offense.

SEC. 13. Each house shall keep a journal of its proceedings, and may, in its discretion, from time to time publish the same, except such parts as require secrecy, and the yeas and nays on any question shall, at the request of two members, be entered on the journal.

SEC. 14. The sessions of each house and of the committee of the whole shall be open unless the business is such as requires secrecy.

SEC. 15. Neither house shall, without consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 16. The members of the Legislature shall in all cases except treason, felony, violation of their oath of office, and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

SEC. 17. The sole power of impeachment shall vest in the house of representatives, the concurrence of a majority of all members being necessary to the exercise thereof. Impeachment shall be tried by the senate sitting for that purpose, and the senators shall be upon oath or affirmation to do justice according to the law and evidence. When the governor is on trial the chief-justice of the supreme court shall preside. No person shall be convicted without a concurrence of two-thirds of the senators elected.

SEC. 18. The governor and other State and judicial officers, except justices of the peace, shall be liable to impeachment for high crimes and misdemeanors or malfeasance in office, but judgment in such cases shall only extend to removal from office and disqualification to hold any office of honor, trust, or profit under the laws of the State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment, and punishment according to law.

SEC. 19. All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.

SEC. 20. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

SEC. 21. The enacting clause of every law shall be as follows: "Be it enacted by the Legislature of the State of Wyoming."

SEC. 22. No bill for the appropriation of money, except for the expenses of the government, shall be introduced within five days of the close of the session, except by unanimous consent of the house in which it is sought to be introduced.

SEC. 23. No bill shall be considered or become a law unless referred to a committee, returned therefrom, and printed for the use of the members.

SEC. 24. No bill, except general appropriation bills and bills for the codification and general revision of the laws, shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject is embraced in any act which is not expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

SEC. 25. No bill shall become a law except by a vote of a majority of all the members elected to each house, nor unless on its final passage the vote taken by ayes and noes, and the names of those voting be entered on the journal.

SEC. 26. No law shall be revised or amended, or the provisions thereof extended by reference to its title only, but so much thereof as is revised, amended, or extended shall be re-enacted and published at length.

SEC. 27. The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say: For granting divorces; laying out, opening, altering, or working roads or highways; vacating roads, town plats, streets, alleys, or public grounds; locating or changing county seats; regulating county or township affairs; incorporation of cities, towns, or villages, or changing or amending the charters of any cities, towns, or villages; regulating the practice in courts of justice; regulating the jurisdiction and duties of justices of the peace, police magistrates, or constables; changing the rules of evidence in any trial or inquiry; providing for changes of venue in civil or criminal cases; declaring any person of age; for limitation of civil actions; giving effect to any informal or invalid deeds; summoning or impaneling grand or petit juries; providing for the management of common schools; regulating the rate of interest on money; the opening or conducting of any election or designating the place of voting; the sale or mortgage of real estate belonging to minors or others under disability; chartering or licensing ferries or bridges or toll-roads; chartering banks, insurance companies, and loan and trust companies; remitting fines, penalties, or forfeitures; creating, increasing, or decreasing fees, percentages, or allowances of public officers; changing the law of descent; granting to any corporation, association, or individual the right to lay down railroad tracks, or any special or exclusive privilege, immunity, or franchise whatever, or amending existing charter for such purpose; for punishment of crimes; changing the names of persons or places; for the assessment or collection of taxes; affecting estates of deceased persons, minors, or others under legal disabilities; extending the time for the collection of taxes; refunding money paid into the State treasury; relinquishing or extinguishing in whole or in part, the indebtedness, liabilities, or obligation of any corporation or person to this State or to any municipal corporation therein; exempting property from taxation; restoring to citizenship persons convicted of infamous crimes; authorizing the creation, extension, or impairing of liens; creating offices or prescribing the powers or duties of offices in counties, cities, townships or school districts; or authorizing the adoption or legitimation of children. In all other cases where a general law can be made applicable no special law shall be enacted.

SEC. 28. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the Legislature immediately after their titles have been publicly read, and the fact of signing shall be at once entered upon the journal.

SEC. 29. The Legislature shall prescribe by law the number, duties, and compensation of the officers and employees of each house, and no payment shall be made from the State treasury or be in any way authorized to any such person except to an acting officer or employee elected or appointed in pursuance of law.

SEC. 30. No bill shall be passed giving any extra compensation to any public officer, servant or employee, agent or contractor, after services are rendered or contract made.

SEC. 31. All stationery, printing, paper, fuel, and lights used in the legislative and other departments of the Government shall be furnished, and the printing and binding of the laws, journals, and department reports, and other printing and binding, and the repairing and furnishing of the halls and rooms used for the meeting of the Legislature and its committees shall be performed under con-

fact, to be given to the lowest responsible bidder, below such maximum price and under such regulations as may be prescribed by law. No member or officer of any department of the Government shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the governor and State treasurer.

Sec. 32. Except as otherwise provided in this constitution, no law shall extend the term of any public officer or increase or diminish his salary or emolument after his election or appointment; but this shall not be construed to forbid the Legislature from fixing the salaries or emoluments of those officers first elected or appointed under this constitution, if such salaries or emoluments are not fixed by its provisions.

Sec. 33. All bills for raising revenue shall originate in the house of representatives; but the senate may propose amendments, as in case of other bills.

Sec. 34. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the legislative, executive, and judicial departments of the State, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

Sec. 35. Except for interest on public debt, money shall be paid out of the treasury only on appropriations made by the Legislature, and in no case otherwise than upon warrant drawn by the proper officer in pursuance of law.

Sec. 36. No appropriation shall be made for charitable, industrial, educational, or benevolent purposes to any person, corporation, or community not under the absolute control of the State, nor to any denominational or sectarian institution or association.

Sec. 37. The Legislature shall not delegate to any special commissioner, private corporation, or association any power to make, supervise, or interfere with any municipal improvements, moneys, property, or effects, whether held in trust or otherwise, to levy taxes or to perform any municipal functions whatever.

Sec. 38. No act of the Legislature shall authorize the investment of trust funds by executors, administrators, guardians, or trustees in the bonds or stock of any private corporation.

Sec. 39. The Legislature shall have no power to pass any law authorizing the State or any county in the State to contract any debt or obligation in the construction of any railroad or give or loan its credit to or in aid of the construction of the same.

Sec. 40. No obligation or liability of any person, association, or corporation, held or owned by the State or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released, or postponed, or in any way diminished by the Legislature; nor shall such liability or obligation be extinguished, except by the payment thereof into the proper treasury.

Sec. 41. Every order, resolution, or vote in which the concurrence of both houses may be necessary, except on the question of adjournment, or relating solely to the transaction of the business of the two houses, shall be presented to the governor, and before it shall take effect be approved by him, or, being disapproved, be repassed by two-thirds of both houses, as prescribed in the case of a bill.

Sec. 42. If any person elected to either house of the Legislature shall offer or promise to give his vote or influence in favor of or against any measure or proposition pending or to be introduced into the Legislature, in consideration or upon condition that any other person elected to the same Legislature will give or promise or assent to give his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced into such Legislature, the person making such offer or promise shall be deemed guilty of solicitation of bribery. If any member of the Legislature shall give his vote or influence for or against any measure or proposition pending or to be introduced in such Legislature, or offer, promise, or assent thereto, upon condition that any other member will give or will promise or assent to give his vote or influence in favor of or against any other measure or proposition pending or to be introduced in such Legislature, or in consideration that any other member has given his vote or influence for or against any other measure or proposition in such Legislature, he shall be deemed guilty of bribery, and any member of the Legislature or person elected thereto who shall be guilty of either of such offenses shall be expelled and shall not thereafter be eligible to the Legislature, and on conviction thereof in the civil courts shall be liable to such further penalty as may be prescribed by law.

Sec. 43. Any person who shall directly or indirectly offer, give, or promise any money or thing of value, testimonial, privilege, or personal advantage to any executive or judicial officer or member of the Legislature, to influence him in the performance of any of his official duties, shall be deemed guilty of bribery and be punished in such manner as shall be provided by law.

Sec. 44. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation or practices of solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony, and any person convicted of either of the offenses aforesaid shall, as part of the punishment therefor, be disqualified from holding any office or position of honor, trust, or profit in this State.

Sec. 45. The offense of corrupt solicitation of members of the legislature or of public officers of the State, or of any municipal division, thereof, and the occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law and shall be punishable by fine and imprisonment.

Sec. 46. A member who has a personal or private interest in any measure or bill proposed or pending before the legislature shall disclose the fact to the house of which he is a member and shall not vote thereon.

APPORTIONMENT.

SECTION 1. One Representative in the Congress of the United States shall be elected from the State at large the Tuesday next after the first Monday in November, 1890, and thereafter at such times and places and in such manner as may be prescribed by law. When a new apportionment shall be made by Congress the Legislature shall divide the State into Congressional districts accordingly.

Sec. 2. The Legislature shall provide by law for an enumeration of the inhabitants of the State in the year 1895, and every tenth year thereafter, and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment for senators and representatives on a basis of such enumeration according to ratios to be fixed by law.

Sec. 3. Representative districts may be altered from time to time as public convenience may require. When a representative district shall be composed of two or more counties they shall be contiguous, and the districts as compact as may be. No county shall be divided in the formation of representative districts.

Sec. 4. Until an apportionment of senators and representatives as otherwise provided by law they shall be divided among the several counties of the State in the following manner.

Albany County, two senators and five representatives.
Carbon County, two senators and five representatives.
Converse County, one senator and three representatives.
Crook County, one senator and two representatives.
Fremont County, one senator and two representatives.
Laramie County, three senators and six representatives.

Johnson County, one senator and two representatives.
Sheridan County, one senator and two representatives.
Sweetwater County, two senators and three representatives.
Uinta County, two senators and three representatives.

ARTICLE No. IV.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive power shall be vested in a governor, who shall hold his office for the term of four (4) years and until his successor is elected and duly qualified.

Sec. 2. No person shall be eligible to the office of governor unless he be a citizen of the United States and a qualified elector of the State, who has attained the age of thirty years, and who has resided five years next preceding the election within the State or Territory, nor shall he be eligible to any other office during the term for which he was elected.

Sec. 3. The governor shall be elected by the qualified electors of the State at the time and place of choosing members of the Legislature. The person having the highest number of votes for governor shall be declared elected, but if two or more shall have an equal and highest number of votes for governor, the two houses of the Legislature at its next regular session shall forthwith, by joint ballot, choose one of such persons for said office. The returns of the election for governor shall be made in such manner as shall be prescribed by law.

Sec. 4. The governor shall be commander-in-chief of the military forces of the State, except when they are called into the service of the United States, and may call out the same to execute the laws, suppress insurrection, and repel invasion. He shall have power to convene the Legislature on extraordinary occasions. He shall, at the commencement of each session, communicate to the Legislature, by message, information of the condition of the State, and recommend such measures as he shall deem expedient. He shall transact all necessary business with the officers of the Government, civil and military. He shall expedite all such measures as may be resolved upon by the Legislature and shall take care that the laws be faithfully executed.

Sec. 5. The governor shall have power to remit fines and forfeitures, to grant reprieves, commutations, and pardons after conviction, for all offenses except treason and cases of impeachment; but the Legislature may by law regulate the manner in which the remission of fines, pardons, commutations, and reprieves may be applied for. Upon conviction for treason he shall have power to suspend the execution of sentence until the case is reported to the Legislature at its next regular session, when the Legislature shall either pardon or commute the sentence, direct the execution of the sentence, or grant further reprieve. He shall communicate to the Legislature at each regular session each case of remission of fine, reprieve, commutation, or pardon granted by him, stating the name of the convict, the crime for which he was convicted, the sentence and its date, and the date of the remission, commutation, pardon, or reprieve, with his reasons for granting the same.

Sec. 6. If the governor be impeached, displaced, resign, or die, or from mental or physical disease or otherwise become incapable of performing the duties of his office or be absent from the State, the secretary of state shall act as governor until the vacancy is filled or the disability removed.

Sec. 7. When any office from any cause becomes vacant and no mode is provided by the constitution or law for filling such vacancy, the governor shall have power to fill the same by appointment.

Sec. 8. Every bill which has passed the Legislature shall, before it becomes a law, be presented to the governor. If he approve, he shall sign; but, if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon the journal and proceed to reconsider it. If after such reconsideration, two-thirds of the members elected agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if it be approved by two-thirds of the members elected, it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journal of each house, respectively. If any bill is not returned by the governor within three days (Sundays excepted) after its presentation to him, the same shall be a law, unless the Legislature, by its adjournment, prevent its return, in which case it shall be a law unless he shall file the same, with his objections, in the office of the secretary of the state within fifteen days after such adjournment.

Sec. 9. The governor shall have power to disapprove of any item or items or part or parts of any bill making appropriations of money or property embracing distinct items, and the part or parts of the bill approved shall be the law and the item or items and part or parts disapproved shall be void unless enacted in the following manner: If the Legislature be in session he shall transmit to the house in which the bill originated a copy of the item or items, or part or parts thereof disapproved, together with his objections thereto, and the items or parts objected to shall be separately reconsidered, and each item or part shall then take the same course as is prescribed for the passage of bills over the executive veto.

Sec. 10. Any governor of this State who asks, receives, or agrees to receive any bribe upon any understanding that his official opinion, judgment, or action shall be influenced thereby, or who gives or offers or promises his official influence in consideration that any member of the Legislature shall give his official vote or influence on any particular side of any question or matter upon which he is required to act in his official capacity, or who menaces any member by the threatened use of his veto power, or who offers or promises any member that he, the governor, will appoint any particular person or persons to any office created or thereafter to be created, in consideration that any member shall give his official vote or influence on any matter pending or thereafter to be introduced into either house of said Legislature, or who threatens any member that he, the governor, will remove any person or persons from office or position with intent in any manner to influence the action of said member, shall be punished in the manner now or that may hereafter be provided by law, and upon conviction thereof shall forfeit all right to hold or exercise any office of trust or honor in this State.

Sec. 11. There shall be chosen by the qualified electors of the State, at the times and places of choosing members of the Legislature, a secretary of state, and auditor, treasurer, and superintendent of public instruction, who shall have attained the age of twenty-five years, respectively, shall be citizens of the United States, and shall have the qualifications of State electors. They shall severally hold their offices at the seat of government for the term of four years and until their successors are elected and duly qualified, but no person shall be eligible for the office of treasurer for four years after the expiration of the term for which he was elected. The Legislature may provide for such other State officers as are deemed necessary.

Sec. 12. The powers and duties of the secretary of state, of State auditor, treasurer, and superintendent of public instruction shall be as prescribed by law.

Sec. 13. Until otherwise provided by law, the governor shall receive an annual salary of \$2,500, the secretary of state, State auditor, State treasurer, and superintendent of public instruction shall each receive an annual salary of \$2,000, and the salaries of any of the said officers shall not be increased or diminished during the period for which they were elected, and all fees and profits arising from any of the said offices shall be covered into the State treasury.

Sec. 14. The Legislature shall provide for a State examiner, who shall be appointed by the governor and confirmed by the senate. His duty shall be to examine the accounts of the State treasurer, supreme court clerks, district court

clerks, and all county treasurers, and treasurers of such other public institutions as the law may require, and shall perform such other duties as the Legislature may prescribe. He shall report at least once a year, and oftener if required, to such officers as are designated by the Legislature. His compensation shall be fixed by law.

Sec. 15. There shall be a seal of State which shall be called the "Great seal of the State of Wyoming;" it shall be kept by the secretary of state and used by him officially as directed by law.

Sec. 16. The seal of the Territory of Wyoming as now used shall be the seal of the State until otherwise provided by law.

ARTICLE NO. V.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the State shall be vested in the senate, sitting as a court of impeachment, in a supreme court, district courts, justices of the peace, courts of arbitration, and such courts as the Legislature may, by general law, establish for incorporated cities or incorporated towns.

Sec. 2. The supreme court shall have general appellate jurisdiction, co-extensive with the State, in both civil and criminal cases, and shall have a general superintending control over all inferior courts, under such rules and regulations as may be prescribed by law.

Sec. 3. The supreme court shall have original jurisdiction in quo warranto and mandamus as to all State officers, and in habeas corpus. The supreme court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari, and other writs necessary and proper to the complete exercise of its appellate and review jurisdiction. Each of the judges shall have power to issue writs of habeas corpus to any part of the State upon petition by or on behalf of a person held in actual custody, and may make such writs returnable before himself or before the supreme court or before any district court of the State or any judge thereof.

Sec. 4. The supreme court of the State shall consist of three justices who shall be elected by the qualified electors of the State at a general State election at the times and places at which State officers are elected; and their term of office shall be eight (8) years, commencing from and after the first Monday in January next succeeding their election; and the justices elected at the first election after this constitution shall go into effect shall, at their first meeting provided by law, so classify themselves by lot that one of them shall go out of office at the end of four years and one at the end of six years and one at the end of eight years from the commencement of their term, and an entry of such classification shall be made in the record of the court and signed by them, and a duplicate thereof shall be filed in the office of the secretary of state. The justice having the shortest term to serve, and not holding his office by appointment or election to fill a vacancy, shall be the chief justice and shall preside at all terms of the supreme court, and, in case of his absence, the justice having in like manner the next shortest term to serve shall preside in his stead. If a vacancy occur in the office of a justice of the supreme court, the governor shall appoint a person to hold the office until the election and qualification of a person to fill the unexpired term occasioned by such vacancy, which election shall take place at the next succeeding general election. The first election of the justices shall be at the first general election after this constitution shall go into effect.

Sec. 5. A majority of the justices of the supreme court shall be necessary to constitute a quorum for the transaction of business.

Sec. 6. In case a judge of the supreme court shall be in any way interested in a cause brought before such court, the remaining judges of said court shall call one of the district judges to sit with them on the hearing of said cause.

Sec. 7. At least two terms of the supreme court shall be held annually at the seat of the government at such times as may be provided by law.

Sec. 8. No person shall be eligible to the office of justice of the supreme court unless he be learned in the law, have been in actual practice at least nine years, or whose service on the bench of any court of record, when added to the time he may have practiced law, shall be equal to nine years, be at least thirty years of age and a citizen of the United States, nor unless he shall have resided in this State or Territory at least three years.

Sec. 9. There shall be a clerk of the supreme court, who shall be appointed by the justices of said court and shall hold his office during their pleasure, and whose duties and emoluments shall be as provided by law.

Sec. 10. The district court shall have original jurisdiction of all causes, both at law and in equity, and in all criminal cases, of all matters of probate and insolvency, and of such special cases and proceedings as are not otherwise provided for. The district court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in such cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, injunction, and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective districts.

Sec. 11. The judges of the district courts may hold courts for each other and shall do so when required by law.

Sec. 12. No person shall be eligible to the office of judge of the district court unless he be learned in the law, be at least twenty-eight years of age, and a citizen of the United States, nor unless he shall have resided in the State or Territory of Wyoming at least two years next preceding his election.

Sec. 13. There shall be a clerk of the district court in each organized county in which a court is holden who shall be elected, or, in case of vacancy, appointed in such manner and with such duties and compensation as may be prescribed by law.

Sec. 14. The Legislature shall provide by law for the appointment by the several district courts of one or more district court commissioners (who shall be persons learned in the law) in each organized county in which a district court is holden; such commissioners shall have authority to perform such chamber business, in the absence of the district judge from the county or upon his written statement filed with the papers that it is improper for him to act, as may be prescribed by law, to take depositions, and perform such other duties, and receive such compensation as shall be prescribed by law.

Sec. 15. The style of all process shall be "The State of Wyoming." All prosecutions shall be carried on in the name and by the authority of the State of Wyoming, and conclude "against the peace and dignity of the State of Wyoming."

Sec. 16. No duties shall be imposed by law upon the supreme court or any of the judges thereof except such as are judicial, nor shall any of the judges thereof exercise any power of appointment except as herein provided.

Sec. 17. The judges of the supreme and district courts shall receive such compensation for their services as may be prescribed by law, which compensation shall not be increased or diminished during the term for which a judge shall have been elected, and the salary of a judge of the supreme or district court shall be as may be prescribed by law.

Sec. 18. Writs of errors and appeals may be allowed from the decisions of the district courts to the supreme court under such regulations as may be prescribed by law.

Sec. 19. Until otherwise provided by law, the State shall be divided into three judicial districts, in each of which there shall be elected at general elections, by the electors thereof, one judge of the district court therein, whose term shall be

six years from the first Monday in January succeeding his election, and until his successor is duly qualified.

Sec. 20. Until otherwise provided by law, said judicial districts shall be constituted as follows:

District No. 1 shall consist of the counties of Laramie, Converse, and Crook. District No. 2 shall consist of the counties of Albany, Johnson, and Sheridan. District No. 3 shall consist of the counties of Carbon, Sweetwater, Uinta, and Fremont.

Sec. 21. The Legislature may from time to time increase the number of said judicial districts and the judges thereof, but such increase or change in the boundaries of the districts shall not work the removal of any judge from his office during the term for which he may have been elected or appointed; provided the number of districts and district judges shall not exceed four until the taxable valuation of property in the State shall exceed \$200,000,000.

Sec. 22. The Legislature shall provide by law for the election of justices of the peace in each organized county within the State. But the number of said justices to be elected in each organized county shall be limited by law to such number as shall be necessary for the proper administration of justice. The justices of the peace herein provided for shall have concurrent jurisdiction with the district court in all civil actions where the amount in controversy, exclusive of costs, does not exceed \$300, and they shall have such jurisdiction to hear and determine cases of misdemeanor as may be provided by law, but in no case shall said justices of the peace have jurisdiction when the boundaries of or title to real estate shall come into question.

Sec. 23. Appeals shall lie from the final decisions of justices of the peace and police magistrates in such cases and pursuant to such regulations as may be prescribed by law.

Sec. 24. The time of holding courts in the several counties of a district shall be as prescribed by law, and the Legislature shall make provisions for attaching unorganized counties or territory to organized counties for judicial purposes.

Sec. 25. No judge of the supreme or district court shall act as attorney or counselor at law.

Sec. 26. Until the Legislature shall provide by law for fixing the terms of courts the judges of the supreme court and district courts shall fix the terms thereof.

Sec. 27. No judge of the supreme or district court shall be elected or appointed to any other than judicial offices or be eligible thereto during the term for which he was elected or appointed such judge.

Sec. 28. The Legislature shall establish courts of arbitration, whose duty it shall be to hear and determine all differences and controversies between organizations or associations of laborers and their employers, which shall be submitted to them in such manner as the Legislature may provide.

Sec. 29. The Legislature may provide by law for the voluntary submission of differences to arbitrators for determination, and said arbitrators shall have such powers and duties as may be prescribed by law, but they shall have no power to render judgment to be obligatory on parties, unless they voluntarily submit their matters of difference and agree to abide the judgment of such arbitrators.

Sec. 30. Appeals from decisions of compulsory boards of arbitration shall be allowed to the supreme court of the State, and the manner of taking such appeals shall be prescribed by law.

ARTICLE NO. VI.

SUFFRAGE.

SECTION 1. The rights of the citizens of the State of Wyoming to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this State shall equally enjoy all civil, political, and religious rights and privileges.

Sec. 2. Every citizen of the United States of the age of twenty-one years and upwards, who has resided in the State or Territory one year and in the county wherein such residence is located sixty days next preceding any election, shall be entitled to vote at such election, except as herein otherwise provided.

Sec. 3. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest on the days of election during their attendance at elections and going to and returning therefrom.

Sec. 4. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

Sec. 5. No person shall be deemed a qualified elector of this State unless such person be a citizen of the United States.

Sec. 6. All idiots, insane persons, and persons convicted of infamous crimes, unless restored to civil rights, are excluded from the elective franchise.

Sec. 7. No elector shall be deemed to have lost his residence in the State by reason of his absence on business of the United States, or of this State, or in the military or naval service of the United States.

Sec. 8. No soldier, seaman, or marine in the Army or Navy of the United States shall be deemed a resident of this State in consequence of his being stationed therein.

Sec. 9. No person shall have the right to vote who shall not be able to read the constitution of this State. The provisions of this section shall not apply to any person prevented by physical disability from complying with its requirements.

Sec. 10. Nothing herein contained shall be construed to deprive any person of the right to vote who has such right at the time of the adoption of this constitution, unless disqualified by the restrictions of section 6 of this article. After the expiration of five years from the time of the adoption of this constitution none but citizens of the United States shall have the right to vote.

Sec. 11. All elections shall be by ballot. The Legislature shall provide by law that the names of all candidates for the same office, to be voted for at any election, shall be printed on the same ballot at public expense, and on election day to be delivered to the voters within the polling place by sworn public officials, and only such ballots so delivered shall be received and counted. But no voter shall be deprived of the privilege of writing upon the ballot used the name of any other candidate. All voters shall be guaranteed absolute privacy in the preparation of their ballots, and the secrecy of their ballot shall be made compulsory.

Sec. 12. No person qualified to be an elector of the State of Wyoming shall be allowed to vote at any general or special election hereafter to be holden in the State until he or she shall have registered as a voter according to law, unless the failure to register is caused by sickness or absence, for which provision shall be made by law. The Legislature of the State shall enact such laws as will carry into effect the provisions of this section, which enactment shall be subject to amendment, but shall never be repealed; but this section shall not apply to the first election held under this constitution.

ELECTIONS.

Sec. 13. The Legislature shall pass laws to secure the purity of elections and guard against abuses of the elective franchise.

Sec. 14. The Legislature shall, by general law, designate the courts by which the several classes of election contests not otherwise provided for shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law shall apply to any contest arising out of an election held before its passage.

Sec. 15. No person except a qualified elector shall be elected or appointed to any civil or military office in the State.

Sec. 16. Every person holding any civil office under the State or any municipality therein shall, unless removed according to law, exercise the duties of such office until his successor is duly qualified, but this shall not apply to mem-

bers of the Legislature, nor to members of any board of assembly, two or more of whom are elected at the same time. The Legislature may by law provide for suspending any officer in his functions, pending impeachment or prosecution for misconduct in office.

QUALIFICATIONS FOR OFFICE.

SEC. 17. All general elections for State and county officers, for members of the house of representatives and the senate of the State of Wyoming, and Representatives to the Congress of the United States, shall be held on the Tuesday next following the first Monday in November of each even year. Special elections may be held as now or as may hereafter be provided by law. All State and county officers elected at a general election shall enter upon their respective duties on the first Monday in January next following the date of their election, or as soon thereafter as may be possible.

SEC. 18. All officers whose election is not provided for in this constitution shall be elected or appointed as may be directed by law.

SEC. 19. No member of Congress from this State, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this State to which a salary, fees, or perquisites shall be attached. The Legislature may by law declare what offices are incompatible.

OATH OF OFFICE.

SEC. 20. Senators and representatives and all judicial, State, and county officers shall, before entering upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States and the constitution of this State, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not, knowingly, violated any election law of the State or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law."

SEC. 21. The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of State officers and judges of the supreme court shall be filed in the office of the secretary of state, and in the case of other judicial and county officers in the office of the clerk of the county in which the same is taken; any person refusing to take said oath or affirmation shall forfeit his office, and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this State. The oath to members of the senate and house of representatives shall be administered by one of the judges of the supreme court or a justice of the peace, in the hall of the house to which the members shall be elected.

ARTICLE No. VII.

EDUCATION.

SECTION 1. The Legislature shall provide for the establishment and maintenance of a complete and uniform system of public instruction, embracing free elementary schools of every needed kind and grade, a university with such technical and professional departments as the public good may require and the means of the State allow, and such other institutions as may be necessary.

SEC. 2. The following are declared to be perpetual funds for school purposes, of which the annual income only can be appropriated, to wit: Such per centum as has been or may hereafter be granted by Congress on the sale of lands in this State; all moneys arising from the sale or lease of sections Nos. 16 and 35 in each township in the State, and the lands selected or that may be selected in lieu thereof; the proceeds of all lands that have been or may hereafter be granted to this State, where, by the terms and conditions of the grant, the same are not to be otherwise appropriated; the net proceeds of lands and other property and effects that may come to the State by escheat or forfeiture, or from unclaimed dividends or distributive shares of the estates of deceased persons; all moneys, stocks, bonds, lands, and other property now belonging to the common-school fund.

SEC. 3. To the sources of revenue above mentioned shall be added all other grants, gifts, and devices that have been or may hereafter be made to this State and not otherwise appropriated by the terms of the grant, gift, or device.

SEC. 4. All moneys, stocks, bonds, lands, and other property belonging to a county school fund, except such moneys and property as may be provided by law for current use in aid of public schools, shall belong to and be securely invested and sacredly preserved in the several counties as a county public-school fund, the income of which shall be appropriated exclusively to the use and support of free public schools in the several counties of the State.

SEC. 5. All fines and penalties under general laws of the State shall belong to the public-school fund of the respective counties and be paid over to the custodians of such funds for the current support of the public schools therein.

SEC. 6. All funds belonging to the State for public-school purposes, the interest and income of which only are to be used, shall be deemed trust funds in the care of the State, which shall keep them for the exclusive benefit of the public schools, and shall make good any losses that may in any manner occur, so that the same shall remain forever inviolate and undiminished. None of such funds shall ever be invested or loaned except on the bonds issued by school districts, or registered county bonds of the State, or State securities of this State, or of the United States.

SEC. 7. The income arising from the funds mentioned in the preceding section, together with all the rents of the unsold school lands and such other means as the legislature may provide, shall be exclusively applied to the support of free schools in every county in the State.

SEC. 8. Provision shall be made by general law for the equitable distribution of such income among the several counties according to the number of children of school age in each; which several counties shall in like manner distribute the proportion of said fund by them received respectively to the several school districts embraced therein. But no appropriation shall be made from said fund to any district for the year in which a school has not been maintained for at least three months; nor shall any portion of any public-school fund ever be used to support or assist any private school, or any school, academy, seminary, college, or other institution of learning controlled by any church or sectarian organization or religious denomination whatsoever.

SEC. 9. The Legislature shall make such further provision, by taxation or otherwise, as with the income arising from the general school fund will create and maintain a thorough and efficient system of public schools, adequate to the proper instruction of all the youth of the State, between the ages of six and twenty-one years, free of charge; and in view of such provision so made, the Legislature shall require that every child of sufficient physical and mental ability shall attend a public school during the period between six and eighteen years for a time equivalent to three years, unless educated by other means.

SEC. 10. In none of the public schools so established and maintained shall distinction or discrimination be made on account of sex, race, or color.

SEC. 11. Neither the Legislature nor the superintendent of public instruction shall have power to prescribe text-books to be used in the public schools.

SEC. 12. No sectarian instruction, qualifications, or tests shall be imparted, exacted, applied, or in any manner tolerated in the schools of any grade or

character controlled by the State, nor shall attendance be required at any religious service therein, nor shall any sectarian tenets or doctrines be taught or favored in any public school or institution that may be established under this constitution.

SEC. 14. The general supervision of the public schools shall be intrusted to the State superintendent of public instruction, whose powers and duties shall be prescribed by law.

THE UNIVERSITY.

SEC. 15. The establishment of the University of Wyoming is hereby confirmed, and said institution, with its several departments, is hereby declared to be the University of the State of Wyoming. All lands which have been heretofore granted or which may be granted hereafter by Congress unto the university as such, or in aid of the instruction to be given in any of its departments, with all other grants, donations, or devices for said university, or for any of its departments, shall vest in said university, and be exclusively used for the purposes for which they were granted, donated, or devised. The said lands may be leased on terms approved by the land commissioners, but may not be sold on terms not approved by Congress.

SEC. 16. The university shall be equally open to students of both sexes, irrespective of race or color; and, in order that the instruction furnished may be as nearly free as possible, any amount in addition to the income from its grants of lands and other sources above mentioned, necessary to its support and maintenance in a condition of full efficiency, shall be raised by taxation or otherwise, under provisions of the Legislature.

SEC. 17. The Legislature shall provide by law for the management of the university, its lands and other property, by a board of trustees, consisting of not less than seven members, to be appointed by the governor, by and with the advice and consent of the senate, and the president of the university and the superintendent of public instruction as members *ex officio*, as such having the right to speak, but not to vote. The duties and powers of the trustees shall be prescribed by law.

CHARITABLE AND PENAL INSTITUTIONS.

SEC. 18. Such charitable, reformatory, and penal institutions as the claims of humanity and the public good may require shall be established and supported by the State in such manner as the Legislature may prescribe. They shall be under the general supervision of a State board of charities and reform, whose duties and powers shall be prescribed by law.

SEC. 19. The property of all charitable and penal institutions belonging to the Territory of Wyoming shall, upon the adoption of this constitution, become the property of the State of Wyoming, and such of said institutions as are then in actual operation shall thereafter have the supervision of the board of charities and reform, as provided in the last preceding section of this article, under provisions of the Legislature.

PUBLIC HEALTH AND MORALS.

SEC. 20. As the health and morality of the people are essential to their well-being and to the peace and permanency of the State, it shall be the duty of the Legislature to protect and promote these vital interests by such measures for the encouragement of temperance and virtue and such restrictions upon vice and immorality of every sort as are deemed necessary to the public welfare.

PUBLIC BUILDINGS.

SEC. 21. All public buildings and other property belonging to the Territory shall, upon the adoption of this constitution, become the property of the State of Wyoming.

SEC. 22. The construction, care, and preservation of all public buildings of the State not under the control of the board or officers of public institutions by authority of law shall be intrusted to such officers or boards, and under such regulations as shall be prescribed by law.

SEC. 23. The Legislature shall have no power to change or to locate the seat of government, the State university, insane asylum, or State penitentiary, but may, after the expiration of ten years after the adoption of this constitution, provide by law for submitting the question of the permanent locations thereof, respectively, to the qualified electors of the State, at some general election; and a majority of all votes upon said question cast at said election shall be necessary to determine the location thereof; but for said period of ten years, and until the same are respectively and permanently located, as herein provided, the location of the seat of government and said institutions shall be as follows:

The seat of government shall be located at the city of Cheyenne, in the county of Laramie. The State university shall be located at the city of Laramie, in the county of Albany. The insane asylum shall be located at the town of Evanston, in the county of Uinta. The penitentiary shall be located at the city of Rawlins, in the county of Carbon; but the Legislature may provide by law that said penitentiary may be converted to other public uses. The Legislature shall not locate any other public institutions except under general laws and by vote of the people.

ARTICLE No. VIII.

IRRIGATION AND WATER RIGHTS.

SECTION 1. The water of all natural streams, springs, lakes, or other collections of still water within the boundaries of the State are hereby declared to be the property of the State.

SEC. 2. There shall be constituted a board of control, to be composed of the State engineer and superintendents of the water divisions, which shall, under such regulations as may be prescribed by law, have the supervision of the waters of the State and of their appropriation, distribution, and diversion, and of the various officers connected therewith, its decision to be subject to review by the courts of the State.

SEC. 3. Priority of appropriation for beneficial uses shall give the better right. No appropriation shall be denied except when such denial is demanded by the public interests.

SEC. 4. The Legislature shall, by law, divide the State into four water divisions and provide for the appointment of superintendents thereof.

SEC. 5. There shall be a State engineer who shall be appointed by the governor of the State and confirmed by the senate; he shall hold his office for the term of six years, or until his successor shall have been appointed and shall have qualified. He shall be president of the board of control, and shall have general supervision of the waters of the State and of the officers connected with its distribution. No person shall be appointed to this position who has not such theoretical knowledge and such practical experience and skill as shall fit him for the position.

ARTICLE No. IX.

MINES AND MINING.

SECTION 1. There shall be established and maintained the office of inspector of mines, the duties and salary of which shall be prescribed by law. When said office shall be established the governor shall, with the advice and consent of the senate, appoint thereto a person proven in the manner provided by law to be competent and practical, whose term of office shall be two years.

SEC. 2. The Legislature shall provide by law for the proper development, ventilation, drainage, and operation of all mines in this State.

SEC. 3. No boy under the age of fourteen years and no woman or girl of any

age shall be employed or permitted to be in or about any coal, iron, or other dangerous mines for the purpose of employment therein: *Provided, however*, This provision shall not affect the employment of a boy or female of suitable age in an office or in the performance of clerical work at such mine or colliery.

SEC. 4. For any injury to person or property caused by willful failure to comply with the provisions of this article, or laws passed in pursuance hereof, a right of action shall accrue to the party injured, for the damage sustained thereby, and in all cases in this State, whenever the death of a person shall be caused by wrongful act, neglect, or default, such as would, if death had not ensued, have entitled the party injured to maintain an action to recover damages in respect thereof, the person who or the corporation which would have been liable, if death had not ensued, shall be liable to an action for damages notwithstanding the death of the person injured, and the Legislature shall provide by law at its first session for the manner in which the right of action in respect thereto shall be enforced.

SEC. 5. The Legislature may provide that the science of mining and metallurgy be taught in one of the institutions of learning under the patronage of the State.

SEC. 6. There shall be a State geologist, who shall be appointed by the governor of the State, with the advice and consent of the senate. He shall hold his office for a term of six years, or until his successor shall have been appointed and shall have qualified. His duties and compensation shall be prescribed by law. No person shall be appointed to this position unless he has such theoretical knowledge and such practical experience and skill as shall fit him for the position; said State geologist shall *ex officio* perform the duties of inspector of mines until otherwise provided by law.

ARTICLE No. X.

CORPORATIONS.

SECTION 1. The Legislature shall provide for the organization of corporations by general law. All laws relating to corporations may be altered, amended, or repealed by the Legislature at any time when necessary for the public good and general welfare, and all corporations doing business in this State may, as to such business, be regulated, limited, or restrained by law not in conflict with the Constitution of the United States.

SEC. 2. All powers and franchises of corporations are derived from the people and are granted by their agent, the Government, for the public good and general welfare and the right and duty of the State to control and regulate them for these purposes is hereby declared. The power, rights, and privileges of any and all corporations may be forfeited by willful neglect or abuse thereof. The police power of the State is supreme over all corporations as well as individuals.

SEC. 3. All existing charters, franchises, special or exclusive privileges under which an actual and bona fide organization shall not have taken place for the purpose for which formed, and which shall not have been maintained in good faith to the time of the adoption of this constitution shall thereafter have no validity.

SEC. 4. No law shall be enacted limiting the amount of damages to be recovered for causing the injury or death of any person. Any contract or agreement with any employe, waiving any right to recover damages for causing the death or injury of any employe, shall be void.

SEC. 5. No corporation organized under the laws of Wyoming Territory or any other jurisdiction than this State shall be permitted to transact business in this State until it shall have accepted the constitution of this State and filed such acceptance in accordance with the laws thereof.

SEC. 6. No corporation shall have power to engage in more than one general line or department of business, which line of business shall be distinctly specified in its charter of incorporation.

SEC. 7. All corporations engaged in the transportation of persons, property, mineral oils, and mineral products, news or intelligence, including railroads, telegraphs, express companies, pipe lines, and telephones, are declared to be common carriers.

SEC. 8. There shall be no consolidation or combination of corporations of any kinds whatever to prevent competition, to control or influence productions or prices thereof, or in any manner to interfere with the public good and general welfare.

SEC. 9. The right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking property and franchises of incorporated companies and subjecting them to public use the same as the property of individuals.

SEC. 10. The Legislature shall provide by suitable legislation for the organization of mutual and co-operative associations or corporations.

RAILROADS.

SECTION 1. Any railroad corporation or association organized for the purpose shall have the right to construct and operate a railroad between any points within this State and to connect at the State line with railroads of other States. Every railroad shall have the right with its road to intersect, connect with, or cross any other railroad, and all railroads shall receive and transport each other's passengers, and tonnage and cars, loaded or empty, without delay or discrimination.

SEC. 2. Railroads and telegraph lines heretofore constructed or that may hereafter be constructed in this State are hereby declared public highways and common carriers, and as such must be made by law to extend the same equality and impartiality to all who use them, excepting employes and their families and ministers of the gospel, whether individuals or corporations.

SEC. 3. Every railroad corporation or association operating a line of railroad within this State shall annually make a report to the auditor of state of its business within this State, in such form as the Legislature may prescribe.

SEC. 4. Exercise of the power and right of eminent domain shall never be so construed or abridged as to prevent the taking by the Legislature of property and franchises of incorporated companies and subjecting them to public use the same as property of individuals.

SEC. 5. Neither the State nor any county, township, school district, or municipality shall loan or give its credit or make donations to or in aid of any railroad or telegraph line: *Provided*, That this section shall not apply to obligations of any county, city, township, or school district contracted prior to the adoption of this constitution.

SEC. 6. No railroad or other transportation company or telegraph company in existence upon the adoption of this constitution shall derive the benefit of any future legislation without first filing in the office of the secretary of state an acceptance of the provisions of this constitution.

SEC. 7. Any association, corporation, or lessee of the franchises thereof, organized for the purpose, shall have the right to construct and maintain lines of telegraph within this State and to connect the same with other lines.

SEC. 8. No foreign railroad or telegraph line shall do any business within this State without having an agent or agents within each county through which such railroad or telegraph line shall be constructed, upon whom process may be served.

SEC. 9. No railroad company shall construct or operate a railroad within 4 miles of any existing town or city without providing a suitable depot or stopping place at the nearest practicable point for the convenience of said town or city, and stopping all trains doing local business at said stopping place. No railroad company shall deviate from the most practicable line in constructing a railroad for the purpose of avoiding the provisions of this section.

ARTICLE No. XI.

(Transferred to Article No. II.)

ARTICLE No. XII.

COUNTY ORGANIZATION.

SECTION 1. These several counties in the Territory of Wyoming as they shall exist at the time of the admission of said Territory as a State are hereby declared to be the counties of the State of Wyoming.

SEC. 2. The Legislature shall provide by general law for organizing new counties, locating the county seats thereof temporarily, and changing county lines. But no new county shall be formed unless it shall contain within the limits thereof property of the valuation of \$2,000,000, as shown by last preceding tax returns, and not then unless the remaining portion of the old county or counties shall each contain property of at least \$3,000,000 of assessable valuation; and no new county shall be organized, nor shall any organized county be so reduced as to contain a population of less than 1,500 bona fide inhabitants, and in case any portion of an organized county or counties is stricken off to form a new county, the new county shall assume and be holden for an equitable proportion of the indebtedness of the county or counties so reduced. No county shall be divided unless a majority of the qualified electors of the territory proposed to be cut off voting on the proposition shall vote in favor of the division.

SEC. 3. The Legislature shall provide by general law for changing county seats in organized counties, but it shall have no power to remove the county seat of any organized county.

SEC. 4. The Legislature shall provide by general law for a system of township organization and government, which may be adopted by any county whenever a majority of the citizens thereof voting at a general election shall so determine.

SEC. 5. The Legislature shall provide by law for the election of such county officers as may be necessary.

ARTICLE No. XIII.

MUNICIPAL CORPORATIONS.

SECTION 1. The Legislature shall provide by general laws for the organization and classification of municipal corporations. The number of such classes shall not exceed four, and the powers of each class shall be defined by general laws, so that no such corporation shall have any powers or be subject to any restrictions other than all corporations of the same class. Cities and towns now existing under special charters or the general laws of the Territory may abandon such charter and reorganize under the general laws of the State.

SEC. 2. No municipal corporation shall be organized without the consent of the majority of the electors residing within the district proposed to be so incorporated, such consent to be ascertained in the manner and under such regulations as may be prescribed by law.

SEC. 3. The Legislature shall restrict the powers of such corporations to levy taxes and assessments, to borrow money and contract debts, so as to prevent the abuse of such power, and no tax or assessment shall be levied or collected or debts contracted by municipal corporations except in pursuance of law for public purposes specified by law.

SEC. 4. No street passenger railway, telegraph, telephone, or electric-light line shall be constructed within the limits of any municipal organization without the consent of its local authorities.

SEC. 5. Municipal corporations shall have the same right as individuals to acquire rights, by prior appropriation and otherwise, to the use of water for domestic and municipal purposes, and the Legislature shall provide by law for the exercise upon the part of incorporated cities, towns, and villages of the right of eminent domain for the purpose of acquiring from prior appropriators, upon the payment of just compensation, such water as may be necessary for the well-being thereof and for domestic uses.

ARTICLE No. XIV.

SALARIES.

SECTION 1. All State, city, county, town, and school officers (excepting justices of the peace and constables in precincts having less than 1,500 population, and excepting court commissioners, boards of arbitration, and notaries public) shall be paid fixed and definite salaries. The Legislature shall, from time to time, fix the amount of such salaries as are not already fixed by this constitution, which shall in all cases be in proportion to the value of the services rendered and the duty performed.

SEC. 2. The Legislature shall provide by law the fees which may be demanded by justices of the peace and constables in precincts having less than 1,500 population, and of court commissioners, boards of arbitration, and notaries public, which fees the said officers shall accept as their full compensation. But all other State, county, city, town, and school officers shall be required by law to keep a true and correct account of all fees collected by them, and to pay the same into the proper treasury when collected, and the officer whose duty it is to collect such fees shall be held responsible, under his bond, for neglect to collect the same: *Provided*, That in addition to the salary of sheriff they shall be entitled to receive from the party for whom the services are rendered in civil cases such fees as may be prescribed by law.

SEC. 3. The salaries of county officers shall be fixed by law within the following limits, to wit: In counties having an assessed valuation not exceeding \$2,000,000, the sheriff shall be paid not more than \$1,500 per year. The county clerk shall not be paid more than \$1,200 per year. The county and prosecuting attorney shall not be paid more than \$1,200 per year. The county treasurer shall not be paid more than \$1,000 per year. The county assessor shall not be paid more than \$500 per year. The county superintendent of schools shall not be paid more than \$500 per year.

In counties having an assessed valuation of more than \$2,000,000 and not exceeding \$5,000,000, the sheriff shall not be paid more than \$2,000 per year. The county clerk shall not be paid more than \$1,500 per year. The county assessor shall not be paid more than \$1,200 per year. The county and prosecuting attorney shall not be paid more than \$1,200 per year. The county superintendent of schools shall not be paid more than \$750 per year.

In counties having more than \$5,000,000 assessed valuation, the sheriff shall not be paid more than \$2,500 per year. The county clerk shall not be paid more than \$2,500 per year. The county assessor shall not be paid more than \$1,500 per year. The county and prosecuting attorney shall not be paid more than \$2,500 per year. The county superintendent of schools shall not be paid more than \$1,000 per year. The county surveyor in each county shall receive not to exceed \$3 per day for each day actually engaged in the performance of the duties of his office.

SEC. 4. The Legislature shall provide by general law for such deputies as the public necessities may require and shall fix their compensation.

SEC. 5. Any county officers performing the duties usually performed by the officers named in this article shall be considered as referred to by section 3 of this article, regardless of the title by which their offices may hereafter be designated.

SEC. 6. Whenever practicable the Legislature may and, whenever the same can be done without detriment to the public service, shall consolidate offices in State, county, and municipalities, respectively, and whenever so consolidated the duties of such additional office shall be performed under an *ex officio* title.

ARTICLE No. XV.

TAXATION AND REVENUE.

SECTION 1. All lands and improvements thereon shall be listed for assessment valued for taxation, and assessed separately.

SEC. 2. All coal lands in the State from which coal is not being mined shall be listed for assessment, valued for taxation, and assessed according to value.

SEC. 3. All mines and mining claims from which gold, silver, and other precious metals, soda, salina, coal, mineral oil, or other valuable deposit is or may be produced, shall be taxed in addition to the surface improvements, and, in lieu of taxes on the lands, on the gross product thereof, as may be prescribed by law: *Provided*, That the product of all mines shall be taxed in proportion to the value thereof.

SEC. 4. For State revenue there shall be levied annually a tax not to exceed 4 mills on the dollar of the assessed valuation of the property in the State, except for the support of State, educational, and charitable institutions, the payment of the State debt, and the interest thereon.

SEC. 5. For county revenue there shall be levied annually a tax not to exceed 12 mills on the dollar for all purposes, including general school tax, exclusive of State revenue, except for the payment of its public debt and the interest thereon. An additional tax of \$2 for each person between the ages of twenty-one years and fifty years, inclusive, shall be annually levied for county school purposes.

SEC. 6. No incorporated city or town shall levy a tax to exceed 8 mills on the dollar in any one year, except for the payment of its public debt and the interest thereon.

SEC. 7. Any money belonging to the State or to any county, city, town, village, or other subdivision therein, except as herein otherwise provided, shall, whenever practicable, be deposited in a national bank or banks or in a bank or banks incorporated under the laws of this State: *Provided*, That the bank or banks in which such money is deposited shall furnish security, to be approved as provided by law, and shall also pay a reasonable rate of interest thereon. Such interest shall accrue to the fund from which it is derived.

SEC. 8. The making of profits, directly or indirectly, out of State, county, city, town, or school-district money or other public fund, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

SEC. 9. There shall be a State board, composed of the State auditor, treasurer, and secretary of state.

SEC. 10. The duties of the State board shall be as follows: To fix a valuation each year for the assessment of live-stock and to notify the several county boards of equalization of the rate so fixed at least ten days before the day fixed for beginning assessments; to assess at their actual value the franchisees, roadway, road-bed, rails, and rolling-stock, and all other property used in the operation of all railroads and other common carriers, except machine-shops, rolling-mills, and hotels in this State; such assessed valuation shall be apportioned to the counties in which said roads and common carriers are located as a basis for taxation of such property: *Provided*, That the assessment so made shall not apply to incorporated towns and cities. Said board shall also have power to equalize the valuation on all property in the several counties for the State revenue and such other duties as may be prescribed by law.

SEC. 11. All property, except as in this constitution otherwise provided, shall be uniformly assessed for taxation, and the Legislature shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal.

SEC. 12. The property of the United States, the State, counties, cities, towns, school districts, municipal corporations, and public libraries, lots with the buildings thereon used exclusively for religious worship, church parsonages, public cemeteries, shall be exempt from taxation, and such other property as the Legislature may by general law provide.

SEC. 13. No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same, to which only it shall be applied.

SEC. 14. The power of taxation shall never be surrendered or suspended by any grant or contract to which the State or any county or other municipal corporation shall be a party.

ARTICLE No. XVI.

PUBLIC INDEBTEDNESS.

SECTION 1. The State of Wyoming shall not, in any manner, create any indebtedness exceeding 1 per cent. on the assessed value of the taxable property in the State, as shown by the last general assessment for taxation preceding, except to suppress insurrection or to provide for the public defense.

SEC. 2. No debt in excess of the taxes for the current year shall in any manner be created in the State of Wyoming, unless the proposition to create such debt shall have been submitted to a vote of the people and by them approved, except to suppress insurrection or to provide for the public defense.

SEC. 3. No county in the State of Wyoming shall in any manner create any indebtedness, exceeding 2 per cent. on the assessed value of taxable property in such county, as shown by the last general assessment, preceding: *Provided*, however, That any county, city, town, village, or other subdivision thereof in the State of Wyoming may bond its public debt existing at the time of the adoption of this constitution in any sum not exceeding 4 per cent. on the assessed value of the taxable property in such county, city, town, village, or other subdivision, as shown by the last general assessment for taxation.

SEC. 4. No debt in excess of the taxes for the current year shall, in any manner, be created by any county or subdivision thereof, or any city, town, or village, or any subdivision thereof in the State of Wyoming, unless the proposition to create such debt shall have been submitted to a vote of the people thereof and by them approved.

SEC. 5. No city, town, or village, or any subdivision thereof, or any subdivision of any county of the State of Wyoming shall, in any manner, create any indebtedness exceeding 2 per cent. on the assessed value of the taxable property therein: *Provided*, however, That any city, town, or village may be authorized to create an additional indebtedness, not exceeding 4 per cent. on the assessed value of the taxable property therein as shown by the last preceding general assessment, for purpose of building sewerage therein; debts contracted for supplying water to such city or town are excepted from the operation of this section.

SEC. 6. Neither the State nor any county, city, township, town, school district, or any other political subdivision shall loan or give its credit or make donations to or in aid of any individual, association, or corporation, except for necessary support of the poor, nor subscribe to or become the owner of the capital stock of any association or corporation. The State shall not engage in any work of internal improvement unless authorized by a two-thirds vote of the people.

SEC. 7. No money shall be paid out of the State treasury except upon appropriation by law and on warrant drawn by the proper officer, and no bills, claims, accounts, or demands against the State, or any county or political subdivision, shall be audited, allowed, or paid until a full itemized statement in writing, verified by affidavit, shall be filed with the officer or officers whose duty it may be to audit the same.

SEC. 8. No bond or evidence of indebtedness of the State shall be valid unless the same shall have indorsed thereon a certificate, signed by the auditor and secretary of state, that the bond or evidence of debt is issued pursuant to law and is within the debt limit. No bond or evidence of any debt of any county

or bond of any township or other political subdivision shall be valid unless the same have indorsed thereon a certificate, signed by the county auditor or other officer authorized by law to sign such certificate, stating that said bond or evidence of debt is issued pursuant to law and is within the debt limit.

ARTICLE No. XVII.

STATE MILITIA.

SECTION 1. The militia of the State shall consist of all able-bodied male citizens of the State between the ages of eighteen and forty-five years, except such as are exempted by the laws of the United States or the State. But all such citizens having scruples of conscience averse to bearing arms shall be excused therefrom upon such conditions as shall be prescribed by law.

SEC. 2. The Legislature shall provide by law for the enrollment, equipment, and discipline of the militia to conform as nearly as practicable to the regulations for the government of the armies of the United States.

SEC. 3. All militia officers shall be commissioned by the governor, the manner of their selection to be provided by law, and may hold their commissions for such period of time as the Legislature may provide.

SEC. 4. No military organization under the laws of the State shall carry any banner or flag representing any sect or society or the flag of any nationality but that of the United States.

SEC. 5. The governor shall be commander-in-chief of all the military forces of the State, and shall have power to call out the militia to preserve the public peace, to execute the laws of the State, to suppress insurrection, or repel invasion.

ARTICLE No. XVIII.

PUBLIC LANDS AND DONATIONS.

SECTION 1. The State of Wyoming hereby agrees to accept the grants of lands heretofore made, or that may be hereafter made, by the United States to the State for educational purposes, for public buildings and institutions, and for other objects, and donations of money with the conditions and limitations that may be imposed by the act or acts of Congress making such grants or donations. Such lands shall be disposed of only at public auction to the highest responsible bidder, after having been duly appraised by the land commissioners, at not less than three-fourths of the appraised value thereof, and for not less than \$10 per acre: *Provided*, That in case of actual and bona fide settlement and improvement thereon at the time of the adoption of this constitution, such actual settler shall have the preference right to purchase the land whereon he may have settled, not exceeding 160 acres, at a sum not less than the appraised value thereof, and in making such appraisement the value of improvements shall not be taken into consideration. If at any time hereafter the United States shall grant any arid lands in the State to the State, on condition that the State reclaim and dispose of them to actual settlers, the Legislature shall be authorized to accept such arid lands on such conditions or other conditions, if the same are practicable and reasonable.

SEC. 2. The proceeds from the sale and rental of all lands and other property donated, granted, or received, or that may hereafter be donated, granted, or received from the United States or any other source, shall be inviolably appropriated and applied to the specific purposes specified in the original grant or gift.

SEC. 3. The governor, superintendent of public instruction, and secretary of state shall constitute a board of land commissioners who, under such regulations as may be provided by law, shall have the direction, control, disposition, and care of all lands that have been heretofore or may hereafter be granted to the State.

SEC. 4. The Legislature shall enact the necessary laws for the sale, disposal, leasing, or care of all lands that have been or may hereafter be granted to the State, and shall, at the earliest practicable period, provide by law for the location and selection of all lands that have been or may hereafter be granted by Congress to the State, and shall pass laws for the suitable keeping, transfer, and disbursement of the land-grant funds, and shall require of all officers charged with the same or the safe-keeping thereof to give ample bonds for all moneys and funds received by them.

SEC. 5. Except a preference right to buy, as in this constitution otherwise provided, no law shall ever be passed by the Legislature granting any privileges to persons who may have settled upon any of the school lands granted to the State subsequent to the survey thereof by the General Government by which the amount to be derived by the sale or other disposition of such lands shall be diminished, directly or indirectly.

SEC. 6. If any portion of the interest or income of the perpetual school fund be not expended during any year, said portion shall be added to and become a part of the said school fund.

ARTICLE No. XIX.—Miscellaneous.

HOMESTEADS.

SECTION 1. A homestead as provided by law shall be exempt from forced sale under any process of law, and shall not be alienated without the joint consent of husband and wife, when that relation exists; but no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of said premises, or for the creation of improvements thereon.

LIVE-STOCK.

SECTION 1. The Legislature shall pass all necessary laws to provide for the protection of live-stock against the introduction or spread of pleuro-pneumonia, glanders, splenic or Texas fever, and other infectious or contagious diseases. The Legislature shall also establish a system of quarantine or inspection, and such other regulations as may be necessary for the protection of stock-owners and most conducive to the stock interests within the State.

CONCERNING LABOR.

SECTION 1. Eight hours' actual work shall constitute a lawful day's work in all mines and on all State and municipal works.

LABOR ON PUBLIC WORKS.

SECTION 1. No person not a citizen of the United States or who has not declared his intentions to become such shall be employed upon or in connection with any State, county, or municipal works or employment.

SEC. 2. The Legislature shall by appropriate legislation see that the provisions of the foregoing section are enforced.

LABOR CONTRACTS.

SECTION 1. It shall be unlawful for any person, company, or corporation to require of its servants or employes, as a condition of their employment or otherwise, any contract or agreement whereby such person, company, or corporation shall be released or discharged from liability or responsibility on account of personal injuries received by such servants or employes while in service of such person, company, or corporation by reason of the negligence of such person, company, or corporation, or the agents or employes thereof, and such contracts shall be absolutely null and void.

POLICE POWERS.

SECTION 1. No armed police force or detective agency or armed body or unarmed body of men shall ever be brought into this State for the suppression of domestic violence, except upon the application of the Legislature, or executive when the Legislature can not be convened.

ARTICLE No. XX.

AMENDMENTS.

SECTION 1. Any amendment or amendments to this constitution may be proposed in either branch of the Legislature, and, if the same shall be agreed to by two-thirds of all the members of each of the two houses, voting separately, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals, and it shall be the duty of the Legislature to submit such amendment or amendments to the electors of the State at the next general election, and cause the same to be published without delay for at least twelve consecutive weeks prior to said election in at least one newspaper of general circulation published in each county, and if a majority of the electors shall ratify the same such amendment or amendments shall become a part of this constitution.

SEC. 2. If two or more amendments are proposed they shall be submitted in such manner that the elector shall vote for or against each of them separately.

SEC. 3. Whenever two-thirds of the members elected to each branch of the Legislature shall deem it necessary to call a convention to revise or amend this constitution they shall recommend to the electors to vote at the next general election for or against a convention, and if a majority of all the electors voting at such election shall have voted for a convention, the Legislature shall at the next session provide by law for calling the same, and such convention shall consist of a number of members, not less than double that of the most numerous branch of the Legislature.

SEC. 4. Any constitution adopted by such convention shall have no validity until it has been submitted to and adopted by the people.

ARTICLE No. XXI.

SCHEDULE.

SECTION 1. That no inconvenience may arise from a change of the territorial government to a permanent State government, it is declared that all writs, actions, prosecutions, claims, liabilities, and obligations against the Territory of Wyoming, of whatever nature, and rights of individuals, and of bodies corporate, shall continue as if no change had taken place in this government, and all process which may, before the organization of the judicial department under this constitution, be issued under the authority of the Territory of Wyoming, shall be as valid as if issued in the name of the State.

SEC. 2. All property, real and personal, and all moneys, credits, claims, and choses in action belonging to the Territory of Wyoming at the time of the adoption of this constitution shall be vested in and become the property of the State of Wyoming.

SEC. 3. All laws now in force in the Territory of Wyoming which are not repugnant to this constitution shall remain in force until they expire by their own limitation or be altered or repealed by the Legislature.

SEC. 4. All fines, penalties, forfeitures, and escheats accruing to the Territory of Wyoming shall accrue to the use of the State.

SEC. 5. All recognizances, bonds, obligations, or other undertakings heretofore taken, or which may be taken before the organization of the judicial department under this constitution, shall remain valid, and shall pass over to and may be prosecuted in the name of the State, and all bonds, obligations, or other undertakings executed to this Territory or to any officer in his official capacity shall pass over to the proper State authority and to their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly. All criminal prosecutions and penal actions which have arisen or which may arise before the organization of the judicial department under this constitution, and which shall then be pending, may be prosecuted to judgment and execution in the name of the State.

SEC. 6. All officers, civil and military, holding their offices and appointments in this Territory under the authority of the United States or under the authority of this Territory shall continue to hold and exercise their respective offices and appointments until suspended under this constitution.

SEC. 7. This constitution shall be submitted for adoption or rejection to a vote of the qualified electors of this Territory at an election to be held on the first Tuesday in November, A. D. 1890. Said election, as nearly as may be, shall be conducted in all respects in the same manner as provided by the laws of the Territory for general elections, and the returns thereof shall be made to the secretary of said Territory who, with the governor and chief-justice thereof, or any two of them, shall canvass the same, and if a majority of the legal votes cast shall be for the constitution the governor shall certify the result to the President of the United States, together with a statement of the votes cast thereon and a copy of said constitution, articles, propositions, and ordinances. At the said election the ballots shall be in the following form: "For the constitution—Yes. No." And as a heading to each of the ballots, shall be printed on each ballot the following instructions to voters: "All persons who desire to vote for the constitution may erase the word 'No.' All persons who desire to vote against the constitution may erase the word 'Yes.' Any person may have printed or written on his ballot only the words: 'For the constitution' or 'Against the constitution,' and such ballots shall be counted for or against the constitution accordingly."

SEC. 8. This constitution shall take effect and be in full force immediately upon the admission of the Territory as a State.

SEC. 9. Immediately upon the admission of the Territory as a State, the governor of the Territory, or, in case of his absence or failure to act, the secretary of the Territory, or, in case of his absence or failure to act, the president of this convention shall issue a proclamation, which shall be published and a copy thereof mailed to the chairman of the board of county commissioners of each county, calling an election by the people for all State, district, and other officers created and made elective by this constitution, and fixing a day for such election, which shall not be less than forty days after the date of such proclamation nor more than ninety days after the admission of the Territory as a State.

SEC. 10. The board of commissioners of the several counties shall thereupon order such election for said day, and shall cause notice thereof to be given, in the manner and for the length of time provided by the laws of the Territory in cases of general elections for Delegates to Congress, and county and other officers. Every qualified elector of the Territory at the date of said election shall be entitled to vote thereat. Said election shall be conducted in all respects in the same manner as provided by the laws of the Territory for general elections, and the returns thereof shall be made to the canvassing board hereinafter provided for.

SEC. 11. The governor, secretary of the Territory, and president of this convention, or a majority of them, shall constitute a board of canvassers to canvass the vote of such election for member of Congress, all State and district officers, and members of the Legislature. The said board shall assemble at the seat of government of the Territory on the thirtieth day after the day of such election (or on the following day if such day fall on Sunday) and proceed to canvass the votes for all State and district officers and members of the Legislature, in the manner provided by the laws of the Territory for canvassing the vote for Delegates to Congress, and they shall issue certificates of election to the persons found to be elected to said offices, severally, and shall make and file with the secretary of the Territory an abstract, certified by them, of the number of votes cast for each person for each of said offices, and of the total number of votes cast in each county.

SEC. 12. All officers elected at such election, except members of the Legislature, shall, within thirty days after they have been declared elected, take the oath

required by this constitution, and give the same bond required by the law of the Territory to be given in case of like officers of the Territory or district, and shall thereupon enter upon the duties of their respective offices; but the Legislature may require by law all such officers to give other or further bonds as a condition of their continuance in office.

SEC. 13. The governor-elect of the State, immediately upon his qualifying and entering upon the duties of his office, shall issue his proclamation convening the Legislature of the State at the seat of government, on a day to be named in said proclamation, and which shall not be less than thirty nor more than sixty days after the date of said proclamation. Within ten days after the organization of the Legislature, both houses of the Legislature, in joint session, shall then and there proceed to elect, as provided by law, two Senators of the United States for the State of Wyoming. At said election the two persons who shall receive the majority of all the votes cast by said senators and representatives shall be elected as United States Senators, and shall be so declared by the presiding officers of said joint session. The presiding officers of the senate and house shall issue a certificate to each of said Senators certifying his election, which certificates shall also be signed by the governor and attested by the secretary of state.

SEC. 14. The Legislature shall pass all necessary laws to carry into effect the provisions of this constitution.

SEC. 15. Whenever any two of the judges of the supreme court of the State elected under the provisions of this constitution shall have qualified in their offices, the causes then pending in the supreme court of the Territory, and the papers, records, and proceedings of said court, and the seal and other property pertaining thereto shall pass into the jurisdiction and possession of the supreme court of the State; and until so superseded the supreme court of the Territory and the judges thereof shall continue with like powers and jurisdiction as if this constitution had not been adopted. Whenever the judge of the district court of any district elected under the provisions of this constitution shall have qualified in office, the several causes then pending in the district court of the Territory within any county in such district, and the records, papers, and proceedings of said district court, and the seal and other property pertaining thereto shall pass into the jurisdiction and possession of the district court of the State for such county; and until the district courts of this Territory shall be superseded in the manner aforesaid, the said district courts and the judges thereof shall continue with the same jurisdiction and power, to be exercised in the same judicial districts respectively as heretofore constituted under the laws of the Territory.

SEC. 16. Until otherwise provided by law the seal now in use in the supreme and district courts of this Territory are hereby declared to be the seals of the supreme and district courts, respectively, of the State.

SEC. 17. Whenever this constitution shall go into effect, records and papers and proceedings of the probate court in each county, and all causes and matters of administration and other matters pending therein, shall pass into the jurisdiction and possession of the district court of the same county, and the said district court shall proceed to final decree or judgment order or other determination in the said several matters and causes as the said probate court might have done if this constitution had not been adopted.

SEC. 18. Senators and members of the house of representatives shall be chosen by the qualified electors of the several senatorial and representative districts as established in this constitution until such districts shall be changed by law, and thereafter by the qualified electors of the several districts as the same shall be established by law.

SEC. 19. All county and precinct officers who may be in office at the time of the adoption of this constitution shall hold their respective offices for the full time for which they may have been elected, and until such time as their successors may be elected and qualified, as may be provided by law, and the official bonds of all such officers shall continue in full force and effect as though this constitution had not been adopted.

SEC. 20. Members of the Legislature and all State officers, district and supreme judges elected at the first election held under this constitution shall hold their respective offices for the full term next ensuing such election, in addition to the period intervening between the date of their qualification and the commencement of such full term.

SEC. 21. If the first session of the Legislature under this constitution shall be concluded within twelve months of the time designated for a regular session thereof, then the next regular session following said special session shall be omitted.

SEC. 22. The first regular election that would otherwise occur following the first session of the Legislature shall be omitted, and all county and precinct officers elected at the first election held under this constitution shall hold their office for the full term thereof, commencing at the expiration of the term of the county and precinct officers then in office, or the date of their qualification.

SEC. 23. This convention does hereby declare on behalf of the people of the Territory of Wyoming that this constitution has been prepared and submitted to the people of the Territory of Wyoming for their adoption or rejection, with no purpose of setting up or organizing a State government until such time as the Congress of the United States shall enact a law for the admission of the Territory of Wyoming as a State under its provisions.

ORDINANCES.

The following articles shall be irrevocable without the consent of the United States and the people of this State:

SECTION 1. The State of Wyoming is an inseparable part of the Federal Union and the Constitution of the United States is the supreme law of the land.

SEC. 2. Perfect toleration of religious sentiment shall be secured, and no inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship.

SEC. 3. The people inhabiting this State do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribe, and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposition of the United States, and that said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without this State shall never be taxed at a higher rate than the lands belonging to residents of this State; that no taxes shall be imposed by this State on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use. But nothing in this article shall preclude this State from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations and has obtained from the United States or from any person a title thereto, by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indian tribes under any acts of Congress containing a provision exempting the lands thus granted from taxation, which last-mentioned lands shall be exempt from taxation so long and to such an extent as is or may be provided in the act of Congress granting the same.

SEC. 4. All debts and liabilities of the Territory of Wyoming shall be assumed and paid by this State.

SEC. 5. The Legislature shall make laws for the establishment and maintenance of systems of public schools which shall be open to all the children of the State and free from sectarian control.

Done in open convention, at the city of Cheyenne, in the Territory of Wyoming, this 30th day of September, in the year of our Lord one thousand eight hundred and eighty-nine.

Attest:

JOHN K. JEFFREY, *Secretary.*

Signatures of members of the constitutional convention:

Mellville C. Brown, president; John K. Jeffrey, secretary; Geo. W. Baxter, A. C. Campbell, J. A. Casbeer, C. D. Clark, Henry A. Coffeen, Asbury H. Conaway, Henry S. Elliott, Mortimer N. Grant, Henry G. Hay, Frederick H. Harvey, Mark Hopkins, John W. Hoyt, Wm. C. Irvine, James A. Johnston, Jesse Knight, Elliott S. N. Morgan, Edward J. Morris, John M. McCandlish, Herman F. Menough, Caleb P. Organ, Louis J. Palmer, C. W. Holden, H. G. Nickerson, A. L. Sutherland, W. E. Chaplin, Jonathan Jones, John L. Russell, Geo. W. Fox, Frank M. Foote, Chas. H. Burritt, Chas. N. Potter, D. A. Preston, John A. Biner, Geo. C. Smith, H. E. Teschemacher, C. L. Vagner, Thos. R. Reid, Robert C. Butler.

(Other members were obliged to leave before the constitution had been engrossed.)

Variations from original copy of constitution (as filed in office of secretary of the Territory) made by direction of revision committee.

ARTICLE No. 11—Boundaries.

Inserted as one section of Article No. 2.

ARTICLE No. 19—Miscellaneous.

Sections on arbitration and board of arbitration inserted as sections 28 and 29 of Article No. 3; judicial department, section 28 of same article, being made section 30.

ARTICLE No. 7—Education.

Section 12. Omitted as being identical in substance with section 3, Article No. 12, public lands and donations:

Sec. 12. The governor, secretary of state, State treasurer, and superintendent of public instruction shall constitute the board of land commissions, which, under direction of the Legislature, as limited by this constitution, shall have direction, control, leasing, and disposal of the lands of the State granted, or which may be hereafter granted, for the support and benefit of public schools, subject to the further limitations that the sale of all lands shall be at public auction, after such delay (not less than the time fixed by Congress) in portions at proper intervals of time, and at such minimum prices (not less than the minimum fixed by Congress) as to realize the largest possible proceeds.

TERRITORY OF WYOMING, SECRETARY'S OFFICE.

Cheyenne, November 27, 1889.

I do hereby certify that the annexed and foregoing printed copy of the constitution of the proposed State of Wyoming is a true and correct copy of the original thereof as filed in this office on the 30th day of September, A. D. 1889, with the exception of the variations noted on page 75 of said printed copy.

I further certify that said constitution was submitted, for adoption or rejection, to a vote of the qualified electors of said Territory, at an election held on Tuesday, the 5th day of November, A. D. 1889, and that a majority of the votes cast at said election was in favor of the adoption of said constitution.

In testimony whereof I have hereunto set my hand and affixed the great seal of the Territory the date first above written.

[SEAL.]

JOHN W. MELDRUM,
Secretary of Wyoming Territory.

Mr. VEST. Mr. President, I am very well aware that nothing I can say will do more than delay for a very short time the passage of this bill. There is nothing in the circumstances surrounding this question which would tempt me to say anything but for a sense of public duty in regard to it. There was a time in the history of this country when the birth of a new State was considered a matter of considerable public importance, but that time seems to have passed away, and we admit States now, not only singly, but in bunches, with a facility which has never characterized even a State Legislature in the formation of new counties.

If the question of admitting a State into the Union affected only and exclusively the population of that State, this conduct on the part of Congress might be to some extent excusable; there might be some palliation for the utter indifference with which such matters are now considered. But there is a dual aspect of this question. The admission of a State into the Union affects the rights of the people of every State in the Union alike. The admission of a State here without the requisite population, a reasonable population within the judgment of Congress, directly and absolutely affects the interests of the people in all the States.

There are some points in regard to the admission of new States about which there can be no controversy among intelligent people. It will be admitted, I suppose, that the Government of the United States should not hold the Territories as colonial possessions. In my judgment, and I believe that is now admitted by all lawyers of intelligence, we acquire our right to control the Territories as to their institutions and their admission into the Union from that clause in the Constitution which applies to the admission of new States into the Union, and the power does not come from that clause of the Constitution which gives Congress the right to make "all needful rules and regulations respecting the territory or other property belonging to the United States." It is from the power to admit new States that we can control absolutely, within the limitations of the Constitution, the institutions and affairs of the Territories.

Mr. President, to say that a State should come into this Union with less population than a county in my own State—

Mr. CULLOM. What was the population of the Senator's State when it was admitted into the Union?

Mr. VEST. My State had sixty-odd thousand, which was one-half more than the ratio then for a member of Congress. I will come to that point directly. To say that a population of 60,000, over an immense area of country, over a country with 60,000 square miles in it, should send two Senators to Congress and one Representative, if no more—

Mr. PLATT. There are 97,000 square miles in the proposed State of Wyoming.

Mr. VEST. I have the exact figures here.

Mr. JONES, of Arkansas. There are 97,000 square miles.

Mr. VEST. Well, 97,000 square miles. I have taken from the official reports the area of Wyoming. It is 98,000 square miles.

Mr. PLATT. Over 97,000—nearly 98,000.

Mr. VEST. Containing 62,000,000 acres. Out of those 62,000,000 acres there are four or five million which can be cultivated without irrigation, and it is conjectured that there are eleven or twelve million acres that may hereafter be susceptible of cultivation if we adopt a general irrigating system.

But the point to which I call attention is that here is an immense extent of country in a Territory that has been for a number of years organized as a Territory of the United States—98,000 square miles—with a population of not exceeding 70,000; and that extent of country with that population, not one-half of the ratio necessary for a Representative in the popular branch of Congress, is to be represented in this Chamber by the same number of Senators with New York, Pennsylvania, Ohio, Illinois, Missouri, and all the States of the Union, to say nothing of its representation in the other branch of Congress.

It is very well known, Mr. President, that under political exigencies, when parties were equally divided in this country, all the considerations have been overlooked and party prejudice and passion have controlled the admission of new States into the Union. The birth of my own State was an epoch in the political history of the United States which can never be forgotten. For three years Missouri was held in abeyance on the slavery question. The more recent controversy which culminated in the civil war in regard to the admission of Kansas and Nebraska it is only necessary to mention.

No such political exigency exists now. The Republican party have 8 majority in this Chamber. No sectional question is presented. If it is possible at any time to appeal to the deliberate, calm, and non-partisan judgment of a body it should be here, at this time. Yet I mistrust any such appeal.

Mr. EDMUNDS. May I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from Missouri yield?

Mr. VEST. If it is for information, yes.

Mr. EDMUNDS. It is for information; and that is to know whether the Senator really believes that this Territory, embraced within the limits described in the bill, is incapable of becoming a prosperous, well ordered State, a good factor in the common weal of the whole Republic.

Mr. VEST. Mr. President, that is not the question.

Mr. EDMUNDS. I do not hear the answer.

Mr. VEST. I should dislike to say that where there were ten or twenty thousand American citizens they were not capable of establishing government and administering law, but I say that to admit a population less than that in a great many of the counties in the States, scattered over an immense extent of country like this, with equal rights and privileges as a sovereign State, is not justified by anything that is now in the condition of this question.

Mr. CULLOM. Has not that always been the case when a new State was admitted that some of the old States had in their counties what the Senator now represents?

Mr. VEST. Never within my knowledge so conspicuously as in the present case. After all, it is a matter of discretion with Congress when a Territory shall come into the Union; and I propose to show as my own deliberate conviction that no such public necessity exists now for the admission of Wyoming, embracing 98,000 square miles, with a population of 70,000.

Mr. PLATT. Where does the Senator get his population of 70,000?

Mr. VEST. I get it, as I shall show directly, from the largest vote they have ever polled for Delegate, 18,210. Eighteen thousand two hundred and ten was the largest vote ever polled in that Territory for Delegate. If we were to adopt the ratio which is taken in the oldest States of 5 to 1 to arrive at the population, that would make ninety thousand and some hundred.

Mr. REAGAN. Is not the Senator mistaken?

Mr. PLATT. That is right, on a ratio of 5 to 1.

Mr. VEST. If we take 18,000, in round numbers, and multiply it by 5, which is the ratio adopted in old and established States, it would make 90,000 population. The ratio for representation in the popular branch of Congress is over 150,000, so that would fall 60,000 short of the ratio for a member of Congress. But when we consider that in Wyoming they have woman suffrage and that at least one-third of the 18,000 votes must have been cast by women, you have 12,000 male voters, which, multiplied by 5, would make only 60,000.

But every man who is familiar with the West knows that that ratio does not obtain there. The large proportion of voters in the Western Territories like Wyoming are unmarried men, and must be from the nature of the country and the necessities of their surroundings. I undertake to say that 3 to 1 (and I am a Western man and know whereof I speak) is the fair ratio in the Western Territories; and that would make not more than thirty-six to forty thousand people in Wyoming to-day. And they are to have two Senators here!

Mr. CULLOM. Forty-six to fifty thousand?

Mr. VEST. Three times twelve thousand would be thirty-six thousand.

Mr. CULLOM. There were 18,000 votes cast.

Mr. VEST. Six thousand of them were cast by women. You are not going to count the husband and wife both and put five children to each one of them? That sort of arithmetical progression would bankrupt the census. I do not know any country where that sort of thing obtains, though some of them are very good at the business.

Congress has never adopted, in the nature of things it never could adopt, under the rule which governs the admission of new States, any fixed and procrustean rule as to population. In the great debate upon the Kansas and Nebraska bill, Mr. Douglas (and I simply state it not as conclusive, but as a historical incident) declared that no State should be admitted into the Union with less population than the ratio necessary for a Representative in the popular branch of Congress. The more I have reflected upon that statement the better satisfied I am that it is correct. If, as to the admission of a new State, you isolate the single consideration of what the people of the Territory themselves want and what is best for them, it is possible to make an argument against this statement that is plausible, if not convincing. But when you consider, as I have said before, that this is a dual question, one affecting not alone the people of the Territory, but the people of the whole United States, it is unjust to give to less than the number necessary for a Representative in the popular branch of Congress the full rights of State sovereignty.

Is it nothing to the people of Missouri that two Senators are added to this body who are to vote as to laws for them and as to taxation and as to the great constitutional and economic questions that are daily presented here? Is it nothing to the people of a district in Missouri that a Territory is to have a member in the popular branch of Congress who is representing there only fifty or sixty thousand people, when in my State it requires more than one hundred and fifty-one thousand in order to cast a Representative's vote? We have heard a great deal in discussing at this session the negro question, as to the fact that two men in the North cast the same vote with one in the South; and yet the gentlemen who make that argument utterly ignore the fact that in admitting a Territory with less than the ratio of population required for a member in the popular branch they are adopting the same outrage, as they term it, which they say is practiced in the South, to say nothing about the representation in the Senate when these same fifty or sixty thousand people come here with two Senators equal to the representation in this body of the Imperial State of New York.

As the Senator from Illinois suggested, there have been States admitted into this Union with fifty or sixty thousand population; but the circumstances were very different from those that surround us now; and the ratio of representation in the popular branch of Congress has continually changed. I hold in my hand a table of the twenty-five States admitted into the Union, excluding the last four, the two Dakotas, Montana, and Washington; and of those twenty-five States, commencing with Vermont and ending with Colorado, there were but four of them that did not have more than the ratio for representation in the popular branch of Congress. Oregon had 2,000 less, and only 2,000, and that was on an estimate of 50,000. The ratio of representation was 52,000 and Oregon had 50,000.

Mr. PLATT. The ratio of representation was 93,000 when Oregon was admitted.

Mr. VEST. Perhaps I am mistaken, then. Yes, Oregon's population by the next census was 52,465. Her estimated population when admitted was 50,000, and the ratio of representation at that time was 93,423. Nevada was admitted in 1864. The ratio of representation then was 127,381. Her estimated population was 40,000, and by the next census it was 42,491. Nebraska was admitted in 1867, when the ratio was the same, 127,381. Her estimated population was 100,000 when admitted, and the next census showed a population of 122,993. Colorado was admitted in 1876, when the ratio of representation was 131,425. Her estimated population was 100,000, and by the next census it was 194,640, going above the ratio. With the exception of those four States, not one of the twenty-five States was admitted into the Union without a population up to the ratio of representation.

Mr. PLATT. The Senator has omitted Florida and Kansas.

Mr. PADDOCK. If the Senator from Missouri will allow me, I desire to say to him that the estimate he has read of the population of Nebraska when it was admitted into the Union is altogether wrong. I was then a citizen of the Territory and had been for some years. The population did not exceed 50,000 when the State was admitted. Four years later it was 122,000 and over.

Mr. VEST. The estimate I put on it was 100,000. The next census showed 122,000.

Mr. PADDOCK. I know that to be wrong by at least 100 per cent.

Mr. VEST. Florida was admitted in 1845. The ratio was then 70,680. Her estimated population was 64,000, and by the next census it was actually 87,445, going above the ratio. Kansas was admitted in 1861. The ratio of representation was 127,381. Her estimated population was 107,206, but at the next census it was 364,369.

Mr. President, I make the statement again that here are 98,000

square miles with not exceeding, in my judgment, 50,000 people in a Territory that has been organized as such for a long time, and we are asked now, without any political exigency resting upon the dominant party, to admit these people into the Union on an equal representation with the largest States in this branch of Congress and with one member of the House of Representatives at any rate.

Congress should also, as a matter of course, scrutinize the constitution of every State that applies for admission into the Union. I care not what may be the constitution adopted by a State after it becomes one; the responsibility rests upon Congress to pass upon the constitution of a State when it applies for admission into the sisterhood of States. It is for us to say whether the constitution as proposed is in consonance with our idea, not only of the Constitution of the United States, but the general institutions and the general interests of the people of the whole country.

The constitution of Wyoming contains provisions in it, first, in regard to suffrage, to which I will never give my consent. I shall never vote to admit into the Union any State that adopts woman suffrage. I do not propose to discuss the sentimental side of that question. I simply say for myself that, in my judgment, woman suffrage is antagonistic to the spirit, to the institutions of the people of the United States. It is utterly antagonistic to my ideas of the Government as our fathers made it and left it to us. If there were no other reason, I would never give the right of suffrage to women, because the danger to the institutions of the United States to-day is in hurried, spasmodic, sentimental suffrage. If our institutions are preserved and handed down to our children after us, it must be by deliberate, earnest, thoughtful voters; and the great danger to the suffrage of the United States to-day is an unprepared, hurried, impetuous sentimental suffrage that goes from feeling, and not from judgment.

I do not propose to waste any time in discussing the aspect of the woman-suffrage question that enters into the domestic life of our people. It goes without saying that women are purer than men, that their impulses are better; but it is absolutely true that they are more impulsive than men; that they are led more by their hearts and less by their heads; and for us now to adopt the principle of woman suffrage and ratify it by the admission of a State which has that principle in its constitution is in my judgment to abnegate the highest requisite of suffrage in the United States. Deliberation, argument, caution, these are safeguards to which we must look in the future; and if this country is ruined it will be by immature, unprepared, impulsive, and thoughtless suffrage.

I do not propose to say that women can not become intelligent voters, but I say they will have very different motives to those that influence men. I do not care to go into the logical argument. Whenever you make voters out of women, you must make out of them citizens who will bear all the burdens of citizenship, including military service. It is not necessary to go that far. I believe that with universal suffrage in this country the injecting into our suffrage of all the women of the United States would be the greatest calamity that could possibly happen to our institutions and people. I will be entirely frank about this matter. Even if I did not believe this as to all the women of the country, I will never give my vote to increase the burden of illiterate and unprepared and unworthy suffrage in the South. To-day the people of the South are struggling for existence under the evil of negro suffrage. A servile race, utterly unprepared for it, by our great mistake, which amounted to a crime in its results, were hurled upon the people of this country in a mass, utterly unprepared for the duties assigned them. Woman suffrage means that every negro woman in the South shall have the same privilege. No intelligent man in either party in this country to-day would again give the right of suffrage to the negro race under the same circumstances. I am their friend. Born with them, reared among them, nursed by them, I have never had one particle of antipathy towards them and would elevate them and benefit them to-day in every way I could. But I would no more give them the suffrage than I would give a deadly weapon to a child, knowing what I do about it, and I would unquestionably not give it to their women, who are far more impulsive and far more thoughtless than the men. The men, by attrition and social relations with the whites in the different relations of business and life, have become to some extent educated and broadened and enlightened; but to give the negro women, at home on the plantations, impulsive, thoughtless, uneducated, the suffrage, thus doubling and more than doubling the curse that is on the South to-day, would in my judgment be a great crime.

Mr. President, if there were no other reason with me, I would vote against the admission of Wyoming because it has that feature in its constitution. I will not take the responsibility as a Senator of indorsing in any way, directly or indirectly, woman suffrage. I repeat that in my judgment it would be not only a calamity, but an absolute crime against the institutions of the people of the United States.

But there is another feature in this constitution which I can never indorse. I have not the slightest objection to any foreigner or alien coming to this country and making investments in the way of legitimate business. I believe it impolitic and unwise for us to build a Chinese wall, commercially or otherwise, around this country. I believe we should invite enterprise and capital. For my part, I am for

throwing wide open the doors of the Republic to every immigrant who comes here in good faith to help us work out the great problem of self-government. But I am utterly opposed to the ownership of real estate in this country by aliens, and will never give my vote for it. To-day one of the greatest evils in all the Western country is the practice that has grown up of foreign syndicates and foreign capitalists monopolizing a large extent of territory by getting possession of the water-courses and shutting out the people of the United States who come as actual settlers.

Mr. CULLOM. What provision of the constitution of Wyoming does the Senator refer to?

Mr. VEST. The Senator from Illinois asks me what it is. I read from the constitution and bill of rights.

Mr. MORGAN. On what page?

Mr. VEST. I have not the document here, but I read from a transcript:

No distinction as to resident aliens and citizens as to possession, taxation, enjoyment, and descent of property shall be made.

Mr. PLATT. What section does the Senator read?

Mr. VEST. I have not the official document before me. I read from an extract which I wrote. There shall be "no distinction as to resident aliens and citizens as to possession, taxation, enjoyment, and descent of property."

Mr. CULLOM. I have not my eye upon the section, but I am inclined to think that there is something more than that which pertains to the same subject, but I have not found it yet.

Mr. VEST. I have not the official document here, but I am satisfied that is the language of the provision found in the constitution.

Mr. GRAY. It is section 29.

Mr. JONES, of Arkansas. If that is a provision of the constitution I will find it in a few minutes.

Mr. VEST. I copied it myself from the constitution.

Mr. GRAY. It is section 29.

Mr. VEST. Then read it, please.

Mr. GRAY. Section 29 of the bill of rights, which I read with the Senator's permission, provides that—

No distinction shall ever be made by law between resident aliens and citizens as to the possession, taxation, enjoyment, and descent of property.

Mr. VEST. That is the provision. Now, under that provision any alien can go into the State of Wyoming, purchase all the property, real, personal, and mixed, that his means will allow, and shut out the people of the United States from it. No provision can be broader than that. Its intention is plain beyond any sort of question; and every Senator who votes for the admission of this State with that provision in the bill of rights says to the people of Europe, to the alien capitalists, to their nomadic noblemen who come here and buy vast possessions on which to settle their younger sons, "Wyoming is open to you, and if your money holds out you can buy two-thirds of the entire State."

Mr. JONES, of Arkansas. If the Senator will permit me to interrupt him for a moment in that connection, I should like to call his attention to the fact that on the 3d day of March, 1887, there was approved an act which we had passed here providing that aliens shall not hold land in the Territories of this Government. So this action of the Wyoming bill of rights is directly in the face of what had been the previous action of Congress.

Mr. VEST. There is no doubt about that; we passed that act. I have heard here from time to time Columbian oratory on that subject, that alien landlords shall not transfer their hereditary holdings to the United States; but if this State comes in with that bill of rights we know exactly what to expect, and that any quantity of real and personal property can be purchased there and held with the right of descent in the foreign holder to an unlimited extent.

Mr. FRYE. Can aliens hold real estate in Missouri?

Mr. VEST. No, sir; they can inherit in Missouri.

Mr. PLATT. There are not three States in the Union where an alien can not purchase and hold property.

Mr. VEST. In my State it can descend under our statutes to an alien.

Mr. FRYE. I never heard of any restriction in the East. I supposed it was universal.

Mr. VEST. The Senator from Connecticut says there are three States in which it is prohibited.

Mr. PLATT. Not over three States, so far as I know.

Mr. VEST. It makes no difference, Mr. President, whether there are three States or thirty in which it is prohibited, Congress has expressed its opinion on this subject by its legislation, and if we accept this State as a member of the Union with that provision we do it with the distinct understanding that we are permitting a thing against which we have legislated here.

Another thing, Mr. President: there can be no sort of doubt that this call for statehood, as in nearly all cases, does not come from a spontaneous popular uprising in its behalf. At the election for the adoption of the constitution (and I will give as succinctly as possible the history of this State movement) the movement came originally not

from the people, not from Congress, not through any enabling act, but it came from the county boards of commissioners, who requested the governor to issue a proclamation calling a convention to form a constitution.

Mr. PAYNE. Without any authority.

Mr. VEST. Without any authority from the Territorial Legislature, without any authority from Congress, without any convention by the people.

I do not choose to go into the argument as to the manner in which this movement was inaugurated as a conclusive argument against the admission of the State. If the population was sufficient, if the people had come together even in an irregular manner and presented a suitable constitution, I would not stand upon technicalities. But I am now arguing the proposition as to whether this was a spontaneous popular movement from necessity, whether it emanated from the people on account of their wants or whether it came from the politicians, as in my judgment it has done very frequently. It did not come from an enabling act. It did not come from an act of the Territorial Legislature. It did not come from a popular convention. It came from some boards of county commissioners who simply out of hand requested the governor to issue a proclamation for a popular election.

Mr. EDMUNDS. Was there any opposition to it?

Mr. VEST. I am not prepared to say that there was an organized opposition, nor for the purposes of my argument, with great respect to the Senator from Vermont, do I care whether there was or not. The point I am discussing is whether this thing came from the people, growing out of the necessities of their situation, or did it come from another source and from other necessities connected with personal ambition and political emergency?

But the governor issued his proclamation June 3, 1889. The election was held on the second Monday of July, 1889. The convention assembled Monday, September 1, 1889, made a constitution, and adjourned September 31. The election on the constitution as to its adoption was held November 5; and the whole vote cast was 8,195, of which 1,923 were cast against the constitution. In the election for Delegate in 1888 there were 18,210 votes cast. There was a falling off of 10,000 votes, in round numbers.

Mr. GRAY. Did the women vote at that election?

Mr. VEST. Yes, all voted, men and women. There was a falling off of 10,000 votes between the Delegate election in 1888 and the vote on the constitution in 1889.

It is said that there was a terrible snow-storm raging; that the cave of winds burst open and the blasts howled across the prairie and the delicate and effeminate voters were unable to reach the polls. We have a Weather Bureau in this country, and I have here the official report from the Weather Bureau, whatever it is worth, taken at their signal stations as to the condition of the weather at that time in Wyoming. Without troubling the Senate with reading the whole of it, it shows that the temperature was moderate; that the wind, although not a zephyr, was a comfortable, benignant wind for that latitude; that instead of a tremendous snow-storm, which would have impeded locomotion and prevented voters from reaching the polls, the snow-fall, according to the official report, was about one-tenth of an inch.

Mr. EDMUNDS. May I ask the Senator a question, Mr. President?

Mr. VEST. Certainly.

Mr. EDMUNDS. I am in some doubt about this business, and I am trying to get real information; but, on the subject of what the weather was, I wish to call to the Senator's attention that the Signal Office for the last year or two, since the present Administration came in, I will say, not to offend his sensibilities, is generally and uniformly wrong, as, for instance, we were told that yesterday there would be a fearful thunder shower in this town. So I am inclined to think that the committee is right and that the Signal Office, as usual, is wrong about the state of the weather on that day.

Mr. VEST. I confess that there is some uncertainty about the weather as well as about politics.

Mr. EDMUNDS. But there is uncertainty about the bureau.

Mr. VEST. The Senator says "since the present Administration came in." Since then a good many prophecies that were made in regard to the political weather have not turned out exactly as they were stated before the election.

Mr. EDMUNDS. No; you prophesied evil and good has come.

Mr. VEST. As to whether good has come or not, I am willing to take the verdict of the Republican party itself. If the degree of satisfaction with the Administration which exists in this Chamber is any indication, there has been very great disappointment as to the political weather.

Mr. President, it may be that this falling off of 10,000 votes was not due to indifference and to apathy upon the part of the people of that Territory; but it is a most significant fact, and a complete answer to the paper that was read here showing the overruling necessity for a State government in Wyoming, that 10,000 less voters, men and women, went to the polls to vote upon the organic act which was to admit them to the Union than voted in 1888 upon the election simply of a Delegate to Congress—a falling off of 10,000.

Mark you, Mr. President, that was not in the effeminate population

of the East. That was not where people are afraid to face the inclemency of the weather. That was not among the silken dunes of the effeminate civilization of the older States. This was in a frontier country, where the howling blasts of winter are braved for six and seven long months in the ordinary avocations of life by the hunters, the cattle-raisers, the miners, the men who are blazing the pathway of civilization against all the obstacles of nature. Is it not strange that when the children in the night were crying for statehood, when the women were praying for it, when the men were working for it the weather kept 10,000 of these hardy pioneers away from the polls? It is incredible, sir. This movement came from the politicians.

Mr. CULLOM. The people were so unanimously for it that there was no contest and they did not consider that it was necessary to go to the polls.

Mr. VEST. Out of the 8,000 who voted one-fourth voted against it. Nineteen hundred and odd voted against it. It is said that there was no issue to bring out a full vote. If they were panting for statehood, if it was necessary to them, was any other issue necessary except that? What issue could be as great to those people? Here was an escape from all the ills of their Territorial condition. Here was the panacea. Here was the gate opening into a great Union. Here were all their candidates for office. Yet there was a falling off of 10,000 votes between the election of Delegate and the adoption of the constitution.

But, Mr. President, another singular fact is developed in the history of this case. At the election for Delegate to Congress in 1888, there were 10,451 Republican and 7,557 Democratic votes. Now, when the Legislature is organized and districted, here is the proportion between the two parties in the ratio of representation by districts and counties: In the senate the 10,451 Republicans have under this distribution fourteen senators and the Democrats have two, and in the house the 10,451 Republicans have twenty-nine Representatives and the nearly 8,000 Democrats have four.

Mr. EDMUNDS. Is that a gerrymandering process?

Mr. VEST. The Senator from Vermont asks me if that is gerrymandering. That is worse than gerrymandering; it is robbery. That is naked political felony. The men who did that job would do anything for political success.

Mr. PLATT. Does the Senator claim that the State was not districted according to population?

Mr. VEST. I say the State was districted for Republican success and nothing else, and they paid no attention to population or where it was. I say it was impossible without trickery, in a distribution, to bring about such a result as that.

Mr. EDMUNDS. The census by counties will show that and I think the Senator is mistaken about it.

Mr. VEST. I have it here officially, and I will ask leave to put it in the RECORD. Here is the provision:

SEC. 4. Until an apportionment of senators and representatives as otherwise provided by law, they shall be divided among the several counties of the State in the following manner:

It was an arbitrary distribution.

Mr. EDMUNDS. That is, so many to a county?

Mr. VEST. So many to a county.

Until an apportionment of senators and representatives as otherwise provided by law they shall be divided among the several counties of the State in the following manner:

Albany County, two senators and five representatives.

Carbon County, two senators and five representatives.

Converse County, one senator and three representatives.

Crook County, one senator and two representatives.

Fremont County, one senator and two representatives.

Laramie County, three senators and six representatives.

Johnson County, one senator and two representatives.

Sheridan County, one senator and two representatives.

Sweetwater County, two senators and three representatives.

Uinta County, two senators and three representatives.

Mr. EDMUNDS. I am only asking for information; I am not debating it at all; but does the Senator mean to say that those counties, named in that way, do not represent substantially and fairly, as near as you can get at it, the population of the whole body of the Territory?

Mr. VEST. I do.

Mr. EDMUNDS. I should like to see the proof of that.

Mr. PLATT. If the Senator from Missouri will permit me, I want to remark right here that the apportionment was made by a Democratic chief-justice and a Democratic secretary of the Territory and a Republican governor, and the Republican governor must have hoodwinked the two distinguished Democrats to have gotten any such trickery.

Mr. VEST. I do not know who made the apportionment. I know what was done.

Mr. CULLOM. I wish to say, if the Senator will allow me, that in the election of delegates in many of the districts there was no controversy as to politics, that Democrats and Republicans were elected by understanding.

Mr. VEST. I know that this is the apportionment made; and here are the counties:

Albany, two Republicans in the senate and five in the house.

Carbon, two Republicans in the senate and five in the house.

Converse, one Republican in the senate and three in the house.

Crook, one Republican in the senate and two in the house.

Fremont, one Democratic senator and two Democratic representatives.

Laramie, three Republican senators and six representatives.

Johnson, one Democratic senator and two representatives.

Sheridan, one Republican senator and two representatives.

Sweetwater, two Republican senators and three representatives.

Uinta, two Republican senators and three representatives.

As between the respective Democratic and Republican voters, the Republicans having 10,451 and the Democrats having 7,547, here are 14 Republicans and 2 Democrats in the Senate and 29 representatives for the Republicans and 4 for the Democrats in the house. In other words, with 7,500 voters the Democrats get 4 representatives in the house; with 10,000 voters the Republicans get 29. If two of the men who made that apportionment were Democrats, God help me from their political association! They were either idiots or worse. I am answering now the statement that this apportionment was made by three officers of the Territorial government, but, as my friend from Delaware suggests, and I come to that, my information is that it was made arbitrarily by the constitutional convention.

Mr. PLATT. That is all in the report of the governor of Wyoming. It is signed by Francis E. Warren, governor, W. L. Maginnis, chief justice, and S. D. Shannon, secretary; and there never has been a question raised, so far as I have heard, in Wyoming or out of it, that it was not perfectly fair as to the population and progress.

Mr. GRAY. With the permission of the Senator from Missouri I should like to ask the Senator from Connecticut whether that apportionment was not made by the constitutional convention that framed the constitution.

Mr. PLATT. I am talking now of the apportionment on which delegates were elected to the constitutional convention.

Mr. EDMUNDS. How many had Carbon?

Mr. VEST. Carbon had two Republican senators and five Republican representatives.

Mr. EDMUNDS. And Albany?

Mr. VEST. Albany had the same.

Mr. EDMUNDS. Two and five?

Mr. VEST. Two and five. Out of the whole Legislature the Democrats had two senators and four representatives.

Mr. EDMUNDS. Right on the point of those two counties, without any debate about it, by the census of 1880, which of course was a good while ago, the population of those counties was, Albany 4,636 and Carbon 3,448, about 1,100 difference, which would make about an even apportionment. I do not know anything about the politics of the two counties, but the apportionment would seem to be about as near as it could be.

Mr. VEST. I do not undertake to say that there was any disproportion as to the apportionment in regard to the aggregate number of people, but what I mean to say is that the districts were so arranged as to disfranchise the Democrats both in the senate and house.

Mr. EDMUNDS. That the Senator must prove.

Mr. VEST. I have proved it here by showing that it was simply impossible in a fair apportionment that 7,500 voters should only have two senators and four representative while 10,000 voters, only 2,500 more, had fourteen senators and twenty-nine representatives.

Mr. EDMUNDS. Let us take those two first counties again, if the Senator will pardon me, and that is what he read. On turning to the official census I find as to those two counties, Albany and Carbon, which were assigned equal representation both in the senate and assembly, that the difference in their population was just about 1,100 people, which is substantially for the purposes of representation as near in the apportionment of counties as you can possibly get it. Therefore, no matter what the politics of either was, if one was entirely Republican and the other entirely Democratic, the apportionment is fair according to the population. If you are going to apportion according to opinions, then you adopt new and I will not say a Southern method of apportionment, but a Democratic, I will say, because it is not Southern as much as it is Northern perhaps. I do not see how the fact the Senator states bears out his inference that a political discrimination has been made in the apportionment.

Mr. VEST. Well, Mr. President, it can not be made much plainer than the simple statement of the result. Here are certain districts and counties that are arbitrarily given a certain number of Senators and Representatives. Now, it turns out that under that arbitrary arrangement the result is what I have read, that 10,000 voters have fourteen Senators and twenty-nine Representatives, and 7,500 voters have two Senators and four Representatives. This apportionment was made by that convention arbitrarily. Here is the apportionment: such a county shall have so many Senators and so many Representatives, another county so many, and so on.

Mr. EDMUNDS. You must have a census of the counties in the ordinary way.

Mr. VEST. It was so arranged as to bring about the result which I have named, and it is a practical disfranchisement of the Democrats within the Territory.

But these two bills come here together, and there is no doubt about this matter when you come to Idaho. The movement was just the same. It was gotten up by politicians both in Wyoming and Idaho. There was no enabling act passed for Idaho. There was no act of the Territorial Legislature. It was done by an off-hand proclamation of the

governor. A convention was called, a constitution was adopted and submitted to the people, and then an apportionment made, and what was the result?

The official vote for Delegate in Idaho in November, 1888, was, for Dubois, Republican, 8,151; for Hailey, Democrat, 6,404; for Buck, Independent, 1,458—8,151 Republicans and 6,404 Democrats, leaving out the Independents.

Mr. EDMUNDS. If my friend will allow me to interrupt him, What was the relative vote of the two parties on agreeing to the constitution?

Mr. VEST. I will come to that directly. I am speaking now as to the point of an honest apportionment of representation in Idaho, as I said in regard to the same point in Wyoming. Here is the population of the Territory of Idaho in 1889 as estimated in the report of the governor to the Secretary of the Interior, giving the respective counties, which I will not read. It was 113,777 people. I have before me the number of people in each county. Here is the provision of the Idaho constitution under which the first Legislature is to be elected, and subsequent Legislatures until otherwise provided, just as was done in Wyoming:

ARTICLE XIX.
Apportionment.

SECTION 1. Until otherwise provided by law the apportionment of the two houses of the Legislature shall be as follows:

The first senatorial district shall consist of the county of Shoshone, and shall elect two senators.

The second shall consist of the counties of Kootenai and Latah, and shall elect one senator.

The third shall consist of the counties of Nez Percé and Idaho, and shall elect one senator.

The fourth shall consist of the counties of Nez Percé and Latah, and shall elect one senator.

The fifth shall consist of the county of Latah, and shall elect one senator.

The sixth shall consist of the county of Boise, and shall elect one senator.

The seventh shall consist of the county of Custer, and shall elect one senator.

The eighth shall consist of the county of Lemhi, and shall elect one senator.

The ninth shall consist of the county of Logan, and shall elect one senator.

The tenth shall consist of the county of Bingham, and shall elect one senator.

The eleventh shall consist of the counties of Bear Lake, Oneida, and Bingham, and shall elect one senator.

The twelfth shall consist of the counties of Owyhee and Cassia, and shall elect one senator.

The thirteenth shall consist of the county of Elmore, and shall elect one senator.

The fourteenth shall consist of the county of Alturas, and shall elect one senator.

The fifteenth shall consist of the county of Ada, and shall elect two senators.

The sixteenth shall consist of the county of Washington, and shall elect one senator.

Sec. 2. The several counties shall elect the following members of the house of representatives:

The county of Ada, three members.

The counties of Ada and Elmore, one member.

The county of Alturas, two members.

The county of Boise, two members.

The county of Bear Lake, one member.

The county of Bingham, three members.

The county of Cassia, one member.

The county of Custer, two members.

The county of Elmore, one member.

The county of Idaho, one member.

The counties of Idaho and Nez Percé, one member.

The county of Kootenai, one member.

The county of Latah, two members.

The counties of Kootenai and Latah, one member.

The county of Logan, two members.

The county of Lemhi, two members.

The county of Nez Percé, one member.

The county of Oneida, one member.

The county of Owyhee, one member.

The county of Shoshone, four members.

The county of Washington, two members.

The counties of Bingham, Logan, and Alturas, one member.

Now I read from remarks made by Hon. WILLIAM M. SPRINGER:

In this constitution the Republican leaders have so gerrymandered the districts for the senate and house of representatives of Idaho as to perpetuate the power of the Republican party in that State indefinitely. I will show how this is done. According to this apportionment, based upon the vote for Delegate in 1888, which I will print in the RECORD, the senate of Idaho at its first session will consist of fifteen Republicans and three Democrats.

I call attention to the fact that there were 8,000 Republican voters and over 6,000 Democratic voters, and the apportionment in the senate of Idaho under this arbitrary apportionment is fifteen Republicans and three Democrats. I will print in the RECORD the representation of each county under this apportionment, both for the senate and house of representatives.

Senate of Idaho as it will stand at the first election under the constitution, according to the vote for Delegate in 1888.

Districts.	Counties.	Republican.	Democratic.
First.....	Shoshone.....	3	1
Second.....	Kootenai and Latah.....	1	1
Third.....	Nez Percé and Idaho.....	1	1
Fourth.....	Nez Percé and Latah.....	1	1
Fifth.....	Latah.....	1	1
Sixth.....	Boise.....	1	1

* By 2 majority—800 votes were cast for Buck in Latah. This district is therefore doubtful.

Senate of Idaho as it will stand at the first election, etc.—Continued.

Districts.	Counties.	Republican.	Democratic.
Seventh.....	Custer.....	1	1
Eighth.....	Lemhi.....	1	1
Ninth.....	Logan.....	1	1
Tenth.....	Bingham.....	1	1
Eleventh.....	Bear Lake, Oneida, and Bingham.....	1	1
Twelfth.....	Owyhee and Cassia.....	1	1
Thirteenth.....	Elmore.....	1	1
Fourteenth.....	Alturas.....	1	1
Fifteenth.....	Ada.....	2	1
Sixteenth.....	Washington.....	1	1
Total.....		15	3

House of Representatives.

Districts.	Counties.	Republican.	Democratic.
First.....	Ada.....	3	1
Second.....	Ada and Elmore.....	1	1
Third.....	Alturas.....	2	1
Fourth.....	Boise.....	2	1
Fifth.....	Bear Lake.....	1	1
Sixth.....	Bingham.....	3	1
Seventh.....	Cassia.....	1	1
Eighth.....	Custer.....	2	1
Ninth.....	Elmore.....	1	1
Tenth.....	Idaho.....	1	1
Eleventh.....	Idaho and Nez Percé.....	1	1
Twelfth.....	Kootenai.....	1	1
Thirteenth.....	Latah.....	2	1
Fourteenth.....	Kootenai and Latah.....	1	1
Fifteenth.....	Logan.....	2	1
Sixteenth.....	Lemhi.....	2	1
Seventeenth.....	Nez Percé.....	1	1
Eighteenth.....	Oneida.....	1	1
Nineteenth.....	Owyhee.....	1	1
Twentieth.....	Shoshone.....	4	1
Twenty-first.....	Washington.....	2	1
Twenty-second.....	Bingham, Logan, and Alturas.....	1	1
Total house.....		31	5
Total senate.....		15	3
Total on joint ballot.....		46	8

Mr. EDMUNDS. I do not wish to interrupt my friend without his consent—

The VICE-PRESIDENT. Does the Senator from Missouri yield?

Mr. VEST. Of course.

Mr. EDMUNDS. Does that table show that the apportionment of senators to counties—I will just stick by that for the moment—is out of proportion to the population of the respective counties?

Mr. VEST. Yes, sir; in a great many instances it is, as I shall proceed to show.

Mr. EDMUNDS. In the two cases we referred to in Wyoming it did not appear to be so.

Mr. VEST. I undertake to say, and the official record shows it, that this apportionment would give to the same number of Republicans twice as many representatives as to the same number of Democrats.

Mr. EDMUNDS. I am speaking of the population and not of voters, for men change their minds.

Mr. VEST. I am talking about the political complexion of it, to show the object of the apportionment.

Mr. CULLOM. Will the Senator allow me a moment?

Mr. VEST. Certainly.

Mr. CULLOM. I have not looked at the figures with reference to Idaho, as that bill is not before the Senate, but I simply want to say in reference to Wyoming that the apportionment that was made under which the delegates were elected to form a constitution was made by the chief justice, who was appointed by the recent President, Mr. Cleveland, and by the secretary of the Territory appointed by him, and by the governor appointed by a Republican administration, I believe; and, as I am informed, they simply took the apportionment which was theretofore made by the Legislature of that Territory, and the subject of politics was not discussed at all.

Mr. VEST. I know it was not discussed, but when they came to the final result it was a little one-sided.

Mr. CULLOM. If it was, it would certainly have been one-sided in favor of the Democratic party, for the majority of the gentlemen who held those positions were Democrats.

Mr. VEST. I do not know those gentlemen, and as to their having been appointed by the Democratic Administration, all I can say is that from my standpoint that Administration made a good many mistakes in its appointments.

Mr. CULLOM. Possibly.

Mr. VEST. It appointed men to office who were by no means, in my judgment, Democrats in good standing, and they were kept in office.

I am very much in hopes that if the same gentleman presides again over the destinies of this country he will profit by his past experience and stick to his party.

Mr. CULLOM. I do not think there is any occasion for uneasiness about that. I do not think he will preside again.

Mr. VEST. When my friend receives the nomination of the Republican party, I shall discuss that matter with him. [Laughter.]

Mr. President, I will quote again from Mr. SPRINGER in regard to these tables:

See how cunningly these districts have been divided. It is provided, for instance, that in the second senatorial district the counties of Kootenai and Latah shall elect one senator. The fourth district consists of the counties of Nez Perce and Latah; the fifth consists of the county of Latah by itself. All through, as will be seen, these counties are interwoven with each other, dovetailed together, so as to make them almost unanimously Republican.

Let me call attention to another fact. It will require 1,280 Democrats to secure one member of the house of representatives in Idaho under this constitution and 2,168 Democrats to elect one senator; while 263 Republicans will be able to elect one representative and 543 to elect one senator.

Now, Mr. President, I challenge the advocates of this bill to take the figures that I give and show that they are not correct from the official reports; and when the conclusion is reached, as it must be mathematically, that this apportionment was based on fraud, that it was concocted for political purposes, that it is impossible in a fair apportionment that this thing should have been brought about, that ought to destroy this bill if nothing else, because, if this be the result in the green tree, what will it be in the dry? If these people commence with this sort of thing in a Territorial condition at their first apportionment, what may we expect hereafter in subsequent apportionments and contests?

Mr. CULLOM. I understand the Senator is discussing Idaho at this time, is he not?

Mr. VEST. I am discussing Idaho in connection with Wyoming, because the bills come together. We no longer admit one State at a time.

Mr. CULLOM. When we take up Idaho we shall see about that.

Mr. VEST. I do not propose to speak about Idaho. I propose to give my conclusions as to both of them now, and, as Mr. SPRINGER says about this apportionment, they have interwoven and dovetailed and intertwined them together, and they come here from the same motive, come in the same fashion, in the same inspiration, and liable to the same objections, except, as I will show directly, that in Wyoming they have admitted the Mormons to vote, whilst in Idaho they have excluded them. That, I suppose was for climatic reasons. [Laughter.]

Mr. CULLOM. Perhaps there are not many in one Territory and a great many in the other.

Mr. VEST. If it is a good thing in one it is good in the other, and if it is a bad thing in one it is bad in the other. But that is not the reason. We ought to be frank with each other. In Idaho the Mormons are supposed to be Democrats and in Wyoming they are supposed to be Republicans; and that makes all the difference in the world.

Mr. CULLOM. A great difference, but I never heard that urged before by anybody.

Mr. VEST. But it is a fact. Here are two Territories side by side with the same class of population, and in one of them these people are excluded from voting and in the other they are admitted. Now it is uncandid for Senators to pretend that there is any other reason for this but one, and that is a political reason.

Mr. JONES, of Arkansas. They and their wives vote in Wyoming.

Mr. VEST. Why, of course, the women vote. One of their apostles can go up and cast 10 votes, 1 for himself and 9 for his wives.

Mr. PLATT. How many Mormons does the Senator think there are in the Territory of Wyoming?

Mr. VEST. There are a great many less than in Idaho. I have got the figures here somewhere.

Now, Mr. President, I want to give the figures succinctly, and I challenge investigation.

Mr. PLATT. What does the Senator read from?

Mr. VEST. I read from the speech of Mr. SPRINGER. He did not manufacture the figures; I have compared them with the official statements and they are correct.

Under this apportionment—

Says Mr. SPRINGER—

It will require 1,280 Democrats to secure one member of the house of representatives in Idaho under this constitution, and 2,168 Democrats to elect one senator; while 263 Republicans will be able to elect one representative and 543 to elect one senator. There were 8,151 votes cast for the Republican candidate for Delegate in 1888, and 6,404 votes for the Democratic candidate.

That is the difference.

There were 8,151 votes cast for the Republican candidate for Delegate in 1888 and 6,404 votes for the Democratic candidate. The 8,151 Republican votes will be represented in the senate by fifteen senators, one senator for every 543 Republican votes; and every 263 Republican votes will be represented by one representative.

But the 6,404 voters will be represented by only three senators and five representatives; that is, it will require 2,168 Democrats to elect one senator and 1,280 Democrats to elect one representative.

Mr. CULLOM. Will the Senator allow me to interrupt him?

Mr. VEST. Certainly.

Mr. CULLOM. I am informed by the Delegate from that Territory, who has the right to speak not on this floor, but on the other, that the apportionment is the apportionment made by a Democratic Legislature of that Territory.

Mr. VEST. There it is again.

Mr. CULLOM. And I believe under a Democratic governor, though I do not recollect about that. The only difference between that and the original apportionment and what exists now is that the number of the districts was increased.

Mr. VEST. I do not wish to go into any issue of fact with the Delegate from that Territory. I say my political experience teaches me that is not correct. If this apportionment was made by a Democratic Legislature it is the most remarkable apportionment ever made in the history of the world.

Mr. CULLOM. All we want is to get at the facts.

Mr. VEST. I say, on its face it shows that it was done for political purposes. Tell me that a Democratic Legislature would arbitrarily make such an apportionment as this, which shuts them out from the political control of the Territory absolutely. It would take a dozen Delegates, and I would have to know them all my life, before I would believe any such thing.

In other words, in the election of State senators 543 Republicans will equal 2,168 Democrats, and in the election of members of the lower house of the Legislature 263 Republicans will equal 1,280 Democrats, or in constituting the senate of Idaho one Republican equals four Democrats, and in the house of representatives one Republican equals nearly five Democrats.

Says Mr. SPRINGER:

Now I will give some example to show how this was brought about.

In Shoshone County, which is Republican, with a population of 9,500, four members are allowed by this apportionment in the house of representatives. In Democratic Bear Lake, with 5,900 population, only one member is allowed.

If a Democratic Legislature did that thing they ought to be disfranchised as idiots.

Mr. JONES, of Arkansas. How could a Democratic Legislature inject into the constitution a provision of this kind? This is the twentieth article of the constitution.

Mr. VEST. I suppose the Senator meant the Democratic convention.

Mr. JONES, of Arkansas. He said the Democratic Legislature did it. That is in the constitution.

Mr. VEST. I will give him the benefit of any correction.

Mr. CULLOM. What was that?

Mr. VEST. The Senator said the Democratic Legislature did this. I take it he meant the convention.

Mr. CULLOM. What I meant to say was—I did not hear the Senator's remarks—that the same apportionment under which the delegates were elected, as I understand, was the apportionment that the Democratic Legislature had made for the election of members of the Legislature, that that stood, and under that delegates were elected afterwards to the constitutional convention.

Mr. JONES, of Arkansas. But the Senator from Missouri is criticising the apportionment of the Territory by the convention for future elections to be held in it, not the elections where delegates were chosen to the convention.

Mr. CULLOM. We shall see what that is when we get to it.

Mr. VEST. Mr. President, in Cassia County, which is a Democratic county—

In Cassia County, with a population of 4,500, only one member is allowed, or two members for a Democratic population of 10,400, while Shoshone County, with 9,500, or 900 less, has four representatives in the Legislature. That was not due to scarcity of Democrats, but to a plentiful supply of Republican ingenuity and gerrymandering skill. And in Republican Custer, with a population of 4,900, two members are allowed, while in Democratic Bear Lake, with 5,900, only one member is allowed. Although Bear Lake has a thousand more population than Republican Custer it has only one representative in the Legislature. Republican Lemhi, with a population of 5,500, has two members. It has a population of 400 less than Democratic Bear Lake, and yet it has one representative more in the Legislature.

It is impossible under a fair apportionment that that thing should come about. It is evident upon the very face of it that there must have been some motive, and, of course, a political one, at the bottom of this singular and extraordinary arrangement of representation.

Mr. President, we are confronted in the case of Idaho, as in the case of Wyoming, with a population less than required for the ratio of representation in the House of Representatives, and two Senators more are to be added here for 113,000 people, nearly 40,000 less than the ratio of representation required now for a member of the House of Representatives; and under this state of things four Senators are to be added to this body, to say nothing of the addition to be made to the popular branch of Congress, without any political exigency; when the movements have commenced in a most irregular form and fashion, when we are confronted by the most extraordinary provisions in these constitutions, when we are asked to overturn our Anglo-Saxon civilization and to build up a new one upon the idea of woman suffrage in Wyoming, when Mormons are excluded in one Territory and included in another, although holding identically the same religious opinions! Why, sir, if this can be done and is done, it is a farce to talk about adopting any other except arbitrary methods as to the admission of new States into the Union.

Mr. President, I can not vote for these bills, although as a matter of course they will become laws. They will become laws from force of habit, if nothing else. They will become laws because they are reported here by a dominant majority. But I can tell Senators now that the time will come when they will see that they have been tampering with the most solemn and serious question presented to the representatives of the people of the United States, that they have, without reason and in the face of argument, as I deliberately assert, in order, out of the sheer wantonness of political supremacy, trampled upon the principles and practices which our fathers established and taught us to observe.

Mr. PLATT. Mr. President, I do not intend to spend much time in the discussion of this bill, for I am admonished that if I want to secure the passage of anything in this Senate I must be brief in my statements with regard to the propriety of the measure. In other words, the time of the Senate is too valuable, with the measures that are crowding upon us, to spend much time in discussion. If the time of the Senate is to be consumed in discussion of this bill and the bill which I trust is to follow, that time will be largely consumed on the other side of the Chamber, I am sure; but I want to reply very briefly, and as vigorously as I may, to the argument just made by the Senator from Missouri [Mr. VEST], because I suppose it represents and expresses the objections which are made and to be made to the admission of Wyoming and possibly to the admission of Idaho.

Now I agree with one statement of the Senator from Missouri, and I disagree to all the rest. I agree that these bills are not the result of any political exigency. They are not intended to be. No political exigency is claimed upon which these bills rest, and upon which we claim that these Territories have a fair right to admission as States. In every possible respect, as to everything which has been considered essential in order that the right to a claim of statehood should be complete, these Territories can not be questioned, with one exception, and that is as to population.

Mr. JONES, of Arkansas. Directly on that point I should like to ask the Senator a question. It seems to me that there can be no reason, except a political one, why Wyoming and Idaho should be picked out for admission here, unless the dominant party in this body believe that they are going to gain a party advantage by admitting these Territories, and at the same time excluding Arizona and New Mexico, both of which have more territory, more population, and more wealth, and both of which are older than the other two, unless there is some political reason for it, and I confess I can see none. I should be glad to have the Senator explain to the Senate why these two are brought in together, younger than the other two, smaller in population, smaller in territory, and less wealthy than they are.

Mr. PLATT. It seems the Senator from Missouri and the Senator from Arkansas do not agree. The Senator from Missouri thinks there is no political exigency and the Senator from Arkansas thinks there is. I agree with the Senator from Missouri.

There is another point about which I apprehend the Senator from Missouri and the Senator from Arkansas will not agree, which I was going to speak of further on, and that is as to the clause in the bill of rights which says that there shall be no distinction between resident aliens and citizens as to possession, taxation, and descent of property. That happens to be in the constitution of Arkansas, and I suppose the Senator from Arkansas will not agree with the Senator from Missouri in that respect, for he certainly would not desire to keep out a Territory which had incorporated into its bill of rights a provision which was taken from the bill of rights of the State of Arkansas.

Mr. JONES, of Arkansas. I should be glad to have the Senator answer my question without undertaking to reconcile my views with those of the Senator from Missouri. I suppose any difference that exists between us does not give either of us very much trouble, but I should like to have the Senator make an answer to my proposition.

Mr. PLATT. The Senator will obtain it if he will not interrupt me.

Mr. JONES, of Arkansas. I will not interrupt if the Senator will give me his answer. I thought from the way he was beginning his speech he was going to bring another matter out. I will sit down and wait patiently to hear his answer.

Mr. PLATT. The bills for the admission of Wyoming and Idaho were introduced early in the present session. The bills were introduced at the last session and reported in the case of both of those Territories for an enabling act and would have been passed if they could have been reached. These Territories followed the provisions of those enabling acts in the calling of their conventions. Of course the acts were not passed, but they followed the provisions of those acts, which were reported to the Senate and which no doubt would have been passed if they could have been reached, in calling the constitutional conventions. They went forward and adopted the constitutions. They submitted those constitutions to the people and the people approved them. Then they came here and very early in this session of the Senate bills were introduced to admit them as States under the constitutions which they had just formed, following the enabling acts which had been proposed and reported to the Senate. Those cases were considered by the committee; they were reported; each stood upon its own merits; they

were not connected, and the majority of the committee—and I think I do not go beyond what I have a right to say when I add that the whole committee without serious objection—believed that these two Territories upon the facts which they had presented were entitled to admission.

The case with regard to Arizona and New Mexico is entirely different. It will be time enough to consider those cases when they come before the Senate. For Arizona I think no bill has been presented. It is possible one has been presented, but there has been no claim made for its consideration in the Committee on Territories of the Senate. I think there has been none presented, but I am not entirely certain of that fact. Nobody has appeared at the door of the Committee on Territories of the Senate asking that Arizona should be admitted as a State.

So far as New Mexico is concerned, we have had a partial hearing upon that, and if it shall be determined upon full hearing that New Mexico ought to be admitted upon the facts as shown to the committee, there will be no hesitation about it and a report will be made. If, on the other hand, it shall be found upon the facts that, in the opinion of the committee or a majority of the committee, it is not yet ripe for statehood, a report will be made the other way. These four Territories have in no sense been connected. There is no politics about it, and any attempt to make it appear that political considerations have governed the reports in these cases, I think, is entirely without the possibility of being sustained.

As I said with regard to the argument of the Senator from Missouri, I agree that these bills are not presented here as the result of political exigency. Indeed I think that some Senators on this side of the Chamber will for the first time learn that the Republicans have got a sure prospect of carrying Idaho and its Legislature, from the argument which has been made here by the Senator from Missouri. It is a matter which has not entered into the consideration either of the committee or the Senate in bringing forward these bills and pressing them here, and so far as I am concerned, so far as I represent the Committee on Territories of the Senate, I stand here for the admission of these two Territories as States because I believe they are entitled to statehood on every ground that has ever been considered as being a requisite for statehood, and I should be unjust to those people and to those Territories if I stood here to refuse them that boon, which is the dearest to every American citizen. I should feel if I stood here to keep Wyoming and Idaho out of the Union that the men occupying those Territories in the far West would have a right to charge me with jealousy of the Western people because I was an Eastern man, and I desire as a Senator representing an Eastern State to say that I believe Wyoming has as good a right—I do not speak of an absolute right or a legal right, but a right in view of all the qualifications which have been exacted from Territories before their admission to statehood—as any Territory which has ever been admitted as a State in the whole history of our country. We followed but the general policy of this Government when we reported Wyoming as fit for admission.

Now, I want to take up the objections which have seemed to be prominently urged by the Senator from Missouri. He says that two Senators ought not to come here upon this floor from a sparsely settled State with a population not exceeding perhaps 100,000 or 125,000, not up to the ratio of representation, which is 151,912, and have the same influence in this body and the same number of votes that the State of Missouri has. What he says about that applies as well to the State of Connecticut as to the State of Missouri, and I say as a representative of the State of Connecticut that I have no prejudice and no objection to two Senators from a new State, if that State is fairly entitled to admission into the Union, coming here and having just as many votes upon this floor as the two Senators from Connecticut, that is older and has a larger population.

It applies to the State of New York as well as it does to the State of Rhode Island, or to the State of Missouri, or the State of Connecticut. It might be said that New York with its five millions of people or more ought to have more Representatives upon this floor than the State of Oregon with three or four hundred thousand, or the State of Missouri with its million, more or less—I do not speak by the book. But such has not been the theory of the Constitution of our Government. It was not the theory of the fathers, of the framers of the Constitution. They did not apportion the Senators who should occupy seats in this body according to the population of the States which they represented. The disproportion and disparity existed at the formation of the Constitution. It was never intended that there should be popular representation upon this floor; but it was intended that two Senators should represent each State. If that is so, and it be admitted that, under the general policy of this country and the conditions and circumstances under which other States have been admitted, Wyoming is to be admitted here as a State, then as a State she is entitled to two Senators upon this floor as much as Florida is entitled to two Senators, or Rhode Island is entitled to two Senators, or Montana is entitled to two Senators when New York and Pennsylvania and Ohio and Missouri and all those States have vastly more population.

That argument falls to the ground the moment that Wyoming presents herself within the conditions and circumstances which have

hitherto been supposed to justify the admission of Territories into the Union as States; and I say, and the facts given in the report which has been read here show, that if a comparison were made between the resources, the population, the wealth, the character, the stability, the prospects of future growth of Wyoming and the other Territories that have been admitted as States, it will be found that Wyoming does not fall below them in any respect, except in this one respect of population, and as to that, six States are shown to have been admitted with a less population at the time of admission than the unit of representation required by law for one Representative at that time, and those States are Florida, Oregon, Kansas, Nevada, Nebraska, and Colorado. Up to the admission of the four States at the last Congress, Oregon, Kansas, Nevada, Nebraska, and Colorado were the States last admitted, in the order named, and no one of them had at the time of admission an estimated population equal to the then unit of representation. Other States have been admitted when the population was barely equal to the unit of representation. For instance, Illinois was two or three hundred short at the time of her admission, but has grown into that magnificent empire represented in part by my friend who sits near me [Mr. CULLOM], that State which to-day (and I commenced to say it without thinking of the Senator from Missouri) embraces within its limits the second city of the Union, was admitted with just a trifle less than the population required to give her one Representative according to the unit of representation upon the floor of the other House. We have never insisted upon it. The character of the people has been deemed to be of immensely more consequence than the question whether it possessed just exactly the number, or a number exceeding the unit of representation.

When the character of the people of a Territory has been such as to make it apparent that they were able to govern themselves and to govern themselves wisely; when the Territory has been settled by immigration from Eastern States, or from older States, where the inhabitants have been accustomed to exercise and discharge the duties of State citizenship and to take part in the affairs of the State; where the educational and religious and other moral features of the Territory have shown that they were of high character and a prosperous, intelligent people, it has never been made a condition of admission that there should be absolutely the ratio which would entitle a State to a Representative.

But there is another consideration, and that is whether in the immediate future there is prospect that the population will be great enough so that the unit of representation will be observed. Look at Wyoming. With perhaps a slow growth at first, her population is now most rapidly increasing. Since these bills have been pending here before the Senate of the United States, towns and cities have grown up, have been built in the desert and grown up to a population of three, four, five, or six thousand people; and, as was said of our country in a somewhat distinguished oration in its early period, the fires in our autumnal forests are not more rapid than the growth of its cities and towns. Its development, its 30,000 underlying square miles of coal, its great oil fields, its mineral fields, its 10,000,000 acres capable of irrigation, its lands susceptible of agriculture and now being developed agriculturally without the need of irrigation—all these things have given an impetus to the Territory which is swelling its population with great rapidity, and it only requires the seal of statehood to be set upon the brow of Wyoming to increase its population with much greater rapidity. This idea that we must wait before citizens of these Territories, as good as the men who occupy seats upon this floor, as well qualified to exercise and discharge all the duties of citizenship as the citizens of Missouri, or New York, or Texas, or Connecticut, or Vermont, that we must wait until they get the exact number, 151,912, and have it proved to a mathematical demonstration that they have it before the Territory can be admitted, is a claim which I think ought to find no support in this Senate. It never has found support here hitherto.

It is only urged where there is believed to be a political exigency to keep out such a people; when for some reason or other the party in power or out of power does not want a Territory to come in, does not want the people that ought to have the opportunity of governing themselves in a State to have that opportunity, then this argument that the population is a little short is resorted to. Connecticut is not afraid of the votes of the two Senators who will shortly sit in this Senate Chamber from the State of Wyoming, and Missouri need not be afraid of them.

But the Senator says that really he can never vote to admit to full participation in the privileges of statehood in this Republic a community where women are going to vote and where women may vote by the constitution. He is afraid they will not vote wisely. Well, Mr. President, I have never been an advocate of woman suffrage. I never believed, as some Senators believe, that it was wise. But with all that, I would not keep a Territory out of the Union as a State because its constitution did allow women to vote, nor would I force upon a Territory any restriction or qualification as to what the vote should be in that respect. When Washington Territory came here and asked for admission and the bill was passed, there had been woman suffrage in Washington Territory, and I was appealed to by a great many citizens

all over the United States to keep Washington out so far as my action would do it from the Union until it restored the right of women to vote which had been taken away under a decision of the courts of the Territory of Washington, taken away, as I thought unjustly, for I did not think that that decision was good law. The Senator from Massachusetts interrogated me when I was advocating the admission of Washington as a State as to why we did not incorporate into that enabling act some language which should undo the wrong which had been done by the supreme court of the Territory of Washington and which should restore to the women of that Territory the right which they had enjoyed, the right of voting, and I said then, as I say now, that I think that is a matter which belongs to the Territory; and I am surprised that gentlemen who are so devoted to home rule as a sacred right which should never be interfered with in this Republic, should not be willing to allow to a Territory, when it asks for admission into the Union, the right to determine whether women should be allowed to vote or should not be allowed to vote by the constitution of the proposed State. This does not fasten woman suffrage upon Wyoming. It will still be within the control of the State; but to my mind, however Senators may think upon that subject, whether they be in favor of woman suffrage or opposed to it, it is no reason for denying a State admission because in the formation of its constitution that State has said that there should be no distinction on account of sex. It is a question which these men and these women in Wyoming have a right to determine for themselves. Why should we, the Congress of the United States, stand here and say to that Territory, where the women have enjoyed the right of voting for twenty years, and nobody arises to gainsay it or to say they have not exercised that right wisely, why should we stand here and say, "Keep out of the Union; we will let no community, no Territory, in here that does not deprive its women of the right which they have for twenty years enjoyed while in a Territorial condition?"

My position is the same about as it was in the case of Washington Territory. Let the Territories settle it for themselves, and when they have settled it the Republic will not go to pieces, the Union will not be dissolved. We shall not break up this great and glorious country because forsooth we have admitted a State in which the people of the Territory, acting with full knowledge, have said that women may vote. It does not determine the question of whether they shall vote anywhere else. If the people of the State of Missouri say that women shall not vote, I say amen. If the people of the State of Missouri say that women shall vote, I would not consider that Missouri was any the less a noble and proper representative among the States of the Union for that reason. Every State in this Union to-day can, if it choose, confer the right of suffrage upon women, and here we are asked to keep out a Territory because it has conferred that right in its constitution. It seems to me, sir, there is nothing to this argument which should debar the Territory from admission.

Now, the Senator from Missouri seems to be filled with righteous indignation over the idea that an alien residing anywhere in this broad land should have the right to own or possess any property, or, if he happens to own or possess any property, that the law should equally apply to him as to citizens of the United States with regard to its possession, disposition, descent, or inheritance. Mr. President, I think that matter has been carried a great way. I think that, while there has been an abuse in this country in the matter of allowing aliens, and especially non-resident aliens, to acquire large bodies of land, we have gone much further than we ought to have gone in applying the remedy.

I have had occasion at this session of Congress to introduce a bill to enable one of the distinguished and wealthy citizens of this District to acquire title to a piece of property which he bought and paid for in good faith, not knowing of the law that had been passed and which under that law was to be confiscated and to the proceeds of which he could have no claim. It would be acknowledged by any citizen of the District, if I were to mention his name here, that he was a person who ought to have as good a right to purchase land in this District of Columbia and to transfer it and to have it descend to his children as any citizen; and yet he happened to be an alien, born in a foreign country, living here all his life, acquiring property and gaining reputation. Living where the right of suffrage is wholly denied he had failed to be naturalized, and not knowing of this law had bought a house, and he found that under the law we had passed here he could not hold the house, it could not descend to his wife or his children when he died.

This matter has been carried a good way, Mr. President. It is one of the things about which public clamor has driven Congress beyond the bounds of propriety; and as I said by way of interruption in reply to the Senator from Missouri, I think there are but three States in which this proscription, that a man who happens to be born outside of the United States shall not acquire real estate, exists. Whether this declaration in the bill of rights of the constitution of the proposed State of Wyoming goes as far as that, I do not know. It says that no distinction shall exist as to the possession, transfer, or descent of property between aliens and citizens; they shall all be treated alike. Why, at this very session of Congress we have been called upon to deal with the law in regard to the Territories so that it should not apply to mining property; and we have been told here by the Senators from

Nevada and Senators from mining States that it works an immense injustice upon those Territories engaged in mining. That is no reason why we should keep out a State, in my judgment. Knowing the people of Wyoming as I know them, some of them individually and others by reputation, I am sure that as a State they will never allow any abuse of the right of a foreigner or an alien resident in that State to acquire lands. Public sentiment will take care of that.

The Senator referred to the population. He said it was not large enough, and he assumes 60,000 as the population of Wyoming. I do not wish to take the time of the Senate in reading, but I will read a few words from the report of the governor of Wyoming made in 1889. It is 1890 now. This presents the great rapidity with which in that Territory the population is increasing. It is increasing more rapidly in Wyoming than it ever has before. The ratio of increase is very much larger than it has been at any time in any other period of its history, and for the reason that the work of development has but just commenced and is now rapidly going on.

I spoke a little while ago of the development of towns there since these bills have been pending. It sounds like a romance. A long stretch of railroad has been built to enter the new coal fields of the Territory where anthracite coal, or a coal very nearly approaching anthracite, has been discovered, and where unquestionably there is to be the seat of a great population. The governor says:

The vote in 1890 was 7,667. As communities grew older the ratio in population compared with the vote increases, a change especially noticeable in Wyoming, which is now a community of homes and families. Well-informed judges on the subject, that have lived in the Territory since its organization, estimate the present population from 95,000 to 105,000.

And in conversation with the governor he stated to me that he believed that was a very moderate estimate. There is no use in guesses when the census is so near upon us. Yet no census will gather in all the people of Wyoming. I do not believe that the next census will show more than 75 per cent. of the actual population of the Territory of Wyoming, and for reasons given here with reference to the vote:

Wyoming is the eighth largest in size of the political divisions of the Union, her population in proportion to the area small, and the inhabitants widely scattered. But few voting places are made, and many people live one to three days' journey from the polls. On account of this condition not one man in twenty in the stock business, and not one in fifty of those engaged in prospecting or mining reach the polls.

That is true with regard to the census. The census enumerators who get 2 cents a head for enumerating a man, or possibly get a little more in a sparsely settled Territory like that, do not follow up the water courses where the cattleman has gone or where the prospector has gone or where the miner has built his camp or where men are herding their sheep. The population that lives in the large cities and towns will be found and the population which is scattered over the Territory will not be found; but I apprehend that in the towns and cities of Wyoming from 10,000 down to 1,000 you will find a vastly larger population than the Senator from Missouri has been talking about there. I do not think the governor's estimate is a wild estimate. I believe there are nearer 125,000 people in Wyoming to-day than there are 100,000. So much for the question of real population.

The Senator, reading from the speech of a Representative in another branch of Congress, saw fit to ridicule the statement made by the committee that on the day preceding the election there was a storm, and that the election did not bring out as full a vote as would otherwise have been brought out, and he cited the Signal Office to show that on the day of election the weather was mild and pleasant.

The Senator from Vermont [Mr. EDMUNDS] very naturally and very properly suggested that that might be an argument in support of the fact announced by the committee. The committee took it from the memorial of the committee appointed by the constitutional convention. It is signed by ten gentlemen, whose veracity will not be questioned in the Territory of Wyoming, or questioned by anybody who knows them, who were on the ground, and know what the facts were. It seems hardly necessary to refer to such a matter, and if it were not that it has been made much of to try to keep Wyoming out of the Union, I would not refer to it here, but they say in their memorial:

The constitution so framed was submitted as directed, according to the provisions of section 7 of Article XXI thereof, and was ratified by five-sixths of the citizens voting thereon, by a vote small in itself, and yet large in view of the little opposition felt by the people, and of the facts that no other issue was presented and that the day of the election followed one of the severest snow-storms ever known at that season, and was also marked by extreme cold, rendering it practically impossible for the people of many precincts to reach the polls.

Whether these gentlemen were all wicked Republicans or not I am unable to say, for I assume that the Senator from Missouri would not believe them if they were Republicans; but I venture to suggest that some of these gentlemen were Democrats. I do not believe that that convention, wicked politically, as the Senator from Missouri thinks it was, would quite have the hardihood to appoint a memorial committee to present its constitution to the people which did not contain at least one Democrat.

Oh, Mr. President, they did not tell a lie about this matter. It is one of those things which have been invented to try to cast discredit upon the vote of the people. I do not know where the Signal Office

has its reports from with regard to the election day, but I know that that Territory, now standing and knocking for admission at the doors of this Republic, embraces an area of 98,000 square miles, once and a half as large as all New England, and there might have been a Signal Service report from New England on a certain day of last season that said it was mild and pleasant at New Haven when a snow-storm might have been raging fiercely in the section from which my friend who sits next to me [Mr. EDMUNDS] comes. It is a large country, and the truth about that vote is that it is larger proportionately than the vote which has ordinarily been cast upon constitutions which have been thus framed and submitted to the people before the admission of States.

The truth about that vote is that the facts and circumstances attending it show that there was no organized opposition to the adoption of the constitution, nor has it ever been claimed, except as the idea was evolved in the fruitful brain of a gentleman whose speech has been read here and indorsed by the Senator from Missouri, that there was ever anything of a political character or a political question in the formation and adoption of this constitution. Politics never entered into that constitutional convention. There was no political division. There was no political jealousy there, and there is to-day no political division on this subject in that Territory, Democrats as well as Republicans are anxious to have that Territory admitted to the Union as a State, and they do not thank the Senator from Missouri, or any other Senator upon that side, for objecting to it.

The apportionment in the constitution, the Senator says, is a wicked one. This is the apportionment:

Albany County, two senators and five representatives.
Carbon County, two senators and five representatives.
Converse County, one senator and three representatives.
Crook County, one senator and two representatives.
Fremont County, one senator and two representatives.
Laramie County, three senators and six representatives.
Johnson County, one senator and two representatives.
Sheridan County, one senator and two representatives.
Sweetwater County, two senators and three representatives.
Uinta County, two senators and three representatives.

Now, I want to give the vote of those counties at the election in 1889, which elected a Delegate:

Albany County cast 2,608, Carbon County cast 2,633, Converse County cast 1,307, Crook County cast 1,150, Fremont County cast 1,047, Laramie County cast 3,695, Johnson County cast 916, Sheridan County cast 870, Sweetwater County cast 1,747, Uinta County cast 2,037.

The constitutional convention very properly said that in the apportionment each county should have one senator. Is there any objection to that? That has been the usual course in the apportionment of the senate and house of representatives, not only in new States but in Territories before they become States. So the smallest county was entitled to one representative upon that theory. The Senator from Vermont [Mr. EDMUNDS] remarks that that has been the constitution of Vermont from 1777 down to the present time. It is a principle universally adopted in the new States and Territories so far as I know.

So, Johnson County with 916 votes was to have one senator. It had one senator and two representatives, the house being twice as large as the senate, if not three times as large in the new State, but I am not sure which. Next came Sheridan County with 870 votes. That had one senator and two representatives. Having given it one senator, of course they must give it twice the number of representatives. Then came Fremont County, which had 1,047 votes, still a small county, but it had one senator and they gave it two representatives. Then came Converse County, which had 1,307 votes, with its one senator and two representatives.

I believe I have now given all the counties which were awarded only one senator. Then the larger counties that had from 2,000 to 2,600 votes were accorded two senators and three representatives, and to one large county, Laramie, which had 3,695 votes, were given three senators and six representatives. Admitting that each county was to have one senator and double the number of representatives, because the house was twice as large as the senate, there could have been no other apportionment possibly made by that constitutional convention, and if the vote cast in 1889 correctly represents the population then, with the single exception that each county was to have one senator and twice as many representatives, that apportionment was strictly on the basis of population.

No, Mr. President, this is an afterthought; I do not think I should be far out of the way if I called it a subterfuge. These arguments are born, not of facts, but of political exigency, and to my absolute surprise it has been discovered on the part of the minority of the Senate that for some reason or other these Territories ought to be kept out. It is an argument which up to this time had not entered into my mind, and I had not supposed it had entered into the mind of any member of the Committee on Territories.

I think myself that each one of these Territories which have been already reported upon will be an honor and a credit to the Republic. I think the stars which will represent them on the folds of our flag will shine as brightly and with as pure a luster as any star in that brilliant constellation. These are hardy men who have gone there to conquer this great country. But they are true men; as true, nay truer,

than the men who gather in our great cities, where a county may have a population equal to the population of this whole Territory. They have before them a magnificent future. They have before them a territory of natural resources which are not comprehended in this country.

Talk about its agriculture! Wyoming of itself, with irrigation, can support ten millions of people by agriculture. It has a soil more fertile than the Nile Valley, and all it wants is water turned upon it to make it blossom like the rose and bring forth abundantly. It has greater mineral resources, including coal with its other resources, than any other of our Western subdivisions. It has more coal under it than Pennsylvania ever had, and of an excellent quality, now being developed; but it has, above all, a true manhood, which is ready to grapple with all these problems, to develop all these resources, to add not only to its own wealth, but to the wealth of the Republic, to its standing, its greatness, its grandeur, and its glory, and I am sorry that any political exigency has been discovered which, in the mind of anybody, makes it necessary to attempt to keep out this Territory from the Union.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MARTIN, its Chief Clerk, announced that the House had agreed to the reports of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 8909) making appropriations for the naval service for the fiscal year ending June 30, 1891, and for other purposes; and

A bill (H. R. 3940) to amend an act entitled "An act to extend the fees of certain officers over the Territories of New Mexico and Arizona."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 389) granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents;

A bill (H. R. 344) to grant the right of way to the Pittsburgh, Columbus and Fort Smith Railway Company through the Indian Territory, and for other purposes;

A bill (H. R. 1110) granting a pension to William J. Bryan;

A bill (H. R. 1405) granting a pension to Betsey E. Cole;

A bill (H. R. 1474) for the relief of George W. Madden;

A bill (H. R. 1783) granting a pension to Mrs. Alice A. Cunningham;

A bill (H. R. 3458) granting a pension to Ann Ruffner; and

A bill (H. R. 5974) extending the time of payment to purchasers of land of the Omaha tribe of Indians in Nebraska, and for other purposes.

HENRY S. FRENCH.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and ordered to lie on the table:

To the Senate of the United States:

In compliance with a resolution of the Senate of the 23d instant (the House of Representatives concurring), I return herewith the bill (S. 145) for the relief of the legal representatives of Henry S. French.

BENJ. HARRISON.

EXECUTIVE MANSION, June 25, 1890.

HISTORY OF BILLS AND RESOLUTIONS.

Mr. CALL. I offer the resolution which I send to the desk, which may be printed and lie over.

Mr. EDMUNDS. Let us hear it read.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read as follows:

Resolved, That the Secretary of the Senate be, and he is, directed to prepare an official statement from the Senate document A History of Bills and Resolutions of the Senate of the number of bills introduced by each Senator, and the number which passed the Senate, and the number which became laws.

Mr. PLATT. Let that lie over and be printed.

The VICE-PRESIDENT. The resolution will lie over and be printed.

ADMISSION OF WYOMING.

Mr. VEST. I move that the Senate adjourn.

Mr. PLATT. Why not let us have a vote on this Wyoming bill?

Mr. VEST. You can not get a vote this evening.

Mr. PLATT. I appeal to my friend from Missouri if he will not allow us to have a vote on this bill. He started what he had to say by stating that he did not suppose he could delay the passage of the bill for a great while, and I should like to have him act on that line and allow us to pass it to-night.

Mr. VEST. It is now a few minutes to 6 o'clock, and I move that the Senate adjourn.

The VICE-PRESIDENT. The question is on the motion of the Senator from Missouri that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 51 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 26, 1890, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 25, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE. Mr. Speaker, I desire to present a conference report on the naval appropriation bill.

Mr. CONGER. Regular order.

Mr. BLAND. Yes; let us have the regular order.

The SPEAKER. The conference report has precedence.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8909) making appropriations for the naval service for the fiscal year ending June 30, 1891, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 5, 10, 41, 64, 69, 70, and 75.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 9, 20, 22, 23, 24, 33, 39, 43, 44, 45, 50, 51, 52, 53, 55, 66, 67, 78, 79, 81, 82, and 83; and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Strike out from said amendment the words "the reception of" and insert in lieu thereof the word "reception;" and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"Provided, That the moneys heretofore and hereby appropriated for the purpose of erecting buildings and making other improvements on said proving-ground may be forthwith expended upon the acquisition by the United States of the title thereto."

And the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Insert after the word "dollars," where it first occurs in said amendment, the following:

"Provided, That no part of this money shall be expended until the owners of the patents to be tested under this provision shall agree by contract to give the Government the option within a specified time to contract at such price as shall be satisfactory to the Secretary of the Navy for the exclusive right on the part of the Government to manufacture by contract or otherwise such submarine guns and projectiles without the payment of any royalty on the same: Provided, That submarine guns and projectiles shall prove satisfactory on due test, and be approved by the Secretary of the Navy."

And the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: After the matter inserted by said amendment insert the following paragraph:

"Coaling station, Port Royal, S. C.: Toward the construction of a timber dry-dock or floating dock at the coaling station, Port Royal, S. C., in accordance with the recommendation of the commission to report as to the most desirable location on or near the coast of the Gulf of Mexico and the South Atlantic coasts for navy-yards and dry-docks, \$200,000. And the Secretary of the Navy be, and he is hereby, authorized to make a contract for the construction of said timber dry-docks or floating dock, the cost not exceeding \$200,000."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Strike out all after the word "Congress" and insert in lieu of the matter stricken out the following:

"And the President be, and he hereby is, required to appoint a commission composed of two competent naval officers, one competent army officer, and two competent persons from civil life, whose duty it shall be to select a suitable site, having due regard to commercial and naval interests, for a dry-dock at some point on the shores of the Gulf of Mexico, or the waters connected therewith; and having selected such site shall, if upon private lands, estimate its value and ascertain as nearly as practicable the cost for which it can be purchased or acquired, and of their proceedings and action make full and detailed report to the President, and the President shall transmit such report with his recommendations to Congress."

"That to defray the expenses of such commission the sum of \$15,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated."

And the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Strike out, after the word "ships," the words "which yard is hereby reopened for the repair of vessels of the Navy;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"Improvement of machinery plant, navy-yard, Boston, Mass.: For extra tools required to put the yard in condition for repairing modern marine machinery with economy and dispatch, including improvements in boiler-making plant and improved machine tools, \$40,000."

And the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$75,000;" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$20,000;" and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "\$938,083.51;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: Strike out in line 8, page 35, of the bill the word

"twenty" and insert in lieu thereof the word "twenty-one;" and the Senate agree to the same.

C. A. BOUTELLE,
HENRY CABOT LODGE,
H. A. HERBERT,
Managers on the part of the House.
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

During the reading of the conference report the following proceeding took place:

Mr. BLAND. Mr. Speaker, I observe that there is still considerable of that paper to be read, and I hardly think it is fair for the gentleman from Maine to bring in this report now to use up the time which has been assigned for the consideration of the silver bill, unless we can have unanimous consent that the time may be correspondingly extended beyond 2 o'clock this afternoon. Certainly when a special order is made for the consideration of a measure and the vote is to be taken at a certain time, nothing else ought to be brought in to consume that time.

Mr. BOUTELLE. I have no idea that this conference report will occupy any considerable time.

Mr. BLAND. It will take some time to even read the report, and that ought not to come out of the time of gentlemen who desire to address the House upon the silver question.

Mr. BOUTELLE. If the House will be content with a brief statement from me, I will make it.

Mr. BLAND. Then, Mr. Speaker, I hope that whatever time is occupied with this subject will be allowed for and will not be taken out of the time assigned for the consideration of the silver bill.

The SPEAKER. Without objection, the reading of the report will be suspended and the gentleman from Maine will make an explanation.

Mr. BOUTELLE. Mr. Speaker, the report—

Mr. BLAND. I insist, Mr. Speaker, that there shall be an understanding that whatever time the gentleman consumes shall not come out of the time under the special order.

The SPEAKER. The Chair must say to the gentleman from Missouri that by the rules of the House a conference report is given preference even over a motion to adjourn.

Mr. BLAND. I appreciate that; but if a special order is made and a certain time allowed for the debate of a measure, and if then other gentlemen interject their conference reports, they may take up the whole of the time, and I say it is unfair.

The SPEAKER. The Chair is informed that this report will probably not give rise to discussion.

Mr. BLAND. I ask unanimous consent that the time under the special order be extended after 2 o'clock to the same extent that time is occupied by this report.

The SPEAKER. The Clerk will proceed.

Mr. BOUTELLE. I think the gentleman had better withdraw his objection and let me make a brief statement.

Mr. BLAND. The Speaker has withdrawn it for me, and I say it is unfair to interject that report here at this time.

Mr. BOUTELLE. There is no unfairness about doing one's duty. The Clerk resumed and completed the reading of the conference report.

Mr. BOUTELLE. Mr. Speaker—

Mr. HOLMAN. I hope the statement accompanying the report will be read.

Mr. BOUTELLE. We have a statement prepared, but as the reading of all the details would occupy considerable time, perhaps the gentleman will consent to hear an explanation.

Mr. HOLMAN. I hope the statement will be read for information.

The SPEAKER. The statement will be read.

The Clerk read as follows:

The managers on the part of the House of the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8909) making appropriations for the naval service for the fiscal year ending June 30, 1891, and for other purposes, submit the following statement as to the effect of the recommendations of the conference report:

The House recedes as to No. 1, to correct an error.
The Senate recedes as to Nos. 2 and 3, change of title.
The Senate recedes from Nos. 4 and 5, as to location of torpedo school.
The House recedes as to No. 7, with verbal amendment.
The House recedes as to No. 8, with addition of a proviso.
The House recedes as to Nos. 9 and 10, with addition of a proviso.
The House recedes as to No. 11, being change of title.
The Senate recedes as to No. 19, as to punctuation.
The House recedes as to Nos. 36 and 37, verbal amendments.
The House recedes as to Nos. 38 and 39, striking out the words "building and" in each paragraph.
The House recedes as to Nos. 42 and 45, changing footing.
The House recedes as to No. 52, changing footing.
The House recedes as to No. 53, changing title.
The House recedes as to Nos. 55 and 56, changing phraseology.
The House recedes as to No. 67, changing title.
The Senate recedes as to No. 73, changing phraseology.
No. 77 is amended to correct footing.
The House recedes as to Nos. 75 and 79, providing regulations for appropriation and purchase of supplies.
The House recedes as to No. 80, changing designation of vessel from "armed" to "protected" cruiser, with an amendment changing required speed from 20 to 21 knots.
No. 83 changes figures of total to conform to the amendments.
(Above includes Nos. 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 19, 36, 37, 38, 39, 42, 45, 52, 53, 55, 56, 67, 73, 75, 79, 80, and 83.)

Of the amendments which affect the amount of appropriations, we report: The House recedes as to No. 20, adding \$25,000 for public works at New York navy-yard.

Also, as to No. 21, providing \$15,000 to connect pumps with old dry-dock at Norfolk navy-yard.

Also, as to No. 22, to complete repairs to sectional dock at Mare Island, \$15,000.

Also, as to No. 23, to build wharf at New London, \$6,500.

Also, as to No. 24, extending launching ways, etc., at New York and Norfolk navy-yards, \$13,000.

Also, as to No. 35, with proviso for a commission to make similar examination of Gulf coast and increasing appropriation for expenses from \$10,000 to \$15,000 for both commissions.

Also, as to No. 40, providing additional tools for League Island navy-yard, with verbal amendment.

Also, as to No. 41, appropriating \$200,000 toward construction of a dry-dock at Port Royal, S. C., not to exceed in cost \$500,000; amended by inserting the words "or floating dock," transposing paragraph to follow amendment No. 21.

Also, as to No. 43, increasing appropriation for steam-machinery, \$25,000.

Also, as to No. 44, increasing appropriation for handling, preservation, etc., of steam-machinery, \$15,000.

Also, as to No. 47, with amendment appropriating \$50,000 additional for improvement of machinery plant at navy-yard, Brooklyn, reduced to \$25,000 additional.

Also, as to No. 48, with amendment appropriating \$23,170 additional for improvement of machinery plant at navy-yard, Mare Island, reduced to \$10,000 additional.

Also, as to No. 50, increasing appropriation for special course of study at Naval Academy, \$2,500.

Also, as to No. 51, appropriating \$3,500 to open King George's street adjoining Naval Academy at Annapolis.

Also, as to No. 81, adding authorization of one torpedo cruiser and one torpedo-boat at a total cost not to exceed \$475,000.

Also, as to No. 82, increasing the appropriation for construction and steam-machinery of vessels "heretofore and herein authorized," etc., \$475,000.

The Senate recedes from No. 46, and restores the appropriation for improvement of machinery plant, navy-yard, Boston, \$40,000, with amendment.

The Senate recedes from Nos. 64, 69, 70, and 75, by amending phraseology and omitting items for rent of buildings for use of assistant quartermaster Marine Corps at San Francisco, discontinued, \$490.

C. A. BOUTELLE,
H. C. LODGE,
H. A. HERBERT.

Mr. BOUTELLE. Mr. Speaker, the naval appropriation bill as passed by the House carried \$22,160,535.53; as amended by the Senate it carried \$23,126,685.53; as the result of the conference the bill now carries \$23,117,589.03, a net increase of \$957,183.50 in the bill as now agreed upon, as compared with the bill when originally passed by the House. The larger number of the amendments upon which the conferees have agreed were of a minor character, involving no matters of appropriation, many of them being simply questions of punctuation and phraseology or matters of a purely administrative character.

The increase of appropriation is made up principally by the item of \$475,000 provided for the construction of a swift torpedo cruiser of about 750 tons and one torpedo-boat, for which the conferees, concurring with the Senate, have allowed the entire amount authorized upon the ground that these vessels can be constructed within the coming year. The next largest amount of increase by the Senate, agreed to by the conference, is \$200,000 toward the construction of a dry-dock at Port Royal, S. C., to cost not exceeding \$500,000, a matter upon which I may say I had not deemed it necessary that action should be taken during the current year; but the conferees thought otherwise, and have reported favorably this appropriation. The other amounts are an increase of \$25,000 for improvements and repairs at the New York navy-yard, upon representations which seem to make such work imperative; \$15,000 for connecting the new pump-house with the old dry-dock at Norfolk, which has been reported as desirable by the Bureau of Yards and Docks; \$15,000 for completing the repairs to the sectional dock at Mare Island; \$13,000, rendered necessary, according to the reports recently made, for extending the launching-ways at the New York and Norfolk navy-yards so as to provide for the launching of the two battle-ships now under construction there; \$25,000 additional for the improvement of the construction plant at New York; and an addition of \$5,000 to the appropriation of \$10,000 made by the Senate for a commission to examine and report upon the location of a dry-dock on the Pacific coast in the vicinity of Puget Sound, to which the conference committee have added a provision for the appointment of another commission to examine and report upon the location of a dry-dock at some point on the coast of the Gulf of Mexico or the waters adjacent thereto, the appropriation of \$10,000 for the one commission being increased to \$15,000 for the two. Fifty thousand dollars is also appropriated for the purchase of armor plates for reception-tests of our modern high-power projectiles, this being reported by the Ordnance Bureau as absolutely necessary; \$20,000 for testing torpedoes; \$50,000 for addition to plant at League Island; \$50,000 for machinery plant at New York; \$10,000 additional for machinery plant at Mare Island; \$10,000 for classifying purchase of supplies, and a number of minor increases.

I will state in conclusion that the clause for the construction of the three battle-ships is reported back by the conference committee in the identical form and language which was reported to and passed by the House. The conference committee have concurred with the Senate in adding two small vessels, one a swift torpedo cruiser of about 750 tons, to cost, exclusive of armament, not to exceed \$350,000, and one additional torpedo-boat to cost not to exceed \$125,000. These are the additions; and upon the report of the conferees which has been adopted by the Senate we ask the favorable action of the House.

Mr. SAYERS. I would like to put a question to the gentleman in charge of this report.

Mr. BOUTELLE. Certainly.

Mr. SAYERS. I did not catch the total amount which the bill would carry if the conference report be adopted.

Mr. BOUTELLE. Twenty-three million ninety-six thousand five hundred and fifteen dollars and fifty-three cents.

Mr. SAYERS. Another question. As the report was being read, I noticed there was an item for the purpose of reopening another yard.

Mr. BOUTELLE. That was a clause in a Senate amendment, which was stricken out in conference.

Mr. SAYERS. That is stricken out?

Mr. BOUTELLE. Yes, that clause was stricken out. I ought to have stated among the items of increase over the House bill that the Senate appropriated \$50,000 for providing additional tools for the League Island navy-yard; and in the provision adopted by the Senate there was a clause declaring the yard reopened. That clause has been stricken out by the conference committee.

Mr. SAYERS. So that practically under this report the Government will have for the building of ships the Norfolk navy-yard, the navy-yard at Brooklyn, and the navy-yard at Mare Island.

Mr. BOUTELLE. In this connection I will state (and I am glad the gentleman has called my attention to it) that in addition to striking out the clause referred to in the paragraph concerning League Island and the conference committee struck out the clauses with reference to additional tools for the Boston and Portsmouth navy-yards, the words "building and," so that the additional tools provided for are to be applied to the repairing of vessels.

I will say that I disapproved the striking out of those words for the reason that I am not willing to give my personal sanction to any legislation that would imply that the two New England navy-yards are not to be provided with a plant that will fit them for the construction of modern ships whenever it may be found necessary to use them for that purpose. But it was the conclusion of the conference committee that that language should be stricken out, so that the appropriations now made for additional tools for the League Island, Portsmouth, and Boston navy-yards include only tools for the repairing of vessels.

The SPEAKER. The question is on the adoption of the report.

Mr. HILL. Mr. Speaker, I would like to inquire how many battle-ships and cruisers are authorized by this report.

Mr. WILKINSON. Mr. Speaker—

Mr. BOUTELLE. There is no increase from our bill. The Senate appropriates for two small vessels additional.

Mr. WILKINSON. I desire to call the attention of the House to certain items in this conference report which my people are vitally interested in, and which are now in this bill without any previous legislation by this House.

Mr. BOUTELLE. How much time does the gentleman desire?

Mr. WILKINSON. I suppose I have the right to occupy the floor in my own time.

Mr. BOUTELLE. But I have not yielded the floor.

Mr. WILKINSON. I have been recognized by the Chair.

The SPEAKER. But the Chair did not recognize the gentleman, except, as the Chair supposed, to ask a question.

Mr. BOUTELLE. Besides, I have not yielded the floor.

Mr. WILKINSON. I certainly was recognized by the Speaker and was proceeding—

The SPEAKER. The Chair misunderstood the desire of the gentleman from Louisiana.

Mr. BOUTELLE. If the gentleman from Louisiana will give me his attention I think I can explain the point to which he desired to call the attention of the House.

Mr. WILKINSON. But I prefer to make my own statement first and let the gentleman from Maine answer it.

Mr. BOUTELLE. I do not desire to take up the time of the House in that manner. It is well known, Mr. Speaker, that bills were pending for the establishment of a navy-yard or naval station in the neighborhood of New Orleans, at Algiers, and it is well known also to the members of the House that there is now established a navy-yard at Pensacola. The proposition was to establish a naval station on the Gulf. Our committee gave hearings to the representatives of both sections in regard to the proposed naval station on the Gulf. We came to no conclusion about that, but one amendment of the Senate to the House bill provided for an additional commission to go to the Pacific coast and re-examine the question of locating a naval dry-dock, and the conferees, as a matter of justice to the southern coast, incorporated with that item a provision for the appointment of an additional commission whose duty it is to examine the location of a site for a dry-dock upon the waters of the Gulf or the adjacent waters, and to make report thereon. That is the only action that the Committee on Naval Affairs and the conferees of the two Houses of Congress have found it practicable to take upon this disputed matter as to where the naval station on the Gulf should be established. I therefore hope that the gentleman will accede to the action of the committee in that regard and let us proceed with other matters.

Mr. WILKINSON. The gentleman has not given an answer to what I desire to say.

Mr. BOUTELLE. What does the gentleman want, then? Will he state any inquiry he may wish to submit to the committee, and I will endeavor to answer it; or state the time he desires to occupy and I will endeavor to secure it?

Mr. WILKINSON. I should like to occupy ten or fifteen minutes in my own right to state facts, not to ask questions of the committee.

Mr. BOUTELLE. I can not yield indefinitely until the gentleman states what he wants.

Mr. WILKINSON. I will wait until the gentleman from Maine gets through with his statement and then attempt to make my own.

Mr. BOUTELLE. But can not the gentleman, in the interest of the dispatch of public business, ask such questions as he may desire of the committee, and we will endeavor to satisfy him?

Mr. WILKINSON. I have no desire, as I have said, to ask the committee any questions. I have a desire to make a statement on the floor of the House, which I think it is only just that I should be permitted to make, about items having their first consideration on this floor now. I can not allow any statement to be made for me by the gentleman from Maine.

Mr. BOUTELLE. Mr. Speaker, I shall ask the previous question on the adoption of the report.

Mr. WILKINSON. Mr. Speaker, I desire to occupy a portion of the twenty minutes—

Mr. O'NEILL, of Pennsylvania. Before the gentleman from Maine demands the previous question I desire to ask him a question.

Mr. BOUTELLE. I will yield to the gentleman for a question.

Mr. O'NEILL, of Pennsylvania. I would like to ask this: In the appropriation for improving the plant at League Island you have reduced it from fifty thousand to forty thousand, fifty thousand, I understand, being appropriated for the same purpose at Boston and Portsmouth.

Mr. BOUTELLE. The gentleman is mistaken in that.

Mr. O'NEILL, of Pennsylvania. What is the appropriation at each yard? I desire to get this information, and it will not take a moment.

Mr. BOUTELLE. The gentleman is mistaken in supposing that it is different at League Island. The appropriation for construction tools at each of the three yards named is precisely the same.

Mr. O'NEILL, of Pennsylvania. I am glad to hear it. I wanted to bring that out clearly.

I understand the limitation in these yards for repairs, then, only, has been stricken out. That is to say, not for building ships, but for repairs, as we desired to have it, for I hoped when the appropriation was made for improving the plant, at least at League Island, that the question should be open to the discretion of the Navy Department whether it would begin to build ships or only repair them; in other words, whether League Island should be made an open yard.

Mr. BOUTELLE. I think the gentleman will be satisfied with what has been done. The three yards, Boston, League Island, and Portsmouth, were put on exactly the same footing in that regard.

Mr. O'NEILL, of Pennsylvania. Then, I builded better than I knew, when, on the 9th of April, I offered the amendment I did. The adoption of the conference report, which I hope the House will accede to, makes League Island navy-yard practically an open yard, which the people have long wanted it to be. So the action of the conference committee does not now remove from the Secretary of the Navy the power of sending iron and steel war-ships there for repairs, and hence realizing as I do the great advantages of location, and the abundant supply of skilled labor accessible there, I believe this appropriation is but the beginning of large annual appropriations for the construction of our naval vessels at that yard. As a matter of fact, as I stated on a former occasion, the expenditure of \$1,000,000 there would enable the Government to build at that yard any of the great war-ships which are now being constructed or which may hereafter be built.

Mr. BOUTELLE. I demand the previous question.

Mr. WILKINSON. I claim the time, Mr. Speaker, in my own right in opposition.

Mr. BOUTELLE. Does the gentleman desire to ask a question?

The SPEAKER. The question is on the motion of the gentleman from Maine for the previous question.

Mr. WILKINSON. Mr. Speaker, I claim the right to occupy the floor for a portion of the twenty minutes allowed under the rules in opposition.

The SPEAKER. But there is no time under the rules.

Mr. BLAND. I rise to a parliamentary inquiry. I think we can settle this matter—

Mr. WILKINSON. I will state to the gentleman from Missouri that I have no desire to occupy the floor more than ten or fifteen minutes.

The SPEAKER. But the only question now is on the motion of the gentleman from Maine for the previous question.

Mr. WILKINSON. Is it proposed to shut off all debate on this report?

The SPEAKER. For what purpose does the gentleman from Louisiana rise?

Mr. WILKINSON. I rose not long ago to get recognition, which

the Chair gave me, and shortly afterwards, when I proceeded to address the House on this subject, the Chair took me off the floor.

Mr. BOUTELLE. But I had not yielded the floor.

The SPEAKER. The gentleman from Louisiana has not stated it accurately, as the Chair thinks.

Mr. WILKINSON. I shall be the judge of that as well as the Chair.

The SPEAKER. The Chair recognized the gentleman from Louisiana for the purpose of asking a question of the gentleman from Maine [Mr. BOUTELLE] who had the floor.

Mr. WILKINSON. The Chair did not state for what purpose he recognized me. What the Chair had in his own mind when he recognized me, of course, I had no opportunity to judge, but I do know that the Chair recognized the gentleman from Louisiana, and I claim my right to the floor.

The SPEAKER. Will the gentleman please be in order? The Chair desires that the House shall understand this situation. The gentleman from Louisiana seems to be unwilling to do it. The gentleman from Maine [Mr. BOUTELLE] had the floor, being in charge of the bill. He was answering questions from various members. The gentleman from Louisiana rose in his place, and the Chair supposed that he rose to ask a question of the gentleman from Maine. Otherwise the Chair would have had no right to recognize the gentleman from Louisiana.

Mr. BLAND. Mr. Speaker, will the Chair allow a suggestion?

The SPEAKER. When the Chair found out that the gentleman from Louisiana rose to ask time in his own right, he promptly notified the gentleman from Louisiana that the gentleman from Maine [Mr. BOUTELLE] had the floor.

Mr. WILKINSON. Mr. Speaker, I desire to say—

Mr. BOUTELLE. If the Chair will indulge me I desire to say—

Mr. BLAND. Mr. Speaker, I desire to call the attention of the Chair to the fact—

The SPEAKER. The gentleman from Maine has the floor.

Mr. BOUTELLE. I decline to yield the floor and I ask the regular order.

Mr. BLAND. Mr. Speaker, I want to make a statement and a correction.

The SPEAKER. If the House will be in order the House will get along with the matter under consideration very much better.

Mr. BOUTELLE. Mr. Speaker, I think I can rectify this difficulty.

Mr. BLAND. I think I can correct a misapprehension. I rise to a parliamentary inquiry. The inquiry I desire to make is, was not the question being put by the Speaker when the gentleman from Louisiana took the floor and stopped the Chair from putting the question, after the gentleman from Maine had ceased speaking? That is the real fact. I know that to be the fact, for I was standing right there. The Speaker said "the question is"—and was about to put the question to the House when the gentleman from Louisiana rose and addressed the Chair.

The SPEAKER. The gentleman from Missouri [Mr. BLAND], in common with other members of the House, must recollect that when a question arises of that sort it is the custom of the House to recognize the gentleman in charge of the bill, when it is understood that some question is to be raised about putting the question to the House.

Mr. BLAND. The Speaker was putting the question.

The SPEAKER. Precisely; but when the question arose about that, supposing the gentleman's statement is correct (the Chair does not recollect it in that way, but the gentleman from Missouri may be correct and the Chair may be wrong), even in that event the gentleman in charge of the bill has the right to ask of the House to put the previous question.

Mr. BLAND. That is very true, but he has yielded.

The SPEAKER. He has not yielded the floor.

Mr. BOUTELLE. Mr. Speaker—

The SPEAKER. The matter is perfectly clear. The Chair does not desire to take advantage of any one.

Mr. BLAND. Evidently this is going to take up all the time set apart for the discussion of the silver bill, and I ask unanimous consent that the time occupied in this discussion shall not be taken out of the time which it was understood should be given to the discussion of the silver bill.

Mr. BOUTELLE. You are taking up the time now.

Mr. BLAND. I ask unanimous consent that that may be done.

Mr. BOUTELLE. I object at this time.

The SPEAKER. Unanimous consent for that can be asked afterward. It can not be asked for now.

Mr. BLAND. If the suggestion I make is carried out, that will give the gentleman from Louisiana [Mr. WILKINSON] an opportunity to be heard, and will give opportunity for the discussion of the other measure also.

The SPEAKER. The gentleman from Maine [Mr. BOUTELLE] has the floor. If the House will proceed in due order to close this business, we can then go on with the other matter and unanimous consent can then be asked. The question before the House is upon ordering the previous question.

Mr. BOUTELLE. With the view to facilitating business and avoiding unnecessary controversy, I desire to say that I have two or

three times asked the gentleman from Louisiana [Mr. WILKINSON] if he desired to propound any question to the committee in regard to this bill, and I have stated to him that if he did I would be very glad to hear him. I have also asked the gentleman if he desired to take the floor for any reasonable limited time, and how much time he wanted.

But the gentleman from Louisiana [Mr. WILKINSON] has insisted upon his right to occupy the floor in his own right *ad libitum*.

Mr. ENLOE. I demand the regular order.

The SPEAKER. The gentleman from Tennessee demands the regular order.

Mr. BOUTELLE. If the gentleman from Louisiana [Mr. WILKINSON] desires any reasonable time, I would be glad to yield to him; but if the gentleman is insisting on taking the floor in his own right, and taking the bill out of my hands, I can not consent to that. How much time does the gentleman from Louisiana desire?

Mr. BREWER. Mr. Speaker, I would suggest to the gentleman from Maine [Mr. BOUTELLE] that the better thing to do would be to withdraw this bill for the present.

Mr. WILKINSON. I stated some time ago that I did not desire to occupy more than a few minutes, not to exceed ten or fifteen minutes.

Mr. BOUTELLE. Will that be satisfactory to the gentleman from Louisiana?

Mr. WILKINSON. But after the action taken by the Speaker—

Mr. BOUTELLE. Oh, if you are going to put it on that ground, that is destructive of all amicable arrangement. I desire to meet the gentleman's views, if I can. How much time does the gentleman desire?

Mr. WILKINSON. I thank the gentleman from Maine, but decline to accept as a favor that which I think I have been deprived of as a right.

Mr. BOUTELLE. Mr. Speaker, that is unreasonable. I ask the previous question.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. DOCKERY. I call for a division.

The House divided; and there were—ayes 105, noes 75.

Mr. WASHINGTON. Tellers.

Tellers were ordered; and Mr. BOUTELLE and Mr. WASHINGTON were appointed.

The House again divided; and the tellers reported—ayes 106, noes 78.

Mr. WILKINSON. Yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 139, nays 104, not voting 84; as follows:

YEAS—139.

Adams, Mich.	Culbertson, Pa.	Lacey,	Russell,
Allen, Miss.	Cummings,	Laidlaw,	Sanford,
Anderson, Kans.	Cutcheon,	Lansing,	Sawyer,
Atkinson, Pa.	Darlington,	Laws,	Seranton,
Baker,	Davidson,	Lind,	Scull,
Banks,	De Haven,	Lodge,	Sherman,
Bartine,	De Lano,	Mason,	Smith, Ill.
Bayne,	Dingley,	McAdoo,	Smith, W. Va.
Beckwith,	Dolliver,	McComas,	Snyder,
Belden,	Dorsey,	McCord,	Spider,
Belknap,	Elliott,	McDuffie,	Spooner,
Bergen,	Evans,	McKinley,	Stephenson,
Bingham,	Farquhar,	Miles,	Stewart, Vt.
Bliss,	Featherston,	Milliken,	Stivers,
Boothman,	Finley,	Moffitt,	Stockbridge,
Boutelle,	Flick,	Morey,	Struble,
Bowden,	Flower,	Morrill,	Sweeney,
Brewer,	Frank,	Morrow,	Taylor, E. B.
Brosius,	Gear,	Morse,	Taylor, Ill.
Browne, Va.	Gest,	Niedringhaus,	Taylor, Tenn.
Burrows,	Greenhalge,	O'Donnell,	Thomas,
Burton,	Grout,	O'Neill, Pa.	Townsend, Colo.
Butterworth,	Hall,	Owen, Ind.	Townsend, Pa.
Caldwell,	Hansbrough,	Owens, Ohio	Turner, Kans.
Campbell,	Henderson, Ill.	Payne,	Vandever,
Candler, Mass.	Henderson, Iowa	Perkins,	Van Schaick,
Cannon,	Herbert,	Peters,	Waddill,
Carter,	Hill,	Post,	Wade,
Caswell,	Holt,	Pugsley,	Wallace, Mass.
Cheatham,	Houk,	Quackenbush,	Wallace, N. Y.
Cogswell,	Kelley,	Raines,	Watson,
Comstock,	Kennedy,	Reybura,	Williams, Ohio
Conger,	Ketchum,	Rife,	Wilson, Wash.
Connell,	Kinsey,	Rowell,	Yardley.
Craig,	Knapp,	Rusk,	

NAYS—104.

Abbott,	Bullock,	Dockery,	Henderson, N. C.
Allen, Miss.	Bunn,	Dunnell,	Holman,
Anderson, Miss.	Bynum,	Dunphy,	Kerr, Pa.
Andrew,	Candler, Ga.	Enloe,	Kilgore,
Bankhead,	Carlton,	Fithian,	Lane,
Barnes,	Caruth,	Forman,	Lanham,
Blanchard,	Catchings,	Forney,	Lee,
Blount,	Chipman,	Funston,	Lester, Ga.
Breckinridge, Ark.	Clancy,	Gibson,	Lester, Va.
Breckinridge, Ky.	Clements,	Goodnight,	Lewis,
Brickner,	Cobb,	Grimes,	Magner,
Brookshire,	Cooper, Ind.	Hare,	Martin, Ind.
Brown, J. B.	Cothran,	Hatch,	McClammy,
Brunner,	Cowles,	Haugen,	McClellan,
Buchanan, Va.	Crisp,	Haynes,	McCreary,
Buckalew,	Culbertson, Tex.	Heard,	McMillan,

McRae,
Mills,
Montgomery,
Moore, Tex.
Mutchler,
Norton,
Oates,
O'Ferrall,
O'Neill, Ind.
O'Neill, Mass.

Parrott,
Peel,
Pennington,
Pierce,
Quinn,
Reilly,
Richardson,
Robertson,
Rowland,
Sayers,

Shively,
Skinner,
Springer,
Stewart, Ga.
Stewart, Tex.
Stockdale,
Stone, Ky.
Stone, Mo.
Stump,
Tammey,

Tracey,
Turner, Ga.
Vaux,
Venable,
Washington,
Wheeler, Ala.
Whiting,
Wilkinson,
Willcox,
Williams, Ill.

NOT VOTING—84.

Alderson,
Arnold,
Atkins, W. Va.
Barwig,
Biggs,
Bland,
Bostner,
Brower,
Browne, T. M.
Buchanan, N. J.
Cheadle,
Clark, Wis.
Clarke, Ala.
Clunie,
Coleman,
Cooper, Ohio
Covert,
Crain,
Dalzell,
Dargan,
Dibble,

Edmunds,
Ellis,
Ewart,
Fitch,
Flood,
Fowler,
Geissenhainer,
Gifford,
Grosvenor,
Harmer,
Hayes,
Hemphill,
Hermann,
Hooker,
Hopkins,
Kerr, Iowa
La Follette,
Lawler,
Lehlbach,
Maish,
Mansur,

Martin, Tex.
McCarthy,
McCormick,
McKenna,
Moore, N. H.
Morgan,
Mudd,
Nute,
Osborne,
Outhwaite,
Paynter,
Payson,
Perry,
Phelan,
Pickler,
Price,
Randall,
Ray,
Reed, Iowa
Rockwell,
Rogers,

Seney,
Simonds,
Spinola,
Stahneck,
Taylor, J. D.
Thompson,
Tillman,
Tucker,
Turner, N. Y.
Walker, Mass.
Walker, Mo.
Wheeler, Mich.
Whitthorne,
Wickham,
Wike,
Wiley,
Wilson, Ky.
Wilson, Mo.
Wilson, W. Va.
Wright,
Yoder.

So the previous question was ordered.

The following pairs were announced:

Until further notice:

Mr. ATKINSON, of West Virginia, with Mr. ALDERSON.

Mr. MCCORMICK with Mr. MORGAN.

Mr. WRIGHT with Mr. GEISSENHAINER.

Mr. NUTE with Mr. MCCARTHY.

Mr. THOMAS M. BROWNE with Mr. OUTHWAITE.

Mr. WALKER, of Massachusetts, with Mr. WIKE.

Mr. OSBORNE with Mr. HAYES.

Mr. WHEELER, of Michigan, with Mr. BARWIG.

Mr. DALZELL with Mr. MARTIN, of Texas.

Mr. RAY with Mr. HOOKER.

Mr. COLEMAN with Mr. PRICE.

Mr. THOMPSON with Mr. SENEY.

Mr. ROCKWELL with Mr. ROGERS.

Mr. CLARK, of Wisconsin, with Mr. WALKER, of Missouri.

On this vote:

Mr. COOPER, of Ohio, with Mr. HEMPHILL.

Mr. BUCHANAN, of New Jersey, with Mr. FITCH.

Mr. HOPKINS with Mr. FOWLER.

Mr. CRAIN with Mr. JOSEPH D. TAYLOR.

For this day:

Mr. WICKHAM with Mr. BIGGS.

Mr. GROSVENOR with Mr. YODER, from Tuesday, June 24, until Saturday, June 28, not to apply to national-election law on its final passage, if voted for on or before Saturday, June 28.

On motion of Mr. BOUTELLE, by unanimous consent, the recapitulation of the vote was dispensed with.

The result of the vote was then announced as above recorded.

Mr. SPEAKER. The previous question is ordered, and the question now is on the adoption of the report.

The report was adopted.

Mr. BOUTELLE moved to reconsider the vote by which the report of the committee of conference was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SILVER.

Mr. CONGER. I ask unanimous consent that the hour for taking the vote upon the bill known as the silver bill be extended to 3 o'clock.

The SPEAKER. Is there objection?

Mr. SPINOLA. I reserve the right to object for a moment, until I can ask a question. The question I desire to ask is whether the time will be equally divided between the two sides.

Mr. CONGER. The whole time will be divided equally. The time that has been used by the other side will be taken into consideration in dividing the time.

The SPEAKER. Is there objection? The Chair hears none, and it is so ordered: The gentleman from Massachusetts [Mr. MORSE] is recognized for fifteen minutes.

Mr. MORSE. Mr. Speaker, but for the fact that I am myself a business man and represent on this floor a district having large and important business interests, I would remain silent and simply record my vote, as I believe, in the interests of my constituents and in the interests of the country.

I do not propose any flights of oratory or rhetoric, such as we have witnessed on the other side, but I propose to make a simple, unvarnished statement of the facts with reference to the currency question as I understand it.

What is the present situation of the finances of the country? Gold, silver, greenbacks, national-bank notes, and silver certificates stand at par, not only in this country, but in the markets of the world, and I say without fear of successful contradiction that the United States has to-day the best financial and banking system the world ever saw—a system inaugurated and fostered by the Republican party.

The Senate bill, which we are asked to substitute for the House bill on this subject, is not only a bill for free coinage, but is a bill for the unlimited issue of silver certificates based upon the silver of the whole world.

If the Senate bill shall pass this House and be signed by the President, the United States gives notice to the world to bring its silver to the United States mint without limit and get 72 cents' worth marked 100 cents, 28 cents of which will be "flat" for every purpose except to empty the United States Treasury of gold and drive gold out of the country.

I regard the Senate bill as closely allied to the fiat-money and green-back delusion that swept over the country a few years ago.

The gentleman from Missouri [Mr. BLAND] told us yesterday that legislation by Congress would make 412 grains of alloyed silver or 371½ grains of pure silver a dollar.

If his premises are correct and we can make that amount of silver a dollar by legislation of this country alone, why not go further and legislate that half as much silver, 206 grains, will make a dollar? I regard that proposition as arrant nonsense.

Mr. SPINOLA. Let us have order, Mr. Speaker. I want to hear the gentleman from Massachusetts.

The SPEAKER. The House will be in order.

Mr. MORSE. I will try to speak so that the gentleman from New York can hear me.

The Morrison tariff bill, which proposed a horizontal reduction in duties of 20 per cent., was denounced in the North as a free-trade measure, and yet here is a bill that proposes to make all duties payable in a 72-cent dollar and proposes a horizontal reduction of 28 per cent. in all duties, and would neutralize largely the proposed protective duties of the McKinley tariff bill.

Suppose such a dishonest measure as this Senate bill should pass this House. Who are going to be the sufferers by it? Who are going to suffer most from a depreciated currency? Bankers? Capitalists? Manufacturers? Wealthy men? They will suffer, no doubt, for in our country when one member suffers all suffer.

But the wage-workers, the laboring people of the country, will be the most oppressed by a depreciated currency. Why? Because wages are the last thing to advance, and such an inflation of the currency would immediately result in an advance in everything that the laboring people and wage-workers eat, wear, and buy.

We should have to pay for imported goods in gold or its equivalent, which would mean a large advance in the price of tea, coffee, sugar, silk, and a thousand necessities as well as luxuries.

This inflation measure passed by the Senate would unsettle values and inflict great and lasting injury to the finances and business interests of the country it might take years to recover from.

No, Mr. Speaker, the rich will not be the principal sufferers by this bill. The trust fund or the little all of widows and orphans deposited in the savings-banks of the country would be payable in this depreciated currency and would shrink 25 per cent. in value the day the bill was signed by the President, if such a thing were possible.

No, Mr. Speaker, the class that would be principally benefited by this bill would be the silver mine and bullion owners who, if reports can be believed, have been guilty in these Halls of "ways that are dark and tricks that are vain," who have crowded the corridors of this Capitol, if reports are true, since this Congress convened, with the most formidable and unscrupulous "lobby" that the Capitol ever saw.

Have the gentlemen who advocate the Senate bill as against the House bill read or forgotten the history of their country? Have they read that after passing through the most gigantic war of modern times, a war that incurred a national debt of such gigantic proportions that the world was appalled by its magnitude; have they read that when peace came and the army of citizen soldiers melted away, and a million of men returned to peaceful pursuits; have they read that the men who fought the war to a successful issue and continued us a nation among the nations of the earth were the first to insist that the national credit should be maintained, were the first to insist that the men who loaned their money to the Government in the hour of its deadly peril and when its credit was poor should be paid, "as nominated in the bond," in the money of the world, based upon gold and silver coin?

Have they read that later the country rose like a great giant and resumed specie payment, in spite of the opposition of the Democratic party, and thus commanded the respect and admiration of every civilized country on the face of the earth?

Now, at this late day, shall we come down from the high financial position which we enjoy among the nations of the earth and Mexicanize our finances, and return to a debased currency, by an unlimited coinage of silver into 72-cent dollars, and insult the Almighty by stamping on them, "In God we trust?"

Mr. CUTCHEON. I would like to ask the gentleman from Massa-

chusetts in whom else can we trust for the balance if the dollar is only worth 72 cents.

Mr. MORSE. Well, let us be honest, and stamp this dollar what it is worth, 72 cents, and we trust in God for the other 28 cents. We may deceive men in regard to its value, but certainly we can not deceive the Almighty.

The House bill, which I trust we shall insist upon, though increasing the coinage of silver to meet the growing demands of the country, would still maintain gold and silver at par, in consequence of the "bullion-redemption" feature, which leaves it optional with the Secretary of the Treasury to redeem the silver certificates in a gold dollar's worth of silver bullion and to buy and pay for the bullion by the same standard.

This demand for a cheap 72-cent dollar, like the fiat-money delusion, was born in iniquity and conceived in sin. It is an attempt on the part of the debtor class to repudiate 28 per cent. of its just debts, and should be refused because it violates the command, "Thou shalt not steal."

Gold and silver have been the currency of the world (with no part of it fiat) ever since Abraham bought the cave of Macphela to bury Sarah in, and I believe that gold and silver should both be the money of the country, but I repeat that there should be a hundred cents' worth of silver behind this silver dollar, or silver certificate. Anything else is dishonest.

The vote which this bill received in the Senate is entirely misleading as indicating the sentiment of the country.

Wise or otherwise, our fathers ordained that every State, large or small, should be represented by two Senators, and the States just admitted, which have only one Representative on this floor, and the silver owning and producing States have each two Senators and the same representation in the Senate as the great States of New York, Pennsylvania, Ohio, and Massachusetts; and I claim that this House of Representatives is a far better representative of the sentiment of the people upon this question than the Senate, for the reason I have stated, and I trust we shall reject all dishonest, fraudulent, and "fiat" features of the silver bill to be passed.

I am fully persuaded that if such a silver bill as the Senate measure were submitted to a popular vote of the people, it would be voted down by an overwhelming majority.

During this debate I have heard from gentlemen on the other side derisive words spoken of the business men, manufacturers, bankers, and capitalists of New England and Massachusetts. They have been derided in these halls as "bloated bondholders," "gold-bugs," "Shylocks," etc.

Neither New England nor Massachusetts needs any eulogium or defense at my hands. I say to all the traducers of Massachusetts as Anson Burlingame once said on this floor many years ago, "I throw down her glove to the whole band of her assailants;" or as that other great son, Daniel Webster, said, "There she stands, behold her." Eliminate from the West and South the capital and enterprise of these same men, and I tell you the unbroken prairie and the primeval forest of creation would stand in place of some of your cities and populous towns. Who builds the Western railroads that develop that great and growing section of the country? Who joined the Atlantic and Pacific Oceans with a railroad? Who builds the lofty buildings, whose summits pierce the sky, in your Western cities?

I answer, to some extent, at least, New England enterprise and New England capital.

Once more, Mr. Speaker, when the yellow wings of the pestilence flap themselves in a Southern sky, when fire or famine or flood devastate any section of the country, where do they go for funds to relieve the distressed? What section gives more than any other section? What merchants pour out their money like water to relieve distress? Why, these same bloated bondholders, bankers, gold-bugs of Boston and Massachusetts.

Massachusetts has never repudiated any honest debt, has always paid a hundred cents on a dollar, which is more than can be said of some that call her names.

The State or nearly any municipality in the State can borrow money at 3 per cent. interest, and I throw back any charge against the people of Massachusetts, and stand in my place and say that her manufacturers, bankers, merchants, and business men, who believe in honest money, are as honorable and high-toned merchants as can be found on the face of the earth.

Mr. Speaker, I believe the American people as a whole are honest people. I believe the American people want honest money. I believe the American people want the money of the world with 100 cents in a dollar. Gentlemen of the House of Representatives, grave responsibilities confront us here and now. By our votes we are to decide a question big with consequences to the business interests of the country, big with consequences to the welfare of the State and nation. [Applause.]

Mr. MCADOO. Mr. Speaker, I only want a few minutes in which to state the position which myself and several other gentlemen on this side of the House from our section of the country occupy on the silver question. I do not propose to make any extended argument against

free coinage. For the present, and for what seem to me good reasons, I am opposed to coining the silver of the whole world, and at the same time I am willing to increase the total amount of money so as to meet the wants of a great country with a rapidly increasing population. To do this, however, I am not able to reconcile myself to the position taken by the Secretary of the Treasury to make silver a commodity under what is known as the warehouse system. I think that for the Government to enter upon such a policy as that in reference to any commodity is a very dangerous one, and that Congress would find it hereafter very difficult to oppose any proposition for the purpose of warehousing the other products of the United States. I am opposed to Government pawn-shops, whether for silver, pig-iron, pork, beans, or anything else; and therefore I find that I can not stand by the proposition coming from the Secretary of the Treasury to purchase quantities of this silver with the option that the certificates representing it may be redeemed if necessary by bullion. I think that a reasonable solution of the question, and one about which I am free to confess I am not without some misgivings as to the result, is to make the maximum amount in the present law, \$4,000,000 per month, the minimum number of silver dollars to be coined each month. That avoids the danger of making of silver a mere commodity and prevents Congress from entering upon what, in my opinion, as I have said, I believe to be a very dangerous precedent—warehousing the products of the country—and at the same time it avoids free coinage.

There is another advantage. If you make the present maximum the minimum, and compel the Secretary of the Treasury to coin silver to the extent of \$4,000,000 a month you will then give silver a fair chance to demonstrate by actual practice its ratio with gold and the effect of greatly increased coinage upon the financial system of the country. If a resolution could be adopted, or if this bill could be amended, so as to provide for the absolute coinage of \$4,000,000 a month, the advocates of silver would then have a chance to show to the country the possibilities of this metal.

Mr. RICHARDSON. I would like to ask the gentleman a question if it will not interrupt him.

Mr. MCADOO. Not at all.

Mr. RICHARDSON. How will you put silver upon a par with gold unless you give it the same opportunities for coinage that you give gold? In other words, how can there be a test as to what silver will do when you limit its coinage to \$4,000,000 a month, and when you put no limit on the coinage of gold?

Mr. MCADOO. It will settle the question of how far you can inflate the currency of the country on a silver basis and on the present ratio.

Mr. Speaker, there is another advantage. It has been charged freely, both in this Chamber and out of it, that a most powerful lobby, representing the bullion-owners of this country, have organized an artificial demand for free coinage by the most skillful campaign, both in the way of literature and of personal solicitation, to which the Congress of the United States was ever subjected. If we take the whole American product in this \$4,000,000 a month, we shall relieve Congress from the pressure of the bullion-owners, who are demanding free coinage and creating an artificial demand in the minds of people who have not examined the question. Then this question can be considered as a great economic one, and not narrowed into a mere local and personal issue. So that, taking it all around, I think this is a fair compromise which can not endanger the business of the country, which takes the entire American product of silver, which does not demonetize silver and make it a commodity, but coins it into the money of the country, and gives a fair chance to demonstrate how far we can increase the currency on the present bimetallic ratio. For these reasons, sir, I am ready to take any opportunity, either by offering an amendment or by my vote on any proposition relating thereto, to secure the result which I have stated. At any rate, this is too important a matter to the great body of the people for Congress to act hastily or allow itself to be stampeded. We can not allow the monetary measure of the value of the labor of the honest people of this land to be unjustly and hastily changed to benefit the plutocratic owners of certain properties.

Mr. PETERS. Mr. Speaker, I believe the silver demonetization act of 1873 was wrong. I believe to restore the silver metal to what it was prior to that act is right. I know there are some who take issue as to the correctness of the legislation of 1873, in the passage of the law demonetizing silver. In my mind, however, there has never been any question on that subject. I know it was claimed at the time that the act of 1873 had a great deal to do with restoring the credit of the Government, but, as was subsequently shown, the credit of our Government was restored, not only by the provisions of the specie-resumption act, but also by the unparalleled prosperity and recuperative powers of our great country. Prior to 1873 gold and silver were the money of the country. Now if, from my standpoint, I believe that the demonetization of silver was wrong and that gold and silver should be the money of the country, then there is but one thing for me to do when this question confronts me, and that is to vote for and support a measure for the free coinage of silver.

Not only this, Mr. Speaker, but ever since my service in Congress began, and always, I have been an outspoken advocate of the free coinage of silver, of the restoration of silver to the place it occupied prior

to the demonetization act of 1873. When we were confronted the other day with a question of parliamentary law and of the correctness of the decisions of our presiding officer, although the opposite party tried to drag in the question of the free coinage of silver and to create the impression that the vote sustaining the Speaker was a vote against free coinage—when that question was presented, notwithstanding all the pressure and influence that were brought to bear, I conscientiously voted to sustain the Speaker, because I believed he was right. But now for the first time I am confronted with the question whether I will vote in favor of the free coinage of silver or will vote for a non-concurrence and for submitting to a committee of conference the claims of my people in this behalf.

I do not believe that I would be justified in declining now to vote my sentiments, declining now to vote the sentiments of my people, in declining now to vote in accordance with their instructions, even though by a vote to non-concur a certain dilemma in regard to other branches of the Government might be avoided, or even, perhaps, if the result might be a bill which would be more satisfactory to all sections of our country.

To my mind, the objection that under a free-coinage act the United States will become the dumping-ground of the silver of the world is purely theoretical and imaginary. Considering the amount of silver bullion there is in the world, considering the amount that is used in the fine arts, considering the amount that is used for the coinage of various countries, I do not believe we can reasonably conclude that even by the passage of a bill providing for unlimited free coinage this country will become the dumping-ground for the silver of the world.

Another objection which has been made and which does not strike me as a very strong one is the fear that the bullion-holders will be largely enriched by the passage of a free-coinage act. When I consider that no legislation is ever enacted that does not result in benefit to individuals, that the benefits of our legislation are never distributed with entire equality, that there are always certain classes of people who derive greater benefit from the enactment of a particular measure than others, this objection to my mind has no force. It was the demonetization of silver that brought about the loss to the owners of silver mines, if there has been any loss; and when it is proposed to legislate for 60,000,000 of people who desire to bring about a parity between gold and silver, we can not stop to inquire whether a certain industry of this country will derive directly more benefit from the legislation than any other industry. Even conceding that there may be a temporary benefit of that kind, we must reach out for the ultimate result, the benefit of the entire people; and if our legislation does inure especially to the benefit of certain individuals, it does nothing more than legislation generally does. So that this objection does not impress me as very formidable.

Aside from this, I was struck yesterday by the remark of the gentleman from Nevada [Mr. BARTINE] when he asked, if the bullion-owners are so greatly interested in this legislation for the purpose of making millions of money, how is it that they are willing to have their representatives on this floor vote for unlimited coinage, which, as is rightly claimed, would bring in competition with the silver bullion of the United States the silver bullion of the world, and certainly would have a tendency, if the theory be correct, to decrease the value of the bullion produced in the United States?

If the producers and owners of bullion are actuated entirely by selfish motives; if, as I understood my friend from New Jersey to say, there is a great silver lobby here working for free coinage; if they are here working earnestly in the interest of these bullion-owners, why is it that they do not oppose the provision of the Senate bill looking to unlimited coinage? In other words, why do they not favor the protection of the American silver-bullion owner as against the bullion-owners of Mexico and other foreign countries? It seems to me that this argument of itself is an answer to the suggestions made here as to the financial interests of the bullion-owners of this country in this class of legislation. If they have the interests stated here, they certainly show very great unselfishness in agreeing that the bullion of the world shall come in here for the purposes of coinage, when the result can only be the depreciation of the value of bullion owned in this country.

Mr. Speaker, I come from a portion of the country that is largely interested in this question—not directly, because there is not a man in my whole district, so far as I know, who owns a single pound of silver bullion. They are not directly interested in this question, but indirectly, because they believe that the circulating medium now in use by the business interests of this country should be largely increased; that the amount of money at present in actual circulation is largely inadequate to meet the wants of the business interests of the country. Believing that by free coinage this evil can be corrected, believing also that the demonetization of silver was a wrong which by free coinage can be remedied, representing, as I do, a people with these sentiments, I shall cheerfully cast my vote in favor of free and unlimited silver coinage and for concurrence with the Senate amendments to the House bill. [Applause.]

Mr. TAYLOR, of Illinois. Mr. Speaker, I desire first to answer the suggestion of the gentleman from Kansas [Mr. PETERS] in relation to the magnanimity of the silver-producers of this country. He seems to

think they are very magnanimous because they are willing to allow the silver bullion of the world to come to our mints to be coined. Does he not know that this is a silver-purchasing bill as well as a silver-coinage bill? Every dollar of silver that comes to our mints and is purchased by the Government is coined and laid away in the vaults. The more you thus lay away, the higher you make silver throughout the world. That is the magnanimity of these silver-producers.

Mr. HEARD. Will the gentleman allow me a question?

Mr. TAYLOR, of Illinois. Certainly.

Mr. HEARD. Why would it not benefit them just as much to have the silver laid away in bullion as if it were coined?

Mr. TAYLOR, of Illinois. It would.

Mr. HEARD. Then why do they favor the free-coinage bill of the Senate, instead of the bill of the House?

Mr. TAYLOR, of Illinois. Because under the Senate bill you propose to make 72 cents' worth of silver worth \$1 immediately and under the House bill it would be worth only 72 cents.

Mr. HEARD. Do not the friends of the House bill contend that its effect will be to increase the value of silver in the same way?

Mr. TAYLOR, of Illinois. Under the House bill the Government will simply buy silver at the market price; under the Senate bill you propose to pay out \$1 for 72 cents' worth of silver; consequently the silver would all come here.

Mr. Speaker, I often admire audacity; consequently I am often led to admire the positions taken by my distinguished friend from Missouri [Mr. BLAND] who is leading the other side of the House upon this question. He took the position the other day and made his whole argument upon the principle that the House bill demonetized silver and upon the principle that the Secretary of the Treasury would not coin a dollar of silver under that bill if it became a law. This was a position of audacity, for it was not founded on fact.

The bill says that the Treasurer shall coin the silver specifically to redeem the Treasury notes; and if all of the Treasury notes are presented for redemption he is compelled to coin every dollar of silver bullion that is placed in the vaults of the Treasury. So I say his position is one of audacity and not founded on fact.

Mr. Speaker, I do not desire to criticize any members on this side of the House. If I represented a silver-producing constituency I, myself, would probably favor this free-coinage act. But I would favor it simply on the ground that it increased the value of the property of my constituents, and not on the ground that it increased the value of the property of all of our constituents throughout the country.

There seems another set of members opposing this bill. I do not know as I can call them by any more appropriate name than that of "wrong-redressers." They seem to be redressing the wrongs of the entire country without regard to location. Their headquarters is mainly out in my friend's State [referring to Mr. KELLEY, of Kansas]. They have got a sort of reputation out there, which they acquired in the past, for redressing wrongs. I can only say to my friend from Kansas, in his own language, uttered in this House, "Keep your rear to the ground." If your constituents ever learn of the great lobby here, the most disgraceful lobby that was ever in this Capitol—you can hardly turn around in one of the corridors outside of this Hall without brushing up against them—I say if they ever learn of that great lobby here—

Mr. KELLEY. Will the gentleman yield for a question?

Mr. TAYLOR, of Illinois. Wait; let me continue.

If they ever learn this, that my friend is in line with that lobby, helping to take from the pockets of the people of this country fourteen or fifteen million dollars a year and put it into the pockets of the parties represented by this great lobby, the place that knows him now will know him no more forever.

Now, I will yield to my friend.

Mr. KELLEY. The gentleman speaks of "lobbies." I would like to state that my constituents, no doubt, compose a large part of that "lobby."

Mr. TAYLOR, of Illinois. I presume so.

Mr. KELLEY. And they have a right to be here. But they are not here for the purpose that the gentleman indicates, by any means.

Mr. TAYLOR, of Illinois. Mr. Speaker, now I desire to say a word in reference to this Senate bill. The name of the bill is misleading. It should be rechristened to be understood. It should be called the "silver-purchasing, free-coinage bill." If it was only a free-coinage bill it would not be so very objectionable.

If the silver-producer, when he puts his silver in the mint and has it coined into the "dollar of his daddies," should be compelled to lug back the dollars of his daddies into his cart, and take it home with him, it would not be so objectionable. But no, it does not do that. He says he has no use for the dollar of his daddies after it is coined. He wants to compel the Government to purchase these dollars that he has been so anxious to have coined, because he says he has no use for them.

If it stopped even there it would not be so objectionable. But it does not stop there. It opens these mints to the mine-owners of the world and says to them, "Bring your silver here and we will coin it into dollars and compel the Government of the United States to buy it from you at its enhanced value." Therefore, gentlemen who favor this bill

make this country the dumping-ground for all the silver in the world. It can not be dumped here without taking from this country the gold; and for my own part, Mr. Speaker, I prefer to retain the gold here.

I am for a measure that will take all the silver in this country and utilize it. I am for a measure that shall bring the two metals together within the shortest possible time. I am not for a measure that says to-morrow we will pay a dollar for 72 cents of silver. It would seem to me that these silver producers should be content with the House bill. That House bill has already raised the price of their silver from 96 cents per ounce to 104. Now, it would seem to any reasonable man, if they were so much interested in the prosperity of this country, that they ought to be satisfied with that.

Mr. HEARD. Will the gentleman yield for another question?

Mr. TAYLOR, of Illinois. Yes.

Mr. HEARD. On what authority do you say that it is the House bill that did this? Might it not have been the Senate bill?

Mr. TAYLOR, of Illinois. I do not believe any man has been found insane enough, in this or any other country, to believe that this country would adopt free coinage.

Mr. HEARD. It seems that a large number of the Senate thought so.

Mr. TAYLOR, of Illinois. Insane folly! It was passed and then they come right over here and try to get the House members to vote against it. [Laughter.]

Mr. HEARD. That is all the worse for the Senate.

Mr. STONE, of Missouri. A severe commentary on the Senate.

Mr. TAYLOR, of Illinois. Therefore, I am for the House bill.

Mr. CUTCHEON. Mr. Speaker, I purpose, when the time comes, to give my vote in favor of referring this Senate silver bill to a conference committee. I have never yet taken occasion to occupy the time of this House, in this or any other Congress, for so much as one minute upon the silver question. But in the very few minutes that I shall now occupy the floor I wish to give the reasons why I favor the House bill rather than the Senate bill, or favor, perhaps, some bill that may be framed in conference, in preference to either of them.

Whatever may said of the bill which the Senate has sent to us, it can not be said that it is lacking in audacity or that the men who framed and sent it here are lacking in courage.

A bill which proposes to open the mints of the United States, without limit and without charge, to every silver-mine owner and every bullion-owner in the world, to take his silver, worth 75 cents, or 78 or 80 cents on the dollar, and give him back at his option either gold or silver coin—because this bill does not make any discrimination between them—or certificates redeemable in either gold or silver coin, and invite all the world to bring hither the produce of their mines, their silver bullion, their old coin, and have it recoined at our charge, at our cost—I say that they who make this proposition to an American Congress are not lacking in audacity or in the courage of their convictions, if these be their convictions. But I can not vote for such a proposition. When the time comes, Mr. Speaker, that the farmer of Kansas and Iowa can bring his 75 cents worth of wheat and get a one-dollar certificate for it; when the farmers of Ohio and of Michigan can bring 75, or 78, or 80 cents' worth of wool and get a coin certificate worth \$1 for that; when my constituents in Michigan can bring 75 cents' worth of their salt and get a gold or silver certificate for it as good as a gold dollar in every market of the world, then it will be time enough to say to the owners of the silver mines, and the owners of the silver bullion, and the owners of the silver coin of all the world to bring it hither and we will mint it at our own charge and give them back silver certificates payable in coin at their option, payable in gold or silver, because they are not required to wait for the mintage of their bullion. Section 5 of this act provides that—

The owners of bullion deposited for coinage shall have the option to receive coin, or its equivalent, in the certificates provided for in this act, and such bullion shall be subsequently coined.

And then, if we turn back to section 3, we find that "such certificates shall be redeemable in coin of standard value," not the silver dollars deposited, but in gold or silver; not at the option of the Government, but at the option of the men who deposit the silver.

Mr. BARTINE. May I ask the gentleman a question?

Mr. CUTCHEON. Certainly.

Mr. BARTINE. If both gold and silver are a legal tender, can not the Government pay at its own option, and not at the option of the holder?

Mr. CUTCHEON. I suppose it could, but that this bill gives the option to the depositor of the bullion to take his coin in either gold or silver, or in certificates payable either in gold or silver coin.

Mr. BARTINE. O, no.

Mr. CUTCHEON. Now, Mr. Speaker, I stand here to answer—

Mr. HALL. May I ask the gentleman a question?

Mr. CUTCHEON. In just a moment. Mr. Speaker, I stand here, first, to answer at the bar of my own conscience, and my conscience forbids me to vote for any such bill. I stand here, secondly, to answer to my constituents, and they have never asked me to vote for any such bill. I stand here, in the third place, to answer to the greater constituency, to which we are all answerable, the constituency of the people of the United States, and as I believe that this bill will be greatly injuri-

ous to the interests of the people of the United States, and I can not get the consent of my own judgment to vote for it, I am sure that it is not the desire of my constituents. They never have indorsed any such bill. Why, the gentleman from Kansas [Mr. KELLEY] who sits in front of me declared yesterday in favor of the Senate bill because it would make cheaper money for the farmers of Kansas with which to pay off their mortgages. But I desire to admonish him that the great creditors in this nation to-day, or any day, are the wage-earners and the laboring-men of the people of the United States. Every day when the sun sets upon this continent there is more money owing to the men that wield the ax, the pick, the hoe, the spade, the scythe, and the hammer—the men that work in the great industries of this country—than is owing to the bullion-owners, the bond-owners, or to the bank-owners.

We are told that the banks are the great creditors in this country. Where do the banks get their credits? From the deposits of the business men of the country. And when you scale down the value of the dollar you are scaling down the wages of the laboring men, you are scaling down the produce of the farmer, you are scaling down the merchandise of the merchant, you are scaling down the deposits of every depositor in every savings-bank and in every bank of deposit in the United States. So, Mr. Speaker, I am against the Senate bill. I am not unqualifiedly for the House bill without change, because I believe it can be improved in the conference.

Mr. HALL. I would like to ask the gentleman from Michigan where the farmer is going to get the money with which to pay? How is he going to get any more money under this bill?

Mr. CUTCHEON. I do not think he will. The gentleman from Kansas [Mr. KELLEY] thinks he will get a larger price for his crops. He will get, perhaps, more dollars for his crops, but the dollars will not be worth as much. When he goes to pay his mortgage of course a dollar is a dollar, but the very point I have been trying to enforce is that upon the whole it will not take one hour less work to earn a dollar's worth of the necessities of life than now. You simply get a cheap dollar, and when you get a cheap dollar you always get a dollar that has less purchasing power. It is a delusive dollar. It is a cheating dollar.

Mr. KELLEY. Will it not pay a debt just as well as the dear dollar?

Mr. CUTCHEON. Yes, it will; and it will pay the debts of the great railroad corporations of the United States. It will pay the debts of the great banking corporations of the United States. It will pay the debts of the great capitalists of the United States. We have heard a great deal about farm mortgages. Why, Mr. Speaker, in the town from which I come I know of one manufacturer that to-day owes as a floating debt more dollars than all the farmers in my county put together. He owes it to the banks, he owes it to the producers, and he owes it to his workmen. He is a man that employs a thousand men. While it may help a few farmers to pay off their little mortgages it will help the corporations and the millionaires to pay off their big ones.

You say that it is making cheaper money; and every day the laborer goes home with a cheaper dollar, which buys less sugar, which buys less clothing, which buys less food, and less of everything else that he buys. Is that an honest dollar?

Mr. FUNSTON. Will the gentleman permit me to ask him a question?

Mr. CUTCHEON. Certainly.

Mr. FUNSTON. If there were ten dollars in circulation where there is one now, would not the laborer get more dollars for his labor than he gets now?

Mr. CUTCHEON. I presume that he would eventually.

Mr. FUNSTON. Then, does it not make that difference?

Mr. CUTCHEON. But the gentleman knows as well as I do that when you change the standard of the value of a day's labor, then the price of wages is always the last to go up and the wages of the workman is always the first to go down. When an employer feels that his margin is slipping away from him, the first thing done is to scale down the price of wages, and when he perceives that his profit is rising in value, he puts a big lamp of it down in his own pocket before he raises the price of wages.

Mr. FUNSTON. Then you admit the price of the laborer will go up if we increase the number of dollars, do you?

Mr. CUTCHEON. Oh, it would result in that, nominally, ultimately. While he would get more dollars, he would get no more pay.

Mr. FUNSTON. That is all we want.

Mr. CUTCHEON. I honestly believe that we ought to have a more abundant circulating medium in this country. First, because our population is increasing so rapidly; second, because business is increasing at even a greater ratio than the population. But, Mr. Speaker, when that increase comes let it come in the form of honest money. Let that which we call a dollar be a dollar, I do not care whether it is gold or silver. I am in favor of utilizing every pound of the silver that is taken from the mines of the United States in the form of money for our people, and if there is a seigniorage, if there is a margin between the market price of the bullion and the coined dollar let that seigniorage or margin go into the Treasury of the United States for the benefit of all

the people of the United States, and not into the coffers of the few mine-owners and bullion-owners of the country.

Mr. KELLEY. Will the gentleman allow me to ask him a question? Mr. CUTCHEON. Certainly.

Mr. KELLEY. I would like to ask him if it was not an honest dollar until demonetization?

Mr. CUTCHEON. Yes, and that brings me now to that matter of demonetization, "the great wrong" which was perpetrated in 1873. Why, up to 1873, from the foundation of the Government, we had coined \$8,000,000 in dollars and \$79,000,000 in subsidiary coin, and since that time we have been coining from \$24,000,000 to \$38,000,000 a year, and that was the wrong that was inflicted. We never had so much or so good money in this country as now, and I hope that whatever increase may be provided may be as good as that we now have.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DUNNELL. Mr. Speaker, it has been my rule of conduct while I have had a seat upon this floor to follow very largely my convictions when called upon to vote. I have enjoyed as much personal freedom in my votes as any man serving the same length of time that I have, and have not been, as a rule, condemned by my constituents. There is danger, when a gentleman has his ear to the ground all the time, that dust will get into it, and he will be rendered unable to hear some of the arguments that may be adduced in support of a measure or in opposition to it. The people are the source of power, I admit. They send us here and expect us to carry out their will whenever it can be done; but an intelligent constituency do not expect a Representative to fly into the face of danger to the country and so do an unwise thing. I am unable to see my way clear to vote for free coinage to the extent found in the Senate amendments. I imagine a great many of my constituents might cry out for free coinage. They may condemn me in my vote, but I shall enjoy the luxury of voting as I think I ought to vote under the circumstances, and later I think I shall enjoy the luxury of an indorsement when my constituents more fully understand all the surroundings.

This House passed a bill which was exceedingly liberal. It increased the coinage from two millions to four millions and a half per month, taking up and absorbing the entire American product. That, I thought, was enough. I have had letters from some of my constituents saying: "We hope you will vote for that bill." I voted for it, and I see no reason why I should recede from that vote. There were provisions in that bill that I would have had otherwise. The bullion-redemption clause I would have stricken out; and if we fail to concur or shall insist upon the bill which we sent to the Senate and send this bill now pending to a committee of conference, we have reason to believe that that clause or provision will be eliminated and otherwise so amended that we may have this increase of two and a half millions each month, but have it so amended that no loss shall come to the laboring classes of the country whenever paid to them for labor or productions.

We are confronted with a peculiar state of facts and conditions. Shall we get good and reasonable legislation by referring this to a committee of conference? I believe we will. Suppose we follow the Senate and concur in the Senate amendments. We have no right to say that the bill will not receive the approval of the President; but I am clear in my conviction that a free-coinage bill to-day will not receive the indorsement of the conservative men of the country, the real business interests of the country.

All admit that we run risks in a provision for free coinage, the coinage not simply of all our own product, but the silver product of the whole world. Why run these risks? Are we called upon to do it? Is it good legislation? Is it a wise course to take? I have put my ear to the ground, as the gentleman from Kansas [Mr. KELLEY] so earnestly advised. I will obey my constituency every time that I receive positive instructions, but have had none in relation to this great and important silver question. I was nominated upon a platform that indorsed the Chicago platform. That platform did not call for free coinage. It called for a recognition of the two metals. We recognize it here.

This side of the House is safe and consistent, and has made for itself a record of which it may be proud. Let the House stand by the record that it made, and we will be safer, not simply as a party, but as men legislating for the great business interests of the country. When we plead for the business interests of the country we plead for the farmers and the wage-workers of the land. They want good money. It is the universal belief that all need a large increase in the circulating money or medium. We shall, as a Congress, fail in our duty if we do not secure it.

The coin and the silver notes which will be put into circulation by the passage of the House bill will, in my opinion, be soon felt in every channel of business, and it will go very far in securing an era of prosperity for which the people of the whole country have been waiting and praying. We do not have a President who puts his foot upon silver, one of the coins of the Constitution, as did President Cleveland, but a President who will cheerfully approve of a bill providing, as the House bill does, for a large increase in silver coinage and the further use of silver notes, a measure that shall go very far in restoring the ancient ratio of value in the two metals. This Administration is pledged to

secure this result. I am satisfied that if we non-concur in the Senate amendments the outcome will be the adoption of a measure which will be safe and prove to be a well taken step in the direction of a complete monetization of silver. [Applause.]

Mr. WILLIAMS, of Illinois. How much time have I, Mr. Speaker? The SPEAKER. The gentleman has really but seven minutes.

Mr. WILLIAMS, of Illinois. Mr. Speaker, in the few minutes which I have to discuss this matter I wish to address myself to those questions which concern us most and which are brought out most prominently in this debate. First, as to the objection to the House bill. The principal objection is that it allows or authorizes the Treasury notes to be redeemed in silver bullion. The statement has been made that the provision in the bill authorizing those Treasury notes to be redeemed in silver bullion and allowing the notes to be then canceled enables the Secretary of the Treasury to contract the currency of the country to that extent. To that objection no answer has been made by gentlemen upon the other side, and no answer can be made; it stands there an unanswerable objection to the bill passed by this House.

Now, what are the objections to a free-coinage bill? The objections, as I have caught them from the other side, are, first, that it is not right, as they say, to take 72 cents and make a dollar out of it. But, Mr. Speaker, my position is that the gentlemen who are opposing the free coinage of silver are the men who are advocating the 72-cent dollar. The friends of free coinage are in favor of legislation which will bring the material out of which the dollar is made up to the value of 100 cents, so that we shall have no 72-cent dollar; while the policy advocated by gentlemen upon the other side would leave us still with a dollar of 72 cents.

My distinguished colleague from Illinois [Mr. HILL] devoted the most of his argument to the point that a free-coinage measure would benefit the bullion-holders. When he returns to the people of his district his only answer to their criticisms will be that, while he knew it would be a benefit to them to pass a free-coinage bill, he voted against their interest and their desire because he thought that to pass that bill would benefit the bullion-holders also. He can take that position and make that argument if he chooses, but I prefer to vote for a measure which will benefit the people of my district, even though it may benefit some other class also. Why, sir, you would infer from the arguments of the chairman of the Committee on Coinage, Weights, and Measures [Mr. CONGER] that under free coinage the people of this country would be taxed 25 cents every time a bullion-holder would receive a dollar certificate from the Treasury for his bullion. The bullion-holder, in fact, would not take anything away from the Treasury that he did not bring there. He would take away a certificate redeemable in coin, but the Government of the United States would have the right to redeem that coin certificate with a silver dollar, and that silver dollar could be coined from the very material which the bullion-holder would take to the Treasury. Now, who is taxed? Nobody is taxed. Gentlemen are also very fearful about increasing the value of the silver dollar, or diminishing the value of the gold dollar, yet they remained silent for years and allowed the gold dollar to increase in value without any objection.

Now, as to the point that the silver of other countries would be dumped upon the United States under a free-coinage law. How would it come here? The Secretary of the Treasury shows in his report that all the silver of the world is being used at present, and when we have passed the free-coinage bill the uses and demands for silver in other countries will exist just the same as they do now. They must have the silver, and that which brings up the price of silver in the United States will bring up its price all over the world. Silver will be used in other countries just the same after we pass this act as before, and the silver which is being coined in other countries is being used at par with gold, so that there will be nothing to gain by bringing it to the United States and exchanging it for gold dollars and then returning the gold to the country from which the silver was brought. All the silver product of the world is being used, and gentlemen might as well say that if New York or some other great central city should increase the price of grain or the price of any other commodity all of the commodity in the country would go to that particular place. It might for a time; but when there was a failure of supply to meet the demand elsewhere and the commodity began to move from where it was needed, and where there was a demand for it, the prices at such points would rise. And so it would be with silver; as soon as silver in other countries would begin to come to the United States this would cause a rise in the price of silver in such countries, and prices of silver in different countries would soon reach a common level; therefore there is no danger of our getting all the silver of the world.

Another objection is that free coinage would drive all the gold out of this country. Mr. Speaker, is that a fact or is it a prediction? It is a mere prophecy and that is all. Now, against every prophet on that side of the question I am willing to put up an equally good prophet on this side, and that settles that part of the controversy. [Laughter.] The trouble is that gentlemen who are opposed to the free coinage of silver have been predicting such results ever since silver was partially monetized in 1873, while on the other hand the records of our imports show that we have been gaining in gold coin every year.

To repeat, the objections to free coinage are, first, that it would give an undue advantage to the bullion-holder. I have already suggested that that is no excuse for refusing legislation that also would be of advantage to the whole country. The next objection is that we would be in danger of receiving all the silver of the world. I say that that objection is unreasonable because the demand for silver in other parts of the world will exist after we pass a free-coinage bill, just as it does now; other parts of the world will get and keep their portion of the general supply, and the report of the Secretary of the Treasury shows that we are in no such danger.

One word more and then I am through. Gentlemen on the other side, many of them, say they are anxious for the free coinage of silver at the proper time, provided always that "the proper time" shall never come. [Laughter.] They are ready to speak for free coinage, but every time they get an opportunity to vote they vote against it. They are ready, they say, to vote for free coinage when silver is brought to a parity with gold. The Secretary and gentlemen on that side claim that the passage of their bill will bring silver to a parity with gold, and then I suppose these gentlemen will be in favor of free coinage. Will silver be any better as a money metal when brought to a parity with gold under your bill, gentlemen, than it will be when brought to a parity with gold under a free-coinage bill? The only difference is, you say you are for the free-coinage station; but you prefer to go there on an ox wagon, with the assurance that the wagon will break down before you reach your destination; we are for the free-coinage station, and we propose to take the lightning express and get silver to a parity with gold in the quickest way possible. Your method is by legislation; ours is by legislation also.

The Secretary of the Treasury has said in his report that his bill will create a market for silver and thereby increase the demand for it and increase the price, bringing it ultimately to a parity with gold; and then we can have free coinage. Now, if a free-coinage bill will do the same thing, only more quickly and more certainly, why is not the free coinage of silver, when brought to a parity with gold under the Senate bill, just as likely to stand and to work successfully in this country as free coinage would do after you had reached the parity of silver and gold under the bill proposed by the other side?

The trouble is that some gentlemen on the other side who are advocating free coinage here are determined to pursue a course which they know will never lead to free coinage, a policy the result of which is uncertain; while gentlemen on this side of the House and some on the other, a few, are in favor of pursuing that course which is certain, which has been tried, which is constitutional, and therefore they propose to vote for a free-coinage bill. And when this Government has extended to silver the privilege of free coinage, it will then be immaterial whether the metal is actually coined or not or whether silver certificates are issued. It is the privilege of having it coined if you desire it that makes it valuable and characterizes it as money metal.

It was said by the chairman of the committee that there is not a district in this country in favor of free coinage that has not been influenced by the bullion-holders. That was the substance of his statement. I wish to say, Mr. Speaker, with my colleague from Illinois, Judge PAYSON, that I believe ninety-nine out of every one hundred citizens of my district are in favor of the free coinage of silver; and I propose to vote according to the interests and desire of my people; and I hope my distinguished colleague, Judge PAYSON, will represent the 99 per cent. of the citizens of his district to-day as he represented the 1 per cent. the other day, by his vote on this question.

Mr. KERR, of Iowa. Will the gentleman yield for a question?

Mr. WILLIAMS, of Illinois. I can not resist the gentleman.

Mr. KERR, of Iowa. Is it not true that your State convention in Illinois, about a week ago, voted down a resolution in favor of free coinage?

Mr. WILLIAMS, of Illinois. I will answer the gentleman. I discover that gentlemen of the Republican party profess to give a great deal of weight to the declarations of platforms; but the people are going to be more interested in legislation—actual votes—than in platforms. The convention in Illinois adopted a platform stating that it was opposed to all unnecessary restrictions upon silver coinage, substantially a free-coinage platform. That resolution had been presented to the convention and adopted as part of the platform, a platform which reads considerably better than the one adopted by the Republicans yesterday and which I see in this morning's Post. After the convention had adopted this platform, a member brought in on his own motion a resolution and submitted it to the convention.

If the gentleman has been in conventions, as I have no doubt he has, he knows that very often a resolution submitted after the regular resolutions or platforms have been adopted—offered without any concerted action or understanding on the part of the convention—is defeated, as was the case in this instance, not because the convention was opposed to the resolution, but because it had already acted upon that subject.

Further, I wish to say that in 1888 you adopted a platform that read very well before the people of this country, but the construction that you have placed upon it in this Congress will not read so well in the next campaign.

Mr. CONGER. Will the gentleman answer a question?

Mr. WILLIAMS, of Illinois. Yes, sir.

Mr. CONGER. How did the Democratic platform of 1888 read upon the silver question?

Mr. WILLIAMS, of Illinois. I have not the platform before me. [Laughter on the Republican side.] I do not remember just what the platform was at that time, nor do I care; but I wish to say this to the gentleman—

Mr. CONGER. Then will you answer another question?

Mr. WILLIAMS, of Illinois. Wait until I answer this.

Mr. CONGER. I thought you said you could not.

Mr. WILLIAMS, of Illinois. I am voting on this question to represent the people of the Nineteenth Congressional district of Illinois, and I am going to do it regardless of what your party or any other party says in its platform; and I hope gentlemen on the other side will do the same and will adopt the Senate amendments.

Mr. CONGER. Will you answer another question?

Mr. WILLIAMS, of Illinois. When I got through with this. But, instead of allowing your people to do that, the President, as it seems, has sent to members of this House his intimation threatening the Senate bill with a veto; and members on the other side have stated time and again that they can not afford to take the risk of a veto. I do not propose to go to the President of the United States and get down on my knees and ask him what kind of silver legislation he is in favor of. I shall represent the people of my own district.

Mr. CONGER. Will the gentleman be kind enough to point me—

Mr. WILLIAMS, of Illinois. This does not come out of my time?

The SPEAKER. It does.

Mr. CONGER. Will you point to any effort made by the Democratic party during the four years they had possession of this Government to do anything in aid of silver legislation?

Mr. WILLIAMS, of Illinois. I will answer the gentleman. The people of this country are more interested in this question now than they have ever been. They are more interested in what their Representatives in Congress are doing now than in what was done last year or years ago. I point to the record which the Democratic party has made in this Congress on this question; and if you will only furnish one-fourth of your number to vote in favor of free coinage the people of this country will get it. [Applause on the Democratic side.]

[Here the hammer fell.]

[Mr. BAYNE withholds his remarks for revision. See Appendix.]

Mr. BLAND. Mr. Speaker, I ask unanimous consent that all gentlemen who desire to do so may have leave to print remarks upon this question.

The SPEAKER. Is there objection? The Chair hears none.

Mr. KERR, of Iowa. The permission ought to be limited to some reasonable length of time.

The SPEAKER. Does the gentleman object?

Mr. KERR, of Iowa. Unless they are printed in a reasonable time, I should say within five or ten days, I feel inclined to object.

Mr. SHIVELY. Make it before the adjournment of Congress.

The SPEAKER. Objection is made.

Mr. BROSIUS. Mr. Speaker, in availing myself of the privileges of becoming the executioner of a few moments of the time of the House I desire to express in a word the reason for the vote I am about to give upon the bill. It seems to me, Mr. Speaker, that the proposition to authorize any owner of 72 cents' worth of silver bullion to take it to the mints of the United States and have it coined into 100 cents is one that can not be adequately characterized in parliamentary language.

In business circles if a man was to seriously argue that it would be honest and just for the Government of the United States to buy of one class of citizens a certain commodity at 28 cents above its market price, while it paid all other citizens for all other commodities their market price only, he would make such an exposure of his intelligence or his morals, or both, that he could scarcely hope long to escape being catalogued among the defective classes. Yet on the floor of this House something near akin to such a romantic device is advocated by statesmen.

I doubt if free coinage of silver was ever in vogue in this country when silver bullion was worth less than 16 to 1 of gold, or when the dollar into which it was coined was worth more than the commodity coined, with the cost of labor added. What sane man would coin a piece of bullion worth more than a dollar into a piece of money worth no more than that sum?

At the date of the coinage act of 1792 the ratio of silver to gold was 15.17 to 1 of gold. In 1873 the ratio was 15.63 to 1 of gold, and in the entire interval of eighty years which covered the life of free coinage in this country silver never fell so low as 16 to 1 of gold. The present ratio is 22 to 1; and it is seriously proposed to give silver the same place under our coinage laws now, when the bullion coined into 100 cents is worth but 72, as when it was worth a dollar or upward. This proposition is urged distinctly upon the ground that this act of legislation will raise the value of silver to a parity with gold. Such an assumption is wholly unwarranted and is without any facts to sustain it. If it is true of silver, why not of any other metal? There is no such potentiality in an act of legislation. It has never been known

to nullify the great law of supply and demand which, the world over, fixes prices.

When our silver bullion enjoyed the privileges of the mint it was not kept at a parity with gold, and in order to keep it somewhere in the neighborhood of it the weight of the gold dollar was reduced from 24.75 grains to 23.2 grains of pure gold. Before this change was made silver was at a discount and gold was leaving the country. This occurred in 1834. The new ratio proved too high, and in 1837 the amount of pure gold in a dollar was increased to 23.22 grains, thus making the ratio 15.988 to 1 of gold, at which it has since remained.

It will be remembered by gentlemen familiar with our silver history that prior to 1834, when the ratio was 15 to 1, gold was at a premium of 5 to 7 per cent. and, as I have already stated, was leaving the country, and but little was brought to the mints for coinage. When the ratio was changed in 1834 silver advanced to a premium of 1 to 3 per cent., and remained at a premium to 1873, and very little of it was taken to the mints for coinage into dollars. If the past is any guide to the future, it is fairly inferable that the free coinage of silver now would produce the same results as formerly, other things being equal, and we can rationally look for no other results than the disappearance of our gold and an influx of foreign silver.

Holding this view, I must totally dissent from the Senate amendment, and hold to the House bill, or something of a similar import, whose object will be to swell the volume of our circulating medium to a limited extent, and at the same time to make every dollar of it worth 100 cents.

The free-coinage idea under existing monetary conditions is to my mind the most stupendous wrong that ever reared its head in any legislative body, the most imposing financial heresy that ever shocked an honest mind, and those who advocate it misconceive the character and temper of the American people. And when the gentleman from Kansas is holding his ear to the ground to catch the rising sentiment of his Western farmers I warn him to have a care that he is able to distinguish the honest and temperate sentiment of the calm and judicious citizen from the swelling cry of the demagogue borne along the same conductor.

On this subject, Mr. Speaker, my convictions are firm and unchangeable, and in expressing them I think I voice the sentiment of the Republican party of Pennsylvania, whose convention is now in session at Harrisburg, and may be at this hour formulating the thought I have uttered into its declaration of sentiments upon the public issues of the day.

The position of the Senate, I may say, Mr. Speaker, on this bill is exceedingly anomalous; it seems to reverse the principle which underlies the idea of two Houses in the legislative department of the Government. Benjamin Franklin's celebrated illustration was a cup and saucer. "We pour our steaming morning beverage into a saucer to cool it," said the philosopher, "so we must have a Senate to pour the hot legislation of the House into, to cool it off." But the illustration fails in this instance, for the Senate is hotter than the House. It has become the cup, is more radical and goes to greater excess—further into the face of danger than the House is willing to go. But as in fashionable life the saucer is dispensed with and we take the beverage hot from the cup, I am in favor of taking our coffee fresh from the cup, and adhering to the House bill. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. STOCKDALE. Mr. Speaker, as between these two propositions, I find that locality is the cause of division more than any matured views on the system of finances that ought to be adopted. Democrats and Republicans divide upon this question according to locality. Those who represent constituencies who have largely of gold and bonds vote for the demonetization of silver; those who represent constituencies who make the wealth of the nation and make it possible for the nation to have money are opposed to the demonetization of silver.

I do not challenge any man's right to vote as he deems the interests of his people demand. What I do resent is that gentlemen should come here and claim with serious faces that they do not mean by this bill to demonetize silver. We can not doubt your intelligence, and that leaves your sincerity in question.

If the Republican party were at all friends of silver, if that party was not the sworn enemy of silver coin, it would have been content to leave the present law in force and allowed the Secretary of the Treasury to continue coining \$2,000,000 per month at least; but the framers of this bill were so anxious to repeal the law compelling the Secretary to coin silver that they inserted a section in the foreground of the bill repealing the law of 1876, instead of at the close. The only thing in this bill that is clear and unequivocal is the section repealing all laws authorizing the coinage of any silver at all.

The law of 1873 requiring the Secretary to coin \$2,000,000 per month and authorizing him to coin \$4,000,000 per month, has met the stubborn opposition of every Secretary since the passage of the law. He has coined the smallest possible amount that he could escape an open violation of the letter of the law, while he did, in my opinion, evade the spirit of the law by refusing to coin more when he knew the people

wanted more. He shows his hostility to silver by furnishing this bill to Congress repealing all authority to coin silver except upon a contingency that he knows and Congress knows will not occur under this bill as a law. The Secretary evidently regards this bill more in the interest of gold and more against silver than even the coinage of two millions, or he would have gone on coining two millions per month, and not volunteered this bill, presumably gratuitous on his part.

The President is almost sure to appoint his Secretary of the Treasury from the moneyed men in the East, that insures his hostility to silver; therefore, to leave anything in his discretion is to declare for the most hostile treatment of silver that the law will permit, and Congress should define its will clearly, and I have no doubt that the majority is doing that now, knowing that the present Secretary will go only so far as the law drives him in aid of silver. I say he regards this bill better for the gold men than even the coinage of two millions, or he would not have urged its passage; and it is more in their interests, because, so far as it went, \$2,000,000 of silver every month was put on an equality with gold, as the Constitution intended it should be. This bill drives it from its place as a coinable metal and degrades it to the position of a mere commodity, and by that means makes gold the only standard of value. This is simply the first step to drive silver out of the currency entirely.

That it saves the cost of coining is of very little force, for the mints are all equipped with machinery and a full corps of employes and officers, not one of whom will be discharged, and the dies and machinery will be better preserved by use than lying idle. Every bondholder is interested in demonetizing silver, for his bonds are payable in coin; with silver out of the way he will get gold, and gold will be worth more. Every holder of gold or gold certificates is interested in getting silver out of the way, for that increases the value of gold in his hands.

The Secretary is required to buy silver at a price to be determined by the prices-current of the silver markets of the world. That means England, and it is equivalent to saying that he shall purchase silver from our own citizens at whatever price England pays. He can cable over to London every morning and ask, "How much may I pay for silver to-day?" He purchases by the prices-current the same as he would purchase iron, or copper, or tin, or wheat, or cotton; not to coin it, but to hold as a basis of credit upon which to issue Treasury notes to the people. It makes a money-broker of the Secretary of the Treasury and furnishes him the capital to trade on.

How men can vote for this bill and refuse to vote for the Alliance subtreasury I can not see, unless it be that this favors the rich, the gold-owners, bond-owners, and the mortgage-owners, and the subtreasury plan is intended to benefit the farmers of the country. In that contest you can count me on the side of the farmers.

I am opposed to the demonetization of silver, because a very large class of the population of the South want the silver coin to use, and not Treasury notes—a class of people whose coldest and cruellest enemy is the Republican party and against whom the Republican party has been enacting oppressive and unfriendly legislation for the last twenty-five years. I refer to the colored people. They want to use the silver coin. They can count the silver coin and they know what they get when they get it, and the older ones, particularly, do not know what they get in a Treasury note. And when this law is passed there will follow down there the first cousins of the carpet-baggers, of the Freedman's Bureau, and of the Freedman's Bank, to swindle them out of the last dollar they have got. Now, I say it is a piece of hostile legislation against that class of people, and I have listened in vain to hear one man on the Republican side of the House raise his voice in their interest. It has not been done this session. The only time that you ever enact a law or speak a word in favor of the colored race is when you want them to vote for your party.

The Republicans have never done aught for the negro but tax him and teach him to hate the white man, who furnishes the money to educate his children. The Government emphasized his entrance into his new-born citizenship by the gentlemanly asportation and conversion, without his consent, of his cotton—the fruit of his toil as a freeman—and then worked off the dose by those other decoctions, the Freedman's Bureau and the Freedman's Bank. You make him specious promises of large sums to educate his children, and when you get into power and are able to comply with the promise you put your fingers to your nose and tell him to wait until you come. After a long fight the Democratic party succeeded in forcing silver coinage back upon the statute-books at the limited rate of \$2,000,000. It is the coin suited to the negro. It suited him to count, he liked to carry it with him to lay by; it would not decay; it would not burn; the mts would not eat it; and he knew what he had. But it suits the gold men, it suits the bondholder, it suits the gold-mine owners, to have no more silver coin; and you will send the colored man Treasury notes that he does not want and can not read, in which he has no confidence and can not keep. But if you will organize and lend him ready-made, as you did before, a Freedman's Bank, with all modern improvements, he will have a place where his Treasury notes may be kept, and where they will not trouble him any more.

Mr. McKINLEY. Mr. Speaker, it seems to me that the subject now under consideration is grave enough in every aspect to cause us at

this, even the last moment of the discussion, to pause and thoughtfully consider whether by our votes here to-day we shall reverse the well-established financial policy of the country.

From 1793 to 1873 we had the free and unlimited coinage of silver in the United States, the two metals fluctuating in value from time to time, rarely if ever at a parity, sometimes so varying and unequal that the President of the United States was compelled to suspend the coinage of the silver dollar—a rule made by Jefferson in 1805 and followed for thirty years afterward. What we are considering here to-day, and what we have been considering almost without interruption for the last ten days, has been only the struggle of the century which has vexed the statesmen of all periods of our history, and that struggle has been to preserve the concurrent circulation of gold and silver, each on a parity with the other. And we have never been able to do it until now. At no time in the history of the United States have gold and silver so circulated side by side, in equal volume, as gold and silver have circulated concurrently since 1873.

Now I believe, Mr. Speaker, that we should preserve these two moneys side by side. And it is because I want to preserve these equal standards of value that I have opposed and shall oppose concurrence in the Senate amendments. I do not want gold at a premium, I do not want silver at a discount, or *vice versa*, but I want both metals side by side equal in purchasing power and in legal-tender quality, equal in power to perform the functions of money with which to do the business and move the commerce of the United States. To tell me that the free and unlimited coinage of the silver of the world, in the absence of co-operation on the part of other commercial nations, will not bring gold to a premium is to deny all history and the weight of all financial experience. The very instant that you have opened up our mints to the silver bullion of the world independently of international action, that very instant, or in a brief time at best, you have sent gold to a premium, and when you have sent gold to a premium, then you have put it in great measure into disuse and we are remitted to the single standard, that of silver alone—we have deprived ourselves of the active use of both metals. It is only because of the safe and conservative financial policy of the Republican party, aided by conservative men of all parties, which has more than once received the approval of the country, that since 1873 by our legislation we have compelled gold and silver to work together upon an equality, both employed as safe means of exchange in the business of our country. Let the bullion of the world come into this market from Europe and Asia, and then, whether gold flows out of this country or not, it flows out of the channels of business and the avenues of trade, and we are in danger of being driven to the use of silver alone. I oppose the Senate amendments because I want the use of both silver and gold. The gentlemen who favor the amendments of the Senate want silver to do the work alone, to be the sole agency of our exchanges. Those of us who believe in conservative legislation want to utilize both metals and make both respond to the wants of trade.

They talk about silver being cheap money. And gentlemen no longer conceal on that side and on this that the reason they want silver is because it is cheap. I am not attracted by that word "cheap," whether it is applied to nations or to men, or whether it is applied to money. Cheap, as the term has been employed in this debate, is an evidence of financial demoralization and commercial inferiority. Cheap is a badge of degradation whether it is applied to individuals or whether it is applied to money, and I do not propose by any vote of mine to force the people of the United States, the farmers and laborers, to the cheapest money of the world or to any policy which might tend in that direction. Whatever dollars we have in this country must be good dollars, as good in the hands of the poor as the rich; equal dollars, equal in inherent merit, equal in purchasing power, whether they be paper dollars, or gold dollars, or silver dollars, or Treasury notes—each convertible into the other and each exchangeable for the other because each is based upon equal value and has behind it equal security; good not by the fiat of law alone, but good because the whole commercial world recognizes its inherent and inextinguishable value.

There should be no speculative features in our money, no opportunity for speculation in the exchanges of the people. They must be safe and stable.

And I stand here to-day speaking not for a single section, but for my country and for the whole country, and I say that it is for the highest and best interests of all that whatever money we have it must be based upon both gold and silver and represent the best money in the world. [Loud applause.]

Mr. CONGER. The hour has arrived at which the previous question was ordered, and I now demand a vote.

Mr. BLAND. Mr. Speaker, I suppose the first motion would be a motion to concur in the Senate amendments—that the vote to concur takes precedence.

The SPEAKER. The gentleman is correct.

Mr. BLAND. I demand the previous question upon that.

The SPEAKER. The previous question is already ordered by action of the House, and the question will first be taken on the motion of the gentleman from Missouri—that the House concur in the Senate amendments. It is the option of any member to ask for the privilege—

Mr. SPRINGER. I ask a separate vote. [Cries of "Oh, no!" on the Democratic side.]

Mr. CONGER. I demand the yeas and nays.

The SPEAKER. A separate vote is demanded.

Mr. FLOWER. On what?

The SPEAKER. On each one of the Senate amendments.

Mr. PETERS. Why, Mr. Speaker, I do not see why that should be done.

Mr. SPRINGER. The first section of the bill is stricken out, and the first amendment of the Senate is inserted.

The SPEAKER. The question is upon the first amendment of the Senate, which the Clerk will report.

Mr. SPRINGER. I ask the Clerk to read the first section of the House bill, and the amendment of the Senate to that.

The SPEAKER. The Senate amendment will be read.

The Clerk read as follows:

Amend by striking out section 1 and inserting the following:

"That from and after the date of the passage of this act the unit of value in the United States shall be the dollar, and the same may be coined of 412½ grains of standard silver, or of 23.8 grains of standard gold; and the said coins shall be legal tender for all debts, public and private. That hereafter any owner of silver or gold bullion may deposit the same at any mint of the United States to be formed into standard dollars or bars for his benefit and without charge; but it shall be lawful to refuse any deposit of less value than \$100, or any bullion so base as to be unsuitable for the operations of the mint."

Mr. CONGER. I demand the yeas and nays on that.

Mr. BLAND. Can we have the first section read, so that we may know what we are voting upon?

The SPEAKER. The House has already considered that. It has been repeatedly read to the House.

Mr. BLAND. I know that; but I would like to have it read so that the House may understand it. [Cries of "We understand it!"]

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 135, nays 152, not voting 40; as follows:

YEAS—135.

Abbott,	Cowles,	Kilgore,	Pierce,
Alderson,	Crain,	Lane,	Post,
Allen, Miss.	Crisp,	Lanham,	Reilly,
Anderson, Kans.	Culberson, Tex.	Lava,	Richardson,
Anderson, Miss.	Cummings,	Lee,	Robertson,
Bankhead,	Davidson,	Lester, Ga.	Rowland,
Barnes,	De Haven,	Lester, Va.	Sayers,
Barlow,	Dockery,	Lewis,	Shively,
Blanchard,	Dorsey,	Magner,	Skinner,
Bland,	Edmunds,	Mansur,	Smith, Ill.
Blount,	Elliott,	Martin, Ind.	Springer,
Boatner,	Ellis,	McClammy,	Stewart, Ga.
Breckinridge, Ark.	Enloe,	McClellan,	Stewart, Tex.
Breckinridge, Ky.	Featherston,	McCreary,	Stockley,
Brickner,	Fithian,	McMillin,	Stone, Ky.
Brookshire,	Forman,	McRae,	Stone, Mo.
Brown, J. B.	Forney,	Mills,	Tarsney,
Brunner,	Fowler,	Montgomery,	Tillman,
Buchanan, Va.	Funston,	Moore, Tex.	Townsend, Colo.
Bullock,	Gibson,	Morrill,	Tucker,
Bunn,	Gifford,	Morrow,	Turner, Ga.
Bynum,	Goodnight,	Norton,	Turner, Kans.
Candler, Ga.	Grimes,	Oates,	Venable,
Carlton,	Hare,	O'Ferrall,	Wade,
Carter,	Hatch,	O'Neill, Ind.	Washington,
Caruth,	Haynes,	Owen, Ind.	Wheeler, Ala.
Catchings,	Heard,	Owens, Ohio	Whiting,
Chipman,	Hemphill,	Parrott,	Whitthorne,
Clarke, Ala.	Henderson, N. C.	Paynter,	Wilkinson,
Clements,	Herbert,	Peel,	Williams, Ill.
Cobb,	Hermann,	Pennington,	Williams, Ohio
Connell,	Holman,	Perkins,	Wilson, Mo.
Cooper, Ind.	Kelley,	Perry,	Wilson, W. Va.
Cothran,	Kerr, Pa.	Peters,	

NAYS—152.

Adams,	Cheatham,	Harmer,	Moore, N. H.
Allen, Mich.	Clancy,	Haugen,	Morey,
Andrew,	Cogswell,	Henderson, Ill.	Morse,
Arnold,	Coleman,	Henderson, Iowa	Mudd,
Atkinson, Pa.	Comstock,	Hill,	Mitchler,
Baker,	Conger,	Hitt,	Niedringhaus,
Banks,	Covert,	Hopkins,	O'Donnell,
Bayne,	Craig,	Houk,	O'Neill, Mass.
Beckwith,	Culbertson, Pa.	Kennedy,	O'Neill, Pa.
Belden,	Cutcheon,	Kerr, Iowa	Payne,
Belknap,	Dargan,	Ketcham,	Payson,
Bergen,	Darlington,	Kinsey,	Pugley,
Bingham,	De Lano,	Knapp,	Quackenbush,
Bliss,	Dingley,	Lacey,	Quinn,
Boothman,	Dolliver,	La Follette,	Raines,
Boutelle,	Dunnell,	Laidlaw,	Reed, Iowa
Bowden,	Dunphy,	Lausing,	Reyburn,
Brewer,	Evans,	Lehbach,	Rife,
Brosius,	Farquhar,	Lind,	Rowell,
Brower,	Finley,	Lodge,	Rusk,
Browne, Va.	Flick,	Malsh,	Russell,
Buckalew,	Flood,	Mason,	Sanford,
Burrows,	Flower,	McAdoo,	Sawyer,
Burton,	Frank,	McComas,	Scranton,
Butterworth,	Gear,	McCord,	Scull,
Caldwell,	Geisenhainer,	McDuffie,	Sherman,
Campbell,	Geek,	McKenna,	Simonds,
Candler, Mass.	Greenhalge,	McKinley,	Smith, W. Va.
Canon,	Grout,	Miles,	Smyser,
Caswell,	Hall,	Milliken,	Snider,
Cheadle,	Hansbrough,	Moffit,	Spinola,

Spooner,
Stephenson,
Stewart, Vt.
Sivers,
Stockbridge,
Struble,
Stump,

Swency,
Taylor, E. B.
Taylor, Ill.
Taylor, Tenn.
Thomas,
Townsend, Pa.
Tracey,

Turner, N. Y.
Vandever,
Van Schaick,
Vaux,
Waddill,
Wallace, Mass.
Wallace, N. Y.

Watson,
Wiley,
Willcox,
Wilson, Ky.
Wilson, Wash.
Wright,
Yardley.

NOT VOTING—49.

Atkinson, W. Va.
Barwig,
Biggs,
Browne, T. M.
Buchanan, N. J.
Clark, Wis.
Clunie,
Cooper, Ohio
Dalsell,
Dibble,

Ewart,
Fitch,
Grosvenor,
Hayes,
Hooker,
Lawler,
Martin, Tex.
McCarthy,
McClormick,
Morgan,

Note,
Osborne,
Outhwaite,
Phelan,
Pickett,
Price,
Randall,
Ray,
Rockwell,
Rogers,

Seney,
Stahneck,
Taylor, J. D.
Thompson,
Walker, Mass.
Walker, Mo.
Wheeler, Mich.
Wickham,
Wike,
Yoder.

So the motion to concur was rejected.

Mr. RANDALL. On this question I am paired with the gentleman from California, Mr. CLUNIE. If he were present, he would vote "ay," and I would vote "nay."

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I voted on the first call, and I understand that my name was called the second time. I voted "ay."

The SPEAKER *pro tempore*. The name of the gentleman from Arkansas will be called.

The name of Mr. BRECKINRIDGE, of Arkansas, was called, and he voted "ay."

Mr. TRACEY. Mr. Speaker, my colleague, Mr. FITCH, is detained in New York by illness. If he were present, he would vote "nay." He desired me to so state.

The following additional pairs were announced until further notice:

Mr. JOSEPH D. TAYLOR with Mr. PRICE.

Mr. PICKLER with Mr. STAHLNECKER.

Mr. ATKINSON, of West Virginia, with Mr. PHELAN.

Mr. BUCHANAN, of New Jersey, with Mr. LAWLER.

Mr. COOPER, of Ohio, with Mr. DIBBLE, on this vote.

Mr. RANDALL with Mr. CLUNIE on all silver bills; also bankruptcy bill and Federal-election bill.

Mr. CONGER. I ask unanimous consent to dispense with the recapitulation of the names.

Mr. BLAND. Mr. Speaker, I think we had better have the names read.

The vote was recapitulated.

Mr. MILLS. I notice that the name of Mr. TAYLOR, of Ohio, was called. He is paired.

The SPEAKER. There are two gentlemen by the name of Taylor from Ohio.

Mr. MILLS. Mr. EZRA B. TAYLOR was paired, and I noticed his name was read.

Mr. EZRA B. TAYLOR. Mr. Speaker—

Mr. MILLS. That is all right. I see the gentleman is here, and that is a matter for himself.

The SPEAKER. On this question the yeas are 135 and the nays 152. So the House non-concurs in the amendment of the Senate. [Applause on the Republican side.]

Mr. SPRINGER. I do not ask for a separate vote on the other amendments.

The SPEAKER. The gentleman from Illinois withdraws the request for a separate vote, and the question will now be taken, unless some other gentleman asks for a separate vote, upon the remaining amendments together.

Mr. BLAND. I think that may as well be done on all the remaining amendments.

Mr. BRECKINRIDGE, of Kentucky. I did not catch whether there was any objection. I desire to object. I demand a separate vote.

The SPEAKER. The Chair announced that the gentleman from Illinois [Mr. SPRINGER] had withdrawn the demand for a separate vote, and asked if there was any other objection.

Mr. BRECKINRIDGE, of Kentucky. I only desire a separate vote on the fourth amendment.

The SPEAKER. The question, then, is upon concurring in the amendments of the Senate except the fourth amendment.

The question was put, and the Speaker announced that the "noes" seemed to have it.

Mr. HOLMAN. I call for a division.

The House divided; and there were—ayes 85, noes 146.

So the House non-concurred in the remaining amendments of the Senate except amendment No. 4.

The SPEAKER. The question now recurs on the motion to concur in the fourth amendment. The Clerk will report the fourth amendment.

The Clerk read as follows:

Strike out section 4 and insert the following:

"SEC. 4. That the certificates provided for in this act and all silver and gold certificates already issued shall be receivable for all taxes and dues to the United States of every description and shall be a legal tender for the payment of all debts, public and private."

The question was taken on concurring in the fourth amendment, and the Speaker declared that the "noes" seemed to have it.

Mr. COWLES called for the yeas and nays, but withdrew the call. The amendment was then non-concurred in.

Mr. CONGER. Mr. Speaker, is the amendment to the title included in the votes that have been taken?

The SPEAKER. The amendment to the title is not included.

Mr. CONGER. Then I move to non-concur in the amendment to the title.

The motion was agreed to.

Mr. CONGER moved to reconsider the several votes by which the amendments of the Senate were non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CONGER. Now, Mr. Speaker, I move that a conference be asked by the House on the disagreeing votes of the two Houses on the bill and amendments.

The motion was agreed to.

Mr. CONGER. I ask unanimous consent that gentlemen desiring to print remarks upon this question may have leave to do so, provided they are printed within five days.

Mr. MCKINLEY. I hope there will be no objection to that.

The SPEAKER. The gentleman from Iowa [Mr. CONGER] asks unanimous consent that gentlemen desiring to do so may print remarks on the silver bill, provided they are printed within five days. Is there objection?

Mr. SPINOLA. I object.

Mr. ANDERSON, of Kansas. Oh, no.

Mr. SPINOLA. Oh, yes. If any one has anything to say let him get up here and say it. [Laughter.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed House bills of the following titles:

A bill (H. R. 516) to extend the limit for the erection of a public building at Springfield, Mo.; and

A bill (H. R. 887) authorizing the erection of a hotel upon the Government reservation at Fortress Monroe.

The message also announced that the Senate had passed the bill (H. R. 9104) granting to the Jacksonville, St. Augustine and Halifax River Railway Company a right of way across the United States military reservation at St. Augustine, Fla., with an amendment, asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. HAWLEY, Mr. DAVIS, and Mr. COCKRELL.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, a bill (H. R. 9803) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1891.

It also announced that the Senate receded from its amendments numbered 9 and 10 to the bill (H. R. 7160) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1891, and for other purposes.

It further announced that the Senate had passed a bill of the following title, in which the concurrence of the House was requested: An act (S. 2786) for the donation of Fort Brooke military reservation at Tampa, Fla., for free schools, and other purposes.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 344) to grant the right of way to the Pittsburgh, Columbus and Fort Smith Railway Company through the Indian Territory, and for other purposes;

A bill (S. 389) granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing pensions to widows, minor children, and dependent parents;

A bill (H. R. 1110) granting a pension to William J. Bryan;

A bill (H. R. 1405) granting a pension to Betsey E. Cole;

A bill (H. R. 1474) for the relief of George W. Madden;

A bill (H. R. 1783) granting a pension to Mrs. Alice A. Cunningham;

A bill (H. R. 3458) granting a pension to Ann Ruffner; and

A bill (H. R. 5974) extending the time of payment to purchasers of land of the Omaha tribe of Indians in Nebraska, and for other purposes.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HITT. Mr. Speaker, I ask unanimous consent that the diplomatic and consular appropriation bill be taken up, the amendments of the Senate non-concurred in, and that the House ask for a conference.

Mr. HOLMAN rose.

Mr. MCCREARY. Mr. Speaker, I hope the gentleman from Indiana will not object to the request of the gentleman from Illinois. We only desire to non-concur in the Senate amendments.

Mr. HOLMAN. Mr. Speaker, I wish either that the amendments shall be read or else that a statement shall be made of what they are.

Mr. HITT. They are very numerous.

Mr. HOLMAN. If they are very numerous that is an additional reason for knowing what they are.

Mr. HITT. They are numerous, and they are all amendments making changes of salary or compensation and provisions to carry out the recommendations of the Pan-American Conference.

Mr. CUTCHEON. Mr. Speaker, I rise to a point of order. The confusion is so great that it is impossible to hear what is going on.

The SPEAKER. The point is well taken. The House will be in order. The Clerk will read the amendments of the Senate.

The Clerk proceeded to read the amendments.

Mr. HOLMAN. Mr. Speaker, if these amendments are considered at all, of course they ought to be considered in Committee of the Whole, but if the gentleman having charge of this bill will state the general character of the amendments, I shall not insist upon their being read.

Mr. HITT. Mr. Speaker, in response to the suggestion of the gentleman from Indiana, I will state that the amendments made by the Senate to the House bill consist largely of changes in the compensation of diplomatic and consular officers, generally increasing the amounts. The recommendations of the Pan-American Conference recently in session in this city are also provided for. All of these are amendments increasing the appropriations in so far as they provide appropriations, and my motion is to non-concur in them all.

Mr. HOLMAN. I wish to inquire of the gentleman whether the committee are unanimous in opposition to these various amendments.

Mr. HITT. The committee framed the bill which the House sent to the Senate, and upon that bill the committee were unanimous. They desire to consider carefully these amendments, but what conclusion they will reach upon each and every one of these amendments to be considered I can not say. I move to non-concur that we may consider them.

Mr. HOLMAN. But the committee are opposed to the Senate amendments, I understand.

Mr. HITT. The committee are unanimous in desiring me to move to non-concur in them.

Mr. HOLMAN. But are the committee opposed to them all? Because if not, the instructions of the House might be necessary.

Mr. MCCREARY. Mr. Speaker, I desire to state in reply to the gentleman from Indiana that the committee have not had a meeting, and have not considered the amendments proposed by the Senate to the diplomatic bill. The gentleman from Illinois, the chairman of the committee [Mr. HITT], is asking now that the House non-concur in all the Senate amendments, with the view of having a committee of conference. I am in favor of non-concurring in the amendments proposed by the Senate, because I believe that is the quickest and best way to get to the consideration of them.

Mr. HOLMAN. Then, as a matter of fact, the House committee have not considered these amendments at all?

Mr. HITT. The committee has not been in session since the bill came back, but I have consulted members of the committee about it, and I express their wish.

Mr. DOCKERY. Has the bill been referred to the committee?

Mr. MCCREARY. There has been no meeting of the committee in regard to the Senate amendments.

Mr. HOLMAN. I believe, Mr. Speaker, that as a general rule amendments made by the Senate to House bills ought to be regularly considered by the House, so that the gentlemen who may be appointed as conferees may understand what the views of the House are. But indulging the hope that all these increases of salaries will be resisted by the conferees who will be appointed, I will not insist upon the reading of these amendments.

The SPEAKER. The question is upon the motion of the gentleman from Illinois [Mr. HITT] to non-concur in the amendments of the Senate.

The motion was agreed to.

Mr. HITT. I now move that the House ask for a conference with the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

Mr. HITT. I ask that an order be made for the printing of the bill with the amendments of the Senate.

The SPEAKER. In the absence of objection, that order will be made.

There was no objection.

Mr. HOLMAN. I now move that the House adjourn.

Mr. CANNON. I hope the House will not adjourn.

The SPEAKER. The gentleman from Iowa [Mr. STRUBLE] has a conference report.

FEES OF TERRITORIAL OFFICERS.

Mr. STRUBLE. I ask consideration of the conference report which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to House bill No. 3940 to amend an act entitled "An act to extend the fees of certain officers over the Territories of New Mexico and Arizona," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

I. S. STRUBLE,
B. W. PERKINS,
C. B. KILGORE,
Managers on the part of the House.
GEO. F. EDMUNDS,
G. G. VEST,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The effect of the amendment of the Senate to H. R. 3940 is to state in more distinct and definite terms the amounts marshals and district attorneys of the Territories of New Mexico and Arizona, respectively, shall be allowed to retain of fees and emoluments (including salaries) coming into their hands than is stated in the House bill, the amount of such fees, emoluments, and salary in the case of each officer named being limited in the bill and also in the proposed amendment to the sum of \$6,000 per annum.

A further effect of the Senate amendment is to provide that all sums coming into the hands of said officials above the said sum of \$6,000 each per annum shall be paid into the Treasury of the United States, and the accounts of said officers shall be made, audited, returned, and settled at the same times and in the same manner that the accounts of other marshals and district attorneys are required to be made, audited, returned, and settled.

In the judgment of the House conferees these points were sufficiently covered and guarded in the House bill by reference to existing provisions of the Federal statutes, but the Senate amendment is regarded more direct and specific to the same purpose, and therefore has been accepted by the House conferees.

I. S. STRUBLE,
B. W. PERKINS,
C. B. KILGORE,
Conferees on the part of the House.

Mr. STRUBLE. I move the adoption of this report.

The report was adopted.

Mr. STRUBLE moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REGULATION OF FEDERAL ELECTIONS.

Mr. CANNON. By direction of the Committee on Rules, I report back a resolution, together with a substitute recommended by the committee.

The Clerk read the original resolution, as follows:

Resolved, That on Tuesday, June 24, immediately after the reading of the Journal, House bill No. 10958 and the substitute therefor, reported with favorable recommendation from the Committee on the Election of President, Vice-President, and Members of Congress, be considered then and thereafter from day to day until Saturday, June 28, at 3 o'clock p. m., when the previous question shall be considered ordered on the bill and all pending amendments.

Mr. MCCREARY. I ask that the Clerk read the title of the bill referred to in the resolution.

The SPEAKER. The Clerk will now read the resolution reported by the committee as a substitute.

The Clerk read as follows:

Resolved, That immediately after the passage of this resolution the House proceed to consider House bill No. 11045 until July 2 at 2 o'clock, when the previous question shall be considered as ordered on the bill and any pending amendments and upon a substitute for the whole bill, which the member in charge of the bill shall have a right to offer; that during the last two days amendments may be offered to any part of the bill in the House, with debate under the five-minute rule; that this shall not interfere with general appropriation bills.

Mr. SPRINGER. I thought a motion to adjourn was pending. I move that the House do now adjourn.

The SPEAKER. The gentleman from Illinois moves that the House adjourn.

Mr. MCCREARY. In order that we may know exactly what bill is referred to in the resolution, I ask the Clerk to read the title.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] has moved that the House do now adjourn.

Mr. CANNON. I believe I have the floor.

Mr. MCCREARY. I ask that the title of the bill be read.

The SPEAKER. The gentleman from Illinois has moved that the House adjourn.

Mr. CANNON. Can the gentleman from Illinois take me off the floor?

Mr. MCCREARY. In order that we may understand what we are voting upon, I should like to have the title of the bill read.

Mr. FLOWER. It is a bill to try to elect a Republican Congress this fall; but they can not do it.

Mr. ENLOE. It is a bill to revolutionize the Government.

The SPEAKER. Without objection, the title will be read. Does the gentleman from Illinois insist on his motion to adjourn?

Mr. SPRINGER. I do.

The SPEAKER. Then the question must be taken on that motion. Mr. MCCREARY. I ask the gentleman from Illinois to yield until the title of the bill can be read.

Mr. SPRINGER. I will yield until the title is read.

The SPEAKER. Does the gentleman from Illinois withdraw his motion?

Mr. SPRINGER. For the purpose of having the title of the bill read.

The SPEAKER. The gentleman can not withdraw it, unless he withdraws it unconditionally.

Mr. McCREARY. Then I do not ask the gentleman to withdraw it.
Mr. CANNON. I believe the gentleman can not make the motion to adjourn while I am in possession of the floor. I did not yield for that motion.

Mr. FLOWER. Only one "gentleman from Illinois" can be recognized at a time.

The SPEAKER. If the gentleman claims possession of the floor the Chair thinks he is entitled to it.

Mr. CANNON. I do claim it. I have made this report and am on the floor. I have not given it up.

Mr. BLOUNT. I ask the gentleman from Illinois to withdraw the motion to adjourn.

The SPEAKER. The gentleman from Illinois, in charge of the resolution, has the floor.

Mr. CANNON. Now, Mr. Speaker—

Mr. SPRINGER. Does the Chair decide that I did not have the floor to make the motion?

The SPEAKER. The Chair so decides.

Mr. SPRINGER. Very well.

Mr. CANNON. Now, Mr. Speaker, I make that report by direction of the Committee on Rules. It proposes immediately after its adoption—upon the passage of the resolution itself—that the House shall begin to consider the bill referred to, and that the consideration of that bill shall continue until the 2d day of July, at the hour of 2 o'clock; that the last two days of its consideration shall be in the House for amendment, consideration, and discussion under the five-minute rule, and that at the hour of 2 o'clock, on the 2d day of July, the previous question shall be considered as ordered upon the bill and all then pending amendments, and that a substitute for the bill, in the event the gentleman in charge of the bill should move it, should also be included.

Mr. BLOUNT. Will the gentleman yield to me for a question for information?

Mr. CANNON. Yes, sir.

Mr. BLOUNT. I want to know whether the gentleman construes that portion of the order which provides for two days' debate under the five-minute rule, with right to offer amendments, to cover one full day and the part of the next day up to the hour of 2 o'clock, to wit, beginning at the opening of the session, whatever the hour may be, up to the time the previous question is to be considered as ordered by the resolution.

Mr. CANNON. The order can speak for itself. As the gentleman himself is aware, I was not in the committee at this meeting until just before the order was made and did not hear all the discussion that took place with regard to that portion of it, so I shall have to ask for the reading of the resolution again, or that portion of it.

The resolution was again reported.

Mr. BLOUNT. Now, I will ask my friend from Illinois his construction of that order.

Mr. CANNON. I think the order speaks for itself. It says "during the last two days." I suppose that would mean at least two full days; possibly it might mean during the first and second alone. But if the gentleman desires it to apply to the day prior to the first, I do not know how the Speaker might rule, but I should have no personal objection to it. How would the gentleman from Georgia like it?

Mr. BLOUNT. As between a day and a half and two full days I would, of course, prefer the two full days for the privilege of offering amendments and discussion under the five-minute rule.

Mr. CULBERSON. May I ask the gentleman from Illinois a question?

Mr. CANNON. In a moment. I am informed—I was not present at the time—that that part of the resolution that refers to the two days for amendment under the five-minute rule was informally talked over in the committee as applying to Monday and Tuesday.

Mr. McKINLEY. I think that was the intention of the committee, that there should be two full days for amendments, and debate under the five-minute rule.

Mr. BLOUNT. The gentleman, then, does not consider from the hour of meeting, say at 12 o'clock, to 2 o'clock as a full day, in the meaning of this resolution?

Mr. McKINLEY. No.

Mr. BURROWS. Two full days mean Monday and Tuesday.

Mr. CANNON. If there is any doubt about it, and the gentleman will indicate how he would like to have it, I am satisfied there can be no trouble.

Mr. BLOUNT. I will say this, and believe it to be satisfactory to this side in that respect, that we prefer that that time shall be so determined that we shall have two full days at the close, to have the five-minute rule apply for amendment and debate, counting the ordinary hours that the House is in session for a day, say from 12 o'clock to 6 o'clock as one full day.

Mr. CANNON. That will be, of course, two full days, counting by hours.

Mr. BLOUNT. Yes. Suppose we meet, for instance, at 12 o'clock and adjourn at 6; that is six hours, and will be considered one day. We want, therefore, twelve hours of the time allowed for consideration under the five-minute rule at least.

Mr. CANNON. I have no objection to that being considered as the construction.

Mr. BLOUNT. Let the resolution be modified in that way.

Mr. BRECKINRIDGE, of Kentucky. Let me ask the gentleman from Kansas as to what is the meaning of the resolution, in his judgment, in that part of it about offering amendments under the five-minute rule. Does it mean that the bill shall be read and amendments offered to each section as it is read, as is ordinarily done in Committee of the Whole, where the sections are read *seriatim* and amendments offered? Or does it mean that these are to be considered in the House as in Committee of the Whole under the rules of the House, so that if there be two amendments pending the right to offer another amendment would depend not only upon the recognition by the Speaker but the disposal of the preceding amendments; and hence the pendency of perhaps two inconsequential or immaterial amendments would prevent the offering of any other or material amendments?

Mr. CANNON. My understanding is that you can go to any paragraph of the bill to offer amendments.

Mr. BRECKINRIDGE, of Kentucky. If so, then does it not come within the decision of the Speaker upon the judicial bill, by which two amendments can be offered at different parts of the bill, after which the power of amendment is exhausted? So, in fact, under the pretense of the five-minute rule we have nothing.

Mr. CANNON. I will say to my friend from Kentucky that in my opinion the meaning of the resolution is that there shall be two days allowed for amendments to be offered to any part of the bill under the five-minute rule.

Mr. BLOUNT. I understand further, if the gentleman will allow me—

Mr. CANNON. Certainly.

Mr. BLOUNT. That at any time we can get rid of the difficulty suggested by my friend from Kentucky by ordering the previous question on the amendments pending and allowed under the rule, and get them out of the way, so as to offer further amendments.

Mr. HEARD. Will the gentleman from Illinois allow me to ask him a question?

Mr. McMILLIN. Will the gentleman yield for a question?

Mr. CANNON. I yield to the gentleman from Tennessee.

Mr. McMILLIN. In view of the fact that the right of amendment under this kind of a rule has, in a number of instances past, amounted to nothing, and that the right to amend has been cut off, will the gentleman not permit those gentlemen having amendments to offer to offer them and let them be printed in the RECORD, with the understanding that they be voted upon as the bill is reached?

Mr. CANNON. That might mean thirty or sixty days of voting.

Mr. McMILLIN. On the other hand, this rule will mean that a man can get the floor and offer an amendment and some one in sympathy with him may offer an amendment to the amendment and in that way cut off the right to all further amendment. That is what it means.

The SPEAKER. The House can order the previous question. It has always been in the power of the House to do that with regard to any bill.

Mr. McMILLIN. Yes; but, Mr. Speaker, it will be remembered that there were two hundred amendments hanging and undisposed of when the tariff bill was disposed of; and it is a fact known to all men here that a rule similar to this was worked seemingly with the intention of preventing amendments on the part of those who were in favor of free coinage. Now, to prevent the recurrence of that—

Mr. HOPKINS. I will suggest to the gentleman from Tennessee that he has the privilege of voting against this resolution if he does not like it. [Cries of "Oh!" on the Democratic side.]

Mr. McMILLIN. That is too insignificant a manner in which to deal with a great question like this.

Mr. HOPKINS. I am glad to get your opinion upon that, but it does not change the fact.

Mr. CANNON. Mr. Speaker, I want to say that, after the fullest consideration, the majority of the Committee on Rules tried in good faith to make this order, giving six days for consideration and general debate, debate under the five-minute rule and for amendments, the purpose being to pass the bill, if the majority of the House desire to do so, on the 2d day of next July, and in the mean time give the amplest opportunity to the members of this House to consider the bill.

Mr. CULBERSON, of Texas. Will the gentleman allow me to ask him a question?

Mr. CANNON. In further reply to the gentleman from Tennessee [Mr. McMILLIN] I desire to say that if this bill can not be fully discussed and considered in the six days under the proposed order, it will be for the reason that our friends upon that side of the House do not desire to consider it.

Mr. BLOUNT. Mr. Speaker—

Mr. HEARD. Will my friend yield to me for a question?

Mr. CANNON. I will yield first to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. I want to have some regularity about this discussion.

Mr. HEARD. I want to ask a question for information.

Mr. CANNON. I will answer the question of the gentleman from Missouri when I get to him.

Mr. BLOUNT. Before we go on any further, in order that there should be no more desultory debate, I desire to have it understood whether we are occupying time now which is allowed for the consideration of this order.

Mr. CANNON. Every minute we discuss this special order is so much less time, in the event it is adopted, in which to consider this bill.

Mr. BLOUNT. The gentleman perhaps does not understand my question. In orders of this character it has been understood generally that twenty minutes were allowed for debate on either side.

Mr. CANNON. I think that is after the previous question has been ordered, provided there has been no debate before it is ordered, and it seems to me that this is in the nature of a conversation that might be called debate.

Mr. BLOUNT. That is all I am trying to find out, whether it is conversation or debate.

Mr. CANNON. I suppose it is debate, and I will yield to my friend as much time as he may want in which to discuss the order.

Mr. BLOUNT. The minority are entitled to a certain amount of time, and I want to take care of that time, and I do not want to do anything inadvertently that will lose us that time.

Mr. CANNON. In my opinion, the conversation that has been passing here, under the rule, amounts to debate. Of course, I do not wish to be technical about it.

Mr. BLOUNT. Then, Mr. Speaker, inasmuch as there has been a misunderstanding of this order, and even the gentleman in charge of the order has stated that he did not know what the terms of the order were, in an important matter like this I am quite sure that the gentleman from Illinois [Mr. CANNON] would not take any technical advantage of this rambling conversation, and I hope we can agree on twenty minutes' debate on either side.

Mr. CANNON. I will yield to my friend twenty minutes or twenty-five minutes.

Mr. BLOUNT. Let us agree on twenty minutes' debate on either side for the consideration of this order.

Mr. CANNON. I want to dispose of this question inside of the hour.

The SPEAKER. If the gentleman from Illinois should move the previous question, he can move it without prejudices with regard to the debate that has already taken place, and then twenty minutes can be allowed for debate upon either side.

Mr. CANNON. Very well, I am willing to consent to that. Let the previous question be ordered, and then let the debate go on upon either side for twenty minutes.

Mr. BLOUNT. I do not see any objection to that.

Mr. CRISP. Will my friend from Illinois allow me to ask, while the gentleman from Georgia is consulting, whether he would not consider the question of striking out that part of the resolution which excepts general appropriation bills?

Mr. CANNON. No.

Mr. CRISP. Because you see practically that might deprive us of a good deal of time.

Mr. CANNON. I will say to my friend that that matter, as I understand it, was discussed in committee, and the agreement was that the sessions during these six days may be commenced at 11 o'clock and dispose of those bills so far as lay in our power, running till 5, half past 5, and 6 o'clock. The belief was expressed that by lengthening the sessions and commencing at 11 o'clock in the morning much more time would be obtained than would be consumed in the consideration of conference reports.

Mr. CRISP. You will not bring in the deficiency bill?

Mr. CANNON. I think the general deficiency bill will not be reported in that time.

Mr. HENDERSON, of Iowa. The general deficiency bill can not well be reported within that time; but I want to say this ought not to be stricken out, because we are now near the end of the fiscal year, and when these conference reports come up they ought to be disposed of.

Mr. CANNON. Certainly, the conference reports ought to be disposed of.

Mr. BLOUNT. Mr. Speaker, I do not see any objection to the course proposed by the gentleman from Illinois [Mr. CANNON], that the previous question be considered as ordered and that twenty minutes be allowed for debate on either side.

The SPEAKER. If there is no objection, without regard to debate which has taken place, the previous question will be considered ordered and there will be twenty minutes allowed for debate on either side.

Mr. MCADOO. I understood the gentleman from Georgia to say two days were to be devoted to debate under the five-minute rule—

The SPEAKER. Does the gentleman from Illinois desire to take the floor now?

Mr. CANNON. In view of the fact that I have already had the floor, I suggest that the gentleman from Georgia occupy a part of his time now.

Mr. BLOUNT. Has the gentleman from Illinois made all the explanation he desires in reference to the matter?

Mr. CANNON. For the present I have nothing further to say. I am ready to vote now. [Cries of "Vote!" "Vote!"]

Mr. BLOUNT. I yield to the gentleman from Tennessee [Mr. McMILLIN].

The SPEAKER. How much time does the gentleman yield?

Mr. BLOUNT. As much as he desires.

Mr. McMILLIN. Mr. Speaker, we have so short a time to discuss this question that I shall be brief. Here is a bill of 73 pages and 57 sections, involving the appointment of many thousands of officers and expenditure of millions of money, to be taken up, partially considered, and rushed through, without due deliberation, by a rule adopted for the purpose. Sir, in my opinion there never was presented to this House or to a free government on this earth a more important question than that which confronts the Fifty-first Congress at this moment. Here is a proposition the most far-reaching and the most revolutionary that has ever been presented. It is centralization run mad. Despotism is sure to follow if it be enacted. Why try this dangerous experiment? Why not continue to trust the people? If they can not be trusted, our institutions are a failure. If they can not be trusted in their present disinterested methods, how will it improve them to pay large sums to them out of the Treasury to tramp from house to house as political henchmen? If not trustworthy, will they be when United States marshals put pistols in their pockets and start them out as political dead-beats?

Mr. Speaker, beside this, all other propositions that were ever presented looking to the centralization of this Government, toward the destruction of the rights of the States and the liberties of the people, dwindle into insignificance. When our fathers formed this Government they organized it into three branches, the legislative, executive, and judicial. Up to this good hour these three branches have in the main been kept separate; but to-day, within ten days of the anniversary of the Declaration of Independence, after this Government has gone on bestowing its blessings upon mankind, an example that the world is following; when Brazil has just torn down the monarchy and is forming a Government modeled after ours, it is proposed in this Congress by this bill to turn over the legislative department of the Government shackled and manacled to the judiciary. That is the proposition that is involved here. How is this done? Up to this good hour the officers of the States, the citizens of the States, control their own elections. When a member of Congress is elected, the result is forwarded to the governor or secretary of state, the governor makes a certificate of his election to this House, and upon that he is seated in this Hall. But how is it under this bill? A band of Federal officials is to be appointed by the judiciary. They are to supervise the election, count the vote, certify the result to the clerk of the Federal court, and through that channel it is to be certified to the Clerk of this House. The State, the governor, and the citizen pass entirely out of view in the election of members of Congress. They have no more power to control the election of their Representatives than if they were not citizens.

What more, Mr. Speaker? It inaugurates the most expensive system of election that ever was conceived. Under this bill there may be appointed 350,000 officers of this Government to conduct elections alone—three times as many as now hold office in the United States. They are paid, if I remember correctly, few of them less than \$8 a day.

Several MEMBERS. Five dollars.

Mr. McMILLIN. One class does get \$5, but some get \$10, others get \$15 a day, and some \$20 to do the henchmen service that is imposed upon them by this bill. Many of them are appointed for life by judges who themselves are life officers, and neither selected by nor amenable to the people.

What more, Mr. Speaker? They are sent from house to house days before the election, weeks before the election, for the purpose of seeing the electors at their homes. They are intended to be, and will become, mere political bums. Where is there any warrant in the Constitution for these usurpations? Where is there any necessity in the present situation that justifies such an action if authorized by the Constitution? Whence came the inspiration of these modern statesmen, who propose by this bill to improve on the institutions of our fathers? How is it that their example is not to be followed any longer? Are these wiser than their fathers? Are they better? Were the framers of the Constitution groping in the dark? Oh, for one day of the wisdom of Hancock, Adams, and Jefferson, of Webster, Clay, and Jackson, to rebuke the modern mediocrity which sees not the right, or the modern recklessness that heeds it not!

The minority of this committee estimate that when this bill is put into full operation it will take \$10,000,000 for each election that is held under it. That is another phase of this question for the people of the United States to consider. Gentlemen on the other side have got tired of being elected by the people; they want to be elected by the Federal courts. They have become tired of having a governor's name on their certificates of election; they propose that the certification shall be done hereafter by Federal authority, and, as I suggested in the beginning, the legislative department of the Government is to be turned over to the control of the judiciary. Mr. Speaker, he who wrote the Declaration of Independence, and who was spared to witness the operations of this Government, wrote to one of his compatriots concerning its future des-

tiny. Mr. Jefferson, in a letter to Nathaniel Macon, written in 1821, said:

Our Government is now taking so steady a course as to show by what road it will pass to destruction, to wit, by consolidation first, and then corruption, its necessary consequence. The engine of consolidation will be the Federal judiciary; the two other branches, the corrupting and corrupted instruments.

That was the language of the prophet who wrote the Declaration of Independence, and now, on the second day before the return of that glorious anniversary, the prophecy is to be fulfilled and the Government is to be subverted. Rome retained her freedom five hundred years. Is it possible we will tamely, ignobly surrender ours in less than one hundred and fourteen years? No; God grant no! What does this mean? It is no sectional question. It reaches beyond sections; it rises above sections. It is a question equally affecting every State in this Union, wherever our flag floats, wherever our eagle soars. We have led the world on the idea of home rule. We have got that issue by our example, made red-hot in England to-day. Victory is almost in the grasp of those who advocate local self-governments—"home rule." I ask gentlemen on the other side if they are willing to send the message across the water to the grand old patriot Gladstone that home rule is a failure and that America itself is willing to adopt the opposite doctrine and to retreat from the advanced ground? If so, vote for this bill and the message will go, whether you send it or not. Do it and your children will blush and tell that their sires ignobly surrendered what their grandsires' blood bought and defended. [Great applause on the Democratic side.]

Mr. BLOUNT. I yield three minutes to the gentleman from Missouri [Mr. HEARD].

Mr. HEARD. Mr. Speaker, I desired to ask the gentleman from Illinois [Mr. CANNON] presenting this report a question, which I was not permitted to do, and I now desire to make a statement of my views on one proposition contained in the report, and to ask the attention of the gentleman to it when he comes to take the floor to explain the report further. It is this: Careful provision is made in the order for two days of discussion during which amendments may be offered and discussed, but beyond that there is a provision that when we come to vote upon the bill and such amendments as may be pending, there shall be reserved to the gentleman in charge of the bill the right to offer a substitute upon which also we may vote, but which substitute may not have been considered for one minute by the committee. Now, I apprehend the purpose to be this: We shall be trifled with by giving us this bill to discuss for two days, and then a caucus of the majority will be called and a substitute agreed upon and projected upon this House, the previous question will be ordered upon it, and we shall be required to vote upon that substitute without any opportunity to discuss it, much less to amend it.

Mr. BLOUNT. I hope the gentleman from Illinois [Mr. CANNON] will take part of his time now.

Mr. CANNON. I yield three minutes to the gentleman from Massachusetts [Mr. LODGE].

Mr. LODGE. I only want to say, in reply to the gentleman from Missouri [Mr. HEARD], that the substitute bill proposed by the committee has been in the hands of the members of this House ever since it was agreed upon by the committee, on Wednesday last, I think. It is in the hands of members and I have had it annotated.

Mr. HEARD. That is the bill that we are to consider here.

Mr. LODGE. That is the substitute.

Mr. HEARD. But this order provides that you may offer another substitute for the whole bill.

Mr. LODGE. That is the substitute which I propose to offer. The number of the bill given is the bill considered by the committee, and the order says that a substitute therefor may be offered.

Mr. HEMPHILL. Will the gentleman from Massachusetts, then, withdraw that part of the order?

Mr. CANNON. Oh, no. The gentleman from Massachusetts—

Mr. HEMPHILL. Does not understand, evidently. [Laughter.]

Mr. CANNON. Does not, I am satisfied, understand the scope of the order. The substitute that he speaks of, if I understand him, is the one reported back from his committee. This order provides that the gentleman in charge of the bill may move a substitute if he sees proper to do so.

Mr. HEARD. At the last moment, after the opportunity for discussion is over.

Mr. CANNON. Yes, that is just what it provides; and in my opinion it is just what the general rules of this House mean, even without that provision.

Mr. HEARD. Then, why discuss the original bill and have it amended when at the last moment a substitute may be presented which we shall have no opportunity to discuss or amend?

Mr. CANNON. Oh, if my friend will recollect, he will understand that you may perfect a measure by amendment. It is always in order to perfect it first, and then it is in order to move a substitute.

Mr. HEARD. But my friend will surely allow that the language of this order will authorize the offering of a substitute which has no relation to the original bill and is in no wise connected with it.

Mr. CANNON. And that is true under the general rules of the House and under general parliamentary law.

Mr. HEARD. Then, why put it in this order?

Mr. CANNON. Because we wanted to give you notice and give you a chance to talk.

Mr. HEARD. And the people an opportunity to understand what you propose to do.

Mr. CANNON. We will take the risk about the people.

Mr. CRISP. The gentleman from Massachusetts is in error. The bill referred to in the order is the bill 11045.

Mr. LODGE. And that is the substitute bill.

Mr. CRISP. It does not say so in the order.

Mr. LODGE. I know it; but that is the substitute bill proposed by the committee for the bill which was introduced and submitted to them.

Mr. CRISP rose.

Mr. LODGE. Wait a moment. That is the only bill that the committee propose to offer or consider, the one the gentleman now holds in his hand. The clause put in by the committee, "and a substitute therefor," was to give an opportunity to anybody to offer a substitute.

Mr. HEARD. No; the order says "the member in charge of the bill." [To Mr. LODGE.] The privilege is limited to you.

Mr. CANNON. That is just what we intended.

Mr. HEARD. That is what we want the people to understand.

Mr. CANNON. That is just what it means; the member in charge of the bill, under the rules generally and under this order, has the right to offer a substitute.

Mr. HEARD. Then we have a definite understanding, and the people can not be mistaken about it.

Mr. CRISP rose.

Mr. CANNON. I wonder whether all this is coming out of my time.

Mr. CRISP. But the gentleman from Massachusetts was in error. I only wanted to call his attention—

Mr. CANNON. The gentleman from Massachusetts had three minutes and his time has expired. I now have the floor.

Mr. CRISP. Then, I want the privilege of saying in your time that the gentleman is mistaken in saying that this is the substitute to be offered, because your resolution says that we shall consider House bill 11045, and that then he may offer a substitute for it—he alone may do it.

Mr. CANNON. Precisely. Now, I will ask the gentleman from Georgia [Mr. BLOUNT] to occupy the balance of his time.

Mr. BLOUNT. Mr. Speaker, I wish it distinctly understood that the minority of the Committee on Rules are consenting to not a line or a syllable in this order—not one. What is done is done by the majority of the committee from their own standpoint as to what they are willing to do. Enough has been said to indicate generally the character of this order. A moment ago the question was raised as to what substitute was contemplated by the order, and the gentleman from Missouri [Mr. HEARD] announced, as his opinion, that it would be competent for the gentleman in charge of the bill to ask a vote upon a substitute, which this House has never seen or heard of heretofore. I wish to say that that was my understanding in the Committee on Rules. I think the gentleman from Illinois [Mr. CANNON] has not gainsaid it. I am quite sure that I am not speaking from inference, but from the comments of the majority of that committee, when I say the purpose was that after we had considered this bill, and perhaps amended it in a manner not to suit the majority, they should recover the situation by the right to offer a substitute. That is exactly what this order means. There can be no doubt about that.

The minority members of this committee did not concur in the disposition of the majority in relation to this order, for many reasons. In the first place, the rules of the House prescribe that this class of bills involving appropriations (and I think my friend from Tennessee has not overestimated in supposing that in any given year the expenditures under this measure may be worked up to \$10,000,000) should have their first consideration in the Committee of the Whole House. Not only that, but the provisions of this measure, out of which this enormous expenditure is to arise, involve a total revolution of our Government in the matter of conducting elections of Representatives and Delegates to the Congress of the United States. In this matter, from the beginning of the Government until now, following the understanding of the fathers in framing the Constitution, faith has been reposed in the people of the States.

This bill, which we are brought to consider in this way, reverses the whole theory of our institutions. I have not time to state details, but suffice it to say that the measure provides for the superintendence of Congressional elections by supervisors appointed under United States authority, whose conclusions as to the result of an election in any Congressional district are final. The having of State officers or the permission for them to be present in the conduct of elections is coupled with the idea that, no matter what the State officials may do, when the returns of the Federal and the State officers reach here, the Clerk of the House, at the peril of fine and imprisonment, shall put upon the roll the man indicated by the Federal supervisors. Not only these State supervisors, but the chief supervisors are life officers. Most of your circuit judges are of one political faith. Your supervisors and

your marshals, amounting in number to multitudes, are of your own selection. There is provision for a house-to-house count in cities of 20,000 population. Prior to an election you have a house-to-house examination, where there is a registry to be had; and the distinguished gentleman from Pennsylvania who sits before me [Mr. BUCKALEW], an able lawyer, interprets this provision as going to the extent of authorizing a house-to-house canvass by Federal marshals in every precinct. More than that, we are arming the Federal courts, we are arming the marshals of a partisan character, with these powers of organizing and supervising the machinery for conducting the elections.

There is in this bill a provision re-enacting the test oath in the Federal courts. It is a declaration that a large part of the population of the South, the most intelligent, most virtuous, and most eminent, shall be excluded from the Federal jury-box. I have seen its operation in the past, Mr. Speaker, by the standing aside of those summoned when not ten white men were selected in the Federal court juries in the city of Savannah.

More than that, there has been taken from the statute in reference to the enforcement of civil rights a provision of law and made specially applicable to this bill authorizing the sending of troops, not alone into the State of Georgia and other Southern States, but into every State of the Union, to aid Federal supervision in the control and supervision of the polls.

These, sir, are some of the grave matters involved in this proposition. If it shall become a law this year they may not alarm the public by their action in reference to the appointment of supervisors in the Southern States. They may not alarm the people of the North, but the proposition is a declaration against the people of the States in these matters, and the election machinery involves the use not only of United States marshals, but the use of troops in connection with this very election. Sir, if such a grave proposition as this, with a bill containing 76 pages, with 57 sections to it, with 49 sections of the Revised Statutes incorporated in this bill, the meaning and purport of which no man can state or determine upon the face of the bill itself, and with other propositions repealed, and coupling with that the right of the majority side of the House when the debate shall have closed, when the right of amendment shall have been exhausted, that then one of these gentlemen shall come forward—these gentlemen who are recommending this monstrous proposition, this revolutionary proposition here—and bring the House to a vote on an unknown question, to wit, the adoption of a bill more satisfactory to them than this may be made by such amendments as the House may adopt—I say, if such a proposition is to be accepted, it must be in the face of and against the protest of this side. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. CANNON. Mr. Speaker, this order proposes that for the next six days the House of Representatives shall consider the propriety of passing an amendment to the Federal election law. The bare proposition to consider it sets my friend from Tennessee [Mr. McMILLIN] and my amiable friend from Georgia [Mr. BLOUNT] into a very fever of excitement and declamation. This side of the House proposes, if possible, to pass, so far as this House is concerned, a bill under whose provisions everywhere in the United States, when they are called into action, an election may be supervised, so far as members of the House of Representatives are concerned, by United States officials acting under the authority of the Federal Government. That is the size of it. Nothing more nor less.

Many people believe in many places North and in many places South that now and heretofore there has been a necessity for Federal supervision of the election of members of the House of Representatives.

Mr. McMILLIN. What part of the North do you propose to take charge of by this bill?

Mr. CANNON. I will answer the gentleman in a moment.

It was believed years ago, before the gentleman from Tennessee or myself came to this House, that it was necessary, and hence Congress passed a Federal election law, under which, in the city of New York, in the State of New York, and other large cities, we have now, comparatively speaking with the past, fair elections, by which all the people of all political parties in the election of members of the House of Representatives can deposit their ballots and have them honestly counted.

Mr. FLOWER. Mr. Speaker, will the gentleman allow an interruption?

Mr. CANNON. I will.

Mr. FLOWER. I challenge any Republican on that side of the House from the State of New York to say, after having in the Legislature of New York voted unanimously for the American ballot system, that they are not perfectly satisfied with it and believe that the people of New York are able to regulate their own domestic affairs.

Mr. BELDEN. And I desire to say in response that the Federal election law first made a demand in New York for the State registry law and the good results were worked out under a good registration law adopted by that State.

Mr. CANNON. I believe—

Mr. FLOWER. And I say that every Republican in the State voted for the American system.

Mr. BELDEN. But the good registry system did the work.

Mr. CUMMINGS. And it was passed by a Democratic State Legislature, signed by a Democratic State governor, and was not passed by the Federal Government. [Applause on the Democratic side.]

Mr. FLOWER. And we are perfectly competent to take charge of our own affairs.

Mr. CANNON. Now, Mr. Speaker—

Mr. TRACEY. And the people of New York will solidly oppose any attempt to overthrow their recently adopted election system.

Mr. SPINOLA. Will the gentleman yield to me for a question?

Mr. CANNON. Will all due deference to my friend, I will not yield.

Mr. SPINOLA. Not to your old friend, just for a question or two?

Mr. CANNON. Not to any one.

The SPEAKER. The gentleman declines to yield.

Mr. SPINOLA. I only want to tell you what we will do in New York, as we did in years gone by: That we will send your hirelings away from the ballot-box and not permit them to go there and control our affairs by any authority you can establish, military authority or otherwise; just as twenty years ago, when you sent them there, they were compelled to withdraw. [Applause on the Democratic side.]

The SPEAKER. The gentleman is not in order.

Mr. CANNON. Now, Mr. Speaker, I will proceed, if gentlemen will cease their interruptions.

Mr. FLOWER. Mr. Speaker, let me say to the gentleman—

The SPEAKER. The House will be in order. The gentleman from Illinois will suspend for a moment.

The Chair desires to call the attention of the House to what has just transpired. The gentleman from Illinois had the floor and a dozen men were trying to take it away from him without his consent. The Chair has in vain called for order on the floor.

Now, gentlemen ought not to permit such a scene to take place on the floor of the House of Representatives. It ought not to be done. Gentlemen owe it to themselves not to do it.

Mr. FLOWER. Mr. Speaker, I rose and asked the gentleman from Illinois a question by his permission.

The SPEAKER. The gentleman rose to ask a question, and received the right and did ask it.

Mr. FLOWER. And it has not yet been answered.

The SPEAKER. And if the gentleman is not reflected upon by anything the Chair has said, of course it does not affect him.

Mr. SPINOLA. If it affects me, Mr. Speaker, I am sorry—

The SPEAKER. Well, the Chair had a remote reference to the gentleman from New York when he spoke. [Laughter.]

Mr. CANNON—

No rogue e'er felt the halter draw
With good opinion of the law.

[Great applause and laughter on the Republican side.]

Mr. SPRINGER. If your party pass this bill it will be a halter to you. [Loud applause on the Democratic side and great confusion in the House.]

Mr. SPINOLA and Mr. FLOWER addressed the Chair.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] has the floor. The gentleman from Illinois [Mr. SPRINGER] has not the floor.

Mr. SPRINGER. It seemed to me that the remark of my colleague from Illinois was unparliamentary.

Mr. CANNON. I will try to be parliamentary and not hurt the feelings of either of the good gentlemen from New York or the gentleman from Illinois.

Mr. SPINOLA. Do not refer to my constituents in the manner you did, then.

Mr. CANNON. Oh, your constituents in many places, in New York and in many other cities throughout the North, have been aided and protected in selecting members of Congress by the Federal election law that has been upon the statute-book for over twenty years.

Mr. HEARD. And by John Davenport.

Mr. CANNON. A law which has been sustained by the courts and which was enacted under the Constitution, that I believe Washington had some hand in making.

Mr. SPINOLA. Do not pollute his name by connecting it with this bill.

Mr. McMILLIN. Will my friend permit me to ask him again what part of New York does he propose controlling by this law? That is what I want to know.

Mr. SPINOLA. He said New York City.

Mr. CANNON. Wherever the number of people referred to in this bill, North or South, East or West, believe or have cause to believe that it is necessary that the Federal Government under the general law should have an eye to see that the election of members of this House is fair and the ballots are cast and counted fairly, there it will go into force; and the arm of the Federal Government will be strong enough to count the vote of the strongest and wealthiest man, North or South, or the weakest and poorest man that is entitled to protection under the law. [Applause on the Republican side and in the galleries.]

Mr. McMILLIN. If my friend will not consider me captious, for I do not wish to be, I wish to say to him that he is proposing a revolutionary method of conducting elections, and I want to know what part of the North in its present status demands this kind of legislation. I do not want generalities, I want you to designate something specific.

Mr. CANNON. We are enacting a law here amending a general law that has been upon the statute-book for twenty years. In addition to enforcing that law we propose to enact this one. Now, if in the State of Tennessee or Illinois, in the State of New York or of South Carolina, people hold their elections for members of this House fairly and count their ballots honestly, and do not ask this law to go into force, it will not go into force in their respective districts.

Mr. BLAND. Do you need it in Illinois?

Mr. CANNON. If we need it in Illinois or any district of Illinois we will petition for it, and Illinois will say amen.

Mr. BLAND. Do you need it now?

Mr. FLOWER. Your party seem to think they need it.

Mr. CANNON. Oh, there are men who have perpetrated frauds on the ballot-box in Illinois, especially in Chicago. Some of these men were sent to the penitentiary and some of them ought to go there. [Laughter and applause on the Republican side.]

Mr. BLAND. Why do not you send them there if they ought to go there? Are you unable to take care of your own elections? Do you want the Federal Government to take care of them for you?

Mr. CANNON. Every time that one of them has gone it has reduced the Democratic majority. [Laughter.]

Mr. BLAND. I suppose the object of this bill is to cut down the Democratic majority.

Mr. CANNON. Mr. Speaker, I did not intend to discuss this bill under this order. Six days are given for that, and if it be enacted into law, as it seems to me would be apt and proper, no man of the sixty-five millions from one ocean to the other, or from the north to the south in this country, need have any fear, if he obeys the law and supports the Constitution of the United States. [Applause on the Republican side and in the gallery.] If he does otherwise, then he may fear, because the arm of the Federal Government is long enough and strong enough, under the Constitution made by the fathers, to protect itself and to protect its citizens in the election of members of this House. [Renewed applause on the Republican side.]

A MEMBER. And without this law.

Mr. TURNER, of New York. Mr. Speaker, I rise to a point of order. I think this House has endured the applause of the colored delegation in the gallery brought out by the gymnastics of the gentleman from Illinois [Mr. CANNON] quite long enough.

Mr. CANNON. It is a source of great grief to me if I have failed to meet the approval of the immaculate gentleman from New York.

Mr. O'NEALL, of Indiana. I want to ask the gentleman from Illinois a question.

I want to know if there is any provision in this bill to prevent the purchasing of votes in the Fifteenth Illinois district?

Mr. CANNON. I did not understand the gentleman.

Mr. O'NEALL, of Indiana. What provision is there in this bill to prevent the repetition in the Fifteenth Illinois district of what is alleged to have taken place there every year for a number of elections?

Mr. CANNON. What is that?

Mr. O'NEALL, of Indiana. The buying of votes.

Mr. CANNON. I do not think the Democrats have bought many votes. I know, or think I know, that the Republicans did not buy any [cries of "Oh!" on the Democratic side]; and, if they bought any or tried to buy any, I suppose it was not necessary to buy a Republican. Do you want some of your people bought? [Laughter on Republican side.]

Mr. O'NEALL, of Indiana. The gentleman will do well to answer my question as to whether the same practices are to be conducted in the Fifteenth district of Illinois in future elections under this bill that have been practiced in that district in past elections, and I want him to answer me directly, and not by dodging in Yankee style by asking some other question.

Mr. CANNON. In my judgment the same practices will obtain in the Fifteenth Illinois district that have always obtained. Under the State law we have been enabled in that agricultural district to hold fair elections and to count the vote of each man who voted according to his preference. I further state, to the credit of the Democrats as well as the Republicans in that district and in that section, that has been true, and I believe will be true in the future. If this law passes, however, and the requisite number of citizens under its provisions from that district ask for the intervention of the Federal law, it will intervene, and there is no Republican that will say "nay." People who do not want to cheat at elections do not object to an electric light being turned on.

Now, one further remark. Do you stand there in your place and by your accusations say or intimate that in my district there has been bribery or corruption at any time?

Mr. O'NEALL, of Indiana. I say this: If there has not been bribery and corruption and if the gentleman who is now upon this floor has not been engaged in it, then that Congressional district and the gentle-

man now talking have been very badly slandered. [Applause on the Democratic side and cries of "Oh!" "Oh!" on the Republican side.]

Mr. CANNON. Now, Mr. Speaker, in reply. There is no responsible Democrat in the Fifteenth Illinois district that would dare now or who has ever dared to make that accusation. The gentleman himself, coming as he does from the State of Indiana, the Vincennes district, so long and so worthily represented by that learned gentleman and Democrat, Judge Niblack, and afterwards by that honorable Democrat, Mr. Cobb, when he rises in his place, the successor of these honorable men and seeks to bring into this House and retail here an accusation that some one without character has made, demonstrates in the presence of the House and the country that he is a gentleman so careless in his accusations and insinuations that whatever may fall from his tongue is powerless slander that injures no one, unless it be himself. [Great applause on the Republican side.]

Mr. SPRINGER. I move to lay this resolution on the table.

Mr. O'NEALL, of Indiana. There has been so much disorder that my question has not been understood. I desire to repeat it again—[Cries of "Sit down!" "Sit down!"]—as to what provision is made in this bill about buying votes. [Renewed cries of "Sit down!"]

The SPEAKER. The question is on the motion of the gentleman from Illinois that the resolution be laid on the table.

The question was put; and the Chair announced that the ayes seemed to have it.

Mr. SPRINGER. I call for a division.

The House divided; and there were—ayes 116, noes 133.

So the motion to lay on the table was rejected.

The SPEAKER. The question now recurs on the adoption of the substitute.

Mr. BLOUNT. On that I ask the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 136, nays 127, not voting 64; as follows:

YEAS—136.

Adams,	Culbertson, Pa.	La Follette,	Sanford,
Allen, Mich.	Cutcheon,	Lansing,	Sawyer,
Anderson, Kans.	Darlington,	Leibach,	Seranton,
Arnold,	De Lano,	Lind,	Seull,
Atkinson, Pa.	Dingley,	Lodge,	Sherman,
Baker,	Dolliver,	Mason,	Simonds,
Banks,	Dorsey,	McComas,	Smith, Ill.
Bartine,	Dunnell,	McCook,	Smith, W. Va.
Bayne,	Evans,	McDuffie,	Smyser,
Beckwith,	Farquhar,	McKenna,	Snider,
Beiden,	Featherston,	McKinley,	Spooner,
Belknap,	Finley,	Miles,	Stephenson,
Bergen,	Flick,	Milliken,	Stivers,
Bingham,	Flood,	Moitt,	Stockbridge,
Bills,	Frank,	Moore, N. H.	Sweeney,
Boothman,	Funkston,	Moroy,	Taylor, R. B.
Boutelle,	Gear,	Morrill,	Taylor, Ill.
Bowden,	Gifford,	Morse,	Taylor, Tenn.
Brewer,	Greenhalgo,	Mudd,	Thomas,
Brosius,	Hall,	Niedringhaus,	Townsend, Colo.
Brower,	Hansbrough,	O'Donnell,	Townsend, Pa.
Burrows,	Haugen,	O'Neill, Pa.	Turner, Kans.
Burton,	Henderson, Ill.	Payne,	Vandever,
Butterworth,	Henderson, Iowa	Payson,	Van Schaick,
Caldwell,	Hermann,	Perkins,	Waddill,
Candler, Mass.	Hill,	Peters,	Wade,
Cannon,	Hitt,	Post,	Wallace, Mass.
Carter,	Hopkins,	Pugsley,	Wallace, N. Y.
Cheadle,	Kennedy,	Quackenbush,	Watson,
Cheatham,	Kerr, Iowa	Raines,	Williams, Ohio
Cogswell,	Ketcham,	Reed, Iowa	Wilson, Ky.
Comstock,	Kinsey,	Reybura,	Wilson, Wash.
Conger,	Knapp,	Rowell,	Wright,
Craig,	Lacey,	Russell,	Yardley.

NAYS—127.

Abbott,	Cooper, Ind.	Kerr, Pa.	Reilly,
Alderson,	Cothran,	Kilgore,	Richardson,
Anderson, Miss.	Covert,	Lane,	Robertson,
Andrew,	Cowles,	Lanham,	Rowland,
Bankhead,	Crain,	Lester, Ga.	Sayers,
Barnes,	Crisp,	Lester, Va.	Shively,
Blanchard,	Culbertson, Tex.	Lewis,	Skinner,
Bland,	Cummings,	Magner,	Spinola,
Blount,	Davidson,	Malsh,	Springer,
Bostner,	Dibble,	Mansur,	Stewart, Ga.
Breckinridge, Ark.	Dockery,	Martin, Ind.	Stockdale,
Breckinridge, Ky.	Dunphy,	McAdoo,	Stone, Ky.
Brickner,	Edmunds,	McClammy,	Stone, Mo.
Brookshire,	Elliot,	McClellan,	Stump,
Brown, J. B.	Ellis,	McCreary,	Tarsney,
Brunner,	Enloe,	McMillin,	Tracy,
Buchanan, Va.	Fithian,	McRae,	Tucker,
Buckalew,	Flower,	Mills,	Turner, Ga.
Bullock,	Forman,	Montgomery,	Turner, N. Y.
Bunn,	Forney,	Moore, Tex.	Vaux,
Bynum,	Fowler,	Mutcher,	Venable,
Campbell,	Geisenhainser,	Norton,	Wheeler, Ala.
Candler, Ga.	Gibson,	O'Ferrall,	Whiting,
Carlton,	Goodnight,	O'Neill, Ind.	Whithorne,
Caruth,	Grimes,	O'Neil, Mass.	Wiley,
Catchings,	Hare,	Owens, Ohio	Wilkinson,
Chipman,	Hatch,	Parrott,	Willcox,
Claney,	Heard,	Paynter,	Williams, Ill.
Clarke, Ala.	Hempbill,	Peel,	Wilson, Mo.
Clements,	Henderson, N. C.	Pennington,	Wilson, W. Va.
Cobb,	Herbert,	Pierce,	Yoder.
Coleman,	Holman,	Quinn,	

NOT VOTING—64.

Allen, Miss.	Pitch,	McCormick,	Rogers,
Atkinson, W. Va.	Gest,	Morgan,	Rusk,
Barwig,	Grosvenor,	Morrow,	Seney,
Diggs,	Groat,	Nute,	Stahnecker,
Browne, T. M.	Harmer,	Oates,	Stewart, Tex.
Browne, Va.	Hayes,	Osborne,	Stewart, Vi.
Buchanan, N. J.	Hooker,	Outhwaite,	Struble,
Cawell,	Houk,	Owen, Ind.	Taylor, J. D.
Clark, Wis.	Kelley,	Perry,	Thompson,
Clunie,	Laidlaw,	Phelan,	Tillman,
Connell,	Lawler,	Pickler,	Walker, Mass.
Cooper, Ohio	Laws,	Price,	Walker, Mo.
Dalzell,	Lee,	Randall,	Washington,
Dargan,	Martin, Tex.	Ray,	Wheeler, Mich.
De Haven,	McCarthy,	Rife,	Wickham,
Ewart,		Rockwell,	Wike,

So the resolution was adopted.

The following additional pairs were announced:

Mr. BROWNE, of Virginia, with Mr. LEE, until Friday next.

Mr. STEWART, of Vermont, with Mr. OATES, for the rest of this day.

Mr. HARMER with Mr. TILLMAN, for the rest of this day.

Mr. GEST with Mr. STEWART, of Texas, for the rest of this day.

Mr. HOUK with Mr. WASHINGTON, for the rest of this day.

Mr. GROSVENOR with Mr. DARGAN, for the rest of this day.

Mr. ALLEN, of Mississippi. Mr. Speaker, I was in my seat and my attention was attracted to something else when my name was called, but after my name, and probably some other name had been called, I said "no," but I do not think my name was taken down. [Laughter.]

The SPEAKER. Did the gentleman respond to his name when it was called?

Mr. ALLEN, of Mississippi. No, sir. Some person sitting beside me called my attention to the fact that my name had been called, but by that time the name of some one else had been called.

The SPEAKER. The Chair thinks the gentleman hardly brings his case within the rule.

Mr. KERR, of Iowa. I ask unanimous consent that the gentleman's vote may be recorded.

The SPEAKER. It is not in order to entertain the request. This rule is a matter of extreme embarrassment to the Chair, but the Chair has endeavored to enforce it in accordance with its literal signification.

On motion of Mr. MCCOMAS, by unanimous consent, the reading of the names of members voting was dispensed with.

The result of the vote was then announced as above recorded.

Mr. CANNON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CANNON. Mr. Speaker, it was agreed, as I understand, in the Committee on Rules, although it was omitted from the order, that during the consideration of this bill the House should meet at 11 o'clock a. m. I ask unanimous consent that that order be made.

There was no objection, and it was so ordered.

ERIE AND OSWEGO CANALS.

Mr. FARQUHAR. I ask unanimous consent to have printed in the RECORD a short memorial on commercial water ways by an ex-member of the House.

There was no objection, and it was so ordered.

The memorial is as follows:

ENLARGEMENT OF THE ERIE AND OSWEGO CANALS.

Whereas experience in all countries is condemning the neglect, during late years, of the water channels of commerce, and demonstrating afresh the importance of their improvement and development as a means of securing effective competition and cheapness in transportation; and

Whereas the wonderful system of water communication which nature has stretched across half the American continent in the chain of the Great Lakes, and which will be for all time the most important of the highways of American commerce, is perfected for usefulness within the United States by the connecting canals which the State of New York has constructed from Lake Erie and Lake Ontario to the Hudson River; and

Whereas the vast commercial interchange for which these channels are employed between the Northwestern interior of the country and its seaboard is continental and national in range and character and only in a small degree local or limited in interest to the State of New York; and

Whereas it has become a part of the settled and unquestioned national policy of the United States to include among the functions and duties of the General Government the development and improvement of the commercial water ways of the country wherever they lie in the track of a commerce that is large and general instead of being limited and local; and

Whereas it was only the tardiness of the Federal Government in the acceptance of this function which impelled the State of New York to construct the Erie and Oswego Canals, after vain endeavors on the part of Clinton, Morris, and Fulton to procure action toward the same end from the Congress of the United States; and

Whereas an enlargement of the said Erie and Oswego Canals to a capacity for their navigation by boats of not less than 600 tons burden is now demanded imperatively in the interest of the commerce of the West and Northwest, and especially as a means of cheapening the transportation of breadstuffs to the seaboard and all the Atlantic States: Therefore

Resolved (if the Senate concur), That the President be authorized to appoint a commission of three persons, of whom one shall be an officer in the Corps of Engineers of the United States Army, to confer with any commission or other representative or representatives who may be appointed on behalf of the State of New York upon the subject of an enlargement of the Erie and Oswego Canals, to consider and report:

First. Whether the transportation of the chief products of the country that are exchanged between its Western regions and the Atlantic seaboard would be importantly cheapened by an enlargement of the said canals.

Second. Whether it is expedient and desirable that the Government of the United States should co-operate with the government of the State of New York in effecting the enlargement in question, and whether the State of New York, which is the owner of the canals referred to, would assent to such co-operation.

Third. How extensive an undertaking of enlargement and improvement, if any, is to be recommended in the interest of the commerce of the country, and what would be its probable cost.

Resolved, That the commissioners who may be appointed in accordance with the foregoing resolution shall be required to serve as such without compensation; but the Secretary of the Treasury is directed to pay whatever expenses may properly be incurred by them in the performance of their duty.

DAVID S. BENNETT, Buffalo, N. Y.

Mr. LODGE. I move that the House do now adjourn.

COMMITTEES OF CONFERENCE.

Pending the motion to adjourn, the Speaker announced the appointment of the following committees of conference:

On the bill (H. R. 4570) to authorize the Leavenworth and Platt County Bridge Company to substitute a pivot draw-bridge over the Missouri River in place of a ponton bridge—Messrs. BAKER, ANDERSON of Kansas, and DAVIDSON.

On the bill H. R. 9603, the diplomatic and consular bill—Messrs. HITT, DUNNELL, and MCCREARY.

On the bill (H. R. 7263) to increase the pension of Henry L. Potter—Messrs. MOREHILL, BELKNAP, and TURNER of New York.

The motion of Mr. LODGE was then agreed to; and the House accordingly (at 5 o'clock and 20 minutes p. m.) adjourned until 11 o'clock to-morrow.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communication was taken from the Speaker's table and referred as follows:

LINEAL PROMOTION IN THE LINE OF THE ARMY.

Communication from the Secretary of War, transmitting a letter from Second Lieut. Edwin A. Root on the subject of lineal promotion in the line of the Army, as proposed by House bill 8202 and Senate bill 3716 of the present Congress, which letter is indorsed by the major-general commanding, and also by the Secretary of War—to the Committee on Military Affairs.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, a Senate bill of the following title was taken from the Speaker's table and referred as follows:

A bill (S. 2786) for the donation of Fort Brooke military reservation at Tampa, Fla., for free schools and other purposes—to the Committee on Military Affairs.

HOUSE BILLS WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, a House bill of the following title, with Senate amendments, was taken from the Speaker's table and referred as follows:

A bill (H. R. 9856) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1891—to the Committee on the Post-Office and Post-Roads.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. DINGLEY, from the Committee on Merchant Marine and Fisheries, reported favorably the bill of the House (H. R. 10436) in regard to collisions at sea, accompanied by a report (No. 2550)—to the House Calendar.

He also, from the same committee, reported with amendment the bill of the House (H. R. 10438) to adopt regulations for preventing collisions at sea, accompanied by a report (No. 2551)—to the House Calendar.

Mr. CARLTON, from the Committee on Claims, reported favorably the bill of the Senate (S. 2700) for the relief of the legal representatives of Albert Blaisdell, deceased, accompanied by a report (No. 2552)—to the Committee of the Whole House.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported with amendment the bill of the House (H. R. 7430) to reimburse the States of California, Oregon, and Nevada for moneys by them expended in the suppression of the rebellion, accompanied by a report (No. 2553)—to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which were referred the following bills and a petition of the House:

A bill (H. R. 6190) for the relief of C. Augusta Urquhart;

A bill (H. R. 6191) for the relief of Cora A. Di Brazza;

A bill (H. R. 11054) for the relief of the heirs of Wesley Hartlove; and

A petition of Mrs. C. Augusta Urquhart; reported in lieu thereof the following resolution:

Resolved, That the following bills, Nos. 6190, 6191, and 11054, for the relief of C. Augusta Urquhart, Cora A. Di Brazza, and heirs of Wesley Hartlove, with ac-

companying papers, be, and the same are hereby, referred to the Court of Claims, under the provisions of the act of Congress commonly known as the "Bowman act" and an act to provide for the bringing of suits against the Government of the United States, approved March 3, 1887;

which, with the accompanying report (No. 2554), was referred to the Committee of the Whole House.

Mr. DE LANO, from the Committee on Pensions, reported favorably the bill of the House (H. R. 5969) granting an increase of pension to James M. Mullin, accompanied by a report (No. 2555)—to the Committee of the Whole House.

Mr. RUSSELL, from the Committee on Printing, reported with amendment the bill of the House (H. R. 594) for the release of the first five volumes of the Records of the War of the Rebellion, accompanied by a report (No. 2556)—to the Committee of the Whole House on the state of the Union.

Mr. GIFFORD, from the Committee on Public Buildings and Grounds, reported with amendment the following bills of the Senate; which were severally referred to the Committee of the Whole House on the state of the Union:

A bill (S. 1572) to provide for the purchase of a site and the erection of a public building thereon at Fargo, in the State of North Dakota. (Report No. 2557.)

A bill (S. 1571) to provide for the erection of a public building in the city of Grand Forks, N. Dak. (Report No. 2558.)

Mr. QUACKENBUSH, from the Committee on Public Buildings and Grounds, reported with amendment the bill of the Senate (S. 222) providing for the erection of a public building at the city of Norfolk, Nebr., accompanied by a report (No. 2559)—to the Committee of the Whole House on the state of the Union.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, a bill and a joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. GROUT: A bill (H. R. 11134) to constitute Beecher's Falls, Vt., a port of entry, and to extend the provisions of the act of June 10, 1890, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," to the said Beecher's Falls—to the Committee on Commerce.

By Mr. FLOWER: A joint resolution (H. Res. 182) to permit the Secretary of the Treasury to sign for cable railway in front of the New York post-office and army building—to the Committee on Public Buildings and Grounds.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (S. 395) for the relief of Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean—Committee on Military Affairs discharged, and referred to the Committee on War Claims.

A bill (H. R. 9882) to remove the charge of desertion from the record of Michael Baker—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 5969) granting an increase of pension to James M. Mullin—Committee on Invalid Pensions discharged, and referred to Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BLISS: A bill (H. R. 11135) granting a pension to Joseph Elder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11136) increasing the pension of Olive C. Morton, a Revolutionary pensioner—to the Committee on Pensions.

By Mr. COOPER, of Indiana: A bill (H. R. 11137) to remove the charge of desertion from the military record of Charles Reep—to the Committee on Military Affairs.

By Mr. GOODNIGHT: A bill (H. R. 11138) for the relief of D. E. Downing—to the Committee on War Claims.

By Mr. GREENHALGE: A bill (H. R. 11139) for the relief of Samuel Bryan, Felton, Parker, and other graduates of the Naval Academy, who, having completed their four-year course at the Naval Academy prior to August 5, 1892, were discharged from the service under the act of August 5, 1892—to the Committee on Naval Affairs.

By Mr. HITT: A bill (H. R. 11140) granting a pension to Margaret A. Deming—to the Committee on Invalid Pensions.

By Mr. MCADOO: A bill (H. R. 11141) for the relief of Charles W. Cronk—to the Committee on War Claims.

By Mr. MOREY: A bill (H. R. 11142) for the relief of Elijah Abbott—to the Committee on War Claims.

Also, a bill (H. R. 11143) for the relief of Samuel Carter—to the Committee on War Claims.

Also, a bill (H. R. 11144) for the relief of Peter Ehrstine—to the Committee on Military Affairs.

Also, a bill (H. R. 11145) for the relief of Henry Holderman—to the Committee on Military Affairs.

Also, a bill (H. R. 11146) for the relief of Rally Moore—to the Committee on War Claims.

By Mr. PEEL: A bill (H. R. 11147) for the relief of John H. Curtis and Thomas Austin, partners, doing business under the firm name of Curtis & Austin, or the proper representative of said firm—to the Committee on War Claims.

By Mr. QUINN: A bill (H. R. 11148) for the relief of Peter Duffy—to the Committee on War Claims.

By Mr. RUSSELL: A bill (H. R. 11149) granting a pension to Catherine Miller—to the Committee on Pensions.

Also, a bill (H. R. 11150) granting a pension to Hannah Mitchell—to the Committee on Pensions.

Also, a bill (H. R. 11151) granting a pension to Elizabeth A. Murray—to the Committee on Invalid Pensions.

By Mr. SCULL: A bill (H. R. 11152) for the relief of George Rushburger—to the Committee on Claims.

By Mr. SHERMAN: A bill (H. R. 11153) to relieve James Larkin of the charge of desertion—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON, of Kansas: Petition of John Hasselman, H. W. Stienfort, and 67 others, citizens of Dickinson County, Kansas, asking Congress for an appropriation of money for a complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, resolutions of the temperance mass meeting held at Clay Center, Kans., June 6, 1890, petitioning the House of Representatives to pass the Senate bill known as the Wilson bill—to the Committee on the Judiciary.

Also, petition of 28 postal clerks, for an increase of salaries—to the Committee on the Post-Office and Post-Roads.

By Mr. BINGHAM: Petition of Ellen Downs, for a pension—to the Committee on Invalid Pensions.

By Mr. BLISS: Petition of Olive C. Morton, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. BLOUNT: Petition of J. R. Compton, William Malone, and 27 others, citizens of Jasper County, Georgia, asking Congress for appropriation of money for complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

By Mr. BULLOCK: Petition of H. R. McDollough and 6 others, of Madison County, Florida, for passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of John W. Carver and 14 others, of Suwannee County, Florida, for same measure—to the Committee on Ways and Means.

By Mr. BUTTERWORTH: Petition of Lizzie W. Carew, with argument attached—to the Committee on the Public Lands.

By Mr. CANDLER, of Georgia: Petition of B. J. Hood, M. A. Souther, and 55 others, citizens of Union, Washington, and Banks Counties, Georgia, asking Congress for an appropriation of money for a complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and to improve navigation—to the Committee on Rivers and Harbors.

Also, petition of William Wilson, J. H. Smithwick, and 19 others, citizens of Cherokee County, Georgia, for same measure—to the Committee on Rivers and Harbors.

Also, petition of Blue Creek Alliance, White County, Georgia, for appropriation to improve Galveston Harbor—to the Committee on Rivers and Harbors.

Also, petition of 26 citizens of Cherokee County, Georgia, for same improvement—to the Committee on Rivers and Harbors.

Also, petition of J. A. Sailors and 34 others, of Jackson County, Georgia, asking passage of House bill 7162—to the Committee on Ways and Means.

Mr. EDMUNDS: Petition of certain voters of Halifax County, Virginia, for a deep harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. HENDERSON, of Iowa: Paper from D. G. Ley, secretary of Farmers' Alliance, Woolstock, Wright County, Iowa, urging the passage of the Butterworth bill against gambling in farm produce, and the Conger land bill—to the Committee on Agriculture.

Also, resolution by Dayton Centre Alliance, No. 1128, of Butler County, Iowa, in favor of same measure—to the Committee on Agriculture.

Also, resolution of the Farmers' Alliance of Woolstock Township, Wright County, Iowa, in favor of same measure—to the Committee on Agriculture.

By Mr. LANE: Petition of citizens of the Seventeenth Congressional district of Illinois, against the transmission of obscene literature through the United States mails—to the Committee on the Post-Office and Post-Roads.

Also, petition from other citizens of the same district for same purpose—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Altamont, Ill., for same purpose—to the Committee on the Post-Office and Post-Roads.

Also, petition of other citizens of Illinois, for same purpose—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLAMMY: Petition of D. S. Williams and 22 others, asking for a first-class harbor on Gulf coast—to the Committee on Rivers and Harbors.

By Mr. McKINLEY: Petition of American Company of Operative Association of Potters, of East Liverpool, Ohio, against any reduction of duty on pottery—to the Committee on Ways and Means.

By Mr. MOREY: Petition for the relief of Rolly Moore—to the Committee on War Claims.

Also, claim for horses used by the United States Government without payment for the same, of Samuel Carter, of Williamsburgh, Clermont County, Ohio—to the Committee on War Claims.

Also, petition of Elijah Abbott, West Chester, for repayment of \$400 improperly demanded of him for a substitute in the United States Army—to the Committee on War Claims.

Also, petition of Peter Ehrstine, late of Company I, Sixty-fifth Illinois Volunteer Infantry, war of the rebellion, for removal of charge of desertion from his military record—to the Committee on Military Affairs.

Also, petition of W. L. Crane, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. O'NEILL, of Pennsylvania: Memorial of the Board of Trade of Philadelphia, for legislation to prevent overflow of the Mississippi River—to the Committee on Levees and Improvement of the Mississippi River.

Also, memorial from the same association for an appropriation for an additional building for the National Museum—to the Committee on Public Buildings and Grounds.

By Mr. PAYSON: Petition of H. Miller and 38 others, of Iroquois County, Illinois, asking passage of House bill 7162—to the Committee on Ways and Means.

By Mr. PEEL: Petition of Flavius J. Lindsey, administrator of the estate of John N. Curtis, deceased, praying that the claim of Curtis & Austin for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

By Mr. PENINGTON: Resolutions of the Farmers' Institute of Kent County, Delaware, in favor of the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. PERKINS: Petition of William Coventry and 48 other residents of Longton, Kans., asking for legislation to counteract the effect of the recent decision of the United States Supreme Court regarding the sale and importation of intoxicating beverages—to the Committee on the Judiciary.

Also, petition of S. E. Beach, G. P. Payton, and 39 others, citizens of Neosho County, Kansas, asking Congress for appropriation of money for complete system of levees on Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of A. J. Bennett, W. A. Tyler, and 16 others, citizens of Sedgwick County, Kansas, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of J. W. Hague and 181 other residents of Parsons, Kans., asking for legislation that will give to States the right to restrain and control the importation and sale of intoxicating liquors—to the Committee on the Judiciary.

By Mr. PIERCE: Petition of L. A. Rozell, Eugene Crawford, and 38 others, citizens of Lauderdale County, Tennessee, asking Congress for an appropriation of money for complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of John Conner, W. H. Jackson, and 38 others, citizens of same county, for same purpose—to the Committee on Rivers and Harbors.

By Mr. RUSSELL: Petition of Hannah Holmes Mitchell, for pension—to the Committee on Pensions.

Also, petition of Catherine Hess Miller, for pension—to the Committee on Pensions.

Also, petition of Elizabeth A. Murray, for pension—to the Committee on Invalid Pensions.

By Mr. STIVERS: Petition of James H. Hawxhurst and 29 others, of New York, for the passage of the bill prohibiting the transportation of alcoholic liquors, etc.—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. TOWNSEND, of Colorado: Resolutions of Hope Alliance, No. 21, of Montezuma County, Colorado, in favor of House bill 5353—to the Committee on Agriculture.

Also, resolutions of the same Alliance, in favor of House bill 283—to the Committee on Agriculture.

By Mr. WILLIAMS, of Ohio: Petition of J. W. Campbell and 66 others, citizens of Troy, Ohio, for the passage of laws for the perpetuation of the national-banking system, under which the interest of depositors is protected by Government supervision—to the Committee on Banking and Currency.

By Mr. YARDLEY: Petition of citizens of Bucks and Montgomery Counties, Pennsylvania, for the passage of the act entitled "An act prohibiting the transportation of intoxicating liquors from one State or Territory of the United States to any other State or Territory"—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of other citizens of the same counties, for same legislation—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of other citizens of the same counties, for same legislation—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of other citizens of the same counties, for same legislation—to the Select Committee on the Alcoholic Liquor Traffic.

SENATE.

THURSDAY, June 26, 1890.

Prayer by Rev. W. E. PARSONS, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. TURPIE presented a petition of the National Furniture Company, composed of firms of Indianapolis, Cincinnati, and Chicago, praying for the admission free of duty of imported woods and other material entering into the manufacture of furniture; which was ordered to lie on the table.

Mr. PADDOCK presented a petition of the National Furniture Manufacturers' Association, praying that mahogany lumber, German looking-glass plates, chair cane, and burlaps may be placed on the free-list; which was ordered to lie on the table.

He also presented a memorial of the Board of Trade, of Savannah, Ga., remonstrating against the duty on tobacco wrappers as proposed in the McKinley tariff bill; which was ordered to lie on the table.

Mr. TELLER presented the petition of Hope Farmers' Alliance, No. 21, of Montezuma County, Colorado, praying for the passage of the Conger land bill; which was referred to the Committee on Agriculture and Forestry.

Mr. BLAIR presented resolutions of the New England Normal Council of Education, affirming their belief in the necessity and the principle of national aid to public education; which were ordered to lie on the table.

He also presented resolutions of the board of managers of the National Temperance Society, praying for the prompt passage of the bill to prohibit the exportation of intoxicating liquors to Africa and the Western States; which were ordered to lie on the table.

Mr. PAYNE presented a petition of the Methodist Episcopal Church (112 members) of Dorset, Ohio; a petition of the pastor, officers, and leading members of the Methodist Episcopal Church of Powell, Ohio; a petition of the Church of Christ, the Congregational and Methodist Episcopal Churches, and the Independent Order of Good Templars, of North Fairfield, Ohio, praying legislation to prevent the transportation through the mails of the Police Gazette and other immoral publications; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DOLPH. I present a memorial of the Maritime Association of the port of New York, praying for the passage of Senate bills 3917 and 3918. These are the bills that were passed the day before yesterday to adopt regulations for sea-going vessels; I ask that they may lie upon the table.

The VICE-PRESIDENT. It will be so ordered.

REPORTS OF COMMITTEES.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the petition of Francis S. Hagadorn, praying to be allowed compensation for an improvement in the construction of ammunition chests and the packing of ammunition therein for the use of light batteries in the artillery service of the United States, asked that the committee be discharged from the further consideration of the petition, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. 1020) to authorize the President to restore Edwin R. Parks to his former rank in the Army and place him on the retired list, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 3678) to grant an honorable discharge to N. Parker Doe, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 7756) making an appropriation to construct a road and approaches from the town of Culpeper, Va., to the national cemetery near that place, reported it with amendments, and submitted a report thereon.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 526) to authorize the Secretary of the Interior to procure and submit to Congress a proposal for the sale to the United States of the western part of the Crow Indian reservation in Montana, reported it with an amendment.

He also, from the same committee, to whom was referred an amendment submitted by Mr. PLATT, June 24, intended to be proposed to the Indian appropriation bill, reported favorably thereon, and moved that the amendment be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the Committee on Indian Affairs, reported an amendment, in the nature of a substitute, for the bill (S. 3863) to extend the time for the construction of its road by the Newport and Kings Valley Railroad Company through the Siletz Indian reservation, now on the Calendar; which was ordered to be printed.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 4096) for the relief of William W. Burns, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 373) for the relief of Claude H. Mastin, surviving partner of the firm of Le Vert & Mastin, of Mobile, Ala., reported it with an amendment, and submitted a report thereon.

J. B. BERNADOU.

Mr. PAYNE. From the Committee on Foreign Relations I report favorably, with an amendment, the joint resolution (H. Res. 166) authorizing Ensign J. B. Bernardou, United States Navy, to accept two vases presented to him by the Government of Japan. I ask for the present consideration of the joint resolution. The amendment is merely to strike out a letter in the name.

Mr. EDMUNDS. I should like to have it read for information.

Mr. PAYNE. A similar joint resolution has passed the Senate once and this is a House joint resolution in the same words precisely, except one letter in the name.

Mr. EDMUNDS. Let it be read for information.

The Chief Clerk read the joint resolution.

Mr. EDMUNDS. I think I remember that it appeared in the Committee on Foreign Relations that this is in recognition of an act of gallantry and at personal hazard, and that being the state of the case I do not oppose the measure. I am opposed in general to all foreign decorations of anybody except in cases where there is a special personal risk or gallantry or charity or something other than the ordinary run of these things. Although we ought to go on with the regular business, I will not object to this particular measure, but from this time forth to-day I shall ask for the regular order so as to get on with the business we have in hand.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. PAYNE. I ought to state in a single word that the report of the committee of the other House shows this to be one of those extraordinary cases that I know the Senator from Vermont would approve.

The VICE-PRESIDENT. The amendment of the committee will be stated.

The CHIEF CLERK. In line 3 strike out "Bernardou" and insert "Bernadou."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read, "A joint resolution authorizing Ensign J. B. Bernadou, United States Navy, to accept two vases presented to him by the Government of Japan."

BILLS INTRODUCED.

Mr. MITCHELL introduced a bill (S. 4162) for the relief of Henry H. Wheeler, of Crook County, Oregon; which was read twice by its title, and, with the accompanying papers, referred to the Select Committee on Indian Depredations.

Mr. HISCOCK introduced a bill (S. 4163) for the erection of a public building at Hudson, N. Y.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AMENDMENTS TO BILLS.

Mr. CARLISLE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying letter from the Secretary of War recommending an appropriation for the enlargement of the military post at Newport, Ky., referred to the Committee on Military Affairs.

Mr. COKE presented an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. CALL. Mr. President, I ask the consent of the Senate that I may have leave of absence for a week. I am compelled by my business to go to Florida, and I desire leave of absence.

The PRESIDING OFFICER (Mr. SPOONER in the chair). The Chair hears no objection, and leave is granted.

REVISION OF REMARKS.

Mr. SHERMAN. There is a bill reported from the Committee on Foreign Relations affecting our treaty of commerce and navigation with Sweden and Norway, which I think will take but a moment, and it ought to pass.

Mr. PLATT. Is the morning business closed?

The VICE-PRESIDENT. If there are no concurrent or other resolutions, the Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The resolution submitted yesterday by Mr. INGALLS was read, as follows:

Resolved, That the Committee on Privileges and Elections be directed to inquire into the publication of the personal explanation of Hon. WILKINSON CALL in the CONGRESSIONAL RECORD of this date, and report whether the same is in accordance with the rules, regulations, and practice of the Senate; and that the said explanation be withheld from the permanent edition of the RECORD until the further orders of the Senate.

Mr. PLATT. The Senator who offered the resolution is not here, and I suggest that it go over.

The VICE-PRESIDENT. Objection being made—

Mr. EDMUNDS. It is not open to objection. Let it go over without prejudice, to come up to-morrow.

The VICE-PRESIDENT. The resolution will go over without prejudice.

HISTORY OF BILLS AND RESOLUTIONS.

The VICE-PRESIDENT laid before the Senate the resolution submitted yesterday by Mr. CALL; which was read, as follows:

Resolved, That the Secretary of the Senate be, and he is, directed to prepare an official statement from the Senate document, "A history of bills and resolutions of the Senate," of the number of bills introduced by each Senator, and the number which passed the Senate, and the number which became laws.

Mr. EDMUNDS. I move to lay the resolution on the table.

Mr. CALL. I ask the Senator to withdraw that motion for a moment.

Mr. EDMUNDS. I will withdraw it if my friend does not wish to take more than five minutes; but it appears to me, if he will allow me to say so, withdrawing the motion, that it is a resolution which ought not to be adopted. It is an entirely new idea, and to save time, which in this hot weather is of some value, I propose to make this motion. But I withdraw it for five minutes to give the Senator an opportunity to be heard.

Mr. PADDOCK. Why not let it go over until to-morrow?

Mr. EDMUNDS. No, let us finish it now.

Mr. CALL. Mr. President, I only wish to say that I have not the slightest desire to have the resolution passed, and I am perfectly willing for the Senate to make any disposition it pleases of it.

Yesterday, as the Senate is aware, I was arraigned here before the Senate in a very improper manner upon a personal explanation which I had printed by leave of the Senate, and which was inserted in the RECORD under the direction of a majority of the Committee on Printing. That statement contained a table with a statement of the number of bills which had been introduced by each Senator and the number which had become laws. That statement had been very carefully prepared by a gentleman to whom I referred it from a public document, the history of bills introduced in the Senate. I considered it to be a correct statement. I have found upon inquiry last night and examination carefully of a new table which I had prepared that it is substantially correct. With the exception of one or two bills omitted here and there it is substantially a correct table.

The Senator from Colorado [Mr. TELLER], for whom I have very great respect, mentioned yesterday his own case. I find upon examination that the number of bills credited to him in that statement as having passed the Senate is the number contained in this public document, the history of legislative bills. I have carried it that far.

Mr. TELLER. If the Senator will allow me I will say that I think I am credited with one bill.

Mr. CALL. Nine bills was the number in the statement. The Senator read it wrong.

Mr. TELLER. Then it is different in the copy which the Senator has from that which I had yesterday. I was credited with only one.

Mr. CALL. The Senator will find in the RECORD here that he is credited with nine bills.

My statement was simply designed to vindicate the Senate and Senators from any judgment of that kind which could be passed upon a public record which they had made, and I asked to have ordered published simply the bills introduced and the number which had become laws. My only desire in this matter was to vindicate my own accuracy and my own statement of this matter as substantially correct. That is all I desired.

Mr. EDMUNDS. Mr. President, it is of course perfectly clear to everybody, not only Senators, but all the people of the United States, that the true measure of the value of the public service of a Senator is the number of bills that he has introduced. I find that I am of not much use, and, so being, I move to lay the resolution on the table.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont to lay the resolution on the table.

The motion was agreed to.

ADMISSION OF WYOMING.

The VICE-PRESIDENT. Is there further morning business? If not, that order is closed.

Mr. PLATT. I move that the Senate proceed to the consideration of the bill (H. R. 982) to provide for the admission of the State of Wyoming into the Union, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. JONES, of Arkansas. Mr. President, the Senator from Connecticut [Mr. PLATT] yesterday seemed to derive a great deal of satisfaction from some imagined difference that he had found between the Senator from Missouri [Mr. VEST] and myself as to the political necessity for admitting this Territory to be a State. There was nothing in that difference, but I shall perhaps gratify the Senator from Connecticut very much this morning by saying that there is a marked difference, a very decided difference between the opinions as expressed by the Senator from Missouri yesterday and myself on the general question as to whether the Territory of Wyoming should now be admitted as a State or not.

That Senator expresses an unwillingness that Wyoming should now be admitted into the Union, and I am very decidedly in favor of Wyoming being made a State. I believe that it is not right for this Government to keep Territories in the condition of Territories when they have a sufficient number of population and a sufficient amount of wealth to justify a State organization and to support a State government. I should be in favor of the admission of every Territory of the Union where there is a sufficient number of people and a sufficient amount of wealth in the possession of the inhabitants of the country to sustain State government. I am in favor now of such steps being taken by the United States Congress as will result in the division of the land of the five civilized tribes in what is called the Indian Territory and of opening so much of the land as is not occupied by the Indians to settlement by the white people, and of enabling the people of that country to organize themselves into one or two States and to be admitted as early as possible into the Union.

I would be in favor of the admission of Utah but for the danger that would be incurred in giving increased powers to the people of that Territory by making them citizens of a State. But in the Territories where there is no such objection as there is to Utah I am in favor of the admission of all.

I believe that there are enough people now in Wyoming, in Idaho, in New Mexico, and in Arizona to justify the admission of these four Territories as States, and I believe that the increase in population after their admission would be such as soon to give them all that any one could ask as being necessary to make a State.

So the Senator from Connecticut will find that there is a marked difference between the Senator from Missouri and me upon this question. But I am unwilling to see the Territory of Wyoming admitted in the way that is now proposed by the majority of this body to admit that State, and I propose to present some of the reasons why, in my opinion, this would be exceedingly unwise.

In the memorial presented by the delegates to the convention, asking admission as a State, a very remarkable statement appears, as follows. After reciting some of the preliminary steps that have been taken, they say:

Whereupon the governor of the Territory, "recognizing the superior and material advantages of a State government over our Territorial system, and being desirous of carrying into effect the will of the people," issued his proclamation, recommending the necessary action, and directing that an election be held throughout the Territory on the second Monday of July, 1889.

The people of Wyoming presented a bill proposing to enable them to be admitted into the Union—an enabling act. It had been acted upon by a committee of this body, but the Senate itself had not taken any steps upon it, the House of Representatives had taken no action; and without any enabling act on the part of Congress, without any action of the Legislature of Wyoming, "the governor," as these accredited delegates from that Territory tell us, "recognizing the superior and material advantages of a State government," proposed to proceed at once to have Wyoming admitted into the Union.

I submit, Mr. President, that no such unauthorized action has ever been instituted in the history of any State as simply following out the *ipse dixit* of the governor of the Territory to take steps for the formation of a constitution, and the demand of admission without any authority from Congress or the Territorial Legislature. The Committee on Territories in reporting the manner in which this Territory proposes admission uses the following language:

At the last session of Congress your committee reported favorably a bill authorizing the people of Wyoming Territory to hold a convention to frame a constitution, and to submit the same to the people of the Territory for adoption or rejection, preparatory to admission as a State. This bill having failed to receive consideration in the Senate, a majority of the boards of county commissioners in Wyoming petitioned the governor of the Territory to issue a proclamation for a constitutional convention such as was contemplated by the bill.

An apportionment of the Territory into districts was thereupon made in the same manner as was provided in the bill by the governor, chief justice, and secretary of the Territory.

A proclamation was issued by the governor, calling a constitutional convention for the purpose of framing a constitution and forming a State government preparatory to admission. In his proclamation the governor substantially adopted the provisions of the Senate bill.

The election of delegates was held on the second Monday of July, 1889, and the convention assembled on the first Monday of September, 1889, at Cheyenne, the capital of the Territory. The convention adjourned on the 30th day of September, 1889, having framed a constitution, a copy of which is hereto annexed. (Appendix A.)

The constitution was submitted to a vote of the people of the Territory of Wyoming, at a special election held in pursuance of a proclamation of the governor, on the 4th day of November, 1889, and adopted by a vote of 6,272 in favor of the constitution to 1,923 against it, the total number of votes cast being 8,195. The vote on the adoption was small, compared with the vote cast at the Delegate election in 1888, which was 18,010. But a severe snow-storm occurred on the day before the election, and election day was an unusually cold and uncomfortable one throughout the Territory, etc.

Mr. President, I think the Senate ought to bear in mind Wyoming is here and asking admission when neither House of Congress has acted, nor the Territorial Legislature, but the governor acting upon his own authority issued a call for that election. There was no penalty prescribed for false voting in that election; there was no law by which that election could be regulated or controlled. It was a mere voluntary assembling of the people of Wyoming upon the suggestion of the governor of the Territory which had no legal or binding force. These people assembled—

Mr. GRAY. May I ask the Senator a question?

Mr. JONES, of Arkansas. Certainly.

Mr. GRAY. Did a majority of the people of the Territory participate in that election?

Mr. JONES, of Arkansas. There are no returns, so far as I know, in the papers as to the number of people who voted for delegates. It is claimed that fifty-five delegates were elected. There were but thirty-nine delegates who signed the constitution; and where the other sixteen were, about a third of the total number, and why they did not sign the constitution, is not explained. I believe it is said they got tired and went away, I suppose taking no special interest in it. But when they had framed the constitution which was submitted to a vote of the people in November, at that election, there was a total of 8,195 votes cast, while there were 18,010 votes cast one year before at the election of Delegate. Now we understand that in all these Territories the question of admission into the Union is always a burning issue. I am satisfied they all take a deep and lively interest in the prospect of becoming a State of this Union. Why, then, was it when there had been a polled vote of 18,010 for Delegate the year before, there was a vote cast upon this great question of only 8,195?

Mr. GRAY. If I may interrupt the Senator from Arkansas a moment, I wish to inquire of him whether there was a majority of the legal voters of the Territory present at the election to ratify the constitution.

Mr. JONES, of Arkansas. By no means.

Mr. GRAY. Was the number which is necessary to make up a majority, or a quorum as we say in a legislative body, recognized as being present in the Territory by any competent authority?

Mr. JONES, of Arkansas. They must unquestionably have been present in the Territory, as they were citizens of the Territory, and these applications that are made for admission claims that in the next election the vote polled will not be less than twenty-three or twenty-four thousand votes. I especially call attention to the fact in connection with the question asked me by the Senator from Delaware, that yesterday the Senator from Connecticut stated that the population of Wyoming was nearer, in his opinion, 125,000 than 100,000.

Every Senator will notice this circumstance, and it certainly ought to be carefully considered in a matter of such serious consequence as the admission of a State into the Union. If the Senator from Connecticut is correct, if there are 125,000 people in Wyoming, would not that fact have been indicated by the number of votes cast? Take the average communities in this country, and there is about one adult male voter to about every four or five residents—in some communities four, in some five.

I submit in a Western community like Wyoming the percentage of adults is very much greater to the total population than it would be in an old settled community like Delaware or Connecticut. So I assume that there should be fairly one adult male to every four citizens. That would give, if that estimate is correct of the adult male population in the Territory of Wyoming, a little over 30,000 or about 31,255. If the supposition of the Senator from Connecticut is correct that there are 125,000 citizens in the Territory, there would be then over 30,000 adult males in the Territory of Wyoming.

But in addition to the voting males, the females are authorized to vote there, and the presumption is that they are not far from equal in numbers; that there are about as many females as there are males who are adults and entitled to vote; and if the supposition of the Senator is correct there must be somewhere in the neighborhood of twenty-five or thirty thousand female voters added to the 30,000 male voters that must be there; thus we have an aggregate of from 50,000 to 60,000 voters.

Mr. GEORGE. How many votes were actually cast?

Mr. JONES, of Arkansas. Eight thousand one hundred and seventy-five; and of that 8,175 actually cast 1,923, about one out of every four, voted against this constitution.

Here, then, you have the voting population, according to the Senator's hypothesis, and according to his own supposition, that must agree

gate 50,000 votes, and there were actually cast about 8,000, of whom one-fourth voted against the adoption of this constitution.

Mr. GRAY. As I understand, about 6,000 out of the 50,000 voted for the constitution.

Mr. JONES, of Arkansas. And on the vote of that 6,000 people the Senate proposes to admit that Territory without waiting to hear from the other people, who are equally interested in the question with them.

Mr. President, my opinion about this may be illustrated by reference to a circumstance that occurred in New Mexico some years ago. The Legislature passed an act there providing that the governor should call a constitutional convention. It was called. There had been no enabling act passed by Congress, and when the constitution was framed it was submitted to the people, and submitted at the same time that the Delegate to Congress was to be elected. There were about 40,000 votes cast for Delegate, and less than 4,000 voted on the question of the constitution at all, and I believe the majority of these voted against it on the ground that the call was unauthorized by Congress, and ought not to be voted for by the people.

In the case I have just mentioned in New Mexico, if there had not been a vote for a Delegate those people who went out in great numbers and did vote would have staid away from the polls. But even in this case, perhaps, as large a percentage voted for the constitution as did in the Wyoming case.

Mr. PLATT. May I interrupt the Senator? I did not catch his remarks so as to understand what Territory he was talking about when he said the constitution was submitted at the time of the election of the Delegate.

Mr. JONES, of Arkansas. I was attempting to draw a parallel between Wyoming and an incident that occurred in New Mexico some years ago, with which the Senator is familiar, no doubt.

Mr. President, there are objectionable features in this constitution. We may reasonably suppose that the people who refused to vote for the ratification of this constitution, which was the product of the convention called by the governor without authority from Congress and without authority from the Territorial Legislature, were opposed to the adoption of this constitution embracing these objectionable features. They simply staid away from the polls and did not vote, and here we have this large majority, amounting, according to the calculation I have just now made, to perhaps nine-tenths of all the citizens of the Territory, who were opposed to this proposition.

But the Senator from Connecticut in his argument yesterday stated that there was no opposition to this constitution, and that the reason why the people did not turn out was on account of a snow-storm and because everybody was agreed in support of this instrument. The Senator seemed to forget the fact that of the votes actually cast about 25 per cent. voted against the ratification of the constitution, and that an immense majority of the voters of Wyoming refrained from voting. But there is another circumstance in connection with that which I think ought not to be forgotten just here. I suppose we might infer that the majority of females in Wyoming were in favor of woman suffrage; that whatever votes there were in that Territory cast against the constitution with the provision of woman suffrage in it, would be the votes of the males, but that the women would all vote in favor of that instrument.

Now let us look at these 8,000 votes with an eye to that. I suppose there is no great difference between the number of males and females who are authorized to vote in Wyoming. They would naturally not be far from equal in number. I suppose perhaps there may be some few more men than women, but for the sake of the argument and to illustrate the idea I have in my mind, I will assume that they were equal, and of the 8,195 votes that were cast 4,097 of them were males and 4,097 were females. We then have 4,097 females and all voting for the ratification of this constitution, and of the 4,097 males 1,923 voted against the ratification, leaving 2,174 in its favor or a majority of 251.

The fact that so small a percentage of the voters of the Territory went to the polls at the time of this vote is a fact that must be considered by the Senate. This fact of course found its way to the minds of the majority of the committee when they were preparing their report.

Mr. GEORGE. I understand there was no enabling act.

Mr. JONES, of Arkansas. No, and no act of the Territorial Legislature authorizing the calling of the constitutional convention. There was no act of the Legislature, but it was called by the governor upon his own motion, and, as I called to the attention of the Senate in the beginning, there was no penalty for false voting in any one of these elections, and any one man could have gone to the polls and might have cast any number of votes and there was no penalty for it.

Mr. MORGAN. Is the proclamation to which the Senator refers found anywhere in the papers in this case?

Mr. JONES, of Arkansas. I think it is in some of the papers.

Mr. GEORGE. Who made the apportionment of the delegates?

Mr. JONES, of Arkansas. The governor, the chief-justice, and the secretary of the Territory, and upon their apportionment the election was held.

Mr. GEORGE. Was it authorized by any law?

Mr. JONES, of Arkansas. By no law upon the face of the earth.

There was a bill introduced in Congress which went to the Committee on Territories and they reported favorably upon it, but the Senate did not act upon it and the House did not act upon it. It was not passed by either body. The governor did not call the Legislature together to get even an act of the Legislature to authorize him to call a constitutional convention, but acting upon his own motion, as he was solicited to do by certain members of the county boards in seven counties out of ten, he ordered the election—and that was of necessity an absolutely illegal election—first, for delegates to the constitutional convention, and then the election ratifying the constitution. As I have shown, the utter absurdity and unfairness of this matter was so plain to the thinking, reflecting men of that Territory that it seems to me they regarded this election as an absolute nullity, and that was the reason why, out of all the voters said to be resident in that Territory, but 8,000 went to the polls.

Mr. GEORGE. Eight thousand out of about 60,000?

Mr. JONES, of Arkansas. I can not tell now about the total number of votes. I was taking the population as assumed by the Senator from Connecticut, and figuring out the voting population on that assumption it must be fifty or sixty thousand. On the other hand, the Senator from Missouri [Mr. VEST] estimates that there can not be more than sixty or seventy thousand people in all this Territory. The Delegate claims that they will poll from twenty-three to twenty-four thousand votes in their next election. If that be true they have not anything like the population that gentlemen on the other side have been claiming that they have. I was simply assuming that their figures were correct and arguing this case from the standpoint of their own assumption as to the population of Wyoming Territory.

Mr. GEORGE. Upon their own hypothesis nothing like a majority of the voters in that Territory cast their votes.

Mr. JONES, of Arkansas. Under no hypothesis have more than one-fourth of the voters of that Territory voted for this constitution, and in that one-fourth are the women who voted at the time the men voted; and I respectfully submit to the Senate that even if that election had been legal, even if they had had a right to hold the election and if there had been penalties of perjury protecting and guarding the polls against ballot-box stuffing and fraudulent counting, the allowing of women to vote at that election was not authorized under the laws of the United States.

In the decision rendered in the Washington case in the supreme court of Washington Territory, where this identical question was raised as to whether a Territorial Legislature could confer the right of suffrage upon women, in a case that seems to me to have been well considered, ably argued, it was solemnly decided that the powers conferred upon the Territories by Congress did not authorize the Territories to grant the right of suffrage to women, and upon that decision the women of Washington Territory were not allowed to vote. But with that understanding of the construction of law the people of Wyoming, when this unauthorized election, when this election not guarded or protected by any law, when this election where there were no penalties for false voting or false counting or any other crime, took place, allowed women as well as men to cast their votes.

Mr. MORGAN. In what volume is that decision?

Mr. JONES, of Arkansas. If the Senator will permit me I will call attention to it just here. It is in the third volume of Washington Territory Reports, the case of Bloomer vs. Todd and others.

Mr. GEORGE. A decision rendered by the supreme court of the Territory?

Mr. JONES, of Arkansas. By the supreme court of the Territory, and I think perhaps it might not be out of place for me to read a page from the conclusion of the court upon this question. I begin in the middle of the decision. The whole of it is very interesting, but I will not detain the Senate by reading it all.

The same act provides that every Territory shall have the right to send one Delegate to Congress, and the only limitation is that he shall be a citizen. It will not probably be contended by any person but that the Delegate was intended to be and, indeed, must be a man, and an elector within the Territory; and it certainly was not within the intent of Congress that a woman should go to the House of Representatives as a Delegate. The thought was not in the mind of anybody. The act also provides for the election of justices of the peace and other judicial officers. Yet will it be claimed that it was within the contemplation of Congress at the time of the passage of this act that these might be filled by women?

"Yet will it be claimed" is the expression—

That at that time it was within the intent of Congress that under that act women might be elected to hold those offices. It might have been better, and perhaps would now be a step in advance, if such had been the case; but was that the legislative intent at that time?

If we turn to the Constitution of the United States we find that the whole structure of the instrument is based upon the idea present in the minds of the makers of it that the officers provided for therein shall be males. In the first place, and as of minor importance, the form of every word in the Constitution relating to the holding of office under that Constitution is masculine. It provides that the Senate shall be composed of two Senators from each State. No person shall be a Senator who shall not have reached the age of thirty years. The Vice-President shall be the President of the Senate. No person shall be eligible to the office of President except a native-born citizen, who shall hold his office during the term of four years, and shall be elected as therein provided.

The judicial power shall be vested in one Supreme Court, the judges whereof shall hold their offices during good behavior. In numerous other instances it is conclusively apparent that at the time of the framing of that instrument the idea of a woman holding office under that Constitution was as foreign to the

mind as that a woman might be President under that Constitution; else the sole limitation would not have been that the President should be a native-born citizen of the United States. If the word "citizen," as there used, had been supposed to include females, it will not now be questioned but that there would have been an express negation in that regard. Such has been the uniform practical construction ever since its adoption, and for more than thirty years our organic act has likewise been construed to mean "male citizen" when the privilege of voting has been under consideration, and even now it is not disputed but that was the sense in which Congress then used the word.

This practical construction is not to be ignored or evaded.

Ever since the colonial law provided that a person accused of a crime should be tried by a jury of "twelve honest men," the word "jury," standing alone, has meant the same thing. That there have been here and there exceptions help to establish the rule.

I will not detain the Senate by reading the whole of this decision, but will read a little more. It proceeds:

The case of *Minor vs. Happersett* (21 Wall., 163) is also cited for the purpose of showing that the provisions of the fourteenth amendment to the Constitution of the United States, wherein it is said that all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside, are by the words used in affirmance of the construction contended for by appellant. The decision proceeds upon an exactly opposite theory and denies the doctrine contended for, and therefore it does not follow that the use of the word "citizen" in the enabling act conveys the idea or carries with it the proposition that the Legislature has the right to confer the privilege of suffrage upon female citizens; nor can it be true, unless it be further contended that at the time of the passage of the organic act of the Territory the word "citizen" necessarily implied a female as well as a male citizen when used as empowering the Legislature to grant the privilege of voting to all citizens.

In conclusion the court say:

In 1852, when this act was passed, the word "citizen" was used as a qualification for voting and holding office, and, in our judgment, the word then meant and still signifies male citizenship and must be so construed. That the rule contended for might be better, we are not called upon to determine. The Congress can confer the desired power upon our Legislature, and we cherish the hope that in the near future our own citizens will have an opportunity to determine this question for themselves in the formation of a constitution for the State of Washington.

Now, Mr. President, with the decision of this court by which women in Washington were denied the right to cast their votes, in the Territory of Wyoming, in utter disregard of this construction of the law, in plain violation, I believe, of the laws of Congress conferring authority upon the Territories, they have given their women the right to vote in Wyoming; and upon this the governor of the Territory, ordering an election which he was not authorized to call under the law, not provided for by Congress or by the Territory, proceeded to hold an election at which women voted. On account of the extreme smallness of the vote, it seems to me that there is no such expression in favor of the constitution as to warrant this Congress in holding that this Territory ought to be admitted under this constitution which embraces a provision for female suffrage; which embraces a provision for alien ownership of lands. It has an additional provision in favor of compulsory education, against which, in my opinion, many an American citizen would revolt.

There would certainly be a large percentage of people in that Territory opposed to these provisions. We ourselves, only two or three years ago, passed a law in which we provided that aliens should not own land in the Territories.

The Senator from Connecticut yesterday gave a very pathetic account to the Senate of some citizen, the mention of whose name he said would command the respect of every man present if he were to call it, who, under that law, would not be allowed, after spending a lifetime in this country, to own his home and have it to descend to his children. He said there had been a great deal of gush and sentiment about this that was wholly unjustifiable and unwarrantable. So far as I am concerned, I wish to say for myself that whenever any man chooses to come from abroad to live in this country, unless he is willing to cut loose from the home of his childhood, unless he is willing to avail himself of the privileges of the laws which give him easy access to American citizenship, to become one of us and cast his lot with us and identify himself as an American citizen, I for one am willing to say he shall not own one foot of real estate in this country.

I believe this country ought to be the heritage of American citizens. We have been for a hundred years through the gates of Castle Garden, which, as President Harrison expressed it, "always swing inward," receiving a stream of millions of people who have come from other countries, and made them partners in our inheritance. We have never denied to them any right that we accorded to our own native-born citizens, and I am in favor of liberal treatment to those who come here and desire to become citizens of the United States, but for a man who comes here retaining his foreign allegiance, not willing to become an American citizen, I am ready to say he shall not own one solitary foot of American soil; and to vote for the admission of a State which has embodied in its organic law a provision that such a foreigner shall have exactly the same rights as an American citizen is absolutely revolting to me. So far as I am concerned, I can not and will not cast a vote in favor of any such monstrous doctrine.

The truth about it is that we have been talking so long about our great desire to protect American labor, to guaranty high wages to laboring men, and at the same time welcoming the very same pauper

laborers from Europe against whom we have said we wished to protect our own laborers, that I think the time has come when there ought to be some sort of difference between an American citizen and a man born abroad who is an alien.

I am not willing to make this the dumping ground of all the people in Europe. I am not willing that the paupers and the miserable classes that are absolutely worthless abroad shall be dumped upon us, and when they come here retaining their foreign allegiance to be regarded as good as American citizens and entitled to all rights our own people have. If they want to come to be a part of our people, to live with us, to sustain the burdens of Government, to meet the nation's foes in time of war, to incur the dangers that any American citizen incurs, then I am in favor of treating them fairly and properly; but when they come to live off the fat of the land and to refuse the responsibilities of citizenship, and to retain their allegiance to the country from which they came, then I say there ought to be a distinction between them and our own people.

This other provision for compulsory education is one which I do not fancy. It may be a very good plan to compel a man to join my church and to make him think as I do about religion, to measure him up according to my moral ideas and to compel him to go my way, but this idea of compulsory education is not American. The Kaiser, at the head of the great German Empire, considers himself the father of all his people, and undertakes to compel the education of his subjects, but I am not ready to transport his imperial ideas to this country yet.

I believe that when school-houses are provided, when the means of education are opened, when the ways by which children may obtain an education are provided at the hands of the State, American citizens may well be left to determine whether or not their condition is such that they can send their children to school.

I will not undertake to enlarge upon these obnoxious features of this constitution, but embracing as it does these features, submitted as it was, as I have shown, without authority of law, and without right, submitted to the votes of the people in an irregular and improper and lawless way, it seems to me it ought not to command the respect of the Senate of the United States to such an extent as to agree that the Territory of Wyoming shall be admitted upon this constitution as a State in the Union.

In connection with this matter, there was a paragraph published in one of the papers in that Territory to which I wish I could refer, but I can not find it just now, but it stated in effect that a fraudulent election might have been held without penalties in this case.

This paragraph in a Wyoming newspaper, read in the other House when this matter was under discussion, was flatly and positively denied by some one on the floor, I do not know who, but though I have seen the paragraph of this Wyoming newspaper, I have never heard of any denial of its statement except the one which was made by the gentleman, whoever he may have been. The statement was to the effect as I remember it that the banner county in Wyoming—I repeat it as well as I can from memory, though I can not fully recall it—that in the banner county in that Territory the election was held in a back room of a store by three men who had a cigar box, and after putting in three or four hundred votes for one side, one of the men said he was tired of casting so many votes for one man and would cast some for the other fellow, and thereupon he put in six or seven votes for the "other fellow," and these votes cast at this election held by three men, with every ballot put in by themselves, were counted and returned, and made that county the banner county of the Territory.

If that statement was true, those men could not be punished. If it was not true, it ought to have been more authoritatively denied than it has been. When it was read by a member of the other House, somebody rose and said he pronounced that story absolutely untrue, and that was all that was said. There has been no other statement against its truth and authenticity so far as I have ever heard. It was printed by a paper in the Territory, and it was charged that that was the way in which that county became the banner county of the Territory. Now at an election where that was possible, admitting that there is no proof at all that it did occur, I ask if the Senate is going to accept as being proper and right a constitution which was framed by a lot of delegates who could have been elected in that way.

Mr. GRAY. I ask the Senator what would have been the consequences if the persons charged with conducting that election in that so-called banner county which he has described had confessed the truth of the charge; or had it been proved by any number of reputable witnesses and not denied by them, what would have been the consequences to the persons so charged?

Mr. JONES, of Arkansas. I suppose it would have been considered a good joke by them, and that is all. There was no law to punish them. It was an election held without authority of law, and they could not be punished. Elections held in this way certainly can not command the respect of reasonable and right-thinking men.

Mr. STEWART. Will the Senator from Arkansas allow me to ask him a question?

Mr. JONES, of Arkansas. Certainly.

Mr. STEWART. The provision of the twenty-ninth section of the

constitution of Wyoming upon which the Senator has been commenting reads as follows:

SEC. 20. No distinction shall ever be made by law between resident aliens and citizens as to the possession, taxation, enjoyment, and descent of property.

I should like to ask the Senator if he knows of any State in the Union which makes any distinction between resident aliens and citizens as to the possession, taxation, enjoyment, and descent of property. If there is any such distinction made in any State of the Union, I should like to know it.

Mr. JONES, of Arkansas. The distinction was made by this body of which the Senator from Nevada is a member, and if I am not mistaken he voted for the law making that distinction in every Territory in this country. The law is in the volume here on my desk. I can point the Senator to it. It is a law enacted by Congress, and it certainly seems to me to be entitled to some consideration by members of Congress when it has become a law by the solemn act of both Houses.

Mr. STEWART. That was not the question I asked the Senator. The law of Congress forbids to aliens the right to acquire real estate in a Territory; but I ask the Senator if there is any State in the Union which makes any distinction between resident aliens and resident citizens, as to possession, taxation, enjoyment, and descent of property? If there is any State which makes that distinction, I have been unable to find it. I believe, on the contrary, that every State in the Union allows to aliens and to citizens the same enjoyment of possession and the same rule as to taxation and descent that is applied to citizens of the United States.

Mr. JONES, of Arkansas. I have not examined the question. I can not undertake to say what the States have done, but I have said what I believe the States ought to do, and I have said what the Congress of the United States has done, and there is no sufficient reason why this body shall "go back" (to use a vulgar phrase) upon its own action and ratify in Wyoming a state of things that they themselves have said should not exist. It is not necessary for us to go back and hunt up whether there are other States who have taken that action or not.

Mr. STEWART. Mr. President—

Mr. PLATT. The Senator will allow me to ask a question.

Mr. STEWART. Certainly.

Mr. PLATT. Have we passed any law in Congress which treats an alien resident in the Territories any differently from a citizen in regard to the possession of his property, the transfer of it, the descent of it, the taxation of it, and the inheritance of it—have we passed any such law as that?

Mr. JONES, of Arkansas. I will read to the Senator what the law is.

Mr. PLATT. You will find no such law as that.

Mr. JONES, of Arkansas. This is the law of Congress:

That it shall be unlawful for any person or persons not citizens of the United States, or who have not lawfully declared their intention to become such citizens, or for any corporation not created by or under the laws of the United States or of some State or Territory of the United States, to hereafter acquire, hold, or own real estate so hereafter acquired, or any interest therein, in any of the Territories of the United States or in the District of Columbia, except such as may be acquired by inheritance or in good faith in the ordinary course of justice in the collection of debts heretofore created.

That is what the law says. That is what the Senators both voted for, and now they ask the Senate of the United States to admit Wyoming under a constitution which goes directly in the face of this provision.

Mr. STEWART. I do not understand that it is in the face of the provision.

Mr. JONES, of Arkansas. I can not help the Senator's not being able to understand it. It is plain enough.

Mr. STEWART. Mr. President—

Mr. SPOONER. May I ask the Senator from Arkansas a question?

Mr. JONES, of Arkansas. I will yield with pleasure to one at a time. The Senator from Nevada is still on the floor.

Mr. STEWART. I am through.

Mr. SPOONER. Is it not one thing for Congress to declare a policy as to alien ownership by act of Congress operative in the Territories, which are subject, of course, to the jurisdiction of Congress, and another thing by a fundamental condition attached to the admission of that Territory into the Union as a State to preclude the people of the prospective State from regulating that matter in accordance with the public sentiment within its borders? Is it the proposition of the Senator that, as to all the Territories, it shall be made a fundamental condition of their admission as States that as a rule of property no alien shall be permitted to own real estate within the limits of the State?

Mr. JONES, of Arkansas. Mr. President, I have not assumed any such position. I have not said that I occupied any such position. What I object to in this constitution is an affirmative assertion now that aliens shall have under all circumstances and everywhere the same rights as resident citizens have. If that had been left out of the constitution there would be no ground for complaint on this score. I have not asked for a provision in the constitution that would forbid aliens from holding lands. I am willing to leave the State to regulate that for itself.

But the question of the Senator from Wisconsin opens a very wide

field, one which I have not fully investigated, but one which I hope to investigate at some time and to arrive at a definite conclusion upon, and that is as to whether it is not competent for the Congress of the United States in the organization of a national policy to declare that alien shall not hold lands in the States.

Mr. SPOONER. I do not deny now that Congress might impose this as a fundamental condition, but, as I have always understood it, the question which controls Congress in passing upon a constitution submitted for approval is whether the constitution is republican in form. The Senator will not claim for a moment that a constitution which authorized aliens to hold lands the same as citizens was for that reason not republican in form. I remember several State constitutions which affirmatively declare that in this respect there shall be no distinction between citizens and aliens.

Mr. JONES, of Arkansas. There is no question of that.

Mr. SPOONER. I voted, as I presume the Senator from Arkansas did, for this act of Congress precluding alien ownership of land in the Territories, but I would not vote to forever preclude the people of a State from making their own rules of property upon that subject, as the people of all the other States have done. While this constitution affirmatively declares, as I believe the constitution of my own State affirmatively declares, that aliens may own lands, it would be entirely competent for the people at any time to change it, and it is a subject which ought to be left to the people of a State when it shall become a State, if there is anything in the doctrine of home rule, it seems to me.

Mr. JONES, of Arkansas. I cordially agree with the Senator in every word he has said, and I am gratified to find upon his own statement of his position that he can not vote for the admission of Wyoming under this bill, because this constitution takes the power out of the hands of the Legislature to regulate this very business. That is precisely the thing that I complain of, because it ought to be left to the people and their representatives to regulate this. That is the reason why I am opposed to it.

Mr. SPOONER. It leaves it to the people, but not to the Legislature. At any time when a majority of the people see fit to do so, they may amend the constitution so as to prohibit alien ownership of land. I would leave it to the people, but not to the Legislature.

Mr. JONES, of Arkansas. Constitutional prohibitions are for the curbing and restraining of Legislatures. They are the representatives of the people. It is because there is a fear that they can not be trusted. I believe when the people speak through their own Legislatures they are apt to be right, and I believe this power ought to be left with the Legislature, and I am unwilling that it should be a part of the organic law, unchangeable except by amending the constitution of the State.

Mr. DOLPH. I suppose the Senator takes no objection to the constitution of his own State, which contains substantially the same provision that is contained in the constitution of the proposed State of Wyoming.

Mr. JONES, of Arkansas. I am aware of that.

Mr. DOLPH. And that is contained in the constitutions of three-fourths of all the States of the Union, as I am prepared to show.

Mr. JONES, of Arkansas. I think that is quite likely.

Mr. DOLPH. And the question of what Congress has done in regard to the Territories, where we have plenary power to legislate, has nothing to do with it, because every State must come into this Union upon an equality with every other State in its power to legislate.

This is, it seems to me, a question within the power of the State when it comes into the Union. This constitution is framed as an organic law of the future State, and the Supreme Court would say without hesitation, I think, that Congress would have no power to declare that a clause should be inserted in the constitution of a State that should come into the Union prohibiting aliens from acquiring real estate. Congress, in admitting a State, can pass upon the question of whether the constitution is republican in form and consistent with the laws and Constitution of the United States, but it can not put any limitation upon the power of the State, when once admitted, to legislate upon any of these questions.

Mr. JONES, of Arkansas. Precisely so, and that is the reason I object to this constitution, because only about 6,000 votes were cast for it in Wyoming, when, according to the calculation of the Senator from Connecticut, if his estimate of the population is correct, there must be fifty or sixty thousand voters there, and there must be 25,000 votes, accepting the lowest estimate made by anybody on either side; and the fact that less than one-fourth of the population incorporate a provision of this kind in the constitution of the State that can not be changed except by a change in the constitution is a reason why the State ought not to be admitted on this constitution.

If the Senator from Oregon is right and the Senator from Wisconsin is right, if this matter ought to be left in the hands of the people, then they ought to vote with me not to allow a handful, a mere minority of the people of Wyoming, to frame a constitution with such a provision, when we all know it can not be changed except in a slow, tedious, and expensive manner. This sort of legislation ought not to be done in this hasty and inconsiderate way, with the indorsement of a small percentage only of the people of the Territory.

I believe it ought not to be the law in a single State. I believe it

ought to be changed when it does exist, and I believe Congress having set the example in providing that foreigners shall not hold land in America, the example of Congress ought to be followed by the States in not permitting people to hold the lands who are not bona fide citizens of the country.

Mr. SPOONER. What does the Senator mean by saying that this could only be changed by some expensive method? I have not read the constitution through, but I presume it provides for amendments in about the same form as the other constitutions—that the Legislature may at any time submit an amendment to the people.

Mr. MORGAN. Two-thirds of the Legislature.

Mr. SPOONER. Two-thirds of the Legislature may, at any time, submit an amendment of the constitution to the people and cause it to be voted upon at a general election. There is no additional expense involved.

Mr. JONES, of Arkansas. It is always slow and laborious to change a constitution, as the Senator from Wisconsin and every one else well knows.

Mr. SPOONER. I was not talking about the speed of it. I was simply directing my question to the observation of the Senator from Arkansas, that it could only be done by an expensive method. It does not require a constitutional convention to change the constitution. If at any time the Legislature sees fit to submit that question to a vote of the people upon a proposed change of policy in this regard, it can be easily and speedily done.

Mr. JONES, of Arkansas. Mr. President, I have never yet known of an election in a State that was not expensive. Elections are always expensive. The amendment of a constitution is a slow and tedious and expensive process, and it always gives rise to trouble and often to bad blood, to change a constitution. That is well known to everybody, and nobody knows it better than the Senator from Wisconsin.

I have presented in a brief way the reasons why I think this constitution is objectionable, and the reasons why Congress ought not to admit Wyoming upon this constitution. It has not been ratified in any fair sense of the word by the people of that Territory. The action taken by the governor was not authorized by law. The thing has been entirely outside of the rules and regulations that ought to govern matters of this great importance.

As I said in the beginning, I am in favor of the admission of Wyoming and of Idaho and of the other Territories, of Arizona and New Mexico. I would not be willing to admit Utah now on account of the one objection which every one understands, because an increased power conferred there by statehood might bring about difficulties that could not be dealt with. I think that Territory ought to be kept in the condition of a Territory until such time as that matter has been settled; but when that one great question has been gotten out of the way I am in favor of Utah taking her place in the sisterhood of States. I believe the Indian country ought to be a State as soon as possible. I am in favor of keeping none of these people out wherever it can be avoided. I believe that the true doctrine of the propriety of the admission of States is set out very properly and correctly in this memorial:

Discussing briefly the grounds upon which the admission may be urged as a right, it may be declared a settled principle of the Government that territory acquired by the United States is, in the language of Chief-Justice Taney (19 Howard, 446), "acquired to become a State, and not to be held as a colony and governed by Congress by absolute authority;" that "Territorial governments are organized as matters of necessity, because the people are too few in number and scant in resources to maintain a State government," but "are contrary to the spirit of our American Constitution" and "are to be tolerated and continued only so long as that necessity exists."

I believe, Mr. President, that that is correct, and that in every instance where the people have shown the intelligence and accumulated the necessary property to sustain a State government then it is the absolute and solemn duty of Congress to allow them to take their place among the sisterhood of States. These great Territories have all accomplished this; they reckon their wealth by millions; they have a population at least sufficient in numbers; they have intelligence; they have pluck; they have sagacity. The foresight of the people of these Territories compares favorably with that of any other part of this country.

We last year admitted four great Territories along our northern border. Those people ought to have been admitted. The people who are there are American citizens and ought to have all the rights that any other American citizens have; and there is no reason why admission should be denied to the residents of these Territories any more than it should have been denied to those four.

This view has been entertained by leading statesmen from Washington's day to the present time. It found expression in the ordinance of 1787, which, giving to the Northwest Territory at first a colonial government, yet carefully provided for an early transition to the Territorial state and then for the admission of States formed therefrom at as early a day as practicable, and on such conditions as should be deemed "consistent with the general interests of the Confederacy." It also had expression in the Louisiana treaty, which secured to the Government the territory out of which have been formed so many great States, the third article of which treaty says:

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States."

The same principle is recognized in the treaty of 1825 with Mexico, whereby yet other vast areas were added to our domain.

I believe, Mr. President, that these Territories having a large and intelligent population, having a large amount of wealth, are capable of organizing a State government and are financially able to maintain it. This being true, I think they have an inalienable right to be admitted as States in the Union. I am opposed, however, to the admission of Wyoming upon this constitution. I am opposed to the admission of any State in the irregular, unauthorized way in which Wyoming proposes to come here now. I am opposed in the same way to the admission of Idaho upon the constitution that is now presented. I am opposed to the unauthorized action of her governor. I am opposed to the admission of New Mexico upon a similar constitution formed under similar circumstances.

But I am in favor of passing an enabling act now authorizing all four of these Territories to call constitutional conventions to frame constitutions to be submitted by them to the people, and then to present themselves here to be admitted into the Union. When they do that, when they have had a fair election, a fair vote; when their governors, authorized by an act of Congress, have called a constitutional convention, and that convention has framed a constitution, and that constitution has been submitted to the people and has been voted upon, then I am in favor of their taking their place as a State.

Mr. President, to get my views before the Senate, and to express in a clearer way than I can in words exactly what I think, I move to strike out all after the enacting clause of the pending bill and to insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill, and in lieu of the matter stricken out to insert:

That the inhabitants of all that part of the area of the United States now constituting the Territories of Arizona, Idaho, New Mexico, and Wyoming, as at present described, may become the States of Arizona, Idaho, and Wyoming, respectively, as hereinafter provided.

SEC. 2. That all male persons who are qualified by the laws of said Territories to vote for representatives to the Legislative Assemblies thereof are hereby authorized to vote for and choose delegates to form conventions in said proposed States; and the qualifications for delegates to such conventions shall be such as by the laws of said Territories, respectively, persons are required to possess to be eligible to the Legislative Assemblies thereof; and the aforesaid delegates to form said conventions shall be apportioned among the several counties within the limits of the proposed States in proportion to the aggregate number of votes cast in each of the counties thereof for Delegate in Congress, at the elections held in said Territories on the Tuesday next after the first Monday in November, 1888. One delegate shall be allowed to each county, and one additional delegate for every 400 votes cast in each county, and one additional delegate for any fraction of 200 votes cast in each county of said Territories, respectively, at said elections. That said apportionments shall be made by the governor, the chief justice, and the United States attorney of each of said Territories; and the governor of each of said Territories shall, by proclamation, order an election of the delegates aforesaid in each of said Territories, respectively, to be held on the Tuesday after the first Monday in November, 1890, which proclamation shall be issued within thirty days after the passage of this act; and such elections shall be conducted, the returns made, the result ascertained, and the certificates to persons elected to such conventions issued in the same manner as is prescribed by the laws of the said Territories, respectively, regulating elections therein for Delegate to Congress.

All male persons resident in said proposed States, who are qualified voters of said Territories, respectively, as herein provided, shall be entitled to vote upon the election of delegates, and under such rules and regulations as said conventions may prescribe, not in conflict with this act, upon the ratification or rejection of the constitutions: *Provided*, That if any elector in said Territories who may offer to register as a voter or to vote at either of said elections shall be challenged on the ground that he is a polygamist or bigamist, or a member of any religious sect or denomination that teaches or countenances polygamy or plural or celestial marriages, it shall be the duty of one of the judges of the registration or of the election, where such elector is challenged, to tender him the oath prescribed in section 24 of the act of Congress approved March 3, 1887, known as the anti-polygamy act, with such modification only as is necessary in order to comply with the laws of the Territory in which the election is held in respect to his residence therein; and if such elector shall take and subscribe said oath so modified, his vote shall be received and counted at such election. But if said elector shall swear falsely in taking such oath, he shall, on conviction, be deemed guilty of perjury, and he shall be punished accordingly.

SEC. 3. That the delegates to the conventions elected as provided in this act shall meet at the seat of government of each of said Territories, on the second Monday in January, 1891, and, after organization, shall declare, on behalf of the people of said proposed States, that they adopt the Constitution of the United States; whereupon the said conventions shall be, and are hereby, authorized to form constitutions and State governments for said proposed States, respectively. The constitutions shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said conventions shall provide, by ordinances irrevocable without the consent of the United States and the people of said States:

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said States shall ever be molested in person or property on account of his or her mode of religious worship.

Second. That the people inhabiting said proposed States do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribe; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without the said States shall never be taxed at a higher rate than the lands belonging to residents thereof; that no taxes shall be imposed by the States on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use. But nothing herein, or in the ordinances herein provided for, shall preclude the said States from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation; but said ordinances shall pro-

vide that all such lands shall be exempt from taxation by said States so long and to such extent as such act of Congress may prescribe.

Third. That the debts and liabilities of said Territories shall be assumed and paid by said States, respectively.

Fourth. That provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of said States, respectively, and free from sectarian control.

SEC. 4. That in case a constitution and State government shall be formed in compliance with the provisions of this act in any of said Territories the convention or conventions forming the same shall provide by ordinance for submitting said constitution or constitutions, respectively, to the people of said proposed States, respectively, for their ratification or rejection, at an election to be held in said Territory or Territories, respectively, at such time as may be fixed by said convention, at which election the qualified voters of said proposed States shall vote directly for or against the proposed constitutions, respectively, and for or against any provision separately submitted. The returns of said elections in each proposed State shall be made to the secretary of said Territories, respectively, who, with the governor and chief justice thereof, or any two of them, shall canvass the same; and if a majority of the legal votes cast on that question shall be for the constitution, the governor of such proposed State shall certify the result to the President of the United States, together with a statement of the votes cast thereon and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances. And if the constitutions and governments of said proposed States or in either of them are republican in form, and if all the provisions of this act have been complied with in the formation thereof, it shall be the duty of the President of the United States to issue his proclamation, announcing the result of the election in each, and thereupon the proposed States which have adopted constitutions and formed State governments as herein provided shall be deemed admitted by Congress into the Union under and by virtue of this act on an equal footing with the original States from and after the date of said proclamation: *Provided*, That if either of the proposed States provided for in this act shall reject the constitution which may be submitted for ratification or rejection at the election provided therefor, the governor of the Territory in which such proposed constitution was rejected shall issue his proclamation reconvening the delegates elected to the convention which formed such rejected constitution, fixing the time and place at which said delegates shall assemble; and when so assembled they shall proceed to form another constitution or to amend the rejected constitution, and shall submit such new constitution or amended constitution to the people of the proposed State for ratification or rejection, at such time as said convention may determine; and all the provisions of this act, so far as applicable, shall apply to such convention so reassembled and to the constitution which may be formed, its ratification or rejection, and to the admission of the proposed State.

SEC. 5. That until the next general census, or until otherwise provided by law, said States shall be entitled to one Representative in the House of Representatives of the United States, and the Representatives to the Fifty-second Congress, together with the governors and other officers provided for in said constitutions, may be elected on the same day of the elections for the ratification or rejection of the constitutions; and until said State officers are elected and qualified under the provisions of each constitution and the States, respectively, are admitted into the Union, the Territorial officers shall continue to discharge the duties of their respective offices in each of said Territories.

SEC. 6. That upon the admission of each of said States into the Union sections numbered 16 and 36 in every township of said proposed States, and where such sections, or any parts thereof, have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one-quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said States for the support of common schools, such indemnity lands to be selected within said States in such manner as the Legislature may provide, with the approval of the Secretary of the Interior: *Provided*, That the sixteenth and thirty-sixth sections embraced in permanent reservations for national purposes shall not, at any time, be subject to the grants nor to the indemnity provisions of this act, nor shall any lands embraced in Indian, military, or other reservations of any character be subject to the grants or to the indemnity provisions of this act until the reservation shall have been extinguished and such lands be restored to, and become a part of, the public domain.

SEC. 7. That all lands herein granted for educational purposes shall be disposed of only at public sale, and at a price not less than \$10 per acre, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the Legislatures shall prescribe, be leased for periods of not more than five years, in quantities not exceeding one section to any one person or company; and such land shall not be subject to pre-emption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

SEC. 8. That upon the admission of each of said States into the Union, in accordance with the provisions of this act, 50 sections of the unappropriated public lands within said States, to be selected and located in legal subdivisions as provided in section 10 of this act, shall be, and are hereby, granted to said States for the purpose of erecting public buildings at the capital of said States for legislative, executive, and judicial purposes.

SEC. 9. That 5 per cent. of the proceeds of the sales of public lands lying within said States which shall be sold by the United States subsequent to the admission of said States into the Union, after deducting all the expenses incident to the same, shall be paid to the said States, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said States, respectively.

SEC. 10. That the lands granted to the Territories of Arizona, Idaho, and Wyoming by the act of February, 1881, entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes," are hereby vested in the States of Arizona, Idaho, and Wyoming, respectively, if such States are admitted into the Union, as provided in this act, to the extent of the full quantity of 72 sections to each of said States, and any portion of said lands that may not have been selected by either of said Territories of Arizona, Idaho, or Wyoming may be selected by the respective States aforesaid; but said act of February, 1881, shall be so amended as to provide that none of said lands shall be sold for less than \$10 per acre, and the proceeds shall constitute a permanent fund, to be safely invested and held by said States severally, and the income thereof be used exclusively for university purposes. And that the lands to the extent of two townships in quantity, authorized by the sixth section of the act of July 22, 1864, to be reserved for the establishment of a university in New Mexico, are hereby granted to the State of New Mexico for university purposes, to be held and used in accordance with the provisions of this section; and any portion of said lands that may not have been selected by said Territory may be selected by said State; but said act shall be, and hereby is, so amended as to provide that none of said lands shall be sold for less than \$10 per acre, and the proceeds shall constitute a permanent fund, to be safely invested and held by said State of New Mexico, and the income thereof be used exclusively for university purposes. But all of said lands mentioned in this section may be leased in the same manner as provided in section 7 of this act. The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of said States, respectively, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

SEC. 11. That 90,000 acres of land, to be selected and located as provided in section 6 of this act, are hereby granted to each of said States, for the use and support of agricultural colleges in said States, respectively, as provided in the acts of Congress making donations of lands for such purposes.

SEC. 12. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September 4, 1841, and by section 2378 of the Revised Statutes, which sections are hereby repealed as to the States provided for by this act, and in lieu of any claim or demand by the States of Arizona, Idaho, New Mexico, and Wyoming, or either of them, under the act of September 28, 1850, and section 2479 of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the States provided for in this act, and in lieu of any grant of saline lands to said States of Arizona, Idaho, New Mexico, and Wyoming, the following grants of land are hereby made to each of said States, respectively, for the purposes indicated, namely:

For the establishment of permanent water reservoirs for irrigating purposes, 250,000 acres; for the establishment and maintenance of an insane asylum, 50,000 acres; for the establishment and maintenance of State normal schools, 50,000 acres; for the establishment and maintenance of a school of mines, 50,000 acres; for the establishment and maintenance of a deaf and dumb asylum, 50,000 acres; for the establishment and maintenance of a reform school, 50,000 acres.

The said States of Arizona, Idaho, New Mexico, and Wyoming shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act, and the lands granted by this section shall be held, appropriated, and disposed of exclusively for the purposes herein mentioned, in such manner as the Legislatures of the respective States may severally provide.

SEC. 13. That all mineral lands shall be exempted from the grants made by this act. But if sections 16 and 36, or any subdivision or portion of any smallest subdivision thereof, in any township shall be found by the Department of the Interior to be mineral lands, said States are hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said States, in lieu thereof, for the use and the benefit of the common schools of said States.

SEC. 14. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the Secretary of the Interior, from the surveyed, unreserved, and unappropriated public lands of the United States within the limits of the respective States entitled thereto. And there shall be deducted from the number of acres of land donated by this act for specific objects to said States the number of acres in each heretofore donated by Congress to said Territories for similar objects.

SEC. 15. That the sum of \$20,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated to each of said Territories for defraying the expenses of the said conventions, and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial Legislatures. Any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States.

SEC. 16. That each of said States, when admitted as aforesaid, shall constitute one judicial district, the names thereof to be the same as the names of the States, respectively; and the circuit and district courts therefor shall be held at the capital of such State for the time being, and each of said districts shall, for judicial purposes, until otherwise provided, be attached to the eighth judicial circuit, except Arizona and Idaho, which shall be attached to the ninth judicial circuit. There shall be appointed for each of said districts one district judge, one United States attorney, and one United States marshal. The judge of each of said districts shall receive a yearly salary of \$3,500, payable in four equal installments, on the 1st days of January, April, July, and October of each year, and shall reside in the district. There shall be appointed clerks of said courts in each district, who shall keep their offices at the capital of said States, respectively. The regular terms of said courts shall be held in each district, at the place aforesaid, on the first Monday in April and the first Monday in November of each year, and only one grand jury and one petit jury shall be summoned in both said circuit and district courts. The circuit and district courts for each of said districts, and the judges thereof, respectively, shall possess the same powers and jurisdiction, and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and clerks of the circuit and district courts of each of said districts, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States; and shall, for the services they may perform, receive the fees and compensation allowed by law to other similar officers and persons performing similar duties in the State of Nebraska.

SEC. 17. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of either of the Territories mentioned in this act, or that may hereafter lawfully be prosecuted upon any record from either of said courts, may be heard and determined by said Supreme Court of the United States. And the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court hereby established within the State succeeding the Territory from which such record is or may be pending, or to the supreme court of such State, as the nature of the case may require. And each of the circuit, district, and State courts herein named shall respectively be the successor of the supreme court of the Territory, as to all such cases arising within the limits embraced within the jurisdiction of such courts respectively, with full power to proceed with the same, and award mesne or final process therein; and that from all judgments and decrees of the supreme court of either of the Territories mentioned in this act in any case arising within the limits of any of the proposed States prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States as they shall have had by law prior to the admission of said States into the Union.

SEC. 18. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of either of the Territories mentioned in this act at the time of the admission into the Union of either of the States mentioned in this act, and arising within the limits of any such State, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory; and in respect to all other cases, proceedings, and matters pending in the supreme or district courts of any of the Territories mentioned in this act at the time of the admission of such Territory into the Union, arising within the limits of said proposed State, the courts established by such State shall, respectively, be the successors of said supreme and district Territorial courts; and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such circuit, district, and State courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of any of the States mentioned in this act shall be pending in any Territorial court in any of the Territories mentioned in this act, shall abate by the admission of any such State into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district, or State court, as the case may be: *Pro-*

vided, however, That in all civil actions, causes, and proceedings in which the United States is not a party transfers shall not be made to the circuit and district courts of the United States except upon written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request, such cases shall be proceeded with in the proper State courts.

SEC. 19. That the constitutional conventions may, by ordinance, provide for the election of officers for full State governments, including members of the Legislatures and Representatives in the Fifty-first and Fifty-second Congresses; but said State governments shall remain in abeyance until the States shall be admitted into the Union, respectively, as provided in this act. In case the constitution of any of said proposed States shall be ratified by the people, but not otherwise, the Legislature thereof may assemble, organize, and elect two Senators of the United States; and the governor and secretary of state of such proposed State shall certify the election of the Senators and Representatives in the manner required by law; and when such State is admitted into the Union the Senators and Representatives shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the officers of the State governments formed in pursuance of said constitutions, as provided by the constitutional convention, shall proceed to exercise all the functions of such State officers; and all laws in force made by said Territories, at the time of their admission into the Union, shall be in force in said States, except as modified or changed by this act or by the constitutions of the States, respectively.

SEC. 25. That all acts or parts of acts in conflict with the provisions of this act, whether passed by the Legislatures of said Territories or by Congress, are hereby repealed.

Mr. JONES, of Arkansas. Mr. President, as the Senate has observed, I know, from the close attention given the reading of the substitute, this is a proposition to adopt an enabling act for Wyoming, Idaho, Arizona, and New Mexico, in lieu of the present bill to admit Wyoming under this constitution. I have, I think, given good reasons to the Senate why Wyoming ought not to be admitted in this irregular way, and why the constitution proposed by Wyoming ought not to be accepted by this body as a proper constitution for a State. I have the same objections to the proposed admission of Idaho, and what I propose is perfectly fair to those Territories and just to the remainder of the country. It is the regular, proper way to admit them, that we shall now pass an enabling act which shall authorize all four of these Territories to organize conventions and to be admitted into the Union as States.

Mr. MITCHELL. May I ask the Senator a question?

The PRESIDING OFFICER (Mr. SPOONER in the chair). Does the Senator from Arkansas yield to the Senator from Oregon?

Mr. JONES, of Arkansas. Certainly.

Mr. MITCHELL. I ask for information. I do not know how the fact is. Have the people of Arizona and New Mexico, or any of them, made any application in any way, shape, manner, or form for the passage of an enabling act?

Mr. JONES, of Arkansas. There have been, I think, twenty-seven Legislatures in the Territory of New Mexico since it was a Territory, and of those twenty-seven more than half have memorialized Congress asking to be admitted. As far back as 1850 when, under the treaty of 1848 the honor of the United States having been pledged that that Territory should be admitted as a State within a reasonable time, when they believed they had a right then to come in as a State, they had a convention called under an act of the Legislature, which organized a constitution, submitted it to the people, it was ratified, they elected members to this body and members to the House of Representatives, and they were not admitted. Again and again have they had constitutional conventions, and every session of Congress they are here asking for admission.

Mr. MITCHELL. Mr. President—

Mr. JONES, of Arkansas. I am endeavoring to answer the Senator's question.

Mr. MITCHELL. The Senator misapprehended my question, however, or he would not have made the answer he did.

Mr. JONES, of Arkansas. Then I will listen again.

Mr. MITCHELL. Have the people of Arizona and New Mexico presented any application or memorial to this Congress? I should like to have that answered.

Mr. JONES, of Arkansas. I can not say whether memorials have been presented.

Mr. REAGAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Texas?

Mr. JONES, of Arkansas. Certainly.

Mr. REAGAN. The people of the Territory of New Mexico had a constitutional convention this last summer and fall, and adopted a constitution with a view to its presentation, and I suppose it has been presented, though I do not know the fact, with a request for admission.

Mr. STEWART. They did not submit the constitution—

Mr. REAGAN. They adopted a constitution by delegates in convention.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. JONES, of Arkansas. I yield to the Senator from Nevada.

Mr. STEWART. I say New Mexico failed to submit her constitution to the people after she had adopted it. The other Territories did, Idaho and Wyoming.

Mr. PLATT. There is a bill pending here now for the submission of that constitution in New Mexico to the people and the admission of New Mexico as a State if the people ratify that constitution, and they

are divided down there about whether they want to be admitted, or if they do, whether they want to be admitted in that way. The Republicans want to come in that way, and the Democrats do not. That is the situation down there.

Mr. JONES, of Arkansas. Mr. President, the Senator from Connecticut—

Mr. REAGAN. Will the Senator allow me—

Mr. JONES, of Arkansas. Certainly.

Mr. REAGAN. The Democrats have a most excellent reason for not desiring it, as the Territory was so gerrymandered that there was but one single Democratic delegate allowed to go to the convention.

Mr. PLATT. I am exceedingly glad to know that the Senator from Texas is so thoroughly opposed to gerrymandering, and I hope he will have an opportunity to express that opposition in an official way before long.

Mr. REAGAN. I am no more in favor of Congressional gerrymandering than I am of State gerrymandering.

Mr. JONES, of Arkansas. The Senator from Connecticut has perhaps sufficiently answered the inquiry of the Senator from Oregon; but I will say in addition, in answer to his question, that New Mexico has a Delegate in the House of Representatives, and that Delegate has introduced bill after bill for the admission of New Mexico. He made a speech that I remember, delivered last January a year ago, in the last Congress, urging that that Territory be admitted. The Senator from Oregon is perfectly well aware of the fact that at the time the States of South and North Dakota and Montana and Washington were admitted, in that bill New Mexico was provided for, and was dropped out in the conference committee.

There was some reason for that. We have all our own views about the reasons why these things are so. As some allusions have just been made by the Senator from Connecticut to the political bearing of this question, I will say now I believe the reason why New Mexico was dropped out at that time was because the conviction prevailed with the majority here that New Mexico would be Democratic if she came in as a State, and because the intention was in the admission of new States to increase the hold of the Republican party and to make their hold, if possible, securer on the Government of the United States.

Mr. PLATT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Connecticut?

Mr. JONES, of Arkansas. If the Senator will permit me to answer one Senator at a time (I think I have now about six on my hands), as soon as I get through with the others I will with the greatest pleasure yield to the Senator from Connecticut and hear what he has to say.

The PRESIDING OFFICER. The Senator from Arkansas declines to yield.

Mr. JONES, of Arkansas. I want to say in further reply to the question of the Senator from Oregon that again and again for the Territory of New Mexico bills have been presented here to allow her to become a State. The bills have been pending in the other House for a long time at this session. The bills for the admission of Wyoming and Idaho have passed the House; that for the admission of New Mexico has not passed. Recently, upon the urgent solicitation of some gentlemen, the committee of the Senate, have taken up and are now considering a bill proposing to admit New Mexico.

I said in the first part of my remarks that there had been a convention called in New Mexico which was as irregular in every respect as the convention held in Wyoming and in Idaho; that I am opposed to the admission of New Mexico upon that constitution; and that I am in favor of proceeding in a regular way and allowing all those Territories to come in in the proper way by passing an enabling act for all four. That proposed act I have just had read to the Senate, and I hope it will receive the careful consideration of the body.

Mr. PLATT. The Senator said that he thought the reason why New Mexico was not included in the act for the admission of certain States in the last Congress was because of a conviction on the part of the majority in the Senate that New Mexico would be Democratic, if admitted. I wish to say with regard to New Mexico, that for the last four years the leading Republicans of New Mexico have been urging the point upon me that if New Mexico were admitted it would be purely a Republican State, and whatever I have done about delaying the admission of New Mexico has not been because I thought it would be a Democratic State, but upon grounds which affected in my mind the question as to whether she is fit for statehood. I believe to-day that the admission of New Mexico with the other four States which were admitted would have given us two more Republican Senators on this floor at this time, and I believe that its admission at any time within the next two years would give us two Republican Senators and a Republican Representative in the other House.

Mr. FRYE. Is not the percentage of illiteracy there very great?

Mr. PLATT. I wish to acquit myself of any charge that I have not favored the immediate admission of New Mexico upon the ground that I thought it was likely to be a Democratic State.

Mr. JONES, of Arkansas. Mr. President, I stated the impression that I had about the reason why New Mexico did not come in. We have considered the objections that have been presented to that Terri-

tory again and again. I do not believe they are well founded. If you accept as true the widest and broadest charges that may be made against the people of that Territory, there might be something in them; but that the charges which have been made have been refuted again and again by intelligent and honorable men, by Republicans, there can be no sort of question. Considering the fact that New Mexico has more population, has more wealth, and is the oldest of the Territories, I can not conceive of any valid reason why she should not have been admitted with the earliest of those that came in.

In spite of the fact that the Republican politicians of New Mexico have told the Senator from Connecticut that that Territory would be Republican, I do not believe that anybody thinks that would be true with a fair election. It may be that if you should admit that Territory with its gerrymandered apportionment as it stands now under this constitution, considering the fact that there was but one Democrat allowed to go to the constitutional convention and the rest were absolutely legislated out, you might by some such means hold that Territory and make it Republican, but in any fair election I do not believe that any reasonable man would for one moment suppose that there is any foundation in the world for that belief.

Mr. MITCHELL. May I ask the Senator another question?

Mr. JONES, of Arkansas. Certainly.

The PRESIDING OFFICER. Does the Senator yield to the Senator from Oregon?

Mr. JONES, of Arkansas. With the greatest pleasure.

Mr. MITCHELL. Is the Senator from Arkansas aware that a Republican Senate more than fourteen years ago passed a bill through this body admitting New Mexico as a State in the Union, and that that bill was defeated by a Democratic House the same year?

Mr. JONES, of Arkansas. I am aware that there was a failure to admit New Mexico in 1876, and I am aware that in a number of other instances there were failures, and I know one reason and another has been presented why that was not done. I will not undertake to go into that now, but I will begin, in connection with the proposed substitute which I have had read to the Senate, to give the reasons why I am in favor of the passage of that amendment.

I called the attention of the Senate awhile ago to a charge made in a newspaper published in Wyoming that there had been fraudulent voting, and showing an instance of it that was given. I stated the fact that it was flatly and positively denied in the other House; but that no paper, no certificate, that nothing more than the *ipse dixit* of some gentleman on the floor of the House has ever been presented in opposition to this is a significant fact. I propose now to read it. I wanted to read it to the Senate at the time I called attention to it because I wanted to state it exactly as it was stated in the paper. I propose now to read the statement to which I allude, taken from a Wyoming paper:

One of the arguments used before the Legislature in favor of Weston County is that Newcastle is the banner town of Crook County, and the 300-odd votes credited to Newcastle at the constitutional election are pointed to with great pride as proof of the assertion. We should think that that particular election would be given a wide berth, especially by Newcastle. There was no election there on that day, but three persons, each of whom we could name, went into a back room and conducted a cigar-box election. No one else was present, and these men marked the tickets and dropped them into the slot of the cigar-box.

How 7 votes came to be cast against the constitution arose from the fact that one of the parties, after nearly all the tickets had been cast, exclaimed, "I'm d-d tired of voting for the same man all the time; I'm going to vote for the other fellow." And he accordingly dropped in 7 votes with "Yes" scratched out. The cigar-box, the ballots, and a tally-sheet giving the result, were sent here, the same canvassed at this point, and with the other, but bona fide returns forwarded to Cheyenne, where they were duly recorded. And that is how Newcastle came to be the "banner town" of Crook County.

The above particulars were related to us by one of the trio who conducted the cigar-box election, and a gentleman whose word is as good as gold. As there was no color of legality about the election in Crook County, the scheme was devised and carried out more in a spirit of levity than otherwise, and it was not thought the returns would be forwarded to Cheyenne and made a part of the record.

Now, when a charge of this kind can be made, although it is denied as I have stated, but when it is possible that a charge of this sort of fraud can be made, and we can not deny that if it had been the truth the parties would have gone scot-free and could not have been punished, I ask in the name of common sense how the Senate can consider a constitution adopted in that way as representing the voice of the people. You tell me here that 6,000 votes were cast in favor of the constitution in Wyoming. This statement here comes, taken from a Wyoming paper, that four hundred of those votes were put in a cigar-box by three men at a little town in Crook County. How many were in the same way cast by other parties elsewhere nobody can tell; God only knows. This thing in no sense can be said to represent the intelligent people of Wyoming. It was not in any sense a fair election, and is entitled to no support and no consideration at the hands of this body.

We have upon the Calendar a bill to admit Idaho under a constitution adopted in a similar way by an election called by the governor, without authority of Congress or without authority from the Legislature, held without any penalties in regard to the purity of the ballot-box; and in that constitution we have a provision which in so many words forbids Mormons from voting. It does not mention them by name, but it is so framed in a long section that I will not take the time of the Senate to read that it means that Mormons shall not be allowed

to vote in Idaho. In Wyoming, right by the side of it, you propose at the same time to permit Mormons to vote.

We have on the Calendar of this body a bill reported within a day or two from the Committee on Territories proposing to disfranchise all Mormons in Utah. We have a bill on the Calendar proposing to disfranchise the Mormons of Arizona Territory, proposing to disfranchise the Mormons everywhere except in Wyoming; and you propose to admit this Territory here with its constitution authorizing the Mormons to vote, who are disfranchised everywhere else, and allowing their wives to vote besides.

Mr. MORGAN. How many wives?

Mr. JONES, of Arkansas. I do not know. This constitution does not make any reference to that.

Mr. VANCE. That depends upon the constitution of the individual rather than of the Territory. [Laughter.]

Mr. JONES, of Arkansas. But seriously, Mr. President, how can the Senate vote for the admission of one of these Territories with this sort of a constitution and then vote for the admission of the other with exactly the reverse? How can you do it? There is no consistency in it. There is no right or justice in it. If one is a proper policy the other is not. If it is a proper thing to disfranchise Mormons in Idaho, Utah, and Arizona, Mormons ought to be disfranchised in all the Territories just as well; there ought not to be any discrimination. What is the reason of that I do not know. I am not sufficiently familiar with it, but I suppose that some political considerations have entered into it.

Mr. President, I believe that it is perfectly fair and right and just that the Senate should pass a bill authorizing these four Territories to organize constitutions for themselves. I wish to call the attention of the Senate now just one moment to a comparison between these four Territories. We have some authentic data about them. Wyoming was organized a Territory on the 25th of July, 1868, and is about twenty-two years old. Idaho was organized as a Territory on the 3d of March, 1863. Arizona was organized on the 24th of February, 1863, and is therefore older than both Wyoming and Idaho. New Mexico was organized September 9, 1850. In point of area, Idaho is the smallest, and has 84,200 square miles, Wyoming the next smallest, with 97,575 square miles, Arizona comes next with 112,920 square miles, and New Mexico goes beyond and above all of her sisters, not only in point of age, but in extent of territory, and has 123,460 square miles—twice as large as all New England put together.

In 1880, when we had a census taken, the population of Wyoming was 20,789. That same year the population of Idaho was 32,610. The Territory of Arizona in the same year had 40,440, twice as many as Wyoming and 8,000 more than Idaho, while New Mexico, this step-child of the Union, this Territory that has been for forty years a Territory, had a population in 1880 of 119,565. The valuation of property in Wyoming was, according to the census, \$20,000,000; in Idaho it was \$12,000,000; in Arizona it was \$23,000,000; and in New Mexico it was \$30,000,000.

So you have the fact staring you in the face, Mr. President, that New Mexico is the oldest, is the largest, is the most populous, and is the wealthiest of the four Territories; yet when we admit that we have no right to keep a Territory in the condition of a Territory any longer than it has the necessary population and wealth, we propose to admit two Territories younger in years, poorer by millions, with fewer inhabitants, as States in this Union, while we are not even talking about admitting New Mexico or Arizona. This is a monstrous injustice. It is absolutely astounding that such a state of things shall exist.

I know the old story that is being constantly used against New Mexico, that there is a lot of Mexicans down there. There is hardly a man to be found in New Mexico who was not born an American citizen. And, under the Constitution of the United States, when he was born under the flag he became one of its citizens, whether he can speak a word of English or not. When the history of that Territory is considered for a moment I am astonished that gentlemen here should hesitate to accord her the right of statehood. When, in 1861, this country was convulsed by a war from one side to the other, when an armed force went up from Texas and was attempting to get possession of the northwestern part of the Union, New Mexico, Southern as she was, down on the Rio Grande, under a burning sun, rallied to the flag of the Union and drove back the invading force. They made a record, so far as the war goes, that any State in the Union North would be proud of. Yet you say they are not sufficiently intelligent, not sufficiently loyal, that they have not sufficient wealth, to be welcomed into the sisterhood of States.

Mr. President, these things do not come from nothing. There is something beyond and behind all this, and I stated my honest conviction when I stated awhile ago that it was because the conservative and patriotic people down there are largely Democratic. That is the reason she has not been a State long ago.

Mr. PAYNE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Ohio?

Mr. JONES, of Arkansas. With pleasure.

Mr. PAYNE. I will state to the Senator from Arkansas that I hold in my hand a document relating to the Territory of New Mexico which

was presented by a large delegation from that Territory and I have no doubt gives very accurate data as to the resources and extent of the Territory. If it will not interfere with him, and it will rest him a few moments, I will send it to the desk and have it read.

Mr. JONES, of Arkansas. I should be very glad to have it read.

Mr. PAYNE. I wish to say in explanation that a very large delegation from New Mexico appeared before the Committee on Education and Labor. The bill, which they honored me with a request to present and which has been introduced in the Senate, would permit them to make selections of lands for school purposes in that Territory. The delegation consisted of ex-governors and the governor of the Territory, the district attorney of the Territory, Federal judges and ex-judges of the Territory, the commissioner of schools of the Territory—certainly a very intelligent and competent delegation to express their views in reference to the Territory. At the request of that committee they, as a delegation, prepared the statement in regard to that Territory which I now ask the Secretary to read.

The PRESIDING OFFICER. It will be read.

The Chief Clerk read as follows:

The New Mexico delegation asks for the favorable consideration of Senate bill 3833, appropriating lands for educational purposes to said Territory for the following reasons, namely:

First. Because the lands asked to be appropriated were acquired from Old Mexico with a large foreign population.

Second. Because the Territory of New Mexico has been held in a Territorial condition for over forty years.

Third. Because there is no immediate prospect of New Mexico becoming a State.

Fourth. Because the people are poor, and are unable to educate themselves by taxation.

A tax sufficient to sustain the schools properly would be a great hardship, for the reason that Congress has failed to settle the land-grant titles, and there is very little real estate in the Territory subject to taxation. We ask for more than is ordinarily given to States, because 80 per cent. of the land is arid, therefore valueless without irrigation; and because fully 50 per cent. of the most valuable land is included within the land grants; and for the reason that for the last twenty years the most valuable land in the Territory has been selected by homesteaders, pre-emptors, cattle and sheep men, and is not now subject to selection; and also because of the large percentage of illiteracy, and because of the large proportion of inhabitants that do not understand the English language.

If we are not permitted to select these lands now for common schools, university, agricultural college, school of mines, and other purposes the lands left for selection will be comparatively worthless, as more railroads are now approaching the Territory, giving a prospect of an early and large increase of population.

New Mexico has an area of 123,000 square miles; has a population of fully 200,000; has of children of school age fully 70,000. The public records show an enrollment of 43,000 children, which does not include all those in attendance at private and denominational schools, which would add several thousand more. The levy for school purposes at present is three mills on the dollar, which, including the poll-tax, fines, licenses, etc., amounts in all to about \$160,000 per annum. There are in the Territory 343 common schools; of these, 143 are exclusively English, 93 English and Spanish, and 106 exclusively taught in Spanish. The exclusively English schools are taught in the cities; the mixed in the cities and large settlements; those exclusively taught in Spanish are in the remote settlements off the railroads, where the people are too poor to engage English-speaking teachers.

The native population is very anxious to acquire an English education, and wherever an opportunity is offered they readily take advantage of it. They have made great progress within the past ten years, even with the poor advantages offered. The people desire and prefer free non-sectarian public schools. There is a good public-school system established by the local law, which, with a few amendments, will compare favorably with the common-school law of any State in the Union.

The United States has failed to protect the citizens against the hostile Indians, and until within the last four years a large proportion of the able-bodied citizens have been virtually under arms to protect their homes and families, and hundreds of thousands of dollars have been destroyed by hostile Indians and late Confederate troops, and not a dollar has been refunded. The Government has erected no public buildings in the Territory except one court-house, while in many other Territories the Government has erected capitol, penitentiary, and other buildings.

Mr. GEORGE. I should like to have the Chief Clerk reread the clause which indicates the present population and the school statistics of the Territory.

The PRESIDING OFFICER. The Chief Clerk will read as requested.

The Chief Clerk read as follows:

New Mexico has an area of 123,000 square miles; has a population of fully 200,000; has of children of school age fully 70,000. The public records show an enrollment of 43,000 children, which does not include all those in attendance at private and denominational schools, which would add several thousand more.

Mr. JONES, of Arkansas. The Senator from Oregon [Mr. MITCHELL] asked me a few minutes ago if anybody in New Mexico and Arizona wanted to be admitted into the Union, in effect, and the Senator from Connecticut [Mr. PLATT] stated to the Senate that there was now under consideration a constitution in New Mexico and a proposition to admit the Territory as a State under that constitution. To show the unfairness of that, in the first place, and to show the desire on the part of the Territory, in the second place, to be admitted into the Union, I propose to read briefly from a speech delivered in the House of Representatives by the Delegate from that Territory.

Mr. GEORGE. By Mr. JOSEPH?

Mr. JONES, of Arkansas. Mr. JOSEPH. He said:

The bill introduced by me in the early part of this session providing for the admission of New Mexico was merely an enabling act to permit the people of the Territory to form a State constitution under which they would be admitted to the Union. A constitution for New Mexico adopted by a convention composed almost exclusively of Republican delegates has been presented to this House, and I understand that a proposition has been placed before the Commit-

tee on Territories that New Mexico should be admitted under this constitution.

In opposing such a condition to the admission of New Mexico I believe that I represent not only the wishes of all the Democratic voters of the Territory, but of more than three-fourths of its Republican voters. An act was passed by the Territorial Legislature authorizing a constitutional convention, but the apportionment of delegates to this convention was characterized by the most outrageous partisanship. The following extract from a letter by ex-Governor Edwin G. Ross to the gentleman from Missouri [Mr. MANSUR], of January 5, 1890, shows the partisan nature of the apportionment of delegates and the action of the Democratic voters and Democratic central committee of New Mexico:

This is a quotation from Governor Ross's letter:

Primarily, that refusal was based on the exceeding unfairness of the apportionment fixed in the act of the Legislature authorizing the election of the delegates to the convention. That apportionment made it impossible for the Democrats to elect anything approaching a proportionate representation in that convention. It was so fixed with the avowed purpose, by the reputed author of the convention bill, of preventing such a representation.

Including and since the election of 1892 the popular vote of the Territory for Delegate in Congress has been Democratic by more than 1,500 majority at every election, though by reason of an equally unfair apportionment for the election of members of the Legislature (which was made the basis of the apportionment for the election of the convention), the several Legislatures have uniformly been Republican.

To illustrate that unfairness a few examples will suffice.

The counties of Colfax and Mora are contiguous northern counties. At the last general election they cast, respectively, 1,680 and 2,212 votes, or an aggregate of 3,892—Democratic by majorities of 168 and 700, respectively. They were each allowed four delegates in the convention, making eight. The county of Bernalillo is Republican by 430 majority. It has a voting population of 3,564, 328 less than Colfax and Mora, yet was given ten delegates, two more than were allowed the larger number of voters in Colfax and Mora.

The Democratic county of Doña Ana, with 2,015 voters, was allowed three delegates, while the Republican county of Valencia, with 2,064 voters, was allowed six.

The Democratic county of Grant, with 2,297 voters, had three delegates, while the Republican county of Socorro, with 2,524 voters, had six.

These data were before the convention, and there can be no justification of these inequalities.

These constitute one-half of the counties and more than one-half of the population of the Territory, and fairly illustrate the character of the system of apportionment that has prevailed in the election of our Legislatures and of delegates to this constitutional convention.

To have gone into that election under such conditions would have been folly and suicidal.

The Democrats were practically and intentionally disfranchised, but, unwilling to be placed in the attitude of obstructionists until all efforts for a compromise should have failed, it was determined to seek an arrangement whereby this unjust disparity could be at least partially remedied, and they permitted, without an absolute sacrifice of self-respect, to contest the election of delegates to the convention.

Accordingly a conference between the central committees of the two political parties was asked and had.

The whole number of delegates to the convention was 73. Though in a large majority on the popular vote, and believing themselves entitled to and could elect, with a fair apportionment, a corresponding majority of the delegates, the Democratic committee proposed to concede to the Republicans, as the basis of an arrangement under which they would consent to go into the election, a majority of 3 in the convention.

That more than fair proposition was rejected by the Republican committee, and it was then determined to take no part in the election.

Now, on a constitution framed by a convention called under circumstances like that the Committee on Territories are now considering the propriety of admitting New Mexico and of submitting that constitution to the people when the Democrats were absolutely disfranchised. I agree with the Senator from Connecticut that if he means to admit New Mexico under this constitution adopted with this infamous apportionment, in all human probability New Mexico will be Republican, although it has elected uniformly, without a solitary exception, I believe, a Democratic Delegate to the House of Representatives.

At the last election for Delegate to Congress—

Says Mr. JOSEPH—

a vote of nearly 32,000 was polled. At the election for delegates to the constitutional convention so great was the disapprobation of the people for the methods used in calling this constitutional convention, which should have been as free from partisanship as possible, that the total vote for delegates was but little in excess of 7,000.

Here is a convention elected by a total vote of a little over 7,000 people in this Territory, and that is to be accepted as a fair constitution for that Territory and as adopted by its people. It is a fine parallel with the Territory of Wyoming which is proposed to be admitted by a vote of 6,000. Neither of these can be held by any fair-minded man as being properly adopted by the people of either Territory.

It seems to me but fair and just and reasonable, in view of this manifest unfairness, that we should have an enabling act that will allow a fair, a full, and a free vote upon this question, and then let them come in as they choose. There certainly ought to be no objection to doing this. It seems to me to be absolutely unreasonable that anybody should complain that these inequalities be got rid of before these Territories become States.

The framers of that constitution—

Says Mr. JOSEPH—

knew so well that it could not receive the approbation of a majority of the voters of the Territory that they made no provision in it, nor has the Legislature since made any provision, for its submission to the people.

We understand from the Senator from Connecticut, the chairman of the committee, who has charge of these measures, that they are now considering the propriety of admitting this Territory as a State, submitting first this constitution to a vote of the people, knowing perfectly well that the adoption of any such measure will be a simple and a hollow mockery, and that the people of New Mexico if they had the op-

portunity to vote upon this question would stamp and spit upon it; that they will repudiate it; that they will have none of it. Thereby, then, it can be said hereafter that New Mexico might have been a State in the Union but for her own obstinacy and willfulness; that she spurned a proposition by Congress to admit her into the Union, offering a constitution that every man in the Senate must know is scorned by the large majority of the people of the Territory. It can not be possible that any such thing can be considered a fair proposition to admit New Mexico into the Union.

Mr. PLATT. Will the Senator allow me a single interruption?

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Connecticut?

Mr. JONES, of Arkansas. With pleasure.

Mr. PLATT. I think the Senator ought to state, when he is making these wholesale charges with relation to the constitution and how it is regarded by the people of New Mexico, that a committee consisting of thirty or forty of the prominent citizens of New Mexico, who came here to urge legislation of other character in favor of land-grant legislation, composed both of Republicans and Democrats, appeared before our committee and asked us to do that very same thing. Here is the hearing before the committee, and, whatever political differences may have existed, they certainly sank them for that occasion and recommended that the Territory should be admitted upon the submission of that constitution.

Mr. JONES, of Arkansas. That is true, and it is also true that the gentlemen who were present there then said they were acting for themselves, and that they believed they were representing the people of the Territory and that that would be satisfactory to the people of the Territory; but the Democrats present and in the committee, in the presence of the Senator from Connecticut and all the rest of us, that it was because there had been an agreement come to between the Democrats and Republicans that this unfair and monstrous apportionment should be corrected, and it was because they were willing to trust them and believed that they would make that correction.

But there is the proposition; it stands there; and its unfairness can not be successfully questioned. It was not questioned by the Republicans who were present before the committee, and the Democrats who appeared there themselves made the charge that this unfairness existed, but that they were willing to trust them to make a correction and it was agreed to by both sides; but not one solitary word fell from the lips of any human being questioning one word of all these charges of unfairness and gross injustice.

Mr. PLATT. There was not anything said about it, that I remember, in that hearing.

Mr. JONES of Arkansas. I remember it distinctly, and the record will show it, if the Senator will read it, if the stenographer took it down. If he did not, I can find the man who said it.

Mr. President, the present governor of the Territory of New Mexico is a Republican. He has lived for some years in that Territory. He appreciates the troubles, the hardships, and the unfairness of being kept in this state of tutelage for so many years, and he is anxious that the Territory should be admitted. In reply to the charges that have been made as to the qualifications of the citizens of New Mexico to become citizens, I want to read an extract or two from his report to the Secretary of the Interior for 1889, the last report. He says:

The people of New Mexico were disappointed that, in the final action of Congress last spring relative to the admission of new States, our Territory was not included. The House of Representatives passed the admission bill, but the Senate refused concurrence, and in the conference committee New Mexico was omitted.

In fact we felt more than disappointed, for we had an obvious right to admission far exceeding that of any other Territory except Dakota. New Mexico was a much older Territory than either of those admitted; its population largely exceeded that of Montana or Washington; it had a special right to self-government under the treaty of Guadalupe Hidalgo; it had only failed of admission in 1876 by an accident, after the enabling act had passed both Houses of Congress by large majorities; its resources were both greater and more varied, and its population was better adapted for safe and conservative self-government than that of other sections of the West.

I should like to call right there the attention of the Senator from Oregon [Mr. MITCHELL] to the fact that when he attempted to make the point awhile ago that in 1876 the Senate passed a bill admitting New Mexico and a Democratic House refused to admit it, the Republican governor says that both Houses passed an enabling act, but I suppose passed separate acts, and because it was not the same bill it failed to become a law. But both Houses of Congress passed it.

This refusal to admit has forced us to recognize that there is a prejudice in the older States against New Mexico, which, although based solely on ignorance of our condition, yet is none the less powerful and injurious. One idea prevalent in the East is that New Mexico is not prepared for statehood. On the contrary no Territory ever had such thorough preparation. For forty years she has been electing her Legislatures and enacting her laws, the only officers usual in States and now appointed by outside authority being the governor, secretary, and supreme judges. As long ago as 1850 she adopted a State constitution and elected her governor and senators, and was only kept out by the adoption of the celebrated "compromise measures" of that year.

Twenty years afterwards she held a constitutional convention which formulated a constitution really admirable in its provisions. In 1876 the bill to admit her to statehood passed both Houses of Congress, and only by non-concurrence in an amendment failed to become a law.

Another common objection is that the ratio of illiteracy is high. That this is true of the older native population no one will deny. But that condition is be-

ing rapidly changed. Official reports show that the ratio was reduced 20 per cent. in five years, and Governor Ross stated in a recent letter to the President: "In no community have more persistent and successful efforts been inaugurated for the promotion of public education than in New Mexico within the last few years."

The clause which I have just read was from Governor Ross. Governor Prince goes on to say:

She has many hundreds of public schools, and a larger share of her general taxation is appropriated to education than in any State. That she has no school fund is simply because she is a Territory, and not a State, and admission will provide fully for that. The people are eager for education, and but few of the new generation will not speak English. Besides the public schools there is an unusual number of colleges, academies, and private schools.

To many the character of the population seems to be a bugbear, but this is because the facts are entirely misunderstood.

Only a few months ago a leading journal of national influence spoke of "four-fifths of the population" as being "peon Aztec Indians," whatever they may be! It is true that we may have about 10,000 Pueblo Indians in the Territory; but, in the first place, they are remarkably far from being "peons," and, secondly, they do not vote in Territorial elections, though, if they did, their character is such that they would be a good element in any body politic.

I wish Senators would bear in mind that this is a statement made by the Republican governor, the present governor of the Territory appointed by this Administration, who occupied the position of chief-justice under administrations there before, who has been a resident of the Territory for a number of years and is familiar with the people. He has studied the condition of things there, and he ought to be, and I believe is, a straightforward, intelligent, honest man.

But to the uninformed—

He goes on to say—

the large number of voters of Spanish descent is looked upon as a grave misfortune. There could not be greater mistake. It is the possession of that conservative element in connection with the energetic and enterprising American from the East which gives New Mexico her special advantages as a self-governing community over most other Territories. Every one familiar with the far West knows that the principal danger in new communities arises from the unsettled and irresponsible character of much of the population. The inhabitants are continually changing. The number of men through all that region with whom two years is a long residence in any one place is astonishing.

The habit of moving is upon them, and they are always looking for some new place to which to migrate. An average change of 10 per cent. each year in the population of the towns is less than the registry lists will show. Of course there are many solid, substantial citizens; but this restless, nomadic population constitutes an element that is always active, aggressive, and noisy. They are eager for office, ready to vote for any amount of bonds and taxation, and to their irresponsible action are principally due the heavy indebtedness and not infrequent bankruptcy of so many Western cities and counties. They do the mischief and are gone before its effects are felt.

The chief danger in a new community comes from this class of men and from the overenthusiasm of others who think that life in the new West is a continual boom; and many a State and Territory has suffered from it. But New Mexico runs no such risk. She has a solid, stable, responsible, and conservative element in her native population which counteracts the danger. They are attached to the soil and have no thought of leaving. They are identified with the country and naturally opposed to rash schemes which involve extravagant expense and debt. By themselves they might be too slow and non-progressive, but mixed with our overzealous Americans, they form an admirable combination. It is this conservative element which makes New Mexico far more ready in many respects for safe self-government than most other Territories can hope to be for years.

Mr. President, I commend this conservative, carefully prepared statement of the governor of the Territory, made over his official signature, to the thoughtful consideration of all American citizens, and especially to that class of men who believe that New Mexico can not safely be admitted on account of her population.

But there are numbers of other things in this connection which I will not have time to allude to. I am already fatigued to such an extent that I shall have to conclude in a few minutes.

The Senator from Mississippi [Mr. GEORGE] asks to have restated again the statement made by the committee as to their population a short time ago, and in that connection I will call attention to a statement made by the governor:

The only estimate of population made since 1885 is that prepared by the Territorial bureau of immigration in 1889, which reads as follows, San Juan County having been formed in 1887 from territory which in 1889 belonged to Taos County and in 1885 to Rio Arriba.

I will not go through all the counties, but each county is named and the population in each county is given, aggregating 204,090 population, according to this official statement, in the Territory. The governor upon this says:

I am inclined to think that this is somewhat too high an estimate, and that the real population is below rather than above 200,000. The registration of voters just prior to the election of 1888 is probably the best index that we have to the exact number, although the ratio of men over twenty-one to the remaining population varies somewhat in the different counties, those in which there are many miners and ranchmen, who are usually without families, containing of course a larger proportion of voters. The following table gives the number of voters registered in each county in 1888, and an estimate in round numbers of the population based on that registration, which, I believe, is as nearly accurate as we can hope to obtain before the next census.

And here he gives the counties with a registration of 42,871, and he estimates the population at 195,500. Now the estimates are a little below 200,000.

In the Territory of Wyoming, which we are proposing to admit with objectionable features in the constitution, the Senator from Connecticut claims in his extreme limit a population of 125,000. I have shown that, if that is correct, perhaps not one-tenth of the voting population cast their votes to ratify this constitution, and if he is not right, if the estimates made by this committee are correct they have fifty or sixty

thousand in that Territory which we propose now to make haste to admit into this galaxy of States, and the Territory of New Mexico with 200,000 is compelled to remain a stepchild and to be kept out for an indefinite time. Is there any justice in that? It seems to me the injustice of it would demand a rebuke at the hands of every fair-minded, right-thinking man.

There are a number of other things which are presented by the governor, but as one of the chief objections made to the admission of this Territory has been on account of its condition as to education, I will only allude to that very briefly and then conclude. This Republican governor said on the subject of education:

There is a constant improvement in educational matters in the Territory, and their condition, while not entirely satisfactory, is very encouraging. The territorial auditor, Hon. Trinidad Alarín, in publishing his annual statement, which is condensed from the school reports of county officers, says:

"The progress made in the public schools is quite encouraging, and by working all together in favor of education I hope to see the public schools in the Territory as prosperous as any in the Union. Our people are taking a sincere interest in the advancement of education."

Our school law is by no means perfect and is specially defective in not providing a Territorial superintendent as a responsible head of the system of public education. This, as well as other defects, will be remedied as soon as the State constitution goes into effect, as it contains excellent provisions on the subject.

The lack of a school fund is a serious drawback to successful work, but without special Congressional action the lands reserved for this purpose are not available while New Mexico continues a Territory. Allusion is made to this under its appropriate head.

I have not been able to obtain as complete statistics as are desirable, but the following figures are substantially correct:

Number of pupils enrolled (three counties estimated).....	16,803
Average daily attendance (two counties estimated).....	12,394
Number of male teachers (four counties estimated).....	303
Number of female teachers (four counties estimated).....	185

These figures refer to public schools only. Our private educational institutions, colleges, seminaries, academies, etc., are numerous, well conducted, and successful. All of these are conducted in English.

In view of a prevalent misconception at the East as to the languages in which our public schools are taught, I have endeavored to procure information on that subject, but have not heard from all the counties. The following figures show the number of schools taught in English, the number taught in Spanish, and the number in which both languages are used in each of the counties named.

The aggregate is 342 schools, of which 143 are taught in English, 106 in Spanish, and 93 in both languages. When the delegates from that Territory were before the Committee on Territories and were asked about the number of schools taught in Spanish they gave this solution, which struck me as being perfectly reasonable: In the remote neighborhoods, in the cañons of the mountains, where settlements are sparse and very few people live, the older residents have been there for a long time. They speak Spanish. They learned it from their fathers. It is the language of their families, it is the language, the only language of that country, and when undertaking to get some little education, not having access to the public schools, not having free access to educational advantages, they must secure teachers in the best way they can get them, and young people are picked up in the neighborhood and employed to teach these little schools, as everybody well understands that knows anything about country schools. It is not because they have any objection to the English language, not because every New Mexican is not anxious to have his children taught English, but because they are peculiarly unable to do it.

The sixteenth and thirty-sixth sections of public lands were given to the new States of the West to aid in the cause of education, and you have given magnificent school funds to these Territories, and you propose now to give large quantities of land to this Territory of Wyoming which you are about to admit; limiting the smallest price to \$10 an acre, it will be a magnificent school fund for the people of the Territory; but New Mexico, with all the difficulties and troubles she has had to contend with, is not to be given at the same time the same fair consideration that we give to other localities. How can they improve their condition, how can they educate their children, unless the Government will give them the same sort of assistance that we propose to give to the others?

If we compare the educational condition of New Mexico with that of other Territories, with a population of 200,000 intelligent citizens who are devoted to the flag and have made a record as honorable as that of any State in the Union in the trying hour of the nation's trouble, is it not the proper thing to give them the same rights that you give to other States, and the record they will show will be as entirely satisfactory, not only to the Territory, but it will be an honor to them.

Now, upon the condition of society in the Territory, this community that the Senator from Connecticut is unwilling to have authorized to organize a State, I wish to call attention to a statement made by the governor in this respect and then I will leave the subject:

I can not close this report without a word as to the admirable condition of society which exists.

Mr. GEORGE. Who is that?

Mr. JONES, of Arkansas. The present governor of New Mexico, Governor L. Bradford Prince, a Republican:

I can not close this report without a word as to the admirable condition of society which exists and the quiet and good order which is everywhere prevalent in the Territory. My first experience in New Mexico, as chief-justice in 1879, was at a time when the advancing railroads were bringing an influx of the violent and vicious into New Mexico, from which it suffered for several years. The rough class of men supposed to be characteristic of border life were also

represented in our population at that time, and the courts were well occupied by the criminal business alone. The native population, however, was, as a rule, law-abiding and respectful to authority and was chargeable with but few crimes.

The years have wrought a great change. The horde that followed the railroad has passed on to other lands, only leaving a few representatives in our penitentiary. The desperado and the "bold bad man" have disappeared. The days of Billy the Kid, of Rudebaugh, and Hoodoo Brown are long since over, and one can scarcely realize that such characters ever existed among us.

No more peaceful or safe community is to be found in the whole land. Crime is more rare than in staid New England, and one may traverse the whole Territory on horseback alone without danger. A recent fact presents a strong illustration of this peaceful condition.

The county of Lincoln is of great size. It contains over 26,500 square miles and exceeds in area the four New England States of New Hampshire, Massachusetts, Rhode Island, and Connecticut, with New Jersey and Delaware added. It borders on Texas, and it is devoted principally to ranching and mining. Its sheriff is an efficient officer, who would let no criminal escape. I visited that county during last July, and examined its jail. It was empty! There was not a single man undergoing imprisonment there, nor one in confinement awaiting trial! I submit that no similar area in the whole country can show such a record as that.

Now, Mr. President, when we have the governor of New Mexico, a man whose character is certainly not to be impeached by any gentleman in sympathy with this Administration, telling us that this is the state of society in New Mexico, how can a friend of the Administration and of that party stand in his place on the other side of this Chamber and say he is an unwilling to admit New Mexico because he is not quite satisfied that the people are fit to govern themselves?

Mr. President, I have about exhausted myself, and I know I have exhausted the patience of the Senate, but some of the other gentlemen who are serving upon the Committee on Territories with me are away and I have endeavored to present as concisely as possible the reasons why this Territory of Wyoming ought not to be admitted under the present proposed constitution, the reasons why it is fair and right and proper that it shall come into the Union as a State, but that it ought to be done in a regular and proper way, and that the other Territories ought to do the same thing.

I have presented this amendment which provides an enabling act for these four Territories, hoping that the calm, deliberate judgment and consideration of this body will justify the passage of such a bill and its enactment into law, and that we may soon see these four Territories take their places as States.

I have not time just now to go over the resources of Arizona. It is next to New Mexico in point of area. It was next to her in 1880 in population and wealth, and while we have no definite and specified data by which we can compare her with the others now, it is a reasonable supposition that she has held her own with the others. There is this circumstance about it: It is stated that there has not been one solitary acre of public land surveyed in Arizona in twelve years. What the purpose is, what the reason is, why it should be so, I do not know. It would seem that the public lands ought to be surveyed, so that if people desire to go there to live they should have the privilege of doing so. Just why this is so I can not say, but it will be taken into consideration in connection with the other fact that while the older Territories are more populous, and while they are larger and wealthier than those north of them, there is an unwillingness on the part of Congress to pass any law that will allow them to become States, while they are making haste to admit the others which have not the same claims to consideration for admission into the Union.

Mr. GEORGE. What is the proportion of the public lands not surveyed in Arizona to those in the other Territories?

Mr. JONES, of Arkansas. I can not say about that. It is a very large proportion. But a very small part of them has been surveyed.

Mr. President, New Mexico has been a Territory for forty years. As I said awhile ago, there have been twenty-seven Legislatures in that Territory. More than half of them have memorialized Congress to be admitted into the Union. Once, in 1874, the Legislature called a constitutional convention; a constitution was adopted and submitted to the people, and there were 40,000 votes cast for a Delegate, and yet only 4,000 voted at all on the question of the ratification of the constitution, not because they did not want to be admitted into the Union; but because the call in their opinion had not been regular.

So conservative are these people, so observant are they of the proper way of doing things, so observant of legal rights and obligations, that they absolutely refused to vote upon the constitution which had been submitted to them by their own Legislature, because they had no enabling act. What a striking contrast with the action of the people of Wyoming and Idaho, who, notwithstanding Congress had given them no enabling act, nor had the Legislature of the Territory authorized it, but the governor, upon his own motion in each case, called a convention and submitted the constitution, which was voted for by a mere handful. I think that that circumstance alone speaks volumes in favor of the conservatism and patriotic loyalty of people of the Territory of New Mexico.

In the Forty-third Congress both Houses passed an enabling act for New Mexico, but, as I said awhile ago, on account of an amendment, it fell through and did not become a law. In the Forty-fourth Congress the Senate passed another enabling act for New Mexico. And yet with all this she is still kept out, and it seems that now she is as far from being admitted as ever before. I submit if we are to admit

New Mexico, if we are to allow these Southern Territories a fair and equal chance with the others, the proper thing to do is to pass an enabling act and to allow all four of these Territories to come into the Union.

Mr. STEWART. Mr. President, I am glad that the Senator from Arkansas has come to the same conclusion that most of us have with regard to the propriety of admitting Wyoming as a State. There appears to be no difference of opinion that she ought to be admitted. The only question is whether we ought to admit some other Territories which are not applying, or whether to do it in some other way. It seems to me that we have got a very simple thing before us now to act upon, and there will be time enough to act upon New Mexico and Arizona when they are before us in the regular way.

The Territories of Idaho and Wyoming have both formed constitutions, submitted them to their people, and have applied for admission.

Neither New Mexico nor Arizona has done so; their cases are not before Congress on their motion at the present time, and I think it would be very well to act upon the question before us.

As to the criticisms on the constitution of Wyoming made by the Senator from Arkansas, they appear to be of no value, and the same is true of the criticisms made by the Senator from Missouri yesterday with regard to it. Their criticisms are directed to section 29 of the constitution, which reads:

No distinction shall ever be made by law between resident aliens and citizens as to the possession, taxation, enjoyment, and descent of property.

That is not different from any of the forty-two States in the Union. None of them make any such distinction at all. So far as the possession, taxation, enjoyment, and descent of property are concerned, all the States of the Union, so far as I am informed, treat alien residents the same as they do citizens.

Then if the constitution of Wyoming is in conformity with the practice of all the States in the Union, it seems to me there can be no objection to the admission of the Territory as a State because Congress did pass an act prohibiting the acquisition of public lands by aliens. That act was passed in order to meet the difficulties which were alleged, that they were buying up public lands so as to monopolize them. As to the necessity of that act, there is a difference of opinion. Certainly it has worked badly as to the development of the mines, and the Senate passed a bill in the last Congress, which failed in the other House, to change that, so far as the mines are concerned, on complete investigation and after full discussion of the whole subject. But it certainly can not be objected to this State that it proposes to do what the others do.

As to the question of woman suffrage, we refused in the case of Washington to interfere with that question at all, although we were pressed very hard to do so. We left it to the people of the State.

Surely we should not undertake to dictate on the question of suffrage in a State. If it was postponed any given length of time, if this proposed enabling act should pass, we should have a constitution presented in the same form. So far as the constitution is concerned, it is republican in form and a good constitution, and it can not be successfully criticised.

Then Wyoming being, as conceded by the Senator, qualified to be admitted as a State, having the requisite resources and the capacity to support a State government, it seems to me it is unfriendly to load the bill down with other amendments involving other questions after this has been considered and passed by the other House. Let us admit Wyoming and Idaho, and we shall then go on to treat the others fairly. I have no idea that there is any disposition on the part of any member of the Senate to treat any one of these Territories unfairly. They will all be treated fairly and be admitted as soon as their condition will warrant it. It is the disposition, I believe, on all sides to admit these Territories as soon as practicable and get them out of the Territorial condition, which is a very embarrassing and a very bad kind of government for people to live under and deny to them the right of self-government which the people of the State enjoy.

This bill having passed the other House, having been favorably reported at an early stage of the session in this body, and having been fully discussed and the State being entitled, according to the argument of the Senator who has just taken his seat, to admission, it seems to me the mode devised is as good as any that can be adopted.

I think we ought to act upon this bill for the admission of Wyoming and then upon the bill for the admission of Idaho, and then I will join the Senator from Arkansas in letting in the other Territories as States as fast as practicable, as fast as their condition and circumstances will warrant. I want to get the people in these distant parts of the country out of a Territorial condition, and that is the disposition of every member of the committee. We have got one case before us now. It is not a good practice to let several Territories in at a time, although we did have an omnibus bill at the last Congress, but a good many Senators thought it would have been better to act upon each of them separately.

We make no mistake in letting in Wyoming, for it is a Territory of vast resources. I will not stop to enumerate, although I might, for I have given it some special attention. Its coal mines are probably equal to those of any State in the Union. Its valleys and its mountains furnish a greater grazing field than can be found in almost any State in the Union. The natural grasses are of the most nutritious kind, and it has a vast amount of the finest agricultural country, and particularly the

northern portion of it, on the headwaters of the Yellowstone and other streams, and there is an abundance of fruit and vegetables of all kinds. It has great agricultural resources and great mineral resources. Besides coal, it has iron and the precious metals, gold and silver, and it is a prosperous, growing community, wealthy and capable of coming into the Union. I do not see why this bill should be loaded down to keep this Territory out and wait for something else to turn up when we have got a Territory that is ready and fit to come in as a State with a constitution that can not be criticised successfully.

I do not see why we should delay. I do not see any issue we have got at all except to admit this Territory as a State.

Mr. REAGAN. The Senator from Oregon [Mr. DOLPH], I understood, desires to address the Senate, but seems not to be present, and I will say a few words on the subject of the admission of this Territory. I think it is unfortunate for the people of Wyoming and for the cause of good government throughout the Union that we can not consider this question upon the merits of the constitution and the circumstances which attend its formation and submission.

That condition is connected with another, which undoubtedly has its influence, that by the admission of this Territory as a State, whether its application for admission has been regular and proper or not and whether the provisions of its constitution are such as ought to be adopted or not, two Republican Senators will be added to the majority already here and one Republican member to the other House and three Republican members to the electoral college for President and Vice-President.

It seems to me that this suggestion is warranted by the fact that here comes before us a constitution which has been formed by a convention called by the governor of the Territory without any enabling act or authority of the Congress of the United States, and an election held upon a notice confessedly insufficient to give the people of that Territory time to consider and act upon the question, and under no authority which made a violation of the law in relation to the election an offense, but simply comes to us as the work of a sort of voluntary meeting of the people.

This, together with the other facts that come to our view, showing that so small a proportion of the people of the Territory voted on a question of so great moment, and connected with the further fact that plainly the constitution shows that political gerrymandering prevailed to such an extent as to disfranchise a very large portion of the people, are all questions that might well give us pause and thought before we admit this new State under this constitution.

I agree with the Senators who have criticised the provision of this constitution allowing aliens to become the owners of land in the proposed State, and I agree with the criticisms that have been made upon the provision allowing women to vote, and I say on that subject, if there had been proper authority for the calling of a convention, if time had been given in the calling of that convention for the people to consider the question before them, if a reasonably fair number of the people of that Territory had voted upon the ratification or rejection of the constitution, whether I agreed with them or not upon these two provisions, I would recognize their right to control their own policy and to adopt such institutions as suited them, they being republican in form. I do not propose to go over the discussion on these subjects, but I do propose to call attention very briefly to that provision authorizing female suffrage.

The chivalric sentiments of men naturally incline them to the sentimental in considering this question, but it is a great and grave question, in my judgment, which requires something more than sentiment for its solution.

Mr. President, this Government was organized and our State governments have been organized upon the idea that the people of this country are capable of self-government. They have been organized upon the idea that our governments, Federal and State, are governments of consent, governments of agreement amongst the people, as contradistinguished from the forms of government which prevail in other parts of the world. The old idea of government was, and the monarchical idea is, that governments must be so organized as to have repressive and coercive force sufficient to preserve order in society and to give security to life and person and property. That is the idea of the monarchies of the Old World.

One of the most distinguishing features of our Republican system of government is that it was exactly the reverse of this, that the Government should not have that power of repressing and coercing the people against their will, but that it was the people's Government, made by them, and for them, and administered for their benefit, and that they were capable by their intelligence and their virtue of organizing a government, enacting laws, and administering and enforcing laws so as to give repose to society and security to life, to person, and to property.

This was originally our theory of government. I submit, Mr. President, that we have made some dangerous progress upon the subject of suffrage already. If this Republic and the State governments are to be preserved, or rather if liberty and peace and security to life and person and property are to be preserved in them, it must be by the intelligence of the men who make and carry on the governments, the voters of this country.

Our Revolutionary fathers, in the organization of the early State gov-

ernments, were so jealous of this as to be careful in nearly all the States to make provision, according to the doctrine laid down by Aristotle and sustained by many of the wisest men from his time, that both persons and property should be represented. Dr. Franklin's anecdote as to whether the mule or the man was entitled to vote did a good deal to dispel this conservatism, but it is too grave a subject to be controlled by anecdotes or sentiment.

We have ceased in all the States to regard it as necessary that property should at all be represented in our governments. We have adopted the idea in nearly all the States that persons alone are to be represented in the formation and organization of our governments. But we have gone beyond this. Instead of requiring qualifications showing the intelligence and capacity of the voter to organize, maintain, and support government in its true spirit, the appeals of demagogism to classes, in the hope of securing their votes, have made us do away with all our restriction upon the right of suffrage, and further they have caused us in this country to enfranchise everybody with the right of suffrage in most of the States.

It is so in the State which I have the honor in part to represent, and people who are not citizens, who have come to this country and merely declared their intentions to become citizens and been here six or twelve months, more or less, have been given the right of suffrage, so that men who come here familiarized with the monarchies of the Old World and looking to the Government as a great central power to control the conduct of the people by its paternal care, and having no conception of our dual system of government carried on by the people, come here with their ideas of a like kind about monarchies and the habits of monarchies, and we clothe them with the power to vote before many of them have been able to read the Constitution, and some of them are never able to read it. Before they know anything of our system of government and without reference to their character and intelligence, people of this sort are admitted to the franchise to make and carry on governments before they become citizens of the United States.

I know, Mr. President, that if I consulted the feelings of demagogues instead of those of the citizen looking to the welfare of the country and of good government, I should feel that this was dangerous ground to tread upon. While I have the honor of a place in the Senate or any other place where the question of good government shall arise, I trust that neither now nor at any other time shall I be found weak enough to seek popularity at the expense of good government.

That has been the trouble with us, and political parties have been running after power and hold out inducements and temptations to classes that they shall be enfranchised, so as to secure votes without reference to intelligence and virtue. I do not blame one party more than another. I blame them all alike. They are all reprehensible for the dangers which we encounter by forgetting that this is a Government to be carried on and perpetuated by the intelligence and the virtue of the people and omitting in the organizations of government to make any provision that intelligence and virtue shall rule in their formation and in the making of laws and the administrations of the governments.

Here we are now confronted with another view, that the women of the Territory of Wyoming are to become voters. That subject has been agitated for a great many years. It has obtained some foothold, to a greater or more limited extent, in several of the States, and we are told repeatedly by newspapers and by politicians of the demagogue order that it is a growing power and must be respected, that the party which stands in the way of it must go down before its numbers and its power.

Mr. President, I will not admit that any living man has greater respect for the women of the country than I have. I will not admit that any living man would go further to protect them in the enjoyment of all their rights than I would go. I will not agree that any living man should be willing to confer upon them privileges and advantages consonant with their nature, their sex, beyond what I would do.

But what are we going to do, what are the people of this Territory going to do by the adoption of this constitution? They are going to make men of women, and when they do that the correlative must take place that men must become women. So, I suppose we are to have women for public officers, and women to do military duty, women to work the roads, women to fight the battles of the country, and men to wash the dishes, men to nurse the children, men to stay at home while the ladies go out and make stump speeches in canvasses.

Now, Mr. President—

Mr. PADDOCK. Will the Senator yield to me?

Mr. REAGAN. Does the Senator wish to make an inquiry?

Mr. PADDOCK. The Senator is *par excellence* the best State-rights man here, or among the best. I should like to know of the Senator if the people of Texas were disposed to have female suffrage whether he would think it a proper subject for the Congress of the United States to consider and determine. I ask whether for that State and for the people of that State, under such circumstances, Congress should make expression as to what its rule of franchise should be or if he thinks it should intervene in respect of the same. Why, then, for an inchoate State, for a State just organizing its own government, on the popular sovereignty idea, in accordance with the views, and the wishes, and the

policies thought to be the best by the people of such young State, or such Territory about to become a State, ought he to ask us to interfere? I ask the Senator if he does not think that a people thus organizing a State have not the same inherent right as his people would have without intervention on the part of Congress to fix their own rule of franchise, to frame their own institutions.

Mr. REAGAN. If the Senator from Nebraska had heard my opening remarks I do not think he would have felt called upon to ask me that question.

Mr. PADDOCK. I was unfortunate in that respect, I admit.

Mr. REAGAN. I stated then and I repeat now that if the people of that Territory had proper authority for calling that convention, if they had had time to consider the question of the adoption of the constitution, and if they had voted in sufficient numbers to indicate that it was the real opinion of the people of that Territory, I would not discuss that question.

Mr. PADDOCK. What is the difference as to the form of authority given to the people to express themselves primarily as to such a matter as this, if they do finally and absolutely express themselves? If they do record their wishes and their judgment in respect to the proposition before the proceeding is concluded? and if their legislative authority afterwards did formally subscribe to it by unanimous vote, as happened in this case? and if all the political parties, where the question should be raised, as it was in this case, and all public expression should be in concurrence therewith, as it was in this case?

Mr. REAGAN. If the Senator from Nebraska had heard my opening remarks I think he would not have thought it necessary to propound his question. I hope the Senator will allow me to go on. He has his views about that subject and I have my views upon the facts which I have presented already, and I do not feel like going over them again. I ask to have the privilege of completing the statement I wish to make upon the subject.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The Senator will not be interrupted without his consent.

Mr. PADDOCK. I certainly should not have interrupted the Senator if he had not accorded to me the privilege of making an observation.

Mr. REAGAN. Mr. President, when the Almighty created men and women he made them for different purposes, and six thousand years of experience have recognized the wisdom and justice of the Almighty in this arrangement. It is only latterly that people have got wiser than their Creator and wiser than all the generations which have preceded them. How is it possible that women can be clothed with the duties and responsibilities of men and at the same time perform the natural and necessary duties of women? The one or the other must be abandoned. The constitution of society, the necessity for the existence of society, the necessity of home government, which is the most important of all the parts of government, can only be preserved and perpetuated by keeping men in their sphere and women in their sphere.

Men must do the outdoor work, men must cultivate the fields, men must build the public works, men must build the residences, men must work the roads, must do military duty, men must fight the battles of the country when that becomes necessary. They are by nature qualified for these duties. They are by their constitution enabled to meet the rugged responsibility and serious labor involved in these. While in the active performance of these duties, however, it is a pleasant, it is a wholesome thing to reflect that after a hard day's struggle and of rough contacts which men must have with each other, they can go to a home presided over by one there who soothes the passions of the day by the sweetness of her temper, the gentleness of her disposition, and the happiness which she brings around the family circle. But if the wife and the husband are both out in the bitter contests of the day, making speeches, electioneering with voters, pushing their way to the polls, they will both be apt to go home in a bad humor, and there will not be much happiness in the family during the remainder of the day that follows such a scene. And while they are both out, what will become of the children? Are they to take care of themselves?

Mr. President, sentimentalism may do for some things, but in the practical affairs of this world as the Almighty has made it and as mankind has respected it until the wisdom of these latter years, it has been found that the happiness of all, the welfare of all, was best consulted and best promoted by the women working in their sphere and the men working in their sphere.

Mr. BLAIR. May I ask the Senator a question?

Mr. REAGAN. Certainly.

Mr. BLAIR. How long is it since men began to vote in this world generally, and how long have they been voting in this country—the English-speaking race or the human race—and how much voting have the most of men done, notwithstanding what God intended them for, according to the Senator?

Mr. REAGAN. I have read some ancient history, Mr. President, perhaps not as much as the Senator from New Hampshire, and I have read how men voted in a sort of way away back in the time of Greece and Rome, and men have been voting all through the years of modern Europe. There are some places in the world where, perhaps, they do not vote yet, or vote but little, as in monarchies, but I do not under-

stand that because men vote therefore women must vote, for if that sort of view is correct, that they must vote also because they are human beings, then children must vote also because they are human beings, and many of them very intelligent ones before they get to be twenty-one years of age.

But that, I submit to the Senator from New Hampshire, does not meet the question which I am presenting, that the good of society, the happiness of the family, the welfare of the country depend upon the preservation of the family organization, depend upon women remaining in the place that God made for them and men performing the duties and accepting the responsibilities that their nature and condition impose upon them.

Mr. BLAIR. Does the Senator hold that the privilege of voting or the exercise of that privilege by men or by women has much to do with the family organization? Does he think that if men vote and women also vote it will destroy the family organization? If so, I would ask the Senator how it happens that the family is an institution coeval with the commencement of society and that probably, taking the human race together from the beginning down, not one man in five hundred has ever exercised the right of suffrage, and not one in five thousand for that matter.

Mr. REAGAN. I am well aware, and I say it with no disrespect to the Senator from New Hampshire, that he has great respect for short-haired women and long-haired men. I can not say that I have that character of respect for them at all. I am trying to argue the question upon philosophical grounds, upon grounds which, it seems to me, should appeal to the reason of every one interested in good government.

Why, sir, family government has, so far as I know, through all the history of the world, been a most interesting and necessary part of government; and I believe more in the doctrine of the common law of family government than I do in the doctrine of the civil-law system of family government; though I think it is well that the common-law system should have ingrafted upon it so much of the civil-law system as secures the rights of property to married women and protects them against any harsh or improper conduct by the husband or the father.

It has been urged by those who favor female suffrage that it is necessary that women should enjoy the suffrage in order that they may be protected in their rights. I have not read the codes of all the States, but I have read some of them and have a general idea of them enough to appeal to the code of laws of every State in the American Union and to appeal to the action of the courts and the juries in every State of the Union to show that every possible right which women can desire for the protection of their persons and the protection of their personal rights, and in most of them the full protection of their separate property, is secured to them, and if anybody needs protection in the courts of the country with which I am familiar, it is the men who need protection against the mere question of sentiment.

I know in the State in which I live—and I think it is so in all the States with which I am familiar—if a case comes before a court in which there is a woman on one side, or minor children on one side, and a man of full age on the other side, the law first, and then the judge, and then the jury are on the side of the woman or of the children, and the man has to fight his way through as best he can. I do not complain of this. I rather feel proud that it is so, that that spirit of chivalry and manhood which must protect them asserts itself in this way, as it asserts itself in every way in human society with which we are familiar.

What rights can women expect to have that they do not have now? They are clothed with the protection of law. If they are abused by their husbands, they have an appeal to the law; and the right to vote would not make their situation better or worse in this respect. If their individual property is interfered with by their husbands, they have an appeal to the law; and the right to vote or not to vote would not change their condition in this respect.

It certainly is not to be assumed that they wish to pass laws which would be unjust and unequal, and I have yet to see the first law in any one of the States pointed to which unjustly discriminates against women or minor children. Men inspired by the feelings of men feel that their own welfare, the welfare of society, the rights and happiness of their mothers, their wives, and their daughters depend upon the passage of laws and the cultivation and enforcement of public sentiment which gives the women and children security and protection.

In my judgment, Mr. President, the day that the flood-gate of female suffrage is opened upon this country, the social organism will have reached the point at which decay and ruin begin.

I know it is assumed that women are purer than men, and I believe that to be true; but it can hardly be assumed that their intellects are stronger, though many of them have evinced great strength and power of intellect. But when we talk of the purity of women and of the intellect of women, we talk of that class who have had the higher and the better advantages of education and moral training. But we must remember that some women, like some men, have enjoyed such advantages, while many of them have not been blessed with those advantages, but have been left in ignorance and with insufficient moral training; and when we open the franchise to them all, these will be let in. All the dangers to the family organization, to society, and to government to which I have referred will then arise.

Mr. President, two of the ablest articles that I have ever seen written or printed against female suffrage were by women, urging reasons with more power and force than I am able to urge at this time, one of them taking hold of the very core of this question and inquiring what was woman made for and why was she made as she is, and what was man made for and why was he made as he is, and reasoning that each in their several spheres, if they perform their several duties, will promote the happiness of both and promote the welfare of society and the good of government.

Mr. President, in view of the amount of demagoguery that controls the politics of our generation and the seeming incapacity of the people to reason when sentiment can be invoked or to look to the safety of the Government when political advantage can be obtained, it seems almost like a waste of breath to talk upon the subject. If we could only remember that here in the greatest Republic that has been seen in the world, with the most thoroughly informed, energetic, and active race of men that perhaps the world has ever seen, here with the ark of the covenant of liberty in our keeping, this recklessly going forward and seeking political advantages at the expense of morality, at the expense of justice, at the expense of good government, is something to discourage those who love their country and who love to see its blessings perpetuated, we should be induced to pause.

To me it seems, with such a people holding domination over such a country, having such responsibilities in their hands, that not only grave Senators but every citizen hoping for the welfare of his country should be willing to consider carefully all the measures which tend to secure good government or to endanger good government. What matters it that one party may get into power one day and another another, by means fair or unfair. Whoever goes into power the great masses of the people are not interested, except in the welfare of the Government.

The great masses of the people have none of the aspirations and expectations of those who hold the offices and administer the Government. There is not a question of patronage and power. Their question is a question of good government, of cheap government, of just government, on principles which should perpetuate that good government and promote and preserve and perpetuate the well-being of society.

Mr. SANDERS. I should like to ask the Senator from Texas a question. My respect for his sincerity and ability is such that possibly I can obtain an answer to this interrogatory which has addressed itself to me: Ought not the law to be the expression of the intellectual and moral sense of the people? Question number one.

Question number two: Is the statement that "governments derive their just powers from the consent of the governed" true or false?

Mr. REAGAN. Mr. President, if I were to answer the abstract questions presented by the Senator from Montana as abstractly as they are asked, the Senate would not be much wiser or much better satisfied than it is now. I suppose the object of asking those questions is to inquire whether all men and all women are not the source of power.

I am trying to answer that question the best I can do by endeavoring to show that God in His providence created women for the domestic circle, to make them the mothers of the world, to make them the mistresses of the homes of the world, to make there a place of repose to which men, after the trials of the day, can go and have peace and repose and a home of comfort and happiness; and that political duties, the right to vote, the right to hold office, the right to perform the duties which nature and the world's experience of six thousand years have assigned to man, are inconsistent with the duties of home, of mother, and of wife, and that the one can not be performed without ignoring the other. When the two are joined, the effect must be in a large measure to uproot the very foundations of society and to destroy the happiness of the people and endanger or destroy government itself in the vortex of anarchy. Such is my opinion of attempting to violate the laws of nature for political purposes.

Why, sir, what is the advantage? If the head of the family votes he is apt to reflect the views of the family. It is more convenient than to have all the family going out to vote. Sometimes there may be differences of opinion on political questions between husband and wife, but that does not very often occur, not sufficiently often to justify the endangering of social order and the good of the Government on that sentiment. My own view is clear as to what should be done if it were possible, though I see no way of retracing our steps upon the subject, for if once we confer the elective franchise I fear it is never to be gotten back until it goes through its dreadful course and ends in anarchy. If it were possible to retrace our steps, I should hope that it might be that none but citizens of the United States, and male citizens, should vote and that no one should vote who did not have some conception of the character of his Government and of the necessity for preserving good government.

Mr. President, the danger of republics consists in the excesses of republics. If we could hold to the conservatism which prevailed at the close of the Revolution and the half century after it, there would be no danger to the liberties of the people of this country; but if we continue to go step by step broadening the elective franchise, opening a wider field for reckless demagoguery, we shall certainly endanger popular liberty, and if we go on in that way the end is anarchy. Nothing can prevent it but conservatism and wisdom such as will ascertain what

will constitute good government and how it is to be constituted and preserved. It can not be constituted, it can not be preserved simply by numbers, nor can it be constituted or preserved by ignorance and by vice, or by either. Good government must be preserved by good sense and the virtue of the people and their capacity to understand what government means, and what it means to make laws, to enforce laws, and to administer a government.

Mr. President, I regret to discuss a question of this kind with so little of previous thought with a view to such a discussion, for I do regard this as one of the gravest questions that can be submitted to any part of the American people, and I discuss it now because of the reasons which I stated some time back, that I did not think the people of Wyoming had sufficient opportunity to express their will. There was no call by anybody having authority upon the people to express themselves as to whether they would have a convention. The call for a convention was one voluntarily made, and an election was held without the obligation of law. If that election had brought out a full vote, it might have obviated much of the objection which I make; but when it is seen that not 40 per cent. of the voters voted at that election and that the time was so short that it was absolutely impossible for the people of that large Territory to be advised of the fact that a constitution was submitted to them and to have an opportunity to consider it, and when we look at the fact that it is shown plainly that for political purposes a very large part of the people of that Territory were disfranchised, I should be glad to see this constitution go back to the people of that Territory.

Let them have time to consider the character of government they wish to form. In forming constitutions it is true in late years we have got to changing pretty rapidly, but they ought to be formed on such general principles as would not need such frequent reforms. They ought to be formed upon full deliberation. I know, sir, that in this constitution there are many good and wise provisions, many that I am glad to see in it, but it seems to me that, all the facts considered, it is right that it should go back to the people for their more careful and deliberate consideration.

While I express this as my conviction, Mr. President, so long as there are two Senators and one Representative and three members of the Electoral College for another party depending upon this action, I shall not very much hope for wisdom and justice to prevail in the decision of this question.

The PRESIDING OFFICER (Mr. PADDOCK in the chair). The question is on the amendment proposed by the Senator from Arkansas [Mr. JONES]. Is the Senate ready for the question?

Mr. REAGAN. I ask for a call of the Senate.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Berry,	Farwell,	Moody,	Ransom,
Blair,	Faulkner,	Morgan,	Reagan,
Cass,	Frye,	Paddock,	Sanders,
Coke,	Gorman,	Payne,	Sawyer,
Cullom,	Hawley,	Pettigrew,	Stewart,
Davis,	Higgins,	Pierce,	Teller,
Sawes,	Jones of Arkansas,	Platt,	Washburn,
Dixon,	Jones of Nevada,	Plumb,	
Dolph,	Manderson,	Power,	
Edmonds,	Mitchell,	Pugh,	

The PRESIDING OFFICER. Thirty-seven Senators have answered to their names. A quorum is not present.

Mr. PLATT. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The Senator from Connecticut moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms will execute the order of the Senate and request the presence of absent Senators.

Mr. DAWES. Is it in order to ask that the members of the Committee on Appropriations may be excused from attendance?

The PRESIDING OFFICER. Nothing is in order until the order of the Senate to secure the presence of absent Senators has been executed.

Mr. SHERMAN and Mr. SPOONER appeared.

Mr. EDMUNDS. I suggest that under the order of the Senate, as soon as Senators whose names were not responded to come in they should announce their presence to the Chair, and that they be entered.

Mr. SPOONER. Mr. President—

The PRESIDING OFFICER. The Secretary will call the name of the Senator from Wisconsin [Mr. SPOONER].

Mr. SPOONER. I was absent from the Chamber on business of the Senate and was in the building.

The PRESIDING OFFICER. The name of the Senator from Ohio [Mr. SHERMAN] will be called.

Mr. SHERMAN. I wish to say that I was engaged in my official capacity, and did not hear the signal for a call of the Senate.

Mr. HISCOCK appeared and responded to his name.

Mr. CARLISLE. Mr. President, I was absent in the barber-shop when the roll was called.

Mr. JONES, of Arkansas. I move that the Senate adjourn. There is evidently not a quorum present, and at this hour of the afternoon it is difficult to get a quorum here.

The PRESIDING OFFICER. The Senator from Arkansas moves that the Senate do now adjourn. [Putting the question.] The yeas seem to have it.

Mr. JONES, of Arkansas. I call for a division.

Mr. EDMUNDS. Let us have the yeas and nays. They will show who is here and who is not.

The PRESIDING OFFICER. On the motion to adjourn the yeas and nays are demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. HIGGINS (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON]. If he were present, I should vote "nay," and I shall vote hereafter if it becomes necessary to make a quorum.

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS].

Mr. PETTIGREW (when his name was called). I am paired with the Senator from Florida [Mr. CALL].

Mr. SAWYER (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT], but I transfer my pair to the Senator from Michigan [Mr. STOCKBRIDGE], who is home sick. I vote "nay."

The roll-call was concluded.

Mr. EDMUNDS. I think it right to say that my colleague [Mr. MORRILL] is absent from the city to obtain three or four days of necessary rest, and I think everybody will understand that he is not derelict in his duty in doing so.

Mr. FAULKNER. I desire to state that my colleague [Mr. KENNA] is detained from the Senate and is paired with the Senator from Colorado [Mr. WOLCOTT].

Mr. DIXON. I announce the pair of my colleague [Mr. ALDRICH], who is absent, with the Senator from South Carolina [Mr. HAMPTON].

Mr. HAWLEY. I had something to do with arranging a pair between the Senator from Missouri [Mr. COCKRELL] and the Senator from Iowa [Mr. ALLISON]. It ought to be announced, perhaps, that they are both absent from the Senate on account of afflictions in their families.

Mr. BLAIR (after having voted in the negative). I withdraw my vote. I am paired with the senior Senator from Mississippi [Mr. GEORGE]. I will state that my colleague [Mr. CHANDLER] is absent by reason of his state of health and is paired with the Senator from New Jersey [Mr. BLODGETT].

Mr. HISCOCK. I desire to announce that my colleague [Mr. EVARTS] is away on account of ill health and is paired with the Senator from Alabama [Mr. MORGAN].

Mr. MANDERSON (after having voted in the negative). I have voted on this question notwithstanding the fact that I am paired with the Senator from Kentucky [Mr. BLACKBURN], not looking upon it as a party question and being desirous of making a quorum of the Senate.

Mr. PADDOCK (after having voted in the negative). I am paired with the Senator from Louisiana [Mr. EUSTIS]. I did not know when I voted that he was absent. As my vote is necessary to make a quorum, I will allow it to stand, under the circumstances.

Mr. HIGGINS. As it is necessary to make a quorum, I will vote. I vote "nay."

Mr. DAVIS. As it is necessary to make a quorum, I will vote. I vote "nay."

Mr. WILSON, of Maryland. I vote "yea," to make a quorum. The result was announced—yeas 12, nays 30; as follows:

YEAS—12.			
Berry,	Gorman,	Pasco,	Ransom,
Carlisle,	Gray,	Payne,	Walthall,
Coke,	Jones of Arkansas,	Pugh,	Wilson of Md.
NAYS—30.			
Cass,	Frye,	Moody,	Sawyer,
Cullom,	Hale,	Paddock,	Sherman,
Davis,	Hawley,	Pierce,	Spooner,
Dawes,	Higgins,	Platt,	Stewart,
Dixon,	Hiscock,	Plumb,	Teller,
Dolph,	Jones of Nevada,	Power,	Washburn,
Edmonds,	Manderson,	Reagan,	
Farwell,	Mitchell,	Sanders,	
ABSENT—42.			
Aldrich,	Cameron,	Harris,	Squire,
Allen,	Chandler,	Hearst,	Stanford,
Allison,	Cockrell,	Hoar,	Stockbridge,
Barbour,	Colquitt,	Ingalls,	Turpie,
Bate,	Daniel,	Kenna,	Vance,
Blackburn,	Eustis,	McMillan,	Vest,
Blair,	Evarts,	McPherson,	Voorhees,
Blodgett,	Faulkner,	Morgan,	Wilson of Iowa,
Brown,	George,	Morrill,	Wolcott,
Butler,	Gibson,	Pettigrew,	
Call,	Hampton,	Quay,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. No quorum has voted. The Sergeant-at-Arms is still engaged in executing the order of the Senate.

Mr. PLATT. When the motion was made to adjourn the Sergeant-at-Arms was executing the order of the Senate to request the attendance of absent Senators. I should like to inquire how many Senators have answered to their names on the call of the Senate which was had to determine whether a quorum was present.

The VICE-PRESIDENT. Forty-one Senators answered to their names.

Mr. PLATT. How many answered on the motion to adjourn?

The VICE-PRESIDENT. Forty-two.

Mr. PLATT. Some Senators announced that they were paired on that vote.

The VICE-PRESIDENT. Senators announced that they were paired and voted.

Mr. PLATT. I ask unanimous consent that the roll may be again called for the purpose of determining whether we have a quorum present.

Mr. EDMUNDS. Without interfering with the execution of the order?

Mr. PLATT. Without interfering with the execution of the order.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Connecticut?

Mr. GORMAN and others. No objection.

The VICE-PRESIDENT. The Chair hears none, and the roll will be again called.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Edmunds,	Mitchell,	Pugh,
Berry,	Farwell,	Moody,	Reagan,
Blair,	Faulkner,	Morgan,	Sanders,
Carlisle,	Prye,	Paddock,	Sawyer,
Casey,	Gorman,	Paeco,	Sherman,
Coke,	Hale,	Payne,	Spooner,
Cullom,	Hawley,	Pettigrew,	Stewart,
Dayis,	Higgins,	Pierce,	Teller,
Dawes,	Hiecock,	Platt,	Walthall,
Dixon,	Jones of Nevada,	Plumb,	Washburn,
Dolph,	Manderson,	Power,	Wilson of Md.

The VICE-PRESIDENT. Forty-four Senators have answered to their names. A quorum is present.

Mr. PLATT. It has been suggested to me by the Senator from Maryland [Mr. GORMAN] that it was not supposed a vote would be reached to-day upon this bill, and that several Senators have gone away expecting to be present at a vote which would be taken or reached to-morrow, and that there would be no objection to a unanimous consent that debate shall cease upon the bill and the vote be taken on the amendments and the bill at a certain hour to-morrow, say 3 o'clock.

Mr. CULLOM. I did not hear the first part of the Senator's statement. Does that include both the Wyoming and Idaho bills?

Mr. FAULKNER. Make it 4 o'clock.

Mr. CULLOM. The agreement ought to include both bills. The same discussion ought to answer for both practically.

Mr. PLATT. Would the Senate be willing to extend the agreement to taking the vote on both bills to-morrow?

Mr. CULLOM. At say 4 or 5 o'clock.

Mr. PLATT. At 4 o'clock?

Mr. MORGAN. The amendment of the Senator from Arkansas has so broadened out this question that a Senator can not speak on it very well under perhaps thirty or forty or sixty minutes. I understand there are three Senators who desire to speak on the bill.

Mr. PLATT. I understand there would be no objection to a vote upon the amendments and upon the bill to-morrow, say at 3 o'clock.

Mr. MORGAN and Mr. GORMAN. Four o'clock.

Mr. PLATT. At 4 o'clock. Then I ask unanimous consent that the debate upon this bill and the amendments cease and the vote be taken upon the bill and amendments at 4 o'clock to-morrow.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Connecticut? The Chair hears none. It is so ordered.

Mr. STEWART. I suggest that the bill be temporarily laid aside and that the other bill be read this evening.

Mr. PLATT. I want to say something on the pending bill.

Mr. EDMUNDS. Mr. President, I wish to have it understood, so far as I am concerned, that this is not an order of the Senate, but is only an understanding that everybody agrees, as an understanding, that it is to be done; and if any gentleman feels it to be his duty to violate the understanding the Chair does not enforce it. I wish to preserve that distinction.

The VICE-PRESIDENT. It will be so understood.

Mr. HALE. Mr. President, I rise to a parliamentary question.

The VICE-PRESIDENT. The Senator from Maine will state his parliamentary question.

Mr. HALE. What is the difference between an order of the Senate and a unanimous agreement of the Senate with any Senator who expects to follow out the unanimous agreement of the Senate? I have never been able to see the difference. An agreement of the Senate entered into by proposition and counter-proposition and understood by both sides, and solemnly fixed. If there is any solemnity about a full

Senate agreeing to a thing, ought to have the full effect, and every Senator ought to understand that it has the full effect, of an order of the Senate. Why it is that it is continually brought to the attention of the Senate that an agreement of this kind may be violated, and that nobody is doing the wrong thing if he does violate it, passes my understanding. I for one am willing that it shall be entered as an order of the Senate and be equivalent to any order that has been made; and I shall propose in any matter that I have charge of, where a unanimous agreement of the Senate is made, that it shall have the force of an order; and I would be willing to stand by it.

Mr. EDMUNDS. Mr. President—

The VICE-PRESIDENT. Will the Senator suspend for one moment? The Chair would like the decision of the Senate with reference to continued action by the Sergeant-at-Arms. He is still executing the order of the Senate.

Mr. PLATT. I move that further proceedings under the call be dispensed with.

The VICE-PRESIDENT. The Senator from Connecticut moves that further proceedings by the Sergeant-at-Arms under the order of the Senate be suspended.

The motion was agreed to.

Mr. EDMUNDS. I wish to say, in response to my friend from Maine, that the difference is entirely immaterial, so far as it regards the personal honor and obligation of Senators, and I have never known it except in some extreme emergency to be departed from, and I hope it never will be. But an order of the Senate changes its standing rules in respect of the liberty of debate, and I believe in the liberty of debate in this body. If any Senator wishes to debate in order to procrastinate affairs, his brother Senators who do not like it can stay as well as he can and have it out. There ought to be one body in this country where freedom of debate may continue, as it has always in this body. It has always been understood that these unanimous understandings, while they bound the honor of gentlemen fully and fairly, were not a rule of the Senate, but I assume that every gentleman present and every one not present is just as much bound as if it were an order of the Senate.

Mr. HALE. I suppose that the freedom of debate, which I believe in for this body as much as the Senator from Vermont, does not prevent all the Senators present at any time from agreeing not to talk. It ought not to.

Mr. STEWART. Mr. President, if these agreements are not binding and not so regarded by members of the Senate, it will lead to very unpleasant results. There is much talk about having the previous question. The unanimous agreement takes the place of it and enables us to terminate debate. When I was in the Senate previously I never knew such an agreement to be violated. If it can be kept sacredly by all Senators, it answers every purpose and gives us the freedom of debate.

Mr. EDMUNDS. And it always is.

Mr. FAULKNER. I should like to ask for information of the Senator from Nevada whether he has ever known those agreements to be violated at all.

Mr. STEWART. There was a case the other day where it was not observed, as I understand.

Mr. FAULKNER. I have not heard of any such case myself.

Mr. EDMUNDS. It is very rare.

Mr. STEWART. It is very rare. All I wish to do is to call attention to the importance of observing these agreements as binding. Otherwise other results will happen that would prevent the Senate from being that deliberative body which it always has been. They are very important agreements. We can terminate debate in that way; when the nature of it is perfectly understood I presume that no Senator will violate the agreement, and it is not necessary to have it an order further than binding upon the honor of the Senate, because every one sees the importance of it.

Mr. PLATT. I do not understand that the suggestion which was made by the Senator from Vermont was intended in any way to militate against the unanimous consent which had been reached upon the pending bill.

Mr. EDMUNDS. Not at all.

Mr. PLATT. And there is no suggestion that that agreement shall not be kept in good faith?

Mr. EDMUNDS. Of course not.

Mr. GORMAN rose.

Mr. PLATT. Does the Senator from Maryland wish to address the Senate?

Mr. GORMAN. I was going to move an adjournment.

Mr. PLATT. I should like to reply for a few moments to one point made by the Senator from Arkansas [Mr. JONES] in his remarks. If I have the floor I will address myself to one point that was made in the argument of the Senator from Arkansas upon the bill.

The VICE-PRESIDENT. The Chair recognizes the Senator from Connecticut.

Mr. PLATT. I am sorry not to see the Senator from Arkansas in his seat, but I can not waste the time of the Senate because he happens to be absent.

Mr. GORMAN. Do I understand that the Senator from Connecticut is going on with the bill this afternoon?

Mr. PLATT. I desire to reply to some observations that were made by the Senator from Arkansas. I shall be very short.

Mr. GORMAN. There is no earthly objection to that. I only wanted to have an understanding with the Senator, when I made the suggestion of an understanding to the Senator, it was for the purpose of facilitating public business, and we were to have no vote to-night I understand.

Mr. PLATT. Not upon this bill.

Mr. GORMAN. Not on the pending question?

Mr. PLATT. No.

Mr. President, the Senator from Arkansas concedes that Wyoming, upon the facts, upon the conditions, upon her resources, upon her population, is entitled to admission; and I thank him for that concession. The only new objection that he makes, so far as I was able to follow his remarks, is that the convention which formed the constitution that has been presented here was irregular; that it was not called in pursuance of any act of the Territorial Legislature. I ought perhaps to say that he criticised the size of the vote upon the adoption of the constitution; but the principal point that he made was that that convention was irregularly held; that it was not called in pursuance of an enabling act of Congress or of an act of the Territorial Legislature. I suppose that stress was laid upon the fact that it was not called in pursuance of an act of the Territorial Legislature, because it is too late in the history of the admission of States to claim that a State is not properly admitted when the Territorial Legislature has taken action for the calling of a constitutional convention, and the constitutional convention has been held in pursuance of that act, and the constitution submitted to the people, and ratified by any vote, large or small, so that a majority was cast in favor of the adoption of the constitution. State after State has been admitted in that manner, and all those objections have been passed upon by the Senate.

But I want to go a little further, Mr. President, and I want to show that an argument that the convention which framed the constitution was irregular has never prevailed when the question of the admission of a State has been before the Senate or before Congress. State after State has been admitted when the convention which formed the constitution was not as regularly called as in this case, where no enabling act had even been reported which authorized the call of the convention to form a constitution.

This convention was called by the governor. It was called upon the petition of a majority of the representatives of the counties of Wyoming. An election was ordered; an apportionment in all items was made, such as obtained for the election of members of the house and senate in the Territorial Legislature. The law relating to the election of members of the Legislative Assembly of the Territory was followed in the voting. The election was called in the manner in which elections for members of the Legislative Assembly are called. All the conditions required to elect a Legislative Assembly were observed in the election of delegates to this constitutional convention.

Mr. President, States have been admitted where that had not been done. The constitutional convention which framed the constitution on which California was admitted to the Union was called by the military governor of California, at the request of no one, at the request of no counties, at no request of the people—called upon his own motion. That convention was held, a constitution was framed by that convention, and it was submitted to Congress, and California was admitted in that manner.

So far as I can read the record with reference to the admission of the Senator's own State of Arkansas, this convention was more regular than the convention which framed the constitution upon which Arkansas was admitted into the Union. If there was ever any convention called in Arkansas by any authority whatever when its constitution was framed it does not appear in any of the public documents of the time. Arkansas came into the Union in this way: In the Twenty-fourth Congress, at the first session, Document No. 133 of the House of Representatives is the memorial of the convention praying for the admission of Arkansas into the Union as a State, and it says this:

The people of Arkansas, animated with a desire for the enjoyment of independence and self-government, have, by an expression of their will, approximating to unanimity, elected representatives, to meet in convention at the city of Little Rock, with full and ample powers to make a constitution and system of State government for Arkansas. The accompanying constitution is the result of their deliberations.

The constitution starts with this declaration:

We, the people of the Territory of Arkansas, by our representatives in convention assembled at Little Rock, on Monday, the 4th of January, A. D. 1836, and of the Independence of the United States the sixtieth year, having the right of admission into the Union as one of the United States of America, consistent with the Federal Constitution and by virtue of the treaty of cession by France to the United States of the Province of Louisiana, in order to secure to ourselves and our posterity the enjoyment of all the rights of life, liberty, and property, and the free pursuit of happiness, do mutually agree with each other, etc.

The message of the President, transmitting the constitution which had been framed, was dated March 10, 1836, and is to be found in Document 164 of the Twenty-fourth Congress, first session, House of

Representatives. It was sent by Andrew Jackson, and that Democratic President made no suggestion of irregularity in the proceedings in the holding of the convention in Arkansas and the framing of a constitution. His message is this:

WASHINGTON, March 10, 1836.

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State communicating the proceedings of a convention assembled at Little Rock, in the Territory of Arkansas, for the purpose of forming a constitution and system of government for the State of Arkansas. The constitution adopted by this convention and the documents accompanying it, referred to in the report from the Secretary of State, are respectfully submitted to the consideration of Congress.

ANDREW JACKSON.

The letter of the Secretary of State is as follows:

DEPARTMENT OF STATE, March 9, 1836.

The Secretary of State has the honor to report to the President that he yesterday received a letter dated at Little Rock, in the Territory of Arkansas, on the 1st of February, 1836, signed by John Wilson, as president, and countersigned by C. P. Bertrand, as secretary, of the convention assembled at that place for the purpose of forming a constitution and system of government of the State of Arkansas, accompanied by a duplicate of the constitution and other documents, and requesting the Secretary of State to have the same laid before Congress. The Secretary respectfully submits to the President copies of the above-mentioned letter, together with the duplicate original of the constitution and other documents which accompanied it.

JOHN FORSYTH.

To the PRESIDENT OF THE UNITED STATES.

This is John Wilson's letter, addressed to the Secretary of State:

LITTLE ROCK, A. T., February 1, 1836.

Hon. JOHN FORSYTH, Secretary of State:

SIR: As president of the convention assembled at this place for the purpose of forming a constitution and system of government for the State of Arkansas, I have been directed, etc.

I will not read the whole of it. Then, as president of the convention, he addresses the honorable the Senate and House of Representatives in Congress assembled:

The people of Arkansas, through their representatives in convention assembled, respectfully represent to your honorable body that the Territory of Arkansas, by an accession of population within her limits, has now that number of inhabitants that justifies her to look with confidence to her admission into the Union as one of the free and independent States of the American Confederacy at as early a period as the necessary forms of admission can be complied with.

Nothing was said here about a Territorial Legislature having authorized the convention.

The people of Arkansas, animated with a desire for the enjoyment of independence and self-government, have, by an expression of their will approximating to unanimity, elected representatives to meet in convention at the city of Little Rock, with full and ample powers to make a constitution and system of State government for Arkansas. The accompanying constitution is the result of their deliberations.

Then follows the constitution; and I look through that constitution in vain for any provision requiring it to be submitted to the people, and I look through all these documents in vain to find that that constitution was ever submitted to the people or ever voted upon by the people of Arkansas before its presentation to the Congress of the United States. The question of its irregularity was made in Congress, in the Senate, and Senators replied that that was not the question; that the question was whether the constitution was republican in form, whether Arkansas was entitled under the treaty, according to her population and resources, to admission as a State into the Union; and it prevailed in the Senate with only 6 votes against it. It was, I think I am justified in saying, never voted upon by the people. The argument could have been made then, not that only 8,000 people voted on it, but it could have been made that nobody voted on it; that it was an irregular, unauthorized convention that presented a constitution here; and yet Arkansas was admitted under those circumstances, and Arkansas polled in the next Presidential election only 3,638 votes.

Mr. President, it seems to me that it is altogether too late to stand here and say that this Territory shall be kept out of the Union, that all these proceedings shall be had over again, simply because no act of the Territorial Legislature was passed authorizing the calling of this constitutional convention. It was held. The best men of the Territory were elected to take part in it. No political dissension characterized the deliberations of that convention. There has been no protest sent here from that Territory.

We are treated to arguments of this character, that in some newspaper somewhere it has been stated that at a precinct in the Territory the vote was not proper and legal. That was denied on the floor of the body where the charge was first made, and denied, I believe, by the authorized Representative of the Territory of Wyoming upon that floor. Why should that be brought here? It is not a fair, manly, open way of meeting this question. The proceedings have been as regular here as in any of the States that have been admitted upon a constitution framed without an enabling act, and twelve States at least, I think thirteen States, have now been admitted upon constitutions passed by conventions held, some of them by authority of the Territorial Legislature, some of them without the authority of the Territorial Legislature, and none of them having the authority behind them of an enabling act of Congress.

Mr. PADDUCK. Mr. President, I simply wish to make a statement in respect to what occurred in my own State in connection with our movement for and our admission into the Union. There was no con-

vention whatever held in my State. The Legislature appointed a committee to draught a constitution. That constitution was draughted by the committee so appointed and reported to the Legislature. The Legislature submitted the constitution to the people direct, and the people ratified it at the general election thereafter. The vote upon the ratification was 3,938 for the adoption of the constitution and 3,838 against it. There was a very sharp controversy, a very bitter opposition to the adoption of the constitution. The majority, therefore, was very small.

But it is a significant fact in connection with what the Senator from Arkansas has said respecting the smallness of the vote in Wyoming on the adoption of that constitution that although the vote for the adoption of the constitution of the State of Nebraska occurred at a general election, when all the State officers and members of the Legislature were chosen, so that the incentive for a large vote was very great, nevertheless at that election the vote for the State officers was 9,120; and this was 1,244 more votes than were cast upon the question of the adoption and the ratification of the constitution. About one-eighth of the entire vote of the State or Territory was not polled upon the question of the ratification or adoption of the constitution.

Mr. PLATT. The estimated population of Nebraska at that time was 100,000, and it very much exceeded that, undoubtedly.

Mr. PADDOCK. No, Mr. President; as I stated to the Senator from Missouri [Mr. VEST] yesterday when he made the statement as to the population, that estimate was incorrect. The real population at that time did not exceed 45,000. Taking the entire vote upon the election of State officers, 9,120, and allowing a ratio of five persons for each vote, which would be a liberal estimate in a Territory such as Nebraska was at that time, it would come to about 45,000 people. I stated to the Senator from Missouri yesterday that my recollection was that the population as we supposed it to be at that time was about 50,000. It could not have been more than 45,000.

Mr. REAGAN. Mr. President—

Mr. PADDOCK. Again, Mr. President, if the Senator will allow me a moment, in 1875 a new constitution was framed regularly by a convention appointed by the Legislature duly elected, etc. That constitution also was submitted at a general election at which the State officers, etc., were voted for. The vote for the State officers at that time, at a general election, an important biennial election, was 46,483, whereas the vote upon the adoption of the constitution at that time was only 35,676.

So it would appear from this practical illustration that the point made by my friend from Arkansas in respect to the small vote in Wyoming upon the adoption of the constitution at a special election in an inclement season of the year, where women who were voters could not be expected to get out to vote, is not a very strong one.

Mr. REAGAN. I wish to ask the Senator before he takes his seat if he desires to be understood that the Territorial Legislature of Nebraska inaugurated a movement for the adoption of the constitution.

Mr. PADDOCK. That is exactly what I said.

Mr. REAGAN. I find in looking—

Mr. PADDOCK. If the Senator will allow me, I will give him a little more history on this subject.

Mr. REAGAN. I find in looking at part 2 of the Charters and Constitutions of the United States—

Mr. PADDOCK. If the Senator will allow me, I anticipate what he wishes to say.

Mr. REAGAN. On page 1201 of volume 2, there is the enabling act, dated April 19, 1864, authorizing Nebraska to form a constitution—

Mr. PADDOCK. That is very true; there was an enabling act, as my friend states.

Mr. REAGAN. Providing how it shall be done.

Mr. PADDOCK. There was an enabling act passed in 1864, and in pursuance of that act a convention was called in that year for the purpose of framing a constitution and delegates thereto were chosen, but the people were almost universally hostile to the movement, and in response to this overwhelming sentiment the convention met at the appointed time and adjourned upon the same day of its meeting without taking any action whatever. But three years later the Legislature itself, without reference to the enabling act, took action in this informal and irregular way that I have described.

COURT AT DANVILLE, ILL.

Mr. CULLOM. I ask unanimous consent that the bill under consideration be temporarily laid aside that I may call up the bill (H. R. 9289) to provide for a term of court at Danville, Ill. There will be no discussion upon it. It is a bill reported from the Judiciary Committee.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAY OF LETTER-CARRIERS.

Mr. SAWYER. I report from the Committee on Post-Offices and Post-Roads an original joint resolution, on which I ask immediate ac-

tion. I think there will be no objection to it. If there is I will explain it.

The joint resolution (S. R. 106) to continue the unexpended balance of appropriation for the free-delivery service of the Post-Office Department for the fiscal year ended June 30, 1888, was read the first time by its title, and the second time at length, as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of \$99,439.07 of the appropriation for the free-delivery service of the Post-Office Department for the fiscal year ended June 30, 1888, be continued and made available to June 30, 1891, for discharging the claims of letter-carriers for compensation for extra time in the months of May and June, 1888, made under the provisions of an act entitled "An act to limit the hours that letter-carriers in cities shall be employed per day," approved May 24, 1888.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution? The Chair hears none, and it is before the Senate as in Committee of the Whole.

Mr. SAWYER. If any one wishes I have a letter from the Postmaster-General which I can have read.

The VICE-PRESIDENT. If there be no amendment as in Committee of the Whole, the joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate without amendment.

Mr. REAGAN. I take it for granted that we shall have to pass this joint resolution. The Department charged with the details of arranging pay for the letter-carriers at the period of eight hours a day, it is understood and stated in the paper which the chairman of the Committee on Post-Offices and Post-Roads has, has not had sufficient force to enable them to complete the business of determining the amount to be paid to each of the letter-carriers up to this date; and I take it for granted we shall have to pass the joint resolution. I do not want to discuss it, but simply to say that I wish I had the opportunity to vote for a repeal of the law which authorized such a proceeding and such an unnecessary expenditure of money.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SAWYER. I ask to have the letter of the Postmaster-General in support of the joint resolution printed in the RECORD. It shows why the measure is necessary.

The VICE-PRESIDENT. The letter will be printed in the RECORD, if there be no objection.

The letter is as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., June 25, 1890.

SENATOR: I have the honor to state that the Department is now adjusting the claims of letter-carriers for services performed in excess of eight hours under the act of Congress approved May 24, 1888, entitled "An act to limit the hours that letter-carriers shall be employed per day," and that it has been and will be impossible, on account of insufficient clerical force, to complete the adjustment of any considerable number of these claims which will be chargeable to the appropriation remaining unexpended made for the fiscal year ending June 30, 1888, in time for their payment prior to said date, and to request the passage of a joint resolution by Congress authorizing the continuance until June 30, 1891, of the balance unexpended on said June 30, 1888, amounting at this date to \$99,439.07, which by law will be covered into the Treasury July 1, 1890. A form of resolution is herewith inclosed for your consideration.

Respectfully,

JNO. WANAMAKER,
Postmaster-General.

HON. PHILETUS SAWYER,
Chairman Committee on Post-Offices and
Post-Roads, United States Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MARTIN, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9603) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1891, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HITT, Mr. DUNKLELL, and Mr. MCCREARY managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9856) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1891, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BINGHAM, Mr. KETCHAM, and Mr. BLOUNT managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 4570) to authorize the Leavenworth and Platte County Bridge Company to substitute a pivot draw-bridge over the Missouri River in place of a ponton bridge, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BAKER, Mr. ANDERSON of Kansas, and Mr. DAVIDSON managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 7263) to increase the pension of Henry L. Potter, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MORELL, Mr. BELKNAP, and Mr. TURNER of New York managers at the conference on the part of the House.

The message also announced that the House had passed the following bills in which it requested the concurrence of the Senate:

A bill (H. R. 8047) to construct a wagon bridge across the Mississippi River at Hastings, Minn.;

A bill (H. R. 8155) to grant school district No. 7 of the township of Dearborn, Wayne County, Michigan, certain lots of land for school purposes;

A bill (H. R. 8792) to authorize the construction of a bridge across the Mississippi River at Winona, Minn.; and

A bill (H. R. 10086) granting leaves of absence to clerks and employees in first and second class post-offices.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. I ask the Chair to lay before the Senate the message of the House of Representatives in relation to the Post-Office appropriation bill.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives, non-concurring in the amendments of the Senate to the bill (H. R. 9856) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1891, and requesting a conference on the disagreeing votes of the two Houses.

Mr. PLUMB. I move that the Senate insist on its amendments and accede to the request of the other House for a conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. PLUMB, Mr. ALLISON, and Mr. BLACKBURN were appointed.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. PLUMB. I ask that the message of the House of Representatives relating to the consular and diplomatic bill be also laid before the Senate.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives, non-concurring in the amendments of the Senate to the bill (H. R. 9603) making appropriations for the consular and diplomatic service of the United States for the fiscal year ending June 30, 1891, and requesting a conference on the disagreeing votes of the two Houses.

Mr. PLUMB. I move that the Senate insist on its amendments and accede to the request for a conference with the other House.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. ALLISON, and Mr. BLACKBURN were appointed.

WASHINGTON IRON WORKS.

Mr. HIGGINS. I am authorized by the Committee on Claims to present a report on the bill (S. 1187) for the relief of the Washington Iron Works, being a substitution for a report heretofore made.

The VICE-PRESIDENT. The report will be printed.

PROTECTION OF TIMBER ON PUBLIC LAND FROM FIRE.

Mr. PADDOCK. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 4156) for the protection of trees and other growth on the public domain from destruction by fire. It is a bill that was sent to the Senate by the President on the request and recommendation of the Secretary of the Interior.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that any person who shall maliciously or negligently and carelessly set on fire or cause to be set on fire any woods, underbrush, or prairie on any of the public lands of the United States, and any person who shall maliciously or negligently permit or suffer any fire, which he may have lighted on other lands, to pass therefrom to the public lands of the United States, to the injury of the trees, undergrowth, or prairie upon such public lands, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any district court of the United States having jurisdiction of the same, shall be fined in a sum not more than three times the value of the trees or other growth so destroyed or injured, or imprisoned for a term not more than three years, or both, one half of the fine to go to the informer and the remaining half into the public-school fund of the county in which the trees or other growth so destroyed or injured are situated.

Mr. TELLER. Is that confined to the Territories? Does it not include the States?

Mr. PADDOCK. No, sir; not the States; only public lands, the general public domain under the undisputed jurisdiction of the United States.

Mr. PLATT. I should like to be sure whether it does or does not relate to public lands in the States.

Mr. PADDOCK. I did not quite understand the interrogatory of the Senator from Colorado. I am inclined to the opinion that it relates to the public domain wherever it may be. This bill came to the Senate from the Secretary of the Interior through and with the indorsement of the President of the United States. There is immediate urgency for the passage of the bill; and the reports of the Interior Department are of such a character—

Mr. TELLER. I think if the Senator will reflect a moment he must know that the Government of the United States can not create an offense in the State of Nebraska or in Colorado, except on those lands where they have exclusive jurisdiction.

Mr. PADDOCK. Then if the Government of the United States can not do it, it is not provided to be so done by the bill.

Mr. TELLER. It does not look well for us to pass such a law. The bill should be confined to the Territories of the United States. It is like a great many other things that are attempted to be done nowadays; it will amount to nothing.

Mr. PADDOCK. I do not think the point the Senator makes is good. My belief is that the forests upon the public land of the United States may be guarded by proper legislation by Congress; and certainly they ought to be in the light of recent reports as to the denudation of the forests upon the public domain by fires resulting from causes which this legislation aims to remove.

Mr. TELLER. The United States Government has no authority whatever to say what shall be larceny nor what shall be a misdemeanor on the public lands in the State of Colorado. It has no right to make it a criminal offense to burn timber in the State of Colorado. The relation of the Government of the United States to its timber in Colorado and its land is like that of any other proprietor. It can not say that a man who should trespass on it is an offender in that sense, and I object—

Mr. PADDOCK. I do not care to discuss the question raised by the Senator at this time. He may be correct, but I think not. But there is no time now to discuss this phase of the question.

Mr. TELLER. I object to the passage of a law of this kind myself. If the Senator will confine the bill to the Territories, it is all right. Otherwise, I want to enter my protest against this kind of legislation.

Mr. PADDOCK. So far as I am concerned, as one Senator I am willing to consider any amendment in the direction indicated that the Senator desires to propose.

Mr. TELLER. I will say further that in most of the States there are such laws; and in the State in which I live we have had such a law for many years. While I was Secretary of the Interior I protected the public land under the State law—I tried to do so, at least—against fire. The State passed a law against the setting out of fires, practically the same as this is. There is no occasion for it in any of the States, so far as I know. Although it may have come from the Interior Department it may have been drawn carelessly and sent here without the attention of the head of that Department, because I am sure he knows better than to attempt to have Congress pass such a law.

Mr. PADDOCK. The reports to the Department of the Interior from its inspectors have been of such a character as to make it an imperative duty of the National Government to undertake, so far as it can do so, to protect this careless and willful setting of fires in the timber of the United States wherever it may be. If the Senator's position is correct as to Federal jurisdiction, and possibly it may be as to the jurisdiction in respect to the timber lands in the States, this bill will not operate as to them, if his view, as I have said, is correct about it. The report which accompanies the bill, covering the statements made by the Secretary of the Interior, was sent to the Senate by the President himself, because of the very great importance of the legislation recommended; which statements and recommendations I should be very glad to have the Senate hear and consider at this time.

Mr. PAYNE. I raise the question whether we ought to proceed with important legislation with so thin a Senate as we have now. I raise the question that there is not a quorum here.

Mr. TELLER. I think the bill had better go over until it can be looked into.

Mr. PADDOCK. I have no objection to its going over.

Mr. TELLER. I do not care about letting it pass in this way, although it may be a good bill.

Mr. PADDOCK. I ask the Senator to look at the bill.

The VICE-PRESIDENT. The bill will go over.

Mr. PADDOCK. I ask that the report of the Committee on Agriculture and Forestry on the bill may be printed in the RECORD.

The VICE-PRESIDENT. The Chair hears no objection, and it is so ordered.

The report, submitted by Mr. PADDOCK June 25, 1890, is as follows:

Your committee to whom was referred Executive Document No. 132, being a message from the President of the United States, transmitting a draught of a bill for the protection of trees and other growth on the public domain from destruction by fire, having considered the same, hereby report as follows:

Several measures have been pending before the Committee on Agriculture and Forestry looking to the objects sought to be subserved in part by the legislation herein suggested. Such measures have been of wider scope and necessarily more voluminous in detail. They have been chiefly directed towards the enactment of a general forestry law which would place all the forests on the public domain under rigid national supervision, prevent depredations and waste, and protect the timber supply.

The present bill is intended to prevent destruction of forests, timber, and other growth by fire, by making the malicious, negligent, or careless kindling of fires on the public domain a misdemeanor punishable under the United States laws. It very properly extends its provisions to fires kindled on the prairies or suffered to pass from private lands to the public domain through negligence.

The necessity of such legislation is clearly shown in the message of the President of the United States transmitting the letter of the Secretary of the Interior

with the accompanying communications, portions of which are hereby appended:

DEPARTMENT OF THE INTERIOR,
Washington, November 11, 1890.

SIR: I have the honor to transmit herewith a copy of a letter from the Commissioner of the General Land Office, dated the 31st ultimo, with duplicate of report, dated September 27, 1889, from Special Agent Thomas J. Matthews, and accompanying affidavits, relative to a certain forest fire, which began August 18, 1889, and continued until about the middle of September, in and about Graham, Boise County, Idaho, and was started by C. C. Havard, sheriff of the said county, and a posse of twenty-seven men, acting under the direction of John Lemp, of Boise City, and F. F. Church, cashier of Boise City Bank, Boise City, all of said Territory.

From the statement of facts set forth in the special agent's report, showing apparently unnecessary conduct on the part of the sheriff and those whom he represented, resulting in the needless destruction of much valuable Government property, I concur in the recommendation of the Commissioner that the United States attorney for Idaho be instructed to institute criminal proceedings against F. F. Church, John Lemp, and the said sheriff of Boise County, and Deputy Sheriff T. E. Orofton, if upon a careful examination of the facts in the case such action is deemed justifiable and for the best interests of the Government.

Very respectfully,

GEO. CHANDLER,
Acting Secretary.

The ATTORNEY-GENERAL.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 7, 1890.

SIR: Referring to my recommendation of October 31, 1889, in the case of C. C. Havard and others setting fire to Government timber in Idaho, I have the honor to acknowledge receipt, by reference from the Department, of the Attorney-General's letter, dated the 25th ultimo, inclosing copy of a letter from the United States attorney for Idaho, with which he returns all the papers in the case forwarded to the Department of Justice by your letter of November 11, 1889, and stating that there is no way of reaching the case under United States statutes.

In view, not only of the alleged fact that this fire extended over 4 square miles of timbered country, destroying great quantities of fine Government timber, but the further fact that disastrous and wide-spread forest fires raged in Idaho, Montana, and Oregon last year, in which millions of trees were destroyed and many lives lost; and that in response to an appeal from the governor of Idaho there was a large expenditure of Government money authorized by this Department in payment for services rendered in fighting the fires in Idaho, it is very evident that adequate legislation by Congress on the subject is imperatively needed.

I believe the statement to be entirely within bounds, that for every tree destroyed by the woodman's ax, at least ten trees are destroyed by conflagration arising in nearly every instance, from carelessness, if not willful, neglect to take the most ordinary precautions.

The urgency for some law on the subject is so apparent as to require no argument. I therefore most respectfully submit herewith for your consideration, and such action as you may deem necessary, a draught of a proposed law which I believe will fully meet the requirements.

Very respectfully,

LEWIS A. GROFF, Commissioner.

The SECRETARY OF THE INTERIOR.

The proposed legislation is of a particularly urgent character because the season is at hand when forest fires are most numerous and destructive. It would seem to be of the highest importance that the Government should be empowered to prevent and to punish offenses of this nature, and that a deterrent measure of the simple character suggested should be enacted into a law.

The more extended inquiry which your committee is now making as to what additional legislation can be enacted for the preservation of the Nation's timber land from denudation by the ax of the marauder is not affected by this bill to alleviate the wanton waste by fire.

Your committee therefore recommend favorable action on the bill.

SHIPPING COMMISSIONERS.

Mr. FRYE. There is a little bill which it is rather important should be sent over to the other House, to which I think there will be no objection, which I should like to have passed. It is the bill (S. 3787) to amend the laws relative to shipping commissioners. The shipping commissioners are shipping crews for coastwise vessels, and the sailors are not bound at all by the agreements of the shipping commissioners unless this bill is passed.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

It provides that when a crew is shipped by a shipping commissioner for any American vessel in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or Mexico, as authorized by section 2 of chapter 421 of the public laws passed by the Forty-ninth Congress, an agreement shall be made with each seaman engaged as one of such crew, in the same manner and form as is provided by sections 4511 and 4512 of the Revised Statutes for the shipment of the crews of other vessels; and the provisions of sections 4522, 4524, 4525, 4526, 4527, 4528, 4554, 4596, 4597, 4598, 4599, 4601, 4602, 4603, 4604, 4605, 4610, and 4612 of the Revised Statutes shall extend to and embrace such vessels in the coastwise trade and the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or Mexico, where their crews have been shipped by a shipping commissioner, to the same extent and with the same force and effect as if these vessels had been mentioned and embraced in the language and terms of the sections specified.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BALTIMORE COURT-HOUSE BUILDING.

Mr. WILSON, of Maryland. I ask unanimous consent for the consideration of the bill (H. R. 8342) for the removal of the United States court-house building at Baltimore, Md.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

NORTHERN PACIFIC AND YAKIMA IRRIGATION COMPANY.

Mr. ALLEN. I ask unanimous consent for the consideration of the bill (S. 3745) granting to the Northern Pacific and Yakima Irrigation Company a right of way through the Yakima Indian reservation, in Washington. It is a very short bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Indian Affairs with an amendment, which was, in section 3, line 3, after the word "way," to insert "and for whatever property of said Indians may be taken in the construction of said canal," so as to make the section read:

That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and for whatever property of said Indians may be taken in the construction of said canal, and provide the time and manner for the payment thereof, etc.

The amendment was agreed to.

Mr. ALLEN. In section 1, line 8, I move to strike out the words "at section 33" and in lieu thereof to insert the words "in either section 4, 8, 9, or 10;" in line 9 of the same section to strike out the word "thirteen" and insert in lieu thereof the word "twelve;" and at the end of line 12 to strike out the word "seven" and insert in lieu thereof the word "seventeen."

Mr. FRYE. Is that an amendment agreed upon by the committee?

Mr. ALLEN. This amendment was not agreed upon by the committee. I will explain that it was found that this right of way was not upon the Indian reservation at all as it was described in the bill, but the amendment which I propose places it upon the corner of the reservation at the point it was supposed to have crossed.

Mr. SPOONER. It merely corrects the description, then, in the location?

Mr. ALLEN. That is all.

Mr. FRYE. It is entirely satisfactory to me.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In section 1, line 8, after the word "reservation," it is proposed to strike out the words "at section 33" and insert "in either sections 4, 8, 9, or 10;" in line 9, after the word "township," to strike out "thirteen" and insert the word "twelve;" and in line 12, to strike out the word "seven" and insert the word "seventeen;" so to make the section read:

That the right of way is hereby granted, as hereinafter set forth, to the Northern Pacific and Yakima Irrigation Company, a corporation organized and existing under the laws of the State of Washington, for the construction of an irrigating canal through the Yakima Indian reservation from a point on the boundary of said reservation in either sections 4, 8, 9, or 10, township 12 north, range 18 east of the Willamette meridian, in Yakima County, in the State of Washington; thence extending in a southeasterly direction to a point on the boundary of said reservation at section 17, township 12 north, range 19 east of the said meridian.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UNION RAILWAY COMPANY, OF CHATTANOOGA, TENN.

Mr. BATE. I ask unanimous consent to call up the bill (H. R. 4635) granting certain privileges to the Union Railway Company, of Chattanooga, Tenn.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill. It proposes to grant to the Chattanooga Union Railway Company, a corporation duly organized and existing under the laws of Tennessee, and its successors and assigns, a right of way 35 feet wide, running on a 15-degree curve across the southwesterly corner, and in a 12-degree curve across the southeasterly corner of the United States reservation at Chattanooga, Tenn., as indicated on plat annexed; also the privilege of occupying for depot purposes a suitable portion of land on the reservation, including the location of the present depot. It is expressly understood that no part of this land or right of way shall be used for storage of cars, and that a depot shall be maintained by the company at the road leading from the railway to the gate of the national cemetery, at or about the location of the present depot.

Mr. BATE. This is the bill that objection was offered to by the Senator from Vermont [Mr. EDMUNDS] on Saturday a week ago, because I could not then find the report of the Secretary of War. However, I found that report subsequently and handed it to the Senator from Vermont, and he offers no objection now to the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT PARIS, TEX.

Mr. SPOONER. I ask unanimous consent to proceed to the consideration of the bill (H. R. 833) providing for the erection of a public building at Paris, Tex.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert a substitute.

Mr. SPOONER. As I shall ask the Senate to reject the committee amendment and concur in the bill as it passed the House of Representatives, I ask unanimous consent that the reading of the amendment, which is quite long, be omitted, and that the bill as passed by the House be read.

The bill was read.

Mr. SPOONER. I ask that the substitute reported by the committee be rejected.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARMY OFFICERS ON RETIRED-LIST.

Mr. HAWLEY. I ask consent to proceed to the consideration of the bill (S. 1636) for the relief of certain officers on the retired-list of the Army.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with an amendment, in line 10, after the word "authorized," to strike out "and directed to rectify the injustice thus done" and to insert "to nominate;" so as to make the bill read:

Be it enacted, etc., That whereas since the 1st day of January, 1886, certain officers of the Army, being at the time the senior officers in rank in their respective grades, and under the provisions of section 1357, Revised Statutes, entitled to be promoted to vacancies then existing in the next higher grades, were nevertheless placed upon the retired-list of the Army without such promotion, the President is hereby authorized to nominate, and by and with the advice and consent of the Senate to appoint, all such officers to the respective grades to which they were severally entitled, to take rank and date from the several times when their respective rights to promotion to vacancies became established, and to place them on the retired-list of the Army in the grades to which they are promoted.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT CHURCH PROPERTY.

Mr. VANCE. I move to take up the bill (S. 3460) to release certain church property in the District of Columbia from arrears of taxation. It is a bill to relieve certain churches in this city from special taxes and assessments that have been made against them. A number have been relieved by special bills, and this is a general relief for all churches in the same situation.

Mr. FRYE. From arrears alone?

Mr. VANCE. Yes, sir; from arrears alone.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SCHOOL OF MINES IN SOUTH DAKOTA.

Mr. MOODY. I ask consent of the Senate to proceed to the consideration of the bill (S. 3139) to aid the State of South Dakota to support a school of mines.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Lands with an amendment, to add at the end of section 1, "nor shall it exceed the amount annually expended by the State of South Dakota for said school of mines out of its treasury;" so as to make the section read:

That the State of South Dakota shall annually receive 50 per cent. of all moneys paid to the United States for mineral lands within the State of South Dakota, for the maintenance of the school of mines established at Rapid City, in the county of Pennington, in said State: Provided, That said sum so to be paid shall not exceed the sum of \$12,000 per annum, nor shall it exceed the amount annually expended by the State of South Dakota for said school of mines out of its treasury.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BROOKLYN NAVY-YARD AND NAVAL-HOSPITAL LANDS.

Mr. HISCOCK. I ask the Senate to proceed to the consideration of the bill (H. R. 6946) providing for the sale of navy-yard and United States naval-hospital lands in the city of Brooklyn, N. Y.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EIGHT-HOUR LAW IN THE DISTRICT.

The VICE-PRESIDENT laid before the Senate a communication from the commissioners of the District of Columbia, transmitting, in response to a resolution of the 15th ultimo, certain information in regard to the application of the eight-hour law to laborers employed by the District government on public works in the District of Columbia; which, with the accompanying papers, on motion of Mr. BLAIR, was referred to the Committee on Education and Labor, and ordered to be printed.

REFERENCE OF EXECUTIVE COMMUNICATION.

Mr. SHERMAN. Mr. President, I ask that the letter of the Secretary of War, which came in during my absence and was laid on the table, be referred to the Committee on Appropriations.

The VICE-PRESIDENT. It will be so ordered, if there be no objection. The Chair hears none.

EXECUTIVE SESSION.

Mr. SAWYER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 7 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 23 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 27, 1890, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 26th day of June, 1890.

REGISTERS OF THE LAND OFFICE.

Ben Wade Ritter, of Durango, Colo., to be register of the land office at Durango, Colo., *vice* Richard McCloud, whose term of office will expire July 2, 1890.

Adolph Dobrowsky, of Shasta, Cal., to be register of the land office at Redding (formerly Shasta), Cal., *vice* Sylvester Hull, term expired.

INDIAN AGENT.

John Tully, of Miles City, Mont., to be agent for the Indians of the Tongue River agency in Montana, *vice* Robert L. Upshaw, whose term of office will expire July 25, 1890.

COLLECTOR OF CUSTOMS.

Rockey P. Earhart, of Oregon, to be collector of customs for the district of Willamette, in the State of Oregon, in place of Hyman Abraham, to be removed.

POSTMASTERS.

W. White Jones, to be postmaster at Greensborough, in the county of Hale and State of Alabama, in the place of James W. Locke, whose commission expired May 25, 1890.

Charles L. Reed, to be postmaster at Longmont, in the county of Boulder and State of Colorado, in the place of Joseph J. Topliff, whose commission expires July 3, 1890.

Jabez T. Denning, to be postmaster at Augusta, in the county of Richmond and State of Georgia, in the place of Key Boyce, whose commission expired April 16, 1890.

John J. Hays, to be postmaster at Osborne, in the county of Osborne and State of Kansas, in the place of Millard E. Smith, whose commission expires July 26, 1890.

James Ord, to be postmaster at Medfield, in the county of Norfolk and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1889; the nomination of Frank K. Bonney, sent to the Senate January 30, 1889, not having been confirmed.

Harvey Barker, to be postmaster at Portsmouth, in the county of Bay and State of Michigan, in the place of John King, removed.

Silas N. Harrington, to be postmaster at Marshall, in the county of Lyon and State of Minnesota, in the place of Michael Sullivan, resigned.

Lew Coleman, to be postmaster at Deer Lodge City, in the county of Deer Lodge and State of Montana, in the place of George W. Carlton, removed.

Chauncey P. Smith, to be postmaster at Jamestown, in the county of Stutsman and State of North Dakota, in the place of Anton Klaus, whose commission expired May 23, 1890.

John I. Lanphere, to be postmaster at Silver Creek, in the county of Chautauqua and State of New York, in the place of Franklin Smith, removed.

Mrs. Minnie B. Taylor, to be postmaster at Hicksville, in the county of Defiance and State of Ohio, in the place of Jacob Wisner, whose commission expires July 3, 1890.

George Griffith, to be postmaster at Kane, in the county of McKean and State of Pennsylvania, in the place of Otis G. Keltz, resigned.

Benjamin F. Wagneller, to be postmaster at Selin's Grove, in the county of Snyder and State of Pennsylvania, in the place of H. Harvey Schoch, who was appointed and commissioned by the President May 7, 1889, but whose nomination sent to the Senate December 19, 1889, has been rejected.

John A. Stroube, to be postmaster at Chamberlain, in the county of Brulé and State of South Dakota, in the place of William Gilman, whose commission expires July 3, 1890.

Robert B. Wood, to be postmaster at Hampton, in the county of Elizabeth City and State of Virginia, in place of Mattie K. Chisman, whose commission expired March 31, 1890.

PROMOTION IN THE ARMY.

Quartermaster's Department.

Lieut. Col. Richard N. Batchelder, Deputy Quartermaster-General, to be Quartermaster-General with the rank of brigadier-general, June 26, 1890, *vice* Holabird, retired from active service.

CONFIRMATION.

Executive nomination confirmed by the Senate May 22, 1890.

POSTMASTER.

John H. Johnston, to be postmaster at Danville, in the county of Pittsylvania and State of Virginia.

HOUSE OF REPRESENTATIVES.

THURSDAY, June 26, 1890.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

BRIDGE ACROSS THE MISSISSIPPI AT WINONA, MINN.

Mr. DUNNELL. I ask unanimous consent that the bill (H. R. 8792) to authorize the construction of a bridge across the Mississippi River at Winona, Minn., may be considered at this time. I will state that this bill has heretofore been read except the two closing sections, when the gentleman from New York [Mr. SPINOLA] objected. I understand that he will not now make objection.

Mr. DOCKERY. What is the bill?

Mr. DUNNELL. It is a bill for the construction of a bridge at the city of Winona, Minn. The bill was written at the War Department.

Mr. McCREARY. I desire to inquire whether the bill contains simply the usual provisions.

Mr. DUNNELL. The bill is in the usual form. It was prepared at the War Department.

Mr. SPINOLA. I have no objection.

The SPEAKER. Unless the reading of the whole bill be called for, the Clerk will read the two sections not heretofore read.

The Clerk resumed and concluded the reading of the bill.

There being no objection, the House proceeded to the consideration of the bill.

The substitute recommended by the Committee on Commerce was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. DUNNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE TO POST-OFFICE EMPLOYÉS.

Mr. KETCHAM. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. 10086) granting leaves of absence to clerks and employes in first and second class post-offices, and that the House now proceed to consider the bill. I will simply state that this bill has been recommended by the Post-Office Department, has been unanimously approved by the Committee on the Post-Office and Post-Roads, and will involve no additional expense to the Government.

The bill was read, as follows:

Be it enacted, etc., That from and after July 1, 1890, the clerks and employes attached to first and second class post-offices be allowed leaves of absence, with full pay, for not exceeding fifteen days in any one fiscal year: *Provided,* That no clerk nor employe be granted a leave until he has performed service for one year.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. FLOWER. I hope there will be no objection. The bill does not involve one dollar of expense to the Government. I can say from personal observation, founded on an experience of six years in connection with the postal service, that no class of people employed by the Government more fully earn their salaries than this class of post-office employes, and they are certainly entitled to this little relief that the present bill affords them. I hope the bill will pass, and I trust also that we shall as soon as the opportunity arises give our post-office clerks the benefit of the eight-hour system.

Mr. DOCKERY. I will inquire of the gentleman from New York [Mr. KETCHAM] whether this bill carries an appropriation?

Mr. KETCHAM. It does not.

Mr. BLAND. Has the bill been reported from any committee?

Mr. KETCHAM. It has received the unanimous approval of the Committee on the Post-Office and Post-Roads.

Mr. BLAND. Understanding that the bill has been reported favorably by a committee of this House, I shall not object to its consideration; otherwise I should do so.

There being no objection, the Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill, which was ordered to be engrossed and read the third time; and it was accordingly read the third time, and passed.

Mr. KETCHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DONATION OF LAND FOR SCHOOL PURPOSES.

Mr. CHIPMAN. I ask unanimous consent for the present consideration of the bill (H. R. 8155) to grant school district No. 7 of the township of Dearborn, Wayne County, Michigan, certain lots of land for school purposes.

The bill was read, as follows:

Be it enacted, etc., That the following described lands, situate in the township of Dearborn, county of Wayne and State of Michigan, to wit, lots 68, 69, 70, 71, 72, 95, 96, 98, 99, are hereby granted to school district No. 7 of said township, to be used for school purposes, the said lands being bounded by Center street, Mason street, Morley avenue, and Garrison street, according to the plat of the United States military reservation in said township.

The amendment recommended by the Committee on the Public Lands was read, as follows:

Add the following as new sections:

SEC. 2. That the Secretary of the Interior shall cause the unsold portion of the grounds, and the building thereon known as the Dearborn arsenal, in the State of Michigan, except the lots named in section 1 of this act, to be reappraised and sold for cash, at not less than the appraised value, to the highest bidder, after giving not less than ninety days' notice of such sale in three of the most prominent newspapers published in said State: *Provided,* That each subdivision, together with any buildings, building materials, or other property, thereon, shall be appraised and offered separately, at public outcry, to the highest bidder, after which any unsold subdivision or subdivisions, together with any buildings, building materials, or other property thereon, shall be subject to sale at private entry for the appraised value, at the proper land office.

SEC. 3. That the sum of \$500, to be immediately available, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry into effect the provisions of this act.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. TAYLOR, of Illinois. Is there a report in this case? If so, I should like to hear it read.

Mr. CHIPMAN. Let the report be read; it is very short.

The report (by Mr. PAYSON) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 8155) to grant school district No. 7 of the township of Dearborn, Wayne County, Michigan, certain lots of land for school purposes, having fully considered the same, respectfully report:

By act of Congress of March 3, 1875, volume 18, Statutes at Large, page 510, certain lands of the United States adjoining Detroit, Mich., and called the Detroit arsenal, were ordered to be platted, appraised, and sold at not less than the appraised value.

Under this, one hundred and fifty-three lots were laid off and seventy-four sold. The remainder, seventy-nine, are still the property of the United States. Only ten lots have been sold in the past six years; the value has largely depreciated, and the Secretary of the Interior has recommended a new appraisement and sale of the remainder of the lots.

The authorities of the school district in which the lots lie ask for a donation of one block, nine lots, as a school site, and, as the community is poor, the lots not valuable, probably not exceeding \$600 to \$800, we recommend the passage of the bill, amended by adding two appropriate sections for the sale of the remaining lots.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the Committee on the Public Lands was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. CHIPMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WAGON-BRIDGE AT HASTINGS, MINN.

Mr. HALL. I ask unanimous consent for the present consideration of the bill (H. R. 8047) to construct a wagon-bridge across the Mississippi River at Hastings, Minn.

Mr. HEMPHILL. After this I will call for the regular order. I had agreed with some gentlemen here that inasmuch as there had been two recognitions on the other side for requests for unanimous consent I would not object to two on this side.

The SPEAKER. As the Chair understands, the regular order is demanded.

Mr. FLOWER. I hope the gentleman from South Carolina [Mr. HEMPHILL] will withdraw his objection. When this is disposed of my colleague [Mr. SPINOLA] desires consent for the consideration of a small bill.

Mr. HEMPHILL. I would like to say in explanation that I did

agree with some gentlemen here that inasmuch as two gentlemen on the other side had been recognized to call up bills by unanimous consent I would not object to two on this side. But if our friends over there come in and our friends over here want to do the same thing constantly, we shall never get through.

The SPEAKER. The Chair thinks an examination will show that the recognitions have been equally divided between the two sides; that there has not been enough difference to account for the difference in numbers of the two sides.

Mr. HEMPHILL. I am not making any criticisms of the Chair.

The SPEAKER. The Chair is very glad to have an opportunity to make this statement, because he has noticed that some criticism has been made on this point.

Mr. GEISSENHAINER. I understand the objection is withdrawn.

The SPEAKER. Is the objection withdrawn by the gentleman from South Carolina [Mr. HEMPHILL]?

Mr. HEMPHILL. Yes, sir.

The bill was read.

Mr. BLAND. Has this bill been favorably reported by a House committee?

Mr. HALL. Yes, sir; it is reported favorably by the Committee on Commerce; the report accompanies the bill.

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the Committee on Commerce were read, as follows:

After the word "structure," in line 37 of section 4, insert:
"And for the safety of vessels passing at night there shall be displayed on said bridge, from the hour of sunset to sunrise, such lights or other signals as may be prescribed by the Light-House Board."

Add a section, to be known as section 7, as follows:
"SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of the passage of this act."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed with amendments, in which concurrence was requested, a joint resolution (H. Res. 166) authorizing Ensign J. B. Bernardon, United States Navy, to accept two vases presented to him by the Government of Japan.

The message also announced that the Senate had passed with amendments a joint resolution (H. Res. 104) to permit the Secretary of War to grant a revocable license to use a pier, as petitioned by vessel-owners of Chicago, Ill., asked a conference with the House on the bill and amendments, and had appointed Mr. CULLOM, Mr. DOLPH, and Mr. RANSOM conferees on the part of the Senate.

The message further announced that the Senate had passed bills of the following titles, in which concurrence of the House was requested:

A bill (S. 3917) to adopt regulations for preventing collisions at sea; and

A bill (S. 3918) in regard to collision at sea.

LEAVE OF ABSENCE, PER DIEM CUSTOMS EMPLOYEES.

Mr. SPINOLA. Mr. Speaker, I ask unanimous consent to consider Senate bill No. 276, providing for leave of absence to the officers and employees of the customs service of the Government who receive per diem compensation.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read at length.

Mr. HOLMAN. Mr. Speaker, I wish to suggest to my friend from New York that this measure should be broadened, I think. We have been legislating in this direction for several years past, making exception of a case here and there, but enacting no legislation broad enough to cover the various departments of the Government.

Mr. CUMMINGS. Let me suggest to the gentleman from Indiana that this bill does not take one penny out of the Treasury of the United States.

Mr. HOLMAN. I so understand, and I am not referring to that as a provision of the bill. I am not objecting on that ground.

Mr. SPINOLA. You can bring in a general bill at any time hereafter. Let this bill go through now.

Mr. FLOWER. Yes, we can get them all in hereafter in some general measure.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I am not objecting, Mr. Speaker, but I do not think this is the right kind of legislation. There are, for instance, our navy-yards and certain people about the Capitol here employed, for whom no provision is made.

Mr. BUCKALEW. Mr. Speaker, I retained the right to object, as this seemed likely to lead to discussion and consumption of time.

The SPEAKER. Does the gentleman object?

Mr. BUCKALEW. Yes, I do object, and demand the regular order.

The SPEAKER. Objection is made.

Mr. HOLMAN. I have not objected to the consideration of the bill.

The SPEAKER. But the gentleman from Pennsylvania objects and demands the regular order.

FEDERAL ELECTION LAW.

The SPEAKER. The House under the special order proceeds to consider the bill (H. R. 11045) to amend and supplement the election laws of the United States, etc. The gentleman from Massachusetts [Mr. LODGE] is recognized.

Mr. LODGE. Mr. Speaker, I desire to ask first that this bill and the report accompanying it may be reprinted for the use of the House. The supply, I am informed at the document-room, is entirely exhausted. I ask that both the majority report and the views of the minority be ordered reprinted, together with the bill.

The SPEAKER. In the absence of objection, the order will be made.

There was no objection, and it was so ordered.

The SPEAKER. The first thing in order is the reading of the bill.

Mr. LODGE. I ask unanimous consent to dispense with the reading of the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. LODGE. Mr. Speaker—

Mr. BUCKALEW. Before the gentleman from Massachusetts proceeds I want to understand, as a member of the minority of the committee which reported the bill, how members will have the time assigned to them in debate upon the floor; whether the chairman of the Committee on Election of President and Vice-President has anything to propose in regard to the matter? If so, I hope he will suggest some such arrangement before proceeding with his argument.

Mr. LODGE. I understand, Mr. Speaker, that the time is to be equally divided, whatever it may be, between the two sides of the question; and that the recognitions, of course, will be in the usual manner. I know of no other arrangement that can be made, or has been suggested. I know there are a great many more requests for time on this side of the House than the time allotted to debate will allow; and I suppose we will have to do the best we can in regard to that matter. Of course any arrangement as to the division of time on the other side the gentleman chooses to make, or that will be satisfactory to that side, will be entirely satisfactory to me. I shall not object to any such arrangement on their part.

Mr. BUCKALEW. I would ask if the gentleman from Massachusetts proposes to control the recognitions on the majority side.

Mr. LODGE. I suppose, Mr. Speaker, that outside of the members of the committee themselves, who are entitled to their time, the recognitions must proceed from the Chair, the time having been fixed by a general rule or order of the House. I do not suppose it lies with the chairman of the committee to control it.

Mr. BUCKALEW. Unless by common consent.

Mr. LODGE. Of course, unless by common consent. I have no wish personally on the subject. I have not the slightest objection to your controlling absolutely your time on that side.

Mr. BLOUNT. Mr. Speaker, I make this suggestion: That we go on for an hour or so, and I have no doubt that in the mean time some arrangement can be made which will be satisfactory to all parties.

Mr. BUCKALEW. I wish merely to say in behalf of the minority of the committee, that a large number of gentlemen, some twenty-five or thirty of the minority, have applied to the members of the committee who made the minority report for time; and their names have all been taken down, with the understanding that the minority of the committee would control the time on this side of the House. But if that arrangement is not made by consent of the House, if assignments are to be made by the Speaker, of course—

The SPEAKER. The Chair will be very glad to listen to any suggestion of the gentleman from Pennsylvania as to the control of the time on that side of the question, if he desires to control it, and no objection is made by other members of the House.

Mr. BUCKALEW. I wish to continue, Mr. Speaker, the suggestion that a number of gentlemen have also submitted their names to the Speaker for recognition and there is liability of confusion unless some understanding can be reached in the House as to the division of the time on the subject. In that event, I shall abdicate any concern about it and these gentlemen can make their own arrangements. I merely wish to add that individually I do not care a straw as to what arrangement may be made, provided it is satisfactory to the gentlemen themselves.

Mr. TUCKER. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. LODGE] control the time on that side of the House, and the gentleman from Pennsylvania [Mr. BUCKALEW] be considered as controlling the time on this side of the House.

Mr. KEER, of Iowa, and Mr. SPINOLA objected.

Mr. KERR, of Iowa. I have no objection to the gentleman from Pennsylvania controlling the time on that side of the House.

Mr. BLOUNT. I call for the regular order, with the hope, Mr. Speaker, that after debate has proceeded for some time, some arrangement may be made.

The SPEAKER. The Chair thinks there is no doubt that some satisfactory arrangement can be made, if gentlemen on the committee will endeavor to do so.

Mr. LODGE. Mr. Speaker, I do not think that any graver or more important subject could come before this House than the one presented by the pending bill. The subject is one which demands the most serious and deliberate treatment on the part of the House. So far as I am concerned, I desire to say that I have absolutely no personalities to indulge in; that I have no bitter reflections to make upon any one anywhere, and that it will be my endeavor to treat the question as dispassionately and as temperately as I can.

Such argument as I have to make, Mr. Speaker, I should like to make, complete and connectedly, as a whole, without being broken in upon or diverted to side issues; and I therefore would take the liberty of asking that I may be allowed to proceed without interruption, and I trust that I shall not be considered discourteous if I decline to yield to questions.

The bill before us proposes to extend and perfect existing laws in regard to the supervision of the elections of members of this body, so that they will be effective throughout the United States, wherever the application of the law is demanded. It is needless for me to say to the House that the power of the United States in regard to elections extends only to those at which members of this body are chosen. This bill proposes to exercise this power, when demanded, in such a way as to secure, so far as possible, fair and honest elections for Representatives in Congress, without disturbing or overthrowing in any way the State machinery employed for the same purpose.

The bill provides that a chief supervisor shall be appointed by the circuit courts in each judicial circuit of the United States, that on petition of 100 citizens in an entire Congressional district, or in a city of over 20,000 inhabitants, or on the petition of 50 citizens in a county, such city, Congressional district, or county shall be put under the operation of this law. Unless citizens desire the application of this law it will not be applied. If citizens do desire it to the numbers that I have mentioned, it will be applied. The duties of the officers appointed by the chief supervisor upon petition to carry out the instructions and duties imposed upon them by the bill are to act simply as officers of supervision and observation, and they stand side by side with the local officers who register and receive the votes, who count and who return them. No local machinery is disturbed, no local officer is displaced, no man, if this law is applied to a district, will cast his vote in any manner different from that in which he now casts it. No State which has adopted a system of a secret and official ballot is interfered with. On the contrary, a special provision is made for the existence of such systems, and, in a word, the operation of this law leaves the local systems entirely untouched.

The first duty of the officers appointed under this bill is that of observation and report, first on registration where registration exists, in order that such registration may be pure; that no man's name may be upon it which does not belong there, and that no man's name may be taken from it which has a right to be there. Their next duty is to stand at the polls and watch the reception of the vote. Their next duty is to take part in the count of the votes and make a return to the chief supervisor. If the law applies simply to a city or a county, their duty ends there. If, however, it applies to an entire Congressional district, the law provides for the establishment of a United States board of canvassers, also to be appointed by the circuit courts, who shall canvass and return the votes as returned to them by the supervisors, and make certificate of the same to the Clerk of this House. If that certificate agrees with the certificate of the State officers, of course the man holding both certificates is seated. If, however, they differ—and this is the only point where the law gives absolute control to the United States—the certificate of the United States board of canvassers is to be *prima facie* evidence, and is to place the name of the holder upon the roll of the Representatives of this body.

The penal sections now existing in regard to violations of election laws have been revised so as to make the punishment commensurate with what the committee believes to be the most serious crimes in their way that can be committed, crimes against the suffrage.

The general purposes and methods of the bill can be easily understood from the outline of its objects which I have given. Now one word as to the principles on which it rests.

The great safeguard to the public welfare of this country is publicity. Public opinion always governs in the last resort, and that it should govern rightly it needs only to be correctly informed. Everything which concerns government, from the selection of the pettiest town officer to the conduct of the vast affairs of the nation, should be done so that it may be seen and known of all men. Darkness is noxious to free institutions, but in the brightest light that can shine upon them they flourish and grow strong.

The business of the people must not be transacted in dim corners or in locked rooms, but openly, before the people's eyes, and this applies

with tenfold force to the foundations upon which the whole vast system rests. The greatest assurance of honest elections lies in making absolutely public every step and every act by which the Representatives of the people are chosen to their high offices. To secure complete publicity at every stage of an election, therefore, is the leading principle of this bill. From the earliest process by which citizens are made to the very last by which Representatives are certified, every step under this bill is to be watched over and reported by officers of the United States; every transaction, no matter how trivial, if it has relation to elections and to voting, is to be brought out into light so that the people of the United States may behold and understand it. If all is well and rightly done, it will be known. If aught is wrong, it too will be known, and wrong withers away when it is dragged out into the bright light of day.

To secure absolutely this great safeguard of publicity by an accurate report of every fact, this bill provides that the officers charged with this duty shall represent the two leading parties at every registration office and every polling place where they are posted. If an officer has a political interest which leads him to misrepresent the facts, he has by his side an associate of the opposite interest to disclose the truth. These officers derive their authority from the source which is farthest removed from party politics, the courts of the United States, and their chief is so far as possible placed above temptation by holding his office by a tenure which depends solely on his fidelity to his trust and not on the chances of politics. Such is the security for an honest and entire publicity given in the bill. But a still further security is found in the fact that the local officers stand side by side with the officers of the United States. They conduct the registration and the elections, and they report them also. Thus we have two reports from two different sources of all the facts connected with the election; concealment becomes impossible without a resort to violence, and violence is in itself publicity.

The first principle in the bill, therefore, is to secure this absolute publicity in regard to everything connected with the election of a member of Congress. The second is to make sure that every man who is entitled to vote has an opportunity to cast his vote freely and have it counted, and that no man who is not entitled to vote shall be allowed to vote. To the qualified voter this bill aims to give full opportunity. If he is threatened it seeks to protect him; if he is ignorant it seeks to inform him. On the other hand, in order to prevent the man who is trying to vote in violation of the law or the officer who is fraudulent and corrupt from carrying out his wrongdoing, this bill offers the means of speedy punishment and of collecting the evidence necessary to conviction.

Such, in brief, are the provisions and the principles on which this bill rests. To the honest voter it offers no interference, but only protection in his rights; to the honest party, seeking success only by honest means, it has no terrors. But to the man or the party who seeks to do wrong and to profit by fraud, corruption, or violence, it brings publicity and punishment.

Such being the principles and purposes of the bill, two questions arise in regard to it: First, is it within the power of Congress to enact such a law; and, second, if Congress has the power, is it necessary and expedient to exercise it? As to the first point, the constitutional power to enact such legislation, there is not, I think, much room for discussion. The language of the Constitution is so plain that it admits of but one interpretation, and if doubt ever could have existed, the decisions of the Supreme Court make doubt no longer possible.

This necessary power is found in section 4, Article I, of the Constitution of the United States, which is as follows:

The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The language employed in this section is so plain that it would seem almost superfluous to enter into argument or discussion as to its meaning. If words mean anything those just quoted mean that the power of Congress over the conduct of elections of members of this body is absolute and complete. The Constitution says that Congress may make all regulations in regard to the election of Representatives, and the power to "make regulations" thus conferred is in terms exclusive and paramount.

But out of abundance of caution the framers of the Constitution went further and added to the word "make" the words "to alter;" that is, under the Constitution, Congress has power to assume complete control of elections of its members and conduct them at such times and places and through such officers and under such rules as it may see fit. On the other hand, Congress may under this clause leave the entire regulation of the election of Representatives to the States, or it may take a partial control of a part of the necessary procedure and leave what remains to the State, or it may alter and amend the State regulations and supervise and enforce their execution.

On a matter of such importance, however, it will not be amiss to cite a few controlling authorities and to show that the power of Congress in regard to the election of Representatives is not only paramount, but that it can be exercised to any degree, from total control downward, which Congress may deem wise. In the convention of 1787, on the 9th

of August, Mr. Pinckney and Mr. Rutledge moved to strike out the words which in the draught then before the convention conferred this power upon Congress. The motion was lost, apparently without a division, and, if we may judge from Mr. Madison's notes, had no serious support in the convention. The remarks made, however, in opposition to the motion of Mr. Pinckney show clearly the view taken of this clause by the framers of the Constitution and the paramount character of the power conveyed by it, although in the draught then under consideration the clause was much less sweeping than it afterwards became in the instrument as adopted.

Mr. MADISON. The necessity of a general government supposes that the State Legislatures will sometimes fail or refuse to consult the common interest at the expense of their local conveniences or prejudices. The policy of referring the appointment of the House of Representatives to the people and not to the Legislatures of the States supposes that the result will be somewhat influenced by the mode. This view of the question seems to decide that the Legislatures of the States ought not to have the uncontrolled right of regulating the times, places, and manner of holding elections. These were words of great latitude. It was impossible to foresee all the abuses that might be made of the discretionary power. Whether the electors should vote by ballot or viva voce; should assemble at this place or that place; should be divided into districts or all meet at one place; should all vote for all the Representatives or all in a district vote for a number allotted to the district—these and many other points would depend on the Legislatures, and might materially affect the appointments.

Whenever the State Legislatures had a favorite measure to carry they would take care so to mold their regulations as to favor the candidates they wished to succeed. Besides, the inequality of the representation in the Legislatures of particular States would produce a like inequality in their representation in the National Legislature, as it was presumable that the counties having the power in the former case would secure it to themselves in the latter. What danger could there be in giving a controlling power to the National Legislature? Of whom was it to consist? First, of a Senate to be chosen by the State Legislatures. If the latter, therefore, could be trusted, their representatives could not be dangerous.

Secondly, of Representatives elected by the same people who elect the State Legislatures. Surely, then, if confidence is due to the latter it must be due to the former. It seemed as improper in principle, though it might be less inconvenient in practice, to give to the State Legislatures this great authority over the election of the Representatives of the people in the General Legislature as it would be to give to the latter a like power over the election of their representatives in the State Legislature.

Mr. KING. If this power be not given to the National Legislature, their right of judging of the returns of their members may be frustrated. No probability has been suggested of its being abused by them. Although this scheme of erecting the General Government on the authority of the State Legislatures has been fatal to the Federal establishment, it would seem as if many gentlemen still foster the dangerous idea.

Mr. Gouverneur Morris observed that the States might make false returns, and then make no provisions for new elections.—*The Madison Papers*, volume 3, pages 1280, 1281.

The interpretation then given to this clause of the Constitution has never been shaken. Mr. George Ticknor Curtis, in the latest edition of his *Constitutional History of the United States*, which is, as everybody is aware, a work of very high authority and great research, says in regard to this clause:

This provision originated with the committee of detail; but as it was reported by them, there was no other authority reserved to Congress itself than that of altering the regulations of the States, and this authority extended as well to the place of choosing the Senators as to all the other circumstances of the election. In the convention, however, the authority of Congress was extended beyond the alteration of State regulations so as to embrace a power to make rules, as well as to alter those made by the States. But the place of choosing the Senators was excepted altogether from this restraining authority and left to the States. Mr. Madison, in his minutes, adds the explanation that the power of Congress to make regulations was supplied, in order to enable them to regulate the elections if the States should fail or refuse to do so. But the text of the Constitution, as finally settled, gives authority to Congress "at any time" to "make or alter such regulations;" and this would seem to confer a power which, when exercised, must be paramount, whether a State regulation exists at the time or not.—*Constitutional History of the United States*, volume I, pages 479, 480.

We are not left, however, merely to the views of the convention or of the commentators upon the Constitution to learn the meaning of this clause, conferring the power to regulate elections. Its correct interpretation has been twice given in the fullest manner by the supreme judicial tribunal upon which the Constitution confers the authority to determine finally upon the meaning of its own provisions. In the case of Siebold (*Ex parte Siebold*, 100 United States, 371), Mr. Justice Bradley delivering the opinion of the court, Justices Clifford and Field dissenting, the following passages give the views of the court upon this important power of Congress:

It seems to us that the natural sense of these words is the contrary of that assumed by the counsel of the petitioners.

After first authorizing the States to prescribe the regulations, it is added, the Congress may at any time, by law, make or alter such regulations. "Make or alter!" What is the plain meaning of these words? If not under the prepossession of some abstract theory of the relations between the State and National Governments, we should not have any difficulty in understanding them. There is no declaration that the regulations shall be made either wholly by the State Legislatures or wholly by Congress. If Congress does not interfere, of course they may be made wholly by the State; but if it chooses to interfere, there is nothing in the words to prevent its doing so, either wholly or partially.

On the contrary, their necessary implication is that it may do either. It may either make the regulations or it may alter them. If it only alters, leaving, as manifest convenience requires, the general organization of the polls to the State, there results a necessary co-operation of the two governments in regulating the subject. But no repugnance in the system of regulations can arise thence, for the power of Congress over the subject is paramount. It may be exercised as and when Congress sees fit to exercise it. When exercised, the action of Congress, so far as it extends and conflicts with the regulations of the State, necessarily supersedes them. This is implied in the power to "make or alter." (Pages 383, 384.)

So in the case of laws for regulating the elections of Representatives to Congress. The State may make regulations on the subject; Congress may make regulations on the same subject, or may alter or add to those already made. The paramount character of those made by Congress has the effect to supersede those made by the State, so far as the two are inconsistent, and no further.

There is no such conflict between them as to prevent their forming a harmonious system perfectly capable of being administered and carried out as such. (Page 386.)

The objection that the laws and regulations, the violation of which is made punishable by the acts of Congress, are State laws and have not been adopted by Congress is no sufficient answer to the power of Congress to impose punishment. It is true that Congress has not deemed it necessary to interfere with the duties of the ordinary officers of election, but has been content to leave them as prescribed by State laws. It has only created additional sanctions for their performance, and provided means of supervision in order more effectually to secure such performance. The imposition of punishment implies a prohibition of the act punished. The State laws which Congress sees no occasion to alter, but which it allows to stand, are in effect adopted by Congress. It simply demands their fulfillment. Content to leave the laws as they are, it is not content with the means provided for their enforcement. It provides additional means for that purpose, and we think it is entirely within its constitutional power to do so. It is simply the exercise of the power to make additional regulation. (Pages 385, 386.)

On the contrary, as already said, we think it clear that the clause of the Constitution relating to the regulation of such elections contemplates such co-operation whenever Congress deems it expedient to interfere merely to alter or add to existing regulations of the State. If the two governments had an entire equality of jurisdiction there might be an intrinsic difficulty in such co-operation. Then the adoption by the State government of a system of regulations might exclude the action of Congress. By first taking jurisdiction of the subject the State would acquire exclusive jurisdiction in virtue of a well-known principle applicable to courts having co-ordinate jurisdiction over the same matter. But no such equality exists in the present case. The power of Congress, as we have seen, is paramount, and may be exercised at any time, and to any extent which it deems expedient; and so far as it is exercised, and no further, the regulations effected supersede those of the State which are inconsistent therewith.

The Supreme Court also discussed this clause of the Constitution still more fully in *Ex parte Yarborough* (110 U. S., 651) when Mr. Justice Miller delivered the opinion of the court and no dissent was noted:

That a Government whose essential character is republican, whose executive head and legislative body are both elective, whose most numerous and powerful branch of the Legislature is elected by the people directly, has no power by appropriate laws to secure this election from the influence of violence, of corruption, and of fraud in a proposition so startling as to arrest attention and demand the gravest consideration.

If this Government is anything more than a mere aggregation of delegated agents of other States and governments, each of which is superior to the General Government, it must have the power to protect the elections on which its existence depends from violence and corruption.

If it has not this power it is left helpless before the two great natural and historical enemies of all republics, open violence and insidious corruption. (Pages 657, 658.)

Will it be denied that it is in the power of that body to provide laws for the proper conduct of those elections? To provide, if necessary, the officers who shall conduct them and make return of the result? And, especially, to provide in an election held under its own authority for security of life and limb to the voter while in the exercise of this function. Can it be doubted that Congress can by law protect the act of voting, the place where it is done, and the man who votes from personal violence or intimidation and the election itself from corruption and fraud?

If this be so, and it is not doubted, are such powers annulled because an election for State officers is held at the same time and place? Is any less important that the election of members of Congress should be the free choice of all the electors because State officers are to be elected at the same time? (*Ex parte Siebold*, 100 U. S., 371.)

These questions answer themselves; and it is only because the Congress of the United States, through long habit and long years of forbearance, has, in deference and respect to the States, refrained from the exercise of these powers that they are now doubted.

But when, in the pursuance of a new demand for action, that body, as it did in the cases just enumerated, finds it necessary to make additional laws for the free, the pure, and the safe exercise of this right of voting they stand upon the same ground and are to be upheld for the same reasons. (Pages 661, 662.)

If this were conceded, the importance to the General Government of having the actual election—the voting for those members—free from force and fraud is not diminished by the circumstance that the qualification of the voter is determined by the law of the State where he votes. It equally affects the Government; it is as indispensable to the proper discharge of the great function of legislation for that Government that those who are to control this legislation shall not owe their election to bribery or violence, whether the class of persons who shall vote is determined by the law of the State or by the law of the United States, or by their united result. (Page 663.)

If the Government of the United States has within its constitutional domain no authority to provide against these evils, if the very sources of power may be poisoned by corruption or controlled by violence and outrage without legal restraint, then, indeed, is the country in danger, and its best powers, its highest purposes, the hopes which it inspires, and the love which enshrines it, are at the mercy of the combinations of those who respect no right but brute force, on the one hand, and unprincipled corruptionists on the other. (Page 667.)

The court in *Ex parte Siebold* also ruled very plainly in regard to the power of Congress under this clause of the Constitution to treat State officers conducting elections as officers of the United States:

It is objected that Congress has no power to enforce State laws or to punish State officers, and especially has no power to punish them for violating the laws of their own State. As a general proposition this is undoubtedly true, but when in the performance of their functions State officers are called to fulfill duties which they owe to the United States as well as to the State, has the former no means of compelling such fulfillment?

In view of the fact that Congress has plenary and paramount jurisdiction over the whole subject, it seems almost absurd to say that an officer who receives or has custody of the ballots given for a Representative owes no duty to the National Government which Congress can enforce, or that an officer who stuffs the ballot-box can not be made amenable to the United States. If Congress has not, prior to the passage of the present laws, imposed any penalties to prevent and punish frauds and violations of duty committed by officers of election it has been because the exigency has not been deemed sufficient to require it, and not because Congress has not the requisite power. (Pages 397, 398.)

They also decided that it conferred upon Congress the power to appoint officers of its own to act as police at the polls, where a member

of Congress is being chosen, for the preservation of order and for the protection of the electors in their right to freely and peaceably cast their ballots:

The counsel for the petitioners concede that Congress may, if it sees fit, assume the entire control and regulation of the election of Representatives. This would necessarily involve the appointment of the places for holding the polls, the times for voting, and the officers for holding the election; it would require the regulation of the duties to be performed, the custody of the ballots, the mode of ascertaining the result, and every other matter relating to the subject. Is it possible that Congress could not, in that case, provide for keeping the peace at such elections and for arresting and punishing those guilty of breaking it?

If it could not, its power would be but a shadow and a name. But if Congress can do this, where is the difference in principle in its making provision for securing the preservation of the peace, so as to give to every citizen his free right to vote without molestation or injury, when it assumes only to supervise the regulations made by the State, and not to supersede them entirely? In our judgment there is no difference; and if the power exists in the one case it exists in the other. (*Ex parte Siebold*, page 396.)

In view of the language of the Constitution, of its intention as explained by its framers, and of the full and elaborate decisions of the Supreme Court on every point which could be involved therein, there can be no need for your committee to offer further argument as to the constitutional powers of Congress to pass such a bill as that which they report herewith. This bill is only a partial exercise of the plenary power of Congress in regard to the election of Representatives. It provides merely that the United States shall watch over every stage of an election which concerns the choice of a member of this body, shall give to all those proceedings the utmost publicity, which in this country is the surest safeguard of the rights of the people, and shall by a single act of control, if necessary, prevent the false certification of a member by any State officer or officers who may be ready to violate the laws.

Mr. Speaker, I will not enter further into the constitutional question, for it seems to me to be wholly needless. It is safe to say that no clause of the Constitution is more plainly expressed than that which relates to the control by Congress of Congressional elections, and that none has ever been more decisively construed by the great tribunal upon whom the high duty of finally interpreting the Constitution devolves. Congress has the absolute power to deal with the election of members of this House as it pleases; and the fact that it has never used this or any other power sparingly makes no difference in the argument. Power implies responsibility, and where responsibility exists it can not be shirked by leaving in abeyance the exercise of the power designed to meet it. If citizens of the United States entitled to vote for Representatives in Congress are deprived of their rights, it is the duty of Congress to see that they are protected. If Congressional elections anywhere are tainted with fraud or corruption, or are perverted by violence, it is the duty of Congress to interfere, and that duty is imperative, because the power of interference exists. If the people, or any considerable body of people, believe that Congressional elections anywhere are fraudulent or corrupt, it is the duty of Congress to interfere in order to restore public confidence.

It is not enough that elections should be fair; they must be known to be fair. They must be known to be fair beyond the reach of doubt or questioning. It is as important to have public confidence in the verdict of the ballot-box as it is to have the verdict itself honest. If people come to believe that the result of the elections is not in reality the will of the majority, the day is not far distant when that result will be set aside by force and the very foundations of the Government will be shaken. If popular distrust is not well founded Congress must demonstrate that elections are fair. If fraud and violence really exist they must really be rooted out. Congress therefore has the power, and with the power the duty, to legislate; and the method in which it proposes to deal with the question, under this bill, is before the House. The only point that now remains to be considered, and it is the most important of all, is that which relates to the expediency and necessity of such legislation—a question to be determined by an appeal to facts.

This bill is a national bill, intended to guard Congressional elections in every part of the country when it may be demanded. I have heard it freely charged that it is not national but sectional, yet when I observe the heat of the persons and of the newspapers who make the assertion, their vehemence leads one to remember "that suspicion always haunts the guilty mind." It was said many years ago by a distinguished statesman of my own State that freedom was national and slavery sectional. So it may be said with equal truth that honest elections are national and dishonest elections are sectional. If an impure ballot-box was a universal condition the frame of the National Government could not long endure. Anything that makes for purity of elections must be national in its scope, and fraud, although not confined to any section of the country, is, fortunately for us, always local and sporadic, and therefore never national. The facts in the case, however, demonstrate the national character of this measure more thoroughly than anything else.

The legislation of which this is an extension and improvement was made necessary by the gigantic frauds in the city of New York prior to the enactment of the legislation of 1870 and 1871. That certainly is not a sectional origin, in the sense in which the word is used against this or any other measure which aims to secure honest elections. It is now proposed to bring within the provisions of an effective law of sim-

ilar character all parts of the country where fraud, violence, or corruption at the ballot-box is known or suspected, and I propose to show, first, the need of such legislation in certain Northern districts, and to prove it by our experience under the existing law.

In May, 1870, there was a special election held in New York for the office of chief-justice, a special election for a legal office, not calling forth, probably, any great display of party feeling. In the first eight wards of New York there were polled at that special election 37,780 votes—that was the total of the votes of all sides. Before the November election the first part, and a very limited part, of the existing supervisors law was enacted, and at the November election, at a general election for a member of Congress, those same eight wards cast 22,839 votes; a decline of 14,941 votes in six months. Starting with that vote of 37,780 in May, 1870, for chief-justice, I have here a statement of the votes of those wards in each Presidential election except 1884, which are accidentally omitted in the table subjoined (see appendix, Table I, A and B), up to the Presidential election of 1888. From the election of November, 1870, when these wards polled 22,000 votes, there has been a steady but normal increase in the vote, just as the population has increased, until in 1888 those wards polled 32,004 votes. That is, there was a total loss in all the wards but one of 9,454 votes, a gain over 1870 in one ward of 3,678 votes, and in the total Presidential vote of 1888, compared with the vote of the special election for chief-justice in 1870, there was a net loss of 5,776 votes.

Now, Mr. Speaker, I want to look at that same body of votes in another way. (See appendix, Table I, C.) I have here thirteen election precincts selected from those wards in order to show the proportion of the vote to the total population of the district. In the sixth election district of the First ward, for every three of the total population there was one vote. In the twelfth election district of the Eighth ward there was one vote for every two of the population. In the thirteenth election district of the Eighth ward there was one vote for every 1.67 of population; and when we come to the tenth election district of the Sixth ward, we find there that for every ninety-three of the population, men, women, and children, there were cast 100 votes! [Laughter.] In the tenth election district of the Sixth ward, in 1870, the Democratic vote alone, throwing out the vote of other parties, was 884, or 14 more than the whole number of persons resident in the ward, men, women, and children, native, naturalized, and aliens. [Laughter.]

Mr. Speaker, in those earlier and "better days," before modern realism had come in to put its fetters upon fiction, persons of fertile imagination who desired to make up election returns made them up in the method of the romantic school of writers. They were not troubled by the desire of plausibility or reality. They made their returns big and handsome, just as the old novelists made all their heroes brave and all their heroines beautiful. [Laughter.]

There was another feature of New York elections at that time, known as the naturalization frauds of 1868. Under the supervisors law, which came in 1870 and 1871, many of the men who participated in those frauds were brought to justice and most of them gave up naturalization papers which they had obtained illegally in 1868. I have examined those files a little, and I have looked at the affidavits of the men who themselves gave up their papers fraudulently obtained and made affidavits as to how they had obtained them.

I will not weary the House by going into details, but I will mention a few merely to show the methods by which the work was done. For instance, there is the case of a Spaniard who, after he had been a few days in the country, had a certificate of naturalization left for him at his house. This was the usual procedure, the certificate of naturalization was generally left at the man's house as a free gift to the person whose fraudulent vote it was desired to secure. Here is another: John Lawrence, who was under age and had been only a few days in the country, was handed his certificate of naturalization in a liquor store. One man, although two years had not elapsed since his declaration of intention, received a certificate on presenting a card from the City Hall to the clerk of the court. Joseph Carey received his in a liquor store; but in order to make it seem more real and natural, he paid the proprietor of the store a fee of \$2. Another had his certificate handed to him in the City Hall corridor; another received his on the horse-car; and so it went.

Now, Mr. Speaker, naturalization is the foundation of citizenship—the way in which citizens are made in this country.

Mr. FLOWER. Mr. Speaker—

Mr. LODGE. I should be obliged if the gentleman would allow me to proceed without interruption. These frauds there were largely carried on and were checked if not extirpated by the supervisors' law. Where they still exist they are the product of the great Northern cities and Northern States where foreign immigration chiefly comes. Mr. Speaker, I do not think we can put too high a value on the gift of American citizenship. I believe that this should be more sacredly guarded than anything else that we have to give, and any law which checks naturalization can not be too rigid or too widely extended and enforced.

Now, in case it should occur to any one to say that this is merely the substitution of one set of officers in the interests of one party for another set of officers in the interests of another party, and that the results are no more reliable in one case than in the other, I desire to

call the attention of the House to the fact that it has never been shown that any legal voter has ever been interfered with in his right to vote in the city of New York since that time by the law appointing United States supervisors. No such case at least has ever been presented so far as I have been able to find out. But in further proof of the fact that this law has done no harm, but has done great good, I will invoke here the testimony of a distinguished public man who was never listened to in this House with aught but respect, who was a Representative of the city of New York, and who as the head of a special committee made a careful examination into this subject in 1877. Hon. S. S. Cox, in his report as the chairman of the Committee on Alleged Fraudulent Registration and Fraudulent Voting in the cities of New York, Philadelphia, Brooklyn, and Jersey City, took occasion to say:

Whatever may be said about the United States law as to elections or their supervision by United States authority, whatever may be said as to the right of a State to regulate in all ways such elections, this must be said, that the administration of the law by Commissioners Davenport, Muirhead, and Allen, the United States functionaries and their subordinates, was eminently just and wise and conducive to a fair public expression in a Presidential year of unusual excitement and great temptation.

The testimony of Mr. Davenport, the United States commissioner for the southern district of New York, is a remarkable statement, which the committee would adopt as the basis of their report as to the three cities.

I think no one who will look at these figures, showing the enormous frauds committed in the city of New York, before the United States stood guard over the elections, can refuse to say that such legislation was of enormous value in the interest of honest voting and of the good Government which honest voting can alone produce, and that it has helped forward the cause of ballot reform and of improved election methods, in respect to which New York stands to-day in the very front rank.

New York, however, Mr. Speaker, is not the only large city in the United States, nor is it the only city where at times the elections have been tainted with fraud and corruption. There has been an investigation running on all winter into the frauds of a city close by New York. I need not go over that testimony. Everybody has seen the evidence as to the Hudson County frauds, but when at the close of an election there are found, as I understand, in a patent-locked ballot-box the shirt-cuffs and shirt-buttons of the inspector of elections, it indicates that somewhere or other there is a break in the law or in the box.

Mr. Speaker, there are other such districts elsewhere of similar character. They are plague spots which should be promptly cured. I need not go over the questions of the poll-list and tally-list forgeries and other election frauds with which we are all familiar. They have become notorious, and there is no need to do more than allude to them.

But, now, let us take a more general state of facts. In some States there is what is called a permanent registration. That is the case in my own State. No matter how honestly the registration is carried out, it is my belief that any permanent registration in a large city must accumulate names which represent nobody, and which, therefore, throw open the door for an ever-increasing fraud. Those names stand there a constant temptation, to be kept on the list by unscrupulous men of both parties and of all shades of opinion, so that they may vote upon them other men whom they can control, and thus be enabled to repeat in voting. Nothing can be more wholesome than to have those permanent lists thoroughly overhauled from time to time by men who stand outside with no local interests to subserve. It brings them out into the light; it gives them publicity. As a resident in a State where that system of registration prevails, I have no hesitation in saying that I believe it would be well, very well, to have those permanent registration lists in large cities overhauled in this way. If there is nothing wrong, then it will dispose of such accusations as are now made from time to time that the lists are not right. If they are wrong, it will remedy the wrong, and I do not believe that anything or anybody or any party that is honest in its intentions, purposes, and aims was ever hurt by having the truth and the whole truth known about elections, from beginning to end.

Mr. Speaker, the elections in the great Northern cities are not the only ones which have come under suspicion. It is believed by a very large portion of the American people that there are districts in the South where fraud in some form controls despotically the verdict of the ballot-box. I have always observed, sir, among the gentlemen who represent those States a noble zeal against the varied forms of wrongdoing which have at times disfigured Northern elections. Nothing can be finer than the honest and manly rage with which they denounce bribery, the great factor, they say, in Northern elections, and the foundation of Republican success. Whoever benefits by bribery, it is an evil thing and a grave peril to-day in the commonwealth. I, for one, do not underestimate it or blink it in the least. I say frankly that I will join hands with any of our zealous friends on the other side in promoting legislation which will put a stop to it.

If I could have my way, Mr. Speaker, I would put the secret and official ballot into every district of this country, because that is the only thing I have ever seen which actually and practically stops the use of money at elections. It must not be forgotten, however, that legislation against bribery or any other crime against free suffrage must be national in its character. I am more than ready to make it so, and we have gone as far in this bill against it as we can go in a bill which does not provide for a secret and official ballot. In return I ask my

friends who are so warm on the subject of corruption to unite with me in legislation which shall be applicable not only to bribery and corruption but to the other evils which beset elections. Since they are so eager to remove the mote from their brother's eye they might agree that it is but fair to take the beam from their own.

In regard to Southern elections, Mr. Speaker, one of two things must be true—the elections are either fair, free, and honest, or they are not. There can be, unfortunately, no question of the widespread belief among a large body of the American people that many of these elections are the very reverse of fair, free, and honest. Whichever state of facts is the correct one, it is the paramount duty of the National Government to restore to the people confidence in these as in all other elections. If, as I have heard it stated on this floor, Southern elections are perfectly fair, and the black man goes carolling to the voting place by the side of his employer, seeking only to cast his vote for those whose interests are identical with his own, then, sir, it is the duty of the United States Government to uncover this pleasing picture and display it to the country so that confidence may be restored, and no man may suspect longer that Southern elections are open to criticism.

If all is right and well in elections in the South this law can hurt no one, but will be, on the contrary, of unprecedented value to those communities now accused of wrongdoing. No people will be so much benefited by it as the people of the South, for it will demonstrate at once that the generally accepted Northern view is groundless and unjust. If, on the other hand, the belief of large masses of the people, that in certain regions of the South such a thing as a fair election is unknown, is well founded, then it is high time that the United States should put a stop to that evil, if they have to exercise to the very last point every power that the Constitution has put into their hands.

If, Mr. Speaker, as I have said all is well with Southern elections, as we hear declared on this floor by Representatives from that region with all the solemnity of Roman augurs, there can be no possible objection to this legislation. On the contrary, they of all people ought to desire it. But if, when the Roman augurs retire from the public gaze they hold a different language in the recesses of the temple, if they fight with the utmost fury against every attempt to regulate or improve elections, then we are forced to believe that these accusations are not groundless, and it is easy to show why we should deal with the existing facts as here proposed.

It would not be fair to cite here anything in the nature of a private conversation, but now and then some of these lovers of honest elections grow careless, and their utterances on the subject creep out into light of day to be much admired and pondered by all men.

The newspapers of the South also always discuss this matter with great vigor and with a frankness which is as charming as the language they use is polished and civilized.

But again we can spare ourselves anything which seems to savor of personality by a consideration of certain figures to which I now ask the attention of the House. The total vote returned for ten Representatives from Georgia in 1886 was 27,520; in 1888 it was 130,134. In Mississippi the total vote returned for seven Representatives in 1886 was 46,748, and in 1888 it was 115,216. In South Carolina the total vote returned for seven Representatives was 39,077, while in 1888 it was 76,369. I have the figures here from one hundred and sixty-four other districts, which I will print as an appendix, and from which I wish merely at this time to draw a few comparisons. (See appendix, Table II, A.)

An analysis of this table shows that there were one hundred and fifty-one Congressional districts in each of which the total vote returned for Representative in 1886 exceeded the aggregate vote returned from the ten Congressional districts of the State of Georgia; that there were thirteen districts in each of which the total vote returned in 1886 exceeded the aggregate vote from the seven districts of South Carolina, and that there were six districts in which the total vote returned exceeded the aggregate from the seven Congressional districts of Mississippi. Moreover, an inspection and comparison of the election returns of 1888 show that of four Representatives, one from Colorado [Mr. TOWNSEND], one from Kansas [Mr. PETERS], one from Minnesota [Mr. SNIDER], and one from Nebraska [Mr. DORSEY], each is backed by more votes than are the seven Representatives from South Carolina—from Colorado, 92,000; from the Seventh district of Kansas, 82,000; from the Fourth district of Minnesota, 82,000; and from the Third district of Nebraska, 77,000. Here are the figures: Total vote of South Carolina for Representatives in the Fifty-first Congress as returned, 76,369; total vote for one Representative from Colorado, 92,309; total vote Seventh Congress district of Kansas, 82,244; total vote Fourth Congress district of Minnesota, 82,373; total vote Third Congress district of Nebraska, 77,892.

The one hundred and fifty-one districts above enumerated each cast more than 27,520 votes for Congress candidates in 1886. It may be of interest to note the districts in each of which 15,000 votes or less were returned. I have them here in a table. (See appendix, Table II, B.) There are forty-five of them, each of which returned less than 15,000 votes for a Representative in the Fifty-first Congress, and forty-one of those districts are in the South. Only fifteen of those districts returned as many as 10,000 votes each in 1886; the average for the remaining

thirty districts—I desire to call the attention of the House particularly to this part of the comparison—the average for the remaining thirty districts being 4,167 votes each, or 26,673 votes less per district than the average per district of two hundred and four districts in the twenty-two States of the North and West.

To express it in another form, the thirty districts with thirty votes in the House of Representatives cast and returned a total of 125,015 votes, which was 11,000 votes less than the returned vote of the three districts of Nebraska; 3,000 votes less than the returned vote of the four districts of Maine; nearly 70,000 votes less than the returned vote of the six districts of California; only 2,000 more than the returned vote of the four districts of Connecticut; less than one-half of the returned vote of the seven districts of Kansas; 120,000 less than the returned vote of the twelve districts of Massachusetts; less than one-third of the returned vote of the eleven districts of Michigan; 79,000 votes less than the returned vote of the five districts of Minnesota; 104,000 votes less than the returned vote of the seven districts of New Jersey; considerably less than one-seventh of the returned vote of the thirty-four districts of the State of New York; a little more than one-sixth of the returned vote of the twenty-one districts of Ohio, and considerably less than one-half of the returned vote of the nine districts of Wisconsin.

Moreover it was 99,000 votes less than the returned vote of the ten districts of Virginia; 107,000 votes less than the returned vote of the ten districts of Tennessee, and 69,000 votes less than the returned vote of the nine districts of North Carolina; 25,000 less than the returned vote of the six districts of Maryland; 5,000 less than the returned vote of the four districts of West Virginia, and 293,000 votes less than the returned vote of the fourteen districts of Missouri.

These figures, Mr. Speaker, seem to possess some significance. They do not appear to me to be mere curiosities of arithmetic.

Now I have here another table (see appendix, Table III) which shows the ratio of the voting population to the total population, and it is interesting to notice that where States had a census in 1885, and where we can make comparisons, we find that the ratio of increase in the vote corresponds very accurately with the ratio of increase in the total population. That is, allowing for the differences of off years and Presidential years, there is a steady increase in the vote, which bears an exact relation to the increase of population. On these ratios I am grieved to say that there are three States which show an apparent decrease of population in the last ten years.

If the ratio of voting population to total population means anything, and it is usually perfectly accurate, then the population of Georgia has decreased 145,530 since 1880; the population of Mississippi, 123,154, and that of South Carolina, 533,027.

In Mississippi there was an enormous decrease of the vote between 1876 and 1880. In 1876 the total vote was 164,773, in 1880 only 117,078, a decrease of 47,700 votes in the short space of four years. In 1888 the total number of votes returned was only 115,567, showing a steady but slower decrease during the eight preceding years, and an aggregate decrease in twelve years of no less than 49,211 votes, or about 30 per cent.

Now, let us compare Mississippi and New Jersey. They both are Democratic States. They both have the same number of Representatives in Congress. The population, curiously enough, in 1880 was almost exactly identical. In 1880 the population of Mississippi was 1,131,597, and the population of New Jersey was 1,131,116. In 1880 Mississippi returned a total vote of 117,078, and New Jersey a total vote of 245,928.

In 1888 the total vote of Mississippi had shrunk to 115,567, and the total vote of New Jersey had swelled to 303,741. Each of the seven Representatives from Mississippi in the Fifty-first Congress represents an average of 16,459 votes cast and counted, and each of the seven Representatives from the State of New Jersey is backed by an average of 43,335 votes. (See appendix, Table IV.)

Now compare South Carolina and Kansas, one a Democratic and the other a Republican State. These States, in 1880, started in a race which was almost even as to population. South Carolina had 995,577 inhabitants; Kansas had 996,090. The representation of South Carolina was increased from 5 to 7 and of Kansas from 3 to 7. In 1880 the total vote of South Carolina was 170,956, and the total vote of Kansas was 201,236. In 1888 the total vote of South Carolina had dwindled to 79,750, a decrease of 91,206, or more than 53 per cent. in eight years. In 1888 the total vote of Kansas was 334,035, an increase of 132,799, or nearly 40 per cent. in eight years. Each Representative in the Fifty-first Congress from South Carolina is backed by an average of 10,909 returned votes, and each Representative from Kansas is backed by an average of 47,040 votes. (See appendix, Table V.)

In 1886 the total Congressional vote of South Carolina was 39,077, or 23,688 less than that of the district represented by Mr. PITERS, of Kansas. In 1888 the total vote returned for Congress in the seven South Carolina districts was 76,369, 5,875 votes less than the total vote cast and returned in the district now represented by Mr. PITERS.

Under the present apportionment the ratio of representation is 151,912. According to that ratio, supposing that the vote indicates correctly a decrease of the population, South Carolina is entitled to three instead of seven Representatives in Congress, on a population of 462,-

550; and Georgia, on the same basis, is entitled to nine Representatives instead of ten, if the Presidential vote of 1888 be taken as the multiplier, and she would be entitled to eight Representatives instead of ten if the Congressional vote of 1888 should be taken as the multiplier, the latter total being 12,705 less than the former and indicating a population of only 1,268,805.

Of course the foregoing comparisons are based upon the theory to which I have alluded, that elections are as free and fair and election returns as honest in Mississippi and South Carolina as in New Jersey and Kansas.

It may, perhaps, be urged that it is unfair to compare Northern States with Southern States. The three States of Georgia, Tennessee, and Virginia have an equal representation in Congress. The population and number of men of voting age in each State in 1880 were as follows:

State.	Population in 1880.	Men 21 years old and upward, 1880.
Georgia.....	1,542,180	321,488
Tennessee.....	1,542,359	330,306
Virginia.....	1,612,565	334,505

Georgia and Virginia were among the "original Thirteen" which fixed the basis of representation, and they with Tennessee have shared equally in the remarkable prosperity which has overspread many of the Southern States within the past twenty years. Georgia in 1880 contained about 15,000 more colored men twenty-one years old and upward than did Virginia—the totals being, respectively, 143,471 and 128,257. Georgia contained about 63,000 more colored men twenty-one years old and upward than did Tennessee, the totals being 143,471 and 80,250, respectively. The latter State was admitted into the Union only seven years after the adoption of the Constitution; both States have a large proportion of population engaged in agriculture; mining and manufacturing have gained a firm foothold in both States; they touch each other geographically. It is evident, therefore, that the normal political conditions of these States can not differ widely, and that a comparison of results can not be unfair. It is found in the table given in the appendix, numbered VI.

It will be noted that more votes were cast for Representative in the Third Tennessee district in 1886 than were cast in the ten Georgia districts in the same year, while in the First Tennessee district the number was only 174 less than the total for the ten Georgia districts.

Now, as to the weight in legislation and in conducting the National Government that is implied in these figures. In the Fiftyth Congress Georgia furnished the chairmen of the following House committees: Elections; Post-Office and Post-Roads; Education; Reform in the Civil Service; and one member each for the Committees on Ways and Means; Appropriations; Judiciary; Coinage, Weights, and Measures; Commerce; Foreign Affairs; Territories; Railways and Canals; Manufactures; Mines and Mining; Pacific Railroads; Labor; Patents; Pensions; Revision of the Laws; Expenditures in the State Department; Accounts; Enrolled Bills, and Census—four chairmen and nineteen other members of committees.

In the same Congress South Carolina furnished the chairmen of the Committees on Public Buildings and Grounds, District of Columbia, and Labor Troubles in Pennsylvania; and one member each of the following committees: Banking and Currency; Coinage, Weights, and Measures; Foreign Affairs; Military Affairs; Naval Affairs; Indian Affairs; Territories; Patents; Private Land Claims; Revision of the Laws; Reform in the Civil Service; Election of President, Vice-President, and Representatives, and Census—three chairmen and thirteen other members of committees.

Mississippi furnished the chairman of the Committee on Levees and Improvements of the Mississippi River, and one member each for the following committees: Elections (Mr. Barry, whose district had returned 3,086 votes); Rivers and Harbors; Agriculture; Foreign Affairs; Military Affairs; Post-Office and Post-Roads; Public Lands; Indian Affairs; Pensions; War Claims; Expenditures in Navy Department; Expenditures in Post-Office Department; Expenditures on Public Buildings, and Indian Depredation Claims—one chairman and fourteen other members of committees.

New Jersey furnished the chairman of Militia and one member each of the following committees: Coinage, Weights, and Measures; Agriculture; Foreign Affairs; Railways and Canals; Manufactures; Public Buildings and Grounds; Labor; Militia; Invalid Pensions; Election of President, Vice-President, and Representatives, and Indian Depredation Claims—one chairman and eleven other members of committees.

The twenty-four Representatives from the three States of Georgia, Mississippi, and South Carolina, who represented an aggregate returned vote of 113,345, filled eight chairmanships and forty-six other places on House committees in the Fiftyth Congress. In the same Congress the State of New York, with thirty-four Representatives backed by a total returned vote of 930,837, filled five chairmanships—the only one of importance being that of Census—and sixty-two other members of committees.

This was an average of 2½ committee places for each Representative from the three States first named, the average vote of each district being 4,723, and an average of 1½ committee places for each Representative in the State of New York, where the average total vote per district was 34,481, or more than seven times as great. The first three States had two members of the Elections Committee; New York had none. They had one representative on Ways and Means; New York had none. They had three members of Foreign Affairs; New York had one member.

Now, Mr. Speaker, I wish to call attention to the increase of the vote from one election to another. The picturesquely small votes of 1886 did not continue. They were increased. In the following year these votes rose. The vote of Alabama increased 100 per cent.; the vote of Arkansas increased 182 per cent.; the vote of Mississippi increased 146 per cent.; the vote of South Carolina increased 95 per cent., and the vote of Georgia in two years increased 370 per cent. These percentages of increase, Mr. Speaker, are beyond nature. They can only be considered as works of art, and I leave them for the consideration of the House without comment on my part, only adding—

The SPEAKER. The gentleman's hour has expired.

Mr. LODGE. The gentleman from Vermont, a member of the committee, will yield me further time.

Mr. STEWART, of Vermont. Mr. Speaker, I yield whatever portion of my time the gentleman may require.

Mr. LODGE. I only add that the average increase of the votes in the other States of the Union is between 30 and 40 per cent. from an off year to a Presidential year. (See Appendix, Table VII.)

Mr. Speaker, these statistics speak loudly enough as to the voting in the various States. I have no intention of going further and of entering upon an elaborate discussion of the overwhelming testimony to be found in countless election cases and in the unstudied utterances of Southern newspapers and of Southern representatives as to the actual manner in which Southern elections are sometimes conducted.

No intelligent and fair-minded man is going to deny that there have been frauds in Northern elections. I have no doubt that they have existed and that they still exist, and the greatest proof of it is the earnest effort now being made in every Northern State to-day by both parties to root out those evils and to destroy the suspicion of them if they do really exist, by the most elaborate devices that the wit of man can devise. This shows not only that these evils have existed, but that the people of those States are prepared to deal with them and are dealing with them. There is no occasion for getting into a condition of sensitiveness because we say these same evils in other forms may exist elsewhere. It ought not to be necessary to argue that there are districts in the South where the elections for Representatives in Congress are not universally fair and free; but in the problem there presented there is something far graver than a dispute as to the details of voting and counting.

The wrong where wrongdoing occurs in most districts in the North is simply an effort of one party to get ahead of another by illicit means, usually by fraud or bribery of a pretty vulgar kind. No doubt in Southern elections the desire of unscrupulous persons to defeat their opponents by any method plays its part; but the question which complicates and controls the issue there is the question of race. No one can afford to speak lightly of or indulge in recriminations about the race question in the South. I have no desire, for one, to cast stones at any man or any men who are dealing with a problem at their own doors because they do not appear to me to deal with it as I should when I am a thousand miles away from it. That problem and the future of the negro in America present one of the gravest questions before the American people. It is one in which we are all concerned and for the right solution of which we shall all be held responsible, whether we live in the North or in the South.

The wrong of slavery was expiated by the North, which condoned it, as much as by the South, which upheld it. One thing is certain: We shall never deal with it successfully by raging over it and calling each other hard names; still less shall we be able to deal with it if we attempt to evade the issue or blink the facts. The negroes in the United States did not come here by any will or action of their own. They did not seek to force themselves upon us as the Chinese, whom we have excluded, tried to do; they were brought here by force under circumstances of hideous cruelty. They were held in bondage and ignorance. They were sold on the block and they quivered under the lash. It is idle to say that they are better off than they would have been if they had staid in their native wilderness. Better an eternity of savage freedom than the civilization which came to them with the hammer of the auctioneer in one hand and the slave-driver's whip in the other.

No material comfort is worth having which is purchased by such suffering as theirs and by more than two hundred years of slavery. At last a time came when there was war between the States to decide whether this Government should survive or whether the country should be torn into two conflicting parts, and on the outcome of that war the fate of the race turned. What did this race do in that mighty struggle? When it began the negroes were not citizens; they were only slaves, although in the catalogue of the Constitution perhaps they passed for men. To the Government, on the one side, they owed no allegiance, for its power

had been used, so far as they knew, only to rivet their bonds, to seize them by the throat, and to thrust them back into bondage.

On the other side were their owners, and how much a slave owes to the owner who buys and sells him let each man answer for himself.

Pay ransom to the owner.
And fill the bag to the brim.
Who is the owner? The slave is owner,
And ever was. Pay him.

What, then, did they do, this race that owed nothing to either combatant but the single debt of a great revenge? On one side, they took their muskets in their hands and went to the front by regiments. They died in the trenches and on the battle-field by hundreds for the Government which up to that time had only fastened their chains more securely upon them. On the other side, they remained on the plantations. They cared for the defenseless families and for the property of the men who had gone away with an army whose victory meant the continuance of slavery. Yet the annals of the war tell no story of a San Domingo massacre or of the slaughter of the helpless beings who staid at home while nearly every able-bodied white man was bearing arms on the field. They gave loyalty to the Government which had spurned them and fidelity to the men who had held them in fetters.

Such loyalty and fidelity as this demand some better reward from the people of this country both North and South than the negro has ever received. What he needs is neither brutality on the one hand nor sentimentality on the other. He should not be petted and coddled because he is a negro-American, nor should he be intimidated and cast out for the same reason. We are altogether too fond of prefixing qualifying adjectives to the word American. If a man is not satisfied to be an American pure and simple and to abandon the prefixes which denote race distinctions, then he is better outside this country than in it, and this truth, which is susceptible of a wide application, I would now apply to the men of the colored race. We have clothed them with the attributes of American citizenship. We have put in their hands the emblem of American sovereignty. Whether wisely or unwisely done is of no consequence now; it has been done and it is irrevocable.

We owe them no more and no less than we owe to all American citizens, but we owe them all that the Government gives to any American citizen, be he rich or poor, white or black. The Government which made the black man a citizen of the United States is bound to protect him in his rights as a citizen of the United States, and it is a cowardly Government if it does not do it! No people can afford to write anything into their Constitution and not sustain it. A failure to do what is right brings its own punishment to nations as to men. There is no escape from the inexorable law of compensation. As Lincoln said in his second inaugural:

Fondly do we hope, fervently do we pray, that the mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said, "The judgments of the Lord are true and righteous altogether."

If we fail as a people to deal with this question rightly we shall pay for it just as we paid the debt of slavery of which all this is part. What, then, ought we to do? After the war, when this great body of slaves was cast helplessly into freedom with all the responsibility of citizenship suddenly forced upon them, I believe that it was wholly within the power of the white race to so conciliate and divide them that the negro as a sectional political question should never more have been heard of. Perhaps it was asking too much of human nature to expect this to be done. At all events it was not done, and it was declared that the problem could be solved by methods other than those known to the law. Those methods have been tried and they are a failure. For fifteen years they have prevailed completely, and yet the South comes to this Congress with the demand that measures should be taken to deport the negro population. That the proposition is impracticable does not deprive it of its significance.

It is a confession of failure and a cry of despair. Whatever the correct policy is by which to deal with these problems which the South thus presents of its own accord this is neither the time nor the place to discuss. One thing is certain. No intelligent remedy can be applied so long as the negro question is made a matter of party politics, dividing sections and keeping alive sectional animosities and agitation. With the governments of the States and of the municipalities we here have nothing to do. Each State and each community must work out its own salvation in its own way. If they do right they will profit by it. If they do wrong they will pay for it, and pay for it to the last jot and tittle, for Though the mills of God grind slowly, yet they grind exceeding small.

But the election of men to sit in this Hall is a different question. It is a mere pretense to talk about the "rule of an inferior race," of "organized barbarism," when dealing with this part of the problem. If negroes or men nominated by negroes had always been elected from a dozen or twenty districts in the South it would have been but a trifling element in the great movement of the National Government.

But if such elections had been permitted the political agitation in the North about the negro and the negro question would have died out long ago. But here party supremacy came in and the race question was falsely used as an excuse for seizing a certain number of seats in this body.

There is another and more important point to be considered here. When Congressional elections are interfered with anywhere, they touch the like elections everywhere. Call this bill "revolutionary!" Mr. Speaker, the "revolution" lies in those figures that I have read which show that while the Constitution guarantees an equal representation on this floor that equal representation has ceased to exist. There, Mr. Speaker, is where the "revolution" has been wrought. Whether we can turn it back, whether we can check it, whether we can succeed in undoing its work by legislation here, I do not know; I know that it is our duty to attempt it by every fair and proper means.

The election of a governor in one State does not concern the people of another politically, but the fraudulent election of a member of Congress in one State is a direct wrong to the political rights of the people in every other. Leave our rights alone and then you can take up your burden in your own way and we will help you to our utmost power, for your prosperity and your troubles are ours also. To every man who is an American citizen the United States owe protection. But with few restrictions the determination as to the qualifications of a voter is left to the States. If any State thinks that any class of citizens is unfit to vote through ignorance it can disqualify them from voting for State officers or for members of this House. It has but to put an educational qualification into its constitution. But the disqualification like the qualification can not recognize color, and that is the reason that legal methods have never been tried. The negro is not thrust out from his rights merely because he is ignorant and unfit to use them, as is constantly charged, but because his skin is black. It is this distinction which gives the lie to every principle of American liberty that is at the bottom of the difficulty and of the problem which we all deplore.

The first step, then, toward the settlement of the negro problem and toward the elevation and protection of the race is to take it out of national party politics. This can be done in but one way. The United States must extend to every citizen equal rights. It is a duty which they can not avoid. If they do not perform it now they will perform it later, and the longer it is postponed the worse the consequences will be. Moreover, this cry about the danger of negro rule, this bitter appeal to race supremacy, which is always ringing in our ears, is made a convenient stalking horse to defraud white men as well as black men of their rights. It is an evil which must be dealt with, and if we fail to deal with it we shall suffer for our failure. If all is fair and honest and free in Southern elections this law will interfere with no one, but will demonstrate the fact to the people of the United States. If all is not fair and free this law will begin even if it does not complete the cure.

An honest vote lies at the bottom of our system of government. It is the only way we have to discover and assert the will of the majority, and the will of the majority governs in this country. If we do not ascertain that will honestly it will be determined by force. You may call these truisms, if you like, but truisms are more apt to be forgotten than anything else, and yet to disregard them is the road to ruin. Free elections are the safety of this Government. We here can interfere with none but those which concern the Congress itself, but it is our plain duty to see to it that those at least are preserved in their purity and integrity. So far as a party question enters into this it can be easily dealt with. If one party benefits by free elections it is because that party is cheated now. If neither party is cheated by fraud, then free and honest elections will affect neither. If both cheat, both will suffer. It is our duty, so far as lies in our power, to make elections so honest that no man will dare to question them. Let us do our whole duty to every American citizen, made such by the Constitution, no matter what his creed or color, no matter whether he be weak or strong, rich or poor, and we can safely abide by the result. Let us secure to all men the freedom which is the corner-stone of our Government.

I wish men to be free
As much from mobs as kings; from you as me.

[Applause on the floor and in the galleries.]

The SPEAKER. The House will be in order. The galleries will cease applause.

APPENDIX.

TABLE I.—Showing the changes in the vote of the first eight wards of New York following the enactment of the supervisors' law, May 31, 1870.

A.			
Wards.	May, 1870, chief-justice.	Nov., 1870, for Congress.	Loss in six months.
First.....	3,051	2,174	877
Second.....	470	289	181
Third.....	1,332	659	673
Fourth.....	5,804	3,313	2,491
Fifth.....	4,374	2,694	1,680
Sixth.....	6,350	2,865	3,485
Seventh.....	6,867	5,778	1,109
Eighth.....	9,512	5,067	4,445
Totals.....	37,780	22,839	14,941

TABLE I.—Showing the changes in the vote of the first eight wards, etc.—Continued.

Wards.	May, 1870, chief-justice.	Nov., 1870, for Congress.	President.				Loss, 1868 from May, 1870.	Gain, 1868 over May, 1870.
			1872.	1876.	1880.	1884.		
First.....	3,051	2,174	2,259	2,388	2,500	2,761	390	.....
Second.....	470	289	346	372	464	425	45	.....
Third.....	1,332	659	717	822	936	1,050	282	.....
Fourth.....	5,804	3,313	2,974	3,258	3,396	4,059	1,745	.....
Fifth.....	4,374	2,694	2,630	2,953	3,254	2,935	1,439	.....
Sixth.....	6,350	2,865	2,485	2,681	2,855	3,498	2,632	.....
Seventh.....	6,867	5,778	6,494	7,526	8,645	10,555	.....	3,673
Eighth.....	9,512	5,067	6,316	5,942	6,452	6,711	2,801	.....
Total.....	37,780	22,839	23,311	25,042	28,546	32,004	2,454	3,678

Net loss, 5,776.

C.

Specimen election districts—Vote of May, 1870, for chief judge of the court of appeals.

Wards.	Election district.	Total vote.	Population, June, 1870.	No. of residents to one vote.
First.....	Sixth.....	310	963	3.10
Eighth.....	Twelfth.....	734	1,958	2.71
Sixth.....	Second.....	195	1,828	2.70
Eighth.....	First.....	535	1,425	2.59
Third.....	Third.....	338	885	2.58
Sixth.....	Eleventh.....	1,110	2,795	2.52
Second.....	Eleventh.....	167	395	2.19
Second.....	Second.....	303	640	2.11
Eighth.....	Thirteenth.....	1,022	1,710	1.67
Sixth.....	Ninth.....	1,045	1,643	1.57
Eighth.....	Second.....	957	1,140	1.20
Eighth.....	Third.....	865	1,094	1.19
Sixth.....	Tenth.....	934	870	.93
In thirteen election districts.....		8,535	15,966	1.87

* In the tenth election district of the Sixth ward the Democratic vote alone was 884, or 14 more than the whole number of persons, men, women, and children—natives, naturalized, and aliens included—resident in the district.

TABLE II.—Returns from one hundred and sixty-four districts in 1886.

A.			
State.	District.	Representative.	Vote.
California.....	First.....	Mr. Thompson.....	32,982
Do.....	Second.....	Mr. Biggs.....	35,456
Do.....	Sixth.....	Mr. Vandever.....	38,648
Colorado.....	.....	Mr. Symes.....	58,258
Illinois.....	Eighth.....	Mr. Hitt.....	32,277
Do.....	Tenth.....	Mr. Post.....	31,212
Do.....	Eleventh.....	Mr. Geet.....	34,262
Do.....	Twelfth.....	Mr. Anderson.....	32,592
Do.....	Thirteenth.....	Mr. Springer.....	35,242
Do.....	Fourteenth.....	Mr. Howell.....	30,022
Do.....	Fifteenth.....	Mr. Cannon.....	32,863
Do.....	Sixteenth.....	Mr. Landes.....	32,708
Do.....	Seventeenth.....	Mr. Lane.....	27,725
Do.....	Eighteenth.....	Mr. Baker.....	30,339
Do.....	Nineteenth.....	Mr. Townshend.....	29,046
Do.....	Twentieth.....	Mr. Smith.....	31,904
Indiana.....	First.....	Mr. Hovey.....	29,740
Do.....	Second.....	Mr. O'Neill.....	30,941
Do.....	Fourth.....	Mr. Holman.....	30,766
Do.....	Fifth.....	Mr. Matson.....	32,886
Do.....	Sixth.....	Mr. Browne.....	33,650
Do.....	Seventh.....	Mr. Bynum.....	43,890
Do.....	Eighth.....	Mr. Johnston.....	40,734
Do.....	Ninth.....	Mr. Chesdale.....	41,458
Do.....	Tenth.....	Mr. Owen.....	34,185
Do.....	Eleventh.....	Mr. Steele.....	38,890
Do.....	Twelfth.....	Mr. White.....	34,478
Do.....	Thirteenth.....	Mr. Shively.....	37,192
Iowa.....	First.....	Mr. Gear.....	32,250
Do.....	Third.....	Mr. Henderson.....	34,565
Do.....	Fourth.....	Mr. Fuller.....	32,195
Do.....	Fifth.....	Mr. Kerr.....	32,894
Do.....	Sixth.....	Mr. Weaver.....	32,630
Do.....	Seventh.....	Mr. Conger.....	33,726
Do.....	Eighth.....	Mr. Anderson.....	31,414
Do.....	Ninth.....	Mr. Lyman.....	29,635
Do.....	Tenth.....	Mr. Holmes.....	31,287
Kansas.....	First.....	Mr. Morrill.....	34,792
Do.....	Second.....	Mr. Funston.....	35,716
Do.....	Third.....	Mr. Perkins.....	38,084
Do.....	Fourth.....	Mr. Ryan.....	35,996
Do.....	Fifth.....	Mr. Anderson.....	33,025
Do.....	Sixth.....	Mr. Turner.....	61,465
Do.....	Seventh.....	Mr. Peters.....	31,044
Maine.....	First.....	Mr. Reed.....	31,444
Do.....	Second.....	Mr. Dingley.....	31,980
Do.....	Third.....	Mr. Milliken.....	31,752
Do.....	Fourth.....	Mr. Boutelle.....	31,591
Maryland.....	Sixth.....	Mr. McComas.....	33,929
Michigan.....	First.....	Mr. Chipman.....	34,044
Do.....	Second.....	Mr. Allen.....	34,452

TABLE II.—Returns from one hundred and sixty-four districts in 1890—Continued.

State.	District.	Representative.	Vote.
Michigan.....	Third.....	Mr. O'Donnell.....	39,308
Do.....	Fourth.....	Mr. Burrows.....	36,000
Do.....	Fifth.....	Mr. Ford.....	39,773
Do.....	Sixth.....	Mr. Brewer.....	39,600
Do.....	Seventh.....	Mr. Whiting.....	28,333
Do.....	Eighth.....	Mr. Tarney.....	37,846
Do.....	Ninth.....	Mr. Cutcheon.....	33,817
Do.....	Tenth.....	Mr. Fisher.....	29,293
Minnesota.....	First.....	Mr. Wilson.....	33,612
Do.....	Second.....	Mr. Lind.....	38,292
Do.....	Third.....	Mr. MacDonald.....	33,359
Do.....	Fourth.....	Mr. Rice.....	64,983
Do.....	Fifth.....	Mr. Nelson.....	43,957
Missouri.....	First.....	Mr. Hatch.....	31,778
Do.....	Second.....	Mr. Mansur.....	34,928
Do.....	Third.....	Mr. Dockery.....	37,156
Do.....	Fourth.....	Mr. Warner.....	32,171
Do.....	Fifth.....	Mr. Heard.....	40,636
Do.....	Sixth.....	Mr. Hutton.....	28,347
Do.....	Seventh.....	Mr. Clardy.....	29,289
Do.....	Eighth.....	Mr. Bland.....	30,598
Do.....	Ninth.....	Mr. Stone.....	39,414
Do.....	Tenth.....	Mr. Wade.....	28,232
Do.....	Eleventh.....	Mr. Walker.....	28,933
Do.....	Twelfth.....	Mr. McShane.....	42,679
Do.....	Thirteenth.....	Mr. Laird.....	41,665
Do.....	Fourteenth.....	Mr. Dorsey.....	52,153
Do.....	Fifteenth.....	Mr. McKinney.....	37,534
Do.....	Sixteenth.....	Mr. Gallinger.....	59,659
Do.....	Seventeenth.....	Mr. Hires.....	35,433
Do.....	Eighteenth.....	Mr. Buchanan.....	35,380
Do.....	Nineteenth.....	Mr. Kenn.....	33,479
Do.....	Twentieth.....	Mr. Phelps.....	29,538
Do.....	Twenty-first.....	Mr. Lehlbach.....	37,971
Do.....	Twenty-second.....	Mr. McAdoo.....	31,551
Do.....	Twenty-third.....	Mr. Belmont.....	32,994
Do.....	Twenty-fourth.....	Mr. Fitch.....	31,828
Do.....	Twenty-fifth.....	Mr. Stahlnecker.....	30,245
Do.....	Twenty-sixth.....	Mr. Bacon.....	27,707
Do.....	Twenty-seventh.....	Mr. Ketcham.....	28,249
Do.....	Twenty-eighth.....	Mr. Hopkins.....	34,044
Do.....	Twenty-ninth.....	Mr. Greenman.....	34,286
Do.....	Thirtieth.....	Mr. Tracey.....	34,643
Do.....	Thirty-first.....	Mr. West.....	29,851
Do.....	Thirty-second.....	Mr. Sherman.....	32,353
Do.....	Thirty-third.....	Mr. Wilber.....	32,410
Do.....	Thirty-fourth.....	Mr. Belden.....	27,623
Do.....	Thirty-fifth.....	Mr. De Lano.....	34,630
Do.....	Thirty-sixth.....	Mr. Nutting.....	36,373
Do.....	Thirty-seventh.....	Mr. Farquhar.....	30,432
Do.....	Thirty-eighth.....	Mr. Laidlaw.....	32,151
Do.....	Thirty-ninth.....	Mr. Simmons.....	28,216
Do.....	Fortieth.....	Mr. Nichols.....	30,284
Do.....	Forty-first.....	Mr. Butterworth.....	30,545
Do.....	Forty-second.....	Mr. Brown.....	33,495
Do.....	Forty-third.....	Mr. Williams.....	36,612
Do.....	Forty-fourth.....	Mr. Yoder.....	28,648
Do.....	Forty-fifth.....	Mr. Seney.....	34,038
Do.....	Forty-sixth.....	Mr. Boothman.....	38,925
Do.....	Forty-seventh.....	Mr. Campbell.....	31,594
Do.....	Forty-eighth.....	Mr. Kennedy.....	36,425
Do.....	Forty-ninth.....	Mr. Cooper.....	35,443
Do.....	Fiftieth.....	Mr. Romels.....	33,244
Do.....	Fifty-first.....	Mr. Thompson.....	31,730
Do.....	Fifty-second.....	Mr. Pugsley.....	36,832
Do.....	Fifty-third.....	Mr. Outhwaite.....	39,265
Do.....	Fifty-fourth.....	Mr. Wickham.....	39,175
Do.....	Fifty-fifth.....	Mr. Grosvenor.....	30,943
Do.....	Fifty-sixth.....	Mr. Wilkins.....	38,046
Do.....	Fifty-seventh.....	Mr. Joseph D. Taylor.....	33,605
Do.....	Fifty-eighth.....	Mr. McKinley.....	38,269
Do.....	Fifty-ninth.....	Mr. Ezra B. Taylor.....	28,007
Do.....	Sixtieth.....	Mr. Crouse.....	32,727
Do.....	Sixty-first.....	Mr. Foran.....	29,091
Do.....	Sixty-second.....	Mr. Hermann.....	54,954
Do.....	Sixty-third.....	Mr. Bingham.....	30,415
Do.....	Sixty-fourth.....	Mr. Kelley.....	39,276
Do.....	Sixty-fifth.....	Mr. Harmer.....	36,711
Do.....	Sixty-sixth.....	Mr. Darlington.....	28,006

* Returns from "old districts." The candidates for Congressman-at-large received 817,965 votes, an average of 29,299 for each of the twenty-eight "new districts."

TABLE II.—Returns from one hundred and sixty-four districts in 1890—Continued.

State.	District.	Representative.	Vote.
Pennsylvania.....	Seventh.....	Mr. Yardley.....	32,053
Do.....	Ninth.....	Mr. Hiestand.....	28,458
Do.....	Twelfth.....	Mr. Lynch.....	28,368
Do.....	Fourteenth.....	Mr. Bound.....	32,014
Do.....	Fifteenth.....	Mr. Bunnell.....	28,542
Do.....	Sixteenth.....	Mr. McCormick.....	31,433
Do.....	Seventeenth.....	Mr. Scull.....	33,304
Do.....	Eighteenth.....	Mr. Atkinson.....	31,393
Do.....	Nineteenth.....	Mr. Malah.....	33,509
Do.....	Twentieth.....	Mr. Patton.....	33,536
Do.....	Twenty-first.....	Mr. McCullough.....	34,041
Do.....	Twenty-second.....	Mr. Dalzell.....	30,655
Do.....	Twenty-third.....	Mr. Hall.....	31,456
Do.....	Twenty-fourth.....	Mr. Scott.....	30,545
Do.....	Twenty-fifth.....	Mr. Neal.....	27,853
Do.....	Twenty-sixth.....	Mr. Hare.....	28,154
Do.....	Twenty-seventh.....	Mr. Abbott.....	31,910
Do.....	Twenty-eighth.....	Mr. Mills.....	28,497
Do.....	Twenty-ninth.....	Mr. Sayers.....	34,301
Do.....	Thirtieth.....	Mr. Lanham.....	29,724
Do.....	Thirty-first.....	Mr. Goff.....	34,497
Do.....	Thirty-second.....	Mr. Wilson.....	34,315
Do.....	Thirty-third.....	Mr. Snyder.....	29,464
Do.....	Thirty-fourth.....	Mr. Hogg.....	32,679
Do.....	Thirty-fifth.....	Mr. Caswell.....	29,316
Do.....	Thirty-sixth.....	Mr. Guenther.....	27,600
Do.....	Thirty-seventh.....	Mr. La Follette.....	38,213
Do.....	Thirty-eighth.....	Mr. Smith.....	31,420
Do.....	Thirty-ninth.....	Mr. Clark.....	29,272
Do.....	Fortieth.....	Mr. Thomas.....	30,824
Do.....	Forty-first.....	Mr. Haugen.....	35,744
Do.....	Forty-second.....	Mr. Stephenson.....	40,349

B.

State.	District.	Representative.	Vote.
Alabama.....	First.....	Mr. Jones.....	4,206
Do.....	Second.....	Mr. Herbert.....	5,099
Do.....	Third.....	Mr. Oates.....	4,962
Do.....	Fourth.....	Mr. Cobb.....	4,333
Do.....	Fifth.....	Mr. Bankhead.....	12,309
Do.....	Sixth.....	Mr. Forney.....	12,177
Do.....	Seventh.....	Mr. Dunn.....	6,092
Do.....	Eighth.....	Mr. Rogers.....	13,391
Do.....	Ninth.....	Mr. Peel.....	4,746
Do.....	Tenth.....	Mr. Norwood.....	2,078
Do.....	Eleventh.....	Mr. Turner.....	2,411
Do.....	Twelfth.....	Mr. Crisp.....	1,704
Do.....	Thirteenth.....	Mr. Grimes.....	3,239
Do.....	Fourteenth.....	Mr. Stewart.....	2,990
Do.....	Fifteenth.....	Mr. Blount.....	1,722
Do.....	Sixteenth.....	Mr. Clements.....	6,680
Do.....	Seventeenth.....	Mr. Carlton.....	2,377
Do.....	Eighteenth.....	Mr. Candler.....	2,366
Do.....	Nineteenth.....	Mr. Barnes.....	1,944
Do.....	Twentieth.....	Mr. Carlisle.....	12,146
Do.....	Twenty-first.....	Mr. Breckinridge.....	4,808
Do.....	Twenty-second.....	Mr. Wilkinson.....	12,999
Do.....	Twenty-third.....	Mr. Logan.....	14,775
Do.....	Twenty-fourth.....	Mr. Blanchard.....	5,759
Do.....	Twenty-fifth.....	Mr. Newton.....	14,263
Do.....	Twenty-sixth.....	Mr. Robertson.....	10,132
Do.....	Twenty-seventh.....	Mr. Allen.....	5,167
Do.....	Twenty-eighth.....	Mr. Morgan.....	12,648
Do.....	Twenty-ninth.....	Mr. Catchings.....	6,900
Do.....	Thirtieth.....	Mr. Barry.....	3,088
Do.....	Thirty-first.....	Mr. Anderson.....	4,316
Do.....	Thirty-second.....	Mr. Stockdale.....	13,117
Do.....	Thirty-third.....	Mr. Hooker.....	4,514
Do.....	Thirty-fourth.....	Mr. Woodburn.....	12,370
Do.....	Thirty-fifth.....	Mr. Cummings.....	14,423
Do.....	Thirty-sixth.....	Mr. Henderson.....	13,936
Do.....	Thirty-seventh.....	Mr. Randall.....	12,176
Do.....	Thirty-eighth.....	Mr. Spooner.....	6,636
Do.....	Thirty-ninth.....	Mr. Dibble.....	3,317
Do.....	Fortieth.....	Mr. Tillman.....	5,235
Do.....	Forty-first.....	Mr. Cothran.....	4,409
Do.....	Forty-second.....	Mr. Perry.....	4,470
Do.....	Forty-third.....	Mr. Hemphill.....	4,701
Do.....	Forty-fourth.....	Mr. Dargan.....	4,469
Do.....	Forty-fifth.....	Mr. Elliott.....	12,496

TABLE III.

State.	Population, 1890.	Presidential vote, 1890.	Ratio.	Presidential vote, 1888.	Eight years' increase of vote.	Eight years' decrease of vote.	Population, 1888, according to voting ratio in 1890.	Increase of population 1890 to 1888 on basis of vote returned.	Decrease of population 1890 to 1888 on basis of vote returned.	Population according to State census of 1888.
Alabama.....	1,363,503	152,048	8.30	175,100	23,052		1,453,330	187,825		
Arkansas.....	302,523	107,290	7.50	155,944	48,654		1,150,580	357,055		342,617
Florida.....	260,490	81,618	5.20	66,636	15,017		246,502	77,000		
Georgia.....	1,542,180	158,040	9.75	142,830		15,201	1,392,650		149,530	
Louisiana.....	989,946	108,083	9.10	128,260	20,167		1,167,075	227,129		
Mississippi.....	1,131,597	117,078	9.60	115,567		1,511	1,090,448		122,154	
North Carolina.....	1,399,780	241,218	5.80	285,512	44,294		1,655,999	256,219		
South Carolina.....	903,577	170,986	5.80	79,750		91,306	462,550		593,027	
Tennessee.....	1,542,369	241,785	8.30	303,496	61,681		1,911,835	369,476		
Virginia.....	1,512,565	217,615	7.00	304,093	86,378		2,128,651	616,286		
California.....	804,080	160,736	8.00	351,350	90,544		1,256,085	451,996		

* Vote in 1876, 164,778. Population, 1870, 827,922.

TABLE III.—Continued.

State.	Population, 1880.	Presidential vote, 1880.	Ratio.	Presidential vote, 1888.	Eight years' increase of vote.	Eight years' decrease of vote.	Population, 1888, according to voting ratio in 1880.	Increase of population 1880 to 1888 on basis of vote returned.	Decrease of population 1880 to 1888 on basis of vote returned.	Population according to State census of 1888.
Kansas.....	296,090	201,236	4.95	334,035	132,799		1,653,473	357,383		1,296,562
Minnesota.....	790,773	250,771	5.30	263,295	112,514		1,369,092	578,309		1,117,798
Nebraska.....	452,402	87,460	5.10	202,653	115,193		1,033,530	581,128		740,645
Connecticut.....	622,700	132,802	4.68	153,978	21,106		720,616	97,916		
New Hampshire.....	346,901	86,454	4.00	90,819	4,365		363,276	10,375		
New Jersey.....	1,131,116	245,928	4.60	303,741	57,813		1,397,209	266,093		1,278,033
Oregon.....	174,768	40,816	4.28	60,914	20,098		290,711	86,943		194,150
Wisconsin.....	1,315,497	286,904	5.00	354,594	67,690		1,772,920	457,423		1,563,423
Maryland.....	984,943	172,221	5.40	210,921	38,700		1,138,973	204,030		

TABLE IV.

Mississippi.			New Jersey.		
District.	Representative.	Total vote, 1888.	District.	Representative.	Total vote, 1888.
First.....	Mr. Allen.....	12,095	First.....	Mr. Bergen.....	46,453
Second.....	Mr. Morgan.....	19,795	Second.....	Mr. Buchanan.....	42,803
Third.....	Mr. Catchings.....	16,238	Third.....	Mr. Geisenhainer.....	44,448
Fourth.....	Mr. Lewis.....	15,251	Fourth.....	Mr. Fowler.....	30,925
Fifth.....	Mr. Anderson.....	20,239	Fifth.....	Mr. Beckwith.....	40,383
Sixth.....	Mr. Stockdale.....	15,044	Sixth.....	Mr. Lehlbach.....	51,133
Seventh.....	Mr. Hooker.....	15,564	Seventh.....	Mr. McAdoo.....	47,205

Mississippi.			New Jersey.		
District.	Representative.	Total vote, 1888.	District.	Representative.	Total vote, 1888.
First.....	Mr. Allen.....	3,167	First.....	Mr. Hires.....	35,433
Second.....	Mr. Morgan.....	12,618	Second.....	Mr. Buchanan.....	35,380
Third.....	Mr. Catchings.....	6,950	Third.....	Mr. Kean.....	33,470
Fourth.....	Mr. Barry.....	3,086	Fourth.....	Mr. Pidcock.....	26,021
Fifth.....	Mr. Anderson.....	4,316	Fifth.....	Mr. Phelps.....	29,538
Sixth.....	Mr. Stockdale.....	12,117	Sixth.....	Mr. Lehlbach.....	37,971
Seventh.....	Mr. Hooker.....	4,514	Seventh.....	Mr. McAdoo.....	31,551

TABLE V.

South Carolina.			Kansas.		
District.	Representative.	Total vote, 1888.	District.	Representative.	Total vote, 1888.
First.....	Mr. Dibble.....	9,855	First.....	Mr. Morrill.....	37,012
Second.....	Mr. Tillman.....	12,337	Second.....	Mr. Funston.....	45,118
Third.....	Mr. Cochran.....	8,774	Third.....	Mr. Perkins.....	36,227
Fourth.....	Mr. Perry.....	11,410	Fourth.....	Mr. Ryan.....	49,500
Fifth.....	Mr. Hemphill.....	9,585	Fifth.....	Mr. Anderson.....	38,318
Sixth.....	Mr. Dargan.....	8,972	Sixth.....	Mr. Turner.....	40,774
Seventh.....	Mr. Elliott.....	15,435	Seventh.....	Mr. Peters.....	82,244

FIFTIETH CONGRESS—VOTE OF 1886.

First.....			First.....		
District.	Representative.	Total vote, 1886.	District.	Representative.	Total vote, 1886.
First.....	Mr. Dibble.....	3,517	First.....	Mr. Morrill.....	31,297
Second.....	Mr. Tillman.....	5,235	Second.....	Mr. Funston.....	34,798
Third.....	Mr. Cochran.....	4,409	Third.....	Mr. Perkins.....	36,716
Fourth.....	Mr. Perry.....	4,470	Fourth.....	Mr. Ryan.....	36,064
Fifth.....	Mr. Hemphill.....	4,701	Fifth.....	Mr. Anderson.....	35,996
Sixth.....	Mr. Dargan.....	4,469	Sixth.....	Mr. Turner.....	33,025
Seventh.....	Mr. Elliott.....	12,476	Seventh.....	Mr. Peters.....	61,465

* Mr. Ryan resigned in 1880.

TABLE VI.

Georgia, 1886.			Virginia, 1886.		
District.	Representative.	Vote.	District.	Representative.	Vote.
First.....	Mr. Lester.....	16,896	First.....	Mr. Browne.....	29,049
Second.....	Mr. Turner.....	11,000	Second.....	Mr. Bowden.....	38,775
Third.....	Mr. Crisp.....	12,750	Third.....	Mr. Waddill.....	31,412
Fourth.....	Mr. Grimes.....	13,941	Fourth.....	Mr. Venable.....	38,963
Fifth.....	Mr. Stewart.....	16,008	Fifth.....	Mr. Lester.....	27,451
Sixth.....	Mr. Blount.....	9,050	Sixth.....	Mr. Edmunds.....	34,836
Seventh.....	Mr. Clements.....	12,269	Seventh.....	Mr. O'Ferrall.....	30,266
Eighth.....	Mr. Carlton.....	9,651	Eighth.....	Mr. Lee.....	29,776
Ninth.....	Mr. Candler.....	21,191	Ninth.....	Mr. Buchanan.....	32,988
Tenth.....	Mr. Barnes.....	7,378	Tenth.....	Mr. Tucker.....	36,551

TABLE VI.—Continued.

Georgia, 1886.			Virginia, 1886.		
District.	Representative.	Vote.	District.	Representative.	Vote.
First.....	Mr. Norwood.....	2,078	First.....	Mr. Browne.....	23,288
Second.....	Mr. Turner.....	2,411	Second.....	Mr. Bowden.....	25,430
Third.....	Mr. Crisp.....	1,704	Third.....	Mr. Wise.....	26,565
Fourth.....	Mr. Grimes.....	3,239	Fourth.....	Mr. Gaines.....	20,944
Fifth.....	Mr. Stewart.....	2,900	Fifth.....	Mr. Brown.....	22,388
Sixth.....	Mr. Blount.....	1,723	Sixth.....	Mr. Hopkins.....	18,625
Seventh.....	Mr. Clements.....	6,680	Seventh.....	Mr. O'Ferrall.....	22,402
Eighth.....	Mr. Carlton.....	2,377	Eighth.....	Mr. Lee.....	17,111
Ninth.....	Mr. Candler.....	2,360	Ninth.....	Mr. Bowen.....	23,425
Tenth.....	Mr. Barnes.....	1,944	Tenth.....	Mr. Yost.....	24,300

* The total vote as returned by the State canvassers was 30,565; after an investigation of the returns by the House, which resulted in unseating Mr. Wise, the total vote was stated at 31,412.

Georgia, 1888.			Tennessee, 1888.		
District.	Representative.	Vote.	District.	Representative.	Vote.
First.....	Mr. Lester.....	16,896	First.....	Mr. Taylor.....	33,293
Second.....	Mr. Turner.....	11,000	Second.....	Mr. Houk.....	33,966
Third.....	Mr. Crisp.....	12,750	Third.....	Mr. Evans.....	37,289
Fourth.....	Mr. Grimes.....	13,941	Fourth.....	Mr. McMillin.....	26,230
Fifth.....	Mr. Stewart.....	16,008	Fifth.....	Mr. Richardson.....	26,150
Sixth.....	Mr. Blount.....	9,050	Sixth.....	Mr. Washington.....	33,188
Seventh.....	Mr. Clements.....	12,269	Seventh.....	Mr. Whitthorne.....	24,869
Eighth.....	Mr. Carlton.....	9,651	Eighth.....	Mr. Enloe.....	26,290
Ninth.....	Mr. Candler.....	21,191	Ninth.....	Mr. Pierce.....	27,344
Tenth.....	Mr. Barnes.....	7,378	Tenth.....	Mr. Phelan.....	31,679

Georgia, 1886.			Tennessee, 1886.		
District.	Representative.	Vote.	District.	Representative.	Vote.
First.....	Mr. Norwood.....	2,078	First.....	Mr. Butler.....	27,346
Second.....	Mr. Turner.....	2,411	Second.....	Mr. Houk.....	23,616
Third.....	Mr. Crisp.....	1,704	Third.....	Mr. Neal.....	27,883
Fourth.....	Mr. Grimes.....	3,239	Fourth.....	Mr. McMillin.....	20,233
Fifth.....	Mr. Stewart.....	2,900	Fifth.....	Mr. Richardson.....	19,966
Sixth.....	Mr. Blount.....	1,723	Sixth.....	Mr. Washington.....	24,137
Seventh.....	Mr. Clements.....	6,680	Seventh.....	Mr. Whitthorne.....	30,642
Eighth.....	Mr. Carlton.....	2,377	Eighth.....	Mr. Enloe.....	24,421
Ninth.....	Mr. Candler.....	2,360	Ninth.....	Mr. Glass.....	24,206
Tenth.....	Mr. Barnes.....	1,944	Tenth.....	Mr. Phelan.....	19,962

TABLE VII.

State.	Males of voting age, 1880.			Vote for Representatives.	
	White.	Colored.	Total.	1886.	1888.
Alabama.....	141,461	118,423	259,884	86,667	173,214
Arkansas.....	136,180	48,827	185,007	55,488	156,280
Florida.....	34,210	27,489	61,699	56,777	66,320
Georgia.....	177,967	143,471	321,438	27,520	130,134
Louisiana.....	108,810	107,977	216,787	84,763	113,242
Mississippi.....	108,254	130,278	238,533	46,748	115,216
North Carolina.....	189,732	105,018	294,750	194,214	279,681
South Carolina.....	95,900	118,889	214,789	39,077	76,369
Tennessee.....	250,035	80,280	330,315	232,413	290,549
Texas.....	301,737	78,690	380,427	288,440	337,712
Virginia.....	206,248	128,257	334,505	224,478	305,965
Total.....	1,741,525	1,085,513	2,827,038	1,336,585	2,063,832
Delaware.....	31,902	6,396	38,298	22,230	29,695
Kentucky.....	317,679	58,643	376,321	200,249	337,704

TABLE VII—Continued.

State.	Males of voting age, 1890.			Vote for Representatives.	
	White.	Colored.	Total.	1890.	1888.
Maryland.....	183,522	48,584	232,106	150,471	207,812
Missouri.....	508,105	33,042	541,207	418,777	517,473
West Virginia.....	132,777	6,384	139,161	130,955	156,966
Total.....	1,173,945	153,048	1,326,993	981,682	1,249,710
California.....			329,392	194,055	247,557
Colorado.....			93,608	58,258	92,009
Connecticut.....			177,591	123,013	153,623
Illinois.....			796,847	567,833	745,593
Indiana.....			498,437	439,225	505,584
Iowa.....			416,098	257,421	402,306
Kansas.....			265,714	271,359	329,283
Maine.....			187,323	128,367	144,882
Massachusetts.....			502,649	345,304	341,028
Michigan.....			467,057	279,495	473,869
Minnesota.....			213,485	214,123	262,312
Nebraska.....			129,042	136,499	200,019
Nevada.....			31,255	12,370	12,603
New Hampshire.....			105,130	77,098	90,707
New Jersey.....			300,635	229,373	300,350
New York.....			1,408,751	980,367	1,272,369
Ohio.....			826,877	704,457	832,950
Oregon.....			59,620	54,954	58,233
Pennsylvania.....			1,094,284	817,885	990,036
Rhode Island.....			76,898	17,891	35,869
Vermont.....			95,621	48,478	68,251
Wisconsin.....			340,492	253,654	350,777
Twenty-two Northern States.....			68,417,403	46,291,534	67,947,340
Five border (formerly slave) States.....			1,326,993	981,682	1,249,710
Eleven Southern (seceding) States.....			42,837,043	31,236,585	42,063,832

State.	Increase 1888 over 1886.		Number of Representatives.	Average vote to each Representative.	
	Number.	Per cent.		1890.	1888.
Alabama.....	86,547	109	8	10,823	21,659
Arkansas.....	100,892	182	5	11,097	31,276
Florida.....	9,593	17	2	28,996	33,185
Georgia.....	102,614	370	10	2,752	13,013
Louisiana.....	33,579	45	6	14,127	18,873
Mississippi.....	68,468	146	7	6,678	16,459
North Carolina.....	75,467	99	9	21,578	31,076
South Carolina.....	37,292	95	7	5,382	10,909
Tennessee.....	67,136	29	10	23,241	29,854
Texas.....	49,272	17	11	26,222	30,704
Virginia.....	61,457	35	19	22,447	30,596
Total.....	717,247	54	85	15,724	24,103
Delaware.....	7,465	23	1	22,230	29,695
Kentucky.....	128,515	61	11	19,022	30,706
Maryland.....	57,841	28	6	25,078	34,635
Missouri.....	98,696	24	14	29,913	36,963
West Virginia.....	26,011	20	4	32,735	39,241
Total.....	318,028	34	36	25,880	34,714
California.....	53,472	27	6	32,247	41,259
Colorado.....	33,751	58	1	68,258	92,009
Connecticut.....	30,608	25	4	30,753	38,405
Illinois.....	117,740	51	20	28,392	37,379
Indiana.....	76,359	17	12	35,325	41,191
Iowa.....	65,506	19	11	30,675	36,630
Kansas.....	57,924	21	7	38,765	47,040
Maine.....	16,515	13	4	32,092	36,220
Massachusetts.....	95,724	39	13	20,443	28,419
Michigan.....	94,574	23	11	34,409	43,079
Minnesota.....	48,180	22	5	42,824	52,462
Nebraska.....	67,530	50	3	43,833	67,673
Nevada.....	239	2	1	12,370	12,603
New Hampshire.....	18,614	12	2	38,546	45,353
New Jersey.....	73,977	32	7	32,707	43,335
New York.....	341,962	37	34	27,335	34,481
Ohio.....	128,498	19	21	33,545	39,906
Oregon.....	3,279	6	1	54,954	58,233
Pennsylvania.....	173,171	21	28	30,291	35,328
Rhode Island.....	17,475	98	2	8,947	17,684
Vermont.....	19,778	40	2	21,236	34,125
Wisconsin.....	67,139	24	9	31,617	38,975

a In this State about 65,000 Chinese are included in population (males twenty-one years old and upward), although they can not vote.
 b The remarkable increase in the vote was due to the adoption of the enfranchisement amendment to the constitution in April, 1888.
 c Of this total nearly 32 per cent. foreign born.
 d Nearly 75 per cent. of males of voting age in 1890.
 e More than 94 per cent. of males of voting age in 1890.
 f Of this total about 16 per cent. foreign born.
 g More than 70 per cent. of males of voting age in 1890.
 h More than 94 per cent. of males of voting age in 1890.
 i Of this total about 71 per cent. foreign born, and, excluding totals of Louisiana and Texas (410,547), less than 4 per cent. foreign born.
 j More than 47 per cent. of males of voting age in 1890.
 k Nearly 73 per cent. of males of voting age in 1890.

TABLE VII—Continued.

State.	Increase 1888 over 1886.		Number of Representatives.	Average vote to each Representative.	
	Number.	Per cent.		1890.	1888.
Twenty-two Northern States.....	1,655,808	36	204	30,840	38,957
Five border (formerly slave) States.....	318,028	34	36	25,880	34,714
Eleven Southern (seceding) States.....	717,247	54	85	15,724	24,103

Of course the States which contain a large percentage of foreign-born men of voting age are placed at a disadvantage in these comparisons, because a considerable percentage of the foreign-born men twenty-one years old and upward are not naturalized; that is necessarily true in the North and West, which receive annually tens of thousands of foreign immigrants, while the South, with the exception of Texas and Louisiana, receives only hundreds. In 1890 there were only 50,506 foreign-born males of voting age in the nine States of Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, which contained an aggregate white population of 1,330,978 persons of voting age, an average of less than 4 per cent.

In the Northern States the numbers and proportions of foreign-born men of voting age were as follows:

California.....	127,374—nearly.....	50	per cent.
Colorado.....	26,873—nearly.....	30	per cent.
Connecticut.....	65,012—nearly.....	33	per cent.
Illinois.....	277,889—more than.....	33	per cent.
Indiana.....	73,446—about.....	15	per cent.
Iowa.....	126,100—about.....	32	per cent.
Kansas.....	53,595—about.....	30	per cent.
Maine.....	22,486—about.....	12	per cent.
Massachusetts.....	170,600—more than.....	33	per cent.
Michigan.....	176,089—more than.....	38	per cent.
Minnesota.....	123,777—more than.....	58	per cent.
Nebraska.....	41,864—more than.....	35	per cent.
Nevada.....	14,191—more than.....	55	per cent.
New Hampshire.....	16,111—about.....	14	per cent.
New Jersey.....	99,399—more than.....	30	per cent.
New York.....	336,596—about.....	30	per cent.
Ohio.....	191,386—nearly.....	25	per cent.
Oregon.....	13,630—about.....	25	per cent.
Pennsylvania.....	272,800—more than.....	25	per cent.
Rhode Island.....	27,108—about.....	37	per cent.
Vermont.....	17,532—about.....	19	per cent.
Wisconsin.....	199,469—about.....	60	per cent.

Total..... 2,656,392—average nearly 32 per cent.

Despite this disadvantage, however, it will be noted that the number of votes cast in a number of Northern States exceeds the total male population of voting age returned in 1890. Here is the statement:

State.	Males of voting age, 1890.	Total vote.	
		1890.	1888.
Indiana.....	498,437	499,225	505,584
Kansas.....	265,714	271,359	329,283
Michigan.....	467,057	479,495	473,869
Minnesota.....	213,485	214,123	262,312
Nebraska.....	129,042	136,499	200,019
New Jersey.....	300,635	229,373	300,350
Ohio.....	826,877	704,457	832,950
Wisconsin.....	340,492	253,654	350,777

The only border State which has passed the same limit is West Virginia—139,161 in 1890; 156,966 votes in 1888.

Of course, however, these States could not compete with the Southern States in the matter of increasing the vote of 1888 over the vote of 1884, as will be seen by the following comparative statement.

Comparative statement.

State.	Males 21 years old and upward, 1890.	Total vote.		Increase, per cent.
		1890.	1888.	
Alabama.....	250,584	98,697	173,314	100
Arkansas.....	182,977	55,498	156,280	182
Georgia.....	321,483	27,520	130,134	370
Mississippi.....	238,533	46,748	115,216	156
South Carolina.....	205,799	39,077	76,369	95
Indiana.....	498,437	499,225	505,584	17
Kansas.....	265,714	271,359	329,283	21
Michigan.....	467,057	479,495	473,869	25
Minnesota.....	213,485	214,123	262,312	21
Nebraska.....	129,042	136,499	200,019	59
New Jersey.....	300,635	229,373	300,350	32
Ohio.....	826,877	704,457	832,950	14
West Virginia.....	139,161	130,955	156,966	20
Wisconsin.....	340,492	253,654	350,777	34

It will be observed that even under the impulse of the great Southern revival in voting in 1888 the first five States returned less than 54 per cent. of the total number of men who were twenty-one years old or upward in 1880, while the last nine States returned more than 108 per cent. of the total number of men of voting age reported by the census of 1880. (The totals are: 1,208,621 persons, 651,313 votes, or a trifle less than 54 per cent. in the first five States; and 3,181,220 persons and 3,448,110 votes, or a little more than 108 per cent., in the last nine States.)

Mr. HEMPHILL. Mr. Speaker, I can not hope to express to this House the views which have influenced the minority of the committee in as elegant terms as have been used by the gentleman, the head of the committee [Mr. LODGE], who has just stated the views of the majority on this bill. But I hope I shall be able to speak as dispassionately and with as broad a view in stating the reasons and the motives which influenced the minority in reaching the conclusion that they have.

The purpose of this bill, as any gentleman knows who has read it closely, is to effectually place the election of members of Congress under the control of the United States Government, and, as we who represent the minority contend, the effect of the bill, whatever its purpose may be, will be to control absolutely the election not only of members of Congress, but of various State and county officers in the several States of the Union, and eventually to control the election of the President of the United States.

The clause under which this claim is made is the first clause of the fourth section of the first article of the Constitution, which provides:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

It is hardly necessary, Mr. Speaker, to say in this House, to gentlemen who are supposed to know something of the history of the adoption of the Constitution of the United States, that this section created more uneasiness in the minds of the members of the conventions that finally passed upon the adoption of the Constitution of the United States than all of its other provisions combined. Seven of the thirteen States were so unwilling to accept the Constitution of the United States with this provision in it, that they expressly provided amendments to it which were to be submitted to the States, which would deprive the Congress of the United States of the right to exercise this power except in certain specified emergencies. And the State of Massachusetts which has sent so many able Representatives to the Congress of the United States, and which so far as ability and learning are concerned has certainly filled an honored place among the sisterhood of States, was so seriously concerned on the subject that that State not only submitted an amendment to the Constitution to deprive Congress of this power, but expressly enjoined upon its Representatives to take care at "all times" to see that nothing was done by the Congress of the United States which should deprive the people of the State of the right to pass upon and settle this question for themselves.

I do not purpose to enter into any long constitutional argument on this question. I hold that the Supreme Court of the United States must eventually adjudicate all problems which arise as to the powers of the several States and of the United States; and they have gone very far, if they have not absolutely decided that the Congress of the United States has almost unlimited powers in this particular.

I would like to call the attention of the Representatives of the people here to the fact, however, that every expression that has ever fallen from the lips of the voters of this country has been in absolute and utter condemnation of the right of Congress to take from them, the right to decide through State agencies, how these elections shall be carried on and who shall conduct them.

As I stated, at the very inception of this Government, when its foundations were being laid, as was then hoped in the broad and everlasting principles of human liberty, seven of the thirteen original States declared against the power of Congress to exercise this authority; and they put their objection on the broad ground that it was a usurpation of the liberties of the people and that it would eventually operate to their destruction.

Congress obeyed that injunction until 1842, when for the first time it undertook to legislate upon the subject, and a Mr. Campbell, a gentleman representing at that time one of the districts of South Carolina, introduced into the apportionment act of that year a provision requiring that the several States should elect their members of Congress from separate districts, "which shall be composed of contiguous territory." That was a Whig Congress, and Mr. Campbell, I think, in fact I am sure, was the only member from South Carolina who voted for the proposition, for the Democrats thought then, as they think now, that it was a usurpation of power by Congress and voted with practical unanimity against it.

Four of the States disobeyed the requirements of the law and elected their members of the House from the State at large, and not from separate districts. The right of the members from these four States was examined into under a resolution of the House and in this way the question arose as to whether or not the passage of the law was a constitutional exercise of power by Congress. The House of Representatives, by a large majority, practically overruled and

set at naught this alleged statute of the United States, and seated the members from the four States that had knowingly and willfully disobeyed it. When it came to a question before the people as to whether or not they would sustain the Democratic party in practically wiping from the statute-books such a law, the sentiment in their favor was overwhelming and the Congress that had been Whig in 1840, by the following election of 1842 was converted into a Democratic Congress by a majority of more than two to one.

The States which objected to that law were Missouri, Georgia, and Mississippi, and the good State of New Hampshire. Let me read to you some of the expressions of opinion that were given by the Legislatures of various States at that time.

The State of Ohio in 1843 resolved—

That Congress has no right, under the Constitution of the United States, to prescribe the manner, time, or place of holding elections for members of its own body, except in case where the Legislatures of the States shall refuse or fail to make provision for the same.

Resolved, That the General Assembly, acting in behalf of the people of the State of Ohio, do hereby solemnly protest against the late attempt of the National Legislature to encroach upon the independence of the several States composing this Union; and the second section of the act alluded to is hereby declared to be unconstitutional, arbitrary, and of no binding effect upon the States.

That, gentlemen, was the first instance, so far as I know, in which a Northern State adopted the somewhat famous doctrine of South Carolina as to the right of a State to nullify an act of the United States Congress. But the State of Ohio expressly declared through its assembled representatives that the Congress of the United States had no power to pass such a law, and that it was not binding upon them.

The State of New Hampshire resolved, amongst other things—

Resolved, That the recent act of Congress, directing the States to be districted for the choice of Representatives to Congress, is a direct violation of the provisions of the Federal compact, and we can not regard the same as binding upon the States.

Resolved, That we can not sanction so unauthorized an interference in our domestic relations on the part of Congress, and shall, therefore, decline to district this State for the choice of Representatives to Congress.

I have some resolutions from the State of New York, expressing in even more emphatic terms the disapprobation of the people of that State of this act of Congress which usurps the power which they thought belonged to the several States under the Constitution of the United States.

But if the gentlemen here do not care to heed the voice of the people as it is expressed through their State representatives, and think that it is better to act upon their own judgment in this matter, then I would like to submit to them some views of this bill which I think will prevent any man from voting for it who desires an honest and an efficient national law for the preservation of the rights of the voters and of the members of this House.

This, gentlemen, is not a bill of universal application, and when the gentleman from Massachusetts [Mr. LODGE], in such soft and kindly words, undertook to state the character and the provisions of this bill, it seems to me that he omitted the chief features of it, and left the House in utter ignorance of what its effect will be.

The bill if it becomes a law is not to be operative, as most laws are when it passes both Houses of Congress and is approved by the President, but is to go into effect upon the petition of fifty or one hundred persons, as the case may be, "claiming to be citizens of the United States, and residents and voters in such county or parish." And the provisions for putting it into operation are very curious and uncertain even when petitioned for. It undertakes to provide for being put into operation by judicial districts under a chief supervisor for each.

There are seventy judicial districts in the United States, the entire area being laid off into judicial districts, so that if there is a supervisor for every district, the whole country is by this means embraced within the limits of the jurisdiction of one of these supervisors. And when you say that the supervisor of the judicial district shall have supervision of Federal elections within his judicial district, you cover the whole territory of the United States.

But having provided for this the bill goes on to say that the supervisor of a judicial district shall also have supervision of a Congressional district, the majority of the counties of which are in his judicial district. If the majority of the counties are in one judicial district, the minority of the counties must necessarily be in another judicial district, so that the minority of counties of one Congressional district will be supervised by the supervisor of that judicial district and by the supervisor of the judicial district in which the majority of the counties of that Congressional district lie.

The bill, not stopping here, provides further for the determining by the majority of the votes in the various counties, as shown by the census, for the supervision of entire Congressional districts where the counties are equally divided between two judicial districts or where they lie in more than two judicial districts.

So that under this bill as it is framed some portions of the United States will be under the supervision of one chief supervisor and other portions, even within the limits of the same Congressional district, will be under the supervision of two chief supervisors, and others again will be under the supervision of three or four or possibly five chief supervisors, according to the situation and limits of the Congressional districts as compared with the judicial districts of the various States.

Each chief supervisor has equal authority and each has power

under this bill to appoint three supervisors at each polling precinct, and any number of deputy marshals he shall see fit to select.

If there are no petitions there can be no supervisors; if there are petitions there may be from nine to fifteen supervisors, all with equal authority, conducting the election at one poll, and deputy marshals without number.

I can conceive, gentlemen, of no honest purpose in any such provision as that; and it can have no other effect except to put the people of some districts between the upper and nether mill-stone, by which the voters will be ground out of the last right that is left to them.

These are the astounding provisions of the first section, and the second section is rather more remarkable than the first. The second section undertakes to say when this bill shall be put into operation, and it provides for three cases in which the law may be made applicable. Now, if gentlemen of the majority have any reason on earth why this law upon petition should not be made applicable to every Congressional district in the United States, they have not seen fit to disclose it either in their report or in the speech which the chairman has made to this House.

There are three cases only in which this law can be put into operation even upon the petition of citizens. The first is in cities of 20,000 inhabitants or upwards. Second, in any county or parish which forms a part of a Congressional district. Now, why you should put that qualification to it I can not understand, and the majority have not explained. It is not any county or parish that forms a whole Congressional district, but it is any county or parish that forms a part of a Congressional district. Third, in any entire district, no part of which is within a city of 20,000 inhabitants or upwards. No Congressional district can be supervised as a whole upon a petition sent in by one set of people except in two cases: first, where the entire district is in a city of more than 20,000 inhabitants, or where the district has not within its limits a city of 20,000 inhabitants.

No supervision can be had in a district which is formed of one county only and which has in it a city of 20,000 inhabitants and upward, except in so far as the supervision applies to the city itself. The township and other subdivisions or portions of the county or parish forming part of the Congressional district which embraces a city of 20,000 inhabitants and upward can not be supervised under this bill. One part of the Congressional district, under both the first and second subdivisions of this bill, may be put under supervision and under the operation of the Federal law, while the other part is not under that supervision and is under the State law. Returns from the first-named part will be made to both the United States and the State canvassers; the managers of the second-named part to the State canvassers only. The returns of the United States canvassers will be utterly useless in this case, for no full returns can be made from the whole district. If a Congressional district is composed partly of a city of 20,000 inhabitants and upwards and partly of counties, it can not be embraced under the law as a whole, and one petition, or several petitions, for each county or part of a city will be required. If the county, as distinguished from the city, is divided between two or more Congressional districts, no part of it can be brought under this law, unless it be in a Congressional district no part of which is within a city of 20,000 inhabitants or upwards.

Mr. Speaker, it does seem to me that if we are to have a statute of the United States, the first requisite ought to be that it should be of uniform application. This is not so here, because it depends upon the wish of fifty or one hundred men in a town or county or city; and even this number of petitioners, or in fact any number, have not the power to put this law in operation in every district or part of district in the United States.

While the gentleman from Massachusetts [Mr. LODGE] has made what appears to be an exceedingly fair and free unfolding of all the merits of this bill, he has failed to state to this House why it is that this very unique and exceedingly complicated and unsatisfactory provision is put in here, unless the purpose of it is to bring this law to bear down upon some portion of the people and allow other portions to escape its burdens. I call upon him, and upon others who succeed him, to explain to this House why these very peculiar provisions are found in this bill, as developed by this analysis of the first and second sections of it.

Mr. Speaker, there are other portions of this bill which seem to me to strike at the very central point of the liberties of the people of this country. There are four different kinds of officers who are to be appointed to carry out the requirements of this measure. First, there is a chief supervisor, who is to be appointed to supervise, through his subordinates, the Congressional election in his judicial district and in other districts in certain contingencies, as I have above specified.

2. The supervisors—three at each polls—who are practically to conduct the election and who receive their appointment from the chief supervisor.

3. The canvassers—three in number—who are to canvass and certify the result of the voting.

4. Deputy marshals—without limit as to number—to attend upon the registration, and voting, etc.

The chief supervisor is made a permanent officer of the Government and is appointed by the circuit judge of the United States who

has a life tenure. So that, so far as it is possible to remove the election of members of Congress from the control and influence of the people, and from the exercise of any voice whatever in the management and results of this most important matter, this bill easily surpasses anything that has been proposed to the representatives of the people.

This House has been called the very "breath of the people" of the United States, and it is so spoken of because the members are directly elected by them, and the purpose of the creation and the existence of this House was and is that the people through its members might have the most direct and powerful influence upon this Government; and yet this bill provides that the man who is to supervise and practically control the elections of the members of this body shall be one who in no way owes his appointment to the people, but who is appointed by an officer who holds a life tenure and who himself does not receive his commission from the people, but from the President of the United States.

If only one-half is true as to the corruption of the voters of the United States that has been depicted by the gentleman from Massachusetts, then I am sure we may well expect that at least one-half of the supervisors who shall be appointed by the circuit judges will be unworthy to exercise the great powers that are given to such officers in this bill.

If the people of the United States have become so debauched that they can not be trusted to have any voice whatever in choosing the managers of their elections, and are to be "guarded, scrutinized, and supervised," as if they were criminals absent from the penitentiary upon ticket-of-leave only, then I say it is but fair to presume that when we must select these officers from the body of the people we will not be able to get every one of them honest. Suppose a mistake is made in the appointment of these officials and some of them act corruptly and dishonestly. The judge who appoints the supervisor has a life tenure, and the supervisor himself has a life tenure. Neither owes his appointment to the people, and neither can be removed or directly affected in any way by the popular vote. How can they turn the supervisor out if he is dishonest and illegally returns the wrong man to Congress?

The point does not seem to have occurred to the gentleman from Massachusetts that when this machinery is put in motion the power of the people to change directly the supervisors of election and the chief supervisor and the judge who appoints is absolutely gone forever. Not only the chief supervisor is a permanent officer, but he appoints the supervisors of election. Those supervisors, under the present law, as appointed, are taken one from each political party. This bill provides that two of them, the majority, shall be taken from one political party and one from the minority or other political party; but it also provides that the majority shall be able to do everything that the whole board can do, and it provides further that the judges, eight out of ten of whom are Republicans, shall appoint the chief supervisor, and that he shall select a majority of his own party for the control of the elections. Not only does the one party have the chief supervisor and the supervisors, two at least at each poll, but it has the majority of the board of canvassers who are also appointed, not by the people, not by anybody who has been elected by the people, but by a judge who has been appointed by the President, and that board of canvassers make up their returns and determine who shall be members of this House without any reference whatever to the returns made by the officers appointed by the State to conduct the election.

Another very strange provision of this bill is that the supervisors shall hold their office for two months after the election is closed and after their duties are entirely performed. That, I say, is a very peculiar provision, that a man shall be appointed to an office, to perform a certain duty, upon a certain day, at the end of which day all his efficiency as an officer shall cease; that he shall have no further duties laid upon him, and yet that he shall continue to be an officer of the United States for two months after his work is thus entirely completed. Now, the purpose of that is so manifest to every man who knows the law of the United States that it drives right through the whole of the "non-partisan" covering which the gentleman from Massachusetts [Mr. LODGE] has put about this bill.

What is the object of this provision? If a supervisor of election makes a false return as to a State office, or does anything else in violation of State law (and I will soon show you that he has great power there also) he can not be arrested and tried before the State courts; for, under this bill, he has two months after he has manipulated the ballot-box and robbed the people of their rights to run away from the State and to snap his fingers in the face of the people whose rights he has ruthlessly trampled upon. We all know that a State court is not permitted to try a United States official for any offense which he commits in violation of law while acting as such official, and the plain effect of this provision, not expressed upon its face, but perfectly manifest when you understand the decisions of the courts, is to give these officers the opportunity to rob the people of their honest votes, with two months within which to escape the punishment that would be due to them. I say, Mr. Speaker, that that one provision of this measure stamps this bill as a scheme to rob the people of the States of the dearest right of American citizenship.

And not only this, but has any gentleman who has read this bill or any statute that it refers to been able to discover any limit whatever to the number of deputy marshals that may be appointed to execute this law? Have the people of New York or Kansas or Illinois or any of the Northern States become so utterly corrupt and devoid of honor that there is to be no limit whatever to the number of men who may be appointed to guard and scrutinize and supervise them when they go to cast their ballots as American freemen? This bill says that the chief supervisor shall provide for the filling of all election districts, and I think that is a very appropriate term. He is going to "fill" the election districts with his supervisors and deputy marshals, and, if necessary, I presume the people of the country are to be crowded out entirely. This chief supervisor names all the other supervisors, and he and the marshal together determine the number of United States deputy marshals. In 1876, in one city in this country, there were 11,615 deputy marshals appointed to guard and scrutinize and supervise the voters; of those 155 were at one poll, and in addition to the 11,000 deputy marshals there were 6,000 supervisors.

Mr. TURNER, of Georgia. Where was that?

Mr. HEMPHILL. That was in New York City, in 1876. Now, I ask, gentlemen, can there be any honest reason for putting one hundred and fifty-five of these officials at one polling place when there are many polling places in the United States that do not have half that number of voters? And if the supervisor can put 155 officers at one polling place, why may he not put two hundred and fifty-five or one thousand at one polling place? Why, sir, I remember an election in South Carolina, in 1876, when there were a thousand United States soldiers sent to watch the polls in one county. We are not afraid of this bill personally, for many of us have marched in front of the glittering bayonets of the soldiers of the United States to cast our votes as freemen. The Government sent a thousand soldiers into one county and the result was that every one of them is said to have voted the Democratic ticket, and we had a bigger majority than we ever had before in our lives. [Laughter.]

Mr. BOATNER. I suppose you "bulldozed" them. [Laughter.]

Mr. HEMPHILL. In 1876 there were nearly five thousand deputy marshals and over four thousand supervisors appointed in one place. I have some figures here taken from a speech of Mr. CARLISLE delivered in this House on April 17, 1879, showing that in May, 1878, the chief supervisor of elections in New York City had one of his assistants to swear to a single complaint against ninety-three hundred persons of foreign birth whose naturalization papers had been issued to them in 1868, and on which they had voted ever since that time. On this complaint the same supervisor, as clerk of the court, issued five thousand and four warrants returnable before himself as commissioner of the court. Every one of these warrants was illegal, because the complaint contained more than one name. When the warrants were set aside the supervisor had twenty-eight hundred more complaints made out, and issued warrants upon them. Thirty-four hundred naturalized citizens surrendered their papers to escape this partisan persecution. A few days before the election in November, thirty-two hundred more complaints were sworn out.

Among the instructions given by the chief supervisor to his subordinates was the following:

In the case of persons who present themselves to vote, where a warrant has been previously issued, you will see that such persons are arrested upon the warrant upon so presenting themselves, and before voting.

The gentleman from Massachusetts has alluded to the number of persons who voted at one election in some portion of New York City and who did not vote at the succeeding election. Within six months, if I recollect aright, he says the number of votes in certain wards in that city fell off several thousand. Possibly the above stated action on the part of this chief supervisor furnishes the explanation for this decrease in the votes cast.

If this is intended for an honest and fair scheme, if we want to get at what our friend from Massachusetts seems so earnestly to desire—a proper representation on this floor of the full vote of the people—then let us limit the number of appointees, so that there will be no danger of having more officers to watch the voters than there will be voters to be watched. Surely no gentleman on the other side of the House will object to this reasonable proposition.

Mr. Speaker, we all know that there has been an earnest effort on the part of a good many people in this country, and a sham effort on the part of a good many others, to carry out something like "civil-service reform" in the United States; and one of the main objects of this reform has been to deprive the party in power of the right of levying assessments upon the office-holders who draw money from the United States Treasury, which money, when thus taken from them by assessment, is used for the corruption of the people at the ballot-box and for the purpose of keeping in power the party that happens to have the majority of office-holders and the alleged right to call upon them for contributions. I believe that this part at least of what is called "civil-service reform" receives the hearty support of every honest man in the United States, whether he is a Democrat or a Republican.

But let us look at this bill and see how much it is going to contribute towards that beneficent purpose. An assessment upon office-holders of 1 or 2 per cent. yields an immense sum for the corruption

of voters; and the suppression of this practice has received the earnest attention of the people of this country, who desire honest elections. This bill provides, not that a man shall merely pay a part of the official salary he earns during the year, but that a particular official, in each judicial district, shall have the power intrusted to him of selecting and practically appointing unnumbered adherents of his own political party, who shall attend the polls at a compensation of \$5 per day to carry out the instructions of their political boss.

Under the old system the campaign committee simply sent the money to the polls; under this new scheme a Federal officer will send the men themselves, who are to be paid directly from the Treasury, and this official has no limit placed upon his right to take the people's money for this purpose.

The compensation of these supervisors and of all other officers under this bill is not to be subjected to the scrutiny and examination of Congress, and their accounts for salary and expenses are not to be examined by the regular accounting officers of the Treasury.

The salary of the officers of this Government from the President down must be annually appropriated by the people's representatives, and the accounting officers of the Treasury must scrutinize and examine all accounts and claims against the Government, but these officials are to be paid from a permanent appropriation and their accounts passed on by the judge only who appoints them, and are made "special," which means that they are to be paid ahead of and in preference to other claims.

The President can not draw his salary unless appropriated each year by Congress, but these election officers can. The President can not increase the Army and Navy by one man without an act of Congress, but the chief supervisor of any district under this bill can increase his army of election officers to any number he desires without consulting Congress and pay them from the public money without limit as to amount. In fact, the people of the United States, the Army and Navy, and the Treasury are placed under the absolute control of the chief supervisors of election without accountability to any one for their use or abuse.

Now it needs no eloquence to depict the horror of having 100,000 or 500,000 or 1,000,000 men at the polls where the people are casting their ballots—these men receiving a compensation of \$5 a day, and all of them appointed, not by both parties equally, but by one man who owes his appointment not to the people or their Representatives, but to a judge of a United States court, whom we can not get at if we choose to do so.

The gentleman from Massachusetts is, as some people think, an earnest reformer of the civil service, while others are unkind enough to express doubt; I give him credit for an honest purpose to do what is right, and I say there can be no more iniquitous provision, nothing which will wipe out more completely every effort to relieve us from the influence of office-holders than the provision in this bill for the appointment of an innumerable body of men to attend at the polls and do the bidding of a partisan Federal official.

The law as it now stands is that the supervisor of elections must come from the town, city, or voting precinct in which he serves. This bill, if it becomes a law, authorizes the chief supervisor to put into your voting precinct or mine any number of men from any part of the Congressional district, even though those men come from places 100 or 200 miles away, and be utterly unknown to any of the voters of the precinct.

Not only so, Mr. Speaker, but there is another very peculiar provision in this bill. Some of the States of this Union provide that ballots, in order to be legal and to be counted, shall be printed in a certain way and be of a certain size, so that every man may cast his vote without it passing under the inspection of his "boss"—the boss under whom he earns his livelihood or his political boss—so that the heebers and the bribers shall not know what kind of a vote he casts. But this bill provides that every vote that is cast for a member of Congress shall be counted. So that in Massachusetts, for instance, if the State officers decide that they must throw out under the State law a ballot, all the names being upon one ticket, this bill says they can not do so, that this ballot is to be counted, and to be counted in a particular way—every name upon it is to be read out, and the name of every office voted for read out.

Again, what are the supervisors to do? In the first place, any supervisor at an election where the State managers, or inspectors, as they are called, hesitate for one moment—the expression is "who do not immediately pass upon the right of the voter who is challenged"—then a supervisor, not the majority, but one, shall pass upon it, and if he so decides this vote shall be put into the box, and when received shall be counted, and the State managers shall have no right to reject it, although the majority of the United States supervisors are not there to pass judgment upon it. There is no appeal from that decision. If they choose to let in one man, if one of the supervisors chooses to let in any man who comes to vote, no matter whether he is registered or not, no matter whether he is qualified under the State laws or not, no matter whether he has complied with the provisions of the State statutes or the constitution or not, if any one of the supervisors says the man can vote he can do so, and his vote, cast in defiance of the State law, must be counted. But if that be true what is to prevent one of the supervisors, in a close district, from electing any of the State officers or county officers that he sees fit to

elect? There is no provision in the law as embodied in this bill to correct such an abuse. There is no provision to correct it or to eliminate that vote in any case. There is no provision that the rights of the people shall be respected, while everything is provided for the rights of the supervisor, who is supposed to be an angel from heaven, because he is appointed by a judge of the United States court who has a tenure for life.

Not only that, Mr. Speaker, but they are to count the votes in a particular way. Every ten votes are to be taken out of the ballot-box by the supervisor, and to be handed to the State inspector, and the State inspector hands them to another supervisor, and he passes them on to another inspector, and he to another supervisor, and so on, so that every vote in the ballot-box, even if a general ticket, is to be handled by seven men, three of whom are not appointed by the State officers, are not in any way responsible to the State law, and who have a right to pass upon the receipt of the votes and the counting of them as they see fit. Now, in New Jersey Indiana, and Illinois, the law requires that the tickets, after they are counted, shall be locked up and preserved for six months.

This bill provides that one of each kind of the tickets is to be pasted on the return and sent here. That is one of the provisions of it. Another is that the United States canvassers are to draw out and destroy extra ballots. How can you preserve the tickets and at the same time send them to Washington and also at the same time destroy them? And these canvassers, gentlemen—I want to call your attention to it—who are to pass finally on the right of every member of this House to his seat upon this floor are not, by the provisions of this bill, to meet at any specified place in the State and are not to give any notice of any meeting that they may hold. All that is required is that they shall meet at some place in the State where a circuit court of the United States is held, and in my State there are three places, I believe, certainly two, and in many of the States five or six, where United States circuit courts are held. I can not imagine any reason on earth why a man who is interested in the final outcome of the vote should not have notice of the place and time where the canvassers are to meet. I repeat, therefore, if this is an honest bill, if its purpose is to bring about honest elections, it would not show such defects upon its face; and that they do exist any gentleman will find for himself who will take the trouble to examine and study it.

But another very peculiar provision of the bill is contained in section 38, and I do not know of any better name for that provision than to call it the "jury-fixer." You all know that around every courthouse in every large city where there are jurors there are some men whose business it is to influence unfairly and dishonestly those who are drawn or are likely to be drawn to serve on the juries. I do not know of any people in the United States that to-day enjoy more completely the utter and supreme contempt of every honest man who knows anything about the administration of justice than these people. But this section provides that the law of the United States as it now exists, which is that the jurors shall be drawn by the clerk of the court and by a jury commissioner of the opposite party, shall be amended so as to provide that the clerk of the court alone, representing one political party, alone shall have the right to select all of the jurors, and that the opposite side shall have no voice in the matter or anything whatever to do in the selection.

Mr. Speaker, when it comes to the selection of jurors to carry out the purposes of the bill, this provision indicates that it shall be done by an official of the court hidden away from the sight of any man, or any man of the opposite party, at least, from the one to which he belongs. I say that no more iniquitous proposition was ever submitted to any body of men for their approval than the proposition that the statute law of the United States, which now provides an honest mode of selecting jurors, shall be altered so that the jurors shall hereafter be drawn by one man, and that man free from the presence of a witness of the opposite party.

Mr. MILLS. May I ask the gentleman from South Carolina what was the necessity for changing the jury law, in a bill that purports to provide for fair and free elections?

Mr. HEMPHILL. Well, I think that was explained very well by my distinguished friend from Pennsylvania [Mr. BUCKALEW] in his statement before the committee, that he thought at first it was entirely out of place to mix up the juries with this partisan election law, but that after reading the bill he thought that it was simply the culmination of the whole thing, that it was partisan in the beginning and through the middle, and it ought to be partisan at the end [Laughter on the Democratic side.] I think that is a just explanation of the whole business.

Now, Mr. Speaker, there is another provision with reference to this jury law which is equally curious, and that is, that the supervisor who has faithfully—these are the words—who has faithfully performed his duty as a supervisor shall be excused from service as a juror.

That struck me as being very peculiar, and I could not understand it, but after looking over the duties of a supervisor I thought that it was nothing but fair that the man who would be willing to act as a supervisor under this bill, and carry out what appears to be the unholy duties expected of him, should be considered as having done enough to entitle him to be excused from any further service in that

line. That is, I think when he has done that he has done his share and he ought to be excused from any further service. But a man who has not "faithfully performed his duty" as a supervisor, who has not been willing to override State laws as seems to be herein expected, whose integrity has sustained him when the supervisor has ordered him to make a wrong return, he should not be excused. He will have to run the chances of being drawn on a partisan jury.

And to show the purpose of this change in the jury law I will read to gentlemen an extract which shows what has already been done in that line. You will all remember that there has been some trouble about the administration of law in the United States courts in Florida, and I have a letter from a very worthy gentleman from that State, which he addressed to the President of the United States. Its tone is calm and judicial. The writer's character is such as to entitle him to great respect at the hands of the representatives of the people here. He says:

On July 1 last, the judge appointed a jury commissioner in open and flagrant violation of the United States statute, and another officer of the court has only recently been charged with an admission that this act was unlawful, but was done to make the conviction of Democrats sure, a charge which he has never publicly denied.

The marshal of this court ordered his deputy—

Now look at what we are coming to—

The marshal of this court ordered his deputy to select for jurors only "true and tried Republicans"—

That is the order of the marshal—

another open violation of the statute, which directs that the selection shall be made without regard to party affiliations. Under this arrangement the grand jury contained twenty-two Republicans in a total of twenty-three members.

Does any man believe that that is an honest jury, in a State like Florida, where the total Republican vote is not half the Democratic vote, that you could get an honest jury of twenty-two Republicans and one Democrat?

The gentleman from Massachusetts [Mr. LODGE] says that if we have honest elections we ought not to be afraid of this bill. It is not the elections that are troubling us, it is the iniquity of the office-holders who are sent South to oppress the people. That is the trouble with this bill. We have had eight long years of sad experience of that sort in our State, and I say there is not a gentleman on that side who if he had been there, even as a Republican, would not resent every effort to re-establish that system of iniquity which went under the form of civil government.

I want to call the attention of the House to one more provision. I can not take up all my time in explaining this bill, but I wish to call the attention of the House to the fact that in one section the Legislature is prohibited absolutely from changing any of its State laws as to the election of Congressmen, and as I hold, as to any election, except as to the places and as to the printing of tickets. That is section 37 of the bill. The object, of course, is to continue the present system. Even if the Democrats and the Republicans by a unanimous vote choose to change their own laws upon that subject, under this bill they can not do it. And yet it is stated that this is simply a measure to get an honest count for members of Congress.

Mr. Speaker, let us ask ourselves why this bill should be passed. I have run over it somewhat hurriedly, and probably have wearied the House with its details, but let us ask ourselves honestly what reason can be given for enacting such a law. This Government has been in existence for a hundred years or more. There has never been any necessity up to this time for the passage of any such law as this, and it seems to me that if the people have been trusted, through their representatives in their several States, to manage the election of members of Congress for a hundred years, and there has been no special emergency within the last few years which requires any action upon the part of Congress, that we might, at least, trust them for some time longer in this matter which is so sacred and dear to them.

It must be a humiliating thing for Republicans to confess by this bill that while through seventy-five years, when this country was controlled alternately by the Federalists, the Democrats, and the Whigs, the people could manage their own elections, that now, after twenty-five years of almost uninterrupted control by the Republican party, the people have become so corrupt, their honor so blunted, their integrity so weakened, that they can not be trusted to make an honest return of the votes they cast and must be guarded and scrutinized and supervised as if they were criminals.

Is that not rather a bad record for a party that claims to be the party of great moral ideas—a party that claims more virtues and has fewer than any I ever knew or heard of in my life? [Laughter.] If the result of their rule of this country for a quarter of a century has not been such as to debauch the public sentiment which, when they took charge of the Government, was honest and upright and patriotic, why should there be any such law as this upon the statute-book?

The chief reason assigned by the gentleman from Massachusetts for the passage of this measure is that the public at large think that there is corruption at elections. Mr. Speaker, I think that is the most humiliating confession I have ever heard on this floor. He means to say that if the people have an opinion as to the dishonesty

of their Government which is not well founded, the Representative should acquiesce in the unjust charge and trim his sails accordingly, instead of squarely meeting the case and giving to the public the truth as he knows it. I think, Mr. Speaker, that it is the duty of a Representative of the people to tell them the unadulterated truth whether it be what they have believed or not, and he ought to stand to it.

When a member gives to the House advice of this character upon a matter of such importance, we may well question ourselves whether we ought to follow him when he asks our support of a measure of as great consequence as the one now pending. If his theory be correct, any upright man who has the misfortune of acquiring a reputation for dishonesty through the misrepresentation of his enemies ought not to call for the proof of the charges, face his enemies, and live down the lies that are told against him, but he should go around like a sneak-thief pretending that he is a dishonest man, simply because the public sentiment leans that way.

One of the chief difficulties in this country in settling forever many of the pressing problems that confront us arises from the total misapprehension of the motives and actions of the Southern people, for which sectional demagogues are largely responsible. No people have ever been more misunderstood and misrepresented than those of the Southern portion of our country, and there is nothing in which we are more interested and about which we are more anxiously concerned than that we shall have the opportunity to meet face to face our countrymen from every portion of this Union, and that they may have willing ears to listen to the truth with reference to the people who have suffered so much from being so greatly misunderstood.

Gentlemen, a good deal has been said in this country of late about the new South. What this country really needs is a new North. It needs a North that will take a view of all the facts and not be guided by their own preconceived prejudices. It needs a North which will not waste all of its time and energy in reforming other people's abuses. It needs a North that will sometimes look at its own shortcomings and not always on those of people a thousand miles away; and it needs a North which will believe that when a man in the South of the Anglo-Saxon race happens by any untoward circumstance to come into serious collision with another man of the African race that it is not always because the other man is black.

Finally, Mr. Speaker, it needs a North which, with all its culture and patriotism, freeing itself from all narrowness and prejudice, will rise to the high plane of viewing this whole country as composed of one people, with one hope, one destiny, and one flag, and all moved by the same earnest desire to contribute to the grandeur and glory of a common country.

The SPEAKER *pro tempore*. The time of the gentleman from South Carolina has expired.

Mr. HEMPHILL. I would like to have a little more time, if entirely agreeable.

Mr. ROWELL. I ask that the gentleman may have a little more time.

Mr. BRECKINRIDGE, of Kentucky. I ask unanimous consent that he may take such time as he desires, and that it be charged to this side of the House.

The SPEAKER *pro tempore*. Without objection, the gentleman will be allowed to consume such further time as he desires. The Chair hears no objection.

Mr. HEMPHILL. Now, Mr. Speaker, I do not pretend to say that there are not many men in the North who do take a broad view of the situation, nor to say that the South has not received many substantial benefits from the North in the way of aid toward the education of poor people, both white and black, and in many ways I need not here mention. I am anxious to give them credit for everything that they have done or are doing that is good, and I am not here to criticize them severely for the views that they take on this question; but I am here to say that the first thing that we need is a different view from the Northern people as to the Southern question. Let me quote from a distinguished citizen of Massachusetts, for whose purity and patriotism we all have profound respect—a man long since dead who still lives. Mr. Webster, when attacked by the prejudices of Massachusetts, said:

The question is whether Massachusetts—intellectual in character and of high moral sentiment—the question is whether she will stand to the truth against temptation and against her own prejudices. She had conquered everything else, a sterile soil and an unfriendly climate; she had conquered everybody's prejudices but her own. The question is whether she will conquer her own, and that is the question I am determined to ask her. I do not wish these States to be bound together as a mere legal corporation, but by the common sympathies which bind kindred hearts. I desire to see throughout this country that balm for every wound, that remedy for all the evils under which the country groans, a united love for a common country.

[Applause.]

Now, gentlemen, these are noble sentiments, and I would like to repeat them in the ear of every citizen of Massachusetts to-day. I would ask them to rise to the height where they can take a broad and an unprejudiced view of the needs of this country, and when they have done that we will not be under the necessity of opposing any more such measures as this.

Mr. Speaker, I wanted to say a few words with reference to the matter of securing an honest return to this House of the true senti-

ments of the people of this country. A great deal has been said throughout the whole country, and it has gotten to be a kind of a shibboleth of the Republican party and of other people who want to overturn the party now prominent in the South, to cry out for "a free ballot and a fair count." I say unhesitatingly that that is essential to the permanency of this Government.

But, gentlemen, what is the use of talking about a free ballot and a fair count unless we go to the extent of remedying the whole wrong? What is a free ballot? It is the right to put into a box, unhindered, a piece of paper with the name of the man of your choice representing the principles that you advocate. And what is a fair count but an opportunity to have every vote taken out of that box and fairly counted in the result? But, after all, that is a mere means. That is not the end of voting. The end and object of voting is that the voter may have his sentiments represented upon this floor and at the other end of this building, and there is where I say our friends on the other side fall far short of what they undertake. "A free ballot and a fair count" is a mere delusion and fraud unless the laws of the country are so framed in the several States of this Union that when a man casts his vote and has it counted it shall amount to something.

Now let us see about some of our Northern States in this respect. They delight in talking about the negro and alleged frauds in the South. The fact of it is, that I think there are a great many men on that side of the House who owe an everlasting debt of gratitude to the darky. They never would have been heard of if had it not been for him. Their political capital consists in talking about the blacks and abusing the white people of the South. That is the main-spring of their existence, so far as politics is concerned. And they do this for two purposes; first, because they want to be elected, and second, because they want to keep the eyes of the voters away from their own performances at home. Now what is the use of talking about free ballot and a fair count in Kansas, for instance, when the State is gerrymandered in such a way that not a Democratic voice has ever been heard from that State on the floor of Congress? Yet gentlemen waste their time and their strength and their energy in abusing the South and talking about the rights and the wrongs of the colored men of the South, when there are 147,000 Democratic voters in Kansas whose voice has never reached this House of Representatives.

Mr. KELLEY. Will the gentleman permit a question?

Mr. HEMPHILL. Yes, sir.

Mr. KELLEY. How could the gentleman expect any gerrymandering or non-gerrymandering to elect a Democrat from Kansas when there are not four Democratic counties in the whole State? [Laughter on the Republican side.]

Mr. HEMPHILL. It does not make any difference how many Democratic counties there are in the State. That is not the question. The question is as to the representation of the voice of the people of the State, and the gentleman knows that the Democrats of Kansas never had a Representative here.

Mr. KELLEY. No, I do not. On the contrary, I know that they have had a Representative here.

Mr. HEMPHILL. Once.

Mr. KELLEY. Yes, once.

Mr. HEMPHILL. The exception proves the rule. Mr. Speaker, if the parties had a fair representation upon this floor in exact accord with the sentiment of the voters, there would be now in this House 163 Democrats, 154 Republicans, 5 Prohibitionists and 2 Labor candidates. That would be the result if there was a fair and honest expression here of the sentiments of the people of this country.

In California 117,000 Democratic votes are required to elect two Representatives, while 124,000 Republican votes elect four Representatives. The average number of votes to the Representative are, Democratic 58,000, Republican 31,000. In other words, it takes 27,000 more votes in California to put a Democratic Representative here than it takes to send a Republican Representative.

In Illinois 348,000 Democratic votes elect seven Representatives, while 370,000 Republican votes elected thirteen Representatives. The average number of Democratic votes to one Representative is 49,000; the average number of votes to each Republican Representative is 28,000. That is, it takes 21,000 more Democratic votes in Illinois to elect a Democrat here than it does to elect a Republican. I see that creates a smile on the other side. Gentlemen over there think that is all right. That is what they call "a free ballot and a fair count" up North.

Take Iowa, 179,000 Democratic votes elect one Representative, while 211,000 elect ten Republican Representatives. The average number of votes to the Representative on the Democratic side is 179,000, while the average number of votes to each Republican Representative is 21,000. In other words, it takes 158,000 more Democratic votes in Iowa to send one Democratic Representative here than it takes to send one Republican Representative. Yet the gentleman from Massachusetts thought it so small a matter that the Democrats of all these States should be swindled out of their rights on this floor that he deemed it absolutely unworthy of notice.

Mr. Speaker, I have here a great many other figures. Take the State so ably represented by the gentleman who has been elected dictator of this House, to pass all our laws for us during the Fifty-

first Congress without any effort on our part. See how the case stands there. In Maine 73,734 Republican votes have chosen four Representatives, while 54,516 Democratic votes have chosen no Representative at all. In other words, there are four Representatives here from Maine representing 73,734 people; and there is not one man here from Maine representing 54,516 people.

In Massachusetts 104,385 Democratic voters elect two Representatives, while 183,892 Republicans elect ten. Average number of votes to the Representative: Democrat, 52,191; Republican, 18,389; difference, 33,803.

In Michigan 213,469 Democratic voters elect two Representatives, while 236,387 Republicans elect nine. Average number of votes to the Representative: Democrat, 106,734; Republican, 26,625; difference, 80,469.

In Minnesota 142,493 Republican voters have five Representatives, while 120,793 voters not of that party have no political representation.

In Nebraska 108,425 Republican voters have three Representatives, while 94,228 voters not of that party have no political representation.

In the great State of New York it takes to elect a Representative: Democrats, 42,389; Republicans, 34,105; difference, 8,284.

In Ohio it is as follows: Democrats, 79,251; Republicans, 26,003; difference, 53,248.

In Pennsylvania it is as follows: Democrats, 63,805; Republicans, 25,052; difference, 38,753.

In a Congressional election a Republican has three times the political weight of a Democrat in Ohio and Massachusetts, four times as much in Michigan, and more than eight times as much in Iowa, while in nineteen States, ten Republican and nine Democratic, the minorities have no influence or power in a Congressional election and have no political representation in the House of Representatives.

Gentlemen, if a minister of the gospel goes into the pulpit one day in each week and preaches the gospel in its purity and beauty, and serves the devil with might and main the other six days of the week, the people of the community will most likely not have much confidence in him; and you could not blame them very much. That is just the way we look at these sham efforts at reform coming from the other side of the House, under the pretense of a "free ballot and a fair count," when it is known by everybody that these same reformers have so fixed the apportionment in their States that representation amounts to absolutely nothing so far as the Democrats are concerned.

Now for the total. In fourteen Northern States, as the New York World shows by figures, there are 3,386,000 Republicans, who elect 126 Representatives, the average being not quite 27,000 to each Representative, while 3,074,000 Democrats elect in the same number of States only 47 Representatives, or an average of 65,000 Democratic votes to elect a Representative.

Gentlemen, if voting means anything; if it means the expression through Representatives of the policy which the people desire to see adopted, I say that you in the majority are here wrongfully; you have no right to be here, because the people have not by their full and fair expression sent you here.

Mr. SPRINGER. They are usurpers.

Mr. HEMPHILL. Yes, you are usurpers.

Mr. FARQUHAR. Will the gentleman from South Carolina permit me one observation?

Mr. HEMPHILL. I would prefer not to be interrupted, because I am trenching on the time of other gentlemen.

Mr. FARQUHAR. I wish only to call the gentleman's attention to this point: The gentleman must have noticed that in the exhibit to which he has referred in relation to fourteen States, several of the Northern States are omitted. I do not know that it would make any particular difference in the result; but the gentleman, I know, is too fair not to notice that omission.

Mr. HEMPHILL. I only specify some Northern States. There may be a little inaccuracy in the addition and subtraction; but anything of that kind would not affect this general result, that 65,000 Democratic votes are required to elect one Representative, and 27,000 Republican votes to elect a Representative. I am sure there is no such mistake as would affect that general result.

Mr. FARQUHAR. Oh, I grant the showing of the argument.

Mr. HEMPHILL. Take, for instance, the State of New York, which has two representatives at the other end of the Capitol voting for protection and for monopolies, as we think. How do they get there? Why, they get there because the Legislature of New York refused to have a census of the voters of the State so that there should be a reapportionment. Since 1885 the Legislature, in the teeth of the constitution, has refused to the people the plain right to have themselves enumerated and their representatives apportioned according to the enumeration. And so Mr. EVARTS and Mr. HISCOCK are today in the Senate of the United States misrepresenting the sentiments of the State of New York.

The same thing is true with regard to Connecticut.

Mr. PAYNE rose.

Mr. HEMPHILL. Just wait a moment; you can say it afterward, and it does not amount to anything, anyhow. [Laughter.]

Mr. PAYNE. Why are you not fair enough to say it?

Mr. HEMPHILL. Well, I will say this. The Legislature of New York passed a law providing for a census, taking in the amount of property and everything of that kind, which the constitution did not provide for, and the governor vetoed it, as he ought to have done.

Mr. PAYNE. Did not Mr. Tilden, when governor, sign a precisely similar law?

Mr. HEMPHILL. Mr. Tilden, like other people, did some things under stress of weather.

Mr. SPINOLA. We are talking about what the Republicans did. [Laughter.]

Mr. HEMPHILL. Take the State of Connecticut. In 1884, 1886, and 1888 the largest number of votes there, as we all know, were cast for a Democratic governor; but the Legislature did not regard the voice of the voters; they turned right around, slapped the people in the face, and put in a man who was not elected by a majority of the votes. And as we all know, Connecticut has her representatives in the Senate of the United States who advocate and vote for Republican principles, while the political sentiment of Connecticut is absolutely Democratic, and has been so for many years.

Gentlemen, when you have righted the wrongs at your own doors; when you have taken the beam out of your own eye so that you can see without prejudice; when you have fixed the laws of your own States so that there may be a proper and honest expression of the sentiments of the people of the Northern States—in other words, gentlemen, when you have practiced what you preach and shown your faith by your works, then come to us and we will receive you with open arms; and if we do not take your advice we will suggest something better which you will agree to. [Laughter and applause on the Democratic side.]

Now, gentlemen, this question is not only of very great importance to this whole country, but it is a question of exceeding great consequence to the Southern portion of it. The gentleman from Massachusetts [Mr. LODGE] realized this, for he addressed the larger part of his remarks in this House to treating of that phase of the subject. In the Northern States of the Union, whether the Democrats or Republicans are in power is a matter of not so much consequence, because you have there honest people in both parties, and you have dishonest people in both parties, of course; but generally speaking, the better sentiment of the country in all sections of the Northern States stands by what is honest and just, and will give you at least a fairly clean and honest administration of public affairs. But, gentlemen, when you look to another portion of this country the prospect is very different.

Now, we know very well that the colored man has just as many rights and privileges before the law as we have, and we know, also, gentlemen—and it is not a matter of belief only—that, during the years of the longest and saddest experience that ever fell to the lot of any people on earth, we were robbed by the picked villains of the United States under the forms of law, backed up by the bayonets of the United States Army. There is not a man I have ever met from one of the Northern States who is so devoid of manhood and courage that he would not, under the circumstances which governed the Southern States at that time, assert his right as an American citizen and fling off such a miserable sham of a Government, which, instead of protecting the people, robbed them of everything they could gather together after the destructive ravages of war.

We have seen in South Carolina every military company of white men disarmed by law and at the same time 95,000 black men enrolled as State militia and ordered to attend political meetings. We have seen 14,000 black men organized just before an election and 1,000,000 cartridges bought for their use. We have seen the State debt increased \$13,000,000 in four years. We have seen the decision of the supreme court of the State as to the right of gentlemen to seats in the Legislature overruled by a corporal of the United States Army. In truth, we have witnessed and experienced every insult and injury that could be heaped upon a people; and, gentlemen, we do not want to be put in that position again.

So far as this law affects members of Congress only we protest against it, but we can shoulder it if the country can, but as to our own State, we know that the honest and intelligent people must either rule it or we must leave it; and for myself, gentlemen, in this presence and before the people of the United States and before that God who sits upon the circle of the heavens, in all reverence, but in all earnestness, I swear we will not leave it. [Applause on the Democratic side.] It is the home of our fathers. There their bones lie buried through many generations. They bought it with their blood when Concord and Lexington were the battle-fields of this country. [Applause on the Democratic side.] They have handed it down to us unimpaired; and, gentlemen, are we not our fathers' sons? Shall the blood first turn back in our veins, and shall we transmit to coming generations a great and noble State which has been overriden and down-trodden by a race whom God never intended should rule over us? [Applause on the Democratic side.]

Now, gentlemen, I believe, and I do not hesitate to say it, that the colored man has his rights in full. He has as many rights as I have, and I concede them all to him, but he can not have his rights and mine, too, and this law is intended to put him again in control of the government of the Southern States. It is intended to awaken again

that race prejudice which is fast dying out; it is intended to bring about a constant irritation and clash between the two races in the South, and will retard its growth and be destructive of the very principles of government in that section.

Now, gentlemen, I want to quote a few words from a speech which I will not read at length. They are the words of a gentleman who is prominent in this country and has received the support of the Republican party in a most earnest contest for the governorship of South Carolina, certainly one of the most scholarly men I know. I refer to Governor Chamberlain, formerly of South Carolina. He spoke before a Boston audience not a great while ago, and after talking of other things came to the question of the condition of the colored man in the South. I quote from his language:

What we shall do about it is our only proper present inquiry. I see men running to and fro, patriots wringing their hands in despair, magazine writers crowding our tables with discussions, editors venting their omniscience, and clergymen lifting up their prayers over our portentous race problem. I confess I share in no such excitement, and I confess, too, here in Boston, that I have very little respect for those who are raising this alarm and outcry. It is, in my judgment, at least nine parts out of ten the babble of professional or ill-informed philanthropists and the interested jargon of demagogic politicians. [Cheers.]

That is the opinion of a man capable of judging.

What, then, is the duty of the North in respect to this problem? What is Boston's and Massachusetts' duty? What is the duty of all patriotic men? I answer with my whole mind and conscience, their duty is to let the negro alone.

Can a patriotic American conceive of a more unpatriotic and infamous course of conduct—infamous towards the negro as well as the white man of the South—than, without other than a cold-blooded partisan aim, to arouse the hatred of both races toward each other, to set the negro and white man at each other's throats, while they in cowardly safety, in New Hampshire and Kansas, look on at the bloody results? And such men, heaven defend us, are our Senators and Republican leaders! [Cheers.] When President Harrison calls for a "bugle blast," or Depew discourages solemnly of our duty to defend a free ballot, let us be brave enough and manly enough to tell them that such thunder is a stage trick which has had its day of success, and that the real point of danger to a free ballot and to American institutions lies in the means and methods which in the last election carried New York for Harrison. [Long-continued cheering.]

I want to read one further extract from this speech. He was the Republican governor of South Carolina and lived there for twelve years. He has been away from our State since 1876. He went back again and has been there six or eight months. As to the situation and condition of the negro upon his return as compared with that when he left, I quote this language:

What do I find? I find that since 1876 both races in South Carolina have prospered. I find the prosperity of the negro has advanced *pari passu*, more than *pari passu*, with the white man. I find the negro more self-respecting, better provided with schools, far better, acquiring property more rapidly, more industrious, more ambitious for education and property, than he ever was before 1876; and I have come here to-night, at not a little inconvenience, to proclaim this in the ear of Boston's philanthropy and Boston's patriotism. [Cheers.]

I do not exonerate the white race at the South from all past or present blame. There are wrongs done there to the negro now, but I do say that the negro has never known such an era of advancement and prosperity in all that befits a citizen and freeman at the period since 1876; and if it be treason to say it, I reply, in historic words, "Make the most of it!" [Long applause.]

Now, gentlemen, these are the sentiments which we think are true with reference to the condition of the people in these Southern States. I could go on and add to them, but I will not do it now. I only desire to say, gentlemen, in conclusion, that of course the day when we can resist by force any law of the United States, however unjust it may be, has gone by forever.

To fraud or violence we will not resort, but every lawful means that can be suggested consistent with honor we will employ to preserve our civilization and our prosperity and our freedom.

We can only appeal to the good people of this country to give us that fair treatment which they, under like circumstances, would demand at the hands of the Government to which we all pay taxes, which we all support, and whose common flag we all love.

I know, Mr. Speaker, there are some gentlemen upon whom we can not impress the sacred truths which come up from every part of the Southern country. They do not believe us, they do not want to believe us. Such men willfully misrepresent and traduce us. We do not expect their good opinion, and we sling defiance in their teeth. We can not reason with them. Facts do them no good.

But back of these lies the great body of the American people. For one, I have an abiding faith in their sense of justice and in their love of right; and when we have fully, fairly, and honestly stated to them the facts with reference to the Southern country, and the position of the black man in it, when they have once understood the whole case, I have no doubt that they will render an honest and a righteous verdict.

And whatever that verdict may be the Southern people will accept it as the judgment of their countrymen, and as the final arbitrament of this great problem; and relying upon Him who is the God of Justice, as well as the God of Nations, we will go forward in the great work that lies before us, and endeavor to perform our whole duty to this country honestly, patriotically, and faithfully. [Applause on the Democratic side.]

POST-OFFICE APPROPRIATION BILL.

Mr. BINGHAM. On behalf of the Committee on the Post-Office and Post-Roads I report back to the House the bill (H. R. 9856) making appropriations for the Post-Office Department for the fiscal year ending

June 30, 1891, and request the House to non-concur in the amendments of the Senate, and request a conference upon the same.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, June 24, 1890.

Resolved, That the bill from the House of Representatives (H. R. 9856) entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1891," do pass with the following amendments:

Page 1, lines 6 and 7, strike out the following words: "two hundred and fifty" and insert in lieu thereof "three hundred."

Page 1, line 20, strike out the words "two hundred" and insert in lieu thereof "five hundred and ninety."

Page 1, line 22, strike out the word "that" and insert the word "this."

Page 3, line 7, strike out the word "fifty" and insert the word "thirty-five."

Page 4, lines 25 and 26, strike out the words "six hundred and sixty-four" and insert in lieu thereof "seven hundred and twelve."

Page 4, line 26, after the word "dollars," insert the following:

"And from this appropriation the Postmaster-General is hereby authorized to expend the sum of \$45,000, or so much thereof as may be necessary to cover one-half of the cost of transportation, compensation, and expense of clerks to be employed in sorting and pouching mails in transit on steamships between the United States and other postal administrations in the International Postal Union."

Mr. BINGHAM. Mr. Speaker, I move non-concurrence in the amendments of the Senate, and request the appointment of a committee of conference.

The motion was agreed to; and the Speaker announced the following gentlemen as conferees on the part of the House: Messrs. BINGHAM, KETCHAM, and BLOUNT.

FEDERAL ELECTION LAW.

Mr. ROWELL. Mr. Speaker, after the eloquent and exhaustive speech of the gentleman from Massachusetts [Mr. LODGE], chairman of the committee that reported this bill, this side of the House might well afford to rest the case, because all else that may be said will be but a repetition or a presentation of the same arguments in different forms. And after the eloquent closing of the speech of the gentleman from South Carolina [Mr. HEMPHILL], all sides of the House, if he represents the sentiment of that State, ought to cry out aloud for the passage of this bill, because, as I understand him, he proclaims the will of the minority in South Carolina.

The bill under consideration, Mr. Speaker, is no new departure in legislation. It is but an enlargement of the law which has been upon the statute-book since 1871, and which, for eighteen years, has been constantly called into requisition in all the great centers of population for the benefit of all the people, and always in the interest of honest elections. For eighteen years it has been frequently called into requisition in the rural districts as well North as South, and never to the detriment of any legal voter and always in the interest of light and truth. It is not a revolution in the practices of this country. It is not trenching upon the rights of any of the States reserved to them. It is but an exercise of a power placed in the beginning in the Constitution of the United States, a power that the people in Congress assembled have not hesitated to make use of when honest elections and fair representation demanded that that power should be called into use.

The gentleman from South Carolina goes back to the time when the measure first became a law requiring a division of the various States into Congressional districts, and he calls up the protests of several States against that law, and the declaration of some of them that it was an exercise of power not granted by the Constitution. I call the gentleman's attention to the fact that, notwithstanding those declarations, the judgment of the years has been pronounced in favor of that exercise of power, and now nowhere in any State by any political party is there advocacy of a return to the former rule.

The test of the wisdom of an act is the approval of the generations that follow, and the protests to which he refers have gone down into history as protests made for political use; protests manifesting the unwisdom of the protestants. The resurrection of the history of the opposition to the districting act in this year of our Lord 1890 is unfortunate for the gentleman's position, for it recalls one of the worst mistakes of the Democratic party in opposing a legitimate exercise of Federal power.

Mr. Speaker, there is no more vital question confronting the American people than that which concerns honest elections, whether those elections have reference to State or local affairs, or whether they have reference to the House of Representatives of the United States. So long as the people rest secure in the belief that legislators are chosen by the free and uncorrupted suffrage of the electors, so long as they are satisfied that laws are enacted and executed by those who have been honestly chosen, just so long will there be respect for the authority of the law and a public sentiment opposed to lawlessness and a standing army of conservators of good government. It is the conviction that all the people have a voice in the selection of legislative and executive officers; the conviction that every man, however high or however low, counts one at the ballot-box, that makes this "a Government of the people, by the people, and for the people."

Our fathers when they founded the Government under which we live laid the corner-stone in the doctrine that governments are established among men by the consent of the governed, and in building a new nation out of all the varied forms of government that the world had developed selected that one which recognizes in each

citizen a sovereign, with a right to a single voice and the equal of every other man at the ballot-box; the right to protect himself with his ballot; the right to give his consent to the government under which he lives at the ballot-box, and the right to have defended the purity of the elections where that voice was expressed.

Now, I shall not enter into any discussion of the constitutional questions of whether we have a right to enact into law this bill which we are now considering. It is *res adjudicata*. It is a settled question, and to stop to discuss it before this body is to waste the people's time. But because we have the power it does not necessarily follow that we ought to exercise it. If, under the ordinary machinery supplied by a State for holding elections, we are having fair elections throughout the country, if those not qualified are kept from voting and all the qualified are permitted to cast an unpurchased and uncompelled ballot with assurance of an honest count and correct return, then there is no need of other law. If crimes against the ballot are only sporadic, cropping out here and there, the work of the criminal classes, without seriously affecting results, then we have no occasion to call upon the reserve power of the Federal Government to correct these sporadic and occasional evils; but if, on the other hand, crimes against the purity of the ballot-box are general, or general in any particular locality, and the people of the State or the localities are either unable or unwilling to cope with and uproot the evil, then it ought not only to be the duty, but it ought to be the wish of every representative of the people to use whatever power is found in the Federal Constitution to correct the wrong; and I can not conceive how any man can oppose the proper exercise of that power if he believes that crimes are prevalent and the results of elections uncertain, unless it is his desire that these crimes may continue, and that minorities instead of majorities shall make the laws and control the destinies of the nation.

Now, is it true that crimes against the suffrage are common? Why, Mr. Speaker, it is only a few years ago that, figuratively, the whole American people held their breath awaiting for the threatened marshaling of armies to determine who should be inaugurated President of the United States. On the one hand our friends on the other side were charging that Rutherford B. Hayes was not elected President of the United States and that Mr. Tilden was the duly and lawfully elected President, and they have been vigorously maintaining from that day to this that the Republicans stole the Presidency. Upon the other hand, we upon this side of the House have answered back: "You tried to take the Presidential office by force; failing that, you tried to steal it; failing that, you tried to purchase it by the most unblushing attempt at corruption ever heard of in the country; failing that, you threatened to marshal your partisans and take that which you could neither capture, steal, nor buy; and ever since have been finding fault because you were not permitted to do it." If what I say is true, or if half of what the other side believes is true, then in 1876 there was fraud, there was corruption of the most gigantic character in American history. Their numbers are not few who believe that six years ago Mr. Cleveland was counted into the Presidential chair by the action of corrupt officials at the polls in his own State, to say nothing of the suppression of votes in all the South. I say there are those, and their numbers are increasing every day, who believe it; and if that belief honestly exists, ought it not to be the wish of every representative of the people to so conduct elections as to make such a charge impossible of belief in the future?

It is an historic fact that the first year after the law of 1871 was put in force it eliminated 20,000 fraudulent names from the register of a single city, and in other large cities in proportion. No one anywhere among honest men acquainted with the facts will deny that in all the great—

Mr. SPINOLA. Yes; I deny it.

Mr. ROWELL. That in all the great centers of population there is a need of just such supervision in aid of the State authority and that watchfulness over possible dishonest officials to prevent dishonest elections.

Now, in saying this, I am not charging that the people of these great cities desire dishonest elections, but I am charging that into these great centers of life gather the criminal classes; that criminals, by the aid of other criminals, lift themselves into place and power in spite of the will of the majority, and that, having so done, they get control of election and registration machinery, so that it becomes necessary to bring in other power, outside of the local authority, to uncover the blackness of crime and to let the light of day in upon it and to bring the criminals to punishment; and good men rejoice that there is a machinery outside which can help the honest majority in their cry for help against the criminals who, by "repeating," by false registration, by the stuffing of ballot-boxes, by false election returns, take possession of great city governments against the will of the people.

The gentleman from South Carolina [Mr. HEMPHILL] thought it strange that our colleague, the chairman of the committee [Mr. LODGE], should advance the idea that where there was a general belief that frauds in elections existed there ought to be a law to disclose whether that belief was true or false; and he thought that we ought to stand up in our majesty, remain silent under the charge, and trust to time and circumstances to develop the truth. We, legislators for the nation, hold our peace when all the country charges

that large numbers of men hold their seats in this body by the will of the minority and against the will of the majority! Hold our peace and have the people declare that the laws are not enacted by the voice of the people, but by the voice of the minority! Is that the gentleman's idea of duty to country, duty to his own State, duty to the common people, the conservators of good order everywhere?

But, Mr. Speaker, I intend to be entirely frank in what I say upon this bill. It is everywhere in Northern circles believed that the black vote of the Southern States is suppressed. It is everywhere believed that the fifteenth amendment to the Constitution of the United States is nullified. Now, if that belief is not true, it is one of the purposes of this bill to develop that fact. It is one of the purposes of this bill to secure everywhere to every man who desires it and is qualified the right to cast his ballot and have it counted; and in using the term "every man" I mean every man without reference to where he lives or what his color may be. It was the pleasure of the American people to incorporate into the Constitution of the United States the fifteenth amendment, and since that article became a part of our Constitution everywhere, in every State, the black man has been a voter upon the same terms as the white man.

Is it our duty, under the oath which we registered when we took our seats here, to see to it that the Constitution, the whole Constitution, and every section of it shall be upheld? Or did we take that oath with a mental reservation that if we live in a State where there might be colored men making up a majority of the population we would proclaim to the world that "we, the minority, must control, or that either they or we must leave the State, and that, so help us God, we would not leave it?" Is there any other meaning to that declaration, so defiantly made on this floor, than that, although the colored men are registered voters, although they are made voters by the Constitution of the United States, and although they constitute a majority of the voters, yet "we, the minority, will control the State for them and us; we, the minority, will represent the State in the national halls of legislation; we, the minority, will ignore the political rights of the majority, and we will do it in spite of the Constitution and in spite of any law that may be enacted by the Congress of the United States?"

Mr. Speaker, I have said that the belief is prevalent throughout the North that the black vote in the Southern States is suppressed. I now propose to affirm that that belief is based upon absolute proof. The black vote is not only suppressed, but it is the announced determination of the men who control public sentiment there, men of prominence and character throughout the great black belt of the country, that that suppression shall continue with law or in spite of law. Before I come to refer to the facts which I propose to cite, I want to discuss for a little while the question whether that ought to exist, and also the other question whether it is within the reasonable expectation of the country that the evils now existing of deprived suffrage will be corrected by the various localities.

I said in the outset that this Government was founded upon the idea that every man living under it gave his consent to the law, that consent to be manifested by the vote which he cast. When the war closed in 1865 it resulted in the emancipation of a race that for more than two hundred years had been slaves. That was the necessary outcome of that war. The black man had been the subject of discussion from the very beginning. That discussion culminated in a bloody war; on the one side men fighting for national unity, and on the other side men fighting to dismember the nation and found a new nation upon the corner-stone of human slavery. But the men who sought to maintain national unity were the victors. A new nation was not formed in the last half of the nineteenth century, in free America, founded upon human bondage. The bondsman went free. What was then our condition; what was the situation of the great ruling class of the South who had attempted to break up the nation? There were two possible conditions for them. One was exile, the other was re-enfranchisement. It was impossible that they should live in this country a subject race. It was impossible that they should obey laws and have no voice in making them; impossible, because incompatible with the theory upon which our nation was built.

But, while that is true, they were in a very different condition from the people of the North. The northern armies went home victors. The soldiers of the North went to homes which had not ceased to prosper during all the years of war, to homes where the foot of the invader had never penetrated, to glad welcomes because of the victory, and because of a belief that thenceforth they would be held as heroes who had been engaged in a righteous cause. Victors can afford to be magnanimous—can afford to trust the future and believe in the perpetuity of the nation they helped to save, and even to trust those not well disposed to it. But the Southern army went home vanquished, humiliated, because humiliation necessarily comes with defeat. They went to homes devastated, to a country that had been invaded, to homes, cities, and railroad systems destroyed, to a section absolutely impoverished, and they went to a social system absolutely overturned and uprooted.

That they were not well affected toward the new Union, the result of the war, and toward the new social conditions, the result of emancipation, not well affected toward the freedmen, need not surprise anybody. On the contrary, had they not been disappointed, had they not felt resentment and hostility, and had they not for a

time refused to participate in State and national affairs, it would have been a surprising condition in this country.

Now, while it is true that it was not possible for them to live in this country without re-enfranchisement, and without a participation in the affairs of the Government, it is equally true that there was no room in all this country for a subject class, and that therefore the black men of that country, recently made freemen, must also, ignorant as they were, be provided with the weapon of self-protection—the same weapon put back into the hands of their former masters—the ballot of the freeman. Ignorant they were, I grant you; and that ignorant suffrage necessarily entails evil, I grant you; but the evil is nothing in comparison with the evil of a subject class. We could have waited; but under the then condition of affairs, or any condition that might be looked for except in the very remote future, there was no hope that the black men once slaves would ever be enfranchised freemen by the consent of their late masters. If they were ever to be put on the road to independence and real manhood, the quicker they started the better for all concerned. Therefore it was the patriotic duty of the people of the United States, before they surrendered the power to do so forever, to see to it that the black men of the South should have the same right as the re-enfranchised white men of the South—the right to cast a ballot, and to have that ballot counted.

Mr. Speaker, concessions never come willingly from above. The favored of fortune who have climbed the rounds of the ladder until they have reached the heights are ever ready to force back the struggling men beneath them, seeking to climb the same ladder. Liberty's circle is broadened by the surging of the masses from the bottom—reluctantly compelled from those above. And in the hundred years just past we may all find a lesson. Every decade shows a broader suffrage, a wider liberty, compelled by the struggling millions who have not caught the ear of fortune and placed themselves beyond the need of legal protection. Revolutions never go backward unless they are revolutions of reaction. Liberty and privilege, once captured by the people below, can never permanently be retaken by the few who are above.

Prophecies of evil are always coming from the wise in their own conceit against the broadened suffrage—prophecies of destruction from the few who think they have been divinely commissioned to rule. But those prophecies have ever in the long run been belied; and the broader the suffrage, the wider the circle of liberty, the greater the prosperity to all the people. And he who would deserve well of his country, having reached the top, may well consider the wisdom of stretching a hand to the struggling men below him instead of trying to force them back into the depths.

Hence the time had to come when the ballot must be placed in the hands of every freeman. The evils that came with it must be endured as being less evils than perpetual bondage, and perpetual bondage of the worst type is that kind of bondage which may not protect itself with a ballot. We heed upon this floor the demands of the men with tickets in their hands. No law which strikes at the great mass of voters ever gets through this House, with the knowledge of the members, without vigorous protest. If there is no vote in the hand of any one of the masses, who heeds the interest of that class of men? Who cares for the men who have not yet attained to the high privilege of American citizenship? That class of people do not count at the polls; that class of people have nothing in their hands with which to protect themselves.

I have said Southern men were not well affected towards their former slaves at the close of the war. They did not dislike them as slaves, but they despised them as freemen because they had been accustomed to regard them as only fit for menial service. The condition has not greatly improved. The black man has allied himself politically with those who gave him his freedom. The master has formed other political alliances. He refuses to believe that his late slave can ever reach any other place than that of menial service. While such belief lasts there can be no political union between black and white in the South. When it ends and justice is conceded to the black man, there will remain no race issue.

These men, lately bondmen, ignorant, semi-civilized, unaccustomed to self-reliance and independent judgment, ought not to be judged by their mistakes, but rather by their successes under adverse circumstances.

After more than two hundred years of bondage, subject absolutely to others' will than their own, shut out from all knowledge, such as white men find necessary to success, circumscribed in their movements, with no permanent family ties, with no legal defense against oppression, 4,000,000 men ushered into liberty to commence life in abject poverty and amongst those who had no faith in them as freemen, it was to be expected that they would halt and stumble, and even disappoint the hopes of their friends. Their helplessness appealed to the sympathy of every well-wisher of humanity.

But they were in the country, and of it. Their ancestors had come hither in chains. Their labor had enriched their masters. They could not and can not now be spared. They are here to stay, in the land of their fathers. Laws are for them as well as the whites, and he who studies with the idea that the whites are the only people who are to be legislated for makes a grave mistake.

The progress of these people in the last quarter of a century, in

education, in getting wealth, ought to admonish the whites that this race will not always be servile.

Now, Mr. Speaker, has the black vote been suppressed? That it has is a truth that everybody recognizes. The man of wealth and power may forget election day, but the common citizen, who knows that there is one place in the world where he is the equal of every other man—that place the ballot-box—never willingly stays away from an election on an important occasion. And whenever you find a great body of men always absent on election day, you may set it down as conclusive proof that they are not away by their own consent or by their own will. A prominent man, testifying in a case before the Committee on Elections and trying to justify the belief that the black men of his district were not kept from the polls by the firing of cannon night and day for two weeks before the election, said, "No, that don't scare them; nothing but the shotgun keeps them from the polls."

Mr. OATES. Will the gentleman allow me a moment?

Mr. ROWELL. Yes, sir.

Mr. OATES. The gentleman says that wherever there is the absence of a large number of voters from the polls it is conclusive evidence that they have been intimidated.

Mr. ROWELL. That was not exactly the way I put it.

Mr. OATES. Was not that the substance of the gentleman's statement?

Mr. ROWELL. No, sir. I said, on important occasions, at important elections, wherever a large body of the common people are not found at elections on election day it is conclusive proof that there has been something done improper, either then or at some past time, to keep them away from the polls.

Mr. OATES. I deny your statement, and know of my own knowledge that it is untrue in many instances. I will prove my position when I have the opportunity.

Mr. ROWELL. Well, Mr. Speaker, I shall not engage in a bandying of words with my friend from Alabama as to his knowledge. But I undertake to say that what I have stated is the universal experience of observing and unprejudiced men. And I know how necessary it is to deny that conclusion, because only upon that denial can there be an accounting for the almost universal absence from the polls of the black men in many of the Southern States. I shall soon come to sworn proof of what I assert; and I say to my friend from Alabama that the records of this Congress are full of absolute proof of the truth of what I have asserted, coming from a dozen districts in the Southern States where the black men are.

Now, I want to take up the election of 1888. That was the year of a Presidential election. Four years before, the Democratic party secured the executive control of this Government after having been out of power for twenty-four years. They went into the contest of 1888 with earnestness, with vigor, and with a determination to hold on to that control which they had secured four years before. The Republicans, on the other hand, unwillingly had surrendered power and were eager to regain the power they had thus surrendered to the Democracy. It was an election in which North, South, East, and West were deeply interested, and everywhere the voters were aroused, intelligent and the ignorant alike, and heart and brain were enlisted as they had not been in years.

Now, take the State of South Carolina, the State from which my honored colleague on the committee [Mr. HEMPHILL] comes, and in which he lives; the State where his fathers lived and where their bones lie buried; the State that he does not intend to leave, although he must leave, he says, if the blacks there have the free right to vote and have their votes counted. In that State, in 1880, there were 604,332 black people, men, women, and children, and about 391,000 white people, or over 60 per cent. of the population blacks; and it has been proved so often, so overwhelmingly, and without serious contradiction, that 95 per cent. of these black men are Republicans, that we have a right to assume that had all the black men voted in South Carolina, by a majority of 50,000 it would have cast its vote for the Republican electors, and sent a solid Republican delegation to this Congress. And yet the total vote in all of that State for Congressmen in its seven districts was only 76,365, less than 11,000 to a Congressional district; and the total Republican and scattering vote was only 10,460. Seven thousand of these were cast in a single district, and that district made up in 1880 of over 180,000 people, made out of five of the old Congressional districts, and made in an image that man never dreamed of before, made contiguous by 50 miles of sea-beach, over which the ocean waves flowed every day.

Mr. PEEL. Will the gentleman bear with me for a moment, if it will not divert him?

Mr. ROWELL. Certainly.

Mr. PEEL. My colleague has called my attention to the fact that you stated that where a vote was not polled in a Congressional district that it was evident there was intimidation or corruption.

Mr. ROWELL. No, not exactly. I did not say intimidation. I said that there had been some reason which disfranchised the voters or kept them away from the polls.

Mr. PEEL. Well, I wanted to say in response to the gentleman, that in 1886 the Congressional Directory will show that I did not receive 5,000 votes in my district.

Mr. ROWELL. That may be. Had you opposition?

Mr. PEEL. No. And I will say here in the presence of this House that there is no district in the United States where elections are fairer than in mine.

Mr. ROWELL. I hope that is true.

Mr. PEEL. And there has never been a whisper of suspicion against it. You can not get a Republican to say anything against the fairness of elections in that district.

Mr. ROWELL. How many did the opposition poll in 1888?

Mr. PEEL. They polled a good many votes then; I do not recollect the exact number.

Mr. ROWELL. Was the whole vote about 25,000?

Mr. PEEL. I do not remember the number, but I can say to the gentleman that every man who wanted to vote voted, that every man who votes there has his vote counted, and there is no restriction on the right to vote.

Mr. ROWELL. Well, Mr. Speaker, what the gentleman states exactly carries out the idea I suggested in what I said. In unimportant elections if you have a district that has no opposition, and there is nobody else to be voted for except a member of Congress, then a few of his friends will go and vote and that is an end of it. I understand that very well. Such an election is not likely to bring out the votes of the district. It is only those elections that take place when important issues are involved.

Mr. PEEL. Will not the gentleman concede that it is likely to take place in any district where there is no opposition in an off year?

Mr. ROWELL. Undoubtedly; and that is the very reason I am not talking of off years, but of Presidential years, important elections; and I have shown that in the State of South Carolina only a little over 10,000 Republican votes were cast, with a black population of over 600,000, 95 per cent. of whom are Republicans, and that the white vote was some 60,000, and that together there were less than 11,000 votes in a Presidential year on a Presidential day for each of the Congressional districts. And outside of the Seventh district there were only about 3,000 Republican votes cast. I know the reason why. More than 50 per cent. of the colored votes of that State had been disfranchised by an unconstitutional statute of the State.

Mr. LEWIS. Will the gentleman allow me one moment?

Mr. ROWELL. Yes.

Mr. LEWIS. I want to say in a Presidential year, in 1888, in my district, I received 12,855 votes, and my Republican competitor received 2,396. And I want to say that no man on the face of the earth has ever intimated that there was anything unfair about the election there, or that anybody was intimidated, or there was any ballot-box stuffing, and I dare any man to make the assertion.

Mr. ROWELL. Oh, well, I never take a dare. That is not my way of doing business, nor my way of talking.

Mr. LEWIS. Yes; but I wanted to answer emphatically that part of your argument.

Mr. ROWELL. Now, I do not know anything about your district. I know what is true as a general rule, and know what has been proved to be true in a dozen cases during the present Congress that I have investigated, and as many more that I have examined in past Congresses.

Mr. WHEELER, of Alabama. Will the gentleman allow a short statement?

Mr. ROWELL. I will yield for a question.

Mr. WHEELER, of Alabama. Well, it involves a little statement.

Mr. ROWELL. Oh, no; I can not yield for that. You might want to "dare somebody, too." [Laughter.]

The gentleman will understand, of course, that I do not mean to be discourteous, but I must beg not to be interrupted.

Mr. Speaker, there are ten Congressional districts in Georgia, and the total vote of Georgia in 1888 was 129,383 for Congressmen, or a little less than 13,000 for each Congressional district.

The Republican and scattering vote throughout the State was 33,842, an average of 3,400 Republican votes to the district. There were 725,133 colored people in that State in 1880, and 816,906 white people. For some reason the Democratic white voters cast their ballots and for some reason the Republican black voters did not cast their ballots.

Mr. CRISP. What reason do you assign for that?

Mr. ROWELL. I do not know, sir, but I have my belief.

Mr. CRISP. Let us have your belief. State what your belief is.

Mr. ROWELL. I will. I believe that the revolution which swept over the South in 1875—that revolution to which nearly every Southern man points with pride as the grandest act that ever took place in any country, in overthrowing what they were pleased to call the carpet-bag government when there was force and fraud and crime that ought to bring the blush of shame to every patriot—that the acts of 1875 and 1876 have had their influence, extending all through the years down to the present time.

Mr. WHEELER, of Alabama. Has the gentleman a particle of proof to sustain that belief? There is not a particle of proof to sustain it.

Mr. CRISP. Let me say to my friend upon how little foundation that belief is based, that in 1871 the Democrats came to their own in Georgia. You say you base your belief on the revolution of 1876. Let me say to you that the Democrats elected a governor in Georgia in the fall of 1871.

Mr. ROWELL. Yes, but the Republicans gave a great many more votes in the fall of 1871 than they ever have since.

Mr. CRISP. Let me state to my friend a fact that he ought to know, before he has any belief about Georgia, that there has been no organized Republican party in that State, except to hold offices here and to send delegates to the Republican convention, for fifteen years.

Mr. ROWELL. And, Mr. Speaker, the fact that there has been no organized Republican party in Georgia speaks in eloquent words of the disfranchisement of the Republicans in that State. [Applause in the galleries and on the Republican side.] And it ought to kindle a fire of remorse that ought to strike into the consciences of the white people who made it impossible that there should be an organized Republican party in Georgia.

Mr. CRISP. How have they made it impossible?

Mr. ROWELL. The fact remains.

Mr. CRISP. State the fact. Show your evidence.

Mr. ROWELL. Existing things do not come without a reason. I do not blame the gentlemen who come here from ten Congressional districts in Georgia who wish to retain their representation on this floor.

Mr. CRISP. You can not even produce a newspaper statement to support your assertion.

Mr. ROWELL. I am not giving newspaper statements now. I am referring to conditions, and I know as an observant man that you never find a certain condition of affairs, unnatural and improbable, unless there has been a reason behind it.

Mr. CRISP. Why is 47 per cent. of the vote in Maine silent? Why is over 40 per cent. of the vote in Massachusetts silent?

Mr. ROWELL. That is not so in Presidential elections.

Mr. CRISP. In Presidential years. The statistics show that.

Mr. KERR, of Iowa. Oh, no; they all vote then.

Mr. ROWELL. Now I am going to refer to the State of Alabama.

Mr. CRISP. You had better drop the State of Georgia. [Laughter on the Democratic side.]

Mr. ROWELL. My genial friend over there is always ready to defend the State of Georgia. I hope Georgia will always send as able gentlemen as he to this House, but I would a great deal rather he would come here with twenty or thirty thousand votes behind him than with 1,500. [Applause on the Republican side.]

Mr. CRISP. Mr. Speaker, my friend does not seem to catch hold of an idea that is very forceful generally throughout the country, and that is that the people of a State may vote or may not vote, as they please, whether it is agreeable to the distinguished gentleman from Illinois or not.

Mr. ROWELL. Now that is just what I am trying to get at, to pass a bill so that the people may vote or not vote, as they please. That is the purpose of this bill. [Applause in the galleries and on the Republican side.]

The SPEAKER *pro tempore* (Mr. PETERS in the chair). The applause in the galleries must cease.

Mr. CRISP. Mr. Speaker, my friend expressed a belief about Georgia. As one of its humble representatives I ask him to point to a single line of evidence—

Mr. PEEL. Mr. Speaker, I call the attention of the Chair to the fact that there is frequent applause in the galleries. It seems to me that the galleries have been filled up for occasions like this, expressly for the purpose of applauding any slander upon the South. I am tired of it, and I ask for the enforcement of the rules of this House.

The SPEAKER *pro tempore*. The applause in the galleries must cease. Persons in the galleries are there by the courtesy of the House, and if the applause is repeated the galleries will be ordered to be cleared.

Mr. CRISP. I ask the gentleman from Illinois [Mr. ROWELL] to point to a single line of evidence, or a single claim by anybody, that there are any unlawful practices in the State of Georgia.

Mr. ROWELL. I point to the fact that in the State of Georgia, with a population of 725,000 colored Republicans, there were less than 35,000 Republican votes, and my friend knows very well that there must be some reason for it.

Mr. CRISP. My friend knows very well, from the Directory and otherwise, that there is no opposition and has been none to the candidates in Georgia, and I just now stated we elect in Georgia, for instance, this coming year, in November, no officers except members of Congress. We hold one election in October and another in January, but the members of Congress alone are elected in November. Now, when there is no opposition to them, is it astonishing that the vote should be light? That is a fact; there is no one nominated on the other side.

The SPEAKER *pro tempore*. The time of the gentleman from Illinois has expired.

Mr. ROWELL. I ask that I may have time extended in which to complete my remarks.

Mr. TRACEY. I hope the time will be taken from the time of the other side.

Mr. ROWELL. Certainly.

The SPEAKER *pro tempore*. By unanimous consent, the time of the gentleman will be extended.

Mr. ROWELL. Now I have given the gentleman from Georgia an ample opportunity to put his side of the case, and I think the House

understands the theory upon which I base my opinions, and I proceed to the State of Alabama. The total vote of the eight districts of Alabama was 173,000, 22,000 returned vote for each district. The total Republican vote was 54,574, a little over 6,000 for each district. The white population of Alabama is 603,183; the black population is 601,103—44 per cent. In the seven districts of Mississippi the total vote was 113,675, a little over 16,000 to the Congressional district. The total Republican vote was 25,904—3,700 only to a district. The white population is 479,388, and the black population 650,291, or 58 per cent. of the total.

Now, I have all but one district of Louisiana. In the five districts of Louisiana, and I get the facts out of the Congressional Directory, there were 88,213 votes, or 17,600 to a district. The Republican vote was 20,376, a little over 4,000 to the district. The white population is 454,954, and the black population is 483,655. Taking the five States together, and the total average vote for all the Congressional districts is less than 16,000, while in the State having the largest colored population it is less than 11,000, and 7,000 of that in one district. Now, that is less than one-third of the vote polled in the State of Illinois in a Presidential year.

Now, in the State of Illinois, with its twenty Representatives, the white vote cast was 797,649, or a little less than 40,000 to a district, while in the five Southern States, with thirty-seven Representatives, it was 580,000. Now, as to the State of Illinois, with twenty Representatives and 797,000 votes, two votes in each of the five States count at the polls just the same as five votes in the State of Illinois.

Mr. ENLOE. Will the gentleman yield for a question?

Mr. ROWELL. I have yielded so much time that I can not.

Mr. ENLOE. Just a moment.

Mr. ROWELL. Just a moment, then.

Mr. ENLOE. I wanted to ask the gentleman from Illinois if he could explain the result in the Third Louisiana district, in which Mr. Price was elected over Mr. Minor, and in which he performed some missionary work.

Mr. ROWELL. I think I could explain it very satisfactorily to myself, but perhaps not so satisfactorily to the gentlemen upon the other side; but I shall not assume to give my personal observations in the Third district of Louisiana upon the floor of the House at this time.

Now, it may be said that Illinois is a Western State, or one of the growing States, and therefore it is not fair to make a comparison. I will take the New England States. Take the six New England States together. The average vote for Congressmen at that election was more than double the average vote of the five Southern States I have mentioned, and more than three times the average vote in the State of South Carolina; and that is a section of the country where the population ought not to increase more than normal because of emigration, and could properly be compared with the Southern States, where the increase is but normal.

Now, gentlemen may give a great many excuses for this condition of things, but I can give you a reason out of the sworn testimony presented to this Congress. You want to know what it is. Now, in some entire Congressional districts under the State machinery the vote when returned is absolutely reversed. Fraud taints every ballot-box and permeates the whole community. An honest election is looked upon as dishonest, and an honest election officer looked upon as an enemy of his country. In other Congressional districts armed bodies of masked men ride from poll to poll and seize the ballot-boxes and destroy them, and those ballots are not counted to make up the total vote of the State. In other districts, all through the district, ballot-boxes are stuffed full of ballots that were never cast, and the ballots that were cast are thrown away. In other places in Congressional districts military companies are organized and armed by the State to ride through the districts at night, and to fire cannon morning and evening, as a Democratic witness called for a contestant said, "in order to let the darkeys know that there was going to be an honest election." The night before election these military companies organized and armed by the State ride through the towns shooting into the cabins of colored men to notify them to come out and vote on the next day; and if they do not quite succeed, if in spite of shooting off cannon, in spite of firing into the cabins, the black men are at the polls, these same military companies engage in target practice on the next day with the polling place as a target.

Mr. OATES. Will the gentleman tell where that was?

Mr. ROWELL. Yes, sir; I will tell you where all of these things took place. In the State of Mississippi and in three districts thereof.

Mr. OATES. Which three?

Mr. ROWELL. All three of them are contested here. In the State of Arkansas armed bodies of men seized upon a ballot-box, and five homicides have occurred since that time over that ballot-box.

Mr. PEEL. Will the gentleman state whereabouts in Arkansas that occurred at a Federal election?

Mr. ROWELL. That occurred in the Breckinridge district, in a Federal election.

Mr. PEEL. I challenge the gentleman to show the proof of that.

Mr. BRECKINRIDGE, of Arkansas. The statement of the gentleman is not true as to a single murder, and it can not be substantiated by any facts.

Mr. ROWELL. I undertake to say that it is proven beyond con-

troversy that that ballot-box was carried away by armed bodies of men and five men are dead since then on account of that ballot-box.

In one county in the State of Florida an armed body of men went from poll to poll and seized every ballot-box they could reach, when the Republicans were in a majority before the count was made, and then went to a store where another one was locked up, broke into the store and with Winchester rifles in their hands took the ballot-box out of the hands of a Democratic precinct officer and destroyed it.

These are some of the methods by which the black vote of the South has been suppressed. These are some of the reasons which cry aloud for Federal supervision of elections. Seventeen contests have come before this House, sixteen of them from other than Northern States. One other was started and the contestant lost his life while taking testimony. Four others from the South started and were abandoned.

Mr. ALLEN, of Mississippi. A good many others might be abandoned with profit.

Mr. ROWELL. Oh, yes. You would not hesitate to abandon a contest under a suggestion that perhaps "it would have a good effect if some of the witnesses and lawyers disappeared." I think I would abandon a contest myself under such circumstances.

Mr. PEEL. If the gentleman will permit me, I want to make a correction. I believe I stated that my colleague, Mr. BRECKINRIDGE, of Arkansas, had not been in Arkansas as long as I had been. I believe I stated also that the gentleman from Illinois [Mr. ROWELL] could not produce any proofs that armed men were around the polls in Arkansas at an election. I take that back. During Powell Clayton's reign we had plenty of that. [Applause on the Democratic side.]

Mr. ROWELL. Well, we ought to have had a Federal election law then to put an end to it. [Applause on the Republican side.]

Mr. PEEL. But since Powell Clayton and his party were repudiated by the people of Arkansas we have had a better time.

Mr. ROWELL. Yes; and Powell Clayton's brother, who ventured to run for Congress under a Democratic Administration, can not speak in his own defense on the floor of this House.

Mr. BRECKINRIDGE, of Arkansas. Right there I want to ask the gentleman from Illinois, does he mean to charge that against the Democratic party?

The SPEAKER *pro tempore*. Does the gentleman from Illinois yield to the gentleman from Arkansas?

Mr. ROWELL. I must decline to yield.

The SPEAKER *pro tempore*. The gentleman from Illinois declines to yield.

Mr. ROWELL. The gentleman has a seat on the floor of this House—

Mr. BRECKINRIDGE, of Arkansas. Yes, I have a seat here; and as long as I have a seat here I will stand up for the honor of the constituency I represent.

Mr. ROWELL. And the man who contested that seat has no representative on the floor of the House to speak for him.

Mr. BRECKINRIDGE, of Arkansas. I do not hear what the gentleman says, but I wish that if he has any charge to make against the Democracy of that community he would make it openly.

The SPEAKER *pro tempore* (Mr. PETERS). The gentleman from Arkansas will bear in mind that the gentleman from Illinois declines to yield, and the Chair must enforce his right to the floor.

Mr. ROWELL. I can not stop to read the evidence. It covers thousands of printed pages. It was taken, as other evidence is taken, in the manner provided by law and in cases where the litigants were each contending for seats in this House. In many of these cases reports have been made and are in the possession of members. In others the reports have not yet been prepared.

And I affirm, with a full knowledge of what these records contain, that all the frauds I have mentioned, and many others equally flagrant, have been committed; that in ten of the districts where contests are or were pending these frauds were the rule in large sections of the district; that they were connived at by the best people of the districts in all matters except those pertaining to elections; that they were upheld by public sentiment, and that even the strong arm of Federal power has been unable to reach and punish the men who were guilty of these crimes, and all attempts to bring ballot-box-stuffers and ballot-box-robbers to punishment are held to be mere grievances by the people among whom these crimes are committed.

Counties have come almost to open revolt because the Federal courts have sought to bring to punishment the men who went in armed bands and seized the ballot-boxes upon whose contents depended the right to a seat here. With these facts before us, facts which none but the ignorant dispute, gentlemen on the other side answer me that there are no election frauds, and cry aloud for facts.

The whole Democratic party in the House, with one voice, cry out oppression, persecution, and that we are reopening a race conflict because we protest against these crimes and seek to provide against their recurrence.

There can be no oppression if these things have no existence. There can be no change of representation from these States if all are now accorded the right to vote and if that vote is honestly counted. The hand of the law rests heavily only on the law-breaker. Why

all this outcry if there is nothing in these charges? Outcry against what? Against a bill which seeks to extend to all supervisors of election the powers and duties now and for eighteen years past belonging to election supervisors in cities of 20,000 inhabitants, and which more clearly defines the manner of performing those duties.

When a political party takes to itself the absolute control of election machinery and excludes its political adversaries from all participation in the conduct of elections and from all opportunity to witness what is being done and how the vote is counted, as is done in most of the Southern States, it does not come with a very good grace from such a party to object to the presence of men not in party affiliation with them as witnesses, and at the same time proclaim the purity of such elections.

Mr. Speaker, the purpose of this bill is supervision. [Derisive laughter on the Democratic side.] That seems to be a matter which excites the risibilities of the gentlemen on the other side of the House. Honest men do not object to having the light shine in upon their acts. This bill, if enacted into law, provides that there shall be Federal officers present during every process of registration by the State officers, so that they may know every fact about that registration which the State officers know; and that is the extent of their power in connection with registration. Is there any need of it? In the State of Virginia, in the State of South Carolina, in the State of Florida, the Republican who wants to register must go day after day, and week after week, and finally perhaps have the doors closed against him and fail to get his name on the list. If a "John Smith" anywhere in the State is convicted of felony, John Smith's name goes to every register in every precinct of the State, and, although there may be five hundred of them, five hundred "John Smiths" are marked "convict," and five hundred voters are excluded from the privilege of the ballot. Is there need for supervision of that kind of registration? And, if men desire to be honest, is there any possible objection to the kind of supervision here proposed?

But it is said that the supervisors are to be appointed by a chief supervisor who is himself appointed by the United States circuit court. It is true that in all of the Southern States I have mentioned there is no representative upon election boards for the opposition party. No matter what the law of the State, the Democracy stands guard at the polls and Republicans are excluded; Democratic State officers at the top choose officers down in the counties; the county officers select Democrats, for the governor of South Carolina, boasting that they had the freest and fairest election held in any State of the Union, declined to give a single representative to the Republican party at the election.

Mr. SPRINGER. Will my colleague allow a question?

Mr. ROWELL. Yes, sir.

Mr. SPRINGER. Is not that the case in your own district?

Mr. ROWELL. It is not the case in my own district, and never has been.

Mr. SPRINGER. Do not the precincts elect their own judges of election?

Mr. ROWELL. They do not.

Mr. SPRINGER. And do not the county officers, who are all Republicans, canvass those votes?

Mr. ROWELL. I am not talking about canvassing the votes.

Mr. SPRINGER. Were they not all Republicans who canvassed the votes that gave you your certificate of election?

Mr. ROWELL. There is no precinct in my district where the officers, both judges and clerks, are not divided between the parties.

Mr. SPRINGER. How is that done?

Mr. ROWELL. It is done by the appointment of the township and county officers; and the canvass is made by the county officers calling in justices of the peace outside to help do the canvassing.

Mr. SPRINGER. Are they all Republicans?

Mr. ROWELL. If there are any Democratic justices of the peace, the justices called in are Democrats and Republicans; if there are no Democrats holding the position, no Democratic officer can be called in, but every Democratic candidate is permitted to be present to see the count made.

Mr. SPRINGER. That is under the law of the State.

Mr. ROWELL. That is not only under the law, but without any law. There is no occasion, let me tell my colleague, for anybody to commit crime in connection with elections either in his district or mine; and if he is caught in it, there is not any occasion for a United States law to punish him, because there is a public sentiment in favor of honest elections.

Mr. SPRINGER. What is the use of this law, then, so far as our State is concerned?

Mr. ROWELL. This law is designed to cover districts North or South where there is a different public sentiment; that is the use of it.

Mr. ENLOE. Has the gentleman found any place in the North where he intends to apply this law?

Mr. ROWELL. There are plenty of places in the North where it ought to apply.

Mr. ENLOE. I have not heard the gentleman indicate them; he has not talked about them in his speech.

Mr. ROWELL. I could point out many of them.

Mr. ENLOE. Just give us a sample.

Mr. ROWELL. And there are plenty of places, I have no doubt, in the South where such provisions are not needed. Where the whites largely preponderate, where there is no spirit of hostility to the colored man, I take it that there are honest elections. But because the Southern people believe that their once slaves are incompetent for any other position than that of menials—because those colored men instinctively know this fact—because of the feeling among the whites—there is a determination that the black vote shall not be cast, or if cast shall not be honestly counted. And the statement of the gentleman from South Carolina in that eloquent conclusion of his speech ought to close the mouth of any man who denies the truth of what I affirm on this point.

But, Mr. Speaker, my friend from South Carolina was in error when he said that under this bill one hundred supervisors could be sent into any district. Only three can be sent into any district—the same number that ordinarily preside at an election.

Mr. SPRINGER. Pardon me; I understood the gentleman from South Carolina to say deputy marshals, not supervisors.

Mr. ROWELL. There is not any provision for deputy marshals except the provision in the old law for cities of 20,000 inhabitants and upwards. There is no provision for such officers in the country districts.

Mr. SPRINGER. There is a provision, as I understand the bill, for as many special deputy marshals as the supervisor may desire to appoint in every place where there is to be Federal supervision.

Mr. ROWELL. There is no provision for the appointment of deputy marshals anywhere except in cities of 20,000 inhabitants; there is no such provision for the country districts—none at all.

I was surprised when the gentleman from South Carolina talked about sending ballots up to Washington. He certainly has not read the bill. There is no such provision in it. There is a provision for a return to a chief supervisor where a whole Congressional district is supervised. There is a provision for a canvass by a United States canvassing board. There is a provision for the attaching of a sample ticket to the returns. But the tickets are to be counted by the United States officers according to the State law; and if the State law describes a particular ticket, and any other ticket is in the ballot-box, the United States supervisor is prohibited from counting that ticket. He is subordinate to the State law.

Mr. HERBERT. Will the gentleman allow me to correct a statement he has just made?

Mr. ROWELL. I hope I shall not be interrupted.

Mr. HERBERT. I want to show that the gentleman is mistaken as to the number of deputy marshals that may be appointed.

Mr. ROWELL. No; I am not mistaken about the number.

Mr. HERBERT. Let me read the bill.

Mr. ROWELL. No; I shall not stop to allow you to read the bill. I think I know what the bill contains.

Mr. HERBERT. Well, you do not.

Mr. ROWELL. If there is any clause in it that I have not gone over and did not help prepare, I do not know it.

Mr. CRISP. How about the clause which the caucus approved and which you afterwards struck out, providing for a test oath?

Mr. ROWELL. My friend may want to talk about that, but that is not here, not in this bill.

Mr. CRISP. But how about it? You said you went over the bill. The caucus approved the bill with that clause in it providing for a test oath.

Mr. ROWELL. Was the gentleman in the caucus?

Mr. CRISP. The papers stated that the caucus approved the bill as Mr. LODGE introduced it.

Mr. ROWELL. I recollect the gentleman referred to the newspapers once before when he knew the newspaper statement was not true.

Mr. CRISP. Do you deny it?

Mr. ROWELL. I would do anything for the gentleman—as much as for any man on the floor of this House—

Mr. CRISP. You must admit that it was in the bill and you did not know it.

Mr. ROWELL. I did not prepare the section of the bill to which the gentleman refers, but I did the one which is in this bill. The bill to which the gentleman refers is not before the House.

Mr. MAISH. Will the gentleman yield to me for a question?

Mr. ROWELL. No, I must hasten on. I am getting out of the line of my argument.

Mr. HERBERT. Let me read section 20 of this bill.

Mr. ROWELL. No, I decline to yield. Now, will that be sufficient?

Mr. MAISH. The gentleman, having had his time extended by the courtesy of the House, ought to be willing to yield.

Mr. ROWELL. I yielded half of my hour for questions from the other side before I obtained the courtesy to which the gentleman refers; and the time I am now occupying comes out of the time of this side of the House.

Now, there can be no supervisor appointed who lives outside of the district. The gentleman wondered why there was a provision incorporated in the bill to have the supervisor hold his office two months after the election. If he will go up into the State of New York he will find that the precinct inspector holds his office for a

year. The reason for holding it two months is in order that they may still hold official position until they can be compelled to appear and be examined in regard to any uncertain return they have made.

My friend from South Carolina deemed that it was for the purpose of escaping State prosecution. Does he suppose that any State court has any jurisdiction over the acts of a Federal official done in the line of his duties as a Federal official? And such, Mr. Speaker, is the line of all the criticisms that he made upon the peculiarities of this bill.

Now I want to add but a word. There are penal clauses in this bill which apply to every election, whether supervised or not, if the election is for a Representative in Congress. It provides a penitentiary offense for any one who shall buy or offer to buy a vote; for one who shall sell or offer to sell a vote; for one who shall stuff a ballot-box, shall make a fraudulent return, shall commit perjury with reference to the election, shall fail to discharge his duty as a supervisor, or shall fail to discharge his duty as a State officer acting at an election where a member of Congress is to be elected. No man can commit a crime against the integrity of an election without subjecting himself to a penalty.

I hope, my friends upon the other side of the House, you do not desire that men shall escape that punishment who commit crimes against the purity of the ballot-box. They are provided for here. These provisions govern every election district in the United States, whether supervision is had or not, and where supervision is had it is for the purpose of knowing the facts, and therefore of being able to prove the guilt of the man who has committed the crime. It is a proposition for supervision. It is a proposition that at all places where supervision is desired there may be Federal officers looking on at the acts of the State officers. If those State officers desire to do their duty they will realize that there are other and watchful interests present to prove the fact. But if they do not desire to do their duty, if they intend to falsify the returns, if they intend to count men in as elected who were not, they will oppose the presence of watchfulness of both political parties to see whether they do their duty or not.

In only two instances is there anything outside of the present law. One is where the State officers, or the people in their sovereign capacity, fail to hold an election, as is very often the case in some of the large black districts of the South, then the Federal officials shall supervise and conduct that election, and make return both to the State and Federal canvassing officers; and it provides that such election shall be valid the same as if it had been held by the State authorities. In another instance there is a change, and it is where the certificate of the canvassing board shows that one man is elected, and where the certificate of the State officers shows that another man is elected. Then the authority of the United States which certifies shall be superior upon the question of who shall take his seat and participate in the organization of this House to the certification of the State officer. In all other respects it is supervising pure and simple, and penal clauses appended for violation of either the Federal or State law.

And now, Mr. Speaker, I have detained the House very much longer than I intended, because the line of my thought has been broken up by a great many questions and interruptions. I have only to say that fraud permeates many districts in the United States. In many districts it is connived at by the people who otherwise are the best people. It is the duty of this House to say to them that no part of the Constitution of the United States shall become a dead letter, and unless we propose to allow the fifteenth amendment to the Constitution to be nullified and abrogated, unless we propose to lie down supinely and see 6,000,000 of people absolutely disfranchised and made subject to the law which they had no hand in framing, then we must enact some provision to correct the evils which confessedly exist. I approve of this proposed law. My judgment goes with it, and I am willing to stake my reputation in the future upon this bill if it is once enacted into the law of the land. I shall regard no act of my life, Mr. Speaker, with more approval than the act which gives consent to the passage of this bill. [Applause on the Republican side.]

Mr. TUCKER. Mr. Speaker, before proceeding I desire to yield ten minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Speaker, I consider it due to my constituents that I should make a brief statement of the reasons why I do not favor the proposed legislation. I frankly admit that the state of affairs as they exist in certain parts of this country, judging from the testimony taken before the Committee on Elections in contested-election cases, would seem to justify the passage of such a measure, and I would not hesitate to vote for it if I was convinced that it would bring about the desired result, namely, a fair election and an honest count of the votes cast.

I have no doubt that frauds are perpetrated to a certain extent both in the North and in the South. It would, however, be wiser in my opinion to let the people of the different States regulate their own elections. [Applause on the Democratic side.] Time, education of the masses, and advancement of the moral sentiments of the communities will bring about the same result, and when obtained the relief will be permanent.

The law is not general and it does not provide the same system for conducting Congressional elections in every Congressional district of the

United States. The application of fifty to one hundred persons claiming to be citizens of the United States and residents and qualified voters of the district for which they make application may force upon the people of that district this supervision of election which may be obnoxious to them. While I have no doubt that Congress has the power to regulate the national elections if it sees fit, under the Constitution, I question the right to enact a law which shall be made applicable in some districts and ignored in others. If a law is enacted at all for the purpose of regulating elections let it be so framed that it will apply uniformly throughout all parts of the country and not depend upon the petition of any number of citizens.

I believe that many would seriously object to the provision of the bill which would give one man, the chief supervisor, the power to direct a house-to-house canvass and to subject them to the annoyance of what they would consider a political inquisition. We must remember that while the people who are strong party adherents might not object to it, the large class of independent voters might consider that it was merely a canvass made officially by the party in power to further the interests of that party. [Applause on the Democratic side.]

United States marshals and supervisors have often caused trouble at election places. They have assumed authority and frequently have prevented or sought to prevent legalized voters who belonged to the opposite political party of which they themselves were members from casting their ballots. I have great faith in the people of the United States. I believe that self-government is not a failure. I believe that where frauds have been committed in election matters public opinion will finally compel the conviction and punishment of the law-breakers.

Take the recent election frauds committed in my own State, in the district represented by my colleague [Mr. MCADOO]. I doubt very much whether a case could be cited from any part of this country which would equal the fraudulent acts perpetrated there. These were condemned by the respectable Democrats of Hudson County whose party was benefited by their commission, and the parties accused were indicted by a grand jury composed mostly of Democrats and are now being tried before a Democratic judge and a Democratic prosecutor. I have no doubt that Jersey justice will prevail, and that if those prosecuted are truly shown by the evidence to have been implicated in the frauds they will be convicted by a jury composed, very probably, largely of Democrats and will receive the full penalty of the law.

That is what public sentiment has done, and will do, to correct election abuses.

I think the law as proposed will tend to bring about a conflict of authority between election officers elected directly by the people and the supervisors appointed. This, I think, would develop a deplorable state of affairs in some sections of the country.

When frauds in election matters become open and notorious and are sanctioned by the community in which they are committed, it shows that the moral sense of that community is in a most wretched condition. Every imaginable law can be enacted, but no matter how stringent it will have no effect on these people. A preponderance of public sentiment against these frauds must be created before a fitting law can be enforced. When this public sentiment has once been created legislation is unnecessary. The people will take care of the matter.

In these times many are apt to come to Congress and to the legislative bodies of the States to ask for the passage of laws to correct evils, or supposed evils. In many of these cases, and I believe in all, legislation is unnecessary, and not only would not bring about the results desired, but would retard any advance in reform—matters that can be regulated only when the people become better enlightened by education and when a public sentiment has been created in favor of the good.

I consider it unwise to enact this law.

I believe its results will not be beneficial to the people of the country, and, speaking as a Republican, not beneficial to the Republican party.

I shall, therefore, vote against it. [Loud applause on the Democratic side.]

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 518) to extend the limit for the erection of a public building at Springfield, Mo.;

A bill (H. R. 887) authorizing the erection of a hotel upon the Government reservation at Fort Monroe; and

A bill (H. R. 7160) making an appropriation for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1891, and for other purposes.

FEDERAL ELECTION LAW.

Mr. TUCKER. Mr. Speaker, I very much regret that my own physical condition is such that I feel I can not do justice to the great subject which is now under consideration; for I come to the discussion of this bill with a profound sense of the responsibility resting upon me and upon the representatives of the people here assembled.

We are here, sir, at the close of one hundred years of the nation's life. We have passed through wars and rumors of wars, and this great

country has survived them, with the States of the Union in charge of the election machinery of the country. If I were standing as a lawyer in court called upon to plead to this as a bill in equity—though I can not agree to that term, for I think it is neither legal nor equitable—if I were called upon to enter a plea to it, I should demur not only to the bill in general, but I should demur to it specially, not only to the general principles that are involved in it, but to many individual provisions of it. I would say that it must go out of court, because it is against the Constitution of the land. Gentlemen upon the other side have said, and the distinguished gentleman from Illinois [Mr. ROWELL] has said in advance, that any discussion of the constitutionality of the measure is a loss of time. Though I incur the criticism of the gentleman for so doing, yet I must beg leave to occupy a short period of my time in discussing that phase of the bill.

This is a Government of limited powers. There is no power which we have here except that which the Constitution gives us; and, unless the Constitution of the land shows, not doubtfully, but clearly, that this bill comes within it, it is the sworn duty of every member of this House to vote against it.

Mr. Speaker, I beg to consider, first, one or two sections that to my mind, beyond all controversy, are open to the constitutional objection. We find in the first place that the supervisors that are to be appointed are to supervise the registration of voters, and not only to supervise the registration of voters, but actually to pass upon the qualifications of voters. And I want gentlemen to follow me. I refer you to clauses 7 and 11 of section 8 of this bill, wherein it is not only provided that these supervisors shall supervise and scrutinize the registration, but actually pass upon the right of a man to vote. If I am mistaken, will gentlemen upon the other side correct me? I say that the power to pass upon the qualifications of a voter to vote is a power that the Constitution gives to the States that can not be wrested from them. [Applause on the Democratic side.] Why, what is it? The second section of the first article says:

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

And yet it is proposed that that power which is inherent in the States shall be taken from them and given for its determination into the hands of the Federal officer appointed under this bill. Read the bill. I refer you to the section to show that this officer under this bill will have the power to pass upon the qualifications of the voter, to say whether or not he can vote. Not only so, but, as elections are held in many States for State officers and Presidential electors at the same time as for members of Congress, this bill seeks to do by indirection what it is confessed it can not do under the Constitution directly, namely, to put all elections, State and Federal, under the control of Federal supervisors and deputy marshals. The power to challenge the voter and count his vote under such circumstances, when Federal and State elections are held together, puts the election of State officers in the hands of Federal officials. The power to supervise carries with it, by necessary implication, the power to compel the doing or prevent the doing of something which is the subject of the supervision, and if the Federal Government has no power over the right of suffrage in the States how can it give or take away the right to vote by supervision of registration, which is a necessary requirement for suffrage in many of the States.

Not only does it do that, but it does another thing. It gives the power to the supervisor to go to the State officers who are the registrars and interfere with the registration books and to affix his signature to each and every page of the original registration book and copy when any name is received or stricken from the book.

To every copy of the book which is made the supervisor has the power to put his name. More than that, the power is given him of directing—mark the word—directing the officer of the State to do certain things upon his own books, when he has taken an oath to discharge his duty as registrar to his State and to his State alone. Now, I say that there is nothing clearer to my mind than this, that wherever a bill impinges upon the right of a State to control her own affairs as secured to her in the Constitution there we must stop. The history of the Constitution and the instrument itself show that the intent of the framers was that Federal and State powers should be separate and distinct, the Federal Government to be supreme in its powers as defined and limited in the Constitution, and outside or beyond them powerless to change, influence, or control all other governmental powers, which were expressly "reserved to the States respectively, or to the people." (Article X, Constitution of the United States.)

Not only does it do that, but it violates that right in regard to the qualification of a voter which is allowed to each State in providing an educational qualification for the voter. It is not doubted that the States have the right, if they see fit, to require an educational qualification. No man doubts that, and yet look at clause 13 of section 8, where the supervisor is required to go with the voter, point out the box, and tell him where he must put his vote. The constitution of a State may say: "We will have an educational qualification so that those who can not read or write and who have not intelligence to vote shall not vote." This bill says: "Away with your qualification, away with the constitutions

of your States; we are over and above you all, and we will compel the Federal officer to go into your States and override your constitutions and go with the illiterate voter, the man that the State has a right to exclude under the Constitution of the United States, and make him vote as we dictate." Gentlemen, these three provisions are sufficient to condemn this bill. They are the special demurrers that I would enter to the bill, and they show that it is not good in law because it is against the Constitution, and it is against the Constitution because it is uprooting a clear provision in the Constitution.

Now, I demur generally to it as being unconstitutional. And I say boldly, in spite of the intimation of the gentleman from Illinois [Mr. ROWELL], who says that time is wasted in any discussion of the constitutionality of this measure (for I have observed a tendency since I have been a member of this House on the part of some gentlemen to sneer at the man who may by chance refer to the Constitution of the country as the guide of his action), that it never was intended that Congress, under a bill like this, should take charge of the elections of the country.

There are three provisions of the Constitution which must be construed together, in my judgment. The first is Article I, section 2, that "the House of Representatives shall be composed of members, chosen every second year by the people of the several States." Suppose there was no other clause in the Constitution but that in regard to elections, would any gentleman doubt that the States would have under that direct power an implied power to provide the machinery to elect them? There can be no doubt of that. But it is manifestly unjust to construe one clause of an instrument by itself; they must all go together; and therefore I read the fourth section of the first article, which provides:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof.

Suppose it stopped there? There would be no doubt that under this section and the second section of the first article the power would be vested in the States alone, but the Constitution-makers in their wisdom saw fit to add this clause:

But the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

But there is another clause, and that is the eighteenth clause of the same article, which provides that the Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." Take all three clauses together and construe them as fair-minded, honest men. What do they mean? Why, they evidently mean that in the first place the Constitution-makers saw proper to leave to the people of the States the control of the elections in the States. But they say—

But the Congress may at any time by law make or alter such regulations, etc.

What does that mean? Does it mean to give power to the States in the first part of the section and take it away in the second without rhyme or without reason? Does it mean to play with the States as we used to do when children, "Indian gift"—give with one hand and take away with the other? Was there to be no limitation upon Congress in this respect? Was there to be no condition upon which Congress was to take this power so clearly given to the States?

The Constitution is silent about it. There is nothing there except the clauses which I have given to throw light upon it; but there are reasons for it given by the men who made the Constitution and penned these words that must rightfully be construed as a part of the words themselves, and which clearly elucidate and explain the sections—for I take it, gentlemen, that the reasons which produced the formation of words are as much a part of the words themselves as if they were written.

Before considering the reasons and opinions of those who made the Constitution and those of the different State conventions that ratified it subsequently (and in which State conventions were many members who had been members of the Federal convention that framed the Constitution), let us consider for a moment this fourth section of Article I in itself.

We notice, first, that "the times, places, and manner of holding elections," etc., is primarily confided to the Legislature of each State; secondarily, it is given to the Congress.

The language itself and the arrangement of the two clauses show this:

The times, places, and manner, etc., shall be prescribed by the Legislature of each State.

But the Congress may, by law, at any time make or alter, etc.

The first is *original and primary*, the second is *permissive and contingent*. The Legislatures and Congress can not both have original and primary power to act on the same subject at the same time. Such a conflict would never have been sanctioned. Nor can we believe that the men who draughted this section intended to distinguish it from every other in the Constitution in granting to two distinct and separate authorities co-equal power over the same subject at the same time. Nor can we conceive a greater absurdity than the grant of plenary power to the Legislatures of the States in the first clause of the section, only to be abrogated and annulled in the second clause of the same section without cause.

We can not believe that the intelligence which framed that great instrument, careful in avoiding any conflicts that would probably arise between the State and Federal authorities (for that hour was resonant with jealousies of power), deliberately placed this power into two distinct hands to be exercised, it may be, at the same time and in different ways; and it is equally improbable that the power given the Legislatures of the States, as the authority best suited in the minds of the makers of the Constitution, to provide "the times, manner, and places of holding," etc., was intended without reason or cause to be taken from them and arbitrarily assumed by Congress; and that, too, when there had been no failure on the part of the States to provide the necessary machinery and no impropriety in the machinery provided.

We conclude, therefore, that the obvious and plain meaning of the section under discussion is that the Legislature of each State should have the *primary* authority to prescribe "the times, places, and manner of holding elections, etc.," and that Congress should have such power *ultimately*.

When shall Congress exercise this control? For what cause shall it assume the power and the States abdicate their control of elections which they have exercised without interruption for one hundred years? These sections and the Constitution are silent upon this subject; but the history of the adoption of the Constitution and the contemporaneous evidence of those who made it supply the answers.

Of the original thirteen States that framed the Constitution seven were outspoken on the subject, while in some of the others there was likewise a strong sentiment against the adoption of the Constitution containing this and other sections.

The language of some of them is most striking and instructive. On the 6th of February, 1788, Massachusetts, through her State convention, presided over by the great Revolutionary patriot, John Hancock, ratified the Constitution. In the report of ratification, after expressing the opinion that certain amendments should be made to "remove the fears and quiet the apprehension of many of the good people of this Commonwealth, and more effectually guard against an undue administration of the Federal Government," the following alteration of and provision to the Constitution is suggested:

That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the Constitution.

Not satisfied with the mere suggestion of such amendment and with a prophetic fear that, if such suggestions were not adopted by the first Congress to assemble under the Constitution, some erring son of this ancient Commonwealth might some day waver in his support of those principles in the Halls of Congress, the convention added this strong language:

And the convention do, in the name and in behalf of the people of this Commonwealth, enjoin it upon their Representatives in Congress at all times, until the alterations and provisions aforesaid have been considered agreeably to the fifth article of the said Constitution, to exert all their influence and use all reasonable and legal methods to obtain a ratification of said alterations and provisions, in such manner as is provided in the said article.

South Carolina ratified on the 23d of May, 1788, with the following recommendation:

And whereas it is essential to the preservation of the rights reserved to the several States and the freedom of the people under the operations of a General Government that the right of prescribing the manner, time, and places of holding the elections to the Federal Legislature should be forever inseparably annexed to the sovereignty of the several States: This convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases where the Legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of the said Constitution.

New Hampshire ratified June 21, 1788, and made a recommendation in the same language used by the State of Massachusetts.

Virginia, on the 26th of June, 1788, ratified with a recommendation in the following words:

That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the Legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same.

August 1, 1788, North Carolina ratified, having held out against ratification on account of this and other objectionable clauses. The convention recommended an amendment in the same language as did the State of Virginia.

New York ratified July 26, 1788, and the recommendations of its convention are in some respects the strongest of any on this subject. Before the formal statement of ratification, a declaration of rights is set forth in which, among other provisions, we find—

That nothing contained in the said Constitution is to be construed to prevent the Legislature of any State from passing laws at its discretion, from time to time, to divide such State into convenient districts and to apportion its Representatives to and amongst such districts.

Under these impressions and declaring that the rights aforesaid can not be abridged or violated and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution will receive an early and mature consideration, we, the said delegates, * * * do, by these presents, assent to and ratify the said Constitution.

In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the constitution * * * the Congress will not make or alter any regulations in this State respecting the times,

places, and manner of holding elections for Senators or Representatives unless the Legislature of this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same; and that in those cases such power will duly be exercised until the Legislature of this State shall make provision in the premises.

And in accordance with this declaration the convention suggested an amendment to Congress embodying the above idea.

Rhode Island did not ratify until June 26, 1790, and the language of her convention on the subject and the amendments suggested were in almost the identical words of those of the State of New York, only stronger. The above extracts have been made that it might be seen how strong was the feeling on this subject at the time of the ratification of the Constitution, and that the Constitution itself was only finally adopted in the faith and belief of a majority of the States that Congress would never exercise this power except when the States had failed to do so or from any cause could not do so.

Not alone did the States above enumerated speak out with no uncertain sound, but, in the debates in the Pennsylvania convention to ratify the Constitution James Wilson, a member of the Federal convention that framed the Constitution and a member of the State convention, explained this provision to mean in effect that the States were primarily to act, and Congress only in case of their failure to do so; and the convention recommended an amendment in the following words:

That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in the case of neglect or refusal by the State to make regulations for the purpose; and then only for such time as such neglect or refusal shall continue.

We conclude, therefore, that Congress has the power to "prescribe the times, places, and manner of holding elections" for members of Congress, but that such power is *contingent and conditional* only, not *original and primary*.

Under what conditions or upon what contingency?

If we accept the evidence of the States in their State conventions ratifying the Constitution, and that of the men who made the Constitution, the conditions are—

First. Where the States refuse to provide the necessary machinery for elections; and

Second. Where they are unable to do so for any cause, rebellion, etc. Mr. KERR, of Iowa. Will the gentleman yield to me for a question?

Mr. TUCKER. Yes, sir.

Mr. KERR, of Iowa. Does not that destroy the force of your theory as to the word "alter" in there?

Mr. TUCKER. Not at all. Not a bit of it. On the contrary.

Congress shall have the power not only to make, but alter. Mark you, Congress must alter and not make the States alter. Congress must make, and not allow the States to go on and make and then say the State law is my law. It must alter it itself, and not mix up a kind of Brunswick stew, as it were, of the duties of State officers and Federal officers in the enforcement of a State law; the regulation must be clear, precise, and concise.

The Federal regulations must be clearly Federal, independent of and apart from the State regulation; and the State regulations must be distinct from the Federal machinery, so that there can be no danger of a collision of authority; so that when the State regulation is altered by Congress it is no longer a State regulation in its changed condition; it at once puts on the Federal character, is a Federal enactment, for the enforcement of which the Federal Government and its agents is alone responsible. Is any other theory consistent with the independence of the State and Federal systems?

And now, if gentlemen will pardon the historical narrative, in 1789, when the First Congress convened, there was a resolution offered for an amendment to the Constitution to be submitted to the States, striking out the latter part of that clause: "But the Congress may have power at any time to make or alter," etc. The proposition was debated for some time, but it was finally defeated by a vote of 23 to 28, and the provision was permitted to stand as it was; but if gentlemen will take that discussion and read it as I have done lately they will find that the men who voted against striking that out put on record as their reason that it was a clause that could never be used, and would never be used, except when the States refused to act. In one of the reports presented here (by my friend from Maryland, Mr. McCOMAS, I believe), I find that he says it is a remarkable fact that many of the States proposed an amendment to the Constitution striking out the latter part of the section and Congress declined to change it, and that that fact made the argument the stronger that the people who were in that Congress intended that the power should remain there. That is only partly true; but it remained there, why? Because of the fact that the men who voted to retain it did so under the distinct understanding, as stated by many of them, that this was a power that could never injure the people of the country, because it never was intended to be used except when the States failed to provide the necessary machinery.

When you come down to the act of 1842, which has been referred to, you find that Congress there attempted to take charge of this matter.

In 1842 Congress passed a law directing the States to elect their Representatives by districts rather than by a general ticket system, as

some were then doing. The bill was approved June 25, 1842, and President Tyler sent a special message to Congress giving his reasons for approving it. This was so unusual a proceeding that the venerable Mr. Adams, who was then a member of the House, asked "that the message be referred to a select committee with power to send for persons and papers."

The States of Missouri, Georgia, Mississippi, and New Hampshire declined to obey the law and elected their Representatives by the general ticket system, as theretofore. Upon the assembling of the Twenty-eighth Congress the question of the title to their seats was at once raised and able reports were filed by Hon. Stephen A. Douglas for the majority of the committee and Hon. Garrett Davis for the minority. They were elaborately and fully discussed. A separate vote was asked on each member. In the case of Edmund Burke, of New Hampshire (the first vote taken), the yeas were 128 and the nays were 68. While varying slightly in the other cases, the majority was about the same in each case. We find among those voting in the affirmative such names as John P. Hale, Hannibal Hamlin, Preston King, George C. Dromgoole, Edmund W. Hubbard, and Stephen A. Douglas, and others. (See House Journal, first session, Twenty-eighth Congress, pages 380, 381.) So that the power claimed by Congress to command the States to lay off districts for members of Congress was thus emphatically and quickly denied, and, so far as we are informed, it has never been attempted since.

Then you find that in 1870 and in 1872 Congress provided that elections should be by ballot and that the time of holding them was to be uniform throughout the country. Why, gentlemen, I think nothing demonstrates more clearly than these very laws the absolute necessity of leaving to the people of each State the control of its elections and election machinery. Suppose Congress in its wisdom were to pass a law providing that members of Congress should be elected on the 15th of January in each year, would not that operate to disfranchise many States in this Union? How could the people get out on the snow-clad hills of Maine or the blizzard-stricken plains of Minnesota to vote on the 15th of January? Why, it shows more clearly than anything else that the people of each State are better qualified to judge of what is proper in conducting their own elections than anybody else.

Again, take the matter of the ballot. Congress has acted on that, and therefore it is said that it is constitutional, because Congress has acted on it. But it is to be remembered that Congress has passed a great many unconstitutional laws. I know not what others may think, but I believe there is nothing about which the people of the States should be allowed to exercise their own judgment more than that matter of a secret ballot. Personally, I believe in an open ballot, by the man singing out before God and man, in the broad light of day, the name of the man he votes for. You may not so believe. Then you ought not to be compelled to have a *visa voce* system. I do not like a sneak or a spy that is afraid to open his mouth and tell the people how he is going to vote. Congress, however, has preferred it and enacted it into law, and by that act has done more in my judgment to disorganize and demoralize the public sentiment of the country than it will ever gain by passing such a bill as this.

Let every man judge for himself. Let every man take care of his own household. Let every people determine for itself what is best for itself, and let others do the same for themselves. A man who insists on taking care of other people's business all the time will find that his own will go to ruin. I heard of a man once who made a fortune by attending to his own business, and I will add to avoid mistake that his name was not LODGE or ROWELL. [Laughter.] What we ask for, what the States ask for, is that they may be left to determine for themselves what is best under the Constitution for themselves.

Now, gentlemen, there is another clause of the Constitution to which I have referred that bears very decidedly upon this question. Chief-Justice Chase in the case of *Hepburn vs. Griswold*, the old legal-tender case which has become so celebrated in the land, was called on to construe that clause in the Constitution which provides that "the Congress shall have power to pass all laws necessary and proper to carry into execution the foregoing powers." And, gentlemen, if you conclude that under the second and fourth sections of the first article of the Constitution Congress has the power at any time to interfere and take the elections into its own hands, you have yet to construe those provisions of the Constitution with the subsequent one which provides that it can only pass laws which are "necessary and proper" to carry into execution the powers granted. Now, what are "necessary and proper" laws to carry into execution the powers granted to Congress over the election of Representatives? Chief-Justice Chase says that the words "necessary and proper" mean "bona fide, appropriate to the end" in view; that they mean absolute good faith, absolutely appropriate means; not for partisan purposes, but in good faith, bona fide. Now, is it "bona fide, appropriate," to the assumption by Congress of the control of elections for Congressmen to appoint supervisors whose duties shall be not to carry on any separate election machinery, but to go on and stick their noses into the election machinery of the States? Is it "bona fide, appropriate," to the purpose of an election law for the election of members of Congress that State officers should be dragged into the Federal courts and punished for a violation of a State law? Or is it "bona fide, appropriate," to this object that

each member of this House should be returned, not by the State that sends him here, but by an officer of this Government appointed for life, amenable to no power, and with no penalty attaching to his dereliction of duty? Is it "bona fide, appropriate," to the purpose of passing an election bill that you should put into it a clause providing that the juries of the country shall be of one political faith? Put your hands upon your hearts and let your hearts seek counsel from on high and answer me whether that is "bona fide, appropriate," to the purposes of passing an election law?

But observe this clause again:

The times, places, and manner of holding elections for Senators and Representatives, etc.

If Congress has the power to pass this bill, it has the power to amend it and make it applicable to the election of Senators. Apply its provisions to the election of Senators, and what would we have? The Legislatures of the States dominated and controlled in the election of Senators by Federal officers. In the State of Virginia, in the election of Senator, "a committee of three members from each house shall compare the votes and ascertain and report the result." But, if this bill be constitutional and applied to the election of Senators, the committee of each house of the Virginia Legislature could not compare the votes without the supervision of the Federal supervisors. They could not ascertain and count the vote, for under this bill that power is given the supervisors. They could not "report the result" to their respective houses, for the supervisors would report the result to a Federal canvassing board.

Members would be challenged in their right to vote, and the right of the people of a county to representation denied by a Federal official. Confusion, chaos, and collision would inevitably result, and the proud position of free and independent States converted into the subserviency of crouching victims to Federal usurpation and power. Does not the analogy show that the makers of the Constitution could never, never have intended any such power to be given to Congress over the States and their elections for Senators and Representatives? It will not do to say such power in the election of Senators will never be invoked. The political exigency that could disperse the Legislature of a State at the point of the bayonet would not be long in finding a pretext for the application of the club and the billet for the enforcement of its wicked designs.

But, gentlemen, we come now to the discussion of some of the provisions of this bill. This bill has a provision which, so long as I am a member of this House, I shall resist with all the power that I have, because I believe it is against the true interests of the American people. It was John Marshall, of Old Virginia (somebody has said she never tires and some wag has added that it is because she never did anything to make her tired [laughter]; but, in spite of that, gentlemen, I love every foot of her sacred soil with all my heart, not only for what she is now doing, but for what she has done in the past. If her history were blotted out to-day from that of the sisterhood of States and the declaration of her great jurist, to which I am about to refer, were alone preserved to let posterity know that she once had existed, Virginia's life would not have been in vain—it was that great jurist, John Marshall, sitting as a member of the greatest convention that ever assembled on this continent, in 1829-'30, as a member of the Virginia convention to revise the constitution of that State, who used these words in speaking of the judiciary:

I have always thought, from my earliest youth till now, that the greatest scourge that an angry Heaven ever inflicted upon an ungrateful and a sinning people was an ignorant, a corrupt, or a dependent judiciary.

Do gentlemen propose by this bill, when the country is full of corruption in high places throughout the land; when it crawls with its slimy trail even into the highest offices of the Government—are gentlemen willing to drag down the last bulwark of American liberty into the slums of partisan politics? Are gentlemen for party purposes willing to forego the preservation in its purity of the chief bulwark of American liberty? I speak, sir, not as a partisan on this subject. Whatever else may be done in this bill, however much some of its features may commend themselves to you, for God's sake strike out that provision that puts it into the hands of the judiciary of the country to run the elections of the country.

One gentleman who preceded me said that it was absolutely essential for the good of the country that the people should have confidence in the purity of the elections. Is it not more essential that the people should have confidence in the judiciary, those who hold the scales of justice, or ought to hold them, impartially between man and man. I agree with honorable gentlemen to this extent at least: that the merest suspicion of fraud attaching to the judiciary is as bad as fraud itself. The judge of the circuit court of the United States appoints the supervisors (section 5); if one of them is to be tried for misconduct, the judge who appointed him tries him; a jury selected by a clerk of the same political faith is impaneled for him. There could be but one result in nine cases out of ten. The conduct of the supervisor is not alone on trial, but the judgment of the judge in selecting him as such supervisor is also on trial, and before whom? Before the judge who selected him.

One other point I desire especially to bring to the attention of the House. So far as I remember—and I am borne out in this statement by gentlemen who have examined the particular section perhaps more

closely than I have—there is not only a life tenure for the chief supervisor who conducts these elections, but there is absolutely no penal statute in regard to him. Duty and responsibility should go hand in hand. Here we have a duty imposed, with responsibility to no one for its proper discharge. If I am mistaken on this point no one will more frankly than myself admit it, but I have been unable to find in the bill any penal provision with regard to the chief supervisor.

But I object to another provision here. I object to that provision in this bill which proposes to apply the power of punishment under the penal clauses to State officers. And I beg that you remember that there is one section in this bill providing a punishment for the officers it creates and eight sections providing punishment for State officers whom it has never created. Is that right? Is it in the interest of preventing collisions throughout the country? Beginning at section 42 and going on through the bill, you will find various provisions for punishing the State officers of elections; and then there is one little section providing for the punishment of the supervisors.

And I say further that Congress has no power under the Constitution to punish the officer of the State for the violation of State law.

I am perfectly aware that it has been stated otherwise in certainly a very respectable tribunal; but that decision was only reached by the learned judge, assuming that in the election of members of Congress, the election machinery was operated under State laws, that Congress in effect adopted such laws as its own, not by enactment, but by implication; but, if my view of the Constitution is correct, Congress has power only under condition to make or alter these provisions in regard to elections; and in order to make anybody liable under its law it must be clearly a Federal law, and not a State law converted into Federal law by implication. It can not say to the State, "We will let you go on; we will let you have your judges of election and other officers of election, and we will have ours; we will have supervisors and marshals; when our officers disobey our law we will punish them; when your officers, who have never taken an oath to support the Constitution of the United States, but are sworn to support the State constitution, violate their State laws, we will punish them, too." I say it is not right.

Mr. McCOMAS. Has not the Supreme Court of the United States, in the *Siebold* case (100 United States Reports), expressly affirmed the position which the gentleman denies? How does he dispose of that very pertinent decision?

Mr. TUCKER. My friend must have been asleep; I am glad I have awakened him up. I have referred to that decision.

Mr. McCOMAS. I have just come in; but I am wide enough awake to remind the gentleman of a decision of the Supreme Court that directly contradicts his position.

Mr. TUCKER. I have referred to that decision and have attempted to state my views in regard to it.

Mr. McCOMAS. I suppose, then, my friend from Virginia overrules the decision of the Supreme Court.

Mr. TUCKER. I say this, that neither the Supreme Court nor any other court can bind my conscience as a Representative of the people as to the construction of the Constitution.

Mr. McCOMAS. That fully explains the gentleman's position. I beg pardon for asking him the question.

Mr. TUCKER. I say to the gentleman, moreover, that the duty devolves upon us as one of the co-ordinate branches of this Government to construe that instrument in such manner as seems to us right and proper under our oaths. And if I mistake not there is a bill pending in the other end of the Capitol that we are threatened with very soon, known as the Wilson bill, or original-package bill, in which some gentlemen on your side of the Chamber have undertaken to dissent from the decision of the Supreme Court of the United States and undertaken under their oaths here to reverse by legislation the judgment of that high tribunal upon the matter in question. And if that bill contains what I understand it does, as much as I dislike to disagree with that honorable court, I shall vote for the bill when it comes before us.

Now, gentlemen, I disapprove of another provision in this bill: the power vested in the chief supervisor of appointing an unlimited number of deputy marshals. And on this point my friend from Illinois [Mr. ROWELL] is mistaken. Under the twentieth section of the bill any number of deputy marshals may be appointed, as shall in the opinion of the chief supervisor be necessary. I am opposed to the provision of the bill as found in the sixth and eleventh clauses of the eighth section, providing for the canvass of cities by supervisors. Gentlemen know what that means. The object is not to canvass to find out whether a man is registered properly. Why should you presume in advance that a man has forsworn himself? Has it come to this, that in this country the presumption of fraud is against every man? That is the provision. You actually presume that the registration is fraudulent and send these people around with Government money in their pockets to investigate that matter. No one can be mistaken as to what this provision means: that the political work of the dominant party is to be done by hirelings paid from the public Treasury.

I object to another provision of the bill, Mr. Speaker. I do not believe in the supervision feature, as a matter of expediency, looking to the true interests of our State and Federal systems. I think the only

logical position for Congress to take in regard to the elections of Representatives, if the time ever comes when under the Constitution it can take charge of the elections, is this: Either to give it absolutely into the hands of the States or absolutely into the hands of the Federal Government. Do not have any mixture of the two. It is, and will be, a source of serious trouble, dispute, and clashing of interests, as well as clashing of authority, if Congress assumes control of a part of the machinery and the States take charge of another portion of it. Congress should either take charge of it absolutely and free the States or let it remain absolutely with the States.

One of the least objections to the bill is the probable cost of it. I have been at considerable trouble to ascertain what that would probably be. I have gotten from the secretaries of state of all or most of the States of the Union a statement as to the election precincts in the United States, which I will insert, as follows:

Election precincts in the United States.

Alabama.....	1,098
Arkansas (estimated).....	1,200
California (estimated).....	1,600
Colorado (estimated).....	600
Connecticut.....	251
Delaware.....	66
Florida.....	600
Georgia (estimated).....	1,500
Illinois (estimated).....	3,000
Indiana (estimated).....	1,500
Iowa.....	1,922
Kansas (estimated).....	3,000
Kentucky.....	1,375
Louisiana.....	744
Maine.....	517
Maryland.....	483
Massachusetts.....	715
Michigan.....	1,466
Minnesota (estimated).....	1,800
Mississippi (estimated).....	1,115
Missouri (estimated).....	2,500
Montana (estimated).....	500
Nebraska (estimated).....	500
Nevada (estimated).....	500
New Hampshire.....	288
New Jersey.....	266
New York.....	3,366
North Carolina (estimated).....	1,200
North Dakota (estimated).....	500
Ohio.....	2,449
Oregon.....	908
Pennsylvania.....	4,217
Rhode Island (estimated).....	500
South Carolina (estimated).....	600
South Dakota (estimated).....	800
Tennessee (estimated).....	2,000
Texas.....	3,985
Vermont (estimated).....	500
Virginia (estimated).....	1,800
Washington (estimated).....	600
West Virginia (estimated).....	700
Wisconsin (estimated).....	1,600
Total number.....	54,649

The above figures are obtained (except those estimated) from secretaries of state, and mostly refer to the date of the Presidential election in 1886. For Pennsylvania, however, the figures are from *Smull's Hand-Book*, containing the election returns for 1889. Of the election districts or precincts for that State 815 were in Philadelphia.

The table does not contain the numbers for the Territories of Arizona, Idaho, New Mexico, Utah, and Wyoming. Of course the number of election precincts have been considerably increased since the election of 1888.

There are 55,000 in round numbers, without regard to the Territories. Under this bill the cost of the canvassing board, the cost of the chief supervisor, the cost of the supervisors themselves in each district, the cost of deputy marshals, allowing an average of three deputy marshals for each precinct and three supervisors for each, and allowing a fair average of the amount that they are to be paid under the law, I find upon an estimate will be \$11,732,800.

Cost of Lodge bill.

Cost of canvassing board:	
Three canvassers, per diem and expenses, \$20 each.....	= \$60
Clerk, per diem and expenses.....	= 20
	80
Days allowed (section 15), 15; estimated average used, 5; 5 x \$80.....	= 400
Number of States in Union, 42; 42 x \$400.....	= 16,800
Seals, stationery, etc. (estimated).....	= 1,000
	17,800
Cost of chief supervisors, by Congressional districts:	
Printing, recording, certifying, stationery, advertising, telegrams, etc., for each Congressional district, \$5,000; number of Congressional districts, 330; 330 x \$5,000.....	= 1,650,000
Cost of supervisors (section 19):	
Average number to a precinct, 3; estimated average pay of each, \$6; estimated average days of service, 6; number of precincts in United States, 55,000; total cost of supervisors.....	= 5,940,000
Cost of deputy marshals (section 20):	
Number of precincts, 55,000; estimated average for each precinct, 3; estimated average days of service, 5; services per diem, \$6; total cost of deputy marshals.....	= 4,125,000
Total.....	11,732,800

Mr. O'NEALL, of Indiana. And add a thousand more precincts and their expenses for Indiana.

Mr. TUCKER. Well, I have fifteen hundred for Indiana. This is a conservative estimate, and I am satisfied it is a reasonable estimate. My own judgment is that it will cost not less than twelve millions, and most probably will reach from fifteen to twenty millions.

I come now to discuss another feature of the bill, and it is this: Gentlemen have declared on this floor that this bill was a national bill intended for the whole country. The gentleman who opened this debate, the gentleman from Massachusetts [Mr. LODGE], launched us upon a smooth sea, and I thought our sailing was to be of the happiest nature; that there were to be no gales encountered in the discussion. But we were soon disabused of that idea when the gentleman from Illinois [Mr. ROWELL] took his position. The gentleman from Massachusetts says this is not a sectional, but a national measure. The gentleman from Illinois has confessed practically that it is a sectional bill.

The gentleman from Illinois imagines he is arguing a contested-election case, and goes into all of the murders and crimes in the catalogue and talks about the war and about the beautiful traits of character of the negro. Why, gentlemen of this House, where did the gentleman from Illinois get authority to talk to me and for me about the character of the colored people? Why, in childhood I was rocked upon the bosom of as noble an old colored woman as ever drew the breath of life. Reared from childhood among them, I know them as the gentleman from Illinois can never know them, and that old "mammy," who was loyal and true to me in life and whose memory is as dear to me as one of my own family, will ever awaken in my heart the warmest feelings toward that race to which she belonged and which was faithful in the trying days of the war.

But the gentleman from Illinois has gone back to the war. Some of us in this House have been born since the war began; we have grown up with the new civilization, with new conditions and ideas; and it is a condition that confronts us here, and not a theory. Why, gentlemen, I say to you that the position of the gentleman from Illinois shows that this bill is to be a sectional one, whose operation is to be chiefly against the interests of the Southern people. He says openly that we cheat the negro, that we steal his vote, that we murder him. The gentleman is not at all discriminating in his remarks against us. Very well. Admit it for the sake of the argument. I ask any gentleman who hears me to tell me in all honor and in all candor whether it be worse to steal the vote of a man who does not know how he is voting than to buy the vote before it reaches the ballot-box of a man who could vote intelligently if let alone.

Mr. KELLEY. This law is against both.

Mr. TUCKER. Oh, yes; I am coming to that. The gentleman says it is against both; but, Mr. Speaker, it is mighty little against both. [Laughter.] You have to-day a statute providing against bribery. You have a section in this bill against it with a little addition that the man who is bribed is amenable also to punishment. And let me tell you when the two get together you will have a pretty hard time trying to find out who was the bribed and who was the briber. [Laughter.] I do not justify and can not justify the stealing of a vote or the killing of a man; but I say, for the sake of argument, admit the truth of the gentleman's assertion, what position are you in if reports be true that money has been used all over this country in carrying elections? and you know, as well as we can know any other fact in this life, that it was used for the purpose of corrupting voters by the Republican party in the last Presidential election. I ask you now in all seriousness to answer candidly the question whether or not it is any worse—supposing it to be bad enough to steal ballot-boxes—to steal a ballot than it is to buy a vote before it goes into the box.

You are forced to plead guilty to the charge that votes are bought throughout the North, and seek to avoid its force by charging ballot-box-stuffing on the South. Are you in position, before removing the beam out of your own eye, to cast out the mote out of thy brother's eye?

Both are wrong, but when you begin to pose as the immaculate party that can not exist in an atmosphere tainted with immorality of any kind, and would conceal your own crimes by a tirade against the supposed delinquencies of others, I beg to suggest that it would at least be prudent to sweep before your own doors before demanding that filth should be swept from your neighbor's door.

You say you want to uproot both by your bill. When did the desire strike you? Since the indictments against Dudley were dismissed or the fat-frying processes of Foster were exhausted or after the \$400,000 gathered together by the industrious hand of the present Postmaster-General had been expended for legitimate campaign purposes? And if, with bribery and corruption all around you, you have failed to enforce the present law against bribery, how can we hope that you will do so now? The bill is sectional. It is aimed at the South. Is there anything anywhere in the bill to show that it is not? Let us see. The honorable gentleman—no, it was the Speaker of this House himself—made a speech not long ago in the city of Pittsburgh, and did he indicate in that speech that this was to be a national-election law or a sectional law?

Always brilliant, in opening he said:

Your toast strikes the only possible note of continued victory for the Republican party. Continued victory we must have. Not as partisans, but as patriots.

[Laughter on the Democratic side.]

Do not laugh.

Not on the past must be our reliance, but on the future. If we are not to-day in the fore-front of human progress, to have been followers of Abraham Lincoln in the years gone by is not an honor, but a burning disgrace. Progress is the essence of republicanism.

And so on.

Continuing, he says:

I have not, for years, been one of those who talked about the South.

But he determined what he was going to do that night.

For the last eight years no one has heard me, in the House or in the campaign, discourse upon either outrages or wrongs, murders or shootings, or hangings. My silence did not arise from any approval of murder. It is known to everybody that the South denies that cheating is part and parcel of their elections. It is equally known to everybody that that denial is not true—

And so forth, the whole speech being an enumeration of Southern outrages, and at its close a remedy is suggested—"to take into Federal hands the Federal elections." The extracts from that speech show that the Speaker of this House, as a leader of his party, was determined if he had the power—and we all know he has the power—to drive this Republican party, by caucus or otherwise, into the adoption of a Southern election law. There is no intimation in the speech that there are frauds in elections in other parts of the country, in the State of Maine, or elsewhere, but only in the South. I find also that he has given his views to the public in an article in the North American Review that I beg leave to refer to very briefly. He puts it in this form:

Suppose it were a fact that negro domination and barbarism would follow from honest voting in the Southern State elections; suppose it were a fact that disregard of law and complete violation of the rights secured to the negro by the Constitution were absolutely necessary to preserve the civilization of the South; what has that to do with Federal elections? Violation of law and disregard of statutes are not needed to save the United States.

And in other places in that article the distinguished gentleman practically admits, as he does there admit, that if the defense which he alleges is made by Southern people, that they defraud the negro for the preservation of their own civilization, were true, that it would be proper and right and admissible. I say he admits practically that, for the preservation of State governments, property, and life, the things that are charged against the people of the South might be proper; yet that when you come to national elections it would not do.

Why, gentlemen, is it possible that the man who poses as the great friend of the negro would admit that it was proper to kill him or cheat him for one purpose, but very wicked, immoral, and improper to do so for another? If all the exaggerated and base stories of murder of the negro in the South were true, the Southern people could find no stronger champion of their position or justification of their action than the Speaker of this House and his views as expressed in this article. The Speaker, in the same article, and the gentleman from Illinois [Mr. ROWELL], both assert that the negro population increases the representation from the South, and that by the suppression of the negro vote that increase redounds to the benefit of the Democrats. Admit all they claim to be true, for the sake of the argument, which is not true in fact, and what do we find? That in the States of Connecticut, California, Iowa, Illinois, Michigan, Minnesota, Massachusetts, Nebraska, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, and Wisconsin, in the year 1888, the Republicans cast 3,386,399 votes and the Democrats cast in the same States 3,074,165. The 3,386,399 Republican votes elected 126 Congressmen, or about 26,900 votes per Congressman. The 3,074,165 Democratic votes elected only 47 Congressmen, or 65,406 votes per Congressman.

That is, in the North, where gentlemen claim there is an honest expression of the popular will, it takes only 26,900 votes to elect a Republican, while to elect a Democrat it takes 65,408; and if the will of the people in the North were not stifled and a free expression of the popular will could be had, the Republicans would have only 90 instead of 126 members of the 173 from those States, while the Democrats would have 83 instead of 47 only, and instead of a Republican majority in this House of 9 the Democrats would have a majority of 63 members. No, gentlemen, when you look at this whole question dispassionately you will find a good deal depends on the question of whose ox is gored.

But for your gerrymandering of the States of Connecticut, New York, Rhode Island, and Massachusetts, they would to-day be represented in the Senate by Democrats, and you know it. When the popular will is thus defeated in the North you call it gerrymandering, not fraud; but the people of the country understand it and your sham pretenses of a desire for honest elections.

Now, I say that the South is getting along first rate. We ask you to give us a free chance in the race of life. We know better how to attend to these social questions than you can possibly know, with all your professed patriotism. We know perfectly well that we have a serious problem before us; that we are educating the negro; that we are giving him those rights which make him prosperous and happy; that we

are doing for him more than you can do for him and will continue to do it. We ask for our section what patriotic sons of Erin all over the civilized globe demand for their race, "Home rule for Ireland." Our cause is the same.

Now, I ask you where the demand for this bill comes from. Does it come from the negro? Does it come from the Southern Republicans? Where does it come from? The committee to which I have the honor to belong have had some advocates of this subject before it. Who were they? Most of them politicians, and negroes who live by politics, and one poor fellow who has gone crazy since, who is now in the asylum and who was crazy then, and that class of evidence is the basis of this bill. The business people of the country, North and South, do not want it, for they know that it will disorganize business in many portions of the country, endanger capital invested, and bring discontent and strife where now peace and happiness reign.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. BUCKALEW. I ask that the gentleman be given ten minutes more time.

There was no objection, and it was so ordered.

Mr. TUCKER. I am very much obliged to the committee. I shall not impose upon them very long. What does General Longstreet say upon this subject? General Longstreet says, in an interview with the correspondent of the St. Louis Globe-Democrat:

The negro is getting along quite well and would do much better if it were not for the politicians. It does not follow that because a man is black he is a Republican.

Here is a life-long Republican speaking.

A negro is like almost any other man. He will vote for the advancement of his own interests. He will vote against a negro who has gone to the front simply as a politician, in favor of a respectable Southern white man any time. He will vote for a Southern white man that he knows against a politician of the North every time. Schools are working out the problem of the colored man in the South. The development of the country is giving him new avenues of employment. What he is gradually getting is better wages, and what he needs is less politics and less meddling from politicians.

Now, gentlemen, that is the expression of a man who has been a Republican ever since the war, living in the State of Georgia, about which so much has been said here to-day.

Hear also what Ex-Governor Chamberlain, of South Carolina, who was the Republican governor of the State up to 1876, says on this subject in an address at the city of Boston, February 8, 1890:

I come from the South to-night. A business errand has again taken me to the State which was my home for twelve years. I have mingled again during the last four months with the people whom I then knew so well. What do I find? I find that since 1876 both races in South Carolina have prospered. I find the prosperity of the negro has advanced *pari passu*, more than *pari passu*, with the white man. I find the negro more self-respecting, better provided with schools, far better, acquiring property more rapidly, more industrious, more ambitious for education and property than he ever was before 1876; and I have come here to-night, at not a little inconvenience, to proclaim this in the ear of Boston's philanthropy and Boston's patriotism. [Cheers.] I proclaim it because it is true and because if any man living owes it to himself and to the country to proclaim the truth in this matter, I am that man. [Great applause.]

What, then, is the duty of the North in respect to this problem: what is Boston's and Massachusetts's duty; what is the duty of all patriotic men? I answer with my whole mind and conscience their duty is to let the negro alone. [Tremendous cheering.]

I repeat, we are getting along in the South now first rate. Let me show you what we have done since the war.

In 1860 the total assessed value of property in the United States was \$12,000,000,000, and of this the South had \$5,200,000,000, or 44 per cent. In 1870 the total assessed value of all property in the country was \$14,170,000,000, and of this the South had \$3,064,000,000, or 22 per cent. The assessed value of property in the South, as already stated, was \$2,100,000,000 less in 1870 than in 1860. That is an enormous loss; but between the years 1880 and 1889 look at the strides we have made. From \$2,900,000,000 in 1880 to \$4,200,000,000 in 1889; and the census reports will show a vaster increase over that. Where does that come from, gentlemen? A great deal right out of your pockets.

During the very first year of Mr. Cleveland's Administration \$13,000,000 of foreign capital came into the State of Virginia. Our people have caught the impetus of the age; the negro laborers are happy and contented; the Northern people are pouring their money down into our mines and our furnaces, and we simply ask that we may be allowed to take care, not only of our own, but what you may send there to be invested for your own good in the safest way for all concerned.

The cities of Philadelphia, Boston, and New York have all contributed of their coffers to the building up of our beautiful valley of Virginia, and some of it has come from the great West, and all that we ask for the old State of Virginia is to be let alone to work out our own "salvation with fear and trembling."

Mr. KERR, of Iowa. I will ask the gentleman if Virginia is not nearly a Republican State?

Mr. TUCKER. Not by a large majority; not by 44,000 last year, and "still some precincts to hear from."

Mr. BOWDEN. How many the year before, when we had some Federal supervisors?

Mr. TUCKER. About 1,500.

Mr. BOWDEN. Exactly.

Mr. TUCKER. When you had Federal supervisors, who suppressed the honest vote! [Loud applause on the Democratic side.]

Mr. WADDILL. I would like you to specify a place in Virginia where Federal supervisors ever suppressed a vote.

Mr. TUCKER. Will you sit down? I do not yield to you. [Laughter.]

Mr. WADDILL. I asked you a question, and that is the way you answer.

Mr. TUCKER. Sit down.

Mr. WADDILL. I will sit down when I get ready, and not by your direction.

The SPEAKER *pro tempore*. The gentleman from Virginia will be in order.

Mr. WADDILL. Decency requires that you should not refuse to answer a question in a proper manner.

Mr. STRUBLE. Mr. Speaker, I rise to a question of order and ask whether a member on this floor has a right to order another member to sit down.

Mr. TUCKER. Will the gentleman from Iowa be kind enough to take his seat? [Laughter.] Mr. Speaker, I did not mean to be discourteous to anybody. I do not want to be offensive to any gentleman.

Mr. WADDILL. Very well. With that explanation I wish to ask the gentleman if he will yield to a question.

Mr. TUCKER. Not now; later.

Now, we find, Mr. Speaker, that during the four years from January 1, 1886, to December 31, 1889, the total number of furnaces, factories, and mills that came to the South was 13,744. I see the honorable gentleman from Ohio [Mr. McKINLEY] smiles approvingly at that. Then, Mr. Speaker, we find from 1878 to 1889 a proportionate increase in all the cereals, the cotton crops, hay, and so on. We find that in the years from 1880 to 1889 the number of cotton mills have increased in the South from 161 to 353; that the number of spindles has increased from 660,000 to 2,000,000. We find that the total amount of coal developed in the South in 1883 was 6,000,000 of tons; that in 1888 there was 19,000,000, and most of the labor in that development was that of the poor negro for whose benefit this bill is to be passed. The cotton crop in 1880 was only a little over 2,000,000 bales, while in 1889-'90 it amounted to over 7,000,000. We find that the cost of making iron in the Southern land and in my own district, where a large number of the laborers are negroes, according to the testimony of Messrs. Carnegie, Hewitt, McClure, Swank, and others, is estimated at anywhere from \$8.50 to \$10 a ton; and to-day iron is being made in my own district at a cost of not over \$10 a ton.

The honorable gentleman from New Hampshire [Mr. MOORE] who spoke some days ago on the tariff referred to these facts and appealed to us to stand by a prohibitory-tariff law; it is not wonderful that such development should come to us, because we have advantages in manufacturing over all other sections of this country, and capital is very sensitive to go where that is the case. We find that the total output of pig-iron in the South in 1880 was 397,000 tons and that in 1889 it was 1,500,000 tons. So that, gentlemen, looking not only to the social status of our people, but looking to the prosperity of our country, the preservation of our civilization, and the property of our people and of your people, we appeal to you to keep your hands off. Do not for partisan purposes relegate this Southern country, by the enactment of such a law as this, to the condition of things existing for ten years subsequent to the war. Let me read you a statement of the financial condition of the South at the close of the war, and then when the carpet-bagger had his grip fast upon her body. Here it is:

States.	Debts and liabilities at close of war.	Debts January 1, 1872—after reconstruction.
Alabama.....	\$5,339,654.37	\$38,381,957.37
Arkansas.....	4,095,962.57	19,761,395.62
Florida.....	221,000.00	15,763,447.64
Georgia.....	Nominal	50,137,500.00
Louisiana.....	10,099,074.34	30,540,306.61
North Carolina.....	2,099,500.00	34,967,467.85
South Carolina.....	5,090,000.00	30,158,914.47
Mississippi.....	Nominal	20,000,000.00
Tennessee.....	20,105,606.66	45,988,263.46
Texas.....	Nominal	30,361,000.00
Virginia.....	31,938,144.80	45,480,642.21

* June 1, 1871.

† January 1, 1871, about.

Does not this statement show, as well as the history of that dark period in our country's history, that bayonets and force applied in the elevation of ignorance over intelligence can only result in financial as well as social ruin to a people? When Federal troops were withdrawn from the Southern States and the manhood of the people reasserted itself, gradually confidence was restored, and values were enhanced, as

shown in the annexed tables of the assessed value of the property of the several States in 1880 and 1890:

States.	1880.	1890.	Increase.
Maryland.....	\$459,187,406	\$477,398,380	\$18,210,972
Virginia.....	303,967,613	*344,169,473	40,171,860
North Carolina.....	169,916,907	217,000,000	47,083,093
South Carolina.....	129,551,624	145,280,343	15,728,719
Georgia.....	251,424,661	380,289,314	128,864,653
Florida.....	31,157,846	93,800,000	62,642,154
Alabama.....	139,077,328	212,197,531	73,120,203
Mississippi.....	115,180,691	197,830,481	82,649,790
Louisiana.....	177,066,459	226,392,288	49,325,827
Texas.....	311,470,736	710,000,000	398,529,264
Arkansas.....	91,191,659	165,000,000	73,808,341
Tennessee.....	211,798,438	323,118,636	111,320,198
West Virginia.....	146,391,740	183,013,737	36,621,997
Kentucky.....	375,473,041	551,678,267	176,205,226
Total.....	2,913,436,065	4,230,166,400	1,316,730,335

* 1888.

The census report of 1879-'80 estimated that the assessed value of property in the South was only 41 per cent. of the true value. On this basis the true value of property in the South in 1880 was \$7,105,917,300, and the value at present \$10,255,083,700, a gain of over \$3,000,000,000.

Relying upon the manhood of our people we are fast forging to the front in material progress in many parts of our State, while struggling poverty holds its grip in other sections, but as a whole our advancement has been marvelous. Will you strangle in its cradle this infant Hercules with such a law as this?

In conclusion, let me say, gentlemen, that, while this bill in my opinion is unconstitutional, Congress has no power to pass it; that the provisions of it are hideous, and that they ought not to be entertained by this House or this Congress; that even if it passes it will never accomplish the purpose whereunto it is sent. You may rely upon that. As was said in the discussion here to-day, if there be fraud and corruption in the country the only way to correct them is by an enlightened public sentiment which will frown them down, so that a man who deals in fraud, bribery, or corruption will not be countenanced in the community. [Applause.]

Now, gentlemen, I am through. I thank the House most cordially, and especially my friends upon the other side, who have been kind enough to give me their attention, and I only ask that this House will do so act that will disturb the harmony, that beautiful harmony of the State and the Federal Governments, that beautiful system which when kept in its perfect symmetry is the admiration of the world, but when jostled or gotten out of gear will work destruction to the people for whose welfare it was intended. I thank you, gentlemen, for your kind attention. [Prolonged applause on the Democratic side.]

APPENDIX.

The following tables are taken from the Manufacturers' Record and the Redemption of the South.

The production of coal in each Southern State in 1880, 1882, 1887, 1888, and 1889 was as follows, in tons:

States.	1880.	1882.	1887.	1888.	*1889.
Maryland.....	2,228,917	1,294,316	3,273,023	3,479,470	3,213,886
Virginia.....	45,896	100,000	825,263	1,073,000	1,592,455
West Virginia.....	1,839,845	2,500,000	4,806,820	5,498,800	4,728,047
Georgia.....	154,644	175,000	313,715	280,000	265,000
Alabama.....	322,972	800,000	1,900,000	2,900,000	4,000,000
Tennessee.....	406,151	860,000	1,900,000	1,967,000	2,500,000
Arkansas.....	14,778	80,000	180,000	198,000	250,000
Texas.....			75,000	90,000	200,000
Kentucky.....	946,288	1,300,000	1,933,185	2,570,270	2,750,000
Total.....	6,049,471	6,569,316	15,212,006	18,061,270	19,407,418

* These figures were compiled by Mr. F. E. Saward, editor Coal Trade Journal, New York.

In 1882 the South produced 6,569,316 tons of coal, and in 1889 19,407,418 tons. Thus in seven years, from 1882 to 1889, the output of Southern coal mines advanced from 6,500,000 tons to upwards of 19,500,000 tons. Between the taking of the census of 1880 and that of 1890 the output of Southern coal mines has more than trebled, and every year will show continued gains as the development of this industry is rapidly expanding.

The production of pig-iron in net tons in the South for each year from 1880 to 1889, according to the official report of the American Iron and Steel Association was as follows:

States.	1880.	1881.	1882.	1883.	1884.
Maryland.....	61,437	48,756	54,524	49,153	27,342
Virginia.....	29,934	83,711	87,731	132,907	157,483
North Carolina.....		800	1,150		435
Georgia.....	27,321	37,494	42,354	45,384	42,635
Alabama.....	77,190	98,081	112,745	172,465	189,664
Texas.....	2,500	3,000	1,321	2,381	5,140
West Virginia.....	70,338	66,409	73,220	88,398	55,231
Kentucky.....	57,709	45,973	66,522	54,629	45,052
Tennessee.....	70,373	87,406	137,602	133,963	134,597
Total Southern States.....	397,301	451,540	577,275	699,260	657,599
Total whole country.....	4,305,414	4,641,644	5,178,132	5,146,972	4,589,613

States.	1883.	1886.	1887.	1888.	1889.
Maryland.....	17,299	30,502	37,427	17,608	33,847
Virginia.....	169,782	156,250	175,715	197,396	251,356
North Carolina.....	1,790	2,200	8,640	2,400	2,898
Georgia.....	32,924	46,490	40,947	39,397	27,559
Alabama.....	227,438	283,859	292,762	449,492	791,425
Texas.....	1,843	3,250	4,383		4,544
West Virginia.....	60,007	98,618	82,311	95,259	117,900
Kentucky.....	37,528	54,844	41,907	56,790	42,518
Tennessee.....	191,190	199,166	230,344	267,931	294,655
Total Southern States.....	712,835	875,179	929,436	1,132,858	1,564,702
Total whole country.....	4,529,869	6,365,328	7,197,206	7,369,628	8,517,068

The most striking fact in connection with the output of iron in the two sections is brought out by comparing the production of 1887 and 1888, two years of dullness in the iron trade, and, as already said, it is during such periods as these that the South's advantages are made the more apparent. In 1887 the South produced 929,436 tons of iron and in 1888 1,132,858 tons, a gain of 203,422 tons, while the North, which made 6,257,770 tons in 1887, made 6,136,770 tons in 1888, a decrease of 121,000 tons. Presented in tabular form this makes the following showing:

Production of iron in the South:	1887.....tons...	1888.....do.....	Increase.....do.....
1887.....	929,436		
1888.....	1,132,858		
Increase.....		203,422	
In the rest of the country:	1887.....do.....	1888.....do.....	Decrease.....do.....
1887.....	6,257,770		
1888.....	6,136,770		
Decrease.....		121,000	

The yield of principal crops in the South in 1879, 1887, 1888, and 1889 was as follows:

Crops.	1879.	1887.	1888.	1889.
Cotton.....bales...	5,755,359	7,017,000	6,938,290	*7,250,000
Increase over 1879.....		1,261,641	1,244,641	1,494,641
Corn.....bushels...	333,121,290	492,415,000	509,705,000	419,517,000
Wheat.....do.....	54,476,740	52,384,000	44,207,000	55,060,000
Oats.....do.....	43,476,600	81,506,000	78,254,000	77,714,000
Total, grain.....do.....	431,074,630	626,305,000	632,166,000	652,291,000
Increase over 1879.....		195,230,370	201,091,370	221,216,370

* Estimated.

These figures show an increase in the production of grain from 1879 to 1889 of over 220,000,000 bushels. How does this increase compare with the production in the rest of the country? The following figures show:

Field in whole country, except the South.

Crops.	1879.	1887.	1888.	1889.
Corn.....bushels...	1,214,780,500	963,746,000	1,478,095,000	1,503,375,000
Wheat.....do.....	394,279,890	403,945,000	371,661,000	435,500,000
Oats.....do.....	320,293,720	578,112,000	623,481,000	573,801,000
Total.....	1,929,354,110	1,945,803,000	2,473,237,000	2,702,676,000

Notwithstanding the fact that the West produced last year the largest corn crop ever made, the increase as compared with 1879 was only 31 per cent., while the increase in the South's corn crop from 1879 to 1889 was 55 per cent.

While the South, as shown by the foregoing figures, made an increase from 1879 to 1887 of 195,000,000 bushels of grain, or 45 per cent., the increase in all the rest of the country for the same period was only 16,000,000 bushels, or less than 1 per cent.

States.	July 31, 1889.			May, 1890.		
	Mills.	Spindles.	Looms.	Mills.	Spindles.	Looms.
Alabama.....	21	131,904	2,414	16	49,432	863
Arkansas.....	5	13,800	224	2	2,015	28
Florida.....	1	1,400		1	816	
Georgia.....	73	455,998	10,246	40	198,656	4,493
Kentucky.....	6	45,200	677	3	9,022	75
Louisiana.....	5	60,280	1,384	2	6,096	120
Maryland.....	25	175,642	2,836	19	125,706	2,425
Mississippi.....	11	69,396	2,054	8	18,568	644
North Carolina.....	111	386,837	7,851	49	92,385	1,790
South Carolina.....	44	417,730	10,667	14	82,324	1,076
Tennessee.....	31	126,221	2,478	16	35,736	818
Texas.....	8	50,868	496	2	2,648	71
Virginia.....	14	99,889	2,754	8	44,340	1,322
Total.....	355	2,035,268	45,001	161	667,854	14,323

ORDER OF BUSINESS.

Mr. HAUGEN. Mr. Speaker, it is now late in the day; we have been in session more than six hours, and I move that the House do now adjourn.

EXTRA COMPENSATION OF LETTER-CARRIERS, 1890.

Mr. BINGHAM. I ask the gentleman to yield to me for a moment while I submit a joint resolution under instructions from the Committee on the Post-Office and Post-Roads.

Mr. HAUGEN. I will yield to the gentleman.

The joint resolution (H. Res. 183) was read, as follows:

Be it resolved, etc., That the unexpended balance of \$99,439.07 of the appropriation for the free-delivery service of the Post-Office Department for the fiscal year ended June 30, 1898, be continued and made available to June 30, 1891, for discharging the claims of letter-carriers for compensation for extra time in the months of May and June, 1898, made under the provisions of an act entitled "An act to limit the hours that letter-carriers in this city shall be employed per day," approved May 24, 1898.

The SPEAKER *pro tempore* (Mr. PETERS). Is there objection to the present consideration of this joint resolution?

Mr. McMILLIN. Let us have the report read.

Mr. BINGHAM. I will state that it is simply to continue for one year longer the unexpended balance which under the general statutes would be covered into the Treasury at the close of the present month, in order that the Department can adjust the accounts of the men who have worked over eight hours a day. The joint resolution appropriates nothing additional from the Treasury, but merely makes the appropriation of 1898 continue until the account can be adjusted.

Mr. McMILLIN. It does not change the law at all?

Mr. BINGHAM. It does not change the law and does not appropriate an extra dollar.

The SPEAKER *pro tempore*. Is there objection to the consideration of the joint resolution at this time?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BINGHAM moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. HEMPHILL. Mr. Speaker, I ask unanimous consent that gentlemen who desire to print remarks upon the election bill may have the privilege of doing so.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from South Carolina?

Mr. KERR, of Iowa. Mr. Speaker, I wish to say that I have no objection to gentlemen who are interested in the discussion printing remarks when the matter is under consideration or within a reasonable time thereafter, but I do object to a leave to print which is unlimited as to time.

Mr. HEMPHILL. Then let it be within ten days after the vote is taken upon the bill.

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 8342) for the removal of the United States court-house building at Baltimore, Md.; and

A bill (H. R. 9287) to provide for a term of court at Danville, Ill.

The message also announced that the Senate insisted on its amendments to the bill (H. R. 9803) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1891, agreed to the conference requested by the House, and had appointed Mr. HALE, Mr. ALLISON, and Mr. BLACKBURN conferees on the part of the Senate.

The message further announced that the Senate insisted on its amendments to the bill (H. R. 9856) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1891, agreed to the conference requested by the House, and had appointed Mr. PLUMB, Mr. ALLISON, and Mr. BLACKBURN conferees on the part of the Senate.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RAY, an extension of his leave for two days.

To Mr. SPINOLA, indefinitely.

To Mr. DIBBLE, until Monday next.

To Mr. DORSEY, for five days.

To Mr. EZRA B. TAYLOR, indefinitely.

To Mr. MORSE, for one week.

J. B. BERNADOU.

Mr. WILKINSON. Mr. Speaker, I ask unanimous consent to concur in an amendment of the Senate to the joint resolution (H. Res. 166) authorizing Ensign J. B. Bernardon, United States Navy, to accept two vases presented to him by the Government of Japan. The name is incorrectly spelled in the joint resolution, and the Senate has amended it.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Louisiana to the present consideration of the Senate amendments to the joint resolution indicated by him?

There was no objection.

The amendments were read, as follows:

Line 1, strike out "Bernardon," and insert "Bernadou." Amend the title so

as to read: "Joint resolution authorizing Ensign J. B. Bernadou, United States Navy, to accept two vases presented to him by the Government of Japan."

The amendments were concurred in.

The motion of Mr. HAUGEN was then agreed to; and the House accordingly (at 5 o'clock and 25 minutes p. m.) adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

INCREASED CLERICAL FORCE IN WAR DEPARTMENT.

Communication from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War of the 26th instant, submitting additional estimates of appropriations for increased clerical force, etc., required by the record and pension division of War Department—to the Committee on Appropriations.

COMPILATION OF UNDELIVERED LAND PATENTS.

Letter from the Acting Secretary of the Interior, transmitting a copy of the report of the Commissioner of the General Land Office, with certain inclosures, in reply to a resolution of the House of Representatives of the 6th instant requesting information as to the persons or firms who had compiled a list of the original, undelivered land patents in said office and by what authority it was done—to the Committee on the Public Lands.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. MORRILL:

Resolved, That Thursday, July 2, immediately after the reading of the Journal, be set aside for the consideration of general bills reported from the Committee on Invalid Pensions, and this shall be a continuing order until such bills are disposed of;

to the Committee on Rules.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. LEHLBACH, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 431) for the erection of a public building at Lawrence, in the State of Massachusetts, reported, as a substitute therefor, a bill (H. R. 11157) for the erection of a public building at Lawrence, in the State of Massachusetts; which was read twice, and, with the accompanying report (No. 2560), referred to the Committee of the Whole House on the state of the Union.

Mr. DORSEY, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 10590) to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank, reported, as a substitute therefor, a bill (H. R. 11159) to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank; which was read twice, and, with the accompanying report (No. 2561), referred to the House Calendar.

Mr. CARLTON, from the Committee on Claims, reported with amendment the bill of the House (H. R. 5136) for the relief of F. G. Fuller and J. A. Mitchell, executors of John O'Dell, deceased, accompanied by a report (No. 2562)—to the Committee of the Whole House.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. STRUBLE: A bill (H. R. 11154) to repeal part of section 6 of an act entitled "An act to divide the State of Iowa into two judicial districts," approved July 20, 1882—to the Committee on the Judiciary.

By Mr. MORRILL: A bill (H. R. 11155) to establish a port of entry and delivery at Leavenworth, Kans.—to the Committee on Commerce.

Also, a bill (H. R. 11156) to allow soldiers and sailors who have lost an arm and leg in the military service of the United States a pension for each disability—to the Committee on Invalid Pensions.

By Mr. WHEELER, of Alabama: A bill (H. R. 11158) to authorize the New Orleans Terminal Railway and Bridge Company to construct, operate, and maintain a bridge, and all the necessary approaches thereto, over the Mississippi River, above the city of New Orleans, State of Louisiana, on the left bank of the Mississippi River, to the opposite bank in said State—to the Committee on Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BRECKINRIDGE, of Kentucky: A bill (H. R. 11160) for the

relief of Mattie Ashurst, of Bourbon County, Kentucky—to the Committee on War Claims.

Also, a bill (H. R. 11161) for the relief of Mrs. R. P. Todhunter, of Fayette County, Kentucky—to the Committee on War Claims.

By Mr. COOPER, of Indiana: A bill (H. R. 11162) to correct the military record of Capt. W. B. Ellis—to the Committee on Military Affairs.

By Mr. HOUK: A bill (H. R. 11163) for the relief of James Brogdon, of Stockton, Tenn.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11164) for the relief of Robert McCampbell, of Knoxville, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 11165) for the relief of J. H. Norwood, of Trigon, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 11166) granting an honorable discharge to Pleasant Slover—to the Committee on Military Affairs.

By Mr. O'NEILL, of Pennsylvania: A bill (H. R. 11167) for the relief of Henry B. Wood, an invalid veteran soldier of the Mexican war—to the Committee on Pensions.

By Mr. PERKINS: A bill (H. R. 11168) granting a pension to James E. Ruark—to the Committee on Invalid Pensions.

By Mr. QUINN: A bill (H. R. 11169) granting a pension to Isadora Ritter, formerly Isadora DeWolf Dimmick—to the Committee on Invalid Pensions.

By Mr. RUSK: A bill (H. R. 11170) for the relief of Frederick Engelhardt—to the Committee on Military Affairs.

By Mr. SMITH, of Illinois: A bill (H. R. 11171) granting an increase of pension to Edwin Reeder, late a member of Company A, First Tennessee Infantry in the war with Mexico—to the Committee on Pensions.

By M. STOCKBRIDGE: A bill (H. R. 11172) granting a pension to Frederick Ochs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11173) to increase the pension of Elias D. Thompson—to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 11174) for the relief of Philander R. Baldwin—to the Committee on Pensions.

Also, a bill (H. R. 11175) granting a pension to Emily Leach, widow of William D. Leach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11176) for the relief of Lucy Simmons—to the Committee on War Claims.

Also, a bill (H. R. 11177) granting relief to A. M. Stratton—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROWER: Petition of Pilot Mountain Alliance, No. 2086, of Surry County, North Carolina, asking Congress for appropriations of money for complete system of levees on Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of L. H. Rothrick, C. A. Miller, and 26 others, citizens of Rowan County, North Carolina, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of J. R. Howard, J. L. Shim, and 23 others, citizens of Burke County, North Carolina, for same purpose—to the Committee on Rivers and Harbors.

By Mr. CARUTH: Memorial of Cornwall & Bro., Louisville, Ky., regarding duty on glycerine—to the Committee on Ways and Means.

By Mr. COLEMAN: Petition of John C. Landreau, for relief—to the Committee on Foreign Affairs.

By Mr. DAVIDSON: Petition of citizens of Walton County, Florida, for the passage of Senate bill 2716—to the Committee on Rivers and Harbors.

Also, petition of other citizens of same county, for same measure—to the Committee on Rivers and Harbors.

Also, petition of G. H. Symmes and 19 others of Hillsborough County, Florida, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of W. G. Coxwell and 25 others of Calhoun County, Florida, for same measure—to the Committee on Ways and Means.

Also, petition of W. R. Shields and 10 others, of same county, for same measure—to the Committee on Ways and Means.

Also, petition of W. H. Eppers and 12 others, of Leon County, Florida, for same measure—to the Committee on Ways and Means.

By Mr. EVANS: Petition of citizens of Warren, Franklin, Grundy, Coffee, Cannon, De Kalb, White, Cumberland, Bledsoe, Putnam, Overton, Clay, Jackson, Fentress, and Smith Counties, asking that United States circuit and district courts be held at McMinnville, Tenn., to try causes from petitioning counties—to the Committee on the Judiciary.

Also, petition of the heirs of Christopher Wood, asking pay for property destroyed during the war—to the Committee on War Claims.

By Mr. FUNSTON: Petition asking revocation of the charge of disloyalty against John Kinchlon—to the Committee on Military Affairs.

Also, another petition, asking same relief—to the Committee on Military Affairs.

Also, another petition, for same relief—to the Committee on Military Affairs.

Also, petition of citizens of Kansas, asking for speedy action on the question of sale of liquor in original packages when brought from one State to another—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. LEE: Petition of Laura M. Brown, for the estate of Patsy Noles, deceased, late of Culpeper County, Virginia, praying that her war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. MARTIN, of Indiana: Petition to accompany the bill (H. R. 11123) to pension Eleanor Grafton—to the Committee on Invalid Pensions.

By Mr. MOORE, of New Hampshire (by request): Memorial in favor of an equestrian statue of Maj. Gen. John Stark—to the Committee on the Library.

Also (by request), memorial in favor of Thomas Leahy—to the Committee on Military Affairs.

By Mr. MOREY: Petition for the relief of Rolly Moore—to the Committee on War Claims.

By Mr. O'FERRALL: Petition of Julia A. Lewis, widow of James Lewis, deceased, late of Frederick County, Virginia, praying that her war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. ROWLAND: Petition of I. S. Oliver and others, voters of Robeson County, North Carolina, asking for an appropriation of \$6,200,000 for Galveston Harbor—to the Committee on Rivers and Harbors.

By Mr. SCRANTON: Petition of Hon. W. W. Watson and others, citizens of Scranton, Pa., for the perpetuation of the national-banking system—to the Committee on Banking and Currency.

By Mr. SKINNER: Petition of John T. Daniels, for the estate of John Wescott, deceased, late of Dare County, North Carolina, praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. STAHLNECKER: Petition of the National Furniture Association, assembled at Chicago, Ill., June 11, 12, and 13, 1890, asking that mahogany and certain articles in connection with their trade should be placed on the tariff free-list—to the Committee on Ways and Means.

By Mr. TOWNSEND, of Pennsylvania: Petition of McCreary and 25 others, citizens of Lawrence County, Pennsylvania, for passage of a bill prohibiting transportation of liquors, etc.—to the Committee on the Judiciary.

By Mr. TRACEY: Resolution of the Excelsior Club of New York, protesting against the passage of the free-coinage silver bill—to the Committee on Coinage, Weights, and Measures.

Also, petition from Cohoes, N. Y., in favor of the knit-goods schedule in the McKinley bill—to the Committee on Ways and Means.

By Mr. WILKINSON: Memorial of the New Orleans Board of Trade, limited, indorsing the action of the Chamber of Commerce of the State of New York, relating to the overflow of the Mississippi River and the urgent necessity of prompt action by the General Government to provide permanent protection—to the Committee on Rivers and Harbors.

By Mr. WILLCOX: Petition of citizens of Middletown, Conn., for the perpetuation of the national-banking system—to the Committee on Banking and Currency.

SENATE.

FRIDAY, June 27, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills, received yesterday from the House of Representatives, were read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 8792) to authorize the construction of a bridge across the Mississippi River at Winona, Minn.; and

A bill (H. R. 8047) to construct a wagon bridge across the Mississippi River at Hastings, Minn.

The bill (H. R. 8155) to grant school district numbered 7 of the township of Dearborn, Wayne County, Michigan, certain lots of land for school purposes was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 10086) granting leaves of absence to clerks and employees in first and second class post-offices was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

PETITIONS AND MEMORIALS.

Mr. CASEY presented a petition of the Farmers' Alliance of Sherbrooke, Steele County, North Dakota, and a petition of the Farmers' Alliance of Carrington, N. Dak., praying for the passage of House bill 5353, known as the Butterworth option bill; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Farmers' Alliance of Sherbrooke, Steele County, North Dakota, and a petition of the Farmers' Alliance of Carrington, N. Dak., praying for the passage of House bill No. 283, known as the Conger land bill; which were referred to the Committee on Agriculture and Forestry.

Mr. VANCE presented the petition of J. S. Malant and 26 other citizens of Pitt County, North Carolina, praying for the passage of Senate bill 2806, known as the subtreasury bill; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3891) to suspend the operation in certain cases of the statute of limitations in force in the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

Mr. REAGAN, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 4039) to amend sections 3834, 3836, and 3837 of the Revised Statutes, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the petition of Samuel Sherwin, administrator of Thomas Sherwin, deceased, late of Washington County, Maryland, praying to be allowed compensation for stores and supplies taken for the use of the United States Army during the war of the rebellion, reported a bill (S. 4164) for the relief of the estate of Thomas Sherwin; which was read twice by its title.

Mr. SPOONER, from the Committee on the District of Columbia, to whom was referred the bill (S. 4081) to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia, reported it with amendments.

Mr. PAYNE, from the Committee on Education and Labor, to whom was referred the bill (S. 3832) granting lands to the Territory of New Mexico for common-school, university, and other purposes, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Public Buildings and Grounds, reported favorably the amendment submitted by Mr. PLATT intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT, from the Committee on Indian Affairs, to whom was referred the amendment submitted by Mr. WASHBURN June 23, intended to be proposed to the Indian appropriation bill, reported it with a favorable recommendation; and it was referred to the Committee on Appropriations, and ordered to be printed.

BILLS INTRODUCED.

Mr. JONES, of Arkansas, introduced a bill (S. 4165) to authorize the board of supervisors of Maricopa County, Arizona, to issue certain bonds in aid of the construction of a certain railroad; which was read twice by its title, and referred to the Committee on Territories.

Mr. PADDOCK (by request) introduced a bill (S. 4166) to provide for the disbursement of money appropriated by the acts of 1874 and 1878, making appropriation for the payment of workmen who worked on public improvements under the late board of public works of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO BILLS.

Mr. SPOONER submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Appropriations.

Mr. COKE submitted amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. SPOONER submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a resolution requesting the return from the Senate to the House of Representatives of the bill (H. R. 10086) granting leaves of absence to clerks and employees in first and second class post-offices.

The message further announced that the House had concurred in the amendments of the Senate to the joint resolution (H. Res. 166) authorizing Ensign J. B. Bernardou, United States Navy, to accept two vases presented to him by the Government of Japan.

The message also announced that the House had passed a joint resolution (H. Res. 163) to provide for the unexpended balance, \$99,439.07, for discharging claims of letter-carriers for extra compensation under the eight-hour law, approved May 24, 1898, and appropriated for the fiscal year ended June 30, 1898; in which it requested the concurrence of the Senate.

ADMISSION OF WYOMING.

Mr. PLATT. If there is no further morning business, I move that the Senate resume the consideration of the unfinished business.

Mr. EDMUNDS. I ask my friend to yield to me, before he goes on with the Wyoming bill, to call up the bill reported from the Committee on the Judiciary in respect of elections, redistricting, etc., in the Territory of Utah. I will give the number of the bill. It is a very important and desirable bill, and I hope it will only take a little while.

Mr. PLATT. If the Senator will permit me, I think that in consideration of the fact that an hour has been agreed to by unanimous consent when the vote should be taken upon the Wyoming bill and there are Senators who desire to speak upon it, I ought not to yield this morning. I should be glad to oblige my friend with regard to that important bill, if it were not for these circumstances. I suggest to him that it is very possible he may find the opportunity to bring up his bill to-morrow; but I think that under the circumstances I ought not to cut short the time of Senators who desire to occupy the floor upon the Wyoming bill.

Mr. EDMUNDS. I have done the best I can, Mr. President. The PRESIDING OFFICER (Mr. BERRY in the chair). If there be no further morning business, that order is closed.

Mr. PLATT. Now I move that the Senate resume the consideration of House bill 982.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 982) to provide for the admission of the State of Wyoming into the Union, and for other purposes.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment offered by the Senator from Arkansas [Mr. JONES] as a substitute for the bill.

Mr. MORGAN proceeded to address the Senate. (See page 6574).

Mr. DAWES. I ask the Senator from Alabama to yield to me that I may submit a conference report.

Mr. MORGAN. I yield for that purpose.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. DAWES. I submit the report of the committee of conference on the legislative, executive, and judicial appropriation bill.

The VICE-PRESIDENT. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9086) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 43, 44, 59, 60, 61, 62, 63, 64, 71, 76, 77, 78, 79, 80, 91, 93, 100, 101, 102, 104, 108, 110, 114, 116, 117, 123, 129, 130, 131, 132, 134, 135, 136, 139, 140, 141, 144, 145, 146, 147, 149, 150, 164, 165, 167, 175, 176, 177, 178, 189, 194, 195, 196, 199, 200, 203, 204, 205, 207, and 208.

That the House recede from its disagreement to the amendments of the Senate numbered 40, 41, 42, 47, 48, 50, 51, 53, 56, 57, 72, 73, 74, 75, 82, 89, 92, 94, 95, 97, 98, 102, 106, 107, 109, 113, 118, 120, 121, 122, 123, 124, 125, 126, 142, 143, 144, 153, 156, 160, 161, 162, 168, 169, 170, 171, 172, 173, 174, 179, 201, 210, 217, 218, 219, 220, 221, 230, and 237; and agree to the same.

Amendment numbered 20: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 39, and agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter to be stricken out by said amendment insert the following:

"Provided, That hereafter every application for examination before the Civil Service Commission for appointment in the departmental service in the District of Columbia shall be accompanied by a certificate of an officer, with his official seal attached, of the county and State of which the applicant claims to be a citizen, that such applicant was, at the time of making such application, an actual and bona fide resident of said county, and had been such resident for a period of not less than six months next preceding; but this provision shall not apply to persons who may be in the service and seek promotion or appointment in other branches of the Government."

And the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$117,670;" and the Senate agree to the same.

Amendment numbered 52: That the Senate recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the number proposed, insert "two;" and insert after the word "each," on page 17 in line 15 of the bill, the following: "for an additional Assistant Secretary of the Treasury, to be appointed by the President by and with the advice and consent of the Senate, who shall receive a compensation at the rate of \$4,500 per annum, \$4,500;" and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the number proposed insert "13;" and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the number proposed insert "4;" and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$181,490;" and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the number proposed insert "5;" and on page 52 of the bill, in line 15, strike out "one stenographer," and insert in lieu thereof "two stenographers;" and on same page, in line 16 of the bill, after the word "dollars," insert the word "each;" and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to

the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$108,150;" and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$154,920;" and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"For an Assistant Secretary of the Navy to be appointed, from civil life, by the President by and with the advice and consent of the Senate, who shall receive a compensation at the rate of \$4,500 per annum, \$4,500."

And the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: On page 68, in line 5 of the bill, strike out "thirteen" and insert in lieu thereof "twelve;" and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$96,950;" and the Senate agree to the same.

Amendment numbered 180: That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$21,500;" and the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$6,000;" and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7,000;" and the Senate agree to the same.

Amendment numbered 183: That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7,500;" and the Senate agree to the same.

Amendment numbered 184: That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$9,500;" and the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,000;" and the Senate agree to the same.

Amendment numbered 186: That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,500;" and the Senate agree to the same.

Amendment numbered 187: That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7,000;" and the Senate agree to the same.

Amendment numbered 188: That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$9,500;" and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,000;" and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$9,000;" and the Senate agree to the same.

Amendment numbered 192: That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7,500;" and the Senate agree to the same.

Amendment numbered 193: That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,000;" and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the number proposed insert "two;" and the Senate agree to the same.

Amendment numbered 197: That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$11,500;" and the Senate agree to the same.

Amendment numbered 202: That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$119,970;" and the Senate agree to the same.

Amendment numbered 206: That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$12,000;" and the Senate agree to the same.

Amendments numbered 210, 211, 212, 213, and 214: That the House recede from its disagreement to the amendments of the Senate numbered 210, 211, 212, 213, and 214, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For rent of topographer's office, \$1,500; for rent of a suitable building or buildings for the use of the money-order office of the Post-Office Department, at \$3,000; for rent of building for use of the money-order division of the Auditor of the Treasury for the Post-Office Department at the rate of \$4,000 per annum until not later than February 1, 1891, \$2,384; and the building known as Marini Hall shall be vacated by said division not later than that date; for rent of building for use of said money-order division for balance of the fiscal year at a rate not exceeding \$9,000 per annum, \$3,750; for expenses of removal of said division to new location, \$800; for rent of a suitable building for the storage of post-office supplies, \$4,000; in all, \$23,384."

And the Senate agree to the same.

Amendment numbered 215: That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three," and insert, after the word "each," on page 85, in line 3 of the bill, the following: "For an additional Assistant Attorney-General, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive a compensation at the rate of \$5,000 per annum, \$5,000;" and the Senate agree to the same.

On the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 11, 12, 14, 15, 16,

17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 34, 159, and 163, the committee of conference have been unable to agree.

H. L. DAWES,
P. B. PLUMB,
Managers on the part of the Senate.
BENJ. BUTTERWORTH,
J. G. CANNON,
WM. H. FORNEY,
Managers on the part of the House.

Mr. DAWES. I move the acceptance of the report. If any Senator desires to know the purport of it I can state briefly, before the acceptance of the report or afterward, what will be the condition of the bill if the report is agreed to.

Mr. MORGAN. I did not have any idea that the Senator was going to bring in a table on statistics or logarithms. Of course we do not understand anything about it, and never expect to understand anything about these conference reports by the mere reading of the amendments by numbers.

Mr. DAWES. I ask the Senator's pardon if I have disappointed him. I supposed the Senator's experience here would lead him to observe that the legislative bill was full of logarithms.

Mr. MORGAN. Yes, I discover that it is.

Mr. CULLOM. I hope action will be taken on the report at once without debate so that the bill which has been pending before the Senate may be proceeded with.

Mr. DAWES. I can state very briefly the condition in which the bill will stand after the report is accepted, either before or after its acceptance, I do not care which.

The VICE-PRESIDENT. The question is on agreeing to the report of the conference committee.

The report was concurred in.

Mr. DAWES. I now move that the Senate further insist upon the amendments as to which there is a disagreement and ask for a further conference with the House of Representatives upon them, and I will state that they consist of simply those amendments introduced into the bill by the Senate affecting the proposed increase in the number of employes in the Senate, the increase in the compensation of certain employes of the Senate, and the proposed increase in certain items of the contingent expenses of the Senate, and the proposed increase in the salary of the Commissioner of the General Land Office from \$4,000 to \$5,000, and of the Assistant Commissioner of the General Land Office from \$3,000 to \$3,500.

On these amendments the committee of conference has been unable to agree. All of these amendments but one were inserted by vote of the Senate, and the conference committee did not feel at liberty to recede from them without some authority from the Senate. The question is open either to a motion to insist or to recede. If the Senate insists, then the committee of conference will feel instructed to still adhere to these amendments. If any Senator desires to test the sense of the Senate upon a motion to recede, that would take precedence of the motion which I now make.

Mr. SHERMAN. I do not think these amendments to increase the salaries of officers and employes ought to be forced upon the other House. The old rule used to be whenever one House declined to agree to an amendment in regard to salaries the other House proposing the amendment should recede. I believe that is a wise rule to check the pressure that is made upon members of either House to increase salaries from time to time. I therefore move that the Senate recede from the amendments upon which there is a disagreement. I understand they all apply to increasing the compensation of employes of the Senate except the amendment in relation to the Commissioner of the General Land Office, whose salary was increased by a very large vote of the Senate. I think the better way is to make the motion general, that the Senate recede from its amendments which, after the adoption of the conference report, are disagreed to by the House of Representatives.

The VICE-PRESIDENT. The Senator from Ohio moves that the Senate recede from its amendments disagreed to by the House of Representatives.

Mr. PADDOCK. Mr. President, it seems to me that there ought to be another conference, another attempt to arrive at an agreement, and particularly as to the change to which the Senator from Ohio refers. I have no objection, so far as I am concerned, to receding from the amendments of the Senate affecting its own employes; but as to the amendments relative to the salary of the Commissioner of the General Land Office and the Assistant Commissioner, there certainly ought not to be any recession. The Senate by a very large and decisive vote determined that those salaries ought to be increased and put on the plane, on the same level, with the salaries of other officers of like grade, and certainly there ought not to be any yielding as to them.

Mr. DOLPH. I hope the motion will not prevail as to two of the amendments involved, the amendments of the Senate adopted by a large vote concerning the compensation of employes of the Senate, clerks of committees and secretaries of Senators, making them annual and fixing their salaries. I think the rule in such cases is not, as stated by the Senator from Ohio, that one branch of Congress is expected to yield to the other. I think that on a question where the salary or compensation of the employes of one body is concerned—

Mr. SHERMAN. I think I can state with confidence to the Senator from Oregon that where one House proposes any amendment changing the law upon any subject and the other House simply says, "We will not agree to it," then the custom requires, and the necessity of the case compels, the House proposing the amendment to recede, because no bill ought to be passed unless it has the assent of both Houses of Congress, and neither House can force the other to agree to an obnoxious amendment by the threat of defeating an appropriation bill.

Mr. DOLPH. If the Senator means by "obnoxious" an amendment that does not please the other branch of Congress, the word is properly used, but it is not usual for the Senate or for the House of Representatives to recede from amendments after only one conference.

I certainly have heard it stated over and over again in this body at every session since I have been a member of the Senate that each branch of Congress ought to be allowed to judge as to what employes it should have and what compensation it should pay them, and I think that ought to be the rule. If the Senate chooses to make provision for annual clerks of committees, or if it chooses to make provision for secretaries to Senators, the House of Representatives ought to yield and let the Senate take the responsibility of that legislation.

If it were true that it was incumbent upon the Senate to yield its amendments made to appropriation bills on objection by the House, the House would simply dictate to the Senate what appropriations should be made, and the Senate would be shorn of all power and all voice in the matter of appropriations, even as to what it shall pay its own employes and what employes it shall have. If that is the rule, it is a rule which would be

More honored in the breach than the observance.

I rose not to discuss the question, but to let the Senate understand that the proposition now is that the Senate shall recede from the amendments it adopted by a large vote in regard to clerks of committees and in regard to secretaries of Senators, so that the old inequality shall continue whereby one-half of the committees of this body have annual clerks at salaries ranging from \$2,220 to \$3,000 per annum and some of them assistant clerks, while the other clerks are per diem clerks only.

Mr. SPOONER. Mr. President, I hope the motion made by the Senator from Ohio [Mr. SHERMAN] that the Senate shall recede from its amendments *en masse* will not be adopted. I think there is great force in the suggestion made by the Senator from Oregon [Mr. DOLPH] that each House should be permitted as a rule to regulate the compensation of its own employes, and also to have the power to decide what employes are necessary to enable it to transact properly the business of the people.

We have been governed hitherto, I remember in several instances in concurring with House propositions for the increase of salaries of House employes, by the principle that it was but proper deference to the other body that we should permit them to regulate that matter, as pertaining to their own government, for themselves.

But this motion embodies one item to which I rose particularly to call the attention of the Senate. Early in this session the Senate passed, I think unanimously, a resolution authorizing the employment by the Committee on Claims of this body of an assistant clerk at a salary of \$1,440 per annum. That item is embraced in the motion made by the Senator from Ohio, and if his motion should be adopted it would be receded from by the Senate.

The Senate, as I said, has already authorized the employment of that assistant clerk by the year, and it is a service which is essentially necessary. Every member of this body knows that that committee is burdened with bills which involve almost constant labor and investigation. Nearly one thousand claims bills are now pending before us, and we are disposing of them as rapidly as is possible. The assistant clerk of the Committee on Claims, Mr. Rand, is a gentleman who has been connected with that committee for nine years, part of the time as a messenger, but discharging at the same time the duties, without extra compensation, of assistant clerk. I appeal to the Senator from Nevada [Mr. STEWART], and to all Senators here who have served upon this committee since I have been a member of the Senate and to Senators who are now members of that committee, to say if it be not true that the services of that old employe as assistant clerk are indispensable almost in connection with the committee. He has at hand for ready use the history of bills running back through many Congresses and information which is of great value.

During vacation he spends his time in making investigations in aid of the work of the committee, so that the vacation for us is no vacation to him. The House of Representatives ought not for one moment to object to this provision in view of the fact that in that body there are two committees, the Committee on War Claims and the Committee on Claims, which deal with the bills, all of which go before the single Committee on Claims in this body. The work which the Committee on Claims here is obliged to do is work done by two committees in that House, and each of the committees in that House has not only an annual clerk, but an assistant clerk at a salary of \$1,440 a year. So they have for two committees of the House, considering the same bills which are before our one committee of the Senate, two annual clerks at a salary of \$2,200 each a year and two assistant clerks at a salary

each of \$1,440 a year, and here is a denial of the right of the Senate to give to its one committee, transacting all this business, one assistant clerk at a salary of \$1,440 a year. It is not fair to the committee, it is not fair to the Senate, and it ought not to be yielded to.

Mr. CULLOM. Mr. President, I desire to make a suggestion in reference to the action of the Senate. It is known that yesterday the understanding and unanimous agreement arrived at was that the bill under consideration in relation to the admission of Wyoming should be voted on at 4 o'clock to-day; and in pursuance of the arrangement the Senator from Alabama [Mr. MORGAN] took the floor this morning and got fairly started in an address to the Senate when he was interrupted by this conference report by his consent, not supposing that it was going to take any time. I appeal to the Senator from Massachusetts, who has charge of the conference report, that he allow it to lie over until after the bill for the admission of Wyoming is disposed of, so that the Senator from Alabama can proceed with his remarks.

Mr. DAWES. I think if the Senator will look at it a moment he will see that I ought not to do that. This is the last week of the fiscal year and the last day but one of the week. We have this bill and the sundry civil bill and the Indian bill—

Mr. SPOONER. And the agricultural bill.

Mr. DAWES. The consular bill, the Post-Office appropriation bill, and several others of the general appropriation bills unfinished.

Mr. CULLOM. I understand, if the Senator will allow me, that the motion to recede will probably be withdrawn, and if that is done the conference report can be disposed of at once, and in that case I shall have no objection, but I think it is hardly fair that the Senator from Alabama should be crowded out in this way under the circumstances.

Mr. DAWES. I beg the Senator's pardon. The Senator sees the necessity for it.

Mr. GORMAN. I agree with the Senator from Massachusetts [Mr. DAWES] that this bill is more important than any other which is before Congress, and we can very easily extend the time by general understanding on the Wyoming bill, even if this takes an hour.

Mr. SHERMAN. I desire to say that I do not wish to detain the Senate about this matter. If it is thought to be best to have a second committee of conference, I withdraw my motion and will let the ordinary motion be made.

Mr. CULLOM. I think we ought to have another conference, and I hope it will be done.

Mr. SHERMAN. Very well.

Mr. HALE. Mr. President, I was going to suggest that I hoped the Senator would do that in order that there might be another conference.

The trouble does not arise in the House of Representatives because of the case stated by the Senator from Wisconsin [Mr. SPOONER] nor because of the case in which the Senator from Nebraska [Mr. PADDOCK] has so much interest. It arises because the Senate has made so large an increase in the salaries of its official force, and that increase is in no degree answered by any increase in the House force; and there will be found by the conference the difficult matter, there will be found the issue; and although for one I am willing that there shall be another conference, and that these minor matters may be adjusted, as I have no doubt they can be, and save all the valuable force that is needed, I should feel when it comes back again that if the House still insists, rather than put the Senate before the country as insisting on this large increase in the pay of its official force, it will be better then for the Senate to recede and close this bill; and unless the Senator from Ohio shall renew his motion, then I shall certainly make it.

Mr. GORMAN. I want to enter my emphatic dissent to all that the Senator from Maine has said. This question is not one of the small amount involved in this amendment. It goes away beyond that. The Senate for itself, as it has the undoubted right to do, has determined the number of employes in this body that are necessary for the conduct of its business, and has fixed, in its judgment, the proper amount of compensation; and it will be very strange indeed if this body or the other, when that case is presented, should tamely submit to dictation from any quarter. It is not the amount involved or the number of employes, but it is the principle. The Senate heretofore and at this very session—

Mr. HALE. Let me ask the Senator a question.

Mr. GORMAN. In one second. I say that heretofore at this session the Senate did not hesitate and it has never hesitated to accord to the other branch of the legislative department precisely what they thought was necessary for the conduct of their business, and when their officers have not performed their duty faithfully and honestly, there was no hesitation on the part of any Senator in voting to make up that deficiency. That has been the universal rule, and in my judgment, Mr. President, the Senate can not afford to surrender upon this question.

Mr. HALE. Upon that the rule has undoubtedly been that in all every-day matters the decision which each House comes to as to the force that it needs and as to the compensation that any small increase of force calls for shall be assented to by the other body, and neither House has interfered much in such matters so far as concerns the other.

But if either House should to-day pass a resolution or incorporate into an appropriation bill a provision doubling the salaries of all its employees, the other House would not be called upon to consent to that and to make no controversy about it. Here is a case where the Senate has a large official force connected with the convenience of Senators, and the House has none such; and now the House has the clear right to object to any such large increase on the part of the Senate in its official force and its pay while the House does not see fit to incorporate any corresponding rule of its own. It is not a question of a few committees, it is not a question of a single committee, but it is the great question of the large increase which the Senate has put upon this bill, adding to the expenditures for its personal force. I maintain here and now that that is a contest which the Senate can not maintain, and that sooner or later the Senate will have to yield, not to intimidation from the other House, but because the House has a right as a co-ordinate body to see to it equally with us that the scale of salaries shall be reasonable here.

Mr. STEWART. I do not wish to debate this, but I desire to say—

Mr. PLATT. I want to make a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Connecticut will state his parliamentary inquiry.

Mr. STEWART. I shall get through in a moment.

Mr. PLATT. I will wait for a moment.

Mr. STEWART. I want to make my protest against surrendering by the Senate what the Senate knows to be necessary for the orderly conduct of business here. This question was thoroughly discussed and the measure carried by a large majority, and it is the judgment of the Senate that it is necessary to the conduct of business, and whatever the other House does to carry on its business, let it do; but we have nothing more than is absolutely necessary for us.

It is not a question of raising the salary of Senators, but a question of furnishing them with facilities to do the duties that are devolved upon them, and they are the best judges of that. To say that Senators shall not have the necessary force to discharge the duties required of them is economy in the wrong direction. In this very bill I can point out useless salaries four times beyond the amount of Senators' clerks' salaries, which are insisted upon and put in by the House. If they want economy I can show them where economy can be applied; but it is bad economy to deprive Senators of the ordinary facilities for discharging their duties to their constituents while they have those duties to perform, and it is expected of them to answer their constituents' inquiries and to attend to Department duties. While these functions are imposed upon Senators they must have assistance or they must be neglected. No Senator has the physical power to perform the duties required of him without assistance, and that was thoroughly discussed and passed upon here; and to say that we must surrender such an amendment when we know it to be necessary is to deny to the Senate the ordinary rights and privileges of such a body. I concur with the Senator from Maryland in his protest against the position taken by the Senator from Maine.

Mr. PLATT. I desire to inquire what is the regular order.

The VICE-PRESIDENT. The regular order is the Wyoming bill.

Mr. PLATT. Then unless we can have a vote at once on this report I shall call for the regular order.

Mr. DAWES. I understand—

Mr. PLATT. Wait one moment. I am speaking and I want to finish my sentence.

I know it is customary to bring in reports of conference committees; but under the circumstances when we had an hour for voting fixed at 4 o'clock this afternoon by unanimous consent, and the Senator from Alabama was making an address and other Senators desire to speak upon the question which is to be voted upon at 4 o'clock in the afternoon, I do not think we ought to take up the time of the Senate in the discussion of a conference report which may last all the time until 4 o'clock; and unless we can have a vote at once I shall call for the regular order. If the Senate is ready to vote on this question I do not desire to do so now.

The VICE-PRESIDENT. There is no motion pending now before the Senate.

Mr. DAWES. I do not know anything about the rules of the Senate, but if a conference report is not privileged I have been in the wilderness for twenty years.

Mr. PLATT. The making of it is, but the consideration of it is not.

Mr. DAWES. The Senator inquired of the Chair what was the order of business.

Mr. PLATT. I did not suppose the regular order had been displaced by the presentation of the conference report.

Mr. DAWES. I supposed it had been. I supposed a conference report was privileged and that it superseded a pending matter; but I do not want to spend any time upon it. The Senate can either insist or recede in five minutes if they choose. I have taken no time of the Senate in discussing it.

Mr. DOLPH. Is the motion to insist open to amendment?

The VICE-PRESIDENT. The Chair did not understand the Senator from Massachusetts to make any motion.

Mr. DAWES. Do I understand the Chair to say that there is no

motion pending? The Chair must have forgotten that I made a motion to insist in the beginning. The Senator from Ohio made a motion to recede. That took precedence of the motion to insist, but if he has withdrawn that there is pending the motion to insist.

The VICE-PRESIDENT. The Chair understood the Senator from Massachusetts to have withdrawn his motion and to have accepted that offered by the Senator from Ohio.

Mr. DAWES. I did not withdraw that motion, but the motion of the Senator from Ohio took precedence of it. That motion took precedence of mine, but it did not dispense with mine.

The VICE-PRESIDENT. The question is on the motion of the Senator from Massachusetts that the Senate further insist upon its amendments not disposed of by the report of the conference committee, and ask for a further conference thereon.

Mr. GORMAN. Mr. President, I supposed I had the floor as I only yielded for a moment to a question of the Senator from Maine.

I desire to say to the Senator from Connecticut that if an hour or two is consumed upon this conference report, which is a privileged question, and which is a most important one and the bill should be disposed of—

Mr. PLATT. I think the Senate is ready to insist, and that corresponds with the Senator's desires.

Mr. GORMAN. It would be but fair to other Senators to extend the time for the Wyoming bill vote by the time occupied in considering this report. I am not content simply with a vote, after what has been said by the Senator from Maine, to send this bill back to a conference committee. We know the Senator's standing in this body and on the conference committee, and I do not believe for one that we can afford to pass this matter over with the intimation to the other branch that upon the next conference we shall recede, or admit that we have employed too many persons here around the Senate. That is a question for the Senate to determine. If I remember aright, the Senator from Vermont [Mr. EDMUNDS] has already had a committee appointed by resolution to ascertain the proper number and compensation hereafter to be paid; but in the mean time, knowing perfectly well that the Senate has passed and does constantly pass resolutions to employ persons about the body and pay them out of the contingent fund, the Committee on Appropriations and the Senate itself determined that that was a bad mode of procedure, and therefore attempted to fix in this bill a fair compensation for all the clerks who are not annual.

As to their services being absolutely necessary, there is not a Senator on this floor who does not know the fact. It applies wholly to Senators who happen not to be chairmen of committees. Nearly every important committee in this body has one or two clerks, and a messenger, with a compensation exceeding the amount that is provided for in the amendments which the House does not agree to. The clerks of the prominent committees receive \$2,200 and the measure of compensation for the other clerks who do as important work here is fixed at \$1,800.

Mr. President, I say again that there is a principle involved.

Mr. DAWES. The Senator will bear the committee witness that, without regard to their own votes upon this question, they have stood by the judgment of the Senate.

Mr. GORMAN. I understand perfectly that the Senator from Massachusetts would stand by the will of the Senate as it had been expressed, but I desire to give emphasis to this vote of the Senate after the statement of the Senator from Maine that on the next conference we ought to recede, that we can not go before the country simply because we said that \$1,800 is the proper measure of compensation for these clerks who ought to be employed and who, for the public necessities, ought to be here the entire year, taking the measure of compensation fixed at the last session of Congress when we paid them under a resolution of this body which amounted to \$1,820 for the year. So there is no loss to the Government under this provision. It simply fixes the amount and determines the number of men we require, and in my judgment the Senate ought to stand by their former action and instruct the conferees to stand by the amendment as it is incorporated in the bill.

Mr. President, this body performs all the work that is performed by the committees on the other side and more. In addition to the ordinary legislation, of which there is not a feature that does not come here, as the Senator from Vermont [Mr. EDMUNDS] well said yesterday, every subject is considered in this body both in committee and by the body itself, and I join with him in trusting that it will ever be so. In addition to that, the executive work of the Senate exceeds, or at least almost equals, the legislative work. Therefore, sir, I do not believe in this matter of clerks that we have too many officers. In other respects we may have more than the House in proportion. That is a matter of inquiry by the committee raised under the resolution of the Senator from Vermont. But I go back of that and say that if we have too many, that is a question which the other House has nothing to do with. The Senate owes it to itself, in my judgment, to stand by this proposition.

Mr. EDMUNDS. I think my friend from Maryland, if he will allow me, restates the proposition that the other House has nothing to do with it a little too broadly. The House of Representatives has the same key to the purse of the people that the Senate has, and while a

due consideration to the judgment and views of each House by the other is one that always ought to be entertained, and will be I hope always, I think it is possible that it might happen that a case would arise—it is far from having arisen now, I agree—where the House of Representatives would be justified, and reciprocally in respect to some extravagance that we thought they were engaged in we should be bound, as the equal representatives of the people's purse, to say that we would not assent to that. But I only state that to qualify the broad remark of the Senator, for I agree with him that this case is not within that rule at all.

Mr. GORMAN. I agree with the Senator from Vermont, and that is precisely the idea I intended to convey. But in this case it seems to me there ought not to be any hesitation in instructing our conferees to stand by the action of the Senate.

Mr. GEORGE. I do not agree with what the Senator from Maryland has stated as the prerogatives of the Senate, nor do I agree that the proposition which the Senate has ingrafted on this bill, raising the salaries of clerks of Senators and clerks of committees which are not annual to the sum of \$1,800, is correct. I think the House of Representatives, after yielding of course something to the judgment of the Senate as to its own expenditures, is not bound to surrender entirely its conviction when an appropriation is made or asked to be made which it shall deem to be extravagant and wasteful.

I believe that money can be appropriated out of the Treasury only by law, and that no law can be passed except by the joint consent of both Houses. I think that possibly the expenditures of the Senate and of the House of Representatives have become of late very large, not to say extravagant. I do not go too far when I say that the annual cost of Congress now exceeds the whole annual expenditures for the support of the Government, including the Army and the Navy, under the early Administrations of this Government.

That is the fact, Mr. President, that now for the mere convenience of Congress we have reached a point where more money is expended annually than was spent for a year during the early administration of the Government for the whole expenses of the Government, civil and military.

I desired simply to say that much. I think the appropriation for clerk-hire is too high, and I think the House of Representatives have a right to say that it is too high.

Mr. MORGAN. Mr. President, within the last year we have admitted four States into the American Union which in their population and resources are almost equal, if not quite equal, to the entire body of the people of the United States in the earlier days to which the Senator from Mississippi [Mr. GEORGE] refers. They bring with them a corresponding volume of work, and indeed a very greatly increased volume of work, which takes those gentlemen up to all they are capable of doing to provide for the organization, and the first steps to be taken in the government of those great States and corresponding duties of course devolve upon the rest of the Senate.

We have here far less than a third of the numbers of the House to consider in committees every bill that the House passes upon and send to us. It has 325 members and its committee duties are divided between that great number. Of course it does not devolve upon the individual member of the House as much of personal labor as the duties of a Senator require at his hands here.

More than that, if the House of Representatives think that they need more force, or if they think that they need clerks, and if they have the courage to demand them, the Senate of the United States would not be reluctant at all, I think, in granting to them any sort of assistance that they might say as Representatives by their votes that they needed for the dispatch of the public business.

It is not correct to say that these officers with whom we are surrounded here are for the convenience of the Senate or the convenience of Senators. They merely share with us labors which would tax us beyond the powers of human endurance if we were not thus supplied with assistance. My observation has been that the details of the business of the country with this vast population of 65,000,000 of people, a great many of whom have business to transact here, have been very much better attended to since Senators were supplied with this assistance that we got from the law than before. I do not believe that there is any money expended in the public service which really does the people more good than that which gives to the Senators in this body the assistance of clerks for the transaction of the business of their constituents.

There are very few gentlemen on this floor who have the opportunity in the course of their service in this body to attend to their private affairs. I can say so very truly in regard to myself, and I think almost any Senator here would bear me out in saying that his own personal business is continually neglected for the sake of rendering full and efficient service to the Government of the United States. There are very few Senators in this body whose time is not taxed every day and every night in the week, and Sunday included, for the transaction of the necessary business devolved upon him. Most of us have five or six committees that we are obliged to visit. We are all the time trying to get out of committee duty. I do not mean that we are shirking the duty, but we are trying to be relieved from the numbers of committees that

we are assigned to in this body, and almost every Senator here has five days out of the six occupied in committee work, during which time he is bound to neglect the departmental service that he must render properly and naturally to his constituency and is bound to neglect his own private affairs.

Now, the Senate is not setting itself upon too high a plane when it is asking this assistance from the Government of the United States. You may go into any one of the great Departments of this Government and you will find that the presiding officers of the bureaus have more assistants, at a very much larger cost to the Government, than Senators have here; and yet I dare say that there is scarcely a bureau in this Government which is of more importance to the country than the labors of any Senator who might be mentioned. Why can we not ask a contribution from the people of the United States for our sustentation and our assistance in the transaction of business that is peculiarly and solely the business of the Government of the United States and the people for whom that Government exists?

So I have not felt chary in my advocacy of liberal assistance to Senators on this floor in the transaction of these duties. I am, therefore, against the suggestion of the Senator from Maine that we shall recede, which motion he says he will make as soon as he gets back into conference. I regret very much that the honorable Senator gave the weight of his personal opinion and suggestion that he would make that motion before he came out of conference upon this report. The Senate has acted in good faith about this matter. It was discussed and understood, and it is not that Senators are desiring to benefit themselves, but the country, that we put in this amendment to the bill.

The VICE-PRESIDENT. The question is on the motion made by the Senator from Massachusetts [Mr. DAWES], that the Senate insist upon the amendments undisturbed of by the conference report and ask a further conference thereon.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. DAWES, Mr. PLUMB, and Mr. GORMAN were appointed.

ADMISSION OF WYOMING.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 932) to provide for the admission of the State of Wyoming into the Union, and for other purposes, the pending question being on the amendment of Mr. JONES, of Arkansas.

The VICE-PRESIDENT. The Senator from Alabama [Mr. MORGAN] is entitled to the floor.

Mr. GORMAN. If the Senator from Alabama will yield to me for one moment I suggest to the Senator from Connecticut that we shall by unanimous consent extend the time to take the vote until half past 4 if there is anybody who desires to speak when the hour of 4 o'clock arrives.

Mr. PLATT. With the understanding that if any one desires to further discuss the matter at that time, I will consent to the extension.

Mr. GORMAN. Yes, until half past 4 o'clock.

Mr. PLATT. But if the Senate is ready to vote, let us vote at 4 o'clock.

Mr. GORMAN. Certainly.

Mr. MORGAN. Mr. President, if the people of the United States feel no greater interest in this bill and in the amendment proposed by the Senator from Arkansas than the Senate of the United States exhibited during yesterday and, in fact, during the whole of the discussion of this great measure, it would be hardly worth while to take up any time to indulge in any explanation of the principles upon which it is based or the facts in reference to which this enactment is proposed to be made. Either the majority of the Senate of the United States has come to some understanding or agreement that this bill is to pass notwithstanding any objection that may be urged against it or any argument that may be made, or this matter of drawing States into the Union has got to be such a commonplace affair that it scarcely attracts the attention of the gentlemen who are concerned here as ambassadors of their own States.

The admission of a State into the American Union is to my mind the most solemn and the most important event with which the Senate of the United States has to deal. We have pretty nearly exhausted all the territory that we have in reference to which we can exercise this very high function of creating, by our consent, local sovereignties within the boundaries of this great Union. It seems to me that in the disposal of the remainder of the Territories there ought to be the most thoughtful and careful attention given to all of the future interests and welfare of this country, not merely connected with the local benefits to be derived by the people who are immediately concerned, but also in respect of the great feature of our Government, preserving a just balance of power in this body between the different geographical sections of the country.

The protection that is thrown by the Constitution of the United States around the respective States in the persons of their Senators and in their influence in this great tribunal indicates that there ought to be the most conservative care exercised in regard to the admission of new States into the Union. No State can be deprived, without its own consent, of equal representation in the American Senate. That is a de-

tree which must continue as long as the Constitution continues, and it seems to be the only thing in the Constitution that is incapable of amendment. It is a guaranty upon which we have entered into the Union, from every State to every other State, that during the continuance of this form of government no State shall be deprived without its consent of its equal power and its equal right to vote in this body. All amendments that may be proposed, all features which are open to amendment in the Constitution besides this, are subject to the control of two-thirds of the two Houses and three-fourths of the Legislatures of the different States, or to the control of a convention which may be assembled in obedience to the Constitution. But it is a very significant fact, and one that, it seems to me, ought to be considered in every case of the admission of a State into the Union, that when that State comes here it comes clothed with that exceptional sort of sovereign power which prohibits a reduction of its authority in this body unless by its own consent.

The representation of each State in this Union is equal without reference to its area or its population. There are some States in the American Union of very diminished area, some with diminished and diminishing population, some whose voting capacity as exhibited in its elections has got to such a low degree as that many counties, even in the rural districts of the United States, cast as many votes at the ballot-box as an entire State. If such States were now presented for admission into the Union upon the basis of their population, and especially upon the basis of their population as contrasted with the enormous area that they possess and control, the question would scarcely be debatable, under the present condition of public sentiment and the present understanding of our Federal and State relations, whether they could now be admitted into the Union. But being here it makes no difference. If their population shall dwindle until they become minimized almost absolutely; I will say that if there were but a hundred men left resident in a State that has representation on this floor, those hundred men through their suffrage would exercise in this Union, beyond our power to control it without the consent of that State, the full power that might be exercised by the largest and most imperial, as we term them, of our States.

So, Mr. President, in the admission of a State into the Union it is well worth our while to be very careful in respect of the population of the State, its future prospects, and also in respect of all those matters which indicate good faith, or the want of it, in the proceedings which have resulted in the presentation of the State here for the full rights of statehood. In times past we have had many controversies, some relating to the question of slavery and others of a different character, some relating to ementes and outbreaks that have occurred within the borders of Territories that desire to be admitted here, some attended with physical violence and threats of violence which seemed to have induced the Congress of the United States, in order to pass by a critical period of disturbance, to admit States into the Union which I think would not have been admitted upon a more deliberate and careful and cooler consideration of the surrounding circumstances.

I do not, Mr. President, regard myself bound by any precedent which has been established under those circumstances in the exercise of my power to vote upon the admission of a State into the American Union. Looking to the rights of my own State and the other sister States of the American Union, I think I have the clear right and also the obligatory duty resting upon me to ascertain as best I may whether the proposed State seeking to be admitted into this Union has shown a degree of qualification in the proceedings which have led up to the organization that presents itself for admission and in the constitution which it presents, to see whether or not it is in all respects such a civil community to be invested with local powers of sovereignty as will work out in its future proceedings a harmonious line of action and harmonious results in correspondence with the history of the country and with the action of the other States of the American Union.

There is another feature in that part of the Constitution which confers upon Congress the power to admit States into the Union, and that is that they shall be admitted upon terms of equality with the original States. In the adoption of that feature of the Constitution we took the condition of the original States in all material respects as furnishing the standard and the guide by which we were to measure the competency and qualifications of the State proposed for admission into the Union; and where we find a State seeking to be admitted into the Union that strikes out upon new lines of policy, social or otherwise, we have the right to be very careful to see whether or not, after the State is admitted into the Union, terms of equality shall exist and subsist between that State and the original thirteen, I will say, in the spirit in which the Constitution provides that they shall exist.

Moreover, Mr. President, in the admission of States into the Union, where we have a right of selection and where we have a duty of selection between the one or the other that may be proposed to be brought in, there are some other very important considerations, it occurs to me, which ought to be taken into view.

I had the honor of voting for the admission of the State of Washington and the Dakotas and Montana into the Union under enabling acts, which were thought to be the most proper and just way of get-

ting those States into the Union; and while I have some objections, and some serious objections, to certain of the fundamental provisions of the constitutions on which they were admitted, and while I objected also that the President of the United States should not have authority by proclamation to admit those States until their constitutions had undergone the supervision of the Congress of the United States, there was still another and, to my mind, a very important general and political reason why those States should be brought into the Union as early as possible.

Mr. JONES, of Arkansas. Mr. President, I hope that we shall have order in the Senate. Audible conversation is going on so that it is almost impossible to hear the Senator from Alabama in his remarks.

The VICE-PRESIDENT. The Senate will be in order.

Mr. MORGAN. I am very sorry to interfere with other Senators, Mr. President, but I do not make the objection myself, because I am speaking to the Reporters and to the outside country. I do not expect to speak to the dead ears of this Senate. Though one should arise from the dead, though a prophet should come and speak to us in our hours of amusement and entertainment or while we are working our political projects and plans, I think he would not be heard by this body.

Mr. JONES, of Arkansas. I left my own seat to get near the Senator so as to hear his remarks, and I should be glad to be allowed to do so, but I can not hear him as near as I am to him here.

Mr. MORGAN. Mr. President, I gave my support in the Senate to the bill providing for the admission of the four States, South and North Dakota, Montana, and Washington, as I stated, notwithstanding I had some objections at that time to what was understood to be the constitutions that those States would submit for our ratification; and I particularly objected that the President of the United States by proclamation, after he had examined those constitutions and found them republican in form, should be permitted to admit those States into this sisterhood. In a debate that occurred in the Senate recently we found that there was a good deal of acrimony of feeling that grew out of certain political procedure in the State of Montana. I do not know that the Senate has been more exercised over any question since I have been in this body than over that, all of which would probably have been avoided if we had taken a course of greater deliberation, greater circumspection with regard to this very important subject of admitting States into the Union.

I am here to-day to plead for deliberation and for circumspection. I am here to plead against the possible influence of any political excitement or political expectation upon the question of the admission of any State into the American Union.

I was more attracted to the measure of which I speak by the fact that it was provisional, that it was an enabling law, than by any other feature of the case except one, and that was that it in its results, after those States should come into the Union, would create a cordon of States on the Canadian border, where I have thought ever since my attention has been attracted to public questions that it was very necessary that we should have in full exercise all of the moral force as well as the national power that belongs to our system of government. We filled up the gap along the entire Canadian border except what we might call the pan-handle part of the proposed State of Idaho; and I would prefer the admission of Idaho to Wyoming, so far as that matter is concerned, just upon that account, for as little as we may think so now, the time will arrive, I believe, in the not very distant future, when there will be a very decided impression made upon other countries and other nations by the fact that we have assembled upon the borders of Canada a series of great States whose people, animated by statehood and by all the beneficent consequences that surround that idea, will settle, improve, and strengthen themselves and their country in every possible way.

In 1850 President Taylor sent his annual message to the Congress of the United States, and a little later than that he sent a special message to the Congress urging the admission of California and New Mexico as States into the Union. It is true that in doing that he, in some measure, endeavored to escape a question in regard to slavery which was then threatening the peace of the country, but he presented in those messages, as I remember them, very important considerations aside from the particular question or issue, which induced him to make an earnest recommendation for the admission of California and New Mexico as States into the Union.

His recommendation was urgent, and was on the ground that those areas were fitted for statehood, and that it was a duty we owed our newly acquired citizens under the treaty with Mexico.

That was forty years ago, and President Taylor and his able Cabinet were at that time fully prepared to recommend the admission of New Mexico into the Union along with California upon the population that she then had. I will not go over the reasons which were assigned in that message, except very partially in the argument of another branch of this proposition, to which I expect to advert; but the recommendation of the President's message on that occasion was that West California should be admitted. I am not able to describe precisely what the boundaries of West California were as they were understood at that time, but I think that they cut down considerably into what is occu-

pied almost entirely by the State of Nevada and perhaps came as far east as the country that is now occupied by a portion of the Territory of Utah.

Suppose that from that time to the present we had found the same excuse for delay and postponement in respect of the admission of California into the Union that we have managed to find in respect of the admission of New Mexico, recommended in that same message, what would now be our relative position upon the Pacific coast to the other nations of the earth, with a Territorial band or strip along the Pacific coast? If we had pursued towards California the same policy that we have towards New Mexico, we would have a Territorial band stretching along the Pacific coast, with no more power, no more attractiveness, no more unification or solidification of its communities or its political authority than is found in these other Territorial organizations of our country, all of which are intended to be merely preparatory and temporary.

That magnificent State which stretches now with a seacoast on the Pacific of about 600 miles would have been comparatively a wilderness.

But California, through the attractiveness of its mineral resources as well also as the fertility of a great portion of its soil, drew to it rapidly a population from the Central and Eastern and Southern portions of the Union. The people of the South migrated to that country in quite considerable numbers, and are there now. We found a sufficient element of white population immediately assembled there to justify us, in the opinion of Congress, in receiving California into the Union under conditions and circumstances that were certainly abnormal, that were very much objected to; but it was the pressure of the slavery question that caused the people of the United States at that day suddenly, as I may say, and without any preliminary preparation, to admit California as a State into the Union.

It has always seemed to me that the guaranties contained in the treaty of Guadalupe Hidalgo in respect to the populations of California, Nevada, New Mexico, and Arizona were obligatory upon the Government of the United States. After a year of probation, in which a Mexican citizen had the right to determine for himself whether he would remain in that country and accept the United States citizenship, the guaranty in our treaty was that they should be entitled to all the rights and privileges and benefits of American citizenship. I do not say that treaty in terms compelled the Congress of the United States to organize those communities into States or into any other form of political government that we choose to adopt, but the understanding was between Mexico and the people of the United States that those people, by force of the treaty, became citizenized, that they should be respected as citizens of the United States, notwithstanding their illiteracy, notwithstanding that they were Spaniards, or that they were Indians. We removed from that people, by the treaty that we adopted, every disqualifying influence to full and complete enjoyment with the citizenship of the United States, and having done that it does not lie in our mouths forty years after that time still to postpone conferring upon those people the rights of statehood merely because it is suggested in some directions that they are not a people who, in point of literature, have the capacity to deal with the questions at the ballot-box which concern themselves and all the rest of the people of the American Union.

New Mexico and Arizona, by the attractiveness of their soil, and far more, I believe, by the attractiveness of their great mineral wealth, have drawn into their borders a very large number of the most intelligent and most enterprising men of the whole country. I believe that to take them man by man among the white inhabitants of those two Territories, those who have gone there would measure with the men of any other State in the American Union in the respects to which I have been alluding. There is an infusion of Indian and Spanish population there, but there are not more Indians, I believe, in New Mexico or Arizona than will be found in Wyoming or in Idaho. That infusion of Indian population, although it is citizenized, we have seen from the report of Governor Prince, of New Mexico, which has been read here by the Senator from Arkansas [Mr. JONES], are becoming enlightened. They have had long experience in the matter of casting the ballot, in the matter of jury trials. They have accommodated themselves in their experience as well as in the information that they have gained to all of the institutions that prevail throughout the States and Territories of this Union; and they certainly are in a far better state of preparation for the exercise of the rights of citizenship than the negroes in Alabama were when we conferred those rights upon them by an amendment to the Constitution.

You may take the white and Indian and Mexican population in Arizona, and the white and negro population in Alabama, and if there were any possible chance to get a correct general average between the two in respect of the capacity and ability of these different classes of people to govern themselves and to assist in governing other people, the advantage would be found in favor of Arizona and New Mexico. The standard would range higher than it is possible to put it where the suffrage among negro population is universal. Being compelled as I am and as we all are to recognize the equal rights of the negro race to participate in the suffrage and in the holding of office, and in all other matters that concern the affairs of the State and of the United States Government, I am not prepared as an honest man to say that the peo-

ple of my own State, take them by and large, occupy a more elevated position, a higher range of capacity and ability for local government or for general government than the people of New Mexico and Arizona.

So I do not find that there is any insuperable difficulty in the character of the population in either Arizona or New Mexico for admission as States into the Union. I do not hear of the prevalence of Mormonism in either of those Territories. If it is a fact that it prevails there, it is something that has been overlooked. Neither the priests nor the politicians, I believe, have paid the slightest attention to the existence or non-existence of Mormonism in Arizona and New Mexico.

But the brand of that so-called faith rests upon the people of the Territory of Utah, and it makes no difference if the Gentiles have been able to carry the elections in Salt Lake City; it makes no difference that the offices in that Territory are occupied by Gentiles; it makes no difference, it seems, that the powers of the Government of the United States are being continually exercised to break down that denomination of so-called christian people; it makes no difference that they presented a constitution here in which polygamy was absolutely prohibited beyond the power of repeal, the moral brand has attached to those people in Utah, and they, with not less than 200,000 of population, with a great city, splendid farms, mines that have yielded larger during certain years than any other of the mines of the United States, a most enterprising and orderly population, have been condemned to a perpetual Territorial existence. I suppose that if politicians in the United States had their way with them they would wipe them out with the sponge of extinction; there would be nothing left of them.

Utah has no chance for statehood, and there is but one possible obstruction to it, as everybody will admit, and that is the fact that in their Territorial condition heretofore, and before the Government of the United States by the strong arm of legislation took hold of their institution and virtually abolished their church, certainly abolished it as a political corporation, those people practiced the profession of polygamy and have put themselves in a condition where they have no sympathy, where they have no rights that we think it is necessary to guard and protect, and where we can not conceive or imagine that they are to be entitled to statehood.

There is a moral delinquency, there is a moral stain upon the whole community of Utah that keeps them from coming as a State into the American Union. Why the same people, men and women, should have been permitted to vote a constitution for Wyoming, that is silent as to polygamy and Mormonism, the Republican party understands, and the country will not be slow to comprehend. I am not here for the purpose to-day of suggesting an enlargement of the amendment proposed by the Senator from Arkansas so as to include Utah. Why so? Because public opinion is not yet ripe for the admission of that Territory as a State into the Union, and I respect public opinion upon matters of that kind.

But, Mr. President, for forty years, not public opinion merely, but Presidents of the United States and illustrious Cabinets have been suggesting and urging the admission of New Mexico into the Union as some compliance with the implied, if not with the expressed, obligations of the treaty of Guadalupe Hidalgo; and yet we are reluctant, yet we defer it. Why do we defer it? To what time do we defer it? On what account do we defer it? What do we expect to accomplish by the postponement of the admission of New Mexico in favor of the intelligence or the morality or the elevation of those people? Nothing, sir. No Senator has been able to point out and none will be able to point out any fact existing, or expected to exist, the removal of which or the remedy of which will entitle New Mexico to come into the Union. It is an indefinite postponement of her admission, a postponement without cause or reason, without justification, and contrary to the spirit of our own institutions and our own treaties.

Why, sir, there is found one of the most energetic and powerful communities in any Territory in the American Union. Those men have spread their influence, the influence of high civilization, over that Territory in places where it was not expected that a human being could live, and through their irrigation and cultivation of the soil large and abundant crops have sprung up in New Mexico, and upon the plains and the hillsides and river valleys that were considered to be absolutely sterile. I do not know any community in the United States that really compares with the people of New Mexico in the development of their natural resources, considering all the embarrassments and difficulties under which they have labored. They are there with enormous masses of coal at their command, with valuable bodies of iron ore. The fundamental conditions exist there for the building up of the most prosperous of communities. It is the only place I have ever been where a man could dig coke out of the ground that had been made by the sweeping fires that passed over the coal beds that were exposed on the surface of the earth.

The mineral power and wealth of New Mexico is unexampled and inexpressible. It is true she has not got a very great amount of running water; neither has Kansas. Kansas, from the middle of that State back towards Colorado, is as far from being a well watered State almost as New Mexico; yet by irrigation, by strife with the elements of nature, by continual labor, those people have built Kansas up into a wonderful agricultural development. If Kansas had the mineral

wealth in her borders that New Mexico has she would be as rich as California.

But are we to neglect Territories entirely either because their people are somewhat illiterate or because the surface of the earth does not bear fruit except under the compulsion of the hand of labor and of skill? If we had waited for these things there is many a highly populous area in the United States to-day that would be a desert at this moment.

But let us come to the other proposition of filling up the boundary line between California and Texas with organized States. Does any man in the Senate fail to see a great opportunity in the achievement of that result? Why, sir, without reference to any future possibility of hostility between ourselves and Mexico, without reference to future strifes that may arise between us, having a view to nothing else than mere commercial competition and the protection of our border there against the intrusion of wild bands of Indians, and against intrusions by Chinese and others, and against smuggling, we have the most important reasons for concentrating upon the southern border of our country between Texas and California organized States that will carry into that area the attractions that draw heavy populations. We need organized States upon our borders far more than we do in the interior. The spread of the power of the United States can not be adequate to the majesty and grandeur of this Government unless our populations are found distributed around our outside borders and are there organized into States.

Now, it was these inducements, as I have said before, more than any other that caused me to vote, against many objections that I had, for the preparatory steps that were necessary to bring into the Union the four great States of which I have been speaking, three of which lie along the frontier of Canada. I do not believe we have accomplished for the people of the United States anything in a half century that is more beneficial, that gives us greater security, that will develop our progress to its full extent, than the bringing in of those four States in the Northwest.

When I voted for those bills I knew that those States would be Republican. I had a mere suspicion or expectation, I will call it, that one of the States might send Democratic Senators to this body. Notwithstanding I felt the need, and do now, of Democratic power in this body as much as any man in it, and would prize it as greatly as any person here, I did not hesitate to vote for the admission of those States into the Union, as I have said, contrary to many objections that otherwise would have prevailed in my mind; nor did my colleagues on this side of the Chamber refuse to vote for that measure. We stood then, as we stand now, for measures that will benefit the country, whether or not they will bring an increase of power in Congress and in the electoral colleges to the great party we belong to. We laid aside the question of how much influence those particular States might exert in the particular Presidential election now approaching.

I trust, sir, that the time will be, if it is not now, in the Senate when those gentlemen who have charge of the great destinies of this country will be able to look beyond a particular Presidential election and the fruits of that election in the distribution of the offices among their friends or power in their own hands, and will be able to read on the more distant horizon of the glory, progress, and the firm establishment of this great country upon principles of government that will endure and bless the people.

But, sir, it has seemed to me that this broad proposition brought forward by the Senator from Arkansas has not met with the slightest favor in this body on the other side of the Chamber. Why it has not I am unable to say. Why it is that we could not take the very same statute, *mutatis mutandis*, that we applied to the four States that we admitted during the last Congress and apply it to the four ready to be admitted now I can not understand. There is some hidden reason for this. There is some impulse that causes Senators on that side, who brought forward the proposition to admit four States under the provisional act provided in the last Congress, to disregard it entirely when the same proposition in substance is presented from this side of the Chamber.

Mr. PLATT. Will the Senator from Alabama permit an interruption?

The PRESIDING OFFICER (Mr. SPOONER in the chair). Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. MORGAN. Certainly.

Mr. PLATT. The Committee on Territories of the Senate pursued the same course in the last Congress with regard to the admission of new States that it has at this session. It reported several bills, and the Senate passed certainly bills for the admission of South Dakota and Washington through the Senate. The proposition to combine the admission of four or five States did not come from the Senate. It came from the other branch of the Legislature, and was reluctantly accepted by the Senate, so far as it was accepted, because we felt that that was the only chance to do justice to the Territories which we had already reported favorably upon and for whose admission we had passed bills through the Senate.

Mr. MORGAN. Well, the proposition to admit the four States that we admitted last Congress came from the other side of the Capitol.

This proposition comes from the other side of the Capitol. We concurred in the proposition which came from the other House in the last Congress. Why not send a proposition of the kind that they sent to us in the last Congress back to them now, and ask them if they will not concur in a measure that is so just and so proper? That is the only way, Mr. President, really to eliminate from the subject the suspicion of political influence, and only political influence, as being the operative cause of the passage of this bill.

I regard the proposition of the Senator from Arkansas as being the most important and most beneficial to the people of the United States that has been presented in many years to this body. It will have a reviving effect upon immigration and industry of every kind in all these four States proposed; and after expressing our opinion here upon what the constitutions of these new States ought to be, in order to make them not merely republican in form, but in correspondence with the original thirteen States or the States now in the Union, we can afford then to go on and allow them under their constitutional conventions, organized in due form and by legal authority, to establish for themselves an organic law and to come back here to be admitted into the Union.

It must require some violent emergency to justify us in the action we are about to take.

There is no haste about the admission of Idaho or the admission of Wyoming into the Union that does not equally apply to New Mexico and Arizona, unless it may be the political calculation that when these States are admitted into the Union there will be six more Republican electoral votes to be counted by the Houses in deciding the next Presidential campaign.

Senators can not very well escape these conclusions. They may imagine that the country will not suspect them of such designs, or they may even proclaim that personally they have no such designs, but that this bill was born of that feeling there is not a doubt in the world. Why Wyoming and Idaho have been now selected out of these other Territories to be christened and admitted into this great sisterhood is a matter of pure political calculation and nothing else, and no one is going to be deceived about it.

My judgment is that when we come to play at politics with these great institutions, the right of American States, distributing the powers of statehood in a way that disturbs the balance in the United States so seriously, like powers on a chess-board, as we are about to do, the people of the United States will want to know of us why it is that we pick out particular States to be admitted when there are others seeking admission, that have been seeking admission for years together, which are silently rejected or contumeliously banished from the doors of the committee-rooms and from the Senate.

I am not prepared to say, except as Senators have informed me in their speeches here, how frequently constitutions have been formed and presented to the Congress of the United States for the admission of New Mexico as a State into the Union, but there certainly have been several instances where unobjectionable constitutions, adopted in a form and under circumstances to which there could be no reasonable exception, have been presented to the Senate and the other House and they have been repulsed. Now, that we should turn around on the eve of an approaching Presidential election—for we are very close to it—and more particularly on the eve of an election during the next fall which is likely to be one of very great interest to the people of the United States, and take two States, pick them out of the Territories of the Union and pull them into the Union by the ears, looks to me as if it were a sort of operation that was not to be justified by any sound principles of statesmanship or any great public necessity, but that has found its justification in the minds of its promoters only in the fact that they were increasing their own political influence in the next Presidential election and in other elections.

Why do we select two Territories for admission as States and compel them to elect Republican Senators, and leave two others that may be Democratic States?

I do not know why this proposition to admit the State of Wyoming was taken up first, whether it was accidental or not. I do not know whether the committee shrunk from what is alleged to be the very patent gerrymander that is in the Idaho bill.

Mr. PLATT. Does the Senator desire information as to why it was taken up first?

Mr. MORGAN. Yes, I should like to have it.

Mr. PLATT. It was first considered in the Committee on Territories and reported to the Senate on the 20th of January. The consideration of the case of Idaho was delayed on account of the clause in its constitution which was said to disfranchise Mormons from voting, and that bill was not reported to the Senate until perhaps six weeks or two months later. So the Wyoming bill stands first on the Calendar, No. 185, and the Idaho bill stands very much later on the Calendar.

Mr. MORGAN. Well, it is a fortunate circumstance, if the committee have that way to account for it. However, after it was found that the Mormons in Idaho had the right to vote I do not find that the committee made any exception or turned them back to ascertain whether they could not carry this constitution without their support. They took Mormonism in Wyoming and the gerrymander in Idaho!

Mr. President, if it had been Utah that was here in place of Wyoming, Utah being supposed to be Democratic, the stain and abomination of the Church of the Latter-Day Saints would have rested upon it with such an incrustation of immorality as that committee never would have been able to get through it with a pick in a month's work. But when one of these other Territories is to come in as a State, loaded over and interlarded with Mormonism, and the women voting too, there seems to be not the slightest difficulty in her admission, and the committee even boast that it is according to the laws of high morality as well as good politics that this State should be brought into the American Union. I can imagine the gagging, the revulsion, and the physical and moral excitement that must have obtained amongst the committee, and especially with the honorable chairman of it, when he had to hold his nose in committee and vote for the admission of this Territory into the Union with its Mormonism.

New England, which cuts out the pace of morality and everything else, I believe, for the United States, has been particularly loud and earnest in the denunciation of Mormonism, and has sent out a number of commissions and societies of one sort and another, and a large amount of money subscribed and to be expended out there in the elimination of Mormonism in Utah and all that surrounding country. But when Wyoming comes with a gerrymandered vote, so that there is not any possibility in the world of the election of two Democratic Senators from that State, and with the attention of the world called to the fact that the Mormons and their wives have been voting there and have carried the election, there seems to be peace and quiet and harmony and good feeling.

Politics, it is said, Mr. President, makes strange bed-fellows, stranger even than Mormonism. It is a bad day for our country when, denouncing, as we do in our laws and in the execution of them, this moral blight upon the country, the Senate of the United States is found ready to adopt it with all its hideous enormity, and hug it to its bosom for the sake of getting a little political comfort and strength out of it.

We are told in regard to Arizona—I gather this information from the speech of the Senator from Arkansas [Mr. JONES]—that that Territory was organized on the 24th day of February, 1863, and is therefore older than both Wyoming and Idaho. Arizona has 112,920 square miles, and it had a population in 1890, the last census year, of 44,440, according to the census returns, twice as many as Wyoming had.

In those particulars there is no reason why if Wyoming is prepared for statehood Arizona is not. Arizona is traversed from end to end by the Southern Pacific Railway and in a large part by the Atlantic and Pacific Railway. It lies just to the east of the great State of California, just to the west of the great Territory of New Mexico, and on the south it is bounded by the Mexican line. Whoever has passed through that Territory within the last three or four years is bound to confess his pleasant surprise at the very rapid progress those people have been making in agricultural as well as in mineral development. They are building up bright and beautiful towns. Their people are going up into the gulches of the mountains and confining the waters and distributing them about over the sage-brush plains which we are in the habit of calling deserts, and they are raising fruits equal, if not superior, to California both in quality and in quantity. It certainly is the most delightful country in the world for the growing of fruits, requiring not much irrigation and having the command of a very much larger supply of water than people are in the habit of thinking.

I do not know any community in the United States more active and vigorous and energetic or money-making than the people of Arizona. They are alert about all their interests. They are there upon the Mexican border where they are going to have on the Gulf of California at an early day a very important trade. The bordering country on the Gulf of California, on the east side of that gulf, is very rich, and has an immense commerce that must find its way into Arizona or into California. To get to California much of it has to travel quite twice the distance by sea, that separates it, for instance, from San Diego. You go down the gulf with your ships until you pass the point of the peninsula, and you turn and measure again that full distance, and then you start on your journey to San Diego, to Los Angeles, or to San Francisco, or to the mouth of the Columbia River with your exchangeable productions. Now a very rich country, already penetrated by railroads, it will become a country from which there will be derived by the people of Arizona in the near future an immense trade, such a thing as a man is incapable of understanding or conceiving of unless he has been into that country and knows of its growth and its power.

There is not a more fertile region in the United States except in those places, and there are not very many of them either, where they are covered up by drifts of sand. The detritus from the mountains to the west, most of them very largely supplied with fertilizers of a valuable quality—marl and other fertilizers—is blown by the trade-winds across to the east. Any one who looks at the face of the country will see that there has been in Arizona the distribution of an immense amount of fertile soil that waits for nothing but water to make it one of the most beautiful and productive regions of the earth. In travels which were divided by a space of less than two years through that country I do not know that I ever experienced such astonishment at the progress of a people as I did at those of Arizona.

Now, why should these communities with that vast system of railway, with all their grazing lands, and their mineral lands, and agricultural lands, lands that produce these fine fruits, be kept out of the Union? Who can state a reasonable objection to those people coming as a State into the American Union and being entitled to all the privileges and advantages of statehood? Who can answer the argument or the point that in a national sense it is for the security of our commerce as well as for its expansion that there should be two States upon that border occupied by the present Territorial limits of Arizona and New Mexico? Who does not know that if the invitation of permanent government and statehood was extended to the enterprising people of the United States to go into those Territories and settle them up, the people would flock there and immediately build on the border of Mexico, which is now an unmarked line in a desert land, one of the most thrifty communities to be found anywhere in the American Union?

What are we to derive through a people like that, who have access to all of that magnificent *mesa* that commences to rise at the Gila River and ascends in a slope that is imperceptible to the City of Mexico, filled with minerals of a most valuable character, including large deposits of iron and petroleum, with grazing ground of almost unimaginable extent, a sugar-producing country, a fruit-producing country, a country that must yield its wealth through a proper traffic into the hands of the men who will occupy and control the States of New Mexico and Arizona? Who can not see that it has become an important duty of the people of the United States to organize statehood there, just as important as it was to organize it in Washington or in Montana?

Mr. President, when we play laggard in order to contribute what we can to the strength of a political party in a Presidential election and make the destiny of great States to hang upon the miserable point as to whether they are going to vote Democratic or Republican in the next Presidential campaign, when we delay doing our duty for considerations of this kind, we need not expect to be excused or overlooked by the indignant people of the United States. They will call us to account for it. They understand what we are dealing with. They know that we have higher functions to perform here than merely to elect a Republican or a Democrat to the Presidency.

In respect to the admission of States into this Union, which after they have been admitted are absolutely inextinguishable and must stand as a permanent political power as long as the Government stands, they know that in the exercise of that high power on our part we are dealing with the gravest and most important question that we ever have to touch in our Senatorial capacity, and they will expect an account from us of reasons that are satisfactory, reasons that are conclusive, to sustain the necessity which we are now pleading here for delay in the admission of these Territories as States into the Union.

The people of the United States can see that if Arizona and New Mexico and Idaho and Wyoming are brought in together there could not possibly be a decided political calculation involved in the act. They would understand that the Senate of the United States, for once at least, had separated itself from these minor and miserable considerations and had got its consent to stand up and look the questions of the future in the face and to shape the destiny of this great country according to its political and geographical necessities and the rights and interests of its people. That is what we ought to do. Now that we have the opportunity we ought to show to the people of the United States that we consider their welfare in the future and the balance of power among the States as being of far greater consideration than the re-election of Mr. Harrison, for instance, to the Presidency.

But Arizona stays out. So far as I can see now, Arizona has no prospect of being admitted as a State into the Union. It seems that we want upon our Mexican border there a howling wilderness; that we want a place where smugglers can tramp across the line and Indians can come and invade us without resistance. It seems that we want a place down there that shall draw no trade from the great and rich resources of Northern Mexico, which is cut off from access to the sea, at least from access to the Atlantic coast entirely, and which will pour in its productions upon the great railroad that we have built through there and seek an exit at San Diego or at New Orleans.

It seems, sir, that we want everything in respect of these Territories to remain *in statu quo* until they can come into the Senate with a pledge of political support for the party that happens to be in power, whether it is Democratic or whether it is Republican. Any one of those Territories could be admitted here to-day by a Republican House and Senate or by a Democratic House and Senate when they would give a reasonable security to the Congress of the United States that their vote in the next Presidential election would be in accord with the prevailing sentiment of the party that might have the power in the Government.

Well, I deplore it. I think, Mr. President, that it is unworthy. I think there ought to be an indication on our part of a higher view of our duty than that. We tried to set a better precedent here in this body when we voted for the admission of four States into this Union, believing that every one of them would be Republican, and so it turned out. But you have selected now two States, Wyoming and Idaho, and the voting down of the amendment of the Senator from Arkansas of course means, as we know it is already decreed, that the Territory of Wyoming is to be admitted into the Union, so far as Congress is con-

cerned, before nightfall. We understand that perfectly; and in trying to state objections to it I am merely calling attention to the desperate exigency which seems to pervade the majority party in the Senate to force them to vote against what I must believe are their personal convictions in many cases, in large numbers of cases, in order that they may get this measure through and get the political influence of this State in the next Presidential election.

The governor of the Territory of Wyoming has made a report here which I have looked through as carefully as I have had time to do, though I confess I have not read every word in it, and I may misstate some part of it. That report seems to be directed, not as an apology or plea for his interference with the affairs of the General Government and of other States in the American Union, but is an assertion on his part of a right by virtue of his being governor of that Territory to assemble his people in a convention to adopt a constitution and to make all necessary preparation for coming into the Union.

Now, there was a certain degree of immodesty and a certain degree of haste about that action which I think is very conspicuous and not at all creditable, when a Republican committee in the Senate had at the last Congress reported a bill to enable the Territory of Wyoming and other Territories to make all necessary preparation in legal form for the voting of the people upon a constitution to be submitted to the Congress of the United States for its ratification.

The governor would never have presented that petition perhaps to a Democratic Senate for the reason that he would have supposed, and very naturally, that we would have been averse to receiving it because of the politics of that Territory. To such a low degree have the politicians of this country, the leaders of the people, as they are termed, descended in their comprehension and their estimate of the rights and liberties of this country that a Republican Territory would perhaps not have presented this petition at all, founded upon this state of facts, to a Democratic Senate, and a Democratic Territory would not have presented it to a Republican Senate.

There has been a little doubt and controversy about the politics of New Mexico, for instance; probably some about the politics of Arizona, and some assertion in regard to the politics of Utah, that that is Democratic; and when those Territories, or any of them, come to a Republican Senate for the purpose of being admitted into the Union it is considered as somewhat presumptuous and a very adventurous act, to say the least, that they should come. Now, why is it that when the population of a Territory is Democratic or when it is Republican it feels that the frown of the Senate will be upon it if the political party in domination in the Senate is opposed to the politics of the Territory? Why is that? It is because the people of the United States feel that there is no use to address even the Senate of the United States upon a question of conscience and justice and right judgment when we have the behests and demands of their party to satisfy. Well, that is a deplorable state of public opinion, but still our people act upon it continually. And the conduct of the Senate justifies them.

Notwithstanding the Senate Committee on Territories had reported the bill, and notwithstanding he knew that at this session of Congress that bill would be reported again if he did not get here with his constitution, without any great agitating question being up there, like the slavery question, to be anticipated or to be avoided, without any question, indeed, to excite peculiar or enthusiastic action, the governor of that Territory, upon the invitation of the commissioners of the county court, and he says some of the people, although he does not give their names, concluded that he would issue a proclamation in which he would forestall the action of Congress. He would not wait for it. He was too impatient of statehood to delay in making the application; and he knew, or believed he knew, that he would meet in the two Houses of Congress politicians who were too impatient of increasing and accumulating their power in the electoral college to refuse to bring the Territory in, it made no difference what the irregularity might be.

Now, is there any occasion for a resort to irregular action upon this subject? Is there any occasion here presented why the Territories of Wyoming and Idaho might not as well wait for an enabling act as Washington and the two Dakotas and Montana had to wait, and were compelled to wait, for the action of Congress? Who can draw a distinction between the two cases based upon any other consideration or any other conclusion than the mere fact that a Presidential election is approaching? Of all the people in the United States who is so ignorant that he does not know that the action taken by the governor in this emergent form was intended merely to precipitate upon the Congress of the United States as a party question the admission of Wyoming into the Union?

Did those people expect to suffer materially by delay? Was there any human being in the Territory of Wyoming whose property interests or other interests were suffering by the delay that would have been consequent upon waiting for an enabling act, as the Dakotas did, and as Montana and Washington did? Nothing of that sort can be urged. There is no urgency or emergency to be provided for in the action we are taking upon this case. It is just a cool political maneuver, handling this great and serious question, the admission of a State into the Union, as a piece of political machinery, for the mere sake of

getting three more votes in the electoral college in favor of a Republican for President. That is the whole of it.

The governor assembled his convention. He did not wait for the Territorial Legislature to authorize him to do it. With no more power than the president of a town meeting he essayed to do something that was not within the purview of his jurisdiction or capacity in any respect. The governor of a Territory has no more right to call a convention of the people for the purpose of gaining admission into the Union than he would have a right to call a convention of the people for the purpose of expressing their desire to leave the United States and to be annexed to Canada. It was a presumptuous violation of his duty, and the fact that he could sign his name as governor to a paper of that kind only showed that he was a man who would usurp powers that did not belong to him, who would violate laws that were binding upon him, who neglected and rejected also the judgment and proceeding and action of Congress, to throw in our faces a constitution; and who would say, "I, as governor, have proclaimed a convention, and we have ordained a constitution, and here it is; take it, and take us into the Union as a State."

I undertake to say that, in view of the fact that this Senate has been Republican for several years, that a Republican committee of this body had prepared and reported a bill providing for an election to be held according to law, where the penalties of the law could be brought to re-enforce its authority and its power, and to prevent men, or women either, from voting unless they were entitled to vote under the laws of the Territory, or the laws provided by Congress, and when Congress was diligent and active through its Republican Senate in making all necessary preparations for the regular bringing in of a State into the American Union through processes that should be satisfactory to everybody, for its governor to start out on the recommendation of the commissioners of the different counties, or several of them, and issue his proclamation calling a constitutional convention, was an act of assumption and usurpation on his part that ought not to receive the toleration of Congress, and certainly does not entitle him to the encomiums that have been loaded upon him in the report of this committee.

But he issued his proclamation and it is found in his report, in which he goes on to apologize for having exercised this authority, by saying that a good many of the people of Wyoming asked him to do it and the boards of county commissioners had asked him to do it. The apology is, in principle, as bad as the act of usurpation. No one ever made him a lawgiver, and any number of petitions could not confer such powers upon him. What have the county commissioners to do with organizing a State government? Why did he not call in the justices of the peace and the constables, the militia officers, and the members of the church, and the preachers? Why did he not unite all the forces, political, military, and moral, in boosting up this petition on which he bases his authority, his power, and his idea of duty in preparing the Territory for statehood? The election was to be held at a time appointed by him, and then, in order to get further assistance and the semblance of legal right, he associated with himself two other functionaries of the government, one the chief-justice, and the other, I believe, the auditor or the treasurer of the Territory.

A chief-justice of a Territory ought to have no more extrajudicial power or political influence than the Chief-Justice of the Supreme Court of the United States. What would be thought of a Chief-Justice of the Supreme Court of the United States who would, in virtue of his high functions and powers and because he was petitioned by people from different wards or from different societies in Washington City, call a convention together to adopt for the District of Columbia a local government in which the people should be entitled to vote and in which they should have a Legislature to do that for them which we so often neglect to do for them in consequence either of inattention or for want of time?

Why could not the Chief-Justice of the Supreme Court of the United States, as well as the chief-justice of the supreme court of Wyoming Territory, unite with the commissioners here or with some other functionaries in office, and prepare an apportionment of votes amongst the different wards of this city to elect delegates to a convention who, when they had assembled, would prepare a system of laws, if not exactly organic, yet approaching to it very closely, in which the negroes should be entitled to vote in the District of Columbia as they are entitled to vote in Alabama?

Why could they not do that? What respect would Congress pay to the ukase of a commissioner or of the Chief-Justice of the Supreme Court of the United States who might assemble a political body here to determine upon the rights of the people of the District of Columbia to vote at elections, or to have elections held and officers chosen by the voice of the people? Congress would spurn such conduct, and that Chief-Justice would be impeached for departing from the line of his authority, from the functions of his high office, and undertaking to influence or use his powers of office in a branch of government with which he is not connected, and in which, under the division of the powers of our Government, he is forbidden to participate.

We do not allow negroes to vote in Washington City, neither do we allow the white people to vote. A Republican Congress when it was two-thirds Republican in both branches disfranchised the negroes and

disfranchised the whites in order to break down the negroes, and they broke up all civil government here, except that peculiarly despotic idea which now prevails, two-thirds civil and one-third military, under which these people are ruled. Congress broke up that government and destroyed it; they destroyed the city council of Washington City, a municipality which had gone on for many years, electing its mayor and common council and controlling the local affairs of this District which now has 240,000 population, fully three times as many as the State of Wyoming. They had gone on for many years in the exercise of local municipal authority and had thereby relieved the Congress of the United States from great responsibility and an enormous tax upon its time and energies.

The people here had a voice, like other free peoples in the United States, to say something about the choice of those who should guide and assist them in the administration of the laws in their midst. But because the negroes came in here from Maryland and Virginia after the war was over, and united with those who were here before, Congress destroyed suffrage out and out, and government out and out, except the mere despotic form we have got now, merely in order to keep the negroes from voting. If there had been no negroes in the District of Columbia, or if they had been in a large minority, this curious commentary would not have been presented which we exhibit to the world, of this little *imperium in imperio*, a despotic government here in the District of Columbia, under the shadow of our Capitol, where neither a negro nor a white man is allowed to vote or to have any voice in his government, and yet all around in every direction, in every Territory, and in every State the air is made resonant with the clamors of men for "a free ballot and a fair count."

Senators and Representatives in Congress and high functionaries in the United States Government own large property in the District of Columbia, and they are not willing to submit it to the control of negroes, either as to taxation or in any other respect. The Constitution denies to the people of the District of Columbia any of the rights of statehood, and Congress has denied to them any voice or right of participation in their own government. There is not a negro man in the South who has not more political power than the best qualified resident of this District.

We admit the doctrine of equality before the law of the negro with the white man everywhere in the United States except at the Capital. They tore down these rights here and trampled them under foot, and continued to do so, and will continue to do so as long as there is any important negro influence in this District; and so they destroyed the suffrage of the white and the black and destroyed every semblance of government republican in its form, and substituted for it a government here in this District that is no more republican in its form than the government of the Czar of Russia or the Sultan of Turkey is.

But the Chief-Justice of the United States, uniting with the head of the commission down here, concludes that he will hold a convention and rectify all this, and he will have a Legislature organized, and the people shall vote, that he will have a mayor elected and ready to take his office and everything ready and prepared to demand of Congress that his proceedings shall be accepted, ratified, and confirmed.

Our first attention is called to the Chief-Justice of the Supreme Court of the United States, then to the commissioners of the District of Columbia who have been participating in this proceeding while Congress has been assiduously engaged in legislating for the District of Columbia. We naturally inquire, "Why do you wish to upturn and overturn and uproot this government that we are conducting here, and why do you, Mr. Chief-Justice of the Supreme Court of the United States, leave your high position, mingle yourself in a political community, and apportion votes between the different wards of this District?" That was what was done in Wyoming. The chief-justice there came down from his awful perch with his toga around him, and went straggling out into the slums and purlieus of politics and so engaged himself in order to give something of mock dignity to the proceeding in the distribution and apportionment of votes that should be cast in the different counties of Wyoming that were to elect delegates to take their seats in a convention.

I think, Mr. President, if the laws of the country and the majesty of Congress and the fairness and integrity of the great committee of this body having the Territorial interests of this country in charge were ever insulted, it was by this voluntary act on the part of the governor and chief-justice and auditor, if that was the man who was associated with them, in hastening up this work in Wyoming.

Everybody knows that if that had been a Democratic State which had tried to come in here in that way it could not get in here; it would be an impossibility; and this act on the part of the governor and chief-justice and the auditor or treasurer would be denounced in this Senate and from one end of this country to the other, and it would be remarked upon as the most ridiculous and pretentious and absurd adventure that was ever made, that a set of men, 7,500, or something like that, out of 18,000 voters, who voted in the preceding election, should come here and say that they had ratified a constitution for those people, that one-third of the voters, and not all of them by two thousand, voting in favor of the constitution, had come and made that instrument obligatory upon the Government and people of that State and also of the United States! There is one point about that convention

that I have never understood. I have not been able as yet to ascertain what the vote was or how many people voted in the election for delegates. Perhaps the chairman of the committee can tell me.

Mr. PLATT. I beg pardon; I did not hear the Senator's inquiry.

Mr. MORGAN. I say I have never been able to ascertain how many people voted in the election for the delegates to that convention.

Mr. PLATT. I do not know that there was any return.

Mr. MORGAN. Perhaps there were no returns. I do not know whether there were any or not. There must be some place where there would be a record kept of them if there were any.

Mr. PLATT. I have no doubt there was a record. The election was conducted according to the same rules which govern the election of Representatives, and the returns were made in the same way, but they have not been communicated to us.

Mr. MORGAN. That is what this governor says about it, I know. The Senator gets his information from the governor.

Mr. PLATT. I think the governor is a man to be relied upon to tell the truth.

Mr. MORGAN. I have no doubt you think so, but I should like very much to see the returns. Can any gentleman in the Senate point me out to the place where these returns are?

Mr. CULLOM. The Senator will get them if he will go out to Wyoming, I suppose.

Mr. MORGAN. What part of Wyoming?

Mr. CULLOM. In the capital.

Mr. MORGAN. In what office?

Mr. CULLOM. I do not know.

Mr. MORGAN. The Senator from Illinois does not know and I do not know. If I wanted to find those returns I would not find a path leading in that direction in any statute or regulation of law that I know of. They might just as well have been burned as any other way. There was no compulsion upon any person to make them. There was no certificate given by any officer that they were true. There was nobody authorized to issue a certificate of election to any man who received votes at the election.

There was no one to administer an oath to any man who went into that convention that he would obey and support the Constitution of the United States, and I do not suppose it was so. I do not see any evidence of it. We do not know how many men voted and how many women voted. We do not know how many Mormons voted and their frequent wives. We do not understand anything about it. That part of the record has been dropped out. It has been committed to sudden and awful darkness, and not one word has been ventured in all this debate and in all these reports and in all this examination about who it was that voted for delegates to that convention; and whether there were 3,000 of them or 13,000 of them nobody knows. We take it upon the character of the governor, says the Senator from Connecticut.

Mr. CULLOM. The governor is a sworn officer.

Mr. MORGAN. The governor is a sworn officer, but there is not in his oath any allusion whatever to the fact that he is to call a convention, or that he will hold an honest one. He is no more sworn to do that than he swears that he will not rob a man, or swears that he will not violate any moral duty in the Decalogue. It is foreign to him. He can not be sworn to hold a convention. You might as well swear a Senator in this body to hold a convention as the governor of that Territory, because all that he did and could do in that matter lay entirely outside of the purview of his power. If he observed his oath to discharge the duties of his office faithfully and to obey the laws and Constitution of the United States he would not have held that convention.

You might as well ask the honorable Senator from Ohio [Mr. SHERMAN], who was once our honored Secretary of the Treasury, and was remarkably successful in the discharge of the duties of that office—you might as well ask him, in virtue of his oath to support the Constitution of the United States, to leave his seat in this Chamber and go back and usurp the powers of Secretary of the Treasury as to ask that governor to make the obligations of his oath extend to a convention that he had no right to call, that was contrary to law when he called it. A man who had the obligation and duty resting upon him of exercising the functions of a Territorial governor had no right to throw himself into the face of Congress which was proceeding to prepare an act, and doing it with all reasonable diligence, to leave it to the people according to law whether they would come into this Union or not, to anticipate the action of the Senate and of Congress, and to patch up in his own way a State government that he would bring here and submit to us with the demand that we should receive it.

The constitution that they adopted on that occasion, Mr. President, is not a constitution that would have been adopted by any of the original thirteen States. It has some provisions in it which are entirely out of harmony with the provisions of every constitution of the original thirteen States, and entirely out of harmony with the Constitution of the United States. Now, whether we can waive that on this occasion or not, I will wait to see. This bill provides and declares:

That the constitution which the people of Wyoming have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed.

That is a declaration that Congress never can withdraw. When

the State comes in with that constitution, Congress by repealing or amending this act never can withdraw that declaration that "the same is hereby accepted, ratified, and confirmed."

I do not think that this is apt language to use in an act of Congress in admitting a State into the Union, for the Constitution says that we may admit States into the Union, but it does not say that we shall have the power to accept, ratify, and confirm their constitutions.

The leading proposition found in that constitution on the delicate subject of suffrage is one that meets the personal opposition of a number of Republican Senators on this floor whom I have heard express themselves on different occasions upon that question of female suffrage. It is a question in this country that never has had a purely political significance. We have not permitted it because gentlemen on both sides of the Chamber have divided in their opinions upon the policy of the rightfulness of female suffrage.

This constitution, as prepared by an assemblage called a convention, provides in section 1 of article 6, on the subject of suffrage:

SEC. 1. The rights of the citizens of the State of Wyoming to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this State shall equally enjoy all civil, political, and religious rights and privileges.

Congress says that this provision "is hereby accepted, ratified, and confirmed," so that we shall have, when Wyoming is admitted into the Union, the consent of two governments to that proposition in this constitution, and that consent will be given in such form that thereafter it can not be withdrawn by Congress.

Now, so far as the laws of Wyoming are concerned, when this constitution has been adopted a woman is eligible to any office in that State, and she has also a right to vote. She may be an elector for President, for that is peculiarly a State office—not only an office whose authority is to be derived directly from the State through State laws, and only through State laws, but it is an office whose functions must be discharged within the State and under the State laws. So a woman may be in the State of Wyoming after this an elector for President and Vice-President. Now, if an elector for President and Vice-President, why may she not be a member of Congress?

Mr. PAYNE. She can be.

Mr. MORGAN. No, she can not be as long as the Constitution of the United States stands; but we are permitting a State here to form for her own people and organize law that is directly in conflict with the Constitution of the United States, and that upon the great and delicate subject of suffrage.

The Constitution of the United States provides that—

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

There is no doubt that a woman in Wyoming may be a senator in that State, and may be a member of the house; she may be a militia general, or a justice of the peace, or a judge of the supreme court, or an overseer of the roads, or any other thing. She is eligible to all offices, and no political distinction can be made on account of sex in that State. The State, having qualified her for holding an office, has the right, of course, to give her a commission to hold any office that can be elected by the people. She has a right to hold office, and therefore she has a right to run for an office, and having the right to run for an office and hold it, she has a right to a commission whenever she is chosen to an office, and it makes no difference to the State of Wyoming whether that office is to be exercised inside the State or outside of it. When she represents the State or any portion of the people of the State, and represents them upon certificates of the officers of the State, after having been elected to the position, then, of course, Wyoming has done all that it can do to give her the status that is necessary to enable her to represent that State in the electoral college, or in the House of Representatives, or in the Senate.

Under the law as it stood in the State of Washington, as decided in the case of Bloomer vs. Todd, which was read here by the Senator from Arkansas [Mr. JONES], it was expressly decided that a woman could not vote at a general election, and that notwithstanding the qualifications conferred upon her by the Territorial Legislature, that vote was contrary to the Constitution of the United States. A woman brought an action against the managers of an election for refusing to receive her vote and put it in the ballot-box. It was decided in that court that it was a violation of the Constitution of the United States, which had been adopted by the common consent of the people upon the idea that masculinity was one of the qualifications for holding office and one of the qualifications for voting.

Now, when your female Representative comes into the House from the State of Wyoming, how will you get along with this provision after she is qualified and commissioned, as the constitution of Wyoming requires shall be done to an office to which she is eligible under the laws of that State, how will we get along with this:

No person shall be a Representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

What are you going to do with that masculine pronoun when your female Representative comes here and demands a seat? You accept, ratify, and confirm what is in that constitution conferring upon women the right to hold office and the right of suffrage, and yet

when they come here under your ratification and your permission and your invitation and go to the House of Representatives you will quote that part of the Constitution to show that in consequence she can not quite get a seat in that body.

No person shall be a Senator, who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of the State for which he shall be chosen.

It will be a source of unspeakable affliction to me, after some bright, splendid woman from Wyoming shall be elected to the Senate of the United States and shall come and claim to take the arm of the honorable Senator from Connecticut, who is chairman of this Committee on Territories, to be conducted to the President's desk if some churlish Senator should rise and ask the question whether the gentleman is qualified for the position that he wants to take an oath to to qualify him for in this body.

Mr. CULLOM. You would not ask it?

Mr. MORGAN. I do not think I would have the audacity to do it, but if I had the audacity to vote for this bill I think I would feel bound to do it. [Laughter.] I would do almost anything of that sort.

Again the Constitution provides that—

The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President, or when he shall exercise the office of the President of the United States.

I should dislike very much to see our magnificent looking Vice-President supplanted by the handsomest woman that might come even from Wyoming. We could not afford to give up the prestige of our sex upon a question so important as that. She could not be President, she could not be Vice-President of the United States, and equally she could not be President *pro tempore* of the Senate. That would be a great pity, because I know with what perfect joy and delight our very handsome and gallant President *pro tempore* of the Senate would yield his position to a splendid Senatoreess coming from Wyoming.

The Constitution further provides that—

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, etc. Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approve he shall sign it.

So the Constitution describes the President as being masculine in gender.

We now see how much we lost by that provision of the Constitution in preventing the people of the United States from exercising their power, which doubtless they would otherwise have done, in the election of a splendid woman to the Presidency when we had an opportunity six years ago. There stood a bar sinister, a real bar sinister, in the Constitution, to obstruct the way of our aspiring ladies to the Presidency of the United States. Wyoming qualifies the women, of lawful age, whatever that may be in feminine conception, to receive the votes of electors for President and Vice-President, but the Constitution of the United States, which is so out of line with the constitution of Wyoming, persists in the requirement that the President and Vice-President shall be men, that a woman could not discharge the duties of the office. Thus, the Constitution says that—

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives.

And further, when we come to some of the powers conferred upon the President by the Constitution. It says in section 3 of Article II:

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

The delegates from every one of the original thirteen States were in the convention that framed the Federal Constitution, and they perfectly understood at that time the common agreement amongst the American people that women were not to vote, and certainly they were not to hold office. Now, if we admit the State of Wyoming we can not admit her upon a footing of equality with the other States, with this provision in her constitution. She can put it in her laws if she chooses to do it, and we have nothing to say about it, but when she comes with an organic law which we accept, ratify, and confirm, and it contains this broad distinction between Wyoming and the other States of the American Union, and especially the original thirteen, we find it is a matter of impossibility that she can come in on terms of equality with the other States.

Mr. PAYNE. If the Senator will allow me to ask a question, I should like to know whether, in his judgment, these little technical objections would not be more than overcome by the moral influence that a woman representative in this body from Wyoming might exert in our committee-rooms and in this Chamber during executive sessions? Would not a great many of those habits, smoking, chewing,

etc., be remedied and corrected by the influence of a lady member from Wyoming? It might be embarrassing, I know, to the dignified Senator from Vermont [Mr. EDMUNDS], who is not present, in calling her his esteemed and honorable Mrs. or Miss somebody from Wyoming, and it might embarrass the Presiding Officer in addressing or calling to order the Honorable Mrs. or Miss from Wyoming. [Laughter.] But would not that be more than counterbalanced by the moral advantages arising from her presence?

Mr. MORGAN. That brings up to my mind a little more serious view of this question than the Senator expected to raise when he put his question. I have never objected to woman suffrage on the ground that women were not mentally competent to exercise the ballot, or mentally competent to frame laws. The wisest people that I have had the privilege of knowing in this world were women, and certainly the best. Those who give more of good counsel to the human family from the beginning of life to the end of it, and those who are most constant and assiduous in enforcing it upon mankind in all conditions and situations of life, and especially amongst those to whom they are nearly related, are the women of the world. There has been committed to them, in my judgment, by the hand of Divine Providence the most beautiful and sacred trust that was ever committed to mankind, not excepting the priests themselves who officiated at the altars and through whom were handed down Divine ordinances for dissemination and administration amongst the people of the earth.

The good influence of women, if it could be banished from society, or from politics, or from the state, or even from the savage armies that confront each other in battle, would strip all men engaged in public duty and public service of half their power to serve the country. The influence of women is the unseen power which thrills the human soul with an energy that is almost divine and puts in action all the vital forces and keeps them in action, as well as in restraint.

In my opinion, sir, when the great Creator intrusted them with these full powers in this imperial domain, when He intrusted women with this wide sweep of command over all the families of men, He not only imposed upon her the most important and delicate office that has ever been intrusted to the members of the human family, but He qualified her for this exalted station and made it the duty of man to see that she had a full and fair opportunity, without disturbance and without sharing the burden of his duties, to exercise that beautiful and holy office. Its duties are more than enough to break down and destroy with its burden and cares any man who ever lived.

It is not to be denied that a woman purifies and makes more moral any body of men engaged in any honest business that we can name than they would be without her assistance and counsel. The churches of this country would sink to nothing, they would be abandoned to the rats and the owls, if it were not for the sustaining hand of the women of the land. All the beautiful establishments of charity and love that bless mankind individually and collectively would perish from our history were it not for the sustaining hand and power of that delicate helpmate that God has given to us.

It is not the moral influence of the woman upon the ballot that I am objecting to, and it is not to get rid of that, or to silence or to destroy such influences that I oppose it, but it is the immoral influences of the ballot upon women that I deprecate and would avoid. I do not want to see her drawn in contact with the rude things of this world where the delicacy of her senses and sensibilities would be constantly wounded by the attrition with bad and desperate and foul politicians and men. Such is not her function and is not her office; and if we degrade her from the high station that God has placed her in to put her at the ballot-box, at political or other elections, we unman ourselves and refuse to do the duties that God has assigned to us.

I can say for myself and those who are dearest to me of all the objects in this life, that I would leave a country where it was necessary that my wife and daughters should go to the polls to protect my liberties. I would just as soon see them shoulder their guns and go like Amazons into the field and fight beneath the flag for my liberties as to see them muster on election day for such purposes. My duty is to preserve holy and untouched the stainless garments of these splendid ministers of God's love and mercy to mankind, and not to impose upon them the afflictions that men undergo, and many can scarcely endure, in the political controversies and strifes that are inseparably connected with our free governments.

Our Government, Mr. President, is a peculiar one in this respect, and it is an excellent one. We have 65,000,000 of people in the United States, and, so far, we have recorded but a little over 12,000,000 voters in the ballot-box in any Presidential election, so that about every fifth person in this country is endowed with the privilege of voting. This privilege of voting is a very great privilege, it is a very great power, its value is inestimable. But why do we select amongst all the intelligence of the United States, and amongst all its virtuous and good classes of people, and amongst all the vicious and ignorant people a man twenty-one years of age and upwards to exercise the voting power? What foundation is there for this regulation of the ballot? Is it a mere ancient tradition of the Anglo-American or Anglo-Saxon race that we pursue in giving to men, and only to men, this power? No, sir.

The family is an institution of which man is the head in this country, and that is the true factor, the true unit in the whole arrange-

ment of our Government. This lies at the foundation of every principle we have adopted and of every organic act we have performed in building Government up for the benefit of the people. The United States Government, whether we consider it in respect of its application to States or to the Government at large, is based upon the family relation and upon nothing else.

The families of this country are considered to consist of about five members on an average. One voter represents five people, and he is not responsible, individually, for his opinions or for his vote to the people he represents absolutely. Their mouths are closed whether they are grown women or half-grown boys or young men nineteen or twenty years of age splendidly educated and perhaps more capable than the head of that family, the man who is over twenty-one, to vote. He is not responsible for his opinions to any member of the constituency that he represents. He is the only man in the United States who has a constituency assigned to him by law to which he is not in any sense responsible. They can not turn him off and they can not prevent his voting for them. A negro in Alabama, no matter how ignorant he may be, votes for five people. He may vote intelligently or he may vote otherwise; he may vote upon race prejudices or he may not, but that man is a representative, and you can not get rid of him as a representative of the other four people in the group.

The character of the voter, as a representative man, has nothing to do with his authority to rule by his vote the four other persons who are silent.

Whatever he may be, his acts are binding on the other four persons in the group he represents.

Mr. PLATT. I do not like to interrupt the Senator, but I think he will allow me to ask a question. Suppose the head of the family, the father, happens to have died and leaves the charge of the family on his wife.

Mr. MORGAN. In my State, when that occurs, there is a negro man found ready in the neighborhood to vote for them, and you compel him to represent them.

Mr. CULLOM. You will not let him vote?

Mr. MORGAN. Yes, we let him vote if he is a pretty smart negro.

Mr. SPOONER. And if he votes the right ticket?

Mr. MORGAN. We let ten negroes vote in the South where you let one poor white man in your factories vote according to his will.

Mr. CULLOM. Not by any means.

Mr. MORGAN. Yes, sir; and we shall be able to prove it, and will prove it to your satisfaction before long.

Mr. CULLOM. We shall show you the contrary.

Mr. SPOONER. Will the Senator from Alabama allow me to ask him a question?

Mr. MORGAN. Yes.

Mr. SPOONER. I sympathize very much with the sentiments which the Senator, with his characteristic eloquence, has uttered here; but I have always understood the question was, so far as the constitution of a proposed State was concerned, was mainly whether it was republican in form, not whether in all its phases and provisions it met the approval of Senators or was precisely what we would make if we were to frame it. Does the Senator from Alabama claim that there is anything in the constitution of Wyoming which takes it out from the category of a government which is republican in form?

Mr. MORGAN. I do not know that I should be able to answer otherwise than by reciting the constitutional history of the United States to show what sort of government is republican in form. If that expression had been used three hundred years ago, I think that nobody could have given a very distinct definition of it.

Mr. SPOONER. I suppose the Senator would not insist that a constitution in order to be republican in form must be precisely like the Constitution of the United States.

Mr. MORGAN. No.

Mr. SPOONER. I speak of the structure of it.

Mr. MORGAN. I make all due allowance for that idea, but three hundred years ago if that question had been put to an intelligent man it would have puzzled him to state what was a government republican in form. But at the time of the adoption of our Constitution we had thirteen States, each one of which was a republican State and with a republican form of government, and the constituent elements and powers of government, as they were recognized in those States, furnished the best criterion that I can possibly cite you to of what is a government republican in form. And then when we add to that fact and that definition—for that is a definition, really—the other proposition that the new States to be admitted into the Union must be admitted upon an equality with the original thirteen, we have another thought that we are obliged to pay attention to.

So I maintain that any State in the American Union that undertakes to confer upon any citizen powers that are not found, rights and liberties that are not found in the organic law of the United States as it has been understood for a hundred years down to the present time, that government, if its act has any effect at all upon any other human being, especially if it has an effect outside of its own limits, has done something which deprives that State of the possession and exercise of a government that is republican in form.

Mr. SPOONER. The Senator will allow me. I have not been and I am not a convert to the doctrine of woman suffrage—

Mr. MORGAN. I understand the Senator is apologizing for his present attitude.

Mr. SPOONER. I am not apologizing at all. When I find occasion to apologize I will not do it in the Senator's time. But not only this provision but some others, if I were making a constitution, I would omit. I rose simply to call the attention of the Senator to what is asserted to be a fact by a gentleman who brings it to my notice, that in New Jersey under the Articles of Confederation women had the right of suffrage, and New Jersey became a State of the Union with woman suffrage, and women were not deprived of the right until 1807. So that, perhaps, has no merit of absolute novelty from the standpoint of the Senator's argument.

Mr. MORGAN. Did New Jersey's constitution provide that women shall vote and hold office?

Mr. SPOONER. I do not know as to that.

Mr. GRAY. Will the Senator allow me to make a suggestion in the line of a question?

Mr. MORGAN. Certainly.

Mr. GRAY. I agree with the Senator from Wisconsin in the proposition he lays down, that in the matter of the admission of a State which has framed a constitution in an orderly and proper and legal way, the best way being, in my own judgment, according to the provisions of an enabling act of Congress passed previously, the provisions of that constitution should not concern us, provided the framework be republican and that it makes a republican form of government.

But where a proposed State is claiming admission into the Union under the circumstances which surround this case and which have been portrayed by the Senator from Alabama, irregular in my opinion in many respects, the motive power that set the constitutional machinery in motion not having originated in Congress, not having originated in any of those regular ways which are consecrated by precedent and have commended themselves to the American people, but where there is a movement on the part of a portion only of a people to get up an instrument which they call a constitution for the whole people, and the act admitting them undertakes to say (because it was necessary to say it) that we approve, confirm, and ratify that constitution, then a very different question is presented to the Senate of the United States; and each individual Senator, I think, in duty is called upon to scrutinize that constitution in a way that he would not be called upon to scrutinize it if it had come to us as the result of an enabling act, and where we find a provision so eccentric, so unusual, so out of the path of American precedents as a provision that allows woman suffrage, then I think that is sufficient ground for a Senator who believes that woman suffrage is inimical to the best interests of the States to vote against the admission of that State into the Union, coming as it does and knocking at the door under the circumstances I have stated.

Mr. SPOONER. If the Senator from Alabama will permit me, the question which I put to the Senator from Alabama was not directed to the question discussed by the Senator from Delaware concerning the regularity or irregularity of the proceedings which led to the adoption or alleged adoption of this constitution, but it was a question calculated and intended to elicit from the Senator from Alabama an intelligent opinion, and I know of no one better able to give such an opinion, as to whether he thought the insertion of such a provision in the constitution interfered in any wise with its being a republican form of government.

I will put it differently. Suppose an enabling act were passed authorizing the formation or creation of a constitutional convention, and the President to issue a proclamation if he found the constitution republican in form, as in the case of the recently admitted States, to admit it into the Union, would the fact that under such circumstances a constitution had been adopted which provided for female suffrage or woman suffrage warrant the President in rejecting the constitution and declining to issue his proclamation, upon the grounds that that was in the instrument? That was the purpose of my question, and in that line I called attention to what seemed to be a precedent in the case of New Jersey.

Mr. MORGAN. My attention had never been called to the condition of the New Jersey law or constitution until the Senator from Wisconsin brought up the subject. I find in Article IV of the old constitution of 1664 and 1665 the following:

IV. That all inhabitants of this Colony, of full age, who are worth fifty pounds proclamation money, clear estate in the same, and have resided within the county in which they claim a vote for twelve months immediately preceding the election, shall be entitled to vote for representatives in council and assembly; and also for all other public officers that shall be elected by the people of the county at large.

That was a property qualification in which the word "inhabitants" was used to designate the people who might vote, after mentioning their age—"full age." It does not say what "full age" is, whether twenty-one or forty. It says nothing about that, but that is not a woman-suffrage clause, and if they interpreted the word "inhabitants" to include women and if they did vote, the precedent can hardly be quoted here because the constitution itself did not provide in terms that women should vote; but this constitution in Wyoming does, and whoever votes for this bill accepts and ratifies and confirms that provision, and ought to accept and ratify and confirm it in the District of Columbia or in any other Territory where we have

legislative authority, because, if during all these years we have been doing wrong in excluding women from the polls, in God's name it is time we were doing right, and the quicker we get at it the better. If Senators are all convinced on the other side that woman suffrage is the right thing and something they must ratify and accept and confirm, I commend the zeal with which they seize the first opportunity of doing that thing; but after having done so do not say you are against woman suffrage.

Mr. President, woman suffrage in the Territories has not been to me a very agreeable thing in its outcome. The Mormons have permitted their women to vote always. That seems to be one of the cardinal principles of the Mormon faith, the Latter-Day Saints of Jesus Christ, that women should vote. They have held on to it through thick and through thin until the Gentiles got possession of the government and enacted laws of a different character, but still the women vote there; but now, when we speak of the morality of the voting of women, my mind is drawn irresistibly to some remarks that were made the other day by a Senator on this floor in regard to the impulsiveness of that sex, and their disposition to cohere with and obey, follow at least, the opinions if not the dictates of those who happen to be occupying marital relations toward them, whether legitimate or illegitimate.

Mormonism, Mr. President, has been sustained, propagated, and held on to in the Territory of Utah more by the women and their votes than by the men, strange as it may seem. I have been over there several times, and I have not been able to account for, from the appearance of society at least, the evil consequences.

I am disappointed when I go there, and have been frequently, in finding amongst those people more of peace and comfort, cleanliness and good behavior and intelligence by far than I expected to see amongst children and amongst grown people. They have always disappointed my calculations in that respect. I do not know whether it is the moral influence of women at the ballot-box. There is one thing certain, the Congress of the United States, after having denounced Mormonism in the very exacting terrible laws that we have enacted towards them and for which I have voted, can not reconcile itself logically or in any other respect to the idea that nothing but good can come from woman suffrage, for Mormonism certainly has to a very great extent been sustained in Utah by woman suffrage.

I would not make a voluntary statement of this kind in regard to the participation of women in the franchise unless it had become necessary by the demands of the occasion. But the truth ought to influence us here; we ought not to shut our eyes to the facts of history. We can not do it and do our people justice. So I deplore in that country the effect of woman suffrage. It is not slavishness, but it is subordination under the influence of impulses and affections which characterize the women to a much larger degree than the men, and which literally forces them to follow in the track marked out for them by those who do the work and fighting and thinking for the family.

Who can conceive of a more deplorable picture than to have a woman and her husband divided upon political questions, to have a canvasser coming and visiting from house to house to see the woman who is registered, as we are expected to do under some laws that are coming over to us; to invade the *sanctum sanctorum* to hunt up the registered voter; the mother in the quietness and seclusion of her family hunted up by a political thief, a vagabond, a dirty fellow, who would not be admitted inside the front gate if the law did not force him, and who would burglarize the decency of the family as he would burglarize a house if he had broken into it in the night with anger and chisel? Who wants to see a thing of that kind in this country, in which the women shall be interfered with in this way?

Here is a man who is a Republican, a candidate for office, and his wife is a Democrat, and she wants to vote for some other fellow, and when you ask her the reason for it she says: "Well, I know that man so well I can not afford to vote for him at all"—her own husband. There you array husband against wife; the very integrity of the family circle, which is the foundation of all our political institutions, is torn asunder by the greed of politicians. Suppose he is not married. His influence may be more potent, but vile. Who is to take care of those unfortunates of whom we are not permitted even to speak, when they shall sally forth and mix with the crowd, with your wives and daughters, to cast a suffrage equal to theirs in respectability because it counts the same?

I repeat, Mr. President, my opposition to woman suffrage is not because woman is not capable of casting her vote, but it is because the suffrage demoralizes and destroys the woman herself, unsexes her, and unfits her for the higher vocation for which God made her. So I can not be persuaded to take a step in that direction; least of all will I say by my vote that I hereby accept, ratify, and confirm that first article in the proposed constitution of Wyoming.

Sir, if that constitution had come here under the auspices of legislation on the part of the Congress of the United States and in a regular way, while I have no right to assert anything about it, I have a very strong belief that that feature would not have been presented. My opinion is that that feature was put into it in order to rally at the ballot-box, on the day that the ratification of the constitution was to take place, enough voters to give respectability to the movement which doubtless the people of Wyoming had not participated in with

any zeal or with any confidence that it was a serious movement. That is proved by the fact that this vote for delegates has never appeared. We do not know anything about it. We can not hunt it up. We can not get an intimation of how many people voted. The people doubtless, as they had a right to do logically and legally and in every other sensible respect had a right to do, said that a governor, a supreme court justice, and a Territorial treasurer, or whoever he was, they would not obey or take any notice of that pretense that they had a right to organize a convention. "Wait until the Congress of the United States has passed on this; wait like those other four States did until Congress has enabled us to do it, and then we will come in right and we will be on hand to see what the people ought to see in respect to shaping a constitution and all else concerned in this State government." But in the manner in which that thing was put at the people they could not have any confidence in it. I do not wonder that they did not attend the polls on the ratification. They did not believe that it was a serious movement.

There is another thing here that struck me as being very peculiar. Section 12 of this suffrage article provides:

Sec. 12. No person qualified to be an elector of the State of Wyoming shall be allowed to vote at any general or special election hereafter to be held in the State until he or she shall have registered as a voter according to law, unless the failure to register is caused by sickness or absence, for which provision shall be made by law. The Legislature of the State shall enact such laws as will carry into effect the provisions of this section, which enactment shall be subject to amendment, but shall never be repealed; but this section shall not apply to the first election held under this constitution.

Who ever heard in a constitution of any State in the American Union that a law to be enacted by the Legislature—not yet enacted but to be enacted—should never be repealed? Why was that put in there? It was supposed to be an additional guaranty of the right of women to register and to vote. I suppose that was the reason of it. But now the Congress of the United States, according to the contemplation and interpretation of that instrument by a number of Senators, distinguished lawyers, I am told, gives to Congress the power to control the registration as a part of the manner of conducting an election. What are you going to do with that representative when you get your Lodge bill over here and you find that the State of Wyoming, under a constitution you have "accepted, ratified, and confirmed," has passed a law under this twelfth section of Article 6 of the Wyoming constitution fixing up a registration law just in the teeth of your act of Congress and declaring it shall not be repealed?

Mr. SPOONER. Does the Senator understand that the constitution of a State and a law are upon the same basis?

Mr. MORGAN. I understand that the constitution of any State that you admit into this Union upon your declaration that you hereby accept, ratify, and confirm what is in that constitution, forbids you after that passing a law in violation of it. That is what I understand. It is not only a breach of faith, but it is a usurpation of power to do it. You admit a State into the Union with that in its constitution, and then to undertake to assert afterwards that you have a power superior to that which you expressly state that you accept, ratify, and confirm, would be somewhat remarkable.

Mr. TELLER. Does the Senator think the United States Government has anything to do with the registration of voters in a State?

Mr. MORGAN. No, I do not, Mr. President; but how many Senators on that side will vote that way inside of fifteen or twenty days?

Mr. TELLER. I do not know about that. I wanted to know what the Senator thought about it.

Mr. MORGAN. I deny it. Especially do I deny that under this constitution, when it is made a part of the suffrage itself.

Mr. TELLER. But independent of that?

Mr. MORGAN. No, I do not believe it. At the same time, that is something to be confronted here, I have no doubt, very soon.

Mr. SPOONER. I suppose the Senator would not claim that if under the Constitution Congress had power to regulate this matter of registration in a State, that it could disable itself by contract, whether in the form of an act admitting a State or otherwise, from exercising that power if it saw fit. It could not abdicate by any means the power which the Constitution gave it.

Mr. MORGAN. No; but, Mr. President, when we say that we give to the constitution presented here by a State our sanction, and make it the constitution of the State by our vote, it would be a very great breach of honor to turn around and violate it. For instance, there was a period of about three years in the State of Alabama when we lived under a constitution which was rejected at the ballot-box by the votes of the people of that State, and was so certified to Congress—certified as having been rejected by the people, but Congress notwithstanding enacted that constitution over us. That is the history of it. We lived for about a period of three years under a constitution of that sort. Now, for Congress, after having enacted that constitution over us as a body of organic law, to turn round and deprive us of the protection it gave us would have been a violation of public faith that is inconceivable. I do not want my brother Senators of the Republican party to get themselves into such a category. There is no use of doing it. We had better let Wyoming wait a little than to do that.

But, Mr. President, this constitution of Wyoming is so utterly radical in the changes that it works in the general political system of the United States and the relations between the States that it is an unsafe thing to do to accept it, to ratify it, and to confirm it.

I regret very much that I have occupied so much time, but I had to make a good deal of my speech twice, because the Senator from Massachusetts [Mr. DAWKS] came in with his conference committee report that seemed to be almost interminable, and it broke the thread of my remarks so that I was obliged to repeat myself to some extent.

Mr. PLATT. Mr. President—

Mr. PAYNE. Does the Senator from Connecticut propose to have the vote taken at 4 o'clock?

Mr. PLATT. If no one wishes to talk after 4 o'clock, I do. The agreement is that the vote is to be taken at 4; but if anybody desires to discuss it, it may be postponed and taken at half past 4. The consideration of the conference report consumed about three-quarters of an hour of the time that was to be devoted to this bill.

Mr. PAYNE. I wish to occupy some ten minutes.

Mr. PLATT. I am not going to occupy much time. We can not vote until 4 o'clock.

It may seem a little strange, perhaps, after listening to the argument made by the Senator from Alabama [Mr. MORGAN], to the effect, by implication at least, that this proposed constitution of Wyoming is not republican in form because it permits woman suffrage, to learn that in 1874 the question was before the Supreme Court of the United States whether a State was republican in form that did not allow women to vote, and was seriously discussed.

Mr. MORGAN. How was it decided?

Mr. PLATT. It was decided that it was.

Mr. SPOONER. It was decided that it was too late to raise the question.

Mr. PLATT. As the Senator from Wisconsin says, it was decided that it was too late to raise the question, and that it was not true that a State was not republican in form because it did not allow women to vote.

Mr. MORGAN. I admit that.

Mr. PLATT. This point was raised:

If the right of suffrage is one of the necessary privileges of a citizen of the United States, then the constitution and laws of Missouri confining it to men are in violation of the Constitution of the United States, as amended, and consequently void.

Then they went on with a long discussion of the matter during which they adverted to the fact that in New Jersey, at the time of the admission of New Jersey into the Union as one of the original States, women had the right to vote, which was not taken from them until 1807; and the court used this language:

As has been seen, all the citizens of the States were not invested with the right of suffrage. In all, save, perhaps, New Jersey, this right was only bestowed upon men and not upon all of them. Under these circumstances it is certainly now too late to contend that a government is not republican, within the meaning of this guaranty of the Constitution, because women are not made voters.

I simply desire to say with regard to this matter that in voting to admit Wyoming with this constitution we in no way pass upon the question of woman suffrage. We simply pass upon the question whether there is anything in that constitution to come in conflict with the provision of the Constitution of the United States that the constitution of a State must be republican in form. I myself, like the Senator from Wisconsin, am not a convert to the doctrine of woman suffrage or the right of women to vote, but I should feel that I was not discharging my duty properly if I failed to vote to admit a State upon the sole ground that the people of the Territory in forming the constitution of that State had provided that women might have a right to vote in the State.

Mr. PAYNE. Mr. President, I have no desire to make a speech in this case, and yet there are some points in it that I should like to understand rather better than I have been able to do thus far.

I have been honored with a membership in the Committee on Territories and I have there an association with a majority of six very enlightened, learned, and patriotic gentlemen, and yet I have not been able to satisfy my own mind that this clause as to female suffrage has merit in it. I am not troubled about some other points. To be sure, the origin of this constitution is wholly illegitimate. It was the offspring of illegitimate parentage.

It is said that this body at a former session meant to propose the plan of an enabling act, but it did not pass. There was no authority for a constitutional convention in Wyoming. But certain county commissioners in that Territory thought it would be a good plan to have a constitutional convention, and they induced the governor of the Territory to call it. I do not attach much importance to that because I believe by the law that in a case of illegitimate birth the bastard may be made good by subsequent adoption of the father. Therefore, if Congress shall provide for the ratification of this constitution, that is one of the prerequisites necessary to make it good.

Nor am I very much troubled by the objections made by my friend from Alabama as to the word "he" in defining the duties of various executive officers and in connection with Congress. I have fondly cher-

ished the hope that if this constitution was adopted we should have a female representative in this body. I am not certain but that it is very desirable, and I am not certain but that it is inevitable.

The parties are pretty nearly equally divided in Wyoming and women out there are very smart. I think that is one of the most remarkable communities, and more powerful and strong-minded women are to be found in that Territory than are to be found anywhere else in the United States, and I am bound to say in justice to them that I think the men are the most weak-minded and effeminate and emasculated set of men that can be found anywhere in the United States. [Laughter.] I think it is no more than justice, therefore, that the women should unite with the Democrats and elect one Democratic Senator and then unite with the Republicans and elect one Republican Senator [laughter], and I should hope that they would both be women, and, though I shall not be here to witness it, yet I should read with a great deal of satisfaction and pleasure of the attention which would be given to a female representative in this body.

Then as to the word "he," which my friend from Alabama seems to think would be a serious obstacle, why, Mr. President, the caucus in this body can settle all questions of that kind. They can settle the question of the gender of the word "he," and they can include a "she" as well as a "he," and make it a common gender [laughter]; and if that should be the only difficulty to the admission of a female representative from Wyoming, I have no doubt the caucus rule can remove that inhibition. [Laughter.]

Then I am not quite so confident of the domestic infelicity which would ensue from that as my friend from Alabama is. We tried it provisionally, or it was tried, in Utah. Brigham Young had twenty wives, and no doubt they all went to the polls and voted, and we have had no historical account of a disagreement in the family [laughter], and I do not know why there should be necessarily now, except that in Wyoming the superiority of the women might control political matters as well as others. [Laughter.]

But these are not serious objections in my mind. I do desire, however, to call the attention of Senators, and especially members of the committee, to another more serious aspect of the case. What is the value of female suffrage? Is it an advantage or a disadvantage to a State? Is citizenship more or less valuable in consequence of female suffrage existing or being permitted in a community? Upon this subject my learned friends of the majority of the committee have given me no information. I doubt whether either of my friends here would vote for an amendment to the constitution of his own State allowing female suffrage. If I am mistaken I should like to be corrected. Would my honorable friend from Connecticut [Mr. PLATT], from that "land of steady habits" and all sorts of good things, vote to-day, or would the respectable, cultured women of Connecticut vote to-day, for an amendment to the constitution of Connecticut to declare female suffrage?

Mr. PLATT. I will answer that with my present light I should not vote for an amendment to the constitution of my State which created or allowed woman suffrage, but if the people of the State of Connecticut should see fit to ingraft that in its constitution I would not move out of the State on that account.

Mr. PAYNE. I should want the Senator to withhold that conclusion until the case arose, and I am inclined to think he would move out of the State between Saturday night and Monday morning. I do not believe that a single member of this committee would vote for such an amendment.

Now, if it be an advantage, let it be understood. We are in ignorance of it. My own historical reading is perhaps limited, but I never have found yet the history of a single individual woman, from the creation of the world to the present day, in any civilized or half-civilized government, that has been permitted to exercise the right of suffrage. To be sure, Christ did not include women amongst his apostles, but that was an early day of civilization. We do not know what might happen now. [Laughter.] All through the history of England, from its earliest days to this time, it never has been proposed in either house of Parliament that a woman should be permitted to enter as a member, nor has a woman in England ever been permitted to exercise the elective franchise.

We have had some experience in our own country. Take New England, where we look for all manner of improvements. What has been the history of female suffrage in those States? Take the State of my honorable friend who sits near me from Massachusetts [Mr. DAWES]. The ablest-minded women in those communities for more than fifty years have turned their battering rams upon the Legislature of Massachusetts to make some concession in the direction of female suffrage; only so late as this present session—for I believe the Legislature is in session yet—when they have brought all their energies to influence that Legislature, by a nearly unanimous vote the Republican members of the Legislature of Massachusetts refused to give women the right to vote in that old Commonwealth.

The movement, therefore, has made no progress there. We have had no experience in this country on this subject. Here are forty-two States in this Union that have had no experiment with female suffrage, and we have no reason to believe that any one of them to-day, unless

perhaps South Dakota, is on the way to that advanced position, has any prospect of an amendment to its constitution to permit female suffrage. We are ignorant of the advantages of it and we ought not to be asked to sanction it anywhere.

Mr. President, we have in this body a very intelligent committee, all of whose duties are given to this one subject of female suffrage. I do not know that that committee has ever made a report, and as the Committee on Territories know nothing about it and are not able to give us any information in regard to its value or influence for good or evil, I think this bill ought to be referred to the Committee on Woman Suffrage, and I should be very glad to hear our respected friend from North Carolina [Mr. VANCE], who is chairman of that committee, give us the result of their research and investigation into the historical data and settle this question.

Is it desirable? Is there any community in the history of mankind that has ever been in favor of female suffrage, and if it has been tried anywhere what has been the effect of that trial?

Now, Mr. President, to make an application of this, I think we ought to determine, each for himself, whether female suffrage is an advantage or a disadvantage to a State. Is a State with female suffrage less or more desirable? I might ask the question whether any member of this body could be induced to go and emigrate to one of the new States, to go to Wyoming, for instance, because of female suffrage. Would he not pass by it at a considerable distance?

If, then, it is true—and I believe it to be true—that the citizenship of a State or Territory is disparaged or diminished by the existence of female suffrage, are we doing our duty, which we are required to perform when we admit a State, by allowing a community with such a feature in its organic law to be a member of the Union?

Under the ordinance of 1787 and by the Louisiana treaty and by the treaty with Mexico these Territories, on fulfilling certain conditions, are entitled to come into this Union upon an equality in all respects with the original States. Therefore, if this be injurious to them for any reason, it would be an inequality. Are we discharging our duty when we vote to admit a State with female suffrage?

It is not my purpose to dwell upon it, but I should like to have some information on this point, for, if female suffrage is a curse to the people, I do not want to be guilty of fastening or fixing it upon any community.

Mr. PLATT. If there was nothing said in this constitution about female suffrage and we admitted the State it could at the very next session of its Legislature extend the right of suffrage to females. We do not pass upon that question at all. We simply pass upon the question whether, having adopted this provision in its constitution, it thereby becomes a constitution which is not republican in form, and on that question there can be no discussion, as it seems to me.

Mr. PAYNE. Will the Senator allow me to say right there that no one of the forty-two States has ever done or proposed to do what Wyoming has done? No State where the men are men and exercise the duty and privileges of manhood has ever proposed that they shall change themselves into effeminate voters.

Mr. PLATT. Woman suffrage has existed in Wyoming for twenty years. It has not been repealed, and has proved satisfactory to the people of that Territory, so much so that they have incorporated it in their constitution. If the constitution had been silent upon the subject there is no reason to suppose that it would not, at the very next session of the Legislature, continue it as one of the institutions of the State after it should have been admitted. All this talk about whether it is in the constitution or not, and whether we thereby justify it or assent to it as a matter of principle, as it seems to me, has nothing whatever to do with this question.

Mr. GRAY. Mr. President, as I said a moment ago while the Senator from Alabama [Mr. MORGAN] had the floor, this is not a question with me as to the right of a State about to be admitted to the Union framing its constitution with or without woman suffrage, for I quite agree with the Senator from Connecticut and the Senator from Wisconsin that the question of its being republican in form is not involved in the question whether it contains a provision in regard to woman suffrage or not. That is not the aspect of the case that controls my vote at all.

Mr. PLATT. Will the Senator from Delaware allow me to interrupt him for the purpose of making a statement about the vote?

Mr. GRAY. Certainly.

Mr. PLATT. There are Senators here who supposed that the vote would be taken at 4 o'clock and who are not aware of the fact that, half or three-quarters of an hour having been consumed by the consideration of a conference report, it was agreed that if it was desired to discuss the bill until half past 4 the Senate would wait until half past 4 before the vote was taken. But if the discussion ends before that time the Senate will come to a vote, it is understood.

Mr. BLAIR. May I make a suggestion to the Senator? I hope it will not be taken that there is any objection to Senators remaining here for half an hour because the vote may not be taken until half past 4.

Mr. GRAY. Mr. President, I have no desire or intention of consuming the fraction of time that the Senator from Connecticut has indicated remains for this debate if any other Senator wishes to engage in it.

I say it is not the aspect of the question referred to by the Senator

from Connecticut just now that controls my vote in this regard, but believing that the right of suffrage conferred upon women in the constitution proposed for the State of Wyoming is inimical to the best interests of society, that being my best judgment, in which I differ from those for whose opinion I entertain entire respect, it controls my vote on this ground, that here we have the application for the admission of a State under the peculiar conditions which have already been sufficiently set forth to the Senate by the Senator from Alabama. To refer to them briefly, they are these:

The State of Wyoming is proposed to be admitted upon a constitution framed not in accordance with any enabling act passed by Congress, not upon the invitation of Congress that they should frame a constitution in order to invest themselves with statehood, but we have here this irregular movement of a portion of the citizens of that Territory acting without the sanction of a law either of Congress or of the Territory, upon the motion of certain boards of county commissioners calling upon the citizens of that Territory to elect delegates to a constitutional convention. Thereupon we have as a consequence of that invitation a vote upon the constitution so framed which discloses the fact that much less than a majority of the people cared to participate in that election at all, cared to engage in this important movement to invest their Territory and the people thereof with statehood. Eight thousand of its citizens, including, of course, the women who customarily vote in that Territory, out of a vote of 18,000, as recorded in the election immediately preceding, participated in this important and, as I think, very solemn movement on the part of the people of the Territory to clothe themselves with statehood and form an integral part of this Union of ours.

It is for that reason that I think it becomes doubly important upon us as Senators to scrutinize the framework of the government that they propose to us, and if we find in that constitution of government a provision which, in our judgment, is inimical to the interests of society, then there is nothing in the precedent action of the people of that Territory to constrain our vote in favor of the admission. If we had in the ordinary and customary way by an enabling act invited the people of that Territory in an orderly and proper manner to participate in a movement for creating a State, then we might well be bound by that moral obligation which rests on Senators under certain circumstances, if the constitution framed in a movement so originated was republican in form, to admit them into this Union upon an equality with all other States, as they must be admitted, if admitted at all, and with the full power to frame, or change, or alter their constitution of government that belongs to every other State in this Union.

Unquestionably the very moment they are admitted, whether with or without this provision in regard to woman suffrage, it may be incorporated, and there is no power in this Government to gainsay that power of the people of a State, no matter whether that State be a young State or an old State.

But under the conditions that surround this particular case, with the evidence before us that this movement for statehood was a movement by a minority, a confessed minority, of the people of that Territory, I do not think we are authorized to traverse the precedent that we have set to the people of these aspiring communities to the west of the Mississippi, by admitting this community as a State without the formality of an enabling act, and without setting in motion that original sovereignty of the people in the orderly way in which we proceeded in regard to the admission of the States that were admitted in the last Congress. The Congress of the United States in its wisdom passed an enabling act applicable to four Territories belonging to the United States, inviting their peoples to take the initial steps to create States, to form constitutions for themselves; and in obedience to that law those movements were had, those elections were held, those proceedings were taken, and in such shape and fashion that there was responsibility about the movement. There was the legal sanction of a solemn act of Congress. The people voted according to law and before election officers who were duly constituted, to whom oaths had been administered, and against whom for an infraction of their duty the penalties of the law could be denounced.

But what is the case here? In this Territory, with a population not sufficient to form the ratio for one Representative, spread over a territory as large, I believe, as one Senator said, as all the New England States put together, a movement was had, inspired by I know not whom, perhaps by some aspiring would-be Senators and Congressmen, ambitions worthy and honorable enough, but not a sufficient motive to do away and dispense with all those solemnities which have ordinarily in recent years attended the admission of a State. It was a movement inspired thus, as I say, bringing together a faction of the people to record their votes before officers unsworn, incapable of being sworn, upon whom no obligation of an oath could rest, with no sworn duty to perform, volunteers, and without any of the protection, without any of the sanctions, without any of the solemnities, that ought to attend the high and important transaction of creating a State.

Mr. President, those conditions being such attending the birth of this proposed State, I can not find that it is my duty as a Senator and a part of the legislative power of this Government to vote to sanction a proceeding so irregular, without further and better and stronger reasons than have been produced here.

What is the exigency that we should travel outside of the law, outside of the precedent that Congress set only a short year ago in conditions similar to these? We did not choose to include, the Senator from Connecticut, the chairman of the committee, did not choose to include, in the enabling act for Montana, Washington, and the two Dakotas, the Territory of Wyoming. Why was it left out? and, being left out, why should we dispense with those formalities now upon the suggestion of aspiring Senators and ambitious Congressmen, that we should in disregard of precedent, without law and without the formalities which were so sedulously placed around the admission of the four States which I have just named, seek to become participants in the political power of this Union and become factors in the legislation of this country?

Mr. SPOONER. Will the Senator allow me to interrupt him for a moment?

The VICE-PRESIDENT. Does the Senator from Delaware yield to the Senator from Wisconsin?

Mr. GRAY. Certainly.

Mr. SPOONER. The Senator will remember that the Senate passed a bill admitting those States without the formality of an enabling act and that the proposition for an enabling act came from the House of Representatives.

Mr. GRAY. I am aware of that fact.

Mr. SPOONER. The proposition of the other House was concurred in by the Senate because it was necessary to concur in the bill in that form or have no bill.

Mr. GRAY. I am aware of that fact.

Mr. SPOONER. And, if the Senator will permit me—

Mr. GRAY. I beg the Senator's pardon; I thought he had finished.

Mr. SPOONER. If the Senator will permit me—

Mr. GRAY. Certainly.

Mr. SPOONER. The House of Representatives took no step towards the admission of those Territories into the Union in any form until after the election and until after it was certain that a Republican Congress had been elected, which would admit them anyway, whether with an enabling act or without one.

Mr. GRAY. Mr. President, I have not alluded to any partisan reason.

Mr. SPOONER. Well, it is the fact.

Mr. GRAY. I am discussing this question honestly and candidly, upon what I think very much higher ground than any partisan argument could possibly furnish to me. I have always believed, although I know there are precedents to the contrary, that there is no more solemn act that concerns this confederation of States than the admission of a new member into its privileges and to be made a participant in the political power that belongs to this Union of States. I believe that it is a high and important function of Congress to so regulate, and so guard, and so provide for the admission of these younger sisters of the Republic that there shall never be the opportunity of evil, much less of just criticism, that belongs, I think, obviously, to the conditions that surround this proposed admission of Wyoming.

It is not because I find a constitution that permits woman suffrage alone, but it is because, that constitution being such as it is and the conditions which surround the initial movements for statehood being such as I have described, I can find no obligation resting upon me such as might well have rested upon me in regard to the admission of the States of Washington, Montana, and the two Dakotas, to vote for the ratification of this constitution and the admission of the State of Wyoming.

Mr. President, why all this tumultuous haste to invest these sixty or seventy thousand people with all the privileges of statehood? What is the exigency? Where is the detriment to the interests or the happiness of that people in asking them that they shall wait so long that they may come in with a decent observance of the forms which have been prescribed for the admission of four States, each one of whom had twice or thrice the population that Wyoming has?

Why can they not wait the short space of a year or the short space of two sessions of Congress, until an enabling act can be framed by which the people in that Territory, enterprising and worthy as I have no doubt they are, can be invited to take the initial steps and form themselves into a political community worthy of admission into this Union, and having so proceeded and having acted under the forms of law come here and present their constitution, when there shall be no doubt about who participated in this sovereign act of the people of the community, when there shall be no doubt that an election, held and guarded as the elections in the Territories I have just named, voiced the real will and the real spirit and intention of the people of that Territory?

Mr. President, I can not find anything exceptional in the condition of Wyoming that obliges me as a Senator to vote under these irregular and exceptional circumstances for her admission now. I shall be glad to welcome her and her representatives to a seat on the floor of the Senate when she comes as these other States have come, in a way that does not violate and traverse all the best precedents, those precedents which, in my opinion at least, are the best that obtain in regard to the admission of States into the Union.

Mr. PLATT. Mr. President, I think there was never such an instance

in legislative history of careful and elaborate construction of a man of straw and then such fierce effort to knock down the man of straw so constructed as there has been in trying to prevent the admission of Wyoming into the Union; and the most labored effort having the least foundation behind it is the effort to make it appear that the wish of the people of Wyoming for admission into the Union is not hearty, unanimous, and earnest.

Mr. GRAY. May I ask the Senator from Connecticut what evidence there can be of that heartiness or unanimity except a vote of the people?

Mr. PLATT. There never has been a constitution submitted to a people to ratify prior to the admission of a State into the Union that received a larger affirmative vote in proportion to the votes cast than was given to this constitution in Wyoming. The reason there were no more votes cast was because there was a perfect unanimity of sentiment in the Territory for that constitution—

Mr. GRAY. The vote cast shows that that was not the case; that there were 2,000 out of 8,000 against it.

Mr. PLATT. I was about to finish the sentence. With the exception of the few hundred votes that were cast against it. That embraced all the opposition for one cause and another cause, because somebody did not like some provisions in the constitution and therefore voted against it. Well, it was last fall when that vote was cast. This matter has been a matter of public discussion. There has been no protest here from Wyoming. There has been no protest from any portion of its citizens, from any part of its citizens. There is no division of sentiment there in relation to this matter. There is no political division of sentiment there in relation to this matter. There never has been any political division there in reference to it. There was not in the constitutional convention. There was perfect harmony between both political parties and in each political party, and the people throughout the entire Territory belonging to the two political parties will rejoice together when Wyoming shall have been admitted into the Union.

Mr. SPOONER. Every newspaper but one is in favor of it.

Mr. PLATT. Every newspaper but one in the Territory is in favor of it. There never was a case in all my knowledge, both personal and historical, where there was so unanimous a desire among the people for admission under the constitution which had been framed.

Mr. TELLER. Will the Senator allow me to mention to him, what he has evidently forgotten, that the Legislature since elected has memorialized Congress also?

Mr. PLATT. The Legislature since elected has memorialized Congress to admit Wyoming under this constitution. It is a most labored effort to make it appear that this is not entirely satisfactory to the people, that there has been any irregularity about it, that there is any political feeling about it. It has no foundation on which to rest.

Mr. TELLER. I should like to ask the chairman of the committee whether there have been any protests from Wyoming.

Mr. PLATT. There has not been a protest. There has been just one letter written here against it, and when the attention of that gentleman was called to the matter which he spoke of in the constitution and he found he was mistaken he wrote a letter and said he was perfectly satisfied. This thing is entirely satisfactory to the people of Wyoming.

Mr. GRAY. It would seem that the Senator from Connecticut confesses that the charges of irregularity in regard to the conditions that surround this nascent, aspiring State made by me are true.

Mr. PLATT. Oh, I answered that yesterday, Mr. President.

Mr. GRAY. Now, the Senator from Connecticut, in the absence of any official information that a majority of the people of that Territory participated either in electing the delegates to the constitutional convention or in the vote on the constitution, seems to think it is sufficient that the newspapers in the Territory are unanimous in its favor, that there has been no protest here, and that there is what he declares upon his belief, no doubt a perfectly honest one, an entire unanimity of desire on the part of the people of that Territory to come in—a general declaration of what he believes to be the state of opinion in that Territory, and the votes of the newspapers substituted for those regular, orderly, American proceedings which I claim should always obtain in these bodies.

Mr. BLAIR. May I ask the Senator a question?

Mr. GRAY. Certainly.

Mr. BLAIR. Taking the Senator's remarks as indicative that there was no legal expression or proper expression of the sentiment of the people, I should like to ask his opinion as to the legality of the election of the representation of the State of Georgia, for instance, in the other House of Congress, where with some 27,000 voters, if I remember correctly, out of 200,000 in the State, they elected ten Representatives. Does the Senator think that is a legal election, a proper expression of public sentiment that ought to be acted upon, and that ought to conclude the House of Congress to which they are alleged to be chosen, if this be not a proper, legal, binding expression of the sentiment of the people of Wyoming?

Mr. GRAY. The conditions that surround the proposed admission of the State of Wyoming are just about as regular and just about as pertinent as the question which the Senator from New Hampshire puts is to this debate. If it has anything to do with it, I can not under-

stand how; and if the proceedings which have taken place in the Territory of Wyoming have anything to do with making a sufficient ground for the admission of that Territory as a State I can not understand how much.

Mr. PLATT. I hope we may now have a vote. It is within two minutes of half past 4.

The VICE-PRESIDENT. The Chair calls attention to the agreement reached yesterday afternoon by unanimous consent, and modified this morning, by which debate was to cease and the vote was to be taken at half-past 4 o'clock. The question is on the amendment offered by the Senator from Arkansas [Mr. JONES].

Mr. MORGAN. On that I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). On this question I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "yea."

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. KENNA (when Mr. FAULKNER's name was called). My colleague [Mr. FAULKNER] is paired with the Senator from Pennsylvania [Mr. QUAY]. If my colleague were present, he would vote in favor of this amendment, and if a vote should come on the final passage of the bill he would vote "nay."

Mr. GRAY (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "yea."

Mr. BUTLER (when Mr. HAMPTON's name was called). My colleague [Mr. HAMPTON] is paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. BATE (when the name of Mr. HARRIS was called). My colleague [Mr. HARRIS] is sick to-day and unable to be here. He is paired with the Senator from Vermont [Mr. MOREILL].

Mr. KENNA (when his name was called). I am paired with the Senator from Colorado [Mr. WOLCOTT]. The Senator from Connecticut [Mr. PLATT] is paired with the Senator from Virginia [Mr. BARBOUR]. We have arranged a transfer of pairs, so that the Senator from Connecticut and I may vote. I vote "yea."

Mr. STOCKBRIDGE (when Mr. McMILLAN's name was called). My colleague [Mr. McMILLAN] is paired with the Senator from North Carolina [Mr. VANCE].

Mr. MORRILL (when his name was called). I am paired with the Senator from Tennessee [Mr. HARRIS]. I transfer that pair to the Senator from Michigan [Mr. McMILLAN], so that the Senator from North Carolina [Mr. VANCE] and myself can vote. I vote "nay."

Mr. PETTIGREW (when his name was called). I am paired with the Senator from Florida [Mr. CALL]. If he were present, I should vote "nay."

Mr. FRYE (when Mr. PLUMB's name was called). The junior Senator from Kansas [Mr. PLUMB] is detained in the Committee on Appropriations and is paired with the junior Senator from Missouri [Mr. VEST]. If they were present, the Senator from Kansas would vote "nay" and the Senator from Missouri would vote "yea."

Mr. RANSOM (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. If he were present, I should vote "yea."

Mr. SANDERS (when his name was called). I am paired with the senior Senator from Indiana [Mr. VOORHEES]. I should vote "nay" if I were not paired.

Mr. SAWYER (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT]. If he were here, I should vote "nay."

Mr. VANCE (when his name was called). The pair which I have with the Senator from Michigan [Mr. McMILLAN] I have transferred to the Senator from Tennessee [Mr. HARRIS], and I am therefore at liberty to vote. I vote "yea."

Mr. PASCO (when the name of Mr. VOORHEES was called). I have been requested to announce that the Senator from Indiana [Mr. VOORHEES] is absent in consequence of sickness, and is paired. If he were present, he would vote "yea."

Mr. GORMAN (when the name of Mr. WILSON, of Maryland, was called). My colleague [Mr. WILSON, of Maryland] is paired with the Senator from Iowa [Mr. WILSON].

The roll-call was concluded.

Mr. DAWES. My colleague [Mr. HOAR] is paired with the Senator from Delaware [Mr. GRAY]. If present, my colleague would vote "nay."

Mr. DAVIS. I transfer my pair with the Senator from Indiana [Mr. TURPIE] to the Senator from Massachusetts [Mr. HOAR], which will enable the Senator from Delaware [Mr. GRAY] and myself to vote. I vote "nay."

Mr. GRAY. I vote "yea."

Mr. PASCO. I wish to call attention to the fact that my colleague [Mr. CALL] is absent and is paired with the Senator from South Dakota [Mr. PETTIGREW], as already announced.

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, I should vote "nay."

Mr. DOLPH. I am paired with the senior Senator from Georgia [Mr. BROWN]. If there is a quorum voting I will withhold my vote.

The VICE-PRESIDENT. There is a quorum voting.

Mr. FRYE. My colleague [Mr. HALE] is detained from the Chamber on business of the Senate and is paired with the Senator from North Carolina [Mr. RANSOM].

The result was announced—yeas 18, nays 29; as follows:

YEAS—18.			
Bate,	George,	McPherson,	Reagan,
Berry,	Gorman,	Morgan,	Vance,
Blackburn,	Gray,	Pasco,	Walthall.
Carlisle,	Jones of Arkansas,	Payne,	
Coke,	Kenna,	Fugh,	
NAYS—29.			
Allen,	Evarts,	Manderson,	Spooner,
Blair,	Farwell,	Mitchell,	Stewart,
Cass,	Frye,	Moody,	Stockbridge,
Cullom,	Hawley,	Morrill,	Teller,
Davis,	Higgins,	Pierce,	Washburn.
Dawes,	Hiscock,	Platt,	
Dixon,	Ingalls,	Power,	
Edmunds,	Jones of Nevada,	Sherman,	
ABSENT—37.			
Aldrich,	Colquitt,	Hoar,	Stanford,
Allison,	Daniel,	McMillan,	Turpie,
Barbour,	Dolph,	Paddock,	Vest,
Blodgett,	Eustis,	Pettigrew,	Voorhees,
Brown,	Faulkner,	Plumb,	Wilson of Iowa,
Butler,	Gibson,	Quay,	Wilson of Md.,
Call,	Hale,	Ransom,	Wolcott.
Cameron,	Hampton,	Sanders,	
Chandler,	Harris,	Sawyer,	
Cockrell,	Hearst,	Squire,	

So the amendment was rejected.

Mr. JONES, of Arkansas. I now move to strike out all after the enacting clause of the pending bill and insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and insert:

That the inhabitants of all that part of the area of the United States now constituting the Territory of Wyoming, as at present described, may become the State of Wyoming, as hereinafter provided.

Sec. 2. That all male persons who shall have resided within the limits of said proposed State for sixty days, and are otherwise qualified by the laws of said Territory to vote for representatives to the Legislative Assembly thereof, are hereby authorized to vote for and choose delegates to form a convention in said Territory; and the qualifications for delegates to such convention shall be such as, by the laws of said Territory, persons are required to possess to be eligible to the Legislative Assembly thereof; and the aforesaid delegates to form said convention shall be apportioned among the several counties within the limits of the proposed State in proportion to the aggregate number of votes in each of said counties for Delegate in Congress at the election held in said Territory on the Tuesday next after the first Monday in November, 1890.

One delegate shall be allowed for every 300 votes cast in each county, and one delegate for any fraction of 150 votes cast in each county. That said apportionment shall be made by the governor, the chief-justices, and the United States attorney of said Territory; and the governor of said Territory shall, by proclamation, order an election of the delegates aforesaid in said Territory to be held on the first Monday in August, 1890, which proclamation shall be issued within thirty days after the passage of this act; and such election shall be conducted, the returns made, the result ascertained, and the certificates to persons elected to such convention issued in the same manner as is prescribed by the laws of the said Territory regulating elections therein for Delegate to Congress. All male persons resident in said proposed State, who are qualified voters of said Territory as herein provided, shall be entitled to vote upon the election of delegates, and upon the ratification or rejection of the constitution, under such rules and regulation as said convention may prescribe, not in conflict with this act, but no educational qualification shall be required of voters at either of said elections.

Sec. 3. That the delegates to the convention thus elected shall meet at the seat of government of said Territory on the first Monday in September, 1890, and after organization shall declare, on behalf the people of said proposed State, that they adopt the Constitution of the United States; whereupon the said convention shall be, and is hereby, authorized to form a constitution and State government for said proposed State. The constitution shall be republican in form and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide, by ordinance irrevocable without the consent of the United States and the people of said State:

First, that perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship;

Second, that the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without the State shall never be taxed at a higher rate than the lands belonging to residents thereof; that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use; but nothing herein, or in the ordinance provided for, shall preclude the said State from taxing, as other lands are taxed, any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation; but said ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as such act of Congress may prescribe;

Third, that the debts and liabilities of said Territory shall be assumed and paid by the said State; and

Fourth, that provision shall be made for the establishment and maintenance

of a system of public schools, which shall be open to all the children of said State and free from sectarian control.

Sec. 4. That in case a constitution and State government shall be formed in compliance with the provisions of this act the convention forming the same shall provide by ordinance for submitting said constitution to the people of said State for their ratification or rejection, at an election to be held in said Territory on the Tuesday after the first Monday of November, 1890, at which election the qualified voters of said proposed State shall vote directly for or against the proposed constitution and for or against any provisions separately submitted. The returns of said election shall be made to the secretary of said Territory, who, with the governor and chief-justice thereof or any two of them, shall canvass the same; and if a majority of the legal votes cast on that question shall be for the constitution the governor shall certify the result to the President of the United States, together with a statement of the votes cast thereon and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances. And if the constitution and government of said proposed State are republican in form and if all the provisions of this act have been complied with in the formation thereof, it shall be the duty of the President of the United States to issue his proclamation announcing the result of said election, and thereupon the proposed State of Wyoming shall be deemed admitted by Congress into the Union under and by virtue of this act on an equal footing with the original States from and after the date of said proclamation: *Provided*, That nothing contained in this act shall, in anywise, interfere with the right and ownership of the United States to the Yellowstone National Park reservation, and the exclusive control over the same by the United States.

Mr. JONES, of Arkansas. This is a proposition merely—

Mr. PLATT. I understood that we were to vote on amendments and on the bill without debate.

Mr. JONES, of Arkansas. I only want to say that this is a proposition to have an enabling act simply for Wyoming; and there is a mistake in one date that I ask unanimous consent to change.

The VICE-PRESIDENT. The Senator has a right to modify his amendment.

Mr. JONES, of Arkansas. The word "June" is used where it should be "September." I want to make that change. There will be no objection to it, I presume.

The VICE-PRESIDENT. The amendment will be so modified.

Mr. GRAY. Is it the same as the enabling act for the four States passed in the last Congress?

Mr. JONES, of Arkansas. This would be the same act that we adopted in the last Congress for those States.

The VICE-PRESIDENT. The question is on the amendment offered by the Senator from Arkansas.

Mr. GORMAN. On that I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. DAVIS (when his name was called). I will transfer my pair with the Senator from Indiana [Mr. TURPIE] to the Senator from Massachusetts [Mr. HOAR], and that will enable the Senator from Delaware [Mr. GRAY] and myself to vote. I vote "nay."

Mr. GRAY (when his name was called). As the Senator from Minnesota [Mr. DAVIS] has just stated, the pair I have with the Senator from Massachusetts [Mr. HOAR] is transferred to the Senator from Indiana [Mr. TURPIE], and therefore I vote "yea."

Mr. DAWES (when Mr. HOAR's name was called). My colleague [Mr. HOAR] would, if present, vote "nay." He is paired as stated.

Mr. STOCKBRIDGE (when Mr. McMILLAN's name was called). My colleague [Mr. McMILLAN] is paired with the Senator from North Carolina [Mr. VANCE].

Mr. MORRILL (when his name was called). As I have already stated, I am paired with the Senator from Tennessee [Mr. HARRIS]. I however transfer that pair to the Senator from Michigan [Mr. McMILLAN], in order that the Senator from North Carolina [Mr. VANCE] and myself may vote. I vote "nay."

Mr. PETTIGREW (when his name was called). I am paired with the Senator from Florida [Mr. CALL]. If he were present, I should vote "nay."

Mr. INGALLS (when Mr. PLUMB's name was called). My colleague [Mr. PLUMB] is absent on service of the Senate and is paired with the Senator from Missouri [Mr. VEST].

Mr. RANSOM (when his name was called). I am paired with the Senator from Maine [Mr. HALE].

Mr. SANDERS (when his name was called). I am paired with the Senator from Indiana [Mr. VOORHEES] and withhold my vote.

Mr. SAWYER (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT]. If he were here, I should vote "nay."

The roll-call was concluded.

Mr. MCPHERSON (after having voted in the affirmative). I wish to withdraw my vote. I am paired with the Senator from Delaware [Mr. HIGGINS].

Mr. BLAIR. My colleague [Mr. CHANDLER] is absent on account of ill-health and is paired with the Senator from New Jersey [Mr. BLODGETT]. If present, my colleague would vote "nay."

Mr. DOLPH. If agreeable to the Senator from New Jersey [Mr. MCPHERSON] to transfer his pair with the Senator from Delaware [Mr. HIGGINS] to the Senator from Georgia [Mr. BROWN] we can both vote.

Mr. MCPHERSON. I have just arranged with the Senator from Nebraska [Mr. PADDOCK] for a transfer of my pair to the Senator from Louisiana [Mr. EUSTIS].

Mr. DOLPH. Then I will announce that I am paired with the Senator from Georgia [Mr. BROWN]. If he were present, I should vote "nay."

Mr. PADDOCK. Under the transfer announced by the Senator from New Jersey I will vote. I vote "nay."

Mr. McPHERSON. I vote "yea."

Mr. DIXON. I announce the pair of my colleague [Mr. ALDRICH] with the Senator from South Carolina [Mr. HAMPTON].

Mr. PADDOCK. The Senator from Louisiana [Mr. EUSTIS] is paired on this vote with the Senator from Delaware [Mr. HIGGINS].

The result was announced—yeas 18, nays 29; as follows:

YEAS—18.			
Bate,	George,	McPherson,	Reagan,
Berry,	Gorman,	Morgan,	Vance,
Blackburn,	Gray,	Pasco,	Walthall.
Carlisle,	Jones of Arkansas,	Payne,	
Coke,	Kenna,	Pugh,	
NAYS—29.			
Allen,	Evarts,	Mitchell,	Spooner,
Blair,	Farwell,	Moody,	Stewart,
Casey,	Frye,	Morrill,	Stockbridge,
Cullom,	Hawley,	Paddock,	Teller,
Davis,	Hiscock,	Pierce,	Washburn.
Dawes,	Ingalls,	Platt,	
Dixon,	Jones of Nevada,	Power,	
Edmunds,	Manderson,	Sherman,	
ABSENT—37.			
Aldrich,	Colquitt,	Higgins,	Stanford,
Allison,	Daniel,	Hoar,	Turpie,
Barbour,	Dolph,	McMillan,	Vest,
Blodgett,	Eustis,	Pettigrew,	Voorhees,
Brown,	Faulkner,	Plumb,	Wilson of Iowa,
Butler,	Gibson,	Quay,	Wilson of Md.,
Call,	Hale,	Ransom,	Wolcott.
Cameron,	Hampton,	Sanders,	
Chandler,	Harris,	Sawyer,	
Cockrell,	Hearst,	Squire,	

So the amendment was rejected.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE-PRESIDENT. Shall the bill pass?

Mr. PUGH. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DIXON (when the name of Mr. ALDRICH was called). My colleague [Mr. ALDRICH] is paired with the Senator from South Carolina [Mr. HAMPTON].

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE], but I transfer that pair to the Senator from Massachusetts [Mr. HOAR], and that leaves the Senator from Delaware [Mr. GRAY] and myself at liberty to vote. I vote "yea."

Mr. DOLPH (when his name was called). I announce my pair with the senior Senator from Georgia [Mr. BROWN]. If he were here, I should vote "yea."

Mr. DAWES (when Mr. HOAR's name was called). My colleague [Mr. HOAR] would vote "yea" if present. He is paired, as has already been stated, with the Senator from Indiana [Mr. TURPIE].

Mr. STOCKBRIDGE (when Mr. McMILLAN's name was called). I again announce the pair of my colleague [Mr. McMILLAN] with the Senator from North Carolina [Mr. VANCE].

Mr. MORRILL (when his name was called). I transfer my pair with the Senator from Tennessee [Mr. HARRIS] to the Senator from Michigan [Mr. McMILLAN], and vote "yea."

Mr. PETTIGREW (when his name was called). I am paired with the Senator from Florida [Mr. CALL]. If he were present, I should vote "yea."

Mr. FRYE (when Mr. PLUMB's name was called). The Senator from Kansas [Mr. PLUMB], if present, would vote "yea." He is detained from the Chamber on business of the Senate and is paired with the junior Senator from Missouri [Mr. VEST].

Mr. RANSOM (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. I should vote "nay" if I were not paired.

Mr. SANDERS (when his name was called). I am paired with the senior Senator from Indiana [Mr. VOORHEES] and withhold my vote. If he were present, I should vote "yea."

Mr. VANCE (when his name was called). As heretofore announced, I have been paired with the Senator from Michigan [Mr. McMILLAN], but I have transferred my pair to the Senator from Tennessee [Mr. HARRIS], so that the Senator from Tennessee and the Senator from Michigan stand paired. I vote "nay."

Mr. GORMAN (when the name of Mr. WILSON, of Maryland, was called). My colleague [Mr. WILSON, of Maryland] is paired with the Senator from Iowa [Mr. WILSON]. If my colleague were present, he would vote "nay."

The roll-call was concluded.

Mr. PADDOCK. The Senator from Louisiana [Mr. EUSTIS] on this vote is paired with the Senator from Delaware [Mr. HIGGINS].

Mr. SAWYER. I am paired with the Senator from Georgia [Mr. COLQUITT]. If he were present, I should vote "yea."

Mr. ALLEN. My colleague [Mr. SQUIRE] is absent and is paired with the Senator from Virginia [Mr. DANIEL].

The result was announced—yeas 29, nays 18; as follows:

YEAS—29.			
Allen,	Evarts,	Mitchell,	Spooner,
Blair,	Farwell,	Moody,	Stewart,
Casey,	Frye,	Morrill,	Stockbridge,
Cullom,	Hawley,	Paddock,	Teller,
Davis,	Hiscock,	Pierce,	Washburn.
Dawes,	Ingalls,	Platt,	
Dixon,	Jones of Nevada,	Power,	
Edmunds,	Manderson,	Sherman,	
NAYS—18.			
Bate,	George,	McPherson,	Reagan,
Berry,	Gorman,	Morgan,	Vance,
Blackburn,	Gray,	Pasco,	Walthall.
Carlisle,	Jones of Arkansas,	Payne,	
Coke,	Kenna,	Pugh,	
ABSENT—37.			
Aldrich,	Colquitt,	Higgins,	Stanford,
Allison,	Daniel,	Hoar,	Turpie,
Barbour,	Dolph,	McMillan,	Vest,
Blodgett,	Eustis,	Pettigrew,	Voorhees,
Brown,	Faulkner,	Plumb,	Wilson of Iowa,
Butler,	Gibson,	Quay,	Wilson of Md.,
Call,	Hale,	Ransom,	Wolcott.
Cameron,	Hampton,	Sanders,	
Chandler,	Harris,	Sawyer,	
Cockrell,	Hearst,	Squire,	

So the bill was passed.

The VICE-PRESIDENT. The question is on agreeing to the preamble.

The preamble was agreed to.

Mr. PLATT. I move that the Senate insist upon its amendment to the bill and ask a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. PLATT, Mr. CULLOM, and Mr. JONES of Arkansas were appointed.

Mr. PLATT. I move that the bill (S. 894) to provide for the admission of the State of Wyoming into the Union, and for other purposes be indefinitely postponed.

The motion was agreed to.

ADMISSION OF IDAHO.

Mr. PLATT. I move that the Senate proceed to the consideration of the bill (S. 658) to provide for the admission of the State of Idaho into the Union.

The motion was agreed to.

Mr. BUTLER. The Senator does not expect to go on with this bill this evening?

Mr. PLATT. If Senators do not desire to have the bill pressed this evening I simply wish to have the bill remain as the unfinished business.

Mr. BUTLER. Then I move that the Senate adjourn.

Mr. DOLPH. I hope we shall have an executive session.

Mr. BUTLER. Very well. I withdraw the motion to adjourn.

Mr. EDMUNDS. Is the Idaho bill before the Senate?

The VICE-PRESIDENT. The bill has been taken up and is the unfinished business.

Mr. PLATT. The bill has been taken up. I will say that I understand there is not perhaps an order, but what amounts to an agreement of the Senate that Saturday shall be devoted to the Calendar, and I shall respect that understanding of the Senate, and not press this bill to-morrow; but will expect it to go over and remain as the unfinished business for Monday morning.

LEAVES OF ABSENCE FOR POST-OFFICE EMPLOYEES.

The VICE-PRESIDENT laid before the Senate the following resolution from the House of Representatives; which was considered by unanimous consent, and agreed to:

Resolved, That the Senate is hereby requested to return to the House of Representatives the bill of the House (H. R. 10096) granting leaves of absence to clerks and employes in first and second class post-offices.

SUBMARINE CABLE IN NEW YORK HARBOR.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate for an appropriation of \$2,000 for a submarine cable between Forts Hamilton and Wadsworth, New York Harbor; which was read.

The VICE-PRESIDENT. The communication, with the accompanying papers, will be referred to the Committee on Military Affairs, and printed.

Mr. GORMAN. I suggest that the communication ought to go to the Committee on Appropriations instead of the Committee on Military

Affairs, so as to be acted on in connection with the sundry civil appropriation bill.

Mr. EDMUNDS. The Committee on Military Affairs ought to know whether those two forts need a cable. I think the Military Committee in the first instance is the right one, and then the matter can go to the Committee on Appropriations.

Mr. GORMAN. It is an estimate of the Department.

Mr. EDMUNDS. But the Committee on Military Affairs ought to consider it first.

The VICE-PRESIDENT. It is so referred.

Mr. GORMAN. Very well.

PAY OF LETTER-CARRIERS.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. Res. 183) to provide for the unexpended balance, \$99,439.07, for discharging claims of letter-carriers for extra compensation under the eight-hour law, approved May 24, 1888, and appropriated for the fiscal year ended June 30, 1888; which was read the first time by its title.

Mr. SAWYER. I ask for the present consideration of the joint resolution.

Mr. EDMUNDS. I think the joint resolution should go to the proper committee.

Mr. SAWYER. I wish to say that we passed one precisely like it last night, and at the same time the House of Representatives passed this one. I had the clerks hold the Senate joint resolution, so that I could have it indefinitely postponed and get the Senate to pass this one.

Mr. EDMUNDS. We ought to see what it is, really.

Mr. SAWYER. It has been reported from the Committee on Post-Offices and Post-Roads and passed by the Senate. There is a letter from the Postmaster-General showing the necessity of it, which appears in to-day's RECORD.

Mr. EDMUNDS. Does the Senator know from a personal inspection that the House measure is precisely like the one the Senate passed?

Mr. SAWYER. I do; I examined it to-day. It is precisely like it in every particular. I ask that the joint resolution be passed. As I stated we passed one last night in every particular just like it to the letter.

The VICE-PRESIDENT. The joint resolution will be read the second time at length for information.

The joint resolution was read the second time at length, as follows:

Be it resolved, etc. That the unexpended balance of \$99,439.07 of the appropriation for the free-delivery service of the Post-Office Department for the fiscal year ended June 30, 1888, be continued and made available to June 30, 1891, for discharging the claims of letter-carriers for compensation for extra time in the months of May and June, 1888, made under the provisions of an act entitled "An act to limit the hours that letter-carriers in cities shall be employed per day," approved May 24, 1888.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. GORMAN. I should like to ask the Senator from Wisconsin what is the necessity of this legislation?

Mr. SAWYER. In 1888 we passed a law reducing the hours of labor of letter-carriers to eight hours a day. The Postmaster-General sent a communication to the Senate stating that the Department had not had clerical force enough to adjust the claims and asking to have this appropriation continued, as otherwise it would lapse the 1st day of July. The object is to settle this indebtedness that the Government owes the letter-carriers.

Mr. GORMAN. I see no objection to it on that statement.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SAWYER. I move to reconsider the vote by which the joint resolution (S. R. 106) to continue the unexpended balance of appropriation for the free-delivery service of the Post-Office Department for the fiscal year ended June 30, 1888, and for other purposes was passed.

The motion to reconsider was agreed to.

Mr. SAWYER. I now move that the joint resolution be indefinitely postponed.

The motion was agreed to.

FEES IN NEW MEXICO AND ARIZONA.

Mr. EDMUNDS. I wish to ask the Chair whether the message of the House of Representatives in respect of the bill (H. R. 3940) to amend an act entitled "An act to extend the fees of certain officers over the Territories of New Mexico and Arizona" has been laid before the Senate.

The VICE-PRESIDENT. It has not.

Mr. EDMUNDS. I ask that it may now be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the following message from the House of Representatives; which was read:

IN THE HOUSE OF REPRESENTATIVES, June 25, 1890.

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3940) to amend an act entitled "An act to extend the fees of certain officers over the Territories of New Mexico and Arizona."

Mr. EDMUNDS. I submit in this connection the report of the Senate conferees, being the duplicate of the other conference report.

The VICE-PRESIDENT. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3940) to amend an act entitled "An act to extend the fees of certain officers over the Territories of New Mexico and Arizona," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

GEO. F. EDMUNDS,

G. G. VEST,

Managers on the part of the Senate.

I. S. STRUBLE,

R. W. PERKINS,

C. B. KILGORE,

Managers on the part of the House of Representatives.

Mr. EDMUNDS. The other House having receded from its disagreement to the Senate amendment and agreed to the same, no action of the Senate is necessary, only to have it go into the record.

EXECUTIVE SESSION.

Mr. DOLPH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were re-opened, and (at 5 o'clock and 17 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 28, 1890, at 12 o'clock m.

CONFIRMATIONS.

Executive nomination confirmed by the Senate June 26, 1890.

POSTMASTER.

Daniel F. Stewart, to be postmaster at Wilmington, in the county of New Castle and State of Delaware.

Executive nominations confirmed by the Senate June 27, 1890.

INDIAN AGENT.

Pernin P. Palmer, of Estelline, South Dakota, to be agent for the Indians of the Cheyenne River agency in South Dakota.

COLLECTORS OF CUSTOMS.

Rockey P. Earhart, of Oregon, to be collector of customs for the district of Willamette, in the State of Oregon.

Max Pracht, of Alaska, to be collector of customs for the district of Alaska, in the Territory of Alaska.

PROMOTIONS IN THE ARMY.

Horatio P. Van Cleve, of Minnesota, formerly second lieutenant Fifth United States Infantry and late brigadier and brevet major general United States Volunteers, to be second lieutenant of infantry, United States Army.

Second Regiment of Cavalry.

First Lieut. Charles B. Schofield, to be captain.

Second Lieut. Herbert H. Sargent, to be first lieutenant.

Eighteenth Regiment of Infantry.

First Lieut. John Anderson, regimental quartermaster, to be captain.

Second Lieut. David C. Shanks, to be first lieutenant.

POSTMASTER.

Mrs. Minnie Washburne, to be postmaster at Eugene, in the county of Lane and State of Oregon.

Michael T. Nolan, to be postmaster at The Dalles, in the county of Wasco and State of Oregon.

Lewis V. Curry, to be postmaster at Fenton, in the county of Genesee and State of Michigan.

James Buckley, to be postmaster at Petoskey, in the county of Emmet and State of Michigan.

HOUSE OF REPRESENTATIVES.

FRIDAY, June 27, 1890.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

LEAVE OF ABSENCE TO POST-OFFICE EMPLOYEES.

Mr. DOCKERY. I rise to a parliamentary inquiry. I desire to know whether it will be in order—I suppose, however, it will not—to move to reconsider the action of the House yesterday by which House bill 10088 was passed.

Mr. SAYERS. What is that bill?

Mr. DOCKERY. It is a bill called up by the gentleman from New York [Mr. KETCHAM] granting leaves of absence to clerks and employees in first and second class post-offices. When the matter was presented yesterday I propounded this inquiry:

Mr. DOCKERY. I will inquire of the gentleman from New York [Mr. KETCHAM] whether this bill carries an appropriation.

The reply was:

Mr. KETCHAM. It does not.

I find, however, upon examination and according to the best estimate that could be made by the gentleman from Illinois [Mr. CANNON] and myself—a hurried estimate—that the bill really involves an annual expenditure of probably \$316,000.

The SPEAKER. The statement was made to the House that it did not increase the expense to the Government at all.

Mr. DOCKERY. I do not like to ask any action in the absence of the gentleman from New York—

Mr. SAYERS. Why not make a motion to reconsider?

Mr. McMILLIN. The gentleman can enter that motion.

Mr. DOCKERY. But the motion to reconsider was made yesterday and laid on the table.

Mr. McMILLIN. At any rate it would be in order to ask unanimous consent that the motion be entered.

Mr. QUINN. I regret very much to find that the gentleman from Missouri [Mr. DOCKERY] has come to the conclusion that this bill involves an increase of expenditure. As I am informed, the granting of leaves of absence to post-office clerks in the city of New York has not that effect at all.

The SPEAKER. The Chair will state that the action taken yesterday on the bill could be reconsidered by unanimous consent.

Mr. DOCKERY. I would submit a request to that effect but for the absence of the gentleman from New York [Mr. KETCHAM].

Mr. CANNON. I think it fair that the motion to reconsider be entered. This matter was passed yesterday in my absence when I was engaged upon a committee of conference; and it seems to me the House did not understand it. Unanimous consent might now be given to set aside the action by which the motion to reconsider was yesterday laid on the table, so that the motion may now be pending.

Mr. McMILLIN. To be acted on when the gentleman from New York [Mr. KETCHAM] shall be present.

Mr. FLOWER. I object.

Mr. CANNON. The House evidently acted under a misapprehension.

Mr. HOLMAN. It appears to me very proper the action suggested should now be taken.

Mr. BLAND. The statement was made at the time the bill was passed that it would involve no additional appropriation. That was the understanding on which the House acted; and if that is an error the action then taken ought certainly to be set aside.

Mr. DOCKERY. I want to read what the gentleman from New York [Mr. FLOWER] said yesterday in reference to this bill.

I hope there will be no objection. The bill does not involve one dollar of expense to the Government.

Mr. FLOWER. How does it?

Mr. DOCKERY. Because the Government will be required to compensate the substitute clerks while the regular clerks are enjoying their leaves of absence.

Mr. McMILLIN. It seems perfectly proper that the motion to reconsider should be entered.

Mr. FLOWER. I withdraw my objection.

Mr. DOCKERY. I knew the gentleman would do so when he understood that the House had acted under a misapprehension.

Mr. QUINN. As I understand, the granting of leaves of absence to post-office clerks will not involve one dollar of extra appropriation because the clerks remaining in the office perform extra duty during the absence of their colleagues.

Mr. CANNON. This whole question can come up on the motion to reconsider.

Mr. DOCKERY. Let the motion to reconsider be entered and lie over until the gentleman from New York returns.

Mr. PAYNE. My colleague [Mr. KETCHAM] would not have made the statement he did unless at the time he believed it to be true. If he were here now and the facts brought to his attention I have no doubt he would ask to have the matter reconsidered and the bill brought again before the House. I ask that gentlemen wait until my colleague comes in.

Mr. DOCKERY. There is no question as to the good faith of the gentleman from New York [Mr. KETCHAM].

Mr. HOLMAN. I hope the course suggested by the gentleman from Missouri [Mr. DOCKERY] and other gentlemen will be pursued; otherwise it is very clear that action upon measures by unanimous consent will be put an end to entirely.

Mr. FLOWER. Let the motion to reconsider be pending, then, until my colleague [Mr. KETCHAM] returns.

Mr. DOCKERY. I ask unanimous consent that a motion to reconsider be entered and that action upon it be deferred until the return of the gentleman from New York [Mr. KETCHAM].

Many MEMBERS. That is right.

The SPEAKER. The gentleman from Missouri [Mr. DOCKERY] asks unanimous consent that, notwithstanding a motion to reconsider was made yesterday and laid on the table, that motion may now be entered and considered pending. Is there objection? The Chair hears

none, and it is so ordered. The Chair would suggest that it may also be necessary to recall the bill from the Senate.

Mr. DOCKERY. I ask that such an order be made.

The SPEAKER. In the absence of objection, the Clerk will be directed to request the Senate to return the bill.

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 833) providing for the erection of a public building at Paris, Tex.;

A bill (H. R. 4635) granting certain privileges to the Union Railway Company of Chattanooga, Tenn.; and

A bill (H. R. 6946) providing for the sale of navy-yard and United States naval-hospital lands in the city of Brooklyn, N. Y.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1636) for the relief of certain officers on the retired-list of the Army;

A bill (S. 3139) to aid the State of South Dakota to support a school of mines;

A bill (S. 3460) to release certain church property in the District of Columbia from arrears of taxation; and

A bill (S. 3745) granting to the Northern Pacific and Yakima Irrigation Company a right of way through the Yakima Indian reservation in Washington.

The message further announced that the Senate further insisted upon its amendments numbered 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 34, 159, and 163 to the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes, asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DAWES, Mr. PLUMB, and Mr. GORMAN conferees on the part of the Senate.

LEAVE TO PRINT ON SILVER BILL.

Mr. CONGER. A number of gentlemen on both sides of the House desire to print remarks on the silver bill. I ask unanimous consent that leave for that purpose be granted, provided that the speeches are filed for printing within the next five days.

The SPEAKER. Is there objection to the request of the gentleman from Iowa.

A MEMBER. What is it?

The SPEAKER. That leave be granted to all members to print remarks in the RECORD on the silver bill, provided they be filed within five days.

Mr. BRECKINRIDGE, of Kentucky. I object.

FEDERAL ELECTION LAW.

Mr. McMILLIN. Mr. Speaker, I demand the regular order in view of the limited time allotted to the consideration of the special order by the House, the election bill. I do not think the time given to that ought to be consumed in any other way.

The SPEAKER. The regular order is the further consideration of the special order; and the gentleman from Wisconsin is entitled to the floor.

Mr. HAUGEN. The discussion hereon yesterday is a fair illustration of the views, theories, and practices of the two great parties on the question of suffrage. The two gentlemen who have preceded me on this side of the Chamber have pleaded for the protection of the individual without regard to race or color. They have recognized no distinction, but placed all on an equality before the law. They have advocated universal suffrage as the corner-stone of our liberties.

The gentleman from South Carolina, opening the debate upon his side of the Chamber, has been equally as frank in enunciating the position of the opposition. He freely avows that white men must and will control in South Carolina. He throws the Constitution to the winds when it says—

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

And he registers a solemn oath that he will violate the laws of his country rather than that the State of South Carolina shall be Republican through colored votes, although their majority may be undisputed. I do not want to misquote him; here is what he says:

We know we must either rule that country or leave it. Now, for myself, before the people of the United States and before God in all reverence, I swear we will not leave it.

And here his party associates signified their approval by applause. He continued:

It is the home of our fathers. There their bones lie buried. They bought it with their blood when Concord and Lexington were the battle-fields of this country.

They have handed it down to us unimpaired; and, gentlemen, are we not our fathers' sons? Shall the blood first turn back in our veins? Shall we transmit

to coming generations a great and a noble State which has been overruled and dethroned by a race whom God never intended to rule over us?

Sir, it was not my good fortune to be born within the United States. Had I been consulted as to my birthplace there is no flag I should have preferred to that of the United States; but I should not have chosen the State of South Carolina. The gentleman may honor and love his State. It is, perhaps, right and natural that he should. But South Carolina, the mother of nullification and secession, has been the cause of more misery, the shedding of more blood, the cause of more anguish and of grosser injustice in this country than all other evils we have encountered. Not because her people are not humane, not because they love injustice rather than justice. There are, no doubt, as good, kind, and patriotic people in South Carolina as in any other State; but, cursed with slavery, her leaders early became advocates of the oligarchic idea of government. Their conceit made them assume that they alone were fit to govern and all who disagreed with them were only to obey. The gentleman's ideas would be subversive of popular government, for he announces his unwillingness to abide by the decision of the majority.

The gentleman from South Carolina is ably seconded by the gentleman from Virginia [Mr. TUCKER]. Being a Democrat, the gentleman is a constitutional lawyer, of course. He argues that this legislation would be unconstitutional. He admits, however, that a "very respectable tribunal has ruled otherwise." The Supreme Court of the United States will undoubtedly be as pleased at this compliment from my friend as they will be grieved at his inability to concur in their decision.

His obligations to the colored race the gentleman desires us to understand he fulfilled when at an early period of his existence he kindly condescended to receive the nourishment so essential to an infant statesman and constitutional lawyer from his dear colored nurse. It is not the first time that the "dear old black mammy" has been called into requisition on the other side of this Chamber. God only knows how many Democratic statesmen the dear old lady is responsible for. [Laughter on the Republican side.] We simply ask you, gentlemen, that you extend that same consideration to her brothers, her sons, and her uncles that you professedly and confessedly have for the "old mammy," her sisters, and her daughters, and her aunts.

You are simply befogging the issue with your sentimentality. The question before us is, Shall the majority rule in this country? and to that I will address myself.

Mr. Speaker, the opponents of this bill seem to take a special delight in calling it a partisan measure. They say it is legislation in favor of the Republican party. Perhaps it is. They evidently fear it is. Sir, if this bill favors the Republican party it is because honest elections favor the Republican party. If this bill interferes with the continued supremacy of Democracy in certain sections of this country, it must be because that party relies for success upon methods which will not bear the light of day. The very arguments against this bill afford the strongest reason why it should pass.

All that this bill endeavors to do is to guaranty to every citizen his right to cast an untrammelled ballot and, having cast it, to have it honestly counted. We are legislating in the line of popular government. We are the "Democrats" in the true sense of that much-abused word, while you, my Democratic friends, represent special classes and advocate the recognition of an oligarchy to take the place of your much-lamented slavery.

We believe that no Republican governmental structure can be enduring without giving to the masses of society a full and free opportunity to be heard, and yielding implicit obedience to the legally expressed will of the majority, while your every effort goes to deprive the honest laborer of his right to vote, or to juggle with his vote, if cast, and your position on this bill proves it. You can not deprive Southern labor of its manhood without, at the same time, striking a deadly blow at Northern labor, for, regardless of color, they are co-laborers in the same field and competitors in the same market. The law can not protect the one without benefiting the other. Nor can it withdraw its protection from the one without seriously affecting the other. This is fully appreciated by our labor organizations, and any one who has read the journals devoted to the welfare of the laboring classes can not fail to have noticed the interest with which they advocate ballot reform.

This is a question of manhood suffrage. It is nothing more, nothing less. The question is whether caste shall be recognized in this country, whether a select few, possessed of superior intelligence, coupled with a supreme contempt for law, shall be permitted to hold the majority by the throat and sustain themselves by daring lawlessness in the official positions they have stolen. Your fight on this bill, my Democratic friends, gives away your case. If you had the majorities in your respective districts behind you, if you felt that your elections were honest, you would welcome and not avoid light and publicity of your methods. Instead of that you cringingly whine about frauds at the North.

No one here defends or excuses fraud at the North. If there are any election frauds at the North which this bill does not aim a blow at, propose your amendments and I for one promise you my support; but do not—

Excuse the sins you are inclined to
By damning those you have no mind to.

Fraud ought to be condemned wherever found, and your cry of sectionalism is puerile and does not meet the issue.

The bill is carefully guarded so as not in any manner to infringe upon the rights of the States. Its provisions are strictly confined to Congressional elections, which affect the legislation of the whole country, and it does not in any manner undertake to regulate local or State elections. The committee has kept strictly within the provisions of section 4 of Article I of the Constitution, which reads:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The bill before us is also general in its application. It can be invoked as readily in Wisconsin as in Louisiana. One hundred electors in any one Congressional district may invoke it and put the machinery in motion for the whole district. Fifty voters in any one county or city may secure its operation as to their county or city. If its exercise is not invoked in any district it will be because there are not one hundred men in the district who believe elections are not honestly conducted, or, which can hardly be presumed, because there are not one hundred voters in the district who desire honest, fair elections. And still we are accused of aiming a direct blow at the South by proposing this bill. There never was such an insult offered to the South as is implied in that charge. If elections are honest in the South—and I doubt not that in many districts they are honest—this bill will be a vindication and prove it to the world. If not honest, your charge that it is sectional is an excuse and apology for and defense of crime.

I am free to admit that as far as my State is concerned there is not much necessity for this legislation. We have local self-government in Wisconsin, something unknown south of Mason and Dixon's line. Our towns and cities elect their own precinct election officers, the surest guaranty to my mind of honest elections.

There are many precincts in my district where every officer of election is a Democrat, but the honesty of the election is never questioned. Their returns command the same implicit respect and import the same absolute verity as where the board is made up wholly of Republicans or of both parties. This, I think, can be accounted for by the fact that our local election boards are elected by the same voters whose ballots they receive and whose will they register in their returns. They are the leading men of their respective towns or cities. The eyes of their neighbors, whose confidence and good opinion they very properly and naturally court, are upon them and they can ill afford to juggle with the suffrages of their neighbors. As a result I verily believe our elections are as fair and free from fraud as it is possible to make them. And I say it to the credit of Democrats and Republicans alike, for there is no difference in the confidence our local election boards enjoy.

This system of absolute home government in elections has been further supplemented in Wisconsin by the Australian ballot, making the corruption of the voter practically impossible. Were the system of local self-government in elections general throughout the country, I should not be in favor of the intervention of the General Government in this manner. I should in that event trust to the leaven of righteousness to be found in every community to work a safe and just solution of the question before us.

As a member of the Committee on Elections of the House, it has fallen to my lot to examine into the laws and methods of a number of States on this question, and it is astounding to a Northern man, accustomed to our local township government, to find how absolutely the people of the South have been robbed of every vestige of control of their own elections, at the same time that her political leaders have been shouting themselves hoarse, accusing the Republican party of centralization and infringement of "State rights."

"State rights" has served not only to clip the wings of the American eagle and cripple the Federal Government, but it has absorbed all the vital force and energy of every community within the State. If you honestly object to centralization consistency would suggest that that idea is as objectionable when lodged in a governor or State Legislature as when lodged in a President or United States Congress. I do not believe in it in either. I believe that all-enduring self-government must be like a pyramid, broad at the base, and that local self-government forms the foundation-stones supporting the whole.

But our Southern friends have inverted the pyramid and are now trying to support the tottering structure on its apex.

No foreigner studying our institutions, their origin and development, has viewed with a keener philosophy the question of local self-government and its beneficial influence upon the life and habits of our people than did the Frenchman De Tocqueville more than fifty years ago. In his Democracy in America, in discussing this question, he says:

It is man who makes monarchies and establishes republics, but the township seems to come directly from the hands of God.

There is certainly—

He says, referring to township government—

no nation on the continent of Europe which has experienced its advantages. Yet municipal institutions constitute the strength of free nations. Town meetings are to liberty what primary schools are to science: they bring it within the people's reach; they teach men how to use and how to enjoy it. A nation may establish a free government, but without municipal institutions it can not have the spirit of liberty.

In America not only do municipal bodies exist, but they are kept alive and supported by town spirit.

And referring especially to New England, where he finds the system of local self-government most fully developed, he continues:

The New Englander is attached to his township, not so much because he was born in it, but because it is a free and strong community, of which he is a member and which deserves the care spent in managing it. In Europe, the absence of local public spirit is a frequent subject of regret to those who are in power; every one agrees that there is no surer guaranty of order and tranquillity, and yet nothing is more difficult to create.

And he touches upon the spirit of patriotism, which is the natural result of this local system of self-government, as follows:

The native of New England is attached to his township because it is independent and free; his co-operation in its affairs insures his attachment to its interests; the well-being it affords him secures his affection, and its welfare is the aim of his ambition and of his future exertions. He takes a part in every occurrence in the place; he practices the art of government in the small sphere within his reach; he accustoms himself to those forms without which liberty can only advance by revolutions; he imbibes their spirit; he acquires a taste for order, comprehends the balance of powers, and collects clear, practical notions on the nature of his duties and the extent of his rights.

And in another place he says:

The township, at the center of the ordinary relations of life, serves as a field for the desire of public esteem, the want of exciting interest, and the taste for authority and popularity; and the passions which commonly embroil society change their character when they find a vent so near the domestic hearth and family circle.

Instead of smothering the budding ambition this system gives it vent and a safe escape. Our Southern friends are sitting on the safety-valve and depending upon their personal weight for security, at the same time that they recognize the increasing force of the elements and passions which they are endeavoring by main strength to control.

De Tocqueville is corroborated to-day by the fact that in those portions of the country where the township government is the least restricted there is no complaint of violence or fraud at elections. But even in his day, over fifty years ago, he recognizes differences in this respect in different sections of the country.

He says:

The farther we go toward the South, the less active does the business of the township or parish become.

And that consequently:

The power of the elected magistrats is augmented, and that of the voter diminished, whilst the public spirit of the local communities is less excited and less influential.

It is significant that this was written long before there was any "negro suffrage," and when that could not be given as an excuse or apology for suppressing the will of the voter. And still we find at that time this same tendency towards an oligarchic and aristocratic system of government in these States, which has reached more formidable proportions under the "Solid South" of later days. The cry of "negro supremacy" is a later invention, to cover the natural growth originating long before the enfranchisement of the colored race. It is a hollow pretense, used by the self-styled and self-appointed leaders to detract attention from their insidious attacks upon the rights of the common people to control and manage their own affairs.

There is no such school for intelligent citizenship and self-government as is found in our township system of the North. And at its very foundation lies the right to choose the officers to register the will of the community which they serve. Were this system general through the country all the evils which this measure is intended to remedy would gradually correct themselves.

There can be no greater crime against popular government than the suppression by force or fraud of the legally expressed will of the citizen at the ballot-box. It is treason to the sovereign and should be punished as such. If this bill shall check this evil and secure to the voter his right to cast a free ballot and have it counted as cast, the results upon the intelligence and patriotism of the future citizens of this country and upon the stability of our institutions will prove it one of the most important measures ever adopted by a self-governing people.

I have not examined the laws of all the States, but believe that the facts warrant me in saying that in none of the southern tier of States is the choice of election officers lodged in the community in which they are to serve. The citizen seems to be discredited at the very outset. He is insulted in your very legislative enactments with the implied charge that he is not fit for and can not safely be intrusted with the duties and responsibilities of self-government, but that some higher power, not emanating from himself, but coming down from the "State," must supervise and direct and control his action.

In good "Old Virginia" the Legislative Assembly appoints three electoral commissioners for each county. These in turn appoint the precinct judges. The precinct judges return members of the Legislative Assembly. It is a perfect wheel with the Legislative Assembly at the crank. There never was a more perfect invention for self-perpetuation in office than this. No people should be subjected to the temptations which it offers to designing and unscrupulous men. And the tendency in Democratic States is all towards this centralizing of power to permit a few officials in the State to control the elections.

In Maryland from the organization of the State—yes, from the very beginning of colonial government—down to the session of the last Legislature, the power of appointing local election boards was vested

in the sheriff of the county. But some of the counties elected Republican sheriffs. The Democratic majority was dwindling away. And the late Democratic Legislature of Maryland took away even this slight approach to home government and removed the control of elections one step further away from the people by placing the power of appointing local election officers for the whole State in the hands of the governor.

That such tremendous power in the hands of one individual is dangerous to the free exercise of the elective franchise there can be no question.

In the State of Mississippi an electoral commission, consisting of the governor, lieutenant-governor, and secretary of state, forms the fountain-head from which flows all authority to supervise and conduct elections.

In Alabama the power is vested in the sheriff, county judge, and clerk of the court; in South Carolina it is in the State; likewise in Florida and North Carolina; in Arkansas, in the county judge.

In short, you may look all through the Southern States in vain for a discoverable trace of the home town or city government of the Northwest, inherited by us from New England. In Democratic States the tendency is all the time in the opposite direction, to rob the local community of the privilege of controlling its own affairs and to place at the head of the government the "State" instead of the people constituting the State.

We know why this is done. It grows out of the natural aristocratic tendency of the old slave system, aggravated by the change by which the labor you formerly owned became endowed with a legal status equal to your own. This hurts your pride, and, instead of assisting these new citizens with your advice and experience, you resort to any means, lawful or unlawful, to retain control and satisfy your vain selves that you are still the political superiors. You admit this in private. Your press admits it. The opposition to this bill admits it. It is admitted everywhere except "for the Record." The bar of this House forms the dividing line. Before it you are Jekylls; behind it you are Hydes. You are leading a double and unnatural and dishonest existence. Northern Democrats advise you that you must not be frank when discussing this measure upon this floor, as the truth confessed would hurt the party at the North. We all understand it and sympathize with you, for you are naturally a frank, open-hearted, truth-loving people, except when the interests of the Democratic party are at stake; and they are generally at stake when its history and methods are discussed. [Applause on the Republican side.] You resort to methods in elections at which civilization blushes. It is not a very noble and generous impulse which prompts an otherwise noble and generous people to see its own exaltation only in the oppression and degradation of others. It is a relic of barbarism, and not an evidence of civilization or Christianity.

It ought not to surprise us that the same sentiment which advocates and supports such legislation as that to which I have alluded should take the next step and advocate the disfranchisement of labor and of the unfortunate poor and ask legal recognition of a property qualification in the voter.

There is a call out for a constitutional convention in the State of Mississippi. A leading Democrat of that State, an eminent jurist, at present one of the judges of the supreme court of the State, and an exponent of the advanced thought of the Southern Democracy on the question of suffrage, Judge J. A. P. Campbell, has issued an address to the people of Mississippi advocating the requirement of a property qualification in the voter and suggesting that such a provision enacted into law would restore supremacy to the whites, who there are equivalent to the Democracy. He seems to admit that under present law the Republicans—he prefers to call them negroes—have an undisputed large majority, impliedly, at least, conceding that in some unlawful manner only can the present Democratic control of that State be sustained.

What an admission for a member of the highest judicial tribunal of a great State to make! The clear-headed judge sees objections to his plan. He recognizes the resistance naturally to be expected from those whose only safety to life and liberty is the very ballot of which he desires to deprive them, and, combating in advance some of these objections, he says:

There should be nothing startling in the proposition to confer additional votes on a prescribed basis. The practice is familiar in the business world. In every joint stock company men vote according to the number of shares they own. Why not modify this sound business principle so as to make it safe, and apply it to government in our exigency?

The "sound business principles" of joint stock companies in this country generally aids the large stockholders in freezing out and squeezing out the small ones. Apply this principle which the judge advocates to government and the result will be the same. Government would in a few years be entirely in the hands of the wealthy few, who would ride rough-shod, like an ancient baron, over us common mortals. It would be the first nail in the political coffin of labor and manhood suffrage.

The judge continues:

One of the great objects of government is the conservation of individual ownership of property. The prime object and function of government is to protect men in the enjoyment of life, liberty, and property. Why, then, shrink

from making that fixed property, which is the subject of general ownership by the whites, as far as may be found necessary, a basis for augmenting the power of its owners?

The inconsistency of the last two sentences can only be explained by confining the word "men" to mean "white men." It was no doubt so intended. And further:

The right to vote is political, not natural—a privilege rather than a right. It belongs to every community to prescribe who shall vote and how many votes each person may cast, and this may be changed at pleasure. The people, in whom sovereignty resides, except as limited by the Constitution of the United States, may confer power to vote on whom they please and take it away when they wish to do so.

I know full well we can continue to govern this country. I have no fears as to that. But if we should have to resort to shotguns and Winchesters or to fraud, that would be too undemocratic for me, and it would be destructive of that "liberty, equality, and fraternity" so dear to us, and should be avoided if possible.

Now I do not feel like conceding that to a native citizen at least the elective franchise is "a privilege rather than a right." Such a doctrine may be true under a constitutional monarchy or under a government lately evolved from political guardianship, but it ought not to find sanction under our form of popular government, where—citizenship being established by birth or by adoption—manhood must be taken as evidence of political equality. The presumption is here in favor of the right, and the burden is upon him who challenges it.

"Resort to shotguns and Winchesters or to fraud," says Judge Campbell, should be avoided, "if possible." If possible to retain Democratic supremacy without them, of course. If the non-property-owner—generally the negro, but also the "poor white trash," for the judge makes no exception in his proposed legislation in favor of the "proud Caucasian," if the "proud Caucasian" does not possess the requisite wealth to command his respect and attention—will submissively lay down at the feet of his more fortunate and wealthier neighbor the elective franchise with which the laws of his country and its Constitution have endowed him, well and good. But, should he obstreperously refuse to do this, then the judge would, no doubt, turn his face to the wall, while his party friends proceeded, by violence or by fraud, to take away from him that which ought to give him a voice in enacting laws for the protection of his life, his liberty, his family, his all. The change advocated could never be made without, at the outset, depriving the legal voter of his right to be heard, but that does not, in the least, seem to shock the eminent judge.

Another Southern jurist, Judge Cate, of Arkansas, has spoken to this House upon this question. In his contest for a seat upon this floor he justified in his brief the outlawry by mob violence from the State of certain negroes of Crittenden County, Arkansas, some of whom had been elected and were at the time of their expulsion serving as county officers, upon the ground "that the whites own 98 per cent. of the property of the county." The fact that this property would be worthless without the labor does not suggest to these leaders of Southern thought the remotest idea that labor is entitled to any consideration. They proceed according to the doctrine that "whosoever hath not, from him shall be taken away even that which he hath."

Mr. STOCKDALE. Before the gentleman leaves that branch of this question will he allow me to interrupt him—

Mr. HAUGEN. Not now.

Mr. STOCKDALE. I thought the gentleman would not be willing to yield on that point.

Mr. HAUGEN. Very well; I will yield to the gentleman.

Mr. STOCKDALE. I wanted to say that in the State convention of Mississippi that nominated delegates at large to the constitutional convention that plan was not indorsed, and that nearly all the counties have nominated such delegates, and not one county has indorsed the plan.

Mr. LEWIS. Only one.

Mr. STOCKDALE. Only one county has adopted or recommended the plan the gentleman speaks of.

Mr. HAUGEN. Very well, Mr. Speaker, the gentleman has the benefit of his statement. I spoke of Judge Campbell as being a leading Democrat; does the gentleman deny it? The very fact that such arguments come from and are seriously discussed by leading men of the State shows an unhealthy state of public opinion on this question. I quote the statement of Judge Campbell for what it is worth.

It is a relief to a believer in popular government and manhood suffrage to turn from such plutocratic and narrow views to the broader, more humane, and more philanthropic ideas of the leaders and exponents of Republican thought.

The illustrious Speaker of this House, in a speech lately delivered at Pittsburgh, Pa., used the following language, in striking contrast to the expressions of the Southern gentlemen I have quoted. Mr. REED said:

Manhood, and not riches, manhood, and not learning, is the basis of our Government. We would like all our citizens to be learned, we wish they were all rich, but until they become both we will take the average of all of them as they are. Nothing less than that would be government "by the people."

Your laws may be bad, they may be sadly out of harmony with the ideas of home government or self-government, as we understand those terms, but this bill recognizes the State laws, such as they are, and only asks that all States, all communities, shall in good faith obey their own laws. And still we meet with objections. Our Democratic

friends are not even satisfied with the enforcement of their own laws. We will take the most ingenious law you have devised to shut out voters and only ask you to honestly and openly enforce it. And still you object. You well know that district after district at the South would be Republican even with those laws honestly enforced. And you know that your party managers never hesitate at any unlawful act to set aside the lawfully expressed will of the majority, if that majority is not Democratic.

No stronger argument in favor of a national election law can be made than found in a letter written by the able gentleman from Mississippi [Mr. CATCHINGS] on December 28 last and published in the New York Tribune of March 24. The letter is addressed to a Mr. Seymour, who, I believe, is a member of the Democratic State committee of Mississippi. On the subject of a national election law and the effect of its passage Mr. CATCHINGS says:

You are mistaken, I think, in your idea that good would come of a general election law. In such an event I fear that many whites would leave us, destroying our solidity and cementing and making effective that of the negroes. I would regard it as a great calamity.

He speaks as a Democrat, I suppose.

If Cleveland had been elected the Republicans would have offered as a settlement of the question the repeal of the fifteenth amendment. Now they will not listen to anything, because they think they have satisfied the North and broken the solid South, and it looks as if they have done both. With a coercion election law nearly all of the Southern districts would soon be represented by white men largely elected by the negro vote and the negroes would be even more intense and aggressive than they are in Virginia, for they would be more numerous. We would have race collisions at first, but gradually they would be allowed to vote and would capture everything and this would cause them to organize in county and State elections also and give us additional trouble. I hope we will never have the law forced upon us.

There is plainly written between the lines the admission that the will of the majority does not at present find free expression in Mississippi, and that a national election law will effect that object; that the South is not honestly solid, and that under strict supervision, making fraud impossible or extremely difficult, the solidity of the South would melt away. It is not the negro as an office-holder that my friend General CATCHINGS fears, but the negro as a voter, for what he would consider a "great calamity" is that "whites largely elected by the negro vote" will represent Southern districts, "nearly all of the Southern districts," to use his words.

But we need go no further than to the official returns for evidence of unfairness to the North in the present election methods, and I desire to make a few comparisons by way of illustration between the official returns of Congressional elections in Georgia and like returns from Wisconsin. Other Southern States compared with other Northern States would show the same discrepancies, though perhaps less marked.

I turn to the election returns for 1886 and compare the figures returned by her own officers of election from Georgia with the official returns from Wisconsin. In 1886 there were 27,430 votes cast for members of Congress in Georgia. There were 283,590 votes cast for members of Congress at the same election in Wisconsin. The 27,430 votes in Georgia elected ten Congressmen. The 283,590 votes cast in Wisconsin elected nine Congressmen. If a voter in Wisconsin possessed the same power as a voter in Georgia, on this basis Wisconsin would elect 103 representatives instead of only nine. Or if the Georgia voter were reduced to an equality with the Wisconsin voter Georgia would have on this floor only one representative instead of ten. The Georgia voter is not numerous, but he wields a formidable ballot.

The average vote of a Congressional district in Georgia was 2,743. In Wisconsin it was 31,510. One vote cast in Georgia has the same influence upon National Government, upon questions of taxation, internal improvements, control of corporations, pensions, etc., as 11½ votes cast in Wisconsin. In Georgia 1,604 votes elected my friend Mr. CRISP. The lowest vote cast in any one district in Wisconsin was in the district of my Democratic colleague, Mr. BRICKNER, which cast 25,916 votes. Both districts are presumably Democratic. Comparing these two districts, the district in each State casting the lowest number of votes, we find that 1,604 votes elect a Representative in Georgia, while it takes 25,916 to accomplish the same thing in Wisconsin. In other words, one vote in Georgia, on this basis is equal to 16 votes in my colleague's Democratic district in Wisconsin.

In the district I have the honor to represent there were 35,744 votes cast in 1886, and the comparison between those two districts shows that 1 vote in the district of the gentleman from Georgia [Mr. CRISP] was equal to about 22 votes in the Eighth district of Wisconsin.

Twenty-seven thousand four hundred and thirty votes in Georgia elected ten members of Congress. Each one of the districts in Wisconsin, except that of my colleague, Mr. BRICKNER, cast a larger vote than was cast in all the ten districts of Georgia. The census of 1880 gave to Georgia a population of 1,539,048; to Wisconsin 1,315,480.

As our Georgia colleagues are legislating for Wisconsin as well as for Georgia, they will pardon us for insisting that in this common game, in which all the people of this country are interested, they shall not play with loaded dice. All we want is fair play. There will be more prosperity and happiness in our family circle if you accept the situation. Do not sulk and pull out of the game because you can not boss it. You have tried that, and recollect how the head of the family got after you and brought you back.

The North is asking nothing, it wants nothing, that it is not willing to grant. We simply say, let the majority rule and let every qualified voter freely cast his ballot. We are willing to submit to any scrutiny in our States to attain this.

The great difference in election methods in the North and in the South seems to be that in our campaigns every nerve is strained to get every voter to the polls, while in many portions of the South every device is resorted to to keep him away.

As a mere educational institution the ballot-box and the conduct of elections are invaluable. As De Tocqueville says, "Town-meetings are to liberty what primary schools are to science." But our Southern friends are proceeding upon Mrs. Partington's theory, that Ike must not go near the water until he has learned to swim.

The world is moving on towards a recognition of the common brotherhood of man. Ever since the first French revolution the tendency in all governments has been towards the recognition of the individual and the breaking down of distinctions based on accidental birth, wealth, social relations, or learning.

He who stakes his life and the happiness of himself and family for his country, that being his all, offers as great a sacrifice as he who tenders his millions. One has as much interest in the stability of his government as the other. The safety of the future depends upon maintaining the absolute political equality of all.

Whoever is unwilling to trust to the intelligence of the average of his countrymen, as given voice and life at the ballot-box, is not a believer in popular government. And when a great party takes the unpatriotic position that the majority can not be safely trusted and defends methods to defeat its expressed will, it is taking a position so grave, so ominous in its consequences as to make the most enthusiastic believer in popular government doubt whether after all man is fit to govern himself. [Applause on Republican side.]

I reserve the remainder of my time.

The SPEAKER. The gentleman has fifteen minutes remaining.

Mr. COVERT. Mr. Speaker, I hazard nothing in saying that the most fervent and pronounced advocates of the measure now under discussion are the most impressive and declamatory in the enunciation of the often-quoted statement that this is "a Government of the people, by the people, and for the people."

I challenge all legislative history to produce any measure which shows greater distrust of the people, any proposed law which exhibits greater lack of faith in a Government by the people than the measure now under consideration.

This Republic had reached a century of its existence before a thought had been formulated looking to so sweeping a change in the fourth section of the first article of the Constitution regulating the manner of the election of Representatives to the Federal Congress. By common consent the work of the framers of the Constitution had been left substantially untouched in this regard, and the right of the Legislatures of the several States to prescribe the times, places, and manner of holding Congressional elections had never been seriously threatened, even by the most daring iconoclast.

Can any fair-minded man seriously believe that necessity exists for changing now a plan and policy that has stood the test of a century's trial?

Are we left in doubt as to the underlying motives for the passage of this bill? The history of the present Congress shows that the party in possession of the various branches of the Federal Government have deciphered the handwriting on the wall. By a reckless exercise of power they have sought and are now seeking to perpetuate their ascendancy, even if their acts demonstrate their utter lack of faith in the people who make the Government. There can be no doubt of the motives underlying the effort to make this measure the law of the land. Leading representatives of the dominant party have, with assumed frankness, expressed their reasons for urging the passage of this bill and for overturning conditions which have prevailed for a hundred years of time.

In the city of Pittsburgh there exists, it seems, an association known in contemporaneous history as the "Americus Club." To this club, a few weeks ago, went the present Speaker of this House. Whether or not the association in question is "a deliberative body" I do not know. [Laughter and applause.] Certain it is that the Speaker, while deprecating speech-making in this House and, according to current report, "thanking God that this House is no longer a deliberative body" [laughter], unbosomed himself of an address before the assembled wisdom of the Pittsburgh club, taking as his text this proposed measure of Federal interference with elections. The gentleman who has just taken his seat [Mr. HAUGEN] has read extracts from this speech, and I also desire to quote from it:

Mr. REED said:

I have not for years been one of those who have talked about the South. For the last eight years no man has heard me, in the House or in the campaign, discourse upon either outrages or wrongs, murders or shootings or hangings.

And then the Speaker of the House, after this solemn silence of long years, generalized about alleged ku-kluxism, midnight shootings and harryings, bulldozing, ballot-box-stuffing, and cheating in the counting of votes.

Why he should have kept silent on these topics for years on the floor of this House and then discharged the whole lurid accumulation upon the devoted members of the Pittsburgh club can only be accounted for upon the theory that the Speaker really believes this House has ceased to be a deliberative body and that the Americus Club is such, and upon the further theory that the time has come to again "fire the Northern heart," and that heroic treatment must be resorted to to accomplish this result.

For, said the Speaker—

Progress is of the essence of Republicanism. To have met great emergencies as they arose has been our history. To meet emergencies as they shall arise must be our daily walk and duty, or we cease to be.

And the Speaker of the House was right. To meet great emergencies as they arose has been his party's history.

They met a great emergency in 1880 by sending Dorsey to Indiana, where, by the lavish expenditure of their corruption fund, the State was saved to them. Do you deny it, gentlemen of the majority? They met another great emergency in 1888 by the raising and expenditure of another immense election fund, under the auspices of the immaculate QUAY and by the efforts of the sanctified Dudley, whose confidential letters to his henchmen will live forever in the annals of our political history.

Divide the floaters into blocks of five and put a trusted man with necessary funds in charge of these five, and make him responsible that none get away and that all vote our ticket.

This was the injunction of the treasurer of your national committee in 1888. Do you deny it, gentlemen? Can any one say that the injunction was not carried out?

These are the methods by which you met these emergencies—the lavish and corrupt expenditure of money—which the Federal supervisors to be appointed under this bill can not check or control and are not expected to check or control. [Applause on the Democratic side.]

Discreetly silent as to the acts and utterances of the Dorseys, the Dudleys, the Quays, and the Fosters of his party, the Speaker, after generalizing about alleged outrages in the South, continued thus in his Pittsburgh speech:

What, then, is the remedy? I speak only for myself. What I say binds nobody but me, and not even me if the Republican party prefers another policy; but, speaking for myself, it seems to me that the only wise course is to take into Federal hands the Federal elections. Let us cut loose from the State elections, do our own registration, our own counting, and our own certification.

Here, then, is the underlying motive for the passage of this bill. Fearing that even the lavish expenditure of money will not be effective in meeting the emergency that confronts the party, it is necessary that the North should be alarmed and solidified by another recital of alleged Southern outrages, making this measure seemingly a measure of necessity for the South. It is not intended to be put in operation in the North. It is not intended for the district in Maine which sends the Speaker of this House to a membership here. It is not intended to be operative in the Massachusetts district represented by the author of the measure.

I firmly believe that the honest public sentiment of every Congressional district in the North would absolutely condemn the local enforcement of the law. But it is in the South and in the South alone, and to prevent by Federal intervention the freedom and fairness of elections there, that this bill is intended to be operative; and that this is the object and purpose is abundantly shown by the public utterances of the Speaker of this House.

If there be any one principle dearer than another to the mass of the American people, North as well as South, it is the principle of local self-government, the power of localities to establish regulations for their own guidance and government.

This principle more than any other in our whole governmental policy is distinctively American and appeals most strongly to the national heart. More than any other element entering into our system it fosters and strengthens this Government by and of the people. The advocates of this principle and supporters of this policy of local self-government have ever since the establishment of the Republic exhibited a generous confidence in the ability of the people to pass for themselves upon questions of governmental policy, in the ability of the people to govern themselves.

The old Federal party, from the very adoption of the Constitution, and the successors of that party, by whatever name known, have uniformly shown a distrust of the people and an indisposition to extend to them the privileges of self-government whenever and wherever this power could be abridged under color of law or of projected law.

I venture to say, sir, that since the old Federal party contended for a strongly centralized government, with the nearest possible approach to absolute power vested in the hands of Federal authorities, no more daring attempt to interfere with and weaken the power of the people in this matter of local self-government has been attempted than is sought to be consummated by the passage of this measure.

When the Federal Constitution came from the hands of its framers and was submitted to the various States for ratification insistence was most strongly made upon the principle that "all powers not expressly and particularly delegated by the Constitution are reserved to the several States, to be by them exercised."

I know that reliance is placed by the advocates of this measure upon the elastic phraseology of the concluding paragraph of Article IV, section 1, of the Constitution.

This is their "city of refuge," this the authority to which they turn when their power to make this serious innovation upon conditions long established is made the subject of challenge. Let me quote the section in its entirety:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Standing alone, with nothing to throw light upon the motives of the framers of the Constitution for the enactment of the concluding paragraph or of those who ratified it, it would seem that adequate power was intended to be given to Congress to alter at will any regulation established by State Legislatures for the regulation of Congressional elections.

No matter if a policy of non-intervention with this principle of local self-government had practically existed for a full century of the existence of the Republic; no matter if the several States, exercising within their own borders the powers conferred upon them by the Constitution, had successfully demonstrated their power to exercise with wisdom and with the best results the powers thus given to them; with no side-lights to show the impelling motive, it might be reasonably argued that the Federal Congress had the power to change at any time, at its own whim or caprice, a system and method affirmatively and directly provided and established by the fathers of the Republic.

Fortunately for those of us who are sincere in our desire to perpetuate this as a government of and by the people, we are not without light to show what was intended by the addition and retention of the concluding paragraph of the section just quoted. This very article regulating elections to the Federal Congress received deep and earnest attention when the several States were called upon to ratify the Constitution. Fears were even then—a hundred years ago—entertained by some of the wisest men who represented the States of the new Republic that grave dangers might follow the adoption of the section in its entirety. Even at that early day the specter of Federal intervention in the elections in the individual States alarmed those who had faith in the ability of the people to govern themselves. In the conventions of Massachusetts, South Carolina, New Hampshire, Rhode Island, and my own State of New York, words of earnest warning were spoken by far-seeing men against the retention of the concluding portion of the section.

How like the voice of prophecy are some of these utterances, coming down to us through the years that have gone. The lips that framed these utterances are cold and lifeless, but the words they framed, the protests they voiced, live and will live in reproach of those who, with impious hands, would seek to tear down the fabric which has existed almost untouched and unmolested since the very birth of the Republic. Let me seek to reproduce the echoes of some of these utterances, these notes of warning, and the arguments by which the fears of prudent and patriotic men, men who sincerely believed in a government by and of the people, were allayed.

When this section was under discussion in the State convention of Massachusetts in 1793, Mr. Bishop, one of the members of the convention, said:

By the fourth section Congress would be enabled to control the elections of Representatives. It has been said that this power was given in order that refractory States may be made to do their duty. But, if so, why was it not so mentioned? It has been said that the conduct of Rhode Island in recalling its delegates from Congress has demonstrated the necessity of such a power being lodged in Congress. If the States shall refuse to do their duty, then let the power be given to Congress to oblige them to do it. But if they do their duty Congress ought not to have the power to control elections. In an uncontrolled representation lies the security of freedom, and by this clause that freedom is sported with. In fact, the moment we give Congress this power the liberties of the yeomanry of this country are at an end.

Mr. Strong, speaking to the same question, said:

If the legislative bodies of the States, who must be supposed to know at what time and in what place and manner the elections can best be held, should so appoint them, it can not be supposed that Congress, by the power granted by this section, will alter them; but, if the Legislature of a State should refuse to make such regulations, the consequence will be that the Representatives will not be chosen and the General Government will be dissolved. In such case, can gentlemen say that a power to remedy the evil is not necessary to be lodged somewhere? And where can it be lodged but in Congress?

Mr. Jarvis said, speaking in the same connection:

If it was argued that Congress might abuse their power, and, by varying the places of election, distress the people, it can only be observed that such a wanton abuse can not be supposed, but if it could go to the annihilation of the right the people would not submit.

In the New York convention of the same year, in discussing the ratification of this section, Mr. Jones said, "he did not think it right that Congress should have the power of prescribing or altering the time, place, and manner of holding elections. He apprehended that the clause might be so construed as to deprive the States of an essential right, which, in the true design of the Constitution, was to be reserved to them."

Mr. Jay said:

Every government is imperfect unless it had the power of preserving itself. Suppose that, by design or accident, the States should neglect to appoint Representatives, certainly there should be some constitutional remedy for this evil.

The obvious meaning of the paragraph was that if this neglect should take place Congress should have power, by law to support the Government and prevent the dissolution of the Union. I believe this was the design of the Federal convention.

The New York convention only ratified the Constitution in full confidence that until amendments might be adopted—

the Congress will not make or alter any regulation in the State respecting the times, places, and manner of holding elections for Senators or Representatives, unless the Legislature of this State shall neglect or refuse to make laws or regulations for the purpose or from any circumstance be incapable of making the same and that in those cases such power will only be exercised until the Legislature of the State shall make provision in the premises.

And the same direction in substance was made by the conventions of Massachusetts, South Carolina, New Hampshire, and Rhode Island.

Surely sufficient has been quoted from the debates and proceedings of the various State conventions called upon to ratify the then newly framed Constitution to establish the fact that grave fears were entertained relative to the large powers conferred upon Congress to unduly interfere with Congressional elections in the various States. Enough has been extracted to show that these fears were allayed by representations that these powers would be exercised only in the following emergencies:

Neglect on the part of the States to call elections, to prevent the dissolution of the Government by designing and refractory States, and to provide a remedy should any State by invasion or other cause not have it in its power to appoint a place where the citizens thereof might meet to choose their Federal Representatives.

No one has urged, and I challenge any gentleman on this floor to suggest, that any one of these emergencies has arisen or is likely to arise in any one of the States of the Union.

No, Mr. Speaker, it is through no fear of any emergency or condition which the framers of the Constitution imagined might occur, but through an idea—a mistaken one, it seems to me—that a perpetuation of power may follow affirmative action, that this measure is being pressed by those who favor its adoption.

And what is this proposed enactment which is to be the grand panacea for all imagined evils and which it is mistakenly supposed will continue indefinitely the power of its supporters?

Stripped of many superfluous words and needless repetitions, this bill of seventy-six pages embodies these provisions:

Chief supervisors of elections in judicial districts are charged with the execution of the law, which is to apply to Federal elections in cities of 20,000 inhabitants, or upward, and in entire Congressional districts exclusive of such cities, upon application to the supervisor of 100 voters, or in counties or parishes forming a part of a Congressional district upon application from 50 voters. The supervisors are to guard, scrutinize, and supervise registration and every act or incident connected with registration and plans for ascertaining who are legal voters. Upon notice from the chief supervisor, the United States circuit courts are required to open for the purpose of transacting registration and election matters.

The supervisors are to be appointed by the circuit courts, three in each election district or voting precinct, but two of whom are to be of the same political party. The supervisors are to attend all registrations in their districts, challenge persons, personally inspect and copy the original registration books and papers, attend elections, and detect and expose the improper or wrongful manipulation of the lists. In the case of failure of local election officers to put the statutory oath to a challenged voter and to pass at once upon his qualifications, then the supervisors are to apply the test and receive and deposit the vote, making a list of all such challenges. They are also to personally inspect ballot-boxes before elections, keep independent ballot-lists, and inclose rejected votes (indorsed with the name of the voter) in envelopes.

In addition to these duties the supervisors are required to make, in towns of twenty thousand people and upwards, a thorough house-to-house canvass before election, to inform voters upon inquiry where and in what box to deposit their ballots, and to scrutinize naturalizations. In canvassing the votes the State laws are to govern, except that all ballots are to be counted by tens, first by an inspector of election, and second by a supervisor, the local election officers and the supervisor keeping separate tally sheets, which are to be compared and the result publicly announced. Ballots deposited in the wrong box are to be counted.

Returns are to be made by the supervisors in duplicate to the clerks of the United States circuit courts and to the chief supervisor, who is to tabulate and refer them to the United States board of canvassers of the Congressional vote, which is to be appointed by the United States circuit court, and consisting of three citizens of the State and persons of good repute, no more than two of whom are to be of the same political party. The board is to convene on November 15 each even year, and is to declare and certify the result of the election, and send one return to the Clerk of the House of Representatives, one to the governor of the State, and one to the proper chief supervisor of elections.

The Clerk of the House is to place upon the roll of members-elect the names of the persons declared elected by the United States canvassers, in case there is a difference in the result reached by them and the State election officers. A penalty of between \$1,000 and \$5,000 is provided in case the Clerk neglects this duty. All boxes are to be clearly described, with its nature, and boxes are to be kept in plain sight and open to inspection. Bribery or attempted bribery of voters or election officers is made punishable by a fine of not more than \$5,000, or imprisonment for not more than five years, or both.

Like severe penalties are provided for false registration and voting, repeating, coercion of supervisors or voters, improper conduct of election officers, false canvassing, ballot-box-stuffing, fraudulent-ballot distribution, resistance to a supervisor's lawful commands, breach of the peace at registration or election, intimidation, and almost every known kind of election fraud.

It will be observed that, without any proof, or, indeed, any pretense of actual or suspected fraud or wrong, at the option of an irresponsible and insignificant minority, representing about 1 per cent. of the voters of the locality to be affected, all this elaborate and expensive machinery can be set in motion, and the law, with all the odious features it embodies, can be forced upon a possible unwilling majority of 99 per cent. in the localities to be affected by its operation.

I take as authority the carefully digested opinion of able and prac-

tical members of the committee that this bill may, if it becomes a law and its operations are extended over the whole country, give rise to the employment of 350,000 Federal-election officers at an estimated expense of \$10,000,000 every year when the regular Congressional elections are held. But I am not discussing the matter of the possible expense entailed. I am discussing the utter uselessness of this bill, and I am endeavoring to analyze the motives which are behind it.

Under former acts but two supervisors were employed at any one precinct. This bill enlarges the number to three, two of whom may be of the same political party. The judges and clerks of the circuit courts are made agents in carrying out the provisions of the bill, subjecting these judicial officers to participation in possible plans for party supremacy.

The chief supervisor may send to the circuit court lists of persons whom he shall believe to be eligible for appointment as supervisors until the court shall have appointed such number as the chief supervisor shall believe to be sufficient to provide for the filling of all election districts. No publication of these lists is directed to be made and no opportunity is afforded to challenge or question the character or fitness of the persons thus recommended. After action upon the lists so presented is had by the court, the lists of eligible persons are directed to be filed, not in the office of the clerk of the county or district affected, where they would be open to the public, but in the office of the chief supervisor of elections, not for public inspection, but, as this bill vaguely puts it, "for future reference."

To make the law as obnoxious as possible to the principle of local self-government, power is given to the chief supervisor to transfer any subordinate from his home district to any other part of the Congressional district affected and for this subordinate to perform his duties among people whom he does not know and who do not know him. In cities or towns of 20,000 inhabitants this possible stranger may, under instructions from the chief supervisor, "make a thorough house-to-house canvass," and ascertain the name, age, nativity, term of residence in county, State, or district, "and other qualifications as a voter" of every male person therein residing, to make a list of all naturalized persons and the names of their witnesses.

The echoes of the protests of an indignant people over the inquisitorial character of the work of the present census have not yet died away; but I submit that these sections of the pending measure are infinitely more obnoxious than anything committed to the hands of the census enumerator and which provoked general and merited adverse criticism.

Mr. DUNNELL. Will my friend from New York yield for a question?

Mr. COVERT. Certainly, sir; though my time is limited.

Mr. DUNNELL. Is not the gentleman from New York aware of the fact that these questions which appear in the census blanks of this year are precisely similar to those which appear in the census blanks of England and of all the civilized nations of Europe?

Mr. COVERT. Possibly all this may be so. I do not challenge the statement of the gentleman from Minnesota [Mr. DUNNELL] about that, but I want to remind my friend from Minnesota, and I want to remind gentlemen generally on the other side, that in the monarchical countries of Europe governments have for hundreds of years sported at will with the rights of the people and have treated these rights with contempt. [Loud applause on the Democratic side.] I want to remind my friend from Minnesota that this is not an empire. [Renewed applause.] That we live to-day, thank God, in a free Republic. [Renewed applause.] I want to remind gentlemen on the other side that this Republic still lives, and that we live under it, despite the efforts that have been and are being made by you of the majority to weaken and destroy the virtues of Republican institutions. [Loud and continued applause.]

Mr. DUNNELL. Will the gentleman from New York allow me to ask him another question? I want to ask him one further question.

Mr. COVERT. I would be glad to answer now all questions if I could, but my time is limited. At the conclusion of my remarks I shall be glad to answer any question of my friend from Minnesota, but he must bear with me for the present. I have spoken, sir, of the distrust of the people shown by the promoters of this bill. This distrust evidently enters the opened doors of the temples of justice and extends to the very courts in session there.

The bill empowers the Federal supervisors "to observe and scrutinize the manner in which naturalizations are being made, and to aid the courts in the matter of preventing fraudulent naturalizations; and for these purposes to have at all times free access to all rooms where such proceedings are being conducted." The bill naively adds, however, that the provisions of this subdivision shall apply only to such "discreet or special supervisors" as shall be detailed by the chief supervisor, the inference being unavoidable that not all of the supervisors to be appointed are discreet or are to be safely intrusted with the difficult and delicate duties enjoined upon them by the proposed measure.

All through the bill these Federal supervisors, appointed over the heads of the citizens and voters of the several States, are given powers in the registration, reception, and counting of votes where Congressional elections are involved, equal in every respect to the powers de-

volved upon the tried and trusted inspectors elected by the people. The presence and voice of the Federal supervisor areas potential as those of the inspector, more potential perhaps because of the stronger Federal power behind the supervisor, and which will stand ready to sustain and uphold him in his official action. Surely it is not too much to say that the presence of these Federal supervisors at the polls, charged with the large, explicit, and discretionary powers given to them by this bill, will be the herald and the signal of the death of local self-government. It will be a shameful and humiliating confession that the citizen is no longer the sovereign and that a government of and by the people no longer exists. [Applause.]

But perhaps the most iniquitous features of this most extraordinary and unnecessary measure are the sections providing for the establishment of United States boards of canvassers. The members, appointed by the circuit courts, are to hold office "so long as they are faithful and capable;" they are to canvass the votes cast for Representatives in Congress in any State in which this Federal election law shall have been in operation and are to make certificate of the result of their canvass and return a copy of the same to the Clerk of the House of Representatives, who shall place upon the rolls of the House the names of those declared by these Federal boards of canvassers to have been elected.

Where, then, are the rights of the people in the individual States to conduct and certify elections for Congress held within the limits of their several States? Swept away, as the leaves are swept by a blast of the autumn wind!

Where, then, is the principle of local self-government? Throttled and sent to its death by the clutch of Federal authority!

Where, then, is this ideal government of and by the people? Existing only in an empty name and having no more actual being than a dream of the night! [Applause.]

The attempted passage of this measure; the projected presence of Federal supervisors at the polls, with the large powers here given them; the establishment of Federal boards of canvassers, with authority greater than that exercised by State boards, recall most vividly the history of the darkest days in the existence of the Republic. Not the days of the civil war, because, dark and gloomy as that period was, it was lightened and illumined by deeds of heroic valor performed by myriads of brave men on the field. It was lightened and glorified by the spectacle of a devoted people sacrificing without a murmur its best and truest blood for the preservation of the Republic and for the continuance of this Government of and for the people. [Loud applause.] The darkest days of the Republic, in the truest sense, were the times following the close of the war, the time known as the period of reconstruction, and extending up to the time of the completion of the Federal commission following the Presidential election of 1876.

Has the country forgotten the dark history of this period of less than fifteen years ago? Have the outrages perpetrated in the sacred name of law in the States of Florida and Louisiana faded from the recollection of intelligent men?

Bear with me while some of these incidents are briefly recalled. Nothing but the exigency of the time, nothing but the importance of the matter here discussed, induces me to invite attention to these occurrences, blots upon the fair pages of the Republic's history which every lover of his country would gladly forget if he could and would refuse to uncover and reveal unless at the stern command of duty.

During the Republican control of Florida the State had a returning board whose duties were to scrutinize the count and make an honest return of the votes actually cast. Their duty was to publicly canvass the vote as shown by the returns on file and to forward certificates to the secretary of state and governor. In 1870 the supreme court of Florida had decided that it was the duty of the State canvassers to determine whether the papers submitted to them were genuine returns, and, if so, to count and canvass them; and in 1876 the same court, of which a majority were Republicans, unanimously reaffirmed that decision.

On the face of the returns the State of Florida gave a majority for the Tilden electors. This result was overcome by the Republican board of canvassers by arbitrarily rejecting portions of the votes regularly and duly returned to them. By an unlawful exercise of discretionary power they excluded the entire return from Manatee County, which had given the Tilden electors 262 votes as against 28 votes for the Hayes electors. But the returning board, without having judicial power, threw out the whole vote of the county, because they said the board of registers had no clerk. It was known as a Democratic county, and Stearns, the Republican governor, had purposely refused to appoint any one as clerk. This was evidently a plan to steal the vote of that county, and the vote of that county determined the vote of the State.

Parts of the returns from the counties of Hamilton, Monroe, and Jackson were excluded for like unreasonable causes—the votes thus thrown out aggregating over 1,000—and thereby the State was counted for the Hayes electors.

And thereafter came the work of the Electoral Commission. By a strict party vote the commission refused to inquire into fraud in the appointment of electors, and refused to receive evidence thereof or to

inquire into their title, and refused to recognize the vote cast by the electors appointed in accordance with the constitution and the laws of Florida, and which, upon the completion of the canvass directed by the Legislature, and conducted in accordance with the direction of the supreme court, had been verified as the only real appointment by Florida. Corrupt as the returning board may have been, let us see, apart from the action of the Electoral Commission, what was the effect of immediate Federal intervention so far as the certification of the vote of Florida was concerned.

Eight officials, prominently connected with the Federal Government, and three "visiting statesmen," standing very near to the then Administration, were in constant attendance upon the State board during its sessions, giving to the board the "moral support" of their presence and presumably their advice in canvassing. Can any sane man doubt that the presence of these accredited agents of the Federal Government tinged and shaded at least the action of the State board in reaching a conclusion? It is a significant fact that each of these three "visiting statesmen" at once upon the incoming of the Hayes Administration was rewarded with valuable office. Noyes was made minister to France, Kasson minister to Austria, and Wallace governor of New Mexico.

While the conditions in Florida during this dark period were most deplorable, the conditions existing in the State of Louisiana were, if possible, still worse. Her returning board was given power to possess itself of the returns and, if any protest accompanied them, to hear evidence as to the allegations contained in the protest and to decide thereon; and the law authorized them, in case they decided that the election at any poll had not been fair and free, to exclude the poll entirely, but not to purge or correct it. The only purpose of this provision seemingly was to disguise fraud, and this purpose was carried out to its fullest extent. But, notwithstanding all these partisan devices, as a result of the largest vote which had ever been cast in the State, the Tilden electors received a majority of over 6,000 votes, and the returns were unaccompanied by a single protest, except one, against Republican frauds in Concordia Parish.

The returning board had no power, in the absence of protests, except to canvass the votes and certify the result. But an emergency confronted them, and the emergency was promptly met. The Speaker of this House has told the country that it is the mission of his party to meet these emergencies. Supervisors of registration were induced, after the returns had been received, fraudulently to pretend that it was unsafe to make protests with their returns. Proof exists that supervisors who had certified to a perfectly free, full, and peaceable election were induced by party persuasion and promises of reward to make false and fraudulent protests, and all this after the returns had been submitted to the returning board.

As an instance of the methods practiced, it has been conclusively proven that a Republican conspiracy was concocted in the parishes of East and West Feliciana by which all or nearly all the Republican voters absented themselves from the polls, thereby affording a pretext for rejecting the vote of these localities, where there were large Democratic majorities, on the ground of alleged intimidation. The proof was that the election in both these parishes was perfectly fair and free from all intimidation or restraint; it further established that one Anderson, the supervisor of elections for one of these parishes, was urged to protest his parish; that he refused on the ground that there was no foundation for such a protest, but that he finally yielded upon promise of Federal reward, and thus it was arranged that over 1,000 votes were rejected from West Feliciana and more than 1,700 were thrown out from East Feliciana. Another instance of injustice was this: In Orleans one return showed 297 or 299 Democratic votes; because the last figure was so formed that it could not be clearly determined whether it was 7 or 9, they rejected the whole poll.

I have not the time, Mr. Speaker, though I have the notes before me, to show other instances of gross wrong and corruption in the canvassing and return of the vote of Louisiana at this election. By every arbitrary and unjust act enough Democratic votes were excluded to give the State to the Hayes electors and to Packard for governor.

And now as to Federal intervention in the bringing about of this result. How easy it is to discern "the trail of the serpent."

In this State, as in Florida, the managers had the support of leading members of their party, specially delegated by President Grant to attend the canvassing of the votes. They were there, as Assistant Postmaster-General Brady testified: "To represent the President, and to say to the witnesses that the Republican party and the authorities at Washington would stand by them."

Can any fair-minded man doubt that the presence of these "visiting statesmen," with all the authority that their presence implied, their tone and manner, coupled with the presence of Federal bayonets, the intervention of both the civil and military branches of the General Government, influenced and controlled the certification of the vote of Louisiana and gave that State to the Hayes electors, despite the large majority the Tilden electors had received?

These gross outrages upon the rights of the voters of Louisiana met the commendation and approval of the party in power, the party now clamoring for "purity in elections." This is shown in no uncertain

way. Wells, president of the returning board, was made surveyor of the port of New Orleans; twelve others, connected with the same body, were given lucrative official positions, the various supervisors were likewise provided for, and, indeed, every one officially connected with the frauds and outrages practiced in the Louisiana election of 1876 was recognized and rewarded by appointment to Federal position.

To show the utter hollowness and insincerity of any claim that the vote of Louisiana was rightly certified by the returning board and approved by the Electoral Commission, it need only be stated that Packard for governor had received over 2,000 more votes in the State than the Hayes electors; and yet so soon as the new President was inducted into office he declined to recognize Packard as governor, withdrew the Federal troops from New Orleans, and Governor Nicholls, who from the first had claimed to be elected governor as the Democratic nominee, thenceforth continued to act and to be recognized as governor of the State.

The present Speaker of this House was a member of a committee appointed by the Forty-fifth Congress to inquire into the matter of these frauds and wrongs in Florida and Louisiana. He presumably heard the testimony offered before the committee. Is it any wonder that for long years he has stood absolutely mute upon this whole question of alleged Southern election outrages?

This, then, is the primal aim and object of this projected law. It is not intended to benefit the Southern Republicans so much as to "fire the Northern heart" and to induce the belief that gross wrongs are perpetrated upon the negro voter of the South, wrongs which will be remedied by the passage of this measure.

If current reports of discussions in the caucus which adopted this measure are to be credited, leading and influential Southern and Southwestern Republican members of the House utterly condemned this measure and protested against its enactment into law.

They denounced this bill as a sectional measure, productive of nothing but evil to the South. They declared that it would only intensify race prejudices and engender sectional hostility. They pointed out the fact that with all the talk of alleged frauds in North Carolina, Alabama, and other States of the South not a single indictment had yet been found, though judges and district attorneys were alike Republican. They asked, if fraud was rampant in these States as charged, why could not Republican officials enforce the laws now on the statute-books? They urged that what was needed in the South was for them to be let alone and that force bills and election bills would prove abortive and make Republican success in those sections absolutely impossible.

These were honest Republican utterances, coming from the very sections intended to be affected by the operations of this proposed law. They were words of sober truth and earnestness. The effect of this measure in its operation in the South can only be to "intensify race prejudices and engender sectional hostility." Under its provisions are afforded room and scope for just such practices as disgraced the political history of Florida and Louisiana during the period I have discussed.

Federal intervention worked untold evil with the elections in those States then. There is room and verge for the perpetration of greater wrongs in every State in the Union under the provisions of this bill if it becomes law.

The days of the returning boards and of the Electoral Commission have gone—the liberty-loving people of the whole land had fondly hoped never to return.

At once upon the breaking up of the infamous methods which had characterized the period of reconstruction a new era dawned upon the South, her people, and her interests. Honest methods, both in her elections and in the conduct of her public officers, took the place of false registration, corrupt manipulation of votes, and reckless and dishonest methods of conducting State affairs. The credit of the several States, absolutely broken and ruined during the reconstruction period, became fully restored.

Her people resolutely and manfully and honestly entered upon the work of building up their business interests and in developing the rich resources of the several States. Their efforts were crowned with an abundant, a marvelous success. The vast resources of the South were brought to the attention of the North, and a cordial invitation was extended to Northern people to migrate thither. In every section of the South warm hands greeted the men of the North and warm hearts gave them shelter. The question of party politics never affected the cordiality which awaited the stranger in the new-born South. [Applause.]

The SPEAKER *pro tempore* (Mr. PETERS). The time of the gentleman from New York has expired. [Cries of "Go on!" "Go on!"] Mr. QUINN. I ask unanimous consent that my colleague [Mr. COVERT] be allowed to continue for ten minutes longer.

Mr. COVERT. I only ask five minutes.

The SPEAKER *pro tempore*. Is there objection to extending the time of the gentleman from New York as requested? The Chair hears no objection.

Mr. COVERT. I thank the House for its courtesy and will not long trespass upon it. I was speaking of the migration of Northern people to Southern sections. Northern capital speedily found safe and profitable investment in Southern mines and Southern manufactures; these

investments are there to-day, returning large and secure incomes to people having homes in nearly every section of the North. I ask gentlemen of the majority not to imperil by the passage of this bill the peaceful and prosperous conditions which prevail to-day in every State of the regenerated South, conditions affecting the peace and prosperity of every section of our common land. [Applause.]

Do not, gentlemen of the majority, seek to incite, or deepen, or strengthen a race prejudice fast dying out, even if it has not already ceased to exist. The rights and interests of the colored people of the South are amply conserved and protected under existing law; they are wage-workers and wage-earners; they have all the rights of citizens and voters; and, more than this and better than this, their children are being educated at State expense, and are thus being fitted for the better discharge of all the duties of citizenship. [Applause.] The problems that vexed the people of the South during the period of reconstruction have been substantially solved. If any yet remain their solution is being rapidly accomplished by natural and logical means.

I beg you, gentlemen, by negative votes upon the passage of this bill to again make assurance to all mankind that the civil war was ended over a quarter of a century ago. I ask you to give assurance again that no warfare is now being waged in or by the South except honorable battles for industrial supremacy and material prosperity. [Applause.] I ask you again to remember that the delvers in Southern mines are from the North as well as from the South and that they cast Republican as well as Democratic ballots; that smoke clouds ascend no longer from fields of carnage, but from the chimneys of factories conducted by men and means coming from the North and from the South alike; that cattle may be heard lowing upon the hillsides and in the valleys more than a quarter of a century ago devastated by the tread of contending armies; and that the observer, from an exceeding great height, looking down, can once again behold all the sons and daughters of America basking in the sunlight of a perfect peace! [Loud applause.]

It is our duty—it should be our mission—to make this peace a permanent peace, as enduring and as perpetual as the very life of this Republic. [Loud and long-continued applause on the Democratic side.]

Mr. FLOWER. Mr. Speaker, the gentleman from Massachusetts [Mr. LODGE], in his remarks yesterday, declined to be interrupted when he spoke about the election frauds in the city of New York in 1868. He went back twenty-two years to find fraud in that city and State. But, sir, since the legislation enacted by the Democrats and Republicans almost unanimously in the Legislature of 1870, we have had no election frauds in the city or State of New York, and since the bill passed last year embodying what is called the American ballot system, a bill voted for by every Democrat and every Republican in the New York Legislature, we have, as we believe, solved this question of an honest ballot without the intervention of a supervisor or any other Federal officer.

Mr. Speaker, if this House is ambitious to go down in history as the body that inaugurated a series of legislative acts having for its purpose the reversal of the policy that has received the sanction of the American people throughout a century of successful popular government, its efforts in that direction deserve and are well calculated to bring it a fair measure of gratified ambition.

It signalized its meeting by relying upon what some persons were pleased to denominate general parliamentary law, that is to say, upon the will of the presiding officer, for the integrity of its proceedings, and when forced by the demands of the minority and the strength of public opinion to adopt a system of rules, it enacted a code that is unprecedented in any free parliamentary body, and to which it has adhered only in so far as it could be made to serve the purpose of those to whom it owes its paternity, and from which it has invariably departed either by construction or the adoption of a special order whenever party exigency seemed to demand the pursuit of such a course.

ENACTMENT OF LAWS WITHOUT CONSIDERATION.

Under these pernicious methods of procedure, legislation the most far-reaching and radical has been enacted without consideration by the Representatives of the people; the Republican caucus has usurped the functions of the legislative department provided by the Constitution, and its dictates have been made the rule of action of at least this branch of Congress; that free and untrammelled debate which the Speaker of this House once very properly pronounced the normal state of a deliberative body has been abolished; amendment of measures of the utmost concern to the country has been made impossible, and the minority on this floor, representing a large majority of the people, has been silenced whenever, for partisan purposes, it has been desirable to rush through this body any pet scheme with its meaning unexposed. And now by these same dark-lantern proceedings it is sought to add the keystone to the arch of infamy by placing in our statute-books an unconsidered law intended to accomplish in the country what has been accomplished in this House as to the minority sitting here: to prevent the free expression of the will of the people and to secure by an ante-election decree a Republican majority in the Fifty-second Congress.

It is difficult, if not impossible, to satiate the ambition of the Republican party for power, and that party has taxed its ingenuity, trained in chicanery, without limit to devise methods of gratifying its appetite for spoils. Not satisfied with overthrowing the will and set-

ting aside the choice of the people in this House by unseating their chosen Representatives by election, it now seeks to avoid this slight inconvenience of taking action in each case separately by the enactment before election of a measure that is intended to make a choice by the people impossible.

The consideration that the people will not long submit to have their rights thus trampled under foot takes nothing from the flagitious character of the attempt, and it remains to be seen whether or not the American voter is still sufficiently capable of self-government to place the seal of his condemnation on this attempt at the first opportunity that is afforded him.

It is not my purpose to undertake the discussion of the constitutional and purely legal questions involved in this legislation. This may well be left to those who have given more attention to the study of the law than I have. But, upon the policy of having the General Government invade the precincts of local administration and then set up its authority to dominate the people in their domestic affairs, my convictions are well settled in aversion, and I wish to give them expression upon some features of the pending bill.

ELECTIONS BY SUPERVISORS AND DEPUTY MARSHALS.

The whole measure is based on an unrepublican, an undemocratic, and an un-American distrust of the people and the officers selected by them, and is constructed upon the idea that a small Republican majority in Congress can better legislate for their interests and better administer the laws than they can themselves. It is a bill to provide for the selection of Representatives in Congress by supervisors and deputy marshals, and the people of various localities throughout the country know from experience the meaning of this way of conducting elections. It is not a bill to make a new system of regulations concerning elections, for it adopts in most particulars the systems of the States, but it is a bill to foist upon the people a horde of Federal officials responsible to no one who is able or inclined to compel them properly to discharge their duties. It employs the machinery of the States and utilizes the local officials to manipulate under the supervision of Federal officers the instrumentalities and returns of election. It is not the laws enacted by the States that the Republican party fears, but the free expression of a choice by the people of the local communities under those laws. It is, therefore, the object of this bill, not to repeal the laws, but to substitute for local officials the tools and subservient appointees of a Republican Federal Administration, under the immediate control of a chief supervisor with almost unlimited authority. The purpose of the measure is to get into the hands of the Republican party the whole election machinery of the States, and, in order to accomplish this design, there is manifested a willingness to degrade the Federal judiciary by dragging it into the filth of partisan politics and to make it the instrument of oppression to the people. Almost every circuit and district judge on the Federal bench belongs to the party that is attempting to drive this bill through Congress, and a more blindly partisan use of the judiciary of a country than will follow the enactment of this measure has never disgraced any people since the time of Jeffreys and the Star Chamber.

PROSTITUTING THE JUDICIARY.

No judicial system can be subjected to this abuse and retain the confidence and respect of the people; and any court that will lend itself to the execution of the corrupt purposes of a partisan clique and become the willing servant of an unscrupulous political oligarchy richly deserves the popular execration it is sure to receive.

The subjection of the circuit judge and the courts to the beck and call of the supervisor of elections to convene the courts at his pleasure, to execute his will, and to have its proceedings determined by the influence of a set of petty political corruptionists, bent upon installing in office the men who shall have been already elected by Republican conventions, can result only in unsettling the judicial system of the country and shaking that only sure foundation of our Government, the confidence of the people in Republican institutions.

It is provided that the circuit judge may assign any district judge within a State to the discharge of the duties devolved upon him whenever he is unable to discharge them himself and that the circuit judge may at any time revoke such assignment and make a new one or reassign the first district judge assigned. This is a wise provision in furtherance of the object of keeping the Republican forces well in hand, and it may be assumed that no district judge, once assigned to do the bidding of the supervisor, will prove recalcitrant. If he should become disagreeably free from the power of the supervisor, that august functionary need but to report him to his confederate, the circuit judge, and then have a more docile servant placed on the bench.

This autocrat of elections, the chief supervisor, has his powers well set out in the bill, though they are hardly as well limited and defined as ordinary precaution would require. About everything that is to be employed, everybody who is to employ them and everybody interested in their employment are to be "guarded, scrutinized, and supervised" by him and his minions. His presence and authority are to pervade the affairs of the people and his *ipse dixit* is to be the law, and any failure or refusal of the local authorities to conform to the discharge of the duties imposed upon them by their local laws to what he may

be pleased to consider for the best interests of the Republican party is to be rebuked by their being hauled up, frequently many hundreds of miles from their homes and when they can not compel the attendance of their witnesses, before a partisan Federal court and a partisan jury summoned by a partisan marshal, to answer the complaint of a partisan supervisor or a partisan deputy marshal acting under the direction of a partisan chief autocrat of elections.

Sir, the history of political persecutions in some of our Federal courts is already rank with unscrupulous abuse of the law, and this measure, if passed, will add many a chapter to the story of judicial oppression. It makes crimes against the General Government many acts that are now punishable only by local law, and it reaches out to the private citizen and the public official alike, placing it within the power of a supervisor or deputy marshal to render impossible the discharge of public duties by those upon whom the States and local communities have imposed the obligation of their discharge.

CONFUSION OF AUTHORITY.

By the singular confusion of Federal and local authority the bill is calculated to bring about conflicts between the officers assigned to duty under the laws of the General Government and the States, and the most charitable view to the intelligence of the framers of the bill is that it is intended to produce these conflicts in order that tales of resistance to the laws of Congress may be told to influence those who are not acquainted with the conditions that produced the strife.

It is made the duty of the supervisors to supervise the registration and all proceedings pertaining to the registration of voters; to challenge voters and their right to registration; to watch over the adding to or taking from any registration-list and the transfer from one list to another of any name; to challenge the right of any name to remain on any list; to require any officer in charge to mark any name for challenge; to "inspect, scrutinize, and examine at any time" all books, rolls, or lists of specified registration systems; to make a copy of any documents pertaining to the registration of voters; when directed by the chief supervisor, to sign each page of the original registration papers "in such manner as will, in his judgment," serve the purpose for which he is directed to perform this duty. And all these things are to be done by him, notwithstanding the fact that such registration systems are established for the purpose of registering the voters in all elections for all officers, municipal, county, State, and Federal.

The supervisor must "personally examine and inspect," "before any ballot shall be deposited by an officer or elector in any box intended to receive any ballots for any officer whatsoever, the interior of each and every box" in which ballots are to be deposited at the election that day, to see that no Congressional ballots are there. And when, in the count, ballots for Representatives in Congress are found in any box intended exclusively for the deposit of ballots for other officers, it is the duty of the chairman or acting chairman of the inspectors of election to count such wrongly deposited ballots and to hand them to the chairman or acting chairman of supervisors. These things, with many, almost an infinity, more of a like kind, are to be done, and it may be safely said, sir, that never before in the history of this country has there been such a jumble of local and Federal functions in any law. Such a bungled mingling of duties of officers acting under separate authorities must inevitably involve the officials in conflicts and disturbances, and such an outrageous interference by Federal officers with the performance of their duties by the officials of the States will not be tolerated by a people who are devoted to the Constitution of the United States and who rely upon that Constitution for the preservation of their liberties; and the plea of party necessity will not prevail against their indignation.

What right, sir, has a Federal officer to be present at the counting of the ballots cast for the candidates for any local officer within a State? What right has he to examine, supervise, scrutinize, or inspect anything pertaining to that count? What right has he to take charge of or count any ballots found in the box used or intended exclusively for the receipt of ballots cast for local candidates? What right has he to interfere with the registration of voters who register to vote for local officers exclusively?

Sir, it does not require a great constitutional lawyer to answer these questions. He has no right, and his efforts to go beyond the warrant of the Constitution will be simply an outrage upon the rights of the people, an outrage which it is to be hoped will be met only by such resistance as the universal judgment of civilization will approve. A free people can not be expected to submit tamely to everything that party necessity may seem to require, but the American people can and will avoid becoming so exasperated as to resort to violence to resent an outrageous interference with their rights.

ELECTIONS HELD BY SUPERVISORS AND CERTIFIED BY LOCAL OFFICERS.

The bill provides that in case no polls are open at a polling place within one hour after the time fixed by law the supervisors shall open the polls and conduct the Congressional elections, making their returns to the local officers, who shall thereupon proceed as they would have been required to proceed had the election been conducted by the officers provided by local law, notwithstanding any provisions of such local law

to the contrary. If the General Government may go into a State and direct the local officers in the performance of their duties, what, if any, limit is there to Federal authority? Why can the Federal Government not impose such duties upon these local officers as to destroy their usefulness to the State? Whence comes the authority of the Federal Government to compel a State officer to certify, under his oath of office, the correctness of any act of Federal officials who are entirely unknown to the jurisdiction to which he owes his official existence and who have usurped the powers of officers created by the laws of the State?

The power to make or alter the regulations prescribed by the States concerning the time, place, and manner of holding elections for Congress can hardly be invoked to cover up the load of duties that Congress might impose upon the officers of the States, with their consequent subjection to the jurisdiction of the Federal courts. If Congress can compel local officers to count and certify returns of Federal supervisors of elections under the provisions of State law, it can increase the duties of those local officers as to such returns; it can impose any duties pertaining to elections upon any officers of the State that it may choose to select for such service, impose upon them such duties as party necessity may suggest, enforce its regulations by mandamus and proceedings in contempt or otherwise, and thus utterly destroy the machinery of State government.

Mr. Speaker, it is not too much to say that the spirit of compromise in which the Constitution was framed and adopted did not contemplate the vesting in the General Government of the right to destroy the States. The attempt to control State officers in the discharge of their duties is a dangerous and threatening incursion into the domain of local self-government that no thirst for power can justify and no hypocritical pretense of a desire for a free ballot and a fair count can excuse.

DEPUTY MARSHALS INVADING THE HOME OF THE CITIZEN.

The framers of this bill are not, however, content to stop at a usurpation of the authority of the community, but extend their interference with the rights of the people to the individuals composing the community by providing for a house-to-house canvass, sending the supervisors and deputy marshals to force an entrance, if need be, into the houses of the people "to verify by proper inquiry and examination at the respective places of residence" of voters, the correctness of the registration books, and to make "a thorough and effective house-to-house canvass" of election districts to ascertain the qualifications of male voters residing there. The only commendable feature of this whole provision lies in the exemption, by the insertion of the word "male," of the female suffragists in Wyoming and elsewhere from the inquisitorial impudence of these eminently respectable Republican Federal office-holders in their endeavors to divide the floaters into blocks of five, with a trusted man with necessary funds in charge of each five, responsible that none get away, and that all vote the Republican ticket.

The legal maxim that a man's house is his castle, honored by the Anglo-Saxon race throughout time whereof the memory of man runneth not to the contrary, is to be eliminated from our system of law and in its place is to be substituted the provision that whenever it is suspected that the Republican party can purchase, intimidate, or otherwise influence a voter to its advantage then a supervisor and deputy marshal may go with all the power of the General Government at their backs. If this condition of affairs is permitted long to exist in this country, with men of the character of those who too frequently fill the positions of supervisors and deputy marshals to avail themselves of the opportunities thus open to them, the spirit of liberty is more patient and long-suffering than the history of our race will warrant us in believing it to be.

PROBABLE EFFECT ON STATE LAWS.

This bill proposes to repeal all laws and parts of laws enacted by any local authority that are inconsistent with its provisions, while leaving intact all that may then remain of any State's system of election laws, without regard to whether the parts that are left in force are consistent with each other or not. Nothing but experience can prove the effect of this heedless legislation. It may result in leaving among the statutes of the States parts of laws that will prove burdensome and useless if not offensive. It can not be said with certainty that the provisions of this bill will fit into these various systems as proper substitutes for the parts that it repeals so as to leave a harmonious and symmetrical whole. It is a thrust in the dark, an attempt to alter the regulations prescribed by the States without an intelligent inquiry into the status of the laws as they now exist. Of all the inconsiderate legislation of which this Congress has been and threatens to be guilty, this stands pre-eminent as a reckless and desperate measure to maintain a minority in power in the Government. Its purpose is to afford opportunity to fraud and to subject the elections, even in those cases in which the officers honestly endeavor to discharge their duties, to suspicion and uncertainty. The imperfect provisions for the administration of the act, the uncertain effect upon the laws of the States, the complicated and confused machinery of elections, the returns of defective ballots and of ballots deposited in the wrong boxes, together with the almost absolute control of the elections by Federal officials, all conspire to cast doubt

upon the result and to give to a small majority appearing upon the rolls of the House at the beginning of a Congress some pretext to annul the action of the people and to defeat their choice; and we know from the experience of this session how slight a pretext will suffice to still the conscience of a small majority standing face to face with the defeat of its cherished schemes.

BALLOT-REFORM LEGISLATION BY THE STATES.

But, sir, of all times in our history the Republican party has chosen that which is most inappropriate to the enactment of a law that is intended to interfere with local control of elections. The last Presidential election, with its fat fryings, its blocks of five, its pay envelopes, its special committees to raise funds to be disbursed indirectly under the supervision of prospective Cabinet officers, and its multifarious methods of doubtful propriety aroused the people to a sense of the dangers that beset the elective franchise, and throughout the country the agitation for a reformed ballot has gone on until in many States the reformed ballot has been adopted and there is an encouraging prospect of its adoption in others. It is best to leave this subject to be dealt with by the public conscience in the several States. The system already enacted in some of the States is expensive to the people, it being estimated that the expense of the administration of the law newly enacted in New York, for a single election, will amount to \$1,000,000 for ballots alone. The people who will subject themselves to this burdensome system in the interest of a fair ballot can as safely be relied upon to conduct fair elections as can a lot of irresponsible Federal officials who will reasonably expect their reward to bear a true proportion to their party services; and the addition to this burden of the expensive administration of this measure, with its pay of supervisors, deputy marshals, boards of canvassers, clerks, office hire, stationery, the routine business of the courts, the prosecutions for alleged offenses, and the hundreds of incidentals that will arise, is hardly to be compensated for by the possible ascendancy of the Republican party, and can not be properly characterized in parliamentary language.

The purpose of the reform laws in the States is to prevent bribery and intimidation at the polls by throwing around the voter all the safeguards that the State can control. The provision for voting booths and all the other provisions for a secret ballot are aimed at this evil and have been found to operate successfully. But this bill proposes to render nugatory all such provisions by the presence, supervision, and control of the Federal officials and by the bribery away from the polls of the voters in the districts by their appointment as supervisors and deputy marshals with greater compensation than the most of them would receive at their ordinary vocations, when they happen to have any avocation other than that of political strikers and election manipulators, which has not been very frequently the case heretofore.

BRIBERY OF DEPUTY MARSHALS AND ITS COST.

Supervisors are to receive pay at the rate of from \$3 to \$5 per day, except for election days, when they are to receive from \$5 to \$10, according to the population of, and whether or not there is a system of registration in, their districts, for from three to twelve days. Deputy marshals are allowed \$5 per day for not exceeding eight days, and their number "shall be determined from time to time at conferences between the marshal and chief supervisor of elections." Thus the theater of action for the bribers is to be transferred from the polls to the conference chamber of the marshal and the autocrat of elections, where it will be determined how many bribe-takers it will be necessary to employ in order to obtain satisfactory results at the election. Sir, we are preparing to write the most shameful chapter in our political history, a chapter of bribery, corruption, and malfeasance in office, accompanied by the most flagrant outrages on the franchise and to the absolute demoralization of our people. The pecuniary cost of the law for a single year is a matter more of conjecture than calculation.

There is no means of telling even how many officers are to be appointed, how many deputy marshals are to be bribed to use their official positions to promote, by intimidation and the other methods with which they are so familiar, the interests of the Republican party. There are in the United States, in round numbers, 65,000 election districts, and it is safe to estimate that they will average at the very least \$100 apiece for each election, making the total cost of officers appointed to defeat the popular will \$6,500,000 for a single election. In the State of New York alone there are 3,566 districts, costing for such officers \$356,600, which, added to the cost of administration of the State law, even if this act does not make its administration more expensive than it would otherwise be, will make the total cost in that State \$1,356,000, not counting the cost for marshals, which may make it double or treble that sum; and it must be borne in mind that this great expense is, so far as the measure under consideration is concerned, exclusive of all outlays for matters other than the employment of officers appointed by the Republican administration to do the Republican party's "own registering, its own counting, and its own certification" in the interest of a free ballot and a fair count. The Republican party has become quite an expensive luxury and the people are rapidly educating themselves to do without it. The further along the educational process goes, the easier they will find it to dispense with the party.

WILL DEFEAT THE PURPOSE OF THE NEW YORK LAW.

Mr. Speaker, the last sentence of the seventeenth section of the new election law in New York reads:

There shall be but one ballot-box at each polling place for receiving all ballots cast for candidates for office.

The pending bill subjects the box in which the ballots for the Congressional candidates are to be deposited to the supervision, scrutiny, and substantially to the control of the Federal autocrats of elections, and in its thirty-fourth section provides very minutely for the position of the box and the time it shall remain in such position, and at the end of that section employs this language:

Nor shall it [the ballot-box] be removed from the room or from the place therein, which, under this act, it shall during the hours provided for the reception of ballots have occupied, at any time during the day or night of election until all ballots cast for a Representative or Delegate in Congress, in whatever box they may have been placed or found, shall have been fully ascertained, tallied, counted, and canvassed, and the statements and certificates therefor have been made out, signed, and sealed as provided herein.

Now, whatever may be the State law concerning the counting of the ballots cast for State officers, it must give way to the provisions of this act, and, the ballots all being on one slip or piece of paper, the vote for State officers must pass through the hands of the Federal officers before those whose duty it is to canvass and return it shall obtain possession of either the box or the ballots, even if they are permitted to obtain possession of them at all.

Just what effect all this will have on the legality of State elections is one of the things that experience alone can clear up, and experience is always a dear teacher; but to say that this provision for the handling of State and local ballots by a lot of Republican political strikers is dangerous in the extreme, is to indulge in the mildest expression that is in any degree appropriate to the situation.

But, to cap the climax, this bill provides in its tenth section that—

No certificate, statement, or return of the final result of the count and canvass of the votes cast for a Representative or Delegate in Congress shall be written upon, filed up, or signed by any officer, national, State, Territorial, or local, or by any person whomsoever until the final count of all ballots cast for every other officer than that of Representative or Delegate in Congress shall have been wholly completed by all persons authorized by law to count the same, and the certificates, statements, and returns of the result thereof shall have been wholly made out and completed.

Therefore, even if there were no other provisions requiring the presence at and participation of the Federal officers in the count for State and local officers, it will be necessary for the State officials to discharge all the duties required of them by State law in the presence of and under the scrutiny and supervision of the Federal election officers where the box is, in the place where it was during the hours of election, and then wait for the Federal officers to complete their statements, certificates, and returns before taking control of the box and the ballots, notwithstanding any requirements of State law that the officers shall perform their acts elsewhere and in another manner. In addition, there are provisions requiring the Federal officers to take possession, seal up, and carry away certain ballots, notwithstanding any provision of State law requiring their preservation for State purposes.

In some States no legal election for any office other than for Congress can be held under these provisions, and even the election to that office will be shrouded in doubt. Yet there are other provisions in this bill that are equally bad and that will further interfere with local elections, but my time is too limited for me to point them out.

Mr. Speaker, if this measure passes in its present form or in any form in which its friends will support it, it will, if sustained by the courts, revolutionize the Government and set up on the ruins of our free institutions a government by fear, force, and fraud. It means the inauguration of the state of affairs throughout the whole country that ruled for several years in a single section, with the substitution for the bayonet of the soldier of the club of the deputy marshal. Its immediate effect will be most harmful to the whole country, but the ultimate result will be that the people will drive from power in the Government the party that sought to profit by it before it can pull the whole temple down on their heads. [Prolonged applause on the Democratic side.]

The SPEAKER *pro tempore* (during the delivery of the foregoing remarks of Mr. FLOWER) said: The hour allotted to that side of the House has expired.

Mr. HOLMAN. I trust the time of the gentleman from New York may be extended, the additional time to be taken from this side of the House.

The SPEAKER *pro tempore*. For what time is the extension asked?

Mr. FLOWER. I ask for ten minutes.

The SPEAKER *pro tempore*. Is there objection? The Chair hears none.

Mr. FLOWER resumed and concluded his remarks as above given.

Mr. SMYER. Mr. Speaker, it was my purpose to occupy my seat during this discussion and to say nothing on the measure now under consideration, and I assure the House I shall not take its time to any great extent.

Mr. Speaker, I shall not endeavor to make here and now a defense of the famous Electoral Commission of 1877 and its results. I would only beg of my friend of New York [Mr. COVERT] that he add by way of appendix to his remarks a few things in connection with that famous commission which seem to have escaped his attention. I suggest that

in connection with his review of the frauds in Louisiana, Florida, and South Carolina he print in parallel columns an account of the attempts to steal the electoral vote of the State of Oregon. I suggest, further, that he print in parallel columns the order that came from South Carolina to Gramercy Park in New York to "saddle Blackstone at once;" and, further, the haggling about the price of Presidential electors in that State. Further (because it seems to me to make the argument of the gentleman complete), he ought to print as part of his speech the cipher telegrams that were unearthed after the result of that famous Electoral Commission was made known.

Mr. Speaker, the question that we ought to ask ourselves with reference to the bill under consideration is, is there any necessity for such legislation? If so, why? What is there in the condition of affairs that makes it necessary that we enter upon the consideration of the bill now before the House? I think, Mr. Speaker, that, so far as this side of the House is concerned and even so far as the other side of the House is concerned, it is agreed upon all hands that there is a condition of affairs that does call for the exercise of some power to correct the abuses and the wrongs against the honest voter throughout the land.

We feel on this side that there is a necessity for such legislation beyond cavil or controversy; and I do feel that no man who has been an observer of public events for the last fifteen years can be blind to the fact that there is a necessity for legislation somewhere to restrain and repress the wrongs and outrages that are committed against the ballot-box. So believing, your committee has seen proper to perfect and present to the House for its action the bill now under consideration.

What is this bill? What is the machinery provided for in the bill by which the object sought to be obtained may be accomplished?

We provide, Mr. Speaker, for the appointment of certain officers by the judiciary. I heartily indorse that feature of the bill, because if there is any one branch of the Government in which the people still have unlimited, unbounded confidence, it is the judiciary of the United States. The courts are vested with the power to make the appointment of these officers who are not to take charge, but to supervise, guard, scrutinize, and in only one contingency to make any certification whatever to this House of the results in their respective districts.

Who are the supervisors? From what has been said on the other side we would suspect that they are to be a pack of hoodlums, of hired heels, of hangmen-on, as my friend from South Carolina [Mr. HEMPHILL] terms them, who are to be rewarded for political service by appointment to these places. Why, sir, let me remind gentlemen that the bill itself provides the character of the men who are to be selected as supervisors. First, they must be persons of good character; they must be able to read and write the English language. They do not come from one political party only. They must be residents of the district in which they are called upon to exercise the functions of their office.

Now, if there is any necessity for legislation at all on this subject, if it is proper for this House to consider such a measure, I would ask what more carefully guarded body of men could be selected than is proposed in the bill now under consideration? We want men of good character; we want men who reside in the district; we want men who are able to read and write. Now, that is exactly what this bill proposes. And nowhere do these men take charge of the elections except in cases where it is conceded on all hands the elections are not free and fair—where the voter is kept from the ballot-box—where, if he is permitted to cast his ballot, that ballot is changed and another substituted. So the measure, I say, Mr. Speaker, is eminently wise, proper, and conservative.

Let me remind gentlemen that we are entering upon no new ground in the proposed legislation. It is no new experiment that we are trying. The experiment has been tried for nearly twenty years in New York; it has been tried for many years in Ohio; and although the distinguished gentleman [Mr. FLOWER] who preceded me may have been correct in saying that when the Legislature of New York provided a proper system of election laws the people there had honest elections, there is a strong suspicion that John Davenport and the United States law had something to do with honest elections so far as they have been had in the city of New York.

Take the case in my own State of Ohio. In the Forty-fifth Congress there were two members in this House who took their seats upon the other side who were no more entitled to seats as members of the House than I was, the only difference being that they were candidates at the polls and I was not a candidate. In 1878, when the election was held for Representatives in the Forty-sixth Congress, the people in the city of Cincinnati invoked the aid of the existing law, and the consequence was that there were returned to this House and seated here two members on this side, one of whom has continued to be returned year after year; I refer to my distinguished colleague, Hon. BENJAMIN BUTTERWORTH.

And when I say that the people invoked the aid of the existing law, let me ask gentlemen to remember that it is nowhere controverted in Ohio, it is nowhere controverted in the city of Cincinnati, that in the election of 1876 there was gross outrage and fraud, and that was proven, Mr. Speaker, by the indictment, the conviction, and the sentencing to the penitentiary of the ringleaders in that fraud.

Now, I say we are entering upon no new experiment. The existing law which has been enforced for some time has worked admirably and well. It has given satisfaction. It has deprived no man of his right to vote. It has protected all in their rights. Gentlemen can not go into the State of Ohio, they can not go into the county of Hamilton and find a solitary man to raise his voice and insinuate that, by reason of the fact that the Federal authority had been invoked in the election of 1878 and at elections subsequent thereto, any man who had a right to vote was deprived of the free exercise of that right. Now, we propose to extend simply the provisions of the existing law.

Why, gentlemen say this is sectional. Not so. That charge, or comment rather, Mr. Speaker, might well have been made against the existing law, because the existing law had its origin by reason of the frauds that had been committed in the State of New York. It was intended to be and was made applicable to the cities, but since that day, since twenty years have gone by, we find that frauds are committed elsewhere. We find that condition to exist in different sections.

Ay, Mr. Speaker, so far as I am concerned, you may say it is "sectional;" but I am here to say that my belief is and my people believe that now, after the years have passed, there exists in the State of South Carolina, in the State of Mississippi, in the State of Louisiana, and in other States a condition of affairs by which the honest voter has been deprived of his right to cast his vote and have that vote counted; and, as their representative here, I believe in extending over these sections the provisions of the existing law that has proved of such inestimable value to the people of New York and the people of Cincinnati and elsewhere.

What are some of the objections to the pending bill? The gentleman from Virginia [Mr. TUCKER] has complained of the great cost. The gentleman from South Carolina [Mr. HEMPHILL], who opened the discussion on the other side, says that it means five hundred thousand or a million of marshals at the polls. The gentleman did not do himself justice in that statement; he did not do himself credit. The bill contemplates nothing of the kind. The bill does not propose to establish a marshal of the United States or an inspector at every voting precinct in the United States.

We have got no use for them in the district which I have the honor to represent. We have no use for them in nineteen of the districts of the State of Ohio. We have use for them in the First and Second districts of that State. But it is not contemplated by the law that everywhere there shall be inspectors and supervisors of the elections, because their presence is not necessary. It is only intended that where necessary, where the belief is that necessity exists, where the fifty or one hundred people believe, and by their petitions say, that a fair registration and a fair election can not, in their judgment, be had, there they shall have the right to invoke the provisions of the law, and it will only be invoked in such places where there is this danger that the election will not be fair and will not be free.

And, as I said, the gentleman from South Carolina does himself no credit to say that it means a million of marshals scattered around at the various voting precincts in the United States. That is not the purport of the bill; that is not its design or object; that is not its intention. No man on this side of the House ever for a moment entertained the idea that we are to plant at every voting place in the United States a marshal or a half dozen marshals and a half dozen supervisors of election.

So, Mr. Speaker, in that respect let me say the measure is conservative in its character. It takes a middle ground. For myself I believe in the National Government taking charge and control of national elections. I believe it to be the only way, or rather the better and the safer way, and the surer method of securing honest and fair elections and honest returns. But the judgment of the committee was otherwise, and in deference to that conservative spirit this bill is brought forth. It is not any radical measure, but it is a conservative one. Why, the very argument was then suggested that is now suggested: that there is no necessity for the application of this law in many districts in the United States. So the bill was drawn in the manner in which it is now presented, only to be invoked upon the petition of the residents of a district and when they have reason to believe that their registration and election will not be fair.

Then, and then only, and there and in such districts only, will the law as proposed be invoked. So that gentlemen on the other side are mistaken when they talk of the number of men to be planted around the polls.

Something has been said about the cost. God knows, Mr. Speaker, it is going to cost something. But it occurs to me that it is well worth the expenditure that a citizen, a man endowed with the rights of citizenship, a voter, should have the right to cast his vote and have that vote counted just as it was cast.

We are ready, if the rights of an American citizen are infringed by a foreign Government, with 60,000,000 people, with all of our treasury, to repair the wrong done to him. And yet, when people by the score are outraged at home, gentlemen say to us, "It is going to cost something." True, it will cost something; but, sir, if it is worth protecting the voter in his right to vote, it is worth the expenditure of all the treasure necessary to accomplish that result. [Applause on the Republican side.]

There is another thing to which I wish also to call your attention. I do not know whether it was in a moment of excitement or whether the gentleman from South Carolina understood the full meaning and import of his words when he said, in commenting upon that section which provides that the supervisors shall retain their offices for two months after the election. He used this language:

That the object of that provision of the law is to allow the officer who has robbed the people of their honest vote to escape punishment by flight.

Do you mean what you said? Do you mean what the language implies? Does the gentleman suppose that members on this side who come here under their oaths, having a regard for the responsibilities resting upon them, are actuated by no higher motives than to present to the members upon the floor of the House a measure which, if enacted into law, and by virtue of the provisions of which, shall furnish the machinery to shelter the rascal, the man who is robbing the people of their votes?

That is what the language means as used by the gentleman. Let me remind him that gentlemen on this side are actuated by as lofty motives, as noble purposes, as gentlemen on the other side, and he must pardon me if I say that we have a little more confidence in ourselves than we have in some on that side. [Laughter on the Republican side.]

Mr. Speaker, this remark undoubtedly escaped the gentleman in the heat of debate. We on this side are not a set of knaves. We are endeavoring to do our duty; we are endeavoring to respond to that sentiment which in 1888 resulted in transferring the power from that side of the Chamber to this. All over the North, yes, and in many parts of the South, this was one of the issues made.

Why, when we are told that the people of the North care nothing about this measure, let me remind the gentleman that in my own district, in my campaign in 1888, in discussing the tariff some intelligent men would say, "We are not with you on the subject of the tariff, we do not believe in the tariff doctrines as preached by you, but we stand by you and your party on another question that is of paramount importance. We stand with you in saying that every man, in any section of the country, black or white, rich or poor, ought to have the right to cast one ballot and have that ballot counted honestly and fairly, and for such legislation we propose to stand by you in your candidacy." It is one of the issues. Our people regard it as of more importance than anything else.

Now, Mr. Speaker, it is said "all we ask in the South is to be let alone." That has been tried for fifteen years past. They have been let alone and let severely alone. They say they seek to work out their own salvation. You have had fifteen years of trial. I do not know whether you are any nearer the kingdom now than you were when you started. We do not object to your continuing to work out your salvation, but what we do object to is that you shall seek to work out our salvation on the same line.

Mr. McKINLEY. They have not reached the repentant period yet.

Mr. SMYSER. As suggested by my colleague from Ohio [Mr. McKINLEY] the repentant period is not yet reached. When reached, we will see whether or not the South is to be permitted to go on unintercepted as she has for the fifteen years gone by.

Mr. BAYNE. What more does a band of counterfeiters want than to be let alone?

Mr. SMYSER. As suggested by my friend here, what more does a band of counterfeiters want than to be let alone? I never yet have known a counterfeiter, or a man committing a crime of any kind whatever, but who said always to the grand jury and to the petit jury and to the court, "Please let me alone." It is universally the case.

Now, Mr. Speaker, will the bill under consideration accomplish the objects and purposes for which it is intended? A good deal depends upon the spirit and temper with which the measure is received if enacted into a law. If the people catch the spirit from the distinguished gentleman from New York [Mr. SPIKOLA] or the distinguished gentleman from South Carolina [Mr. HEMPHILL] I apprehend and fear that the measure will not possibly accomplish the results intended. Why, let me read what the distinguished gentleman from New York [Mr. SPIKOLA] said on day before yesterday, when we were discussing the rule to consider the measure now pending before the House. He said:

I only want to tell you what we will do in New York, as we did in years gone by: That we will send your hirelings away from the ballot-box and not permit them to go there and control our affairs by any authority you can establish, military authority or otherwise; just as twenty years ago, when you sent them there, they were compelled to withdraw.

And as the distinguished gentleman from South Carolina [Mr. HEMPHILL] says:

The negro can not have his rights and mine, too.

No, not his rights and yours, too; but you want your rights and the negro's too; and, by the Eternal, you shall not have them as long as there is a Republican majority in this House. [Applause on the Republican side.] We purpose to accord to every man entitled to vote the right to exercise that right and have that vote registered as cast and returned accordingly. What they mean on the other side when they ask to be let alone is to accord to the negro, as they say, no right, but to take the negro's right and appropriate that right to themselves; and against that, Mr. Speaker, I most earnestly protest. [Applause on the Republican side.]

Now, as I said when I started out, Mr. Speaker, that I would not detain the House, I will not do so. Our friends on the other side seem to think that in urging this measure for consideration, in arguing it, in presenting it to the House, in asking for its enactment into law we are actuated by some malevolent feeling, some feeling of hatred or of ill-will towards the South. Why, it is not so. Let me remind you on that side that whenever the South is devastated by flood or fire or pestilence, on every occasion with generous heart and open hand the North responds to the cry of your suffering.

When the great Father of Waters burst his banks and spread devastation among the people of the Mississippi Valley, who responded more generously than the people of the North? When the pestilence struck Florida, who responded more generously to the appeal of the people of her stricken city than the people of the North? In our midst your fleeing and your flying found homes and shelter. When God in his providence saw fit to disturb the elements, and the earth upon which stood the city of Charleston rocked until her buildings crumbled and fell, and the Chief Executive of the United States stood powerless, shackled and fettered by technicalities and legal obstacles, so that he was unable to render any help, who was it but the governor of the State of Ohio, a Northern State, that within twenty-four hours had the tents and blankets of Ohio upon the ground to shelter and comfort the homeless and shelterless people of the city of Charleston?

We love the people of the South. We have been contributing year by year of our population and of our capital to build up your waste places, to develop your resources, to start and keep you on the road to progress, that you have already entered. No! no! It is not that we have any hatred or ill-will for the South that we urge the passage of this measure; but it is because we have been led to believe, we have been educated to believe—we fought for the doctrine, we fight for it to-day; we have agitated, we will continue to agitate the doctrine—that every male citizen of the United States has a right to cast his one ballot fairly and freely and have that counted and have a certification of it honestly and fairly made; and because there is a well grounded suspicion in our minds, which has come to be a conviction, that such is not the case at this time, we are urging the passage of this measure.

We believe that it is wise and proper; we hope that it will accomplish the result intended. We seek to deprive no man of his right, and, if that be true, I can not understand why gentlemen on the other side declaim against the enactment of this bill into law. [Applause on the Republican side.]

Mr. VAUX. Mr. Speaker, it is recorded in an authority that probably will be recognized all over this House that when a certain man found himself in a very uncomfortable place he asked that somebody might be sent to warn his five brothers lest they should come to so unhappy a condition as he was in. He was informed that those five brothers had Moses and the Prophets, and, if they would not believe them, even if one rose from the dead it would be of no avail.

I am just in the position now of calling to mind a question for consideration by this House on a subject that seems to have been, I am sorry to think, almost entirely forgotten of these late years by our Republican friends. Though one rose from the dead he could not revive their faith in the Constitution. The Constitution of the United States, I believe, is to be found in the Patent Office or some other place [laughter], and those who want to understand what it means must go to a glass case to look at a somewhat pale parchment; and having tried to ascertain what it is, for a moment, having made an inspection, they turn away saying, "Oh, the Constitution; that is a forgotten subject." And yet, Mr. Speaker, this House to-day is asked to legislate by enacting a bill which strikes out the very life of that Constitution. Whatever it has of life, enough of it is left yet to assert the proposition which I desire now to call to the attention of gentlemen on this floor.

I assert that this bill, as I have read it and as I have heard it discussed on this floor by my esteemed friends on the other side of this House, is virtually an overturning of the Constitution of the United States and destroying our form of government. [Applause on the Democratic side.] That is the proposition I desire to present to this House, not by way of a superficial or momentary consideration of this question, but because I am solemnly impressed that the duty that belongs to every man who believes in this Constitution and in the Government founded upon it should now seek to save both from destruction, especially now when so few people, and especially the young men of the country, have any opportunity to be taught what are the principles and provisions of this Constitution.

I do not intend to occupy more than twenty-five minutes of the time of this House, and that has been kindly yielded to me by my friend from New Jersey [Mr. McADOO].

This act proposes to change the Federal Constitution. Now, Mr. Speaker, pray show me anywhere any authority in this Congress or any other, by an act to change the Federal Constitution. No such power was ever delegated to any Congress. The mode of changing the Constitution is provided in the instrument itself. No provision is given to Congress by an act, the power or authority to change or alter it. If this bill is enacted into law it is an usurpation pure and simple; an usurpation of the rights of the States absolutely and positively. There is no intermediate ground upon which the friends of

the bill and those against it can stand. It is an usurpation of the rights of the States. Section 2 of Article I provides that—

The House of Representatives—
That is this body—
shall be composed—
Of what and of whom composed?—
of members chosen every second year—

By marshals and supervisors and prostituted partisan Federal courts or paid agents of the Federal Government? No. That is the bill. [Applause.]
chosen by the people of the United States.

And the electors are the people who choose. They have certain qualifications. The people who elect members of Congress are thus described:

Shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

Therefore those who choose the electors, who elect members of Congress, in whom the power is vested with this qualification, are those people who are designated by the Constitution as a class. They are the men who have the same qualifications as those who elect the Legislatures of the States. Now, these elections must be conducted by State law. The primary proposition of the article gives to the States the power first to make the laws to regulate the elections and then the power to say who shall be those electors. Therefore, all the proceedings of the election must be under State authority, nowhere else. The friends of this bill can not direct us to any construction which takes away that eternal principle so long as this Government lasts. This act relies for power to enact and enforce it on the fourth article of the first section of Article I of the Constitution.

Now, Mr. Speaker, I have shown three propositions: First, who are the electors; second, what constitutes their quality; and, third, that the people of the States are these electors and shall elect members of Congress, and no other persons. I do not suppose any gentleman will deny these primary propositions. But with reference to the article of the Constitution upon which this act purports to be based, I desire to call the attention of those gentlemen who take enough interest in the subject to listen to the singular wording of this article, which, so far as I have heard, has not been touched upon by any of the distinguished gentlemen who have discussed this bill. This article provides for what? First, the times; second, the places; and, third, the "manner of holding" elections.

Now, there are three things which this article sets out—the time, the places, and the manner; and if this bill goes beyond that limit it is unconstitutional and vicious. The time, the places, and the manner of what? Holding elections. Elections for whom? For Senators and Representatives. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof. The Legislatures of the States are to prescribe the time, places, and manner—not the election, but the manner of holding—a primary condition before the election begins. The election itself is another thing. This applies to the manner of holding the election. But the Congress may do something. Now, what has Congress the right to do under this proviso on which this bill rests? "But the Congress may at any time by law make or alter"—make or alter what? "Such regulations." What regulations? Such regulations as to the time, place, and manner of holding the elections, and beyond that Congress is as powerless as the vane on the top of a steeple. Congress can not go beyond those three regulations as to the times, places, and manner of holding elections, but there is a condition, except as to the places of choosing Senators.

Now, Mr. Speaker, as to the time of holding elections I suppose there is no doubt. As to the place of holding elections there is no question. Therefore those two subjects are eliminated from the consideration of this bill, and we come now to the manner.

If manner is the usual and accustomed mode, Congress may make or alter the form of this mode, provided it does not establish by law any form which is not elemental in the usual and accorded mode. Congress may properly alter *visa voce* to ballot or ballot to *visa voce*, for that is altering one form for another or making one of those forms the manner of holding the election.

When the Constitution declares the power to legislate, to carry out the power delegated, the power must be explicit and perfect in itself, as well as the auxiliary power to execute it.

The doctrine of implied powers is not recognized in the Constitution. This was a scheme to add to the power granted, not within the intentment of the grant.

That word "manner" is a very pregnant word in this article of the Constitution, and I desire to be informed where there is any constitutional interpretation of it to be found. You can not judge of it in its constitutional application by the definition of the lexicographer. You can not judge of it in its application here by any scientific definition or interpretation. It is not a philological problem. You must take it in the accustomed sense. You must take it as the word "manner" has always been understood from time immemorial—the manner of holding an election. Now the manner of holding—I do not think the word "holding" has very much to do with it, but "manner" is the crucial test of the interpretation of both words—

the "manner" of holding involves what is habitual and accustomed, the habitual and accustomed manner or mode. If it is outside of that, then it is not the manner; and if it is not the manner then Congress has no control over it.

Now, how did this word "manner" come to be applied to the question of holding elections? There are three modes of voting or electing which can be comprised under the term "manner" as used in this provision of the Constitution. There can be a vote by ballot; that is one manner of holding an election. There can be a vote *visa voce*; that is another manner. There can be a vote by show of hands; that is a third manner. These three "manners" have been a part of the system of holding elections in this country ever since it was a country. In the State from which the author of the majority report on this bill comes, Massachusetts, the town court legislated in early days and voted. Even in Russia, that most abused country according to some of the modern patent philanthropists who go around meddling with everybody's business but their own and finding fault with everybody because they are so vulnerable themselves [laughter]—even in Russia, in a large part of the territory of that empire, the people assemble in public meetings and legislate and vote for their own interests so far as their different localities are concerned.

Now, Mr. Speaker, I hold that the word "manner" as used in this provision of the Constitution, applies to one of these three modes or manners of holding an election. We hear a good deal now about the Australian system, which, they say, is becoming very popular. I hope so. I do not know what it is, but I hope it will be adopted so as to save the consciences of the majority of this committee. But this Australian system is a "manner" of holding an election, just as the show of hands is a manner, or as the vote by ballot is a manner, or as the *visa voce* vote is a manner; and it is in this sense that this article of the Constitution refers to the "manner" of holding elections. Congress has the right to determine the manner, and nothing beyond this. Possibly a condition of things might arise in a State—I deny it, but possibly you could find some four or five gentlemen in black who sit here somewhere in the District of Columbia and give out admirable stump speeches on the Constitution and call them "decisions" of their court—possibly, I say, you could get an opinion from them that the power of Congress can go beyond this. But, Mr. Speaker, I am not one of those who believe that iconoclasm is a vice. [Laughter.]

As able a jurist as there is anywhere in this country has passed upon the meaning of this word "manner." In a decision of the supreme court in my own State of Pennsylvania the chief justice of that court, in deciding a question in which this word "manner" was involved, made use of this language:

The manner can not exceed the subject it qualifies or belongs to.

Now, if the manner can not be anything further than the mere formal expression of one or more of these "accustomed modes" of holding elections, then this bill as proposed here is utterly unconstitutional.

Having now determined, as I think conclusively that the "manner" has nothing to do with the election, I propose for a moment to call attention to what follows the "manner." After the "manner" has been determined—and it is by ballot—then comes the election. Now, do my learned friends on the other side of the House undertake to tell me that under this interpretation of that word "manner" they can by a Federal law go into every district of the United States, and that under the power which they claim is granted in that word "manner" Federal officers can assume to be, not the officers of the election, but the electors? Because if this bill means anything it means that the Federal officers who are to be sent into the various districts are to be electors. If it is claimed that through the power implied in this word "manner" we here can go into the subject and can send the Federal officers to these election districts to do what this bill proposes they shall do, then they become electors, and what becomes of that provision of the Constitution I have just read providing that the electors and their qualifications shall be such as the State prescribes?

The Constitution vests in the people the power to choose; and that power to choose is no emanation from the word "manner." It is the subject; and over this subject Congress has no control. This bill is unconstitutional the moment that it attempts to touch the subject. The moment that Congress undertakes to touch the election itself, it goes beyond the power conferred by the Constitution.

Now, how are we further to get at the interpretation of the word "manner"? Because I hold, according to my limited capacity to judge of this question, that the turning point as to the constitutionality or unconstitutionality of this act rests solely on the word "manner." There is nothing else anywhere in the Constitution by which such legislation as this can be justified, much less successfully defended. The power of Congress in this matter must rest on the word "manner." Have we no process by which we can find a constitutional or a legal interpretation of this word "manner" as used in this section of the Constitution? I assert—and I think it is beyond controversy—that the construction of this provision of the Constitution can not be affected by implication. You can not by interpretation inject into this word "manner" any power which will give Congress the right to legislate over the subject.

We know that implication is always against a granted power, so

in this instance implication is against the limitless interpretation of this constitutional language. The implication is for a strict construction, and when we have a question like this, resting upon such terms as these words, "Manner of holding," you can not for a moment by interpretation change the meaning of that language so as to cover the holding of the election itself. It is against all common sense. It is against the consensus of opinion on historical teaching on this subject for six hundred years. It is against the opinion of men who have studied this question and performed their duties under the interpretation of this word "manner," this opinion having constantly been that the word belongs exclusively outside the subject and has nothing whatever to do with the subject itself.

Now, this section gives no power to hold an election. It refers only to the manner of holding; and when the "manner" is disposed of the whole subject is disposed of. The election, when you come to that, belongs to the people of the State. Therefore, after determining the "manner" of holding, the power of Congress ceases. After that the choosing begins; and the voters only can by State authority carry on this choosing. The manner has been disposed of; it is by ballot; then the provision of the Constitution with reference to "manner" is at an end. How comes the subject? The subject is the choosing of members of this House; and that choosing devolves on the people—nowhere else.

Now the "manner" to which I have called your attention—this "accustomed mode"—has been understood and adopted since when? Understood and adopted since the statute of Carlyle, which was enacted about six hundred years ago. What was that statute of Carlyle. I will in a moment give you a synopsis of it. It will be found in the books that treat of this very subject that we are discussing—legislation over manner and subject. "What shall be a good act of Parliament in respect of manner?" Then we find described what shall be an act of Parliament as to the manner. It is required that the lords, commons, and bishops shall be convened to constitute a Parliament.

On the occasion in question the bishops were not present, and it was contended that the organization of Parliament was void because the "manner" had not been followed out, because the bishops had not been present, the "manner" requiring that all those parties—the lords, commons, and bishops—should be present. It was a grave subject, and I suppose occupied the attention of the great lawyers of that day. And what was decided? It is a very interesting subject to any gentleman who wants to discuss this question with some degree of thoughtfulness, without partisan feeling. It was decided that the "manner" had nothing to do with the subject; that when that Parliament met, whether the bishops were there or not, the subject of legislation was only involved, and the law in question had nothing to do with that, because it only construed the "manner." It was determined, therefore, that the act of that Parliament was good.

I quote as follows:

"(A) What shall be a good act of Parliament [in respect of the manner]?" In the statute of Carlyle, 35 Edward I, the prelates were omitted, and the statutes were made by the king, the nobles, and the commonalty. It was therefore objected that this was no act of Parliament. The law is that (1) the bishops ought to be called to a Parliament; (2) but that, if they absent themselves voluntarily, the king, nobles, and commonalty may make an act of Parliament. As the statute was held to be a good act, the bishops must have been summoned and not have attended. The manner of making an act of Parliament, therefore, requires that the bishops must be summoned, but, if they do not attend, it is good manner to proceed without them.

"(A 2) What shall be a good act of Parliament, in respect of the matter?" Statutes are void which misrecite things in referring to them, and no persons are concluded by them. An act of Parliament can not do anything out of the limits of the power of Parliament, as, for example, to make a man capable of inheriting land in France.

These are examples of acts of Parliament that are void as to matter, but not as to manner.

The manner of holding a Parliament can not, by any power, have control of the legislation by Parliament.

Neither can the manner of holding an election have any relations to the voting, which is the election.

Under our Constitution this bill is void, revolutionary, and if enacted into a law must overthrow a system of government. It is unworthy the legislators of a great country that has been spoken of all around this Hall in such glowing language as we have heard to-day.

The Constitution in every article delegating to Congress legislative function uses the phrase, "Congress shall have power." This demonstrates that the States hold the exclusive right in and by the Constitution to give to Congress the power to legislate. It demonstrates also that the power was derived from the Constitution. "Shall have power" made Congress the attorney in fact for the Constitution. It is power that is delegated, power full, complete, and defined, not power by intendment or implication.

If you can inject into the word "manner" a power claimed by our friends on the other side of the House who advocate the bill, there is no word of limitation in the language that can be used to stop their devices—

Mr. HILL. Will it interrupt the gentleman to permit a question at this point?

Mr. VAUX. Not the slightest.

Mr. HILL. I understand the gentleman states that under that provision of the Constitution to which he has been referring Congress has the power to regulate the manner of holding elections.

Mr. VAUX. Only if the States do not. In that event, yes.

Mr. HILL. And also that Congress may prescribe that the election shall be held by ballot as ordinarily used, or under the Australian system, or under a *vice versa* system. Do I understand you to say that that simply prescribes that it shall be by ballot, and that the United States Congress can not go further—

Mr. VAUX. Not a step. [Applause on the Democratic side.]

Mr. HILL. Let me complete my question. That Congress can not go farther and provide the necessary machinery?

Mr. VAUX. No, sir; no more than Congress can provide machinery for the State, as I shall show directly, to carry on its own constitutional duties.

Mr. HILL. But the gentleman says that they may adopt the "manner," that they may devise the manner of doing it.

Mr. VAUX. I say that the States have the right to determine the times, places, and manner of choosing their Representatives. Now, if the State does not do it, if the State is derelict in that duty, then another question is raised. If the State does not perform the duty, if a hiatus shall exist and any public necessity arises for the exercise of the power, then probably in that event, and in that event only, Congress can legislate only on the manner of performing the neglected duty. [Applause.]

Does not the gentleman know the fact that when George Washington was elected President of the United States New York did not vote for him at all? Why? Because the Legislature of that great State had not formulated the system of the electoral college. Why had they not done so? Because, as I read the history of those times, one branch of the legislative body belonged to the control of one party and the other branch was under the control of the opposite party, and they could not agree as to the "manner;" and because of that fact the voice of the people of New York on that subject was silent in that election.

Mr. HILL. Permit me one further question. I understand you to concede that Congress has the right to prescribe the Australian system?

Mr. VAUX. No, sir; I did not say so.

Mr. HILL. I so understood you.

Mr. VAUX. No; I merely cited the Australian system as an evidence of what might be a "manner." Under the Constitution Congress is absolutely powerless; and if my learned friend will allow me, if my argument has any bearing, if it means anything at all, if I have succeeded in making myself clear, it is to show that the power of Congress is limited in the strictest terms; and to show that these terms are to be used in the common-sense construction of questions that necessarily arise from a study of the meaning of the specific terms used, the manner of holding, the times and places for elections. [Here the hammer fell.]

The SPEAKER *pro tempore* (Mr. PETERS). Did the Chair understand the gentleman desired to be notified when he had exhausted twenty-five minutes?

Mr. VAUX. I desire to be called, Mr. Speaker, whenever obtruding upon the time of the House. [Cries of "Go on!"]

Mr. HILL. I would like to put one other question, if the gentleman from Pennsylvania will permit, before he takes his seat.

I understand him to say that the Australian system is a manner of voting?

Mr. VAUX. Certainly.

Mr. HILL. Then, why can not Congress prescribe that system as one to be applied?

Mr. VAUX. Because it applies to the States absolutely and primarily, and Congress has nothing whatever to do with it. [Applause on the Democratic side.] That is the reason why Congress can not prescribe it or any other system. Congress can not prescribe it unless there is necessity, to which I referred a moment ago, and that necessity arises by reason of negligence or unwillingness on the part of the State to regulate the subject; then Congress can act.

Now, Mr. Speaker, a step further on that subject. This proposition that I am discussing is to the manner of holding elections for Representatives in Congress. Our learned friends on the other side claim, under the term "manner," that they have power over the elections in the States. They claim further that you can send the paid officers of the Government of one political party in hordes to any extent you may find necessary—to do what? To control elections in the States. [Applause.] Well, gentlemen, if so, then there is no necessity to send anybody to New York with "boodle," for you will have plenty of boodle all over the cities of the country, wherever these men are appointed in numbers sufficient, at ten, fifteen, twenty and thirty dollars a day to carry any election and to control any result you please. It will not be necessary to delegate your rights to anybody else.

But if we accept the proposition that comes to us by common rumor, that after we have acted upon this proposition now pending, after we have considered it, amended it, and adopted it, the majority of the committee on that side of the House may get ready their substitute and bring it in for our action, with no chance for discussion, no opportunity for examination, but compel us to come to a direct vote upon it; and suppose they inject into that substitute these words:

That this act shall also comprise the election of Senators in Congress.

What is to prevent it? If you can control by means of your election machinery the election of Representatives on this floor, why can you not go a step further and go to Harrisburg when the Legislature of my State is in session, with your supervisors and your deputy marshals and your judges and your wonderful chief supervisor, who is elected by nobody, who is responsible to nobody, who can not be punished by anybody, providing he is acting under the provisions of your proposed legislation; and he shall walk in while the Legislature is holding its session and say: "Sir, you are a member of the Legislature of Pennsylvania?" "Yes, sir." "Then walk out!" [Laughter and applause on the Democratic side.] "Walk out; there was not a fair and free vote in your county when you were elected." [Renewed applause.]

Mr. SPRINGER. Strike his name off the list.

Mr. VAUX. Yes, strike his name off the list, and in that way, always being sure, if it is a Republican that is to be elected, to pick out a Democrat. It is sometimes a fashionable idea that the only villains in the country are Democrats. [Laughter.] I want to know what is to prevent them from taking out of the house of representatives and the senate of Pennsylvania Democratic members under this pretext that they have a right to supervise the election. If they can supervise the election of my friend, Judge HOLMAN, for Congress, they can supervise the election of my friend, Mr. CAMERON, to the Senate. They can go into the senate of Pennsylvania and do the same thing. And if there are any distinguished gentlemen in this House upon the other side of the chamber who are looking forward to being United States Senators, I caution them lest, when they have made all their primary arrangements as to the manner of holding the election, it may turn out to be not so very pleasant as they expect under the law that they are now trying to give to the people of the United States; it may operate more powerfully than they intended. [Applause and laughter on the Democratic side.]

Now, I can not go any further with this because I know my friend is impatient. [Cries of "No!" and "Go on!"] I can not go on any further because I want to say one word as to the mode of the construction of this proviso. I was amazed when I heard the majority report claim that it was put upon this proposition, that the manner of holding elections was in the purview of Congress, and upon which it was the power of Congress to legislate. Now what does that report say. It quotes the section:

The time, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Now see what the report asserts. I doubt if some gentlemen here have read this carefully. It has amazed me. I frankly confess that, after some few years spent in looking after questions that required careful analysis, I am astonished and horrified at the manner in which this majority report construes that section.

The language employed in this section—

Says the report—

is so plain—

I agree to that—

that it seems almost superfluous to enter into argument or discussion as to its meaning.

I say amen. There is no necessity for it except the exigencies of partisan necessity.

If words mean anything—

I supposed they did; I agree with that—

If words mean anything, those just quoted mean that the power of Congress over the conduct of elections of members of this body is absolute and complete.

But read the report.

Notwithstanding it is absolutely the power of the State Legislature to regulate the holding of elections, notwithstanding it is only the "manner" which Congress has any right to legislate upon, yet this report justifies this bill by a construction that I believe is without a parallel in forced construction.

Read it:

In connection with this bill, as it seems to your committee, there are two points to be chiefly considered: First, the power of Congress to enact such legislation and, second, the expediency of doing so.

This necessary power is found in section 4, Article I, of the Constitution of the United States, which is as follows:

"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

The language employed in this section is so plain that it would seem almost superfluous to enter into argument or discussion as to its meaning. If words mean anything those just quoted mean that the power of Congress over the conduct of elections of members of this body is absolute and complete. The Constitution says that Congress may make all regulations in regard to the election of Representatives, and the power to "make regulations" thus conferred is in terms exclusive and paramount. But out of abundance of caution the framers of the Constitution went further and added to the word "make" the words "to alter"; that is, under the Constitution, Congress has power to assume complete control of elections of its members and conduct them at such times and places and through such officers and under such rules as it may see fit. On the other hand, Congress may under this clause leave the entire regulation of the election of Representatives to the States, or it may take a partial control of a part of the necessary procedure and leave what remains to the State, or it may alter and amend the State regulations and supervise and enforce their execution.

There is one other instance where five of the nine gentlemen in black make constitutional law, and it is thus made as we see to subserve political partisan schemes.

I believe my friend from Indiana [Mr. HOLMAN] is as old as I am, and he is a member of the bar and a lawyer. I have been for fifty years a member of the bar, and I believe, upon my word, that such a construction as that would not have been tolerated in days gone by by anybody who considered himself entitled to respect as a constitutional lawyer. Think of it—

that the power of Congress over the conduct of elections of members of this body is absolute and complete.

Absolute and complete, by reason of the power to regulate the manner of holding elections. That is what this report says. Then it goes further:

The Constitution says that Congress may make all regulations in regard to the election of Representatives.

It says no such thing. You can not with a railroad engine drag that into the sentence. [Laughter on the Democratic side.]

And the power to "make regulations" thus conferred is in terms exclusive and paramount.

Think of it! "Exclusive and paramount," when the language is that it shall be done by the Legislatures of the States!

But out of abundance of caution—

I am so glad that my learned friends on the other side have a little caution—

But out of the abundance of caution the framers of the Constitution went further and added to the word "make" the words "to alter." That is, under the Constitution Congress has power to assume complete control of elections of its members and can direct them as it sees fit.

Well, upon my word, I have heard of a great many things in the English language and I believe some books have been written to show what can be said by words that are called English words; but, if there is a greater power to "alter" than to "make," then I would like to know where that difference exists. [Laughter.]

I have heard it said in olden time that there is in certain agricultural communities a surgical operation that is sometimes performed in the neighborhood of farms where alteration makes one thing, but does not make an animal. [Laughter.]

Now, sir, to justify that opinion as I have quoted it, for I will dignify it with the term "opinion," they quote a decision of five of the nine "gentlemen in black." Five of the nine "gentlemen in black" have a right to make a decision under rules of law and by construction of the Constitution; but there is no law of Congress under the Constitution which gives to those "five gentlemen in black" the power to make a constitutional law. [Applause.] That belongs to a power we have not undertaken to alter.

And, sir, I see that since this Congress began there have been two decisions, for such they call them, two utterances of those gentlemen that have evoked the strongest condemnation from some constitutional lawyers. Mr. Speaker, unless I am very much misinformed, one is now going through the ordeal of legislative enactment to make it legal. [Laughter.] Therefore, when these learned gentlemen who comprise the majority of this committee give citations of decisions of a court, let me say to them that it has been said very lately, in the presence of as intelligent a body of men as could be gathered anywhere, that "decisions may be made by courts, without law;" and I wish to affirm that position by calling attention to the two decisions made since Congress met.

Now, I have shown the "manner" of these elections, and under this reference to the term "manner" there is no construction of the courts of law on it.

Then we come to another proposition that is involved in the Constitution. The electors are the voters. The voters, gentlemen, are to hold these elections. It is not an election controlled by officers of Federal courts or partisan head Federal officials. The people hold elections.

Now, a great deal has been said about this bill. I do not propose to discuss it. Abler men, far more able to discuss it than I, have already told you something of its faults; but I will tell you this: By this bill the right to choose the Representatives and United States Senators, if this bill becomes a law, will no longer be vested in the people. It will be vested in Federal officers, paid by the day, to do the bidding of those who appoint them, who have no color of responsibility under the terms of the act, which provides that the circuit judges shall do it.

Are we to bring the circuit judges of the United States and other Federal judicial tribunals into the mud and dirt of partisan political schemes? Who appoints the judge? He is there for life. He appoints the supervisors. Those duties imposed on the courts by this bill are extra-judicial. If judges agree to voluntarily perform them, they take from the judiciary its high character. The judge is there without any power to direct and compel his action. The supervisor is amenable to nobody, and it is not possible, Mr. Speaker, if this becomes a law, to bring him to account for whatever he may do, however wrong it may be, however directly against the law it may be. There is no power to bring him up before a court and question the authority of his act. The moment you do this the man who does it is brought up before the same court, because he complains of injustice and illegality in the supervisor, and he is put in prison by

the jury. Who chooses the jury? The supervisor or his marshal; and the man who has done the wrong goes free. A man can not step in and interfere, or he may be "subject to arrest." This supervisor or the marshal, who are without responsibility, may go to the polls, may make a house-to-house inspection, may see to the registering, go into the election room, count the ballots, mark the ballots, and having done that may certify to the Clerk of this House the Congressional vote.

A supervisor without responsibility, a supervisor amenable to no law, may make a report to the Clerk of this House and the name goes on the list, it matters not whether 5, or 500, or 5,000 votes were cast against the returned candidate. No power is reserved anywhere to regulate it except by a contest in this House, and then this man who has got the certificate votes against the contestant and prevents you from turning him out. You call that legislating on the "manner" of holding elections. The Clerk of the House, poor fellow, must put his name on the list of members or pay a fine of \$1,000 and be sent to prison.

One moment longer. I have been told that, while it may be doubtful about this constitutional provision, there is something above that, and one learned gentleman on the other side says, "We must pass this law; we must have a pure and honest election; we must have a free vote, and we must have the vote counted. That is the reason we want it passed." Why? "Because there are frauds." Frauds where? Ah, well; we do not pretend to say. We do not want to hurt the feelings of our Southern friends; but we want to get down South in order that we can elect members; and by the means referred to we seek to elect them notwithstanding how many people may have voted against them. Frauds! Am I told, Mr. Speaker, in this day if a fraud exists, it can impart to Congress the power to destroy the Constitution, power to give courts the right to legislate? Frauds exist all over the country. Frauds! Do they impart to Congress the authority to give an interpretation to the word "manner?" Well, yes, of course there are frauds.

"Oh," they say, "we do not propose to administer this law over the United States." Oh, no, that is not intended. But they take good care to say as my friend said who took his seat awhile ago that they do not propose to administer this law all over the United States. He did not put his argument in that way, but the implication was this: "In a good Republican district where we have a majority we do not want this law; but in Democratic districts where we have not a majority we intend to apply it." [Laughter.] I want to tell you gentlemen upon the other side that if this bill becomes a law the first place, or one of the first places, where will it be put in operation will be the State of Maine. [Laughter and applause on the Democratic side.] The Democrats of the North will see that Maine is one of the first places to test the operation of this law, and then we shall see what the condition will be. I would like them to see the distinguished gentleman [the SPEAKER] rise and say, "Let the galled jade wince; my withers are unwrung." [Laughter.]

Gentlemen, if you intend to apply this law wherever a Democratic majority exists and to withhold the application of it where no Democratic majority exists, then I tell you that it will be made of universal application, and if it costs \$15,000,000 a year of the public money to carry out this law and if these fifteen millions are wrung from the sweat of the farmers and the working people of the country let it come, because every drop of sweat that they expend is earning the money to pay those fifteen millions will fertilize the soil for the growth of anti-Republican votes. [Applause on the Democratic side.] There is some intelligence left yet in the Democratic party; they have some knowledge of fair play; and if this bill is intended to operate upon the Democracy and upon them alone, I tell gentlemen upon the other side that the Democracy will see to it that it is applied to their opponents as well.

Now, Mr. Speaker, I feel that I have already occupied too much time. I do not desire to take advantage of the courtesy of the House to obtrude myself upon it at too great length. [Cries of "Go on!" "Go on!"]

One word more about the meaning of the word "manner" in this clause of the Constitution. I am contending that the power given is as to the "manner" and nothing else, and that the "manner" I regard as the most important question involved in this legislation. It is distinct from subject altogether. Let me illustrate. I have been long enough sitting in this Hall to discover that there is a body of men somewhere about here, hidden or exposed—I have never seen their abiding-place, but I know they are called the Committee on Rules. [Great laughter.] Those gentlemen are as effective agents of legislation as the supervisor and his marshals under this bill would be effective in elections. [Laughter.] They belong, too, to the same category of Federal agents; and if the one agency does its work as well as the other, then I pity the Democratic constituencies. [Laughter.] Now, as to the meaning of the word "manner" when applied to the holding of elections, I ask gentlemen to consider this proposition. This Committee on Rules came in here the other day with a report fixing the "manner" of holding this debate.

The manner of holding this debate does not control the debate. It limits the time and refuses to permit the representatives of the people to have full discussion of the bill, but as yet has not directed what is to be uttered or suppressed what has been spoken. The rule may thus

legislate on the manner, but not the subject. And again by the rules of the House—

Reports and communications from the heads of Departments and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner and with the same right of correction as public bills presented by members.

See Rule of the House No. XXIV, page 256.

This is an authority of the House on "manner."

But are we to be told by gentlemen on the other side that that manner of holding this debate, which was so prescribed, extended through the manner to the subject-matter, and that the Committee on Rules has the right to say such and such men shall speak and others shall not speak; "You shall discuss this question, not that question;" "You shall not undertake to impute fraud to the Republican party, while they may impute it freely to you?" These are the subject-matters of debate, not the manner, and the committee has nothing to do with them. Therefore, in prescribing the manner of holding the debate they confine themselves to limiting the time and parceling it out. It is decided that Mr. Smith shall have ten minutes, and Mr. Brown three minutes, and Mr. Somebody else one hour, and the Speaker, with an impartiality which does him great honor, brings down his gavel exactly as the time expires. [Laughter.]

Oh, gentlemen representing the men of America, dealing with this great question which strikes at the very vitals of your form of government, which overturns the Constitution, which makes us slaves of an irresponsible body of Federal officers, men who can not be controlled or called to account, gentlemen representing the men of America, in this nineteenth century, in this country which is called a country of law, of liberty, of freedom, has it come to this, that you are dividing the time for deliberation in this House by a clock, by the minute, when this momentous question is under consideration? Mr. Speaker, when our forefathers brought on the Revolutionary war and these colonies separated themselves from the British Crown and became separate, sovereign, and independent States, they did it upon the principle that they would not endure taxation without representation.

Let me say, with the most profound respect for this House, that the time may come when rules of legislation depriving the people of representation will drive those people to the same position which their forefathers took when the mother country undertook to tax them without giving them representation. [Applause.]

Now, Mr. Speaker, if the House will indulge me a moment longer I shall conclude.

The SPEAKER *pro tempore*. The gentleman has six minutes left.

Mr. VAUX. Oh, I am delighted. [Laughter.]

Several MEMBERS. So are we.

Mr. VAUX. I want only a few minutes more, to read a brief newspaper extract which I think may amuse some of the gentlemen on the other side. I read it for their benefit, for the benefit of the majority of the committee who reported this bill; not for gentlemen upon our side, because they are as familiar with the truths involved in it as they are with the truths of the Holy Bible. [Laughter.]

Gentlemen laugh, but, strange as it may seem to them, there is such a book. [Renewed laughter.] It may be that gentlemen on the other side are as unfamiliar with the truths of that book as they are with the principles of the Constitution, but truth is eternal. When it was asked aforetime, "What is truth?" an answer was given that has never been improved upon. The answer was, "God is truth;" and we on the Democratic side know that God is truth and that the truth is God. [Laughter.]

Now, this extract which I am about to read is from a Philadelphia morning newspaper. The statement in the paragraph is that Judge Harlan, of the United States Supreme Court (the nine gentlemen in black), in an address delivered before the University of Michigan, made use of this language:

While the national rights must be respected, it is no less important to recognize the existence and authority of State rights, for to the States we must look primarily for our liberty. The States are the foundation upon which rests the whole superstructure of the United States. Without the States under the Constitution we would have no Government.

"While the national rights must be respected, it is no less important to recognize the existence and authority of State rights, for to the States we must look primarily for our liberties."

Yes, Mr. Speaker, we must look to the States for the manner of holding elections, and for the right to hold elections, and for those who are to hold the elections, the people of the several States.

Judge Harlan continues:

The States are the foundation upon which rests the whole superstructure of the United States. Without the States under the Constitution we would have no Government.

No, Mr. Speaker, we would have no Government, except the bill which is presented by the majority of the Committee on Elections. [Laughter and applause.]

Mr. KENNEDY. Mr. Speaker, the Government of the United States is founded upon the broad principle that the majority shall rule, and the manner of determining the will of the majority is plainly pointed out by our laws and determined by our Constitution.

Any attempt to subvert the will of the majority, in whatever manner made, is an attempt to overthrow and defeat the will of the people.

ple, and in a measure to destroy the very foundations of our republican institutions.

The safety of the Government itself largely depends upon the liberty and the safety of the individual citizen.

The minority may, and in most cases will, quietly submit to the rule of the majority when that majority is fairly and impartially determined.

It is even possible for those who are wronged and outraged to permit these outrages to continue for a season in the hope that wiser counsels will at last prevail, and that when reason asserts herself that ample and substantial justice will be done to all alike.

THE MINORITY, NOT THE MAJORITY, RULE.

It is idle for us to pretend that our Government for the last quarter of a century has been ruled impartially by the will of the majority. It stands to-day as the most splendid illustration of the patience and forbearance of the people, when we recall the fact that its ballot-boxes have been trampled under foot, that its elections have been conducted, not for the purpose of determining the will of the majority of its people, but rather for the purpose of defeating and defrauding them of the opportunity to exercise their constitutional rights.

DEMOCRACY NOT INDORSED BY THE MAJORITY.

It is useless to quibble about terms, and the claim that the Democratic party has within a quarter of a century, at any trial, commanded the confidence and support of a majority of the people of this country is as baseless as it is presumptuous.

Within that time, in almost one-half of the Union, the freedom of the ballot has been unknown, the right of the citizen to express himself without fear and without favor has been defeated and denied, and the minority has been able by means within its power to hold and to keep control of local and Federal representation.

He who is not aware of this is either willingly ignorant of the condition of things existing in that portion of the Union, or is so blindly bigoted as to be ready to permit them to exist in order that the party to which he belongs may for a brief period continue in power, even if it shall be necessary for this purpose to overturn the will of the majority.

FALSE CLAIMS OF THE DEMOCRACY.

The claim that the Democratic party has at any election been indorsed by the popular vote is but another manner of expressing the fact that the Democratic party has been enabled in a large part of the Union to suppress the votes of a large number of those entitled to exercise the franchise and by this means to accomplish the overthrow of the will of the people.

CLEVELAND NOT ELECTED BY A MAJORITY.

The bald pretense that Grover Cleveland was elected President of the United States by a majority of the people of the United States is subject to the further statement that at this same election a large number of the qualified voters who would have registered their votes against him were not permitted to do so, and hence, by reason of intimidation and outrage, one who would of necessity have been defeated in a fair contest is declared to have been the choice of a majority.

To show that this statement is not made without authority, I ask you to briefly examine the returns of that election.

REPUBLICANS NOT PERMITTED TO VOTE IN THE SOUTH.

If the census returns are fair estimates of population, the natural increase since 1880 should show a growth in Louisiana, Mississippi, South Carolina, Georgia, and Alabama corresponding to the balance of the South of something over 10 per cent. in 1884, but taking the vote as computed upon the census returns of 1880, in the elections of 1884, and 556,357 voters were denied the privilege of registering their choice at the ballot-boxes in these States alone.

In the Southern States the total vote in 1884 was 4,397,112, and of this vote only 68 per cent. was permitted to be cast, while 94 per cent. of the Northern vote was cast at the same election. If a corresponding vote had been cast in the Southern States there would have been a total vote of 4,177,256. Instead of this there were cast only 3,034,007, and hence it appears that 1,134,249 voters were not permitted to vote at all.

As these votes were nearly all colored votes, it is not assuming too much to say that they were almost entirely Republican, and thus an apparent Democratic majority came from the suppression of the legally qualified voters of the land.

The following tabulated statement is interesting and instructive:

Table showing the total population, the total vote, and the vote cast in 1884.

States.	Population, 1880.	1884.	
		Total vote.	For President.
Alabama.....	1,262,505	252,301	153,480
Georgia.....	1,542,180	309,424	143,543
Louisiana.....	939,946	187,987	106,234
Mississippi.....	1,131,597	226,319	120,019
South Carolina.....	966,571	190,119	91,578

This vote, as computed upon the population of 1880, should have been about 10 per cent. larger in 1884, but according to the vote as stated from the census of 1880, in these five States alone 556,357 voters were not permitted to make any expression at all at the ballot-boxes in the selection of a President of the United States, and this condition of affairs existed in a large portion of the Southern States, and under such circumstances and conditions the Democratic party, with an assurance passing all understanding, assumes to have been indorsed by the popular vote of the people of the United States.

REPUBLICANS IN A MAJORITY ON A FAIR VOTE.

There has never been a time since the year 1860 when the people of the whole country, if permitted to do so, would not have declared by their ballots in favor of the principles and policy of the Republican party.

REQUIRES MORE VOTES FOR REPUBLICAN THAN FOR DEMOCRATIC ELECTORS.

Look at this matter from another standpoint. The total vote of the North in 1884 was 8,492,723, and of the South 4,397,112. Of these grand totals 95 per cent. of the entire vote was cast in the North, and only 70 per cent. in the South in the election of 1888.

Thus you will see that in these Southern States, at the election of 1888, more than 1,570,000 voters were not permitted to cast their ballots into the boxes and to have them counted.

The 248 Presidential electors chosen in 1888 by the Northern States represented a total vote of 8,001,244, or 32,263 votes to each elector, while the 153 Southern electors represented a total vote of 3,351,682, or 21,981 to each elector.

In short, it cost 10,253 more votes in the Northern than in the Southern States to choose an elector for President of the United States.

PERCENTAGE OF VOTES NORTH AND SOUTH.

It is interesting in this connection to study and compare the vote cast in some of these States with the population. Taking an equal number of Northern and Southern States we find the following:

State.	Persons to voter.	State.	Persons to voter.
Georgia.....	9.9	Minnesota.....	5.2
Louisiana.....	9.6	Nebraska.....	5.2
Mississippi.....	9.6	Iowa.....	5.0
Alabama.....	8.3	Illinois.....	4.9
Arkansas.....	7.6	Kansas.....	4.9
Virginia.....	7.1	Pennsylvania.....	4.9
Texas.....	6.6	New York.....	4.6
Tennessee.....	6.4	Michigan.....	4.6
Kentucky.....	6.2	Indiana.....	4.6
North Carolina.....	5.7	Ohio.....	4.4

PATIENCE AND FORBEARANCE OF THE PEOPLE.

It is a matter which testifies to the patience and forbearance of the most enlightened people upon the face of the earth that in the midst of such fraud and outrage, in the face of the acknowledged and boastful trickery and open and notorious overthrow of the rights of the people neither anarchy nor bloodshed followed, but quiet submission to so great a wrong, with the hope that opportunity would soon present itself to correct by peaceable means these great evils and by legislative enactments and by wise provisions secure to every citizen of the Republic the rights guaranteed to him under the Constitution.

And in view of these facts, as if it was a matter of which to be proud and exultant, the Democratic party proceeds to glorify itself because it has not only suppressed the right of suffrage, but has been enabled by this means to obtain power and preferment.

CONGRESSIONAL ELECTIONS UNFAIR AND UNEQUAL.

In the election of Congressional Representatives the greatest inequality exists.

The five Southern States of Georgia, Alabama, Louisiana, South Carolina, and Mississippi elected their Representatives with total votes in 1888 as follows: Alabama, 174,000; Georgia, 142,939; South Carolina, 70,941; Louisiana, 115,834; Mississippi, 115,788.

Thus you will see that Alabama elected eight Representatives with an average vote of 21,750; Georgia, ten, with an average vote of 14,290; Louisiana, six, with an average vote of 19,305; South Carolina, seven, with an average vote of 11,420, and Mississippi, seven, with an average Congressional vote of 16,540, while the five Northern States of Ohio, Indiana, New York, Iowa, and Michigan cast total votes in 1888 as follows: Ohio, 841,944; Indiana, 536,901; New York, 1,331,147; Iowa, 404,130; Michigan, 476,273.

The average vote cast in the election of each Congressional Representative in these States was as follows: In Ohio, 40,092; in Indiana, 41,300; in New York, 38,852; in Iowa, 36,470; in Michigan, 43,300.

The average vote cast for member of Congress in the five Southern States was as follows: Alabama, 21,750; Georgia, 14,293; South Carolina, 11,420; Louisiana, 19,305; Mississippi, 16,540.

The total vote cast in these five Northern States was 3,590,395.

The total vote cast in these five Southern States was 628,502.

The five Southern States, with a total vote of 628,502, elected thirty-eight members of Congress, with an average vote of 16,541, while the five Northern States, with a total vote of 3,590,395, elected ninety members of Congress, with an average vote of 39,893. It requires, therefore, 23,352 more votes in the Northern States to elect a member of Congress than it requires in the South.

ONE SOUTHERN VOTER HAS AS MUCH POWER AS 2.4 VOTERS IN THE NORTH.

In other words, every single voter in these five Southern States has as much power in the selection of members of Congress and members of the electoral college as 2.4 voters in the North.

If these five Northern States were only entitled to elect ninety Representatives by reason of the vote cast, then these five Southern States were only entitled to elect sixteen Representatives instead of electing thirty-eight, and by reason of such suppression of the ballots of the people the Democratic party secures, if it secures at all, supremacy in the House of Representatives and becomes supreme in the nation only by means of refusing the people an opportunity to make fair and honest expression of their political preferences, and by denying to them any opportunity of being heard in their own cause.

HOW LONG SHALL THIS CONTINUE?

How long are these inequalities to continue?

How long is it to be expected that the Northern States will quietly submit to these outrages upon the ballot?

How long is it to be supposed that the Northern voter will permit himself to be regarded as less than equal to one-half of a Southern voter?

How long is it presumed that independent and thinking men, regarding the ballot not only as the means of expressing the political opinions of the people, but as the only method of selecting their executive and legislative representatives, will consent to this absolute destruction of the elective powers?

How long will the patience and forbearance of an already outraged people quietly submit to this absolute rule of the minority?

Let me caution these States within whose borders the ballot has lost its lawful power and within whose domain the rights of the people and the majority have been trampled under foot, that they have reached the point where the roads divide; one leads to anarchy and ruin, the other leads to justice, equality, and safety.

THE MISSISSIPPI PLAN.

So completely have these attempts to suppress the votes of the Southern people succeeded that the "Mississippi plan" is one of the recognized and important factors to be relied upon in assuring the success and the continuance in power of the Democratic party.

To what extent the suppression of votes has been carried in these States you may judge by an examination of the following counties of Mississippi:

Counties.	Vote in 1872.		Vote in 1888.	
	Grant.	Greeley.	Rep.	Dem.
Choctaw.....	328	397	3	743
Chalbone.....	3,240	439	14	599
Covington.....	270	341	4	638
Hawamba.....	48	838	50	1,880
Jones.....	72	324	3	671
Lawrence.....	547	407	.....	836
Lee.....	645	1,040	27	1,508
Leflore.....	915	303	1	825
Lowndes.....	3,217	698	17	1,122
Marion.....	231	236	5	826
Neshoba.....	185	312	3	894
Noxubee.....	3,068	736	.....	846
Perry.....	25	188	17	547
Smith.....	98	452	2	1,082
Winston.....	490	529	.....	708
Yazoo.....	2,433	922	7	1,196
Total.....	14,751	7,783	152	14,891

The total vote in 1888 was 7,500 less in these three counties than in 1872; whereas, owing to the increase in population, it ought to have been at least 7,000 greater. Fourteen thousand votes were manifestly suppressed in 1888, and as the Republican vote of 14,751 in 1872 has been reduced by the count to 152, it is easy to understand what votes have been suppressed, even if we had no other evidence.

It was the member from Indiana, if I am not mistaken [Mr. BYNUM], who said that the Democratic party would come back into power in this Chamber. It may be possible, Mr. Speaker, that such may be the result, but it will not be because the people have spoken and so willed it, but because the opportunity to speak has been denied to the people.

DEMOCRATS NOT SENSITIVE AS TO THE MEANS.

Not only by such means is it intended to carry the Presidency, as it were by storm, but the two Houses of Congress are to be at the same time, by such measures, placed within the control of the Democratic party.

It is a matter passing all human understanding that men who are especially sensitive as to their honorable records, and who would scorn to do a dishonorable thing among their fellow-citizens for the purpose of financial or personal advancement, are ready and willing to be the beneficiaries of the most glaring and outrageous frauds when perpetrated for political or party purposes, and are ready to accept political power and preferment though it should come through the means of

the most corrupt and degrading trickery and dishonesty and be covered all over with charges of unfairness and dishonor, or even if it should come to them stained with blood and crime.

Even so distinguished a Representative as the gentleman from Mississippi [Hon. Mr. CATCHINGS] has in the captured letter written to a personal friend made a remarkable suggestion, which at best is subject to an interpretation not at all favorable to the dignity and good name of himself, his party, or his State, when he writes:

I do not think it would hurt at all if one or two of them should disappear. It might have a very happy effect on Hill, his witnesses, and lawyers.

That the disappearance of one or two persons interested in a contested-election case might have a happy effect upon the contestant, the people, and his attorneys his unquestionably true, and that this Arkansas manner of appealing for discontinuance or silence might favorably avail, I can scarcely deny; but what shall we say of an enlightened leader who cries out against the dangerous ignorance of the people, and then suggests as a proper means of silencing opposition and political contest the removal of one or two of those who question his right to represent this dangerous ignorance of Mississippi.

I doubt if it will be determined by any fair-minded man that this dangerous ignorance is likely to be any more dangerous than this enlightened and distinguished Representative of Mississippi and his political friends.

That such measures are sometimes resorted to for the purposes of political advancement is unfortunately too true. It is a matter of national humiliation that success at the polls too frequently blots out the infamy and the crime which render that success at all possible; and it is a matter of national degradation that those who succeed by such methods are permitted to occupy positions of trust and to enjoy, not only undisturbed but in security and in honor, the highest places within the gift of the people.

That there are men brave enough in the midst of such surroundings and danger to denounce and condemn them is a matter of the greatest satisfaction, and gives some hope for the future. That such things exist I can not doubt, but I call as a witness one whose fearless language entitles him to the gratitude of the law-abiding people of the whole country. Judge Cunningham charged the grand jury in the Clayton murder and Plummerville ballot-box theft cases. The judge's words were blunt, but forcible. He says:

There is no man with three ideas above an oyster who does not know that murder and assassination are the results, and will continue to be the results, of the political methods that have been employed in this county to carry the last election, and the meanest man in the country is the professed politician who advocates or indorses such methods. You must stop this ballot-box stealing, force, and fraud, or the title to your property will not be worth the paper it is written on. Democracy means that the people shall rule, and we are told that it is undemocratic to denounce bulldozery, ballot stealing, and assassination. If this be true, then I am no Democrat. If apology for bulldozery, ballot stealing, and assassination constitute Democracy, then may the angels and ministers of grace protect me from such Democracy.

DEMOCRATIC PARTY OPPOSED TO ELECTION LAWS.

That the Democratic party should now array itself against an election law is entirely consistent with its record and is in accord with itself.

A fair election means Democratic defeat; a party which owes its success to the obliteration of its political opponents, not by fair and manly contest at the polls and in an honorable struggle for political supremacy, but by means of threats, intimidation, and violence; by seizing upon the ballot-boxes of the land, and by driving away from them those entitled under the law to exercise the rights of electors, would not be expected to demand such legislation as would give to all the people equal protection and fair elections.

The Democratic party is opposed to election laws, because wise and just election laws will not permit that party longer to control by the means of a small minority vote almost one-half of the Union.

The Democratic party is opposed to election laws because it recognizes the fact that under fair and just election laws the tissue ballot will be a thing of the past.

The Democratic party opposes election laws because it knows that under such laws every citizen, not legally disfranchised for sufficient cause, will be entitled to have his ballot put into the box and have it honestly counted.

It opposes election laws because it must know that under such laws the disfranchisement of the black man without due process of law will no longer be permitted or quietly submitted to.

It opposes election laws because it knows that under such laws it will be no longer possible in South Carolina to confuse the voter by a multiplicity of boxes into which by trickery and deceit he can be induced or defrauded into putting his ballot into the wrong box, and by this means losing the right to be counted as a voter in an election in which he has supposed himself to be taking part.

It opposes election laws because under such laws in Virginia he can no longer, by reason of dishonest judges and clerks of election, compel the black voter to stand from morning till night at the polls without an opportunity having been accorded him of casting an honest ballot.

It opposes election laws because in Arkansas it will forever put an end to the use of fraudulent ballot-boxes, and the "now-you-see-it" scheme,

which puts a Democratic ticket into the box, and the "now-you-don't-see-it" scheme, which puts a Republican ticket out of the box, will become a part of the dishonest history of the Democratic party.

It opposes election laws because under any fair system of elections the Democratic minority can no longer out-vote, out-count, and out-wit the will of a fair and honest majority.

It opposes election laws because it prevents one vote in Democratic Georgia and in Democratic Mississippi from being equal to two or more votes in any other section of the land.

It opposes fair elections because fair elections do not mean the success of the Democratic ticket.

ALL PARTIES PRETEND TO FAVOR HONEST ELECTION LAWS.

All parties in this country pretend to favor fair and honest election laws. All parties in this country should be ready to unite in the passage of such laws as will insure to every citizen of the Republic the right to an honest ballot; without it he is denied the highest privilege of citizenship; without it he is not permitted to take part in the making and the execution of laws which he is bound to recognize and obey. As one of the parties to the compact he is entitled to be heard in establishing its terms and formulating its requirements.

Without such laws and without a proper execution of them the few rule over the many.

THE RULE OF THE MINORITY.

To what extent the rule of the minority prevails in our country we may be enabled to at least partially judge by an examination of the election returns of some of the States and districts.

The lower branch of Congress for a term of years was within the control of the Democratic party, and the States largely contributing to its supremacy were those south of the line once marked by the limitations of slavery.

FREEDOM INCREASED THE SOUTH'S POWER.

Under the days of slavery only three-fifths of the slave population were to be counted in the basis for Congressional and national representation.

When the slave became by the Constitution and the laws a citizen the entire population was counted, and the three-fifths of the days of slavery became by virtue of liberty and citizenship five-fifths, and thus there was added to the numerical power of the South by the emancipation of the slave about 1,600,000 citizens, upon whose numerical strength, from that time on, the South was to count her basis of representation.

Thus by virtue of the negro the Southern States were given a largely increased representative power.

THE CONSTITUTIONAL PROVISION.

The constitutional provision extending to all citizens of a State the right of suffrage also provided that in case the same should be at any time abridged or denied, that in such case the basis of representation should be proportionately reduced.

That such right has been abridged and denied, I think no one with a knowledge of the facts and candor enough to be moderately fair can for a moment deny.

Let us examine the returns from the five States of Louisiana, South Carolina, Mississippi, Georgia, and Alabama.

The election returns of 1898 show a largely increased vote in these States over the returns of 1886, so far as Congressional Representatives are concerned, and it is just and fair in making a Congressional apportionment among these States that the vote for Congressional Representatives should be the basis of that apportionment.

FOURTEENTH AMENDMENT.

It is plainly provided in the fourteenth amendment to the Constitution that the apportionment of Representatives shall be made among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

But where the right to vote at any election for the choice of electors, Representatives in Congress, executive or judicial officers of a State, or members of the Legislature is denied to any male inhabitant of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

With a view, therefore, to determining the number of voters who have been excluded from participation in such elections and have been denied the right to vote therein, let us examine the returns of these States and find, if possible, the proportion of those entitled to vote who have been excluded, and the proportion they bear to the whole number of male citizens twenty-one years of age in these States.

FIVE SOUTHERN STATES EXAMINED.

The returns of these five States for the last four Congressional elections show the following numbers as having been permitted to vote in these respective States:

Table showing the votes cast in 1882, 1884, 1886, and 1888, in the several Congressional districts of Alabama, Georgia, Louisiana, Mississippi, and South Carolina

State and districts.	1882.	1884.	1886.	1888.
ALABAMA.				
First district.....	16,785	15,274	4,220	11,534
Second district.....	21,944	20,322	5,659	14,041
Third district.....	12,787	15,314	4,662	16,216
Fourth district.....	11,751	22,376	20,958	24,493
Fifth district.....	15,462	10,993	6,333	19,418
Sixth district.....	9,108	10,307	12,300	24,370
Seventh district.....	9,611	22,404	12,177	26,973
Eighth district.....	23,573	24,471	20,333	21,861
Total.....	120,971	141,361	86,632	173,175
GEORGIA.				
First district.....	9,939	18,600	3,078	16,896
Second district.....	12,200	7,828	3,411	11,009
Third district.....	4,450	14,335	1,704	12,750
Fourth district.....	7,065	30,227	8,280	13,941
Fifth district.....	16,544	14,138	2,900	16,008
Sixth district.....	8,540	7,922	1,722	9,059
Seventh district.....	22,544	14,786	6,680	12,269
Eighth district.....	4,569	11,084	2,877	9,651
Ninth district.....	28,436	8,677	2,846	21,190
Tenth district.....		10,630	1,944	7,378
Total.....	107,387	116,676	27,830	131,572
LOUISIANA.				
First district.....	13,350	13,504	12,909	13,996
Second district.....	18,190	15,840	14,775	18,098
Third district.....	16,412	20,905	26,625	25,185
Fourth district.....	5,778	13,735	5,790	17,293
Fifth district.....	17,329	19,797	14,268	22,426
Sixth district.....	12,022	16,180	10,182	16,392
Total.....	78,060	100,640	84,743	113,242
MISSISSIPPI.				
First district.....	7,806	14,519	3,167	13,085
Second district.....	18,098	24,279	12,648	19,795
Third district.....	6,373	14,144	6,900	16,238
Fourth district.....	9,061	18,923	8,066	16,251
Fifth district.....	6,190	15,600	4,316	20,239
Sixth district.....	14,324	16,760	12,117	15,044
Seventh district.....	16,374	16,431	4,514	15,564
Total.....	79,636	120,665	46,768	115,216
SOUTH CAROLINA.				
First district.....	15,230	11,720	3,317	9,855
Second district.....	16,808	19,025	12,337	5,253
Third district.....	10,922	11,613	8,774	4,409
Fourth district.....	16,250	13,089	4,470	11,410
Fifth district.....	16,986	18,231	4,701	9,586
Sixth district.....	16,705	14,373	4,469	8,972
Seventh district.....	28,486	15,238	12,470	15,485
Total.....	121,390	90,689	50,544	64,920

FOURTEENTH AMENDMENT VIOLATED.

Thus we see that in the Congressional elections of 1882, 1884, 1886, and 1888 a large proportion of the male citizens of these States over twenty-one years of age were for some reason not permitted to vote, and by a fair computation, based upon the population of these States and the number of registered voters therein, it would seem that in 1882 Alabama, with a voting population of over 252,000, only permitted 48 per cent. of her citizens over twenty-one years of age to vote; in 1884 only 56 per cent. voted; in 1886 only 33 per cent., and in 1888 68 per cent.

In Louisiana, with a total male population of 187,987 over the age of twenty-one years, in 1882 only 41 per cent. voted; in 1884, only 51 per cent. voted; in 1886, only 45 per cent.; and in 1888, 60 per cent.

In Georgia, with a total voting population of 308,434, in 1882 only 35 per cent. voted; in 1884, 37 per cent.; in 1886, only 9 per cent.; in 1888, 42 per cent.

In Mississippi, with a total voting population of 226,319, in 1882 only 35 per cent. voted; in 1884, only 53 per cent.; in 1886, 20 per cent.; in 1888, 51 per cent.

In South Carolina, with a total male population of 199,119 over twenty-one years of age, entitled to vote under her laws, in 1882 only 61 per cent. voted; in 1884, only 46 per cent.; in 1886, 25 per cent.; in 1888, 33 per cent.

THE SOUTH HAS FORFEITED A LARGE PART OF HER REPRESENTATION.

Under the provisions of the fourteenth amendment to the Constitution these States are only entitled to such number of Representatives based upon the number of male citizens voting as is proportioned to the whole number of their respective populations over twenty-one years of age, and entitled to vote under the laws and the Constitution.

Under the reasonable and just interpretation of the meaning of this wise and most necessary provision, these States were only entitled to such Representatives as were indicated by the fair number of votes cast, having by unjust and unfair discriminations and hindrances pre-

vented a large percentage of their voters from exercising the right granted them by this constitutional amendment, and thus—

Alabama, instead of eight Representatives in 1882, should have had only four, in 1884 only five, in 1886 only three, and in 1888 only five.

Georgia, instead of ten Representatives, by her vote was only entitled in 1882 to four, in 1884 to four, in 1886 to one, and in 1888 to four.

Louisiana, instead of six Representatives, was entitled in 1882 to three, in 1884 to three, in 1886 to three, and in 1888 to four.

Mississippi, instead of seven Representatives, was entitled in 1882 to but three, in 1884 to four, in 1886 to two, and in 1888 to four.

South Carolina, instead of her seven Representatives, was entitled in 1882 to four, in 1884 to three, in 1886 to two, and in 1888 to but three.

Thus we see these five States, with a combined power in this Chamber of thirty-eight Representatives, by reason of their abridgment and denial of the rights of the citizens of their respective States to the ballot, under this constitutional provision forfeited a large part of that representative power, and were only entitled under the elections of 1882 to send eighteen Representatives, in 1884 only nineteen, in 1886 only eleven, and in 1888 only twenty.

PROVISIONS OF THE AMENDMENT MANDATORY.

This provision of the Constitution is a mandatory provision, and it becomes the duty of Congress to enforce the same.

It says plainly that if the right of the citizen over twenty-one years of age to vote is denied, "or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced." Can any language be more explicit and distinct? It therefore becomes the duty of Congress in making the apportionment under the new census to apportion the Representatives, not only to these States, but to all the States, upon the basis of the number of male citizens over the age of twenty-one years whose rights are not abridged or denied in these States, as proportioned to the number which these voters bear to the whole number of male citizens twenty-one years of age in such State.

DUTY OF CONGRESS TO ENFORCE IT.

It is the duty of Congress to enforce this amendment, and if Congress shall do less it wantonly violates this plain and explicit provision of the Constitution.

If Alabama, Louisiana, Georgia, South Carolina, and Mississippi shall without the justification of law or by statute enactment, or by the wanton disregard of law by their citizens, prevent a large proportion of their voters from exercising the franchise, and shall rob them of the right plainly granted and assured under this amendment, then these States should be deprived of such representation as is based upon such vote or population, or is thus deprived of this plain constitutional right.

If Georgia permits only one voter in ten, and South Carolina only one in four to cast his ballot and to be a factor in the selection of Presidential electors and Congressional Representatives, then Georgia and South Carolina should only be permitted to occupy upon the floors of Congress and in the electoral college such number of places as will give to them fair representation for those who are permitted to take part in the settlement and the expression of their preferences.

It becomes the duty of Congress to enforce by legislation this provision of the Constitution and thus protect all the other sections of the Union.

Georgia, South Carolina, and Mississippi have no right under any shadow of law, or in the violation of plain constitutional provisions, or by trampling under foot the rights of their citizens, to impose upon the other sections of the Union an unfair and unequal distribution of political and representative power.

NOT A MATTER AFFECTING THE SOUTH ALONE.

It not only becomes a crime committed against their own people, but it becomes at the same time a crime committed against the people of the whole country. An outrage upon the voter of Georgia may only serve to deprive him of his individual right, but its far-reaching consequences may affect the peace and dignity of the nation; it may serve to change the course of legislation, or transfer the administration of governmental affairs; and thus it becomes a matter not of personal, but of national importance.

The only safe course to be pursued and the only one to be tolerated is to see that every citizen is protected in his rights, and when this can not be done, to see that no other citizen exercises the powers and privileges of which he has been deprived, and that no other citizen is clothed with additional power because he has assisted in robbing a fellow-citizen of his constitutional rights.

AMENDMENTS ENTIRELY CONSISTENT.

There is no need for confusion as between the fourteenth and fifteenth amendments.

The fifteenth amendment plainly provides that no person shall be disfranchised "on account of race, color, or previous condition of servitude."

The fourteenth amendment provides that when the right of any male inhabitant of such State, twenty-one years of age, and a citizen of the United States, to vote is denied, or in any way abridged, except for

participation in rebellion, or other crime, then the basis of representation shall be reduced.

The distinction is clear and defined. The States shall not disfranchise because of race, color, or previous condition of servitude, but that they may for rebellion, or other crime, is unquestionably true. And it is equally true that they may require such qualifications upon the part of the voter, educational or otherwise, as is not inhibited by the Constitution, but such requirements must not be drawn upon the line of race, color, or previous condition of servitude, but must affect all citizens alike.

If, however, any State by law of requirement not inhibited by the constitutional provision, shall limit or deny the franchise, or if the right of the citizen to vote is "in any way abridged," then the basis of representation therein shall be reduced.

THE FOURTEENTH AND FIFTEENTH AMENDMENTS NOT IN CONFLICT.

These two amendments provide, one for the protection of the people, and the other for the protection of the voter.

The fourteenth amendment provides that if the right of the voter is abridged or denied, that the representative power shall be reduced.

Thus it is plainly provided that if any State by law, or by any requirement, shall prohibit any of its voters from exercising the right to vote, for any cause (except for participation in rebellion or other crime) at any of the elections therein named, that such State so prohibiting or denying or abridging its voters, in any manner, should have its representation reduced to correspond with the total number of persons so prohibited from voting.

The fifteenth amendment is clearly intended to protect the citizen and to unqualifiedly prohibit any State from disfranchising by law any of its voters because of race, color, or previous condition of servitude, and is a protection to the individual citizen.

The fourteenth amendment was intended to be a protection, not alone to the individual, but to the people of the whole country, and provides that when any State, by proper constitutional requirement, by law, or in any way denies or abridges the right of the citizen to vote, then that such State shall not exercise more power in the legislative branch of the Government than it would be entitled to exercise based on the number of those participating in its elections as compared with the whole number of citizens twenty-one years of age in such State.

To hold otherwise would be to claim that a State may not by legislative enactment deprive its citizens of a right to vote because inhibited by the constitutional provision from so doing; or that a State which is entitled to require certain qualifications of its voters by law, but which does not make any such requirement of them, may nevertheless permit its laws to be wantonly violated, its ballot-boxes destroyed, its citizens disfranchised by fraud and their rights trampled under foot; and then by reason of such wanton violation of law, and its failure to provide or to attempt to provide protection and remedy, that these States and their citizens so guilty of violations of law by such means may gain and keep such additional rights and powers as they would otherwise be deprived of if they attempted to accomplish the same by law. In other words, these States would by a wanton violation of the Constitution and the laws be enabled to accomplish the very thing which the Constitution itself denies and prohibits, and yet the laws and the Constitution are alike powerless to prevent.

Such a construction would leave the citizen at the mercy of the mob.

These two amendments are written indistinct, indefinite, and in conflict.

The fifteenth amendment was allotted consideration, growing out of the necessity of giving additional protection to those lately in servitude, and only served to limit the causes for which persons can be disfranchised by the States.

The power of abridging the right of any State which in any way denies the right of any citizen to vote is clear and distinct, and in view of the circumstances surrounding its passage and the causes demanding its submission, can not by any fair-minded person be otherwise construed. Any other construction would give to a wanton breaker or defier of the laws and violator of the Constitution more power by reason of his lawlessness and disregard of his obligations than it would enable him to have as an obedient and faithful citizen of the Republic.

ITS ENFORCEMENT DESTROYS THE POWER OF THE MINORITY.

Let Congress see that the fourteenth amendment is duly obeyed and enforced, and the rule of the minority vanishes forever from this Chamber. Let them obey, not only the spirit, but the plain letter of the law, and those States which have ruthlessly ridden over the rights of their citizens will call a halt and look about them for the purpose of regaining in some measure the rights they have lost, not through fraud and trickery and coercion, but by means of just treatment of all those entitled to the elective franchise.

HONEST ELECTIONS THE ISSUE.

Can any one at all familiar with Southern affairs claim that the elections of the past decade have been conducted in any spirit of fairness, with a view to obtaining a just and impartial expression of the people of those States?

The demand for honest elections has become so loud, and the deter-

mination to secure them at any cost so general, that it is idle to longer attempt to put off the issue.

The South must learn once for all that the day of ballot-box stuffing has passed; that the days of trickery and fraud are ended, and that the great majority which has so long and so quietly submitted and so patiently waited for the millennium of their political deliverance is determined that the ballot-boxes of the land shall register the will of the people, and that that will shall be determined by those entitled under the laws and the Constitution to vote at the elections and to have those votes fairly and honestly counted.

THE DEMANDS UPON CONGRESS.

This Congress has the power, and if it does not enact a fair and impartial election law, guarantying to every voter, black or white, the right to cast his ballot into an honest ballot-box, and protecting him in life, person, liberty, and property both before and after the election, then it shall have omitted to do one of the things expected of it by the people, and will have committed little less than a national crime.

Such a law as will protect every citizen, black and white, rich and poor, in the exercise of his political rights and enable him without fear, without favor, and without bloodshed to express his personal and political preferences at the polls will at one blow strike down the unjust rule of the minority and compel it to abdicate its political supremacy.

Such a law will enable the people of all the States to determine for themselves who shall be their rulers and representatives.

THE NEGRO MUST BE RECOGNIZED AND COUNTED.

It is of no longer use to cry out against the negro. He is a part of the country and a necessary part of its enumerated people, and it becomes necessary to treat him as a factor in our national affairs.

ONE-THIRD OF SOUTHERN POWER BASED UPON THE NEGRO.

Upon his enumeration more than one-third of the representative power of the South is based. In 1880 there were 11,947,876 whites in the Southern States, and 5,994,030 colored people, and thus by virtue of his presence and enumeration these States became entitled to thirty additional Representatives upon this floor. Of its ninety-two Representatives now occupying seats in this Chamber at least thirty of them are here because of the fact that the colored people of the Southern States were counted in the enumeration of its citizens under the census of 1880.

To strike them out and to no longer count them would materially reduce the representative power of the Southern States.

To omit them from the census of 1890 would be to take away from the States of the South the one-third of their political power and prestige.

NEGROES ONLY COUNTED, NOT VOTED.

And yet, notwithstanding that fact that they form so important a part in the political strength of these Southern States and that their enumeration is absolutely necessary to their political welfare, the only right granted them in the political arena is the right to be enumerated for the purpose of adding numerical strength and securing to the more lordly whites additional political power.

In this connection it is exceedingly refreshing to see the anxiety of the South for the full and complete enumeration of the colored people under the present census. Their solicitude lest the colored people be not fairly and fully counted, or that they may possibly be overlooked, is a matter of great concern, as witness the following:

CENSUS NOT COMPLETE.

MOBILE, ALA., June 18.

There is quite a general feeling that the census of this city is not being thoroughly taken. Many families, especially among the colored people, have been overlooked. The enumeration closes Friday, and it is feared that the time will not prove sufficient for the proper completion of the work.

Is there any one so ignorant as not to know that they desire their enumeration not for the purpose of doing them substantial justice and protecting them in their rights, but simply for the purpose of increasing their own political power? If these people were one-half as solicitous on election day in seeing that these same colored people were permitted to vote and in protecting them at the polls, the question of race conflicts would end at once.

DISFRANCHISEMENT OF COLORED PEOPLE JUSTIFIED BY THE SOUTH.

That they are robbed of the right to political privileges, and refused the right to cast their ballots and have them fairly counted, is no longer denied, but is readily admitted, and justified on the ground of political and personal safety.

To do otherwise, it is boldly claimed, would be to submit to negro domination. To permit them to take part in State and national elections would be to permit them to arbitrarily assume the control of all political affairs, to permit them to stand in the places of Representatives upon this floor, and to permit them to assume the control of all financial and business matters connected with the property interests of the people of the State.

If such was to be the actual condition arising from the recognition of their rights, can any one now determine that the affairs of State and nation would not be managed as successfully and honestly as now?

PROGRESS AMONG THE COLORED PEOPLE.

The progress among the colored people has been so great that the

quarter of a century just passed has marked an era of advancement beyond all expectation.

From ignorant and degraded slavery they have bounded forward in intelligence, and whenever opportunity affords have not failed to improve their mental and moral status.

The school-houses have been crowded with black faces, and the churches have gathered within their folds every shade of color and opinion.

Not unmindful of their worldly needs, they have been equally diligent in husbanding the results of their labor. In the State of Georgia these people, who but a short time since were bought and sold as chattels themselves, in 1888 owned \$9,632,271 of property, an increase of \$4,000,000 over 1880, a gain of 48 per cent., while during the same period the taxable property of the white people only increased 29 per cent.

These people who scarcely a quarter of a century ago were homeless and homeless, without capital and without opportunity, are now the possessors of more than \$100,000,000 of the wealth of the nation. Let those who constantly decry them beware that they do not outstrip them in the race for gain and in the march of progress.

COLORED MAN A PICTURE IN THE SOUTH.

Those who are making war upon the black race in the South are standing in the light of their own material advancement. He is a part of the country, firmly fixed as its rocks and hills; and his progress and improvement only add to the intelligence and wealth of her people. The further he is removed from ignorance and poverty the more powerful does he become as a factor in her material progress.

Give him and his children opportunity and the farm will testify to their growth and culture; the cabin will give way to the home of refinement and wealth, and the slave of yesterday, whose ignorance made him tractable and submissive, will to-morrow become the useful citizen, whose interests are identified with those of all her people and are to be protected by the same laws and governed by the same legislative enactments.

NO CONFLICT OF RACES.

There is no reason for conflict between the races; there is room enough for fair and honest labor and for opportunity and reward.

The South needs the colored man for her fields and mills, for her cotton and her cane; it needs him on her levees, in her department of labor. Inured to the hot suns of her southern skies, he is as necessary to her prosperity as she is necessary to his advancement.

Let them learn to treat him justly and fairly, and the growing strength of his new and enlightened manhood will but add the more and more to her wealth and progress.

HENRY W. GRADY'S SOUND ADVICE.

Henry W. Grady spoke words of wisdom and judgment when, in speaking of the condition of affairs and the requirements of the hour, he said:

As for the white people of the South, there is but one thing for them to do—that is, to do right; to protect the negro in his rights; to give him justice, and friendship, and counsel; to punish those who wrong him; to hold this course to the very last.

If you shall heed these words of this counselor you will find in the end that they are indeed the words of wisdom and foresight.

TREATMENT OF COLORED MEN SOUTH.

That the colored man has been denied his rights and has been deprived of his political privileges can not be denied. That he has been used as a most potent factor for the purpose of increasing the representative power of the South, while at the same time he has not been permitted to take part in the selection of Representatives based upon his own enumeration, is a part of the political history of the hour.

That he has not only been suppressed, but literally blotted out from the political contest, is true; and by reason of such suppression the Democratic party elects almost a solid delegation from these Southern States. With the negro in the majority in some of these States, yet he is so completely silenced that the returns made from them do not include his vote at all.

COLORED PEOPLE REFRUSTRATED.

That the colored people substantially belong to one party, and, if permitted to vote at all, would vote that ticket, is very generally agreed.

Governor Lee, of Virginia, said that "the negroes of the South vote all one way, and this drives the whites into one party." He also said that in the States of South Carolina, Louisiana, and Mississippi "the negroes are in the majority, yet the whites in those States will never submit to negro rule."

He might have gone further and said that in almost every district in the South, even including his own, Virginia, the blacks are not permitted to vie with the lordly whites in the matter of political controversy, and that the party to which he belongs owes its supremacy to the fact that it has succeeded by intimidation and violence in persuading the black man that his personal safety very largely depends upon his quieting and controlling his political opinions.

The Charleston News and Courier says that it was "appalled at thinking that the rising generation of white men in the South is being taught that elections are to be carried, not by the honest vote of

a fair majority, but by rank intimidations, subterfuge, and evasion." Again, the Birmingham (Ala.) Age-Herald, another leading Democratic paper of that section, lately said:

There are no places where the negro is not allowed the unrestricted right of ballot, unless it be in those regions where he constitutes a majority.

And the Columbia Register added:

We have carried this sort of thing as far as it can possibly go, and the result is that we are fast getting to be a set of rascals within our party limits, if we have not got there already.

The New Orleans States, an influential organ, utterly partisan, said:

The people of Mississippi do not steal or rob ballot-boxes, as General Chalmers has charged, but they do suppress the negro vote, and this fact they make no effort to conceal.

VOTE IN ELECTORAL COLLEGE MATERIALLY CHANGED IF ALL PERMITTED TO VOTE.

In the electoral college a large number of the votes now cast for the Democratic party would be changed to the Republican side if the colored people of the South were permitted to cast a free and fair ballot, and to have it honestly counted.

By means, therefore, of the suppression of the colored votes of the South the Democratic party has gained and holds possession of a large vote in the electoral college by means of which it must and will succeed, if it succeeds at all, in the election of a President and Vice-President of the United States, and thus the very election of a Chief Magistrate will be challenged by fraud and founded upon outrage and suppression.

If the fourteenth amendment is enforced in its letter and its spirit the number of Southern Representatives will be, and must be, reduced to correspond with the number of voters whose rights have been "in any way abridged, except for participation in rebellion or other crime."

With such a reduction the Democratic party becomes a hopeless minority, and can no longer assail and destroy the rights of the majority and trample upon the liberties of the people.

CONGRESSIONAL REPRESENTATION CHANGES IF THE COLORED PEOPLE COULD VOTE.

The representation upon this floor of Congress would be very materially changed if throughout all the Southern States all the legally qualified electors, black and white, were permitted to cast a free and untrammelled ballot.

There are upon this floor of the Fifty-first Congress twenty-six Democratic Representatives, not a single one of whom would be or could be elected in their respective districts if the colored voters were permitted to cast their votes and to have them honestly counted.

TWENTY-SIX SOUTHERN DISTRICTS, 1888.

There are twenty-six districts in the South where the colored vote largely exceeds the white vote, and yet these districts send Democratic Representatives by majorities obtained by the suppression and destruction of the colored votes, as follows:

State and district.	Representative.	Negro majority.
ALABAMA.		
First district.....	R. H. Clarke.....	2,858
Second district.....	H. A. Herbert.....	249
Third district.....	W. C. Oates.....	2,149
Fourth district.....	L. W. Turpin.....	26,612
GEORGIA.		
Second district.....	H. G. Turner.....	3,763
Third district.....	C. F. Crisp.....	2,431
Fourth district.....	T. M. Grimes.....	2,947
Sixth district.....	J. H. Blount.....	6,229
Eighth district.....	H. H. Carlton.....	4,180
Tenth district.....	G. T. Barnes.....	6,145
LOUISIANA.		
Fourth district.....	N. C. Blanchard.....	5,732
Fifth district.....	C. J. Boatner.....	22,154
Sixth district.....	S. M. Robertson.....	4,545
MISSISSIPPI.		
Second district.....	J. B. Morgan.....	2,468
Third district.....	T. C. Catchings.....	14,729
Fourth district.....	Clarke Lewis.....	5,773
Fifth district.....	C. L. Anderson.....	1,570
Sixth district.....	T. R. Stockdale.....	1,327
Seventh district.....	C. E. Hooker.....	6,440
SOUTH CAROLINA.		
First district.....	Samuel Dibble.....	2,236
Second district.....	G. D. Tillman.....	6,643
Third district.....	J. D. Cothran.....	1,210
Fourth district.....	W. H. Perry.....	1,590
Fifth district.....	J. J. Hemphill.....	2,610
Sixth district.....	G. W. Dargan.....	3,296
Seventh district.....	William Elliott.....	24,890
TENNESSEE.		
Tenth district.....	James Phelan.....	3,673

SENSITIVE IN ALL THINGS BUT POLITICS.

I presume every one of these gentlemen would resent an aspersion against his personal integrity and honor. Every one of them would

protest, and loudly protest, if any charges of unfair dealing or dishonest practice were made against him. Every one of them would hasten to defend himself if his financial or personal honesty was called in question. And yet sensitiveness ends where political chicanery begins. Not a single one of these gentlemen has ever hesitated to receive the benefit of the political frauds and outrages which have been perpetrated in his interests against the people.

Not a single one of them has ever for a moment doubted the propriety of taking and receiving the benefit arising from the most glaring and outrageous frauds upon the ballot-boxes of the country.

Not one of them would for a moment consider the propriety of way-laying and attacking the weak and defenseless. Not one of them would even by implication have it understood that he is participating in the robbery of his fellow-citizens and profiting by their discomfiture, and yet the robberies are committed, the outrages are perpetrated, the defenseless are attacked, the weak are overthrown, and these gentlemen are receiving without question and keeping without objection the usufruct of these assaults upon the rights and liberties of the people.

THE WHITE MEN HAVE TO RULE.

These frauds have extended themselves into every election in these States, county, State, and national.

The minority, with high-handed insolence, have finally thrown off the mask of pretended fairness and announce that the lordly white man alone must rule, and that the ignorant and degraded colored men must be kept in political subjection and dependence forever.

The colored men, upon whose nominal strength thirty of them sit upon this floor, and thirty of them cast their votes in the electoral college, is to have no voice in either the election of Representatives or in the choice of Presidential electors.

NOT IGNORANCE, BUT COLOR, THE LINE DRAWN.

The line of ignorance is drawn not by any test of educational requirement, but by the test of color alone.

The ignorant white man is never so ignorant as to be disqualified by the Democratic rule of political incompetency.

The educated colored man is never so accomplished as to be permitted to exercise the privileges of a citizen.

As a test of ignorance, if the Democratic party should base its hopes of success upon intelligence alone, it would fall far short of triumphal supremacy.

IF IGNORANCE DISQUALIFIES IT SHOULD DISQUALIFY ALL ALIKE.

It is idle to talk of the ignorance of the colored man as a just cause for his political disfranchisement. If ignorance disqualifies it should at the same time disfranchise black ignorance and white ignorance alike.

If the black man is so ignorant as to endanger by his want of intelligence the safety and security of the State or the nation, let the laws of the State or the nation provide for the protection of the people, and let him be stricken from the enumerated list of her citizens entitled to representation, and with him let the ignorant white man be stricken from the list as well.

NOT IGNORANCE, BUT COLOR.

This cry of ignorance but serves to hide the real cause of the difficulty. It is not ignorance which disqualifies him, but color; and that color only serves to disqualify when he claims the right to vote for the party which is in opposition to the Democratic party. A black man in the South is an ignorant negro only when he assumes the right to place himself in antagonism to the white minority. If he is willing to sink his independence and political freedom and register his vote in favor of the Democratic party he becomes a distinguished colored fellow-citizen, and, no matter how dense his ignorance, is protected in his political rights.

You can hear of colored men too ignorant to be permitted to vote at any election for the Republican ticket, but the political history of the country has yet to register a single instance where a colored man has been found too ignorant to be permitted to vote the Democratic ticket. Nor yet has he been found too ignorant to be counted as an important factor in securing for the Democratic party, not only supremacy in this Chamber, but in national affairs as well.

NO DANGER OF NEGRO DOMINATION.

It is useless to talk of negro domination. In this country there are 65,000,000 people—8,800,000 are colored and 56,200,000 of them are white people.

Is this lordly Anglo-Saxon race to be dominated by a mere handful of the descendants of the African?

Is the intelligence of the nineteenth century to be outstripped in the race for conquest by the ignorance which it is claimed is too great to be entrusted for a single moment with political power?

There is not and there can not be danger of negro supremacy in America.

The educated black man at once becomes, by reason of his broader intelligence, an earnest and patriotic defender of our institutions.

IF IGNORANCE IS DANGEROUS, LET US EDUCATE.

If ignorance is the rock of danger, let us erect the light-houses of educational protection.

Let the doorways of our institutions of learning be opened, and the school-houses be builded, that this cloud of ignorance may be dispelled and these millions of new-born freemen be made equal to the dignity and the requirements of American citizens.

NO DANGER OF COLORED SUPREMACY.

* The 1,600,000 of colored voters can not, under any condition of affairs, endanger the liberties of the 56,000,000 of whites.

The mere local supremacy of the black man in a portion of the Union can not under any circumstances endanger the overwhelming majority of the whites in the entire country.

It is a more important question to be asked, and if possible to be answered, as to whether a minority of the whites shall longer be permitted to overawe and intimidate not only the colored voters of the country, but also the large majority of the whites themselves.

THE CONTEST ONLY POLITICAL.

The contest is, after all, but a political one between the parties; it is not a question of race domination.

The attempt to force an issue between the whites and blacks and to engender a strife between the races is as unwise as it must prove to be vain and unsuccessful.

COLORED MEN HERE TO STAY.

The negro is here to stay, and he will be a useful and important factor in the development of our great industries and our national advancement.

You can neither legislate him away nor can you drive him beyond the borders of our national domain; he is to the manner born, and he justly claims the right to enjoy the fruits of his labor and the reward of his toil.

THE SOUTH REQUIRES HIS AID.

But, beyond all this, the South demands and requires his aid in the building up of her prosperity and the lifting up of their country from its depressed condition.

His hands are strong and his arms are ready and willing to carry the burdens of her labor. Give him but a fair opportunity, and he will prove himself not a stumbling block in the way of advancement, but a sturdy and substantial help in her march to wealth and power.

Sweep away the pretended antagonisms, which do not exist, and permit him to aid in the development of your country, and he will but add to its growth, grandeur, and greatness.

A WHITE MAN'S PARTY.

The whites have long maintained a white man's party, and into this, by force or persuasion or necessity, have been driven all those who looked for political preferment or desired the advantages of social intercourse; to have stood over upon the other side, or to have allied themselves with the colored voter, meant not only political, but social ostracism. It required, therefore, not only the greatest courage, but the greatest individual independence of thought and the truest heroism, to become a member of any party other than the one controlled in the interest and to the advantage of the white minority.

Every means of chicanery, of fraud, of deception, of threat, of trickery, of outrage, and even of murder, if necessary, has been resorted to to keep this white minority in power, until at last it became known that further efforts of resistance were useless; and hence, almost without opposition, this same minority has been occupying the places of trust in the State and nation, while the great majority of the people upon whose numerical strength these same places were obtained were deprived of all right of choice or expression at the ballot-boxes; and this silent majority of unexercised political power has given us only discontented and unsatisfied protest, and has again and again applied for national protection and defense.

COLORED PEOPLE NOT WARLIKE.

It is known to every one at all familiar with the negro race that they are not an aggressive, warlike people. Brought up under the shadow of one hundred years of bondage, they are a quiet, inoffensive, and docile people, with convictions as strong and affections as lasting as any other people on the face of the earth; yet they are content to await their opportunity rather than with determined effort to assert their personal convictions and to demand their just rights; and hence they have awaited the coming of the dawn of their political, as they awaited in servitude the coming of the dawn of their personal, liberty.

They require leaders and organizers to form them into effective political parties; they require the aggressive force of the white character to be combined with their true and faithful patriotism, to render them a party of unalterable convictions and unconquerable loyalty.

AN ELECTION LAW WOULD DESTROY RACE CONTENTS.

Let Congress pass an election law so guarded by provisions that shall make it absolutely fair and impartial, giving to every man a right to an honest ballot, and the question of white supremacy and negro inferiority passes away forever; it then becomes a race for conquest and political preferment.

The white man who yesterday did not ask for negro assistance, because it could avail him nothing, to-morrow becomes the negro's ally in the political contest that must of necessity result in favor of the party which is able to put the most ballots into the boxes.

The whites who were but yesterday striving to drive away by threats, by fright, by intimidation and murder, the black man from the polls, will to-morrow become his allies and defenders and aid and protect him in the exercise of that political right by means of which they hope to gain power and preferment.

The white who but yesterday was seeking by every means within his power to deprive him of the right to the ballot will be ready to defend him, if need be, in the exercise of that franchise by the means of which and by that only he can himself hope to succeed.

The whites will no longer be on one side and the blacks on the other, but the white who has long believed in the justice of his cause, but who has been restrained by unfortunate surroundings from aiding him in his futile attempts to exercise his rights, and those who appreciate his political power and wish to profit by it, will be ready to join hands with him in this new political millennium of the South.

That this would be the result I have no doubt whatever.

WORDS OF WISDOM FROM HON. MR. CATCHINGS, OF MISSISSIPPI.

The whites and the blacks of the South have long been upon the most friendly terms upon all questions, save upon the question of the right of the negro to exercise the privilege of the ballot.

A distinguished and exceedingly able Democratic member of Congress from Mississippi [Mr. CATCHINGS] has recently borne unwilling testimony to this recognized condition of affairs, and in a private letter written to a friend, which most happily fell into the hands of his political enemies, he says:

You are mistaken, I think, in your idea that good would come of a general election law. In such an event, I fear that many of the whites would leave us, destroying our solidarity and cementing and making effective that of the negroes. I would regard it as a great calamity.

This Democratic leader would regard as a great calamity an election law which would disturb the harmony of that state of affairs which formerly existed, putting the whites all on one side and the blacks on the other, and thus enabling the Democratic party to control the elections in Mississippi by fraud and force and violence, and by preventing the blacks from exercising the rights of franchise.

He regards it as a calamity, because it would "destroy the solidarity" of the Democratic party, and because it would cement and make effective the negroes.

But, above all, he regards it as a calamity "because many of the whites would leave us," and thus the beginning of the end of the Democratic party would appear, and it would, indeed, be what Hon. Mr. CATCHINGS so aptly terms it, "a great calamity" to the party in the South.

RACE TROUBLES AT FIRST, BUT FINALLY PEACE.

But if it needed more testimony, Hon. Mr. CATCHINGS gives it in his letter, when he further says:

We would have race collisions at first, but gradually they would be allowed to vote and would capture everything and this would cause them to organize in county and State elections and give us additional trouble. I hope we will never have this law forced upon us.

Could anything be more logical and concise? The result, I have no doubt whatever, would be precisely as Mr. CATCHINGS, with unusual wisdom and foresight, predicts that it would be, and the result of such elections would, there can be no question, be a great calamity to the Democratic party of the South and the whole country, for it would deprive it of the power and supremacy it has held in the nation by reason of its ability to deprive the people of the Southern States of the right to exercise the franchise, and by means of which it has enabled a white minority to control in all, or nearly all, of its elections in that part of the country where a majority of the voters were not in accord with its creeds and doctrines, and were most earnestly opposed to its being intrusted with political power.

THE SOUTHERN STATES WOULD SOON BE REPRESENTED BY WHITES ELECTED BY NEGRO VOTES.

Mr. CATCHINGS has so plainly given us words of wisdom that I deem it proper to quote from him again, so that we may profit by the testimony he has so unintentionally offered, and if possible thus to convey his testimony to the North. He says:

With coercive election laws nearly all the Southern districts would soon be represented by white men, largely elected by the negro vote, and the negro would be more intense and aggressive than in Virginia, for they would be more numerous.

This, then, is the real reason for Hon. Mr. CATCHINGS's opposition to the enactment of an election law for the whole country. It would disrupt the white minority, it would make white leaders for the blacks, it would enable this new party, organized of the whites and negroes, to become supreme in many districts, and would thus enable them to send delegates to Congress elected by the white and negro vote. I am even informed that so impressed is Hon. Mr. CATCHINGS of the inevitable result of this prediction that he contemplates abandoning Mississippi and finding more congenial quarters in some other State of the Union.

I faithfully believe that the distinguished Representative of Mississippi has borne testimony in this matter most valuable for all, that an election law giving impartial judges, impartial clerks, impartial registrars, and impartial inspectors of election will enable the people to obtain everywhere an opportunity for a fair and impartial expression of their political preferences and their political rights, and when this

is done who can doubt but that the days of Democratic supremacy are ended?

Enact such a law and the days of white supremacy and negro inferiority and subjugation are ended; enact such a law and the South, which has been bowed down in humility and covered with political and financial degradation, will lift her head and start on the march to a new and brighter future.

THE QUESTION OF THE LAWS.

Is there any one so blinded by party prejudice as to openly declare himself opposed to the freedom of the ballot and ready to assert himself as justifying the destruction of the system which recognizes the equality of all men before the law?

Is there any one so foolishly partisan as not to know that the safety of the Government and the liberty of the citizen depend upon the faithful execution of the law, and the submission of every individual member of the Republic to the wise provisions of its Constitution?

Is there any one so ignorant as not to know that the violations of laws and the disregard of constitutional provisions not only endanger the safety of those against whom they would hurl these broken and violated fragments, but endanger alike the property, the rights, and the liberty of every citizen of the Republic?

Is there any one who does not know that the only safe and sure ground upon which all can stand, the rock upon which all can make common defense, and share with equal and exact justice all the blessings of a Republic of the people is the recognized equality of all citizens under our Constitution and before the law?

Let us so legislate that in every section of the land every citizen shall be protected in all his rights and guaranteed the broadest freedom consistent with the liberty of all.

IF ELECTIONS ARE HONEST, NO HARM CAN COME FROM AN ELECTION LAW.

If elections are conducted fairly and honestly in the South, if it is true that there is neither race controversy nor race antagonism, if it is true that to every one the right to be not only counted, but also to vote, is accorded in every section of the Southern States, then by no possibility can any harm be done by the passage of an election law.

Under such circumstances such a law will only affirm by universal assent the rights which are already accorded to all the people. But if it is true that the rights of the people are in any manner abridged, if it is true that the people are only enumerated for the purpose of increasing the basis of Southern representation and Federal power, if it is true that by any means the right of those entitled to the ballot "is in any way abridged except for participation in rebellion or other crime," if it is true that the people are denied the right to fair and honest expression of political opinions at the ballot-box, if it is true that outrage and oppression prevail and fraud and violence are supreme, then the necessity for an election law, so framed as to be powerful enough to protect every citizen of the Republic in the exercise of his unabridged constitutional rights, is imperatively demanded of these Representatives of the people.

WHAT THE PEOPLE DEMAND.

What the people of the country demand is that there shall be absolute equality at the ballot-box; that a ballot in Georgia, or Mississippi, or South Carolina shall be the medium through which the people may express their political opinions without fear and without favor. They demand, and they will be content with nothing less, that the ballot shall be the instrument by means of which every citizen of the Republic, clothed with equal power in every section of the land, may share in the rights and liberties as well as in the duties and obligations of the citizen.

They demand equal and exact justice for all the people, and that no method of disfranchisement shall be recognized that is not based upon wisdom, justice, and law, and that is not meted out to all alike.

They demand that the amendments to the Constitution shall be faithfully and impartially observed, and that they shall be executed in the spirit and the letter, until the wisdom of the majority of the people shall, in the method pointed out for their alteration, determine to annul or amend them.

They demand that the people shall be protected in all their rights, and that this Government shall be, and remain for all time, as it was intended to be, and as it was proclaimed by the immortal Lincoln to be, "a government of the people, by the people, and for the people."

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. BUTTERWORTH. I rise to make a privileged report from the committee of conference on the disagreeing votes of the two Houses upon the legislative, executive, and judicial appropriation bill. I send the report to the Clerk's desk.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9806) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1891 submit the following written statement in explanation of the effect of the action agreed upon on said amendments as submitted in the accompanying report—

Mr. BRECKINRIDGE, of Kentucky (interrupting the reading). I trust the gentleman from Ohio will permit me to suggest that if he

will allow this conference report to be printed in the RECORD and let us take it up at 11 o'clock to-morrow morning it will probably occupy a great deal less time than if we proceed with its consideration now; and time is quite important, for the period allowed for debate upon the pending election bill is very short and ought not to be interfered with except as a matter of necessity. While of course appropriation bills are excepted by the order, the general understanding was that we ought not to encroach upon the consideration of this measure unless there should be a necessity.

Mr. BUTTERWORTH. My friend from Kentucky will observe that there are only two or three days of the fiscal year remaining; and unless we are to pass a resolution extending temporarily the appropriations as made for the current year, which would be a difficult thing to do in this case, this bill ought to be disposed of very speedily; and upon consultation with my associates on the conference committee I thought it proper to submit this report at the present time.

Mr. BRECKINRIDGE, of Kentucky. I would not say what I do if it were not absolutely certain that we shall have to pass such an extending resolution anyhow; we can not get all the appropriation bills in before the beginning of the new fiscal year—

Mr. BUTTERWORTH. Undoubtedly there will be a necessity for such a resolution as to some of the appropriation bills.

Mr. BRECKINRIDGE, of Kentucky. The time given for the matter now under discussion, which is an extremely important matter, is very much restricted; and, unless there is a necessity for presenting this report now, I submit to the gentleman whether it is generous to occupy the time in this way.

Mr. BUTTERWORTH. I take it for granted this bill will be disposed of in a very short time. The items concerning which we disagree are mainly those which appertain to the increase of the force employed by the Senate and the increase of salaries there. There are not many other matters about which I think the House feels greatly concerned. I believe that this report will lead to no general discussion, and I think we can dispose of it in a very short time. I have followed in this matter, as already stated, the suggestions of my associates on the conference committee.

Mr. BRECKINRIDGE, of Kentucky. There were some matters which were cut out in this House on points of order—

Mr. BUTTERWORTH. And which have been restored.

Mr. BRECKINRIDGE, of Kentucky. I am aware they have been restored, and by bringing this matter up now you put those of us who are against those items in an attitude which, to say the least, it is not generous to force us into—either to submit to the adoption of those items without resistance, or to resist them with the understanding that we are occupying time that is important in connection with other matters.

The gentleman knows that the increase in the Attorney-General's force is believed by some of us to be connected with the very measure under discussion to-day, a part of the same scheme. We also do not believe that the increase in the board of review in the Pension Office is a proper thing.

Mr. BUTTERWORTH. That can not be connected with the pending election bill.

Mr. BRECKINRIDGE, of Kentucky. No; but if we are forced into the attitude either of accepting without resistance a conference report which embraces matters that were cut out in the House on points of order, or of resisting this report with the knowledge that we are taking up time which is important in another aspect, I hardly think that is kind or generous, though certainly it is legitimate.

Mr. CANNON. If the gentleman from Ohio [Mr. BUTTERWORTH] will yield a moment, I want to say that when this order with regard to the election bill was made, and afterward when unanimous consent was given that the daily sessions should commence at 11 o'clock, it was expressly understood that these general appropriation bills should come up and be disposed of between the time of the adoption of that order and the 1st of July. It is important that the legislative bill should be disposed of promptly, because the passage of a joint resolution extending the appropriations of the current year would work great confusion in the service of the Government.

I apprehend further that the disposition of the legislative bill will not take a great deal of time. There are not a great many disagreements involved in the conference report; and I think if we get directly at it, we can possibly dispose of the matter upon its merits in less time than will be taken in talking about the propriety of bringing it up.

Mr. BRECKINRIDGE, of Kentucky. There was no unanimous understanding at all. The order was an order adopted by the majority of the House, against the unanimous vote of the Democratic members; and under the order the gentleman has the right to bring up this bill—

Mr. CANNON. Precisely.

Mr. BRECKINRIDGE, of Kentucky. I do not deny the right of the gentleman to do it and to take up as much time as may be necessary to do it.

All I wish to say is that under the circumstances it does not seem to me that it is a generous use of power about a matter which is not of necessity to consume the time which has been allotted to the consideration of the pending measure. Therefore I submit it simply to the

chairman of the committee and the gentleman having the report in charge, with an acknowledgment of their power to call it up if they so desire, with the single purpose of seeing whether the generous courtesy which should characterize such matters would not permit them to allow this report to wait, as I have indicated. And upon that I leave the matter with the House.

Mr. CANNON. Mr. Speaker, I wish again to call the attention of the gentleman from Georgia and the gentleman from Tennessee to my statement, and I think they will confirm it, that not only was this exception made in the special order, but it was thoroughly discussed in the House when agreeing to the special order and to its terms. It was clearly understood then, and distinctly understood, that these bills should have the right of way; and unanimous consent was given to commence the sessions of the House at 11 o'clock with a view of compensating for the time which would probably be taken by such conference reports on general appropriation bills. Hence just such a contingency as this was provided for. It was understood that it might arise, and that provision was made to meet it, and I can not but admire the bland manner in which the gentleman from Kentucky comes forward upon this matter, as he always comes when he comes at all, and seeks in his effective, captivating way, by inference at least, to appeal to the courtesy of the members of the Committee on Appropriations, thereby placing them in the wrong, when as a matter of fact they are in the right. I hope therefore that the conference report will be considered.

Mr. BLAND. If gentlemen on the other side had, as they evidently had, the power to make the special order and power to make this exception to the special order, they had power over the whole matter. This side had no power whatever but to acquiesce in it. We voted against it; and consequently whatever wrong there is about it that side must be alone responsible for.

Mr. CANNON. Oh, the majority of this House have power to do anything.

Mr. BLAND. Certainly; and you seem disposed to do everything and anything right straight along.

Mr. CANNON. If the gentleman from Missouri had been able to exercise that power last week he would have been gratified, I do not doubt.

Mr. BRECKINRIDGE, of Kentucky. I have no disposition to do anything but to leave the disposition of this matter to the Committee on Appropriations. The gentleman from Illinois has made his statement. The House knows the facts; they know that the resolution is to be adopted. But while the majority of the House has power to do anything, as it seems, it has not the power to receive the commendations of those who think there ought to be a certain degree of courtesy in the transaction of the public business accorded to members in the minority.

Mr. CANNON. No possible question of courtesy comes up in this connection except as the gentleman himself chooses to make it. It is not a question of courtesy at all.

Mr. BUTTERWORTH. There is this, Mr. Speaker, to be borne in mind: It appears—I was not present myself when the order was made—that when the allowance of time was fixed for the consideration of the Federal election bill an express provision was made for the reception of conference reports, and in order to meet the time that would probably be occupied in such reports the House agreed by unanimous consent to meet at 11 o'clock. The order itself, therefore, provides for the exception of appropriation bills from its operation and for their consideration.

Mr. BRECKINRIDGE, of Kentucky. Undoubtedly.

Mr. BUTTERWORTH. And I will say beyond that that there is no new matter that the committee on conference report; nothing but what was fully discussed in the House.

Mr. HEMPHILL. Well, let us get to the consideration of the report, and not consume all of the time in preliminaries.

Mr. BUTTERWORTH. That is exactly what I want to do. I was simply replying to the criticism of the gentleman from Kentucky and his amiable observations as to what he seemed to regard as a want of courtesy on this side of the House.

The SPEAKER *pro tempore*. The Clerk will read the conference report.

The Clerk proceeded to read the report.

Mr. CANNON. Mr. Speaker, I would suggest to the gentleman from Ohio that unanimous consent be asked to dispense with the reading of the report, and let the statement of the effect of the report be read instead, which will inform gentlemen of the contents of the report.

Mr. BUTTERWORTH. Very well, Mr. Speaker; I will make that request.

Mr. DOCKERY. I hope that will be done.

The SPEAKER *pro tempore*. In the absence of objection, the reading of the report will be omitted.

There was no objection.

The report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fis-

cal year ending June 30, 1891, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 43, 44, 59, 60, 61, 62, 63, 64, 71, 76, 77, 78, 79, 90, 91, 98, 100, 101, 108, 104, 108, 110, 114, 116, 117, 128, 129, 130, 131, 133, 134, 135, 136, 139, 140, 141, 144, 145, 146, 147, 149, 150, 164, 166, 167, 175, 176, 177, 178, 189, 194, 198, 199, 200, 203, 204, 205, 207, and 208.

That the House recede from its disagreement to the amendments of the Senate numbered 40, 41, 42, 47, 48, 50, 51, 53, 56, 57, 72, 73, 74, 75, 82, 89, 92, 94, 95, 97, 98, 102, 105, 107, 109, 115, 118, 120, 121, 122, 123, 124, 125, 128, 143, 148, 149, 153, 156, 160, 161, 162, 168, 169, 170, 171, 172, 178, 174, 179, 201, 216, 217, 218, 219, 220, 221, 225, and 227, and agree to the same.

Amendment numbered 89: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 89, and agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following:

"Provided: That hereafter every application for examination before the Civil Service Commission for appointment in the departmental service in the District of Columbia shall be accompanied by a certificate of an officer, with his official seal attached, of the county and State of which the applicant claims to be a citizen, that such applicant was, at the time of making such application, an actual and bona fide resident of said county, and had been such resident for a period of not less than six months next preceding; but this provision shall not apply to persons who may be in the service and seek promotion or appointment in other branches of the Government."

And the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$117,670;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with amendments as follows: In lieu of the number proposed insert "two;" and insert, after the word "each," on page 17, in line 18 of the bill, the following:

"For an additional Assistant Secretary of the Treasury, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive a compensation at the rate of \$4,500 per annum, \$4,500."

And the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirteen;" and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four;" and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$181,490;" and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with amendments as follows: In lieu of the number proposed insert "five;" and on page 82 of the bill, in line 15, strike out "one stenographer" and insert in lieu thereof "two stenographers;" and on same page, in line 16 of the bill, after the word "dollars," insert the word "each;" and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$108,150;" and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$154,920;" and the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"For an Assistant Secretary of the Navy, to be appointed from civil life, by the President, by and with the advice and consent of the Senate, who shall receive a compensation at the rate of \$4,500 per annum, \$4,500."

And the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: On page 68, in line 5 of the bill, strike out "thirteen" and insert in lieu thereof "twelve;" and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$38,950;" and the Senate agree to the same.

Amendment numbered 180: That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$21,500;" and the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$5,000;" and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7,000;" and the Senate agree to the same.

Amendment numbered 183: That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7,500;" and the Senate agree to the same.

Amendment numbered 184: That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$9,500;" and the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,000;" and the Senate agree to the same.

Amendment numbered 186: That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,500;" and the Senate agree to the same.

Amendment numbered 187: That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7,000;" and the Senate agree to the same.

Amendment numbered 148: That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$9,500;" and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,000;" and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$5,000;" and the Senate agree to the same.

Amendment numbered 192: That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7,500;" and the Senate agree to the same.

Amendment numbered 193: That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,000;" and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the number proposed insert "2;" and the Senate agree to the same.

Amendment numbered 197: That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$11,500;" and the Senate agree to the same.

Amendment numbered 202: That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$19,970;" and the Senate agree to the same.

Amendment numbered 206: That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$12,000;" and the Senate agree to the same.

Amendments numbered 210, 211, 212, 213, and 214: That the House recede from its disagreement to the amendments of the Senate numbered 210, 211, 212, 213, and 214, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For rent of topographer's office, \$1,500; for rent of suitable building or buildings for the use of the money-order office of the Post-Office Department, \$8,000; for rent of building for use of the money-order division of the Auditor of the Treasury for the Post-Office Department at the rate of \$4,000 per annum until not later than February 1, 1891, \$2,334, and the building known as Marini Hall shall be vacated by said division not later than that date; for rent of building for use of said money-order division for balance of the fiscal year, at a rate not exceeding \$9,000 per annum, \$3,750; for expenses of removal of said division to new location, \$900; for rent of a suitable building for the storage of post-office supplies, \$4,000; in all, \$20,384."

And the Senate agree to the same.

Amendment numbered 215: That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with amendments as follows: In lieu of the number proposed insert "three" and insert after the word "each," on page 45, in line 3 of the bill, the following:

"For an additional Assistant Attorney-General, to be appointed by the President by and with the advice and consent of the Senate, who shall receive a compensation at the rate of \$5,000 per annum, \$5,000."

And the Senate agree to the same.

On the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 34, 159, and 163 the committees of conference have been unable to agree.

BENJ. BUTTERWORTH,
J. G. CANNON,
WM. H. FORNEY,
Managers on the part of the House.
H. L. DAWES,
P. B. PLUMB,
Managers on the part of the Senate.

The SPEAKER *pro tempore*. The Clerk will read the statement accompanying the report.

The statement was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9096) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1891 submit the following written statement in explanation of the effect of the action agreed upon on said amendments, as submitted in the accompanying report:

On the amendment of the House to the amendment of the Senate numbered 39, the Senate agrees to the proposition of the House to provide for an Assistant Official Reporter at \$1,000 instead of an Assistant Official Reporter under the Chief Official Reporter at the same salary.

On amendments 40, 41, and 42, provides for an additional assistant librarian in the Library of Congress at \$1,200.

On amendments 43 and 44, strikes out proposed increase in the number of clerks of class 3, from two to three, for the Civil Service Commission.

On amendment 46, in lieu of the provision inserted by the House, it is agreed to insert the following:

"Provided, That hereafter every application for examination before the Civil Service Commission for appointment in the departmental service in the District of Columbia shall be accompanied by a certificate of an officer, with his official seal attached, of the county and State of which the applicant claims to be a citizen, that such applicant was at the time of making such application an actual and bona fide resident of said county, and had been such resident for a period of not less than six months next preceding; but this provision shall not apply to persons who may be in the service and seek promotion or appointment in other branches of the Government."

On amendments 47, 48, and 49: Provides for a clerk to the Secretary of State at \$2,000, instead of a stenographer at \$1,800, as proposed by the House.

On amendments 50 and 51: Authorizes the purchase of an official carriage for the Secretary of State, and increases the amount for the contingent expenses of the Senate from \$4,800, as proposed by the House, to \$6,300, as proposed by the Senate.

On amendments 52 and 53: Provides for an additional Assistant Secretary of the Treasury at \$4,500, as proposed by the Senate.

On amendments 56 and 57: Provides for six special watchmen in the Treasury Department at \$720 each.

On amendments 59 and 60: Strikes out increase of clerks of class 1 from ten to twelve in the Second Comptroller's Office, as proposed by the Senate.

On amendments 61 and 62: Strikes out increase of clerks of class 4 from two to three in the Fourth Auditor's Office, as proposed by the Senate.

On amendments 63 and 64: Strikes out increase of clerks of class 1 from fifteen to seventeen in the redemption division of the Treasurer's Office, as proposed by the Senate.

On amendment 71: Restores the provisions of the House that certain employees in the office of the Light-House Board shall be paid from the appropriations for the Light-House Establishment, instead of making a direct appropriation therefor, as proposed by the Senate.

On amendments 72 and 73: Increases the salary of the chief clerk of the Bureau of Statistics from \$2,000 to \$2,250, as proposed by the Senate.

On amendment 74: Increases the amount for collection of facts relative to the internal and foreign commerce from \$1,000 to \$1,500, as proposed by the Senate.

On amendment 75: Appropriates \$1,500 for the construction of standard gallens and their subdivisions for the use of the States and Territories which have not received the same.

On amendment 76: Appropriates for stationery for the Treasury Department \$23,000, as proposed by the House, instead of \$20,000, as proposed by the Senate.

On amendment 77: Appropriates \$700, as proposed by the House, instead of \$1,000, as proposed by the Senate, for the investigation of accounts and records under the Treasury Department.

On amendment 78: Appropriates \$6,500, as proposed by the House, instead of \$5,500, as proposed by the Senate, for purchase of carpets, etc., for the Treasury Department.

On amendment 79: Appropriates \$10,000, as proposed by the House, instead of \$9,000, as proposed by the Senate, for the purchase of articles of furniture for the use of the Treasury Department.

On amendment 83: Appropriates \$1,800,000, as proposed by the Senate, instead of \$1,750,000, as proposed by the House, for the salaries and expenses of collectors and deputy collectors of internal revenue.

On amendments 85, 86, and 87: Provides for one clerk at \$1,400 and one clerk at \$1,200, additional to the number proposed by the House, in the office of the assistant treasurer at New York.

On amendment 89: Reappropriates the unexpended balance of the appropriation for 1890 for the compensation of special agents to examine the books, accounts, etc., of the several subtreasuries.

On amendment 90: Appropriates \$30,000, as proposed by the House, instead of \$60,000, as proposed by the Senate, for wages of workmen in the mint at Carson City, Nev.

On amendment 91: Appropriates \$12,500, as proposed by the House, instead of \$25,000, as proposed by the Senate, for contingent expenses of the mint at Carson City, Nev.

On amendment 92: Appropriates \$6,000, as proposed by the Senate, instead of \$3,000, as proposed by the House, for contingent expenses of the mint at Denver, Colo.

On amendment 93: Appropriates \$80,000, as proposed by the House, instead of \$100,000, as proposed by the Senate, for contingent expenses of the mint at Philadelphia.

On amendment 94: Appropriates \$7,500, as proposed by the Senate, instead of \$6,000, as proposed by the House, for contingent expenses of the assay office at Boise City, Idaho.

On amendment 95: Appropriates \$5,000, as proposed by the Senate, instead of \$4,000, as proposed by the House, for contingent expenses of the assay office at Helena, Mont.

On amendments 97 and 98: Provides for six deputy marshals, as proposed by the Senate, for the Territory of Alaska, instead of four, as proposed by the House, at \$750 each.

On amendments 100 and 101: Strikes out proposed increase by the Senate of one associate judge for the Territory of Arizona.

On amendment 102: Appropriates \$1,000, as proposed by the Senate, for legislative expenses of the Territory of Idaho.

On amendments 103 and 104: Strikes out proposed increase by the Senate of one associate judge for the Territory of New Mexico.

On amendments 106 and 107: Appropriates \$2,100 for legislative expenses and \$1,500 for contingent expenses of the Territory of Oklahoma, as proposed by the Senate.

On amendment 108: Appropriates \$500, as proposed by the House, instead of \$1,000, as proposed by the Senate, for contingent expenses of the Territory of Utah.

On amendment 109: Appropriates \$1,000 for legislative expenses of the Territory of Wyoming, as proposed by the Senate.

On amendments 110, 111, and 112: Appropriates for three chiefs of division at \$2,000, as proposed by the House, instead of four, as proposed by the Senate, and for one additional stenographer at \$1,900, instead of one additional clerk of class 4, as proposed by the Senate, in the office of the Secretary of War.

On amendments 114, 115, 116, 117, 118, and 119: In lieu of the increase in the force in the Signal Office proposed by the Senate, provides for one additional watchman at \$720 and one additional char-woman at \$240.

On amendment 120: Provides that certain printing for the office of the Surgeon-General may be done in the office of the Adjutant-General or the Chief of Ordnance.

On amendment 121: Authorizes the employment of civil engineers in the office of the Chief of Engineers of the War Department, as proposed by the Senate.

On amendments 122, 123, 124, and 125: In addition to the force authorized by the House in the office of Records of the Rebellion, provides for the following additional employees, as proposed by the Senate, namely: One clerk of class 4, one clerk of class 2, and one pressman and compositor at \$1,200.

On amendment 128: Appropriates \$25,000 for stationery for the War Department, as proposed by the House, instead of \$30,000, as proposed by the Senate.

On amendments 129, 130, and 131: Strikes out increase in rent for the Rebellion Records Office from \$1,200 to \$3,000, as proposed by the Senate, and \$150 for expenses of removal of that office.

On amendment 133: Strikes out provision proposed by the Senate for one night watchman in Garfield Park at \$720.

On amendments 134, 135, and 136: Strikes out provision proposed by the Senate for four leading char-women, at \$300 each, in the State, War, and Navy building.

On amendments 137 and 138: Provides for an Assistant Secretary of the Navy at \$4,500, as proposed by the Senate.

On amendments 139 and 140: Strikes out proposed increase of one clerk of class 4 in the Bureau of Navigation, Navy Department, as proposed by the Senate.

On amendment 141: Appropriates \$30,000, as proposed by the House, instead of \$35,000, as proposed by the Senate, for miscellaneous expenses in the Hydrographic Office.

On amendments 142, 143, and 144: Provides for the establishment of branch offices of the Hydrographic Office at Portland, Me., and Chicago, Ill., as proposed by the Senate, and appropriates \$12,000, as proposed by the House, instead of \$18,000, as proposed by the Senate, for contingent expenses of all the branch offices.

On amendments 145, 146, and 147: Strikes out increase proposed by the Senate in the Bureau of Equipment and Recruiting, Navy Department, of one clerk of class 3 and one clerk of class 1.

On amendment 148: Appropriates \$1,000 as proposed by the Senate for rent of building for the Nautical Almanac Office.

On amendments 149 and 150: Strikes out increase proposed by the Senate of one assistant librarian at \$1,200 and one copyist at \$720 in the Naval Observatory.

On amendments 155 and 156: Provides for nine members of the board of pension appeals at \$2,000 each in the office of the Secretary of the Interior, as proposed by the Senate.

On amendments 157 and 158: Provides for a reporter of land decisions at \$2,250, as proposed by the Senate, in the Interior Department, and reduces the number of law clerks at \$2,500 from thirteen to twelve.

On amendments 160, 161, and 162: Provides, as proposed by the Senate, in the General Land Office for three principal clerks at \$2,000 each, and eight chiefs of division at \$2,000 each, and for a reduction of clerks of class 4 from forty to thirty-two.

On amendment 164: Provides that of the United States maps prepared in the General Land Office 1,000 copies thereof shall be retained in the office as proposed by the House, instead of 2,500 as proposed by the Senate.

On amendments 165 and 167: Provides for eighteen medical examiners at \$1,800 each in the Pension Office, as proposed by the House, instead of thirty-six as proposed by the Senate.

On amendments 168 and 169: Increases the salary of thirty principal examiners in the Patent Office from \$2,400 to \$2,500 as proposed by the Senate.

On amendments 170, 171, 172, 173, and 174: Provides, as proposed by the Senate, for one specialist in foreign educational systems at \$1,500 in the Bureau of Education, and increases the amount for collecting statistics from \$2,500 to \$3,000.

On amendment 175: Appropriates \$75,000 as proposed by the House, instead of \$90,000 as proposed by the Senate, for contingent expenses of the Interior Department.

On amendment 176: Appropriates \$50,000 as proposed by the House, instead of \$70,000 as proposed by the Senate, for stationery for the Interior Department.

On amendments 177 and 178: Appropriates \$4,000 as proposed by the House, instead of \$5,000 as proposed by the Senate, for rent of building for the Bureau of Education, and \$5,500 as proposed by the House, instead of \$6,000 as proposed by the Senate, for rent of building for the Indian Office.

On amendments 179 and 180: Appropriates \$2,000 as proposed by the Senate, instead of \$1,500 as proposed by the House, for rent of building for the General Land Office.

On amendments 181 and 182: Appropriates \$5,000 for clerks in the surveyor-general's office of North Dakota, instead of \$3,500 as proposed by the House and \$7,000 as proposed by the Senate.

On amendments 183 and 184: Appropriates \$7,500 for clerks in the surveyor-general's office of South Dakota, instead of \$3,500 as proposed by the House and \$12,700 as proposed by the Senate.

On amendments 185 and 186: Appropriates \$2,000 for clerks in the surveyor-general's office of Idaho, instead of \$1,500 as proposed by the House and \$3,000 as proposed by the Senate.

On amendments 187 and 188: Appropriates \$7,000 for clerks in the surveyor-general's office of Montana, instead of \$5,000 as proposed by the House and \$9,000 as proposed by the Senate.

On amendment 189: Appropriates \$3,000 as proposed by the House, instead of \$2,500 as proposed by the Senate, for rent and contingent expenses of the surveyor-general's office of Montana.

On amendments 190 and 191: Appropriates \$2,000 for the salary of the surveyor-general of Oregon, instead of \$1,500 as proposed by the House and \$2,500 as proposed by the Senate.

On amendments 192 and 193: Appropriates \$7,500 for the clerks in the surveyor-general's office of Washington, instead of \$5,500 as proposed by the House and \$10,500 as proposed by the Senate.

On amendment 194: Strikes out provision proposed by the Senate for twenty temporary clerks in the Post-Office Department to tabulate the returns from all post-offices of a general count of the several classes of mail matter for one week.

On amendments 195, 196, and 197: Of the increase in the force proposed by the Senate in the office of the Assistant Attorney-General for the Post-Office Department, provides only for one additional clerk of class 1.

On amendments 198 and 199: Strikes out increase proposed by the Senate in the salary of the chief of the salary and allowance division from \$2,300 to \$2,500.

On amendments 200, 201, and 202: Of the increase of the force of the Third Assistant Postmaster-General proposed by the Senate, provides only for one clerk additional of class 2.

On amendments 203 and 204: Strikes out increase proposed by the Senate of two additional firemen, at \$720 each, for the Post-Office Department.

On amendment 205: Makes verbal correction in the title of the appropriations for contingent expenses of the Post-Office Department.

On amendment 206: Appropriates \$12,000 for stationery for the Post-Office Department, instead of \$11,000 as proposed by the House and \$20,000 as proposed by the Senate.

On amendment 207: Appropriates \$3,000 as proposed by the House, instead of \$4,000 as proposed by the Senate, for carpets and matting for the Post-Office Department.

On amendment 208: Appropriates \$3,000 as proposed by the House, instead of \$4,000 as proposed by the Senate, for furniture for the Post-Office Department.

On amendments 210, 211, 212, 213, and 214: Provides for the rent of the Marine Hall building for the use of the money-order division of the Sixth Auditor's Office until February 1, 1891, and requires that that building shall be vacated not later than that date by the said division; appropriates at the rate of \$9,000 per annum for another building for the said division for the balance of the fiscal year, and \$900 for the expenses of the removal of the office; and appropriates \$4,000, instead of \$3,000 as proposed by the House and \$5,000 proposed by the Senate, for rent of building for post-office supplies.

On amendments 215, 216, 217, 218, 219, 220, and 221, as proposed by the Senate: Appropriates in the Department of Justice for one additional Assistant Attorney-General at \$5,000; increases the salary of the chief clerk of that Department from \$2,200 to \$2,500, and the salary of the clerk in charge of pardons from \$2,000 to \$2,400.

On amendment 222: Increases the amount for foreign postage for the Department of Labor from \$200 to \$230 as proposed by the Senate.

On amendment 227: Appropriates \$5,000, as proposed by the Senate, for the investigation of and report upon the various industrial school systems and also technical school systems of the United States and foreign countries by the Department of Labor.

On amendments 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 34, 180, and 163, relating to the proposed increase in the number of employees in the Senate, and the increase in the compensation of certain employees in that body, and the proposed increase in certain items of the contingent expenses of the Senate, and the proposed increase in the salary of the Commissioner of the General Land Office from \$4,000 to \$5,000, and of the Assistant Commissioner of the General Land Office from \$3,000 to \$3,500, the committee of conference have been unable to agree.

The bill as it passed the House appropriated \$20,842,446.75. As it passed the Senate it appropriated \$21,353,768.75, being an increase by the Senate of \$496,322. This sum has been reduced \$123,246, so far as the Senate amendments have been agreed upon by the conference committee, the House yielding \$160,498, and leaving \$107,575 in dispute on the amendments upon which the conference committee are unable to agree.

BENJ. BUTTERWORTH,
J. G. CANNON,
WM. H. FORNEY,
Managers on the part of the House.

Mr. DUNNELL. Mr. Speaker, I desire to ask the gentleman from Ohio, who has this bill in charge, one or two questions. I came into the Hall while that part of the report was being read which relates to the amount of money appropriated for the land offices in the new States and I was struck with the large difference between the amounts named in the original bill by the House and the increases made by the Senate. I would like to know how it happens, if the House made the bill upon recommendations from the Department, that the Senate can find any justification for such large increase as appears—in one instance 100 per cent. I have assumed that the Committee on Appropriations made the original bill upon the estimates coming from the Interior Department.

Mr. BUTTERWORTH. I would say to my friend that the bill was made upon the estimates submitted and the information obtained by the Appropriations Committee touching the necessities which existed for making the appropriations. The House did not make as full an appropriation as was asked by the Commissioner of Public Lands. The Senate increased the amount appropriated very considerably, and on a full conference, in the presence of additional testimony touching the necessity for it, an increase was made. While we were not clear that such an increase as demanded ought to be made, nevertheless we acceded to the demands of the Land Office and reached a conclusion satisfactory, at least to the conferees, as to the increased amount.

There is a question as to whether there is a fund in the several land offices available for continuing surveys resulting from the old deposit system.

In some instances that fund has been completely exhausted. In others it has not been wholly exhausted, and we have made these appropriations and fixed these amounts with reference to the work to be done and the practicability of doing it and completing it. There are several branches to these surveys, as my friend is aware. First, the lines which are run, the original base lines, memoranda of courses and distances, etc., gathered together, and that must be approved by an agent who goes upon the ground, and then the work is submitted for a revision and for platting. I can only say, in summing up, that after a careful review of every fact that ought to have any influence in fixing the amount, we agreed upon the amounts as set forth in this report, doubling in one or two instances, as my friend has said, the amount allowed.

Mr. DUNNELL. It seems to me, Mr. Speaker, there must have been a great deal of guess-work on the part of heads of Departments that came before the committee of the House. I think the committee of the House does not preserve its dignity or its character in making an appropriation for specific and well-known expenses of the Government, estimated and reported in the Book of Estimates, and then be compelled to back down and accept Senate amendments that ought not to be passed, upon no better evidence than came to the House committee originally.

Mr. BUTTERWORTH. I can only say in response to my friend that it is always well to back down, and to back down gracefully, when we find we ought to do so. And it often occurs, sometimes from the persistency of the Department and sometimes through additional evidence which we did not have as to the amount of the fund which was available. We are sometimes misled here as to that. And when we find that we have fallen into an error we ought to correct it.

Mr. DOCKERY. We on this side of the House did not hear what the issue was between the gentleman from Ohio [Mr. BUTTERWORTH] and the gentleman from Minnesota [Mr. DUNNELL].

Mr. BUTTERWORTH. My honored friend from Minnesota [Mr. DUNNELL] asked why we increased the appropriation for the Land Department so largely—that is, for surveying the public lands.

Mr. DUNNELL. That is, so largely over the amount originally appropriated.

Mr. BUTTERWORTH. So largely over the amount reported in the bill originally, and my friend wanted to know if there was any new fact or new evidence presented to the Senate, which came to our attention subsequently, which induced us to allow the increased amount.

Mr. DOCKERY. So I understand my friend to say that the amount for surveys is increased over the estimate?

Mr. BUTTERWORTH. Not over the estimate, but over the amount originally in the bill.

Mr. SAYERS. Will my friend allow me to ask him a question? I notice that in the report the amendment which was put upon the bill in the House in regard to applicants for examination before the Civil Service Commission has been somewhat changed. The question which I wish to ask the gentleman from Ohio [Mr. BUTTERWORTH] is this: Under the agreement between the conferees of the Senate and the House, is it true that the applicants for certificates within the Departments in the District of Columbia alone come under the operation of the rule?

Mr. BUTTERWORTH. We find that the main complaint, in fact probably the only complaint, has resulted from the fact that persons were constantly employed claiming to be from one State when in point of fact they were not from that State and possibly never saw that State, and the result not only breeding confusion, but committing a fraud upon the citizens of the State from which these persons not having the right yet nevertheless pretend to hail, and that trouble arises only in

reference to appointments made in the District of Columbia. At least that was our information. We looked into that matter quite fully, and we only modified the amendment which was presented by my friend in order to make it specific. We have not in any wise diluted it nor made it less effective. I yield to my friend from Alabama [Mr. FORNEY].

Mr. FORNEY. Mr. Speaker, there is no very great change in this bill. The Senate increased it some \$496,000, and they have receded \$228,000. The House has yielded to \$160,000, and there is still unsettled \$107,000, which relates principally to the employes of the Senate. Now, the only increases of any importance that the House yielded to were the appointment of an Assistant Secretary of the Navy, and also an Assistant Secretary of the Treasury and an Assistant Attorney-General and nine members of the board of pension review.

Mr. BRECKINRIDGE, of Kentucky. Will my friend allow me to ask him why did the House yield to an Assistant Secretary of the Navy? None has been appointed yet by law.

Mr. FORNEY. This bill appoints him by law. The Senate passed it and we acceded to the amendment, and this bill appoints him.

Mr. BRECKINRIDGE, of Kentucky. Creates the position?

Mr. FORNEY. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. You admit the creation of the position?

Mr. FORNEY. Yes; the Senate added it. We did not have the power to do so, but the Senate added it and the House concurred in it. Now, there has been an increase in the Surveyor-General's Office. The only increase in the Surveyor-General's Office is about \$9,000, and it goes principally to North and South Dakota, Minnesota, Washington, and Idaho. That increase is for the officers in the Surveyor-General's Office, and those are about all the increases there are in this bill. There is still in dispute \$107,000. The principal increase, as I said, is the increase of nine members of the board of pensions.

Mr. DOCKERY. Mr. Speaker, for one, as an individual member, I can not agree to this report, for the reason that it creates an Assistant Secretary of the Navy, at a salary of \$4,500; an Assistant Secretary of the Treasury, at a salary of \$4,500, and an Assistant Attorney-General, at a salary of \$5,000. It also increases the salary of the chief clerk of the Department of Justice from \$2,200 to \$2,500, and makes other increases in the clerical force of that bureau that I will not now stop to enumerate. It provides for nine members of the board of pension appeals, which, in my judgment, is a number in excess of the real demands of that service. But one of my principal objections to this conference report is the fact that the conferees have receded—and I very much regret that they should have done so without instructions from the House—from the House amendment in respect to the salaries of the principal examiners of the Patent Office.

Now, Mr. Speaker, it seems to me that our friends are really subject to criticism in respect to this item, because, after a free and full discussion, the House by a vote of 71 to 44 struck down the salaries from \$2,500 to \$2,400, continuing them at the rate which has obtained since the memorable Forty-fourth Congress. I do not believe that the conferees ought to have agreed to that increase of the Senate unless directed to do so by a vote of the House.

Another objection I have to this report—and I shall merely state my objections, and not occupy the time of the House in elaborating them—is the appropriation in general and indefinite terms of \$70,500 for the mints and assay offices of the country. The Senate very properly appropriated this sum of \$70,500 as a specific amount, but it seems that the Senate has receded on the demand of the majority of the House conferees. The effect of this recession is that the bill carries \$70,500 less on its face than it ought to carry, but which in fact it does carry though not named in specific terms. Yet another objection, Mr. Speaker, to the bill is that it increases the salary of the three principal clerks of the Land Office from \$1,800 to \$2,000, whilst at the same time providing eight chiefs of division in the Land Office at the same salary.

Mr. FORNEY. The only increase there is an increase of their salaries. They are already chiefs of division in fact, but without that name, and this increases their salaries \$200 each.

Mr. DOCKERY. Yes; but they are now carried as clerks of class 4 at a salary of \$1,800, and this makes them chiefs of division at \$2,000. Three principal examiners, as I stated, are provided for at a salary of \$2,000 each.

Mr. FORNEY. Principal clerks.

Mr. DOCKERY. Very well; but the effect of this change is to take these officers without the purview of the civil service.

Mr. FORNEY. There were out of that before.

Mr. BRECKINRIDGE, of Kentucky. Oh, no.

Mr. DOCKERY. Three of them only—the three principal clerks.

Mr. BUTTERWORTH. We recommended the appointment of these chiefs of division in the Land Office but they went out on a point of order when the bill was under consideration in the House. The Senate inserted it again, and we concur in the amendment of the Senate.

Mr. BRECKINRIDGE, of Kentucky. The majority of the Committee on Appropriations recommended it in the bill, but some of the minority rose and objected, and it went out on a point of order.

Mr. BUTTERWORTH. Yes.

Mr. BRECKINRIDGE, of Kentucky. Now, I want to submit two suggestions in the matter. The first is that, without saying it in any sense except with the utmost respect, it is one of the things which is not entirely, it seems to me, in keeping with the dignity of the House, that when a matter is put in the hands of the conferees they should be vigilant and quick to agree to a provision put in by the Senate which the House had stricken out, as this was stricken out.

Mr. BUTTERWORTH. On a point of order.

Mr. BRECKINRIDGE, of Kentucky. It leaves upon it a flavor that it was put back in the Senate not altogether without the knowledge or without information to gentlemen on that side of the House. The objection is one which applies to this bill and a good deal of other legislation. It is an appointment of officers outside of the civil-service laws by which indirectly the civil-service law is impaired, when the House will not repeal it directly, and that under the leadership of gentlemen who are exceedingly forcible and exceedingly eloquent in advocating the civil-service law when it is directly attacked. Indirectly it takes these officers from under the provisions of the civil-service law and impairs the civil-service law that much; but it also impairs the relations of the House to the Senate by letting it be understood in the Senate that these matters which are cut out under the rules of the House if put in by the Senate will be agreed upon by the House.

Mr. BUTTERWORTH. I will say to my friend that these divisions of the Land Office are all organized and have been for a long time. There is no question, and I think my friend will not question, that there ought to be an authoritative head in each division. Without some one of rank and authority to speak to them they stand on the same plane with fifty or one hundred; and without any executive head it does not work as smoothly nor is the administration as successful as it would be otherwise. These men are simply discharging the duties that appertain to their positions, and have an additional rank and a slight additional pay given them. The propriety of it was impressed upon the committee originally when they reported the bill, and they believed it was in the interest of economy and proper administration. There was some opposition on the part of the minority in the committee, and of course when the point of order was made it was ruled out by the occupant of the chair on the ground that it was obnoxious to the twenty-first rule.

Mr. BRECKINRIDGE, of Kentucky. Now, my friend will bear in mind that this is not a new proposition. It was made in the Forty-ninth and in the Fiftieth Congresses, but failed in both. It was renewed in the Fifty-first Congress, and passed in the committee, brought into the House, and was defeated in the House. The House therefore instructed the conferees, so far as it could be done, and the conferees should not have receded without further instructions from the House. Now, the smallness of the salary is just sufficient to take these officers from under the civil service and put them outside of it. The matter is not, therefore, insignificant, because it is giving to the chief of that division or department the political power of appointing nine persons where before he did not have it, or rather five persons, for I believe there were three or four that he had the appointment of before.

Mr. BUTTERWORTH. I should say to my friend that we looked into that matter and that we would not have recommended it for the purpose he intimates, nor would it have been recommended at all, as we understood, if the appointees were to be brought in from outside; but they had the men already designated and well-fitted by long experience for the discharge of the duties; so in point of fact this opens no places for appointment, because, these men being promoted, their places will be filled under the civil-service law.

Mr. BRECKINRIDGE, of Kentucky. I do not mean to say that this was done for the purpose of taking them outside the operation of law. What I do mean to say is, that it accomplishes that end, that it does take them out, and that it takes them out at a time and under circumstances which do not require this change any more than it was required in the Forty-ninth and the Fiftieth Congresses, which refused to make it; and the change is now made when the party in power has the Executive and both branches of Congress, so as to get the benefit of the change.

Mr. BUTTERWORTH. Our friends over there should remember that "all things come to those who wait." [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. Yes; and they do not wait any longer than the minute when they have the power to change the law so as to get what they want. [Laughter.]

Mr. BUTTERWORTH. I do not think my friend will say that this arrangement is not a wise one.

Mr. BRECKINRIDGE, of Kentucky. I am not prepared to say that it is a wise one. I am not prepared to say that the increase of rank and pay of an officer without changing the duties of the office is not an improper step. When you do not enlarge the duties, or increase the responsibility, or place upon the man any additional burden, I think this is an unwise precedent in a Government that employs as many persons as ours does, with our divisions and limitations. I think it is unwise to establish such a precedent, so that every other person holding an office can come to us and say: "You did this for that particular division, now why can not you do it for us?" So that, on the princi-

ple involved, I was opposed to the proposition in both the Forty-ninth and the Fiftieth Congresses, even without regard to the civil-service law.

Now, Mr. Speaker, I want to call the attention of my friend also to the board of pensions, which stands in the same way. The board of pensions, which was created by an order of the Executive Department and then legalized by an appropriation bill, was reduced, when the present Administration came into power, from nine to three members. The business of the Pension Office was then as large as it is now. The reasons for having nine were about as great then as now, but by adopting that course they could get rid of a certain number and consolidate the pension-appeal courts. This House, on the judgment of the Chair, held that it was not in order to increase those offices; but the Senate has put the provision back precisely as we had it in our bill when it came from the committee, and has put it back under such circumstances as to raise a slight suspicion that perhaps it was done with some sort of belief that it would be agreed to by the House. Now, the creation of the offices is exactly the same as in the other case. It puts these offices outside of the civil-service law and gives the filling of them to the officer in charge.

Mr. BUTTERWORTH. That is true; but my friend is aware that the House did not vote that this increase of pension examiners ought not to be allowed; but, the point of order being made, the provision went out on that point of order. It was not, therefore, the judgment of the House that these officials should not be appointed, but the Chair ruled that whether they should be appointed or not, the manner of providing for the appointment was obnoxious to the rule.

Mr. BRECKINRIDGE, of Kentucky. But my friend will remember that on this side of the House, so far as we could, we tendered to the gentleman an offer to increase the clerical force of that Department by giving a number of clerks of class 4 at \$1,800 salary; so that the Secretary of the Interior should have the power, if he thought fit, to have a flexible court and to detail men for that purpose. This would have brought these appointments under the civil-service law. My friend declined that; and therefore I say that, taking everything into consideration, it looks as if the rules of the House were to be, in a manner not altogether unpremeditated, gotten around for the purpose of accomplishing this end.

Before closing I just want to call attention to the increase provided for an Assistant Attorney-General. I looked into that matter with a good deal of care, and my judgment was that it was not needed in the present condition of the business of the Attorney-General's Office, and I submit the observation to the House, leaving it to the future to verify the prediction, that one of the purposes involved in the increase in that whole Department is connected with the desire to pass the election bill which is now being debated in the House. I say this in the light of a good many other things that have been done since we met here this session, the counting of a quorum in a way in which it was never counted before, the adoption of certain rules, the increase in the power of the judiciary, the taking away of some of the circuit judges so as to leave certain officers to be appointed by the district judges, and the increase in the Attorney-General's Office, an increase which ought not to be made.

Now, I want to call attention to one other matter. There are thirty-six medical examiners provided for in this bill—

A MEMBER. That has been struck out.

Mr. BRECKINRIDGE, of Kentucky. Has that been struck out? I could not tell from the reading.

Mr. BUTTERWORTH. We struck out the increase as to that matter, and the Senate receded.

Mr. BRECKINRIDGE, of Kentucky. Then the matter stands in this way, as I understand: The House passed, under a suspension of the rules, a bill increasing the force of medical examiners in the Pension Bureau; and the additional officers were exempted from the operation of the civil-service law because when the bill was being passed here under whip and spur it was stated there was a large number of applicants whose applications required immediate decision, and that the bureau ought not to be compelled to go on with an insufficient force while awaiting the tardy decision upon the qualifications of applicants under the civil-service law. The bill went to the Senate, where a clause was inserted bringing these additional officers under the operation of the civil-service law, and from that day to this I believe we have never heard anything further in regard to that measure.

Mr. BUTTERWORTH. Mr. Speaker, I will refer in the first place to the last statement of my friend from Kentucky. As to why we did not make this increase in the number of examiners in the Pension Office, my friend is aware that we have just passed a bill which will increase very largely the work of that office; and the conference committee decided that when the increase is made it should be made with reference to the work to be done, and should be provided for in a separate bill. At present we are unable to determine as to the required number. We went over the ground and we struck out this provision, not because of any determination that the officers were not needed or would not be needed, but because, upon the information we had, the bill I have referred to having just passed, we laid the question aside in order that provision might be made for the appointment of such a number of officers as might be commensurate with the work to be done.

Now, touching the other matter embraced in the remarks of my

friend from Kentucky, it is due to the Attorney-General and to the administration of the Department of Justice that I should say my friend is quite in error in supposing that this additional Assistant Attorney-General is provided for with reference to any legislation except such as has been upon the statute-book for six months or a year.

Mr. DOCKERY. Is it not due also to say that there is a larger increase of force in the Attorney-General's Department than in any other Department of the Government?

Mr. BUTTERWORTH. That may or may not be so. But the question is, not whether there have been large increases, but does the public service require that such increases as are proposed should be made? We are loading the dockets of our courts every day with cases of great consequence to the Government, involving large sums of money; and investigation satisfied us that attorneys of at least fair ability should be employed to represent the Government in contesting those cases, which look to a pretty rapid depletion of the Treasury.

Mr. CANNON. If the gentleman from Ohio [Mr. BUTTERWORTH] will yield to me for a moment I wish to say in reply to the suggestion of the gentleman from Missouri [Mr. DOCKERY] that instead of there being a large increase in the Attorney-General's Office there is an increase of only one officer—an additional Assistant Attorney-General.

Mr. BUTTERWORTH. I supposed that my friend from Missouri spoke by the card when he said that there had been a large increase. I did not recall any such increase; but presuming that he had looked into the matter and spoke advisedly, I took it for granted such might be the fact.

But I never concern myself with any question as to whether a measure which I believe is necessary involves an increase of force in any Department of the Government. I am willing to line Pennsylvania avenue with officers of this Government, if their employment is necessary to conduct the business of the Government. I think that in our legislation here too much regard is often paid to the mere question of the number of officers, without properly considering what may be the requirements of the Government. What we should seek is to have the business of the Government properly conducted, whether in the particular case it takes ten men or a hundred. But it appears, as my colleague, the chairman of the Committee on Appropriations, suggests, the increase in this case involves the employment of only one new officer, and this was provided for with reference to immediate public requirement.

I do not remember whether there was any other matter to which my friend from Kentucky referred.

Mr. BRECKINRIDGE, of Kentucky. That is all.

Mr. BUTTERWORTH. There is one other subject on which I wish to say a word. We have deemed it proper that the sense of the House should be taken as to whether the salary of the Commissioner of Public Lands should be increased or not. My friend from Illinois [Mr. PAYSON] desires to call the attention of the House to that question.

Mr. CANNON. Before that question is taken up allow me a suggestion. It is important we should finish the consideration of this report this evening, so that the matter may go into further conference, if the House should so decide. It is now five minutes of 5 o'clock. I suggest that my friend from Ohio ask unanimous consent to extend the session until this matter is disposed of; otherwise we must take a recess at 5 o'clock under the standing order.

Mr. BRECKINRIDGE, of Kentucky. I suggest that the session be extended until half past 5 o'clock.

Mr. CANNON. Until we finish the conference report.

Mr. BRECKINRIDGE, of Kentucky. Not only until we finish the report, but there may be some gentlemen who desire to occupy a little further time this afternoon in discussing the election bill.

Mr. BUTTERWORTH. I will ask consent that the standing order of the House be so modified as to extend the present session until half past 5 o'clock.

Mr. CANNON. Or until this conference report be finished.

The SPEAKER *pro tempore*. The gentleman from Ohio asks unanimous consent that the time for the recess be extended until half past 5 o'clock, or until the consideration of this report be finished. Is there objection? The Chair hears none.

Mr. DOCKERY. The chairman of the Committee on Appropriations [Mr. CANNON] is in error in his statement of a few moments ago. In the bill as passed by the House the force in the Department of Justice was increased by providing for seven additional officers; and in this report there is a further increase of one officer, so that the increase in the Department is from 101 employees to 109.

Mr. BUTTERWORTH. The seven additional officers are clerks; I supposed my colleague on the committee referred to attorneys. I yield to the gentleman from Illinois [Mr. PAYSON].

Mr. PAYSON. Mr. Speaker, I desire to call attention to Senate amendment number 159, line 14, page 68. It is an amendment by the Senate increasing the salary of the Commissioner of the General Land Office from \$4,000 to \$5,000, and the salary of the Assistant Commissioner from \$3,000 to \$3,500. And I move that the House concur in the Senate amendment.

Mr. BUTTERWORTH. I desire to say with reference to that motion, Mr. Speaker—

Mr. CANNON. I would suggest to the gentleman from Ohio that we first adopt the report of the conference committee, and then on the motion to non-concur the gentleman from Illinois can again make his motion to concur in the amendment to which he refers. But let us have the report adopted first.

Mr. PAYSON. I have no objection to that course, and for the present I withdraw the motion, reserving the right to renew and press it.

Mr. BUTTERWORTH. Then I move the adoption of the conference report.

The conference report was adopted.

The SPEAKER *pro tempore*. What motion does the gentleman from Ohio now submit?

Mr. BUTTERWORTH. I understand my friend from Illinois has made a motion to concur in one of the amendments of the Senate.

Mr. PAYSON. I withdrew that temporarily until the formal matters could be disposed of.

Mr. BUTTERWORTH. Does the gentleman desire now to renew it?

Mr. PAYSON. Mr. Speaker, as it is now in order, I renew the motion to concur in the amendment of the Senate to which I have referred.

The SPEAKER *pro tempore*. Will the gentleman state the number of the amendment?

Mr. PAYSON. No. 150.

Mr. DOCKERY. What is the purport of the amendment? I ask that it be read by the Clerk for the information of the House.

The Clerk read as follows:

Page 68, line 14, strike out all after "office" down to and including "dollars" in line 40, and insert:

"For the Commissioner of the General Land Office, \$5,000; one Assistant Commissioner, to be appointed by the President, by and with the advice and consent of the Senate, who shall be authorized to sign such letters, papers, and documents and to perform such duties as may be directed by the Commissioner, and who shall act as Commissioner in the absence of that officer, or in case of a vacancy in the office of the Commissioner, \$3,500."

Mr. PAYSON. Mr. Speaker, under the existing law the Commissioner of the General Land Office has a salary of \$4,000 a year and the Assistant Commissioner a salary of \$3,000 a year. The Senate amendment increases the salary of the Commissioner \$1,000, making it \$5,000, and \$500 additional for the Assistant Commissioner, making his salary \$3,500 a year.

Mr. DOCKERY. That is the Senate amendment; and your motion is to concur?

Mr. PAYSON. Yes, sir.

Mr. DOCKERY. When was the salary of the Commissioner of the General Land Office fixed at \$4,000?

Mr. PAYSON. Ever since I have been in public life, but I am not able to give the gentleman the date of the law fixing that as the salary.

Mr. DOCKERY. And it is proposed now to increase it \$1,000?

Mr. PAYSON. Exactly.

Mr. DOCKERY. And the Assistant Commissioner \$500?

Mr. PAYSON. Yes, that is the proposition I am urging.

Mr. DOCKERY. Very well, that is for gentlemen on that side of the House.

Mr. PAYSON. Now, Mr. Speaker—

Mr. SAYERS. I would like to interrupt the gentleman to ask if the duties of the Commissioner of the General Land Office are any more numerous or more onerous now, or whether the duties of the Assistant Commissioner are more onerous than they have been in the years past when that salary was being received?

Mr. PAYSON. Yes, sir; very largely so, and no public official occupying a relative position, except possibly in the office of the Commissioner of Patents, where there has been a percentage, even, of the increase of business such as has taken place in the General Land Office in the past five or six years. This is constantly accumulating, and grows out of the rapid settlement and consequent disposition of public lands in the Western part of the Union as well as the accumulation of business in the office, as also in the efforts to bring up the business of the office to the present time, which was largely in arrears when this Administration came in. There has been a constant increase of the duties of the office in the administration of the public-land service. If gentlemen will take occasion to look into the immense amount of business that is done there, and that has accumulated, they will be astonished at the character of it and the aggregate amount. And may I call attention of the House, Mr. Speaker, briefly to the position of affairs there; the volume as well as the important character of the service?

Mr. HOPKINS. Let me ask my colleague first if increase in the business of the office and the effort to bring forward the current business can not be accomplished by more clerks better than by an increase of the salary of the chief?

Mr. PAYSON. Undoubtedly. Additional clerks have been required from time to time, and are badly needed now. They should be provided; but the duties of the head of the Land Office are exceedingly onerous with reference to the adjustment of the various claims growing out of conflicting interests which come before that office for settlement. The Commissioner of the Land Office is, with regard to this business, a court of original jurisdiction.

Questions of all sorts and varieties come before him in the ordinary course of business of the office, from the most ordinary case, involving a tract of agricultural land, up to a mining claim worth millions of dollars; all questions of right as between claimants, and disputes, are settled before him as a court of original jurisdiction, and the amount of business, upon an investigation of the office, which has been undisposed of up to date, amounts to the startling number of 229,952 cases of different character.

Mr. HOPKINS. How many can be disposed of daily?

Mr. PAYSON. That I am not able to say. It is enough to say that during the first six months of the administration of the present Commissioner of the Land Office something over sixty thousand cases were disposed of, more than were received in the office during that time.

Mr. HOPKINS. Will my colleague allow another question at that point? Conceding the large number of cases pending, does it not require rather a subdivision of the labor than an increase in the salary of the head?

Mr. PAYSON. In one sense, yes; but I am addressing myself principally at this time to the question of the gentleman from Texas, whether the duties of the office are more onerous to-day than at the time the salary of the Commissioner was fixed; and that involves not only the volume, but the character of the business.

Mr. SAYERS. Will the gentleman allow me—

Mr. PAYSON. Allow me to finish this statement first; and to show the condition that the business of the General Land Office was in at that time I desire to call the attention of the House to these figures.

Mr. SAYERS. Does the gentleman think that the addition of a sum of \$1,000 to the salary of the chief of the Land Office would enable him to dispatch the business more speedily?

Mr. PAYSON. The present incumbent of the General Land Office is devoting every practicable hour in giving attention to the duties of that office that it is possible for him to do. He is performing his duties with the strictest faithfulness and with the greatest efficiency, as I know, and while I do not say that an increase of salary would add specially to the efficiency of that office since the present incumbent has been there, because he is doing his whole duty, the point that I intend to make when I shall be able to reach it is, that the present Commissioner of the General Land Office deserves more than he is receiving, and more even than the Senate amendment proposes to give him. The gentleman from Texas [Mr. SAYERS] has anticipated what I was about to say.

Mr. HOPKINS. Is not that true of many of the heads of Departments of the Government, and if you start with the Land Commissioner where are you going to stop?

Mr. PAYSON. I am not discussing that, but may say that I shall not stop till I have urged proper payment for efficient service. If I may be permitted to proceed in my own way I will try to answer questions that gentlemen are now presenting to me. The Commissioner of Patents receives \$5,000 a year and has received it ever since I have been in public life, as my recollection goes. The Commissioner of Internal Revenue receives a salary of \$6,000 a year and has received it ever since I have known anything about that office. The Commissioner of Pensions receives, as I recollect, \$5,000 a year. If I am mistaken, I shall be glad to be corrected. And many of the various other bureau officers in the Government receive the salary that this Senate amendment proposes to give to the General Land Office.

Now, the point I wished to make when I addressed the Chair and asked the attention of the House was this: That there is no bureau in this Government that is of greater importance or that requires ability of a more signal character, or the salary to which would be more thoroughly earned if this amendment should prevail, than the office which is filled by the Commissioner of the General Land Office. There is no officer who comes closer to the people, or who in the administration of his office has larger interests to deal with, than the Commissioner of the General Land Office. And I speak upon this advisedly, with knowledge, because I have had an intimate acquaintance with the performance of the duties of that office during the past two Administrations.

And with the constant increase of duties and with the magnitude of the questions which are brought before him for decision, and speaking with a personal knowledge as to the efficiency of the present occupant of that position, I confidently assert that the amount which is provided here is fully earned. If any officer of the Government in charge of a bureau is entitled to \$6,000, the present Commissioner of the General Land Office is. I think the amount of business that goes to his hands is not generally realized. With the increase of settlements, the looking over and giving personal attention to the examination and approval of all the contracts for surveys in the great West, the army of Government agents looking after the interests of the United States in the newly settled portions of the country, the fraudulent entries, the timber depredations, and all that sort of thing, come under his personal supervision. The different divisions of the office, particularly the pre-emption division, the mineral division, and the public-land division, are either one of them equal in importance to some of the bureaus of the Government to-day.

I call attention to the condition of the business at the close of the

week of April 19 last, from which table, which I submit, a general idea of the volume and character of the business he has in hand may be obtained, and which, to sustain the reputation of his personal administration, he must control and superintend, and, largely, at the termination of each case personally inspect:

Divisions and nature of business therein.	Number of entries.	Approximate number of acres embraced.
Division B, approved cases awaiting patent.....	10,248	1,639,680
Division C, final entries posted but not approved.....	52,069	8,331,240
Division C, final entries posted but suspended.....		
Division C, final entries not posted nor approved.....	50,000	8,000,000
Division D, private land claims pending.....	8,006	
Division D, donation land claims pending.....	122	
Division D, scrip locations pending.....	866	
Division D, Indian entries pending.....	157	
Division D, Santee Sioux entries pending.....		
Division F, entries in railroad limits pending.....	4,098	494,560
Division F, application to enter lands within railroad limits.....	2,423	291,840
Division F, railroad selections pending.....		29,854,753
Division F, wagon-road selections pending.....		305,246
Division G, pre-emption cases (ex parte) pending.....	83,727	13,896,230
Division G, town-site entries pending.....	39	
Division G, town-lot entries pending.....	17	
Division H, contest cases, all classes, pending.....	10,046	1,607,300
Division K, cases in conflict with swamp lands pending.....	344	53,160
Division M, mineral and coal entries pending.....	8,288	
Division N, mineral and coal entries suspended pending.....	2,100	1,003,248
Division N, mineral entry contests pending.....	82	
Division N, agricultural entries pending.....	17	
Division O, cases pending homesteads, cash entries, etc., awaiting action.....		
Division P, cases pending alleged fraudulent.....	7,382	1,345,069
Total number of cases pending and areas embraced.....	229,962	66,817,407

Mr. HOPKINS. Yet, I suppose, if my colleague will allow me, all those subdivisions existed under the law during the former Administration.

Mr. PAYSON. Certainly they did.

Mr. HOPKINS. And were properly conducted by the then Commissioner.

Mr. PAYSON. Conducted to the best of the ability of the gentleman who then occupied the office. But a bureau of this character, and presided over by such an efficient public officer as now occupies that position, to say that he ought to be made equal in salary to that of other bureaus which I have named and some that I have not named (for I do not know the salaries of all of them)—it seems to me that it is something that ought to go without saying.

The importance of the bureau of the General Land Office is not appreciated by Congress.

Only those who are by committee assignment or special investigation brought in contact with it know of its real importance.

One of the most difficult duties the President had to perform was to find two gentlemen satisfactorily adapted to perform the duties of these positions. Experience has demonstrated the wisdom of his judgment.

The Commissioner is, as we all know, a courteous gentleman, and energetic; he has Western push and executive force; industrious, and his work shows careful and conscientious exertion; he is a lawyer of eminence, and brought with him a reputation as a judge which has been fully sustained by his decisions, numerous and important, as I know, now of record, rendered since he has been in office.

Remember, as I have said, he sits in all contested cases as a court of original jurisdiction, and every case must be passed on and a formal, written opinion prepared and delivered, many of them presenting questions never presented in the courts, and frequently involving in these later days property worth millions of dollars; questions, too, never presented in the earlier days of more limited Federal power.

This has grown with the growth of the country until the office, in fact, is of sufficient dignity to be treated almost as a Department instead of a bureau.

Any satisfactory Commissioner of the General Land Office deserves this increase and especially does Mr. Commissioner Groff, whom it affords me pleasure to be able to heartily endorse.

My partiality for him is not here expressed because of personal friendship, although I am glad to number him among those to whom I am warmly attached and I believe to the fullest in the doctrine of standing by the interests of those to whom we are so related, but I put my support of this motion on business grounds alone, the high character of the office, the onerous duties it imposes, the varied accomplishments and attainments necessary to successfully perform its work. The personal qualities of character and association needed to make the performance of such duties agreeable to those directly interested in results, as well as to us in public life brought daily in contact with him, all happily united in Judge Groff, constrains me, Mr. Speaker, to urge with whatever influence my words may have, based on a large experience in these matters, as also whatever of personal influence I may have as a

member here of years of service, that he be given the benefit of this deserved partiality.

He deserves it, and I only delay the recognition the House will give him, I feel sure, by my occupancy of further time in this debate.

The assistant commissioner deserves the benefit of the Senate amendment. I only regret it is not larger in his case. He brought to the public service here the matured experience of a man of public affairs; an ex-governor of a great Western State, with full knowledge of the needs of the people interested in the office, and an executive ability of which he and we his friends may well be proud.

As acting commissioner, as well as assistant, his record is of the highest. I earnestly hope the Senate amendment will be concurred in by the House.

Mr. DOCKERY. Mr. Speaker, I only desire to submit a brief statement for the consideration of that side of the House, and when I shall have done so the responsibility rests with them. I am opposed to this increase. When this bill passed the House it carried one hundred and thirty-four new offices at an additional annual expense of about \$140,000. It came back from the Senate with one hundred and thirty-one additional offices, the cost of which I have not yet been able to estimate. I do not know the number of new offices that will be established when this bill shall finally become a law, but it is very probable that the new offices created will involve an additional annual expense to the tax-payers of the United States of perhaps \$250,000.

Now, Mr. Speaker, in view of the depression prevailing in all branches of business, if gentlemen on that side of the House desire to increase the salary of the Commissioner of the Land Office from \$4,000 to \$5,000, and the salary of the assistant commissioner from \$3,000 to \$3,500, in the face of the fact that these salaries have continued for a long term of years at what they are now, then I say the increase will have to be made by Republican votes and against the united protest of this side of the House.

Mr. PAYSON. Mr. Speaker, in reply to the observations just made by the gentleman from Missouri, I am not aware nor have I knowledge from examination whether there are a number of new officers provided for in the bill or not; but I desire his attention while I say that if a single one of these new officers created by the Senate amendment in this bill is not necessary for the proper administration of the public business, I will join hands with him and endeavor to strike it out.

It is no argument against the bill for a proper increase of salary of a Department official, a public officer, when the needs and duties of his office require it, to say that in the same bill certain new officers are created by Senate amendments which were never provided for by the House; because in the growth of this country everybody knows that there must be new officers created for the proper and efficient administration of the affairs of a country which is growing like this.

Mr. BUTTERWORTH. I want to say to my friend that my colleague on the committee [Mr. DOCKERY] used the word "offices." There are increases in the number of employees for the dispatch of business where it was falling or had fallen behind. They are not "new officers." I think that is not a proper term to use, but conveys a wrong impression.

Mr. DOCKERY. If the gentleman prefers to use the name "clerk," all right.

Mr. SAYERS. He wants to give the name of the office to the clerk. SILVER.

The SPEAKER *pro tempore*. The Chair desires to announce the following conferees upon the bill (H. R. 5381) directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes: Mr. CONGER, Mr. WALKER of Massachusetts, and Mr. BLAND.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. PAYSON. I believe, Mr. Speaker, that is all I want to say in regard to the proposition, but I will reserve the remainder of my time.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Illinois to concur in the amendment which has been reported.

Mr. KERR, of Iowa. Mr. Speaker, this officer took this office knowing the salary, and it seems to me that these services have been performed for that compensation for a number of years, and I believe performed during all Administrations with a considerable amount of ability and satisfactorily to the people, and this is a very bad time to make an increase. I can excuse the gentleman from Illinois, who is chairman of the Committee on Public Lands, and of course is associated a great deal with this officer. His relations, on account of his position on that committee, being very close with the officer at the head of that Department, he naturally would have a good deal of sympathy for the man who administers that office.

Mr. HOPKINS. You think he has allowed his friendship and zeal to run away with his judgment?

Mr. KERR, of Iowa. I will not say that much. I have no doubt he believes fully that the salary ought to be increased without regard to his position, but I do not think it is proper. I do not think in the condition of the American people at this time it is proper.

Mr. ENLOE. No doubt about that.

Mr. KERR, of Iowa. It is in the interest of the welfare of the country to economize in all these matters. I do not sympathize with the remarks that have been made about increasing the clerks that are necessary for the performance of public business. The people understand that as the nation grows larger and as there is a larger population it will be necessary to increase the number of clerks, but it is not necessary to increase the salaries of officers who are performing these duties; and I hope this side of the House will preserve a good record for economy in regard to these matters. I do not think we have been very extravagant thus far. The record will show when we get through. I know gentlemen on the other side are making remarks to the effect that it will not be as good, but I think we will be able to prove that we have been economical in the administration of the affairs of Government. I hope this salary will not be increased.

Mr. SAYERS. Will the gentleman explain how he will be able to establish that reputation among the people when they have created the office of a new Assistant Secretary of the Navy and have increased the salary of the Commissioner of the Land Office, if this report is adopted?

Mr. KERR, of Iowa. We will not be able to do it should we put this through so far as the Commissioner of the Land Office is concerned. In regard to the increase for an Assistant Secretary of the Navy, I believe that that proposition when it was up here had some very able support on that side.

Mr. SAYERS. Not very many.

Mr. KERR, of Iowa. Not enough to carry it through, but it had able support; and, of course, if able men become advocates on that side of the House of this new office, it is to be expected that they will have the sympathy of friends on this side of the House who have control of the appointment. In order that such things may not be done, I have always believed that the minority should be in favor of economy.

Mr. DOCKERY. That is the true mission of the minority.

Mr. KERR, of Iowa. They should not only be in favor of economy of the offices, but there should be a proper and efficient service. There should be economy as to the salaries and there should be no unnecessary expenses.

Mr. SAYERS. We are trying to prevent unnecessary expense.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Illinois [Mr. CANNON] to concur in the Senate amendment which has been read.

Mr. ENLOE. Mr. Speaker, it is very gratifying to see the disposition of the gentleman from Iowa [Mr. KERR] to enter at this stage of the session upon the policy of economy. A gentleman who votes here with the facility he does on almost all occasions to give away millions can very well afford—

Mr. KERR, of Iowa. Will the gentleman yield for a question?

Mr. ENLOE. Please do not interrupt me. A gentleman, I say, who votes with the facility he does on almost all occasions to give away millions here, can very well afford to come in at this hour with a plea for saving a thousand dollars. I agree with the gentleman that it is a great thing for the American people to save a thousand dollars, because that sum represents the labor of a thousand man for one day, or of one man for a thousand days, and I am glad to see that he recognizes the fact that it is necessary that at some point we should begin to economize. I have been looking for that ever since Congress met. I have been watching the proceedings of this House with a great deal of interest, wondering when we would get to a point when there would be any gentleman on that side who would want to save something for the people. I am glad the gentleman from Iowa has reached that point. He says that gentlemen of influence upon this side of the House have influenced votes upon the other side, and when gentlemen of influence upon the Republican side, like himself, reach a point where they are willing to begin to save a thousand dollars for the people, I hope their example will have the proper effect on this side of the House. [Laughter.]

Mr. KERR, of Iowa, rose.

Mr. CANNON. Let us have a vote.

The question was taken on the motion to concur in the Senate amendment, and the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. DOCKERY. I ask for a division.

The House divided; and there were—ayes 47, noes 38.

So the amendment was concurred in.

Mr. BUTTERWORTH. Mr. Speaker, I move now to non-concur in the other amendments, which relate mostly to increases in the employees of the Senate, twenty-one or twenty-two in number, and involve an increase in the appropriation of about forty or fifty thousand dollars.

Mr. CANNON. Mr. Speaker, I want to say a word about this matter, because it brings before us the real contest upon this bill between the House and the Senate. As the gentleman from Ohio [Mr. BUTTERWORTH] has said, there are probably twenty-two or twenty-three increases of Senate employees provided for in the Senate amendments. There is one assistant clerk to the Committee on Claims, and there are six additional messengers, at \$1,440 each. I believe there are about six additional Senators over there, which may account to some extent for the additional messengers. Then there are three additional skilled

laborers, at \$1,000 each; three additional laborers, at \$720 each; an additional clerk to a committee, at \$2,100; another additional clerk to a committee, at \$1,800; and then, for clerks to Senators who are not chairmen of committees, at \$1,800 each, there is the amount of \$63,000.

This amendment strikes out the words in the House provision, "during the session," and the aggregate of \$21,790 for these clerks in the bill as it went from the House is increased to \$63,000. Part of this increase, how much I do not know exactly, but probably four, five, or six of these employees, may probably be due to the increase in the number of Senators, but most of the increase is due to the fact that the amendment provides an annual clerk at \$1,800 a year for each Senator who is not chairman of a committee. Heretofore the clerks of Senators have been "during the session." Now, I do not know what may be the temper of the House upon this subject. We have had many contests with the Senate about these clerks in former years—

Mr. DUNNELL. And we have always backed down.

Mr. CANNON. Yes, as the gentleman from Minnesota says, we have always backed down. We have yielded to the claim which the Senate has made that, being a co-ordinate branch of Congress, it is the proper judge of the number and the compensation of the employees required to transact its business. I will not discuss that branch of the question now, but will content myself with the statement that the larger portion of the Senators, I believe all of them but about thirty, are chairmen of committees and that their committee clerks receive an average compensation of over \$2,000 a year, some of them having assistant clerks at the rate of about \$1,440 a year. I will not criticize the number of committees that the Senate has. I will not intimate that they are too numerous, although it has been intimated that at both ends of the Capitol there are more committee clerks than the respective bodies need for the transaction of their business. However, the Senate has these employees, and in addition there is this appropriation proposed by the Senate for the compensation of annual clerks for Senators who are not chairmen of committees. Now, as members of the House have to hire their own clerical assistance, as we all know, this amendment, viewed from that standpoint, practically gives to the Senators \$1,800 a year more salary than is given to members of this House who are not chairmen of committees.

Mr. HOPKINS. Will my colleague permit a question?

Mr. CANNON. In a moment. As I have said, in all the contests that we have had heretofore on this subject, some of which have continued for weeks, the House has receded in the end, because the alternative has been presented either to recede or to let the bill fail. What the House may do on this occasion I know not, but I thought it proper to say what I have said now because to-morrow, I believe, will be the last day of this fiscal year, and if this bill does not pass, the employees carried by the bill will be left without provision on Monday morning next.

Mr. DUNNELL. Monday will be the last day of the fiscal year.

Mr. CANNON. It is suggested that Monday will be the last day, so that we have to-morrow and Monday to agree upon this bill and have it enacted into law. I have had no desire to provoke discussion, but I thought it was well enough to volunteer to call the attention of the House to the main matter of controversy between the conferees of the House and the Senate, the main question upon which we have not agreed and which we have to deal with in conference. I have no doubt that we could have easily agreed upon the whole bill if it had not been for these increases for Senate employees.

My object is that if any member of the House desires to take any step that will bring the two bodies together touching this matter it may be done now, if it is the sense of the House to take such a step.

Mr. HOPKINS. I wish to ask the gentleman in charge of this bill how much more the clerks will receive under this proposed legislation than they have received heretofore.

Mr. BUTTERWORTH. The change is this: Whereas the Senators have heretofore had session clerks, this makes them annual clerks at \$1,800 a year. It is the difference between \$21,000 and \$63,000.

Mr. ENLOE. I want to ask the gentleman from Illinois [Mr. CANNON] whether we are to understand from his statement that the House now has the Senate "in a hole"—in a position where it can compel the Senate to agree with the House? Heretofore it seems the Senate has compelled the House to agree with it.

Mr. CANNON. I know of no such distinction between this contest and former contests touching the clerks to Senators. I will remind the gentleman that under the Constitution the concurrence of the House, the Senate, and the President is necessary to accomplish legislation; that heretofore the Senate has always claimed that the regulation of its own force and the pay that shall be given to its own force is a matter pertaining to the Senate, and on that question it has heretofore refused to recede, and the House, yielding to the necessity of passing legislation providing for other expenditures of the Government, has invariably receded.

Mr. ENLOE. Then, as I understand the gentleman, it is necessary that the House should recede or that this bill should fail if the Senate insists.

Mr. CANNON. I have not so said. I have only stated what has been the history of this matter heretofore.

Mr. ENLOE. I want to know what is the power of the Senate in this matter. If the Senate insists, can the House compel the Senate to do anything different from what it has done heretofore?

Mr. CANNON. Well, I do not know what we can do unless we call out the Army. [Laughter.]

Mr. ENLOE. Can you not do that? The majority in this Congress have been able to do everything thus far. Can you not call out the Army?

Mr. DOCKERY. Just a word about the remaining differences between the House and the Senate. It is not, as I understand the issue, a mere difference in regard to the salary of the clerks of Senators. The difference is this: the Senate has increased its clerical roll by the addition of 30 officers. This bill as it went to the Senate provided for 261 employes for that body; it now carries with the pending Senate amendments 291. The bill as returned from the Senate carries in respect to the compensation of Senate employes a total of \$57,970 more than it provided when it left the House. The increased number of Senate employes is 30, and the increased amount of appropriations asked is \$57,970.

Now, Mr. Speaker, the increase with reference to clerks for Senators is about \$26,000. The current law appropriates \$36,888 for Senate clerks, while this bill as amended by the Senate carries \$63,000. As the House will observe there is therefore still an increase of about \$31,000 for Senate expenses in issue and yet to be adjudicated in conference.

Mr. HOPKINS. I wish to ask the gentleman from Missouri this question: Does the Senate attempt to interfere with the clerical force of the House?

Mr. DOCKERY. I do not think they do. But I utterly deny and repudiate that so-called "courtesy" between the two Houses which requires this body to agree to whatever the Senate may determine in respect to the number of its employes and their compensation. We have a right to our judgment in that matter as in other expenditures, and the Senate should exercise a like scrutiny in relation to the expenditures of this House.

Mr. HOPKINS. Has the Senate made any attempt to interfere with the House as to the number of its employes or their emoluments?

Mr. BUTTERWORTH. No, they have not. I understand the attitude of the Senate to be this: "You provide such number of employes for the conduct of the business of the House as in your judgment are necessary, and we will do the same; we will not decide for you how many clerks you need, and we think you ought not to assume to decide any such question for us."

Mr. HOPKINS. Is not that a pretty sensible position to take?

Mr. BUTTERWORTH. It is only a question as to whether our friends at the other end of the Capitol are abusing their privilege. I do not question the right of the House to say in reference to these expenditures proposed by the Senate, "This is extravagant; this salary is exorbitant," and to call a halt. The question is as to when that line is reached—whether they are making increases beyond what is necessary; and that is a question of fact rather than anything else. I will say confidentially, not to be repeated, that it is the judgment of some eminent gentlemen in another place that they have an unnecessary number of officers on the roll, and that the salaries are in some cases extravagant. So we thought it might not be amiss to go over the roll with them and eliminate the surplus number or reduce the superfluous amount.

Mr. HOPKINS. I desire to say to the gentleman from Ohio that for three or four years past we have been following the lead of these gentlemen on conference committees in regard to this question. They come in here and make their report upon these matters with a good deal of force and gesticulation. We get just about such reports as we get here to-day. Under the lead of these gentlemen the House votes to non-concur in the action of the Senate, but ultimately we have had to abandon that position, to back down; and if we are going to do that now, I for one would rather do it at this time and gracefully than after we have had three or four votes on this proposition and then do it.

Mr. BUCKALEW. I would like to ask the gentleman whether the Senatorial argument means a change of the Senate employes, making them annual officers.

Mr. BUTTERWORTH. The question here presented is a somewhat different one. I am not prepared to say that our friends there will insist upon the full number that they demand, and they do not deny our right to inquire into the matter. So it is only a question how far we shall go in attempting to dictate the number and compensation of their employes.

Mr. HOPKINS. I think we ought to consider this very carefully before we vote to non-concur. If we do so vote, then we ought to stick to it; for I would rather drop out the whole appropriation with all it carries, and see it fail, rather than recede from the position we take on that matter. I do not wish to see year after year the humiliating spectacle presented here that we have had heretofore on various occasions when the House has voted again and again to non-concur and then ultimately receded.

Mr. BUTTERWORTH. One of the troubles in regard to this question has grown out of the fact that we recognize the necessity of each

member having a clerk, but we do not rush precipitately to vote for that which we ourselves require [laughter]; and we have sometimes assailed the Senate for doing for themselves, and promptly, what we ought to do for ourselves.

Mr. MOREY. I would like to inquire of my colleague from Ohio, as he is a recognized authority on the subject, whether it is not perhaps a proper case for the doctrine of reciprocity.

Mr. BUTTERWORTH. I think it is, and I am willing to adopt that system if the House will sustain us, and vote for clerks for the members of the House. I have no doubt that the country will sustain it, for it is necessary and just and proper for the transaction of the business. There is not a member on this floor who can be catechised under the civil-service rules and on that examination tell the substance of five bills pending on our Calendars, because he is driven into other matters which he can not refuse to attend to, matters of public concern to his constituents at the Departments. And every member here knows that the only way that our constituents can reach the Departments is through their member of Congress. For that reason it is proper that we should have assistance, because there are duties devolving upon him outside of those which pertain to him as a member of this House.

Mr. CUTCHEON. Let me ask the gentleman from Ohio whether he means by "reciprocity" that we are to let the Senate have clerks provided they will force them upon us, because we do not dare to do it ourselves?

Mr. BUTTERWORTH. No; I do not want to be forced, but I am willing to yield very gracefully if it is done. [Laughter.]

Mr. ENLOE. I want to ask the gentleman a question—[Cries of "Vote!" "Vote!"]

The SPEAKER *pro tempore*. The question is on agreeing to the motion of the gentleman from Ohio that the House insist upon its disagreement to the amendments of the Senate.

The motion was agreed to.

Mr. ENLOE. I desired to ask a question of the gentleman, but I suppose I will have to do it privately now.

EVENING SESSIONS FOR DEBATE ON ELECTION BILL.

Mr. BUCKALEW. I desire to ask unanimous consent of the House for a matter connected with its proceedings. I ask unanimous consent of the House that an order be entered for a continuation of the public debate upon the election bill on Monday evening, commencing at 8 o'clock, and that speeches be limited to twenty minutes. I have conferred with gentlemen on both sides, and it is absolutely necessary to make some such arrangement.

Mr. SPRINGER. Does the gentleman propose the House shall take a recess at 5 o'clock?

Mr. BRECKINRIDGE, of Kentucky. Say 5.30.

Mr. BUTTERWORTH. For debate only?

Mr. BUCKALEW. Yes; for twenty-minute speeches, commencing at 8 o'clock.

The SPEAKER *pro tempore*. The Chair will submit the request of the gentleman, that the House take a recess on Monday afternoon at 5.30 o'clock until 8 o'clock the evening session to be devoted to debate only on the election bill, the time being limited to twenty-minute speeches.

Mr. HEMPHILL. Can I ask for a session for Saturday afternoon on the same terms?

Mr. SPRINGER. Make that request separately.

Mr. HEMPHILL. Very well.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection, and it was so ordered.

Mr. HEMPHILL. Now, Mr. Speaker, I ask that the same order be made for Saturday evening. That the House take a recess at 5.30 until 8 o'clock, the evening session to be for debate only on the election bill, the time to be limited to twenty minutes.

Mr. KILGORE. And the evening session to be limited to half past 10? [Cries of "Oh, no!"]

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection, and it was so ordered.

LEAVE OF ABSENCE, POST-OFFICE EMPLOYEES.

Mr. KETCHAM. Mr. Speaker, I ask unanimous consent to print in the RECORD the report of the Committee on the Post-Office and Post-Roads on the bill H. R. 10086, passed by the House on yesterday, together with letters from the Department in reference to the same.

The SPEAKER. Is there objection?

There was no objection.

The report and letters are as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., May 5, 1890.

SIR: In reply to your request of the 2d instant, relative to House bill 6448, being a bill "granting leaves of absence to clerks and employes in first and second class post-offices," etc., I beg to state that the amended bill, as follows, "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that from and after July 1, 1890, clerks and employes attached to first and second class post-offices be allowed leaves of absence, with

full pay, for not exceeding fifteen days in any one fiscal year, provided no clerk or employé be granted leave until he has performed service for one year," will not involve an additional appropriation for clerk-hire.

The bill, as amended, strikes out section 2, providing for the employment of substitute clerks at the rate of \$600 a year each, and also section 3, making an additional appropriation for clerks in post-offices, and amends section 1 by eliminating the third-class post-offices.

The effect of the amendment, therefore, is simply to authorize leaves of absence, with full pay, to clerks and employés attached to first and second class offices for not exceeding fifteen days in any one fiscal year, provided the clerk or employé has performed service for one year.

Very respectfully,

JOHN WANAMAKER,
Postmaster-General.

Hon. J. H. KETCHAM,
Chairman Subcommittee House Committee on
the Post-Office and Post-Roads, Washington, D. C.

Mr. KETCHAM, from the Committee on the Post-Office and Post-Roads, submitted the following report, to accompany H. R. 10086.

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (H. R. 6448) granting leaves of absence to clerks and employés in first, second, and third class post-offices, report therefor a substitute, namely: Strike out all after the enacting clause and insert as follows:

"That from and after July 1, 1890, the clerks and employés attached to first and second class post-offices be allowed leaves of absence, with full pay, for not exceeding fifteen days in any one fiscal year, provided that no clerk nor employé be granted a leave until he has performed service for one year."

This substitute for the original bill is approved and recommended by the Postmaster-General, who says in a letter addressed to the committee, dated May 5, 1890, "that it will not involve an additional appropriation for clerk-hire." The clerks in the different Departments of the Government, including the letter-carriers, are, under existing law, granted leaves of absence with pay.

The committee, believing that the same privilege should be given the over-worked clerks and employés in the first and second class post-offices, that the personnel and efficiency of the service will be improved by it, report the bill favorably and recommend its passage.

COMMITTEE ON THE POST-OFFICE AND POST-ROADS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., June 27, 1890.

MY DEAR SIR: During my absence this morning at the opening of the House session, Mr. DOCKERY, of Missouri, asked unanimous consent to recall from the Senate House bill 10086, copy of which I inclose, making assertion that to carry out its provisions it would entail a cost of about \$300,000. I shall endeavor to have the legislation acted upon to-day. The report in connection with the bill exhibits your letter dated May 5, 1890, the words "that it will not involve an additional appropriation for clerk-hire." I would be pleased to hear from you at once, as I have no knowledge upon what authority Mr. DOCKERY made statement to the House.

Very truly, yours,

HENRY H. BINGHAM,
Chairman Committee on the Post-Office and Post-Roads.

Hon. JOHN WANAMAKER,
Postmaster-General, Washington, D. C.

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., June 27, 1890.

SIR: In reply to your letter of even date, relative to House bill 10086, I beg to call your attention to my letter of May 5, 1890, addressed to Hon. J. H. KETCHAM, chairman of the subcommittee of your committee, in which I state that "it would not involve an additional appropriation for clerk-hire" to carry out the provision of the said bill for not exceeding fifteen days' leave for clerks and employés attached to first and second class post-offices.

Very respectfully,

JNO. WANAMAKER,
Postmaster-General.

Hon. H. H. BINGHAM,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives, Washington, D. C.

ORDER OF BUSINESS.

Mr. TRACEY. I ask unanimous consent to print some proposed amendments on the election law in the RECORD.

Mr. CANNON. Touching what?

Mr. TRACEY. The election bill.

Mr. CUTCHEON. For information only?

Mr. TRACEY. For the information of the House.

Mr. CANNON. The gentlemen in charge of the bill, the chairman of the committee [Mr. LODGE], and the gentleman from Illinois [Mr. ROWELL] are both absent.

Mr. TRACEY. I would like to have the gentleman from Massachusetts [Mr. LODGE] read the amendments. That is one reason I would like to have them printed in the morning.

Mr. CANNON. Can not that be done just as well to-morrow?

Mr. TRACEY. If it is not done to-night they can not be printed in the RECORD to-morrow morning. The amendments are not long.

Mr. CANNON. They can not be voted upon until next week, so that it will make no difference and you can have them appear in the RECORD Sunday morning.

Mr. TRACEY. There are only three or four lines.

Mr. CANNON. Has the gentleman spoken to the members in charge of the bill [Mr. LODGE and Mr. ROWELL]?

Mr. TRACEY. No, sir.

Mr. CANNON. As the amendments can be printed in the RECORD Sunday morning, and as both of these gentlemen are absent, I should prefer to have the gentleman speak to them first.

Mr. TRACEY. It might improve the bill, I think, if they were adopted.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RANDALL, for one week, on account of important business.

To Mr. PICKLER, for two weeks, on account of important business.

To Mr. WICKHAM, for six days, on account of important business.
To Mr. SHERMAN, indefinitely, on account of sickness in his family.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed, without amendment, the joint resolution (H. Res. 183) to provide for the unexpended balance, \$99,430.07, for discharging claims of letter-carriers for extra compensation under the eight-hour law, approved May 25, 1888, and appropriated for the fiscal year ended June 30, 1888.

The message also announced that the Senate had passed, with an amendment, the bill (H. R. 982) to provide for the admission of the State of Wyoming into the Union, and for other purposes, asked a conference with the House on the bill and amendment, and had appointed Mr. PLATT, Mr. CULLOM, and Mr. JONES of Arkansas conferees on the part of the Senate.

APPOINTMENT OF CONFEREES.

The SPEAKER announced the appointment as conferees on the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes—Messrs. BUTTERWORTH, CANNON, and FORNEY.

ORDER OF BUSINESS.

Mr. MCADOO. Mr. Speaker, if recognized, I would like to take the floor in the morning on the election bill. I understood that I was to be recognized next, and I would like to take the floor with the understanding that I should resume my remarks in the morning.

Mr. CANNON. This session was extended beyond 5 o'clock for the consideration of a conference report only.

Mr. SPRINGER. The gentleman from New Jersey [Mr. MCADOO] does not desire to address the House now; he simply wishes to be recognized to-morrow.

Mr. CANNON. If there is to be a pension session this evening, the House ought to adjourn without further debate.

Mr. SPRINGER. He does not desire to speak now; he simply desires to be recognized.

The SPEAKER. It will make no difference to the gentleman from New Jersey. A recognition now would not hold over a recess.

Mr. SPRINGER. He simply desired to have it understood that he should be recognized to speak first on the bill in the morning.

Mr. KILGORE. I demand the regular order.

The SPEAKER. According to the regular order, the House stands in recess until 8 o'clock this evening, in accordance with the rule of the House.

EVENING SESSION.

The recess having expired the House was called to order by Mr. PERKINS as Speaker *pro tempore*, who directed the reading of the following communication.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, June 27, 1890.

Mr. PERKINS, of Kansas, is hereby appointed Speaker *pro tempore* for this evening's session.

T. B. REED, Speaker.

BILLS PASSED.

Bills of the following titles, coming over from preceding Fridays' sessions, were considered, and the question being on their passage, they were accordingly passed, namely:

A bill (S. 1902) granting a pension to Sarah C. Anderson and children under sixteen years of age;

A bill (S. 1681) granting a pension to John Bridenback, late private Company L, Fourth Regiment Ohio Volunteer Cavalry;

A bill (S. 2369) granting an increase of pension to Oscar S. Collins;

A bill (S. 1103) granting a pension to Robert H. Stewart;

A bill (S. 2309) for the relief of Joseph O. Cotton, dependent father of Gregory H. Cotton;

A bill (S. 1304) granting an increase of pension to Stephen D. Redfield;

A bill (S. 1302) granting a pension to John Bechen, sr.;

A bill (S. 503) granting a pension to Ellen G. King;

A bill (S. 2197) to increase the pension of Ziba Yarnell;

A bill (S. 1365) granting a pension to Annie E. Dixon;

A bill (S. 1064) granting a pension to Margaret E. Adamson;

A bill (S. 1082) granting a pension to Frederick Kidwiler;

A bill (S. 2734) granting a pension to Ada Johnson;

A bill (S. 513) granting a pension to Alfred Denny;

A bill (S. 1446) granting a pension to Elizabeth Wilson;

A bill (S. 1817) granting a pension to Mary F. Hopkins;

A bill (S. 1471) granting increase of pension to James W. Showalter;

A bill (S. 2200) for the relief of Mary E. Johnson;

A bill (S. 2411) granting a pension to Eugene B. Tabler;

A bill (S. 2420) granting a pension to Jane Wood, widow of Clayborne Wood, late of Company C, Thirty-third Ohio Infantry Volunteers;

A bill (H. R. 6164) to increase the pension of Thomas H. Isbell;

A bill (H. R. 8079) granting an increase of pension to James W. Lathé;

A bill (H. R. 9024) granting a pension to John Pickard;
 A bill (H. R. 7869) granting a pension to Sophia J. Dimick;
 A bill (H. R. 8532) granting a pension to Mary Webster;
 A bill (H. R. 4921) granting a pension to Warren R. Hale;
 A bill (H. R. 3018) granting a pension to J. Phil. Haribert;
 A bill (H. R. 4930) granting a pension to Joseph Fisher;
 A bill (H. R. 8584) to increase the pension of Edward Healy;
 A bill (H. R. 2128) granting a pension to Mrs. Zelinda Hill;
 A bill (H. R. 5521) granting a pension to Miss Frances Thatcher;
 A bill (H. R. 2229) granting a pension to Ira Manley;
 A bill (H. R. 8309) granting an increase of pension to Willis Sturgeon, of Hart County, Kentucky;

A bill (H. R. 7658) granting a pension to Isaac Kelly;
 A bill (H. R. 7338) granting a pension to Louisa M. Sippell;
 A bill (H. R. 7734) granting a pension to Mrs. M. M. Bogle;
 A bill (H. R. 9580) granting a pension to Rebecca Tussey;
 A bill (H. R. 2965) granting a pension to Rachel Barnes;
 A bill (H. R. 6916) for the relief of Adeline Bly, widow of a soldier of the war of 1812;

A bill (H. R. 2512) granting an increase of pension to Hugh McHugh;
 A bill (H. R. 2244) granting a pension to Lewis W. Bloom, of Etna, Kans.;

A bill (H. R. 9317) granting a pension to Margaret M. Clements;
 A bill (H. R. 3606) granting a pension to Irena Wilkinson Gibson, only child of David Wilkinson, of the Revolutionary army;

A bill (H. R. 5208) granting an honorable discharge to David C. Clause;
 A bill (H. R. 2174) to remove the charge of desertion from Ellery C. Folger;

A bill (H. R. 10122) granting a pension to Mary L. Radford, widow of William Radford, late rear-admiral United States Navy;

A bill (H. R. 5144) granting a pension to Jonas H. Keen;
 A bill (H. R. 4853) to pension Gabriel Stephens;
 A bill (H. R. 2005) to increase the pension of Bennett S. Shang;
 A bill (H. R. 10445) to increase the pension of Evelyn W. Miles;
 A bill (H. R. 8822) increasing the pension of Samuel D. Pitcher;
 A bill (H. R. 3706) to remove the charge of desertion from the record of John A. Jack;

A bill (H. R. 2430) granting a pension to Ruth A. Ball;
 A bill (H. R. 8259) to grant a pension to Lydia Zeigler;

A bill (H. R. 5031) granting a pension to George W. White;
 A bill (H. R. 9424) to increase the pension of Eben E. Smith;

A bill (H. R. 2802) granting a pension to Conrad Stephan;
 A bill (S. 2245) granting increase of pension to Mrs. Adelaide H. Woodall;

A bill (S. 1269) granting a pension to James M. McKinney;
 A bill (S. 1546) granting an increase of pension to Mrs. Sallie H. Michler, widow of the late Bvt. Brig. Gen. Nathaniel Michler, United States Army;

A bill (S. 168) granting a pension to William Gardner;
 A bill (S. 1282) granting a pension to Alice Nichols;
 A bill (S. 640) granting a pension to Annie D. Rundlett;

A bill (H. R. 5348) to place the name of Sarah A. Smail upon the pension-roll and grant her a pension of \$25 per month;

A bill (H. R. 8595) for the relief of William Bishop;
 A bill (H. R. 8060) for the relief of William Karger;

A bill (H. R. 5102) for the relief of Boston P. Spencer;
 A bill (H. R. 7875) granting a pension to E. Patton, of Benedict, Kans.;

A bill (H. R. 9565) granting an increase of pension to Joseph N. Wilson;

A bill (H. R. 9045) granting an increase of pension to Charles Barker;
 A bill (H. R. 8262) for the relief of Parker Adams; and
 A bill (H. R. 9627) granting a pension to Lydia F. Fryer.

Mr. KILGORE. I have just come in, and I would like to know what bills these are.

The SPEAKER *pro tempore*. Those that were considered two weeks ago, and have come over as unfinished business.

Mr. KILGORE. There was an order made as to each one carrying it into a full House.

The SPEAKER *pro tempore*. No; those two as to which that order was made have not been brought up for consideration and will not be.

There are two bills, as the gentleman from Texas will remember, upon which the previous question was ordered, and it was agreed that there should be thirty minutes' debate on those.

Mr. KILGORE. But the bills of the entire session one night were ordered to a full House.

Mr. BAKER. They have all been passed.

The SPEAKER *pro tempore*. They were made the special order for a certain day, and that day having passed they were brought up to-night as unfinished business.

Mr. KILGORE. That relates to the bills considered just now?

The SPEAKER *pro tempore*. They were considered two weeks ago to-night.

Mr. KILGORE. What is the reason they were not disposed of in the regular order?

The SPEAKER *pro tempore*. If the gentleman will remember, the gentleman from Tennessee [Mr. ENLOE] consented that they might be read a third time, but he did not consent that the previous question should be ordered or that they should be passed that evening; hence no arrangement was made and they were laid aside. They were to be brought up as unfinished business.

Mr. KILGORE. Was it not arranged that they were to be carried into a full House?

The SPEAKER *pro tempore*. No arrangement was made as to that.

Mr. KILGORE. That only related to two or three certain bills?

The SPEAKER *pro tempore*. That is all, and they have not been brought up and will not be.

Mr. KILGORE. How many are there in that batch?

The SPEAKER *pro tempore*. There is one bill here which the Clerk will read the title of—

Mr. KILGORE. Then the question is on the third reading?

The SPEAKER *pro tempore*. They were all read the third time, and the question is on the final passage of this bill.

Mr. KILGORE. I think they ought to be read by caption.

The SPEAKER *pro tempore*. They were all read by caption.

Mr. KILGORE. Each one ought to be voted upon separately. That will be a more business-like way than the proposition to vote on the whole batch in bulk.

The SPEAKER *pro tempore*. If the gentleman from Texas insists upon it, they will be submitted again so that he may hear the titles of them when read; but they were all read.

Mr. KILGORE. I do not think it is business-like to come here and read the titles of a great batch of bills and then say that these shall be passed if there is no objection to them. I will not insist upon the reading of the bills, which I could do as gentlemen well understand, but I think it would be a very good idea to submit each one separately; and I make that suggestion just in the interest of business-like methods, and not for the purpose of obstruction.

The SPEAKER *pro tempore*. If the gentleman from Texas will permit a suggestion, he will remember that at the time these bills were considered some of the reports were read, and all of them were published, so that members have had from that time up to this to examine the reports published in the RECORD; and the Chair submitted them to the House for objection, and there was no objection.

Mr. KILGORE. Well, now, there may be some bill in that lot I would like to cut off. There are some that I should have cut off had not the gentleman from Tennessee [Mr. ENLOE] taken the contract.

The SPEAKER *pro tempore*. There is one bill here that has not been engrossed for a third reading and read the third time. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 8332) granting a pension to Mary E. Graham.

The SPEAKER *pro tempore*. The question is on ordering the bill to be engrossed for a third reading as amended. Without objection, it will be so ordered. The Chair hears no objection and the bill will be considered as read the third time. The question is, Shall the bill pass? Without objection, it is so ordered. The Chair hears no objection.

Without objection, the titles to the several bills to which amendments were made will be considered as amended so as to conform to the contents of the bills. The Chair hears no objection.

Mr. MORRILL. I move to reconsider the several votes by which the various bills were passed; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRISONERS OF WAR PENSION BILL.

Mr. O'DONNELL. Mr. Speaker, on the 18th of December last there was offered in this House by one of the best friends of the soldier ever a member of this body [Mr. MORRILL], a gentleman who has devoted nearly all of his time and labor to promote their interests, and whose efforts will endear him to all the soldiers of the nation, a bill pensioning prisoners of war. This bill has not yet been enacted into law.

No more righteous bill than this providing for pensioning prisoners of war has been offered in this Congress. The men who passed the ordeal of prison life in the South have richly earned pensions, and the allowance of \$2 per day for the time while held captives. The amount is small; it is a pitiable compensation for the suffering they endured.

No one of the noble army of martyrs who lived through those horrors would again serve thirty days of that imprisonment for the largest pension you are likely to vote any of them. The record of the treatment of the prisoners of war is the most mournful of all the chapters of the unhappy history.

Let us, as far as we can, obliterate the fearful recollection. This bill deserves a unanimous vote in its favor. It is a sorry commentary that it has not been enacted long ago. Can it be that prosperity so blunts the finer instincts of patriotism that these men who gave so much for the country are neglected for a quarter of a century by the Government for whose perpetuity they suffered so much? The prisoner of war was faithful to the flag of the Union when that faithfulness cost suffering.

starvation, and nakedness. The moral grandeur of their fidelity to the Government which seemed to forget them in their captivity has never received its full appreciation.

In the crucible of misery they were tried, and were faithful to the flag under which they enlisted. They never knew or thought of any other flag or Government except the banner and Government of the Republic, their love and devotion to which no calamity could weaken; their patriotism and self-denial were exhibited under terrible trials. By a baptism of suffering they became children of the Republic, and no inducement of release from misery, wretchedness, and suffering could tempt them to forget the cause for which they periled all. With them life, liberty, and happiness were freely offered for the Union. They put away the evil genius of selfishness and remained true to their country. Their sufferings and sorrows grew, but instead of faltering they kept the faith, and their patriotism and devotion shine out resplendent.

Never during all that long and terrible struggle was there such a trial of souls by the ordeal of war. Their valor and their heroism should win the homage of history and the gratitude of the American people. Few of us to-day can comprehend the splendor of their resolve, the sublimity of their sufferings, and the granitic character of these captives of the war. Their imprisonment was a gigantic sum of suffering, loss, and grief, with a multitude of deaths. It is impossible to estimate their suffering; it is impossible to contemplate without pitying admiration the fidelity of these men who gave so much without a murmur for the redeemed glory of the flag. That they are unremembered up to to-day shows the speed with which time is pressing back the scenes of the civil war.

The memory of their grand faithfulness the ages should not obliterate. Libby, Belle Isle, Florence, Salisbury, and Andersonville—around these names linger memories of misery. There is no light in the gloom; the poor prisoner of war saw it not; all the hope he gained was from the skies, which were full of pitying sunshine. In the prisons of the South forty-five thousand boys in blue gave up life; around the stockades the bones of thousands of our soldiers molder until the judgment day. It is by the sacrifices of such men that civilization was made worthy of survival, and it survives only by the sacrifice of such great souls. Forty-five thousand died in these prisons that the Republic might live. And if the shadowy hosts could pass in silent review above us they would rejoice if just laws for their surviving comrades in sorrow and suffering were enacted.

What an appeal for justice their ashen lips would utter were speech a gift of the dead! They will look down approvingly if we are just. To pass this bill will soften the memories of the survivors. Few of the mighty array who rode in the hurricane of civil war endured and suffered what these prisoners endured and suffered as they were dragged by the iron chain of necessity.

Mr. Speaker, I send to the Clerk's desk to be read this letter from a commander of the Confederate forces, taken from the archives of the Confederate government, which but too truly confirms the suffering of the men at Andersonville. This letter mournfully establishes the fact that those who entered there left hope behind:

ANDERSONVILLE, August 5, 1864.

COLONEL: The following additional report of my inspection at this point is respectfully submitted:

My duty requires me respectfully to recommend a change in the officer in command of the post, Brig. Gen. J. H. Winder, and the substitution in his place of some one who unites both energy and good judgment with some feeling of humanity and consideration for the welfare and comfort (so far as is consistent with their safe-keeping) of the vast number of unfortunates placed under his control; some one who at least will not advocate deliberately and in cold blood the propriety of leaving them in their present condition until their number has been sufficiently reduced by death to make the present arrangement suffice for their accommodation; who will not consider it a matter of self-laudation and boasting that he has never been inside of the stockade, a place the horrors of which it is difficult to describe, and which is a disgrace to civilization; the condition of which he might, by the exercise of a little energy and judgment, even with the limited means at his command, have considerably improved.

I am, colonel, very respectfully, your obedient servant,

D. T. CHANDLER,

Assistant Adjutant and Inspector-General.

Col. R. H. CHILTON,

Assistant Adjutant and Inspector-General, C. S. A., Richmond, Va.

And now I close the fearful chapter by asking that this order, also taken from the records, be read:

[Orders, No. 12.]

HEADQUARTERS CONFEDERATE STATES MILITARY PRISON,

Andersonville, July 27, 1864.

The officers on duty and in charge of the battery of "Florida artillery" at the time, will, upon receiving notice that the enemy have approached within 7 miles of this post, open fire upon the stockade with grape shot, without reference to the situation beyond these lines of defense.

It is better that the last Federal be exterminated than be permitted to burn and pillage the property of loyal citizens, as they will do, if allowed to make their escape from prison.

By order of John H. Winder, brigadier-general.

W. S. WINDER,

Adjutant-General.

I present these testimonies of the inhumanity to the prisoners at Andersonville, not to revive the recollections of the hateful and terrible

period, but for the purpose of exhibiting to you what these men who ask a slight recompense for their suffering endured. I would not recall that fearful period in our nation's history. This neglect by Congress of these devoted soldiers may well challenge the attention of the student of human affairs, who will marvel at such ingratitude on the part of any nation. The hour for justice has long since gone by; it should be deferred no longer. These surviving prisoners of war are growing old; the awful experience that was theirs has left the ineradicable impress of suffering. With too many, adversity sits an unwelcome guest at their hearthstone. To enact this bill into law will, I know, in many instances, light up the whitened faces of hunger and despair.

Every member should, and I believe will, vote for this bill. We will thereby do a moiety of justice to these suffering patriots, who have up to this date only received the neglectful attention of Congress. By this they, if possible, will forget the past. The transforming and renewing hand of time is hiding away from the memory of men the scenes of those wretched days. We seek to continue the rebuilding of the country. With us the war is the skeleton of the past, smiling peace the genius of the present. We bind up the nation's wounds, care for its defenders, pursue the conquests of peace, and thus "close the last furrow of war, extinguish the last prejudice, efface the last vestige of hate."

ORDER OF BUSINESS.

Mr. MORRILL. I move that the House resolve itself into Committee of the Whole for the consideration of bills under the special rule for Friday evening sessions.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. KERR, of Iowa, in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills on the Private Calendar, and the Clerk will report the first bill.

W. ZISTER.

The first business on the Private Calendar was the bill (H. R. 7614) granting a pension to W. Zister.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of W. Zister, widow of Frank Zister, Company H, Twenty-seventh Missouri Volunteer Infantry.

Mr. KILGORE. I insist upon the reading of the report.

The CHAIRMAN. The report will be read.

The report (by Mr. TURNER, of New York) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7614) granting a pension to Waldeburga Zister, submit the following report:

That the claimant is the widow of Frank Zister, late a private in Company H, Twenty-seventh Missouri Volunteer Infantry; that the soldier suffered ever after his discharge from chronic diarrhea, which greatly debilitated him. This continued up to 1882, when he died of cancerous stomach. H. C. Dalton, attending physician, says in affidavit that he was suffering from diarrhea when admitted to hospital, and that this may have been the cause of the soldier's disease.

This claim was rejected in the Pension Office on the ground that the soldier's death was not the result of army service.

Your committee believe that there is sufficient doubt in the case to warrant favorable action on the bill. The claimant is old and very poor, and the committee recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CORNELIA A. STANLEY.

The next business on the Private Calendar was the bill (S. 563) for the relief of Cornelia A. Stanley.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act there be paid, out of the naval pension fund, to Cornelia A. Stanley, widow of the late Rear-Admiral Fabius Stanley, United States Navy, the sum of \$50 per month during her widowhood, the same to be in lieu of her present pension.

The report (by Mr. MARTIN, of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 563) granting a pension to Cornelia A. Stanley, submit the following report:

This bill was reported favorably by the Senate Committee on Pensions, which report is adopted by the majority of this committee and is in the following words, to wit:

"The Committee on Pensions, to whom was referred the bill for the relief of Cornelia A. Stanley, have examined the same and report:

"The claimant is the widow of Fabius Stanley, who died on the 5th of December, 1882. She was married to him January 5, 1861, his former wife having died previous to 1833.

"Fabius Stanley was appointed a midshipman in the Navy December 23, 1831, and was promoted from time to time and became a rear-admiral February 12, 1874, and died of angina pectoris, which originated from exposure in the line of duty.

"This claimant filed a declaration for a pension February 28, 1883, and was allowed a pension at the rate of \$20 per month, May 10, 1883, from February 28, 1883, and now asks an increase to \$50 per month.

"In view of the long and faithful service of Rear-Admiral Stanley, and the amount allowed to widows of officers of like rank, we approve this application, and recommend the passage of the bill."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CORNELIA R. CHANDLER.

The next business on the Private Calendar was the bill (H. R. 1992) to increase the pension of Cornelia R. Chandler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to increase the pension now allowed by law to Cornelia R. Chandler, widow of the late Rear-Admiral Chandler, from thirty to fifty dollars per month.

The report (by Mr. TURNER, of New York) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1992) granting an increase of pension to Cornelia R. Chandler, submit the following report:

That the claimant is the widow of the late Rear-Admiral Chandler, a distinguished officer who served continuously from 1845 till his death, in 1889, when he died from sun-stroke while on duty in Japan.

The claimant is fifty-seven years of age, and has no other means of support than her pension of \$100 per month and the income of a small property, not exceeding \$2,500. She has one minor son and a minor daughter, both of whom are to a considerable degree dependent on her for support. In view of the distinguished services of her late husband, the age and financial condition of the claimant, and the numerous precedents for such legislation, your committee favorably report the bill with the recommendation that it do pass.

Mr. KILGORE. I did not understand, Mr. Chairman, the reading of the report exactly, but I think it read that the beneficiary of that bill is already receiving a pension of \$100 a month.

The CHAIRMAN. The bill proposes to raise the amount of the pension from \$30 to \$50 a month.

Mr. COBB. What was said about income in that report? I think there was something said in the report about her now having an income of \$100 a month.

Mr. KILGORE. Perhaps the report had better be read again.

The report was again read.

The CHAIRMAN. There is evidently a mistake in the report, and, if there be no objection, the bill will be laid aside without prejudice.

Mr. FARQUHAR. I move that it be laid aside without prejudice, retaining its place on the Calendar, as there is evidently some error in regard to the matter.

The CHAIRMAN. Without objection, the bill will be laid aside without prejudice, retaining its place on the Calendar.

There was no objection.

Subsequently,

Mr. TURNER, of New York, said: Mr. Chairman, having come into the Hall somewhat late, I am informed that House bill (H. R. 1992) to increase the pension of Cornelia R. Chandler was temporarily laid aside on account of some apparent discrepancy between the report and the bill. I ask that the case be taken up again.

The CHAIRMAN. If there be no objection, the bill will be taken up again.

There was no objection.

Mr. KERR, of Iowa. What amount of pension does this lady now receive?

Mr. TURNER, of New York. Thirty dollars.

Mr. KERR, of Iowa. The report says she is now receiving a pension of \$100.

Mr. TURNER, of New York. That is an error of the printer's. Her present pension is only \$30 a month. The report has been badly printed—I suppose owing to the peculiarity of my handwriting.

Mr. FARQUHAR. Another reason the bill was objected to was that from the language of the report it might be inferred that this lady enjoys an income of \$2,500 a year, when in fact that is the total amount of her property.

Mr. TURNER, of New York. That is what I intended to state.

A MEMBER. What pension does the bill propose to pay?

Mr. TURNER, of New York. Fifty dollars.

The report as corrected was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1992) granting an increase of pension to Cornelia R. Chandler, submit the following report:

That the claimant is the widow of the late Rear-Admiral Chandler, a distinguished officer who served continuously from 1845 till his death, in 1889, when he died from sun-stroke while on duty in Japan.

The claimant is fifty-seven years of age, and has no other means of support than her pension of \$30 per month and the income of a small property valued at not exceeding \$2,500. She has one minor son and a minor daughter, both of whom are to a considerable degree dependent on her for support. In view of the distinguished services of her late husband, the age and financial condition of the claimant, and the numerous precedents for such legislation, your committee favorably report the bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM P. WITT.

The next business on the Private Calendar was the bill (H. R. 5585) granting a pension to William P. Witt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William P. Witt, late of Company B, Seventeenth Regiment of Kansas Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5585) granting a pension to William P. Witt, submit the following report:

Claimant enlisted July 13, 1864, as sergeant of Company B, Seventeenth Regi-

ment of Kansas Volunteers, for the term of one hundred days. Claim for pension rejected in the Pension Office because of claimant's inability to prove origin and connect present disability with service.

Claimant states that he was taken sick at Camp Curtis, near Leavenworth, Kans., with camp diarrhea. Two of his comrades testify to his sickness at Camp Curtis, and the physician who was called to treat him immediately on his return from the service states that he (claimant) was seized with liver complaint and yellow jaundice, with finally rheumatism supervening, and had quite a protracted and serious confinement for six weeks or more.

The board of examining surgeons at St. Joseph, Mo., under date of July 9, 1884, report claimant entitled to one-half rate of pension.

Your committee are of the opinion that soldier contracted the disease from which he now suffers while in the service of the United States and in the line of duty. He is clearly entitled to a pension, and we therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY G. HEALY.

The next business on the Private Calendar was the bill (S. 789) granting a pension to Henry G. Healy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Henry G. Healy, late lieutenant-colonel of the Sixty-fifth New York Volunteers, at the increased rate of \$50 per month, in lieu of the pension he is now receiving, subject to the provisions and limitations of the pension laws.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 789) granting an increase of pension to Henry G. Healy, submit the following report:

That the facts are clearly set forth by the Senate report, which is adopted by this committee. The report is as follows:

"The Committee on Pensions, to whom was referred the bill granting an increase of pension to Henry G. Healy, have examined the same and report:

"This claimant enlisted as captain in the Sixty-fifth New York Volunteers, was promoted to the rank of major, which grade he held on the incurrence of the disabilities for which pension is claimed. Subsequently he was promoted to and mustered as lieutenant-colonel and then to colonel.

This claimant is in receipt of a pension at the rate of \$35 per month by reason of disability from gunshot wound of back and total deafness of left ear and sense of sight, being pensioned for the total rate, for the rank he held in the service at the time of the incurrence of the pensionable causes. The Commissioner of Pensions on application for increase refused to favorably consider the same, for the reason that under the existing law that rate for several disabilities can not be combined further than to allow total rate for the rank held at the date of incurrence. From this decision the soldier appealed to the honorable Secretary of the Interior, who, in affirming the decision of the honorable Commissioner of Pensions, makes use of the following language:

"He is entitled to \$35 per month for the deafness alone, and is rated at total for his rank as major for the gunshot wound of the back. It therefore appears that in the absence of either one of the pensionable causes he would still be entitled to the rate he is now receiving for the other. Prior to the passage of the act of August 27, 1883, increasing the rates of pensions for deafness, he was in receipt of \$35 per month, by reason of other disability (gunshot wound of the back); consequently no benefits were derived by the soldier from the passage of said act.

"The soldier has exhausted all of his rights and remedies under the general law; i. e., under existing laws he can not receive any higher rating than \$25 per month for the disability existing and resulting from the pensionable cause. "The evidence filed shows the soldier to be totally and wholly incapacitated for the performance of any and all manual labor and that he is entirely dependent on his pension for support and maintenance; that during more or less of the time each year he is confined to his bed, under the care of a physician, needing attention, and that he is dependent on those not legally bound to support him. That we are of the opinion that this degree of disability and helplessness is directly attributable to his army service, and in connection with the fact that he is entirely without property or income from any source and without the physical ability to earn one, we recommend that the bill do pass."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THEODORE GARDNER.

The next business on the Private Calendar was the bill (S. 2733) granting a pension to Theodore Gardner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Theodore Gardner, and pay him a pension at the rate of \$30 per month, in lieu of that which he now receives.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2733) granting a pension to Theodore Gardner, submit the following report:

That the Senate report clearly sets forth the facts in this case and is hereby adopted. The Senate report is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 2733) granting a pension to Theodore Gardner, have examined the same and report:

"A similar bill was introduced in the last Congress, and was favorably reported, which report is adopted and is as follows:

"Theodore Gardner, late sergeant of the First Battery, Kansas Volunteers, was pensioned under special act, approved June 13, 1873, at the rate of \$8 per month, for double scrotal hernia. The rating now under the pension laws, as shown by Digest, page 309, for double scrotal hernia may be from \$12 to \$17 per month.

"The pensioner made application for such increase under provisions of general law, and his application was rejected under section 5 of the act of July, 1882, which provides: 'That no person who is now receiving or shall hereafter receive a pension under a special act shall be entitled to receive in addition thereto a pension under the general law, unless the special act expressly states that the pension granted thereby is in addition to the pension which said person is entitled to receive under the general law.'

"As the act under which the soldier was pensioned fails to state that his pension therein granted was in addition to that which he would be entitled to receive under the general law, he asks for the passage of this act in order that he may receive the increased rating now granted for like disability to pensioners under the general law.

"It is apparent that the present rating is not as much as he is entitled to in his present condition, and also that his disability is increasing."

"The bill is reported favorably, with a recommendation that it do pass."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARIAH L. POOL.

The next business on the Private Calendar was the bill (S. 798) granting a pension to Mariah L. Pool.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mariah L. Pool, an army nurse during the late war of the rebellion, and pay her a pension of \$12 per month.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 798) granting a pension to Mariah L. Pool, submit the following report:

That the Senate report clearly sets forth the facts and is hereby adopted. The Senate report is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 798) granting a pension to Mariah L. Pool, have examined the same and report:

"This bill proposes to grant a pension to Mariah L. Pool, an army nurse, at the rate of \$12 per month. Miss Pool entered the service under the direction of Miss D. L. Dix, in October, 1862, and was assigned to duty in the Hammond General Hospital, Point Lookout, Md., and remained there over a year, and was given permission to return to her home to recuperate her health. She is now seventy years of age and an inmate of a home for aged women in California.

"We recommend the passage of the bill."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY KINNEY.

The next business on the Private Calendar was the bill (S. 820) granting a pension to Mary Kinney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Kinney, an army nurse during the late war of the rebellion, and pay her a pension of \$12 per month.

Mr. ALLEN, of Michigan. Mr. Chairman, that seems to be a very plain case, and, unless some gentleman objects, I suggest that the reading of the report be omitted so as to save time.

Mr. COBB. I object.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 820) granting a pension to Mary Kinney, submit the following report:

That the Senate report in this case is adopted. The report is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 820) granting a pension to Mary Kinney, have examined the same and report:

"A careful examination of the papers accompanying this bill shows that Miss Mary Kinney was commissioned in 1861 by James E. Yeatman, president of the Western Sanitary Commission and duly authorized agent of Miss D. L. Dix; that she was regularly detailed for hospital work at Corinth, Miss., and Memphis, Tenn., under Dr. Irving. She served as directed, and we recommend the passage of the bill."

The CHAIRMAN (Mr. KILGORE). The question is upon laying this bill aside to be reported to the House with the recommendation that it do pass.

Mr. COBB. I am not very familiar with the pension laws and I desire to inquire whether there is any general law for pensioning army nurses.

Mr. MORRILL. There is no such law. The only way of pensioning them is by special act.

Mr. COBB. Then, Mr. Chairman, it seems to me that we ought to hesitate about passing bills of this character.

Mr. SHIVELY. Because there is no general law?

Mr. COBB. Yes.

Mr. SHIVELY. If there was a general law we would not need to pass special acts.

Mr. COBB. Because there is no general law covering a whole class, is it right or proper that we should take up special individuals in that class and pension them from time to time by these special acts? If army nurses ought to be pensioned as soldiers are pensioned, why not pass a general law to that end and not have each one of these nurses who supposes that she is entitled to have a pension coming here for a special act? I shall not object to the consideration of this bill, but I will ask a vote upon it.

Mr. MORRILL. Mr. Chairman, if the gentleman had had the same experience on the Committee on Invalid Pensions that some others have had he probably would not have made the remarks he has just made. We have for months been carefully considering the question of a general bill for pensioning army nurses, but so far we have been utterly unable to frame a measure which would not let in a large class of persons who are not deserving, and we have thought it better to take up each individual case, examine it carefully, and report favorably only those which we have found meritorious, than to pass a general act which would necessarily include a large class of non-meritorious cases.

Upon examination of the records at the War Department it has been found that a large number of women were employed in the Army; some as cooks, some as laundresses, some as matrons in hospitals, and we have been unable to frame a general bill for nurses which would exclude those, because the records were not kept in such a manner as to show definitely what the duties of these women were. Finding ourselves

unable to frame a satisfactory general law, we have preferred to take up and report those cases that we believe to be meritorious and ask the House to act upon them in this way by special acts.

The CHAIRMAN. The Chair understands that the gentleman from Alabama [Mr. COBB] does not object to this bill being reported to the House favorably.

Mr. COBB. I will not object.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MAGGIE STAUFFER.

The next business on the Private Calendar was the bill (S. 798) granting a pension to Maggie Stauffer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Maggie Stauffer, an army nurse during the late war of the rebellion, and pay her a pension of \$12 per month.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 798) granting a pension to Maggie Stauffer, submit the following report:

That the Senate report clearly sets forth the facts and is hereby adopted. The report is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 798) granting a pension to Maggie Stauffer, have examined the same and report:

"Miss Maggie Stauffer was appointed a nurse under the authority conferred upon Miss D. L. Dix, and her certificate of appointment bears date February 17, 1863. She was discharged from the service May 24, 1865, by reason of 'discontinuance of hospital.' On the back of her discharge, J. M. Study, surgeon, in charge of Adams General Hospital, Memphis, Tenn., under date of May 31, 1865, says:

"Miss Maggie Stauffer has been connected with this hospital for more than two years, during which time she has performed her duties in the most satisfactory manner. Miss Stauffer I consider a lady in every sense of the word, and therefore most cheerfully commend her to the favorable consideration of any whom it may concern."

"We recommend the passage of the bill."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LUCY A. COFFIELD.

The next business on the Private Calendar was the bill (S. 1729) granting a pension to Lucy A. Coffield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lucy A. Coffield, an army nurse, and pay her a pension of \$12 per month.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1729) granting a pension to Lucy A. Coffield, submit the following report:

That the Senate report sets forth the facts in this case, and is hereby adopted. The Senate report is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 1729) granting a pension to Lucy A. Coffield, have examined the same and report:

"The claimant under this bill is now seventy-three years of age. She was matron in Van Buren Hospital, at Milliken's Bend, La., from April, 1863, to August, 1863. Mrs. M. A. Hickendyke, in an affidavit dated December 17, 1889, swears that Lucy A. Coffield was a good and faithful nurse, and gave satisfaction both to the medical director and the surgeon in charge of the hospital. Her health was completely broken down by the arduous duties attending her hospital work in that unhealthy climate.

"Your committee feel justified in recommending the passage of the bill."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. M. A. HOOPER.

The next business on the Private Calendar was the bill (S. 786) granting a pension to Mrs. M. A. Hooper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. M. A. Hooper, widow of Charles Hooper, deceased, late captain of Company A, Seventh Regiment New Hampshire Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 786) granting a pension to Mrs. M. A. Hooper, submit the following report:

That the facts in this case are clearly set forth in the Senate report, which is hereby adopted. The report is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 786) granting a pension to Mrs. M. A. Hooper, have examined the same and report:

"The husband of the claimant under the bill was captain of Company A, Seventh New Hampshire Volunteers, who was pensioned for gunshot wound of right shoulder, at \$15 per month. After his death, which occurred from congestion of the lungs, his widow made application for continuance of pension. This was rejected on the ground that 'the soldier's death from congestion of lungs was not due to the gunshot wound of right shoulder, as alleged.'

"Dr. J. F. Graham, who attended Captain Hooper in his last illness, states under oath:

"He was laboring under very severe engorgement of lungs at times from the effects of a gunshot wound received, as I verily believe, in the service. The ball had passed through the upper part of the chest, penetrating upper part of lung. I prescribed for him frequently from that time until his death. Soldier was a man of sober and temperate habits, and his disability was not aggravated in the least by intemperance. Said Charles Hooper died of pneumonia, which was rendered fatal in consequence of said wound. It is my judgment that said soldier's death was caused by said wound, and that he would have recovered had it not been for said wound."

"As between the somewhat speculative judgment of the medical director of the Pension Bureau and the practical judgment of the attending physician as to the point of connection between the soldier's wound and his death, the com-

ralties feel impelled to be governed by the latter; and they therefore report the bill favorably and recommend its passage."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LUCY I. BISSELL.

The next business on the Private Calendar was the bill (S. 707) granting a pension to Lucy I. Bissell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lucy I. Bissell, an army nurse during the late war of the rebellion, and pay her a pension of \$12 per month.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 707) granting a pension to Lucy I. Bissell, submit the following report:
As the Senate report clearly sets forth the facts in this case, it is hereby adopted. The report is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 707) granting a pension to Lucy I. Bissell, have examined the same and report:
"The papers accompanying this bill show the claimant was regularly appointed hospital nurse of the Twenty-second Regiment Illinois Infantry July 13, 1861, and performed her arduous duties faithfully. Henry Dougherty, colonel of the Twenty-second Illinois, certifies that Miss Bissell, even under most discouraging circumstances, has been unwavering and faithful in the performance of her duties, and that she has never received any pay from the Government or otherwise. A flattering testimonial is given by John C. Norton, assistant surgeon, United States Volunteers, in charge of general hospital No. 3, Paducah, Ky., under date of September 24, 1863. Her appointment by Miss Dix, and assignment to duty at Benton Barracks, Mo., February 28, 1864, and her transfer to Jefferson Barracks July 25, 1864, completes the record; and we recommend the passage of the bill."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARTHA F. WEBSTER.

The next business on the Private Calendar was the bill (S. 763) granting a pension to Martha F. Webster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha F. Webster, widow of Lewis Webster, late Lieutenant of Company K, Sixteenth Regiment Michigan Volunteer Infantry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 763) granting a pension to Martha F. Webster, submit the following report:
The facts in this case are clearly and fully set forth in the Senate report, which is hereby adopted. The report is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 763) granting a pension to Martha F. Webster, have examined the same and report:
"The claimant under this bill is the widow of Lewis Webster, deceased, late first Lieutenant of Company K, Sixteenth Regiment of Michigan Volunteers. The soldier enlisted on the 6th day of November, 1861, and was honorably discharged on the 8th day of December, 1862. In a formal application for pension, he alleged that he contracted chronic diarrhea and indigestion at or near Yorktown, Va., in May, 1862, and that at the seven days' fight near White Oak Swamp, on the march and during the night, he received a fall which caused a compound rupture.
"The Commissioner of Pensions rejected the claim on the ground 'that the alleged dyspepsia existed prior to enlistment,' and the claim for chronic diarrhea on the ground that it was due to the alleged dyspepsia and not to his military service."

"The claim for alleged double hernia was also rejected on the ground that the reports from the records of the War Department and the evidence obtained by a special examination of the case fail to show origin or existence of the same in the service and line of duty. Since the introduction of this bill, however, the Commissioner of Pensions has caused a careful re-examination of the claim, and has concluded to allow the claim for hernia from the date of filing the original application, February 4, 1882, to March 22, 1883, the date of the death of the soldier.
"The soldier died of paralysis, and under the opinion this result was caused or due to army service. The committee recommend the passage of the bill."

Mr. HILL. I wish to inquire what amount of pension this bill will carry.

Mr. MORRILL. Seventeen dollars if the soldier was a first lieutenant; \$15 if he was a second lieutenant.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY J. FOSTER.

The next business on the Private Calendar was the bill (S. 770) granting a pension to Mary J. Foster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Foster, widow of Milton S. Foster, late a private of Company A, Fifth Regiment Kansas Cavalry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 770) granting a pension to Mary J. Foster, submit the following report, as adopted by the Senate:

The claimant in this case is the widow of Milton S. Foster, of Company A, Fifth Kansas Cavalry, who enlisted August 4, 1861, and was discharged April 20, 1865. In her declaration for pension she declares that her husband contracted catarrh in the service and died therefrom December 16, 1872. The case was rejected on the ground that the soldier's fatal disease was consumption, and it was not proven to have been due to his military service. The prisoner-of-war records show that he was captured at Marks Mills April 26, 1864, and released at Red River Landing February 28, 1865. The Assistant Surgeon-General United States Army reports that no hospital records of the Fifth Kansas Cavalry were ever on file in his office, so the claimant is unable to show by the hospital records the incurrence of the disease in the service.

A. Thomas testifies that Foster was a strong, healthy man at the time of his enlistment, and that the exposure and hardships of his prison life were the main cause of his injury, which afterwards resulted in his death; that he knew him after the war, and that his constitution was completely broken down.

Other witnesses testify to his robust health at the time of his enlistment, and that he was broken down in health at the time of his discharge.

The evidence submitted to your committee seems to establish the fact at the time of his discharge from the service that he was suffering from catarrh in the head, which gradually increased until the bones of his face began to decay, and until, as one witness testifies, it seemed as though the whole inside of his head was rotten.

His death was caused by consumption, which your committee are satisfied was the natural sequence of the diseased condition of his head, and they therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

FRANCIS E. SMITH.

The next business on the Private Calendar was the bill (S. 1577) granting a pension to Francis E. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Francis E. Smith, late Lieutenant of Company H, Fifteenth Regiment Kansas Volunteer Cavalry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1577) granting a pension to Francis E. Smith, submit the following report:

That the Senate report clearly and fully sets forth the facts in this case, and is therefore adopted. The report is as follows:

"The Committee on Pensions, to whom was referred the bill granting a pension to Francis E. Smith, have examined the same and report:

"This claimant was enrolled as a private August 1, 1863, and was mustered into the United States service October 12, 1863, at Fort Leavenworth, Kans., as second Lieutenant of Company H, Fifteenth Regiment Kansas Volunteer Cavalry. On April 11, 1881, he made application for a pension, alleging that he 'contracted rheumatism and bronchitis at Fort Leavenworth, Kans., about September 1, 1863.' The claim was rejected by the Commissioner of Pensions on the ground 'that the claimant was dishonorably discharged from the military service on account of inefficiency and neglect of duty, as shown by the records of the War Department.'

"The claimant alleges further that while on duty at Fort Larned, in the State of Kansas, he was entirely disabled from the performance of duty, and while under order of his captain he was sent home to Chase County, Kansas; the disease continued in connection with pulmonary complaints contracted at the same time and place; that he was in the hospital at Fort Riley, Kans., about March, 1864, and at Fort Larned, Kans., about July, 1864.

"Fred P. Drew, acting assistant surgeon, United States Army, in a certificate dated Fort Riley, Kans., March 7, 1864, states that after a careful examination of Second Lieut. Francis E. Smith, of Company H, Fifteenth Kansas Cavalry, he finds him suffering from chronic bronchitis, accompanied with aphonia and in consequence is unfit for duty.

"Henry Penrod, of Lyon County, Kansas, swears that he first knew Francis E. Smith in the year 1861, in Lyon County, Kansas, at which time he appeared to be an unusually strong and robust man, and never knew or heard of said Smith being sick or complaining before he went into the Army; that he saw said Smith at different times during the war, and never heard him complain in any manner until the latter part of 1863; that he saw him on his return from the Army; he was then unable to do hard work; that he has known him ever since, and that he has often been incapacitated from business.

"The reputation of this affiant is officially vouched for as good by the postmaster at Emporia, Kans.

"S. E. Yeaman, of Chase County, Kansas, swears to an acquaintance commencing in 1858; that he was an unusually strong and robust man, and corroborates fully the affidavit of Mr. Penrod. Yeaman is vouched for as a reliable man by the postmaster at Eldorado, Kans. Col. Samuel N. Wood, a resident of Topeka, Kans., swears to an acquaintance commencing in 1859; that he worked for affiant and lived in his family, and was in good health; saw him daily until May 14, 1861, when affiant entered the Army; returned home in August, 1862, and knew claimant intimately until his enlistment in the Fifteenth Kansas Cavalry in 1863; he did not have rheumatism or bronchitis at that time; knew nothing of his physical condition after his enlistment until in July or August, 1864, when he came home from the Army; he was at this time suffering from rheumatism, and had a dry, hacking cough and physically was in bad condition. In answer to an office letter, the postmaster at Topeka, Kans., says: 'Mr. Wood's reputation is good.'

"John E. Dietrich, private, swears that he knew claimant prior to his enlistment and that in his belief he incurred rheumatism and bronchitis as alleged.

"J. E. Mann swears that from 1858 or 1859 to 1864 the claimant was an unusually strong man; that in 1864 was in the same company and that Smith was unfit for military duty and had to be hauled part of the way, on account of rheumatism.

"The widow of Moses Lacy swears that her husband treated said Smith professionally during the year 1855.

"Dr. J. W. B. Howett swears to treatment of said Smith during the year 1866 'for rheumatism and bronchial difficulty.'

"Dr. W. A. Carmack swears that he examined F. E. Smith in June, 1866, and found him afflicted with bronchitis complicated with aphonia, and have treated him frequently for the same from 1866 to the present date, December 2, 1881.

"Medical examinations held at Emporia, Kans., under date June 7, 1882, rate him for rheumatism at one-fourth total, for bronchitis at one-fourth total, and for varicose veins at one fourth total. Under date August 27, 1884, same board rates him for rheumatism and bronchitis at one-half total. The board at Independence, Kans., under date of January 19, 1887, rates him for rheumatism at one-half total, and for bronchitis at one-half total.

"A careful review of the facts here presented show conclusively that the claimant was a sound man prior to his enlistment; that during his term of service he was afflicted as alleged, and at the time of leaving the Army he was in such a physical condition as to be unfit for the performance of duty. Continuance is abundantly shown, and your committee feel justified in recommending the passage of the bill."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN K. EVANS.

The next business on the Private Calendar was the bill (S. 776) granting a pension to John K. Evans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, au-

thorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John K. Evans, late lieutenant Company C, Second Eastern Shore Maryland Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 776) granting a pension to John K. Evans, submitted the following report:
The Senate report very clearly and fully sets forth the facts in this case, which is adopted by this committee.

SENATE REPORT.

The claimant, John K. Evans, entered the service of the United States as second lieutenant of Company C, Second Regiment Eastern Shore Maryland Volunteers, October 2, 1861, and was honorably discharged October 28, 1864. On April 12, 1884, he made application for pension, and in his declaration he alleges:

"That at Falling Waters, Md., about July, 1863, he accidentally fell down the side of the mountain, fracturing his right leg above the knee."

The War Department reports "no record of the alleged disability." Alexander Winsome and John W. Whittington, comrades, testify to incurment of the alleged disability as set forth by claimant. Their presence at the time is verified by adjutant-general, and credibility established. Corporal John R. Webb, comrade, swears to incurment as alleged, "from information and knowledge gained at the time." His presence is verified by adjutant-general and fair reputation.

Isaiah Drake, M. D., swears to an acquaintance with claimant of about six years:

"First knew him in 1878, and treated him during the summers of 1878 and 1879 for fracture of the right leg and knee; his leg was ulcerated and discharging a great deal of pus, and the scent was very offensive; claimant's general health was not good; he was very feeble, the wound in his leg was very much inflamed, and he seemed to suffer the most excruciating pain. * * * Affiant can't give dates of treatment for the reason that he never charged soldiers for his professional services, and made no entries in his books and received no pay, and don't expect any. During period of treatment claimant was totally disabled; for about two years after affiant discharged him he was able to perform about one-eighth of an able-bodied man's labor. At the time his knee was totally stiff."

George W. Neville, M. D., became acquainted with claimant in 1873. Can't say he treated the soldier:

"Looked at his leg several times, and prescribed for him several times: Diagnosis: A fracture of right of femur, affecting the knee-joint, also necrosis of the right femur; it discharges a very offensive pus, causing him great pain, incapacitating him for manual labor entirely one year, and indeed greatly disqualifying him all the time for manual labor."

R. P. Jump, M. D., swears to an acquaintance with claimant from 1863 to 1873, and was an intimate friend; does not know when he enlisted, but so far as his knowledge goes he was perfectly sound before the war.

"Treated him from 1866 to 1873; first treatment was for neuralgia near right knee, which, in opinion of affiant, was caused by gunshot wound. The pain was often so severe that he could not perform labor of any kind for days at a time. Often used hypodermic injections of morphia, which would give temporary relief. * * * thinks claimant was disabled for the performance of manual labor one-fourth of the time."

Dr. Cooper, the regimental surgeon, in response to an office letter, states:

"Have no recollection of any injury of any moment sustained by claimant; * * * thinks was certainly not fractured, or he would have had some recollection of it."

The board of examining surgeons at Newton, Kans., May 21, 1884, "consider his disability equivalent to the loss of a limb, and rate him at third grade."

On June 26, 1885, Special Examiner A. M. Legg gives it as his opinion "that the claim is meritorious," and recommends further examination.

Rodney Chipp, special examiner, says there is evidence to show that there was a serious injury to leg and the existence of running sores prior to the service, and that they would not take him in one company owing to his sore leg; also existence of sore leg in service prior to date of alleged incurment. Hereafter the evidence of incurment in the service as of very little value, as each of the witnesses had a synopsis furnished him by claimant, which set forth exactly what claimant wanted. The examiner is of the opinion that there is no merit in the claim. This special examination, which embraced seventeen witnesses, whose testimony was mostly favorable to the claimant, developed four or five witnesses, and one of them a brother of claimant, who swear very positively to an injury prior to enlistment, which resulted in a sore leg and a running sore; and upon this adverse testimony the examiner reached his conclusion, as above stated.

John F. Fitzpatrick, special examiner, concludes his report by expressing the opinion "that claimant was injured and had a sore leg prior to enlistment, and recommends that the claim be rejected instantly;" and on November 29, 1886, the Commissioner of Pensions rejected the claim on the ground that the injury to right leg existed prior to his enlistment, as shown by evidence obtained during a special examination.

This soldier served a period of three years in the Army, was a good soldier, and notwithstanding the adverse testimony developed by these special examinations, and no hospital record except a furlough to go home after the alleged injury to his knee, to-day he is wholly unable to perform manual labor.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DOBSON AMICK.

The next business on the Private Calendar was the bill (S. 448) granting a pension to Dobson Amick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Dobson Amick, of Texas County, Missouri, a teamster in the late war, who was wounded three times and disabled.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 448) granting a pension to Dobson Amick, submit the following report:

That the Senate report clearly sets forth the facts in this case, and is hereby adopted. The Senate report is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 448) granting a pension to Dobson Amick, of Texas County, Missouri, a teamster in the late war, have examined the same and report:

"That it sufficiently appears from the evidence that the claimant was a teamster in the employment of the Government in the year 1865.

"That while on the road driving his wagon in a train loaded with Government supplies for Springfield, Mo., then in the possession of the United States

forces, on the 8th of March, 1865, while on duty, a detachment of the enemy fired from the woods near Sand Springs, on the road from Raleigh to Springfield, and shot said Dobson Amick three times. One bullet entered the right side, passed through, and came out at the left side of his chest; one in the right arm, and one in the right hip, which went into the body, and is the most serious. The claimant was hauled to the nearest United States hospital, and was there treated by a surgeon of the Army for six weeks.

"He recovered from his wounds, but was not able to do any further duty. The disability from his wounds has been ever since, and yet continues, such as to disable him from manual labor."

"This claim has been rejected by the Pension Office for the reason that the general law did not include teamsters as enlisted men in the service. We are of the opinion that this man incurred all the risk of a soldier in battle while in line of duty, and that he has suffered from wounds received in the cause if not in the technical military service of the country, and we therefore recommend the passage of the bill."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

J. M. STEVENS.

The next business on the Private Calendar was the bill (S. 1735) granting a pension to J. M. Stevens.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of J. M. Stevens, late private Company A, Forty-ninth Pennsylvania Volunteer Infantry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1735) granting a pension to J. M. Stevens, submit the following report:

John M. Stevens enlisted in Company A, Forty-ninth Regiment of Pennsylvania Volunteer Infantry, on the 19th day of August, 1861, and was discharged on a surgeon's certificate of disability March 7, 1862.

On October 10, 1883, he made formal application for pension, alleging that at Camp Griffin, Virginia, in September, 1861, he contracted malaria by camping in a swamp, and claims pension for general debility resulting from such cause, and in a subsequent declaration, filed March 25, 1886, he alleges rheumatism in October, 1861, at Lewinsville, Va.

Robert Martin testifies to prior soundness, and also states that after the war he knows of the poor health of the claimant.

Thomas Dehaas swears to an acquaintance with Stevens since 1864, and that he was not able to do more than one-fourth of an ordinary man's work. * * *

He was constantly complaining of poor health.

John Toynbee considers Stevens almost entirely unable to do manual labor. * * *

Would not give him his board for what he is able to do.

William O. Stearns swears that Stevens "is unfit to do manual labor. * * *

Complaining all the time."

Dr. S. R. B. Wilson states "disability istotal." Dr. J. Q. Eggleston states that he is probably unable to perform any manual labor during the colder seasons of the year, and during the summer perhaps one-fourth. J. B. Armstrong, examining surgeon at Gardner, Kans., reports his disability at three-fourths. The board at Ottawa, Kans., under date of March 7, 1888, rates him at seven-eighths.

The claimant was a sound man at enlistment; he has been in miserable health ever since his discharge from the Army. He is in extreme poverty, and we recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES E. KABLER.

The next business on the Private Calendar was the bill (S. 773) granting a pension to James E. Kabler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James E. Kabler, late a private in Company I, Tenth Regiment Kentucky Cavalry Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 773) granting a pension to James E. Kabler, submit the following report:

That the facts in this claim are clearly and fully set forth in the Senate report, which is hereby adopted. The report is as follows:

A similar bill passed both Houses of the Fiftieth Congress and failed to become a law by reason of the veto of the President. The facts are fully set forth in the accompanying report.

REPORT.

James E. Kabler, the claimant under this bill, enlisted as a private soldier in Company I, Tenth Regiment Kentucky Cavalry Volunteers, on the 10th day of August, 1862, and was discharged September 17, 1863.

On May 18, 1870, he made application for pension, alleging in his declaration "that on December 7, 1862, at Ashland, Ky., he contracted quinsy of the jaws and throat, caused by exposure while in the line of duty."

The claimant swears "that the quinsy has affected his whole system, causing him to break out in sores over his body, and while so broken out he is unable to perform manual labor. These spells occur in the spring and fall and lay him up one or two months each time, and that he has been disabled one-half since discharge;" * * *

"that he is unable to furnish further medical testimony."

The Surgeon-General reports him sick November and December, 1863. Dr. J. F. Fleming, regimental surgeon, swears to treatment of claimant for an affection of the throat, of the nature of quinsy, from September to December, 1862.

Lieut. George L. McCord swears that claimant contracted quinsy of the jaws and throat by reason of exposure at Ashland, Ky., December, 1862.

Dr. R. Wells swears that claimant was free from disease when he entered the service, and that he has treated him for quinsy of the jaws and throat from September, 1866, to March 29, 1871.

F. F. Asbury and B. F. Henderson swear that claimant suffered from and was afflicted with quinsy of the jaws and throat from the time of his discharge to September, 1866, and is suffering from the same at the present time.

Dr. Shackelford, medical examiner, rates him, under date of November 10, 1870, at one-fourth.

Dr. Gaston Boyd, Newton, Kans., April 1, 1874, finds "no disability."

Comrade Robert Cooper swears that he knows claimant had quinsy of the throat and jaws at date of discharge, as he was a messmate of claimant and has personal knowledge of the fact. This is corroborated by Comrade Mason Cooper.

Dr. Henry Owens and P. A. Medlin, Wichita, Kans., swear to an examination of claimant, and find him suffering from an affection of the throat and

jaws, which disables him one-half from the performance of manual labor, and that they believe his disability to be the effects of quinsy.

Drs. R. Wells and Nathan Wells, same as above.
 Joseph E. Willis, Henry Vandewarker, and Josiah Porter, neighbors, testify to continuance; * * * that he is frequently confined to his bed, * * * and totally incapacitated for the performance of manual labor one-fourth of the time, * * * and that his condition is such that he ought not to labor at all.

On December 21, 1881, he was examined by the Wichita board, who report "no disability from that cause" (quinsy). Dr. James R. Duncan, medical examiner, Newton, Kans., March 21, 1883, says:

"The claimant is partially incapacitated for obtaining his subsistence by manual labor * * * and that the disability is probably permanent, * * * and in obedience to special instructions he rates only for quinsy one-fourth."

The Commissioner of Pensions rejected the claim August 25, 1882, on the ground of no disability, due to results of quinsy, on account of which pension is claimed, since date of soldier's discharge.

The testimony shows that the disability was contracted in the service and its continuance clearly established; he is now poor and scarcely able to earn a support for himself and family, and we therefore report the bill favorably, with the recommendation that it pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THEODORE M. PIATT.

The next business on the Private Calendar was the bill (H. R. 1284) granting a pension to Theodore M. Piatt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Theodora M. Piatt, widow of Benjamin M. Piatt, late a captain and assistant adjutant-general of United States Volunteers, in the sum of \$50 per month.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1284) granting a pension to Mrs. Theodora M. Piatt, submit the following report:

This or a similar bill was favorably reported in the Fiftieth Congress, and your committee adopt the same report, as follows:

Benjamin M. Piatt, husband of Theodora M. Piatt, enlisted in the late war in 1861 as a volunteer, and was appointed assistant adjutant-general with rank of captain in the volunteer army on the 15th of May, 1862; promoted brevet major and major March 2, 1865, and honorably mustered out November 22, 1865.

Entered the regular Army as second lieutenant in the Forty-fourth United States Infantry, Veteran Reserve Corps, because not able to accept appointment of first lieutenant in the Twenty-fifth Regiment (active); promoted July 2, 1867, first lieutenant by brevet "for gallant and meritorious services in the battle of Chancellorsville," and to captain by brevet "for gallant and meritorious services in the battle of Gettysburg." Major Piatt seems to have been a great sufferer from a lame leg and general ill-health, and was a great sufferer after he was retired, and finally his mind gave way and in a moment of mental aberration he committed suicide on the 17th day of April, 1885, leaving a large and helpless family.

In his application for retirement we glean the following facts in regard to his disability. He says:

"I have had from my birth a slight lameness in my leg and foot. This lameness never materially disqualified me for active exercise of almost every sort, and until after a long, severe, and extremely debilitating sickness in 1862, my ankle joint never had the weakness it now has. Upon entering the volunteer army I was able to walk 10 or 15 miles a day without the use or necessity of a cane or any sort of assistance, and I believe I could do the same to-day but for the effects of what I have suffered in the service. I walked at fourteen months old, and was employed in my father's business (farming) as long as I remained at home.

"In the month of July, 1862, at Winchester, Va., I was prostrated by a violent attack of fever, accompanied by severe rheumatism, and was ill from that time until the latter part of August, when, believing myself able to return to duty, and being very anxious to join my brigade commander at Bull Run, I left Alexandria, Va., with a regiment of infantry and a battery of artillery that were under orders to report to General A. S. Piatt, then commanding a brigade in General Sturge's division. I went with these troops, I think, on the 1st of September, notwithstanding my great weakness and debility, as far as Fairfax Court-House, where we met the army. We remained near Fairfax that night, and I was for many hours exposed to terrible storm of rain that fell that night. The next morning I was very ill, but did not stop until I found General Piatt and reported to him the troops I was conducting. We then went to Fort Corcoran, or near it, and from there, after several days of severe illness and pain, I was sent away on sick leave on account of the relapse caused by the exposure to which I had been subjected in my weak condition.

"I was absent nearly a month and returned again to duty, but was still weak, and suffered much pain in my ankle and leg, and, in fact, in all of my limbs and body, but being a mounted officer I was able to perform the usual routine of duty pertaining to my position.

"At the battle of Gettysburg my horse was shot under me, and I was considerably bruised by the fall, besides which I received several other slight injuries during the battle that I believe still affect me in the use of my foot. I remained on duty in the field, except as herein mentioned, through 1862, 1863, up to about the 1st of May, 1864, taking part during my field service in ten battles, of which the following is a list: Manassas Gap, Fredericksburg, Chancellorsville, Beverly Ford, Gettysburg, Wapping Heights, Auburn, Kelly's Ford, Locust Grove, and Mine Run.

"In the spring of 1864 I was relieved from duty in the Army of the Potomac and assigned to duty on staff of General Rosecrans, Department of Missouri. Having disposed of my horses before leaving the field, I had a good deal of walking to do after going to St. Louis, and instead of being able to walk, as I had done before the war, I found the tendons of my leg and foot much contracted, and that I could not walk any considerable distance without both pain and fatigue, almost the entire weight being thrown forward and to one side, upon the ball of the little toe, causing the foot to give way under me at every step, just as it does now, or nearly so. The contracting of the tendons and muscles is, I think, at least a fact.

"The leg has diminished considerably in circumference and I can scarcely estimate the loss of strength or power; certainly it has not one-fourth the action and strength it had when I entered the volunteer army, as at that time I could walk more than four times the distance without a cane that I can now with one, and in addition could walk then free from pain, whereas my foot now becomes tired and sore, and besides my leg and foot are both extremely sensitive to the cold and when thoroughly chilled are almost as powerless as if in a state of paralysis. Believing that I have a just claim to be retired I have submitted this statement. I am now hopelessly lame for life, a condition I believe to be due to my sufferings and labors in the service of my country, in whose behalf I am ready, whenever the necessity may arrive, to lay down my life."

A. Sanders Piatt, late brigadier-general of volunteers, testifies that he has known Benjamin M. Piatt ever since he was seven years old, and up to the time of his enlistment in the Army. Prior to that time he was able to walk 10 or 15 miles a day without difficulty, which he often did on hunting and other excursions. He believes the hardships and exposures of active service in the field have disabled and permanently injured the said Benjamin M. Piatt.

Benjamin R. Runkle, brevet colonel, United States Army, testifies to substantially the same state of facts, as does also H. C. Borden. Dr. M. H. Harding, the family physician of the soldier's father, says he has known Major Piatt for twenty-five years, and although always slightly lame from an early period, he was comparatively active in the discharge of his father's business, and before the war of 1861 never used or seemed to need the use of a cane in walking.

F. W. Egan, colonel Fortieth New York State Volunteers, in concluding his report of the battle of Gettysburg, says of Major Piatt:

"Too much can not be said of this brave and gallant officer; always cool under the most trying circumstances, and by his courage and example he afforded services that were of infinite value in restoring order to my command. When his horse was shot under him he still remained in the van, always by my side, greatly distinguishing himself by noble conduct."

There are a large number of letters from army officers, generals, colonels, etc., all showing that the soldier was an exceptionally brave and efficient officer.

The following is an extract from official Army Register for January, 1885: Retired from active service, Piatt, Benjamin M., 3d July, 1867. Brevet captain, July 2, 1867. Disability in line of duty (act August 3, 1861).

Miss Bell F. Hopkins testifies as follows:

"I have resided in the family of the late Maj. Benjamin M. Piatt for the last ten years or more. He was during all that time an exemplary husband and father, with a heart full of kindly impulses for everybody. He lived one of the purest lives, his habits being without the least irregularity and remote as could be from intemperance in every form. His right leg from hip to foot was perishing away, weakening this limb to such a degree that it was very difficult for him to get about upon it. He could walk but a short distance, say five or six squares, without becoming so fatigued as to be obliged to take a car or other vehicle. The limb was very sensitive, and at times quite painful, and was the source of much annoyance to him, frequently disturbing his usually amiable temper and causing some irritability of speech and mind."

"In the latter part of the year 1884, in passing down one of the stairs at the Gibson House, Cincinnati, he tripped and fell to the bottom, a distance of several feet, striking his forehead, over one of his eyes, on the marble floor. He remained unconscious from about 7 p. m. of that day until the next morning. The fall was a heavy one, as the major weighed over 220 pounds, and the forehead, face, and eye were black. From the effects of the fall he never entirely recovered. The side of his face on which he fell was withering away as a result of the fall, and he showed evident signs of softening of the brain. In my opinion, the fall, which was due to the enfeebled and sensitive limb, striking as he did upon his head, did more to cause the condition of mind which resulted in his death than any or all other causes or agencies. After this fall and up to the time of his death, he complained of being dizzy and light-headed."

The affidavits of a large number of his neighbors who knew him long and well are to the effect that the major was a man of the highest order of morals, that his conduct was exemplary and strictly temperate, and that he was an ardent advocate of temperance.

He was on the retired list and had not applied for a pension at the time of his death, and no application to the Pension Office has since been made by his widow, as, owing to the manner of his death, she had no hope that an application would be favorably acted upon, and she therefore appeals directly to Congress for the relief she thinks she is justly entitled to.

After a careful consideration of the case, the committee are of the opinion that the death of the major may reasonably be considered to have been the result of the injuries to his limb received while serving in the Army, and in line of duty. In view of the long and valuable services the deceased soldier rendered the Government in its hour of need; the fact that he was retired for disabilities incurred in the Army; the needy condition of his family, and all the incidents leading up to the tragic end of the distinguished soldier, the committee are of the opinion that the relief asked for in the bill ought to be granted.

We therefore submit a favorable report and recommend the passage of the bill.

Mr. COBB. What is the pension at present paid in this case?

Mr. YODER. There is no pension at the present time. This widow can not get a pension under the general law because her husband committed suicide.

Mr. COBB. What would have been the pension of the soldier?

Mr. MORRILL. That would depend upon the disability.

Mr. COBB. The gentleman is acquainted with the disability. I ask him what would have been the rating of this soldier if pensioned—\$50 a month?

Mr. MORRILL. I suppose it would, as he is stated to have been insane and helpless.

Mr. COBB. The report does not say that he was insane, except as insanity may have been evidenced by suicide.

Mr. MORRILL. It says that in a fit of insanity he committed suicide.

Mr. COBB. I would like to know what the rate of pension reasonably would have been if this soldier had himself applied for a pension—whether the rate proposed to be paid to the widow is in excess of what he himself would have been entitled to receive. [A pause.] Mr. Chairman, as I can not get any information about this case, I will object to laying the bill aside.

Mr. YODER. I desire to give the gentleman all the information I can. I have the report here and I am examining it to ascertain what was the rank of this soldier, because upon that would depend the rate of pension. He was, I believe, acting brigadier-general by brevet. If a colonel, he would have received a pension of \$30 a month. The bill proposes to pay the widow \$50 a month, which, under the circumstances, I think is not unreasonable. This soldier rendered very valuable service. He belonged to the noted Piatt family, distinguished as soldiers and patriots. This man during his insanity sacrificed all his property, leaving his widow destitute with children dependent upon her.

Mr. CARLISLE introduced this bill. The beneficiary lives in Covington, Ky. I am acquainted with all of the facts and know the family. Besides that, there is warrant for this exception, if it be an exception to

the law. There was a bill passed awhile ago giving a widow \$50 a month, the widow of a rear-admiral. I think if the gentleman from Alabama knew the facts, or only had time to read the report, he would not object.

Mr. COBB. I do not propose to make any objection to these bills, nor would I do so in a spirit of captiousness in any case, but—

Mr. YODER. If the gentleman will allow me, there is another thing I wish to state. There was a little technicality which prevented this widow from getting a pension in the office. If she had done so she would have gotten arrears, back to the close of the war, from the date of the death of her husband, for a number of years, which would have given her five or six thousand dollars in a lump sum. She does not get that in this bill at all. She only gets the pension fixed in the bill after its passage as long as she remains his widow.

Mr. COBB. The reasons prompting me to interfere here in regard to this bill, are these: I believe whenever an officer or an officer's widow is petitioning here for a pension or for an increase of pension, that as a general rule you find they do not have much difficulty in securing it. We seem to take it as a matter of course that they ought to be pensioned or that their pensions ought to be increased upon application. But when the private soldier applies there is always somebody to object, and I have never been able to understand myself why there should be this broad distinction between the man who bore the heat and burden of the day, who did the greatest amount of service, who endured the greatest hardships, and those who during the war, while they rendered undoubtedly valuable services, were comparatively free from the extreme hardships or privations of it, and often to a certain extent from its dangers. As between these two classes I do not understand why we should discriminate in favor of the one who did not do the hard work.

Mr. FLOWER. I desire to make a statement in behalf of my colleague, now Senator CARLISLE, who is a very careful and prudent man in legislation. This is his bill, and I vote for it because I know he would not present a bill unless he believed as a lawyer that the party was justly entitled to the relief asked upon the face of it. That is the reason I am for it.

Mr. COBB. That is a poor reason.

Mr. FLOWER. Well, it is a good reason for me.

Mr. YODER. Another reason, if the gentleman will allow me, is that we recognize rank in these matters.

Mr. COBB. I understand that.

Mr. YODER. And that is the reason we make a distinction even in general bills.

Mr. COBB. I understand that, and I am not objecting on the principle running through the pension business. But when we come to the matter of special legislation, when there is no general law upon which the pension can be granted, there is a principle of equity, it seems to me, that comes up and should govern our action, and whenever this special legislation is asked for this equity ought to be considered, especially when the amount of pension is to be increased above that which the soldier himself would have received, if he lived, under a general enactment.

Now, I am not objecting to this pension simply that it is higher than pensions are usually given; but the information I desired to arrive at is whether or not there is an effort made here to pension this widow at an amount to which she would not be entitled equitably. That is all. She can not claim more than her husband would have received under the general law according to his rank, if no exception had been made in his case.

Mr. HEARD. And that could not have been over \$30 a month.

Mr. COBB. And that, as stated by the gentleman from Missouri, could not be over \$30 a month.

Now, why pursue this course of legislation? As I remarked awhile ago, it is true, I understand distinctly, that all rank must be preserved whether we wish it or not; and yet it remains indubitably true that applications on the part of privates for pension are not listened to with the same degree of consideration that we bestow upon the officers. We are apt, when such applications are made on the part of the officers, to say as a reason for the increase that the pension already received is not sufficient to support the family in proper style, as though we were granting a pension on the idea of complete and absolute support by the Government of the pensioner. I do not understand that to be the underlying idea of pension legislation.

I understand it to be only an aid extended by the Government to the recipient of it, not intended to relieve him of the necessity of active effort on his part at all. I think we ought to consider these circumstances and say whether or not a certain amount of aid extended would not be all that the Government could reasonably be required to give. Hence my inquiry as to the amount of pension this bill carried.

Now, I move to strike out "fifty" and insert "thirty."

Mr. YODER. I would ask leave to withdraw that bill until I can consult Senator CARLISLE about it.

The CHAIRMAN. In the absence of objection, the bill will be informally laid aside, not to lose its place on the Calendar.

There was no objection.

ELMORE E. EWING.

The next business on the Private Calendar was the bill (H. R. 4935) to increase the pension of Elmore E. Ewing.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Elmore E. Ewing, late a lieutenant of Company A of the Ninety-first Regiment of Ohio Volunteer Infantry, war of 1861, to \$30 per month, in lieu of the pension now received by him.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4935) to increase the pension of Elmore E. Ewing, having considered the same, report as follows:

The claimant enlisted as a private in Company A, Ninety-first Ohio Volunteers, on the 31st day of January, 1862; was promoted to second lieutenant Company K, of said regiment, June 25, 1863, and to first lieutenant of said company to date August 14, 1864, and was mustered out of the service December 4, 1864.

He was severely wounded in battle, in the line of duty, at Winchester, Va., July 24, 1864. The wound is described by surgeons as follows:

"Ball entered at the point of the left scapula, passed through the left lung, making its exit about 1 inch to the left of the left nipple."

There is a constant oppression in the lung and he is subject to hemorrhages. Any attempt to labor causes nervousness and sleeplessness, and in ascending stairs he suffers severe pain in the region of the heart. As he grows older his disability increases, and, in the opinion of your committee, he is fairly entitled to the pension provided in the bill, and we therefore recommend the passage of the bill.

This claimant's pension has been increased from \$10 to \$17. At different periods until now he received the full amount allowed for his rank for total disability. His disability is liable to cause death, and it was rejected in the Pension Office because he could not be allowed increase on account of his dangerous condition.

Mr. COBB. This is another case of increase when, according to the report, the pensioner is already receiving the full amount allowed by the general law for total disability; and there is no reason given in the bill why it should be increased.

I dislike to object to the consideration of such cases; and yet it seems to be almost a mockery of legislation to talk about considering special pension acts here; and whether this case ought to be objected to or put to a vote I am doubtful.

Mr. YODER. Let me state to the gentleman that I know the facts in this case. This man is crippled and in bad condition.

Mr. COBB. This is another of the cases reported by you?

Mr. YODER. Yes, sir.

Mr. COBB. Very well; I will not object, but simply ask a vote upon it.

The question being taken, the bill was laid aside to be reported to the House with favorable recommendation.

CHARLES W. KRIDLER.

The next business on the Private Calendar was the bill (H. R. 2804) to increase the pension of Charles W. Kridler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, directed and authorized to increase the pension of Charles W. Kridler, late private of Company A, Fifteenth United States Infantry, to \$50 per month.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2804) to increase the pension of Charles W. Kridler, submit the following report:

Charles W. Kridler was a private in Company A, Fifteenth Regiment Ohio Volunteer Infantry; he enlisted September 3, 1861, and was discharged May 16, 1863, by reason of a gunshot wound in the right leg at Pittsburgh Landing, April 7, 1862; his leg was subsequently amputated; his certificate of disability shows that claimant was discharged by reason of disease of the right leg, following gunshot wound. An attempt was made to save the limb, which resulted in the necessity of amputation.

After his discharge he was pensioned in 1865 at \$8 per month, which was increased from time to time until at the present time he is receiving a pension of \$36 per month.

The condition of the amputated limb and disease in the hip joint, from which he is suffering, is described in the medical certificate by the board of examining surgeons who last examined him, as follows:

"There has been an amputation of the right thigh exactly 7 inches below the lesser trochanter of the femur; the stump is very tender on pressure; there is a tender, depressed, and adherent cicatrix on the posterior aspect of the stump 2 inches wide and 8 inches long, extending from the end of the stump upwards; there is an open sore the size of a five-cent nickel on the inner aspect of the stump just below the right groin; he can wear an artificial leg and has done so for several years; the amputation is not so near the hip joint as to prevent the use of one."

In regard to wearing an artificial leg the claimant says:

"The wearing of an artificial leg irritates the stump and causes a sore on the inner side of it, which gathers and discharges pus three or four times a year, and whenever it does so I can not wear my leg."

The condition of the left leg, resulting from blood poisoning and gangrene in the amputated limb, and abscess in the left hip, are certified to by his family physician. Dr. R. W. Hall, his family physician, says:

"I know that he was an able-bodied man at the time of his enlistment in September, 1861, healthy and free from disease. I have known him ever since his return in summer of 1863 from service, at which time he had lost a leg and part of the thigh. He has always suffered from the effect of the injury to his right leg. He stated that he had gangrene in it previous to its amputation, and his appearance and character indicate that he has suffered from blood poisoning. He has never enjoyed full health since."

"I have prescribed for him many times and have been his physician during all the time. He had varicose veins of the left leg when he returned, and as they gradually grew worse until it resulted in indolent ulcer, which he has supported for thirteen years past, and at times seemed to require almost amputation of the leg to protect his life, but with rest and treatment it got somewhat better, until he commenced to use it again, when it broke out afresh."

"This condition has resulted in debilitating his system until it has seriously affected his lungs, which completely disables him; in fact, he has been unable

to do manual labor of any kind for some years. He also suffers from deafness in the left ear, which he says was contracted in the service. He is now completely unfit to do any manual labor whatever, and entitled to full disability." Under the present law this man can only receive \$36, by reason of the doubt that exists in the minds of the medical department in the Pension Office as to whether the disease of the left leg is the direct result of the injury to the right leg. His application for increase, owing to the deplorable condition of his left leg, has, therefore, been rejected by the Pension Office.

In the opinion of your committee this man is entitled to \$72 per month; but inasmuch as there seems to be some doubt as to the cause of the disease of the left leg, in the opinion of your committee this man is clearly entitled to at least \$60 per month, as the bill provides. He is poor and in destitute circumstances, and at the most can live but a short time. He is now partially supported by charity, and suffers untold agony; and after a careful investigation of his condition your committee is of the opinion that this is a meritorious claim, and recommend that the bill pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

NORMAN B. PRATT.

The next business on the Private Calendar was the bill (H. R. 7285) granting a pension to Norman B. Pratt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Norman B. Pratt, late private in Company A, of the One hundred and fiftieth Regiment Ohio Volunteers, on the pension-roll, subject to all the provisions and limitations of the pension laws of the United States.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7285) granting a pension to Norman B. Pratt, submit the following report: Norman B. Pratt, late a private in Company A, One hundred and fiftieth Regiment Ohio Volunteer Infantry, enlisted May 2, 1864, discharged June 27, 1864.

This man was perfectly sound and healthy when he entered the Army. J. W. Smith, the surgeon of the soldier's regiment, testifies:

"I was surgeon of the One hundred and fiftieth Regiment Ohio Volunteer Infantry in the late war and have some memoranda of the disability of that regiment. By reference I find N. B. Pratt, a private in Company A, was discharged from service because of rheumatism June 27, 1864; I may also say I have personal remembrance of this case, the man and his illness."

Capt. Thomas S. Paddock, the captain of the soldier's company, testifies in an affidavit on file:

"I knew Norman B. Pratt prior to his enlistment. I never heard of his having rheumatism, and I believe that at the time of enrollment he was a sound man. At Washington, D. C., he was taken down with rheumatism in a severe form, and after a number of weeks in hospital he was discharged. Since the war I have met Pratt often and he has always complained of his rheumatism and looked and acted like a man afflicted in that way."

Mr. J. B. Haimes testifies: "I was acquainted with Norman B. Pratt, the claimant, prior to enlistment; I saw him very frequently, and knew him to be a moral, upright man, temperate and truthful, and he always appeared to be in excellent health, in fact, a person in every way far above the average. I do not believe it probable that he could have suffered from rheumatic trouble and we not know it, as our town is small and if a person is sick the whole neighborhood was likely to be informed of it."

"Mr. Pratt was prominent and well known amongst the people of the village, and I think it likely that I would know it if any such fact had existed."

W. T. Weelock testifies:

"I knew Norman B. Pratt well before he enlisted, and I never knew of his having rheumatism prior to his service in the Army."

Charles B. Marble and J. J. Cameron testify that they were both well acquainted with the soldier prior to enlistment, and that he was a sound, healthy man.

This soldier filed his claim for pension December 26, 1866, which was rejected August 1, 1867, upon the ground that the alleged rheumatism existed prior to claimant's enlistment in the United States service. Notwithstanding all the favorable evidence in the case, there seems to have still been a doubt as to the origin of the disease. There is no question, in the opinion of your committee, that the soldier contracted the disease in the service, and that he is still suffering from it.

Your committee recommend the passage of the bill.

Mr. HILL. I would like to inquire how much that bill carries.

Mr. YODER. It simply applies the provisions and limitations of the pension law. No amount is stated. He will be entitled to whatever pension his disability would entitle him to under the general law.

Mr. HILL. I notice that the report does not state the evidence upon which the conclusion of the Pension Office is based that his disability was incurred prior to his enlistment. I infer there must have been some such proof, or else they would not have come to that conclusion, although the report states that the facts seem to be favorable to the claimant. I notice also that this claimant appears to have been in the service only about two months; if I caught the reading of the report correctly, I think he enlisted in April, 1864, and was discharged in July, 1864.

Mr. YODER. The gentleman who introduced this bill and looked up the case is not present, and I am not very well posted with regard to it.

Mr. HILL. I wish you would have that bill laid over until another evening.

Mr. YODER. I would ask the gentleman to withhold that request until we can listen to the report again, to refer to the reason why the claim was rejected.

Mr. HILL. It states that it was rejected upon the ground that his disability, rheumatism, accrued prior to his enlistment, and there is no evidence set forth in the report upon which that conclusion is based.

Mr. YODER. Let me say to you that the fact that the Government accepted a man after a thorough examination, which they all had to undergo, and got his services and accepted them, and found a disability afterwards, and charged it with having been pre-existing prior to the enlistment, is always received with a great deal of doubt by the Com-

mittee on Invalid Pensions. The fact that the Government have accepted him as a sound man and afterwards come in and deny him a few dollars, long after the circumstances have occurred and when the evidence is hard to get at, leads the committee to resolve the doubt in favor of the claimant. In this case I remember now there was conflicting evidence, and there was a special examiner went there and some people remembered it one way and some remembered it the other. His claim was rejected on that technical question of doubt.

Mr. CASWELL. The law presumes that he was sound when he went into the service.

Mr. YODER. No, sir; the law presumes that he was lame and unsound, unless he proves the contrary.

Mr. CASWELL. I say the law presumes that he was sound.

Mr. YODER. They construe it that he was disabled and crippled, unless he can prove the contrary, notwithstanding the examining surgeon swore at the time he was sound.

Mr. CASWELL. They should not do that. I agree with you upon that, and I say the law steps in and says that every man is presumed to have been sound.

Mr. HILL. Of course that would be the presumption in the absence of proof to the contrary, but here was proof to the contrary and that proof is not set forth in the report. If it was an ordinary case of a man serving three or four, or even one or two years, I should not raise the point.

Mr. CALDWELL. Could not the man be disabled in two months just as well as in a year?

Mr. YODER. I remember the case now, and there was proof submitted to the committee which showed that the man was sound prior to his enlistment.

Mr. HILL. I really feel as if there was not sufficient before this committee to-night to enable us to discuss this matter intelligently, and I desire that the bill be laid aside for future consideration.

Mr. OWENS, of Ohio. I ask that the report be read again for information, or else that the gentleman from Illinois [Mr. HILL] have the report to examine to see if he will not be satisfied, and then it may be called up afterwards. Perhaps he will not then insist upon his objection.

Mr. COBB. The facts as I gather them from reading the report are simply these: This man was in the service a few months. He was discharged and went out of the service. He was examined by the Pension Bureau, and from the proof before the pension officers it was decided by them that his disability was incurred before he entered the service. The subsequent examination was confessedly unsatisfactory. It left the case in doubt. Now, the committee say this doubt, if it exists, ought to be given to the claimant instead of giving it to the Government. I do not understand that to be the rule.

When a man asks for a pension, especially one under the operation of a private bill, the burden is upon him to show clearly the circumstances which entitle him to receive it. Now, inasmuch as the Pension Office has once rejected this claim, and we must presume upon satisfactory evidence, for it is not disclosed in the report that it was not, because the report itself states that an examination subsequently had about this matter was unsatisfactory, therefore there are grave doubts as to whether this is a proper case for us to pass upon here in this special and exceptional way. I think it is not, and call for a vote.

The question was put; and the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

OLIVER P. MARTIN.

The next business on the Private Calendar was the bill (H. R. 4206) granting a pension to Oliver P. Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Oliver P. Martin, late a private in Company I, Seventeenth Regiment Ohio Volunteer Infantry, subject to the provisions and limitations of the existing pension laws.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4206) granting a pension to Oliver P. Martin, beg leave to submit the following report:

Oliver P. Martin enlisted as a private in Company I, Seventeenth Regiment Ohio Volunteer Infantry, on the 1st day of February, 1864, and was mustered for discharge at Louisville, Ky., on the 16th day of July, 1865, at Camp Chase, Ohio. His regiment came to Camp Chase, Ohio, where he received his discharge papers, on the evening of July 20, 1865.

On the morning of the 21st of July, the next morning, he with others was ordered to get on a train of cars on the Baltimore and Ohio Railroad, to go to Zanesville, Ohio, and from there to his home; that he got upon the aforesaid train, and when about 16 miles east of Columbus, Ohio, a truck-wheel of the engine broke, causing an accident to the train, and that in the smash-up he was caught between two cars and his right leg was broken about 6 inches below the knee, disabling him from manual labor, and his present physical condition is such that he can do only the lightest kind of labor, suffering much pain in both his right leg and right ankle.

He filed his application in the Pension Office April 22, 1873, and it was rejected by the Department for the reason "that the injury was not received strictly while in the service in the line of duty." There is no doubt, from the evidence submitted and from all the papers now on file, that claimant suffered such injury and is now partially unable to support himself, and that this occurred the next morning after he had received his discharge, but before the Government had returned him to his home or place at which he had enlisted.

This case is similar to that of Henry Canode, favorably reported in the Forty-ninth Congress, first session, report No. 3267, which became a law. In view of

the precedents thus established, and in view of the premises, the committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MORRILL. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. PERKINS having resumed the chair as Speaker *pro tempore*, Mr. KILGORE reported that the Committee of the Whole on the Private Calendar had had under consideration sundry pension bills and had directed him to report the same to the House with various recommendations.

HOUSE BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to be engrossed for a third reading, read the third time, and passed:

- A bill (H. R. 7614) granting a pension to W. Zister;
- A bill (H. R. 5595) granting a pension to William P. With;
- A bill (H. R. 1992) to increase the pension of Cornelia R. Chandler;
- A bill (H. R. 4935) to increase the pension of Elmore E. Ewing;
- A bill (H. R. 2904) to increase the pension of Charles W. Kridler;
- A bill (H. R. 7295) granting a pension to Norman B. Pratt; and
- A bill (H. R. 4209) granting a pension to Oliver P. Martin.

[Mr. COBB addressed the House. See Appendix.]

SENATE BILLS PASSED.

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to a third reading, read the third time, and passed:

- A bill (S. 563) for the relief of Cornelia A. Stanley;
- A bill (S. 789) granting an increase of pension to Henry G. Healy;
- A bill (S. 2733) granting a pension to Theodore Gardner;
- A bill (S. 798) granting a pension to Mariah L. Pool;
- A bill (S. 830) granting a pension to Mary Kinney;
- A bill (S. 796) granting a pension to Maggie Stauffer;
- A bill (S. 1729) granting a pension to Lucy A. Coffield;
- A bill (S. 786) granting a pension to Mrs. M. A. Hooper;
- A bill (S. 797) granting a pension to Lucy I. Bissell;
- A bill (S. 763) granting a pension to Martha F. Webster;
- A bill (S. 779) granting a pension to Mary J. Foster;
- A bill (S. 1577) granting a pension to Francis E. Smith;
- A bill (S. 776) granting a pension to John K. Evans;
- A bill (S. 448) granting a pension to Dobson Amick;
- A bill (S. 1735) granting a pension to J. M. Stevens; and
- A bill (S. 773) granting a pension to James E. Kabler.

ORDER OF BUSINESS.

The CHAIRMAN. Without objection the Chair will recognize alternately on either side gentlemen present to-night that they may call up for consideration by unanimous consent such bills as are in order. The Chair would suggest that if there be no objection the bills can be read and engrossed for a third reading, but not put upon their final passage, with the understanding that the reports will be printed in the RECORD in the morning, and the bills brought up at some Friday evening session as unfinished business and put upon their final passage. If there is no objection the Chair will recognize that order.

There was no objection, and it was so ordered.

NOYES BARBER.

Mr. MILES. I call up for consideration the bill (S. 388) to remove the charge of desertion now standing against the record of Noyes Barber on the rolls of the Navy Department.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to remove from the rolls and records of the Navy Department the charge of desertion now standing on the said rolls and records against Noyes Barber, late a paymaster's clerk in the Pacific squadron; and when so restored to issue to him an honorable discharge as of date April 27, 1865, and that the said Noyes Barber be restored to all rights suspended or lost by said record.

The report (by Mr. DOLLIVER) is as follows:

The Committee on Naval Affairs, to whom was referred the act (S. 388) to remove the charge of desertion now standing against the record of Noyes Barber, on the rolls of the Navy Department, beg leave to report:

The said act is accompanied by Senate Report No. 322. Concurring in the reasons set forth therein, your committee adopt the same as their report, and recommend the passage of the bill.

[Senate Report No. 322, Fifty-first Congress, first session.]

The Committee on Naval Affairs, to whom was referred the bill (S. 388) to remove the charge of desertion now standing against the record of Noyes Barber, on the rolls of the Navy Department, beg leave to report as follows:

Noyes Barber, the applicant for relief, enlisted on the 1st day of December, A. D. 1861, in Company C, Twelfth New York Volunteers, for the period of three years. At the time of such enlistment Barber was not yet seventeen years of age.

He was captured at Gaines's Mills, Va., during the seven days' battle before Richmond, and was imprisoned in Libby Prison and at Belle Isle. Upon being exchanged, he was on the 24th of January A. D. 1862, discharged for disability.

August 5, 1863, he re-enlisted as a member of Company I, First Connecticut Cavalry, serving until April 26, 1864, when he was transferred to the Navy by enlist-

ment, to serve the unexpired term of the original enlistment, the same being one year two months and nine days.

Entering the Navy Barber served on the U. S. S. Princeton and Cyane, leaving the latter ship, without permission, April 27, 1865, two months and eight days prior to the expiration of the period of his enlistment.

From all the evidence before the committee it appears that Barber was a good soldier and seaman, and while in the naval service he was assigned to duties not usually performed by the ordinary seaman.

The reasons assigned by Barber for his desertion were that he had just heard of the death of his father, who was also in the Navy, and was killed at the storming of Fort Fisher; also, that his mother was ill and had the care of two small children; that under these conditions he asked, and was refused leave of absence in order that he might go home to visit his mother; therefore he left his ship.

Attention is directed to the fact that had Barber remained with his ship until May 1, 1865, or three days longer, the act of August 14, 1868, "to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion," would have been applicable to his case, and the relief now asked by special legislative enactment would have been granted upon application to the proper Department.

In view of the peculiar circumstances attending this case the passage of the bill is recommended.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

J. G. FETHERSTONE.

Mr. PEEL. I call up for consideration the bill (H. R. 5712) granting a pension to J. G. Fetherstone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Jesse G. Fetherstone, late a private in Fletcher's First Tennessee Volunteers, and pay him a pension from and after the passage of this act.

The report (by Mr. BROWNE, of Virginia) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5712) granting a pension to Jesse G. Fetherstone, have considered the same and report:

The claimant was a private in Captain Fletcher's company of the First Tennessee Mounted Volunteers, and served from June 18, 1866, to January 17, 1867, in the Creek and Seminole Indian war.

The claimant filed an application for pension June 9, 1883, alleging that while in the service and line of duty he received an injury of the right arm from a kick of a horse. This claim was rejected by the Pension Bureau June 30, 1885, upon the ground that there is no record of the alleged injury and soldier's inability to prove it as the result of the service.

William E. Evans testifies he was a comrade of the claimant and saw him soon after receiving the alleged injury, and understood at the time that it was incurred as stated by the applicant.

Other evidence tending to show that the applicant has been a sufferer from an injury of the shoulder continuously since his said service was filed in the Pension Bureau.

It is shown that the claimant is now about seventy-five years old, very poor, and too feeble to earn anything to aid in his support.

Your committee are of the opinion that the claim is a meritorious one, and the bill is therefore reported back with the recommendation that it do pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

JAMES H. VOSBURGH.

Mr. RIFE. I call up for consideration the bill (H. R. 10710) granting an increase of pension to James H. Vosburgh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of James H. Vosburgh, late private Company H, Forty-ninth Regiment Ohio Volunteers, to \$30 per month, in lieu of the pension he is now receiving.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10710) granting an increase of pension to James H. Vosburgh, submit the following report:

James H. Vosburgh served as private in Company H, Forty-ninth Ohio Volunteers, from August 15, 1861, to September 15, 1864, when he was discharged on account of a gunshot wound of right heel received in action at Dallas, Ga., May 27, 1864. He was pensioned on account of said wound and resulting ascending paralysis at \$4 per month from discharge; at \$8 from August 16, 1879; at \$12 from April 15, 1881; at \$24 from February 6, 1884; and since May 27, 1885, has been in receipt of \$30 per month because of inability to perform any manual labor. He applied for further increase in September, 1887, but his claim therefor has been rejected because he does not require that constant aid and attendance of another person contemplated by law to give title to the highest rate of pension provided for total helplessness.

The action of the Pension Office in rejecting the claim was proper under existing laws. It appears, however, that by reason of the severe nervous affection due to the gunshot wound of the heel, pensioner's whole system has become affected. The functions of the stomach and heart are seriously impaired. The lower extremities are most of the time useless for the purposes of locomotion, the irritation of the spinal column and affection of the head causes much suffering, while the left shoulder and arm are much smaller than its fellow and too weak for any practical use.

In consequence of these conditions he can not dress or undress himself and otherwise needs the almost constant aid and attendance of another person. Dr. W. F. Flack, the pensioner's family physician, says that Vosburgh is confined to his bed fully one-third of his time; that there is no hope for improvement in his condition, and in fact he can live but a short time. He is very poor and himself and family almost entirely dependent upon others.

Your committee are of the opinion that the condition shown by medical and other evidence warrants the granting of an increase of pension, and therefore return the accompanying bill with the recommendation that it do pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

PHILIP H. EMMERT.

Mr. GOODNIGHT. I call up for consideration the bill (H. R. 1738) granting a pension to Philip H. Emmert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Philip H. Emmert, late a private in Company D, Twenty-third Regiment of Kentucky Volunteer Infantry.

The report (by Mr. GOODNIGHT) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1738) granting a pension to Philip H. Emmert, of Tompkinsville, Ky., submit the following report:

Applicant enlisted September, 1861; was honorably discharged from Company D, Twenty-third Kentucky Volunteers, December, 1865. Hospital records show treatment in June, 1865, without showing diagnosis, and also October and November for intermittent fever, and August, 1865, treated for bite of spider, or tarantula, in Texas, while in hospital; comrades prove also that he received shell wound in left knee at Kenesaw Mountain, June, 1864; this fact is proved beyond question, and that it disables him till this day.

It is also proven by many reputable men that Emmert was a sound man when he enlisted, and that since his discharge and return he has been unable for manual labor continually, from one-half to three-fourths of normal capacity; that such disability arises from chronic diarrhea, shell wound, and from complaint of left breast, shoulder, and arm, from bite of tarantula, which members are proven to have withered, by Dr. Sims, a most excellent doctor and gentleman, as well as by lay evidence. A number of his comrades testify that these afflictions were incurred in line of duty, and this satisfactorily appears from the testimony of Surg. A. M. Morrison and other physicians, Surgeon Morrison also testifying that the applicant was unable for any sort of service when discharged.

It seems clear to your committee that the soldier was sound when he entered the service; that he has sustained a wound in the leg which is disabling; incurred chronic diarrhea, which also disables, and which has been continuous since discharge, and that the injury from spider bite is severe and constitutional, as appears also from examining-board reports.

Your committee therefore report the bill back with favorable recommendation and ask its passage.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

MARY A. GREEN.

On motion of Mr. CASWELL, by unanimous consent, the House proceeded to consider the bill (H. R. 1333) granting a pension to Mary A. Green.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary A. Green, widow of William A. Green, late colonel of the Twenty-ninth Wisconsin Infantry, at the rate of \$30 per month.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1333) granting a pension to Mary A. Green, submit the following report:

William A. Green, the soldier and husband of the beneficiary, Mary A. Green, was colonel of the Twenty-ninth Regiment of Wisconsin Volunteers in the late war. He was a gallant soldier and made an honorable record. He lost his health in the late war, and at the time of his death, July 13, 1880, was drawing a pension of \$30 per month. He died with the disease for which he was pensioned, leaving Mary A. Green, the beneficiary, and four children under the age of sixteen years.

His widow and children succeeded to the pension in consequence of the death of the husband and father. On the 10th day of August, 1881, the widow was married to one J. J. Bennett and ceased to draw a pension from that time. The youngest child became sixteen years of age on the 8th day of July, 1886, and no pension has been drawn on account of the death of Colonel Green since that date.

The husband, J. J. Bennett, never contributed any support to the beneficiary. They lived together for a few years, during which time he ill-treated and wholly neglected his wife until they finally separated, and on the 11th day of June, 1889, the court granted a decree of divorce separating the parties on the ground of cruel and inhuman treatment and an utter failure to provide her support.

It appears from the records in court and from affidavits that the treatment of Mrs. Green practiced upon her by her husband was such as to make it impossible for her to live with him, while he had used and wasted all her means until she was obliged to support herself and children by teaching school, and is now working out by the week to maintain herself. She has always been a woman of excellent character and entirely worthy. In the judgment of divorce her name was changed back to her former name of Green, which she now bears.

The committee report the bill back to the House with a recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

ELIZABETH GUSHWA.

On motion of Mr. McCLELLAN, by unanimous consent, the House proceeded to consider the bill (H. R. 9138) granting a pension to Elizabeth Gushwa.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Gushwa, mother of William Gushwa, late a private of Company F, Forty-eighth Regiment Indiana Volunteer Infantry.

The report (by Mr. MARTIN, of Indiana) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9138) granting a pension to Elizabeth Gushwa, have had the same under consideration and beg to submit the following report:

The facts in the case are as follows:

The claimant is the mother of William Gushwa, a private of Company F, Forty-eighth Regiment Indiana Volunteer Infantry, who died a short time after his discharge, of disability contracted in the service; that she was dependent upon him for her support; that she is the mother of four other sons who died while in the service in the war of the rebellion; that she has no means, and for the last twenty years has been wholly unable to earn her own living by her own labor, and that during most of that time she has been an inmate of the poor-house of La Grange County, Indiana.

She never filed a claim for pension for the reason that she had no means to get the evidence, which is scattered and far away, and she had no friends to assist her. She is now eighty-four years old, and being cared for by those who

are under no legal obligations to do so, and this effort to get her a pension is made by those who are under no legal or equitable obligation to support her, but simply for the reason that they know that she has a good case, and could prove up as good a case as was ever presented to the Department if it was not for her extreme age and poverty. From these facts, clearly shown by the evidence, your committee believe she is entitled to a pension, and therefore respectfully recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

O. E. HUKILL.

On motion of Mr. FLICK, by unanimous consent, the House proceeded to consider the bill (H. R. 10202) granting a pension to O. E. Hukill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of O. E. Hukill, late of Company B, Eighteenth Iowa Volunteer Infantry, and pay him a pension, subject to the provisions and limitations of the pension laws.

The report (by Mr. FLICK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10202) granting a pension to O. E. Hukill, submit the following report:

O. E. Hukill served as private in Company B, Eighteenth Regiment Iowa Volunteers, from July 26, 1862, to July 20, 1865, when honorably mustered out. He applied for pension October 23, 1882, alleging that he contracted disease of eyes in the winter of 1865, while stationed at Fort Smith, Ark., from which he was seriously disabled, until in June, 1881, when the left eye was injured by the kick of a colt, necessitating its removal two months afterward, and that from sympathetic action the right eye became totally blind a few months later. The Pension Office admitted the claim for disease of eyes and allowed a pension of \$4 per month, but refuses to increase that rate.

Dr. H. R. Layton testified before the special examiner that he was called to see the claimant about two months after the receipt of the injury to left eye, which was inflamed as was also the right eye. He amputated the left eye in the hope of relieving the right eye, but with no effect. About two weeks later the remainder of the left eye was extirpated, with no benefit whatever, as the inflammation was so great that it had caused destruction of the sight before the operation. In the opinion of the affiant the pre-existing disease of the eyes had a tendency to cause the inflammation produced by the injury to be more extensive and to become chronic, and had it not been for the diseased condition of the eyes before the injury the sight of the right eye could have been saved.

Dr. J. P. Maxwell, who was associated in the case, is of like opinion, as is Dr. H. C. Bone, who treated claimant for some years prior to the injury in 1881 and immediately thereafter. Hukill has no income from any source, and is now supported by charity.

Accepting these medical opinions, your committee must attribute this soldier's present deplorable condition as at least indirectly chargeable to his military service, and therefore report favorably on the accompanying bill, and ask that it do pass, amended, however, by striking out all after the word "pension," in line 6, and inserting therein instead the words "at the rate of \$40 per month in lieu of that now received by him."

Mr. KILGORE. Mr. Speaker, I do not exactly understand the effect of the amendment recommended by the committee, unless it means that they took the matter in their own hands and attempted to give the man more than the amount which he would have received under the bill as originally introduced.

The SPEAKER *pro tempore*. The effect is to put him upon the pension-roll at the rate of \$40 a month.

Mr. KILGORE. What was the provision of the original bill?

The SPEAKER *pro tempore*. It proposed to pension him subject to the provisions and limitations of the pension laws.

Mr. KILGORE. Why should the committee undertake to give more than the man himself, through his Representative, asked by the original bill?

Mr. FLICK. This man is totally blind.

The SPEAKER *pro tempore*. Under the general law, being totally blind, he would get \$72 a month.

Mr. KILGORE. He would if the blindness was incurred in the service, but not otherwise. This amendment, then, is to give him \$40 instead of \$72, as I understand it?

The SPEAKER *pro tempore*. That is the effect of the amendment. The amendment was concurred in.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

JAMES BLYTHE.

On motion of Mr. QUINN, by unanimous consent, the House proceeded to consider the bill (H. R. 6179) to remove the charge of desertion from the record of James Blythe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of James Blythe, formerly a private in Company P, Eighty-third New York Volunteers, and to restore to him all the rights, privileges, allowances, and emoluments he would have been entitled to if said charge had never been entered against his name.

The report (by Mr. CAREY) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6179) to remove charge of desertion from the record of James Blythe, having considered the same, respectfully report that James Blythe deserted February 23, 1863, while absent on furlough, and while suffering from a gunshot wound received at the battle of Fredericksburg, Va. He subsequently enlisted in another organization and served out his time and received an honorable discharge.

Your committee believe that such desertion was not wilful, or to avoid military service, but solely on account of said wound, which unfitted him, for the time being, for performing military duty, and when the charge of desertion was once entered up against him he did not dare to return to his original command, and so enlisted in another regiment. Your committee recommend that the bill be amended by striking out all after the word "to," in line 6 in said bill, and insert in lieu thereof the following:

"Grant him an honorable discharge under date of February 23, 1863; pro-

vided no pay or allowances shall become due or payable by virtue of this act subsequent to the date of such discharge."

Your committee have attached hereto and made a part of this report the military record of said soldier as furnished by the Adjutant-General, and recommend that the bill as amended do pass.

Case of James Blythe, late private, Company I, Eighty-third New York Volunteers, and Company I, One hundred and thirty-fourth Illinois Volunteers.

RECORD AND PENSION DIVISION, April 23, 1890.

James Blythe, private Company I, Eighty-third New York Volunteers, was enrolled November 14, 1861, to serve three years, and was present with his company until and including December 13, 1864, on which date he was wounded at the battle of Fredericksburg, Va., and was sent to hospital.

He was admitted to Lincoln General Hospital, Washington, D. C., December 23, 1862, with gunshot wound, left thigh; was furloughed therefrom on January 23, 1863, for thirty days, and did not thereafter return to the hospital or to his command, although his term of enlistment did not expire until November 14, 1864, and thereby became a deserter on the 23rd day of February, 1863. (The company muster-roll for March and April, 1863, and the regimental return for April, 1863, report the date of desertion as March 9 and April 1, 1863, respectively.)

On the 16th of May, 1864, while thus absent in desertion, he enlisted in Company I, One hundred and thirty-fourth Illinois Volunteers, for one hundred days, in violation of the 23d, now 50th, Article of War, and served faithfully therein until mustered out with the company on October 23, 1864.

The claimant swears that at the expiration of the furlough received at Lincoln General Hospital, Washington, D. C., he was unable, on account of the gunshot wound received at the battle of Fredericksburg, Va., to return to hospital; that he was treated for several months for said wound by Dr. Clow, his family physician, now dead, who informed him that he would never again be fit for military service; that he was so disabled for eight months after his return to his home that he was utterly unable to perform any manual labor; that he had no intention of deserting, but supposed, on account of his wound, that he would receive an honorable discharge.

In another affidavit, executed November 16, 1867, the claimant repeats his former testimony, recounts his services while with his command, and declares that he was never absent or sick for a single day up to the day on which he was wounded; that after treatment by Dr. Clow for five or six months, the latter gave him a letter to the effect that he was not fit for duty; that, having no home, he went to Chicago and found at that place men enlisting to meet General Hood, who, it was reported, was on his way up from Tennessee and Kentucky; that he enlisted in Company I, One hundred and thirty-fourth Illinois Volunteers, for ninety days, and served therein three months over his time on account of the rumored advance of General Hood; that after his muster-out, for a year, his health was poor, the result of the bad condition of his blood occasioned by his wound; that he would not have passed an examination for enlistment had he been closely inspected, as a corner of his wound had not, at that time, healed up.

James Dugan and James A. Scott swear jointly that they distinctly remember the claimant's return to his home in February, 1863; that he was suffering from a gunshot wound of left thigh, which rendered him unable to perform labor of any description for seven or eight months; that for two months he was compelled to use crutches, and during the remainder of the time he used a stout cane by which to support himself in his walks; that they visited him frequently, and occasionally met there Dr. Clow, who was treating him.

Charles Coe, under date of January 21, 1867, gives testimony corroborative of the statements of affiants Dugan and Scott.

John P. Nelson, son-in-law of Dr. Clow, before mentioned, states that the account-book and paper belonging to the late Dr. Clow have been destroyed, and that he is unable to give the desired information concerning the claimant's treatment.

On January 27, 1890, in a letter to the Hon. JOHN QUINN, M. C., the soldier's record was quoted, and Mr. QUINN was informed that the case had heretofore been carefully considered by the Department, and had been denied on September 16, 1886, and on May 12, 1887, on the ground that the testimony submitted did not establish that the soldier was prevented by his wound from completing his term of enlistment; that the justice of these decisions was made manifest when, on November 16, 1867, the claimant admitted that on May 16, 1864, he enlisted at Chicago, Ill., in Company I, One hundred and thirty-fourth Illinois Volunteers, and served therein until mustered out with his company on October 23, 1864, which service was rendered prior to the expiration of his term of enlistment in the Eighty-third New York Volunteers, and that as the former decisions of the Department in this case were in accordance with the law and the facts, they must be adhered to.

Respectfully submitted,

F. C. AINSWORTH,
Captain and Assistant Surgeon, United States Army.

THE SECRETARY OF WAR.

MR. KILGORE. I do not quite understand this bill. Who has charge of it?

THE SPEAKER *pro tempore*. The gentleman from New York [Mr. QUINN]. The bill comes from the Committee on Military Affairs.

MR. KILGORE. I do not understand that it is a bill to remove the charge of desertion.

THE SPEAKER *pro tempore*. That is the purpose of the bill, and to give the man an honorable discharge.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

MRS. MARY J. SANDERS.

On motion of Mr. SMITH, of Illinois, the House, by unanimous consent, proceeded to consider the bill (H. R. 6148) granting a pension to Mrs. Mary J. Sanders.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary J. Sanders, the widow of Thomas A. Sanders, who was a scout in the service of the United States Army during the war of the rebellion.

The report (by Mr. LANE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6148) granting a pension to Mary J. Sanders, submit the following report: That said committee have considered this case and find that the Committee on Invalid Pensions of the Forty-seventh Congress made a favorable report in

this case to that Congress, which report this committee adopt as their report, which report is in the words and figures following:

"From the papers before the committee it appears that Mary J. Sanders is the widow of Thomas A. Sanders, who was employed as a scout in the military service of the United States during the late war and was captured and killed by the Confederates in McNairy County, State of Tennessee, about July 23, 1864. Her claim has been rejected by the Pension Office on the ground that her husband was not an enlisted man, neither was he of the class of persons provided for by the third paragraph of section 4693 of the Revised Statutes.

"Among the papers in support of her claim is the affidavit of G. M. Dodge, late brigadier-general, United States Army, and commanding the post of Corinth, Miss. The affiant states that the name of T. A. Sanders is familiar to him, and that it is his impression that said Sanders was with the affiant as a scout and he was killed or died while he was in said service. The fact that affiant had a large number of men engaged in similar service makes it impossible for him to make a definite statement at this late day.

"Fielding Hurst, late colonel of the Sixth Regiment of West Tennessee Cavalry, testifies that he well knew Thomas A. Sanders, late of McNairy County, Tennessee, who entered the United States service as a scout the first night after the first transports of United States troops landed at Crump's Landing, Tenn.; had possession of Sanders's appointment until after the Shiloh fight and during the siege of Corinth. Some time subsequently affiant was asked by General Dodge whether said Sanders was a true and reliable Unionist, to which affiant responded affirmatively. General Dodge then informed the affiant that Sanders was employed by him as a scout, and that he (Sanders) on several occasions had ventured too far for his own good.

"When first employed Sanders acted under the direction of General Lew. Wallace. Affiant was near Memphis about the time Sanders was killed, and knows nothing personally as to the circumstances under which he came to his death. The fact that said Sanders was employed as a scout is also shown by the affidavits of Calvin Shell and J. B. Mills, of McNairy County, Tennessee.

"Angelina Small and Mary Sanders testify that said Thomas A. Sanders was taken prisoner by a captain of General Forrest's command, while at his father's house, July 23, 1864, and that about four days thereafter he was killed by said forces.

"William J. Russell testifies that he was a private in Captain Russell's company of Confederate troops, and while on a scout near Tusculum, Tenn., about July, 1863, said Thomas A. Sanders was taken prisoner and charged with being a Union spy. The morning after the capture Sanders was sent under guard to their headquarters, after which affiant saw no more of said Sanders; that Sanders was employed as a scout with the Union Army is known to affiant from information received direct from him (Sanders) some twelve months previous to his capture.

"W. F. Moore, also of McNairy County, Tennessee, testifies that he was acquainted with Sanders in his lifetime, and saw him after he was shot and assisted in his burial. He was shot within one-half mile of affiant's residence, and he heard the report of the guns when he was killed. Affiant knew nothing of his connection with the Army, except by rumor, and that he was acting as a Federal spy, and his killing was because of that service.

"The claimant's marriage to Thomas A. Sanders on the 30th of October, 1846, is shown by the certificate of the proper court. She has six children, all of whom, however, are now over the age of sixteen years.

"The committee are fully satisfied by the evidence in the case that Thomas A. Sanders was employed and rendered efficient service in the Union Army as a scout, and that he came to his death at the hands of the Confederates by reason of such service. They therefore report favorably and recommend the passage of the bill (H. R. 1899) granting a pension to Mary J. Sanders."

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

MARGARET DURAND.

On motion of Mr. SHIVELY, the House, by unanimous consent, proceeded to consider the bill (H. R. 10465) granting a pension to Margaret Durand.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Margaret Durand, as attendant nurse at Mound City Hospital, near Cairo, Ill., during the war of the rebellion, at the rate of \$12 per month.

The report (by Mr. MARTIN, of Indiana) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10465) granting a pension to Margaret Durand, have had the same under consideration and adopt the following favorable report made by the Committee on Invalid Pensions on this bill in the Fiftieth Congress:

"The claimant herein was a nurse and matron of the general hospital, Mound City, Ill., in 1861-'62, as appears by a certificate of the Surgeon-General and by the affidavits of Sister Athanasius and Sister M. Celesta, now residing at St. Mary's Academy, Notre Dame, South Bend, Ind. They testify, in a joint affidavit, in substance as follows:

"We were attendant nurses at Mound City Hospital, near Cairo, in the State of Illinois, in the years 1861 and 1862; that Mrs. Margaret Durand, of South Bend, Ind., came as a nurse to said hospital in December, 1861, and attended as regular nurse of the soldiers sick and disabled in said hospital until the spring of 1862; that her health failed her at that time and she was sent home with the hope that she might recover and return, but that her health was not re-established and she was unable to return to the hospital.

"We further certify that the said Margaret Durand is now in advanced age and deserving of a pension from the Government, and that we have no interest in her claim.

"As stated, the claimant is in advanced age, and by her services among the sick and wounded in the hospital where she served she impaired her health to such an extent that she has never fully recovered. She is without adequate means of support and unable, by reason of her age and impaired health, to earn sufficient means of support, and it seems to the committee that the small amount asked for in the bill ought to be granted.

"We therefore submit a favorable report and recommend the passage of the bill."

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

DELILA ROE.

On motion of Mr. FINLEY, by unanimous consent, the House proceeded to consider the bill (H. R. 3503) for the relief of Delila Roe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Delila Roe, widow of George O. Roe, on the pension-roll and pay her a pension during her natural life, as is now by law allowed and paid the widows of deceased soldiers.

The report (by Mr. GOODNIGHT) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3563) for the relief of Della Roe, respectfully report that they find that George C. Roe, husband of Della Roe, raised a company of home guards and was elected captain thereof in 1861, and that said company did good service in holding the Confederates in check, and did such service as to exasperate the Confederates, so that when they captured Roe they took him with two others and shot them in cold blood. His widow, Della Roe, is seventy-five years of age and in indigent circumstances.

The affidavits of J. L. McCarty, R. C. Lawson, Julian Reed, Edward Perkins, neighbors of said Roe, all substantiate the statement that said Roe raised the company, was captain thereof, and did valiant service for the Union, and that he was captured and never returned. The affidavit of said Edward Perkins proves the death of said Roe and that he was shot while a prisoner. The petition setting forth facts as stated is signed by seventy reputable citizens in the county in which said Roe lived prior to his death, and your committee believe that the case is a meritorious one and report back the bill and recommend its passage, amended by striking out the sixth and seventh lines of the bill and adding thereto these words: "twelve dollars per month."

The amendment recommended by the committee was concurred in.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

WILLIAM H. KEYS.

On motion of Mr. FLOWER, by unanimous consent, the House proceeded to consider the bill (H. R. 4781) for the relief of William H. Keys.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, instructed and directed to remove and expunge from the records the charge of desertion now borne upon said rolls against William H. Keys, late private in Company G, Sixty-ninth Regiment New York Infantry Volunteers, and to issue to him an honorable discharge from the military service of the United States.

The report (by Mr. CAREY) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4781) for the relief of William H. Keys, having considered the same, respectfully report:

That William H. Keys enlisted February 8, 1864, as a recruit at the age of fifteen years, and was assigned to Company G of the Sixty-ninth New York Volunteer Infantry. Owing to his extreme youth he was unable to endure the fatigue of the march, and was sent to hospital at New York in August, 1864. From thence he was furloughed to go to his home in New York City. He had enlisted without his father's knowledge or consent, and when the boy got home his father compelled him to go aboard a vessel and sent him to Europe, where he remained until the war had closed. Your committee submit as part of their report the petition of said Keys and the report of the Adjutant-General.

Your committee would recommend that the bill be amended by adding, after line 8 in such bill, the following:

"To date September 15, 1864: *Provided,* That the relief hereby granted shall not entitle such soldier to any pay or emoluments for any time while not in the actual performance of military duty."

And your committee recommend, in view of the extreme youth of such soldier and his natural subjection to parental authority, he should have the relief prayed for, and we recommend that the bill do pass.

Case of William Keys, late private Company G, Sixty-ninth New York Volunteers.

RECORD AND PENSION DIVISION, March 20, 1890.

William Keys, private Company G, Sixty-ninth New York Volunteers, was enrolled on February 8, 1864, to serve three years. The enlistment paper states his age as eighteen years. On April 30, 1864, he was present with his company. The muster-roll of June 30, 1864, reports him "deserted May 5 from the battle of Wilderness." His name is not borne on the rolls of August 31 and October 31, 1864. The rolls from November 1, 1864, to April 30, 1865, and the muster-out roll, dated at Alexandria, Va., June 30, 1865, report him "absent sick."

The return for May, 1864, shows him "missing in action May 10, 1864, at Po River."

The medical records show that he was admitted to the first division of depot field hospital, Second Army Corps, at City Point, Va., July 5, 1864, as convalescent, and transferred to general hospital, Blackwell's Island, New York Harbor, where he was admitted on August 1, 1864, with chronic diarrhea, and he is reported as having deserted there on September 15, 1864.

In an affidavit of August 27, 1869, this man made the following statement:

"When he enlisted he was fifteen years and fifteen days old. He wanted to join the First New York (Lincoln) Cavalry, but he was assigned to the Sixty-ninth New York Volunteers, which regiment he joined at Brandy Station, Va. In the first part of May, 1864, he was taken sick and went to one of the field hospitals, where he helped to take care of the wounded. From there he was sent to City Point, Va., and thence to Blackwell's Island, being sick with fever. About September 1, 1864, he went to New York City on a pass to see his folks, when his father would not allow him to return to the hospital, and compelled him, against his will, to go on a steamer to Europe."

Alexander Price, in his affidavit of August 24, 1869, testified that he is familiar with the handwriting of applicant's father; he has examined the family Bible of the Keys family, and has found in the record of births that this applicant was born on January 24, 1849, said entry being in the handwriting of applicant's father.

Robert Cunningham and Ira G. Lane, in affidavits of August 24, 1869, testify similarly to Alexander Price.

Isaac Lunney, in affidavit of August 23, 1869, testified that about September 1, 1864, he lived with Christopher Keys, the applicant's father; about that time this soldier came home and remained there all night; about 10 o'clock on the next day he went with the soldier to the corner of Spring and Broadway to meet the father, who told the soldier then and there that he was going to send him to Europe. The soldier objected and refused to go, and only after earnest pleading and coaxing on his father's part did he go on board, the father remaining with him till the steamer started.

After this the father told applicant that he had tried every means to get the boy out of the Army, but failed; that he had only two sons, one of them only seventeen years of age, being then a member of the First Lincoln Cavalry Volunteers, and that it was not right for the Government to have both of his minor sons.

No other testimony has been submitted. His name is not borne as William H. Keys.

Existing law affords no relief in this case, and the application was therefore rejected on September 7, 1869.

Respectfully submitted.

F. C. AINSWORTH,

Captain and Assistant Surgeon, United States Army.

THE SECRETARY OF WAR.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioner, William H. Keyes, a citizen of the United States, residing at No. 308 East Sixty-ninth street, in the city of New York, State of New York, respectfully represents that on the 8th day of February, 1864, in the said city of New York, while a minor, being only fifteen years and fifteen days old (an infant in the eye of the law), he ran away from school and, without his parents' consent or knowledge, enlisted for service in the First Regiment (Lincoln) New York Cavalry Volunteers, and certainly expected to be sent to said regiment, in which he had a number of friends and acquaintances; but, contrary to his expectations and in direct violation of the terms of enlistment, he was assigned to the Sixty-ninth Regiment New York Infantry and sent to the front, though at the time, because of his tender years and undeveloped physical condition, he was not strong enough to hold a regulation musket at a ready, or in the position to fire, as specified in military "infantry tactics."

Your petitioner further declares that, owing to his immature physical condition and the hardships incident to infantry service, he was taken sick some time in May, 1864, and sent to a field hospital, and after a time was sent to City Point and from thence to Blackwell's Island (N. Y.) hospital. While under treatment in said hospital, to wit, about September 15, 1864, he obtained a pass to visit his parents at No. 308 East Fourteenth street, New York City; that he made such visit, and at the instance of his parents remained all night; that he made such visit, his father told him to meet him (his father) at 11 o'clock at the corner of Spring street and Broadway. He obeyed his command and met him, when he then and there informed him that he intended to take him out of the Army and send him to Europe.

To this he demurred and strenuously objected, and finally absolutely refused to go, but after earnest pleading and coaxing on the part of his father, supplemented by a positive and peremptory parental command, he yielded, and went with his father on board the steamer, where he remained until she started, to watch him and prevent him from returning to the Army. It will be seen by the affidavits herewith presented and on file in the War Department that it was through no voluntary act of his, nor from any intention to desert, that he left his command.

In the first place, the officer who enlisted him should have been court-martialed for such palpable violation of his duty, and the surgeon who examined and passed him as an acceptable recruit, if an expert in anatomy, as he should have been, ought at once to have seen his immature physical condition and have rejected him. It is also in evidence that after his enlistment and during his sickness in hospital his father fully explained to the military authorities all the facts in relation to his extreme youth, and exhausted every available means to obtain his discharge in the usual way, but without success, and having given to the service his only brother (who he may state was also a minor, being but seventeen years old), determined to effect his release through and by such means as were available, and by force, moral as well as parental, compelled him to remain from his command until after his pass had expired and he was marked on the rolls as a deserter, and then sent him beyond the reach of our military authorities until his term of service expired.

Your petitioner does not ask for any pay or bounty that may be due him for the period during which it is admitted that he performed faithfully such service as he could, owing to his undeveloped physical condition, but he earnestly requests that in view of all the facts alleged and proven he be granted an honorable discharge from the military service, and that the Secretary of War be directed and commanded by your honorable bodies to issue such honorable discharge and cause to be expunged from his record any charge of desertion found thereon as against your petitioner.

This he asks as a matter of justice and in order that his otherwise honorable character may not have resting upon it the stigma of being borne on the public records of his country as a deserter, and as in duty bound your petitioner will ever pray.

WILLIAM H. KEYES.

The amendment recommended by the committee in the report was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. FLOWER. I ask unanimous consent that that bill be put upon its passage.

There was no objection; and the bill was accordingly passed.

NANCY A. THORNTON.

On motion of Mr. BAKER, the House, by unanimous consent, proceeded to consider the bill (S. 1732) granting a pension to Nancy A. Thornton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nancy A. Thornton, widow of John W. Thornton, deceased.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1732) granting a pension to Nancy A. Thornton, submit the following report:

The beneficiary under this bill is the widow of John W. Thornton, who was terribly wounded during the Quantrell raid on the city of Lawrence, Kans. Seven bullets took effect, rendering him a helpless cripple. In the Forty-ninth Congress he was granted a pension by a special act. As his death was the result of his fearful wounds there seems no reason why the widow should not be put on the pension-roll, and your committee therefore recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BAKER. I ask unanimous consent that that bill pass.

The SPEAKER *pro tempore*. The Chair hopes the gentleman from New York [Mr. FLOWER] has not established a bad precedent.

Mr. HEARD. I shall have to object, Mr. Speaker. It is only fair that we should all have an equal chance.

OZEO HARRINGTON.

On motion of Mr. KILGORE, the House, by unanimous consent, proceeded to consider the bill (H. R. 2518) granting a pension to Ozeo Harrington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Ozeo Harrington, late a private in Company H, First Regiment Iowa Cavalry Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2516) granting a pension to Osro Harrington, submit the following report:

The claimant, Osro Harrington, enlisted in Company H, First Iowa Cavalry, on the 16th day of September, 1861, to serve for three years or during the war; re-enlisted as a veteran January 4, 1864; was honorably discharged at the muster-out of his company February 15, 1866, at Austin, Tex., having faithfully served for four years, four months, and twenty-nine days. The claimant made application for pension in the year 1890, alleging that he contracted pleurisy from hard riding about November, 1864, but afterwards amended the date to July, 1864. Claimant alleges that he was treated for his disability, as stated, in regimental hospital, but the Surgeon-General's Office shows no record of treatment.

Maj. W. S. Wisenand, who was captain of the soldier's company, makes affidavit that on or about the 15th day of July, 1864, while in line of duty, in the State of Missouri, running about bushwhackers, the claimant incurred pleurisy; that from the date of this injury the claimant was very much afflicted during the remainder of his service; that he was with soldier since his enlistment in 1861; that he was in good health immediately preceding the time referred to above. The claimant alleges that the physician who first treated him after discharge is dead, and that he is unable to secure the testimony of regimental surgeon as to treatment in hospital.

Lieut. Samuel T. Craig, of claimant's company, testifies that on or about the 15th day of March, 1865, claimant went to him and said his side hurt him so that he could not wear belt or saber on account of pleurisy or swelling of side; that he, Lieutenant Craig, was at that time assistant adjutant-general on the staff of General E. D. Osband, and that on account of claimant's inability for service in the field he had him detailed as orderly at headquarters. Isaac N. Hosford testifies that he has been intimately acquainted with claimant since 1869; that he has frequently and often heard him make complaint of pleurisy pain in his side.

Dr. George W. Morrison, a practicing physician, testifies that he has known claimant since 1881; that he first examined and treated him for chronic splentitis in January, 1882; that he has frequently examined and treated him since.

Dr. J. T. Davis in 1885 testifies that he has treated claimant for chronic hypertrophy of the spleen a number of times during the past three years. Dr. Hyatt also testified to his having treated soldier in 1888, agreeing with the other physicians in diagnosis of disability.

This claim was rejected at the Pension Office in 1886; reasons stated: No record of disease and claimant unable to furnish required medical evidence.

Your committee are of the opinion that the evidence of claimant's captain, corroborated by his lieutenant, clearly establishes the incurrence of claimant's disability. Owing to the death of the physician who first treated claimant after discharge there is a break of a few years in the chain of medical testimony, which missing link is at least partially restored by the evidence of Mr. Hosford, and since 1881 we have a continuous chain of medical evidence which, to the minds of your committee, establishes beyond a doubt the justness of the claim; therefore your committee give it favorable report and recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

MRS. MARY HOGAN.

On motion of Mr. MOFFITT, the House, by unanimous consent, proceeded to consider the bill (H. R. 9163) granting a pension to Mrs. Mary Hogan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll the name of Mrs. Mary Hogan, widow of Thomas Hogan, late of Battery D, Third United States Artillery, and allow her a pension at the rate of \$12 per month.

The report (by Mr. HILL) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9163) granting a pension to Mary Hogan, have considered the same and report:

The claimant's late husband, Thomas Hogan, deceased, was a private in Battery D, Third United States Artillery, and served from August 4, 1860, to August 4, 1865, when honorably discharged by reason of expiration of term of service. The records show that the battery participated in the campaign and operations against hostile Seminole Indians in Florida from 1860 to 1862.

The testimony filed in support of the bill establishes the identity of the claimant as the widow of the soldier. Her residence is Chateaugay, Franklin County, New York. It is also shown that the claimant is an aged and worthy woman and that she has no means of support.

In view of the facts stated your committee report the bill back with a favorable recommendation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

WILLIAM C. EBERT.

On motion of Mr. PETERS, by unanimous consent, the House proceeded to consider the bill (H. R. 2550) granting a pension to William C. Ebert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William C. Ebert, disabled while acting as a volunteer citizen soldier in the provost guard, and pay him a pension from the date of disability at the same rate as provided by existing law for a similar disability.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2550) granting a pension to William C. Ebert, submit the following report:

The claimant, William C. Ebert, alleges that at the commencement of the war of the rebellion he was a resident of Hannibal, Mo.; that he had been a resident of said place since the spring of 1857; that during the latter part of July, 1862, a military company was being formed for the purpose of protecting property and guarding a large amount of United States military stores in charge of Maj. E. Wilmot, quartermaster at that post; that he joined and became a member of said company; that on the 6th day of August, 1862, claimant was detailed by Maj. Thomas D. Price, provost-marshal at Hannibal, Mo., to guard a large amount of military stores which were in charge of Maj. E. Wilmot, quartermaster, a requisition having been made by the quartermaster upon the provost-marshal for a guard; that while in the performance of said duty, on the night of the 6th day of August, 1862, he received a gunshot wound in the elbow of his left arm, and that on the following day his arm was amputated a few inches above the elbow by Drs. Edward Duffield and Benedict T. Norton, and further that the said Dr. Duffield died some years since.

Dr. Benedict T. Norton testifies that he assisted in the amputation of left arm of claimant on or about the 7th day of August, 1862, made necessary by claimant having received a gunshot wound while acting in line of duty as a member of the provost-marshal guard. Thomas M. Price, who is now and has been since 1878 land commissioner of the Hannibal and St. Joseph Railroad Company, was paymaster of said company from 1853 to 1865, testifies that he was major of the Thirty-eighth Regiment of Enrolled Missouri Militia; that on or about the 3d day of August, 1862, he was duly appointed provost-marshal, with headquarters in the city of Hannibal, and entered at once upon the discharge of his duty; that to the best of his recollection at the time there were no regular troops there that could be called upon to do guard duty, and being called upon by Maj. E. Wilmot, post quartermaster, for guards, he organized a volunteer guard of citizens; he ordered the claimant, William C. Ebert, to act as a guard for military stores.

While in the line of his duty as such, on or about the 6th day of August, 1862, and during the night, the claimant was disabled by a gunshot wound in left arm; that in consequence thereof the arm was soon after amputated by Drs. Duffield and Benedict, of Hannibal, Mo.

T. K. Hayward, ex-mayor of Hannibal, Mo., testifies that he has been a resident of Hannibal, Mo., since 1858; that Thomas M. Price was provost-marshal at the time specified above; also that Major Wilmot was post quartermaster, and his testimony in relation to the incurrence of claimant's disability is substantially the same as that of the provost-marshal, Thomas E. Price. Alexander F. Denny makes affidavit that Thomas E. Price was provost-marshal at the time specified, and that he was his successor and relieved him in August, 1862.

It does not appear that claimant had been mustered into the United States service, therefore, under existing law, could not be granted a pension by the Pension Bureau; but it appears from the testimony that the claimant was performing the duty, under orders of the provost-marshal, of a regularly mustered soldier, and that while in line of duty lost his arm.

Your committee is informed that the claimant is a highly respected citizen of Hannibal, and did not intend to make application to the Government for pension until he met with business reverses which forced him to do so for the support of his family.

Your committee submit a favorable report and recommend that the bill do pass with the following amendment: Striking out all after the word "guard," in line 7.

The amendment recommended by the committee in the last paragraph of the report was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

THOMAS THOMPSON.

On motion of Mr. BOOTHMAN, by unanimous consent, the House proceeded to consider the bill (H. R. 10246) granting a pension to Thomas Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place upon the pension-roll the name of Thomas Thompson, dependent and crippled son of Cornelius Thompson, late a private in Company D, One hundred and ninety-second Ohio Volunteer Infantry, and to pay him a pension of \$12 per month.

The report (by Mr. YODER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10246) granting a pension to Thomas Thompson, submit the following report:

Thomas Thompson, the claimant, is the son of Cornelius Thompson, late a member of Company D, One hundred and ninety-second Regiment Ohio Volunteer Infantry, who died from disease contracted while in the service. His widow, Mary Thompson, was pensioned on account of the death of her husband. She is now dead, and no one is drawing a pension on account of the soldier's death.

Thomas Thompson is forty years of age, weighs 75 pounds, is 4 feet and 5 inches in height, small bones, measures 31 inches around the waist. He is pigeon-breasted; has lateral curvature of the spine. He is suffering from general deformity. He is in poor circumstances, without any one legally bound to support him, and is the subject of charity.

Your committee are of the opinion that this is a meritorious case and recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

JAMES M. THOMPSON.

On motion of Mr. O'NEIL, of Massachusetts, the House, by unanimous consent, proceeded to consider the bill (H. R. 9030) to remove the charge of desertion from the record of James M. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby is, authorized and directed to cause the records of the War Department to be so amended as to remove the charge of desertion from the service record of James M. Thompson, late a private in Company F, Twelfth Regiment of Maine Volunteers, and to grant an honorable discharge to the said James M. Thompson as a private of said company, as of the date of April 8, 1863.

The report (by Mr. CAREY) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 9030) to remove the charge of desertion from the record of James M. Thompson, having considered the same, respectfully report:

That James M. Thompson was enrolled February 1, 1863, as a member of Company F, Twelfth Maine Volunteers, to serve three years, and was subsequently transferred to Company D, of the same regiment. This soldier was with his company, or on detached duty as a clerk in the Savannah, Ga., post-office, until April 11, 1863. His company was mustered out of service seven days thereafter. The evidence shows that the soldier while on detached service contracted sore eyes, and after being relieved of duty as a clerk, fearing that he might lose his eyesight, went home. This soldier is not relieved by the general law. The committee recommend that the bill do pass.

Case of James M. Thompson, late a private in Company F, Twelfth Maine Volunteers. RECORDED AND PENSION DIVISION, May 2, 1890.

The official records show that James M. Thompson was enrolled at Augusta, Me., on February 1, 1863, as a member of Company F, Twelfth Maine Volunteers, to serve three years, and that he served faithfully therein until the muster for November and December, 1863, when he is reported as absent on detached duty as clerk in the post-office at Savannah, Ga.

On the muster-roll of Company D, of the same regiment (to which he had been transferred), for January and February, 1865, the soldier is reported present for duty.

On the company muster-out roll dated April 18, 1866, he is reported as having deserted April 10, 1866, at Savannah, Ga., while the company morning report gives the date of desertion (at the same place) as April 11, 1866.

From this desertion he did not return nor report his whereabouts or the cause of his absence to the proper military authorities.

The following is a synopsis of the testimony heretofore presented in the case in connection with the application for removal of the charge of desertion standing against the record of this soldier, to wit:

Under dates of July 1, October 20, and —, 1869, the soldier testified that while on duty in the post-office at Savannah, Ga., he contracted sore eyes, and that as the war was over, and fearing he would lose his eyesight if he remained any longer, he went home on or about April 10, 1866; that he had been relieved from duty in the post-office by reason of his disability (sore eyes) by the post surgeon "Bean or Dean," though he still remained and did duty there up to the time of his departure. The soldier further declared that he performed no duty with his company (D), as it was encamped at the further end of the city, and that he had no army or naval service prior to February, 1865.

(When this soldier first made application for relief he signed himself as James Martin and stated that he had enlisted in Company F, Twelfth Maine Volunteers, under the name James M. Thompson.)

William J. Fogerty, a comrade, testified under date of September 13, 1869, that the soldier was afflicted with sore eyes in the spring of 1865, while on duty in the post-office at Savannah, Ga.; that he became unfit for duty; and that he was relieved from further service therein by the post (army) surgeon by reason of said affliction, the same having been contracted in the line of duty.

James Powers, late a private in Company C, Twelfth Maine Volunteers, testified September 26, 1869, that he was doing duty with Thompson in the Savannah, Ga., post-office at the time he became afflicted with sore eyes contracted in the line of duty, and that he (Thompson) was relieved and ordered to hospital.

On September 30, 1869, the authorized attorney in the case was informed that "in view of the fact that this soldier was relieved from duty as clerk as early as January or February, 1866, and that he was present on duty with his company thereafter up to the date of his desertion, the testimony submitted is not deemed sufficient to warrant any favorable action in the case." The application was therefore denied.

The application was again denied January 14, 1890, on the ground that "as this soldier did not serve six months prior to May 1, 1865; as the charge of desertion was not erroneously made, and as the testimony does not establish that he was prevented by disability contracted in the line of duty from completing his term of enlistment," favorable action could not be taken.

Since then the status of the soldier has not been changed by the introduction of new testimony or by subsequent legislation.

Respectfully submitted,

F. C. AINSWORTH,
Captain and Assistant Surgeon, United States Army.

The SECRETARY OF WAR.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

CLARA FOWLER.

On motion of Mr. TURNER, of Kansas, the House, by unanimous consent, proceeded to consider the bill (H. R. 3070) granting a pension to Clara Fowler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Clara Fowler, daughter of Francis A. Fowler, deceased, late a private of Company A, Seventh Wisconsin Volunteers, at the rate of \$12 per month.

The report (by Mr. MORRILL) is as follows:

Your committee have examined the evidence in the case of Clara Fowler, for whom a pension is provided in H. R. 3070, and find that she is the unmarried daughter of Francis A. Fowler, late a corporal of Company A, Seventh Regiment of Wisconsin Volunteer Infantry, now deceased; that she was on the pension-roll until she became sixteen years of age; that she is totally blind and paralyzed and with impaired mind, and incapable of earning a living or caring for herself. Her mother remarried and is in dependent circumstances.

Your committee therefore recommend the passage of the bill with the following amendment, striking out "twelve" in line 8 and inserting "eighteen."

The amendment recommended by the committee in the last paragraph of the report was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

MARY B. LE ROY.

Mr. TURNER, of New York. I ask the present consideration of the bill (S. 314) for the relief of Mary B. Le Roy.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act there be paid, out of the naval pension fund, to Mary B. Le Roy, widow of the late Rear-Admiral William E. Le Roy, United States Navy, the sum of \$50 per month during her widowhood, that sum to be in lieu of her present pension.

The report (by Mr. TURNER, of New York) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 314) granting a pension to Mary B. Le Roy, submit the following report:

This bill was favorably reported by the Senate committee, whose report is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 314) granting a pension to Mary B. Le Roy, widow of the late Rear-Admiral William E. Le Roy, United States Navy, have examined the same and report:

"That the claimant is the widow of William E. Le Roy, late rear-admiral in the Navy of the United States, who died in New York City on the 10th day of December, 1888. He was appointed to the Navy as midshipman January 11, 1832, and after passing through all the intermediate ranks was promoted to be rear-admiral on the 8th of April, 1874, and was retired on the 24th of March, 1880, after a period of active service of forty-eight years. During this time his service at sea was forty years, one of the longest on record.

"He served throughout the whole war of the rebellion. In 1861 he commanded the Keystone State; was at the capture of Fernandina, Fla. He was engaged with the ironclad off Charleston, S. C. From 1865 to 1866 he was in command of the Osage, and was engaged in the battle of Mobile Bay in August, 1864.

"While in active service in the Navy, off the coast of Africa, he contracted what is known as the 'African fever,' from the effects of which he never fully recovered, and which is shown by the testimony of the naval surgeon on file to have been the ultimate cause of his death. The record of his actual service, as

well as the history of his promotions in the Navy, shows that he was an officer of distinguished skill, diligence, and bravery; that his service was long, faithful, and continuous.

"The claimant was married to Admiral Le Roy on the 17th day of November, 1881, at Washington, D. C. Both parties had been married before. There are no children of this marriage."

The widow is aged forty-nine and her sole income is derived from the estate of her late husband, the said estate being unsettled and will not be large.

She is now drawing \$50, and in view of the long and honorable service of her husband and the numerous precedents for such action the committee recommend that the bill do pass.

The bill was ordered to a third reading; and it was accordingly read the third time.

JESSE H. STRICKLAND.

Mr. FARQUHAR. I call up the bill (S. 2832) for the relief of Jesse H. Strickland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jesse H. Strickland, formerly colonel of the Eighth Regiment of Tennessee Cavalry, United States Volunteers, and for the purpose of prosecuting a claim for pension said Jesse H. Strickland shall be considered as having been duly commissioned and mustered as colonel of the said regiment to date from the 30th day of January, 1863.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2832) for the relief of Jesse H. Strickland, submit the following report:

The case has twice passed the Senate. In the last Congress a similar bill passed this committee and was favorably reported to the House, but was not acted upon.

The facts in the case are fully set forth in the Senate report hereto annexed and made a part hereof.

Believing the case a meritorious one, your committee would recommend the passage of the bill.

[Senate Report No. 816, Fifty-first Congress, first session.]

Mr. BLAIR, from the Committee on Pensions, submitted the following report (to accompany S. 2832):

The Committee on Pensions, to whom was referred the bill (S. 2832) for the relief of Jesse H. Strickland, have examined the same and report:

A similar bill has twice passed the Senate before. These bills, with certain amendments which appear in the bill now under consideration, have been reported favorably in the House on each occasion.

In view of these facts your committee adopt the previous report and recommend the passage of the bill.

REPORT.

The papers filed in this case may be considered as establishing the following facts:

That in January, 1863, Strickland received authority from the Government to recruit and organize a regiment of cavalry of loyal Tennesseans. That he entered upon that duty and raised the Eighth Tennessee Cavalry (so named), but for some reason, which appears only in his own statement, was not mustered as colonel, although he performed the duties for months and was recognized as such.

That in September, 1863, he was sick with intermittent fever and was certified from time to time, from September 4 to September 10, as being unfit for duty, surgeon on last date expressing opinion that he would not be able for duty for several weeks. It is most reasonable to accept the statement that to his sickness and his inability to perform active service his failure to be commissioned was attributable.

That since 1868, as is established by competent medical evidence, he has been more or less disabled by lung trouble, rheumatism, typhoid pneumonia, hemorrhages, and nervous prostration. One other witness places these troubles as far back as 1865, and there is evidence that he was physically sound before entering upon his military duties.

The evidence filed is not such, in the judgment of this committee, as to warrant them in recommending a pension at any arbitrary or fixed rate. We are of opinion, however, that justice would be conserved by giving this claimant a legal standing to prosecute his claim in the Pension Office, and accordingly recommend that the Senate bill pass with the following amendment: Strike out all after the word "volunteers," in the seventh line, and insert "and for the purpose of prosecuting a claim for pension, said Jesse H. Strickland shall be considered as having been duly commissioned and mustered as colonel of said regiment, to date from the 30th day of January, A. D. 1863."

Brief of claim for invalid pension of Jesse H. Strickland.

This bill is to authorize the name of Col. Jesse H. Strickland to be placed on the pension-rolls of the Government.

The reason for asking a special act instead of proceeding by claim in the Pension Bureau is this:

During the civil war Mr. Strickland was a resident of the State of Tennessee and was authorized by President Lincoln, through the War Office, to enlist a regiment of Tennessee troops for the United States service.

Under this authority he did so proceed and enlisted citizens and refugees of his State in numbers finally aggregating seven or eight hundred men. Many months of time and much money was spent in this work. It was performed under promise of being commissioned as colonel, and the regiment was first designated as the Fifth, but afterwards as the Eighth Tennessee Cavalry. As men were mustered in companies were formed and officers appointed, captains, majors, and finally a lieutenant-colonel.

During all this time Mr. Strickland was regarded as a colonel, so designated in official orders, so obeyed when he was in command. As colonel he was in charge of the convalescent camp at Camp Nelson, Kentucky, and as such his name was signed and respected in the Quartermaster's and Medical Departments. But, unfortunately for him, before the work was complete and he mustered into service, he was taken sick and for months was under medical treatment, and from the diseases thus contracted in the line of his duty in the service of the United States he has never recovered.

While thus sick and under medical care, in the fall and winter of 1863, the presence of troops at the front was urgent, so that Andrew Johnson, then military governor of Tennessee, feeling that the public interests must override private rights, consolidated with the Eighth Tennessee Cavalry some 200 recruits obtained by R. V. K. Patten, appointed Patten to be colonel, thus completing the regiment, sending it to the field, and depriving the claimant of his right to be mustered as colonel.

Under these circumstances the Pension Office can not have jurisdiction of his pension claim, and he therefore asks pension by a special act of Congress. He herewith submits testimony to show his sickness in the service and continuously ever since. He is also asking of Congress a legal recognition of his rights

as colonel, and evidence of his service as such has been filed with the proper committee of the House of Representatives.
All of which is respectfully submitted.

DISTRICT OF COLUMBIA, County of Washington, ss:
In the matter of pensions by special act, Jesse H. Strickland, late colonel Eighth Tennessee Cavalry, United States Volunteers.

On the 30th day of January, 1863, authority was granted me by President Lincoln to recruit and organize a regiment of cavalry of loyal Tennesseans for service in the Federal Army, and while recruiting and in command of the said organization, and in the line of his duty at Camp Nelson, Kentucky, on or about the 1st of September, 1863, he contracted intermittent fever, and while convalescent went to Murfreesborough, Tenn., and thence to Nashville, Tenn., where he had a relapse of his disease, which terminated in typhoid fever and rheumatism, the former having resulted in lung complaint, hemorrhages, and general debility, and which, with rheumatism, have continually existed from time to time since leaving the service.

The applicant has resided in Tennessee, and is now a resident of Brooklyn, Kings County, New York, where he has resided for the past twenty years. That prior to his entry into the United States service he was a man of good, sound physical health, his weight at that time being 175 pounds, and his present weight being 141 pounds. That he is now disabled from obtaining his subsistence by manual labor by reason of his injuries above described, received in the service of the United States, and he therefore makes this declaration for the purpose of being placed on the pension-rolls of the United States.

JESSE H. STRICKLAND,
Late Colonel Eighth Regiment Tennessee Cavalry, United States Volunteers.

LEXINGTON, September 17, 1863.

DOCTOR: This will be handed to you by Colonel Strickland, Eighth Tennessee Cavalry. You will please obtain for him one of the most comfortable rooms in the hotel, and consider him an out patient and extend to him your best attention.

Respectfully yours,

ALEX. T. WATSON,
Surgeon, U. S. V., Superintendent Hospitals, Central Kentucky.
A. A. Surg. R. M. LACKY, U. S. A.,
In charge of Post Hospital, Crab Orchard, Ky.

MEDICAL DIRECTOR'S OFFICE, Louisville, Ky., September 4, 1863.
I certify that I have carefully examined J. H. Strickland, colonel of Eighth East Tennessee Cavalry, and find him suffering from intermittent fever, and he will not be able to rejoin his regiment for duty for some days.

WILLIAM W. GOLDSMITH,
A. A. Surgeon, U. S. A., Member of Board of Examiners.
[Indorsements.]

MEDICAL DIRECTOR'S OFFICE, NINTH ARMY CORPS,
Lexington, September 9, 1863.
Colonel Strickland should rest and take medicine for five or six weeks.
J. E. MACDONALD,
Surgeon U. S. V. and Acting Medical Director Ninth Army Corps.

HEADQUARTERS NINTH ARMY CORPS,
MEDICAL DIRECTOR'S OFFICE,
Lexington, Ky., September 17, 1863.
Colonel Strickland is not yet able, in my opinion, to join his command.
JOHN E. MACDONALD,
Surgeon U. S. V. and Acting Medical Director Ninth Army Corps.

HICKMAN BRIDGE HOSPITAL, Camp Nelson, Ky., September 19, 1863.
I have carefully examined Colonel Strickland, of Eighth East Tennessee Cavalry, and find him unfit to perform field duties, because of debility following an attack of fever; and in my opinion it will be several weeks before he will be able for the duties of his corps.

A. C. SWARTZWELDER,
Surgeon U. S. V., in charge.

DISTRICT OF COLUMBIA, ss:
In the matter of the pension claim of Jesse H. Strickland, late colonel of the Eighth Tennessee Cavalry (Tennessee Volunteers).

Personally came before me, a clerk of the supreme court in and for aforesaid District, R. J. Meigs, Jr., aged fifty-five years, citizen of the city of Washington, D. C., well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows: That I am well acquainted with the said Jesse H. Strickland, and was intimately acquainted with him for many years prior to the late civil war; that I knew of my own personal acquaintance that he was, prior to his services in the United States Army, a man of good sound health and constitution and competent to render good military service in the Army of the United States.

I further declare that I have no interest in said case and am not concerned in its prosecution.

[SEAL.]

R. J. MEIGS, JR.

DISTRICT OF COLUMBIA, County of Washington, ss:
In the matter of pension claim of Col. Jesse H. Strickland, Eighth Tennessee Cavalry, United States Volunteers.

Personally came before me Francis W. Strickland, a citizen of the town of Brooklyn, county of Kings, State of New York, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

I, Francis W. Strickland, late first lieutenant and commissary of subsistence Eighth Tennessee Cavalry, United States Volunteers, was with the said command at Camp Nelson, Kentucky, on or about May 12, 1863.

On or about November, 1863, on my return through Lexington, Ky., to Cincinnati, on furlough, I met the claimant, and he was suffering from the effects of an attack of typhoid fever and rheumatism and an injury sustained by his horse falling.

Previous to his entering the service he was a robust and healthy man, and ever since his discharge he has been in feeble health, and more or less disabled from the effects of the above diseases.

I have seen the claimant from time to time since his discharge from the military service, and the disability of rheumatism and the results of fever have continued from that time until the present, and he has been unable to perform manual labor.

FRANCIS W. STRICKLAND,
Late First Lieutenant and Commissary Subsistence,
Eighth Tennessee Cavalry, United States Volunteers.

DISTRICT OF COLUMBIA, City of Washington, ss:

In the matter of claim of Jesse H. Strickland, late colonel of Eighth Regiment Cavalry, Tennessee, United States Volunteers.

Personally came before me, a ——— in and for aforesaid county and State, Marcus A. O'Brien, citizen of the town of Washington, District of Columbia, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

That I have known claimant almost continuously for twenty-one years, from 1865 to the present time, 1885; I know him to be, by both report and official military documents that I have seen in his possession, colonel of the Eighth Regiment Tennessee Cavalry, United States Volunteers; I have seen him many times during the above period in Nashville and Murfreesborough, Tenn., New York City, and Brooklyn, N. Y., and I have never known him to be a well or sound, healthy man; I know of his having typhoid fever, rheumatism, and lung trouble when I first became acquainted with him.

It has always been my conviction and belief that his broken-down health was caused by exposure and hardships incurred during his military service to the United States.

And I further declare that I have no interest in said case and am not concerned in its prosecution.

MARCUS A. O'BRIEN.

STATE OF NEW YORK, County of Kings, ss:

In the pension claim No. ———, of Jesse H. Strickland, late colonel of Eighth Tennessee Cavalry Volunteers.

Personally came before me James Watt, M. D., a citizen of Brooklyn, in the county of Kings and State of New York, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows:

That he is a practicing physician, and that he has been acquainted with said soldier for about fourteen years, and that he has known him intimately, being his family physician for ten years.

1. I did not know the applicant prior to 1872.

2. Did not treat him at any time previous to the above date.

3. First saw him during the year 1872, when I was called to treat him for chronic pneumonia and pulmonary hemorrhages; saw him several times during that year and the following five years for the same cause.

4. The claimant has been unable for the past ten years to perform any manual labor.

He further declares that he has been a practitioner of medicine for twenty years and that he has no interest, either direct or indirect, in the prosecution of this claim.

JAMES WATT, M. D.

STATE OF NEW YORK, County of New York, ss:

In the pension claim No. ———, of Jesse H. Strickland, late colonel Eighth Tennessee Cavalry, United States Volunteers.

Personally came before me Walter R. Gillette, a citizen of New York, in the county of New York and State of New York, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows:

That he is a practicing physician, and that he has been acquainted with said soldier for about eighteen years and that he has known him intimately, having been his family physician for five years. I first became acquainted with Colonel Strickland December 1, 1868, he at that time being an employé of the New York post-office, I being at that time physician and medical examiner of the same.

I first called on him December 1, 1868, and found him in a precarious state of health, suffering with lung trouble and rheumatism. Again, in March, 1869, I treated him for typhoid pneumonia. Again, in December, 1869, for rheumatism. In spring of 1870, hemorrhages and nervous prostration. Again, in spring of 1871, pleuro-pneumonia. I advised his resigning his position to prolong life, as I considered him totally unable to perform manual labor.

He further declares that he has been a practitioner of medicine for twenty-two years and that he has no interest, either direct or indirect, in the prosecution of this claim.

WALTER R. GILLETTE,
149 West Twenty-third street, New York.

Mr. KILGORE. If I caught correctly the latter portion of this bill, it is not a bill which can be considered at a Friday evening session.

Mr. FARQUHAR. Except that the bill proposes to establish the rank of this soldier, it is in the same form as other bills which are passed regularly.

Mr. KILGORE. Is not the bill subject to a point of order as one which can not be considered at a Friday evening session? We can only consider at these Friday evening sessions private pension bills, bills for the removal of political disabilities, and bills for the removal of charges of desertion.

Mr. FARQUHAR. This is a Senate bill, and has been reported in this House by the Committee on Invalid Pensions.

Mr. KILGORE. That would not give it the necessary standing.

Mr. MORRILL. Oh, yes; the order expressly covers private bills reported by the Committee on Invalid Pensions.

Mr. FARQUHAR. There is no question at all that the bill is in order.

There being no objection, the bill was ordered to a third reading; and it was accordingly read the third time.

HENRY A. KING.

Mr. ALDERSON. I ask for the present consideration of the bill (H. R. 3952) for the relief of Henry A. King.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be placed on the pension-roll of the United States, subject to the provisions and limitations thereof, the name of Henry A. King, late private of the Clay County, West Virginia, Independent Scouts.

The report (by Mr. LANE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3952) granting a pension to Henry A. King, submit the following report:

The evidence shows that the soldier served in the late rebellion as a private in Clay County Scouts of West Virginia, an organization serving for the time being under officers of the United States Army from January, 1865, to May, 1863, in

March, 1865, the soldier was shot in the left hip while in battle with the enemy, from which injury he has suffered and is greatly suffering now.

This claim was rejected in the Pension Department for the reason that the soldier was in a State organization, and not in the United States service. The committee therefore report the bill back with the recommendation that the same do pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

MARY H. CURTIS.

Mr. O'DONNELL. I desire to call up the bill (H. R. 2431) granting a pension to Mary H. Curtis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and instructed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary H. Curtis, dependent mother of Charles S. Curtis, deceased, late a private in Company B, First Vermont Heavy Artillery.

Sec. 2. That this act shall take effect from and after its passage.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2431) granting a pension to Mary H. Curtis, submit the following report:

The soldier, Charles S. Curtis, son of claimant, served as a member of Company B, First Vermont Heavy Artillery, for nearly three years. He was discharged from the service at the end of the war and went home in greatly impaired health and died from the effects of disease contracted in the service, a very short time after his discharge, without having made an application for pension. He left a widow, but no children. The widow remarried ten months after the soldier's death, and no pension has ever been granted to any one on account of the soldier's service and death.

Evidence is shown that the soldier contributed to the support of his parents in his youth and that the mother is now old, in a destitute condition, and dependent upon others for support, she being afflicted by a disease which is incurable (cancer). She is truly dependent, and is deprived of the support of her son by the casualties of war. Therefore, your committee, believing the claim a very meritorious one, recommend the passage of the bill with an amendment striking out section 2 of the bill.

The amendment recommended by the committee, striking out section 2 of the bill, was read and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

JOSEPH H. SCOOPMIRE.

Mr. MARTIN, of Indiana. I ask consent for the present consideration of the bill (S. 3194) granting a pension to Joseph H. Scoopmire.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph H. Scoopmire, Company H, Sixth Regiment Indiana Volunteers, at the rate of \$36 per month.

The report (by Mr. MARTIN, of Indiana) is as follows:

The Committee on Invalid Pensions, having had under consideration the bill (S. 3194) granting a pension to Joseph H. Scoopmire, adopt as our own the report of the Senate committee, which is as follows, to wit:

[Senate Report No. 1071, Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 3194) granting a pension to Joseph H. Scoopmire, Company H, Sixth Regiment Indiana Volunteers, have examined the same and report:

That the claimant is now a pensioner at the rate of \$24 per month for gunshot wound in the left side. He applies for an increase equivalent to that of total loss of leg, \$36 per month. This application for increase has been rejected by the Pension Bureau on the ground that he has some use of his left foot and leg.

From the evidence we think he has some physical use of the foot and leg, but no practical use of the same whatever. The latest evidence taken in 1899 shows that he walks with the assistance of a cane or a crutch and that he is totally incapacitated from manual labor by reason of the wound or its effects. It appears from the evidence of Drs. Olmsted, Hicks, and others that the left hip and leg of the soldier are disabled by reason of a gunshot wound in the left thigh. The ball having crushed the bone, going in and out, the whole leg is atrophied. He is in as bad a condition as if it had been amputated above the knee.

As the result of the wound there is atrophy of the extensor muscles of the leg and thigh with complete paralysis of these muscles, preventing him from extending the limb and causing him to fall forward in attempting to walk over uneven ground. He is completely incapacitated from any manual labor. We think from the weight of evidence it is very satisfactorily shown in the case that the injured limb and foot are wholly useless. We think the increase ought to be granted, at least to the amount of \$36 per month, and we therefore recommend the passage of the bill.

The bill was ordered to a third reading; and it was accordingly read the third time.

LEWIS SOLOMON.

Mr. STRUBLE. I desire to call up the bill (H. R. 8890) granting an increase of pension to Lewis Solomon, a private in Company A, First Indiana Infantry, Mexican war service.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay Lewis Solomon, a private of Company A, First Indiana Infantry, Mexican war service, a pension of \$72 per month, in lieu of that he is now receiving, subject to the provisions and limitations of the pension laws.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8890) increasing the pension of Lewis Solomon, have considered the same and beg leave to submit the following report:

The claimant was a private in Company A, First Indiana Volunteers, Mexican war, and served from June 17, 1846, to June 16, 1847. He also rendered almost four years of service during the war of the rebellion, and while serving in Company D, Fourth Iowa Volunteers, received a gunshot wound of the left arm, for which he received a pension of \$4 per month, until the passage of the act of January 29, 1857, when he elected to take the \$8 per month provided by that act for Mexican war service.

The bill provides for an increase of his pension to \$72 per month, and in support thereof Dr. A. J. Weeks, of Correctionville, Iowa, states that the claimant is now totally blind and obliged to have constant attendance. He also states that the claimant ought to be allowed enough pension to pay a nurse for taking care of him. He (claimant) is now approaching seventy years of age and dependent upon his children for support. The children are all poor and live upon rented farms.

That the claimant is totally and permanently blind is also shown by the testimony of Dr. J. A. Thornton, of Correctionville, Iowa.

In view of the claimant's age, destitute condition, and blindness, your committee regard the case as a proper one for the favorable consideration of Congress, and the bill is therefore reported back with the recommendation that it do pass, amended, however, as follows:

Strike out the words "seventy-two," in line 6, and substitute in lieu thereof the word "forty," so as to allow a pension at \$40 per month.

The amendment reported by the committee, to strike out "seventy-two," in line 6, and insert "forty," so as to make the pension \$40 a month, was read and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

EMMA CHAPMAN.

Mr. WILSON, of Missouri. I ask the present consideration of the bill (H. R. 5265) granting a pension to Emma Chapman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of (Mrs.) Emma Chapman for her services as army nurse during the late war of the rebellion, and pay her a pension at the rate of \$12 a month.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

JOHN E. WALTON.

Mr. HANSBROUGH. I desire to call up the bill (S. 2076) granting an increase of pension to John E. Walton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John E. Walton, late of Company C, One hundredth Pennsylvania Volunteers, and pay him at the rate of \$50 per month in lieu of the pension he is now receiving under certificate No. 176641.

The report (by Mr. WILSON, of Kentucky) is as follows:

The Committee on Invalid Pensions, having examined the bill for increasing the pension of John E. Walton, beg leave to say that the facts in the case are so fully set forth in the report of the Senate Committee on Pensions that the said report is adopted as our own report, and is herewith presented.

Amend by striking out the word "fifty" and inserting "forty."

[Senate Report No. 251, Fifty-first Congress, first session.]

Mr. PIERCE, from the Committee on Pensions, submitted the following report (to accompany bill S. 2076):

The Committee on Pensions, to whom was referred the bill (S. 2076) granting a pension to John E. Walton, Company C, One hundredth Pennsylvania Volunteers Infantry, have examined the same and report:

Walton was a private in Company C, One hundredth Pennsylvania Volunteer Infantry; he enlisted in 1861; was finally discharged in 1864. He was wounded severely in the leg at the second battle of Bull Run, for which wound he receives a pension of \$6 per month. In 1887 he applied for an increase on account of loss of eye-sight.

The claim was rejected at the Pension Department upon the opinion of the medical examiner that an affection of the eyes which did not manifest itself coincidentally with an attack of malarial fever could not, after the expiration of a number of years, be traceable to that disease. The preponderance of medical testimony in the case, however, is strongly against the conclusions of the medical examiner referred to, or rather goes to show that whatever may have been the facts about its early manifestation, the disease of the claimant's eyes is due to malarial poison which dates back to 1862.

Three physicians of good repute make affidavit that this disease of the eyes is the effect of malarial poison. A medical board testifies to the same thing, so that in fact the expert testimony is in the ratio of 5 to 1. The physicians do not dispute the theory of the official examiner that the disease must have manifested itself at the time of the attack of malaria, or else it is not traceable thereto, but they simply declare that the affection of the eyes as it now exists is due to that cause.

Dr. Bentley, of Bismarck, says:

"His system is full of malarial disease and his eyes the objective point of its chief manifestation."

Dr. Harris, of Mason City, Iowa, says he has practiced medicine and surgery for thirty-five years; that he treated Walton in 1878 and 1879 for malarial fever; in 1885 he examined him again and found him almost totally blind. He adds that he has no doubt at all that Walton's blindness is to be traced to the malarial fever in his system.

Dr. J. W. Thompson, a noted specialist of St. Paul, says:

"I have been engaged in the practice of medicine and surgery for twenty-three years, ten years in the general and thirteen years in the special practice of diseases of the eye and ear; first treated Walton in 1885; began treating him for his eyes. He was also suffering from a chronic hepatic trouble which had its origin in malarial poison; the eye trouble was a sequel to the hepatic disease, as shown by the periodical character of the inflammation, which was usually much aggravated every third day. It yielded some to powerful treatment, but as often relapsed, and in this manner has continued until his eyes are practically ruined."

The doctor treated Walton for a year and a half, and adds:

"He (Walton) is permanently disabled by the injury to his eyes to the extent of at least three-fourths as compared with a sound able-bodied man."

The medical examining board in 1888 say:

"It is, in our judgment, probable that the disease was incurred in the service as he claims, and that it has not been aggravated by vicious habits. He is, in our judgment, entitled to a 6-13 rating for the disability caused by the gunshot wound in right leg, and a total first grade caused by disease of eyes resulting from malarial fever."

The medical examiner of the bureau says that the weight of medical opinion is to the effect that the character of the appellant's eye affection is such that it can not be medically accepted as a pathological sequence of malarial poisoning in the service. In a letter dated October 14, 1898, which is on file with the papers, the appellant states that up to the year 1878 or 1879 his eyes were all right.

In the certificate of the medical examination of appellant by Examining Surgeon Conway on May 26, 1876, made under his original declaration for pension, no mention is made of eye disease, etc.

I find by an examination of the letter of claimant referred to that he says "practically there was nothing the matter with my eyes prior to 1865," but he goes on to state that for many years they had blurred at times and filled with water, which he had difficulty in wiping away fast enough to enable him to see. A curious corroboration both of the theory of the medical examiner and of the opinion of the physicians who have examined him and testify that the disease of the eyes is traceable to malaria is found in a letter of one of his comrades which has evidently been overlooked by the medical expert in the Pension Bureau, and of which Walton himself is probably ignorant, as it is brought out by the Commissioner of Pensions direct from the witness in response to a letter from the Department. In view of all the facts this is quite important.

When Walton made his application for an increase he filed an affidavit from one of his comrades living at Washington, Pa. The affidavit simply stated that Walton had the fever and ague, accompanied with violent chills, while at or near James Island, in South Carolina, in 1862. The Department wrote to Mr. Ribb, the comrade referred to, asking him to state in his own way and in his own handwriting all the facts within his personal knowledge relating to the case. Ribb thereupon replied, saying:

"All that I recollect about John E. Walton is that he was taken sick and I carried his meals to him. If I remember right he had malarial fever. He complained of his eyes hurting him. It is so far back that I can not remember much. He was a tent-mate of mine or I would have forgotten this."

The Commissioner wrote to the postmaster at Washington, Pa., asking for the reputation for truth of Henry Ribb, and received a reply stating that the reputation of Ribb for truth was good. The evidence of a continuation of malarial fever and chills and fever from 1862 to the present time is established by many witnesses who come from various places where Walton has resided since the war.

His colonel, himself an eminent physician, Doctor Leasure, now dead, but who was well known to the chairman of this committee, speaks in the very highest terms of Walton, as does also the adjutant-general of the State of Minnesota, who has made many efforts to have the case considered; also a large number of the members of the Dakota Legislature and many others, who all testify to the good character of the applicant. Walton has expended upwards of \$5,000 in the effort to have his sight restored, and is now destitute and dependent upon the day labor of his wife for support.

In my opinion the preponderance of testimony is in favor of the claim set up by the applicant, and I therefore recommend the passage of the bill.

The amendment reported by the committee, striking out "fifty" and inserting "forty," so as to make the pension \$40 a month, was read and agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time.

GEORGE MURRAY.

Mr. WHITING. I ask the present consideration of the bill (H. R. 10083) for the relief of George Murray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to admit the claim for heart disease and deafness in the case of George Murray, of Company G, Eighth Regiment Michigan Cavalry.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10083) granting additional pension to George Murray, submit the following report:

George Murray enlisted in Company G, Eighth Michigan Cavalry, on December 15, 1862, and was honorably discharged July 29, 1865. During this period he suffered a four months' imprisonment in Andersonville, where he contracted scurvy, for which he is pensioned at the rate of \$6 a month. The soldier has applied for pension for heart disease and deafness, but his claim is rejected on the ground that origin in service is not established.

The regimental surgeon who treated him can not be found, but F. S. Boynton, captain of Company L, Eighth Michigan Cavalry, testifies that he was intimately acquainted with George Murray and that he complained of deafness and heart disease while yet in the service, brought on by hardships incident to the service, and that he was badly disabled on his return from prison.

Neighbors testify that Mr. Murray immediately after returning from service complained to them of both deafness and heart disease, and medical testimony shows treatment for heart disease at this time. Soldier's prior soundness is shown.

Dr. J. G. Totten, who has treated him since 1875, says he has often thought his visits would be of little avail, as soldier was "so bad he might drop dead at any moment."

Board of surgeons report a distressing condition from scurvy, digestion impaired on account of inability to masticate food, and in report of November 30, 1891, they say that they believe irregular heart action is sympathetic; left auditory nerve shows points of ulceration, and claimant can not hear a watch tick even at contact with left ear.

Special Examiner Charles H. Thomas, in his report of August 20, 1888, says: "I think it will be impossible to show origin in service, as pensioner says he did not complain to comrades. I am of the opinion that disease of heart is a sequence of scurvy and prison life, and recommend its admission. I believe there is merit in the claim for deafness, but that it will be very difficult to prove. Deafness may be, and probably is, due to scurvy and life at Andersonville."

Special Examiner Hausted reports a belief that claim for heart disease has merit.

Special Examiner Pettiman does not think origin in service proven, but this opinion is based simply upon the facts upon which the other examiners recommended admission of claim.

Believing from the evidence that this claim is just and that Congress in granting the relief sought will effect but a simple act of justice, we return the bill with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

W. H. OBRIEN.

Mr. TAYLOR, of Tennessee. I desire to call up the bill (H. R. 5145) granting a pension to W. H. Obrien.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and required to place the name of W. H. Obrien, of Tennessee, late a private of the Fourth Tennessee Infantry, on the pension-roll, subject to the provisions and restrictions of the pension laws.

The report (by Mr. TAYLOR, of Tennessee) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5145) granting a pension to W. H. Obrien, submit the following report:

W. H. Obrien, or O'Brien, enlisted in November, 1862, while residing in Carter County, Tennessee, as a soldier under Lieut. A. C. Foundren, then a recruiting officer for the Fourth Regiment Tennessee Cavalry. Claimant, in company with about eighty other recruits, under the leadership of one G. W. Gray, left home to join the command at Camp Nelson, Kentucky, some time in December, 1862.

Their route was through a country held and occupied by the enemy for a distance of more than 130 miles. It became necessary to travel at night, and to secrete themselves during the day in the mountains to avoid capture. About the 1st of January, 1863, these men were attacked by a squad of Confederate cavalry, near Moccasin Gap, Scott County, Virginia. Claimant, with many others, was taken prisoner and put in jail at Knoxville, Tenn., and thence taken to Mobile, Ala.

After more than twelve months' confinement, claimant made his escape and scouted his way back home, where he remained secreted until about March, 1864, when he again made an attempt to make his way to the Federal lines at Knoxville, Tenn., which point he reached in April, 1864. He reported for duty, but he was so much disabled by reason of rheumatism and emaciation, due to his long confinement in Confederate prison and the exposure he was subjected to on his long journey after escape and hiding out to escape recapture, that he was rejected by the mustering officer. His name was never placed upon the rolls of the command in which he enlisted, hence has no title under the general pension laws.

The fact of claimant's enlistment and capture while en route to his command is shown by the testimony of Lieutenant Foundren, who also testifies that claimant, upon his return from Confederate prison, was rejected because of rheumatism contracted during captivity.

Treatment for rheumatism at return from prison and ever since is shown by the testimony of David Bell, M. D.

Claimant, although not regularly mustered into the service, was an enlisted man of the Army, and because of his enlistment was captured and exposed to hardships which resulted in his permanent disability.

There are numerous precedents which warrant your committee in reporting favorably on the accompanying bill, and they therefore return the same with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

JOHN N. HARRIS.

Mr. McRAE. I ask the present consideration of the bill (H. R. 10154) to increase the pension of John N. Harris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to pay John N. Harris, of Gurdon, Ark., late a private in Company H, commanded by Captain Crump, in the First Mississippi Regiment, commanded by Jefferson Davis, in the war with Mexico, a pension at the rate of \$20 a month, in lieu of that which he now receives, to take effect from and after the passage of this act.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10154) granting an increase of pension to John N. Harris, have considered the same and report:

The claimant was a private in Company H, First Mississippi Volunteers, and served honorably in the war with Mexico.

He is now a pensioner at \$3 per month on account of said service.

The evidence filed in support of the bill shows conclusively that the claimant is about sixty-nine years old, and for the past year has had no use of his legs by reason of paralysis. His disability is such that he requires the constant attention of an attendant. It is further shown that the claimant is poor, and that he has not sufficient property or income to afford him a comfortable support.

In view of the facts stated, your committee think the relief prayed for should be granted, and the bill is therefore returned with a favorable recommendation.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

URSULA LUCRETIA HAIGHT.

On motion of Mr. MORRILL, by unanimous consent, the House proceeded to consider the bill (S. 3177) granting a pension to Ursula Lucretia Haight.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ursula Lucretia Haight, widow of William H. Haight, late private Company H, Thirty-ninth Regiment Enrolled Militia of Missouri.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3177) granting a pension to Ursula Lucretia Haight, submit the following report:

The Senate report clearly sets forth the facts and is hereby adopted.

SENATE REPORT.

The Committee on Pensions, to whom was referred the bill (S. 3177) granting a pension to Ursula Lucretia Haight, have examined the same and report:

This claimant is the widow of William H. Haight, deceased, who was a private in Company H, Thirty-ninth Regiment Enrolled Missouri Militia. He enlisted September 10, 1862, at Platte City, Mo., furnished his own horse, and was released from duty January 19, 1863, having served fifty-seven days.

On July 24, 1863, he made application for a pension, alleging "that during his service he was exposed to bad weather, in 1862-'63, and incurred a hacking cough and general breaking down of the system." He was not treated in any hospital, but by his regimental surgeon. The claim was rejected by the Commissioner of Pensions on the ground "that Company H, Thirty-ninth Enrolled Missouri Militia, was a State organization, and disabilities incurred therein are not pensionable under existing laws."

William Davis and Benjamin F. Davis, comrades, swear to incurrence as alleged, and further state—

"That they were intimately acquainted with the soldier up to the date of his death. . . . At the time of his discharge he was weakly, and died from the effects of the cold and cough, and was unfit and unable to perform any hard manual labor from that time to the time of his death. He could do light chores only, and he got worse and worse, year by year, till he went to the Soldiers' Home and died, and all of this was the result and effect of his exposure while in the service and in the line of duty."

This affidavit as to continuance is fully corroborated by other testimony, and also as to soundness prior to enlistment.

His enlistment and service is verified by the adjutant-general of Missouri, and his certificate is in the papers in the case.

Dr. A. L. Van Duxen, of Leavenworth, Kan., swears to—
"An acquaintance of twenty years, and treated him frequently during that time. About fifteen years ago he had severe dysentery and several attacks since, always being weak with indigestion, unable to endure fatigue or heat, and at last suffering with paralysis. He has been a very feeble man ever since I knew him."

This affidavit was made January 13, 1890. He was admitted to the Soldiers' Home May 7, 1886, and died January 12, 1888. Cause of death, "locomotor ataxia."

Your committee are of the opinion that the disability and subsequent death of the soldier are due to the disability incurred in the service as alleged, and therefore recommend the passage of the bill.

The bill was ordered to a third reading; and was accordingly read the third time.

WIATT PARISH.

On motion of Mr. WILLIAMS, of Illinois, by unanimous consent, the House proceeded to consider the bill (H. R. 10334) granting a pension to Wiatt Parish.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the conditions and limitations of the pension laws, the name of Wiatt Parish, late a soldier in the Black Hawk war, at the rate of \$30 per month.

The report (by Mr. PARRETT) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10334) granting a pension to Wiatt Parish, have had the same under consideration and respectfully report as follows:

The claimant served from June 17, 1832, to August 16, 1832, in Captain Bowman's company of Illinois Volunteers in the Black Hawk war.

In the declaration for pension filed at the Pension Bureau October 9, 1874, he declares that while in said service and line of duty he contracted measles, which resulted in pain in back, knees, lungs, and eyes. He also declares that he contracted a hydrocele of the right side from riding while in said service.

That the claimant contracted measles while serving in Captain Bowman's company is established by the testimony of several of his comrades. It is also shown that he has been a sufferer for many years from rheumatism, disease of the testicles, and an affection of the throat, but the claim was rejected by the Pension Bureau on the ground that the testimony failed to establish the allegation that said disabilities were contracted in the service as the result of measles and horseback riding.

The claimant is now about seventy-six years old, badly disabled, and very poor. He is obliged to depend upon relatives for support.

In view of the facts stated your committee recommend the passage of the bill with the following amendment: Strike out the word "thirty," in line 7, and substitute in lieu thereof the word "twenty."

The amendment recommended by the committee was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

MARY J. EADIE.

On motion of Mr. SMYSER, by unanimous consent, the House proceeded to consider the bill (S. 848) granting a pension to Mary J. Eadie.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Eadie, sister of John Eadie, first Lieutenant Company C, One hundred and fifteenth Ohio Volunteer Infantry.

The report (by Mr. YODER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 848) granting a pension to Mary J. Eadie, submit the following report:

The facts in the case are set forth in the report of the Senate Committee on Pensions, which your committee adopt as their own and likewise recommend the passage of the bill.

SENATE REPORT.

The Committee on Pensions, to whom was referred the bill (S. 848) granting a pension to Mary J. Eadie, sister of John Eadie, first Lieutenant Company C, One hundred and fifteenth Ohio Volunteer Infantry, have examined the same and report:

That this bill has been already before the committee at the present session and was reported adversely on the 21st of January, 1890, on the ground that there was no proof of the circumstances or identity of Mary J. Eadie as sister of John Eadie, the deceased soldier mentioned in the bill.

The bill was indefinitely postponed on this adverse report, but was afterwards reconsidered and recommitted to this committee, since which time three affidavits have been filed showing the identity of Mary J. Eadie as a sister of John Eadie, the deceased soldier, who was killed by the explosion of the steamer Sultanna, while in the line of his duty, in 1865. It is also shown that said Mary J. Eadie, the sister, is a confirmed invalid, confined most of the time to her room, not able to earn her support in any way, and is dependent for her support upon the labor of a sister, who is a dressmaker in very poor circumstances.

These sisters are the only surviving members of the family, and have no property or other means. The deceased soldier was never married. His father and mother and brothers are dead. His mother drew a pension while living. Both the mother and sister named in the bill were dependent upon the soldier during his lifetime. Under these circumstances we think it is just that the pension should now go to the sister, and we therefore recommend the passage of the bill.

The bill was ordered to a third reading; and was accordingly read the third time.

FANNIE A. PUTNEY.

On motion of Mr. BRICKNER, by unanimous consent, the House proceeded to consider the bill (H. R. 9371) for the relief of Fannie A. Putney.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Fanny A. Putney, widow of Elum

Putney, formerly a member of Capt. Thaddeus Sheldon's company of New York Militia, war of 1812.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9371) granting a pension to Fannie A. Putney, have considered the same and report:

Elum Putney, the claimant's deceased husband, served in Capt. Thaddeus Sheldon's company of New York Militia, war of 1812, from September 11, 1814, to September 22, 1814. He was paid for twelve days' service. It is stated on the rolls of the company that the soldier was "discharged 18th September, 1814, at Burlington, distance from place of residence 75 miles."

The claimant filed an application for pension in the Pension Bureau, but the same was rejected on the ground that the soldier did not serve the requisite length of time (fourteen days) to entitle her under the general law.

The claimant's loyalty and identity are fully established by the testimony filed with her application. She is now about eighty years old.

The soldier's service lacked but two days of being of sufficient duration to entitle his widow to a pension, and in view of her great age your committee are of the opinion that it would be but an act of justice to grant the relief prayed for.

The passage of the bill is recommended.

The bill was ordered to be engrossed and read a third time; and it was accordingly engrossed, and read the third time.

MARTIN BRACHALL.

On motion of Mr. CANNON, by unanimous consent, the House proceeded to consider the bill (H. R. 10902) to grant a pension to Martin Brachall.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Martin Brachall, who was a private in Capt. J. M. Gillespie's company, Illinois Militia, in the Black Hawk war, and pay him a pension of \$30 per month.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10902) granting a pension to Martin Brachall, have considered the same and report:

The claimant was a private in Capt. J. M. Gillespie's company, Illinois Militia, and served thirty-one days in the Black Hawk war in 1832.

His residence and post-office address is Danville, Ill.

He asks a pension of \$30 per month by special act, declaring under oath that he is nearly eighty-two years old, feeble, with no property, and without any means of support whatever except manual labor. He states further that his father served seven years and six months in the Revolutionary war and was pensioned therefor till his death in 1811; that his father also served in the war of 1812.

H. P. Blackburn, of Danville, Ill., states on oath that the claimant is very old and feeble and makes his living entirely by working at the tailor trade, and that he is a man of unquestioned veracity, honest, sober, and industrious, but has no property whatsoever.

In view of this claimant's service, his great age and dependence, your committee recommend the passage of the bill granting him a pension at the rate of \$30 per month, and the bill is amended accordingly.

The amendment recommended by the committee was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. CANNON. Mr. Speaker, I wish I could get permission of the House to pass that bill now. I am awfully busy and do not know that I can be here on the next Friday session.

The SPEAKER *pro tempore*. In the absence of objection, the bill will be put upon its passage.

There being no objection, the bill was passed.

THOMAS EGAN.

On motion of Mr. CARUTH, by unanimous consent, the House proceeded to consider the bill (H. R. 7718) granting a pension to Thomas Egan.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions of the pension laws, the name of Thomas Egan, late a private in Company G, Sixth Missouri Infantry.

The report (by Mr. WILSON, of Kentucky) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7718) granting a pension to Thomas Egan, submit the following report:

Thomas Egan served as private of Company G, Sixth Missouri Volunteers, from June 17, 1861, to June 25, 1864, when discharged by reason of expiration of term of service. He applied for pension December 20, 1883, arguing that while engaged with the enemy near Florence, Ala., in September, 1863, a piece of the cap of the gun struck the upper lid of his right eye, from which injury the eye became diseased and continued to be sore until in March, 1880, he lost the sight of the said eye entirely; also that from sympathy the other eye became affected, and that since March, 1883, he has been totally blind.

There is no record of the injury, and claimant himself states that he received no treatment therefor in service, but at the advice of the regimental surgeon, now dead, kept the eye bandaged.

The case has been very thoroughly specially examined and no adverse testimony has been obtained, nor do any suspicious features appear in the several medical examinations. But the evidence as to incurrence of the disability is not satisfactory to the Pension Office, hence the rejection of the claim.

The evidence shows conclusively that claimant was a very robust man and of good eye-sight at enlistment. His officers and comrades remember little about him, he being a stranger to them at the time of his entry into service and having had no associations with them since discharge by reason of his residence in a State east of that in which the command was organized. Neither is it strange that an injury apparently so slight as that received by the claimant should be remembered after years of separation.

But the evidence filed in support of the claim, as well as that obtained by special examination, shows conclusively that immediately after return home, although otherwise in good health, claimant's eyes were seriously affected and continued to grow worse until, as heretofore stated, he became totally blind in the injured eye in 1880, and also in the other eye in 1883.

The claimant is shown to be a man of regular habits and truthful. He has an aged wife and four small children, is without means, and, as shown by the statement of the Hon. A. S. Willis, late a member of this House, the entire family is supported by charity.

Having served his adopted country faithfully for three years, and being now an object of charity, in the absence of any adverse feature in the case your committee feel inclined to solve whatever doubt there may exist as to the origin of the disability in favor of the claimant, and therefore report favorably on the bill and ask that it do pass, amended, however, by adding after the word "Infantry," in line 6, the words "and pay him a pension at the rate of \$40 per month."

The amendment recommended by the committee was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

CAROLINE HAYES.

On motion of Mr. COGSWELL, by unanimous consent, the House proceeded to consider the bill (H. R. 1433) granting a pension to Caroline Hayes.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay Caroline Hayes, daughter of Nathaniel Hayes, deceased, late of Second Company of Sharpshooters of the Twenty-second Regiment Massachusetts Volunteers, a pension of \$20 per month.

The report (by Mr. FLICK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1433) granting a pension to Caroline Hayes, submit the following report:

Caroline Hayes is the only child of Nathaniel Hayes, who died while serving as private of the Second Company of Sharpshooters of the Twenty-second Regiment of Massachusetts Volunteers. She was pensioned after the widow's death and remained on the pension-roll until February 7, 1879, when she reached the age of sixteen years. It also appears in evidence that she is now, and has been for many years, insane and under guardianship. She has no means nor income of any kind and is kept out of the almshouse by the contributions of the Grand Army post of the town in which she resides. There is no possibility of improvement in her condition.

The case is similar to others in which Congress has taken favorable action. The bill is therefore returned with the recommendation that it do pass, amended, however, by striking out all after the word "of," in line 7, and insert therein instead the words "eighteen dollars per month through her legally constituted guardian."

The amendment recommended by the committee was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed it was accordingly read the third time.

VIRGINIA L. M. EWING.

On motion of Mr. YODER, by unanimous consent, the House proceeded to consider the bill (S. 973) granting an increase of pension to Virginia L. M. Ewing.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Virginia L. M. Ewing, widow of Charles Ewing, brigadier-general United States Volunteers, at the rate of \$50 per month.

The report (by Mr. YODER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 973) granting an increase of pension to Virginia L. M. Ewing, have had the same under consideration and beg leave to submit the following report:

The facts in the case are set forth in the report of the Senate Committee on Pensions, which is as follows:

[Senate Report No. 196, Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 973) granting an increase of pension to Virginia L. M. Ewing, have examined the same and report:

The beneficiary under the bill, widow of the late Brig. Gen. Charles Ewing, is now in receipt of a pension of \$30 a month, which is increased by its terms to \$50. The committee find the following to be a fair statement of the services performed by General Ewing and of the claims of his widow and children:

General Charles Ewing, youngest son of the late Thomas Ewing, of Ohio, before the breaking out of the rebellion, was successfully engaged in the practice of the law in St. Louis. When the indications of the rebellion became threatening he relinquished his practice and applied himself to military studies preparatory to an offer of his services to the Government in the event that war ensued; and it so occurred that when his brother-in-law, General Sherman, was appointed colonel of the Thirtieth United States Infantry, Charles Ewing was commissioned captain in the same regiment. He served through the war, from 1861 to 1865, earning, by special capacity, endurance, and courage, promotion to the rank of brigadier-general.

The quality of these services is attested not merely by the official army records, but by the testimony of the General of the Army, who, by reason of his confidence in his relative and friend, charged him with difficult missions and imposed upon him extraordinary burdens, and especially in the Vicksburg campaign and on Sherman's marches to the sea and from Savannah to Raleigh, in which he suffered exposure that sowed the seeds of the malady of which he died; and the fact that a large share of his disabilities occurred while he bore the responsibilities and performed the labors of important commands entitles the case to equitable consideration.

There is a large amount of evidence before the committee showing the exceptional value of General Ewing's services and of his hardships and exposures, which left him in broken health and culminated in his premature death, leaving seven children to the care of his widow; but the committee confine themselves to that contained in the letter from Surgeon-General Moore, hereto appended, whose conclusions they adopt.

The bill is heartily approved and its passage recommended.

The bill was ordered to a third reading; and was accordingly read the third time.

JOHN O. MATHIS.

On motion of Mr. BUCHANAN, of New Jersey, by unanimous consent, the House proceeded to consider the bill (H. R. 1186) granting a pension to John O. Mathis.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John O. Mathis, late of Company G, Fourth Regiment New Jersey Volunteers.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1186) granting a pension to John O. Mathis, submit the following report:

The application of the claimant for a pension was rejected by the Pension Office November 21, 1885, for the reason that there was no record at the War Department showing that he had suffered from rheumatism while in the service, and his "inability to furnish competent testimony," showing that the same was contracted in the service.

The claimant enlisted in the service August 17, 1861, and was discharged at the expiration of his term of service, August 20, 1864. During these three years the claimant was twice in hospital and once (at the battle of Gaines's Mills, Virginia) was taken prisoner, remaining a prisoner from June 27, 1862, to August 5, 1863. He claims that at the battle of Gettysburg, by reason of the exposure he suffered there, he contracted rheumatism.

Dr. P. K. Hilliard, his family physician, testifies that after claimant returned from the Army, and during 1865, he treated claimant for rheumatism. This treatment continued until March, 1866, when claimant left his neighborhood.

Dr. M. W. Reeves testifies to treating claimant for sciatica or neuralgia, and believes his disability results from exposure in the service. He further testifies to the present existence of the disability.

Franklin Adams, Joseph P. Adams, Caleb W. Auren, Israel A. Craumer, and John H. Austin, neighbors and acquaintances of the claimant, testify to his good health before entering the Army and his disability on his return and since. These men are well known in their community, and, like the claimant, are of high personal standing. We think established beyond question by the testimony in the case the fact that he was sound when he entered the service and was disabled when he left it. Because of the death of comrades and the failure of recollection of surgeons, who were treating daily in the field hundreds of men, he can not prove the exact origin of the disability, save by his own oath, he ought not to be debarred from the benefit of our pension laws. We recommend that the bill do pass.

The bill was ordered to be engrossed and read a third time; and was accordingly engrossed and read the third time.

JOHN B. REED.

On motion of Mr. FORMAN, by unanimous consent, the House proceeded to consider the bill (H. R. 8016) increasing the pension of John B. Reed, late lieutenant-colonel of the One hundred and thirtieth Regiment Illinois Volunteers.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to continue the name of John B. Reed, late lieutenant-colonel of the One hundred and thirtieth Regiment Illinois Volunteers, on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$75 per month, in lieu of the pension of \$25 per month.

The report (by Mr. LANE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8016) for the relief of John B. Reed, late lieutenant-colonel of the One hundred and thirtieth Regiment Illinois Volunteers, beg leave to make the following report:

We find that Col. John B. Reed organized a company of volunteers in August, 1862, in Bond County, Ill.; was elected captain of said company; that they were ordered to rendezvous at Belleville, and from there to Springfield, Ill., and attach to the One hundred and thirtieth Regiment Illinois Volunteers; that the said Reed was commissioned as major of said regiment and served in that capacity until July 5, 1864, when he was promoted to lieutenant-colonel of said regiment, *vice* James H. Matheny, resigned; that said regiment participated in the Red River expedition at the battle of Mansfield; Colonel Reed, the only field officer present at that engagement, was severely wounded by a rifle ball passing through the upper lobe of the right lung and the entire body; that he was captured and taken to Tyler, Tex., as a prisoner of war; that upon his partial recovery he was paroled. He returned to the Union lines, was exchanged, and again took command of the regiment. Colonel Reed was the only field officer who remained with his regiment from the time of its organization to its muster out.

The committee does not deem it important to follow this gallant soldier through all his services in the war of the rebellion, but from an examination of the history and roster of the One hundred and thirtieth Illinois, filed with the committee, we have no hesitation in saying that his conduct upon all occasions was deemed by his superior officers as meritorious, having received several promotions for gallantry on the field; that he receives now a pension of \$25 per month for the gunshot wound heretofore mentioned; that while on duty at McIntosh Bluff with his men tearing down a log building he received an injury to his leg which caused the formation of varicose veins, and which disability is continued to the present time and is at times very serious, requiring the application of rubber bands, and is 2½ inches larger in diameter than the other leg, for which disability he has never applied for and receives no pension; that some years ago, as the remote effect of his wound, he had a very severe stroke of paralysis, from which, as appears by the affidavit of reputable physicians, he has never recovered, and never will, and he is totally disqualified from performing any manual labor.

He has been in moderate circumstances, but by long-continued sickness and his inability to attend to business has lost his property and is now very poor and unable to support himself and family. He is a man of excellent habits and standing in his community. We therefore recommend that said bill be amended by striking out the words "seventy-five" in line 3 of said bill, and that the word "fifty" be inserted in lieu thereof, and that the bill as so amended do pass.

The amendment recommended by the committee was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

EDGAR M. CHERRY.

On motion of Mr. HALL, by unanimous consent, the House proceeded to consider the bill (S. 2043) granting a pension to Edgar M. Cherry.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and required to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Edgar M. Cherry, late a member of Company A, Thirty-second Regiment Wisconsin Volunteers, and pay him a pension of \$24 a month, in lieu of the pension he is now receiving.

The report (by Mr. FLICK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2043) granting a pension to Edgar M. Cherry, submit the following report:

Your committee, having had said bill under consideration, adopt the report of the Senate committee, which is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 2043) granting a pension to Edgar M. Cherry, have examined the same and report:

"The claimant under the bill, late a member of the Thirty-second Regiment Wis-

consin Volunteers, while in service and battle, received a gunshot wound in the face, which resulted in total loss of sight of the right eye, with partial loss of sight of the left, partial loss of nose, with entire stoppage of the breathing apertures, forcing all breathing through the open mouth, and producing chronic sore throat and a disfigurement most painful to witness and endure.

"For these disabilities the claimant has been drawing pension at from \$8 to \$16, of which last rate he is now in receipt. His trade is that of miller, which his wound, productive of the disabilities above described, compels him to abandon, as it does also to forego every employment in which dust and heat or light and sight are incident or requisite. His injuries thus reduce him practically to a condition of blindness, while the constant irritation to which he is subject renders his state in some respects even worse than that. These facts are shown by the testimony and have influenced the Pension Bureau from time to time to increase his rating. To enable the committee to act with understanding and justice the claimant made photographic proof of his wound; and, if there had been no other testimony than the fact that the disfigurement thus pictured was incurred in service and on duty, it would have justified the approval of the bill, which is hereby made, with the recommendation of the committee that the same do pass."

The bill was ordered to a third reading; and was accordingly read the third time.

ELLEY C. FOLGER.

Mr. BAKER. Mr. Speaker, my attention has been called to House bill 2174, to remove charge of desertion from Ellery C. Folger, just passed, where an error in the printing occurs. It reads "August the first, eighteen and sixty-one." I ask unanimous consent to insert the word "hundred," so as to read "eighteen hundred and sixty-one." This is the bill of the gentleman from Maryland [Mr. McCOMAS]. There being no objection, the amendment was adopted.

MRS. F. SELINA BUCHANAN.

On motion of Mr. MANSUR, by unanimous consent, the House proceeded to consider the bill (S. 2036) granting an increase of pension to Mrs. F. Selina Buchanan.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. F. Selina Buchanan, widow of the late McKean Buchanan, of the United States Navy, and pay her a pension of \$50 per month, in lieu of the amount she is now receiving.

The report (by Mr. LEWIS) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2036) granting an increase of pension to Mrs. F. Selina Buchanan, submit the following report:

The facts in the case are set forth in the report of the Senate Committee on Pensions, which is as follows:

"The petitioner, Mrs. F. Selina Buchanan, is the widow of the late McKean Buchanan, who, at the time of his death, March 18, 1871, was a pay director in the United States Navy, with the rank of commodore (the highest attainable by officers of his grade), assimilated to that of brigadier-general in the Army.

"Pay Director Buchanan entered the Navy in 1826 and participated in two wars. By act of Congress, December 21, 1861, limiting the term of active service to forty-five years of service or to sixty-two years of age, he was retired from service, he having been born in 1796. Although by this law permitted to withdraw from active duty, he remained at his post on board the frigate Congress until she was sunk in Hampton Roads, March 9, 1862. During the engagement with the Merrimac on the date named he commanded the berth-deck division and performed gallant service until the sinking of the ship.

"Being at that time sixty-four years of age, the shock to his system was such that his health was seriously undermined, and his death was the result.

"By the act of March 3, 1871, revising the various naval grades, Paymaster Buchanan was raised to the grade of pay director (then newly created), with the rank of commodore, but his death occurred two weeks later, on March 18, 1871, before the issuance of his commission.

"In view of the foregoing facts, of the decedent's long and valuable services, of the widow's advanced age, she being now eighty-six years old, and in view of the further fact that there are now, or were not long since, on the pension-rolls the widows of ten admirals, four commodores, and a number of other officers of the Navy and Marine Corps, receiving \$50 per month, your committee recommend that the prayer of the petitioner be granted, and they submit herewith a bill increasing her pension from \$30 to \$50.

"The bill is reported favorably, with a recommendation that it do pass."

Your committee likewise recommend the passage of the bill.

The bill was ordered to a third reading; and was accordingly read the third time.

ARTHUR CONNERY.

On motion of Mr. LACEY, by unanimous consent, the House proceeded to consider the bill (H. R. 4825) granting a pension to Arthur Connery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place upon the invalid pension-rolls of the United States the name of Arthur Connery, of Company B, Fifty-fifth Regiment Pennsylvania Volunteers, the rating to be subject to the general pension laws.

The report (by Mr. FLICK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4825) granting a pension to Arthur Connery, submit the following report:

Arthur Connery was a soldier of Company E, Fifty-fifth Pennsylvania Volunteers. His application for pension was rejected because of want of sufficient corroborative proof of origin of disability. He claimed he was disabled by hernia contracted when on duty near Appomattox, Va., in April, 1865, but he has no hospital record.

Claimant swears that his rupture was produced by marching and carrying his accouterments. A. G. Shortall, recorder of deeds of Schuylkill County, Pennsylvania, testified that he had known the claimant from childhood and that he was sound when he enlisted, and to the same effect is the testimony of James T. Kelley. Thomas Convey, a comrade, testifies that he slept with claimant on the march in Virginia, and that claimant complained and told him he had contracted hernia and was wearing a truss.

L. B. Bandt, surgeon of the Fifty-fifth Pennsylvania, testified that Connery complained of rupture in Virginia, and that he procured a truss for him, and that he believes he contracted hernia in the service, and it was caused by the strain of carrying his accouterments. J. A. Beatty testified that he saw the claimant on his

return from the service, and knows he was then ruptured, and in 1882 O. D. Lawson examined claimant and he swears he found him suffering from hernia.

Your committee believe that the proof shows with reasonable clearness that Connery contracted hernia in the service and in line of duty, and therefore recommend the passage of said bill. The bill should be amended by striking out in the fifth line "Company B" and inserting "Company E."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

HANNAH LEO, WIDOW OF JOHN LEARY, DECEASED.

On motion of Mr. MANSUR, by unanimous consent, the House proceeded to consider the bill (S. 2285) granting a pension to the widow of John Leary, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of the widow of John Leary, late a first sergeant in Battery F, Third Artillery, United States Army in the war of the rebellion, and pay her at the rate of \$20 per month from and after the passage of this act.

The report (by Mr. LEWIS) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2285) granting a pension to Hannah Leo, submit the following report:

The facts in the case appear in the report of the Senate Committee on Pensions, which is as follows:

"That the claimant, Hannah Leo, widow of John Leary before her second marriage, was, at the time of the death of her first husband, the wife of John Leary, deceased, late a private or sergeant, rated as in general service of the U. S. Army.

"The said John Leary enlisted on the 29th day of July, 1854, and was discharged July 20, 1859, by expiry of term of service. He re-enlisted August 26, 1859, and was assigned to Battery F, Third Artillery; served in the war of the rebellion; was slightly wounded at the battle of Malvern Hill, July 1, 1863; was discharged for disability March 25, 1863, at Baltimore, Md. He again enlisted in the general service in the Adjutant-General's Office in Washington, April 7, 1863, whence he was discharged April 1, 1864. He was in the service in all about ten years.

"The soldier died on December 8, 1872. He left surviving him the claimant, as widow, and four children. All of these except one are now over pensionable age. Their claim for pension was rejected. The widow afterward married a man by the name of Leo, who has since died, leaving her for the second time a widow. Neither husband was a man of any means. She now claims a pension for the service and death of her first husband, Leary, the soldier, died in Washington, December 8, 1872, of pneumonia, as it is certified.

"We find that during his military service he was treated for rheumatism, for incised wound, for diarrhea, for amblyopia, for chronic articular rheumatism. Medical and other testimony shows that at the time of his discharge and afterward he was suffering from lung troubles, appeared consumptive, was treated for the same, and we think it most probable that he died from the effects and results of disease incurred while in the service.

"The widow is now over forty years old, very poor, dependent upon her daily labor for support.

"We recommend the passage of the bill."

Your committee likewise recommend the passage of the bill.

The bill was ordered to a third reading; and it was accordingly read the third time.

JAMES M. MONROE.

On motion of Mr. PETERS, by unanimous consent, the House proceeded to consider the bill (H. R. 8923) increasing the pension of James M. Monroe.

The bill was read, as follows:

Be it enacted, etc., That the pension now granted to James M. Monroe for "loss of left leg and part of right foot," as a member of Company G, Forty-second Ohio Volunteer Infantry, be increased to \$50 per month.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8923) increasing the pension of James M. Monroe, submit the following report:

The claimant was a private soldier in Company G, Forty-second Ohio Volunteers. At Chickasaw Bayou, near Haines Bluff, in General Sherman's first attack on Vicksburg, on the 28th day of December, 1862, claimant was wounded by a shell from the enemy's battery, which necessitated the immediate amputation of his left leg. The shot also struck his right foot carrying away the three outside toes and their metatarsal bones. The second joint of the second toe is ankylosed, causing it to stand up, and when walking it presses against the great toe causing friction and pain. The cicatrix on the outside of the foot is very tender, therefore claimant is compelled to throw the pressure when standing or walking on the inside of the foot, which produces a large clavi pedum and is very painful.

Claimant is pensioned at \$30 per month, which is a specific rate for loss of one leg, and to which amount he is entitled without the disability of the right foot. There being no law by which these two disabilities can be compounded, your committee find this a very meritorious case, and one which can only be reached by special act; therefore recommend the passage of the bill with the following amendment, striking out "\$30" and inserting "\$50."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

THOMAS NELSON.

On motion of Mr. LA FOLLETTE, by unanimous consent, the House proceeded to consider the bill (H. R. 6034) for the relief of Thomas Nelson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Thomas Nelson, late a private in Company E, Third Wisconsin Volunteers, and subsequently second lieutenant of Company E, Forty-fifth Wisconsin Infantry Volunteers, to \$45 per month, and pay him such pension from and after the passage of this act.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6034) granting an increase of pension to Thomas Nelson, submit the following report:

Thomas Nelson enlisted in the Third Wisconsin Volunteer Infantry as a private. The records of the War Department show that he received three gunshot wounds, while in action at Dallas, Ga., on the 25th day of May, 1864, two in the left thigh and one in the left leg, below the knee. One of the bullets entered the thigh 6

inches above the knee, cut the cords of the leg, and embedded itself in the thigh bone.

The testimony in the case proves that at the time he was with his company, and in the front rank, charging a Confederate battery, and that the soldier was within 4 or 5 rods of the battery when shot down.

The records in this case at the Pension Bureau show further that when the soldier had partially recovered from these wounds, but while he was still very lame in consequence thereof, he was, on February 3, 1865, promoted and commissioned second lieutenant of the Forty-fifth Wisconsin Volunteer Infantry; that six days later, while on recruiting service, and while descending a flight of stairs, and because of his great lameness and without fault upon his part, he received a severe fall, dislocating his left shoulder and badly fracturing the neck of the left humerus, and also fracturing the middle third of the left humerus, or upper and principal bone of the arm. Respecting the gunshot wounds and this fracture, the records of the Adjutant-General's Office contain the following from E. J. Dahm, assistant surgeon of the Forty-fifth Regiment Wisconsin Volunteers, dated June 15, 1865:

"He is unfit for service on account of lameness caused by three wounds, said to have been received in the battle at Dallas, Ga., May 25, 1864, while a private in Company E, Third Regiment Wisconsin Volunteers. One wound is through the fleshy part of right leg, the two others through the left thigh, one of the musket-balls yet remaining in contact with or embedded in the bone. He has also paralysis of the deltoid muscle of the left arm, caused by a fracture of the neck of the humerus, according to a certificate from E. Kramer, surgeon Forty-fifth Wisconsin Volunteer Infantry, the accident occurring in the city of Madison, Wis., February 14, 1865, while in the discharge of his duty as an officer."

The medical testimony in the case, in an unbroken line, clearly proves not only an impaired and crippled condition of the arm resulting from said injury, but an imperfect reduction of the dislocation and such an imperfect union of the fracture as to cause a progressive disease of the bone and a wasting of the muscles from that time forward.

In 1875 he was granted a pension for gunshot wound and injury to left shoulder. This was increased from time to time until, with the several general acts increasing pensions of like grade, including the act of August 4, 1890, Lieutenant Nelson was pensioned at \$35 per month.

The condition of his arm as early as 1875 was such as to occasion him the greatest suffering. The disease of the bone and muscles had gradually developed. In 1876 the examining surgeon of the Pension Bureau reported that the fracture "produced partial ankylosis of the joint and prevents him from raising his arm up from the side on a line with his body."

In 1877 the examining surgeon says: "There is atrophy of 2 inches of the muscles of the arm, and, in consequence of numbness of the fingers and atrophy of the muscles, he has but little use of the left arm for manual labor."

In 1881 the board of examining surgeons say: "We find much crepitus in the shoulder joint. He can not raise the arm from the shoulder. The arm is quite helpless. Has also suffered a fracture of the left fore-arm, probably, partially at least, in consequence of the helplessness of the arm."

The fractures of the arm between the elbow and wrist were due to his being thrown from a sleigh and falling upon the weakened and diseased arm, producing this additional injury, an accident which would not have befallen him, except for the disabilities incurred in service, for which he was pensioned, the crippled condition of his legs, due to wounds, and the diseased and wasted condition of his arm.

In 1884 the board of examining surgeons say of the original injury to the arm at the shoulder:

"We find a fracture of the neck of left humerus, with partial dislocation inwards of the head of the bone. There is pain on moving the joint, with decided crepitus. The arm is quite useless and can be raised but a short distance from the side. He has, in consequence of loss of control of the arm, suffered several fractures of the fore-arm, a fracture of the olecranon in upper third with bad results, bone uniting at an angle and overlapping, also fracture of radius in lower third and no osseous union."

In July, 1887, the board of examining surgeons say: "Arm hangs helplessly from the shoulder. Fore-arm and hand also helpless." The testimony of his neighbors, of record in the case, is in entire harmony with this medical evidence and establishes beyond question the fact that prior to receiving the fracture of the left fore-arm the old fracture and dislocation of the left humerus and shoulder and the resulting disease of bone and atrophy of muscles had so progressed that as early as 1875, and even before, Lieutenant Nelson had been wholly unable to perform any manual labor of any description and required constant assistance in the ordinary care of his own person.

As the disease of the arm developed, it was attended by constant and increasing pain, extending from the shoulder to the hand.

Several physicians were applied to for relief, and their testimony is a part of the record in this case. They describe the arm as "discolored," as "entirely useless," and the patient's condition as "much worse than as if the arm were gone." Dr. W. W. Gill, a practicing surgeon and physician of Madison, Wis., examined the arm several times, and as early as 1865 advised amputation. He testifies that—

"The indications were that the bone was becoming necrosed. The pain at times was very severe, extending from the shoulder to the fingers. This pain continued growing worse from time to time."

In December, 1890, Lieutenant Nelson was compelled to seek some relief from this increasing disability and suffering, and for that purpose he visited Hahnemann Medical College and Hospital, Chicago. Dr. George A. Hall, professor of the principles and practices of surgery and clinical surgery of that institution, took charge of the case. An examination was made, and an operation was performed by Dr. Hall, December 20, 1890. Dr. Hall testifies that he found the patient had "sustained a fracture of cervical neck of left humerus, also a fracture of middle third of same, and subsequently fracture of both bones below elbow of left arm, upper one-third; following this a fracture of radius 2½ inches above radiocarpal articulation, and the ulna 1 inch above articulation."

The operation and effort to save the arm proved unavailing, and upon the 10th day of October, 1897, Dr. Hall amputated it.

The claimant applied for an increase of his pension to \$45 per month, and the medical referee at the Pension Bureau declined to accept the amputation of the arm as resulting from the original dislocation of shoulder and double fracture of the left humerus, and reduced the rate of his pension to \$34 per month. The medical referee says, in rendering his decision in the case, that—

"In view of the contradictory statements of Dr. Hall and the statements of our examining surgeons, that there was no necrosis or ulceration in the humerus and upper arm, we must decline to accept his latter statement as sufficient to show that the amputation of the humerus was made necessary by the injury of the left shoulder for which the soldier was pensioned."

As Dr. Hall made two affidavits in relation to the amputation and as certain alleged "contradictory statements" in these two affidavits are assigned as reasons for the opinion of the medical referee, the affidavits are herewith submitted. In the first one, dated December 19, 1897, Dr. Hall testifies:

"That the condition of the arm previous to amputation was as follows: There was non-union of both bones of the fore-arm, for which operation had been made December 20, 1890, and all efforts made for their restoration, but the result was

failure. The arm continued useless and helpless, and from the diseased condition of the bones of the fore-arm it was agreed and I believe that further attempt to reduce the integrity of the fore-arm would have been of no avail; that on the 10th day of October, 1897, this affiant amputated said arm at a point a little above the middle of the humerus. The bone at this point was diseased. It having undergone osteomyelitis made the shell very thin and the bone sensitive. The condition of the bone at the time of amputation, the result of former injuries, and also that said amputation was so near the shoulder-joint that it will be impossible for said claimant to use an artificial arm."

In the second affidavit, dated February 7, 1899, he testifies as follows:

"On the 10th day of October, 1897, I amputated the left arm of Thomas Nelson, the claimant, very close to the shoulder. In my opinion said amputation was very necessary for the reason that the bone was splintered, necrosed, and ulcerated. I believe that said operation was necessary in order to save the life of the patient. The condition of the bone was the result of a fracture of humerus at middle third while in the Army and Federal service. He had lost entire use of left arm and the continued pain, loss of sleep, and impairment of health made the amputation a necessity to save life."

It is true that in the first affidavit Dr. Hall describes the condition of the fractures of the fore-arm as well as the condition of the fractures of the humerus. It is true also that when the Pension Bureau, not satisfied as to the condition of the original injury to shoulder and fracture of humerus at the time of the amputation, called upon the claimant to furnish more evidence on that point, and he applied to Dr. Hall to explain more fully and exactly the condition of the old injury as he found it on amputation—it is true that Dr. Hall, responding to this call, in the second affidavit did describe it more fully and particularly. Then, because the second affidavit disagreed with the first, in that it was more explicit upon the points upon which more explicitness was demanded, it is declared to be in contradiction with the former affidavit, and on that account it is rejected.

Dr. Hall is a practicing physician of fifty-five years of age, at the head of the surgical department of Hahnemann Medical College and Hospital. He is a gentleman whose eminence in his profession ought to insure to his opinions great weight and his statements under oath to belief. Your committee find no contradiction in his testimony warranting the rejection of any part of it.

The other special reason assigned by the medical referee in the summation of his opinion before quoted is the alleged "statements of our examining surgeons that there was no necrosis or ulceration in the humerus and upper arm."

Your committee have carefully searched the record and have reviewed every statement made by the examining surgeons in this case from first to last and assert that in no instance, either directly or indirectly, do the examining surgeons state that there was "no necrosis or ulceration in the upper humerus and upper arm." They express no opinion whatever upon this particular phase of the disease. But Dr. W. W. Gill testified after repeated examinations of the arm, nearly four years prior to amputation, that in his opinion there was no necrosis of the bone.

The bone was not laid bare to view until Dr. Hall operated on and amputated the arm. Even if there was disagreement—and there is not—the testimony of Dr. Hall as to what he saw must outweigh all mere opinions formed by others from previous external examination.

Finally it is very pertinent to inquire if the arm was amputated because of a fracture between the elbow and wrist, why was it amputated close to the shoulder? The danger of the operation is increased with the near approach to the body.

No man willingly parts with more of the precious limb, when the ordeal of amputation must be endured, than surgical science demands. Lieutenant Nelson was reluctant to lose his arm, though it had been worse than useless, almost from the time of his discharge. When finally the risk of retaining it longer became too great he more was taken off than was deemed necessary to save his life. If it was cut off close to the body, it was solely because the disease of the bone which required amputation was close to the shoulder or at the point of original injury.

In brief the facts of this case are: That Thomas Nelson, a gallant private soldier, in the front rank of his company, charging a Confederate battery, fell within a few rods of the battery, shot three times through both legs.

That, while yet lame and scarcely able to walk, he was promoted lieutenant of the Forty-fifth Wisconsin Infantry, assigned to recruiting service, and while in the line of duty received a severe fall, dislocating his left shoulder and breaking the bone of his left arm twice near the shoulder.

That the arm was crippled and the bone diseased at the points of the original injury from that time, and continuously grew worse from year to year until the arm became "helpless from the shoulder down."

That because of lameness in leg from wounds and utter helplessness of the arm from said injury he suffered a fracture of the injured arm between the elbow and wrist subsequently.

That the arm finally was amputated because its condition, from the shoulder down, was such as to render amputation necessary to save the soldier's life.

That it was found necessary, because of the necrosed, ulcerated, splintered, and diseased condition of the bone of the upper arm, due to the injury of said arm in the service, to amputate it so close to the shoulder as to render it impossible for the claimant to wear an artificial arm.

Therefore, because the proofs and records in this case clearly sustain the foregoing, your committee unanimously recommend the passage of the bill allowing him a pension at the regular rate for loss of arm at the shoulder joint, instead of the pension he is now receiving.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

ASA JOINER.

On motion of Mr. TURNER, of Georgia, by unanimous consent, the House proceeded to consider the bill (H. R. 10811) granting a pension to Asa Joiner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Asa Joiner, of Mitchell County, Georgia, late a private in Captain Ball's company, Georgia Volunteers, also late a private in Captain Horn's company, Georgia Volunteers, in the Indian war of 1836, at the rate of \$8 per month.

The report (by Mr. HENDERSON, of North Carolina) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10811) granting a pension to Asa Joiner, have considered the same and report:

The claimant was a private in Capt. Greene B. Ball's company of the Seventy-seventh Regiment Georgia Militia, Indian war of 1836, and served from May 10, 1836, to June 16, 1836.

The testimony accompanying the bill shows clearly that the claimant is eighty-four years old, very feeble, and dependent entirely upon his manual labor for support, he having no other means of livelihood.

In view of the numerous precedents for the allowance of pensions to the aged and dependent survivors of the old Indian wars, your committee recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

ALFRED A. JEROME.

On motion of Mr. BURTON, by unanimous consent, the House proceeded to consider the bill (H. R. 4013) granting an increase of pension to Alfred A. Jerome.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alfred A. Jerome, late sergeant Company A, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension of \$67 per month, which shall be in lieu of his present pension from and after the passage of this act.

The report (by Mr. YODER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4013) granting an increase of pension to Alfred A. Jerome, submit the following report:

Alfred A. Jerome was a sergeant in Company A, Twenty-third Regiment Ohio Volunteers, and drew a pension at the rate of \$8 a month from June 5, 1863, to April 3, 1884, since which time he has received \$17 a month, for gunshot wound of face and resulting loss of left eye.

It appears from evidence on file that the ball struck the lower part of the orbit of the left eye, destroying the eye and crushing the orbit, and passing inward toward the left ear, destroyed the bones that formed the joint of the lower jaw, on the left side of the face, resulting in complete loss of motion in the jaws, there being no lateral motion, and only power to open the mouth one-fourth of an inch. He can not masticate food and must depend upon liquid food to sustain life, and consequently is a great sufferer from indigestion and from nausea, and is wholly unable to perform any kind of manual labor.

He applied at the Pension Office for increase, but his claim was rejected there for the reason that under the general law he could not be rated for the accumulative disabilities under which he suffers.

It also appears that his present pension is entirely inadequate to his disability and that the present pension laws do not provide for such a case as this.

In the opinion of this committee, this is a case that fully warrants granting relief to this soldier.

The committee therefore report favorably on the accompanying bill and ask that it do pass, amended, however, by striking out the word "sixty-seven" in line 3, and inserting the word "fifty."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

AGNES M. BRADLEY.

On motion of Mr. GEISSENHAINER, by unanimous consent, the House proceeded to consider the bill (H. R. 6070) granting an increase of pension to Agnes M. Bradley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay Agnes M. Bradley, widow of George W. Bradley, late a captain and assistant quartermaster United States Army, the sum of \$50 per month, in lieu of the amount she is now receiving.

The report (by Mr. CRAIG) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6070) granting an increase of pension to Agnes M. Bradley, submit the following report: That Agnes M. Bradley is the widow of George W. Bradley, who was appointed captain and assistant quartermaster December 1, 1862. Served as lieutenant-colonel and assistant quartermaster from September 17, 1864, to November 6, 1864, and as colonel and quartermaster from November 7, 1864, to October 18, 1866, and accepted commission as captain and assistant quartermaster, United States Army, to date November 15, 1865.

In this rank he continued in the service, on duty, until his death, February 20, 1862. He served during the war as chief quartermaster, Tenth Corps, in the field, chief quartermaster, City Point, Va., chief quartermaster middle division department, and depot quartermaster Baltimore, Md. After the war, at various points: Fort Riley and Fort Harker, Kans., Fort Union, Tex., Charleston, S. C., Bismarck, Dak., St. Paul, Minn., Yuma Depot, Ariz., San Francisco, Cal., San Antonio, Tex., and Philadelphia. His widow was allowed a pension at \$20 for his rank at time of his death.

The committee, in view of the long and faithful service of this officer, recommend the passage of the bill, amended to give her a pension according to the rank held by her husband during the war.

Amend by striking out "fifty" and inserting "thirty."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

MRS. SUSAN A. DEAN.

On motion of Mr. CALDWELL, by unanimous consent, the House proceeded to consider the bill (H. R. 7375) granting a pension to Mrs. Susan A. Dean.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Susan A. Dean, widow of Mahlon C. Dean, late first lieutenant Company K, Twenty-eighth Iowa Volunteer Infantry, and to grant her a pension at the rate of \$12 per month.

The report (by Mr. FLICK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7375) granting a pension to Susan A. Dean, submit the following report:

The applicant is the widow of Mahlon C. Dean, who was a soldier of Company K, Twenty-eighth Iowa Infantry. In December, 1864, said soldier was sent home on furlough. In January, 1865, when returning to his regiment, he was severely frozen, from the effect of which he died in 1867. The widow applied for a pension, but the application was rejected on the ground that the soldier, being on furlough, was not in line of duty when injured. The ruling was sustained, on appeal, by the Secretary of the Interior, who makes this statement:

"It has been alleged and satisfactorily proven that the soldier while returning from his furlough had his ear frozen, and from said cause death ensued."

It will be observed that this widow would be entitled to a pension under the general law were it not for this technical ruling.

Your committee is of the opinion that in this case the soldier was obeying the

implied orders of his furlough—returning to the front—and that his widow is entitled to a pension.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time.

SQUIRE WEST.

On motion of Mr. COOPER, of Indiana, by unanimous consent, the House proceeded to consider the bill (H. R. 5106) for the relief of Squire West.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Squire West, late a private in Company F, Fourth Regiment of Indiana Volunteers.

The report (by Mr. PARRETT) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5106) for the relief of Squire West, have considered the same and report:

The claimant was a private in Company F, Fourth Indiana Volunteers, and served over thirteen months in the war with Mexico. He filed an application for pension February 13, 1873, alleging that he incurred a rupture and also deafness during his service, but he was unable to furnish the proof required by the Pension Bureau and the claim was consequently disallowed.

Subsequently his name was placed on the pension-roll at \$8 per month under the Mexican war service act of January 29, 1887. This sum now constitutes his sole income. He has no property, and by reason of age and an immense double rupture he is wholly incapacitated for any manual labor. He is about eighty-one years old.

Your committee believe that relief should be granted in this case, and the bill is reported back with the recommendation that it do pass with the following amendments: Change the title so as to read: "A bill granting an increase of pension to Squire West;" also amend by adding after the word "volunteers," in line 7, the words "and allow him a pension at the rate of \$30 per month, the same to be in lieu of the amount now paid him."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was read the third time.

JULIA W. FREEMAN.

On motion of Mr. CUTCHEON, by unanimous consent, the House proceeded to consider the bill (H. R. 2420) granting a pension to Julia W. Freeman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Julia W. Freeman, a resident of Marshall, Mich., at the rate of \$25 per month, on account of disability resulting from disease contracted while serving as a hospital nurse during the war of the rebellion.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2420) granting a nurse's pension to Julia W. Freeman, submit the following report:

In September, 1862, Julia W. Freeman, leaving that her brother, a Union soldier, was dangerously wounded at Chantilly, left her home in Michigan and went to Alexandria, Va., to nurse him. She there became interested in the condition of the wounded Union soldiers, and from that time until July, 1865, devoted herself to their aid in hospital and in the field. Her labor was of the most efficient character. She was in the hospital, in camp, with the ambulances, wherever in fact a soldier needed nursing, food, clothing, or hospital attendance.

The wounded of Gettysburg and of the Wilderness, the sick and dying in field hospitals at Stevensburg and Brandy Station, were indebted to her for many comforts procured by her for them, and for assiduous care. During all the period mentioned she served in nearly every hospital connected with the Army of the Potomac. On the 6th day of July, 1864, in the midst of her labors, she was prostrated by typhoid fever. She was then at City Point, living in a tent and taking care of the sick and wounded. On the 2d of August she was removed to Washington. The fatigue of the journey brought on a relapse, and she was very ill for five weeks, and then went to Michigan to recruit her health. While there she collected money, provisions, and comforts for the soldiers, which she forwarded to Washington. After a few weeks at home recuperating, she returned to Washington and resumed her work for the sick and wounded, which ended in July, 1865.

This is only a partial sketch of this woman's services to her country. She performed these services without one cent of compensation.

She has never been healthy since she had typhoid fever, the result of exposure to the elements, of overwork, and of the fetid air of hospitals.

She was a brave woman, a patriot in the highest sense of the term. In accordance with their custom in cases where nurses are deserving and served without pay, the committee recommend the passage of the bill, amended, however, by striking out the words "twenty-five" in line 6 and inserting the word "twelve."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was read the third time.

THOMAS W. HOUTS.

On motion of Mr. TARSNEY, by unanimous consent, the House proceeded to consider the bill (H. R. 2963) for the relief of Thomas W. Houts.

The bill was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to remit the unexecuted portion of the sentence of court-martial in the case of Thomas W. Houts, late major Seventh Cavalry Missouri State Militia, and to cause said Thomas W. Houts to be honorably mustered out of the volunteer service of the United States, as of the date of said sentence of said court-martial: *Provided,* That the said Thomas W. Houts shall not in consequence of the passage of this act be entitled to have or receive back pay or allowance.

The report (by Mr. KINSLEY) is as follows:

The Committee on Military Affairs, to whom was referred the bill H. R. 2963, having considered the same, respectfully report:

At the beginning of the late war Thomas W. Houts was a prosperous young merchant in the town of Warrensburg, Johnson County, Missouri. Long before the firing upon Fort Sumter he had openly declared for the Union and announced his intention of seeking an early opportunity of entering the military service of the United States.

His father, then an old man, was a prominent and influential citizen of the county and was an unconditional Union man, as was also his older brother, William L. Houts, with whom Thomas W. Houts was then associated in business. The two brothers, at the risk of their lives, became very active in the Union cause, and were in constant communication with the Union leaders in that part of the State.

In May and June, 1861, when what was afterwards the Twenty-seventh Mounted Infantry Missouri Volunteers was recruited in that county, Thomas W. Houts was one of the first men to shoulder his musket and take his place in the ranks. On the 4th day of July, 1861, he was mustered into the service, for three years or during the war, as a private soldier in that regiment. He was soon afterwards promoted to quartermaster, and served in the field with his command in the army of the frontier until the early part of January, 1862. He then resigned and returned home, and re-enlisted at once as a private in Company A of the Seventh Cavalry Missouri State Militia, whose first battalion was then being recruited there by Maj. Emory S. Foster.

On the 11th day of January, 1862, Houts was promoted to the captaincy of his company. He took the field with it, drilled it up to a high state of efficiency, camped, marched, and fought in its front rank in the Southwest until the 18th day of February, 1863, when he was commissioned major of the second battalion of his regiment.

By that time he had made an enviable record as a true and faithful soldier and was much beloved by the men under his command.

He was a very gallant and dashing cavalry officer, always ready for any sort of desperate service, and distinguished among the many brave men with whom he served by extraordinary courage and coolness in action, as well as good judgment in the execution of difficult orders, great zeal for the cause, and unflinching loyalty to his friends.

Had a proper opportunity been afforded him he would have undoubtedly risen to a high rank in the service. As it was, he was justly regarded as one of the best officers of his grade in Missouri. He was, however, essentially a man of action, and therefore chafed under the restraint incident to garrison life and was not as well versed in military law as many other men who wholly lacked his fiery zeal and splendid courage in the field.

In the summer of 1864, Major Houts was stationed with his regiment at Warrensburg, Mo., then the headquarters of the central military district of Missouri. Then came the memorable campaign against Price in Missouri, in which Major Houts served with credit in the field at the head of his battalion.

Upon the return of the regiment to Warrensburg, in December, 1864, at the close of that campaign, its colonel (Phillips) was placed in command of that district, its lieutenant-colonel (Crittenden) was detailed to command that post, thus leaving Major Houts as the ranking officer of the regiment.

The provost-marshal then on duty at that post, Captain Ferguson, of the Seventh, reported directly to the provost-marshal-general, at department headquarters in St. Louis, but, as Major Houts had not been placed in command of his regiment by any formal orders, the orders detailing Captain Ferguson for duty as provost-marshal had not been communicated to him, and he was consequently not advised of their existence.

On the 13th day of December, 1864, William Higgins, then a private soldier in the Fifteenth Kansas Cavalry, now secretary of state of Kansas, arrived in Warrensburg in company with Major Houts's brother, Capt. William L. Houts, who then lived in Kansas.

They stopped with Major Houts's father, in Warrensburg, and of course frequently met Major Houts there.

Higgins had been regularly detailed for this trip by his commanding officer, who acted under the orders of General Blunt, then commanding the Department of Kansas, with headquarters at Fort Leavenworth.

The commanders of the Departments of Kansas and Missouri at that time did not co-operate in perfect harmony, and that feeling perhaps extended to some of their subordinate officers.

On the 17th of December, 1864, Captain Ferguson arrested Higgins as a suspicious character, and had him confined in the county jail, even after he was informed that Higgins was a soldier in a Kansas regiment, regularly detailed on detached service.

Major Houts was greatly incensed at this action, as he thought it was wholly unjustifiable, and besides construed it to be an indirect and malicious personal attack upon himself, his family, and personal friends.

On the next day, Colonels Phillips and Crittenden were both absent from the post, but no order had been issued designating their successors in command.

Without knowing the extent of Captain Ferguson's authority and acting on the mistaken impression that as the officer highest in rank then on duty at the post he had the right to assume the entire command, Major Houts ordered out a detail from his regiment, marched at the head of it to the jail, and then and there liberated Higgins from confinement, and returned him to his command at Paola, Kans., under an escort of citizens.

For this Major Houts was court-martialed and dismissed from the Army, on February 7, 1865, after nearly four years of arduous and gallant service in the field.

From that time until the present Major Houts has been a prominent, prosperous, and law-abiding farmer in Johnson County, Mo., where he still lives.

The War Department makes the following report on this case, viz:

The records show that Thomas W. Houts was mustered in as captain, Company A, Seventh Missouri State Militia Cavalry, March 8, 1862; as major April 4, 1863, and was dismissed the service by sentence of general court-martial, promulgated in General Orders, No. 34, from headquarters, Department of the Missouri, February 7, 1865, of which the following is a copy:

[General Orders No. 24]
HEADQUARTERS, DEPARTMENT OF THE MISSOURI,
St. Louis, Mo., February 7, 1865.

Before the general court-martial, which convened at St. Louis, Mo., pursuant to special orders No. 16, current series from these headquarters, and of which Brig. Gen. S. A. Meredith, United States Volunteers, is president, was arraigned and tried:

Maj. Thomas W. Houts, of the Seventh Regiment of Cavalry, Missouri State Militia, on the following charges and specifications:

Charge first: "Conduct to the prejudice of good order and military discipline." Specification: "In this, that he, Thomas W. Houts, major Seventh Regiment Missouri State Militia, did take a detachment of his regiment, and going to the guard-house of the post of Warrensburg, Mo., forcibly and unlawfully release a prisoner there confined named Higgins, an alleged deserter. This at Warrensburg, Mo., on or about December 18, 1864."

Charge second: "Disobedience of orders." Specification: "In this, that he, Thomas W. Houts, major Seventh Cavalry Regiment, Missouri State Militia, having been lawfully commanded by his superior officer to remain in camp with his regiment, did disobey that command and leave his camp and regiment. This at or near Warrensburg, Mo., on or about December 17, 1864."

Charge third: "Breach of arrest." Specification: "In this, that he, Thomas W. Houts, major Seventh Cavalry Regiment, Missouri State Militia, having duly been placed in arrest and confined in his quarters by his commanding officer, did leave his confinement before he was

set at liberty by his commanding officer. This at or near Warrensburg, Mo., on or about the 18th day of December, 1864." This at or near Warrensburg, Mo., on or about the 18th day of December, 1864." To all of which charges and specifications the accused pleaded "not guilty."

FINDING.

The court, having maturely considered the evidence adduced, finds the accused as follows:

Of the specification, first charge, "guilty."
Of the first charge, "guilty."
Of the specification, second charge, "guilty, except the words 'and leave his camp and regiment.'"
Of the second charge, "guilty."
Of the specification, third charge, "guilty."
Of the third charge, "guilty."

SENTENCE.

And the court does therefore sentence him, Maj. Thomas W. Houts, Seventh Regiment of Cavalry, Missouri State Militia, "to be dismissed the service."

Finding and sentence confirmed. Maj. Thomas W. Houts, Seventh Regiment of Cavalry, Missouri State Militia, ceases to be an officer in the service of the United States from this date.

By command of Major-General Dodge.

J. W. BARNES,
Assistant Adjutant-General.

The proposed bill is drawn simply as an act of amnesty and is strictly in the line of existing precedents.

It involves the payment of no money from the Treasury of the United States and simply wipes out the disgrace attached to the name of a most deserving soldier, who has borne the burden of this stigma in silence for nearly twenty-three years.

In the judgment of your committee it is a proper exercise of the power of amnesty vested in Congress, and is amply sustained by previous legislation of a precisely similar character.

Your committee therefore recommends that the bill do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time.

G. L. PEASE.

On motion of Mr. DINGLEY, by unanimous consent, the House proceeded to consider the bill (S. 3498) granting a pension to G. L. Pease.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws (but at a rate not lower than \$12 per month), the name of G. L. Pease, a survivor of the Black Hawk war.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (S. 3498) granting a pension to G. L. Pease, have examined the same and report:

This is a bill to pension Gideon L. Pease, a soldier of the Black Hawk war. From the report of the Adjutant-General, it appears that he enlisted in company K, First United States Infantry, January 23, 1829, and was discharged by expiration of term of service at Fort Armstrong, Ill., January 23, 1834.

The Adjutant-General's report closes by saying:

"He is reported as present for duty on all rolls of his company from April 23, 1830, to date of his discharge."

He served in Captain Harney's company. Abraham Lincoln and Jefferson Davis were in the same war, and Zachary Taylor was colonel in command.

Mr. Pease was born in 1806, and is therefore eighty-four years of age. He is now, by reason of his length of years and prostration caused by disease, confined to his bed, and this has been his condition since December, 1859, as shown by sworn testimony in the possession of the committee.

From the testimony of his physician, it is evident that he is a great sufferer, and that he requires the constant care of an attendant, and has required such constant care for more than a year.

It is furthermore a fact that he is very poor, and without any resources wherewith to obtain the most ordinary comforts for himself and his aged wife, except the contributions of neighbors, who know him and respect him, not only for his creditable military record, but for his exemplary and consistent life.

In view of his helpless condition, his suffering and poverty, the bill is reported with an amendment striking out the word "twelve" in line 6, and inserting "twenty-five."

As thus amended the bill is reported favorably with a recommendation that it do pass.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be read a third time, and was accordingly read the third time.

ROBERT A. ENGLAND.

Mr. ROWLAND. I call up for the gentleman from Georgia [Mr. STEWART] the bill (H. R. 10263) granting a pension to Robert A. England.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert A. England, of De Kalb County, Georgia, who was a private soldier in Capt. John P. Lucas's company in the Creek Indian war of 1836, and allow him a pension at \$20 per month.

The report (by Mr. HENDERSON, of North Carolina) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10263) granting a pension to Robert A. England, have considered the same, and report as follows: The claimant was a private in Capt. John P. Lucas's company of Georgia Volunteers, and served one month and twelve days in the Creek Indian war of 1836.

It is shown by testimony filed in support of the bill that the claimant is seventy-three years old, and so much disabled by partial blindness and disease of kidneys and bladder that he can do nothing whereby to gain a livelihood. It is further shown that he has a daughter, totally helpless from imbecility, depending upon him for support, and he is in such a condition of destitution that he will soon have to depend upon charity or become a county charge.

In view of the facts stated your committee return the bill with a favorable recommendation.

The bill was ordered to be engrossed for a third reading, and being engrossed, it was accordingly read the third time.

JOHN J. MURPHY.

Mr. ARNOLD. I ask for the present consideration of the bill (H. R. 9212) to relieve John J. Murphy from the discharge of desertion.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy of the United States be and he is hereby authorized and directed to remove the charge of desertion now standing against John J. Murphy, late a seaman on the United States receiving-ship North Carolina, on the records and rolls of the Navy Department, and to grant and issue to said Murphy an honorable discharge from the said service.

The report (by Mr. DOLLIVER) is as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 9212) to relieve John J. Murphy from the charge of desertion, have considered the same, and respectfully report:

The history of Murphy's naval service is given by the Navy Department, as follows:

NAVY DEPARTMENT, Washington, June 21, 1890.

SIR: Referring to the bill (H. R. 9212) to relieve John J. Murphy from the charge of desertion, and the request of the Committee on Naval Affairs of the House of Representatives for information in the matter, I have the honor to state that it appears from an examination of the record of service of Murphy that he enlisted in the Navy July 14, 1862, as landsman for two years; that he served on board the United States steamer Ohio and Brooklyn until September 22, 1863, on which date he was transferred to the United States steamer North Carolina, and that opposite his name on the rolls of that vessel there was entered on the following day the memorandum "never appeared."

In view of the fact that Murphy failed to report on board the North Carolina after his transfer thereto, as stated, and it not appearing that he subsequently reported on board any naval vessel or at any naval station of the United States, he is regarded by the Department as having deserted the service on the date on which his name last appears on the rolls of the Brooklyn, namely, September 22, 1863.

Very respectfully,

F. M. RAMSAY,
Acting Secretary of the Navy.

Hon. C. A. BOUTWELL,
Chairman Committee on Naval Affairs, House of Representatives.

The bill (H. R. 9212) authorizes and directs the Secretary of the Navy to remove the charges of desertion now standing against John J. Murphy, late a seaman on the United States receiving-ship North Carolina, on the records and rolls of the Navy Department, and to grant and issue to said Murphy an honorable discharge from the said service.

The committee recommend that the bill do pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

T. J. NICHLESON.

Mr. HEARD. I desire to call up for present consideration the bill (H. R. 5472) to remove the charge of desertion from T. J. Nicholson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of T. J. Nicholson, late private of Company F, Eighth Regiment Missouri State Militia Cavalry Volunteers, and to restore him to all the rights and privileges he would have been entitled to if said charge had never been entered against his name.

The report (by Mr. CAREY) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 5472) to remove the charge of desertion from the military record of T. J. Nicholson, having considered the same, respectfully report:

That Thomas J. Nicholson was enrolled as a private in Company F, Eighth Missouri State Cavalry Volunteers, February 22, 1862, to serve during the war in Missouri, and was mustered out with his company March 31, 1865. The soldier's record during his entire service of more than three years was good, except an absence without leave for one month and five days, from October 27, to December 2, 1862, for which he was tried and paid the penalty of conviction. When this soldier enlisted he was but fifteen years old. It is evident he did not intend to desert, as he voluntarily returned to his company. He simply went home, as he says, to see his sick father, and returned as soon as it was safe to leave him. A copy of this soldier's military record is herewith presented and made a part hereof.

The committee recommend that the bill do pass.

Case of Thomas J. Nicholson, late private Company F, Eighth Missouri State Militia Cavalry.

RECORD AND PENSION DIVISION, April 23, 1890.

Thomas J. Nicholson, private Company F, Eighth Missouri State Militia Cavalry Volunteers, was enrolled on February 22, 1862, to serve during the war in Missouri. He was mustered out with the company on March 31, 1865. His record appears to have been very good, with the following exception:

He was arraigned before a general court-martial on the charge of desertion, specifying that on or about October 27, 1862, he deserted his company and regiment and remained absent until December 2, 1862, at which time he reported for duty. He was found guilty, and was sentenced to forfeit to the use of the General Government one month of his pay proper and be publicly reprimanded by the commanding officer of the battalion. The proceedings, findings, and sentence of the court were duly approved and ordered to be carried into effect, and were promulgated in General Orders, No. 63, dated at headquarters of the district of Southwest Missouri, July 31, 1864.

In connection with his application for removal of the charge of desertion, under date of June 30, 1873, this man stated that at the time when he absented himself from his command without proper authority he was but fifteen years of age; his father, who served in the company with him, was at that time sick at home, and as hundreds of soldiers were then in the habit of going home without leave, he left his company on October 27, 1862, at Osage Springs, Ark., without intending to desert, went home, and voluntarily rejoined his command on December 2, 1862, at Marshfield, Mo.

On February 4, 1890, Hon. John A. Logan, United States Senator, was informed, in reply to his inquiry as to the status of this case, that this soldier having been tried and convicted of desertion by a general court-martial and the sentence of the court having received the approval of the reviewing authority, such action is held to be a final closing of the case, and there is no provision of law under which the Department can reopen the case for consideration; and there appears to be no relief for this applicant except in additional legislation by Congress.

Since 1890 the status of the case has not been changed by subsequent legislation. Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

THE SECRETARY OF WAR.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

RANSOM E. BRAMAN.

Mr. WICKHAM. I ask for the present consideration of the bill (H. R. 9666) granting an increase of pension to Ransom E. Braman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ransom E. Braman, late a member of Company I, Eighth Regiment Ohio Volunteer Infantry, at the rate of \$50 per month, in lieu of the pension he is now receiving.

The report (by Mr. YODER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9666) granting an increase of pension to Ransom E. Braman, submit the following report:

The undisputed testimony of four reputable physicians and surgeons shows that Ransom E. Braman, who was a member of Company I, Eighth Regiment Ohio Volunteer Infantry, was wounded at North Anna River, Virginia, May 24, 1864, by a minié-ball, which entered the upper part of the front of the left thigh, passing just inside of the bone and emerging on the back and outer part of the thigh, injuring and impairing the function of the nerves, vessels, and muscles of the leg so as to cause a chronic gangrenous condition of the great toe, complete loss of sensation of the entire foot and part of the leg, and inability to extend the foot upon the ankle or to flex or extend the leg upon the thigh.

That the leg, in consequence of the inability to use it, has shrunk so that it measures 1 inch more than the right, owing to chronic inflammatory exudation. That the injury to the vessels and nerves is so near the hip-joint that any amputation of the leg or thigh would be inadvisable, an opinion concurred in by some of Ohio's most eminent surgeons. That for the last ten years he has had yearly attacks of acute inflammation of the foot and ankle that have confined him to his bed from two weeks to two months at a time, and that every few weeks he has had similar but lighter attacks. That he is not able to perform any manual labor. That his condition is immeasurably worse than if the leg was amputated and an artificial limb adjusted. That an artificial limb would be vastly more serviceable to him than his wounded leg; that a good artificial limb is worth ten of his, for with it, besides being able to travel and be on his feet several times more than at present, he would be free from the daily recurring pain, swelling, and discharge which now afflicts him and will soon cause his death.

In addition to the foregoing, his wife describes his condition as follows:

"My husband is suffering from a gunshot wound of the left thigh, which affects his whole leg and foot so that at times he can scarcely walk, and every little while he is laid up so that he can not stop, and we fear every time he is taken down that he may die. Each year he gets more disabled, and the least attempt he makes to work lays him up for days, and then his suffering is intense. His foot swells up, and the big toe and down to the ball of the foot looks like a sponge full of holes, and filled up with bloody pus, which discharges nearly all the time. Physicians tell us the bones are decaying. Sometimes it gets almost black, and we fear blood-poisoning or gangrene."

The committee feel that the soldier is entitled to a greater pension than he would be if he had lost his limb. They therefore recommend that the bill do pass, amended as follows: In line 7 strike out "fifty" and insert "forty-five."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

CHARLES T. SLOAT.

Mr. LANE. I call up for present consideration the bill (H. R. 10602) granting a pension to Charles T. Sloat.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles T. Sloat, late of Company B, One hundred and eighth Regiment of Illinois Volunteer Infantry.

The report (by Mr. LANE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10602) granting a pension to Charles T. Sloat, submit the following report:

The soldier enlisted August 15, 1862, and was honorably discharged August 5, 1865. The basis of the claim is that at Spanish Fort, Ala., March 26, 1865, the veins of the soldier's left leg below the knee were burst, and has gradually grown worse until now he is very badly afflicted with varicose veins and has running sores. The claim was rejected in the Pension Office on the ground that there was no record or other evidence showing origin of injury in the service and claimant's inability to furnish any such evidence.

The soldier testifies to the incurrence of the injury in the service and in line of duty, and that it has gradually grown worse until now he has running sores on his leg and is compelled to use zinc plates to support his said leg, and was treated in regimental hospital, but the surgeon is now dead. William Franks, the lieutenant of his company, testifies that the soldier was sound when he entered the service. John B. Lederman and Henry L. Coggins, comrades of the soldier, testify to prior soundness. Jones F. Peyton testifies to same fact. Thompson Sloat, father of the soldier, testifies that when he entered the Army the soldier was sound and healthy, and when he returned from the Army he had varicose veins and that he has been treated for said disease ever since. Several other witnesses testify that when the soldier returned from the Army he was afflicted with varicose veins and is so afflicted ever since. The board of examining surgeons find that said soldier is entitled to twelve-eighths rating for varicose veins.

The committee think that they are warranted in the conclusion that the soldier sustained injuries while in the service and became diseased in line of duty and has continued diseased ever since.

We report the bill back with a recommendation that said bill do pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

CLARRISSA BARKER.

Mr. KNAPP. I call up for consideration the bill (H. R. 6195) granting a pension to Clarrissa Barker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions of the pension laws, the name of Clarrissa Barker, widow (aged 96) of William P. Barker, late a private in Company E, Sixth Regiment New York Heavy Artillery Volunteers.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6195) granting a pension to Clarissa Barker, submitted the following report:

The evidence shows that Clarissa Barker is a widow of William P. Barker; that William P. Barker enlisted as a private in Company B, Sixth New York Heavy Artillery, February 8, 1864, and was discharged August 24, 1865; that he applied for an invalid pension January 13, 1869, for the reason "that while in service and in line of duty as a soldier on or about May 12, 1864, in action at Spottsylvania Court-House, Va., he received a gunshot wound in the left leg above the knee, causing lameness; that on the 13th day of September, 1864, while going through Shenandoah Valley, he was struck in the big toe of the right foot by some missile unknown, severing the first joint of said toe; that since his discharge he has been unable to perform steady labor."

At the time of making this application he was about sixty years of age.

After making application in 1869 soldier disappeared and has not been heard of since. The widow alleges that he left home soon after the war, and that she has never heard from him since 1869, at which time he was in Philadelphia in a dying condition, the result, as she believes, of his army experience, and that she is unable to procure further testimony.

The claim of the widow for pension was rejected for want of proof of the date and cause of soldier's death.

Clarissa Barker is now about ninety years of age and dependent on the charity of her relatives for support.

The committee recommend the passage of the bill, amending line 6 by striking out the words "aged ninety-six."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

SAMUEL S. HUMPHREYS.

Mr. TURNER, of Georgia. I call up for consideration the bill (H. R. 10810) granting a pension to Samuel S. Humphreys.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel S. Humphreys, of Mitchell County, Georgia, late a private in Captain Abner Williams's company, Georgia Volunteers, in the Indian war of 1835 and 1836, at the rate of \$3 per month.

The report (by Mr. HENDERSON, of North Carolina) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10810) granting a pension to Samuel S. Humphreys, beg leave to submit the following report: The claimant was a private in Capt. Abner Williams's company, Georgia Volunteers, and served three months and sixteen days in the Florida Indian war of 1835-36.

He asks a pension by special act at the rate of \$3 per month, declaring under oath that he is seventy-two years old and without any means of support whatever except manual labor, and he is now physically unable to do any work by which to gain a livelihood for himself and wife.

Mr. W. S. Spence, attorney of Camilla, Ga., states that the claimant has a hard time to make a living and is very poor.

In view of the claimant's service and his great age and dependence, your committee recommend the passage of the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

ORDER OF BUSINESS.

Mr. KILGORE. Mr. Speaker, there are a couple of bills here that gentlemen—one on each side—want to call up. I want to call up one and the gentleman from North Dakota, on the other side, Mr. HANSBROUGH, wants to call up one, and I would like to have unanimous consent to do so.

There was no objection.

JOHN E. WALTON.

Mr. HANSBROUGH. I ask that the bill (S. 2076) granting an increase of pension to John E. Walton, which has previously been reported from the Committee of the Whole House, be read the third time and passed.

The bill was read the third time, and passed.

W. H. OBRIEN.

Mr. KILGORE. I ask that the bill (H. R. 5145) granting a pension to W. H. O'Brien, which has been reported from the Committee of the Whole and read the third time, be passed.

The bill was passed.

CATHERINE S. LAWRENCE.

Mr. FLOWER. Mr. Speaker, I ask unanimous consent to call up for Mr. TRACEY, who is not able to be present, the bill (H. R. 8234) granting a pension to Catherine S. Lawrence.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catherine S. Lawrence, and pay her a pension as an army nurse of \$25 per month during life, to date from March 4, 1867.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8234) granting a pension to Catherine S. Lawrence, submit the following report:

The evidence shows that the beneficiary had by training, before she received her appointment as nurse, qualified herself for that position; that she entered the service as a nurse in 1861 and continued in the same for four years.

She was first assigned to duty at Fortress Monroe, where she remained for some time. Then she was appointed by General H. Finley director of the Kalorama Eruptive Hospital, where she remained nearly a year caring for patients sick with the small-pox and other loathsome diseases. She remained here until separation from the outside world and the nature of her service affected her health, when she was removed by order of Dr. Bulkley to the Patent Office Hospital. She remained here several months, when the medical director appointed her to Seventh Street Military Hospital. This was a very filthy place, the sick lying on their army blankets upon the floor. She had the men carried out under the trees, the rooms thoroughly cleaned, and cots and bedding procured, and the men made comfortable.

She then went to Armory Square Hospital. Here she worked, putting everything in readiness for patients. This was previous to the second battle of Bull Run. Here she remained several months, acting as surgical nurse. She then went to Convalescent Camp, near Alexandria, caring for the sick and assisting in preparing food for sixty convalescent soldiers. She also served in the hospital at Fairfax.

During these years of service she received no compensation. She raised by her own efforts large amounts of supplies, visiting New England in person to procure supplies for the soldiers, which she distributed in person. She is now over seventy years of age, in very feeble health, is entirely without means of support, and supported by her friends. She is a maiden lady, old, feeble, dependent. She gave four of the best years of her life for the benefit of the sick and wounded soldiers, caring for them when sick with that loathsome disease the small-pox, and now broken down in health she asks the Government, for which she has labored so faithfully, to grant her a sum that shall place her above want.

She is warmly recommended by the Army Nurses Association, by ladies of the Sanitary Commission, and by many of the most prominent citizens of the city of Albany, N. Y., her home.

Your committee think her case is an exceptional one, richly deserving the ann named in the bill. To be amended by striking out the word "twenty-five," in line 7, and inserting in lieu thereof the word "sixteen."

The amendment recommended by the committee was agreed to.

Mr. MORRILL. I object to that bill as it is because it carries arrears; and I move to strike out the word "sixteen" and insert "twelve," and also strike out all after the word "month" to the end of the bill.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

Mr. MORRILL moved that the several votes by which the various bills had been passed be reconsidered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The hour of 10.30 having arrived the House stands adjourned until 11 o'clock to-morrow under the order of the House.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communication was taken from the Speaker's table and referred as follows:

LIST OF JUDGMENTS RENDERED BY THE COURT OF CLAIMS.

Communication from the Secretary of the Treasury, transmitting a list of the judgments rendered by the Court of Claims, amounting to \$134,854.60, which have been presented to the Treasury Department and require an appropriation for their payment—to the Committee on Appropriations.

RESOLUTION.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. FUNSTON:

Resolved, That July 5 be set apart for the consideration of Senate bill 390, known as the Wilson bill, and that it continue from day to day until finally disposed of; to the Committee on Rules.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. WILLIAMS, of Ohio, from the Committee on Military Affairs, reported with amendment the bill of the Senate (S. 3050) to provide for the purchase of a site for a military post near Eagle Pass, Tex., and for the construction of suitable buildings thereon, accompanied by a report (No. 2563)—to the Committee of the Whole House on the state of the Union.

He also, from the same committee, reported with amendment the bill of the Senate (S. 3172) granting the use of certain lands to the town of New Haven, Conn., for a public park, accompanied by a report (No. 2564)—to the House Calendar.

Mr. MORRILL, from the Committee on Invalid Pensions, reported favorably the following bills of the Senate; which were severally referred to the Committee of the Whole House:

A bill (S. 3448) granting a pension to Clara H. McIntire. (Report No. 2565.)

A bill (S. 2184) granting a pension to Sarah L. Knight. (Report No. 2566.)

A bill (S. 2616) granting an increase of pension to Harrison De F. Loug. (Report No. 2567.)

Mr. MORRILL also, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 9840) granting an increase of pension to Prentiss M. Fogler, accompanied by a report (No. 2568)—to the Committee of the Whole House.

Mr. YODER, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 3796) granting a pension to Abraham Zimmerman, accompanied by a report (No. 2569)—to the Committee of the Whole House.

He also, from the the same committee, reported with amendment the bill of the House (H. R. 1254) increasing the pension of Enos J. Searles, accompanied by a report (No. 2570)—to the Committee of the Whole House.

Mr. TURNER, of New York, from the Committee on Invalid Pensions, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 11125) granting a pension to Margaret Cooney, formerly Margaret Dolan. (Report No. 2571.)

A bill (H. R. 10127) granting a pension to Celia Eichele. (Report No. 2572.)

Mr. TURNER, of New York, also, from the Committee on Invalid Pensions, reported with amendment a bill of the House (H. R. 7937) granting an increase of pension to Mrs. Harriet E. Martin, accompanied by a report (No. 2573)—to the Committee of the Whole House.

Mr. REED, of Iowa, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 9887) to amend an act entitled "An act providing for the removal of causes from State courts, and for other purposes," reported, as a substitute therefor, a bill (H. R. 11179) to amend an act entitled "An act providing for the removal of causes from State courts, and for other purposes;" which was read twice, and, with the accompanying report (No. 2574), referred to the House Calendar.

Mr. FLICK, from the Committee on Invalid Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 11080) granting a pension to Ann M. Mosher. (Report No. 2575.)

A bill (S. 1712) granting a pension to Cynthia A. Gudge. (Report No. 2576.)

A bill (S. 2892) increasing the pension of Smith J. Shafer. (Report No. 2577.)

A bill (S. 3874) granting a pension to Harriet E. Donaldson. (Report No. 2578.)

Mr. FLICK also, from the Committee on Invalid Pensions, reported with amendment the bill of the Senate (S. 3608) granting a pension to Mary C. Winslow, accompanied by a report (No. 2579)—to the Committee of the Whole House.

Mr. YODER, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 8661) granting a pension to Mary D. Cook, accompanied by a report (No. 2580)—to the Committee of the Whole House.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported favorably the bill of the House (H. R. 10566) for the relief of Mrs. M. J. Donahoe, accompanied by a report (No. 2581)—to the Committee of the Whole House.

Mr. BROWER, from the Committee on War Claims, reported with amendment the bill of the House (H. R. 9231) for the relief of the estate of William Ward, accompanied by a report (No. 2582)—to the Committee of the Whole House.

He also, from the same committee, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 4453) for the relief of the legal representatives of John Baptiste Ashe. (Report No. 2583.)

A bill (H. R. 1385) for the relief of the pilot and crew of the steamer Planter. (Report No. 2584.)

A bill (H. R. 6072) for the relief of the legal representatives of William Johnnot, Joseph Torrey, and Thomas Blackwell. (Report No. 2585.)

A bill (H. R. 2282) for the relief of the owners of the brig Abby Ellen. (Report No. 2586.)

Mr. WILSON, of Kentucky, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 5835) to increase the pension of Mrs. Maria B. Judah, accompanied by a report (No. 2587)—to the Committee of the Whole House.

Mr. STOCKBRIDGE, from the Committee on Mines and Mining, reported with amendment the bill of the House (H. R. 3839) for the protection of the lives of miners in the Territories, accompanied by a report (No. 2588)—to the Committee of the Whole House on the state of the Union.

Mr. LEWIS, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 7422) granting a pension to Mrs. Kate Lane Townes, widow of Col. Robert R. Townes, accompanied by a report (No. 2589)—to the Committee of the Whole House.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. SMITH, of Arizona: A bill (H. R. 11178) to authorize the board of supervisors of Maricopa County, Arizona, to issue certain bonds in aid of the construction of a certain railroad—to the Committee on the Territories.

By Mr. CANDLER, of Massachusetts: A bill (H. R. 11180) to authorize the Secretary of the Treasury to designate Punta Gorda, Fla., as a port of entry—to the Committee on Commerce.

By Mr. MUDD: A bill (H. R. 11181) to incorporate the Columbia Central Railway Company—to the Committee on the District of Columbia.

By Mr. PAYNE: A joint resolution (H. Res. 184) to print eulogies on the life and character of Hon. Newton W. Nutting—to the Committee on Printing.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following change of reference was made:

A bill (H. R. 11072) to remove the charge of desertion borne against the name of George H. Holmes, private Company B, Ninety-fifth Pennsylvania Volunteer Infantry—Committee on Invalid Pensions discharged, and referred to Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BURROWS: A bill (H. R. 11182) for the relief of John C. Heath—to the Committee on Military Affairs.

By Mr. BURTON: A bill (H. R. 11183) for the relief of Gustavus A. Balzer—to the Committee on War Claims.

By Mr. CANDLER, of Massachusetts: A bill (H. R. 11184) for the relief of Charles Dennett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11185) granting an increase of pension to William Field—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 11186) for the relief of Obadiah Vincent—to the Committee on Pensions.

By Mr. COOPER, of Indiana: A bill (H. R. 11187) to correct the military record of Joseph Greene—to the Committee on Military Affairs.

By Mr. COWLES: A bill (H. R. 11188) for the relief of James H. Denny—to the Committee on Invalid Pensions.

By Mr. FORMAN: A bill (H. R. 11189) granting a pension to Elizabeth A. McFarland—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 11190) restoring to the pension-roll the name of Mrs. Ann Hanson, dependent mother of John W. Hanson—to the Committee on Invalid Pensions.

By Mr. MOFFITT: A bill (H. R. 11191) directing the issuance of an honorable discharge to Charles H. Burhaus, late of the Ninety-sixth New York Volunteers—to the Committee on Military Affairs.

By Mr. MOREY: A bill (H. R. 11192) for the relief of William Stoope—to the Committee on Military Affairs.

By Mr. OSBORNE: A bill (H. R. 11193) granting a pension to James Wilcox—to the Committee on Invalid Pensions.

By Mr. PERRY: A bill (H. R. 11194) to remove the charge of desertion against William E. Anderson—to the Committee on Military Affairs.

By Mr. TAYLOR, of Tennessee: A bill (H. R. 11195) for the relief of Jesse P. Hartman—to the Committee on War Claims.

Also, a bill (H. R. 11196) for the relief of William M. Henry—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARNES, of Georgia: Petition of Berlin Alliance, of Richmond County, Georgia (36 members), asking Congress for complete system of levees on Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

By Mr. BOUTELLE: Petition of S. D. Thurston and others, citizens of Bangor, Me., in favor of preserving the national-banking law—to the Committee on Banking and Currency.

By Mr. BROSIUS: Petition of Grange No. 66, Lancaster County, Pennsylvania, on the tariff bill—to the Committee on Ways and Means.

By Mr. BROWNE, of Virginia: Petition of C. C. Warner, of Essex County, Virginia, asking Congress for appropriation of money for complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of Washington G. Williams, J. E. Johnson, A. B. Horgan, and 37 others, citizens of Nansemond County, Virginia, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of Farmers' Alliance of King and Queen County, Virginia, authorized by 45 members, for same purpose—to the Committee on Rivers and Harbors.

Also, petition of Alliance No. 242, of Surry County, Virginia, authorized by 41 members, for same purpose—to the Committee on Rivers and Harbors.

By Mr. CARUTH: Paper to accompany House bill 10028, for relief of James H. Quinlan—to the Committee on War Claims.

By Mr. CATCHINGS: Petition of J. T. Montgomery, Richard Lee, and 38 others, citizens of Bolivar County, Mississippi, asking Congress for appropriation of money for complete system of levees in Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

By Mr. COGSWELL: Petition of William H. Badlow and others, late officers and crew of the United States steamer Kearns which

sunk the Alabama, that they may be paid prize-money the same as if said Alabama had been captured as a prize—to the Committee on War Claims.

By Mr. CONGER: Memorial of Penn Township Alliance, Dallas County, Iowa, in favor of the Butterworth option bill—to the Committee on Agriculture.

Also, memorial from the same Alliance, in favor of the Conger lard bill—to the Committee on Agriculture.

Also, petition of 34 officers and members of an Iowa Sunday-school, for the Wilson original-package bill—to the Committee on the Judiciary.

Also, memorial of a farmers' and citizens' meeting near Winterset, Iowa, June 16, 1890, in favor of same measure—to the Committee on the Judiciary.

By Mr. EDMUNDS: Petition of W. H. Poindexter and 39 others, citizens of Martin County, Indiana, asking appropriation of money for complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and to improve navigation—to the Committee on Rivers and Harbors.

Also, petition of Mill Dam Alliance, No. 460, of Montgomery County, Virginia, in favor of same measure—to the Committee on Rivers and Harbors.

By Mr. FORMAN: Petition of Elizabeth A. McFarland, of Richview, Ill., for pension, as adopted mother of William H. Hines—to the Committee on Invalid Pensions.

By Mr. HERBERT: Petition of J. B. Ransin, E. M. Lovelace, and 8 others, citizens of Escambia County, Alabama, asking Congress for an appropriation of money for a complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

By Mr. LESTER, of Georgia: Petition of H. C. Smith, W. J. Strickland, and 9 others, citizens of Clinch County, Georgia, asking Congress for appropriation of money for complete system of levees on Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

By Mr. McCLAMMY: Petition of citizens of Bladen County, North Carolina, asking appropriation for harbor improvement at Galveston Harbor, Texas—to the Committee on Rivers and Harbors.

By Mr. McRAE: Petition of H. C. Morehead, J. D. Chandler, and 38 others, citizens of Howard and Pike Counties, Arkansas, asking Congress for appropriation of money for complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

By Mr. MAYSH: Petition of Mary B. Clayton, widow of Maj. Henry Clayton, late a paymaster in the United States Army, praying for an increase of pension—to the Committee on Pensions.

By Mr. PETERS: Petition of citizens of Harvey and Sedgwick Counties, Kansas, for passage of the Wilson Senate bill—to the Committee on the Judiciary.

By Mr. STIVERS: Petition of O. A. Merchant and 22 others, of Chester, N. Y., in favor of passage of House bill 5978, prohibiting the transportation of intoxicating liquors from any State or Territory in the United States into any other State or Territory contrary to and in violation of law—to the Committee on the Judiciary.

By Mr. TAYLOR, of Illinois: Petition of citizens of Englewood, Ill., asking for the passage of a bill to limit the hours of work of clerks and employés in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. WALLACE, of New York: Petition of John T. Bruen, late captain Tenth New York Independent Battery—to the Committee on War Claims.

SENATE.

SATURDAY, June 28, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in further response to a resolution of the 12th instant, a letter from the Chief of Engineers concerning the improvement of the harbor of Buffalo, N. Y.; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of members of Rankin Post, No. 10, Grand Army of the Republic, of Brooklyn, N. Y., praying for the passage of House bill No. 6944, for the transfer of the revenue-cutter services to the Navy; which was ordered to lie on the table.

Mr. MOODY presented a petition of sundry citizens of Beadle County, North Dakota, praying for the passage of a bill making provision for a complete system of levees on the Mississippi River; which was ordered to lie on the table.

He also presented a petition of sundry citizens of McCook County, South Dakota, praying for the passage of an act making it unlawful to import intoxicating liquors into any State or Territory contrary to the laws thereof; which was ordered to lie on the table.

Mr. CASEY presented the petition of R. Dunlap & Co., and other hat manufacturers, doing business in the States of New York, New Jersey, Connecticut, and Massachusetts, praying for an amendment of Schedule N, relative to furs, in the McKinley tariff bill; which was referred to the Committee on Finance.

Mr. MORRILL. I present sundry memorials of citizens of Vermont, Michigan, West Virginia, and other States, in the usual stereotyped printed style, remonstrating against any increase of the duty on tin. I move that the memorials lie on the table.

The motion was agreed to.

Mr. WASHBURN presented a petition of the Millers' National Association, praying for the passage by the Senate of the item in the McKinley tariff bill, revising the duty on burlaps; which was ordered to lie on the table.

Mr. TELLER. I present a petition signed by a large number of farmers in the State of Missouri, praying for the free coinage of silver. I move that the petition lie on the table.

The motion was agreed to.

Mr. PLATT. I present a petition of 64 citizens of the town of New Milford, Conn., in favor of the passage of the tariff bill now before the Senate. I suppose that, although such petitions are usually laid on the table when the bill has been reported, there is no objection to its reference to the Committee on Finance, and it will be placed on the files of that committee.

The VICE-PRESIDENT. The petition will be referred to the Committee on Finance.

Mr. PADDOCK presented a petition of citizens of Box Butte County, Nebr., praying that an appropriation be made for experiments in irrigating that county by artesian wells or such other methods as may be most expedient; which was referred to the Select Committee on Irrigation and Reclamation of Arid Lands.

Mr. EVARTS presented resolutions of the Clothiers' Association of New York in favor of the passage of the national bankrupt bill; which was referred to the Committee on the Judiciary.

Mr. BLAIR. I present a memorial and petition of the National League for the Protection of American Institutions against items in the Indian appropriation bill for the support of sectarian schools. I move its reference to the Committee on Appropriations.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5381) directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CONGER, Mr. WALKER of Massachusetts, and Mr. BLAND managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes, further insisted on its disagreement to certain other amendments of the Senate, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BUTTERWORTH, Mr. CANNON, and Mr. FORNEY managers at the further conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 516) to extend the limit for the erection of a public building at Springfield, Mo.;

A bill (H. R. 887) authorizing the erection of a hotel upon the Government reservation at Fortress Monroe; and

A bill (H. R. 7160) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1891, and for other purposes.

TREASURY NOTES AND SILVER BULLION.

Mr. MORRILL. I ask that the communication from the other House in relation to the silver bill be laid before the Senate for the purpose of agreeing to the conference asked for.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 5381) directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes, and requesting a conference on the disagreeing votes of the two Houses.

Mr. MORRILL. I move that the Senate accede to the request of the House of Representatives for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. SHERMAN, Mr. JONES of Nevada, and Mr. HARRIS were appointed.

REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Territories, to whom was referred the bill (S. 3490) to amend the act of Congress of March 3, 1887, entitled "An act to amend an act entitled 'An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes,' approved March 22, 1882;" reported it with an amendment.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (S. 3257) granting a pension to Mary Crook, widow of George Crook, late a major-general in the United States Army; reported it with an amendment, and submitted a report thereon.

Mr. PLUMB. The Committee on Appropriations instruct me to report back the bill (H. R. 16716) making appropriations for the Department of Agriculture for fiscal year ending June 30, A. D. 1891, with amendments. I give notice that as soon as I can get the attention of the Senate I shall ask that the bill be considered.

Mr. INGALLS. Does the Senator propose to call it up to-day?

Mr. PLUMB. To-day or some other day. It will depend upon the will of the Senate. Probably some time later in the day I may call it up. It can be printed and be here within a few hours.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3332) granting an increase of pension to Margaret E. Pierce; and

A bill (S. 3511) granting an increase of pension to Catharine E. Babcock.

PUBLIC BUILDING AT FORT WORTH, TEX.

Mr. SPOONER. I am instructed by the Committee on Public Buildings and Grounds to report back favorably, without amendment, the bill (H. R. 8149) to increase the limit of cost of the public building authorized by act of Congress approved March 2, 1889, to be erected at Fort Worth, Tex. The bill has passed the other House, and it will be necessary, in order that the appropriation shall be made at this session of Congress, that it go speedily to the Appropriations Committee. It is recommended by the Supervising Architect, and I apprehend that no question can be made about it. I ask that the bill may be acted upon at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time and passed.

BILLS INTRODUCED.

Mr. BUTLER introduced a bill (S. 4167) granting an increase of pension to Sarah V. Azpell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 4168) for the relief of Elwin A. Scutt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 4169) granting a pension to Johanna Krueger; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KENNA introduced a bill (S. 4170) for the relief of John Holt; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BATE introduced a joint resolution (S. R. 107) authorizing Musadora, Victoria, Ella, and Frank Wasson, of Tennessee, to present their claim to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

PRIVATE LAND CLAIMS.

Mr. MORGAN submitted the following resolutions; which were considered by unanimous consent, and agreed to:

Resolved by the Senate of the United States, That the Secretary of the Interior be, and he is hereby, directed to furnish to the Senate, with as little delay as possible, a full and complete list of all the Spanish and Mexican "private land claims" now pending in his Department, and the number of leagues each "private land claim" contains, and the general character of land embraced in each of said claims, as to whether the same is grazing or agricultural, and the names of the present claimants thereof, and the names of the counsel and attorneys who are now, or have been heretofore, prosecuting the said "private land claims" before the Department of the Interior or the General Land Office, and before the United States registers and receivers of land in the land offices, and what action, if any, said Department has taken on said "private land claims."

And be it further resolved, That the Department of Justice be, and hereby is, also directed to furnish to the Senate, with as little delay as possible, like information as to all the Spanish and Mexican "private land claims" now pending in said Department and in the circuit and district courts of the United States.

THE MISSISSIPPI AND ITS TRIBUTARIES.

Mr. PLUMB submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 1,000 copies of the pamphlet entitled The Mississippi and Its

Forty-Four Navigable Tributaries, prepared at the Treasury Department and printed at the Government Printing Office in 1888, be printed as a public document for the use of the Senate.

GEORGE BROWN.

The VICE-PRESIDENT. If there is no further morning business, that order is closed and the Calendar, under Rule VIII, will be proceeded with.

The bill (S. 707) for the allowance of the claim of George Brown for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1887, was announced as first in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DENNIS W. MULLAN.

Mr. PAYNE. I ask the Senate to go back to a case passed over without prejudice when the Calendar was last under consideration. It is Senate joint resolution 86.

The joint resolution (S. R. 66) authorizing Commander Dennis W. Mullan, United States Navy, to accept a medal presented to him by the Chilean Government was considered as in Committee of the Whole.

Mr. PAYNE. I wish merely to state that a report of the Committee on Foreign Relations, upon which the passage of the joint resolution is based, has been filed.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

J. B. BERNADOU.

The joint resolution (S. R. 80) authorizing Ensign J. B. Bernadou, United States Navy, to accept two vases presented to him by the Government of Japan was announced as next in order on the Calendar.

The VICE-PRESIDENT. A similar joint resolution from the House of Representatives having been passed, the Senate joint resolution will be indefinitely postponed.

ISRAEL KIMBALL.

The bill (S. 3752) for the relief of Israel Kimball was announced as next in order on the Calendar.

Mr. BLAIR. I ask that that bill be passed over without prejudice.

The VICE-PRESIDENT. The bill will go over without prejudice.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9856) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1891, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 4. That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, and 6 and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7,390,000;" and the Senate agree to the same.

P. B. PLUMB,

W. B. ALLISON,

JO. C. S. BLACKBURN,

Managers on the part of the Senate.

HENRY H. BINGHAM,

J. H. KETCHAM,

JAMES H. BLOUNT,

Managers on the part of the House.

The report was concurred in.

JAMES CALER.

The bill (S. 3006) for the relief of James Caler was considered as in Committee of the Whole. It proposes to pay to James Caler, of Stanford, Conn., \$7,245 for work done by him under a contract with the United States in the dredging and excavation of the bar at Rutherford Park, in the Passaic River, New Jersey.

Mr. BUTLER. Is there a report accompanying the bill?

The VICE-PRESIDENT. There is.

Mr. BUTLER. Let it be read.

The VICE-PRESIDENT. The report will be read.

The Secretary read the following report, submitted by Mr. FAULKNER May 7, 1890:

The Committee on Claims, to whom was referred the bill (S. 3006) for the relief of James Caler, have had the same under consideration and beg leave to report:

Your committee adopt the report made by the Committee on Claims of the Senate during the second session of the Fiftyeth Congress, and recommend the passage of the bill.

The report is as follows: "That the facts set forth in House Report 481 are fully sustained by the record and is adopted as the report of this committee."

"The House report is as follows: "That on the 25th day of June, 1873, the petitioner entered into a contract with the United States of America for dredging and excavating the bar at Rutherford Park, in the Passaic River, New Jersey. For this work he was to receive, when it was completed, the sum of \$14,500. The work has been completed according to the requirements of the contract. In the specifications which were made part of the contract the material was represented as consisting 'of loose stone, bowlders, sand, and gravel.' After quite a large part of the work had been done it was discovered that the remaining portion of the

material to be removed consisted in part of a hard blue clay and hardpan, the removal of which was attended with an expense much greater than would have attended the removal of such material as the contract specified. For this extra expense Mr. Caler claims compensation.

"Lieut. Col. John Newton, who is engineer in charge of the work, and who represented the United States in making said contract, and executed it for them, admits that there was a mistake made in the description in the contract of the character of the material to be removed and that the claimant is entitled to some relief; and your committee are of that opinion. The question as to the amount that should be allowed him in full compensation is one of some difficulty. In a communication addressed to your committee, dated May 1, 1878, he says: 'In arriving at a conclusion as to the extent of Mr. Caler's claim against the Government, there must be some uncertainty in spite of all the care that can be taken. As to the fact that he has some claim there can be no dispute, because the materials—sand, gravel, broken stone, and bowlders—which he contracted to remove were underlaid in some parts by a hard clay very difficult to dredge and which was not specified in the contract.'

"Colonel Newton has made, at the request of your committee, two computations of the amount to be paid to the claimant in full satisfaction. The first is upon a basis of payment for the use of his dredge and scows used, and of the wages of the men required to handle them, with the other expenses incident to their use. Upon this basis he finds the amount to be paid to the claimant to be \$11,709. Subsequently Colonel Newton submitted another estimate, based upon payment to the claimant for the ordinary wear and repair of machinery, wages of the men employed, with interest upon the value of the dredge, scows, and other material used in the prosecution of the work, to which he adds \$1,000 for the services of the claimant. Upon this basis he makes the amount to be paid \$7,245.

"Your committee, under these circumstances, would recommend the payment of the lowest sum found due by Lieut. Col. John Newton, the engineer in charge, to wit, \$7,245, and, as the bill only asks for that amount, would recommend that the same do pass."

Mr. INGALLS. It does not appear that there is any recommendation from the Secretary of War, who is the head of the Department to which the engineer was responsible. It appears to me that the evidence is insufficient to justify Congress in allowing so large an amount in excess of a contract which was entered into with that officer. I suggest that the case go over for further consideration.

Mr. PLATT. Mr. President, I hope not. This case has already once passed the Senate, and I think twice, reported, if I remember, by Senator Palmer, of Michigan. At any rate, I know that he was very much interested in it, and that the case was discussed here in the Senate, and on full discussion was passed, and I have an impression that at that time there was a letter from the Secretary of War. At any rate, this recommendation by General Newton would seem to cover the whole ground, and, as only the smallest amount which he has recommended is adopted here and as the Senate has once acted upon it, I should hope that there would be no further delay. My recollection about it is that the bill was also passed in the other House, but so late as to fail to receive the approval of the President. I trust the Senator from Kansas will not insist upon his objection.

The VICE-PRESIDENT. Does the Senator from Kansas withdraw his objection?

Mr. INGALLS. The fact that a bill on the Private Calendar on Saturday has passed the Senate does not constitute even a *prima facie* case in its favor. Everybody understands that. It is not entitled to be quoted as a precedent. Therefore the statement of the Senator from Connecticut has no effect, and that shows the disadvantage of doing business in the way that we are in the habit of doing when the Calendar is under consideration under Rule VIII.

I repeat that there is no foundation, in my judgment, so far as this report is concerned, for the passage of this bill. If, as the Senator states, there is a report from the Secretary of War, and that is made to appear, recommending it, I shall withdraw my objection. Otherwise I shall insist upon it.

Mr. SPOONER. The Senator, of course, has a right to object and send the bill over. When this bill was considered in the last Congress we were not operating under the Saturday five-minute rule as we are now, and this bill had a very careful consideration by the Committee on Claims in that Congress, as it has had at this session. It was examined carefully by the Senator from West Virginia [Mr. FAULKNER], who is a very careful member of the committee, and his report was discussed by the entire committee.

The bill was sent, as I recollect, according to the rule of the committee, to the War Department; but we are not limited in passing such bills by the recommendations of the head of a Department. I suppose the Secretary of War would have referred the bill to the Engineer Department, and his recommendation, if he made any, would have been in accordance with the recommendation of the Engineer Department.

The committee had before it the letter of General Newton, who is a very competent and very careful man, and the facts, as he states them, notwithstanding the remarks of the Senator from Kansas, seemed to the committee, and I think would seem to the Senate, to create a very strong equity in favor of this claimant.

I do not care to discuss the bill, as the Senator has the power to stop it. I hope it may go over without prejudice, however, Mr. President.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

ISRAEL KIMBALL.

Mr. BLAIR. I suggested awhile ago that Order of Business 1149, being the bill (S. 3753) for the relief of Israel Kimball, should be passed over without prejudice. I find that I was misinformed in regard to it, and I withdraw the objection.

ENSIGN J. B. BERNADOU.

Mr. PAYNE. I inquire what was done with Order of Business 1148, being the joint resolution (S. R. 80) authorizing Ensign J. B. Bernadou, United States Navy, to accept two vases presented to him by the Government of Japan. A similar measure from the House of Representatives came here and was passed a few days ago and returned to that body. This joint resolution should be indefinitely postponed.

The VICE-PRESIDENT. That order has been made.

SURETIES OF OZIAS MORGAN.

The bill (S. 383) for the relief of Daniel C. Rodman and others, sureties on the bond of Ozias Morgan, was considered as in Committee of the Whole. It proposes to release Daniel C. Rodman, Ossian B. Hart, Charles Slazer, Calvin L. Robinson, Ozias Buddington, and Joseph R. Richard, sureties upon the bond of Ozias Morgan, given as security for the faithful performance by Morgan of his duties as receiver of public moneys and disbursing agent of the United States land office at Tallahassee, Fla., from 1866 to 1870.

Mr. INGALLS. Let the report be read in that case.

The VICE-PRESIDENT. The report will be read.

Mr. HAWLEY. Perhaps I can shorten it a little if the Senator will accept my statement. I have been at work in the committee on that case for many years. Rodman was an officer in my regiment and I am entirely familiar with the facts. He was a very excellent citizen and settled in Florida for a number of years. He was induced to go upon the bond of a receiver of public moneys and also was unfortunate in business there. He became afflicted with disease. After his return to Connecticut he died; about twelve or fourteen years afterwards his family was informed that the receiver was behind in his accounts.

Mr. INGALLS. How much?

Mr. HAWLEY. About \$2,000. The report states exactly the amount, but that is approximately the sum. The Government collected something of some of the other gentlemen who were good at the time. The other sureties were sued separately and they either compromised their claims, became insolvent, absconded, or have died.

Now Rodman is in his grave, owing to wounds he received whilst serving the Government. The Government has served process against the widow, and all she has is a house worth about \$2,400, which they were able to save out of his salary as pension agent. We propose to relieve the widow from the danger of losing her house. The Government was twelve or fourteen years—I am stating it moderately—after this default occurred, before it called upon the widow, and then it was after the husband was dead.

Mr. INGALLS. That is a satisfactory and convincing statement so far as Rodman is concerned, but there are five other sureties who are also on the same bond who are proposed to be relieved by the same bill.

Mr. HAWLEY. I do not care anything about them; I do not know anything about them, but I doubt if they have any money or if the Government can get anything out of them. The Government compromised with some of them and got but a few dollars.

The VICE-PRESIDENT. Does the Senator from Kansas desire the reading of the report?

Mr. INGALLS. I do not.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CALIFORNIA SCHOOL LANDS.

The bill (S. 2726) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRENCH SPOILATION CLAIMS.

The bill (S. 1046) to extend the time for filing claims in the Court of Claims under the provisions of an act entitled "An act to provide for the ascertainment of claims of American citizens for spoiliations committed by the French prior to July 31, 1801," was considered as in Committee of the Whole.

The Committee on Claims reported an amendment, after the word "months," in line 9, to insert "from the passage of this act;" so as to make the bill read:

Be it enacted, etc., That the time for filing claims in the Court of Claims under the provisions of an act entitled "An act to provide for the ascertainment of claims of American citizens for spoiliations committed by the French prior to the 31st day of July, 1801," approved January 20, 1855, be, and the same is hereby, extended for an additional period of twelve months from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ABANDONED MILITARY RESERVATIONS IN WYOMING.

The bill (H. R. 8245) to provide for the disposal of the abandoned military reservations in Wyoming Territory was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with

amendments, in line 5, before the word "Sanders," to strike out "Larrimio" and insert "Laramie;" in line 6, after the word "reservations," to strike out "and the Fort Fetterman hay reservation;" in line 14, after the word "entry," to insert "not exceeding one quarter-section;" and in line 24, after the word "subdivision," to strike out "of land shall contain at least" and insert "may include adjoining lands to the amount of;" so as to make the bill read:

Be it enacted, etc., That all public lands now remaining undisposed of within the abandoned military reservations in the Territory of Wyoming, known as Fort Fetterman (post), Laramie, Sanders, and Steele (post), military reservations, and that portion of the Fort Bridger reservation heretofore abandoned for military purposes, and which are not otherwise occupied or used for any public purpose, are hereby made subject to disposal under the homestead law only: *Provided*, That actual occupants thereon upon the 1st day of January, 1890, if otherwise qualified, shall have the preference right to make one entry not exceeding one quarter-section under either of the existing land laws, which shall include their respective improvements: *Provided further*, That any of such lands as are occupied for town-site purposes, and any of the lands that may be shown to be valuable for coal or minerals, such lands so occupied for town-site purposes or valuable for coal or minerals, shall be disposed of as now provided for lands subject to entry and sale under the town-site, coal, or mineral land laws, respectively: *Provided further*, That this act shall not apply to any subdivision of land, which subdivision may include adjoining lands to the amount of 160 acres, on which any buildings or improvements of the United States are situated until the Secretary of the Interior shall so direct: *Provided further*, That the passage of this act shall not be construed to amend or repeal the act approved May 23, 1888, entitled "An act granting certain lands in the Territory of Wyoming for public purposes."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read "A bill to provide for the disposal of certain abandoned reservations in Wyoming Territory."

GEORGE M. WHEELER.

The bill (S. 1689) for the relief of George M. Wheeler was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 7, after the words "from the" to strike out "30th of June" and insert "23d of July;" so as to make the bill read:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to nominate and, by and with the advice of the Senate, to appoint Capt. George M. Wheeler, United States Army, retired, a major on the retired-list of the Army, with the rank and pay of that grade from the 23d of July, 1888, being the date on which he would have been eligible to promotion but for his retirement as captain on June 15, 1888.

MR. REAGAN. I ask for the reading of the report in that case.

THE VICE-PRESIDENT. The report will be read.

The Secretary read the following report, submitted by Mr. HAMPTON May 8, 1890:

The Committee on Military Affairs, to whom was referred the bill (S. 1689) for the relief of George M. Wheeler, beg leave to report the same back to the Senate amended, with recommendation that it should be passed as reported.

The case of Captain Wheeler is one of exceptional merit, and the committee have been brought to a favorable consideration of it by the following facts: Captain Wheeler, who was the senior captain in the Engineer Corps, was retired a few days before he would have been entitled to promotion. His record is a brilliant one, and though he had been retired he devoted himself to the completion of the important work in which he had been engaged previous to his retirement. A letter from Captain Wheeler to General Casey showing this fact is submitted as part of this report, as is also an extract from the official record of this officer given by the Department of War.

The committee also submit letters from the honorable Secretary of War, the Major-General Commanding, and the Chief of Engineers, warmly commending the services of Captain Wheeler and advocating the relief proposed in the bill reported.

The bill is amended by striking out the words "thirtieth of June," in line 7, and inserting in lieu thereof "twenty-third of July."

WASHINGTON, D. C., May 1, 1890.

SIR: I have the honor respectfully to state that the duty to which I was specially assigned by authority of the honorable the Secretary of War, commencing March 1, 1889, it was only possible to terminate on December 30, 1889, when the work on volumes I, Geographical Surveys, was substantially completed. Nevertheless, pursuant to the policy of the War Department, I was retired from active service on June 15, 1888, by the approval of the physical-incapacity finding of a retiring board of June, 1888, although on that day it was expected that a vacancy in the rank of major of the Corps of Engineers would exist on June 30, 1888, to which I asked to be promoted, and to which promotion I would have had a legal claim, as soon as the aforesaid vacancy should have existed, had not the retirement been made prior thereto, which vacancy, it appears, actually occurred July 23, 1888.

Therefore, in closing my record before the Department, it may be remarked that since the action of the retiring board, in 1888, I have voluntarily performed, at the instance of the Engineer Department, regardless of my condition of health, duty which has resulted in completing, as far as possible, the general and professional records of the late office of Geographical Surveys and in the publication of a number of topographic and land-classification maps and the following printed volumes: Volume I, Geographical Report, 4^o, 780 pages, 33 plates and 3 maps; Report on Venice Congress, 570 pages, 11 plates and maps; and Report on Geographic Positions, etc., royal 8^o, 261 pages.

I have the honor to request that, so far as practicable, the above facts shall appear of record in connection with the relief contemplated in S. 1689 [H. R. 4300] Fifty-first Congress, first session, together with the further fact that the field duty upon which I was engaged, and to which the physical disability was incident, was performed under conditions of much hardship, deprivation, and exposure, in a region of mountain and desert, substantially uninhabited.

Most respectfully yours,

GEO. M. WHEELER,
Captain, etc.

Brig. Gen. THOS. LINCOLN CASEY,
Chief of Engineers, United States Army.

[Extract from official record.]

Since his retirement, Captain Wheeler has voluntarily performed, at the instance of the Engineer Department, regardless of his condition of health, duty which has resulted in completing, as far as possible, the general and professional records of the late office of Geographical Surveys and in the publication of a number of topographic and land-classification maps, and the following printed volumes: Volume I, Geographical Report, 4^o, 780 pages, 33 plates, and 3 maps; Report on Venice Congress, 570 pages, 11 plates and maps; and Report on Geographic Positions, etc., royal 8^o, 261 pages.

WAR DEPARTMENT, Washington, May 3, 1890.

SIR: In connection with my letter to you of February 20, last, on Senate bill 1689, for the relief of Capt. George M. Wheeler, Corps of Engineers, I now have the honor to advise you that at the request of that officer I referred the inclosed copies of S. 1689 and H. R. 4300 to the Chief of Engineers and the major-general commanding the Army for remarks, and I invite attention to the inclosed reports of those officers, dated the 1st instant, thereon.

In view of the strong recommendations of Generals Casey and Schofield, I recommend relief as proposed in the bill.

Very respectfully,

REDFIELD PROCTOR,
Secretary of War.

Hon. J. R. HAWLEY,
Chairman Committee on Military Affairs, United States Senate.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., May 1, 1890.

SIR: In reference to Senate bill 1689, Fifty-first Congress, first session, for the relief of George M. Wheeler, I have the honor to remark that Captain Wheeler, as an officer of engineers, performed very arduous service for many years, involving such exposure and hardship as resulted in his permanent disability. On this account he was retired from active service on the eve of his promotion to the grade of major, and was thus deprived of the promotion which his services had so well merited. I am also informed that Captain Wheeler performed much valuable service after his retirement, in the completion or transfer to others of the work upon which he had been employed. His case seems, therefore, especially deserving of relief.

I beg leave to suggest that, while physical disability is a necessary disqualification for appointment to office or for continuance in active military service, either in the same or in a higher grade, regular promotion is the one and only reward offered to an officer of the Army for faithful service; and hence that an officer should not, in justice, be deprived of that promotion solely because he is found incapacitated at the time when that promotion is due him under the law. It would seem more consonant with strict justice to give the officer the reward which his services have earned and then place him on the retired-list.

Very respectfully,

J. M. SCHOFIELD,
Major-General Commanding.

THE SECRETARY OF WAR.

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., May 1, 1890.

SIR: I have the honor to return bill H. R. 4300, referred to me for remark, and to accompany this communication with a statement of the services of Captain Wheeler. I also inclose a copy of a communication from Gen. J. C. Duane, Chief of Engineers, dated May 23, 1888, which relates to circumstances preceding, and attendant upon his retirement from active service so far as known to this department.

Captain Wheeler's services in the Corps of Engineers, while he was able to take the field, were remarkably brilliant and in the line of duty with which he was charged have not been exceeded by any officer of his rank. His surveys west of the one hundredth meridian, the last volume of which has just been published under his supervision, has become a standard and model, and is constantly referred to and accepted by the various interests involved. In my judgment this service alone would entitle him to marked consideration and to the measure of relief contained in the bill H. R. 4300.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brigadier-General, Chief of Engineers.

Hon. REDFIELD PROCTOR,
Secretary of War.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 19, 1890.

SIR: I have the honor to return herewith a bill (S. 1689) for the relief of George M. Wheeler, now captain, United States Army, retired, which was referred to the War Department on the 15th instant by the Senate Committee on Military Affairs, together with statement of the military services of that officer.

The bill proposes to authorize the promotion of Captain Wheeler to the grade of major on the retired-list with rank and pay from June 30, 1888, the date when it is claimed he would have been eligible for promotion had he not been retired, etc.

On May 29, 1883, Captain Wheeler requested that he be examined by an Army retiring board with a view to determining his fitness or unfitness for active service, and an order was issued accordingly on June 14, 1883, directing him to appear before the board at Governor's Island, New York, of which Maj. Gen. W. S. Hancock was president. He reported as directed, and was examined June 18, 1883, and the board reported as its finding that he was "incapacitated for active service in consequence of repeated abscesses of the liver resulting in loss of substance of that organ, adhesions of the digestive functions, and frequent attacks of dysentery, all contracted in the line of duty."

Notwithstanding the finding of the board, Captain Wheeler was on duty after his examination, namely, from October 1, 1883, to March 6, 1884; March 1, 1885, to November 19, 1887; and May 18, 1888, to date of retirement, June 15, 1888; but a number of other officers similarly situated have performed light duty between the date of examination and the date of retirement, and in that respect the case is not exceptional.

Captain Wheeler became the senior captain in the Corps of Engineers April 7, 1888, and, in pursuance of the policy of the President at that time, he was retired from active service before the occurrence of a vacancy in the grade of major to which he could lay claim to promotion. The next vacancy in the higher grade did not occur until July 23, 1888 (the date of death of Lieut. Col. Walter McFarland), and if he had remained in service and been considered eligible for promotion he could not have been promoted June 30, 1888, the date fixed in the bill.

A vacancy occurred June 30, 1888, in the office of Chief of Engineers, but the colonel in the Corps of Engineers who was appointed to that vacancy did not accept the appointment nor enter into possession of the office until July 23, 1888, and the resulting vacancies to be filled by promotion did not exist prior to that date.

Very respectfully, your obedient servant,

J. C. KELTON, Adjutant-General.

THE SECRETARY OF WAR.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 19, 1890.

Statement of the military service of George M. Wheeler, of the United States Army, compiled from the records of this office.

He was graduated at the United States Military Academy and appointed second lieutenant of engineers June 18, 1866, promoted first lieutenant March 7, 1867, and captain March 4, 1879.

He served as assistant engineer at San Francisco, Cal., from October 20, 1866, to September 4, 1868; as engineer officer on the staff of the commanding general Department of California (on field service, June 12, to November 29, 1870) to February 9, 1871; and in charge of surveys and explorations in Arizona and Nevada (west of the one hundredth meridian) to June 17, 1880; on ordinary leave to September 30, 1880, and on sick leave to April 1, 1881; on detached duty as commissioner to the International Geographical Congress at Venice, Italy, and engaged in the preparation of his report thereof to December 31, 1882; in charge of the geographical surveys west of the one hundredth meridian, and in addition thereto engaged in finishing his report of service as commissioner to the International Geographical Congress, to June 18, 1883, when examined by a retiring board and found incapacitated for active service; on leave to October 1, 1883; in charge of geographical surveys west of the one hundredth meridian to March 6, 1884; on sick leave to March 1, 1885; on temporary duty superintending publications pertaining to geographical surveys to November 19, 1887; on sick leave to May 18, 1889; on duty in connection with geographical surveys to June 15, 1888, when retired for disability in line of his duty.

J. C. KELTON, Adjutant-General.

Mr. REAGAN. I do not object to the consideration of the bill, but I want to vote against it because it is one of those things that I think ought not to be done.

Mr. HAWLEY. What did the Senator ask?

Mr. REAGAN. I said I should not object to the consideration of the bill, but that I should vote against it.

Mr. HAWLEY. I do not expect to debate the question, but I wish to say that the bill was very carefully considered in the committee; but the Senator from South Carolina [Mr. HAMPTON] who reported it is not here. Wheeler is an officer of very distinguished record, and just by a few days missed a promotion which he had earned ten times over by his services to the Government. It is a hard case, and the committee sympathize entirely with him.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY ZELL.

The bill (S. 2095) to place Henry Zell on the retired-list of the Army was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out lines 19 to 49, both inclusive, as follows:

He having enlisted in said company and regiment February 12, 1847, and served therein under successive enlistments until December 29, 1852; in the Veteran Reserve Corps from September 3, 1863, to August 29, 1866; in the United States Army from October 4, 1866, to March 27, 1869, and again in Company C, Twentieth United States Infantry, from April 1, 1869, to April 1, 1879, and during these terms of service the said Henry Zell participated in these battles, to wit: During the Mexican war, in the battles at Contreras, Churubusco, Chapultepec, and entered the city of Mexico, with the army of occupation under General Winfield Scott. Afterwards took part in battle against the Apache, Ute, and Plute Indians in the years 1854 and 1856, with his command; also against the Navajo and other Indian tribes in 1859 and 1860. During the late war he served with said Company C, Third United States Infantry, and participated in these battles, namely, First Bull Run, Yorktown, Williamsburgh, Fair Oaks, Malvern Hill, Gaines's Mills, Mechanicsville, and in 1864 participated in resisting Early's attack on the city of Washington, at which time he was in the Veteran Reserve Corps, and being now an honorably discharged soldier, and having performed more than thirty-one years' service up to the time of his last discharge, namely, April 1, 1879.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to place Henry Zell, late a private of Company D, Third Regiment United States Infantry, on the retired-list of the Army, to date from February 14, 1885, and that said Henry Zell have from said date the benefits and allowances given under the provisions of chapter 67, second session, Forty-eighth Congress, entitled "An act to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years and upwards," approved February 14, 1885; and that said Zell be placed on said retired-list at the rank and grade held by him at the date of his last discharge from said service, the said Henry Zell having served in the Army of the United States for more than thirty years prior to his last discharge therefrom on April 1, 1879.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT ALTOONA, PA.

The bill (S. 2970) for a public building at Altoona, Pa., and appropriating money therefor was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States courts, post-office, and other Government offices, in the city of Altoona and State of Pennsylvania, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$150,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$5 per day and actual traveling expenses: Provided, however, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

No money shall be used or applied for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Pennsylvania shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Altoona, in the State of Pennsylvania."

G. M. HAZEN AND OTHERS.

The bill (S. 922) for the relief of G. M. Hazen and others was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, after line 18, to strike out:

To Promis H. Bell, administrator of the estate of Marcus A. Bell, \$120.
To H. C. Shaphard, \$844.80.
To James H. Burgess, \$300.
To the estate of James M. Gee, \$114.
To Mrs. Penelope Rawlings, \$45.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay the following-named persons, their assigns or legal representatives, the amounts due on their respective contracts with the United States, as appears by certified accounts on file in the Treasury Department:

To George M. Hazen, \$175.
To J. J. Donegan, \$446.
To A. Burwell, \$125.
To Mrs. M. J. Donahoe, \$345.50.
To N. C. Blanton, \$430.
To Mrs. J. P. Williams, \$900.
To Masonic Hall Company, Atlanta, Ga., \$475.
And the said sums shall be in full of all claims or demands arising under the said contracts against the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SOLDIERS' HOME IN STATE OF WASHINGTON.

The bill (S. 3629) granting to the State of Washington a section of public land for a soldiers' home, and for the militia of said State, and for other purposes was announced as next in order.

The Secretary proceeded to read the bill.

Mr. MANDERSON. I have heard enough of the reading of that bill to be quite well satisfied that it will have to be guarded by some amendments. It certainly is not politic to establish just now additional soldiers' homes, but I have no objection to aiding the States.

The VICE-PRESIDENT. There are several amendments reported to the bill.

Mr. DOLPH. The soldiers' home, as I understand, is a State institution, and this is simply to provide for a grant of lands to aid it and for the benefit of the militia of the State of Washington.

Mr. MANDERSON. It strikes me as more than that as I heard the bill read. I ask that it be passed over until later in the day, so that I can examine it, especially as the Senators from the State are temporarily absent.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

TONNAGE DUES ON VESSELS FROM SWEDEN AND NORWAY.

Mr. SHERMAN. There is a bill on the Calendar to give effect to a certain treaty that is of some importance and should be passed now. I think there will be no objection to it. It is reported from the Committee on Foreign Relations unanimously. It is Order of Business 1665,

Senate bill 4102, and I venture to ask the Senate to consider it now. If there is any objection to it, I shall let it go over.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4102) to give effect to the eighth article of the treaty of commerce and navigation with Sweden and Norway of July 4, 1827. It proposes to authorize the Secretary of the Treasury to audit and pay to the persons authorized to receive the same all tonnage dues collected since July 1, 1834, on Swedish or Norwegian or American vessels arriving in ports of the United States from ports in Sweden and Norway, in excess of the rate of 3 cents a ton, or in the aggregate 15 cents a ton in any one year; and provides that such vessels arriving in the ports of the United States shall hereafter not be charged tonnage dues greater than those referred to in the eighth article of the treaty of 1827, between the United States and Sweden and Norway, if it shall appear to the President that no discrimination has been made by the Government of Sweden and Norway since June 26, 1834, against American vessels inconsistent with the provisions of article 8 of the treaty.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MUSKEGON, MICH.

The bill (S. 3034) to provide for the construction of a public building at Muskegon, in the State of Michigan, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Muskegon and State of Michigan, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$75,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department, and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Michigan shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Muskegon, in the State of Michigan."

DISTRICT ATTORNEY'S OFFICE, DISTRICT OF COLUMBIA.

Mr. EVARTS. I ask leave to call attention to Order of Business 1654, which is a short bill to provide for a proper action in the district attorney's office of this District in the increase of the salaries of the employés. I ask for its present consideration.

By unanimous consent, the bill (S. 3555) to increase the compensation of the assistants to the attorney of the United States for the District of Columbia, and to amend section 907 of the Revised Statutes of the United States, relating to said District, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, in line 5, after the word "amended," to strike out the words "by striking out the word 'four,' in the second line of said section, and inserting in lieu thereof the word 'ten,' and by striking out the word 'twelve,' in the third line of said section, and inserting in

lieu thereof the words 'twenty-four;' so that it shall read," and to insert "to read as follows;" so as to make the bill read:

That section 907 of the Revised Statutes of the United States, relating to the District of Columbia, be amended to read as follows:

"Sec. 907. He shall pay to his deputies or assistants not exceeding in all \$10,000 per annum; also his clerk-hire, not exceeding \$2,400 per annum; office rent, fuel, stationery, printing, and other incidental expenses out of the fees of his office."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT PALESTINE, TEX.

The bill (S. 3039) authorizing the construction of a public building for a post-office in the city of Palestine, Tex., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Palestine and State of Texas, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$50,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Texas shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site, and the erection of a public building thereon at Palestine, in the State of Texas."

PUBLIC BUILDING AT JACKSONVILLE, ILL.

The bill (S. 3303) for the erection of a public building at Jacksonville, Ill., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Jacksonville and State of Illinois, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$75,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said pro-

posed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as heretofore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$4 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Illinois shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Jacksonville, in the State of Illinois."

PUBLIC BUILDING AT CLARKSVILLE, TENN.

The bill (S. 3239) for the erection of a public building in the city of Clarksville, Tenn., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Clarksville and State of Tennessee, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$50,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals, and all maps, plats, and statements, which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall within thirty days after such examination make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as heretofore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$4 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

No money shall be appropriated for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Tennessee shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BATE. The committee report an amendment to the title.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Clarksville, in the State of Tennessee."

BRIDGE ACROSS OCMULGEE RIVER

The bill (S. 3061) to authorize the county of Pulaski, in the State of Georgia, to maintain a high wagon and foot bridge across the Ocmulgee River at or near Hawkinsville, in the State of Georgia, was announced as next in order on the Calendar.

The VICE-PRESIDENT. The Chair will call the attention of the Senator from Georgia to the fact that there is a House bill of the same character on the Calendar as the bill now reached.

Mr. COLQUITT. I move that the House bill be substituted for the Senate bill.

The VICE-PRESIDENT. The House bill will be substituted for the Senate bill, if there be no objection, and the Senate bill, the title

of which has been read, will be indefinitely postponed. The Chair hears no objection, and that order will be made.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9677) to authorize the county of Pulaski, in the State of Georgia, to maintain a high wagon and foot bridge across the Ocmulgee River at or near Hawkinsville, in the State of Georgia.

Mr. FRYE. That is all right.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CEMETERY LANDS AT SAULT STE. MARIE, MICH.

The bill (S. 3430) to confirm the title to certain lands in the city of Sault Ste. Marie and State of Michigan, and to release any reversionary right of the Government of the United States therein was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 16, after the word "Michigan," to insert "with authority;" in line 17, before the word "land," to strike out "said;" and in line 18, after the word "cemetery," to strike out "or burying ground;" so as to make the section read:

That the lot or parcel of land in the city of Sault Ste. Marie, in the county of Chippewa and State of Michigan, subject to the provisions of the act of Congress approved the 26th day of September, 1850, entitled "An act providing for the examination and settlement of claims for land at the Sault Ste. Marie, in Michigan," and designated on the connected plat of survey, approved under date of September 4, 1855, by the surveyor-general at Detroit, Mich., made pursuant to the act aforesaid, as lot numbered 135, and also known and designated on said plat as "village cemetery," containing 2.65 acres, be, and the same is hereby, confirmed to the corporate authorities of said city of Sault Ste. Marie, Mich., with authority to make such disposition of the land included in said cemetery as said corporate authorities may deem proper.

The amendment was agreed to.

The next amendment was, in section 2, line 3, after the word "hereby" to strike out "granted and;" so as to make the section read:

That any right of reversion or otherwise which the United States may have or be supposed to have in the said cemetery lot be, and the same is hereby, released to the said corporate authorities of said city of Sault Ste. Marie, Mich.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT OGDEN, UTAH.

The bill (S. 3239) to provide for the purchase of a site and the erection of a public building thereon at Ogden, in the Territory of Utah, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, on page 2, line 13, before the word "thousand," to strike out "and fifty," and in the same line, after the word "dollars," to strike out "which said sum of \$250,000 is hereby appropriated for said purpose out of any moneys in the United States Treasury not otherwise appropriated;" so as to make the clause read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States courts, post-office, and other Government offices, in the city of Ogden and Territory of Utah, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$250,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 53, to strike out the following paragraphs:

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof, shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

The amendment was agreed to.

The next amendment was, on page 4, line 66, after the word "money," to strike out "appropriated by this act shall be available except as hereinafter provided," and to insert "shall be used for the purpose mentioned," so as to make the clause read:

No money shall be used for the purpose mentioned until a valid title to the site of said building shall be vested in the United States.

The amendment was agreed to.

The next amendment was, on page 4, after line 69, to strike out:

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MADISON, IND.

The bill (S. 1044) to provide for the erection of a public building for the use of the post-office and Government offices at the city of Madison, in the State of Indiana, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Madison and State of Indiana, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$25,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plans, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plans, or documents taken by or submitted to them, in like manner as heretofore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$5 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Indiana shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Madison, in the State of Indiana."

THOMAS P. MORGAN, JR.

The bill (S. 312) for the relief of Thomas P. Morgan, jr., was considered as in Committee of the Whole. It proposes to pay to Thomas P. Morgan, jr., \$4,898.04, being the amount of work done by him on the Norfolk Harbor in the years 1881 and 1882, and declared forfeited to the United States by reason of his failure to perform his contract within the time specified therein.

Mr. PLATT. Let the report be read.

The PRESIDING OFFICER (Mr. PASCO in the chair). The report will be read.

The Secretary read the following report, submitted by Mr. WILSON, of Maryland, May 14, 1890:

The Committee on Claims, to whom was referred the bill (S. 312) for the relief of Thomas P. Morgan, jr., having had the same under consideration, respectfully report:

This bill, or one of similar import, was favorably reported in the House during the Forty-eighth, Forty-ninth, and Fiftieth Congresses, and also favorably reported from the Senate Committee on Claims during the same Congresses. The report made in the Forty-eighth Congress from that committee by Senator GEORGE has been made the basis of all the subsequent reports, and your committee, believing the same to be justified by the facts in the case, do hereby adopt the same, and recommend the passage of the bill. That report is hereto annexed.

Mr. GEORGE, from the Committee on Claims, submitted the following report (to accompany bill S. 2132):

The Committee on Claims have examined this case, and report the facts as follows:

That the claimant, Thomas P. Morgan, entered into a contract with the United States, through the Engineer Department, to do certain work and dredging in the harbor of Norfolk, Va. He failed to perform his contract, and it was declared by the engineer terminated, and the amount then due by the United States to the claimant forfeited. This sum amounts to \$4,898.04, and was earned by the claimant, and his right to receive it lost only by a provision in the contract authorizing its forfeiture.

We find that this forfeiture was in strict accordance with the contract. There are, however, some equitable circumstances which we think ought to induce Congress to release the forfeiture, and thus pay the claimant for work actually performed. The contract was forfeited, not because the work done was not well

done, but because the whole amount of work was not done within the time mentioned in the contract. The claimant asserts, and we think establishes, that the delay was occasioned in large measure by two circumstances, among others, over which he had no control.

First. The contract represented that all the dredging was to be done in soft earth, yet a considerable amount of hard excavation was excavated. This hard material could not be removed by the ordinary clam-dredge, which was entirely unsuitable for excavating soft material; this was the kind of dredge which the claimant owned and was working when the hard material was excavated.

Second. The commissioner of the harbor made some regulations in relation to the dumping ground at which claimant was required to dump the excavations. These regulations operated to hinder and delay claimant.

It is true an extension of the time for completing the contract was granted, but claimant was prevented from doing the work by unusual stormy weather. It is material, however, to be noticed that it is shown that if additional time to complete the contract had been given, as claimant asked, no delay would have resulted to the Government or the people by the delay in improving the harbor thereby occasioned. This we regard as a very material fact in allowing the relief we consider due.

Under all the circumstances we recommend the passage of the accompanying bill allowing said sum of \$4,898.04.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF A. H. HERR.

The bill (S. 1559) for the relief of the estate of A. H. Herr, deceased, late of the District of Columbia, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 6, before the words "by the Secretary of War," to strike out "award made" and to insert "sum of \$17,288.53, allowed the estate of A. H. Herr;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the estate of A. H. Herr, deceased, late of the District of Columbia, out of any money in the Treasury not otherwise appropriated, the sum of \$17,288.53, allowed the estate of A. H. Herr by the Secretary of War for the use of his premises known as Herr's Island, near Harper's Ferry, by the Army during the late war.

The amendment was agreed to.

Mr. PLATT. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. FAULKNER May 14, 1890:

The Committee on Claims, to whom was referred the bill (S. 1559) for the relief of the estate of A. H. Herr, have had the same under consideration and submit the following report:

This claim has been before Congress since the first session of the Forty-second Congress, and has received favorable consideration in both the House and Senate.

The report of Mr. ROWELL, made to the House of Representatives at the first session of the Forty-eighth Congress, is so full and conclusive that your committee have adopted it as a fair statement of the grounds for relief. He states: "This claim is for the use and occupation of Herr's Island, near Harper's Ferry, W. Va., by Federal troops from February, 1862, to February, 1866."

"The property in question was a very extensive and valuable estate, embracing 12 acres of land, thirty-two dwelling-houses, a large four-story cotton-factory building, a large iron foundry, saw-mill, and many outbuildings, and was all occupied at various times during the period named, and under control of acting quartermasters in the United States Army."

"Mr. Herr, the owner of the property, was a loyal citizen, who for his loyalty suffered imprisonment at the hands of the rebels and many other vexations, besides great destruction of property."

"February 28, 1866, Maj. Gen. W. S. Hancock made an order convening a board of officers to examine and report upon the condition of property in the department lately used by the Government, under the direction of the Quartermaster's Department, with a view of determining what would be required to put it in the same condition as when first occupied by the Government."

"In accordance with such order, the board convened and proceeded to examine the various property covered by the order, and on July 3, 1866, entered upon a critical examination of the property involved in this case, and of the evidence of its occupation, and its rental value; and reported in detail each building occupied, the time of its occupancy, and the rental value. The result of this examination was a report of a total rent of \$17,288.53."

"This report was not approved by the Quartermaster-General, but the claim was by him referred to General Blunt, chief quartermaster Department of the Potomac, who, on December 27, 1866, made return of his conclusions, in which he stated that he had made personal examination of the premises, accompanied by his agent, and was satisfied that the buildings were occupied for military purposes for the whole of the time alleged in the claim. He expresses the opinion that the occupation tended to preserve the buildings from being destroyed by the rebels, and also says that the works not being in operation would prevent the owner from deriving any material benefit from it. Yet, he says, the Government derived material benefit from its use, and he carefully readjusts the estimates of the board of officers and recommends the allowance of \$15,294.58."

"Upon receipt of this report Acting Quartermaster-General Rucker disallowed \$3,408.33 of the claim and recommended the payment of \$6,886.25."

"This reduction was made upon the statement in the report of General Blunt, that the occupancy of the property by the Army had the effect to protect it from destruction by the rebels, and the assumption that the works were not in operation, and therefore were of little use to their owner."

"This finding was approved by Quartermaster-General Meigs, but the claimant refused to accept the amount."

"Subsequently, the whole matter was referred to Deputy Quartermaster-General Ekin, who, on June 7, 1890, made an elaborate report upon the findings of the board of officers, the report of General Blunt, and the action of the Quartermaster-General on the same. He also considered additional evidence, which showed that the supposed facts in regard to the operation of this property by the owner, as reported by General Blunt, did not in reality exist, and that the condition of the property, with reference to its use by the owner, had been misunderstood."

"The report also combats the idea that its occupancy by the Union troops tended to preserve it from destruction."

"After reviewing the history of the case and reciting the evidence upon which his findings were based, the report concludes with the recommendation of an allowance of \$15,000."

"This report is returned by the Quartermaster-General to General Ekin, with a suggestion that it is like another case cited. Whereupon General Ekin makes response as follows:

"The ruling in the Murfreesborough decision could be made applicable in this

case, but in view of the fact that it has been the custom of this Department to pay rent for property at Harper's Ferry, which was occupied by the United States during the war, and in the absence of any law or order prohibiting its payment, I can not perceive any just reason why Mr. Herr should not be paid such rent as may be found to be due him."

"March 16, 1874, the claim was taken before the Secretary of War for review, who, upon examination of all the papers in the case, approved the finding of the board of officers convened by General Hancock, but on reference to the accounting officers the Third Auditor reported adversely, and the claim was disallowed by the Comptroller April 7, 1874—

"On the ground that the prohibitory act of February 19, 1867, was not repealed by the joint resolution of July 28, 1866, extending the benefit of the act of July 4, 1864, to the counties of Jefferson and Berkeley, W. Va."

"On reargument this decision was reaffirmed May 26, 1874.

"The case was finally reviewed by the Comptroller July 23, 1875. In that review he says:

"There is but one question now to be determined in the case. The claimant's loyalty and ownership, the occupancy of the property by the Federal forces, the proper administrative action in the War Department, and perhaps the amount of compensation to be allowed are all sufficiently shown."

"After reciting the various acts of Congress bearing upon the right to adjust and pay this claim, the report says:

"It [the act of 1867] expressly prohibits the settlement of certain claims originating in a State, or part of a State, described in the proclamation of July 1, 1862. . . . Jefferson County, Virginia, is among the counties described in that proclamation, and the prohibition, it seems to me, is as positive as if the act had repeated the words of the proclamation."

"And so this claim was rejected—not because it ought not to be paid, but because the Department before which it was pending was expressly prohibited by act of Congress from settling claims of this character."

"The committee are of the opinion that the allowance of this claim is an act of justice which ought not longer to be delayed for want of a tribunal in which to enforce it."

"Claimant's property was occupied by United States troops without any express agreement as to the amount of compensation. Its use was of great value to the Government, and effected a saving of much more than the amount claimed. Its occupancy was a necessity at the time. The officers taking possession and the claimant both supposed that reasonable rent was to be paid. Large damage was done to the property, for which no claim is made."

"Your committee would recommend that this bill (S. 1559) be amended in line 6 by striking out the words "award made" and inserting "sum of \$17,288.53 allowed the estate of A. H. Herr," and as so amended we recommend that the bill do pass."

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IMPROVEMENTS OF MOBILE HARBOR, ALABAMA.

The bill (S. 2423) to provide for the completion of the improvements of Mobile Harbor, Alabama, was announced as next in order on the Calendar.

Mr. FRYE. That bill may be passed over informally, retaining its place on the Calendar.

The PRESIDING OFFICER. It will be passed over informally, retaining its place on the Calendar.

RANK OF CERTAIN NAVAL OFFICERS.

The bill (S. 2701) concerning the rank and pay of certain officers of the Navy having served a full term as chief of a bureau in the Navy Department was announced as next in order on the Calendar.

Mr. MCPHERSON. Let that bill be passed over, retaining its place on the Calendar.

The PRESIDING OFFICER. The bill will be passed without prejudice, retaining its place.

NORTH RIVER BRIDGE COMPANY.

The bill (H. R. 3886) to incorporate the North River Bridge Company, and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey and to establish such bridge a military and post-road was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT ALLENTOWN, PA.

The bill (S. 3531) for the erection of a public building at Allentown, Pa., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Allentown and State of Pennsylvania, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches complete, not to exceed the sum of \$100,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary

of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: Provided, however, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Pennsylvania shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Allentown, in the State of Pennsylvania."

PUNISHMENT OF INDIANS FOR CRIME.

The bill (S. 3679) to amend section 9 of "An act making appropriations for expenses of Indian Department and for fulfilling treaty stipulations with various Indian tribes for year ending June 30, 1886, and for other purposes," approved March 3, 1885, was next in order on the Calendar.

Mr. PLATT. I am informed by the chairman of the Committee on Indian Affairs, who reported that bill, that it is already upon the statute-book, having been incorporated in an appropriation act last year. There is therefore no necessity for the passage of this bill. At his request, I move that the bill be indefinitely postponed.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 27th instant approved and signed the following acts:

An act (S. 3982) granting to the Chicago, Kansas and Nebraska Railway Company power to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway, property, right, and franchises of the Chicago, Kansas and Nebraska Railway Company in the Territory of Oklahoma and in the Indian Territory; and

An act (S. 389) granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents.

EXECUTIVE COMMUNICATION.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to resolutions of December 21, 1889, and March 10, 1890, information relative to the withholding of patents for lands within the limits of the grant to the Union Pacific Railway Company, etc.; which, on motion of Mr. PLUMB, was ordered to lie on the table and be printed.

RAILWAY POSTAL CLERKS.

Mr. MITCHELL. The bill (S. 2508) to reclassify and fix the salaries of persons in the railway mail service known as railway postal clerks was passed over the other day. I ask that it be taken up. It was reported unanimously from the Committee on Post-Offices and Post-Roads.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The bill has been read. The amendment reported by the Committee on Post-Offices and Post-Roads will be stated.

The SECRETARY. In section 2, line 6, after the word "railways," the committee report to insert "their necessary and actual expenses, but not exceeding," so as to make the section read:

That such railway postal clerks of class 7 as shall be detailed as chief clerks of divisions and such clerks as may be detailed as chief clerks of two or more lines shall, while traveling on the business of the Department, be paid from the appropriation for the transportation of the mail on railways their necessary and actual expenses, but not exceeding the sum of \$3 per diem.

The amendment was agreed to.

Mr. MCPHERSON. This is a very important bill, and as the Senate is quite thin I suggest to the Senator from Oregon to let the bill go over.

Mr. MITCHELL. It has gone over twice heretofore, and I do not know that we are likely to have a fuller Senate than we have now. It is a matter of the greatest importance to the public service.

Mr. MCPHERSON. It seems to be a bill to reclassify and fix the salaries of persons in the railway mail service. Of course I do not

know yet what the bill contains, but I think the Senate is too thin to consider it now.

Mr. MITCHELL. The matter was looked into pretty carefully by the committee and amended on the suggestion of the Department. There can be no objection to the bill.

The PRESIDING OFFICER. The bill is subject to objection. Does the Senator from New Jersey object to its consideration?

Mr. McPHERSON. No, I shall not object until I hear the bill read.

Mr. MITCHELL. Let the bill be read again.

The PRESIDING OFFICER. The bill will be read as amended.

The Secretary read the bill as amended, as follows:

Be it enacted, etc., That persons in the railway mail service, known as railway postal clerks, shall, on and after the passage of this act, be divided into seven classes, whose salaries shall not exceed the following rates per annum: First class, not exceeding \$900; second class, not exceeding \$800; third class, not exceeding \$1,000; fourth class, not exceeding \$1,200; fifth class, not exceeding \$1,400; sixth class, not exceeding \$1,500, and seventh class, not exceeding \$1,800: *Provided,* That the Postmaster-General, in fixing the salaries of the clerks in the different classes, may fix different salaries for clerks of the same class according to the amount of work done and the responsibility incurred by each, but shall not in any case allow a higher salary to any clerk of any class than the maximum fixed by this act for the class to which clerk belongs.

SEC. 2. That such railway postal clerks of class 7 as shall be detailed as chief clerks of divisions, and such clerks as may be detailed as chief clerks of two or more lines, shall, while traveling on the business of the Department, be paid from the appropriation for the transportation of the mail on railways their necessary and actual expenses, but not exceeding the sum of \$3 per diem.

Mr. McPHERSON. This is evidently to be a very great increase in the salaries of postal clerks, and I shall object to the consideration of the bill at the present time.

Mr. MITCHELL. Will the Senator withdraw the objection one moment?

The PRESIDING OFFICER. The Senator from Oregon can proceed by unanimous consent. The Chair hears no objection.

Mr. MITCHELL. The Senator from New Jersey is under a misapprehension when he believes that this is a very great increase in the salaries of railway mail clerks. It increases the number of grades. The number of grades at present is five. This increases the number to seven. It will cost about \$29,800 to reorganize the service under the provisions of the bill, and there has been no reorganization of the railway mail service in this country for about eight years now, notwithstanding the immense increase of the business.

Mr. McPHERSON. Do I understand that the Postmaster-General has recommended it?

Mr. MITCHELL. Oh, yes.

Mr. SAWYER. I will say to the Senator from New Jersey that it simply makes two more grades, and the additional cost will be about \$29,000.

Mr. MITCHELL. Twenty-nine thousand eight hundred dollars.

Mr. McPHERSON. As I understood the reading of the bill (and my recollection of the salaries paid to postal clerks is that it is now a very well paid service), it seemed to me as though the increase in salaries was very great. Then, from the reading of the bill I again discovered that there may be a great deal of favoritism with respect to officers in the same grade; all of which seems to me to be an unusual kind of legislation, and until the bill can be more thoroughly investigated and considered I must object to it.

Mr. MITCHELL. If the bill is going over, will the Senator allow me to say a word in answer to his remarks before it goes over, so that no wrong impression shall obtain against the bill?

Mr. McPHERSON. Very well.

Mr. MITCHELL. As I said before, there are at present five classes of railway mail service clerks. Under existing laws class No. 1 now receives not exceeding \$800 per annum, and as much less as may be fixed by the superintendent of the railway mail service. This bill leaves it the same. Under existing law class No. 2 receives not exceeding \$900, and as much less as the superintendent of the railway mail service may allow. Under the proposed bill those clerks receive the same. There is no increase at all. In class 3 the railway mail clerks receive under existing law \$1,000 per annum. Under the proposed bill the same class will receive no more, just \$1,000, or as much less as the superintendent of the railway mail service may be disposed to fix. Under existing law class 4 receives not exceeding \$1,200. Under the proposed bill they receive just the same; there is no increase. The same is also true of class 5. Those clerks under existing law receive not exceeding \$1,400 per annum, and under the proposed bill they are to receive no more.

So, as far as the first five classes are concerned there is no increase whatever—not a dollar. The bill does provide, which of course will lead to some little additional expense, for two or more classes, to be called classes number 6 and number 7. It is proposed to pay those who shall be allotted to class 6 \$1,600 per annum, at least not exceeding that sum, and as much less as the superintendent of the railway mail service may fix; and it is proposed to pay those allotted to class 7, which will be a very small number, the sum of \$1,800 per annum.

Mr. McPHERSON. Why does the Senator say "a very small number?"

Mr. MITCHELL. Because they are well fitted men who have advanced in the business, and on account of their qualifications and fitness they are to be sent out into the field.

I will call the attention of the Senate, and especially of the Senator from New Jersey, to the number now in the different classes, to show that it is the middle classes that have the large number of clerks. Under the existing arrangement the number of postal clerks in class 1 at the present time is 980, in class 2 the number is 1,163, in class 3 the number is 2,069, in class 4 the number is 752, and in class 5 the number is 676. So it will be observed that a large proportion, in fact the majority, of all these clerks are now included in class 3.

Mr. McPHERSON. I withdraw my objection to the bill.

Mr. MITCHELL. I thought the Senator would after the explanation. I am much obliged to him.

The PRESIDING OFFICER. The objection is withdrawn. The bill has been read, and the amendment of the committee has been agreed to. If there is no further amendment, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TEXARKANA AND FORT SMITH RAILWAY COMPANY.

The bill (S. 2996) to grant a right of way to the Texarkana and Fort Smith Railway Company through the Indian Territory and Territory of Oklahoma, and for other purposes was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 3, line 47, after the word "for," to insert "the same or," and in line 49, after the word "company," to strike out "If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant;" so as to read:

If, upon the hearing of said appeal the judgment of the court shall be for the same or a larger sum than the award of the referees, the cost of said appeal shall be adjudged against the railroad company. When proceedings have been commenced in court the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

The amendment was agreed to.

The next amendment was, in section 9, line 2, before the word "miles," to strike out "ten" and insert "fifty," and in line 3, before the word "years," to strike out "five" and insert "four;" so as to read:

That said railway company shall build at least 50 miles of its railway in said Territory within two years, and the remainder thereof and branches within four years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN DEPREDAATION CLAIMS.

The bill (S. 3833) to provide for the adjudication and payment of claims arising from Indian depredations was announced as next in order on the Calendar.

Mr. MOODY. I am very anxious to have that bill considered, but it is one that affects very many people and is of considerable importance and I will not ask its consideration with so few Senators in their seats to-day, unless some Senator who is interested in the bill desires to have it pressed to-day.

Mr. HALE. Let it go over, Mr. President.

Mr. PLATT. Without prejudice, of course.

Mr. MOODY. Certainly, without prejudice.

The PRESIDING OFFICER. The bill will go over without prejudice.

FRANK ROTHER.

The bill (S. 3776) authorizing and directing the Secretary of the Treasury to pay to Frank Rother \$225, due him for services as route agent was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M. WILLIAMS.

The bill (S. 1037) authorizing the placing of the name of James M. Williams upon the retired-list of the United States Army, with the rank of captain of cavalry, was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint James M. Williams, late a colonel and brevet brigadier-general of United States volunteers and captain of cavalry and brevet major in the regular Army of the United States, to the position of captain of cavalry in the Army of the United States, and to place him upon the retired-list of the Army as of that grade (the retired-list being thereby increased in number to that extent); and all laws and parts of laws in conflict herewith are suspended for this purpose only.

Mr. PLATT. I wish the last clause of the bill to be read again.

The Secretary read as follows:

To the position of captain of cavalry in the Army of the United States, and to place him upon the retired-list of the Army as of that grade (the retired-list

being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only.

Mr. TELLER. That is the ordinary rule.

Mr. DAVIS. I believe that is the usual form.

Mr. PLATT. That does not increase the retired-list of the Army after this matter expires?

Mr. DAVIS. Certainly not.

Mr. PLATT. I thought as I caught the reading that it was a permanent increase of the retired-list, but I see it is not.

Mr. DAVIS. No, it is in the usual form.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. BLAKE.

The bill (S. 2228) for the relief of John W. Blake was considered as in Committee of the Whole. It proposes to pay to John W. Blake, of Indianapolis, Ind., the pay and allowances of a captain of infantry in the volunteer service from the 23d of June, 1861, to the 21st of July, 1861, less any amounts paid him during that term, which shall be in full payment of all claims which he may have against the Government of the United States for back pay.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETER MOOG.

The bill (H. R. 1104) to relieve Peter Moog from the charge of desertion was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That notwithstanding the proceedings of the general court-martial sitting at Pooctalego, S. C., on January 24, 1865, finding Peter Moog, late private of Company B, Sixty-eighth Ohio Volunteers, guilty of desertion and sentencing him "to forfeit all pay and allowances now due him, and to be placed in such military prison as the commanding general may direct for the term of two years," the Secretary of War is hereby authorized and directed to remove the charge of desertion from the rolls and records of said Moog, on file in his office, except the muster-out roll of his company, and to remove from the muster-out roll the word "deserter," and immediately after the entry of the facts of the finding of the general court-martial to enter thereon the following words: "Honorable discharge, to date July 10, 1865, with all bounty, pay, and allowances, in pursuance of special act of Congress for his relief, approved." And the accounting officers of the Treasury are hereby authorized and required to audit and adjust the claim of said Peter Moog for all pay, bounty, and allowances to which he would have been entitled on July 10, 1865, if he had served continuously and faithfully from July 15, 1863, to July 10, 1865, and to pay him any amount that may be found due him, deducting any sum already received by him.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. FRYE. I move that the Senate request a conference with the House of Representatives upon the amendment.

The motion was agreed to.

Mr. FRYE. I ask that the Chair appoint the conferees.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. COCKRELL, Mr. MANDERSON, and Mr. STEWART were appointed.

CHARLES W. CRONK.

The bill (S. 3329) for the relief of Charles W. Cronk was considered as in Committee of the Whole. It proposes to pay to Charles W. Cronk, late an acting first assistant engineer, United States Navy, \$264.46, being the amount of three months' extra pay which he failed to receive as a volunteer officer at the date of his discharge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRESERVATION OF PROPERTY IN THE DISTRICT OF COLUMBIA.

The bill (S. 3309) for the preservation of the public peace and the protection of property within the District of Columbia was announced as next in order on the Calendar, and was read.

Mr. PLATT. The Senator who reported that bill is not present, and it seems to provide penalties for pretty small offenses. I think it had better go over without prejudice until the Senator from West Virginia [Mr. FAULKNER] returns.

The PRESIDING OFFICER. The bill will go over without prejudice.

TRUCK-HOUSE IN DISTRICT.

The bill (S. 3841) to authorize the commissioners to use and occupy as a site for a truck-house the space at the intersection of Fourteenth and C streets and Ohio avenue northwest was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION OF CHILDREN IN THE DISTRICT OF COLUMBIA.

The bill (S. 2476) to prevent cruelty to children in the District of Columbia, and for other purposes, was announced as next in order on the Calendar.

Mr. PLATT. The Senator who reported that bill being absent from

the Senate, I object to its consideration and ask that it may be passed over without prejudice.

The PRESIDING OFFICER. The bill will go over without prejudice on the objection of the Senator from Connecticut, retaining its place on the Calendar.

MINERAL LANDS.

The bill (S. 165) to amend chapter 6 of Title XXXII of the Revised Statutes, relating to mineral lands and mining resources, was announced as next in order on the Calendar.

Mr. MOODY. This is a bill of very considerable importance. I ask that it may go over without prejudice.

The PRESIDING OFFICER. The bill will go over without prejudice, retaining its place on the Calendar.

MOBILE AND DAUPHIN ISLAND RAILROAD AND HARBOR COMPANY.

The bill (S. 3751) to grant to the Mobile and Dauphin Island Railroad and Harbor Company a right to trestle across the shoal water between Cedar Point and Dauphin Island was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 9, after the word "cross," to strike out "Grant's Pass" and insert "Pass aux Herons;" so as to read:

That the Mobile and Dauphin Island Railroad and Harbor Company, a corporation duly organized under a charter granted by the General Assembly of the State of Alabama, may extend its line, by means of trestle-work, from Cedar Point to Dauphin Island across the intervening shoal water between Mobile Bay and Mississippi Sound: *Provided*, That said company shall cross Pass aux Herons with a draw-bridge of such width, character, and construction as the Secretary of War shall prescribe.

The amendment was agreed to.

The next amendment was, in section 2, after line 11, to insert the following additional proviso:

And provided further, That said bridge and the construction and extension of the line from its terminus at Cedar Point across to Dauphin Island, and the terminal facilities at and between Dauphin Island and Cedar Point, where they project into navigable water, shall be built and located under and subject to such regulations for the security of navigation as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawing of such bridge or constructions, and a map of the location, giving, for the space of one mile in each direction, from the proposed location, the topography of the banks, the shores of Mobile Bay, Gulf of Mexico, Mississippi Sound, or strait connecting Mobile Bay and Mississippi Sound, the shore-lines at high and low water, the direction and strength of the current at all stages, and the soundings accurately showing the bed and channel of the pass, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plans and location of the bridge or constructions are approved by the Secretary of War, they shall not be built, and should any change be made in the plan of such bridge or constructions during the progress of construction thereof, such change shall be subject to the approval of the Secretary of War.

The amendment was agreed to.

The next amendment was, to insert as section 3 the following:

SEC. 3. That no tramway, track, road-bed, wharf, pier, or other structure shall be built upon the United States military reservation on Dauphin Island without the approval and consent of the Secretary of War, and said structures shall be removed by the parties owning or controlling the same, at their own expense, when the Secretary of War so requires.

The amendment was agreed to.

The next amendment was, to insert as section 4 the following:

SEC. 4. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.

The amendment was agreed to.

The next amendment was, to insert as section 5 the following:

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structure, or its removal, is also expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVIDSON DICKSON AND OTHERS.

The bill (S. 923) for the relief of Davidson Dickson and others was considered as in Committee of the Whole. It provides for the payment to the following-named persons, or to their legal representatives, of the amounts due on their contracts with the United States, as appears by certified accounts on file in the Treasury Department, namely: To Davidson Dickson, \$40; to W. B. Daniels, \$38; to J. C. McCrary, \$12.00; to A. Pike, \$100; to estate of James A. Ralston, \$771.25; to E. E. Rawson, \$246.33; to M. Sparks, \$100; to trustees Odd-Fellows' Lodge, Pulaski, Tenn., \$64.16; to E. Rouff, \$45; to E. C. Clements, \$200; to R. W. Corbin, \$22.50; to J. A. Henry, \$52; to Robert Stevenson, \$54; to Miles S. Draughn, \$60.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL JUDGE IN NEW MEXICO.

The bill (H. R. 5966) to provide for an additional associate justice

of the supreme court of the Territory of New Mexico was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, in section 3, line 4, after the word "as," to insert "is or;" so as to make the section read:

SEC. 3. That the said Territory shall be divided into five judicial districts, and a district court shall be held in each district by one of the justices of the supreme court, at such time and place as is or may be prescribed by law. Each judge, after assignment, shall reside in the district to which he is assigned.

The amendment was agreed to.

Mr. PLATT. The word "the" should be inserted before "Territory," in section 5. I move that amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 5, line 4, before the word "Territory," it is proposed to insert "the;" so as to read, "districts of the Territory."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FORT BROWN RESERVATION.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HAWLEY April 19, 1890, reported it favorably without amendment, and the resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report the hearing before the Committee on Military Affairs, March 15, 1890, in relation to the purchase of the title to the Fort Brown (Texas) reservation be paid from the contingent fund of the Senate.

DISTRICT APPROPRIATION BILL.

Mr. PLUMB. I present the report of the committee of conference on the bill making appropriations for the District of Columbia, and I ask for its present consideration.

The PRESIDING OFFICER. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3711) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1891, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 9, 10, 12, 13, 24, 28, 29, 47, 52, 53, 60, 64, 66, 68, 70, 77, 78, 79, 80, 81, 82, 92, 96, 97, 98, 101, 103, 113, 115, 116, 123, 124, 125, 128, 134, 135, 138, 140, 155, 156, 163, and 164.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 6, 11, 15, 18, 20, 22, 27, 33, 35, 37, 43, 45, 46, 48, 49, 51, 54, 55, 57, 58, 59, 67, 69, 70, 72, 73, 74, 75, 83, 84, 85, 88, 94, 95, 100, 102, 104, 105, 108, 110, 111, 112, 117, 118, 119, 120, 121, 127, 130, 131, 132, 133, 136, 137, 140, 141, 142, 143, 145, 147, 151, 152, 153, 154, 157, 159, 160, and 161, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$43,077;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"For contingent expenses of stables of the engineer department, including forage, livery of horses, shoeing, purchase and repair of vehicles, purchase and repair of harness, blankets, lap-ropes, purchase of horses, whips, oil, brushes, combs, sponges, chamoleskins, buckets, halters, jacks, rubber boots and coats, medicines, and other necessary articles and expenses, \$5,000; and no expenditure on account of the engineer department for the items named in this paragraph shall be made from any other fund."

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"To enable the assessor to prepare and complete within the fiscal year 1891 a book showing all existing arrears of taxes on real property due the District of Columbia, including the payment of necessary clerical force, \$3,000."

And the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,000;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the words proposed to be inserted by said amendment insert the following: "Horse hire;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$800;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,900;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$165,000;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$532,300;" and insert after the word "appendix," in line 30, page 9 of the bill, the following: "And upon streets and avenues hereinafter named;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$259,000;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$75,000;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out all after the word "same" in said amendment and insert in lieu thereof "\$136,700;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the word "fifty" and insert in lieu thereof the word "twenty-five;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$20,000;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$120,000;" and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following:

"Surveys of the District: For completion of the surveys of the District of Columbia with reference to the extension of various avenues to the District line, \$7,500, of which sum \$3,000, or so much thereof as may be necessary, shall be expended in establishing and permanently marking points of reference for the extension of streets and avenues throughout the District."

And the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$10,000;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$15,000;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Strike out the amended paragraph; and the Senate agree to the same.

Amendments numbered 41 and 42: That the House recede from its disagreement to the amendments of the Senate numbered 41 and 42, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following: "For grading and regulating Kenesaw and Wallach streets, \$7,500;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,000;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For grading and regulating Sherman avenue from Boundary to Princeton streets, \$5,000: *Provided*, That sufficient land be donated on both sides of the avenue to make its width 90 feet;" and the Senate agree to the same.

Amendments numbered 61 and 62: That the House recede from its disagreement to the amendments of the Senate numbered 61 and 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$178,950;" and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"And authority is hereby conferred upon the proprietors of Prospect Hill Cemetery to open North Capitol street extended through their grounds, to be approved by the commissioners of the District, and to convey to the District of Columbia the land necessary therefor without compensation, and said proprietors are also authorized to sell all or any part of said cemetery grounds and invest the proceeds thereof in the purchase and improvement of suitable grounds for cemetery purposes elsewhere in the District, and the act entitled 'An act to incorporate the proprietors of Prospect Hill Cemetery,' approved June 13, 1890, is amended accordingly."

And the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out and inserted by said amendment insert the following: "and suburban streets, \$100,000;" and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$45,000;" and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: On page 17, in line 4 of the bill, after the word "drawing," insert "physical training;" and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,000;" and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$44,825;" and on page 18, in line 24 of the bill, after the word "rooms," insert the following: "including cooking schools;" and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,000;" and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four;" and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$155,000;" and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to

the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by said Senate amendment; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the number proposed insert "two hundred;" and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the number proposed insert "one hundred and sixty-five;" and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$454,200;" and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$15,375;" and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"The President of the United States is hereby authorized to appoint a board consisting of three persons, one of whom shall be an army engineer skilled in electrical matters, one a civil engineer of known skill and experience in municipal engineering, and one an expert electrician of high repute: *Provided*, That not more than one member shall be a resident of the District of Columbia, and no member shall be in the employ of any electrical company, or shall have any interest in the business or securities of such company, or be interested in any patent for any form of conduit or subway or device pertaining thereto. The said board shall consider the location, arrangement, and operation of electric wires in the District of Columbia, whether used or to be used for electric lighting, transmission of power, telegraphy, telephony, or signaling, with a view to securing, as soon as practicable, the construction of a safe and convenient system of conduits or subways, the placing therein of all necessary electric wires along the streets, avenues, and other public spaces, and the removal of all unused overhead wires and their supports. To this end, the board will, as soon as practicable, and not later than December 1, 1891, report to the President, who shall submit the same to the first session of the Fifty-second Congress, as follows:

"First. Recommendations for a complete system of conduits or subways, with all suitable branches, connections, and appurtenances for the safe and efficient operation therein of the necessary cables and conductors. Such recommendations shall be accompanied by maps, detailed drawings, and estimates of cost.

"Second. Opinion as to whether the conduits or subways should be built, owned, and operated by private corporations or individuals, subject to public control, or constructed and maintained by public authority and leased to companies or individuals. If the latter, recommendation will be made as to the terms and conditions upon which such leases should be executed.

"Third. Also recommendations concerning the construction, location, operation, and maintenance of underground cables and conductors carrying currents of different intensities, with a view to promote the public safety, and to secure the most convenient and efficient use of such cables and conductors and the appliances connected therewith.

"Fourth. Recommendations as to the restrictions, if any, which should be imposed by law upon the character and intensity of electric currents conveyed by conductors, situated over or under the public streets, avenues, and spaces, and used for electric lighting, transmission of power, telegraphy, telephony, or signaling.

"Fifth. Recommendations respecting the regulation of the arrangement and use of authorized overhead wires.

"To meet the expenses of the said board there is hereby appropriated the sum of \$10,000, or so much thereof as may be necessary: *Provided*, That the officer detailed from the Corps of Engineers shall not receive any salary except that due to his rank."

And the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,800;" and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$16,218;" and the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: Strike out all after the words "to be," in line 5 of said amendment, and insert in lieu thereof the following: "An addition to the present burial-grounds of the Washington Asylum;" and the Senate agree to the same.

Amendment numbered 144: That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$2,000;" and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$6,500;" and the Senate agree to the same.

Amendment numbered 148: That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$6,000;" and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following: "For Association for Works of Mercy, for maintenance and repairs, \$2,000, and to complete purchase of lot, \$6,042; in all, \$8,042."

And the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"That for the purpose of securing a more equitable and efficient expenditure of the several sums appropriated 'for charities,' there shall be appointed by the President, by and with the advice and consent of the Senate, as soon as may be after the passage of this act, some thoroughly experienced and otherwise suitable person, not a resident of the District of Columbia, to be designated Superintendent of Charities for the District of Columbia, whose duty it shall be to formulate, for the purposes of the expenditures for charities in said District, such a system or plan of organized charities for said District as will by means of consolidation, combination, or other direction, in his judgment, best secure the objects contemplated by the several institutions and associations for which such appropriations are made, and for the other charitable work of the District, with the least interference each with the other, or misapplication of effort

or expenditure, and without duplication of charitable work or expenditure; and all such appropriations shall be expended for the purposes indicated, under the general direction of said superintendent and in conformity, as near as may be, with such system or plan subject to the approval of the board of commissioners of the District of Columbia. And it shall also be the duty of said superintendent to examine into the character of the administration of said institutions and associations, and the condition, sufficiency, and needs of the buildings occupied for such charitable purposes, and also to ascertain in each case the amount contributed from private sources for support and construction, the number of paid employees, and the number of inmates received and benefited by the sums appropriated by Congress, and to recommend such changes and modifications therein as in his judgment will best secure economy, efficiency, and the highest attainable results, in the administration of charities in the District of Columbia. And said superintendent shall from time to time report in detail to the commissioners of the District, who shall communicate the same with their estimates for appropriation to the then next session of Congress, his doings hereunder, together with such estimates and recommendations for the future as in his judgment will best promote the charitable work of the District. Said superintendent shall be entitled to a compensation at the rate of \$1,000 a year, which sum is hereby appropriated for this purpose for the fiscal year 1891. And all estimates submitted hereunder shall be included in the regular annual Book of Estimates."

And the Senate agree to the same.

Amendment numbered 162: That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amended paragraph insert the following:

"Sixty-two thousand dollars, together with the unexpended balance of the appropriation for engineers and firemen, fuel, material for high service, in Washington and Georgetown, pipe distribution to high and low surface, including public hydrants, fire plugs, material and labor, repairing and laying new mains and lowering mains, for the fiscal year 1890, which unexpended balance is hereby reappropriated."

And the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following amendment:

"Sec. 3. That any street-railroad company in the District of Columbia authorized to run cars drawn by horses which has changed or may change its motive power on any of its lines now constructed to cable or electricity, or change its rails in accordance with the provisions of law, shall have the right to issue and sell, at the market price thereof, stock of said company to an amount necessary to cover the cost of making said changes, the cost of said changes and the amount of said stock sold, together with the price per share, to be fully set forth under the oath of the president of said company and filed with the commissioners of the District. And any company availing itself of the privilege herein granted shall within eighteen months wholly dispense with horses as motive power on all portions of its line, and substitute therefor the power provided for in the act making appropriations for the expenses of the government of the District of Columbia, approved March 2, 1889, or pneumatic or other modern motive power which shall be approved by the commissioners of the District of Columbia; but nothing in this act shall in any wise authorize the use of overhead appliances: *Provided*, That if any such company operating a line or lines of street railroad from Georgetown or West Washington to and beyond the Capitol grounds shall fail to substitute for horse-power the power herein provided for on all of its lines within two years from the date of this act, such company shall forfeit its corporate franchises."

P. B. PLUMB,

H. L. DAWES,

Managers on the part of the Senate.

L. E. MCCOMAS,

D. B. HENDERSON,

J. C. CLEMENTS,

Managers on the part of the House.

Mr. HALE. Mr. President, will the Senator in charge of this bill and conference report state to the Senate what provisions are made touching the conduct and rights of railway companies in the District of Columbia; whether any additional privilege has been granted to them or any restriction placed upon their work?

Mr. PLUMB. Mr. President—

Mr. GORMAN. I suggest, in view of the number of changes to be made, that this report go over until Monday and be printed, so that we can look at it. I do not wish to interrupt the Senator from Kansas now, but I suggest that the report go over. It is a very important matter.

Mr. PLUMB. I have no objection to its going over. The only point in favor of having it considered to-day is the fact that Monday is the last legislative day of the fiscal year, and if the report is not agreed to by Monday of course there must be some way devised for the purpose of meeting the expenses of the District; but, as the Senator from Maryland suggests, it is an important matter and it might as well go over. In the mean time I will answer the query of the Senator from Maine.

The Senate adopted an amendment to the bill in the course of its passage as to companies which were under certain obligations by reason of the act of 1889 to change their rails and motive power and issue additional stock for the purpose of meeting the expenses which might be required to be incurred under that act. The amendment was presented to me, I having charge of the bill, by a member of this body and submitted by me before it was offered to the Senate to the different members of the Committee on the District of Columbia, and it was adopted. The conferees have agreed upon an amendment to that amendment which authorizes any of these companies to issue stock at the market price to an amount sufficient to meet the expenses necessary in making the change required by the act of which I have spoken.

Mr. SPOONER. Does it give them the alternative of issuing bonds?

Mr. PLUMB. It gives them the privilege, I will say upon the inquiry of the Senator from Wisconsin, of issuing stock to an amount necessary to meet the expense, and it requires the companies availing themselves of this privilege to substitute other motive power for horse power within eighteen months of the passage of this act.

Mr. HALE. What other motive power?

Mr. PLUMB. It is provided that it shall be the motive power called for in the act of 1889 or other modern motive power, except that it shall not include the use of overhead electric wires.

Mr. HALE. That provision is maintained?

Mr. PLUMB. That is maintained.

Mr. HALE. Whatever restriction there is to prevent the use of this most monstrous and dangerous thing in a crowded city of an electric wire overhead is maintained?

Mr. PLUMB. That is maintained, and it is not only maintained by inference, but it is expressly provided for in precise terms.

Mr. HALE. To learn that was the object of my inquiry, and the Senator in giving this information has answered what I was seeking. I felt that under his eye nothing would be allowed in the way of extending the right of any company to use overhead electric wires.

Mr. PLUMB. Without going into the matter as to my own opinion, I have considered myself instructed upon all occasions when this question came up by the fact that the Senate intended to insist that there should be no overhead electric wires within the limits of the city proper, at all events.

Mr. HALE. And the Senator has looked to it that that is not encroached upon?

Mr. PLUMB. That is not encroached upon, but in answer to the inquiry in full in connection with that proposition as a further enlargement of the amendment which was put on the bill under the circumstances which I have stated, it is provided that certain companies, that is, such companies as have heretofore paid 10 per cent. dividends upon their stock, shall make a reduction of their fare to the extent of eight tickets for 25 cents, in place of six tickets, as now provided by law.

Mr. HALE. Is there any provision in this bill for the different companies giving transfer tickets where their lines cross?

Mr. PLUMB. No.

Mr. HALE. That has not been considered?

Mr. PLUMB. No. I will say further that all these provisions are applied exclusively to the lines now constructed. They do not apply to such lines as the present companies may hereafter construct, but only to the existing contracts, because the provision of the act of 1889 of which I have spoken, being found on the appropriation bill for that year, was applied only to the existing track lines, and all these provisions are made as amendments to that original provision and are by way of enlargement and amplification of it.

Mr. STEWART. The provision with regard to grooved rails is retained?

Mr. PLUMB. That was not touched at all.

Mr. STEWART. I think it ought to be touched, because I think the grooved rails are a detriment to travel in this city. They are a great nuisance, and I notice they are destroying the horses by causing hard pulling when the grooves are filled with gravel and the car runs on the flange. The grooves fill up and the cars run on the street instead of in the tracks. I see horses pulling here and dropping down during this hot weather, owing to the fact of the grooves being filled up. Some other device ought to be invented or arranged before these railroads are put to the expense of relaying their tracks. It is certain that these grooved rails will be abandoned. Any Senator who will take a little time to ride over these tracks and examine them will see the difficulty they have in pulling the cars running on the gravel in the groove. After you compel them to put down these grooved rails you will require the companies to take them up again because they cause harder pulling than would be necessary with a different character of rail. It is a great mistake to use rails of this character and it will subject the companies to great expense to put them down.

Mr. PLUMB. I want to say in regard to that that the committee did not consider itself instructed upon that point. It is a very embarrassing thing for a committee instructed to consider an appropriation bill to take up cases of this kind, which are in their nature legislative and are rather the subject of jurisdiction by other committees. But at the time of the passage of the previous bill of this character, the Senate by a unanimous vote put upon the appropriation bill a provision in regard to the class of rails and motive power to be employed in the District, which was afterwards put in shape by the conference and became the law to which I have referred. When we came to deal with this question, we only dealt with the point I have spoken of, and we only dealt with it within the fair scope of the amendment adopted by the Senate, and in the nature, it might be said, of exacting a penalty of certain companies in the future by reducing fares.

Now, I want to say about the question of the rail, that there is no other city in the Union, in my judgment, where railroad companies enjoying large and lucrative patronage would so long, or for any considerable length of time, defy all rules of common sense and responsibility and propriety as the railroads of the District of Columbia do. I never go up Pennsylvania avenue without regretting that we did not, before providing for the relaying of the pavement on that street, provide for taking the tracks entirely out of it. The condition of that street today, so far as relates to the use of it by the railway companies, is worse than it was before it was resurfaced. Instead of being a continuous

oval, of which the tracks and the space between them shall be a part, there is an oval or half-oval extending from the curb to the track of the first rail, then an entirely separate arrangement as to the elevation and so on, until we get to the outside of the track, and then a half-oval to the curb again, whereby that part occupied by the railroad can not be used by the public as part of the street, and immediately succeeding a great rain, there is as to a large portion of that track on Pennsylvania avenue a sea of water, disgraceful to the company itself, supposing it was under no obligations about it except the obligations of decency to the community which furnishes it with its patronage, and disgraceful to the District in that those who govern it have permitted that thing to be done.

In addition to that there are humps rising above the level of the track, where apparently the ties have been raised in such a way as to throw above the ordinary level the asphalt with which the street is covered, and if not dangerous, it is at least inconvenient to get anywhere near the track. It is one of the most disgraceful things that I know of. As I said before, I have regretted that when we came to deal with the question of the resurfacing of Pennsylvania avenue we did not put that track entirely outside of the street, or else adopt some good plan of having it so relaid that the public would have the proper use of that street, and not be inconvenienced as they have been, and are daily being inconvenienced now.

Mr. HALE. Let me ask the Senator now whether we ought not to be able to rely upon the District commissioners, who are the representatives of the General Government and who are intrusted with the interests of the people in these things? Ought they not to insist upon more rigid rules for the convenience and protection of the public? Where does the fault lie?

Mr. PLUMB. Well, Mr. President, I do not care to apportion the responsibility, but, in the first place, I have no doubt the commissioners are at fault and the railroads are at fault. It seems to me amazing that the railroad companies, depending for their business in a certain measure upon the favor of the public, should not see what they owe to the public so obviously as to the things which have been spoken of here, that it was to their interest to be fair to the public and give them proper facilities, etc. But the District commissioners ought never to have allowed these tracks to be relaid; they ought never to have allowed a single car to be run over these tracks when they were relaid, until they were put in the condition which the law contemplated and which it is in the power of the commissioners to enforce.

I want to say another thing, that it is not only in regard to the tracks that run lengthwise in the streets, but when you come to a track that turns out, as at Seventh street, there is a ridge put up, which is a very serious thing to any person traveling in a carriage, and the streets that cross at right angles are in the same condition. What I have said is not limited to this railroad company. All the railroads in this city do just as they please; and when I speak of one, the Washington and Georgetown Company, I believe it is called, which runs on Pennsylvania avenue and Seventh street, I only speak of that by way of example, because my observation is that all of them totally disregard the public conveniences and public rights and have been allowed to do what they please here without any let or hindrance from the commissioners or anybody else.

Mr. HALE. If the Senator will allow me, I wish to say that my observation is this: I do not believe there is a city in the United States where railroad companies have been allowed to run without let or hindrance and have paid no attention to the wants of the public or the rights of the public as they have in Washington. Somebody is at fault. Whether it is the commissioners of the District or the Committees on the District of Columbia, I do not know; but the whole population, the residents, visitors, members of Congress, and all persons who come to Washington are at the mercy of these railroad corporations that make little provision for the convenience of the public, and are continually imposing on the people.

I agree with the Senator from Kansas that it is not one company or one corporation, but all of them, that seem to be possessed with the idea that they can go on and do as they choose without any supervision or any control. Some day or other there will be a revolt and a change, and we shall have a different arrangement from what we have now.

Mr. GORMAN. I understood the Senator from Kansas to agree to let the report lie over until Monday, and that it should be printed.

The PRESIDING OFFICER. The report will lie over until Monday, and be printed, if there is no objection. The Chair hears none.

THE TARIFF BILL.

Mr. MORRILL. I present from the Committee on Finance, in accordance with the resolution of the Senate passed May 26, 1890, tables showing duties collected under existing tariff, notes explanatory of proposed changes from present law, and estimates of the probable effect upon the revenue.

I ask that the tables and accompanying notes may be printed and laid on the table.

The PRESIDING OFFICER. That order will be made, in the absence of objection.

Mr. PLUMB. Is that the report to accompany the tariff bill?

Mr. MORRILL. It is.

Mr. PLUMB. There will be considerable inquiry for that report. I believe, under the order just made, the usual number of 1,900 copies will be printed. I move that 5,000 extra copies of the report be printed.

Mr. SHERMAN. It is hardly worth while to do that, because it is printed in another form on the old tariff bill. This is a very expensive affair, and I do not think that we should print any more than the usual number. Nobody will want copies except Senators.

Mr. MORRILL. I do not think it necessary to print more than the usual number.

Mr. PLUMB. Very well; I shall not press the motion now, at all events.

The PRESIDING OFFICER. The report will lie on the table, and the usual number of copies will be printed.

ASA ELLIS.

The bill (H. R. 2361) for the relief of Asa Ellis, collector of internal revenue for the first collection district of California, was considered as in Committee of the Whole. It directs the proper accounting officers of the Treasury Department in the settlement of the accounts of Asa Ellis as collector of internal revenue for the first collection district of California to allow him a credit of \$810, that being the nominal value of certain special-tax stamps which were destroyed by accidental fire at Fresno, Cal., on the 12th of July, 1889, while in the custody of a deputy of the collector.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIZZIE WRIGHT OWEN.

The bill (S. 2841) granting a pension to Lizzie Wright Owen was considered as in Committee of the Whole.

The PRESIDING OFFICER (Mr. DOLPH in the chair). This bill has been heretofore read at length and the amendment of the Committee on Pensions has been agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF ISAAC P. TICE.

The bill (S. 2268) for the relief of the administrators of the estate of Isaac P. Tice, deceased, was considered as in Committee of the Whole. It confers jurisdiction upon the Court of Claims to retry and determine, according to law and in equity, the case of the administrators of Isaac P. Tice, deceased, against the United States, decided by the Supreme Court at the October term, 1878, and also to try and determine, according to law and in equity, his claims for money collected but not paid over to him under regulations of the Treasury, based upon his contract with the United States, and to render a judgment in favor of his administrators for such sums as may be found to be due and unpaid him on any of said accounts; and it appropriates the amount of money necessary to pay any judgment that may be rendered.

Mr. PLATT. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary proceeded to read the following report, submitted by Mr. FAULKNER May 21, 1890:

The Committee on Claims, to whom was referred the bill (S. 2268) for the relief of the administrators of the estate of Isaac P. Tice, deceased, have examined the same and report:

Your committee adopt the report submitted by them during the first session of the Fiftieth Congress and recommend the passage of the bill.

The report is as follows:

[Senate Report No. 1185, Fiftieth Congress, first session.]

This claim has been presented to the Forty-eighth and Forty-ninth Congresses and a favorable report was made in both Congresses by the Senate Committee on Claims, and also by the Judiciary Committee of the House of Representatives. The facts upon which the claimant rests his right to relief from Congress are so fully and ably presented in the reports made by the Committee on Claims of the Senate and the Committee on the Judiciary of the House that the committee has adopted both of the said reports as clearly presenting the rights of the claimant to relief.

They are as follows:

The Committee on Claims, to whom was referred the bill (S. 1607) for the relief of the administrators of the estate of Isaac P. Tice, deceased, submit the following report:

That Isaac P. Tice, above named, was the inventor and patentee of a spirit meter, which was adopted for use in collecting the internal-revenue tax on spirits by the Secretary of the Treasury and the Commissioner of Internal Revenue April 17, 1867. Their authority for so doing is contained in section 15 of the act of Congress of March 2, 1867.

By their contract of April 17, 1867 (renewed September 18, 1868), the Secretary of the Treasury and the Commissioner of Internal Revenue fixed the price of the meters, which were to be manufactured and supplied by Tice, provided that they should be attached to distilleries and paid for by distillers—the price to be paid by the distiller by depositing with the collector of internal revenue for his district a certificate of deposit payable to the order of Isaac P. Tice, this certificate to be forwarded to Tice through the Bureau of Internal Revenue when the meter should be attached. The contract also provided that on its suspension or abrogation Tice should be paid by the Government for such meters as he should have on hand or in process of manufacture, not exceeding twenty sets.

The contract, so far as the manufacture of meters was concerned, was suspended June 8, 1870, and finally canceled absolutely June 8, 1871. On June 8, 1870, Tice had on hand about fourteen and one-half sets of meters in process of manufacture. He also had due him for meters delivered prior to that time a large

sum of money, which has never been turned over to him by the Treasury, although paid in to collectors by distillers. The meter itself is said to have been of great value in increasing the revenue from spirits.

Tice, after the final cancellation of his contract, spent some time in trying to get his claim allowed in the Department until his premature death in 1875. His attorney, Mr. E. N. Taft, of New York, became unable about the same time, by reason of the failure of his health, to attend to any business, but the papers and data pertaining to Tice's claims remained in his office until about 1880, when they were obtained by the present administrators to aid in the presentation of the present bill for relief, etc.

In the mean time an attempt was made in the name of the estate by a former administrator, without possession of the proofs in Taft's custody, to establish a claim for the "meters on hand," which claim was defeated in the Court of Claims on the law and failure of proof of fact. (See C. Cls. R., p. 112.) The United States Supreme Court, however, held, on appeal, that the court below erred as to the law, but affirmed for failure of proof. (See 99 U. S. R., page 287.) Such proofs and means of proof have since come to light, and have been submitted to this committee.

The present bill permits the claimants to prosecute in the Court of Claims on the whole of their claims, and freed from the bar of the statute of limitations.

This committee thinks that the laches, or apparent laches, of the claimants have been fairly accounted for, and that the present bill gives nothing but what exact justice to the Government will permit, to wit, a day in court on the whole case upon the merits in law and equity.

The Committee on the Judiciary of the House of Representatives at the present session of Congress have made favorable report upon a House bill identical in language with the one under consideration. The report is so full and complete, and such a satisfactory showing, that your committee herewith annex the said report, omitting, however, the exhibits attached thereto, being as follows: Letter, with accompanying statements, showing amounts received for account of Tice from Hon. Green B. Raum, Commissioner of Internal Revenue, to the Secretary of the Treasury, dated February 2, 1883, and affidavits of the following parties, showing number of meters on hand in June, 1870, namely, W. J. Cotter, Jr., Jesse B. Badeau, C. F. Mead, and Francis W. Clark. Reference is hereby made to said exhibits, which are important, and will be found in Report No. 1972, present session House of Representatives.

Your committee concur with the House Committee on the Judiciary in recommending the passage of the bill.

The Committee on the Judiciary, to which has been referred House bill 5092, beg leave to report:

Isaac P. Tice invented a meter which, when attached to a distillery, measured the quality and strength of spirits distilled. It was adopted under the act approved March 2, 1867 (14 United States Statutes, 481).

The facts of the case and the law arising thereon are fully stated by Mr. Justice Harlan in the case of Tice vs. United States in the Supreme Court (93 United States Reports, 286) on appeal from the decision of the Court of Claims (13 Court of Claims Reports, 112).

The committee can not do better than insert the whole judgment of the Supreme Court, which is as follows:

"By an act approved March 2, 1867 (14 Stat., 481), the Secretary of the Treasury was authorized to 'adopt, procure, and prescribe' for use hydrometers, weighing and gauging instruments, meters, or other means for ascertaining the strength and quality of spirits subject to tax, or for the prevention or detection of frauds by distillers of spirits.

"On the 18th April, 1867, the Secretary adopted the Tice meter, and prescribed its use in distilleries, upon certain agreed conditions fully set forth in a letter to the inventor. Among those conditions were these: 'The Secretary of the Treasury holds himself at liberty at any time to adopt any improvement or modification of the meter or system, or at any time to revoke the order adopting the meter, and to discontinue their manufacture on behalf of the Government. If the first meter shall prove successful when subjected to the test above set forth, and the Government shall subsequently revoke the adoption of the meter and order a discontinuance of proceedings, you will be paid such sum as may be determined upon in the manner hereinafter stated, for all instruments which you may have completed, or have in process of completion at the time of revocation; provided that at no time shall you have more than twenty sets in process of manufacture at any one time, unless directions shall be given hereafter for the manufacture of a larger number.'

"By joint resolution passed February 3, 1868, Congress directed the appointment, by the Secretary of the Treasury, of a commission which, in connection with the then existing commission of the Academy of Science, should examine all meters and mechanical contrivances or inventions presented to them which were intended to measure, test, and ascertain the productiveness of grain or other articles prepared for distillation, at the actual quantity and strength of distilled spirits subject to tax, produced therefrom, the result of such examination to be communicated to Congress. The act declared 'that pending the action of said commission, and until their report be made, and a meter shall by law be adopted, all work on the construction of meters, under the direction of the Treasury Department, be and is hereby suspended.' 'And in the mean time no further contract shall be made by the Secretary of the Treasury' under the act of March 2, 1867.

"By an act approved July 20, 1868 (15 Stat., 125), power to 'adopt and prescribe' meters was conferred upon the Commissioner of Internal Revenue. That officer, on September 16, 1868, decided to adopt and prescribe the Tice meter, and upon certain conditions, to which the inventor assented, he directed the latter 'to proceed with their construction.' Among the conditions were these:

"Third. The 117 meters now finished will be immediately made ready for delivery, and 36 now in process of manufacture will be completed as soon as possible. The manufacture of others, to the number of 500 in all, is to be proceeded with as rapidly as possible, and thereafter not more than twenty sets are to be in process of construction at one time, unless a greater number is directed by the Commissioner of Internal Revenue.

"Fourth. The Commissioner reserves to himself, or his successor in office, the right at any time to adopt any improvement of the meter or system, or to revoke the order adopting the meter, and to direct on the part of the Government a discontinuance of its manufacture.'

"On the 7th June, 1870, the Commissioner ordered the discontinuance of that kind of Tice meter known as the second or 'credit' meter, and required distilleries to use thereafter the Tice sample meter, and the Tice automatic meters adapted for use as sample meters.

"On the succeeding day, June 8, 1870, the Commissioner addressed to Tice a letter, in which, among other things, he gave notice that instructions and regulations in force prior to October 8, 1869, 'relating to the ordering and shipment and payment for the meters invented by you and prescribed for use in distilleries, remain in force only in respect to meters heretofore delivered, and also those you may now have on hand, or in process of construction, not exceeding twenty sets.' In that letter the Commissioner further says: 'Any regulations heretofore prescribed, addressed to you by or from this office, directing or authorizing you to construct, or proceed with the construction of, or to furnish, meters, especially those of September 16, 1868, are revoked, except as aforesaid. New rules, regulations, and orders have been prescribed, a copy of which is herewith inclosed, it being distinctly understood that neither the Government

of the United States nor any Department or officer thereof is or will be responsible for or on account of any spirit meters, or the attachment or adjustment thereof.

"By a formal order made on June 7, 1871, the further use of Tice's spirit meters was finally discontinued, and all existing orders prescribing the same were revoked. At the date of that order Tice had on hand 14½ sets of meters, worth \$25,000, for which sum, and for the storage up to April 8, 1873, the estate of Tice rendered an account against the Government on the 12th of April, 1873. The account was approved by the then Commissioner, but payment being refused, this action was brought against the Government for the recovery of the sum claimed.

"From a judgment in the Court of Claims in favor of the Government this appeal is prosecuted.

"We concur with the learned counsel for appellants in the proposition that the contract made on the 18th of April, 1867, by the Secretary of the Treasury with Tice was not abrogated by the joint resolution of February 3, 1868. By the terms of the resolution it was only suspended until final action by the commission, whose report was designed as the foundation of a statute which would designate the kind of meters which should be adopted. But express authority to make a new contract was conferred by the act of July 20, 1868, upon the Commissioner of Internal Revenue. That officer was empowered to adopt and prescribe for use such hydrometers, saccharometers, weighing and gauging instruments or meters as he might deem necessary. The extent of the authority intended to be conferred upon him as manifested by the third section of the act of July 20, 1868, which required every owner, agent, or superintendent of a distillery to furnish and attach, at his own expense, such meter as the Commissioner might adopt and prescribe for use.

"It was by virtue of its provisions that the agreement of September 16, 1868, was made. And, according to any fair construction of its terms, in the light of attendant circumstances, the Government was bound, as under the agreement of September 18, 1867, to pay for such sets, not exceeding twenty, as Tice might have on hand at the time their use should be discontinued. The provision to that effect in the contract of April 18, 1867, is so reasonable and just that we shall not presume that the contract of September 16, 1868, was intended to establish a different rule of compensation to the inventor. But we do not perceive, however, that all this justifies the conclusion that the Government was under any legal obligation to pay for the meters which Tice had on hand on June 8, 1871, and for the value of which the account in question was presented. By the express words of the agreement of September 16, 1868, the Commissioner had the right at any time to revoke the order adopting the meter, and to direct the discontinuance of its manufacture on behalf of the Government. That power was partially exerted by the order of June 7, 1870, which dispensed with the further use of all Tice meters, except the sample meters or the automatic meters adopted for use as sample meters.

"But the power of revocation and discontinuance was fully exerted by the sweeping order of June 8, 1870, which, reserving the rights of Tice as to all meters theretofore delivered, and as to such as were then on hand or in process of construction, not exceeding twenty sets, revoked all previous regulations which directed or authorized the inventor to construct, or proceed with the construction of, or to furnish, meters, and especially the regulation of September 16, 1868. By that order distinct notice was given to the patentee that neither the Government of the United States nor any Department or officer thereof was or would be responsible for or on account of any spirit meters or the attachment or adjustment thereof.

"The order of June 8, 1870, did not, perhaps, discontinue the use of meters altogether, but it clearly furnished notice that the patentee could not look to the Government for protection or reimbursement as to any meters thereafter constructed by him and used by distilleries. The meters for which the account was rendered were on hand on June 7, 1871, when all existing orders prescribing the same for use were absolutely revoked and the further use of Tice meters discontinued. Had they been on hand and in the process of construction at the date of the order of June 7, 1871, we would not doubt the liability of the Government for their value. But no such fact is found, and we suppose no such fact could have been established.

"While we do not agree with the court below in all the reasons assigned in support of the conclusion reached, we think its judgment is in accordance with the law, and it is affirmed."

It thus appears that had the claimant's administrator proved that Tice had the 14½ meters on hand on the 8th of June, 1870, the recovery would have been allowed.

It will be seen that the estate of Tice presented this claim to the Government April 12, 1873, which was approved by the then Commissioner, but not paid. This fact shows that Tice had died before that date. His attorney became ill, and the papers of the attorneys were in such confusion as to disable the administrator of Tice to get at the facts which were evidenced by the papers. And it seems that the case was supposed to turn upon the question whether the meters were on hand in July, 1871, and not at the prior date of June 8, 1870. They were no doubt on hand in July, 1871, and the only question is, under the decision of the Supreme Court, were they on hand in June, 1870?

Depositions have been laid before the committee of four witnesses to supply this proof, and are persuasive to that result; and the question remains, shall the administrator be allowed a hearing in the Court of Claims, where he may establish this fact?

There is no sufficient ground, perhaps, accounting for the failure to prove this fact, to induce a court to award a new trial, even were a motion made for the purpose in due time. But your committee do not think that the leave should be denied by the Government when there may be proof furnished to establish a just claim under contract by a citizen against it.

Where there is no fraud, and the evidence may be sifted by a court, your committee sees no danger to result from allowing a rehearing at all comparable with the injustice of denying it to a real creditor of the Government, and under these circumstances such relief should be extended to the claimant.

A second claim for about \$140,000 is now presented, based upon the alleged fact that the Commissioner of Internal Revenue, by an order in January, 1869, directed the collectors to take the certificates of deposits in the collector's name from the distilleries for the price of the meters furnished, instead of making them payable to Tice. Thus the collectors of the Government intercepted the funds due to Tice, and much due to him was paid into the Treasury.

The Government thus assumed a quasi fiduciary relation to Tice, receiving his moneys with a liability to account to him. This being so, and no account with him having been had, and no tender by the proper officer, as far as appears, to do so, it is not a proper case for the Government to insist upon lapse of time, or any limitation to protect itself against the just demand of one whose money the Government has received, intercepted, and withholds, especially where all the papers and evidences of claim are in the hands of the Government, and not in those of the claimant. If the Government has his money there is no just reason why he should not be allowed in its Court of Claims to assert his right and prove from the records of its office the amount it has so received and withholds from him.

The letter of the late Commissioner Baum is hereto annexed, and the account of moneys admitted to have been collected on his account. They show that the Treasury holds his money, and there is no just reason why Tice's administrator should not receive it upon due proof.

Your committee therefore report the bill referred, with a recommendation that it do pass.

Your committee also annex the depositions of Badeau, Cotter, Mead, and Clark.

All of which is respectfully submitted.

The committee would, therefore, report Senate bill 987 favorably, with the recommendation that it do pass.

Before the reading was concluded—

Mr. PLATT. I do not ask for the further reading of the report. What led me to ask for its reading was that there had been a decision by the Supreme Court, and the way the bill read I supposed it was proposed to have the Court of Claims try the case over again, although the decision of the Supreme Court had been unfavorable to it, but I find, on examination, that the decision of the Supreme Court was adverse to the former action of the Court of Claims. Therefore I make no further objection to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1992) to increase the pension of Cornelia R. Chandler;
A bill (H. R. 2065) to increase the pension of Bennett S. Shang;
A bill (H. R. 2128) granting a pension to Mrs. Zelinda Hill;
A bill (H. R. 2174) to remove charges of desertion from Ellery C. Folger;

A bill (H. R. 2229) granting a pension to Ira Manley;
A bill (H. R. 2430) granting a pension to Ruth A. Ball;
A bill (H. R. 2512) granting an increase of pension to Hugh McHugh;

A bill (H. R. 2802) granting a pension to Conrad Stephan;
A bill (H. R. 2804) to increase the pension of Charles W. Kridler;
A bill (H. R. 2965) granting a pension to Rachel Barnes;
A bill (H. R. 3018) granting a pension to J. Phil. Hurlbert;
A bill (H. R. 3606) granting a pension to Irena Wilkinson Gibson, only child of David Wilkinson, of the Revolutionary army;
A bill (H. R. 3706) to remove the charge of desertion from the record of John A. Jack;

A bill (H. R. 4209) granting a pension to Oliver P. Martin;
A bill (H. R. 4781) for the relief of William H. Keys;
A bill (H. R. 4853) to pension Gabriel Stephens;
A bill (H. R. 4921) granting a pension to Warren R. Hale;
A bill (H. R. 4930) granting a pension to Joseph Fisher;
A bill (H. R. 4935) to increase the pension of Elmore E. Ewing;
A bill (H. R. 5031) granting a pension to George W. White;
A bill (H. R. 5102) for the relief of Barton P. Spencer;
A bill (H. R. 5144) granting a pension to Jonas H. Keen;
A bill (H. R. 5145) granting a pension to W. H. O'Brien;
A bill (H. R. 5208) granting an honorable discharge to David C. Clouse;

A bill (H. R. 5348) to place the name of Sarah A. Small upon the pension-roll;

A bill (H. R. 5521) granting a pension to Miss Frances Thatcher;
A bill (H. R. 5585) granting a pension to William P. Witt;
A bill (H. R. 6164) to increase the pension of Thomas H. Isbell;
A bill (H. R. 6916) for the relief of Adeline Bly, widow of a soldier of the war of 1812;

A bill (H. R. 7285) granting a pension to Norman B. Pratt;
A bill (H. R. 7338) granting a pension to Louisa M. Sippell;
A bill (H. R. 7614) granting a pension to W. Zister;
A bill (H. R. 7658) granting a pension to Isaac Kelley;
A bill (H. R. 7734) granting a pension to Mrs. M. M. Boyle;
A bill (H. R. 7869) granting a pension to Sophia J. Dimick;
A bill (H. R. 7875) granting a pension to E. Patton, of Benedict, Kans.;
A bill (H. R. 8060) for the relief of William Karger;
A bill (H. R. 8078) granting an increase of pension to James W. Lathe;
A bill (H. R. 8259) to grant a pension to Lydia Ziegler;
A bill (H. R. 8262) for the relief of Parker Adams;
A bill (H. R. 8302) granting a pension to Mary E. Graham;
A bill (H. R. 8309) granting an increase of pension to Willis Sturgeon, of Hart County, Kentucky;

A bill (H. R. 8532) granting a pension to Mary Webster;
A bill (H. R. 8584) to increase the pension to Edward Healy;
A bill (H. R. 8595) for the relief of William M. Bishop;
A bill (H. R. 8822) increasing the pension of Samuel D. Pitcher;
A bill (H. R. 9024) granting a pension to John Pickard;
A bill (H. R. 9244) granting a pension to Lewis W. Bloom, of Aetna, Kans.;

A bill (H. R. 9317) granting a pension to Margaret M. Clements;
A bill (H. R. 9424) to increase the pension of Eben E. Smith;
A bill (H. R. 9565) granting an increase of pension to Joseph M. Wilson;

A bill (H. R. 9580) granting a pension to Rebecca Tussey;
A bill (H. R. 9627) granting a pension to Lydia F. Fryer;
A bill (H. R. 9945) to increase the pension of Charles Barker;
A bill (H. R. 10122) granting a pension to Mary L. Radford, widow of William Radford, late rear-admiral United States Navy;

A bill (H. R. 10445) to increase the pension of Evelyn W. Miles; and
 A bill (H. R. 10902) to grant a pension to Martin Brachall.
 The message also announced that the House had passed the following bills:

A bill (S. 168) granting a pension to William Gardner;
 A bill (S. 448) granting a pension to Dobson Amick;
 A bill (S. 503) granting a pension to Ellen G. King;
 A bill (S. 513) granting a pension to Alfred Denny;
 A bill (S. 563) for the relief of Cornelia A. Stanley;
 A bill (S. 640) granting a pension to Annie D. Rundlett;
 A bill (S. 763) granting a pension to Martha F. Webster;
 A bill (S. 773) granting a pension to James E. Kabler;
 A bill (S. 776) granting a pension to John K. Evans;
 A bill (S. 779) granting a pension to Mary J. Foster;
 A bill (S. 786) granting a pension to Mrs. M. A. Hooper;
 A bill (S. 789) granting an increase of pension to Henry G. Healy;
 A bill (S. 798) granting a pension to Maggie Stauffer;
 A bill (S. 797) granting a pension to Lucy I. Bissell;
 A bill (S. 798) granting a pension to Mariah L. Pool;
 A bill (S. 820) granting a pension to Mary Kinney;
 A bill (S. 1064) granting a pension to Margaret E. Adamson;
 A bill (S. 1082) granting a pension to Frederick Kidwiler;
 A bill (S. 1103) granting a pension to Robert H. Stewart;
 A bill (S. 1269) granting a pension to James M. McKinney;
 A bill (S. 1282) granting a pension to Alice Nichols;
 A bill (S. 1302) granting a pension to John Bechen, sr.;
 A bill (S. 1304) granting an increase of pension to Stephen D. Redfield;

A bill (S. 1365) granting a pension to Annie E. Dixon;
 A bill (S. 1446) granting a pension to Elizabeth Wilson;
 A bill (S. 1577) granting a pension to Francis E. Smith;
 A bill (S. 1681) granting a pension to John Bridenback, late private Company L, Fourth Regiment Ohio Volunteer Cavalry;
 A bill (S. 1729) granting a pension to Lucy A. Coffield;
 A bill (S. 1735) granting a pension to J. M. Stevens;
 A bill (S. 1817) granting a pension to Mary F. Hopkins;
 A bill (S. 1902) granting a pension to Sarah C. Anderson and children under sixteen years of age;
 A bill (S. 2197) to increase the pension of Ziba Yarnell;
 A bill (S. 2200) for the relief of Mary E. Johnson;
 A bill (S. 2309) for the relief Joseph O. Cotton, dependent father of Gregory H. Cotton;
 A bill (S. 2369) granting an increase of pension to Oscar S. Collins;
 A bill (S. 2411) granting a pension to Eugenia B. Tabler;
 A bill (S. 2420) granting a pension to Jane Wood, widow of Clayborne Wood, late of Company C, Thirty-third Ohio Infantry Volunteers;
 A bill (S. 2733) granting a pension to Theodore Gardner; and
 A bill (S. 2734) granting a pension to Ada Johnson.

The message further announced that the House had passed the following bills, with amendments in which it requested the concurrence of the Senate:

A bill (S. 1546) granting an increase of pension to Mrs. Sallie M. Michler, widow of the late Bvt. Brig. Gen. Nathaniel Michler, United States Army;
 A bill (S. 1741) granting increase of pension to James H. Showalter;
 A bill (S. 2076) granting an increase of pension to John E. Walton; and
 A bill (S. 2245) granting increase of pension to Mrs. Adelaide H. Woodall.

SHIPPING COMMISSIONERS.

Mr. FRYE. The Senate yesterday passed the bill (S. 3787) to amend the laws relative to shipping commissioners. There are two typographical errors in it, and I ask unanimous consent that the vote by which the bill was ordered to a third reading, and the vote by which it was passed, may be reconsidered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The bill is before the Senate, and open to amendment.

Mr. FRYE. In line 7, I move to strike out the word "said" before "chapter;" and in line 8, before the word "public," to strike out "such" and insert "the;" so as to read:

That when a crew is shipped by a shipping commissioner for any American vessel in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or Mexico, as authorized by section 2 of chapter 421 of the public laws passed by the Forty-ninth Congress, an agreement shall be made with each seaman engaged as one of such crew in the same manner and form, etc.

The amendment was agreed to.

Mr. FRYE. I now ask that the bill be ordered to a third reading, and passed as amended.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN FINN.

The bill (S. 921) for the relief of John Finn was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments, in line 5, after the word "mules," to strike out "with legal interest;" in line 15, after the word "originated," to insert "and that the said horses and mules thereby became the property of the United States;" and in line 17, after the word "mules," to strike out "with legal interest from the date the claim accrued;" so as to make the bill read:

Be it enacted, etc., That the claim of John Finn, of St. Louis, Mo., successor to the firm of John Finn & Co., for the value of twenty-four horses and seventy-eight mules, be, and the same is hereby, referred to the Court of Claims, with jurisdiction to hear, determine, and allow the same; and if it shall appear to the satisfaction of the said court that the said horses and mules were duly inspected and accepted assailable for the service for which they were intended by an officer of the United States, under the regulations, practice, or custom in force in and observed by the quartermaster's department at St. Louis, Mo., in the purchase of horses and mules for the Government at the time the said claim originated, and that the said horses and mules thereby became the property of the United States, the court shall render judgment for the agreed price of said horses and mules; *Provided*, That said court shall hear and determine said claim, notwithstanding the bar of any statute of limitation to the contrary; *And provided further*, That all the testimony taken in Congressional case No. 127, and also in case No. 15223, upon the subject of this claim now on file in the office of the clerk of the Court of Claims may be used and read in evidence upon the hearing and trial of the claim herein mentioned; subject, however, to the objections of either party as to its competency, relevancy, and materiality.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CENSUS SUPERVISORS AND ENUMERATORS.

The bill (S. 3873) to amend an act entitled "An act to provide for taking the Eleventh and subsequent censuses," approved March 1, 1889, and amended January 23, 1890, in relation to the compensation of supervisors and enumerators of census, was considered as in Committee of the Whole. It provides that any supervisor or enumerator of census who shall receive any bonus, fee, or other consideration of any character whatsoever in connection with his duties as supervisor or enumerator, in addition to his compensation authorized by the act of March 1, 1889, as amended by the act of January 23, 1890, or any person or persons, municipality or corporation, who shall pay or attempt to pay any such bonus, fee, or other consideration to any supervisor or enumerator of census, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding \$5,000 and be imprisoned not exceeding two years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CRUELTY TO CHILDREN IN THE DISTRICT.

Mr. INGALLS. I understand that during my temporary absence from the Chamber, Order of Business 1286, Senate bill 2476, was passed over informally without prejudice. It relates to a subject of great importance to the people of the District, and appeals strongly to the sense of humanity; and I ask that it may be now taken up and considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2476) to prevent cruelty to children in the District of Columbia, and for other purposes.

The Secretary proceeded to read the bill.

Mr. INGALLS. Let the amendments be acted upon as they are reached in reading the text.

The PRESIDING OFFICER. That course will be pursued in the absence of objection.

The first amendment of the Committee on the District of Columbia was, in section 4, line 2, after the word "shall," to strike out "annually;" in line 3, after the word "public," to insert "or private," and in line 7, after the word "school," to strike out "or if such child has attended for a like period of time a private school;" so as to make the section read:

SEC. 4. That every person having under his control a child between the ages of eight and fourteen years shall cause such child to attend for at least six months some public or private school; and for every neglect of such duty the person offending shall forfeit a sum not exceeding \$20; but if the person so neglecting was not able, by reason of poverty, to send such child to school, or if such child has been otherwise furnished for a like period of time with the means of education, or has already acquired the branches of learning taught in the public schools, or if his physical or mental condition is such as to render such attendance inexpedient or impracticable, such penalty shall not be incurred.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of section 5.

Mr. MORGAN. Mr. President, I do not think that bill ought to be considered with this thin Senate and in the time that is allowed for debate upon it. I object to its further consideration.

The PRESIDING OFFICER. Objection being made to the consideration of the bill, it will go over. Does the Senator desire it to go over without prejudice?

Mr. MORGAN. I have no objection to its remaining on the Calendar without prejudice.

The PRESIDING OFFICER. The bill will retain its place on the Calendar.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. PASCO submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

- A bill (H. R. 1992) to increase the pension of Cornelia R. Chandler;
 A bill (H. R. 2005) to increase the pension of Bennett S. Shang;
 A bill (H. R. 2123) granting a pension to Mrs. Zelinda Gill;
 A bill (H. R. 2229) granting a pension to Ira Manley;
 A bill (H. R. 2430) granting a pension to Ruth A. Ball;
 A bill (H. R. 2512) granting an increase of pension to Hugh McHugh;
 A bill (H. R. 2802) granting a pension to Conrad Stephan;
 A bill (H. R. 2804) to increase the pension of Charles W. Kridler;
 A bill (H. R. 2965) granting a pension to Rachel Barnes;
 A bill (H. R. 3018) granting a pension to J. Phil Hurlbert;
 A bill (H. R. 3606) granting a pension to Irena Wilkinson-Gibson, only child of David Wilkinson, of the Revolutionary army;
 A bill (H. R. 4209) granting a pension to Oliver P. Martin;
 A bill (H. R. 4853) to pension Gabriel Stephens;
 A bill (H. R. 4921) granting a pension to Warren R. Hale;
 A bill (H. R. 4935) to increase the pension of Elmore E. Ewing;
 A bill (H. R. 4930) granting a pension to Joseph Fisher;
 A bill (H. R. 5031) granting a pension to George W. White;
 A bill (H. R. 5102) for the relief of Barton P. Spencer;
 A bill (H. R. 5144) granting a pension to Jonas H. Kees;
 A bill (H. R. 5145) granting a pension to W. H. Obrien;
 A bill (H. R. 5348) to place the name of Sarah A. Small upon the pension-roll;
 A bill (H. R. 5521) granting a pension to Miss Frances Thatcher;
 A bill (H. R. 5585) granting a pension to William P. Witt;
 A bill (H. R. 6164) to increase the pension of Thomas H. Isbell;
 A bill (H. R. 6916) for the relief of Adeline Bly, widow of a soldier in the war of 1812;
 A bill (H. R. 7285) granting a pension to Norman B. Pratt;
 A bill (H. R. 7338) granting a pension to Louisa M. Stippell;
 A bill (H. R. 7614) granting a pension to W. Zister;
 A bill (H. R. 7658) granting a pension to Isaac Kelley;
 A bill (H. R. 7734) granting a pension to Mrs. M. M. Boyle;
 A bill (H. R. 7869) granting a pension to Sophia J. Dimick;
 A bill (H. R. 7875) granting a pension to E. Patton, of Benedict, Kans.;
 A bill (H. R. 8060) for the relief of William Karger;
 A bill (H. R. 8078) granting an increase of pension to James W. Lathe;
 A bill (H. R. 8259) to grant a pension to Lydia Ziegler;
 A bill (H. R. 8282) for the relief of Parker Adams;
 A bill (H. R. 8302) granting a pension to Mary E. Graham;
 A bill (H. R. 8309) granting an increase of pension to Willis Sturgeon, of Hart County, Kentucky;
 A bill (H. R. 8532) granting a pension to Mary Webster;
 A bill (H. R. 8584) to increase the pension to Edward Healy;
 A bill (H. R. 8595) for the relief of William M. Bishop;
 A bill (H. R. 8822) increasing the pension of Samuel D. Pitcher;
 A bill (H. R. 9024) granting a pension to John Pickard;
 A bill (H. R. 9244) granting a pension to Lewis W. Bloom, of Aetha, Kans.;
 A bill (H. R. 9317) granting a pension to Margaret M. Clements;
 A bill (H. R. 9424) to increase the pension of Eben E. Smith;
 A bill (H. R. 9565) granting an increase of pension to Joseph N. Wilson;
 A bill (H. R. 9580) granting a pension to Rebecca Tussey;
 A bill (H. R. 9627) granting a pension to Lydia F. Fryer;
 A bill (H. R. 9945) to increase the pension of Charles Barker;
 A bill (H. R. 10122) granting a pension to Mary L. Radford, widow of William Radford, late rear-admiral United States Navy;
 A bill (H. R. 10445) to increase the pension of Evelyn W. Miles; and
 A bill (H. R. 10802) to grant a pension to Martin Brachall.
 The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:
 A bill (H. R. 2174) to remove charges of desertion from Ellery C. Folger;
 A bill (H. R. 3706) to remove the charge of desertion from the record of John A. Jack;
 A bill (H. R. 4781) for the relief of William H. Keys; and
 A bill (H. R. 5208) granting an honorable discharge to David C. Clouse.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. McPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on

the amendments of the Senate to the bill (H. R. 9356) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1891.

J. L. CAIN AND OTHERS.

The bill (S. 151) for the relief of J. L. Cain and others was announced as next in order.

Mr. INGALLS. I suggest the want of a quorum, Mr. President. The PRESIDING OFFICER. The want of a quorum being suggested, the Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Cullom,	Jones of Nevada,	Plumb,
Bate,	Davis,	McMillan,	Power,
Berry,	Dawes,	Manderson,	Sawyer,
Blackburn,	Dolph,	Mitchell,	Spooner,
Blair,	Frye,	Morgan,	Teller,
Carlisle,	George,	Paddock,	Walthall,
Casey,	Gorman,	Payne,	Washburn.
Coke,	Hawley,	Pierce,	
Colquitt,	Ingalls,	Platt,	

During the roll-call—

Mr. BATE. I wish to say that my colleague [Mr. HARRIS] is too sick to be in the Chamber. He was here, but was compelled to leave on account of illness.

The PRESIDING OFFICER. Thirty-four Senators have responded to their names. A quorum is not present.

Mr. INGALLS. I move that the Senate do now adjourn.

Mr. ALLISON. Mr. President, I had hoped that the Senate would remain in session long enough to consider the conference report on the legislative, executive, and judicial appropriation bill this evening. It is very important that that bill should be passed before the 1st of July.

The PRESIDING OFFICER. The question before the Senate is on the motion of the Senator from Kansas that the Senate do now adjourn.

Mr. INGALLS. No business can be transacted; there is no quorum present, and debate is not in order upon any subject.

Mr. ALLISON. Then I move that we adjourn until 11 o'clock on Monday morning.

Mr. INGALLS. That is not in order.

The PRESIDING OFFICER. The Chair thinks the motion is not in order in the absence of a quorum.

Mr. DAWES. I call for the yeas and nays on the motion to adjourn.

Mr. PADDOCK. I hope we shall have the yeas and nays on the motion to adjourn.

Mr. MORRILL. Will the Senator give way to allow me to make a motion to proceed to the consideration of executive business?

Mr. INGALLS. That can not be done in the absence of a quorum. The PRESIDING OFFICER. The Senator from Massachusetts [Mr. DAWES] has called for the yeas and nays on the motion of the Senator from Kansas.

The yeas and nays were ordered.

Mr. SPOONER. What is the question?

The PRESIDING OFFICER. On the motion to adjourn.

The Secretary proceeded to call the roll.

Mr. MORRILL (when his name was called). I am paired with the Senator from Tennessee [Mr. HARRIS], but I do not think he would wish me to refrain from voting on this question, and I vote "nay."

The roll-call was concluded; and the result was announced—yeas 4, nays 28; as follows:

YEAS—4.			
Berry,	George,	Jones of Nevada,	Walthall.
NAYS—28.			
Allison,	Davis,	Manderson,	Platt.
Bate,	Dawes,	Mitchell,	Plumb,
Blair,	Dolph,	Morgan,	Power,
Carlisle,	Frye,	Morrill,	Sawyer,
Casey,	Gorman,	Paddock,	Spooner,
Coke,	Hawley,	Payne,	Teller,
Cullom,	McMillan,	Pierce,	Washburn.

ABSENT—32.			
Aldrich,	Dixon,	Hiscock,	Sanders,
Allen,	Edmonds,	Hoar,	Sherman,
Barbour,	East,	Ingalls,	Squire,
Blackburn,	Evarts,	Jones of Arkansas,	Stanford,
Blodgett,	Faulkner,	Keena,	Stewart,
Brown,	Gibson,	McPherson,	Stockbridge,
Butler,	Gray,	Moody,	Turpie,
Call,	Hale,	Pattigrew,	Vance,
Cameron,	Hampton,	Pugh,	Voorhees,
Chandler,	Harris,	Quay,	Wilson of Iowa,
Cockrell,	Hearst,	Ransom,	Wilson of Md.
Colquitt,	Higgins,	Reagan,	Wolcott.

So the Senate refused to adjourn.

The PRESIDING OFFICER. No quorum has voted.

Mr. FRYE. Call the roll.

Mr. DAWES. How many Senators answered to their names on the roll-call before the motion to adjourn?

The PRESIDING OFFICER. Thirty-four Senators responded to

their names on the roll-call, and thirty-two have voted on the motion to adjourn.

Mr. PLATT. Let the roll be called.

The PRESIDING OFFICER. The absence of a quorum was developed on the roll-call previous to the motion to adjourn. The Senate can remain in session as long as it is its pleasure to do so. The Chair supposes the only motion in order would be a motion to direct the Sergeant-at-Arms to invite or compel the attendance of absent Senators or to adjourn.

Mr. ALLISON. I had hoped this afternoon that further progress would have been made with the legislative, executive, and judicial appropriation bill, but as that seems impracticable, I move that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 12 minutes p. m.) the Senate adjourned until Monday, June 30, 1890, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

SATURDAY, June 28, 1890.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. WILLIAM H. MILBURN, D. D.

APPROVAL OF THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER. Without objection the Journal will be considered approved.

Mr. ENLOE. Mr. Speaker, I move to amend the Journal by striking out that part of it which shows the passage of the following bills: H. R. 8078, 9024, 10122, 5144, 5308, 7869, 8532, 4921, 3018, 4930, 2430, 8259, 2802, 7338, 2174, 2128, 10445, 5521, 8584, 5028, 2229, 5131, 5065, 2965, 9317, 9580, 8309, 4553, 7659, 2512, 3606, 9424, 9244, 2003, 3706, 8822, 6916, 2420, 7734. Also the following Senate bills: 1902, 1681, 2369, 1003, 2309, 1304, 1302, 503, 1365, 1064, 1082, 1741, 513, 1446, 1817, 2200, 2734.

The SPEAKER. Will the gentleman please reduce his proposition to writing?

Mr. ENLOE. If the Chair requires that it be reduced to writing it will take some few minutes to do it. I want to state, Mr. Speaker—

The SPEAKER. The gentleman must reduce his proposition to writing.

Mr. GEAR. Pending that I ask the consideration of a conference report.

The SPEAKER. The Chair thinks that can not be done pending the approval of the Journal.

While Mr. ENLOE was writing his motion the following proceedings took place:

Mr. SPRINGER. Mr. Speaker, it seems to me that it will consume a great deal of time to have this motion reduced to writing.

Mr. PAYSON. That seems to be the object.

Mr. SPRINGER. I do not think it is the object of the gentleman from Tennessee [Mr. ENLOE] to take up the time assigned for the discussion of the election bill. The gentleman has some views in regard to the passage of these bills that he desires to bring out on this motion, and as he is required to reduce his proposition to writing I suggest that the approval of the Journal go over until Monday. In the mean time the gentleman can have his motion put in shape so that we can understand the point of it, and meanwhile we shall not consume the time which is required for debate upon the pending bill in an unprofitable discussion upon this point of order, as I presume it is, which the gentleman from Tennessee desires to make in regard to the Journal. I move, therefore, to postpone the further consideration of the question of the approval of the Journal of yesterday's proceedings until Monday morning immediately after the reading of the Journal.

The SPEAKER. The gentleman from Tennessee [Mr. ENLOE] has the floor on the question which he is presenting.

Mr. SPRINGER. I know; but he is reducing his motion to writing, and that will take considerable time.

Mr. KILGORE. Mr. Speaker, I move that the House take a recess for twenty minutes.

The SPEAKER. The gentleman from Tennessee [Mr. ENLOE] has the floor. [Laughter.]

Mr. CONGER. Mr. Speaker, would a motion to approve the Journal be in order at this time?

The SPEAKER. The Chair thinks not.

Mr. ENLOE. Mr. Speaker, I now submit my motion.

The motion was read as above.

Mr. ENLOE. Mr. Speaker, I make this motion on the ground that these bills which are reported in the Journal this morning as having passed at the evening session yesterday were beyond the jurisdiction of that session, having been carried over from a previous Friday evening session and made the special order immediately after the reading of the Journal on the Wednesday following the session that is reported in the RECORD of June 10. At that session these bills were taken up, considered, and ordered to a third reading, and were carried over until

the following Wednesday, with the previous question ordered upon them. The RECORD shows this fact. Here is what occurred:

The SPEAKER *pro tempore*. The gentleman from Tennessee requests that those bills favorably reported from the Committee of the Whole, and also the bills called up by members and read a third time, be made the special order for Wednesday next, immediately after the reading of the Journal, with the understanding that there may be twenty minutes for debate on each of these bills.

Mr. MCCREARY. The result will be to defeat the consideration of any other business.

Mr. ENLOE. As there is only the right given for debate, if nobody desires to occupy the time it will not be used.

The SPEAKER *pro tempore*. The bills are to be taken up on their final passage, with the right of twenty minutes of debate on each of these bills. If there is no objection, it will be so ordered.

There was no objection, and it was so ordered.

Now, I find that on yesterday evening these bills were laid before the House by the Chair as unfinished business, and the following proceedings took place in reference to them:

Mr. KILGORE. I have just come in, and I would like to know what bills these are.

The SPEAKER *pro tempore*. Those that were considered two weeks ago, and have come over as unfinished business.

Mr. KILGORE. There was an order made as to each one carrying it into a full House.

The SPEAKER *pro tempore*. No; those two as to which that order was made have not been brought up for consideration, and will not be. There are two bills, as the gentleman from Texas will remember, upon which the previous question was ordered, and it was agreed that there should be thirty minutes' debate on those.

Mr. KILGORE. But the bills of the entire session one night were ordered to a full House.

Mr. BAKER. They have all been passed.

The SPEAKER *pro tempore*. They were made the special order for a certain day, and that day having passed they were brought up to-night as unfinished business.

Mr. KILGORE. That relates to the bills considered just now?

The SPEAKER *pro tempore*. They were considered two weeks ago to-night.

Mr. KILGORE. What is the reason they were not disposed of in the regular order?

The SPEAKER *pro tempore*. If the gentleman will remember, the gentleman from Tennessee [Mr. ENLOE] consented that they might be read a third time, but he did not consent that the previous question should be ordered or that they should be passed that evening; hence no arrangement was made and they were laid aside. They were to be brought up as unfinished business.

And after that kind of colloquy, which continued for some time, with the repetition of the statement on the part of the Chair that these bills were brought up as unfinished business, the gentleman from Texas [Mr. KILGORE] finally expressed the serious nature of his opposition to these bills by saying:

Well, now, there may be some bills in that lot I would like to cut off. There are some that I should have cut off had not the gentleman from Tennessee [Mr. ENLOE] taken the contract.

Thereupon the bills were put upon their passage in bulk, and passed through this House.

I maintain, Mr. Speaker, that according to the ruling of the Chair, when those bills were carried over with the previous question ordered upon them, made a special order for a certain day with the right of debate, and when the House failed to consider them on that day, they lost their status, and it was necessary that the Committee on Rules should bring into the House an order fixing a time for the consideration of those bills before they could be properly considered. Upon that ground I make this motion to amend the Journal.

Mr. SPRINGER. Mr. Speaker, on the gentleman's own showing these bills were properly before the House last night. Having been made a special order in the House and that special order not having been executed, they fell back to where they would have been otherwise; that is, they became the unfinished business of Friday night, and could not have been taken out of that position without an order made at such a session, or upon a special order adopted upon a report of the Committee on Rules. These bills last evening were exactly where they could be properly considered; they were in their proper place to be considered by the House, and the disposition of them at that time was exactly in accordance with the proper and regular order of procedure. They were taken up as unfinished business and by unanimous consent put upon their passage. There is, therefore, nothing to correct in the Journal, and I move the previous question upon the motion of the gentleman from Tennessee.

Mr. ENLOE. One remark in reply to what has just been said by the gentleman from Illinois. These bills, as I understand, occupied exactly the status occupied under the ruling of the Speaker by the bankrupt bill, which had been made a special order, and not being considered under the special order, the Speaker held that it had lost its status.

Mr. SPRINGER. That bill went back to the Calendar, and was only in order when reached upon the Calendar. If we had reached it upon the Calendar, it would have been in order to take it up. But we have never been able to get there for the disposition of that bill. As to these pension bills, however, we consider the Calendar every Friday night; and last night those bills were in order. That is the difference.

Mr. ENLOE. I am not parliamentarian enough, perhaps, to be able to contend with the gentleman from Illinois [Mr. SPRINGER] or with the Chair—

The SPEAKER. The gentleman from Illinois has moved the previous question.

Mr. ENLOE. But I want to state that at these Friday night sessions from this time forward there must be a quorum or business must be done differently.

The SPEAKER. The demand for the previous question cuts off debate. The question is upon ordering the previous question.

The previous question was ordered; and under the operation thereof the motion of Mr. ENLOE to correct the Journal was rejected.

The SPEAKER. Without objection, the Journal as read will be approved.

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. 5381) directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes, agreed to the conference asked by the House, and had appointed Mr. SHERMAN, Mr. JONES of Nevada, and Mr. HARRIS conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3940) to amend an act entitled "An act to extend the fees of certain officers over the Territories of New Mexico and Arizona."

The message further announced that the Senate, in compliance with the request of the House, returns to the House the bill (H. R. 10036) granting leaves of absence to clerks and employes in first and second class post-offices.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9856) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1891.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that he had approved and signed acts of the following titles:

An act (H. R. 1148) granting a pension to William Ellsworth Fletcher;
 An act (H. R. 1155) granting a pension to Francis M. Hull;
 An act (H. R. 1564) granting a pension to Samuel Wilson;
 An act (H. R. 1569) granting a pension to William Quimby;
 An act (H. R. 1594) granting a pension to Anson Freeman;
 An act (H. R. 1980) granting a pension to Nellie R. Cook;
 An act (H. R. 2295) granting a pension to Charlotte Small;
 An act (H. R. 2531) granting a pension to Robert W. Herod;
 An act (H. R. 2538) granting a pension to Sarah N. West;
 An act (H. R. 3035) granting a pension to Mary Donohue;
 An act (H. R. 3224) granting a pension to Sally Powell;
 An act (H. R. 3259) granting a pension to Simon Beakler;
 An act (H. R. 3261) granting a pension to Sarah Connally;
 An act (H. R. 3379) granting a pension to Lydia W. Sayre;
 An act (H. R. 3968) granting a pension to William Wetzel;
 An act (H. R. 4042) granting a pension to Chester Denton;
 An act (H. R. 4702) granting a pension to Mary Mayberry;
 An act (H. R. 5545) granting a pension to Abalom Carney;
 An act (H. R. 5620) granting a pension to Frank Deming, Company F, Ninth Michigan Infantry;
 An act (H. R. 5709) granting a pension to Sarah A. Harrison;
 An act (H. R. 6288) granting a pension to Catharine Falkington;
 An act (H. R. 6721) granting a pension to August Seiter;
 An act (H. R. 6756) granting a pension to Joseph Morris;
 An act (H. R. 7008) granting a pension to Thomas Shannon;
 An act (H. R. 7331) granting a pension to Freeman Buell;
 An act (H. R. 7449) granting a pension to Ezra E. Annis;
 An act (H. R. 7586) granting a pension to James O'Donnell;
 An act (H. R. 7588) granting a pension to David Rose;
 An act (H. R. 7816) granting a pension to Harriet E. Cooper;
 An act (H. R. 7857) granting a pension to Mary P. Thompson;
 An act (H. R. 7972) granting a pension to Joseph Whitmore, for service in the Indian war;
 An act (H. R. 8603) granting a pension to Catherine Sattle;
 An act (H. R. 8730) granting a pension to T. G. Metcalf;
 An act (H. R. 8926) granting a pension to Mary Ann Griswold;
 An act (H. R. 1147) granting an increase of pension to Merritt Lewis;
 An act (H. R. 2168) granting an increase of pension to Stewart Herbert;
 An act (H. R. 2750) granting an increase of pension to Charles H. Moore;
 An act (H. R. 7639) granting an increase of pension to John Pardy;
 An act (H. R. 8485) granting an increase of pension to Owen C. Powell;
 An act (H. R. 9311) granting an increase of pension to Morgan Diamond;
 An act (H. R. 7999) granting increased pension to Adaline Whelan;
 An act (H. R. 6001) granting an increase of pension to Elnathan Meade, late of Company C, Forty-fourth New York Volunteers;
 An act (H. R. 5014) for the relief of Ernst Barth;

An act (H. R. 5111) for the relief of William Allen;
 An act (H. R. 6647) for the relief of John A. Whitcomb;
 An act (H. R. 7728) for the relief of Mary Walsh;
 An act (H. R. 4043) to grant a pension to James Y. Law;
 An act (H. R. 6833) to grant a pension to John B. Vile;
 An act (H. R. 8429) to increase the pension of William P. Squire;
 An act (H. R. 4895) to increase the pension of Everhard Welter;
 An act (H. R. 8009) for restoration of Abner Morehead to the pension-roll;
 An act (H. R. 6801) increasing the pension of Alonzo L. Page, late of Company B, Third Vermont Volunteers;
 An act (H. R. 6110) to grant an increase of pension to Harvey T. Alcott, late of Company K, One hundred and twenty-sixth New York Infantry Volunteers;
 An act (H. R. 4185) to increase the pension of Mrs. Antonia B. Lynch;
 An act (H. R. 3601) to increase the pension of Andrew Langton, late of Company E, Twenty-seventh Indiana Volunteers;
 An act (H. R. 3585) to pension James T. Furlow for service in the Indian war;
 An act (H. R. 6667) granting a pension to Keziah Randall, Mattapoisett, Mass., widow of Richard Randall, who served in the Coast Guard, 1812 to 1815;
 An act (H. R. 1884) granting a pension to George F. White;
 An act (H. R. 5118) granting a pension to Amanda J. Delap;
 An act (H. R. 6280) granting a pension to Lawrence Dougherty;
 An act (H. R. 7529) granting a pension to Belle Morrison, of Dillsborough, Ind.;
 An act (H. R. 1404) granting a pension to Mary Ann Long;
 An act (H. R. 2424) granting a pension to Mary W. Smalley;
 An act (H. R. 4967) granting a pension to Mrs. Catharine Reed;
 An act (H. R. 6601) granting a pension to Archibald F. Coon;
 An act (H. R. 6913) granting a pension to Alexander G. Davis;
 An act (H. R. 7824) granting a pension to Mary F. Cochran;
 An act (H. R. 7958) granting a pension to Christopher C. Funk;
 An act (H. R. 8560) granting a pension to Mrs. Sallie H. Wilson;
 An act (H. R. 4036) for the relief of Christian Kunzie;
 An act (H. R. 6831) for the relief of Norman Cleveland;
 An act (H. R. 9359) to increase the pension of B. F. Hilliker;
 An act (H. R. 8910) granting an increase of pension to Clinton Spencer;
 An act (H. R. 407) to authorize the acquisition of certain parcels of real estate embraced in square 323 of the city of Washington, to provide for an eligible site for a city post-office;
 An act (H. R. 3365) approving, with amendments, the funding act of Arizona;
 An act (H. R. 7856) granting the right of way to the Duluth and Manitoba Railroad Company across the Fort Pembina reservation in North Dakota;
 An act (H. R. 10065) constituting Irondequoit Bay, New York, a navigable water of the United States for certain purposes;
 An act (H. R. 8831) to amend an act entitled "An act authorizing the construction of a bridge over the Missouri River at or near Kansas City, Kans., and not over 10 miles above the Hannibal and St. Joseph Railway bridge at Kansas City, Mo.," approved March 1, 1889; and
 An act (H. R. 75) to fix the regular terms of the circuit and district courts for the southern district of Alabama.
 The message also announced that bills of the following titles were presented to the President on the 13th instant, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, they have become laws without his approval:
 An act (H. R. 3535) to grant a pension to Manuel Garcia; and
 An act (H. R. 4129) to grant a pension to Daniel J. Cox.

FEDERAL ELECTION LAW.

Mr. SPRINGER. I demand the regular order.

The regular order being demanded, the House resumed the consideration of the bill (H. R. 11045) to amend and supplement the election laws of the United States, etc.

The SPEAKER. The gentleman from New Jersey [Mr. McAdoo] is recognized for twenty minutes.

Mr. McADOO. Mr. Speaker, our fathers who founded this Government had felt in the land which they left the baneful effects of a strong centralized government buttressed by the iniquitous feudal land tenures. They had seen such government repress the sacred liberty of conscience, invade the right of property by an abuse of the taxing power, and eternally trample down the first substantial foundation of liberty, local self-government. In the vast and unexplored regions of this new continent, to which they had sailed through wintry seas and unknown perils, they determined to make one last stand for individual liberty of person and conscience and the cardinal principle of the American Constitution, home rule. Dangers of a possible secession were no more to them than those of imperial consolidation. A Switzerland, limited in its territory and contracted in its resources, was more attractive to those men than the illimitable domains of a Russia presided over by autocrat.

The cardinal principles of American liberty which they evolved in the United States Constitution were these: Federal unity, local sovereignty, and individual liberty, a heaven-born trinity to bless mankind. From the moment that this grand American idea, which may be called the very quintessence and soul of the Constitution, was enunciated by these men, it started out for universal conquest. It stirred the soul of France. A strong, centralized, oppressive Government, absolutism and feudalism, went up in the burning rafters of the Bastille. To the Irish patriots, who had struggled for seven hundred years for liberty and nationality, this grand cardinal principle flamed out in their darkened heavens like the cross of Constantine with its motto, "*In hoc signo vinces.*"

It thundered in the British Parliament and in the Irish House of Commons; it illuminated the pathway of the martyrs of that land on their way to the dungeon, the gibbet, and to life-long, weary exile in the wild forests of the antipodes; it nerved the arm of Poland to strike at the rude, barbaric, strong government of Northeastern Europe; it shook the throne of Austria and begat a free parliament in Hungary; it sweeps to-day in triumph along the confines of the northern seas in Norway and Sweden; it reigns eternal in the mountains of Switzerland; it is the dominant idea among all the republics of South America; it created the confederacy of the Canadian Dominion; it marches to fresh victories in the great countries of the South Pacific; it is voiced by almost superhuman eloquence and wisdom in the British Parliament by a Gladstone, and it thunders in the Spanish Senate from a Castelar and finds multitudinous advocates the world around from lesser if not less zealous men, while here on this beautiful June day, in the year 1890, in the American Congress, in the House of its professed friends, it is proposed by this infamous measure to strike it to the very heart by a bill which, taking the political and all other conditions existing in the two countries into consideration, would not be fathered by the reactionary Salisbury in the Parliament of the country from which we wrung our now imperiled liberties by the sword.

I will not have time, Mr. Speaker, in the few minutes allotted to me in this discussion to enter into a consideration of the constitutional objections to this measure; but I wish here, on my honor as a Representative, to say that I have no doubt whatever that this measure is against the letter as well as the spirit of the Constitution. [Applause on Democratic side.] And to gentlemen on the other side who are not accustomed to as closely construe that instrument as we are I submit that the words of Mr. Jefferson advising moderation and conservatism in the construction of that document are applicable. Mr. Jefferson, writing to Mr. Cabell, in 1814, in reference to the construction of the Constitution with regard to the qualifications of members of the Congress, used this language:

If wherever the Constitution assumes a single power out of many which belong to the same subject we should consider it as assuming the whole, it would invest the General Government with a mass of power never contemplated. On the contrary the assumption of particular powers seems an exclusion of all not assumed.

I have always thought that when the line of demarcation between the powers of the General and the State governments was doubtfully or indistinctly drawn, it would be prudent and praiseworthy in both parties never to approach it but under the most urgent necessity.

We have gone on since that day, Mr. Speaker, for nearly one hundred years with the States managing their own elections, and with full control of the elections for Federal Representatives in the hands of the States, which, by the Constitution of the United States, are the only sources to declare the qualifications of the electors; and what urgent necessity exists at this day, when this prevailing system is in operation, when we have adjusted ourselves to the changed conditions produced by the civil war—what new necessity or what exigency exists that we shall strain the Constitution, absolutely strain the very foundation upon which the Republic itself exists, and invade the rights of American freemen with hordes of mercenary spies in the hands of a political party to control elections in the States? [Applause on the Democratic side.]

If I had time, Mr. Speaker, I would be glad to give what appears to me to be a plain construction of this clause in the Constitution, and which reads as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the place of choosing Senators.

In the very beginning the States themselves were the reservoirs of power. They got no power from the Federal Constitution. They breathed the life itself into the Federal Government; and as to that clause which provides that the States shall make regulations as to the times, places, and manner of holding elections for Representatives and Senators in Congress, it is simply a method agreed upon that the States shall make provision and not fail to elect their members of Congress, and that only when they fail to act or shall declare hostility to the Federal power shall Congress intervene.

It did not mean, moreover, that the States had no powers beyond controlling the times, places, and manner; for the States themselves, in their sovereign capacity, when they made the Federal Government, not only controlled the times, places, and manner, but controlled the very sub-

stance of the election and qualified the electors themselves who were to cast their votes at the election. This is shown by section 2 of Article I:

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the Legislature.

And the subsequent provision in the Constitution that Congress shall have the right to make, alter, or amend these regulations does not mean that the Congress shall have the power to take control of the election, as is substantially proposed by this bill.

But this bill creates a great number of supervisors who are in the very nature of things ministerial officers of the court, but the bill in substance makes the supervisor a judicial officer, and provides that these officials shall pass upon the qualifications of the elector in the States who gets his right to vote from the State. The supervisor belies his title, for he counts the ballots and certifies the count, and makes judicial decision as to the eligibility of the voter, and the certificate of this ministerial officer of the Federal court is made by this bill to supersede in this House the decisions of the judicial election officers elected or appointed by the local authorities or the State, and even the executive power of the States themselves. As to the State board of Federal canvassers, can any lawyer contend that they come under the words "manner of holding elections?"

If the Supreme Court of the United States should uphold such a construction of the Constitution as that, I wish to say in all sincerity that it is time we examined for amendment this "charter of our liberties," in order to prevent the strangulation of the rights of the people of the United States by our judicial tribunals. [Applause.] I am debarred, however, by the limitation of time from discussing this serious constitutional objection to the bill.

Now what is this bill in substance? It takes substantially from the States the power to control their elections. It hands that power over to a few chief supervisors of elections, appointed for life, and over whom the people have no control. No one contemplated such power for these men, however fair and honorable or otherwise they may be, when they were appointed.

It puts in the background of those supervisors, to give them a seeming respectability and impartiality, the Federal judges of the circuit courts. The Federal judge is beckoned by this magnate, called the chief supervisor, to open his court, which in reality under this bill becomes a political headquarters, in order that he may go in and have his acts certified and indorsed by the Federal judge; but in reality, when you come down to it, this bill makes the chief supervisor of elections absolute, autocratic, and sovereign in his control of the election. Then it says to him, "You shall gather an army of supervisors, you shall recruit them," and the bill between the lines says, "You shall recruit them from one political party." The number of supervisors and marshals to be appointed far exceeds the number of electors required to petition to put this law in force. Therefore, every man who wants \$5 a day has only to sign the call for Federal intervention—about \$40 of a bribe for every signer.

There is of course a seeming show of fairness in saying that where there are three supervisors in a precinct one shall be of the opposite political party, but the bill says that when the chief supervisor of elections is satisfied that one of the supervisors is "not a good man," or, in the language of the bill, "whose integrity he shall have reason to doubt," he can remove him. There are some chiefs who would doubt under this "the integrity" of any Democrat. First you give him a blank recruiting warrant, and say to him, "Take the advice of your political friends, in the interest of your party; recruit this tremendous army of mercenary partisan spies; then, when you have got them, weed them out, and the court will certify to every man you suggest."

There you have got—what? You have got an army of supervisors, very much larger in numbers than all the enlisted men in the Army and Navy of the United States, allowing on an average 150 voting precincts to each Congressional district, and three supervisors and three marshals to each precinct, you get a grand total of 257,400, under the absolute control of the chief supervisors, beyond the power of the local and State authorities, weeded out, selected, culled, called in the bill "discreet," to watch the citizen of the United States, to hound, harass, and obstruct him, and to finally join in certifying to the Clerk of this House who shall sit in this Chamber as representatives of the people. When I read the provisions of this bill in the silence of my own chamber I said to myself, involuntarily, "Is this a misuse of oriental despotism or a proposition for the statute-books of a free people?" [Applause on the Democratic side.]

Read the bill, page 17, line 181, and answer me if that word "discreet" does not mean such a body of soulless, degraded sleuth-hounds, perjurers, and sneaks as passed for secret police and were used to prop up the falling fortunes of that wretched man, Napoleon III.

The Federal judge is dragged down from the bench of the courts, to which our people have been educated to look for the safety of their liberties, simply to back them up, as I said, with a show of impartiality and fairness by saying, "The judge of the United States circuit court, appointed for life, a gentleman of character, has indorsed the actions of

the chief supervisor." The judges under this bill, if vile partisans at heart, will be more available, but, if honest men, will be unable to check his imperial highness the chief supervisor.

Mr. HERBERT. Let me suggest right there to my friend that under this bill the judges have no power to appoint any supervisor who is not recommended by the chief supervisor.

Mr. MCADOO. Certainly.

Mr. HERBERT. All power to do otherwise is taken away from him.

Mr. MCADOO. Now, in the brief time allowed me, I shall not be able to go over the provisions of the bill as I would like to, but I want to call the attention of the House to one feature which is worthy of consideration. It is eminently fitting that in the most strongly pronounced Hamiltonian measure which has been introduced in Congress since the beginning of the civil war the old leaven of know-nothingism should peep out in this Federal-Whiggery bill.

All the citizens of the United States are to be harassed and obstructed enough by this bill, but the foreign-born citizen has been especially singled out by provisions which look to so much annoyance, so much espionage, so much hounding by the hired spies of the Government, that he will be intimidated from casting a free ballot. Why, this bill provides that these chief supervisors, mere ministerial officers of the Federal court, shall go into the State tribunals and supervise there, in courts where they have no right nor business, the naturalization of foreign-born citizens. Why, it is a sham and a delusion to talk about State rights and State sovereignty and the liberties of citizens, or the equality of citizens foreign-born and native, when a mere satrap, a mere paid mercenary, at \$5 a day, appointed by the Federal Government, appointed at second hand, can go into the State court and supervise the naturalization of the foreign-born citizen. Let the adopted citizens of this land who yield to none in devotion to American institutions, and among whom are not a few like myself whose kith and kin and may be immediate ancestors shed their blood to secure our liberties in Revolutionary days, and devoted their best years to making permanent the Republic, and who to-day, as in the past, would glory in dying for it, read the following paragraphs of the bill:

To make in any city or town having 20,000 inhabitants or upward, at any time between the Tuesday five weeks preceding the day of any election at which a Representative or Delegate in Congress is to be voted for and the day of election, a thorough and effective house-to-house canvass of the whole or any portion of any election district or voting precinct which they shall be directed by the chief supervisor of elections to visit and canvass; to ascertain by inquiry at any dwelling, building, or other place of abode in any such election district or voting precinct which they may be required to so canvass the name, age, nativity, term of residence in country, State, city, county, parish, district, or precinct, and other qualifications as a voter of every male person therein residing; to make full report, in writing, to the chief supervisor of elections of all answers and information obtained by them in response to their inquiries so made and upon the completion of their work to file their reports with said chief supervisor.

Twelfth. To make, in any city or town having 20,000 inhabitants or upward, when required by the chief supervisor, a list of all such persons as shall be naturalized in any court therein, the date of their naturalization, whether as a minor or otherwise, with the residence of such persons, their place of nativity, and the name and residence of their witness, and, for such purpose, shall have at all times access to and the right to examine the original affidavits or applications presented or which have been presented to said courts and there filed. Such lists so made shall be filed in the office of the chief supervisor.

Thirteenth. To inform all voters who may inquire of them in what box any of their ballots should properly be placed, and to prevent, as far as possible, the depositing of any ballot in the wrong box.

This thirteenth is a nice plan to scrutinize the ballot!

Fourteenth. To observe and scrutinize the manner in which naturalizations are being made and to aid the court in the matter of preventing fraudulent naturalizations, and for these purposes to have at all times free access to all rooms where such proceedings are being conducted.

The provisions of this subdivision to apply only to such discreet or special supervisors as shall, from time to time, be directed and detailed by the chief supervisor of elections for this particular duty, in cities or towns having 20,000 inhabitants and upward, save that when a chief supervisor of elections shall have reason to believe that actual fraud or perjury has been, is being, or is about to be committed in the matter of naturalization in any particular city, town, village, or other place having less than 20,000 inhabitants, he shall take measures to ascertain the facts and expose and prevent the same, and in so doing may detail such supervisors of election as he may select to aid him therein, and such supervisors shall have all the power and authority conferred upon supervisors in cities of 20,000 inhabitants and upward.

And it provides further, that in order to harass, obstruct, and annoy this man who has been naturalized, they shall make, five weeks preceding the election, a domiciliary visit to every house. And you will notice that this bill does not say they shall inquire of the man himself as to his age, nativity, when he was naturalized, etc., but they shall make inquiries in the dwelling. Why, the old English adage which our fathers brought over to this land, that a man's house is his castle, finds no place under this bill. The man's dwelling is to be invaded, his charter of citizenship, the most sacred thing in his eyes, is to be investigated by hearsay evidence of anybody in the dwelling. For this "discreet" spy is to go into the dwelling five weeks before the election and make inquiries of anybody.

It does not specify of whom he is to make inquiries, but he is to collect the neighborhood gossip, to invade the sanctity of the dwelling-place, to go to the house when the man is absent, to harass the women and the children and the people whom he may find there, to inquire as to when this man was naturalized, the validity of his papers, and the names of his witnesses who certified to his naturalization, when such witnesses may be dead. Take an unmarried naturalized workman in a large city, whose residence in a boarding-house changes,

may be, frequently, to follow his work, or for any cause. And these Federal police would follow him up as if he were a criminal, covering him with suspicion in every house where he found a lodgment. And these men are to be continued in office for two months.

My friends, that is not an idle provision of this bill. They continue these men as officials for two months in order that by threatening and intimidating the voter in large cities when he is about to vote, and then by having over his head this standing army of spies, threatening to arrest him, he will never vote again in that city, or if he votes against them that the partisan grand jury provided for in this bill shall be made to promptly indict him. That is this meaning of it. [Applause on the Democratic side.]

Now, the whole thing proceeds upon the theory that there is absolute fraud in every naturalization; down in the heart of this bill is opposition to the naturalization laws. It proceeds upon the political theory that the adopted citizens of the United States are not voting the Republican ticket. That is the meat of this portion of the bill. [Applause on the Democratic side.] I say to gentlemen on the other side, to honest, fair-minded men on the other side, if you pass this measure you will not get the votes of a foreign-born citizen of the United States by any such drastic and revolutionary measure.

There is no danger signal certainly that you can fly in their face so repugnant to them as a strong centralized government. They themselves have come to this country as a people to escape from strong governments. They have felt the strong arm of the governments in Europe. They have been ground to the earth by governmental oppression; they dared a grave in the great waste of water to escape the tyranny of such codes and statutes. The adopted citizen took his family and household gods and came into a new land, severing ties that wrung his very heart; he has sworn allegiance to our flag and Constitution, has sworn to maintain for himself and all the inhabitants of this great and blessed land the fullest liberty which is guaranteed by the Constitution, to be of you, and with you, and for you to the death, and you meet him with a revolutionary, dangerous, and drastic measure, which could not be passed in a free parliament in Europe to-day. [Loud applause on the Democratic side.]

Was it for this that Washington ennobled his services in the Revolutionary struggle, when his sword flashed from Lexington to Yorktown, and his principles were enunciated at Mecklenburg? Was it for this that the best blood of his heart made slippery the steeps of Fredericksburgh and Gettysburgh? No, no. I can not believe that you intend to pass such a bill as this in the American House of Representatives. It is a mad thought, born of the night, which will flee from you, I trust, in the sunlight of a fair discussion.

The SPEAKER *pro tempore*. The time of the gentleman from New Jersey has expired.

Mr. MCADOO. I would like two minutes more.

Mr. FLOWER. I ask unanimous consent that the gentleman from New Jersey may be allowed five minutes more.

Mr. BLAND. I ask unanimous consent that he be allowed to proceed without limit.

The SPEAKER *pro tempore*. The gentleman from Missouri asks that the gentleman from New Jersey may be allowed to proceed without limit.

Mr. MILLIKEN. The time consumed to be taken out of the time allotted to that side.

Mr. SPRINGER. The gentleman from New Jersey only wants five minutes.

Mr. MCCREARY. The gentleman from New Jersey says he only desires five minutes. I ask unanimous consent that he be allowed five minutes.

The SPEAKER *pro tempore*. Is there objection to the request that the gentleman from New Jersey be allowed five minutes further time? [After a pause.] The Chair hears none.

Mr. MCADOO. I thank the House very much, indeed, for its courtesy. There is a tinge of humor in this bill. Now, tragedies on the old stage were generally preceded by a bit of comedy. There is a tinge of humor in this bill in the heavy penalty it provides against the Clerk of this House if he shall not receive the certificates of the supervisors as against the certificates of the State authorities. The penitentiary yawns for him; a tremendous fine is imposed on him in case he fails to receive the certificates of a supervisor as against the action of the chief executive of a State.

It is a simple farce; it is meant to give an argument to a partisan Clerk who is to back up this conspiracy or to frighten an opposition Clerk into betraying his conscience. It is to make intact your conspiracy to control the members of this House; that your trembling Clerk here shall refuse to receive the certificate of the honest votes of the people to members who have the sovereign seal of state in their hands. Here stands your trembling Clerk receiving the certificates of the mercenary army of Federal police. When he feels the hot breath of the indignant and outraged American people against his face he points to this clause of the bill which says, "if you do not receive the certificates of the chief supervisor you will go to prison." He says: "I can not do that; I can not go to prison, and I will be fined \$5,000." The idea of having this penalty against a partisan Clerk when he owes

his place to his party! It was simply putting up a barricade against a whirlwind of indignation from the outraged people. [Loud applause on the Democratic side.]

My friends, the American people do not want a powerful government, and I say to my fair-minded friends on the other side of this Chamber that an imperial consolidation under such a bill as this is more dangerous than open revolution against our form of government. Our fathers had been used to contemplate, not the temple of liberty as a resplendent edifice under imperial protection, but the temples of liberty, in the town hall, the county court-house, and the State capitol, and scattered throughout our land as plentifully as the sacred edifices wherein men worship God. [Loud applause on the Democratic side.] These temples were to be guarded by the freemen of the vicinage, sovereign as against King, Parliament, or a Congressional oligarchy in the year 1890.

I ask my fair-minded friends on the other side to vote against this bill. I say to them, abandon this vicious measure. When the lascivious and selfish George II undertook to make himself absolute sovereign of Great Britain by an obnoxious bill for the collection of excise and personal taxes, the democracy of England rose *en masse* against it, and from one end of the country to the other there went a loud roar of indignation. Walpole, the prime minister, in the House of Commons treated this storm of discontent with profound contempt. Cool, collected, undaunted, and determined, he passed from the House after the first division on the bill, walled in by the royal troops and surrounded by colleagues, to save him from the surging masses of angry people who believed that he proposed to subject them to the inquisitorial domiciliary visits of government underlings to extort taxes on all they possessed to fill the coffers of an avaricious, base, and lustful monarch. Walpole, like some of our modern statesmen, having lost faith in the virtue of the people, doubted their courage, and at the next session continued to press the measure to a passage. "The noise of these sturdy beggars," he said, "can not shake me;" and the bill was passing slowly through its different stages, until finally the waters of indignation were let loose, and the hot, furious protest of English freemen from every quarter of the kingdom went up, until the angry waves of popular indignation lapped against the very doors of the Parliament house, and Walpole abandoned the bill, and to secure his own personal safety, not assured even by the presence of troops, disguised in an old cloak he fled from the Parliament of England, crying among the masses of people surrounding the House, "Liberty! Liberty! No excise bill!" [Loud applause.]

By the memory of our fathers; by their principles, their struggles, and their victories; in the name of that humanity who have sworn to have home rule everywhere; by your oath to the Constitution; by your desire for freedom; by your devotion to American liberty; by our common country basking this summer day in the sunshine of peace, fraternity, and prosperity; by your pride in the Commonwealths you represent; by your love of your own people; by your sense of manliness and fairness, I adjure, I beg of you abandon this measure by your votes. Go back with us to the people crying, "Liberty! Liberty! No invasion of the rights of the States; no destruction of local rule; no Federal returning boards; no domiciliary visits; no trampling upon the rights of freemen by an American Congressional oligarchy." [Loud applause on the Democratic side.]

Mr. McCOMAS. Mr. Speaker, as I listen to the invective of gentlemen on the other side, it seems to me that they need to be reminded where we are and what we are.

Ours is a national Government, covering vast territory and 66,000,000 people, a Government which should be as dear to every American as his State government.

State rights should be respected, but the rights of the United States should be equally respected. We are elected to meet here as the representatives of the people of the United States, and not as delegates from each State. The fair election of each of these Representatives in Congress is of vital importance to all the people of the United States. The Government of the United States has at least as much interest in the conduct of these elections as have the State governments.

The Constitution gives power to Congress to regulate the elections whereon its existence depends, a power ample, important, fundamental. A power which in the light of a quarter of a century of experience with the intimidation and frauds practiced at such elections may be necessary to the existence of the National Government.

Let us consider in a spirit of national patriotism, freed from local jealousies, how Congress may safeguard these elections from bribery and corruption, from fraud and violence. Let us not forget that the interest and power of the nation are paramount in defending Congressional elections from intimidation and corruption. The Supreme Court, in the eloquent words of Justice Miller, admonishes us:

If the Government of the United States has within its constitutional domain no authority to provide against these evils; if the very source of power may be poisoned by corruption or controlled by violence and outrage without legal restraint, then indeed is the country in danger, and its best powers, its highest purposes, the hopes which it inspires, the love which enshrines it, are at the mercy of the combinations of those who respect no right but brute force on the one hand and unprincipled corruption on the other.

The government of the great cities under universal suffrage is the

most serious problem of the North and West. The stream of immigration swells the vicious and criminal elements of their population. New York City in the days of Tweed, the corrupt elections of San Francisco and St. Louis in recent years, a repetition of fraudulent elections in Chicago and Baltimore prove that the mass of good citizens in our great cities forget their municipal obligations and surrender not only to local misgovernment, but at the same time surrender the machinery of national elections to corrupt control, to bribery and fraud.

Mr. BLAND. When the gentleman alludes to St. Louis, I wish to state that the Federal courts have jurisdiction of this subject there now, and they are controlled by your party, and you are responsible if frauds are not punished.

Mr. McCOMAS. We will do our duty under the existing law, and have already seen its good effects in punishing election frauds in St. Louis itself, and we will now extend and strengthen the law to which the gentleman refers.

Mr. BLAND. Yes, you want to make it possible for your party to commit all the frauds and never be prosecuted for them.

Mr. McCOMAS. We want to make it possible to punish all such rascality as St. Louis among other places may have already contributed to the annals of corruption and crime in elections.

Mr. BLAND. St. Louis can take care of itself.

Mr. McCOMAS. We want to help to take care of it when it tries by corrupt methods to control seats of Representatives upon this floor.

Mr. Speaker, the Legislatures of the North and West are struggling in every State to save the very States themselves from the corrupt elections in great cities. Shall the National Legislature, partaker in the resulting evils, take no part in the national movement for an honest ballot, an honest count, and an honest return of Congressional elections in the great centers of our suffrage?

But the national law for supervising Federal elections in cities of over 20,000 inhabitants has during nineteen years already done much, and an awakened moral sense will do more, to secure pure elections and the fair return of Representatives in Congress from the great cities of the white States.

This bill, extending and strengthening the national system of supervision of elections of Congressmen, may be more effective there than it can be in the old slave regions, where Congressional election frauds are flagrant and periodical in many States.

The election contests in this Congress locate the Southern evil, and throw a flood of light on its varied aspects.

This House seated the Representative from the Fourth district of West Virginia, Mr. SMITH, who was elected, but the governor of West Virginia shamelessly deprived him of his certificate by deciding that "two," part of the word twelve, as the figures on the returns before him made plain, was an abbreviation for two. Twelve elected him and two defeated him. We righted this wrong by a governor of a State. The Representative of the First district of West Virginia, Mr. ATKINSON, was by the same governor deprived of his certificate. He had a majority of the votes. His opponent demanded a recount. In Wetzel County the returns were held back, and in the court-house, by the assent or connivance of the custodian of the ballots, Mr. ATKINSON's name was scratched off of enough ballots to give Mr. Pendleton the certificate, but we restored to Mr. ATKINSON his seat.

Mr. WILSON, of West Virginia, rose.

The SPEAKER *pro tempore* (Mr. PETERS). Does the gentleman from Maryland yield?

Mr. McCOMAS. For a moment.

Mr. WILSON, of West Virginia. I simply want to put it upon record that the gentleman's statement of the condition of affairs in the two districts of West Virginia which he has mentioned is his own statement, and is not accepted or agreed to on this side.

Mr. McCOMAS. My statement is the finding of the majority of this House.

Mr. WILSON, of West Virginia. It is the finding of the Republican members of the Committee on Elections.

Mr. McCOMAS. It is the finding of the majority of the committee, based on the records of these election contests, and the evidence sustains it most fully and amply. I have not heard my friend from West Virginia [Mr. WILSON] deny that the governor of his State did say that "two," part of the word twelve in figures before him, was a contraction of the word "two." That also is a part of the current history of this House, and I have not heard my eloquent friend venture to disclaim in support of that action of the governor or to deny the fact.

Mr. Speaker, in the Fifth district of Maryland Mr. MUDD was elected, but the certificate, contrary to the actual local district returns, was given to his opponent. Intimidation at the polls, bold and successful in one precinct of Anne Arundel County, largely reduced Mr. MUDD's majority.

In the Third district of Virginia Mr. WADDILL was elected, but at every precinct the judges of election were Democrats, and in large black precincts by indiscriminate challenging, by long questioning to make delay, a great mass of black Republican votes could not be polled. In the First district of Arkansas the conspiracy to defraud a candidate of the Wheelers' and Farmers' Alliances, Mr. FEATHERSTON, who had always been a Democrat, began the work in Crittenden County by driv-

ing out the county officials who were Republicans and could appoint the judges of election, and putting in their place pliant Democrats.

The famous ballot-box with the double slot was introduced here. Finally in the count the Democratic judges of the election in sundry precincts boldly reversed the returns and gave FEATHERSTON'S opponent the certificate; but the House righted this wrong. In the Fourth district of Alabama, Mr. McDUFFIE was given his seat. The judges of election were uniformly Democrats or often two Democrats and one colored man who could not read or write. Everybody was allowed to vote, but after the voting the counting was in the interest of the Democratic candidate, and often the poll-lists were stuffed with names to match the frauds. To prevent challengers outside the window from keeping the tally, intimidation was practiced. Two men were shot and one man was killed at this comparatively peaceful election.

The Committee on Elections have further reported that the contestant, Langston, is entitled to the seat as Representative from the Fourth district of Virginia and find that twice as many qualified voters cast their votes for Langston as were allowed him in the returns. In one precinct were returned 26 more ballots than voters. In several precincts the judges of election shut out the clerks from the room before the ballot-box was ready to receive the ballots of voters.

In the Seventh district of South Carolina the committee have also reported that the contestant, Miller, was elected. They find that frauds in registration were numerous, that many Republican voters were given no chance to register. In several precincts the count was glaringly false. The ballot-boxes of half a dozen precincts were stuffed. By shifting the ballot-boxes to deceive illiterate black voters, by the famous ballot-box system of South Carolina, devised to prevent the expression of the will of the voters under the constitution, 1,000 votes more were gained for the sitting member.

Says Hon. Henry Watterson, a distinguished ex-member of Congress, who writes national Democratic platforms:

I should be entitled to no respect or credit if I pretended that there is either a fair poll or count of the vast overflow of black votes in States where there is a negro majority, or that in the nature of things present there can be.

These are the fresh fruits of a policy of permanent domination of a "white man's party" over the other electors, black and white. This sentiment tends to destroy free government and local self-government in a State. There are other fruits of this one-party policy.

In North Carolina fourteen years ago to nullify the power of their adversaries in counties where they still held majorities this one-party power took away the power of self-government in the State and centralized it in the State Legislature.

In Maryland the scheme to rob Republican counties of local home rule has gradually centralized the power rightfully belonging to the people in the control of officials of the dominant Democratic party.

Democrats who talk about "the people" as the fountain of power, resting it with them and on their shoulders, I call your attention to this one of many instances where this power is being taken from the people. The control of the schools and the appointment of school officers was wrested from the people, where it had been for over a century, and placed in the hands of the judges of the courts. If there be one thing the people can do for themselves it is to select their own school teachers, to levy their own school rates, and by their trustees conduct their own public schools.

The registers of voters have always been appointed by the Democratic governor, and they, his partisans, have power to qualify or disqualify every voter in the State. The only escape was by an appeal to the courts; but the last Legislature have made the appeal of a citizen so difficult that we, the citizens of Maryland, hold our suffrage to-day at the mercy of one partisan of one party.

Mr. HOPKINS. Do I understand the gentleman to say that in Democratic Maryland the people do not have the privilege of electing their own school trustees?

Mr. MCCOMAS. They do not, sir. We have been robbed of it by this "people's" party, who would rob the people of the power of local self-government and home rule.

Public sentiment, goaded by a sense of frauds in elections, demanded an Australian ballot law. The last Democratic Legislature gave some sort of Australian ballot law, but deftly cheated the people by robbing the counties of their right of self-government, by robbing the people of the counties of the right to choose their own judges of election. Where is my eloquent friend from New Jersey [Mr. MCADOO], who has just talked of that right of the people as an inherent personal right?

Mr. HERBERT. Will the gentleman permit me to say that this bill authorizes the sending of supervisors who are to be the judges of election from any one point in the district to another to be the judges of election in counties where they have never set foot before. Does the gentleman justify that on his plea of home rule?

Mr. MCCOMAS. I tell the gentleman that when the people at home are robbed of the right to judge of the election of their local officers, and that right is placed in the hands of a partisan governor, it is a good time for the Federal judiciary, non-partisan, holding their offices for life, to be possessed of the power under some law to put men to watch the actions of such partisan officials, and that they may not take away honesty in national elections when they take from the people the power

of local home rule as has been done in Maryland. [Applause on Republican side.]

Mr. HERBERT. But the judge can appoint no supervisor under this bill who has not been recommended by the chief supervisor. That chief supervisor is himself a partisan, and he has authority under this bill to send local supervisors into distant counties to control the elections—counties where they have probably never set foot before. Now, is there anything like that in Maryland?

Mr. MCCOMAS. Why, it is far worse than that in Maryland. This supervisor can not affect their State elections. In Maryland the power is taken from them to judge of their local election officials, which they have enjoyed since the year of the national declaration of independence.

Mr. HERBERT. And this bill takes it away from them.

Mr. MCCOMAS. This bill does not touch the State elections. This deprivation of the liberties of the people of their essential rights is more monstrous than any declamation that he can make against the provisions of the pending bill. This bill recognizes the right of the people to determine their local affairs. That right is taken from the people of Maryland, the right to supervise the election of their county commissioners, carrying with it the control of the public roads and bridges, the assessment of local taxes, the levies for school purposes. They are further robbed of the right to supervise the control of the election of judges of the probate courts, the men who care for the estates of the people, the interests of the widows and orphans of Maryland, as well as the election of their prosecuting attorneys and the discharge of the duties imposed upon them of maintaining the public peace in the counties, and along with it the election of sheriffs in the counties of Maryland. This power is transferred from the people, who have never abused it, and centralized in the hands of the governor at Annapolis, who will now be the head of a State supervisor system which will soon breed corruption worse than ever before.

Mr. HERBERT. But the gentleman from Maryland has not answered the question I asked him. Does the Maryland law authorize the sending of the judge of election from one county into another to supervise the election, as this bill does?

Mr. MCCOMAS. Why, have I not just shown you that it does ten times worse?

Mr. HERBERT. But does it do that? Is there any case under the law of Maryland in which the judge of election can be sent from one county into another to judge of an election in a distant county where he never set foot before? I would like to have the gentleman answer "yes" or "no."

Mr. MCCOMAS. And I have told you it does much worse than that; and what confidence can a Democrat have in rising on this floor in his place, in a national Congress, to complain that we in Congress guard our right to national self-government in the very year when I recount to him how the people of Maryland have had taken away from them the right of local self-government in the supervision of local elections in their local affairs, which they have held unquestioned since the very foundation of the Government?

I am just informed by my friend from Illinois [Mr. ROWELL] that in South Carolina they have, under the State law, a right to send inspectors or supervisors from precinct to precinct; and I commend to my friend from Alabama to study the South Carolina law with its peripatetic inspectors.

Mr. HERBERT. But will the gentleman not admit that it is proposed to do much worse by this bill, where you propose to send an officer from county to county?

Mr. HOPKINS. This bill simply follows Democratic precedents.

Mr. MCCOMAS. I have not heard my friend from Alabama utter any condemnation of the deprivation of the people of North and South Carolina and of Maryland, or of other States, of the right to home rule. He is silent, and all of you are silent, when the people are robbed of the very life of home rule.

In Virginia the system of elections has been recently centralized, apparently to encourage corrupt officials to make corrupt election returns. The State canvassing board consists of five members, all Democrats. The one hundred and twelve electoral boards of the counties and cities are all Democrats, named in a Democratic caucus and elected by one ballot in a secret caucus by a resolution of the Legislature. These men appoint all the registers and judges of elections, and are all the creatures of a partisan Democratic legislative caucus.

Think of it! The people have no voice in the selection of those who record their will. And then you say of this as a contrast, "How bad is the supervisors' system." In answer to that I will read for the benefit of the gentleman from Alabama the testimony of Hon. William C. Whitney before the Cox investigating committee in 1877. I will show you what good came from a supervisor going about from election ward to election ward to watch a Democratic election in New York City. Hear him:

Q. Do you believe that there was any fraudulent or illegal registration?

A. I do not imagine that there was any worth speaking of. There is, of course, an uncertain element in this registration, but Mr. Davenport takes that, and goes throughout the city and ascertains whether it is legal or illegal. He has a large force employed in that duty, and he has the material with which to do it effectually, because he has done it for a number of years previously, and he has the city all indexed, and when he starts out he knows who used to live

in every house. He has got all those facts on his books; in fact, the whole city is spread out before him as if it were on a map, and he is able to eliminate the cases where a man has registered for the first time from a given house within the last year or two years, which are cases where fraud, if there be any, is most probable. After he has gone through the list he finds, perhaps, two or three thousand people who possibly may have fraudulently registered. The uncertain element in regard to that two or three thousand is this: Perhaps out of that two thousand there are not more than two hundred and fifty persons who come to the polls and whose cases are investigated. The other seventeen hundred and fifty cases may or may not be fraudulent. Aside from the element that keeps away from the polls, I think that the election is as honest as we can get it.

Q. The list is corrected and revised and purged before the election?

A. Yes, sir. Mr. Davenport will explain to you how carefully he goes over the registry. I am entirely familiar with the system that he has put in operation, and I think it is very thorough, and if a man succeeds in getting through that system and voting when he has no title to vote he is pretty smart.

Q. You think that the supervision of the election under the system of Mr. Davenport has had the tendency to prevent illegal voting and to give a fair election?

A. I think it has—yes, sir. . . . I know that I have heard Mr. John Kelly since [the election] express to the organization with which he is connected, and in one place and another, the same opinion I have expressed here—that Mr. Davenport has been a very important accessory in preventing fraudulent voting in New York City.

Sir, the complaint seems to have been that this supervisor went from place to place, but he found out the evil and the fraud and the wrong; and that distinguished Democrat seems to have approved his going about from place to place, and finds that he has purged the lists, has promoted justice, advanced the purity of elections, and commends him for it, and says that John Kelly, the chief of Tammany, did the same thing.

Mr. HERBERT. Those supervisors were supervisors merely and never did more, but the supervisors under this bill have the power to receive the votes, to count them, and they are judges of election, and they are the officers who are to be sent under this bill from one county to another, into the most remote parts of a Congressional district.

Mr. McCOMAS. If the gentleman will read the law he will find that the old supervisors and these supervisors have the same power of counting the votes.

Mr. HERBERT. The old supervisors had no power to make returns at all.

Mr. McCOMAS. They had the power to count the votes.

Mr. HERBERT. Simply to supervise, that is all.

Mr. McCOMAS. The gentleman must be accurate. He stated that these supervisors will have the power to count the votes. I say the old supervisors had the same power to count the votes.

Mr. HERBERT. But these supervisors under this bill will have the power to make the returns upon which the certificates are made, and this bill provides that they may be sent from one part of the district to another, however remote.

Mr. McCOMAS. And that I will discuss later on, and if the gentleman will give me his attention I will show that it does not deprive the State of any State right or power with respect to those elections. But I do not care just now to be diverted from the course of my remarks.

Mr. TILLMAN. Mr. Speaker, will it interrupt the gentleman too much if I ask him a question?

Mr. McCOMAS. I yield for a moment only.

Mr. TILLMAN. I understood the gentleman to say just now, perhaps on the authority of some other person, that in the State of South Carolina supervisors of election are sent from one county to another, or from one precinct to another.

Mr. McCOMAS. I have been so informed.

Mr. TILLMAN. I beg him to give his authority for that assertion. Let him point out the law; for I never heard of any such thing.

Mr. McCOMAS. I will endeavor to look into it.

Mr. ROWELL. I will state the fact that in the Seventh district of South Carolina, at the last Congressional election, the precinct inspectors of one precinct came from another Congressional district and held the precinct election.

Mr. TILLMAN. By what authority; where is the law?

Mr. ROWELL. They did it; and they were Democrats, every one.

Mr. TILLMAN. Where is the law?

Mr. McCOMAS. It seems to have been a fact.

Mr. TILLMAN. Vouched perhaps by perjured testimony. I am sorry the gentleman can not point out the law.

Mr. McCOMAS. All the Democrats of South Carolina are not like my distinguished friend. When an election is to be carried all of them do not inquire "Where is the law?" but they only search to find out where they can get the results. [Applause on the Republican side.]

Mr. TILLMAN. I do not like to hear my State slandered and the existence of laws alleged to be of force there that are not of force and never have been of force and never will be, with our consent.

Mr. McCOMAS. I will say to the gentleman from South Carolina [Mr. TILLMAN] that I have read that "eight ballot-box" law, and read the testimony in the case of Smalls vs. Elliott, in the last Congress. I think that some of the men who have assembled in the State Legislature of South Carolina have so foully slandered his State by such an act and calling it a law that all his eloquence can not wipe it out.

Mr. TILLMAN. Sir, the eight ballot-box law which you criticize

so severely was the election law of South Carolina from shortly after the Revolutionary war down to the civil war, and we merely re-enacted it since the Democrats recovered control of the State.

Mr. McCOMAS. So much more the shame and pity of it. So much more the reason that for twenty-five years there has been no progress from the patriarchal, patrician, plantation government, in the direction of the interests of the rights of all the people.

Mr. TILLMAN. Sir, that law was simply a practical educational qualification of suffrage and nothing more. Besides our Federal elections are held separately and apart from State elections, so that we have but one Federal box on off year, and but two Federal boxes a Presidential year. Hence, there is no excuse for this bill as far as South Carolina is concerned.

Mr. McCOMAS. I am glad to see that many of the good citizens of South Carolina are restive under such a law, among them a distinguished gentleman bearing the same name as the gentleman from South Carolina. I am glad to see that they are in upheaval and uprising against the oligarchy that has so long controlled and perpetuated some of the worst laws on the statute-book and a minority rule in that State.

Mr. TILLMAN. If that be true, why do you seek to bind our decent white people together by chains, or rather why do you propose to pin us together with bayonets, as in this bill?

Mr. McCOMAS. I say that there is no bayonet in this bill. It upholds simply the power and dignity of the courts, trial by jury, the majesty of the law, and the Constitution of the country.

Mr. TILLMAN. You simply propose to put the judiciary above the legislative authority of the Government, which is in violation of every principle of civil and constitutional liberty that prevails wherever the English language is spoken. [Applause on the Democratic side.]

Mr. McCOMAS. I can not yield for a speech; but in answer to my friend I will say when legislative power takes from the people the inherent power of local control and self-government, it is time to invoke some power under the Constitution of the country that may stand between the machinations of partisan legislators and of a partisan and violent oligarchy and the rights of the plain, humble people, the people whom Lincoln loved, and fairness and justice to these demands and the Constitution requires that they should be protected.

Mr. TILLMAN. That is, you propose to take the power from the people and put it in the hands of one man, a judge, who ought never to have power to exercise control over an election.

Mr. McCOMAS. I can not yield to the gentleman for a speech. I yielded to him for a question.

Mr. TILLMAN. I ask the gentleman to give me a moment more in order that I may say to those gentlemen who are about to inaugurate this most revolutionary measure—

Mr. McCOMAS. I can not yield longer to the gentleman from South Carolina.

Mr. TILLMAN. I tell the gentleman to lay no such flattering unction to his soul as that the present local agitation among Democrats in South Carolina will affect the result there so as permanently to injure the Democratic party, especially as long as the Republican party shall pass or attempt to pass such bills as this.

Mr. McCOMAS. I have not time to yield further to the gentleman from South Carolina. Nothing but the strong hand of a centralized power will overcome the abuses in not permitting the honest people of a State to have their voice expressed. I have not laid such flattering unction to my soul at any time as that the farmers of South Carolina can unhorse that oligarchy.

Mr. TILLMAN. Nearly every decent white man in South Carolina is a Democrat and will so remain till you cease trying to put white men under negroes. [Applause on the Democratic side.]

Mr. McCOMAS. If he were not, you would drive him out. I have not further time to yield.

I will not weary you by recounting the other old slave States which have taken home rule away from the people to secure a pure white man's government and exclude the blacks. While the National Government has been sitting idly by, all over the South has occurred a reactionary movement toward the medieval restrictions of slavery. By "the South" I mean every State wherein until the war slavery poisoned its institutions and generations yet living grew up within its leprous contact.

Fourteen years of white supremacy in these States with the white man's party in full control have passed, and these State governments are as far from pure government as when they began.

This exclusion of the blacks has entrenched corruption everywhere when in power. And one of the ways by which this people's movement will be overcome in the South and will have to give way to fraud and corruption there is, they will say, "You must endure all these ills, for lo, there may come a black man's supremacy, and all these efforts by the white population is oppressive to all laboring men, white or black."

When free government was sacrificed to get pure pure government by the whites the policy of repression of the black man led to oppression of all laboring men, white and black, to a crop lien system for landholders and merchants, the "anaconda mortgages" on the toil of tenant farmers, to the convict lease system, at war with healthy labor.

Within a short period the treasuries of half of the States of the South have been plundered by defaulting State treasurers—by Vincent, of Alabama; by Polk, of Tennessee; by Tate, of Kentucky; by Burke, of Louisiana; by Nolan, of Missouri; by Hemmingway, of Mississippi, just convicted; and by Archer, of Maryland.

Mr. McMILLIN. Why did you not include Howgate?

Mr. MCCOMAS. Was he a State treasurer?

Mr. McMILLIN. No; but he was a Government official.

A MEMBER. And Silcott.

Mr. MCCOMAS. The gentleman had forgotten Silcott. He was not a State treasurer, but our Democratic treasurer in this House.

You may compare the corruption of the carpet-bag governments, when the blacks were in the thick gloom of ignorant citizenship; when the recklessness and adventure which follows in the track of war bred corruption; when the intelligence of the South bitterly fought all governments and helped none—you may compare those feverish governments, built on the hot embers of reconstruction, with the appalling defalcations of the treasuries of so many States upholding the government of the white man's party unobstructed during fourteen of the best of years of peace and good-will.

Which of them is the more disheartening failure? Surely, the failure of the white man's party government is abject. Minority rule is corrupt rule. "Letting politics alone" degrades the subjugated mass in the South and corrupts the ruler. Suspension of citizenship makes this black mass serfs, not freemen. But the upper strata are degraded, too, constrained to vote for bad men rather than imperil the white man's party. The white youth are taught to give up truth and right for this policy, to wink at violations of law in order to uphold white domination. We have been told on this floor that the lower black mass does not care anything about government. But they have gained \$150,000,000 worth of property. One million of their children are enrolled in colored schools; still another million of their children of school age are knocking at school doors wherein there is no room for them. Crops raised by their labor in 1889 reached \$900,000,000 in value. Thousands of them have risked their lives to vote. So familiar is their ardor to cast a ballot that shotguns and cannon resound on election mornings more than once to affright them from the polls.

They were born Americans, they will live Americans, they will die Americans. It is not a supervisors' law, but the enfranchisement of these black Americans that holds the South united and compact.

It is this claim to civil and political rights, the full measure where-with the Constitution clothes them, which is resisted at the Southern ballot-box. Therefore it is not only the ballot of the negro which is not counted, but also the ballot of the white man whose creed is that the negro's ballot should be counted.

These things have turned the tide of immigration from the South.

You may speak of Birmingham, Anniston, Roanoke, and Chattanooga. I rejoice with you in this new South of coal and iron, of cotton mills and railways. I welcome the tidings of each new furnace and factory and town, the coming of Northern capital and Western booms.

But I grieve that only 15 per cent. of the lands of the South are cultivated; that fewer and fewer northern-born white men go South, where the green and tender bosom of the virgin earth, fruitful with myriad golden harvests unborn, welcomes and requites toil, where the frosts do not blight, where the winds are never fierce, where the waters love to flow in broad rivers, where forests are measureless by man, where the skies are always kind. I am sorrowfully convinced that it is a love of a broader freedom that induces the American farmer to carry his sons to trench and irrigate the parched desert, to face cyclones, brave arctic weather, to dwell under wintry skies, rather than populate our favored land, where the dignity of labor is dishonored by the repression of eight millions of laboring people, haply because they are black.

The American-born immigrant carries freedom of thought and action, carries citizenship and sovereignty with him wherever he goes. The land that allures him to abide in it must secure him in the exercise of these rights.

It is the white man's government of the South that repel the vigorous youth of the North. Many of the best men of the South are convinced of their failure, the indifferent millions of the North and West begin to be dimly conscious that by the supremacy of the white man's party in the black States the nation is unduly controlled. The tide of race prejudice overflows the borders of the black States. Its waves reach this capital and rise higher to yonder Speaker's chair. The triumph of white minority rule in the black States is the suppression of majority rule in the national House of Representatives. The Southern white Democracy counts the black man decisively in 40 representative votes on this floor.

"That a government whose most numerous and powerful branch of the Legislature is elected by the people directly has no power by appropriate laws to secure this election" from such fraudulent control "is a proposition so startling as to arrest attention."

This bill only proposes to supervise in part the election of Representatives.

The certificate of such an election is the apex of a pyramid. Its base is on the shoulders of the voters of a Congressional district. The

certificate depends on the correct canvass of the returns; correct returns depend on the count of the ballots at an election whereat votes are fairly cast free from bribery and intimidations. The election after all depends on the registration, where registration is required. The registry must include all qualified and exclude all disqualified citizens, else it predetermines the election even though the registry be fair and full; the result finally depends on the Congressional district which may be distorted in population and territory to stifle the fair expression of the people's will.

The bill now proposed does not effectually supervise the registration; it does embrace the balloting, the canvass, the return, and the certificate.

The State officials register the voters, conduct the election, receive and count the ballots, make returns, and certify the Representative-elect. The Federal supervisor does not interfere with the State machinery nor trespass on the count of the votes for candidates for State or local offices. The Federal supervisors only duplicate the count of the State election officers when counting votes for Representatives in Congress. This double count and this double certificate tends to defeat fraud. This added publicity gives confidence in the result and will decrease contests for seats in this House.

This double canvass and certification will secure confidence in the expression of the people's will in districts where the elections are of bad repute. If the State certificate and the national canvassing board's certificates differ, it is necessary, logical, and constitutional that the national certificate should prevail. If they agree, the title of the Representative is surely unclouded. This extension of an old law can not defeat justice; it may secure it.

The responsibility of suffrage in the United States is so high, whether performed by white or black, that it may well be jealously guarded by the State and nation. This Federal supervisor system is lodged in non-partisan hands. The Federal judges have earned the general confidence of the whole people.

Mr. PEEL. Will the gentleman permit a question?

Mr. MCCOMAS. If it is on this point.

Mr. PEEL. I want to ask the gentleman one question. I put it to him in all candor and I ask him to give me a frank answer. If the circuit judges of this country were all Democrats instead of Republicans would the gentleman vote for this bill?

Mr. MCCOMAS. I would dishonor myself if I did not vote for this bill with honest judges on the Federal bench, of high character and good record, without regard to politics. If I did not, I should feel that I was not a patriot, or a lover of my country or of honest elections. [Applause on the Republican side.]

The circuit courts, some of whose judges are Democrats, the circuit courts next in rank to the Supreme Court itself, are the fountain of this power. These judges hold office for life and have no human temptation to appoint any but fair and honest supervisors.

The expense of this system has been grossly exaggerated in this debate. The system is optional with the people of each district. It may be conceded that if each of the 330 districts demanded it the expense would be five millions or ten millions; but if only one-fifth of the districts apply it every two years the outlay would not exceed a million dollars annually; and a free people will not too closely count the cost of an election if it be pure. This supervisors' system has stood the test of twenty years. Honest Democrats have more than once looked to it with satisfaction and hope of relief from fraudulent State machinery.

The extension of this system now proposed if adopted will gradually gain the public confidence. It awakes, as I said before, no fears of blue uniforms and gleaming bayonets at the polls.

It appeals for support to an awakened public conscience demanding fair elections. It appeals to public opinion to judge it by its results. It rests on the power of the courts of law and juries of the people. Against tissue ballots, against false counts, against ballot-boxes with false slots, against night-riders and the shotgun policy, against intimidation and assassination, we array the dignity of the courts, the majesty of the law and the power of the Constitution to assure justice and the full measure of political justice to all men, white and black. [Prolonged applause on the Republican side.]

Mr. SPRINGER. If the gentleman has any time left I wish to ask him whether he thinks it is in the interest of honest elections to allow one political party to appoint an unlimited number of its own agents to supervise those elections.

Mr. MCCOMAS. This bill effectually and carefully provides for men of opposite politics, and avoids the evil which exists in the State governments where Democrats at the head and Democrats at the bottom control the election entirely for partisan purposes.

Mr. SPRINGER. I speak of the deputy marshals. There is no limit in the bill to the number of them that may be appointed.

Mr. MCCOMAS. The United States courts appoint the supervisors. This is a supervisor system, and not a marshal system. And I will say to my friend that while he is so earnest and strenuous in talking about these matters, it would be very refreshing to hear him or some other distinguished Democrat on this floor express a single aspiration for some method whereby the suppressed ballot of a whole race should be received and counted fairly. My friend declaims against this bill and

against "Federal interference" because he professes to fear that it will work injustice to a particular party; but if he could only combine with his speeches upon that subject the expression of some aspiration for human rights and that fair play which the white race, to which he and I both belong, really loves, it would adorn his speeches and dignify his opposition to this bill. [Applause on the Republican side.]

Mr. SPRINGER. I will tell the gentleman where my remedy for fraud is. It is with the people who hold the elections; and if you can not find it there, then self-government is a failure.

Mr. MCOMAS. The gentleman says his remedy is with the people who hold the elections. My remedy is, under God, in the love of human justice, with the people who have the power to control their elections in State affairs to make them pure by State machinery, and as to the election of national Representatives, by Congressional power exercised for purity in the election of Representatives upon this floor.

Mr. BLAND. The gentleman from Maryland is a member of the Committee on the District of Columbia.

Mr. MCOMAS. I am not.

Mr. BLAND. You were some time ago.

Mr. MCOMAS. Six years ago.

Mr. BLAND. Why did not you report a bill to give the ballot to the colored people of this District?

Mr. MCOMAS. Why did not the gentleman introduce such a bill and put it before the committee that he might have reported when his party was in power?

Mr. BLAND. Your party took the ballot away from the colored people of this District and put them under the ban of Federal legislation, and you know that you are insincere in your professions of a desire to secure them the ballot.

Mr. MCOMAS. I can not yield for a speech, but I will reply to the gentleman from Missouri. When he stands up on this floor and affects an interest in the right of suffrage for 8,000 black voters in this District, dedicated to the National Government as its seat and under its control, when he affects an anxiety about the suffrage of these people, when I remember that during his service in this body, which has been twice as long as mine, he has never raised his voice in behalf of the poor oppressed black men of the South, and when he now passes by over eight millions of black people in this country, who are oppressed and whose ballots are suppressed, and begins to talk about the eight thousand colored people in this District treated as the whites have been, I say to him in the language of Scripture: "Thou hypocrite, cast out first the beam out of thine own eye, and then shalt thou see clearly to pull out the mote that is in thy brother's eye." [Applause on the Republican side.]

Mr. BLAND. It is the beam in your hypocritical eye that I am after. The question is not about my record, but about your hypocrisy, and I denounce you all as hypocrites. [Applause on the Democratic side.]

Mr. MCOMAS. I, too, will do some denouncing, Mr. Speaker—

Mr. BLAND. It is your hypocrisy I am after. My record has nothing to do with it, but your party is an organized hypocrisy; and there are some of the colored people in the gallery looking down upon you now from whom you took away the ballot. [Derisive laughter and applause on the Republican side.]

Mr. MCOMAS. I will make further answer; and I will denounce your own unfairness, because—

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. MCOMAS. No, sir; I have two minutes yet. I want to take one minute to answer the gentleman from Missouri in my own time. I want to say to him that here in this District the white and the black men are treated alike. I denounce you and those like you, because in the Southern States you do not treat the black men and the white men alike. [Cries of "That's it!" and applause on the Republican side and in the galleries.]

Mr. BRECKINRIDGE, of Kentucky. I rise to a question of order.

The SPEAKER *pro tempore* (Mr. PETERS). The gentleman will state it.

Mr. BLAND. In reply to the gentleman from Maryland— [Cries of "Order!"]

The SPEAKER *pro tempore*. The gentleman from Kentucky has risen to a question of order, and will state it.

Mr. BRECKINRIDGE, of Kentucky. Yesterday afternoon the Speaker gave fair notice that if the disgraceful proceedings which had marked the conduct of a portion of the gallery should be repeated he would order the galleries cleared. I think the time has come when either the House should be free from the clamor in the galleries, or the Speaker should take such steps as will prevent the repetition of it.

Mr. MILLIKEN. I agree with the gentleman from Kentucky; but I am sorry the galleries find their example in the House.

Mr. BRECKINRIDGE, of Kentucky. I will not answer that remark of the gentleman from Maine, because I do not desire to seem to censure any of my colleagues on the floor. That is a question I leave to the gentleman from Maine. But I think all of us may unite in desiring that our proceedings here shall be free from interruption by the clamors of the galleries.

Mr. ALLEN, of Michigan. May I be allowed one inquiry?

The SPEAKER *pro tempore*. The Chair will state, in reply to the point of order of the gentleman from Kentucky, that the galleries should not be allowed to applaud or to give expression to any sentiment with reference to the proceedings in the House; and such expressions must cease entirely. Persons occupying the galleries are there by the courtesy of the House, and they must remember where they are.

Mr. DOCKERY. The Chair is right.

The SPEAKER *pro tempore*. The Chair desires further to say that it will greatly facilitate the maintenance of order in the House if gentlemen who desire to ask questions will first address the Speaker and through him secure permission from the member on the floor. It is impossible for the Chair to preserve order unless this rule is observed.

Mr. MILLIKEN. Will the Chair allow me one remark? [Cries of "Regular order."] The regular order is called for.

Mr. CUMMINGS. Mr. Speaker, John Wilcox, a renowned Republican statesman of California, once said, "The time has come when I feel that my duty to the people requires me to rise above principle for the benefit of my party." This sentiment seems to be the underlying principle in this bill.

Popular government is certainly impossible without local rule. Home rule is the tap-root of our political system. Upon it the Republic has grown. Take it away and you sap the system. You imperil its life. Tyranny gets its first foothold when this principle is interfered with. Interference with it is justified only in extreme cases and where it fails to operate. Even then it is doubtful whether the evils which spring from interference are not greater than those it seeks to correct. The struggle for free government has been a long one, and free government means local rule. Those who undertake to patch what they are pleased to call its defects assume a terrible responsibility. They open a gateway through which the evils of misgovernment may march in squadrons.

In times of great party excitement the temptation to do something to maintain party supremacy is very great. It requires the coolest judgment and the most supreme philosophy to resist the impulse. Those who have resisted it in times past have almost uniformly proved themselves public benefactors. It is easy to go with the current, but sometimes you must stem it to escape the rapids and the fearful plunge of the cataract.

No man can admire more than I the ability of the author of this bill. While his views are always very positive, his expressions are almost uniformly temperate. I have never before known him to fail to give some sound philosophical reason for his legislative action—something universally applicable to all times and all places. No man can regret more than I his descent from this high plane of statesmanship. Yet it is plain to me that in this instance he has done so. He does not pretend that there is a necessity for this measure in his own district or in his own section; yet nowhere does political excitement run higher, and nowhere in the Union is it liable to employ more exceptional methods.

What would be said if some member arose here and declared that the artisans of Lynn and the scholars of Cambridge and of Boston required primary Federal judicial supervision? We can easily fancy with what derision a proposition to appoint a committee to draught a bill for such a purpose would be received. But why not for Massachusetts as well as for South Carolina and Georgia? All three were of the old original Thirteen. Is not the representation from South Carolina and Georgia as good as that from Massachusetts? Are not the Representatives as freely sent and as ready to act in the one case as in the other?

The Speaker of this House, sometime before the adoption of the present infamous rules, assumed to determine the motives of the gentleman from Georgia [Mr. CRISP] in making a motion. Is Massachusetts to determine the motives of Georgia in sending her delegation to this House? In times past Massachusetts has been charged with political wrongs and political crimes in comparison with which those now charged as the basis of this bill are almost virtues. When George S. Boutwell was first a candidate for governor of that State the manufacturers of Lowell placarded the doors of their factories with a notice to the effect that those of their workmen found voting the Democratic ticket would be discharged.

This notice was to white men. No alleged shotgun policy, no tissue ballots, no false returning boards, ever showed such craft or insouciance. Yet Massachusetts has cured herself, and without the aid of a Federal election law. Who does not believe that such a law would have stimulated and have prolonged the disease instead of curing it? Massachusetts has had many revolutions in moral and political sentiment, and it is gratifying to say that they have usually improved her appearance. Imagine, if you can, the amazing change that occurred between the time when rum and negroes were twin commercial articles with her, and the time when she sent her first colored regiment to the war of the rebellion as equal citizens and soldiers. And this she accomplished herself, without Federal interference of any kind.

Her improvement is indeed wonderful. Go down to Salem and search the records. You will find there an original warrant for the execution of a woman convicted of witchcraft. More than this, Sheriff Corwin's

return is indorsed thereon, announcing that the sentence was carried into effect. Nothing so abominable has been alleged against the section at which this bill is aimed. Yet Massachusetts has cured herself, and these things are now as abhorrent to her sons as they are to the rest of mankind.

The charges upon which this bill is founded are denied upon authority at least as respectable as that from which they come. Nobody denies what occurred in Massachusetts. But admitting, for the sake of argument, that the charges against the South are all true, is she not as capable of self-cure as Massachusetts? Our national prosperity proves that the State and the nation are in perfect health. Then why apply this red-hot iron to reopen a cicatrized sore?

This bill is entitled "A bill to amend and supplement the election laws of the United States and to provide for the more efficient enforcement of such laws, and for other purposes." It ought to be entitled "A bill to perpetuate negro supremacy and the domination of the Republican party in the House of Representatives." We virtually have negro supremacy now. The pivotal States voting for Harrison were carried by a solid negro vote. The Republican party rode into power with them and hitched them outside. And there they are today, championing their bits, stamping their feet, and switching their tails; without hay, without oats, without even water.

Talk about frauds in elections. Republicanism has long been a synonym of fraud. Its record in Louisiana, Florida, and South Carolina in 1876 was a record of fraud. Its record in Montana last year was one of fraud. Its record in this House is a record of fraud. To accomplish its aims and purposes it has recently turned out among others a Democratic Representative from his seat who came here backed by over 13,000 majority. It was done without a particle of evidence that would prevail in any other tribunal. The same body that perpetrated this outrage at the wink of party necessity now proposes to enact this bill into a law with the votes thus stolen. "Surely," in the language of John Wilcox, "they feel that their duty to the people requires them to rise above principle for the benefit of their party."

The bill bears the imprint of fraud. It is sprung upon the House at a moment's notice. It is being driven through it with whip and spur.

Look at it! Seventy-three pages of print—17,034 words—exactly 13,000 more than in the Constitution of the United States. Months were used in the discussion of that measure, and years elapsed before it became a binding instrument upon all the States. This measure, contradicting the entire spirit of the Constitution, and nearly five times as long and far more abstruse in terms, is to be rushed through this House within six days, with the power of substitution confined to its author alone.

The people are to be gyved before breakfast, before they are fairly awake to the enormity of the crime about to be perpetrated. There is no pretense that a majority of them would sanction the enactment of such a law. If it could be submitted to a popular vote it would be sent to perdition, where it belongs, by an overwhelming majority. Not a State in the Union would tolerate it. It is a desecration of the structure framed to protect individual, municipal, and State rights. Yet the strong hand of the Speaker of the House is evoked to squeeze from the Constitution the alleged power to enact it into a law; and this within a few hours after its birth. Why, the ink with which the bill is printed is hardly dry; the dampness has scarcely left the paper. It was launched upon the world with such haste that the report of the minority is not even bound with that of the majority. The majority report was given out only three days and the minority report only one day before the bill was taken up. The people know nothing of its details. Only a single copy of the measure has been allowed to each Representative.

I venture the assertion that no member of Congress who faithfully performs his duties toward his constituents has had time to read it; he certainly has not had time to either digest it or give it even superficial consideration. It is doubtful whether a tenth of the members of this House have carefully read the bill; yet they are forced to a vote upon it with hardly time to enter a protest.

The measures taken to drive it through the House are fully as infamous as the bill itself. They, like the bill, are dictated by party exigencies alone.

There is no sincerity in the measure. The Speaker himself admits it in an article written for the North American Review of June. Now there is no cant or humbug about the Speaker of this House. He has the nerve—if not the cruelty—of Oliver Cromwell. He "talks right out in meeting," and with a rich nasal twang. Like his friend John Wilcox, he evidently "feels that his duty to the people requires him to rise above principle for the benefit of his party."

In the Review he speaks in no uncertain tone. He assumes as an admitted fact that the negro vote of the South is suppressed by intimidation. To this, so far as the States are concerned, he offers no objection, but seems to suggest that it is highly proper. He sees no reason why the barbarians, alleged to be driven from the State ballot-box in the interest of civilization, may not be freely admitted to the national ballot-box in the interest of Republican domination in this House. He consents that the negro shall have no share in the control of his own home government, but asserts the right of the Republican party to

have his vote counted in its favor at Congressional elections. He tolerates negro proscription for State purposes and denies it when the domination of his party is at stake in the House.

This is politics on the color line pure and simple. Could the illustrious John Wilcox himself ask for more than this?

The Speaker's line of argument is so ably answered by another Republican who disagrees with the doctrine, that I can not forbear incorporating it into my speech. It is from the columns of the Sun, from a Republican who sustained all the reconstruction measures:

[From the Sun of June 15, 1890.]

SPEAKER REED AS A PACIFICATOR—HIS PLAN FOR UNITING THE SOUTHERN DEMOCRATS AND NORTHERN REPUBLICANS.

WASHINGTON, June 15.

There is no cant or humbug about Hon. THOMAS R. REED, of Maine, Speaker of the House of Representatives. To borrow a phrase from the Down-easters he so well represents, he "speaks right out in meeting" whenever he has anything to say. No one will deny this after reading his article in the North American Review for June on "The Federal Control of Elections." Mr. REED is a shining light in his party, and is perhaps as largely interested in its continued ascendancy as any man in the land. He is from a State which has furnished a candidate for the Republican Presidential nomination in every national convention of that party since and including that of 1876, and is himself regarded by men of all parties as a sound and first-class piece of Presidential timber. As the sunset of political life gives mystical lore to the Sage of Augusta it is probable that he sees the portly form of his successor in the Speaker's chair, like a coming event, casting its shadow before, and hears the gleeful shouts of thousands of throats as the chairman of the next Republican convention announces that THOMAS R. REED, of Maine, is its candidate.

Of course, Mr. REED understands the importance to him of remaining in his present post of influence and power for another term. Hence his anxiety to secure a Republican majority in the next House of Representatives. He sees before him every day the very narrow Republican majority in the present House and realizes that even for this his party is greatly indebted to the tariff letter of Grover Cleveland and to the rub-a-dub enthusiasm incidental to Presidential campaigns only. With the able national committee resting from its labors and frying no fat, and with a Congressional committee, the chairman and secretary of which have quarreled and separated over the cost of a few chairs and tables for which the chairman says it can not pay, the outlook would be dismal indeed if there were no new political fields to work.

Right here the genius of Mr. REED comes in play. He will repair the waste places of the South, and Republican Congressmen shall come up from regions long since given over to darkness and Democracy. The plan upon which he would have this done is entirely original, and is set forth with charming frankness in the Review article referred to. He first assumes it as an admitted fact that, in violation of the Constitution of the United States and of the law of the land, the negro vote of the South is suppressed by "intimidation with shotguns and mobs," or neutralized by "stuffing of the ballot-boxes," and "systematic falsification of returns." He admits that the motive underlying this policy is a desire to save the Southern States from negro domination, and to that he not only offers no objection, but virtually commits himself to a policy of Federal non-interference.

"But," says Mr. REED—and here he begins to develop his plan—"this justification does not in the least touch the subject of Federal elections. Every Southern man knows that there is no possibility of negro domination in the United States." He sees no reason why the barbarians who have to be driven from the State ballot-box in the interest of civilization may not be freely admitted to the national ballot-box in the interest of Republican domination in the House of Representatives. He continues:

"If all this wrong at the ballot-box be needed to preserve a proper local State government to keep the Caucasian supreme in the State, not a living soul can dare to say that the same wrong, or any other, is necessary for Caucasian supremacy in the United States."

"Suppose it were a fact that negro domination and barbarism would follow from honest voting in the Southern State elections; suppose it were a fact that disregard of law and complete violation of the rights secured to the negro by the Constitution were absolutely necessary to preserve the civilization of the South; what has that to do with Federal elections? Violation of law and disregard of statutes are not needed to save the United States."

That is to say, the negro barbarians ought to be allowed the casting vote to determine whether Republican or Democratic policies shall control the House of Representatives. If there is a weak place in Mr. REED's plan it is this, that he attempts to distinguish between negro domination and the domination of one set of white men over another by the aid of negroes. This is a distinction which the white Democrats of the Northern tier of former slave States have thus far refused to recognize. It does not follow, however, that they will be proof against the blandishments of Mr. REED.

Our new apostle of compromise between the sections indulges in no sentimental cant about the negro's violated rights. It is only the right of his party to have the negro votes counted in its favor at Congress elections that appears to him so deeply to concern our whole people. With superb directness he says:

"Evidently, then, the question of race, supremacy, and of good government in the South has nothing whatever to do with that other question which concerns our whole people, whether the Republican party of the United States shall receive and have counted the votes which belong to it by virtue of the Constitution of the country."

The sinfulness of depriving the Republican party, at Congress elections, of the Southern negro votes "which belong to it by virtue of the Constitution of the country," is too obvious for argument. The denial to the negro of a share in the control of his own home government, which Mr. REED avers to be the recognized Southern practice, does not so much vex his sense of justice. He tolerates negro proscription for State purposes, and tacitly admits that it is an overwhelming necessity for the preservation of civilization.

This is, of course, an admission that the negroes are barbarians as well as legal voters, and that under the circumstances the white people are justified, even where they are in a minority, in resorting to revolutionary methods for insuring their own political supremacy. To use the vote of a man for national purposes who is too ignorant or vicious to be a State voter, would probably be justified by Mr. REED on the principle advanced by the French restaurateur, who had only addled eggs, and informed his customer that they were very good for omelet, but no good for fry.

Having thus prepared the way by yielding to his Southern Democratic brethren the right to purely Caucasian State governments, Mr. REED comes forward with his proposition for a "swap" with the Democratic party of the South. He thinks that if the Republican party agrees to the subversion of majority rule, which he declares has been accomplished in the South, the least the Democrats can do in return is to allow the Congress elections in that region to go Republican by the aid of a Federal election law. He makes his proposition on behalf of the Northern Republicans to the Southern Democrats. He treats the latter as the South, and the former as the North. He very wisely ignores the Northern Democrats and the Southern Republicans. Hear him:

"Remember that this is not a question of enteries and epithets, of reproaches and hysterics. It is a plain question of justice and fair dealing. Both sections of this country [meaning thereby the Northern Republicans and the Southern Democrats] can afford to be fair and open with each other. If you [the Democrats] say that you have a right of local self-government which we have no business to interfere with, and that unless you are allowed to go on in your own way you fear disaster most foul, the next thing for all of us [Northern Republicans and Southern Democrats] to do is to find some plan which will give us [the Republicans] the votes of the whole people of the United States, and leave you [the Southern Democrats] your local self-government."

Surely, nothing could be fairer than that if the Southern Republicans and Northern negroes and the Northern Democrats would also agree to it. Mr. REED could, perhaps, fix the Southern negroes all right to vote for Congressmen and to be denied the right to vote on all other questions; but the Northern negroes might make trouble in Indiana, New York, Ohio, Connecticut, and other States where they hold the balance of power. The Democrats of the North might make strong objection to swapping off Congress in exchange for Democratic rule in the South, which seems in no present danger of being overthrown.

Mr. REED continues:
"To put this whole matter in a nutshell, the Republican party alleges that it is deprived by all manner of devices—differing in different States, but having one common purpose—of votes which, under the Constitution of the land, that party is entitled to."

Observe that it is not the voter who is wronged, but the party which owns his vote:

"To this the parties offending reply that the suppression of votes and voters is necessary to prevent the threatened destruction of local self-government by the numerical superiority of race ignorance in very many States. We have a right, say they, to prevent, by violence or by fraud, if need be, the control of the ignorant in our own States."

"Suppose all that be so; suppose that all you are doing is needful for your preservation, and that you must keep on at all costs, how does that give you the right to govern us by your methods? If you [meaning the Southern Democrats] have the right of local self-government, have we [Republicans of the North] not the right of national self-government? If you of the States are willing to take all hazards to save yourselves from ignorant negro domination, are you going to blame us of the United States [Republicans] if we refuse to submit to fraudulent domination?"

Mr. REED's remedy for the inconvenience of too much Republicanism in the South and too little in the nation at large is the Federal control of Congress elections. Here is his scheme in his own words; its source entitles it to the careful consideration of every voter throughout the land, without regard to party or race:

"Let the country at once assume at least the count and return of its own elections. It may be that this could be done in a way that would leave the States which object to supervision [the Southern States] free from all interference from their neighbors, as it would certainly leave us free from false counting and false returns [at Federal elections]. They [the Southern white Democrats] could then govern their own people in their own way, free from Federal supervision, and the United States could govern itself free from all fear of those practices deemed indispensable to local government."

Truly this is, as Mr. REED remarks, "a practical world, where all unnecessary difficulties ought to be avoided, and where the middle way is often the best because it is the middle way." To give negro suffrage just enough play to make him Speaker again, and yet not enough to defeat any Democratic candidate for any local office in the South, would appear to be as near a middle course as could well be contrived. To a Federal election law having so conservative an end in view, what Southern Democrat can be opposed?

Mr. REED does not want to be misunderstood. He says that he does not care what is done to the negro so long as it is not done against the Republican party in a national election:

"They [the Southern States] could, if they pleased, and at their own risk, try the experiment of keeping outside of governmental power a body of men almost as large as those who govern, and in three States larger."

Here he refers to South Carolina, Mississippi, and Louisiana. He consents to the rule of the white minority in those States, but with the proviso that the Republicans must have for the national omelet the eggs which are "no good" for the local fry. His condition is thus stated:

"All we ask is that in national matters the majority of the voters in this country may rule. Why should any Southern man object to this? Under what possible pretense can it be claimed that certain States should send Representatives to Washington on the basis of a vote which is not allowed to be cast? Suppose your claim to govern yourselves under any violation of law be sound, on what do you ground your claim to govern us in the same fashion?"

Never before the present time has a Republican leader presented a plan in which the Southern Democracy and the Northern Republicans could fraternize.

They should meet together in national convention and nominate for President the great pacificator, THOMAS BRACKETT REED. The platform should be "the States for the white man, and the nation for the negro." One thing more would have to be done; the Southern negroes would have to be forced to vote for Republican candidates for Congress, for they would find fault with being excluded from State politics by an agreement between Republicans and Democrats. This can be managed, no doubt, if the two parties will only unite on Mr. REED's basis. Perhaps an amendment to the Constitution of the United States could be adopted requiring the negroes of voting age to be counted for the Republicans by Federal supervisors at Congress elections whether they vote or not, and to exclude them from voting at all other elections.

A joint caucus of the Northern Republicans and the Southern Democrats in both Houses of Congress has been suggested for an early day to consider the Speaker's manifesto.

The gentleman from Massachusetts, the Osman Digma of these Soudanese Republicans, lugs New York City into the controversy. It is only to avert attention from the main issue. Everybody agrees that New York elections were honestly conducted. Why, the Pennsylvania State Republican convention has just passed a resolution congratulating the State of New York upon its model election law. As the names of the candidates, like those in California, are all printed on one ticket, the United States supervisors directly interfere with State elections when performing their duties under this bill. This is sectional legislation, pure and simple. You can not disguise it. Speaker REED admits it. It is more than this—it is race legislation. It is intended to apply to districts where negro supremacy can be effected and perpetuated through the operations of this law. It tells the negro that he is a Republican because he is a negro, and that through the operations of this law the races shall change places, and that his race shall dominate over that of the hated white man.

It is calculated and intended to stir up race strife and to make race reconciliation impossible. It is a devilish device aimed at devilish

ends. Under the pretext of suppressing violence it incites to a forced and unnatural domination, possibly to murder, rape, and rapine.

How does the negro like the picture drawn by his alleged friend, the Speaker of the House? The great Republican party makes him a chattel to be used as a political convenience whenever it is necessary and to count so much. It teaches him that from generation to generation he is to be a Republican, and, like the color of his hair, skin, and eyes, be changeless. What political party ever before claimed men on account of their color? The Speaker, in his article in the North American Review, says that their votes belong to the Republican party under the Constitution.

What race aside from the negro race would ever submit to so audacious an insult? Where such things are done a free government is impossible. Massachusetts brought the negro here through all the horrors of the middle passage. She enslaved him, and afterwards pretended to free him. But she holds on to him, and she is determined to make the most of him. She sold him as property, took him back because he was not property, and now proposes to use him to govern those to whom she originally sold him. She will never let him go.

Of all the cowardly things in the world this attempt of a great political party to maintain its supremacy by a race vote on a color line, and deny it a share in home rule, is the most despicable. It may imperil the very existence of the Republic.

Why, open your eyes! Look at it! See the whole conspiracy outlined!

Two months ago the judiciary bill was pressed through this House by the gentleman from Illinois, chairman of the Committee on Appropriations. With the assistance of the Committee on Rules, he rushed it through so rapidly that members were dazed. They could not ascertain what was being done. A bill almost revolutionizing the judicial system of the United States was put through in this House in four hours. The plea of the Democratic leader for time for the House to think was refused. Only thirteen members felt like voting against a bill of such importance recommended by the Committee on the Judiciary. One hundred and eighty-three members did not vote. The great majority did not feel that they could vote on the question at all with so little time to think. A certain few had an adequate idea of the scope and effect of the bill. No Democrat seems to have seen through it, although my silver-haired friend from Kentucky [Mr. BRECKINRIDGE] was suspicious of it. His grandfather had had some experience in hasty judicial legislation, in old Federal times, when John Adams's midnight judges were as magically created as these. But the Republican leaders—the men who are pressing this bill—understood it well.

That bill prepared the way for the carrying out of the Republican scheme under this bill. The power of appointing the Federal supervisors, the chief supervisors, and the Congressional returning boards is lodged in the United States circuit courts. It was necessary for the carrying out of the conspiracy that they should have and retain control of these courts. Some of the present judges are Democrats and some of the Republicans are advanced in years. Their places might soon be filled by Democrats.

A Democratic circuit judge is located in New York and another in Tennessee. Mr. Chief-Justice Fuller, Mr. Justice Field, and Mr. Justice Lamar, who are Democrats, hold circuit courts and are included in the term "circuit judge" as defined by the Revised Statutes. It might fall to their lot to appoint some of these chief supervisors and returning boards. That would not suit the Republican programme. The Cannon bill removes all difficulty. It relieves Messrs. Fuller, Field, and Lamar, and their colleagues from service on the circuit, and makes seventeen new circuit judgeships to be filled by Republicans. Five judges, at least, out of the nineteen who now hold circuit court, are Democrats. The new men to be appointed under the Judiciary bill will all, doubtless, be Republicans.

The proposition of the gentleman from Texas [Mr. MILLS] to make these courts non-partisan was voted down by the majority of this House. Under the new Judiciary bill, then, we shall have twenty-seven circuit judges, twenty-five of whom will be Republicans and only two Democrats. The new judges are to be appointed by President Harrison, and to hold office for life. With the advice and assistance of the great chairman of the national republican committee, the Hon. MATTHEW QUAY, who can doubt that he will be able to find young Republicans to fill the positions—men with long lives before them. And the liberties of the people are to be intrusted to this partisan judiciary and the partisan chief supervisors and returning boards whom they may appoint. And judges, chief supervisors, and returning boards are all to hold office for life. The men who concocted this scheme evidently felt as John Wilcox felt when he said, "I feel that my duty to the people in this crisis requires me to rise above principle for the benefit of my party." These two bills—the Cannon bill and the Lodge bill—form a complete conspiracy against popular rights.

To resume, observe that the chief supervisors, thus appointed by packed courts, are to hold office for life. Each chief supervisor is lord of his judicial district. It may contain a dozen Congressional districts. He considers which one of the circuit judges in his district would be most serviceable for his purposes, and then informs him that he has

business to present to him. The circuit judge so notified opens court himself, or, if unable to do that, chooses a district judge after his own heart and sends him to open court for the transaction of election business.

The district judge need not belong in the district in which he is to act. The chief supervisor then presents to the court a list of persons whom he considers eligible for the office of supervisor of elections. Whether they have applied for the position or not makes no difference. He may recommend whomsoever he chooses—whomsoever he considers a fit instrument for his purposes—and the court can appoint only from those whom he recommends. He also furnishes the court with information as to the persons whom he recommends. From them the court appoints the supervisors. And it is obliged to appoint at least twice as many as are required for service. This gives the chief supervisor ample opportunity to assign to duty men whom he considers most suitable for his work. He selects three for service in each election district. Not more than two are to be of the same political party, says the bill. That means that two shall be Republicans and the other may be a Democrat, Greenbacker, Prohibitionist, Woman's Suffragist, Mugwump, Independent, Featherhead, or anything but an avowed Republican. And it is carefully provided that the majority of the board—that is, the two Republicans—shall exercise the full power of the board.

The chief supervisor has complete control over the Congressional elections in his judicial district. He exercises his power through the supervisors. We have already seen that they are appointed on his recommendation, that twice as many are appointed as are needed for duty, and that from this large number he assigns to service whom he will. After he has assigned them, he has complete control over them. As the centurion in Scripture directed his subordinates, so the chief supervisor directs the supervisors. He says to one "Go," and he goeth, and to another "Come," and he cometh, and to another "Do this," and he doeth it. And if he doeth it not, the supervisor droppeth him. For he can suspend any supervisor without a moment's notice.

The bill provides that if he finds a supervisor who fails, neglects, or refuses to perform his duties, or who is incompetent, or whose habits are prejudicial, or whose integrity he has reason to doubt, he may suspend him at once. He is the judge of his own findings. He can drop an honest supervisor like a hot cake, and can cling to a dishonest one like a leech. If the member of the board who is not an avowed Republican and who may be a Democrat, Greenbacker, Prohibitionist, Woman's Suffragist, Mugwump, Independent, or Featherhead, should prove troublesome, the chief supervisor has only to suspend him. And he is not obliged to put any one in his place. The law, indeed, says that he shall do so, if possible. But he is his own judge of the possibility of the case and can easily make it impossible on election day by employing the other supervisors elsewhere.

If either of the Republican supervisors should not prove subservient, he can remove him in like manner. He can put another Republican in his place or leave it vacant and have all the work done, and all the power exercised, by the one man who suits him.

Nor is it necessary for him to suspend a supervisor in order to get rid of him. He can transfer him to another election district. For this bill gives him power to transfer any supervisor from any election district in a Congressional district to any other election district in the same Congressional district. An election might be conducted under this bill in which not a single one of the supervisors would be a resident of the county in which he served and not one a Democrat. The chief supervisor appoints the chairman and the vice-chairman of the local boards of supervisors. They may both be of the same political party. Both might be, and would be, Republicans.

These irresponsible minions of power attend upon every registration. They challenge the citizen's right to register. They visit his home, if ordered by their chief, and there by inquiry and examination verify his registration record. In towns of twenty thousand or more, at the bid of their chief, they make a house-to-house canvass of the whole or any part of the election district to ascertain by inquiry at any dwelling, building, or other place of abode in any such district or voting precinct which they may be so required to canvass, the name, age, nativity, term of residence in the country, State, city, county, parish, district, or precinct, and other qualifications as a voter, of every male person therein residing. They have a kind of supervision over naturalization. Indeed they seem to have a general supervision over everything.

On election morning they personally examine and inspect each and every ballot-box, no matter what ballots they may be intended for, whether for President, governor, judge, or coroner. They tell the voter in what box to deposit his ballot. These are a few of the things that the law provides that they shall do. The citizen is left to conjecture what they may not do.

They may require certain test oaths to be put to any and every citizen. And in case the local officers fail to put these oaths "immediately," and to pass upon the case "at once," then the supervisors acquire jurisdiction. And their decision is binding upon the local officers.

The supervisors count the ballots and canvass the vote. And then they, or such one or more of them as the chief supervisor may direct, forward the returns in duplicate to the chief supervisor and the clerk

of the court. The chief supervisor then tabulates the result for presentation to the United States board of canvassers.

This returning board has been ingeniously devised. Let us see how it is to be appointed. The chief supervisor of elections notifies one of the circuit judges of his district to hold court for the purpose of appointing returning boards.

But why so unusual and peculiar a method of informing the learned judges of the United States courts of a piece of law that every school-boy in the country will have heard about? The Republican leaders know well that all courts take judicial notice of general laws. They know that the courts will take notice of this law. Why, then, could not the courts themselves have been directed to meet and make these appointments of themselves and without such peculiar notice? Ah, the answer is clear. There are some Democrats among the judges. There will be more. The Republicans on the bench might not prove sufficiently partisan. It might fall to the lot of one of the Democratic judges to appoint some of the returning boards. That would not do, and this bill will effectively prevent it. The chief supervisor can be relied on to notify only Republican judges who will appoint such canvassing boards as the Republican party desires. He makes the detail of the judge.

After knowledge of the law has been brought home to a trusty judge in this remarkable manner, he holds court in some one of the many districts in his circuit of several States. The court then appoints returning boards, one for each State in the circuit. Each of these boards consists of three members, who are to hold office for life. They are to be citizens and residents of the States for which they serve, and not more than two of them are to be members of the same political party. This simply means that two of them will be Republicans. The third may be a Democrat, Greenbacker, Prohibitionist, Woman's Suffragist, Mugwump, Independent, Featherhead, Mormon, or anything but an avowed Republican. The court names the chairman of the board.

After the election the board canvasses the vote for Congressman in all the districts of the State and declares what candidates are entitled to seats. Imagine these three gentlemen, appointed for life by a circuit judge sitting in Vermont, canvassing the vote of the great State of New York, with its thirty-four members of Congress. The New York Representative who votes for this bill ought to blush with shame. He will repent of it in sackcloth and ashes. All the members of the board need not agree in reaching a conclusion as to who has been elected. A majority—the two Republicans—are sufficient, and exercise the full powers of the board. The other member may dissent if he thinks it worth while, but his dissent has no influence on the result.

The decision of the majority, the two Republicans on the board, is practically final. The only appeal lies to a House of Representatives returned by such boards. The decisions of the returning boards, however, bind the Clerk of this House. He is to be punished severely, as for a felony, if in any case whatever he fails to govern himself by their decision. The State returns and the State certificates of election go for naught.

The penal provisions of this bill are worthy to rank with the English penal code for Ireland. To give one instance:

Any person, who, knowingly or willfully or fraudulently interferes with, delays, or hinders in any manner any supervisor of election, inspector, poll-clerk, or other officer of election in the discharge of his duties, shall, upon conviction, be adjudged guilty of a felony, and be punished for every such offense with imprisonment in a State prison for not less than one year nor more than five years.

The United States marshals are appointed by the President. Now they are all Republicans. Under a Democratic President they will be Democrats. The Republican scheme requires that the Republican party shall have complete control of the police power as well as of the courts and supervisors. This bill gives it to them. The chief supervisors, who are appointed by Republican courts, and who are sure to be Republicans, and who hold for life, are given complete control over the marshals and their deputies in all election matters. "The number of the special deputies who may be appointed for election purposes shall be determined from time to time at conferences between the marshal and the chief supervisor of elections." But here the chief supervisor bears the same relation to the conference that the dorky did to his wife. Sambo said: "Me an' my wife am one, an' I am dat one."

The number of deputies is to be determined by the chief supervisor and the marshal at a conference. It is obvious that the two might disagree, but some one's opinion must govern or nothing can be done. The marshal must give way; for the law says, "No other or greater number of special deputies shall be appointed than the chief supervisor shall from time to time certify to be in his opinion necessary." Most plainly the conference is only a matter of form, when no "other number" is to be appointed than the chief supervisor certifies to be necessary. We see that the supervisor dictates the number to be appointed. Still he has no direct power to appoint, and the quality of the men might not suit—they might be too good. This bill provides for that. "One-third of the special deputy marshals appointed in any authorized place must and shall be taken and named from such list of persons as shall be forwarded the marshal by the chief supervisor of elections."

To make the chief supervisor's power over the marshal and his depu-

ties complete it is further provided that "in making assignments of such special deputy marshals as shall be appointed, the marshal shall be governed by the request of the chief supervisor of elections." Could the marshal and his deputies be more thoroughly enslaved to the chief supervisor?

These deputy marshals, the mere creatures of the chief supervisor, the irresponsible minions of his power, are to be employed in making domiciliary visits to the home of every citizen.

Nor is this all. In the absence of the deputy marshals, or when called on by them, the supervisors themselves have the full power of deputy marshals. They can arrest a voter if challenging him does not accomplish what they want.

This is imperialism outright. It is machinery to hold on to power, instead of returning it to the people every two years. Juarez would have had just as good a chance in running against Maximilian for Emperor of Mexico as a Democrat would have in running for Congress in a fairly close district under the provisions of this bill.

Mr. Speaker, I have said nothing of the application of this bill to New York. That city, sir, has more than a vivid recollection of the way in which the Federal election law was enforced in 1872. Our foreign-born citizens will never forget it. It was true, as the gentleman from Massachusetts has observed, that a few fraudulent naturalization papers were issued in 1868. It was upon this pretense that every foreign-born citizen who appeared at the polls with a Democratic ticket in his hand, exhibiting naturalization papers issued in 1868, was arrested and imprisoned. His papers were taken from him, and in hundreds of instances never returned to him. In vain he pleaded at the office of the United States supervisor for their return.

I say that there are to-day hundreds of foreign-born citizens in the State of New York, entitled to vote, who can not exercise the franchise because they were robbed of their papers at that time. The plain maxim of justice and law, that a man is presumed to be innocent until proven guilty, was reversed. The rule that ninety-nine guilty men should escape rather than that one innocent man should suffer, was reversed. Every Democrat naturalized in 1868 was presumed to be guilty. Ninety-nine innocent men were punished that one guilty man might not escape. The innocent lost their naturalization papers and the punishment was lasting. No foreign-born citizen in New York State will advocate the passage of this law. They know too well what it means when executed by John I. Davenport. His crafty hand, I am told, was employed in the drafting of this measure. He is a man of brains and an unrelenting partisan. No man better understands the purposes of this bill and no man is better calculated to carry them out.

The supervisors of election are to be appointed at the request of 100 voters from any Congressional district. Under the new State election law there are over one hundred election precincts in the district which I have the honor to represent. Six hundred men at least, aside from clerks and deputy marshals, would have to be appointed, under the law, in such a district as mine. Does any one imagine that one hundred of the six hundred who are looking for places would hesitate to sign a request that United States supervisors be appointed? You may be sure that such a request would be preferred in every Congressional district in the city of New York and in every city in the State with more than 20,000 inhabitants. There is no sentiment in politics with such men as these. They look for the financial results and for the financial opportunities offered under the appointment.

New York City has suffered for years under an unjust Republican apportionment. That, however, is a State matter and can be, and will be, remedied by the people. This is a national matter. It is entirely beyond remedy by the votes of the people and a hundredfold more exasperating. And this bill will apply to St. Louis, Chicago, Boston, Baltimore, Savannah, Atlanta, Memphis, and every other great city.

The whole machinery of this bill is unrepresentative, partisan, unfair, and centralizing to the last degree. A State would not tolerate such a law even if enacted by its own Legislature. The great mass of the officers who carry it out are not required to reside in the counties where they perform their duties. Not one of them is elected by the people or responsible to them. The number of circuit judges is greatly increased in order that a Republican President may pack these courts with Republicans. As the judges hold office for life, they are entirely independent of the people. The returning boards and chief supervisors are appointed by the courts. Like the judges who appoint them, they, too, are given life offices to perpetuate their power and shackle the people.

The precinct supervisors, though appointed by the courts in name, are nominated and selected and assigned to duty by the chief supervisors. They hold office so long as they please their chief, and no longer. Intrenched behind this breastwork, a gang of rascals might hold the House of Representatives fifty years from now, though the people were against them and the Senate and President had long been opposed to them. Holding the courts, they could not be convicted. Holding the House, they could not be impeached.

This bill is a menace to liberty and popular government. It is an invitation to frauds of the worst character and greatest magnitude. It makes it possible for a few men to substitute their own will for that of

the people. I dislike to believe that it was framed with a view to the commission of crime and the subversion of popular government. I hate to think that of gentleman on the other side; but I find it hard to doubt it. The bill is revolutionary and partisan from beginning to end. One of its features brands it with the mark of Cain. I refer to that which dispenses with our present system of choosing mixed juries and substitutes for it a system by which partisan juries may be chosen.

Who can be blind to the purpose of such a change in the law? Who can say that it is adapted to any other purpose than the protection of the perpetrators of fraud? Who can look on calmly and see an elaborate system framed to stifle the voice of the people and protect the instruments of crime? What patriot can see without sorrow the National Legislature made dependent upon the judiciary and the judiciary made instruments of partisanship, oppression, and corruption?

Some may think that the time has come when they must rise above principle for the benefit of party. They are sadly mistaken. The people will rise above party for the sake of principle. The time has come when patriotic men should rise above party trammels to maintain the spirit of the Constitution and the liberties of the people. The people demand it, and the people expect it.

[Mr. CUMMINGS was frequently interrupted by laughter and applause, and at the conclusion of his remarks was loudly applauded on the Democratic side.]

Mr. HENDERSON, of Iowa. Mr. Speaker, no graver question, no more important theme, touching the happiness and the prosperity of our people has engaged or can engage the attention of Congress than the measure that is now presented for our consideration. The spirit that should characterize the discussion of that question should be I read, fair, friendly, manly, and truthful. I regret to note very much what has been said, not only here in this discussion, but elsewhere, that the idea prevails and the belief exists in some portions of the country that there is an unfriendly feeling in the North towards the citizens of the South. I do not believe that that feeling exists. For myself I can say that at no period in my life have I entertained such feelings. It is believed by some that the Republicans of the North entertain a bitter and unfriendly feeling towards our Southern neighbors. At no time in my life, even when we were brought into the closest and most dangerous relations, did I entertain such a feeling; and I believe in saying this that I represent Northern sentiment on the subject in the Republican party. I know, too, that in saying this I represent, in a strong degree, most of those who in the darker days came closest to our Southern neighbors.

But, Mr. Speaker, it does not follow by any means that because we feel thus friendly towards one another—and I do hope that I regard among my friends on this floor as warm and generous ones on that side of this Chamber as on this; I know that I reciprocate every such generous feeling on their part—but what I was about to say is it does not follow, because of these feelings which do and should exist, that what we believe to be grave wrongs should be treated lightly. I must not be expected to say that black is white or that crimes are virtues. It must not be expected, when I feel that I am being wronged or that those whom I represent are being wronged, that I am to touch but lightly on those wrongs as though they were but mere trifles. Let us be kind, but let us be honest with each other in treating this subject.

Now, Mr. Speaker, in this connection it has been charged openly in this debate and it is hurled broadcast into every campaign in the country that the Republicans as a party and that Republican politicians, so called, agitate this Southern question in order to strengthen and unite the Republican party. I want to say to gentlemen who use that blade that there is a sharp knife in its handle if it is not sharp at the point. No class of politicians in this country use this Southern question, so called, more cunningly, more industriously, or more vigorously than do the leaders in the South of public sentiment—the Democratic leaders. And, gentlemen, I appeal to this Chamber which class, if both use it, which I will admit for the sake of the argument—and I will not stop to discuss whether both use it honestly or not, but I will concede even that for the sake of the argument—but where will this agitation be most effective? Will it tell most where education most exists; where there is the broadest enlightenment; where every home is the repository of a newspaper and in close companionship with the school-house and the church? I appeal to the statistics of your country to show where the demagogues, as these people have been termed, who use it can be most effective. Consult the statistics and gentlemen will find where the temptation exists for using that argument.

But, sir, I go further on that subject. I say that that party or that politician who uses the argument without having a foundation of truth for its use employs a weapon which will, in time, react upon him who draws the blade. Broad and liberal discussion, the growth of education, and the exchange of ideas will lead this country finally to the truth; and if it be true that great wrongs are being perpetrated the people will eventually see it and those who use the argument falsely will finally pay the penalty.

Mr. Speaker, there are two broad issues in this contest which I will name: The first question involved is as to the rights of the community, the people as a whole, and the second is the right of the individual citizen or member of the Republic.

First I will address myself to the rights of the community.

In touching upon that branch of the subject, I ask, first, what is the object of this supervisor law? It is to secure the fair election of members of Congress. It is to permit the sovereign citizen to freely and fairly exercise his sovereign right at the ballot-box. The object is not to throttle the liberty of the citizen, as some have been bold enough to say, but the object is to see that the broadest liberty shall obtain wherever a citizen of the Republic seeks to exercise his highest right of sovereignty. The object of this law is to enable the majority to govern the Republic, and not the minority. Is that right? Should not every citizen give his approval to that sentiment, to that aim? It is not a new proposition, but an enlargement of the law that has been in force for eighteen years and approved by the Supreme Court.

Now, the first question that comes up, and I submit this question to both sides of the Chamber, is this: Are the alleged frauds, which this legislation seeks to cope with, of such magnitude as to invite the clearly and well defined exercise of the constitutional powers which Congress possesses to treat with it? I want to say to my Republican associates, if such frauds do not exist, then our Republican platforms that have assailed them, contain falsehoods, and the Republican press that have charged it are full of lies, and the orator or stumper who charges that frauds permeate our national elections should be denounced as a lying scoundrel. If frauds of great magnitude do exist, then it becomes the duty of the American Congress to act calmly but bravely within its constitutional powers, and to reach these gigantic evils and suppress them. If they do not exist, I say the party orator or stumper or politician, call him as you will, that goes through the country denouncing Southern frauds and brutalities at elections ought to seal his lips forever on that question. We are not appealing to the Constitution to deal with trifles, but to reach what we believe to be a gigantic evil. If these evils do not exist, Republicans should vote against this bill; if they do exist, I can not comprehend how any Republican can vote against this measure. Now, do they exist?

Are there wrongs touching elections that appeal to the American Congress for further action?

Mr. OATES. If the gentleman will allow me to interrupt him there, I think he is pursuing the correct line of argument, and I wish to say to him that I would like him to produce the proof of frauds which should justify this legislation. I deny their existence and demand their proof. I reject the proof as circulated in the newspapers and ask my friend to proceed to the authentic evidence.

Mr. HENDERSON, of Iowa. Mr. Speaker, I can not yield. I want to say now, not as a reflection upon the interruption of my friend from Alabama, that I am limited to one hour, which is a very short time for a member of the committee that reported this bill to address himself to the subject. I say this now so that gentlemen will not feel called upon to interrupt, as I will not be able to yield, though I would like to do so.

Mr. OATES. If the gentleman will allow me, I interrupted because I think the manner in which he is proceeding to discuss the question is the correct one, and I call upon him at this stage to bring his proof.

Mr. HENDERSON, of Iowa. I think the gentleman from Alabama has anticipated my thoughts, and I wish to say that in the brief time of one hour, on a subject which I ought to have four or five hours to discuss, it will be impossible for me to yield to my friends on either side of the House, although I would be glad to. But as we have the right on both sides, particularly under the five-minute rule, to correct any mistakes if we make any, I hope that I will not be interrupted.

Now, Mr. Speaker, I come to the question of proof. I say first that this nation needs no proof. There is not a man in this Chamber but knows that frauds gigantic, condoned, approved of, advocated, exist.

Mr. McRAE. Do frauds exist in your district?

Mr. HENDERSON, of Iowa. No, sir; nor in Iowa. There is hardly a school-boy old enough to enter the schools but knows that the statement I have made is correct touching the notoriety of Southern frauds. And I was glad to note the manly courage of that able and eloquent Representative from South Carolina [Mr. HEMPHILL], who at no time in that grand speech of his, from its beginning to its close, forgot the dictates of an honest heart by even attempting the shadow of a denial. [Applause on the Republican side.] Further than that, Mr. Speaker, no Southern gentleman has traversed the proposition in this debate.

Secondly, Congressional investigations had by the House and by the Senate in Congress after Congress, on sworn evidence taken not alone from Republicans, not alone from our colored citizens, but from white Democrats, have proved again and again the existence of gigantic frauds, frauds systematically, studiously planned, engaged in, and carried out.

Thirdly, and nearly in the same line, the Congressional contests in this Fifty-first Congress have proved it without a doubt—eighteen contests in this House, seventeen of them from Southern States; \$70,000 expended in contests for seats in this House, and the bills waiting to be provided for in the general deficiency bill; the greatest expense that has ever been incurred in connection with election frauds since the Forty-sixth Congress, when the aggregated

expense amounted to a little over \$74,000. These proofs I can not take up the time to recapitulate.

The honorable gentleman from Illinois [Mr. ROWELL], chairman of the Committee on Elections, in his speech the other day gave us a sad, sad list of crimes that had been committed in the name of law against the highest right of the American citizen, wrongs that should bring the blush to many faces, wrongs that should bring down condemnation instead of wit, burning sarcasm, and hollow laughter. [Applause on Republican side.]

Ah, gentlemen, when the proofs, sworn to, show the crimes that have been committed, no wonder that I am warranted in saying even the children know of their existence.

Fourth. The existence of these crimes is not denied by the South. There may be now and then a very brave and hardy Northern Democrat who will deny it. [Laughter on the Republican side.] But Southern Democrats, brave and manly as they are in open war, physical or intellectual, do not deny it. Go to the Southern States and mingle with the people there as I have done. Mingle with them anywhere and everywhere and they are too brave and honest to deny a fact which they defend in their hearts and with their lips and acts. I understand their excuse. I know what their feelings and what their troubles are. I have had them say to me, "HENDERSON, how would you feel if a law were passed that would allow your chattels, your horse or your ox, to vote to make the laws to govern you? Look at our condition." I understand their line of thought. I have tried to put myself in their places in order to be just with men for whom I entertain affection and friendship. I would be glad if I could put myself in their place and still say that the true remedy is defiance of law and the perpetration of wrongs and crimes that should be wiped from the pages of this great century, but I can not.

Fifth. The frauds are admitted. I pass beyond the fact that they are not denied. I say they are admitted by those who live amongst them and who enjoy the fruits of those great wrongs. What is the meaning of this splendid burst of eloquence from the distinguished representative from South Carolina [Mr. HEMPHILL], which I clipped from The Evening Star? I regret that I have not been able to find the original speech in the RECORD as yet.

Here it is as I find it in last evening's Star, including the subhead or caption:

THE WHITES MUST RULE THE SOUTH.

Mr. HEMPHILL continued: "We know we must either rule the South or leave it. Now, for myself, before the people of the United States and before God in all reverence I swear we will not leave it. [Applause.] It is the home of our fathers. There their bones lie buried. They bought it with their blood when Concord and Lexington were the battle-field of this country. They have handed it down to us unimpaired, and, gentlemen, are we now our fathers' sons? Shall the blood first turn back in our veins? Shall we transmit to coming generations a great and a noble State which has been overruled and downtrodden by a race whom God never intended should rule over us? I do not hesitate to say the colored man has as many rights as I have; but he can not have his rights and mine too. And this law is intended to put him again in control of the Southern States; intended to awaken that race prejudice which is fast dying out; intended to bring about again that constant irritation and clash between the two colors in the South which will retard its growth and which will be destructive of the very principles of human government."

I want no further proof for me than that. I want no further proof for my people. That gentleman's speech was a declaration to the people of the country that the black citizens of South Carolina should not exercise the rights guaranteed them by the Constitution of the United States. Who wants more proof? The opening, the grand, dashing charge in this debate from the other side, by an old and distinguished member of Congress, a truly typical representative of the Southern gentleman and statesman, living in a State which has an overwhelming colored majority of its population, a majority of colored voters, tells the country that they shall not exercise their constitutional rights. What more proof is demanded by any reasonable man?

Mr. BUCKALEW. I hope the gentleman will permit me to make a remark there.

Mr. HENDERSON, of Iowa. I do not know that my friend heard me at the beginning of my remarks, when I said that I would not be able to yield to any gentleman. I have already declined to yield. I wish I had unlimited time, for no man more enjoys interruptions, with the benefits that come from a free exchange in debate, than myself.

Mr. ALLEN, of Mississippi. I agree we should have more time, for this is a very grave subject.

Mr. HENDERSON, of Iowa. The gentleman from Mississippi intelligently calls it a "grave" subject; and I state to him that his country is full of graves [applause], and the wit of my excellent friend must take other form than that. [Laughter.] But I must decline to permit interruption.

Mr. BUCKALEW. I only wish to interrupt the gentleman for a moment.

Mr. HENDERSON, of Iowa. The only trouble is that if I yield to you it will make me break over the rule which I must apply to all. You will have an opportunity to answer for yourself fully and freely and I can not have my time frittered away. Half of it is gone now, and I have not entered upon the discussion of many things that I desire to speak about.

Mr. OATES. We will file an exception in his favor.

Mr. HENDERSON, of Iowa. I must decline to yield.

Mr. BUCKALEW. All right.

Mr. HENDERSON, of Iowa. Now, I ask what means this South Carolina oath, for such it was? It means defiance of the rule of the majority. It means defiance of the Constitution. I say, and feel myself warranted in saying, that it is as dangerous as armed rebellion; and I mean it when I say it. What is the effect of it? It means, gentlemen, that, if that proposition is to go untraversed by law and by constitutional power vested in us, we are willing that a handful of men in this country may shape and control Congress and the executive and judicial departments of this Government. Now, let us see if I am right in that statement.

I will deal with the census of 1880 briefly. I take that as the only authentic evidence we have. We had under that census a total population of 50,155,783 people, black and white.

The total voting population as shown by that census was 12,830,349. The total voting population of the following States, namely, Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, was 2,826,966; but of this 2,826,966 there are only 1,741,524 white voters, there being 1,085,462 colored voters. So that these control, if we are right in our proposition, the whole country, or the 50,000,000. In these States, Mr. Speaker, with 1,741,524 voters, standing on the South Carolina platform, "shoulder to shoulder," applauding his manly declarations, we have a force that controls the balance of power in this country. So that to define the fact, if left unrestrained by law, they will control the 50,000,000 people. But let us go a step further than that. Three States, namely, Louisiana, Mississippi, and South Carolina, have each a colored majority in population, the aggregate majority being 412,821; these three States, on the South Carolina plan, can control the balance of power in a general election in this country and can control the majority of the House of Representatives, of which we are members. That is to say, these three States, with an aggregate white vote of 403,964 can virtually control our 50,000,000 of people.

Mr. OATES. Will the gentleman permit me to interrupt him?

The SPEAKER *pro tempore*. The gentleman from Iowa has declined to yield.

Mr. OATES. I wish to correct the statement which the gentleman has made. I deny your proposition as to Louisiana. The census shows a majority of 800 whites in that State.

Mr. HENDERSON, of Iowa. Mr. Speaker, I get from the census the population of those States.

I can not allow this interruption. I give the facts as the census states them, and the gentleman can correct them if they are not right. You have plenty of time of your own.

Mr. OATES. I will do that.

Mr. HENDERSON, of Iowa. The population of Louisiana, under the Tenth Census, was, colored, 453,655; white, 454,954; a majority of colored population of 28,701. In Mississippi the colored population was 650,291; the white population was 479,398. In South Carolina the colored population was 604,332; white, 391,105; a colored majority of 213,227. You may have induced your census enumerators in 1880 to whittle that 412,821 in these three States in such a shape as to claim that you have got a majority of the voters, or you may, as is more than likely, have counted every head, man, woman, and child, in such a way that the full colored vote will not be counted as voters in order to justify your position, but it will be hard for any gentleman upon this floor to make the country believe that these three States, having over 400,000 colored majority of population in the aggregate, have not a majority of colored voters. They do not often get a chance to record their votes, but they are there; and that is not all. They have increased in the decade ending 1880 with a rapidity that is astonishing. From 1860 to 1870 the increase in colored population was 40,000; while from 1870 to 1880 it was 2,100,000. You had detected another way to increase your power by fixing figures to give the South increased representation in this House, and you have to-day a representation of forty members, or nearly that number, in this very Congress based on this great colored population, and the only representative of that race here is my friend Mr. CHEATHAM, of North Carolina.

You talk, some of you, about people coming here with "the seal of the governor of a sovereign State." The Seventh district of South Carolina has 32,000 colored voters and 7,000 white voters, yet a Democratic gentleman from South Carolina walks boldly up to take the oath at that desk with a certificate from the governor of that "sovereign" State to back him. This Congress hopes to correct that little error on the part of "a governor of a sovereign State." Why, even some of our Northern Democratic friends have admitted the existence of these frauds. One of the great chiefs of Tammany, the distinguished SPINOLA, on the 11th of April, in this House, gave utterance to the following language:

Mr. SPINOLA. I wish here and now to have it known that elections with us are different from what they are in the Southern States.

He was having a tilt with our friend from Tennessee [Mr. EXLOR], who on that evening, as usual, was paying his attention to the killing of private pension bills, and got Brother SPINOLA "riled" enough to tell some wholesome truths. The statement I have just read was followed by "laughter and applause," and then the talk went on.

Mr. ALLEN, of Michigan. I should say so.

Mr. SPINOLA. With us it is a struggle to put a man in this House. There is a desperate conflict in almost every Democratic district at the North. Below Mason and Dixon's line it is an easy matter. One gentleman is declared to be the candidate, his neighbors rally round him, he is put to no expense, he is called upon to perform no labor in the canvass, the ballots are printed, and they are deposited and he is elected.

Brother SPINOLA hit it well. Everybody knows it. I pass now from the proposition that the frauds exist.

Mr. Speaker, I do not know whether the extract which I am about to read is reliable or not, but I find in a Democratic paper, The Alexandria Gazette and Virginia Advertiser of June 18 the following from the special Washington correspondence of that journal:

WASHINGTON, D. C., June 18, 1890.

The House Committee on the Election of President and Vice-President will report the Federal election bill to the House to-morrow. It will pass that day as soon as the Committee on Rules shall fix a day for its consideration. Some Democratic Senators, among them Mr. GORMAN, speak confidently of its defeat in the body in which they are members. Mr. MILLS, of the House, also thinks the help Democratic Senators rendered the silver Republicans will induce the latter to re-eprocate on the bill referred to. Should it become a law Mr. MILLS thinks its chief effect would be a great increase in the death-rate of Federal election officers in the South.

I say I do not know whether Mr. MILLS said this or not, but I have given my authority. It is another declaration somewhat like the one we have had from the gentleman from South Carolina [Mr. HEMPHILL], saying in substance this: "We defy the law. The shotgun or the dagger, any speedy implement of death, shall protect us from constitutionally enacted laws if they interfere with our political control."

We have it from the silver-tongued Representative from South Carolina [Mr. HEMPHILL] and also from the great leader from Texas himself [Mr. MILLS], if this Democratic authority which I have quoted is to be believed.

Mr. OUTHWAITE. I will interrupt the gentleman long enough to call his attention to the fact that the gentleman from Texas [Mr. MILLS] is not on the floor.

Mr. HENDERSON, of Iowa. I am sorry that he is not. I am curious to know whether this is true or not. Meantime I have given my authority and I claim nothing for it beyond what I have stated.

Now, I want to ask this House and those who are interested in preventing the passage of a law which has but one end, namely, to permit every American citizen to cast his vote and have it counted, whether it be cast for a Democratic or Republican Representative—I want to ask them if they believe that this country will continue to allow a minority to control it. It is said that things will get worse if we strengthen the law which is now on the statute-book and recognized by the highest judicial authority in the country. I say that this country will no longer submit to the rule of a minority.

It is said that from the passage of this law greater wrongs will occur than those which it is intended to remedy, wider differences between the white man and the black, and that the existing condition will work itself out. It has had a long time to try the working-out process. It has become smooth and well oiled, but it works. You have had four years of executive control, gentlemen, from this minority plan. "Before that God who sits on the rim of the universe," appealed to by my friend from South Carolina [Mr. HEMPHILL], Grover Cleveland had no right to a seat in the White House. [Applause on the Republican side.] By the same great Power I declare that you have not had an honest Democratic majority here for twenty-five years and more. [Applause on the Republican side.]

Now, gentlemen, I do not believe that this is a matter to be trifled with. I do not like this law as well as I would like another. I believe in going to the full constitutional length and taking absolute control of the election of members of Congress; but my views have been overruled by a majority of my associates. But even this mild form of bill arouses an opposition and excites a degree of feeling unseen in the consideration of any other measure. For my part, gentlemen, while the answer given by my eloquent friend from Maryland [Mr. McCOMAS] to my friend from South Carolina [Mr. TILLMAN] this morning was true, when he said that there were "no bayonets or blue-coats in this bill," I want to announce my position. I say that for one before I will consent that a minority of the people of this country shall govern the majority I will favor such legislation as will secure the protection of every ballot by a killing bullet, so that every voter may have his equal rights. [Applause.] Those are my sentiments.

What is there to fear in this law? If you want an honest election you have nothing to fear. If you want every citizen to vote, you have nothing to fear from this law. If you want every vote counted you have nothing to fear from it. If you want frauds to govern then you may well fear it. The gentleman from New Jersey [Mr. MCADOO] and some others have spoken of "hirelings" in connection with this bill. I am not aware that the officers of State elections work for nothing. I think the State pays them. I do not believe that if, for instance, my friend from Georgia [Mr. BLOUNT], whose integrity we all recognize, should be designated by State law as an officer of election, we would any of us be warranted in saying that he had been thereby seduced into becoming a dishonest man. So I say that if his commission should emanate from the Federal power I do not think he would be any less a man to be respected and trusted.

Does it follow that because citizens of your own State hold a Federal commission they are to be called scoundrels any more than the men commissioned by your own State authorities? Where is the logic in any such position? It is not that, gentlemen; it is not that they hold a Federal commission instead of a State commission. It is because this well oiled, never-failing State machinery allows a few Southern men to dictate the policy of this Republic. That is what is the matter and that is what we object to. But I have not time to extend my remarks on that head.

In passing I wish to say we are told by South Carolina—that admits the condition of things and takes an oath that it shall continue—we are told that what we really need to solve the situation is a "new North." The South, defiantly boasting of its disregard of the Constitution and the liberty of the citizen, coolly tells us this. You will get it. A "new North" is near at hand. Gentlemen, we have peacefully, patiently submitted for years and years to this injustice and mighty wrong. We have seen our fellow-countrymen butchered on "the altar of liberty" that is talked about this morning. We have seen the control of this Government by red hands wrested from its proper channels; and I say to you that the "new North" is at hand which will insist upon the enforcement of the law and the equal rights of every citizen. [Applause.] I speak not yet of individual rights, but of the rights of this Government and of the whole people.

Now, then, as to the second proposition, individual rights. I do not know that I could make any impression upon many of my friends on the other side by any appeal in behalf of the individual citizen; but, gentlemen, it is as certain as that sad events came and passed by, leaving their shadows and their still overhanging and dripping clouds, that injustice to individuals prepared a great portion of this country for a revolt against the kindest Government on earth and the best, a Government that drew to its bosom my eloquent friend from New Jersey [Mr. McADOO], myself, and millions of others. That condition of things, injustice to the individual year after year, blunted and dulled sensibilities that ought to have been bright and brave as they were during the days of Lexington and Concord. So, too, I warn my friends in the South that this injustice to a portion of our citizens numbering away up in the millions, who are your neighbors, not of their own choice—"the bones of whose fathers lie in the graves of South Carolina," and the blood of whose fathers and mothers makes sacred Southern soil—I proclaim here and now as my judgment that the condition of injustice which exists is working at this hour as certain—oh, I hope not so sad—a cure as came from the injustice which existed when slavery prevailed among you. How or when I can not tell:

God works in a mysterious way his wonders to perform;

but depend upon it that the blood of the martyrs at your homes will force redress and that liberty will yet find peace in every State of our great Union.

Fair play is the foundation stone of our citizenship. Why are we to ignore the rights of a man because God made him black? Why, sir, I remember once seeing an old lady teaching her little boy about the African. There was a picture of men of the different races; and the attention of the little boy was arrested by the black face; with a curious expression of eagerness he wanted to know about that man. I remember well the answer and the lesson from that mother. She said, "That is the negro," and here was her philosophy that she buried in that young heart to stay:

Their skin it is black, but 'twas God made them thus;
And He made them with bodies and feelings like us.

Let the gentle but profound philosophy of that mother find lodgment in your hearts and the race problem is solved in this country.

Gentlemen, what is the difficulty in recognizing what God has said on this question? Are we not safe in doing that? The members of the colored race have the same instincts, the same great impulses as ourselves. Many of your people have nursed at their bosoms; you have been dressed by them, carried by them as children; you have lived in the closest and tenderest relations with them. Yet when they walk up before you or after you to cast a ballot you tell me "We can not endure them." You can not answer why. It will not do. I appeal in that great name which was appealed to by South Carolina. Let us try a little justice by our fellow-man and see how it will work. You have tried the other method long enough. Do not forget that every citizen wronged under the shadow of law is made a conspirator against the law and the power that makes it. Dream not that six millions of people who have by their Maker been endowed with darker skins than ours, but by our Constitution have been clothed with the same powers that you and I possess as citizens—dream not that these individuals will endure all this and that no danger lies in their sufferings.

Better far, my fellow-citizens, that these men be allowed to go up beside you, as they are empowered by the Constitution to do, and register their views on public men and public measures. Try it for awhile. God knows we want no Federal supervisor laws or election laws. Some of you think we do, but we do not. I tell you, gentlemen, this side of the Chamber has no desire, and it is no pleasant duty, to meet these great questions where there are such sharp issues between us. Do not fear but that there will always be plenty of

issues between parties in this country. It is more agreeable to the statesman, or the politician, or the public man, call him what you will, to deal with those great economic questions which touch every hearth and every heart than it is to be grappling with these issues which stir up animosities between fellow-citizens. There will always be issues to put into platforms. Try to avoid those issues which make graves and sadness and which harrow up the human heart. I tell you, fellow-citizens—pardon me if I use in this House that best of all terms—I tell you that the heart-beats at the North that you may laugh and sneer at want justice done by those people as individuals as much as they want to be protected in their rights as members and parts of the people of the Republic.

The proposition made by some is, "We will make them leave; the black man must get out of the way." And that Utopian dream is indulged in by some men standing high in public positions. Move the colored man away! Where? Answer it yourselves. When? Answer that. How? Answer that. But here is a fitting answer in resolutions passed by the Afro-American convention or congress which assembled in the city of Chicago in February last:

Resolutions adopted at a convention where there were one hundred and thirty-one representatives from twenty-one sovereign States to discuss this great question.

Here are the resolutions that they adopted:

Whereas the preponderance of Afro-Americans in the States of Alabama, South Carolina, Louisiana, Mississippi, and other Southern States makes the situation painful and uncomfortable for the small minority of white fellow-citizens residing therein: Therefore,

Be it resolved, That we do petition the honorable Congress of the United States to make and provide for an appropriation of \$100,000,000 to furnish the unhappy white citizens of those States who may desire to settle in other and more favored States, free from Afro-American majorities, with free transportation and lunch by the way, to any States north of Mason and Dixon's line.

Be it further resolved, That the Congress select Senator MORGAN, of Alabama, Senator HAMPTON, of South Carolina, and Senator GIBSON, of Louisiana, to be the Moses to direct the unhappy people out of the States of their misfortunes.

There is a grim eloquence, Mr. Speaker, in these resolutions. Why have not these people the right to make these declarations as well as any other people? Why have they not as much right as the man whose citizenship is not forced upon him? Does he possess less sacred rights than a gentleman who selects his place of citizenship? No one need be told who reads aright the history of the Republic how these poor people came to be citizens of South Carolina and of these other Southern States. But their rights are now as sacred or more sacred under heaven than those of any of the gentlemen who say, "We defy you and we defy the laws of our common country."

[Here the hammer fell.]

Mr. KENNEDY. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa be permitted to proceed.

The SPEAKER *pro tempore*. For how long a time?

Mr. HENDERSON, of Iowa. I shall try to conclude in ten minutes.

Mr. OATES. There is no objection if it comes out of the time on that side.

Mr. HENDERSON, of Iowa. That has been the rule, I believe, when extensions have been granted.

The SPEAKER *pro tempore*. Is there objection?

There was no objection.

Mr. HENDERSON, of Iowa. I desire to thank the House for the courtesy.

Mr. Speaker, I have been indicating one key to this whole situation. I wish now to suggest another. The key to this situation, I say, is in the observance of law. Where that can not be secured I say we must make the laws to secure that observance. We have tried waiting long enough, and we have waited in vain.

Then, again, there is another key: education. I am a believer in the broadest and most liberal education of the people; and I was sorry, when for the first time in twenty-five years I revisited the South two years ago, not to find more evidences of the extension of school-houses than on the occasion when I was there before. Let us see school-houses arising on all hands and let us see them visited by all of the children of the community, getting the benefits of an education.

I hope much from the business developments of the entire country. I find that the interchange of trade and commerce between the North and South will go far towards, in time, remedying this great trouble. But it must not be forgotten that there were full and generous business relations between the North and South prior to 1861; but that was in itself no remedy for the evils that fell upon us.

Another thing from which I hope much is from the decay of bitter feeling, which, I regret to say, still exists in the South towards the North. You charge the North with having that feeling towards the South; but, gentlemen, you vastly mistake. It does not exist. The North simply contends for fair play, and I challenge you as honest men whether our proclamations and prayers in the past have not been in behalf of life and liberty and law, no matter who was benefited by it. But there are things taking place that make us feel that the old sentiments are not dying out, as they ought to have died out. I think that this country would have more confidence in you than it has to-day if the flag of a common country had been permitted to wave at the recent Virginia celebration, rather than to have had the stars and bars far out number it.

Let us be candid about this, gentlemen. These things can not longer exist in this country. The stars and the bars can not be worshiped in this land any more and ought not to be flaunted in the face of any citizen. I say to you, my fellow-citizens, that you can not afford to mass in serried columns men in gray uniforms as you have just done in this country. It is not needed. In saying this I do not ask you, I am not foolish enough, or blind enough, or weak enough to ask you to forget the tender relations that existed between you and your comrades in the past. That, no man asks or desires. I could not ask any gentleman to forget the men that fell fighting by his side in a common cause, whether the cause was right or wrong. I do not appeal for that. There is much that you can do, and can see and feel, to which I will respond "Amen" or be silent. But I must enter my earnest and solemn protest against being told that we need a new North, when the relics of the dangerous South are yet flaunted in the face of the Republic. [Applause on the Republican side.]

I have oftentimes listened with more than rapture to the eloquent words that have fallen from the lips of that representative of old Erin who honors this House with his presence; but it pained me this morning to hear the eloquent gentleman from New Jersey [Mr. McADOO] shout "Liberty, liberty, liberty!" to rally the voters on both sides of this Chamber against the passage of a law which only seeks that liberty may live in this country. I could not but think of the words of Edmund Burke when my friend made his eloquent peroration:

My rigor relents. I pardon something to the spirit of liberty.

My feelings take that charitable form for a moment.

But then I could not but feel that poor, blind John Milton anticipated the rallying cry of the gentleman from New Jersey when he said:

License they mean when they cry liberty.

[Applause on the Republican side.]

And he again reminded me of the last words of Madame Roland, when on the scaffold she cried:

O Liberty! Liberty! how many crimes are committed in thy name!

[Applause on the Republican side.]

Ah, gentlemen, you may cry liberty, but in the States whence many of you come the words of Goldsmith, whom my friend of pure Celtic blood should reverence, the great author of "The Deserted Village" and other beautiful themes that reach the hearts of the poor, whether black or white, are but too true:

Laws grind the poor and rich men rule the few.

That is the liberty that you, my eloquent friend, appeal for at this hour when you oppose this bill.

In conclusion, I will quote the Scottish bard in connection with the efforts to pass this law; I mean that simple bard whose heart never failed to beat for the poor, Bobby Burns. He said, anticipating this contest for liberty and law:

Liberty's in every blow!
Let us do or die.

It was appropriate then, it is as appropriate now as on the field of Bannockburn. I thank my friend for that apostrophe to liberty, but I am reminded that it seems much like Satan wearing the cross when he seeks to promulgate the dark dogmas of hell. [Applause on the Republican side.]

POST-OFFICE APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I call up for present consideration a conference report on the post-office appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9856) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1891, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 4.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, and 6.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7,390,000;" and the Senate agree to the same.

HENRY H. BINGHAM,
J. H. KETCHAM,
JAS. H. BLOUNT,
Managers on the part of the House,
W. B. ALLISON,
J. C. S. BLACKBURN,
Managers on the part of the Senate.

During the reading of the report the following occurred:

Mr. McMILLIN. I ask my friend from Pennsylvania if he can not withhold that report. The time is so limited for general debate that a number of gentlemen will be cut off if that is considered now.

Mr. BINGHAM. I desire to state to the gentleman that I am of opinion that the report will take but a very few moments.

Mr. McMILLIN. We had that statement yesterday.

Mr. BINGHAM. There were two points of disagreement. This is the agreement of the two Houses on that disagreement.

Mr. McMILLIN. We had the statement made yesterday afternoon that a report would only take a few minutes, and yet it took all the

afternoon. I know under the rule this can be done, but at the same time, in justice to gentlemen who will have no opportunity to speak by reason of it, I hope that it may be deferred.

Mr. BINGHAM. It will take but a few moments.

Mr. BRECKINRIDGE, of Kentucky. I rise to a parliamentary inquiry. Is it in order to raise the question of consideration on this? It is in the power of the House not to consider it, is it not?

The SPEAKER *pro tempore* (Mr. PETERS in the chair). After the reading of the report that question can be raised.

Mr. BINGHAM. The special order permits the consideration of general appropriation bills.

Mr. BRECKINRIDGE, of Kentucky. The special order permits it, but the House has the right to refuse to consider it.

The Clerk then finished the reading of the conference report as above set forth.

Mr. BINGHAM. The statement is very brief and I ask that it may be read.

Mr. BLOUNT. I suggest that the reading of it be dispensed with and I suggest my friend can state it more briefly.

The statement is as follows:

[Report of the managers on the part of the House, to accompany House bill 9856.]

The managers on the part of the House of the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9856) making appropriation for the service of the Post-Office Department for the fiscal year ending June 30, 1891, submit the following statement as to the effect of the recommendations of the conference report.

The Senate recedes as to No. 1, increasing the appropriation for mail depredations and post-office inspectors and fees to the United States marshals, attorneys, and the necessary incidental expenses connected therewith, from \$250,000 to \$300,000.

The House recedes as to No. 2, increasing the appropriation for compensation to clerks in post-offices from \$7,300,000 to \$7,500,000 and agrees to insert in lieu of the sum proposed by the Senate \$7,390,000.

The House recedes from No. 3, to correct verbal error, using the word "this" in lieu of the word "that."

The Senate recedes as to No. 4, and agrees to the item for mail locks and keys, \$50,000, as recommended by the House.

The House recedes from No. 5, and strikes out 664 and inserts 712, so that the item for transportation of foreign mails will read \$712,000.

The House recedes from No. 6, and after "dollars" inserts "and from this appropriation the Postmaster-General is hereby authorized to expend the sum of \$48,000, or so much thereof as may be necessary to cover one-half of the cost of transportation, compensation, and expense of clerks to be employed in assorting and pouching mails in transit on steam-ships between the United States and other postal administrations in the International Postal Union."

HENRY H. BINGHAM,
J. H. KETCHAM,
JAMES H. BLOUNT.

Mr. BINGHAM. If there is no objection I will explain the disagreement on the first amendment. The Senate added \$50,000 to the item of "mail depredations and attorneys' fees." They receded from that amendment and accepted the figures contained in the House bill. The second point is simply in the changing of the word "this" to "that," a mere verbal change. The third point was the recession on the part of the Senate from the amendment reducing the item of mail locks and keys from "\$50,000" to "\$30,000." They adopt the recommendation of the House making that item \$50,000. The main point of disagreement involving a large sum of money was the appropriation for clerks in the post-offices. The House recommended an appropriation of \$7,300,000. The Senate added to the appropriation \$390,000. The agreement made by the conferees reduced that item \$200,000 from the Senate amount and increased the item as recommended by the House \$190,000.

The feature of new legislation in connection with the bill is the last item, wherein an amendment to this effect has been added to the bill:

Increasing the item for foreign mail transportation \$48,000, to be used in the following manner: Out of which appropriation the Postmaster-General is hereby authorized to expend the sum of \$48,000 or as much thereof as may be necessary to cover one-half of the cost of transportation, compensation, and expense of clerks to be employed in assorting and pouching mails in transit in steam-ships between the United States and other postal administrations in the International Postal Union.

The purpose is that when steam-ships transmitting or carrying our foreign mails arrive at the port of New York by virtue of the location of that service of the postal agent these great mails will be completely distributed, so that they can be immediately dispatched to all sections of the country, and the delay that is now so common in the great central post-office of New York in the distribution of the large foreign mails would be obviated and the mails facilitated by at least from twenty-four to thirty-six hours in being sent to all sections of the country. It is a proposition to carry into effect the same character of distribution that is now employed in what we call the railway postal service, and it is regarded as a wise and economical measure, for the reason that the great business centers of the country will receive their large foreign mails at so much earlier a day and hour than they now receive them. [Cries of "Vote!" "Vote!"]

I move the previous question on the adoption of the report.

The previous question was ordered; and under the operation thereof the report of the committee of conference was adopted.

Mr. BINGHAM moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

FEDERAL ELECTION BILL.

Mr. BUCKALEW. Mr. Speaker, as a member of the minority of the committee from which this bill was reported and under the usual custom of the House, I would occupy or might occupy the floor for an hour; but I desire to proceed to assign out of my own time twenty minutes to the gentleman from North Carolina [Mr. EWART].

Mr. EWART. Mr. Speaker, it is a matter of deep regret that a stern sense of duty compels me to antagonize a proposition which a large majority of the political party to which I belong are committed and have formally indorsed as a party measure. I am well aware of the penalty I shall have to pay in opposing this measure. Unfortunately, it has reached that point in American politics where, under the iron and despotic ruling of King Caucus, a Representative of the people is often forced to forget that he has a conscience and, blindly ignoring all sense of self-respect and manly pride, commit himself to the support of measures which deep down in his heart he knows to be utterly wrong.

We often hear of the nerve and boldness of politicians. That is a mere figure of speech; a flight of the imagination. As a rule, the politician is an arrant coward, and rarely ever possesses the courage of his convictions. His good sense, his cool judgment, his conscience, if he has any, may all condemn the measure under consideration, but the crack of the party lash generally brings him cowering and whimpering to the feet of the master to do his bidding. We need not go far to illustrate what I mean. To-day, to our shame and discredit be it said, there are Representatives from sovereign States upon this floor who deep down in their hearts know that this election bill is as damnable, illogical, inequitable, and vicious a piece of legislation as was ever attempted to be placed upon the statute-books of this Republic. [Applause.] And yet, at a sacrifice of their manhood, sober judgment, their sense of fairness and justice, feeling the keen sting of the caucus lash, they will support a measure which will add untold miseries to the woes of the unfortunate people it is designed to help, stir up race troubles and factional strife in our fair South land, and breed political confusion worse confounded.

I do not know the distinguished authors of this bill. Perhaps the most distinguished, the honorable gentleman from Massachusetts [Mr. LODGE], I know has achieved great reputation as a civil-service reformer. In that respect I concede that he is a grand and glittering success. He can indulge in more lofty declamation on the beauties of civil-service reform and at the same time secure more patronage for his political henchmen and retainers than any member of the Massachusetts delegation, and that is saying a great deal. [Laughter and applause.] But, however great a success he may be in the line of civil-service reform, as a statesman, if this piece of legislation is a fair criterion of his work, he is a most profound failure.

The distinguished gentleman from Massachusetts has been, I am told, an extensive traveler. He has viewed the splendors of sunrise as it fell on mountain and cliff and glacier from the summit of Mont Blanc, he has placed his footsteps in those of Hannibal and Napoleon along the historic St. Bernard Pass, he has seen the gondolier life at Venice, the peasant life of modern Greece, the life of the lazzaretto and the nobility in Florence and Rome; in a word, there is little of scenic splendor, of historic, social, or political interest in the Old World which he has not compelled to yield tribute to enrich his store of knowledge of men and of things. But, like many Americans, he has failed to see the loveliest part of his own country, the territory south of Mason and Dixon's line. Had the distinguished gentleman ever been South, had he ever had an opportunity to see our people, to study the political situation there, to realize the immensity of the social and political questions that confront them, he would not to-day be advocating the passage of a law which will postpone the settlement of those grave questions for long years to come and alienate the people of the two great sections of our common country.

But, as the distinguished gentleman has never embraced the opportunity to visit the coming "El Dorado of American adventure," let him at least come with me in his imagination and look at the South as it was in 1865 and as it is to-day. The close of the most disastrous war in the history of the world found the South in a condition that words are powerless to describe. Blackened chimneys, with women and children crying for bread in the ruins of their homes, marked the path of the victorious Union army. Cities and towns were desolated, fields devastated and destroyed, and hundreds of millions of dollars invested in slaves wiped out of existence. Bankruptcy and ruin stared the people in the face. As the victorious legions of the Union Army, amidst the thunder of artillery and the plaudits of the patriotic multitude, marched through the streets of the national Capital the ragged and foot-sore Confederate was wondering where to get bread for his wife and little ones as he looked on his ruined and devastated home.

But, nothing daunted, the Southerner went to work, and by indomitable pluck and energy was soon on his feet again. The losses incurred by the South in the late war are almost incalculable. It is stated that the actual loss from the war aggregated \$5,000,000,000. In 1880 the total amount of capital invested in manufacturing enterprises in the United States was \$2,700,000,000. If every manufacturing enterprise in the United States had been wiped out of existence by some

great calamity the loss would only have been half as great as the losses entailed upon the South by the late war. On the heels of this fearful loss by war and destruction of values came political misrule and degradation, against which it seemed almost hopeless to strive.

The State governments fell into the hands of the most disreputable gang of thieves and plunderers that ever disgraced a nation, and the very name of Republicanism became a stench in the nostrils of all honest men. By bloodshed, violence, and intimidation these governments were wrested from the thieves and plunderers and to-day without exception are held by the Democratic party. In spite of this long era of misrule and all the evils of reconstruction the South has prospered as never a section prospered before. Go South now, and your journey will be through a continuous and unbroken strain of the music of progress, the whirr of the spindle, the buzz of the saw, the roar of the furnace, and the throb of the locomotive. The next census will show it to be the richest section of our country.

Let me briefly submit a few statements as to the wonderful increase of wealth in the South in the past nine years. In 1880 the total wealth of the South was \$2,913,436,000. In 1889 it is estimated at \$4,220,166,000, an increase of \$1,306,000,000. The assessed value of property in the South is about 31 per cent. of its true value. On this basis the increase has in reality been \$3,000,000,000 in nine years. In ten years the South had increased its iron output from 397,301 tons to 1,566,702 tons. The percentage of increase has been 294 in the South and 78 in the rest of the country. In 1882 the South produced 6,569,316 tons of coal; in 1889, 19,497,418 tons. The year 1890 will show an increase of over 22,000,000 tons.

Since 1865 the South has produced and sold \$3,000,000,000 worth of cotton. With 161 cotton mills in the year 1880, having 687,854 spindles and 323 looms, this industry has increased till the South possesses to-day over 400 mills, with over 2,250,000 spindles and 50,000 looms. The agricultural interests of the South have also marvelously increased. From 3,000,000 bales of cotton in 1870 the yield in the South advanced to 7,250,000 in 1889. Its corn production for the same period shows a gain of 270,000,000 bushels. In wheat there is an increase of 22,000,000; in oats, of 45,000,000 bushels. Comparing it with the production of the rest of the country, we find that, notwithstanding the fact that the West produced last year the largest crop of corn ever made, the increase as compared with 1879 was only 31 per cent., while that of the South's corn crop was 55 per cent.

When we consider the poverty of the South at the start and the lack of immigration and contrast it with the wealth of the North and West this agricultural progress of the South is astonishing. It is a monument to the energy of the people and a complete refutation of the statement that the people of that section devote their entire time to hunting down and shooting the colored men of the South, who constitute in the main the labor that harvests this immense crop. The magnitude of the investments in Southern railroads since the 1st of January, 1880, is almost beyond comprehension. In 1880 the total mileage of the country was 93,296 miles, and of this 20,562 miles, or 20 per cent., were in the South, while in 1889 the South has 40,520 miles out of a total of 161,270 miles, or 25 per cent. Her foreign commerce has increased over \$66,958,738 in nine years.

The South leads the nation in the rate of increase in national banking. Since 1879 the increase in the number of banks has been 13 per cent. in the North, 81 per cent. in the West, and 113 per cent. in the South, whilst the increase in the capital stock was nearly 4 per cent. in the North, 95 per cent. in the West, and 70 per cent. in the South. In manufacturing enterprises, in the last four years, we have established over fourteen thousand, and the list is daily increasing. In this prosperity the blacks, to a very great extent, have shared with the whites. They pay taxes on over \$400,000,000 of property in the Southern States, and are making marvelous and rapid improvements in their financial, social, and moral condition. Their legal rights in the main are jealously protected, except in a few sections of the South where ignorance and brute force unite in refusing to the negro such rights as he is entitled to under the Constitution and laws of our land.

As to his political rights, speaking for my own State, I unhesitatingly assert that no Republican in the State, black or white, is prevented from casting his vote. The elections are absolutely fair. [Applause.] Here and there, as is the case in perhaps any State in the Union, local returning boards assume to throw out certain precincts for alleged irregularities, and in that way often wrongs are done. Representatives from other States can speak for their own sections; I only speak positively for my own. It has been alleged that grave frauds were perpetrated in the Second district, and yet it is a fact that the United States courts in that district have just adjourned without finding a single bill of indictment. It is proper that I should state that both the judge and district attorney are Republicans. In other States in the South the negro vote is suppressed under the forms of law, and in other sections still there is violence and stealing of ballot-boxes.

The United States Senate for the past twelve years has openly proclaimed to the people of the United States that they place no credence in the allegation that elections in the South are fraudulent. Why do I make this statement? Almost every year they have seated, without protest or question, United States Senators elected by Democratic legis-

lators in the South. If the Congressional elections in the South are tainted with fraud, the election of members to the State Legislatures, who elect these Senators, are equally vitiated. The Republican majority, in allowing these Senators to take their seats without questioning their right or title to the same, have either committed a grave wrong against their own conscience, or tacitly admit by their action that there is no truth in the allegation of Southern election frauds and outrages.

I am not going to exonerate the white race of the South from all blame in this matter. There are bad and murderous men in certain sections of the South who hate the negro, and whenever opportunity offers they wreak their vengeance upon him. Sometimes they are severely punished, sometimes they are not. But, because a few lawless men from time to time commit crime, should the entire people of the South be blamed for it and be stigmatized as the sympathizers of a band of assassins and murderers?

The negro citizen of 1890 differs from the negro citizen of 1865 in many important essentials. He is better educated, more self-reliant, has more property, and is better qualified to think and act for himself. The negro is imitative. If a white man buys a horse the negro buys a horse; if a white man paints his house white with green blinds the negro paints his house white with green blinds; if the white man sends his children to school the negro sends his children to school; if the white man finds it necessary to protect his rights at the ballot-box the negro will sooner or later do the same thing.

The negro to-day is thinking for himself. He is entitled to all kindness and consideration at the hands of the Southern man. In the late war, when the men were at the front and the enemy was within Southern borders, it was the faithful negro who stood as a body-guard to defend the mistress of the mansion. For their faithfulness, constancy, and patience during those four years the Southern people owe the negro a debt they can never repay. Brave and honorable men will treat them with kindness and justice. It is only the ingrate and coward who will persecute and maltreat the faithful and inoffensive black man of the South.

I am sick and tired of this talk about the negro problem at the South. There is no negro problem at the South. It is no new question there. It is the same question that existed when the shackles were struck off the limbs of four millions of slaves; it is the same question that existed in 1865, when nearly one million slaves were given the right of suffrage. It is not a problem. Side by side the blacks have been there with the whites since the war, and side by side they will be with them until the last syllable of recorded time. [Applause.]

I know the negro. I ought to know more about him than the distinguished gentleman from Massachusetts. For three generations my people were slave-owners. There are no more faithful, generous, or kind-hearted people upon God's green earth. Give them the education that they are so eagerly striving to obtain, and the country will have no more useful class of citizens than they will prove to be. But instill into their minds that the white people of the South are their enemies, that they desire to crush them, to strip them of their legal rights, and you do the negro a wrong that you can never atone for. I say that the negro is to-day thinking for himself. It is a delusion to suppose that he is voting the Republican ticket solidly. He is doing nothing of the kind. Thousands of them to-day are voting the Democratic ticket as willingly and as openly as the Republican ticket is voted by myself or any of my colleagues on this floor.

It is getting more and more difficult every year for the Republican party to control him. Thousands, as I have stated, openly vote the Democratic ticket. Thousands do not manifest interest enough in an election to go to the polls. He is growing skeptical about certain pledges and promises which have been made and broken by the political organization to which for so many years he has shown his loyalty. Widespread dissatisfaction exists among the colored voters of the South to-day. There never was a proposition as dear to the negro heart as the Blair educational bill. The negro knows the power of education. He looked eagerly to the great Republican party to redeem in honor and good faith the pledge it had made in its platform at Chicago to extend national aid to the common-school system of the country.

When the news was flashed over the wires that the Republican party had won a great victory, that both the executive and legislative branches of the Government were in our hands, a mighty shout went up from the Republican hosts of the South. Knowing that the Republican Senate had three times passed the Blair educational bill, knowing that the President when a Senator had voted for the bill, knowing that with a Republican majority in the House its passage, unless obstructed by the Speaker, was a foregone conclusion, and fully realizing that the same great necessities existed to-day for the passage of the measure as existed ten years ago, the Republicans of the South confidently looked forward to the speedy redemption of the party's pledge.

Warned by the treatment given by CARLISLE in the Fiftieth Congress, Southern Republicans by their votes placed in the chair a Speaker for whom the assurance was positively given that there would be no such arbitrary and despotic treatment of the measure as had been given it by Speaker CARLISLE in the Fiftieth Congress. But the pledge so solemnly made in the Chicago platform has been wantonly and cruelly

falsified. A Republican Senate has deliberately killed the educational bill. It was a blow that went straight to the negro heart and will not soon be forgotten nor forgiven. It was as cowardly an abandonment of principle as a great party was ever guilty of. The failure to pass that bill has caused wide dissatisfaction among the colored voters of the South.

Speaking for my own State, I can safely say that if the election was to take place to-morrow not three-tenths of the colored votes in the State would be cast for the nominees of the Republican party. Why was that great measure so ruthlessly slaughtered in the Senate? The excuse rendered by certain Senators is that it was no longer a necessity. No longer a necessity? Why not? Because it is said the Southern State Democratic governments were doing what that Senate did not have the magnanimity and courage to do, appropriating ample funds for the education of the negro in the South, thereby elevating him to a higher plane, teaching him the great duties of citizenship and enabling him to protect his rights at the ballot-box. The defeat of that measure must have been intended as a formal notice to the country that the Republicans of that body attach no importance to the statement that the negro was maltreated in the South, deprived of his political rights and kept in ignorance by the dominant party for political purposes.

Perhaps the reason was correctly given by a distinguished Senator who, in reply to the statement of a Southern Republican Representative that the negroes would resent their action in defeating the bill at the next election, coolly replied that they might do so and "go to the devil," as they were of no use to the Republican party anyhow. It matters not, however, what brought about the defeat of the bill. I simply assert that the negro regards it as a cowardly abandonment of his interests. It has no parallel except in 1876, when Hayes, with the full assent of the party leaders, left him to his fate in order to secure the Presidency for the Republican party.

Perhaps the defeat of this bill, after all, may prove a blessing in disguise. If it tends to disintegrate the blacks of the South, if it teaches them the fallacy of depending on the hypocritical promises of political parties who wish their votes only, if it drives thousands of them into the Democratic party and breaks up the solidity of the black vote, then comes inevitably the breaking up of the white vote of the South. There are thousands of men in the South to-day who are protectionists at heart who would identify themselves with the Republican party to-day but for the scarecrow of negro supremacy and negro domination.

Every year the Republican party in the States of Tennessee, North Carolina, and the two Virginias is becoming stronger and more aggressive. It is not acquiring this strength by making morbid appeals to the negro and by exciting their passions and prejudices, but by appealing to the sober judgment of the white voters of the South on the great issue of protection to home industries and home labor. Disorganization prevails in the Democratic ranks in almost every State in the South. I send to the Clerk's desk to have read extracts from the Wilmington Messenger, one of the leading Democratic papers in the South:

While these infernal machinations are active against the rights, privileges, and liberties of the Southern whites there are sad indications of disorder and disintegration in North Carolina and other Southern States among the whites. We can not understand this. What can men expect but ruin and trouble if the whites split up among themselves? In union there are strength and victory, but in tumult and division there are weakness and defeat.

In Georgia there are two men, both professing Democracy, running for governor—Hardeman and Northen. If a strong Republican should run he might go in. In South Carolina the split in the Democracy seems wide and complete. We do not understand what possesses the whites. Have they so soon forgotten the sad lessons of reconstruction and the wholesale plunderings of the dark days?

The Farmers' Alliance is becoming a great political power in that section. No longer frightened at the Bourbon scarecrow of negro supremacy, they are boldly announcing that they will no longer tolerate ring rule, and with thorough organization and well-defined principles they propose to take an active interest in the campaign this fall. In my own State they will undoubtedly control the next Legislature and send their nominee to the United States Senate. With every indication, then, pointing to the breaking up of the solid South, when party lines are being obliterated, when the gigantic industrial interests of the South are daily winning over converts to the great doctrine of protection, when the best of feeling exists between the great sections of our grand Republic, there appears upon the scene the distinguished gentleman from Massachusetts, who, with a coterie of politicians, insists upon driving through this House a law that will destroy this good feeling and make Republican success at the South in the future an absolute impossibility.

I do not pretend, Mr. Speaker, to question the power of this Congress to pass a bill regulating the Federal elections of this Government. In my opinion it has ample power under the Constitution to do so. But, Mr. Speaker, this proposition is not a broad, comprehensive, and statesmanlike one, to take entire control and supervision of national elections, as this Congress undoubtedly has a right to do, but is a lame and impotent effort to patch up a system of double-headed jurisdiction, a system of legislation which has always been a failure and always will be a failure. It ordains irregularity instead of certainty. It is not

uniform. Scores of members on this floor would not dare to invoke the aid of this law in their districts. It would awaken a storm of indignation that would sweep them out of political existence. [Applause on the Democratic side.]

It is a sectional measure, designed almost entirely for the South. It is a sort of legislation which can only be characterized as that of the spotted hit or miss, fly-trap order. How is the law to be applied in those districts where, for the sake of argument, fraud prevails and it is necessary to apply it? The applicants for supervision must declare their belief that without it there will not be a free and fair election. And here we have a direct appeal to partisan prejudice. The complaint is filed that the majority in the district propose to steal, cheat, and swindle at the ballot-box and that Federal supervisors must be appointed to protect the rights of the minority. And right here the wickedness and folly of this proposition become manifest. The most determined and resolute body of partisans in the world to-day live at the South.

By this law you instigate the misguided colored man to sign the petition in which he alleges that the white people of his district propose to cheat and swindle him at the ballot-box. At the very outset of the political contest distrust and bad blood are generated. But it does not stop here. The law directs that the supervisors shall be appointed from each political party. In many counties in certain Southern States there are not half a dozen white Republicans; in many townships not a single one. Who, then, will be appointed supervisors? Necessarily negroes. Deputy marshals would also be appointed from the same class. What results would this bring about? Bloodshed, terrorism, riot, and disorder.

I do not mean that this state of affairs would be universal. It would probably prevail in those districts where the black majorities are overwhelming, and where it would be impossible to get white men of sufficient nerve and courage to act as supervisors of the election. Did it ever occur to the framers of this bill that they are asking these poor negroes, who are appointed in Mississippi, Louisiana, South Carolina, Alabama, and Georgia as supervisors, to discharge a duty that the bravest soldier in the United States service to-day would hesitate to perform? [Applause.] Did it ever strike these gentlemen that it required a man of unflinching nerve to act as a supervisor or deputy marshal at a precinct surrounded by angry, hot-blooded, determined, and resolute partisans where the issue is black against white, the powerful against the weak, the rich against the poor, the intelligent against the ignorant?

You will probably exclaim with virtuous indignation that this is a shameless state of affairs to exist in any section of the United States. But, virtuous Representatives, put yourselves in the place of these Southern people, place negro judges of election and negro deputy marshals at the voting precincts in Michigan, in Wisconsin, in Ohio, and in Indiana, and the Republican nominees for Congress in those districts would be swept out of political existence. You very well know that you would not dare to apply this law as it will have to be applied in the South in the districts which you represent to-day.

Suppose you place this law upon the statute-books, in what way have you helped the negro? You again solidify the white voters of the South, now on the eve of disintegration; you again solidify the black vote, thus entirely destroying the kindly relations which exist between the two races to-day; you encourage Bourbon extremists to enact legislation which will practically disfranchise thousands of Republicans, who now have the right to vote, by legislation which will stand the constitutional tests in the courts of the State where they are enacted. You frighten away Northern capital now pouring into the South. You retard our industrial interests, and all to do what? To create returning boards who may possibly return as elected a few Congressmen from the black districts.

I say possibly. My honest belief is that if you pass this law not a corporal's guard of Southern Republicans will be on this floor in the Fifty-second Congress. You say that it is a scandal to the nation that these frauds are committed in the South, and that they ought to be stopped. I agree with you. But you must remember one thing. This Government does not exist to save the negro from the struggle for his rights. My rights are not protected by the United States Government, but by the State of which I am a citizen, by the laws of that State, and more especially by my own capacity, my education, my ability to protect my rights at the ballot-box.

My State has, in the fourth judicial district, a negro solicitor, the State's attorney—elected by a majority of the voters of that district, an able and capable lawyer. Have you, gentlemen of the North, ever elected a negro prosecuting attorney in any of your districts?

My State sends a colored Congressman to the Fifty-first Congress, an able, capable, and faithful Representative. Where are the colored Congressmen from the North?

How many negro postmasters are there in the States of Maine, Michigan, Iowa, and Illinois?

You may mourn over the wrongs of the negro, you may deplore them. No doubt he is as dear to you as the ruddy drops that visit your sad hearts, but I would be glad to see you exhibit a little more practical sympathy and less sentimental gush in his behalf. You will tell me

that I am suggesting no remedy for the political state of affairs in the South. Yes, there is a remedy, and that is to mind your own affairs and treat the colored man of the South with "wise and salutary neglect." I mean, of course, in a political sense. If you are too penurious to help him by educating him, at least let him alone. It was Burke who said that "a clamor made merely for the purpose of rendering the people discontented without an endeavor to give them a practical remedy is indeed one of the worst acts of sedition." Such conduct is worthy only of demagogues like Cleon or scheming politicians like Burr. I am tired of this rot and fustian about the poor negro and down-trod Republican of the South. The negro of the South is doing well.

Do not let the Southern Republican party have the epitaph of the Italian—"I was well. I wanted to feel better. I took physic, and here I am." [Laughter.] The Republican of the South is doing well. We came here from North Carolina with as many Republican Representatives as the great State of Indiana has in Congress to-day. [Loud laughter and applause.] The votes of Southern Representatives made it possible for you to organize this House. We will continue to increase our numbers if you will let us alone. Perhaps in the near future, when we come here with fifty Southern Republican Representatives, we may be able to secure a committee of a little more importance than that of the Committee on Expenditures in the Post-Office Department. [Laughter.]

There is much that you could do for us, if you would, of infinitely more value from a political standpoint than the enactment of a Federal election law. You could give us legislation that would gain more votes for the Republican party South and increase our representation here than all the Federal election laws you could pass from now till doomsday. You might pass a law granting aid to the common-school system of the country. If you are afraid the Democratic State governments will steal the funds, let a Federal board of education disburse it; no matter how it comes, educate the poor negro in the South, educate the poor white man in the South, then you elevate him, you teach him the duties of citizenship. When you do that you can rely upon it he will be amply able to take care of himself at the ballot-box. You say that this will take too long a time. Better let it take time than pass a law which will delay it indefinitely, bring about bloodshed, sadden many a heart, desolate many a home, and breed inextinguishable confusion all over the country. Let these distinguished gentlemen, who mourn over the woes of the negro and indirectly instigate murder and arson by wondering at the patience and long-suffering of the persecuted negro of the South and then coolly and cruelly vote down the only proposition that was ever introduced in the American Congress to enable him to protect himself from the persecution of his enemies, cease their clamor. There is still another way you may help the Republicans of the South. The only agricultural product that is taxed to-day is tobacco, almost entirely a Southern product. In the platform at Chicago the party is pledged to repeal that tax.

The whole system of internal-revenue taxation ought to be stricken from our statute-books. In many sections of our country it is a law that has to be enforced in the blood and suffering of our people. I have known a poor mountaineer dragged from his home and little ones a hundred miles away, tried and convicted by a Federal court, and thrown into a filthy jail for selling a little piece of twisted tobacco, the product of his little hill-side home. Scores upon scores of lives have been lost in the enforcement of this law, and still to the shame and degradation of the American people it remains upon our statute-books. The national Prohibition party demand its repeal; the Woman's Christian Temperance Union have, time and again, asked Congress to strike the odious law from our statute-books; the national platform at Chicago distinctly asserts that it will abandon the entire system of internal-revenue taxation before it will interfere with the American protection system. In politics, as in business, honesty is the best policy. You have given us scant measure of relief in the McKinley tariff bill.

The Senate, in utter contempt of the platform in Chicago, has stricken the provision from the McKinley bill relieving the growers of tobacco from the onerous and inquisitorial features of the law. Another cowardly abandonment of principle, another broken pledge to Southern Representatives! We asked you for relief from this great burden imposed upon our people. You turn a deaf ear to our requests. We ask bread, you have given us a stone; we ask fish, you have thrown us a serpent in the shape of a Federal election law. There is still another way in which you may assist us. Whisper into the ear of your Chief Executive, for Southern Republicans have no representative in his Cabinet with whom we can advise, that when he appoints district attorneys in the South to appoint men who are not afraid to avow their Republicanism and who have nerve and backbone enough to do their whole duty. [Applause on the Republican side.]

We have laws enough on the statute-books to-day if they were enforced as they ought to be. But you will never have them enforced with weaklings as district attorneys. Suppose you pass this law. In all probability your first test case would be in the State of South Carolina. You have a district attorney in that State appointed by this Administration who has not the nerve of a buck rabbit, and would require proof as strong as holy writ before he would send a bill of indictment against a South Carolina red-shirt ballot-box-stuffer. [Laughter.]

In other States in the South you have district attorneys who actually did not have the moral courage to vote the Republican ticket at the last election.

Do you suppose for a moment that you could induce a district attorney who actually did not have backbone enough to go the polls and vote to prosecute a set of desperate violators of this election law? These are measures of relief which, if accorded to the Republicans of the South, would gradually and eventually break up the solid South, and are worth more to Southern Republicans than all the national election laws you can pile upon your statute-books. Southern Republicans are not demanding the passage of this measure. The able and distinguished gentleman from Louisiana, Mr. COLEMAN, stands with me in bitter opposition to it. There are other Southern Republicans who are known to be opposed to it and who will vote against it; others there are still who, though impelled by party considerations to vote for the measure, know that it is an unwise and impolitic one. I have the satisfaction of knowing that the best element of my party in North Carolina heartily indorse my course in this matter, and that my district is almost solidly against this bill. I have a letter on the subject from one of the leading Republicans in my State. He says:

I heartily indorse your course on the Lodge election bill. I consider the policy of such a law at this time as very vicious, because, in this State at least, there is great apathy among the negroes, some avowing their intention of voting the Democratic ticket, and many more saying that they will not vote at all. The natural result of this state of things with the blacks is to produce an independent feeling and expression among the whites, so that it is now far from an uncommon thing to hear white men of position declare that they will no longer be led by the nose in political matters. The passage of an election law would have the tendency to reset the negro in his former party allegiance and rekindle the passions of the white man, thus making it possible for the Democrats to enforce the Payne election law all over this State. I hope you will be able to impress your views with sufficient force to convince our friends North that the passage of such a bill, unless enforced by an army, which no man dreams of or desires, will be *brutum fulmen*, and can only result in perpetuating the present state of ill-feeling and party prejudice in the South, which now shows such evident signs of abating.

One of the most prominent colored men in my district, and a leader of his people, earnestly indorses my views on the election bill and predicts trouble and disaster to his race if it passes. John H. Williamson, the editor of the Gazette, the leading colored paper in the State, and an ex-member of ability and standing in the Legislature of 1886, writes me that he heartily approves my course and unites with me in warning the leaders of the party against this pernicious legislation. With the exception of that variety of Southern Republicans who desire to see only a skeleton Republican party in the South, in order that the area of official availability may be as limited as possible, I have the hearty indorsement of my party in opposing this measure. [Applause.] But if I did not, Mr. Speaker, it would not have affected my action in this matter. Whilst I may have politically sacrificed myself here, I have the proud satisfaction of knowing that I have done my duty, and having done that, in possession of a "peace within me that exceeds all earthly dignities, a still and quiet conscience." I am a Republican, a Southern Republican. Born and bred in the hot-bed of secession, and disunion, the city of Columbia, I well recollect when as a lad I stood upon the streets of that city and cheered those who were nearest and dearest to me as they marched to their deaths upon the bloody fields of Gettysburgh and Shiloh. Almost every one of my blood perished in that struggle. They were brave and honorable men who fought for what they conceived to be a great principle, and I have no apologies or excuses to render in their behalf. Standing upon the threshold of manhood, I chose to identify myself with the Republican party because I believed it to be the party of progress, of right, and of justice.

My first vote was cast for that brave soldier and magnanimous President, Ulysses S. Grant, who, if he were here to-day, would discountenance and frown upon this measure. [Applause.] I know what it is to be a Republican in the South. I have passed through the ordeal and I know what a fiery one it is. Ten years ago I made a campaign as elector on the Hayes and Wheeler ticket with pistol in hip-pocket, never knowing the moment when I would be required to use it. I have had the mournful pleasure of gazing upon my grave and reading my own epitaph! But, thank God, all that is changed now. I represent a district to-day that has a majority of white Republicans, in the ranks of which are our bravest young men, our largest tax-payers, and our best people. This political change has not been wrought by appeals to passion or prejudice, but to the cool, sober sense of the people. Northern capital is pouring into the district, and the next census will show it to be the richest in the State.

I do not desire to check this prosperity by voting for legislation that will prove inimical to their best interests. I do not know what course other Southern Republican Representatives may take in this matter; but, speaking for myself, I will never by my vote or voice support a proposition that tends to humiliate or degrade my people. I shall, if I am the only Republican on this floor, protest against the passage of a law that will sow the foul seeds of factional discord among the people, be a fruitful cause of unutterable woe to the unfortunate class it is designed to benefit. If that be treason to the party to which I have ever been loyal, make the most of it.

[Prolonged applause.]

Mr. BUCKALEW. Mr. Speaker, in the limited period of time which I have assigned to myself for speaking upon this bill it will be impossible for me to go over all the several points which concern the merits of the bill, as distinguished from the political aspects which have been presented in the general debate. But the views held by me and other members of the minority of the committee which reported this bill have been succinctly set forth in the minority report which we made, and in which, *seriatim*, we stated the leading objections to this measure, concluding with a brief examination of the question of the power in Congress to enact it. To that report I must refer gentlemen in the House, and citizens outside of the House who may feel any interest in my opinions and views, for their clear, condensed, and honest expression.

Sir, we have had upon the statute-books of the United States certain laws passed some years since which I may describe as inspection laws—laws providing for observing and watching the popular elections in the several States for Representatives in Congress. Those acts were opposed when they were passed. In some particulars they are, as we find them recorded, open to just objection by one who approaches their consideration either from a legal or patriotic point of view. But, sir, those acts were modest in their terms and in their purpose. It was proposed by them to obtain from persons selected by the Government of the United States information about the registration of voters in the several States, and about the manner in which the elections were conducted by the officers selected by the States. Those were the main, apparent objects of the law, so far as the supervisors, as they are called, were concerned.

Those laws also provided for the appointment of deputy marshals to attend at the places of elections, to preserve order and to assist the supervisors in the performance of their duty, and both classes of appointees of the Government were put under liberal pay. The number of supervisors as fixed in those laws was two, one to be selected from each of the great political parties; whereas in this bill the number is three, two of whom shall be of the majority as represented by the circuit court of the United States at the place of appointment, and consequently it will effectively confer upon those two majority supervisors all the powers this bill contains with reference to registration and to the supervision of the election of members of Congress.

Now, it is well known that great abuses occur in the administration of these, comparatively speaking, modest and moderate laws. For instance, a great number of deputy marshals were appointed in the large cities, in many instances jail-birds, men who had served terms in prison. The roughs and rowdies of the cities who could exercise a certain amount of brute influence were appointed deputy marshals, and great expense resulted to the Government without any benefit. It was so in Philadelphia and elsewhere, and public opinion in Northern cities rose up against the administration of those laws. I know it was so in Philadelphia, and I believe it was so elsewhere, and the consequence was that Congress passed an act limiting the number of deputy marshals that could be employed at elections, an act which was proposed by the late Mr. Randall and now remaining upon the statute-book, but which this bill repeals. Public opinion operated upon that legislation and checked its mischief, so that we hear very little about it now. However, under those laws there is sufficient power to appoint persons representing the United States in every Southern city of the Union, and in every district where it can be pretended that inspection and supervision are needed or will be useful. Nobody is proposing to repeal those laws, yet they are not enforced.

Now, in every district that has been brought in question by a contested-election case at this session of Congress, and about which so much trouble has occurred, in every one of those election districts supervisors representing the United States can at least report whether these exaggerated stories that come to us with reference to the frauds and outrages of these elections are true or not. Why are not those laws put in operation at the South in places which fall within the description of the places for which they were made? I have come to the conclusion that the reason they are not resorted to is that a great part of the narratives that we hear about these matters are false, concocted by political zealots and for political purposes; and I observe that in the cases that come to us from our Elections Committee the spirit of partisanship outside which has brought most of the cases here appears in the reports of our committee. And then it becomes necessary also to back the reports up by political speeches on this floor. In every election case to the discussion of which I have listened we have had warm party appeals to vote for the reports of the committee. And I must here remark that in my opinion (with the exception of a case from the State of Maryland at the consideration of which I was not present) there has not been a single Southern election case decided by this House at this session the decision in which was lawfully made or was just.

Now, what is this bill? Why, sir, building upon the modest foundation of former laws, we are now asked to enact that these officials appointed by the United States, instead of watching, looking on, inspecting the elections to detect anything wrong and report it, are to be clothed in a large degree with a power to control the elections themselves. For the action of State officers in registration in receiving and rejecting votes and in making returns, for the State

machinery applicable to all these objects, matured by State legislation and improved from time to time, is to be substituted this amazing, this crude, this partisan, this mischievous and dangerous bill. And, if I understand its source, it was not prepared nor was it brought to our notice by lawyers, or judges, or statesmen, or unprejudiced men of any description. It was, in many of its provisions, drawn by a professional politician. It was sanctioned, at least in form, by what is known in modern times as a caucus—a consultation of a section of the members of this House—and then sent to the committee, where it was impossible to consider it, and it was not considered except with reference to some amendments—not even read. Here it is in the House, and not one member in ten who now hears me has read the bill!

Sir, in the first place I object to the authority conferred upon the chief supervisor, or district supervisor as he is called in the report of the minority. He is to be appointed by a judge to administer this system, and he is to be one of the United States court commissioners now in office, until a vacancy occurs, when his successor may be selected. Observe, the bill is drawn to include and keep in office for the purposes of this bill the very man who has drawn a great portion of it—Davenport, of New York.

Now, that officer—the chief supervisor or district supervisor—appoints all the precinct supervisors, three in number, as I have already remarked. And they are under his orders, his bidding, made so by the bill. All the orders issued to them by him they are to obey, in regard to registration and naturalization matters as well as to the holding of elections and the making of the returns. And they are to hold a sort of side election in the same room with the State election officers, keeping a tally of the votes. What more? They are to make returns to him. They are his agents, not officers of the people or properly of the Government. They send their returns to him, and not returns only—for this bill says they shall send statements. They can write long cock-and-bull stories about the election, without the responsibility of an oath or an obligation of any sort. And this district supervisor makes a return as he pleases. With these papers before him he makes a return to the United States board of canvassers for the district, and those boards of canvassers make out the returns that are to be sent here to the Clerk of the House; and the Clerk of the House is to receive them and place the names thus returned upon the roll of the House, under pain of fine and imprisonment if he disobeys.

This is the scheme. And what does it all result in? The establishment of a most fearful, irresponsible one-man power in every Congressional district to which the bill is applied. The chief supervisor of elections stands at the central point of this machine, controlling in both directions; controlling on the one hand the appointees who attend to registration, naturalization, and the elections, making returns to him, and on the other the United States board of canvassers, because they must take his returns—they can do nothing else. The board of canvassers do not get returns from the State officers. They can resort to no external source of investigation. Why? Because they are merely ministerial officers; they have no judicial power. Their action is merely formal, unless the very return made to them be impeached for fraud. They are bound to take the returns, including the statements, if they please, which are sent to them by the district supervisor, who controls everything up to that point, and to make their returns in accordance with his report. And then the Clerk of this House, under fearful penalties, is bound to take their returns. He has no discretion; he can not listen to any imputation of fraud or mistake. And this House is to be packed upon returns made under a system which virtually puts the general supervisor of the district in control of the whole proceeding from beginning to end.

That statement, Mr. Speaker, is in itself an argument, and requires no illustration. Now, sir, why should these returns be made here as official at all? All the object of former inspection laws was to obtain information by United States officers in respect to proceedings on the part of State officers; and if this bill provided simply that these reports from the precinct supervisors should be sent to some general officer of the district authorized to send them here to the House, to be laid before the House when organized, there would be some common sense at least in the arrangement, whether there would be constitutional authority or wisdom in it or not.

But you have deliberately proposed an act of Congress providing for a new kind of return in addition to another kind of returns by the State officers; and the plan is to organize discord in this House and in the Government. I need not set forth or elaborate the consequences which will result from the conflicts of authority. Instead of seventeen contested-election cases, which I understand we have in this Congress at the present session, we may have fifty or more at future sessions, and the House will be turned upside down. The result will be infinite mischiefs and disgrace to the House itself, to say nothing of the injustice which will be perpetrated.

But the bill has another purpose, and that is to establish a large, a very large and expensive electioneering force in behalf of the party which, for the time being, may control these appointments of district supervisors. You have increased the number of supervisors at each election precinct from two to three. Well, there are 815 precincts in Philadelphia alone, and 4,217 in Pennsylvania. So that if

the law were applied to that State, as it may be (because fifty or a hundred men in a district or city may invoke it, and that number of men may readily be found for such a purpose and set it in operation), there will be between 12,000 and 13,000 officers created in that one State alone, under pay, most of them at \$5 or more per day, as well as an indefinite number of deputy marshals.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. BUCKALEW. A few words further.

Mr. BLOUNT. I ask unanimous consent that the gentleman may proceed.

The SPEAKER *pro tempore*. For how long a time?

Mr. FRANK. Say ten minutes.

Mr. BUCKALEW. Ten minutes is all I desire.

Mr. BLOUNT. Make the time indefinite.

Mr. BUCKALEW. No; I do not wish to deprive other members of the opportunity of being heard.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Pennsylvania asks an extension of ten minutes. Is there objection?

There was no objection.

Mr. BUCKALEW. There will be that number or more of deputy marshals, Mr. Speaker, as I have said, because the limitation upon the number is withdrawn, and this bill provides that the number appointed shall be the number agreed upon between the marshal of the district and the district supervisor. There is no limit at all except their discretion and choice. The Randall limitation upon that subject disappears absolutely, and extraordinary appointments of deputy marshals may be made without limit. The bill provides for that.

But what else does it do? Why, sir, the district supervisor selects one-third of the deputies that the marshal must appoint, and the marshal must appoint his selections. So you give to the district supervisor for the time being—you give him the actual power of appointment of one-third of the deputy-marshals, and charge them upon the Treasury of the Government. And, what is more, you provide in all cities of over 20,000 (and there are a large number of that class in my own State) that a canvass from house to house is to be made by the precinct supervisors, under the direction of their chief, and that deputy marshals shall assist in the canvass—the five-dollar-a-day boys.

An election precinct in Philadelphia, or in a town in that State of the population required, will be canvassed by supervisors and marshals, the number of the latter unlimited, all canvassers proceeding from house to house, under the direction of the district supervisor. They will take a list of the names of every voter, his residence, his age, the number of his house, and where he was born. They will go to all the boarding-houses, to all the corners of the cities and find every name, the nativity of every voter, his naturalization papers will be inspected, and his politics, of course, ascertained. And this list, accompanied by statements which these canvassers may write out—not in any legal form—are to be sent to the district supervisor a sufficient time before the election to enable him to have upon his table a perfect and complete representation of the voting population of the district, with all the minute particulars of each individual. In other words, the ordinary expenses of political parties, and the necessity for canvassing districts before the election to see about the voters, and to prepare for the election; all of the expenses for this work, the millions of dollars now borne by political parties is—as far as the one party is concerned, the one that controls these officers—to be transferred from the party and charged upon the Treasury of the United States. [Applause on the Democratic side.]

In other words, official canvassing in the interest of the party in control at the time will supersede the necessity of individual contributions of money for such purpose; and when Mr. Wanamaker or some live ambitious person carries \$400,000 in a campaign to the city of New York, it would not be necessary to expend any part of it in canvassing the State or the city of New York, or any other part of the country. That will be done at the expense of the United States, at the expense of all the people, say \$10,000,000 a year, all furnished by the Government. Some of it may be expended for printing, some for expenses of a national committee, some for various other services in connection with the election, but the bulk can be applied to the ultimate object—the purchase of votes. [Renewed applause on the Democratic side.] All these things can be done, and your machinery provides a mode of doing it. This bill makes such purchase of votes safe and free, and why? Because you have three supervisors, representing the authority that appoints them, in sight of the election-room; they are spies upon every voter. The secrecy of the ballot is gone absolutely. In an election held in my own State the ticket of every voter is numbered when he votes. The ticket is taken and put into the box by the election officers.

Then at the end of the election the tickets, according to this bill, are to be examined, counted, and tallied by the supervisors, as well as by the election officers, and as the supervisors have kept a list of the voters with their numbers, they obtain complete knowledge how every elector has voted.

Why, in my State, although we have the ballots numbered, so that in case of a judicial investigation we can go to the box and pick out

a certain number—when you prove that the man had no right to vote, you can pick out that ballot and destroy it, and purge the ballot-box—yet we swear our election officers that they will not divulge how a voter has cast his ballot. Our State election officers are under that obligation, and they keep it. If they do not, they are subject to speedy and sure punishment. By this bill you send your subordinates into every election precinct and into every election room, to destroy utterly the secrecy of the ballot; and yet the gentleman from Massachusetts [Mr. LODGE], who has the Australian system on the brain, almost, stands forward to report and support this bill. Mr. Speaker, these are the main objections to this bill. The "return" feature with all its evils, the enormous powers conferred upon the district election supervisors, and this enormous increase of popular election expenses throughout the country to be borne by the United States Treasury, these are the deadly evils which appear on the face of this bill; and those features of the bill which look to the destruction of the secret ballot and to the packing of juries in the United States courts are scarcely less objectionable and dangerous. The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. BLOUNT. I ask that the gentleman from Pennsylvania be allowed to go on for ten minutes.

Unanimous consent was given.

Mr. BUCKALEW. Now, in a few words, I can state what is the existing plan of getting ballots into and out of an election box in my own State, and what is to be done with them afterward. Ever since 1839 we have chosen a judge and two inspectors of election in each precinct, and no voter can vote for more than one of the inspectors, so that they are divided politically, and then each inspector appoints a clerk, so that every election board in my State, from the Delaware to the Ohio, is constituted politically four to three, or three to four. And our example of 1839 has been followed in most of the American States; followed in part, at least. It is admirable, it is salutary, it is wise.

Then what more? We provide in all the cities for the protection of the polls by the police, for the preservation of order, for the arrest of any person committing violence.

Thus the conduct of elections is under municipal control, stringent and effectual. What else? Why, in our new constitution, which embodied the best thoughts of the best men of the State upon public affairs, we have a provision that any five citizens of an election district may apply to the court of common pleas having jurisdiction, setting forth that the appointment of overseers of elections (two in number) is a reasonable precaution against fraud at the election to be held, and the judges are obliged to appoint them; and in some of the rough districts in the outskirts of Philadelphia those appointments are applied for and made, and they can be made in other cities, made in the mining districts, made anywhere where any intelligent citizen apprehends their necessity. The supervisors, unlike those provided for in this bill, are to be citizens and electors of the district itself, owing some responsibility to their neighbors, acting under the observation of those that know them; and they are to be qualified voters of the election district, men of good moral character, and members of different parties. All this the court looks to and makes the appointments, and when the election board is divided in opinion respecting the receiving or rejecting of a vote, or about anything else in the performance of their duty, the overseers, if they are agreed, decide the question.

Now, sir, this is our electoral system in the State of Pennsylvania, in city and country, gradually worked out during the last fifty years, now largely embodied in the constitution of the State. Our mode of choosing inspectors is in the constitution itself.

Sir, there is no disorder in our State, from one end to the other, at elections. Nothing of importance occurs to disturb the peace. There are no frauds in our elections in Pennsylvania, from one end to the other, unless it is occasioned by something outside any common influence. The board may be imposed upon with reference to a single vote. But we have all the protection to the secrecy of the ballot, to the purity of the ballot, to the honesty of the election, to the fairness of the returns, that can be desired from imperfect human nature in the present state of society. Why are you sending this bill to that State? Where is your power to do it? Where is the justice of it? Why should we have 13,000 Federal appointees as supervisors, for no useful purpose whatever? Why should you pay that number or double that number of deputy marshals for no purpose except that they may be subsidized for election purposes in the interest of a party and the Federal Treasury pay the expense? Sir, I declare that this bill in its application to my State is utterly unnecessary and profligate, and my colleagues upon this floor (many of whom I am afraid act under a measure of duress on this subject) all know it as well as I do.

Now, if this power asserted by this bill were as ample as it is claimed to be under the Constitution, and I am not going to discuss that question because the time is too short; if this power were as ample as it is claimed to be—and it is not—it is a power to be exercised only where it is necessary and proper also; where propriety and necessity unite to demand it in any State. And confessedly it is a power in this Government originally given for the purpose of interposing Federal authority when States did not pass laws for the

election of Representatives in Congress. Where, owing to any cause, whether to default or to hostility of a State, the people of the State could not have elections for Representatives to this body, then the interposition is to be made. Does it follow, because there may be occasion for it in California, that the whole country should be put under the condemnation of such a statute?

You were told yesterday by my colleague, who is not now present [Mr. VAUX], that the State of New York did not vote for General Washington for President at his first election. It neglected to do so. That was in 1793. Supposing the State had not passed a law for Representatives for the year 1790 or the year 1792, would not Congress have had the right to legislate under this very clause of the Constitution and pass an act to enable the citizens of New York to elect Representatives? But would they have applied such law to all the other States that had proper laws and where there was no need for it?

Take the case of Virginia, at the opening of the rebellion. Part of the State was loyal and part went into the rebellion. The Legislature might have repealed the law with reference to the election of Representatives to Congress. I take the situation without reference to the nicety of facts that did occur. The State might have repealed their law for the election of Representatives in our Congress. Would it not have been within the legitimate power of this Government to pass an act of Congress with swift haste to allow the loyal citizens of Virginia to elect Representatives here, thus preserving their rights? It could have been done under this clause of the Constitution; and it was for just such cases as this that it was intended, as stated in the minority report on this bill.

Suppose, again, that the Legislature of Virginia had not repealed the law of Congressional elections; that the law continued, for the people desired to have Representatives on this floor, but the State law required them to send the election returns to Richmond, for the government there to make return here. Could not Congress have passed a law to change that State law in that particular, and have allowed the returns to be made in each district to some officer appointed for the purpose, by whom return could be made to this House? Certainly the Constitution was wisely conceived in that provision which authorizes Congress to make or alter regulations regarding representation in Congress when the States refuse or neglect to make them. I have cited cases to illustrate this power, or rather its application. The plain men in the country, the men who read the Constitution as they would read any other public instrument intended for the information and instruction of all people—the common people as well as the experts—they would all understand that power in Congress to be as I have described it. Why, then, have you got this bill here involving many million dollars of outlay to subsidize men at elections in Pennsylvania, Ohio, Michigan, Minnesota, and all of the other States where there is not even a pretense of necessity? I say, therefore, there is nothing truer than that while some gentlemen think this bill is not as general as it ought to be, it is, in fact, too general even upon the very argument made in its favor—the argument of necessity, which, however, is stoutly denied and is not proved. [Loud applause on the Democratic side.]

[Here the hammer fell.]

Mr. GREENHALGE. Whenever, Mr. Speaker, I am in doubt as to the wisdom or expediency of any proposed legislation in this House, I have a certain rule which enables me to at once resolve any such doubt. If I find that opposition to a pending measure is coupled with a virulent attack upon Massachusetts or upon some of her distinguished thinkers or scholars, like my colleague in this House [Mr. LODGE], whose ability, integrity, and high purposes are a glory to Massachusetts, I know then that the measure thus opposed is one in the interest of progress, of order, of liberty, and of equality.

It is natural, Mr. Speaker, that these attacks upon Massachusetts should be made. As her flashing ideas march out like battalions from the citadel of her peerless intellect it is only natural, it is only to be expected that the forces of vice and corruption, the guerrillas of political society, should hang upon the flanks of her forces and attempt to impede and interrupt their onward march. This is as natural as that vice should hate virtue. When Iago, speaking of the man whose honesty he hated, said, "There is a daily beauty in his life which makes mine ugly," he only repeated the sentiment which finds voice whenever the ideas of Massachusetts come to the front. Why, it is true that all the ideas that have come from that noble Commonwealth are not perfect.

It must be remembered that from the alembic of her glowing thought thousands of new opinions and new theories are brought before the eyes of the world. Some are transmuted into gold and abide forever; some are discovered to be dross and are thrown away. But what we complain of, and what we have a right to complain of, Mr. Speaker, is that we find men and communities to-day using as their daily standard diet, relishing as the tid-bits and delicacies of their table, the garbage which was flung from her kitchen a hundred years ago! This is the fault which we have to find with some people, with some individuals, and with some communities and sections to-day.

It is enough, Mr. Speaker, to be assured that a measure is right to find coupled to the opposition this feeling in regard to the old Commonwealth.

Now, Mr. Speaker, I have listened with a good deal of interest to the objections made upon the floor of this House to the pending measure.

Those objections are not without a certain interest. They are worthy of consideration. When Rip Van Winkle, awaking from his sleep of twenty years, came down the mountain side, old and gray and with flowing locks, to mingle again with busy men, his ideas were interesting, although not particularly original or instructive. [Laughter.] Now, some gentlemen upon the other side resemble Rip Van Winkle in one particular—they have slept twenty years; but, unlike Rip Van Winkle, they have not yet awaked, nor do they show signs of waking. [Laughter.] I was pleased, Mr. Speaker, to hear my venerable friend from Pennsylvania yesterday [Mr. VAUX]. I have now dropped the subject of Rip Van Winkle. [Laughter.] Comparisons are odious. [Laughter.] I welcomed him as what is called by some *laudator temporis acti*, a glowing and genuine eulogist of the days that are no more.

I like to hear that expression of regard for what we shall probably see no more in this country or upon earth. I like to hear my friend's interpretation of the clause of the Constitution now under consideration. There was a freshness and *naïveté* about his interpretation of the words to "make or alter" [laughter] in this clause. I thought perhaps the interpretation was characteristic. I am not very familiar with the subject by which he endeavored to illustrate his construction of this clause, but as he and some other gentlemen seemed to speak with considerable feeling upon the subject I may be permitted to hope there was no sad personal experience which led them to take that somewhat gloomy view. [Great laughter.]

I only know this, Mr. Speaker, that when the interpretation of the Constitution is given into the hands of a strict constructionist—and I gather that most of the gentlemen who have spoken on the other side are strict constructionists of the most straitest sect—somehow or other, by fair means or foul, by logic or lack of logic, their interpretation results in the emasculation of the Constitution. [Laughter.] Now, I say, Mr. Speaker, that the Constitution gives in clear and unmistakable terms authority to this Congress to enact the legislation proposed in this bill. I say that the exigency requiring that legislation exists in the lawlessness, in the illegal proceedings at numerous election precincts, which is matter, I believe, of common knowledge and common shame, and, I hope, of common regret. This is not so much denied as it is justified under the circumstances.

Now, when I speak of the Constitution, and in its praise and support, I shall not use "vain repetitions as the heathen do." I shall not do it mouth-honor, and then, by my conduct, prove that I believe it to be an instrument which ought to be "more honored in the breach than the observance." I say that the terms of the Constitution upon this particular matter are susceptible of only one explanation, and no other explanation of them ever was given until this afternoon by the gentleman who has just sat down [Mr. BUCKALEW]. "Make or alter" he says means only that Congress may intervene where the States have failed to make regulations. How, then, does he dispose of the word "alter?"

Certainly not in so felicitous a manner as his colleague from Pennsylvania [Mr. VAUX]. If it means only to supply a defect, to do something for the State which has not been done, how can anybody, even the Congress of the United States, "alter" what does not exist and what never existed?

They tell us upon the other side that the proposed measure is revolutionary. I should say, Mr. Speaker, that when you consider the causes, the events which brought into existence this Republic, the noblest of all Commonwealths, ancient or modern, the application of the term "revolutionary" is, to say the least, unfortunate. It must have been devised by some consummate master of infelicitous expression upon that side (and I know there are many there), because it is a matter of common knowledge that the people of this country are accustomed to associate with the term "revolution" the idea of independence, of political equality, of civil liberty.

If this measure is revolutionary it is in the high sense in which the Declaration of Independence is revolutionary, in the same sense in which the Virginia Bill of Rights is revolutionary, in the same sense in which the Constitution itself is revolutionary. Why, to call this bill revolutionary is a contradiction in terms, if what is meant is that in its relation to the Constitution and the laws it is revolutionary. Its whole purpose, aim, and scope, leaving out of account any question of imperfection of detail of this or that feature, upon which honest men may differ as to its being expedient or objectionable, its whole aim and purpose is to conserve, to defend, to save the Constitution, and to give equal political rights to every one of the people of the United States. [Applause on the Republican side.]

Mr. Speaker, when we consider this bill in these aspects, from this standpoint, I think we have a right to repel the accusations and insinuations that have been made that this is a bill in the interest of partisan aggrandizement. I say here upon my honor as a Representative, if I believed that, I would not vote for this bill nor for any section, clause, or line contained in it. I want simply fair and free elections, and if the gentleman from Pennsylvania who last took his seat [Mr. BUCKALEW] would reason for one moment, he would be slow to hurl

at the Committee on Elections of this House these charges of unfairness and partisanship.

Why, sir, after the most careful scrutiny, after a delay which I should think would convince any fair-minded man that this matter does not proceed with undue heat or partisan haste, we have not seated half the contestants who have come before that committee, and the fact that members have been left in their seats because upon our conscientious view of the evidence in their cases we were unable to come to a conclusion, when, if we acted from partisan feeling, if all we required was a partisan majority, it would have been just as easy to seat A as to seat B, the whole seventeen contestants as five or six—that fact, I think, entitles me to resent these insinuations upon the honor and the conscience of this most responsible and honorable committee. Such wild and reckless charges savor more of blind partisan frenzy than any act of that committee. Mr. Speaker, I look at this question in a widely different manner from that of a partisan. I think there is a deeper and broader and more pregnant meaning than that, and I reason in this way: The theory of this Government vests all sovereignty in the people. The only way in which the people can exercise that sovereignty is by means of the ballot. The ballot is the very breath of life of the body politic.

Stifle the ballot and you strangle the body politic, you strangle the people. And if a political wrong is done in one State of this Union, that wrong causes a thrill, a vibration, a shock through every State in the whole Union. So perfect, Mr. Speaker, is this Union to-day, thank God—the Union of this vast Republic, across which "deep calleth unto deep," the Atlantic to the Pacific, the Gulf to Superior—so close, so sensitive, yet so strong is this fabric extending over this vast area, that a wrong done to the meanest citizen in the remotest corner of this Union is felt as a personal wrong to every citizen in the most distant part of our land. And it is necessary that this feeling should exist, that it should be cultivated.

Why, sir, a crime against the ballot is a crime not only against the man, the individual, it is a crime against the majesty of the State; it is a crime against the majesty of the United States throned here—here, in this noble Capitol. And if you permit a wrong to be done to the humblest citizen, white or black—a political wrong, "the danger-light upon your charter"—that wrong will come home to you in whatever section of the country you may live.

They tell us, Mr. Speaker, that involved in the question before the House is a mighty and stupendous problem; that there is in effect here a race issue; that we are attempting by this bill to establish an empire of ignorance over knowledge, of barbarism over civilization, of an inferior race over a superior. God forbid! I would be no party to any movement or measure of that sort. But I am surprised that this cry of distress comes from that strong race which has trod the earth for a thousand years a conqueror.

Now, I do not believe that under any law, in any system of society, the brute force of Caliban can ever overcome the magic power of Prospero's intellect. Only in one case, Mr. Speaker, can that result ever follow; that case is when the master intellect stoops to use the base and brutish methods of the slavish monster at his feet. It is only then that any community is in danger from what are called its lowest and its worst classes. The kingly power of one man's intellect will sway by the arts of justice and truth scores and hundreds and thousands of inferior beings; and the same rule is truer where one race has been accustomed to hold a subordinate position and the other race has always held the position of the superior.

I am surprised to hear some of the objections made to the constitutionality of this measure. Why, sir, this question is discussed in a well reasoned article in the *Federalist*, No. 59, referring to this very clause, that—

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

After stating the objections which were made—not at the time when the provision was adopted, but after it was adopted—it is said:

In answer to all such reasoning it was urged that there was not a single article in the whole system more completely defensible. Its propriety rested upon this plain proposition, that every Government ought to contain in itself the means of its own preservation.

A discretionary power over elections must be vested somewhere. There seemed but three ways in which it could be reasonably organized: It might be lodged either wholly in the National Legislature, or wholly in the State Legislatures; or primarily in the latter, and ultimately in the former. The last was the mode adopted by the convention. The regulation of elections is submitted in the first instance, to the local governments, which, in ordinary cases, and when no improper views prevail—

And the question is, whether the views prevailing now in some sections are proper or improper—

may both conveniently and satisfactorily be by them exercised. But in extraordinary circumstances, the power is reserved to the National Government, so that it may not be abused, and thus hazard the safety and permanence of the Union.

Nothing can be more evident than that an exclusive power in the State Legislatures to regulate elections for the National Government would leave the existence of the Union entirely at their mercy.

These sentiments are quoted and approved in the great work of Mr. Justice Story upon the Constitution of the United States, chapter 11, section 814. And Mr. Rawle, a constitutional lawyer from the State of Pennsylvania, in his learned work upon the Constitution, takes precisely the same view and approves the principles here laid down. I say, then, Mr. Speaker, that we have clearly, unmistakably the right to enact this legislation.

I have noticed with some care the various objections made to the particular plan suggested in this bill. No bill is entirely perfect. There are some provisions here which even now, from my standpoint, might be amended and ameliorated. But the chief objections which seem to come to these features of the bill from the other side relate to extravagance or economy, and to expediency.

The proposition of the gentleman from North Carolina [Mr. EWART] would seem to be that if he is well off in his district as I am well off in my district or another gentleman in his, our view should extend not one rod beyond the limits of our districts; that if our neighbor's house is in flames or if robbers and murderers are assaulting him we should shut our doors and go quietly to bed, to "sleep the sleep of the just."

Now, I admire the chivalrous, noble, public-spirited position of the gentleman from Maryland, and I believe it is more impregnated and more inspired by the fire of a true American citizenship than that of the gentleman from North Carolina. We do not live unto ourselves alone. We want justice and peace to prevail from one end of the Union to the other.

Mr. Speaker, my time is short and I am not permitted to go into the various special features of this bill as I should be pleased to do. But I say to my friends on the other side of the House I am not inclined to take any view savoring of levity; I am not inclined to speak lightly or unfeelingly of the troubled situation of affairs—of the disturbed condition of political society in their section of the Republic. No; I say that grave and appalling problem is one that will tax all the genius and all the strength and courage of this invincible people to solve.

But I take this ground, that Lincoln, giving gifts to men (and he gave many), gave liberty to the Afro-American. When the shackles are once broken, when they are once removed from the body of a man—and all history and law concur to establish this principle—when they have once been stricken off, no power on earth, no power in hell, can put those shackles upon that man again! The Afro-American is enfranchised. He has been clothed with citizenship. You can not extirpate, you can not destroy, you can not exile him. All that is left for us to do, then, is to humanize, to civilize, to educate, to elevate him. That is the only path of safety. The freedman has now become a citizen, a unit of sovereignty, an integral part of the great people of this Republic.

The old maxim tells us to do justice though the heavens fall. The heavens never fall when justice is done. It is when injustice is done that the heavens fall—in thunderbolts, in fire, in ashes, in "plague, pestilence, and famine, in battle, murder, and sudden death." The duty of our people towards the Republic in every State, in every Congressional district, is clear. There is only one path which can be traveled with safety. Let justice and equity prevail, let the laws be obeyed, give to every citizen his full political rights, and I believe that this line of political demarcation between the races will be obliterated; I believe that every great obstacle keeping one race from living in amity with the other will be removed.

I remember in the evidence in the Alabama case of Threet vs. Clarke one striking and vital statement was made in the simple, grand language of one of the colored witnesses. Speaking of the gentleman from Alabama [Mr. CLARKE], he said: "When he held the office of county attorney he did not know black from white. He treated all men alike." He did justice; and if you judge the cause of the poor and needy, then it will be well with you. Then there will be amity, not necessarily social equality—that is a matter of individual liberty and choice—but you will have, I think, taken the right course to cut the Gordian knot now entangling the vitals of the Republic. [Applause.] You will have done something towards making this country a land—

Where the common sense of most shall hold a fretful realm in awe,
And the kindly earth shall slumber lapt in universal law.

[Prolonged applause on the Republican side.]

LEGISLATIVE APPROPRIATION BILL.

Mr. BUTTERWORTH. Mr. Speaker, I offer the following conference report on the legislative bill. I ask for the reading of the statement, which fully explains the report.

The statement was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9065) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1891 submit the following written statement in explanation of the action recommended on each of said amendments agreed upon by the conference committee:

On amendments 3 and 4: Provides for a telegraph page, at \$720, for the Senate. On amendments 5, 6, 7, and 8: Appropriates \$700, or so much thereof as may be necessary, as proposed by the House, for hire of horse and wagon for the Secretary of the Senate, instead of \$600 as proposed by the Senate, and provides for an additional clerk at \$2,220 in the office of the Secretary of the Senate.

On amendments 11 and 12: Provides for an assistant clerk at \$1,440 for the Senate Committee on Claims.

On amendments 13, 14, 15, and 16: Provides for six additional messengers at \$1,440 each, three additional skilled laborers at \$1,000 each, and three additional laborers at \$720 each, under the Sergeant-at-Arms of the Senate.

On amendments 17 and 18: Provides for two additional mail carriers at \$1,200 each in the Senate post-office.

On amendments 19 and 20: Provides for six additional folders during the session at \$3 per day in the Senate folding room.

On amendments 26, 27, 28, 29, 30, and 31: Increases items for contingent expenses of the Senate as proposed by their amendments, as follows: For stationery, from \$14,500 to \$15,500; for postage for the Secretary's office, from \$150 to \$200; for fuel for heating apparatus, from \$6,000 to \$8,500; and appropriates \$15,000, as proposed by the House, instead of \$25,000, for expenses of inquiries and investigations ordered by the Senate.

On the amendments numbered 2, 21, 22, 23, 24, and 25, proposing to increase the compensation of the session committee clerks and clerks to Senators from \$6 per day during the session to \$1,800 per annum, the committee have been unable to agree.

BENJ. BUTTERWORTH,
J. G. CANNON,
WM. H. FORNEY,
Managers on the part of the House.

Mr. BUTTERWORTH. In regard to the various amendments made by the Senate to the legislative bill, and upon which we disagreed, the House decided to recede from the amendments recited in this report down to that which relates to the clerks of Senators. Without going into them in detail I will state that the items in conference related to the clerks to the committees, to the increase of mail clerks, increase of messengers, and matters of that kind. We have, of course, to rely upon the statements of the Senators themselves as to what they need to conduct the business of the Senate.

They have quite a large number of additional committee-rooms, not in the Capitol building, but some distance removed from the Senate Chamber, and they were required to have additional skilled laborers and messengers. They found it also necessary to have a page at the telegraph, the force they have being inadequate for performing the increased service. And so on, Mr. Speaker, in regard to the other matters in which the Senate makes the increase. The amount of this increase was stated on yesterday.

Mr. DOCKERY. Is there any reduction?

Mr. BUTTERWORTH. There is no reduction anywhere in the number of the employes of the Senate. This is an increase of skilled laborers, messengers, mail carriers, and a page, as well as an assistant clerk in the office of the Secretary of the Senate.

The evidence was conclusive to our minds that these were necessary; the Senators themselves so asserted, and, after having given careful consideration to the matter, there is nothing left for us, we find, but to rely upon their statement in that regard.

Mr. FORNEY. I will state that the Senate are paying them under a resolution of the Senate. All those officers are now being carried on the rolls of the Senate under a resolution.

Mr. BUTTERWORTH. I thank my friend for the suggestion. They are now borne upon the rolls of the Senate and paid out of the contingent fund, and of course it would be better that they should be paid otherwise. Hence your committee recommends that the House recede in that behalf. We then reached the question of an increase in the salary of the clerks supplied to the several Senators. It is proper to say that nearly every Republican in the Senate is chairman of some committee, and that by reason of having a chairmanship he has a clerk. Nearly all of them have clerks the year round. The minority—

Mr. CANNON. If you will allow me just one word there. There are now about twenty-six committees in the Senate that have clerks, and they are session clerks; but in this bill they are made annual at \$1,800 a year.

Mr. BUTTERWORTH. I understand that; but I repeat again that a very large number of the Republican members have clerks in this way. I state it because it is proper that we should know exactly upon what ground the amendment rests. The members of the political minority of the Senate do not have annual clerks. The question arose as to whether a clerk was necessary during the entire year, whether or not the duties that devolved upon a Senator or upon a member of the House require that they should have a clerk, not only during the session, but during vacation. They decided for themselves that it was necessary that each member of the Senate should have a secretary.

And, secondly, that it involved but a small increase, that is, if we adopt the amount which I am satisfied they are willing to agree to, but a small increase over the amount that is now expended for that clerical help, and that, in point of fact, there is no economy in making them merely session clerks. Now, that is the conclusion they reached. We did not reach the same conclusion. We were satisfied that the House would not be willing to provide for an annual clerk to each member of the Senate, especially at the rate the bill fixed—\$1,800 a year. So far as the amount is concerned, however, I am satisfied that the Senate would come to an agreement in that behalf to make the amount \$1,500, or some amount which might seem adequate and just.

Mr. DOCKERY. Do I understand my friend from Ohio to say that the conferees have agreed upon every item except the clerks to Senators?

Mr. BUTTERWORTH. Yes, we have agreed upon every item except clerks to Senators. The Senate has incorporated in the bill a provision giving an annual clerk, if I may use the expression, to each Senator. A large number of them have clerks, being the clerks of com-

mittees, who serve them throughout the year in the dispatch of their business.

Mr. MILLIKEN. Will the gentleman allow me to ask him a question?

Mr. BUTTERWORTH. Certainly.

Mr. MILLIKEN. In all the discussions of this matter has any provision been made for a clerk to each member of the House?

Mr. BUTTERWORTH. No, sir; I was just about to remark—

Mr. MILLIKEN. One single word further. Can my friend from Ohio give me any reason—because I know he is as able to do it as almost anybody else—why a Senator should have a clerk and a member of the House should not have one?

Mr. BUTTERWORTH. There is no reason on earth.

Mr. MCKINLEY. Except a lack of courage on the part of members to vote for it.

Mr. BUTTERWORTH. But my friend knows that while we do not differ as to whether or not we should each have a clerk we do some of us differ about the disposition to walk up and employ one or vote for an appropriation to give each member a clerk.

Mr. MCKINLEY. It is simply a want of courage on the part of members of the House.

Mr. MILLIKEN. Why do not we take care of ourselves at the same time we are taking care of our Senators, and will the gentleman from Ohio tell me why we do not walk up and vote for a clerk for each member?

Mr. BUTTERWORTH. My honored colleague on the right [Mr. MCKINLEY] suggests that the reason is that we lack the courage to do it, in the presence of the conviction that we ought to do it.

Mr. MILLIKEN. The gentleman may plead guilty to that for himself, but not for me. I have voted for a clerk at every session since I have been in Congress.

Mr. BUTTERWORTH. As far as that is concerned the Senate insists that they ought to be permitted to judge whether the public business devolved upon each Senator is such as to require that he should have the assistance of a clerk. They know how much that business is and whether a clerk is needed or not, and they think and assert that the House ought to decide for itself whether each member of the House requires a clerk, but that it does not follow, because we are unwilling to provide ourselves with clerks, that we ought to refuse to act upon the judgment of the Senate when they assert that they need these clerks.

Mr. OATES. Will my friend from Ohio bring in an amendment here which will give members an opportunity, for he will remember that this House has never had an opportunity, to vote upon this question?

Mr. BUTTERWORTH. I am quite willing that they shall have an opportunity; but gentlemen will remember that I am presenting the reasons given by the conference committee, so as to inform the House in order that it may be advised. I will say to my honored friend from Alabama, as I have always said, that there is not a constituency in the United States that has a member upon this floor who is worth his board that would not be benefited by providing that member of this House with a clerk, and for this reason: We all know that every man here is overwhelmed with business—business of a quasi-public character—quasi alone. I know that there are members upon this floor who pay more than one-fourth of their salaries—I have done it myself—for clerical help to dispatch the business devolved upon me by my constituency and those who are not my immediate constituents but yet have the right to ask my opinion about a public matter and advise me concerning matters of public concern. We receive a great volume of correspondence about public matters, about matters or business pending in the Departments, about a pension, about a land grant, about agricultural lands, about arid lands, about rivers, about the Signal Service, and about a thousand things concerning which our constituents have a perfect right to inquire.

Not only that, but men who feel concerned about the transaction of public business will write you a long screed upon the silver bill, and you have to read it and reply. They will write you a long letter about the tariff, and you have to read that and reply, for they have a right to be heard, as we are their servants. They will write you about the Indian service; about the Cumberland River; about the Sue St. Mary Canal, and ask you concerning the work of the Engineer Corps; and all kinds of matters. We are bound to answer, and answer intelligently, and you can not do that without careful study and inquiry. I believe I state truly when I assert that members work at least thirteen hours a day in the public service, including this character of work.

Mr. OUTHWAITE. Put it at sixteen hours.

Mr. BUTTERWORTH. I will put it at thirteen and be modest about it and not overstate it.

Now, gentlemen say to me, "But you are employed to do all that for a salary fixed." It is not so. We are sent here to discharge certain public business, but we none the less can not escape discharging this other branch of duty to which I have called attention, because we have no right to refuse. What the people demand is, that whatever duty is committed to our care we should do and do it well, and they will supply us with the machinery to do that work well. If it requires

a clerk, well and good. I have voted for a clerk to members ever since I have been a member of this House, and I have never been criticised, denounced, or rebuked.

Now, personally I do not expect to be with the brethren very long, but I realize one thing—that the duties of a Congressman are onerous; I realize that they have more to do than ought to be required of any two men, and I believe in helping them in every way by providing them with such assistance as will enable them fairly, fully, and properly to discharge the duties that devolve upon them.

Hence, I would suggest to my friend that I am not only willing, but would be glad to do it; but I desire to reflect the judgment of this House in this matter. Speaking for myself personally, I would vote without the least hesitation to embody in the conference report a provision giving to every Senator a secretary, if they think they need one; but if gentlemen here say, "We shall not have one," while we agree that we ought to have one, shall we say, because we have not and because we will not take that which we are entitled to and ought to have, shall we say to them, "You shall not have it?"

The question as to the rate is another thing. I think that the salary is fixed too high by the Senate amendment. It ought to be reduced. I think the conferees on the other side think it ought to be reduced. So far as the clerks to members are concerned, I know that to give each member a clerk would benefit and facilitate the transaction of public business. To have a clerk who could in a short time become familiar with the routine work of a member outside of the House would enhance the quality of labor done inside of the House.

Mr. OATES. Let me inquire if there is a way in this conference report in which these clerks may be granted.

Mr. BUTTERWORTH. You may offer an amendment instructing the conferees to make such an arrangement. I say I am willing to do it; but how my colleagues will act in such a case I can not say. I am perfectly willing to offer such an amendment as my friend suggests. I believe it is just to my fellow-members, but I could not say what the other members of the committee would do.

Mr. OATES. I introduced a bill of that kind in three Congresses, and have made a favorable report on it.

Mr. BUTTERWORTH. That is a point upon which we might separate. If it is sanctioned in this House, so far as I might be concerned, I would be willing to introduce in committee such an amendment reducing the salary.

I do not know my colleague's views, but these are mine. I have always thought that the public service would be profited by such an enactment, and for that reason I will offer it and I will vote for it, but the result will of course depend largely upon the views of gentlemen when we get into the House.

Mr. KERR, of Iowa. I understood the gentleman to suggest that he, in conference, would move an amendment to this bill to provide clerks for members. Now, Mr. Speaker—

Mr. BUTTERWORTH. I will do so if it is thought desirable. Let me say to my friend, before he proceeds, that I only desire to do it if in my judgment the sense of this House would sustain that course. My own judgment is in favor of it.

Mr. CANNON. Before the gentleman proceeds further, let me remind the House that under an order heretofore made we take a recess at half past 5, and I suggest that the gentleman from Ohio ask that the session be continued until we dispose of this report.

Mr. BUTTERWORTH. Well this is Saturday afternoon—

Mr. CANNON. But the report ought to be disposed of.

Mr. DOCKERY. I think everybody understands this question. Now, let us have a vote.

Mr. BUTTERWORTH. I ask unanimous consent that the order which provides for taking a recess at half past 5 o'clock be so far modified as to authorize us to continue in session until this conference report is disposed of.

Mr. KILGORE. With the understanding that no other business is to be transacted.

There was no objection, and it was so ordered.

Mr. BREWER. Mr. Speaker, I suggest to the gentleman from Ohio that he ask to have the conference report concurred in so far as it has been agreed upon.

Mr. BUTTERWORTH. I will make that request, Mr. Speaker.

Mr. TURNER, of Georgia. Before the gentleman from Ohio [Mr. BUTTERWORTH] proceeds with this matter which he has interjected here, no doubt under a sense of duty—I make no complaint about it at all, but it unfortunately has abated the time which has been allotted for the discussion of the pending order—before he proceeds I wish to make what I think is a very reasonable request in so important a matter which concerns so many people. I ask unanimous consent that the general debate upon the pending order, the election bill, be extended from 2 o'clock until 3 o'clock on Monday, so as to allow some of us a little more time for general debate.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Georgia?

Mr. MCRAE. And I desire to prefer an additional request for unanimous consent that we meet at 10 o'clock on Monday.

Mr. CANNON. I have no objection to meeting at 10 o'clock, but

at this time I do not want to consent to extend the order beyond 2 o'clock. That may be done later, but for the present I can not consent.

Mr. TURNER, of Georgia. Do I understand the gentleman from Illinois to object?

Mr. CANNON. For the present I object, but I have no objection to commencing the session at 10 o'clock.

Mr. TURNER, of Georgia. The gentleman from Illinois [Mr. CANNON] knows that it is impracticable to get gentlemen here on Monday morning at 10 o'clock. My proposition does not extend the time to be occupied by the debate and does not delay the vote a particle. I submit to the gentleman that in common fairness, in view of the time occupied by this report and other matters, the request ought to be acceded to.

Mr. CANNON. That can be arranged on Monday morning as well as now.

Mr. TURNER, of Georgia. But gentlemen who desire to speak upon the question would like to know about it in advance.

Mr. CANNON. Well, possibly it can be arranged to-night, at the evening session. For the present I must object.

Mr. STRUBLE. I wish to ask the gentleman from Ohio whether or not the Senators desire to have their committee clerks made annual.

Mr. BUTTERWORTH. Yes, sir; that is, the clerks that would be provided for would be annual instead of session clerks, and, as I said to the House a moment ago, looking the matter all over, the difference in pay is not very great, because they would probably agree to a rate of compensation that would make the difference inconsiderable; and they say further, that during the recess the business of these clerks is about as onerous as during the session.

Mr. STRUBLE. I hope that if the session clerks of the Senate committees are to be made annual, the same consideration will be given to the House committee clerks, so that all may be treated alike.

Mr. BUTTERWORTH. That is the view expressed by several gentlemen about me, and, so far as the Senate are concerned, they seem to desire to come to an accommodation about the matter. I move that the House now adopt the conference report so far as agreed to in conference.

Mr. DOCKERY. Mr. Speaker, I am not going to trespass upon the time of this House by making any remarks. I simply want to say that I shall content myself with voting against this report. I have seen statements in the newspapers as to what might be the action of another body, and without undertaking to criticize any one, I think that perhaps by insisting a little more strongly we might have secured a reduction of public expenditures in this bill.

Mr. TURNER, of Georgia. Mr. Speaker, I renew the request I made a few minutes ago, the gentleman from Illinois [Mr. CANNON] having withdrawn his objection.

Mr. CANNON. I misunderstood the request when I objected.

The SPEAKER *pro tempore*. The gentleman from Georgia [Mr. TURNER] asks unanimous consent that the time for general debate be extended from 2 o'clock p. m. until 3 o'clock on Monday next.

There was no objection, and it was so ordered.

Mr. KERR, of Iowa, rose.

Mr. BUTTERWORTH. If my friend will permit me, I would like to dispose of the first part of the report.

The report of the committee of conference, so far as agreed upon by the conferees, was adopted.

Mr. KERR, of Iowa. Mr. Speaker, it seems to me it is not proper, and I do not think it is according to the rules, for a committee of conference to bring in a report upon an independent proposition submitted in conference for the first time and to ask this House to vote upon it—a proposition providing for a large increased expenditure of public money, which has never been considered in this House in the Committee of the Whole. I think amendments to this bill have already been consented to by the conferees which ought not to have been consented to, at least not without a fuller submission of the question to this House. I know it to be a fact that there has been an increase of the salaries of twenty-five clerks in the Patent Office, a matter very strongly disapproved by a vote of this House when it was under consideration here; and I remarked at the time that I thought the gentleman from Ohio [Mr. BUTTERWORTH] was influenced in the speech he made on that subject by his own association with the clerks in that Department.

I will say to the gentleman that I know the people in the community where I reside do not approve of this large increase in the expenditure of public money for officials. I believe there is a very strong sentiment among the people that their representatives in public life are very much more influenced by the recommendations of officials holding clerkships, and who are pressing applications for increase of salary, than they are by the body of the people who pay the taxes.

Mr. BUTTERWORTH. Let me say to my friend that these items of increase relate entirely to new appointments by the Senate itself.

Mr. KERR, of Iowa. But I alluded to the matter that passed through yesterday without any investigation, as I understand, by the House.

Mr. FORNEY. To what does the gentleman refer as having passed through here without investigation?

Mr. KERR, of Iowa. I allude to the fact that there was an increase of \$100 each in the salaries of twenty-five clerks in the Patent Office—

Mr. FORNEY. Thirty.

Mr. KERR, of Iowa. To which my attention, at least, was not called.

Mr. FORNEY. That question was before the House three or four times.

Mr. KERR, of Iowa. It was not considered yesterday.

Mr. FORNEY. It was the other day.

Mr. KERR, of Iowa. It was only acted on yesterday.

Now, in regard to this matter of clerks for members of Congress, I believe that in a large number of cases where Representatives are pressed for time it is because they are transacting private business outside of the duties they are required to perform as members of this House, but if they believe that the interests of their constituents require that they should have the assistance of clerks they can employ them and pay them out of their salary of \$5,500 a year received as regular compensation, mileage, etc.—a salary which is \$2,500 more than Webster and Clay and Calhoun received when they were transacting the business of this country and rendering their names immortal by the manner in which they performed their duties.

Mr. BUTTERWORTH. I trust my friend will not fail to remember that Mr. Clay could buy potatoes here at 3 cents a bushel, eggs at 2 cents a dozen, molasses at 20 cents a gallon, pork at \$2.50 a hundred, and so on. [Laughter.] And he got board at a first-class hotel for \$4 a week.

Mr. KERR, of Iowa. I do not yield to the gentleman farther. We have heard that scree repeated here five or six times in this Congress. The gentleman, as we are informed, is going to retire to private life; he is not to pass the scrutiny of the American people in the elections this fall. [Laughter.] He can talk bravely now; but it is the first time that he has talked on these public questions in this Hall with this amount of temerity.

Mr. BUTTERWORTH. I submit to the House that the gentleman is grievously mistaken. I think I have been courageous on public questions where he, possibly, was timid.

Mr. KERR, of Iowa. I know the gentleman is in the habit of sneering at gentlemen who make these objections as men of small caliber.

Mr. BUTTERWORTH. When and where have I done so?

Mr. KERR, of Iowa. I tell the gentleman that he makes a mistake in belittling the position of any man in private life who opposes this increase of the salaries of members of Congress.

Mr. BUTTERWORTH. I have not referred to the gentleman or anybody else in such terms as he indicates.

Mr. KERR, of Iowa. I know that there have been Representatives of the Republican party who have been retired to the shades of private life on account of their efforts in this direction, and I say to the gentleman that if this course is persisted in—if the expenses of the administration of this Government are enlarged from year to year on account of the increase of the salaries of public officials—the time will come when there will be a party in this country that will be organized on the basis of demanding economy in the expenditures of the public money.

Mr. DOCKERY. You have such a party now on this side of the House. [Laughter.]

Mr. KERR, of Iowa. In answer to the gentleman I say that there are great leaders on that side of the House who come forward when this question is presented and stand shoulder to shoulder by the gentlemen here who are asking that they may be allowed clerks. And yet these very men will go to the people and denounce the extravagance of a Republican Administration when they, by their influence and by their example and by their action, have done the very best they could to contribute to that extravagance.

Mr. BRECKINRIDGE, of Kentucky. Before the gentleman takes his seat will he allow a question?

Mr. KERR, of Iowa. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. I understand the gentleman to say that if the Republicans continue to vote for an increase of salaries and for other extravagant appropriations, as he alleges, the public would retire them to obscurity. Now, if that is the case, I wish to ask the gentleman if he could not induce more of them to vote in that direction.

Mr. KERR, of Iowa. I said that if the policy of increasing salaries gradually, sometimes by efforts from that side of the House, and sometimes by efforts on this side of the House—and I think that most of the extravagant measures that have been put forward in this Congress have been advocated by men over on that side of the House—[Cries of "Oh, no!" on the Democratic side.]

Mr. DOCKERY. The gentleman is entirely mistaken.

Mr. KERR, of Iowa. I say that if the policy is persisted in it will most likely result in taking a good many men who advocate it out of public life.

Now another word, and I will close. A gentleman on the other side of the House on yesterday made the statement that he had not before heard me take this position. I refer to the gentleman from Tennessee [Mr. ENLOW]. I desire to tell that gentleman that he did me great in-

justice. I have for the two years I have been a member of this House occupied exactly the same position, and I do not expect ever again to be a member of it, but I do expect to pay taxes to this Government as a citizen during the period of my natural life, and I will demand from my agents here in Congress, representing the poor as well as the wealthy, absolute economy in the administration of public affairs.

Mr. BUTTERWORTH. Mr. Speaker, I only desire to reply for a very few moments to the remarks of the gentleman from Iowa, in which I think, as everybody present is probably aware, he does me a gross injustice when he said I was in the habit of sneering at anybody or anybody's opinion.

Mr. KERR, of Iowa. Did not you speak of small-bore people?

Mr. BUTTERWORTH. No such expression escaped my lips. If there is anything that I try to do in my public and private life it is to treat everybody with absolute respect. I never intentionally wound the feelings of any one. I respect the individual, although I may have very little respect for the opinion. [Laughter.]

I have encountered, as the gentleman has, upon the stump and elsewhere, a class of men who criticize your action without rhyme, reason, or intelligence. I referred to that class when I spoke a few moments ago. I said I had been assailed by such persons in my district. I did not refer to my friend from Iowa at all. In that connection I applied a descriptive appellation that characterized the quality of the men who did it, for I knew them. And I said in that connection, and I repeat now, that such attacks fall still-born. But I do not sneer at anybody. I know that the honorable gentleman from Iowa [Mr. KERR] has devoted himself to securing economy in governmental expenditures. But there is a question as to what constitutes economy. There may be increased expenditures that are economical, for there is such a thing as "saving at the spigot and losing at the bung-hole."

Mr. KERR, of Iowa. You repeated that before. [Laughter.]

Mr. BUTTERWORTH. Yes; I repeated it before, and I repeat it now. The question is whether our duties are of such magnitude and character that the public interests would be subserved by procuring such help for us as a secretary could render, and whether we shall pay for that public service out of our own pockets or the pockets of the people, whose agents we are and whose business we are transacting.

So far as my retiring from public life is concerned, I noticed that my honorable friend from Iowa, before he took his seat, said that he should probably never come back here again. Now, if I was as uncharitable as I think the gentleman is, I might possibly suggest that he wanted to be returned, *ergo*, he poses as an economist [laughter and applause]—but I will not say so.

Mr. KERR, of Iowa, rose.

Mr. BUTTERWORTH. So the gentleman need not rise. [Laughter and applause.]

Mr. KERR, of Iowa. I will say to the gentleman that I did not want to be returned.

Mr. BUTTERWORTH. I do not yield now; I will directly. I want to say that nobody has a higher respect for the gentleman from Iowa than I have; nobody has, in my judgment, exhibited more evidence than he of a desire to serve the public faithfully, and he knows my opinion. But I do not think that it is commendable in any man to rise up and walk rough-shod over our convictions and feelings, leaving the imprint of his hob-nails. [Laughter.]

Doest thou think, because thou art virtuous, there shall be no more cakes and ale?

[Laughter and applause.]

Now, my own judgment is and has been, and I have expressed it frequently, and gentlemen about me will bear witness that I have not hesitated to express it freely, that the public interests would be subserved by permitting each member of the House to have a clerk. It is not a new thing with me, as my colleagues around me know. I have been at all times willing to encounter whatever risk might be necessarily encountered from public sentiment in doing what I believed to be right in that direction. I am willing, and have been willing, to incur any censure that an act so obviously just might invoke.

So far as private business is concerned, there is no man here but knows that if his connection with bread and butter depended alone upon the salary received for his service here, and he was cut loose from every possible mooring of private business and had no other resource than his salary, in a few years he would be in a financial condition that would suggest the almshouse.

I am conscientious in the discharge of my public duty as I understand it; and I think I have given all the hours that God has given me strength to endure in the discharge of my public duty, whether that labor has been wisely bestowed or not. And I only wish to say that I regret that I have been unable to do for members what I would like; I meet members of this House every day upon the street and at the Departments who I know ought to have the assistance of a secretary. I find gentlemen about me proceeding from prayer to profanity each day because they are loaded down with business that they can not dispatch for the want of adequate help, and they are too poor to pay out more money for the purpose of securing it.

It is not a man who can simply write that will answer the purpose. It is not a man who is good in spelling that will answer the purpose,

but a man must be not only intelligent but quick, and one who can catch on instantly to the duties that your require of him, and hence he is not a cheap man. I say my country is safer when she provides adequate means for transacting her business and for enabling her public servants to discharge their duties, without being haunted by the fear of going to the poor-house in the evening of life as one of the rewards of faithful public service. [Applause.] I know a great many upon this floor who began life as tangle-haired, bare-footed, ragged boys, who have, by faithful service in private and in public life, fought their way up to honorable station in the State and nation, and whatever they have accomplished, whatever they have won of public esteem, has been the result of persistent and honest effort. They are here about me, and the fact that they have been trusted by their constituents, by the millions of people of this country, suggests that they can be trusted when they say, "To discharge these duties we need this additional help."

If they will not trust you in these little things, by what consideration ought they to trust you in greater? [Applause.] If they will not trust you in the matter of hiring a clerk at \$600 or \$1,000 a year, how can they safely trust you to vote on bills that involve millions of dollars? I feel that our constituents can trust us in that matter. I believe that we are entitled to this help. I know we need it. If any one feels that he does not, he can cover the allowance back into the Treasury and so build a monument to himself before the people if he wants to. [Laughter.] Knowing that we need this help, and believing that the interests of our constituents will be served thereby, I would be remiss in the discharge of my duty if I hesitated to vote for it. And in so believing and so asserting I do not disparage the wisdom of others, nor do I call their judgment in question because it differs from mine.

I am simply giving my view about it, and if it pleases the House I would be glad to provide clerks to members for the next session or for the next Congress if you please. That would not come to any of us unless we are re-elected. I would be glad to provide for that assistance which I feel we so greatly need and ought to have, and which my constituents, so far as I have talked with them, agree we should have. Those molders of public opinion, the knights of the quill, who look down upon us from the Press Gallery, agree that we ought to have it. And where a man knows he is entitled to a thing and ought to have it and does not take it, there is a suspicion that he might take that which he is not entitled to, where it did not create any suspicion that he was acting wrongly or betraying a public trust. [Laughter.]

Mr. CANNON. Mr. Speaker, I wish to say one word. I have from time to time myself, when the matter has been presented before the House, voted for some adjustment of this matter covering clerks' hire and clerical assistance for members of the House, but I beg to call the attention of the House for a moment to this bill. The only items in conference now are to be found on page 8, amendments 21, 22, 23, 24, and 25, under the head of "the Senate." The appropriations under the head of "the House of Representatives" are all closed, and these two items of difference between the House and Senate are as follows:

For twenty-six clerks to committees, at \$1,800 each, \$46,800.

The House provision is as it has been heretofore, for twenty-five clerks to committees at \$6 a day during the session. Now the Senate amends that and says "We will add one more to those committees that now have only session clerks. We will make the number twenty-six, and we will give them each an annual clerk at \$1,800." Then the next amendment:

For clerks to Senators who are not chairmen of committees, at \$1,800 each.

The appropriation now is "for clerks to Senators who are not chairmen of committees, during the session," so much money. The House recommended \$21,700. The Senate strikes that out and puts in \$63,000 for clerks to Senators, and strikes out \$18,150 and puts in \$46,800 to make these clerks to committees annual.

As the law now is, it would cost about \$57,000, and this increase nearly doubles it. Now, we might just as well look at the matter practically. My opinion is that, if anybody made a point of order to a motion to instruct the conferees to put on a provision for House clerks, it could not be done, because that matter is not in conference. There is no disagreement between the two Houses on that. The only thing between the two Houses now is not with reference to House clerks, but it is in regard to clerks for Senators and an increase of clerks to Senate committees.

Mr. BUTTERWORTH. That had not occurred to me. Is that a fact, that we could not amend at this stage?

Mr. CANNON. In my opinion that is the fact, that we could not amend in that way.

Mr. CUMMINGS. Could not instruct the committee?

Mr. CANNON. In my opinion the suggestion which I have made is correct, and that a point of order could be made either as against instruction or amendment, because the only difference between the House and the Senate is whether the House shall recede or the Senate shall recede touching these amendments. The House provisions are entirely closed.

Mr. DOCKERY. Does the gentleman from Illinois think it would

be in order to concur in a Senate amendment which might be introduced on the subject?

Mr. CANNON. I do not, because the amendment must be germane. This is an amendment touching clerks to Senators, and touching an increase of salaries of certain Senate committee clerks. So much for that. I want to say that this co-ordinate branch of Congress is as important as the other. I believe the expenses and the services of each Representative are equal before the law and equal in importance to the country to those of a Senator.

So I would, if I had my way, put no distinction in salary or otherwise, so far as compensation is concerned, that is paid for from the public Treasury. I have always so believed; yet the Senate has insisted year after year that that branch should determine what its expenditures should be, and year after year it has been granted. But I want to say there is a limit to that concession. If the expenditures for the House or the Senate, payable from the public Treasury, requiring the co-operation of the House, the Senate, and the President to get the money and pay it, are extravagant and uncalled for, then either of the three co-ordinate branches can call a halt.

Now, I want to say, speaking courteously—

Mr. MILLIKEN. Will my friend allow me just a moment?

Mr. CANNON. Yes.

Mr. MILLIKEN. Do you not think the House is just as criminal in the way of extravagance in voting for clerks for Senators as it would be in voting for clerks for itself; and is it not a cowardly thing for us to refuse to vote ourselves clerks when we know that we need them just as much as Senators do, and at the same time vote them for the Senators, thinking the people do not see we are doing it when we are doing it for the Senate as they would see that we were doing it for ourselves?

Mr. CANNON. So far as that is concerned, I do not know of any criminality in the matter at all.

Mr. MILLIKEN. Well, I will not call it criminality. You may use a milder term.

Mr. CANNON. But I will say that it is just as objectionable, if it be objectionable at all, to vote the public money to pay a clerk to a Senator as to pay a clerk to a Representative. I have always favored, and will favor when properly presented, proper legislation that will give salaries to clerks for one as well as to the other.

Mr. BLAND. Will the gentleman allow me?

Mr. CANNON. Just let me finish.

Mr. BLAND. Just a word.

Mr. CANNON. Well.

Mr. BLAND. Why is it not germane when the Senate has put an amendment in to give themselves clerks to provide them also for members of the House? Why is it not germane to that bill to concur in their amendment with an amendment giving clerks to members of the House? It seems to me that certainly would be in order.

Mr. CANNON. If the gentleman will take the legislative bill he will find on examination that we have here a matter that comes under the head of "Legislative—the Senate." Then we proceed to specify the items that shall be appropriated for the employés of the Senate.

Now, then, I will turn over to another page, and we will find that we proceed to make appropriations for the House of Representatives. Now, this appropriation for the House of Representatives has been in every respect closed up, and this matter of clerks to House members has never been considered in this House, and there have been two conferences. It is brought down to a disagreement between the two Houses as to these two items only, and not for the support of the House.

Mr. CUTCHEON. If the gentleman will yield to me, I would like to call his attention to a matter in the rules.

Mr. CANNON. I can not yield for a speech.

Mr. CUTCHEON. I only want to read from the rules. On page 346 of the last edition it will be found:

It is not competent for a conference committee to consider matters or subjects not in dispute between the two Houses; nor can the committee change the text of a bill to which both Houses have agreed.

Mr. CANNON. Precisely.

Mr. CUTCHEON. The matter must be in dispute.

Mr. CANNON. It must be in dispute.

Now, I want to say my belief is that the House should not go further at this session of Congress than it has already gone when it recommended the appropriations and passed a bill providing for twenty-six session clerks for committees at \$6 a day, and on the Senate side they should only have clerks to Senators where not chairmen of committees at \$6 a day during the session.

I would not be willing to go that far if the precedents had not been made, but until there is legislation that shall settle this whole question, that shall fix the proper salaries for Senators' clerks and House clerks, I for one am not willing to go one single step further in granting additional clerks or additional salaries to the Senate side.

Mr. McMILLIN. Right there, will my friend allow me to ask him whether there has been any increase in the duties of those clerks of committees whose salaries are proposed to be increased by this bill over what they have heretofore performed for \$6 a day?

Mr. CANNON. As I am informed, I will state in reply, not the

aligheest; but, on the contrary, these twenty-six committees that now have session clerks substantially correspond to similar committees upon the House side, the minor committees. Gentlemen understand what I refer to, and I need not speak further of it. This proposition is to increase these session clerks to \$1,800, there practically, as I believe, being no considerable necessity for the committees, except that they furnish Senators with committees for their convenience with a clerk thrown in, and this is to put that clerk's salary up to \$1,800 and at the same time pay the individual clerks to the thirty Senators who have no committee an annual salary of \$1,800 each.

Now, I think that either at this session of Congress or at the next we ought to call a halt until this matter can be adjusted. It is not for me to criticize a co-ordinate branch of the Government, and I do not; but it is proper for me to call attention to a few facts that appear upon the face of this bill. The Senate proposes to provide for two hundred and ninety-one officers and employés of that body (exclusive of reporting the debates) at salaries aggregating \$422,296.10; which shows an average of more than three employés to each Senator, at an average salary of \$1,451.

The bill as it stands provides for three hundred and twenty officers and employés of the House (exclusive of reporting the debates), at salaries aggregating \$367,113.30; which shows an average of less than one employé to each member, with an average salary of \$1,116. Three employés to each Senator, one to each member of the House. An average salary of \$1,116 for House employés, an average salary of \$1,451 for Senate employés. Less than one employé to each member of the House, and \$35,182.80 less aggregate expenditure for officers and employés in the House than in the Senate; yet we number three hundred and thirty-five while the Senate numbers, I believe, eighty-four.

I do not criticize the Senate; I call attention to the facts. [Laughter.] I have the kindest feeling and the greatest respect for the co-ordinate branch of Congress, but it is proper that I should call attention to these facts for the purpose of saying that I am not willing to vote money further from the public Treasury until there is a proper, economical adjustment of the employés of the House and of the Senate, so that when the public money comes from the Treasury it shall come in proper quantities, not stingily or meanly, but economically, and sufficient to furnish a proper force to enable both House and Senate to carry on the business of the people.

Before I take my seat I want to say further that if I am correct in my position, either now or the next time—I do not care when, I am ready at any time—it seems to me that this House owes it to itself to march up and insist upon its disagreement to the Senate amendments and there let the matter drop.

Mr. DOCKERY. Why not do it now?

Mr. CANNON. I do not know whether now is the proper time or not. The gentleman from Ohio [Mr. BUTTERWORTH] is in charge of the bill and I will follow his judgment as to when the proper time arrives for a final motion. Gentlemen can do as they choose, either insist further and ask for a conference or take any other course they prefer. I only say that whenever the proper time comes I am ready, in the absence of any adjustment, to take the position I have indicated.

Mr. BUTTERWORTH. I understand that if we fail to ask for a further conference it is then within the province of the Senate to ask for such conference.

Mr. CANNON. I suppose it would be then within the province of the Senate to ask for a committee of conference. Ordinarily, however, when there is a failure to ask for a further conference it is regarded as a polite notice served on the co-ordinate branch that it can recede or that the bill can fail.

Mr. BUTTERWORTH. In my judgment this matter might be arranged by the Senate receding, or by some other accommodation. At all events, I will take the sense of the House by moving that the House further insist and ask for another conference.

Mr. DOCKERY. Let that be the last.

The motion of Mr. BUTTERWORTH was agreed to.

NORDAMERIKANISCHE TURNERBUND.

Mr. LEHLBACH. Mr. Speaker, I desire to present resolutions of the Nordamerikanische Turnerbund in relation to immigration and naturalization, having been requested to do so by that body; and I ask unanimous consent that the resolutions be printed in the RECORD and referred to the Committee on Immigration.

There was no objection, and it was so ordered.

The resolutions are as follows:

NEW YORK, June 25, 1890.

GENTLEMEN: The "Nordamerikanische Turnerbund" (a body of loyal American citizens representing 40,000 voters) unanimously passed the following resolutions at its fourteenth biennial convention, held in the city of New York in the month of June, 1890:

"Whereas there are bills pending before the Congress of the United States and your honorable committee regarding immigration and naturalization for the purpose of restricting immigration and making naturalization difficult; and

"Whereas we believe that the existing laws for the regulation of immigration and naturalization fully suffice to subvert the alleged dangers which the promoters of violent measures advocate in justification of their demand, all that is necessary to keep out dangerous elements being strict execution of the existing laws; and

"Whereas immigration has built up this country and made it great; and
 "Whereas it is a historical fact that when treason threatened to destroy our
 Republic the alien-born citizens willingly volunteered to sacrifice their life-
 blood for the preservation of the Union; and

"Whereas it is our firm conviction and belief that the passage of any such bill
 would do immeasurable damage to the natural growth and to the prosperity
 of the United States; and

"Whereas such policy would demonstrate a marvelous misconception of rep-
 ublican institutions and in some respects inaugurate an era of despotism:
 Therefore,

"Be it resolved, That we, the delegates of the Nordamerikanische Turnbund,
 solemnly and most earnestly protest against all legislation which would inter-
 fere with the eternal human right of a free man to select his own abode.

"Furthermore be it resolved, That we, the Turners of the United States of Amer-
 ica, announce in our fourteenth biennial convention that we pledge ourselves to
 use our entire influence and all legal and honest means whatsoever to secure
 the defeat of every candidate (regardless of party) who will not prior to the
 election pledge himself to actively oppose any effort to restrict immigration
 and render naturalization more difficult than under the existing laws; and
 finally,

"Be it resolved, To send a copy of these resolutions to the Joint Congressional
 Committee on Immigration and Naturalization."

By order of the convention:

HENRY BRAUN, President.
 VICTOR L. BERGER, First Secretary.

To the honorable JOINT CONGRESSIONAL COMMITTEE ON
 IMMIGRATION AND NATURALIZATION, Washington, D. C.

FARMERS' ALLIANCE, NORTH DAKOTA.

Mr. HANSBROUGH. Mr. Speaker, I desire to present and to have
 printed in the RECORD resolutions of the North Dakota Farmers' Al-
 liance, asking for the passage of a law prohibiting the importation of
 intoxicating liquors, and also of a law prohibiting the transportation
 of mail matter addressed to lottery companies.

There was no objection, and it was so ordered.

The resolutions are as follows:

Resolutions passed by North Dakota Farmers' Alliance, June 4, 5, 1890.

Resolved, That we favor the passage of an act by Congress prohibiting the
 importation of intoxicating liquors into States where the sale of such liquors is
 illegal.

That we urge upon Congress the importance of enacting such legislation as will
 so far as possible restrict the operations of lotteries in the United States, and
 that we request Senators GILBERT A. PIERCE and LYMAN R. CASEY and Hon. H.
 C. HANSBROUGH, member of the House of Representatives from this State, to
 use all honorable means to secure the passage of such laws as are recommended
 in the circular of the Anti-Lottery League of Louisiana.

That we recommend the passage of the subtreasury bill, or something better,
 by our national Representatives.

That we urge the passage of the Butterworth bill and the Conger land bill.
 That we recommend the unlimited coinage of silver.

Attest:

M. D. WILLIAMS,
 Secretary North Dakota Alliance.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced
 that the Senate had passed without amendment bills of the following
 titles:

A bill (H. R. 2361) for the relief of Asa Ellis, collector of internal
 revenue for the first collection district of California;

A bill (H. R. 3886) to incorporate the North River Bridge Company
 and to authorize the construction of a bridge and approaches at New
 York City across the Hudson River, to regulate commerce in and over
 such bridge between the States of New York and New Jersey, and to
 establish such bridge a military and post road;

A bill (H. R. 8149) to increase the limit of cost of the public build-
 ing authorized by act of Congress approved March 2, 1889, to be erected
 at Fort Worth, Tex.; and

A bill (H. R. 8677) to authorize the county of Pulaski, in the State
 of Georgia, to maintain a high wagon and foot bridge across the Ocmul-
 gee River at or near Hawkinsville, in the State of Georgia.

The message also announced that the Senate had passed, with amend-
 ments in which concurrence was requested, bills of the following titles:

A bill (H. R. 5986) to provide for an additional associate justice of
 the supreme court of the Territory of New Mexico; and

A bill (H. R. 8245) to provide for the disposal of the abandoned reser-
 vations in Wyoming Territory.

The message further announced that the Senate had passed with
 amendment the bill (H. R. 1104) to relieve Peter Moog from the charge
 of desertion, asked a conference with the House on the bill and amend-
 ment, and had appointed Mr. COCKRELL, Mr. MANDERSON, and Mr.
 STEWART conferees on the part of the Senate.

The SPEAKER *pro tempore* then (at 5 o'clock and 58 minutes p. m.),
 acting under an order heretofore made, declared the House in recess
 until 8 o'clock p. m.

EVENING SESSION.

The House reassembled at 8 o'clock p. m. and was called to order by
 Mr. PETERS as Speaker *pro tempore*.

FEDERAL ELECTION LAW.

According to order, the House resumed the consideration of the bill
 (H. R. 11045) to amend and supplement the election laws of the United
 States, etc.

Mr. BAKER. Mr. Speaker, in the discussion of this bill I desire to

submit a few observations which occur to me in following the remarks
 of my distinguished colleagues from New York [Mr. FLOWER and Mr.
 CUMMINGS]. They have characterized this bill, not only on the floor
 of this House, but in connection with their Democratic colleagues from
 the Northern part of the United States—north of the Ohio and Potomac
 Rivers—as "revolutionary, dangerous, and extraordinary," and they
 charge that it is proposed by the leaders of the party in power for the
 purpose of taking away from the existing power in the States the con-
 trol of Federal elections.

Now, it seems to me that is not a fair, just, or reasonable construc-
 tion of this bill. The proposition contained in the pending bill is to
 secure to every American citizen, wherever he may reside, North or
 South, East or West, the right to cast his ballot as he chooses and to
 have his vote counted as it is cast. I want to call the attention of the
 House and of the country to the fact that on next Tuesday, the 1st of
 July, there will go into operation, in the State of New York, a law,
 which was passed by the Legislature of that State and approved by
 the governor on the 2d day of May last, entitled "An act to promote
 the independence of voters at public elections, to enforce the secrecy
 of the ballot, and provide for the printing and distribution of ballots
 at public expense." This act is far more extensive in its operation,
 reaches vastly further than anything proposed in the bill now pend-
 ing before the House of Representatives.

It is contended that this bill will be an improper and unjustifiable
 interference with citizens in the exercise of the right of suffrage. I
 contend, Mr. Speaker, that it is far short of what it might be and far
 short of what it should be in the estimation of many friends of protec-
 tion to the right of suffrage.

For many years the Republican party, in its national and State plat-
 forms, has promised to the people of the United States legislation in
 the direction contemplated by the bill now before us. I think it is
 most important in its scope. I think it is entitled to the fairest and
 most candid consideration.

It appeals to the strongest sympathies of our nature when any man's
 rights as a citizen or as a voter, a freeman, are proposed to be affected
 by unfriendly or unfavorable legislation. The purpose of this legisla-
 tion is not to take away the rights of a single citizen, but it is to in-
 sure those rights to him regardless of color, regardless of his circum-
 stances or condition in life, so long as he may be qualified under the
 Constitution and the laws to exercise that right.

In the course of this debate allusion has been made to the enforce-
 ment and operation of the supervisors' law, which is proposed to be
 enlarged, amended, and supplemented by the pending bill. My hon-
 ored colleague from New York [Mr. FLOWER] I believe felt constrained
 to criticize the existing law as enforced in New York, or professed to
 believe that no occasion exists or ever existed for its application and
 enforcement in my State.

The gentlemen forget the facts of history when they assert that no
 frauds have ever been practiced upon the right of suffrage in the Em-
 pire State. The facts are that gigantic frauds in aid of the Democratic
 party, conceived and brought forth in iniquity by its leaders, were un-
 covered in 1868 and subsequent years, and the recollection of those
 great wrongs is fresh in the minds of multitudes—even in the minds
 of my Democratic colleagues upon this floor to-day. Ten years after
 their occurrence, namely, 1879, they were the subject of attention and
 discussion in the Legislature of New York, in the celebrated contest
 of Brodsky against Patterson, in the eighth assembly district.

I chanced to be the chairman of the Committee on Privileges and
 Elections and wrote the report, after hearing the evidence which re-
 vealed anew those frauds which, fortunately, were detected and their
 repetition and continuance prevented, through the able and efficient
 efforts of Mr. John I. Davenport, who had been the subject of so much
 Democratic vituperation during all the succeeding years and who con-
 tinues in office fearlessly contending for the enforcement of honest
 election laws in New York and elsewhere.

It is a matter of history, Mr. Speaker, that in the month of October,
 1868, over sixty thousand fraudulent certificates of naturalization were
 issued in the supreme and superior courts alone in the city of New
 York, almost entirely by two judges.

The following-named "professional witnesses" are shown by the
 records of the courts to have appeared the following number of times
 as witnesses to the good moral character and period of residence in the
 country of applicants:

	Persons.
Owen Gannon, for.....	360
Michael Marrow, for.....	403
John McGinnis, for.....	568
Joseph Moore, for.....	536
James McCabe, for.....	619
Thomas Salkeld, for.....	692
Patrick McCaffrey, for.....	692
John Ward, for.....	1,099
John Moran, for.....	1,597
Patrick Goff, for.....	2,162
Total.....	8,468

Before one judge alone (Barnard) Patrick Goff is shown by the court

records to have appeared on the days below set forth for the number of persons mentioned:

	Persons.
On October 9, for.....	325
On October 10, for.....	391
On October 12, for.....	397

Total in three days..... 1,073

Two men, still living, each had and disposed of by sale ten thousand certificates signed and sealed in blank.

Before Judge Barnard, on October 12, when Patrick Goff appeared as a witness for three hundred and fifty-seven persons, he gave in the papers to which the judge affixed his fiat thirteen different streets as his residence.

On thirty-four of the three hundred and fifty-seven occasions when he appeared that day before the court he gave his residence in the following-mentioned places the several times set opposite thereto:

From 44 Greene street, six times.
From 44 Thompson street, six times.
From 44 Canal street, five times.
From 44 Wooster street, five times.
From 44 Madison street, two times.
From 44 Prince street, two times.
From 44 James street, one time.
From 44 Thames street, one time.
From 44 Rose street, one time.
From 44 Laurens street, one time.
From 44 Thomas street, one time.
From 44 East Houston street, one time.

Thirteen different residences, each the same street number and each a different street.

No. 79 Greene street, then a common bawdy house, was given, as appears by the files of the courts, as the residence of forty-two applicants for citizenship, each one of whom was admitted thereto, Owen Gannon appearing as a witness for twenty-three and James McCabe for nineteen of them.

The following distinguished gentlemen appear by the records of the courts to have acted as witnesses for applicants: Governor John T. Hoffman, William M. Tweed, Peter B. Sweeney, Samuel G. Courtney (the then United States attorney), William H. Vanderbilt, and August Belmont (the then chairman of the Democratic national committee). The pretended signatures of these gentlemen are of course forgeries. They did not appear. Judge Barnard knew them well, and he knew they were not before him, but he affixed his fiat to their pretended affidavits and certified that they were there and directed citizen papers to be issued thereon.

Two thousand certificates signed and sealed in blank were sent to the State of Ohio through Adams Express Company.

In the superior court, Judge McCann admitted, as appears by the papers on file, seventy-two persons to become citizens where the papers to which his fiat is annexed set forth the fact that the applicant came to the country over age and had declared his intentions to become a citizen, but that two years had not elapsed since such declaration was made. In many of these cases the papers show that but a few weeks had passed since the declaration was made, and one paper is on the files of the court which on the face shows that but two days had gone by. Yet all these persons were made American citizens.

But some gentleman may say all these things occurred in the "long ago." True, but the wrong was done and has been attempted since. During the Tilden and Hayes campaign in 1876 the same sort of work was started, but Mr. Davenport and his assistant officials broke it up and sent some ten of those engaged in that scheme to prison. It must be remembered, moreover, that many of those fraudulent naturalization papers of 1868 are still scattered throughout the country, and upon them thousands base their citizenship. I saw many of those papers and the men who voted on them. They were before my committee in 1879.

Strange, indeed, Mr. Speaker, that the wrongs thus perpetrated should have been solely in the interest of the very party which to-day opposes so bitterly a law to secure to every lawful voter the right to vote and have his vote counted as cast! Strange, indeed, that the Democratic party should be here solidly opposing a measure intended simply to secure to every citizen every citizen's constitutional right! Stranger, indeed, that the Representatives of that party north of the Ohio and Potomac Rivers should unite in such a proclamation as we find in the morning paper!

So, Mr. Speaker, I must confess that I was greatly surprised to find in the morning paper the manifesto signed by our distinguished Representatives on the Democratic side, north of the Ohio and Potomac Rivers—surprised the more that this paper does not appear to appeal to the sentiment of Southern men, but is addressed to Northern Democrats, to members of the Democratic party north of the rivers named. Now, why is this? Why should our honored friends from the South be excluded from participating in this proclamation? Is it because they contemplate issuing a new and revised proclamation addressed exclusively to the Southern people? If that be so, Mr. Speaker, I think it is incumbent upon me to suggest a draught of a proclamation

that shall go to our friends, not only in the South, but in the North as well.

Mr. SAYERS. Before my friend reads that, I would like to ask him a question.

Mr. BAKER. Certainly.

Mr. SAYERS. Can you explain why the committee in the preparation of this bill, which, as claimed, is for the purpose of keeping elections pure all over the United States, did not provide for protection against the immense expenditure of money in elections in my friend's portion of the country?

Mr. BAKER. I wish to say to my friend that in the law passed by the Legislature of New York during the last winter, which was signed by the idol of the Democratic party, Governor Hill—

Mr. SAYERS. It is this bill I am talking about.

Mr. BAKER. Very well; this bill provides for the protection of elections under the laws of the United States and in conformity with the provisions of the statutes of any State—

Mr. SAYERS. Do you not think that bribery and corruption at elections are just as bad as force and intimidation?

Mr. BAKER. Perhaps a great deal worse in some respects. But intimidation is the worst imaginable, it seems to me, as conducted in many of the States.

Mr. SAYERS. Was my friend ever present at any election in the Southern States?

Mr. BAKER. There is no trouble about this matter. This legislation will secure justice; it will protect the right of suffrage.

Now, coming back to the subject of the proclamation which appears in the morning papers and is addressed exclusively to Northern Democrats, I suppose our friends representing the Southern Democratic districts will want to send their proclamation to their constituents and have it show what they have accomplished during this session of Congress. So, I want to suggest in all candor and fairness to my friends, because I know they will appreciate it, a proclamation something like this:

"The Representatives of the Democratic party in the Fifty-first Congress, to the people of the United States, greeting:

"Your Representatives engaged in their labors as statesmen, as conservators of the Constitution and the laws, as stop-gates of the flood of Republican extravagance and profligacy, take this occasion to congratulate the country upon the success with which their labors have thus far been crowned.

"They desire to call attention to a few of the chief master-pieces of legislative enactments which they have accomplished, or, if not accomplished, which the Democratic minority in Congress have in good faith endeavored to secure, though overpowered by a Republican majority, led by a 'tyrannical, usurpator, and revolutionary' Speaker, who, under the poor pretext of constitutional sanction, has assumed to give such construction of general parliamentary law, supplemented by a revised edition of the Code of Rules, as to defeat the high Democratic function of 'filibustering' and deny to us, the representatives of the Democracy, that most sacred of all Democratic legislative rights, the power to make dilatory motions and thus prevent a Republican majority from maintaining their assertion that the constitutional mission and duty of Congress are 'to do business.'

"Your minority endeavored in good faith and in an orderly fashion to prevent the enactment by the House of Representatives of the present Code of Rules, but were overpowered and defeated therein, notwithstanding the fact that in language as silver tongued and bland as could be deliberately uttered, we gently intimated of the Speaker that he was the 'worst tyrant that ever presided over a deliberative body,' and we feared his rulings would be criticised as 'usurpator, revolutionary, and corrupt,' while the distinguished gentleman from Alabama innocently inquired 'whether the Representatives of the people must remain silent in their seats and see the Speaker of this House inaugurate revolution.'

"Following the adoption of these rules, thus mildly resisted, the wheels of legislation began their daily revolutions which we have closely watched, though carefully refraining from improper familiarity with the machine.

"Your Representatives have faithfully but vainly resisted the passage of the bill to revise the tariff, conscious all the time that the eyes of England and the Canadian Provinces were upon us, praying for the success of our efforts.

"In the contest over that iniquitous measure, which is so distasteful to every foreign and Democratic lover of free trade, we were all but victorious, though not quite so, one substantial fruit thereof being the 'decoration of honor' conferred by the Speaker upon our honored leader and prospective candidate for the Speakership of the next Democratic House of Representatives, in which fruit your Representatives participated by clustering with unparalleled bravery around our hero while the latter was being 'decorated.'

"We earnestly and solidly opposed and voted against the admission of Wyoming and sat silent upon the passage of the bill to admit Idaho (following the example of our leaders in the Fiftieth Congress, when four new States were admitted in spite of our opposition and through the treachery of less than a score of our fellow-Democrats).

"We confidently expect the support of the women of Wyoming and the whole country next fall, while our Republican friends concede that the Mormon vote of Idaho and Utah will be a unit for our success.

"We will continue our Democratic missionary labors henceforth on Utah, New Mexico, and Arizona, assured (as we were in the cases of the four States) that those Territories will come in as Democratic members of the family of States.

"Your minority stubbornly, almost unanimously, and successfully resisted the passage, under suspension of the rules, of the Morrill pension bill with its assurance of increasing the pension-roll by four hundred thousand names and the disbursement thereunder of more than forty millions of dollars additional, annually, to the veterans, their widows, and dependent parents. We are proud to say that in that effort we were successful as we were when the bill for the relief of the ex-prisoners of war was in like manner brought forward for passage.

"The Democratic party is and will be entitled to all credit for the enactment of any past, present, or future legislation in behalf and recognition of the services and sacrifices of the brave men who fought the battles of the war for the Union.

"Though our Democratic leaders of the South did not exactly vote in harmony with our party on those questions in the present House, we were enabled to command the votes of enough independent Republicans to press the bill to a successful passage.

"We point with pride to the gallant struggle your representatives have made to uphold and maintain the right of the Democracy in West Virginia, Arkansas, and Florida to manage and conduct their elections in their own way. We promise to cling to our right to the use of the double-barreled shotgun and double-slotted ballot-box, as justifiable and legitimate methods of defending our party against the outrages of Republican interference.

"In this good work the two wings of our party ever have worked and ever will work in perfect harmony.

"The methods practiced by our Democratic brethren of the South may be criticised by our political enemies, but the votes of an undivided Democracy always have been and always will be heard in this House in sustaining such methods as rights guaranteed by the Constitution and laws—particularly by the latter.

"We congratulate the party upon the fact that, while our enemies in the late civil unpleasantness were, by our consent, engaged in decorating the graves of the men who fell in defense of what they deemed a just cause, our friends, who met with temporary defeat, were enabled, after twenty-five years of silence, to revive the fallen flag and glorify anew the 'lost cause' in the city last to surrender in '65.

"In view of these and other facts and circumstances which are not necessary to be referred to at this time, your representatives appeal to the country to restore to power, so far as may be, the Democratic party by electing a Democratic House of Representatives in the Fifty-second Congress, admonishing the people that while we promise nothing we may always be relied upon to do as we promise." [Applause and laughter on the Republican side.]

Mr. SAYERS. Is that your speech?

Mr. BAKER. This is a proclamation that I would suggest for our friends on the other side which they may send to their Democratic constituencies. [Laughter.]

Mr. ENLOE. I want to ask the gentleman if he does not think he is putting a little too much truth in that. [Laughter.]

Mr. SAYERS. It is just about as correct as a good Republican can make it.

Will the gentleman allow me one question?

Mr. BAKER. Certainly.

Mr. SAYERS. How many times during the Fiftieth Congress did you sit in that Congress and refuse to vote?

Mr. BAKER. Why I do not think I did on a single occasion. But, if you want to compare this side with that, I will confess that you are away ahead of us. [Laughter.]

Now, Mr. Speaker, these are merely suggestions, of course, and it is not obligatory upon my Democratic friends to utilize them; but I thought it proper to aid them, in a mild way at least, in getting up some satisfactory literature which they could disseminate amongst their constituents.

They are mere suggestions for the benefit of my Democratic friends from the South, and I want them to follow this proclamation, contained in the morning paper and to go out to the country alongside of it. This may be signed by all of the Democrats on that side. The one that you find in the paper this morning is only signed by a portion of the Democratic party. Now, it indicates to my mind that there must be a division in the party on that point and that our friends are not united in their opposition to this bill, so far at least as that paper indicates.

I should like to see this go out alongside of the suggestions I have made, and I will incorporate it in my remarks for that purpose. These two will form exceedingly interesting reading to the country. The pith of the argument contained in the document sent out this morning is that this bill is not constitutional.

Now, seriously, Mr. Speaker and gentlemen, there can be no well grounded argument in favor of its unconstitutionality. It is entirely in

harmony with the Constitution as well as with Republican pledges made to the country from time immemorial, and we have aimed in this measure to provide a way by which the sacredness of the ballot and the right of suffrage shall be secured and protected to all the citizens in the land.

[Here the hammer fell.]

Mr. CANDLEE, of Georgia. Mr. Speaker, I can not, in the limited time allotted me, enter into an elaborate argument of this measure in all its bearings. I will not, therefore, stop to discuss its constitutionality, but will leave that question to be discussed by those more learned in the law than I am, contenting myself with saying that, in my judgment, it would not, if enacted into law, bear the scrutiny of judicial investigation.

I do not hope to be able, by anything I can say, to change the preconceived opinions of the gentlemen on the other side of this House who are giving it so earnest a support, but I can not let the record, which is to be handed down to posterity, be made up without entering thereon my most earnest protest against a measure so fraught with destruction to the very first principles of local self-government.

For more than a hundred years no political party has thought it necessary to exercise the dangerous powers proposed in this bill.

Hitherto the conservatism, fairness, and patriotism of the people of the States have been deemed sufficient to insure, on this floor, fair representation of the popular sentiment of the several States; but now we are told that, to secure here a fair expression of the popular will in Georgia, Georgians can not be trusted to conduct their own elections, but agents of the General Government must be sent out to supervise them and see to it that our people have that which they are not wise enough nor honest enough to secure for themselves: a free election and a fair count.

There is a reason, Mr. Speaker, for this unprecedented interference in the election of the States, and this reason must be one of three things.

Those who propose this measure must do so either because they desire to secure a partisan advantage or to punish the people of the South, where alone the law would be practically operative, or because they desire to correct evils existing in the electoral systems of the States which they can not correct themselves.

Mr. BUCKALEW. I beg leave to interrupt the gentleman. I wish to say to him that we at the North insist that it will be applicable at the North.

Mr. CANDLEE, of Georgia. Mr. Speaker, I thank the gentleman for his suggestion; it will be applicable at the North; but at the same time I beg leave to repeat my language, that this bill, in my judgment, will be practically operative only in the Southern States. That, I mean to say, is the object of the bill. If there had been no Southern States there would have been no election bill in the Fifty-first Congress of the United States. The friends of the measure, actuated by fanatical and partisan motives, want to reach the South, and in order to do so, Sampson like, they pull down the temple upon their own heads.

They have not, and it seems they can not, learn wisdom from experience. Unbridled party spirit has been the bane of every representative government since the dawn of civilization.

Party spirit banished Aristides, the bravest and justest of Athenians. Party spirit banished Catiline from Rome, when his crimes were, perhaps, no greater than those of the partisans of Cicero.

Party spirit beheaded Charles I, inaugurated the reign of Cromwell and the Puritans, and finally restored the monarchy and established Charles II on the throne; but not until England had been devastated and her manhood decimated. The same unbridled spirit inaugurated the French revolution, deluged Paris in blood, and shook to its foundations every throne in Europe.

In this, our own country, the same evil has existed from the inauguration of the Government down to this day. It appeared before the close of the first Administration under the Constitution, and has been the prime cause of all the convulsions which have, on more than one occasion, threatened the life of this Republic. And strange enough this baleful spirit has always manifested itself first in that section from which this bill emanates.

The Puritans who settled New England sought an abode in the wilds of the Western world to escape persecution and enjoy religious freedom. It has been said that they at once proceeded to enjoy that freedom to its fullest extent by persecuting every one who did not agree with them and to regulate their own affairs by meddling with the affairs of everybody else.

After they had exterminated all the witches and scourged and driven from their borders all the Baptists and Quakers and Catholics, and thus established perfect religious freedom, they turned their attention to their more distant neighbors, and, with a self-sacrificing devotion unparalleled in history, have ever since labored diligently and unceasingly to regulate the affairs of other people, regardless of the consequences to their own.

But I said, Mr. Speaker, that the object of the bill must be to correct evils actually existing in the electoral systems of the States or to punish the South or to perpetuate the power of the dominant party.

It can not be that the friends of this measure believe that such a law is necessary to secure fair elections. Indeed, each of the gentlemen who have spoken for the bill has been careful to say that in

his district elections are fair and that in it there is no need for Federal supervision. It is always in some other section that the law is needed.

We concede that they know the needs of their own districts, and we claim that we know more of the situation in ours than they do, and in them there is no need for this law, because no unprejudiced man, come he from whatever quarter of the Union he may, can witness our elections in that section and come to any other conclusion than that they are the fairest held any where in this Republic. This is the unanimous verdict of all fair-minded men who have come to the South from any other sections of the Republic and settled among us and observed our methods and studied the situation as it is. True, in our section there are, as everywhere else on the face of the earth, occasional conflicts between men. True, we, at long intervals, have scenes of strife, and even bloodshed and riot, such as that at Birmingham, Ala., a few months ago, when the populace was wrought up by one of the most fiendish crimes ever enacted in any community. But there was no race question involved; there was no politics in the case.

Election riots, never prevalent in the South, have been almost unknown since the dark days of reconstruction, when armed soldiers lorded it insolently over the disfranchised manhood of that section. There is in Georgia, and the same may be said so far as I know and believe of every other Southern State, no shotgun policy, no intimidation, no coercion, no force or fraud or violence at the polls. Sober men seldom engage in political riots, unarmed men never do, and in Georgia to sell, give, or otherwise furnish intoxicants within two miles of a polling place during an election, and for twelve hours before it begins, is a crime punished by heavy penalties. To carry arms to an election is a crime punished by penalties equally heavy. There is no debauching of voters with whisky. There is no coercion of voters by physical force. The use of money to influence elections is far less frequent in the South than in any other section of the country. There is by far more of the true, pristine, Americanism and love of fair play there than anywhere else on the continent. Thinking, unprejudiced men everywhere see and acknowledge this.

The population of the South, the white population, are the descendants of the men of the Revolution. The institution of slavery kept out immigration from foreign countries. All the immigration we had was from the other American States, from New England and the Middle States, true American blood. That blood has been kept pure there, and is now purer than anywhere else in the Republic. The same spirit that animated your fathers and ours when they established this Government animates the white men of the South today. That hatred for oppression and love of justice and fair play which inspired your ancestors and ours when they formed this Government of equal rights to all, special privileges to none, still inspire the white man of that section. There is no animosity in their breasts towards the negro. They are his best friends, and he begins to realize it. In our courts he has every right the white man has. In our schools he has equal privileges with our own children. In our poverty we have imposed heavy taxes on ourselves to educate his children as our own are educated. In everything we have made him equal before the law except in social status. This is not a subject for legislation. Every community must and does regulate the social status of its members for itself. Oil and water will not mix. People of different natures, but of the same race, mix harmoniously and without distinction and form a single community, but people of different races never do. They naturally and instinctively segregate themselves and form separate communities even in the same town. In this city the white people constitute socially one community, the negroes another, and the Mongolians another. There is no statute law that separates the three races into three separate communities. It is not their color that does it. In the eyes of the law the life, the liberty, and the property of the black man are as sacred as those of the white, and those of the yellow man are as sacred as those of either. Community of tastes, habits, and idiosyncrasies governs social organizations. The negro or the Chinaman is ill at ease in a social gathering of white men. The white man is uncomfortable in a social gathering of negroes or Chinamen.

Still, under the laws of the United States and of every State their legal rights are identical, and nowhere are those of the negro more fully recognized and carefully guarded than in the South. Everywhere wealth has advantages over poverty. In Massachusetts the poor man who goes into the court a litigant against the rich man is, to a certain extent, at a disadvantage. To the same extent, but no further, the poor negro who goes into court against a rich white man in the South is at a disadvantage. There is no discrimination against him on account of his color. His only disadvantage is that incurred by him in common with his white neighbor by reason of his poverty and ignorance. That he is often influenced in exercising his right to vote by the more intelligent with whom he comes in contact is true, but that he is controlled more frequently or by means other than those employed by the intelligent everywhere, North and South, to influence the votes of the weaker and less intelligent is untrue. The truth of this assertion is established abundantly by the testimony of almost every man who has come from the old free States of the North and settled in the South since the war.

No intelligent man can doubt the veracity or the loyalty to the Republican party of such men as Governor Bullock, the only Republican governor Georgia has ever had, and General Longstreet, who incurred the anathemas of his own people by becoming a Republican in the dark and stormy days of reconstruction. These and many other Republicans of equal character and ability testify to the truth of what I have said. Republican members of Congress now here on this floor corroborate this testimony. They have done so openly here to-day. They are the equals in veracity of those of you who favor this bill, and their opportunity for knowing the true situation in the South has been far better than yours.

The truth of the matter, Mr. Speaker, is that the average plantation negro has never appreciated his responsibility as a citizen. The ballot was thrust upon him when he was utterly and totally unprepared for it. He regards it as a bauble, a plaything, or an article of merchandise. He regards election day as a public holiday. He goes to the polls as he goes to the circus or to a public execution—for a frolic. If unapproached by any one, he would, in a majority of cases, go away without depositing his ballot. As it is, one-half of them can not tell you the day after the election for whom they voted. That there are many persons in the country who really believe that the negro vote in the South is suppressed, I concede. That there are gentlemen on this floor who honestly entertain the same opinion, I have no doubt. But they are mistaken. The fact that Democrats are sent here from districts having a heavy preponderance of negro population is not an evidence of the suppression of the negro vote. That there were frauds and irregularities in elections in the South soon after the close of the war of secession, before the animosities of that unhappy conflict had had time to cool, and when our young men were exasperated by the disfranchisement of their fathers and the enthronement of ignorance and venality, is doubtless true. But that these crimes have grown less and less frequent and that now their occurrence is as rare as in any other portion of the country is equally true.

The negro is a docile animal and is much more susceptible to influences than his white neighbor. He knows nothing of the theory of our Government and cares less. The man who treats him kindly and seeks to control his vote can always do so. When he was at first converted from a slave into a free man and given the ballot at the same time that it was taken away from his master and the polling places were patrolled by armed soldiers, Southern white men, exasperated at the indignity, refused to solicit his vote and suffered the carpet-baggers and native scalawags to take possession of him and the polls. In doing so they made a dangerous mistake which they soon realized and hastened to correct. Now, they understand that a negro vote counts as much as that of a white man, and the men who frequent the polls for the purpose of carrying elections do not hesitate to approach him as they do the white voter to solicit his vote. The negro appreciates the attention and is easily influenced. Moreover, his twenty-five years of freedom has not been without its lessons to him. Many of the more intelligent of them have learned that their interests, in a State in which the law makes no distinction on account of race or color, are identical with those of their white neighbors, and since to vote the white man's ticket will give them a better standing with the white man they do so cheerfully.

But, Mr. Speaker, to go no further into details, intelligence everywhere and under all circumstances dominates ignorance. The negro is admitted by all, I believe, to be an inferior race intellectually. The Caucasian is admitted everywhere to be the superior race, and as intelligence always dominates ignorance the white man will always dominate the negro when the two races are brought in contact. This idea can not be more strongly enforced than in the language of a distinguished Republican [Senator INGALLS] at the other end of this Capitol. He says:

The race to which we belong is the most arrogant and rapacious, the most exclusive and indomitable in history. It is the conquering and unconquerable race, through which alone man has taken possession of the moral and physical world. To our race humanity is indebted for religion, for literature, for civilization. It has a genius for conquest, for politics, for jurisprudence, and for administration. The home and family are its contributions to society. Individualism, fraternity, liberty, and equality have been its contributions to the state. All other races have been its enemies or its victims.

This, sir, is not the time, nor is this the occasion to consider the profoundly interesting question of the unity of races. It is sufficient to say that, either by instinct or design, the Caucasian race at every step of its progress from barbarism to enlightenment has refused to mingle its blood or assimilate with the two other great human families, the Mongolian and the African, and has persistently rejected admixture. It has found the fullest and most complete realization of its fundamental ideas of government and society upon this continent, and there can be no doubt that upon this arena its future and most magnificent triumphs are to be accomplished.

This, sir, is a true statement of the case. The Caucasian race always has been and always will be the ruling race where it exists, and it ought to be. Intelligence always has and always will and always ought to rule, because it is better fitted to rule. It can do it, and does do it, in the South, by legitimate means. Southern intelligence controls the negro vote, so far as it is controlled, by the same means by which Northern intelligence controls the ignorant and uneducated vote in the Northern States. Gentlemen who entertain any other opinion are mistaken. They have not lived among us and do not know the situation. They have formed their opinions on unreliable testimony.

There are in the South, as everywhere else, bad men. Some of these men are white and some are black. Many of them are Republicans. Their testimony is that upon which you base your conclusions. You either will not hear or, having heard, you reject as unworthy of belief the testimony of honest, unprejudiced men of the South, both native and Northern born. You forget that these men whom you reject as liars and perjurers are the descendants of the men who with their blood and treasure had an equal part with your ancestors in planting the tree of liberty and equality in the Western world. You forget that Southern blood flowed freely on every battlefield of the Revolution; that Southern brains contributed largely to the formation of the Constitution of our country. A Southern mind conceived and a Southern hand wrote the Declaration of Independence. A Southern man led your armies to victory in that memorable conflict.

In the second war with Great Britain the South contributed more than her share to the triumph of the American arms. A Southern man again led your armies to victory and covered your flag with glory.

Later on, in the war with Mexico, the South again did more than her share and Southern chieftains planted the Stars and Stripes on the battlements of the Mexican capital.

The South has always been loyal to the Constitution.

When molders of public opinion in the North were denouncing that instrument as "a covenant with hell and a league with death," the South revered and defended it. When at last driven to action, in defense of an institution for which she was not primarily responsible, but which she had inherited, and in which she had invested \$2,000,000,000, the accumulations of two hundred years, she was still loyal to the Constitution and took a copy of it as the fundamental law of the Confederacy which she attempted in vain to establish.

Mr. Speaker, there never has been a day when the people of the section to be proscribed by this bill were not loyal to the Constitution of our country and the principles of free government. And it is these people, thus loyal, who are striving to solve the most difficult problem ever submitted to a people for solution, who are disparaged and balked, and whose testimony is to be rejected as unworthy of belief. It is these people, with such a history and such a record of devotion to the principles of free government, who are to be proscribed and put under the ban as incapable of self-government.

To assume that elections in the South are unfair in spite of the protests of such a people, and on the unsupported testimony of a few unscrupulous adventurers moved by a desire for the emoluments of office, is unfair, unjust, and unreasonable, and I do not believe the American people will sustain such an assumption.

The evils of which you complain and upon which you rely to sustain you in this revolutionary action are much more imaginary than real and are growing less and less every day. This you are obliged to see; this you are obliged to know, and this, but for partisan blindness, you would be obliged to admit. It is not therefore the existence of real evils that prompts you to pass this bill. Other motives must be found for your action. Is it, then, a desire to punish the South still further for her abortive attempt at secession? If we did, indeed, as you charge, inaugurate "the most causeless and wicked rebellion in the annals of the world," have we not been sufficiently punished? Have we in vain submitted to all the humiliations and all the indignities of reconstruction? Have we in vain kept our paroles and relied on the plighted faith of your generals to whom we surrendered? Have we in vain submitted without compensation to the destruction of \$3,000,000,000 of our property, to say nothing of the 150,000 of the flower of our youth and manhood slaughtered on the battle-field? Do we in vain, in our poverty and desolation, uncomplainingly contribute \$30,000,000 a year to pension the men who invaded and devastated our homes and desolated our hearthstones?

Mr. Speaker, the annals of the world furnish no instance in which a subjugated people have submitted more uncomplainingly to the domination of the conqueror. Many of you think your conduct towards us has been magnanimous. I give you credit for sincerity in this belief, but put yourselves in our place and it may modify your opinion. You do not go far enough back in your inquiry. You only go back to 1860. You fail to read in the history of seventy years preceding the war of secession our devotion to the Constitution and the Union in spite of the most irritating provocations. The history of the world shows but few instances in which the provocation to revolution was so great as in this. The provocation of our fathers to rebellion against the British Crown was not half so great. I do not desire to open any old wounds. I do not desire to irritate any old sores. The people of the South and their Representatives here have never desired to do any of these things. When our armies surrendered they surrendered in good faith. They appealed to the arbitrament of the sword and the decision was against them, and they have without murmur or complaint abided the decision. Nowhere since Appomattox has any opposition been offered to the authority of the General Government. Everywhere has its dominion in its proper sphere been supreme and unquestioned. Here on this floor our Representatives have sat for twenty-five years and heard

themselves and their people denounced as "traitors" and "red-handed rebels."

We have been maligned and slandered without justice and without mercy. The old war cries of the stormy days of the revolution have been revived. Much has been said even at this session of Congress about "plantation manners," and that most, to some gentlemen, terrible of all yells, "the rebel yell." In the face of all this we have counseled forbearance and moderation among our people. On the escutcheon of Georgia is emblazoned, "Wisdom, justice, and moderation." We have tried to conform our conduct to that legend. We have tried to be wise, to be just, to be moderate. But, Mr. Speaker, whatever its character, whether an act of loyalty to or treason against the Constitution, secession was not a plant of Southern growth. The right was recognized by all men of every shade of political opinion while the men who framed the Constitution lived. Indeed some of the States in their ordinances adopting it as the fundamental law expressly reserved that right. Most of those making that reservation were Northern States.

Secession as a remedy for real or imaginary grievances was first threatened by New England, the section from which the distinguished author of this bill [Mr. LODGE] comes. It was recognized as a legitimate remedy in the Hartford convention. No Southern man sat in that convention. All were New Englanders, the descendants of the Puritans.

Slavery, for which the South is not alone responsible and which has been the Iliad of all our woes at the South, made its appearance as a disturbing element in the convention which framed the Constitution. In that convention the right of property in African slaves was recognized, and provision for the rendition of fugitive slaves was made in the organic law of the Union. To have done otherwise would have defeated the very object for which the convention was assembled, the formation of a constitutional union of the States; because before the Constitution could be operative and the union effective, nine States had to adopt it, and this would not have been done without that clause, for at that time there were but thirteen States and slavery existed in twelve of them. Indeed, at that time the institution was held to more tenaciously in some of the Northern States than it was farther south.

Georgia, which lost more by the results of the war than any other State and in whose borders there are to-day more negroes than in any other, was the last of the American colonies to admit slavery. For sixteen years she excluded it. If it was an unmitigated evil and a crime against humanity, we of the South were not alone responsible for it. Our brethren farther north were equally guilty. Their money was invested in the slave trade. Slave ships sailed from their ports, and we are told it was at the instance of Northern members of the convention that the African slave-trade was tolerated until the year 1803. It was at their instance that this provision was put into the Constitution. To say the least of it, both sections were equally responsible for the existence of slavery. It was an institution existing, as has been said, in twelve of the thirteen States which entered into the compact which we call the Constitution. Each party to that compact bound itself to protect the institution by the rendition of fugitive slaves who might escape from their masters and be found in their borders. Each State which entered the Union was bound as much by this part of the Constitution as by any other. Each State which failed to comply with the obligations imposed on it by this clause was disloyal to the Constitution. When they adopted that instrument they adopted it as a whole and were bound by all of its parts. The gentleman from Massachusetts [Mr. LODGE] says:

No people can afford to write anything into their constitution and not sustain it.

Did they do it? Did they pass laws to restore fugitive slaves found in their limits to their owners? On the contrary, they refused to do so and passed laws to encourage our slaves to run away. The abolitionists, the fathers of the present Republican party, encouraged raids on the South and insurrection among our slaves. We appealed to the Supreme Court and were sustained. They proclaimed a higher law. Slavery was "morally wrong," and they could not conscientiously observe their oaths to support the Constitution. Their consciences were quickened, but, in the language of the distinguished Republican Senator at the other end of this Capitol [Mr. INGALLS], to whom I have before referred:

The conscience of New England never was thoroughly aroused to the immorality of African slavery until it ceased to be profitable, and the North did not determine to destroy the system until convinced that its continuance threatened not only their industrial independence, but their political supremacy.

Then, and not till then, did they discover the wrong of slavery. Then they forgot their obligation to the Constitution. Then they defied the power of the judiciary and set at naught the decisions of the Supreme Court. Then they passed laws to protect fugitive slaves in their borders and to punish as felons Southern men who attempted to recover their property. Here is the law of Vermont:

Every person who may have been held as a slave, who shall come or who may be brought into this State with the consent of his or her master or mistress, or who shall come or be brought or shall be in this State, shall be free.

Every person who shall hold or attempt to hold in this State in slavery, as a slave, any free person, in any form or for any time however short, under pretense that such person is or has been a slave, shall, on conviction thereof, be imprisoned in the State prison for a term not less than five years nor more than twenty years, and be fined not less than \$1,000 nor more than \$10,000.

Other States passed similar laws. Thirteen States utterly refused to comply with their constitutional obligations as to the rendition of fugitives. The decision of the Supreme Court was set at naught. We were excluded from the common territory of the Union, purchased by the common blood and the common treasure of the people. Emissaries were sent into our borders to incite our slaves to insurrection, arson, and murder. All this time the Southern people asked only for their constitutional rights. They were loyal to the Constitution and the flag. They only asked to be let alone in the enjoyment of the rights guaranteed to them in the compact. But this could not be. The higher-law doctrine prevailed. A President hostile to us and our rights under the Constitution was elected. The Republican party got control of the Government. A band of mutineers seized the ship of state and headed her towards another port than that to which the fathers started her. A dissolution of the Union was imminent. We wanted to go in peace. We wanted no war. Many of your own people and your own party conceded the right of peaceable secession. Many of the best people in the South deprecated the necessity for it. They loved the Union. In 1858 Mr. Toombs, in his Boston speech, while he admitted that he did not, told you 90 per cent. of them wanted to perpetuate it. He might have said truthfully 99 per cent.

A congress of the Union-loving people of all of the States was called at the instance of Virginia. The delegates assembled. The South demanded nothing new. She asked only a recognition of her rights under the Constitution as expounded by the highest tribunal of the land. She asked only to be let alone in the enjoyment of her rights as other States were let alone. Her demands were refused, and we were plainly told that our sister States did not intend to comply with the obligations voluntarily assumed by them in the compact of union. Thus, driven to the last extremity, the Southern States passed ordinances of secession. We were at once denounced as traitors and rebels. A war unprecedented in the annals of two thousand years was forced upon us. We met your armies on our own soil when you invaded it. To have done less we would have been cravens; to have done more we might have been what you call us, rebels. Perhaps we were rebels any how. If we were, ours was not a rebellion against the Constitution of the fathers. You rebelled against that. We rebelled against the domination of the Republican party. We are still rebels against it. We have never sworn allegiance to it nor its methods, and as long as there is an inch of the Constitution to stand on we never will. This is the head and front of our offending. For this for thirty years we have suffered. Our punishment has been all the most insatiate could demand. This proposed law, therefore, can not be intended for the further punishment of the South. Such a supposition would be unjust even to the Republican party.

If no evils exist requiring such a remedy and if the motives of those who are urging the passage of this monstrous measure be not a desire to still further punish the people of that section, it must be intended to perpetuate the power of the dominant party. It must be that, having despaired of being able to retain their hold on power by fair means, their leaders have grown desperate and are ready to resort to revolutionary measures.

To those who have observed the methods of some of the leaders of the Republican party of late, this is not astonishing. It is not surprising that men who are more loyal to their party than to their race or country should resort to high-handed and revolutionary methods to perpetuate their power. That this motive actuated the committee which reported this bill is apparent on the face of their report.

They say they "conceive that the fact that in many districts of the country elections are tainted and their result perverted by fraud, violence, or corruption is too well known to require in a report an elaboration of the evidence." They believe it to be also well known that, "whether fraud, violence, or corruption exists to the degree which is generally supposed or not, there can be no doubt that such is the popular belief," and therefore Congress must assume without proof that all the vile slanders prompted by hate and malignity which have for twenty-five years been published and industriously circulated by partisans and a partisan press are true, and that the South must be punished for them. Was there ever such a travesty on justice? Was there ever in the history of the world such fanaticism? The tribunal instituted to examine into and report on the guilt or innocence of the accused "do not feel that it is necessary to enter into a detailed argument." They have taken no testimony, and "do not feel that it is necessary" to do so. "Whether fraud, violence, and corruption exist or not, such is the popular belief," and therefore the accused community must be punished, not because they are guilty, but because they are accused.

When, Mr. Speaker, have injustice and prejudice gone so far? When has fanaticism gone so wild? Never in the history of legislation or jurisprudence but once. There is one, and only one, parallel in all history, and that was two thousand years ago, when the Jews crucified the Savior, not on proof of guilt, but to appease popular clamor. Now, in the same way, we of the South are to be crucified again, not because we have been proven guilty, but to appease the clamors of our enemies. This is the solemn judgment of the committee charged with the investigation of the question of our guilt or innocence.

This is the verdict of the jury impaneled and sworn "a true verdict to render according to the law and the evidence." Do you think, Mr. Speaker, the high court of appeals, the people, to whom we intend to carry this case, will sustain this verdict? We think not. There is too much love of honesty, and of justice, and of right in the American people for this. They may be hoodwinked and deceived for a time by fanatics and designing demagogues, but in the end they always do right; in the end they acquit the innocent and punish the guilty. To this tribunal we appeal, and woe to you and yours when their verdict is rendered.

I say it not hastily, nor to irritate or provoke, but deliberately, and with the full knowledge of the import of every word I employ. I have lived in the South for nearly three score years. I have been a constant voter at elections at which I was entitled to vote for nearly forty years. I was at the polls in my State at the secession elections, when party spirit ran high. I was at the polls at the reconstruction elections, when military satraps suppressed our constitutions and our laws, when armed soldiers patrolled the precincts, when men were blinded by passion; but at none of these elections have I ever seen a minority treated with that indignity that I have seen the minority on this floor treated at this session of Congress. I have never seen an individual voter, black or white, suppressed in the exercise of his rights as I have seen members of this House suppressed from that chair. I do not deny that there have been frauds at elections in the South. I do not deny that there have been occasions in the past when there was violence. These things occur everywhere. But I do declare I have never seen either. I do declare that both have grown and are growing less and less frequent in the South every day, and that now there is no more of either than exists in other States of the Union. I concede that many good men in the Republican party believe differently, but they have been deceived. Every mole-hill has been magnified into a mountain by partisans and a partisan press. Every drunken brawl in which drunken white men and drunken negroes were engaged has been magnified into a race riot. Every challenge of a disqualified voter, if he happened to be black, has been heralded as a suppression of the ballot. Unfortunately for us and the country, those from whom you get your information in the South are not good men. There are good men in the Republican party in that section, a few, such as Bullock and Longstreet, and they tell you the truth, but you do not believe them. You ignore their testimony and are misled by the noisy and unscrupulous gang who are Republicans only for the emoluments of office.

Good men in your party can not desire to punish us further on the testimony of such witnesses. Where there is a conflict in testimony even a criminal is entitled to the benefit of a reasonable doubt. You can certainly give us the rights you accord a felon. Not to do so would be unworthy even of the Republican party. A party that boasts of such mighty achievements can not without the loss of self-respect and the respect of the people attempt to perpetuate its power by such means. Some years ago the passage of a force bill was attempted, but the conservatism and manly courage of a few patriotic Republicans in this House defeated it. There are enough such Republicans here now to defeat this force bill. Their hearts prompt them to do it; their judgment impels them to this act of patriotism and justice. Nothing but a baneful party spirit stands in their way. Strangle this spirit; rise above it. Let your action be prompted by your hearts and your heads, and not by your prejudices.

This bill if it becomes a law can result in evil and evil only. It is full of peril as well to the whole Republic as to the South. The liberties of the white men in Massachusetts as well as those of the black men in Georgia are involved. When the one is imperiled the other is in danger.

The inevitable effect of such a law will be to revive race prejudice and race conflicts in the South, to renew the scenes of the reconstruction era, and rekindle passions now happily subdued. It will not strengthen the Republican party anywhere. The intelligence and conservatism of the country everywhere will condemn such an enactment and hold your party accountable for its results. If I was more of a partisan and less of a patriot, I would say, pass this bill; usurp the power of the people; trample on the Constitution and the usages of a century; reinaugurate the reconstruction era in the South; destroy the industrial interests of that section; render valueless the millions of money of your own people invested in our mines and factories and railroads. Thus they would open a fire in your rear as destructive to you as ours in your front. You would be hurled from power, and my party with its glorious memories would again assume the reins of government.

But, Mr. Speaker, I am not wholly a partisan. I love my party and glory in its achievements. It has always been the party of the Constitution and of the people. Its achievements have been grand and glorious. But, great as they have been, those of my country have been greater. Much as I love it, I love my country and my race more. I would do much to secure the triumph of my party but I would die, if need be, to protect the honor of my people and advance the glory of my country. And why not? It is my country as well as yours. The blood of my ancestors, as well as of yours, flowed on every battle-field of the Revolution. Some of them went from Georgia, some from Pennsylvania, some from North Carolina,

and some from Maryland. But they were all there, and each contributed to the extent of his ability to the establishment of this Republic and the perpetuation of its glory.

Your blood and mine is derived from the same source. The achievements and glories of our ancestors constitute a common inheritance. We are one and the same people, and a common destiny awaits us. Why then let party spirit and the passions of an hour control our action? Rather let the good of each be the care of all. This will be patriotic, this will be wise, this will be for the general good. We at the South, your brethren, are confronted with a problem the greatest that ever confronted man. In our midst is an alien race, an inferior race, clothed with all the attributes of citizenship. From a slave he was in a twinkling converted into a sovereign. He was not ready for the sudden change. He was not by nature and education fitted to wield the ballot. But in the mistaken zeal of the hour it was given to him, and he will keep it.

Revolutions never go backwards. He would not willingly give it up and we who live with him are not willing for him to do so. Great as was the mistake of thrusting the ballot on him, unprepared as he was for it, the evil consequences of an attempt to take it from him now would be greater.

It is true that nowhere in the history of man can a record be found of two different races living on the same soil at the same time in peace, both clothed with all the privileges and immunities of citizenship.

Can we of the South do that which has never hitherto been accomplished? Can two races widely dissimilar live together in peace with equal political and civil rights? That is the problem in the solution of which we have made marvelous progress, under the most unfavorable conditions, within the last twenty-five years.

With the moral support of our own race elsewhere in the Republic we can do it. Without that support we will fail. If you will be as patient with us as we have been with the negro we shrink not from the task, but we must have at least your forbearance and sympathy. We do not ask your sympathy in an effort to deprive the negro of any right he has under the law. No such effort will be made. On the contrary, our endeavor has been and will be to protect him in his rights and prepare him for a wise and patriotic exercise of them. But, sir, we will never surrender our government into the hands of an inferior race. We would be unworthy of our lineage and of our heritage were we to do it. Our fixed and unalterable resolve is to protect the black man in his legal rights, but never to submit to his domination. I adopt the forcible language of another and tell you plainly—

The negro vote can never control the South, and it would be well if partisans at the North would understand this. I have seen the people of a State set about by black hosts until their fate seemed sealed. But, sir, some brave man, banding them together, would rise, as Elshah rose in beleaguered Samaria, and, touching their eyes with faith, bid them look abroad to see the very air filled with the chariots of Israel, and the horsemen thereof. If there is any human force that can not be withstood, it is the power of the banded intelligence and responsibility of a free community. Against it numbers and corruptions can not prevail. It is the unalterable right of every community, the just and righteous safeguard against an ignorant and corrupt suffrage. It is on this, sir, that we rely in the South—not the cowardly menace of mask or shot-gun, but the peaceful majesty of intelligence and responsibility, massed and united for the protection of its homes and the preservation of its liberty.

That, sir, is our reliance and our hope, and against it all the powers of the earth shall not prevail. It was just as certain that Virginia would come back to the unchallenged control of her white race—that before the moral and material power of her people once more united opposition would crumble until its last desperate leader was left alone vainly striving to rally his disordered hosts—as that night shall fade in the kindling glory of the sun. You may pass force bills, but they will not avail. You may surrender your own liberties to Federal election law; you may deliver your election machinery into the hands of the General Government, but never, sir, will a single State of this Union, North or South, be delivered again to the control of an ignorant and inferior race. We wrested our State government from negro supremacy when the Federal drum-beat rolled closer to the ballot-box and Federal bayonets hedged it deeper about than it will ever again be permitted in this free Government. But, sir, though the cannon of this Republic thundered in every voting district of the South, we still should find in the mercy of God the means and the courage to prevent its establishment.

This is the message delivered, Mr. Speaker, to the people of New England by a distinguished son of Georgia, who at the hour of its delivery stood "in the valley of the shadow of death." It was his last public utterance on earth. Within a fortnight he went down mourned by the entire South to an honored grave. He but voiced the sentiment of every honorable man in the South.

He was no incendiary. He was no partisan. He was no alarmist. He spoke the words of soberness and of truth from a brave heart full of love for his race and for his country. The South is full of men entertaining these sentiments. Let them alone and they will solve the race problem satisfactorily to you and the world. But slander them and malign them and obstruct them with force bills, and the consequences of their failure be on your heads. [Applause.]

Mr. BEOSIUS. Shall the citizens of the United States, in the exercise of their constitutional right to vote for the election of Representatives in Congress, be protected by national law from fear, force, or fraud? This question, like the prophet's rod, swallows all other national questions. A negative answer involves a proposition so revolting to justice and so abhorrent to reason and right conduct that it can not be adequately characterized in parliamentary language. And the man who thus answers, in the light and knowledge of to-day, with the Constitution before his eyes, and the sun of liberty and equality

full in his face, makes such an exposure of his intelligence or his morals, or both, that he can not hope long to receive the countenance of those who love justice and obey the law.

To give this question an affirmative answer; to give effect to the guaranties of the Constitution; to make political equality more than a name; to lift from the Republic the reproach of making the elective franchise to a portion of our people "a word of promise to the ear, broken to the hope," is the purpose of this bill. An object worthier the pursuit of a free Government and an honest people, it would be difficult to suggest.

THE BALLOT IS SUPPRESSED.

That the freedom of the ballot is subjected not only to serious menace, but open assault in some sections of the Union, is not open to doubt. That justice is denied to many citizens and constitutional rights and privileges are hindered, obstructed, and in many instances totally destroyed, is an established fact of history; it is the subject of common observation and daily and hourly avowal by tongue and pen.

It is the common boast of the most distinguished and influential citizens—politicians, journalists, and statesmen—among the Democratic portion of the people of the South, that white political supremacy must and shall be maintained at any and all cost by whatever means, fair or foul, that may be necessary to that end. Distinguished Northern Democrats not imbued so deeply with antipathy to the constitutional guaranties on this subject have not only failed to disavow the extreme utterances of Southern statesmen, but have distinctly concurred in them.

In the Forty-second Congress, in an official report on the condition of the South, Senator Bayard joined with the minority of the committee in the distinct avowal that negro suffrage would practically cease when the Republican party should be defeated. These are the exact words of the report:

But whenever the Republican party shall go down, as go down it will at some time not long in the future, that will be the end of the political power of the negro among white men on this continent.

I cite this to illustrate the character of the threats constantly made by men who allowed their hatred of the colored man to lead them to wanton lawlessness in overriding the Constitution and depriving their fellow-citizens of their constitutional rights. In other words, in contravention of right, in derogation of our boasted principles of political equality, in disregard of common justice and defiance of all constitutional guaranties, whenever and wherever the political ascendancy of white Democrats requires it, the right of the colored citizen to a free ballot shall be trampled under foot, the law disobeyed, the Constitution annulled, and the majesty and power of the Republic defied.

Before the overwhelming cloud of witnesses who have borne reluctant testimony to the facts which illustrate the condition I have described; before the harrowing details of wrong which blot the fair escutcheon of our country, the shameless deeds of wanton cruelty to drive humble and defenseless citizens from their rights, which furnish confirmation strong as proofs of holy writ, I stand appalled. I shrink from a recital of the horrible story and gladly forego a task so repulsive. The instances present a singular and interesting variety of means, covering the entire scale from savage cruelty to the most ingenious and refined devices to terrorize, hoodwink, and deceive for purposes of political spoliation.

DUTY OF REPUBLICANS.

In view, then, of existing political conditions in a portion of the Union, the protection of the ballot is brought into distinct prominence, and is pressing with extreme urgency upon the attention of the country at this time. To no part of its creed is the Republican party more irrevocably committed than to this noble and necessary doctrine.

We believe that in forms of government in which sovereignty resides in the people and speaks through popular elections a free ballot and a fair count are the very breath of the nation's life. As Grattan said of the Irish parliament, "It is our very being; nay, more, it is our life to come." We believe that whatever hinders the free expression of the sovereign will at the ballot-box gags the nation while highwaymen rob it of its liberty.

We believe that no darker reproach ever rested upon the fair escutcheon of the Republic than that which now drapes it with forbidding black; that men are suffered to climb to power and to maintain political supremacy upon the ruins of the constitutional right of American citizens to a free ballot and a fair count; and that, too, with the mightiest Republic on earth standing by consenting. We can not witness with composure the paradox the nation presents. Contemplate it for a moment. We protect the American citizen in every land but our own, everywhere but at home. Let any Government on earth commit an outrage upon one of our citizens and a million swords would leap from their scabbards if necessary, and the naval armament of the nation would plow the seas with guns shot to the muzzle to avenge the wrong.

Martin Koszta, a native of Hungary, who was not a full naturalized citizen, though he had in due form of law made his declaration to become so, while in Smyrna was seized by command of the Austrian consul-general and placed on board the *Humar*, an Austrian vessel, where he was held in confinement. Captain Ingraham, in command of

the American sloop-of-war *St. Louis*, arriving in port at that critical moment and ascertaining that Kosta had with him his naturalization papers, demanded his release, and enforced his demand by training his guns on the Austrian vessel. The words of his dispatch to his home Government were:

I weighed my anchor; I drew to within half a cable's length of the Austrian brig-of-war. Near her were a ten-gun schooner and two armed merchantmen ready to assist her. I ran up the American flag, shot my guns, and demanded this poor fellow, who had no more American citizenship than the filing of his intention to become one, and he was surrendered.

This is the way we protect our citizens abroad; and Congress voted a gold medal to Commander Ingraham for his resolute and heroic achievement.

Yet we tranquilly witness the rights of our citizens at home, under our own flag, slaughtered in cold blood, with malice aforethought, with deliberate and predetermined intent, by their fellow-citizens, and lift not a hand to spare or save.

LULLED TO REPOSE.

We listen to the silver tongues of Southern orators and applaud their soft and subduing eloquence, that lulls us to repose with the delusive idea that their hearts are going out in infinite tenderness to their dark-skinned brother; that what they withhold from him is for his good and theirs; that with benign purpose and fraternal motive they are shielding him from the full blast of the sun of liberty until his eyes grow strong enough to open undazzled upon the midday beam; that he is happy and jubilant in the peaceful fields, and contentment runs with the singing plow; and that, at any rate, they can settle their controversy with him without the intervention of mediators. Graphically presented, the situation is this: A bully knocks down a defenseless man and places his foot on his prostrate neck. When the officer of the law interposes, he is told by the man who commands the situation to keep hands off; that the parties concerned understand their difficulties and can settle them to their mutual satisfaction without assistance, and the peace officer walks away satisfied.

THE NATION'S SHAME.

Thus is the nation behaving while the blood of its murdered citizens cries from the ground and the walls of the persecuted and terror-stricken are borne on the four winds of heaven to the deaf ears of a country they helped to save and in whose service they bore themselves with such conspicuous valor that no white soldier of the Union who witnessed their heroic daring, as they charged into the open mouths of frowning batteries or climbed the blood-crested waves of the battle, but would have said with Henry, at Agincourt, what good faith and national honor imperiously demand that we say now as to their political rights:

He, to-day, that sheds his blood with me
Shall be my brother.

THE COLORED MAN.

Can we forget that it was in the darkest hour of the night of our trial, when the great fact loomed "huge and hideous" that we must lose the Union or grant the freedom of the slave, that we called upon the black man to help us, and amidst the thunder and lightning of battle, more terrible than that on Sinai's burning summit, we made our covenant with him, sealed with his blood and ours and witnessed by heaven, that when the war was over and the nation saved he should enter into the enjoyment of the blessings and glories of citizenship? How are we fulfilling our covenant?

REVENGE.

We believe that among the people of a portion of the Union there exist a strange deformity of character, an obliquity of moral vision, a spirit of brutality, an inveterate prejudice, a pitiless despotism, which find graphic portrayal in the cruel persecutions and merciless prescriptions practiced upon defenseless citizens to drive them by the terror of fear to the abdication of their rights as freemen and the relinquishment of the fruits of their enfranchisement.

We believe that no republic can consent to this and live; that no people can long inflict this wrong upon their neighbors without themselves in turn losing the rights they wrest from others. There is no escape from the avenging Nemesis. The furies will pursue and finally overtake them. No human power can avert it. The great King Og, in the Jewish story, lifted a great rock to hurl at his enemies, but God made a hole in the middle of it, so that it slipped down upon the giant's neck, where it remained forever. Will not our deluded countrymen pause, reflect, and consider whether the rock they lift to crush the rights of others may not some day, in the changeless round of justice, encircle their own necks?

CONFESSION AND AVOIDANCE.

Their plea to a portion of the indictment against them, touching their cruelty to the colored people, is "not guilty;" but, to the distinct accusation that they deny to their colored neighbors their political rights, refuse to allow the honest results of elections to be declared, but suppress enough votes to make those results conform to their wishes, their plea is one of "confession and avoidance;" that true it is that

we annul the Constitution, defy the organic law, and put our feet on the necks of our neighbors; but we are justified in doing so in order to maintain white political supremacy; that is to say, the violation of the Constitution is justified on grounds of political necessity, a necessity for one class of citizens to maintain its ascendancy over another class against its will and in violation of its right.

POLITICAL CONSEQUENCES.

The political consequences of the wrongs which they seek thus to justify may be seen by their influence upon the vote as shown in the subjoined tabulated statement, which is itself a most convincing argument in support of the proposition to call in national supervision to secure a free expression of the will of the people at national elections. The table shows how Democratic methods have increased the Democratic and diminished the Republican vote in five States:

States.	Republican vote, 1870-1876.	Republican vote, 1886.
Alabama.....	(1872) 90,272	56,197
Georgia.....	(1870) 59,822	40,495
Louisiana.....	(1872) 71,634	30,563
Mississippi.....	(1872) 82,406	30,096
South Carolina.....	(1876) 91,870	13,736
Totals.....	406,004	171,188

States.	Democratic vote, 1872-1876.	Democratic vote, 1886.
Alabama.....	(1872) 79,229	117,320
Georgia.....	(1872) 76,278	100,490
Louisiana.....	(1872) 67,029	85,032
Mississippi.....	(1872) 47,287	85,471
South Carolina.....	(1876) 90,906	65,855
Totals.....	350,729	454,147

In the five States mentioned the census of 1880 showed a colored majority in twenty-six Congressional districts as follows:

State and district.	Representative.	Term.	Negro majority.
ALABAMA.			
First district.....	R. H. Clarke.....	First term.....	2,858
Second district.....	H. A. Herbert.....	Seventh term.....	249
Third district.....	W. C. Oates.....	Fifth term.....	3,149
Fourth district.....	L. W. Turpin.....	First term.....	26,612
GEORGIA.			
Second district.....	H. G. Turner.....	Fifth term.....	3,763
Third district.....	Charles F. Crisp.....	Fourth term.....	2,431
Fourth district.....	T. M. Grimes.....	Second term.....	2,947
Sixth district.....	J. H. Blount.....	Ninth term.....	5,229
Eighth district.....	H. H. Carlton.....	Second term.....	4,180
Tenth district.....	G. T. Barnes.....	Third term.....	6,145
LOUISIANA.			
Fourth district.....	N. C. Blanchard.....	First term.....	5,752
Fifth district.....	C. J. Boatner.....	First term.....	22,154
Sixth district.....	S. M. Robertson.....	Second term.....	4,545
MISSISSIPPI.			
Second district.....	J. B. Morgan.....	Third term.....	2,463
Third district.....	T. O. Catchings.....	Third term.....	14,720
Fourth district.....	Clarke Lewis.....	First term.....	5,772
Fifth district.....	C. L. Anderson.....	Second term.....	1,570
Sixth district.....	T. R. Stockdale.....	Second term.....	1,327
Seventh district.....	C. E. Hooker.....	Sixth term.....	6,440
SOUTH CAROLINA.			
First district.....	Samuel Dibble.....	Fourth term.....	2,236
Second district.....	G. D. Tillman.....	Fourth term.....	6,543
Third district.....	J. D. Cothran.....	Second term.....	1,210
Fourth district.....	W. H. Perry.....	Third term.....	1,560
Fifth district.....	J. J. Hemphill.....	Fourth term.....	2,610
Sixth district.....	G. W. Dargan.....	Fourth term.....	3,294
Seventh district.....	William Elliott.....	Second term.....	24,599

In the same five States the Congressional vote in 1886 was as follows:

State.	Democratic.	Republican.	Congressmen elected.
Alabama.....	51,592	21,916	8 Democrats.
Georgia.....	25,470	1,860	10 Democrats.
Louisiana.....	63,097	20,966	6 Democrats.
Mississippi.....	35,560	7,190	7 Democrats.
South Carolina.....	38,614	85	7 Democrats.
Total vote.....	214,534	52,027	38 Democrats.

In the same five States the Congressional vote in 1888 was as follows:

State.	Democratic.	Republican.	Congressmen elected.	
			Dem.	Rep.
Alabama.....	117,583	54,351	8	.....
Georgia.....	90,046	33,476	10	.....
Louisiana.....	86,432	26,827	5	..... 1
Mississippi.....	86,814	20,600	7	.....
South Carolina.....	63,915	10,031	7	.....
Total.....	444,790	150,285	37	..... 1

Every district in these five States, with one exception, was returned as electing a Democratic Congressman. It thus appears that in 1888 (it was much worse in 1886) a total vote of 595,075 in five Southern States elected thirty-eight members of the House, while in the States of New York and Connecticut it required 1,470,873 votes to elect the same number. The atrocity of this outrage upon the ballot will appear in a still more vivid light when it is remembered that the enfranchisement of the colored race brought to the Electoral College in the South an acquisition of thirty-eight votes, which the Democracy have appropriated to swell their Congressional representation, while the colored Republicans in most sections remain unrepresented. These results plead trumpet-tongued against the deep damnation of such a system of political spoliation and—

Heaven's cherubim, horsed
Upon the sightless couriers of the air,
Should blow the horrid deeds in every eye—

until the nation ends them.

LEGAL OBLIGATION.

Now, Mr. Speaker, I desire to say that no political considerations can ever be permitted to dispute a moral or a legal obligation. The Constitutional rights of citizens rest upon the highest possible sanction, and are not to be set aside by any alleged rights of inferior obligation. The claims of justice are superior to those of political expediency. No man has ever permanently succeeded by denying to others the rights he claims himself. No nation has ever become great by dispensing with justice. The Almighty would not allow such an experiment to succeed. Any individual who seriously insists upon such a proposition demonstrates either his lack of sincerity or his insensibility to moral distinctions. Those who insist that it is wrong to protect by law the rights of citizens against the incursions of wrongdoers and in the same breath hold it right to despoil their neighbors of their rights and leave them naked and helpless to the mercy of their enemies, can not reasonably hope to receive credit for both good faith and good judgment.

MORAL ATROPHY.

The total loss of moral vision betrayed by Watt K. Johnson, of South Carolina, who said, in the case of Hill vs. Catchings, that he would stuff a ballot-box in the interest of honest government, finds a parallel in the story of the Spanish silversmith, told by Macaulay in one of his parliamentary speeches. The silversmith was a pious man, always telling his beads, attending mass and observing the feasts and fasts of the church. One day while he was admonishing his servant how monstrous it was to do a wrong, especially in relation to sacred things, sacrilege being, he said, a sin of the greatest horror, an ill-looking fellow came into the shop with some church plate and a silver crucifix and asked the pious man to buy them. The latter exclaimed with holy horror that he would not buy them or touch them, as he knew what they were, and denounced the wretch in unmeasured terms for his wickedness.

"Then," said the thief, "if you will not buy them, will you melt them down for me?" "Melt them down?" said the pious silversmith, "that is quite another matter." He took the chalices and crucifix with a pair of tongs, dropped them into the crucible, melted them, and delivered the bullion to the thief and received his five pistoles in payment, and the thief decamped. The young servant stared at the transaction, while his master gravely resumed, "My son, take warning by that sacrilegious knave and take example by me. Think what a load of guilt lies on his conscience. But, as to me, you saw I would not touch the stolen goods. And thus I thrive in fear of God and manage to turn an honest penny."

EXTENUATING CIRCUMSTANCES.

This phenomenal obtuseness of morals evinced by a portion of our people may derive some palliation from circumstances over which the present generation had no control, and to that extent they may be entitled to our commiseration, but not to our complicity in the wrong they propose.

Men will have the defects of their qualities, and the latter are the product of time and environment. "Man is explicable by nothing less than all his history," said the wise Emerson. The principles inlaid in the character of a people by two hundred years of the culture of habit, thought, and education can not be eradicated in a single generation. It is an immutable law that decay of faculty will follow disuse of function. A people who shut their eyes to justice for two hundred years can not regain their vision in one generation.

The conditions imposed by the institution of slavery caused the character of the superior race to undergo modifications which greatly enfeebled their moral faculties, blunted their moral sense, and made cruelty and oppression and denial of right to others seem to them quite compatible with good moral conduct. The moral insensibility which made it possible for them to buy, sell, task, and whip human beings before the war made it easy for them after the war to countenance the burning of the houses of negroes, butchering them in their beds, or hanging them on the nearest tree. The inhumanity that enabled them before the war to believe that an institution which dispensed with the domestic relations, abolished the holy words home, family, wife, child, father, mother, brother, and sister, and withheld legal sanction and moral obligation from the relations which these words imply was of divine sanction, was quite equal to the task after the war of instituting a system of merciless proscription, which spared neither age nor sex, to terrorize the negro and rob him of his ballot.

The same moral atrophy which qualified the clergy of the Confederate States of America in 1863 to issue an address to the Christians throughout the world, in which they declared:

We testify in the sight of God that the relation of master and slave among us is not incompatible with our holy christianity; and the presence of the Africans of our land is an occasion of gratitude on their behalf before God.

The practicable plan for benefiting the African race must be the providential plan, the scriptural plan. We adopt that plan in the South.

made the congress of the Confederacy in 1865 capable of passing the bill known as the negro soldiers' bill.

I quote the first and last sections:

A bill to increase the military force of the Confederate States.

1. The congress of the Confederate States of America do enact that, in order to provide additional forces to repel invasion, maintain the rightful possession of the Confederate States, secure their independence, and preserve their institutions, the President be, and he is hereby, authorized to ask for and accept from the owners of slaves the services of such number of able-bodied negro men as he may deem expedient, for and during the war, to perform military service in whatever capacity he may direct.

5. That nothing in this act shall be construed to authorize a change in the relation of the said slaves.

DIABOLISM.

What! Ask a man to fight for your liberty; to gather into his breast the daggers aimed at your country's heart; to carry his own life in his hand into the imminent deadly breach, that your flag might float and reward him with chains and slavery! Great God! Is there any depth of inhumanity beneath this deep? Is this not the incarnation of diabolism? Yet the act was passed and approved by Jefferson Davis. I never heard of but one protest against it. To the credit of the human race it may be said that this rayless night of insensibility to the claims of gratitude which seem to shroud this people was penetrated by one beam of humanity from the heart of General R. E. Lee, who, writing to a Confederate congressman, acquiescing in the proposition to arm the negroes, added:

I think those who are employed should be freed. It would be neither just nor wise, in my opinion, to require them to remain as slaves.

Their ineradicable conviction before the war that the subject race had no rights which they were bound to respect made it easy for them after the war to believe that the reconstruction policy, which elevated that race to an equality, civilly and politically, with their former masters, was a blow at them in mere wantonness of power, for the purpose of revenge, and in pursuance of that belief to openly denounce that policy as unconstitutional and void and to resist it to the very brink of treason. And it is, therefore, in some degree natural, and may be entitled to that patience due the infirmities of human nature, that our white brethren in the South regard our insistence upon the enforcement of the constitutional guaranties of every citizen of the Republic, white or black, strong or weak, as inspired by vindictive rather than just motives and for salutary ends. These views may cause us to look with compassionate tenderness upon the needless distress of their minds, but they can not and ought not to weaken the firmness of our attachment to justice or slacken our determination to secure to every voting citizen under the flag a free ballot and a fair count.

These considerations, Mr. Speaker, sufficiently indicate the necessity of some legislation to improve existing conditions and remedy existing evils. It is not merely a privilege extended which we may enjoy or not. It is a duty imposed which we must perform. The Constitution commands it, justice requires it, humanity and gratitude plead for it trumpet-tongued.

INGRATITUDE.

Speaking of gratitude, I can not repress the thought, how insensible to the obligations of this noble virtue are our white brethren of the South. That the colored people exhibited toward their masters, during the dark days of the war, a devotion and fidelity as steadfast as they were beautiful, has been shown by too great a volume of testimony to be in doubt. Southern statesmen themselves are truthful and voluntary witnesses on this point. Senator VANCE, of North Carolina, says:

The negro race that was born and reared among us did not rise up to do us harm in the hour of our extremest adversity, even for the great boon of freedom

and amidst the most tempting incitements, but continued faithful to their masters and their families, even within hearing of the guns that were roaring to set them free.

Senator BUTLER, of South Carolina, says:

Nor do I underestimate the obligation we are all under to this race for their fidelity and most praiseworthy conduct during our depleting civil strife. Whatever fate the future may have in store for him, nothing can destroy or obliterate the strong ties of affectionate kindness between himself and his former master.

Henry W. Grady, of Georgia, in his New York speech in 1886, said:

We remember with what fidelity for four years he guarded our defenseless women and children, whose husbands and fathers were fighting against his freedom. To his eternal credit be it said that whenever he struck a blow for his own liberty he fought in open battle, and when at last he raised his black and humble hands that the shackles might be struck off, those hands were innocent of wrong against his helpless charges and worthy to be taken in loving grasp by every man who honors loyalty and devotion.

General Gordon, in his Chicago speech last November, said:

During the war, gray-bearded sires, frail women and children were left upon the great plantations, and in a large measure in charge of the entire colored population. The conquering legions of the Union with emancipation emblazoned on their banners moved in their very midst. The cannon of the victorious army thundered day and night in the black man's ear the news of his freedom, and its flashing bayonets formed around him a cordon of protection if he would but abandon his home and strike a blow for his own freedom. Yet in all that broad land not one single arm, with the exception of the few who had joined the Federal Army, was raised against helpless woman save to protect her.

And now, with all the provocation they endure, the temperate tone of the representative men of the race is a notable circumstance. No cry for vengeance mingles with their indignant protest against the wrongs they suffer. They rise to the height of the great argument of civilization, and appeal to *law*, and not to violence.

The Charleston News-Courier, commenting on the Barnwell massacre, brings into such distinct view the good behavior of the race under the most trying circumstances that I beg to add a paragraph:

The colored people throughout the State have been terribly shocked by the massacre in Barnwell on Friday last; but, so far as we are informed, have behaved with singularly good judgment under very distressing circumstances. They look to the regular constituted methods of the law for the proper punishment of the Barnwell crime, and are to be commended for their pacific disposition. An address signed by about two hundred colored men of Charleston and vicinity, has been sent to many of the leading representatives of the race throughout the State requesting them to meet in Columbia, on Thursday evening next, "for the purpose of consulting and formulating a plan by which the law can be enforced and order preserved through the proper officers of the State."

The address of the colored men is not the voice of vengeance or an appeal to the base passions of an ignorant and irresponsible mob, but is rather distinguished for its conservatism of language and for its deference to law. It is a prayer for protection to no outside authority, but to the proper officers of the State government. It is a special plea for the good offices of the Democratic officials of South Carolina, and not for the interposition of the Federal authority. It is a pledge of the negro's confidence in the strength and honesty of the State government and of his willingness to assist in "upholding the strong arm of the administration." In a word, the signers of the address throw themselves upon the protection of the governor of the State. Whatever difference of opinion there may be as to the wisdom or necessity of the proposed conference, we are sure that Governor Richardson will extend to the committee to be appointed by the conference the kindest consideration and will approve of any practicable plan for the suppression of violence and the overthrow of mob law.

Under such circumstances it ought not to require a very keen sense of services rendered and obligations due to impel the debtors to make some returns for past favors in the way of just treatment and a cordial recognition of rights earned by their services and good behavior, and awarded by the Government to which they were never disloyal.

RIGHT AND DUTY OF SUPERVISION.

In all ages and all nations where popular governments have been in vogue there have been frauds, wrongs, violence, and intimidation which made it necessary to enact laws for their suppression and to protect the voter in the exercise of his rights. The elective franchise has been the subject of legal protection wherever and whenever it has been exercised. The statute-books of every nation on the face of the globe where the citizens vote contain statutes designed to prevent wrongs which impede, obstruct, or prevent the free exercise of that "expression" of a freeman's will. It is so in every State in this Union, and by no other means can the purity of the ballot be maintained.

The first clause of the fourth section of the first article of the Constitution is in these words:

The times, places, and manner of holding elections for Representatives and Senators shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to places of choosing Senators.

The reason for this provision is made clear by Alexander Hamilton in his article on the "Regulation of elections" in *The Federalist*. He says:

I am greatly mistaken if there be any article in the whole plan more completely defensible than this. Its propriety rests upon the evidence of this plain proposition, that every government ought to contain in itself the means of its own preservation.

Nothing can be more evident than that an exclusive power of regulating elections for the National Government in the hands of the State Legislatures would leave the existence entirely at their mercy. They could at any moment entirely annihilate it by neglecting to provide for the choice of persons to administer its affairs. . . . If we are in a humor to presume the abuses of power it is as fair to presume them on the part of the State governments as on the part of the General Government. And as it is more consonant to the rules of a just theory to intrust the Union with the care of its own existence than to transfer that

care to any other hands; if abuses of power are to be hazarded on the one side or on the other it is more rational to hazard them where the power would naturally be placed than where it would unnaturally be placed.

Under the prevailing construction of this provision of the Constitution, the United States is held to adopt the regulations prescribed by the States for the conduct of their elections, as the regulations for elections for Representatives in Congress; but, when necessary to give effect to the guaranties of the Constitution and prevent the disfranchisement of voters or accomplish the effective operation of the necessary agencies of government, Congress may make new regulations or modify those already prescribed by the States to any extent necessary to the full protection of the voter and the complete defense of the existence of the Government.

It may be observed in passing that the fifteenth amendment to the Constitution guaranties to citizens immunity from discriminations in the elective franchise on account of race, color, or previous condition of servitude, and empowers Congress to enforce the right by appropriate legislation. The right to vote comes from the State, but the right of exemption from the prohibited discrimination comes from the United States, and hence the power of Congress to supervise elections when Congressmen are to be chosen, when necessary to prevent the forbidden acts of discrimination.

The limits of State and Federal power, respectively, in relation to elections, are clearly defined in *Ex parte Siebold*, 100 United States, 391. The ground of the distinction and of the necessity for holding the Federal power paramount is set forth in *Ex parte Yarborough*, 110 United States, 651, in these words:

It is as essential to the successful working of this Government that the great organism of its executive and legislative branches should be the free choice of the people as that the original form of it should be so. In a republican Government like ours where political power is reposed in representatives of the entire body of the people chosen at short intervals by popular elections, the temptation to control these elections by violence and corruption is a constant source of danger. Such has been the history of all republics, and though ours has been comparatively free from both these evils in the past, no lover of his country can shut his eyes to the fear of the future danger from both sources.

The extent of the power has no limit within the sanctions of the Constitution, if necessary to protect the citizen in the enjoyment of his constitutional privileges and the performance of his constitutional duties. No power is too great to employ in the accomplishment of a result of such transcendent importance, and the limit can only be measured by the necessity that calls the power into requisition.

THE SOUTH AVERSE TO JUSTICE.

To discuss the provisions of the bill in detail, to show how appropriate they are to the end proposed and how effective they will be, would be a work of supererogation. We are not invited to such a task. The anticipated effectiveness of the bill is the chief objection to it.

The quarrel of the other side is with any bill at all, least it may curtail prerogatives now enjoyed at the expense of others' rights. If they were willing to acquiesce in any legislation that would promote justice to their fellow-citizens we might discuss with them the comparative effectiveness of different schemes having that end in view. But every man knows that our friends across the aisle are not striving for justice to the negroes. Whatever pretensions they make, whatever commands they may have brought from their masters, that was not one of them, or if it was it has been erased from the table.

A sanctimonious pilot took to sea with him the Ten Commandments, but he scraped out one of them, "Thou shalt not steal," because, he said, "That commandment commanded him from his functions." He went out to steal. Similarly I think the commandment to do justice to the colored man in the South would command the Democracy from their functions. They set out to do him injustice.

ENFORCEMENT OF THE LAW.

I am for the bill on the distinct ground that it is a constitutional and necessary measure, made necessary by those who fear its operation and justified by the conditions created by those who oppose its passage. And when passed I am for its enforcement, North and South, if need be, with a firmness and effectiveness that may remind wrongdoers of the manner in which Aaron Burr is said to have presided at the impeachment of Judge Chase, "With the vigor of a devil, but with the impartiality of a saint."

POWER OF THE GOVERNMENT.

Of the power and the duty of the Government in the premises I have no doubt. I will not believe that this Republic, born in the cradle of liberty, baptized in the blood of patriots and dedicated to justice, clothed with majesty, dominion, and power, is unable to protect its citizens from political piracy. I can not believe that a nation which loosens the purse-strings of every citizen who sells a pint of whisky or a box of cigars and handcuffs every thief who steals a letter from a mail-box within the limits of its extended dominion can not prevent or punish the crime of suppressing the votes of any portion of its citizens. Who says to the contrary utters moral treason; who believes it, must carry in his own breast the corpse of his respect for his country.

The Supreme Court of the United States, in *Cunningham vs. Nealey*, say:

The National Government must execute its powers or it is no government. It must execute them on land as well as on the sea. To do this it must necessarily have power to command obedience, preserve order, and keep the peace,

and no person in the land has a right to resist or question its authority so long as it keeps within the bounds of its jurisdiction.

In *Martin vs. Hunter*, the same tribunal say:

The General Government must cease to exist whenever it loses the power to protect itself in the exercise of its Constitutional powers.

Behind the Constitution are the Army and the Navy. Every sword, every bayonet, every cannon, and every dollar of the nation's wealth are pledged to the enforcement of every one of its provisions. When the time shall come that the nation acquiesces in the proposition that the power of the Government is unequal to the task of upholding, sustaining, and enforcing every command of the Constitution, that moment the sand in the hour-glass of our history as a nation will begin to run.

REMEDIES.

Now, Mr. Chairman, there being a remedy ought it not to be applied? The disease is a loathsome one, but it will yield to treatment. If neglected too long, however, it may require the last resources of surgery to save the patient's life. To adopt the suggestion of Southern statesmen and let it alone, depending upon the recuperative power of the patient to throw off the distemper, would leave the colored voters in a situation aptly described in the nursery rhyme:

There was an old man who said, how
Shall I flee from this horrible cow?
I will sit on the stile,
And continue to smile,
Which may soften the heart of this cow.

Their insistence on this mode of not correcting the difficulty denotes a deliberate purpose to perpetuate the wrong, in which the nation can not acquiesce. We would say to the white race, first take your foot from the prostrate neck of your neighbor and give him a hand to help him up. They may think that would result in vexatious annoyance and would wrong their self-love, but it would be neither so grievous nor so enduring as they suppose, and education would cure it all. They know what infinite gain came to them and to the honor of their country when they reluctantly called in their blood-hounds and let loose their schoolmasters. Now, will they not take another advance step; hang up their shotguns, sheathe their knives, quench their midnight torches, and try in their stead personal security, safety of property, unviolated homes, and a free ballot for their colored brethren, and see what miracles will result? They probably, in their blindness, see too small an arc to be able, even in imagination, to conceive the immeasurable circle of relief this broad policy of benevolence, justice, and humanity would bring them.

WHITE SUPREMACY.

The distinguished gentleman from South Carolina [Mr. HEMPHILL] said that the white man must either rule the South or leave it. That is a dilemma of their own choosing. No national exigency, no requirements of the Constitution or the law subject them to such an alternative. But, as a choice of evils, it would be better for the whole Hemphill family to leave the land that contains the bones of their fathers than that they continue to rule from their present seat upon the ruins of the Constitution.

LIONS IN THE FABLE.

Let me propound to the white sages of the South one question. Why can not the superior race exert a controlling influence over the inferior without the use of violence and fraud? It is the history of the human race that the superior nature leads the inferior. The weak yields to the dominion of the strong, and it is only otherwise where the strong having the strength of a giant uses it as a giant for purposes of oppression and wrong, which goad the weaker to resentment and self-defense. Our Southern brethren play the rôle of the lions in the fable. The hares and the rabbits once petitioned the lions for equality of suffrage. The lions told them they must wait until their teeth and claws were grown.

TEETH AND CLAWS.

Are the white people of the South cultivating teeth and claws in the docile colored race, and will they some day better the instruction and turn and rend their teachers? Oppressed races have sometimes risen and taken their future in their own hands. As their intelligence grows more, their docility may grow less. As they acquire means their disposition to submit may diminish. As their courage increases their servility may decrease. Every race will take and hold the rank its courage and capacity give it. I will not pursue the thought; it is too horrible.

I leave it with them for their serious and thoughtful consideration. If they knew what pirate crafts their hardness of heart and stiffness of neck may be rigging with curses dark to scourge the sea of their boasted Caucasian glory, could they see the glare of the internal fires their wrongs may be feeding to furnish the volcanic force for some future political overthrow in self-defense, could they scent the miasma which their lack of justice may be generating to swell the fury of some coming blast to test forever, perhaps in blood, the question of race supremacy, like recreant Romans they would fall upon their knees and pray the gods to avert the plagues that must light upon such folly, while they hastened to invoke, in the treatment of their fellows, the christian law, "Do unto others as ye would that others should do unto you."

DUTY OF SUPERIOR RACE.

The superior race ought to be wise in their day and generation. They ought to cultivate amiable relations with the inferior; they ought to be wise and dexterous in the control of the weak. They ought to be able to divide the inferior race with their intellectual blades, so that their political divisions would not follow lines of color cleavage. Their ability to do this is the true test of their title to political ascendancy. As long as they do not have both colors on the same side of political questions, it demonstrates anything else than their superiority in the use of the intellectual and moral agencies available to produce the results they desire.

Senator VANCE says:

There exist between the former owner and the present freedman many of those kindly and controlling relations which existed between master and slave. In addition to his ignorance and inexperience of affairs, the colored man still leans upon and looks to his former master for direction and advice.

With this vantage ground, with the conditions inviting his influence, why can not the superior control the dependent inferior sufficiently to maintain the supremacy of the former without a horsewhip, a shotgun, or a fraudulent device? Kind treatment, cordial relations, equal laws, and a friendly palm would work like a charm upon the susceptible minds and affectionate hearts of the colored race.

There are intelligent citizens in the South who hold these views. J. M. Gibson, district attorney of Shelby County, Tennessee, in the *Memphis Daily Commercial*, says:

"Mr. Editor, I am perhaps one among a very few who believe that intelligence can rule this country without resort to those tricks which are calculated in the end to undermine and destroy the moral consciences of our people. I believe there is a way to reform our elections and maintain good government, honestly and justly administered, otherwise than by recourse to questionable methods, either of fraud or violence. Let some expedient be tried which will not deny a poor or illiterate white man or negro a voice in our elections before harsher methods are proclaimed to be cruel necessities for the protection of virtue and the furtherance of prosperity."

PLATO'S PROPOSITIONS ARE SOUND.

There may be much truth and some philosophy in the following observations of Rev. Plato Johnson, a colored teacher in Georgia, on the subject of equal laws:

Now, my judgement is dat when de Souf comes to de 'clusion dat dere ain't no niggers in dis country, dat ebberbody is white 'fore de law, de race question will take to de woods. Long's dere's one law fer de whites an' annudder law fer de blacks we ain't goin' to hev no peace. But ef you can 'suaude de Souf to use de same hammer to brake de head of a white rascal as it uses to break de head ob a black scoundrel den you've got dis yere problem by de horns.

SUPPOSITIONS AND PROPHESIES.

"How impotent and imbecile the human mind appears when it attempts to forecast human events," said Senator BUTLER, of South Carolina, in his great speech on the emigration of the colored race. The sentiment is trite, but true enough, but the Senator's application was exceedingly unhappy. He proceeded to say:

Let me illustrate from our own experience: Suppose, in the year 1860, when the relation of master and slave existed in eleven of the States of this Union, some prophet had predicted that within ten years of that time the proud Caucasian master would be practicing his profession before a negro judge, addressing a negro jury, summoned by a negro sheriff, and attended by a negro bailiff, all lately negro slaves. He would have been thought to be on the verge of insanity. Or if some wiseacre had about that time foretold that the then despised slave would, within the same period, represent a sovereign slave State in the Senate of the United States or represent the United States in a diplomatic capacity in a foreign country, he would have incurred the ridicule and sibes everywhere as a deluded negrophiliist. And yet, Mr. President, we have lived to see all these things.

Let me suggest another illustration. Suppose in the year 1865, when Grant laid his conquering sword on the capitol of the Confederacy, accepted Lee's surrender at Appomattox, and the curtain fell upon the tragedy of the rebellion; when, by the greatest act of magnanimity in the history of war, the vanquished army of the rebellion was permitted to go to their homes on their parol of honor and to take their horses with them to cultivate their farms, some prophet had predicted that in the narrow space of twelve years every State government in the South would be surrendered to the men whose hands were so lately taken from the nation's throat and the loyal portion of the population turned over to the tender mercies of the ruling rebels, or if some wiseacre had about that time foretold that the Confederate brigadiers, who surrendered their swords to the Union generals and gave up as a bad job their undertaking to destroy the Government, would within a few swift fleeting years flash in the face of the nation the sword of political power in place of the sword of treason they had surrendered, and return to their seats in the Senate and House of Representatives of the United States as the accredited representatives of the once disloyal people of the seceded States, with the loyal friends of the Union counted in the bases of representation, but stripped of their rights, suppressed, and unrepresented—he would have incurred the ridicule of every right-minded man. And yet we have lived to see these extraordinary things.

Again he says:

Suppose another sage given to forecast the future should in 1870 or ten years later have foretold that within the next decade not one representative of the negro race would be occupying a seat in that same Senate or on the bench anywhere in this broad land, and that not one of this numerous race filled any, or, if any, a very insignificant position of honor or trust in any of the States of this Union. He, too, would have been written down an untrustworthy guide and philosopher, but he would have been a true prophet.

I beg to supply another supposition to complete the series. Suppose

in 1890 another sage casting the horoscope of the future would foretell that at the end of the next decade not one of the representatives of the old Bourbon Confederate line of Southern politicians, who are now entrenched in power by reason of the patience and silence of a people suffering the deprivation of their constitutional rights, would be occupying a seat in this House, but that their seats would be filled by Republican representatives of a new, regenerated South, crowned at last on a throne of justice, in a robe of political equality, and with a diadem of loyalty to the Constitution and the country, some might write him down as a vain and foolish babbler, but I should say of such a one that he was endowed with true prophetic vision.

In 1866 Hon. Benj. H. Hill, of Georgia, declared:

There was a South of secession and slavery; that South is dead. There is a South of Union and freedom; that South is living, breathing, growing every hour.

The eloquent Georgian journalist made these words the text of his great speech twenty years later. They were no more nor no less true at the later than the earlier period. They were history merely; let me add to them prophecy. There will be a South, not only of Union and freedom, but of fraternity, christian forbearance, justice, and equality of right among all citizens. All hail the coming South!

NEED OF A LEADER.

To speed its coming I devoutly pray that another son may soon be born to that sunny land to bless his mother and lead her people; a later Grady who will exceed the earlier in the breadth and height of his conception of the constitutional rights of the citizens; a man of iron nerve and unflinching courage, who will not fear to be just; a man who shall bring, as a meet equipment for his commanding task, a mind touched with rare intellectual splendor, a soul kindled with a Promethean spark from Liberty's altar, and a heart yearning to robe every citizen in the royal purple of equal justice; who, moved to a noble rage by the spectacle of Republicanism in a portion of the Union crouching and trembling at the menace of violence, will lift up his great spirit and send his voice careering like a tornado across the land, declaring to the political brigands, in the fiery words of O'Connell, "that the thunderbolts of God are hot," and to their patient and long-suffering victims that the dawn of the day of their deliverance is at hand.

JUSTICE AND EDUCATION.

When our Democratic friends realize that there can not be, under the Constitution, a white oligarchy in States whose citizens are more than half colored; when they learn that there is a middle ground between marrying and murdering the colored people, whereon they can safely stand; when they are willing to try the totally new experiment of crucifying their prejudices and their jealousies, and make a sincere effort to treat their neighbors justly and fairly, doing unto others as they would that others should do to them; when these conditions ensue, the so-called race problem will be more than half solved.

There are alternative solutions of the question. One is in the hands of the people of the South and is as clear as light, and the way to it is as straight as a line. The other remains with the nation. The former may be expressed in two words, justice and education—justice by the white toward the black man and the education of both.

The education of the colored people is an indispensable factor in any solution of the problem. Their minds must be informed, their morals improved, and their manners refined. The colored voter is a sovereign whose political dominion is co-extensive with that of his white neighbor. Both must be qualified for their kingdom. All must alike be molded on forms of virtue, self-restraint, obedience, and loyalty to conscience and country.

They must be self-governing in that wide range of activities and relations that lie outside the sanctions of the statute and far to the right and left of the constable's beat. When thus qualified the two races will dwell together in amity, unity, and harmony in their relations under the Constitution and the law, and outside of these will enjoy the individuality, the diversity of tastes and employments, the social relations, and intellectual diversions which their self-imposed conditions require, and there will be no race problem.

The London Spectator comes near the nerve of the case in the following observations on the race problem in the South:

It is possible that, if both are willing, two peoples in two states of civilization can live side by side and benefit each other. They do so when not separated by color, for that was the actual position for centuries all over Europe of employers and employed, of those with a little culture and capital and those with neither. The white man's inheritance of civilization, not to speak of his inherent energy, will keep him at the top easily enough; and the labor to be done will divide itself naturally, the negro with his climatic aptitude being the cultivator, the white man, with his superior brain, the artisan. That solution, however, demands good-will and endless forbearance, and it is the absence of this good-will, the non-development of this forbearance, which makes the question of race prejudice so all-important to America.

DUTY OF THE GOVERNMENT IN THE INTERIM.

But, Mr. Speaker, while these higher conditions of society are being slowly evolved out of the chaos and disorder of the present, while the moral sense and reason of men are recovering their dominion, it is the duty of the Government to make it safe for every citizen to enjoy his constitutional privileges and perform his constitutional duties any-

where, at any time, in any proper way, and Congress will be recreant to its duty until it exhausts every constitutional agency to guaranty that safety.

Every uplifted arm to put the citizen in fear, to prevent his free use of the ballot, to express his will should be staid by the majesty of the nation or paralyzed by its power. The humblest and feeblest citizen under the flag, whatever his color or condition, who seeks an opportunity to register his sovereign will, must find as easy access to the ballot-box as the strongest and the greatest. Along that way the nation must stand guard; over that box must stand cherubim with flaming swords, that no terror shall overawe the citizen, no violence wrest from him his right to record his will, nor fraud falsify that record.

NO ROOM FOR PARTISAN POLITICS.

On a proposition to rescue the power of the Government from contempt and protect the people's rights from spoliation and outrage there ought to be no room for partisan politics. Such a field ought to be exclusively occupied by patriotism. An object so desirable and necessary should not cause dissension, but promote agreement; should not excite antagonism, but invite harmony; should not be a sword of division, but a bond of union.

In the great struggle to rescue the tomb of the Savior from the desecration of the Turk the great captains of the crusading armies, realizing that they were joint supporters of a more glorious banner than ever blazed before an earthly prince, resolved that the only strife between the lions of England and the lilies of France should be which should be carried farthest into the ranks of the infidels.

Can we not emulate this noble spirit? And as we unite in venerating the ballot, which voices the intelligent choice and honest conviction of the voter, as the most sacred object that ever touches a freeman's hand; as we unite in believing with Sumner that it is better than the soldier, stronger than the plunderer, wiser than the false prophets, more merciful than the despot, at once the good Samaritan to the poor, the physician to the sick, and the schoolmaster to the ignorant, can we not also unite in the defense of its purity and freedom and resolve that the only strife between us shall be which shall carry the glorious banner furthest into the despoilers' ranks?

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. SAYERS] is recognized for ten minutes.

Mr. SAYERS. Mr. Speaker, the speech just delivered by the gentleman from Pennsylvania [Mr. BROSIUS] is characteristic of the utterances which have fallen from that side of the Chamber during the course of this debate and, I may add, of those who controlled our State, county, and municipal governments during the reconstruction period.

Coming down amongst us in 1865 and greedily and violently taking possession of every office out of which anything was to be made, they were loud in proclaiming the superior civilization, refinement, intelligence, and wealth of the section whence they came, and at the very same time they were busily engaged in oppressing the people, in increasing taxation, and in putting everything upon which they could lay their hands into their own pockets.

The South—though then poor indeed—was a very El Dorado to those pioneers of civilization and representatives of the Republican party. Never before had such an opportunity been presented them for public and private plunder, and they made the most of it. [Laughter on the Democratic side.] When our local governments were thus overthrown and these strangers to our people were put in authority over us, Texas was out of debt and had a small surplus in the treasury. Her State tax was about 15 cents on the \$100 and the county tax was one-half as much.

Before they were driven from power through the votes of an outraged people the rate of taxation, State and county together, had been advanced to nearly \$4 on the hundred and an indebtedness fastened upon the State of more than six millions, to say nothing of the extent to which our counties, cities, and towns had become involved through their wasteful and corrupt extravagance. Salaries were largely swollen, jobs created and put through, offices multiplied, martial law declared in several counties, attended with arbitrary arrests of unoffending citizens and with the illegal seizure and deprivation of their property.

And to make it the more difficult to oust them from power but one polling-box was permitted in a county, and elections could only be held in the midst of a Republican police standing with arms in their hands around the voting places. It is probably well to remark that the area of the counties in Texas will average fully 900 square miles. Such, in brief, was the result of Republican misrule in Texas during the dark days of reconstruction, and her people do not want and will not have any more of it.

But, sir, when I arose it was to speak to the pending measure and not for the purpose of replying to the gentleman from Pennsylvania [Mr. BROSIUS] and following him upon the line of the remarks which he has chosen to make. I feel that it will be more profitable to confine myself to the question immediately under consideration. But, before doing so, permit me, Mr. Speaker, to remind gentlemen present that from the date of her admission into the Union, December 29, 1845, until now, there has been but one contest in this House as to the legality or rightfulness of the title of any of her

Representatives to their seats upon this floor. One contest, and only one, has ever occurred, and that was during the Forty-second Congress.

A Republican governor, in utter and willful disregard of the law and of the facts of the case, gave to the Republican candidate the certificate of election. But, sir, to the credit of the Republican majority in this House at that time, be it said, the contestee, a Republican, was, upon the unanimous report of the Committee on Privileges and Elections, a majority of whom were Republicans, deprived by the unanimous vote of this House of the seat which he had unjustly and illegally acquired, and the contestant, a Democrat, was admitted in his stead.

With this record, excelled by that of no other State in the Union, I submit, Mr. Speaker, that there has never been and is not now the slightest necessity for Federal interposition in the matter of Congressional elections in the State which I have the honor to represent in part upon this floor.

But the law is general in its character and may be enforced throughout the entire country. With an area of almost 175,000 square miles, in which there were at the election of 1888 about 3,935 voting precincts, with the absolute certainty of an early, large, and continuing increase of this number because of the heavy population which is now pouring into our unorganized and sparsely settled counties, it will be readily seen that this bill, if enacted into law and enforced in our State, will not only entail an enormous expenditure of money, but its execution in all of its details will be fruitful of oppression, of fraud, of corruption, and of violence. And this I will now endeavor to demonstrate, not by extended argument—for the time allotted me will not permit—but by a mere presentation of the skeleton or framework of the bill. The measure, Mr. Speaker, as I understand it, provides—

First. For the appointment of a chief supervisor in each judicial district in the United States by the circuit judge within whose jurisdiction such district or districts may be comprised; and his duty, when so appointed, shall be to supervise elections within the limits of his judicial district, at which Representatives or Delegates in Congress are voted for; to enforce the national election laws; and to prevent frauds and irregularities in naturalization and registration.

For these purposes he is invested with powers of the amplest character, and when appointed he may continue in office so long as he is faithful and capable.

Second. For the enforcement of the law in any Congressional district in which there is no city or town of 20,000 inhabitants, there must be an application or applications to the chief supervisor from not less than one hundred persons, who are citizens of the United States and residents and qualified voters in such district; and in cities or towns having 20,000 inhabitants or upwards the law may be enforced upon the application of not less than one hundred inhabitants of such city or town, they being qualified voters therein and citizens of the United States; and in any one or more counties or parishes in any Congressional district, and which form a part only of such Congressional district, the law may be put in operation upon the application or applications of not less than fifty persons, claiming to be citizens of the United States and residents and qualified voters in one or more of such counties or parishes.

Third. The enforcement of the law having been thus demanded, the chief supervisor shall submit to the circuit court the names of such persons as he may believe sufficient for filling all the election districts or voting precincts within his jurisdiction, and within the territory in which the law is to be enforced, and for supplying all vacancies which may arise or be created. The list of persons whose names are so submitted shall contain not less than double the whole number of supervisors which such city or town, county or parish, or entire Congressional district, as the case may be, is entitled to the services of; and these persons shall be appointed by the court. From the appointments so made, the chief supervisor shall, from time to time, select for duty and shall designate and assign, for each election district or voting precinct in any such city or town, county or parish, or entire Congressional district as they shall have been appointed for, three persons, but two of whom shall be of the same political party.

These persons so appointed are called supervisors of the election, and their appointment may be at any time revoked or renewed by the circuit court. The chief supervisor may at any time transfer any supervisor in one election district or voting precinct to another in the same city or town, or in the same county or parish, or in the same Congressional district; and he may also, for causes specified in the law, relieve and suspend from duty any supervisor of the election, and may detail and assign to his place another unassigned appointee of the court.

Any male citizen of the United States, of good character, a resident and qualified voter in the city or town, county or parish, or in the Congressional district in which shall be situated the place in which he is to discharge his duties, and can read and write the English language, shall be eligible for appointment as supervisor.

Fourth. Special deputy marshals, the number of which is to be determined, from time to time, at conferences between the marshal and chief supervisor, may be appointed by the marshal, one-third of whom shall be taken from such lists of persons as shall be for-

warded the marshal by the chief supervisor. Among the duties of these deputy marshals will be the observance of the manner in which the election officers are enforcing the election laws of the United States, and preventing frauds and irregularities in naturalization and registration, and the taking charge of the canvass of the votes found in any box and to deliver the returns to the chief supervisor, when required to do so under the law. The only qualification which is prescribed for such deputy marshals is that they be able to read and write the English language.

Fifth. For the appointment by the circuit judge for each State within his judicial circuit a board of canvassers, to consist of three persons, citizens and residents of the State for which they shall be appointed and of good standing and repute, not more than two of whom shall belong to the same political party. They are to hold their office so long as they may be faithful and capable. The board shall have a seal and a clerk, and may convene at any place in the State where a term of the circuit court is regularly held. It will receive the reports, statements, returns, and certificates of the chief supervisor of the State and is invested with the power to inquire into them. Having determined who has been elected, the board will prepare the declaration and certificate for each Congressional district in triplicate, one of which shall be filed in the office of the chief supervisor for the district to which the declaration and certificate pertains; another shall be forwarded to the person found by the board to be elected; and the third copy shall be issued to the Clerk of the House of Representatives of the United States at Washington.

Sixth. It is made the duty of the Clerk to place the name of the person certified by the board as elected upon the rolls of persons elected as Representatives or Delegates in Congress, and upon conviction of a neglect, failure, or refusal to do so such Clerk shall be punished by a fine of not less than \$1,000 nor more than \$5,000, or by imprisonment for not less than one nor more than five years, or by both such fine and imprisonment, and shall be forever disqualified from holding thereafter any office of trust or profit under the Government of the United States.

Seventh. To pay the chief supervisors, the supervisors of election, the special deputy marshals, and the boards of canvassers and their clerks, and for all other expenditures which are allowed, the bill makes a permanent and indefinite appropriation; requires the accounting officers of the Treasury to treat all accounts covering and providing for such payments as special; and forbids inquiry into them save only to correct errors found in figures or footings. This provision absolutely deprives Congress of any supervision over such expenditures, and should the bill become law it would not be within the power of Congress to withhold payment, however enormous and extravagant the expenditures may become.

Such, Mr. Speaker, is the framework of the measure which has been constructed by the majority of the committee and presented us for consideration. The bill itself covers nearly seventy-three pages of printed matter and contains fifty-seven sections. In many, very many places it suggests and points the way by which the people of this country may be defrauded of their choice in the matter of representation in this House. Passing by the evident unconstitutionality of the measure and the utter want of any necessity for its enactment, it is to be condemned, from its beginning to its conclusion, for its attempt to legalize fraud, corruption, intimidation, and extravagant expenditure of the public funds. It is a bold and revolutionary effort by the dominant party to perpetuate their rule. It is utterly regardless of the rights of the people, and history will condemn it as infamous should it be put upon the statute-books and be enforced.

At the date of the last Presidential election, we are informed, there were about 54,649 election precincts in the United States, not including Arizona, Idaho, New Mexico, Utah, and Wyoming. Of course they will continually and rapidly increase in number as the country becomes more densely settled.

For each one of these precincts, three supervisors and any number of deputy marshals may be appointed.

For each State and Territory a board of canvassers, to consist of three persons and a clerk, may be appointed.

For each judicial district a chief supervisor may be appointed.

The salaries, fees, and allowances of this vast horde of officials, should this bill be enacted into law, together with other expenditures provided for, will be paid out of the Treasury, from time to time and from year to year, without the necessity of an appropriation or further action by Congress. Did time permit, Mr. Speaker, I would like much to go into the details of the bill and lay bare the enormous and unbridled powers which are conferred upon the officials whose creation and appointment are provided for, the striking and conspicuous absence of any check against an infringement by them upon the rights of the citizen, its reckless disregard of the autonomy, the dignity, and the power of the States—all to be done for the one and for the only purpose that the Republican party may prolong its possession and control of every branch and department of this Government at the expense of the health, the vigor, and the very life of the Republic.

[Here the hammer fell.]

Mr. STEWART, of Texas. Mr. Speaker, I do most heartily concur

in the opinion expressed a few moments ago by the gentleman from Georgia [Mr. CANDLER], that if there was no South there would be no election bill, and I will amend the remark of my friend by saying that if there was no negro there would be no election bill. The bill is intended for the South and for the South alone. It is true that its enforcement, under its provisions, may be possible in every Congressional district in this Union, but it will never be put into operation or enforced in any part of this country but the South.

No one will make the effort to have it enforced at the North. No one will dare to do so. The debate that has been had upon this bill conclusively shows that it is intended to be enforced in the South and nowhere else. Although there has been an apparent effort upon the part of the friends of this measure to be somewhat moderate in their expressions about the people of the Southern States, yet the South has been the object of their attacks and the subject of their abuse. But I am happy to say, Mr. Speaker, that, so far as I know, no one has alluded unkindly to the State from which I come. No one has charged that in Texas the colored man, by force or fraud, has been prevented from voting as he pleased.

In the district which I have the honor to represent there are many negroes, perhaps as many, if not more, than in any other district in my State, and I venture to make the assertion that no man, white or black, living in that district can be found who will say that any colored man in that district has ever been prevented from voting as he pleased, and a very large majority of the negroes in that State vote the Republican ticket. What I have said about the district I represent applies with equal force to the other Congressional districts in Texas.

Since the Democratic party came into power in Texas—now about fifteen years ago—the relations between the white and colored people have been amicable and peaceable. There is no reason why they should have been otherwise. The Democratic party in Texas has done much for the negroes of that State. Let me read you a statement made by Hon. L. S. Ross, the governor of Texas, showing what has been done by the State in educating negro children during the last ten years. It reads as follows:

The Democrats have been in power in Texas about fourteen years, but the present school system has been in operation only about ten years. During the last ten years the Democrats of Texas have paid to support public schools for the colored children as follows:

School year.	Colored children.	Pro rata.	Amount distributed.
1879-'80.....	57,701	\$3.00	\$173,103.00
1880-'81.....	66,777	3.00	200,331.00
1881-'82.....	68,015	3.25	221,048.75
1882-'83.....	73,341	3.61	272,357.70
1883-'84.....	80,055	4.50	360,252.50
1884-'85.....	103,536	5.00	517,680.00
1885-'86.....	115,941	5.20	622,893.20
1886-'87.....	124,842	4.75	592,999.50
1887-'88.....	125,515	4.50	564,817.50
1888-'89.....	135,184	4.00	540,736.00
Total.....			4,064,230.15

In ten years the colored scholastic population increased 134 per cent. and the white 113 per cent.

This information is reliable and has been taken from official records, and it establishes the fact that in the last ten years \$4,064,230.15 has been expended in educating the colored children in Texas. This money, with the exception of such part of it as came from the interest-bearing securities held by the State and known as the "school fund," was raised by taxation, paid almost exclusively by the white people of Texas, for the negroes do not pay more than one-thirty-second part of the amount raised by taxation. The great majority of them do not pay even a poll-tax, and the State is unable to collect it. The burden of taxation is almost exclusively borne by the white people.

Nor is this all, for in addition to the benefits conferred upon the colored children by the public free schools, the State has erected and for years has had in operation a normal school for the education and training of colored school teachers to teach the colored children of the State. Not only have we done that, but we care for the colored lunatics and have a deaf and dumb and blind asylum for colored people. It may astonish gentlemen on the other side of this Chamber when I tell them that one of these asylums is in charge of a colored man who is an intense Republican.

The normal school of which I have spoken is also in charge of a colored man. But let me read you a further statement from Governor Ross. He says:

8. The permanent school fund of the State is increasing at the rate of about \$1,000,000 per annum. The annual receipts of school funds are increasing by the interest on this increase of the permanent school fund of the State, the increase of the permanent county school fund, and by the extension of local taxation in school districts. The annual expenditures for school purposes for the fiscal year ending August 31, 1889, exceeded the expenditures for the year ending August 31, 1888, about \$400,000.

The policy of the Democrats in paying 2,981 colored teachers \$990,000 per annum, in caring for colored lunatics at a cost of \$40,000 per annum, in supporting the colored normal at about \$29,000 per annum, in supporting their deaf and dumb and blind asylum, say, \$15,000 per annum—altogether about \$665,000 yearly—is not easily understood away up North.

No, it is not understood; and the South is not understood by a vast majority of the people of the North. It is to be regretted that the people of the South and of the North do not know each other better, for I am sure that if they did designing political wire-pullers would not dare to introduce such a diabolical measure as the one under consideration.

Mr. Speaker, the statement made by the governor of Texas shows that for the exclusive benefit of the negroes in that State there is now being annually expended nearly \$700,000, and the greater part of this money is raised by taxes levied upon the white people of Texas. I do not hesitate to say that in Texas the negroes do not complain and ought not to complain of the manner in which they are treated by the white Democrats of that State.

Mr. COOPER, of Indiana. You kill them with kindness.

Mr. STEWART, of Texas. No, sir; we do not kill them with kindness. The people of Texas believe that the way to qualify a man to exercise the great right of suffrage is to educate him. They believe that the best remedy for all the evils which may flow from "universal suffrage" is "universal education," and they have considered it proper to give to the colored people the advantages of a common-school education, and this they have done and are now doing with their own means, without aid from the Federal Government.

This is our record. It compares most favorably, I think, with the record of any State, North or South. It demonstrates whether the colored people in Texas are treated justly or not. I have before said that in the district I represent there are many colored voters, and I now say that I never knew of but two acts of violence committed upon colored men at the polls, and they were two Democratic negroes who were mobbed by Republican negroes for having voted a Democratic ticket. [Laughter and applause on the Democratic side.]

I have seen proper, Mr. Speaker, to make this statement in regard to the manner in which the colored people of my State are treated, because of the wholesale denunciations that have been made of the white people of the South. I have spoken only of Texas for the reason that I know more about Texas than I do of any other Southern State; but I know the Southern people well enough to say that they are incapable of perpetrating such crimes as are imputed to them by gentlemen on this floor. Of course there are exceptional instances of violence committed by white men upon negroes, and they are grossly exaggerated and worked up by scurvy Republican politicians in the South to create a prejudice in the North against the people of the South.

No man who reveres the Constitution of the United States can discuss this bill without adverting to its palpable and wicked violations of the organic law, but I shall not attempt to make an extended argument for the purpose of showing that it is unconstitutional. In my limited time I prefer discussing other than the unconstitutional features of the bill. I will content myself with briefly noticing that provision of the Constitution under which it is claimed that Congress has the power to enact such legislation as is contained in the pending bill. This authority is claimed under section 4 of Article I of the Constitution, which reads as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

I can not believe that any intelligent and fair-minded man can think that Congress has the power to "make or alter such regulations" as may have been made by the States, until there has been a failure upon the part of the States to discharge their constitutional duty.

It is a power that is reserved in the Constitution of the Federal Government for the preservation of its existence, and its exercise should only be invoked when the emergency has arisen which imperatively requires such action upon the part of this Government. This is the construction that was placed upon this section of the Constitution by those who framed it. But, whatever may be said as to when and how this power may be exercised, no one pretends that this power can authorize the General Government to exercise any authority, or to interfere in any manner with the election of the officers of a State. That this bill does seek to control elections in the States, and to supervise such elections for State officers, as well as for the election of members of Congress, there can be no doubt.

In section 1 of the bill, in which are defined the duties of chief supervisors, may be found this language, that the chief supervisors are charged "with the supervision of elections at which Representatives or Delegates in Congress are voted for." In Texas, and I presume in most of the States, both State and county officers are voted for at the same time and upon the same ticket as members of Congress are voted for, and they are all elected at the same time and place, and it is plain that if this bill becomes a law the chief supervisors will be charged with the supervision of such elections.

In the exercise of their authority these supervisors are not limited to the election of members of Congress, but they are invested with authority to supervise "elections at which Representatives or Delegates in Congress are voted for." Now, I ask, under what provision of the Constitution can authority for such control on the part of this Government of State elections be found? Other provisions of the bill make it plain that it is intended to interfere with and control the election of

State officers, and by "State officers" I mean those whose official duties are discharged within the limits of their respective States. In the second clause of section 8, supervisors are clothed with authority—

To challenge the right to register of any person offering himself for registration; also the right of any person found upon any registry book, list, or roll to be or remain thereon, and to require of any officer in charge, or who has the custody of any such registry book or list, to mark the name of any person found thereon for challenge.

Registration is had not only for those who vote for Representatives in Congress, but also for those who vote for State and county officers. Yet under this provision the Federal supervisor may challenge the right of any one to register, and it is a matter of indifference whether the challenged party intends to vote for one who aspires to be a Representative in Congress or for one who seeks to be the constable of a beat.

The supervisor can not only do this, but he can also object to those who are already registered, and can require the officer of a State who has been placed in charge of registration and in whose custody are the registration lists to mark the name of any one to whose registration he objects. I now call attention to the extraordinary power conferred upon supervisors in clause 7 of section 8 of the bill. The portion of said clause to which I invite attention reads as follows:

Seventh. To require the statutory oath or oaths to be immediately put to any voter whose right to vote shall be challenged, and in case the State, Territorial, or local election officers shall neglect or refuse to immediately put such oath or oaths, and to at once pass upon the qualifications of any such challenged person, then it shall be the duty of the chairman of the supervisors, or in his absence the duty of either of his associates who may be present, to, without delay, put such oath or oaths, whereupon the supervisors of election present shall promptly pass upon the qualifications of such person.

From this clause it appears that upon the happening of a contingency, that is to say, in case the State officers shall neglect or refuse to immediately put an oath or oaths to the voter and to at once pass upon the qualifications of the challenged party, the Federal supervisor shall without delay put such oath or oaths and promptly pass upon the qualifications of such person. This is an extraordinary power, for in determining upon the qualification of the challenged party he passes not only upon his competency to vote for Representatives in Congress, but also upon his competency to vote for State and county officers.

Again, clause 12 of section 8 provides that the supervisors shall have authority—

To make, in any city or town having 20,000 inhabitants or upward, when required by the chief supervisor, a list of all such persons as shall be naturalized in any court therein, the date of their naturalization, whether as a minor or otherwise, with the residence of such persons, their place of nativity, and the name and residence of their witnesses, and for such purpose, shall have at all times access to and the right to examine the original affidavits or applications presented or which have been presented to said courts and there filed. Such lists so made shall be filed in the office of the chief supervisor.

Naturalized citizens are qualified voters under State laws for State officers, and so far as these officers of the State are concerned, their right to vote should not be questioned by any one, and certainly not by a Federal supervisor of elections. If it is not intended to dispute the right of naturalized citizens to vote in any and all elections, why are these investigations made? And why should the names of such foreign-born citizens be filed in the office of the chief supervisor?

Under this provision a foreign-born citizen, no matter how long he may have been naturalized, no matter what service he may have rendered the country, becomes an object of suspicion and the subject of investigation by a partisan supervisor, and his name is placed on file with the chief supervisor as a "suspect." The Republican party can take to its loving embrace the negro, the black man, but discriminates against the foreign-born white man because of the accident of birth.

Other provisions of the bill might be referred to showing, as conclusively as those I have commented upon, that the attempt is being made to obtain control of the election of the various local officers of the various States, and if this bill shall pass and be approved it will be an utter subversion of the Constitution and the longest stride that has yet been taken towards centralization. In fact, centralization will have been accomplished, and the State governments will only exist in such manner as the General Government may graciously permit.

It was intended by the Constitution that the House of Representatives should be composed of the immediate representatives of the people, but if this bill becomes a law the voice of the people can, and doubtless will, be stifled by the mere tools of a political party. Who puts in motion the machinery provided for in this bill? Under some circumstances fifty citizens and under other circumstances one hundred citizens of a Congressional district can put the machinery in motion by making application to the chief supervisor, "petitioning that he will take such action as is requisite to secure such supervision therein as is provided by the laws of the United States."

Who these citizens are, whether respectable or not, are matters unknown to the people of the district; this knowledge is confided to the chief supervisor and the judge of the circuit court, if indeed they, or either of them, know anything about the applicants, and thus the voters of an entire Congressional district may be subjected to the annoyance and oppression of this proposed law upon the application of fifty or one hundred men, perhaps disreputable characters, who happen to be entitled to vote in that district.

Mr. Speaker, this bill is entitled "A bill to amend and supplement the election laws of the United States and to provide for the more efficient enforcement of such laws, and for other purposes."

It is well, Mr. Speaker, that the words "and for other purposes" are inserted in the title. Its chief purpose, and perhaps its sole purpose, is to perpetuate in power the Republican party. Grave apprehensions for the safety of the "grand old party" must be felt when such a desperate measure as the one under consideration is resorted to, at a time when that party is in possession of all the co-ordinate branches of the Government.

What is the matter? Are the Republicans afraid of the people? Are your policies of such character that you expect to be repudiated by the people? Is it because of this apprehension that you seek to obtain by the infamous provisions of this bill a majority in the next and succeeding Congresses which you know you can not obtain by a vote of the people? It would seem so.

This bill provides that the chief supervisor of the Congressional or judicial district receives his appointment not from the people, nor from any one elected by the people, but from a circuit judge of the United States, who is an appointee of the President, and whose tenure of office is for life and who for any misconduct is not directly amenable to the people, but can only be reached and punished by the slow and uncertain process of impeachment. That these chief supervisors may be removed as far as possible from the people, and not be accountable to them for the manner in which they discharge the duties of their position, they are not only appointed by a circuit judge, but, like the judge, hold their official position for life.

No officers but the Federal judiciary have heretofore been appointed to office for life, and the principal reason for appointing judges for life is to remove them from political influences; but this bill drags the ermine of the Federal judges through the mire and filth of partisan politics. In violation of all precedent this bill creates a political office, or rather many political offices, and provides that those who may be appointed to these offices shall hold them for life. Certainly this is not only a new but a very dangerous departure from established usage, and is contrary to the genius of our Government.

Not only do these chief supervisors hold their positions for life, but are clothed with dangerous power. Let us examine and see with what authority the chief supervisors and those subject to their control are invested. Upon receiving the petition of the fifty or one hundred citizens, as the case may be, "petitioning that he will take such action as is requisite to secure such supervision as is provided by the laws of the United States," it becomes the duty of the chief supervisor of a district to apply to the circuit judge of the United States, in whose circuit his district may be, for the appointment of additional supervisors for said district; and this chief supervisor suggests to the judge who shall be appointed, and upon his suggestion the circuit judge makes the appointment of such additional supervisors.

When these appointments are made, the chief supervisor selects from the list of additional supervisors three for each voting place, two of whom are required to be of one political party and the other one of another political party. Under the existing law, which this bill proposes to repeal, two supervisors may be appointed in cities of a required population, I believe of not less than 20,000 inhabitants, and one of the supervisors must be from one of the great political parties and the other must be a member of another and different political party. Now, if it be the purpose of this bill to secure perfect fairness in the conduct of elections, why should one political party be given the advantage in the selection of supervisors?

Why should a majority of the supervisors be selected from one political organization? This feature of the bill clearly condemns it, and shows that fairness in the conduct of the election of Representatives in Congress is not wanted or intended. The chief supervisor can, in his discretion, transfer the assistant or subordinate supervisors from one voting place to another in the same district. He can relieve or suspend from duty assistant supervisors and put others of the same political faith in their place. He has authority to appoint the chairman of the board of supervisors at each voting precinct, and can remove such chairman and appoint another in his place when it pleases him to do so. All assistant supervisors are subject to the instructions and control of the chief supervisor.

Invested with these and other powers of which I have spoken, the chief supervisor is placed in position to control and determine the result of Congressional elections in many districts. Does any one doubt that he will do it? He can not only do this, but in many instances he will be able to control and determine the election of State and county officers.

But, notwithstanding all these powers conferred upon the chief supervisor and his assistants in the Congressional districts, the bill would not be complete for the accomplishment of its purpose without a "returning board." The Republicans know the value of a returning board, and have in this bill constructed one that will effectually enable a sufficient number of their party to hold the certificates of election from these boards to give them a "working majority" in the House of Representatives.

The bill provides:

Sec. 15. It shall be the duty of each chief supervisor of election, on or before the 1st day of September next following the passage of this act, to cause a judge of the circuit court of the United States in his judicial district to be informed in writing that it is necessary that the circuit court should be opened for the purpose of complying with the provisions of this section.

It shall be the duty of the circuit judge who shall be so informed, on or before the 1st day of October next following the date of any communication containing such information, to personally open and hold a circuit court of the United States in such judicial district in such one of the States comprising his judicial circuit as shall be most convenient to him, and within ten days thereafter the said circuit court, so held by said circuit judge, shall, for each State within the said judicial circuit, appoint three persons of good standing and repute, citizens of the United States and citizens and residents of the State for which they shall be appointed, who shall be known as the United States board of canvassers of the Congressional vote within and for the State for which they shall be appointed; one of said three persons shall, when appointed, be named as chairman of the board. Such persons shall be sworn to the faithful performance of their duty and to support and defend the Constitution of the United States. They shall each hold their office so long as faithful and capable, and not more than two of them shall belong to the same political party; they shall each receive a salary of \$15 a day for each day actually employed in the work of canvassing the statements and certificates of ballots cast at any election, general or special, for a Representative or Delegate in Congress and a further sum of \$5 per day for their personal expenses. They shall have a seal and may appoint a clerk, who shall receive \$12 a day for his services and expenses while actually in attendance upon said board. As a board it shall be the duty of such appointees of the said circuit court to convene on the 15th day of November of each even year, unless the same shall fall upon Sunday, when they shall convene on the following day. In case of a special election they shall convene one week from the day of such special election. They shall so convene at such place in their State as shall be most convenient for them, which place must, however, be a place where a term of the circuit court of the United States is by law regularly held, and there proceed to finally canvass and tabulate the votes which shall have been stated and certified to as cast for Representative or Delegate in Congress in each Congressional district in their State in and throughout which this act shall have been enforced, and not elsewhere, and shall declare and certify the result of the election thereof in each such district.

The determination arrived at and stated in the declarations and certificates of any such United States board of canvassers shall, as to each such Congressional district, be at once made public, and the declaration and certificate for each Congressional district shall be made in triplicate, be signed by each member of the board, and have affixed thereto the seal of said board; one shall be filed in the office of the chief supervisor of elections, under whose supervision the Congressional district covered by it was, together with all the papers and documents used, or which might by law be used, before such board for the purpose of ascertaining, declaring, and certifying the result in said Congressional district; another shall be forwarded by mail to the person found by them to have been elected, addressed to him at his place of residence; the third copy shall be similarly forwarded to the Clerk of the House of Representatives of the United States at Washington. In case no person be found duly elected in any district a certificate of that fact shall be made by said board in triplicate, under their hands and seals, and forwarded as follows: One to the governor of the State, another to the Clerk of the House of Representatives, and the third to the proper chief supervisor of elections.

The final declaration and certificate of said board as to the result in each and every Congressional district shall be completed and transmitted to the Clerk of the House of Representatives as soon as practicable, and in no event later than the last day of the month in which by law said board is to convene.

Sec. 16. Upon the receipt by the Clerk of the House of Representatives of the declaration and certificate of any United States board of canvassers of the Congressional vote as to the election of any Representative or Delegate in Congress it shall be the duty of that officer to open and file the same in his office. If by such declaration and certificate it shall appear that another and different person has been elected as a Representative or Delegate in Congress than the person certified as elected by such officer or officers of the State in which such Congressional district is situated, whose duty it is by the laws of the State to make such certificate, then the person so certified as elected by the declaration and certificate of the United States board of canvassers shall be, by the said Clerk of the House of Representatives, placed upon the rolls of persons elected as Representatives or Delegates in Congress, and the provisions of existing law respecting the names of persons who shall be placed upon the roll of the House of Representatives by the Clerk thereof are modified to the extent herein provided, and to such extent only. Any Clerk of the House of Representatives who shall neglect, fail, or refuse to place upon the roll of Representatives and Delegates the name of any person entitled to be placed thereon as provided by the laws of the United States, shall be liable to arrest, and upon conviction of such neglect, failure, or refusal, shall be punished by a fine not less than one thousand nor more than five thousand dollars, or by imprisonment for not less than one nor more than five years, or by both such fine and imprisonment, and shall be forever disqualified from holding thereafter any office of trust or profit under the Government of the United States.

These provisions of the bill complete the machine. With a majority of the supervisors Republicans, and with a majority of the board of State canvassers Republicans and with the present Clerk of the House of Representatives a Republican, what impediment is in the way of Republican success? The certificate of election issued by this board of canvassers to one as a duly elected Representative in Congress overrides and sets aside any certificate of election that may be issued to another person as such elected Representative by the duly constituted authorities of a State.

If the certificate of election issued by the authority of a State coincides with the statement of the result of a Congressional election as shown by the certificate of the board of canvassers, it is all right; but if it differs therefrom, it amounts to nothing. If this is not the destruction of the rights of a State, and centralization pure and simple, I know not what it is. But, notwithstanding all the machinery to be found in this bill to perpetuate in power the Republican party, there will be found in the common sense of the people, in their love of liberty and devotion to representative government, an impassable barrier to its success.

Mr. Speaker, there are seventy-three pages in this bill and it will be difficult to find a section in it not repugnant to every principle of free government and abhorrent to the sense of justice of every right-thinking man. I have characterized it as a machine, and it is nothing

but a machine, said to have been devised by John I. Davenport, of New York, for the purpose of keeping in place and power the Republican party.

The supervisors superintend and assist in counting the ballots, and in doing this they not only count the ballots cast for Representatives in Congress, but also those given for State and county offices. Under the pretense of verifying the registration lists, or of ascertaining who are qualified voters, the supervisors can make a house-to-house canvass and will draw pay from the Government as "workers" for the Republican candidates.

I might speak of other features of this bill—how districts may be overrun and terrorized by United States deputy marshals and how the strong arm of the military power of this Government, under the pretext of enforcing the provisions of this bill, may be used in striking down the dearest rights of a free people—but I have not time. If the bill becomes a law all these evils will soon be made manifest. Never in the history of this Union has a measure so destructive of the right of the people to representation in this Government been presented to the consideration of the American Congress.

A quarter of a century has elapsed since the close of the war between the States, and it would seem that time enough had passed to soften the asperities begotten by the unhappy strife and that kind relations should now exist between the sections, and I am sure that such relations would exist but for the Republican party, whose leaders continually fan the fires of sectionalism and keep them in a blaze for party purposes.

In order to retain power they must wave the "bloody shirt" and keep Northern prejudice aroused against the people of the South. During the dark days of reconstruction the South suffered much more than the people of the North know, and as I believe all information in regard to reconstruction is germane to this debate, I shall, in connection with my remarks, print in the RECORD a short history of reconstruction in Texas that I prepared for a book called "Why the Solid South?"

But in the reconstruction period, when passion engendered by the war that had just terminated was at a white heat, no such measure as the one under consideration was suggested or proposed by the wildest leaders of the Republican party of that day. Great as were the excesses of that period, and great as were their efforts to acquire party strength by creating or endeavoring to create negro supremacy in the South, no Republican leader of that period was so unmindful of the Constitution of his country as to advocate a measure like the one under consideration.

In the last few years, Mr. Speaker, you and others have heard and read much of "the new South." There is a "new South" created by the brain and brawn of the sons of the old South, who have been assisted very largely by Northern capital. The development of the material resources of the South has been marvelous, and its progress and prosperity is perhaps unparalleled in the history of this country. In my soul I believe that one of the objects sought to be accomplished by this bill is to paralyze the industries of the South and to check its growth in wealth and power. You know that the South is Democratic and ever will be Democratic to the core, and rather than see it continue to grow in population and strength, and thereby imperil the life of the Republican party, you prefer its destruction. But you can not destroy it. The South will keep right on in its march of progress and prosperity.

The intention of this bill is to harass the people of the South—to produce race troubles, to provoke disturbances of the peace, and perhaps the shedding of blood. But you forget that the people of the South have suffered much, and that because of their suffering they have acquired the virtue of patience. They will obey the law, and more; they will see to it that it is properly enforced, wherever it may be invoked in the South, without any sacrifice of their honor or manhood.

APPENDIX.

RECONSTRUCTION IN TEXAS.

What is known as the ordinance of secession, by which Texas was separated from the United States, was passed in a convention composed of delegates elected by the people of Texas, on the 1st day of February, A. D. 1861, and soon thereafter Texas became one of the Confederate States. In the war that followed between the States, it is no more than just to say that Texas discharged her full duty to her sister States of the South; but when the war closed, aside from the loss of property in slaves, the wealth of the State had not been so impaired as it had been in the other Southern States. She had not suffered devastation from invading troops, and those of her citizens who were not in the army had pursued their avocations without disturbance. The earth had brought forth abundantly, so much so as not only to supply the demand for home consumption, but to furnish large supplies for those who were in the field.

When hostilities ceased large quantities of cotton remained unsold in the hands of the planters, and at that time commanded an unprecedented high price. Farming acreage had been largely increased by those who with their slaves had fled from the ravages of the war in other States and had found refuge in Texas. The great live-stock interests in the State had prospered, and horses and cattle were easily converted into cash at remunerative prices. In comparison with the other States of the South, Texas was in a prosperous condition, and soon attracted the attention of those adventurers who everywhere became known as "carpet-baggers." To them Texas was indeed "a land flowing with milk and honey." They sent no one out to spy out the land, but came themselves. Their name was legion. Their purpose was to despoil and plunder. The military government which dominated the people during the greater

part of the reconstruction period furnished them every opportunity to carry out their thievish purposes.

During that period the officers of the State, from the judge on the bench to the constable of a beat, were largely composed of this class of men, and it is but the plain truth to say that no more ignorant, incompetent, vicious, and corrupt men have ever been permitted by any government to hold official position. To their unparalleled meanness may be attributed much of the wrong and oppression that was inflicted upon the people of this State. Under Confederate authority Texas was a part of what was known as the "Trans-Mississippi Department," and at the termination of actual hostilities it was under the command of Lieutenant-General E. Kirby Smith, who, through Generals Buckner and Price, surrendered the department to General Canby, of the United States Army, at New Orleans, on the 27th day of May, 1865.

On the 17th day of June, A. D. 1865, Andrew Johnson, President of the United States, issued his proclamation appointing Andrew J. Hamilton provisional governor of Texas, whose duty it was stated in the proclamation to be "to prescribe such rules and regulations as may be necessary and proper for convening a convention composed of delegates to be chosen by that portion of the people of said State who are loyal to the United States, and no other; for the purpose of altering or amending the constitution thereof; and with authority to exercise within the limits of said State all the powers necessary and proper to enable the loyal people of the State of Texas to restore said State to its constitutional relations to the Federal Government, and to present such a republican form of State government as will entitle the State to the guaranty of the United States therefor, and its people to the protection of the United States against invasion, insurrection, and domestic violence."

Governor Hamilton was a native of Alabama, but had been a citizen of Texas for many years. He was in many respects a remarkable man, and had been more than once elected to high official position by the people of Texas, and at the time of secession he was a Representative from Texas in the Congress of the United States. Hamilton was a man of generous impulses and of extraordinary intellectual power, but was erratic and unstable in his opinions. At one time he was greatly admired by the people of Texas, and for years before the war they delighted in calling him "Colossal Jack," which was but an appropriate indication of his intellect and great oratorical ability. He had opposed secession, and shortly after the commencement of hostilities had placed himself within the lines of the Union forces, where he remained until the war was over, but at no time did he take up arms against the South.

Some complaint was made because of his delay in calling a convention to form a constitution. But after having reorganized the State by appointing all county, district, and State officers except judges of the supreme court, he, on the 17th day of November, A. D. 1865, issued his proclamation for the election of delegates to a convention, which assembled on the 7th day of February, 1866, and framed a constitution that was submitted to the voters of the State, ratified, and the officers of the State therein provided for elected on the 25th day of June, A. D. 1866.

Notwithstanding many of the citizens of the State were then under political disabilities and could not vote, the Democratic candidate for governor, Hon. James W. Throckmorton, received 49,277 votes, and his opponent, Hon. E. M. Pease, a Republican, received only 12,168 votes.

Governor Throckmorton had lived in Texas from his boyhood and had served his State for many years in the capacity of a legislator, and was distinguished for his ability, patriotism, purity of character, and unflinching courage. He was opposed to the secession of the Southern States from the Federal Union and had exerted his influence to prevent it, and as a delegate in the secession convention in 1861 voted against the passage of the ordinance which declared the separation of Texas from the Union. But while he looked upon secession as impolitic and ruinous, he looked with scarcely less dread upon that doctrine which asserted an undefined and unlimited power in the General Government to use its military force against the States, and he followed the fortunes of a majority of his fellow-citizens and shared with them the fate of the conflict. He was inaugurated and entered upon the discharge of his duties as governor on the 9th day of August, 1866, and no man in that high position was ever surrounded by more embarrassing circumstances or confronted with greater difficulties. He had a full appreciation of his situation and clearly perceived the obstacles that he had to overcome, as is manifest from the following passage in his inaugural address, namely:

"At a time like the present, when we have just emerged from the most terrible conflict known to modern times, with homes made dreary and desolate by the heavy hand of war; the people impoverished under public and private debts; the great industrial energies of the country sadly depressed; occupying, in some respects, the position of a State of the Federal Union, and, in others, the condition of a conquered province, exercising only such privileges as the conqueror in his wisdom may allow; the loyalty of the people to the General Government doubted; their integrity questioned; their honest aspirations for peace and restoration disbelieved, maligned and traduced, with a constant misapprehension of their most innocent actions and intentions; with a frontier, many hundreds of miles in extent, being desolated by a murderous and powerful enemy; our devoted frontiersmen filling bloody graves, their property given to the flames or carried off as booty, their little ones murdered, and their wives and daughters carried into captivity more terrible than death, and reserved for tortures such as savage cruelty and lust can alone invent; unprotected by the Government we support; with troops quartered in the interior where there is peace and quiet; unwilling to send citizens to defend the suffering border for fear of arousing unjust suspicions as to the motive; with a heavy debt created before the late war and an empty treasury; with an absolute necessity for a change in the laws to adapt ourselves to the new order of things, and embarrassments in every part of our internal affairs; under such circumstances, with such surroundings, when so much depends upon prudence and so great an amount of patriotism and intelligence is required, I feel sadly oppressed with the duties which lie before me."

But, notwithstanding the almost insuperable difficulties that stood in his way, the governor, assisted by the Legislature, went bravely to work to bring order out of chaos and to restore proper relations between the State and Federal Government. The convention that had framed the constitution, and which was composed of men of all political parties, had done everything required of it to facilitate the restoration of such relations. The abolition of slavery was recognized; the debt created by the war was repudiated; the ordinance of secession was declared null and void; the right of Texas to secede from the Union renounced, and the permanency of the Union and supremacy of the laws of the United States declared.

Provision was made for the future education of the negroes; for the equal preservation of their lives, liberty, and property, and for the bestowal of other rights and privileges upon them; and the right to vote would have been extended to them had it then been required by the General Government, for our people felt that they had submitted these matters to the arbitration of the sword; that it had been decided against them, and as brave men that it was their duty to submit.

The governor recommended the enactment of such laws as would in good faith carry out the provisions of the constitution and ordinances of the convention, and the Legislature promptly complied with his suggestion. So desirous was Governor Throckmorton that everything should be done by the Legislature to bring about proper relations between the State of Texas and the General Government, that on the 23d day of October, A. D. 1866, he addressed a telegram to President Johnson and made inquiry if he could offer any suggestion

for further action on the part of the Legislature of Texas that would facilitate restoration; to which the President replied as follows:

"WASHINGTON, D. C., October 30, 1866.

"Governor THROCKMORTON: Your telegram of the 29th instant received. I have nothing to suggest further than urging upon the Legislature to make laws involving civil rights as complete as possible so as to extend equal and exact justice to all persons, without regard to color, if it has not been done. We should not despair of the Republic. My faith is strong, my confidence unlimited in the wisdom, providence, virtue, intelligence, and magnanimity of the great mass of the people, and that their ultimate decision will be, uninfluenced by passion and prejudice engendered by the recent civil war, for the complete restoration of the Union by the admission of loyal Senators and Representatives from all the States to the respective Houses of the Congress of the United States."

"ANDREW JOHNSON."

In his efforts to restore proper relations with the General Government, Governor Throckmorton was not without hope that he would be sustained by the sentiment of the Northern people, as was indicated in his message to the Legislature, wherein he said:

"Notwithstanding the difficulties which beset us, and the untoward direction given to measures proposed for the settlement of grave questions growing out of the late unhappy contest between the Government and the Southern States, and notwithstanding the measures so proposed have received the sanction of the National Legislature, yet, my fellow-citizens, with proper conduct on our part, I do not despair of receiving liberal and generous treatment from our Northern countrymen."

He never doubted, and never had cause to doubt, that his own people were desirous of performing all their obligations to the General Government, and this he declared in his inaugural address in the following emphatic language:

"Having been a resident of Texas for a quarter of a century; familiarly acquainted with her prominent citizens; having served in the councils of the State for fifteen years, and shared the dangers and toils of the late war with her soldiers; recently mingled much with the people and corresponded with them in every section of the State within the past few months, I claim to know something of the actual condition of affairs, and I do not hesitate to declare that the great body of the people are earnestly desirous of performing all their obligations to the General Government. A people who have won the respect and admiration of the world for their chivalry, high daring, and fortitude will not be doubted by generous and brave spirits when they assert their loyalty."

It was, indeed, true that the people, after the exhaustion caused by four years of war, were in favor of a restoration of law and order that would give security to life and property. They were anxious to begin the work of rebuilding their shattered and ruined fortunes, realizing that a continuance of a condition of hostility to the Federal Government would be fatal to their hopes and plans. But events which rapidly followed the utterance by Governor Throckmorton of these words of cheer and hope painfully demonstrated that the people of the North were not ready to resume fraternal relations with the people of the South. Perhaps there had not been sufficient "cooling time." In spite of State constitutions and legislative enactments evincing the honest desire of the people of the Southern States to accept in good faith the results of the war and to resume their relations with the General Government, the people of the Northern States doubted their loyalty to the Government of the United States, and were especially apprehensive that fair treatment would not be given to the negro. They regarded crime in the South not as an excrescence of society, but as the indirect act of Southern society itself, and deemed it right to assume tutelage over the people of the South.

The breach that occurred between President Johnson and his party, which culminated in the attempt made to impeach him, only intensified the bitterness of feeling at the North against the people of the South, and, in less than nine months after the formation of a State government in Texas, resulted in the passage of the reconstruction laws, and subverted civil government, not only in Texas but in all the Southern States, and in lieu thereof erected a military despotism.

But before the enactment of the reconstruction laws Texas was in the condition described by her governor as "occupying, in some respects, the position of a State of the Federal Union, and in others, the condition of a conquered province;" and this anomalous condition of things was a prolific source of trouble and embarrassment in the administration of State affairs.

As has been shown, a government for the State, essentially republican in its nature, and the constitution of which had provided for the changes brought about by the war, had been organized in due form; but the Government of the United States, under the pretense of collecting property that had belonged to the Confederate States, kept within the State a body of soldiers, who were stationed at different points, and some of whom, in small and separate detachments, were kept moving from one place to another.

The "Freedmen's Bureau" had its officers and agents everywhere throughout the State, and in many if not most instances they had a military force subject to their orders. These officers and agents of the "Freedmen's Bureau" were, for the most part, a set of unmitigated rascals. Sent to protect the negro against the cruelty and rapacity of his employer, they managed to pluck from him his hard-earned dollars, and not unfrequently they were in the pay of the employer, who, from necessity, submitted to be blackmailed rather than be subjected to constant and unnecessary annoyance.

The presence of the soldiers for the enforcement of law in a time of profound peace is revolting to an American, and at this unhappy period the conduct of the soldiers was very often of such a character as to exasperate the citizens. Where officers were in command who were possessed of a proper sense of self-respect, and knew how to perform their duties, but little if any trouble occurred. But, unfortunately, such men were not always in command, and too frequently men were in authority who sought to display their love of country and heroism by oppressing the helpless.

Such conduct not unfrequently produced trouble. Many of our citizens suffered in person and in property at the hands of licentious and irresponsible men who wore the uniform and marched under the flag of the United States. One of the most flagrant acts of this character was the burning of the town of Brenham on the night of the 7th of September, A. D. 1865. It excited great indignation throughout the State. The Legislature was in session at the time, and the governor very properly and prudently called their attention to the matter.

In compliance with the recommendation of the governor the Legislature sent a committee to Brenham fully authorized to obtain the facts, and from the report made by said committee we learn that on the night of the 7th of September a party of United States soldiers took possession of a negro ball that was in progress in the house of a colored man in the town of Brenham. The conduct of the soldiers became so indecent as to cause the negroes to abandon their festivities and seek their homes. Infuriated because the ball had ceased, they sought to inflict vengeance upon some of the negro men who had helped to close it. They pursued one of them to a house where were assembled a number of white ladies and gentlemen, and within their hearing, in the most profane and obscene language, abused the negro.

Upon being informed by one of the gentlemen that ladies were present, and requested not to use improper language, they drew their pistols and transferred their abuse from the negro to the white men, and cursed them as d—n rebels, and threatened to shoot them, when two of the soldiers were shot, one being seriously and the other slightly wounded. The soldiers then retired to their

camp, taking their wounded companion with them, but during the night they returned and fired the town. It was indisputably proved that the soldiers set fire to the town. The evidence showed that the soldiers who committed this outrage acted under the orders of their commanding officer, or that he connived at their conduct. When an officer of the State went to their camp with the authority of the law to arrest some of the guilty parties he was informed by the officer in command that the soldiers he wanted had the night before deserted. They certainly had been spirited away and have never been tried for their crime.

Quite a number of houses were consumed, and property to the value of \$131,000 was destroyed. The loss was sustained and divided among about twenty-five persons, all of whom were of moderate means and not able to sustain it. The burning of Brenham was exceptional only in the amount of property that was destroyed; certainly not in perfidy and wickedness. Numbers of our citizens were murdered by the soldiers of the United States, and, in some instances, were deliberately shot down by them in the presence of their wives and children. In this diabolical manner were W. A. Burns and his son, Dallas, murdered in Guadalupe County. From the testimony taken before the coroner at an inquest held upon the bodies of the deceased, we copy the evidence of Sarah L. Burns, who was a witness to the horrid deed, and whose testimony was abundantly corroborated by other evidence. After being duly sworn, she testified as follows:

Q. State what you know about the killing of your father, W. A. Burns, and your brother, Dallas Burns.

A. Between midnight and day on Sunday morning, March 31, 1867, there came a body of men and surrounded the house of W. A. Burns, and demanded the surrender of the house and all that was in it, in the name of the United States. My brother Dallas told them to wait until morning and they would surrender. They then tried to open the door, and my brother Matt told them that if they broke open the door that he would shoot them. They then said that if they did not surrender they would set fire to the house. They then told my father that they would give him until they could count twenty to surrender, and if he did not surrender in that time that twenty would fire into the house and forty would remain. When they counted nineteen my father told them to stop. They then told my father that they would give him until they could count five to surrender, and if he did not surrender in that time they would set fire to the house. They then counted four, and my father told them to stop, that he would surrender. My father then called for the captain, and told him to come in and act like a gentleman and tell what they wanted. At that time one of the party said, "Here is the captain," and called to the captain, and said that Burns wished to see him. The captain came in and several other men at the same time. My father tried to keep back the crowd, and some one of the party said, "Burns, you shall not be hurt." They then remarked that there were four gentlemen in here, and asked if Dallas Burns was present, and said to him, "Step out;" and then said, "Matt Burns, are you here?" and told him to "step out," and at the same time they commenced firing. When they commenced firing I jumped up and ran to the door and commenced screaming. After the firing had ceased they walked out of the house and were laughing, and about that time there was another shot fired, and I heard some one say, "Oh, my son Johnny, are you hurt?"

Dallas Burns made a dying statement, in which he said: "A body of men came to the house and demanded a surrender. This we refused for some time. The captain then came to the door and talked with father, and told him he did not wish to hurt him, but merely to arrest my brother Matt and myself under military authority. Upon that we surrendered. The captain came in and made a motion to his men, and a portion of their crowd, say five or six, came into the house and cocked their guns. The captain called for Dallas Burns. I hesitated, and was rather slow about coming out, and the captain said, 'Step out, damn you, and take it, for you have it to do,' when I stepped out in the light, and they fired upon me."

After the perpetration of this atrocious murder the officer who was in command of the soldiers who did it issued a proclamation in which he denounced citizens of the county as "rebels" and "thieves," and declared that for the commission of offenses "no quarter should be given."

It gives no pleasure to record these instances of cruelty and outrage that were perpetrated by the troops of the United States upon citizens of our State, but they serve to show the dangers always incident to if not inseparable from the exercise of military power. Let no one suppose that the instances given were isolated cases of oppression that might occur under any government, however good. They were of such frequent occurrence as to excite the alarm of good people throughout the State. No constitutional barriers stood in the way of military authority, and it seemed to have no respect for the rights and privileges that have always been held sacred and inviolable by American citizens. Any good citizen was subject to arrest and imprisonment who had incurred the ill-will of some negro or the animosity of some degraded white man, who perhaps had been a blatant secessionist, but for purposes of gain denied his record and loudly proclaimed that he had ever been devoted to the Union. Governor Throckmorton had much correspondence with the military authorities in Texas in regard to the various and many acts of oppression which our citizens had to endure and did everything that could be done for their relief. In one of his letters to General Sheridan, he says:

"I know some of the veriest rogues and scoundrels, who to protect themselves, have applied to the military, and asserted that they were in danger because of their Unionism, when in truth their Unionism was never heard of until after the surrender." This was unfortunately true in too many instances, as is known by those who then lived in Texas. The war had brought about a very upheaval of society, and had thrown to the surface the worst element it contained, and this condition of affairs was recognized by the negro when he said, "The bottom rail has got on top."

But nothing could stop the despotism of hate, and all efforts were unavailing to stay the heavy hand of military power. The reign of terror continued, and outrages upon our citizens were of almost daily occurrence. It would require too much space to give an account of all the oppressive acts of the military, and the wrongs that were inflicted upon individuals in the State. The military authorities professed to abhor crime, and were ever ready to excuse themselves for their arbitrary conduct, because of the necessity of suppressing it, and yet with unblushing effrontery asked Governor Throckmorton that he at once extend his pardon to two hundred and twenty-seven negro convicts in the State penitentiary. These negroes were guilty of almost every offense known to our criminal laws. It was, as a matter of course, assumed that they had not been fairly tried, and that their conviction was the result of prejudice and a disposition on the part of those who tried them to deny them fair treatment.

The absurdity of this assumption was shown by the governor in his reply to the application, and as said reply gives a true statement of the treatment of colored persons charged with crime accorded to them by our law and the manner of its enforcement by our courts, I will, notwithstanding its length, give it in full, namely:

"EXECUTIVE DEPARTMENT OF TEXAS, Austin, March 13, 1867.

"GENERAL: I have examined carefully the communication of W. H. St. Clair, Inspector Bureau of Refugees, Freedmen, and Abandoned Lands, addressed to Lieut. I. F. Kirkham, assistant adjutant-general, on the 25th ultimo, concerning the freed people who are convicts in the State penitentiary, together with the accompanying papers which were placed in my hands a few days since by you. In answer to the suggestions contained in the communication referred to, and the request made through it by Major-General Griffin that a pardon be granted the convicts alluded to (numbering in all two hundred and twenty-

seven), I most respectfully submit that my duty as the chief magistrate of this State, having in charge a due enforcement of the laws and the well-being of the people of every class and color, precludes the indiscriminate action on my part that is desired.

"It will be seen by reference to the report made by the inspector that these persons are confined for various offenses, many of them of the gravest character, including murder, rape, assault with intent to commit rape, arson, robbery, burglary, assaults with intent to murder, aiding prisoners in jail to escape, and theft. The great majority are for theft, and in many instances for stealing small amounts. But it should be kept in mind that the same law was applicable and operated alike upon white persons, and that a party is just as guilty of crime should the offense be for the stealing of one cent as for one million, though the punishment is greater or less in proportion to the amount stolen.

"It will be observed that in almost every case the conviction has been for the shortest period of time allowed by law. For your information and that of the authorities who are charged with the well-being of the freed people, I will state, that under our laws, no person, white or black, can be prosecuted in our courts for a criminal offense without having counsel to conduct their defense. If they are too poor to employ counsel, or do not do so, it is the duty of the court to appoint counsel for them unless such party should see proper to make their own defense. And I mention it as a fact honorable to the judiciary of this State, that it is the general custom in all such cases to appoint the most able and experienced members of the bar. I venture the assertion, with great confidence, that not a single convict was tried without having reliable and respectable counsel to defend the case and in no instance where a reasonable showing was made that witnesses material to the defense were absent have they been hurried or forced into trial without them.

"To show how tender the courts have been of the rights of this class of persons, I will mention a fact which should be known in connection with the case of the freedman, Richard Perkins. In this case Perkins was indicted for murder, and able counsel was assigned him by the court. He desired to enter the plea of guilty, and so expressed himself in court; but the State having all the witnesses present that had been subpoenaed in the case, the court would not permit him to do so.

"I have been witness repeatedly to the exertions made by counsel thus assigned in defense of such persons, and in some cases I know of acquittals that unquestionably would have been convictions had the parties on trial been of the white race.

"To the ears of persons who have been taught to believe that the people of the South are exasperated with and wish to oppress the negro this may appear strange, yet it is true. The great mass of our people—and I am quite sure the same sentiment has due weight with the judiciary—feel a sympathy for the negro, and, as jurors, make a double allowance for his situation and the temptations by which he has been beset in consequence of sudden emancipation. I would not be understood as asserting that this is true of every person, or every section, but it is the general feeling entertained by a great majority of our people. Nor would I be understood as asserting that in every case where negroes have been convicted, a due regard has been had for their situation and ignorance, nor that strict and impartial justice has in every instance been meted out to them.

"I deem it proper in this connection, as controverting the general charge made against our people of hostility to the negro, and of the same implied charge in Inspector St. Clair's statement, that in quite a number of cases memorials have been addressed to me, signed by the judges, officers of the law, members of the bar, and citizens, asking pardons for freedmen who have been convicted of various offenses, including homicides and other offenses, down to misdemeanors. Quite a number of pardons have been granted by me, including some of the lists sent up from the penitentiary. In every instance but one, the white persons making the applications for pardon have paid the fees of officers and costs of court, amounting usually from thirty to fifty dollars, and sometimes more in felony cases. Some petitions have been sent to me, signed by most respectable citizens, asking pardon for freedmen, that I have not granted because I did not think the cases presented came within the rule where executive clemency should be exercised.

"I would most respectfully remind the authorities that the class of freedmen now confined in the penitentiary, as a general rule, is the most vicious and dishonest of the entire freed population of the State. And, instead of astonishment being expressed at the number, I think it speaks well for the people themselves, and is a contradiction to the charge of white oppression that the number should be no greater than it is.

"At the time of the surrender, the black population of Texas could not have been less than 400,000. Since then a great reduction has occurred on account of the numbers who have returned to Louisiana, Arkansas, Missouri, and other States. Taking a period of two years, under the circumstances when there was no government of any kind in the State for several months, with the country demoralized by war, and with such a large number of the slaves suddenly emancipated, it is remarkable, indeed, that a greater number of crimes were not committed, and a much greater number of convictions had. In looking over the statements of the convicts I have been impressed with the falsehoods uttered by the convicts, and evidently relied upon by the agents, which would be apparent to any one acquainted with affairs in this State.

"Some killed hogs, others stole bacon, etc., because, as they said, they were hungry and their employers did not furnish rations. The great effort to procure and retain labor, if fair dealing was out of the question, makes such statements as these very improbable; nor do I believe them true. Quite a number acknowledged to the taking of the articles charged, but rendered as an excuse that the parties from whom they took them were in their debt; others made mistakes, and not a few said they did not do the stealing, but the property was found in their possession, etc. It will afford me much pleasure to co-operate with the authorities of the bureau in ascertaining the facts in any individual case, and whenever any reasonable cause can be shown why executive clemency should be exercised it will be freely and cheerfully extended. But these facts must come from the officers of the court where the parties were tried, or from citizens of respectability who are acquainted with the previous character of the convicts.

"I would say further that it is not the value or amount of the articles stolen that should influence interference in these cases. If the offender was of reasonably good character and habits previous to conviction, then it should have due weight; but if such character had been bad and vicious it should not be regarded. It is certainly a novel proceeding, and I can not believe it is justifiable, that an application of this character should be based upon the statement of the convicts. The course pursued by the inspector in raising in the minds of the convicts an expectation of release is, in my candid judgment, reprehensible, and can not fail to prove mischievous, and were I to release them, would prove of the greatest injury to them. It would be regarded as a license, and be an incentive to them to commit other offenses. I trust in the future the chief of the bureau will permit no further interference of this kind with the municipal and police regulations of this State.

"I must be allowed also to remark that the statements and implied censures of the inspector, St. Clair, towards the courts, people, and authorities of this State are neither courteous nor respectful; nor are they warranted by facts.

"I can not close this communication without stating to the officers of the bureau that I will, at all times and under all circumstances, afford them all the aid in my power to secure every right to the freed people of this State that is guaranteed by the laws of the State and General Government, and will be always

ready to extend to these people the broadest mantle of mercy and charity where it can be done with due regard to their interests and a just respect for the interests of the whole body-politic.

"With sentiments of great respect, I am, general, most respectfully, your obedient servant,

"J. W. THROCKMORTON,
Governor of Texas."

"Brigadier-General OAKER,
Commanding United States forces, Austin, Texas."

No just man can find fault with Governor Throckmorton for refusing to pardon these convicts, and yet there is no doubt but that his refusal to pardon them was one of the reasons that induced General Sheridan to believe him to be "an impediment to the reconstruction of Texas under the law." It may be that General Sheridan had another reason for believing Governor Throckmorton to be an impediment to reconstruction. The governor, as was his duty, had applied to General Sheridan to place troops upon the frontier to protect our people from the depredations of Indians, and General Sheridan, in reply to this application, said: "There were more casualties occurring from outrages perpetrated upon Union men and freedmen in the interior of this State than occurs from Indian depredations upon the frontier." Governor Throckmorton replied to this statement made by General Sheridan, and said:

"General, this is truly a startling statement, and I exceedingly regret that you have been so unfavorably impressed with the general character of the people of Texas, and that your information should be so incorrect. I am frank to admit that many violations of law occur in the interior of Texas; but that these things are the result of rebellious sentiment among the people, or that the outrages committed in consequence of this rebellious feeling are far in excess of the Indian depredations upon the frontier, I must solemnly and emphatically deny. You have heard one side of the story. Perhaps if the people or authorities of Texas had been as persistent and mendacious in their version of these affairs to you and your officers as have been the howling crowd of canting, lying scoundrels who were doing everything in their power to make trouble and produce alienation of feeling between countrymen, you might not think so badly of us. I must positively assert that of all the outrages occurring in Texas since the surrender but the fewest possible number have originated out of the feeling alluded to by you."

This was a flat contradiction of the statement that General Sheridan had made, and it possibly irritated him. But this was not all. Governor Throckmorton, in replying to the charge made by General Sheridan, that the people of Texas had perpetrated such numerous outrages upon Union men and freedmen, saw fit to call the general's attention to the fact that much crime in Texas had been perpetrated by Federal soldiers in his command. For in another place in his letter he said:

"Suffer me to say that of the robberies committed upon freedmen in Texas a great number of them have been by soldiers in your command, and others who have been discharged or deserted from it. It is undoubtedly true that the negroes in the localities of the troops are more afraid of imposition from the soldiers than from any other quarter. Many of the outrages that have occurred in Texas have been perpetrated by deserters and discharged soldiers from the Army of the United States. A band of seventeen or eighteen in one body went to general robbing and are now in the State penitentiary. Another band of deserters from the Sixth Cavalry went directly north through the State from Waco and committed every species of outrage. Other squads who were discharged traveled through the State on their way north, sometimes representing a quartermaster and commissary and giving receipts, and in other places taking by force."

This probably was the "straw which broke the camel's back," and in the opinion of General Sheridan, made Throckmorton an "impediment." The reconstruction act of March 2, 1867, declared that no legal State governments or adequate protection for life or property existed in the States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas, and divided said States into military districts, and subjected them to the military authority of the United States, and Louisiana and Texas were made the fifth military district. Said act, in section 6, also provides: "That until the people of said rebel States shall be, by law, admitted to representation in the Congress of the United States any civil government which may exist therein shall be deemed provisional only, and in all respects subject to the paramount authority of the United States, at any time to abolish, modify, control, or supersede the same."

Thus was the State government that had been organized by the people of Texas at the instance of, and by the authority of, the Federal Government, subordinated to the military authority of the United States, and he whom the people of Texas had elected governor of their State became subject to the order of an officer of the United States Army.

This was humiliating to Governor Throckmorton, and it was as much so to the people of Texas. With the hope of being able to serve his people and to some extent alleviate their situation, he sacrificed all personal feeling and devoted himself to their interests. He at once placed himself in communication with General P. H. Sheridan, who had been placed in command of the fifth military district, and signified his willingness to co-operate with him in the reorganization of the State. He wrote to General Sheridan as follows:

"EXECUTIVE OFFICE, Austin, March 30, 1867.

"GENERAL: Your telegram of yesterday in answer to mine of the 27th, informing me that Bvt. Maj. Gen. Charles Griffin has direction of the details of the reorganization of this State, is received. I think I am justified in the statement that the people of Texas will participate in the reorganization with great unanimity. While the people with very little division of sentiment regard the terms as onerous and oppressive, yet they are determined to abide the laws and comply with them. As the chief magistrate I shall lend a prompt assistance, when in my power, to carry into effect the laws referred to, and shall advise the people to participate in the reorganization with good feeling, and to the extent of securing to the newly enfranchised class the freest exercise of the privilege conferred. I have such assurances from various parts of the State, and from most intelligent and respectable citizens, that I apprehend General Griffin will have but little difficulty in the discharge of his delicate labors. The people will register promptly when called upon to avail themselves of all the privileges allowed. I feel confident in the hope that yourself and General Griffin will extend to the people every facility possible, in order that they may comply with the requirements of the law.

"I am, General, very respectfully, your obedient servant,

"J. W. THROCKMORTON.

"Major-General SHERIDAN,
Commanding Louisiana and Texas, New Orleans."

The foregoing letter was a manly acceptance of the situation, and notwithstanding the increased embarrassment of his position, caused by the action of Congress, Governor Throckmorton continued to discharge the duties of his office with the same energy and ability that had ever characterized his official conduct. Never for a moment did he cease to have the law rigidly but impartially enforced in every county, and but for the intermeddling of the military power would have prevailed throughout the State. He was ever ready to assist the military authorities in the discharge of their legitimate duties, and no request for aid of any sort that would facilitate reorganization of the State was made of him that he did not most cheerfully give. But at no time did he fail to protest against their

usurpation of power and do his best to protect his people from cruelty and oppression. It was his fearless efforts to protect his people that led to his removal. On the 30th day of July, 1867, General Sheridan, who was in command of the Fifth Military District, issued the following order:

"[Special Order No. 105.]

"NEW ORLEANS, July 30, 1867.

"A careful consideration of the reports of Maj. Gen. Charles Griffin, United States Army, shows that J. W. Throckmorton, governor of Texas, is an impediment to the reconstruction of that State under the law. He is therefore removed from that office. E. M. Pease is hereby appointed governor of Texas, in place of J. W. Throckmorton, removed. He will be obeyed and respected accordingly.

"By command of Maj. Gen. P. H. Sheridan.

"GEORGE S. HARTRUFF,
Assistant Adjutant-General.

"Official:

"GEORGE LEE,

"First Lieutenant Twenty-first U. S. Infantry,
Acting Assistant Adjutant-General."

When served with the above order, Governor Throckmorton published an address to the people of Texas, in which he gave a review of his official conduct, and showed that as governor he had not been an impediment to the reconstruction of that State, but had been an "impediment" to the despotic exercise of military power.

E. M. Pease, who was made provisional governor of Texas by order of General Sheridan, was an old citizen, who had been governor of the State before the war. The people of Texas had the right to expect from him, at least, fair treatment, but they were doomed to disappointment. Previous to the war he had been an ultra Democrat, but because of issues growing out of the war, he had become a Republican.

Differing with a large majority of the people of Texas about political matters, he became embittered in his feeling, and seemed to be imbued with hatred to those from whom he had obtained his wealth and position. Not long after he became provisional governor, he built for himself a monument of infamy that time will not destroy. This man Pease, in a letter to General W. S. Hancock, then commanding the Fifth Military District, libeled his people, and asked General Hancock to establish military tribunals—drum-head court-martials—for the trial of citizens who might be charged with offenses for the perpetration of which, if guilty, they were only amenable to the civil law.

The great soldier and hero spurned the proposition and indignantly refused to become a party to such crime. The just rebuke administered by General Hancock in his reply to the application made by Pease will not be soon forgotten by the American people. It is a production worthy of the pen of any of the fathers of the Republic. But, unfortunately, the views expressed by General Hancock did not accord with those entertained by the Administration at Washington, and he was soon removed, and one who knew less of the Constitution and more of tyranny became his successor. Civil law was again subverted and unlicensed military power was supreme. The people were helpless. Throckmorton, who had labored to protect them, was succeeded by one who had actually invited their oppression.

Military commissions sat in various sections of the State, and citizens of the highest respectability were brought before them and given a mere mockery of trial, and sentenced to ignominious punishment. The judges were appointed and removed at the pleasure of the military authorities, and very many of them had no higher conception of duty than to obey the behests of their masters. Those who dared to manifest independence of thought and action were not permitted to obstruct or defeat the purposes of those who were in authority, but were removed, and their places supplied with others of less capacity and honor. It was useless to ask such men to interpose their judicial authority for the protection of the citizen. They recognized no right but such as was graciously accorded by arbitrary power, and with them the writ of habeas corpus was not a writ of right, but an act of grace.

In one instance a United States district judge, when applied to for the writ of habeas corpus by a number of men who were on trial before a military commission, refused to make any order granting or refusing the writ, and gave as a reason for his refusal to act that he could not afford to do anything that would require of him a decision involving the constitutionality of the reconstruction laws.

The cowardly fear manifested by this judge well illustrates the condition of the country at that time and the awe that was inspired by military government.

What is known as the reconstruction convention assembled at the capitol in Austin on the 1st day of June, 1868. No one had been permitted to vote for the election of delegates to this convention who had not been registered, and the registration had been so managed by the military authorities as to give the entire control of it to negroes and carpet-bag Republicans. The result of such conduct was to prevent thousands of Democrats from being registered and the election of a majority of Republicans as delegates to the convention. After organization of the convention had been perfected, the provisional governor, E. M. Pease, sent to it a message, in which he told, but one truth about the people of Texas, and that was, "I knew that my appointment was distasteful to a large majority of the people of Texas who had participated in the rebellion, and who have heretofore exercised the political power of the State."

He was prolific in his suggestions, and advised a dismemberment of the State by selling a portion of its territory to the United States; and among other evidences of his littleness he said to the convention: "It is expected that you will temporarily disfranchise a number of those who participated in the rebellion, sufficient to place the State in the hands of those who are loyal to the United States Government;" the obvious meaning of which was the disfranchisement of enough Democrats to place in power for years to come the Republican party in Texas.

The constitution framed by this convention was, as might have been expected, filled with provisions which gave warrant for the exercise of despotic power, and it was ratified by the same class of voters who had authorized its creation. Under it an election for governor and other State officers was held, and Edmund J. Davis was counted in as governor of Texas by the military authorities of the United States. Davis was a native of Florida, but for many years had resided in Texas. During the war he had been a soldier in the Federal Army and had attained the rank of brigadier-general. He was a Republican, and so was his only opponent, Governor A. J. Hamilton, but Hamilton was more conservative in his views, and therefore more acceptable to the people of Texas.

The Democrats presented no candidate for governor, for it was evident that if a Democrat was elected he would not be permitted to fill the position. Such Democrats as were allowed to vote, and availed themselves of their privilege, supported Hamilton. There is no doubt but what Hamilton was elected. But it had been determined by those in power that he should not have the office. Many counties which gave large majorities to Hamilton were illegally thrown out, and other expedients were resorted to by those in authority to enable them to declare the election of Davis. So it was with the Legislature. It was officially declared that each house had a majority of Republicans, and thus, by skillful counting, any conflict between the executive and the legislative departments of the government were avoided.

The first Legislature after reconstruction that assembled in Texas, known as the Twelfth Legislature, has passed into history as the most venal and corrupt

body that ever disgraced the State. Aside from purely political measures, it is said money was freely used to procure legislation and that there was scarcely any attempt at concealment. The lobby was thronged with shrewd and unprincipled men from almost every where, who were seeking to rob the State of both land and money. Charters, obtained to sell, were granted for almost every conceivable purpose. Governor Davis, though a bigot in politics, had the reputation of being an honest man, and he endeavored to check this character of legislation by the exercise of the veto power, but he could do no good, for the bills were passed by the requisite majority over his objections.

Bribery and corruption were the least of the evils with which the people of Texas had to contend. The party then dominant in the State had been so long accustomed to rely upon the military power of the United States that it seemed to be incapable of administering civil government, and its leaders recognized the fact that the government which they had organized for the State was not a "government of the people, by the people, and for the people," and could only be a government of force.

Governor Davis in his first message to the Legislature recommended "that a police system be adopted embracing the whole State under one head," and said that no system of laws for the suppression of crime, however severe, will be complete "without such powers are conferred on the executive as will enable him in any emergency to act with the authority of law."

What a spectacle was here presented! A man who claimed to have been elected the governor of one of the States of the Union demanding of the Legislature of that State that he be clothed with the authority of law for the exercise of despotic power. In this boasted land of liberty it is hard to realize that such a demand could have been made, but it is more difficult to believe that the Legislature complied with it. The governor also suggested to the Legislature "the question of making some provision for the temporary establishment of martial law." Evidently it was his design to subvert the liberties of the people and to have authority to maintain a government of force, and to this end he determined upon the organization of a military force that should be composed of such material as he desired.

The Legislature promptly responded to the demands of the governor, and passed several acts to enable him to carry out his wicked purpose. The first one we shall notice is an act entitled "An act to provide for the enrollment of the militia, the organization and discipline of the State guard, and for the public defense." By this act all able-bodied male citizens residing in the State, between the ages of eighteen and forty-five, were made subject to military duty, except certain classes therein mentioned, and the governor was made commander-in-chief of all the military forces of the State. The militia were, by the act, divided into two classes. One was called the "State guard of Texas," and the other the "reserve militia." It was declared that the State guard of Texas "shall consist of male persons between the ages of eighteen and forty-five, who shall voluntarily enroll and uniform themselves for service therein: Provided, The commander-in-chief [the governor] shall designate the number of men in each county in this State allowed to enroll in the State guard, and have the power to reject any person offering himself for enrollment in the same."

The reserve militia was composed of all persons subject to military duty who had not enrolled in the State guard. Thus was the governor enabled to organize troops without limit as to number, to be composed of a class of men that he wanted to execute his designs. A learned lawyer and distinguished citizen of Texas, not very long after the passage of this law, in commenting upon it, said, "We desire to call attention to the very important fact that this act permits able-bodied male citizens, residents in the State, to enroll in the reserve militia, but all persons without qualifications between the ages of eighteen and forty-five can enroll in the State guard provided they suit the purpose of the governor."

Why the distinction? The common sense of every man will suggest to his mind the answer. This State guard is peculiarly the governor's army, selected and organized out of such material as will serve his purposes. The reserve militia can only be composed of resident citizens of Texas, and perhaps would refuse to murder, rob, and pilfer their fellow-citizens should they be called upon to do so by the commander-in-chief. They are what this act designates them, "reserve." They can not act unless called out by the commander-in-chief. They remain unorganized, unarmed, and unequipped; but we find the State guard fully organized and equipped, scattered through every or nearly every county in the State, eating up the substance of the people, and in very many instances murdering innocent and unoffending citizens, depriving them of their property by force or fraud, disturbing the peace and quiet of whole communities, and inflaming the animosity of the races, and, in a word, fully carrying out the purposes and interests of their organization. To use the governor's own language, the Legislature, in the passage of this act, has conferred "upon the executive such powers as will enable him in any emergency to act with authority of law."

In response to the suggestion made by the governor in regard to martial law, the twenty-sixth section of the act we are considering provided: "It shall be the duty of the governor, and he is hereby authorized, whenever in his opinion the enforcement of the law of this State is obstructed within any county or counties by combination of lawless men too strong for the control of the civil authorities, to declare such county or counties under martial law, and to suspend the laws therein until the Legislature shall convene and take such action as it may deem necessary."

Not content with the military force already provided and the extraordinary powers conferred on the governor, the Legislature, on the 1st day of July, 1870, passed an act entitled "An act to establish a State police and provide for the regulation and government of the same."

By the terms of this act the force was composed of one chief of police, four captains, eight lieutenants, twenty sergeants, and two hundred and twenty-five privates. In addition to the above force, the act provides that "all sheriffs and their deputies, constables, marshals of cities and towns and their deputies, and police of cities and towns shall be considered as a part of the State police, and be subject to the supervisory control of the governor and chief of State police, and under directions of the governor or chief of State police may at any time be called upon to act in concert with the State police in preserving or suppressing crime, or in bringing to justice offenders. The chief of State police, subject to the governor, may make all needful regulations and rules for the maintenance and direction of these officers in matters looking to the maintenance of public peace, preventing or suppressing crime, and bringing to justice offenders, and any of these officers failing or refusing prompt obedience to such rules or regulations, or to the orders of the governor, or chief of State police, shall be removed from office and suffer such other punishment as may be prescribed by law."

This was an extraordinary power to confer upon the governor. It gave him control of all the civil executive officers of the State, and subjected them to removal from office if they failed or refused prompt obedience to the rules and regulations of the State police, or to the orders of the governor or chief of State police. The governor had asked the Legislature "to confer on him such powers as would enable him in any emergency to act with authority of law." In this act his request was literally complied with, and his pleasure or will made the paramount law of the State. The law creating the State police was amended so as to enable the governor to appoint an additional force of twenty men in each county, the expense of which was to be borne by the people of the respective counties. This additional force, like the others, was made subject to the order of the governor, and could be used by him at his pleasure. Was ever king, prince, or potentate clothed with greater power?

The Davis administration was the result of the methods adopted by the au-

thorities of the United States, who were in control of the State during reconstruction. It was the legitimate child of arbitrary power and the continuation of despotic government in its very worst form. This was soon made manifest to the people of Texas. Terrible as had been the oppression of the people by the military authorities of the Federal Government, it was now even worse. Men, if possible, more infamous and of less responsibility were in a position to injure and harass the people. Not unfrequently they availed themselves of their official position to wreak vengeance upon those who had incurred their personal animosity.

The State police were a terror to every community, and in the name and by the authority of the State they perpetrated crimes of every description. They searched every place or seized any person or thing, and without probable cause, supported by oath or affirmation. The governor held that the uniform which was worn by the State guard and State police, together with their silver badge of office, supplied the place of affidavits and warrants, and authorized persons wearing the same to search any place or to seize any person or thing.

In the month of December, 1870, one Lieutenant Pritchett, at the head of three white and four negro police, went to the house of Col. James J. Gathings, in Hill County, and by force entered the same and searched it, against the protest of the proprietor. This was done without any authority of law, and no charge of any kind had been preferred against Colonel Gathings or any of his family. After they had left the house, Gathings went to the nearest magistrate and made affidavit to the facts, upon which the magistrate issued his warrant for the arrest of the parties offending. Lieutenant Pritchett and his party were arrested and gave bond for their appearance at a certain day before the magistrate, and forfeited the same; and instead of appearing before the magistrate Pritchett went to Austin, the capital of the State, and reported to the governor. Instead of sending Pritchett back to stand his trial, the governor placed about one hundred State guards under General Davidson, the chief of State police, and ordered him to proceed with all speed to Hill County.

Upon the arrival of Davidson and his force in Hill County he arrested Colonel Gathings and placed him in the court-house, from which all citizens were excluded, and a heavy guard stationed around it. General Davidson informed Colonel Gathings that no military commission would be convened to try him if he would pay the expenses of the force, which he estimated at \$500 per day. Upon Colonel Gathings' refusal to comply with this demand, Davidson informed him that he would declare the county under martial law, tax the county to support the troops, organize a court-martial, and try him, and if convicted send him immediately to the penitentiary without the right of appeal. After this Davidson proposed to Gathings to settle the matter for \$3,000. Colonel Gathings, with the assistance of some friends, paid the money.

The seventh section of article 1 of the constitution then in force reads as follows, namely:

"The people shall be secure in their persons, houses, papers, and possessions from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or thing, shall issue without describing such place, person, or thing, as near as they may be, nor without probable cause, supported by oath or affirmation."

Davis had taken his solemn oath to support this and every other provision of the constitution, but under the authority granted him by the Legislature he deliberately violated it, not only in the case of Colonel Gathings, but in hundreds of other instances.

A narration of the crimes and outrages committed by Governor Davis and his minions would fill a volume. There was an election for members of Congress in Texas, in the month of October, 1871, and in August prior to this election Governor Davis issued a proclamation to the people of Texas, which, as a manifestation of despotic authority and for brazen impudence, is without a parallel in the history of this, and perhaps of any other State in the Union. The proclamation reads as follows:

"All persons coming to vote shall deposit their votes with the least possible delay, and after this is done they are forbidden, under any pretext, to remain about the polls, or at the county seat, unless this is their residence, during the time of election, but shall return to their houses and usual employment, and peace officers, State guards, or militia on duty at the polls shall see that this regulation is complied with."

The constitution expressly prohibits the arrest of electors during their attendance at elections, and in going to and returning from the same, except in case of treason, felony, or breach of the peace.

But what cared Davis and his followers for the constitution? Undoubtedly it was his purpose to place at the polls such an array of peace officers, State guards, and State police as would deter many Democrats from voting; but in this he did not succeed. In the Third Congressional district, W. T. Clark was the Republican candidate for Congress, and D. C. Giddings was his Democratic opponent. Governor Davis canvassed the district in behalf of Clark, and his speeches were filled with vituperation and abuse of those who differed from him in politics, and were well calculated to create trouble. Every kind of device was resorted to, to inveigle Democrats into the commission of some act by which they could be placed in a false and disloyal attitude.

The writer remembers to have seen a number of United States flags suspended across a street and hung so low that a man of ordinary height could not walk under them without coming in contact with them, and it was well understood that they were thus suspended with the hope that some indiscreet person would tear one or more of them down, so that it might be flashed over the wires that in Texas the flag of the Union had been desecrated and trampled under foot. But the plan did not succeed, and the flags remained unmolested.

At one time Davis placed Walker County under martial law, and to defray the expenses of the military force that he quartered upon the county he compelled the people thereof to pay not less than \$2,000. Afterwards he placed Limestone and Freestone Counties under martial law for no other purpose than to keep the vote of those counties from being counted for Giddings, the Democratic candidate for Congress. The people of Limestone County were compelled to pay a sum of \$35,000, the amount of a tax that was levied upon them by a military order issued by one General A. G. Maloy, who styled himself "commander of the State forces in Limestone County."

The Legislature conferred upon the governor the power to appoint a mayor and other officers for each incorporated city or town in the State. Under this authority Davis placed "carpet-baggers," and others of his political faith, in control of the municipal governments, in a number of cities in the State, and many of these appointees reaped fortunes from their crookedness in office.

Their usual plan was to place a bonded debt upon the city or town, for which but little if any consideration was received by the inhabitants thereof; but the mayor and aldermen became rich, and the people were burdened with increased taxation.

In one city of not more than ten or twelve thousand inhabitants they created a debt of one and one-half millions of dollars, and the improvements for which this debt was incurred could have been obtained for much less than one-third of the amount stated. The bonds generally carried a high rate of interest, and all deficiencies in the payment of matured interest were met by the issuance and sale of new bonds, and thus from time to time were the burdens of the people increased.

Under the administration of Governor Throckmorton the rate of State taxation was 15 cents on the hundred dollars, and the taxes levied by the counties were correspondingly low, but were found to be amply sufficient for governmental purposes. The State was then practically out of debt and had a balance in the treasury.

Whatever wrongs had been perpetrated by the military authorities of the United States during the reconstruction period, they had not robbed the treasury or imposed onerous taxation upon the people. This was reserved for the Davis administration. From 1870 to 1874, the period covered by the administration of Governor Davis, the State ad valorem tax alone was 50 cents on the hundred dollars, and this was augmented by special State and county taxes to an amount unparalleled in the previous or subsequent history of Texas.

Governor Davis in his message to the Legislature, speaking of the State debt, said there was due the school fund \$82,168.82, and due the university fund \$134,472.26, and the only other indebtedness was that of the 10 per cent. warrants. This amount, he stated, was not considerable, and further said: "Texas may therefore substantially be said to be out of debt." This was a frank but true admission made by the governor of the financial condition of the State when he and his party came into power.

On December 1, 1873, the comptroller in the Davis administration, Mr. A. Bledsoe, in his report to the governor, gives the State debt at that date at \$1,797,864.16. And when his administration closed he left as a legacy to the people of Texas a debt that amounted to \$4,414,095.45.

During the administration of Governor Davis warrants upon the State treasury were hawked on the markets at 45 cents on the dollar and the bonds of the State were practically valueless in the home and foreign markets. The Davis administration made large promises in regard to the education of the youth of the State and fulfilled them by the creation of a cumbersome system of public schools, in which a vast retinue of officers absorbed the money appropriated for school purposes so rapidly as to prevent the schools from being taught a sufficient length of time to do any good. The children of the State, and especially the colored children, were growing up in ignorance, values were not appreciating, population was but slowly increasing, the State was rapidly becoming bankrupt, and the ruthless exercise of arbitrary power had rendered life, liberty, and property insecure.

Such were the results of an administration of public affairs that had been forced upon the people of Texas by those who had been placed in charge of reconstruction. But the day of deliverance was at hand. At the next general election the people swept Davis and his party from power and elected for State officers the entire Democratic ticket. In both houses of the Legislature a large majority of Democrats was elected. Richard Coke was elected governor, and, notwithstanding the immense majority of votes he had received, Davis would have resisted his induction into office if he could have been sustained in such action by the General Government. He vainly appealed to General Grant, who was then President of the United States, to assist him in his proposed usurpation of power, but General Grant refused to give him aid, and Coke was inaugurated and duly installed as governor of the State.

The Democratic party has had continuous control of public affairs in Texas since the defeat of Davis, and now, after fifteen years of Democratic government, we can speak with certainty of its results.

The Democratic Legislature elected with Governor Coke immediately repealed the odious laws passed during the Davis administration, and the people felt that they were once more free. State guards and State police, martial law and military despotism have become things of the past, and it is sincerely hoped will never be visited upon the people of Texas again. The credit of the State has been restored. Within a few months after the inauguration of Governor Coke the securities of the State commanded from 90 to 95 cents on Wall street, and afterwards sold for \$1.40, and at this time rate as high as do the securities of any State in the Union.

The bonded debt of the State is now \$4,237,730, which is all owned by special funds of the State except \$1,220,530. Taxation has been largely reduced. The ad valorem revenue tax is 10 cents on the \$100, and the tax for the support of the public schools is 12½ cents on the \$100, and the average rate of county tax is 47 cents on the \$100. These taxes are found to be amply sufficient to meet the expenses of State and county government.

Good government has not been without its influence in attracting immigration. The census reports show that the population of Texas in 1870 was 818,579, that it had increased in 1880 to 1,591,749, and there is little doubt but what Texas will have in 1890 a population of not less than 3,000,000.

Not only immigration, but with it capital, was attracted to our State and sought investment; and enterprise and industry have met their just reward. Great progress has been made in the building of railroads. In 1870 there was in operation in Texas only 711 miles of railway. In 1888 there had been constructed and was in operation 8,190 miles, and now there can not be much less than 9,000 miles of railroad in operation in this State.

Public education has not been neglected, but it has been fostered and largely developed. Normal schools for the training of teachers, both white and colored, have been established. A State university richly endowed has been founded, and is now in successful operation; and the agricultural and mechanical college of the State has been in a prosperous condition for a number of years.

When Texas was annexed to and became a part of the United States she reserved her public domain and long before the war between the States a large portion of it was set apart for the maintenance of free schools.

A part of these lands have been sold, and the proceeds applied to the public-school fund; but there yet remains about 28,000,000 acres belonging to the public schools. The permanent school fund now holds bonds amounting to \$6,334,597, and interest-bearing notes given in payment for school lands, and secured by liens upon said lands aggregating \$10,390,000, the annual interest on which, together with the money derived from land leases, amounted last year to the sum of \$1,010,418.58. And this amount will annually increase for years to come.

In addition to the lands belonging to the State, each county in the State owns 17,712 acres of land, the proceeds of which are to be applied exclusively to the support of common schools.

For the further aid of free schools a tax of 12½ cents on the \$100 worth of property and a poll tax of \$1 on every male inhabitant of the State between the ages of twenty-one and sixty years are set apart for their support, and each community has the option of supplementing the State funds by local taxation. Texas annually expends about \$2,778,000 for the support of public free schools. Notwithstanding the negroes own but little property and pay scarcely any taxes—not even a poll-tax—and the burden of sustaining the free schools is borne by the white population almost exclusively, yet in the disbursement of the school funds no discrimination is made against colored children, but they and the white children fare alike.

Complete reports were not made to the superintendent of public education of the State from all the counties last year, but from what were made we learn that during the year 864,744 children between the ages of eight and sixteen attended the free schools, of which number 280,261 were white and 58,463 were colored children. Considering the respective number of whites and blacks in the State, this is a good showing for the colored people.

During the administration of E. J. Davis the taxes levied for the support of free schools for one year were many times greater than the annual tax levied by the State under Democratic rule, and more school-houses are now built each year than were built during the entire period of the Davis administration, while the schools are incomparably better.

The white people of Texas believe that the best remedy for all the evils which may flow from "universal suffrage" is "universal education," and in the interests of good government they have thought proper to give the colored people the advantage of a common-school education with the hope that it may help to qualify them for the discharge of the duties incumbent upon American citizens.

In Texas the relations between white and colored people have always been amicable and peaceable. In a few localities in the State disturbances have occurred, but there has been no serious conflict between the white and colored races, nor is any such conflict apprehended. With the exception of the Washington County case, before the Senate of the United States at its last session (and which was not sustained by evidence), it has never been charged that in Texas colored men have been prevented from voting as they pleased; nor has it been alleged that their votes were not properly counted.

Texas has entered upon an era of unexampled prosperity. Her delightful climate, which permits out-door work in every month of the year, and her cheap and productive lands, together with light taxation and exceptional educational institutions, have attracted white immigrants from every State in the Union, as well as from Europe, and this immigration is increasing so rapidly that with us the negro will soon fail to excite solicitude upon the part of any political party. What we want in Texas is to be let alone by the Federal Government and be allowed to manage our local affairs.

Our people earnestly hope that no policy will be adopted by the present or any future Administration of the Federal Government that does not embrace within its scope the whole country.

We have had enough of a "Southern policy" during the "reconstruction period," the evils of which, at least to some extent, I have endeavored to describe in this paper. We trust that the people of no section of the United States will ever again be willing to see a government of any of the States in this Union established by the people thereof supplanted by a military despotism.

CHAS. STEWART.

Mr. WILLIAMS, of Ohio. Mr. Speaker, I am very glad to hear from the gentleman who has just taken his seat [Mr. STEWART, of Texas] his glowing account of the State of Texas. Especially am I glad to hear of the advances made there in education. And I can assure the honorable gentleman that if they will educate the people of Texas, white and black, the time is not far distant when the 165,000 Democratic majority will be very materially cut down. [Applause in the galleries.]

Mr. SPRINGER. The more they are educated the larger the Democratic majority is getting.

The SPEAKER *pro tempore*. The Chair desires to announce that the galleries must abstain from applause.

Mr. WILLIAMS, of Ohio. Mr. Speaker, in my judgment the importance of the subject under consideration is paramount to any question before the Fifty-first Congress. In comparison, "tariff for protection" or "tariff for revenue only" is insignificant; the financial question of gold or silver standard of value is of minor importance. The policy of reciprocity with the South American republics or with Canada has but little interest in the minds of the people when a measure so vigorous in preserving the rights of the citizen is before Congress for discussion and action.

Every citizen recognizes that the purity of the ballot-box is essential to the preservation of a republican government. Where the ballot is tainted and stained with fraud, intimidation, and corruption, the result does not command the confidence and respect of the people. It is not an expression of their will, and whenever the people without protest submit to the decision of a corrupt ballot-box, whenever the voice of the majority is silenced by violence, murder, and fraud, the day is not far distant when the liberties of the people will be subverted, the safety and sacredness of their property and homes will be endangered. The dishonest public official may rob the Treasury, a reckless financial policy may empty the full vaults of the nation, a disastrous war may sweep our commerce from the seas, destroy our cities, and fill our land with the bloody tokens of battle, yet with our matchless resources we could again fill our Treasury, rebuild our cities, and make the homes of our citizens glad with returning prosperity. But destroy the confidence of our people in the ballot-box as an expression of the will of the majority, and you sow the seeds of discord that will ripen and grow into the harvest of revolution and anarchy.

Therefore the proposition to be determined is, have the people been prevented from having a fair ballot and an honest count to such an extent as to misrepresent their views in the halls of legislation and defeat their choice in the men selected to fill the offices of the nation?

If so, is the bill under consideration the proper remedy? In answer to the first proposition I will not marshal in detail the evidence. Almost every Northern State, through its Legislature, has recognized the fact that in the larger cities the purity of the ballot-box has been outraged in the most shameful manner. Corruption and fraud with unblinking arrogance have surrounded the polls with hoodlars, and votes have been bought and sold in open market, and, if that was not sufficient to accomplish the desired result, the returns have been changed and falsified. Tickets have been switched and ballot-boxes stuffed. Even the crime against the suffrage of the people extended to the smaller cities and villages until the strong arm of the law has been invoked by placing more stringent regulations and new safeguards around the ballot-box. In the Southern States we had first the Ku Klux and the shotgun policy. Murder stained with blood the ballots of the colored citizens of the South; a reign of terror was inaugurated; but of later years the shotgun has been supplanted by the more quiet yet effective measures of fraud fully described in the evidence that has been filed year after year in the contested-election cases before this House. I need not enter into details. In private conversation with members of Congress from the South there are no denials of the facts stated, but they justify it by the local conditions that exist since the abolishment of slavery in the Southern States. Therefore I leave to others to collect the disgraceful evidence which shows that in the North and the South the purity of the ballot-box has been outraged.

This brings me to the second proposition, is the bill under consider-

ation the proper remedy? My answer in brief would be, it is not strong enough, but it is a step in the right direction, and, if enacted into a law, in the light of future experience its defects can be amended.

Have we the right to enact such a law? In answer I refer to section 4, Article I, of the Constitution of the United States, which reads as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations except as to the places of choosing Senators.

This, with the decisions of the Supreme Court in the cases of *Ex parte Siebold* and *Ex parte Yarborough*, settles the right of Congress to control and regulate so definitely and clearly as to be beyond intelligent controversy. At least in the brief time allotted to me I will not further discuss this proposition.

The bill under consideration is supervisory in its provisions, costly in its enforcement, and uncertain in its results. But we, as Republican members of Congress, would be derelict in our duty to our constituents if we failed to place upon the statute-book additional safeguards around the sacred right of suffrage. Without hesitation I admit that the Legislatures of the Northern States, without regard to party lines, will be compelled by the force of public opinion to throw around the ballot-box the protection of more stringent legislation in the interest of an honest ballot and an honest count, and there the strong arm of the National Government is not required to preserve the purity of the ballot-box; but in the light of the experience of the last twenty-five years, can the people of this nation believe there is a determination to have an honest ballot in the States where slavery existed in 1861?

This leads to the discussion of a problem that is the heritage of the late rebellion, a problem that twenty-five years of experience has left unsolved. I believe its true solution will be found only after the prejudices of sectionalism have been absorbed in the love of one country and one flag, when the men of the North and the men of the South unite in the sentiment that this nation is greater than the State, when the heresy of State rights is buried beneath the lofty column of a patriotism that recognizes the National Government as supreme. Then the united statesmanship of the North and South will settle the race problem by the algebra of eternal justice.

Mr. TURNER, of New York. And this bill represents *x*, an unknown quantity.

Mr. WILLIAMS, of Ohio. The "unknown quantity" will be found when the bill is put in force; it will be found in the Republican members that will be elected from Southern districts and in an honest ballot in the city and State of New York.

Mr. TURNER, of New York. Yes, and this bill is urged for the sake of getting more Republican members. It indicates not the love of the negro, but the "itching palm" that grasps for more political power.

Mr. WILLIAMS, of Ohio. It is an effort to secure an honest ballot, a ballot that has been outraged in the city of New York, a ballot that has been outraged in every Southern State.

Mr. TURNER, of New York. And a ballot that has been outraged in Pennsylvania. The love of the Republican party for the purity of the ballot sounds like the profession of the harlot when she prates of virtue.

Mr. WILLIAMS, of Ohio. I have stated that faults exist both North and South, but you, as an American citizen, as a lover of your country, ought gladly to come to the rescue to preserve the ballot untrammelled and untainted by fraud.

Mr. TURNER, of New York. And put elections in the hands of two Republican inspectors and one Democrat. If you are honest why do you not divide your inspectors equally?

Mr. WILLIAMS, of Ohio. It makes no difference in whose hands it is put—

Mr. TURNER, of New York. Oh, yes, it does.

Mr. WILLIAMS, of Ohio. You will know nothing of the enforcement of this law in your State unless your citizens require it for their protection. No honest man and no honest party need fear the enforcement of this law.

Mr. TURNER, of New York. You mean no honest man and no honest party will call for it.

Mr. WILLIAMS, of Ohio. I approach this question with the frank admission that I look at it with the eyes of a soldier of the Union Army, anxious to secure what I believe to be the legitimate results of the late war, not with the desire to humiliate the proud people of the South. My father was born in Virginia, my mother was born and reared to womanhood in the shadow of the Natural Bridge, my wife was born in Texas, and my children were born in Tennessee—

Mr. COWLES. I desire to ask the gentleman when he expects to have a reunion of that family? [Laughter.]

Mr. WILLIAMS, of Ohio. We have the reunion and a practical reconstruction.

Mr. COWLES. I want to attend that reunion.

Mr. WILLIAMS, of Ohio. Come; a few lessons in loyalty will do you good.

Therefore by the ties of ancestral blood and domestic affection I am bound to the people of the South in a bond of sympathy that would

prevent me from doing them intentional injustice. I honor their bravery, I admire but deplore the determined struggle their statesmen have made for the last twenty-five years to regain in the halls of Congress what they lost on the field of battle. But as an American citizen I believe the time has come when in the election for President and members of Congress the elector, white or black, shall be protected by the strong arm of the National Government in securing a free ballot and in having an honest count. I will not here discuss whether the nation was wise in giving negroes the right of suffrage, but "in the swirl of the battle's fierce flame" the shackles that made them slaves were melted, and Article XV of the Constitution placed in their hands the ballot and clothed them in the sacred mantle of American citizenship, and I believe it to be our duty to protect them in exercising the right to vote for the candidate of their choice without question and without restraint.

Mr. Speaker, there has been much said about a "new South," when the people of that section will forget the prejudices of the present and the past; when the war will be remembered as God's punishment for the injustice of this nation towards the negro race; when the brave deeds of the Union and Confederate soldiers will be remembered only as the history of American valor; when the fertile fields of the South will yield their fatness and the rich ore of their mountains will be uncovered by the brown hands of well paid labor; when the manufactures that enrich the people of the New England States will be rivaled and excelled in the valleys of the South. Bright as the future of the South is thus outlined, I believe it can be realized.

But the first step towards that era of prosperity must be the disintegration of that political monstrosity called the "solid South," made solid by fraud and force, made solid by preventing a free ballot and an honest count. There is force in the statement that a free ballot in many portions of the South means negro domination, out of which will grow the election of corrupt men to office, and that the public Treasury will be robbed by unprincipled white men elected by ignorant black men, and that an era of corruption so vividly described by the eloquent gentleman from South Carolina will exist. But I believe that the negro voters of the South have improved in intelligence and have learned that honest administration of the laws is as important for the colored race as it is for the white race. I further believe that free and open discussion of political measures would be in any portion of the South an education to both races.

I have a faint suspicion that the fear of a corrupt administration of the laws in the South under a free ballot is not the true reason that controls the white race. Corrupt men are now elected in the South. Has the gentleman forgotten the defalcation of Marshall Polk, of Tennessee, who purloined from the treasury \$385,000; of E. A. Burke, of Louisiana, who stole \$500,000; of honest Dick Tate, of Kentucky, who embezzled \$200,000; of Archer, of Maryland, who is short \$200,000? These are recent events, occurring under Democratic administrations, and the defaulting officers were not of the "picked villains of the North," but came from the ranks of the first families of the chivalry of the South.

Mr. BOATNER. None of those men, however, have been elected United States Senators or nominated as governors of States.

Mr. WILLIAMS, of Ohio. They may not have been, but God knows what might have happened if they had not loved money too well and gotten away with it.

Mr. BOATNER. They are in the penitentiaries.

Mr. ENLOE rose.

The SPEAKER *pro tempore*. Does the gentleman from Ohio [Mr. WILLIAMS] yield?

Mr. WILLIAMS, of Ohio. Yes, sir; I will yield to my friend from Tennessee if he wants to state his experience.

Mr. ENLOE. I believe the gentleman has said that at one time he lived in Tennessee.

Mr. WILLIAMS, of Ohio. Yes, sir.

Mr. ENLOE. And when you lived down there, your party stole by the million.

Mr. WILLIAMS, of Ohio. No, sir; I deny that.

Mr. ENLOE. We sent our thieves to the penitentiary; but you sent yours to the Legislature and to Congress.

Mr. WILLIAMS, of Ohio. The gentleman from Louisiana [Mr. BOATNER] says that there have been no United States Senators—

Mr. HOUK (to Mr. ENLOE). The only stealing done under Republican administration was by an Andrew Johnson Democrat.

Mr. WILLIAMS, of Ohio. Yes, sir; by a man named Rutter.

Mr. ENLOE. I had no reference to my colleague [Mr. HOUK]. They sent him here before they stopped stealing, and they have kept it up ever since.

Mr. WILLIAMS, of Ohio. In reply to the suggestion of the gentleman from Louisiana [Mr. BOATNER], that there have been no United States Senators elected from the South who stole money, I ask where are the \$2,500,000 of the school fund of Tennessee, that sacred school fund that was carried out of the State by ISHAM G. HARRIS?

Mr. ENLOE. It was brought back and was stolen by your party after it got into power, and on top of it they added \$20,000,000 to the State debt.

Mr. WILLIAMS, of Ohio. The little that we got back after the war was covered into the Treasury; but what became of the balance? It went to dismember the Union, to destroy the nation. And yet gentlemen talk to me about the honest chivalry of the South.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. WILLIAMS, of Ohio. I ask two or three minutes longer.

Mr. ALLEN, of Michigan. I rise to a parliamentary inquiry. The gentleman from Ohio was interrupted without his permission and without the Chair being addressed. I raise the question whether his time has expired by any fair interpretation of the rules.

Mr. ENLOE. I hope the gentleman from Michigan does not apply his remarks to me.

Mr. ALLEN, of Michigan. No; the gentleman from Tennessee [Mr. ENLOE] had permission, as I understand. I am not finding fault with anybody who interrupted the gentleman from Ohio; I simply ask an interpretation of the rule. I insist that a gentleman when occupying the floor has a right to speak without being interrupted.

Mr. SKINNER. I hope the gentleman's time will be extended. He stated in the first part of his remarks that this bill was not strong enough. I want to hear him outline a bill that he thinks is strong enough. He ought to have time enough to do it.

The SPEAKER *pro tempore*. The Chair will state that he tries to make allowance for interruptions, but it is impossible for the Chair to preserve order on the floor or make proper allowance for such interruptions unless the party interrupting first addresses the Chair and gets permission from the gentleman occupying the floor.

Mr. FRANK. I ask unanimous consent that the gentleman be allowed to proceed for two or three minutes longer.

Mr. GOODNIGHT. I shall object unless the time be charged to the other side of the House.

Mr. ALLEN, of Michigan. But gentlemen on that side occupied the time.

Mr. WILLIAMS, of Ohio. Charge it wherever you please if you give me the time.

Mr. GOODNIGHT. I do not withdraw my objection unless with that understanding.

The SPEAKER *pro tempore*. That will be the understanding.

Mr. GOODNIGHT. But I thought the gentleman from Michigan had objected.

Mr. ALLEN, of Michigan. I thought my friends on the other side had expressed regret for having occupied the time of the gentleman from Ohio and were willing to give him additional time.

The SPEAKER *pro tempore*. Without objection, the gentleman will proceed.

There was no objection.

Mr. WILLIAMS, of Ohio. I thank the House for its courtesy and will endeavor to be brief in my remarks.

Besides, there is nothing in the measure under discussion that will prevent the State government and the people of the South from throwing around a free ballot such restrictions as wise statesmanship would suggest as best for the local self-government of the South. But we do insist that in electing members of Congress the colored man's ballot shall express his sentiments. A member of Congress elected from the South legislates not for his section, but for the nation, and if he holds his seat by fraud and violence the outrage is not local, but national, and is felt in Ohio as well as in South Carolina. Gentlemen object to the bill because its provisions have a tendency to centralize the government of the people in the hands of the United States officials. I admit that such is the fact. I believe in a strong National Government. One of the lessons of the late war taught the people of the South that this Union was not a rope of sand held together at the will of the States, but that it is an adamant chain held together by the voice and vote of the citizens of a nation, by a people who are determined, if it is necessary to preserve one country and one flag, to wipe out every vestige of State rights and relegate the doctrine of State sovereignty to the traditions of the past.

The Republican party is a bold, progressive party; it takes no step backward; its march is always forward. We believe that "taxation and representation go hand in hand;" that taxation without representation is the creed of tyrants and the gospel of absolute monarchy.

We believe in a strong Government, one able to protect its citizens from wrong and oppression in a foreign land and also in the humble cabin of the negro of the South. We believe in a law that is so far-reaching that the most powerful and proudest citizen is not above its influence and that the poorest, feeblest citizen in the nation can safely rest beneath its protecting power. [Applause on the Republican side.]

Therefore, in answer to the inquiry of the gentleman from North Carolina [Mr. SKINNER] as to what I would consider a stronger bill, I answer, a national election law, plain, explicit, and well guarded, with heavy penalties for violation incorporated therein, for the election of President, Vice-President, and members of Congress.

The loyal people of the nation demand that the certificate held by members of Congress shall be untainted by fraud and violence and be the honest expression of the majority of the voters of each Congressional district. They have waited patiently for the evidence of honest elections in the South. Their hearts have grown sick and tired of the con-

tinuous tale of fraud and violence that meets each succeeding Congress on the threshold of the Capitol, and I state it as my deliberate judgment that unless we have an honest ballot and an honest count the day is not far distant when a "Federal election law," and not an extension of the supervisory system already on the statute-book, will be enacted and enforced. We are told that the bill under consideration if enacted into law will be resisted, that it will engender party strife and awaken race prejudices. The gentleman from North Carolina [Mr. EWART] says:

Give the negro of the South salutary neglect.

Mr. Speaker, it is "the old story," "let us alone." We heard it when eleven Southern States seceded from the Union; we heard it all through the war; we heard it when the Ku Klux Klan were disgracing the civilization of this Republic with their dastardly and cowardly deeds of violence and murder, and we hear it now twenty-five years after the war, when we ask that the poor whites and the negroes of the South be allowed to cast a free ballot and have that ballot honestly counted.

The enfranchisement of the negroes of the South has added thirty-eight members of Congress to the quota due the South under the law of apportionment. The Democratic "solid South" appropriates the thirty-eight members of Congress and asks the nation to treat this monstrous crime against free suffrage with "salutary neglect."

The Republican party demand that the citizens of the nation everywhere under the flag shall be protected in all the rights guaranteed to them under the Constitution. I have here a table of figures illustrating the result of "salutary neglect" in five States of the South, which I desire to print in the RECORD.

In the following-named States the census of 1880 showed a colored majority in twenty-six Congressional districts, as follows:

State and district.	Representative.	Term.	Negro majority.
ALABAMA.			
First district.....	R. H. Clarke.....	First term.....	2,858
Second district.....	H. A. Herbert.....	Seventh term.....	249
Third district.....	W. C. Oates.....	Fifth term.....	3,149
Fourth district.....	L. W. Turpin.....	First term.....	26,612
GEORGIA.			
Second district.....	H. G. Turner.....	Fifth term.....	3,763
Third district.....	Charles F. Crisp.....	Fourth term.....	2,431
Fourth district.....	T. M. Grimes.....	Second term.....	2,947
Sixth district.....	J. H. Blount.....	Ninth term.....	3,229
Eighth district.....	H. H. Carlton.....	Second term.....	4,180
Tenth district.....	G. T. Barnes.....	Third term.....	6,145
LOUISIANA.			
Fourth district.....	N. C. Blanchard.....	Fifth term.....	5,752
Fifth district.....	C. J. Bonnet.....	First term.....	22,154
Sixth district.....	S. M. Robertson.....	Second term.....	4,545
MISSISSIPPI.			
Second district.....	J. B. Morgan.....	Third term.....	2,468
Third district.....	T. C. Catchings.....	Third term.....	14,720
Fourth district.....	Clarke Lewis.....	First term.....	5,773
Fifth district.....	C. L. Anderson.....	Second term.....	1,370
Sixth district.....	T. R. Stockdale.....	Second term.....	1,527
Seventh district.....	C. E. Hooker.....	Sixth term.....	6,440
SOUTH CAROLINA.			
First district.....	Samuel Dibble.....	Fourth term.....	2,236
Second district.....	G. D. Tillman.....	Fourth term.....	6,643
Third district.....	J. D. Cothran.....	Second term.....	1,210
Fourth district.....	W. H. Perry.....	Third term.....	1,590
Fifth district.....	J. J. Hemphill.....	Fourth term.....	2,610
Sixth district.....	G. W. Dargan.....	Fourth term.....	3,295
Seventh district.....	William Elliott.....	Second term.....	24,899

In the same five States the Congressional vote in 1886 was as follows:

State.	Democratic.	Republican.	Congressmen elected.
Alabama.....	51,593	21,916	3 Democrats.
Georgia.....	35,470	1,890	10 Democrats.
Louisiana.....	63,097	20,986	6 Democrats.
Mississippi.....	35,580	7,180	7 Democrats.
South Carolina.....	38,814	85	7 Democrats.
Total vote.....	214,534	52,027	38 Democrats.

In the same five States the Congressional vote in 1888 was as follows:

State.	Democratic.	Republican.	Congressmen elected.	
			Dem.	Rep.
Alabama.....	117,583	53,351	8	.....
Georgia.....	96,046	35,476	10	.....
Louisiana.....	80,432	26,827	5	1
Mississippi.....	86,814	23,600	7	.....
South Carolina.....	65,915	10,051	7	.....
Total vote.....	444,760	150,285	37	1

[Mr. STOCKDALE addressed the House. His remarks are withheld for revision. See Appendix.]

Mr. KERR, of Iowa. Mr. Speaker, I will say in regard to the remarks made by the gentleman from Mississippi that I do not think he has heard anything said by any man on this side of the House in derogation of Southern soldiers or of Southern people. We only ask that a bill which is to give protection to every citizen at the ballot-box shall be passed. The object of this bill is to secure to every man in the Southern States the right to vote according to his convictions of public duty, and to have that vote counted according to his will. Now, this is all that this bill proposes. Is there anything wrong in that? It is to be applied to the North as well as to the South, and it is only to be applied anywhere in case one hundred citizens make the statement that they believe it is necessary to secure a fair election.

Mr. SAYERS. Fifty in a Congressional district.

Mr. KERR, of Iowa. And one hundred in certain other cases.

Mr. SAYERS. Well, fifty in a Congressional district.

Mr. KERR, of Iowa. Fifty in a city or one hundred in a Congressional district.

Mr. SAYERS. Do you not think that you could find fifty men in any Congressional district, if they are to be appointed deputy United States marshals or supervisors, who will make the application?

Mr. KERR, of Iowa. I do not think you could. I certainly have no feeling in this matter, and the only object is to secure a fair vote in this country.

Mr. McRAE. Why do you not have it in your Congressional district to get a fair vote?

Mr. KERR, of Iowa. We will not ask for it.

This bill should be considered dispassionately, with the aid of the best lights within our reach, weighing carefully the facts and the constitutional authority and precedent warranting action.

Lofty declamation and passionate invective have been invoked against the passage of the bill, but these will not silence the demand for a free ballot and a fair count in every part of this country.

Every invasion of the rights of the humblest citizen in matters relating to the suffrage is a menace to free government. The gentleman from Tennessee [Mr. McMILLIN] quoted the author of the Declaration of Independence to repeat his forebodings about the dangers to free governments from the encroachments of the Federal judiciary during the Administration of Mr. Monroe.

It would be a fortunate thing for the country if gentlemen were as free to quote Jefferson in regard to the unalienable rights of man to life and liberty, and "that governments derive their just powers from the consent of the governed."

No man did more in his day and generation than Mr. Jefferson to dignify the sacred right of the citizen to share in the Government by means of the ballot without regard to wealth or social position.

Of course it would be better if the local authorities would concede and secure the right of suffrage, but if they fail the Constitution has not left us without a remedy.

Frequent reference has already been made to the specific grant on this subject contained in the Constitution.

Section 4, Article I, provides—

That the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

The bill does not attempt to provide what shall be the qualifications of electors. It was originally provided that they should be the same as for the most numerous branch of the Legislature of the State, and this has been modified by the fifteenth amendment to the Constitution.

The Congress can therefore make new regulations or alter the regulations of the State already made in reference to elections of members of Congress, prescribing the time the elections shall be held, the places at which they shall be held, and the manner in which they shall be held. This very clearly covers the whole ground and leaves as the only question worthy of serious consideration the question whether there is occasion for the exercise of that power.

In addition to this, section 14, Article IV of the Constitution provides that the United States shall guaranty to every State of the Union a republican form of government. The term republican was defined by Jefferson many times, and I had occasion in the debate on the Wyoming constitution to quote from his letter to James Taylor, written May 28, 1816, in which he said:

On this view of the import of the term republic, instead of saying, as has been said, that it may mean anything or nothing, we may say that governments are more or less republican as they have more or less of the elements of popular election or control in their composition, and believing as I do that the mass of citizens is the safest depository of their own rights, and especially that the evils flowing from the duperies of the people are less injurious than those from the egotism of their agents.

James Madison, in the thirty-ninth number of *The Federalist*, defined the term "republic" as follows:

We may define a republic to be, or at least bestow that name on a government which derives all its power directly and indirectly from the great body of the people. It is essential to such government that it be derived from the great mass of society, not from a portion or a favored class.

These views of these honored statesmen may be considered as conclusive as to what constitutes a republican form of government within the meaning of the Constitution.

If by any means a State confines its suffrage to any portion of its people and excludes another, it is surely not republican in form, and the time to execute the guaranty has arrived and should be executed.

In some sections there is no pretense, even, that colored men are considered in the matter of the selection of officials or in determining public policies. They are counted in determining the political weight of the sections, and the Southern States have thirty-nine Representatives on this floor and in the electoral college based on the colored population of those States, and yet in this House they have no representation from many of those States and only a partial representation in others, and are misrepresented and opposed by over thirty Representatives which the States have by virtue of the existence of that population thus misrepresented.

We had the evidence, complete and uncontradicted, in the case of *McDuffie vs. Turpin*, that men who would not pledge themselves to deprive the colored voters of their just share of popular control were set aside as inefficient and unworthy of confidence.

The excuse for all of this is that—

First. Colored voters are illiterate and ignorant.

Second. That there is danger of negro supremacy.

Third. That property interests would be unsafe.

Ignorance in the voter is much less dangerous to society than organized and educated selfishness. Selfishness combined for oppression, as to retain class supremacy, has been the great foe of human freedom and human progress in all ages. Even ignorant men understand the necessity for just government and easily learn who are in favor of it. Many think there is not so much apprehension of colored supremacy as of Republican supremacy by the aid of negro and white Republican votes.

I was during the war and for some years previous a close student of the opposing forces, and of their motives of action, and when it closed, being stationed at Montgomery, Ala., the first capital of the Southern Confederacy, I was specially interested in the discussions that grew out of the war, and of the changed condition of affairs, resulting from the overthrow of slavery. The advocates of white supremacy were laying plans to get rid of that part of the colored population who had been soldiers in the Union Army.

The editor of the *Montgomery Mail*, which had been one of the ardent advocates of the secession movement, recommended that the colored soldiers to the number of 300,000 be sent to Mexico to drive out Maximilian with a view of getting rid of the danger of their presence in the United States. I addressed, on the 30th day of May, 1865, the following letter to the editor of that paper, which was published the next day on that printing paper which gentlemen on that side of the House will remember. I ask the Clerk to read a copy of that letter, which I send to the Clerk's desk:

Editor of the Mail:

Sir: In your paper you encourage free discussion. I therefore embrace the opportunity to present the views of a sincere friend of the whole country on the question of reconstruction, at present the most interesting to the Southern mind. The soldier has accomplished his mission in this struggle, and whether on the side of victors or vanquished, has displayed heroism to challenge the admiration of the world. Henceforth, we may assume, the statesman will control the destinies of the nation. This struggle has finally and forever settled two questions: First, that under the Constitution there is no right of secession; secondly, that all men henceforth must be regarded as free. Any reconstruction scheme must presuppose the settlement of these two questions in favor of the Government.

The action of the Government toward the seceded States will depend very much on the promptness with which the people adopt these views. If immediate measures are taken by the people to conform to the Constitution and laws of the General Government, the day of harmony is at hand. If they fail to do this the arts of the statesman will be exhausted to create an element that will conform to the new order of things, even if it should proceed so far as the enfranchisement of the freed negroes and investing the governing power in their hands. The Government does not always intend to have military governors and military force in the South, but law and order must be enforced, and if the white citizens fail to enforce the Constitution and the laws the loyal blacks will become the depositories of civil power. The question of the colonization of the negroes has been one of great interest to the people.

The Northern States especially have been pondering over the subject for years, and have arrived at the conclusion that forced colonization would be a crime unparalleled in atrocity in the history of human legislation, and while encouragement of voluntary deportation by legislation might not be criminal, it would certainly imply a disregard of the elements of political economy, and of leading rules of christianity. Now, when the ravages and desolations of war have taxed so heavily the industrial resources of the nation; when so much necessarily exists that the sad scars that mar the beauty of the fair face of the country should be obliterated; when 500,000 strong, industrious men have been taken from the country by the diseases of the camp, or the sword, it behooves the country to economize well all its physical resources.

The national authority has been vindicated by the triumph of the national arms, but the national credit must be sustained by the gradual payment of the public debt, and to do this the more speedily it is necessary that the public industry should be developed in every possible way. He, therefore, who at this hour would send away so large a portion of our producers would, to say the least, be a very doubtful political guide. Rather let our producers be increased in number, that the burden of the public debt may be the less; and by all means let there be no increase in the debt of the nation by engaging in other wars, unless it be for some vital principle. Many suppose that the Northern emigration will supply the demand for labor in the South. This will be found to be a mistake. True, there will be emigrants; but they will create greater demands than they will supply, at least for many years.

Indeed, we believe that in the South will arise the most determined opposition to colonization; for the fears that some entertain of social equality will soon pass away and then the question will be one of economy simply. Another

reason why the South may be expected to oppose colonization is that she will not voluntarily relinquish her influence in Congress based on the representation of so large a class of her population, which she would do in the next apportionment by the deportation of free negroes. The Southern people would do well to weigh all these matters carefully, for ultimately they will undoubtedly regret that they have not in everything been influenced by logic rather than by passion and prejudice; and aside from this there is a great moral question involved. The negroes are ignorant; though free, they need training.

The South and the country can not, if they would, relieve themselves of the moral obligation they are under to prepare the negro for self-control; and doing this cheerfully the people will display their highest qualities and erect a monument to their memory more lasting than monumental brass in the perpetual gratitude of a degraded but rising race. Let the people of the South meet all these questions fearlessly, trusting something to the wisdom of the next generation, and we doubt not the result will be universal harmony and prosperity. If she resists further, and while abandoning the form, still cling to the spirit of slavery and secession, the success of the cause of law and order will not be less sure, but the South will yet have to continue in the valley of humiliation.

OCCASIONAL.

MONTGOMERY, May 30, 1865.

Gentlemen on that side of the House, and especially the gentleman from South Carolina, has alluded to the period of reconstruction in terms of such unmeasured denunciation that it requires temerity to avow amidst so much denunciation any sympathy with the policy of reconstruction. The letter just read predicted the adoption of those measures under certain contingencies. There were mercenary men in the reconstruction period there is no doubt; but the governments they formed then were the groundwork out of which has grown the present prosperity in those States.

Mr. SAYERS. There was not a government formed in the South in the reconstruction period in any State where the constitution has not been changed since that time.

Mr. KERR, of Iowa. Some of them have been changed and some have not. I understand that the constitution of South Carolina has not been changed.

Mr. TILLMAN. The constitutions of all the conquered States except South Carolina and Mississippi have been changed, and Mississippi has called a constitutional convention.

Mr. KERR, of Iowa. Well, there are Mississippi and South Carolina which have been living for fifteen years and which are still living under the constitutions formed by reconstruction.

Mr. TILLMAN. And, if the gentleman will permit me to say it, the constitution of South Carolina is most ill-adapted to her people and their condition.

Mr. KERR, of Iowa. That may be the gentleman's view of it.

Mr. TILLMAN. It is the view of all our people, and that is one cause of the upheaval among them. They have determined to get rid of the abominable concern, and it has been their poverty, in part, that has prevented them from doing it at an earlier day.

Mr. KERR, of Iowa. They found slave-State constitutions and slave codes, and wiped them out. They found laws making it a crime to educate a colored child, and they provided universal public education.

Those measures that then were denounced as unparalleled extravagance are now settled policy, as they claim.

I was not astonished at the defiant attitude of the gentleman from South Carolina. South Carolina was an old Federal State. She had very little, if any, sympathy with the views of Thomas Jefferson with reference to human rights. Her organization has always been aristocratic. She had a property qualification before the war. She elected her electors by the Legislature rather than by the people.

She time and again defied the national authority, and was the acknowledged leader in the war of the rebellion for the establishment of a slave Confederacy, and as a consequence the triumph of the Union and the restoration of the flag to the ramparts of Fort Sumter and the establishment of a republican government in that State was more humiliating to that State than to any other portion of the South.

Mr. HEMPHILL. The gentleman does not mean to say that I said that?

Mr. KERR, of Iowa. No; I will come to what you said. I am saying that I was not surprised at your remarks.

The gentleman voices that humiliation and gives strong expression to that feeling in saying that she was fleeced by the picked scoundrels of the United States. And yet he must admit that she was redeemed from that government by the Republican party and a man of the highest character was her last Republican governor.

He is master of the use of language, and he addresses us in the language of persuasion, but he concludes by saying, unless my argument is listened to and approved I fling full defiance in your face.

Mr. HEMPHILL. It is only just for the gentleman to give me an opportunity to say at this point that I made no such remark as that in any such application. I said there were people who would not listen to the truth, upon whom we could make no impression, and could not expect to make any, and that we defied them, and we do defy them.

Mr. KERR, of Iowa. The gentleman repeats it. That is, unless we adopt his convictions as to what we ought to do or to accept, he defies us.

Mr. HEMPHILL. No, sir; not at all.

Mr. KERR, of Iowa. Then the gentleman grows warm, and grows reckless, and with tragic manner and vehement speech declares we must rule or we must leave, and before God, I say it with reverence, we will not leave.

The gentleman inquires "are we not our fathers' sons?" We have had occasion before in our history to witness the defiant attitude of South Carolina. She has before thrown down the gauntlet. Formerly it was in the name of slavery and rebellion, and we reply are we not our fathers' sons? Are we not the men and the descendants of the men who grandly resolved that the Federal authority in all its vigor should be maintained on every part of the American soil for the protection of the citizen and for the preservation of the Union?

And we affirm, with all the solemnity of the gentleman from South Carolina, that if the votes of the colored Republicans of South Carolina joined with those of the white Republicans of that State make a majority of that Commonwealth, or of any Congressional district thereof, that verdict will be maintained. [Applause on the Republican side.]

Mr. HEMPHILL. I agree with you entirely about that.

Mr. KERR, of Iowa. I am glad to hear it.

Mr. HEMPHILL. But I say the purpose of this bill is to take charge, not only of the Federal elections, but of the State elections also.

Mr. KERR, of Iowa. Then you misunderstand it.

Mr. HEMPHILL. I do not misunderstand it. If you will give us a law which will operate equally in all parts of the United States, and apply to Federal elections only, we can stand as many bad laws as you can, so far as that is concerned.

Mr. KERR, of Iowa. I say to the gentleman, as was said by one of our great poets over a quarter of a century ago, in that forceful address of "Brother Jonathan to Sister Caroline":

You were always too ready to fire at a touch;
But we said, she is hasty; she does not mean much.
We have scowled when you uttered some turbulent threat
But friendship still whispered forgive and forget.
Oh, Caroline! Caroline! child of the sun!
There are battles with fate that can never be won.
The star-flowing banner must never be furled,
For its blossoms of light are the hope of the world.

[Applause.]

That flag is the emblem of popular government. It is the pride of the nation, the first utterance of which was the declaration of human political equality.

In view of the declaration of the gentleman, it would seem to be unnecessary to prove in this debate that the colored people of some portions of the South are denied the exercise of the rights guaranteed to them by the Constitution of our country, for the gentleman declares that they shall not rule. Nor is the gentleman alone in that determination. The gentleman speaks for South Carolina. The gentleman from Alabama [Mr. OATES] is reported by a paper in his State as having expressed similar sentiments about Alabama. I send to the Clerk's desk and ask to have read the interview as reported in that paper, which has never been disavowed. It was printed in the RECORD of June 4 as a part of the speech of the gentleman from Minnesota [Mr. COMSTOCK]:

I think it is probable that he will try Hayes's policy on an enlarged and surer basis of giving the offices to protectionists and weak-kneed Democrats as a means of disintegrating the Democratic party and giving to the negro voters more respectable white leaders than they have had heretofore, and he will find some who are for sale. The number will depend very largely upon the social status which the earliest converts are allowed to retain. If no difference is made between them and Democrats in this respect the number will be much greater than if the old ostracism of the reconstruction era is maintained. But in any event, the number of birds caught in the Federal trap will not be great enough to break up the solid South unless the Republican heart of the negro can be fired so as to bring them to the polls and vote them solidly for the Republican party. This will be very difficult if not impossible of performance, for the reason that when the negroes flock to the polls to take control, race antagonism is aroused and the irrepressible white men will not submit to it.

Congress will, I believe, amend the laws so as to authorize supervisors of Federal elections to be appointed by Federal judges, with powers much enlarged above those they may now exercise for the purpose of encouraging the negroes to vote and to have their votes counted, and make any interference with the supervisors punishable by the Federal courts. We all know that nine-tenths of the negroes are Republicans, and that when they vote at all it will be, with few exceptions, the Republican ticket. They do this, not from convictions of duty or by process of reason, but from race prejudice. The stimulus which will make the negro an active partisan will invite a few more carpet-baggers into the South to be sacrificed as office-holders, but they will be less numerous than formerly, because the negroes themselves will want the offices. There will not be harmony in the camp. In some localities their domination may be submitted to, while in others there will be race conflicts and bloodshed.

The increased representation which the enfranchisement of the negro gives the Southern States in Congress and in the electoral college, all of which are Democratic, is the one sore spot in the Republican spine, and they will make desperate efforts to change it. These may have some effect upon Southern prosperity and progress—they will create an apprehension—a distrust which will be felt, but they will not stop our progress, because such a policy will prove a failure. These States are white men's governments, and white men will make and execute their laws without the dictation of negroes, Chinamen, Indians, or any other colored race of men.

The gentleman from Alabama is a man accustomed to weigh his words. He is acknowledged, as is also the gentleman from South Carolina, as among the ablest members of this House. We have had a very great number of election contests before this body in which charges of fraud, intimidation, and suppression of the votes have been established. One man who had been elected, as was claimed by his friends, to this body, Mr. Clayton, of Arkansas, lies cold and silent in death, shot by political assassins while attempting to prosecute men who had stolen ballot-boxes with a view to reverse the verdict of the people at the polls. Is it not about time that Congress should exercise the power conferred on it by the Constitution to supervise efficiently the election

of members of this body? The power to control the entire subject, clearly granted, implies the right to exercise a less important supervision and to declare the result.

The situation is one of momentous importance. If we falter in our duty to the citizens of the country we will prove ourselves unworthy of our high trust. We failed in that duty once before, and the masses of people thought the party had abandoned its high duty and left it in disgust. Gentlemen on the other side have made a parade of their love of the colored race, and the faithful old black mammy has more than once been extolled as an object of devotion and admiration. Both the gentleman from Mississippi [Mr. HOOKER] and the gentleman from Virginia [Mr. TUCKER] have pronounced appropriate eulogies over that faithful domestic.

If that good old soul patiently performed the double duty of raising her own children and those of her mistress, she certainly is entitled to their gratitude, if not to eulogiums for her nobility. It would show greater appreciation of the kindness of that faithful domestic to accord to her own sons the free exercise of the privileges accorded to them by the Constitution. Much has been said about the assumption of the power by the National Government to correct local wrongs. All of the gentlemen on the other side have grown eloquent on this feature of this case. We have seen this morning the pronouncements of the Democratic members of this House to the country against the strengthening of this law.

The reasons given for the entire abdication of the authority of the Government to protect the citizen and secure the suffrage are reasons that have been presented before by the same gentlemen against the national authority when the life of the nation was involved, namely, that it violated the rights of the States. Gentlemen affect great regard for the fathers of the Constitution; but Mr. Madison, in the forty-third article of *The Federalist*, in reference to local violence growing out of conflicts of parties, said:

It will be much better that the violence in such cases should be repressed by the superintending power than that the majority should be left to maintain their cause by a bloody and obstinate contest. The existence of a right to interpose will generally prevent the necessity of exerting it.

The same distinguished statesman said further, in the same article:

In cases where it may be doubtful on which side justice lies what better umpires could be desired by two violent factions flying to arms and tearing a State to pieces than the representatives of confederate States, not heated by the local flame? To the impartiality of judges they would unite the affection of friends. Happy would it be if such a remedy for its infirmities could be employed by all free Governments; if a project equally effectual could be established for the universal peace of mankind.

This expression of the opinion of Mr. Madison about the propriety of national intervention in cases of violence is worth a whole battalion of men whose motives seem to be wholly influenced by a desire to excite popular prejudice in order that they may profit by continued repression of the Republican votes of the South and yet still retain forty Representatives based on the colored population, to dictate the laws for the nation and misrepresent the popular will. Montesquieu said, in speaking of the advantages of a confederate republic, "that should a popular insurrection happen in one of the States, the others are able to quell it; should abuses creep into one part they are reformed by those that remain sound." In this hope we advocate the passage of this law. [Applause on the Republican side.]

Mr. DARGAN. Mr. Speaker, I am far, very far, from agreeing with many of the views expressed by the gentleman from Massachusetts [Mr. LODGE], who opened this debate. But for one thing, at least, he is entitled to the gratitude of this House and the country. He discussed the race question in the language and temper of a scholar and a gentleman. This marks progress. This opens, I hope, a new era in the discussion of this momentous question by Republican members of this House. However this may be, of this we may be sure, that until this question is considered with fairness and moderation there can be no possible solution of it.

Having said what I think candor demanded that I should say in regard to the spirit and temper of the argument of the gentleman from Massachusetts [Mr. LODGE], I must express my great surprise at one or two of the statements and arguments to which he seemed to attach great weight. My limited time will not permit me to do more than refer to them very briefly.

The gentleman says, among other things:

The South comes to this Congress with the demand that measures should be taken to deport the negro population. That the proposition is impracticable does not deprive it of its significance. It is a confession of failure and a cry of despair.

Now, Mr. Speaker, with all due respect to the gentleman from Massachusetts, I say this remarkable statement is utterly without foundation in fact. The South has never, directly or indirectly, made any demand for the deportation of the negro population. She has never done anything or said anything which could, by any unprejudiced person, be tortured into the semblance of such a demand.

Mr. WADDILL. I wish to ask the gentleman whether Senator BUTLER, of his own State, did not introduce such a measure into the Senate.

Mr. DARGAN. He did; and he and one other Senator are the only members of Congress in either branch who favor the proposition.

Mr. WADDILL. It has not been passed upon yet, I believe?

Mr. DARGAN. No, sir; it has not been passed upon, but I reiterate what I have said, that no man in either House of Congress except those two Senators favors the proposition.

On the contrary, it is well known in what may be called "Congressional circles" that of the Senators and Representatives from the South, all except three, at the outside, are strenuously opposed, not only to the deportation of the negro, but even to the agitation of that question. So much for this extraordinary and utterly unwarranted statement, which I will say, however, is fully as well founded as many other strange statements of well-meaning men and women who look at everything "Southern" through the distorted spectacles of bitter prejudice.

The gentleman from Massachusetts [Mr. LODGE] adduces a long line of figures and numerous tables to show that the number of votes cast at the North for Representatives in Congress is much larger than the number of votes cast for the same number of Representatives at the South, and having established this fact to his own satisfaction he infers with great confidence that the negro vote is suppressed by fraud.

Now, the question may well be asked, how does he know they are suppressed by fraud? How does he know that the negroes of the South do not do habitually what white people often do at times at the North, at the South, and indeed everywhere where there is anything like universal suffrage, voluntarily refrain from voting?

Does he not know that one of the methods by which the whites control Southern elections is by persuading colored voters not to go to the polls? Is there any more fraud in persuading a man not to vote than there is in persuading him to vote a certain ticket? But beside all this, is the gentleman satisfied that people who have a vote will always, or even generally, cast that vote? Does he not know that wherever universal suffrage prevails there is always a large percentage of the voters who at any ordinary election do not take the trouble to vote, and would he undertake to say that the negro after twenty-five years of citizenship can not be persuaded not to vote? Is there such a fascination about voting; have men such a passion for voting that they will not only not fail to vote, but they can not be persuaded from doing so?

The gentleman is a reader of history, as well a writer of it, and he ought to know and does know that one of the evils complained of by many writers on government is the small estimate in which the right to vote is held wherever universal suffrage prevails, and the great neglect which voters are guilty of in this regard. Out of many authorities which might be cited on this point I quote only one. Sir Henry Main (*Popular Government*, page 30) after quoting from Sir James Stephen, says:

There is no doubt that in popular governments resting on a wide suffrage, either without an army or having little reason to fear it, the leader, whether or not he be cunning or eloquent, or well provided with commonplaces, will be the wire-puller. The process of cutting up political power into petty fragments has in him its most remarkable product. The morsels of power are so small that men if left to themselves would not care to employ them. In England they would be largely sold, if the law permitted it; in the United States they are extensively sold in spite of the law; and in France, and to a less extent in England, the number of "abstentions" shows the small value attributed to votes.

In corroboration of Sir Henry Main on this point, I beg to refer to *Essays on Practical Politics*, by Mr. Theodore Roosevelt, of New York, an able and justly distinguished member of the Republican party. My limited time prevents a further discussion of the argument of the gentleman from Massachusetts, and I propose to examine another argument made by a still more prominent member of the Republican party.

Of the many reasons why this bill should not be passed, I know of none stronger than one or two suggested by Speaker REED in his celebrated Pittsburgh speech. That the distinguished Speaker was utterly unconscious that he was stating convincing reasons why this measure should not be adopted, in the very speech in which he was urging that it should be adopted, can not be doubted. But this only renders these suggestions the more worthy of consideration. In this well-known speech, delivered on the 26th day of April last, he uses the following language:

I have not, for years, been one of those who have talked about the South. For the last eight years no man has heard me, in the House or in the campaign, discourse upon either outrages, or wrongs, murders, or shootings, or hangings. My silence did not arise from any approval of murder, of terrorism, or of fraud at elections. It did not arise from any ignorance of facts or any doubts of the great wrongs which are perpetrated against government by these people. It arose from a conviction, deep-seated in my mind, that the remedy for these political wrongs could not come from politicians, but from the people. Until they were aroused any efforts of ours would utterly be in vain. In fact, politicians are only seventh-hour men. They are worthy of their penny, but they never bear the burden and heat of the day. If they cry aloud before their hour they only turn back the shadow on the dial.

It thus appears by his own showing that during eight long years of "outrages," and "wrongs," "murders," "shootings," and "hangings," the distinguished speaker did not "in this House," or "in the campaign," open his lips even in protest; and that this silence did not arise from any approval "of murder, or terrorism, or of fraud at elections," neither did it "arise from any ignorance of facts or any doubts of the great wrongs which are perpetrated against government by these people." But it arose from the "deep-seated conviction"

"that the remedy for these political wrongs could not come from politicians, but from the people."

"Until the people were aroused any efforts of the politicians would utterly be in vain; that, in fact, politicians are only seventh-hour men." "They are worthy of their penny, but they never bear the burden and heat of the day. If they cry aloud before their hour they turn back the shadow on the dial."

The doctrine here so strikingly presented by the distinguished Speaker is undoubtedly sound, political teaching. The people alone can redress political wrongs. The politicians are only the agents or instruments by or through whom the people enact their abiding sentiments or judgments into laws. Until the people are aroused, all actions of the politicians are indeed "utterly vain." If they are to be operative, if they are to influence character and conduct, human laws as well as divine ones must be "written not only on the statute-book, but also on the hearts and consciences of men." And history fully sustains the further statement so made by the Speaker, that if politicians "cry aloud before their hour they only turn back the shadow on the dial." Now, Mr. Speaker, how is it in regard to the bill under consideration? Are the people aroused? Do the people want this law?

Is there any demand for it from any part of the country? Is there any demand for it even from the Republican party? Is it not a notorious fact that a few extremists of the Republican party, led by the Speaker of the House, have for months past been trying by caucuses, by private conferences, and by newspaper and magazine articles to persuade the Republicans in the two branches of Congress to make this measure a party measure and enact it into law? What the state of the public mind was in regard to this question as late as the 26th day of April last, only two months ago, the Speaker himself leaves us in no doubt. In this same Pittsburgh speech he says:

What, then, is the remedy? I speak only for myself. What I say binds nobody but me, and not even me, if the Republican party prefers another policy; but, speaking for myself, it seems to me that the only wise course is to take into Federal hands the Federal elections.

Here, then, is the usually clear-headed Speaker saying in one breath that during eight years of "murders," "shootings," and "hangings" he proposed no remedy because he had a "deep-seated conviction" that the remedy "could not come from politicians, but from the people," and in the next breath proposing a very radical and dangerous remedy which he admits in express terms comes from nobody but himself, and is without the indorsement even of the party of which he is the leader. [Laughter.] Applying the principles he lays down to the facts which he admits, and the Speaker and his few coworkers in this scheme "to take into Federal hands Federal elections" are "politicians who cry aloud before their hour," and who therefore can only "turn back the shadow on the dial." In other words, they are, according to Speaker REED's own principles, engaged in work which must do harm and not good.

Speaker REED thinks it very illogical in the Southern people to deny the existence of frauds at elections and at the same time to justify the frauds. Is it less illogical for a politician to declare that for eight years he has proposed no remedy for these frauds, because he has a "deep-seated conviction" that "the remedy could not come from the politicians, but from the people," and in the same speech propose a remedy which he admits in express terms comes only from himself? But whatever may be thought of the Speaker's logic, his doctrine that a remedy for political wrongs, unsupported by public sentiment, is not only useless, but is pernicious, is sound. And, as already suggested, this bill, tried by the principles of its own author, in the light of facts which he admits, is utterly condemned. But Speaker REED, in this same Pittsburgh speech, makes another statement, or "prophecy," as he calls it, which is strangely inconsistent with his advocacy of this bill.

After speaking of this measure, recommending its adoption, and defending its constitutionality, he says:

It will put an end to all bickerings. The Southern States will then by themselves grapple with the problem of whether any State of a republic can permanently enshrine injustice. Freed from all right of interference, exceptional and advisory, from the North, within their own borders and within the limits of their own State rights, they will have what they have longed for, the power to work out their own peculiar problem themselves, and I venture to prophesy, as I sincerely entertain the hope, that the relief from outside pressure will break down the race issue, and as the Southern people divide, not on the color issue, but on the questions which make up sound politics and good government, then, as the Constitution of the United States and the principles of our American system always intended, the voter, whether white or black, will contribute his share to the government of all, and the hopes which were at the foundation of all our great sacrifices will be finally and completely fulfilled.

Here, indeed, is a most extraordinary utterance. Here is the Speaker of this House, a prominent Republican leader, and the originator of this bill, insisting upon taking "Federal elections into Federal hands;" insisting on a most vigorous application of "outside pressure" to the Southern problem; and at the same time saying in the plainest possible language that he bases his hopes of a peaceful and permanent solution of this problem upon the relief of the Southern people from "outside pressure." Now, sir, I call upon this House and the country to accept his principles and reject his measure. If his principles are correct, his bill must be wrong. The practice and the precept are hopelessly irreconcilable.

Mr. Speaker, the only possible hope of a successful solution of the race problem is in the absolute and unqualified relief of the South from outside pressure. Its successful solution will call into requisition the highest attributes of human nature, firmness, courage, self-control, patience, and the broadest and most generous humanity. If not interfered with, I firmly believe the South will by the exercise of these high qualities honorably and successfully solve this problem. But if in order "to vote its ignorance" the Republican party insists on having a Federal election law, no man can predict the end. Here, as elsewhere and everywhere, I say most emphatically that the colored people of the South ought to be treated not only with justice, but with the utmost liberality. I concur most fully with the gentleman from Massachusetts [Mr. LODGE] that they did not come to this country by their own act, they were not freed by their own act, they were not made voters by their own act.

For all these things the white men of the country, North and South, are responsible. And I wish to say here and now that I have not one unkind feeling towards the colored people of the South. They have always been polite and kind and faithful to me and to my family under all circumstances, and I should be ashamed to return to my home and look either the colored or the white people of my district in the face if I should say otherwise. If I know my own heart, I have a sincere desire to see the colored people of the South prosper; and I say without the slightest hesitation that I have a most profound conviction the passage of this bill will be a most damaging blow to their best interests and will postpone indefinitely the solution of the most serious problems by which they are confronted. [Applause on the Democratic side.]

I yield the remainder of my time to the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Speaker, the time at my command will not afford me opportunity for any complete or systematic discussion of this bill. I must therefore premit any attempted analysis of its provisions in detail, and rest the case on what others have said as to its faultiness of construction and general incertitude; its intricacies and complications; its doubtful interpretation; the troubles that must inevitably arise from and attend upon any effort at its practical enforcement; its espionage over and interference with the liberties of the citizen; its multiplication of offenses, pains, and penalties; the discordant, cumbersome, and costly machinery which it is proposed by its provisions to set in operation; its solicitation to raid upon the public Treasury, and the inevitable clash and conflict it must produce with State laws and State authorities if its ultimate passage and application shall be consummated. The dissection and criticism which its terms and compass invite as to these and other infirmities and vices I must forego, and content myself with the statement that its purpose, its scope, and structure can not successfully stand before the deliberate judgment of earnest, enlightened, patriotic, and thoughtful men. Wherever the sway of passion and prejudice yields to calm and careful investigation, it will meet, as it deserves, an abiding and irrefragable condemnation.

But I feel impressed; Mr. Speaker, with a sense of representative duty, too strong and urgent to be stifled or suppressed, to record my intense and uncompromising hostility to the enactment of the legislation now proposed. Never since I have been a member here have my fears and apprehensions for the safety and tranquillity of my country been so aroused, my sense of patriotism so shocked and startled, my devotion to the basic principles of republican institutions so wrought upon, my pride of Americanism so assailed, and my hopes for the future dignity and integrity of the States in their autonomy, and the Union in its appropriate exercise of delegated authority so depressed, as have resulted from the contemplation of this awful movement. I feel, and seriously feel, that we stand in the presence of an impending deadly peril to the very foundation of the traditions and institutions of our country—that the house our fathers built is about to be destroyed, and that amid its ruins will be crushed the furniture of free and distinctive popular government.

Sir, when the framers of the Constitution formulated our organic law they left around the States the sacred circle of autonomy. Their utterances and the history of their deliberations, as well as the contemporaneous construction by the people of that period, all go to prove that it was never contemplated or intended that improper, aggressive, Federal power should make a step or plant a foot within the domain thus defined. The "States respectively and the people" have never surrendered to the General Government the power to interfere with or assume control of their own internal affairs. They have jealously kept to themselves the entire residuary mass of authority not expressly delegated to the United States.

There is no more cardinal and distinctive element of our national life than that of the right of suffrage, the right to vote. This primary and fundamental privilege of free participation in the exercise of political power; this right to "choose" legislators and public functionaries "by the people," more clearly than all others, perhaps, illustrates the difference between republics and monarchies. Here we have no hereditary official succession. Here men are not born rulers of the people. Here sovereignty is the people. So odious and distasteful was any designation of inequality in citizenship to our fathers that

they have declared to us, as a supreme doctrine for our guidance, "No title of nobility shall be granted by the United States."

There was no subject which more thoroughly awoke the solicitude and engaged the long and serious attention of those who framed the Constitution than that of suffrage and the manner of its exercise. It came well nigh disrupting the convention at one time when the point was reached, even, concerning the rule of suffrage and the matter of voicing representation in the two branches of the National Legislature. It was reported by Martin that the convention was "on the verge of dissolution, scarce held together by the strength of a hair." It was at that crucial juncture when Franklin proposed that the convention should be opened every morning by prayer, and said:

The longer I live the more convincing proofs I see that God governs in the affairs of men. I firmly believe that "except the Lord build the house, they labor in vain that build it."

It was not unconsidered nor unforeseen that some evils, some unfairness, some injustice as the result of improper influence, adverse conditions, and even wicked combinations might accompany and impair the integrity of popular elections, and Mr. Mason said in the convention—

That much had been alleged against democratic elections. He admitted that much might be said, but that it was to be considered that no government was free from imperfections and evils, and that improper elections in many instances were inseparable from republican governments. But compare these with the advantages of this form in favor of the rights of the people, in favor of human nature.

Verily, in the genesis of this great Republic our ancestors knew whereof they spoke, and with marvelous comprehension appreciated the entire problem of popular government and national economy. Finally there was evolved from the grave deliberations of the convention the proposition found in section 4, Article I, of the Constitution:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

I am aware of the construction which this provision of the Constitution has received at the hands of the Supreme Court, and I accept if I do not indorse, I obey if I do not approve, what the courts decide as the ultimate conclusion. It doubtless is true that Congress has the power by express grant both to "make" and "alter such regulations," but I shall always believe that it was never intended to be exercised except in the case of non-action by the States in the matter of providing for and securing representation in Congress, or in the event of other and graver emergencies than are now to be found in any of the States of the Union, or causes essentially different from those upon which the support of this bill is attempted to be justified.

After a careful reading of the debates in the convention and the history of the times, I am impressed that it was never contemplated to allow Congress to unmake or destroy reasonable regulations of common application in the matter of Federal elections, which the States in their capacities as such might make, or without the gravest necessities to alter the regulations adopted by the States. That the States should ever degenerate to mere local dependencies upon Federal power was utterly foreign to the purpose of the Constitution and the causes of its adoption.

Appropriate action has been had by the States all over the Union in the matter of Federal elections. Each and every State is represented here by members chosen by the people in pursuance of the laws prescribed by the respective Legislatures thereof. It seems to me absurd to say that the people may choose their Representatives and then allow that choice to be coerced or reversed and nullified by the fiat of partisan Federal officials.

A period of forty years—

Said Mr. Story when he wrote on the Constitution—

has since passed by without any attempt by Congress to make any regulations or interfere in the slightest degree with the election of members of Congress. If, therefore, experience can demonstrate anything, it is the entire safety of the power in Congress, which it is scarcely possible (reasoning from the past) should be exerted unless upon very urgent occasions.

After mentioning the variety and want of uniformity in the manner of elections in different States, and other inconveniences, as well as even occasional failure of representation on the part of some of them at extra sessions, the same learned author says:

Still, so strong has been the sense of Congress of the importance of leaving these matters to State regulation that no effort has been hitherto made to cure these evils; and public opinion has almost irresistibly settled down in favor of the existing system.

Mr. Speaker, this bill involves a dangerous departure from the system approved and crystallized by the thought and policy of a century. Whatever may have been decided by the courts of last resort upon the cases before them as to the power of Congress in the premises, I can not and will not believe that we shall ever see the day when all the provisions and purposes of this iniquitous measure will receive judicial sanction.

But if the power be conceded, whence arises any extreme and urgent necessity for its exercise? What extraordinary circumstances, what perilous emergencies demand that in this, the last decade of the nine-

teenth century, the statute-books of the United States should be blurred and blotted with this untoward and abnormal legislation? Congress has the power "to declare war and grant letters of marque and reprisal," but who would contend that such a power should now be invoked, when we are at peace with the nations of the earth?

Why is this measure thrust upon legislative attention, and by extreme and arbitrary exercise of parliamentary dictation sought to be driven to speedy and indeliberate conclusion in this great House of the people? What is the real animus of this movement?

In my judgment, Mr. Speaker, it is born of the exigencies of partisan malevolence and partisan struggle for the perpetuation of the political party supremacy which now controls every department of the Federal Government; but I will do the majority in this House the justice to say that it meets the opposition of some of its members who are in a position which qualifies them to fully appreciate and anticipate the detriment it necessarily involves; and there are others whose judgment and discretion, I think, do not affirm its propriety, and who, I believe, would gladly escape the party necessity which constrains them to its reluctant support.

Mr. Speaker, however general and comprehensive the terms of this bill may be, as maintained by its advocates, whatever may be said as to its object of national application, he is a dull observer and an incautious listener to the utterances of its supporters in the range of this discussion upon it who has failed to perceive that it is designed to be essentially sectional in its character, and that its operations are expected to be limited to given localities, to certain districts. It is aimed, possibly, not at the entire South, but to particular districts in particular Southern States. It seemed to me that what was said by the gentleman from Massachusetts [Mr. LODGE] as to certain conditions which obtained in New York twenty years ago, and his deductions therefrom, were employed but as a spring-board from which to jump upon the special field he designed to reach—the so-called "negro districts" in the South.

No specific attack is apparent against the State which I have the honor in part to represent, and there seems to be no pretense of complaint against the integrity of its ballot and the honesty of its enumeration. I can say for the district of which I am the accredited Representative—the ninety-seven counties, embracing an area as large as ten States of this Union, which I could designate, whose sovereign people have sent me here for four terms, that we can live under any Federal election law which can be tolerated by the voters of Maine or Massachusetts. You might dump the whole State of Massachusetts within that Congressional district and its entire territory would not make a respectable cattle-ranch. [Laughter.] It has a cosmopolitan population. Its immigration comes from almost every State in the Union, and from across the great waters. Northern capital has found safe and profitable investment within its limits. The ex-Union soldier lives side by side with the ex-Confederate soldier—one fence frequently divides their farms and ranches—they send their children to the same school, worship at the same church, vote at the same ballot-box, and as a general thing the same ticket. They feel that the war is over and the day of hate and bitterness is ended.

Mr. Speaker, there is, I think, a total ignorance and misconception among many people, well informed on other subjects, as to the real feeling of the Southern white people towards the negro. That there have been sporadic disturbances and occasional clash between the two races is not denied, and it could hardly be expected that such could be escaped. What troubles we have had in the past have been greatly instigated by unworthy and designing local white men, bent not so much on accomplishing the good of the black man, or prompted by any respect or affection for him, as the compassing of their own selfish purposes and the utilization of race prejudice from unmanly motives and to sinister ends.

No one has, no one can have, in my judgment, the same sympathy for the colored people that their former owners entertain. Why, sir, we grew up with them, we played with them in boyhood, we have been thrown in daily contact with them both before and since the war, and they are, as a rule, attached to us, strange as the statement may sound to some. We have been with them at the cradle and at the grave. We understand their natures and dispositions, and I do not hesitate to declare that we are better friends to them and would be more to relieve them in distress than those who express so much concern and commiseration for them from a distance. The difficulties we have had are passing away; they are growing less and less as the years go by. We are educating them, upbuilding them, and preparing them for the duties and responsibilities of life; and they are learning habits of thrift, acquiring property, and gradually growing wiser and better.

Time and change and the evolutions of experience will finally work out the entire problem of the race question much more speedily and satisfactorily than can possibly be effected by resort to force, to doubtful methods, or appeals to passion. You concede that you must leave them where our State laws place them in all matters not distinctively Federal, that you can not invade the province of defined State control over its own citizens, and the responsibility and obligations of such citizens to State government. You are gracious enough to tell us that we are

allowed to conduct our elections for State officers in our own way and after the manner of our own enactment. This privilege and this duty and the demands of our civilization and the conditions around and about us all admonish us of the real importance of the situation and prompt us to all earnest and suitable efforts.

There is not an intelligent and patriotic white man in the South who does not realize and appreciate the extent of the rights of the colored man as a citizen. I doubt if there be one man in one hundred who would put him back into slavery if he could. While his manumission fell heavily on our old men, and many of them never recovered from the shock and gloom consequent upon the sudden, irretrievable loss of what his slavery involved, laying aside all considerations as to the manner of his emancipation and kindred questions, experience has taught me to believe, and practical observation has brought me to the conclusion, that to the young men of the South it has been not without an advantage. We all know that the black man is destined to live not only among us, but among our children's children; and knowing that fact begets within us a desire and solicitude for his future well-being as well as our own. Is it, then, asking too much when we say to you, "Let us alone and trust to our conservatism and patriotism in the solution of a problem the gravity of which and the consequences involved we fully understand and from any unfortunate issue of which we constantly pray a safe deliverance?" Upon us immediately is to fall the result of any mistake and mismanagement into which by any possibility we may be led.

Mr. Speaker, it is not my intention to review the history of the war or the causes that brought it about—to dwell upon that terrific struggle in which billions of treasure were expended and sacrificed and the souls of a million of men went from the deadly field or the gloomy hospital to the realm of final account. It is enough to say that the spirit that led men to the cannon's mouth in organized effort to maintain their conscientious convictions on either side in that awful conflict are entitled to the respect and admiration of all mankind. Those who had "a place in the picture near the flashing of the guns," who underwent a community of peril, and know what actual martial service means, can not despise the nerve and valor which characterized the Southern soldiery. It is a marvel in the annals of all warfare that we were able for the four long and blood-stained years from Sumter to Appomattox to withstand the overwhelming forces we encountered. Verily, we "charged armies while all the world wondered," and how often "the red field was ours" is almost incredible to relate.

When the end came and the arbitrament of the bayonet had settled the issue, foot-sore and weary, battle-scarred and exhausted, we returned to our wasted homes. We summoned around us our colored people, who represented millions of dollars to us, and which by the laws of our country we had been taught to regard our own, and we told them they were no longer bond, that thenceforth and forever they were to be free. We supplemented these individual declarations by legislative ratification of your constitutional amendments. We passed laws in pursuance thereof. We went through the dark and desperate period of reconstruction, when wanton extravagance and reckless prodigality and unblushing fraud and corruption played havoc with such resources as the war had left us. Verily, *we victis* was written on every page of that shameful history.

With renaissant strength, patient endeavor, and phenomenal energy we have survived it all and are to-day on the high road to wonderful prosperity and the most promising achievement. Our "wilderness and solitary places have been made glad and our deserts do blossom as the rose." The springs of industrial enterprise which had ceased to flow have started afresh, and no broad-gauged and liberal-minded American, I care not from whence he may come, can visit our region, mingle with our people, and witness our material development and all the conditions of our civilization without a feeling of pride and gratification.

Northern people who have since the war cast their lots with us and constitute a part of our citizenship have by the processes of attrition and association been led to blend their aspirations with ours, and feel a commutual interest in all that concerns our quietude and success. Take testimony of them, and few, indeed, would be found who would approve the spirit and objects that actuate the passage of this bill, or view without the profoundest concern and apprehension the results to follow it.

Mr. Speaker, one of the most brilliant pieces of oratory that adorned the great tariff debate in the last Congress was the product of the brain and genius of the accomplished gentleman from Michigan [Mr. BURROWS] when at the close of his speech he spoke of the South. Eliminate from it the fact that it was delivered on a different subject, and strike from it the support of high taxation, and how beautifully applicable it would be to the measure now under consideration. With the qualifications indicated, I desire to embellish what I here say with its reproduction:

Let me warn you, gentlemen of the South, that this measure bodes no good to you. It will arrest the investment of capital in your midst and bring your industries to a standstill. There is no portion of our country where this measure should meet with a more united and determined opposition than in the South. Untoward circumstances have heretofore retarded her material progress, but the way is now open for her to march unimpeded to a splendid indus-

trial future. The advance is already sounded. He who does not respond to its inspiring summons will soon find himself without a party and without a following.

I rejoice that there is a new South, a new industrial South, born of the throes of war, but full of hope and full of courage. [Applause.] She stands to-day with uplifted brow facing the dawn of a mighty future. Her loins are girt for a new race. With unfettered hands she smiles the earth, and fountains of unmeasured wealth gush forth. Beneath her feet she feels the stir of a marvelous life. Her pathway is already illumined with the light of blazing furnaces. Her heavens are aglow with the break of a new day. All hail its coming!

"Aid its dawning, tongue and pen;
Aid it, hopes of honest men;
Aid it, paper; aid it, type;
Aid it, for the hour is ripe;
And our earnest must not slacken into play.
Men of thought and men of action, clear the way!"

And when the sun shall reach the zenith of that glorious day the North and the South, cemented in the indissoluble bonds of commercial and fraternal unity, will stand together under the banner of protection to American industries and American labor to grander industrial triumphs. [Great applause.]

No one can describe the "mighty future" of this fair and sunny land if left untrammelled by unfriendly Federal legislation. Give her a fair show in the "new race," treat her justly, respect the rights of her people as sovereign States in this glorious Union, and she will work out her own salvation to the joy of her own sons and the delight of the American people.

Mr. Speaker, the clarion voice of your Napoleonic leader on this floor rang out during the last year the proclamation that "The verdict at Appomattox must be affirmed!" It caught the spirit intended to be reached. It set in motion, in my opinion, the tide that surges in upon us to-day. Let me say that that verdict has long since been recorded and judgment rendered upon it. It needs no *allas* or *pluries* writs. It has been absolutely satisfied, and those who were cast by that verdict are entitled to "go hence without day." Who knew better how to interpret its significance and give opinion upon its effect than the mighty Foreman whose martial prowess announced it to the world? What said your Soldier-President? Surveying the whole situation and looking over the field where but recently "were heard the notes of war," your victorious leader said:

Let us have peace!

The whole South re-echoes this grand sentiment. Would that every man who went with him "in the thickest of the fight" could catch the inspiration of this historic utterance of General Grant, and strive to perpetuate the policy thus announced by him! Is this measure, I solemnly inquire, in keeping with the advice of your great commander?

There is a community of sentiment among ex-soldiers. All truly valorous men are magnanimous, and have a genuine respect for martial courage.

The soldier braves death for a fanciful wreath
In glory's romantic career;
But he raises the foe when in battle laid low
And bathes every wound with a tear!

Is it within the hearts of any of you to strike that "uplifted brow," so eloquently described by Mr. BURROWS, beaming with new hope, which was so recently darkened by the clouds of war? If the form once prostrate in defeat has risen without resentment, would you hurl it to the earth again? If you could only realize as we do how this measure is destined to retard our progress, destroy confidence, impair our development, engender strife, revive bitterness, relegate us to the dark and deplorable conditions of reconstruction, and produce only evil, and that continually, I am persuaded that there would be found among you a sufficient number of warm, generous, and heroic men, who would unite in seeking to avert the calamity that now overhangs us. [Applause.]

Mr. McCREARY. Mr. Speaker, sixty years ago, in the Senate of the United States, the great statesman from Massachusetts, Daniel Webster, uttered these words:

When the mariner has been tossed for many days on an unknown sea he avails himself of the first pause in the storm and the earliest glance of the sun to take his latitude and ascertain how far the elements have driven him from his true course.

It would be wise and prudent and patriotic now for the Representative from Massachusetts [Mr. LODGE] who introduced the pending bill, and his associates, to pause and take their latitude and ascertain how far they have drifted from the true course dictated by the fathers and laid down in the Constitution.

The bill under consideration is one of the most important and far-reaching and dangerous bills ever submitted to the Congress of the United States. Its provisions are audacious, arbitrary, despotic, and desperate. In many respects it is worse than the so-called "force bill" which was so gallantly and successfully opposed by Hon. Samuel J. Randall and his associates in the Forty-first Congress. That bill was the result of feelings and animosities engendered by terrible civil war. This bill is the result of greed for office and a desire to perpetuate Republican rule. Never before has the Republican majority of the House of Representatives so openly and boldly attempted to subvert the rights of the States and trample on the powers reserved to the States and to the people respectively.

Never before has the Republican majority undertaken to force through this House, under what is equivalent to a gag rule, a bill granting almost unlimited power over the election of Representatives in Congress

and elections of President and Vice-President to Republicans who under the bill are authorized to act according to the utterances of the Speaker of the House in his Pittsburgh speech—"do their own registration, their own counting, and their own certification." It is true we are allowed a few hours on this side to discuss this bill; but when it is remembered that the questions involved affect the rights of the States, the sacred right of suffrage, and the Constitution of our country, the little time allowed is hardly worth using.

If this bill should pass it will change election methods in our Republic to which people have been accustomed since the days of Adams and Jefferson and Jackson. It will set aside rights of the States which have been sanctioned by a century of usage, and it will break down barriers that have heretofore separated the great co-ordinate departments of the Government known as the executive, the legislative, and the judicial departments. There will not only be Federal control of the election of members of Congress, and of the election of President and Vice-President of the United States, but eventually the same power will control the election of State and county officials. Changes and encroachments will follow rapidly, and the future will be filled with problems and difficulties and outrages directly traceable to this bill.

I am in favor of free, fair elections, and I believe that the destinies of a free and intelligent nation depend on the purity and freedom of elections, but I deny that such legislation is needed now as is contained in the pending bill. This bill covers seventy-three printed pages and has fifty-seven sections, and in addition thereto it re-enacts or amends thirty-eight sections of the Revised Statutes and acts of Congress relating to the judiciary, civil rights, the elective franchise, appropriations, and crimes.

It purports to be a bill to amend and supplement the election laws of the United States and to provide for the more efficient enforcement of such laws, but it should be entitled "A bill that aims at the control of Federal elections and provides for the more efficient enforcement of Republican rule."

Its provisions will be enforced in any Congressional district of the United States on the petition of one hundred voters of the district.

It authorizes the appointment of chief supervisors by the United States circuit judges, who hold office for life, are amenable to no person, and are election dictators in their respective districts. These chief supervisors appoint three supervisors for each election precinct and they may increase the number of election officers at will without consulting Congress and pay them from the public Treasury without limit as to the aggregate amount. Indeed, the voters of the United States, the Treasury, and the Army and Navy are placed under the control of the chief supervisors and supervisors while they are managing and controlling elections, and the chief supervisor may, after consultation with the United States district marshal, have as many deputy marshals appointed as may seem to be necessary, and in the absence of deputy marshals the supervisors have the full power of deputy marshals and may arrest a voter if challenging him does not accomplish all that is desired. If this is not imperialism, what is it?

The bill also provides for the appointment in each State by the judge of the United States circuit court of a returning board or board of canvassers, who receive the returns from the precincts in the various counties and hear evidence if they think proper, and then declare and certify under their hands and seals who is elected Representative in Congress, and the individual so certified is to be placed by the Clerk of the House of Representatives on the roll of members elected, and thus authorized to participate in the organization of the next House of Representatives. These boards of canvassers have autocratic power far beyond any power or authority granted to any similar board in the world. They can make, according to their own sweet will, the House of Representatives of the United States. Under the bill they can certify any candidate as duly elected a member of Congress, no matter if he received only 1,000 votes while his opponent received 10,000 votes, and the Clerk of the House of Representatives is compelled under heavy penalty to place the name so certified on his list of Congressmen. Only one remedy is open to the legally elected member and that is the right to contest the election, but it is fair to presume that he would have to wait until hope deferred made the heart sick before he would be allowed a seat in a House of Representatives chosen under this bill.

It requires the appointment of thousands of new officers at high salaries, aggregating millions of dollars, and as there are 54,649 election precincts in the United States there will be 163,947 supervisors, without counting deputy marshals, clerks, inspectors, canvassers, and other officers, and this luxurious and iniquitous bill will draw from the United States Treasury biennially not less than \$10,000,000.

It authorizes Federal officers to arrest Democrats or other persons whom they may see fit to accuse of political offenses and drag them from home and friends to be tried before partisan judges and by, perhaps, packed jurors, selected, not by a jury commission, as has been the law for years, but by a partisan clerk.

The intricacies and incongruities of this lengthy bill are so great that it will be almost impossible to have an election in accordance with its provisions, but there seems to be method in this, for ample power is given to the returning board, or board of canvassers, if this act is not strictly complied with, to certify that the Republican is elected.

This bill is so foreign to all the institutions of our Government, so different from the election usages with which our people have been familiar for a hundred years, and so antagonistic to the liberty and equality for which our fathers fought, that debate and deliberation seem out of place in connection therewith. It seems that there ought to be behind it the edict of an emperor and the armed and uniformed soldiers of an empire. The framers of the bill seem to have been duly impressed with the tendencies of such legislation and therefore they place both the Army and Navy at the disposal of the President to preserve the peace at the polls or to aid in the enforcement of the law. They also authorize the President to order troops to any State in the Union prior to an election for the ostensible purpose of aiding in the enforcement of the law, but they can be used, as they have been used in the past, to influence or control elections.

Mr. Speaker, such are the important provisions of the bill which the gentleman from Massachusetts [Mr. LODGE] has linked his name with so prominently. He should look out lest it become a shirt of Nessus to him.

This is the bill with which he strews the pathway of the negro to the polls with flowers while the white man is required to march between partisan officials and bristling bayonets to exercise the God-given right of a freeman, and we are asked to pass this bill when we stand almost in the sunshine and splendor of the one hundred and fourteenth anniversary of the Declaration of American Independence.

This is the bill on which he hung garlands of eloquence and imaginary fairness at the opening of the debate, and made us marvel on this side at the indifference with which men sometimes tramp with elephantine feet on the rights of the States and the Constitution of the country.

Like Macbeth, he followed too far "the dangerous visions and unhallowed hopes of a bewitched ambition."

This is the bill which is to illustrate American liberty and American equality. This is the bill which is to show the result of a century of popular government in the fairest and best land in the world. While Switzerland is settling down in the glories of a firm and enduring Republic, while France is appreciating so earnestly the blessings of the new Republic, and the Irish patriots are praying for the early day when Ireland will be free, while all the nations of North America, Central America, and South America have taken our Republic for their model and overthrown monarchies and empires, Brazil being the last to join the sisterhood of republics, while the movement of mankind is toward freedom and popular government all over the world, shall we now humiliate ourselves and discourage liberty-loving people everywhere by the passage of this bill? I say may God forbid such unjust and unnecessary legislation.

The gentleman from Massachusetts [Mr. LODGE] says he gets his authority for the unprecedented legislation proposed in this bill in section 4, Article I, of the Constitution of the United States, which is as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

Passing by the stupendous fact that our Republic has lasted for more than a century, and had severe trials and civil commotions and no such legislation was ever enacted, I assert that it is clear that when the framers of the Constitution declared that "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof" they conferred an original and primary power on the State Legislatures to regulate the times, places, and manner of holding Congressional elections, and that a secondary and ultimate power or a permissive and contingent power was conferred on Congress to make or alter such regulations, and, as has been well said, "it is a necessary implication from the language of the text that the permissive and contingent power of Congress is to be exercised, if exercised at all, according to the provisions of the context, found in clause 18, section 9, Article I, of the Constitution," which provides that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers," etc.

If, therefore, the State Legislatures perform their duty under the fourth section of Article I of the Constitution, the contingency on which Congressional action depends will not have occurred; but where the State Legislatures refuse or neglect to enact laws fixing the times, places, and manner of electing Congressmen, or if they enact laws hostile to the General Government, or where they are unable to do so because of rebellion or other cause, then Congress may intervene and establish such regulations as will secure the representation authorized by the Constitution.

The men who framed the Constitution possessed great wisdom and sound judgment and they did not intend to confer the same original and primary power as regards the election of Congressmen on the State Legislatures and on Congress, and there is abundant reason for making this statement.

My time is so limited that I can not discuss Article IV, section 1, of the Constitution as fully as I desire, but I wish to say with emphasis that I have no doubt that the pending bill is against the letter as well as

the spirit of the Constitution. This section of the Constitution on which the friends of the bill rely created more uneasiness in the minds of the members of the convention than all of its other provisions. Seven of the thirteen original States declared against the powers of Congress to exercise the authority claimed by the friends of this bill, and I especially commend to the gentleman from Massachusetts [Mr. LODGE] the action of the grand old Commonwealth which he in part represents in this House.

On the 6th of February, 1788, Massachusetts, through her State convention, presided over by the great Revolutionary patriot, John Hancock, ratified the Constitution. In the report of ratification, after expressing the opinion that certain amendments should be made to "remove the fears and quiet the apprehension of many of the good people of this Commonwealth, and more effectually guard against an undue administration of the Federal Government," the following alteration of and provision to the Constitution is suggested:

That Congress do not exercise the powers vested in them by the fourth section of the first article but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress agreeable to the Constitution.

Judge Story, in his Commentaries on the Constitution, volume 2, chapter 11, discusses the subject ably and exhaustively and holds that the power will not be exercised by Congress unless "an extreme necessity or a very urgent exigency should arise."

Mr. Madison, in the Virginia convention, when asked his opinion of this section, said:

It was found necessary to leave the regulation of these [times, places, and manner] in the first place to the State governments as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution. . . . Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State Legislatures, the Congressional control will very probably never be exercised.

Hon. John Jay, who was afterwards Chief-Justice of the United States, said, in the New York convention, when this clause was under discussion:

That every government was imperfect unless it had a power of preserving itself. Suppose that by design or accident the States should neglect to appoint the Representatives, certainly there should be some constitutional remedy for this evil. The obvious meaning of the paragraph was that, if this neglect should take place, Congress should have power by law to support the Government, and prevent the dissolution of the Union. He believed this was the design of the Federal convention.

Mr. Speaker, I now pass from the great and important constitutional question, which is very clear to my mind, and I ask, what necessity is there for the passage of this bill? Peace reigns supreme throughout our borders. Prosperity smiles as it never smiled before in the South. Both Republicans and Democrats say that the condition of the colored men in the South is improving and that the race question will be solved sooner and more satisfactorily if let alone by Congress. Why, then, open a Pandora box, the baneful and blighting influences of which will be felt all over the Republic? In the language of a distinguished Republican member of this House, "The bill is a sectional measure, productive of nothing but evil to the South." It will retard the progress and perhaps stop the prosperity of the South and open old war wounds long ago healed.

It will only intensify race prejudice and sweep away the better feelings which have been growing rapidly in the new South. The colored man is now a wage-worker and a wage-earner, and he is interested as deeply as the white man in the prosperity of the South. He has the right to testify in the courts. He has schools for his children, and churches where all may worship God, and the same law spreads its broad wings over him and the white man alike. The colored man loves the South. He loves his people. He is fond of the white man and the white man is fond of him, and he knows that his best friends are in the South. Divinity and time will solve the race problem. Man can not hasten it, but he may hamper it.

Mr. Speaker, no candid man can read the pending bill and think of the circumstances under which it is introduced without believing that there was a purpose which prompted its introduction other than a desire for fair elections; the purpose of the Republicans in pressing this bill is to retain power in the House of Representatives. Each State now has statutes which enable the voter to deposit his ballot and have it fairly counted. These laws are sometimes violated, both North and South. The proper thing to do is to enforce the laws now on the statute-books of the respective States, and not seek to put in the hands of the Republican party now in control of the Government such power as will enable it, even against the will of the people, to retain the control of all branches of the Government.

It is very natural and proper when a man or a party asks for reform to examine the credentials and look into the history of the advocates of reform. If the calcium light of truth is turned on the party now asking for reform a strange and curious history will be presented.

My limited time will not permit me to go into the remarkable and unenviable record made by the Republican party in their efforts to illustrate the meaning of a "free ballot and a fair count." I present simply an extract from a leading New York daily paper, published a few days ago. It is as follows:

The record of the Republican party, from Hayes to Harrison, from Dorsey to Dudley, shows that every one of the three Republican Presidents has been elected either by fraud or the unscrupulous expenditure of vast amounts of money. Rutherford B. Hayes was counted in. Money elected James A. Garfield. That fact was admitted in a memorable speech by Vice-President Arthur at the famous Delmonico banquet given in honor of Stephen W. Dorsey, February 11, 1881.

The last Presidential election, with its "blocks of five," its vast corruption funds, and multifarious questionable methods, is too fresh in the minds of the people to require comment. The record of the Republican party in Louisiana, Florida, and South Carolina in 1876 was so tainted with fraud it will never be forgotten. It cheated the Democrats out of the Presidency and robbed a pure and able statesman of an office to which he was legally elected. Its record in Montana was fraudulent, and its record here in this House in turning out legally elected members, one of whom came here with 13,000 majority, is not a record of honor.

The new Republican judges who are to assist in putting the proposed law in execution are to be appointed by a Republican President who made Swayne judge in Florida and was the friend of Dudley in Indiana, and the same crowd who ran the campaign in 1888 are still on deck thirsting for an opportunity to turn their Republican supervisors and Republican returning boards loose upon the country to capture the Congress this fall and to seize the Presidency in 1892.

Mr. Speaker, I represent a district in a border Southern State where there has been no charge of corruption, intimidation, or undue influences; where we vote *virâ voce* in every election except for Congressmen; where a Republican judge of the election and a Democratic judge of the election sit side by side while a Republican clerk and a Democratic sheriff in the presence of men of all parties record the names and votes of all legally qualified voters who present themselves, and then send the poll-books and their certificate to the county clerk's office as a perpetual witness of the fair and free election which has been held.

Why should this plan of voting be interfered with? Why should this time-trying and time-honored plan in other States be changed? Why not let each State regulate the time, place, and manner of electing their Representatives as they have heretofore done and as the Constitution authorizes them to do? I call on my friends on the other side of this Chamber to pause and think before they vote for a bill which strikes down the rights of the States and violates the Constitution of the United States. The fruits of this bill, like the apples of Sodom, will turn to ashes on your lips. The results might be pleasing to you for a little while, but oh, you get them at such heavy cost, and soon the Supreme Court of our country, in which I have an abiding confidence, and the people, who love liberty and popular government far better than a degenerate party, will rise in their might and the court will condemn your bill as unconstitutional and the people will drive you from the temple which you will profane and pollute if you pass the pending bill.

[Here the hammer fell.]

THE SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. McCREARY. I only wish two minutes more.

THE SPEAKER. If there is no objection, the gentleman will be allowed to proceed for two minutes. No objection is heard, and the gentleman from Kentucky will proceed.

Mr. McCREARY. Mr. Speaker, in conclusion I desire to put on record my most earnest protest against the passage of the pending bill.

I protest against the passage of the bill because the Constitution of the United States in the first article declares "the House of Representatives shall be composed of members chosen every second year by the people of the several States," and this bill allows the board of canvassers, not the people, to select the members of the House of Representatives.

I protest against the passage of this bill because it so mingles State and Federal power in the control and management of popular elections that confusion and collision of authority are sure to occur.

I protest against the passage of this bill because it connects Federal courts with political schemes, and authorizes Federal judges to dominate and control the legislative department of the Government, when the framers of the Constitution intended that the three great co-ordinate departments, the executive, the legislative, and judicial departments, should always be independent of each other.

I protest against the passage of this bill because it is not needed for the regulation of Congressional elections, no State having neglected or refused to prescribe "the time, place, and manner of holding elections for Representatives," but all having reasonable and adequate provisions for such elections.

I protest against the passage of this bill because it will require an expense of millions of dollars annually, authorizes the appointment of nearly two hundred thousand new salaried officers, and will bring bal-

lots and bayonets, soldiers and supervisors, so close together at the polls that there can be no free and fair election.

And finally, I believe the bill should be despised and defeated because it is un-Democratic, un-Republican, and unconstitutional. [Applause.]

Mr. ENLOE. Mr. Speaker, my time is limited, and I hope I may be permitted to proceed in what I have to say without interruption. I regard this bill as a political measure of the most desperate and dangerous character. There is a reason for its presentation at this time which has not been presented to this House, either in the report of the committee or in the debates on this floor. We have had an abundant use of words to conceal ideas and purposes in this debate, and the utterances of the friends of this measure would seem to be designed to conceal and mislead as to its true nature and purpose. I know, sir, it is claimed by its advocates that its presence here at this juncture of our political affairs is due to alleged abuses and irregularities in the elections in some of the States, but at the same time, and in the same breath, they confess that these alleged reasons for such a law have existed for an indefinite period of time.

To argue the question of the constitutionality of the measure here would be, as the gentleman from Illinois [Mr. ROWELL] truly says, "a waste of time." The derision and scorn with which the Constitution is treated by the majority of this House when it stands in the way of party ends, and the deep and solemn hypocrisy with which some of its provisions are invoked as authority for trampling on other provisions equally clear and plain, when some political villainy is to be perpetuated, fully justifies the declaration of the gentleman.

It has too long been the habit of a certain class of politicians to treat the Constitution as a juggler's device to help to deceive the people in order to plunder them, to render necessary such a statement as the honorable gentleman has made. King Caucus is, in the estimation of too many members, greater than the Constitution, and absolves all obligations to even consider the oath taken to support it when party interests are involved. [Applause.]

This House and the country may well inquire why this sudden awakening to the necessity of having the Federal Government take charge of the elections in the States when the cause of ballot reform is sweeping the country. I will not stop to discuss the state of facts alleged to exist in some of the States by the advocates of this bill, for we all know that much of what is said of elections in the South is untrue and that much of what is solemnly stated here as the truth is known to have been manufactured or exaggerated and distorted for political use and effect. Telling the truth in regard to every lawless act in any State or community is bad enough, but the artistic touch of the political liar makes it appear much worse.

The Pecksniffian exhibitions of superior virtue, the "holier than thou" assumptions, the Jekyll and Hyde transformations of Falstaffian bloody-shirt shriekers on the other side of this House will not stop the people of thought and reason in this country from inquiring what is the true motive and purpose in urging this measure at this time. [Applause.]

Mr. Speaker, the true answer to that question must be sought, not in Machiavelian utterances in this debate, but in the exigencies of the political situation. It can not be claimed and maintained that the existing conditions have retarded the progress of the South or disturbed the peace and harmony of the races. The South is more prosperous to-day a hundred-fold than she has been since 1861. There is not in the Union any equal number of States more peaceful and quiet, whose people are more industrious and progressive. Only the day before yesterday I picked up a Tennessee newspaper giving an account of the inauguration of new enterprises in the South, which showed forty-seven new enterprises inaugurated within the past week involving many millions of dollars.

Then this bill is not intended, I am sure, to bring peace and prosperity to the South. These the Southern States already enjoy in a greater degree than many of their less fortunate sister States. I imagine that if the gentlemen who are pressing this measure were as much interested in the people of the South as their utterances might lead us to believe they would be wanting to send their money among us for investment, as thousands of Eastern capitalists are doing, instead of seeking to send non-resident and irresponsible political agents among us to stir up strife and arouse race prejudices among our people.

Mr. Speaker, I can not speak for every State, but I can and will speak for Tennessee, and thank God that I am able to deliver the message that she recognizes the fact that she is in the Union on an equal footing with every other State and she will welcome with open arms all true and honest men who come to share her prosperity and to contribute to her wealth, come from what quarter they may; but the old Volunteer State, true to her traditions, will condemn and punish any political party or set of men that seek to subvert this Government and to take away the liberties of the people, as this bill proposes to do. Tennessee wants no foreign interference with her affairs and she will have none of it.

What is this bill? Where did it originate, and what is its purpose? These are pertinent questions.

It is a bill which assumes absolute control over all elections in the States at which members of Congress are voted for.

It proposes to take away from the States the constitutional right to determine the qualification of voters and vests that power in supervisors to be appointed by the Federal courts, who may be non-residents and strangers to the people whose elections they are to be appointed to control.

It declares that elections shall be held in accordance with the provisions of this bill, and that all State laws in conflict with this bill shall be annulled.

It provides that the returns of the returning boards which it creates in every State shall be conclusive on the Clerk of this House, regardless of the certificate of the governor under the great seal of the State, and that the Clerk must enter on the rolls the person certified by those returning boards as elected to this House under the penalties of fine and imprisonment.

It provides for the appointment for life of a chief supervisor in each judicial district in the United States, whose compensation will probably amount to \$2,000 per annum.

It provides for the appointment of more than three hundred thousand supervisors, probably as many as three hundred and fifty thousand, one-half of whom shall perform duty at a compensation of \$5 per day when canvassing or inspecting and supervising registration, and \$10 per day in cities of 100,000 or more for services on election day. In cities of 100,000 or more inhabitants they may be paid for twelve days' service \$65 each; in other places where there is a registration for not more than six days at \$5 per day, or \$30 each; and in all other places not more than three days, or \$15 each. So it will be seen at the lowest calculation the fees for supervisors alone at each election may reach \$2,500,000.

I give the official estimate of the number of election precincts in the different States which under this bill would require six supervisors each, three to perform actual service at each election.

• Election precincts in the United States.

Alabama.....	1,066
Arkansas (estimated).....	1,200
California (estimated).....	1,600
Colorado (estimated).....	600
Connecticut.....	251
Delaware.....	66
Florida.....	600
Georgia (estimated).....	1,500
Illinois (estimated).....	3,000
Indiana (estimated).....	1,500
Iowa.....	1,922
Kansas (estimated).....	3,000
Kentucky.....	1,375
Louisiana.....	744
Maine.....	517
Maryland.....	493
Massachusetts.....	715
Michigan.....	1,466
Minnesota (estimated).....	1,800
Mississippi (estimated).....	1,115
Missouri (estimated).....	2,500
Montana (estimated).....	500
Nebraska (estimated).....	500
Nevada (estimated).....	500
New Hampshire.....	268
New Jersey.....	566
New York.....	3,366
North Carolina (estimated).....	1,200
North Dakota (estimated).....	500
Ohio.....	2,449
Oregon.....	508
Pennsylvania.....	4,217
Rhode Island (estimated).....	500
South Carolina (estimated).....	600
South Dakota (estimated).....	800
Tennessee (estimated).....	2,000
Texas.....	3,335
Vermont (estimated).....	500
Virginia (estimated).....	1,800
Washington (estimated).....	600
West Virginia (estimated).....	700
Wisconsin (estimated).....	1,500
Total number.....	54,649

The above figures are obtained (except those estimated) from secretaries of state, and mostly refer to the date of the Presidential election in 1888. For Pennsylvania, however, the figures are from Smull's Hand-Book, containing the election returns for 1889. Of the election districts or precincts for that State 815 were in Philadelphia.

The table does not contain the numbers for the Territories of Arizona, Idaho, New Mexico, Utah, and Wyoming. Of course the number of election precincts has been considerably increased since the election of 1888.

It provides that these supervisors shall make a house-to-house canvass before the election when required to do so by the chief supervisor.

It provides in section 20 that so many deputy marshals shall be appointed by the United States marshals as may be required by the chief supervisors, and in section 19 it provides that special deputy marshals shall receive a compensation of \$5 per day for not exceeding eight days or \$40 each. Under this provision there is no limitation upon the power of the chief supervisor to have special deputies appointed by the marshal, and he may have one hundred or ten thousand appointed in each Con-

gressional district. The charge upon the Treasury is absolutely unlimited, and under the provisions of this bill the expenditure may reach anywhere from four to eight millions of dollars at each election for deputy marshals alone.

It provides for the appointment of a United States board of canvassers in each State, composed of three members, at a compensation of \$20 per day for fifteen days' service, and one clerk to each board at \$12 per day for fifteen days' service, which in all the States would make a charge on the Treasury of \$45,360.

The chief supervisors are to be appointed by the judges of the district courts, who hold office for life; and the supervisors are to be appointed by the same power, thus divorcing elections from the people of the States and vesting all power in officers who are absolutely free from any responsibility to the people.

Mr. Speaker, in the limited time allowed me I can not go further into the details of this bill, except to call attention to the peculiar provision which repeals the present law to regulate the selection of jurors in the Federal courts, a law adopted for the express purpose of securing non-partisan and impartial juries, and enacts in its place a provision which provides for the selection of partisan juries by partisan clerks. When I come to consider the purpose of this bill I will recur to some of these provisions again.

Where did this bill originate, Mr. Speaker? The gentleman from Massachusetts [Mr. LODGE] thinks it sprung forth from his busy brain, "like Minerva, full-armed, from the brain of Jove."

The gentleman from Illinois [Mr. ROWELL] thinks that he evolved it with much mental travail from the bowels of his prolific mind.

Many others in their vain imaginings no doubt feel that they know its true parentage.

At the risk of creating a family disturbance I propose to give its history.

It was born of political necessity and its father is monopoly. Its forerunner and accoucheur was the Hon. THOMAS B. REED, Speaker of this House, who attended the feast of Belshazzar, at Pittsburgh, Pa., some weeks ago, and to the representatives of monopoly there assembled proclaimed the coming of this bill. He declared the purpose of the Republican party to do "its own registration, its own voting, and its own certification." John the Baptist when he came preaching in the wilderness was not surer of his mission than was this modern prophet of a new system of political government. Mr. Speaker REED on that occasion was the spokesman and prophet of the allied monopolies, and he had a right to know the obligation of the bond between the powers which bought the majority in this Congress and the control of this Administration at the last election and the ruling and controlling powers here.

Mr. Speaker, I here and now proclaim my earnest and solemn belief that this bill owes its presence here to-day to the fact that the monopolies which bought the last election demand it as a safeguard and protection against the growing spirit of Democracy among the people.

I challenge the denial here and now that the election of 1888 was bought with a price by the monopolies and trusts of this country. On that point I desire to introduce the confidential circular of Mr. James P. Foster, president of the Republican League of the United States. It was the signal gun of the campaign of 1888. Hear him:

[Confidential.]

HEADQUARTERS REPUBLICAN LEAGUE OF THE UNITED STATES,
New York, May 25, 1888.

MY DEAR SIR: The Republican League of the United States desires to bring you face to face with the startling fact that the coming Presidential election is not to be fought on the old party lines which have heretofore divided Democrats and Republicans, but upon the direct issue of free trade vs. protection. We will win this fight if you will do your share and help us to finish what we have begun. We want money, and want it at once.

It may not be of your personal knowledge, but it is a fact nevertheless, that the manufacturers of the United States who are most benefited by our tariff laws have been the least willing to contribute to the success of the party which gave them protection and which is about to engage in a life-and-death struggle with free trade.

A Republican United States Senator, from a State which never had a Democratic Representative in either House of Congress or a Democratic State officer, in speaking of the well-known disposition of the manufacturing interests to lock up its money, fold its hands, and look on while somebody else fights for its success, says:

"The campaign which we are about to enter will concern, more than anybody else, the manufacturers of this country. They have hitherto been very laggard in their contributions to the Republican cause. In fact, if I could punish them without punishing the cause of protection itself, I would consign them to the hottest place I could think of on account of their craven parsimony. If this class of people do not care to contribute to the success of the Republican party, they are welcome to try their chances under a Democratic Administration; I can stand it as long as they can."

"In fact, I have it from the best possible sources that the manufacturers of Pennsylvania, who are more highly protected than anybody else and who make large fortunes every year when times are prosperous, practically give nothing towards the maintenance of the ascendancy of the Republican party. Of course I shall not violate what I consider to be a proper principle of action, but if I had my way about it I would put the manufacturers of Pennsylvania under the fire and fry all the fat out of them. If the Mills tariff bill comes to the Senate there will be some votes cast there which will open the eyes of some of these people who have, while gathering their millions, treated the Republican party as their humble servant."

These are strong words, and bitter, but they are true, and it now remains with you and your associates to determine whether they are to be reiterated after this campaign is over, and protection has, through your apathy, been

struck its death-blow. If you give us the means to win the victory we will do it. Are you willing?

Yours, very truly,

JAS. P. FOSTER, President.

Hear this friend of a pure ballot declare, "We want money, and want it at once."

Hear him quote a Republican United States Senator's declaration that he would "put the manufacturers of Pennsylvania under the fire and fry all the fat out of them."

Hear him declare, "If you give us the means to win the victory we will do it."

Money, gentlemen, money bought the election of 1888.

Mr. QUAY, the chairman of the national Republican campaign committee, adopted the suggestion of Mr. Foster. The manufacturers, not only of Pennsylvania, but of the whole country, were put "under the fire" and "the fat was fried out of them."

On this point I call as a witness Hon. John Wanamaker, the distinguished politician and statesman, who, for his knowledge of this new branch of statecraft, was made the Postmaster-General of this purchased Administration. In February, 1889, he said:

When QUAY sent for me I was surprised. I had no more idea of what he wanted with me than you might have if he telegraphed for you. But I knew he was not the kind of man to send for me unless he had important business with me, so I went. Then he told me that the national Republican committee needed money, and his scheme for my raising it. I at first declined to have anything to do with it. I had very little hope of defeating Cleveland, and still less Mrs. Cleveland, who is justly popular with the whole country, and whom I admire greatly myself, and I did not want to get on a sinking ship. He urged the matter, told me why he felt sure of carrying the election if he had the money. Even then I hesitated, and asked three weeks for consideration. He agreed, and I talked with our leading manufacturers, men whose names are the best in the land—such men as Washburne and Amos Lawrence's grandson, and a dozen others I could name—men who would never have given a dollar for dishonest uses, even if I had been willing to ask it, and at the end of the three weeks I told QUAY I would undertake to raise the money if he would allow us to establish a manufacturers' bureau and have a voice in the disposition of the money. I do not mean that we insisted on knowing what was done with every dollar of it. I did not want to know. When I sell a suit of clothes, I do not insist upon being told just where these clothes are going. My responsibility ceases when I furnish a good article at a fair price. What I did insist upon was that I should be able to satisfy the men who trusted me with their money that it was used for the purposes for which they subscribed it, and that guaranty Mr. QUAY gave me. That is how there came to be a manufacturers' bureau.

Here we have the spectacle of a man of excellent reputation engaged in a three weeks' struggle with his conscience about using his character as a collateral to raise money to corrupt the ballot and buy an election. Who can tell what wild dreams of official and social position floated before his mental vision during those three weeks? Mr. Wanamaker had been fighting the devil manfully for many years, it is said, but when the devil set QUAY on him there was no Ithuriel spear to touch the toad at his ear and show his ancient enemy in a new form. He made ignorance as to what particular crimes were committed through that money a salve to his conscience. Mr. Wanamaker had a good character before he entered politics. He disposed of it very cheap. When he quits this Cabinet and returns to his store in Philadelphia he will find in the stock to stay a splendid character badly damaged by fire.

Now, Mr. Speaker, in corroboration of Mr. Wanamaker I will introduce Col. Elliott F. Shepard, editor of the New York Mail and Express, who published the following testimony in his paper of November 22, 1888:

Of the money so liberally contributed by the Republicans in this city for election expenses, three very large sums were paid out which brought in only about 1,350 votes as the result of these expensive negotiations. The Coogan Labor vote cast for Harrison and Miller amounted to 1,200; the James O'Brien Protection Democracy vote, 50; the John J. O'Brien vote, beyond what is the normal vote in the Eighth district, to 100 votes. On Saturday before election there was paid by the national committee for use in this city to a Republican State leader, as we are informed, the great sum of about \$150,000, and as none of this went to the county committee, it is fair to presume this very large sum was used in the three negotiations referred to.

The success of the Republican party in this city is to be achieved by educating the masses in Republican doctrines, by the circulation of the Republican newspapers, and the continual holding of mass-meetings; and we hope we have seen the last of attempts to buy votes en bloc, in all which attempts for the past twenty-six years we have been buying experience and not votes, been filling and trimming the lamps of our opponents and emptying our own.

Colonel Shepard evidently thinks votes sold too high; that it took too large a block of "fat" to grease such a small "block" of voters.

I know that a great many people in this country would be disposed to discredit this witness, on account of the political rabies from which he suffers, if he were not so well sustained by corroborating testimony. I propose to brace him up with one more competent witness, though it will be in the nature of cumulative testimony. The Manufacturers' Record, of Philadelphia, the organ of Mr. Wanamaker's "manufacturers' bureau," must be heard on this point. In April, 1889, when the services of patriots who contributed to the purchase of this Administration were not permitted to pass unmentioned, the Record said:

It is, therefore, to the men that give the cash that a large, if not the largest, share of success is due. These, almost always, are the business men. We make the assertion that the money contributed by this (manufacturers') club last year had more influence upon the result of the national election than all the skill, the ingenuity, the labor, and the wire-pulling of all the professional politicians in the city of Philadelphia. We believe this proposition to be capable of positive proof. If, therefore, control of patronage is rightly the reward

of victorious effort, the right of this club to name the Federal office-holders of Philadelphia rests upon solid grounds. The leaders, we suppose, will claim that they are the men who win victories, and that their generalship entitles them to special consideration. But they can win no triumphs without strong backing in money and votes from the best members of their party. If the politicians had had to fight single-handed the battle of last November, Mr. Cleveland would now be in the White House. They were literally smitten with paralysis until the manufacturers and other business men came to the rescue, not only with abundant supplies of money, but with a determination to carry the day by hard work and actively exerted influence. That was how the fight was won.

The appointment of a postmaster and other important Federal officers then pending accounts for this very plain and candid claim that those who bought the victory should have control of the offices.

I do not know, but suppose, of course, that a man so eminent for his sense of justice and fair dealing as the President recognized this claim upon the fruits of the purchase.

I now come to the history, not of a contributor, but of a distributor, Hon. W. W. Dudley, better known as Blocks-of-five Dudley. The infamous "blocks-of-five letter" itself is the best evidence of the use made of the fund in Indiana. Let the letter speak for itself:

HEADQUARTERS REPUBLICAN NATIONAL COMMITTEE,
91 Fifth Avenue, New York, October 24.

[Executive Committee: M. S. Quay, chairman; J. S. Clarkson, vice-chairman; J. S. Fassett, secretary; William W. Dudley, treasurer; John C. New, A. L. Conger, G. A. Hobart, Samuel Fessenden, George R. Davis, J. Manchester Haynes, M. H. De Young, William Cassius Goodloe.]

DEAR SIR: I hope you have kept copies of the lists sent me. Such information is very valuable and should be used to great advantage. It has enabled me to demonstrate to friends that with proper assistance Indiana is surely Republican for governor and President, and has resulted, as I hoped it would, in securing for Indiana the aid necessary. Your committee will certainly receive from Chairman Huston the assistance necessary to hold our floaters and doubtful voters and gain enough of the other kind to give Harrison and Morton 10-00 plurality.

New York is now safe beyond peradventure for the Republican Presidential ticket; Connecticut likewise. In short, every Northern State, except perhaps New Jersey, though we still hope to carry that State. Harrison's majority in the electoral college will not be less than 100. Make our friends in each precinct wake up to the fact that only boodle and fraudulent votes and false counting of returns can beat us in the State. Write each of our precinct correspondents—First. To find out who has Democratic boodle, and steer the Democratic workers to them, and make them pay big prices for their own men. Second. Scan the election officers closely, and make sure to have no man on the board whose integrity is even questionable, and insist on Republicans watching every movement of the election officers. Third. See that our workers know every voter entitled to a vote, and let no one else even offer to vote. Fourth. Divide the floaters into blocks of five, and put a trusted man with necessary funds in charge of these five, and make him responsible that none get away and that all vote our ticket. Fifth. Make a personal appeal to your best business men to pledge themselves to devote the entire day, November 6, to work at the polls—that is, to be present at the polls with tickets. They will be astonished to see how utterly dumfounded the ordinary Democratic election bummer will be and how quickly he will disappear. The result will fully justify the sacrifice of time and comfort, and will be a source of satisfaction afterwards to those who help in this way. Lay great stress on this last matter. It will pay.

There will be no doubt of your receiving the necessary assistance through the national, State, and county committees; only see that it is husbanded and made to produce results. I rely on you to advise your precinct correspondents and urge them to unremitting and constant efforts from now till the polls close and the result is announced officially. We will fight for a fair election here if necessary. The rebel crew can not steal this election from us as they did in 1884 without some one getting hurt. Let every Republican do his whole duty and the country will pass into Republican hands, never to leave it, I trust. Thanking you again for your efforts to assist me in my work, I remain,

Yours, sincerely,

WM. W. DUDLEY.

Please wire me result in principal precincts and county.

It will be observed here as everywhere in this whole shameful business that the reliance for success is placed in the corrupt use of money. The greasy hand of the boodler and briber has left its mark on every page of the history of the campaign of 1888. By way of running comment on these matters, I will introduce an extract from the New York World of recent date. The World says:

President Harrison has been in power fifteen months. His Administration thus far shows that he has rewarded with high office nearly every prominent man who helped elect him. Wanamaker has been given a Cabinet portfolio. The leading Republican editors have been decorated with commissions to serve their country as foreign ministers, with the solitary exception of Dr. Murat Halstead, whose high ambition was thwarted by the Senate. Dudley, indicted for inciting to bribery in purchasing the floating vote of Indiana, has been cared for by saving him from the penitentiary. This was accomplished through the instrumentality of Judge Woods, of the district court of Indiana.

THE HERMINE AROUND THE ARCH BRIBER.

The history of this outrage on justice is as follows: Immediately after the gross election frauds of 1888 in Indiana were discovered a warrant was sworn out for Dudley's arrest, by a most reputable citizen, but Dudley absented himself for nearly a year from the State and there was no opportunity for serving it. He was an exile and a fugitive, and the officers of the United States, whose laws he had broken, made not a single effort to arrest him. Indeed, there were positive orders from Washington not to interfere with him in any way or give him the slightest inconvenience. Had he not saved Indiana and elected a Republican President? Judge Woods at one time, in one of his charges to the grand jury of Indianapolis, led the country to believe that he would do his duty in the matter; but, instructed from Washington, he positively directed the grand jury to let the blocks-of-five bribers go quit and free. Dudley about this time was threatening to use the "dynamite" he had in his possession unless the Harrison beneficiaries of his crime came to his rescue. Two more contradictory charges of a United States judge were probably never delivered in the case of any one accused of crime. Here they are, side by side:

ORIGINAL INSTRUCTION TO THE GRAND JURY.

The latter clause of the section makes any one guilty who counsels bribery. . . . This clause makes it an offense for any one to advise another to attempt to commit any of the offenses named in this section; so that, while it is not a crime to make the attempt, it is a crime to advise another to make the attempt. If A attempts to bribe B, that is no offense under this statute; but if A advises B to bribe C, then the one who commands or gives this advice is an offender under this law. And I will say that there is some wisdom in this provision.

REVISED INSTRUCTIONS.

It results, of course, that the mere sending by one to another, of a letter or document containing advice to bribe a voter, or setting forth a scheme for such bribery, however bold and reprehensible, is not indictable. There must be shown in addition an attempt by the receiver of the letter, or of some other instigated by him to execute the scheme by bribing or attempting to bribe some voter in respect to the election of Congressmen, or in such way as to affect such election.

Another point deserves consideration in this connection. If the view be adopted that advice not acted upon may constitute a crime, then the exact words used in giving the advice, whether oral or written, must be ascertained, and every possible intendment in favor of innocence must be allowed and all doubts resolved in favor of the accused. If the use of money be advised, but the particular purpose of its use be not clearly and indeed conclusively indicated, a possible innocent use will be presumed; and even if the purpose to bribe be unquestionable, and yet it appears that the design was to purchase votes for other officers than Representatives in Congress, it would be no crime under the statute which is designed to protect the election for that office.

DUDLEY GOES QUIT AND FREE.

Dudley, after an absence of more than a year, returned to Indianapolis last December. Chambers, an appointee of President Harrison, declined to arrest him, and openly defended the blocks-of-five letter.

Mr. Speaker, I desire to call attention in this connection to the fact that it is to the Federal judiciary, appointed for life, mostly Republican in politics, that we are asked by this bill to turn over the absolute control of Federal elections. I would not have it understood that I regard this judge as representative of the Federal judiciary, but, sir, I call attention to the terrible dangers that we would encounter by dragging the judiciary into politics. When the confidence of the people in the integrity of our courts is swept away, our system of government will fail, and our Constitution will be as a rope of sand to be broken or a band of steel to crush the liberties of the people.

Now, Mr. Speaker, I have shown that the money to buy the election of this Congress and this Administration was raised by contributions and assessments from the allied interests of monopoly. We have the use of the money acknowledged with the claim that it carried the election for the Republican party. We have the fact that the President has recognized those who raised the fund in the distribution of his patronage. We have the evidence that the most notorious briber since the last days of the Roman Republic was granted immunity from punishment for his crimes, and it is known that he is to-day one of the most powerful factors in the management of the Pension Office, which has the distribution of nearly one-half the revenues of the Government.

The political party which conspired with these monopolies against the people and profited by this corrupt victory came into this House with a bare constitutional quorum. It elected for Speaker a man who invented "general parliamentary law," and "saw quorums" where none legally existed. This party has recognized but one god, Monopoly, and Speaker REED as his prophet. A code of rules was adopted which is binding on everybody but the Speaker; a code which stifles debate and shuts out the light of investigation and discussion, which are so essential to healthful and honest legislation.

They have made the Speaker of this House, the lower branch of Congress, one full half of the legislative machinery of the Government.

They have unseated members elected at the polls, and seated men repudiated by the people.

They have emptied the Treasury of its boasted surplus and provided for the distribution of nearly \$200,000,000 annually in pensions, a sum equal to nearly one-half the entire estimated revenues of the Government.

They have prepared a way for a deficiency in the revenues of something near \$100,000,000 annually. They have passed a bill raising the tariff tax on the necessities of the people in the interest of monopolies and trusts.

They have strengthened the hold of the national-banking monopoly on the volume of our currency by refusing the free coinage of silver.

Mr. Speaker, the completion of this policy, in my judgment, contemplates the issue of more bonds to meet the deficiency in revenue and the perpetuation of the national-banking system.

In the necessity for a Republican Congress to continue and to carry out this line of policy, in my opinion, lies the secret of the extraordinary pressure to pass this bill. In these things lies the real reason for its presence in this House at this time.

Mr. Speaker, any one who will consider for one moment the condition of public sentiment throughout the Union on all these questions will see that the Republican party must go out of power, and that the

trusts and monopolies must account to the people for a quarter of a century of wrongs perpetrated through corrupt and class legislation, unless some measure can be fastened upon the country at this session of Congress which will sap the foundations of civil liberty and destroy the force and effect of the suffrages of the people.

Sir, in my opinion this bill conceals a worse crime against republican government and civil liberty than that for which Catiline was banished from Rome. [Applause.] I can not believe that all those who support it comprehend the full measure of the evil there is in it.

It is claimed by some, I believe by nearly all who have spoken for it, and by some who have spoken against it, that it will not go into effect in every portion of the Union. This claim alone should condemn it as an unwise and an unsafe measure. Whatever the pretext advanced for its passage, it must be known by every intelligent man that a measure not fit to be enforced in every State can not be enforced in any State without injury to the whole Union. Any measure which tends to disorganize labor, disturb society, and bring disaster to either race in the South must have its retroactive effect and produce a corresponding injury in the States which supply the commercial necessities and handle the products of the South.

I do not believe that any man of intelligence will say that this bill can be put in operation in any State in this Union without producing more or less friction, and this would more certainly occur in States where there are different races of people. I would say to gentlemen who expect to vote for this bill and inflict it on other people, while they themselves escape it, that they are deceived in the character and purpose of the measure.

It will be enforced on the petition of one hundred citizens in any city of 20,000 or more inhabitants or on the petition of fifty citizens in any Congressional district or part of a district. The purpose of its authors is to enforce it in every State. When you think of the bribes it offers to those who are employed as supervisors and deputy marshals and the opportunities it affords for political corruption you must know that the same disreputable elements which would demand its enforcement in the South will be found demanding it everywhere. The argument that it will not be generally enforced does not stand to reason. That it holds out bribes to partisans to demand its enforcement; that it is designed to promote political crimes; that it changes the manner of selecting juries, so as to give immunity from punishment for the commission of such crimes by selecting partisan juries in the Federal courts, is beyond the peradventure of a doubt.

Right here I will introduce a letter from John R. Mizell, who has been promoted to be collector of the port at Pensacola, Fla., showing what sort of administration of justice we may expect under such a bill as this. Mizell was the United States marshal for the northern district of Florida when he wrote it. It reads as follows:

OFFICE J. R. MIZELL, UNITED STATES MARSHAL
FOR NORTHERN DISTRICT OF FLORIDA,
Jacksonville, Fla., July 5, 1899.

Sir: You will at once confer with McBulby and make out a list of fifty or sixty names of true and tried Republicans from your county registration list for jurors, United States court, and forward same to Hon. P. Walter, clerk United States court, and it is necessary to have them at once, as you can see. Please acknowledge this.

I am yours, truly,

JOHN R. MIZELL,
United States Marshal.

C. C. KIRK, Esq., De Land, Fla.

Please get the names of the parties as near steam-boat and railroad stations as possible.

You are asked to legalize and encourage the prostitution of the Federal courts to partisanship such as this officer practiced in Florida, and for doing so was promoted to a better office. God save the country when the courts are made engines of political oppression and the juries are selected for their partisanship. The monopolies and trusts which furnished the millions to buy the last election have embodied in this bill an idea which does great credit to their ability. They are tired of putting up their own money to buy elections.

This bill proposes to furnish an army of irresponsible Federal officials to take away the liberties of the people, and to pay the millions it will cost out of the money collected in taxes from the people. It places every dollar in the Treasury in the hands of the party in power without check or hindrance. A free ballot, for which gentlemen are so clamorous, is to be secured by invading the homes of the people before the elections and surrounding them with the hired emissaries of a political party on election day. A fair count, which is the subject of so much Republican solicitude, is to be secured by the appointment of the hired agents of a political party to do the counting regardless of the votes cast, and to certify the election of the party candidates without regard to the will of the people as expressed at the ballot-box. Gentlemen who support this measure should change their shibboleth and go to the country demanding "a corrupt ballot and a dishonest count." That is what this bill demands and is intended to secure.

Mr. Speaker, there hangs in the other end of this Capitol a picture representing the theft of the Presidency in 1876, purchased at a cost of \$10,000 to the people. A cheap memorial for such a magnificent theft. That painting should be given the most conspicuous position in the Capitol, as a perpetual reminder to the American people of the frail

tenure by which they hold their political liberties. This bill contains the returning-board machinery then used by the carpet-bag governments in the Southern States, which enabled the Electoral Commission to declare the election of a Republican President, and at the same time enabled the President, after he had accepted the office given him by that fraud, to recognize the Democratic State officers as the rightfully elected officers of the States, though the Democratic Presidential ticket received the same vote in those States that elected the Democratic State officials.

The people of the United States attempted to rebuke that crime in 1880, but the day of retribution was postponed for four years by the skillful and corrupt use of money in Indiana and New York, through the agency of Mr. Dorsey, who was banqueted in New York after the election and who received the thanks and commendations of the beneficiaries through a no less distinguished personage than the then Vice-President elect, Mr. Arthur.

I refer to these disgraceful chapters in history not for the purpose of indulging in useless comment or mere campaign declamation, but to show to the American people the danger to which our free institutions are exposed by a measure which proposes to throw open the doors of the Treasury to a political party and to legalize the use of every dollar in it as a political campaign fund.

Sir, we all know that money has become a most potent and dangerous factor in legislation. We know that it influences and in a large measure controls party nominations.

We know from experience in the campaigns which have occurred since legislation has built up and enriched so many monopolies that money has in a great degree corrupted politics in all the great cities of the country. We know that it has in a greater or a less degree corrupted all political organizations. We have seen that men counted respectable otherwise have come to regard votes and offices as mere articles of merchandise, and that the Republican party especially has never hesitated to wield any power or to use any means in its reach to accomplish its purpose. It is indeed insane in its greed for power when it supports such a measure as this.

Knowing these facts it seems to me little short of criminal to even propose much less to vote for a measure which places an immense army of partisans at the command of the party in power to perpetuate its rule, and places every dollar in the Treasury at its command as a campaign fund out of which to reward party workers. Let me repeat it, Mr. Speaker, to emphasize it and impress it on the mind of every American citizen, this bill gives the party in power the right to use under the forms of law every dollar in the Treasury as a campaign or corruption fund to buy or control the elections for Congress and for President.

I would not trust such power in the hands of any political organization that ever existed under the sun. Sir, I would as soon vote to elect a king to rule over the American people as to vote for this bill. No free people will tolerate such a measure. No people can live under such a law as this bill proposes and be free. Any people who would tolerate such a law do not deserve to be free. I believe that the deliberate purpose of this bill is the complete revolution of this Government.

The time has come when it is a fight to the death between the people and the monopolies. The monopolies have determined by this bill to repress what Mr. Hamilton termed "the turbulent spirit of democracy," and to force the Government into channels from which there will be no escape from centralization and death to free institutions.

Sir, this bill was conceived, as I have stated, in a meeting of the representatives of monopoly assembled at Pittsburgh, Pa. Its coming was heralded to the country by the Speaker of this House in that meeting. It was born of a Republican caucus in this House under a Cæsarian operation. It has concealed in its provisions a dagger aimed at the vitals of the Republic. It will "die the death."

And go down
To the vile dust from whence it sprang,
Unwept, unhonored, and unsung.

Its reputed father, who was deceived even in its conception, the gentleman from Massachusetts [Mr. LODGE], and its anxious and proud wet-nurse, the gentleman from Illinois [Mr. ROWELL], and its most puissant and bold god-father and accoucher [Mr. Speaker REED] will after its death apostrophize the political lust in which it was conceived in the language of Sir Philip Sidney:

Thou blind man's mark, thou fool's self-snare,
Fond fancy's scum, and dregs of scattered thought;
Bond of all evils, cradle of causeless care,
Thou web of ill, whose end is never wrought.

[Great applause on the Democratic side.]

Mr. GEISSENHAINER. Mr. Speaker, when Cromwell walked into Parliament, proclaimed himself dictator, and overturned legislation, he probably caused not one degree more confusion than will be occasioned this Government from the operation of the bill under consideration.

The right to vote is bestowed upon no one under the Constitution. It is neither a privilege nor immunity of citizens of the United States. Congress has not adopted the election and registration laws of any State. (Norton vs. Brewster, 23 F. R., 840.)

The fifteenth amendment, forbidding the denial or abridgment by

the Federal or State governments of the right of suffrage on account of race, color, or previous condition of servitude, did not confer the right of suffrage, but annulled all existing provisions of State constitutions which limited this right to white persons. (United States vs. Reese, 92 U. S., 214; Neal vs. Delaware, 103 *id.*, 370; United States vs. Amsden, 10 Biss., 283; United States vs. Crosby, 1 Hughes, 448.)

Section 2004, Revised Statutes: The right to vote in the States is a right derived from the States themselves, and has not been granted or secured by the Federal Constitution; but the right of exemption from the prohibited discrimination in the exercise of the elective franchise is derived from the Constitution of the United States, and has been both secured and granted by it. Notwithstanding section 2004, the several States have the power to deny the right of suffrage to any citizens of the United States on account of age, sex, place of birth, vocation, want of property, intelligence, neglect of civic duties, crime, or other cause not specified in the amendment. (McKay vs. Campbell, 1 Sawyer, 374.)

The elective franchise is to be considered as the most sacred privilege of citizenship. Its honest exercise is to be regarded as the great safeguard of society, and the States of our Union are endeavoring, by the enacting of various systems of ballot reform, to protect their citizens in their just rights, and do not require the intervention of further Government aid.

The present bill, in more instances than one, will conflict with the operation of the State ballot laws, and instead of protecting the voter, seems, Mr. Speaker, to do directly the opposite.

It places in the hands of the chief supervisor of each State the power to employ a numerous detail of assistants, whose presence may not only intimidate and confuse the voter, and thus prevent a fair election, but whose very appointment may be a violation of section 38 of this bill.

A returning board, too, is established, clothed with the power, irrespective of the ballots cast, and without consideration of the State law in regard to the marking and printing of ballots, to certify to the Clerk of the House of Representatives the election of a candidate for Congress, who may have received, not only the smallest number of votes cast, but whose ballots may have been deposited in the ballot-box in direct violation of State law, and have therefore been properly denied consideration by the State inspectors of election.

In certain States where the law provides that the names of all candidates are to be printed upon one ballot most disastrous results may be anticipated from the right to hold the ballot-boxes, as permitted by section 34.

There are certain features about this bill which, like the tariff bill, appear to discriminate very peculiarly.

By paragraph 3 of section 2, one hundred persons or fifty persons, according to the population, who may not be citizens of the United States, but simply claim so to be, may petition for a supervision of election, and an unlimited number of persons by the repeal of section 2028 of the Revised Statutes may be appointed as special deputy marshals, although not qualified voters in the voting precinct in which the duties are to be performed.

It may not be ill-timed to cast a cursory glance at officers provided by this bill, and the emoluments of the same.

First. The chief supervisors, who hold office during good behavior. They are paid by fees, as follows: Filing returns, etc., 10 cents; affixing seal, etc., 20 cents; entering record, etc., 15 cents per folio; arranging and transmitting reports, etc., to Congress, 15 cents per folio; administering oath to supervisors and special deputy marshals, 10 cents; and for certifying same, 15 cents, which fees, though small in themselves, aggregate very large amounts.

Second. Supervisors of election in cities of 100,000 and upwards are to receive \$10 for election day and \$5 a day for eleven days more.

In other places where there is registration, these officials are to be paid \$5 a day for six days, and where there is no registration \$5 a day for three days. There are to be three supervisors of election for each election district, two of whom only shall be of the same political party.

Third. An unlimited number of special deputy marshals may be appointed by the marshal and chief supervisor, whose pay is to be \$5 a day for eight days.

Fourth. Three canvassers for each State are appointed by the judge of the circuit court, not more than two of whom shall belong to the same political party and hold office so long as faithful and capable.

The compensation of these is \$15 a day for fifteen days, and \$5 a day for personal expenses. These canvassers are provided with a clerk who is to receive \$12 a day for services and expenses.

When we consider the great number of election districts in this country and the unbounded power of appointment, we can not but think that a most unjust and unnecessary tax will be levied upon the people.

There are in the States of this Union upwards of 60,000 election districts, as follows:

Alabama.....	1,100	Florida.....	600
Arkansas.....	1,275	Georgia.....	800
California.....	1,763	Illinois.....	4,000
Colorado.....	2,500	Indiana.....	1,857
Connecticut.....	301	Iowa.....	1,950
Delaware.....	66	Kansas.....	8,000

Kentucky.....	1,871	North Dakota.....	709
Louisiana.....	744	Ohio.....	2,449
Maine.....	504	Oregon.....	510
Maryland.....	483	Pennsylvania.....	4,500
Massachusetts.....	715	Rhode Island.....	51
Michigan.....	1,514	South Carolina.....	583
Minnesota.....	1,600	South Dakota.....	2,000
Mississippi.....	888	Tennessee.....	1,930
Missouri.....	2,500	Texas.....	2,935
Montana.....	431	Vermont.....	247
Nebraska.....	1,500	Virginia.....	1,500
Nevada.....	150	Washington.....	545
New Hampshire.....	267	West Virginia.....	1,080
New Jersey.....	713	Wisconsin.....	1,600
New York.....	3,596		
North Carolina.....	1,113	Total.....	57,900

These figures have been obtained from the officials of the various States, and are presumably correct.

It is estimated that the cost of holding each election, under the provisions of this bill, would not be less than \$10,000,000.

The patronage in the hands of the dominant party would be enormous, and the dangers arising therefrom might lead to the greatest corruption.

The bill will bring no relief to that section of the country for which it is said to have been especially prepared, but, on the contrary, it will tend to intensify race prejudices and engender sectional hostility.

Does this bill intend, first, to secure the control of the South and, secondly, to intimidate Democrats in all Northern Democratic strongholds? Is it framed, not on the principles on which our Government was founded; not in accordance with a Government for and by the people, but to coerce them, by a proffer of Federal appointments, to a change of political sentiment?

Was it the object of the framers of this bill, in creating the large number of officials, to provide places for such workers and members of the G. O. P. as the present Administration had failed to find "holes" to stick these "pegs" in? The bill in its title proposes "to amend and supplement the election laws and to provide for other purposes."

Is this one of the "other purposes?"

How is it, Mr. Speaker, that the majority in this House, having acted under a Federal election law, framed by their own party in 1871, have at this late day discovered that it is defective and now desire a change? And how is it that under this bill they now seek to repeal the safeguards contained in the present law, and to substitute therefor such measures as are calculated to retain in the hands of the dominant party the control of the House of Representatives? [Applause.]

[Mr. GOODNIGHT withholds his remarks for revision. See Appendix.]

And then, on motion of Mr. COLEMAN (at 11 o'clock and 30 minutes p. m.), the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

DEFICIENCIES IN APPROPRIATIONS FOR DISTRICT OF COLUMBIA.

Letter from the Secretary of the Treasury, transmitting additional estimates of deficiencies in the appropriations for the service of the District of Columbia for 1890 and prior years, as submitted by the commissioners, amounting to \$27,796.31—to the Committee on Appropriations.

ILLINOIS AND MISSISSIPPI CANAL.

Communication from the Secretary of War, transmitting a letter from the Chief of Engineers containing the final report of Capt. W. L. Marshall, Corps of Engineers, upon the location, plans, and estimates of the Illinois and Mississippi Canal in further compliance with certain provisions of the river and harbor act of August 11, 1888—to the Committee on Rivers and Harbors.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 3139) to aid the State of South Dakota to support a school of mines—to the Committee on Mines and Mining.

A bill (S. 3460) to release certain church property in the District of Columbia from arrears of taxation—to the Committee on the District of Columbia.

A bill (S. 3745) granting to the Northern Pacific and Yakima Irrigation Company a right of way through the Yakima Indian reservation in Washington—to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. BOUTELLE, from the Committee on Naval Affairs, reported with amendment the bill of the Senate (S. 540) to amend sections 1529, 1530, and 1531 of the Revised Statutes of the United States, relating to

the Navy, accompanied by a report (No. 2590)—to the House Calendar.

Mr. LIND, from the Committee on Commerce, reported with amendment the bill of the Senate (S. 3173) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, accompanied by a report (No. 2591)—to the House Calendar.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. FORMAN: A bill (H. R. 11197) for the erection of a public building at Belleville, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. TUCKER: A bill (H. R. 11206) to amend section 572 of the Revised Statutes so as to provide for the holding of the regular terms of the circuit and district courts for the western district of Virginia—to the Committee on the Judiciary.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A joint resolution (S. R. 95) to surrender certain bonds, drafts, and other papers in the Department of State to Robert S. Hargous, administrator of Louis S. Hargous, deceased—Committee on Claims discharged, and referred to the Committee on Foreign Affairs.

A bill (H. R. 11067) for the relief of the Mount Zion Society—Committee on War Claims discharged, and referred to the Committee on Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BURTON: A bill (H. R. 11198) to remove the charge of desertion from the military record of Vernon H. Gray—to the Committee on Military Affairs.

Also, a bill (H. R. 11199) granting a pension to Mary E. Morris—to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 11200) increasing the pension of Walter B. Hamilton—to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 11201) granting a pension to Martin Staubly, alias Martin Striblin—to the Committee on Invalid Pensions.

By Mr. TAYLOR, of Tennessee: A bill (H. R. 11202) for the relief of Samuel Hicks—to the Committee on War Claims.

By Mr. THOMAS: A bill (H. R. 11203) for the relief of William A. Deannon—to the Committee on War Claims.

By Mr. WHEELER, of Alabama: A bill (H. R. 11204) for the relief of Patrick Dally—to the Committee on War Claims.

Also, a bill (H. R. 11205) for the relief of the heirs of William Wheeler—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOUTELLE: Petitions from various associations in the fourth district of Maine, for a national Sunday-rest law—to the Committee on Labor.

By Mr. BURTON: Petition for payment of claim of Gustav A. Balger—to the Committee on War Claims.

By Mr. COLEMAN: Petition of citizens of Louisiana, including three State senators and ten representatives of Louisiana, asking favorable consideration of House bill introduced by Hon. H. DUDLEY COLEMAN, for the benefit of the Louisiana State University and Gilbert Academy, of Louisiana—to the Committee on the Public Lands.

By Mr. DE LANO: Petition numerously signed protesting against the original-package decision as inimical to the dairy interests of New York—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. DOLLIVER: Petition of Earl Rogers, A. M. Brower, and 19 others, citizens of Eaton County, Michigan, asking Congress for appropriation of money for complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of Winnebago Alliance, of Winnebago County, Iowa, for the same purpose—to the Committee on Rivers and Harbors.

Also, petition of citizens of Kosuth County, Iowa, for the prompt passage of House bill 5978, entitled "A bill prohibiting the transportation of intoxicating liquors from any State or Territory of the United States or the District of Columbia into any other State or Territory contrary to or in violation of the laws thereof"—to the Committee on the Judiciary.

Also, petition of citizens of Humboldt County, Iowa, for same relief—to the Committee on the Judiciary.

Also, petition of citizens of Carroll County, Iowa, for same relief—to the Committee on the Judiciary.

By Mr. GEAR: Petition of W. G. Ross and 104 others, citizens of Jefferson County, Iowa, praying for the enactment of a law prohibiting the transportation of intoxicating liquors into a State in violation of the laws of such State—to the Committee on the Judiciary.

By Mr. GROUT: Resolution of second Vermont convention on prohibition—to the Committee on the Judiciary.

By Mr. HERBERT: Petition of P. H. Smith, J. M. Bracton, and 38 others, citizens of Escambia County, Alabama, asking Congress for appropriation of money for a complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

By Mr. PERKINS: Petition of Seneca New York Indians against House bill 10130—to the Committee on Indian Affairs.

By Mr. RUSSELL: Petition of Martin Staubly, alias Striblin, for a pension—to the Committee on Invalid Pensions.

By Mr. JOSEPH D. TAYLOR: Petitions from various associations in Ohio, praying for the passage of a national Sunday-rest law—to the Committee on Labor.

By Mr. TAYLOR, of Tennessee: Petition on claim of Samuel Hicks of Washington County, Tennessee—to the Committee on War Claims.

Also, petition in matter of the claim of G. F. Jocknick—to the Committee on War Claims.

SENATE.

MONDAY, June 30, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a petition of 38 citizens of Somers Township, Preble County, Ohio, praying for the free coinage of silver; which was ordered to lie on the table.

He also presented a petition of the Methodist Episcopal Church, of Logan, Ohio, a petition of the Methodist Episcopal Church, of Saybrook, Ohio, a petition of the Christian Church, of West Liberty, Ohio, and a petition of the United Presbyterian Church, of Toronto, Ohio, praying for the enactment of laws to prevent the transmission of obscene literature through the mails; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented the petition of Dr. O. E. Herrick and 88 others, members of the Michigan State Medical Society, praying that sugar of milk be retained on the free-list; which was referred to the Committee on Finance.

Mr. PADDOCK presented a petition of citizens of Tucson, Ariz., praying for the repeal of the law withdrawing lands from settlement for irrigation purposes; which was ordered to lie on the table.

Mr. EDMUNDS presented a petition of the National Woman's Christian Temperance Union, signed by Frances E. Willard, president and superintendent of department for promotion of social purity, and other officers of the union, praying for the passage of a law providing for a commission on the subject of the social vice; which was referred to the Committee on Education and Labor.

Mr. WASHBURN presented resolutions adopted by the Patriotic Order, Sons of America, Camp No. 1, of Minnesota, remonstrating against the desecration of the nation's flag; which were referred to the Committee on Education and Labor.

Mr. EVARTS presented the petition of the New York Board of Trade and Transportation, praying for a continuation of appropriations for the improvement of the Harlem River; which was ordered to lie on the table.

He also presented a petition of citizens of New York, praying for the passage of the bill giving preference to veterans of the late war in appointments to the public service; which was referred to the Committee to Examine the Several Branches of the Civil Service.

Mr. PLUMB presented a petition of Sergt. McCoy Post No. 210, of Randolph, Kans., praying for the donation of the remainder of the Fort Dodge military reservation for the purposes of a soldiers' home; which was referred to the Committee on Public Lands.

He also presented a petition of the Leavenworth County Farmers' Alliance, of Kansas, praying for the passage of what is known as the Stanford bill, providing for the loan of money by the Government on real-estate security; which was ordered to lie on the table.

He also presented a petition of Baker University, of Baldwin, Kans., praying for the passage of such laws as will enable the State authorities to enforce the prohibitory law in the State of Kansas; which was ordered to lie on the table.

Mr. SPOONER presented a petition of Dodge Post, No. 44, Department of Maryland, Grand Army of the Republic, and a petition of Rankin Post, No. 10, Grand Army of the Republic, both praying for the passage of the bill providing for the transfer of the revenue-marine service to the Navy Department; which were ordered to lie on the table.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 833) providing for the erection of a public building at Paris, Tex.;

A bill (H. R. 3940) to amend an act entitled "An act to extend the fees of certain officers over the Territories of New Mexico and Arizona;"

A bill (H. R. 4635) granting certain privileges to the Union Railway Company of Chattanooga, Tenn.;

A bill (H. R. 6946) providing for the sale of navy-yard and United States naval hospital lands in the city of Brooklyn, N. Y.;

A bill (H. R. 8342) for the removal of the United States court-house building at Baltimore, Md.;

A bill (H. R. 9289) to provide for a term of court at Danville, Ill.; and

A joint resolution (H. Res. 166) authorizing J. B. Bernadon, United States Navy, to accept two vases presented to him by the Government of Japan.

REPORTS OF COMMITTEES.

Mr. PETTIGREW, from the Committee on Public Lands, to whom was referred the bill (H. R. 789) opening to settlement a portion of the Fort Randall military reservation in South Dakota, reported it with an amendment.

Mr. TELLER. I am instructed by the Committee on Public Lands, to whom was referred the bill (S. 1331) to amend section 11 of an act entitled "An act to enable the people of Colorado to form a State constitution and State government, for the admission of the said State into the Union on equal footing with the original States," to report it with a recommendation that it be indefinitely postponed. This report is made because the Department of the Interior has determined that the State is entitled to the relief sought in the bill without the passage of an act by Congress.

The PRESIDENT *pro tempore*. The bill will be postponed indefinitely.

Mr. WALTHALL, from the Committee on Public Lands, to whom was referred the bill (H. R. 10639) to amend section 2, act of May 30, 1862, reported it with amendments.

Mr. GEORGE, from the Committee on the Judiciary, to whom was referred the bill (S. 62) to define trusts, and to provide for the punishment of persons engaged in their creation or in carrying them out, reported adversely thereon; and the bill was postponed indefinitely.

Mr. PLUMB, from the Committee on Public Lands, to whom were referred the following bills, reported adversely thereon; and the bills were severally postponed indefinitely:

A bill (S. 3797) for the repayment of purchase-money in certain cases;

A bill (S. 3939) to abolish landlordism, and for other purposes;

A bill (S. 2362) to provide for commutation of timber-culture entries;

A bill (S. 2168) requiring the Secretary of the Interior to cause patents to be issued at once for all lands entered under the homestead, pre-emption, or timber-culture laws, where final proof was made prior to January 1, 1889, and an innocent third party has acquired an interest in said land by deed, mortgage, or otherwise; and

A bill (S. 1425) to open abandoned military reservations in the State of South Dakota to homestead entry.

He also, from the Committee on Public Lands, to whom the subject was referred, reported a bill (S. 4171) to authorize the leasing of school lands in the Territory of Oklahoma, and for other purposes; which was read twice by its title.

Mr. PLUMB. I give notice that I will ask the Senate at the very first moment, some time to-day or early to-morrow, to consider this bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred an amendment intended to be proposed by Mr. CALL to the bill (S. 2781) for the purchase of a historical book of reference from Austin & Co., reported it without amendment.

Mr. JONES, of Arkansas, from the Committee on Indian Affairs, reported favorably an amendment offered by himself June 25, concerning the trust fund of the Chickasaw Nation, intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. JONES, of Arkansas. From the Committee on Territories I report favorably without amendment the bill (S. 4165) to authorize the board of supervisors of Maricopa County, Arizona, to issue certain bonds in aid of the construction of a certain railroad.

Mr. STEWART. There has been no meeting of the Committee on Territories since that bill was introduced. It has not been considered by the committee, and I object to the report being made without a meeting of the committee.

Mr. JONES, of Arkansas. I am directed by a majority of the committee to make the report.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. PLATT. I desire to say that I do not concur in the report which has just been made with reference to the Maricopa County bonds.

STATUTES AT LARGE FOR SENATE LIBRARY.

Mr. EVARTS. I am instructed by the Library Committee to report favorably without amendment a resolution of the Senate that I ask may be considered.

The PRESIDENT *pro tempore*. The resolution will be read.

The Secretary read the resolution, submitted by Mr. GRAY April 23, 1890, as follows:

Resolved, That the Secretary of State be, and he is hereby, authorized and directed to furnish the library of the Senate with 50 copies of volume 20 of the Statutes at Large of the United States.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. SHERMAN. I should like to ask the Senator who reported the resolution whether those copies are for distribution.

Mr. EVARTS. No; for the use of the Senate in the library.

The resolution was agreed to.

EULOGIES ON THE LATE REPRESENTATIVE COX.

Mr. EVARTS. Mr. President, I ask leave to make a statement. I am desired by the Senator from Indiana [Mr. VOORHEES], who is detained by illness and will be unable to attend in the Senate to-morrow, he desiring to take a part in the commemorative addresses on the occasion of the decease of my late colleague, Mr. Cox, to request that, as he will be unable to attend, owing to his illness, for a week, a postponement may be made. I concur in that wish, and therefore announce that on Tuesday of next week at 3 o'clock I shall call up the communication from the other House.

BILL INTRODUCED.

Mr. PLUMB introduced a bill (S. 4172) for the relief of Paul Gregory; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. McMILLAN, Mr. PLATT, and Mr. SPOONER submitted amendments intended to be proposed by them, respectively, to the sundry civil appropriation bill; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PRINTING-PRESSES OF BUREAU OF ENGRAVING AND PRINTING.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish the Senate, as soon as may be, with all the information in his possession as to—

First. The number of hand plate-printing presses purchased or ordered for use in the Bureau of Engraving and Printing since April 1, 1889, and the amount of their total cost, together with the stoves and other things that go with them in order to make them complete.

Second. The number of hand plate-printing presses that have been repaired and put in order since April 1, 1889, and the cost of putting them in repair, together with the stoves and other belongings.

Third. The number of hand roller-presses that have been put in use since the 30th of June, 1889, to take the place of the nineteen steam plate-printing presses then in use and the total cost of these hand-presses and their fixings, including the stoves.

Fourth. The amount of extra time or overtime worked by other employes in the Bureau of Engraving and Printing than the plate-printer, and the total amount paid for such overwork since the 30th of June, 1889, up to date, and the amount estimated from date to June 30, 1890.

Fifth. The number of merchantable impressions printed in the Bureau of Engraving and Printing on steel-plate printing-presses from the 1st of July, 1889, to June 30, 1890, both dates inclusive, and the cost of printing, *i. e.*, the wages paid the plate-printers, their assistants, superintendents, etc.

Sixth. The number of merchantable impressions printed in the Bureau of Engraving and Printing on steel-plate presses from July 1, 1889, to June 30, 1890, both dates inclusive, and the cost of printing the same, including the items specified in the preceding paragraph.

ADMISSION OF IDAHO.

Mr. DAWES. I present a conference report on the legislative, executive, and judicial appropriation bill.

The PRESIDENT *pro tempore*. The Chair would state to the Senator from Massachusetts that the message has not yet come from the House of Representatives, and therefore the report is not in order at this time, the bill and papers being in the possession of the other House.

Mr. PLATT. If that be so, I ask that the Senate take up the unfinished business.

The PRESIDENT *pro tempore*. The Secretary will report the unfinished business by title.

The SECRETARY. A bill (S. 658) to provide for the admission of the State of Idaho into the Union.

Mr. DAVIS. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Minnesota rise to morning business?

Mr. DAVIS. I do not. I wish to appeal to the Senator from Connecticut.

Mr. PLATT. Let me get the Idaho bill before the Senate.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole, if there be no objection.

Mr. PLATT. The bill (H. R. 4562) to provide for the admission of the State of Idaho into the Union was passed by the House of Representatives and is now lying on the table of the Senate. There is no important difference between the two bills. I ask that House bill 4562 may be substituted for the Senate bill.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks unanimous consent that the bill (H. R. 4562) to provide for the admission of the State of Idaho into the Union may be substituted for and take the place of the bill of the Senate on the same subject, the title of which has been read, as the unfinished business. Is there objection?

Mr. GORMAN. I notice that the Senator from Arkansas [Mr. JONES] is now present, and I ask that the question be again stated.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks unanimous consent that the House bill for the admission of Idaho may be substituted for and take the place of the Senate bill on the same subject, the same being the unfinished business.

Mr. JONES, of Arkansas. As far as I am concerned, Mr. President, I have no objection to that course.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the bill (H. R. 4562) to provide for the admission of the State of Idaho into the Union is before the Senate as in Committee of the Whole and will be read at length.

OATHS IN SOLDIERS' CLAIMS.

Mr. DAVIS. I ask the Senator from Connecticut to give way for a moment to allow me to move for the present consideration of House bill 578.

The PRESIDENT *pro tempore*. Does the Senator from Connecticut yield?

Mr. PLATT. I will until I hear what the bill is.

Mr. DAVIS. It is the bill (H. R. 578) in relation to oaths in pension and other cases.

The PRESIDENT *pro tempore*. Is there objection to the unfinished business being temporarily laid aside? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 578) in relation to oaths in pensions and other cases; which was read, as follows:

Be it enacted, etc., That any and all affidavits and declarations to be hereafter made or used in any pension or bounty cases or in claims against the Government for back pay or arrears or increase of pension, or for quarterly vouchers, may be taken by any officer authorized to administer oaths for general purposes in the State, city, or county where said officer resides. If such officer has a seal and uses it upon such paper, no certificate of a county clerk, or prothonotary, or clerk of a court shall be necessary; but when no seal is used by the officer taking such affidavit, then a clerk of a court of record, or a county or city clerk, shall affix his official seal thereto, and shall certify to the signature and official character of said officer.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes.

JOHN E. WALTON.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2076) granting an increase of pension to John E. Walton, which was, in line 5, to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John E. Walton, late of Company C, One hundredth Pennsylvania Volunteers, and pay him at the rate of \$40 per month in lieu of the pension he is now receiving under certificate numbered 176641.

Mr. PIERCE. I move that the Senate concur in the amendment of the House of Representatives.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from North Dakota that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

ADMISSION OF IDAHO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4562) to provide for the admission of the State of Idaho into the Union.

Mr. PLATT. Now let the bill be read.

The PRESIDENT *pro tempore*. The bill will be read at length, as in Committee of the Whole.

The Secretary read the bill.

Mr. PLATT. I ask that the report may be read. The report proper is short. I desire that it follow the bill in the RECORD.

The PRESIDENT *pro tempore*. The Secretary will read the report.

Mr. MORRILL. It will be remembered that when the tariff bill was reported notice was given that it would not be called up until today. I understand there are several conference reports on general appropriation bills that will be pending to-day and perhaps an appropriation bill to be reported. This being the last day of the fiscal year, I do not intend to interfere at all with any such business, and give notice that at the earliest practicable moment the tariff bill will be called up.

Mr. SPOONER. I should like to inquire of the Senator from Vermont whether he expects to call up the tariff bill before a week from to-day for discussion.

Mr. MORRILL. I hope to do so. I think it is very important that we get that bill through the Senate early.

Mr. PLATT. I desire to say that I can not consent to any suggestion that interferes with the order of business, which is now under consideration, and much as I believe in the tariff bill and as anxious as I am to see it passed, I do not think it can be taken up until the consideration of the Idaho bill is concluded.

Mr. GORMAN. Mr. President, I should like the attention of the Senator from Vermont a moment. I did not hear distinctly what the Senator from Vermont said. I desire to say that we have now no understanding as to the order of business in the Senate such as is usual, and I think it would facilitate the public business very much if the Senator would fix a time some few days hence when the tariff bill can be considered, subject of course to the pending bill and the appropriation bills. It would add very much to the convenience of those of us on this side of the Chamber who desire to have something to say about that bill; and if the Senate would fix a day in the latter part of this week, or at the beginning of the next, subject of course to the pending bill—the Idaho bill—and the appropriation bills.

Mr. MORRILL. I have already stated that it was not the purpose to interfere with the appropriation bills or with conference reports, but that at as early a moment as practicable the tariff bill would be called up.

Mr. TELLER. I would suggest to the Senator from Maryland that it is not possible to call up the tariff bill this week. I do not think anybody need expect that. We shall probably adjourn over from Thursday until Monday, and I have no doubt this bill with the appropriation bills will take more time than that. We probably shall not get through the Idaho bill this week.

Mr. PLATT. Oh, yes.

Mr. TELLER. I doubt it.

Mr. PLATT. We ought to get through the Idaho bill to-morrow.

Mr. TELLER. That, of course, will depend on the appropriation bills.

Mr. REAGAN. I desired to submit some remarks this morning on the subject of Senate bill 1642, in relation to the free zone of Northern Mexico, but, if it is not agreeable to the Senator from Connecticut for me to do so now, I desire to give notice that to-morrow morning after the morning hour I shall ask the indulgence of the Senate to submit some remarks on that bill, which I regard as one of very great importance and which should receive the consideration of the Senate.

Mr. PLATT. I wish the Senator from Massachusetts [Mr. DAWES] would give me his attention. The Idaho bill having been read, I desire that the report which was made in the Idaho case, and which is only four pages, shall be read, so that it can go in the RECORD in connection with the bill, and then I desire to have the memorial of the constitutional convention, which has not yet been printed, go in the RECORD with the constitution. It will not be necessary to read those, but it will make up a connected case in the RECORD.

Mr. ALLISON. Let them all go in the RECORD without reading.

Mr. PLATT. I am quite willing, if unanimous consent is given, that the memorial and the other papers shall be placed in the RECORD without reading.

Mr. DAWES. I will state to the Senator from Connecticut that I have delayed calling up the conference report on the legislative appropriation bill because of a difference between the record of proceedings in the other House and the message which has already been received here. That difference is quite essential in parliamentary proceedings. I have sent back to see which is correct, and therefore I am not in the Senator's way.

Mr. PLATT. Then I ask that the report may be read.

The Secretary proceeded to read the report submitted by Mr. PLATT from the Committee on Territories February 18, 1890, but before concluding was interrupted by

Mr. PLATT. Mr. President, I ask unanimous consent that the report may be printed in the RECORD without reading the rest of it, and that the memorial of the members of the constitutional convention of Idaho praying for admission under the constitution may also be printed in the RECORD without reading, and also the constitution adopted by the convention held at Boise City. It is scarcely worth while to take the

time of the Senate in reading these long documents through, and I presume there will be no objection to inserting them in the RECORD. That will make a connected case for the admission of the State.

Mr. JONES, of Arkansas. I scarcely see the necessity of those documents being printed in the RECORD unless they are read, because they have been printed in document form and are in the hands of members of the Senate. I am rather inclined to think that the memorial ought to be read, but I hardly see the necessity for the constitution going into the RECORD at all. I imagine everybody has read it who takes any interest in the subject.

Mr. PLATT. Does the Senator desire that the reading of the report shall be concluded? It is, perhaps, half read through.

Mr. CULLOM. I do not think it is of any use to read either of them, unless possibly it may be the memorial. It just fills up the RECORD, and Senators have copies of them.

Mr. PLATT. I will not ask to have the constitution printed in the RECORD.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Connecticut, that the remainder of the report may be printed in the RECORD, and also the memorial?

Mr. BUTLER. I think the report of the committee ought to be printed in the RECORD, and I think that the memorial ought to be printed. They both contain information important to the Senate and to the country.

Mr. PLATT. Very well. I withdraw my request.

Mr. JONES, of Arkansas. Some Senators desire to hear the memorial read.

Mr. BUTLER. I trust the Senator from Connecticut will not withdraw his request to print the memorial in the RECORD. I see no objection to that.

Mr. JONES, of Arkansas. Unless some Senator wishes it read I will not insist upon it, but the Senator from North Carolina [Mr. VANCE] said he would like to hear the memorial read. So far as I am concerned, I am willing that the remainder of the report may be printed and that the memorial be read and that the constitution shall not be printed in the RECORD.

Mr. PLATT. I will then simply ask that the reading of the rest of the report may be omitted, and that the memorial may be read.

The PRESIDENT *pro tempore*. If there be no objection, the remainder of the report will not be read, but the whole document will be printed in the RECORD.

The report is as follows:

The Committee on Territories, to whom was referred the bill (S. 656) entitled "A bill to provide for the admission of the State of Idaho into the Union," together with the memorial of the people of the Territory of Idaho, praying for the admission of that Territory as a State, having considered the same, respectfully submit the following report:

Idaho was organized as a Territory March 3, 1863, with an area of 323,000 square miles. In 1868, by the creation of the Territories of Montana and Wyoming, its area was reduced to its present size. Its settlement, growth, and development, at first slow, have recently become rapid and substantial, so much so that the foundations of a rich and prosperous commonwealth are already laid.

In the last Congress a bill was reported by the Senate Committee on Territories authorizing the people of the Territory of Idaho to hold a convention for the purpose of framing a constitution and to submit the same to Congress if ratified by a vote of the people of the Territory. Pressure of business prevented action by the Senate upon this bill.

After the adjournment of Congress, Governor E. A. Stevenson issued a proclamation recommending that the people of the Territory should elect delegates to a convention to be held at Boise City on the 4th day of July, 1889, to frame a constitution for the State of Idaho. Governor Stevenson was succeeded in office by Governor George L. Shoup, who assumed the duties of the office on the 1st day of May, 1889. On the 11th day of May, Governor Shoup issued a supplementary proclamation indorsing the recommendations made by Governor Stevenson.

In pursuance of these proclamations an election was held, and seventy-two delegates were chosen to the convention. About sixty delegates appeared on the day named for holding the convention, and during the progress of the convention all but three of the delegates were present and took part in its deliberations. The convention was in session thirty-four days. Its proceedings were characterized by harmony and non-partisanship, and it framed a constitution of which a copy is hereto appended. (Appendix A.)

This constitution was submitted to a vote of the people of the Territory of Idaho, for adoption or rejection, at a special election called by proclamation of the governor, in pursuance of an ordinance adopted by the convention on the 8th day of November, 1889. At this election the constitution was ratified by a vote of 12,398 in favor of the constitution to 1,733 votes against it, 13 votes being returned as scattering—a total vote of 14,131.

The people of the Territory, in their memorial to Congress, pray that Idaho may be admitted as a State in the Union under the constitution thus framed and ratified by the people.

An examination of the constitution adopted shows it to be republican in form, in harmony with the principles of our Government, well adapted to the wants of its people, and wise in its recognition of progressive ideas. Shall the prayer of the people be granted and Idaho added without delay to the Union of States?

In the opinion of the committee, the answer to this question should be in the affirmative. A Territorial government precedes, and is in itself a pledge of statehood. When the time comes in the history of a Territory when the number and character of its people, its resources, and prospects of development are such as to satisfy Congress that statehood, if conferred, will result in wise and beneficent government, easily and gladly sustained, there should be no hesitation about admission.

It is the opinion of the committee that Idaho fulfills these conditions. Its population, though it is now probably less than the unit of representation in the House of Representatives, is of a character that can be relied upon to maintain a State government according to its wisely guarded constitution. Its inhabitants, drawn chiefly from the older States, are imbued with a just idea of the duties and responsibilities of citizenship, and ardently desire an opportunity to exercise the same rights which as citizens they have hitherto enjoyed in these States. The population is steadily and rapidly increasing, and the ma-

terial resources of the Territory are such as to make it certain that a steady growth of population will be sustained.

No census having been taken since 1880, the number of inhabitants can only be estimated. Governor Shoup estimated it last year at 117,235, which, in the opinion of the committee, is a conservative estimate. The present rapid development of the Territory warrants the belief that within the first year after admission the population of the State would be at least 150,000.

The area of the Territory of Idaho is 86,234 square miles, or 55,223,160 acres. It extends from the British possessions on the north to Utah and Nevada on the south; from Montana and Wyoming on the east to Washington and Oregon on the west, having a length from north to south of about 410 miles, and varying in width from 41 to 306 miles.

Its agricultural lands are estimated at 16,000,000 acres, or about 25,500 square miles; its forest lands at 10,000,000 acres, its grazing and mineral lands at 30,000,000 acres, leaving about 8,000,000 acres of mountainous land and about 1,300,000 acres covered by lakes and rivers.

In Northern Idaho the land does not, for the greater part, require irrigation. In Southern Idaho irrigation is required and is easily supplied, and when irrigated the land is exceedingly fertile and productive. The surveyor-general of the Territory reports 240,000 acres reclaimed and in process of reclamation. But Idaho will not be dependent on a single industry. Its forests, its mines, and its grazing lands supplement its agricultural resources.

The value of live-stock in the Territory is estimated at over \$11,000,000. The output of gold, silver, and lead amounted last year to \$17,340,000; and since 1862 the production of minerals has reached the enormous total of \$157,720,962. Of its capacity to produce lumber, Governor Shoup, in his annual report to the Secretary of the Interior, says:

"The quantity of timber in the Territory, when reduced to feet, is beyond calculation, and if properly protected will produce sufficient lumber and fuel for this and neighboring States and Territories for hundreds of years to come."

The assessed value of property in the Territory is about \$25,000,000. This does not include mining property nor lands entered upon but not yet patented. The actual value of property in the Territory is estimated at \$65,000,000.

It has 18 counties organized, 385 school districts, 24,071 children of school age, and school property valued at \$344,300. It has a system of public schools, and is thoroughly earnest in the progressive education of its children. It has built a capitol building at a cost of \$100,000, an insane asylum at a cost of \$50,000, has located and begun work on a university, all without the aid of the General Government. Its annual Territorial and county expenses are \$533,000, of which the General Government pays only \$23,000. The bonded indebtedness of the Territory is \$146,000. On the 1st day of January it had sufficient money to pay all its floating indebtedness and leave a balance in the treasury of about \$60,000.

The foregoing brief and imperfect statement of the extent and the resources of the Territory of Idaho and of the efforts of its people for development must satisfy all impartial minds that Idaho may be safely admitted as a State. The bill which has been considered by the committee is similar to the enabling act reported by the committee at the last session of Congress in its provisions relating to the disposition of public lands and courts. And the convention heretofore referred to, in framing its constitution, complied with the provisions of the act as to the compact between the proposed State and the United States.

Section 3 of Article VI of the proposed constitution is as follows:

"No person is permitted to vote, serve as a juror, or hold any civil office who is under guardianship, idiotic, or insane, or who has at any place been convicted of treason, felony, embezzlement of the public funds, bartering or selling or offering to barter or sell his vote, or purchasing or offering to purchase the vote of another, or other infamous crime, and who has not been restored to the rights of citizenship; or who, at the time of such election, is confined in prison on conviction of a criminal offense; or who is a bigamist or polygamist, or is living in what is known as patriarchal, plural, or celestial marriage, or in violation of any law of this State or of the United States forbidding any such crime; or who, in any manner, teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime; or who is a member of or contributes to the support, aid, or encouragement of any order, organization, association, corporation, or society, which teaches, advises, consents, encourages, or aids any person to enter into bigamy, polygamy, or such patriarchal or plural marriage, or which teaches or advises that the laws of this State prescribing rules of civil conduct are not the supreme law of the State; nor shall Chinese or persons of Mongolian descent, not born in the United States, nor Indians, not taxed, who have not severed their tribal relations and adopted the habits of civilization, either vote, serve as jurors, or hold any civil office."

Strenuous opposition was made to the admission of Idaho under its proposed constitution by the representatives of the Mormons residing in said Territory because of the section above quoted. About 20,000 Mormons reside in Idaho Territory, mostly in the four southeastern counties. They were represented before the committee by counsel and by Mr. William Budgo, a bishop of the Mormon Church and president of what is known as "A Stake" in Idaho. The section of the constitution referred to is copied from the Territorial law requiring a test oath to be taken by voters in the Territory in order to entitle them to vote. A claim was made in the Territorial court that the law which made the right to vote depend upon an oath to be taken by the applicant, denying his connection with the practices and organizations and associations referred to in section 3 as aforesaid, was contrary to the Constitution of the United States. In the Territorial court the constitutionality of such law was affirmed; the case was appealed to the Supreme Court of the United States, and has been argued and decided since the bill under consideration has been pending before the committee. The unanimous decision of the Supreme Court sustained the constitutionality of the law. The opinion, delivered by Judge Field, is appended to this report, marked Appendix B.

The committee sees nothing in the section in the proposed constitution above quoted which should prevent the admission of the State. If any of the citizens of Idaho are bigamists or polygamists or are living in violation of any law of the State or United States passed for the prevention of bigamy or polygamy, a sense of justice and a regard for the good order of the State require that they should be excluded from exercising a control in its organization and conduct. So, if they belong to and support and aid or encourage any association which teaches and advises and aids persons to be bigamists and polygamists, or which sets up an obligation to such association above the law of the State, they ought to be excluded.

No persons will be excluded from the privilege of voting, holding office, or serving as a juror, by the constitution of Idaho, unless they are in fact bigamists or polygamists, or are advising, counseling, aiding, or encouraging such crimes, or unless membership in the Mormon Church brings them within the prohibitions of the proposed constitution. This is a question of fact to be determined by the courts, and when it shall appear to the courts that bigamy and polygamy have ceased, and that the Mormon Church no longer enjoins or encourages or advises persons to enter into such relations and no longer puts allegiance to the church higher than allegiance to the State, nobody will for such reasons be disfranchised or excluded from the right to hold office by the constitution of Idaho. Until such time arrives, the committee believe that exclusion upon such grounds is both justifiable and necessary.

It is the conclusion of the committee that Idaho's right to admission is full and complete. Some verbal and formal amendments to the bill are suggested, and so amended the committee recommend that the bill do pass.

The PRESIDENT *pro tempore*. The memorial will now be read.
The Secretary read as follows:

MEMORIAL.

To the Senate and House of Representatives of the United States:

Your memorialists, the people of the Territory of Idaho, through their representatives in convention assembled, respectfully represent:

That for more than twenty-six years last past, under a Territorial organization, we have cheerfully yielded obedience to the Constitution and laws of the United States, and have recognized to its fullest extent the right of Congress to make all needful rules and regulations respecting the Territory.

That disclaiming any disloyal feeling in any manner toward the General Government, but asserting our fealty to and veneration for the Constitution of the United States, we are mindful of the undisputed right of the people of any section of our common country peacefully to assemble and represent by petition their grievances to Congress, and in this spirit we respectfully represent:

That in our opinion the present system of Territorial government is unrepugnant and undemocratic in theory, and in practice deprives vast numbers of loyal, peaceable, and patriotic American citizens of the right of self-government;

That under it strangers to our wants, interests, and requirements are sent among us to fill all the principal offices; and the life, liberty, and property of our people intrusted to the hands of officials in whose selection we have had no voice;

That such a system and policy is wholly unsuited to our present condition and works to a disadvantage by retarding the development of our growing and diversified interests;

That since the advent of railroads, connecting our Territory with all points of the compass, our population and resources have been largely augmented and increased, rendering a more perfect system of government in accord with the spirit of American institutions a paramount necessity to our people;

Therefore, in order to enlarge our liberties and place us upon a level with the citizens of our common country in the full enjoyment of all the rights, privileges, and immunities of American citizenship,

Your memorialists, with the approbation and at the request of the people of Idaho, have met in convention and formed a constitution, republican in form, for the State of Idaho, and herewith present a certified copy thereof for your consideration and approval; and if, upon an examination thereof, you find the same unobjectionable in substance and in form, your memorialists earnestly pray that the Territory of Idaho may be speedily admitted into the Union thereunder; and your memorialists will ever pray.

Done in open convention at Boise City, Territory of Idaho, this 6th day of August, A. D. 1889.

Wm. H. Claggett, president; Geo. Anslie, W. C. B. Allen, Robt. Anderson, H. Armstrong, Orlando B. Batten, Frank W. Beaul, Jas. H. Bently, J. W. Ballentine, A. D. Bevan, Henry B. Binko, Frederick Campbell, Frank P. Cavanah, A. S. Chaney, Chas. A. Clark, I. N. Coston, Jas. I. Crutcher, Stephen S. Gidden, John S. Gray, Wm. W. Hammell, H. S. Hampton, H. O. Harkness, Frank Harris, Sol. Hasbrouck, C. M. Hays, W. B. Heyburn, John Hogan, J. W. Howe, E. S. Jewell, G. W. King, H. B. Kinport, Jas. W. Lamoreaux, John Lewis, Wm. C. Maxey, A. E. Mayhew, W. J. McConnell, Henry Melder, John H. Myer, John T. Morgan, A. B. Moss, Aaron F. Parker, A. J. Pierce, A. J. Pinkham, J. W. Poe, Thos. Pyeatt, Jas. W. Reid, W. D. Robbins, Wm. H. Savidge, Aug. M. Sinnott, James H. Shoup, Drew W. Standrod, Frank Steunenberg, Homer Stull, Willis Sweet, Sam F. Taylor, J. L. Underwood, Lycurgus Vineyard, J. S. Whitton, Edgar Wilson, W. W. Woods, John Lemp, N. J. Andrews.

I, Charles H. Reed, secretary of the Idaho constitutional convention, which convened at Boise City on the 4th day of July, A. D. 1889, and adjourned on the 6th day of August, A. D. 1889, do hereby certify that the foregoing is a true and literal copy of a memorial adopted by said convention.

In witness whereof, I have hereunto set my hand, at Boise City, Idaho Territory, this 2d day of December, A. D. 1889.

CHAS. H. REED, Secretary.

UNITED STATES OF AMERICA, TERRITORY OF IDAHO,
Executive Department.

I, George L. Shoup, governor of the Territory of Idaho, do hereby certify that the signature of Chas. H. Reed, as the secretary of the constitutional convention which assembled at Boise City on the 4th day of July, A. D. 1889, and adjourned on the 6th day of August, A. D. 1889, is the genuine signature of him, the said Chas. H. Reed.

In testimony whereof, I have hereunto set my hand and caused to be affixed the great seal of the Territory of Idaho. Done at Boise City, this 2d day of December, A. D. 1889.

[SEAL.]
By the governor:

GEO. L. SHOUP.

E. J. CURTIS,
Secretary of Idaho.

Mr. PLATT. Let the names be printed in the RECORD without reading. They are the names of the members of the constitutional convention.

The PRESIDENT *pro tempore*. It will be so ordered, in the absence of objection.

AGRICULTURAL APPROPRIATION BILL.

Mr. PLUMB. I now ask that the pending order, the bill for the admission of Idaho, be laid aside temporarily, and that the Senate proceed to the consideration of House bill 10716, being the agricultural appropriation bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10716) making appropriation for the Department of Agriculture for fiscal year ending June 30, A. D. 1891.

The PRESIDENT *pro tempore*. The Secretary will proceed with the reading of the bill. If there be no objection, the amendments reported by the Committee on Appropriations will be acted upon as they are reached in reading the text of the bill. The Chair hears no objection, and that order will be pursued.

The Secretary proceeded to read the bill. The first amendment reported by the Committee on Appropriations was, under the head of "Department of Agriculture, office of the Secretary," on page 2, line 10, before the word "clerks," to strike out "two" and insert "three;" and in line 11, after the word "four," to strike out "three thousand six" and insert "five thousand four;" so as to read:

Three clerks of class 4, \$5,400,

The amendment was agreed to.

The next amendment was, on page 2, line 25, to increase the total amount of the appropriations for compensation of the Secretary of Agriculture, Assistant Secretary, and the clerks and employes in the office of the Secretary from \$78,700 to \$80,500.

The amendment was agreed to.

The next amendment was, in the appropriations for "document and folding room," on page 6, line 22, before the word "hundred," to strike out "four" and insert "six;" in the same line, after the word "two," to strike out "clerks" and insert "chief folders;" and in line 1, on page 7, before the word "hundred," to strike out "two" and insert "four;" so as to make the clause read:

Document and folding room: One superintendent, \$1,600; 2 chief folders at \$1,000 each, \$2,000; 1 clerk, \$600; 6 folders at \$600 each, \$3,600; 1 laborer, \$600; in all, \$5,800.

The amendment was agreed to.

The next amendment was, on page 8, line 5, after the word "herbarium," to insert "and for labor in preparing the same;" in line 9, after the word "plants," to insert "including cost of reports and illustrations thereof;" and after the word "local," at the end of line 11, to strike out "botanist" and insert "botanists;" so as to make the clause read:

Botanical investigations and experiments, division of botany: Purchasing specimens, paper, and all necessary materials for the herbarium and for labor in preparing the same, and for investigations and experiments with graminæ and forage plants, including the establishment and maintenance of experimental grass stations, and of other economic and medical plants, including cost of reports and illustrations thereof, and for traveling and other necessary expenses connected therewith, and for employing local botanists in the field for exploration and collection of plants in little known districts, \$40,000; and the unexpended balance of appropriations under this head for the current fiscal year is hereby reappropriated and made available for the fiscal year 1891.

The amendment was agreed to.

The next amendment was, on page 8, line 23, after the word "traveling," to insert "within the United States;" so as to make the clause read:

Investigating the history and habits of insects, division of entomology: Promotion of economic entomology; investigating the history and habits of insects injurious and beneficial to agriculture, arboriculture, and horticulture; experiments in ascertaining the best means of destroying them; publishing reports thereon, and for illustrations, chemicals, traveling within the United States, and other expenses in the practical work of the Division of Entomology, \$25,000.

The amendment was agreed to.

The next amendment was, on page 9, line 9, before the word "thousand," to strike out "twenty" and insert "twenty-five;" so as to read:

Silk section, sericulture: To enable the Secretary of Agriculture to collect and disseminate information relating to silk culture; to purchase and distribute silk-worm eggs and mulberry trees; and conduct at some point in the District of Columbia experiments with automatic machinery for reeling silk from the cocoon, and to pay expenses incurred in collecting, purchasing, preparing for transportation, and transporting the cocoons used in these experiments, and to pay the expenses of stations connected with said section, and necessary traveling expenses, \$25,000.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Kansas [Mr. PLUMB] to the language in line 11, on page 9, where the bill reads:

The Secretary of Agriculture is hereby authorized to sell in open market any all reeled silk.

Mr. PLUMB. The word "and" should be inserted after the word "any;" so as to read "any and all reeled silk."

The PRESIDENT *pro tempore*. That amendment will be made in the absence of objection. The Chair hears none.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, on page 10, line 2, before the word "thousand," to strike out "ten" and insert "fifteen;" so as to make the clause read:

Division of ornithology and mammalogy: For investigating the geographic distribution of animals and plants, and for the promotion of economic ornithology and mammalogy, and investigation of the food-habit of North American birds and mammals in relation to agriculture, horticulture, and forestry; for publishing reports thereon, and for illustrations, field-work, traveling and other expenses in the practical work of the division, \$15,000, of which sum \$1,000 may be applied on account of expenses incurred during the fiscal year ending June 30, 1890.

The amendment was agreed to.

The next amendment was, on page 10, at the beginning of line 10, to strike out "Investigation of food adulterations and;" in line 14, after the word "expenses," to strike out "the purchase of food samples and condiments in the investigation of the adulteration of food;" and in line 18, before the word "thousand," to strike out "five" and insert "three;" so as to make the clause read:

Investigations and experiments relating to textile fibers, division of microscopy: Microscopical apparatus, chemicals, photographic illustrations and drawings and other necessary supplies; traveling expenses; the purchase of textile fibers, and ascertaining their relative strength and forms, and for experiments in decorticating and cleansing fibers, \$5,000.

The amendment was agreed to.

The next amendment was, on page 12, line 6, after the word "forestry," to insert "and for experiments in the production of rainfall;" and in line 9, before the word "thousand," to strike out "eight" and insert "ten;" so as to make the clause read:

Report on forestry—division of forestry: To enable the Secretary of Agriculture

are to experiment and continue an investigation and report upon the subject of forestry, and for experiments in the production of rainfall, and for traveling and other necessary expenses in the investigation, and the collection and distribution of valuable economic forest-tree seeds and plants, \$10,000.

Mr. REAGAN. I desire to ask the Senator who reported the bill what nature of experiments for the production of rainfall it is contemplated shall be employed.

Mr. PLUMB. That will be in the discretion of the Secretary of Agriculture.

Mr. REAGAN. Perhaps the Secretary may be able to facilitate nature in some way, but I do not know exactly how he is to accomplish it. I do not care about making an appropriation in the dark.

Mr. PLUMB. There is a good deal of interest in the subject of the precipitation of moisture in various portions of the country, and the Senator will see that the amount is not an alarming sum.

Mr. VANCE. I rise for the same purpose which I suppose occasioned the rising of the Senator from Texas [Mr. REAGAN], to wit, to ask how this rainfall is to be artificially produced and to ask if there is any power in Congress under the Constitution to create artificial rainfalls. It seems to me that that is a matter which was not provided for by the desires of our fathers and I should like to know how it is to be done. [Laughter.]

Mr. BLAIR. Under reserved powers.

Mr. PLATT. Under the general-welfare clause.

Mr. PLUMB. If the Senator from North Carolina objects to the amendment on constitutional grounds, I hope he will proceed with his argument.

Mr. VANCE. I did not hear what the Senator said.

Mr. PLUMB. I say if the Senator objects to the amendment on constitutional grounds, I hope he will argue it on that basis, so that we shall have the benefit of his opinion upon that subject.

Mr. VANCE. When a proposition is advanced that is in the face of the experiences of mankind and of nature, the burden of proof rests upon the one who makes the proposition. I simply ask how the rainfall is going to be produced in a country where there is no rain produced by nature? If that can be done, it will be a great step towards the enriching of this world and the changing of it.

The PRESIDENT *pro tempore*. The question recurs upon the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the proviso to the clause making appropriations for "purchase and distribution of seeds—seed division," on page 13, line 2, after the word "plants," to insert "and;" so as to read:

Provided, That all seeds, plants, and cuttings herein allotted to Senators, Representatives, and Delegates to Congress for distribution remaining uncalled for at the end of the fiscal year shall be distributed by the Secretary of Agriculture.

The amendment was agreed to.

The next amendment was, in the same clause, on page 13, after the word "as," at the end of line 18, to insert "near as;" so as to read:

Provided, however, That the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents.

The amendment was agreed to.

The next amendment was, in the last proviso to the same clause, on page 13, line 20, after the word "seed," to strike out "packets" and insert "pockets;" so as to read:

Printing seed-packets, labels, postal-cards, circulars, etc., labor, paper, ink, type, and other necessary material for printing, and for purchasing and repairing printing-presses, \$5,400.

The amendment was agreed to.

The next amendment was, on page 15, after the word "dollars," in line 7, to strike out the following proviso:

Provided, That \$4,000 of said sum shall be used only for repairs of buildings and water and gas pipes.

So as to read:

Furniture cases and repairs: Repairing buildings, heating apparatus, furniture, carpeting, matting, water and gas pipe, new furniture, and all necessary material and labor for the same, including lumber, hardware, glass, and paints, \$10,000.

The amendment was agreed to.

The next amendment was, on page 15, line 12, before the word "thousand," to strike out "four" and insert "two;" so as to read:

Library: Purchase of necessary books, periodicals, and papers, and for expenses incurred in completing imperfect series, \$2,000.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for "salaries and expenses, Bureau of Animal Industry," on page 16, line 7, after the word "dollars," to insert "together with the unexpended balance of the appropriation for this purpose for the fiscal year 1890;" in line 19, after the word "reports," to strike out "and books;" and in line 20, after the word "relating," to strike out "thereto" and insert "to animal industry;" so as to read:

For carrying out the provisions of the act of May 23, 1884, establishing the Bureau of Animal Industry, \$350,000, together with the unexpended balance of the appropriation for this purpose for the fiscal year 1890; and the Secretary of

Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, and in such manner as he may think best, to prevent the spread of pleuro-pneumonia and other diseases of animals, and for this purpose to employ as many persons as he may deem necessary, and to expend any part of this sum in the purchase and destruction of diseased or exposed animals, and the quarantine of the same whenever in his judgment it is essential to prevent the spread of pleuro-pneumonia, or other diseases of animals, from one State into another, and for printing and publishing such reports relating to animal industry as he may direct.

The amendment was agreed to.

The next amendment was, on page 17, line 22, before the word "thousand," to strike out "sixty" and insert "seventy-five;" so as to make the clause read:

Agricultural experiment stations: To carry into effect the provisions of an act approved March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under provisions of an act approved July 2, 1862, and of the acts supplementary thereto," \$25,000, \$15,000 of which sum shall be payable upon the order of the Secretary of Agriculture to enable him to carry out the provisions of section 3 of said act of March 2, 1887; and the Secretary of Agriculture is hereby authorized to employ such assistants, clerks, and other persons as he may deem necessary, and to incur such other expenses in traveling, stationery, and office fixtures as he may find essential in carrying out the objects of the above act, and the sums apportioned to the several States shall be paid quarterly, in advance.

The amendment was agreed to.

The next amendment was, on page 18, line 18, after the word "services," to insert "including \$500 additional temporary compensation to the chief chemist;" and in line 21, before the word "thousand," to strike out "twenty-five" and insert "fifty;" so as to make the clause read:

Experiments in the manufacture of sugar: To enable the Secretary of Agriculture to continue experiments in the production of sugar from sugar-cane, sugar-beets, and sorghum, and especially for culture experiments, looking to the improvement of those sources of sugar, and for experiments in the more complete separation of the sugar from the molasses, and including all necessary expenses in these experiments, namely, traveling expenses, purchase of samples, apparatus, and supplies, chemical services, including \$500 additional temporary compensation to the chief chemist, and other expenses incidental to the experiments, \$50,000, or as much thereof as may be necessary, to be made immediately available.

Mr. REAGAN. I desire to offer an amendment to come in at the end of the paragraph.

The PRESIDENT *pro tempore*. Does the Senator desire to interfere with action on the pending amendment?

Mr. REAGAN. No, sir.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, to strike out the clause from line 23, on page 18, to line 4, on page 19, inclusive, as follows:

Experiment Station, Department of Agriculture: To enable the Secretary of Agriculture to prepare such portions of the Arlington estate as may be assigned to him by the Secretary of War as an experimental station and farm, and for expenses incurred in removing the present experimental station of the Bureau of Animal Industry to said estate, \$25,000.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. REAGAN. I offer the amendment which I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. After the word "available," in line 22, page 18, it is proposed to add the words:

Twenty-five thousand dollars of which shall be expended in the State of Texas.

Mr. PLUMB. If the Senator will permit me a moment, I will move to strike out the words "to be immediately available," in line 22. They are not necessary, and striking them out will not interfere with his amendment.

Mr. REAGAN. Very well.

Mr. PLUMB. I move to strike out the words "to be immediately available," on line 22, page 18.

The amendment was agreed to.

Mr. PLUMB. The Senator's amendment will come in after the word "necessary."

Mr. REAGAN. Yes, after the word "necessary," in line 22.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. After the word "necessary," in line 22, page 18, it is proposed to insert:

Twenty-five thousand dollars of which shall be expended in the State of Texas.

So as to read:

Traveling expenses, purchase of samples, apparatus, and supplies, chemical services, including \$500 additional temporary compensation to the chief chemist, and other expenses incidental to the experiments, \$50,000, or as much thereof as may be necessary, \$25,000 of which shall be expended in the State of Texas.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. REAGAN].

Mr. REAGAN. Mr. President, I ask for this amendment simply as a direction to the Secretary of Agriculture. Texas offers much the largest field of any in the country for the production of sorghum and a very large field for the production of cane sugar. During the last winter gentlemen representing the Agricultural and Mechanical College of Texas, and representing also the experimental station there, visited this city with a view to enlist the Secretary of Agriculture in

aiding them to make some experiments as provided for under this paragraph of the bill for the more complete separation of sugar from molasses, etc. At that time of course nothing could specifically be done. Now, we have had appropriations, some \$200,000 expended in Kansas on this subject, some \$75,000 in Iowa, and perhaps as much in Louisiana—I do not know exactly the amount, but there has been a considerable sum expended in Louisiana. But there is none applied in the very extensive region of country covered by Texas, and there is great interest felt there in the subject. It may be made a source of great wealth to that country, and there is great interest felt in it there by the people engaged in experimenting in sugar production and the separation of sugar from molasses. If the amendment is not objected to by the committee, I should like very much to have the direction given to let a portion of this fund be expended in that State.

Mr. PLUMB. I sympathize very heartily with the view which the Senator expresses, not only as to the proper expenditure of a sum of money in Texas, but as to the result which he hopes will grow out of that expenditure; but it would be manifestly improper to direct that one-half of this money should be spent in Texas, or in fact, as I think, to give direction as to where any of it should be spent. The amount which has been expended heretofore has not been quite so large as was stated by the Senator from Texas, and it has not been divided at all in the way which he seems to think.

Mr. REAGAN. I spoke on this subject from my own information from the Department of Agriculture.

Mr. PLUMB. The Senator is incorrect, at all events, as to the amount of money expended in Iowa. I do not think any has been spent in that State, at all events only a small amount. But that is neither here nor there. The policy of the Department in making these expenditures has been to make them in connection with what private parties were doing. Wherever the Department has found private capital enlisted in this venture, it has endeavored to do, in the way of experimenting in connection with what the private parties had in hand, that which would enlarge the scope of the experiment and give to it a more satisfactory result.

Mr. COKE. Will the Senator from Kansas allow me to make a suggestion?

Mr. PLUMB. Yes.

Mr. COKE. There have been propositions made, and they are still pending, by parties in Texas, who are conducting sugar-planting on a large scale, offering to put the labor and land and everything pretty much that is needed at the command of the Secretary of Agriculture for the purpose of carrying on these experiments. Those propositions have been made, and I have communicated them myself to the Secretary of Agriculture here. He did not have appropriations, he said, under which he could accept them.

If the appropriation is made, as requested by my colleague, for the expenditure of \$25,000 of the money in Texas, there is no State in which money is expended for this purpose where the Government will be aided to a greater extent than in Texas by private capital already engaged in the business. They are anxious to put at the command of the Government very nearly everything that is needed in order to carry on the experiment.

Mr. PLUMB. I have no doubt that would be the case, but it will be much more liable to be the case if the statute does not require it to be expended there in such a way that these parties might naturally feel that they were independent. In addition to that, unless enough is given to do everything which may be required, it would be an unjust discrimination to say that one-half of this entire sum should be spent in Texas to the exclusion of other places where the need might be just as great.

I have no doubt that the Secretary will expend in Texas whatever may be proper in proportion to the demand elsewhere in connection with the entire amount appropriated. I would have been glad to have seen this sum made larger, in order that more of it might be expended there as well as elsewhere.

But the Senator will remember that there has been great interest taken not only in this question, but in the question of the production of sugar from sorghum and of sugar from beets also, which extends over a very wide section of country, embracing not only Texas, but Kansas and Nebraska and Iowa, and other localities situated in the same belt, with the same soil and the same climatic conditions; and California, I might as well say, also.

So, to take one half this appropriation and say it shall be expended in Texas would be to do possibly a great injustice, at any rate, to other localities and hamper the industry rather than to help it, and perhaps even embarrass the Department in its expenditure in Texas, because I can readily see how a person, perfectly willing, if the Department were in a condition to bargain with him, to do his full share, might say, "As long as the Department can not bargain with me at all and is bound to spend this money here I will assume an independent attitude."

Mr. REAGAN. I see the force of the suggestion made by the Senator—

Mr. MITCHELL. Allow me to ask a question. I want to know how much was appropriated last year.

Mr. PLUMB. About \$40,000.

Mr. MITCHELL. Can the Senator tell me where that sum was expended?

Mr. PLUMB. I do not not know where all of it was expended, but part of it was expended in Delaware, a portion of it in Louisiana, a portion of it in Nebraska, and I think possibly a small portion in the State of Iowa, and some in the State of Kansas. I am not certain whether some of it was not expended in the State of California; my impression is that it was.

Mr. MITCHELL. What I wished to inquire was whether any of it was expended on the Pacific coast or not.

Mr. PLUMB. I think some of it was expended in Oregon or California.

Mr. MITCHELL. Has it been expended for the purpose of encouraging private enterprise?

Mr. PLUMB. It has been expended in making chemical and other experiments which were necessary to solve the question whether sugar could be made properly out of sorghum or beets. It took various shapes, although it did not take the shape of any purchase of machinery or anything of that kind.

Mr. REAGAN. I recognize the force of the suggestion of the Senator from Kansas, that this provision might require the Secretary to expend this money whether there was any private enterprise concerned in the experiments in the production of sugar from cane, beet-roots, and sorghum, and I am willing to amend and enlarge the amendment so as to cover the idea which the Senator has; that is, by adding the words "to assist such private enterprises as may be engaged in making such experiments."

I regret that I did not know this matter was coming up to-day, because I have some papers that would have given information which I can only refer to vaguely now by recollection. But there is a company making cane sugar in the lower part of my State, as I remember it, which has been making extensive preparations and employing a great deal of new and improved machinery and has succeeded in extracting a larger amount of saccharine from the given amount of cane than when it employed the centrifugal process of drying sugar.

Mr. GIBSON. That is Cunningham's.

Mr. REAGAN. Yes, sir; Cunningham's. Then besides, there is the experiment station at Bryan, Tex., which is also experimenting in this line, and it is proposed by the citizens there to establish a station, I think in Cooke County, in the northern part of the State, in very rich land, where ribbon cane can not be grown but where sorghum is grown with great success. I do not know what may be expected in the production of the sugar-beet in that country. Now, in some parts of California it is a great success. I do not know exactly what its success would be in our latitude and climate and soil, but the experiment might well be made. In the vast area of our country there, materially agricultural, where private enterprise is doing all it can to carry on these very experiments, it seemed to me desirable that some portion of the fund for these experiments should be expended in that State.

Mr. PADDOCK. I should like to inquire of the Senator if he is able to state that no part of the appropriation for the last fiscal year for this purpose was expended in the State of Texas.

Mr. REAGAN. No, sir; no part of it has ever been expended there.

Mr. PADDOCK. Very little if any of it was expended in my State, but I have been advised that the fund was very evenly distributed through the States, and that as many as twenty States probably participated in the fund.

Now, Mr. President, there has been no money used under that appropriation to speak of in my State; and I am able to say to the Senator that a plant for the manufacture of beet sugar is being put in in my State which is nearly ready for operation, which has involved an investment of five or six hundred thousand dollars, and that without any aid whatever, I understand, from the General Government. Therefore, if the Senator from Texas is to have \$25,000 set aside by a special provision for his State, I should feel constrained, considering what my State has done without aid, to demand that it, too, should have the benefit of a proviso for quite a considerable sum. I should be very glad if the State of Texas could have \$25,000 or as much as may be necessary, and I have no doubt if the bill passes and the appropriation is made according to the terms of the bill Texas now, in the light of the information he has given, would be sure to get its fair share.

Mr. REAGAN. Considering the amount of money that has been appropriated for this purpose and the large extent of Texas, an agricultural country producing extensively the very things to be experimented on, I do not think it is asking too much to ask that \$25,000 be expended there, as it seems that unless we can get an act of Congress directing it we can not get any money expended there. I shall therefore leave to the Senate the question whether we are to have any expenditure in that State for that purpose.

Mr. DOLPH. Mr. President, I hope the Senator from Texas will not insist on his amendment. It seems to me to be rather a vicious way of dividing up this fund. We have on the Pacific coast great areas of soil, as we think, particularly adapted to the raising of sugar-beets. As the Senator knows, the making of beet sugar is a successful industry already in California; and Oregon and Washington undoubtedly have a large extent of territory that is adapted to beet-raising.

As long as the expenditure of the appropriation is left to the sound discretion of the Secretary of Agriculture, I do not think the Pacific coast or the State I have the honor in part to represent will be disposed to find any particular fault, even if Texas should receive a very large amount of the appropriation; but if we commence this scramble for a division of such an appropriation, I should think myself not very much alive to the interests of my own State if I did not ask for a slice myself, to be expended in my State, and all the forty-two States of the Union would probably come in for a share, and Congress would determine where it is to be expended rather than the Secretary of Agriculture. I think therefore that the amendment is wrong in principle.

Mr. ALLISON. I was about to ask if the amendment of the Senator from Texas is amendable, or if the power of amendment is exhausted. I only wanted to say that if it can be amended I should like to give the other half to Iowa.

Mr. PADDOCK. I think there is another question more pertinent even than that.

Mr. ALLISON. It seems to me that it would be very proper to divide this between Texas and Iowa, especially as respects sorghum experiments. They represent about the two extremes of climate that can be expected to grow sorghum. I submit to the Senator from Texas that the other half should be given to Iowa. So I move that amendment if it is in order.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The suggested amendment is in order.

Mr. MITCHELL. I suppose that will exhaust the right of amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana [Mr. GIBSON], who has been trying to get the floor for some time.

Mr. GIBSON. Mr. President, I should be inclined to concur in the amendment of the Senator from Iowa if there were no other States except Texas and Iowa in the Union, and I were controlled by considerations that did not apply to the State of Louisiana at all. But a few years ago we secured an appropriation which was the beginning of these experiments in the manufacture of sugar, and the Department has already made several successful experiments in the State of Louisiana. We have nearly doubled the amount of sugar that may be obtained from a ton of cane by the experiments that have been made by the Government of the United States, by the application of the diffusion process, as it is called—the process applied in Germany and France to the manufacture of sugar from beets. We have also succeeded in making many improvements in the old method of milling.

That has been a great gain for the people of that State. The government of the State has also established several experiment stations which are being conducted under accomplished scientists and practical men. We believe further and more successful methods may be adapted to the manufacture of cane into sugar. We have also by improved methods of cultivation and fertilization increased largely the production of cane per acre. In old times we produced in that State only about a hogshead or a hogshead and a half, say a ton, of sugar to the acre; we now produce as much as two tons of sugar per acre.

Our sugar, too, grades higher in the market. It is graded on the average at about 16 by the Dutch standard. So the outlook for that industry in the State of Louisiana is very encouraging. We have not only increased the yield of cane per acre nearly double, but we have increased the production of sugar from a ton of cane itself about twofold.

We may hope at an early day without any extension of area and better methods of cultivation and manufacture to double the production of sugar in the State of Louisiana.

I trust, Mr. President, that this whole matter may be left to the discretion of the Department to determine how and where these experiments should be made.

Mr. GORMAN. Will the Senator allow me to interrupt him?

Mr. GIBSON. Certainly.

Mr. GORMAN. Do I understand the Senator to say that the results he has mentioned came from appropriations made by the Agricultural Department?

Mr. GIBSON. Not altogether, but mainly by the Government experiment with the diffusion process, which it was enabled to make by an appropriation made five or six years ago.

Mr. GORMAN. That is a very remarkable statement.

Mr. GIBSON. It was an appropriation similar to this. The amendment was offered by the Senator from Kansas [Mr. PLUMB] or myself, I forget which. At all events we concurred in that policy; and I take this occasion to congratulate him upon the successful results that have attended the experiment in the State of Louisiana.

Mr. GORMAN. I would inquire of the Senator if that was supplemented by the State action and private enterprise.

Mr. GIBSON. It has been since supplemented by State action and private enterprise. We have model farms established by the State of Louisiana, aided by private subscriptions, at the head of which is one of the most distinguished scientists, Professor Stubbs, in the country. He is aided by young men whom he instructs in the application of science to agriculture and the mechanic arts, and is achieving results

that justify the confident hope that we may produce in the United States sugar from cane and beets in sufficient quantities to supply the people of the whole country, and thus save to them the enormous annual drain of a hundred millions in gold to countries whose tariffs exclude our own commodities. The sugar industry, expanded as it will be by the natural resources of our climate and soil, if not discriminated against by our tariff laws, will largely diversify our pursuits and afford an enlarged market for our farmers.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Texas [Mr. REAGAN].

Mr. ALLISON. What has become of the modification of the amendment which I offered?

The PRESIDING OFFICER. The Chair did not understand the Senator from Iowa to put the amendment in such a shape that it could be announced at the desk. If he has done so, his amendment will be stated.

Mr. ALLISON. Well, Mr. President, I withdraw it.

The PRESIDING OFFICER. The Senator from Iowa withdraws his amendment. The question recurs on the amendment offered by the Senator from Texas [Mr. REAGAN].

The amendment was rejected.

Mr. FAULKNER. On page 2, line 18, before the word "hundred," I move to strike out "four" and insert "eight;" so as to read:

One engineer, who shall be captain of the watch, \$1,800.

I call the attention of the Senator from Kansas who has charge of the bill to the fact that this is in accordance with the estimate of the Secretary of Agriculture, but it was omitted by inadvertence by the Committee on Appropriations in the House of Representatives.

Mr. PLUMB. That is in accordance with the estimate. I do not know why it was left out in the House of Representatives.

The amendment was agreed to.

Mr. COKE. I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The Senator has not indicated on his amendment where it is to come in the bill.

Mr. PLUMB. The amendment which the Senator from Texas has had printed does not give the necessary information. What he designs is to have an amendment added after the word "dollars" in line 25, on page 8. He wants the proviso to follow the word "dollars," and the amount also to be increased to \$27,500, in place of \$25,000.

The PRESIDING OFFICER. The amendment offered by the Senator from Texas [Mr. COKE] will be read.

The SECRETARY. On page 8, line 25, after the word "dollars," add the following proviso:

Provided, That \$2,500, or so much thereof as may be necessary, may be expended for an investigation into the natural history of and remedies for the cotton-boll worm, for compensation of additional temporary agents of the division of entomology, for traveling expenses, chemicals, insecticide apparatus, and other necessary expenses in this investigation.

Mr. COKE. The first part of the amendment was not read by the Secretary.

Mr. PLUMB. The two propositions do not necessarily go together. They ought to be voted on separately.

Mr. COKE. Mr. President, the object of this amendment is to give the Agricultural Department the means of investigating the cotton-boll worm. Great benefit has been derived by the cotton planters of the South from the investigations of the Department as to the army worm, and the planters who raised cotton can now manage and control that worm and easily destroy it; but the boll worm is very much more destructive than the army worm. It utterly destroys any crop that it takes hold of; and it is very much desired that an investigation be made by the Agricultural Department into the nature of that insect in order that we may ascertain some means of destroying it. This amendment is to accomplish that object.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. COKE].

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Texas [Mr. COKE] offers a further amendment, which will be stated.

The SECRETARY. On page 8, line 25, before the word "dollars" strike out "twenty-five thousand" and insert "twenty-seven thousand five hundred;" so as to read:

Twenty-seven thousand five hundred dollars.

The amendment was agreed to.

Mr. MITCHELL. After the word "dollars," in line 9, on page 9, I move to insert:

Provided, That \$5,000 of the above amount may, in the discretion of the Secretary of Agriculture, be expended in collecting further information relative to the wild native silk-worm in the State of California and in further developing the use and value of its silk product.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Oregon [Mr. MITCHELL]. [Putting the question.] The yeas seem to have it.

Mr. MITCHELL. Let us have another vote.

The PRESIDING OFFICER. The Chair will put the question again.

Mr. MITCHELL. There can not be any objection, it seems to me, to this amendment.

Mr. GORMAN. I suggest to the Senator from Oregon whether it is not better to let this matter remain in the discretion of the Secretary of Agriculture. We have just now voted down an amendment making a specific appropriation of \$25,000 for the State of Texas. It was voted down by an almost unanimous vote of the Senate, and I think quite properly.

Mr. MITCHELL. This proposition is a little different, as I can explain to the Senator from Maryland in a moment. That amendment related to an appropriation made for the development of the sugar interest generally. Here is a proposed appropriation of \$25,000 for developing the mulberry silk-worm business. My amendment proposes to divert, if in the discretion of the Secretary of Agriculture he thinks it should be done, \$5,000 of the amount to procuring further information in regard to the native silk-worm in California and developing its uses and value, etc.

Mr. VANCE. Does the Senator's amendment increase the appropriation?

Mr. MITCHELL. It does not increase it a dime.

Mr. GORMAN. Neither did the amendment of the Senator from Texas [Mr. REAGAN] increase the appropriation. There was a general appropriation of \$50,000 to promote sugar culture. We have now a general provision of \$25,000 to be expended for the silk industry, all to be done under the discretion of the Secretary of Agriculture. Now the proposition is that \$5,000 of that \$25,000 shall be diverted to California. It is a discrimination, it seems to me, that we ought not make. We voted down the proposition of the Senator from Texas—

Mr. MITCHELL. We can not hear what the Senator is saying.

Mr. ALLISON. I can not hear a word.

Mr. PLATT. I can not hear anything.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. GORMAN. The appropriation that is contained in the bill of \$25,000 will enable the Secretary of Agriculture to take \$5,000 of it and spend it in California, or anywhere else in this country that he sees proper. I think myself that it is very unwise to designate a particular locality or State for any of these expenditures.

Mr. MITCHELL. I differ entirely with the Senator from Maryland. I think it is a very wise thing to make a suggestion in this bill to the Secretary of Agriculture that it might perhaps be very proper to continue investigations that have been going on for the last four or five years in California in reference to the native silk-worm of that State, and in making experiments in reference to the use and value of the silk produced by that worm. It has been developed already that there is a worm in that State, and perhaps in Southern Oregon and in Nevada, that produces a cocoon that develops a fine quality of silk, not a superior quality, but the same kind of silk that was produced originally in the East Indies, and the same character of silk that is now exported from the East Indies in very large amounts and is now being used in at least two States in this Union, in Connecticut and New Jersey.

There are very large amounts of this product exported from the East Indies and being manufactured into various qualities of the silk product. It is very largely used in France. Millions of hales are used there annually, it is said, and it has been developed by experiments already tried under appropriations heretofore made by Congress that a very large product of this quality of silk can be produced on the Pacific coast, especially in the State of California.

Now, this is no direction to the Secretary of Agriculture. It is simply a suggestion. It is simply a provision that if, in his judgment, after looking over the whole ground, this is a proper thing to do, then he has authority to divert \$5,000 of this money to making further investigation as to this native silk-worm. He would not be confined, as I think he is now under the provisions of the bill, and I have no doubt that is the construction he will place upon it, in any further investigation to experiments in regard to the mulberry silk-worm.

Mr. GORMAN. Why does the Senator say that?

Mr. MITCHELL. I have no doubt that will be the construction placed upon it, and that is the reason why I rather insist on this amendment. If it were a direction to the Secretary, without giving him any lee-way, perhaps it should not be incorporated in the bill; but as it is simply in the nature of a suggestion, leaving it to him and giving him authority, without any question, to use this appropriation for that purpose, it seems to me it ought to be permitted to go in. I do not understand that the Senator in charge of the bill has any particular objection to it, and I hope the Senator from Maryland will allow it to go in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. MITCHELL].

Mr. PLATT. Let the amendment be read, so that we may all understand it.

The PRESIDING OFFICER. The amendment will be again read.

The SECRETARY. After the word "dollars," in line 9, on page 9, insert the following proviso:

Provided, That \$5,000 of the above amount may, in the discretion of the Secretary of Agriculture, be expended in collecting further information relative to the wild native silk-worm in the State of California, and in further developing the use and value of its silk product.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDING OFFICER. If there be no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

Mr. GORMAN. Before the bill is reported to the Senate, I should like to ask the Senator in charge of the bill to favor the Senate with a statement showing the amount of unexpended balances that are reappropriated in the bill—unexpended balances in the appropriations for the current year, which terminate to-day. I find on page 8 of the bill, for instance, and again on page 16, special provisions for the reappropriation of amounts. I should like to inquire as a matter of record why those unexpended balances are reappropriated.

Mr. PLUMB. The unexpended balances on page 16 amount to between \$40,000 and \$50,000, and those on page 6 are, as I am informed, between \$4,000 and \$5,000.

I agree, Mr. President, that is not a good way to appropriate money. It is, however, sometimes done. The excuse for it in these cases arises largely out of the fact that the Secretary has been reorganizing the Department, putting it into a more systematic shape for the work which he is required by statute to do, and in doing this he has had to intermit a portion of the time some of the expenditures which otherwise were going on, and in addition to that he has had to project some expenditures comparatively into an indefinite future, in such a way as to make it exceedingly desirable that the money appropriated last year may be continued in order that there may be no break in the operations of the different divisions.

I do not anticipate that this will lead to any repetition of this method of expending the public money, although the Senator is aware that this occurs occasionally in other appropriations as well as in the appropriations for the Department of Agriculture.

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. GORMAN. I merely made the inquiry for information.

Mr. PLUMB. I wish to state in this connection that the amount of the estimates for the Department of Agriculture for the coming fiscal year was \$1,838,430. The amount appropriated in this bill by the House of Representatives was \$1,753,600, to which the Senate has added, on the report of the Committee on Appropriations, \$25,000, making a total of \$1,778,600. There has been added in the Senate \$2,500 by the amendment of the Senator from Texas [Mr. COKE], which makes the total that much larger.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the second committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes, further insisted on its disagreement to the amendments numbered 2, 21, 22, 23, 24, and 25, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BUTTERWORTH, Mr. CANNON, and Mr. FORNEY managers at the further conference on the part of the House.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. DAWES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, and 24. That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 26, 27, 28, 29, and 30; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$64,638.90;" and the Senate agree to the same.

On amendments numbered 2, 21, 22, 23, 24, and 25 the committee of conference have been unable to agree.

H. L. DAWES,
F. R. PLUMB,
A. P. GORMAN,
Managers on the part of the Senate.
BENJ. BUTTERWORTH,
J. G. CANNON,
WM. H. FORNEY,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the report.

Mr. DAWES. The condition of the bill is now perfectly plain to the Senate. All differences between the two branches have been adjusted and the adjustment agreed to by the conferees of the two

branches, except the two matters which pertain to the clerks for Senate committees and the clerks for Senators. Those points are open, and those only. The Senate, it will be observed, made the clerks of Senate committees and the clerks for Senators annual clerks at a salary of \$1,800 a year. To that the other House have not yet agreed. If there be no other motion I move that the Senate further insist upon its amendments and agree to the further conference asked by the House of Representatives. Any other motion may take precedence of this.

Mr. STEWART. I should like to make an inquiry. There was an appropriation for the Carson mint, the mint at Denver, and the mints at some other places, which was cut down by the other House below the estimate of the Department. The Director of the Mint called my attention to it in a letter, and I understand a letter was addressed to the Committee on Appropriations by the Secretary of the Treasury. I should like to inquire what has been done by the conference committee in regard to those items.

Mr. DAWES. That matter has passed beyond the control of both Houses some time since, and it is out of my mind just what has been done.

Mr. GORMAN. What was the particular item?

Mr. DAWES. The Carson mint.

Mr. STEWART. And the Denver mint. The amount appropriated was below the amount recommended in the estimate.

Mr. DAWES. If the Senator will take my copy of the bill and turn to it he will find a record of it.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

Mr. DAWES. The report, I understood, had been concurred in, and the motion is now pending that the Senate insist further on the amendments yet undisposed of.

The PRESIDING OFFICER. The report has not been concurred in by the Senate. The question is on concurring in the report.

Mr. STEWART. Before that vote is taken I should like to know the condition of the amendment with regard to Carson mint and several others that were put in by the Senate. The Senator from Iowa, when he had charge of the bill, made certain amendments to correspond with the recommendations of the Secretary of the Treasury as to additional appropriations for the Carson mint and for the Denver mint and for some of the assay offices.

Mr. DAWES. While the Senator is looking into that—

Mr. STEWART. I should like to know what has been the fate of those amendments.

Mr. DAWES. Those were passed upon several days ago in accepting the first report made by the first committee of conference. I am unable to state at this moment, but the Senator from Iowa will inform the Senator in a few moments. The question now pending is whether the Senate will accept this report. After the acceptance of the report the further disposition of the bill will be open in the Senate; but the acceptance of or disagreement to this report would not affect that question at all.

Mr. STEWART. All right.

The PRESIDING OFFICER. Does the Senator from Nevada insist upon occupying the floor?

Mr. STEWART. No; if the Senator from Iowa can make an explanation in a moment, I yield.

Mr. ALLISON. I can make a very good one at this moment, but I am afraid it will not be quite satisfactory to the Senator from Nevada.

I observe in looking over the amendments that the Senate recedes from the two amendments relating to the assay office in Nevada, and that the House recedes in relation to the mint at Denver.

Mr. STEWART. I do not understand why that should have been done.

Mr. ALLISON. The Senate also receded in respect to the amendment in relation to the mint at Philadelphia, where we increased the appropriation \$20,000. But, as I understand, these amendments are not involved at all in this conference report.

Mr. DAWES. Not at all.

Mr. ALLISON. They have passed away.

Mr. DAWES. They were involved in the first conference report which was accepted, and it is settled now unless by unanimous consent we could go back and undo all that has been done thus far. I will state to the Senator that there was a good deal of struggle about the amendments.

The PRESIDING OFFICER. The question is on concurring in the report of the conference committee.

Mr. STEWART. I hope it will not be agreed to.

The report was concurred in.

Mr. DAWES. I will state further to the Senator from Nevada that the action of the conference committee in relation to the items named by him now comes to my mind. While the House conferees were very persistent in endeavoring to cut down the increases of appropriations caused by the amendments of the Senate, the committee of conference on the part of the Senate labored faithfully to maintain the position of the Senate on them all. They were obliged, however, to yield some in order to obtain others, and they used their best discretion as to where they could yield amendments increasing appropriations in order

to save others. If they made a mistake in reference to the Carson City mint they regret it very much, but the matter has passed now so far that I do not see how it can be remedied.

The PRESIDING OFFICER. The Chair would inform the Senator that there is no motion before the Senate.

Mr. DAWES. I move that the Senate further insist upon its amendments disagreed to by the House of Representatives, and agree to the further conference asked by the House of Representatives thereon.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts.

Mr. GORMAN. Mr. President—

Mr. STEWART. May I make a remark now?

Mr. GORMAN. Certainly; I give way to the Senator.

Mr. STEWART. I can not understand, when we have the regular estimates of what is necessary to carry on a particular mint, and when the Secretary of the Treasury has addressed a letter to Congress stating that there is so much money necessary to carry it on, the mint being in full operation, why it should be denied the necessary money to properly carry it on. I do not understand that at all, and I do not think it is just. I do not think it is good legislation. These conference reports come in by numbers and nobody's attention is called to them. The attention of neither of the Senators from Nevada was called to the fact that the conferees were going to abolish that mint, but here it is done, for there is not enough money voted to carry it on.

It seems to me there ought to be some way of remedying this; and I ask unanimous consent that the item may be considered by the conferees in connection with this motion and insist that the conferees again consider that item with regard to the Carson City mint, for I do not think they intend in this way to stop the operations of the mint.

Mr. DAWES. I trust the Senator will do the conference committee the justice to believe that they have maintained the position of the Senate to the uttermost of their ability.

I will suggest a parliamentary difficulty in the way of the motion of the Senator, and that is that we can not confer upon a matter already settled unless the two Houses agree to go back and undo what they have done and embrace that in a new conference.

I regret very much that the Senator did not call the attention of the Senate to it when the conference report was first made to the Senate, and then if the reasons were so considerable as to justify a rejection of that conference report I have no doubt the Senate would have rejected it.

But the Senator must understand, and old experienced Senators here must understand, that the very object of a conference is to bring the two Houses together, and it is utterly impossible to bring them together by an agreement entirely on one side. Something must be yielded on one side as well as on the other; and between all the mints and assay offices of the land, the House insisting that they would not agree to all of the increased appropriations of the Senate, the Senate committee thought it wise to yield that one.

I repeat the regret of the committee that it has disappointed the Senator. There was no intention on the part of the committee to do any wrong to Carson City, but as compared with all the other mints, and as it met the insistence of the conferees on the other side, I do not see how it can be remedied now except in a deficiency bill.

Mr. STEWART. With the understanding that an effort shall be made to remedy this in the deficiency bill, and that the committee will aid in that, I shall not object further.

Mr. DAWES. I can not, of course, make any promise. I will state to the Senator that, so far as is consistent with my ideas of duty, I will do all I can to meet the Senator's views.

Mr. STEWART. I can not see why this mint should not receive the amount estimated by the Department as necessary for it to go on in the ordinary way. If there is any reason why, because it is located in Nevada, it should be discriminated against specially, I do not understand it.

Mr. DAWES. There was no such intention.

Mr. STEWART. Well, it has been discriminated against, and I do not know of any other reason for it unless because it is in Nevada.

Mr. GEORGE. I wish to make a parliamentary inquiry. I should like to know the exact state of the question before the Senate at this time.

The PRESIDING OFFICER. The Chair will state that the Senator from Massachusetts [Mr. DAWES] made a conference report upon a bill in which part of the amendments between the two Houses were agreed to, and some not agreed to. The conference report has been agreed to, and the Senator from Massachusetts now moves as to the amendments not disposed of that the Senate further insist upon those amendments.

Mr. GEORGE. I should like to know what amendments are not disposed of.

The PRESIDING OFFICER. The Chair will have to call on the Senator from Massachusetts to announce that.

Mr. GORMAN. I was about to state what the question is that is before the Senate.

Mr. President, there is nothing left by this conference report except two items, one of which is to provide for annual clerks to committees

which are not so provided for now by law, paying them \$1,800 per annum each for their services. The second proposition is to make clerks to Senators who are not chairmen of committees annual at \$1,800 per annum.

Mr. GEORGE. On amendments made by the Senate, as I understand.

Mr. GORMAN. When the bill was reported to the Senate from the Committee on Appropriations, the Committee on Appropriations recommended that these clerks to Senators and to committees be allowed a compensation of \$1,500 per annum. The Senate by a vote increased those amounts from \$1,500, as recommended by the Committee on Appropriations, to \$1,800. So when we went into conference on this bill the Senate conferees presented the proposition of these twenty-six committee clerks and twenty-six or twenty-five clerks to Senators at \$1,800 per annum, together with an increase of the messenger force of the Senate and various other expenses attendant upon this body. The House of Representatives rejected every proposition for the increase of the pay of the Senate officers and for the increase of the number, and the increase that was found necessary for our contingent fund for conducting our machinery, etc., and the spectacle has been presented of the other co-ordinate branch of this Legislature declining for some time and finally yielding in this last conference to appropriations sufficient to pay the ordinary running expenses of this body, but they do reject and have declined up to this moment to permit us to employ the clerks of committees annually or the clerks to Senators annually, and upon that proposition we now stand, and that alone.

Mr. GEORGE. Will the Senator state now what was the condition of the House bill with respect to these clerks of committees and clerks of Senators when it came over here, so that I may know, if we recede from our amendments, what will be the law upon that subject?

Mr. GORMAN. The clerks would then stand at a compensation of \$6 a day during the session.

Mr. GEORGE. The House gave us that?

Mr. GORMAN. The House gave us that.

Mr. GEORGE. Then I should like to ask if that is not the compensation which the clerks of Senators and the clerks of committees have been receiving all the time up to now.

Mr. GORMAN. It is the exact compensation; but, Mr. President, the Senate in its wisdom thought it was wise to employ these gentlemen during the entire year, and the Senate fixed their compensation at \$1,800 per annum, the Committee on Appropriations having recommended \$1,500 in each case, as I remember, and I think I am correct in that.

Mr. President, when it comes to that proposition we find revived the old controversy which has been going on for a number of years, whether the Senate shall regulate its own affairs and whether it shall determine (of course within reasonable bounds) how many officers it shall employ and what compensation shall be paid them. As I understand, there is no objection elsewhere, and no objection, so far as I am able to ascertain, from the gentlemen who represent the House of Representatives, to the Senate having a sufficient number of employes, but they take the extraordinary ground that because there are three hundred and twenty-five members of the House of Representatives and only eighty-four members of the Senate, the members of the House, on the ground that they have more labor to perform, are as much entitled to personal clerks and committee clerks as members of the Senate, when the fact is that two Senators representing a State have all the work that necessarily concentrates upon the whole delegation in the other House, and there is no comparison between the amount of labor and the amount of committee work in the two Houses.

The Senator from West Virginia [Mr. FAULKNER] says it is greatly in excess in the Senate. Yes, and as it has been stated this is unquestionably a legislative body and all matters that come here are considered very thoroughly and completely, and there can not be any question on the part of any Senator that to facilitate the public business the provision allowing clerks is a wise and proper one.

But, Mr. President, it is useless for this matter to go back to a committee of conference unless the Senate determine by a vote that the adjustment be as made heretofore, which is that this provision shall stand, and shall so instruct the conferees by a vote of the Senate. If it is the determination on the part of the Senate that we are to surrender this right—for I regard it as such—that we shall permit another branch to determine how many persons we shall employ in this body and the exact compensation which shall be paid to them, I think the wise thing would be to surrender now and save another conference, and let the Senate recede from its amendment and let this great bill become a law, which is necessary to the affairs of the Government and which ought to be in effect to-morrow or to-day—

Mr. HALE. It ought to be signed to-day.

Mr. GORMAN. It ought to be signed to-day, as the Senator from Maine says. But for one I would stand and say to the other House, as in the past, as we have treated them on every occasion, "If you have determined that any number of officers is necessary for the conduct of your business we will give them to you, and we demand the same right on the part of the Senate." There never has been a controversy of this sort in which there has not been a surrender on the part

of the body objecting to it. There never has been a case within my knowledge where the Senate has not granted to the House all it asked, and in this identical bill which is now before us, the House having omitted to provide for all the officers that they desired, they came to the Appropriations Committee, and the Senate gladly made the additions on the bill while it was in the Senate. It is true it was put on the bill while it was in the Senate. It is true it was but for a single clerk, but we made him an annual clerk at \$2,000 per annum.

There is great inequality in the bill as it stands if these amendments of the Senate be not adhered to. The clerks—I will not take the time to read them all—of all the important committees of this body are paid fairly at \$2,200 per annum, and there are assistant clerks and assistant messengers for certain committees. They were obtained by resolution of the Senate. There has been no equal distribution of them, and it was only possible to have an equal distribution by permitting Senators who are not chairmen of great committees and Senators who are not chairmen of any committees to have this allowance. Now, such a provision has been made. The same contest was made when the position was made at \$6 a day for the session. I have before me, but I will not stop to read it, the debate which occurred upon that proposition. It was then said by the House of Representatives that we were exceeding our authority, that we were extravagant, and that we ought not to make a provision for clerks at all.

The Senator from Ohio [Mr. SHERMAN] and the then Senator from Delaware, Mr. Bayard, and all who were in the body at that time and took part in the discussion, held that we had the right within reasonable bounds to determine the number of our employes and their compensation, and the Senate stood firm on this identical bill in 1884, and, as usual, the other House, the House objecting, receded and provision was made for them. The same condition of affairs exists to-day.

Now, if the Senate simply in the *pro forma* way which is proposed adopts this report and submits to another conference without any expression upon its part, it will be regarded unquestionably as a complete surrender on the part of the Senate, and we shall probably not have an agreement. I say so because of what I have seen and heard on this matter and know of it in conference. It seems to me that the Senate ought to say now what it desires and instruct its conferees accordingly.

Mr. TELLER. I should like to ask the Senator from Maryland how we should express our determination on that or any other provision any more than we do by asking for a further conference. What method would the Senator suggest?

Mr. GORMAN. I would suggest that we should call the yeas and nays upon the proposition and let it be understood that the vote "yea" means that the Senate is firm in this matter. If we are to surrender by a vote of the Senate, as I said a moment ago, I would infinitely prefer to do it now rather than to go through the farce of another conference if we do not know when we go in that it is the will of this body that we shall adhere to these amendments.

Mr. TELLER. It is hardly possible that the Senate will propose to surrender the right to say what clerks it shall have. We practically concede that to every Department of the Government by making the appropriations conform to the estimates of the clerical force that they need; and certainly nobody knows better than the Senate does what the Senate needs to do the business which is intrusted to it. I do not think there is anybody here who wants to surrender that right, whatever he may think about this particular question; and, as is suggested by the Senator from Maryland [Mr. GORMAN], I have no doubt that if we surrender now we shall have in all time hereafter to yield to the House of Representatives upon this question and be at the mercy of the House.

It does seem to me that the rule the Senate has always maintained and has conceded to the other House as to the right of each body to select its own force and determine what amount of help it needs is the proper one, and that it ought to be maintained. I voted myself to give to each Senator a clerk at \$1,800 a year, because I do not believe that good clerks can be had for less. I do not believe we have a right to call on men who are competent to discharge the duties of a clerk properly for less money than that. We give to the clerks in the various Departments who do not do as important work as our clerks do even more than that.

Whether I believed the amount was proper or not, I would not surrender the right of the Senate to determine this question for itself. That seems to be the paramount thing just now—not whether we shall give \$1,500 or \$1,800, but whether we shall reserve to ourselves the right to say what force we want and what payment is just and right. We can not afford to do less than to stand by this and to have it understood by the committee that, no matter whether the House agrees or whether it does not, we propose to stand by what we have done.

Mr. HALE. Mr. President, the real issue that is raised between the two Houses is not a question of the Senate deciding what its force shall be so much as it is what the pay of that force shall be. Under the present arrangement, which the House of Representatives consented to, reluctantly at first, but at last putting it into their own bills, that is, the bills which they prepare, every Senator has a clerk.

It took a long and hard fight to establish that proposition, but upon page 8 are found the provisions which in the House bill as it came to the Senate cover the general clerks of committees and the provision for clerks to Senators at \$6 per day.

Mr. GORMAN. During the session.

Mr. HALE. If the Senate recedes and abandons the contention that has been going on during these conferences, every committee has a clerk at \$6 a day for the session and every Senator has a clerk at \$6 a day for the session. Now, the Senate has not been content with that, but goes on and increases the clerks who have been getting \$6 a day for the session and the Senators' clerks to \$1,800 a year, and the House lifts its hand in protest against that.

Mr. MITCHELL. Does the Senator think that is the proper thing to do?

Mr. HALE. Undoubtedly the Senate had a right to put that on.

Mr. MITCHELL. And we did do it.

Mr. HALE. We did do it.

Mr. MITCHELL. And now the question is whether we shall recede from our former action deliberately taken.

Mr. HALE. The House protests against that, and the Senator from Colorado and other Senators say that it is the right of the Senate to increase the salaries of its employes to any extent. If the argument goes for anything, the Senate may increase the compensation to \$1,800 this year, \$2,000 next year, and \$2,500 the next year, and the House can not say "nay" upon it.

I do not think courtesy between the two Houses goes to that extent, Mr. President. We are both legislative bodies. The House is performing duties of the same kind as the Senate. The House reluctantly consented to Senators' clerks at \$6 a day for the session, and is making the contest now, and of course we are making still more apparent the difference between the House and the Senate.

It is not a question of increasing the force. The House does not propose to interfere with the Senators' clerks who are already established at \$6 a day for the session, but when we go beyond that and increase the expenditure for the force here, not in numbers but in salaries, fifty or sixty or more thousand dollars, and the House has nothing corresponding, that body in the exercise of its right as a co-legislative branch of the Government protests, and I do not think, as I said, that the rule of courtesy between the two Houses forbids either House under such circumstances from entering its protest.

Suppose, as I said the other day, that the House of Representatives had chosen to double the pay of every employe, does any Senator hold that the Senate must blindly adopt that rule laid down by the House and vote for it because the House has determined to do that? And if next year it doubled it again, who will say that the Senate should have no voice in fixing the compensation?

The truth is, that there ought to be some relation between the force of the Senate and the force of the House of Representatives. The two bodies are the bodies which must consider the subject of the force of the two Houses. So, for one, as the House of Representatives have not in any way encroached upon the present privileges of the Senate and its force in extent, I am willing to vote to recede, and all the more freely because that is going to be the outcome.

Mr. GEORGE. Mr. President, may I ask the Senator from Maine to be good enough to state what are the expenses, respectively, of the Senate and of the House of Representatives?

Mr. HALE. They are about the same.

Mr. GEORGE. About the same, and there are three hundred and thirty members over there, I believe, and there are only eighty-four here.

Mr. FRYE. Mr. President, of course my colleague can see that there was some injustice and some inconvenience in having these clerks paid simply for the session. It leaves the Senators without any clerks during vacation, when to a certain extent they need clerks then for the public business. Suppose—

Mr. TELLER. I should like to suggest to the Senator that it leaves a certain portion of the Senators with annual clerks, amongst whom may be included the Senator who has just been addressing the Senate.

Mr. FRYE. It would be supposed, perhaps, that it left me with an annual clerk, although I have never had one, and although my committee has had an annual clerk I have never had a clerk in vacation.

Mr. HALE. I never asked a clerk of my committee during vacation to attend to a stroke of work, and I do not want to do so.

Mr. TELLER. If the Senator will yield to me a moment—

Mr. FRYE. I had not got through with my question. Suppose, to obviate that injustice and inconvenience, the Senate had proposed a reasonable salary for such clerks as we employ, would there have been any difficulty in the House assenting to it, in my colleague's opinion?

Mr. HALE. That is a question which I think the House should consider, because it is a body like ours, doing like labors with ours, and the members of the House need clerks, I will not say, perhaps, as much as Senators, and yet you can not very well discriminate between the two. A member of the House has a great deal of hard work to do, as well as a member of the Senate, and I never saw much difference in the work, having had the honor of belonging to each House. I never could see much difference in the work. A busy man will be working

all the time, whether in the House or in the Senate. If I were in the House to-day, I should feel the same sense of wrong that Senators, upon a general appropriation bill providing for all the branches of the Government, were allowed clerks in and out of vacation while members of the House had none. If the House was not ready to embark in the scheme of giving clerks to its members, I would not take away from them the right of a co-ordinate legislative branch to scrutinize our expenditures.

Mr. FRYE. Is there objection to the employment of these clerks annually, provided the salary shall be a reasonable salary?

Mr. HALE. I do not know, I will say to my colleague, what the objection is in detail on the part of the House.

Mr. GORMAN. I should like to answer the question and say that is precisely the objection. It is not the question of compensation. That was an open matter for adjustment. The conferees of the Senate not only were ready to offer to adjust that, but the House conferees objected to the employment annually of these clerks.

Mr. HALE. Annually. They do not object to the employment of clerks by the session.

Mr. GORMAN. They object to the employment of clerks annually.

Mr. HALE. They put in the bill session clerks, but they object to the annual salary of clerks.

I do not believe, Mr. President, that the Senate can maintain this contest very long. You may have a new conference, but it will be found that the House conferees are obdurate and the Senate is seeking to put a provision in against the will of the House, and the House conferees will simply lie back and say "no," and the bill be held up with all the vast concerns that pertain to it, and in the end the Senate will recede on this matter. Therefore I agree with what has been said, that if that is to be done it had better be done now, so that the bill can pass and we may not put the Departments to inconvenience by a continuing resolution, rather than to recede in a week or a fortnight from now. I think that will be the outcome.

Mr. TELLER. If we have the right to say what shall be the force, we must have the right to say what shall be its compensation. One is valueless without the other. That does not appear now to be the controversy.

Mr. HALE. The Senator speaks of the right. He means the right granted by courtesy between the two Houses, not a right by law.

Mr. TELLER. Of course not by law, but by courtesy—a courtesy that we have claimed and that has been conceded to the Senate for a great many years.

It must be presumed that in presenting to the House a bill either as to the number of clerks or the amount of compensation to be paid them it will be a reasonable bill. Nobody has the right to suggest, as the Senator does, that we are doubling or anything of that kind. There has been the grossest inequality with reference to this clerical force by the Senate for many years. There are twenty-five committees which have annual clerks, and not more than five of them require annual clerks any more than all the rest of the committees do. There has been a Committee on Census here that never met for a straight year, and that had an annual clerk, and the chairman, the head of that committee, is the Senator from Maine.

Mr. HALE. Let me say right there, as the Senator is unable to continue this discussion without making what he evidently wants to be considered a personal allusion—

Mr. TELLER. Not at all.

Mr. HALE. I want to say one word about the clerk of the Committee on the Census.

Mr. TELLER. Certainly; I have no objection to that.

Mr. HALE. I found that clerk, when I became chairman of the committee, established and fixed at a rate which I knew nothing about before. I had no hand in establishing the rate, and it has continued ever since, but it is larger than the labors of the committee ought to require. I have always been in favor of a committee taking all these clerks and arranging them according to their duties and importance and arranging their pay, and that committee ought to go in with the rest, and we can all better afford to abandon this contest now because we have got a committee appointed to consider that matter.

I will say additionally that so far as its being any benefit to me when Congress adjourns, that clerk goes about his business wherever he pleases. I do not employ him or use him or benefit by him during the vacation between the sessions, and in the last three or four years and during the next two years he has done and will be doing more duties and more work than three-fourths of the committee clerks of the body.

Mr. TELLER. Undoubtedly.

Mr. HALE. There are certain years that he does very little. There are other years in which he is doing very valuable service, working hard for the committee.

I should not have made this explanation, because I do not want to bring in personal matters, but it seems the Senator from Colorado could not debate the question without bringing in something of that kind.

Mr. TELLER. Mr. President, I had not the slightest idea of disturbing the Senator from Maine. I alluded to his committee because that is one of several which absolutely have nothing to do. The clerk of

that committee in eight years out of ten, or at least seven years out of ten, has nothing whatever to do.

Mr. HALE. Cut him down, then.

Mr. TELLER. I can mention other annual clerks, however, who have as little to do as he and even less than he. There is a species of favoritism here that is not agreeable, and the Senator who now has for the first time suggested that his clerk be cut down has never made the suggestion before.

I had no desire or intention of offending the Senator or saying anything personal at all. But he seems to stand as the champion of economy and for the surrender of this heretofore admitted courtesy at least on our part.

The Senator does not need this clerk, whatever the Senate may do. I suppose if he does not use this clerk he employs some man. Undoubtedly he does not get along without a clerk and he employs some man during the vacation to do his work and pays him out of his own pocket.

Mr. HALE. I do it myself.

Mr. TELLER. If the Senator does his work himself he must have a great deal less to do than some of the rest of us have to do or he could not do it. I know Senators on this floor who can not do their work. For one I am willing to say that I can not do mine. I put in as many hours as any man in this Senate and I can not do it. I get requests from every State in this Union, and from every section where there is a soldier, where there are people interested in legislation. We all get these requests, and it is utterly impossible for any one man to do this work.

Since I have been in the Senate, when I have had a clerk I have hired other men to do extra work for me, as other Senators have done. There is no comparison between the members of this body and the members of the other House in general as to the amount of work which they have to do. I, for one, believe the Senate ought to insist upon having an annual clerk for every member of this body, or else we ought to return to the old system by which every clerk was dismissed at the end of the session.

Mr. DAWES. I desire to add to the explanation made by the Senator from Maine [Mr. HALE] in reference to the clerk of the Committee on the Census, that that clerk was accorded to that committee when a distinguished Senator from Ohio was chairman of that committee and in very ill health, and it was on account of his position and his health that that was made an annual clerk, and has continued so ever since.

Mr. TELLER. I should like to suggest to the Senator that the position of every Senator in this body is the same, and the Appropriations Committee have no right to consider one Senator in preference to another.

Mr. DAWES. All that may be, but I believe the Senator will not think it out of order for me to allude to the health of some Senator under circumstances under which the Senate accorded to a Senator a clerk. The last Congress accorded to a distinguished Senator in this body a clerk during the vacation because of physical disability. The Senate is not above such considerations, however the Senator from Colorado may be.

Mr. STEWART. Mr. President, it seems to me that the Senate ought to take the common-sense business view of this question. The pretense of economy which is exercised in depriving ourselves of the necessary aid to carry on the public business is at the expense of the people. There are many things in which there might be economy, but there is certainly no economy in depriving Senators of the necessary assistance to discharge their public duty. The country understands that the compensation of Senators is too low; that it is a practical denial to poor men of the right to come to the Senate. Poor men with families can not come here and discharge the duties. The compensation to Senators and to members of the House is much less—it is not, in my judgment, half as much as those persons fitted for those positions can make in ordinary business; and the expense of coming here adds largely to the burden that they have to bear. Practically the Senators and the members of the House give their services without compensation. What they receive comes far short of paying the expenses.

Now, the attempt is to deprive them of ordinary assistance to do the business properly. The House of Representatives could very well afford to ask for clerks for themselves. They can make it up in other economy if they understand the business of the country and know where to economize and have more time to discharge their duties. It would be good economy for the House of Representatives to put in the appropriation bills clerks for themselves. There is no economy in us placing the representatives of the people in either House in such a position that they can not acquire all the information and discharge all the duties necessary to the legislation of the country. Great responsibilities rest upon members of the two Houses. Their whole time is devoted to the public business, and it is beyond the physical capacity of any Senator to discharge all the duties which devolve upon him; and it is ridiculous to say that we shall go bungling along without the necessary clerical force here while all the Government Departments have all that they require.

I think the Senate, in deference to its duty to the public, should ad-

here to its position in this matter. I hope the House will have the patriotism to provide themselves with the facilities for discharging the public duties, and let them be well performed. I think if we should back down now it would be an acknowledgment that we do not need what we have asked for, and we shall go on in the same manner, and many Senators will attempt to do the work themselves to the injury of their health. It would take twenty-four hours to answer the correspondence I receive daily, to say nothing of obtaining the information necessary for the practical discharge of my duties here.

Take any one of the committees that has investigations to make. Take a Senator who is upon the Committee on Claims with the work that is imposed upon him, if he has no assistance he can not perform it. Take the Committee on Military Affairs with its vast amount of labor, take all the committees, those gentlemen that are not chairmen of committees must investigate those questions or be ignorant of them. Is it not better to give them an opportunity to know the facts of the cases that come before them, so that they may legislate intelligently, by affording them the necessary assistance, or let the work go on haphazard without a general knowledge of what is requisite?

I think it would be wrong to yield this point at this time. I think the House, if they reflect upon it, will come to the same conclusion that we do—that it is economy to provide each Senator and each member with such assistance as to enable him to discharge the duties of his office.

I do not think the Senators or Members should be deprived of the necessary clerical force to enable them to do the public business, and it is masquerading before the public to pretend to economy in this way. We ought to have the manliness to say what is necessary for us to discharge our public duties as much as any of the Departments of the Government, and I hope we shall adhere to this in the most positive manner. Let us be understood now.

Mr. GEORGE. I desire to say that I concur very fully and entirely with the very just remarks made by the Senator from Maine [Mr. HALE] upon this question. I do not propose to elaborate; he has expressed the views so well. I may say this, though, in excuse for the action of the House, that the House has conceded to us, each one of us, a clerk at the price which we fixed ourselves, and at the same time the House denies to each one of its members that same provision. I do not think, therefore, Mr. President, that there is any occasion for complaint on the part of the members of this body of illiberality as against the House of Representatives.

I hope, therefore, that the Senate having fixed with deliberation some years ago, where the circumstances were very similar to what they are now, the sum of \$6 a day for the clerks to Senators during the session, will recede from what I regard as its improper action of a few days ago in making the clerks annual and raising the salary to \$1,800.

Mr. FAULKNER. Mr. President, it strikes me after reading the debate upon the conference report in the House of Representatives that the real question at issue between the Senate and the House is as to the right of the Senate to insist upon making these clerks annual. In discussing the difference between the two Houses the member who had charge of the conference report distinctly announced to the House that on the question of salary, in his judgment, the amount as fixed by the Senate was too high, and that in the judgment of the conferees of the Senate it was too high, and further, that he believed it could be reduced by having another conference of the committees of the two Houses.

The PRESIDENT *pro tempore*. The Chair thinks it is out of order to allude to what has been done in the other House to influence the judgment of the one in which a question is pending.

Mr. FAULKNER. I should think, Mr. President, that a Senator in speaking of a discussion in the other House has a right to quote here the RECORD as to the subject-matter of that discussion and the views expressed by members of that House bearing upon the question now before the Senate for consideration for the purpose of showing the difference between the two Houses.

The PRESIDENT *pro tempore*. It has always been held that it interferes with the independence which ought to exist between the two Houses to allude in one to what has occurred in the other as a means of influencing the judgment of those who are called upon to vote on any proposition.

Mr. FAULKNER. I am not trying to influence the Senate by what may have been said by any member of the other branch of Congress, but I am trying to ascertain and to let the Senate know what is the issue between the House and the Senate.

There are two questions presented in this conference report. The one question is that we desire to make these annual clerks instead of session clerks. The other is embodied in the same clause of the appropriation bill, which provides that the salary shall be fixed at \$1,800 a year. Now, I want to see where the difficulty is between the two Houses, but, of course, if the Chair thinks I am out of order in referring to a public discussion, printed in the RECORD, which is frequently done on this floor, as showing the difference between the Senate and House, and not with a view of influencing in any way the vote by any Senator, I shall, in accordance with the rule which I have always adhered to, yield to the judgment of the Chair.

The PRESIDENT *pro tempore*. The Chair thinks it quite clear, and the Senator will not fail to observe the great difficulty which might result in the heat of discussion if reference could be made to debate occurring in the other House.

Mr. SHERMAN. The Chair undoubtedly states the rule of parliamentary law, but it is evaded so easily, and that has been done so often that I think the Senator ought to have found by this time how easily it can be done. The Senator has the right to say "it has been said elsewhere" or "such and such has been said," without referring to the place where it was said. I do not think there is any sense in the rule, although the Chair does right in calling attention to it. Still it is very easily evaded, and if the Senator will act upon the suggestion I give him he can state "it was said elsewhere so and so."

Mr. FAULKNER. Mr. President, it has been said in a body that is not deliberative [laughter] that the reason why secretaries are not provided in both branches of Congress is because there is a want of courage upon the part of certain gentlemen interested in these matters in one branch who decline to assume the responsibility to demand it, and not because of the fact that there is not a necessity in a deliberative body having similar duties and labors to the Senate that every member who is engaged in the public business and has imposed upon him the enormous amount of public service which is required in such deliberative body ought not to have some assistance in performing those public duties.

For myself, I can state without any hesitation that I would regard it almost as essential to have this clerk during the vacation as during the session of the Senate. During a Senator's absence from Washington in vacation a large amount of mail accumulates and numerous requests are addressed to him in reference to departmental business of vital interest to his constituents, and if he has some one here that he can rely on to keep him advised in reference to these matters he can promptly judge of the necessity of his personal presence to perform that public duty required of him by the wants and interests of those he represents. It furnishes him the means through which he is promptly informed of what is demanded of him, and the public business is transacted with more dispatch than by sending these letters and applications from Washington back to his home, from which he is frequently absent in the recess of Congress, causing delay in responding to the requests of his constituents. A confidential clerk avoids the inconvenience by promptly communicating any matter of importance, thus enabling him by letter or in person, whether absent or at home, to give attention to the business of those he represents. Mr. President, I am not fixed in my own judgment as to the proper amount of the compensation for these clerks. I am perfectly willing for the conferees of the Senate to decide that question as they may deem best; but in reference to the clerks being employed by the year, I do hope that the Senate will insist upon its amendment, and leave the question of compensation to be adjusted by the conferees.

Mr. DAWES. Mr. President, the amendments are so separated that the Senate can express its opinion first upon that one making the clerks annual and next as to their compensation, if it sees fit.

The committee hold themselves bound to maintain the position of the Senate, whatever that may be, and do not propose to yield until the Senate in some way or other indicates its will. The peculiarity of this situation is such that the Senate conferees are in a very delicate position. They desire to maintain the wish of the Senate without regard to their own views, and they do not feel quite at liberty, without some indication on the part of the Senate, to negotiate in reference to the compensation any more than in reference to the annual character of the clerkships. But still if there is any way that the Senate can indicate its desires the conferees will be glad to be instructed.

Mr. FAULKNER. I did not know that the amendments were so separated that they could be acted upon in that way. Personally I feel that the action of the Appropriations Committee was perhaps the correct action; but on the subject of the clerks being annual I must say that I have a very decided opinion, and I hope the Senate will show their determination to maintain that proposition. As for the duties of the clerk of a Senator being equal to those of a clerk of a committee I am satisfied that there is almost the same amount of labor imposed upon one as upon the other. I know, for example, taking the work performed by my own clerk as an illustration, that his entire time from 9 o'clock in the morning until 12 o'clock at night is entirely occupied in the public business which I have to perform and which he assists me in doing. I do not know of over five evenings during the present session of the Senate that the clerk I have employed has not been engaged up to 11 and often until 1 o'clock at night in the public business.

I have no private business to engage his attention; his time is given to the public service. I am satisfied that his compensation, even if fixed as high as \$1,800, would not be extravagant or inequitable compensation when compared with other officeholders in the city of Washington who perform similar work, and for that reason I do not object to the compensation being made as high as \$1,800, though I would have sustained the views of the committee fixing it at \$1,500 had I not been paired with the Senator from Pennsylvania.

Mr. DAWES. The Senator will observe that on the eighth page of

the bill, the twenty-second amendment of the Senate was to strike out of the clause relating to the committee clerks the words "\$6 per day during the session." Now, if the Senate adheres by a ye-and-nay vote to that amendment, that will settle the question of the annual character of those clerks. If the Senator will look at the twenty-fourth amendment it proposes to strike out of the clause relating to Senators' clerks the words "during the session."

Now, if the Senate in like manner, by a ye-and-nay vote, shall adhere to that amendment, then, upon the question of the annual character of these two classes of clerks, the expression of the opinion of the Senate, by a ye-and-nay vote, will be recorded. Then, you take the twenty-third amendment, which provides compensation for committee clerks, and the twenty-fifth, which provides compensation for Senators' clerks, and leave those open for negotiations in some way or indicate anything in any way you please, recede with an amendment will fix it, if the Senate desires to do that.

Mr. FAULKNER. I will ask the Senator from Massachusetts, as one of the conferees representing the Senate, if the Senate should insist upon these amendments and the House should agree to the annual employment of clerks, whether he would not feel justified in fixing the compensation of those clerks at such an amount as the conferees of the Senate would feel authorized to do?

Mr. DAWES. I could tell better if I could get an opinion of the Senate. For the purpose of getting at this, I will move that the Senate insist upon the twenty-second amendment.

Mr. GORMAN. That is right.

Mr. TELLER. What amendment is that?

Mr. DAWES. That is the amendment relating to committee clerks, striking out \$6 per day during the session.

Mr. FAULKNER. That makes them annual?

Mr. DAWES. That makes them annual.

Mr. FAULKNER. An affirmative vote would declare in favor of making them annual?

Mr. DAWES. Yes. I ask that the question may be taken by a rising vote.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. On page 8, line 22, strike out the words "six dollars per day during the session" and insert "\$1,800 each."

The PRESIDENT *pro tempore*. The Senator from Massachusetts will observe that this proposed amendment is to strike out and insert. Therefore the question can not be taken as he proposes.

Mr. DAWES. That only shows how little I know about the rules. I withdraw my suggestion.

Mr. REAGAN. I do not want to debate this question, but only to say that it seems to me \$1,800 is too much either for the committee clerks or for Senators' clerks. I want to add, too, that inasmuch as the compensation of our employes has to be made pursuant to laws enacted by the two Houses of Congress, I think we owe it to the House of Representatives to respect their views about what sort of laws they feel authorized to consent to.

Mr. MORGAN. Mr. President, in the Land Office, I think, there are perhaps ten or eleven chiefs of division, as they are called, who get \$1,800 a year. One of the clerks of those divisions gets \$2,000 or \$2,200 a year. Now, not one of those chiefs of bureau has duties or labors corresponding to the duties and labors of a Senator, and yet he is sustained by this vast array of clerks at \$1,800 a year. I can not understand why it is that a Senator is not entitled to have a clerk at a compensation equal to one of the leading clerks or chiefs of division in the Land Office. So it is throughout the entire range of all the bureau service in this Government.

Now, it is a rather humiliating thing that Senators have to arise and ask their brother Senators and the other House for a sufficiency of clerical force and labor to enable them to perform the duties that are devolved upon them here by their position. I feel it, and I presume that every other Senator on this floor feels it. There are gentlemen on that side and on this side, too, who are able to make these expenditures out of their own pockets, in addition to the other large expenditures that every Senator is obliged to make here over and above his salary. They are able to make the expenditure out of their ample fortunes, and they have us at a disadvantage. They can go for low salaries, for reduced allowances, and the like, and perhaps make some little popularity at home among a certain class of people by doing it; but I would not undertake to deprive a brother Senator of the facilities of discharging his duties in this body and to his constituency on an account like that. We deserve to have the assistance of the Treasury of the United States to enable us to perform our public duties in this high station that we occupy.

At the close of a session of Congress all my colleagues in the other House go home, and whether it is the long recess or whether it is the short recess, they stay there unless they visit Washington occasionally on some business or other. It is expected of the Senators from my State that they shall remain practically in the city of Washington, and that they shall transact the business of the people of the entire State of Alabama, and they have a very great amount of it, with the Government of the United States, visiting the different Departments, and watching every pension case and every claim for public land, and every

other controversy that comes here—every passport, and innumerable things that our attention is drawn to continually.

The burden upon the Senator's life would be intolerable, and that is all there is about it, if he has to stay here in the vacation without a clerk or else his people have to go unprovided with assistance of this kind, and transact the business that they flood in upon him. A Senator who has been here for some ten, twelve, or fifteen years, of course, is known, at least by name, to every person in his State who has any business to transact here. The result is that in the absence of members of the other House, and even while they are here, the Senators from the State are flooded with labors that it is absolutely impossible for them to perform without clerical assistance.

Now, not speaking immodestly about it, I take my own case. I am on five standing committees of the Senate, besides two select committees. If they were all to sit every week it would be seven days in the week, including Sunday, that I would have to be at work. As it is I have but one day in the week that I have any opportunity of devoting to my own personal affairs or to the transaction of outside business for my constituents. Without the assistance of a clerk I could not possibly get along, my constituency would go without this beautiful and vast endowment of garden seed that we have sent out through our distributor here, the almoner of the vegetation of the country; they would have to go without vast numbers of speeches that are made and sent to us, and that we sometimes make ourselves and desire to send out, and public documents of various kinds. If I had not had the assistance of a clerk my little committee-room would be so full of documents that I could not get into it to-day—documents that I never could have had the physical ability to have franked out of this Capitol.

I say this is rather a humiliating spectacle, that a Senator has to rise on this floor and beg the other House or beg his colleagues here that they will give him enough assistance to enable him to live and do the work that the duties of his office impose upon him. Nobody can come here in the absence of such assistance as this and afford to do the work for the compensation that we get; there is no gentleman who can do it, to say the least. There are few men I suppose in the United States, and men perhaps of a certain sort of ability, who would like to come in here and do that kind of work for the people, but take a man who is able to earn a living outside of this body, he does not want to do it. The result would be after a while that from the South as well as the North we should have this body filled up with a set of very wealthy gentlemen who are able to go out and furnish to the Government of the United States the money with which to get assistance to do the work of the people.

I do not work here for myself. I work here for the people whom I represent, and only for them. I do not work any more than numbers and numbers of Senators on this floor. We devote our lives to their service, and, Mr. President, it looks to me as if it were the very height, or the depth, rather, of parsimony to deny to ourselves, and have ourselves denied by the action of any other body, enough of assistance to get along with the public labor.

A Senator who can not leave his clerk in Washington City during the long vacation, and who must visit his constituency occasionally, and who is sent off on very important and very indispensable public duties, on committees, not junketing by any means, comes back here towards the month of December for the purpose of getting hold of his business again, and he finds stacks and stacks of correspondence that it is impossible for him ever to answer. The business of his constituents has been neglected, and all because the man has not the money to employ some clerk to stay here and take care of his affairs.

A clerk of a Senator is a man who ought to stand and does stand nearer to him than any human being in his business relations. He must be a confidential man. He must be a man who can open your private letters, who understands the current of your business, who will ascertain many, many things that ought not to be made public for the sake of the writers as well as the person to whom the letters are addressed. It is a confidential relation, and if you have to break that up at the end of every short session of Congress or the beginning of a long vacation, and detach yourself from your clerk and send him home, and perhaps skirmish around to get a new man at the beginning of the next session, is a very decided inconvenience. It is wrong to expect it.

Now, we have all these extra duties to perform that require us to make this attendance upon these committees that I have been speaking of. In addition to that we have treaties to consider, we have all denominations of business to consider that are sent here by this great Government, and, Mr. President, it is a matter of physical impossibility for a man, it makes no difference how strong he is, to transact the business of this great office that we hold here, doing the whole of it by his own manual labor.

So I am not affected by these arguments which speak about the duty of comity that we owe to the House of Representatives and our right to prescribe to ourselves what is a proper allowance of clerks and what ought to be their salaries. It may not be a legal right, but the Senator from Colorado put it upon the right ground. When we want to ascertain from a departmental officer in the United States what service is necessary in his Department or bureau, we provide by law that he

shall make a statement of the service necessary and make an estimate of the salary that ought to accompany it. We have to make our own statements and our own estimates. We do it here by our votes upon appropriation bills and otherwise, and I think we are as much entitled to be heard by the other House upon matters of this kind as if we were a bureau officer or a Department chief and had sent in a regular estimate under the laws of the country for the support and assistance that we need.

Therefore, I am in favor, sir, of adhering to the action of the Senate, taken very deliberately and for good reasons, upon this appropriation.

The PRESIDING OFFICER (Mr. FRYN in the chair). The question is on the motion made by the Senator from Massachusetts [Mr. DAWES].

Mr. DAWES. The general motion was made that the Senate further insist and accede to the request of the other House for a further conference.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate further insist upon its amendments undisposed of, and agree to the further conference asked by the House of Representatives.

Mr. DAWES. On that I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Massachusetts demands the yeas and nays.

Mr. DAWES. I will first call for a division.

Mr. STEWART. Let us have the yeas and nays.

Mr. DAWES. Very well.

The yeas and nays were ordered.

Mr. GEORGE. I should like to have the precise question stated upon which we are to vote.

The PRESIDING OFFICER. The Senator from Massachusetts presenting the report moves that the Senate further insist upon its amendments undisposed of and agree to the further conference asked by the House of Representatives thereon. The Secretary will call the roll on agreeing to the motion of the Senator from Massachusetts.

The Secretary proceeded to call the roll.

Mr. DOLPH (when Mr. BROWN's name was called). I am usually paired with the senior Senator from Georgia [Mr. BROWN], but I have information that he desires to be paired in favor of this motion, and I have therefore made a transfer of the pair to the Senator from North Dakota [Mr. PIERCE]; and I am at liberty to vote.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE]. I transfer that pair to the Senator from Massachusetts [Mr. HOAR], and I vote "yea."

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY], but I understand that he would vote "yea," and I will therefore vote. I vote "yea."

Mr. MORRILL (when his name was called). I am paired with the Senator from Tennessee [Mr. HARRIS]. Not knowing how he would vote, I withhold my vote.

Mr. PETTIGREW (when his name was called). I am paired with the Senator from Florida [Mr. CALL], but I am informed that he would vote "yea" on this proposition, and I therefore vote. I vote "yea."

Mr. DOLPH (when the name of Mr. PIERCE was called). I have already announced the pair of the senior Senator from Georgia [Mr. BROWN] with the Senator from North Dakota [Mr. PIERCE]. I am desired by the Senator from North Dakota to state that if present, he would vote "nay."

The roll-call was concluded.

Mr. COKE. I am paired with the Senator from Indiana [Mr. VOORHEES], who is absent. If he were here, I should vote "nay."

Mr. HAMPTON. I am paired with the senior Senator from Rhode Island [Mr. ALDRICH]. Can his colleague [Mr. DIXON] tell me how he would vote?

Mr. DIXON. I think my colleague if present would vote "yea."

Mr. HAMPTON. Under that authority I vote "yea."

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. ALLISON (after having voted in the affirmative). I am paired with the senior Senator from Missouri [Mr. COCKRELL], but understanding that on this question he would vote "yea," I allow my vote to stand.

The result was announced—yeas 30, nays 8; as follows:

YEAS—30.			
Allen,	Dixon,	Hiscock,	Pugh,
Allison,	Dolph,	Jones of Arkansas,	Sanders,
Barbour,	Evarts,	Jones of Nevada,	Sherman,
Blair,	Farwell,	McMillan,	Spooner,
Butler,	Faulkner,	Mitchell,	Stewart,
Cass,	Frye,	Morgan,	Stockbridge,
Colquhoun,	Gibson,	Phelps,	Teller,
Collins,	Gorman,	Payne,	Vance,
Davis,	Gray,	Pedigrew,	Washburn,
Dawes,	Hampton,	Power,	
NAYS—8.			
Berry,	Hale,	Ingalls,	Reagan,
George,	Hawley,	Platt,	Walthall.

ABSENT—57.

Aldrich,	Coke,	Manderson,	Stanford,
Bate,	Daniel,	Moody,	Turpie,
Blackburn,	Edmonds,	Morrill,	Vest,
Blodgett,	Eustis,	Paddock,	Voorhees,
Brown,	Harris,	Pierce,	Wilson of Iowa,
Call,	Hearst,	Plumb,	Wilson of Md.
Cameron,	Higgins,	Quay,	Wolcott.
Carlisle,	Hoar,	Ransom,	
Chandler,	Kenna,	Sawyer,	
Cockrell,	McPherson,	Squire,	

So the motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the managers at the further conference on the part of the Senate; and Mr. DAWES, Mr. PLUMB, and Mr. GORMAN were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House insisted upon its amendments to the bill (S. 3163) to reorganize and establish the customs collection district of Puget Sound, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LIND, Mr. SWENEY, and Mr. CAMPBELL managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendment of the Senate to the joint resolution (H. Res. 138) to increase the number of members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, and to fill vacancies in such board, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CUTCHEN, Mr. WILLIAMS of Ohio, and Mr. LANHAM managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 8909) making appropriations for the naval service for the fiscal year ending June 30, 1891, and for other purposes; and

A bill (H. R. 9856) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1891.

ADMISSION OF IDAHO.

The PRESIDENT *pro tempore*. The Senate resumes consideration of the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4562) to provide for the admission of the State of Idaho into the Union.

Mr. CULLOM. Mr. President, the consideration of all the facts connected with the admission of new States into the Union is important, and should be so regarded by Congress. The presentation of the credentials and the admission of a new Senator to a seat in this body is a privileged question of the highest order. So the admission of a new State is a question of the highest consideration. The statesmen who framed the Constitution, after determining upon the organization of the Government into three great separate and co-ordinate departments, proceeded to the consideration of other questions or features of the Constitution, the necessity of which had been made apparent by the history of the Confederacy, and among other important subjects considered was the admission of new States into the Union. The necessity of extending the boundaries of the United States and increasing the number of States was regarded as important as the population began to press to the westward.

As has been said, I believe during the discussion of the bill for the admission of Wyoming, the ordinance of 1787 made provision for the establishment of new States in the Northwest Territory, and declared that when any of them should have 60,000 free inhabitants it should be admitted into the Union, or into Congress as the expression is, on an equal footing with the original States.

All along in the history of the Republic new States have been knocking at the door of the Union for admission, and, after due consideration, have been admitted on an equal footing with all the rest. They have been admitted in pursuance of enabling acts by Congress and without any previous action by Congress preparatory to their admission. It may be said to be entirely in order to admit a State when in the judgment of Congress it is fit to become a member of the national family, and to reject it if in the judgment of Congress for any reason it is not. The fact that it has or has not come to Congress in pursuance of an enabling act, in my judgment, is of no sort of consequence.

The simple provision of the Constitution is that "new States may be admitted by Congress into this Union." (See section 3, Article IV.) The language of the Constitution conveys the idea of discretion on the part of Congress, but the fathers evidently meant that that discretion should be exercised with due regard to the interests of the people of the Territory asking admission as a State, as well as of the Union of which the State was seeking to become a part.

Congress is bound in the performance of its duty under the Constitution to inquire into all the facts pertaining to the Territory, its re-

sources, its population, and its institutions, in addition to the inquiry into the question whether the constitution presented is republican in form. Were this not so there could be no reason for delay on the part of Congress in deferring the admission of Utah, for its population and resources have been abundant for years.

It was argued with much earnestness on the part of those opposed to the admission of Wyoming, and I suppose the same arguments will be urged against the admission of Idaho, that there have been no enabling acts authorizing these Territories to call and hold conventions and make constitutions, so that they might hereafter come to Congress and ask to be admitted. The three distinguished Senators from Arkansas, Alabama, and Delaware all urged that the manner of the coming of these Territories for admission as States is irregular, and the Senator from Delaware asks, why this bustle and haste? or words to that effect. Well, Mr. President, if the rule had been that no Territory could be ever had been admitted as a State without coming in under a previous enabling act there might be force in the argument and position, but any supposed rule on that question has been disregarded, as many of the States of the Union have been admitted without previous enabling acts.

The record shows that the States of Tennessee, Oregon, Iowa, Michigan, California, Vermont, Kentucky, Maine, Arkansas, and Florida were admitted into the Union without previous enabling acts; so of Nebraska, as it failed to follow the act of Congress; and that great empire, Texas, was admitted into the Union as a State, I believe, by joint resolution. They were admitted in accord with the judgment of Congress after investigation of the facts belonging to each application as a Territory seeking admission as a State. In the case of Wyoming, which the Senate voted to admit on Friday last, the Legislative Assembly memorialized Congress for an enabling act in 1883. Bills were introduced in Congress to enable the people of Wyoming to form a State constitution, and though one was unanimously reported in this body, for want of time it failed to pass.

Subsequently the several boards of supervisors of the counties memorialized the governor, chief-justice, and secretary of the Territory to apportion the Territory into delegate districts, and to the governor to call an election for a constitutional convention, following the bill reported by the committee to the Senate, though not passed or acted on. Subsequently, and since the adoption of the constitution, the Legislature of the Territory memorialized Congress for the admission of the Territory as a State in the Union.

The Senator from Alabama was apparently much concerned about the want of evidence of what had been done in the Territory in calling and holding conventions, the returns, etc. Mr. President, I think the evidence was abundant to show all the facts necessary to justify the action of Congress in admitting the State. While additional facts might have been furnished with propriety, yet abundant evidence of the substantial facts was supplied.

As to Idaho, the bill for the admission of which is now under consideration, it comes here without having had an enabling act and asks admission as a State. During the last Congress a bill was reported to the Senate from the Committee on Territories authorizing the people of Idaho to hold a convention and frame a constitution to be submitted to the people with a view to the admission of the Territory as a State in the Union. Like that of the Wyoming bill, it was not acted on by the Senate for want of time.

After the adjournment of Congress the then governor, Stevenson, issued a proclamation calling upon the people of the Territory to elect delegates to a convention to be held at Boise City, the capital of the Territory, on the 4th of July, 1889, to frame a constitution for the State. Governor Stevenson was succeeded in office by Governor Shoup on the 1st of May, 1889, and on the 11th of May he supplemented his predecessor's proclamation by indorsing his recommendations. The previous governor, Governor Stevenson, if I may be allowed to say so, was a Democrat, appointed by the late President Cleveland, and the present governor, Governor Shoup, was appointed by the present President of the United States.

In pursuance of these proclamations an election was held and seventy-two delegates were chosen, and during the convention all but three, as stated, appeared and took part in the deliberations of the convention.

The convention which was convened by the governors of Idaho (one a Democrat, the other a Republican) to frame a constitution was non-partisan in its work, and the constitution agreed on by the body of men composing the convention was framed in July and voted on in November following, giving ample time to the people to consider it. There was comparatively little disagreement as to the wisdom of its adoption. More than 14,000 votes were cast at the election, and of that number only 1,733 were cast against the constitution, and, as I am informed, these votes were given by voters scattered over the Territory in the different counties and represented the various objections to particular clauses of the constitution.

No constitution was ever made in a Territory, State, or nation which proved satisfactory to all the people to be influenced by it. Men who know tell me that no objections to the constitution were urged, so far as known, by voters in the Territory on account of the apportionment clause, as it was not an issue.

Governor Stevenson made the apportionment of delegates to the convention, which was accepted without criticism or objection by either political party. The result of the election gave the Republicans a majority in the convention. The officers of the convention were divided between the two parties, as were the chairmanships of committees.

So I may say, Mr. President, that all the facts go to show that there was substantially no political controversy existing in the Territory with reference to its admission as a State or in anything that was done in order to bring about that result. There was no politics in the movement from the beginning to the end, and any attempt to drag politics into the question of admitting Idaho as a State in the Union comes from Democrats here, and not from the Territory.

In the discussion of the question by the Senator from Missouri there is this fact which he overlooked or was not aware of: The Mormons are disfranchised in Idaho, and hence they were not counted in the apportionment for members of the Legislature.

I am referring in these remarks especially to what was said by the Senator from Missouri [Mr. VEST], as when he addressed the Senate he announced, I believe, that whatever he had to say on the question of the admission of these Territories would be said all at the same time.

Bear Lake County, referred to as a Democratic stronghold, has not, I am informed, 100 legal voters in it. At the election in 1888 there were but 82 votes in the county. That county is the hot-bed of Mormonism. There are more polygamists in that county than there are legal voters.

The counties of Lemhi and Custer referred to are settled by as intelligent and patriotic citizens as can be found anywhere. And the county of Shoshone, which the Senator from Missouri compared with Bear Lake, contains what is known as the Oœur d'Alène mines, and is one of the richest mining regions in the world. The members of the Idaho convention, Democrats and Republicans alike, agreed that Bear Lake County, with its 82 legal voters, was not entitled to as great representation as the 1,800 in Shoshone, or the 707 in Custer, or the 763 in Lemhi County.

The Mormons are confined to the counties of Bingham, Oneida, Cassia, and Bear Lake, and because they were not voters they were not counted in making the apportionment for the Legislature.

The people of Idaho of both parties are determined that so long as they have the right to control the question the Mormon population shall have no voice in the control of the Territory, or, if admitted, of the State. If Congress should decline to admit Idaho now under their present constitution with the provision in it prohibiting bigamists and polygamists, or those living in what is known as patriarchal, plural, or celestial marriage, or in violation of any law of the Territory, State, or United States forbidding any such crime, it will not change the position of the people of Idaho. The action of those people on that question as embodied in their statute and in the constitution has been sustained by the Supreme Court of the United States, and the law-abiding people of the Territory expect to stand by it.

No Democrat from Idaho has objected to the apportionment. Objections either to the constitution, to the apportionment, or to statehood by Senators on this floor reflect the wishes and opinions of the Mormons of Idaho mainly, and not those of either Democrats or Republicans. No protest, so far as I can learn, against the constitution or the admission of the Territory has come here from the people of the Territory. The people expect to be admitted, and almost universally desire to be admitted.

To go back, Mr. President, to the question of the regularity or irregularity of the admission of the State: When California was asking for admission, Mr. Berrien, a Senator from Georgia, and a member of the Judiciary Committee, made a report in which he used the following language:

The power conferred by the Constitution on Congress is to admit new States, not to create them. According to the theory of our Government the creation of a State is an act of popular sovereignty, not of ordinary legislation. It is by the will of the people of whom the State is composed, assembled in convention, that it is created.

California had no enabling act. It came to Congress with a constitution, a State government created by the people, and asked admission, and was admitted. William L. Dayton, then a Senator, said:

California is a State, a *State de facto*. It exercises the powers of an organized government. Whether it is or shall be a *State de jure* depends on the action of this Government.

Hannibal Hamlin, then a Senator, and still living, an honored and aged statesman and patriot, said:

The Constitution is silent as to any power to create a State. The convention that framed the Constitution did not consider any proposition of that sort. It clearly never entered the minds of that body to insert any provision for creating new States.

I give, Mr. President, quotations from Madison, Hardin of Kentucky, Benton, Buchanan, John C. Calhoun, Clay, Sumner, and could give many more, showing that no objection should be urged against the admission of Idaho because it does not come here in pursuance of an enabling act; that that is a matter of no substantial consequence. The important thing for Congress to determine is whether, when a community, or a State, if you please, comes to Congress and asks for ad-

mission, it comes with those conditions surrounding it that justify Congress in admitting it as a State in the Union.

In discussing the question of the admission of Tennessee, Mr. Madison said:

The inhabitants of that district of country were at present in a degraded situation; they were deprived of a right essential to freemen, the right of being represented in Congress. Laws were made without their consent or by their consent in part only. An exterior power had authority over their laws; an exterior power appointed their executive, which was not analogous to the other parts of the United States and not justified by anything but an obvious and imperious necessity.

He did not mean by this to censure the regulations of this provisional government, but he thought where there was doubt Congress ought to lean towards a decision which should give equal rights to every part of the American people.

In the debate in relation to the admission of Missouri, Mr. Hardin, of Kentucky, used the following language:

The Constitution, when it says "new States may be admitted by Congress into the Union," is silent upon the subject of numbers or boundary, but leaves that subject to the sound discretion of Congress. The manner in which that discretion has been exercised has been so uniform and invariable that it amounts to a law. It is, Mr. Chairman, a proclamation to the inhabitants of all the Territories that whenever their numbers approach the fifty or sixty thousand they shall be at liberty to burst from around them the bonds and chains of Territorial servitude and vassalage and assume and exercise the rights of self-government as the inalienable rights of mankind.

Mr. Barbour, a Representative from the State of Virginia and subsequently one of the judges of the Supreme Court, said:

On my part it is contended that the power of Congress is limited to the simple alternative of admitting or not admitting, and even this power is subject to modification; that they have not a moral right to refuse admission to a Territory whose situation and circumstances suit it for admission.

Mr. Benton, in commenting upon the case of Michigan, said:

Conventions were ordinary acts of the people. They depended upon the inherent and inalienable rights. The people in any State may at any time meet in convention without a law of their Legislature and without any provision of Congress, any provision in their constitution, and may alter or abolish the whole frame of government as they please. The sovereign power to govern themselves was in the majority, and they could not be divested of it.

In a speech delivered in the Senate in February, 1849, Mr. Calhoun said:

I hold it to be a fundamental principle of our political system that the people have a right to establish what government they may think proper for themselves; that every State about to become a member of this Union has a right to form its own government as it pleases, and that in order to be admitted there is but one qualification, and that is that the government shall be republican. There is no express provision to that effect, but it results from that important section which guarantees to every State in this Union a republican form of government.

The following extract is taken from a report by Mr. Clay in relation to the admission of California:

There are various instances prior to the case of California of the admission of new States into the Union without any previous authorization by Congress. The sole condition required by the Constitution of the United States in respect to the admission of a new State is that its constitution shall be republican in form.

Mr. Buchanan, on the question of the admission of Michigan, I believe, used the following language:

The precedent in the case of Tennessee has completely silenced all opposition in regard to the necessity of the previous acts of Congress to enable the people of Michigan to form a State constitution. It now seems to be conceded that our subsequent approbation is equivalent to our protest. This can no longer be doubted. They have the unquestionable power of waiving any irregularities in the mode of forming the constitution, had any such existed.

In relation to the admission of California Mr. Benton used the following in answer to objections urged to the admission of that State because it did not come under an enabling act authorizing the people to frame a constitution:

The fact is admitted, but its consequence is denied. Congress has full power over the admission of new States, and may dispense with all preliminary forms when it pleases and come direct to the question of admission. It has admitted more new States without than with the previous authority of an act of Congress to form a constitution. Eight have been so admitted: Vermont, in 1791; Kentucky, 1792; Tennessee, 1796; Maine, 1820; Arkansas, 1836; Michigan, 1837; Florida, 1845; and Iowa, 1846—eight in all, a majority of the whole number ever admitted and stretching over a period of sixty years and reaching back to the venerable times of our early history when Washington was President and the fathers of our political church were still at the altar.

So far as I am concerned I believe it has come to be a recognized right of Congress to investigate and look into all the facts pertaining to the condition of the Territory, and if in the judgment of Congress the facts do not justify the admission of a Territory it is clearly in my opinion the right of Congress to keep it out.

Now, Mr. President, I do not think I need to say more on the question of regularity or in answer to the charge that the Republican party of either Territory has undertaken to secure an advantage over the Democratic party in calling the conventions or in districting the new States under their respective constitutions.

The Senator from Alabama has manifested much opposition to the admission of Wyoming because the boards of supervisors of the several counties of that State petitioned the governor, the chief-justice, and the secretary of the Territory to apportion the Territory into districts in the same manner as provided in the bill reported from the Committee on Territories for an enabling act for the Territory. Those three distinguished officers did exactly the thing that the enabling act provides which the Senator advocated as a substitute for the admission bill and the same provision will be found in the bills for enabling acts introduced by a half-dozen Democrats in this Congress.

I call the attention of the honorable Senator from Alabama [Mr. MORGAN] to the fact that the enabling act introduced by the honorable Senator from Arkansas [Mr. JONES] as a substitute for the bill admitting Wyoming, which, as I suppose, would be expected to apply to Idaho as well, provided for exactly the same thing: that the governor, the chief-justice, and the secretary should do what was done in the case of Wyoming. The fact is that there are a half-dozen enabling acts introduced by different members of the Senate and of the other House of both parties, all of them containing exactly the same provision.

Mr. President, I think I have shown that there is nothing extraordinary or very unusual in the manner of the coming by these States to Congress to ask for admission into the Union. I think it can not truthfully be charged that there has been any design or effort by either great party in either of the Territories to secure a political advantage in the preparation made for admission; and I am sure there has been no scheming for political advantage by the Committee on Territories in bringing these bills into the Senate. They are here because the committee regarded it as a duty to bring them here and secure the admission of these States as a duty to the people within their borders and as a duty under the Constitution of the United States.

The Senators from Arkansas and Alabama seem to insist that there must be something wrong, some partisan purpose or design, on the part of the Republican members of the Committee on Territories, or we would favor the admission of New Mexico and Arizona along with Wyoming and Idaho. Well, Mr. President, we are entirely innocent, I assure you and the distinguished Senators. The fact is we have scarcely been asked to admit either of those Territories.

Mr. PAYNE. I beg pardon. Will the Senator allow me to ask him if there was not a bill before the Committee on Territories for the admission of New Mexico?

Mr. CULLOM. I will show just what was done. A memorial was presented by the chairman of a committee to memorialize Congress for the passage of an enabling act permitting the people of New Mexico to vote for and against the adoption of the constitution which had been adopted by the convention of the Territory. A delegation, I believe, of one hundred was appointed to come here for that purpose, but only one man appeared.

Mr. PAYNE. Will the Senator allow me?

Mr. CULLOM. Certainly.

Mr. PAYNE. That has been surrendered and abandoned by all parties in New Mexico. All that the united delegation of all parties asked for was a new enabling act.

Mr. CULLOM. So far as an enabling act is concerned, I admit that that is here, but the proposition now is to insert in a bill before this Congress a proposition to admit both those Territories, and I insist, and I think the honorable Senator from Ohio will agree with me, that neither of those Territories has come here in such a manner as to justify us at the present time in placing them alongside of Wyoming and Idaho.

Mr. PAYNE. I prefer that the Senator should not complicate the case of New Mexico with Arizona. I have nothing to say about Arizona at present, but I repeat, as to New Mexico, a delegation composed of the most respectable men of both parties, officers and ex-officers, and the leading men of that Territory, have been before these committees, and they have a bill pending providing for an enabling act.

Mr. CULLOM. In the first place, the delegation that the Senator refers to came here for another purpose. They came here to get a bill through allowing them some share of the public lands for the benefit of the schools of that Territory.

Mr. PAYNE. If the Senator will allow me to correct him, they asked for the school bill, the bill which I introduced, giving them land for school purposes, because they saw no possible way to get through their first bill for an enabling act.

Mr. CULLOM. Their first intention, as I understand it, was to get legislation on the land question, and then they turned their attention, without authority, from the Territory to the question of an enabling act to get the Territory into the Union.

Mr. PAYNE. It was just the other way. It was the enabling act first and then the land question afterwards.

Mr. CULLOM. Mr. President, I am not prepared to say that, if New Mexico will show a reasonably united disposition to come into the Union as a State, I will not favor her admission. A couple of years ago, with the light that I then had on the subject, I did not believe that the time had come when New Mexico should be admitted. But the people of that Territory have made more rapid progress of late than heretofore; they are rapidly qualifying themselves in the study of the English language, their courts are improving, the Territory possesses great resources, and in my judgment it will be but a very short time, possibly at the next session of Congress, if they come here in a united manner, that we would feel it our duty to vote for the admission of that Territory as a State into the Union.

I do not believe that the honorable Senators who oppose the admission of Wyoming and Idaho seriously desire that the two Territories of New Mexico and Arizona shall be admitted as States now, with the limited information before us as to the condition of the two Territories

and the wishes of their people. I certainly can not support a bill for the admission of either without further information in regard to them.

I come now to the question of fact, whether Idaho is worthy of a place by the side of the other forty-two States of this Union; forty-three, counting Wyoming. I regard her constitution as republican in form. I assume no question will be raised on the constitution unless our friends, who seem to feel that we are seeking a political advantage, shall raise a question over section 3, article 6, in regard to suffrage and elections. As that provision, or one in terms substantially like it, has been passed upon by the Supreme Court I assume that no serious opposition will be founded on that section.

Passing by the fundamental law I come to the question, Has the Territory sufficient population and resources and are all the conditions satisfactory to justify statehood? In 1880 the population was 32,619. Of the total population at that time there were 6,698 children of school age. Taking those two facts a table is made which I find embodied in a report by Mr. DORSEY, of the House of Representatives, from the Committee on Territories, estimating the number of children and total population from 1880 to and including 1889, which shows a total population of 117,225. It is, I think, reasonably certain that there are 100,000 or more people, exclusive of Indians, in Idaho Territory. The Territory was created March 3, 1863.

The average annual gain I find stated by Hon. FRED. T. DUBOIS, the able Delegate from the Territory, in population from 1881 to 1889, inclusive, was 10,500, which would make the population 127,000. But for the last two years it has grown more rapidly than before, and the per cent. of increase, therefore, is greater. Whether these calculations are based on reliable information I can not say; but, Mr. President, there can be no doubt that the population of that Territory exceeds the population of any one of one-half of the twenty-nine States admitted into the Union since the adoption of the Constitution of the United States. I will give here a list of the States admitted, the date of their admission, and their population at the time of admission.

State.	Date of admission.	Population when admitted.
Vermont.....	March 4, 1791.....	85,539
Kentucky.....	June 1, 1792.....	73,677
Tennessee.....	June 1, 1796.....	77,262
Ohio.....	November 29, 1802.....	41,915
Louisiana.....	April 8, 1812.....	76,556
Indiana.....	December 11, 1816.....	63,897
Mississippi.....	December 10, 1817.....	75,512
Illinois.....	December 3, 1818.....	24,620
Alabama.....	December 14, 1819.....	144,317
Maine.....	March 15, 1820.....	238,325
Missouri.....	August 10, 1821.....	66,598
Arkansas.....	June 15, 1836.....	52,240
Michigan.....	January 26, 1837.....	200,000
Florida.....	March 3, 1845.....	54,477
Texas.....	December 29, 1845.....	250,000
Iowa.....	December 28, 1846.....	81,920
Wisconsin.....	May 29, 1848.....	210,596
California.....	September 9, 1850.....	107,000
Minnesota.....	May 11, 1858.....	130,462
Oregon.....	February 14, 1859.....	62,445
Kansas.....	January 29, 1861.....	107,206
West Virginia.....	December 20, 1862.....	376,683
Nevada.....	October 31, 1864.....	6,857
Nebraska.....	March 1, 1867.....	90,000
Colorado.....	August 1, 1876.....	150,000
South Dakota.....	November 2, 1889.....	700,000
North Dakota.....	November 2, 1889.....	
Montana.....	November 8, 1889.....	115,086
Washington.....	November 11, 1889.....	136,393

*Estimated.

†October 10, 1889.

‡Estimated November 1, 1889.

§Estimated September 30, 1889.

Leaving the question of the population, what can be said of the area and resources of Idaho Territory? It was organized with an area of 325,000 square miles. In 1863, by the creation of Montana and Wyoming, its area was reduced to 86,294 square miles. It contains 55,228,160 acres, 16,000,000 acres of which are said to be agricultural, 10,000,000 acres of forests, 31,000,000 acres mineral and grazing lands, and 1,228,000 acres of water. The great Snake River, said to be equal to the Ohio, traverses the Territory from east to west. The Salmon River makes its way through the Territory for 500 miles, while there are a large number of other streams and tributaries which furnish abundance of water for all purposes, including irrigation.

Mr. President, the State of Idaho has a great future. It is destined to be one of the richest States in the Union, capable of supporting millions of people. The agricultural statistics for 1889 show 4,000,000 bushels of wheat, over 2,000,000 bushels of oats, 1,150,000 bushels of barley, over 1,000,000 bushels of potatoes, and that there were raised quantities of other agricultural products. The mines of the Territory produced during the year 1889 \$17,344,600 of gold, silver, lead, and copper. Over one hundred and fifty millions have been taken from the mines in Idaho.

It is abreast of the times in educational work, its public schools are worthy of any community, old or young, and it does not seem to me

that there is any point of view from which the question can be examined which does not force a conclusion that it is our duty to pass the bill under consideration and thereby admit the State.

Much has been said against the female-suffrage provision of the Wyoming constitution. The constitution of Idaho does not contain such a provision. Whatever may be the wisdom or unwisdom of that provision, it is not in this constitution.

For my own part, I think worse things can happen to this country than that woman suffrage should be adopted by the States, though I do not think the women of the land desire it. The denial of the right of suffrage to a great class of citizens upon whom it has been conferred by the Constitution is fraught with greater danger than the conferral of that right upon the women of the land. But I do not desire to say more on that question at present, except that by our vote on the admission of Wyoming we neither affirm nor deny the wisdom of that provision of the Wyoming constitution.

Mr. PAYNE. May I interrupt the Senator to ask him if in that vote he and his party did not directly and precisely approve of that provision?

Mr. CULLOM. I do not understand that we did. We simply pass the bill that admits the State into the Union, and it happens to be in the constitution. Of course the Government accepts the constitution, but by that declaration that we make I do not understand that the Senate or anybody in it is specifically avowing his approval of every item in the constitution under which it comes in.

Mr. PAYNE. I only desire to call the attention of the Senator from Illinois to the language used in the legislation adopted by the Senate. It is that we "approve, ratify, and confirm" that constitution.

Mr. CULLOM. So we do, and so it has been done in every other instance in the admission of States, but I still insist that by that declaration we do not commit ourselves to the proposition that we are in favor of woman suffrage or any other item involved in the constitution.

Mr. President, I shall say no more on the question of the admission of Idaho; I believe the case is fully made out in favor of her admission into the Union as a State.

A few words touching the general condition, resources, and future of the great country west of the Missouri River, and I shall close.

I do this because I have felt that the country scarcely realizes the wonderful development and resources of our territory west of the Missouri River.

Who regrets to-day the admission into the Union of Kansas, called the central State of the American Union, lying on the western border of the Missouri River? It had about the same population in numbers at the date of its admission as is now to be found in each of the proposed States of Wyoming and Idaho. I need not dwell upon the wonderful growth and development of that State in population and wealth since the date of its admission in 1861. It has already become one of the great Commonwealths of the nation.

Look at Nebraska, lying to the north of her, admitted into the Union March 1, 1867, with an estimated population of 60,000, with its eastern border upon the Missouri River. The State has rapidly grown in population and wealth, until to-day its farms are sufficient to fill the granaries of the world, almost; and its greatest city, Omaha, compares in magnificence with the great cities of the oldest States in the Union.

We are all familiar with the two Dakotas recently admitted into the Union. But a few years ago they were uninhabited by white men; now together containing within their limits over 700,000 intelligent, enterprising people developing the resources of those two great States, making them the homes of the highest civilization.

Wyoming and Idaho have already been referred to and have been shown to possess great capabilities for wealth and for the comfort and happiness of man. The resources of Wyoming in coal and oil will prove a marvel to the American people and to the world in a very few years.

Montana and Washington are great empires in territory, rich in mines and forests and valleys, and destined to become the homes at no distant day of millions of free and happy people.

Nevada has often been referred to in this body as an argument against the admission of other new States on the Pacific coast or in the region of the Rocky Mountains. It was admitted into the Union in October, 1864. It has produced hundreds of millions of dollars of gold and silver. Few if any mines have been found in the world equal to the Comstock and other mines in Nevada. I believe not less than \$600,000,000 have been dug out of the mines of that State. Nevada, it is true, has not advanced in population of late, but the time will come when the lands of that State will be subject in great part to irrigation and it will become a wealthy and populous State.

California and Oregon, bordering on the Pacific Ocean on the west, the first admitted into the Union in 1850 and the other in 1859, are rapidly becoming great States and are producing vast quantities of agricultural products and fruits, and each contains within its borders great seaport and other cities.

The Pacific coast in a few years will be as attractive in its great cities as is now the Atlantic coast. These great States since the days of railroads are growing in population and wealth and are already the homes of the highest civilization.

Mr. President, I shall detain the Senate by a reference to but one more State.

Colorado was admitted into the Union in 1876, the centennial year of our national independence. Those who do not travel westward can scarcely realize what can be found in that State. We all know it to be a great mining State, giving to the world millions of the precious metals every year; but you will be astonished when I tell you that 180,000 car-loads of freight came into the city of Denver in 1889. You may be astonished when I tell you that 34,400 car-loads of agricultural produce, valued at \$12,000,000, came to that city from Kansas and Nebraska. You may be surprised when I tell you that 1,800 car-loads of fruit were taken to that city from California.

The city of Denver contains 100,000 people, and it is said that Bishop Warren, of the Methodist Church, stated publicly that the finest church building of the United States belonging to that great church organization stands in that beautiful city; and it is said also that in educational facilities the city of Denver stands No. 3 in the list of all the cities of the Union.

I might refer to Utah as possessing great resources, with nothing to hinder its development and early statehood but that blighting institution, polygamous Mormonism, which I trust and believe is in process of ultimate extinction.

Mr. President, I have taken occasion to briefly refer to the great section of our common country lying west of the Missouri River, to its resources, development, and progress, because I have sometimes felt that the people of the older States, East and South, do not fully realize the extent, the growth, and the grandeur of that part of the Union. Its agricultural land, its plains, and valleys will soon be settled and cultivated; its mountains will be explored and its mines developed. Let not Congress hinder the march of progress by denying to any portion of the people of that great section rights to which they show themselves to be entitled as American citizens. The prosperity of the whole country is what we all seek and for which we should all as representatives of the people labor.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a joint resolution (H. Res. 185) to provide temporarily for the expenditures of the Government; in which it requested the concurrence of the Senate.

REPORT OF LIBRARIAN OF CONGRESS.

Mr. EVARTS, from the Committee on the Library, submitted the annual report of the Librarian of Congress, exhibiting the progress of the Library during the calendar year 1889.

He also, from the same committee, reported the following resolution; which was referred to the Committee on Printing:

Resolved, That the annual report of the Librarian of Congress be printed, and that 500 additional copies with covers be printed for the use of the Librarian.

EXTENSION OF APPROPRIATIONS.

Mr. ALLISON. I ask the Chair to lay before the Senate the joint resolution just received from the other House.

The PRESIDENT *pro tempore* laid before the Senate the joint resolution (H. Res. 185) to provide temporarily for the expenditures of the Government; which was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all appropriations for the necessary operations of the Government and of the District of Columbia, under existing laws, which shall remain unprovided for on the 30th day of June, 1890, be, and they are hereby, continued and made available for a period of thirty days from and after that date, unless the regular appropriations provided therefor in bills now pending in Congress shall have been previously made for the service of the fiscal year ending June 30, 1891, and a sufficient amount is hereby appropriated out of any money in the Treasury not otherwise appropriated to carry on the same: *Provided*, That no greater amount shall be expended for such operations than will be in the same proportion to the appropriations for the fiscal year 1890 as thirty days' time bears to the whole of said fiscal year: *Provided further*, That the total expenditures for the whole of the fiscal year 1891 under the several appropriations hereby continued shall not exceed in the aggregate the amounts finally appropriated therefor in the several bills now pending, except in cases where a change is made in the annual, monthly, or per diem compensation, or in the numbers of officers, clerks, or other persons authorized to be employed by the several appropriations hereby continued, in which cases the amounts authorized to be expended shall equal thirty three-hundred-and-sixty-fifths of the appropriations for the fiscal year 1890, and three-hundred-and-thirty-five three-hundred-and-sixty-fifths of the appropriations contained in the several bills now pending when the same shall have been finally passed, unless the salaries or compensation of any officer shall be increased or diminished without changing the grade or the duties thereof, in which case such salary or compensation shall relate to the entire fiscal year and run from the beginning thereof.

Mr. ALLISON. This is the usual and necessary joint resolution in case appropriations have not been made for the fiscal year prior to June 30, and it is necessary that it should be passed and receive the signature of the President this day. So I ask unanimous consent that the joint resolution may be considered at this time.

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. SALLIE H. MICHLER.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 1546) granting an increase of pension to Mrs. Sallie M. Michler, widow of the late Bvt. Brig. Gen. Nathaniel Michler, United States Army.

The amendments of the House of Representatives were, in line 2, in the name of Mrs. Sallie M. Michler, to strike out "M" and insert "H," and to amend the title so as to read: "A bill granting an increase of pension to Mrs. Sallie H. Michler, widow of the late Bvt. Brig. Gen. Nathaniel Michler."

Mr. SAWYER. I move that the Senate concur in the House amendments. They merely correct the name.

The amendments were concurred in.

JAMES H. SHOWALTER.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 1741) granting increase of pension to James H. Showalter.

Mr. PADDOCK. I move that the Senate non-concur in the House amendments and ask a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. PADDOCK, Mr. MOODY, and Mr. FAULKNER were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPIERSON, its Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 10716) making appropriation for the Department of Agriculture for the fiscal year ending June 30, 1891, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FUNSTON, Mr. CONGER, and Mr. HATCH managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 11293) making an appropriation to supply a deficiency in the appropriation for compensation of members of the House of Representatives and Delegates from Territories; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 578) in relation to oaths in pension and other cases;

A bill (H. R. 2361) for the relief of Asa Ellis, collector of internal revenue for the first collection district of California;

A bill (H. R. 3886) to incorporate the North River Bridge Company and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road;

A bill (H. R. 8149) to increase the limit of cost of the public building authorized by act of Congress approved March 2, 1889, to be erected at Fort Worth, Tex.;

A bill (H. R. 9677) to authorize the county of Pulaski, in the State of Georgia, to maintain a high wagon and foot bridge across the Ocmulgee River at or near Hawkinsville, in the State of Georgia;

A joint resolution (H. Res. 183) to provide for the unexpended balance, \$99,439.07, for discharging claims of letter-carriers for extra compensation under the eight-hour law, approved May 24, 1888, and appropriated for the fiscal year ended June 30, 1888; and

A joint resolution (H. Res. 185) to provide temporarily for the expenditures of the Government.

ADMISSION OF IDAHO.

Mr. PLUMB. I move that the Senate proceed to the consideration of the conference report on the bill making appropriations for the District of Columbia.

Mr. PLATT. That motion, if carried, would not displace the pending order?

The PRESIDENT *pro tempore*. Not at all.

Mr. PLATT. If the Senator from Kansas will permit me, I should like to say in regard to the bill for the admission of Idaho that I hoped it might be considered and concluded this afternoon, but this being the 30th of June has been necessarily given up very much to appropriation bills and conference reports, and I shall not press the bill further to-night, but I will ask the Senate to kindly consider it to-morrow and to dispose of it to-morrow. I think there will be no objection to that. I have heard of one or two Senators on the other side who desire to speak upon it, and after some conference with the Territorial Committee on the other side I think we may safely conclude that we can get a vote to-morrow afternoon.

Mr. STEWART. The Senator does not ask unanimous consent?

Mr. PLATT. No; I do not ask unanimous consent for an agreement to that effect.

HOUSE BILL REFERRED.

The bill (H. R. 11293) making an appropriation to supply a deficiency in the appropriation for compensation of Members of the House of Representatives and Delegates from Territories was read twice by its title, and referred to the Committee on Appropriations.

DISTRICT APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the report of the committee of conference on the bill (H. R. 3711) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1891, and for other purposes. The report of the committee of conference has been read and is printed at length in the RECORD of Saturday's proceedings. The question is on concurring in the report.

Mr. SHERMAN. I wish to call the attention of the Senate to the last amendment which appears in the report. I ask that it be read.

The PRESIDENT *pro tempore*. The amendment referred to will be read.

The Secretary read as follows:

Amendment numbered 165: That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following amendment:

"SEC. 3. That any street-railroad company in the District of Columbia authorized to run cars drawn by horses which has changed or may change its motive power on any of its lines now constructed to cable or electricity, or change its rails in accordance with the provisions of law, shall have the right to issue and sell, at the market price thereof, stock of said company to an amount necessary to cover the cost of making said changes; the cost of said changes and the amount of said stock sold, together with the price per share, to be fully set forth under the oath of the president of said company, and filed with the commissioners of the District. And any company availing itself of the privilege herein granted shall within eighteen months wholly dispense with horses as motive power on all portions of its line, and substitute therefor the power provided for in the 'act making appropriations for the expenses of the government of the District of Columbia,' approved March 2, 1889, or other modern motive power which shall be approved by the commissioners of the District of Columbia, not involving the use of overhead wires.

"SEC. 4. That any street-railroad company operating its lines in the District of Columbia which during the calendar year 1889 earned, declared, and paid dividends on its capital stock exceeding 10 per cent. upon the face thereof, shall hereafter sell to all persons eight tickets for and at the price of 25 cents, each ticket to be good for one continuous passage over its entire line, and to entitle the holder thereof to passage on any line within the scope of this section."

And the Senate agreed to the same.

Mr. SHERMAN. Mr. President, as I am to a certain extent, I think, chiefly responsible for the introduction of this legislative provision in an appropriation bill, I wish to call the careful attention of the Senate to the additions made by the committee of conference to the provision the substance of which was introduced by myself.

I have no serious objection to the modification made to the clause that I first submitted to the Senator from Kansas [Mr. PLUMB], but the second clause of that amendment practically abrogates and nullifies the laws creating corporations running street-cars in this city. I think it would be safe to say that no corporation could run a railroad and pay the current expenses under the second section of the amendment inserted by the conference committee. It relates to a matter that was never sent to the conference committee and it is a new subject-matter entirely.

In order to give the Senate the exact condition of this matter, I ought to state that I concurred in a debate in the last session of Congress in pretty severe criticism upon the fact that the street-railroads of this city did not keep up with the times, did not keep pace with improvements in railroads of the same class in the other cities of the country. Thereupon I was called upon by an officer of one of these companies, and he said they were perfectly ready, at least his company was perfectly ready, to proceed to adopt modern devices, new motive power, in the conduct of these railroads, but that they had no authority to do it; that they were unable to get the authority.

I was very much surprised at that. I said I had no doubt that Congress would cheerfully give any railroad company authorized by law to construct a street line the authority to adopt any modern device for motive power, but that there was a strong sentiment in Congress against overhead wires, and that had been expressed by a very vigorous debate here led by the Senator from Maine [Mr. HALE].

Thereupon I introduced in the last session of the last Congress an amendment which was embodied in the appropriation act for the District of Columbia, and which provided:

That any company authorized by law to run cars propelled by horses within the District of Columbia is hereby authorized to substitute for horses electric power by storage or independent electrical batteries or under-ground wire, or under-ground cables moved by steam power, on the whole or any portion of its roadway, with authority to purchase and use any terminal grounds and facilities necessary for the purpose; and any such street-railway company electing to substitute such power on any part of its tracks or road-beds on the streets of the District of Columbia shall, before doing so, cause such part of its road-beds to be laid with a flat grooved rail and make level with the surface of the streets upon each side of said tracks or road-beds, so that no obstruction shall be presented to vehicles passing over said tracks.

This provision was simply an authority for any District street railroad that chose to adopt modern expedients to run a railroad. There were other provisions added, but it is not necessary to read those; they were added either in the House or the Senate. This provision was

adopted by the unanimous consent of both Houses of Congress, so far as I now know. It simply gave to any railroad choosing to use modern motive power the right to do so.

Under that provision one of the railroads of this city, and the chief one, probably, in point of length of road and magnitude, did during the last summer and up to the winter construct about three miles and a half or three miles of double-track cable road, said to be very good, perhaps one of the best roads of the kind in the United States, and it is now in successful operation.

Pending this, and while it was going on, the same gentleman who brought to my attention the necessity of a grant of power called upon me and said that under their charter as it existed they had authority to issue so much stock, \$500,000 I believe was the amount, and \$500,000 of bonds. As a matter of course, they could only pay for this new improvement by the issue of stock or bonds. They were advised by their attorneys that they could not issue any more stock than the amount already issued, \$500,000, and they therefore issued bonds solely for the construction of this road, which cost, I am told, from \$750,000 to \$1,000,000 for the road-bed and for the necessary buildings. He called my attention to that fact and asked me if I thought that Congress would be willing to give them authority, instead of issuing it all in bonds, to issue a portion of it in stock, and I told him I thought there would be no objection to such a proposition.

The ground of complaint was that they could issue only \$500,000 of stock, and as they had already issued \$500,000 of bonds under the old régime they were compelled to issue something in the neighborhood of a million dollars of bonds for the Seventh street road, and as they intended during the next season to go on and complete their line of road, which I believe was about 15 miles of single track or 7½ miles of double track, they would require to pay for those roads about two million and a half of dollars, and they did not like to overload their corporation with so large an amount of bonds, but wished to have the authority to issue a portion of it in stock, the stock as a matter of course to be divided and taken by the old stockholders instead of bonds.

Thereupon he gave me the draught of a provision. I took it to several members of the District Committee and I found no objection to it. They said they could see no reason why it should not be adopted. I communicated it to the Senator from Kansas and it seemed to meet his approval, and he had the assent of the Committee on Appropriations and I think without objection, by unanimity in the Senate, that provision was inserted as it stood originally in the bill which passed the Senate, simply authorizing these railroad companies instead of issuing bonds for the entire expense of these new improvements to issue at their option either stock or bonds. That was the provision which was sent to the committee of conference.

Although I do not think the committee of conference have improved the simple proposition that I mentioned, which met the sanction of every one here, I do not object to the details in regard to it. They have added some provisions about it requiring this new work to be done in eighteen months. Whether it can be done in that time or not, I do not know. The railroad companies' men take their chances with that. They have also provided that this stock shall be sold at public auction. It would be very difficult, indeed, to ascertain the value of this stock, because all additional stock issued necessarily depreciates the value of that which has been previously issued, especially if it was above par.

Therefore it has been usual in such cases for companies to allow their stockholders to subscribe for the new stock and also to subscribe for the new bonds. That is a matter entirely for them, because the stockholders own the road. I do not, however, object or enter into any controversy in regard to the provisions and the modifications made of that clause of this amendment.

I will ask the Secretary to again read what is called section 4, the second clause of the proposed amendment, reported by the committee of conference.

The PRESIDENT *pro tempore*. The Secretary will read the section indicated.

The Secretary read as follows:

SEC. 4. That any street-railroad company operating its lines in the District of Columbia, which during the calendar year 1888 earned, declared, and paid dividends on its capital stock exceeding 10 per cent. upon the face thereof, shall hereafter sell to all persons eight tickets for and at the price of 25 cents, each ticket to be good for one continuous passage over its entire line and to entitle the holder thereof to passage on any line within the scope of this section.

Mr. SHERMAN. Now, Mr. President, it will be observed that the fare on this road is reduced from its present rate of 5 cents to 4 cents for a single passage. Now they have to give six tickets for 25 cents, when they are purchased in the form of tickets, and I am told that the great body of fares is paid by tickets—three-fourths or more. So the present charge for running over any point on the road to any other point of the road, with the right to connect with any branch, is 4½ cents.

Mr. EDMUNDS. Four and one-sixth cents.

Mr. SHERMAN. The president of the company said about 4½ cents. They record the number of passengers they carry, and they know how much their income is, and they say it yields them about 4½ cents. This bill reduces it down to 3 cents, or, in other words, eight tickets for

25 cents, which would be 3½ cents. To show that that would bankrupt this company, although it is a strong company, let me give you the actual figures, for I have before me the official report made by this company in Miscellaneous Document 161, sent to the House of Representatives.

I find the entire income of this railroad derived from passenger receipts—and that is the only income it has—is \$864,233.45. The reduction made in this bill is more than one-fourth, between one-fourth and one-third, as you will see, so that, taking the same number of passengers traveling on the road next year as traveled last year and taking the passenger receipts as the basis and reducing the passenger receipts one-fourth, it would be a reduction of its income of \$145,000 a year, which would be the loss of revenue to this company.

When it is remembered that, although this is the most prosperous street-railway company in the city of Washington, the highest dividend ever paid to its stockholders was \$100,000 a year for one year and the interest upon their bonds was only forty-odd thousand dollars, the loss of revenue here would take away all the money that has heretofore been divided among the stockholders and all the money which they pay for interest on their bonds, and leave a less sum per annum than the actual expenses of running the road.

Here are the expenses given, the sum total of the ordinary expenses of running the road, and the total expense, excluding the cable railway, and the dividends. The total expense of running the road was \$515,162, which is more by \$25,000 than the entire receipts of the road would be upon the basis proposed by this conference report.

Now, when you remember that there is no city in the United States among the multitude of omnibus lines or street-car lines or any other sort of transit of that kind where the fare is less than it is in Washington; when you see the actual expense of this road, which is admitted to be managed with great economy, and perhaps a little too much economy, so that the actual expenses of the road will be twenty-five or thirty thousand dollars more than the receipts will be, it is apparent that it will bankrupt the company and disable them not only from paying dividends upon their stock, but from meeting the interest upon their debt. And remember that this proposition comes at a time when the company has expended nearly a million dollars in building one of the best cable roads probably in the United States and when it is further called upon to expend about two million and a half of dollars to complete its improvements by making a magnificent line of railway on the Avenue and on Fourteenth street, etc., running from Georgetown through. I will venture to say, considering the length of the line run, that there is no railroad in the United States that could be conducted anywhere on this basis, because you must remember that this line runs not only from Georgetown to the navy-yard, but every ticket carries with it the right to go on any of the side lines to the river, or to the head of Seventh street, or the head of Fourteenth street, and it is practically impossible for any street-car line to subsist under a rate of 3 cents a passenger.

I know that in foreign countries the rates are higher than this. The rates in Paris, if I remember aright, are from 20 centimes to 30 centimes, 4 cents and 6 cents, and the 4-cent passengers ride above. In England I think the rate is about the same or a little higher. In Philadelphia I am told the rate of fare is 6 cents, with 1 cent additional for a transfer check. In New York the rate is 5 cents per passenger.

Now, Mr. President, what I desire is to call the attention of the Senate to this. I think certainly the conferees acting upon the question did not wish to do an injustice. As I was somewhat instrumental, I may say, in proposing these legislative provisions, which I did for the purpose of securing the best possible motive power for the cars in this city, I should dislike to see these people when they are just engaged in carrying out great improvements ruined and injured in their property. I look upon it, without imputing any such intention to the conferees, as in the nature of a confiscation.

I trust the Senate will allow this matter to go back to the committee of conference and allow them to reconsider it in view of the facts I have stated. I have no doubt they desire to do justice. My own opinion is that this amendment ought to be confined simply to an authority to be given to these companies to issue stock in proportion to the bonds issued, so that the amount of stock would be something like equal to the bonds. It would be better if it was all represented by stock, better for the company, better for the people, and better for the District of Columbia. Each of these companies should be represented by enough stock to be about the value of the property.

According to the statement contained in this paper they expended before they built the cable line about \$1,100,000, one-half of which is represented by bonds and the other half by stock. Upon the date of this report, which was made the 1st of January last, the cost of this property was \$1,600,000, which included a portion of the expenses of the cable road, and is now increased, I am told, to about \$2,000,000, because all this expenditure has been made since the 1st of January. If they are allowed to go on according to their present plan and complete this railroad, the aggregate cost of the road will probably be about four or four and a half million dollars, according to the statement given me.

There can be no motive in these stockholders to do injustice to each

other. They own the property. All I desire is to see that their vested rights shall not be taken away from them. The power of Congress, undoubtedly, to change and modify this charter ought not to be used so as to do injustice to men who have invested their money under the laws of the United States.

Mr. EDMUNDS. It appears to me the fundamental difficulty is that the Senate on a previous occasion when it passed this bill undertook on an appropriation bill to insert a distinct and separate piece of legislation that had nothing whatever to do with appropriating the moneys of the District and of the United States for carrying on the operations of government here. The Senate conferees are not responsible for that, but the Senate is; and it sent this subject of this street railway or any others, whatever they might be, as everybody perfectly well knows—the Senate with its eyes open sent it to a conference, because it put in an amendment of a purely legislative character, that had nothing whatever to do with the business of the Committee on Appropriations, but had to do with the duties and business of the Committee on the District of Columbia; put it into the bill here in the Senate apparently; possibly it was reported by the committee, but I think not.

That is an error that we are falling into all the time. I have seen on former occasions, and we may again see when we come to the legislative bill on the occasion this year of appropriations for the judicial establishment of the United States, where the supposed business of the Committee on Appropriations is and its real business—and it does not try to get out of it, I agree—to make an appropriation for the payment of judges and marshals, and so on, and so on, under existing law.

Mr. GORMAN. It was not reported from the committee.

Mr. EDMUNDS. The Senate put in this piece of legislation, so that we can not very well complain of the conferees of the Senate for having dealt with the subject. They may have dealt with it erroneously, but it never ought to have been here at all. This illustrates what we shall have to come to in some way at this session or the next, in contriving some means of possibly excluding from the matter of paying money out of the Treasury to subserve the purposes of existing law and existing duties the various schemes of legislation which may have a more or less remote relation with the moneys to be appropriated.

Some Senator, the chairman of the Committee on the Judiciary, for instance, or whoever he may be, or some member of the House of Representatives, or some lawyer rushes into the room of the Committee on Appropriations and says, "Here is just a little bit of a matter that I should like to have you just put in in connection with this expenditure, that hereafter the commissioners of the circuit courts shall do so and so," or "that the judge shall do so and so," or "that the rule for charging juries shall be so and so," or that "there shall be another assistant marshal or assistant clerk" and so on, and somehow or other once in awhile it comes out that we find out, nobody's attention being called to it, and the Committee on Appropriations doing their very best with the light they have, and having all this responsibility of every Department of the Government, put in a piece of legislation that is found out the next year to be altogether injudicious and altogether unwise; and the great majority of the people of the country who think anything about it or know anything about it, the lawyers and judges particularly, begin to write to the chairman of the Judiciary Committee of the House of Representatives and the chairman of the Judiciary Committee of the Senate inquiring "What in the world did you pass any such a law for?"

Well, the chairmen of the respective committees respond: "We did not know anything about it; we never heard of it." There is a statement in the New Testament somewhere that we never so much as heard that there was such a law. The Committee on Appropriations have done it not in undertaking to absorb or grasp jurisdiction, but in yielding to somebody's importunity and not having the opportunity and time, nor is it their mission, to understand the whole scope of the workings of the judicial establishment.

I only speak of that to illustrate, for it goes all around, and so I say the evil of this whole business is that the Committee on Appropriations does not vigorously set itself against all petitions and applications and beggings by myself or anybody else, and confine itself to doing the duty that is imputed to it by the rules, and that is to recommend the appropriation of the necessary moneys of the United States to carry on the Government as it is, and not to undertake to branch out into considering what is the best policy about public lands, what is the best policy about the Territories, what is the best policy about agriculture, what is the best policy about foreign relations, what is the best policy about the judicial establishment, and so on, and so on, and so on. That committee would have work enough to do if it would resist all our importunities in these respects and stand by what would then be a clear and definite mission that it had in hand.

So much for the general observation which I am compelled to make in view of this very thing. Now, we have the District appropriation bill and we have a Committee on the District of Columbia, one of whose missions it is, clearly and undoubtedly, to deal with the administration and behavior of these railways, and it is the mission of no other committee. All that the Committee on Appropriations has to do is to provide what money it thinks is necessary to carry out the District establishment as it is. If it is necessary to have another street rail-

way, it is not the mission of the Committee on Appropriations to determine whether that is wise or not wise. If the Senate determine it to be wise, it is the committee's mission to report the proper appropriation to carry it on, if any appropriation is necessary. It is the mission of the Committee on the District, and so on round and round.

But the Senate, I say—it is not the fault of the committee—has put into this bill a piece of pure and simple legislation, and the conferees on the part of the Senate taking that as the instruction of the Senate have undertaken to put it into a shape that on the whole they thought would be wise. Whether it is wise or not is open to great doubt. The Senator from Ohio [Mr. SHERMAN] has shown, if his figures are correct, that the effect of it as to the Washington and Georgetown Railroad Company is that dividends must stop and the payment of interest or the payment of their bonds must stop unless they can get a much larger patronage on this reduced rate of 3 cents and a little over during the next year.

Well, nobody wants to do that, I take it, as arbitrary and obnoxious as that railway company has been and all its compeers almost, and perhaps all, paying no attention to the law which, for instance, requires them to have the pavements between their tracks at all crossings of streets and on the outside conform to the street pavements, so as to give the people who go in carriages—and by carriages I include the poorest horse cart of the country market-woman as well as the landau of the President of the United States—perhaps it is safer to say, so as to give all vehicles a safe passage. There is not a railway in the whole city that cares anything more about that positive requirement of Congress than I do about what the new moon will be next year; and in only one or two instances when the commissioners of the District, whose business it is to enforce these laws, have had their special attention called to some of these crossings that had become absolute nuisances, that they have in some way or other persuaded one or two of these companies to fix one particular place of crossing according to law, and all the others are entirely outside of the law.

I had one experience myself, which I believe I have mentioned once before, and it is worth mentioning again. I applied to the District commissioners in respect of one crossing that interested me personally no more than a dozen other persons who passed it every day, and I was coolly told by the commissioners that they would look after the matter and see what could be done. Months and months went by and nothing was done, and then I humbly appealed to the railway corporation itself, and immediately, I suppose out of grace and favor and not out of any obligation of law, that particular nuisance was corrected.

So, as I say, I have no special sympathy with these corporations, who seem to be masters of the commissioners and masters of the District in respect of what they wish to do or do not wish to do, as the case may be, and who pay no attention to the requirements of law about paying their assessments in regard to public improvements along their lines where they are required to pay them. But when, as my friend from Ohio says, by the conference report we come to deal with one particular corporation—no matter how bad it has been heretofore—it ought to be in this particular instance treated with justice; and if we are going to say on a conference report and in an appropriation bill that this corporation shall carry passengers at a rate that will not pay, we ought to consider it twice.

That is all I have to say.

Mr. PLUMB. Mr. President, I am glad to have the opportunity to state just how this whole matter came, and I am very glad before I come to make that statement that the Senator from Vermont [Mr. EDMUNDS] has made his remarks. As the bill was about passing the Senate the Senator from Ohio [Mr. SHERMAN] came to me and handed me the amendment, as he himself has stated, as it appears in the bill at page 9, in these words:

SEC. 4. That any street-railroad company in the District of Columbia now authorized to run cars drawn by horses, which shall change its motive power on any of its lines to cable or electricity, in accordance with the provisions of law, shall have the right to issue stock for an amount equal to the cost of making said change, said amount to be approved by the Commissioners of the District of Columbia.

I objected first to offering the amendment, saying that it was legislation, that it had not the sanction of the Appropriations Committee, and I thought, while it seemed proper enough, it was not proper to put it upon an appropriation bill. I finally submitted the matter to all the members of the District Committee who were present in the Chamber, and to several members of the Appropriations Committee, all of whom gave their assent, some of them saying about it that it was a very excellent thing and ought to be done. It was then moved by me and adopted.

The Senator from Ohio, in responding to my objection to putting it into the bill, said—and that had great force with me—that the appropriation bill already carried a specific provision requiring the railroad companies to do certain things which required the outlay of money, and that this was the best way of providing the money. We thought so too, and that therefore it was in the line of what already had been done by the sanction of both Houses upon appropriation bills.

While I am on that point and looking right to my friend from Vermont, I will call his attention to the fact that he himself had as much to do as any other member of the Senate in fashioning the amendment

which was adopted on the appropriation law of 1889 whereby these railroad companies were required to substitute grooved rails for the present rails and given the opportunity to substitute electric or other power for horse power. The Senator from Vermont shakes his head, but I will convict him out of the RECORD if he needs conviction.

Mr. EDMUNDS. You will have to convict me by the RECORD.

Mr. PLUMB. I will do so. My recollection is very distinct because it was against my protest all the way through. The Senator from Missouri [Mr. VEST] moved the amendment, and it finally was substantially agreed to by consent in the Senate that the Senator from Missouri [Mr. VEST] and the Senator from Vermont [Mr. EDMUNDS] should put that into shape to be adopted, and it was debated here for hours in the Senate, the Senator from Vermont participating in the debate, the whole thing being subject to objection, and no objection by him or anybody else being interposed; otherwise it could not possibly have gone into the bill.

Mr. EDMUNDS. The Senator is immensely mistaken.

Mr. PLUMB. Not a bit of it. I will convict the Senator out of the RECORD and will establish the truth of every word I have said about it.

The Senator from Ohio, if my recollection serves me, offered a part of the amendment giving authority to these companies to change their motive power; but the legislation in which the Senator from Vermont was interested, and which he did his best to have adopted, and it was adopted, and he did not object, but advocated it, was an amendment putting burdens upon these companies in the way of requiring them to change their rails and to accommodate themselves to the conditions imposed in the bill; and, if I am not mistaken, he made the statement he made to-day about the difficulty he had in having them comply with the law, and how finally, as a matter of grace to himself, they did certain things that he thought they ought to do.

That measure of legislation was the subject of great consideration in the conference which ensued between the two Houses. I remember very well going to the Senator from Iowa [Mr. ALLISON], the chairman of the Committee on Appropriations, with whom I felt privileged to advise, and saying that I thought we ought to give it all up because of the apparently irreconcilable differences between the Senate and the House conferees as to the terms, and it appeared almost impossible to get an agreement. But he said to me in view of the unanimous action of the Senate and the apparent determination to do something, and this being within reach, it seemed as though we ought to make an extra effort to get it in, if possible, and that effort resulted in the adoption of the law to be found on page 797 of the Statutes of 1889.

I will ask that the provision be inserted in my remarks at this point, as it is too long to read.

The PRESIDENT *pro tempore*. The provision of the statutes referred to by the Senator from Kansas will be inserted, if there be no objection. The Chair hears none.

The provision is as follows:

That any company authorized by law to run cars propelled by horses within the District of Columbia is hereby authorized to substitute for horses electric power by storage or independent electrical batteries or underground wire, or underground cables moved by steam power on the whole or any portion of its roadway, with authority to purchase and use any terminal grounds and facilities necessary for the purpose; and any such street railway company electing to substitute such power on any part of its tracks or road-beds on the streets of the District of Columbia shall, before doing so, cause such part of its road-beds to be laid with a flat grooved rail and made level with the surface of the streets upon each side of said tracks or road-beds, so that no obstruction shall be presented to vehicles passing over said tracks: *Provided*, That, in the event said companies, or either of them, shall fail for the period of two years from the passage of this act to exercise the powers and privileges hereinbefore given, such companies are hereby required to cause said rails and road-beds to be relaid with the flat grooved rail hereinbefore mentioned, so as to be level with the streets upon each side of said tracks or road-beds, and the cost of making the changes hereinbefore required shall be paid by the corporations or persons owning or operating said street railroads, and if, after being notified by the commissioners of the District of Columbia, in writing, to comply with the terms of this act, the said corporations, or either of them, shall not within ninety days thereafter begin the work required and complete the same within a reasonable time, not more than twelve months from the expiration of said period of ninety days, it shall be the duty of the commissioners to cause the necessary changes in said rails and road-beds to be made as soon as practicable; and shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of 10 per cent. per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued, together with the franchise of said company; and if the said certificates are not paid within one year the said commissioners of the District of Columbia may proceed to sell the property against which they are issued, or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for one week in some newspaper published in the city of Washington, and to be sold at public auction to the highest bidder: *Provided further*, That after the passage of this act no other rail than that herein mentioned shall be laid by any street-railway company in the streets of Washington and Georgetown, and all companies granted franchises or extensions by the Fiftieth Congress shall have extension of one year's time within which to lay their tracks. So much of the charters of the street-railway companies of the District of Columbia as is inconsistent with this section is hereby repealed: *Provided further*, That the foregoing requirements as to motive power, rails, and road-bed shall not apply to street railroads outside the city of Georgetown and the boundary limits of the city of Washington: *And provided*, That the authority hereinbefore granted in each and every particular shall be exercised only with the approval of the commissioners of the District of Columbia, expressed by resolution of said board.

Mr. PLUMB. The amendment under consideration presented by the Senator from Ohio had this merit, that it was germane to that which the Senate had done in the first instance led by the Senator from

Vermont, and that, the two Houses having concurred in it, it had met with apparently universal favor, and it was being operated under by the railroads themselves, and it seemed as though, while acceding a privilege to them apparently, at the same time it provided a better method of raising the money necessary to carry out the law of 1889 than would be the case if they were to issue bonds; and so the amendment was offered and adopted and went into conference.

Mr. President, when we came to get into conference on that amendment some changes were suggested, as was natural. But there came to the knowledge of the conferees this state of facts: That one of the railroad companies of this city, for the purpose of providing itself with funds to make the change required by the law of 1889, had issued what they called convertible bonds, bonds drawing 5 or 6 per cent. interest, I do not know exactly, but not a very high rate of interest.

Mr. GORMAN. It was 5 per cent.

Mr. PLUMB. It is stated to be 5 per cent. by the Senator from Maryland and others near me. This was coupled with the agreement, as I understand, having more or less formality about it, but at all events something which conveyed the belief that these bonds were to be exchangeable for stock before their maturity and within some brief period of time; and the rather remarkable spectacle was exhibited of bonds drawing 5 per cent. going up in the market of the city of Washington to 290, nearly multiplying in value within a few months' time more than threefold; and of course it did not take long to put two and two together to the extent of seeing that this was because they were exchangeable under some peculiar circumstances yet to arise for stock which was worth three for one in the market, and thereby somebody was to make an enormous profit. I think the profit on the construction of the Seventh-street line alone, for which these bonds were issued, would have been not less than a million and a half of dollars, and that profit was to be made by simply the turn of the hand, with no more risk than any Senator would have in exchanging one gold dollar for another.

Mr. President, I do not begrudge these railroad companies the fair profits which they may make in compliance with law and in the service mutually of themselves and the public, but it did not seem fair—and I think I can safely appeal to the Senate on that point—that the law of Congress should be made a shelter of a speculation of that kind, whereby, without any risk whatever, within the brief period of two months, a handful of favored individuals should multiply their investment three or four fold, and, as the Senator from Massachusetts [Mr. DAWES] suggests, of course take it from the people of the District of Columbia or the people of the United States who travel over their railroad in the end.

That did not seem fair. It did seem perfectly fair, and does yet, that these companies, being under the command of the law to make certain large investments for the purpose of changing their plan and of putting down new rails and substituting new motive power for that now in use, in order that the public might be better accommodated, etc., and that it might be done under the command to do it within a brief period of time, should have authority to issue something upon which the money could be raised. They might not be able, some of them would certainly not be able, to pay for it out of their current revenues. It was the character of the improvement, which would be well described as permanent; and in all similar enterprises when anything of that kind is done it is done by the issue of bonds or stock or something else, in order that these investments may be made and the improvements made within a reasonable time, of course the future earnings of the road being applied to their payment.

But in this case the future earnings of the road are not pledged for the payment of the interest on the investment. But those who had managed this matter and who had got these bonds into their hands were to have paid back to them three dollars for one, and anything that after this was to be expended was to be done in that line hereafter, which would have resulted as to all the roads in this District of Columbia in making a profit of ten to fifteen million dollars. Rather a wholesome speculation that was!

Of course it has another phase. As the Senator from Ohio says, it was the money of the stockholders themselves and it was their own road. They own the road anyway, and whether they swapped stock worth \$3 for a bond worth \$1 is perhaps no concern of the public; and yet the public does guard with more or less of jealousy the issue of new stock and new bonds, because it is well known that they always make this an excuse for the maintenance of their road and also to give currency to operations whereby the investing public are often defrauded by buying stock that has a less value than it seems to have.

The conference committee came to the consideration of this bill with this knowledge—not at first, for it did not understand the matter in the beginning—but we finally agreed upon the substitute as section 4 which is contained in the report of the committee and which we thought was entirely fair to the public and fair to the railroads. And this is the way the conference arranged it:

SEC. 3. That any street-railroad company in the District of Columbia authorized to run cars drawn by horses, which has changed or may change its motive power on any of its lines now constructed—

The Senate will observe that we did not extend this privilege to railroads that might hereafter be created or to lines hereafter to be con-

structed, leaving all that question open and endeavoring to have this as far as possible relate to the lines which were under the command embodied in the law of 1889—

to cable or electricity, or change its rails in accordance with the provisions of law, shall have the right to issue and sell, at the market price thereof, stock of said company to an amount necessary to cover the cost of making said changes, the cost of said changes and the amount of said stock sold, together with the price per share, to be fully set forth, under the oath of the president of said company, and filed with the Commissioners of the District.

Now, Mr. President, one result of that was just this, which I have stated as the result certain to follow the adoption of the amendment as originally proposed: Given the necessity of raising a million of dollars of money for the purpose of making these required changes, and the stock being worth \$300 in the market, which I understand is about the market price of the stock of the principal railroad company here, the sale of \$333,000 of the stock would raise the necessary money, and therefore there would only be \$333,000 of the stock out to be a charge against the public that the public was to respond to in the shape of dividends.

But under the provision that went into the bill originally the company could issue \$1,000,000 at par, which would be worth \$3,000,000. That is the difference. They could issue \$1,000,000 in place of \$333,000, and that million dollars of stock would be worth from the moment it was issued \$3,000,000, because, while it is true, as the Senator from Ohio said, if you flood the market with a large amount of stock it affects its value, at the same time the stockholders themselves would take it, and it would not necessarily go on the market, and, in addition to that, every dollar of the earning power of the railroad is to be enhanced in the end by this change of power.

Under the present operations of the law of 1889 with regard to the change of motive power, if they should remain as they are now, and the more especially if Congress should not charter competing lines of railroads, the stock of this railroad company—I use this by example, because it is spoken of, though what I have to say applies in a large measure to all of them—would be worth, in place of 3 to 1, 5 to 1. I have been told, on what I conceived to be good authority, that the Seventh-street line, which has been changed to a cable line, is earning more money than it ever earned before, and there has been a very large increase since that change, and not only an increase in the earnings, but a very considerable diminution in the expense of operation.

Mr. EDMUNDS. You mean an increase of profits?

Mr. PLUMB. Yes; that is to say, there has been an increase in the gross earnings and a diminution of the expenditures, and not only a relative diminution, but an absolute diminution.

Mr. EDMUNDS. That would not prove that there was an increase of the profits. That would depend upon the amount necessary to build this cable line compared with the former income. They might carry a thousand more passengers to-day and the daily cost might be \$100 less, and yet there might be quite a loss on the capital necessary to do that thing.

Mr. PLUMB. I have it from what appeared to me to be fair authority. I may be mistaken.

Mr. EDMUNDS. I only wished to know what the Senator meant.

Mr. PLUMB. I mean the profits of operating the Seventh-street line to-day as compared with the time before the cable power was put in show an increase. When I say a profit, I mean a profit over and above the cost of the line and the cost of its operations.

Mr. EDMUNDS. Based upon what?

Mr. PLUMB. Based upon the actual capitalization. That is what I have been told and believe.

Mr. EDMUNDS. I only made the inquiry. I hope it is true.

Mr. PLUMB. Now, Mr. President, when we got that far in this conference and having before us all the time the controversy relating to the law of 1889, having before us these constant complaints which are being made and the instruction given to us last year practically to agree upon something which would do the public some good in connection with the management of these railroad lines, it was somewhat natural that we should follow it by this other provision:

And any company availing itself of the privilege herein granted shall, within eighteen months, wholly dispense with horses as motive power on all portions of its lines and substitute therefor the power provided for in the act making appropriations for the expenses of the government of the District of Columbia, approved March 2, 1889, or other modern motive power, which shall be approved by the commissioners of the District of Columbia, not involving the use of overhead wires.

Mr. FAULKNER. I should like to ask the Senator what is his construction there as to "availing itself of the privilege herein granted," as applied to the question of changing the form of rail. Suppose they only change the form of rails and do not change the motive power, does it still require them to do away with horse power if they change the rail?

Mr. PLUMB. Undoubtedly. If any railroad company, unless I wholly mistake the force of language, avails itself of the privilege of this section for the purpose of issuing any new stock, it thereby becomes bound within eighteen months to dispense entirely with the use of horses as a motive power over all portions of its lines. That is my construction of it, and I think that is the only one that is correct.

After that had been tentatively agreed upon and put into shape what occurs in section 4 was suggested.

Mr. President, I have no knowledge whatever in regard to these railroads except as I encounter them physically, or as disclosed by the statistics of the District, or as disclosed in the reports which they have made, which I have not examined with any care. There was on that committee a member who represents a district which adjoins territorially the District of Columbia, Hon. Mr. McCOMAS, from Maryland, and the people of the city of Washington are largely his constituents. His voice in the Committee on Appropriations in regard to matters of this kind and in conference has unusual weight.

The other members of the committee have been connected with this subject-matter also fully as long as any member of the subcommittee on the part of the Senate, and they seemed to think that these companies were making money and that if any company was making so much money as is named in this section, to wit, 10 per cent. on its capital, the time had arrived when they might fairly divide with the public the profits from it, and the suggestion therefore was made by them and acceded to by us that this provision in regard to selling eight tickets for a quarter of a dollar might be incorporated.

It may possibly have been done without as much consideration of the possible effect upon the fortunes or the finances of the company as it ought to have had, but the conference was a protracted one and this item gave rise to a great deal of delay and a great deal of discussion, with the result which I have named.

It is not fair to compare the financial condition of that company at present with what it was last year as an evidence of what will result from the operation of this provision of law if it shall become a law, but it is the universal experience that where rates of fare are cut down the travel enormously increases.

The late President of the United States, Mr. Cleveland, vetoed a bill when he was governor of the State of New York which was passed by the Legislature of that State requiring the elevated railroads of the city of New York to carry passengers for 5 cents, and yet within two years from the time he vetoed that bill the companies themselves of their own motion reduced the fare to 5 cents and made money by it. Simply looking at it as a matter-of-fact man and with the desire, of course, to do no injustice to anybody, he said these companies are not earning as much as they are entitled to under the law, and I can not see that it will be fair for them now to be required to carry passengers at 5 cents; but the companies were wiser, and, being composed of men who are not in the habit of giving something when they do not get anything in return, they reduced the fares first for certain hours in the morning and certain hours of the evening, in order that the laboring men might have the advantage of it, and, following it in a year or so by a reduction from 10 to 5 cents, found their revenues increased; and, as the Senator from Maryland [Mr. GORMAN] suggests, the companies of this District have had a similar experience; that is, as they have reduced their fares they have found that their earnings have increased.

I am not going to say that I know this will come; I do not know anything about it; but I say that, unless all human experience is worth nothing in the consideration of this problem, it may fairly be expected that the revenues of these companies will be materially enhanced by reason of the increase of travel upon their lines brought about by the diminution of the fares.

Mr. EDMUNDS. If my friend from Kansas will allow me, who is not replying to what I said about the impropriety of this sort of thing on appropriation bills, he imputed to me responsibility for what occurred in 1889, I think it was. I have got the CONGRESSIONAL RECORD, and I find just what I had to do with it if he will pardon me for stating it in two minutes.

Mr. PLUMB. Certainly.

Mr. EDMUNDS. It appears, Mr. President, on the 25th of January, or probably the 24th, as the top heading is "January 25, 1889," the District appropriation bill being pending, that the Senator from Missouri [Mr. VEST] offered an amendment which provided that street railway companies should change their rails to a grooved rail—I condense it in order to save time—and that if they did not do it the commissioners should do it, and that they should be sued to recover the amount of money that it cost to do it. Then I appeared upon the scene saying this, the Senator from Massachusetts [Mr. DAWES] having asked to look at it:

While the Senator from Massachusetts is examining this amendment with a view to seeing whether an amendment he offered to it has or has not been adopted, I wish to say for my friend from Missouri [Mr. VEST], who is now absent, that he has asked me to look after this matter in his necessary absence, for him. He is of opinion, and I concur entirely, that the provision about collecting the cost of this change of rails and roadbeds had better be changed to the provisions of the act creating the present government of the District of Columbia.

Which is that they shall issue certificates of indebtedness and so on; and then I go on to say a better way still would be, if the District has to do it, Vermont fashion, to have the commissioners issue a warrant like a tax warrant and collect it out of the company in hand immediately, and afterwards only the question of how that thing should be done was what I had to do with at all, and not as undertaking to put anything on the appropriation bill, but if it were to go on it would be better to have the District tax-payers saved from going into a lawsuit, as we were then in already for three or four or five hundred thousand dollars for similar expenditures. Then later on, when the conference

report came on, it containing the provisions of 1889 which finally passed as quoted by my friend, I referred to the fact that the committee of conference had probably put it in as good condition as it could be made on the appropriation bill.

Therefore my friend, I think, will do me the justice, in view of that record, to say that I had no lot or part in trying to pass legislation of this kind on that appropriation bill, but it being proposed I did my humble part in putting it into such a shape for my friend from Missouri, who was not present, as appeared to be wise.

Mr. PLUMB. I was not specially desirous of fixing any responsibility upon the Senator from Vermont in a matter of this kind, but when a matter of this sort which is of great importance is brought to the attention of the Senate in such a way that the responsibility must be apportioned, I do not mean that on so weak a back as mine shall rest any portion of the responsibility which belongs to another.

Mr. EDMUNDS. That is right.

Mr. PLUMB. And what I said is absolutely and unqualifiedly established by the RECORD which the Senator has read. It is true that even that which he has said now was said as the proxy of the Senator from Missouri, and I suppose for the time being it absolved him from his obligation as the Senator from Vermont, and he was *pro tempore* the Senator from Missouri—

Mr. EDMUNDS. Put it that way if you like.

Mr. PLUMB. Mr. President, if the Senator can escape responsibility while he sits in the Senate and sees the rules of the Senate violated, which he could stop by a single objection, and if he gives the currency of even an objection to it which does not go to the merits or to the parliamentary law involved, he knows how potent that is in the Senate and how persuasive it is upon all of us who are in the habit of following him, and when we find that he can sit here and see a thing of that kind go on without making any protest, the rest of us are only too glad to follow in his wake.

So, Mr. President, it appears that while the Senator from Missouri proposed the amendment the Senator from Vermont helped to lick it into shape, stood by while it was done, making no objection, although an objection from him, though parliamentarily worth no more than an objection from anybody else, would have persuaded everybody in the Senate that it ought never to have been proposed on an appropriation bill or elsewhere.

Mr. FAULKNER. I ask the Senator from Kansas whether he does not remember that the amendment I offered was indorsed as the right thing to be done by the Senator from Vermont, as shown by the RECORD.

Mr. PLUMB. I think it was.

Mr. EDMUNDS. Certainly it was. The Senate was engaged in considering that proposition, and, the Senator from West Virginia having proposed a better way of stating it, I certainly said, as I always do when I think so—and I generally do when he proposes anything—that his statement was much better.

I am not willing to escape any part of my share of responsibility of this vicious sort of performance because I was present and I did not object, but I shall not do so any more [laughter]; and in order to save myself hereafter I now make the point of order that this second section of this conference report is entirely outside of the jurisdiction of the conference.

Mr. PLUMB. Well, Mr. President, as good people as the Senator from Vermont, according to the belief which we all of us have, have been saved by a death-bed repentance.

Mr. EDMUNDS. I hope you are not going to die just now. [Laughter.]

Mr. PLUMB. The Senator from Vermont is saving himself now by repenting. I find, Mr. President, going over this, that the Senator from Vermont made some remarks occupying about a column of the RECORD on that occasion, having special reference to the amendment of the Senator from West Virginia, and that Mr. EDMUNDS, the Senator from Vermont, after I had got through making a few remarks of about half a column in length—

Mr. EDMUNDS. On what page is that?

Mr. PLUMB. Page 1172.

The Senator from Vermont then engaged in a colloquy with whoever wanted to talk about the matter, extending over about a page and a half more of the RECORD on these same subjects.

My recollection was not so good when I first brought this up, because I did not remember half of what took place or half of what the Senator from Vermont had done after offering the amendment, but I was perfectly sure that the Senator consented to putting it in, notwithstanding the fact that one objection would have kept it out.

Mr. BLAIR. Would it be in order to suggest that this matter be postponed until the Day of Judgment? It will all come up there. It can not do any good here. [Laughter.]

Mr. PLUMB. I hope the Senator will not do that, because the Senator from Vermont has got his conscience quiet now by repenting. I want time to repent myself. [Laughter.]

Mr. EDMUNDS. We may not be in the same place.

Mr. BLAIR. I must acquiesce, of course.

Mr. PLUMB. I find that the Senator from Vermont not only took considerable part in this debate, as much as anybody else, but rather

more, and his name appears oftener, and of course what he said is twice as good as what anybody else said; and when I asked him some question about what he said in this debate it covers every single phase of this amendment. He knew all about it as to terms, etc., and he certainly will not say he did not know it was an appropriation bill he was putting the amendment upon; and if I were on trial for my life on a matter of this kind I should plead that he misled me into the position I assume upon this proposition, for the fact is I was not in favor of it at any stage, although consenting to it.

I go as far as the Senator from Vermont, with a qualification which I will state in a moment, in regard to this practice of legislation upon appropriation bills.

There are some things, however, that it is practically impossible to provide for otherwise. They are trifling in importance, but they are in the nature of helps to administration. The Committee on Appropriations has had the benefit of the counsel of the Senator from Vermont in a number of things of a legislative kind, and I notice in this same bill of 1889 a provision on page 807 which he very kindly suggested to me and which was put on in conference, to this effect:

All sums of money heretofore appropriated by Congress or which may hereafter be appropriated and expended in aid of the purchase of real estate shall (subject to any trust deed, mortgage, or other security or incumbrance existing on such property at the time of its purchase, or created at the time of its purchase) be a lien upon such property, and in case of the dissolution of any such corporation as in the preceding paragraph is mentioned, owning such property, or in case of the disposal of such property by such corporation, entitle the United States to reimbursement in proportion to any other contributions or funds used in the purchase of such property.

A plain, unequivocal legislative provision which ought to have come from the District Committee and which ought to have been the subject of a separate statute, and it was the most natural thing in the world to put that provision in the bill in connection with these charities, for which we were being importuned, and where we naturally had some doubt as to the propriety of the appropriations which we were called upon to make for them.

Mr. EDMUNDS. If the Senator will pardon me I will, without repentance, take the responsibility of that clause. I have claimed—and I believe the Senator is right in my having suggested it to him, as he and I converse very freely about appropriations, as he knows—that it would be a wise and proper limitation upon the appropriations made by Congress that the money which Congress pays for real estate for charitable institutions should be a lien upon them, so that the property could not be sold and divided up among the incorporators, if such a base thing could be possible, and I thought and I think still that is a proper thing in an appropriation bill, for that is a limitation upon the expenditure of the money.

Mr. PLUMB. I think so too, but it is legislation all the same, and it only illustrates what I said a moment ago, that there are features of legislation which do not properly bear the characterization which the Senator from Vermont a moment ago gave to all of them alike. There are things which arise in administering these funds, which the Appropriations Committee must necessarily consider, which suggest from time to time such propositions as this; and I say with a great deal of pleasure—which I need not say, because everybody admits that any suggestion the Senator from Vermont makes has the greatest possible merit and is received with the greatest possible consideration by the committee—they are in the right line, and whether on appropriation bills or otherwise they are useful.

But the practice has become altogether too broad. I tried when the subject was before the Senate some years ago to have a limitation put upon the rule which was practical, and which would not be a constant invitation to the Appropriations Committee nor to the Senate to get into the broad legislative field, which we do occasionally enter upon in the consideration of what are practically supply bills.

If there could be some arrangement by which that which was purely incidental to appropriations or something which was even more formal could be brought to the attention of the Senate and only adopted by a yea-and-nay vote in such a way that no one should ever have the right to say that under an appropriation bill he had been misled or that under an appropriation bill nothing of that kind which was legislative had been surreptitiously introduced, great good might grow out of it.

But as it is we maintain the rule of absolute exclusion with exceptions which are bigger than the rule itself, almost, and that, I agree, ought to be stopped. I wished many a time, when a similar question was in conference in former sessions, that we had not taken up this railroad question at all, and I was so disgusted with the whole thing that, as I said before, I was at one time on the point of giving it up, but I consulted with the Senator from Iowa and other Senators who took an interest in the matter, and they thought as we went so far we ought to go further, and we did. That having been done, however, the original error having been committed, what followed was to some extent inevitable. At all events it happened, and happened just as I have stated.

As to the point of order which the Senator from Vermont has made, I can only say that so far as I am concerned I have never known anything about the rules of this body except that whatever the majority wanted was pretty certain to be done. I have never known any prop-

cession which a majority of the Senate desired to have adopted, seriously and earnestly, but they would find some way of doing it, whether it was on an appropriation bill or by a separate provision or what not; and the Presiding Officer of this body, somewhat different, I may say, in that respect from the presiding officer of some other legislative bodies, is not the legislative body itself, but merely the organ; and when he is the organ of it, he is, according to common construction, the organ of the majority, and the office which he performs, therefore, is not vital in any sense to the legislative functions which are exercised by the Senate.

Mr. President, I do not myself believe that the result which the Senator from Ohio has spoken of will be injurious to the railroad companies, certainly not as injurious as has been stated. I believe that there is room for a very material reduction of the price of fare upon the street railroads of this city. Whether this is a wise thing to do or whether this goes too far I will not now undertake to say, although, according to my belief, the provision is all right.

But I want to say in regard to that matter, calling attention to what the Senator from Ohio said in his very frank statement in regard to it, that the first provision, which is merely an enlargement of the provision originally adopted in the Senate, is, in my judgment, now in a shape that will protect the public, while giving to the railroad companies the authority and the means necessary to carry out the provisions of the law of 1889, which are mandatory upon them and which, if they do not carry them out, are to be carried out by the commissioners of the District and charged upon them in the shape of a lien.

Mr. PLATT. Does the Senator think that this arbitrary reduction by law of fares in case the railroad companies shall make these improvements which we want them to make will operate to prevent the improvements, so that we shall not get them?

Mr. PLUMB. Upon that I have no information at all.

Mr. EDMUNDS. I insist on my point of order, Mr. President.

The PRESIDENT *pro tempore*. The Chair is of opinion that the point of order can not be raised upon the propriety of the matter inserted by a committee of conference. The Chair does not conceive that there is any question for the Presiding Officer to pass upon, whether the committee have or have not transcended their powers. It is a question for the Senate to determine, upon the report being presented, whether it shall be agreed to or whether it shall be rejected.

Mr. SHERMAN. Mr. President, my own impression is that the better way in that the Senate should enter a formal disagreement and refer the matter to the conference with the request that the fourth section be omitted. As far as I know, while the third section is very severe upon the companies, I have no desire to raise any question about that, but we can instruct our conferees to disagree to the fourth section, I believe it is.

Mr. PLUMB. As the Senate is not very full now and I understand some other Senators desire to say something upon this question, I will move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Chair would state that a conference report must be agreed to or disagreed to as a whole.

Mr. PLUMB. But it can be accompanied with a request or with instructions to the conferees.

The PRESIDENT *pro tempore*. After the action of the Senate. The question is on the motion of the Senator from Kansas [Mr. PLUMB] that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 1, 1890, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, June 30, 1890.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved.

AMENDMENTS TO ELECTION LAW.

Mr. SPRINGER. Mr. Speaker, I rise to a question of parliamentary inquiry. Under the resolution by which House bill 11045 is being considered it is provided that during the last two days amendments may be offered to any part of the bill in the House with debate under the five-minute rule. I desire to know when that time will begin, as the Chair understands the order.

The SPEAKER. The Chair thinks with the understanding by the House that it will begin at 3 o'clock to-day.

Mr. SPRINGER. I only wanted to have the matter determined in an authoritative way.

SWEARING IN OF A MEMBER.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I rise to a question of privilege. I send to the Clerk's desk the credentials of Hon. W. W. Dickerson, of Kentucky, elected to succeed Mr. CARLISLE from the Sixth district of that State, and ask that he be now sworn in. The credentials were read at length.

Mr. Dickerson then appeared before the bar of the House and was duly qualified, taking the oath of office prescribed by law.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 833) providing for the erection of a public building at Paris, Tex.;

A bill (H. R. 3940) to amend an act entitled "An act to extend the fees of certain officers over the Territories of New Mexico and Arizona;"

A bill (H. R. 4635) granting certain privileges to the Union Railway Company of Chattanooga, Tenn.;

A bill (H. R. 6946) providing for the sale of navy-yard and United States naval hospital lands in the city of Brooklyn, N. Y.;

A bill (H. R. 8342) for the removal of the United States court-house building at Baltimore, Md.;

A bill (H. R. 9289) to provide for a term of court at Danville, Ill.;

A bill (H. R. 8909) making appropriation for the naval service for the fiscal year ending June 30, 1891, and for other purposes;

A bill (H. R. 9856) making appropriation for the service of the Post-Office Department for the fiscal year ending June 30, 1891; and

Joint resolution (H. Res. 166) authorizing J. B. Bernadou, United States Navy, to accept two vases presented to him by the Government of Japan.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. OWEN, of Indiana, for three days, on account of important business.

To Mr. SENEY, indefinitely.

To Mr. COGSWELL, for ten days on and after to-day, on account of important business.

FEDERAL ELECTION LAW.

Mr. HANSBROUGH. Mr. Speaker, if in order, I would like to ask unanimous consent for the consideration of a bill.

Mr. McMILLIN. I demand the regular order. We have but a brief time.

The SPEAKER. The Chair is very glad to have the regular order demanded, but no gentleman seemed to exhibit any desire to speak, and the Chair recognized the gentleman from North Dakota.

Mr. McMILLIN. I think the desire to be heard on this bill will crop out as we proceed.

The SPEAKER. The regular order is the further consideration of the special order.

Mr. HEMPHILL. I would like to say in advance that the minority of the committee have agreed that it will be impossible to extend the time of any gentleman who is going to address the House to-day, in consequence of the limited time at their disposal, and I hope, therefore, that no gentleman will take offense because objection may be made to an extension of time.

Mr. HERBERT. Mr. Speaker, there is one chapter in our political history so full of bitter memories that every American would gladly forget it forever if he could, the era of reconstruction.

But it must be opened now for the lessons it teaches. The passions of the war were then still burning and the people of the North were driven to approve of reconstruction by just such fierce declamation as the advocates of this bill indulge in. Under the reconstruction laws the negroes and their allies got possession of every one of the reconstructed States except Virginia and West Virginia. Let me give you some of the results.

In Alabama during six years the debt of the State was increased \$17,148,000. During the same time millions were added to the debts of counties, cities, and towns.

In North Carolina, during three years, the State debt, including railroad indorsements, was increased by \$23,800,000, the assessed valuation of taxable properties being only \$120,000,000. Bonds to the extent of \$14,000,000 were issued for railroads, not one mile of which was built.

Of the South Carolina debt I find myself unable to give the exact figures. But the debt soon got so large that it could not be managed and the carpet-baggers themselves repudiated it in part. Then they proposed to take a fresh start. But while there was "still left five years of good stealing in the State" they were turned out of power. And then they left the debt at over \$6,000,000. Bonds to the amount of \$6,000,000 were issued to two railroads, both of which roads passed into the hands of the carpet-baggers. The printing expenses of the State in one year, 1872, amounted to \$450,000, which was \$171,000 more than the State had paid for the same work in twenty-five years of the past. Fraud, force, corruption, and bribery prevailed to such an extent that the Republican governor, Chamberlain, found himself unable to leave even to attend a dinner of the New England Society, and said, in his letter declining the invitation, "The civilization of the Puritan and the Cavalier, the Roundhead and the Huguenot is in peril."

Georgia had only one Republican governor, Bullock. During his two years' administration the State debt was increased by \$6,623,000, and bonds were indorsed amounting to \$5,733,000.

In the little State of Florida \$4,000,000 of bonds were issued that were subsequently declared unconstitutional; and in addition the increase of the State debt was nearly \$1,000,000; and here, as everywhere else, taxation was oppressive, and every resulting dollar was spent or stolen.

In Tennessee the annual expenses of the State government were more than doubled and a bonded debt created of \$16,565,546.60.

In Arkansas, during the six years from 1868 to 1874, the average annual expenses of the State government, exclusive of schools and public buildings, were \$1,242,000. During the six years from 1880 to 1886, under Democratic rule, the same expenses of the State government averaged annually \$278,000. Carpet-bag government cost more than four times as much as Democratic administration, and \$5,350,000 of bonds were issued by the Republican State government to railroads. More than three times as many bonds were issued to each road as were allowed by the terms of the law. County debts were piled up in the same manner.

In Mississippi in six years the State debt ran up from practically nothing to several millions of dollars, and enormous sums, raised by State taxation, were all expended. In 1871 the tax rate was four times as much as under Democratic administration; in 1873, eight and a half times as much; in 1874, fourteen times as much. Sixty-four million acres of lands were forfeited for taxes—one-fifth of the lands of the State.

In Texas during four years of Republican rule the rate of taxation was three and a half times greater than it had been under Democratic administration. All the proceeds of this taxation were expended; the State that owed practically nothing at the beginning of this period was left with a debt of \$4,414,095.45.

In Louisiana the State tax was found at three and one-quarter mills on the dollar. It was raised successively in 1869, 1870, 1871, and 1872, until it reached 2½ mills, where it remained for years.

Governor Warmoth found the State debt \$3,700,000. January 1, 1872, it had risen to \$48,029,349.95. Adding parish and municipal obligations, the debt of Louisiana in 1872 was \$76,095,056.78.

The cost of public printing for the State during the first two and one-half years of Warmoth's administration was \$1,140,881.70. In previous years the cost of the same printing was, for the same length of time, \$92,500. The increase was over eleven-fold.

The assessed value of property in the city of New Orleans when Warmoth was inaugurated was \$146,718,790. When Kellogg went out, eight years after Warmoth went in, the assessed value of the same property was \$88,613,930. Real estate in the country parishes had shrunk in value from \$99,266,839.85 to \$47,141,696. City property had depreciated 40 per cent.; country property, 50 per cent.

The question is often asked why the Southern people, knowing the negro well and having so long exercised power over him when he was a slave, did not take control of the colored vote and use it for the purposes of good government. If Mr. Lincoln's plan had been carried out and suffrage had been left under the control of the States this would have been possible. Suffrage under Mr. Lincoln's plan would in time have come to the colored man from the States gradually and as he was fitted to exercise it. Then he would have been the friend of the white men who conferred upon him the right to vote. Then there would have been no race troubles, no color line in politics. The trouble comes from outside interference. The color line was a necessary result of the reconstruction laws and the manner of their enforcement.

As soon as these laws were passed Messrs. Wilson of the Senate and Kelley of the House went down to the State of Alabama to tell the negroes there that the Republican party had freed them, that the Republican party had given them the ballot, and that to the Republican party they all owed their allegiance. These and other eminent statesmen went to other States carrying the same message. And everywhere throughout the Southern States was the Freedmen's Bureau agent, looking forward to office for himself, poisoning the mind of the negro against the Southern white man, swearing him into the Union League, and teaching him there that he could only preserve the liberties the Republican party had given him by voting the Republican ticket. There was no chance then for the Southern man to divide the negro vote and there was no chance to lead it, for the negro trusted only the man that wore the blue.

Under these circumstances what was left for the white man to do but to unite. He was forced to forget the prejudices of the past and assert his natural superiority. In no other manner could he restore good government. He did so, and now the Republican party, on the claim that in certain small sections of the South there is a fraudulent counting of votes, proposes to seize for itself the power to do all the counting. That claim proceeds upon the idea that the Republican party alone can be trusted.

Sir, I challenge a comparison between Republican and Democratic election methods and results everywhere, and especially in the South.

The Republican governments in the South were not only born of the bayonet, but were, most of them, baptized in fraud; and they sub-

sequently sustained themselves by the most flagitious election methods ever known in the history of republican government.

All the elections that inaugurated these governments were held under Republican auspices.

Alabama led off. The election for the ratification of her new constitution was in February, 1868. It continued for five days. Under the law of March 23, 1867, this constitution could only be ratified on two conditions: First, that a majority of all the registered vote should be cast; secondly, that a majority of this majority vote so cast should be for the constitution. At the same election officers were to be voted for to carry on the new government. The Republicans had put out a full ticket. The opposition offered no candidates. They thought to defeat the new constitution by registering and not voting, as they might do according to the law as it was written; and they did defeat it. General Meade, who held the election, reported that the constitution was beaten by 8,114 votes. This, of course, defeated all the Republican candidates; but Congress overrode the general in command, overrode its own law, and legislated into office, by one act, all the defeated candidates. Practically every office in the State, legislative, executive, and judicial, was thus stolen by a single act of Congress, passed by this party which is now so anxious for the purity of elections.

I venture to say that no gentleman on this floor not familiar with the facts can guess the ground the House committee here took in its report upon this Alabama election case. It is in print and speaks for itself. The Congress, after the Alabama election was over, had amended the law under which the election was held, and the House Committee on Reconstruction said that, though the amending law had not passed the Senate before the election, yet, as it had passed the House before that time, "your committee can see no reason why it," the new law, "should not govern in this case." And this was the ground that Congress took. In the preamble to the act admitting Alabama under this constitution and installing these defeated officials it was recited that the act of admission passed because the constitution had received a "majority of the votes cast." Congress did not dare to take issue with General Meade or to assume that the Alabama constitution had received "a majority of the votes of the registered voters," as was required by the law passed by that identical Congress at its first session.

Mr. Speaker, have we any reliable evidence that the Republican party in control of this Congress is any less anxious to control the country than were the Republicans of the Fortieth Congress? Is there anything in this treatment of the people of Alabama that should induce the people of the country at large to give this party full control over the count of votes in every district in the United States, with the Army to back up that count, and then to let them select every jurymen that is to try persons charged with election crimes? Is this Alabama case enough to satisfy us that we may safely entrust the power to count themselves into office to the Republican party?

Now let me give you some specimens of the election laws enacted by the States themselves that Congress had set up in the South.

In Alabama there was a heavy penalty imposed upon any one who challenged a vote, and an elector could vote anywhere in the county.

In South Carolina the law left it to commissioners of election to fix the places of election, and they could fix them at any time, even on the day of the election. These commissioners, by law, might keep the box ten days before declaring the result.

In Georgia no registration was required, and there was the fullest opportunity to repeat in a three-day election, no challenges being allowed. The governor appointed a majority of the managers at every box in the State, and often they were all of his party.

In Arkansas the governor appointed the board of registrars; this board appointed all clerks and judges of election, and the courts were forbidden by law to interfere.

In Louisiana the governor appointed the board of registration; this board appointed the supervisors, and the supervisors were not required to live in the parish where they served. Many of them went from New Orleans to serve as judges of election in parishes where they had never set foot before, and sometimes they returned themselves elected to office. The supervisors were liberally paid to make it an inducement for them to carry out the will of their master, and to further insure their conduct Governor Warmoth habitually required them, when appointed, to file with him their resignations, with blanks for dates. When a registrar failed to please him he could fill in the date and accept the resignation.

These laws and all these practices were all right then, for they were in the interest of the Republican party. There was no movement then for a national election law, and there would not have been till this day if these methods had continued to be successful. The Republican party was profiting then by these fraudulent laws and fraudulent methods.

The tax-payers of the South were humiliated and degraded; legislative bodies in the South, a majority of whose members were not tax-payers and many of whom could not read and write, were robbing States of their credit abroad while they plundered the citizen at home. In South Carolina alone there were two hundred trial justices who could not write; in other States there were justices and constables and even judges of commissioners' courts, courts that had full control of county finances, that could not write their names. But the net results were in

favor of the Republican party. These were that in the Forty-first Congress, from March 5, 1871, to March 5, 1873, when the twelve Southern States, including West Virginia, had all been gathered in, these States were represented by twenty-two Republican and two Democratic Senators and by forty-eight Republican and thirteen Democratic Representatives.

You were satisfied, gentlemen, with this monstrous misrepresentation. Nearly all the property, intelligence, and capacity for self-government were on the side of the Democrats; and, divided by the color line, which you forced, we find that the combined majorities of the white population in these States in 1870 were 2,829,262. Now that these majorities have asserted their natural superiority by restoring honest governments to all these States and reversing the representation here, you seek to reconstruct us again.

This bill is to revitalize and solidify again the negro majorities that once dominated and plundered the Southern people; it is to put these colored people into line again under Republican officials and march them again to the polls with the Army behind them. But before I come to discuss the provisions of the bill, let me speak of what Democratic governments have accomplished in the South since the negro went out of power.

Under Republican rule in these States taxable values had everywhere gone down, while taxes and debts went up. Except into Texas, where an immense white majority insured good government, immigration had ceased, public credit was destroyed, and civilization itself was in peril. Under Democratic rule public credit has been everywhere restored. Peace reigns supreme where everything was turmoil and violence. Taxable values in the twelve reconstructed States, including West Virginia, increased from 1880 to 1889 by the sum of \$1,112,315,000; and these twelve States, in agriculture, in mining, in manufactures, in railroad mileage, in railroad tonnage, in banking capital, and bank deposits, have increased by a percentage far greater than the other States of the Union combined. Figures already at hand show this, and the census now being taken will demonstrate it.

Northern and Western capital, that for a time was timid and held back, is pouring into every Southern State. From one to two hundred millions of dollars have already gone there for investment, and still it goes. There it finds natural resources unequalled elsewhere, and there it finds honest and stable governments. The lives, liberty, and property of all, white and black, are protected alike, and taxes are low. In the building of towns and cities the South is eclipsing the West. Public-school systems are everywhere improving. The money to support these schools comes mostly from the whites, who own most of the property, but it is expended for the education of whites and blacks alike. The negroes are enjoying more school facilities and accumulating more property than they ever did under the Republican governments they controlled. There is no large body of negroes anywhere in the world making such progress as the colored people now are in the South. And the governing classes are everywhere demanding, as the recent Democratic convention did in Alabama, greater appropriations for the public schools. The negro will soon be in condition, if these States are let alone, to take care of himself, as he ought to do, both as a taxpayer and a voter.

And these are the conditions with which you propose to interfere: By this bill you propose that the Federal Government, or rather that the Republican party, now in charge of the Federal Government, shall go into these States and, by its officials, array again the blacks against the whites, that it shall back them up with the Army of the United States and march them solidly to the polls. You know, gentlemen, full well that when the moneys appropriated by this bill get into these Southern districts the colored men will be told that it is all sent by the Republican party for their benefit; you know that when the Army arrives there they will be told that it was sent to see that they vote the Republican ticket, and when that shall be told to the colored men they will recognize the fact that it is the truth and nothing but the truth. If you gentlemen did not believe that the Republican party was to profit by this bill not one dollar would you vote to carry out its provisions, not one soldier would you send to the South.

Gentlemen, you are not even as consistent or as considerate as your predecessors were who passed the original reconstruction laws. Before they reconstructed the Southern States they reconstructed the District of Columbia. They thought it would be a shame to give the negro the right to vote away a Southern man's property and not give him at the same time the right to vote in the District at the Capital. So Mr. Henry Wilson says, in his history of reconstruction, that "both as a right and an example" they first enacted negro suffrage in the District of Columbia. Then they gave the District a Legislature and a governor, all to be elected by universal suffrage. But many Republican legislators had then, as they have now, property in this District, and they soon concluded that the example would not do; they soon concluded that the negro did not have an inalienable right to vote away their property in the District, and in 1874 a Republican Senate and a Republican House, without ever calling the yeas and nays, took away from the negro and the white man, too, the right to vote in the District of Columbia.

A Republican President approved the bill and for sixteen years not a ballot has been cast in this District.

Why do you not now, when you seem to be so anxious about the rights of the negro, first give back the right that Mr. Wilson said and your party said was his, the right to vote here around this Capitol?

Gentlemen, you know that this arraying of race against race in the South will tend again to bring about race conflicts. You must know that it will endanger again the peace and prosperity of the South, and you know that the frequent use of the military at the polls will tend to destroy free government. If you do not you are ignorant of the fundamental conditions of the problem with which you are dealing. If you do know this and nevertheless insist on the bill, then you are reckless of the consequences.

It is no answer to say that we have no carpet-baggers in the South now. Unprincipled and vicious men are confined to no State and no section of this Union. The North never sent forth a greater scoundrel than Swenson, of North Carolina, than Moses and Crews, of South Carolina, or than many others I could mention.

There are men in every State in the South now ready to put themselves at the head of negro majorities wherever you may muster them together by your supervisors and your Army; yes, ready to cater to their cupidity, to pander to their prejudices, and to lead them, as Moses and Crews did, in any scheme of plunder that may be devised. Is it kindness to the negro of the South to array him against the white man? Is it kindness to the white man, is it justice to the Northern man who has invested his property in that section? Is it in the interest of good government?

That frauds are sometimes committed in Congressional elections in the South no candid man can deny; neither can any honest man deny that frauds are often committed in the North. But I utterly deny that frauds there have been perpetrated to the extent or to anything like the extent claimed by the authors of this bill.

If frauds are committed there, this House has the remedy in its own hands. It is the judge of the elections and returns of its own members. Everybody knows, and knew, as soon as the elections of 1888 were over, that this House was to be Republican, and that a Republican House, after all that had been said in the canvass, would be ready and anxious to turn out every Southern Democrat who it could be made to appear was not fairly elected; there was an effort made to get up contests from the South, yet there were comparatively few contested cases from that region. The number does not begin to compare with what the public had been led to expect from the complaints that were made on the hustings. From those States of the South as to which most complaints are made you have tried six cases, and two of them have been decided in favor of Democrats by this Republican House. This House has turned out more Democrats from the State of West Virginia than from any other State in the Union, and there has been no complaint that the negro question made any figure in any of these cases.

No, Mr. Speaker, when the Republican governments died in the South they left us a fearful legacy of debt and bitter memories. It could not but be that now and then frauds would be resorted to for the prevention of what was deemed to be even worse than fraud. I am not here to deny that this was so. But the South is naturally as much in favor of fair elections as any other portion of our country, and if left to ourselves we will soon solve in the only rational and effectual manner the problems that are upon us. As we are educating our white people so we are educating the negro. We want him to know how to vote intelligently. We wish him to learn that it is not his interest to array himself solidly against the white man; that he is interested in legislation that shall be fair to all, just as the white man is who lives under the same laws and cultivates the same fields. It is a lesson the negro is learning and will learn thoroughly, if the national Republican party will only cease to interfere by outside legislation between the races.

Gentlemen, I beg you to pause and consider. Do not put upon your consciences all the evils that are to come from this bill, that is to perpetuate strife between your fellow-citizens of the South.

We want fair elections, but, sir, we know we can never have them under this bill.

Now let us look at it for a moment.

It proposes to repeal the present jury law, which provides that Democratic and Republican names alike shall be put into the jury-box. I had the honor of proposing that law. It was passed because marshals were packing juries whenever and wherever they desired. When it is repealed Republican officials can pack juries again. The possibility and even probability that this is to be done will encourage Republican election officials and intimidate Democrats. It gives to the Republican party complete supervision over registration of voters. It gives special supervisors the same power over naturalization that was exercised by Davenport in New York in 1873, when he had one Mosher swear out in packages three thousand warrants to terrorize and frighten voters from the polls, and it gives in cities just as many supervisors at \$5 a day as the Republican chief supervisor and marshal may decide on to make a house-to-house canvass and report as to the occupation, naturalization, age, and of course on the politics, venality, etc., of the residents. A more in-

genious scheme to aid the Republican party in carrying the Democratic cities of the North could not possibly be devised.

The bill gives power to appoint any number of deputy marshals, ten thousand and even more in one city, provided only the marshal and the supervisor shall in conferences agree on them. And here let me say I was glad to hear my friend from Pennsylvania [Mr. BUCKALEW] say that Johnny Davenport wrote the bill, and I am willing to believe he did, for I do not like to attribute to the gentlemen from Massachusetts and Illinois [Mr. LODGE and Mr. ROWELL] the motives that must have actuated the real author of the bill when he penned certain sections of it.

I knew the gentleman from Illinois was not the author of it, for he did not know that it provided for an unlimited number of deputy marshals. I am satisfied the gentleman from Massachusetts did not know everything that was in it or he could not have used such honeyed words when discussing it. The truth is, time enough has not been given for anybody to understand it. The gentleman from Maryland [Mr. McCOMAS] made a long speech about it, or rather about the laws of Maryland, and showed that he had not read it carefully, for he said there was not a blue-coat in it.

It was rushed into a caucus before the Republicans had time to read it; it was pushed in here before Democrats had time to study it, almost before the minority could report upon it, and it is to be rushed through the House without sufficient time to debate it and without one minute's consideration in the Committee of the Whole. Under the bill the supervisor can employ five hundred deputy marshals and supervisors at \$5 a day each for twelve days before an election in one city to make this house-to-house canvass. At whatever door they knock it must be opened unto them; the inquiries they can legally make are without number and they can use as bribes the moneys furnished as fees by the Government with absolute immunity. They have only to arrange with such Democrats as are willing for \$5 per diem to go as deputy marshals into distant counties where they can not vote and thus keep them away from the polls. And while visiting officially they can electioneer for the party that pays them.

The executive officer of the system is to be a chief supervisor for every Congressional district. This chief supervisor is to put the machinery into play and manipulate it. He is to be chosen from the United States circuit court commissioners. There is no class of officials in the Government more complained of to-day and for years past by the accounting officers of the Treasury—Democratic and Republican, and by the Attorneys-General, Democratic and Republican—than these commissioners. The complaint now is that they surround themselves with spies and informers, harass the citizens that they may multiply fees and rob the Government. From this class the chief supervisors are to be taken, and the bill gives opportunities for making fees without limit. Whenever this officer receives a petition from 100 citizens he shall apply to the court and the court shall appoint three supervisors for each polling place in a district.

The words are mandatory on the court and on the chief supervisor. They must act when petition is made, and, as the pay is \$5 per day, the petition will be made in every district. The court is to have no power to appoint except from the names handed in by the chief supervisor. He will hand in and the court is to appoint one Democratic and two Republican supervisors for each box. That he may have opportunity to select Republicans who will be active and Democrats who will be subservient, the law provides that the chief may receive applications for supervisorships at any time between one election and another. This will give ample scope for consultations between this chief and the applicants for trading and dickering. The bill seems to be an improvement even on the methods of Warmoth. It allows the chief to send his hirelings from any one portion of the district to another, just as Warmoth sent his registrars from New Orleans to hold elections in distant parishes. But Warmoth, in order to secure the subservience of his registrars, felt himself obliged to take from each, when appointed, a resignation with date in blank; and whenever the registrar failed to serve his interest the carpet-bag governor filled in the date of the resignation and accepted it. Then the pay stopped.

This law, however, saves all necessity of resorting to such devices. It gives on its face power to the chief supervisor to suspend at any time, whether engaged in registering voters or holding an election, and for reasons resting in his own breast, any supervisor whatever, and then the pay stops. Could control over election officers or over registration be more absolutely and completely vested in one man than by giving this power of instantly stopping pay? Certainly the carpet-bag governor of Louisiana did not think so, and I think this House will agree that he was an expert in devising fraudulent election machinery. It does not better the case to say that one supervisor at each poll is to be a Democrat. He may be called a Democrat, but he is not to be selected by a Democrat; he is to be such a Democrat as will suit the views of the Republican chief supervisor—that is to say, a Democrat who will vote the Republican ticket for the \$5 a day he is to get. Mr. Speaker, this is not surmise, but actual fact, proven by experience with Republican officials in the South since the days of the carpet-bagger.

Only a few years ago there was a contest here for a seat in the House between my friend General WHEELER, the Democratic candidate, and

Mr. Lowe, who was an Independent, run by the Republicans. In that contest about twenty supervisors were examined who had been appointed nominally as Democrats and to represent the Democratic party. Every one of them swore he voted for Lowe. Could that have been accident? Impossible. It was design. Either these Democrats were all bought with the fees, or they were selected because in that election it was known they would not vote the Democratic ticket. So it will be under this bill if it becomes a law. Two zealous partisan Republicans, and one Democrat working for the money and working to suit his employer, may be sent off to hold an election in a county they never set foot in before. When they get there they are supreme, supported by two deputy marshals of the same ilk, and, if need be, by a section of the Army; and if they should be charged by the citizens of that county with any fraud of whatever nature no county court or State court can try them.

The bill provides in the most abundant manner for the removal of every possible case against them to the United States courts, where Republican officials can select the juries that are to try them. Whatever count is made by these supervisors or the majority of them, backed by their deputy marshals and United States soldiers, is to be, unless overruled by a court for errors on the face of the papers, final and conclusive, anything that may be said or done by State officers of election to the contrary notwithstanding. It was by a similar process to this that Louis Napoleon held the election, the *plébiscite*, at which the French Republic ceased to be and the President of France became Napoleon III, Emperor of the French.

When the supervisors at the boxes make their returns they are to be counted by a United States board of canvassers of the Congressional vote for each State.

This board is to be composed of two Republicans and one Democrat. This board is to give the certificate of election upon which the Clerk of the House is to put members upon the roll. If the Clerk of this House does not follow the Republican board of commissioners he is made guilty of felony. It may be, sir, that the complexion of the next House may depend upon the rejection of the returns from some one box in the State, say, of New York, by this board of canvassers, and that every court in that State and the governor of that State may declare that return to be legal and valid.

State authority will stand for naught. Representatives are to be counted in by the officials appointed under this bill, and when once the majority has been determined here by that process that majority will stand throughout that Congress, for I believe there has never been a certified majority here virtuous enough to turn itself out of power.

If this bill passes and if it shall prove effectual to preserve the hold of the Republican party on this Government, if the people do not rebuke it at the first election, what power will they ever have to reverse the policy of the Republican leaders? How shall they ever relieve themselves from unjust taxation, how protect themselves from oppressive legislation?

It is the great virtue of our system of separate State governments that each State makes its own returns. Divided, as we always are, into two great parties, neither of these parties is ever in possession of all the power over the final returns. Napoleon would not have found it so easy to have himself declared Emperor of France if there had been separate returns from independent states as he did when all the provinces were all subject to one central control from Paris. That is why Paris is France. Pass this bill, gentlemen, put all the election machinery of the United States and the Army to back it in control of the Republican party, and you may paraphrase that saying and declare that the national Republican executive committee is the Government of the United States.

It has often been said, Mr. Speaker, that the greatest danger to be apprehended in this country is from the decision of closely contested Presidential elections. You all remember the discontent arising from the seating of Hayes over Tilden. A majority, or, if any of you say not a majority, then you will all admit that a large portion, of the people of the United States believed they had been cheated in the count. That belief, whether well founded or not, arose from the fact that the returning boards of the three contested States, South Carolina, Florida, and Louisiana, were all in the hands of the Republican party and that it was these Republican boards that certified to the election of the Republican electors. The chairman of the national Republican executive committee did not announce the result for some three days after the election.

Even Mr. Hayes gave it up at one time. But messages flew thick and fast over the wires between New York and South Carolina, Florida and Louisiana. Then Mr. Chandler claimed the election of Hayes, and then "visiting statesmen" went in troops to the contested States. The result so arrived at did not and could not give satisfaction. And I tell you gentlemen on the other side of this Chamber that no closely-contested Congressional election in this country will ever give satisfaction if you put all the power over the returns everywhere in the hands of one party. The people love fair play, and that is not fair play. There are many unfair things done in politics and the people submit, because somewhere in our complex system there is a set-off or a compensatory advantage. The Republicans gerrymander Pennsylvania

in a manner that is unfair. They gerrymander New York in a manner that is exceedingly unfair. But the Democrats gerrymander, when they get the power, Ohio and Indiana, and that is in some sense a set-off. So if members are returned unfairly from any State, the fair-minded voter reconciles himself by the thought that, after all, the return was made by the party that controls that State and has the power there, and the other party that has other States probably does the same in them. It may be that now and then one party improperly certifies more members than another. For the sake of argument admit that to be so, and admit, which I do not by any means, that now it is the Democratic party that has the advantage. If you convince the people of that fact they will in the other States more than make it up to you at the polls.

I believe that is the situation to-day. I believe you convinced the people at the North, who do not understand the situation, that we were committing frauds at the South by the wholesale, while you yourselves were entirely innocent, and that by this means you beat us in 1888. But if you pass this bill, if you violate the traditions of the past, if you break down State lines, if you take away power from the State boards that are in the hands of the two parties in almost equal numbers, and take all this power into the hands of the party that is in control here, with the Army to back them, you destroy all hope of fair play in the future, all confidence in the freedom of elections, which lies at the very base of the Government.

The boards of canvassers that are to do the counting are, under the bill, to meet on the 15th of November, or in certain cases a week later. Suppose that next fall the House is in doubt, and that twenty districts are close and doubtful. Long before the 15th of November your national committee will know the situation. In addition to the millions of Government money authorized by the bill, it will have spent hundreds of thousands of dollars raised from private subscription. Do you suppose that after the election its chairman, while the House is still in doubt, will sit still and spend no more money? To ask the question is to answer it. The wires would be hot again, as in 1876, and "visiting statesmen" would be on the road again, as in 1876. And then the laborer was worthy of his hire in 1876; why should he not be now? The members of the returning boards of 1876 nearly or quite all got offices; why should not those of 1890 also get their reward? Gentlemen, you are blind to suppose the people will sustain such a law as this. If they do, it seems to me that the end of free elections and of free government in America is not far away.

Another odious feature of this bill, Mr. Speaker, is that it is so devised as to draw within the jurisdiction of the United States supervisors the Presidential election also. You do not pretend to have any power over that. But by the laws of most of the States Presidential electors are voted for on the same tickets as members of Congress. By letting the State machinery stand you supervise the vote for President and the vote for Congressmen at one and the same time. Is that accidental or intentional?

I have not had time to say much about the use of the Army at the polls. Let me conclude what I have to say with one remark. Abraham Lincoln said, in December, 1863, writing to General Shepley about a forthcoming election in Louisiana, and that was in time of war, that to send members of Congress to Washington elected at the point of the bayonet would be disgraceful and outrageous. Is there not left in this House enough of the spirit of Abraham Lincoln to defeat a bill that expressly gives power to elect members, not only in the South, but in every district of the United States, at the point of the bayonet? Is not such a bill, in the language of Lincoln, "disgraceful and outrageous?"

APPENDIX.

WHY THE SOLID SOUTH? OR, RECONSTRUCTION AND ITS RESULTS.

RECONSTRUCTION AT WASHINGTON UNDER ABRAHAM LINCOLN.

The death of Abraham Lincoln was an appalling calamity, especially to the South. Had the crazy assassin withheld his hand reconstruction could never have been formulated as it was into the acts of March 2 and March 23, 1867.

Mr. Lincoln's leading thought in the conduct of the war was the preservation of the Government of the fathers; and he took issue squarely with those who, like Mr. Sumner, were seeking to take advantage of the times and "change this Government from its original form and make it a strong centralized power." (Nicolay and Hay's Lincoln.—Century, October, 1899.) He believed the Government to be, as Chief-Justice Chase afterwards defined it in *Texas vs. White*, "an indestructible union composed of indestructible States." Upon this idea of the Constitution he based his theory of restoration, a theory which, at the time of his death, was well known, though it appears to have since been indistinctly forgotten. This theory was, that the insurrectionary States, notwithstanding the war, still existed as States; that they were never out of the Union and were always subject to the Constitution. Hence it followed that those people of these several States who were entitled to vote by the laws existing at the date of the attempted acts of secession had, when they returned to their allegiance and were pardoned, the power of reconstruction in their own hands. On this theory President Lincoln aided the people to set up State governments in Tennessee, Louisiana, and Arkansas, all without any aid from Congress.

But from the beginning there were eminent Republicans in Congress who denied the authority of the President to "intermeddle," as they called it, in this business. As early as 1861, Mr. Stevens, of Pennsylvania, had announced the doctrine that the Constitution and laws were suspended where they could not be enforced; that those who had defied them could not invoke their protection, and that Congress could legislate for such rebellious territory outside of and without regard to the Constitution.

Mr. Sumner laid down the proposition, in resolutions introduced February 11, 1862, that, by attempting to secede, a State had committed suicide, and its

soil had become territory subject to the supreme control of Congress. Both of these theories, which did not differ in result, denied to the President any power whatever in the premises.

But Mr. Lincoln seems always to have stood on the declaration made by Congress in July, 1861, that the war was being waged "to defend the Constitution and all laws in pursuance thereof, and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; that as soon as these objects were accomplished the war ought to cease," etc.

Pursuing steadily the spirit of these resolutions, even down to the day of his unhappy death, reconstruction as practiced by him was, simply, restoration of civil authority in the insurgent, but still existent, States, by the people thereof, aided by the military power of the United States.

More than two years after this question of power had begun to be mooted in Congress the President formulated and communicated to that body, in his message of December 8, 1863, the plan he proposed thereafter to follow. In no material particular did it differ from the theory upon which he had theretofore acted. He said: "Looking now to the present and future, and with reference to a resumption of the national authority within the States wherein that authority has been suspended, I have thought fit to issue a proclamation, a copy of which is herewith transmitted."

In the proclamation embracing the plan, he offers pardon to all who will swear "henceforth" to support the Constitution of the United States, etc., and proclaims that when those who, accepting this amnesty, shall have taken the oath of allegiance, each "being a qualified voter by the election laws of the State existing immediately before the so-called act of secession, and excluding all others, shall re-establish a State government, which shall be republican and in no wise contravening said oath, such shall be recognized as the true government of the State," etc.

This was President Lincoln's plan for restoring the insurgent States to the Union. It left the question of suffrage entirely in the hands of those who were qualified to vote under the laws existing at the date of secession. It was precisely this proposition, namely, that each insurgent State, at the time of rehabilitation, must decide for itself whether it would adopt negro suffrage, that angered the Republicans in Congress when acted on by Andrew Johnson, and culminated in the impeachment proceedings.

But Abraham Lincoln and Andrew Johnson were two different persons. Johnson was pugnacious—seeking always to beat down his adversary and never to conciliate. Lincoln, on the other hand, never needlessly antagonized those who could be won to his views, though he was accustomed to adhere to his matured opinions with inflexible purpose, as we shall see he did in this case, in the face of the fiercest opposition.

When this message of December, 1863, went in, many of the Republican leaders were claiming for Congress exclusive jurisdiction over the question of reconstruction under the clause of the Constitution which declares that "The United States shall guaranty to every State in this Union a republican form of government." The counter-claim by the President, that he could aid the people to set up governments for themselves, seemed a challenge.

Congress debated the question at length, and finally, in July, 1864, passed, by a small majority in each House, a bill "to guaranty to certain States a republican form of government."

This bill did not meet the wishes of extremists, because it did not give the ballot to the negro; but, if it became law, it would be a step gained for the extremists. It asserted the jurisdiction of Congress and provided expressly that the President should recognize by proclamation the State governments established under it, only "after obtaining the consent of Congress." The President refused to approve the bill and defeated it by a "pocket veto." July 9 he made a public statement, giving reasons for his course. The bill, he said, was received by him only one hour before the adjournment of Congress, and, among other things, he thought that the system of restoration it provided was "one very proper for the loyal people of any State choosing to adopt it."

But he clearly was opposed to forcing it on any State by law, as he went on to say that he would at all times be "prepared to give the Executive aid and assistance to any such people," that is, people who should "choose to adopt it," etc. The Congressional plan, "when the insurrection should be suppressed," etc. Senator Wade and Representative Henry Winter Davis responded in an angry protest. To the admirers of Mr. Lincoln this document, dated in July, 1864, contains charges that are astounding. After stating that the signers had read the proclamation "without surprise, but not without indignation," the protest contends that want of time for examination was a false pretense. "Ignorance of its contents is out of the question," says the manifesto; and then argues that Mr. Lincoln was cognizant of a plan by which "the bill would be staved off in the Senate to a period too late in the session to require the President to veto it in order to defeat it, and that he," the President, "would retain the bill if necessary, and thereby defeat it."

The protest further says: "The President, by preventing this bill from becoming a law, holds the electoral votes of the rebel States at the dictation of his personal ambition," and complains that the will of Congress is to be "held for nought unless the loyal people of the rebel States choose to adopt it." It also calls Mr. Lincoln's action "a studied outrage on the legislative rights of the people."

Here the issue is squarely made whether the President was to restore or the Congress to reconstruct the insurgent States.

The President went on his way.

Long after his plan of restoration had been published to the world, his party, in convention assembled, had approved his "practical wisdom," "unselfish patriotism," and "unswerving fidelity to the Constitution," and now, in November, 1864, on this platform, Mr. Lincoln received 212 electoral votes to 21 for George B. McClellan.

On the 5th of December, 1864, the President sent in his last annual message, which was without any allusion to the question of reconstruction, unless it was in his mind when, speaking of the insurgents, he said: "They can at any moment have peace simply by laying down their arms and submitting to the national authority under the Constitution;" and its closing words possibly had reference to the same subject: "In stating a single condition of peace, I mean to say that the war will cease on the part of the Government whenever it shall have ceased on the part of those who began it."

It is very clear that up to this point Mr. Lincoln was determined never to become a party to any political war upon the Southern States waged for the purpose of compelling them to range under a political banner.

Congress, during the session that ended 1864-'65, either did not care or did not dare to insist on any reassertion of its right to reconstruct. On the contrary, seeing, as it undoubtedly did, that the Confederacy was about to collapse, it adjourned on the 4th of March, leaving Mr. Lincoln an open field for his policy of restoration. Every member of that Congress knew what that policy was. It meant the promptest possible restoration of civil authority in the States by the aid of Executive power. And so, now, shortly before his death, the President went on to prepare, or cause to be prepared, the proclamation for the restoration of North Carolina, which was issued by his successor, Andrew Johnson, May 29, 1865, and was the basis of all Mr. Johnson's subsequent work in that field.

Mr. McCulloch, Secretary of the Treasury during the last few weeks of Lincoln's and throughout the whole of Johnson's Administration, says, in his *Men and Measures of Half a Century*, page 378: "The very same instrument for restoring the national authority over North Carolina and placing her where she stood before her attempted secession, which had been approved by Mr. Lincoln,

was by Mr. Stanton presented at the first Cabinet meeting which was held at the Executive Mansion after Mr. Lincoln's death, and, having been carefully considered at two or three meetings, was adopted as the reconstruction policy of the Administration."

On the 18th day of July, 1867, General Grant, before the reconstruction committee, said that according to his recollection "the very paper (the North Carolina proclamation) which I heard read twice while Mr. Lincoln was President was the one which was carried right through" by President Johnson.

In the face of these facts it is remarkable that intelligent public opinion should seem to have since settled down to the conclusion that the restoration policy of Andrew Johnson was a departure from that of Abraham Lincoln. Upon the all-important and controlling point that the people of each State were to settle for themselves the question of suffrage, this being a constitutional right they had not lost, the views of Lincoln and Johnson were identical.

It would seem that Mr. Blaine holds a different opinion. He says, in discussing the North Carolina proclamation as issued by Johnson, volume 2, page 77, *Twenty Years in Congress*:

"It was specially provided in the proclamation that in choosing delegates to any State convention no person shall be qualified as an elector or eligible as a member unless he shall have previously taken the prescribed oath of allegiance and unless he shall also possess the qualifications of a voter as defined under the constitution and laws of North Carolina as they existed on the 20th May, 1861, immediately prior to the so-called ordinance of secession. Mr. Lincoln had in mind, as was shown by his letter to Governor Hahn, of Louisiana, to try the experiment of negro suffrage, beginning with those who had served in the Union Army and who could read and write; but President Johnson's plan confined the suffrage to white men, by prescribing the same qualifications as required in North Carolina before the war."

Not only was this North Carolina proclamation approved by Mr. Lincoln; not only was it consistent with the theory he had so long maintained against such fierce opposition; not only did it leave the question of suffrage exactly where it was left by the message of December 8, 1863, but the very letter referred to by Mr. Blaine, to show a difference between the views of the two statesmen, conclusively proves, when quoted fully, that they both believed that, as was provided in the proclamation Mr. Blaine was discussing, suffrage was a matter for the States to regulate.

Mr. Lincoln's letter to Governor Hahn says: "Now you are about to have a convention which, among other things, will probably define the elective franchise. I barely suggest, for your private consideration, whether some of the colored people may not be let in, as, for instance, the very intelligent, and especially those who have fought gallantly in our ranks."

"But this is only a suggestion, not to the public, but to you alone."

Andrew Johnson made a similar suggestion when he wrote, August 15, 1865, to Governor Sharkey, of Mississippi: "If you could extend the elective franchise to all persons of color who can read the Constitution of the United States in English, and write their names, and to all persons of color who own real estate valued at not less than \$250, and pay taxes thereon, you would completely disarm the adversary and set an example that other States will follow."

The difference was that Andrew Johnson did not say: "This is only a suggestion, not to the public, but to you alone."

The letter to Governor Hahn does show that Mr. Lincoln would have been glad to have the States, in regulating the suffrage, make certain exceptions in favor of the negro—exceptions that would not probably embrace 10 per cent. of the colored male adults in any Southern State, and could therefore have done no harm—but the letter also clearly shows that he thought it would be an unwarrantable interference with the rights of the State for the President of the United States to do more than make a private suggestion about the matter. That the writer of this letter would ever have consented to put negro suffrage upon the States by a law of Congress is inconceivable, unless there had come some radical change in his opinions; and this can not be shown.

If no better evidence can be adduced than this offered by Mr. Blaine to show a difference between the plans of two Presidents, and we have seen none, then we are authorized to conclude that the Presidential plan remained the same, from the time it was inaugurated by Mr. Lincoln, in 1862, down to the date when, in March, 1867, Congress concluded to destroy the State governments which the people, acting in accordance with that plan, had set up for themselves—some of them under Lincoln's and others under Johnson's supervision.

In discussing the motives which influenced Congress in refusing to recognize and in finally overthrowing these governments and demanding constitutional amendments, a great American law writer, Judge J. Clark Hare, himself a Republican in politics, in his recent work on American Constitutional Law, page 747, says: "When the South was prostrated by the rebellion the dominant party resolved on measures that would tend to keep them in power and might be necessary for the protection of the colored race."

The author, pursuing, as he declares in his preface, "jurisprudence with an eye single to truth," here affirms that the controlling motive of Congress in reconstructing the States and the Constitution was partisan, with as much confidence as if his statement were based on a decision of the Supreme Court.

ANDREW JOHNSON AND RESTORATION.

Congress adjourned March 4, 1865, not to convene again until the first Monday in December, unless called to meet in extra session.

Johnson was inaugurated President on the 14th of April, 1865, just as the Confederacy fell. As he intended to carry on the work of restoration upon the lines laid down by his great predecessor, he needed no aid from Congress; and so it seemed to be a happy contingency that it was not in session. In his Cabinet were Seward, McCulloch, Stanton, Welles, Dennison, Harlan, and Speed, the same strong men gathered around his council board by the late President, and all still in favor of the Lincoln plan of restoration.

The sudden collapse of the Confederacy was remarkable. Within forty days from the date when General Johnston gave up his sword there was not a single Confederate soldier in arms. The surrender was complete. Submission to the authority of the United States was everywhere absolute. Courts were established; the postal service rehabilitated; tax collectors and tax assessors went about their business.

On the 29th of May, President Johnson issued the proclamation that had been approved by President Lincoln for the restoration of civil government of North Carolina. William H. Holden was appointed provisional governor, with authority to call a convention to frame a constitution of government for the State. Proclamations, similar to that for North Carolina, followed for South Carolina, Georgia, Alabama, Florida and other States.

The people of the late Confederate States accepted with readiness the Presidential policy of reconstruction. In fact, the unanimity with which those who had waged such a desperate conflict against the Union now took again the oath of allegiance to the Constitution of the United States was a phenomenon that startled the Republican politicians; and it must have inspired distrust in the minds of many honest Northern voters.

But it was all in the utmost good faith; and it was not strange.

From the days when the agitation of the slavery question began to divide the country into two sections, the South always talked more about and cared more for the Constitution, which it looked to for the protection of its property rights in slaves, than did the North, which relied on its majority of voters to maintain whatever views of public policy it might happen to entertain. Thus it came about that the South was as devoted to the Constitution as was the North uncompromising for the Union. When, therefore, the Southern States

had seceded, the Constitution of the United States became the Constitution of the Confederate States, with such changes only as would emphasize and make still clearer the reserved powers of the States.

It is simply history to say that the people of the Confederate States looked upon themselves during the late war as fighting to perpetuate the Constitution of their fathers. Slavery they deemed merely an incident. Secession they regarded simply as a method by which they could place themselves in position to forever maintain inviolate the Constitution of 1789. Nothing but the spirit of liberty, however mistaken it may have been, could have animated slaveholder and non-slaveholder to make side by side that terrible struggle of four years for the Confederacy, just as similar noble impulses animated the people of the Northern States to pour out so much of their blood and treasure for the Union.

When the Confederacy had died and independence was no longer possible, slavery, it was apparent, had gone down forever. Secession, too, was dead. These two obstacles removed, the pathway to progress in the Union seemed open, and Southern people were invited now by Johnson, as they had been by Lincoln, to come back and claim the protection of the Constitution under which they were born. They had never, in fact, lived under any other.

And now it is quite clear how the Southern people could and did attempt to resume their places in the Union with far greater unanimity than prevailed among them when attempting to go out.

Shortly after the assembling of Congress in December, 1865, the President was able to report that the people of North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Arkansas, and Tennessee had reorganized their State governments. The thirteenth amendment to the Constitution of the United States, abolishing slavery, had been adopted by twenty-seven States, the requisite three-fourths of the whole number, the reconstructed government of five of the seceding States having been counted as part of the twenty-seven.

The conventions of the seceding States had all repealed or declared null and void the ordinances of secession. Every office in North Carolina, South Carolina, Alabama, Georgia, and Louisiana, legislative, executive, and judicial, was filled either by an original Union man or by one who, having been pardoned, had taken the oath of allegiance to the United States.

The laws were in full operation. Senators and Representatives from most of these States were already in Washington asking to be seated in Congress, and the work of restoration, so far as it lay in the hands of the people of these States, was completed. The report to the President made by General Grant, December 18, 1865, was a fair statement of the condition at that time of public sentiment in the South. "I am satisfied the mass of thinking men in the South accept the present situation of affairs in good faith. The questions which have hitherto divided the sentiment of the people of the two sections, slavery and State rights, or the right of the State to secede from the Union, they regard as having been settled forever by the highest tribunal, that of arms, that man can resort to. I was pleased to learn from the leading men whom I met that they not only accepted the decision arrived at as final, but now the smoke of battle has cleared away and time has been given for reflection, that the decision has been a fortunate one for the whole country, they receiving like benefits from it with those who proposed them in the field and in the council."

But by the new State constitutions, which the Southern people had made for themselves, suffrage was confined to white men, just as it was in Connecticut, Ohio, Michigan, and other Northern States; and, too, the Senators and Representatives-elect now asking to represent these late Confederate States were mostly Democrats.

This was the situation when Congress convened in December, 1865. That body was largely Republican in both branches. Would this Republican Congress admit these Democratic States? If not, upon what ground would the refusal be based?

CONGRESS—1865-'66—POLITICS.

The first session of the Thirty-ninth Congress began December 4, 1865. The Speaker of the House of Representatives, Mr. Schuyler Colfax, upon accepting the office, said:

"The Thirty-eighth Congress closed its constitutional existence with the storm-cloud of war still hovering over us; and after nine months' absence, Congress resumes its legislative authority in these council halls, rejoicing that from shore to shore in our land there is peace."

The people of the Southern States had reconstructed their governments upon the idea that peace had come; but this very same House of Representatives, which now began with this declaration of its Speaker, that peace reigned supreme, was to make war upon the State governments of the South, justifying itself upon the theory that the war was not over. The Presidential plan was to be disregarded. Congress, in the language of Mr. Thad. Stevens, henceforth its accepted leader, was to "take no account of the aggregation of white-washed rebels who, without any legal authority, have assembled in the capitals of the late rebel States and simulated legislative bodies."

However completely this generation may have forgotten that Johnson's policy was Lincoln's, that Congress knew it well, for early in that session Mr. Sherman said in debate:

"When Mr. Johnson came into power he found the rebellion substantially subdued. What did he do? His first act was to retain in his confidence and in his councils every member of the Cabinet of Abraham Lincoln; and, so far as we know, every measure adopted by Andrew Johnson has had the approval and sanction of that Cabinet."

There can be but little doubt that if Mr. Lincoln had lived he would, during 1865, have progressed at least as rapidly with his plan of reconstruction as did President Johnson; he was always anxious to put an end to military control, and the successful ending of the war would have left him the most popular man this country has ever seen since Washington. Yet even Mr. Lincoln could not have avoided a struggle with Congress.

In December, 1865, Republican leaders felt that a crisis in the history of their party had come; and many of them were ready to go to any extreme. Mr. Stevens said on the floor of the House of Representatives that if the late Confederate States were admitted under the Presidential plan, without any changes in the basis of representation, these States, with the Democrats "that would be elected in the best of times at the North," would control the country; and he said, on the 14th December, 1865:

"According to my judgment, they (the insurrectionary States) ought never to be recognized as capable of acting in the Union or of being counted as valid States until the Constitution shall have been so amended as to make it what its makers intended, and so as to secure perpetual ascendancy to the party of the Union."

Mr. Stevens had two plans: first, to reduce the representation to which the late slave-holding States were entitled under the Constitution; secondly, to enfranchise blacks and disfranchise whites.

But the mind of the Northern voter was not yet ready for negro suffrage. Pennsylvania, Ohio, and other States still denied it. Connecticut, in 1865, gave a majority against it of 4,272. Even in October, 1867, Ohio gave a constitutional majority against colored suffrage of 50,629; and so late as November, 1867, Kansas was against negro suffrage by a majority of 8,998; while Minnesota adhered

"Mr. Stanton, near the close of his life, looking back over those exciting times, declared that 'If Mr. Lincoln had lived, he would have had a hard time with his party, as he would have been at odds with it on reconstruction.'—McCulloch, *Men and Measures*."

to the white basis by a majority of 1,298. It was perfectly clear that the people were not now, in the winter of 1865-'66, prepared to indorse the extreme measures that were being mooted at Washington.

What Congress would do was an interesting problem. Mr. Thad. Stevens, however, seems never to have doubted how it would be solved. He predicted that public sentiment within less than two years would come up to his position. But to the accomplishment of such a result time and work were necessary. As a first step, on the 4th of December, 1865, the very day the Thirty-ninth Congress was organized, Mr. Stevens introduced and passed in the House, by a party vote of 133 to 33, under the previous question, without debate, a resolution to provide for a joint committee of fifteen to report on the condition of "the States which formed the so-called Confederate States of America." The Senate assented at once to the formation of the joint committee, and afterwards, on the 23d of February, 1866, finally agreed to a concurrent resolution, which had been the second proposition of Mr. Stevens's original resolution, that neither House should admit any member from the late insurrectionary States until the report of the joint committee on reconstruction, thereafter to be made, should be finally acted on.

Thus it was settled that the people most vitally interested in the two great problems, the basis of representation and the qualification of voters, were to have no part, in Congress, at least, in their solution. But more than that, here was time gained within which the effort could be made to bring the Northern mind up to Mr. Stevens's position.

The joint resolution refusing admittance to Southern Representatives and Senators was not passed without strenuous opposition. It was an open declaration of war upon the Presidential plan. Mr. Raymond, of New York, a distinguished Republican, made a great speech in defense of the President's policy. Mr. Shellabarger, of Ohio, to break the force of Mr. Raymond's argument, talked thus:

"They framed iniquity and universal murder into law. . . . Their pirates burned your unarmed commerce upon every sea. They carved the bones of your dead heroes into ornaments, and drank from goblets made out of their skulls. They poisoned your fountains, put mines under your soldiers' prisons; organized bands whose leaders were concealed in your homes; and commissions ordered the torch and yellow fever to be carried to your cities, and to your women and children. They planned one universal bonfire of the North from Lake Ontario to the Missouri," etc.

Hon. Henry Wilson, in his History of Reconstruction, quotes this and many other similar passionate appeals, intending them, of course, as fair specimens of the arguments which brought about the reconstruction of Federal and State constitutions.

Early in this session Congress sent to the President a civil-rights bill conferring many rights, not including suffrage, however, upon emancipated slaves. This Mr. Johnson vetoed on the ground that it was unconstitutional; and, according to decisions since made by the Supreme Court, it was. The veto of this bill greatly aggravated the quarrel, which was already open and bitter, between the President and Congress. It also lost Mr. Johnson the support of Messrs. Dennison, Harlan, and Speed, who resigned from the Cabinet. Mr. Stanton, too, became an avowed enemy of the President and his policy. But he did not resign. He was advised by Mr. Sumner and others to "stick;" and he remained in the Cabinet as an obstructionist. This was utterly without precedent, and serves well to illustrate the height to which party passion had risen. Another reason for the break in the Cabinet, in all probability, was that Southern Democrats very naturally were supporting President Johnson's policy. Senator Wilson's History of Reconstruction is full of eloquent invectives launched in the House and Senate at Andrew Johnson because he was supported by Democrats, "rebels," "copperheads," "traitors," "importers of poisoned clothing," etc.

The memorable words of Mr. Lincoln in his last annual message were: "The war will cease on the part of the Government whenever it shall have ceased on the part of those who began it." But Mr. Lincoln had passed away and his words had lost their power. Mr. Blaine, in his Twenty Years, even mentions it as a cause of offense that those who were in arms against the Government when Congress adjourned in March, 1865, were, some of them, at the hotels in Washington, demanding to be admitted to seats in the Congress which met in December. The inflammatory debates in the first session of the Thirty-ninth Congress were preliminary to the canvass for members of Congress to be elected in the autumn of 1866. No factor in those elections proved more potent than the rejection by Southern Legislatures of the pending fourteenth amendment to the Constitution of the United States. The clauses on which its acceptance or rejection turned in these assemblies were: section 2, which apportioned Representatives in Congress upon the basis of the voting population; and section 3, which provided that no person should hold office under the United States who, having taken an oath as a Federal or State officer to support the Constitution, had subsequently engaged in the war against the Union.

It was claimed by the friends of the amendment to be especially unfair that the South should have representation for its freedmen and not give them the ballot. The right, however, of a State to have representation for all its free inhabitants, whether voters or not, was secured by the Constitution, and that instrument even allowed three-fifths representation for slaves. New York, Ohio, and other States denied the ballot to free negroes, some States excluded by property qualifications and others by educational tests, yet all enjoyed representation for all their peoples.

The reply to this was that the Constitution ought to be amended because the South would now have, if negroes were denied the ballot, a larger proportion of non-voters than the North. Southern people were slow to see that this was good reason for change in the Constitution, especially as they believed they were already entitled to representation, and conceived that they ought to have a voice in proposing as well as in the ratification of amendments. Five of the restored States had already ratified the thirteenth amendment, and such ratification had been counted valid. If they were States, they were certainly entitled to representation. So they claimed.

It was perhaps imprudent for Southern people at that time to undertake to chop logic with their conquerors, or indeed to claim any rights at all, as the net results of their insistence were that they were called "impudent claimants" by the Republican convention at Pittsburgh, and indeed everywhere in the Republican press.

The insuperable objection, however, to the ratification of the fourteenth amendment was to be found in the clause which required the people of the late Confederate States to disfranchise their own leaders, to brand with dishonor those who had led them in peace and in war.

The rejection of this amendment at the South greatly strengthened the Republican position, because the North, looking at it from a different standpoint, thought the proposition a fair one. If any among those who proposed the amendment intended it should be rejected, it was awfully devised; if it was not intended to procure its own rejection, then it was clumsily contrived.

THE FREEDMEN'S BUREAU.

Even before the close of the war public sentiment had demanded some provision for the protection of the liberated slaves, who every where came flocking into the Union lines. The result was the establishment by law, March 3, 1865, of a Freedmen's Bureau, which was speedily extended, after hostilities had ceased, into all the late Confederate States. The law made the agents of this bureau guardians of freedmen, with power to make their contracts, settle their disputes with employers, and care for them generally. The position of bureau

agent was one of power and responsibility, capable of being used beneficently, and sometimes no doubt it was; but these officials were subjected to great temptation.

Many people, who believed that the newly emancipated slave needed a guardian to take care of him, believed also that if he only had the ballot he could take care of himself and the country too. In fact the sentiment in favor of universal suffrage was already strong, even in the spring of 1865, and it was natural for every bureau agent who might have a turn for politics to conclude that, with the bureau's help, Mr. Stevens and his friends might eventually succeed in giving the negro the ballot. The bureau agent was "the next friend" of the negro. With negro suffrage this official's fortune was made. Without it, of course, this stranger had no hope of office in the South. It was not, therefore, to his interest, if he had political aspirations, that there should be peace between the races.

From conscientious men connected with this bureau General Grant obtained the information upon which he based the opinion, given to the President in the report already quoted from, that "the belief widely spread among the freedmen of the Southern States that the lands of their former owners will, at least in part, be divided among them, has come from the agents of this bureau. This belief is seriously interfering with the willingness of the freedmen to make contracts for the coming year." And he further said: "Many, perhaps the majority, of the agents of the Freedmen's Bureau advise the freedmen that by their own industry they must expect to live. . . . In some instances, I am sorry to say, the freedman's mind does not seem to be disabused of the idea that he has a right to live without care or provision for the future. The effect of the belief in the division of lands is idleness and accumulation in camps, towns, and cities."

The first lesson in the horn-book of liberty for the freedman obviously was, that in the sweat of his face he must earn his bread—a law unto all men since the days of Adam. It is a sad commentary on the workings of the bureau that the best thing General Grant could say of its agents was, that "many, and perhaps a majority of them," did so advise. If these officials were really responsible, as General Grant believed, for the demoralized labor condition at the South—and their power over the freedman is beyond all question—then they were, in fact, organizing chaos where their mission was peace and good order.

Nearly every one of these agents who remained South after reconstruction was a candidate for office; and many actually became governors, judges, legislators, Congressmen, postmasters, revenue officers, etc.

Such a situation as confronted Southern Legislatures in the fall and early winter of 1865 was never before witnessed in America. Prior to 1861 the laws to compel people to industrious habits were not generally so stringent in the South as in the North. This resulted partly from slavery and partly from the easy conditions of life in a mild climate. There were no laws that met the new situation. New and stringent statutes were passed to prevent vagrancy and idleness. There is not space here to discuss these laws. They will be treated of in a subsequent chapter and compared with statutes then in force in Northern States. Suffice it to say now, they did not merit the odium visited upon them by many honest Northern voters, who, not understanding the situation, were led to believe them nothing short of an effort to re-enslave the negro, when their purpose was simply to counteract the teachings that had demoralized the freedman and compel him to industrious habits.

THE COMMITTEE OF FIFTEEN.

The passage of the concurrent resolution in December, 1865, to inquire into the condition of the late Confederate States meant open hostility to the Presidential plan. Having declared war, the dominant party of course exercised great care in selecting members to serve on the committee which was to make this inquiry. Mr. Blaine (volume 2, page 127) says:

"It was foreseen that in an especial degree the fortunes of the Republican party would be in the keeping of the fifteen men who might be chosen." Speaker Colfax and the appointing power in the Senate put on the committee twelve Republicans and only three Democrats, one from the Senate and two from the House.

The field from which testimony was to be drawn was the unrepresented South. On the subcommittee which took testimony as to Virginia, North Carolina, Georgia, Alabama, Mississippi, and Arkansas, there was not a Democrat to call or to question a witness. The only hope of fair play lay in the magnanimity or sense of justice of men who had already voted to refuse admission to the Southern members and who were placed upon the committee with the expectation, as Mr. Blaine has indicated, that they would take care of the Republican party. There is not space here to discuss the evidence of the witnesses, who chose or were chosen to come before these gentlemen. It consists of hundreds of pages of speculative testimony, hearsay, etc.

The crimes committed, in the most peaceful times, within eighteen consecutive months, among a population of 8,000,000, would, if industriously arrayed, make a fearful record. To make that arraignment of the late Confederate States was the task to which this able committee addressed itself in 1866.

The situation in these States was peculiar. When the surviving soldiers returned from the field, around their desolated homes they found 4,000,000 of slaves suddenly manumitted. The returning soldiers were themselves more or less affected by that demoralization which is an unending consequence of protracted war. The negroes were demoralized by their newly found freedom. They turned, for the most part, a deaf ear to the advice of their old masters and listened with avidity to the tales that were bruited about, said to have come from the stranger friends who had freed them, to the effect that the lands of their rebel masters were to be confiscated and divided among them.

It is impossible that, under such circumstances, however earnestly all good citizens might strive for the general good, there should not have been friction between the races. Yet, notwithstanding the extraordinary and unprecedented conditions, there was, to General Grant, nothing, as his report already quoted shows, in the situation there in the fall of 1865 that was not creditable to the masses of the people. General Grant was not in politics. The gentlemen of the committee of fifteen were; and a few words as to the treatment of one State, as a sample, will suffice to show that the methods employed were such as to allow no rational expectation of reaching correct conclusions. As to the condition in Alabama only five persons who claimed to be citizens were examined. These were all Republican politicians. The testimony of each was bitterly partisan; under the government of the State as it then existed no one of these witnesses could hope for official preferment.

In his testimony each was striving for the overthrow of his existing State government and the setting up of some such institutions as followed under Congressional reconstruction. When this reconstruction had finally taken place, the first of these five witnesses became governor of his State; the second became a Senator in Congress; the third secured a life position in one of the Departments at Washington; the fourth became a circuit judge in Alabama, and the fifth a judge of the supreme court of the District of Columbia, all as Republicans. There was no Democrat in the subcommittee which examined these gentlemen to cross-examine them; and not a citizen of Alabama was called before that subcommittee to answer or explain their evidence. Of the report of this committee, based upon evidence taken by such methods, Mr. Blaine permits himself to say (Vol. II, p. 9): "That report is to be taken as an absolutely truthful picture of the Southern States at that time."

The first session of the Thirty-ninth Congress now came to a close. Besides the passage, over the President's objections, of a still more radical Freedmen's Bureau bill than that defeated by his first veto, it had accomplished little else

than to drive most of the moderate Republicans into the ranks of the extremists. On adjournment members went into the canvass at home. The late Confederate States were held out of the Union, and their status was to be determined by elections at the North. The rejection of the fourteenth amendment, the report of the joint committee of fifteen, the testimony taken by that committee, the evidence furnished by agents of the Freedmen's Bureau, the vetoes and the alleged treachery to the Republican party of Andrew Johnson—these were the material of the canvass. Mr. Johnson had adhered rigidly to Abraham Lincoln's theory of restoration. That theory the Republicans now were assailing and Johnson was on trial as an apostate.

CONGRESS, 1866-'67.

The Republicans came back to the last session of the Thirty-ninth Congress, which began on the first Monday in December, 1866, exulting in a great victory. Never since the beginning of the Government had there been such a campaign during an "off year." Though no President was to be elected, four national conventions had been held; the air was filled with inflammatory speeches, and the dying embers of the passions engendered by the civil war were fanned into flames.

The result of the election was a majority, in the Fortieth Congress, of 31 for the Republicans in the Senate and 94 in the House. The Republicans were greatly elated. President Johnson, who was still ready with his vetoes, was the only obstacle in their path. It was proposed to remove him by impeachment. As put by Mr. Shuckers, himself a Republican, in his *Life of C. J. Chase* (page 547), the Republican leaders at this juncture "felt the vast importance of the Presidential patronage; many of them felt, too, that according to the maxim that to the victors belong the spoils the Republican party was rightfully entitled to the Federal patronage; and they determined to get possession of it. There was but one method and that was by impeachment and removal of the President."

On the 7th of January, 1867, Mr. Loan offered a resolution that, "for the purpose of securing the fruits of the victories gained," impeachment of the President was necessary. On the same day Mr. Kelso, also "for the purpose of securing the fruits of the victories gained," introduced impeachment resolutions. Then Mr. Ashley moved and carried resolutions for the appointment of a committee to inquire for grounds on which the President could be impeached. No proof was offered; the committee was to hunt for proof. The President's "bank account" was examined. His private conduct in Washington was carefully scrutinized. Men were employed to investigate his public and private character in Tennessee. But nothing was found to his discredit." (McCulloch, page 394.) Notwithstanding the futility of this effort, in one form or another the impeachment programme survived until the next winter, when President Johnson furnished an excuse in the removal of Mr. Stanton from the Secretaryship of War, and the impeachment proceedings were then pressed to a conclusion.

It is now well understood that no legal grounds for the impeachment existed; and even at that day, in the height of party passion, there were seven Republican Senators, the exact number necessary to save the President, who, in spite of party pressure, voted "not guilty" at the trial.

The excitement prevailing in the country at large at the time of the impeachment may be judged of by the following editorial paragraph from the *Harrisburg (Pa.) State Guard*: "Just as sure as we believe the blood of Abraham Lincoln is on the soul of Andrew Johnson, just so certain are we that he contemplates drenching the country once more in the blood of civil war."

The effort to impeach the President was not allowed to delay the programme of Congress. Universal suffrage having been decided on, obviously the first step was, in the language of Mr. Henry Wilson, in his *History of Reconstruction* (p. 267), "the extension of suffrage to the colored race in the District of Columbia, both as a right and an example." The bill to this effect was before the Senate. Mr. BUCKALEW, of Pennsylvania, presented thus the grounds upon which Democrats opposed it: "Our ancestors placed suffrage upon the broad common-sense principle that it should be lodged in and exercised by those who could use it most wisely and most safely and most efficiently to serve the ends for which Government was instituted," and "not upon any abstract or transcendental notion of human rights which ignored the existing facts of social life." And, he said: "I shall not vote to degrade suffrage. I shall not vote to pollute and corrupt the foundation of political power in this country, either in my own State or in any other." The debate took a wide range. It was understood that the late Confederate States were to share the fate of the District. One question was whether the right of suffrage should be confined to those who could read and write. Mr. Sumner stated his position thus: "Now to my mind nothing is clearer than the absolute necessity of suffrage for all colored persons in the disorganized States. It will not be enough if you give it to those who read and write; you will not, in this way, acquire the voting force which you need there for the protection of Unionists, whether white or black. You will not secure the new allies, who are essential to the national cause."

The bill granting suffrage passed without qualification. On January 7, 1867, the President returned it with his objections. Mr. SHERMAN, discussing the veto, said: "The President says this is not the place for this experiment. I say it is the place of all others, because, if the negroes here abuse the political power we give them, we can withdraw the privilege at any moment."

It is curious, glancing forward a few years, to see the result of this initial experiment. In 1871, while the Republicans were still in power in both Houses, a law was passed allowing the District of Columbia to elect its own Legislature and governor. The newly enfranchised voters, who were given the ballot "both as a right and as an example," had thus full opportunity to show their capacity. What was occurring at that time in the Southern States was always a matter of partisan dispute, but the noon-day sun was shining full upon the capital District, and the whole country saw that the political power conferred was being "abused." As Senator SUMNER had indicated it might be, it was, in 1874, promptly "withdrawn" by a law which took away, not only from the black man, but also from the white man, the right, which the latter had long enjoyed, of voting in the District of Columbia. The new law provided that the District should be governed by three commissioners appointed by the President. There has not been a ballot cast in the District since 1874.

Congress had the right to enact universal suffrage in the District of Columbia. It has exclusive jurisdiction there, under the Constitution; but that instrument might have been searched in vain, in 1867, for any power over the elective franchise in the States. Mr. Justice Nelson, of the Supreme Court of the United States, on the circuit had decided, in the case of Egan, that South Carolina was entitled, after her civil government had been restored under the Presidential plan, to all the rights of a State in the Union. In a carefully prepared opinion he said: "A new constitution had been formed, a governor and Legislature elected under it, and the State placed in the full enjoyment of all her constitutional rights and privileges." What was true of South Carolina was true of others of the late Confederate States, and if these States were States, as Mr. Justice Nelson held, then Congress had no power over suffrage within their borders.

But this view of the Constitution did not suit the majority in Congress. The victory at the polls in the fall had put them abreast with Mr. Stevens, and now, in the winter of 1866-'67, they claimed full power over the late insurrectionary States, on the ground that it was for Congress to decide when the war had ceased; and they decided it was not yet over. Mr. Fessenden put it thus: "Is there anything more certain than that the conqueror has a right, if he chooses, to change the form of government, that he has the right to punish?" etc. On the 15th of March, 1867, Senator HOWARD, of Michigan, said: "They took their

own time to get out of the Union; let them take their own time to return. They took their own time to initiate the war; we took our time to close the war." Mr. Maynard, of Tennessee, seemed to think it necessary to show that the continued existence of the war was a fact, really existing, and not a fiction assumed for jurisdictional purposes, and he said, on the floor of the House, in February, 1867: "It is not quite accurate to say that we are at peace; that there is no war. What peace is it? The peace of Vesuvius at rest, the peace of the slumbering volcano; the fires banked up, not extinguished; the strength of the combatants exhausted, but their wrath not appeased; no longer able to continue the conflict, but awaiting a favorable opportunity to renew it."

The facts were that for eighteen months prior to Mr. Maynard's speech there had not been nor has there been during the nearly a quarter of a century since, any offer or thought, in any of the late Confederate States, of resistance to the General Government, unless one may denominate such the occasional shooting, by a moonshiner, of a revenue officer; and this has occurred, oftener than elsewhere, in the Republican district of East Tennessee, represented, the writer believes, by Mr. Maynard when he claimed to be standing on a volcano.

Nevertheless Congress solemnly adjudged, for itself, that the war was not over; and so, on the 2d of March, 1867, in order, as was recited in the preamble, "to protect life and property in the rebel States of Virginia, North Carolina, Georgia, South Carolina, Alabama, Mississippi, Louisiana, Florida, Texas, and Arkansas," "until loyal and republican State governments can be legally established," it was enacted that those States should be divided into military districts and placed under military rule.

On the 23d of March, 1867, a supplemental act was passed completing the plan of reconstruction.* These acts annulled the State governments then in operation; enfranchised the negro; disfranchised all who participated in the war against the Union, whether pardoned or not, if they had previously held any executive, legislative, or judicial office under the State or General Government; provided for the calling of conventions, the framing and adopting of State constitutions, the election of State officers; and, in fact, pointed out all the machinery necessary to put into operation new governments upon the ruins of the old. Until the several States should be admitted under these new governments into the Union the military officers in command were to have absolute power over life, liberty, and property, with the sole exception that death sentences were subject to approval by the President.

Several ineffectual efforts were made to get the question of the validity of these laws before the Supreme Court of the United States. At last the case of *McCardle from Mississippi* seemed to present it fairly. *McCardle*, basing his denial of the power of a military court to punish him on the ground that the reconstruction laws conferring that authority were unconstitutional, appealed to the Supreme Court. That court denied a motion to dismiss the appeal. The case was then argued on its own merits. The argument was concluded on March 9, 1868, and the court took the case under advisement. While it was being so held, to prevent a decision of the question a bill was rushed through both Houses, and finally passed March 27, 1868, over the President's veto, depriving the court of jurisdiction over such appeals. This act, of course, implied the fear that the decision would be adverse to the validity of the laws, as a favorable decision would have been of immense value to the Republican party. Considering all the circumstances, it is indeed natural to conclude that this hasty action was based upon positive information that the decision, if made, would declare null and void the reconstruction laws.

After the passage of these laws and the muzzling of the Supreme Court, the careful observer of existing conditions, looking at the many adventures which he had followed in the wake of the Army, at the numerous employes of the Freedmen's Bureau, so long in training for their now fast ripening opportunities, might easily have predicted that the legislation of Congress would inevitably result in what Mr. Lincoln had feared and deplored as far back as 1862.

Just before the election for members of Congress, which had been ordered by Governor Shepley in Louisiana, President Lincoln addressed him a letter, November 21, 1862, saying that only "respectable citizens of Louisiana," voted for by "other respectable citizens," were wanted as Representatives in Washington. "To send," he says "a parcel of Northern men here, elected, as would be understood, and perhaps justly so, at the point of the bayonet, would be disgraceful and outrageous."

But party spirit had now gotten far away from that lofty plane on which Lincoln, the statesman, had stood.

Even Mr. Garfield, usually generous and conservative, had become so much excited as to say, in the discussion of these measures on the 18th February, 1867, and seemingly with exultation: "This bill sets out by laying its hands on the rebel governments and taking the very breath of life out of them; in the next place it puts the bayonet at the breast of every rebel in the South; in the next place it leaves in the hands of Congress utterly and absolutely the work of reconstruction." In other words, Mr. Garfield meant that if the results were not satisfactory, Congress might, at will, modify or change its plans.

But happily, as it no doubt appeared, there was only need for a few more changes in the law.

The reconstructors builded even better than they knew. The results exceeded even the sanguine prediction of Mr. Henry Wilson, who said, March 15, 1867, on the floor of the Senate: "With the exercise of practical judgment, with good organization, scattering the great truth and the facts before the people, a majority of these States will, within a twelvemonth, send here Senators and Representatives who think as we think, speak as we speak, and vote as we vote, and will give their electoral votes for whoever we nominate for President in 1868."

In a little more than a "twelvemonth" from the date of Mr. Wilson's prediction—by the close of June, 1868—eight of the eleven Confederate States were represented in both branches of Congress. Of these Representatives all but two were Republican and among the sixteen Senators there was not a single Democrat.

About one-half of these Senators and Representatives were Northern men, elected when, as Mr. Garfield said, "the bayonet was at the breast of every rebel in the South"—a thing Mr. Lincoln had characterized as "disgraceful and outrageous."

The "fruits of the war" were being gathered.

Nothing remained but to perpetuate existing conditions.

Not only did these newly set up States rally with alacrity the fourteenth amendment, but by the 30th of March, 1870, with their assistance, the fifteenth amendment was also declared part of the Constitution. Suffrage had been granted to the negro in the Southern States by Congress. This amendment provided that "the right to vote should not be abridged by the United States or by any State on account of race, color, or previous condition of servitude."

The net results of these reconstruction measures were, that in the Forty-first Congress, beginning March 5, 1871, when the twelve Southern States, including West Virginia, had all been gathered into the fold, they were represented by 22 Republican and 2 Democratic Senators and 48 Republican and 13 Democratic Representatives.

The national Republican party had, in the language of Mr. Sumner, secured the "new allies" it needed in the South.

What these new allies accomplished in the several Southern States will appear in the subsequent chapters of this book.

Mr. HOUK. Mr. Speaker, nothing short of what I conceive to be a duty under the circumstances would impel me to attempt to speak

* See these acts in full. (Appendixes A and B.)

this morning because of my physical indisposition, a sore throat. My advocacy of a national election law does not grow out of any real or supposed emergency of recent origin.

Notwithstanding there may be and are a variety of reasons now existing in different parts of the country why this power should be asserted, it has been my conviction from my earliest reading of the Constitution and study of our form of government that it was a paradox, inconsistent with the symmetry and harmony of the National Government, to leave to the States the control of elections for national officers.

I presume that no man who is not utterly reckless will deny the power of Congress to enact all laws which it may deem necessary for the Government and control of the elections of members of its own body. But I desire to say further in this connection that a national election law can in no way possibly affect or promote my political fortunes.

In my Congressional district we have absolutely fair elections. I will say for the credit of the Democrats of my section of country I do not believe they want dishonest elections. A false count and fraudulent certificate, stuffing a ballot-box in the Second Congressional district of Tennessee would consign the perpetrators to the gloomy walls of the penitentiary and cast their sympathizers in the crime into the outer darkness of social and political disgrace. [Applause]. Therefore, my position on this subject grows out of my conviction, first, of the right and duty of Congress to control the election of members of its own body; and, secondly, as I will discuss a little further on, the necessity for the exercise of the power in reference to certain parts of this country.

To those listening to this debate, a stranger in the gallery would have supposed that the pending proposition was something to authorize the arrest and imprisonment, if not the hanging, of the entire Democratic party. It has been constantly iterated and reiterated from the beginning of the debate that this bill was intended to oppress and to impose upon, to do some great wrong to the people of the South. In the name of all the gods at once what harm will it do to have an honest election? Have you practiced dishonest elections so long that it will break your hearts if you have to have to stop it? [Laughter.]

That is the argument. And the other day our eloquent young friend from New Jersey [Mr. McADOO] was indeed eloquent in discussing the subject of "liberty." Well, now, "liberty" is a grand subject. But did you ever think about what a grand privilege it was to stuff a ballot-box, to make a fraudulent return, to send a man here with a certificate of the governor against whom three-fourths of the legal voters of his district had cast their ballots? This is a new phase of liberty. [Applause.] And yet we hear an appeal in the name of "liberty" for the right to stuff a ballot-box and make fraudulent returns. Our friend from New York [Mr. COVERT] made an eloquent appeal the other day, but while I was listening to him in his perversion of that grand sentiment made immortal by Abraham Lincoln, that this was "a Government of the people, by the people, and for the people," I could but think of the almost criminal prostitution of that grand sentiment in the interest of Government by fraud, by false returns, for the benefit of those who are dishonest enough to practice the frauds and make false and fraudulent returns, and be the recipients of such criminal conduct.

While there may have been somewhere, here and there, at some time, an occasional election fraud perpetrated by Republicans, in ninety-nine cases out of a hundred from the days of the despotism of the democracy of Greece down to the present time when political rights have been invaded or subverted it has been in the interest of so-called Democracy.

It is to prevent fraud and secure honest elections, North as well as South, and not to wrong anybody that this law is proposed. Neither I nor any other advocate of this measure, so far as I know and believe, is actuated by any feeling of hostility to the people of the South.

Why should I dislike the Southern people? Adopting the language of the day, am I not one of them? Or am I and my section to be excluded from the use of the term "Southern?" Does it take a peculiar belief and the assumption or assertion of Bourbonism to make a man Southern? Born in the South, reared in the South, having lived all my life in the South, and fully expecting to die and be buried in the South, it is natural that all my personal affections and affinities are and should be with the people of the South.

Instead of oppressing, or degrading, or humiliating, or in anywise injuring the people of the South, it is my ambition to aid and elevate them in every way possible. Hatred has no place in my composition. Malice is an attribute I despise. Revenge is an abominable spirit. If I had it in my power I would embrace, lift up, and better all humanity. In advocating and voting for this bill I feel that I am placing my hands under and my arms around the people of the South and aiding to lift them to a higher plane of nationality and American citizenship.

But I am for this bill on the high and broad ground of constitutional right and political justice. Is it not a paradox to deny to the United States the right to protect its own sovereignty in the election of members of its own Congress?

Is this a nation? I affirm that it is and plant myself upon the explicit utterances of the Constitution. By that instrument every element of national sovereignty is vested in the Congress. I can not un-

derstand how any intelligent citizen can read the Constitution of 1789 and study it as a whole without coming to the conclusion that whatever differences of opinion there may have been originally amongst its framers, they nevertheless concluded their labors by investing the Government of the United States with all the attributes, elements, and powers of national sovereignty.

Through the provisions of the Constitution its framers clothed the machinery of the Government of the United States with all the powers then supposed to be necessary to enforce the sovereign will of all the people of all the States in their general and collective character of "We, the people of the United States." Turn to the eighth section of Article I of the Constitution, and it will be seen that Congress is invested and fully clothed with authority to exercise all the powers of sovereignty thought to be necessary to the existence of a great nation. Let me read. Here is what the Constitution says:

Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; to borrow money on the credit of the United States; to regulate commerce with foreign nations and among the several States and with the Indian tribes; to establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States; to coin money, regulate the value thereof, and of foreign coin, and to fix the standard of weights and measures; to provide for the punishment of counterfeiting the securities and current coin of the United States; to establish post-offices and post-roads; to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries; to constitute tribunals inferior to the Supreme Court; to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations; to declare war, grant letters of marque and reprisal, and to make rules concerning captures on land and water; to raise and support armies; * * * to provide and maintain a navy; to make rules for the government and regulation of the land and naval forces; to provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasion; to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; * * * to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

What a grand national structure is here built by the express declarations of the Constitution? What a grand edifice of human freedom, a depository of "Liberty regulated by law!" And every necessary power vested by the Constitution in the national Legislature, every power incident to a great Government and the good of its people.

"Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and to provide for the common defense and general welfare of the United States," which, in the meaning of Americans and their use of language, is to look after the manifold interests and well-being of all the people of the United States. This is a sweeping and complete investiture of supreme sovereignty over, and the power to take care of, the people.

Every word and every articulation of this clause emphasizes the supreme sovereignty of the nation over all these necessary incidents of government through the exercise of Congressional power, subject to the co-operation of the executive, and in proper cases the judicial, department of our triune form of Government. Language could not have been found to more forcibly and fittingly express the national character of the "more perfect union" which was formed by the Constitution of 1789.

"To regulate commerce with foreign nations and among the several States" is such a clear and strong declaration of supreme sovereignty in the nation that I call attention to it here in order to enforce what I may say touching all these clauses of the eighth section of Article I of the Constitution, which I have quoted or may quote. Let us balance our minds on the clause "To regulate commerce with foreign nations and among the several States," and look critically through the Constitution and see if every element of supreme power does not inhere to the very structure of the Union.

It is clothed with power over the question of naturalization and citizenship; of commerce; of currency; of all these things which are essential to political existence. The nation, through Congress, must make provision for social and intellectual enjoyments by establishing post-offices and post-roads, as well as commercial advantages.

It must protect authors in their writings and inventors in their discoveries. It must establish courts, and through them enforce the laws necessary to the enjoyment of life, liberty, and the pursuit of happiness. It has power to raise armies and support them out of the substance of the people. It shall maintain a navy, and provide even for calling forth the militia of the States, and for their equipment, discipline, and government while executing the laws of the Union. Congress shall provide for the doing of all these things for the protection and benefit of the people of the United States.

And last of all, though by no means the least, nor yet the greatest, the National Legislature is charged with making "all laws which shall be necessary and proper for carrying into execution" all of these sovereign powers granted by express enumeration and explicit implication of the Constitution.

Now take in conjunction the fourth section of Article I of the Constitution of the United States and it clearly appears that Congress is vested with a supreme authority over and right to control Congressional elections.

Would it not be a remarkable paradox to find that the Constitution vested the power in Congress to organize armies, declare war, provide a navy, coin money, and do all the great and important sovereign acts enumerated in section 8, to which attention has been called, and then to abdicate the right to look after and see that Congress itself was not "packed" by fraud? The Constitution, as we have seen, clothes Congress with full power over the life of the nation, and yet we are told that the States must select members of Congress to suit themselves.

The absurdity of this position was illustrated in the secession movement. And if the States have the right and power to elect members of Congress in whatever way and manner they alone may determine, then any one or more of the States may break up the Government at any time it may suit their own purpose to do so and thus assert their supreme sovereignty to the overthrow and destruction of the rights of the people of the whole Union. This would be a clear, full, and conclusive vindication of the right of secession.

Just here let me pause for a moment and refer to the remarkable speech of the distinguished gentleman from Pennsylvania [Mr. VAUX], the successor of the late distinguished member of this body [Mr. Randall]. In listening to his speech I was reminded of some old doggerel, which reads:

He didn't, nor he couldn't, nor he wouldn't.

If I understood him his argument was that Congress had no power to pass this bill because it had other provisions than those which, he argued, were strictly applicable to the time, place, and manner of holding Congressional elections.

The fact seems to have escaped his mind that the fourth section of Article I of the Constitution vested in and reserved to Congress all the powers which that section commanded the States to exercise in reference to the election of members of Congress. And he seems not to have recognized the fact that the States had no power over this subject except that which is expressed in the command upon them by this eighth section of the Constitution.

The phraseology of this section may be said to be peculiar. It will be noticed by a careful reading and study of the language that it, in fact, confers no power whatever upon the States.

It is simply the voice of the supreme sovereign, commanding the State as a subordinate part of itself to do a certain thing until such time as it should assume to do that thing for itself. So, to argue against the power of Congress, not only to prescribe the time, place, and manner of electing its own members, but to make all other regulations and details necessary to a thorough supervision of the conduct of these elections, is to deny the same right and power to the States, because, without the command contained in the eighth section of Article I, the States would have no right to legislate upon or take any control of these elections.

The language of this section is:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations except as to the places of choosing Senators.

Nothing is plainer than that this section of the Constitution simply commanded the States to provide for and control Congressional elections until such time as Congress should determine to take charge of and prescribe these regulations for itself.

But the real reason for the Democratic opposition to the exercise of this constitutional power of Congress over the election of its own members grows out of the Democratic doctrine of State rights and the determined purpose of that party to deny the right of the United States to exercise any act of national sovereignty. That party denies the national character of the Government. The Democrats look upon the United States as an "emasculated idealism." But I insist the right and power over this question are vested in and to be exercised or not by Congress as it may itself decide.

When our population was small, our country sparsely settled; when long distances divided the people; when it consisted of a few families, occupying distant plantations, as it were, it may have been well enough to yield to the dictates of convenience and permit the States to provide for and conduct Congressional elections, however inconsistent and paradoxical it may now appear in the light of our present surroundings. But circumstances and conditions have changed. We are now a great nation and a great and multitudinous people. We are great in numbers, great in wealth, great in genius, and great in intellectual development. We are great in all that adorns the highest civilization.

All Americans are neighbors; we are now one great family bound together by common interests and common ties and all citizens of a common Government, and all must be legislated for by the Congress of the United States in which the whole and not a part of the people must control.

It therefore logically follows as a matter of right that Congress should take hold of and control the election of the members of its own body. But if there was no other reason why Congress should take control of its own elections the utterances put forth in this debate ought to inspire every member of this body with a determination to immediately enact this measure into law.

But now what is it? What is this measure? Is it to do any wrong

to anybody? Is it to lay a violent hand upon any citizen of this country? Is it anything new in the law? Not a word of it? It is simply a proposition to amend an old law which has stood upon the statute-book since the 28th of February, 1871; a law which has been declared constitutional by the Supreme Court of the United States; a law which has been commended by such distinguished Democrats as W. C. Whitney, S. S. Cox, and others; a law the constitutionality of which has been affirmed by a Democratic House of Representatives under the leadership of the distinguished gentleman from Illinois, my friend Mr. SPRINGER.

The only new feature appearing in this proposed statute—the only thing that could be affirmed as a new departure—is the question of certification by the chief supervisor, which, under certain conditions, is superior to the certificate of the State authorities; and yet if I had any doubt about its constitutionality before, I would have no doubt about its constitutionality now, after my distinguished friend has affirmed it. In the Forty-fifth Congress, in the case of Dean against Field, a Democratic House of Representatives, under the law laid down by the distinguished gentleman from Illinois [Mr. SPRINGER], not only stood by and enforced the supervision law, but seated a man over the certificate of the governor of the State of Massachusetts on the certificate of the supervisor appointed under this law, and I have been listening to hear him come to the defense of this feature of the law. While he went a little outside of the law as it then stood in order to seat a Democrat, this bill proposes to make that ruling the law hereafter.

Mr. SPRINGER. Will the gentleman allow me—

Mr. HOUK. I have not time to be interrupted.

Mr. SPRINGER. I am coming to it.

Mr. HOUK. Oh, I know that. I wish I had time. I would love to spend a quarter of an hour exchanging views with the gentleman; but I will state to him that I will give him the benefit of what he said then, that he may meditate upon it and remember it.

Here was a case in which the governor certified Mr. Field. The supervisor appointed under the law which is proposed to be amended certified that the Democrat was elected, and by a narrow majority of 5 votes only. The gentleman from Illinois [Mr. SPRINGER] in making the report rises to the dignity and height of the occasion and gives an elucidation of the constitutional power of Congress over this question and asserts that State rights must go to the rear and the national authority must stand. It is a good report, and I commend it to my Democratic brethren, for I want them to get right in the matter of supervisors and their certificates. I call on our Democratic friends to stand by us in sustaining their leader [Mr. SPRINGER] by voting for and passing this bill into law, so that in the future there will be no need of a forced construction by him in order to seat a Democrat.

In his report he said:

Congress, in pursuance of its constitutional power to make regulations as to the times, places, and manner of holding elections for Representatives in Congress, or to alter State regulations on the subject, enacted the foregoing provisions.

The same provisions that this bill contains, with the exception of the power of the supervisors to certify.

Then he says:

They must be held valid and binding upon the State. The very moment of the enactment of these provisions, February 28, 1871, they became a part of the election law of the State of Massachusetts, overriding all opposing statutes made or to be made by the State, and the passage of the State law of April 29, 1876, authorizing an aldermanic count, so far as it provided for the taking of the final vote for Representatives in Congress out of the supervision and scrutiny of the United States supervisors of election, was an invasion, if not a nullification, of the United States law.

That is pretty good, radical, "centralizing," Republican doctrine indorsed by a Democratic House. [Laughter.] I hope my friend stands by it, and I expect to see him, when the roll is called, come up like a man and vote "ay."

Mr. BOATNER. That will be on the motion to indefinitely postpone. [Laughter.]

Mr. HOUK. Yes; you want to postpone the day of judgment, of course. [Laughter.]

Here is more of the language of this report:

After Congress had provided for the appointment of two supervisors of election for each voting-place and had required such supervisors to count the votes for Representatives in Congress, and to remain with the ballot-boxes until the count was wholly completed and the certificates made, it is not competent for any State to provide another board of canvassers who may take possession of the ballot-boxes, exclude the Federal supervisors, and secretly count the votes and declare different results.

Is not that the identical thing that this bill is intended to provide for, to protect the ballot-boxes and prevent all outside interference, to prevent the votes being counted in secret and a fraudulent result returned?

Mr. SPRINGER. That is just what was done in Massachusetts and what was condemned by my report.

Mr. HOUK. I thank thee, Jew, for teaching me that word, but what was sauce for Massachusetts ought to be sauce for the Democratic States. [Applause.]

Mr. SPRINGER. But Massachusetts had violated the law by taking the count away from the proper officers.

Mr. HOUK. I knew that reading from this report of his would

hurt the gentleman, and if I had time I could make it hurt him a great deal worse. [Laughter.]

Mr. SPRINGER. I stand by it.

Mr. HOUK. Then vote according to its doctrine.

Mr. SPRINGER. Every Republican on your side voted to disregard that Federal law.

Mr. HOUK. And therefore you indorse its violation by your Democratic friends. Now, Mr. Speaker, who has the floor? [Laughter.] I am not in the habit of interrupting gentlemen when they have the floor. I never did it in my life without their consent. I think it is a great impropriety, and I hope the gentleman will take the hint and will not interrupt me any more. [Laughter.] My time is limited, and the gentleman ought not to usurp it.

Mr. SPRINGER. I beg the gentleman's pardon.

Mr. HOUK. Pardon is granted, but quit sinning. But I tell you the gentleman from Illinois [Mr. SPRINGER] has furnished a vast amount of good reading. [Laughter.]

Mr. SPRINGER. Read it all.

Mr. HOUK. I wish I had the time. Now, Mr. Speaker, I have read to the House from the report of the distinguished gentleman from Illinois [Mr. SPRINGER] laying down the law not only as strong as it then was, but as strong as we propose to make it. This bill simply proposes to enact Mr. SPRINGER's report into law on the subject of certifying elections. [Laughter.] And in defending his report, which the gentleman did elegantly, ably, magnificently, he said:

I ask the people of Massachusetts to make their laws conform to the Federal laws.

Now, Mr. Speaker, all we ask is for the several States to make their laws on this subject conform to the Federal laws, just as the gentleman from Illinois in the Forty-fifth Congress wanted Massachusetts to do. He proceeds:

I ask the Representatives of Massachusetts upon this floor to so vote in this case as to require the law of Massachusetts to conform to the laws of the land.

He meant the supervisors' law. Now, that was good doctrine. I approve every word of it. [Laughter.] We only propose by this bill to compel the authorities of every State to conform to the law of the land, and in that we have the gentleman from Illinois [Mr. SPRINGER] standing by us and furnishing us the ablest argument that I have found on the subject. [Laughter.] Again he says:

Will it be contended that after the Federal supervisors have scrutinized one election and one State count it is competent for the State to set aside its own election and count where the Federal officers were present, and then go off into some secret hiding place under the pretext of—

Under the pretext of what?

under the pretext of State rights! and hold another election and make another count in disregard of the Federal law?

Again he says:

The Constitution of the United States provides that all laws passed by Congress under the Constitution are the supreme law, supreme in Louisiana, supreme in Massachusetts, supreme everywhere throughout the broad extent of this land.

Mr. Speaker, this is just what we want. That is all we ask. That is all we propose. Again, the gentleman says:

I say in regard to the election of members of Congress that is the Federal law, but it applies only to the election of members of Congress.

That is all we ask. That is all we apply this law to which we have under consideration. It is applicable only to Congressional elections. He says again:

The Congress of the United States have provided that United States supervisors shall be present at all times and all places for the registration, voting, and counting, canvassing, and making the returns of the election, and a State law which makes provision for recounting the ballots in disregard of the Federal law is not in accordance with the law of the land, and is, therefore, void.

Mr. Speaker, all this bill proposes is that the supervisor shall be present, that he shall see the count, that he shall observe, that he shall do what the Forty-fifth Congress did in the case of Dean vs. Field: that is, that he shall, in certain cases, make a certificate, and that certificate shall import verity *prima facie*, and shall place the man on the roll, just as the Democratic members of the Forty-fifth Congress placed Mr. Dean on the roll of this House over Mr. Field, on the authority of the certificate of the supervisor.

But why oppose the passage of this law if you want or are willing to have honest elections? Will not the United States courts prove as honest and capable in making appointments as the political machines? Will not the machinery put in motion by the courts be in the hands of men as worthy, as capable, as honest as those who have heretofore or who might be hereafter appointed by political officers, and will not those charged with the execution of this law be selected from among and of the same people from whom elective officers are now selected?

Is there some magic virtue in the selection of election officers by the States or in the selection of these officers by the political power of the States?

Is there some magic evil in the selection of these election officers by the United States or the non-partisan judicial officers of the United States?

How is this? Are the States and their people possessed of some kind of sanctified purity when acting under the authority of political officers

of the States which is immediately corroded and lost when the same people are appointed by judicial officers and act under the authority of the United States?

The gentleman from Massachusetts [Mr. LODGE], in his great speech opening this debate, drew the line and clearly showed the difference in the honesty and purity of elections when conducted under national supervision and when held exclusively under and controlled by the laws and officers of the State.

But, Mr. Speaker, we are told that the passage of this bill, which thus stands commended before this House and the country by the able report and able speech of the gentleman from Illinois [Mr. SPRINGER], is for the purpose of reviving race prejudice and bringing about conflicts in the communities where it is enforced.

Now, I undertake to say, Mr. Speaker, that there is no race prejudice in the South involved in this bill. It is not race prejudice, and every gentleman from any Democratic State of the South knows it is not; it is not race prejudice at all which they are combating. It is a political prejudice; not that the colored man is black, but because he votes the Republican ticket. Why do I say this? Did not the distinguished gentleman from South Carolina [Mr. TILLMAN] the other day clearly demonstrate and proclaim to the world that it was not race prejudice, but political prejudice, when he stood in his place and declared that every decent white man in the State of South Carolina is a Democrat, thus presenting the key to this question?

The prejudice is not against the colored man because he is colored, but because he votes the Republican ticket. Every man on this floor knows that the colored man who votes the Democratic ticket has no trouble. If it is race prejudice, why does it not assert itself when the colored man votes the Democratic ticket? You know it does not. If it is race prejudice, why is it that every white man who enters the Republican party in the South is more bitterly assailed; more malignantly hated than the colored man?

Mr. DOLLIVER. Is that true?

Mr. HOUK. It is true in certain sections and of a certain element; it is not true in my own part of the country, because there is enough leaven of Republicanism in East Tennessee to leaven the whole lump and make the people law-abiding, orderly, and patriotic. But read your newspapers and you will see at a glance that they hate Mahone, Longstreet, and Chalmers, and Slaughter, and Mosby, and all others who join the Republican party. All the prejudice and malignity is evinced towards these distinguished white men that is ever evinced towards any colored man. This is the case the very moment a white man announces his adhesion to the policy and principles of the Republican party. It is prejudice upon public issues, not prejudice upon color or race.

But we are told that we can not enforce this law. Possibly we can not in some places; possibly in certain localities such a point has been reached in the disobedience of the law that no law in contravention of the peculiar views held by the people of those localities can be enforced. But would it not be cowardly to refuse to do our duty because criminals might resist the enforcement of the law? But I say to you that in the great majority of the localities where these evils exist there is an undercurrent of feeling among the white people as well as among the black.

There are Democrats—nominally such because of their surroundings—who are looking and longing and waiting for an opportunity to be given them in the shape of such a law as this around which they may rally and throw off those influences that have settled upon them like a nightmare and which constantly tend to the prostitution of their rights. There are thousands of white people, even in the black belts of the South, fairly disgusted and anxious to see law and order restored.

But it has been said (and of course I can only glance at these matters) that the enforcement of this bill will cost \$10,000,000. I do not believe it; but suppose it costs three times \$10,000,000. Did it not cost more than \$6,000,000,000 to vindicate the rights of the people and have them written in the Constitution of the country? And if it costs \$100,000,000 to assert those rights in practical political life in all parts of this country it will be money well expended and cheaply laid out.

But what is the condition of things in the South? Why the necessity for this measure? The election contests before this House have been referred to this morning. Not because there was not enough proof to disgust and make heart-sick any honest man that reads it, but because it was not gotten up in legal form, some of the contestees have kept their seats. But what do these records show—sworn testimony piled up mountain high from reputable people of every class, condition, and color? Why, sir, one of their methods is to copy the tax list and vote it. The record stands there in the room of the Committee on Elections showing where the tax list was copied.

There was a certain number of legal votes polled, for instance, but when the legal voters gave out they got the tax-list of the county and copied it; and so unskillfully was it done that they actually copied it alphabetically. Yet we are told that a law to correct such evils is going to oppress the people of the South.

But in other places there are other methods, methods which appear in my own State in certain localities. In large Republican precincts—

and there is no doubt about it, every man who knows anything knows it is the truth—they deliberately let everybody vote; then the State officers, who are surrounded by the sacred crest, holy and pure, as we are told, of State authority, deliberately sit down and count the Republican votes for the Democratic candidate and the Democratic votes for the Republican candidate, thus making up and certifying the majority to the Democratic candidates. To show the Mississippi plan I will give in an appendix the votes of fourteen counties having white majorities and fourteen counties having colored majorities. This bill, if passed, will throw the shield of protection around the people where such practices prevail, will correct them, and will enable Congress and the people of the country to know the real result of the votes cast at the ballot-boxes when Congressmen are to be elected.

But, Mr. Speaker, it is said this bill proposes a strong Government. Yes; and it takes a strong Government to deal with the people we are trying to deal with and provide a remedy for their frauds. I want this Government to be so strong that it can reach out and lay its hand upon and punish every offender against the rights of the nation and the people. [Applause on the Republican side.]

APPENDIX.

Fourteen counties in Mississippi having white majorities.

Counties.	By State census of 1880.		Returns of 1888.		Districts.
	White voters.	Colored voters.	Cleveland.	Harrison.	
Alcorn.....	2,156	819	1,094	447	Allen's.
Calhoun.....	2,335	544	1,163	108	Lewis's.
Hancock.....	1,135	468	725	313	Stockdale's.
Harrison.....	1,382	410	850	478	Stockdale's.
Jackson.....	1,673	620	893	616	Stockdale's.
Jasper.....	1,369	964	1,045	611	Anderson's.
Newton.....	1,854	881	1,575	135	Anderson's.
Pontotoc.....	2,070	770	967	509	Lewis's.
Prentiss.....	2,026	427	1,231	281	Allen's.
Simpson.....	1,006	628	750	193	Hooker's.
Tippah.....	2,004	525	1,301	483	Morgan's.
Tishomingo.....	1,564	184	810	144	Allen's.
Union.....	2,102	539	1,409	397	Morgan's.
Wayne.....	995	657	960	499	Anderson's.
Total.....	23,681	8,436	15,013	5,214	

Fourteen counties in Mississippi having colored majorities.

Counties.	White voters.	Colored voters.	Cleveland.	Harrison.	Districts.
Claiborne.....	986	2,566	599	14	Hooker's.
De Soto.....	1,906	3,100	2,083	960	Morgan's.
Grenada.....	889	1,861	708	253	Lewis's.
Hinds.....	2,568	5,946	2,201	956	Hooker's.
Holmes.....	1,641	4,029	1,664	717	Anderson's.
Jefferson.....	954	2,419	683	363	Hooker's.
Lowndes.....	1,430	5,006	1,122	17	Allen's.
Madison.....	1,469	3,908	2,032	344	Hooker's.
Marshall.....	2,750	3,469	2,264	1,420	Morgan's.
Monroe.....	2,457	3,557	2,962	418	Allen's.
Noxubee.....	1,360	4,819	846	0	Lewis's.
Oktibbeha.....	1,145	2,197	1,342	399	Allen's.
Panola.....	2,324	3,739	1,650	1,121	Morgan's.
Tallahatchee.....	1,002	1,287	1,021	28	Morgan's.
Warren.....	2,217	5,238	2,364	958	Catchings's.
Washington.....	1,726	5,604	1,850	322	Catchings's.
Wilkinson.....	855	2,667	495	37	Stockdale's.
Yazoo.....	2,238	5,363	1,196	7	Anderson's.
Total.....	29,927	66,775	27,082	8,329	

Fourteen counties having 14,245 white majority gave Cleveland 9,799 majority. Sixty-two per cent. of the colored voters voted. Sixty-three per cent. of the whites voted. Only 12 per cent. of the colored voters voted; 90 per cent. of the white voters voted.

Mr. COLEMAN. Mr. Speaker, I am a Republican from conviction and from principle; a Southern man by birth, education, and association; elected as a Republican to represent in this nation's House of Representatives the Congressional district where I was born and raised. A realization of my oath of office and my responsibilities as a member of this Fifty-first Congress impress me now with much concern for those whom I am here to represent.

I am opposed to the enactment of any Federal election law at this time, for, notwithstanding the fact that the promoters of this Federal election bill aim to secure in the South that great desideratum, "a free ballot and a fair count," I do not think this a proper time to make this political experiment.

Mr. Speaker, I fully realize the importance of preserving the sanctity of the ballot, and I would heartily support a Federal election bill now if I thought its enactment would secure this important result; but I tell you that the supposition or opinion that the passage of any Federal election bill at this time will secure a free ballot and a fair count throughout the South is based on false impressions and ignorance of the true state of affairs in some parts of that section.

War is terrible in its immediate results, and the locality which was

the field of operations of our unfortunate civil war suffered from desolation and destruction so as to require many years of peace to restore prosperity again. Following our civil war came the more disastrous period of reconstruction, which saddled upon our then desolated land debts and incumbrances which have not been fully paid to this day. Nothing but the soothing influence of time can veil that awful past and shut out those dreadful memories. If you think the South has not yet suffered enough from the war and its results, then start afresh the echoes of those dreary years of reconstruction. Roll back into the past the present march of progress and industrial development. Confine your Republican party in Louisiana and some other parts of the South to the few white men who may feed at the Federal crib of patronage, and the unfortunate colored people who, loyal to the memory of their emancipator, Abraham Lincoln, vote with the party which elected that noble benefactor of their race President of this nation. But, Mr. Speaker, when you stir up again the memories of reconstruction in the South bear well in mind that you are not following the advice of that national leader of men, that successful Republican, that wonderful man, powerful in brain, in frame, and in heart—Abraham Lincoln—for he said:

Let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle, and for his widow and his orphans, to do all which may achieve and cherish a just and a lasting peace among ourselves and with all nations.

Will you refuse to follow the teaching of this martyr statesman, who was your leader until his death—that most unfortunate calamity for the Southern people?

Of the 9,000 votes cast for me in November, 1888, 7,500 were those of colored men. And while many of these colored men were told that I was an ex-Confederate soldier and an ex-White Leaguer, they only asked to know that I was the regular Republican nominee. Now, with this confidence reposed in me, I feel it my duty to oppose with my voice and vote any legislation calculated to produce friction, trouble, or distress between the races.

Mr. Speaker, whenever you hear of trouble in the South between the races you will find that far more colored people are killed or wounded than there are whites who suffer, and any man or party who produces trouble between the races is not in sympathy with the best interest of either race. The colored people of to-day are far advanced in education, in intelligence, and in financial wealth beyond what they were twenty years ago. There are in Louisiana educated colored physicians, lawyers, ministers, editors, professors, and merchants. You can find there accomplished colored musicians and artists, and upon investigation you will find that the colored people have made such progress as astonishes those who had not given the matter careful consideration. Now, as a friend of these people I do not wish to stimulate any trouble between them and their fellow-citizens, and I am just as certain that trouble and bloodshed will follow the enactment of this bill, and that the law will fail in its purpose, as I am that I shall vote against its passage in this House.

Mr. Speaker, I deem it eminently proper and appropriate at this time to call the attention of this House, and particularly the Republican members thereof, to the fact that the only sitting colored member of this House at present, Mr. CHEATHAM, a Republican from North Carolina, introduced two bills on the 19th of last December (over six months ago) which are of special interest and importance to the colored people of this country, namely, No. 632, to reimburse depositors in the Freedman's Savings Bank and Trust Company, and No. 634, to aid in the establishment and temporary support of common schools. Both of these bills are quietly sleeping—"under the new rules"—notwithstanding the fact that this Administration with its Republican majorities in the House and Senate and Republican President could have enacted both bills into law several months ago. Gentlemen, why do not you show your sympathy for the colored people in a practical manner when you have such a favorable opportunity?

I want peace, progress, and prosperity. I want to see continue and increase the industrial development in the South, that wonderful industrial development started by the emancipation proclamation of Abraham Lincoln. I quote from the Baltimore Manufacturers' Record:

THE PROGRESS OF THE SOUTH.

We give in this number of the Record nine columns of two to four line announcements of a week's progress in Southern development. These items represent millions of dollars' investment in Southern industries and thousands of good new citizens for the South, who are warmly welcomed and given the right hand of fellowship. Industrial cities are springing up amid coal, iron, marble, granite, and around water-powers, that have been heretofore uninhabited. Southward the course of empire takes its way, and well it may, for here is the fairest land for all agricultural and rural pursuits, the most genial climate, the brightest skies, the widest virgin forests, the richest mines of coal and all metals, inexhaustible deposits of marble, granite, limestone, and sandstone, rarely beautiful rivers, immense water-powers, and the most hospitable people in the world.

Mr. Speaker, the amount of industrial development now going on in the South surprises those who have given this matter attention, and if you ask those men from the North, East, and West who have invested their money in the South, most of whom are Republicans, what they think of the Federal election law, you will find that 90 per cent. of them prefer peace; and every furnace and every rolling-mill and every fac-

tory established in the South makes friends and recruits for the Republican party of protection, internal improvements, and the enforcement of the law.

Mr. Speaker, I want to see the political solidity of the South dissolved. I want this Republican Administration to prove by its acts that the Republican party is a better friend to the South than the Democratic party has been or ever will be. I want to have proven that the success of the Republican party means internal improvement, education of the masses, progress, peace, and prosperity, instead of meaning what the Democrats say, "negro supremacy."

A Federal election law now will prove to be a very expensive political blunder, and the nation's money can be used to much better advantage by paying the many just war claims due to the loyal people of the South; paying the French spoliation claims, acknowledged years ago to be just; paying the balance due depositors in the Freedman's Savings-Bank; paying for the education of children, white and black, and paying for building and maintaining and protecting a system of levees to confine the waters of the Mississippi River to its channel, improving navigation while protecting from overflow that wonderfully fertile Mississippi Valley.

A Republican Administration spending Government money for such purposes would prosper the nation more and secure for years to come more Republican Congressmen and Republican Senators from the South than could be done by passing and attempting to enforce any Federal election law that can be suggested. If you are determined to pass a Federal election law, then you must prepare to enforce it with Federal bayonets and possibly Federal bullets, as suggested by the eloquent and distinguished gentleman from Iowa [Mr. HENDERSON], my big-hearted, generous, but impulsive friend, whose enthusiasm, when discussing this bill last Saturday, can be equaled only by his musical voice, his talent for song, and his wonderful good humor when participating in the rousing choruses of rebel war songs during that delightful Congressional vacation some weeks ago in the grandly picturesque and exhilarating surroundings of the Blue Mountain House.

With a condition of affairs suggestive of Republican Federal bullets fired from ranks of colored men and Federal soldiers, how many recruits will the Republican party secure from the ranks of their present political opponents?

Mr. Speaker, the principal influence which holds the white people of the South together is the old Democratic war-whoop of "negro supremacy" and "Africanization." Remove from the eyes of the people the scales of ignorance and of prejudice to the Republican party, and let them realize that the bugaboo "yawps" and war-whoops of the Democratic politicians are without foundation, then the shotgun squad will disband, and the negro will be protected in his political and civil rights by Republican ex-Confederates, ex-White Leaguers, and ex-Democrats.

In several if not all those States where bulldozing, intimidation, or ballot-box stuffing prevails we find feuds and divisions among the leaders of the Democratic party, and there are undoubted signs of disintegration, owing in many cases to the personal ambition of rivals for political position or patronage.

We find movements operating under the name of Wheels, Alliance, and Labor party, whose leaders and adherents have been voting with the Democrats. Pass a Federal election law, and many who are now willing to separate from the Democratic party will immediately get back into the so-called "white man's party" rather than risk "negro supremacy."

Years ago, in the days of Whig and Democratic parties, these two parties were so evenly divided that the best and strongest men of both sides were required for candidates in Louisiana. The southern part of Louisiana was Whig in politics and carried a large Whig majority up to the line of Red River. Now, as a matter of fact, when these old Whigs in the South vote the Democratic ticket they do so with more or less compunction, and they would be glad to vote against their old political opponents if they could do so without fear of negro supremacy. The color line is all the stock in trade the Democratic party has South, and now this Republican House proposes to strengthen this Democratic "stock in trade," to re-enforce the ranks of the enemy by passing a Federal election law, which, while failing in the object aimed at, will solidify the white people so rigidly against the Republican party South that social ostracism, personal persecution, malignity, and hate will be intensified. Gentlemen, do you insist upon participating in the enactment of a law which will produce such an unfortunate state of affairs?

Would you not rather welcome on this Republican side of this Hall Republican Representatives elected from districts which heretofore have been represented by Democrats, but who, having changed their politics, send Republicans here because they have discovered the falsity of the charge that the success of the Republican party meant "negro supremacy," and they discover that the Republican party is really the party of internal improvement, a strong central government, industrial development, and having plenty of room in that party for the ex-Confederate soldiers and all others who are interested in the maintenance and enforcement of the law?

The enactment of a Federal election law is sectional legislation, and the political party responsible for such can not expect to prosper thereby.

While it may be difficult to prove, I am of the opinion that votes are purchased and voters are influenced by employers in some other States than those in Dixie. Are you sure it makes no difference whose ox is gored?

Mr. Speaker, in reading General Washington's Farewell Address, delivered nearly one hundred years ago, I find the following passage, which seems to be very appropriate now:

One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations, and they tend to render alien to each other those who ought to be bound together by fraternal affection.

Mr. Speaker, can it be possible that some districts that now send Republicans to Congress need to be stimulated by some political slogan which affects other sections, slogans which are plausible in theory but hollow in realization. Mr. Speaker, I have no sympathy for ballot-box stuffers, and I sincerely hope that the day is near when political bulldozers and intimidators, together with ballot-box stuffers, will be promptly and severely punished for such crimes. I believe that elections in some parts of some States are farces.

I realize the importance of maintaining the purity of the ballot, but I do not think that you will reach the result aimed at or remove the trouble by the enactment of a Federal election law at this time. But open the ranks of the Republican party and encourage recruits to come in; recruits who have handled a rifle and understand its mechanism and its persuasive influence. When recruits come in who pass through the peculiar ordeal of Southern Republican probation, with its trials and tribulations and they vote for Republican Congressional candidates, accept them as earnest workers and reward them for their services as they deserve, and do not insist that their Republican political record shall extend into "ancient history."

In distributing patronage shake off the old reconstruction barnacles, and do not treat Louisiana as a colony and a conquered province by appointing men to fill Federal positions who were outside of the State during election day. Reliable political leaders should be selected who work for other results than securing the election of delegates to national nominating conventions when they do not expect to deliver any electoral votes. The wheels of progress do not reverse. Emancipation and reconstruction are of the past. The election of a Republican member of Congress from Louisiana unassisted financially or otherwise by the national Republican committee was a surprise, particularly when it became known that the successful candidate had surrendered with Lee's Army of Northern Virginia.

Mr. Speaker, the South and North will always remain the same, geographically speaking.

But old ideas and sectional traditions are passing away into the memories of long ago. The rich blood of martyrs to their faith, soldiers in blue and in gray, which flowed so freely on that Southern soil when cruel war scarred much of that fair land, should surely bring some blest results in token of that precious blood. Then why can not the comrades and the children of those dead heroes enjoy the blessing of the fruitful peace which fills that land with such prosperity?

Now when the springtime comes and flowers begin to bloom and nature decks the Southland, hill and dale, the women of the South, with hearts so full of sentiment and love, pay tender tribute to the brave dead, and soldiers' graves are strewn with flowers of varied tint and fragrance, and if perchance the violets and blue bells fall on Southern soldiers' graves, the heliotrope and mignonette may decorate the graves of those who wore the blue. The colors of those uniforms have long since mingled with kind Mother Earth, and sweet perfumes exhaled by flowers which bloom or fall upon those graves remind us that the war is over.

Will you not hearken to the words of Grant, the soldier and the patriot? "Let us have peace." [Applause.]

[During the delivery of the foregoing remarks the hammer fell.]

The SPEAKER. The time of the gentleman has expired.

Mr. BLANCHARD. I ask that the gentleman may be permitted to proceed for a few minutes longer.

Mr. COLEMAN. I shall only ask the time of the House for two or three minutes longer.

Mr. CHADLE. I hope it will be granted.

The SPEAKER. It will have to be taken out of the time of the other side, and the Chair has been given a list here which will occupy all of the remaining time.

Mr. BLANCHARD. I ask unanimous consent that the gentleman have three minutes to conclude his remarks, to be taken out of the time on that side.

There was no objection.

[Mr. COLEMAN resumed and concluded his remarks as above.]

Mr. FINLEY. Mr. Speaker, I also represent a district in the South. I was born and reared in the South and my people have always lived in the South. I have been identified with that section of the country and am familiar with the manners, the customs, as well as with the institutions of the South. I was familiar with the institution of slavery from my earliest recollection. My generations before me have always been of the South. My people were slave-owners, and that question is

one with which I have been long familiar; but though they were slave-owners they were always patriots.

I have the honor to represent as best I know how on this floor a white constituency that believe, each and every one of them, that his vote ought to count in this Government just as much as the vote of any other man, let him live North, South, East, or West. [Applause on the Republican side.] My people have been taught to believe that whenever the vote of a man who is legally and constitutionally entitled to vote has voted that that vote counts just as much as the vote of the President of the United States, and that the Government has guaranteed and will secure to him the right to see that that vote counts for just as much.

For myself, I undertake to say here and now that I would feel myself humiliated in my own conscience, and would degrade myself in my own estimation and in the estimation of my friends and my family, if I should undertake to occupy a seat on this floor in the House of Representatives to which I was not honestly and fairly elected by a majority of the votes of the people I claim to represent. And I do not believe that any other gentleman in good conscience, before God and his country, ought to be willing to come to this House and take a seat here and undertake to legislate for the people of the United States unless he has been sent here by the free votes and the expressed will of the sovereign people of the State whom he claims to represent as his constituency. [Applause on the Republican side.]

But it has been published broadcast through the Democratic press of this country that the Speaker of this House, in connection with certain members of the House, have promulgated a line of legislation by which they propose, through the enactment of certain laws in Congress, to perpetuate themselves in power. And it has been alleged that the balance of the Republican party in Congress are simply whipped in by the party lash to obey the behests of the Speaker and other leaders of the Republican party.

For myself, Mr. Speaker, I have been always in favor of a free ballot and a fair count, and I did not have to be "whipped in," nor do I believe that any other patriotic citizen has to be whipped in to insure his faithful discharge of a great public duty. [Applause on the Republican side.]

But we have been told by my honorable friend who has just taken his seat [Mr. COLEMAN] that if this bill passes it will bring about an era of bloodshed and destruction, as well as misery, and the demoralization of business interests in the South. Is that so? Is there a feeling or a sentiment existing amongst the people of the United States that would lead to the disfranchisement of millions of its citizens?

You on that side of the House and from the South have said to the people of the United States that the fourteenth and fifteenth amendments to the Constitution were right, which guaranty the civil rights of the negro and the right to exercise the privileges of citizenship at the polls by having their ballots cast and their votes counted. Do you propose to go back upon your promises in that regard? Is this a representative Government, and are the negroes or the poor white men of the South entitled to no privileges of citizens; that they shall not have their votes cast and counted for their choice [applause on the Republican side] if you do not oppose the Constitution and fair elections?

Why do you oppose this bill? It insures an absolutely fair election of Representatives and Delegates in Congress. You talk about blocks of five, and fraudulent returning boards in Louisiana, and the corruption of the Republican party as a justification for violence, for murder, for stuffing ballot-boxes, for frauds in election cases in the South as though that would appease the people of this country in their demands for honest elections. Is that your reason for opposing a measure which is admittedly constitutional and confessedly in accord with the decisions of the highest tribunal of the land and demanded by every patriotic citizen?

But what does the bill do? Does it prevent any legal voter from voting as he pleases and having his vote counted? No. Does it enable anybody to perpetrate fraud on the ballot-box? No; on the contrary, it provides just the reverse. Does it prevent the law from being enforced upon anybody who commits fraud in regard to the ballot? No; but it guarantees to the humblest individual in the land, North, South, East, or West, the fullest right to go and cast his vote, and to have that vote counted as cast.

Why, Mr. Speaker, before the war, in the electoral college and Congress gentlemen of the South counted three-fifths of the negroes in representation, although they were property. Since the war they boast, for I have been in the farther South since the war, and they have said to me, with profanity, "Before the war we counted three-fifths of the negroes in the electoral college and in Congress; now we intend to count five-fifths, and the negro shall not vote, or, if so, he shall not be counted." Thereby a Southern gentleman, by his bulldozing tactics and frauds at election, makes himself equal to five free white intelligent votes in other sections of the country.

Mr. Speaker, not only do the colored people ask protection in this regard, but the free white voters in the South ask that the ballot-box be purified. I can not understand how it is that this bill is to arouse so much feeling on the part of gentlemen on the other side. Do you intend, as your manner indicates, to bring bloodshed on the coun-

try if this law is enacted and enforced? Do you hope in the face of the letter of the law to bully anybody or scare anybody from the proper enforcement of the law? [Applause on the Republican side.]

That time has passed, and you gentlemen will pause when you go home to your constituents and this matter is discussed there. This is not a question of politics. If you want to discuss this question, go before them. Discuss the educational question, discuss the tariff; go amongst the farmers and amongst the laboring men and tell them that the hypocritical—no, I will take that back—but the cry over their condition was all assumed.

If you will discuss these questions with these people they will divide with you. They do not want supremacy; all they want is fair dealing and a fair show in the State as well as in the nation. And you have no right to control the legislation of this House by votes that are not cast and are not counted. Why, Mr. Speaker, the Catholics have the power to control this nation; the Irish, the Germans, if they unite, because they hold the balance of power. The laboring men have the power to control this nation, and by the bye, I will say to my friends through the South that you will hear the voice of the laboring man and the farmer coming up and demanding this legislation whereby they will be no longer governed and controlled by the shotguns in the hands of the White Liners and ku klux and driven to vote the Democratic ticket whether it suits them or not, for they are organizing to-day, and the question of the tariff, the question of wages, and the question of who shall rule them will be brought in issue in your districts and in the South.

I undertake to say here, inasmuch as other men have prophesied, that there is not a district represented south of Mason and Dixon's line to-day that, if the question of the tariff is discussed fairly by two Democrats, and let them divide upon the question of the tariff and discuss it before the white and the colored people, there is not a district that would be represented by the so-called reformed Democrat in this House in the Fifty-second Congress or any one to come hereafter. The laboring people are in the majority in the South, but have been dictated to by their leaders, who make great professions of friendship and perform none of them. They cover up all of these questions and prevent their discussion by talking about "negro equality" and the "great Democratic party," and by proscribing the man who adheres to the contrary sentiment in opposition to the idea that the Democrats must rule.

I trust that this bill will pass. It can not hurt anybody if no one is guilty of fraud in elections, and if they are guilty of fraud upon the elective franchise they ought to be punished, and this bill will certainly do it. I most cheerfully indorse the bill as the best election bill that has ever been offered to any Congress in this country or in its history. But mark my prediction, Mr. Speaker, when you see the Democratic press and the Democratic orators, from little ones to great ones, all over the country, denouncing a measure that is offered by the Republican party, if you will pardon the phrase, you may bet your bottom dollar it is going to hurt somebody in the elections that are to come. You talk about this "force bill." What have you done in Kentucky? Talk about fairness. You send here under your gerrymandering proposition ten Democrats with 181,000 votes, while it takes 156,000 to send one Republican. You disfranchise honest men, over 80,000 white men, of whom are the soldiers and their sons, yes, over 125,000; for we polled 156,000 for the President of the United States. Yet 181,000 Democratic votes can send ten Representatives to the House of Representatives to advocate free trade against the interest of the State, to advocate a policy that will prevent its development. And yet they say, "Why, my God Almighty, just see how we are developing the South!" [Laughter on the Republican side.]

Who are developing the South? Who owns the South to-day? Who owns our iron lands and our valuable timber belts, and owns our valuable mines and factories? Do these Southern men that advocate free trade own them? Not a bit of it. It is the enterprising, thrifty, intelligent Northern and Eastern men and foreign capitalists that have made their money and have gone there and are building up the country for them. And even when they do it, they take their lives in their hands in many instances, and in other instances social ostracism is brought to bear against them to prevent them from prospering, even though they are invited to come.

I hate to hear my Southern friends boast of their enterprise, when in point of fact if they had had their way there would not have been a dollar invested in the South to-day. Now we want protection to these men that go there, we want protection to the men that are there, we want a state of case brought about which this will bring, whereby men may discuss freely without intimidation the questions at issue before the American people, and when they are discussed that they can carry out their own judgment as to what is to their interest and the interest of their country, and go to the polls with as free a ballot as we have in my district in Kentucky, where each man votes as he pleases, and where there is a real good feeling between both parties, and each one rather than see a man deprived of his vote at the polls, if he is entitled to vote, although he may vote against his neighbor, yet will go with him to the polls and see that he exercises his right to cast that ballot as he wishes to cast it and have it counted.

That is the sentiment that ought to exist instead of getting up a great

ado and trying to arouse the feelings of the American people from one end of the country to the other. Why should this bill not pass if we do not want fraud? Why not, if we do not want to represent a constituency that did not vote for us? Why, if we want free and fair elections, can we not unite upon this measure? There ought not to be any politics in it. The law is not political. It will hurt the Republicans where they attempt fraud. It will hurt the Democrats where they attempt fraud. And it will hurt both of them if they seek power by fraud.

Why, you can not bribe anybody, you can not swear to any lies, and you can not stuff any ballot-boxes. You can not kill members of Congress, you can not take leaders out and hang them, and you can not muster men with double-barreled shotguns to scare and shoot people. Why, I am a little inclined to think, Mr. Speaker, there is a mistake about this thing, and that these gentlemen have got back into the days of the war and of reconstruction, when men's blood was hot, when at the least insult or indignity men came to blows, and when assassinations were common, when ku klux and White Liners were organized.

I trust, Mr. Speaker, the bill will pass. I quite agree with some of the things said by my friend from Louisiana [Mr. COLEMAN], but if you will put him on the stand and ask him, "Well, Mr. COLEMAN, when you were a candidate, did you not want every man who was for you to have the right to cast his vote for you without being hindered?" He will answer, "Oh, yes." "Do you not wish every such vote counted for you?" He will say "O, yes; I do."

"Well, if you want that for yourself and wanted it then, are you not willing to agree that we shall have the same for every man who seeks to come to Congress, or his party friends seek to send to Congress?" Why not? Oh, well, he is an "accident" here. He is a good man, worthy, and a patriot; but he is an "accident?" Accidentally he got back to a certain polling place in his district in time to keep the Democratic officers of election from counting him out. [Laughter and applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. TURNER, of Georgia. Mr. Speaker, I enter this debate because I feel the profoundest solicitude for the safety of our institutions. I believe that the cause of good government itself depends upon the result of this measure. What is there in our situation that invites this new crusade against my section? In a time of profound peace, when the business interests of this country are cementing together again in bonds of brotherhood alienated peoples, when the young men of the North are finding employment, when the capital, enterprise, and energy of that section are finding safe and profitable investments in the South, when, by processes as silent as the processes of nature, States lately engaged in war are rejoicing in a real restoration of the Union, and when Southern representatives of the Republican party stand upon this floor and ask to be saved from their friends, I ask in all conscience what excuse is there for kindling again the fires of political persecution?

As the record is about to be made up upon the transactions of this Congress, and clear and sharp issues have been defined between the two great parties, when we are about to go before the country we want a fair trial; instead we are offered a revolution. The gentleman from Massachusetts [Mr. LODGE] who introduced this bill and is managing it on the floor cites the transactions of John Davenport and his supervisors in New York and the results of their interference with the elections as a precedent to justify this departure from the laws of the land. The gentleman shall not pervert the history of a most impressive incident.

The people of the great metropolis themselves, by their own agencies, unmasked the transactions of their corrupt ring, and under the leadership of Samuel J. Tilden sent the rascals to the penitentiary or dispersed them throughout the world. It was not in any way due to the interference of Congress. That storm of indignation was a local affair, and is a splendid illustration of the wisdom of trusting the people with the settlement of their own concerns. And the great State of New York, out of gratitude, made the leader of that reform their governor, and the people afterwards made him President of the United States. [Applause.]

Why he was never inaugurated President of the United States can be explained only by the well known fact that he and the people were cheated out of their own by returning boards such as are created in this bill and the intervention of a Federal judge. [Loud applause on the Democratic side.]

Mr. Speaker, this statute is to be executed by the plain people of this country. They leave the farm, the shop, and the counter and go to the polls to receive the suffrages of freemen in the selection of their public servants. You propose to leave to them the execution of this statute of seventy-six pages, stuffed with pains and penalties from one end to the other, with more felonies and crimes and punishments than any statute ever enacted, and so full of complications and intricacies that gentlemen who formulated it do not understand it.

The gentleman from Illinois [Mr. ROWELL], one of its professed authors, did not know that it authorizes an unlimited number of special deputy marshals! On this floor there is a difference of opinion as to whether it authorizes the employment of troops at the polls, a prerogative which no statesman would leave in doubt. And yet the plain people of this country are to administer it at their peril. When you

enact a law for the government of railroads, you know that those corporations have able counsel, and you have provided for them a high tribunal to settle disputes that may arise as to the construction of the statute. When you enact a law to change the practice of the courts of the country, you know that there are learned judges to decide difficult matters after the arguments of able lawyers. If you change the practice in any of the Departments of the Government, you provide those Departments with law clerks, with Solicitors-General and Attorneys-General to guide and direct the learned Secretary; but when you make a law to be administered by the untutored and unaided citizens who are to preside over the very sources of all power in this country, they must execute it correctly or go to jail. And to make this bill of pains and penalties and infinite complications effective against our masters, it is proposed to try them in the United States courts and deny them a jury of their peers.

The act of 1879, which provides that jury-lists in the Federal courts shall be made up by the clerk and a commissioner of a different party from the party of the clerk was a compromise measure, originating in a spirit of obvious fairness. On that compromise, in a large degree, proceeded the pacification of the country. It was on this foundation that confidence in the justice of the Government and in the fairness of its courts was again encouraged in the South.

This bill proposes to repeal that great safeguard of liberty and leave the jury-lists to be made alone by the Republican clerks of court. Offenders indicted under this bill, if they are Republicans, are to be tried by their friends, and if they are Democrats, are to be indicted and tried for political offenses by their political enemies. I say, Mr. Speaker, that rather than have such a jury trial as this bill provides I would prefer to have the institution of trial by jury abolished altogether.

Now look at another feature of this bill. Up to 1863 gentlemen who had certificates entitling them to seats upon this floor brought them here and presented them, and their sufficiency was determined during the first hours of the organization of the House of Representatives. In 1863 that law was changed, so that the Clerk of the House was authorized to make up the roll of members; but that act, passed in a period of great confusion, provided that the Clerk should place upon the roll those who were accredited in regular form according to the laws of the States. That statute has stood ever since. It survived the war. It survived reconstruction.

Yet now you propose to supersede that practice. Where trust and confidence and mutual interest require that we should appeal to the highest right and settle these matters according to principles in which all patriots should concur, you provide by this bill that the certificate of a returning board in judicial districts shall determine the right of a member to have his name entered upon the roll. I tell you, Mr. Speaker, that when that question comes here to be determined at the organization of the next House of Representatives you will place this country under a strain not paralleled since the days of the disputed Presidential count.

The people of this country will not trust the decisions of your partisan returning boards. They may submit, if they will, as they have submitted before. The peace of the country may be again due to the forbearance of the party to which I belong; but, according to the traditions of liberty, according to the maxims which have governed this Anglo-Saxon race to which we all belong, you might as well place dynamite under the house and put at hazard every interest of this country. It is the work of an anarchist. [Applause on the Democratic side.] If it is statesmanship, it is the statesmanship of Guy Fawkes. [Applause on the Democratic side.]

I am aware, Mr. Speaker, that in addition to the pains and penalties which this act provides, one gentleman on the other side [Mr. HENDERSON, of Iowa] has sent after it the menace of a "killing bullet." It may be that I should "be frightened when a madman stares." I have been taught, sir, in the hard, stern school of adversity. No imprudent declamation shall escape my lips on this occasion, but I tell you that behind me and behind every Representative on this side and behind every gentleman on that side there is a deep undercurrent of fair play which will rise in indignation against this usurpation. [Applause on the Democratic side.]

As to that section of the country from which I come, I shall pay its people no tribute; but I trust I may be permitted to read here and now a few words recently uttered in another place by a gentleman who stands high in the councils of the Republican party, and who himself advocates a measure of this kind. I refer to the Hon. Mr. HOAR, of Massachusetts. Speaking of the Southern people, he said:

I am saying this of a people with as gallant, noble, and honorable traits, when this race prejudice does not get possession of their souls, as ever existed on the face of the earth. They have some qualities which I can not even claim in an equal degree for the people among whom I myself dwell. They have an aptness for command which makes a Southern gentleman, wherever he goes, not a peer only, but a prince. They have a love of home; they have, the best of them and the most of them, inherited from the great race from which they come the sense of duty and the instinct of honor as no other people on the face of the earth. They are lovers of home. They have not the mean traits that grow up in places where money-making is the chief end of life. They have, above all and giving value to all, that supreme and superb constancy which, without regard to personal ambition and without yielding to the temptations of wealth, without getting tired and without being diverted, can pursue a great public object in and out, year after year, and generation after generation.

Mr. Speaker, I rely on these high characteristics which this honorable gentleman has imputed to our people as a means of safety, not only for them, but for all the rest of the country.

The gentleman who proposes this bill once entertained very different opinions from those which he now advocates. On the 4th day of July, 1879, before the honorable mayor and council of the city of Boston, he made a speech full of sentiments worthy of a statesman. Speaking of the principle of State rights, he said:

It is the great Anglo-Saxon principle of local self-government and is the safeguard of our liberties now as it has ever been in the past. Without it there is no health in us. It should be more jealously watched than any other, because the tendency in large communities is always towards centralization.

Our Government is a system of checks and balances. Destroy one element and the whole fabric falls. Nationality is strong and safe. Our most important duty is to protect our local rights wherever they exist and feel as the Colonies did when the Boston port bill passed, that the cause of one is the cause of all. [Applause.]

I commend these utterances of the patriot in private life to the politician of to-day!

APPENDIX.

I add the following sketch as appropriate to this discussion. It was prepared by me as a contribution to a book published by Mr. HERBERT, of Alabama, entitled, *Why the Solid South? or, Reconstruction and its Results*.

SOME REMINISCENCES OF THE RECONSTRUCTION OF GEORGIA.

"A military republic, a government founded on mock elections and supported only by the sword, is a movement indeed, but a retrograde and disastrous movement from the regular and old-fashioned monarchical systems."

"Absurd, preposterous is it, a scoff and a satire on free forms of constitutional liberty for frames of government to be prescribed by military leaders, and the right of suffrage to be exercised at the point of the sword."—*Daniel Webster*.

The Confederacy of Southern States had perished. Its great commanders had in succession surrendered their swords, and their ragged and hungry soldiers, weary of strife, had returned to their desolated homes. Mr. Davis was a captive, and the members of his cabinet were either prisoners or exiles. There was sincere and universal submission to the authority of the United States.

The invading armies could not find a single armed enemy from Maryland to the Mexican border. Soon after the crops of that disastrous year had been planted masters called up their slaves and informed them that they were free. The plow stood still and the freedmen went to town. All the agencies of commerce were either destroyed or suspended. The private debts of a prosperous era had survived the means of payment. Of money, there was none. The banks were broken, and the treasuries of the towns, cities, counties, and State were empty. Notes and bills of the State had become uncurrent, and the Treasury notes and bank bills of the United States had not yet flowed into the country. There was cotton, now becoming valuable, stored away against the evil day, but army officers and Treasury agents were hunting this last resource of a ruined people with unrelenting rapacity. The railroads were wrecked and had no means with which to replace their tracks and rolling-stock.

Cities and great tracts of country were in ashes. Colleges and schools were silent, the teachers without pupils and the children without teachers. Even the great charities and asylums of the State, at this time when they were most needed, were unable to take care of lunatics, the deaf and dumb and blind. From Tennessee to Savannah, a region 20 miles wide, had been ravaged, and even the seed-corn, implements of husbandry, and farm animals had been destroyed or removed by the army of General Sherman. The means of social enjoyment were wanting and thousands lacked even the means of subsistence. And over this scene of confusion and wretchedness hung like a pall the apprehension of pains and penalties, of proscription and humiliation.

There has not been such an opportunity for statesmanship since the war of the Revolution. The white population of the State in 1860 was 591,550, and yet the State had furnished to the Confederate armies 120,000 soldiers. (See address by the historian and scholar, Col. C. C. Jones, Jr., LL. D., made at Augusta April 26, 1899.) Such unanimity and devotion were without a parallel in history. To support the cause of independence the fortunes and lives of the entire people had been pledged. It is obvious that persecution would only endear that cause to all Georgians. On the other hand, magnanimous treatment would have vindicated those who had deprecated secession, and would have discredited the wisdom of those who had advocated that measure.

The Congress of the United States had in July, 1861, resolved that "this war is not waged on one part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those (Southern) States, but to defend and maintain the supremacy of the Constitution and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired, and that so soon as these objects are accomplished the war ought to cease."

The author of this resolution was Andrew Johnson, then a Senator from the State of Tennessee, and by the assassination of Mr. Lincoln he was now the President of the United States. If he and his party had stood by the policy announced by Congress in 1861 there would have been very few in Georgia in 1865 to defend the policy of secession.

The governor was arrested by soldiers and lodged in prison. Fetters were riveted upon Mr. Davis and he was kept in close custody for two years without bail and without a trial. Garrisons of United States troops, often colored soldiers, invaded every county and took charge of every court-house. The Freedmen's Bureau interposed between the farmers and their late slaves, and inaugurated distrust and estrangement where there should have been kindness and sympathy.

Martial law and military tribunals displaced the old system of justice and the ancient jurisprudence. Justice was sold, and a recovery was a military capture. The writer saw a trial of a case of trover between two citizens before an Ohio Lieutenant in uniform without a jury. There was complete strangulation of the State, and the only security of life or property was the military power or the strong hand. And in these conditions can be found the germs of the hostility which ensued between the races, and of the alienation which finally made the South solid against the Republican party.

On the 29th of May, 1865, was published the President's proclamation of amnesty, from which were excepted fourteen classes. These excepted classes included persons of experience and influence, all of whom would have gladly co-operated in the work of restoration, and also those "the estimated value of whose taxable property was over \$20,000."

The proclamation was in effect an executive decree of wholesale outlawry, and strange as it may appear to lawyer and layman, informations were soon afterwards filed in the United States court by the district attorney, praying con-

fiscation of the property of the proscribed classes. And these disgraceful proceedings, wholly unwarranted by law, resulted at least in a harvest of costs exacted as a condition of settlement from people who were unable to bear the burden. This abuse of judicial process, previously unknown in the South, soon became familiar as a means of extortion, and has not yet been fully eradicated in cases in which the Government is a party. Examples are not lacking to re-enforce this statement.

On the 17th of June of the same year the President issued a proclamation by which James Johnson was appointed provisional governor of the State, whose duty it should be at the earliest practicable period to prescribe such rules and regulations as might be necessary and proper for convening a convention composed of delegates to be chosen by that portion of the people of the State who were loyal to the United States; and the proclamation further provided that no person should be qualified as an elector or should be eligible as a member of such convention unless he had been amnestied and was a voter qualified as prescribed by the constitution and laws in force prior to the 9th of January, 1861, the date of the attempted secession of the State. And the proclamation further directed the military and naval officers and forces in the department of Georgia to aid and assist the provisional governor; and the State, the Treasury, the Interior, and Post-Office Departments were directed to see that the laws of their respective Departments were put in operation in the State, and the district judge for the district of Georgia was instructed to hold his courts.

The Attorney-General was directed to instruct the proper officers to libel and bring to judgment, confiscation, and sale property subject to confiscation. And the President further directed that if suitable residents could not be found for the Federal appointments in the State then the several Departments should make the appointments from other States. The citizens of the State being disfranchised as to Federal offices by the test oath, this proclamation was the first invitation to the carpet-baggers. They became very important factors in the subsequent history of the State.

This scheme of the President was a great departure from the plan of restoration which he had himself embodied in the resolutions of Congress before cited. But the provisional governor entered upon his duties with the earnest co-operation of the people, because an opportunity seemed to have arrived for the substitution of civil government for military despotism. To the convention which was soon after called, there were chosen delegates of known conservatism, and in many cases men who were originally opposed to secession. The ordinance of secession was formally repealed or rescinded, and a constitution was framed and adopted abolishing slavery and conforming the State in all respects to the new conditions.

Under pressure from Washington, by the President and members of Congress, an ordinance was adopted by the convention for the repudiation of bonds, treasury notes, and other obligations issued by the State during the period of the war. These securities had been sought by guardians and trustees for the investment of funds in their hands, and all prudent citizens hoarded them with care. The act of the convention by which they were declared null brought ruin on many widows and orphans, and reduced to penury many citizens too old to start life over again.

The Congress then in office was engaged in the consideration of a proposition to amend the Constitution of the United States so as to nullify these State obligations, and it was finally embodied in the fourteenth amendment. And these incidents first prepared the public mind to determine the legality of obligations of the State having the apparent sanction of law. The precedent was afterward followed with good reason, when the people recovered their liberties in 1871.

The General Assembly, chosen by the people as the constitution provided, soon afterwards met at Milledgeville, in the old capital, and Charles J. Jenkins, a man of exalted character, an old Whig, was inaugurated as governor.

The Legislature laid the necessary taxes, made the appropriations required for the support of the government, provided funds by loans for the immediate wants of the State, ratified the thirteenth amendment of the Constitution of the United States, invested the negroes with all the civil rights of white persons, except the right to vote and to hold office, and in fact, with all the privileges and guarantees enjoyed by them in many of the Northern States. Under these new laws the white people of the State were allowed no greater superiority over negroes than the white citizens of the District of Columbia had over the colored population under the laws of Congress.

Alexander H. Stephens and Herschel V. Johnson, both of whom have been ardent Union men, Mr. Johnson having been a candidate for the Vice-Presidency on the ticket with Mr. Douglas, and Mr. Stephens a zealous and able champion of that ticket, and both of whom had in the convention of 1861 eloquently resisted secession, were chosen as Senators of the United States.

It should also be noted that this General Assembly refused to ratify the fourteenth amendment of the Constitution of the United States chiefly because it imposed political disabilities upon the leading men of the State for no other reason than that they had served the people in the various positions to which they had been elected or appointed.

In March, 1866, Congress passed a concurrent resolution that no Senator or Representative should be admitted into either branch of Congress from any of the eleven States which had been declared to be in insurrection until Congress should declare such States entitled to representation. Mr. Stephens and Mr. Johnson were repulsed from the Senate, and the gentlemen who had been elected to the House were scarcely able to present their credentials. Thus ignominiously failed the policy of restoration which the President had formulated and which seemed to coincide with the plan of Mr. Lincoln, and thenceforth the old Union party in Georgia almost disappeared. This flouting of the President and the revengeful temper of Congress, as shown in the debates of that period, against the white people of the South dispelled all delusions, and all differences in that section practically ceased.

Leaving out of view the memory of long years of common sufferings and misfortunes, they had the same apprehensions of approaching oppression. Their only enemies in Congress belonged to the Republican party, and they were bitter and vindictive; their only friends in power were Democrats. Their situation united them with each other and with the Democratic party.

All the measures of the Republican party from this time forth, touching Southern affairs, treated the Southern States, not as States in the Union upon the theory of the Constitution on which the war had been fought, but as conquered provinces.

On the 16th of July, 1866, Congress passed an act extending the provisions of the act establishing the bureau for the relief of freedmen, and enacting that the commissioner should, under the direction of the President, appoint such agents, clerks, and assistants as might be required for the proper conduct of the bureau. No limit was fixed for the number of these agents, and they were to be so far deemed in the military service of the United States as to be under the military jurisdiction and entitled to the military protection of the Government. And the act further provided that the President should, through the commissioner and the officers of the bureau and under such rules and regulations as the President, through the Secretary of War, should prescribe, extend military protection and have military jurisdiction over all cases and questions concerning the free enjoyment of the personal immunities and rights conferred by the act until the State should be duly represented in the Congress of the United States.

Thus every bureau agent was a court with military jurisdiction. Such a court was established in every county of the State. These special tribunals were officered by persons who could take the test oath, and became the nurseries from which aliens and strangers disseminated among the negroes hate and

rancor toward the white citizens. And Congress, on the 13th of the same month, appropriated \$6,887,700 for the fiscal year beginning with the first day of the month for the support of the bureau, for salaries, clothing for distribution, for commissary stores, medical department, transportation, school-teachers, repairs, and rents of school-houses and asylums.

Power limited by none of the safeguards to which freemen had been accustomed, the creation of an army of officers and employes whose number and functions were prescribed not by Congress, but by the executive branch, and a prodigal appropriation of money to be distributed by these officers without any defined accountability were the prerogatives conferred on this extraordinary institution; and the administration of the system inevitably provoked irritation between the races, tempted the agents to foment the disorders by which their continuance in office could be secured, and attracted the freedmen from the farms to the towns. In the towns the bureau located the schools and dispensed provisions and mendicancy and prejudice, and heard complaints.

In 1867 the acts known as the reconstruction acts of Congress were passed over the President's veto. These acts subordinated all government existing in the State to a military commander, conferring on him the authority to administer all the powers of the State, authorizing him to remove whom he pleased, and life and liberty were subject to such military commissions or tribunals as he might create. The courts of the State could sit, but only by permission of the general in command.

Those who had been members of any State Legislature or held any executive or judicial office in any State and afterwards engaged in the war against the United States were disfranchised, and the other male persons in the State, without regard to color or previous condition, should be registered as voters by the officers of military creation, and these registered persons might vote at the election held under military supervision for or against a convention and for delegates to form a new constitution for the State if a majority should be cast for a convention.

Congress by disfranchising and enfranchising whom it pleased fixed the basis of suffrage in the State. And one of these acts (that of July 19) enacted that no district commander, or member of the board of registration, or any of the officers or appointees acting under them should be bound by any opinion of any civil officer of the United States. By the operation of these acts Georgia was reduced to a mere military district, in which the will of the commanding general was supreme, with no right of appeal from his orders to any court or to any civil officer of the State or of the General Government.

The details of these acts have already been sufficiently stated in a previous chapter, and the study of them can afford no pleasure to any American citizen. The registration took place substantially as Congress prescribed, and by General Pope's order the election was held on the 29th, 30th, and 31st of October, and on the 1st and 2d of September, 1867, the polls being kept open for five days under the management of army officers, and with troops convenient to every voting-place.

By a general order from the headquarters of the district the convention was declared to have been carried, and the delegates of the Republican party were declared elected. The delegates were ordered to meet in convention, not at Milledgeville, the capital of the State, but at Atlanta, on the 9th day of December, and proceed to frame a constitution and civil government for the State.

When the convention met Foster Boggett, afterwards a fugitive from the State, was elected temporary chairman, and on taking the chair, among other things, said: "To-day the Republic is free! This convention is a splendid exemplification of the fact. Gentlemen, I tender you my congratulations. The whole civilized world greet you to-day, assembled as the representatives of the people of the free State of Georgia!" And the permanent president, on assuming the chair, said that "it will gladden every patriotic heart to know that liberty still lives in our grand old Commonwealth."

These fine sentiments were uttered not far from General Pope's headquarters, and the first resolutions adopted after the organization informed him that, "in obedience to his orders, this convention is now assembled and organized and invites his presence in the convention at his pleasure."

And a few days afterwards he was met at the door of the hall by a committee and escorted in uniform and with a clanking sword, amid applause, to the right of the president.

Speeches were made on this occasion, but the manliest was made by General Pope. Soon after the convention met the delegates realized that no fund had been provided to pay for their patriotic services, and an ordinance was passed to levy and collect a tax for that purpose; but as the slow process of taxation could not relieve immediately wants the ordinance further directed the treasurer of the State to advance to the convention out of the treasury \$40,000.

The treasurer refused to honor this requisition, in the absence of an executive warrant. General Pope having been removed by the President from the command of the district, his successor, General Meade, early in January, 1868, required Governor Jenkins to issue a warrant for the sum demanded by the convention. The governor refused to comply, on the ground that the constitution of the State, which he had sworn to support, expressly provided that no money should be taken from the treasury except by executive warrant upon appropriations made by law. The new commander thereupon issued an order deposing the governor, State treasurer, and comptroller-general, and appointed army officers to execute their functions.

The gubernatorial appointee of General Meade, on presenting himself to assume the government of the State, read, in answer to a question, an extract from his instructions directing him, in case of resistance, to employ such force as may be necessary. Governor Jenkins, in his account of the affair, said that as far as was practicable in the brief interval allowed him he placed the movable values of the State, and certainly the money then in the treasury, beyond reach; but these military men took actual possession of the State capitol and its grounds, of the executive mansion and its furniture, and of the archives of the State, proceeded to collect taxes, seized upon the income of the Western and Atlantic Railroad, then in good order and successful operation, and secured all the revenues of the State subsequently flowing into the treasury.

Governor Jenkins, as soon as action was taken under the reconstruction acts, had repaired to Washington and filed a bill in the Supreme Court in the name of the State against General Pope and others, seeking to enjoin any proceedings under these acts, as infringements of the Constitution of the United States. Permission was given to file the bill—and only a State in the Union could file such a bill in that court—but it was dismissed after argument on the ground that it alleged neither interference nor the threat of interference with the property of the State, which allegation the court held was necessary to make a case for their consideration.

When the subsequent seizure of the great offices of the State and all of its accessible property occurred, Governor Jenkins, deeming himself still the rightful governor of the State, again went before the Supreme Court alleging these facts, and permission was given to file the bill; but the permission was revoked the next day and a new rule of practice devised and enforced, which compelled delays, and finally the learned counsel for the State, Mr. O'Connor, Mr. Black, Mr. Field, and others, were told that there did not remain of the term time enough to hear and determine a motion for injunction. Before the commencement of the next term the Atlanta convention had done its work. (See the report made by Governor Jenkins in 1872, House Journal, p. 405.)

On the 11th of March the convention adopted an ordinance providing that should it be necessary for the convention after its adjournment to reassemble it should do so at the call of its president or its president *pro tempore*, or in default of both, by the general commanding the third military district, and or-

dained that an election should be held beginning 20th of April following, at such places as might be designated by the commanding general for voting on the ratification of the new constitution and for the election of governor, members of the General Assembly, Representatives in Congress, and other officers; said election to be kept open from day to day at the discretion of the commanding general, and the qualification of voters were to be the same as those prescribed by the act of Congress known as the Sherman bill, and General Meade was requested to give the necessary orders and cause due returns to be made and certificates of election to issue.

The military commander published general orders on the 14th and 15th of March, assuming entire charge of the election, providing that it should commence on the 20th of April and continue for four days, prescribing the minutest details and providing that sheriffs and other civil officers failing to perform with energy and good faith the duties required of them, and citizens charged with violation of the right of suffrage, should be tried and punished by the military authority, and directing that the returns of the election should be made to himself.

The constitution so made and submitted to the people was framed by delegates elected almost entirely by those who had no right to vote according to the laws of the State, the white people having almost universally refused to participate in the election. It proposed the enfranchisement of the colored people, and they were to vote on the proposition, and many of the white people were not allowed this privilege. It was a curious plebiscite.

The constitution also ordained that no court in the State should have jurisdiction to try or determine any suit against any resident of the State upon any contract or agreement, made or implied, or upon any contract made in renewal of any debt existing prior to the 1st day of June, 1865, and it provided for each head of a family a homestead and exemption against his debts of the aggregate value of \$5,000 in gold.

These transparent devices, with others of a similar character, were artfully designed to attract the support of the debtor class, and after the election were annulled because in conflict with the Constitution of the United States. Those who were deceived and disappointed by the scheme had no further reason in the years that followed to act with the Republican party.

In the interval between the convention and the election the white people in some sections of the State were assured by the advocates of the constitution that after its ratification negroes would not be eligible to office. The argument was that negroes had no political rights, except such as were conferred by law, and that the constitution was silent on the subject. This view undoubtedly beguiled some persons who for other reasons were inclined to vote for ratification.

Congress, on the 12th of March of this year, passed an act providing that a majority of the votes actually cast should determine the election, the previous acts having required a majority of the registered voters. There was no longer any motive for standing aloof, and Democrats as well as Republicans nominated candidates for the various offices. This policy of the Democrats possibly brought some of their voters to support the constitution, who wished their candidates to take charge of the administration.

The election was held on the appointed days, and General Meade declared that the constitution was ratified, and that Rufus B. Bullock, the Republican candidate for governor, was elected over John B. Gordon.

On the 4th of July the new General Assembly met under orders from Mr. Bullock and General Meade. The governor-elect, relying on a military edict, assumed the chair and proceeded to organize the two bodies. A secretary was designated by him to call the roll of the senate and senators were requested to present themselves and take the oath of office. A Democratic senator inquired of the chairman whether objection to the qualification of any senator could at this juncture be entertained. The chairman decided in the negative, and the call of the roll proceeded.

After the senators had taken the oath, the chairman ordered an election for president. This order having been executed, and the Republican candidate, Benjamin Conley, having received 23 votes, the chairman declared him duly elected president of the senate. The journal further recites that the election of a secretary of the senate was next "ordered." And after the president had made a speech, the governor-elect withdrew. This ceremony was then repeated in the house of representatives, *mutatis mutandis*. The governor-elect put himself in the chair, caused to be called the roll of the members-elect prepared by General Meade and "ordered" the election of a speaker. During the call of the roll, Mr. Scott moved to adjourn.

The chair decided the motion out of order. Mr. Scott appealed to the house and the chairman declared that there could be no appeal except to the military. Mr. Scott appealed to the military, receiving no response, and the secretary proceeded with the call. R. L. McWhorter, Republican, was by the chairman declared elected, and to him the governor yielded the chair.

In reply to a communication from the General Assembly, notifying him through a joint committee that the organization of the two houses had been perfected, the governor-elect transmitted a letter from General Meade in which the commanding general informed his excellency that he had no instructions to give further than to make known that in his judgment neither house was legally organized until it was purged of members ineligible under the reconstruction acts. Committees were then appointed in each house charged with the duty of reporting upon the eligibility of members, and upon their reports each house resolved that all its members were eligible.

General Meade, in his report, states that the provisional governor, in communicating to him this action of each house, nevertheless "expressed his opinion, founded on evidence presented to him, that several members of both houses were ineligible and called on me to exercise my power and require said members to vacate their seats. On reflecting upon this subject I could not see how I was to take the individual judgment of the provisional governor in the face of a solemn act of a parliamentary body, especially as from the testimony presented I did not in several cases agree with the judgment of the provisional governor. * * * My judgment was decidedly that I had fulfilled my duty in compelling the houses to take the action they had, and that having thus acted I had neither the authority, nor was it politic or expedient, to overrule their action and set up my judgment in opposition. * * * I allude thus *in extenso* to this subject because his excellency the governor of Georgia, in a public speech recently delivered at Albion, N. Y., is pleased to attribute the failure of Georgia to be properly reconstructed to my action in failing to purge the Legislature of his political opponents, he having advised me when he urged such action that his friends had been relieved of their disability by Congress." (For this report, see Senate Election Cases, pages 231, 232.) The provisional governor seems to have been trying in his own way to reset the result of the late election, and to use the blunt soldier for that purpose, as he had already done on many occasions.

General Meade, on the 20th of July, advised and instructed the governor that he had no further opposition to make to the two houses proceeding with the business for which they were called together, and that he considered them legally organized. The governor then also informed the General Assembly that they were required by the act of Congress of June 25, 1868, to ratify the fourteenth amendment of the Constitution of the United States. A resolution to that effect was at once proposed and adopted. The same communication from the governor informed the General Assembly that they were required "by solemn public act to declare the assent of the State to that portion of the act of Congress which makes null and void" certain parts of the new constitution which carried the taint of repudiation and impaired the obligation of contracts. And

this last requirement was fulfilled. This little punctilio of Congress is a surprise under the circumstances.

Mr. Bullock dropped his provisional title. And the State became entitled to representation in Congress, according to the act of June 23. Joshua Hill and H. V. M. Miller were elected United States Senators. They were not admitted to their seats until February, 1871. There had sat in the constitutional convention thirty-three negroes, and in the General Assembly now in session about the same number of colored men had seats. They had been by their Republican associates of the white race, the carpet-baggers and other adventurers, seduced into a state of disdainful scorn of the old proprietors of power in Georgia.

Soon after the two houses had entered upon the regular business of the session, the question which had been discussed during the interval between the convention and the last election, as to the legal right of the colored people to hold office, again became a topic of great interest, and finally a resolution was introduced in each body declaring them ineligible to seats. After a long discussion, on the 3d day of September, the house by a vote of 83 to 23, passed the resolution, and twenty-five negroes ceased to be members. In the Senate, by a similar resolution, passed on the 12th day of September, two seats were vacated. Not many days after these events the candidates who received the next highest vote to that of the men of color were admitted to the vacated seats.

The governor took occasion to send a message to the house in which he inveighed against the decision of the General Assembly upon the qualifications of their own members, and his key-note was that after the surrender "we were totally without political rights or privileges. Those which we have since acquired are such as have from time to time been granted us by Congress." The view of the Supreme Court of the United States was different. That court held that "the State [Texas] did not cease to be a State, nor her citizens to be citizens of the Union." (7 Wall., 701.)

The message was returned to the governor with a resolution to the effect that his excellency did not keep their consciences.

The question of the eligibility of the negro to office in Georgia came before the supreme court of the State in 1869. That court consisted of three judges, appointed by Bullock and confirmed by the senate. Two of them were Republicans, and one was a Democrat who had sat upon that bench when the court was first organized. The case was a quo warranto brought up from the county of Chatham by a colored man against whom a judgment of outlawry from a county office had been granted by the superior court. The lower court was reversed by the two Republican judges, the Democratic judge dissenting. But it is interesting to note that one of the Republican judges, who was the chief-justice, held that the right of the negro to hold office, so far as it depended on the constitution and laws of the State, was subject to repeal by the General Assembly. (39 Gen. Report.)

The military administration of the executive and judicial departments of the State may require brief mention. The governor's functions were devolved on an officer detailed from the Army, and all the subordinate departments of the executive branch experienced the same fate. Two eminent judges of the superior court were displaced because they chose to obey the law of the State rather than military commands. And all the judges and all the county and municipal officers who were not removed held their places only by the permission or sufferance of the district commander. It is obvious that such an administration of public affairs could not have the hearty co-operation of the people. Crimes, no doubt, were committed in some instances against odious persons, and some secret murders went unpunished.

The courts were virtually suspended, and army officers and soldiers not only had no relations of confidence with the community, but were unfit for civil duties. A case in point may be given as an illustration. During the night of the 30th of March, 1868, George W. Ashburn, a white man, was assassinated in a low negro brothel in the city of Columbus. His lodging was in a back room. He had been steward in a hotel, but during the new era had served as a member of the constitutional convention. On the last day of the convention, he as one of the minority of a committee, and against the recommendation of the majority, had caused that body to pass resolutions urging Congress to remove all political disabilities from the people of the State.

It may be inferred with propriety that he was not specially offensive merely on account of his being a Republican. It was shown that he had personal enemies among his associates who had threatened to take his life. But it was at once charged that the killing was a political murder. The municipal authorities of the city nevertheless offered a reward of \$500 for the assassins, and General Meade offered \$2,000 for the same purpose. The election on the ratification of the constitution as well as of members of the General Assembly was to occur in a few weeks, candidates were in the field, and the excitement ran high.

The mayor and aldermen of the city were removed by General Meade, and his subalterns substituted. On the 6th of April thirteen citizens were arrested by an officer of the Army, and when asked for his authority he pointed to his file of soldiers. Nearly all the persons arrested were men of high position, who, in the opinion of the community, would not have been capable of such an atrocity. One of them was a Democratic candidate for the General Assembly (now a member of Congress), another was a candidate for a county office, and a third was the chairman of the Democratic committee conducting the canvass of his party.

It was supposed that political motives led to their arrest. They were kept for a few days under guard by soldiers in the court-house—which should have been an asylum against arbitrary arrest and imprisonment—and were then allowed to give bond for their appearance before General Meade whenever required. Three hundred and ninety-three of their neighbors eagerly became the bail of the prisoners. They were not permitted to know why they had been arrested, of what they were accused, or why they were released on bond.

During the month of May eight arrests were made and the prisoners were conveyed, under guard of soldiers, from Columbus, on the western boundary of the State, to Fort Pulaski, on the marshes below Savannah. They were confined in dark cells without ventilation and but 4 feet by 7. No bed or blankets were furnished them. An old oyster can was given each prisoner, and in this both coffee and soup were served. No kindness from their friends or relations or counsel nor any communication from them was allowed. They were forced to remain in these cells prostrated by heat and tortured by insects.

John Wells, one of these prisoners, a negro, was taken out of his cell and put into a chair in one of the casemates with a cannon pointed at his head and a soldier holding the string ready apparently to shoot the gun. A barber lathered his head, and pretended to be preparing to shave it. After ten minutes of this treatment, he was put back in his cell with the understanding that if he did not tell something it would be worse for him. Another negro prisoner, John Stapler, was put before the gun, with no success. He was afterwards put in the sweat-box, and kept in great agony for thirty hours. When removed from the box his legs were swollen.

The story of the treatment of these negroes is taken from an affidavit made in Washington by William H. Reed, one of the two detective officers employed by General Howard and General Meade to procure evidence for the Government. During the month of June fourteen arrests were made at Columbus, and the prisoners were conveyed to McPherson Barracks, near Atlanta. There they were placed in cells 6 feet wide by 10 feet long. These cells were afterwards divided by a partition, reducing their width to less than 3 feet. Neither bed nor bedding was furnished for several days. A prisoner lying on the floor [Dr. Kirk-

sey] could at the same time touch the opposite walls with his elbows. The Fort Pulaski prisoners were transferred to these barracks, and after a while the new partitions were removed.

Nine of the prisoners were discharged without any explanation, four were held as witnesses, and nine were detained for trial. On the 29th of June a military commission, consisting of seven officers of high rank, was convened at McPherson barracks by order of General Meade for the trial of the prisoners. The accusation in the military form of a charge and specification alleged in technical language that they had killed and murdered George A. Ashburn, "contrary to the laws of said State, the good order, peace, and dignity thereof."

The trial proceeded for a month, able and distinguished counsel having been employed on both sides. It was watched with intense interest in all parts of the State. All the witnesses for the Government who testified to any material facts were shown by their own evidence to have been exposed to the influence of torture or fear or the promise of immunity and freedom. W. A. Duke, against whom more positive testimony was adduced than against any other defendant, was able to demonstrate by incontestable proofs and a multitude of witnesses that he was 40 miles from Columbus on the night of Ashburn's murder. General Meade then dissolved the commission on the pretext that civil government was about to be restored in Georgia, and the prisoners were abruptly discharged.

This military prosecution of honorable citizens, so full of exasperating details and conducted with such ostentatious defiance of all rights of freemen, was not calculated to attract to the Government the support of law-abiding people.

At the Presidential election of 1868 the people of Georgia gave a majority to the Democratic electors of 45,000, and the supremacy of that party in the State has been maintained at every subsequent election.

When the General Assembly met in January, 1869, the governor in his message stated that he had advised Congress that the reconstruction acts had not been fully executed in the State; that the members should have been required to take the oath (commonly known as the iron-clad oath) prescribed for officers of the United States; that the members had decided their own qualifications and had made wrong decisions, and that the result was a defeat of the purposes of Congress, "these purposes having been the establishment of a loyal and republican State government," etc.

The governor in this message, enforcing these views upon the General Assembly, quotes with approval the sentiment that "it is certainly the duty of district commanders to take what the framers of the reconstruction laws wanted to express as much as what they do express, and to execute the law according to that interpretation." And the governor, contrary to the opinion of General Grant, recommended that the persons returned as elected in April should be reassembled; that the test oath should be enforced except those who had been relieved of their disabilities, who, according to General Meade, were his friends; that this would restore the colored members; that the body thus organized should decide upon the eligibility of the excluded members, and after the work of reconstruction should be completed the test oath would not apply.

This scheme was perhaps what his excellency desired rather than what he expected at this time. It was not adopted. General Grant, the new President, was inaugurated in March of this year, and on the first Monday in December the new Congress met. On the 22d of December the President approved an "act to promote the reconstruction of the State of Georgia," which was framed according to the plan outlined and recommended by the governor.

It did not prescribe the iron-clad oath, but it provided a test oath stringent enough to exclude some persons whom the people had elected. By this act the governor was authorized and directed forthwith by proclamation to summon all persons elected to the General Assembly of the State as appeared by the proclamation of General Meade. The governor on the same day (December 22) issued a proclamation summoning all persons elected, etc., "who are qualified," to appear at Atlanta on the 10th of January, 1870. A person designated as clerk *pro tempore* was ordered to organize the senate on that day, and the oaths were administered by a commissioner named by the governor. Such senators as could take the new test-oaths were sworn as directed on the day appointed, and the others were excluded.

Mr. Conley was again elected president, and the two negro senators were again in their seats. The president made another inaugural speech, in which he said: "The Government has determined that in this Republic, which is not, never was, and never can be a democracy—that in this Republic Republicans shall rule."

He seems to have adopted the sentiment of the governor, expressed on a former occasion.

In the house the organization proceeded under the auspices of A. L. Harris, who was detailed by the governor for that purpose. Harris was a man from New England, of enormous girth, who recognized only such motions as he desired, and directed the proceedings according to his own taste. His will was the only parliamentary law. A member insisted that the house had the right to choose its own presiding officer even for the purpose of organization. Harris suppressed him. The incident did not appear in the journal, because he also took control of the minutes. (Senate Election Cases, page 298.) He had the roll made by General Meade called, and as each member appeared Harris directed him to be sworn alone. When he grew weary, or for other reason wished to terminate the session for the day, he announced that the House would take a recess until a time named by him.

The new reconstruction act provided that upon application of the governor the President should employ such military and naval forces as might be necessary to enforce and execute the acts, and General Terry was now the commander of the district. This officer, perhaps on the request of the governor, convened a board of military officers instructed to determine the qualifications of certain members of both houses, and the findings of this board as to the eligibility or ineligibility of any member was enforced by the orders of General Terry and re-enforced by Harris.

When the military officers had judged and determined the qualifications of senators and representatives elected by citizens and the obnoxious members had been excluded from their seats, Harris, on the 26th of January, announced that the house would proceed to the election of a speaker, and the election of Mr. McWhorter again took place. On the next day the speaker directed to be read to the house a communication from the governor presenting the names of the candidates who had received the next highest vote to that of each of the members excluded by the military orders for ineligibility. General Terry also supported this view by a letter to the governor on the day following that of the communication of his excellency to the speaker.

At first the house, no doubt remembering that the governor had regarded it as a reproach to seat minority candidates on a former occasion, refused to accede to Bullock's recommendation; but when General Terry threw his sword into the scale, the house obsequiously reversed its action, and twelve friends of the governor in this way were admitted.

In March, 1870, the Judiciary Committee of the Senate of the United States made a report reviewing this organization of the General Assembly of the State, in which report it is held that such organization was not warranted by law in the following respects:

"First. In the control and direction of its proceedings by Harris.

"Second. In the exclusion from taking the oaths and from seats of three members who offered to swear in.

"Third. In the seating of persons not having a majority of the votes of the electors."

And on January 23, 1871, the Judiciary Committee of the United States Senate,

in reporting upon the credentials of Joshua Hill, H. V. M. Miller, Henry P. Farrow, and Richard H. Whiteley (the latter two having been elected by the General Assembly after the last reconstruction in 1870), affirmed the former report, and decided that Georgia was a State in the Union and entitled to representation in July, 1868, and that Hill and Miller were entitled to their seats, and they were soon after admitted as heretofore stated.

It thus appears that the Senate of the United States in December, 1869, concurred in an act entitled "An act to promote the reconstruction of the State of Georgia," and afterwards held that she was a State in the Union in 1868, and in that year lawfully elected Senators to the Congress of the United States.

The last act imposed upon the Legislature of the State a requirement that it should ratify the fifteenth constitutional amendment, and it was done to order.

From this time the governor and the General Assembly were on excellent terms, and the current of legislation encountered no obstruction. His excellency had triumphed. The State was delivered into his hands. The strangers called carpet-baggers, the Southern Republicans, called by a name still more odious, and the negro members, formed the majority of the Legislature, and between them and the executive there were the kindest relations, because he had given them power and a golden opportunity. The tax-payers almost to a man had voted against the persons who composed this majority. To these tax-payers they were objects of very general execration.

If they had not been upheld by military power they might have been carted about with placards on their backs, as were the men whom George III appointed to the Legislature of Massachusetts. The allowance was \$9 a day, to say nothing of mileage, free passes, and other things. The session, with occasional short intermissions, continued from January 19 to the 25th of October. The expenditures made on account of the pay and mileage of members and officers amounted, during the term of this Legislature, to \$979,953, a sum four or five times as much as was ever expended on the same account by any former Legislature. There were one hundred and four clerks, or nearly one clerk to every two members!

The constitution having conferred on the General Assembly the power to authorize the indorsement by the State of the bonds of private corporations on certain terms, there were passed at this session thirty-two acts which directed State indorsements to be placed on the bonds of as many different railroads. These indorsements so authorized, with the contingent liability created by seven other acts previously passed, would have amounted to \$40,000,000. All the railroads built under these acts collapsed with a single exception, and the latter would have been built without the aid of the State. All the bonds that were so indorsed, with the same exception, were indorsed in violation of the terms prescribed by the constitution, and of the acts providing for the indorsement.

In order to hold together the combination of members who supported these measures a resolution was passed requiring "that each and every bill in which State aid is granted be retained by the president of the senate and speaker of the house, respectively, until each and every such bill is acted upon, so that they may all go to the governor at once." This arrangement pooled all their bills and consolidated all their supporting influences. It was a conspiracy which enabled every member to command the vote of every other member who had such a bill. It was supposed to have been an invention of the lobby.

During this year acts were passed authorizing the governor to issue \$2,000,000 of 7 per cent. currency bonds upon which to obtain temporary loans for immediate use, also three millions of 7 per cent. gold bonds for the purpose of redeeming bonds of the State, and "for such other purposes as the General Assembly might direct." These issues were made, it is to be remembered, although the ordinary revenues of the State were ample for all legitimate expenditures. Under another act passed this year the governor delivered to a railroad company bonds of the State to the amount of \$1,800,000, the State having already under another act indorsed the bonds of the same company to the amount of \$3,300,000, and both acts were in conflict with the constitution.

At this session, on the recommendation of the governor, an act passed releasing to certain claimants, on a worthless pretext, which could deceive no lawyer, property in the city of Atlanta worth a quarter of a million of dollars. The beneficiaries of this transaction were known as the "Mitchell orphans."

Among the new men of that epoch was H. I. Kimball, who having failed elsewhere to find scope and appreciation for his great gifts, brought them to Georgia in quest of the opportunities which the process of destroying a State and then rebuilding it afforded. His was the genius which undertook the construction of the railroad which has just been mentioned as the donee of so much favor from the General Assembly.

Besides he had other roads in process of construction upon the credit of the State during his primacy, and in addition a grand opera-house and a great hotel in the city of Atlanta. His recourse for the millions required for these enterprises was the credit of the State. The Legislature gave him charters and bonds and indorsed the bonds of his corporations at his pleasure. The State bought his opera-house at a good round price, for a capital. He was paid temporarily for this property in the currency bonds to relieve his urgent wants, and when the gold bonds were engraved and ready for circulation, his friend, the governor, gave him of these \$250,000 with the understanding that currency bonds to that amount should be returned. The latter bonds he neglected to restore. He became the financial agent of the State by Bullock's appointment, and hawked the bonds of the State about in New York with remarkable freedom.

In that capacity he went to that city to take up currency bonds which had been hypothecated by Bullock, and substitute the gold bonds. His letter of instruction directed him to cancel and return to the treasury the currency bonds. With one bank he made the substitution as directed, but instead of canceling and returning to the treasury the currency bonds received of the bank, he applied \$170,000 of them to his own private use as collaterals for loans. He deposited gold bonds to a large amount with other bankers who had currency bonds, but did not require the surrender of the latter before he gave up the gold bonds, and so two sets of bonds were held for the same liability.

Some of these bankers were his own financial associates. He had received the State's indorsement of \$275,000 of bonds of a railroad company (other than that hitherto mentioned), and for some reason, having had an act passed changing the name of the company, he received the indorsement of the State on the bonds of the road under the new name amounting to \$330,000, upon the promise that he would use them to extinguish the first issue. The promise was not fulfilled, and the new bonds of the road went upon the market as additional obligations of the road and of the State.

When Bullock became governor the State owned a railroad running from Atlanta to Chattanooga, which connected all the railroad systems of the State with the West. It was wrecked by General Sherman during the latter part of the war, but it had, under the administration of Governor Jenkins and at great cost, been put in excellent condition. It easily earned a net revenue for the State of three or four hundred thousand dollars a year. It paid into the treasury \$25,000 per month during 1869, under an appointee of Governor Bullock (Colonel Hurlbut), with all the embezzlements which that appointment involved.

But Colonel Hurlbut was not satisfactory to the governor, and in defiance of warnings as to the character of Foster Blodget, the latter was appointed superintendent. The new superintendent of the road entered upon his duties on the 1st day of January, 1870. For the year 1869 Hurlbut expended in operating the road, \$985,633.80. During the year 1870 Blodget's expenditures aggregated \$2,043,293.87. He left the road in bad condition and a debt of over half a million, which the State had to pay out of the treasury. Not less than \$1,000,000 was lost by the change of superintendents.

Under a provision of the constitution a poll-tax of \$1 was levied for educa-

tional purposes. The fund created by this tax amounted in 1870 to \$268,000. In 1870 it was used to compensate members of the General Assembly, and such teachers as were employed in the public schools of that year went without compensation. The children attending schools during the year 1870 were 67,142 white and 10,351 colored, aggregating 77,493. For the sake of comparison it may be here stated that there were actually enrolled in the public schools of the State in 1888, of white children 200,786 and colored children 120,390, aggregating 321,176.

In 1868, when Governor Bullock was installed, the debt of the State was \$5,827,000. At the end of his administration the treasurer reported the debt to be \$12,450,000, and indorsed bonds in addition \$5,733,000, aggregating \$18,183,000, and the bonds of the State were no longer marketable, except at very ruinous rates. Now the bonds of the State bearing 4½ per cent. are worth in the market a premium of 20 per cent.

Since 1870 the State road has paid into the treasury \$25,000 every month, or six millions in twenty years.

The governor during his term of three years pardoned three hundred and forty-six offenders against the law. Some of these offenders received pardons before trial. He granted seven pardons in advance of trial to one man, who pleaded then to seven separate indictments. These acts of the executive did not tend to inspire confidence in the law nor promote the administration of justice in the courts. The taxable property of the State in 1860 amounted to \$672,322,777, in 1870 to \$226,326,769, and in 1880 to \$345,000,000, exclusive of railroad property.

Prosperity such as this rapid and steady increase of wealth implies is fair evidence that good government has followed the expiration of Governor Bullock's term; and the commerce of the State, freed from the apprehension of misgovernment, it is confidently believed, is twice as great as before the war.

On the 3d of October, 1870, Bullock approved an act entitled "An act to provide for an election, and to alter and amend the laws in relation to holding the elections."

It was drawn with great care. It provided that an election for members of the General Assembly, members of Congress, and county officers should be held on the 20th, 21st, and 22d days of December thereafter. The continuance of the election for three days, without any registration of voters, gave great facility to repeating. One colored man is known to have voted thirteen times at this election by the mere device of changing his hat and his name each time.

The law further provided that the election should be held only at the courthouse of each county or in an incorporated city or town by five managers, three of whom were to be nominated by the governor, two by the ordinary of the county, and all of them were to be confirmed by the senate. In those counties in which the ordinaries were of the governor's party (and such was the case in nearly half of the counties) all the managers were selected by the same party influence. The act further provided that the managers should have no power to refuse ballots of male persons of "apparent full age" resident in the county who had not previously voted, and it prohibited all challenges. It was stuffed with pains and penalties.

The political campaign that ensued was memorable. It was not a race between two parties either of which would have administered public affairs with honesty and justice in all departments. On the part of the Democrats it was a struggle for good government. It was a situation in which all good citizens banded themselves together against profligacy and corruption and a disgraceful administration. On the other hand, the negroes were told by their leaders that their defeat involved the loss of their political privileges and even of their personal freedom. It was a contest for supremacy between those who had always been masters and those who had been their slaves. It was a trial in which if one side succeeded there would be an honest administration for all, and if the other succeeded there would be ruin for all. The instinct of caste also intensified the efforts of both parties.

In Georgia the issue of such a struggle could not be doubtful. The victory was overwhelming. Not a disorder occurred, and Bullock's own managers counted the votes. Such rejoicing was never known before in Georgia. The Christmas-tide had brought a new redemption.

Before the deputies of an indignant people could meet and confront him Bullock had resigned his office and fled the State.

And it may be truthfully said that reconstruction accomplished not one useful result, and left behind it not one pleasant recollection.

LEGISLATIVE APPROPRIATION BILL.

The SPEAKER announced the appointment of Mr. BUTTERWORTH, Mr. CANNON, and Mr. FORNEY as conferees on the legislative appropriation bill.

FEDERAL ELECTION LAW.

[Mr. WADDILL withholds his remarks for revision. See Appendix.]

Mr. TRACEY. Mr. Speaker, the bill now under consideration proposes to provide for the more efficient enforcement of the election laws of the United States.

Section 16 is as follows:

Sec. 16. Upon the receipt by the Clerk of the House of Representatives of the declaration and certificate of any United States board of canvassers of the Congressional vote as to the election of any Representative or Delegate in Congress it shall be the duty of that officer to open and file the same in his office. If by such declaration and certificate it shall appear that another and different person has been elected as a Representative or Delegate in Congress than the person certified as elected by such officer or officers of the State in which such Congressional district is situated, whose duty it is by the laws of the State to make such certificate, then the person so certified as elected by the declaration and certificate of the United States board of canvassers shall be, by the said Clerk of the House of Representatives, placed upon the rolls of persons elected as Representatives or Delegates in Congress, and the provisions of existing law respecting the names of persons who shall be placed upon the roll of the House of Representatives by the Clerk thereof are modified to the extent herein provided, and to such extent only. Any Clerk of the House of Representatives who shall neglect, fail, or refuse to place upon the roll of Representatives and Delegates elect the name of any person entitled to be placed thereon as provided by the laws of the United States shall be liable to arrest, and upon conviction of such neglect, failure, or refusal shall be punished by a fine not less than \$1,000 nor more than \$5,000, or by imprisonment for not less than one nor more than five years, or by both such fine and imprisonment, and shall be forever disqualified from holding thereafter any office of trust or profit under the Government of the United States.

I have selected this particular portion of the act for criticism because I believe that it is so objectionable and is so dangerous to the peace and welfare of our country that especial attention should be called to it and that no patriotic man should vote for it.

No effort to create an impression that the object is to have honest

elections, no attempt to make the bill appear respectable by connecting with it the hitherto honored name of the gentleman from Massachusetts [Mr. LODGE], will ever succeed in hiding from the public that a plan is being prepared to continue the Republican party in power in the Fifty-second Congress in case the people in the elections decide otherwise.

I do not find in conversing with our colleagues that there are many enthusiastic advocates of the measure on the side of the majority; indeed, there appears to exist a feeling of regret that such legislation has been decided upon. Members understand that while the enactment of this new law may insure the control of the next House to the present majority and continue in their positions the officers now in possession, there is danger that some day it may be utilized to the detriment of their party.

Do the gentlemen who have reported this bill realize that they have placed the Speaker of this House in the attitude of aiding them in the passage of an act which the public believes is calculated to benefit him more than any living being, and that their course may, if this bill become a law, force the Speaker to make public announcement that he can not under such circumstances be again a candidate for the Speakership? Or do these gentlemen believe that they avoid such a danger by providing in the bill that our good-natured Clerk shall go to prison and pay a fine in case he is tempted to accept the certificates forwarded to him by State officers instead of those sent him by the supervisors appointed by direction of the chairman of the national Republican committee?

What better evidence could there be of the sufficiency of present laws relating to Federal elections than the existence to-day of this Republican House of Representatives? We know that in 1888 the Democrats were in power and that the Clerk of this House was of that party. Would it have been safe then to put in the hands of hundreds of small officials the power and temptation of compelling that Clerk to make up a roll with Democrats in the majority? Is it not evident that State officers are composed generally of men who can not afford to commit open frauds, and will the same sense of responsibility be found everywhere among these supervisors? God grant that this bill may not become a law.

The people of this country will submit to much abuse to avoid turmoil, but can it be expected that the representatives of the people will remain quietly at their homes and permit defeated opponents to usurp their places? No, Mr. Speaker, this will not be. After the elections have been held it will be known through the proper authorities of the various States who are the successful candidates. All elected from North, South, East, and West will come to Washington, and you can rest assured that the legally elected House of Representatives will not give way to a rump Congress, but in a constitutional manner will assert its rights and be organized.

I have alluded to the lack of interest in this bill exhibited by many Republican members; permit me to ask where can we find any enthusiasm for it. In the State of New York, where is its support from the press? I find in the home of my friend, the gentleman from New York [Mr. BELDEN], his own organ, the ably edited Syracuse Standard, says:

It strikes us quite forcibly that the other Republicans in Congress had better cut loose from Mr. LODGE's election bill. We have previously said that it appears unconstitutional, and, on the ground of the opinion that the enforcement of the proposed law would be intrusted to local action, we have said that the scheme would be inoperative. Perhaps, however, its operation can be insured in most election districts by scrupulous choice of the Federal instruments; but the more careful the Government may be in selecting inspectors not amenable to the public opinion about them, the more odious the law will become, and the more determined will be the efforts for its defeat.

There arises a possibility which must make the Lodge bill unpopular. Its principles can be brought into play for the regulation of elections in the North. Upon the demand of a limited number of electors in any district Federal inspectors must be appointed; and the Democrats give notice of an intention to set the law in universal operation. If they refrain from invoking it in Democratic States or sections, they will hardly refrain where the Republicans are in the majority.

Supporters of the bill may declare that the Republican party has nothing to fear from the plan in question; but do they reflect on its working, and on its necessary collision with State law? The supervisors empowered to watch over Congressional and Presidential elections will have the privilege of handling and examining ballots and keeping tally of votes. Without this power they can not indeed supervise elections, but with it, do they not destroy the secrecy of the ballot, which, in several States, the people have been so anxious to obtain, and should be jealous in guarding? If Republican protests against the Lodge bill are not common, it must be because Republican newspapers have not generally considered it, or have not supposed that Congress had any serious thought of embodying it in a statute.

I think my other friend, the gentleman from New York [Mr. PAYNE], will concede that the ablest Republican paper in his district is the Auburn Advertiser. Here is an extract from it:

The Federal election bill, whose chief promoter is Mr. LODGE, of Massachusetts, is approved by President Harrison and is a scheme to do away with Representatives, which the Constitution provides "shall be apportioned among the several States," and creates a new kind of Representative by Federal authority. The bill as it stands antagonizes ballot reform in every point. But perhaps the most extraordinary provision is that when the Federal supervisors of the election differ from the State authorities as to which candidate has been elected to Congress the Clerk of the House shall put upon the roll the name returned by the Federal supervisors and reject the name returned by the State authorities. The bill does not commend itself upon present acquaintance with it.

Still another of my esteemed friends, the gentleman from New York

[Mr. LANSING], has an influential Republican paper in his district. I quote from it:

Even if it should become a law it is doubtful if it would be of much effect, because it would have public sentiment against it in the section where it is intended to correct an evil, and would have no enthusiastic backing in the North, where it is not needed. In fact, while it is not a national measure, to act with equal force everywhere, it will really be sectional in its operation. In applying it to correct evils in the South, it would appear to open the door to evils in the North. The provisions of the bill, for instance, could not operate in full under the new ballot system provided for this State. One or the other, the State law or the national law, would have to be modified in some particulars. There would be a clashing of authority. The Federal election law is all based on conditions in the Southern States which do not exist in other States. Should they pass ballot-reform laws, such as have been adopted in some States, Federal control would render those laws difficult of execution.—Watertown Times (Republican).

The great majority of the Republican papers are silent, but I doubt not as they learn more of the bill they will be troubled in determining how to defend it. There is no denying the fact that for some years past in portions of the United States the practice of purchasing votes has been a shocking and increasing evil. In New York State an earnest effort has been made for ballot reform, looking to a doing away with corrupt practices at the polls. This laudable, patriotic movement was long resisted by powerful men and organizations; but the people clamored for the passage of a law and finally the opposition realized that those obstructing the principle would be swept aside, and so they surrendered and a new ballot law went into effect.

It has been expected that an era of decent elections would commence in our State next November, but now we see rising before us the shadow of this accursed bill, as it comes grasping for continuous power here, and crippling on its way our new-born child, "ballot reform." Perchance this may be no accidental injury, but an adroit side movement of the Fouché-like New Yorker, who has allowed the gentleman from Massachusetts to father this bill.

The vital feature of our New York law is the preservation of secrecy of the ballot. The bill under consideration (page 59, lines 28-30) makes it the duty of Federal officials to accompany the voter into the secret booth where he can see him prepare his ballot.

The New York law, section 18, provides that—

Any person who declares under oath that he is physically unable to prepare his ballot can bring with him "a person of his own selection" to assist him, and that person is forbidden to reveal the contents of voter's ballot.

In this bill a Federal supervisor is thrust on this privacy. While the New York law was being framed so serious was the contention for preserving rights of the individual that they abandoned a plan to have even inspector of election or ballot clerk aid the voter. That law is based on the inherent right of the voter and was fortified by opinions of able jurists.

Judge Cooley says in Constitutional Limitations, page 762:

Public policy requires that the veil of secrecy should be impenetrable; unless the voter himself voluntarily determines to lift it, his ballot is absolutely privileged.

And Judge McCrary, in his work on Elections, section 453, says:

The chief reason for the general adoption of the ballot in this country is that it affords the voter the means of preserving the secrecy of his vote, thus enabling him to vote independently and freely, without being subject to be overawed, intimidated, or in any manner controlled by others, and protects him from any ill-will or persecution on account of his vote. The secret ballot is justly regarded as an important and valuable safeguard for the protection of the voter, and particularly the humble citizen against the influence which wealth and station may be supposed to exercise.

Judge Denio, one of New York's traditionally great judges, wrote (27 New York, 25):

This object [the secrecy of the ballot] would be accomplished but very imperfectly if the privacy supposed to be secured was limited to the moment of casting his ballot.

The gentleman from Massachusetts [Mr. LODGE] claims he does not disturb the Australian system; but I say his bill would be no worse than it is if he required in New York that his Federal supervisor should stand at the ballot-box of every poll and demand that every helpless voter, whom New York's new law has carefully guarded, should open his ballot and disclose its contents under penalty of section 52.

In New York, and I believe also in Massachusetts, the ballot law provides that all officers shall be voted for on one ballot, and there shall be but one box. This bill repeatedly refers to Congressional box and Congressional ballot. Does this mean that a separate ballot must be cast for member of Congress? In that case New York law will be confused at its first trial by repealing section 17, which provides:

There shall be but one ballot-box at each polling place for receiving all ballots cast for candidates for office.

It is not surprising, Mr. Speaker, that the people of New York should be irritated by having any interference with their new law. All through the State voters are studying details of the State law to make it operate successfully, and now they see a prospect of an important feature being changed and the expense of duplicating official ballots amounting, it is estimated, to 40,000,000 in number for the State.

If it is claimed by the committee that this bill does not call for a separate Congressional ballot and box the case is all the more serious, for it makes the United States officials not merely canvassers of the ballots for State, assembly, county, municipal, and ward offices, but enables them to judge of the qualification of voters for those offices.

Expense would not be a great consideration if this bill were neces-

sary. But, in addition to its uselessness and vicious principles, it is very expensive. The burden will fall on citizens of a locality just as heavily if money is taken from citizens through Federal taxes as though local taxes were imposed. Up to this year the city of Albany, where I reside, has had to pay about \$5,000 a year for the public expenses of election. Mayor Manning in his message estimates that public expenses of an election under the new Australian system will be about \$20,000, an increase of \$15,000. The bill proposes to duplicate that expense in one item alone.

The Albany Argus has the following on this subject:

And this bill, if enacted, will be applied throughout New York State. There need be no mistake on that point. In the city of Albany, for example, there will probably be about ninety election districts under the new State law. The Lodge-Rowell bill creates three Federal supervisors for each district, or two hundred and seventy for the city, and each of these is to receive \$60 for his services. To get this total of \$16,200 out of the Federal Treasury for Albany alone, does any one suppose it will be difficult to get up a petition with one hundred names here? Yet that is all that is required, and with the needed change in figures the same is true of every city and county in New York State. The Lodge-Rowell bill as a measure to oppress the Democrats of the South seems an amusing matter to certain Republicans in the State. We invite their attention to the way it will work in New York.

This includes only amount for Federal supervisors. In addition to that, pay of unlimited deputy marshals at \$5 per day, and other expenses must be met.

Mr. Speaker, the bill permits a ridiculously small number of voters to invoke this great and expensive Federal machinery in New York, duplicating all the State machinery. Fifty or one hundred persons claiming to be voters can call it into operation in any district. What a contrast this is to the New York idea. There, in the simple matter of making an independent nomination for Congress, involving only the expense of printing the ballots, the law wisely requires that at least two hundred and fifty citizens must sign a petition of nomination, each with his residence and fact of being a voter legally attested to by an officer authorized to take acknowledgments.

The chairman of the committee [Mr. LODGE] in his speech said:

The great safeguard to the public welfare of this country is publicity. The business of the people must not be transacted in dim corners or in locked rooms, but openly before the people's eyes, etc.

That sounds well, and leads us to believe the Speaker's room will be unlocked hereafter when the "leaders" meet to prepare an order of business; and as the gentleman feels this way possibly he will amend his bill in its most dangerous feature, namely, its failure to provide for immediate publicity of Federal supervisors' returns. If Federal returns are to overrule State and local returns, this immediate publicity is of the utmost consequence.

The New York law provides:

First. The original statements, duly certified, shall be delivered by the inspectors, or by one of them to be deputed for that purpose, to the supervisor of the town or ward within twenty-four hours after the same shall have been subscribed. (Section 305 of State Election Code, page 117, edition of 1885.)

And also provides:

A true copy of the several statements made by the inspectors shall be made and certified by them and immediately filed by them in the office of the clerk of the town or city. (Section 302, same page.)

These returns become immediately a matter of public record. To these provisions of law is due the fact that the narrow Democratic majority of 1,047 for Cleveland in 1884, in a total vote of 1,300,000, was recognized by every one as absolutely fair. It was possible within twenty-four hours after election by telegraphing to various county clerks to verify the vote of every county and election district, with the check of duplicate return.

In this bill there is no provision for publicity, nothing but oral statements to be made, until the United States board of canvassers meet. The chief supervisor should be at least required to hold his returns open to immediate public inspection, although it seems even this would not be conclusive of the result, and we can know only after the board meets what candidate is entitled to the certificate.

Thus the returns which actually determine an election to Congress, upon which the certificate is based, are not in New York made known in total or in part until November 15.

Under present New York State law, within twenty-four or thirty-six hours at utmost the result of a Congressional election can be determined by comparison of returns in the hands of supervisor and in hands of the town clerk. Under this bill the returns which really decide are not even opened until November 15; the chief supervisor's duplicates from which a guess might be made are not in specific terms rendered subject to public inspection.

Opportunities for fraud here are obvious, if Federal supervisors or Federal canvassing boards be so disposed.

But, even if no fraud is contemplated, in close districts immediate publicity of Federal returns is a necessity to prevent temptation being offered later on. As fond as is the gentleman from Massachusetts [Mr. LODGE] of the sunlight, his method of publishing Federal returns is darkness compared to the sunlight of the New York State law, which stood the severest possible test in 1884.

Mr. Speaker, this bill should not pass. It is a vicious measure which will cause injustice to be done and will engender bitter feelings. It will serve no useful purpose and will conflict with the ballot laws of

New York, New Jersey, Rhode Island, Connecticut, Massachusetts, and Indiana. In all these States efforts are being made to stop the use of money in elections; this bill not only interferes with this but takes from the national Treasury and from the people millions of dollars every two years for no other purpose than to help elect members in close districts and to continue in position officers of the House.

Members who fear to vote for increased salaries and for appropriations for clerks, etc., will not appear well before their constituents after voting for this bill.

I prepared some amendments a few days ago and asked to have them printed in the RECORD, but the gentleman from Illinois [Mr. CANNON] objected. I now print them with my remarks. They are taken from New York State laws, and would improve the bill somewhat, although nothing can make it anything but an outrage on a free people while it includes section 16.

First amendment: On page 3, amend section 2, line 30; after the word "residence" add: "And shall, before an officer duly authorized to take acknowledgments, acknowledge his signature, and make oath that he is a voter and has truly stated his residence. No person shall sign more than one application for such supervisor."

This amendment will tend to force the men who are circulating petitions for the purpose of making offices for themselves to secure responsible citizens, and, as I before remarked, is in accord with the New York ballot-reform law.

Second amendment: On page 5, section 4, strike out all after word "the" in line 2 to word "in," line 4, and insert the following: "Election district."

I offer this, Mr. Speaker, because if supervisors are to have power to overrule inspectors they ought at least to be in a position from personal knowledge to pass on voters the same as inspectors are. We are very tenacious of the rights of localities in New York State, and great offense will be given if supervisors from a distance are put in charge of a polling-place. Both great parties will view this alike.

Third amendment: On page 7, section 5, line 26, after word "persons," insert the following: "Who shall be qualified voters in the election district to which they are assigned."

Fourth amendment: On page 8, section 6, in line 14, strike out all after word "elections" down to word "may," in line 20.

These amendments marked 3 and 4 necessarily follow second amendment.

Fifth amendment: On page 15, sections 8 and 11, insert at end of line 143 the following: "The first day of registration in places where there shall be registration, and in places where there is no registration, the."

Unless the bill is designed to aid fraud, this amendment should be adopted. In New York the constitution fixes thirty days as the period of residence in a district, and a canvass before that is worthless, and could only be taken to promote unjust challenge. Without this amendment the Federal machinery in New York commences its operations four days before the State machinery in the cities. In towns it will be even worse, as the registry begins only sixteen days before election. For what purpose should the Federal supervisors make a house-to-house canvass nineteen days before the registry is begun, unless it is to serve the ends of the Republican campaign committee?

Sixth amendment: On page 53, section 36, add to the section the following: "It shall not be lawful for any employer in paying his employes the salary or wages due them to inclose their pay in 'pay envelopes' upon which there are written or printed any political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employes; nor shall it be lawful for any employer within ninety days of an election at which a member of Congress is to be voted for to put or otherwise exhibit in his factory, workshop, or other establishment or place where his employes may be working any handbill or placard containing any threat, notice, or information that in case any particular ticket or candidate shall be elected work in his place or establishment will cease, in whole or in part, or his establishment will be closed up, or the wages of his workmen be reduced, or other threats, express or implied, intended or calculated to influence the political opinion or action of his employes."

This amendment marked 6 I propose, Mr. Speaker, because it is a part of the New York State law, and is designed to prevent the intimidation of voters. It should meet the approval of the gentleman who has reported the bill.

Seventh amendment: After section 50, page 69, insert a new section, as follows, and renumber sections to correspond:

"Sec. 51. Every candidate for member of Congress shall within ten days after the election file as hereinafter provided an itemized statement, showing in detail all the moneys contributed by or for him directly or indirectly by himself or through or by any other person in aid of his election. Such statement shall give the names of the various persons who received such moneys, the specific nature of each item, and the purpose for which it was expended or contributed. There shall be attached to such statement an affidavit, subscribed and sworn to by such candidate, setting forth in substance that the statement thus made is in all respects true, and that the same is a full and detailed statement of all money so contributed or expended by him, directly or indirectly, by himself or through any other person, in aid of his election. Such sworn statement shall be filed in the office of the secretary of state of the State of which the district of the said candidate for member of Congress shall be the whole or a part, and shall also be filed with the United States board of canvassers heretofore in this act provided for, and no certificate of election or return of the vote shall be issued by said board under provisions of this act until said sworn statement shall have been filed with them and published in two daily newspapers of different political parties printed in the State designated by them for the purpose."

The amendment marked 7 is also in accordance with the law of New York State, and is to prevent large expenditures of money by candidates and to check the purchase of voters. It can properly be embodied in this bill.

Mr. Speaker, a rumor is in the air that an ingenious substitute may

be sprung upon the House in place of this bill. I warn members of the other side not to be misled to believe that it will be less objectionable than this act.

Mr. Speaker, it is almost incredible that the House of Representatives of the United States can be disgraced by the passage of such a measure. But if, influenced more, I trust, by the power of the party lash than by an ignoble greed for a continuance of the places and emoluments you now enjoy, you determine, gentlemen of the majority, to force this bill through the House, we will join issue with you before the American people. I do not doubt their verdict will be an emphatic condemnation of those who support this effort to prevent the properly-elected Representatives securing seats in this House.

I reserve the balance of my time and yield to the gentleman from Ohio [Mr. OUTHWAITE].

The SPEAKER. The gentleman has two minutes remaining.

Mr. OUTHWAITE. I would prefer to take the two minutes after the next gentleman on the other side of the House, if it is agreeable.

The SPEAKER. The gentleman can be recognized for twelve minutes.

Mr. OUTHWAITE. At this time, or after the next speaker on the other side?

The SPEAKER. The gentleman can be recognized now.

Mr. OUTHWAITE. Mr. Speaker, when the rules of the House were under discussion a prominent member upon the other side of the House assured us that there would remain to us the privileges of debate and amendment. We have had one example of the extent to which that poor privilege was permitted us in the consideration of one of the most important political measures that has ever been considered in this House, to wit, the McKinley tariff bill. We were permitted the mere sham of an opportunity to amend that bill. We were permitted to talk for a limited period of time only, and very little opportunity was given either gentlemen upon this side of the House or upon the other to offer any substantial amendments to that bill and to have them voted upon. I apprehend that there is danger that in the two days allotted to us for amendment and discussion of the pending bill under the five-minute rule we may be treated to the same sham as we were treated to then. But before I proceed I feel it my duty, as the representative of nearly 200,000 citizens of the United States, to thank the parliamentary potentate of this House for the poor privilege of spending twelve minutes in the discussion of a bill which it would take any careful man one hour to read so as to understand it. Twelve minutes to be spent in discussing a bill that is calculated to overturn or sweep aside the laws and customs and the usages of this country for one hundred years; a bill that is to create a horde of new officers with inquisitorial powers and almost absolute authority; a bill which is intended to provide a corruption fund of millions of dollars for one of the political parties of this country; a bill which is intended to create a partisan machinery to place in the hands of the bosses of that party the opportunity to nominate or designate who shall be nominated as the candidate of the Republican party in the next Presidential campaign. One of the results of this measure, which is as absolute as any other that may follow from it, is the construction, I say, of a political machine to control within that party the delegation of the entire South in the next Republican national convention. The gentleman from Iowa [Mr. HENDERSON], on Saturday, in insisting that he should not be interrupted in his discussion of this bill, himself a member of the committee that framed the bill, said that he felt he ought to have at least four or five hours instead of one hour in which to discuss it; yet he, coming from that committee, was one of the magnanimous men that gave to one hundred and fifty of us upon this side of the House to debate the bill but three times as many hours as he thought he ought to have to discuss it himself.

Ten minutes for each member upon this side is all we are permitted to have in which to discuss a measure as revolutionary as this is; and I use the term "revolutionary" in its most odious sense. The gentleman from Iowa, in offering some reasons for the introduction of a measure of this kind at this time, cited the fact that there were seventeen contested-election cases pending, or which had been pending, before this House at great expense, at least \$70,000. Who instigated many of those contested-election cases? Who set them afoot? Who furnished the funds to carry them on? Was it not the national executive committee of the Republican party? Did not politicians of that party outside of the districts contested supply the testimony in some instances—I had almost said had supplied the perjury? Why are some of these cases here? For perhaps the very purpose of citing them as the necessity for some such legislation as this election bill. Let me read to this House the view taken by a member of the Committee on Elections as to the propriety of these seventeen cases being brought here. I read from the remarks of Mr. GREENHALGE:

Why, sir, after the most careful scrutiny, after a delay which I should think would convince any fair-minded man that this matter does not proceed with undue heat or partisan haste, we have not seated half the contestants who have come before that committee, and the fact that members have been left in their seats is because upon our conscientious view of the evidence in their cases we were unable to come to a conclusion, when, if we acted from partisan feeling, if all we required was a partisan majority, it would have been just as easy to seat A as to seat B, the whole seventeen contestants as five or six; that fact, I think, entitles me to resent these insinuations upon the honor and the conscience of this most responsible and honorable committee.

I cite this to show to the House and to the country that this gentleman himself is bound to confess, and does virtually admit, that not one-half of these cases were well founded. This is from a gentleman who in doing what he seemed to think was his duty upon that committee, has voted to overturn elections in the South that were as fairly conducted, as purely and as properly conducted under the law as the elections conducted in his own State. A little further on he spoke of the remarks made by the gentleman from North Carolina [Mr. EWART], who in a broad, conservative, and statesmanlike way showed the condition of the South, its prosperity, the success of the Republican party in his State upon principle, presenting a general view of the condition of affairs in the South that would give the falsehood to many of the charges and assertions made upon the floor of this House, as a reason why there should be no intermeddling with its domestic affairs such as this bill makes.

The gentleman from Massachusetts rises up and says: "You give a local view merely. You are satisfied that things are all right in your district. I am from Massachusetts, and I cast my eye over this whole country and say it is necessary to supervise these elections and control them."

Gentlemen of the House, this bill is intended, not to have fair elections, but to prevent any elections being held by the people in several districts in this country. This bill is calculated to make it possible for twice as many contested-election cases in the next House as there are in this. Any one who will study the provisions of this bill will see that in its complicated, in its intricate, and in its remarkable machinery it is calculated to prevent the common people of this land from conducting their own elections.

I have studied its provisions as carefully as I could in the brief time that has been allowed, and have attempted to unravel the duties of election officers and to follow them through and see what they must do in order to provide us with a pure election. The result has been to find myself amid such confusion and intricacy of duties and of requirements that it would be impossible for an ordinary election officer to understand and apply them. Not ten members on the floor of this House would agree upon the conduct of an election under it.

In my region when anything is difficult to understand or to unravel, we say it would take a Philadelphia lawyer to unravel it. As I read this bill I said that it would take some one to understand its complicated and bungling terms acuter, shrewder, more cunning, and more intellectual than a Philadelphia lawyer; it would take a Massachusetts scholar in politics.

This bill confers absolute power on the chief supervisor of elections. When Louis Napoleon was president of the French Republic and determined to become its emperor, he had no more control of the vote of the people, no more absolute hold in his hands of the *plébiscite* than this bill places in the hands of the machine-running power of the Republican party.

Gentlemen upon that side have said if they thought this was a partisan measure they would vote against it. Tell me why this bill gives such absolute power to the chief supervisor of election. He convenes courts; he makes appointments of a multitude of officers; he appoints the supervisors and inspectors; he sends out "discreet" individuals, to go from house to house accompanied by a United States marshal to inquire into the condition of the voter or into his rights. What does this mean? If the bill is not partisan, why do you provide for appointing twice as many Republican supervisors as Democratic supervisors? Why do you arrange for an unlimited number of Republican deputy marshals? Why do you repeal that feature of the Federal jury law which provides for mixed juries and arrange to have juries packed by Republican officials?

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed without amendment the bill (H. R. 578) in relation to oaths in pension and other cases.

The message also announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 312) for the relief of Thomas P. Morgan, jr.;

A bill (S. 383) for the relief of Daniel C. Rodman and others, sureties on the bond of Ozias Morgan;

A bill (S. 7071) for the allowance of the claim of George Brown for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1887;

A bill (S. 921) for the relief of John Finn;

A bill (S. 922) for the relief of G. M. Hazen and others;

A bill (S. 923) for the relief of Davidson Dickson and others;

A bill (S. 1037) authorizing the placing of the name of James M. Williams upon the retired-list of the United States Army, with the rank of captain of cavalry;

A bill (S. 1044) to provide for the purchase of a site and the erection of a public building thereon at Madison, in the State of Indiana;

A bill (S. 1046) to extend the time for filing claims in the Court of Claims under the provisions of an act entitled "An act to provide for the ascertainment of claims of American citizens for spoliation committed by the French prior to July 31, 1801;"

A bill (S. 1559) for the relief of the estate of A. H. Herr, deceased, late of the District of Columbia;

A bill (S. 1689) for the relief of George M. Wheeler;

A bill (S. 2095) to place Henry Zell on the retired-list of the Army;

A bill (S. 2228) for the relief of John W. Blake;

A bill (S. 2268) for the relief of the administrators of the estate of Isaac P. Tice, deceased;

A bill (S. 2508) to reclassify and fix the salaries of persons in the railway mail service known as railway postal clerks;

A bill (S. 2726) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands;

A bill (S. 2839) to provide for the purchase of a site and the erection of a public building thereon at Ogden, in the Territory of Utah;

A bill (S. 2841) granting a pension to Lizzie Wright Owen;

A bill (S. 2970) to provide for the purchase of a site and the erection of a public building thereon at Altoona, in the State of Pennsylvania;

A bill (S. 2996) to grant a right of way to the Texarkana and Fort Smith Railway Company through the Indian Territory and Territory of Oklahoma, and for other purposes;

A bill (S. 3039) to provide for the purchase of a site and the erection of a public building thereon at Palestine, in the State of Texas;

A bill (S. 3238) to provide for the purchase of a site and the erection of a public building thereon at Clarksville, in the State of Tennessee;

A bill (S. 3303) to provide for the purchase of a site and the erection of a public building thereon at Jacksonville, in the State of Illinois;

A bill (S. 3430) to confirm the title to certain lands in the city of Sault Ste. Marie and State of Michigan, and to release any reversionary right of the Government of the United States therein;

A bill (S. 3531) to provide for the purchase of a site and the erection of a public building thereon at Allentown, in the State of Pennsylvania;

A bill (S. 3555) to increase the compensation of the assistants to the attorney of the United States for the District of Columbia, and to amend section 907 of the Revised Statutes of the United States, relating to said District;

A bill (S. 3751) to grant to the Mobile and Dauphin Island Railroad and Harbor Company a right to trestle across the shoal water between Cedar Point and Dauphin Island;

A bill (S. 3776) authorizing and directing the Secretary of the Treasury to pay to Frank Rather \$325, due him for services as route agent;

A bill (S. 3829) for the relief of Charles W. Cronk;

A bill (S. 3841) to authorize the commissioners to use and occupy as a site for a truck-house the space at the intersection of Fourteenth and C streets and Ohio avenue, northwest;

A bill (S. 3873) to amend an act entitled "An act to provide for taking the eleventh and subsequent censuses," approved March 1, 1889, and amended January 23, 1890, in relation to the compensation of supervisors and enumerators of census;

A bill (S. 4102) to give effect to the eighth article of the treaty of commerce and navigation with Sweden and Norway of July 4, 1827; and

Joint resolution (S. R. 66) authorizing Commander Dennis W. Mulan, United States Navy, to accept a medal presented to him by the Chilean Government.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 578) in relation to oaths in pension and other cases;

A bill (H. R. 2361) for the relief of Asa Ellis, collector of internal revenue for the first collection district of California;

A bill (H. R. 3886) to incorporate the North River Bridge Company, and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road;

A bill (H. R. 8149) to increase the limit of the cost of the public building authorized by act of Congress approved March 2, 1889, to be erected at Fort Worth, Tex.;

A bill (H. R. 9677) to authorize the County of Pulaski, in the State of Georgia, to maintain a high wagon and foot bridge across the Ocmulgee River at or near Hawkinsville, in the State of Georgia;

Joint resolution (H. Res. 183) to provide for the unexpended balance, \$99,439.07, for discharging claims of letter-carriers for extra compensation under the eight-hour law, approved May 24, 1888, and appropriated for the fiscal year ended June 30, 1888; and

Joint resolution (H. Res. 185) to provide temporarily for the expenditures of the Government.

APPOINTMENT OF CONFEREES.

The SPEAKER. The Chair desires to announce the following conferees:

On the bill (S. 3163) to reorganize and establish the customs collection district of Puget Sound, Mr. LIND, Mr. SWENEY, and Mr. CAMPBELL.

On the joint resolution (H. Res. 138) to increase the number of members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, and to fill vacancies in such board, Mr. CUTCHEON, Mr. WILLIAMS, of Ohio, and Mr. LANHAM.

FEDERAL ELECTION LAW.

[Mr. HOPKINS withholds his remarks for revision. See Appendix.] The SPEAKER. The gentleman from Alabama [Mr. OATES] is now recognized for ten minutes. [A pause.] Does the gentleman desire to proceed now?

Mr. OATES. I do not at this time. I did not know I was to be recognized now. Later on I should be glad to address the House.

Mr. CHIPMAN. Mr. Speaker, it is doubtful whether the present discussion is a practical one. We have a bill under consideration it is true, but we may at the last minute have a substitute thrust upon us more hostile to free institutions in all its provisions than this is.

The majority have reserved the right to do that. They cling to the policy of making every measure an ambush, every report of the Committee on Rules a surprise. I do not know—no man save one close to the throne knows—what is in store for us, what new mine may be sprung under the liberties of the people.

Sir, the bill before us, the subject of that bill, certainly ought to be discussed in the spirit of the purest patriotism. It ought not to be approached in a partisan spirit. The institutions of our country are not a fetich from which to threaten or cajole selfish rewards for ourselves and bad fortune for our political opponents.

There are certain grounds of political action which ought to be common to all the people. The elements of popular rights, like the elements of the christian religion, should bear the same meaning to all men. Where those rights are concerned, there should be but one creed.

It is as clear as sunlight that no party is true to liberty who seek to trench themselves in power by seizing the machinery through which the will of the people is expressed. No party actuated by honest motives will ever attempt to do that. No man who has either the pride of intellect or the virtue of patriotism will dare go into history as the inventor or the aider of so great an infamy. No one on the floor here to-day will gainsay this.

Yet, sir, a great change is proposed in our institutions. I will not call it revolutionary, because that word, applied to an honest cause, has no terrors for Americans. Fanatics and knaves alike use it as a shibboleth of their faith or a halo to their villainy. But, sir, it is a great change, a departure from the old ways and the tried ways of the Republic. It is a bold step towards consolidation. It is consolidation, centralization in its most positive form. It is the end of popular government. It is the final authoritative utterance of the doctrine that the people are unfit to govern themselves in the old-fashioned way, through their local officers; that the township and county authorities, the executives and Legislatures of States shall be curbed and bitted and ridden by the irresponsible appointees of the most despotic and irresponsible officers of the Government. It is a proclamation of imperialism.

Why, sir, if these returning boards and supervisors derived their power from some source near the people and in which they have confidence, we might tolerate them, because the power to make would be the power to unmake. But, sir, how will you reach the judges? Who can check a judicial officer whom the law authorizes to be a politician and whose party demands that he shall be a partisan? Sir, there are but two despotisms in the country to-day, the Speakership of the House and the Federal judiciary, the first omnipotent because the incumbent is expected *ex officio* to be the leader of a party and the last because of the power which may lay its hands on every man's person and property and because of the respect which flatters the incumbent and shuts from his ear the just criticism of his conduct. I repeat, sir, how will we control the judges? What guaranty is there in this bill that they will be honest and unpartisan in the exercise of their appointive power?

Sir, a constant temptation is set before them. Visions of political advancement will haunt their waking and sleeping hours. The great political prizes of the country will seem constantly within their reach. Judges have heretofore, without this special, this great power, aspired even to the Presidency of the Republic. They are men like unto other men. You propose to put a great temptation before them.

Sir, the functions conferred on them by this bill are not judicial functions. They are essentially political and essentially partisan. They will drag the judiciary down instead of exalting them. The inclinations of judges in great public crises will be subjects of solicitude, and they will be expected to stand with their party when "emergencies arise."

It is certain that these duties are not judicial. They do not come within any purpose for which courts are instituted or for which we are

under the Constitution permitted to institute them. I protest, sir, that the spirit of the Constitution is violated when functions of this executive nature are imposed on the judges. It is a confusion of two distinct departments of the Government, a sharp departure from the theory of the divisions of the powers. But, sir, there is another violation of the Constitution in this bill. The measure it proposes is not meant to apply universally or to be the absolute rule in the conduct of elections. You do not say that in every election district in the United States this machinery shall be set in motion. The voices of fifty or a hundred men, according to the locality, are required to extend the blessing of pure elections to the constituencies.

Why is this? What secret of partisan intrigue is hidden under this provision? Why shall Congress abdicate its power to establish a rule to govern all elections and delegate it to a handful of men here and there through the country? What manner of men are they who may exercise this power of overturning the laws in some of the States, while the laws of other States remain in force?

What monstrous spectacle is this which will keep in force at the same time two different sets of election laws, one for Massachusetts, another for South Carolina? What manner of men, I repeat, are they who may do this great work? Of what moral standard shall they be, of what intelligence, of what patriotism? Will they come from the slums of cities, will they be the mean hangers-on of ambitious leaders? Will they seek pure elections or partisan advantage? Will they be the champions of free representation or the instruments of a party which requires this machinery to retain domination of this House?

But, sir, there is a more serious question. I know that appeals to the Constitution are irksome to some gentlemen on this floor. They believe in "meeting emergencies" when they arise, and the restraints of the Constitution fret their noble spirits. But, sir, that instrument, tried as it has been by the storms of battle, assailed by the lust of money and the lust of power, still stands in the path, the refuge of the people against oppression. It prohibits you to do this thing. By its terms the election laws of all the States are the normal standard, not to be departed from except on the gravest necessity. Its spirit and intent demand that when you act you shall establish a general rule, applicable uniformly to all the country, a rule evolved, not from party exigencies or local hatred, but from the best interests of all the people.

You can not say, and, if you constitutionally can, you ought not to say, that one law shall prevail in one district and another in the next, that a State shall have two different rules of election procedure within its borders, one Federal and the other local, or within the same Congressional district, and that different States may have different regulations. This sporadic kind of legislation renders favoritism to men, to sections, and places easy. It makes the oppression of men, sections, and places easy. It savors too much of taking care of the salvation of the political saints and providing for the damnation of partisan opponents. But, sir, above all, the Constitution prescribes that whatever is done shall be done by Congress, and not by companies of fifties and companies of hundreds; that here, and here only, by your voices, shall a uniform rule be proclaimed which shall prevail in every precinct of every county, in every district, and every State of the Union. You must apply your law everywhere alike.

The rural constituencies of the North must bend under it with the Democratic cities of the North and the people of the South. That is the only law you have power to make, and so far as the present bill fails in this respect it is unconstitutional. You can not delegate your power, nor can you aid this bill by saying that the rule is universal, that the fifties and the hundreds may apply to put it in operation everywhere. The fifties and the hundreds are unknown quantities to the Constitution. The legislative power of this country is not hidden in the vest pockets of a few dissatisfied citizens or of political tools. It is your power, the power of the people speaking through Congress, in the same tones everywhere and imposing a rule which no section is favored to escape and with which no section can be crushed into political death.

Sir, your law is unconstitutional and no man in the House dare make it constitutional by applying it to every part of the country.

I observe, sir, that the author of this bill shrinks from altering the registration laws of the State by establishing a national law in their stead. I wonder at this forbearance. You endeavor to strike out with the dash of a pen the entire election machinery of the State. Why not take the next step of constitutional invasion and add qualification to the right to vote? Why hesitate here? You overturn the State election boards, you give power to appointees of irresponsible judicial officers to override the decisions of inspectors elected by the people. Why do you not complete the work by abolishing the State system of registration? You can never be safe until you do that.

I know that the bill provides for espionage on the registration boards and I suppose that the reports of your supervisors will be relied on as official evidence to justify your returning boards in discarding votes and giving certificates of election over the State boards and the State executive; but why preserve even the form of respecting the standard of qualification set up by the States? You beat down and crush out all their real power, you rob the officers elected by the people of the control given them by the people and confer it on the appointees of a

single man. Why do you not complete your usurpation and finish the work of centralizing the Government by prescribing the qualifications which are necessary to registration? I know of but one answer.

You dare not apply such a law to the North. Your town officers and county officers would not tolerate it. You could not say to them that an assertion of their rights is a continuation of the rebellion. They are not handicapped by any prejudice or sectional feeling against them and as free men they will not let you abrogate the free laws they have made for themselves. You will find, too, that you can not subjugate the Democratic cities of the North. They will continue Democratic and the first fruit of the enforcement of this law will be greater majorities against you. I notice, sir, that in this bill you have a special eye on those cities. I notice, too, that you provide for domiciliary visits, and the home of the citizen may be invaded by the men who are empowered to overturn the people's laws.

I notice, too, there is peculiar venom in the bill against the naturalized citizens; that they are treated as suspects and may be dogged by spies and harassed when they try to exercise their right to vote. You have all the machinery to annoy the citizen, to terrify, to cajole, to corrupt him. You have at the public expense political minute-men to keep watch and ward of your partisan fortunes, an army of spies and informers under political leadership encamped at the hearthstones of the people, but, sir, you can not even by this enginery subjugate the people. The tide has turned against your party, and even the mighty brain which directs the gentleman from Massachusetts to father this audacious bill can not stay it.

Sir, normally under the Constitution the power to regulate elections rests with the States. The language is plain:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, but the Congress may at any time make or alter such regulations except as to the place of choosing Senators.

That was the first thought of the framers. It established the State law in the beginning and that law continues in force now save so far as it has been changed by the Congress. That body has made two regulations, one as to the time and the other as to the manner of holding elections.

I am not disposed to question the power of Congress to act within constitutional limits under this clause. I do question not only the constitutionality, but the wisdom of exercising it in the manner prescribed in this bill. Nothing but an overwhelming necessity can justify a departure from the old method. You essay to take power from the people and to put it into the hands of a Federal appointee. It is a step in the wrong direction. You obliterate the old landmarks of popular rights. You take from the citizen the control of the elections. You force on him a new system, a system opposed to the practices of the people since the adoption of the Constitution.

Sir, this is a very grave thing to do. It is no excuse for it to say that you have the power to do it. The decision of the Supreme Court in Siebold's case and Yarborough's case does not justify you. It has not decided that you may have your fifties and hundreds, your spies and informers, your partisan judges and boards. That tribunal has not decided what you must, but what you may do. There is not an unoccupied field to fill. The State laws cover the entire ground, and the Constitution prescribes that they shall govern until you act. There is no question as to their constitutionality. Why, then, do you act? Is it in the wantonness of power? Are you obliged to exercise all the power the Constitution gives you? Is it a partisan advantage you expect to gain? Is there any man here who dares to avow that? What is your purpose? What is the necessity which evokes this exercise of your discretion?

There are persons at the South, you say, who are deprived of their rights as electors. Suppose that is true. Is that an excuse? Can you for that reason impose upon the whole country your law of fifties and of hundreds and take from all the people their precious power of local control of elections? Can this justify your establishing a rule which, in the end, will be hurtful to the liberty of the very citizens whose wrongs you are attempting to redress? I repeat, sir, this bill means centralization of all power in the Federal Government, because it strips the people of their only security that they shall have fair representation in this House. Is centralization good for any citizen? Will it bless the black man while it curses the white man? Can you do anything by this kind of legislation save to relight the fires of race prejudice?

Those fires now are burning low, and only yesterday seemed to be dying out, but you propose again to thrust the race question into political prominence and to make the negro the pawn on the board of your party necessities. Is this well for him? Will it raise him in either the social or political scale to keep him constantly the bone of contention between party strifes? What, too, let me ask, is to be gained by your proposed treatment of naturalized citizens? Under the law of the land they are part of us, bone of our bone and flesh of our flesh, as much members of the national family as we are. Why treat them as objects of suspicion? Have they not been brave in war and law-abiding in peace? Have not their brain and brawn been as beneficent to the country as your brain and brawn? Why shall spies and eaves-

droppers hang at their heels? Why shall the unclean progeny of your bill fatten on them and watch them as if they are dangerous to the public welfare?

Sir, if there is need of Congressional interference to purify elections, you begin at the wrong place. The great power of corruption to-day is money—the immense sums which control conventions and so poison the elective franchise at its fountain-head—money contributed for the mysterious purposes known as “campaign expenses” and rewarded by the great and small offices of the Government. That is the imminent evil, that is the power that debauches, which reaches to high places, and which is certain to reach your returning boards and to fill the House with its minions. Why not pronounce it a felony to contribute immense sums to defray “campaign expenses?” Why not tell the truth and declare the man who uses his purse to elevate himself to office or to gain a partisan advantage an enemy of the people and a traitor to free institutions?

Here, sir, is a fertile field for the rigor of virtue, for the zeal of reform. The plutocrat is the foe of popular rights, the champion of centralization. His interests are not the interests of the people, his ways are not their ways. He demands new ways; the ways of Federal life appointees dominating the old ways of elected election officers; the ways of one-man power armed to overthrow popular rights; the ways of monopoly, of class legislation, of money despotism. If you are patriots, if you burn with zeal to bless your country, strike at him. Make his chief political virtue, the expenditure of money to influence elections, the greatest of civic crimes.

Sir, we do not need this proposed law. The people know we do not need it. Every honest town officer, every inspector of an election precinct in the country knows that we do not need it. Our States are all prosperous. Content sits at every hearthstone. There is no demand from the people for your fifties or hundreds, your life-long supervisors, your hosts of spies and informers, your political judges, your despotic returning boards. The ways of our fathers have been the ways of prosperity and freedom to us. We will not bow down to your strange gods. We will cling to the true faith of local control of our ballots and of our rights.

[Here the hammer fell.]

Mr. MCADOO. I ask unanimous consent that the gentleman from Michigan [Mr. CHIPMAN] be allowed three minutes longer, to come out of the time belonging to this side.

The SPEAKER *pro tempore* (Mr. ALLEN, of Michigan). The Chair understands that the time of that side of the House is exhausted.

Mr. BURROWS. Mr. Speaker, I do not propose to discuss the race problem. In my judgment it has no legitimate place in this controversy. The bill now under consideration does not propose to confer the right to vote on any citizen of the Republic not now possessing that right. It does not propose to take from any citizen of the Republic now having the right to vote that privilege. I am apprehensive this discussion of the race issue is brought in to serve another purpose, to raise a false issue, arouse passions that ought to sleep, and to create prejudices that ought to pass away.

I fear the race question is sometimes raised by those who pretend to deprecate it for the very purpose of inflaming the public mind and warping the individual judgment.

Judge Jackson, late a Senator of the United States—now a judge of one of the Federal courts—in recently charging a jury, found it necessary to caution them not to permit their attention to be drawn aside from the points at issue by efforts of counsel to raise race prejudice. He said:

The counsel for the defendants have sought to impress upon you that some great and vital question other than the guilt or innocence of the defendants on trial is involved in this suit. This is a mistake, gentlemen of the jury. In the trial and proper disposition of this case upon the evidence, the court nor the jury have anything to do with the race problem or with the question of suffrage. The colored man has been regularly invested with the right of suffrage. The constitution of this State confers the right to vote without restriction upon all male citizens twenty-one years of age who have resided twelve months in the State and six months in the county in which the right of suffrage is exercised. The colored man has the benefit of this constitutional provision; and when he has resided in the State and the county the required period he has the same right before the law to cast his vote and have it properly counted that you and I have. This trial in no way involves the consideration of the policy or impolicy of conferring this high privilege upon the colored population.

That is the language of a Democratic judge in a Federal court. So in this controversy the propriety of conferring the right of suffrage on the black race is in no way involved. The simple question is whether those upon whom the right has been conferred shall be permitted to exercise it in this free Government. But, I repeat, the race issue is sometimes raised for ulterior purposes; and I fear the Democratic party, even in that section where the race conflict is so much deplored, deliberately and wickedly force it for the very purpose of overthrowing popular government and subverting the public will.

Why do I say this? In 1879, under the leadership of Wise, Cameron, and other distinguished leaders in Virginia, sustained by the co-operation of 33,000 white people, the Readjuster party was organized on a platform declaring “for a free ballot and a fair count, an honest payment of the debt, and the abolition of the whipping-post.”

It submitted that issue to the people of Virginia; and a Legislature

was elected which made choice of a Republican United States Senator. In 1881 the Republican Readjuster party again carried the Legislature and another Republican Senator was chosen to the United States Senate. In 1882 the Readjuster party was again successful in the State, carrying the executive and the judiciary and six members of Congress out of ten. With the Legislature, executive, judiciary, two Senators, and six out of ten members of Congress Republican, it looked to the Democracy of that State as if the “solid South” was about to be broken and Virginia was to lead the van. What was to be done to regain the State and restore it to Bourbon rule? Would it do to raise the race issue in a State where the whites outnumbered the blacks two to one? One would think not; yet it was raised, and, as I will show, raised by the Democratic party, and for no other purpose than to inflame the passions and prejudices of the people and under its sway subvert popular government.

In 1883 another election was to be held, and the Democratic party called its convention at Lynchburgh, to nominate a State ticket and adopt a platform. It will be seen that the most serious controversy in the convention was whether the race issue should be raised.

Let me call attention to what the Richmond Dispatch, the leading Democratic journal of the State, said July 25, 1883, about the time the Democratic convention was in session, touching the race issue. Let us see who raised it. I read an extract from an editorial in that paper, under date of July 25, 1883. Mark the language:

Before another issue of the Dispatch reaches the public the Lynchburgh convention—

“The Democratic convention then assembled—

will in all probability have finished its work. The only matter of difference developed by a canvass of the delegations is regarding the advisability of drawing the color line.

This was a convention of the Democracy deploring race conflicts. The only difference of opinion was as to “the advisability of drawing the color line.” The Dispatch continues:

The Richmond delegation remain practically unanimous in the opinion that it should be drawn, and are, it will be seen, sustained by some of the strongest men of the party.

In order to draw the color line inflammatory circulars were issued by the Democratic party and scattered broadcast over the State with flaming head-line: “Coalition rule in Danville.”

Danville was selected as the scene for drawing the race issue by the Democracy, to be drawn, as the sequel shows, in blood. November 3 came. Three days before the election a Democratic club assembled in Danville, armed to the teeth with Winchester rifles. It was market day, Saturday afternoon. Colored people, men, women, and children, were at the market place. The streets were crowded. A white man, one of the “superior race,” without provocation, assaulted a black man in the public street, knocked him down, and two other gentlemen of the “superior race,” armed with bowie-knife and revolver, stood on either side to prevent any interference by officers or citizens. When the black man was sufficiently punished the fire-bell was rung, the alarm given, although there was no fire, and the Democratic club appeared upon the scene of action, raised the race issue, and fired into the crowd of black people, men, women, and children, as they were fleeing for their lives.

Armed Democrats took possession of the town. They succeeded in murdering four black men and mangling others. One man was shot, a helpless black man, as he sat in his cabin door, and the only excuse offered by the assassin was that he “wanted to try his pistol.” The officers of the law arrested another black man on the pretense that he had assaulted his wife on the street, with whom he was then in company, and though she insisted that she had not been assaulted by her husband they arrested and took him into an alley on pretense of bearing him to jail, and there butchered him. “The race issue” was drawn effectively. And then what? The people must be advised of it. The fruits of this dastardly outrage must be gathered. Telegrams were immediately sent to all Democratic clubs throughout the State that the negroes were waging a war of extermination upon the white people, and on Monday, only the day before the election, this startling announcement was telegraphed all over the State:

DANVILLE, November 5, 1883.

For God’s sake help us with your votes to-morrow. We are standing in our doors, shotgun in hand, trying to protect our families.

If you only knew our suffering here on account of negro rule you would vote different. We are standing in our doors with guns protecting our families. Post this up at the court-house door.

And again:

Riot in Danville. Mahoneism has worked its legitimate result in Danville. Riot and bloodshed have come to pass. Inflamed and crazed by the diabolical speeches which have been addressed to them by the Mahone nihilists, the negroes have precipitated the bloody issue. * * * People of the Valley and Southwest, the East calls upon you to come to its rescue, to help beat back the black wave which threatens to roll over us. Arouse ye and to the polls.

So the race issue was raised—raised by the Democratic party—and most effectively. Out of 1,200 registered colored voters in the city of Danville only 30 ventured to the polls; the remainder prudently remained away.

I think, therefore, I am justified in saying that the race issue is some-

times raised even by the Democratic party, which seems so deeply to deplore it, for the sole purpose of carrying elections.

Whenever in certain localities it is necessary to carry an election, when a great crime is to be perpetrated, when the ballot-box is to be rifled or stuffed, then the race issue is raised as an excuse for the outrage. A committee of the United States Senate appointed to investigate the affair made a report in which it was stated:

What, then, it is pertinent to inquire, was the condition of affairs in the city of Danville after the massacre and at the time these telegrams and reports were sent out? The Democrats came from the Opera House shouting and hallooing as they ran. They kept it up on their way up Main street until they reached the Arlington Hotel. They yelled in exultation, "Hurrah for us Democrats!" The signal bell for the people to fly to arms was sounded. The ringleaders in the massacre were placed on guard to patrol the city, as the mayor states, without his authority and without being sworn. Every white Democrat and even boys were armed, some with guns, others with pistols, and still others with bowie-knives. The white mob ruled the town.

Upon all the evidence it is clearly established it was a wanton, wicked, and groundless attack upon unoffending men, women, and children.

I submit, therefore, we should better not permit our judgment to be warped by the discussion of the race problem, but seriously address ourselves to the real question in hand.

What is it, in a word? It is this: Shall every legal voter in the Republic entitled to participate in the election of a Representative to the National Legislature have the opportunity to cast his ballot, and when cast shall that vote be honestly counted and the result truthfully declared? This is the whole question involved.

There ought to be but one answer to this question by all honest men. In your hearts there is but one answer.

In 1884 the great National Democratic party declared in its platform "we believe in a free ballot and a fair count." Were you honest in that declaration? If you were, you now have an opportunity to demonstrate your sincerity. All parties ought to be in accord upon this question. This bill may not secure the end desired; it may need amendment. If so, let it be modified. But all parties ought to unite in protecting and maintaining the sanctity of the ballot-box. It is the only safety of the Republic. This is a representative Government. All the people of the Republic can not assemble in mass convention to legislate for themselves. They must select Representatives to vote and speak for them. The ballot in the hand of the citizen is the badge of his sovereignty. Take that from him and he is a slave. Through the ballot, and that alone, he can make himself felt in the enactment of the laws and the administration of public affairs. It is as true to-day as it was a century ago that "all governments derive their just powers from the consent of the governed."

The President of the Argentine Republic, a Republic not supposed to be so far advanced in the science of government as ourselves, in a message to his Congress recently, said:

We should never forget—

And I wish gentlemen who juggle with ballot-boxes would write this sentiment in the palms of their hands—

We should never forget that when the public vote is tampered with representative governments exist but in name.

The President of the United States, in his inaugural address March 4, 1889, forcibly said:

It is very gratifying to observe the general interest now being manifested in the reform of our election laws. Those who have been for years calling attention to the pressing necessity of throwing about the ballot-box and about the elector further safeguards, in order that our elections might not only be free and pure, but might clearly appear to be so, will welcome the accession of any who did not so soon discover the need of reform. The national Congress has not as yet taken control of elections in that case over which the Constitution gives its jurisdiction, but has accepted and adopted the election laws of the several States, provided penalties for their violation and a method of supervision. Only the inefficiency of the State laws or an unfair or partisan administration of them could suggest a departure from this policy.

It was clearly, however, in the contemplation of the framers of the Constitution that such an exigency might arise, and provision was wisely made for it. The freedom of the ballot is a condition of our national life, and no power vested in Congress or in the Executive to secure or perpetuate it should remain unused upon occasion. The people of all the Congressional districts have an equal interest that the election of each shall truly express the views and wishes of a majority of the qualified electors residing within it. The results of such elections are not local, and the insistences of electors residing in other districts that they shall be pure and free does not savor at all of impertinence.

If in any of the States the public security is thought to be threatened by ignorance among the electors the obvious remedy is education. The sympathy and help of our people will not be withheld from any community struggling with special embarrassments or difficulties connected with the suffrage if the remedies proposed proceed upon lawful lines and are promoted by just and honorable methods. How shall those who practice election frauds recover that respect for the sanctity of the ballot which is the first condition and obligation of good citizenship? The man who has come to regard the ballot-box as a juggler's hat has renounced his allegiance.

There are but two questions involved in this controversy: Are elections for Representatives in Congress free and fair? and, secondly, if not, Does this bill provide the proper means to secure that end? Those are the only questions.

I shall not discuss the first proposition. That elections are free and fair in all portions of this country no one has the effrontery to affirm, and, if any one should so affirm, the evidence taken in the contested-election cases decided in this Congress would be a complete refutation.

If proof is necessary in addition to this, I will submit tables of election returns for twenty-five members from twenty-five Southern districts to the last Congress (and I take the last Congress that I may avoid person-

alities), showing they held their seats upon a vote of 94,841, less by 10,000 than the vote for Delegate from the Territory of Dakota, and yet every one of those twenty-five Democrats voted against the admission of Dakota upon the ground that she did not have sufficient population to entitle her to a Representative in Congress. [Laughter on the Republican side.]

State.	District.	Representative.	Vote.	Scatter- ing.	Total vote.
Alabama.....	First.....	Jones.....	4,220	16	4,236
Do.....	Second.....	Herbert.....	5,659		5,659
Do.....	Third.....	Oates.....	4,660	2	4,662
Arkansas.....	First.....	Dunn.....	6,093		6,093
Do.....	Fifth.....	Peel.....	4,746		4,746
Georgia.....	First.....	Norwood.....	2,061	17	2,078
Do.....	Second.....	Turner.....	2,411		2,411
Do.....	Third.....	Crisp.....	1,704		1,704
Do.....	Fifth.....	Stewart.....	2,999		2,999
Do.....	Sixth.....	Blount.....	1,722		1,722
Do.....	Eighth.....	Carlton.....	2,322	55	2,377
Do.....	Ninth.....	Candler.....	2,355	11	2,366
Do.....	Tenth.....	Barnes.....	1,944		1,944
Kentucky.....	Seventh.....	Breckinridge.....	4,791	17	4,808
Louisiana.....	Fourth.....	Blanchard.....	5,747	12	5,759
Mississippi.....	First.....	Allen.....	3,140	27	3,167
Do.....	Fourth.....	Barry.....	2,964	122	3,086
Do.....	Fifth.....	Anderson.....	4,289	27	4,316
Do.....	Seventh.....	Hooker.....	4,508	6	4,514
Do.....	Eighth.....	Dibble.....	3,315	2	3,317
South Carolina.....	First.....	Tullman.....	5,212	23	5,235
Do.....	Third.....	Cuthman.....	4,402		4,402
Do.....	Fourth.....	Perry.....	4,470	7	4,477
Do.....	Fifth.....	Hemphill.....	4,696	5	4,701
Do.....	Sixth.....	Dargan.....	4,411	58	4,469
Total.....			94,841	407	95,245

From this table it appears that twenty-five gentlemen whose names were borne on the roll of membership of the last House, assuming to represent as many different districts, were elected substantially without opposition. In nine districts there was not a single dissenting vote, and in the remaining sixteen districts only a scattering vote ranging from 2 to 122 and aggregating but 407 votes in the whole twenty-five districts, while in none was there the slightest approach to any organized party antagonism. It is worthy of note in this connection that all these twenty-five Representatives were of one political faith—the adherents of the same political party—all Democrats. It is another significant fact that all these districts in which this unanimity exists are south of Mason and Dixon's line, while only one district in the North was carried without opposition, the Third district of Pennsylvania, lately represented by Hon. Samuel J. Randall. Who believes elections are fair or free in these twenty-five districts? I can name you twenty-five members of the last House who had back of them a vote of 1,063,780, while these Southern members represented a vote of only 95,245.

I will insert here a series of tables showing how the Republican and opposition vote in these twenty-five districts has been gradually but effectively wiped out. In 1880 the opposition vote to the Democratic party was 156,330; in 1882, 100,489; in 1884, 87,749, and in 1886 only 407 votes.

Table showing Republican and other opposition vote in the same twenty-five districts.

ELECTION OF 1880.						
State.	District.	Repub- lican vote.	Inde- pendent vote.	Green- back vote.	Scatter- ing vote.	Total op- position vote.
Alabama.....	First.....	7,898			720	8,618
Do.....	Second.....	8,894			62	8,956
Do.....	Third.....	5,636			69	5,705
Arkansas.....	First.....	10,407				10,407
Do.....	Fifth.....	(*)				
Georgia.....	First.....	8,265				8,265
Do.....	Second.....	6,417				6,417
Do.....	Third.....	3,245				3,245
Do.....	Fifth.....	7,133				7,133
Do.....	Sixth.....	(†)				
Do.....	Eighth.....	(†)				
Do.....	Ninth.....	12,653				12,653
Do.....	Tenth.....	(*)				
Kentucky.....	Seventh.....	5,692				5,692
Louisiana.....	Fourth.....	1,638				1,638
Mississippi.....	First.....	3,829		1,056	3	4,889
Do.....	Fourth.....	4,177			1	4,178
Do.....	Fifth.....	7,118			232	7,350
Do.....	Seventh.....	(*)				
South Carolina.....	First.....	11,674				11,674
Do.....	Second.....	12,297				12,297
Do.....	Third.....	9,758				9,758
Do.....	Fourth.....	11,780			414	12,194
Do.....	Fifth.....	15,282			2	15,284
Do.....	Sixth.....	(*)				
Total.....		141,129	12,633	1,056	1,493	156,330

* Not organized.

† No opposition.

Table showing Republican and other opposition vote, etc.—Continued.

ELECTION OF 1882.					
State.	District.	Republican vote.	Independent vote.	Green-back vote.	Scattering vote.
Alabama	First	7,130			7,130
Do	Second	9,121			9,121
Do	Third	1,549			1,549
Arkansas	First	719	23		747
Do	Fifth	(*)			
Georgia	First	3,884			3,884
Do	Second	4,406			4,406
Do	Third		329		329
Do	Fifth	5,756			5,756
Do	Sixth				26
Do	Eighth				185
Do	Ninth		11,915		432
Do	Tenth	(*)			12,367
Kentucky	Fourth	6,651			6,651
Louisiana	First	1,416			3
Mississippi	Fourth		9,729		1,416
Do	Fifth	(*)			139
Do	Seventh	5,448			9,859
Do	First	6,565			5,448
South Carolina	Second	5,361			6,565
Do	Third				5,420
Do	Fourth			1,677	1,677
Do	Fifth		7,471		4,588
Do	Sixth	3,628		2,263	7,471
Total		61,634	29,472	8,528	855

* Not organized.

† No opposition.

ELECTION OF 1884.				
State.	District.	Republican vote.	Scattering vote.	Total opposition vote.
Alabama	First	6,403		6,403
Do	Second	8,991		8,991
Do	Third	4,349		4,349
Arkansas	First	8,561		8,561
Do	Fifth	5,710		5,710
Georgia	First	6,012		6,012
Do	Second	(*)		
Do	Third	4,268	94	4,362
Do	Fifth	5,130		5,130
Do	Sixth	(*)		
Do	Eighth	3,250		8,250
Do	Ninth		98	98
Do	Tenth	1,277	187	1,464
Kentucky	Seventh	1,173	9	1,182
Louisiana	Fourth	1,377	89	1,466
Mississippi	First	2,657		2,657
Do	Fourth	5,723		5,723
Do	Fifth	3,665	10	3,675
Do	Seventh	5,485		5,485
South Carolina	First	3,108		3,108
Do	Second	1,920	166	2,106
Do	Third	752	8	759
Do	Fourth		81	81
Do	Fifth	2,881	499	3,379
Do	Sixth	3,289	519	3,898
Total		85,981	1,768	87,749

ELECTION OF 1886.

State.	District.	Republican vote.	Scattering vote.	Total opposition vote.
Alabama	First		16	16
Do	Second			
Do	Third		2	2
Arkansas	First			
Do	Fifth			
Georgia	First	17		17
Do	Second			
Do	Third			
Do	Fifth			
Do	Sixth			
Do	Eighth	11	53	553
Do	Ninth		11	11
Do	Tenth			
Kentucky	Seventh		17	17
Louisiana	Fourth		12	12
Mississippi	First		27	27
Do	Fourth		122	122
Do	Fifth		27	27
Do	Seventh		6	6
South Carolina	First		2	2
Do	Second		23	23
Do	Third		7	7
Do	Fourth			
Do	Fifth		5	5
Do	Sixth		58	58
Total			28	379

* No opposition.

A free ballot and a fair count!

Mr. STEPHENSON. Great reformation.

Mr. BURROWS. Great reformation, as my friend suggests, in that section of the country. Where has this opposition vote gone? Take the Republican vote alone. In 1880 it was in round numbers 141,000 in those districts; in 1882 it was 61,000; in 1884 it was 85,000, and in 1886 it was just 28 votes. What has become of this Republican vote? Has it gone to the Democratic party? No; for while in 1880 the Democratic vote was 306,000, in 1886 it was only 94,000.

Several Democratic MEMBERS. What became of the Democratic vote?

Mr. BURROWS. The Republican vote certainly did not go to the Democrats.

Mr. OATES. Where did the Democratic vote go to?

Mr. BURROWS. They did not vote; no occasion to vote. [Laughter on the Democratic side.] What is the necessity of voting in districts where there is no opposition? There were nine of these districts where there was no opposition, where it was perfectly unanimous. In the other districts there were only two where a single vote was cast, 11 in one and 17 in the other, and that was all; and yet you tell us it was all quiet and peaceable. No doubt of that. So is a cemetery quiet. [Laughter on the Republican side.] Gentlemen, I hope the historian will not be compelled to declare of you as Tacitus wrote of the Romans:

To harass, to despoil, and to butcher, you style government. You make a solitude, and call it peace.

But they say this measure is unconstitutional. That is the standing Democratic objection. So was the old supervisors' law passed twenty years ago pronounced unconstitutional. I remember a distinguished Senator from Indiana [Senator VOORHEES], when that measure was under discussion, registered an oath before high heaven, as we have heard oaths registered in this debate, that he would resist the measure until he was carried to his grave before he would permit it to pass. Nevertheless, he lives, the measure passed, and the Supreme Court have repeatedly declared it constitutional. So this measure will be pronounced constitutional. This bill does no more than to place over the whole Congressional district the same machinery now in use in cities of 20,000 inhabitants. If constitutional when applied to cities of 20,000, it is constitutional for an entire Congressional district.

The proposed changes are few. The supervisors can swear a voter who is challenged for delay. Three supervisors of opposite political parties are to be appointed instead of two. If the poll is not opened after one hour the supervisors may open it and receive the Congressional vote. The position of the boxes shall not be changed during the voting. The boxes shall be in open view and accessible to the voter; the box shall not be removed from the polling place until the vote is counted, and some other changes which do not involve any principle which the Supreme Court has not already passed upon.

This measure further declares it to be a crime in connection with elections to commit perjury, make false certificate or return, practice any fraud connected therewith, stuff a ballot-box, steal ballots from a box, to bribe a voter, to offer to bribe, to hire a voter not to vote, to bribe or offer to bribe an election officer, to bribe any registration officer, to intimidate a voter, to change ballot-boxes, to count falsely, to hinder voters from voting, to make false registration, to make false naturalization, to hinder registration, to vote more than once at the same election, to hinder or interfere with an election officer, to willfully exclude the vote of a lawful voter, or do any other act or thing which will prevent a free ballot and a fair count. And yet, though the whole purpose of this measure is to secure a free and fair election, the Democratic party cry out against it and denounce it as unconstitutional and revolutionary.

I firmly believe if we were to strike out every word in this bill after the enacting clause and insert three of the Ten Commandments:

Thou shalt not steal;
Thou shalt not bear false witness;
Thou shalt not kill—

the whole Democratic party would declare it an assault upon the South, subversive of the Constitution, and an infringement of the reserved rights of the States. [Applause on the Republican side.]

It is repeatedly asserted that under the Constitution we have no power to "make or alter" the regulations to the extent proposed by this bill. What says the Supreme Court:

The clause of the Constitution under which the power of Congress, as well as that of the State Legislatures, to regulate the election of Senators and Representatives arises is as follows:

"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

It seems to us that the natural sense of these words is the contrary of that assumed by the counsel of the petitioners. After first authorizing the States to prescribe the regulations, it is added, "The Congress may at any time, by law, make or alter such regulations." "Make or alter." What is the plain meaning of these words? If not under the prepossession of some abstract theory of the relations between the State and the National Government, we should not have any difficulty in understanding them. There is no declaration that the regulations shall be made either wholly by the State Legislatures or wholly by Congress. If Congress does not interfere, of course they may be made wholly by the State; but if it chooses to interfere, there is nothing in the words to prevent its doing so, either wholly or partially. On the contrary their necessary implication is that they may do either. It may either make the regulations or it may alter them. If it only alters, leaving, as manifest convenience

requires, the general organization of the polls to the State, there results a necessary co-operation of the two governments in regulating the subject.

The gentleman from South Carolina [Mr. HEMPHILL] is apprehensive that where the regulations of the State and the National Government conflict trouble will ensue. The Supreme Court relieves the gentleman's fears.

But no repugnance in the system of regulations can arise thence, for the power of Congress over the object is paramount. It may be exercised as and when Congress sees fit to exercise it. When exercised, the action of Congress, so far as it extends and conflicts with the regulations of the State, necessarily supercedes them.

The objection, so often repeated, that such an application of Congressional regulations to those previously made by a State would produce a clashing of jurisdictions and a conflict of rules, loses sight of the fact that the regulations made by Congress are paramount to those made by the State Legislature; and if they conflict therewith, the latter, so far as the conflict extends, cease to be operative. No clashing can possibly arise.

The State may make regulations on the subject; Congress may make regulations on the same subject or may alter or add to those already made. The paramount character of those made by Congress has the effect to supersede those made by the State, so far as the two are inconsistent, and no further.

But we are warned that the presence of two sets of officers at the polls will certainly produce personal conflicts. Again, the Supreme Court points out how that may be avoided:

As to the supposed conflict that may arise between the officers appointed by the State and National Governments for superintending the election, no more insuperable difficulty need arise than in the application of the regulations adopted by each respectively. The regulations of Congress being constitutionally paramount, the duties imposed thereby upon the officers of the United States, so far as they have respect to the same matters, must necessarily be paramount to those to be performed by the officers of the State. If both can not be performed the latter are *pro tanto* superseded and cease to be duties.

Where there is a disposition to act harmoniously there is no danger of disturbance between those who have different duties to perform. When the rightful authority of the General Government is once conceded and acquiesced in, the apprehended difficulties will disappear. Let a spirit of national as well as local patriotism once prevail, let unfounded jealousies cease, and we shall hear no more about the impossibility of harmonious action between the National and State Governments in a matter in which they have a mutual interest.

But it is said this is a new exercise of power, never heretofore invoked. In 1842 Congress, by statute, required members of the House of Representatives to be elected from districts, and subsequently fixed the time for holding the election and provided it should be by ballot. Because a power has lain dormant it does not therefore follow that it does not exist. Because it sleeps it is not dead.

But some gentlemen say this measure will produce trouble in some of the Southern States. Why trouble? Obey the law and there will be no trouble. Let me invoke the language of the Supreme Court on that question, and it is a lesson some gentlemen would do well to learn:

The greatest difficulty in coming to a just conclusion arises from mistaken notions with regard to the relations which subsist between the State and the National Government. It seems to be often overlooked that a national constitution has been adopted in this country establishing a real government therein, operating upon persons and territory and things, and which, moreover, is, or should be, as dear to every American citizen as the State government is. Whenever the true conception of the nature of this government is once conceded, no real difficulty will arise in the just interpretation of its powers. But if we allow ourselves to regard it—

The National Government—

as a hostile organization, opposed to the proper sovereignty and dignity of the State governments, we shall continue to be vexed with difficulties as to its jurisdiction and authority.

The true interest of the people of this country requires that both the National and State Governments should be allowed, without jealous interference on either side, to exercise all the powers which respectively belong to them according to a fair and practical construction of the Constitution. State rights and the rights of the United States should be equally respected. Both are essential to the preservation of our liberties and the prosperity of our institutions. But, in endeavoring to vindicate the one, we should not allow our zeal to nullify or impair the other.

But you say, let us alone and these evils of which you complain will correct themselves. If only State government was involved we might yield to the demand. If the people of your States are willing to be dominated by an oligarchy, and submit to a government of fraud and violence, that is a matter that concerns the State, and the National Government can only interfere when called upon to guaranty to every State in the Union a republican form of government. In the mean time, however, how about the elections of Representatives to this National Legislature clothed with power to make laws for all the people of all the States? The National Government has the right to say something about that. The Supreme Court forcibly says:

It is the duty of the States to elect Representatives to Congress. The due and fair election of these Representatives is of vital importance to the United States. The Government of the United States is no less concerned in the transaction than the State government is. It certainly is not bound to stand by as a passive spectator when duties are violated and outrageous frauds are committed.

If the people of any of the States are content to submit to the domination of a class and be ruled by officials who were never elected, the National Government can not afford to submit to such subversion of representative government.

But you say there are frauds North. Granted. If there is a single fraud perpetrated on the ballot-box anywhere, from Maine to California, from the Gulf to the Lakes, amend this bill to cover every conceivable instance, if you can, and it shall receive my cordial support. If there is any provision in this bill that oversteps the bounds of constitutional restraint, strike it down; but let us stand together in maintaining a free ballot and a fair count everywhere throughout the Republic.

Without it the Republic can not stand. Let it be once understood that the will of the people, as expressed at the ballot-box, can not be recorded and that the Government under which they live is not their Government, but one of fraud and violence, and the people will be ripe for revolution, and revolution will surely come. The ballot-box is the very sanctuary of the sovereignty of the American people.

This country can endure the fiercest political contests known to party warfare; it can withstand the machinations of the anarchist; foreign armies may invade and desolate it; hostile fleets may hang upon its shores, bombard its cities, and lay tribute upon its people; fratricidal war may shake its foundations and deluge it in blood; yet, if we but preserve the sovereignty of the people unimpaired as expressed at the ballot-box, the Republic will endure and come out of the conflict stronger, purer, and more invincible for the trial. [Applause on the Republican side.] These crimes upon the suffrage of a free people must cease.

I feel deeply on this question. I have no excuse to offer for any man who violates the sanctity of the ballot-box. It is the crime of crimes in a free government. When I put my ballot in the box, no mortal man has the right to touch it except to record my verdict. To destroy it, I repeat, is the crime of crimes, and it must cease or the Republic will fall. Why, sir, I would rather history should record that in the unhappy conflict of 1861-1865, in the clash of arms for the struggle for great convictions and great ideas, the Republic had fallen and been blotted from the map of empire than that it should be recorded that after it had been preserved, at such a sacrifice of blood and treasure, public virtue at last decayed and it fell through the corruption of the people. Better for us as a nation, better for history. I had rather you had taken this Government in 1861 by force than to take it now by fraud.

I can forgive a man who, in a moment of passion or in the hour of revolution, fires upon his country's flag. But that man who in peace crawls to a ballot-box where reposes the latest-born offspring of a nation's sovereign will and takes its life is an assassin whose crime can not be expiated. [Loud applause on the Republican side.] Tear down a nation's flag and you destroy only the symbol of sovereignty; destroy the ballots of a free people and you assassinate the sovereign itself. In the presence of such a crime treason itself almost whitens into a virtue.

Mr. OUTHWAITE. Has not your Administration just appointed such a man as you describe an officer in the Treasury Department?

The SPEAKER. The gentleman from Michigan declines to be interrupted.

Mr. BURROWS. The gentleman from New Jersey [Mr. MCADOO] the other day said:

Do not pass this bill, vote it down, and then we can go home to the people and cry "Liberty; liberty."

Liberty to do what? Liberty to make false registration; liberty to stuff and rifle ballot-boxes; liberty to make false certificates; liberty to murder; liberty to overthrow the sovereignty of the people and install an oligarchy on the ruins. Heaven deliver us from such liberty as that. Let us rather pass some measure that will give to every lawful voter in the Republic the opportunity to cast his ballot and have that ballot honestly counted, and then we may return to our homes and proclaim to all the people the immortal words of the martyred Lincoln: "A government of the people, by the people, and for the people shall not perish from the earth." [Loud applause on the Republican side.]

CONTINUANCE OF APPROPRIATIONS.

Mr. CANNON. Mr. Speaker, I desire to offer the joint resolution which I send to the Clerk's desk.

The Clerk read as follows:

Joint resolution to provide temporarily for the expenditures of the Government.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all appropriations for the necessary operations of the Government, and of the District of Columbia, under existing laws, which shall remain unprovided for on the 30th day of June, 1890, be, and they are hereby, continued and made available for a period of thirty days from and after that date unless the regular appropriations provided therefor in bills now pending in Congress shall have been previously made for the service of the fiscal year ending June 30, 1891; and a sufficient amount is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry on the same: *Provided,* That no greater amount shall be expended for such operations than will be in the same proportion to the appropriations for the fiscal year 1890 as thirty days' time bears to the whole of said fiscal year: *Provided further,* That the total expenditures for the whole of the fiscal year 1891 under the several appropriations hereby continued shall not exceed in the aggregate the amounts finally appropriated therefor in the several bills now pending, except in cases where a change is made in the annual, monthly, or per diem compensation, or in the numbers of officers, clerks, or other persons authorized to be employed by the several appropriations hereby continued, in which cases the amounts authorized to be expended shall equal thirty three-hundred-and-sixty-fifths of the appropriations for the fiscal year 1890, and three-hundred-and-thirty-five three-hundred-and-sixty-fifths of the appropriation contained in the several bills now pending when the same shall have finally passed, unless the salary or compensation of any office shall be increased or diminished without changing the grade or the duties thereof, in which case such salary or compensation shall relate to the entire fiscal year and run from the beginning thereof.

Mr. SPRINGER. Mr. Speaker, does this come up by unanimous consent?

The SPEAKER. The Chair thinks not.

Mr. SPRINGER. Under the rules all appropriations should go to

the Committee on Appropriations and also be considered in Committee of the Whole House on the state of the Union.

Mr. CANNON. Does the gentleman make the point of order that it should go to the Committee of the Whole? If so, I will move that the House resolve itself into Committee of the Whole.

Mr. SPRINGER. I desire first to make the point that it is not in order to introduce this joint resolution in the House at this time, making appropriations for the support of the Government, and to consider it here immediately. It must receive its first consideration in the Committee on Appropriations.

Mr. CANNON. If the gentleman makes the point of order, although this is the last day of the fiscal year, he can do so, and we will discuss it. If he does not make the point of order, I suppose that inside of two minutes this joint resolution, which is substantially the same resolution that has been passed every other year at the long session for many years, will be passed. The gentleman, however, can pursue his own course.

Mr. SPRINGER. If this joint resolution is not to take up time and can be gotten rid of at once I have no objection to its consideration, but as the time has been limited for the discussion of the pending bill and as this is the time assigned for that specific purpose, I object to anything else being brought in to consume the only time which, under the special order brought in here by the Committee on Rules, is available for the discussion of the election bill.

Mr. CANNON. The gentleman can pursue his own course. I have stated my own opinion to be that unless there is objection, in two minutes this joint resolution can be passed. If there should be objection, of course we will discuss the force of that objection, and, as I have said, the gentleman can pursue his own course.

Mr. SPRINGER. I want to call attention to the fact that notwithstanding we have had rules adopted at this session for the purpose of facilitating the transaction of business, as we were told by gentlemen on the other side, still we find ourselves at the end of the fiscal year, with not a single appropriation bill passed. Now under the statement of my colleague from Illinois [Mr. CANNON] that this joint resolution will not occupy any considerable time, I will withdraw my objection.

Mr. CUTCHEON. The gentleman from Illinois [Mr. SPRINGER] is mistaken. The Army bill and the Naval Academy bill have been laws since the 20th of June.

Mr. MORROW. And the pension bill.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

Mr. OUTHWAITE. I should like to hear some statement of the necessity for this.

Mr. CANNON. The present condition of the appropriation bills is as follows: The following appropriation bills are laws or in the hands of the President for approval and likely to be laws before midnight: The Army appropriation bill, the Military Academy appropriation bill, the naval appropriation bill, the pension bill, and the post-office bill. The District of Columbia appropriation bill is agreed on in conference and awaiting confirmation of the conference report. In conference are: The diplomatic and consular bill, the fortification bill, and the legislative bill. I hope that before midnight the District of Columbia bill, the diplomatic and consular bill, and the legislative bills will have become laws. Pending in the Senate is the river and harbor bill. The agricultural bill has been passed to-day. Pending before the Committee on Appropriations in the Senate are the sundry civil bill and the Indian bill.

Mr. OUTHWAITE. Where is the deficiency bill?

Mr. CANNON. The deficiency bill to make up for the deficiencies of this fiscal year has not yet been reported.

[Cries of "Vote!" "Vote!"]

Mr. MCOMAS. Let me add that the chances are that the agricultural bill which is now being considered will be followed by the District bill in the course of an hour or two.

Mr. DOCKERY. Mr. Speaker, I ask leave to submit a statement showing the condition of the appropriation bills now as compared with their condition at this time two years ago. I will not occupy the time of the House in reading, but will ask leave to print.

There was no objection.

Mr. DOCKERY. The following was the condition of appropriation bills June 30, 1888:

Laws: Indian; Military Academy; pension.
In conference: Agricultural; diplomatic and consular; District of Columbia; legislative, executive, and judicial; Post-Office.
Pending in the Senate: Army; river and harbor.
Pending in Senate Committee on Appropriations: Navy; sundry civil.
Not reported to the House: Fortification.

Now, Mr. Speaker, I desire to contrast the present condition of the general appropriation bills with their status at the corresponding period in the Fiftyth Congress, for the reason that during the last six months we have been operating under a system of rules which it was claimed would expedite the business of the House. Of the appropriation bills, only the Army and Military Academy bills have become laws; the pension appropriation bill went to the President this morning, whilst the

naval and Post-Office appropriation bills will probably reach the President to-morrow. The District of Columbia appropriation bill, which passed the House with such extraordinary haste in December last, has just been agreed on in conference and will probably be presented to the House before the close of the day's session. There are now in conference the diplomatic and consular bills, the fortification bill, and the legislative, executive, and judicial bill. The agricultural and river and harbor bills are pending in the Senate, whilst the sundry civil and Indian appropriation bills have not yet been reported to the Senate by the Senate Committee on Appropriations. It is thus manifest, Mr. Speaker, that the new rules have not operated to expedite the passage of the general appropriation bills.

Mr. CANNON. I have got it here and will read it for the gentleman, if he wishes; or, if the gentleman desires, I will put it in the RECORD.

Mr. DOCKERY. No, I will put it in myself. I have leave to do so. Mr. CANNON. I have no objection to the gentleman putting it in, but I will put it in also, if there be no objection.

There was no objection.

The statement is as follows:

Condition of appropriation bills June 30, 1888.

Laws: Indian; Military Academy; pension.
In conference: Agricultural; diplomatic and consular; District of Columbia; legislative, executive, and judicial; Post-Office.
Pending in the Senate: Army; river and harbor.
Pending in Senate Committee on Appropriations: Navy; sundry civil.
Not reported to the House: Fortification.

Condition of appropriation bills June 30, 1890.

Laws or in hands of President for approval: Army; Military Academy; Navy; pension; Post-Office.
Agreed on in conference: District of Columbia.
In conference: Diplomatic and consular; fortification; legislative, executive, and judicial.
Passed the Senate to-day: Agricultural.
Pending in the Senate: River and harbor.
Pending in the Senate Committee on Appropriations: Indian; sundry civil.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

FEDERAL ELECTION LAW.

Mr. LODGE. Mr. Speaker, I desire on behalf of the committee to offer a number of amendments to House bill No. 11045. The great majority of them are intended to correct printer's errors. With one exception they are all formal and verbal. There is but one that changes the import of a section, and that one I will point out when it is reached. I offer these amendments now so as to get them out of the way as rapidly as possible.

Mr. MILLS. I hope the gentleman will perfect his bill.

Mr. LODGE. I move to amend the first section according to the amendments I send to the desk.

Mr. HEMPHILL. Mr. Speaker, I desire to submit a parliamentary inquiry. I desire to know whether it is necessary to amend this bill as it is read by sections, or whether we can offer amendments to any portion of it?

The SPEAKER. An amendment can be offered to any portion of it.

The first amendment offered by Mr. LODGE was read, as follows:

Section 1: Strike out all after the enacting clause as far as and including the word "naturalization," in line 19, and insert to read as follows: "That the chief supervisors of elections now in office, their successors, and such supervisors of elections as may hereafter be appointed under any law of the United States, are charged in their respective judicial districts and in such Congressional districts the majority of the counties of which are within their judicial districts, both in person and by and through the supervisors of election who may from time to time be appointed, with the supervision of elections at which Representatives or Delegates in Congress are voted for, with the enforcement of the national election laws, and with the prevention of frauds and irregularities in naturalization. In such Congressional districts where the counties are equally divided in number between two judicial districts or where they are within more than two judicial districts, that chief supervisor of elections is charged with duty hereunder in whose judicial district there shall be the counties which, by the last national census, contained the greatest number of inhabitants."

Mr. LODGE. This amendment simply recasts the first section, making the language more explicit.

The amendment was agreed to.

The Clerk read as follows:

After the word "mentioned," in line 5, section 2, insert "places."

Mr. LODGE. This amendment simply supplies a word omitted by a typographical error.

The amendment was agreed to.

The Clerk read as follows:

Strike out all after the word "parishes," in line 26, section 2, down to and including the word "residence," in line 30, and insert the following: "Petitioning him to take such action as may be requisite to secure such supervision therein as is provided by the laws of the United States. Every person making application for such supervision shall subscribe the same and state his place of residence."

Mr. LODGE. This is simply a verbal change.

Mr. SPRINGER. Would it be in order to move an amendment to this amendment?

Mr. HEMPHILL. The understanding, I believe, is that the gentleman in charge of the bill shall offer these amendments and that afterwards we shall offer our amendments.

Mr. SPRINGER. Can that be done?

The SPEAKER. No doubt that can be done if such is the arrangement.

Mr. LODGE. I have no objection to permitting the gentleman from Illinois to offer an amendment.

Mr. HEMPHILL. If it is agreeable to the gentleman from Massachusetts, I think it better that he should first offer the amendments to perfect the bill and then allow us to offer ours.

Mr. LODGE. Certainly.

The amendment was agreed to.

The Clerk read as follows:

After the word "appointed," in line 14, section 5, strike out "such number," and insert in lieu thereof the following: "for the city or town, for the county or parish, or for the entire Congressional district, such number of supervisors of election."

Mr. LODGE. That merely makes the language more exact.

The amendment was agreed to.

The Clerk read as follows:

After the word "officers," in line 13 of section 8, strike out all down to and including the word "duties," in line 17, and insert the following: "under sections 2017 to 2020, both inclusive, and section 2022 of the Revised Statutes of the United States, and shall also perform and discharge the following duties, save where the performance of the same is herein confined to supervisors serving in cities or towns containing a designated population."

Mr. LODGE. This merely makes the provision specific by reference to the sections of the Revised States.

The amendment was agreed to.

The Clerk read as follows:

Before the word "thousand," in line 74, section 8, strike out the word "five," and insert the word "twenty."

Mr. LODGE. This is to rectify a printer's error.

The amendment was agreed to.

The Clerk read as follows:

After the word "registration," in line 121, section 8, strike out as far as and including the word "voted," and insert the following: "And shall show by proper marks who has voted and each kind of ballot each voter cast."

Mr. TRACEY. What is the meaning of that?

Mr. LODGE. This amendment simply defines more fully than is now expressed in the bill what the marks shall show.

Mr. HEMPHILL. How will it be possible for the supervisor to know what kind of ballot a man casts if he casts a secret ballot?

Mr. LODGE. He can not possibly know except in the case of an open ballot.

Mr. HEMPHILL. But this requires that he shall keep a register of the ballot and the kind of ballots.

Mr. LODGE. Of course he can not keep such a register if the ballot is secret.

Mr. HEMPHILL. You had better put in a qualifying provision, because otherwise the officer may be liable to the heavy penalties provided in another part of the bill. Under the language proposed he might feel called upon to look at every one of the ballots to determine what kind of a ballot it was.

Mr. LODGE. Of course this can not apply to a secret ballot and is not intended to do so. It has reference only to the open ballot.

Mr. HEMPHILL. Well, it is certainly essential that the provision be made clear, because this law is intended to take the place of the State laws.

Mr. LODGE. What suggestion would the gentleman make?

Mr. HEMPHILL. I would suggest the insertion of the words, "where not in violation of the State laws."

Mr. LODGE. I am perfectly willing to accede to that.

Mr. FRANK. I think the gentleman had better leave the clause as it is.

Mr. SPRINGER. I hope the amendment may be read again.

Mr. LODGE. As there seems to be objection to this amendment, I will withdraw it and submit it to the minority of the committee before presenting it again to the House.

The SPEAKER. The amendment is withdrawn.

Mr. LODGE. I will also withdraw the two following amendments which are in the hands of the Clerk, because they all relate to the same subject and should be made to conform.

The Clerk read as follows:

After the word "purpose," in line 135, section 8, insert "and forwarded to the chief supervisor of elections."

Mr. LODGE. That simply provides for forwarding the returns.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

In section 8, after the word "having," in line 142, strike out the word "twenty" and insert in lieu thereof the words "one hundred."

The amendment was adopted.

The next amendment was read, as follows:

Section 9, line 26, strike out the words "third inspector" and insert the words "second supervisor."

The amendment was adopted.

Mr. LODGE. The rest of the lines do not conform. The first cor-

rection which has been made was a misprint. The purpose is to have the ballot counted alternately by the officers, and it is necessary therefore in the twenty-eighth line to make it consistent to strike out "supervisor" and insert "inspector," and in the twenty-ninth line strike out "fourth inspector" and insert "third supervisor." That makes the alternation accurate.

I move this amendment, therefore, which I send to the desk.

The Clerk read as follows:

In line 23, on page 19, strike out the word "supervisor" and insert the word "inspector." Also, in line 29, strike out "fourth inspector" and insert "third supervisor."

The amendment was adopted.

The next amendment was read, as follows:

Section 10, line 19, strike out all after the word "elections," down to and including "taken," in line 22, and insert:

"The supervisors of election shall then count and canvass all such ballots, and shall make in duplicate a separate statement of the same, which shall be numbered, enveloped, and forwarded as provided in section 12 of this act for the statements therein contemplated; the ballots themselves shall upon being counted and canvassed be forthwith placed in envelopes, together with a statement showing the number of ballots in each envelope and the box in which they were found; the envelopes shall then be sealed and forwarded to the chief supervisor, who shall file them and tabulate the results of the same for the board of canvassers of that Congressional vote."

Mr. SPRINGER. Will the gentleman allow me to ask him a question?

Mr. LODGE. Certainly.

Mr. SPRINGER. Is it intended that the original ballots shall be taken possession of by the Government supervisor in all cases?

Mr. LODGE. These ballots provided for in this section are only those found in the wrong boxes, not in boxes where the Congressional vote is properly cast. They are now provided for in the law to be taken in that way. The only purpose of this amendment is to consolidate all that portion of it which relates to the returns under this head in making provision for dealing with such ballots. These lines are taken from that provision of the bill in section 12, found in the marginal notes and where provision is made for separate returns. It makes no change in the law in that respect.

Mr. MUTCHLER. I want to ask the gentleman from Massachusetts how would it be where a ticket which is voted for a member of Congress is the same ticket printed on the same paper with all of the other officers?

Mr. LODGE. If they are printed on one ticket and all voted on one ticket, they do not pass into the hands of the supervisor.

Mr. MUTCHLER. But suppose they did get into the other box?

Mr. LODGE. But necessarily if they vote all the names on one ballot that vote must be in one box.

Mr. MUTCHLER. But let me illustrate: In Pennsylvania we vote in this way: We have the State, judicial, and county tickets separate. Now, at the head of a county ticket we vote for a member of Congress. Following his name on the ticket are the names of all of the county officers voted for in that election. There may be fifteen or twenty of these—

Mr. BUCKALEW. Including members of the Legislature?

Mr. MUTCHLER. Also including members of the Legislature.

Now, do I understand the gentleman from Massachusetts if one of these tickets be found in the wrong box that the names of all of the other candidates for the other offices are to be put into this envelope and go through the course provided in this amendment?

Mr. LODGE. This provision does not change the law on that subject.

Mr. MUTCHLER. But suppose this ticket got into the wrong box?

Mr. LODGE. In that event I understand they are kept as evidence and testimony.

Mr. MUTCHLER. But the amendment does not so provide.

Mr. LODGE. They are kept simply as evidence and a separate return is made of them.

Mr. CUTCHEON. But they would be counted for the other officers, would they not?

Mr. LODGE. Of course. It does not interfere with the State count at all.

Mr. OUTHWAITE. This amendment provides that these State tickets may be taken possession of by Federal officials?

Mr. LODGE. Not at all. This is simply a provision that, where there is more than one box and the tickets are found in the wrong box, certain of these tickets shall be forwarded as the amendment proposes; and in the event suggested by the gentleman from Pennsylvania a few moments ago that they shall be kept as evidence.

Mr. OUTHWAITE. Although they may contain returns as to a dozen State officers?

Mr. LODGE. This does not interfere with the State count.

Mr. MUTCHLER. Let me ask the gentleman whether under this provision of the bill it would not remove from the custody of the courts in Pennsylvania the tickets that are found upon which a member of Congress has been voted for?

Mr. LODGE. If they are cast in the wrong box, then after they have been counted by the State's officers they are removed and preserved as evidence.

Mr. MUTCHLER. I do not see how it makes any difference whether they are in the wrong box or in the right box.

Mr. LODGE. If they are not in the wrong box the supervisors do not take them.

Mr. MUTCHLER. The voters who voted for the county officers are disfranchised to that extent.

Mr. VAUX. That is what it amounts to.

Mr. HERBERT. I would like to ask the gentleman from Massachusetts this question: Suppose there are ten boxes for ten different officers, and that some enthusiastic friend of a candidate for Congress should put a ticket for the same candidate for Congress in each one of those ten boxes. Under this bill would you count all those 10 votes cast by the same person as votes for the same candidate?

Mr. LODGE. They would not be counted; they would simply be preserved—

Mr. HERBERT. How would you prevent it under this bill?

Mr. LODGE. If the gentleman will allow me to finish my sentence. They would not be counted by the supervisor. What the State officers would do with them would be governed by the State law. The supervisors would make a separate return of those votes cast in other boxes and file those ballots as part of the evidence of that return.

Mr. HERBERT. Then the board of canvassers, finding them returned separately, would count them? They would be counted by the United States canvassers.

Mr. LODGE. They would be returned in a separate return as so many votes in other boxes than the Congressional box.

Mr. HERBERT. But would they not get counted as so many votes cast by mistake for the candidate for Congress, which ought to be counted?

Mr. LODGE. They would return them as so many votes cast for the candidate for Congress in other than the Congressional box.

Mr. HERBERT. How would they ascertain whether they ought to be counted or not?

Mr. LODGE. That would be a question for the board of canvassers to pass upon, if it was an entire Congressional district. It is simply a question of preserving the evidence in regard to such matters that this law undertakes to cover.

Mr. HERBERT. But you preserve the evidence in order that you may count the votes, and it seems to me in a case of that kind you would count all 10 of those votes which might have been cast by the same man for the same candidate.

Mr. ALLEN, of Mississippi. Exactly.

Mr. HERBERT. And there is nothing in your bill to prevent it.

Mr. CHEADLE. I understand that where ballots are found in the wrong box the supervisor shall take the custody of them.

Mr. LODGE. That is all.

Mr. CHEADLE. The question I wish to propound is, how will this bill meet the emergency which exists in the State of Indiana? Heretofore in Indiana we have voted for our State and county officers upon one ticket, but by the provisions of the new law we vote upon two tickets and in two boxes.

One of the tickets is a State ticket, and upon that are the names of all the State officers. Upon the other ticket, known as the county ticket, at the head of it is the name of the candidate for member of Congress, and on that are the judicial officers, the legislative officers, and the county officers. I would like to know by what authority we can enact a law here to take away the evidence, on a recount, of the election of county officers in the State of Indiana, under the election law of the State of Indiana, in conformity to the State law.

Mr. OUTHWAITE. That is just one of the iniquities of this law. You will get a great many more of them as you go along.

Mr. MUTCHLER. As I said before, in the State of Pennsylvania we vote but three tickets, the State ticket, the judicial ticket, and the county ticket. Those three tickets are separate. They are all voted for in the same box, but in different compartments. Now do I understand by this bill that if a county ticket which is headed by the name of a candidate for member of Congress should be found in the wrong compartment of that box the ticket can be taken out and removed from the custody of the court?

Mr. LODGE. If the whole box is a Congressional box, legally, to receive the Congressional votes, of course not.

Mr. OUTHWAITE. Why do you not answer the question?

Mr. MUTCHLER. That is not an answer to the question.

Mr. LODGE. If you call each compartment a separate box, then those ballots in the wrong box would be taken as evidence. I will say to my friend that they would not be destroyed, but simply filed in a different place.

Mr. MUTCHLER. Under your bill, then, not only the ticket for member of Congress, but the ticket containing the names of all the county officers would be taken out of the box and removed from the county.

Mr. LODGE. If placed in the wrong box—

Mr. MUTCHLER. If placed in the wrong box.

Mr. LODGE. If placed in the wrong box and printed on the same ticket with the names of the county and State officers, they would be filed in the supervisor's office as part of the evidence.

Mr. OUTHWAITE. Where is the authority to authorize the United States to do that, to take away from the State its own tickets for its own officials and carry them out of the jurisdiction of the State?

Mr. LODGE. If the gentleman wishes to open up a constitutional argument, I shall be glad to go into it, but I would like to have more time than five minutes.

Mr. OUTHWAITE. I would be glad for the gentleman to have an opportunity to answer that question.

Mr. HERBERT. Why is it proposed to preserve those votes as evidence unless it is intended to use that evidence by counting those votes?

Mr. LODGE. The purpose is simply to make it entirely public, to show that those votes were cast. The supervisors do not count those votes. All the supervisors undertake to count are the Congressional votes cast in the proper box.

Mr. HERBERT. If you do not propose to count the votes, why do you preserve them?

Mr. LODGE. They are returned to show the exact state of facts. Then they are to be counted or not, as they should be.

Mr. TARSNEY. Who has to decide whether they are to be counted or not?

Mr. MUTCHLER. Does not the provision of that bill render it impossible to ascertain whether there was any fraud in the voting of the county ticket by taking the tickets away?

Mr. LODGE. Why not? These are filed and are a matter of public evidence.

Mr. MUTCHLER. Filed where?

Mr. LODGE. Preserved in the circuit court or in the office of the chief supervisor.

Mr. MUTCHLER. How are we to get them?

Mr. LODGE. Just as you do in any other matter of getting papers.

Mr. MUTCHLER. How is a court at another place to get them from the circuit court?

Mr. OUTHWAITE. Especially in view of the fact that the circuit court of the United States may be in another State?

Mr. LODGE. They are matters of public record, open to inspection at all times.

Mr. MUTCHLER. Well, but we must have the ticket.

Mr. LODGE. The original ticket?

Mr. MUTCHLER. The original ticket. The name of the voter is written on opposite that number on the tally-sheet.

Mr. LODGE. You can get a copy of the record.

Mr. MUTCHLER. A copy! A copy will not do.

Mr. OUTHWAITE. I would like the gentleman to have time to answer a question. By what authority does the Federal Government take away from the State government the evidence of an election held under the State laws for county officers?

Mr. LODGE. It takes them into its custody. It does not destroy them. They are kept on file. I can see no reason why you can not require the supervisor to bring in his record as you can in any other case.

Mr. OUTHWAITE. I am asking for any constitutional authority for your supervisor to do that.

Mr. LODGE. There is absolute power in the United States to do precisely what it likes about elections.

Mr. OUTHWAITE. Of my county?

Mr. LODGE. No; but in elections of members of Congress.

Mr. OUTHWAITE. But not as to county officers.

Mr. LODGE. Then detach your county elections from Congressional elections. The remedy is easy.

Mr. OUTHWAITE. I have not gotten the gentleman from Maine to cite a constitutional authority for the United States to take these elections away from under our State laws.

Mr. TARSNEY. I would ask the gentleman from Massachusetts would not that destroy your Australian system you have in Massachusetts where there is only one box?

Mr. LODGE. There is only one box. You have got one ticket and one box—a Congressional box—there, and the ballot is deposited in that box.

Mr. TARSNEY. Your suggestion to detach these elections destroys your Australian ballot system.

Mr. LODGE. Not at all. Not at all.

Mr. STOCKDALE. I would like to ask the gentleman a question.

Mr. HEMPHILL. I endeavored to point out to the House the other day, Mr. Speaker, when I had the honor to submit some remarks, that this proposed law constantly comes in conflict with the laws of various States of the Union. The States of Indiana, New Jersey, and Pennsylvania require that the State tickets shall be preserved in the box in which they were cast.

Mr. MANSUR. And Missouri.

Mr. HEMPHILL. And Missouri, and other States of the Union. They are to be preserved as evidence to be used in any contest or for any purpose that the State may see fit, and it lays heavy penalties upon the State officers for not doing it. This bill requires that these tickets, if they contain the name of a candidate for Congress, shall be taken off and disposed of in a particular way, and lays a very heavy penalty on the supervisor who refuses or neglects to do so.

Now, I submit to the gentlemen who live in States of that kind how will it be possible to do one thing with a ticket in conflict with the State law in order to avoid a penalty of the State law? It is impossible to carry out the provisions of this bill in conformity with both the State laws and the laws of the United States, and it subjects the State officers and the United States officers to heavy punishment in case they do not do two things, when those two things are absolutely opposed to each other. I do not think it is worth while to consume a great deal of time on this amendment. It is one of the many collisions that must necessarily be between this bill and the laws of the various States of this Union. There is one section of the bill which says that every ticket on which there is the name of a candidate for Congress, no matter where it is found—and that does not exactly conform with the statement of the gentleman from Massachusetts—shall be counted, whereas the State law says that they shall not be counted unless they conform to certain regulations provided in the State law.

Mr. HERBERT. Let me also call the attention of the gentleman from Massachusetts [Mr. LODGE] to the fact that he is mistaken when he says these ballots are simply to be preserved as evidence. His own amendment, which he has just now sent up, and which I have this moment read, provides that all those ballots, found in all these boxes, shall be canvassed, counted, and tabulated, and the returns made to the State canvassers.

Mr. LODGE. Certainly.

Mr. HERBERT. Then how can you tell how many votes have been cast by one man for one candidate? [Cries of "Vote!" "Vote!"]

Mr. CHEADLE. Mr. Speaker, I do not doubt the constitutional right of Congress to enact a law governing and controlling the election of Representatives of this body; but, standing here in my place as a Representative of the Ninth district of Indiana, I do deny the authority of this Congress to enact a law that will authorize the supervisors or any other officers of this Government to go into our district and take possession of the tickets that are cast by the electors of that district for the various judicial county and legislative officers of the district at an election held in conformity to the laws of the State of Indiana.

I deny the right of this body to authorize these Federal officers to take those tickets, which are the highest and the only evidence by which we can have a recount under our State law, or conduct contests. I deny, I say, the authority of this Congress to come in by its agents and take possession of those tickets which are the only evidence of the fact that the electors in the various counties composing the district have selected certain persons to represent them or to serve them in the various local offices of that State. I want to vote for this bill because I believe in honest elections. I believe that all the Congressional elections ought to be under the authority of Congress itself, but this point suggests to my mind the view that we ought so to amend this bill as to provide that the votes for members of Congress shall be kept separate and apart from the votes cast for the State, judicial, and county officers.

Mr. CUTCHEON. I suppose the gentleman will concede that either the Federal law or the State law must be supreme. The Constitution of the United States, Article VI, provides:

That this Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land.

Now, I submit that if we enact this law and it comes into conflict with any State law, then the law made by Congress, if it be a constitutional law (and I understand the gentleman to concede that point), must be the supreme and effective law of the land.

Mr. CHEADLE. I deny the conclusion which the gentleman reaches. The Government of the United States recognizes the autonomy of the States, but it knows nothing at all about the subdivisions of those States into counties and townships. The Government does not seek to interfere in the least with the administration of the various local governments, and I appeal to this side of the Chamber to see to it, in the preparation of a bill of such importance as this, that no unnecessary conflict is raised between the authorities of the General Government and the authorities of the States. It is not necessary. We can amend this law so that it shall be applicable to elections for Congressmen and to those alone.

But, standing as I do in the presence of so many able and distinguished lawyers upon both sides of this Chamber, I venture to say there is not a man upon this floor who will contend for a moment that we have a right to go into the State of Indiana, or the State of Kentucky, or the State of New York, or the State of Tennessee, and take possession of the tickets cast by the voters of those States for the various county, judicial, and State officers. It can not be done without trampling under foot the fundamental principles of our system of local government. It can not be done without an unwarranted interference by the National Government with those rights which belong under the Constitution to the States.

Mr. OUTHWAITE. Now, Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. LODGE] may have thirty minutes, if he wants them, to explain the authority by which the Federal Government can take possession of county and State tickets.

The question was taken on the amendment offered by Mr. LODGE; and the Speaker declared that the yeas seemed to have it.

Mr. LODGE. One moment, Mr. Speaker. I think gentlemen do not understand that by voting down my amendment they do not alter the provision of the bill in this respect. That is all in the bill now.

Mr. McMILLIN. Let us vote down the bill then.

Mr. LODGE. Well, try it and see how you get on. It seems to me, Mr. Speaker, that if we are going to deal with this question at all the better way is to put the provision in the best possible shape and then come to a square vote on the question of the preservation of these ballots by the supervisors. I am perfectly willing to withdraw the amendment, but if it is voted down that will be equally satisfactory to me.

The SPEAKER. The Chair will state that the declaration of the result was interrupted solely under the idea that the gentleman from Massachusetts desired to demand a further count.

Mr. LODGE. I did intend to ask for a division. I ask for it now.

The question was taken on the amendment of Mr. LODGE; and there were—ayes 104, yeas 113.

Mr. LODGE. I ask for tellers.

Tellers were ordered; and the Speaker appointed Mr. LODGE and Mr. HEMPHILL.

The House again divided; and the tellers reported—ayes 117, yeas 120.

So the amendment was rejected.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

Page 25, section 12, line 4, strike out all after the word "Congress" down to and including the word "canvass" in line 5, and insert the following words: "as are found in the Congressional box."

Mr. LODGE. Mr. Speaker, the amendment/s in this section, this one and those that follow it between line 1 and line 23, are intended to make the section conform to the amendment which has been just voted down. I therefore withdraw all these amendments because they would have no point or object, the preceding one having been voted down.

Mr. HEMPHILL. I desire to ask the gentleman from Massachusetts whether any of these amendments which have been suggested affect in any way the provision of the bill which requires that certain ballots shall be attached to the return of the supervisors as sent up, because that provision conflicts with the State law which requires the preservation of the ballots at home.

Mr. LODGE. The bill simply requires specimen ballots.

Mr. HEMPHILL. I know, but it requires one ballot of each kind to be taken from the ballot-box.

Mr. LODGE. These amendments do not touch that.

Mr. HEMPHILL. Then you have no amendment upon that point?

Mr. LODGE. No.

The Clerk read as follows:

Page 27, line 56, section 12, after the word "mail," insert "in cities or towns in which is located the office of the chief supervisor of elections, all such envelopes shall, if the chief supervisor shall so direct, be personally delivered at such office by such supervisor or other officer as the chief supervisor shall designate."

Mr. LODGE. This simply allows the envelopes containing the statements and certificates to be delivered in cities by messengers instead of by mail, if the chief supervisor shall so determine.

The amendment was agreed to.

The Clerk read as follows:

Page 28, section 13, after the word "presentation," in line 13, insert the word "to."

The amendment was agreed to.

The Clerk read as follows:

Page 31, section 15, after the word "day" in line 33, insert the following words: "and to give public notice of the place and the hour of their meeting."

Mr. LODGE. This simply provides that the board of canvassers shall give notice of their meeting.

The amendment was agreed to.

The Clerk read as follows:

Page 32, section 15, after the word "furnished," in line 64, insert "as herein provided."

The amendment was agreed to.

The Clerk read as follows:

Page 32, line 65, after the word "supervisors," strike out the words "as provided in this act."

The amendment was agreed to.

The Clerk read as follows:

Page 33, line 85, after the word "thereat," insert the following: "who shall be paid \$5 a day for his attendance."

The amendment was agreed to.

The Clerk read as follows:

Page 33, section 16, line 12, after the word "of," strike out the word "the" and insert the word "said."

The amendment was agreed to.

The Clerk read as follows:

Page 33, line 14, strike out the word "rolls" and insert the word "roll."

The amendment was agreed to.

The Clerk read as follows:

Page 33, line 15, strike out the word "erected" and insert the word "elected."

The amendment was agreed to.

The Clerk read as follows:

Page 37, section 19, line 7, strike out the word "one" and insert in lieu thereof "five."

Several MEMBERS. What is that?

Mr. LODGE. It confines this provision to cities of 500,000 inhabitants, instead of 100,000.

The amendment was agreed to.

The Clerk read as follows:

Page 37, line 24, after the word "served," insert the following: "shall make a similar comparison with the records of his office and make similar certificate as to the period of service of the several special deputies."

Mr. LODGE. This is simply a means of getting at the service more accurately, requiring a certificate to be filed of the number of days that the officers have served.

The amendment was agreed to.

The Clerk read as follows:

Page 37, line 26, after the word "district," insert "for the days they are certified to have served."

The amendment was agreed to.

The Clerk read as follows:

Page 37, line 26, before the word "service," strike out "their" and insert in lieu thereof "such."

The amendment was agreed to.

The Clerk read as follows:

Page 39, section 20, line 33, after the word "place," insert "in his judicial district."

The amendment was agreed to.

The Clerk read as follows:

Page 39, line 33, after the word "resides," insert the words "or does business."

The amendment was agreed to.

The Clerk read as follows:

Page 40, section 27, line 49, strike out "therefore."

The amendment was agreed to.

The Clerk read as follows:

Page 50, line 56, strike out the words "at once" and insert in lieu thereof the word "forthwith."

The amendment was rejected.

The Clerk read as follows:

Page 50, line 58, before the word "all," insert "hereafter."

The amendment was agreed to, there being, ayes 116, noes not counted.

The Clerk read as follows:

Page 50, line 68, before the word "certification," strike out "their" and insert the words "the form of."

The amendment was agreed to.

The next amendment was read, as follows:

On page 50, line 68, strike out the words "and their" and insert "or to."

The amendment was adopted.

The next amendment was read, as follows:

On page 53, section 32, line 9, strike out the word "purport" and insert "substance."

The amendment was adopted.

The next amendment was read, as follows:

On page 54, line 14, strike out the word "purport" and insert the word "substance."

The amendment was adopted.

The next amendment was read, as follows:

On page 54, line 21, strike out the following words: "The same" and insert the word "like."

The amendment was adopted.

The next amendment was read, as follows:

On page 54, line 22, strike out the word "it" and insert "this act."

The amendment was adopted.

The next amendment was read, as follows:

On page 54, line 23, strike out the words "the same shall be" and insert "such sections are in terms."

Mr. HEARD. I do not understand the purport of that amendment.

Mr. LODGE. The amendment is merely verbal. It proposes to strike out the words "the same shall be" and uses words descriptive of the sections; so that the provision shall read:

Save as such sections are in terms changed or modified, etc.

The amendment was adopted.

The next amendment was read, as follows:

On page 54, line 24, strike out the word "terms," and insert "provisions."

The amendment was adopted.

The next amendment was read, as follows:

On page 56, section 34, line 9, strike out the word "such" and insert "all."

Mr. ADAMS. I suppose that these amendments are merely formal and that the various sections may be recurred to to-morrow; but I desire now to call the attention of the gentleman from Massachusetts to what I think ought to be changed in this section. It provides in substance that a label shall be affixed to the second ballot-box in order to inform the voter whether he is depositing his ballot in the Congres-

sional, or in the judicial, or other local box. Of course, such a provision is unnecessary where only one box is held. Where I live only one box is held; and under our new law in Illinois a provision like this might tend to defeat the purpose of the law; because our ballot-box, adopted, I think, from New York, has a glass front, to enable the voter to see his ballot as it descends into the interior of the box. Of course a label on the box would tend to defeat the object of that law; and if in any place in this country more than one box is used at an election, while at the same time this particular kind of ballot-box is used, some such change ought to be made in the language of this bill.

Mr. SPRINGER. There is nothing, I believe, pending, Mr. Speaker, and I hope the amendment of the gentleman from Massachusetts will be disposed of so that the minority of the committee may submit their amendments.

The amendment of Mr. LODGE was adopted.

The next amendment was read, as follows:

On page 56, line 19, after the word "officers," insert the following words: "National, State, Territorial, or local."

Mr. OUTHWAITE. I do not understand the purpose of that amendment.

Mr. LODGE. Simply to define what is meant by election officers. Mr. OUTHWAITE. Does this require a duty on the part of the State officers?

Mr. LODGE. Of any election officer where a Congressional election is held.

Mr. OUTHWAITE. Any officers, State or general?

Mr. LODGE. If the election is conducted under national laws. It has been held by the Supreme Court that these parties are United States officers so far as that election is concerned.

Mr. OUTHWAITE. I only wanted to observe that that feature of the law, even if it passes, will not be observed in Ohio.

Mr. KELLEY. In all parts of Ohio?

Mr. TRACEY. Let me say to the gentleman from Massachusetts that that conflicts directly with the present law in New York.

Mr. LODGE. These words are simply to define what is meant by the term "election officers," and impose on them the duties of this section.

The amendment was adopted.

The next amendment was read, as follows:

On page 67, section 47, line 1, after the word "election," insert the words "supervisor of election."

The amendment was adopted.

The next amendment was read, as follows:

Same page and section, in line 6, after the word "of," insert the words "the United States or of."

The amendment was adopted.

Mr. LODGE. The Clerk has now read the various amendments that I have sent up. I have one more, and the last which I submit.

The Clerk read as follows:

Amend line 25, section 15, page 31, by substituting for the words "so long as faithful and capable," the following words: "For two years or until their successors are appointed and qualified."

Mr. LODGE. This makes it definite instead of indefinite.

The amendment was adopted.

Mr. LODGE. That is the last of the amendments.

Mr. LEHLBACH. Is it in order now to offer an amendment to any section of the bill?

The SPEAKER. It is in order, but the Chair purposes to recognize the gentleman from South Carolina [Mr. HEMPHILL] who desires to offer amendments to the bill.

Mr. HEMPHILL. Does the gentleman from New Jersey desire to offer an amendment?

Mr. LEHLBACH. I do.

Mr. HEMPHILL. I will yield to the gentleman for that purpose.

Mr. LEHLBACH. Then I offer this amendment.

The Clerk read as follows:

Amend section 2 by striking out all after the fifth line, and inserting in lieu thereof the words "The chief supervisor of election for each judicial district of the United States shall take such action as is requisite to secure such supervision in every Congressional district as is provided by the laws of the United States."

Mr. SPRINGER. What is the meaning of this?

Mr. LODGE. I do not understand the purport of that amendment.

Mr. LEHLBACH. Mr. Speaker, the purport of this amendment is merely to strike out the first, second, and third paragraphs of section 2 and to make the law apply uniformly throughout this whole country. If it is desirable that the power of the National Government be invoked in Congressional elections, let the law be made so that it can be applied in every district of the country. Let its execution not depend on the petition of fifty to one hundred men living or claiming to live in a district.

I believe that if this amendment is adopted it will not be considered so obnoxious in those sections of our country where the people now feel that, if this bill is passed, it is meant to operate especially against them. If it is applied uniformly the charge that is made by some that it is in-

tended as sectional legislation falls to the ground, and I hope that every Democrat and every Republican on this floor will see his way clear to vote for this amendment. If adopted it will at least remove that tinge of unfairness which many claim now taints this measure.

Mr. ROWELL. Mr. Speaker, for eighteen years or more we have had the supervision by petition, as is provided for in this bill. We get supervision by petition in this bill as we have been in the habit of getting it, and the purpose of the bill is to supervise elections where people believe that frauds are committed, and it is not the purpose of the bill to supervise elections where people do not believe that frauds are committed. The proposition of the gentleman from New Jersey is simply to change entirely the supervision system which is working so well now in this country, and which is not, except for political purposes, exciting any hostility. That is all I desire to say, Mr. Speaker. [Cries of "Vote!" "Vote!"]

Mr. OUTHWAITE. Mr. Speaker, the gentleman states but half the truth when he says that for a number of years we have had such supervision as is provided for in this bill. The supervision that we have had has applied only in the cases of cities with 20,000 inhabitants or more. This bill provides that the supervision shall be throughout this whole country.

Mr. ROWELL. Will my friend permit me? Supervision under the present law is had in any town, in any county, or in any voting precinct in the United States under petition.

Mr. OUTHWAITE. But not with the obnoxious provisions of innumerable deputy marshals, not with the provisions that this bill contains. Now, do gentlemen upon that side of the floor assume that they and their people are all so virtuous that they should not be subjected to any form of law?

Do gentlemen assume that it is fair or proper that the law shall be applied in some parts of this country and that it shall not be applicable to every district of this country alike? This bill, in its provision of application by petition, is one which places in the hands of fifty or one hundred of the very worst citizens of the district the opportunity to overturn the State law, the opportunity to place the whole district under the supervision of themselves to some degree, and I speak from knowledge when I say that the men who were appointed under the Federal supervision heretofore in the State of Ohio were not the best citizens. Men were appointed that were ex-convicts, murderers, foot-pads, burglars, and other criminals were selected to administer the Federal law. [Applause on the Democratic side.] That was the occasion of the Randall bill which restricted the number of marshals.

Mr. WILLIAMS, of Ohio. I want to know if one of them was Mike Mullin, who was convicted of election frauds and pardoned out by President Cleveland.

Mr. OUTHWAITE. That does not alter the case. Perhaps he ought not to have been pardoned. Your President has pardoned criminals and so has the Democratic President; but I do not know of any occasion for putting that in here as an objection to the proposition that I make, that it places the district in the hands of fifty or one hundred of the worst citizens that there may be in the district, for the purpose of filling their own pockets with the money that is provided for in this bill. Let us have a general election law. Let us all go upon the same plane and upon the same footing. If there is no fraud in our districts there will be no harm done; but let the people all have the opportunity to see how your election law works.

Mr. GROSVENOR. My colleague [Mr. OUTHWAITE] did not hear the question of my colleague [Mr. WILLIAMS] or he would see that it was very pertinent to the subject-matter. The question asked by my colleague [Mr. WILLIAMS] was whether Mike Mullen was one of the gentlemen he spoke about as having committed frauds in Ohio.

Mr. OUTHWAITE. I am not acquainted with Mike Mullen. The gentleman, perhaps, is better acquainted with Mike Mullen than I am. I do not know who he is, except that he was convicted and sent to the penitentiary.

Mr. GROSVENOR. I will tell the gentleman who Mike Mullen is. And within a year the gentleman, if he attended the convention of his party, sat in a Democratic convention in Ohio when Mike Mullen was chairman of a great delegation of that convention, Mike Mullen the convict.

Mr. OUTHWAITE. I deny the correctness of that statement.

Mr. GROSVENOR. The gentleman may not have been at the Dayton convention. Mike Mullen was convicted in the United States court at Cincinnati for frauds upon the election in that State, for having captured and taken prisoners one hundred and fifty-seven colored men and shut them up in a cellar of a station-house forty-eight hours without bread or water. He was a police officer and he took advantage of his position. He did it criminally and viciously.

Mr. OUTHWAITE. How many of those colored men had been brought over from Kentucky to vote in the State of Ohio and how many of them ought to have been arrested for that reason?

Mr. GROSVENOR. The record of the United States court shows that every one of them was a legal voter, and no one denies it.

Mr. SPRINGER. I deny it.

Mr. GROSVENOR. Will you keep still?

Mr. SPRINGER. I deny it.

Mr. OUTHWAITE. I want no opportunity for any Mike Mullens to interfere with the elections of the people.

Mr. HEMPHILL addressed the Chair.

Mr. GROSVENOR. Wait a moment. I have not gotten through with Mike Mullen. I have not surrendered the floor to the gentleman from South Carolina.

Mr. HEMPHILL. I beg the gentleman's pardon. I did not mean to take him off the floor.

Mr. GROSVENOR. Well, I have not surrendered the floor.

Mr. HEMPHILL. I did not desire to take the gentleman off the floor.

The SPEAKER. The gentleman from Ohio will proceed.

Mr. GROSVENOR. After having been convicted and sentenced to a year's confinement in jail and after having gone into jail, upon the recommendation of Governor Hoadley of Ohio and of the leading Democrats of that section of the State Mike Mullen was pardoned by Grover Cleveland and was at once reassigned upon the police force of Cincinnati and made a lieutenant of police. To-day he is one of the leading and most influential Democrats of Hamilton County [applause on the Republican side] and a member of the State central committee, as I am told.

Mr. OUTHWAITE. Is he any better or any worse than some of those deputy marshals I have spoken of?

Mr. GROSVENOR. If the gentleman will give me the names I will inform him. Perhaps there were convicts appointed by the court of Cincinnati, but I do not believe it.

Mr. STOCKDALE. Is that the general condition of society in Ohio? [Laughter on the Democratic side.]

Mr. GROSVENOR. I will state to the gentleman from Mississippi that the difference between the state of society in Ohio and the bulldozers of Mississippi is that we convict ours and you do not convict yours. [Applause on the Republican side.] You elect them to be the sheriff in the counties in which they have committed the crime, as in the case of the murderer of Chisholm.

Mr. STOCKDALE. We do not. Whenever the White Caps of your State commit crimes your governor pardons them.

Mr. GROSVENOR. I know of no such case, nor does the gentleman from Mississippi know of any such case, and I assert no White Cap was ever pardoned by any Ohio governor.

Mr. HEMPHILL. Mr. Speaker, this is a very important bill to the whole country, and if we undertake to air all the rascality of all the bad men of this country, we will spend all our time in discussing that and keep away from the consideration of the measure that is before us. Now, if the people in Ohio, and it is certainly a civilized State, are all that is said about them by gentlemen on both sides, it shows the necessity of the universal application of this matter. If we are to have it settled, if it is universally conceded that one set of people in the United States are to be put under the operation of this law, all should bear the same burden or enjoy the same benefit. I call for the previous question on the amendment.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed a joint resolution (H. Res. 185) to provide temporarily for the expenses of the Government.

The message also announced that the Senate further insisted upon its amendments numbered 2, 21, 22, 23, 24, and 25, to the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes, disagreed to by the House, agreed to the request for a further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DAWES, Mr. PLUMB, and Mr. GORMAN conferees on the part of the Senate.

The message further announced that the Senate had passed, with amendments in which concurrence was requested, the bill (H. R. 10716) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1891.

AGRICULTURAL APPROPRIATION BILL.

Mr. FUNSTON. I ask unanimous consent that the House non-concur in the amendments of the Senate to the agricultural appropriation bill and that it ask for a conference.

Mr. McMILLIN. I do hope that, in view of the fact that we have passed a resolution continuing the appropriations, these other matters will not be taken up here that will consume time.

Mr. FUNSTON. It will not take up as much time as the gentleman is occupying in speaking.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the bill (H. R. 10716) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1891, be taken up, and that the amendments of the Senate be non-concurred in. Is there objection? [After a pause.] The Chair hears none.

Mr. FUNSTON. I move that the House non-concur in the amendments of the Senate.

The motion was agreed to.

Mr. FUNSTON. I ask that a committee of conference be appointed. The motion was agreed to.

FEDERAL ELECTION BILL.

Mr. HEMPHILL. I demand the previous question on the adoption of the amendment of the gentleman from New Jersey.

The SPEAKER. The gentleman demands the previous question.

Mr. HEMPHILL (to Mr. LODGE). Does the gentleman from Massachusetts want any time?

Mr. LODGE. I will take twenty minutes after the previous question is disposed of.

The SPEAKER. There has already been debate, and if the previous question is ordered that cuts off further debate.

The question was taken on ordering the previous question and on division there were—ayes 113, noes 120.

So the House refused to order the previous question.

Mr. LODGE. Mr. Speaker, this amendment, as will be readily seen by all, is a vital amendment, changing the entire principle of the bill. I personally believe in an election law which would have taken Congressional elections entirely into the hands of the United States, and made it uniform and compulsory in every district, establishing the secret official ballot, and have made it in fact what this bill is wrongfully called, a Federal election law. If you are going to have a supervisory law like this, if you are going to content yourselves with the supervision of elections, there is no need of making supervision compulsory.

The argument that this bill is sectional is obviously fallacious. Every district can have it by asking for it. Therefore it is perfectly uniform. It does not apply to any specific district. No district can have it unless one hundred of its citizens desire it; but any district can have it where one hundred of its citizens desire it. It is perfectly fair. It gives every district an opportunity to have the law applied, and in that it is uniform throughout the country. Now, Mr. Speaker, if there are districts where there is a sufficient body of citizens who believe elections are not fair, there is no reason in the world why that district should not be supervised; and the one next to it, where no man of either party thinks there is fraud, should be left unsupervised.

Mr. OATES. Will the gentleman permit a question.

Mr. LODGE. Certainly.

Mr. OATES. Is it not the provision of the bill that if one hundred voters, citizens of one county, petition for this supervision it will extend all through the Congressional district?

Mr. LODGE. Yes; if one hundred citizens of the district petition for it. Of course it makes no matter where they live in the district.

Mr. OATES. They may all live in one county, and there may be a dozen or more counties in the district, in several of which there is no suspicion or allegation of anything improper in the election; yet if one hundred voters, citizens of one county, petition for it, the supervision extends all through the district.

Mr. LODGE. That does not affect the fact that the petition is signed by one hundred citizens of the district who believe there is need of supervision. It can be asked for in every district; if need be, asked for in none. It is only where it is believed that supervision is necessary that it will be asked for. If you change the bill as proposed by the gentleman from New Jersey [Mr. LEHLBACH] you convert this into a stringent national election law or nearly that. The change would do much to make it a stringent election law, and yet you would not get the advantages that you would have if you had a pure national election law. Because there is a plague spot in one place there is no reason why you should not deal with that alone or why you should be required to apply your remedies to other places where there is no disease.

Mr. McMILLIN. Will the gentleman permit a question?

Mr. LODGE. Certainly.

Mr. McMILLIN. Is it not true that under this bill, if it should become a law, if there were forty thousand citizens in a district and thirty-nine thousand nine hundred of them were opposed to the interposition of this supervision, and only the other one hundred favored it, the one hundred could force it upon the thirty-nine thousand nine hundred?

Mr. LODGE. There is no question about that. That is plain on the face of the bill.

Mr. SPRINGER. Does the gentleman think that honest elections can be secured by the interposition of persons who may constitute the very worst elements of society? If you must invoke this law by petition, why not submit the petition to some sort of judicial authority to determine whether the facts or alleged facts exist or not?

Mr. LODGE. You can not undertake to discriminate between citizens.

Mr. SPRINGER. One hundred of the worst citizens of a Congressional district can secure the application of this law to the whole district. I can not see the necessity of submitting this beautiful machinery to the decision of a mob.

Mr. WASHINGTON. Mr. Speaker, I have refrained from having anything to say on this bill thus far, because I am satisfied it is intended to be an intensely partisan, sectional measure, and I have felt that whatever I might say would be looked upon as coming from a Southern source, and therefore would have but little weight with our friends on the other side. But when we come to the amendment offered by the gentleman from New Jersey [Mr. LEHLBACH] I think we have reached a point at which it is proper to say, in the language of

the old adage, that "what is sauce for the goose is sauce for the gander." Now, gentlemen, if you have framed this bill to supervise Southern elections—and God knows and you know that that is the whole intent of it—I say let it be made a national bill, so that it will apply from one end of the country to the other. Let it not apply at the behest of one hundred of the worst citizens in my district or any other Congressional district.

I represent a district that I am proud to represent, a district which holds as free and fair elections as are held in Illinois, in Massachusetts, or anywhere else in this Union, a district where every man, white or black, goes to the polls and casts an untrammelled ballot, and yet under the existing law I have seen the usurpation and the villainy that have been practiced by supervisors and deputy marshals selected from the thugs and the cut-throats of my district who have fomented discord and brought on strife. This bill proposes to carry that system into every district south of Mason and Dixon's line. Now, I say, let this law, if it is to pass, be made of general application. Let it apply to every district in Massachusetts and in Illinois; let it apply in Chicago, and let the people there feel the conflict that arises between the Federal authority and the local authorities and local laws under this system.

Let this law be made obnoxious by its enforcement, and, gentlemen, although you may push it through now under the gag of the party lash and caucus dictation, I tell you the time will come when it will be wiped from the statute-book. We can live under it if you can, but for God's sake do not stir up strife in this country with a partisan measure like this. If you pass such a law at all, make it national, as you so loudly proclaim on every public occasion all Republican measures are and must be. Make it a fair law, one which will apply to all alike. We will take our part of the medicine with you; we can stand it if you can. But do not leave it in the power of one hundred designing men in any one county out of the seven that I represent to go before a Federal judge to carry the matter to the city of Nashville—

[Here the hammer fell.]

AGRICULTURAL APPROPRIATION BILL.

The Speaker announced as House conferees on the agricultural appropriation bill Mr. FUNSTON, Mr. CONGER, and Mr. HATCH.

FEDERAL ELECTION LAW.

Mr. MILLIKEN. Mr. Speaker, the speech of my friend [Mr. WASHINGTON] reminds me of the fact that it is the wicked who flee when no man pursueth. Now, this bill applies to every part of the country alike—

Mr. ENLOE. Will the gentleman yield for a question?

Mr. MILLIKEN. If my friend will wait until I complete one sentence, I will thank him. [Laughter.] This law will apply, as I have said, to every portion of the country alike. I understand that the gentleman from Pennsylvania [Mr. VAUX] said the other day that if this bill became a law the first thing they would do would be to have it applied in Maine, that they were going to have one hundred Democrats in Maine petition to have it applied there. Let me say to my friend that we shall be only too glad to have it applied in Maine whenever they get ready to apply it, because in that State we have a pure ballot and an honest count. [Derisive cries on the Democratic side.] That has been the history of our State, except in one instance, when a Democratic governor and council, who constituted the "returning board" there, sat down in the darkness of their chamber and counted out thirty-seven Republican representatives and not one Democrat, and turned the State over to the Democracy. They committed perjury, they committed forgery, they committed every crime in the catalogue—

Mr. ENLOE rose.

Mr. MILLIKEN. And I want to say to my friend from Tennessee [Mr. ENLOE], for his relief, that I have nothing to say especially against the South for crimes committed against the ballot-box, because the old Bourbon Democracy is the same wherever you find it; and not in his State, nor in South Carolina, nor in Mississippi, nor anywhere else where frauds are alleged to exist, have any meaner or more dishonest or more wicked frauds been committed than those committed by the old Bourbon Democracy in the State of Maine.

And it was only the hardy virtue of the people of Maine that prevented the wickedness from being consummated.

Mr. VAUX. Then why do you not make this bill universal, so as to apply to this terrible State that you talk about?

Mr. MILLIKEN. I will say to my friend that long ago the party of righteousness came into power there, and the matter has been amended. We have now no wounds to heal; and, if we had, there is no Democratic salve that would possibly apply to them.

Mr. VAUX. No, because it is a curative, and you are past cure. [Laughter.]

Mr. MILLIKEN. It may be a curative in your party to some extent; I am sorry it has not cured generally.

Mr. HEMPHILL. Unless there is some urgency on the part of gentlemen to speak further on this proposition I think we might as well come to a vote on it. The question is simply whether this bill shall be of universal application. [Cries of "Vote!" "Vote!"]

Mr. ALLEN, of Michigan. Mr. Speaker, the object of this amendment, so far as the gentleman from New Jersey is concerned, is, I believe, a sincere and honorable one. But the debate thus far on the other side has demonstrated that it is proposed to be carried, if at all, by those gentlemen for the purpose, in the first place, of emasculating the bill and, secondly, in order to make it unpopular and odious because of the power it will give unscrupulous men to entail additional expense in carrying on the elections. I do not suppose gentlemen will dispute for a moment the fact that there are Congressional districts in this country that need no such law as this compelling an honest count and liberty to all who have the right to vote. But to say that because they do not need it therefore we shall make no law to apply to those districts where it is not only needed, but where it is impossible to have a fair election without it, is to say that we shall have no fair elections at all.

In my own district—not largely Republican or Democratic—there never was a dishonest vote cast for a member of Congress. [Derisive laughter on the Democratic side.] I repeat it, sir, no man of set of men in that district was ever charged with casting dishonest votes at national elections. Some townships in that district give 300 Democratic votes with not more than a score of Republican votes; but those Republican votes are always counted—counted by Democratic officials and counted fairly; they are not counted out. And in other townships there are three or four hundred Republican votes, with an insignificant number of Democratic votes; but no one ever finds the votes counted out. True, errors have been committed there as elsewhere, no doubt, but any attempt to defraud the voters would meet with effective disapproval regardless of politics; therefore no such law is needed there, and the effect of the amendment of my friend from New Jersey would compel the enforcement of the law where not needed, adding millions to the expense of such enforcement.

Gentlemen, if you will have fair elections and count the votes as cast, you will then do as scores and hundreds of other districts in this country are doing, and you will have no need to undertake to make this law unpopular by giving it into the power of unscrupulous men to add to the cost of its enforcement. That is your only, your sole object. When in any district of the North public sentiment becomes satisfied that there is corruption at the polls, the people will ask for the application of this law, and if it is not stringent enough they will ask for one more so. They will not wink at corruption, and fraud, and forgery, and bulldozing; they never have done so. What we want and demand is that in every part of the country there shall be fair elections. That is all we ask of you, and this it is our duty to demand and enforce by legislation.

[Here the hammer fell.]

Mr. KERR, of Iowa. I wish to ask the gentleman from New Jersey [Mr. LEHLBACH] whether, if the bill be amended as he proposes, he will be satisfied with it and will vote for it.

Mr. LEHLBACH. In reply to the gentleman from Iowa [Mr. KERR], I will say that when I discussed this bill in my brief way the other day I gave two of the main reasons for my opposition to it. The fact that the bill does not apply uniformly throughout the Union was one of them. I shall exercise my right as a member on this floor to attempt to secure a correction of the unwise features of the bill wherever I see them and to offer such amendments as I deem necessary, leaving the question for the House to decide.

My own idea is that if this amendment be adopted it will take away the power of the Democratic party throughout the land to assail this bill as an unjust and sectional measure. As a Republican I desire to prevent that, and have therefore offered this amendment in good faith. I have already stated my reasons in support of such a proposition, and I do not care to go further into the discussion of the matter now. I believe that this bill, if passed, should be made universal in its application. At the same time I believe it is unnecessary to have this election law; and I have already so stated.

Mr. ENLOE. I suggest that the gentleman from New Jersey ask the gentleman from Iowa [Mr. KERR] whether there is any amendment that can be adopted to this bill that will prevent him from voting for it.

Mr. KERR, of Iowa. In answer to the gentleman from Tennessee [Mr. ENLOE] I will say that if anything in this country stands in the way of fair elections and it is in our power to prevent it by the action of Congress I shall seek to have that power exercised in every instance.

Mr. CHEADLE. Mr. Speaker, it strikes me that any law which may be enacted with reference to the election of members of Congress ought, if possible, to be made a national law, not sectional. I want to say to my Democratic colleagues from the South that, if it is true as charged on this side of the Chamber that by reason of preventing colored men from voting it is impossible for the public sentiment of the South to find proper expression on this floor, that charge of suppressing a fair expression of the voice of the people does not rest alone upon your shoulders, gentlemen of the South.

Standing here as a Representative of the State of Indiana I want to say to this House and to the country, and let it go upon record, that with one or two exceptions there can be found in no State in this Union a Republican constituency that is as nearly suppressed, in the

expression of their opinions and sentiments on this floor, as the great Commonwealth of Indiana. In 1888 there were cast for members of Congress by the Republican electors of the State of Indiana 266,000 votes, and they were enabled to send to the Fifty-first Congress three members only. At the same election there were cast 261,100 Democratic votes, and upon the face of the returns they sent ten members here to speak for a minority of the voters of the State of Indiana.

I am in favor of the amendment offered by my friend from New Jersey [Mr. LEHLBACH] and hope it will prevail. I want to say here and now for the common people of the North that we want all these sectional prejudices and passions buried out of sight forever. [Applause on the Democratic side.] I want to say to my colleagues that the living issues which are presented for consideration to this Congress, if properly presented before the people of America, will win to us the Fifty-second Congress under existing laws. The Republican party stands in favor of a great national industrial policy that is bringing prosperity and blessings to the people of the South, the East, and the West; and if I vote for this measure, and if it is amended I shall vote for it, I want to provide for a national election law—I believe in it; I believe the language of the Constitution authorizes it—but if the law is enacted I want it to be applicable to the district I represent as well as to the district represented by the gentleman from Georgia [Mr. TURNER].

Mr. BOUTELLE. This bill does that.

Mr. CHEADLE. I do not want to vote for any law that, in order to be made operative, must be petitioned for by a handful of citizens of any district in the United States. [Applause on the Democratic side.]

Standing here, I say if we enact a law, a national election law, let us enact a measure which will be applicable alike from Maine to Texas.

Mr. MILLIKEN. Why is not this applicable from Maine to Texas, throughout the country?

Mr. BOUTELLE. It is.

Mr. CHEADLE. It is not, unless it is petitioned for by one hundred or by fifty persons.

Mr. BOUTELLE. It is applicable wherever it is needed, wherever they ask for it.

Mr. CHEADLE. Of course, I understand that; but if we enact a national election law let it be like the laws enacted by the States for the control of their elections. In the States we do not have to petition for the law.

Mr. BROSIUS. Why, in Pennsylvania any five men, by making application, can have supervisors selected.

Mr. BOUTELLE. And that is this law.

Mr. CHEADLE. That may be true, but in my State a law which is applicable to one portion of it is applicable to all parts alike and to every election precinct in the State, and does not require a petition to make it operative.

Mr. MILLIKEN. But suppose that nobody in either or any Congressional district of the State wants the law applied, why would you force it upon them?

Mr. CHEADLE. Simply because, if we enact a national election law, it should be applicable by its own provisions to every district alike, and every Representative who comes here should come under exactly the same title. [Applause on the Democratic side.]

Mr. MILLIKEN. This is applicable to all. [Cries of "Oh, no!" on the Democratic side.]

Mr. CHEADLE. No; it is not applicable. It is not enforced unless petitioned for. It does not enforce itself. [Cries of "Vote!" "Vote!"]

Mr. BOOTHMAN was recognized.

Mr. SPRINGER. Mr. Speaker, I demand the previous question—

The SPEAKER. The gentleman from Ohio has been recognized.

Mr. SPRINGER. But I was on the floor demanding the right—

The SPEAKER. But the gentleman from Ohio has been recognized; and, besides, the House has voted down the demand for the previous question.

Mr. SPRINGER. But that does not mean we are going to talk forever.

The SPEAKER. The Chair trusts not.

Mr. BOOTHMAN. Mr. Speaker, it seems to me that the purpose of those on either side of the floor who will vote in favor of this amendment is very clearly shadowed forth in the calm and, I may say, dispassionate utterance of my friend from Tennessee [Mr. WASHINGTON]. [Laughter.] His desire is to make this law as obnoxious as possible. His purpose in voting for the amendment is to incorporate into the law that which in the end will work its repeal. Now, if it be true that there are districts in this country where there are frauds practiced at elections it ought to be within the mind of every patriotic citizen to endeavor to put down, to destroy, and suppress such frauds. The elective franchise is a part of the common heritage of our country, and if it be that there are districts where there is intimidation of the black people—or of any people—and no man can doubt that such exist or districts where votes are not counted as cast, it is the part of patriotism to endeavor to prevent such practices. But it not the part of patriotism to endeavor to destroy a measure calculated to reach that result.

Now, why make it applicable to every district more than it is? At

present it is permissive. If the amendment of the gentleman from New Jersey is adopted it becomes mandatory and compulsory on districts throughout the country where these matters of fraud are not alleged or found to exist. In other words, the desire is on the part of gentlemen on the other side to destroy the law that is calculated to make elections pure, and not to uphold or seek to enforce the purity of the ballot-box.

It seems to me that this is no part of a patriotic duty. I will not impugn the motives of gentlemen who may be opposed to the law on the ground that they believe it unpatriotic. But, if their purpose is to load down the law, it seems to me that gentlemen on this side of the House ought to know when that purpose is developed in their presence, and vote down this amendment that has that effect whether so intended by its author or not.

MILEAGE DEFICIENCY.

Mr. HENDERSON, of Iowa. Mr. Speaker, I wish to have considered in the Committee of the Whole a matter which I think every gentleman here will give his consent to. It is an appropriation bill for the deficiency in the pay of mileage of members. We have got to get it through to-night.

The Clerk read as follows:

A bill (H. R. 11223) making an appropriation to supply a deficiency in the appropriation for compensation of Members of the House of Representatives and Delegates from Territories.

Be it enacted, etc. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to supply a deficiency in the appropriation for compensation and mileage of members of the House of Representatives and Delegates from Territories for the fiscal year ending June 30, 1890, the sum of \$4,721.14.

Mr. HENDERSON, of Iowa. I only desire to say in explanation that this deficiency comes from the fact that some new members have come in who have drawn pay for which the outgoing members have drawn pay also, and also the item of mileage expense and one month's salary of the successor to Mr. CARLISLE.

The bill (H. R. 11223) was read a first and second time, ordered to be engrossed and read a third time, and being engrossed, was accordingly read the third time.

The bill was then passed.

Mr. HENDERSON, of Iowa. I move to reconsider the vote by which the bill was passed; and also move to lay that motion on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CANNON. I ask unanimous consent to so modify the order taking a recess at 5.30 that at any time during the evening session there may be conference reports from appropriation committees.

Mr. McMILLIN. I hope the gentleman will not insist upon that. The SPEAKER. Is there objection?

Mr. McMILLIN. I do not object. I think that it is wrong to take up the time that has been set apart for debate upon this bill, but I will defer to the gentleman if he really wishes it.

There was no objection.

FEDERAL ELECTION LAW.

Mr. McCORMICK addressed the Chair.

Mr. SPRINGER. I move the previous question on this amendment.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania [Mr. McCORMICK].

Mr. SPRINGER. The Chair has recognized three gentlemen in succession since I endeavored to get the floor to make this motion.

The SPEAKER. The Chair will recognize any gentleman who desires to debate this matter, on either side of the House.

Mr. SPRINGER. That is very kind of the Chair now, when the debate is taking up the time set apart for the offering of amendments.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] must understand the parliamentary situation perfectly.

Mr. SPRINGER. I understand it.

The SPEAKER. The gentleman from South Carolina [Mr. HEMPHILL], in charge of the amendment, moved the previous question upon the amendment and that was defeated. That transferred the control to the other side. The gentleman from Illinois understands that. Now if any gentleman upon the other side desires to be recognized for the discussion of the question, the Chair will be happy to recognize him.

Mr. SPRINGER. Does this mean that we are to have unlimited debate?

Mr. BUCHANAN, of New Jersey. It means that you can not be recognized all the time.

The SPEAKER. It means that the gentleman now in charge of the amendment is entitled to the customary parliamentary treatment.

Mr. SPRINGER. If debate is in order, then I would like to be recognized for the purpose of debating this question.

The SPEAKER. The gentleman from Illinois is recognized for the purpose of debate. [Laughter.]

Mr. MASON. I make the point of order that the gentleman from Pennsylvania had been recognized.

The SPEAKER. I suppose strictly, if the gentleman from Pennsylv-

ania demands his right, he is entitled to it and the gentleman from Illinois will be recognized later.

Mr. SPRINGER. I yield to the gentleman from Pennsylvania.

The SPEAKER. The Chair is so anxious to recognize the gentleman from Illinois that he sometimes oversteps the bounds of strict parliamentary usage. [Laughter.]

Mr. McCORMICK. Mr. Speaker, it was not my intention to take any part in the discussion of the merits of this bill, and I rise now only for the purpose of making a single observation in opposition to the amendment submitted by the gentleman from New Jersey [Mr. LEHLBACH]. If I have apprehended the force of the amendment correctly and if I have understood the discussion in its behalf, it is that this bill is not general legislation, because it requires a certain number of electors to put the machinery of the law into operation, and therefore is obnoxious to the objection that it is special, local, and sectional legislation.

To correct this the amendment is offered, by the terms of which it is made obligatory upon all districts to have their elections supervised. It occurred to me, Mr. Speaker, during the progress of this discussion, that in my own State during the past sixteen years we have had not only a statutory but a constitutional provision very similar to that incorporated in the bill now before this House. And I desire to say that this constitutional provision and the statute passed in pursuance thereof give to our people entire satisfaction. The constitutional provision as found in section 10 of Article VIII of the Pennsylvania constitution of 1874 is as follows:

The courts of common pleas of the several counties of the Commonwealth shall have power within their respective jurisdictions to appoint overseers of election, to supervise the proceedings of election officers, and to make report to the court as may be required, such appointments to be made for any district in a city or county upon petition of five citizens, lawful voters of such election district, setting forth that such appointment is a reasonable precaution to secure the purity and fairness of elections; overseers shall be two in number for an election district * * * and in each case members of different political parties.

And in order that this constitutional provision may make a proper impression upon our friends upon the other side, I desire to advise them that its author is popularly understood to be the distinguished gentleman who submits the minority report to this bill—I refer to my friend and colleague, Mr. BUCKALEW, of Pennsylvania.

Pursuant to that constitutional provision the following statute was enacted the 30th of January, 1874:

On the petition of five or more citizens of any election district, setting forth that the appointment of overseers is a reasonable precaution to secure the purity and fairness of the election in said district, it shall be the duty of the court of common pleas of the proper county, all the law judges of the said court able to act at the time concurring, to appoint two judicious, sober, and intelligent citizens of the said district, belonging to different political parties, overseers of election to supervise the proceedings of election officers thereof, and to make report of the same as they may be required by such court. Said overseers * * * shall have the right to be present with the officers of such election during the whole time the same is held, the votes counted, and the returns made out and signed by the election officers, to keep a list of voters if they see proper, to challenge any person offering to vote and interrogate him and his witnesses under oath in regard to his right of suffrage at said election, and to examine his papers produced, etc.

Now, with reference to this bill I desire to make this point: That this sort of legislation has been practically tried in my own State with marked success, and further that, under the constitution of Pennsylvania, which provides that all laws shall be general in their character, such a law as this being general and so determined by the courts, I can not for the life of me see how any one can make objection to the bill now before this House on constitutional grounds, when the Constitution of the United States contains no such provision.

The Pennsylvania law applies to the whole State, but its operation is limited to those election precincts where five electors petition for it. The bill now under consideration, if enacted into law, will apply to the whole United States, but will be operative only in those Congressional districts where the requisite number of electors petition for the appointment of supervisors. Where it is needed it will be used and where it is unnecessary the Government will be saved the expense. The amendment should not prevail.

Mr. MILLS. Mr. Speaker, the attitude of our friends on the other side of this question is enough to provoke a great deal of mirthfulness. They have been for a good while fixing up this very offensive measure for all parts of the Union. They have been commending it with a great deal of vigor and force. Now, when we propose, in the spirit of the institutions of this country, to have this law made uniform and equal in its operation in every part of the country, our friends on the other side take to fighting as if they were killing snakes. Their districts, they say, all have fair elections; they do not need the provisions of this bill to insure fair elections there, and we reply that our districts, too, are fair.

They remind me of an instance that occurred to myself a few years ago. It is known perhaps to many of you that we had a prohibition contest in my State. I was one of the "antis." There was a warm personal friend of mine who said to me during the discussion, "I am astonished to see you advocating such a question as this. I am a zealous friend of prohibition, and want to stop the importation, manufacture, sale, and drinking of ardent spirits in this State." I said, "My friend, what has produced this great change that has come over the spirit of your dreams? because you know both you and I have been

very great friends, and I know you like a good drink, and that you will have it and do have it whenever you want it." He said, "Certainly I do, and I know where to get the best whisky in the United States, and I have got some of it. The whisky is made in Robertson County, Tennessee." Then he said, "You can not make this law so as to prevent me from getting whisky; if you adopt the amendment I will still get Robertson County whisky." [Laughter.] I said to him, "Well, now, what good do you suppose can come to the people of this State from the adoption of prohibition, if its friends, like you, are going ahead getting whisky." "Oh, well," he said, "the law does not apply to me and my sort. I am still going to get whisky whether the amendment is adopted or not. I want it to apply to the Irish and the damned negroes." [Laughter.] Now, I say to our friends on the other side, they want this law to apply also to the "Irish and the damned negroes." They do not want it to come home to themselves at all. [Laughter and applause on the Democratic side.]

Mr. BUCHANAN, of New Jersey. Mr. Speaker, this proposition may have evoked mirthfulness upon the other side, but it is a plain, simple proposition of fact, notwithstanding. This law in this respect is not new. We have it to-day, and in my State at the last Congressional election, and at preceding Congressional elections, it was put in force in some of the districts and not put in force in others. It is no novelty to the country, but has been in operation for a number of years. I presume there are other States in which the same thing has occurred.

Mr. GROSVENOR. It has been applied in two districts in Ohio only. Mr. BUCHANAN, of New Jersey. I am told by my friend from Ohio [Mr. GROSVENOR] that it never was used except in two districts in Ohio; and in the others it was not used. Now, I can not understand the quality of mind that says there is sectionalism in this part of the bill at least, because it is applicable, as the present law is, to every district in the United States. It can be applied to the district of my friend from Michigan [Mr. CUTCHER] or to the district represented by my friend from Tennessee [Mr. ENLOE]. It may not be applied to either. That is the present law, and this law in that respect is precisely similar.

Mr. ENLOE. I will state that they did apply the present law at the last election in my district, and it increased the Democratic majority 700 votes.

Mr. BUCHANAN, of New Jersey. I am not speaking of the effect of it. I am speaking of the character of it; and the very fact that it was applied in your State—

Mr. EVANS. Were not the judges of election indicted by the Federal court?

Mr. ENLOE. Two indictments were found in the Federal court, and the Federal judge, who is a Republican, charged the cases out of court, because there was no ground for the indictment.

Mr. BUCHANAN, of New Jersey. I hope my friends will settle their family matters between themselves and that this will not come out of my time.

The SPEAKER. The Chair thinks that two dialogues ought not to go on at the same time. The gentleman from Tennessee is out of order.

Mr. ENLOE. I know it; and the other gentleman from Tennessee was also out of order and you rapped me down.

The SPEAKER. The Chair agrees that both gentlemen from Tennessee were out of order.

Mr. BUCHANAN, of New Jersey. I was simply illustrating the application of the present law when the gentleman from Tennessee [Mr. ENLOE] said that the provisions of that law were applied at the last Congressional election in a portion of Tennessee as it was put in operation in a portion of my State, and that it was not put into operation in a portion of Tennessee as it was not put in operation in a portion of my State; and if that be the case I can not understand the quality of mind which calls that kind of law sectional.

[Here the hammer fell.]

The SPEAKER *pro tempore* (Mr. PETERS). The hour of 5 o'clock and 30 minutes having arrived, the House is declared in recess until 8 o'clock.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., Mr. PETERS in the chair as Speaker *pro tempore*.

[Mr. LANE addressed the House. See Appendix.]

[Mr. CLARKE, of Alabama, addressed the House. See Appendix.]

Mr. ALLEN, of Michigan. Mr. Speaker, the national Republican party in 1888, in establishing the lines of the impending political battle, among other propositions pledged itself to the following:

We reaffirm our unwavering devotion to . . . the supreme and sovereign right of every lawful citizen, rich or poor, native or foreign-born, white or black, to cast one free ballot in public elections and to have that ballot duly counted. We hold the free and honest popular ballot and the just and equal representation of all the people to be the foundation of our republican Government, and demand effective legislation to secure the integrity and purity of elections, which are the fountains of public authority.

Upon that proposition it appealed to the people and was sustained by the voters of this country. It is now in power in all the departments of the Government, and it is for that party to carry out its

pledges. If those pledges are unconstitutional they ought not to be enacted into laws. If they are constitutional there is no excuse except cowardice for not keeping faith with the people. Article XV of the Constitution of the United States declares that—

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

It also provides, in Article I, section 4, that—

The times, place and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

This is our warrant for the law which the Republican party gave the country notice it would put upon the statute-book if the country should indorse its position by electing its candidates. We are now standing face to face with our declared intention, and the only question is whether we shall keep the faith or for any reason abandon our position. For one, as an honest man, I must insist that my party stand by its promises. In so doing, the injustice of enacting a law that shall be partial or unjust to a single voter or work wrong to any section of the country is so manifest that it needs no argument. But no honest man, nor honest section of the country, can controvert the proposition that an elector, no matter what may be his color, race, or condition, can not be defrauded of his vote without violating the Constitution of the United States. Whether that voter be in the city of New York, or in the city of Detroit, or in the State of South Carolina makes no earthly difference with the question at issue. It is neither a sectional question nor a race question; it goes deeper than that. It is a question of the preservation of republican institutions, which depend for their existence upon the popular will as expressed in our elections being honestly carried out.

It is settled in this country that the negro is a citizen, that the Irishman who comes here and becomes naturalized is a citizen, that the German who casts his lot with us and becomes naturalized is a citizen. That the people of nearly every nation on earth can come here and, by virtue of law, become naturalized citizens of this country, all of us understand and know. While there are exceptions, these naturalized foreigners have brought to the nation power, yielded willing obedience to law, and largely contributed to the material welfare that has placed us among the foremost Governments of the world. If this is true, it follows that he who raises his hand to prevent their exercise of the right of citizenship, which we deliberately give to these men by law, is an enemy to his country, no matter how he may undertake to disguise it; for, if one can, many may, and where in sufficient numbers, thus band themselves together and determine that any class of men who are entitled to vote shall be deprived of that right, it will be but a little while before revolution is inaugurated. The success and the maintenance of republican institutions will be at stake, and whenever men make that assault in any considerable numbers they will be sure to meet with resistance.

Mr. Speaker, it is clearly constitutional to undertake to protect citizens in their right to vote, and if it is constitutional there comes next the question of necessity. Why, sir, the necessity exists if there is a single voter in the United States deprived of his right to vote. Whenever such a wrong exists, the majesty of the law should be invoked to right it. I care not how high or how low down may be the victim, if he has the right to vote he should have it secured to him at any cost. Not that he individually is of so much consequence, but because if you can thus deprive one man of his right you can deprive others of their votes, and in that manner you can overturn our entire system of government. It is into that yawning abyss that men who are undertaking to stifle the votes of citizens in this country are inviting us to look.

In the North the necessity for this law has been apparent for twenty years, and it has been applied locally and has worked most beneficial results. In parts of the South—and to the credit of gentlemen who represent that section of the country here they have ceased to deny a palpable truth—in the South it is not disputed that the votes of citizens are suppressed or that, if allowed to vote, their votes are not counted. If this is true of South Carolina or elsewhere in local elections Congress may or may not interfere. This bill does not. If men prefer to sit quietly upon the safety-valve and throw pitch, tar, and turpentine upon the fires underneath the boiler, they may do so if they choose. But when gentlemen undertake to suppress the vote of a man who is casting that vote for a member of Congress, for a Representative to sit upon this floor to assist in making laws for Michigan as well as South Carolina, then it becomes a national question and a question that my constituency is interested in. And no constituency will submit to such a wrong tamely for any length of time when it becomes evident that the intention is to carry it out to the bitter end. In such a case the majesty of the law must be invoked, for the good of South Carolina as well as for the good of Michigan. The necessity for this law in that section of the country is demonstrable from the language of the gentleman from South Carolina [Mr. HEMPHILL], who, on this floor, said:

We know we must either rule that country or leave it. Now, for myself, before the people of the United States and before God in all reverence I swear we will not leave it.

Then they will rule it. Sir, they only can rule it by righteousness. They cannot, for any considerable length of time, rule it by violence, by fraud, by crime, because in so doing they are committing a crime against the people of the United States which that people will not be slow to resent and to correct.

I will not believe, until compelled to do so, that my friend from South Carolina voices the sentiments of the majority of the white people of that State. Is it indeed true that that Commonwealth is ready to say "We will nullify the Constitution of the United States; we will, in spite of the Constitution, trample these men under foot—not because they vote the Republican ticket or the Democratic ticket, but because they are negroes?" When I am compelled to believe that of South Carolina I will do so; but until I have more proof than now exists I shall hold that the gentleman did not speak the sentiments of vast numbers of the white men of that State. If it is true, then they are ready to-day, as in 1861, to undertake to overthrow this Government in order to carry out their ends. I will not charge them with that. God forbid! In this "Government of the people" we must be united, but we never can be upon any principle that involves a wrong to any of the voters of the United States, no matter what their color is or nationality may have been.

There should be no more question about the fairness of elections in South Carolina than in Michigan. See how my State changes her delegation on this floor. In one Congress it will be six Democrats and five Republicans; in the next it will be five Democrats and six Republicans; sometimes nine Republicans and two Democrats. So our delegation changes—why? Because the people vote just as they see fit and their vote is counted just as it is cast. That is the reason. And we have no trouble there. You will have no trouble anywhere if you do this.

Mr. STOCKDALE. Will you allow me a question?

Mr. ALLEN, of Michigan. I will, with pleasure.

Mr. STOCKDALE. Did the gentleman from South Carolina use any expression which authorizes you to say that he did not intend to declare that the white people would rule South Carolina by their earnest, honest efforts to control the elections, to control them by the fair preponderance of votes? Why do you assume he meant to assert that they are going to control by violence? He did not say that.

Mr. ALLEN, of Michigan. I make no commentary whatever upon the text of the gentleman's remarks. I simply quote his words, and I repeat that I will not, until compelled, believe that he voices the sentiment of the majority of the people of that State, for, if his declaration is true, then South Carolina is just as ready to overthrow the Constitution to-day as she was in 1861, and I prefer to believe, if possible, that it has been thoroughly and loyally reconstructed.

Mr. STOCKDALE. The gentleman from South Carolina did not say anything to warrant your construction of his language.

Mr. ALLEN, of Michigan. I quote his language exactly.

Mr. STOCKDALE. And then you construe it most unfairly.

Mr. ALLEN, of Michigan. I have simply construed it in the only way that is possible. When a man says "We must either rule the country or leave it, and before God I swear we will not leave it," I assume he means just what he says.

Mr. STOCKDALE. That is just what you are going to do at home.

Mr. ALLEN, of Michigan. No, sir. If I can not vote in Michigan without taking the vote of somebody else and trampling it in the mud instead of putting it in the ballot-box—

Mr. STOCKDALE. He did not say that.

Mr. ALLEN, of Michigan. I will leave the State. If there is not room enough in my State for both the voters who disagree with me and myself also, I will not undertake to deprive them of their rights, nor allow them to take away mine, and if I could not abide the rule of the majority I would go somewhere else.

Mr. Speaker, this ought not to be a race question; it ought not to be a sectional question; but all fair-minded and honest men should unite in the overthrow of illegal voting in this country and in the protection of honest voting. We should unite upon these two propositions, and if we do so the future of this country is boundless in its glory. But if we are to fight over again here and elsewhere the question as to whether the negro is a citizen, it bodes evil, and evil only, to each and every section of the country. It is our duty as loyal and patriotic men to rise above all prejudice and insist that every man who has the right shall vote and have his vote counted.

In conclusion, Mr. Speaker, let me say to gentlemen on the other side I know of no race toward whom you can afford to be more magnanimous than the negroes. They are not cowards. They demonstrated during the war that they possessed one of the noblest traits of manhood, trustworthiness. They had it in their power to spread destruction and carnage over every portion of the South. They refrained from doing it. You trusted your dearest interests to them. Why do you say now that they, having been clothed with manhood, shall not have that which the Constitution gives them and which protects the free man better than bayonets, the ballot? Why do you not say that the negro demonstrated through four years of bloody war the fact that he was both patient and trustworthy? Do you suppose that a race capable of all this has come up "out of great tribulation" for naught?

Do you not recognize that you are contending against fate, that you are fighting against the "stars in their courses" when you undertake to thwart, to belittle, to turn back again this race that God freed through your instrumentality and ours?

This black race not only defended the households of the South, but upon a hundred fields of battle, from the awful scenes at Fort Pillow to the closing glory at Appomattox, the negro soldier, with a loyalty that never was excelled, followed the banner of the nation, giving up his life, as a soldier should, in order that the Union, which to him had been a curse, should be preserved. He did this not as the ox goes to slaughter; he did it as an intelligent human being. And I ask you what there is in all he has done that should bring down upon his head the combined wrath of whole communities and whole States. [Applause on the floor and in the galleries.]

[Here the hammer fell.]

The SPEAKER *pro tempore*. The Chair desires to say that applause in the galleries can not be permitted.

Mr. MCRAE. Mr. Speaker, this is the most important question that can possibly come before this or any other Congress in time of peace. Its presence here is a confession on the part of the advocates of the bill that the people are not capable of managing and controlling their own elections and it is proposed by one bold step to centralize, under the pretext of supervision, all the election machinery in the Federal courts and other officers to be appointed for life. It is a daring and reckless attempt of the Republican party, the champion of centralization to perpetuate itself in power by a partisan and unconstitutional law. The scheme requires that the Federal judiciary shall be called from that lofty position it has heretofore occupied, down to the level of party politics.

Why are the judges to make the appointments, instead of the President? It is because they are, with only one or two exceptions, Republicans, and hold office for life, and are in no sense responsible to the people. The purpose is to get control of the election machinery and at the same time place it beyond the reach of the people, who ought to have the right to choose their own election officials or at least to select those who do. Under our system the people can reach the President and Congress, but not the judiciary. This is the boldest attack upon the fundamental doctrine of "home rule" ever made in this country. I shall not discuss the details of the bill at any length, because the eloquent gentleman from South Carolina [Mr. HEMPHILL], my talented and able friend from Virginia [Mr. TUCKER], and the forcible and logical gentlemen from Pennsylvania [Mr. BUCKALEW] have completely dissected and exposed it, so that no man whose political fortune is not continuous with the success of the Republican party can fail to oppose it.

I base my opposition to it upon the ground that it is unnecessary and expensive and seeks to surround the election precincts with political hirelings of the Republican party for the purpose of obtaining party victories; that it violates the spirit, if not the letter, of the Constitution, by assuming to take control of the elections, which primarily belongs to the States and the people. The objections to the use of such power by Congress were so forcibly stated by Judge Story in his Commentaries on the Constitution that I will quote his language:

The objection was not to that part of the clause which vests in the State Legislatures the power of prescribing the times, places, and manner of holding elections; for, so far, it was a surrender of power to the State governments; but it was to the superintending power of Congress to make or alter such regulations. It was said that such a superintending power would be dangerous to the liberties of the people and to a just exercise of their privileges in elections. Congress might prescribe the times of elections so unreasonably as to prevent the attendance of electors or the place at so inconvenient a distance from the body of the electors as to prevent a due exercise of the right of choice. And Congress might contrive the manner of holding elections so as to exclude all but their own favorites from office. They might modify the right of election as they should please; they might regulate the number of votes by the quantity of property, without involving any repugnancy to the Constitution. These and other suggestions of a similar nature, calculated to spread terror and alarm among the people, were dwelt on with peculiar emphasis.

In answer to the suggestion that the power might be used to secure political triumphs, as is evidently the purpose of this bill, his language is very emphatic. He said:

The truth is that Congress could never resort to a measure of this sort for purposes of oppression or party triumph until that body had ceased to represent the will of the States and the people, and if under such circumstances the members could still hold office it would be because a general and irremediable corruption or indifference pervaded the whole community. No republican constitution could pretend to afford any remedy for such a state of things.

Here is what Mr. Jay said of the clause, and it appears clear that so long as the States exercise the power Congress can not:

Suppose by design or accident the States should neglect to appoint Representatives, certainly there should be some constitutional remedy for this evil. The obvious meaning of the paragraph was that if this neglect should take place Congress should have the power to support the Government and prevent the dissolution of the Union. He believed this was the design of the Federal Constitution.

The advocates of the bill confess that it is mainly directed at the large cities and the South, and to show the necessity for it make or reiterate false charges of fraud and violence. No gentleman who has yet spoken upon this bill has insisted that such a law was necessary in his State or district.

Their speeches remind me of Bishop Warburton's statement of the difference between orthodoxy and heterodoxy. He said "Orthodoxy

is my doxy and heterodoxy is another man's doxy." So it is with these gentlemen, the fraud is always in another man's district. There are, however, some men on this floor who were not here at the organization of the House who have admitted and made charges against their own people as a basis for such legislation. In this line and for such purposes my colleague has consented to the base and abject confession that the charges of fraud, violence, disorder, and murder against Arkansas are true. These charges were at the time denied by me, and to which I propose now to call attention. I do not do this merely for the purpose of a controversy with the gentleman who made the charges, but to resent an assault upon the honor of my State. "The insignificance of the accuser is sometimes lost in the magnitude of the accusation."

If I could in justice to my own self-respect and the high character of the people of my State pass these accusations without notice I would be glad to do so, because I do not believe that such matters properly belong here, and I would not for any consideration first introduce them in this House. But I am unwilling to remain silent and permit the statements of the gentleman, so deliberately made, revised, printed, and circulated, to go unchallenged. What I shall say will be with as little passion and prejudice as is possible for one who feels that the State that honors him and the people who have his sympathy and affection have been unjustly assaulted by one whose position should evidence the fact that he is a friend and advocate.

My desire for harmony between the two sections of our country is too strong and firmly fixed for me to be led off into any sectional controversy, and those who may expect such on this occasion will be disappointed. Neither will I base the defense of my State upon acts of violence in other States of the Union. I shall not make her defense by criminating and recriminating other parts of our common country, but will rely upon the high and broad plea of "not guilty," and upon this will test the truth of the accusations so recklessly made by meeting the allegations upon the facts before the country. That we may fully and clearly understand the full scope of the charges made by my colleague [Mr. FEATHERSTON], we must first read them in connection with the assault upon the State made by the gentleman from Kansas [Mr. KELLEY], on the 13th day of last February, published in the CONGRESSIONAL RECORD. Here is what he stated:

Mr. Speaker, we see this wave of political murder roll across the Mississippi River into Arkansas; we see hundreds of humble but loyal and true Republican victims fall a sacrifice to Democratic hate; day after day, night after night, they fall in the humble cabin, in presence of wife and children, on the highway, in the field, in the lonesome wood, in the jails where they have been placed by the officers of the law on some false pretext, that they might be taken at a greater disadvantage by the cowardly Democratic assassins. And yet Republicans in that State persist in exercising their political rights. The leaders must be killed, is the Democratic edict.

No greater libel was ever published against an honorable people. Continuing in the same strain and referring to the necessity for seating my colleague instead of Judge Cate, who then occupied a seat here, the gentleman from Kansas said:

He [FEATHERSTON] is a Republican, has been a Confederate soldier, was born and raised and has all his life lived in the South, but if the Democratic programme is carried out he is to die. "Ten thousand dead already—who is the next to die?" might be written of these heroic, self-sacrificing Republicans of the South, and only half the truth expressed. Every dead man a Republican, every assassin a Democrat is also truth. Political murder seems to be a pastime, and a "nigger hunt," as a sport, is as exhilarating as the old-time "fox hunt."

After two months of reflection upon these false charges against the people of Arkansas, my colleague, without qualification or reserve, vouches for their truth, as will appear by the following statement and colloquy taken from his speech of April 23. He [Mr. FEATHERSTON] said:

Not one of the assertions made by the gentleman from Kansas relative to political murders, not one of his assertions can be denied in regard to these results, and not one can be denied in regard to the cause. These are just as he stated. There has not been a single conviction by the State courts.

Now, gentlemen, this is to be deplored, and I regret it; but it stands there, and there is nothing to contradict it. In my own county to-day there is a second term of the court in session since that mob murdered Wilson, Farham, and Neely, and the court is so organized that notwithstanding the fact that men went before it and swore that they saw the shots fired at the murdered men not a single indictment was found.

Mr. McRAE. Will the gentleman allow me to interrupt him?

The CHAIRMAN. Does the gentleman yield?

Mr. FEATHERSTON. I will yield for a question.

Mr. McRAE. Do you state that as a fact?

Mr. FEATHERSTON. I state that as a fact.

Mr. McRAE. Do you know it?

Mr. FEATHERSTON. I know it.

Mr. McRAE. Were you a member of the grand jury?

Mr. FEATHERSTON. No, sir.

Mr. McRAE. How do you know it, then?

Mr. FEATHERSTON. I know it because it is a matter of public proof.

Mr. McRAE. I want to know how it could be a matter of public proof when the proceedings of the grand jury are secret.

Mr. FEATHERSTON. Not one of these men has been indicted.

Mr. BOUTELLE. No; that is a different thing.

Mr. McRAE. I hope the gentleman from Maine will keep his place.

Mr. BOUTELLE. Oh, ho!

Mr. McRAE. I have permission to ask the gentleman a question, and I hope the gentleman from Maine will not interrupt me without permission. The gentleman states that he knows this as a fact, and he knows as well as I do that under the laws of the State of Arkansas the proceedings of the grand jury are secret; but if he knows or if we can find out who the guilty parties are we will punish them. The proceedings, however, before the grand jury are secret.

Mr. FEATHERSTON. I can not yield further. The gentleman from Arkansas knows that it is true that this matter has already been before the court and that there have been no indictments.

Mr. McRAE. I do not know such to be true; and I want to know how and by what authority you stated that you know that such evidence was furnished to the grand jury.

Mr. FEATHERSTON. Now, these questions are precisely met as they have been in the argument to-day. In the canvass in our State, when the young men in that State complain of these outrages and these wrongs, we are told a great deal of the history that has been furnished to-day, and answer is given that Powell Clayton did thus and so twenty-five years ago. The murderers of Wilson, Farham, and Neely are known to those gentlemen. They are known to the managers of the Democratic party. It is known to Governor Eagle who these men are, and yet not a dollar of reward has been offered, nor has there ever yet been an effort made for the punishment of these criminals.

The gentleman from Kansas [Mr. KELLEY] has done what he has done and said what he has said without any consultation with me or with anybody else from our State that I know of, but when these questions are met and answered in the manner in which they have been met and answered to-day, I want that the truth shall be known, and that such statements as are made upon this floor shall not go to the world as representing the actual condition of the State of Arkansas. I am not in favor of making one single assertion that can not be substantiated by the proof. I simply say, when the assertion is made that we are slanderers of the State of Arkansas, that, if to tell the plain truth is slander, then it is a necessity and must be done. That the ballot-boxes were stuffed in Arkansas in the last election has been proved beyond all question.

Yet every day these charges are thrown in my face, as though it were an outrageous crime for me to publish the facts as they exist. Gentlemen will not deny that an armed mob went into Crittenden County, and that the Governor (Hughes) knew all about it—

Mr. McRAE. I deny that the governor knew anything about it until after it had occurred.

Mr. FEATHERSTON. I do not pretend to say that the governor was a party to the conspiracy. I did not say that. But I say that he knew it after it was done, and that nothing was done to induce those men to come back or to protect them when they came back. This is the condition that confronts us there.

That the governor himself (Eagle) knows that there were seven or eight thousand votes counted for him that were never polled for him I do not believe any intelligent man in the State doubts. That there were returned in the county of Lee 2,865 Democratic majority, in a county which went 500 majority for Benjamin Harrison in the Presidential election, is a fact beyond dispute.

I indignantly deny these accusations of political murders and lawlessness made against the Democratic party of Arkansas, as maliciously false and defamatory, born of recklessness, blind ignorance, and violent hate.

The following is an extract from an interview with the gentleman, published soon after he was seated, in which he promptly committed himself to Federal supervision of elections, and in doing so gave his approval to statements that are not true in fact.

WORK OF PROFESSIONAL POLITICIANS.

Mr. FEATHERSTON declares the fact to be that there exists in Arkansas and in others of the late rebellious States an oligarchy of disappointed army officers, who, having embarked in politics as a profession, have adopted for their motto, "This is a white man's Government," and have resorted to Winchester rifles, false ballot-boxes, and kindred frauds by means of which they intend at all hazards to maintain themselves in office. The outrages against life committed under the instigation of these political cliques and the frauds perpetrated against honest elections have at last aroused a determination to shake off this incubus upon the honor and prosperity of the State, and therefore it is that thousands of farmers ("Wheeler") and laboring men, as well as Republicans, have united to restore to the people of that State a free ballot and a fair count.

Mr. FEATHERSTON insists that this can not be done without a severe and determined contest, for the future of the reigning oligarchy depends on their power to keep the Southern masses in subjection to their despotic sway. He says the action of Congress in his case will give new courage to the voters of that section; and he also believes that an act of Congress, providing for Federal supervision of elections for Congressmen and Presidential electors would be a great aid in the impending struggle.

Mr. FEATHERSTON, having carefully read the foregoing, assents to its publication as a correct statement of the facts and the true position of affairs in his Congressional district.

His speech and interviews and others like them, manufactured for the purpose, contain the evidence upon which the majority of the committee and the House justify such expensive, radical, unconstitutional, and revolutionary measures as the pending bill. I will, therefore, undertake to show that the evidence so far as Arkansas is concerned is false, and that there is in fact no necessity for any such legislation. None of the acts mentioned by him refer to Congressional elections.

For the present let us abandon that "exhilarating" and imaginary "nigger hunt" and pass in silence the cemetery of the "ten thousand dead" where it is alleged "every dead man is a Republican." Let us not disturb the reflections of those "self-sacrificing Republicans" who still survive "the cowardly Democratic assassins" referred to by the gentleman from Kansas. My colleague says that "these are just as he [KELLEY] stated," and he says that he is "not in favor of making one single assertion that can not be substantiated by the proof." Let us test the truth of the particular charges specified by him, after which we will have something more to say about the people and those wholesale slanders of them. The gentleman pretends to know all about the troubles in his own county, and as he has laid greatest stress upon them we will first take up the

TROUBLE THAT CAUSED THE FORREST CITY RIOT.

The election on hand at the time of the riot was a school election, with no politics in it. It was a question of old school board or new school board. There were Democrats, Fusionists, and negroes on both sides. The school building for the negroes was as good, if not better, than that for the whites. The negroes had made no complaint about their own school. They had for years been represented on the board

and there was no effort to prevent this. Professor James W. Stewart had been principal of the white school for twelve years, and a large majority of the whites wanted him to continue. Those who were opposed to him sought to combine with the negroes to elect a board that would dispense with his services. Meetings were held, and the people arrayed in mad factions, and the ignorant negroes incited by designing whites to insolence and to threats of violence. To avoid trouble, a proposition was made to select a compromise ticket, which was agreed to by both sides.

There were two directors whose terms expired. Two others of the board of six were about to move away, and it was proposed that their resignations be tendered, and these two vacancies be filled at the same election, making four in all. The school board had been heretofore composed of five white men and one colored man, A. M. Neeley. He had been nominated for the office of receiver of the land office at Little Rock, and expected to move, and so he agreed to resign. The compromise would have allowed each side to nominate and elect two directors. By some influence the compromise was defeated. Whoever was responsible for the riot and the death of the four men. The resignations were withheld, and the election confined to the two directors whose terms were about to expire.

WHO IS RESPONSIBLE FOR THE TROUBLE?

As to who is responsible for the failure I will not pretend to say but will read what was reported to be the facts soon after the unfortunate occurrence by Dickison Brugman, the editor of the Journal, a newspaper published in Little Rock, who visited Forrest City for the purpose of ascertaining and reporting the facts. Here is what he published upon this point.

Neeley was a member of the school board. The term of office of Fussell and Rollwage had expired. Neeley was to be appointed register of the land office at Little Rock. Captain Wynne had gone into business in Memphis. On Saturday preceding the election, Neeley approached Mr. Rollwage with a proposition to compromise, offering to resign his position on the board if Captain Wynne would do so, thus leaving four vacancies to fill at the approaching election, instead of two. He offered to let the whites nominate two candidates if the whites would agree to accept the two nominated by the negroes, the four to be placed on the same ticket and voted for. Mr. R. stated in reply that he had no authority to speak for the whites, but that he would invite the leading citizens, Democrats and Republicans to meet on Monday forenoon.

The meeting was well attended; Rollwage and Fussell were nominated for reelection, and, in the interest of peace, Neeley's proposition was accepted with only one dissenting vote. Neeley and his followers met Monday night. Neeley represented that Mr. Rollwage made the compromise proposition to him. A colored preacher, who presided, characterized the proposition as an insult to their intelligence, and the other speakers became so enthused with the prospect of electing four members of the board, thus controlling the schools of the city, that they publicly declared their intention of carrying the election, even if they had to fight for it. The whites met again on Wednesday evening. The meeting expressed its determination never to let the schools pass into the hands of an illiterate negro mob, and in this determination they were heartily supported by nearly one hundred well educated colored Republicans, who well knew what the domination of negro ignorance means.

This editor, in the same report, in speaking of the part that my colleague took in preventing the compromise and arousing the passions of the negroes, said:

He (Mr. Featherston) attended the negro meeting Monday night, and counseled the negroes to reject the compromise; assured them they had the power to control the schools; with uplifted hands and eyes he thanked his God that the negroes were as good as white men and that they should insist on exercising their rights. His speech did more to inflame the passions of the negroes and to arouse the whites than anything else that occurred.

The whites of Forrest City became so alarmed at the aspect school matters were assuming that even the Republican candidate for sheriff, in 1888, a Vermont by birth, a captain in the Federal army, a member of the G. A. R., boldly declared in the meeting that he would shed his blood in order to keep the white schools from under the domination of Neeley and his ignorant mob. When it is known that the whites in this district pay almost all the taxes; that they have done everything they could to raise the negro in the scale of intelligence; that they recently built them a school-house that cost \$1,000 more than the white school building, and giving eight months' school (same term as given the whites), it is no wonder that some of the leading Fusionists refused to follow Neeley and Mr. L. P. Featherston (recent Fusion candidate for Congress) in their insane career.

That there was a plot on the part of Fusionists to carry the election by any means, fair or foul, and that the plot had been entered into months before the day of election, can not be doubted. County Judge Coffey, Fusionist, contrary to the spirit, if not the letter of the school law, transferred many negroes, just prior to the election, who resided in other districts, into the Forrest City district, with the intention of electing their candidates by that means. He is the same just (?) judge who declined to admit into the city district a body of white petitioners, who resided in the district south of the city.

If the gentleman is correctly reported it would better become him to wash his own hands of this unfortunate affair rather than to assail the governor, grand jury, and court as he has done.

It appears, if this report be true, that the gentleman did not misjudge his audience. He knew how to stir them to threats of bloodshed, and when he heard the colored minister declare that they would carry the election if they had to fight for it, he must have known that trouble was likely to follow. He could well have closed as did Mark Antony his memorable address to the Roman citizens, when he moved them to mutiny by saying:

Now let it work; mischief thou art afoot,
Take thou what course thou wilt.

Mr. FEATHERSTON. I just want to say that that statement is unqualifiedly false. I want to say further—

Mr. MCRAE. If the gentleman says that the report of the speech is not true I will take his word for it and permit his denial to be

entered here. Do I understand him to say that he did not address the meeting in question and did not say anything of the kind at such a meeting?

Mr. FEATHERSTON. Both factions of the Democratic party were in that meeting. Both factions made addresses to the meeting, but I want to say to the gentleman that no word of the language he quoted ever escaped my lips.

Mr. MCRAE. Very well, I am glad to hear it.

Mr. KERR, of Iowa. Then who told the lie about him?

Mr. MCRAE. I have given the name of the editor and the paper from which the statement was taken. Now, since the gentleman denies it, I will drop it, for I personally know nothing of what occurred at the meeting.

Mr. FEATHERSTON. What I did say was I thanked Heaven the time had come in Arkansas when the humblest citizen, without a dollar in his pocket, had a vote which was equal to that of Jay Gould in New York, backed up with his \$200,000,000.

Mr. MCRAE. On the morning of the election the excitement ran high. When the polls were about to be opened, an altercation occurred between Neeley and Mr. Fussell, a candidate for director. Neeley had falsely said that Fussell was unfriendly to free schools and the education of the negro, and Fussell was endeavoring to have him correct it. Neeley in a haughty, insulting manner declined and said he had no time to talk with him, at the same time putting his hand in his hip pocket. Fussell struck him with a small cane. Neeley, followed by Fussell, ran to Capt. John Parham, who declared his intention to protect him, and thereupon Neeley drew his pistol. Fussell drew his pistol and was pointing it in the direction of Neeley. Captain Parham also drew a pistol. The town marshal, Folbre, came upon the scene and with drawn pistol commanded the peace.

With all of this there would possibly have been no bloodshed, had not Thomas H. Parham, a son of Capt. John Parham, appeared at the top of an out-door stairway to his office and fired at the marshal. He evidently thought the drawn weapons were intended for his father. The mistake was a natural one, for Neeley was near his father, and the marshal was talking excitedly and waving his pistol. As Folbre fell he shot and killed Thomas H. Parham. So these two killed each other.

Mr. FEATHERSTON. If the gentleman will simply state the truth, I will not interrupt him. I say that this is the belief of every citizen in the town of Forrest City, that Parham did not fire the first shot, and afterwards when he did fire it was in defense of his father who was attacked by the mob.

Mr. MCRAE. The contrary has been published in all the papers and accepted as true by every man whom I have ever heard speak upon the subject in the State of Arkansas except yourself. This is the first time I ever heard you assert it. It is known by all that Parham killed Folbre and that Folbre killed Parham.

Other shots were fired. Sheriff Wilson came running to the scene when a ball struck him, piercing his heart and killing him instantly. The public does not know who killed him, nor whether it was intentional or accidental. It is believed by many that a stray ball from Thomas H. Parham's pistol killed him. While this was taking place Neeley fled and escaped into his room by the back door.

In the excitement that followed the first two shots, it was impossible to know who took part in the fight. A friend who was near at the beginning, describing the scene to me, said, "At the crack of the pistols it seemed that everybody ran in every direction." Wilson was a good citizen and officer, and his death was regretted by all without regard to party. The killing of Neeley did not occur until early next morning, after the riot, and was by a mob from the surrounding country in every direction. It dispersed at once. He was found hidden under the floor of his room. The sheriff's posse demanded his surrender. His reply was three pistol shots. He was fired into and literally riddled. It was one of those occasions when, because of the excitement and the numbers, nothing can be determined. These are the facts as I understand them. Governor Eagle was informed.

GOVERNOR EAGLE'S ACTION.

He at once telegraphed Colonel Van Izard, appointing him sheriff, with instructions to restore peace, if possible. He was asked to send the militia. He declined to do so, but went on the first train himself. He arrived at Forrest City Sunday evening, and proceeded at once to investigate the trouble.

The people were intensely excited and nearly all armed. He stood in the street and made a speech to the citizens, expressing great sorrow over the sad occurrence of the death of those who had been killed and the condition of affairs. He earnestly appealed to all factions to seriously consider the situation and put up their arms and disperse. He urged every man to control himself and to consider himself a committee of one to influence others to preserve proper conduct. He counseled peace, and warned them against all threats of violence. He denounced mob law, and declared that it must not be resorted to. He advised them to put none but sober men on duty as sentinels, and called attention to an intoxicated man he had seen with a gun. His action was in striking contrast with that of the gentleman who has so wantonly assailed him.

Like the brave governor that he is, he faced the people and spoke for law and order, while the gentleman, as I am informed, fled

from the scene and did nothing to stay the passions of his friends and neighbors.

THE CIRCUIT COURT.

The gentleman said that there had been two terms of the court held since Wilson, Parham, and Neely were murdered, and that the court is so organized that, notwithstanding the fact that men went before it and swore that they saw the shots fired at the murdered men, not a single indictment was found. This statement, so far as the organization of the court is concerned, is not true. It is a slander upon the character of the circuit judge, Hon. M. T. Sanders, than whom there is no purer, abler, and more faithful judge in all this broad land. I will read so much of his charge to the grand jury as relates to this matter. It was applauded by all the Democratic newspapers in the State at the time, and I think it is worthy to be read here:

THE CHARGE TO THE JURY.

I further charge you, especially, to make diligent inquiry of the violence and bloodshed which occurred here at your county seat in May last and threatened a general conflict of arms. Every act of violence committed by an individual or a multitude or a mob, whether it has its origin in personal malice, in politics or party strife or a vindictive, reckless disposition, demands full and impartial investigation. The turbulent condition of affairs in this county, which culminated in the killing of four of your prominent citizens, can not be smothered up nor ignored, but must receive a rigid and just exposition of the facts. The performance of your duty in this respect involves the peace and welfare of your county and of the State. The question at issue is, shall peace bless and prosper your people, or violence and disorder destroy them? You can not put it aside as merely a political disturbance or mutual fight between violent partisans, the results of which are to be deplored; but you must confront the responsibility which rests upon you to probe the matter to the bottom.

It is a question which, in its consequences, reaches to the very foundations of society, of government, and the security of life and liberty. In times of party conflicts, when passions are inflamed, it is an easy thing, if intrigue or intimidation will not accomplish their designs, to incite to deeds of violence. It is not enough to deprecate such evils and outrages—they must be repressed; and those who seek to control men and affairs by force and arms must be punished. To connive at or tolerate such methods places the law-abiding at the mercy of the lawless and leads to the worst forms of anarchy.

All good citizens look to the courts and officers of the law to preserve order, protect life and property; and when they cease to afford protection or redress for wrongs, or become powerless to do so, then an appeal to arms will, of necessity, follow. Hence, I charge you that you owe it to the people of your county, to the State, and to this court to make thorough investigation in order that the facts may be known and the criminal actors in that tragedy be dealt with as law and justice demand.

But when you proceed to inquire into acts of violence committed in times of partisan feuds and warfare, you must divest your minds of passion, prejudice, or bias and discharge your duty as honest and impartial jurors. You must bear in mind that you can not carry Democracy or Republicanism or Fusionism into the jury room or take advantage of your position to knife your political enemies and shield your allies. Do not allow favor or friendship to sway you, nor let fear deter or revenge actuate you in presenting or omitting to present any man who has violated the peace of your county and State. It is the pride of courts to uphold the law and enforce its mandates, but their authority can not be perverted or prostituted to the service of any party or faction. If it should come to the knowledge of this court that you indict any one from improper motives or exercise the extraordinary powers vested in you solely to injure or oppress any citizen or to subserve the ends of any faction or element in politics, I will promptly set aside your action and discharge your body.

Mr. FEATHERSTON. Will the gentleman allow another interruption?

Mr. McRAE. If I have misrepresented the gentleman in any manner I want him to correct me.

Mr. FEATHERSTON. If Arkansas is to be pretty liberally discussed on this floor the gentleman is the cause of it. Now, let me say—

Mr. McRAE. I am replying to charges made by you, and my time is very limited. If the gentleman is anxious to discuss the matter in his own time he must get the time from that side of the House.

Mr. FEATHERSTON. I just wanted to say to you that the prosecuting attorney arranged that grand jury by preferring certain trumped-up charges against certain members of the grand jury until there was not a sufficient number upon it to find this indictment. I want to say further that nine members of the grand jury had written up and signed a different report, but from the fact that that mob of the Democratic party was around in the town they regarded it as dangerous to do so.

Mr. McRAE. Mr. Speaker, it is a very singular thing to me that the gentleman should know all these secrets of the grand jury. It is, to my mind, conclusive proof of the fact that the grand jury was made up largely of the friends of the gentleman. It is a most remarkable fact that nine of the sixteen agreed to the report I have read. They were a majority, and could make any report they wanted to make.

Mr. FEATHERSTON. Because it takes twelve men to indict, and it was so arranged that there would not be a sufficient number of Fusionists or free-ballot and fair-count Democrats to secure an indictment. I say that was done by collusion on the part of the district attorney.

Mr. McRAE. The prosecuting attorney, the Hon. S. Brundige, is an able, fearless officer, and I am informed did his whole duty in relation to this matter. By this charge he is held up by a Representative from his State as unfaithful and corrupt, without any proof whatever. Such charges, based upon the uncorroborated statement of my colleague, will not be believed by the people who know all the parties. They have been made here, as I firmly believe, for political use and effect, in total disregard of the facts. The grand jury that investigated the riot was composed, as I am reliably informed, of ten

Fusionists, all of whom were political allies of Wilson and Neeley, as well as of the gentleman [Mr. FEATHERSTON] who now assails them.

There were only six Democrats on the grand jury. These sixteen were representative men of good character and standing in the county, who were selected, examined, sworn, and impaneled to make a true deliverance upon this and all questions submitted to them. They had the power to and did send for all persons who were supposed to know anything about the riot. Out of the eighteen witnesses examined upon this matter, I understand that only one witness pretended to know who killed Wilson, and his statements were so in conflict with other proven facts as to discredit them as unworthy of belief. After the emphatic and direct charge of the court, the organization of the grand jury as I have shown, and a careful investigation, the following report was made to the court by the grand jury:

And we further report that we have made as thorough, full, complete, and impartial examination of the unfortunate riot which occurred in Forrest City on the 18th day of May, 1888, without bias, prejudice, or feeling of partisanship, as it was capable for us to make, having examined eighteen witnesses upon the subject, and find the evidence before our body to be so conflicting and contradictory that we could not find any conclusive and satisfactory proofs as to who fired the shots that did the killing.

The fair inference to be drawn from the charge of the gentleman is that these sixteen men, all his neighbors, and citizens of the county in which he has lived for several years, a majority of them his political friends, have deliberately committed perjury to shield murderers whose guilt, he says, has been shown by public proof; mark the word. He does not say that there was evidence, but "proof," that which convinces the mind of the certainty of the truth and produces belief.

Mr. Speaker, I am here to say that the grand juries of Arkansas, whether made up of Democrats, Republicans, Fusionists, Greenbackers, or Wheelers, are not composed of that kind of material. The juries are generally honest, and the law as a rule is enforced in a spirit of fairness and without favor, fear, or prejudice. Since the gentleman has in effect declared that the identity of the murderers is a matter of public proof, and feels that it is his duty to say here in his place in the American Congress that the governor of his State, the court of his district, and the grand jury of his county have all failed to perform their respective duties; and since he says that the murderers are on the streets of Forrest City every day and known to him, I want to ask him to now name them, and also the witnesses by which the proof was made. I will now yield for his answer.

Mr. FEATHERSTON. I can answer that question. Mr. S. C. Wilson, of Forrest City, told me he went before the grand jury and swore that he saw the man who fired the shot that killed D. M. Wilson, the sheriff of St. Francis County.

Mr. KELLEY. That is specific, and I hope will be satisfactory.

Mr. McRAE. Now, Mr. Speaker, in this connection I will refer to the report of the grand jury before mentioned as a denial of the fact that such proof was satisfactory.

THE DENIAL OF THE GOVERNOR.

The gentleman, reckless and indifferent of the good name and high character of the chief executive of his State, as well as of those of his own constituents, declared that Governor Eagle knew who killed Wilson and others, and that he had done nothing to have the criminals punished. The governor promptly telegraphed me that he did not know who did the killing, and in a recent letter to me about the riot he says that "when Mr. FEATHERSTON said in Congress that the governor knew who killed these men and had done nothing to have them brought to justice, and that other officers had done nothing, he misrepresented me and the other officers whose duty it is to enforce the law." I put the statement of Governor Eagle against that of my colleague [Mr. FEATHERSTON], with no doubt in my mind as to which will be believed by the people of Arkansas where they are both known.

FALSE CHARGE OF BALLOT-BOX STUFFING.

After the gentleman has arraigned the Democratic party of the State, of which he has been a member until recently, as an organization of ballot-box stuffers, and declared that "the party rests in power in Arkansas, not by the votes of the honest majority of the people, but by stuffed ballot-boxes," which utterance received the applause of the Republican side of this Chamber and brought forth the congratulations of the Speaker, he only names one county, and the only proof of ballot-box stuffing in that is that the county voted for the Democratic candidate for governor in September and gave a majority for President Harrison two months later. If the gentleman is ungenerous enough to make these charges of murder, fraud, and ballot-box stuffing against his former political friends, and really believes that since his betrayal and abandonment of the Democratic party that there remains in it the spirit of such lawlessness, modesty would require that he should at least not assume that all the honesty, humanity, and patriotism departed from it when he deserted us and with all the zeal of a new convert rushed into the arms of Clayton, McClure, and Dudley, through whose saving grace he professes a new political birth.

It will be remembered that the gentleman never left the Democratic party until he began his race for Congress, and even then claimed to be a Democratic "Wheeler."

The charge that seven or eight thousand more votes were counted

for Governor Eagle than he received is without foundation and untrue in fact. No statement was ever made that was more foreign to the truth. The State ticket, I believe, received every vote that was counted for it. It was charged, and as to a few precincts in a few counties may have been true, that some boxes were thrown out and not counted because of irregularities, but not enough to change the result, and no honest man in Arkansas doubts the election of the entire Democratic State ticket by about 10,000 majority.

The gentleman asserts that the Democratic party rests in power in Arkansas "by stuffed ballot-boxes" without any exception, when he knows that the last election in April, 1889, for three supreme judges was conceded by all to be perfectly fair and honest. In every voting precinct there was a free ballot and a fair count, and the result has never been questioned. The Democratic majority at that election was about 10,000. The gentleman is the only one in the State, so far as I have heard, who is reckless enough to assert that the acting supreme judges were not fairly elected. Mr. Speaker, there is not a State in the Union where there is a stronger public sentiment against election frauds than in Arkansas, and whenever and wherever frauds have occurred they have been promptly denounced by the officials, the press, and the people of the State.

The constitution (article 3, section 6) declares that—

Any person who shall be convicted of fraud, bribery, or other willful and corrupt violation of any election law of this State shall be adjudged guilty of felony, and disqualified from holding any office of trust or profit in this State.

The last Democratic State platform, upon this point, is as follows:

15. We announce our firm and unalterable adherence to the doctrine of free and fair elections; and to this end we favor the enactment, by the next general assembly, of an election law securing to the voter a secret ballot and the privilege of casting his vote uninfluenced by party leaders, or the fear of social or political ostracism—the prerequisite of a "free ballot and a fair count" being a free and untrammelled vote.

REWARD.

The gentleman professes to know where the murderers of Parham, Wilson, and Neely are, and yet complains that the governor has offered no reward for them. If he knows who they are and where they are, what does he want with a reward? Certainly he does not mean by this to say that a reward is necessary to obtain the facts known to him. Besides, the gentleman ought to know that no reward can be offered under the laws of Arkansas, except where persons break prison, flee from justice, or abscond or secrete themselves.

LEE COUNTY VOTE.

He fails to tell this House, what is truth, that there are many decent Republicans in Arkansas who will not lend themselves to the election of every bolting sore-head Democrat who happens to run for office. But I will let the good people of Lee County answer this charge of their Representative as to the alleged frauds there in 1888.

Here is what they say and what I believe to be true. This letter, from which I extract, was written by James P. Brown, a truthful and honorable man, September 24, 1888, in answer to charges of this same character made by another, who is, I believe, one of the political friends of the gentleman, and the facts in it are vouched for by a number of prominent Wheelers and Knights of Labor. I extract so much of it as is pertinent to the issue here, and it explains why there was not a full Republican vote for Dr. Norwood and why a full Democratic vote was polled for Governor Eagle.

As far as the Democratic vote of Lee County in the late general election is concerned, there are many well known reasons why it was so much larger than ever before. Among such reasons are the following:

The Republican party of Lee County is composed almost entirely of negroes, and there was no Republican ticket in the field, either State or county; indeed there was no county ticket at all except the straight Democratic ticket. If there had been a Republican ticket there is no doubt that many negroes would have voted it in preference to the Democratic ticket; but many of them voted openly and undeniably the Democratic ticket in preference to the mongrel affair which they easily recognized as a snare and a delusion.

In the largest negro townships of the county there were no Union Labor tickets at all to be found on election day. And why? Because the white Republican boss of the party in this county failed to send them there.

The negro race loves to vote. Generally, they will vote the Republican ticket if they can find one, but if they cannot find a Republican ticket, they will vote any other kind, rather than not vote at all. In the townships of this county in which there were none but Democratic tickets, the negroes voted the straight Democratic ticket to a man.

The negroes having experienced for the past three years the fact that Democratic national success does not mean a re-enslavement of their race, are much less stubborn in their Republicanism and much more disposed to listen to reason in politics than they ever were before, and there is no doubt that many former Republicans among the colored people are, as they never were before, Democrats from principle.

In the last place, the Democratic party of Lee County is as solid and as finely organized as anywhere on earth. In every township in the county there is the utmost harmony and not the least discord in our ranks. We all "pull together," and it would have been very unreasonable, under the circumstances, if our party in the county at the late election had not secured the largest vote and majority for our ticket that we have ever had. We were all in earnest, and, to a man, we all worked at the polls for the success of our ticket, both State and county. It is true that if a hand had not been turned over our ticket, under the circumstances mentioned, would have won, but we had a feeling of pride in the matter and we worked as though the enemy had met us in open field, face to face, and the result of our work was a Democratic vote of which the people of Lee County are proud. Neither on election day, nor before nor since, was there an unkind word uttered in the county against any voter, Republican or Democrat. No threats, no intimidation, no word of complaint from any one; no people on earth happier to-day than the colored people of Lee County.

We, the undersigned, have read and hereby heartily approve and indorse the foregoing communication in every particular.

J. T. Davis, ex-President Lee County Wheel and General Manager of its commercial interests; E. D. Ragland, Secretary of County Wheel Executive Committee and Trustee of State Wheel; J. E. Leary, County Examiner and member of Knights of Labor; W. W. Foreman, Mayor Town of Marianna; C. W. Hickey, President Lee County Wheel Co-operative Association and Chairman Wheel Executive Committee; W. T. Derrick, Circuit Clerk and member of Knights of Labor.

I will now give some attention to the

CRITTENDEN COUNTY TROUBLES

The gentleman refers to an armed mob in Crittenden County, which he charged that Governor Hughes knew all about. I was never in that county, except to pass through it over the railroad, but I know many good men who live there. I will put their statement as to the cause of the trouble, and of the governor, as to what he did, against the charge that this trouble was political. Here are the statements signed by over one hundred of the best white citizens of the county, and nearly as many reliable colored citizens:

MARION, ARK., July 14, 1888.

To the Editor of the *Avalanche*:

SIR: We, the undersigned, residents and citizens of Crittenden County, feel constrained by this method of speech to express our individual opinions concerning what is known and called "Crittenden County troubles," moved so to do that the world, through the avenue of the columns of your valuable paper, may be advised as to the real and true causes thereof.

In our county some of the most important offices, such as county judge, clerks, assessor, etc., have been filled and the duties thereof exercised by vicious, wicked, corrupt, and drunken negroes; that in the exercise of their respective official duties (when the same were observed at all) they had as their aids and assistants those who indorsed their ideas of right and wrong, and only those who kept pace in the prosecution of their various plans and schemes.

That their official oaths and offices were prostituted to such an extent that they and their following had become and was a power in this county, both in and out of the courts in obstructing and oftentimes defeating the administration of justice; destroying the peace and order of the county, and fostering by counsel and otherwise strife, bitterness, and bad blood between the races; defying the law and wantonly trampling upon and overriding the rights of others, however sacred, who happened to disagree with them or their aids.

That so far back as May, 1887, these vicious and drunken officials, with their cohorts and followers, by designs and wicked schemes attempted to and did take, by stealth and otherwise, possession and control of the very largest colored church in the county, ejected its pastor and outraged its members, and they, the very best colored citizens in the county, and that for a period of sixty days demoralized and destroyed the labor of the county, and that for a like period of time sought to subdue them by vicious prosecution in courts presided over by men of this clan and clique.

That to particularize the many gross outrages and wrongs visited upon the people (white and colored) by these officials and their following would make a volume of 1,000 pages, certainly an article too long for publication in a newspaper; hence we mention the following as a few of their many wrongs and outrages:

1. That one of the party, a high county official, in the streets of Marion, publicly declared that they were going to have a war of races, which war was only prevented because the better class of colored men refused to follow and denounced the measure.

2. That this same high official with a drunken following at another time stopped the United States mail in transit upon the Kansas City, Springfield and Memphis Railroad, insulted the conductor, and would have taken him forcibly before one of the clan for trial but for the fact that Col. J. F. Smith, who happened to be present, went on his bond, and that upon the day fixed for trial this same official insulted the conductor in the grossest and most outrageous manner, delaying the conclusion of the case upon one pretext and another until all of the trains going both north and south had passed the town, and when the trial was concluded and the conductor discharged he repaired to the hotel for the night; that after dark this same official, with his friends and allies, drinking and drunk, went to the hotel and attempted to murder said conductor—which was also prevented by the prompt action of Colonel Smith—and all because said conductor had collected the usual fare from West Memphis to Marion from one of its members.

3. That at another time another of its members, York Byers, at a very recent date that same week an humble citizen who appeared in the sanctum of the Appeal, with an armed force of one hundred or more, took possession of and held the town of Crawfordville and its vicinity, and set up such a reign of terror and outlawry by shooting into the houses of Dr. John T. Harden and Mr. E. Back, two of our most prominent citizens, and doing other acts of violence and outrage too numerous to mention, that when the matter was brought to the attention of the grand jury, now in session, the parties who had been so wronged were summoned and did appear, but frankly said that they were afraid to tell the truth and so refused.

4. That at one of their meetings in the town of Marion reliable parties heard them declare that certain white and colored citizens must and should be assassinated.

5. That soon thereafter some six of our most worthy citizens and all the white people of the county were advised and warned to leave the country in five days under the penalty of death if they refused so to do, which said notices are in writing and are known to have emanated from the clerk's office and mailed in Marion, all because David Ferguson, the clerk, and Daniel W. Lewis, the judge of the county, were indicted at a former term of the court for drunkenness, and the witnesses indorsed upon the indictments were white people, and that having received such notices, the time being so short, the danger so imminent, threatening, and urgent, discretion dictated vigorous and prompt action, and not the slow, tardy process of the courts of the country; hence the action taken in the matter.

6. Now, in conclusion, we know and believe that the editor of the Appeal is a brave and true man, as well as a friend to the people, but in this instance his generosity is, in our judgment, at the expense of the safety of our wives and children; hence, in justice to ourselves, our wives and children, we can not and will not adopt his theory of action, or hear or entertain it from any other source declaring as we now do that no compromise can be had or considered.

To the editors of the *Avalanche*, *Ledger*, and *Scimitar* we extend our sincere thanks for their words of truth and soberness spoken and published in our defense.

J. F. Smith, James Bassett, G. A. Fogleman, F. G. Barton, J. H. Brooks, J. M. Brooks, W. D. Brooks, W. S. Smith, F. G. Smith, W. M. Bigham, S. O. West, James T. Berlin, C. T. West, W. J. Mann, J. J. Hogue, J. H. Stephens, S. F. Brower, Ed. H. Greer, S. C. Coeks, W. H. Williford, R. H. Brown, Mat. L. Woodson, A. T. Parish, Earl Ward, N. B. Day, J. W. Brown, A. B. Rieves, T. T. Cook, G. O. Norvelle, J. T. Mosby, T. O. Mosby, S. D. Bassett, J. L. Malone, Robert W. Barton, H. M. Brooks, H. L. Brooks, Leo

Barton, L. D. Blaun, C. L. Lewis, O. M. Tuffa, A. W. Matthews, J. H. Burnette, B. R. Cook, A. C. Hogue, Henry Simpkins, H. S. Fletcher, C. K. Smith, W. W. Forrest, L. P. Berry, William Webb, J. D. Braden, C. F. Braden, Dave Lowder, Frank Forrest, W. H. Brown, C. F. Brown, J. L. Smith, W. M. Sidle, W. B. Hawley, J. R. Chase, and fifty others.

WHAT THE COLORED PEOPLE SAY.

MARION, ARK., July 14, 1888.

To the Editor of the *Avalanche*:

We, the undersigned, colored citizens of the county of Crittenden, living in and around the town of Marion and its locality, having in mind and under consideration amongst ourselves the causes and influences of what is known as the "Crittenden County troubles," have determined in this manner to express our opinion thereof; not from any fear, real or threatened to us, our rights or our liberties, but that the world, through the channel of the papers, may learn and be advised from us that those "troubles" did not spring from and do not exist here on account of what some say is a war of the races on account of politics or otherwise. No such trouble exists.

But from the acts and conduct of a few vicious, drunken, and corrupt men of our race, who are and have been in office, such as judge, clerk, assessor, etc., of the county, and who have called to their aid a following equally as vicious, lawless, drunken, and corrupt as themselves, until, feeling safe in their power and not satisfied with usurping the government and control of our churches in the most secret and lawless manner, insulting by arrest and abuses our pastor and members by malicious prosecutions in the courts presided over and held by men of and in sympathy with them, they prostituted their various offices, and used the machinery thereof in the most villainous and corrupt way; that by its use the administration of justice here was a farce. Peace and order were destroyed. Chaos and confusion established instead.

The law was defied, and no sort of respect was entertained or had for the rights of any one, white or colored, who happened not to belong to their clique, or dared to disagree with them; that race war was discussed, fostered, freely and openly encouraged by them; that intemperance and prejudice alone fitted one for office, and thus, step by step, they sought by the use of the mails and threats of warning to force the whites of the county to leave, hoping thereby to save two of their leaders from a successful prosecution for drunkenness, etc. (Than which a more righteous accusation was never alleged against any man.)

After which another and a new lease of drunkenness, of crime, of outrages and wrongs would be created for them and in their interest; that, being persons of color, if we are influenced or biased in our feelings concerning this matter, we would naturally side with those of our own color; but being upon the grounds, familiar with the whole situation, a detail of which would make this communication too lengthy for publication, we can not find it in our hearts to either censure or blame our white citizens, aided and supported by men of our color, for what they have done in the past few days; and we each of us fully, cheerfully, and willingly indorse all and everything that has been done in and about the matter, and declare that if men ever had the right to strike in the defense of their lives, that of their families, their homes, and liberties, the white people of Crittenden County had that cause when they struck, and we commend them for it, and congratulate them as well as ourselves that, the "clouds having rolled by," we will have an era of peace, of law, of justice, of order, and sobriety in Crittenden County never heretofore known, and for which all ought to feel thankful, and by a proper exercise of all of our rights prevent a return thereof.

Joseph Robinson, C. Livingston, W. Campbell, A. Watson, A. Cassidy, Wm. Robinson, F. Daniel, A. Walton, P. Morgan, R. Jackson, B. Johnson, T. Henderson, A. McCloud, L. Hart, J. Rogers, Geo. Mitchell, Wm. Oliver, John Harrison, L. Gottrell, A. Weiner, S. Watson, M. Harrison, R. Livingston, E. Ellice, A. Williams, A. Baas, H. Buckner, L. Todd, E. Henderson, M. Fair, B. Craighead, S. Lane, M. Neely, G. Howard, M. Oliver, H. Rice, S. Jackson, L. Daniel, A. Daniel, C. Sidant, S. G. Robinson, E. Lane, L. Kinney, B. Johnson, G. Virgion, F. Dowell, Bill Reed, S. L. Robinson, J. Dowell, Wm. Neely, D. Dunlap, T. W. Dowell, A. Lane, F. Fair, J. Lang, D. Cattrell, M. Magrewter, A. Rawling, D. Connor, M. Howard, E. Kinney, E. Cage, N. Harrie, B. Harris, F. Higgs, A. Turner, Wm. Rice, Jim G. L. Higg, M. Campbell, M. Rice, L. Washington, R. Higgs, F. Andros, M. Ross, M. Andros, M. Robinson, S. Grigory, M. Evans, M. Cannady, Lou Robinson, E. Dunlap, M. Pherson, N. Jackson, A. Jackson, M. Oglesby, S. Craighead, E. Sidant, B. Robinson, H. R. Kinney, A. C. Cottrell, E. Dowell, J. Terry, Henry Nellema, L. Dowell.

Governor Hughes over his own signature, in speaking of the Crittenden County trouble, said:

That occurred some weeks before the election, and about the time of the circuit court there, in which several obnoxious characters were forced by the citizens of that county to leave the county because, as is said, those who left being indicted for drunkenness in office, for which they were to be tried at the circuit court, had written threatening notes to the witnesses against them, ordering the witnesses to leave the county within five days or take the consequences of remaining. This was a sudden occurrence and was over before the governor had any information of it. Upon communicating with the judge of the circuit court, then in session, the governor was informed that the law would be enforced by the civil authorities, and that the whole matter would be investigated by the grand jury, and that there was no need of militia.

I do not pretend to defend the Crittenden County people in all they did, but I submit to my friends on the other side and to the country that if the facts are as alleged by these citizens, both white and black, they were justified in arming themselves for defense, as the Constitution gave them the right to do. Is there an intelligent community in the United States that would not prepare for defense under such circumstances as are described here? Remember that this was no militia company and the arms not State arms. The gentleman has referred to the alleged forged and false *ex parte* statements of certain parties in relation to this matter that were read on this floor in his contest case and made to serve so well the purpose intended here. I submit that the gentleman ought at least to have the fairness to let the matter rest as far as he and this House are concerned. Feeling outraged by the House, Judge Cate has appealed from the decision of the Republican caucus to the people interested, and in November next I am satisfied their verdict will be rendered with an emphasis that will leave no doubt as to who they want to represent them upon this floor. As the gentleman from Kansas inserted in the speech indorsed by my colleague an anonymous letter published in the Marion Reform, I will detain the House to state what I understand upon good authority to be the facts about the

BUFFALO BILL LETTER.

There was an organization in Crittenden County composed of young men and boys of different political creeds, some Democrats, some Republicans, and some Wheelers, and that they called themselves the "Crawfordsville Rifles." The organization had no political significance whatever. There were present on the day referred to parties who are opposed to each other, both as to local and national politics. Mr. C. E. Rasberry, who was present on the occasion that called forth the utterances of "Buffalo Bill," is a pronounced Republican, and has announced himself as a candidate for the sheriff's office, opposing Mr. W. F. Werner, the present sheriff of that county, and who was the captain of the organization. There were also other Republicans present, to wit, William Rasberry and James Huxtable. Mr. Jack Cox, a planter living near Marion, was drill-master of the company on account of his proficiency in the tactics, and is a man who takes no interest in politics.

The editor and proprietor of the Reform resides in Memphis, has never lived at Marion, knows nothing about the politics of that county, and has no interest there except what he can make out of his paper. On the occasion of the publication of "Buffalo Bill's" effusion, I am informed that the editor was sick at his home in Memphis, and his son, a boy of about fourteen, had charge of his office, and allowed the article to be published. The article was written by a party who was not present on the occasion of the drill of the company, who was not a member of the organization, who was not authorized to speak for or about them, and who has no interest in Crittenden County further than a precarious living he can make by doing odd jobs at odd times, and between jobs regaling himself with such cheap whisky as he can afford to get in Memphis. The people of Arkansas ought not to be judged by the utterances and writings of such men as "Buffalo Bill," and no fair-minded man will so judge them. They do not indorse it, but condemn all such foolish and silly utterances.

The members of the company promptly repudiated the article and denounced it as a slander upon them and the State generally. There were members of that company who preferred Mr. FEATHERSTON to Mr. Cate for Congress, but I hardly think they will approve his act in indorsing its use. The only surprise about the matter is that members of this House, in their capacity as members of the Committee on Elections, would use an anonymous letter written to an unknown and obscure country paper like this, as this has been used, without any knowledge of the character of the man who wrote it. The unqualified indorsement that my colleague has given the speech of the gentleman from Kansas carries with it the indorsement of the use of this falsehood and slander upon his constituents in Crittenden County.

ARKANSAS RECONSTRUCTION REPUBLICAN.

The gentleman with much warmth characterized the recent speech of Judge ROGERS as "simply an effort at the defamation of the character of two citizens of the State of Arkansas." Now, Mr. Speaker, who are these citizens in defense of whose character—God save the mark—the gentleman rushes forward to flesh his maiden sword on this floor? Let the gentleman himself answer. Hear him as he warms up in their defense:

So far as Judge McClure and Powell Clayton are concerned, they are citizens of Arkansas who stand equally as well with the Republicans of that State as the gentleman from the Fourth district stands with the Democrats.

The gentleman speaks as one who fully understands and knows the standing and rank of the members of the Republican party of Arkansas. I do not question his right to know and speak for them, but it would better become him, if he should speak at all, to answer the indictment brought against them, than to attempt to plead the statute of limitations as a defense for them. The gentleman complains that the record of their transactions, as detailed by Judge ROGERS, is old. This is indeed a sad fact for him and his friends, but let me assure my colleague that it is no fault of theirs that the wrongs are not more recent. That they have made no such official record in that State since 1874 is to the credit of the Democracy of Arkansas.

With the people of Arkansas the statute of limitations does not run against the reconstruction frauds, corruption, and thievery. I want to say to him that no length of time will wipe out from the recollection of the people of Arkansas the offenses for which his new associates and friends were driven from power. The unprecedented legislative pardon has kept many of them out of the penitentiary, but their infamies are not forgotten by the people, nor are they forgiven to the extent of trusting them with power again. The gentleman says he is "not here to defame Arkansas," and "not here to slander her people."

Mr. FEATHERSTON. Mr. Speaker—

Mr. McRAE. I have not time to yield further unless the gentleman controverts some statement of fact that I make.

Mr. FEATHERSTON. With regard to defaming anybody, I want to ask the gentleman this question: If I made the statement that there are six hundred men in the penitentiary in the State of Arkansas, is that a slander of the good citizens of the State? There was no one slandered save those in the penitentiary.

Mr. McRAE. There are perhaps six thousand men of the old Clayton crowd who, if they had justice, ought to be there, and would perhaps have been there but for the legislative pardon. The charge

you made was against the Democratic party and State officials, which by this you class as felons.

Mr. KELLEY. Arkansas must be a bad State.

Mr. McRAE. Yes, if your slanders were true. The statement with reference to the penitentiary in connection with the Clayton and McClure reign is very appropriate.

Mr. FEATHERSTON. I want you to understand that I have not slandered the good people of Arkansas, and that the ballot-box stuffers who have disgraced her name are not good citizens, and I will say that there are as noble and generous people in that State as there are on the face of this earth, and they are not slandered when I make charges as to ballot-box stuffers.

Mr. McRAE. This may be true, but the circumstances surrounding your contest, the methods used to get you here, and the promptness with which you join others in assailing the State administration would appear to contradict it. The fact stands out in bold relief that your first and only effort on this floor was in defense of those who have wronged the people, and whose greatest delight has been, and is now, in traducing their good name. The gentleman has also indorsed speeches and interviews full of misrepresentations touching affairs in the State.

No one will question the right of the gentleman to admit the truth of so much of the statement of the gentlemen from Kansas as declares that "he [Mr. FEATHERSTON] is a Republican." It is immaterial as to whether he was a soldier or not, and he knows and has the undisputed right to fix his own political status, but since he claimed to be a Democrat during the canvass of 1888, and said he voted for Cleveland, he should tell us when, why, and for what he became a Republican. Since the gentleman from Kansas says he is a Republican, and since he sits with them, and on all close party questions votes with them, and turns for them the crank of the outrage mill we will admit it, but, Mr. Speaker, I deny his right to admit for the State, or any part of it, the truth of the imputation involved in the statement as to political murders under the present State administration.

Mr. FEATHERSTON. Mr. Speaker, I want to say—

Mr. McRAE. I can not yield any further to the gentleman.

Mr. FEATHERSTON. I want to say that it was with regret that I left the party, and only on account of the election frauds for which I considered it responsible.

Mr. McRAE. "Every dead man a Republican, every assassin a Democrat, is also true. Political murder seems to be a pastime, and a 'nigger hunt,' as a sport, is as exhilarating as the old-time 'fox hunt,'" shouts the gentleman from Kansas. And the gentleman from the First Arkansas district, taking up the acclaim, says, "These are just as he stated."

Now let us see if "every dead man is a Republican." No one knows better than the gentleman himself that the first man killed in the riot in his own town was the Democratic town marshal, Mr. Folbre, and because he met his death in the discharge of his official duty at the hands of one of the political friends of the gentleman does not warrant the gentleman in suppressing the truth and indorsing a falsehood for party purposes.

I now pause to ask him why he would attempt to make such an impression. But, Mr. Speaker, that is not all. The gentleman also knows that the first blood shed in St. Francis County growing out of the troubles of 1888 was at the hands of the negro leader, Neeley, who undertook to bulldoze and terrorize such of the colored Republicans as would not follow him in his support of the gentleman and other so-called "Fusionists."

A dreadful riot ensued, one colored man was killed and several others were wounded. Neeley died while under indictment for this offense. The gentleman also knows that at Millbrook, in the darkness of night, a party of white Democrats were fired into from ambush and some of them wounded, and that a short time before a party of mounted Fusionists were seen going in that direction. In the face of all this he asserts that it is true that "every dead man is a Republican, and every assassin a Democrat." Here is what I believe to be a truthful summing up of this unfortunate and sad tragedy:

Every unbiased man must feel that the men of Forrest City, even while their passions were most inflamed, acted with a deliberation and prudence that is worthy of commendation. They saw a Republican negro murdered because he would not desert his party principles; they saw seven peaceable white men shot down in the dark hours of the night for no crime; and this experience no doubt brought about a union between the Republicans and Democrats, who both believed that the Fusion party sought their lives, and that in their union lay their strength. It was the Fusionists who issued the declaration of war; it was a Fusionist who drew the first pistol; it was a Fusionist who fired the first shot; it was a Democrat who first fell; it was a union of Democrats and Republicans who swept the streets like a tornado—a tornado that the Fusionists raved as the result of the sowing of the seed of race prejudices in the past. It was Federal and Confederate soldiers that at once formed themselves into a company to maintain the peace and protect the property of the city. It was the blue and the gray that for five long weary nights guarded every avenue of approach to the town.

RECONSTRUCTION AND ITS RESULTS.

Mr. Speaker, I have never, either here or elsewhere, purposely said any thing that was calculated to arouse or keep alive sectional hate and bitterness. I believe in political organizations, and believe that this Government can best be administered by the application of the principles and policies enunciated by that historic con-

stitutional party of which I am proud to be a member. I am proud of it because it is in no sense sectional, but extends its organization, proclaims its doctrines, and wins its victories in every part of our restored, reunited, and common country. I am attached to my State and proud of our beloved Southland, but above all and beyond all I love the Union of all the States, and desire to see no legislation that is calculated to revive the bitter memories of the war or restore in the South the methods of reconstruction. I want peace and contentment for the whole country.

I had no part in the late war and take on none of the prejudices that grow out of it. I was less than ten years of age when it began and not fourteen when it ended, but I know how the people of my State suffered during those four years, and how they struggled under oppression after it, and how they feel toward the Union today. They are as loyal to the flag as the people of any part of this great country. I know that the soldiers of the Confederate army who survived the war surrendered in good faith and returned home to witness a poverty and desolation beyond description. They had no money, no credit, no provisions, no stock, and no farm implements. Their fields had been laid waste and many of the houses burned. Without a murmur they went to work, relying upon the promises made to them at the time of the surrender.

To borrow the language of my eloquent friend from Kentucky [Mr. BRECKINRIDGE]—

It was a pathetic but glorious spectacle that conquered and beggared people amid the ruins of their States and the destruction of their hopes, surrounded by the graves of their beloved slain, and in the depths of poverty, intensely at work for their daily bread and resolutely set on doing the best possible under the circumstances encompassing them.

While thus engaged in trying to rebuild the waste places, and relying upon the declaration of President Lincoln and the resolutions of Congress that the war was only waged to protect the Constitution, and not for conquest, the party then in power, with a two-thirds majority in both Houses, began to insist that the South should be reconstructed and treated as a conquered province. The reconstruction act of 1867 was passed and every provision of the Constitution violated to accomplish the same purpose as is desired by this bill—the success of the Republican party.

The illustrious Judge Jerry Black said of it, as can well be said of this, that—

If the Constitution still lived, this act of Congress was a gross breach of the oath which the members had taken to support it; if we suppose it dead, the act was a most indecent outrage on its corpse.

Martial law was proclaimed and the people held at the mercy of the military officers. Many of these refused to do the dirty work of oppression for the Republican party. The most striking instance was that of the immortal Hancock, God bless his name, who startled those in authority by the publication of his celebrated letter in favor of civil law. These military men, courageous lovers of law and liberty, were called in, and instead the carpet-baggers sent in the name of law to harass and oppress the people. They sprang upon our people like the lice of Egypt.

These were generally the meanest of adventurers, dregs of Northern society, who went for no other purpose except to plunder and oppress the people of the South. They took control of affairs by disfranchising the white people, organized the courts, and by fraud had themselves elected or appointed to all the political and judicial offices. It is no wonder that under such circumstances crimes were frequent.

If there were crimes committed they were excited by you. I think now, as I thought then, the treason of ministers against the liberty of the people is much more culpable than the rebellion against ministers.

Mr. Speaker, these are the words of the immortal Grattan, spoken in the English Parliament in defense of Ireland when oppressed as the South was during the days of reconstruction, and as she may be again if this bill should become a law.

While it is true that crimes were committed by the Southern people it is also true, as in the case of Ireland, they were excited by those who were sent to rule over them. It was once said on this floor that "history, with its long line of infamous characters who have linked their names to their crimes" and emblazoned their names to eternal infamy, furnishes one striking character that those spoilers of the South should canonize as their patron saint, and that one is Verres, who in three years after he obtained the administration of Sicily, then "the richest and most highly favored province of the Republic of Rome, amassed enormous wealth and fairly rendered that island desolate by his rapacity. Victory tainted in the estimation of the robber the wealth and beauty of the island. This man was driven to an execrable fate nearly two thousand years ago by the senate of Rome for thus plundering a foreign province."

While Verres is perhaps the most striking official robber found in history, his rapacity falls far short of that exhibited by the carpet-baggers who ruled Arkansas, and whom this bill is designed to restore to power. They appropriated to their own use almost everything that they could get their hands on in that State, and then by the issue of State, county, and municipal bonds created for their own profit liabilities nearly equal to all the taxable values in the State at the time. The greatest of Pennsylvania lawyers, in contrasting the Southern carpet-baggers with the robbers of the Old World, said that—

The greediest of Roman proconsuls left something to the provinces they

wasted; the Norman did not strip the Saxon quite to the skin; the Puritans under Cromwell did not utterly desolate Ireland. Their rapacity was confined to the visible things which they could presently handle and use. They could not take what did not exist. But the American carpet-bagger has an invention unknown to those old-fashioned robbers, which increases his stealing power as much as the steam-engine adds to the mechanical force of mere natural muscles. He makes negotiable bonds of the State, signs and seals them "according to the forms of law," sells them, converts the proceeds to his own use, and then defies justice "to go behind the returns."

By this device his felonious fingers are made long enough to reach into the pockets of posterity; he lays his lien on property yet uncreated; he anticipates the labor of coming ages and appropriates the fruits of it in advance; he coins the industry of future generations into cash, and snatches the inheritance from children whose fathers are unborn. Projecting his chest forward by this contrivance and operating laterally at the same time, he gathers an amount of plunder which no country in the world would have yielded to the Goth or Vandal.

No State in the South was cursed with a more daring, reckless and unscrupulous gang of carpet-bag plunderers than Arkansas. It would require volumes to recount the many outrages upon our defenseless people. Finally the people rose in their might and hurled them from power, since which we have had a growth in wealth and population not equaled by any State. Many of them still live in the State, and not a few hold office under the present Administration. The man who controlled and directed these operations as the carpet-bag governor is now deputy president for Arkansas and absolutely controls the Federal patronage to such an extent that he is consulted about all offices in the State, even the smallest post-offices, and no one who is not his obedient tool can be appointed. If this bill passes he will again control the elections.

With the Federal patronage and the aid of some renegade Democrats, who for place and power have deserted their party and are willing to "bow the neck and lick the infamous hand that holds the end to them," these same men, many of whom have grown rich by robbing the State, still seek under the guise of first one new party and then another, with the false charge of election frauds, the Democratic party to get control of the State again, and this bill is intended to aid them in doing so. They constantly malign and slander the State and Democratic party so as to make a pretext for such legislation. These are the men whose record my colleague [Judge ROGERS] so forcibly and truthfully furnished the House.

These are the men upon whose testimony you must rely for voting upon the country this extraordinary bill. These are the men for whose benefit the measure is pressed. These are the men who will control the offices provided for, levy and disburse the taxes, and who will begin another career of thievery, robbery, demoralization, and disfranchisement of our people. With such a record are you, gentlemen of the majority, willing to take their statement against the protest of the great body of the tax-payers and citizens of the State?

CONCLUSION.

Will you be willing by such legislation to check our prosperity and turn back the tide of immigration and capital now pouring into the State? Are you willing to destroy the confidence of Northern capital?

Will you disturb that friendly relation that now exists between the laborer and the employer? Will you disintegrate the one and intimidate the other? I beg of you to stop and consider the effect of this measure upon the whole country, for if you injure the South you affect the North. Leave our people to work out their own destiny under the law, and all will be well in the end.

The people of Arkansas have caught the spirit of the age, and with enterprise and energy are pushing to the front. She has at last waked up to her immense possibilities, and, with just legislation and a cessation of all this unnecessary agitation about the supposed race problem and imaginary Southern outrages that do not exist, in a few years will accomplish wonders.

I invite you to a closer knowledge of the condition of affairs before you take this reckless step. Come among our people and see the pleasant relations that exist between the races; see the towns and cities, the beautiful farms and orchards, upon which are grown almost all the farm products, fruits, and vegetables that can be grown anywhere, including that great staple, cotton, in which we led all the States in quality and quantity per acre at the World's Exposition at New Orleans; apples, for which we carried off the premium of the American Pomological Society in 1886; the churches and colleges and public schools for which we are paying a greater rate of taxes than any State in the Union; the 20,000,000 acres of timber lands and the 4,000,000 acres of coal and iron lands waiting for the manufacturer's capital.

If you will not come and see the evidences of prosperity and elements of success, then I invite your attention to the Eleventh Census now being taken, so far as it relates to Arkansas and to the exhibit she will make at Chicago in 1892. But, whatever you do, do not afflict us with this bill, which is sure to produce a conflict between the races in some localities that will produce disorder, incendiarism, murder, and a general disorganization. Hands off, and I pledge you that justice shall be done to all classes in Arkansas.

During the delivery of the foregoing remarks the following proceedings took place:

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. MCRAE. Mr. Speaker, my colleague [Mr. PEEL] is entitled

to time this evening, and he has promised to yield me such time as he has.

Mr. PEEL. I will yield my colleague such time as I have at my disposal.

Mr. MCRAE. I hope the gentleman who comes next will not object to my finishing my remarks now.

The SPEAKER *pro tempore*. Is there objection?

There was no objection.

The SPEAKER *pro tempore*. The gentleman's time has expired. Mr. MCRAE. I ask leave to print a communication written by a prominent citizen of Arkansas that does not relate to this matter particularly, but to the reconstruction period.

APPENDIX.

WHY THE SOLID SOUTH?—RECONSTRUCTION IN THE SOUTH AND ITS RESULTS—WHY ARKANSAS REMAINS SOLIDLY DEMOCRATIC.

Crimination and recrimination are as repugnant to good taste as they are to my own inclination. Between sections of a common country they are criminal. Under this conviction, and that all parts of our Republic might be fraternized and united in a combined effort to build up our great nationality, the Southern statesmen have abstained from replying to the many slanders against the Southern people, which have been widely circulated by Republican leaders, until their unanswered reiteration has led to the belief that they are true, and has produced such widespread and deep-rooted prejudices among their less informed followers as to amount, in the judgment of thinking and patriotic men, to a serious danger to our institutions.

As evidenced by the character of the late Presidential campaign in the North, that section is becoming as separate and antagonistic as if we were two distinct and hostile empires.

Surely this is to be deplored, and surely it becomes a public duty of Southern men, who know the facts, to disabuse the minds of the more candid of our fellow-citizens of the North; to let them see that the antagonism of the people of the South to the Republican party is in no sense an antagonism to the Northern section of our common country; to show them that the conduct of this party in the South was such as not only to repel the patriotism and decency of the South, but was also such as should serve as a monumental warning to the American people against all attempts to seek party advantages through illegitimate or doubtful legislative enactment.

It is under this conviction of duty that I have consented to write this review of reconstruction in Arkansas.

Nor is there the slightest admixture of malice in anything I shall say. Accordingly, I shall not mention names except when absolutely necessary. I write not of persons, but of conditions and methods and outrages, which I could have hoped it might never be necessary to recall.

Indeed, many a man who participated in these outrages, when surrounded by the temptations thrown around him by the then condition, has become a respected and law-abiding citizen since he has been surrounded by the better influences of Democratic supremacy. I shall respect his present standing, holding myself ready, however, to furnish names upon any demand entitled to respect.

To obtain a clear appreciation of the state of things in Arkansas during reconstruction, it will be necessary to show how the carpet-bag government was foisted upon our people by Congress, and also what sort of government it was.

It was well known that the Southern people had returned from the civil war utterly impoverished. Their desolate homes were without furniture, without fencing, without labor, and often without houses; nothing was left for the support of themselves and their families except their own courage and manhood, and therefore they could not afford to lose time at elections except upon the most important questions.

Accordingly, when the Republican Congress, in the reconstruction act of March 23, 1867, section 5, enacted "That . . . if Congress shall be satisfied that such constitution meets the approval of a majority of all the qualified electors, . . . and the constitution shall be approved by Congress, the State shall be declared entitled to representation, . . . etc.," the people of Arkansas were disposed to be grateful to them for thus recognizing their impoverished condition and the consequent value to their families of their time in thus enabling them to defeat an onerous constitution by simply remaining at their much-needed labors at home, not to vote at all being equivalent to voting against it.

Thus grateful, and relying implicitly upon the good faith of Congress, the people pursued their labors in security, feeling assured that nothing very damaging to their interests would be consummated without their consent.

A constitutional convention met and formulated a constitution which was so unrepugnant in its schedule that the people did not dream that Congress would approve it, and accordingly not nearly half of them voted upon its ratification.

Its schedule gave three men, James L. Hodges, Joseph Brooks, and Thomas M. Bowen, such absolute control of the election of State and county officials under it that they could elect or defeat whom they wished.

Section 4 gave them power to select such judges and clerks of election as they saw fit, and to hold the election as long as they might wish in order to afford the negroes opportunity to vote in as many districts as might be needed. (See military report of General A. C. Gillem upon election in Pulaski County, April 22, 1868.)

Section 8 gave them power to reject or count all votes which seemed to them legal or illegal, fraudulent or rightful.

Section 11 gave these election judges the right to allow any vote with which they might be "satisfied."

This constitution provided for the election of State and county officers under this schedule, which was directly contrary to the act of Congress, inasmuch as the constitution had neither received the "approval of a majority of all the qualified electors," nor had been "approved" by Congress; and so grateful were the people to Congress for its supposed protection in the acts above quoted, the Democrats, almost to a man, refused to insult Congress by voting at this separate election, in defiance of their authority.

But alas! On the second day after the election had begun, and in the afternoon, the following telegram was received by General A. C. Gillem, the officer commanding:

"WASHINGTON, March 13, 1868.

"The last amendatory act passed is now law. It provides that majority of votes actually cast determines adoption or rejection of constitution; also that electors may at the same time vote for members of Congress and all the elective officers provided for by said constitution.

"U. S. GRANT.

"Maj. Gen. A. C. GILLEM."

This notification, coming two days after the election had begun, too late, as every Congressman well knew, for the electors of a State having neither railroads nor telegraphs ever to hear of its existence in time for use, was the most extensive outrage upon the ballot ever perpetrated in the United States.

Congress first got the confidence of the people, and then took advantage of it to betray and virtually to disfranchise them.

These elections, held separate from those for the ratification of the constitution, to avoid the military surveillance under which the latter were held, resulted in the organization of county, town, and State governments elected by a mere tithe of voters. In Green County, for instance, the sheriff was elected by a total vote of 8; the clerk, by a total vote of 7; the State senator, from the district composed of Lawrence, Randolph, and Green Counties, was elected by a total vote of 30.

The assurance with which these carpet-bag citizens, fresh from the districts of these Congressmen, assumed that they would be sustained by Congress; the ready acceptance by that body of a constitution having such a schedule and which the commanding-general declared was not ratified except by counting 1,900 votes which were fraudulent, and the opportune time at which this last "amendatory act" was passed and telegraphed, all bear unmistakable earmarks of a conspiracy between the Congress and the carpet-bag government.

Nor did the conspiracy end with the establishment of their State and county governments.

Recognizing the fact that they had been elected to office by an insignificant minority, the officials were shrewd enough to know that in order to hold their ill-gotten power it was necessary that they should have absolute control, first, of the future elections; second, of the revenues. But, first of all, they knew that, as there was likely to be trouble as soon as the people should find out how basely they had been betrayed and how wantonly they were to be plundered of every sacred right of the citizen, it was necessary that they should be thoroughly intimidated.

Their first Legislature in 1868 addressed themselves to these three tasks with the ingenuity of the brigand.

INTIMIDATION.

Although General C. H. Smith, United States Army, commanding the district of Arkansas, wrote to his superior officer that there was no state of facts existing in Arkansas to warrant such a step, upon the flimsiest pretext the governor declared martial law in a number of counties where the people were most outspoken in their denunciation of the government which had been thus foisted upon them without their consent. Negro militia marched and marauded and murdered at will through these counties.

I might fill page after page with their atrocities, but I forbear, lest their detail stir up animosities which could do no good, but were better suppressed.

They grew, however, to such enormity as to shock especially the "old citizens," who were members of the Legislature and who were not fully into the secrets of the conspiracy between the Congress and their carpet-bag representatives, as will be seen by the following general order:

LITTLE ROCK, December 4, 1868.

GENERAL: I am instructed by the governor to write you as follows:

"Although the Legislature in the first part of the session fully indorsed the action of his excellency in declaring martial law and putting into active service the State guards, it is apparent now that many of them are 'weakening,' especially are the old citizens beginning to refuse that support which should be given the executive at this time. In order to prevent the growth of this feeling and to take advantage of this faction it is desirable that our military operations be pushed to an end within the next thirty days. All we can do now is to show the rebels that we can march the militia through any county in the State whenever it is necessary. Use every effort to catch the desperadoes in Woodruff, Craighead, and Greene Counties.

"I hope you will end your operations in your section as soon as possible. You see we are likely not only to have to fight the rebels, but the Legislature also. We don't propose to allow any advantage."

I am, General, your obedient servant,

KEYES DANFORTH,
Adjutant-General.

Brigadier-General UPHAM,
Commanding District Northeast Arkansas.

In another order to General S. W. Mallory, commanding southeast district of Arkansas, on the 25th day of December, 1868, ten days afterwards, the following sentence occurs: "He," the governor, "thinks you may safely execute many of them. It is absolutely necessary that some examples be made."

"PRIVATE SECRETARY."

It will be seen that he dare not sign his name to this *carte blanche* commission to murder.

His caution, however, was quite unnecessary, as the Legislature subsequently passed an amnesty act forbidding the punishment of any of the murders or other outrages committed by the militia. The act is here inserted. I would call especial attention to the phrase, "or otherwise," and its significance as it occurs in two places in the act. It covers a multitude of wanton crimes:

"An act to declare valid and conclusive certain proclamations of the governor of the State of Arkansas, and acts done in pursuance thereof, or of his orders in the declaration of martial law."

"Be it enacted by the General Assembly of the State of Arkansas:

"SECTION 1. That all acts, proclamations, and orders of the governor of the State of Arkansas, or acts done by his authority, or approved after the 3d day of November, 1868, and before the 1st day of April, 1869, respecting martial law, military trials by courts-martial, or military commissions, or the arrest and imprisonment, or trials of persons charged with any offense against the State, or any resistance to the laws thereof, or as aiders and abettors thereof, or as guilty of any disloyal practice in aid thereof, or of affording aid and comfort to those engaged therein, and all proceedings and acts done by the military forces, or had by courts-martial or military commissions, arrests, imprisonments, searches and seizures made in the premises by any person by the authority of the orders or proclamations of the governor of the State, made as aforesaid, or in aid thereof, or otherwise, are hereby approved in all respects, legalized, and made valid to the same extent and with the same effect as if said orders, proclamations, and acts had been issued and made, and said arrests and imprisonments, searches and seizures, proceedings and acts, had been done under the previous express authority and directions of the General Assembly of the State of Arkansas, and in pursuance of the laws thereof, previously enacted, and expressly authorizing and directing the same to be done.

"And no courts of the State of Arkansas shall have or take jurisdiction of, or in any manner review any of the proceedings had or acts done as aforesaid; nor shall any person be held to answer in any court of said State for any act done, or omitted to be done, in pursuance of or in aid of any of said proclamations, or orders, or otherwise, by any of said force or forces in the period aforesaid, and all officers and other persons in the State of Arkansas, or who acted in aid thereof, acting in the premises or otherwise, shall be held to be *prima facie* to have been authorized by the governor of the State: *Provided*, That nothing herein contained shall be so construed as to prohibit the convening of courts-martial for the trial of persons belonging to the militia or State guards of this State.

"SEC. 2. This act shall take effect and be in force from and after its passage. Approved April 6, 1869."

Under these orders right energetically did they "push their military operations." Democrats, who were most outspoken, were arrested without charge, carried off, nobody knows, even to this date, where in some instances; others

were tied up and shot to death; others whipped, others imprisoned, and all robbed of personal property.

They seemed to act in these outrages, as in many others, upon the assumption that the more atrocious the outrage the less it would be believed in the civilized world, while the very complaints of them could be used as evidence of "rebel lies," and "rebel bitterness and disloyalty."

If it would serve any good purpose I might give scores of instances in detail. But suffice it to say that the very fact that any man connected with these murders and outrages could reside in Arkansas for from fifteen to twenty-five years afterward unmolested is the highest possible tribute to the love of peace and order of the people of the State.

ELECTIONS.

Their first election law is a model of mockery. It should be preserved in the archives of the nation as at once a history and an admonition.

Section 2270 (Gant's Digest) gave the governor, with the consent of the senate, power to select all the registrars of votes.

Section 2274 gave him power to fill all vacancies (which were sure to occur) when he wished it. (See page 23,* Poland's Report No. 5, to the Forty-second Congress, second session.)

Section 2270 gave him the right to select the president of the board of registrars.

Section 2281 gave the board of registrars power to reject any vote at will.

Section 2288 gave the board of review the power to erase the names of those who had registered, if they saw fit to do so.

Section 2307 gave the board the power to select all clerks and judges of election.

To make the job complete, section 2300 forbade any interference by the courts of justice.

Under this farce all the elections of the State were held until, in 1874, they had become so shocking to decency, the people by a vote of ten to one (or 88,000 to 8,000) demanded its overthrow.

I might fill a thousand pages, as the report of Hon. Mr. Poland, of Vermont, fills upward of 600 pages, with outrages upon the ballot perpetrated with impunity under this act, but in the interest of brevity I will cite only a few by way of illustrating each species.

No. 1.—ERASING FROM REGISTRATION BOOKS.

The favorite scheme and the one practiced in every precinct in the State, where it was necessary, was to first register all who were entitled to vote and then meet in review in some private place and scratch off with red ink such names as were necessary to secure their majority, under section 2288, which gave them that power.

In this legislative district, composed of the counties of Franklin, Crawford, Sebastian, and Scott, just before the election of 1872, 2,500 names of legal voters were erased by the board of review after they had been registered.

(See the depositions of many of them in Poland Report No. 23, pages 35 to 52.)

In this county the board struck off 1,300 names.

(See testimony of one of the board, H. A. Pearce, Poland Report No. 2, page 70.)

Many of these were Union men and ex-Federal soldiers.

No. 2.—THROWING OUT COUNTIES AND PRECINCTS.

Another favorite plan was to have their friends get up some sort of irregularity in precincts or counties, and then use them for a pretext for throwing out the precinct or county vote entire.

In 1872, after all the returns had come up to the secretary of state, it was found that Brooks was elected governor. That official (the secretary of state) sent the returns back to be "doctored" and letters were written to the clerks to amend returns, and excuses were gathered up for throwing out enough precincts and counties to elect Baxter. Democratic precincts in Van Buren County, all but one in Conway County, all of Green, Johnson, Scott, and Poinsett Counties were thrown out. Leading Republicans went all over the State to attend to the "doctoring."

(See Poland's Report No. 2, pages 244, 245, 253, and 67 to 75.)

In Hot Springs County, in 1868, the registrar began to register votes, and had registered perhaps a dozen when several gentlemen came into the yard to register. They were quietly laughing and conversing among themselves about every-day matters, when the registrar jumped up and said he wanted protection. The bystanders were astonished. They asked him what he meant. He replied that if he could not get protection he would quit, and immediately picked up his book and left.

Nobody understood it until a few days afterward a proclamation of the governor declared that no election would be held in this county. The registrar had selected an out-of-way precinct to enact this farce. Thus this Democratic county was wholly disfranchised.

No. 3.—ERASING AND STUFFING.

In Hot Springs County, in 1872, a candidate for State senator fraudulently struck off three hundred names from the registration books and substituted in their stead several hundred straw names, and after the election, his brother being clerk, he called off these straw names and his brother added them to the poll-list and voted them. Many of the names scratched off were Republicans, but would not vote for senator. (See Poland Report No. 5, pages 22 to 24.)

In Caddo Township, in Clark County, the poll-book showed 1,148, whereas the registration-book and the census showed only 899. (See Poland Report No. 5, page 25.)

In Missouri Township the candidate for clerk, who was one of the judges of election, stole and stuffed the ballot-box 490 votes. This stuffing elected him.

In Antioch Township only seventeen names registered, but 121 voted in 1870, etc.

No. 4.—STEALING ONE BOX AND SUBSTITUTING ANOTHER.

In the town of Van Buren, Crawford County, a leading negro was instructed to place sentinels upon the various roads leading into town and to keep back negro voters until the afternoon. He was not told why.

The supervisors of election were also kept outside until after dinner. The Democrats voted in the forenoon. When the judges and clerks and supervisors went upstairs to dinner, a box already prepared, having as many votes in it as had voted in the forenoon, and all Republican votes, was substituted for the one in which the forenoon votes had been cast and which was stolen. It was afterward found in the garret with the Democratic votes all in it.

In the afternoon the negroes and Republicans did their voting in this new box, which was the one counted. (See Poland's Report No. 2, pages 36, 49, and 50.)

No. 5.—SECRETLY CHANGING POLLING-PLACES AND STUFFING.

In Richland Township, in Crawford County, the polling-place was secretly changed on the night before the election of 1872 from the place where it had been for thirty years and removed 6 miles to a cane-brake on the farm of the United States marshal of the western district of Arkansas. The negroes and Republicans were advised of the change, but not the Democrats.

A box with 50 votes in it, all Republican, was taken to the polling-place, and

* The Republican House of the Forty-second Congress, second session, raised a committee, of which Mr. Poland, of Vermont was chairman and sent them to Arkansas to investigate the affairs of Arkansas to ascertain if we had a republican form of government.

they were kept in the boxes and counted by the judges. The box was taken 10 miles away in another township, and there the votes were counted. (See Poland Report No. 2, pages 36 and 37.)

NO. 6.—DEFEATING REGISTRATION.

The board of registrars would meet at the appointed time for registration, but would only let a few Republicans in, and then adjourn to the next day. People would come for miles for three or four days at a time, but as they could not get in they would get discouraged and go home. In Clarksville and Newport and other places not one in ten could register. (See Poland Report No. 2, pages 284, 289, and 290.)

NO. 7.—CERTIFICATION.

It was a favorite boast of the clerk of Union County that "the Democrats must think I am a d—d fool if they ever expect me to certify a Democrat as elected while I am clerk."

NO. 8.—EXCHANGING.

In 1872, in Cache precinct, in Monroe County, 125 more votes were voted for Brooks for governor than the judges returned. Brooks's votes were given to Baxter and, Baxter's to Brooks.

(See page 333, Poland Report No. 2.)

But why multiply examples? Let any candid man read the 600 pages of Mr. Poland's two reports to the Forty-second Congress, second session, and say whether, if any Arkansian were seeking a generic phrase, which would include every species of outrage upon the ballot ever invented by man, he would not be justifiable in terming it

"REPUBLICANIZING THE BALLOT?"

Let it not be forgotten that I have not referred to the testimony of Democrats before that committee, but to that of Republicans and men, too, who had participated in the outrages to which they swore. They had perpetrated the outrages to secure the election of Baxter as governor, but when he proved more honest to the people than they had expected, they swore to their own infamy to get him unseated, and had been sustained so long by all the departments of Government, they fully expected Congress to do their bidding and reinstate them in their organized plunder.

REVENUES.

Their first revenue law is exquisite in the ingenuity of its plan of plunder.

Responsible alone to public sentiment of the North, they dared not make the rate of taxation too exorbitant, but raised their enormous revenues through enormous assessments, which could more readily be hidden from public view.

For an illustration, in 1865, the first year of Democratic rule after the war, and before reconstruction, the tax on the north half of section 1, township 4 south, range 3 west, was \$2.40. In 1873, the last year of Republican rule, the tax on the same tract was \$29.70, or upward of

TWELVE TIMES AS MUCH.

Or to take two other periods, in 1888, when property all over Arkansas was more valuable than ever before, a house and twelve lots in DeWitt was assessed at \$1,600 under Democratic régime.

In 1871, under Republican rule, the same house, with only half as many lots and not nearly so well improved, was assessed at \$4,640, or nearly five times as much.

The tax on the same house, greatly improved, with twelve lots, was, in 1888, under Democratic rule, \$14.60.

In 1871, on same house with only half as many lots, under Republican rule, the tax was \$92.80, or nearly seven times as much.

These remarkable differences were effected through the instrumentality of their peculiar assessment law. It is a curious document.

Section 38 gave the governor power to appoint and remove all assessors.

Section 156 gave the assessor $\frac{3}{4}$ per cent. commission upon all taxes collected as a bribe to assess largely.

Section 47 required him to swear that he had not assessed any property at less than its cash value. He could assess at as much more as he pleased and no questions asked. Not only did the governor hold the power of removal *in terrorem* over him; not only did they bribe him by large commissions; not only did they swear him not to assess too little, but sections 53 and 64 made it the duty of the county clerk to revise the assessor's return, and to add as much as he saw fit, but forbid him to reduce "in any case."

Section 154 gave the clerk a bribe for adding in the shape of fees, depending upon the number of words.

Sections 57 and 66 organized a county board of equalization composed of this same assessor, this same clerk, and two other county officials interested in the large tax crops. To this board it was said:

"You may raise any assessment you think proper or reduce in any case you wish, but you shall not reduce the aggregate value of the property of the county below the aggregate value thereof as returned by the assessor with the additions of the clerk as hereinbefore required."

Or as it was construed and acted upon, "You may take from a Republican as much as you please, but you must put it upon the Democrats so as not to reduce the aggregate."

EXTRAVAGANT RESULTS.

Under Democratic rule the amount expended for State purposes for the two and one-half years from April 18, 1864, to October 1, 1866, was only \$162,000, or \$64,000 per annum.

Under Republican rule for two years ending October 1, 1870, the amount expended for State purposes was \$1,949,456.72, or upward of \$974,000 per annum, or more than fifteen times as much.

For two years ending October 1, 1872, the amount expended was \$1,805,137.98, or upwards of \$902,000 per annum, being upward of fourteen times as much.

For the two years ending October 1, 1874, the amount expended was \$2,529,686.91, or upwards of \$1,264,000 per annum, being more than nineteen times as much.

In addition to these amounts collected and expended during these six years under Republican rule, they left outstanding claims amounting to \$2,147,950.39, which have been paid by Democrats since and which increase their annual average expenditure to \$1,259,140.03, or nineteen times as much as under Democratic rule just past before they got power.

One item will serve to account for this vast difference.

It seems to have been necessary to import carpet-baggers to do the dirty work of this illegitimate government from which the old citizens recoiled, and when they came to Little Rock it was necessary to provide for them until they were needed in their respective fields of duty. Accordingly they were put upon payrolls as clerks of some of the departments. For instance:

Under the Democrats in 1866, the auditor's office included that of land commissioner. The clerk-hire for that year amounted to \$8,373.60.

Under Republican rule in 1873, the office has been divided into two, the clerk-hire in one-half (auditor's office proper) amounting during the year to \$60,461.21, in the other half to \$43,673.30, being a total of \$104,134.51, or upwards of twenty-three times as much. (See special-report of auditor, January 7, 1887.)

That there be no quibbling about periods, let us take two others for comparison.

During the six years of Republican rule there were expended for State purposes (not including school expenses) a total of \$7,555,840.21, being an average of \$1,259.03 per annum. Of this vast sum less than \$100,000, or one seventy-fifth part, were expended for public improvements.

During six years of Democratic rule, from 1860 to 1866 (after most of the floating debt had been paid off), the total cost of State government (not including school expenses) was \$2,173,446.66, and of this more than \$500,000, or nearly one-fourth, was for public buildings.

Deducting amount for public buildings, and we have under Democratic rule for six years a total of \$1,673,446.66, or about \$278,000 per annum.

Deducting amount for public buildings under Republican rule, and we have left a total of \$7,454,840.21, or upwards of \$1,242,000 per annum. But it should be remembered that a very large part of the expenses under Democratic rule is for care of State institutions built by Democrats, and not in existence during the Republican régime.

But it must not be forgotten, if we would rightly appreciate the enormity of their plunder, that I have been speaking of State taxes and State expenses alone. The county, town, and school district taxes and expenses were very much more extravagant and burdensome, the rate of taxes in the various counties and towns ranging from 2 per cent. to 6 per cent. and school-district tax from 2 per cent. to 3 $\frac{1}{2}$ per cent., and upon assessments often more than the property would sell for. These enormous taxes, taken together with the State tax, amounted, in hundreds and thousands of instances, to confiscation. In Union County hundreds of farms were abandoned.

In Arkansas County 2,510 tracts of land were sold for taxes in 1868.

In this city, then a village, in 1873 a widow lady, who made a living by sewing, was taxed \$50 on a piece of a lot fronting on a back alley, and having a house which could be built for from \$300 to \$400. It was more money than she had ever had at one time in her life. My wife, moved to tears at her deep distress at the prospective and inevitable loss of her home, persuaded me to pay her taxes as an act of charity.

The whole State was filled with despondency and gloom. No wonder that the next year there was such an overwhelming demand for the overthrow of the conspiracy.

But the half has not yet been told. In addition to all these vast revenues collected and wantonly expended, they left the State and every county, town, and school district in the State overwhelmed with debts.

If there is a single exception I have not been able to find it out.

I doubt not that the aggregate of these county debts amounted to more than the entire State debt, including the fraudulent bonds of the State, and yet there was absolutely nothing to show for them.

The school district of Fort Smith, for example, was left so deeply in debt that for several years a number of us had to support the public schools by private subscriptions, while the entire tax was appropriated to paying off its debts.

This county was left a debt of about \$100,000, with not \$500 worth of improvements to show for it.

The county of Clark was left a debt of \$300,000, of which only \$500 was expended in public improvements.

Chicot County had a debt of \$400,000, with no *quid pro quo* handed down from the conspiracy.

Pulaski County had a debt left her of nearly if not quite \$1,000,000 (including Little Rock).

The scrips of the various towns, counties, and school districts were worth only from 10 cents to 30 cents on the dollar. Even the State scrip, bearing 5 per cent. interest, was worth only 25 cents on the dollar.

On the other hand, when the Democrats got into power, in 1874, their constitution made the maximum of State taxes 1 per cent. (we levy only one-half of that); that of the county one-half of 1 per cent.; that of cities and towns one-half of 1 per cent.; that of school districts one-half of 1 per cent. And it also forbids the issue of any bonds or other interest-bearing evidences of debt for any purpose except to pay pre-existing debts.

Yet notwithstanding these low rates we have taken up upwards of two millions of the floating debt of the State, paid off several hundred thousand dollars of bonded debt, paid off nearly all the county and school debts, have built a hundred times as many school-houses and twenty times as many other public improvements as did the Republicans with all their millions of revenues, amounting to from ten to nineteen times as much as have been exacted from the people by the Democratic government.

In addition to all these taxes and county and town and school district debts, they left us as a legacy nearly ten millions of fraudulent State bonds to be dealt with.

First. Under a law, since declared unconstitutional by our supreme court, bonds of the State were issued, during reconstruction, to the amount of \$5,350,000 to certain railroad companies, all in fraud of the law, even if it had been constitutional. From two to three times as much was issued to each road as the terms of the law allowed.

To the M. and L. R. R. Co. was issued \$1,200,000, nearly three times as much as was allowed by the terms of the law.

To the L. R., P. B. and N. O. R. R. were issued:

Railroad aid bonds.....	\$750,000
Levee bonds.....	320,000

(See page 25, Poland's Report.)

Of Chicot County bonds..... 100,000

This company built for all this only 12 miles of road, and then took up the iron to put it on other roads to draw bonds anew.

To the M. O. and L. R. R. (a member of the supreme court being president) were issued both railroad aid bonds and levee bonds and Chicot County bonds—all fraudulent. (See page 25 Poland's Report and Official Record.)

And thus with all the roads which were corrupt enough to receive bonds. But the road which really meant to be built, the I. M. and S. R. R., would not have them. And every road that received them was so much crippled that its completion was delayed for years. The State not only did not receive any benefits but injury instead.

Second. Under two acts of the Legislature of 1869, when a few people desired to have their farms ditched or drained, they applied to the commissioner of public works at the capital, who, if he saw fit, had the ditches or drains made. (See acts of March 16, 1869, and September 12, 1869.) To pay for them all the neighbors who were supposed to be benefited by them were taxed. Sometimes farms in the mountains 15 miles away were taxed. These payments were made in the first place in "swamp-land warrants."

These acts were so clearly unconstitutional, and there was so much corruption connected with the issue of warrants, they became entirely worthless; indeed, had no market value at all.

In 1871 the holders of them, or a number of them, bribed the Legislature to pass the act of March 21, 1871, under which these warrants were to be taken up and exchanged for bonds of the State, known as "levee bonds," and also made receivable for lands of the State.

Under this last act \$3,005,846.05 in "levee bonds" were issued, although the act limited the issue to \$3,000,000.

This act was held void by our supreme court.

Under this act also bonds were to be issued to railroads whose beds were available for levees or drains.

A senate committee in 1883 reported that under this act—

"The White River Valley and Texas Railway Company received bonds amounting to \$175,196.36. There was no such road. It may have been chartered, but no such road was ever built, and if it had been it would have been worthless as a levee." (See report for this as well as other items of the great fraud.)

The report also says that upwards of a million acres of the best lands of the State were bought with these worthless warrants under this last act.

Third. Under an act of the Legislature, approved February 21, 1833, the State loaned a private bank in Little Rock, called the Real Estate Bank, \$500,000 in its bonds to be sold, but at not less than par, and the proceeds to be used in starting a branch of their bank in Van Buren, in the western part of the State.

The bank officers undertook to sell them to the North American Trust and Banking Company of New York. The company said that they had already floated as many Arkansas bonds as could be floated at par, and refused either to buy or to attempt to sell.

The officers of the bank then hypothecated the bonds with this same company and drew out upon their security \$121,338, and not for the purposes of the act, but for their own private purposes.

The North American company failed shortly afterwards, owing one James Holford a large amount. He found among their assets these five hundred \$1,000 bonds, and demanded payment by the State. The governor informed him that the bonds showed upon their face that they were in the possession of the trust company by fraud, and they belonged not to Holford, but to the State.

Holford held on to the bonds, and in April, 1869, he saw his opportunity with the carpet-bag Legislature.

His agent asked them for the \$121,000 drawn out by the bank officers, together with interest. But the Legislature through lobbyists said no, we will not pay you this amount of about \$339,000, but if you will put in your claim for the \$500,000 with forty years' interest, making in all \$1,370,000, we will give you your \$330,000, and we will take the balance as a reward for our honesty "in restoring the honor and credit of the State."

This amount was issued and so divided.

These three classes of bonds were investigated by a committee of the house, of which I was chairman. The almost unanimous report of the committee was in the following language:

"Mr. Speaker, your committee * * * have had in evidence before them that there was formed and organized in this city a combination of men called a 'ring,' who had a regular cypher by which they concealed their true names in their correspondence.

"That this 'ring' borrowed money from persons outside the State for the purpose of bribing the funding act of April 6, 1869, through the Legislature of getting a distribution of the 'railroad aid' bond, * * * and that \$75,000 were subscribed by men interested in the levee contracts with which to purchase the legislation, which made levee bonds receivable for the lands of the State.

"BY NINE OF COMMITTEE."

(One Republican dissenting.)

A few samples will show the state of things about then:

J. S. Haymaker had a contract for a ditch in Crawford County, for which he received three times its cost. It benefited nobody, but farms up in the mountains were taxed to pay for it. Warrants were issued to him which he wanted to exchange for bonds. He was willing to pay for the act of March 21, 1871.

I have in my possession a check drawn by him upon the Republican bank in Little Rock for \$2,000, payable to the secretary of senate (whose father was a senator) when the act of March 21, 1871, should be passed without amendment. Across the face is the acceptance of the bank upon conditions named. Across the face also is marked "paid March 21, 1871," and signed by the bank officials. Accompanying it is the certificate of the secretary of the senate that the bill had passed.

The partner of Mr. Haymaker in the banking business in this city testified that "Mr. Haymaker was one of the parties interested in levee contracts. He showed me a note addressed to him by a member of the Legislature, without signature, stating that he must have \$10,000 for his support and influence.

"He also told me that he approached a certain man in Little Rock for his support and influence in favor of the levee act of March 21, 1871, and was told that it could be had for \$25,000.

"This price was refused, but afterwards this same man (whose name I am not certain of) was silenced by a threat to thwart his aspirations to a position on the supreme bench, which he afterwards got."

A gentleman of high standing, who was employed in the offices of the leading lobbyists, testified that a certain distinguished member of the Legislature got \$25,000 for his support of the "Holford bond" or "funding bill" of April 6, 1869. That member was called before the committee, but declined to answer, and as we could not force him to criminate himself he was excused.

A Republican State senator who was deep in the inside of matters, after warding off question after question by the chairman, finally admitted that his opinion was that the lobbyists, naming them, got \$870,000 as their share.

The people of the State, after ten years' discussion through the press and on the stump, adopted since an amendment to the constitution forbidding the Legislature ever to pay either principal or interest of these three classes of bonds.

If this review was not already too long, I could show that the various county and school debts were equally fraudulent. In many of the counties scrip was forged and then bonded.

MISCELLANEOUS OUTRAGES.

Perhaps I can give no better idea of the condition and spirit of affairs during reconstruction than by a few simple illustrations of a miscellaneous character:

No. 1. A judge of one of the circuits carried with him around his circuit an armed squad of men, who were placed on guard at the court-house door, and even around the bench. A citizen of Carroll County was arrested, examined, and committed to answer at circuit court for assault with intent to kill J. T. Hopper. The proof showed that the judge was himself implicated in a conspiracy to have Hopper killed (I am informed that Hopper was a disgusted Republican). The judge ordered the case dismissed before the grand jury could act.

He also carried around with him a stenographer, but nobody ever heard of his having reported a line. In Carroll County this judge ordered the clerk to illegally issue to his stenographer \$400 in county scrip, but it was really to himself, for two nights afterwards the judge lost it all at poker.

No. 2. One of the reconstruction judges of our supreme court remarked to me the first time I ever met him: "D—n a principle; I am for what will win." This same judge, while on the bench, was a lobbyist before the Legislature, and it was sworn that he offered to buy votes for a United States Senator, our chief-justice being another lobbyist. (See pages 91, 92, and 93 of the report of the Morrill committee to United States Senate of Forty-second Congress, third session.)

Another judge of same court offered to sell his vote as a member of the Legislature and in support of a corrupt scheme of robbery for \$25,000 as seen above.

The chief-justice, besides being a lobbyist, as before stated (as will be seen from his own testimony, pages 213, 215, Poland Report No. 2), was chief counselor in "straightening out crooked certificates and returns, president of the Republican Newspaper Company, its behind-the-throne editor, chairman of the Republican State central committee, and chief-justice of the supreme court of reconstructed Arkansas.

No. 3. The clerk of Union County, when threatened with prosecution for illegally issuing scrip to himself, remarked publicly that "I would be a d—d fool to do that when I have a court which will make me any allowance I ask for." (His clerk elected the court or defeated it.)

The clerk of Clark County would take the scrip-book with him, walk into a store, and asking how much he owed, would fill in a blank piece of scrip with the amount and pay his debt.

No. 4. The assessor of Yell County (as in others) assessed the lands of Demo-

crats at from two to five times the value of lands of Republicans lying alongside, having the same character and being much better improved.

In this city the assessor lost heavily at faro one night. I was told the next morning that he rose from the faro table and remarked: "Well, I don't know how I will ever get even unless I raise the assessments on Fishback or some of these other damned Democrats." (He got 3½ per cent. commission on the raise.)

No. 5. Hot Springs County, in 1873, the county court, through commissioners appointed by himself, contracted with the sheriff to have a court-house built, to be paid for in county bonds. The bonds were issued to the extent of \$33,000 worth. But the house was not built. The county did not even get a brick-bat or nail in return for about \$7,000, which was the total amount of bonds, interest, and cost of suit which the people have since paid.

The Democrats have paid this since and built a very fine court-house.

No. 6. In Perry County the county officials bought 40 acres of land only a quarter of a mile from the county site, laid off a town on this 40 acres, and then removed the county site to it. They then let a contract to their own stockholders in their new site for building a court-house at three times its value, and advanced money out of the county treasury with which to purchase and erect a saw-mill for the purpose of sawing the necessary lumber for that house.

No. 7. In Clark County (as in several others) bonds of the county to the amount of \$100,000 were fraudulently issued to a railroad, not a rod of which was ever built. The county has had these bonds to pay.

In the same county scrip was forged to the amount of \$63,000, and afterwards funded in county bonds. Suit was brought by innocent holders, and it was proven that they were forged.

In the same county the county court paid out of the county treasury \$1,625 to Republican lawyers as fees for defending a contest of the seals of judge, sheriff, clerk, and treasurer.

The clerk was also allowed and paid \$2,000 for stationery.

The wife of the clerk testified that he had forced her to burn the scrip-book.

No. 8. In Union County, where the clerk who issued scrip to himself resided and presided, the average annual county expenditures during the six years of Republican rule amounted to \$18,982.92. During the last fourteen years of Democratic rule the average annual expenditures amounted to about \$10,000. And much of this has gone to pay off a debt of \$35,000 with interest, left them by the Republican rule.

No. 9. The spirit of whole reconstruction business can not be better illustrated than by two little incidents:

Mr. I. S. Haymaker, above referred to, when he first came to Arkansas, came to my house to induce me to go into the banking business with him. In the course of our conversation he said that he was on his way to Fort Smith. His steam-boat stopped at Little Rock nearly twenty-four hours. While at the wharf a certain man (naming him), from the same town in Ohio with himself, but now in official position in Little Rock, came aboard and said to him: "Haymaker, get out here. Here are the finest pickings. We have got the d—d rebels by the wool, and we intend to pick them as long as there is a lock of the fleece left."

When I introduced to the constitutional convention of 1874 the resolution looking to repudiating the fraudulent bonds above described, a banker from New York or Boston, I forgot which, was at Hot Springs and remarked to a distinguished gentleman of the State: "I have some of those bonds myself." The gentleman asked him if he did not know how fraudulent they were, and that the people would not pay them. He replied: "I do not think they ought to, but they only cost me 15 cents on the dollar, and I believed the Republicans would hold this State for the next twenty-five years and in that time I would get a dollar for my 15 cents."

No. 10. In Washington County the president of the board of registrars, in 1872, and the circuit judge of that circuit, had a conference with Z. M. Pettigrew, an old citizen who had been sheriff of the county before the war. They informed him that they foresaw the early overthrow of their party (subsequent events showed that they were frightened and wished to prepare for the future), and they wished him, although a Democrat, to be elected sheriff, offering to allow enough names to remain on the registration list to elect him if he would run. He agreed to do so upon condition that they would elect P. R. Smith, another Democrat, clerk. To this they agreed, and it was accordingly done—both were elected.

No. 11. In 1871 the governor of the State was indicted by a Republican grand jury of the Federal court at Little Rock, for issuing for a corrupt consideration a false certificate of election to John Edwards to Congress (the House of Representatives also unseated Edwards because the certificate was false). The same grand jury indicted the senator of Hot Springs County, for erasing three hundred names from the registration books and inserting several hundred straw names, which he and his brother afterwards fraudulently voted.

The President of the United States removed both the United States marshal and the district attorney to protect these men from punishment, and put in their stead two henchmen of the indicted governor. The man appointed as district attorney had been a member of the governor's staff and was known as his serviceable tool, but was not known to the bar of the State. If he had ever had a case out of a justice of the peace's court or of any higher character than small misdemeanor in any other court is not generally known. (See Poland's Report No. 5, pages 3, 6, 8, 10, 13, 20, 21, 22, 25.)

No. 12. In this city, in 1872, right under the nose of the United States district court for the western district of Arkansas, under whose exclusive jurisdiction the election frauds of the district had been placed for the protection of the people, a line of negroes extending across the street was stationed at the polling place. As a negro would vote he would step out and go to the rear end of the line to keep out such as they did not wish to offer to vote, but to step out and give place to such as they desired to vote.

To prevent a riot on the part of the whites, who were thus kept away from the polls, a company of men, armed with Winchester rifles, were stationed in a room above the polling place.

United States District Judge W. W. Story appointed a supervisor of elections for the precinct, but the judges of election refused to let him serve. This was communicated to the judge, who, instead of committing them for contempt, recalled the appointment and appointed another man, but the judges refused to let him act, but sent the judge word that if he would appoint a certain other man he would be admitted. The United States district judge did as the men bid him.

As heretofore seen, the United States marshal of this same district was a party to the fraudulent removal of the precinct of Richland, in Crawford County, down to his farm (as seen by reference to Poland Report, above).

Twenty-five hundred names of legal voters of this legislative district were erased from the registration books by the board of review. One hundred and ten of these were ex-Federal soldiers. Thirteen hundred names in this county alone were scratched off. (See testimony of one of the registrars in Poland Report, page 70.)

In Big Creek Township, in this county, the name of an old Union man who had lost four sons in the Federal Army was among those erased and disfranchised, while armed militia stood before the polling place and threatened to arrest any one who attempted to vote at the side polls under the enforcement act.

The people thought to appeal to the court for the punishment of these crimes. But the United States marshal, himself a *particeps criminis*, did not summon the grand jury selected by the commissioners in the usual way. They attended court, however, and were on hand ready to serve. The court set aside the panel.

The marshal, instead of summoning these good and true men for a new panel, called a number whom he had summoned for the purpose, and a number of whom had been parties to election frauds. Thus not a man was punished or even indicted.

I drew up a statement of the facts at the time, which was attested by twenty-two members of the bar in attendance upon the court, and sent it to the President of the United States. But the executive, as the judicial department of the Government, was deaf to our appeals.

No. 13. Again and again these outrages were laid before Congress in cases of contested seats, both in the Senate and House, but in no instance was any attempt made to arrest them.

And when, in 1874, Republicans and Democrats alike voted by the unprecedented majority of 10 to 1 (in this county having over 900 Republican votes, nearly all white, there were only 2 votes in opposition) demanding a new constitution, at once the cry, starting at Hot Springs with the late O. P. Morton, of Indiana, then United States Senator, and extending to Congress, went up that we were engaged in a revolutionary proceeding, and the Poland committees was sent to investigate us.

The report of that committee should be had by every voter in the North.

It may not be out of place just here to say that the same Republican grand jury which indicted the governor in 1871 was to examine cases against Democrats, but could find no proof. (See Poland's Report No. 5, page 8.)

And within the past six months the same United States district court has been called to investigate alleged cases against Democratic outrages, but although hundreds of witnesses were examined indictments were found against but two or three Democrats and two or three Republicans for violations of the election laws. In all but one of those against Democrats the offense was merely technical.

What, then, is there about the Republican party as our people know it to commend it to self-respecting, patriotic men of the South?

In whatever attitude they have presented themselves to us, whether as committing every species of outrage upon human rights to attain party success, or as bitterly and falsely maligning the people of the South in every campaign since the war, or in whatever aspect they have appeared they have led our people to believe their motive and their motto to be, as expressed by one of their leaders in this State: "D—n principle; I am for what will win."

Surely, after reading these facts, it will not be necessary for our candid, reasonable fellow-citizens of the North to account for the solidarity of the South upon the hypothesis of hostility to the Northern section of our common country.

W. M. FISHBACK.

OCTOBER 6, 1889.

Mr. RAINES. Mr. Speaker, I have not desired to occupy time in a discussion of the provisions of this bill, and should have said nothing had it not been for the remarks of the gentleman from New Jersey [Mr. LEHLBACH], a Republican member of this House, who has stated that he could not support it. It was noticeable that this conclusion received the applause of the Democratic Representatives, though some of his statements must have grated harshly upon their ears. It is a peculiar fact that when a Republican goes wrong—breaks away from the great body of his party—he is certain to be rewarded by the applause of the other side. For a moment he is a patriot in his independent attitude, and the extended hand hides for the instant the foot drawn back with sinister intent.

The gentleman admits that—

The state of things as they exist in this country justify the passage of such a measure.

I quote his exact words. He admits that "frauds are perpetrated to a certain extent in the South and North." He has voted to unseat a number of gentlemen from the South whose seats on this floor were obtained by fraud. Therefore it would seem from his own action as expressed by his votes that he was satisfied that fraud was perpetrated at the South to no uncertain extent.

He objects to this bill, that "United States marshals have often caused trouble at election places." Now, having admitted that frauds have been perpetrated to an extent which has justified him in voting to right the wrong by unseating the beneficiaries, I ask him if he does not think it high time that some one should "cause trouble" for the violators of law at "election places." Trouble has indeed been caused by United States marshals at election places, and noticeably so in the city of New York, but not for law-abiding citizens. And it has yet to be shown that it was not justifiably caused in the interest of purity in elections.

Has the gentleman, has any one, the slightest doubt that there has been necessity for such supervision in New York? Does any one doubt that necessity for such supervision exists in other sections, notably in the South? Fraud in elections in New York is a matter of ancient as well as modern history.

In 1868 the following circular letter was issued by the chairman of the Democratic State committee:

ROOMS OF THE DEMOCRATIC STATE COMMITTEE,
October 27, 1868.

MY DEAR SIR: Please at once to communicate with some reliable person, in three or four principal towns and in each city of your county, and request him (expenses duly arranged for at this end) to telegraph to William M. Tweed, Tammany Hall, at the minute of closing the polls, not waiting for the count, such person's estimate of the vote. Let the telegraph be as follows: "This town will show a Democratic gain [or loss] over last year of—[number];" or this one, if sufficiently certain: "This town will give a Republican [or Democratic] majority of —." There is, of course, an important object to be attained by a simultaneous transmission at the hour of closing the polls, but not longer waiting. Opportunity can be taken of the usual half-hour lull in telegraphic communication over lines before actual results begin to be declared, and before the Associated Press absorb the telegraph with returns and interfere with individual messages, and give orders to watch carefully the count.

Very truly yours,

SAMUEL J. TILDEN, Chairman.

This circular occasioned the publishing of a letter the next year under the caption "Letter to a politician."

Now, Mr. Tilden, I call on you to put a stop to this business. You have but to walk into the sheriff's, the mayor's, and the supervisors' offices in the City

Hall Park, and say there must be no more of it—say it so that there shall be no doubt that you mean it—and we shall have a tolerably fair election once more. Probably a good part of the fifty thousand supplied last fall with bogus naturalization certificates will offer to register and to vote—some of them pretending not to know that they are no more citizens of the United States than the King of Dahomey is—but very few will vote repeatedly unless paid for it; and we shall not be cheated more than ten thousand if you simply tell the boss workmen that there must be no more illegal voting instigated and paid for.

Will you do it? Your reputation is at stake. The cowardly craft which

"would not play false,
And yet would wrongly win,"

will not avail. If we Republicans are swindled again as we were swindled last fall, you, and such as you, will be responsible to God and man for the outrage. Prosecutors, magistrates, municipal authorities, are all in the pool; we have nothing to hope from the ministers of justice, and the villains have no fear of the terrors of the law. I appeal to you, and anxiously await the result.

Yours,

HORACE GREELEY.

NEW YORK, October 20, 1869.

These were the compliments of the Democratic candidate for the Presidency in 1872 to the Democratic candidate for the Presidency in 1876, and is the pen picture which he drew of Democratic election methods in New York City.

How much weight this letter had with Samuel J. Tilden and the Democratic party was seen later in their attempt to corner the market in mules, and to purchase at any price the vote of a colored elector in South Carolina.

But the gentleman from New Jersey further opposes this bill for the reason as stated by him:

That when frauds have been committed in election matters public opinion will finally compel the conviction and punishment of law-breakers.

The gentleman must have a faith that would remove mountains. Where, I ask him, in all the South has he observed any evidence of the development of that enlightened public opinion which is to give the black man his rights at the ballot-box under the Constitution and the laws?

Having admitted that these frauds have been perpetrated with "damnable iteration" for years, I ask him how long he proposes to wait for that "public opinion" to manifest itself in the conviction of the perpetrators of these frauds, and the conversion of their beneficiaries—the Democratic party?

Can not the gentleman see in this bill itself the manifestation of the desire of the people for reform in the conduct of elections? What further manifestation does he wish? Would he wait until a petition from the voters in every precinct of the South for protection in the exercise of the rights which the Constitution and the laws have attempted to confer upon them shall be placed upon his desk? Would he read them if they were?

As a further reason for his opposition to this bill the gentleman says:

Every imaginable law may be enacted, but no matter how stringent, it will have no effect upon these people.

I look in the RECORD in vain to find that any demonstration of applause from our Democratic friends followed this declaration of his belief in their purpose to nullify the law. I look also in vain for a declaration on the part of the gentleman that the powers of the Government should be invoked to enforce the law. Evidently he has little of the characteristics of a Jackson or a Dix in his composition, which would make it dangerous to nullify law or haul down the American flag.

Sir, shall we fold our hands and wait for an "enlightened public sentiment" to make tender the consciences of those men who strive to regain and retain through frauds at the ballot-box that political power which they could not grasp through victories won on the field of battle? Our friend forgets—

Who would be free, themselves must strike the blow.

That unless some one protests, the wrong will never be made to appear, and, being concealed, will never be righted.

The gentleman from South Carolina has declared that he and such as he "must rule that State or leave it," and has sworn they "would not leave it," because it was the "home of their fathers," who "bought it with their blood" and "handed it down to them unimpaired." Sir, you forfeited the heritage bequeathed to you by your fathers when you fired the first shot at Sumter. You lost it at Appomattox when your attempt to destroy the Government your fathers founded ended in failure. You regained it unimpaired through the magnanimity and valor of your fellow-citizens. Your duty now to preserve it unimpaired can best be performed by rendering obedience to the Constitution and laws of your country.

Sir, when Abraham Lincoln stood at Gettysburgh and uttered those memorable words in which he designated this as "a Government of the people, by the people, and for the people," he never dreamed that after the "purification by blood" it would be possible that a party which had "fallen from power as a conspiracy against human rights" could ever return to it through the perpetration of crimes against the rights of the people as deadly as had been that perpetrated against humanity. Had he contemplated this he might have said, as you on the other side of this Chamber say to-day, "This is a government of white men, by white men, for white men, in which the colored man is to have no part unless he votes the Democratic ticket; a government in which

the shotgun, the revolver, and the whip, social ostracism, tissue ballots, and stuffed ballot-boxes shall declare the will of the people."

My Republican friends from New Jersey, North Carolina, and Louisiana, that is not the government you desire. It is not the Government which, through the Constitution, the fathers established. It is not the Government which five hundred thousand men yielded their lives to preserve. But it is the Government you will have unless you, in common with other Republicans on this floor, provide the remedy by enacting a bulwark against which the waves of terrorism and the ever-rising tide of election frauds shall beat in vain. [Loud applause.]

[Mr. MUTCHLER addressed the House. See Appendix.]

Mr. MOORE, of Texas. Mr. Speaker, we have witnessed in this House within a few brief months the most remarkable revolution that has occurred since our Constitution was ordained and this Government of States adopted. It may be instructive to note its procession and progress. This session of Congress found the Republican party in a majority of three. The first step in this revolution was to so organize the House and adopt such rules that this slender and unreliable majority might be increased, by turning out the representatives of the people and placing in their stead its own creatures, by which you now have a majority of twenty, and yet to be increased by the same mode as further exigencies of your party may demand.

All parliamentary obstructions to these revolutionary proceedings were to be removed. A quorum is to be counted by the Speaker. The yea-and-nay vote required to be entered upon the House journal to be kept by the House under the Constitution is to be so changed as that the Speaker adds thereto such persons only as he designates to make up a quorum.

One hundred members, to constitute a quorum in the Committee of the Whole for the purpose of considering all bills of appropriation, and such also as make a charge upon the people. A Committee on Rules to be appointed by the Speaker, of which he should be chairman, alone to present such bills as the Speaker should decide might be considered, with power in this committee to propose the previous question, thus limiting debate and preventing any amendments.

These, Mr. Speaker, were the processes to be used, and with what moderation the proceedings of this House too painfully will show.

In this mode you have increased the burdens of taxation imposed by your tariff from 43 per cent. to 52 per cent.

You have defeated the will of the people, who demanded such remedial change in our financial policy by which we might have a larger volume of currency, and instead of giving us free coinage of silver you have utterly and completely demonetized it.

None of these wrongs and oppressions would you have attempted until you wrested from the representatives of the people their usual and rightful powers.

All things now being ready, you and your party have entered upon the final stage of this revolution, as exhibited in this Federal election bill. Two days you allow for general debate and two days to consider the same by sections and to offer amendments, when the previous question is ordered! This, Mr. Speaker, is the refinement of cruelty, for your mercy could have better been shown by refusing all debate and opportunity to amend a most complex bill of seventy-three pages, when the House must know such time is wholly insufficient.

Your party is impatient of restraint; your work of destruction is yet incomplete. The members of this House whom your party have counted in from the South by turning out Democrats are anxious to give expression of their gratitude, and you may well count upon them to a man to vote for any law that will humiliate and degrade the South.

I regret, Mr. Speaker, that in the time allotted me I can not analyze this bill and expose its unjust, dangerous, and unconstitutional provisions as I would wish. I shall deal in no invective, vituperation, or recrimination; the occasion and the hour demand of us the most considerate judgment and sober, deliberate expression.

If the condition of the States or any one of them is such, demanding such radical change in the mode of choosing Representatives as is provided in this bill, then indeed is our Republic in danger. More than a quarter of a century ago Mr. Seward said our country could not remain one-half free and the other slaves. Let his prophetic words ring out in this Chamber anew.

The laws of Congress can not act one way in the South and yet different in the North. Such a state is repugnant to any sovereignty, and is disunion or anarchy! You can not place the South under surveillance, dishonor, and finally overthrow their governments without a like misrule and oppression to the North. I thank God this Union is composed of indestructible sovereign States. Their political organism is so related in twinning that harm to one is an injury to all. Twin sisters they are of equal dignity and authority, or else their Constitution is a rope of sand, or, what is worse, united by sword and bayonet!

I will state succinctly the provisions of this bill which, in my judgment, mar and destroy the integrity of this Union.

The circuit courts of the United States appoint in their several circuits in each Congressional district a general supervisor, who in turn appoints an indefinite number of supervisors upon petition of citizens—an indefinite number of supervisors at each election pre-

cinct. The general supervisor has appointed as many deputy marshals as he wishes, and can have in addition thereto the forces of the Army and Navy.

These general supervisors have unlimited power as relates to elections for members of Congress. They make their secret returns to a board of canvassers appointed under this law, who are far removed from the people, and the certificate of election of this board outweighs the usual certificate of election of the governor of the State, and the person holding the certificate of this board takes his seat in Congress.

The Constitution of the United States provides that the House of Representatives shall be chosen by the people of the several States.

It further provides:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to places of choosing Senators.

It is under this clause of the Constitution that the claim is made of the power of Congress to pass this bill, and the cases of *Ex parte Siebold*, 100 United States, 371, and *Ex parte Yarborough*, 110 United States, 651, decided by our United States Supreme Court, are relied upon as establishing the constitutional power of Congress to enact this bill.

It would be sufficient reply to make to the decision of this supreme co-ordinate branch of the Government, as mere authority, to say no such law was before the court, nor no such power of Congress as in this bill which the court in these two cases then considered. They neither pronounced nor were called upon to pronounce any such decision as to the exercise by Congress of any such power as in this bill, governing elections by the people of their Representatives. The court was considering the sole question of penalties enacted in the statute of 1871 and the act amendatory thereof for the violation of State regulations in the matter of election of a member of Congress. The court sustained such power in Congress prescribing these penalties, and further decided that such power in the matter of such regulations by Congress was absolute and exclusive in whatever modicum of such power exerted.

If this be the law, then I ask where is the authority in Congress to make any regulations co-ordinate and concurrent with that of the States wherein the people choose their Representatives? To make or alter regulations of these States in such elections by Congress, under these discussions, would require of Congress to exercise its power not in any co-ordinate or concurrent action with the State, but exclusive. If Congress does not do this, then Congress does not by law either make or alter the regulations prescribed by the States.

This is the very vice of this bill. It undertakes to preserve all the machinery of the several States regulating such elections. In the language of the report upon this bill and the speech of its author, Mr. LODGE, of Massachusetts, this bill attempts to co-operate with the States in the matter of holding elections for members of Congress. Such power I utterly deny. It is supported by no authority and violates the essential principles of good government.

No sovereign can exercise his rightful power concurrently with any other magistracy. Confusion and conflict would be inevitable. The author of the bill sees this dilemma and seeks to avoid so absurd and dangerous a result by providing that the certificate of election by the returning board created by this bill shall have precedence over that issued under the State law.

This only adds to the difficulty and the more clearly demonstrates the unconstitutional character of this provision, and unavoidably produces this unnatural and abnormal result, namely, that the people under the Constitution, by virtue of the laws of their respective States, choose their Representatives, do everything and all things incident to holding an election therefor, but other persons, unknown to their law, taking no part in the election, performing no duty connected therewith, make the returns and declare the result.

The people do the voting, the choosing, and the returning board, quite away from them, out of the district, out of the State, wherever this circuit judge holds his court, makes the return and certifies to the result. In what sense, I ask, under such a bill, do the people choose their Representatives in the very language of the Constitution, when a board, not one of their own creation, expresses their wish? What power have I to make my choice and what is that power worth to me when the agencies to express that choice are denied me?

The great thing to be preserved by the Constitution is the right of the people to choose their representatives. The incidents to that act—the most important to any freeman—are the regulating as they relate to times, places, and manner of doing it. Such regulating Congress is empowered to make or alter, but, sir, whenever, under the pretense of making or altering such regulations, the right of the people to choose their Representatives is impaired or threatened, then you invite fraud, force, and violence, in a much more grave form than now threatens the electing by the people.

But, Mr. Speaker, there is yet a much more serious objection to this system of legislation. The language of the Constitution is:

But the Congress may at any time by law make or alter such regulations.

Whatever Congress may rightfully do must be done by law.

The form of the expression and the term law, here used, imply

that such action as Congress does exercise must be general, uniform, final, and binding as the very force of law upon all the people. It can not apply to States, sections, or communities. It must have the binding force of law upon all the people. Congress has no power to delegate its authority to any portion of the people or permit them in spots to have this law or not as they please. There should be no local option as to its enforcement or its adoption. All must be under or none can be.

In what sense is that a law of Congress by which one district in a State acts under the authority of the Legislature of the State while another acts under the provisions of this bill? In one instance the State alone issues the certificate of election and in the other the State in effect is denied this power in another district within the same State.

Let me ask, Mr. Speaker, what is the real purpose of this bill? Why do Representatives upon this floor from the entire North, East, and West declare they do not want this bill applied to their State or district? But one gentleman from that section has had the temerity to announce he wished it for his district, and of him I am sure his people will say they can do both without him and this bill. Yet with but a single exception upon the Republican side these same gentlemen say they wish it applied to the South. Why to the South?

This bill is framed with the view that the people of the North would not submit to it, nor in my judgment would they. But the Republican party and its members in this Chamber have preferred so many false and slanderous charges against the States in the South that they believe the people of the North are ready to see placed over them mercenary hirelings as supervisors and deputy marshals to control their elections.

If this law is passed, and I have no doubt you will be able to do so by votes of these members from the South whom you elected to Congress, then those States will bear to the Federal Government a much more hapless condition and relation than Ireland does to England. Ireland is struggling to regain her right to local self-government, while we of the South can only lament and resent the loss of ours.

You think it means your supremacy in the South and the perpetuation of your rule in this Government. In both you will be mistaken. The South will become more solid, and remain so as long as she is threatened with that rapine and robbery and public plunder which in every State and county in the South Republicanism were exhibited during your administering of those State governments.

We make no appeal to you; you are drunk with your successes and excesses. Your ambition has overleaped itself. We do appeal to our countrymen everywhere who love peace, justice, equality, and liberty, who place country above party, and with whom the passions and animosities of the war between the States have given place to a more perfect union.

Mr. HARE. Mr. Speaker, if it were admitted that the bill under consideration, should it become a law, would not be repugnant to the Constitution, and also that frauds in Federal elections were being committed, do the means for preventing such frauds as provided in this bill assure a free ballot and fair count? An assertion that they do would not only contradict all past experience, but it would be repugnant to common sense.

Men often honestly differ in the adjustment of property or business interests. When they can not agree, this difference is submitted to an authority to decide that has no interest in the subject-matter of dispute. One party does not leave it to his adversary to determine the right, for the adversary has already determined it against him. I submit that the means provided in this bill leave the matter in dispute to the judgment of the adversary.

The wrong to be remedied is political. The entire machinery, judges, inspectors, supervisors, etc., are dominated by one party. They will be appointed to do this work because of known zeal in the interest of that party. They are chosen to find one way, and they will do it. The judiciary throughout the land will be prostituted and made to do the work of the worst character of political partisanship.

We can not have forgotten the seven-by-eight commission, and that seven were Democrats and eight Republicans. Here is a clear instance of the highest tribunal in the land acting upon and finding upon purely a partisan standpoint. That decision lowered the status of that high tribunal to an extent that ages can not eradicate, and demonstrates that in political matters the party that holds the authority will always decide in their own favor and to retain power. Where is there an instance to the contrary?

How has the vote been in this House upon contested-election cases? In nearly every instance the question of right is ignored and the decision is reached from a partisan standpoint.

The division of this House now upon this bill shows that it was conceived for partisan purposes; that it is a measure intended to retain the Republican party in power. Does any one suppose that the machinery put in motion by its terms will fail to carry out this purpose? No. If fairness and justice will do as well, then that may be the rule. If fairness will not do, then such measures are to be resorted to as will accomplish it, even to the extent of fraud and force.

Should this bill become a law it will fill the country with strife and

contention. It will intensify the days of reconstruction. It will array neighborhoods and sections against each other. It may lead to revolution and the destruction of our Constitution and system of government. It surely can not be that for merely temporary and partisan purposes such a strain is to be put on the judiciary; that it is to be prostituted, and the entire people become one vast body of contention and strife; yet it does seem that so far as this House is concerned it has been so determined. Will the people confirm that determination? Are they willing to waive the right to choose their own Representatives, and place that inestimable privilege in the hands of henchmen who are only too willing to do their masters' bidding.

[Here the hammer fell.]

Mr. RUSSELL. Mr. Speaker, I desire to make reference to that portion of the speech of the gentleman from South Carolina [Mr. HEMPHILL] which especially concerns the State a district of which I represent in this House. The gentleman, as I recall his utterance, and as I find it printed in the RECORD, said:

Take the State of Connecticut. In 1884, 1886, and 1888 the majority of votes there, as we all know, were cast for a Democratic governor, but the Legislature did not regard the voice of the majority.

I do not think that our friend from South Carolina purposely intended to misstate political facts in my State. His assertion, as just quoted, is not simply misleading, it is an inaccurate statement of fact. The five State officials for whom we ballot on the State ticket in Connecticut are the governor, the lieutenant-governor, the secretary of state, the treasurer, and the comptroller. In the election of 1880 the candidate for each of these offices on the Republican ticket received a majority of all the votes cast in the State, and each one of these candidates was inducted into office without the intervention of the Legislature. In the election of 1882 four of the candidates on the Democratic State ticket and one candidate (the gentleman named for comptroller) on the Republican State ticket received each a majority of all the votes cast in the State; and these majority candidates, four Democrats and one Republican, were inducted into office without the intervention of the Legislature. That was the last election in the State of Connecticut in which any candidate of any political party for any State office received a majority of all the votes cast in the State. Hence the gentleman is wrong when he states that the voice of the majority of the voters in the State of Connecticut was given in 1884 and in 1886 and in 1888 for a Democratic governor. Had the majority of votes been cast as he asserts, then the State of Connecticut would have been presided over by a Democratic executive during the last six years.

But the majority of votes cast in the elections in the three years as named, having been against instead of for a Democratic governor, the Legislature, under the State constitution of Connecticut, was called upon to determine who should be the governor. The Legislature acted in accordance with a provision of the constitution, which, after prescribing the manner of canvassing the votes cast in a State election, declares as follows:

If no person shall have a majority of the whole number of said votes, or if two or more shall have an equal and the greatest number of said votes, then said Assembly, on the second day of their session, by joint ballot of both houses, shall proceed, without debate, to choose a governor from a list of the names of the two persons having the greatest number of votes, or of the names of the persons having an equal and highest number of votes as returned as aforesaid.

A similar provision of the constitution applies to legislative election of a lieutenant-governor, a secretary of state, a treasurer, and a comptroller in cases where no person shall have a majority of the whole number of votes cast for candidates for those respective offices. And so the Legislatures of the State of Connecticut, in session in the January following the elections in 1884 and in 1886 and in 1888, being Republican and the lawful and accepted representation of the political sentiment of the State, elected the Republican candidates for governor and State offices who had been balloted for in the elections in the November preceding; and as I will show later on, in several elections, notably in 1884 and 1888, did some of the candidates on the Republican ticket receive a plurality of all the votes cast at the election, their competitors on the Democratic ticket receiving less than a plurality. And *vice versa* did some candidates on the Democratic ticket receive a plurality of all the votes cast at the election, their competitors on the Republican ticket receiving less than a plurality. But plurality to Republican or Democrat, it makes no difference, except a majority vote be cast for some one candidate, the Legislature—the representative body of local government—elects the State officials in Connecticut.

However much some gentlemen may criticize this form of State elections in my State, yet none can point to a single instance where the State has been misgoverned or oppressed by its State officials, or where the people of either party have failed to accord honor and respect and obedience to the political results attained under the constitution of the State of Connecticut. Our constitution in its present form is the direct descendant of that notable instrument which in 1639 bore the stamp of a settlement in Connecticut, and was the first written democratic constitution on record. This Connecticut constitution of 1639, to use the expression of the writer on Connecticut in the series of American Commonwealths, Professor Alexander Johnson, "was the starting-point for the democratic development which has since gained control of all our Commonwealths, and now makes the essential feature of our Commonwealth

government." The good old Commonwealth of Connecticut has stood firm to her constitution, and has grafted her traditions and principles upon the vast territory to the West, until they have been embodied in larger and mightier Commonwealths. She can not now be construed, after her peaceful and prosperous experience of two hundred and fifty years under her present form of local government, into an excuse or a palliation, or a precedent for Southern operations during the last twenty-five years. These operations in crime and trickery have attempted the subjugation of all government, local and national. In effect these operations have oppressed a free citizenship, and have destroyed a free suffrage.

Let me again refer to the fact that in the Connecticut State elections of 1884, 1886, and 1888 the Democratic candidates failed to receive the majority of votes cast. In the election of 1884 there were cast 137,689 votes for candidates for governor, and the Democratic candidate lacked 935 votes of a majority. In the election of 1886 there were cast 123,243 votes for candidates for governor, and the Democratic candidate lacked 2,804 votes of a majority. In the election of 1888 there were cast 153,648 votes for candidates for governor, and the Democratic candidate lacked 1,751 votes of a majority.

Mr. ALLEN, of Mississippi. In each one of these cases from 1884 the Democratic candidate received more votes than the Republican, did he not?

Mr. RUSSELL. Exactly, sir, in the case of the candidates for governor. In each of these three elections the Democratic candidate for governor received a plurality vote. But in the election of 1884 three Republican candidates received a plurality vote over their respective competitors on the Democratic ticket. In other words, in that election the Republican pluralities to the Democratic pluralities were in the ratio of 3 to 2; and yet under our constitution the three Republican pluralities did the Republican party no more good, as far as the control of the State was concerned, than the two Democratic pluralities did the Democratic party. In the election of 1888, the last held in the State, the Republican candidate for lieutenant-governor received a plurality over his Democratic competitor.

Mr. ALLEN, of Mississippi. Yet the Republican got the office and the Democrat did not.

Mr. RUSSELL. Yes, all the Republican candidates on the State ticket, both those who had pluralities and those who did not, because the Legislature in joint ballot elected each State officer on each of the three occasions mentioned, and the Legislature—the local representation of the political sentiment of the people, the home-rule representation for which you gentlemen so vigorously contend—was Republican. Had the Legislature been Democratic; had that been the political sentiment of the State during those years, then I presume all the Democratic candidates for State offices, both those who had pluralities over their Republican competitors and those who did not, would have been elected. And the people acquiesce contentedly in the elections by their Legislature whenever the constitution places that duty upon the Legislature, whatever be the political complexion of the same; for the good people of the "land of steady habits" believe in their constitution and the exercise of all its prerogatives.

But the gentleman from South Carolina had further to say regarding Connecticut's political representation. I read the following from his printed speech:

As we all know, Connecticut has her representatives in the Senate of the United States who advocate and vote for Republican principles, while the political sentiment of Connecticut is absolutely Democratic, and has been for many years.

Now, I wish to take decided exception to that statement, and I submit its inaccuracies. The last expression we had from Connecticut of her political sentiments in anything relating to Congressional measures and actions was in the election of 1888. In that election there were 75,129 votes cast for the four Republican candidates for Congress and 74,340 votes cast for the four Democratic candidates for Congress. In other words, there were 789 more votes cast for Republican representation from the State of Connecticut in the House of the Fifty-first Congress than were cast for Democratic representation. The political sentiment of my State by its last expression at the polls does not seem to be so "absolutely Democratic" as the gentleman from South Carolina would have the country believe. In fact, it appears to be perceptibly Republican.

Mr. TUCKER. Will the gentleman tell us how many Democrats there are in this House from that State?

Mr. RUSSELL. In a moment, sir. In the same election year, 1888, for the State senate, which is the popular branch of our Legislature, there were more votes cast for Republican candidates than for Democratic candidates. In the State there are twenty-four senatorial districts, and the division of districts is as equitable as possible, according to population, decade by decade. The total number of votes cast for the twenty-four Republican candidates for the State senate in the election of 1888 was 74,599, and the total number for the Democratic candidates 74,343. In other words, the political sentiment of the State of Connecticut on popular vote, measured by its ballots for State senators in its last election, was 256 votes in favor of the Republican party; not an excessive plurality, I admit, but sufficient to show that

politics in Connecticut are not "absolutely Democratic." Now, in view of the foregoing, I submit that according to the last and best expression which Connecticut has given of her political sentiments, as far as the legislative control of government goes, the two Republican Senators from the State are to-day properly, as well as ably, representing the political sentiment of my State when they "advocate and vote for Republican principles." Gentlemen must not confound the political sentiment of Connecticut as expressed in 1888 on the administrative control of the National Government with her sentiment on legislative control. The influence of an Administration and the power of a Democratic national committee might have induced, as it did, the meager plurality of 336 votes for Democratic electors. But that influence and that power, or anything else, can not make the political sentiment of Connecticut on legislative control of the Government Democratic, when Democracy stands for free trade and dishonest elections and Republicanism stands for protection and a free ballot and fair count.

The gentleman from Virginia [Mr. TUCKER] has just propounded a question which I suppose means to emphasize the fact that the 75,129 Republican votes cast in Connecticut in the Congressional election of 1888 gave the State in this Congress three Republican Representatives, while the 74,340 Democratic votes cast in the same election gave only one Democratic Representative. He seeks to convey the impression that the ratio of party representation here is disproportionate to the votes cast by the respective parties. To reply to that impression I have only to make reference to the representation of the State in the Fiftieth Congress. In the Congressional election of 1886, when four members were chosen to the House from the State of Connecticut, there were 57,234 votes cast for the four Republican candidates and 58,581 votes for the four Democratic candidates. Thus there were only 1,347 more votes cast for the Democratic candidates in that election than were cast for the Republican candidates. Yet in the last Congress Connecticut's representation on this floor was three Democratic members and one Republican member. If gentlemen assume that the apportionment of Congressional representation in my State is unequal or unjust to the parties, let them consider the two Congresses named—the present and the last. If there be anything unfair, which I deny, or anything unjust to the political sentiment of my State, it would surely seem that one case washes the other.

Mr. TUCKER. I wish to ask the gentleman another question in the line on which he has been proceeding. I have been informed that the city of New Haven, which is a Democratic city, and has in round numbers one-eighth of the population of the State of Connecticut and therefore would be entitled to one-eighth of the numerical representation in the Legislature of the State, instead of having some thirty and odd representatives has in fact only two.

Mr. RUSSELL. I can not go into that question at length in the time allowed me. The gentleman is now referring to the town representation which the State of Connecticut has and always had in the house branch of its Legislature. That form of local representation is an old, an honored and respected one in my State. It has much to recommend it and I believe it is admitted to be the most complete recognition of the principle of local government. "In Connecticut it was the towns that created the Commonwealth." The Commonwealth still continues a combination of towns and in each member of the combination remains to-day the political power for the exercise of which the State must first establish its clear and just right. The towns of Connecticut stand in much the same relation to the Commonwealth as the States do to this Union and it seems strange for gentlemen contending against what they imagine may be an infringement or subversion of local government by the Federal Government to instance Connecticut as a place where there is a misrepresentation of home rule, as they call it.

So much, in the brief time I have, for the theory of the town representation in Connecticut. As to the politics of this form of representation, the Legislature of the State of Connecticut has been Democratic in the past; less than a decade ago a Democratic Senator represented the State in Congress. If the Democrats then did not care to preserve this honored and old form of town representation, which politically had done them service, they had the chance to change the constitution as far as legislative action could do it. But the city of New Haven is not the only city in the State where representation in the house of the Legislature is restricted to two members, though it is the largest. Other cities under another form of representation might politically show an advantage to our side.

Mr. TUCKER. Still, it is true that almost one-eighth of the population have only two representatives in the Legislature.

Mr. RUSSELL. I can not yield further, Mr. Speaker, much as I am willing to discuss town representation, for I have promised a portion of my time to the gentleman from Missouri [Mr. FRANK]. I do not believe that the political facts, truly stated, in regard to Connecticut's constitutional form of representation in State and nation furnish argument for the form of misrepresentation acquired and maintained in some of our Southern sections. The vote of every legal voter in Connecticut is freely deposited, fairly counted, and correctly returned. The present Federal supervision law has been used now and then in certain places in Connecticut, and both parties have accepted it. I

believe the majority of the voters of the State will approve the extension of the present law to be made applicable anywhere and everywhere where fraud of any sort exists or is anticipated. I know further, Mr. Speaker, that the honest, fair-minded people of the North are well aware of the political disturbances which have existed in our Southern sections. They know that bloodshed and crimes of all sorts have pertained to these disturbances, and the result, as they believe, has been the unlawful subversion of the majority suffrage of many districts in Southern States. They know that in the loss of life which has pertained to these disturbances the Republicans generally have been sacrificed. Formerly it was the loss of life of black Republicans only; latterly, some white Republicans, or white citizens who belonged to the free-ballot and fair-count contingent, have been included in the list of slain.

We begin to judge that the race issue and the political issue in parts of the South are much the same. While recognizing the growth of a new and peaceful South on the line of a business development and an intelligent application of resources and enterprise, while hoping for and stimulating by our investments and our social and commercial relations the fullness of this growth and the perfection of this development, yet in the interest of humanity, and as well as in the interest of fair elections, we can discover no calamity to the good citizen or the law-abiding section in the present proposed extension of the Federal election law. Only to the lawless need this proposed law, as any law, have terror.

I yield to the gentleman from Missouri [Mr. FRANK].

Mr. FRANK. Mr. Speaker, owing to the views I entertain on the pending measure, I enter into the discussion of this question with great reluctance, and have concluded to do so after mature reflection and from an impressive sense of duty to myself, my party, and my country. When I was honored by my party with the nomination for Congress in the Ninth district of Missouri in 1888, I accepted it on an issue exclusively local to St. Louis, and in which the people were intensely interested—an honest election, a pure ballot. In 1886, when I was nominated for Congress, the election machinery was in the hands of a corrupt and conscienceless gang of thugs and ballot-box stuffers. I was elected, though counted out by this ring. I set about to bring to justice these destroyers of the honest ballot and was enabled to do so only by reason of the fact that I had Federal supervisors at the election. I was enabled to invoke the jurisdiction of the United States courts.

Through my contest in the Fiftieth Congress testimony was preserved which secured the conviction of the registration officials and their punishment for illegally disfranchising thousands of qualified voters, most of whom were colored, though the gentleman who prepared the report of the committee and submitted to this House, living within my own State, and not 200 miles from the place of those trials, felt called upon to apologize for these scoundrels, and was convinced in his own mind that—

While it is true that in every election isolated instances of partiality, unfairness, and the inequitable working of the law are, perhaps, always apparent, we find nothing in this case to stamp it as one in which the powers of the election officers under the law were illegally or unfairly used for purposes of oppression or for improperly influencing the election or the method of its execution, unusually arbitrary or harsh.

Mr. McKINLEY. Who made the report?

Mr. FRANK. Mr. HEARD, of Missouri.

So in 1888 my campaign was fought on this issue and the people sustained me, not Republicans alone, but people of all politics; this is demonstrated by the fact that the district had always been regarded reliably Democratic by 1,600, and I was elected by over 2,500 without the use of money against a man who had many qualifications, not the least of which was a "barrel."

I allude to these matters for many reasons. First, to show that I am here to advocate the purity of the ballot; second, to prove the efficiency of supervision as the law now stands, if extended so as to be operative in any places as it is in cities alone; third, to prove the fairness of this measure properly modified.

This question, in the very nature of things, when rightly understood can not be contorted into a party question.

The Constitution, as interpreted by the judicial branch of this Government, has settled any question of that kind so far as this law is an extension of the provisions of the act of 1871, now upon the statute-book; but, so far as new provisions therein are concerned, a party issue may be made, not, perhaps, upon constitutional grounds, however, but upon grounds of policy to which I shall advert in a moment. But the questions of a fair ballot and an honest count, unimpeded vote and a correct return, an unbribed voter and an incorrupt canvasser, all these recognized and appreciated as the very foundation of a representative government and the perpetuity of republican institutions, are no patent rights of the Republican party; all the wisdom is not ours, all the blunders are not yours. The thoughts of the people of most of the States have been concentrated on this question for years. Each State has endeavored by its election laws, amended, altered, and improved, to secure the same result; and hence you have heard so much said of the latest fad, the Australian system, adopted in Massachusetts and my State, and this American system just adopted in New York, these systems which, in the zeal for a honest election, seem to have entered into

a competition for the championship which can disfranchise the most voters.

This is wholesome legislation; this is not an invasion of home rule; it is recognition of home rule—local self-government—when sections 10, 15, 16, and 38 are eliminated or modified; when so eliminated or modified its provisions do not clash with a single right of a State or a State officer; it is a bill for Federal supervision without Federal interference or Federal control. With those provisions in, it is a hybrid-mongrel affair, subversive of recognized State rights, odious in its authorization of the determination of results by setting up comparatively irresponsible persons, selected by one man, as paramount in authority and position to the chief executive officers of the State chosen by the people of the State. With these provisions out or altered the people will sustain it and no party can afford to oppose it.

By the provisions of sections 15 and 16, the circuit judge appoints for each State three citizens to compose a national board of canvassers, two of whom will belong to the same political party in most cases, who, at \$15 a day, shall do what?—declare and certify the results of the election on figures, tabulated returns, and statements furnished to them by the chief supervisor and the clerk of the court, which declaration and certification shall entitle the person designated to a seat on this floor.

The United States partakes of the State hospitality, uses its machinery, registration sheets, tickets, ballot-boxes, clerical force, voting booths, all the paraphernalia furnished free, and then withdraws without returning thanks; worse than this, acts the bear by refusing to give credence to the completed work; eats of the repast, and when the last course has been finished takes the "Rosa perfecta" furnished by the host, puffs it heartily, leaves the festive board, and discredits the dinner.

[Here the hammer fell.]

Mr. CHEADLE. I ask unanimous consent that the gentleman from Missouri [Mr. FRANK] be permitted to proceed further.

Mr. HEARD. Before that consent is granted, I ask that I may have five minutes to make a personal explanation.

Mr. BUCKALEW. Wait until the gentleman from Missouri is through.

Mr. HEARD. No; I would like to have this matter settled now. The gentleman from St. Louis has gone out of his way to single me out as a member of the committee which made a unanimous report against him, and I insist that I should be permitted to be heard on a personal matter.

Mr. FRANK. That is not an accurate statement.

Mr. HEARD. I say it is; and I will prove it before this House.

The SPEAKER *pro tempore*. The Chair would state that a large number of gentlemen are on the list as desiring to speak, and the time has all been parceled out, so that any extension must necessarily cut out some one who has been promised recognition.

Mr. CHEADLE. The gentleman from Missouri is a member of the committee and is entitled to an hour. He asks for only a few minutes additional.

Mr. DOCKERY. I hope the gentleman will be allowed to proceed five minutes.

Mr. HEARD. I shall not object; but I give notice that I shall reply to the gentleman's remarks at some time during the progress of this discussion, either during the debate on amendments or otherwise.

The SPEAKER *pro tempore*. The Chair would be very glad, indeed, to accommodate himself to the wishes of the gentleman from Missouri, but he can not do so in justice to other gentlemen.

Mr. ALLEN, of Mississippi. Can not the gentleman's time be extended by unanimous consent?

A MEMBER. We can sit so much the longer to-night.

Mr. DOCKERY. The request is for unanimous consent.

The SPEAKER *pro tempore*. Unanimous consent is asked that the gentleman from Missouri be allowed to proceed—for how long?

Mr. FRANK. Five or six minutes.

Mr. BUCKALEW. Say ten minutes.

The SPEAKER *pro tempore*. Is there objection to allowing the gentleman to proceed for ten minutes longer? The Chair hears none.

Mr. FRANK. It is passing strange that gentlemen on this side in the discussion of this bill close their eyes to the danger lines and make their detour in the high atmosphere, free from obstacles. I say "let the lower lights be burning."

It may appear to some people that the rôle of statesmanship has reached the acme of perfection when the wisdom of a questionable measure is determined by the opposition aimed at it with invective against the Commonwealth of Massachusetts and her great thinkers, and the bill therefore supported by the distinguished Representative from Massachusetts [Mr. GREENHALGE]. It may appear to some people that opposition to this bill may be justified by the treatment the negro has received, the party has received, and many men on this side have received from persons high in rank and power; but it does not appear sufficient to me.

With the expurgation of the sections I have alluded to and will print in connection with these remarks in the RECORD, I believe the bill fair legislation. I do not think it means negro supremacy. It

means a solution of the problem as suggested by Senator INGALLS: Justice—justice which follows an observance of the laws of man; the laws of nature work out their own results. I use that distinguished gentleman's language:

Sir, the black race is capable of civilization. Notwithstanding the obstacles and discouragements, the failures and disappointments, justice requires the admission that in the dark and tragic interval of its transition period it has made marked and substantial progress, greater, far greater, than could have been reasonably expected. If the degenerate proclivities engendered by centuries of oppression and ignorance have not been extirpated, they have at least been surprisingly modified; and while there is nothing in his origin and in his history to justify the expectation that the African can ever successfully compete with the Anglo-Saxon in government, in art, in conquest, or practical affairs, neither is there anything to indicate that he is not susceptible of high civilization.

Much has been said about a new South—there is a new South; something has been said about a new North—there is a new North; but better than that there is a new, a rejuvenated, Republican party only partially represented, I fear, on this floor—a party who know the war is over, who believe the result is fixed and honestly accepted by the Southern people; a party who believe that the party is one of progress, of good-will, and not one to retard the prosperity of any section of the country by promoting labor disturbances and race antagonisms; a party composed of young men who first saw the light of day since the days of Appomattox who see enough in the issues framed by the party platforms to think about and to contend for without appealing to the worm-eaten chestnut of bloody shirts and interred hatred to arouse discord.

I am a friend of the colored man. I appeal to the many black men in my district who are among the most industrious, orderly, and enlightened of the population whether I have not given them incontrovertible proof of it in my efforts and zeal in their behalf.

I am opposed to this measure in its present form. I am not willing to say as did the gentleman from North Carolina [Mr. EWART] that if this be treason to the party make the most of it. Let me say this: With the Republican party in undisputed control of every branch of the Government a warning voice raised against abuse of power—an emphatic protest against the use of power unnecessary for the prosperity of the country and the resolution to resist such measures are the highest attributes of party allegiance. [Loud applause on both sides of the Chamber.]

APPENDIX.

OBJECTIONABLE PROVISIONS.

SEC. 10. * * * If, at any time, the whole number of ballots found in any box intended for the reception of ballots cast for the office of Representative or Delegate in Congress which properly belong therein shall exceed the total number of persons who shall have voted that day in the election district, then, in such case, it shall be the duty of the chairman or acting chairman of the inspectors of election and of the chairman or acting chairman of the supervisors of election to place in the said Congressional box all the ballots found to have been cast therein for the office of Representative or Delegate in Congress, and to thoroughly mingle the same, when, if such excess shall be but one ballot, one of the inspectors of election, and if such excess shall exceed one ballot, then one of the inspectors of election and one of the supervisors of election shall be blindfolded and placed with his back or their backs to the said box, from which they shall publicly draw so many ballots as shall be equal to the excess, which ballots shall be forthwith destroyed and the votes for the persons named in such withdrawn ballots shall be deducted from the votes entered for such persons on the tallies. Where the ballots drawn from any such box are to be drawn by an inspector of election and a supervisor of election, such drawing shall be done as follows: The first ballot shall be drawn by the inspector of election and the second ballot by the supervisor of election; all ballots drawn thereafter shall be drawn by each of said officers alternately.

SEC. 15. It shall be the duty of each chief supervisor of election, on or before the first day of September next following the passage of this act, to cause a judge of the circuit court of the United States in his judicial district to be informed in writing that it is necessary that the circuit court should be opened for the purpose of complying with the provisions of this section.

It shall be the duty of the circuit judge who shall be so informed, on or before the first day of October next following the date of any communication containing such information, to personally open and hold a circuit court of the United States in such judicial district in such one of the States comprising his judicial circuit as shall be most convenient to him, and within ten days thereafter the said circuit court, so held by said circuit judge, shall, for each State within the said judicial circuit, appoint three persons of good standing and repute, citizens of the United States and residents of the State for which they shall be appointed, who shall be known as the United States board of canvassers of the Congressional vote within and for the State for which they shall be appointed; one of said three persons shall, when appointed, be named as chairman of the board. Such persons shall be sworn to the faithful performance of their duty and to support and defend the Constitution of the United States. They shall each hold their office so long as faithful and capable, and not more than two of them shall belong to the same political party; they shall each receive a salary of \$15 a day for each day actually employed in the work of canvassing the statements and certificates of ballots cast at any election, general or special, for a Representative or Delegate in Congress and a further sum of \$5 per day for their personal expenses. They shall have a seal and may appoint a clerk, who shall receive \$12 a day for his services and expenses while actually in attendance upon said board. As a board it shall be the duty of such appointees of the said circuit court to convene on the 15th day of November of each even year, unless the same shall fall upon Sunday, when they shall convene on the following day. In case of a special election they shall convene one week from the day of such special election. They shall so convene at such place in their State as shall be most convenient for them, which place must, however, be a place where a term of the circuit court of the United States is by law regularly held, and there proceed to finally canvass and tabulate the votes which shall have been stated and certified as cast for Representative or Delegate in Congress in each Congressional district in their State in and throughout which this act shall have been enforced, and not elsewhere, and shall declare and certify the result of the election thereof in each such district.

For the purposes aforesaid they shall use the statements and certificates and such accompanying papers, if any, as shall have been forwarded to the clerk of the circuit court of the United States in the several judicial districts in their

State, and the same shall be, by such officers, produced before the said board for such purpose; when opened by the chairman or acting chairman of the said board he shall mark each separate sheet of each such statement and certificate as shall be contained therein with the initials of his name. The said board may also require the production before it of such certificates and statements and such accompanying papers and tallies filed with the several chief supervisors of elections in the same judicial districts as shall be necessary for examination and comparison by said board, where it shall appear by a comparison of the tabulated returns furnished for their inspection and reference by such chief supervisors, as provided in this act, with the statements and certificates filed with the several clerks of the circuit courts, that there are discrepancies or errors existing. It shall also be authorized and empowered to summon and compel the attendance before it of the supervisors of election who served on election day in any election district in and from which there shall be found to exist incomplete, imperfect, or inconsistent certificates and statements, and to examine such officers for the purpose of ascertaining whether such certificates and statements are imperfect or inconsistent and of arriving at the facts. Any supervisor of election who shall fail, neglect, or refuse, without good and sufficient excuse, to obey any summons of said board to so attend at the time and place required therein, shall be liable to arrest, and upon conviction shall be punished by a fine of not more than \$500, or by imprisonment for not more than one year, or by both such fine and imprisonment. The marshal of the United States in the judicial district in which any such board of canvassers shall be convened shall detail one of his deputies to attend its sessions and preserve order thereat. Such marshal shall, by his deputies, serve all summonses of said board.

The determination arrived at and stated in the declarations and certificates of any such United States board of canvassers shall, as to each such Congressional district, be at once made public, and the declaration and certificate for each Congressional district shall be made in triplicate, be signed by each member of the board, and have affixed thereto the seal of said board; one shall be filed in the office of the chief supervisor of elections, under whose supervision the Congressional district covered by it was, together with all the papers and documents used, or which might by law be used, before such board for the purpose of ascertaining, declaring, and certifying the result in said Congressional district; another shall be forwarded by mail to the person found by them to have been elected, addressed to him at his place of residence; the third copy shall be similarly forwarded to the Clerk of the House of Representatives of the United States at Washington. In case no person be found duly elected in any district a certificate of that fact shall be made by said board in triplicate, under their hands and seals, and forwarded as follows: One to the governor of the State, another to the Clerk of the House of Representatives, and the third to the proper chief supervisor of elections.

The final declaration and certificate of said board as to the result in each and every Congressional district shall be completed and transmitted to the Clerk of the House of Representatives as soon as practicable, and in no event later than the last day of the month in which by law said board is to convene.

SEC. 16. Upon the receipt by the Clerk of the House of Representatives of the declaration and certificate of any United States board of canvassers of the Congressional vote as to the election of any Representative or Delegate in Congress it shall be the duty of that officer to open and file the same in his office. If by such declaration and certificate it shall appear that another and different person has been elected as a Representative or Delegate in Congress than the person certified as elected by such officer or officers of the State in which such Congressional district is situated, whose duty it is by the laws of the State to make such certificate, then the person so certified as elected by the declaration and certificate of the United States board of canvassers shall be, by the said Clerk of the House of Representatives, placed upon the rolls of persons elected as Representatives or Delegates in Congress, and the provisions of existing law respecting the names of persons who shall be placed upon the roll of the House of Representatives by the Clerk thereof are modified to the extent herein provided, and to such extent only. Any Clerk of the House of Representatives who shall neglect, fail, or refuse to place upon the roll of Representatives and Delegates elected the name of any person entitled to be placed thereon as provided by the laws of the United States, shall be liable to arrest, and, upon conviction of such neglect, failure, or refusal, shall be punished by a fine not less than one thousand nor more than five thousand dollars, or by imprisonment for not less than one nor more than five years, or by both such fine and imprisonment, and shall be forever disqualified from holding thereafter any office of trust or profit under the Government of the United States.

Section 38 is the one changing the jury law.

[Mr. MAISH addressed the House. See Appendix.]

[Mr. O'NEALL, of Indiana, addressed the House. See Appendix.]

Mr. BOOTHMAN. Mr. Speaker, I have listened to-night with a great deal of interest to many of the arguments that have been advanced by gentlemen on the other side of the House and on this regarding the substance of this proposed law. I desire in some measure to review the arguments as they have struck my attention in the delivery here.

The gentleman who first occupied the floor asserted, in substance, that gentlemen on this side who voted for the bill would not vote their convictions. Now, I am here to say that that is a mistake. The members on this side who vote for this bill will, in the main, vote for it because they believe that it is framed in the interest of good government and of free and fair elections.

It has been argued that elections are fair and free and that there is no necessity for the passage of this bill. Gentlemen of the South, we of the North have been impressed in a different way regarding elections held in your portion of this country—whether with reason or not is a question of fact to be determined not by declamation and rhetoric, but by the returns and the recorded facts of history.

In what I have to say I do not propose to fight over any issues of the war. In that great struggle I took my part, as you did yours; and I suffered for my convictions, as you suffered for yours. I believed then I was right; I still believe I was right; and the conviction that thus impresses me is a conviction not particular and peculiar to myself alone, but a conviction that is diffused among the people of the North, which permeates every fiber of their being.

The desire of the great body of the people of the North is that there shall be given to each individual citizen in this land of ours the same equal right to participate in the privileges of government that is enjoyed by each individual citizen at the North. We care not whether

his skin be black or white; we care not whether his estate be mean or noble; we desire simply that his rights under the law, wherever he be located, whether in the East, the West, the North, or the South, shall be equal and equally maintained. That is all the people of the North desire. And when it is argued that in supporting a measure which is calculated, in the judgment of the members on this side of the House, to obtain for each individual citizen that equal right we are voting against our convictions, gentlemen make a grave mistake.

If we support this bill we shall do so because it promises to give equal rights to the people of this country, black and white, poor and rich, noble and mean alike. And is there objection to be found to that? Is there any good reason that can be urged why such a law as this should not obtain in this Republic if it be founded on the principles of our Constitution?

Gentlemen say the law is unconstitutional. Whom is it aimed at and what is it aimed at? It is simply aimed at the man, wherever he be, upon American soil that shall undertake to destroy the right of the citizen to enjoy equal rights under the Constitution and laws of the land. Why, then, should gentlemen object to it; why stand up in their places and level against it all the invective and all the harsh language that they can command for the purpose of casting odium upon this measure, the promoters of which believe to be constitutional, designed simply to do justice between men?

Do you say that it is unnecessary? Then we take issue with you upon the question of fact. We say that after the war closed the black man in the South was not clothed with the equal rights which the Constitution and the laws of the land granted to him, and we refer you simply to your statutory enactments to be found upon the statute-books of nearly every State of the South which interfere with his civil rights and privileges in proof of the assertion. The statutes to which we cite you on that subject are numerous.

Mr. WHITING. Does the gentleman claim as a Republican to be talking for the people of the North?

Mr. BOOTHMAN. I am talking now for the people of the whole country.

Mr. WHITING. Yes, you are talking for the North.

Mr. BOOTHMAN. I am talking for the whole country. This is a national question.

Mr. Speaker, we find on going over the history of political matters in the South since the war, that wherever there has been a disturbance in the Southern portion of the country, where killing has been done, the black man died and the white man triumphed. I am not inveighing against the white man of the South, but I am inveighing against the state of affairs that could produce such occurrences as have taken place in the last few years in that section.

I turn now, sir, to the elections in the South as an illustration of the point I am making, and I am free to admit, Mr. Speaker, that the acts of violence that existed for many years have given way to a milder form, that strikes not with the bludgeon or the shotgun, but strikes with the blow of fraud. I turn now to some of the statistics of your elections in the South, to ascertain the fact whether or not there are these free and fair elections there that should be accorded to every community and to every individual citizen throughout this broad land. For I say to you, gentlemen of the South, when you attack the fairness and freedom of elections in your own sections in the South you strike a blow at fair elections all over the land.

You enact or produce or bring into being a principle which, when applied to your own existence and political privileges in time to come, will debauch and destroy them; for like the cancerous sore on a healthy man, after it has performed its functions it feeds upon the living tissues of the flesh and destroys the organization. So with your suppression of the ballot; so with your interference with fair elections in the South, you pave the way to your own destruction as far as your political liberties are concerned. For, Mr. Speaker, when the present issues pass by, when the time comes that old issues are dead and new ones have arisen, when you are divided on different lines a hundred years hence, when your children's children come to inherit the liberty which has come down to us through hundreds of years of hardships, suffering, turmoil, and bloodshed, and they seek to accomplish political results unfairly, will they not better the instructions which you have given to them? Will they not interfere with your liberties then and there?

It is not so much a question for the people of the North, so far as the people now living are concerned, as it is a question for your posterity and for my posterity in this Republic that we hope to see go down through all the years crowned with blessings to you and yours and to me and mine.

Now, I ask your attention for a moment while I consider some of these elections in the South. I turn to the election of 1886 for Congressmen, and find in several States of the South that there was an aggregate of twenty-two "no-opposition" districts.

The time, gentlemen, has been when it was accounted an honor for men to occupy seats in this House. The time was when it was regarded as something of value to the citizen to come to the Congress of the United States and participate in the legislation for the whole country. And it is yet regarded as a prize worthy of striving for. But

what do we find now in these districts? Twenty-two districts in the South in 1886 where there was but one candidate, or, if there was more than one, but one is known or recorded in history. And how were the men elected who were candidates in that election? I find the vote has fallen off enormously from the normal vote that should be cast there.

What does it argue to you and to me? It argues that the value of the elective franchise has become cheapened, lessened, in the sight of the people, and not worth working for in the minds of the Republicans of the South who have been deprived of their elective franchise and fair and free elections; and not only in their minds, but in the minds of the men who are electing Democrats to this body.

Take Alabama, which by the census of 1880 had a voting population of 259,884. What was the vote cast for your whole delegation in Congress in 1886? Only 71,704 votes, a falling off in your vote there of 188,180, as based upon the census of 1880.

I repeat, what does that argue to you and to me? That the value of the elective franchise is being lost sight of, cheapened, obscured, and placed out of sight by both parties, both races in the South. And that argues to you and to me that there is danger to your institutions and to mine in such a state of affairs.

Take the State of Arkansas. There, by the same census, there were 182,977 persons of voting age, or male residents twenty-one years of age and upwards. And the total Congressional delegation was elected in 1886 by 46,642.

Mr. PEEL. Will my good friend allow an interruption?

Mr. BOOTHMAN. Certainly.

Mr. PEEL. My district is one of those.

Mr. BOOTHMAN. Yes.

Mr. PEEL. I have in my district about 30,000 legal voters. I did not receive 5,000 votes, just simply because nobody went to the election.

Mr. BOOTHMAN. Precisely; and why did nobody go?

Mr. PEEL. One moment; there was no opposition to me; and let me state that there sits an honorable gentleman who is a Republican from the State of Missouri. His district adjoins mine, and he will not say there is a suspicion upon my district.

Mr. BOOTHMAN. I am not charging any individual gentleman here with these matters, but I am talking of the effect of this thing upon the morals of our country [derisive laughter upon the Democratic side], and the effect of this thing upon the elective franchise of our country, and the value that is placed upon it throughout those parts of the country.

Mr. WHEELER, of Alabama. My district has been referred to and I will say that for the five elections now past no one will say a single unfair vote was cast or that there was any unfairness in the election.

Mr. BOOTHMAN. I can not yield any further. I would be glad to if I had the time or if my time could be extended. I desire to refer to these matters and my time is very brief. Now, take the State of Georgia. There were there 321,438 voters according to the census of 1880, and the delegation in the Fiftieth Congress were elected by total vote of 27,475, or 10,000 votes less than were cast in my own district for one Representative. Now, take another State, the State of Mississippi, which had 238,532 voters by the census of 1880, and the total Congressional delegation was elected by 44,951 votes.

Take the vote of South Carolina, with a total vote of 205,789 by that census, but with only 39,077 votes cast for the total Congressional delegation. Now, I do not charge that every gentleman upon this floor who comes from a no-opposition district came here because somebody had been deprived of the right to vote, but I say that I argue legitimately and naturally and properly from the condition of affairs found there in four or five different States in the South that the condition of things there indicates there is something wrong, and there can be no other construction placed upon it.

Mr. BUNN. Will the gentleman yield for a single question?

Mr. BOOTHMAN. Yes, sir.

Mr. BUNN. How do you account for the loss of 40,000 votes in the States of Connecticut that has been mentioned here on the floor.

Mr. BOOTHMAN. I do not know the total vote of Connecticut.

Mr. BUNN. It has just been given by the Representative from that State.

Mr. BOOTHMAN. But I do know this, that if you go through the North, in every State of the North where there is a general election, you will not find a single instance where there is no opposition.

Mr. PEEL. They are more greedy than we are.

Mr. BOOTHMAN. Now, gentlemen, I put it to you as honest men, as men who love your country, who desire its best interest—

Mr. BUNN. I thought you had ruled us all out on that question.

Mr. BOOTHMAN. I ask you whether that state of affairs ought to continue; whether there is not something wrong there that ought to be righted? This law proposes to do it. It proposes that there shall be a counting of all the voters and a registration; that there shall be a scrutiny of the votes in all cases, and now if that is done you say that it is as far as it ought to go. What would that amount to, now, if there is no one to certify to that vote? What would that amount to if there is no way of sending the result here, that shall bring it before this body untainted by any suspicion that something is wrong? What will the law amount to in that case?

Mr. WHEELER, of Alabama. Suppose that there is a suspicion that the return which comes here is wrong?

Mr. BOOTHMAN. I will say that all human action must be entrusted to men, and the best that can be done is to select men who have good names.

Mr. WHEELER, of Alabama. Then why do not you trust the responsible State authorities instead of a set of irresponsible men who are accountable to nobody?

Mr. BOOTHMAN. When the judicial branch of the Government appoints these men from both political parties [derisive laughter and cries of "Oh, no!" on the Democratic side]—when the judicial branch of the Government appoints these men, not from one party, but from both political parties, residents of that district, it seems to me it comes with poor grace to say that rascals will occupy those positions.

Mr. SHIVELY. Does the judicial branch of the Government appoint these men?

Mr. BOOTHMAN. Yes, sir; they are appointed by the circuit judges.

Mr. BUNN and Mr. ALLEN, of Mississippi. Oh, no.

Mr. BOOTHMAN. If I am in error about that I hope the gentleman will correct me.

Mr. ALLEN, of Mississippi. You are in error. You are not stating the bill as it reads.

Mr. SHIVELY. The supervisors are appointed by the judges.

Mr. BOOTHMAN. The supervisors are appointed by the judges, and that amounts to the same thing. [Cries of "Oh, no!"]

Mr. SHIVELY. But the supervisors make all the other appointments.

Mr. BOOTHMAN. That amounts to the same thing. [Derisive laughter on the Democratic side.]

Mr. BUNN. That is a very different thing.

Mr. BOOTHMAN. When you come to talk about the thugs and assassins, the burglars and that class of men being appointed to these positions, it seems to me that you stultify your own intelligence. You know that no political party will attempt to do that sort of thing as a rule.

Mr. BUNN. They have done it.

Mr. BOOTHMAN. There may be exceptional cases. [Derisive laughter on the Democratic side.] There may be exceptional cases. I propose to discuss this thing squarely. There may be cases where some bad man will get into a position of that kind, just as bad men get into all other positions; but as a rule you will have those men selected under this law as they have been selected under the other law, from the reputable men of your community; and the law amended this afternoon proposes that they shall hold their offices for two years, or until their successors shall be appointed and qualified. Now you know just as well as I do that the circuit judges and the supervisors are just as amenable to public opinion as anybody.

Mr. WHEELER, of Alabama. Are they any more so than the State officers?

Mr. BOOTHMAN. And if the men who are appointed do not perform their duties properly they will be thrown out and others put in their places. I tell you, gentlemen, you have a deep interest in the proper solution of these difficulties. You have got the Southern question to deal with. You have got your negro question to properly solve.

Mr. BUNN. We are willing to attempt it, and we believe we can do it successfully.

Mr. BOOTHMAN. You have got these people among you, and you have these questions before you, and how are you going to solve them? You can not do it by taking away the elective franchise. You can not do it by depriving them of their rights. Where that condition of things exists under which they are deprived of their rights, that condition must be changed, whether it be this year or next year or a quarter of a century hence.

It can not go on in that way. For you have your own rights and your own interests to look out for, and I tell you you are more interested than any other class of men on this continent in having that question solved rightly and justly. We of the North believe that, whatever your desires have been in the matter, in the past you have unjustly deprived men of their rights.

Mr. BUNN. Oh, no.

Mr. BOOTHMAN. You must produce before us something which will controvert this statement which I have placed before you before you convince Northern men that you are now doing your duty to that dependent class of people.

Now, Mr. Speaker, I shall vote for this bill because I am not afraid to place around any American citizen all the legal and constitutional requirements that will inure to his privilege and benefit and all the advantages of the position that he ought to occupy in relation to the elective franchise. I am not afraid of any law that will guard the honest voter, and I am not afraid of the enforcement of any law that will destroy the power of the men who destroy and debauch the elective franchise. [Applause on the Republican side.]

[Mr. BUCHANAN, of Virginia, addressed the House. See Appendix.]

Mr. LESTER, of Georgia. Mr. Speaker, if the proposed measure could have dispassionate consideration, unaffected by partisan bias, it could not meet the approval of the Representatives on this floor, and I shall indulge the hope that sufficient conservatism still remains here to stay the hand now uplifted to do violence to the Constitution and to disturb the peace and fraternity of the States now so happily existing.

The proposition which it is proposed to enact into law is that the Federal Government shall step into the States and by its officers declare what persons shall constitute the representatives of the people of the States whenever one man in any one particular district shall certify that one hundred qualified voters in that district wish it to be so.

The chief supervisor shall, in fact, appoint three supervisors for each election district. These three shall overlook, interfere with, and declare who shall vote, by the power given them to pass upon the qualification of voters, to receive the ballots, and particularly to make such return to their chief as they shall see fit. The chief submits such returns as he pleases to make to three men appointed by the court to canvass the returns submitted and to certify the election, which certification shall be practically conclusive as to the election, and the Clerk of the House of Representatives must, under severe penalty, place the name so certified on the roll of elected members. The persons so certified shall constitute the Congress of the United States.

This bill is the response to that bold declaration recently made by the chief Republican, advising his party as to methods to meet party exigencies. "Let us do our own registration, our own counting, and our own certification. Let us, the Republican party, do this."

Are there no longer "people of the States?" Is representation of States in Congress no longer a matter essential to the Government, which is by the States, of the States, and for the States? Is it that the Congress is a distinct entity, independent of and of no concern to the States? Whence came the Government of the United States? It was created by the people of the States, and its succession depends upon the people of the States. The elections for members of Congress are by the people of the States, in the States, and for the States. Representation is one of the constitutional rights of the people of the States. It is one of the most sacred of all political rights, and no political party or power can justify its action in taking it away.

If statehood was obliterated there would be no constitutional government. None can have so great an interest in this General Government as the people of the States, because the representation is their representation, and this is not the less so because the people of all the States of the United States may be affected by legislation perfected by all the Representatives—the Congress of the United States. The first, the primal representation, is the representation of the "people of the several States." The very existence of the Government of the United States depends upon the representation of the States.

The governmental right, the national authority, did not come into existence by a higher power. It did not descend upon any man or body of men. It ascended, so to speak, from the people; not the aggregate mass of all the people, but from the segregated mass, from the several people of the several States. The Government is styled the "United States of America;" the significance of which is that it is the Government of States united for the purposes specified in the Constitution. "We, the people of the United States," used in the preamble of that Constitution, suggests no idea of consolidated power above, beyond, outside of, and independent of the States, no more than did the term "United colonies of North America," as applied to the Government of the Revolution, and the term "United States of America" used in the Articles of Confederation imply or suggest such absolute consolidated and independent government.

The nature of the General Government with respect to the composition of its governing powers and the manner of their creation is not left in doubt when we reflect that it has no power and not even an existence except as derived from the Constitution. The legislative authority, the subject of concern in the consideration of the measure under discussion, is provided for as follows:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. (Article I, section 1.)

And the manner of creating the House of Representatives was thus prescribed:

The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature. (Article I, section 2, paragraph 3.)

The Representative must be an inhabitant of the State in which he shall be chosen. (Article I, section 2, paragraph 3.)

But this is not all.

Representation and direct taxes shall be apportioned among the several States. (Article I, section 2, paragraph 3, and fourteenth amendment, section 2.)

When vacancies happen in the representation from any State the executive authority thereof shall issue writs of election to fill such vacancies. (Article I, section 2, paragraph 3.)

I invoke these provisions of the Constitution to show that the right of representation in the American Congress is a right that belongs to the "people of the States," a right the exercise of which concerns them alone; a right as sacred as any political or other right they may

have, either by the guaranty of the Constitution of the United States or by the constitutions of the States.

If this right of choosing their own Representatives is not an important and cherished right, what is? It is our boast that the American Government is a representative Government. Representative of whom, or of what? There is but one answer: Representative of the people of the States, selected by the people thereof.

It will not do to say that the people of the States may manage their own affairs in the State governments, but have no concern in the selection of members of the House of Representatives, because representation in the Federal Government is their constitutional right, and he who attempts to deprive them of that right, either directly or by a device which may have the effect of suppressing their voice in the selection of their own Representatives, is far on the road to an absolute centralized government.

But it is said that the General Government has the power to take into its own hands the election of the Representatives of the States. It is derived, we are told, from Article I, section 4, of the Constitution, which declares as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to places of choosing Senators.

Not only is the right of the States to elect their own Representatives given, but it is made their duty to prescribe the time, place, and manner of holding the elections. In whom exists the right of holding the elections? The "time, place, and manner of holding" is a different thing from the regulations as to the "time, place, and manner" of the holding.

I ask again in whom does this right exist—in the States, or in the United States? It is not given in terms to either. The power is not in the United States, nor can it be assumed by the United States, for the United States is inhibited by the Constitution from the exercise of any power "not delegated" to it. It is in the States, first, by the necessary implication of the grant giving the right to representation; and, secondly, because "all powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively, or to the people." So speaks the Constitution.

An examination of this provision of the Constitution excites the inquiry, why was this power, whatever its limit, given in such strange manner, a power so apparently inconsistent at first view with the language immediately preceding it? There must be a reason, and a reason which will explain the ambiguity. When found it will furnish a satisfactory solution, not only a satisfactory solution, but a conclusive one; and by the rules of construction, the reason upon which the law is founded is the life and very expression of it. When the reason ceases the law ceases, by whatever words it may be expressed. While the reason exists law lives.

Referring to the history of the Constitution we find that this provision was considered and violently opposed by many of the States and some of the most eminent of its framers. They feared it might be used for the destruction of the rights of the States in the selection of their Representatives, but its advocates contended that the States might fail or refuse to provide for the time, place, and manner of electing Senators and Representatives and thus cause lapse of the General Government. To prevent the contingency of this lapse was the reason and the only reason assigned for such a provision as this. Thus assured, the opponents acquiesced in the provision.

The journal of the convention which framed the Constitution, the debates upon its ratification by the several States, and the writings of the most eminent men who took part in its formation are here at hand. They show by an unbroken current that the reason for the provision was what I have stated it to be. The consideration of the question may be found in the journal of the convention, May 31, 1787, and on pages 218, 240, 354, and 374; the *Federalist*, Nos. 59 and 60; and Mr. Madison, who for his great services, eminent ability, and patriotic zeal is sometimes styled the author of the Constitution, thus gives his testimony:

The power of Congress to make regulations in reference to elections was supplied in order to enable Congress to regulate, etc., if the States should fail or refuse to do so.—*Madison's Minutes*, Elliot 5, 402.

Why should not this provision be construed as it was intended, and why should an effort be made to put it in force when the contingency upon which the power was to be put into effect has not happened? It will not do to answer that we have the power and it is for us to say when it shall be exercised; that does not satisfy.

The people of the States have the right to think that there is a limitation upon such power. Such was the undoubted understanding. Congress has the right to "declare war," but would you declare war without offense? Would you declare war without the contingency happening upon which it could be justified and expect the people of the United States to sustain you because of your unquestioned right to declare it as written in the Constitution?

The right to exercise power is not always consistent with its justification. England had the right to tax the American colonies. The

colonies denied the right without representation. England lost her colonies.

To those who are urging the passage of this bill to promote, as they imagine, the perpetuation of the power of a political party I commend the sage reflections of an eminent expounder of the Constitution. They are full of significance, and maybe are full of prophecy.

Judge Story, who was disposed to give the fullest possible effect to this power, in answering the suggestion that it is a power that might be employed in such manner as to promote the election of some favorite candidate or favorite class of men, dismisses the supposition as chimerical. He says: "Every probability is against it."

Who are to pass the laws for regulating elections? The Congress of the United States, composed of Senators chosen by State Legislatures, and of Representatives chosen by the people of the States. Can it be imagined that these persons will combine to defraud their constituents of their rights or to overthrow the State authorities or the State influence? The very attempt would arouse universal indignation and produce an immediate revolt among the great mass of the people, headed and directed by the State governments. And what motive could there be in Congress to produce such results?

The truth is that Congress could never resort to a measure of this sort for purposes of oppression or party triumph until that body had ceased to represent the will of the States and the people; and if under such circumstances the members could still hold office it would be because a general and irremediable corruption or indifference pervaded the whole community. No republican constitution could pretend to afford any remedy for such a state of things.

Mr. Speaker, if the time has arrived and the contingency has happened for the exercise by Congress of the power to "make or alter" the regulations of the States, I submit that it should do so by law, and not leave the power to be exercised by the will of one hundred irresponsible persons. The bill as it stands is a confession that there is no occasion for legislation on the subject. It declares that "any registration of voters, etc., for any election, etc., at which a Representative or Delegate in Congress is to be voted for, and any such election shall be guarded, scrutinized, and supervised" by persons appointed by the circuit courts of the United States, when in any Congressional district or in any city of 20,000 inhabitants an "application shall be made by one hundred persons claiming to be citizens of the United States, residents, and qualified voters."

It shall not go into effect generally in the United States, nor generally in any State, but locally in such district or city as one hundred indefinite persons shall will to make it the law. Congress is not to express its will as to what shall be the law, nor when nor where it shall operate. That will is to be delegated to some one else, and, what is worse, it is not to be delegated to the people of the districts, nor even to a majority, but to a small fraction thereof. And yet, Mr. Speaker, gentlemen on this floor declaim about the marvelous beauty and fairness of this provision and say that it is with the people of any district to have such law or not. They can not be familiar with the bill, else, and which is most probable, they are careless about reasons.

Every man, woman, and child in the district may protest against the law without avail. One hundred of the meanest and vilest may be their law-givers. When Congress abdicates its function to legislate by law for the people whose creature it is, it should not attempt to create another law-making power over and above the people.

The power attempted to be given to these one hundred persons by this bill is clearly a delegation of legislative power by Congress, and the measure proposed can not be a law. Let us examine it a moment.

The only means by which Congress can execute legislative power (and legislative power is all that it has) is by means of law, that is, by the enactment of laws.

The power to make laws "necessary and proper" for carrying into execution the powers conferred upon it is given Congress in the eighteenth paragraph, section 8, Article I, of the Constitution. But it must be borne in mind that it can not make laws except upon the subjects over which jurisdiction is given it, and that what it does in this respect must be done by the enactment of a law.

To Congress alone is given the power to make laws, and its will and not another's must be the expression and life of the law. In other words, it can not delegate its power to another, and the act by which it attempts this is in no sense a law.

Says Judge Cooley, in his work on Constitutional Limitations:

One of the settled maxims of the law is, that the power conferred upon the Legislature to make laws can not be delegated by that department to any other body or authority. Where the sovereign power of the State has located the authority there it must remain; and by the constitutional agency alone the laws must be made until the constitution is changed. The power to whose judgment, wisdom, and patriotism the high prerogative has been intrusted can not relieve itself of the responsibility by choosing other agencies upon which the power shall be devolved, nor can it substitute the judgment, wisdom, and patriotism of any other body for those to which alone the people have seen fit to confide the sovereign trust.

I am aware that a law may be passed to take effect upon the happening of a subsequent event. But an act to regulate elections which makes its operation to depend upon this contingency, namely, that one hundred persons shall say they desire it to go into effect, not generally, but locally, for an occasion, is not of this kind.

In the first place, the happening of such a contingency as that would not put the law into effect. It would be operative only in one locality. The rule, the law itself, would still be inoperative anywhere else. The

most that can be said of the contingency mentioned in this bill is that the law, as a rule, shall not go into effect at all; or if so, it shall be not on the happening of one but of three hundred separate and distinct contingencies, and that it shall not even operate locally except upon a contingent contingency.

Inasmuch as Congress can legislate only by laws, as the very essence of a law is that it shall be a rule, and as this act as a rule can not be applied upon the contingency provided, it can not be a law.

The distinction between a conditional law and an act of the law-making power seeking to transfer functions, the legislative to another, is thus expressed in the opinion of the supreme court of Pennsylvania (6 Barr., 527):

The one leaves nothing to be done to perfect the rule of action, the other but molds the clay into shape, leaving to third persons the task of breathing into its mimic frame the energy of life. What is this more or better than simply preparing the project of a law to be submitted for sanction of a distinct and independent tribunal?

What is this measure when submitted to the test of rule? It is the will not of Congress, for it expresses no will. Whose will shall breathe into this clay the "energy of life?"

Congress does not express its will, but the majority of this House seems willing to allow another will to work, under the forms of this act. Gentlemen tell us that there is no necessity for this law in their particular district; that they do not wish it to operate there; yet they say they are willing for any to have it who wish, and therefore will support the bill. Yet the gentlemen know that no people want it, or at least they do not know that they do. And they know further, or ought to know, that the people will have no option whatever in the matter when the bill shall be passed. This generosity is indeed striking. Gentlemen are willing to force upon others what they themselves do not want and will not have.

Not the least objectionable feature of the bill is the requirement that the courts of the country shall give themselves to the work of operating the machinery of elections. Courts and judges should be revered and respected. That they shall preserve this respect they should deserve it. When the ermine is dragged through the pool of politics it can no longer be the emblem of purity and justice. And I say, Mr. Speaker, not only that it is wrong and against public policy to subject the judges to such duties as are prescribed for them by this measure, but that it can not be lawfully done.

When a judge takes his oath of office he becomes a part of the judiciary. No functions except judicial ones can be given him by Congress; nor can duties other than judicial be imposed upon the court.

If anything is plain, it is that the legislative, executive, and judicial departments of the Government are to be kept distinct.

The bill provides that the judges of the circuit courts of the United States shall, upon the call of the chief supervisor of elections, saying to him that "he has business to present to the court in respect to the next ensuing election," open the court and do and perform the many acts made incumbent upon him by the bill, such as appointing such supervisors of elections as the chief supervisor shall nominate, appointing a board of canvassers of the election returns, and other such acts. More than this, he is required to examine into a man's political faith to determine whether he is competent to be appointed a canvasser.

"The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may from time to time ordain and establish," says the Constitution. Not content with giving to Congress the power to establish courts, the framers of the Constitution saw fit to define and limit the subjects of judicial cognizance, evidently to confine the courts to their proper sphere, the adjudication of matters strictly judicial. Section 2 of Article III declares as follows:

The judicial power shall extend to all cases in law and equity arising out of the Constitution, the laws of the United States, and treaties made, or which shall be made under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizen of another State; between citizens of different States; between citizens of the same State, claiming lands and grants of different States, and between a State, or the citizens thereof, and foreign states, citizens or subjects.

This is the entire catalogue of subjects within the sphere of the United States courts, and it will be observed that they are confined to "cases in law and equity" arising out of the various subjects. I need not waste your time by showing what a case in law or in equity means. Suffice it to state a potent fact, that a case in law and equity presupposes parties and controversy between them as to some right in question. It implies also an adjudication of the question by the court.

This bill proposes to confer a jurisdiction of a different kind. Who are the parties? What is the controversy, and what is the judgment, and how is the judgment to be executed? This is not a new question.

The case of *Hayburn*, decided by the Supreme Court of the United States, and reported in 2 Dallas, 409, was where the Congress attempted to confer upon the United States courts the jurisdiction to investigate and pass upon the validity of claims of certain possessions of the Government.

The case of *Ferreira*, decided by the Supreme Court of the United States, 13 Howard, 40, was where the Congress by an act directed the

judge of the Territorial court of Florida to pass upon the claims of certain claimants for losses sustained.

In these cases the court decided that the acts conferring the jurisdiction were void, because the acts to be performed by the court were not judicial, and because powers were not enumerated in the Constitution conferring power upon the courts.

To the same effect are the cases of *Yale Todd* by the Supreme Court of the United States, and the case of *Gordon vs. The United States*, 2 Wallace, 516, the opinion of the court in which case will be found in 117 United States Reports, page 696.

The bill under consideration does not appoint the judge as an individual or as a commissioner to perform this work. It requires it to be done in court. It was the opinion of the court, expressed in the cases of *Hayburn* and of *Todd* which I have mentioned—

That as the act of Congress intended to confer the power on the courts (as it does in the measure now under consideration) as a judicial function, it could not be construed as an authority to the judges composing the court to exercise the power out of court in the character of commissioner.

Here, then, is an attempt to confer upon the courts powers not judicial, and not within the scope of the authority of Congress to confer.

You ask me upon whom would I confer this power, if not upon the courts? I answer, I would confer it upon no one. But if I stood in the place of the movers and promoters of this measure, and was determined to have this law, I would confer it upon some Republican high in the council, that he might do openly and boldly what the evident design of the bill contemplates.

The committee in charge of the bill inform the House "that they do not feel that it is necessary to enter into a detailed argument" "on the expediency and need" for such a measure as this. They do not enter into any argument at all, but remit the question to discussion in the House. The subject has had discussion, but the House is left without a single valid reason why this measure should become a law. The gentleman from Massachusetts [Mr. LODGE], the author of the bill and of the report, has spoken at length. His speech covers, or may be supposed to cover, the whole ground. Does he give any reasons for the passage of the bill?

Evidently recognizing the principle that no measure should become a law unless a reason can be given for it, he attempts a justification of the measure. His argument is this, and only this: He assumes that frauds upon the ballot are practiced in some localities by which the colored vote is suppressed. He assumes this to be an evil of great magnitude, and assumes that this measure provides the cure for the evil.

To sustain these assumptions no direct or positive facts are submitted. The proofs consist of statistics of the votes at elections in the Southern States and a comparison of these votes with the votes in some Northern States, by which it is made to appear that Southern Congressmen are sometimes elected by fewer votes than Northern Congressmen. The conclusion from this, it is maintained, is that the votes in Southern States corresponding to the difference must be suppressed. In other words, votes not cast are suppressed.

For instance, in 1884, the year of a Presidential election, Georgia cast 143,543 votes. In 1886 27,619 votes elected her ten Congressmen, all Democratic. The cry is: Where are the votes of 1884? The gentlemen reply to their own question and answer: The negro votes were suppressed. The argument, if it proves anything, proves too much. To make it valid at all it must be shown, as the major premises, that all votes not cast are suppressed. This is not true, nor can it be shown to be.

It proves too much. For if it be true that the failure to cast a ballot is the evidence of its suppression, then the white votes are suppressed as well as the negro vote. Gentlemen from Massachusetts and from Illinois have indulged excessively in this false logic, and the gentleman from Michigan [Mr. BURROWS] has made it the sole stock of his contribution to this discussion. If the syllogism is applicable to Georgia, it is likewise applicable to the States these gentlemen represent.

In 1884 Massachusetts cast 303,383 votes, Illinois 672,849, and Michigan 401,186. In 1886 Massachusetts cast 245,309 votes, Illinois 576,510, and Michigan 372,490. Massachusetts fell off 68,084 votes, Illinois 96,339, and Michigan 28,695. So you will find over the whole Union. Will these gentlemen apply their own logic and tell why these voters representing these several differences did not cast their ballots, or why they were not counted? Were they suppressed by fraud?

There is no law compelling a man to vote, nor is there any law to deprive a State of its representation because any number of its qualified voters fail to cast their ballots. Representation in Congress does not depend upon the number of votes cast at an election nor upon the number of voters. "Representation and direct taxes shall be apportioned among the several States * * * according to their respective numbers," is the language of the Constitution, and the qualification of electors for members of Congress are such as may be prescribed by the States. The only limitation on this power is that no discrimination be made "on account of race, color, or previous condition of servitude."

The qualifications may be different, as they actually are, in different States, so that two States having the same population and being, therefore, entitled to the same number of Representatives, do not nec-

essarily contain the same number of qualified voters. The right of a citizen to vote depends absolutely upon the States by virtue of their power to prescribe qualifications. Yet, gentlemen here seem to think that the validity and value of elections, as well as the fitness and representative character of the member of Congress, depend upon the quantity of ballots cast, and cry fraud when the ballots cast in elections at the South do not equal the number of voters.

It is pretended that this measure is necessary for the protection of the negro in his right to vote. Is it regard for the negro that really prompts you? Then why do you not protect him in his right to cast his ballot in State elections which more immediately concern his interest? If what some of the Republicans on this floor say is true of the condition of the negro of the South and of the disposition of the whites to prevent him from using his ballot, is it not cruel for you to induce him to cast his ballot in Federal elections? Do you not suppose that to vote at such elections will give quite as much offense as to vote at State elections?

We do not believe that love for the negro prompts your action in this matter. I think the gentleman from Maine fully exposed the purpose and motive of the bill, in his noted article in the North American Review, when he stated, speaking of the negro vote, the question to be, "Whether the Republican party of the United States shall receive and have counted the votes which belong to it by virtue of the Constitution of the country." You assume that the negro vote belongs to the Republicans, and that therefore it must be counted for the Republican party. I have known for a long time that the Republican party claimed to own the negro; but I had not been advised before that the party claimed him by virtue of the Constitution.

I deny that the negro belongs to the Republican party or to any party, and that any people can improve his condition except the white people with whom he lives. The negro at the South realizes his condition and aspires to its improvement. The white man is his model and his help. Antagonism of the races will not come unless it be engendered by those who think they know him better than his neighbor and seek to use him for what he is worth to them.

It is said that this measure is a harmless one. That no one ought to object to a scrutiny of elections to be assured of a free ballot and a fair count.

If your bill was nothing more than that it would not be objectionable, except as a piece of intermeddling with the affairs of the States. But the bill is not for scrutiny; it is for business, party business. It provides for partisan strikers at the polls and in the homes of citizens by the term deputy marshals, to drag people to the polls or perhaps to keep them away. It provides for troops at the polls to do the bidding of the United States. It provides for partisan supervisors of election and for a partisan "returning board," whose certificate of election seats whom they will in Congress.

Besides the evil of taking from the people their constitutional right to elect their Representative and have declared the result of their will by the governor of the State, the chances of a corrupt and fraudulent return of election are many times multiplied.

To those who desire a strong and centralized government let me say that there is no Union except the Union of the Constitution, that every blow struck at the rights of the people of the States but weakens the Government of the United States in that it takes away the pillars that support and uphold it.

[Mr. PEEL addressed the House. See Appendix.]

[Mr. SHIVELY addressed the House. See Appendix.]

[Mr. BROOKSHIRE addressed the House. See Appendix.]

[Mr. WHEELER, of Alabama, addressed the House. See Appendix.]

Mr. GEISSENHAINER. Mr. Speaker, throughout the length and breadth of this land the people are watching with trembling anxiety our deliberations upon this bill. They are fearful of the curtailment or the entire annihilation of their civil liberty. The North is equally disturbed with the South, as is indicated by the wide attention given by the press to the address which I send to the Clerk's desk and ask to have read as a part of my remarks.

The address is as follows:

SOUNDING THE ALARM—DEMOCRATIC REPRESENTATIVES IN CONGRESS TAP THE PARTY FIRE-BELL.—AN ADDRESS TO THE PUBLIC—IT IS ISSUED OVER THE SIGNATURES OF THE NORTHERN DEMOCRATS—THE LODGE BILL ANALYZED AND THEIR OBJECTIONS FORMULATED FOR THE INFORMATION OF THE PEOPLE.

The Northern Democratic members of the House of Representatives have prepared the following formal protest against the national election bill, now under discussion in the House:

The undersigned, representing in the Congress of the United States constituencies in States north of the Ohio and Potomac Rivers, feel it their duty to their fellow-citizens to briefly call their attention to the extraordinary, dangerous, and revolutionary measure now proposed by the leaders of the party in power for passage in the House of Representatives.

Under a doubtful construction of the Constitution, this bill proposes to substantially take from the States and local authorities control of all elections at which members of Congress are balloted for, and hand the same over to United States judges appointed to office for life, and chief supervisors of elections.

If the power claimed resides in the Constitution, which we deny, the Republic has gone through the difficulties of the formative period, made heroic struggle against dissolution, triumphed and successfully readjusted itself to changed

conditions without the exercise of such power by the Federal Government for one hundred years and over. Mr. Jefferson and the fathers of the Republic would have considered such a proposition as this as dangerous as an open attempt at centralization.

This bill is a purely partisan measure intended primarily to control the elections for Congress and Presidential electors in all the States, and to intimidate, hound, obstruct, and harass by political prosecutions in unfriendly hands the adverse majorities in the cities of the North. To this end it gives to the control of the chief supervisor of elections, a body of Federal police spies, who are authorized to make domiciliary visits, superintend the naturalization of our foreign-born citizens, place the citizen under strict scrutiny of these trusty and unprincipled Federal detectives for days both preceding and following an election, and in every way subject him to the power and control of paid party mercenaries of Government in a way at utter variance with Republican institutions and the great principle of American freedom, home rule.

To carry on this scheme of imperial government millions of dollars will be taxed from our people, and the judiciary of the United States prostituted to the basest partisanship in the management of elections. And these invasions of the liberties of our people will be left for safety to partisan juries in the Federal courts, composed entirely of the men of the party in power. A partisan returning board is proposed for each State, the object and purpose of which, as well as the general constitutional objections to the bill, are well stated by the minority of the Committee on the Election of President, Vice-President, and Representatives in Congress, and which we herewith quote:

"The final returns of elections, made by the district boards of canvassers to the Clerk of the House of Representatives, are to constitute *prima facie* evidence of election results, and the persons so returned by the canvassers as elected are to have their names placed upon the roll as members of the House. The returns made by governors of States are to be wholly disregarded, although they may contradict the returns so made, and show that different persons were elected. The Clerk of the House must accept the canvassers' returns and reject the others, or be subjected to severe punishment by imprisonment and fine."

But as the boards of canvassers act upon the returns and statements furnished to them by the district supervisors, and do not receive or consider the official returns made by the State officers, it results that the district supervisors, with the aid of their subordinate precinct supervisors, will virtually dictate the returns upon which members will be seated in the House. By the fourth section of Article I of the Constitution it is provided:

"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time make or alter such regulations, except as to the place of choosing Senators."

By this provision very clearly a primary and general power is conferred on the State Legislature to regulate in all respects the times, places, and manner of holding Congressional elections, and also a secondary and conditional power, in other words, a permissive and contingent power, upon Congress to make regulations for those purposes and to change them, and it is a necessary implication from the language of the text that the permissive and contingent power of Congress is to be exercised, if exercised at all, according to that provision of the context found in clause 18, section 8, Article I, of the Constitution, which provides that Congress shall have the power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers," etc.

Therefore, if the States shall have performed their duty and exercised the general power of regulating the question, the contingency upon which Congressional action depends will not have occurred.

In case a State shall have neglected to enact laws for the election of Congressmen by its own people or shall have enacted laws in hostility to the General Government, either to deprive its people of representation in Congress or to prevent that right from being exercised in a reasonable manner and at proper times, then Congress is permitted to intervene and to establish regulations which will secure representation to the people of such State.

What was given to Congress as the law-making power of the Government in this case was a defensive power against State hostility or negligence by which popular representation would fail, and the necessary power of the Federal Government would be impaired or paralyzed for want of representation in the House.

This view of the Constitution is not mere matter of opinion begotten by the necessities of debate, nor a novel view introduced to support a foregone conclusion dictated by party interest or passion. It is a view supported by the most decisive proofs drawn from the history of our country at the time of the making of the Constitution and the organization of the Government of the United States.

In most of the States opposition was made to the ratification of the Constitution because it was alleged that this particular provision was liable to perversion and dangerous construction, extending national power to interference with State elections. In other words, those opponents apprehended the very abuse of construction which is embodied and illustrated by this bill, but the friends of the Constitution met them in debate and gave to this provision the construction above stated, vindicating this construction by substantial and satisfactory reasoning which convinced our fathers and ought to convince us.

Without considering the questions upon the construction of this provision of the Constitution which have been heretofore debated in Congress and considered by commentators upon constitutional law, relating to the manner and extent to which Congress may act in case of State default or hostile action, we are prepared to say that this bill is plainly unconstitutional, because the States have not failed to pass laws for the representation of their people in Congress nor made laws hostile to such representation and to the Government of the United States in connection therewith. On the contrary, their legislation upon this subject by the States has been apparently enacted in good faith to this Government and to their people.

In view of the great danger to the rights and liberties of the people and to the principle of local self-government involved in this bill we respectfully appeal to American freemen, without regard to party, to enter timely protest by way of public meeting or otherwise against this consolidation of Government, the destruction of popular rights, and the very foundation of American liberty, for we indulge in no mere rhetorical flourish when we solemnly affirm on our loyalty as citizens and on our honor as Representatives that this vicious and unpatriotic measure is a most serious menace to the very life of the Republic.

The issue is, "Shall a political party elect itself and keep in power by paid agents who are to control the political elections in all the States?"

William S. Holman, C. R. Buckalew, William M. Springer, William McAdoo, Amos J. Cummings, W. P. Willcox, James Kerr, Samuel Fowler, William F. Parrett, J. Chipman, Benjamin Shiveley, C. A. McClellan, J. B. Brown, J. W. Covert, A. N. Martin, C. H. Mansur, D. B. Brunner, J. R. Williams, William Mutchler, Richard Vaux, Levi Maish, Jos. H. O'Neill of Massachusetts, John F. Andrew, Charles H. Turner of New York, William Stahlnecker, John Tarsney, J. A. Geissenhainer, R. P. Flower, William D. Bynum, Elijah V. Brookshire, Charles Tracey, F. B. Spinola, Thomas F. Magner, John H. McCarthy, John M. Clancy, Felix Campbell.

The House then, on motion of Mr. COLEMAN (at 11 o'clock and 35 minutes p. m.), adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

ADDITIONAL ESTIMATES BY THE COMMISSIONER OF PENSIONS.

Communication from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior, submitting additional estimates transmitted by the Commissioner of Pensions, for the prompt execution of the act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents"—to the Committee on Appropriations.

ESTIMATES OF DEFICIENCY IN APPROPRIATION FOR PAY OF ARMY.

Letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War, submitting an estimate of deficiency in the appropriation for "pay, etc., of the Army, 1889," amounting to \$3,513.18—to the Committee on Appropriations.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 312) for the relief of Thomas P. Morgan, Jr.—to the Committee on Claims.

A bill (S. 383) for the relief of Daniel C. Rodman and others, sureties on the bond of Ozias Morgan—to the Committee on Claims.

A bill (S. 707) for the allowance of the claim of George Brown for stores and supplies taken and used by the United States Army, as reported by the Court of Claims, under the provisions of the act of March 3, 1887—to the Committee on War Claims.

A bill (S. 921) for the relief of John Finn—to the Committee on War Claims.

A bill (S. 922) for the relief of G. M. Hazen and others—to the Committee on War Claims.

A bill (S. 923) for the relief of Davidson Dickson and others—to the Committee on War Claims.

A bill (S. 1044) to provide for the purchase of a site and the erection of a public building thereon at Madison, in the State of Indiana—to the Committee on Public Buildings and Grounds.

A bill (S. 1046) to extend the time for filing claims in the Court of Claims under the provisions of an act entitled "An act to provide for the ascertainment of claims of American citizens for spoiliations committed by the French prior to July 1, 1801"—to the Committee on Foreign Affairs.

A bill (S. 1559) for the relief of the estate of A. H. Herr, deceased, late of the District of Columbia—to the Committee on War Claims.

A bill (S. 1689) for the relief of George M. Wheeler—to the Committee on Military Affairs.

A bill (S. 2095) to place Henry Zell on the retired-list of the Army—to the Committee on Military Affairs.

A bill (S. 2228) for the relief of John W. Blake—to the Committee on War Claims.

A bill (S. 2508) to reclassify and fix the salaries of persons in the railway mail service known as railway postal clerks—to the Committee on the Post-Office and Post-Roads.

A bill (S. 2726) to enable the State of California to take lands in lieu of the sixteen and thirty-six sections found to be mineral lands—to the Committee on the Public Lands.

A bill (S. 2839) to provide for the purchase of a site and the erection of a public building thereon at Ogden, in the Territory of Utah—to the Committee on Public Buildings and Grounds.

A bill (S. 2841) granting a pension to Lizzie Wright Owen—to the Committee on Invalid Pensions.

A bill (S. 2970) to provide for the purchase of a site and the erection of a public building thereon at Altoona, in the State of Pennsylvania—to the Committee on Public Buildings and Grounds.

A bill (S. 2996) to grant a right of way to the Texarkana and Fort Smith Railway Company through the Indian Territory and Territory of Oklahoma, and for other purposes—to the Committee on Indian Affairs.

A bill (S. 3039) to provide for the purchase of a site and the erection of a public building thereon at Palestine, in the State of Texas—to the Committee on Public Buildings and Grounds.

A bill (S. 3238) to provide for the purchase of a site and the erection of a public building thereon at Clarksville, in the State of Tennessee—to the Committee on Public Buildings and Grounds.

A bill (S. 3303) to provide for the purchase of a site and the erection of a public building thereon at Jacksonville, in the State of Illinois—to the Committee on Public Buildings and Grounds.

A bill (S. 3430) to confirm the title to certain lands in the city of Sault Ste. Marie and State of Michigan, and to release any reversionary right of the Government of the United States therein—to the Committee on the Public Lands.

A bill (S. 3531) to provide for the purchase of a site and the erection of a public building thereon at Allentown, in the State of Pennsylvania—to the Committee on Public Buildings and Grounds.

A bill (S. 3555) to increase the compensation of the assistants to the attorney of the United States for the District of Columbia, and to amend section 907 of the Revised Statutes of the United States, relating to said District—to the Committee on the Judiciary.

A bill (S. 3751) to grant to the Mobile and Dauphin Island Railroad and Harbor Company a right to trestle across the shoal water between Cedar Point and Dauphin Island—to the Committee on Commerce.

A bill (S. 3776) authorizing and directing the Secretary of the Treasury to pay to Frank Rother \$225, due him for services as route agent—to the Committee on Claims.

A bill (S. 3829) for the relief of Charles W. Cronk—to the Committee on War Claims.

A bill (S. 3841) to authorize the commissioners to use and occupy as a site for a truck-house the space at the intersection of Fourteenth and C streets and Ohio avenue, northwest—to the Committee on the District of Columbia.

A bill (S. 3873) to amend an act entitled "An act to provide for taking the eleventh and subsequent censuses," approved March 1, 1889, and amended January 23, 1890, in relation to the compensation of supervisors and enumerators of census—to the Select Committee on the Eleventh Census.

A bill (S. 4102) to give effect to the eighth article of the treaty of commerce and navigation with Sweden and Norway, of July 4, 1827—to the Committee on Merchant Marine and Fisheries.

A joint resolution (S. R. 66) authorizing Commander Dennis W. Mullan, United States Navy, to accept a medal presented to him by the Chilean Government—to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. BURTON, from the Committee on Claims, reported favorably the bill of the Senate (S. 3078) to carry out the findings of the Court of Claims in the case of James H. Dennis, accompanied by a report (No. 2592)—to the Committee of the Whole House.

Mr. WADE, from the Committee on Labor, reported favorably the bill of the House (H. R. 11120) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law, accompanied by a report (No. 2593)—to the House Calendar.

Mr. HITT, from the Committee on Foreign Affairs, reported favorably the joint resolution of the Senate (S. R. 95) to surrender certain bonds, drafts, and other papers in the Department of State to Robert S. Hargous, administrator of Louis S. Hargous, deceased, accompanied by a report (No. 2594)—to the House Calendar.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. TUCKER: A bill (H. R. 11206) to amend section 572 of the Revised Statutes so as to provide for the holding of the regular terms of the circuit and district courts for the western district of Virginia—to the Committee on the Judiciary.

By Mr. RUSSELL: A bill (H. R. 11207) to provide for a term of the circuit and district court at Norwich, Conn.—to the Committee on the Judiciary.

By Mr. FLOWER: A bill (H. R. 11208) for the erection of a statue of Robert Dale Owen in or on the grounds of the Smithsonian Institution—to the Committee on the Library.

By Mr. LAWS: A bill (H. R. 11209) providing for a commission on the subject of the social vice—to the Committee on Education.

By Mr. HOUK (by request): A joint resolution (H. Res. 186) to request the President of the United States to negotiate with the British Government for the purpose of appointing a commission to meet at Washington, D. C., to investigate and make awards in satisfaction of all American citizens who had purchased lands from the chiefs of the Fiji Islands prior to 1874, and whose property has been seized and claims for lands disallowed by the British Government at the Fiji Islands—to the Committee on Foreign Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. COLEMAN: A bill (H. R. 11210) for the relief of certain employees of the United States mint at New Orleans, La.—to the Committee on Claims.

By Mr. EVANS: A bill (H. R. 11211) for the relief of W. J. Walsh, of Cleveland, Tenn.—to the Committee on Military Affairs.

By Mr. HAYNES: A bill (H. R. 11212) granting a pension to Zeruah A. Potter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11213) to remove the charge of desertion against the name of George A. Reading—to the Committee on Military Affairs.

By Mr. HITT: A bill (H. R. 11214) granting a pension to Thomas L. Johnston—to the Committee on Invalid Pensions.

By Mr. MARTIN, of Indiana: A bill (H. R. 11215) granting a pension to Joel A. Holdren—to the Committee on Invalid Pensions.

By Mr. McKINLEY (by request): A bill (H. R. 11216) for the relief of John Pochals—to the Committee on Military Affairs.

By Mr. PIERCE: A bill (H. R. 11217) for the relief of the estate of Z. C. Nolen, late of Haywood County, Tennessee—to the Committee on War Claims.

By Mr. RAY: A bill (H. R. 11218) granting an increase of pension to John M. Weltner—to the Committee on Invalid Pensions.

By Mr. ROBERTSON: A bill (H. R. 11219) for the relief of the estate of Antoine Donat Meullion, late of St. Landry Parish, Louisiana—to the Committee on War Claims.

Also, a bill (H. R. 11220) for the relief of the estate of Suzanne Belezair Meullion, late of St. Landry Parish, Louisiana—to the Committee on War Claims.

By Mr. STONE, of Kentucky: A bill (H. R. 11221) granting a pension to Mrs. W. C. Hannon—to the Committee on Invalid Pensions.

By Mr. TOWNSEND, of Colorado: A bill (H. R. 11222) granting a pension to Samuel Doolittle—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELKNAP: Petition of M. J. Dillenback and 112 others, citizens of Boston, Ionia County, Michigan, for passage of Butterworth bill—to the Committee on Agriculture.

By Mr. BUCHANAN, of Virginia: Petition of J. S. Akers and others, of Washington County, Virginia, for the removal of restrictions upon silver coinage, and for other purposes—to the Committee on Coinage, Weights, and Measures.

By Mr. BURTON: Petition of Malon R. Hemler, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. CHIPMAN: Protest of journeyman tailors, of Detroit, Mich., against the allowance to Americans of \$500 worth of foreign-made clothing, as provided by the McKinley bill—to the Committee on Ways and Means.

Also, petition of John McPhee and hundreds of others, citizens, in favor of the River Rouge Bayou Basin improvement—to the Committee on Rivers and Harbors.

Also, memorial of citizens of Detroit, Mich., protesting against legislation by Congress compelling railroads to transport petroleum barrels free—to the Committee on Railways and Canals.

By Mr. CULBERTSON, of Texas: Petition of N. Y. Batchelor and 28 others, of Hopkins County, Texas, asking passage of House bill 7162—to the Committee on Ways and Means.

By Mr. CULBERTSON, of Pennsylvania: Petition of citizens of Crawford County, Pennsylvania, for passage of House bill 5978, prohibiting the transportation of intoxicating liquors, etc.—to the Committee on the Judiciary.

By Mr. DALZELL: Petition of sundry citizens, of Pittsburgh, Pa., for the passage of a law giving the use of certain arsenal property for a public park—to the Committee on Public Buildings and Grounds.

By Mr. DARGAN (by request): Petition of citizens of Marion County, South Carolina, praying the appropriation of \$6,200,000 for improvement of the port of Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. DINGLEY: Memorial of Somerset Congregational Conference, Maine, for passage of bill to restore to States the control of imported liquors—to the Committee on the Judiciary.

Also, memorial of Piscataquis Maine Congregational Conference, for same relief—to the Committee on the Judiciary.

Also, memorial of Lincoln Conference of Congregational Churches of Maine, for same relief—to the Committee on the Judiciary.

Also, memorial of York County Congregational Conference of Churches in Maine, for same relief—to the Committee on the Judiciary.

Also, memorial of Franklin Conference of Congregational Churches of Maine, for same relief—to the Committee on the Judiciary.

Also, memorial of Waldo Conference of Congregational Churches of Maine, for same relief—to the Committee on the Judiciary.

Also, memorial of Penobscot Conference of Congregational Churches of Maine, for same relief—to the Committee on the Judiciary.

Also, memorial of North Cumberland Congregational Conference of Maine, for same relief—to the Committee on the Judiciary.

By Mr. DUNNELL: Memorial of C. N. Merrill and 24 citizens of Minnesota, protesting against legislation by Congress compelling railroads to transport petroleum barrels free—to the Committee on Ways and Means.

By Mr. EWART: Petition of S. M. Greene and 52 others, of Mitchell County, North Carolina, for passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of W. W. Proffitt and 19 others, of Yancey County, North Carolina, for same measure—to the Committee on Ways and Means.

By Mr. FLOWER: Petition of John C. Black, president of a mass meeting in Arizona, in regard to arid lands—to the Select Committee on Irrigation of Arid Lands in the United States.

By Mr. FUNSTON: Petition of citizens of Kansas, asking for an amendment to the Constitution of the United States for the election of United States Senators by the people—to the Committee on Elections.

Also, petition by other citizens of same State, for same purpose—to the Committee on Elections.

Also, petition of other citizens of Kansas, for the passage of a law to counteract the effect of the recent original-package decision of the Supreme Court of the United States—to the Committee on the Judiciary.

Also, resolutions of the congregation of the Methodist Episcopal Church of Williamsburgh, Kans., urging the passage of the Wilson bill—to the Committee on the Judiciary.

Also, resolutions of students and faculty of the Baldwin University of Kansas, asking the passage of such laws as will enable Kansas to enforce its prohibitory amendment—to the Committee on the Judiciary.

Also, petition of citizens of Williamsburgh, Kans., asking for the early passage of the Wilson bill—to the Committee on the Judiciary.

By Mr. GOODNIGHT: Petition of citizens of Muhlenberg County, Kentucky, favoring harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. GROSVENOR: Petition of certain citizens of the Fifteenth Congressional district of Ohio, for the suppression of impure literature—to the Committee on the Post-Office and Post-Roads.

By Mr. HEARD: Petition of citizens of Morgan County, New York, in favor of the principle of House bill 8526, introduced by Mr. BRECKINRIDGE, of Kentucky, relating to the admission of goods for which products of American agriculture may have been exchanged free from duty—to the Committee on Ways and Means.

By Mr. KELLEY: Petition of 11 citizens of Butler County, Kansas, asking for the appropriation of \$6,200,000 for the improvement of Galveston Harbor, and thereby save to the farmers of Kansas and of the West millions of dollars in freight to a deep-water seaboard—to the Committee on Rivers and Harbors.

Also, petition of 129 citizens of Topeka, Kans., asking Congress to pass a law that will enable States to legislate so as to counteract the effect of the recent decision of the Supreme Court in reference to the importation and sale of intoxicating liquors from other States—to the Committee on the Judiciary.

Resolutions of a mass meeting of the Sunday-School Workers of Americus Township, Lyon County, Kansas, asking for such legislation as will allow each State to control the liquor traffic within its borders—to the Committee on the Judiciary.

Resolutions adopted by Sherman Alliance and Industrial Union, No. 1621, of Sherman Township, Ottawa County, Kansas, asking for the free and unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. KENNEDY: Petition of citizens of West Liberty, Ohio, for the passage of laws restricting the circulation of the Police Gazette and other such newspapers—to the Committee on the Post-Office and Post-Roads.

By Mr. LAWS: Petition of the National Woman's Christian Temperance Union, signed by Frances E. Willard, president and superintendent of department for promotion of social purity, Caroline B. Buell, corresponding secretary, Mary A. Woodbridge, recording secretary, Esther Pugh, treasurer, Kate C. Bushnell, M. D., evangelist, and Ada M. Bittenbender, superintendent of legislation and petitions, praying for a law providing for a commission on the subject of the social vice—to the Committee on Education.

Also, petition of Ayr Farmers' Alliance, urging passage of the Conger bill and the Butterworth bill—to the Committee on Agriculture.

Also, petition of Houston Farmers' Alliance for same measures—to the Committee on Agriculture.

By Mr. MCRAE: Petition of Elisha G. Haltone, of Clark County, Arkansas, asking for a pension—to the Committee on Invalid Pensions.

By Mr. NIEDRINGHAUS: Protest signed by about 550 citizens, delegates of the German-American societies, against any material change in the present laws on immigration and naturalization—to the Select Committee on Immigration and Naturalization.

By Mr. O'NEILL, of Pennsylvania: Petition to restore to the pension-rolls the name of Maj. Patrick S. Tinen—to the Committee on Invalid Pensions.

By Mr. OSBORNE: Resolutions of Merchants and Manufacturers' Association of Baltimore, relative to improving the port of Baltimore, Md.—to the Committee on Rivers and Harbors.

Also, report and resolutions of New Orleans Board of Trade, on the overflow of the Mississippi River—to the Committee on Rivers and Harbors.

Also, petition of George W. Shouk and others, favoring bill to limit hours of work of clerks and employes in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, resolution of National Furniture Manufacturers' Association—to the Committee on Ways and Means.

By Mr. PHELAN: Petition of John S. Toof, late of Shelby County,

Tennessee, for reference of claim to Court of Claims for rehearing upon question of loyalty—to the Committee on War Claims.

By Mr. SCRANTON: Petition of Laekawanna Lodge No. 95, Brotherhood of Railroad Brakemen, for passage of House bill 9682—to the Committee on Railways and Canals.

By Mr. SIMONDS: Petition of Mary Boyle for pension—to the Committee on Invalid Pensions.

By Mr. STEWART, of Texas: Petition in behalf of settlers, for investigation into the unlawful treatment and occupancy of the public domain in New Mexico and Colorado—to the Committee on the Public Lands.

By Mr. STOCKBRIDGE (by request): Petition of Samuel W. Harmon and others, against increased naval expenditures—to the Committee on Naval Affairs.

By Mr. TAYLOR, of Tennessee: Petition on claim of G. F. Josnick—to the Committee on Claims.

By Mr. TOWNSEND, of Pennsylvania: Petition of Joseph Forker and 105 others, citizens of Mercer County, Pennsylvania, for the passage of laws perpetuating the national-banking system—to the Committee on Banking and Currency.

By Mr. TUCKER: Petition of citizens of Virginia, for Senate bill 867—to the Committee on the Judiciary.

By Mr. WHEELER, of Alabama: Petition of William Hayes, of Jackson County, Alabama, for reference of claim to Court of Claims under provisions of the Bowman act—to the Committee on War Claims.

Also, petition of James J. Jenkins and 40 others, of Jackson County, Alabama, asking passage of House bill 7162—to the Committee on Ways and Means.

By Mr. WRIGHT: Petition of citizens of West Burlington, Bradford County, Pennsylvania, asking for the passage of bill to prevent the transportation of intoxicating liquors from one State to another—to the Committee on the Judiciary.

Also, petition of citizens of Vernon, Wyoming County, Pennsylvania, asking passage of same measure—to the Committee on the Judiciary.

SENATE.

TUESDAY, July 1, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Arctic Ice Company and others, of Tucson, Ariz., praying for the discontinuance of the use of Government property for the manufacture of ice in Arizona to be sold in competition with private enterprise and capital; which was referred to the Committee on Agriculture and Forestry.

Mr. WASHBURN presented a petition of citizens of Minneapolis, Minn., praying that the duty on Portland cement be not increased; which was ordered to lie on the table.

Mr. STEWART. I present a letter from the Secretary of Agriculture giving the general conclusions of an investigation which was ordered and for which an appropriation was made. The time limited for the general report as to artesian wells was on or about the 1st of July, and the information is important to have now for the use of the committee. I addressed a note to the Secretary of Agriculture asking him to transmit the general conclusions, which he has done, and I ask that it may be printed and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection. The Chair hears none.

Mr. CAMERON presented a memorial of the Board of Trade of Philadelphia, Pa., favoring such legislation as will provide means to prevent future overflows of the Mississippi River; which was referred to the Committee on Commerce.

He also presented the memorial of Grange No. 66, of Lancaster County, Pennsylvania, favoring certain rates of duty on imported farm products; which was ordered to lie on the table.

He also presented the petition of Rev. Samuel Strong and 14 other residents of Bucks and Montgomery Counties, Pennsylvania; the petition of S. F. Platt and 23 other residents of Bucks County, Pennsylvania, and the petition of Joseph Foulke and 38 other residents of Bradford County, Pennsylvania, favoring the passage of House bill 5978, concerning the transportation of liquor in certain States; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 2445) to increase the pension of William R. Lebert, First Iowa Battery Volunteers, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2249) to provide for the con-

struction of a public building at Baltimore, Md., reported it with an amendment.

Mr. FAULKNER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 2571) granting a pension to Francis C. Smith; and

A bill (S. 1647) granting a pension to Sarah A. Hanger.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the petition of Samuel Doss, of Christian County, Kentucky, praying to be placed on the pension-roll, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred an amendment submitted by himself yesterday intended to be proposed to the sundry civil appropriation bill, reported it favorably; and it was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9580) granting a pension to Rebecca Tussey;

A bill (H. R. 5031) granting a pension to George W. White; and

A bill (H. R. 3477) for the relief of Niel Nielson.

Mr. PADDOCK, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1994) to increase the pension of Henry Sommers; and

A bill (S. 3550) granting a pension to Dora Benjamin.

Mr. STOCKBRIDGE, from the Committee on Fisheries, to whom was referred an amendment submitted by Mr. CULLOM June 25, 1890, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon; and the amendment was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

BILLS INTRODUCED.

Mr. FRYE. I introduce, at the request of the Woman's Christian Temperance Union of the United States, a bill, which I ask may be read twice and referred to the Committee on Education and Labor.

The bill (S. 4173) providing for a commission on the subject of the social vice was read twice by its title, and referred to the Committee on Education and Labor.

Mr. COLQUITT introduced a bill (S. 4174) to authorize the construction of bridges over the Savannah, Ocmulgee, and Oconee Rivers; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FRYE introduced a bill (S. 4175) authorizing the Secretary of the Treasury to settle the indebtedness to the Government of the Sioux City and Pacific Railroad Company; which was read twice by its title, and referred to the Select Committee on the President's Message transmitting the Report of the Pacific Railway Commission.

Mr. MORGAN introduced a bill (S. 4176) to limit the right of entry, under the pre-emption, timber culture, desert land, and homestead laws in Wyoming; which was read the first time by its title.

Mr. MORGAN. I ask for the second reading of the bill in full. The bill is very short.

The PRESIDENT *pro tempore*. The bill will be read the second time, at length, if there be no objection.

The bill was read the second time at length, as follows.

Be it enacted, etc. That after the date of the approval of this act no person shall enter any of the public lands of the United States in the State of Wyoming under the laws providing for timber culture, or the irrigation of desert lands, or under the homestead or pre-emption laws of the United States who is a bigamist or polygamist, or is living in what is known as patriarchal, plural, or celestial marriage, or in violation of any law of this State or of the United States forbidding any such crime, or who in any manner teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime, or who is a member of or contributes to the support, aid, or encouragement of any order, organization, association, corporation, or society which teaches, advises, consents, encourages, or aids any person to enter into bigamy, polygamy, or such patriarchal or plural marriage, or which teaches or advises that the laws of said State prescribing rules of civil conduct are not the supreme law of the State.

And the Secretary of the Interior shall make all needful regulations to carry this act into effect.

Mr. MORGAN. I desire permission to say in offering the bill that, taking it intrinsically and apart from other surrounding facts and circumstances, I would not be in favor of the principles of the bill, but having admitted Wyoming without any reference at all in the constitution of Wyoming to Mormonism or polygamy or anything of that kind, and being about to admit Idaho with a constitution that prohibits the voting of Mormons in that State, I believe that we are opening a door of invitation to the Mormons and their wives to sell out their property in Utah, which they can do at a very high price, to go over into Wyoming, into that new State, where under its constitution men and women have the right to vote and can accomplish all that is to be desired by the Mormons in the propagation of their civil and religious establishment. There is nothing in the constitution of Wyoming to prohibit it, nothing to affect it in any degree. The acts of

Congress disfranchise the Mormons in the Territory of Utah. The constitution of Idaho will disfranchise them in that State when it is admitted, and Wyoming, a neighboring State and said to be a very great one, stands there with open doors, and those people can sell their property in Utah and go to Wyoming and get homesteads or make timber-culture entries or any other entries under the laws of the United States under our standing invitation for them to do so, and I think the result will be that they will pull up stakes in Utah and move over to Wyoming.

Mr. PLATT. What does the Senator propose to have done with the bill?

Mr. MORGAN. Let it be referred to the Committee on Public Lands.

Mr. PLATT. I would like to make a single observation with reference to what has been said by the Senator from Alabama. We recently admitted four States, North and South Dakota, Montana, and Washington, in the constitutions of which there was no clause relating to Mormonism.

Mr. MORGAN. And no female suffrage.

Mr. PLATT. There are very few Mormons comparatively in Wyoming, but I think the new State can be safely left to deal with the question of Mormonism, if the Mormons should attempt to go into that State. I think there is no reason why this law should apply to the settlement of the public lands in Wyoming which would not with equal force apply to the settlement of Mormons upon any of the public lands in the Western States or Territories. I thought that I ought perhaps to say that much in reply to the observations of the Senator from Alabama.

Mr. MORGAN. I move the reference of the bill to the Committee on Public Lands.

The motion was agreed to.

Mr. BUTLER (by request) introduced a bill (S. 4177), to allow railroad companies in the United States to make special rates with theatrical companies when composed of ten or more persons; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. COLQUITT introduced a bill (S. 4178) for the relief of Bedney F. McDonald; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENT TO A BILL.

Mr. STEWART submitted an amendment intended to be proposed by him to the bill (S. 3833) to provide for the adjudication and payment of claims arising from Indian depredations; which was ordered to lie on the table and be printed.

OKLAHOMA SCHOOL LANDS.

Mr. PLUMB. Yesterday I reported from the Committee on Public Lands a bill concerning school lands in the Territory of Oklahoma. I was instructed by the Committee on Public Lands to ask the Senate to consider it at once, but on account of the condition of business yesterday I did not. However, I will ask the Senate now that the bill may be considered, subject to objection if in the event, after it is read and the case is stated, any member of the Senate shall feel that it is a matter which can not be disposed of at once and without debate.

The PRESIDENT *pro tempore*. If there be no further morning business, that order is closed, and the Calendar, under Rule VIII being in order, the Senator from Kansas asks unanimous consent that the Senate proceed to the consideration of the bill (S. 4171) to authorize the leasing of school lands in the Territory of Oklahoma, and for other purposes. The bill will be read at length as in Committee of the Whole, subject to objection.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. PLUMB. In line 8 of section 2, before the word "school," the words "university and" should be stricken out. That was copied from the Arizona bill.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In section 2, line 8, before the word "school," strike out the words "university and;" so as to make the proviso read:

That until the Legislature of said Territory shall provide by law for the leasing of said school lands the governor is authorized, with the approval of the Secretary of the Interior, to make the necessary rules and regulations to carry out the provisions of this act.

The amendment was agreed to.

Mr. PLUMB. I wish to state that the bill is in practically the precise terms of a bill which passed here in the last Congress and became a law applicable to the lands in the then Territory of Washington. It is in substance the bill which has been reported from the Committee on Public Lands and passed at the present session of Congress in regard to school lands in the Territory of Arizona.

There is, however, more warrant for the passage of this bill than there was for the passage of either of those, because in Oklahoma, in ninety-nine cases out of a hundred, to state the facts mildly, those who entered upon these lands were entirely ignorant of the fact that they were school lands. Every one knows who has read the public prints as to the occurrences which took place in Oklahoma a year ago last fall,

that there was a great rush for lands in that Territory. Inevitably the persons who went in there seeking for lands did not have the opportunity, if they had the ability, to find out which were school lands and which were not. The result was that the school lands were all settled upon.

Mr. EDMUNDS. They did not know which were the sixteenth and thirty-sixth sections?

Mr. PLUMB. Some of them did not know which were the sixteenth and thirty-sixth sections, and there was reason why they should not know, in that scramble for lands, which were the sixteenth and which were the thirty-sixth sections. There is practically no timber land in that Territory, and this bill does not open to the control of the Territorial Legislature the timber lands. It leaves those to remain intact. All the lands therefore which this covers are prairie lands, the occupancy of which by any one, whether that occupancy be a long time by cultivation of the land or otherwise, could in no wise disadvantage the land; that is, it could not depreciate its value. Whatever trespass there is is a mere naked trespass, without disadvantage to the fund which is finally to be provided for out of the sale of these lands.

I do not know in the whole history of the Government of more than one single instance in which the Department of the Interior has ever assumed the right or rather the duty of driving people off from school lands; but in this case it seems the Interior Department has sent two agents down to the Territory apparently specially charged with the duty of dispossessing the people who have entered upon these lands, and to their great disadvantage. I, myself, while in the Territory last fall, saw two of these quarter-sections in the occupancy of persons whom I happened to know, who had taken them bona fide, but who being upon them after they had got knowledge that they were on the sixteenth and thirty-sixth sections did not feel that it was worth their while to leave them, and they had remained on them up to that time in the hope that at some future period they would be able to acquire title through the instrumentality of the laws of the State to be created out of that Territory.

Nearly all these people are poor people. I venture to say that in nine cases out of ten the entire possessions of these people are invested in improvements they have made upon these lands. They have not damaged the lands, and for the Government to interfere now and compel the destruction of the property of those people is, to term it mildly, an outrage. I have a letter written to me from Hennessey, Oklahoma, by a gentleman I very well know, who formerly lived in Kansas and whose statements can be relied upon, which I will read, omitting the caption. It was received this morning.

A special agent of the Interior Department named Green is canvassing Oklahoma and notifying settlers on the school lands to vacate.

I know that this means ruin to a good many poor people if this order is enforced. These settlers in most instances have built up comfortable little homes, and everything they have in the world they have staked on these lands.

I know two old soldiers who are living on these lands because they have exhausted their homestead right, that if they are driven off will become objects of charity.

What reason can there be for not allowing these lands to be improved and cultivated? All the other lands here are settled upon, and if the settlers on the school lands are driven off there is no place for them to go.

Can you not secure a modification of the instructions so that if the settler is not damaging the land he may remain upon it?

Mr. EDMUNDS. Is that entirely confined to Oklahoma?

Mr. PLUMB. Yes.

Mr. EDMUNDS. May I ask whether there is any existing provision of the Territory on the subject or have they not yet had the opportunity to act?

Mr. PLUMB. There is no legislative authority in the Territory. The Legislature has not been selected; the Territory has not yet been divided into legislative districts. They have been awaiting the result of the census recently taken, and when that is obtained the governor will have authority to apportion the Territory into legislative districts and order the election of a Legislature. Judging from what I have heard, the Legislature will probably assemble in October.

Mr. EDMUNDS. This act can not operate then, I see, until the Legislature meets.

Mr. PLUMB. The governor is authorized to act until the Legislature meets, subject to the approval of the Secretary of the Interior.

Mr. PLATT. May I ask a question?

The PRESIDENT *pro tempore*. Does the Senator from Kansas yield to the Senator from Connecticut?

Mr. PLUMB. I do.

Mr. PLATT. We are about opening some new lands in Oklahoma Territory. Does this bill apply equally to those lands as to all?

Mr. PLUMB. It applies to all lands in the Territory of Oklahoma.

Mr. PLATT. Those lands are not settled upon as yet.

Mr. PLUMB. That is true, but unless qualified the bill will apply to all of them.

Mr. DAWES. Let me inquire if by "all of them" the Senator means those that are now being acquired from Indian tribes on their reservations.

Mr. PLUMB. It is broad enough to cover those.

Mr. DAWES. Then I should like still further to make an inquiry. Has it been customary in the Territories heretofore to permit the peo-

ple to occupy the school lands until they are disposed of for the benefit of the State?

Mr. PLATT. There have been different customs in different Territories.

Mr. PLUMB. The custom has been unbroken to make no interference at all with the persons who did occupy the school lands, except in the case of Washington Territory, in which case the late Commissioner of the General Land Office, Mr. Sparks, did what was then characterized as a great outrage and which Congress passed a law to meet. He exercised his authority to remove as trespassers some particular persons who had settled upon school lands in that Territory.

Mr. PLATT. Some of the Territories have more than permitted it to be done.

Mr. PLUMB. I have no doubt they have practically conspired to let people occupy them.

Mr. EDMUNDS. Before the Senator from Kansas proceeds further, I hope he will pardon a suggestion from me. In reply to a question of mine he said that until the Legislature of the Territory does meet the governor is to exert the authority. I have looked at the bill, and I am a little afraid that the language employed does not accomplish it. It says that the governor may make rules and regulations; that is, lay down the law of operation. I would suggest that perhaps it ought to state in affirmative terms that the governor may proceed and execute the act until the Legislature acts. I am afraid, in point of law, the bill as it is will not work.

Mr. PLUMB. I accept the suggestion, and I want to make one further statement. This does not in any way displace the authority of Congress over these lands; and the Senator from Connecticut, who had to do with the framing of the bill for the organization of the Territory of Oklahoma, as well as the bills for the admission of the new States, will bear in mind that when we came to pass the act largely framed by him for the admission of the States of North and South Dakota at any rate, and I think also Washington and Montana, it was therein provided that these school lands should not be sold for less than \$10 an acre. I only speak of this to show that while Congress by this act permits these people to remain upon the land it has reserved to itself complete authority to say at the proper time what they shall pay for the land in case it be purchased by them or by anybody else.

As part of the literature in this case, I will ask leave to insert in the RECORD the notices which I hold in my hand which have been sent to me, and one of which I will read to show the peremptory character of the orders issued by these special agents:

OKLAHOMA TERRITORY, June 16, 1890.

SIR: You are hereby notified to remove your family and effects from the SW. $\frac{1}{4}$ section 36, township 16, range 3 west.

The above-described land is school land, and there is no law authorizing settlement upon school land in Oklahoma Territory, and all persons settling upon school land in said Territory are trespassers, and if they do not remove will be prosecuted for trespass.

Your immediate compliance with this notice is expected.

Very respectfully,

JOHN W. SCOTHOM,
Special Agent, G. L. O.

To E. W. BOWMAN,
SW. $\frac{1}{4}$ Section 36, Township 16, Range 3 West.

"G. L. O." means "General Land Office." This is right in the midst of the growing season, at a time when to remove a man from a piece of land of that kind will be his absolute financial destruction. This is of the date of June 16, 1890, and it is without parallel as to brutality, in my judgment, in the history of civilized government.

Mr. BUTLER. Where does that notice come from?

Mr. PLUMB. It comes from a special agent of the General Land Office. I have another one here which is to the same effect.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Oklahoma Territory, June 24, 1890.

SIR: You are hereby notified to remove your family and effects from NE. $\frac{1}{4}$ section 16, township 16, range 7 west. Said section is school land and there is no law authorizing settlement upon school land in Oklahoma Territory. All settlers upon school land in said Territory are trespassers, and if they do not remove will be prosecuted for trespass.

Your immediate compliance with this notice is expected.

Very respectfully,

JOHN W. SCOTHOM,
Special Agent, G. L. O.

To ABRAHAM MEHEW,
NE. $\frac{1}{4}$ Section 16, Township 16, Range 7 West.

The next one reads as follows:

OKLAHOMA TERRITORY, June 24, 1890.

SIR: You are hereby notified to remove within sixty days from the date of the service of this notice upon you the post and barbed-wire fence with which you have inclosed the NE. $\frac{1}{4}$ section 16, township 16, range 7 west.

The above-described land is school land, and there is no law authorizing settlement upon school land in Oklahoma Territory.

The fencing of public lands not open for settlement in any of the States or Territories of the United States is made unlawful by an act of Congress approved February 25, 1885.

Very respectfully,

JOHN W. SCOTHOM,
Special Agent, G. L. O.

To ABRAHAM MEHEW,
NE. $\frac{1}{4}$ Section 16, Township 16, Range 7 West.

I think, with due respect for everybody concerned, that the special agents of the Department might be engaged in better business. If it

is to be done at all, there is such a thing as doing the wrong thing at the right time, and, as the Senator from Illinois suggests, in a mild way. I have no doubt that all this is being done without the immediate knowledge of the head of the Interior Department, but it to some extent illustrates the vice of having irresponsible persons traveling around the country and bearing the commission of the Government and authorized to do what they think is necessary without any special limitation upon them.

Mr. EDMUNDS. Are these lands surveyed?

Mr. PLUMB. They are surveyed.

Mr. EDMUNDS. Then the sections ought to be known.

Mr. PLUMB. When these people went on them, you mean? So they ought to have known; but meanwhile the lapse of time has obscured many of the monuments or removed them, and in the next place the circumstances under which the Territory was settled made it impossible for a man to apply his ordinary knowledge as to the question of where he was going; there was such a general rush that a man was glad to get upon a piece of land without inquiring whether it was a piece of school land or not.

But even supposing they knew they could not get title except by the consent of the new State, and we have power to prescribe the conditions under which the new State shall give authority, and in the mean time some person without means wants to be upon these lands as a tenant of the Government or as a tenant of the Territory of Oklahoma or of the prospective State of Oklahoma, doing no damage to the land whatever, but in the mean time earning a living and keeping himself out of the poor-house, that surely does not constitute him a criminal and make him liable to prosecution.

Mr. EDMUNDS. I think I shall vote in favor of this bill, but I am a little afraid that the end of it will be inequality in this procedure, but when the State comes to be a State there will be a claim made which will have some natural equity in it, that the farm-houses and buildings and fences and orchards and all the belongings of a well ordered homestead have become so sacred to the occupant that Congress, in admitting the new State, must provide that these school-lands thus occupied under lease shall remain the property of the lessee, and then the State will either be deprived of one of the most beneficent things that we can do for a new State, two sections of land in every township for the perpetual support of common schools or else we shall have to hunt around and make indemnity or find two other unoccupied sections to make it good, as we have in the case of some other States endeavored to make good the loss of the sixteenth and thirty-sixth sections of land appropriated to the State, sometimes under very remarkable circumstances.

I think the State of California when admitted had reserved for the use of the schools the sixteenth and thirty-sixth sections of land, and then afterwards she got a very liberal grant of swamp lands for such objects as the State might choose to devote them to, though I have never seen any swamp lands myself in California, although there may be some, but those swamp lands enveloped in some instances the sixteenth and thirty-sixth sections. Then the State came back to Congress, according to my recollection, and asked Congress to reimburse her for the loss of the sixteenth and thirty-sixth sections that had been enveloped in her swamp-land grants and I believe she got it, and I rather suspect she got it twice. I hope this will not result in that way, but as to the present measure there seems to be great force in what the Senator from Kansas says.

Mr. PLUMB. I think the Senator from Vermont need not have any fear upon that point. In the first place, the Territory of Oklahoma will not have any swamp land, and it is not within the purview of the grant for that purpose. In the second place, as Congress would not yield to the blandishments of any of the occupants of school lands in the Territory of Washington and did provide that the school lands should never be sold at less than \$10 an acre, thereby not exhibiting any astonishing bowels of compassion towards the occupants of the land, I think Congress may be relied upon to do the wise thing for Oklahoma when the time comes. Under the operations of the grant of lands for school purposes to the State of Kansas, that State provided in its constitution that none of those lands should be sold at less than the appraised price and none at less than \$3 an acre, and then it further and wisely provided also the settlement provision and enacted that, where a person had actually made a home upon the land and that was definitely established, that person might become a preferred purchaser at the appraised price of the land.

I speak of that as the administration of the law by a State which was given these lands to do with them as she pleased, and I beg the Senator to observe that if there is any one thing that the Western people have at heart more than another it is education and if there is any one thing they can be relied upon to do better than any other it is to administer a trust in favor of education. I am sure that no question of sympathy will ever dictate an interference with any proper proceeding for the purpose of determining the value of the lands at the time when they came to be sold; and in the mean while Congress has the power to say, as it did in the case of Washington, that these lands shall be sold at a certain minimum price, thereby preserving the school lands of the State for what they are reasonably worth.

Mr. EDMUNDS. I understand, then, that the chairman of the Committee on Public Lands means that he and the committee do not intend that these lands shall be separated from the uses for which they are designed.

Mr. PLUMB. Not at all.

Mr. EDMUNDS. This is only temporary occupancy and nothing more.

Mr. PLUMB. That is quite correct, Mr. President.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In line 11 of section 3, after the word "act," it is proposed to insert "and to make such leases as are in this act described;" so as to read:

That until the Legislature of said Territory shall provide by law for the leasing of said university and school lands the governor is authorized, with the approval of the Secretary of the Interior, to make the necessary rules and regulations to carry out the provisions of this act and to make such leases as are in this act described.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WITHDRAWAL OF PAPERS.

On motion of Mr. STEWART it was

Ordered, That the petition of Daniel Ruggles be withdrawn from the files of the Senate.

On motion of Mr. PUGH it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the claim of Ira Lampley and heirs of John M. Lampley, no adverse report having ever been made thereon.

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the claim of Laura S. Cowles, no adverse report having ever been made thereon.

ORDER OF BUSINESS.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of Order of Business 1633, being Senate bill 3823.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The SECRETARY. A bill (S. 3823) in amendment of and supplementary to the act of Congress approved March 22, 1882, entitled "An act to amend section 5350 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes."

Mr. DAWES. I ask the Senator to yield that I may make a conference report.

Mr. EDMUNDS. I hope the Senator will allow the bill to be taken up first.

The PRESIDENT *pro tempore*. The question is upon the request of the Senator from Vermont, who asks unanimous consent that the Senate proceed to the consideration of the bill the title of which has been stated. Is there objection? The Chair hears none. The bill is before the Senate as in Committee of the Whole.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. DAWES. The Senator from Vermont [Mr. EDMUNDS] yields temporarily, with the consent of the Senate, that I may make a conference report.

Mr. EDMUNDS. Certainly.

The PRESIDENT *pro tempore*. The conference report will be read. The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 2, 21, 22, 23, 24, and 25 to the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes, having met, after full and free conference have been unable to agree.

H. L. DAWES,
P. B. PLUMB,
A. P. GORMAN,
Managers on the part of the Senate.
BENJ. BUTTERWORTH,
J. G. CANNON,
W. H. FORNEY,
Managers on the part of the House.

Mr. DAWES. I move that the report be accepted.

The PRESIDENT *pro tempore*. The report does not require any acceptance.

Mr. STEWART. What is the report?

The PRESIDENT *pro tempore*. That the committee are unable to agree.

Mr. DAWES. I will state the result of the conference.

Mr. EDMUNDS. Where are the papers, here or in the other House?

Mr. DAWES. The papers are here. The Senate is fully aware of what the difference is between the two Houses, which was submitted to this conference. The conference met, and the conferees on the part of the Senate found those of the other House unwilling to make any concession whatever. The Senate conferees made various propositions in reference to an attempt to agree upon some common ground, somewhat different from the amendments of the Senate, but they were met with the declaration that it was impossible to bring the other branch to an agreement different from the text of the bill as it was sent to the Senate.

We met this singular proposition, that the House conferees were un-

willing to agree that the Senate should require its committee clerks and Senators' clerks to be annual clerks, even if they were paid no more than is paid to session clerks. We were met with the assertion that the House was justified in saying that the Senate, without reference to the cost or expenditure, should not say that its clerks should be employed during vacation. There was no proposition as to the amount of compensation beyond that fixed in the House bill that met with any corresponding concession on the part of the House.

Mr. COCKRELL. I should like to ask the Senator in connection with that, what do they say in all the cases of annual clerkships which have been created on the order of the Senate, and for which appropriations have been made from year to year without any question?

Mr. DAWES. Their answer to that suggestion was that they had gone as far as they were resolved to go; that they would agree to what they had agreed to in the bill that they sent to the Senate, but that they would not at this session make any change, even the change that the Senate might desire to have their clerks annual clerks, at the same compensation that they would have if they remained session clerks.

With that condition of things nothing was left to the conferees on the part of the Senate but to surrender at discretion or to report back to the Senate a further disagreement.

The Senate now has before it the question whether it will recede from its amendments, whether it will permit the House of Representatives to say to it, "You shall not even say yourselves how long your clerks shall serve, without regard to any increase of expenditure, or lose this bill."

Mr. President, I have, myself, no motion to make upon the subject. I should desire, if the Senate wishes a further conference, that the subject may go into new hands.

Mr. ALLISON. I desire to ask the Senator from Massachusetts if, in his judgment, the House conferees will agree to any composition of this difference?

Mr. DAWES. I am bound to believe that they are sincere. There was the utmost good feeling and there was no temper in the conference, and I must say that if they are sincere—and I have no doubt they are—a further conference is hopeless.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts submit any motion?

Mr. DAWES. I do not submit any motion. The case is in charge of the Senate. I feel as if the conferees have maintained the position of the Senate as far as they were able. They will, of course, if this matter should be committed to them again, maintain the will of the Senate, but I express their views when I say that, so far as a further conference is concerned, it seems to me that it will be hopeless.

Mr. SHERMAN. Does not the Senator—

Mr. COCKRELL. I wanted to make a motion.

Mr. SHERMAN. I was about to make a motion myself.

The PRESIDENT *pro tempore*. The Chair recognizes the Senator from Ohio.

Mr. SHERMAN. As the Senator from Missouri is a member of the Committee on Appropriations I will yield to him.

Mr. COCKRELL. I wanted to make a motion that the Senate insist upon its disagreement, if that is in order, and I apprehend it is.

The PRESIDENT *pro tempore*. That the Senate insist upon its amendments?

Mr. COCKRELL. Insist upon its amendments with an amendment reducing the amount to \$1,500.

Mr. EDMUNDS. You can not do that. You can instruct the conferees.

Mr. COCKRELL. With instructions, then, to the conferees to agree upon \$1,500.

Mr. DAWES. The Senator will indulge me. I believe I experienced the fact that that was out of order yesterday. That proposition was presented to the conferees on the part of the House, and was met like all the others with the statement on their part that they felt bound by what they believed to be the almost unanimous opinion of the House that they should make no concession whatever.

Mr. COCKRELL. But I make this point, that the instruction of the Senate to that effect has not been presented to the House nor considered by the House; and that was what the Committee on Appropriations reported to the Senate, \$1,500, and the Senate will remember that the increase to \$1,800 was made on motion in the Senate, and not at the instance of the Committee on Appropriations.

I think we ought to present that question fairly, and I therefore make the motion that the Senate insist upon its amendments and instruct its conferees to yield so far as to fix the amount of pay at \$1,500 instead of \$1,800 per annum.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the Senate still further insist upon its amendments and ask for a further conference, with instructions to its conferees to make the amount of compensation \$1,500 per annum for the annual clerks.

Mr. SHERMAN. I do not wish to interfere with the management of this bill in conference as long as the Committee on Appropriations proposes to insist upon these amendments. The other day, when the only question of difference left between the two Houses was as to the compensation of employes of the Senate, it seemed to me the duty of

the Senate to recede, but when the committee desired a further conference I yielded at once and supported them. So yesterday, when this subject was debated, especially upon the persuasive argument made by the Senator from Alabama [Mr. MORGAN], I felt like standing by the Senate and insisting upon our fixing the rates of pay of our own employes. But still it is a parliamentary rule that no proposition ought to be ingrafted in the law unless it has the free consent of both Houses. It can not be said that either House has a right to force the other to agree to any measure or any proposition that is obnoxious to it.

That is the only basis upon which the two Houses can get along, and therefore it has been the uniform custom since the foundation of the Government when a proposition of an amendment is made in one House and the other House says, "No, we can not agree to that; that changes the law; it is not to carry out the law, and we do not approve of that change of law," that the House making the proposition must recede.

There is no other way in parliamentary proceedings except that. The same thing exists in Parliament every day. It is the understood rule of parliamentary law, and is laid down as a part of the fundamental rules of all parliamentary systems, that no coercion must be brought upon either House to consent to any proposition. There must be a free conference. The very words "free conference" mean that each House must be at liberty to decline any proposition made by the other, and when that proposition is final, after insisting and insisting, as the House proposing may do until it is tired, at the end the House making the proposition must abandon it unless it is agreed to by the other House.

I think we have come to that point here. Here is this legislative, executive, and judicial appropriation bill, involving all the appropriations for the legislative, the executive, and the judicial departments of the Government, covering a great multitude of the employes of the Government. Now, ought that bill to be delayed or postponed merely to enable the Senate to insist upon a claim for these Senate employes that the other House does not accede to, however reasonable it may be? However strong may be the grounds of the claim, it seems to me the time has come when we ought to say to the House of Representatives, "While we insist upon this proposition and maintain that we are right, that we ought to have the right to make reasonable appropriations for the compensation of our employes, yet as that can not be done except by a change of the law and you refuse to grant the change we will recede, meaning to insist upon it hereafter when the opportunity comes."

That, it seems to me, is the dignified way as between the two Houses. I will not interfere with the motion of the Senator from Missouri if he thinks any good can come from it, but I think the dignified and proper way for the Senate is to recede, stating, however, that we shall insist upon these amendments on any proper occasion hereafter.

Mr. COCKRELL. Then it applies to this bill and quite a number of others. There are quite a number of bills, the regular appropriations, that have not become laws, so that there can be no harm from the delay involved in another effort, and we are not changing any law in this case at all. There is no statute law, as I understand, fixing the number or compensation of the clerks as we have them now. The annual clerks are established by resolution of the Senate, and they are appropriated for by this appropriation bill, and that is all the law there is about it.

It seems to me that when we fix this salary at \$1,500 it is a very small sum over and above what the clerks now receive as session clerks, but it makes them annual clerks, so that they will perform service for Senators during the entire year. I think it is so reasonable that the House of Representatives ought certainly to yield to it.

Mr. SHERMAN. This bill ought now to be a law. The new fiscal year begins to-day.

Mr. COCKRELL. I apprehend there is no danger from delay in the passage of this bill. I understand a joint resolution has already been passed making the appropriations for the last fiscal year applicable to this until the appropriation bills for this year are passed. There are quite a number of appropriation bills which have not yet become laws, and it is usual, and it has always been usual when an appropriation bill was not passed by the beginning of the fiscal year, that a resolution should be passed continuing the appropriations of the preceding year; and such a resolution as that, I think, has already passed; at least it has passed one body of Congress, if it has not passed both.

Mr. TELLER. It has passed both.

Mr. SHERMAN. I have no objection, if the Senator thinks there is any chance for an agreement, to voting for a further conference.

The PRESIDENT *pro tempore*. The question is upon agreeing to the motion of the Senator from Missouri.

Mr. DOLPH. On that I demand a division of the question.

Mr. DAWES. May I inquire what the motion of the Senator from Missouri is?

The PRESIDENT *pro tempore*. The Chair was about to state it, that the Senate still further insist upon its amendments and ask for a further conference with the House of Representatives thereon, and instruct the managers on the part of the Senate to agree to a compensation of \$1,500 for the annual clerks.

Mr. DAWES. I should like to inquire how that would be "a full and free conference."

The PRESIDENT *pro tempore*. It is within the power of the Senate to make the order.

Mr. EDMUNDS. It is "full and free" in every parliamentary sense.

The PRESIDENT *pro tempore*. Upon the motion of the Senator from Missouri [Mr. COCKRELL], the Senator from Oregon [Mr. DOLPH] asks for a division.

Mr. DOLPH. A division of the question. I want a separate vote.

The PRESIDENT *pro tempore*. Will the Senator state how he desires it to be divided?

Mr. DOLPH. I desire the vote as to the clerks to be taken separately.

The PRESIDENT *pro tempore*. The Chair supposed there was no objection to the part asking for a further conference and insisting still further upon the amendments.

Mr. PLATT. I think we had better have a vote on that.

The PRESIDENT *pro tempore*. Upon agreeing, then, to the motion that the Senate still further insist upon its amendments and ask for a further conference thereon, Senators in the affirmative will say "ay;" those in the negative, "no." [Putting the question.]

The motion was agreed to.

The PRESIDENT *pro tempore*. The question now recurs upon agreeing to the motion of the Senator from Missouri [Mr. COCKRELL] that the managers of the conference on the part of the Senate be instructed to agree to fix the compensation at \$1,500 for the payment of the annual clerks.

Mr. DOLPH. On that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BERRY. Would it be in order to move that the Senate recede from its amendments?

The PRESIDENT *pro tempore*. That motion would take precedence.

Mr. BERRY. Then I move that the Senate recede, and upon that I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves that the Senate recede from its amendments.

Mr. EDMUNDS. That is not in order now, for the Senate has voted to insist.

Mr. BERRY. The Chair has ruled that it is in order.

The PRESIDENT *pro tempore*. The Chair had forgotten for the moment that the Senate had already agreed to insist. Therefore a motion to recede is not now in order.

Mr. EDMUNDS. The Senator from Arkansas can move to reconsider the vote on insisting.

The PRESIDENT *pro tempore*. Certainly, the vote can be reconsidered.

Mr. BERRY. Then I move to reconsider the vote by which the Senate insisted on its amendments to the bill and asked for a further conference.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves to reconsider the vote by which the Senate insisted upon its amendments and asked for a further conference with the House of Representatives thereon.

Mr. DOLPH. I should like to inquire whether the Senator voted in the affirmative on the proposition.

The PRESIDENT *pro tempore*. That never has been considered necessary when the yeas and nays were not taken.

Mr. BERRY. I simply wish to state, Mr. President, that I do not think there is a necessity for continuing this contest. I do not think, in the first place, that the Senate has any right to force a measure upon the other House and insist on their agreeing to that which they do not believe to be right in making appropriations for employes.

I do not believe that an appropriation bill is the proper place to legislate as to whether clerks shall be paid \$6 a day or \$1,800 a year. In addition to that, I believe that \$6 a day is sufficient for any clerk to a Senator, and that you can get first-class clerks for that sum who can do all the business that is required by a Senator.

I am opposed to increasing the salary. I am opposed to putting it upon an appropriation bill and trying to force it through in that way, and I see no necessity for further insisting upon that which we can not accomplish. Therefore I have moved to reconsider the vote.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves to reconsider the vote by which the Senate agreed to further insist on its amendments, and to ask for another conference.

Mr. DOLPH. On that I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. EDMUNDS (when his name was called). I am paired generally with the Senator from Alabama [Mr. PUGH]. I do not see him present, and I withhold my vote unless it shall be necessary to make a quorum by and by.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY], but believing and knowing that he would vote "nay" on this question, if present, I record my vote in the negative.

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. PIERCE (when his name was called). On this question I am paired with the Senator from Georgia [Mr. BROWN]. If he were present, I should vote "yea."

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR], whom I do not see in his seat, and therefore I withhold my vote.

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER], and withhold my vote.

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON].

Mr. WOLCOTT (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA], but the pair does not extend to a question of this character, and I vote "nay."

The roll-call was concluded.

Mr. DAVIS. I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN], but I am satisfied he would vote "nay" on this question, if present, and therefore I vote "nay."

Mr. PASCO. I wish to state that my colleague [Mr. CALL] is absent with the consent of the Senate. He is paired with the Senator from South Dakota [Mr. PETTIGREW].

Mr. BATE. My colleague [Mr. HARRIS] is absent on account of illness. He is paired with the Senator from Vermont [Mr. MORRILL].

The result was announced—yeas 5, nays 47; as follows:

YEAS—5.			
Berry, George,	Hale,	Hawley,	Reagan.
NAYS—47.			
Aldrich, Allen, Allison, Bate, Blair, Butler, Cameron, Carlsie, Casey, Cockrell, Coke, Colquitt,	Cullom, Davies, Dixon, Dolph, Farwell, Faulkner, Frye, Gibson, Gorman, Gray, Hampton, Higgins,	Hiscock, Ingalls, Jones of Arkansas, McMillan, Manderson, Moody, Morgan, Pasco, Payne, Plumb, Power,	Ransom, Sanders, Sawyer, Sherman, Squire, Stewart, Stockbridge, Teller, Vance, Washburn, Wolcott.
ABSENT—32.			
Barbour, Blackburn, Blodgett, Brown, Call, Chandler, Daniel, Davis,	Edmunds, Eustis, Evarts, Harris, Hearst, Hoar, Kenna, McPherson,	Mitchell, Morrill, Paddock, Pettigrew, Pierce, Platt, Pugh, Quay,	Spooner, Stanford, Turpie, Vest, Voorhees, Walthall, Wilson of Iowa, Wilson of Md.

So the motion to reconsider was rejected.

The PRESIDENT *pro tempore*. The question recurs upon agreeing to the motion of the Senator from Missouri [Mr. COCKRELL] to instruct the managers of the conference on the part of the Senate, upon which the yeas and nays have been ordered.

Mr. DOLPH. Mr. President, I hope the Senate will not agree to a portion of the motion, for, as stated by the Senator from Massachusetts, if adopted, the conference will not be a free and full conference.

There is no necessity for the Senate to offer to trade with the House of Representatives. It will be time enough, when the Senate conferees bring such a proposition back to the Senate, for us to consider it, and then I shall not be in favor of it. The principle involved is the same under which the Senate claims to be allowed to fix the compensation of its employés as that by which the Senate should be allowed to determine what employés it shall have.

In my judgment, a competent stenographer and clerk who can perform such duties as are required of him by a working Senator in this body is entitled to \$1,800 a year.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. EDMUNDS (when his name was called). I am paired with the Senator from Alabama [Mr. PUGH], as stated before.

Mr. WALTHALL (when his name was called). I should vote "yea" but for my pair with the Senator from Wisconsin [Mr. SPOONER].

The roll-call was concluded.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. I do not know how he would vote on this question if he were present, and therefore I withhold my vote.

Mr. DAVES. My colleague [Mr. HOAR] is absent on account of illness. If he were here, I am sure he would vote "yea."

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. HIGGINS (after having voted in the negative). I did not observe when I voted that the Senator from New Jersey [Mr. MCPHERSON] was out of the Chamber. I therefore withdraw my vote.

The result was announced—yeas 23, nays 28; as follows:

YEAS—23.			
Bate, Berry, Blair, Butler, Cockrell, Coke,	Colquitt, Davies, Faulkner, Frye, George, Gibson,	Gorman, Gray, Ingalls, Jones of Arkansas, Moody, Morgan,	Pasco, Payne, Plumb, Reagan, Sawyer.
NAYS—28.			
Aldrich, Allen, Allison, Barbour, Cameron, Carlsie, Casey,	Dixon, Dolph, Farwell, Hale, Hampton, Hawley, Hiscock,	Jones of Nevada, McMillan, Pettigrew, Platt, Power, Ransom, Sanders,	Sherman, Squire, Stewart, Stockbridge, Teller, Vance, Washburn.
ABSENT—33.			
Blackburn, Blodgett, Brown, Call, Chandler, Cullom, Daniel, Davis, Edmunds,	Eustis, Evarts, Harris, Hearst, Higgins, Hoar, Kenna, McPherson, Manderson,	Mitchell, Morrill, Paddock,k, Pierce, Pugh, Quay, Spooner, Stanford, Turpie,	Vest, Voorhees, Walthall, Wilson of Iowa, Wilson of Md., Wolcott.

So the motion was not agreed to.

Mr. EDMUNDS. Let the Chair appoint the conferees.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. DAVES, Mr. PLUMB, and Mr. COCKRELL were appointed.

ELECTIONS, ETC., IN UTAH.

Mr. EDMUNDS. Regular order, Mr. President.

The PRESIDENT *pro tempore*. The bill informally laid aside will now be read at length as in Committee of the Whole.

The Secretary read the bill (S. 3823) in amendment of and supplementary to the act of Congress approved March 22, 1882, entitled "An act to amend section 5350 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes."

The bill was reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That the existing election districts and apportionments of representatives concerning the members of the Legislative Assembly of the Territory of Utah are hereby abolished; and it shall be the duty of the governor, Territorial secretary, and the board of commissioners mentioned in section 9 of the act of Congress approved March 22, 1882, entitled "An act to amend section 5350 of the Revised Statutes of the United States, in reference to bigamy and for other purposes," in said Territory, as soon as practicable after the result of the census of said Territory to be taken in the year 1890 shall be made known, to redistrict said Territory, and apportion representatives in the same in such manner as to provide, as nearly as the same may be, for an equal representation of the people, excepting Indians not taxed, being citizens of the United States, according to numbers, in said Legislative Assembly, and to the numbers of members of the council and house of representatives, respectively, as now established by law; and a record of the establishment of such new districts and the apportionment of representation thereto shall be made in the office of the secretary of said Territory, and such establishment and representation shall continue until Congress shall otherwise provide.

SEC. 2. That the offices of Territorial auditor, treasurer, commissioners to locate university lands, probate judges, county clerks, selectmen, assessors, recorders, and superintendent of district schools in the Territory of Utah are hereby vacated; and all such officers shall hereafter be appointed by the governor of said Territory, by and with the advice and consent of the board of commissioners mentioned in section 9 of the act of Congress approved March 22, 1882, entitled

"An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes;" *Provided*, That where any officer above named shall now hold his office by virtue of appointment or commission from the President of the United States for a definite term the provisions of this section shall not apply until the expiration of said term.

SEC. 3. That the board of commissioners mentioned in section 9 of the act of Congress approved March 22, 1882, entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," is hereby authorized and empowered in its discretion to cause the new registrations of voters in said Territory of Utah, or any part thereof, to be made instead of revisions of previous lists, as now required by the laws of said Territory; and said board is also hereby authorized and empowered to make and enforce rules and regulations not inconsistent with the laws of the United States for the conduct of registrations and elections in said Territory.

Mr. PLUMB. There is an understanding between the Senator from Vermont and myself, and, on account of that, I now ask that the report of the committee of conference on the District of Columbia appropriation bill be taken up for consideration.

Mr. EDMUNDS. I think my friend from Kansas is entitled, according to the course of the Senate, and at this time of the year, to finish that conference report if he may, and, therefore, I yield to him for that purpose.

Before this passes away, however, I wish to say that as against all other things, except the Idaho matter which is up, I shall feel it to be a duty on all proper occasions to ask the Senate to take up and dispose of this bill. It ought only to take a little while, but I feel it a duty to give way now. The Idaho matter will come up, I suppose, as soon as this conference report is disposed of, and it is hardly worth while to go on to-day with the bill which was taken up on my motion. It, therefore, may go back to the Calendar.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the conference report on the bill (H. R. 3711) making appropriations to provide for the expenses of the government of the District

of Columbia for the fiscal year ending June 30, 1891, and for other purposes.

The Secretary will report the amendment under discussion when the conference report was last under consideration.

The Secretary read as follows:

SEC. 4. That any street railroad company operating its lines in the District of Columbia which during the calendar year 1889 earned, declared, and paid dividends on its capital stock exceeding 10 per cent. upon the face thereof, shall hereafter sell to all persons eight tickets for and at the price of 25 cents, each ticket to be good for one continuous passage over its entire line and to entitle the holder thereof to passage on any line within the scope of this section.

The PRESIDENT *pro tempore*. The question is upon the adoption of the report of the committee of conference.

Mr. EDMUNDS. Mr. President, I think it a duty briefly to recur, in discussing this section, to the point of order that I made yesterday, which the Chair overruled, and from which decision I did not appeal, as I always have a very large respect for the opinion of the present occupant of the chair upon such matters. I felt that the Chair was in error, but, as it was not a matter of any great consequence then, I took no appeal, and would have had no opportunity then to recur to the history of these matters. But, lest this should be drawn into precedent, I think it right say a few words.

I feel some confidence in affirming that for now the period of three hundred years it has been a part of parliamentary law that the conferees appointed by either house anywhere where there are two parliamentary bodies have no jurisdiction to deal with any matter that the two houses have not submitted to them—

The PRESIDENT *pro tempore*. The Chair agrees fully with the Senator upon that point.

Mr. EDMUNDS. And that, having no jurisdiction, it is a part of parliamentary order and law that when the attention of the body is brought to it the occupant of the chair should enforce that parliamentary law accordingly.

I think the reason of that is perfectly obvious, for otherwise any two committees of conference of the two Houses, at the end of a session, by an arrangement among their friends, could put on to any pending bill any measure that they thought fit, it not having been introduced in either House, not having been considered, not having been read, as the rules of both Houses require, and they always do, where there are two houses, the first, the second, and the third time, not having been reported by a committee, but sprung upon their respective bodies of a sudden and put through into a law without any of the safeguards and checks which the laws of parliamentary bodies and their rules require to avoid hasty and unconsidered legislation.

I take it to be clear that if a committee of this body should report upon a subject not confided to it and entirely out of its jurisdiction, the point being raised, it would be the duty of the Chair to say that the report could not be received, just as it is when a member of a committee undertakes to make a report on a matter that has been referred to a committee, but that the committee has not authorized him to report upon, the point being made, the law of the body is to be enforced. It is not a matter of legislative discretion, but it is what is the law, and the law must be enforced by the presiding officer, subject, of course, to the judgment of the body upon an appeal.

This became the common law of parliamentary bodies by an order of the House of Commons after they apparently had been led, or attempted to be led, into something done by their conferees with the House of Lords that they had not confided to conference. So in the year 1580 the Commons made the following standing order:

It is ordered that such persons as shall be appointed by this house at any time to have conference with the lords shall and may use any reasons or persuasions they shall think good in their discretions—

The PRESIDENT *pro tempore*. From what does the Senator read?

Mr. EDMUNDS. I read from Cushing's Manual.

The PRESIDENT *pro tempore*. What page?

Mr. EDMUNDS. In this edition, page 389, section 844:

so as it tends to the maintenance of anything done or passed this house before such conference had, and not otherwise; but that any such person shall not in anywise yield or assent to [at] any such conferences to any new thing there propounded until this house be first made privy thereof and give such order.

I was under the impression yesterday that the matter had arisen in the Senate, but I could not recall a particular incident.

Mr. SHERMAN. If I do not interrupt the Senator—

Mr. EDMUNDS. Not in the least.

Mr. SHERMAN. I remember a case very well where the Senator from Wisconsin [Mr. Howe], chairman of a conference committee, agreed to some matter in a report of the committee of conference which had not been discussed in either House. It was discussed here at considerable length and finally by a very decisive vote—I do not know whether any point of order was made; probably it was submitted by the Chair to the Senate—but by a very decided majority, almost unanimous, much to the injuring of the feelings of Judge Howe, whom everybody respected, it was held to be out of order and was excluded from consideration, and I think by common consent the matter was recommended to the committee and dropped out. It was not a matter of very great importance, but it was something that had never been proposed in either House.

Mr. EDMUNDS. I think besides there was still later an instance, within a few years, where the point of order being made it was submitted to and the report immediately withdrawn; but I do not remember the instance.

I have found one, however, Mr. President, a notable instance on a notable occasion where the point of order was made by my colleague [Mr. MORRILL] on the salary-grab bill, as it was called, and the then Vice-President was Mr. Colfax. He overruled the point of order, not upon the ground that it was a question for the discretion of the Senate, but on the amendment proposed, to which my colleague had made the objection as out of order on the ground that it was not pending between the two Houses, Mr. Vice-President Colfax, who we all know was a distinguished parliamentarian, held that that question was one of the very questions which were pending between the two Houses. I will read, if I do not take up too much time, this very point from the proceedings of the 3d of March, 1873, where, as I say, it was on the bill increasing the salaries of Members and Senators, and where in an earlier stage of the proceedings, I think it was, I had the honor myself to occupy the chair for a few moments.

It was moved to instruct the Senate conferees to recede from their amendment raising the salaries, and the then occupant of the chair, myself, held that motion to be in order. A point of order having been made against it, an appeal was taken to the Senate and the Senate, by almost exactly the same majority that it was in favor of increasing the salaries, reversed the decision of the Chair, and particularly on a very powerful argument made by the then Senator from Illinois, Mr. Trumbull. The matter was afterward examined and it was found that a few sessions before Mr. Trumbull himself, then a Senator, had made exactly such a motion to instruct conferees, and a point of order was made that the conferees could not be instructed, and the Senate by a perfectly decisive vote sustained the ruling of the Chair that it was in order to instruct conferees. I believe the only instance in which it has been held in this body that it was not in order to instruct conferees was when the pending question was the increase of our own salaries.

Now I come to this point. The report of the conferees on the salary bill being presented, Mr. MORRILL, of Vermont, rose to a point of order—

That the committee of conference have transcended any matter that was committed to their jurisdiction in this: that whereas the House had fixed the salaries of members of Congress at \$6,500, the Senate rejected the proposition almost unanimously, but two voting against its rejection; that there was no matter of difference between the two Houses except the difference between the present salary and \$6,500. I, therefore, make the point of order that they have transcended their jurisdiction, and that the report should be rejected.

Mr. Carpenter, who made the report, rose and said:

The Senator from Vermont in stating the facts of this case overlooked one very important fact, and that is, that the Senate voted down the proposition to concur upon the ground as expressed by at least half a dozen Senators who spoke on the subject, that the sum fixed by the House was too small. I rose in my place and inquired of the Chair whether, if the matter was sent to a committee of conference, the committee would have power to raise as well as decrease the sum, and I was informed that undoubtedly such power existed. That took place in open Senate while we were discussing the question of concurring in the amendment of the House.

Thus it will be seen that Mr. Carpenter, who himself had been or was afterwards the President of the Senate and a very accomplished parliamentarian, made no suggestion that it was not a proper point of order to make if the fact would warrant it. He contended that the case was the very thing that was open, and that therefore the point of order was not good for that reason, but suggested no other. Then the Vice-President said:

The Chair overrules the point of order. The House of Representatives sent to the Senate an amendment to this bill changing salaries in various ways. The Senate refused to concur. They also refused to strike out the provision in regard to the salaries of members of Congress. They refused to strike out all of the amendment except that portion relating to the salary of the President. They therefore left the salary question an open question and referred it to the conference committee. It may be a good argument against voting for the conference report that the salaries are not in accordance with what the Senator from Vermont thinks they should be; but to restrict the conference committee in a free conference to the differences between the present salary and the salary fixed by the House of Representatives under their amendment, the Chair thinks, would be limiting the conference more than conference committees have ever been. Therefore the Chair decides that the report is not subject to the objection and the point of order made by the Senator from Vermont.

I read this to show that, there then being a great deal of feeling and a great strife over the question and every point that could be considered presented to get rid of this increase on one side and to hold it on the other, two very distinguished parliamentarians, one the President of the Senate and the other Mr. Carpenter, in opposing this point of order, made no hint or suggestion that it was a matter to be voted upon if the point of order was well founded in point of fact, and the Vice-President in ruling upon it holds that the reason why the point of order is not good is that the matter was within the jurisdiction of the conferees.

I respectfully submit to the Chair and to the Senate that I should hope the ruling of the Chair yesterday would not be taken into a precedent without further consideration, for I am persuaded that the only safety of legislation and the only way to get on correctly under parliamentary law is that when any committee, be it a conference or other committee, transcends its power and the point of order is made in time

it is a matter that the law of the Senate deals with, and the Presiding Officer is in the first instance the administrator of the law.

The PRESIDENT *pro tempore*. Although this question is not directly in controversy, the Chair takes occasion to say that he distrusts his own judgment when he differs with the Senator from Vermont; but the Chair retains his opinion expressed yesterday that the amendment proposed by the committee of conference is not subject to a point of order in the Senate.

A committee of conference is the joint organ of the two Houses. The difficulty will be apparent when the suggestion is made of what might occur if the point of order should be raised in each House and ruled differently in each. We should then be subjected to the embarrassment and practical difficulty of having an amendment held to be in order in one House and out of order in the other.

The Chair still retains the opinion that the law as stated by the Senator from Vermont is entirely correct. The Chair also agrees with the Senator from Vermont in believing that the committee of conference have transcended their just powers in reporting this amendment; but the Chair believes that the only remedy is for the Senate either to reject or to agree to the report of the committee of conference.

The question recurs upon agreeing to the report of the committee of conference. Is the Senate ready for the question?

Mr. FAULKNER. I desire to ask the Senator from Kansas who has charge of this bill his construction of the last line of the fourth section. It provides:

Shall hereafter sell to all persons eight tickets for and at the price of 25 cents, each ticket to be good for one continuous passage over its entire line—

It is this clause that I desire to call the Senator's special attention to—and to entitle the holder thereof to passage on any line within the scope of this section.

As I construe that—and I do not think there can be a difference of construction—the allusion to “any line within the scope of this section” means any line of railroad that is paying a dividend or has paid a dividend of 10 per cent. upon the face value of its capital stock. If so, and you purchase, for example, eight tickets for a quarter upon one line and then desire to be transferred to another line which has no connection in its corporate franchise with the one on which you bought the tickets, you would have the power under this section to be transported free by that line regardless of the fact that you pay no compensation whatever for your transportation on the second line.

Mr. PLUMB. Not at all, Mr. President.

Mr. FAULKNER. That is the clear construction, as I think, of the section as it stands.

Mr. PLUMB. That would simply entitle the holder of tickets to the passage on one line or on the other; that is to say, the ticket would be good on the line of any other railroad coming within the scope of the section, that is to say, having declared these dividends. In other words, a ticket purchased of the Metropolitan line, for instance, supposing that to have paid these dividends, would be good for passage on the Washington and Georgetown line, supposing it also to have paid these dividends.

Mr. TELLER. Suppose it had not paid the dividends, would it still be good on that line?

Mr. PLUMB. No, it would not.

Mr. FAULKNER. Then my construction is correct, that if you bought the eight tickets on the Metropolitan line or the Washington and Georgetown line, which also paid a dividend of 10 per cent., you would have a right of transfer from the Metropolitan to the Georgetown line without any payment of transportation to the Georgetown line.

Mr. PLUMB. There is no question of transfer involved; but a person being on the Metropolitan line with a ticket of the Washington and Georgetown line in his pocket, purchased eight for a quarter, would have a right to discharge his obligation to the company by giving one of those tickets to the Metropolitan line. There is no question of transfer involved. It can not be, because, as the Senator will see, there are no apt words there referring to the question of transfer from one line to another.

Mr. FAULKNER. Then what provision does the Senator make for a settlement between the Metropolitan and the Georgetown lines in reference to these tickets?

Mr. PLUMB. That is a question they will have to settle for themselves as to the tickets they have outstanding. They will have to make that arrangement for themselves just as they do now. A ticket on any one of the railroad lines is good by arrangement or under law on all the other lines. My impression is that there is a statute requiring it.

Mr. FAULKNER. But I will state to the Senator from Kansas that at present all of these lines sell tickets at the same price. Now, if we make one sell eight tickets for a quarter and allow the others to sell six tickets for a quarter, how are they going to settle between themselves?

Mr. PLUMB. There will be nothing of that kind, Mr. President. The ticket which is good for traveling upon a line which has made this dividend is not good upon any other line which has not made the dividend; but where there are two companies or more which have made this dividend and are consequently within the scope of this section, the tickets of one shall be good upon the other, not for transfer, but for passage initiated and concluded upon that line.

Mr. FAULKNER. Then, as I understand the Senator from Kansas, he proposes to change the whole present system of the use of tickets between the different lines and the Herdick line, and limit the tickets bought to lines that pay the 10 per cent. dividend, to those particular lines, and not to be used upon any other line.

Mr. PLUMB. This only applies to the lines that pay that dividend. I understand there is now an arrangement for the transfer of tickets. I had the impression until recently that it was the result of law. My impression is that a bill to that effect passed the Senate some years ago, but it did not finally become a law. However, by an arrangement between the companies, a ticket now bought on one line is good on all the other lines, and they themselves in the management of their own financial affairs agree upon the question of the redemption of tickets. In other words, it amounts merely to the exchange of tickets. That is what it amounts to practically. In other words, it is some sort of a clearing-house, whereby the tickets taken in by the Metropolitan line, or the Belt line, or by any of these other lines are exchanged for the tickets of the other lines which the Washington and Georgetown takes, and so on.

That is an arrangement which exists now by volunteer agreement of the companies and is not interfered with by this provision at all.

But there is a compulsory requirement in this provision that if there are two companies here of the same class, having made these dividends, the tickets of one shall be good upon the roads of the other for, of course, a passage begun, initiated, and concluded upon that line.

Mr. FAULKNER. I desire to call the Senator's attention to the language of the provision, and I am satisfied that, as good a lawyer as he is, there can not be a difference of opinion between us. The section provides:

Each ticket to be good for one continuous passage over its entire line—

You do not use the disjunctive, but you use then the conjunctive—and to entitle the holder thereof to passage on any line within the scope of this section.

What, then, is to prevent a proper construction of this act to mean, using the conjunctive instead of the disjunctive, that if you get upon a line which has paid 10 per cent. dividend upon the face value of its stock, and surrender your ticket there, and come then to a line not under the authority, or direction, or control of that main corporation, but another one that has paid also 10 per cent. dividend upon its stock, you shall then entitle the holder of that particular ticket to a passage upon that line, because it is clearly within the scope of this section? By not using the word in the disjunctive, I think clearly it would give that authority, and, if so, it would be a great injustice to any railroad, I do not care what its dividend is, because every road has a right to a fair compensation.

With that view of it, I shall vote against agreeing to the fourth section of this conference report.

Mr. SHERMAN. Mr. President, it is now apparent on all hands that this subject was never considered in either House; that it involves the reduction of the entire gross income of every company which it affects to the amount of one-quarter or more, and that one-quarter is more than all the dividends paid by that company and all the interest on its bonded debt, because now the expense of all these companies is more than four-fifths of the entire receipts, and the reduction made by this bill to any company to which it applies will be more than the entire amount it is now able to pay to its stockholders, even if it pays 10 per cent., and more than all the interest it pays on its bonded debt, as I showed yesterday. This amendment has not been fully considered, and is made at a time when these railroads are expected to go on and substitute for their very inferior accommodations now the best accommodations possible, and it will practically disable them from doing it, if not entirely bankrupt them. This matter has never been considered in either House where these parties could be heard or before any committee of either House. It appears now that there is a difference of construction as to the meaning of the language used in the report.

I hope that my friend from Kansas will allow the matter at once to go to the committee just upon a formal disagreement, and I will then, when the proper time comes—I can not do it now—move to instruct our conferees to request that the fourth section be dropped from the bill, which has no relation whatever to the third. The third section, I think, is pretty severe upon the companies. I do not know whether they can comply with it; but as that is the judgment of the committee, and as that matter was referred to the committee, I have no objection to what they think is right. As to this fourth section, it ought to be stricken out.

I move, therefore, that the Senate disagree to the report of the committee of conference, with a view to making the subsequent motion I have indicated.

Mr. GORMAN. Mr. President, this appropriation bill, making provision for the expenses of the government of the District of Columbia, came here at a very extraordinary time, on the 9th day of January last. It came evidently without very much consideration; at all events it was so imperfect that it required the undivided attention of the subcommittee who had charge of it (and I am not a member of that subcommittee, and therefore I speak with some freedom) up to the 22d day of April before it was passed by the Senate. The bill was passed

by the Senate on the 22d day of April. It was practically making a new bill. It was more difficult than framing a new bill. It resulted in one hundred and sixty-five amendments to the bill, which were adopted in the Senate. Since then it has been in consideration elsewhere and in conference.

Yet it is complained, I will say to the Senator from Alabama [Mr. MORGAN], that we are asking too much when we want a sufficient number of officials here to examine all these matters coming to us as they do in this improper way. But there was an object, so stated in the public press, of setting an example to show what could be done in a body that ought to be legislative, by rushing these great appropriation bills through. The result is this most imperfect measure. Attached to the bill was an amendment referring to the street-railway companies of the District of Columbia, an amendment which was not reported by the Committee on Appropriations. That legislation was not recommended by the committee.

There it is. It was found imperfect and impossible to agree to it by the conferees on the part of the Senate and House without the additions which we find in the conference report now before the Senate.

It is just possible, Mr. President, that the fourth section as reported from the conference committee may be a little harsh, but the Senator from Kansas [Mr. PLUMB], who has given District affairs great attention so far as the appropriations are concerned, stated the case yesterday, I think, fully and amply. So if there happens to be by the amendment some injustice to one corporation, for I think it only applies to one, that can be corrected at the next session. It is not so material.

As has been suggested, that company is amply able to bear this tax for the time being. Its dividends last year were \$100,000 on \$500,000 of capital. It is the most valuable line probably in the city, and escapes, as the legislation has gone, the 4 per cent. tax upon its gross receipts which we now apply to all the other street-railroad corporations in the city.

I, therefore, for one, hope that there will be no disagreement to this report, that it will be adopted and let the act go into operation, and then for the first time we shall have the company which has a charter granted many years ago with extraordinary privileges, with an immense revenue, come to Congress and come to the Committees on Appropriations of both Houses and present a full and fair statement of their affairs. If it is then found that an injustice is done them I shall be very glad to remedy it. I do not believe that there is, but it will be the first time in the history of legislation since that company was incorporated that we shall have an opportunity to get exactly at the status of that company. I therefore hope that the report will be adopted.

The PRESIDENT *pro tempore*. Does the Senator from Ohio desire to have the question taken on agreeing or disagreeing to the report?

Mr. SHERMAN. I do not care which.

The PRESIDENT *pro tempore*. The question then recurs upon agreeing to the report of the committee of conference. [Putting the question.] By the sound, the noes have it.

Mr. GORMAN. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS].

Mr. MORRILL (when his name was called). I am paired with the Senator from Tennessee [Mr. HARRIS] and therefore withhold my vote.

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. PETTIGREW (when his name was called). I am paired with the Senator from Florida [Mr. CALL].

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER].

The roll-call was concluded.

Mr. WILSON, of Maryland. I am paired with the Senator from Iowa [Mr. WILSON].

The result was announced—yeas 20, nays 28; as follows:

* YEAS—20.

Allen,	Casey,	George,	Moody,
Allison,	Cockrell,	Gibson,	Payne,
Bate,	Coke,	Gorman,	Plumb,
Berry,	Dawes,	Hale,	Ransom,
Butler,	Frye,	Hampton,	Stewart.

NAYS—28.

Barbour,	Edmunds,	Jones of Nevada,	Sherman,
Blair,	Farwell,	McMillan,	Squire,
Cameron,	Faulkner,	Pasco,	Stockbridge,
Carlisle,	Hawley,	Platt,	Teller,
Cullom,	Higgins,	Power,	Vance,
Dixon,	Hiscock,	Reagan,	Washburn,
Dolph,	Ingalls,	Sawyer,	Wolcott.

ABSENT—36.

Aldrich,	Eustis,	Manderson,	Sanders,
Blackburn,	Evarts,	Mitchell,	Spooner,
Blodgett,	Gray,	Morgan,	Stanford,
Brown,	Harris,	Morrill,	Turpie,
Call,	Hearst,	Paddock,	Veale,
Chandler,	Hoar,	Pettigrew,	Voorhees,
Colquitt,	Jones of Arkansas,	Pierce,	Walthall,
Daniel,	Keena,	Pugh,	Wilson of Iowa,
Davis,	McPherson,	Quay,	Wilson of Md.

So the Senate refused to agree to the report.

Mr. SHERMAN. I move that the matter be again referred to a new committee of conference with instructions to our conferees to request the House conferees to agree to strike out what is called the fourth section.

Mr. PLUMB. I suppose that ought to follow the appointment of the conferees. I move that the Senate ask for a further conference on the disagreeing votes of the two Houses.

Mr. SHERMAN. Certainly; all right.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate request a further conference on the disagreeing votes of the two Houses.

The motion was agreed to.

Mr. SHERMAN. To that I wish to add instructions to our conferees to request that the fourth section be stricken out.

Mr. ALLISON. I suggest to the Senator from Ohio that he allow this conference to go untrammelled. I think the vote of the Senate is a disagreement practically to the fourth section.

Mr. SHERMAN. I have no objection, and I withdraw the motion.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL were appointed.

DEFICIENCY IN PAY OF MEMBERS.

Mr. PLATT. I move that the Senate proceed to the consideration of the unfinished business.

The PRESIDENT *pro tempore*. The Secretary will report by title the unfinished business.

The SECRETARY. A bill (H. R. 4562) to provide for the admission of the State of Idaho into the Union.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole, if there be no objection, it being now one minute to 2 o'clock.

Mr. HALE. The Senator from Connecticut [Mr. PLATT] yields to me that I may procure action on a bill that will only take a moment. From the Committee on Appropriations, I report without amendment the bill (H. R. 11223) making an appropriation to supply a deficiency in the appropriation for compensation of Members of the House of Representatives and Delegates from Territories, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. I should like to have an explanation of the bill.

Mr. HALE. It is a little deficiency in reference to the mileage of certain members of the other House, and there is a month's pay due one of them, owing to the election of a new member in the State of Kentucky. This is to square the accounts for the fiscal year which has just expired.

Mr. COCKRELL. I should like to know whether any other deficiency bill has recently come to the Senate, the general deficiency bill providing for the deficiencies for the fiscal year just ended.

Mr. HALE. Not within a few days. We have had, as the Senator knows, several during the session.

Mr. COCKRELL. Urgent deficiencies?

Mr. HALE. Yes.

Mr. COCKRELL. But there has been no general deficiency bill?

Mr. HALE. Oh, no; that will come later, of course.

Mr. COCKRELL. Has the Senator any assurance that such a bill will come to us?

Mr. HALE. I have not any doubt that it will come.

Mr. COCKRELL. For if we have no assurance that such a bill will come to us from some other source, I am in favor of placing the provisions for such deficiencies upon some other bill, because there are thousands and hundreds of thousands of dollars due to former officers, who are now out of office by the change of administration, and the money is justly due them and ought to be paid.

Mr. HALE. There is no doubt that a general deficiency bill will come. The House committee is engaged at work on it now. It will be here in the course of a week or so.

Mr. COCKRELL. I simply wanted to know, because it is a matter of justice and right.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGRICULTURAL APPROPRIATION BILL.

Mr. PLUMB. I ask that the message from the House of Representatives on the agricultural appropriation bill be laid before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 10716) making appropriations for the Department of Agriculture for fiscal year ending June 30, A. D. 1891, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PLUMB. I move that the Senate insist on its amendments and accede to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to

appoint the conferees on the part of the Senate; and Mr. PLUMB, Mr. FARWELL, and Mr. CALL were appointed.

ADMISSION OF IDAHO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4562) to provide for the admission of the State of Idaho into the Union.

Mr. VANCE. Mr. President, I am opposed to this bill for the admission of Idaho into the Union as one of the States thereof for the following reasons:

It does not seem that the preliminary proceedings of that Territory, the calling of its convention and the submission of the work of that convention to the vote of the people, was had by any legal or proper authority.

In the next place, it does not appear from the statistics that that Territory has at the present time population sufficient to entitle it to one Representative in the other House.

In the next place, it does not appear that the constitution which has been formed there and under which they propose to come into the Union is in conformity with the Constitution of the United States in that it prescribes and disfranchises men for their religious opinions.

In the next place, the apportionment of its legislative districts is so notoriously unfair and one-sided that it ought not to receive the sanction of fair and honest men in the Senate of the United States.

As I am informed, sir, the people of the Territory of Idaho did not proceed in any manner prescribed by the laws of the United States for the admission of States into the Union, but that the governor of that Territory, an appointee of the President of the United States, of his own motion called a convention for the purpose of framing a constitution and asking admission into the Union; that in response to that call, in which he also apportioned the election of the delegates among the inhabitants of the State, so-called elections for delegates were had, and those delegates voluntarily came together in accordance with this voluntary and so-called and unauthorized election and framed a constitution which they submitted to the people for ratification in the same way.

I believe, sir, that in all cases heretofore of the admission of new States into this Union there has either been an enabling act or the initiatory movements have been inaugurated by the legislative authority of the Territory. But here it was nothing but the invitation of the governor, acted upon in response by a series of what might be called mass-meetings over the Territories. For that reason I think it is due to the dignity of this body and to the legal and orderly course of our proceeding in reference to the great privilege of admitting new States into this commonwealth of the States, this great confederated nation of States, that there should have been at least the sanction of the authorities of the Territory itself, if no more, before these proceedings should receive our sanction.

These objections were commented upon by the Senator from Arkansas [Mr. JONES] in a very forcible speech delivered to us the other day. I say also that there is lacking the proper and necessary evidence to convince us that this is the bona fide work of the people of the Territory of Idaho. In the next place, I contend that the constitution which has been formed there, which has been submitted to us for our approval, is not in conformity with the Constitution of the United States.

But before I dwell upon that I want to mention the second objection in the order which I announced my objections to this bill, that there is not the necessary population to entitle the people of that Territory to admission into the Union on a footing of equality with the other States.

The highest estimate I believe made by anybody connected with the Territory, or having authority over the people of the Territory, or having the means of knowing is that made by Governor Shoup, of 113,000 people. If you will take the vote of the people of that Territory in 1880 and make the usual calculation of the number of non-voters that attend every voter, according to the ratio of increase which the vote from year to year discloses, that estimate of 113,000 must be very greatly in excess of the truth.

But even suppose that there were 100,000 people entitled to be counted as inhabitants in order to make up the number to entitle them to admission into the Union, then they have but little over two-thirds of the total amount according to the census upon which our present representation in Congress is based. If you consider what is the actual population of the United States at this time and what the actual ratio of representation is under our increased population, it will then be but little over one-half of the ratio of representation.

But in that population of 113,000, estimated at the highest figure, it must be remembered that there are 25,000 Mormons or persons in affinity with the Mormon Church who are disfranchised entirely by this constitution, and that there are 7,000 transient Chinese who are not citizens in any sense of the word, and therefore not entitled to be considered in estimating the ratio of population. That would leave 81,000, I believe, which is about half the present population which is required to entitle it to a Representative in the other House.

As a matter of course, I suppose it will not be contended that these disfranchised men are to be counted in order to swell the number and to give a Representative in Congress when they are not counted for

any other purpose whatsoever. The fourteenth amendment of the Constitution provides for that by requiring that wherever male citizens are disfranchised or in any way prevented from exercising the right of suffrage the representation of that State shall be reduced in proportion, and under that provision of our Constitution I presume that it will not be contended by any fair men that we must count the disfranchised men in order to give us the requisite number, and then stand them aside and not allow them to vote or do anything else except to have the privilege of paying taxes.

Now, Mr. President, to the other objection. The Constitution of the United States forbids the establishing of any religious test for the holding of office in the United States:

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

The very first amendment which was added to the original Constitution, Article I of amendments, says:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

Under that we claim the very broadest privileges for the liberty of conscience I admit, and all men admit or should admit that when a man's religious opinion or any other kind of opinions or beliefs breaks forth into action and that action violates the law of the country or becomes in any sense a crime as defined by the laws of the country, then the guaranty provided by this Constitution does not apply. No man must violate the law under pretense of religious liberty, but for mere opinion the very broadest immunity is claimed.

For mere opinion's sake, sir, it matters not what that opinion may be; it may be the opinion of an infidel, it may be the opinion of a deist, it may be the opinion of a Buddhist, it may be the opinion of any character of religionist of which we have any knowledge, so long as those opinions do not break forth into action in violation of any law of the land, we claim that under the Constitution of our country he has a right to maintain them, and it is despotism and tyranny to disfranchise him on account of them.

Now, this constitution of the proposed State of Idaho which is submitted to us provides in section 3, Article VI, that any man who belongs to any organization, meaning the Mormon Church, who gives any aid or encouragement or in any manner aids or encourages any other person to enter into a state of bigamy or justifies such person who enters into such a state, shall be forever debarred from holding office, sitting upon juries, or from voting for any officer in the proposed State of Idaho. Perhaps I had better read the exact language, so that there may be no mistake about it:

SEC. 3. No person is permitted to vote, serve as a juror, or hold any civil office who is under guardianship, idiotic, or insane, or who has at any place been convicted of treason, felony, embezzlement of the public funds, bartering or selling or offering to barter or sell his vote, or purchasing or offering to purchase the vote of another, or other infamous crime, and who has not been restored to the rights of citizenship, or who, at the time of such election, is confined in prison on conviction of a criminal offense, or who is a bigamist or polygamist, or is living in what is known as patriarchal, plural, or celestial marriage—

So far, that is all right—

or in violation of any law of this State or of the United States forbidding any such crime, or who, in any manner, teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime, or who is a member of or contributes to the support, aid, or encouragement of any order, organization, association, corporation, or society which teaches, advises, counsels, encourages, or aids any person to enter into bigamy, polygamy, or such patriarchal, or plural marriage, or which teaches or advises that the laws of this State prescribing rules of civil conduct are not the supreme law of the State; nor shall Chinese or persons of Mongolian descent, not born in the United States, nor Indians not taxed who have not severed their tribal relations and adopted the habits of civilization, either vote, serve as jurors, or hold any civil office.

Mr. GEORGE. Mr. President—

The PRESIDING OFFICER (Mr. CULLOM in the chair). Does the Senator from North Carolina yield to the Senator from Mississippi?

Mr. VANCE. Certainly.

Mr. GEORGE. I desire to call the attention of the Senator, rather interrogatively than otherwise, to the fact that the clause in the constitution and the amendment of the constitution which he has read apply only to Federal and not to State action. In other words, they are prohibitions upon laws to be enacted by Congress.

It has never been held, as far as I know, that a State may not enact religious tests; and we have the fact that the State of New Hampshire for many years (I do not know when it was changed, but it has been changed, I understand, recently) excluded Catholics from holding office in that State. It has always been held, as I understand, that it was within the sovereignty of the States, however unjust it might be in our opinion, to prescribe religious tests and to have religious establishments, if they desired to do so.

Mr. BLAIR. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. VANCE. I will hear what the Senator from New Hampshire has to say, sir.

Mr. BLAIR. As allusion has been made to the State of New Hamp-

shire, I will say that the constitution was changed in that regard in 1878, but for many years, I do not know for how long, it had been a dead letter and Catholics had held office. Certainly I sat in the Legislature of New Hampshire with an Irishman and a Catholic side by side in the same seat, and a Democrat, too, as far back as 1866. So the constitution had in that regard been unobserved for a great many years previous to its amendment.

Mr. GEORGE. I hope the Senator from New Hampshire will not understand me as raising an objection to any provision in the constitution of New Hampshire. I was simply stating, in illustration of my position to the Senator from North Carolina, that the principle of American constitutional law has been so thoroughly established in this country that up to within a very short period, 1878, as the Senator says, it was part of the constitution of New Hampshire that no Catholic should hold office.

Mr. VANCE. Mr. President, I was quite aware of that. It has not been more than fifty-five years since that provision stood in the constitution of my own State. It was stricken out in the convention which we held in that State in 1835. I did not mean to say that the Constitution of the United States, as I understand it, prohibited a State from making these religious tests for its own officers, if that is what the Senator means.

Mr. GEORGE. That is what I mean.

Mr. VANCE. But I say that a State coming in which seeks to do that and does do that is not forming a constitution that is in conformity with the Constitution of the United States; not that it is in violation of the Constitution, but it is not in conformity with its spirit, and it is not in conformity with the great principle which we all profess, whether with reference to our national action or to our State action.

Mr. GEORGE. Will the Senator allow me again?

Mr. VANCE. Certainly.

Mr. GEORGE. My understanding of the position which the party to which I belong and to which the Senator from North Carolina belongs has always been this: That Congress had no right to prescribe any conditions in the constitution of a State applying for admission into the Union except that its constitution be republican in form.

Mr. VANCE. The Senator from Mississippi will notice, if he paid attention to the reading of this clause of the constitution of Idaho, or if, mayhap, he has read it himself, that for nearly every one of the crimes which are mentioned in this section as disqualifying from the right of suffrage a trial and conviction precedent to the disfranchisement is required, except in this instance:

No person is permitted to vote * * * who has at any place been convicted of treason, felony, embezzlement of the public funds, bartering or selling or offering * * * to sell his vote, etc.

The whole catalogue of crimes which will disfranchise a citizen are required to have been established by conviction before the punishment of the disfranchisement follows; but in this instance the mere belonging to the Mormon Church, although the citizen may not himself practice bigamy, although he may not believe in the doctrine of bigamy or that it is justified by the Bible, although he may have only one wife, or no wife, as the case may be, and in every other respect conducts himself as a good citizen, yet if he belongs to this church, which is said to teach that the doctrine of plural marriage is derivable from the Bible, if he belongs to that church, without a judge or jury, *ipso facto*, he is disfranchised and rendered forever incapable of holding office, or of voting, or of sitting upon a jury. That is the principle which I protest against.

It is not necessary, sir, for me to remind Senators of the great value of the principle that there must be a trial and conviction before punishment; that from the days of Magna Charta down the great cry everywhere of liberty has been that men should not be deprived of life, liberty, or property without due process of law. We see here these pious men in the mountains of Idaho who can not look upon sin with any degree of allowance, who undertake to prescribe that because a man belongs to the Mormon Church, no odds what his conduct may be, no odds what his opinions may be, if he drops a nickel in the slot after preaching or gives any kind of aid, contribution, encouragement, or support to that church he is to be forever disfranchised, and can neither hold an office, nor sit upon a jury, nor vote for any position from the greatest to the least in that godly land which they are establishing out there.

Just think of it, Mr. President. If alive to-day Moses, the great law-giver in Israel, could not be the mayor of a cross-roads town. The patriarchs could not sit in his town council and assist him to promulgate an ordinance for winding up the town clock and for keeping hogs off the street. King Solomon in all his glory could not issue a warrant for 50 cents, and King David, the man after God's own heart, could not serve the warrant. The rabbis of the temple could not sit upon the jury to try that case. The prophets of God could not be overseers of the highway along which they tramped with sandaled feet to deliver divine messages to sinful cities.

All of this out there in the wild woods of Idaho, where they would exclude all those men whom we have been taught to regard as our exemplars! The deist, who denies the divinity of the Son of God, and the infidel, who denies God Himself, may both sit in the seats of judg-

ment and in the high places of that delectable Israel! There never has been anything like the concern they are making out there by establishing this godly oasis of righteousness, surrounded by the wild waste of a wicked world. At the same time that they are establishing such a standard of righteousness that human flesh can not hope to attain to it, and mocking God by these hypocritical ordinances and provisions with one hand, as a matter of course with the other hand they are stealing the rights of their fellow-citizens, and the apportionment of that Legislature is a fitting commentary upon this pretended godliness!

Let me read the vote of that Territory for Delegate in 1888. It stood as follows: For the Republican candidate, 8,151; for the Democratic and Independent candidates, 7,862; giving a Republican majority of 289. And, yet, Mr. President, if you will look at the constitution which I have here before me, the apportionment for the coming Legislature as soon as we shall admit them, and which is to send two Senators here, is as follows: In the senate, 15 Republicans and 3 Democrats; in the house, 31 Republicans and 5 Democrats; total Republican vote 46 on joint ballot; total Democratic vote on joint ballot 8.

That is just what you might have expected from men who were too good to live [laughter], from men who were too pious to endure Moses and the prophets for any possible moment of time.

The Mormons are Democrats, nearly every one of them, and vote the Democratic ticket, and therefore they disfranchise a portion of their Democratic enemies in the name of God, and they steal the honest representation of the others in the name of the Republican party! [Laughter.] That is the feast to which we are invited!

Let us see how it will operate. There is a little county in that Territory called Bear Lake. It has a population of 5,900 souls. Every man, woman, and child in that county belongs to the Mormon Church except one hundred and fifty, who, according to the disclosures made before the committee of the House, consist of about eighty men and their families, employed on the railroads that run through this county of Bear Lake. Every one of the Mormons under this constitution is disfranchised. They own every dollar's worth of property in the county. They went there, according to the testimony of Governor Stevenson and of the United States officials who have been out there, at an altitude of more than 6,000 feet among the snows and the glaciers of those great mountains, and by the most unwearied and toilsome and unremitting industry they have irrigated the mountain sides and made it a land of verdure and prosperity. They built churches and houses, handsome houses, many of them ornamental houses, all over the land, and every dollar's worth of property and every foot of land, every single solitary particle of culture and progress and prosperity and thrift in that county is due to the men who belong to the Mormon Church, except these eighty men and their families who are employed upon the railroad.

Now the county election comes off for sheriff, county commissioners, treasurer, and all the other officers of the county, and members of the Legislature. These 80 men furnish all of the candidates because nobody else can hold office; these 80 men furnish all the votes because nobody else can vote; these 80 men sit on all the juries when court comes around because nobody else can sit on them, and there are 5,750 people, more than 1,000 voters, owning all the property, who are subjected to the government, whatever that may be, of these 80 men who are there temporarily engaged as laborers upon a railroad.

They spend all the money, they levy all the taxes, hold all the offices, and these other men can not help themselves; and Senators of the United States sit here and say that is right, and that these people who display such wonderful powers of justice and of government must come in upon equal terms and help us govern the country!

Mr. President, when I was a child, so small that in the country churches to which I was taken by my parents my heels would not reach the floor when I sat upon the bench, I heard the venerable men of God in that mountain country in every sermon and in every prayer thank God that they lived in a land of open Bibles and of civil and religious liberty, and they would talk until the tears would run down the cheeks of the old men who listened to them about the old times of persecution when the fires of martyrs were lighted and when men could not worship God according to the dictates of their own consciences. And then they would recount the thrilling story and tell about what our forefathers did and endured, and how they established a great Government, through their blood and wisdom at the close of the Revolution, in which every man was allowed to worship God in the manner most pleasant to his own conscience.

What would one of those men say now if he could go to Idaho and go to the county of Bear Lake and see the men who had built the churches, who had built the highways, who had irrigated the mountain sides, and who had covered the land with verdure, and are industrious and frugal and honest, as everybody testifies, turned away from the polls and refused permission to vote by a bumper so full of whisky that one could see the head standing in his eyes and hear it slosh in him as he trotted up and down, and hear that theologian discourse upon the doctrines of the Mormon Church and say, "Sir, you are unfit to vote because you believe the Bible teaches that a man may have more wives than one at the same time," and perhaps that same fellow who

turns him off from the polls and reminds him of the degradation which the constitution of his State imposes upon him by the aid and by the help of the great Senate of the United States—perhaps that same fellow may have married in the course of his life forty wives, one after the other, just as fast as he could divorce them according to the most approved Chicago methods.

Now, why will you do this? Why will you not remand this constitution to the people of Idaho and say "Wipe out these proscriptive features; give every man a chance notwithstanding his religious opinions provided his conduct is good, and if there is any crime for the commission of which a man ought to be disfranchised provide first for his trial and conviction; give the man who happens to belong to the Mormon Church and whose crime is only that, the same rights and the same consideration that you do the red-handed murderer or the midnight burglar, the swindler, or thief, or any other violator of the law." Let them provide that when you are convicted of this thing, when you are convicted after trial of the heinous offense of simply belonging to the Mormon Church, then we will keep you from voting. But in the name of all that is just and honest, and in the name of everything that is free, of everything that is of good report according to our Anglo-American traditions, do not without a trial and without a jury consign this large portion of the American people to the ignominy and degradation which follows absolute disfranchisement.

What is the hurry about admitting Idaho? What interest is there that is suffering if she should wait until she could learn some toleration and form a constitution that would furnish freedom to her people? What would go to pieces and be destroyed if this Congress should pass an enabling act directing the people of that Territory to go along the beaten path in the usual way?

There is nothing, Mr. President, that I can see except one thing. To put it on the ground of political purity or of morality is an insult alike to the intelligence of men and to the omniscience of God. It is simply because the tide is rising and coming in, it is simply because you know, Senators, as well as you know anything in the future, that there is a time coming, and not very far distant, when you will be swept from power in these places. This is the real reason. This Senatorial machinery for grinding out new Senators, which has been running now for six months, is a simple effort to fortify yourselves in this position in the Senate, and when men seek fortifications and begin to throw up breastworks we know that they dread the encounter in open field.

But let me say to you that you can go on, you can add outrage to outrage, you can bring in new States without qualifications, you can bring them in rightfully or wrongfully, you can strengthen your members here, you can build breastworks in this Chamber mountain high; but let me tell you there are no works which can be erected by the ingenuity of man that the people in their wrath can not storm, and let me tell you more, too, in the fulfillment of the language of the great apostle who said that to those who sin willfully after they have received the knowledge of the truth there remains no more sacrifice for sin, but a certain fearful looking for of judgment and a fiery indignation that shall consume the adversary; and when you have committed these injustices so far as you are allowed to go, the avenging spirit of outraged freemen will visit you, and as it comes you will behold in its outstretched hands the flagellum with which shall be fulfilled that other sentence which says the servant that knoweth his master's will and doeth it not shall be beaten with many stripes.

The PRESIDING OFFICER (Mr. CULLOM in the chair). If there be no amendment proposed to the bill, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PLATT. I move that the bill (S. 658) to provide for the admission of the State of Idaho into the Union be indefinitely postponed.

The motion was agreed to.

LANDS IN SAULT STE. MARIE, MICH.

Mr. PLUMB. On last Saturday the Senate passed a Senate bill which confirmed the title to certain lands in the city of Sault Ste. Marie in the State of Michigan. A House bill to the same effect, in the same language, has since been passed by that body. It is a small matter involving simply the relinquishment of the title of the United States to 2½ acres of land now used for cemetery purposes in the village of Sault Ste. Marie, Mich. I ask unanimous consent that the Committee on Public Lands may be discharged from its further consideration of the House bill and that it be put upon its passage in order that we may have legislation and not simply the concurrence of the two Houses in the passage of bills which do not become laws for the reason that they are not finally acted upon by both.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas? The Chair hears none.

The bill (H. R. 9048) to confirm the title to certain lands in the city of Sault Ste. Marie and State of Michigan, and to release any reversionary right of the Government of the United States therein, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The Chair suggests to the Senator from Kansas whether it is not desirable to recall the Senate bill.

Mr. PLUMB. That probably would be proper, although not necessary. I will venture, however, to make the motion that the Senate request the House of Representatives to return the bill of the Senate, and that when it be returned it be indefinitely postponed.

The PRESIDING OFFICER. It will be so ordered, unless there be objection.

AMERICAN MERCHANT MARINE.

Mr. FRYE. I move that the Senate proceed to the consideration of Order of Business 1109.

The PRESIDING OFFICER. The Senator from Maine moves that the Senate proceed to the consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 3738) to place the American merchant marine engaged in the foreign trade upon an equality with that of other nations.

Mr. VEST. Mr. President, I hope that the Senator from Maine does not propose to ask for the consideration of that bill this afternoon. I have not the slightest objection to taking it up if he desires to address the Senate upon it, but I have just returned to the city and would like to have this bill and the one connected with it to go over until to-morrow. These are what are known as the subsidy bills, and they are very important measures.

Mr. FRYE. I simply desire to say, Mr. President, that this seems to be about the only opportunity for the consideration of these two bills. The first one that I have called up is known as the Farquhar or tonnage bill. The second one is known as the subsidy bill. I desire to have the first one up as the unfinished business, at any rate. I did not expect it would be disposed of this afternoon.

Mr. VEST. Let it go over until to-morrow. I do not want to make any factious opposition, but I did not expect the bill would come up to-day. I have just returned, and I would like to have some time to look into both bills. They come from a committee of which I am a member and of which the Senator from Maine is chairman, and he has charge of the bills.

Mr. FRYE. I will ask unanimous consent that this bill may be taken up immediately after the morning business to-morrow morning.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent that the bill named by him be taken up immediately after the morning business to-morrow morning.

Mr. REAGAN. I have been seeking for a day or two an opportunity to submit some remarks upon a bill of very great importance. I desired yesterday morning to do so and again this morning, but on account of the bill for the admission of Idaho I have not asked to do it, and I do not wish to be postponed to another day.

Mr. FRYE. There is the balance of the afternoon, from 3 o'clock until 6.

Mr. REAGAN. If I can be allowed to occupy a portion of this afternoon I shall be satisfied.

Mr. FRYE. I am simply asking unanimous consent that this bill may be taken up to-morrow morning after the morning business, and the Senator then has this afternoon in which to make his remarks.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine [Mr. FRYE]? The Chair hears none, and it is so ordered.

LEGISLATIVE, ETC., APPROPRIATION BILL.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House adhered to its disagreement to the amendments of the Senate numbered 2, 21, 22, 23, 24, and 25 to the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes.

Mr. DAWES. I ask that the message from the House of Representatives may be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House of Representatives; which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, July 1, 1890.

Resolved, That the House of Representatives adheres to its disagreement to the amendments of the Senate numbered 2, 21, 22, 23, 24, and 25 to the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes.

Mr. DAWES. Mr. President, the House of Representatives having declined to further confer with the Senate upon the disagreeing votes, the only alternative left to the Senate is either to let the bill fail or to recede. I move that the Senate recede from its amendments.

Mr. COCKRELL. What is that?

Mr. DAWES. A message has been received from the House of Representatives that they adhere to their disagreement to the amendments and they do not accede to our request for a conference.

Mr. COCKRELL. On the legislative bill?

Mr. DAWES. On the legislative bill. So, Mr. President, I see no alternative but for the Senate to choose between the failure of the bill and receding from its amendments. I move that the Senate recede.

Mr. COCKRELL. I hope the Senate will not recede.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate recede from its amendments to the bill.

Mr. PLUMB. Is that question debatable?

The PRESIDING OFFICER. The Chair thinks it is.

Mr. PLUMB. I want to say about it myself, although I have not taken any part in the debate heretofore, that I believe the rule laid down by the Senate that the employes who are engaged for service with reference to individual Senators, or Senators' clerks rather, should be employed by the year in order that the benefit to be derived may be the greatest possible, and that if it were possible to secure the adoption of a plan of that kind it would be wise to continue this controversy. But the Senator from Massachusetts says it has got to a point where to continue it would result in the failure of the bill.

I wish to say one other thing. I think the proposition as reported by the Committee on Appropriations of the Senate was wise, and I believe if that had been left alone, and if we had not tempted the House further by putting on a large number of other employes and by increasing the salaries of these secretaries to \$1,800, the House would have concurred. The House feel to a certain degree that they can not at some point escape responsibility, that they can not always go on saying that the Senate shall fix the number of its own employes and their salaries, because they could not be paid upon the vote of the Senate alone, but only upon the vote of the two Houses combining, and of course with the concurrence of the President, whereby a law is made, and that the country will hold them to some responsibility, at any rate, for the overloaded condition of the expenses in and about the Senate.

I hope that when we come to the consideration of this question another year we shall be able to adjust our force, not only as to its numbers, but as to its compensation, in such a way as to justify ourselves not only to the House but to the country, and by this means do that which is really essential, the thing having been entered upon, and that is to give to all the Senators who do not otherwise have clerk-hire provided for them an employe who will be at their service during the entire year.

I believe that the common sense of the country has now come to the conclusion that as a rule a plan of that kind ought to be adopted. But the Senate has endeavored to saddle that upon an already overgrown force, a force too large and a force overpaid, conspicuously so, and the exhibit has been made in the House whereby the House has come to a final determination, rather than yield to the Senate, to let this bill go. It has been stated there that there are three employes for every Senator in this body, and that the Senate force costs about \$60,000 a year more than the House force, and that has not only convinced the House, but it has got to a point where the House can afford to stand, not only as a matter of public policy, but as a matter of quasi hostility to the Senate, upon ground that can not be shaken, and I hope when this subject comes up again we shall be able to temper this matter in regard to clerks by an exhibit of at least a reasonable degree of economy in regard to the force.

Mr. DAWES. While there is a good deal of truth in what the Senator from Kansas says, yet, confining ourselves to this particular conference, it is due to the Senate and it is due to the country to state that this has ceased to be a question of extravagance and unjustifiable expenditure.

When the Senate conferees offered, on the question of compensation, to reduce the amount, first, to \$1,500, then to \$1,200, and then to precisely the sum that would be paid for session clerks, they were met by an absolute refusal to permit us to make our clerks work during the vacation, and it ceased to be a question of expenditure and it became simply a question whether the House shall dictate to the Senate the manner in which it shall employ its clerks, and it should be known to the country that nobody can pose before this country as an economist on this question.

It is not a question of economy. It is a question whether the Senate has a right to say how it shall employ its clerks, and not what it shall pay its clerks, for the conferees on the part of the Senate tendered to the House the fixing by itself of the compensation for these clerks, reserving only the privilege of saying that these clerks should be annual clerks, so that their services might be rendered to the Senate and to Senators during vacation as well as during the sessions; and nobody can go before the country charging the Senate with an attempt in this regard to saddle unjustifiable or unnecessary expenditure upon the Treasury. The House of Representatives go before the country solely upon the question of whether they or we shall say how our clerks shall render their services to us.

Mr. DOLPH. Mr. President, I hope this motion will not prevail. I consider that there is a matter of principle involved which has been stated before. It is the right of this body to determine what employes it shall have and what compensation it shall pay them.

So far as the general expenses of the Senate and the House are concerned, although the House is a much larger body, aside from the secretaries to Senators, I can not conceive why the House should require very many more employes than the Senate. Of course, the provision for the payment of the secretaries of Senators makes an increased expenditure on the part of the Senate; but, so far as I am concerned—and I believe that to be the case with every member of this body—if the

House shall deem it necessary that members of the House shall be provided with secretaries for the transaction of public business, for the transaction of business required of them by their constituents, I shall vote with pleasure to pay them a reasonable compensation.

This country is not so poor that it is necessary that members of Congress should pay for the transaction of the public business required of them out of their salaries. Every one knows who knows anything about the transaction of business in the Senate that it was absolutely essential for a working member of this body to have a secretary, and it is almost as necessary for a Senator to have a secretary during the recess of Congress as it is while Congress is in session. Some of us would not be physically able to even take care of our correspondence without a competent secretary, without a secretary who is a stenographer and a competent clerk, and who ought to be able to earn at least \$1,800 per year salary.

There is no comparison between the business of the Senate to-day and the work which the Senate performs to-day and the work of the Senate in the early days of our history. I am told by an employe of the Senate who has been in the Senate many years that in 1861-'63 there were only six hundred bills introduced in the Senate at both sessions of Congress. There were during the Fiftieth Congress introduced in the Senate some four thousand bills. There have been introduced at the present session of Congress up to this time in the Senate four thousand one hundred and seventy-five bills and one hundred and eight joint resolutions.

If you measure the business of the Senate by the number of bills that have been introduced, which must necessarily be considered in committees and in the Senate, the business of the Senate is constantly increasing. Everybody knows that most of the Senators in this body are required to be at committee meetings here at 10 or half past 10 o'clock in the morning almost every day in the week, and after attending committee meetings they are expected to attend the sessions of the Senate from 12 o'clock until 5 or 6 o'clock in the evening. In addition to that they must take charge of a large correspondence. There are Senators here who have forty and fifty and sixty and even one hundred letters a day which have to be answered.

Besides that, there are the errands, if I may call them such, the business that Senators are called upon to transact for their constituents before the Departments, and many a Senator who has led a busy life before he entered the Senate in some profession or in some business knows that the duties of the Senate are quite as exacting as the duties of his profession were before he entered the Senate. I say it is a miserable policy, and it is no economy whatever, for Congress to refuse to provide such help as may be secured by competent secretaries to Senators, who shall be annual secretaries and whose compensation shall be annual.

I for one hope this motion will not prevail, and let the House of Representatives take the responsibility of defeating this bill if it is to be defeated.

Mr. VEST. Mr. President, I have never on any occasion attempted to pose as an economist. I am sorry to say I have not practiced it very much in my private matters, but I believe that the public business ought to be transacted by the public servants of the people under the same rules as they would transact their own business as business men. Any other rule is dangerous, wrong, and unjust.

Mr. President, I see in the CONGRESSIONAL RECORD, for I have been absent for a day or two, a statement made in another portion of the Capitol that every Senator here has three employes at his disposal. I should like to know the basis for that statement. I have been a member of the Senate for eleven years. I am now the chairman of a select committee, having lost the regular committee of which I was chairman after the party to which I belong lost control of the Senate in 1881.

I have never had any employe at my disposal except my secretary after the rule was adopted by the Senate furnishing each Senator with a secretary, the chairmen of committees having the clerk of the committee to act for each chairman in that capacity as secretary. I have not now, and, as I stated, I have never had since the party to which I belong lost control of the Senate, the control of any messenger.

I have heard it stated—and there is the vice of this whole thing—that there are Senators here who have two secretaries, that is to say, two clerks of committees under their control, and three messengers. If the statement is true that each Senator has in the ratio of three employes at his disposal, I should like to know how that comes about. So far as my experience goes, it is not true.

Before this rule was adopted which gave to each of us a secretary I found it necessary to employ a secretary at my own expense. He transacts my business. Now, under the rule of the Senate, he does it for \$6 a day, but when the session ends his relation to me as secretary terminates, although he resides in this city and during the vacation attends to such matters as are absolutely necessary and to which he can attend, but every Senator knows that the largest proportion of his business must have his own individual and personal attention and that the duties of a secretary, so far as my experience extends, are simply those of an amanuensis, a type-writer, and a short-hand writer. I believe that \$6 a day to the secretaries of Senators and to the clerks of committees during the session of Congress would be just and right.

Now, sir, it is useless for us to disguise the fact that the whole face

of the earth is filled with young men entirely competent as type-writers and short-hand writers thronging these streets and asking employment. The curse of the country to-day is that the young men of the country are not engaged in the ordinary pursuits of skilled laborers, but that they are devoting themselves to the lighter forms of labor, type-writing, short-hand writing, and clerical work, and for that reason this sort of labor is found in an abundance and superfluity which is to me sometimes appalling.

Why, sir, there is not a Senator here, if he desires a secretary or a clerk of a committee at \$6 a day during the session of Congress who would not be overrun, not with incompetent men, not with men who could not be trusted, but with young men of capacity and integrity, just as good as those whom we employ to-day. The vice of the whole thing is that there are committees here that need absolutely no clerks, or, if they need them at all, not more than one or two hours during the week, and they have got annual clerks. The abuse has grown up until it has become crystallized, and it has become a matter to a large extent of personal favoritism.

If the statement be true which I saw in the RECORD and which has been published broadcast in the newspapers, that each Senator here has in the proportion of three employes, it has come from this abuse which has given to committees, that do not need them, annual clerks who really have no employment for one-half or two-thirds of the whole year or even for a longer time than that, and which has given the Senators with two chairmanships two secretaries, and two or three messengers to be appointed by them.

I was not present the other day when I understand a statement was made from my own side of the Senate that this was a matter for the Senate to determine. I am compelled to say that I accede to no such proposition. If this were a question for the Senate alone to determine, it would be unnecessary for us to ask conferences with the House of Representatives. It is not a matter individual and isolated as to the Senate. It is a question for the House of Representatives as much as for us. If the House proposed to furnish each one of its members with a secretary, we should claim the right to pass upon it. They are as much a portion of the legislative power—and that goes without saying—as we are. They are as much responsible for any joint resolution or bill which takes money out of the Treasury, no matter for what purpose, under the Constitution as we are. And, sir, I can not appreciate the justice or the truth of the statement that the Senate of the United States is alone to determine what officers or what force shall be employed by the Senate for the use of its members.

Mr. DAWES. I inquire of the Senator if he does not think it is for the Senate to determine whether one officer shall stand at a door and another one at the desk, and that one shall be a recording clerk, and another a journal clerk, and another a messenger? Is it not for the Senate to determine those things? Is it not for the Senate to determine whether its clerks shall be employed during the vacation or not?

Mr. VEST. It is for the Senate to determine just such matters as under the Constitution and law are left alone to the determination of the Senate. Wherever the Constitution or the law requires the joint action of the House of Representatives, they are just as much responsible as we are and just as much entitled to be heard in regard to it.

Mr. PLUMB. Let me ask the Senator from Missouri if the proposition which the Senator from Massachusetts has advanced is literally adhered to whether it would not permit the Secretary of the Treasury or the head of any other Department to determine for himself exactly what was required in the way of the number of clerks and employes and their functions in the various Departments.

Mr. VEST. I take it for granted that it is the same sort of comity, for it is nothing but a comity to which the Senator from Massachusetts appeals, a sort of legislative comity between the Houses. But when you come to legislative power and legislative responsibility the House of Representatives is just as much involved as we are.

Mr. DAWES. This has not been reduced to a question of expenditure of money on the part of the Senate, but it has been reduced to a question of whether the Senate shall prescribe what its officers shall do.

Mr. VEST. I take it that if the Senate creates a number of superfluous and unnecessary officers, and then appeals to general legislation for means to pay them, by that very appeal we make the House of Representatives as much responsible for the act that takes the money out of the Treasury as we are.

Mr. DAWES. If the Senator will allow me, it has not become and it is not a question of whether we have too many officers or not, for the House of Representatives has indorsed this number of clerks precisely—not one less nor one more, but precisely this number of officers. It is not a question whether we have too many or not, but it is a question whether the House shall prescribe the duties of our officers, because they said to us it is not a question how much these officers shall have, but whether they shall be made annual or not.

Mr. VEST. I thought the question was whether all these secretaries should become annual employes or not. That was the issue between the two Houses.

Mr. DAWES. That is it exactly.

Mr. VEST. We ought to be perfectly frank with each other about this whole matter. When the movement was first made to give sec-

retaries to Senators, which was absolutely just and proper and necessary, it met with great opposition on the part of the House of Representatives. We were then involved in a long and protracted contest through a conference committee as to whether we should have secretaries at all. Finally we succeeded, after a protracted contest, in securing secretaries at \$6 a day during the session. That was right. They ought to be paid for the time when they are actually acting as secretaries, and not one minute longer.

If I were disposed to go into the amount of work done for the compensation, I should startle some of the critics and the newspapers of this country by saying that there is not a Senator in this Hall who does not work for less compensation in proportion to his labor than anybody else in this country, and considering the class of labor a great deal less. Still, as a matter of course, it is fashionable to deride all public men and to criticise them and to attempt to create the impression on the country that we are a privileged class. This is a "millionaires' club," as my friend from South Carolina [Mr. BUTLER] suggests—individually I wish that were so—that we are all rich, and that we do nothing but spend our time here in languor and indolence and luxurious living. We know—those of us who attend to our duties, and I hope we all do and I believe we all do—how false that is; and we know there is not a man worthy to be in the Congress of the United States, who attends to his duties at all, who could not with the same labor and the same talent, if he devoted himself to money making, secure twice or three times the same amount of income during the year.

But I simply proposed to discuss the real issue before the Senate, and that is whether we should recede now from what I considered an injudicious movement the other day, one that touched the House of Representatives upon a tender point, and upon the question that we have had a great deal of difficulty, whether we shall recede from the proposition to make all these secretaries annual. My judgment is that we should recede.

I resent as much as any one these demagogical attacks upon the Senate of the United States, because constitutionally its rank is a little higher than other branches of the Government; but, at the same time, we should not go beyond the limit of what is just and proper; and if any of us were to-morrow engaged in the employment of a secretary to do our work during the sessions of Congress we would pay him only for the time he was engaged. What is to become of the salaries of these clerks after the short session, when we remain here four months and then the Senate does not meet again from spring until the first of December? Is it right that these secretaries, no matter how worthy they may be, shall draw the money of the tax-payers of the country for nothing?

It is said that these secretaries can work for Senators while they are absent. My experience is they can do no such thing. When I am in my State, all that my secretary can do for me here is to attend to some little routine business in the Departments, but as to anything of importance, as to the large mass of Senatorial duty, I am the sole judge, and I care not who he may be, how competent he may be, he can not do the work which absolutely devolves upon me as a member of this body.

Every Senator here knows that, practically, the duties of a secretary terminate with the session of Congress, and it is only right and proper to pay him for that time, and \$6 a day is enough. If we were to put the salary down to four or three dollars a day we would be overrun with applications for these places. There is too much of that sort of labor in the country.

For the reasons I have stated I hope the motion to recede will prevail.

Mr. DOLPH. I should like to ask the Senator from Missouri if he knows of any Senator who has two clerks, or a secretary and a clerk. I should not like that impression to go out.

Mr. VEST. I do not, personally. I stated at the time that I had heard it, but I was told by a brother Senator that it was so.

Mr. DOLPH. I know of none.

Mr. VEST. I have never had my attention called to it before. I was speaking in regard to a public statement contained in the CONGRESSIONAL RECORD, which I read yesterday as I came to this city, to the effect that every Senator had three employes at his disposal. I simply said if that were true it was wrong and should be remedied.

Mr. DAWES. Did not the Senator know enough about the business here to know that that was not so, and that the statement came from dividing the number of employes of the Senate by the number of Senators, and it made three?

Mr. VEST. I suppose so.

Mr. DAWES. And the man who made that statement—I do not know who he was—thought that that gave to each Senator three employes at his disposal, and he could not see the difference. I am surprised at the Senator himself making the statement.

Mr. VEST. I supposed that the calculation was made in that way, but when it was supplemented by the information to me that there were Senators here who were chairmen of two committees and had two secretaries—that is, two clerks of committees—who were at their control, and three messengers, I was astounded at the statement, but had no reason to contradict it.

Mr. DAWES. That is the very reason why the Senate appoints its

own chairmen of committees, and the Senate has passed a rule that every chairmen shall have a clerk.

Mr. VEST. I am not talking about the rule; I am talking about a fact.

Mr. DAWES. I know it, and I am suggesting to the Senator what the fact is.

Mr. VEST. I simply wanted to say that if there was any such ratio it was unevenly distributed, and, so far as my personal experience goes, it is not an equal and just distribution.

Mr. ALLISON. I think before we act upon this question it is well enough for us to call to mind that the expenditures of the Senate as now organized are not in excess of the expenditures of the House of Representatives. It is true that if the increased expenditure proposed for clerks to committees who are employed during the session, and for clerks to Senators who have no committee chairmanships, should be added to the present outlay of the Senate, our expenditures would then be beyond those of the House of Representatives; but in this bill, which is now before me, the aggregate expenditures of the Senate as proposed by the House of Representatives are \$329,768, to which we added nearly \$100,000, chiefly made up of the additional compensation to the clerks of Senators and to the clerks now being employed by the committees. If we recede from these amendments, the expenditures of the Senate of the United States will be less in the aggregate than the expenditures of the House of Representatives. Therefore I do not want it to be understood that our expenditures hitherto have been in excess of the expenditures of the House of Representatives.

The Senator from Missouri [Mr. VEST] quotes from some record in another place that we have three employes to each Senator. We certainly have one to each Senator, because every Senator who is chairman of a committee has a clerk as chairman, and every Senator who is not a chairman of a committee has a clerk of his own. There is one employe to each Senator in that way, and that is not true of the House of Representatives.

Now, when you come to the force at large in this body the expenditures, I think, are not greatly in excess of what they ought to be. I have not examined them with care with a view to comparison, but I am certain that the expenditures of the Secretary of the Senate and his office are not as large as the expenditures of the Clerk of the House of Representatives and the employes in his office. We have a larger number of messengers and we pay them a greater compensation than is paid for the like service in the House, but our messengers perform a greater service relatively than do the messengers in the House of Representatives. In the first place, we have not only the legislative business of the Senate, but we have executive business, and Senators know perfectly well that the employment of additional help or additional messengers is necessary for the executive business of the Senate.

Now, Mr. President, having stated this, I want to say one thing further respecting this bill. The Senate Committee on Appropriations reported this provision for annual clerks to committees not now having annual clerks and annual clerks to Senators at the rate of \$1,500 per annum, which, taking the Congresses together, would be an increase of compensation to the extent of probably \$600 per annum for this class of clerks. I believe that that is a just and fair compensation, not only for clerks to committees, but for clerks to Senators, and, so believing, I concurred in the report of the committee which reported this bill. When it reached the Senate the judgment of the Senate was that the compensation proposed by the Committee on Appropriations was too small, and it was increased \$300 per annum. Whatever there may be with respect to that, it is certain that the House of Representatives has the right to criticize the expenditures of the Senate, as it has the right to criticize the expenditures of any of the Departments of this Government; and whilst we can employ as many persons as we choose, we certainly can not pay them out of the public moneys without the consent of the House of Representatives.

The difficulty lies in the fact that the House of Representatives does not provide clerks for its members, and therefore it has criticised and does criticize the employment of clerks to Senators; but in this bill the House has finally yielded that question, as it did, I think, two years ago, allowing the Senators to have clerks and providing for their compensation at the rate of \$6 per day.

I feel sure that this matter can be composed in the future in the manner proposed by the Senator from Kansas [Mr. PLUMB], by readjusting our force where it can be readjusted, and by arranging in some way for the compensation of the employes of both Houses.

I rose, however, principally to say that, in my judgment, we have arrived at a point in this bill when we ought to recede from these amendments, no matter what our judgment may be as respects the rights of the two Houses and no matter what our judgment may be as respects the compensation that ought to be allowed to our own employes. We have reached now the beginning of the fiscal year 1891 and have run into it nearly a day. This appropriation bill contains appropriations for every department of this Government. By a joint resolution passed yesterday and signed by the President the appropriations of last year continue for thirty days. But shall we continue this contest with the House of Representatives as respects, not the number of our employes, because, as I understand from the Senator who has charge

of this bill, the House has agreed to every employe that we have asked it to agree to in detail, so that whatever our number may be here, the House of Representatives has yielded that question wholly in this bill? Are we to allow this bill to fail on the first day of the fiscal year because the House does not allow us to pay our employes such rate of compensation as we think ought to be paid to them? That is the only question involved here. This is a controversy that we can renew with the House of Representatives from time to time, and, for one, I give them notice that we will renew it in the future in such form as we may think best when another appropriation bill of this character shall come before us.

Mr. MITCHELL. Will the Senator state whether the House of Representatives agrees to everything else except the compensation of clerks?

Mr. ALLISON. The House agrees to everything that is proposed in this bill, save and except that it declines to agree to the additional compensation proposed for clerks to committees who are not annual and for clerks to Senators.

Mr. MITCHELL. Do they agree to the proposition made by the Committee on Appropriations of the Senate in the first place?

Mr. ALLISON. They do not agree to the increase proposed by the Committee on Appropriations.

Mr. PASCO. I should like to ask the Senator from Iowa a question. I understand that the House of Representatives do not agree to the annual employment of clerks.

Mr. ALLISON. They do not.

Mr. PASCO. It is not a question of compensation simply, but it is a question as to whether the clerks shall be employed annually or not. That is the entire difference. Am I correct?

Mr. ALLISON. I stand corrected. As suggested by the Senator from Florida, the House of Representatives do not agree that the committee clerks who are now employed for the session or the clerks to Senators shall be employed annually, but they do agree to every other service proposed by the Senate in this bill and they do appropriate for the payment of clerks to committees who are not now provided for annually, at the rate of \$6 a day during the session, and they also agree to pay the clerks to Senators for the session. Therefore the only difference, as I understand it now, is as to whether we shall kill this bill because the House of Representatives will not consent to the increased compensation which we have proposed here for clerks to committees and for clerks to Senators. I hope that the Senate will recede from its amendments in order that this bill may at an early day become a law.

Mr. BLAIR. I ask the Senator if on the other hand the only question for the House of Representatives is not to consider whether they will kill this bill because they can not dictate the compensation and the manner of employment of Senate employes?

Mr. ALLISON. Of course that is a question. The House of Representatives has taken its action. It has taken the last final step. It has adhered to its disagreement to our amendments. Therefore if we adhere the bill falls. If we recede the bill passes.

Mr. BLAIR. Could they reconsider their vote to adhere?

Mr. ALLISON. Perhaps they could.

Mr. DAWES. Mr. President, I want to say a word about these clerks. The Senator from Missouri [Mr. VEST], in discussing the question of clerks, forgets or leaves out of the consideration one matter. The Senator and his colleague have all the business connected with legislation outside of their seats that all the Representatives from Missouri have. They two have just as much to do as fourteen Representatives from Missouri; and there falls upon my colleague and myself, outside of our seats here, duties inseparably connected with our places as Senators that the twelve Representatives in the other branch have to do.

That is not taken into consideration for a moment. The House of Representatives while refusing to us that we might have our clerks annual without regard to the pay, yield to us, without a word, in consequence of the new committee-rooms we are compelled to engage, six additional messengers, three additional skilled laborers, three additional laborers, one assistant clerk, two additional mail carriers, six additional folders. All that they could yield to us without a word, but they could not yield to us that we should have our clerks during the vacation, clerks who, as I have said, discharge for two men what fourteen or twelve or twenty-one or thirty-six have to do outside, and they do not choose to vote themselves clerks.

Mr. VEST. Will the Senator permit me?

Mr. DAWES. Yes, sir.

Mr. VEST. The Senator may be right, but I am speaking from my personal experience. I do not think that my secretary can do the work that devolves upon me as a Senator to the extent contemplated by the Senator from Massachusetts. All that my secretary can possibly do for me is to act as an amanuensis and to attend to some little routine matters in the Departments. But wherever it requires the influence of a Senator personally in a Department, and in ninety-nine cases, almost, out of a hundred where any discretion is to be exercised at all, I must do it myself, and he can not do it for me. If I could find that treasure that has never been seen even in the city of Washington, a young man who could examine authorities, prepare me for a debate, exercise judgment as to political exigencies, etc., that arise in every public man's

life, then what the Senator from Massachusetts says would be entirely true and appropriate. But we do not find them.

Mr. DAWES. The Senator does not have to prepare for debate fourteen times as much as the Representatives from Missouri.

Mr. VEST. I know, but the labor that devolves upon a Senator even in that line is much greater than that upon a Representative.

Mr. DAWES. No, it is not that at all. It is routine business that I speak of.

Mr. VEST. Well, as to the routine business, there is a large proportion of that which can not be done by a secretary. Every Senator in his experience knows that he frequently sends a secretary to a Department and then winds up by going himself because it is absolutely necessary to be there in order to bring the requisite influence and information to bear that will secure a successful result. There is the trouble in this whole matter. When the session of Congress ends I say that the functions of the secretary practically end. If any Senator here has a secretary that he can leave here to act for him, assume the full responsibility, and accept the result of his action, he is the most fortunate man I know of in public life. I have never found such a man.

Mr. ALLISON. A moment ago I stated that in my belief the expenses of the Secretary's office in the Senate were less than similar expenditures in the office of the Clerk of the House of Representatives. I have had handed to me a statement of the appropriations in this bill for the two offices—the office of the Secretary of the Senate and the office of the Clerk of the House. The expenditures in the Secretary's office are \$64,000 per annum. The similar expenditures in the office of the Clerk of the House of Representatives are \$24,000. Yet we have all the executive work to do in addition to the legislative work that is done.

So when in any place expenditures are compared between the House of Representatives and the Senate, I think in many respects our expenditures will compare favorably. Take that desk with its faithful and efficient employees in this body, and take similar employment in the House of Representatives. The Chief Clerk of the Senate receives a compensation of \$3,000 per annum. A similar clerk in the House of Representatives receives \$3,600 per annum, \$600 more than is paid for this service in the Senate. So when you come to the Journal Clerk; in the Senate the Journal Clerk is paid \$2,592 for the service rendered here at this desk. The Journal Clerk in the House, performing the same duties, is paid \$3,600. So you may run along. Take the reading clerk in the Senate, who receives \$2,592 per annum for service at that desk. They have two reading clerks in the House of Representatives, each receiving for the same service a compensation of \$3,600, or more than a thousand dollars in excess of what we pay here at this desk.

So there should be some equalization on both sides of this Capitol if there is to be crimination and recrimination as respects the expenditures of these respective bodies. It is true that for a number of services rendered in this body the pay is larger than in the House of Representatives, but there are instances, and quite a number of them, which I have not called to mind, where the House of Representatives pays a larger compensation than is paid here.

But, Mr. President, I only repeat what I said before, that the House of Representatives is not willing to agree to these amendments, and therefore it is that in order to pass this bill I think it is our duty to recede from the amendments.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts [Mr. DAWES] to recede from the amendments disagreed to by the House of Representatives.

The question being put, there were, on a division—ayes 15, noes 16—no quorum voting.

Mr. DAWES. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HIGGINS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. MCPHERSON], and withhold my vote.

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS], but I am entitled to vote to make a quorum. I vote "nay."

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. PIERCE (when his name was called). On this question I am paired with the senior Senator from Georgia [Mr. BROWN]. If he were present, I should vote "yea."

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB], but I think he would vote "yea," and I will vote. I vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the junior Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. SANDERS (after having voted in the affirmative). I inadvertently voted. I am paired with the senior Senator from Indiana [Mr. VOORHEES], and I wish to withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Montana withdraws his vote.

Mr. DAVIS. I am paired with the junior Senator from Indiana [Mr. TURPIE], and withhold my vote.

Mr. BATE. My colleague [Mr. HARRIS] is absent, and is paired with the Senator from Vermont [Mr. MORRILL].

Mr. McMILLAN (after having voted in the negative). I am paired with the Senator from North Carolina [Mr. VANCE]. As he is not present, I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Michigan withdraws his vote.

Mr. FAULKNER. I desire to state that my colleague [Mr. KENNA] is necessarily detained from the Senate, and is paired with the Senator from Colorado [Mr. WOLCOTT].

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. As I understand one more vote is needed to make a quorum, I will vote. I vote "nay."

The result was announced—yeas 19, nays 24; as follows:

YEAS—19.

Allison,	Cullom,	Payne,	Sawyer,
Bate,	Dawes,	Platt,	Sherman,
Berry,	Frye,	Power,	Squire,
Blair,	Hale,	Ransom,	Vest.
Coke,	Hawley,	Reagan,	

NAYS—24.

Aldrich,	Colquitt,	Hiscock,	Pasco,
Allen,	Dixon,	Ingalls,	Pugh,
Barbour,	Dolph,	Jones of Arkansas,	Stewart,
Butler,	Faulkner,	Manderson,	Stockbridge,
Carlisle,	Gibson,	Mitchell,	Teller,
Cockrell,	Hampton,	Morgan,	Washburn.

ABSENT—41.

Blackburn,	Evarts,	McMillan,	Stanford,
Blodgett,	Farwell,	McPherson,	Turpie,
Brown,	George,	Moody,	Vance,
Call,	Gorman,	Morrill,	Voorhees,
Cameron,	Gray,	Paddock,	Walthall,
Casey,	Harris,	Pettigrew,	Wilson of Iowa,
Chandler,	Hearst,	Pierce,	Wilson of Md.
Daniel,	Higgins,	Plumb,	Wolcott.
Davis,	Hoar,	Quay,	
Edmunds,	Jones of Nevada,	Sanders,	
Eustis,	Kenna,	Spooner,	

So the Senate refused to recede from its amendments.

Mr. REAGAN. Is there anything now before the Senate, Mr. President?

The PRESIDENT *pro tempore*. The Calendar under Rule VIII is in order. The Chair will recognize the Senator from Texas.

Mr. HISCOCK. Mr. President—

The PRESIDENT *pro tempore*. The Senator from New York appeals to the Senator from Texas.

Mr. HISCOCK. I ask the Senator from Texas to yield to me to enter a motion to reconsider the vote just taken on the motion to recede from the Senate amendments to the legislative, executive, and judicial appropriation bill.

Mr. REAGAN. I could not hear what the Senator desires.

The PRESIDENT *pro tempore*. The Senator from New York asks the Senator from Texas to yield to enable him to enter a motion to reconsider the vote by which the Senate refused to recede from its amendments.

Mr. REAGAN. All right.

Mr. HISCOCK. I make that motion.

The PRESIDENT *pro tempore*. The motion will be entered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House further insisted on its disagreement to the amendments of the Senate to the bill (H. R. 3711) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1891, and for other purposes, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCOMAS, Mr. HENDERSON of Iowa, and Mr. CLEMENTS managers at the further conference on the part of the House.

THE ZONA LIBRE.

Mr. REAGAN. Mr. President, I desire the attention of the Senate for the purpose of addressing it on a subject of very considerable importance to the entire Southern border of the United States.

On the 6th of January last I offered a bill in the Senate which I will ask the Secretary to read.

The Secretary read as follows:

A bill (S. 1642) to prevent the transportation of merchandise in bond through the ports and territory of the United States into the Republic of Mexico, and to restore that privilege whenever the Zona Libre along the boundary between the two countries shall be abolished.

Be it enacted, etc., That after thirty days from the passage of this act it shall be unlawful for any person, firm, or corporation to transport any merchandise in bond through the ports or territory of the United States into the territory of the Republic of Mexico; and any person, firm, or corporation violating the provisions of this section shall be liable to a fine of not less than \$1,000, and to imprisonment for a term not exceeding one year.

SEC. 2. That if the Republic of Mexico shall at any time abolish said Zona Libre, and shall give notice of that fact to the President of the United States, he shall, upon the receipt of such notice, by proclamation restore the right to transport merchandise through the ports and territory of the United States in bond into the territory of the Republic of Mexico as now permitted by law.

Mr. REAGAN. This bill was read twice, and referred to the Committee on Commerce. On the 8th day of January this bill was referred by that committee to Hon. William Windom, Secretary of the Treasury, with its request for an expression of his views on it, because of its relation to the question of the public revenues.

Subsequently the Secretary of the Treasury referred this bill to the Hon. James G. Blaine, Secretary of State, for his views, as it affected our international relations with the Republic of Mexico.

In some way parties in New York ascertained that this bill had been referred to the Secretary of State, and the following correspondence ensued.

I will ask the Secretary to read the letter which I send to the desk. The PRESIDENT *pro tempore*. The Secretary will read as requested. The Secretary read as follows:

[Inclosure No. 2.]

NEW YORK, March 1, 1890.

SIR: The undersigned, agents of the New York, Cuba and Mexico Steamship Line, have been informed that Senate bill No. 1642, Fifty-first Congress, first session, "to prevent the transportation of merchandise in bond through the ports and territory of the United States into the Republic of Mexico," etc., has been referred to your Department for report thereon. We therefore desire to enter through you our respectful protest against the passage of said bill, and herewith to submit our reasons why it should not become a law:

1. The privilege of transportation of merchandise in bond is not so much a benefit to Mexico as to the people of the United States. Its abolition would affect Mexican interests to a very small extent, but would be a serious injury to various American steamship and railroad lines, which are now enjoying a considerable and profitable traffic, and which, under the provisions of this bill, would be transferred to foreign steamship and railroad companies. The undersigned are now transporting through the port of New York a large amount of European goods to Mexico, for which they give through bills of lading at Liverpool and other European ports, and which are transhipped at New York to our steamers and delivered in the Gulf ports of Mexico, thus furnishing us a profitable and growing traffic.

Owing to the cheap freight rates from Liverpool to New York we are enabled to successfully compete with French, Spanish, and British steamers running direct to Mexico, notwithstanding those lines receive subsidy and mail pay from their own Governments and some of them from the Mexican Government also, while our line receives no subsidy or pay from our own or any other Government. After long years of earnest effort, struggling with great obstacles, and without the aid of our Government, we have built up such a trade with Cuba and Mexico as has justified us in building in an American shipyard during the past few months three new first-class steamers to add to our former fleet of steamers. If the bill under consideration becomes a law, it will greatly restrict our carrying trade and seriously cripple our business. We had hoped that the present Congress would adopt some effective measure to encourage and strengthen us in our contest with the subsidizing lines of foreign nations, and certainly were not prepared for a measure whose only effect will be to cut off a large part of our traffic, as well as that of other large American interests.

2. Our acquaintance with Mexican affairs leads us to say that the object had in view would not be accomplished or promoted by the passage of this bill, namely, the repeal of the Mexican Free Zone. As already stated, Mexico has much less interest in the transit privilege than the United States, and its abolition would now have little effect in Mexico, as it has completed lines of railroad from several of the seaports reaching to the most remote States of its frontier. Its chief effect would be to irritate, if not affront, the Mexican Government. The Free Zone is a vexed question in the domestic politics of Mexico, and its abolition is just now agitating the political circles of that country more than any other subject. The passage of this bill would be construed in that country as a hostile act on the part of our Government, and would be likely to turn the tide of public opinion to the side of the advocates of the Free Zone.

In view of the foregoing, we earnestly hope that you will report that the passage of the bill would be inopportune and injurious to the interests of the United States.

Very respectfully,

JAMES E. WARD & CO.
By JOHN W. FOSTER, Attorney.

Hon. JAMES G. BLAINE,
Secretary of State.

Mr. REAGAN. On the 6th of March the Secretary of State made a reply to that letter, which I will ask the Secretary to read.

The Secretary read as follows:

[Inclosure No. 3.]

DEPARTMENT OF STATE,
Washington, D. C., March 6, 1890.

GENTLEMEN: I have to acknowledge the receipt of the letter of 1st ultimo, addressed to me on your behalf by Mr. J. W. Foster, attorney, in regard to the apprehended effects of Senate bill No. 1642 of the present session "to prevent the transportation of merchandise in bond through the ports and territory of the United States into the Republic of Mexico," etc., should the same become a law.

The bill in question is understood to be pending in committee; and the subject to which it relates falls primarily within the purview of the Treasury Department. So far as the question affects the Zona Libre of Mexico, the last report of this Department on the matter is contained in the Executive Document of which I inclose a copy for your information.

Deeming, however, that the statements contained in your letter tending to show that the proposed abolition of the privilege of transportation of merchandise in bond in Mexico would injuriously affect various railroads and steamship lines of the United States may be of consequence to the Treasury Department, I have had the pleasure to communicate a copy to the Secretary of the Treasury.

I am, gentlemen, your obedient servant,

JAMES G. BLAINE.

Inclosure: Executive Document No. 130, Fiftyth Congress, first session.
Messrs JAMES E. WARD & CO.,
New York City.

Mr. REAGAN. I also ask the Secretary to read a letter from Charles C. Beaman, counsel of the Texas-Mexican Railway Company and the Mexican National Railway.

The Secretary read as follows:

[Inclosure No. 4.]

OFFICE OF EVARTS, CHOATE & BEAMAN,
No. 92 Wall Street, New York, March 4, 1890.

SIR: I learn that there has been referred to you by the Secretary of the Treas-

ury a communication from the Committee on Commerce of the Senate of the United States, with reference to Senate bill No. 1642, being a bill entitled "A bill to prevent the transportation of merchandise in bond through the ports and territory of the United States into the Republic of Mexico, and to restore that privilege whenever the Zona Libre along the boundary between the two countries shall be abolished."

I am counsel for the Texas-Mexican Railway Company and the Mexican National Railway Company. The Texas-Mexican Railway runs from the port of Corpus Christi in Texas to a connection with the Mexican National Railroad at Laredo, in Texas, on the Rio Grande River. The Mexican National Railroad runs from Laredo to the city of Mexico. This Mexican National road has been built, and is operated to a very considerable extent, upon the reliance and expectation that it would be able to do considerable business in the carrying of merchandise imported at the port of Corpus Christi, and passing from there in bond over the Texas-Mexican Railroad to the Mexican line, and in that way delivered in Mexico.

The proposed bill introduced in the Senate of the United States, if it should become a law, would be a great damage both to the Texas-Mexican Railway and to the Mexican National Railroad. The Mexican National Railroad is a corporation organized under the laws of Colorado and has been built to a very great extent by the help of the citizens of the United States and the money of the citizens of the United States. The relations between the Texas-Mexican road and the Mexican National road are of such a nature that each road is damaged and diminished by anything that injures the other. The president of both these roads is now in Europe, and in his absence I write you in behalf of these two roads, calling your attention to the facts herein stated, and assure you that the proposed bill, if it become a law, will greatly diminish the value of the property of these two companies. I am not familiar with the reasons that would justify the passage of such a bill, but in view of the damage that is certain to be done to the citizens of the United States, I feel that Congress would hesitate a long time before making the bill a law.

I assume that the purpose of such a bill is to retaliate upon Mexico for certain action that it has taken. The effect will be that the goods that would have reached Mexico through a port of the United States will reach Mexico through a Mexican port, and the damage will be done to the citizens of the United States who own steamship and railroad lines which otherwise would have had the transportation of these goods to Mexico, but in the case contemplated will lose such transportation by reason of the act of Congress. In other words, the proposed legislation will injure citizens of the United States, but not Mexico or its citizens.

If you should wish any information as to the amount of the business, or of the merchandise that is carried in bond over the Texas-Mexican Railway, I could furnish the same.

Yours, very truly,

CHARLES C. BEAMAN,
Counsel of Texas-Mexican Railway Company
and of the National Mexican Railway.

Hon. JAMES G. BLAINE,
Secretary of State, Washington, D. C.

Mr. REAGAN. On the 7th of March the Secretary of State addressed a letter to the Secretary of the Treasury, which I ask the Secretary to read.

The Secretary read as follows:

DEPARTMENT OF STATE,
Washington, D. C., March 7, 1890.

SIR: Your letter of the 13th of January last was duly received. An early reply thereto has been prevented by various causes. It seemed advisable to give to the important subject it presented careful attention, with a view to inviting, if necessary, conference between the two Departments touching the probable operation and effects of Senate bill 1642 of the present session, which is designed to prohibit the transportation of merchandise in bond through the ports and territory of the United States into Mexico, unless and until the Government of Mexico shall abolish the existing Zona Libre, and shall notify such abolition to the Government of the United States.

To understand the original institution in 1858 of a Free Zone along the border line of the Mexican State of Tamaulipas, I beg to refer you to a very full historical analysis of the system and its workings made by Mr. Romero, the present minister of Mexico at this capital, in the course of a debate in the Mexican Congress in October and November, 1870, he being then the minister of finance of Mexico, and also to a note addressed on February 10, 1888, by Minister Romero to my predecessor. Both of these statements are printed in Senate Executive Document No. 130, Fiftyth Congress, first session, a copy of which is herewith transmitted for your information. The recitals of Mr. Romero are entitled to the greater consideration, inasmuch as he was, in 1870, an advocate of the abolition of the Zone then confined to only a portion of the frontier.

To sum up—the peace of Guadalupe Hidalgo, in 1848, found a notable disparity in the condition of the populations on either side of the Rio Grande. On the northern side the Texans, but lately separated from Mexico, enjoyed comparative prosperity, freedom from internal-revenue taxation, and an abundant market of purchase and sale at low prices. South of the river was a depleted and impoverished territory, burdened with debt, taxation, a narrow market and high prices. This disparity was increased by the act of the United States Congress of August 30, 1852 (Statutes, volume 10, pages 37, 38), providing for the transit of goods in bond to the Mexican frontier and the establishment of bonded warehouses at San Antonio, Eagle Pass, Presidio del Norte, and San Elizario, and also at such other points as might thereafter be designated. As a consequence of this, the goods thus favored were withdrawn from bond, not only for the supply of Texan consumers, but also, as is asserted, for the purpose of being smuggled into Mexico. As Mr. Romero remarks in his note of February 10, 1888, this difference of circumstance either led to emigration from Mexico to Texas, or compelled the Mexicans to engage in contraband traffic.

On the 17th of March, 1858, the governor of Tamaulipas, under the extraordinary powers then existing, and with a view to remedying the "state of actual decadence" of the towns on the northern frontier of that State, promulgated a decree granting exemption from Federal customs duties to foreign goods destined for the consumption of Matamoros and other towns on the Rio Grande, Reynosa, Camargo, Mier, Guerra, and Monterey-Laredo, with the privilege of bonded warehouses. The trade between the towns named was in like manner exempt from federal duties. This decree ratified by the Mexican federal congress 30th July, 1861, initiated the Free Zone, which has since been extended as far westward as Nogales in Arizona.

Among the complex motives, therefore, which induced the establishment of the Zona Libre in 1858, the betterment of the condition of the Mexican population on the northern frontier, the removal of incentives to discontent and emigration, and the cessation of smuggling may be regarded as chief. And, while the conditions under which the Zona Libre affected the populations have very materially changed since our civil war, the markets on either side the border being now more nearly equalized and a condition of comparative prosperity and content prevailing along the Mexican border fostered by local development and by the through traffic along the railway lines now open, yet it is difficult to dissociate these modifying influences from the original impetus given to Mexican frontier progress in 1858, or to dislodge the belief prevalent in

Mexico, that the content and prosperity of the Mexican border States is largely due to the especial conditions of favor under which the inhabitants of the Free Zone dwell.

From the Mexican point of view the Free Zone is regarded in widely variant lights. Many of the statesmen of that country view with concern the loss of federal revenue on foreign goods consumed in the Zone; the expensive and complex system of an interior customs line to prevent smuggling from the Zone into Mexico itself; and the doubtful constitutionality of an exemption from Federal burdens enjoyed by a part only of the territory of the Republic. It is probable, on the whole, that the retention of this complicated and burdensome system, whereby in effect the rest of Mexico is taxed to favor the inhabitants on the border, is due to a belief, felt rather than expressed, that the Zona Libre is at once the guaranty of loyalty and tranquillity along the Mexican frontier and a barrier to the encroachment of American influence among their people.

On the other hand, it is not at all clear that the abolition of the Zona Libre would induce a reversion to anything like the condition of inequality which existed when it was established in 1858.

Thirty-two years have brought about a great change in the relative conditions on either margin of the border. The spectacle no longer exists of a Mexican population on one side of an easily crossed river, impoverished, in the throes of political change and struggling under heavy burdens, confronted by a Mexican population on the other side recently emancipated by revolution and admitted by annexation after a bitterly contested war to the enjoyment of peace and plenty under the flag of the victors. In front of Mexico is now a homogeneous American nationality. The products of either country pass to and fro under reasonably equal conditions of price and in obedience to normal laws of supply and demand. So far as the inhabitants of the Zona Libre enjoy a privilege in comparison with other Mexicans, it is in respect of the foreign productions of Europe and other lands which they consume duty free, rather than as regards the staples of the United States.

Viewed from the American standpoint, the Zona Libre not only creates and stimulates an independent mercantile movement on the Mexican side, to the detriment of American markets of supply, but it affords opportunity for smuggling from Mexico into the United States. How far the latter consideration is weighty is a matter for examination and determination by the Treasury Department, for the facts of the case are immediately before it. It seems clear, however, that both of these considerations apply with major force to foreign products, and that the evils complained of most directly spring from the facilities for warehousing goods in bond along the frontier and for withdrawing them for immediate exportation or local consumption.

To the establishment of a system of bonded warehouses on the American side of the Rio Grande in 1852 the Zona Libre logically owes its origin. The privilege of transit in bond then ended with those warehouses. Now, however, a great change has been effected by the opening of the international railways. The bonded transit no longer ends at detached points on the Rio Grande. It passes beyond, and supplies the whole territory of Mexico with foreign goods. Nor are its operations confined to the inland border. By transshipment in bond in the ports of the United States foreign goods are carried to the Gulf ports of Mexico, whence by a rapidly extending net-work of railways they are distributed to the interior. Even now the territory of the Zona Libre is accessible by rail from Vera Cruz, and it is not difficult to conceive of its being more readily connected with Tampico by a transverse line of railways along the border.

The bill now before the Senate proposes to strike at the whole system of bonded transit to any part of Mexico. If that country were difficult of access by foreign goods except through the United States the step might be efficacious. But with a stretch of Gulf coast, connected by rail with the interior, it is probable that the immediate result would be the comparatively normal diversion of European trade with Mexico to lines of travel almost equally convenient with those now so largely followed by way of the territory and ports of the United States. On its face the measure is avowedly one of compulsion, its declared object being to procure the abolition by Mexico of the Zona Libre. Its effectiveness in this direction is at least open to doubt.

Operating directly and, at the outset, unfavorably against the whole of Mexico, and not against the particular limited area whence our grievance springs, the obvious hostility of the measure might readily provoke retaliation in equal or greater degree on the part of Mexico, and arouse a national sentiment in that country quite the contrary of that intended by the framers of the bill. The immediate stoppage of the large operations of bonded transit which have grown up since the opening of the international railways would be almost inevitably followed by diversion of that traffic to other channels from which it is doubtful if it could ever be completely restored to its original ways. Experience shows that a trade once lost is regained with difficulty, if ever. Moreover, we can not offer to Mexico the products of the United States in full substitution for those of other countries. The natural, axiomatic tendency of mankind is to buy in the cheapest market. One effect, and not a very indirect one, either, of the proposed enactment would be to invite an increased competition of foreign supplies, while perhaps at the same time creating obstacles, by the operation of national prejudice or through repressive retaliation on the part of Mexico, to trade in the productions of the United States.

It seems to me inexpedient to court retaliation and obstruction of mutually beneficial traffic at a time when the wisest counsels look to an enlargement of our commercial relations with Mexico and the initiation of greater intimacy in all of their operations of exchange. I can not but regard the commercial treaty negotiations of 1883 as merely dormant, and I should hesitate to advise any course which would prevent their revival at a fitting time. A measure (House resolution 73) has been recently introduced "to promote greater reciprocity in the commercial relations between the United States and Mexico." And I can not lose sight of the fact that in the absence of commercial treaty stipulations Mexico is free, under the influence of whatever provocation may seem to her sufficient, to decree at pleasure almost any obstruction to her material intercourse with the United States.

Viewing the Zona Libre as an objectionable incident in the relations of the two countries, of local operation and effect, and discerning also among Mexican statesmen a disposition to question its necessity and value, I am not without hopes that its abolition may be accomplished as part of a wholesale adjustment, by a comprehensive treaty, of the commercial relations of the United States and Mexico. If, however, positive measures of attack are necessary, I should preferably advise those which are as local in their effect as the evil of which our citizens of the border States complain. I can perceive no sound reason for interfering with the through bonded traffic of the United States with places and ports outside of the Zona Libre itself. It would seem more discreet, and equally practicable, to surround bonded transit for immediate or warehouse exportation to the free towns of the Zona Libre with suitable restrictions, and to greatly limit the privilege of bonded warehousing in our towns on the border.

I incline, therefore, to regard the bill, in its present form, as needlessly sweeping in character, and certain to interfere with a valuable established traffic, besides being likely to introduce injurious complications into our commercial relations with Mexico. I moreover doubt its effectiveness toward accomplishing the particular end in view.

Since the above reply to your inquiry was outlined I have received from Messrs. James E. Ward & Co., the agents of the New York, Cuba and Mexico Steamship Line, a letter under date of the 1st instant, in regard to the pending bill. I inclose a copy thereof for your information, together with my reply, in

which I inform them that their letter has been communicated to you for consideration, inasmuch as the matter of which it treats comes primarily within the purview of your Department. In like manner I transmit copy of a letter dated 4th instant, addressed to me by Mr. Charles C. Beaman, of New York, in behalf of certain railway interests which, it is alleged, would be injured by the proposed enactment.

I have the honor to be, sir, your obedient servant,

JAMES G. BLAINE.

The Honorable the SECRETARY OF THE TREASURY.

Inclosures: 1. Senate Executive Document No. 130, Fiftieth Congress, first session. 2. From James E. Ward & Co., New York, March 1, 1890 (copy). 3. To James E. Ward & Co., New York, March 6, 1890 (copy). 4. From Charles C. Beaman, New York, March 4, 1890 (copy).

Mr. REAGAN. On the 11th of March the Secretary of the Treasury returned the bill under consideration to the Committee on Commerce with a letter addressed to the Senator from Maine [Mr. FRYE], the chairman of the committee, which I request the Secretary to read.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 11, 1890.

SIR: Referring to the communication from the clerk of your committee of the 8th of January last inclosing for an expression of my views thereon a copy of Senate bill 1642, to prevent the transportation of imported merchandise in bond through the territory of the United States into the Republic of Mexico so long as the so-called Zona Libre continues to be recognized by said republic, and to a communication from him of the 3d ultimo, to which I replied that it was thought proper to obtain the views of the Department of State thereon before reporting on the merits of the bill, I have the honor to reply that a communication has now been received from that Department, a copy of which is herewith inclosed.

It is probable that the passage of the bill might work to the advantage of those of our citizens living upon the immediate borders of the Zona Libre, but it is considered that this local advantage would be more than counterbalanced by serious injuries to the larger business interests of our citizens, and the not unlikely introduction of injurious complications into our commercial relations with Mexico.

In view of these considerations and the opinion expressed by the Secretary of State in the communication referred to, I doubt the wisdom of the proposed legislation.

Respectfully yours,

W. WINDOM, Secretary.

HON. WILLIAM P. FRYE,

Chairman Committee on Commerce, United States Senate.

Mr. REAGAN. Mr. President, I have given this correspondence to the Senate so that the reasons for opposing the passage of this bill may be fully before the body.

Before presenting the facts which caused me to present to the Senate the bill under consideration I desire to state that it seems to be somewhat singular that it should have been assumed by the Secretary of State, and, as he informs us, by Mr. Romero, the Mexican minister to the United States, that goods in bond in our custom-houses might be withdrawn from bond for consumption in the State of Texas, and so enable parties to smuggle them into Mexico, under the authority of the act of Congress of August 30, 1852, referred to by the Secretary of State, when in truth they could only be withdrawn from bond under that law for exportation to Mexico.

And it is not less surprising that the Secretary of State and the Mexican minister should assume that the act referred to caused discriminations against the interests of Mexico by allowing merchandise to pass through the ports and territory of the United States into the territory of Mexico free of duty. The effect of withdrawing such goods from bond was to allow them to pass into Mexico free of duty, except such as that republic might impose. And it does not appear to have occurred to the Secretary of the Treasury, who has charge of customs matters, to correct these erroneous assumptions.

The law did not allow such merchandise to be put upon sale in Texas or elsewhere in the United States without the payment of the customs dues. And if this act gave rise to smuggling, as it undoubtedly did, it was to the smuggling of the goods so allowed to pass free through our custom-houses and over our territory, back from Mexico into the United States, to be sold in competition with the goods of our own merchants, who had paid the required customs dues on their imported goods, so that instead of this legislation giving cause of complaint to our Mexican neighbors it inured to the special advantage of that country.

And when it is remembered that at that time duties on imports into Mexico had to be paid, except as to those exempted by our legislation, and that the same merchandise was again taxed in its passage from one Mexican State to another, it will be seen that the advantage our law gives the frontier States of Mexico, by allowing goods to be taken there free of duty, was very great, and was a special relief to those frontier States against the policy above referred to which then prevailed in Mexico.

This Free Zone, Zona Libre, covers the entire line of the frontier between the United States and Mexico from the mouth of the Rio Grande up that stream to El Paso, and along the southern boundary of New Mexico and Arizona to Lower California, some 2,000 miles in length, including the border cities and towns of Brownsville, Hidalgo, Rio Grande City, Carrizo, Laredo, Eagle Pass, Del Rio, and El Paso, and other towns in Texas, and Nogales and other towns in Arizona and New Mexico; several of these cities and towns are places of considerable population and business; and it covers the northern borders of the Mexican States of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, and Sonora, to Lower California, as shown by Senate Executive Document No. 130, first session, Fiftieth Congress, page 67, article 312. And

the same page and article show this Zona Libre to be 20 kilometers wide, equal to a little less than 12½ miles, English measurement; to be exact, 12 miles and 755 yards. And Mr. Sutton, our consul-general on that border, estimates the Mexican population in that zone at about 100,000. (See page 27 of the document above referred to.)

After the war with Mexico and the annexation of Texas to the United States the duty on imports into Mexico were high, and added to this was the additional tax on merchandise carried from one Mexican State to another. And at that time the duties on imports into the United States were low, and there was no tax on merchandise passing from one State to another in this country. This made goods cheaper on the American than on the Mexican side of the boundary between the two countries.

This circumstance produced the condition of things referred to by Mr. Blaine in his letter to the Secretary of the Treasury, which I have read, which either "led to emigration from Mexico into Texas, or compelled the Mexicans to engage in contraband traffic." And this enabled the Mexican authorities to take advantage of our laws, authorizing the transportation of goods through our custom-houses, and over our territory into Mexico, to establish their Free Zone, and to admit such goods into it free of duty, while goods so transported into other parts of Mexico were required to pay import duty to the Mexican Government. And this enables the Mexicans in the Free Zone to sell goods which pay no import dues cheaper than citizens of the United States who had to pay import dues could sell like goods. This caused the increase of trade on the Mexican side of the border and its decrease on the side of the United States.

It caused the growth and prosperity of the Mexican towns in this Free Zone, while it produced languishing and decay in the towns on our side of the border. And, as I shall show more fully as I proceed, it enabled and induced Mexican citizens in the Free Zone, and unscrupulous citizens from the United States and other countries who went there for that purpose, to engage in smuggling goods into the United States and into the Mexican States beyond the Free Zone.

In the mean time the commercial legislation and the commercial condition of the two countries have greatly changed. Mexico has liberalized her policy by prohibiting, as I understand, the taxing of commerce going from one State to another, and rendered internal commercial intercourse there much less expensive than it was formerly; and the United States has adopted the illiberal and restrictive policy of imposing greatly higher duties on imports than were then required.

These conditions, in conjunction with the existence of the Free Zone, have made it impossible for our citizens on this boundary of about 2,000 miles along the borders of Texas, New Mexico, and Arizona to engage successfully in commercial pursuits, having to pay duties on their imported goods, with the people of the Free Zone, who pay no duties on their imported goods. And it is impoverishing the people on our side of this national boundary, while it is enriching those on the Mexican side.

It is also a standing inducement to smuggling, immorality, lawlessness, and crime to the people on both sides of that boundary. It is contrary to a just public policy; it is contrary to sound morals; in its consequences it is injurious to the best interests of both countries, and ought no longer to be allowed to discredit the statesmanship and pollute the morals of people of both countries.

I have before me very many letters from responsible citizens on the Mexican border and many newspaper articles showing the great wrong that is being done to our merchants and people by the existence of this Free Zone. I request the Secretary to read a letter from Messrs. Lightbody & James, a respectable business firm at El Paso, Tex., inclosing to me a petition of bankers, merchants, and citizens of that city. I ask the Secretary to read both the letter and the petition.

The Secretary read as follows:

EL PASO, TEX., January 9, 1890.

DEAR SIR: Inclosed please find a copy of protest signed by the merchants and business men of El Paso; also a clipping from the El Paso Times, taken from the Sacramento Record-Union. Having been in business here since before the establishment of the Zona Libre (or free port of entry), we can assure you from bitter experience that our misfortune is not overstated. One instance will show this. Last summer an agent for a Japanese firm opened his samples at the Grand Central Hotel, and brought the merchants from across the river and sold them \$14,000 in silk handkerchiefs, etc., while we were the only merchants on this side who bought, and our purchase was only about \$200, and that was too much. If the Free Zone is to be permanent we will have to move across and let our customers smuggle back. El Paso will be principally a collection of grocery stores and huckster shops if we do not get relief, and we must look to our representatives for it. Hon. C. R. Morehead has already written you about this matter.

We earnestly hope you will succeed in your efforts to assist us in this matter. With kind regards, we are, very respectfully,

LIGHTBODY & JAMES.

I expect to be in Washington in February, and will be glad if I can call on you and represent this matter more fully.

W. M. JAMES,
Chairman Board of Trade.

Senator REAGAN,
Washington, D. C.

EL PASO, TEX., 20th December, 1889.

To the Senate and House of Representatives of the United States:

We, the undersigned citizen tax-payers of the United States, herewith most respectfully and urgently represent that the establishment of the Free Zone by the Mexican Government along the northern frontier of Mexico opens all the

Mexican towns along said border to the importation, through the United States, of all classes of merchandise from foreign countries upon which no duty is paid either to the American or Mexican Governments. Said act creates a rendezvous where merchants from foreign countries are landing their free goods, take their time and opportunity to smuggle, or sell them to those who will smuggle, them into the United States.

Merchants from Vera Cruz and other foreign cities have opened large stock of foreign merchandise in convenient places in Paso del Norte for the purpose of supplying the American trade. They are advertising their advantages in our papers, and are pushing their wares throughout our country.

All other points in Mexico along this free border, as well as Paso del Norte, where there are railway facilities, have become harbors for smugglers, and every day's delay works a loss to the commerce of our country and revenues of the Government.

The reasons assigned for this act are admitted by the Mexican people to be, that it will build up their border towns, and check the growth of the American towns, thereby strengthening their border and weakening ours.

Therefore, it can not be possible for the merchants on the American side, as well as the jobbers and manufacturers in our large cities, to compete for the growing trade of Mexico, as against the jobbers and manufacturers of Europe.

We desire especially to call attention to the fact that a reciprocity treaty with Mexico without a special clause abolishing the Free Zone would not do away with the damaging effects to our merchants, manufacturers, and the revenues of the Government, for the reason that the merchants in the Free Zone could still buy their goods in Europe and place them in that territory without paying duty to either Government, whereas the merchants on the American side in case they bought their goods in Europe would have to pay the duty imposed by the United States or buy goods at home protected by our tariff.

Our manufacturers would be compelled to make extra discount over and above the prices charged home merchants, as some of them now do, in order to get their goods into the interior of Mexico, and could only sell a few articles in a limited way to the merchants in the Free Zone.

By the abolition of the Free Zone the merchants in said territory would have to pay the Mexican duty on their goods, which would be a bar against smuggling them into the United States.

We, as American citizens, feeling that we have the right to claim the consideration and protection of our Government, therefore pray, in case any treaty with Mexico is made, that they be required to abolish the Free Zone. If none is made, and in any event, we demand that an ample force of inspectors be placed along our border and kept there day and night, sufficient to suppress all smuggling into our territory, so that we may at least enjoy the legitimate trade of our own country to which our laws entitle us.

First National Bank, by H. S. Kaufman, cashier; State National Bank, by C. R. Morehead, president; Lightbody & James, clothiers and furnishers; S. Shutz, dry goods; J. Calisher, dry goods; Samuel Schult, wholesale grocer; Joseph Schult, wholesale dry goods; P. E. Kern, wholesale and retail jeweler; Julian & Johnson, wholesale liquor dealers; N. S. Good & Co., wholesale and retail dry goods; A. K. Albers & Co., druggists; O. T. Bassett, lumber dealer; Schaefer & Co., druggists; William Cameron & Co., lumber dealers; Roberts & Co., grocers; E. C. Pew, boots and shoes; Emerson & Berrien, furniture dealers; Henry Benke, hardware merchant; H. R. Wood & Co., hardware merchants; B. Small, oils and paints; Charles Merrick, clothier; E. H. Vosely, hardware; W. A. Irvin & Co., druggists and stationery; W. H. Tuttle, paints and wall paper; Morsun & Thorne, manufacturers iron and tin goods; J. F. Crosby; L. Hass, grocer; Rio Grande Pharmacy, wholesale and retail drugs; Ellis & Kingsbury, clothiers; Richard Caples, mayor of El Paso.

Mr. REAGAN. I also ask the Secretary to read two extracts from the El Paso Tribune newspaper.

The Secretary read as follows:

ON TO THE CAPITAL!—THAT IS THE CRY OF OUR MEXICAN BORDER MERCHANTS.

Just at present "On to the City of Mexico!" is the popular cry of business men residing on the Mexican side of the border along the entire length of the United States boundary line; and the proposed abolishment of the Zona Libre is the cause of the excitement. Every Mexican community in the Free Zone is hurrying off delegates to the City of Mexico to protest against any action looking toward the abolishment of the Zona Libre being taken by the Mexican Government. An Eagle Pass special to the San Antonio Express, says:

"The Zona Libre is attracting a good deal of attention in both republics at present, the desirability of its abolition being urged upon the United States Congress by merchants in cities on this side of the Rio Grande, whose interests, however, are not likely to be considered by the Mexican Government. A report was current to-day that a committee of the Mexican Congress had the subject under advisement. The fact seems to be, as indicated by a telegram received to-day, that the Mexican Government had asked the governors of the States interested to furnish information on the question. A meeting convened under the auspices of the board of trade (which most people supposed defunct), and consisting of leading merchants, will be held in Piedras Negras to-night, the idea being that each city interested should appoint one delegate and that the delegation wait upon President Diaz to urge upon him the importance of maintaining the Free Zone. This course is suggested from Paso del Norte."

[El Paso Tribune, January 30, 1890.]

A SMUGGLING CASE THAT DID NOT PAN OUT AS WELL AS ANTICIPATED.

Pete Zimmerman, who was to make a balloon ascension at the base-ball park on Sunday evening, met with an experience last evening that he did not anticipate. Pete was a hack-driver for M. A. Dolan, and went across the river with a load of passengers yesterday afternoon. Somehow or other, during his stay in Juarez, he managed to get sixteen boxes of cigars and a silk-dress pattern into the "boot" of his hack, and on returning to this side, about 7:30 o'clock, was stopped by the inspector at the bridge and asked if he had any goods on which duty should be paid in the hack, to which a negative reply was made, and the hackman was allowed to drive on. Pete proceeded on his way, and on reaching the city proper he drove to a prominent saloon and ordered some drinks for two women who were in the hack. While the bar-tender was mixing the drinks a mounted inspector rode up and searched the hack, finding the smuggled goods mentioned above. Zimmerman, seeing he was in a "bad hole," made his escape and has not been seen since, while the inspector proceeded to confiscate the goods and the hack also. The women, when questioned, denied any knowledge of the goods being in the hack, and were released, while the cigars and dress pattern were taken to the custom-house and the hack to the transfer stables.

Mr. REAGAN. I will not tax the patience of the Senate by reading the many other letters and extracts from newspapers which lie before me illustrative of what I have said on this subject.

The statement I have made of this case shows that it is the duty of Congress to take such action as will protect our people against this intolerable wrong.

The Secretary of State seems to apprehend that the passage of the bill under consideration might disturb our friendly relations with Mexico. That would imply that we could only have the friendship of that country by submitting to gross wrong. I think such an assumption as unjust to Mexico as to our own country. It is to the interest of both countries to cultivate the closest reciprocal relations of friendship, amity, and commerce.

This great purpose can only be successfully accomplished by each being just to the other. It would be a gross breach of friendly relations for either to demand as a condition of friendship that the other should submit to an injustice so flagrant and gross as is the existence of this Free Zone to the interests of the people of the United States.

I have seen extracts from the Two Republics newspaper, published in the City of Mexico, in which it was assumed that the bill before us was introduced in a spirit of hostility to Mexico. Nothing could be further from the truth, so far as I am concerned. I have none but the most friendly feelings for our sister republic. Some years ago when the desire to acquire territory from Mexico and Central America by filibustering was rife in this country, and seemed to be almost general in the part of the Union where I lived, I risked my political fortunes by opposing and denouncing it as wrong to those countries and unjust and immoral.

I do not think Mexico has had, or now has, a better friend in this country than I have been and am. And what I seek to do by this bill is to remove a cause of disturbance of these friendly relations and to cement and perpetuate the friendly relations between the two countries by the adoption of a measure which shall lead to the removing of this obstacle, and remove the cause for such complaints of injustice as now come to us in relation to this Free Zone.

We are furnished by the Secretary of State with the letter of James E. Ward & Co., of New York City, written by Mr. Charles C. Beaman, of the firm of Evarts, Choate & Beaman, counsel of the Texas and Mexican Railway Company and of the Mexican National Railway, in which it is alleged that—

This Mexican National road has been built and is operated to a very considerable extent upon the reliance and expectation that it would be able to do considerable business in the carrying of merchandise imported at the port of Corpus Christi and passing from there in bond over the Texas and Mexican Railroad to the Mexican line, and in that way delivered in Mexico.

And it is alleged in this letter that if this bill should become a law it would be a great damage both to the Texas-Mexican Railway and to the Mexican National Railroad.

The Secretary of State has also forwarded with his letter a letter from James E. Ward & Co., of New York City, "agents of the New York and Mexican Steam-Ship Line," protesting against the passage of the bill under consideration. In this letter it is assumed in substance that the withdrawal of the privilege of transporting merchandise in bond into Mexico "would affect Mexican interests to a very small extent, but would be a serious injury to various American steam-ship and railroad lines."

It should be held in mind that this bill only proposes to withdraw the privilege of carrying goods in bond into Mexico until this Free Zone shall be abolished, and that then the President of the United States shall issue his proclamation restoring the privilege "as now permitted by law."

These letters, in effect, ask us to assume that if we will not consent to the violation of international comity and to the sacrifice of the rights of the American people by the perpetuation of this Free Zone Mexico will inflict on her people the injury of refusing to allow the taking of merchandise coming through our ports into her territory in bond. I do not think it too strong a statement to say that the assumption is preposterous and that argument is not necessary to refute it.

Another assumption of these letters, in effect, is that this Government must abandon the duty of protecting the rights of the American people along a line of some 2,000 miles of frontier, the whole southern border of the United States, and allow the people on the Mexican side of that border to prosper by sacrificing the interests of our own people, as a means of promoting the supposed interests of two railroad companies and one steam-ship company. This assumption is so monstrous that I can not suppose it will receive the sanction of the Senate.

The injury done to the people of that border from year to year is no doubt vastly greater than the amount of business these companies do in the transportation of such merchandise, leaving out of view the duty of the Government to protect the rights of its own citizens and the standing inducement this Free Zone offers to the citizens of both Mexico and the United States to engage in smuggling and kindred crimes.

The business done by these railroads and this steam-ship company with the people of the Free Zone bears no just comparison to the injury inflicted on the people on the American side of that line. And the suggestion that the rights of the people there should be sacrificed for such a purpose is unreasonable, selfish, and unpatriotic.

It is suggested in the letter of the Secretary of State, in substance, that this bill should be local in its effect; that is, that it should be limited in its effect to this Free Zone, so as not to interfere with the through bonded traffic to other parts of Mexico. This is a valuable suggestion, and I will lay before the Senate a substitute for the pending bill, lim-

iting its effect to prohibition of the transporting of such merchandise into the Free Zone, but not interfering with such transportation into other parts of Mexico.

I beg at this time to present a bill as an amendment to the original bill, which I ask to have printed in the RECORD and appended to my remarks.

The PRESIDENT *pro tempore*. The Chair hears no objection.

The substitute bill is as follows:

A bill to prevent the transportation of merchandise in bond through the ports and territory of the United States into the Zona Libre along the northern border of the Republic of Mexico, and to restore that privilege when said Zona Libre shall be abolished by the authorities of Mexico.

Be it enacted, etc., That after thirty days from the passage of this act it shall be unlawful for any person, firm, or corporation to transport any merchandise in bond through the ports or territory of the United States into the Zona Libre or Free Zone of the Republic of Mexico; and any person, firm, or corporation violating the provisions of this section shall be liable to a fine of not less than \$1,000, and to imprisonment to a term not exceeding one year. But this act shall not be construed to prohibit the transportation of such merchandise into any part of the territory of Mexico where duties on imports are required to be paid by that country. And the Secretary of the Treasury shall make such rules and regulations as may be necessary to carry into effect the provisions of this act.

SEC. 2. That if the Republic of Mexico shall at any time abolish said Zona Libre, and shall give notice of that fact to the President of the United States, he shall, upon the receipt of said notice, by proclamation restore the right to transport merchandise through the ports and territory of the United States in bond into any part of the territory of the Republic of Mexico as now permitted by law.

Mr. REAGAN. I ask that the bill be recommitted to the Committee on Commerce, together with the substitute which I have submitted.

The PRESIDENT *pro tempore*. The Chair hears no objection, and that order will be made.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, July 2, 1890, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 1st day of July, 1890.

MINISTER RESIDENT AND CONSUL-GENERAL.

Alexander C. Moore, of West Virginia, to be minister resident and consul-general of the United States at Siam, *vice* Jacob T. Child, recalled.

SECRETARY OF LEGATION.

George W. Fishback, of Missouri, to be secretary of the legation of the United States at Buenos Ayres, *vice* Henry L. Vilas, resigned.

SPECIAL EXAMINER OF DRUGS, ETC.

Robert C. Myers, of California, to be special examiner of drugs, medicines, and chemicals, in the district of San Francisco, in the State of California, in place of Robert I. Bowie, to be removed.

ASSISTANT APPRAISER OF MERCHANDISE.

Denis F. Burke, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York, in place of Edward Rowe, to be removed.

UNITED STATES CONSULS.

Samuel H. Deneen, of Illinois, to be consul of the United States at Belleville, *vice* John M. Strong, recalled.

Woolman J. Holloway, of Indiana, to be consul of the United States at Stratford, Ontario, *vice* Richard W. Dunlap, recalled.

William P. Pierce, of Georgia, to be consul of the United States at Trinidad, *vice* Moses H. Sawyer, recalled.

Charles D. Joslyn, of Michigan, to be consul of the United States at Windsor, Ontario, *vice* John Devlin, recalled.

COLLECTORS OF CUSTOMS.

Thomas C. Simpson, of Massachusetts, to be collector of customs for the district of Newburyport, in the State of Massachusetts, to succeed George W. Jackman, whose term of office will expire July 11, 1890, by limitation.

John T. Stow, of California, to be collector of customs for the district of Wilmington, in the State of California, to succeed George Hinds, whose term of office will expire August 6, 1890, by limitation.

PROMOTIONS IN THE NAVY.

Passed Asst. Surg. Cumberland G. Herndon, to be a surgeon in the Navy, from the 8th of February, 1880, *vice* Surg. D. McMutrie, promoted.

Passed Asst. Surg. Lucien G. Hemberger, to be a surgeon in the Navy, from the 5th of May, 1890, *vice* Surg. John F. Bransford, resigned.

APPOINTMENTS IN THE NAVY.

Norman Jerome Blackwood, a resident of Pennsylvania, to be assistant surgeon in the Navy, to fill a vacancy in that grade.

James Harper North, jr., a resident of New York, to be assistant surgeon in the Navy, to fill a vacancy in that grade.

HOUSE OF REPRESENTATIVES.

TUESDAY, July 1, 1890.

The House met at 11 o'clock a.m. Prayer by the Chaplain, Rev. WILLIAM H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

FEDERAL ELECTION LAW.

Mr. SPRINGER. Mr. Speaker, I should like to have some understanding in regard to the time which shall be allowed for debate on the several amendments which may be offered to this bill. A number of members upon this side of the House and upon the other who are opposed to this bill desire to have certain amendments submitted and to have a yea-and-nay vote upon them before 3 o'clock to-morrow; but if the debate is to be unlimited upon any particular amendment or amendments we can hardly have those votes.

Gentlemen on this side of the House, I understand, have three or four important amendments that they desire to submit in addition to the one that is pending. If possible, I would like to have an understanding as to the length of time that is to be allowed for debate upon each one of those amendments, and for the purpose of reaching that result I ask unanimous consent that fifteen minutes upon each side be allowed for debate on the pending amendment, and that then a vote be taken, and that thereafter, when an amendment is offered by the minority of the committee, only fifteen minutes' debate shall be allowed on each side, after which we shall have a vote.

Mr. HOLMAN. But the five-minute rule still to govern?

Mr. SPRINGER. The five-minute rule still to govern.

Mr. LODGE. Say twenty minutes.

Mr. SPRINGER. I will accept that.

Mr. LODGE. But that is to apply only to the pending amendment.

Mr. SPRINGER. I will submit the request separately with reference to the pending amendment in order to have that settled first.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] asks unanimous consent that debate on the pending amendment shall be closed after twenty minutes have been occupied in debate on each side.

There was no objection, and it was so ordered.

Mr. SPRINGER. Now, Mr. Speaker, I renew the request that upon subsequent amendments debate shall be closed after twenty minutes have been occupied on each side.

Mr. CULBERSON, of Texas. I object.

Mr. BUCHANAN, of New Jersey. I object. If you will only give other members a chance to be heard there will be time enough for all.

Mr. SPRINGER. You mean this side of the House?

Mr. BUCHANAN, of New Jersey. No; you individually. [Laughter.]

Mr. SPRINGER. I have not consumed two minutes upon this question. The record will show it.

The SPEAKER. The Chair would suggest to the gentleman from New Jersey that the gentleman from Illinois [Mr. SPRINGER] is to be addressed as "the gentleman from Illinois," and that personal dialogues are not strictly parliamentary, though sometimes indulged in on the floor of the House. [Laughter.]

Mr. LODGE. Mr. Speaker, I desire before the debate begins to ask consent that the bill be reprinted with the amendments of yesterday, as I find there is a demand for it in that form.

Mr. BLOUNT. Why not let the reprint cover also the amendments of to-day?

Mr. LODGE. I have no objection to that.

The SPEAKER. If there be no objection, the bill will be reprinted as it stands at the close of the day.

There was no objection, and it was so ordered.

Mr. MILLS. What is the understanding, Mr. Speaker, with reference to the debate on this amendment? I understand that it is twenty minutes on either side and then a vote.

The SPEAKER. Twenty minutes on each side and then a vote.

Mr. McCREARY. Will the time be controlled by the gentleman from Massachusetts [Mr. LODGE] on the one side and the gentleman from Illinois [Mr. SPRINGER] on the other?

The SPEAKER. The Chair has already promised that he would give the gentleman from Indiana [Mr. HOLMAN] five minutes, and hopes that that arrangement may not be interfered with.

Mr. HEMPHILL. I shall be glad, so far as I am concerned, to yield to the gentleman from Indiana.

Mr. HOLMAN. Mr. Speaker, the fourth section of Article I of the Constitution is as follows:

The time, place, and manner of holding elections for Senators and Representatives shall be prescribed by each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Under this clause of the Constitution of the United States it is claimed by the friends of the pending bill that Congress has the constitutional power to enact it into a law and enforce its execution.

It will be seen that the power of Congress under the foregoing provision is exactly the same to "make or alter" regulations in a State

for the election of Senators as for the election of Representatives, "except as to the places of choosing Senators."

It is clear that Congress, under this clause of the Constitution, can prescribe the time when Senators and Representatives shall be chosen; that was done years ago; practically Congress could not "make or alter" regulations as to the place of holding elections for Representatives. That of course has never been and never will be attempted. Congress has already by law made "regulations" as to the "manner" of electing Senators and Representatives, and has prescribed as to the election of Senators, with reference to the vote in the two houses and of the vote in the two houses in joint session, that in the election of Senators the vote of the members of the Legislature shall be *viva voce* and the vote of the people in the election of Representatives shall be by ballot. Congress has also prescribed by law that Representatives shall be elected by districts, and not on a general ticket. These are all manifestly "regulations" as to the "manner" in which Senators and Representatives shall be chosen. No one disputes the power of Congress to prescribe such regulations, for the section above quoted clearly contemplated such regulations.

But the question, in part, presented by this bill is, can Congress not only prescribe rules as to the procedure in these elections of Senators and Representatives, but through its own agents take charge of these elections and decide and declare the result; organize returning boards in the Legislatures and Congressional districts of the several States? This is certainly a new and startling question after more than a century of government under the Constitution of the United States. This clause of the Constitution gave rise in a large degree to the heated opposition which the Constitution encountered when it was originally submitted to the States for ratification. It was contended by the enemies of the Constitution that it conferred on Congress the power to regulate and control the election of the Representatives in Congress in the several States.

The friends of the Constitution, on the other hand, contended that this fourth section of Article I only conferred on Congress the power to "regulate the manner of holding the elections of Representatives," not the power to hold the elections through agents designated or provided for by Congress; that the "holding" of the elections was to be under the exclusive control of the respective States, but Congress might, by law, prescribe the "manner" in which the election should be held; for instance, whether the voting should be "by ballot or *viva voce*," whether by general ticket or by districts; also as to the form of the certificate attesting the result of the election; and it is absolutely certain that the Constitution was adopted upon that interpretation of this section.

It is equally certain, judging from the records of that important period of our history, that if it had been understood by the several States that under this section Congress was to be invested with the power to enact laws under which the Federal Government should, through its own agents, hold the elections of Representatives and control them and verify the result in derogation of the rights of the States over their local affairs, the Constitution would never have been adopted. The reason is obvious; the men of that period were jealous of delegated power, intensely vigilant in the maintenance of all of their rights of local government, and implacably hostile to any tendency to consolidate Federal power.

It is an instructive fact that for more than half a century after the adoption of the Constitution of the United States no attempt was ever made by Congress to interfere in any manner whatever with the election of members of Congress. Judge Story, the eminent jurist, in his Commentaries on the Constitution of the United States, on this clause and the possible improper use by this power of regulation, says:

The most that can be urged, with any show of argument, is, that the power might, in a given case, be employed in such a manner as to promote the election of some favorite candidate, or favorite class of men, in exclusion of others, by confining the places of election to particular districts, and rendering it impracticable for the citizens at large to participate in the choice. (Volume I, paragraph 820.)

It never occurred to the eminent judge that the power of Congress might "be employed" in actually taking charge of elections for the benefit of "a favorite class of men."

This eminent jurist saw no danger of an arbitrary attempt of Congress to wrest the words used in this clause of the Constitution from their ordinary meaning to an improper purpose, and he exults in the fact that up to the time when he wrote his great work on the Constitution no such attempt had ever been made. He says:

A period of forty years has since passed by without any attempt by Congress to make any regulations, or interfere in the slightest degree with the election of members of Congress.

The States now regulate the time, the place, and the manner of elections in a practical sense exclusively. (Volume I, paragraph 826.)

The first attempt of Congress to exercise any power under this fourth section of Article I was in 1842, when, on the 25th of June of that year, the following provision became law, being the second section of the act to apportion the Representatives among the States on the basis of the census of 1840.

SEC. 2. And be it further enacted, That in every case where a State is entitled to more than one Representative, the number to which each State shall be entitled

under this apportionment shall be elected by districts composed of contiguous territory, equal in number to the number of Representatives to which said State may be entitled, no one district electing more than one Representative.

Even that provision requiring Representatives to be elected by districts encountered fierce opposition on the ground that it was an impertinent interference of Congress in the affairs of the States, and it was adopted by the close vote of 101 to 99. The two greatest men of that House (Twenty-seventh Congress), John P. Hale, of New Hampshire, and Nathan Clifford, of Maine, the two greatest men either of those States have as yet produced, the one afterwards Senator and candidate of the Free Soilers for President, the other afterwards Attorney-General and a justice of the Supreme Court of the United States, voted against it.

While the measure was originally pending in the House, Mr. Atherton, of New Hampshire, and Mr. Ferris, of New York, and many other members, denounced the measure as an impertinent intermeddling by Congress with the local affairs of the people.

These speeches expressed the ground on which the measure was opposed. Gentlemen will understand the spirit which animated the House of Representatives at that time against the interference of Congress in the local affairs of the States when it is remembered that many of the States were then electing their Representatives by districts instead of general ticket; and this measure was adopted only to secure uniformity in the elections.

New Hampshire, Georgia, and other States refused to obey this order of Congress and elected their Representatives to the next Congress (the Twenty-eighth Congress) on general ticket. When the Twenty-eighth Congress met an attempt, of course unsuccessful, was made to exclude the Representatives so elected, and a protest was made against the legality of their election. The following extracts from speeches made in the House express the spirit of the public men of that period and their indignation at any attempt of Congress to meddle with the local affairs of their States:

John P. Hale, of New Hampshire, said:

He and his colleagues had come here in virtue of the laws of New Hampshire, laws which had been in force ever since her government had been established; and he had never been able to find any law of that State to divide it into districts for the election of members of Congress. To be sure, she had seen in the legislation of Congress an act commanding her Legislature to divide the State into districts, but New Hampshire has not been in the habit of looking to Congress or any other body under God's heavens to ascertain what her legislation should be. Standing here, then, under the guaranty of the Constitution, and bringing with them the same evidence of their rights to their seats as was brought by other members, all that they asked was that the House would not take the extraordinary course of entertaining an argument against him (referring to the protest) which he was not allowed to reply to; that it would not even by implication prejudice this question, but would leave it open for fair and manly discussion.

Andrew Kennedy, of Indiana, a famous Congressman of that day, from the Fort Wayne district of the State, who was a member of the preceding Congress, said:

The Twenty-seventh Congress, of which I was a member, attempted a law directing the States how they should elect their Members of Congress and Senators.

He said "attempted," because there never was any such law that had any binding effect. The Congress of the United States had no power to pass any such law. It was a nullity; and he declared when it was passed he should so treat it. He had occasion in the last Congress to give his vote on this law, and he then said that he hoped he should live long enough to spurn it and trample it under his feet. He came from a State that elected her members of Congress by districts—and this was very proper, because it was her pleasure to do so; but if she had elected her members by the general ticket system, and had, in obedience to that command of Congress, adopted the district system, he would have scorned to hold a seat here.

There was one view of this question which was of no little importance. The people throughout the country had looked at that mandamus act and had put the seal of condemnation upon it; and nowhere, he believed, was it more odious than in his State. Of the members then in Congress from Indiana, solitary and alone he voted against that law, and solitary and alone of that number he came back to this Congress. Those from his State who had voted for it had been left at home in oblivion. Much as he had cause of rejoicing for the success of his party and his principles, he could truly say that it gave him more joy of heart than anything else that he had the privilege of seeing that law set aside.

Indiana then had seven Representatives in Congress.

These speeches, and there were many of them, simply show the hostility of the people and their Representatives in Congress forty-eight years ago to any intermeddling of Congress with matters local to the States. As a matter of fact the States at that time were rapidly adopting the system of selecting their Representatives by districts. Indiana and the greater number of the States had already done so, and New Hampshire and the other States would undoubtedly have soon adopted that policy, for it is manifestly the better policy, holding the Representative to a closer responsibility to the people who elected him and securing a juster representation of every section of the State; it was a "manner" of electing Representatives over which Congress clearly had the power of supervision under the fourth section of Article I of the Constitution. It was the unnecessary and impertinent interference of Congress that called forth the vigorous protest.

The passage of that act of 1842 by the Congress which came into power with President William Henry Harrison was one of the measures that hastened the downfall of the Whig party, a great and honorable party and valuable to the country in all else than a tendency to enlarge the Federal power at the expense of the just and constitutional rights of the States.

Now, sir, Congress has fixed as a rule (with some exceptions) the time when Representatives in Congress should be elected; also the "manner" of voting; that is, by "secret ballot." This seems to exhaust the power of Congress over the subject except that Congress, as to such matters of regulating the "manner" of electing Representatives in Congress, may in its discussion modify, alter, or repeal any of its acts of regulating the "manner" of such elections heretofore enacted.

Congress has gone further. By the acts of 1871, as parts of the "reconstruction measures" now incorporated into the Revised Statutes of the United States under the title of "The Elective Franchise," Congress has authorized a "supervision" over the election of Representatives in Congress by a chief supervisor, by supervisors, and by deputy marshals, but the powers conferred do not extend to any control of the elections. The general drift of those acts of Congress are expressed and restricted by the following two sections:

SEC. 2028. No person shall be appointed a supervisor of election or a deputy marshal under the preceding provisions who is not at the time of his appointment a qualified voter of the city, town, county, parish, election district, or voting precinct in which his duties are to be performed.

SEC. 2029. The supervisors of election appointed for any county or parish in any Congressional district, at the instance of ten citizens, as provided in section 2011, shall have no authority to make arrests, or to perform other duties than to be in the immediate presence of the officers holding the election and to witness all their proceedings, including the counting of the votes and the making of a return thereof.

These provisions have at least the merit of requiring the supervisors and deputy marshals to be voters of the neighborhood where they exercise their authority, and simply in that case report to the chief supervisor what was done. I admit that in some of its provisions the law is more arbitrary than this; yet on the whole it is simply inquisitorial, and does not attempt to take control of the election, ignore the officers authorized by the laws of the State to conduct the election, and make a final decision as to the result.

At the time this law was enacted the country was just fairly emerging from a great war, the colored people had been enfranchised, and the dominant section of the Union would naturally acquiesce in any legislation intended to carry out the radical changes that had been made in the political and domestic affairs of the region of country then recently in revolt against the Federal Government. Under any other circumstances or conditions those acts of Congress would have aroused the fierce indignation of the whole people. They have never been enforced in a Northern section of the Union without exciting the resentment of the people.

Those former acts of Congress of the reconstruction period, arbitrary as they are, at least have the merit of leaving the elections in the several States and the ascertainment and certification of the result under the control of the States. I have thought the foregoing statement necessary to a fair understanding of the pending bill.

THE PENDING BILL—WHAT DOES IT PROPOSE TO DO?

The pending bill, No. 11045, "to amend and supplement the election laws of the United States and to provide for the more efficient enforcement of such laws, and for other purposes," proposes an absolute and complete change in our system of government. For over a hundred years our government has been administered upon the theory that the people themselves were the only safe depository of political power, that the people themselves in their townships, villages, towns, counties, parishes, and States should control all public affairs which could, under our system of government, be brought within their reach. Hence, for more than a hundred years all elections, local and Federal, have been under the control of the people of each community, exercising their authority under the laws of their respective States.

All this is to be reversed by the pending bill if it becomes a law. The Federal Government, by its agents, is to take charge of the elections. A separate system of the Federal Government, where members of Congress are to be elected, is to be established and the people in their primary organizations completely ignored. And a system as remote from the people as can be devised is to take the place of a system which brought the affairs of Government as nearly under the control of the people as possible.

Let us see. Under this bill a circuit judge appointed by the President and holding his office for life will appoint in each of the several States of his circuit a chief supervisor, this chief supervisor to hold his office for life. This chief supervisor, whenever requested to do so by "one hundred persons claiming to be citizens of the United States, and residents and qualified voters in the city or Congressional district," or by "fifty persons claiming to be citizens of the United States, and residents and qualified voters of any county or parish of any Congressional district," shall notify a United States circuit judge of his judicial district, no matter in what State the judge may live, "that he has business to present to such court in respect to the ensuing election," and the judge shall open such circuit court "at the most convenient place in such judicial district, and keep it open until the day succeeding the election."

And the election shall be guarded, scrutinized, and supervised in the manner herein set forth. With the circuit court of the United States in continuous session this chief supervisor of the State shall certify to the court lists of persons for appointment as supervisors of elections, and the court shall appoint "such number as the chief super-

visor shall believe to be sufficient." No limit to the number! But the number of these supervisors shall not "be less than double the whole number of supervisors which each such city, or town, county, or parish, or entire Congressional district is entitled to the service of."

Then the chief supervisor assigns these supervisors to their field of operation. Three are to be assigned to each field of duty, "but two of whom shall be of the same political party." Of course the third may be of any political party, Democrat, Mugwump, Prohibitionist, Labor Reform, or of any other political party that may best suit the purposes of the chief supervisor; but the chief supervisor may at any moment in his discretion suspend any supervisor and fill his place by another. He names the chairman of the three supervisors, who is in fact invested with absolute control. He finally announces the result of any given count of voters in the election.

In addition to this autocratic power conferred by the bill on the chief supervisor in the selection of supervisors to do his bidding, he may require the United States marshals to appoint a number of deputy marshals to aid him in controlling the elections in his State only limited by his will. The provision of the bill in this respect is as follows:

Special deputy marshals, when required by the chief supervisor of elections, shall aid and assist the supervisors of elections in making the house canvass provided for by this act; the number of special deputy marshals who may, under any provision of law, be appointed for election purposes shall be determined from time to time at conferences between the marshal and the chief supervisor of elections, and no other or greater number of special deputy marshals shall be appointed than the chief supervisor of elections shall from time to time certify to be in his opinion necessary to observe the manner in which the election officers [of the State] are discharging their duties to enforce the election laws of the United States and to prevent frauds and irregularities in naturalization.

Despotic government could hardly go further than this bill does in investing irresponsible power in a satrap. The United States circuit judge shall appoint as many supervisors as he may deem necessary, and the United States marshal shall appoint as many deputy marshals as he may deem necessary, and these supervisors and deputy marshals are under his absolute control.

Before the elections they are to be employed in overhauling and correcting the registrations in States where the registration of voters is required and in overhauling the records of the naturalization of foreign-born citizens and in watching the proceedings of the courts in cases of naturalization. Spies and public informers in the discreditable work of finding technical defects in the naturalization of citizens to deprive them of the right of suffrage! A mean, petty system of espionage on the citizens of our country! See how elegantly this system of spies and informers, this debasing espionage on the courts of justice, is expressed:

Fourteenth. To observe and scrutinize the manner in which naturalizations are made and to aid the court in the matter of preventing fraudulent naturalizations, and for these purposes to have at all times free access to all rooms where such proceedings are being conducted.

Has any government, no matter how despotic, ever before appointed spies to watch the proceedings of its courts of justice?

How steadily history repeats itself. The Know-Nothing crusade of 1854, the most infamous incident in our history, came from New England, and now in a new form and under the sanction of law proposes to renew its old-time proscription and intolerance of persons of foreign birth. It will be interesting to see how gentlemen representing large constituencies of foreign birth, who by an invitation have come to our shores and have become citizens of the Republic and upheld its flag in the late war with invincible courage, will vote on this question.

When this machinery to control the elections is fully organized except as to the returning board, this chief of supervisors of the elections shall, "on or before the 1st day of September next following this act, cause a judge of the circuit court of the United States in his judicial district to be informed in writing that it is necessary that the circuit court should be opened;" and it shall be the duty of the circuit judge "so informed" to open a court in his judicial district on or before the 1st day of October next following, and he shall hold a court in his judicial district at a place "most convenient for him," and shall appoint "three persons of good standing and repute," "residents of the State," "who shall be known as the United States board of canvassers of the Congressional vote within and for the State for which they shall be appointed."

They shall hold their office for life and not more than two of them shall be of the same political party. The third, of course, will be a Mugwump, Prohibitionist, Reformer, Democrat, as the chief supervisor shall determine. "Each shall receive a salary of \$15 per day" and "\$5 per day for their personal expenses," with a clerk at \$12 per day. They shall convene at such place in their State "as shall be most convenient for them," but at a place where a circuit court of the United States shall be held, so that in Indiana this returning board would sit at Fort Wayne, Indianapolis, Evansville, or New Albany, being the four places in Indiana where a circuit court of the United States is held.

The returns of the supervisors of each election in the cities, towns, counties, and parishes or districts, as the case might be, and their count of the vote at the election under their charge, in which "they shall conduct" said elections "as provided by the laws of the State in

which the election is held, save when the same are modified, annulled, or changed by the laws of the United States," shall ultimately go through the clerk's office of the United States of the judicial district to this returning board, sitting at such place where a circuit court is held "most convenient to them."

This returning board shall at their leisure ascertain the result, and shall, among other things, declare and certify their decision as to who was elected to Congress by the given district under their charge to the Clerk of the House of Representatives, and then this extraordinary bill proceeds as follows:

SEC. 16. Upon the receipt by the Clerk of the House of Representatives of the declaration and certificate of any United States board of canvassers of the Congressional vote as to the election of any Representative or Delegate in Congress it shall be the duty of that officer to open and file the same in his office. If by such declaration and certificate it shall appear that another and different person has been elected as a Representative or Delegate in Congress than the person certified as elected by such officer or officers of the State in which such Congressional district is situated, whose duty it is by the laws of the State to make such certificate, then the person so certified as elected by the declaration and certificate of the United States board of canvassers shall be, by the said Clerk of the House of Representatives, placed upon the rolls of persons elected as Representatives or Delegates in Congress, and the provisions of existing law respecting the names of persons who shall be placed upon the roll of the House of Representatives by the Clerk thereof are modified to the extent herein provided, and to such extent only. Any Clerk of the House of Representatives who shall neglect, fail, or refuse to place upon the roll of Representatives and Delegates elect the name of any person entitled to be placed thereon as provided by the laws of the United States, shall be liable to arrest, and upon conviction of such neglect, failure, or refusal, shall be punished by a fine of not less than one thousand nor more than five thousand dollars, or by imprisonment for not less than one nor more than five years, or by both such fine and imprisonment, and shall be forever disqualified from holding thereafter any office of trust or profit under the Government of the United States.

This bill bristles with extraordinary and arbitrary provisions as, for instance, in the case of the challenge of a voter, referring to a "statutory" oath (whether Federal or State is not stated), the chairman of the supervisors is to proceed as follows:

Seventh. To require the statutory oath or oaths to be immediately put to any voter whose right to vote shall be challenged, and in case the State, Territorial, or local election officers shall neglect or refuse to immediately put such oath or oaths, and to at once pass upon the qualifications of any such challenged person, then it shall be the duty of the chairman of the supervisors, or in his absence the duty of either of his associates who may be present, to, without delay, put such oath or oaths, whereupon the supervisors of election present shall promptly pass upon the qualifications of such person.

I will not enter into further details of this bill of seventy-two pages of complicated and arbitrary provisions, overriding State laws and placing the ballot-box under Federal control, an unexampled instance of the distrust of a great party of the capacity of the people to control their own affairs.

It is the most outspoken expression of "Federalism," a distrust of the people to carry on their own government, that has appeared in Congress since the "alien and sedition laws" were enacted—laws which the people at the earliest opportunity branded as monarchical and infamous.

Instead of keeping political power closely under the control of the people, it organizes a power above and beyond the people, irresponsible to the people, to control and regulate their most important affairs—the election of men to carry on their Government.

Does any man believe that a chief supervisor of elections, appointed for life by a circuit judge appointed by the President for life, with power to appoint subordinates with ample salaries without limit, is a safer repository of power than the people in their primary organizations of towns, cities, counties, parishes, and States? If so, republican government is a failure. Does not every man know that this scheme of Federalism would riot in dishonesty and corruption from the very beginning?

It is claimed by the Republicans that our States of the North will not be humiliated or dishonored by this system of Federal elections being applied to them. But why not? The mercenary motive offered by this bill may, in the early future, put it in operation in every State in the Union. There are, unfortunately, in all our States people whose sense of public virtue would hardly resist these salaries, ranging from \$5 per day to \$20 per day, and the great salary in fees and perquisites which this bill proposes to pay to the autocrat of our elections, the chief supervisor.

It is said that this Federal interference in elections is necessary to protect in the right of voting the colored people of the South. But will this Federal interference be beneficial to the colored people? We meet almost daily in this city with colored people from the South who give us assurance of the prosperity and progress of their race in the Southern States. According to official statistics they are gradually becoming property-owners to a greater or less extent in every Southern State, to a much greater extent than in the States of the North, numbers considered. Now, why should we by Federal interference imperil and interrupt the progress of the colored race in the South? Their destiny is interwoven with the white race. You only provoke a war of the races by your selfish partisan policy. The progress of the colored race in the South during the twenty-five years of their liberty is simply wonderful, considering that they have so recently emerged from the slavery of centuries. Will you interrupt this progress and create fierce antagonism between the races to obtain a mean partisan advantage?

There are, unfortunately, inequalities in the representation of our people in almost every State. In Maine, Connecticut, New Hampshire, and many other States the Democrats, by a system of unjust and dishonorable districting of the States for the election of Congressmen, are absolutely excluded from any participation in the affairs of the Federal Government. During the last thirty years the Democrats have for more than half the time been absolutely excluded in Massachusetts by a crafty system of districts from any voice in Congress. All men must see that these inequalities in representation can only be corrected by the growth, always going on, of the sentiment of justice and honor in the people of the several States of the Union in matters pertaining to partisan contests. Federal interference will not advance, but will delay, the hour when all citizens will be fairly represented in the Congress of the United States.

How can you excuse or justify this conflict between the States and Federal Government in control of the elections at this particular period? A suspicion will arise that you have seized upon this occasion to defeat the valuable reforms the States have inaugurated during the last two years to purify the ballot-box. Two years ago, in the election of President and members of Congress, the corrupt use of money to influence the results of the elections was well known to all men. That vast sums of money, collected in sections of the Union where capital had been enormously increased by the special protection of its industries by acts of Congress, were used in other sections of the Union to corrupt the ballot-box, is known to all men. To arrest this system of corruption has been the special effort of many of the States since the election of 1888.

There is not one paragraph in this bill which even attempts to correct that evil in our elective system, but the bill as a whole renders abortive all of these worthy efforts of the States to secure honest elections. A horde of mercenaries are to supervise and control our elections, and all these efforts at honest elections are to be defeated. And all this on the dishonest pretense of securing to every man the right to vote and have his vote counted. "O, Shame, where is thy blush?"

This bill, this wretched combination of federalism and know-nothingism, both outgrowths of the politics of New England, both of which isms have heretofore received the merited condemnation of the American people, may become a law. No period in our time has exhibited such a subservency of the majority controlling the House to its leader as the present. Both federalism and know-nothingism were condemned by the American people long ago, because both were destitute of true patriotism and both were un-American. The bill seeks to revive federalism and know-nothingism as forces in our political system, the one condemned and rejected early in the present century by our fathers, the founders of the Republic, the other in more recent years by the enlightened judgment of the American people, as unpatriotic, un-American, and unfriendly to our republican form of government.

This bill if it shall pass the House will be passed under the dictation of a few party leaders, animated by the mean hope of a party advantage. It may become a law and remain the law for a time, for in contempt of the right of the people to govern it makes appropriations absolutely permanent for the pay of the horde of mercenaries it will call into the Federal service, but if it does become a law the future historian will write that it struck a deadly blow at the free institutions of the American Republic and was only unsuccessful in its purpose because it was ignominiously ignored by the people or because they indignantly commanded its prompt repeal.

Mr. Speaker, the proposition now pending does not seem to be an unreasonable one if this bill must become a law. The genius of our system of government is against special, partial, and class legislation, and if it is proper for this measure to become a law and to be enforced at all it ought to be made applicable to the whole Union. Then the character and effect of the measure would be understood by the whole people and a just public judgment pronounced against it.

But, sir, judging from the expressions already heard in the House, there is no justification of this measure. The gentleman from North Carolina [Mr. EWART], the gentleman from Tennessee [Mr. HOUK], the gentleman from Louisiana [Mr. COLEMAN]—honorable men, and Republicans, and others of the South—the gentleman from New York [Mr. BAKER], Mr. ALLEN and Mr. BURROWS, from the State of Michigan and others, Republicans and honorable men, away up in the North, all insist that this measure shall not be applicable to their districts, and no gentleman has yet risen on the floor of the House and admitted that this measure, if it should become a law, should apply to his district.

Indeed, sir, from the nature of the measure no gentleman would be willing to make an admission that this bill if it becomes a law should be understood by his people as applicable to them; for this measure is arbitrary and insulting and its tyrannical provisions could only be justified on the assumption of the corruption of the people and their incapacity for government. It seems to embody two ideas in government, both of which have received the unqualified condemnation of the people of our country: the one, old-time federalism, which was signally struck down when the alien and sedition laws were repealed—a measure consigned to infamy by our fathers; and the other, the know-nothingism of more modern times, intolerant and tyrannical, the very mem-

ory of which is a national dishonor. This measure, a cross between the two, federalism and know-nothingism, is repudiated by every member of the House as to his own district. Those who have spoken from the South, as well as those who have spoken from the North, condemn with equal emphasis the application of this proposed law to their districts. Gentlemen from every section of the Union demand the right of the people of their districts to manage their own affairs. And, sir, of all the gentlemen present, Republicans and Democrats, I think I may safely say not one of you will rise and declare that he thinks this bill, if it shall become a law, should have any application whatever to his Congressional district.

Mr. TAYLOR, of Illinois. I rise to say that I want it in my district. Mr. HOLMAN. Well, there is one; and you will see to it that fifty or one hundred men—mercenaries, spies on the courts of justice, to watch over your naturalizations and control your elections, shall be furnished by Federal authority to put the law in operation in your district! I do not envy the gentleman. Who else of the three hundred and thirty members desires that this law of espionage upon your courts of justice in proceedings of naturalization, this bill which ignores your people and their local authorities, this measure which gives control of local affairs to a power not emanating from the people, shall regulate and control the affairs of his district? But one—one gentleman, "solitary and alone," of all the three hundred and thirty members of this House—announces that this measure of federalism and know-nothingism ought to be made applicable to his Congressional district. I do not envy the gentleman his position. And I predict that my friend's district, when he goes before it and informs the people there of the character of this measure, will repudiate him with signal unanimity. [Applause on the Democratic side.]

[Here the hammer fell.] Mr. TAYLOR, of Illinois. Mr. Speaker, a person listening to the debate on this question for a number of days past would have gone away from the House with the idea that this measure was local, was being passed simply for one portion of these United States. I have read the bill carefully, studied its provisions, and I rise here to say that I support it because I want it for my district. I rise to say that I support it because I want it for the city a part of which I represent on this floor.

Mr. FLOWER. You need something. Mr. TAYLOR, of Illinois. The gentleman is right; we do "need something." And it seems the Democrats in the last campaign, when they were supporting their grand, free-trade, civil-service candidate for President, thought they "needed something;" for under the election law already on the statute-book they appointed nineteen hundred deputy United States marshals in Chicago. They seemed to favor this deputy-marshal law then. What has turned them against it now?

I say we do "need something" in Chicago. There never has been an election held in Chicago within my recollection when there has not been illegal voting and cheating at the polls. After nearly every election we have to arrest, try, and convict some persons for violating the elective franchise. And I will say to my friend from New York [Mr. FLOWER] that ninety-nine times out of a hundred it is a Democrat that is sent to the penitentiary.

Mr. BLAND. You do not prosecute Republicans, I suppose? [Laughter.]

Mr. TAYLOR, of Illinois. The courts in my city are equally divided politically; one-half of the judges who preside over them are Democrats and one-half are Republicans; and the greatest Democrat that was ever sent to the penitentiary was prosecuted by a Democratic United States district attorney, tried and sentenced by a Democratic judge.

Mr. FLOWER. How will it be under this law? Mr. TAYLOR, of Illinois. We are trying to live up to the law there; we are trying to enforce it. While we need it in Chicago, I do not believe we need it in any other district in the State of Illinois.

Mr. WILLIAMS, of Illinois. Was not that same man pardoned by a Republican governor and turned out? [Laughter and applause on the Democratic side.]

Mr. TAYLOR, of Illinois. Yes; because, two days before, he served his time out; his four years had expired before he got the pardon.

Mr. WASHINGTON. They would have pardoned him sooner, I suppose, if they could have got at him.

Mr. TAYLOR, of Illinois. And while I am familiar with the working of the election laws in Illinois, I am also familiar with their working in one of the Southern States and with the government of that State—the State of Texas. I want to bear witness, Mr. Speaker, to the fact that I believe the State of Texas is as economically and well governed as any State in the Union. I want to bear witness that I do not believe the State of Texas needs this election law any more than the State of Illinois. There are places in Texas probably where it would be an advantage to put it in operation just as there are in Illinois. But there are other districts in Texas where they do not need it and where it would not be applied. Hence I am against the amendment.

Mr. MILLS. Against the amendment? Why, I thought you were arguing in favor of it. [Laughter.]

Mr. TAYLOR, of Illinois. I am against it.

Mr. MILLS. You spoke for it.

Mr. TAYLOR, of Illinois. No; against it.

Mr. SPRINGER. Mr. Speaker, I desire to call the attention of the House to the fact that in Chicago, so ably represented by my friend across the way [Mr. TAYLOR] who has just spoken, the election law governing that city is entirely different from the law as applicable to any other part of the State, a special law having recently been passed applicable exclusively to that city in its elections. It is one of the most stringent and efficient laws that has ever been put in force upon the statute-books of the State of Illinois. It was passed by a Republican Legislature for the express purpose of securing honest and fair elections in that city. It has worked to the entire satisfaction of all of the people of the city of Chicago, without regard to party.

That law divides the city into voting precincts of not exceeding 400 voters in number, in each of which precincts the polls are to be closed at 4 o'clock in the afternoon, so that all persons can vote in daytime and have their votes counted before dark. I have not heard of the frauds to which the gentleman alludes as having taken place under its operation. I do not believe that frauds have taken place under that law. There were some frauds alleged last spring, but not committed under this law.

Mr. TAYLOR, of Illinois. Why, the gentleman knows, or must know, that there were some twenty-five or thirty indictments for illegal voting.

Mr. SPRINGER. Very well, then I stand corrected upon that point. That was an election for town officers and other local officials, and indictments were found for alleged fraud against two Democrats. A jury was empaneled for the purpose of trying them, which had on it nine Republicans, I think, and they scarcely left their seats after hearing the testimony in the case when they brought in a verdict of "not guilty."

Allusion has also been made to the indictments found against Mackin and Gleason for alleged fraud in elections. Mackin was tried, but Gleason, being a Republican, was allowed to escape on his own personal recognizance.

Mr. TAYLOR, of Illinois. Why, the gentleman knows that Gleason is a Democrat.

Mr. SPRINGER. No, sir; I do not know it.

Mr. TAYLOR, of Illinois. Gleason was always a Democrat.

Mr. SPRINGER. Then, if he is a Democrat, why did you not punish him?

Mr. TAYLOR, of Illinois. Why did not you punish him?

Mr. SPRINGER. You had control of the courts.

Mr. TAYLOR, of Illinois. You punished Mackin, and he got out on a technicality.

Mr. SPRINGER. I have stated the facts in regard to it—

Mr. TAYLOR, of Illinois. The gentleman is entirely mistaken; he is not stating the facts.

Mr. SPRINGER. I state the facts as they are generally understood by the people.

On yesterday the honorable gentleman from Tennessee [Mr. HOUK] stated that I had submitted a report in the case of Dean against Field, sustaining, substantially, the election bill now pending. The gentleman is entirely in error in that regard. That case was simply this: Under the laws of the United States, two supervisors were appointed in every election precinct. They met at all of the polls and in connection with the State officers of Massachusetts both agreed on returns of every precinct of the Congressional district, which, when aggregated, elected Dean by a majority of 5 votes.

The law required the returns to be counted in the presence of the supervisors of the precincts when the returns were made up. That was the law at that time. But, notwithstanding the existence of the law, the city council of the city of Boston took the returns and referred them to a committee of the city council, consisting of three persons, who took these returns into a private room, locked the door, and counted them by themselves, apart from the supervisors, and that count was brought here to the House of Representatives, and, although contrary to the national election law, it was sustained by every Republican in the House except General Butler, and he was read out of the Republican party for voting against sustaining that count. So that gentlemen who have claimed so much for the count by Federal supervisors here are the very persons who have themselves disregarded it and set it aside and put in its place a count of the board of aldermen of one of the cities of the country. I believe that the law of Congress was paramount in the case and that the count in the presence of the State officers and the national supervisors was superior in validity; the House of Representatives so held, and hence Dean was seated. The only question involved in the case being as to the validity of the different counts which were made, we held that the return made under the law of Congress was superior.

On yesterday the gentleman from Ohio [Mr. GROSVENOR] referred to illegal voting in Ohio some years ago. It so happened, Mr. Speaker, that I was chairman of the committee appointed for the purpose of investigating the alleged frauds in connection with that election. It so happened that there was arrested in connection with that a gentleman named Mullen—

The SPEAKER. The time of the gentleman has expired.

Mr. COOPER, of Ohio. A gentleman! A penitentiary convict.

Mr. SPRINGER. And he arrested one hundred and fifty negroes coming across the Ohio River at Covington to vote in the State of Ohio under the protection of your deputy marshals. It so happened, however, that of the whole number he arrested three of them happened to be residents of the city of Cincinnati, entitled to vote in that city, and hence he pleaded guilty as to them and was sent to jail, not to the penitentiary, for twelve months.

The SPEAKER. The gentleman has exhausted his time, and one minute over.

Mr. HILL. Mr. Speaker, history delights in parallels and paradoxes, and sometimes the same act is both a parallel and a paradox. Saul of Tarsus, according to biblical lore, once had a great experience on his way to Damascus, as those on this side of the House will remember. [Laughter on the Republican side.] He saw a great light; he heard a voice from heaven saying "Why persecutest thou me?" "Saul, Saul, why persecutest thou me?" was the inquiry; and he fell to the earth with his mouth in the dust and asked, "Lord, what wilt Thou have me to do?" The Democracy of to-day in the past few hours have seen a great light. Perhaps the parallel will cease there. [Laughter on the Republican side.]

For several days it has been the business of the Democracy in this House to denounce and vilify this bill. They have searched the dictionary for words of vilification and condemnation. They have condemned it as unconstitutional, and the great constitutional lawyers on that side of the House have spent hours in trying to demonstrate its unconstitutionality. They have talked by the hour about the enormous expenditure that will be imposed upon the people of the United States. I hold in my hand the minority report carefully drawn by one of the ablest of the minority of the committee [Mr. BUCKALEW], in which the estimate is made of ten millions of dollars as the expense of this bill if enacted into law and put into operation.

What do we see to-day? After days and days of talking against this bill in every conceivable form, using every possible argument against it, we find them advocating its application, if enacted into law, not merely to a few Congressional districts, not merely to a few cities and localities where it is needed in this country, but to every Congressional district. The constitutional argument is forgotten, the great expense to the people of the United States is forgotten, all the arguments that they have used against this bill are forgotten for the time, and they are ready to fall in and adopt the amendment of the gentleman from New Jersey [Mr. LEHLBACH] extending the operations of this bill to every Congressional district, making it not voluntary but compulsory, regardless of expense and regardless of constitutional law. I say a great light has fallen on the Democracy. Presto, change! The curtain lifts, the scene changes, and to-day the Democracy, that for days past have been talking against this bill as the abomination of abominations, stand shoulder to shoulder and arm in arm with the gentleman from New Jersey in support of it.

Mr. TRACEY. Not in support of the bill, but in support of the amendment.

Mr. HILL. And I suppose they will vote for the extension of this bill to every Congressional district. I say that may be either a parallel or a paradox, or it may be both. It remains to be seen. We have got to look behind the curtain, to look behind the scene and see what the object of these gentlemen must be in their ready and prompt espousal of this amendment, in putting this vast and unnecessary expense upon the people of the United States.

We all know, gentlemen, that the application of this bill is not needed in every Congressional district. We all know that it is not needed in many of the Congressional districts of the North.

It is needed in some few districts in the great cities like New York, Philadelphia, and Chicago. It is not needed in my Congressional district, and I hope the time will never come when it will be needed there. But it is needed in many Congressional districts of the South, as well as in the great cities of the North.

Mr. Speaker, in the brief time at my command I shall not even attempt a defense of this bill. There is in my judgement no question as to its constitutionality. That is settled, not only by the plain provisions of the Constitution, but by the decisions of the highest court in the land. Even those who have argued here against its constitutionality have been obliged to admit that the question has been settled by the Supreme Court against them.

The only question left is, is this bill wise, is it expedient? To that question, Mr. Speaker, there ought to be but one answer. No candid man can deny that there have been great frauds on the ballot-box. The history of this country for the past few years, the records of this House, the results of contested-election cases, all demonstrate not only the existence, but the magnitude and extent, of such frauds. Not a member from the South has risen in his place to deny their existence. They are conceded by all. What, then, shall be done? Is there no remedy? Shall we let these gross frauds pass in the hope that at last they will die out of themselves, or shall we attempt their suppression?

Mr. Speaker, the American people believe in a "free ballot and a fair count." Upon that proposition rests the perpetuity of free institutions, the future of the Republic, black or white, rich or poor, foreign

or native born, every voter must be permitted to cast one ballot for the candidate of his choice, and have that ballot counted. Fraud upon the ballot-box is a species of treason; it threatens the very life of the Republic. Wink at it, apologize for it, tolerate it, let it spread, and sooner or later this great Republic will totter to its fall.

I am for this bill. Do you say it will not cure the evil? Let us try it. The power of the Federal Government is great. The fear of punishment will deter the evildoer. Let us at least try what Federal power can do toward purifying the ballot-box and the suppression of intimidation, false counting, and ballot-box stuffing. [Applause.]

[Here the hammer fell.]

Mr. STONE, of Missouri. Mr. Speaker, I agree with the observations of my friend from Indiana [Mr. HOLMAN] that if this bill is to be enacted into law it should be uniform. If there is to be an assault upon the State governments the disaster should be made general, and not sectional.

When Solomon, the great monarch of Israel, reared that splendid edifice which became the glory of his reign and the wonder of his age he put two brass pillars in the porch of the Temple. One he called "Boaz," the other "Jachin." They denoted support and stability, or, in mystic lore, symbolized the pillar of cloud by day and the pillar of fire by night, which guided the footsteps of the Jews through the dangers of the wilderness.

Upon the threshold of this Republic stand two majestic pillars, on whose white lintels the fathers laid the Constitution of the country. One they called "National Sovereignty," the other "State Sovereignty." Break, remove, undermine either, and this noble fabric of constitutional government, reared in the wisdom and cemented in the blood of the sages and warriors of the Revolution, will fall into decay and ruin, and its broken fragments will be scattered by the contending storms of ambitious strife and partisan passion.

Sir, we hear much talk of treason and traitors in these latter days. It is not an unusual thing to hear Representatives on this floor denounced as traitors for their participation in the great civil war thirty years ago. But I affirm it is as much a crime under the Constitution and against the Constitution to assault the authority and the sovereignty of the State as it is to assault the authority and the sovereignty of the nation. The men who, thirty years ago, upon the battle-fields yonder across the broad Potomac, with rifles in their hands and flashing swords, sought to destroy the autonomy of the nation were no more guilty of high treason than are the men who assemble here under the marble arches and swelling Dome of this Capitol and conspire to destroy the autonomy of the States. [Applause on the Democratic side.] The men who by indirection, by covert plot, by extraordinary or extra-constitutional methods, adopted in cabinet or legislative council, seek to overthrow, subvert, or suppress the authority or the sovereignty, in their respective spheres, of State or nation, are no less traitors—damned, odious traitors—than are the men who seek upon an open field to strike an open blow amid the storm of shot and shell and saber stroke. [Applause on the Democratic side.]

Mr. BUCHANAN, of New Jersey. Mr. Speaker, I suppose the gentleman from Missouri [Mr. STONE], following up the same line of thought to which he has just given utterance will, upon the vote which is soon to be cast on this amendment, vote against it, because, as I understand the effect of this amendment, it makes the bill far more reaching in its provisions, in its character, and in its effect, than as it originally stands; and I shall look with disappointment upon his vote if it be found not to be in accord with the sentiments which he has just so eloquently uttered.

As this amendment, sir, emanates from the State I have the honor in part to represent, it is perhaps not out of the way for me to say that in our local affairs we do not have the uniformity for which my colleague from New Jersey [Mr. LEHLBACH] pleaded so eloquently yesterday and which he says he wants to secure by this amendment. As I have already said on this floor, our Congressional elections in the past have not been held in all portions of that State under the operation of the present law; in other words, in some districts the operation of that law was invoked and in others it was not. So far as the registration feature goes—and we know that that is the very initial proceeding in an election—for years it has been our law upon that subject in our State that the registration was confined to the cities, and did not take effect in the rural districts. And why? Because there was no necessity for registration in the rural districts, where every man knew his neighbor.

It was only necessary in the thickly settled portions and because they were so thickly settled, and therefore the people do not know each other so well. I want to say this one thing further with reference to this amendment. I am sorry that it emanated from this side of the House, because it does not tend to perfect the bill. If it is designed to harass and obstruct the passage of the bill; if it is designed to make the bill more costly in operation; if it is designed to make it more odious in effect, by forcing it where not needed, I can understand why the amendment was offered; but knowing the honest convictions of my colleague as I do and knowing his sterling qualities of heart, I can only believe that he was not aware of the effect of offering this amendment from this side of the House.

One other thing. I do not know but what I have done the gentleman from Illinois [Mr. SPRINGER] an injustice awhile ago in asserting that if he would give some of the others of the members an opportunity of speaking they could be heard. He replied that he had not spoken more than two minutes on this bill. Since then, Mr. Speaker, I have taken occasion to examine the RECORD, and I find that on yesterday he addressed the Speaker or some member of the House just thirty-four times. [Laughter.] I want to pay him the compliment of saying he is the only gentleman upon this floor who could do that in two minutes.

Mr. HEMPHILL. Mr. Speaker, the effort to get this discussion away from the real point at issue has been in some measure successful, and it is exceedingly important, if we are to cast an honest vote upon this part of the bill, that we should be brought back to the consideration of the amendment offered by the gentleman from New Jersey. The proposition is to relieve the bill of that section which provides that this law shall be put into operation in certain districts of the United States upon the petition of fifty or one hundred citizens of the district, town, or city. But gentlemen on the other side say that this amendment is intended to make this law odious. I want to say, if it is so bad a law that you are afraid to vote for its general application all over the United States, why are you such cowards as to throw on fifty or a hundred citizens of any particular district the responsibility of putting into effect a law which is odious to the people of the United States?

We want to assume the responsibility of this law so as not to place it upon any limited number of people to say whether or not the people of that particular district, city, or town shall be put under its operation.

I want to insist further upon the fact, Mr. Speaker, that unless this law is made universal in its application there will be gentlemen upon this floor who will be seated here under the State law, others will be seated under the United States law, others will come here with every vote counted for them under the United States law if this bill goes into effect, and others will come here with every vote only which is cast and counted under the State law and counted for or against them.

Mr. RICHARDSON. And some without any law.

Mr. HEMPHILL. Some parts of a district can be put under the operation of this law and other parts of it will not be put under the operation of the law, and there are some districts, or parts of districts, which can not be put under the operation of this law, even if fifty or one hundred inhabitants of the district shall petition for it to be put under the law.

Now, I want to say to gentlemen that if this law is good for one district it ought to be good for all and if it is odious for one district then it is odious to all; and it is neither fair nor just to vote down this proposition on the ground that it is odious to the people of the United States. Let us have the courage to assume the responsibility of putting this law on the statute-books and putting it into operation, or say it is not going into operation, and not shift the responsibility on to fifty or one hundred, who may know nothing about it and who may be the very worst men in the district.

Mr. MILLIKEN. Mr. Speaker, will the gentleman allow me to ask him a question there?

Mr. HEMPHILL. Yes, sir.

Mr. MILLIKEN. Can not the gentleman see that there may be one district where it should be put into operation and that there may be another place where it should not go into operation; that the law proposes to leave that to be determined?

Mr. HEMPHILL. Who is to decide that?

Mr. MILLIKEN. Why, the people of the district themselves.

Mr. HEMPHILL. It is not to be decided by a majority of the people of the district, but by fifty or one hundred men who may be drawn from among the hungry politicians of the community who may take up a notion to have it put in operation; the sore-heads, the dead-beats, and the like may want to put it in operation.

The circuit judge has not the right to decide whether or not it shall go into operation, but is compelled to put it into operation if these people ask for it, and in that case he simply compels it to be done. If there is fraud enough in the United States, taking it all over; if there is such an emergency as to require the execution of the law in the United States in reference to elections, let us say so; but, if there is not enough, let us say there is not enough; but do not pass a law which puts it in the hands of fifty or one hundred to say whether or not there is fraud in a district in the United States, because they may be the people who are drawing the money from the Treasury of the United States, and of course they will be in favor of putting this law into effect.

Mr. MILLIKEN. But suppose both parties, or all parties, in a Congressional district say that they do not want the law, would you force it upon them?

Mr. HEMPHILL. No, I would not force anything upon them. I say that if you let the people alone and educate them properly they will come to their senses and do what is fair and just.

Mr. PAYNE. Mr. Speaker, either our friends who oppose this bill have been converted more suddenly and more thoroughly than Saul of Tarsus or else they are not honest in pressing this amendment. They say now in effect: "This is so good a thing that we propose to force it

upon every Congressional district in the United States." That is what they say, if they are honest.

Mr. OUTHWAITE. Oh, nobody is honest but you.

Mr. PAYNE. Or, on the other hand, they insist on putting this amendment upon this bill to force it upon all the people of the United States because they believe that the expense of its enforcement will make the law unpopular.

Mr. HEMPHILL. And you have not got the courage to stand up to the expense.

Mr. WASHINGTON. We believe you need the law as much as we do.

Mr. PAYNE. In other words, their argument is that, because a plaster is a good thing on a sore spot, therefore it should be extended to the whole body and would be a good thing on the whole body. [Laughter.] They oppose this bill for three different reasons. One is that it is unconstitutional. We are willing to leave the plain language of the Constitution on that subject to the plain people of the United States, backed up and re-enforced as it is by the repeated decisions of the Supreme Court of the United States. They say that if we force this law upon certain sections of the country there will be revolution. They make threats; they insinuate that it will cause the shedding of blood in certain districts. Mr. Speaker, it is enough for us to know that the law is right, that the law is in the direction of an honest vote and an honest count, and those who oppose the law must take the responsibility of breaking it, or defying it, or attempting to nullify it. We are simply seeking under this provision of the bill to perpetuate and extend the present system.

Under the present system the supervisors' law can only be extended to a city upon the request of a number of the qualified voters of that city, 10, I think, instead of 100 or 150, as required by this bill. That law was passed in 1871, and has been in operation for nineteen years. By the census of 1880 there were ninety-eight cities in the United States to which the law was applicable, of which twenty-two were in the South. The people of the South, by their petitions, extended the benefit of the law to thirteen of those twenty-two cities. In the North there were seventy-six cities of over 20,000 inhabitants, and this law was extended by petition to forty of those seventy-six Northern cities. So it appears that in some localities the people desired the law and in some they did not. Now we propose to leave it optional with each Congressional district, with each city in the United States, with each county, to say whether they shall have the benefit of this law or not. We do that in the interest of economy. We do that to decrease the expense of the enforcement of this law.

The opponents of the bill seek to put this amendment upon it in order to load down the law with expense so as to make it odious and obnoxious to the people.

The gentleman from Illinois [Mr. SPRINGER] spoke a few moments ago about the election law in the city of Chicago and told us how perfect it was. Why, sir, that election law was copied from the election law of the city of New York. The law has been in force there for many years, yet all parties in the State of New York—I will not say all parties, but the Republican party has been trying for years to ingraft upon the statute-book a more stringent election law both for the city of New York and for the rural districts. They enacted it and forced it upon the Democratic governor three times, and three times he vetoed it, but popular feeling on the subject became so strong that it began to invade even the ranks of the Democracy. Mass meetings were held. Even Mr. Cleveland joined the movement at a late hour, and finally it has resulted in a compromise that is to give us a new election law in the State of New York, a law not applicable alike to all localities in the State, because our Legislature understood and recognized the unreasonableness of that.

We have one law for the city of New York, we have another law for Brooklyn, we have another law for cities of 10,000 inhabitants and upwards, and still another law for the rural districts. We need this law in some of the cities in our State. It would be a good thing in the district represented by my friend from Albany [Mr. TRACEY]. It would be a good thing in Troy. We want to rid ourselves of these scandals upon the elective franchise in the State of New York. We want pure and honest elections there. Why, Mr. Speaker, if such a law as this was needed in all the districts of the United States, if there was corruption at the polls, if there was intimidation, if there was false counting all over the country, the time would have fully arrived when the last and best experiment in republican government would have perished from the earth. [Loud applause on the Republican side.]

Mr. TRACEY. The gentleman knows that this very bill has been denounced by his own paper in his own district.

The SPEAKER. The gentleman from New York [Mr. TRACEY] is not in order.

Mr. TRACEY. Well, the gentleman—

The SPEAKER. The gentleman is not in order. The Chair is sure the gentleman will not insist on violating the rules. The time for debate on this amendment has expired. The question is on agreeing to the amendment of the gentleman from New Jersey [Mr. LEHLBACH]. The question being taken; there were—ayes 123, noes 124.

Mr. HEMPHILL. I call for tellers.

Mr. ALLEN, of Michigan. I call for the yeas and nays. We may as well have them and be done with it.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 132, nays 138, not voting 58; as follows:

YEAS—132.

Abbott,	Cowles,	Lane,	Quinn,
Alderson,	Crisp,	Lanham,	Richardson,
Allen, Miss.	Culberson, Tex.	Lee,	Robertson,
Anderson, Miss.	Cummings,	Lehlbach,	Rogers,
Andrew,	Dargan,	Lester, Ga.	Rowland,
Bankhead,	Davidson,	Lester, Va.	Rusk,
Barnes,	Dibble,	Lewis,	Sayers,
Barwig,	Dickerson,	Maish,	Shively,
Blanchard,	Dockery,	Manaur,	Skinner,
Bland,	Edmunds,	Martin, Ind.	Springer,
Blount,	Elliot,	Martin, Tex.	Stewart, Tex.
Boatner,	Ellis,	McAdoo,	Stockdale,
Breckinridge, Ark.	Enloe,	McCarthy,	Stone, Ky.
Breckinridge, Ky.	Fithian,	McClammy,	Stone, Mo.
Brickner,	Flower,	McClellan,	Stump,
Brookshire,	Forman,	McCreary,	Tarsney,
Brunner,	Forney,	McMillin,	Tillman,
Buchanan, Va.	Fowler,	McRae,	Tracey,
Buckalew,	Geissenhainer,	Mills,	Tucker,
Bullock,	Gibson,	Moore, Tex.	Turner, Ga.
Bunn,	Goodnight,	Mutchler,	Turner, N. Y.
Bynum,	Grimes,	Norton,	Vaux,
Candler, Ga.	Hare,	Oates,	Venable,
Carlton,	Hatch,	O'Ferrall,	Washington,
Caruth,	Hayes,	Outhwaite,	Wheeler, Ala.
Catchings,	Haynes,	Owens, Ohio	Whiting,
Chipman,	Heard,	Paynter,	Wike,
Clarke, Ala.	Hemphill,	Paynter,	Wilkinson,
Clements,	Henderson, N. C.	Peel,	Wilcox,
Cobb,	Herbert,	Pennington,	Williams, Ill.
Cooper, Ind.	Holman,	Perry,	Wilson, Mo.
Cothran,	Hooker,	Pierce,	Wilson, W. Va.
Covert,	Kilgore,	Price,	Yoder.

NAYS—138.

Adams,	Dalzell,	Lacey,	Ray,
Allen, Mich.	Darlington,	La Follette,	Reed, Iowa
Arnold,	Dingley,	Laidlaw,	Rife,
Atkinson, Pa.	Dolliver,	Lansing,	Rowell,
Atkinson, W. Va.	Dorsey,	Laws,	Russell,
Banks,	Dunnell,	Lind,	Sanford,
Bartine,	Evans,	Lodge,	Sawyer,
Bayne,	Farquhar,	Mason,	Scranton,
Beckwith,	Featherston,	McComas,	Scull,
Beiden,	Finley,	McCord,	Smith, Ill.
Belknap,	Flick,	McCormick,	Snider,
Bergen,	Frank,	McDuffie,	Spooner,
Boothman,	Funston,	McKenna,	Stephenson,
Bottelle,	Gear,	McKinley,	Stockbridge,
Bowden,	Gest,	Miles,	Struble,
Brewer,	Gifford,	Milliken,	Sweeney,
Brosius,	Greenhalge,	Moffitt,	Taylor, Ill.
Brower,	Grosvenor,	Moore, N. H.	Taylor, J. D.
Buchanan, N. J.	Grout,	Morey,	Taylor, Tenn.
Burrows,	Hall,	Morrill,	Thomas,
Burton,	Hansbrough,	Morrow,	Thompson,
Butterworth,	Harmer,	Mudd,	Townsend, Colo.
Caldwell,	Haugen,	Niedringhaus,	Townsend, Pa.
Candler, Mass.	Henderson, Ill.	Nute,	Turner, Kans.
Cannon,	Henderson, Iowa	O'Donnell,	Vandever,
Carter,	Hill,	O'Neill, Pa.	Van Schaick,
Caswell,	Hitt,	Osborne,	Waddill,
Cheatham,	Hopkins,	Payne,	Wade,
Comstock,	Houk,	Payson,	Wallace, Mass.
Conger,	Kelley,	Perkins,	Wallace, N. Y.
Connell,	Kennedy,	Peters,	Wilson, Ky.
Cooper, Ohio	Kerr, Iowa	Post,	Wilson, Wash.
Craig,	Ketcham,	Pugsley,	Yardley.
Culberson, Pa.	Kinsey,	Quackenbush,	
Cutcheon,	Knapp,	Raines,	

NOT VOTING—58.

Anderson, Kans.	Crain,	O'Neil, Mass.	Stewart, Ga.
Baker,	De Haven,	Owen, Ind.	Stewart, Vt.
Biggs,	De Lano,	Phelan,	Stivers,
Bingham,	Dunphy,	Pickler,	Taylor, E. B.
Bliss,	Ewart,	Randall,	Walker, Mass.
Brown, J. B.	Fitch,	Reilly,	Walker, Mo.
Browne, T. M.	Flood,	Reynolds,	Watson,
Browne, Va.	Hermann,	Rockwell,	Wheeler, Mich.
Campbell,	Kerr, Pa.	Sency,	Whitthorne,
Cheadle,	Lawler,	Sherman,	Wickham,
Clancy,	Magner,	Simonds,	Wiley,
Clark, Wis.	Montgomery,	Smith, W. Va.	Williams, Ohio
Clunie,	Morgan,	Smyser,	Wright.
Cogswell,	Morse,	Spinola,	
Coleman,	O'Neal, Ind.	Stahlnecker,	

So the amendment was rejected.

During the roll-call the following announcements were made:

Mr. Ewart. I am paired with the gentleman from Connecticut, Mr. SIMMONS. If he were present, he would vote "no" and I should vote "ay."

Mr. SMYSER. I am paired with my colleague, Mr. SENEY. If he were present, he would vote in the affirmative and I should vote in the negative.

Mr. MONTGOMERY. Mr. Speaker, I am paired for to-day with the gentleman from Pennsylvania, Mr. BINGHAM; otherwise I should vote "ay."

The following-named members were announced as paired until further notice:

Mr. WATSON with Mr. KERR, of Pennsylvania.

Mr. SMITH, of West Virginia, with Mr. WHITTHORNE.
 Mr. ROCKWELL with Mr. LAWLER.
 Mr. PICKLER with Mr. STAHLNECKER.
 Mr. DE LANO with Mr. DUNPHY.
 Mr. SMYSER with Mr. SENEY.
 Mr. STEWART, of Vermont, with Mr. MAGNER.
 Mr. EZRA B. TAYLOR with Mr. CLANCY.
 Mr. T. M. BROWNE with Mr. MORGAN.
 Mr. CLARK, of Wisconsin, with Mr. WALKER, of Missouri.
 Mr. RANDALL with Mr. CLUNIE.
 Mr. SIMONDS with Mr. EWART, on the election bill. Mr. SIMONDS is for and Mr. EWART against the bill.
 Mr. SHERMAN with Mr. WILEY, on the election bill. Mr. SHERMAN would vote for and Mr. WILEY against it.
 Mr. DE HAVEN with Mr. BIGGS.
 Mr. WHEELER, of Michigan, with Mr. FITCH, until Thursday next.
 Mr. STIVERS with Mr. STEWART, of Georgia, until Thursday next.
 Mr. BINGHAM with Mr. MONTGOMERY, until to-morrow.
 Mr. COWSWELL with Mr. O'NEIL, of Massachusetts, for one week.
 Mr. MORSE with Mr. PHELAN, until the 4th of July.
 Mr. BAKER with Mr. SPINOLA, for three weeks.
 Mr. BLISS with Mr. CHIPMAN, except on election law, until Wednesday at 12 m.

Mr. ANDERSON, of Kansas, with Mr. CRAIN, on this vote.
 Mr. REYBURN with Mr. O'NEAL, of Indiana, on this vote.
 Mr. WRIGHT with Mr. REILLY, on this vote.

Mr. HEARD. Mr. Speaker, I desire to vote. I was in the Hall and listening for my name, but did not hear it. I was standing at the rail with the gentleman from Illinois [Mr. WILLIAMS] and some other gentlemen, and was listening for my name, but did not catch it.

The SPEAKER. Does the gentleman say he was within the bar of the House and was listening—

Mr. HEARD. Yes, sir; I had come to the bar for the purpose of voting.

The SPEAKER. Does the gentleman say he was listening at the time when his name should have been called so that he thinks it was not called?

Mr. HEARD. No, sir; I would not say that it was not called. I did not hear it called, but there was some confusion. The first name I heard distinctly after my name should have been called was "HEMMANN."

Mr. McMILLIN. I make the point that the rule does not require a gentleman to state that he does not think his name was called.

The SPEAKER. The strict terms of the rule do not permit the Chair to entertain any request to vote after the second roll-call.

Mr. McMILLIN. But, Mr. Speaker, there has been a practice which has allowed members under such circumstances to have their votes recorded.

The SPEAKER. But that practice has had for its origin solely the idea that the name of the member may not have been called. If it has been called—and the presumption is that it has been called, unless the member himself asserts that it has not been—the rule has been rigidly applied to refuse to entertain the request to record the vote. The gentleman from Tennessee must be aware of what would be the natural result of any other interpretation of the rule.

Mr. McMILLIN. I agree with the Speaker that the rule ought to be rigidly enforced, but the Chair will bear witness that it has never gone to the extent of requiring a member to state that he did not think his name had been called.

The SPEAKER. The Chair has always explained to the House the basis of his ruling upon this question, namely, that there must be some reason to suppose that the name was not called. Because if a member, either through indifference or inadvertence or for any purpose, fails to vote, the rule of the House is explicit that the Chair shall not entertain the request to record his vote after the roll has been completed. It does not rest upon any other question than where the gentleman has reason to suppose that his name was not called, if, listening at the time, he failed to hear it. The Chair, under such circumstances, has felt it to be his duty to cause a mistake of that kind, where there was reason to suppose a mistake had occurred, to be rectified. But if it is a question where a member can not, in fact, make that statement, the Chair thinks it is incumbent upon him to refuse to entertain the request, under the practice and under the rule.

Mr. HEARD. But let me state this, Mr. Speaker: I am not prepared to say that the name was not called because I did not hear it. I was in the Hall of the House listening at the time, so that it was through no inattention on my part that I failed to hear the name called; but whatever the reason, whether it was because of the noise and confusion about me, or because the name was not called, or from any other cause not arising from my own neglect, I do not believe that I ought to be barred from the privilege of voting, and I do not understand that the rule has been so applied.

Mr. BRECKINRIDGE, of Kentucky. Let me also suggest this, Mr. Speaker, that the member can only vote when he hears his name called, because at any other time than that he would only cause confusion in the roll.

The SPEAKER. If the member fails to hear his name called through his own inattention, however, the Chair does not think he could bring himself within the rule on that ground.

Mr. COWLES. I understand the gentleman from Missouri to say that he was trying to hear his name and did not hear it.

The SPEAKER. The Chair does not wish in any way to go beyond the rule, but wishes to adhere to it, because it would be a sufficient reason that it is the rule of the House. But the Chair also thinks it a very salutary rule, and the House will bear witness that the Chair has endeavored to enforce the rule strictly on all occasions. If the gentleman says, however, that he was listening at the time his name should have been called and did not hear it the Chair will cause the Clerk to call his name and give him an opportunity to record his vote.

Mr. HEARD. I do say so, Mr. Speaker.

The name of Mr. HEARD was then called and his vote recorded as above.

Mr. CLUNIE. Mr. Speaker, I desire to state that I am paired with the gentleman from Massachusetts [Mr. RANDALL]. If present, he would vote "no" on this question and I should vote in favor of the amendment.

Mr. CHIPMAN. I am announced as being paired, Mr. Speaker, but that pair applies to everything excepting the election law.

Mr. WALKER, of Missouri. I am paired with Mr. CLARK, of Wisconsin. If he were present, I would vote "ay."

Mr. LA FOLLETTE. My colleague [Mr. CLARK] is paired with the gentleman from Missouri [Mr. WALKER], and if present would vote "no."

Mr. ROGERS. Mr. Speaker, I desire to ask whether a pair has been announced for Judge TAYLOR of Ohio.

The SPEAKER. The Chair has no other means of information than that which is accessible to the gentleman from Arkansas. The pair-clerk informs the Chair that the gentleman is paired.

Mr. TRACEY. Several of my colleagues are absent paired. If they were present I do not know how they would vote. [Laughter and applause.] I desire to state in explanation that I refer to my colleagues on the side of the majority.

The SPEAKER. The Chair thinks the gentleman's statement needs explanation.

The result of the vote was then announced as above recorded.

Mr. HEMPHILL. Mr. Speaker, I desire to offer the amendment I send to the desk.

The Clerk read as follows:

Strike out sections 15, 16, 17, and 18 and insert the following:
 "Sec. 15. From the returns of the supervisors the chief supervisor shall tabulate and forward to the Speaker of the House of Representatives, to be by him submitted to the House, the results as they appear therefrom in each Congressional district under his jurisdiction in which this act has been enforced."

Mr. HEMPHILL. Mr. Speaker, I only want to state to the House briefly the purport of the amendment, so that it may understand what it proposes. This amendment seeks to eliminate from the bill what is known as the United States board of canvassers. It does not affect in any way the supervision or any portion of the duty of the supervisors at the polls, but it does change the course of the returns after they leave the chief supervisor. Instead of going to the United States board of canvassers in order to be tabulated by them and sent here so as to overrule the decision of the State board of canvassers, this amendment requires that the tabulated returns, as made up by the chief supervisors, shall be sent to the Speaker of the House, to be laid by him before the House at its organization as a matter of information for the House to act upon.

If the gentleman from Massachusetts [Mr. LODGE] is on the floor and there is any desire to discuss the amendment, I would like to see if we can not agree upon a limitation of the debate.

Mr. ADAMS. I wish to ask for information if the gentleman from South Carolina has taken into consideration the fact that the organization of the House takes place upon the election of the Speaker, and that election may be postponed, the effect of which would be that the information would not reach the House of Representatives until thirteen or fourteen months after the election takes place.

The election takes place in November of the even-numbered year; the House meets in December of the following year; the Speaker is elected pretty soon after that, but how soon depends upon the temper of the House.

Mr. HEMPHILL. Well, the effect of it is that we organize as we do now upon the returns issued by the governor of the State, upon the certificate, and when the House organizes the Speaker lays before it all the information that the United States supervisors have been able to gather, and it is for the House then to make such use of it as the House may see fit. I would like to say, before we enter further into the matter, that I would like to agree with the gentleman from Massachusetts [Mr. LODGE], if we can, upon some reasonable time for debating this amendment.

Mr. LODGE. How much time does the gentleman wish?

Mr. HEMPHILL. Say thirty or forty minutes on a side. Thirty minutes on a side, I suppose, will be sufficient.

Mr. SPRINGER. Thirty minutes on a side.

Mr. HEMPHILL. Yes.

Mr. LODGE. I have no objection to that. It may be understood that there shall be thirty minutes on a side on this amendment.

Mr. HEMPHILL. Yes, sir. I ask that it be agreed that the debate be limited to thirty minutes on a side upon this amendment.

The SPEAKER. The gentleman from South Carolina [Mr. HEMPHILL] and the gentleman from Massachusetts [Mr. LODGE] unite in their request that debate upon the pending amendment be limited to thirty minutes on a side. Is there objection?

Mr. KERR, of Iowa. I object until the amendment is read again.

Mr. BLOUNT. I wish to inquire of the Chair if it will not be competent to accomplish this by a demand for the previous question at the end of the sixty minutes' debate.

Mr. HEMPHILL. I think we can agree upon it.

Mr. BLOUNT. But objection is made.

Mr. HEMPHILL. The gentleman from Iowa [Mr. KERR] only wishes to understand the proposition.

Mr. KERR, of Iowa. I think this is a vital amendment and it should be considered at some length, if I understand it.

The SPEAKER. The House will be in order. The Clerk will again report the amendment.

The Clerk again read the amendment.

Mr. HEMPHILL. Now, Mr. Speaker, I renew my request that debate be limited to thirty minutes on a side.

Mr. KERR, of Iowa. I would suggest an hour on a side.

Mr. BLOUNT. The time has been limited for debate under this order. There has been general debate. Certainly the gentleman does not want more than an hour on this single amendment.

Mr. LODGE. Make it forty minutes.

Mr. HEMPHILL. Thirty minutes on a side.

The SPEAKER. The question is upon granting unanimous consent that the debate upon the pending amendment be limited to thirty minutes on a side. Is there objection?

There was no objection, and it was so ordered.

Mr. LODGE. I wish to lay before the House an amendment that goes to one of these sections, simply for the information of the House. It is a part of the same thing. As these sections are under debate, I desire to offer two amendments, or to ask to have them read, and I state that I shall offer them after the vote is taken on the amendment now pending. They go to the perfecting of the sections under consideration. They provide for a limitation of the power of the canvassing boards, to which so much objection has been made. The amendments were suggested to the committee by the gentleman from Louisiana [Mr. BOATNER], and members of the committee whom I have been able to consult with agree with myself that they are fair amendments tending to improve the bill, and I therefore give notice that I shall offer them after debate on this proposition is concluded or at such time as the House may desire.

Mr. HENDERSON, of Iowa. They ought to be voted upon before the amendment of the gentleman from South Carolina [Mr. HEMPHILL].

Several MEMBERS on the Democratic side. "Oh! no."

The SPEAKER. The Chair will rule upon that question when they are offered.

Mr. DINGLEY. They would be first in order, and the vote upon them ought to come before the vote upon the amendment of the gentleman from South Carolina.

Mr. LODGE. I ask that they be read.

The Clerk read as follows:

Insert in section 15, after the word "convene," line 114:

"As soon as the certificate of said board has been made public, any person who was a candidate for election may, by motion before the United States circuit court having jurisdiction in the district where said election was held, contest the correctness of the certificate made by said board and demand an examination and compilation of the returns by said circuit court, which said motion shall be served upon the person declared elected by the certificate aforesaid, and upon the returning officers aforesaid, and shall be heard after ten days' notice. The said returning officers shall produce before the circuit court all the returns, reports, protests, tickets, and all the evidence upon which they acted in awarding the certificate aforesaid. The circuit court shall thereupon determine and certify the persons shown to be entitled to the certificate."

In section 16, line 15, after the word "Congress," insert:

"Provided, That if there shall be an appeal from the decision of the United States board of canvassers to the circuit court as herein provided, the Clerk of the House of Representatives shall place on the roll as Representative-elect the name of the person certified by said circuit court as entitled to said certificate."

Mr. LODGE. I do not know whether those amendments would be in order first or not.

Mr. DINGLEY. They are first in order.

Mr. LODGE. It seems to me so, because they go to the perfecting of the section which it is proposed to strike out. I therefore offer the amendments with that in view.

Mr. HEMPHILL. I will state that they do not go to the perfecting of the section at all. This is an independent section, as I understand it.

The SPEAKER. It seems to be composed of an independent section and an amendment also.

Mr. HEMPHILL. We had better vote upon the clear proposition as to whether the State is to certify or the United States is to certify.

The SPEAKER. The Chair will examine the matter.

Mr. HEMPHILL. In the mean time we will go ahead on my amendment under the limitation of time already agreed to.

Mr. LODGE. I want a ruling on the proposition whether my amendment is in order.

The SPEAKER. The Chair does not make a ruling at the present time, but will examine the question, and in the mean time the debate will proceed.

Mr. BUCKALEW. Mr. Speaker, this amendment now proposed by the minority of the committee, when properly understood by the House, is simply this: That the existing system for State elections for Representatives in Congress, including all the proceedings of returns, shall be left unimpaired. The election will be held by the proper State officers. In the first place, the election returns will be carried in such States as mine to a court a day or two after the election, all the returning judges appearing there, the court being empowered to correct errors or any apparent frauds. Then they pass to the district returning boards, which is merely a mere matter of form now in those, and then to the proper high State officers, the secretary of the Commonwealth, and the governor of the Commonwealth, and then the returns come here, and are *prima facie* evidence of what the people have done.

This amendment is simply to preserve and continue that system, which in substance has always been enforced, and under which I venture to say in not half a dozen instances has there ever been any complaint of the action of the State authorities—the secretary of the Commonwealth and the governor—in making returns. It is admitted that these high State officers, acting under the great responsibility of distinguished character, are reliable personages, by whom these returns are to be made to the House; and until something to the contrary appears it will be assumed that these returns contain the true voice of the people, the legitimate expression of the popular power of electing members of this House.

Now, sir, this bill reported by the majority of the committee provides for inspecting registration, inspecting naturalization, inspecting elections, and interfering partially with them, and for returns by the precinct supervisor of the district or the district supervisor; that statement also containing all the information necessary to exhibit on behalf of the United States the choosing of officials, in exhibiting any peculiarities at the election precinct, and under the amendment that information, the returns, certificates, and statement in the hands of the district supervisor of the election and his chief supervisor will be transmitted to the House, there to be laid by the Speaker before the House for its information, and if they impeach the returns the House has the power to send that information to the Committee on Elections, who may make a report on the *prima facie* right as to that choice, and the House may take all proper order to preserve the dignity and justice of the proceedings.

In short, this amendment is calculated to eliminate from this bill the whole element of contradiction, inconsistency, and contrariety between the returns as they come to us through the long-accepted channels—the governor of the State and his subordinates—and this irresponsible, from a legal point of view, authority of the district supervisors; but leaving to it the proceedings under this bill as to naturalization, registration of elections, and all district returns which it provides for, leaving all the proceedings, the objects, and purposes for which these inspection laws were originally passed, and that is for information, to detect frauds, to enable this House to do justice in a prompt and summary manner. That is all there is in this amendment, and it presents a sharp question to gentlemen of this House between the regular legal State action on the one hand and the irregular, mischievous, and dangerous action on the other, while the bill retains all those features intended for inspection and the detection of frauds.

Mr. ROWELL. Mr. Speaker, the object of an election is to reach some result. The result is the ascertainment of who was elected and such certification as will enable the person elected to take his seat in the body to which he is elected. This is the House of Representatives of the United States. It certainly ought not to be objected that under a law of Congress the certifying of a vote created under that law should outrank the certifying of a vote created under the State law in ascertaining who in the first instance should take his seat in the House. It is said that the governors and the highest authorities of the States are always honorable men, and therefore it can not be inferred that they would make false certifications.

Mr. Speaker, that is not sought to be guarded. The State certifying board simply ascertain the result coming before them from the county, precinct, and township certifying board; and while the governor of a State may honestly and in exact accordance with the law tabulate and certify the returns as they come to him, the county board sitting in the midst of a sentiment in favor of falsification may so absolutely falsify the returns as that a man who was overwhelmingly defeated gets from the governor of the State a certificate of election. Three times in two Congresses one man came to this House with a certificate against the vote of his district as given at the polls and delivered into the hands of the county canvassing board (twice in the Forty-seventh and once in the Forty-eighth Congress), and by reason of false certification of the canvass he held the seat during those two Congresses within seven or eight days.

In the State of North Carolina by a law recently passed these county

canvassing boards are made judicial officers and are required to judicially pass upon precinct returns, taking the whole matter even out of the hands of the court, and permitting the county canvassing board appointed by the governor to reject the returns, to throw out the vote of the various precincts, and to so reject the returns as to return one man, even when the other man had been elected by the people. More than that. From the Seventh Congressional district of South Carolina, by simply rejecting and throwing out the precinct returns, one gentleman has been selected and certified as elected when another received the votes from the various precincts and the returns of those votes were duly and properly delivered into the hands of the county canvassing board, not selected by the people of these counties, but appointed by the governor of the State.

The purpose of these four sections is to have two certifications, and by means of these certifications to hold a check, not upon governors, not upon State officers, but upon the irresponsible and corrupt officers in the various counties who in times past have been in the habit of throwing out returns and falsely certifying results to the governors of the States. It is for the purpose of letting some man from each district participate in the organization of this House, and it only goes to the extent of having the certificate of the Federal canvassing board outrank the certificate of the various county officers in the Congressional districts which are supervised according to the provisions of this bill. It seems to me reasonable, proper, and conducive to a proper organization of the House and to a representation here at the beginning from every one of the Congressional districts in the country.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, the provisions of these four sections when taken in connection with section 29 and with the section under which the chief supervisors are appointed, create a system which puts it in the power of the courts of the United States and of non-residents of the States where the elections are held to substantially control the House of Representatives.

I am not now speaking as a Democrat, but as a citizen and a Representative of the people of the United States, looking to the future without regard to the animosities of the past. We are legislating for a common people for that great future, and these sections, I say, give to the circuit judges of the United States (of whom there are but nine) power to appoint the supervisors and boards of canvassers in States in which the judges do not reside, which boards of canvassers have the power to make certificates which are to be sent to the Clerk of the House, and by those certificates the Clerk is to make up the roll of this House.

We are the representatives of the people of the States. We speak in a representative capacity; we represent those whose commission we bear. We bear the commission of those who choose us. No district can be a part of two States. We are collectively the representatives of the people of the United States; individually we are representatives of our districts. For a hundred years the certificate of the governor of the State has been *prima facie* evidence of our title to our seats. Under this bill a non-resident circuit judge, appointed because of his political affiliation, goes into a State and chooses a board of canvassers whose certificates, made up from the certificates of the lower supervisors, is final upon the Clerk of this House. So that the number of men put by these certificates into this House may control the House of Representatives. The gentleman from Massachusetts [Mr. LODGE] says this is a bill to give publicity. It is no such thing. It is a bill to give secrecy and power to the supervisors of the elections appointed by a judge who is a non-resident of the State.

Under the domiciliary visits of the supervisor from house to house the voter and that officer are alone. Every bribable man is brought into direct and secret contact with the officer, who is appointed by the party in power, whichever party that may happen to be. That officer stands by when that voter goes to the polls. That officer certifies the list to the chief supervisor; that chief supervisor certifies it to the board of canvassers; those canvassers certify it to the Clerk of this House, and that Clerk puts the name upon the rolls of this House. The men upon this floor may hereafter be no longer the representatives of the people. They will become the representatives of the party that happens to be in power, provided this bill shall pass and shall be obeyed in every section of the States and of the country.

I can understand the gentleman from Michigan [Mr. ALLEN], whose frankness outran his discretion when he said that he was not willing to have this bill made applicable to his district because fifty or one hundred unscrupulous men might be tempted to petition to have it apply there. It is that which makes gentlemen vote for it. They are willing to subordinate the certificate of State officers, they are willing to make this stab at the purity of elections, because it does not apply to their States. They would not do it, they would resent another doing it, if it did apply to their States. Gentlemen on the other side vote for this bill because they believe that they will not have to live under it, that they will not have to be chosen under its provisions, that their people will be free from this enginery, that their States will not be subjected to the horde of mercenaries that this law may turn loose.

But the future is uncertain. The exigencies of the future may put this power into the hands of other parties. I have seen the Whig party go into history. I have seen the Know-nothing party destroyed. I have seen the Democratic party, using force in Kansas to make the

elections a lie, lose power by the very means which it took to perpetuate its power. Therefore I am not to-day pleading merely as a Democrat, but I am pleading for every section of the country, for every district in the country, that the House of Representatives may continue to be the representatives of the people, chosen by a majority of the voters at a ballot-box not controlled by mercenaries. [Loud applause on the Democratic side.]

Mr. Speaker, I take advantage of the permission of the House to submit more fully some observations on this measure.

It may be that Congress has the right under the Constitution to enact a Federal election law and that it is expedient to exercise that power in the present condition of the country, but it does not by any means follow that the proposed election bill is either constitutional or expedient. It may be possible that all which has been so earnestly, if not generously and accurately, urged by gentlemen on the other side as to the condition of the negro in the South, and as to frauds heretofore committed in some of the larger cities of the North is true, and yet it may be also true that this proposed bill is unconstitutional, unwise, and iniquitous.

It devolves upon gentlemen who advocate and vote for this measure to demonstrate not only that Congress has the power to enact an election bill and that the condition of the country requires its enactment, but that the particular provisions of this bill are wise, impartial, and necessary. I beg to impress this upon the members of this House and upon the country. The real contest between us and the gentlemen on the other side is not as to the power of Congress to pass an election law, nor as to the possibility that there are frauds committed at the election of certain Representatives, but that this proposed measure is obnoxious to the provisions of the Constitution, is unwise in its general scope, and is iniquitous in its particular provisions.

This bill has fifty-seven sections, some of them containing as many as fourteen subdivisions; it re-enacts twenty-nine, repeals ten, and amends six other sections in the Revised Statutes; twenty-one sections create crimes and misdemeanors and fix penalties. It is seventy-three pages in length. It was introduced into the House on Saturday, June 14, was reported to the House on June 19, and was taken up for consideration on the 26th. Of course, such a bill can not be thoroughly digested in so brief a time, even if Representatives were able to devote their whole time to its consideration.

This mode of legislation necessarily produces vicious results; necessarily must the grave and important interests of the people be imperiled and their rights be in danger. This House ought to refuse to consider such a bill in such haste, and its duty to itself requires that it will not be forced by the decree of caucus, by the exigencies of party, or by the fear of party censure to pass a measure so long, so complicated, so revolutionary, without ample time, careful deliberation, and full opportunity for amendment.

But as the House has ordered the consideration of the bill it is forced upon us to examine its provisions.

CONSTITUTIONAL POWER OF CONGRESS.

The first section of the Constitution is:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SEC. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years; and each Senator shall have one vote.

It is perfectly evident that the phrase in the second section, "chosen by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature," and the phrase in the third section, "chosen by the Legislature thereof," are precisely equivalent. They describe the electors who shall choose the Representatives in the first instance and the Senators in the second instance. In neither case did the Constitution undertake to select these electors, but solely indicated those who should be qualified by the several States, in the one case by the proper action of the State through its constitution or laws, to wit, the "electors of the most numerous branch of the State Legislature," and in the second those chosen under the constitution of the State and by the people at the prescribed times and in the prescribed mode, as members of the Legislature.

SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, but Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

It is demonstrable that the power of Congress to "make or alter" the regulations as to "the times" and "manner of holding elections for Senators and Representatives" is precisely the same. It has constitutionally exactly the same power to prescribe the times and manner of holding elections for Senator that it has for Representative, no greater and no less. Its power is limited so that it can only "make or alter" regulations as to the "times and manner of holding elections" of Senators and to the times, places, and manner of holding elections for Representatives.

It can no more hold the election for Representative than it can for Senator. It can no more create offices of its own and provide the officers to superintend and conduct and certify the election of Representatives than it can hold, conduct, and certify the election of Senators. It has the same power to prescribe how the members of the Legislature shall be elected, qualified, and perform their duties as it has to prescribe how the electors of Representatives shall be selected, qualified, and perform their duties. I want to make this point perfectly clear, because I think that if it is once distinctly understood that the broad claim made by the gentlemen on the other side applies in the future to an election bill ousting the lieutenant-governor and speaker of the house and other officers of the State, and turning over the election of Senators to appointees of the Federal judiciary and depriving the State officers of the power to certify the election, and giving it to a board of canvassers, it may be that a halt will be called.

The election of Senators and Representatives was to be by the States; as to the Representatives, by the voters at the polls; as to the Senators, by the Legislature; but in each case each was to be chosen by the people of the State. It must be remembered that the power of a State to choose its Representatives in any legislative body which might have been formed by that convention was necessarily anterior to the formation of the convention and its adoption of any constitution. The particular form of Legislature which might be created, whether it should be bicameral or composed of a single house, did not abridge this anterior right of the State, but simply rendered some prescribed mode necessary. If that Legislature was to consist of but one house, then that convention might be at a loss to decide whether the Representatives should be chosen by the people of the respective States at the polls, by the Legislatures of those States, or in such mode as each State might determine.

As a bicameral Legislature was determined upon by a convention composed of delegates from large and small States, a compromise was made by which the States as States, by their Legislatures, without regard to population, chose their Representatives in one House, which was called the Senate, and chose by popular election, in proportion to numbers, their Representatives in the other House, which was called the House of Representatives; but the right of the State in each case was precisely the same, "to choose their Representatives." The mode of choosing, and the electors choosing, and the basis of representation were different.

For the purpose of self-preservation the Federal Government was given the power, in case the States failed to provide a manner of thus choosing its Senators or Representatives, through Congress, to provide that manner, and as incidental to the providing of the manner it was given the power to provide the times and places of election, except as to Senators; it could not change the location of the capital of the State. And the language of the fourth section must be construed in the light of the anterior power of the States to choose their Representatives, and of the duty imposed under the second and third sections that they should choose their Senators and Representatives.

To have power to prescribe the manner of holding elections does not include the right to hold the election. The word "manner" is synonymous with mode. To prescribe a mode of doing an action does not give the power to do the action. It does not invest him who has the mere right of regulation limited in terms to the manner of doing a thing with the power of actually performing the action. The power to prescribe how a thing shall be done is generically different from saying who shall do it or from the power to do it.

It is, no matter how plausibly presented, an extremely shallow claim, utterly unjustified either by the rules of the language or by any rule of construction, much less by the nature of our Government and the relation between the General Government and the States, to hold that the power, even if it were a primary and original power, to prescribe regulations for the manner of holding elections conferred upon Congress the power to prescribe who should hold the elections, who should vote at such elections, and give to Federal officers the authority to decide challenges as to the qualifications of the electors, open and hold the polls at precincts, and issue certificates which would give *prima facie* title to seats on this floor. It is not true that the Supreme Court has ever decided that Congress had this power.

Neither in the Siebold case (100 United States), nor in that of Yarborough (110 United States), was such decision either necessary or possible. It was not necessarily involved in either, and the dicta of the distinguished judges who pronounced those opinions are entitled only to the weight which the character and learning and virtues of those particular gentlemen give to what they might utter from the bench. I deny that that court is committed to the monstrous proposition that the Congress of the United States has the power to hold through Federal officers elections for Senators representing the States as States, or for the Representatives who represent the people of the States respectively; nor can I believe that under any circumstances will that court ever so hold.

That the Supreme Court, in cases properly made up by litigants, has the power to pass upon the constitutionality of acts of Congress is undeniable; but there resides in it no power to declare what is the duty of the Congress of the United States, its co-ordinate branch of the Government, in any given mattersubmitted to its legislative action. I pro-

test against the sentiment pronounced on this floor that the dictum of any judge uttered in an opinion and announcing the decision of that court in a private litigation between private citizens can bind the consciences and judgments of the members of Congress. Where the power sought to be exercised is doubtful, it is a weighty argument against the adoption of a law that the Supreme Court has held that such a law or one analogous to it was not within the provisions of the Constitution, but this is wholly different from the argument in such doubtful cases that Congress ought to exercise that doubtful power because eminent judges in *obiter dicta* have made utterances which seem to construe the Constitution favorably to the exercise of the power.

I do not hesitate to aver that this proposed bill is beyond the power of Congress; that it is in violation of the fundamental principle announced in the second and third sections of the Constitution, that the Representatives and the Senators shall be "chosen" by the people of the States and the Legislatures thereof. But I will not pursue this line of argument, simply desiring to put on record this opinion.

IT IS ANTI-REPUBLICAN.

The fundamental principle of a republican as distinguished from a democratic government is that all laws shall be enacted by legislative bodies composed of representatives chosen in some prescribed mode. Great jurists have held that it is not within the power of Congress or of the Legislatures of the various States to enact any law dependent for its efficiency upon the subsequent vote of the people.

I have always held this view; but there are some exceptions to it so weighty and so well established as to render the general principle subject to exceptions; but, as a rule, all will agree that statutes should be enacted by the representatives of the people. That the wisdom and expediency of passing a certain law and subjecting the people to its operation and requiring of them obedience to its provisions ought to be the act of a legislative body composed of the representatives chosen by the people, will be admitted by all. So all will agree that, as a rule, all laws should be general in their operation, universal in their application, and uniform.

This act violates not only this general principle, but also that which lies at the foundation of all democratic and republican governments: that in a given community the majority therein shall rule as to its local affairs. This act does not take effect by its passage through Congress and its approval by the President, nor by its adoption by the majority of the voters of any given city, county, or Congressional district. The precedents for such an act ought not to be enlarged. It is not seemly that in two Congressional districts lying side by side in the same State there should be different election machineries; that in one fifty or one hundred persons—not a larger number than might expect to receive appointment under this act—who do not have to be, but only to claim to be, citizens of the district, should have the power, against the will of a very large, if not unanimous, desire of all the voters save these fifty or one hundred, to impose upon that district an obnoxious, arbitrary, and fraudulent election machinery, while on either side of that particular district the contiguous districts hold their election free from these obnoxious and fraudulent provisions. Of course the purpose of this is well understood, but it is one that does not justify the act.

The central committee of either of the great parties could issue from Washington or any Eastern city an order to a particular district, which would be obeyed by the fifty or hundred who are by this bill made the legislative power to enact this provision into efficient law, that would put under its operation such a district as in the opinion of that committee could be carried under this law. This provision makes the central committee of either party the Congress of the United States for the election laws under which Representatives in Congress must be chosen. It is an intentional conferral of the power by Congress upon the party managers to examine the returns and conditions of every Congressional district in the United States and to decide whether the exigencies of the party require that this law shall or shall not be enacted as to each particular district.

I am not now speaking as a Democrat denouncing this bill as a weapon forged by Republican committees and brought out of a Republican caucus into a Republican House by orders which that caucus dare not disobey, but I am speaking as an American citizen looking to the future. The present operation of the law in the pending election will be, or it is supposed that it will be, for the benefit of the Republican party. But, in a broad sense of the word, parties are not permanent. I have lived to see the Whig, the Knownothing, and other parties go to pieces. I expect to live to see the Republican party pass into history. I have seen the Democratic party lose power by division. The changes and fluctuations of the future are to be taken into account by those who legislate for a free people, and this act is not merely a temporary transference of Congressional power under the Constitution, but it may be a permanent transference of power, so that that party which can obtain control of this machinery may secure Congress.

Under this bill the election of the President will be in the hands of the officers appointed in accordance with its provisions. That this is one of its purposes seems to be clear; and it may be that the States may be driven to change the time, if not the mode, of choosing Presidential electors. This can not be accomplished before the election of 1892; and those who have forced this measure on Congress hope to se-

cure the Fifty-second and Fifty-third Congresses and the next Presidency; and these prizes would repay them for all done and expended to enact this law.

Any Federal election law, in my judgment, is unwise. Any Federal machinery is inexpedient. With the States controlling their elections there can be only local frauds and only temporary mischief. In the give and play of counteracting forces these frauds will generally offset each other. The average result in a series of years will about be equal on either side; but if there is but one machinery applicable to all elections in every part of the country, and that machinery falls under the control of a single will and it desires to perpetuate power by the use of that machinery thus given to its control, it will see that the control is perpetuated; that that machinery is prostituted for that purpose; that it is used to accomplish that end, and then there can be no way of destroying that power thus arbitrarily and fraudulently perpetuated save either by an overwhelming revolt of the people or by an appeal to extra-legal means.

It is a step in the wrong direction. It is not only unwise in that it turns over the elections to a single machine dominated by the will of the party in power, but it is iniquitous in that it directs that party to go into any community and by the bribery of office and the pay attached to those offices use "the lewd fellows of the baser sort" who exist in every community, to corrupt the elections of the people and really take from them the right of choosing their Representatives. It is in another mode the old Roman idea by which the emperor preserved power by false elections. It is the Napoleonic idea put into American politics, that the emperor controlling a universal plebiscitum controlled the government.

The bribes that can be given may control the election, and where it does not happen to turn out as is expected the officers who hold their office at the will of that party and are its creatures and subservient to its purposes will see to it that the counting of the ballots is made to utter the voice which it desires the ballot-box to proclaim. Under this act, with its multitudinous army of officers, none of whom are responsible to the people, all of whom are appointed by partisans, all of whom are tempted by the pay, most of whom must necessarily come from those most easily corrupted, there is danger.

I will not say that that danger is certain, for I believe that it will be averted by a revolt of the American people, but, I repeat, there is danger of the power at Washington selecting such districts as can be won by fraudulent means, by a conspiracy between the appointing power and those who are corrupted by the bribes offered by this bill, and then such number of Representatives may be chosen as will make in point of fact the House of Representatives selected by the machinery of this bill, and not by the voters at the polls. It is true that when the three hundred and thirty Representative districts are examined, a shrewd and well informed politician can calculate that a certain number of districts will undoubtedly go Democratic, and a certain number will go undoubtedly Republican. The residuum put down as doubtful is the prize of contending parties. This bill gives to the party in power the opportunity to select through the machinery that it creates the Representatives from those doubtful districts, and thus control the House of Representatives.

SUPERVISORS.

By the twenty-second section the chief supervisors hereafter to be appointed must be selected from the circuit court commissioners. As for the last twenty-five years the circuit judges of America have been, with scarcely an exception, Republican, it is not unnatural that almost without exception the circuit court commissioners are gentlemen who agree in opinion with the judges and are Republicans. This is not unnatural, for it is to be expected that a judge would be most apt to appoint out of persons who are equally well qualified those with whom he is most thrown into contact, with whom he has most intercourse, and between whom and himself there are the most points of agreement. This is not, however, an accidental provision. This is intentional. It may be that there are Democratic circuit judges who have not taken the trouble to change the commissioners and who are by this act compelled to appoint a Republican as the chief supervisor.

We may therefore assume that as a rule the chief supervisors—some seventy in number—will be Republican. They substantially control the appointment of the district supervisors, for the courts may only appoint from lists furnished by the chief supervisor; so that two-thirds of the officers under the chief supervisor will be Republicans chosen by him. The other third will be nominal Democrats, and in the main only nominal Democrats. They will be chosen for reasons that do not include their Democracy. We have seen in the action of the present Administration what the Republicans construe as the meaning of laws which require the appointment of Democrats, or of such appointments as good taste dictates shall be from the Democratic party; and with very few exceptions it is well known that those appointees are not such Democrats as a Democratic President or convention would have chosen.

But these Democratic supervisors are absolutely without any power. The whole power is granted to the majority of the board, so that, in a board of three composed of two Republicans and one Democrat, the Democrat has no power whatever except to file, if he chooses to do so, a certificate reciting a state of facts different from that recited in the

certificate signed by the majority, which certificate signed by the Democrat is given no validity anywhere and is of no effect.

The deputy marshals are appointed by the marshal, every one of whom in America is or will be Republican before this bill goes into effect, either of his own selection or at the direction of the chief supervisor, and the chief supervisor has unlimited power of suspension from office and of control over his subordinates. His warrant in the shape of a certificate of estimate of the necessary expenses to the Attorney-General is made by the twenty-third section of this bill a compulsory order to the Attorney-General, without delay, to cause to be deposited in a subtreasury or in a Government depository in the judicial district from which the estimate shall be sent, to the credit of the marshal of the United States of said district, the sum of money he so estimates; and to pay these estimates the law makes it a permanent appropriation, so that, if the next House or any House should be by Providence Democratic, the Treasury of the United States is absolutely without any protection by that House.

He is also made an officer for life, so that no changes that may occur, except his death, would relieve the district of which he is chief supervisor from his domination. Under his orders his subordinates have the power—it is made their duty, in fact—to make a canvass from house to house of every city and obtain a perfect list of the voters residing therein, so that at the expense of the tax-payers he may have for the benefit of his party absolutely accurate knowledge of the views and circumstances of every voter, and thereby be enabled to bring to bear upon every voter whatever corrupt means may be thought best suited to his condition.

Under subdivisions 6, 11, and 14 of section 8, every city, town, and village may be subjected to these domiciliary visits. In these visits the officer and the voter are alone; this secret conference affords the opportunity for bribery or intimidation, and the tax-payer contributes the pay for this chance to debauch the suffrage and demoralize the voters of America.

The enormous power of corruption thus put into his hands is beyond calculation. There is a widespread suspicion that in the last canvass the Presidency of the United States was substantially purchased by contributions supplied by those who expected to secure from legislation under a favorable administration many times the sums contributed. This puts into the hands of organized capital a complete list of all doubtful voters in every doubtful district in America, and furnishes this list at the public expense, and furnishes the willing tools paid out of the public Treasury to see to it that the means adopted shall be properly applied to the voter selected. It is absurd for any advocate of this measure to pose as a ballot reformer.

There may be some gentlemen so ignorant of its provisions, so innocent of the political methods employed in the last canvass, so unfamiliar with the means employed to debauch the voters, as to be enabled to conscientiously vote for this bill without believing that its end, if not its object, its effect, if not its purpose, is to corrupt the ballot-box and to furnish the cheapest mode of purchasing elections.

It is disingenuous in any one who has read this bill to proclaim that its object is supervision and its effect publicity, and that these are its only objects. These domiciliary visits are necessarily secret if the supervisors choose to make them so. No one accompanies these officers in these visits.

No one is present at the examination of these citizens by these officers, and a shrewd politician, clothed with Federal authority, going from house to house, ascertaining exactly the condition and environments of each voter, has the very best opportunity in the most secret way, free from inspection or surveillance, of ascertaining who can be corrupted and of corrupting those who can be purchased. He also has the best possible opportunity to know who can be intimidated and of bringing the necessary pressure to bear. It is a bill framed to accomplish in secrecy the utter demoralization of the ballot-box, and its pretended publicity is purely a sham used to cover the possibilities of its secret use.

It is also disingenuous to say that the power granted is only supervision and watchfulness. Not only is the chief supervisor charged "with the enforcement of the national election laws and with the prevention of frauds and irregularities in naturalization," but the subordinate supervisor under the seventh subdivision of section 8 not only has the power to require the State officers to immediately put to the voter whose right to vote shall be challenged the statutory oath or oaths and to require the State officers to at once pass upon the qualifications of any challenged person, but to decide whether that State officer has neglected or refused to obey his order and upon his decision to perform that State duty of putting the proper oaths and passing upon the qualifications of a voter; and if he decide that the voter be a lawful voter his decision is final. Under section 14 the subordinate supervisors are required to open the polls and hold the election in the precincts which may not be opened within one hour; and the certificates of these supervisors are practically conclusive of the right of a Representative to have his name placed upon the roll of this House by the Clerk, for their certificates pass to a board of canvassers and are by those canvassers used as the basis of their certificate, which certificate controls the Clerk of this House in making up his roll; so that, instead of the mere

duty of supervision being put upon these officers, chosen as we have pointed out heretofore, the control of this House is placed in their hands.

They may so perform their duties as to necessitate the board of canvassers to grant a certificate which the Clerk of this House must recognize and make up his roll in accordance therewith. It is therefore not ingenuous for any one to attempt to mislead this House by the plea that this is giving to the Federal elections merely a proper publicity. And, by section 52, willful disobedience of any command given by a supervisor under the provisions of this act is made a misdemeanor punishable by fine or imprisonment, or both, so that the power of oppressive and expensive prosecution in distant courts is put in the hands of every supervisor, to be used for intimidation and outrage.

CLERK OF THE HOUSE.

I can not imagine the state of mind which would permit a Representative from any State to turn over to a board of canvassers appointed by a circuit judge, who may not be a resident or citizen of his State, the power to grant a certificate which would be superior to that certificate which the authorities of the State under the great seal of the State now by law transmit to this House, and which compels the Clerk of this House to place upon the roll of the House the names of those who hold this bastard certificate and probably put them in actual possession of the power of deciding the complexion of this House.

The circuit judge who appoints the chief supervisor and the board of canvassers may not be a citizen of the State. If the judiciary bill which passed this House some months ago, and which now is in the proper committee of the Senate, becomes a law it may be possible that this act may be construed to mean that these chief supervisors and boards of canvassers are to be appointed by the district judges, upon whom, under that law, all the powers of the circuit court are conferred; but if this is not so then it is absolutely certain that the circuit judge must be a non-resident of most of the States whose elections he helps to control, for we have forty-two States and only nine circuit judges.

The power, therefore, which brings into operation the machinery of this act is vested in non-residents of thirty-three of the States of the Union—I mean the nominal power; of course the real power is the chief committee of the party at whose dictation this bill is introduced. That that non-resident judge, wholly irresponsible to the people of the State, ambitious possibly to succeed to the next vacancy on the Supreme Bench, appointed to his present position because of his party affiliations, should be given authority to appoint those who can grant a certificate superior to the certificate issued by the authorities of the State under the great seal of the State, is an outrage upon the State which to me is inconceivable when committed by a citizen of any State; and the only possible reason for it is that the majority of those who are going to vote for this bill do not expect it to apply to their States and vote for it because they do not expect it to apply to their States.

It is a blow aimed by them at other States which they would not dare to aim at their own and would resent if any other Representative dared so to do. I venture the assertion that there will never be different certificates issued by any board of canvassers based upon returns of the supervisors of elections except in cases when the authorities of the State certify to the election of a Representative belonging to an opposite party to those supervisors and boards of canvassers.

It is intended to grant a fraudulent certificate to defeated candidates, whereby they may be enabled to exercise the representative power to retain the seats to which they have no just title and to prevent the control of the House from passing from their party friends. It is a travesty upon the relations between the State and the Federal Government to enact a provision by which the certificate of the authorities of the State that that State has chosen by its people the requisite number of Representatives is held for naught, in comparison to a certificate filed by three canvassers appointed by a non-resident circuit judge, basing their action upon the certificates of officers whose source of appointment is the judicial power of the Federal Government operating through those who do not live within the boundaries of the State to be represented.

THE JUDICIARY.

Besides, it is an utter confusion of the principles upon which our Government rests to confer this power upon the judiciary at all.

I have listened in vain for any explanation of section 29, which confers upon the circuit court the power to order "either national, State, Territorial, county, or other local board" to correct "errors" and to issue a mandamus. Does section 15 confer semi-judicial powers upon the board of canvassers and authorize a contest before that board as to the certificate it can issue and section 29 authorize another and wider contest before the circuit court as to both certificates? If so, what are the powers conferred, the forms of procedure, the rules to be applied?

These are new and extraordinary functions to be executed by the circuit courts of the United States, that the officers of the States can be compelled by the order of the Federal judge to issue certificates of election which they believe to be false! Let us pause before we grant such tremendous powers to our courts, and render probable if not certain frequent collisions between the Federal judiciary and the authorities of the State. If we will not halt, then let us make absolutely unambiguous the grant of power.

Upon whose "affidavit" must the court act and at what time must this extraordinary litigation be inaugurated? What is the effect upon the rights of the Representative if the order of the court is disobeyed?

Surely this House was entitled to have from the committee which reported this bill further explanation of its provisions.

Our fathers in framing the Constitution believed that the three great co-ordinate departments of Government should be independent of each other. Free institutions positively require the separation of the executive, the legislative, and the judicial functions. This truth was not as distinctly apprehended in that day as now, but even then the principle was carried out substantially in the Constitution, and I submit completely so as to the judiciary. There are conjoint functions of government imposed upon the President and Congress. With the consent of the Senate the President makes treaties and appointments to office. With both Houses he concurs by his approval in legislation or requires of Congress a reconsideration of their action and a reaffirmation by the constitutional two-thirds.

To both Houses he is required to submit his recommendations for legislative action; but the judiciary was kept entirely separated, entirely independent of its co-ordinate branches. I believe that even that clause which gives to Congress the power to vest the appointment of such inferior officers as they think proper in the President, in the courts of justice, or in the heads of the Departments must be construed to limit this power to vest the appointment of inferior officers in courts of law to such officers as are properly under the control of the courts and necessary to the transaction of their business; and all such decisions as do not make this distinction are ill considered.

The power to make law, the power to declare law, the power to administer or execute law, embraces all the functions of government. These exhaust all governmental powers. They ought to be kept separate. He who has the power to make the law ought never to be allowed to exercise the right to construe or to enforce that law, and he whose duty it is to enforce it ought to do it by authority vested in him by the law-making power, and they who are to declare what that law is ought not to have had any hand in its enactment nor be charged with its execution. These are elementary principles. They are utterly obscured and confused in this act.

We have boasted of an independent judiciary and in a certain sense of a non-partisan judiciary. It is true that men do not become translated when they are appointed from private life to the Supreme Bench; nor do they change their convictions by exercising judicial functions; and so the Federalist Secretary of State, John Marshall, remained the Federalist Chief-Justice; and so in later times the decision of the Electoral Commission was precisely on the line of the party opinions of its members; but the mere partisan struggles for party supremacy at any given time have not been carried as a rule to our courts.

We have tried to keep our ermine from becoming spotted with the mud of our fierce struggles and with the stains of party corruption. We ought not to make it the engine for the destruction of free elections; we ought not to make it the source of power to mercenaries to debauch the ballot-box. We ought not to require of our judges to sit in chambers to pass upon questions of contested party struggles. We ought not to give to supervisors of election the power to require of our judges to open their courts and to hold themselves ready to do business at the beck and call of partisan election officers. Already the suspicion of the people that our courts are not as pure as they once were is becoming unpleasant and widespread.

Gentlemen have said that it is not only important that the elections should be fair, but that they should be known to be fair. It is infinitely more important that our courts should be pure and that they should have the confidence of the people. They are the last barrier between freedom and her assailants. It is not too much to say that the splendid tribute paid by Johnson in the dedication of his play, *Every Man out of his Humor*, to "The noblest nurseries of humanity and liberty in the kingdom, the Inns of Court," was as just as it was superb. The battle for English freedom has been fought before the courts and juries of Great Britain by the lawyers of Great Britain; and for the last thirty years the battles for the preservation of our peculiar system of government and of the constitutional rights of minorities have been before the Supreme Court of the United States. That battle is not yet over.

Amid the passions of that great war, amid the temptations which those passions necessarily produced, drunk with blood and inflamed with the hate which grew out of the contest, it is not strange that there were encroachments upon the rights of the people, that there were doubtful statutes, that there were unconstitutional acts. In the courts of the United States year by year has the unending struggle gone on to reconquer what was lost of liberty. Some of the decisions made by those august tribunals have been monuments not merely of their patriotism, but of their power to subordinate the partisan to the judge and to decide grave party questions in the realm of judicial fairness instead of in the atmosphere of party animosity.

Every citizen is interested in keeping these courts free from temptation to participate in our party struggles, in preserving the confidence of the people in the purity of those courts, in not subjecting the incumbents of the benches to the terrific pressure of such temptations

as this bill puts before them; of not convincing a great party, in numbers larger than its adversary, though it has not the possession of power, that the judiciary is the chiefest engine of mischief, and a debauched and corrupt bench the implement wisely chosen for the destruction of a free ballot-box. If gentlemen of the majority feel themselves compelled to pass an election law, remodel this proposed bill.

Strike out from it the provisions which give power of appointment to the courts. Let it be political in all its parts—I mean political in the true sense of political. Let the officers be appointed directly by the President or by some one who is responsible to public opinion. Let us maintain the separation of the judiciary from the legislative and executive departments of the Government. Let us hedge about that judiciary with every possible barrier, so that in its holy chambers there may not come these unscrupulous partisan contests. In its halls let us be obedient to the law, trying to find precisely what the law means and administering public justice from motives of justice and under a sincere desire to reach an honest judgment. As long as we have pure, non-partisan, and independent courts there is hope of the preservation of the liberties of the people. Do not let us take any step in the direction of prostituting the power that these courts derive from their independence.

THE BILL IS SECTIONAL, IT IS UN-AMERICAN.

This measure is based on a false conception of the nature of this House and its relations to the Federal Government and of the relations of the States and the Federal Government to each other. This is a Union of States and of the people thereof; this House is composed of the representatives of the people of the States; our commission must come solely from the citizens of a single State; there can be no district composed of parts of different States. We represent the wants, wishes, opinions, convictions, and aspirations of our respective constituencies. This is the essence of representative and Federal Government. Through us each district makes known its wants and obtains consideration therefor. It must not be obscured that we are only representatives, that we act only in a representative capacity, that we speak in the name of those by whom we are chosen, for them and in their stead we act.

Collectively we represent all the States and the people thereof; individually each represents his respective district and, with his colleagues from his State, that State. The gist of representation is that the representative be freely chosen by those he is to represent; that there shall be no interference with the exercise of this supreme and sovereign right.

In Congress the true relations of the Federal Government and the States practically result in wise and cordial results. Its members, chosen by the Legislatures and people of the respective States, compose the Legislature of the United States, jealous of the honor of the General Government, yet zealous to preserve the autonomy of the States and the rights and equality of the people thereof.

It is only by such a Congress that our duplex system can be preserved. A Congress chosen by Federal officers must soon become a body subservient to central power, and in its rank and file would soon lose its representative character. Insensibly the relative and constitutional rights and powers of the States and Federal Government would undergo radical and disastrous change.

American institutions mean a Federal Union composed of States governed by a written constitution, in which a Congress chosen by the States and the peoples thereof exercise all legislative powers as the representatives of the governed, on whose consent the Government rests and by whose sovereignty all power is delegated to their representatives. This measure humiliates the States, sets aside its certificates, and surrounds its ballot-boxes with irresponsible officers charged with the duty of packing this House.

It is a measure modeled after the force bills passed by an English Parliament for Irish constituencies and defended on precisely the same grounds. Mendacious slanders of the people of the weaker sections; exaggerated and sensational reports of occasional acts of violence; passionate appeals to the people of other sections; petty persecutions and irritating annoyances by an unscrupulous constabulary; offensive and insulting charges thrown at the representatives; urgent party persuasion characterize in common those who pass force bills there and press force bills here.

Grievances do not justify either change of institutions or destruction of them. Reform ought not to be revolution. This changes the customs and laws of a century, it inaugurates a new system, it is revolution, and that towards espionage, surveillance, irresponsible powers, the building up of clashing tribunals, the vast accretion of this central power, the impairment of the dignity of the States, the diminution of the independence of the Representatives of the people.

Now, a Representative may assert his independence of party decrees and appeal to his constituents; then he must meet in fierce contest this powerful and compact machinery. There is nothing in the condition of any part of any State which justifies any Federal election law; but I aver that there can never be palliation, much less justification, for such a measure as this.

No one who has listened to this debate needs any further assurance that its real purpose is to secure the return of Republican Represent-

atives from certain of the Southern districts. In this debate much has been said of the North and of the South; of the slaveholding and of the non-slaveholding States; of the States in rebellion and the loyal States. I represent a district somewhat peculiarly circumstanced. The State of Kentucky was a border slaveholding State. It is therefore classed with the Southern States and grouped with the disloyal States, as they are called.

At the beginning of the war it was divided, having elected a Democratic governor in 1859, but through the division of the Democratic party it cast its electoral vote in 1860 for Mr. Bell. It remained loyal to the Government during the whole of the war. It furnished fully and generously its quota of troops—not only its own, but it helped to complete the quota of Massachusetts by furnishing from its colored population a certain number of regiments. The General Government, since the introduction of Kentucky as a State, has never called upon it for any sacrifice that has not been given. It had no Tories during the Revolution. It had no secret traitors during the war of 1812. It furnished more than its quota in the war with Mexico, and when the late war came upon us, while it was divided and many of her sons went into the Confederate army, she did her full duty to the Federal cause, and she has asked less for it than any State of the Union. She has not been clamorous about pensions, she has not debauched her public men by organized raids on the Treasury, and she to-day yields precedence to no State in her undivided loyalty to the Constitution, in her faithful obedience to all the laws enacted by the Government, and her generous affection for the entire country. There has not been a contested election from any of her districts for more than a score of years, and her elections have been absolutely fair. No Federal supervision is needed at her polls. Her Senators are chosen without regard to their wealth. No scandal attaches to her Legislature in its act of choosing her Senators; and her Representatives on this floor in this and in preceding Congresses hold unsullied commissions. She has treated her colored citizens not only with justice, but with generosity; without any pressure brought to bear during reconstruction times. By her own voluntary act she distributes her school fund per capita without regard to race, and her people are getting along peaceably and prosperously.

The animosities of the war could not be kept alive even for the sake of party office, and by the steady but powerful influence of daily good-fellowship and neighborly, mutual interest her people have become one. She accepts with good-natured complacency the Phariseism of those good people who thank God that they are not as that poor publican, and she feels that there is no system of law which any other part of the United States can live under that she can not also bear. Her mountain region, where the Republican party has been and is powerful, is becoming richer every day. Those feuds which grew out of the peculiar nature of society and civilization in those sections, pass away as railroads penetrate the fastnesses of her mountains and develop the richness of her resources. Yet interference in her elections by such a law as this will be full of mischief.

The grave problem of the races is to her not of danger, but only of gravity. But it is to other parts of the country full of danger, and the very first requisite to its proper solution is non-interference. The absolute necessity of home rule never was so complete as in those States. No community can afford to permit itself to permanently do wrong, to permanently commit injustice, to permanently be poor. If left to itself it will make the most out of the conditions which surround it and of it the elements which constitute it. It best knows the evils and the remedies for those evils. It feels the grievances most and is most interested in the removal of those grievances. It is most deeply involved in the development to the highest degree of the money-earning power of its citizens, and this must rest finally upon content. There can be no permanent prosperity based on discontent.

No people know this so well as the Southern people. No thinkers more clearly apprehend this truth and no communities more intensely understand and appreciate it than those mixed communities. For twenty-five years those people, white and black, have been living together trying to reach the very best possible results, and if man is capable of self-government and if christianity is in truth from God, the ultimate result is certain. But there must be internal peace; there must be mutual good-will; there must be a sense of complete dependence of each upon the other and of security from all outside interference.

This is a truth which the Republican party will not understand; will not try to understand; do not seem to desire to understand, that the white Southern people are the most interested of all the white people in the world in the highest possible development of the colored people; that the Southern colored people are the most interested of all people in the world in securing the friendship, the kindness, and the good will of the Southern white people. Any state of society produced by outside interference is unnatural and must be temporary. There can not be a permanently unnatural condition of society any more than there can be a permanent storm. The subsidence of passion must restore the people to their normal condition, to their natural status.

Therefore, in the end, intelligence must prevail, even if in the mean while it is wholly disarmed and to ignorance and to brute force is

given every possible weapon. War and all violence must be temporary, and every special enactment, every law thought to be called for by an exceptional exigency, every unusual system or special machinery must equally be temporary, for it is exceptional and abnormal. This has been illustrated since the war. In 1865 there was not a Democratic organization in the land that had any power. The South was bankrupted; her public credit gone; her private credit destroyed; every institution or corporation blotted out; her houses burned; her fences destroyed; her fields devastated; her system of labor reversed; her civil governments obliterated, and military authority made dominant; Congress passed exceptional statutes applicable only to the South; troops were billeted upon her people; military officers usurped governmental and legislative functions; Legislatures were dispersed by the order of the soldiery; courts-martial took the place of civil tribunals; Representatives sat on this floor with commissions signed by generals; the people had no real Representatives in Congress. Necessarily such an abnormal and unnatural condition could not last. When the Republicans controlled every State, had possession of both Houses of Congress, possessed the Executive, with the Army in command, with the South utterly prostrate, the experiment was tried. There were annoyances, embarrassments, bloodshed, and unhappy occurrences; there were thefts, public demoralization, and many transactions which were deplorable. These are the necessary concomitants of a system of force and of fraud. They accompany the domination in Ireland and India, as well as in the Southern States of America. No thinker was surprised at such occurrences, no student of history believed that this condition could continue.

Now, this is the use of statutory force instead of military force. It is as unnatural and as abnormal as that experiment. It is less violent. It is less public. The forces are concealed under the forms of law. The persons are called marshals and supervisors instead of generals and soldiers; but the system is as abnormal and as unnatural and as illegal; and the result must be precisely the same. Temporarily the good feeling in the South will be suspended. Suspicion will take the place of friendship. Race passion will take the place of a desire for the general good. Hostility will be substituted for kindness. The desire for party advantage will take forms of violence. To the operation of oppressive and iniquitous laws will be put the resistance of intelligence. Extravagance will mark the execution of the law. The venal will be attracted by it. The purchasable will be temporarily seduced by its bribe. Those who expect gain in any form by it will give to it the most violent and unscrupulous construction. Northern capital that is invested there will become alarmed, and there will be a temporary arrest of the industrial progress which has marked the last ten years, which is now so pleasant to any lover of his country. Trade will be disturbed. The Southern market, which now takes so much of Northern products, will become straitened. The men who sell in the South will have a limited market. It will be followed by bankruptcies, both North and South. There will be a temporary suspension of progress. It may be that in certain localities, under the rude and unscrupulous execution of the harsh and iniquitous provisions of this bill, there may be a resistance which will produce collision.

But all this will be but temporary. As in March, 1877, the Republican party turned the colored men of the South over to the white men of the South; sacrificed Packard in Louisiana and the representatives of the Republican party in South Carolina and Florida, paying the returning boards who fraudulently gave the votes of those States to Mr. Hayes by the bestowal of Federal offices and Federal honors, so the day will come when the Republican party can no longer carry this bill and be responsible for the outrages committed under it, and will again turn over the colored people of the South to the white people of the South. That problem must be solved, gentlemen of the North, by the people resident within those States, and you who do not live there postpone the day of permanent peace and give to the colored man the burden of that postponement every time you undertake to interfere with it.

Gentlemen from Massachusetts may talk in eloquent terms of the luminous ideas of Massachusetts, and gentlemen from Iowa may declaim about a killing bullet to secure a pure ballot; but stripped of rhetoric and passion, of declamation and hypocrisy, it means simply in plain English that the negro shall be used to enact laws which will give to certain industries private aggrandizement out of the public Treasury and that he shall then be turned over to the mercies of the people among whom he resides; and I charge those gentlemen and their associates who vote for this bill, under the solemnity of my oath as a representative of the American people and with a profound consciousness of the issues involved in this debate, that all the violence that this act, if passed, will produce, in justice will lie at their door, safe in their homes they will be the guilty, and from their act will proceed all the evil consequences which this bill may produce.

They at the bar of God will be responsible, and if I had the power I would appeal from those Representatives of Massachusetts to the people of Massachusetts. I would appeal to the descendants of the Adamases, the Quincys, the Warrens, the Otises, who know that power, either by the sword or by statute, can only retard, and not prevent, the development of human ideas and of free institutions. I would appeal

to the culture of Harvard; to the men who work in the factories of Lynn and Lawrence; to those who are the real Massachusetts, to protest against an act which is based upon distrust of the people; which violates the fundamental principle of home government; which puts into the hands of from fifty to one hundred the whole election machinery of a great Congressional district; which brings into the arena of partisan contests the judiciary of the country; which destroys the relation between the States and the General Government; which takes from the people of the State the control of the ballot-box when they are in the act of choosing their Representatives in Congress; which spits upon the certificate of the State officers under the great seal of the State, and which loots the public Treasury by the employment of a vast horde of mercenaries to perpetuate a party in power; and I not only appeal to the people of Massachusetts, but to those of every State of the Union.

Is there no better contribution that Scandinavian exiles who come among us for broader homes and ampler freedom can bring to the prosperity of their adopted country than to bring destruction to the freedom of the ballot-box and the liberty of the citizen to select his representatives without supervision or oppressive and impertinent interference? I appeal from those Southern Republicans who profess to represent great States like Maryland and Tennessee and who show their distrust of the States which bore them to the people whom they represent to say whether it is true that they can not be trusted without the supervision of Federal office-holders and without domiciliary visits from deputy marshals. I know Maryland, Tennessee, and Kentucky, and I protest that their Republicans do not deserve this humiliating distrust, and their Democrats have secured to all free and pure elections and wise and generous governments; and those States are happy, contented, prosperous, and growing. Can it be that, in the week which is made sacred by another Fourth of July, as a result of a hundred and odd years of American liberty and of the American Constitution, the people have become so corrupt and violence has become so nearly universal and fraud so brazen that the power which those States control is sufficient for all other objects and purposes in life, but is powerless to secure a free and pure ballot? If this be so, then, indeed, is American liberty a failure and our particular form of government a disaster.

Mr. MCOMAS. Mr. Speaker, the proposition in this amendment, strangely enough, does the very thing against which the gentleman from Kentucky [Mr. BRECKINRIDGE] protests. It takes away from the people the power of election and certification of their Representatives. It takes away the right of organization of a House of Representatives and provides that, in every case in which this law (if it becomes a law) shall be applied, the returns shall be made to the Speaker of the House by the chief supervisor. To what Speaker? In the organization of the House more than one-half of this body may be disfranchised by this proposition in the choice of a Speaker. Does it not say so? Does it not provide that in every case where there has been a supervision of election under this bill the returns shall be sent to the Speaker of the House? Am I wrong in that?

Is it not the purpose of the amendment?

Mr. BRECKINRIDGE, of Kentucky, rose.

Mr. MCOMAS. I will ask the gentleman from South Carolina.

Mr. HEMPHILL. I did not catch the question.

Mr. MCOMAS. Does not this amendment provide that in every case where there has been a national supervision the returns of the election for that district shall be made to the Speaker of the House?

Mr. HEMPHILL. It provides that the returns as tabulated by the chief supervisor shall be forwarded here to be laid before the House—not the certificate of election, but the tabulated returns.

Mr. MCOMAS. But there will be no certificate of the election at all in that case by the national supervisors.

Mr. HEMPHILL. None, except by the State authorities.

Mr. MCOMAS. Now, that means that where there has been a supervision either the whole supervision shall be null and void or that the men who come here, even if that certification is finally to obtain, though declared to be elected, shall stand on the outside until the Speaker of the House shall dispose of or refer their cases.

Mr. HEMPHILL. I will say to the gentleman that this is right in the line of the very argument that has been made on the other side, that this is a bill for supervision. If that is the object, gentlemen on the other side should vote for this amendment.

Mr. MCOMAS. The proposition is that the Speaker of the House, elected in the manner I have indicated, shall refer the credentials of the gentleman himself and of myself to a committee of his own choosing—

Mr. HEMPHILL. Oh, no; not our credentials.

Mr. MCOMAS. Yes, of course; our credentials.

Mr. HEMPHILL. Oh, no; our credentials we get from the governor of the State.

Mr. MCOMAS. But our credentials in this case ought to be the result of the supervision made by the national officers as well as that of the State officers.

Mr. HEMPHILL. The gentleman mixes up terms. Supervision and credentials are entirely different things.

Mr. MCOMAS. The proposition is that the Speaker shall send

these supervisors' certifications to a committee that he will appoint to pass upon your rights and mine.

Mr. HEMPHILL. He does that every day.

Mr. McCOMAS. I submit that this sort of centralization which has been so much declaimed against on the other side of the House should not now be incorporated in this bill.

Mr. HEMPHILL. Oh, that is too absurd.

Mr. McCOMAS. There is no trouble about this supervision. There is no reason why there should be a supervision at all unless it is to have some effect in results. Gentlemen assume here that when the supervisors are appointed by our United States judges—judges of some of the highest courts in the land, untainted in their high offices—

Mr. HEMPHILL. You are not describing the judge who presides in a certain part of the United States; nobody would recognize him from that description.

Mr. McCOMAS. I am describing judges who in this country rank next to the judges of the Supreme Court of the United States, judges whose record is so good after a century of our national existence that declamation which undertakes to disparage them will fall harmless. These judges stand as high certainly as the judges of the State, as high at least as the local election officers of the State machinery. Sir, if the State election officers make honest returns of the elections and United States supervisors stand beside them and also make returns, the very publicity of the action of these two bodies of officers will bring about fair results. The apprehensions of gentlemen on the other side upon this subject are simply a nightmare which they bring here in the morning from their dreams. How could a law live for five years in this country if under it the supervisors, in defiance of the actual returns, give the results of the elections differently from the results as declared by the State officers?

I look to see as the result of this legislation a duplication of the returns giving a tabulation of the result on both sides, constrained to be fair by its publicity, by its openness, and by the challenge of public scrutiny before the courts.

[Here the hammer fell.]

Mr. MILLS. Mr. Speaker, I am strongly persuaded that gentlemen on the other side of the House who favor the adoption of the provisions of the bill now under discussion have not seriously thought of the consequences which this bill makes possible. Under existing laws the State officers certify from the returns made to them the Representatives chosen to seats in this House. Under the bill now presented for our consideration a board of returning officers is provided, and they are to send to this House the certification of their judgment as to the parties chosen to be its members. When these two sets of certificates (conflicting as they may be) come to this House you provide that the Clerk of the House of Representatives shall ignore the certificates given by the chosen officers of the people who have voted for Representatives—the certificates given by the public servants they have selected to carry out their will—and you provide that your creatures whom you invest with power for life, responsible to nobody, from a distant State, it may be, shall give certificates and seats in this House to the persons whom they declare to be the representatives of thousands or hundreds of thousands of people.

Have you thought of what the consequences may be to this country? When a Democratic House shall have been chosen, when Democratic governors and secretaries of state shall send the accredited servants of the people here, showing a political majority of twenty-five or thirty on that side, your supervisors may certify twenty-five or thirty men instead of those whom the people have chosen; may send them here with certificates; and your Clerk of the House, under the terrible penalties which you provide in this bill, must accord them seats on this floor. What will be the consequences to the country?

Gentlemen, you ought not to forget that we belong to the Anglo-Saxon race. It is idle for you to shut your eyes to the history of this people. Trace them back for centuries, and from the time you find the first germ of them in the forests of Germany they have been jealous of their rights, they have been bold and prompt to assert them, and they have never counted the cost, whether of blood or of treasure, in vindicating them. The history of our race is the history of a struggle for two thousand years to retain the right, the God-given right, the natural-born right of the citizen to control the Government that exercises its power over his head.

Why, sir, local self-government is the very germ of our political existence. Our fathers declared we could not maintain a free government on this soil except by leaving it to the localities themselves and giving into the hands of the people everything pertaining to their local affairs. What responsibility do your supervisors hold to the people of the United States? None whatever. What responsibility do the governors of your States, the secretaries of state, and the returning boards of your different States, chosen by the people, appointed by the people, elected by the people, hold in your domestic affairs? They are the creatures of the people, the servants of the people, they are under the control of the people, and they can dismiss them at will. They can protect themselves from wrong or aggressions at their hands and can force a strict obedience of the laws of the State. They are accountable to the people of the State for the duties intrusted to them.

Now, gentlemen, you would not pass the bill—there is not a single gentleman over on that side who would have voted for the bill two years ago if the President of the United States then in office had been clothed with the power of appointing these supervisors. You would not do it, and you know it, and laying your hand on your hearts and looking up to your God, if the judges who are to appoint these people were Democrats instead of Republicans, you know that you would vote solidly against any such proposition. [Applause on the Democratic side.]

Mr. KERR, of Iowa. Mr. Speaker, it depends very much from what party standpoint you look at these matters. The gentleman from Georgia [Mr. TURNER] on yesterday spoke about the very great danger of these returning boards and of the fears that he entertained because of the powers intrusted to them of kindling the fires of political persecution.

Now, in 1876, the returning boards of the States of South Carolina and Florida and Louisiana, boards organized by the State governments, certified in the election of that year to certain men being entitled to seats in the electoral college. These certificates were made by the State organizations; and no man and no set of men have ever been denounced with more vindictiveness than this class of men have been denounced from that day to this by the Democratic party of this country. The Democratic organization of this country sought to set aside the certifications made by these State returning boards, by their own State organizations, and to declare a man elected to the Presidency of the country in open defiance of these certifications, because the State boards, as they claimed, were corrupt.

Now, what is the object of the pending bill? It is to provide that the United States shall have supervision of the men elected to represent the people in particular districts of this country. It is to provide that the National Government, to which these men are the accredited representatives, shall have supervision to say that the people from which they claim to be the accredited Representatives, are, in fact, represented, and not misrepresented, by the men who come here and claim to hold the right from them to act as their representatives upon this floor.

The gentleman from Texas speaks about the States. The Constitution provides that the States shall be entitled to two representatives in the Senate of the United States, and the Senators are the representatives of the States as States. They will see to it that the State is not harmed; that the State organization is preserved when attacked. But when it comes to this representative body it is the duty of this House to see that the people of the various representative districts throughout the land have not their rights infringed by any local, temporary wrong.

I referred the other evening to the provision embodied in the forty-third article of The Federalist, in which Mr. Madison alluded to the necessity of the National Government having supervision of these questions; and he did so for the reason that if any local temporary wrongs existed it was better that outside and extraneous influences should supervise it than that the people should be left to struggle between themselves over the settlement of such a question, on the ground that they would be less liable to be influenced by passion and prejudice. And it is on the theory that Mr. Madison has laid down in the article of The Federalist, to which I have referred, because these representatives are the representatives of the people of the districts, and not of the States, that this House ought to see that they are represented by the men that they have in fact chosen, and not by another set of men.

Now, the provision proposed to this bill, the amendment suggested by the gentleman from Massachusetts [Mr. LODGE], I think is a most important one. I believe that gentlemen on that side of the House, from what I have heard among them, ought to concede this to be a very desirable condition of things. I believe in Great Britain it is provided, instead of having the legal committees in this body to determine the right of members to their seats upon the floor (which all, at least on that side, claim is not a judicial determination, but wholly partisan), that these questions should be submitted for judicial investigation to the courts; and with that amendment I do not think any man in this body should make objection to the provision for certification of who is in fact elected a Representative in this body.

Mr. CARUTH. Mr. Speaker, I have heard a great deal during the course of this debate about "a free ballot and a fair count," and I have turned the matter over in my mind to ascertain the reason gentlemen were so anxious for this; or, rather, I have tried to find out the correct definition of the terms, and I have ascertained from the speeches which have been made and the action of members on the floor that "a free ballot and a fair count" meant a ballot that elected our party and a count that counted us in. [Laughter.]

This is an effort here, Mr. Speaker, to perpetuate you Republicans in power. For the first time in quite a number of years the Republican party finds itself in possession of the executive office and of both bodies constituting the legislative department of the Government.

The methods by which it secured this supremacy were, to say the least, questionable. The party fought with a desperation which seemed born of despair. There was no means unused which might secure votes. The "fat" was fried out of the protected manufacturers and the "floaters" were arranged in "blocks of five." Nothing was sacred

from the "campaign liar." No appeal was unspoken, no "influence" was untried. Success came not by the popular vote of the country, but in the Electoral College a majority was secured and in the Congressional districts a few more Republicans than Democrats were chosen.

It is true that had there been a fair representation of the whole people these seats would be filled by a majority of Democrats, but this was not the way in which the Republicans had arranged it while in power in many of the Eastern States.

I submit an extract from The Baltimore Sun, which sets out the inequalities of representation as they exist in some of these States:

WASHINGTON, June 10.

Some brief mention has heretofore been made of the remarkably disproportionate influence and power in national affairs exercised by the Republican voters of New England. It is an interesting subject and will well repay entering upon details. The bulk of the political literature which almost engulfs the CONGRESSIONAL RECORD is contributed by New England Senators and Members, the burden of whose lay is the alleged denial of representation to voters in other sections than their own. Mr. Speaker REED in speeches and interviews and magazine articles in the last six months has clamored without cessation for the doctrine that so many black voters in the South, constituting a certain percentage of the population, are entitled to a proportionate number of Representatives in Congress. It is for securing this end that the election measures which he so earnestly advocates are to be directed. If he will only consent to apply the same principle to his own section the measures to be brought forward would most probably receive a much stronger support than is likely to come to them under existing circumstances.

It is really astonishing that so little comment has been provoked by the condition of political affairs in New England. It is marvelous that the descendants of the Anglo-Saxon race have not risen in revolution at the denial of political rights which has prevailed for more than half a century. No such Congressional and legislative gerrymandering has been continued or enforced elsewhere in the world as that existing in New England for Republican benefit. At the last Congressional elections in November, 1888, the Republicans polled an aggregate of 449,090 votes and the opposition polled 378,477, or very much more than two-fifths. Yet the Republicans have all of the twelve Senators from New England and twenty-three out of twenty-six Representatives.

In Connecticut the Republicans were in a minority of more than three thousand, yet they have the two Senators and three of the four Representatives. In New Hampshire the Republicans polled 45,271 votes, and the opposition 45,430, yet the Republicans hold on to both Senators and both Representatives. In Rhode Island the Republicans have held on to power not only by unfair apportionments, but by the most wholesale disfranchisement of citizens. That State is bound to slip from them now, and if it is ever possible to receive a reasonably fair apportionment Connecticut and New Hampshire would soon follow suit.

The Republican Senators and Representatives from New England, so many of whom are occupying seats to which they are not justly entitled, have put themselves into positions of commanding influence in both branches of Congress. In the Senate they are at the head of the most important and influential committees and exercise a control over legislation monstrously unequal. Of the two Maine Senators Mr. FRYE is at the head of the Committee on Commerce and Mr. HALE is chairman of the Committee on the Census. The two New Hampshire Senators respectively head the Committees on Education and Labor and Immigration. The Senators from the insignificant State of Vermont, which hardly contributes enough to the national Treasury to pay its own office-holders, preside over the Committees on Finance and the Judiciary. The Massachusetts Senators have the chairmanships of the Committees on Privileges and Elections and on Indian Affairs. Senator ALDRICH, of Rhode Island, is chairman of the Committee on Rules. The two Connecticut Senators hold the Committees on Territories and on Military Affairs. Mr. DIXON, of Rhode Island, is the only New England Senator who is not a chairman. This is because he only came to the Senate in November last. But it may be taken for granted that in a short time he will be found at the head of some big committee.

In the House we have Mr. REED, of Maine, whose election is only compassed by wholesale and open bribery, assuming despotic power in the Speaker's chair and at the same time acting as chairman of the Committee on Rules. Of his colleagues, Mr. DINGLEY is a member of the Committee on Ways and Means, which is equivalent to a chairmanship; Mr. BUTLER is chairman of the Committee on Naval Affairs, and Mr. MILLIKEN of the Committee on Public Buildings and Grounds; Mr. SPOONER, of Rhode Island, is chairman of the Committee on Accounts; Mr. GROUT, of Vermont, is chairman of the Committee on the District of Columbia; Mr. BANKS, of Massachusetts, is chairman of the Committee on Expenditures of the Interior Department; Mr. LODGE, of Massachusetts, chairman of the Committee on the Election of President and Vice-President, and Mr. CAMPBELL, of Massachusetts, chairman of the Committee on the Quadro-Centennial.

It need not be supposed that these New England Republicans, who have walked into Congress over the slaughtered political rights of nearly one-half the population of their section, are satisfied with monopolizing the chairmanships of the principal committees. They will be found stowed away in top places of all other desirable committees, so that their influence permeates every species of legislation for every section. Effrontery has long been characteristic of the New England Republican Congressman, but it is difficult to conceive how they, the beneficiaries of the almost complete practical denial of political rights to hundreds of thousands of white voters, can assume to discourse so much upon alleged and imaginary similar instances as to black voters.

How the Republicans increased their majority from a certified 9 to 20 the country knows. Elections were held on the floor of this House and the wishes of the majority of the Committee on Elections complied with by forcing members on the other side to vote with them even against the decision of their judgment and the dictates of their conscience. That it is an unfair and usurping majority none know better than those whose votes brought it into being. At the other end of the Capitol, too, history, infamous and degrading, has been made, and "the Montana steal" will take its place next in importance to the theft of the Presidency among the outrages and crimes committed by the Republican party in its fraudulent career since the war.

But the Republican party had in the White House a President chosen by the minority of the voters of the Union and who was repudiated by the people among whom he lived and who knew him best; in the Senate a power which had been strengthened by fraud; in the House a majority which had been made at the sacrifice of justice and right, and this supremacy it is determined to uphold at all hazards.

Confidence in Republican methods, regard for its pledges, did not ex-

ist in the American mind. A free and untrammelled election meant the triumph of the Democracy at the November election. It meant the overthrow of the fraudulent majority in this House and the return of the party of the people to the control of this, the representative body of the Congress.

Animated by a spirit which would prefer revolution to the surrender of a power fraudulently obtained and unjustly held, the Republican party of this House early set its machinery in motion to serve, not the people, but its unholy partisan ends.

First, it revolutionized the rules of the House and trampled with relentless power upon all the precedents which had been established for a century and which had been followed by distinguished patriots in this House, the latchet of whose shoes they were unworthy to loosen, and established new rules under which they said they could "do business." That business seemed to be to deplete the Treasury and steal the rights and liberties of the American citizen.

Old-fashioned folks supposed that we were sent to this Capitol by the people to deliberate and consider concerning their interests and to legislate for their welfare, and, in doing this,

Bound by no party's arbitrary sway,
We'd follow right where'er it led the way.

But judge of their horror when they heard it announced by "the organ of the House," the Speaker, that the House of Representatives was "no longer a deliberative body," and when they see the Republican majority of Congress adopting as the motto of their action the sentiment,

Bound by our party's arbitrary sway,
We follow REED where'er he leads the way.

[Laughter and applause on the Democratic side.]

It was then announced by this leader that it was proposed that the Federal Government should control, supervise, count, and certify to the election of members of Congress, and that it would no longer trust the people of the several States to perform these functions, which had been exercised by them unquestioned since the foundation of the Government. In pursuance of this plan there was aimed this outrageous and damnable blow at the constitutional rights of the people, a blow designed to strike down home rule and concentrate still more power in the Federal Government, to magnify the nation and dwarf the State.

ELECTION SUPERVISORS.

This measure is a distinctively party bill. It was formed as the result of caucus action. It is proposed to pass it, not by appealing to the conscience and judgment of members, but by plying the party whip and threatening the party displeasure. Time at my command does not permit me to analyze this proposed legislation as I would desire. Some of its important provisions I must, however, note, that its diabolical character and revolutionary methods may be understood by those who hear me.

Among the objections to be urged against it, it may be stated that it places, if properly enforced, at the nearly sixty thousand voting places of this country at least three supervisors of election, who are appointed by a chief supervisor, who derives his authority from the United States circuit judge. When it is known that out of all the circuit judges in the United States but two are Democrats it will be seen that these appointments will be of a partisan character.

It is well enough to say that these judges hold their offices for life and are thereby removed from partisan influence; but the American people will never forget the action of the supreme judges associated in the Electoral Commission of 1876, and so long as they remember the now admitted theft of the Presidency and the record made by "Attitude Bradley" you can not make them believe that they, these Federal judges, will be impartial. The argument is both a delusion and a snare.

Such an idea as intrusting the judiciary with any power over the elections is repugnant to the Constitution. The division of the departments of the Government into executive, legislative, and judicial meant that they should be separate in their functions, the legislative to make, the judicial to construe, and the executive to enforce the laws. To confer the power on the judicial department to control in the least degree the election of members of the legislative branch of the Government destroys the intent and undermines the Constitution of our country. It is inimical to our rights and destructive to our liberties. But, again, it establishes, not in words, but in fact, a Federal interference with State elections. In many States, on the same tickets with Congressmen appear the State, county, and city tickets. The election is held on the same day, in the same voting place, by the same officers.

FEDERAL RETURNING BOARD.

Not only do the courts appoint supervisors, but they also make returning boards. The board is to be composed of three persons—two of one party and but one of the other—who shall be life officers or hold "during good behavior." Their certificate and their return is to govern the election, and the person who receives their certificate is entitled to recognition by the Clerk of the House in making up the roll of members. If the Clerk fails to place this name on the list he is subject to a fine of not less than one thousand nor more than five thousand dollars, or by imprisonment not less than one year nor more than five years, or by both such fine and imprisonment, and to this is coupled

a disqualification to ever thereafter hold any office of honor or profit under the Government of the United States. The powers given the supervisors over the voter are great and universal and the punishments for any violation of the provisions of the act are extremely severe.

JURY TRIAL.

We hold as one of the dearest of our rights a speedy trial by a jury of our countrymen. In comparison with this privilege all others sink into insignificance. To obtain this right people in the past have been willing to pull down thrones and trample upon rank. When this right of a fair trial by jury is denied us, what remains? Yet this bill does this. It is not enough that we have Republican circuit and district judges, Republican clerks and Republican marshals, Republican supervisors and Republican returning boards, but to try offenses under this proposed act we must have Republican juries.

Under existing law juries are selected by the clerk of the United States court and a jury commissioner appointed by the court, who, by express law, must belong to a different political party from the clerk. Under this bill the office of jury commissioner is abolished and the clerk selects the jurors. Was any measure more cunningly devised than this to overawe and intimidate the American citizen? Surround the polls with Republican spies and hirelings, with supervisors and deputy United States marshals, clothed, commissioned, and badged by the authority of the Government; place the voter at the mercy of these creatures; render him liable, the victim of petty malice or party spite, to be torn from his family, dragged hundreds of miles from his home, tried in a community where he is a stranger, confronted by witnesses who are his political enemies, and before a jury selected to convict, by a Republican official. Could partisan ingenuity devise a more wicked, diabolical plot against the liberty of the citizen?

TAX ON THE PEOPLE.

Not only does this bill interfere with the right of the citizens of the various Congressional districts to choose their Representatives without Federal dictation or interference; not only does it empower the Federal authorities to pass upon the qualification of voters and place its powerful hand in the ballot-boxes, wherein repose the suffrages of the citizens for their local and State officers; not only does it surround the voting places with so-called supervisors and deputy marshals to overawe and intimidate the voter; not only does it seek to terrorize him by holding up before him the United States courts, officered by Republicans, holding its sessions distant from his home in many cases, and with a panel of jurors selected to convict; but it provides for the payment of these minions of its power—not with the “fat fried out of the manufacturers,” not by means raised by the sanctimonious Wanamaker or the unscrupulous QUAY from “the protected industries,” but out of the Treasury of the United States. It is to be paid by the honest tax-payers of this country out of their scanty earnings, and will be a tax of from five to ten millions of dollars. What is the excuse for this? We know that if the Republican party thought it could maintain its supremacy without it it would not be urging with all its power the passage of this bill. It must present some reason for this unusual and unrepugnant action, and it finds that reason in what it calls

“THE SUPPRESSED NEGRO VOTE OF THE SOUTH.”

It refers to the census for an argument and tells us how many negroes fail to vote at each election. It claims that if these votes were polled they would all be cast for the Republican ticket. Does the Republican party own the negro vote? By what right or authority do they claim it? Because Lincoln signed the emancipation proclamation and Grant forced Lee's surrender at Appomattox? They forget that they have departed from the teachings of each; for the martyred Lincoln, speaking on the battle-field where Northern courage and Southern valor had met in deadly conflict, spoke in favor of the maintenance of “a Government of the people, for the people, and by the people;” and, on his death-bed, after speech was gone, the hand of Grant tremblingly wrote his farewell wish to the people of the North and the South for closer union, for fraternity and peace.

It has departed from the teachings of its leaders and become unworthy of countenance or confidence. Why should the negro vote the Republican ticket? The bold, independent, and patriotic EWART, who as a Republican is accredited here from the State of North Carolina, says that in his State you can not say a man is a Republican because his hair curls and his complexion is black, and this is getting to be more and more the case everywhere throughout the South. The negro is getting educated, and reads, and thinks, and reasons for himself. For him and to him the Republican party has been one of broken pledges and unfulfilled prophecies.

The negro reads that early in the war the party in power declared that it was not a war waged for the liberation of the slave, but for the preservation of the Union. He knows how to discount the loud professions of the Republicans in this respect. When he reads and knows from history that the Democratic party sent as many soldiers to the front as the Republicans, and aided to carry the flag amid the smoke and danger of battle until it floated in triumph over all the Union, he knows how hollow are the pretenses of that organization. He collects, too, that when victory did come he was homeless, and they sheltered him not; he was naked, and they clothed him not; he was hungry,

and they fed him not. And when he gathered his household goods about him and attempted to manage for himself, and work unaided and undirected, when he attempted to save a few dollars to supply the wants of old age or to put a roof over his wife and children, he remembers that a Republican institution stole the first fruits of his freedom. [Applause on the Democratic side.]

This was more than twenty years ago. Why do you not give them back this money? You have had the power time and time again, but you would not exercise it. Although every President you have had since the war obtained his place by the negro vote, it was left for a Democratic President, Grover Cleveland, to recommend the repayment of this stolen money. Since the first part of this session I have had before the appropriate committee of this House a bill looking to the payment of these just claims, but it has never been reported. Better pay them this money and give practical proof of your devotion to their interests than to pass a measure they do not demand and do not need.

Why should they have confidence in the Republican party? You have made them no promises which you have ever fulfilled. Might not the Southern negro, when you ask him for his vote, respond by asking you, “Where is that 40 acres of ground and where is that mule?”

You adopted a new scheme in Presidential years, and for a time it worked well. You told the colored man that if the Democrats were ever put in power they would re-enslave the negro. You knew it was not so, but it answered the purposes of several campaigns, until finally Grover Cleveland was elected President. He treated everybody fairly; the negro saw his rights were undisturbed and his liberty was unfettered. He found you were false prophets. In 1888 you thought you would try a new dodge; you would work upon his fear and also his superstition. You told him that if the Democrats won they would not enslave him, it was true, but they would put his children into bondage, and then you got him into secret organizations, secret political societies, unpatriotic and un-American in character. I knew one of them; it was called

THE ORDER OF THE UNION

and had secret signs, grips, and passwords which I can not give you. I discovered the existence of this society in my district, and I have no doubt of its having been extended throughout many States of the Union. The members were bound by a terrible oath to vote the Republican ticket and vote it early. I secured a ritual of one of the lodges of this organization, and here is the solemn oath which was administered to each member:

I, ———, in the presence of Almighty God and these witnesses, do solemnly swear that I am a Union-loving citizen of this State; that I will do everything in my power to sustain the party on the day of election; that I will do this by casting my vote for the party of the Union, which is the Republican party, and for the Republican party only; and that I will cast my ballot as soon and as early as I can get to the polls; and that after that is done I will use every honorable means to get every legal Republican voter in my precinct to cast his vote. I further promise and swear, in the presence of Almighty God and these witnesses, that I will not make known any of the secrets, or secret works, or the numbers of the members of this order; nor its objects, signs, or passwords, to any person not a member thereof, binding myself under the penalty of being branded as a perjured villain, a traitor to the order of the Union, so help me God.

President Harrison holds office by virtue of the colored vote. Take from him the negro vote of Indiana, of Ohio, of Illinois, and other States and he would be an unheard-of quantity in American politics. The reading negro knows this; and he knows that his services are not recognized. He pulls the corn and fills the crib that the white Republicans may be fed while he starves. Why should he remain with such a party when his friends, those who employ him, those who pay him, those he lives among, are not Republicans, but Democrats? He is fast deserting, as he should desert, this ungrateful party of broken pledges and unfulfilled prophecies. The negro can care for himself, and all sensible men of his race know that all this talk of protecting him in the exercise of the rights of his citizenship is voice, and nothing more, spoken to excuse this diabolical blow aimed at the very life of the Republic.

In a few days we celebrate the anniversary of American Independence, when, revolting against unjust laws, the colonies of the New World threw off the British yoke. We commemorate that occasion with bonfires and illuminations, with the booming of cannon, with universal rejoicing. The movement then proclaimed brought us liberty as the end of war. This liberty we have since enjoyed. We have marched forward to greatness and renown, at once the wonder and admiration of the world. Among the nations of the earth these “free and independent States” stand proudly forth. Their power is acknowledged in every foreign court. Their flag is respected wherever it floats. Shall we in the month that marked the Declaration of our Independence enact a law which is subversive of our liberties and I believe will be destructive of our free institutions? No! a thousand times no! Let us preserve this rich heritage of liberty and transmit it, untarnished and unimpaired, to our posterity.

Mr. DOLLIVER. Mr. Speaker, I have been amused by the suggestions just made by the gentleman from Kentucky [Mr. CARUTH] that on this question the policy of the Republican party had been dictated by one man. The truth is that no current public question has

taken so large a place in the popular thought. Behind the Speaker of this House is the Republican majority of the House, and in uniting to protect free citizenship in the United States they stand together for the Republican millions of America. A good deal has been said here about the Constitution of the United States. Gentlemen seem to forget, in arguing this question, that the Constitution has been amended so as to conform to the history of the United States. [Applause on the Republican side.]

I have listened with attention to the view often expressed here that an ignorant race ought not to govern this country. There is no such danger involved in this bill, but even if there were I had rather see the nation governed by men who obey the Constitution without being able to read it than by men who trample upon the Constitution, but can read it in ten languages. [Applause on the Republican side.]

When the great amendments were added to the Constitution citizenship was lifted above State lines and made a national thing. So far as I am concerned I would have the nation go to the full length of investigating it with all the authority of the law and of putting behind it all the force there is in the Republic. [Applause on the Republican side.]

The present status of the negro in the South is the completion of an open programme, announced twenty years ago by the Democratic leaders on this floor, in the days when the rude contrivances of murder and violence were introduced as decisive factors in Southern politics. With no word of reproach, the minority of the committee sent to investigate these outrages asserted in their report that the freedmen ought to be stripped of the political influence awarded to them by the Constitution. They quoted Mr. Lincoln's maxim that the nation could not exist half slave and half free, and said that "the paraphrase of that proposition is equally true, that no nation can long exist half black and half white." They predicted the speedy overthrow of the Republican party and set that event as "the end of the political power of the negro among the white men on this continent."

That report, signed by Mr. Blair of Missouri, Mr. Bayard of Delaware, Mr. Cox of New York, Mr. Beck of Kentucky, and other Democratic leaders, furnished the partisan warrant under which the gradual process of disfranchisement has gone on, until to-day in a large area of the territory lately in rebellion the forms and substance of universal suffrage have practically disappeared. The cheerful participation of the Democratic party of the North in this crime and the eagerness of its leaders to deny the facts and to frame a cheap apology for their allies, have greatly facilitated the progress of lawlessness in the South. Anarchy never before flourished under auspices so accommodating. The South has been left free to invent the instruments of fraud without the loss of self-respect incident to lying about it before the world.

No nation is strong enough to concede to any part of its people the right to nullify its laws. Cicero relates that on one occasion the twelve tables of the Roman law were struck by lightning and the solid metal melted to a shapeless mass. We have lived to see the great enactments that followed the national victory of 1865 eaten up by moths and covered up by dust, until the parchment upon which they were solemnly engrossed has become fit for nothing, except to comfort an occasional brewer getting away from the jurisdiction of a State court or some panic-stricken corporation trying to dodge the fury of a State Legislature. It is an ominous thing that the nation of America has begun its second century by casting out the manuscript of equal rights to be trodden under the feet of lawless men.

I gladly stand with the Republican party in the enactment of a statute which seeks to restore the wasted vigor of the national life. I believe that the cowardly acquiescence of the American people in the overthrow of free citizenship portends the approach of perils fatal to the welfare of the Republic. Already it has discredited the dignity of our citizenship abroad, since no nation that deserts its plain duty to its people at home can be expected to do much for their rights away from home. It has depreciated the level of citizenship even in those quarters not commonly infected by the atmosphere of election frauds.

My friend from Illinois [Mr. SPRINGER] referred a moment ago to the case of Mike Mullen, the police captain in Cincinnati, who, in the election of 1884, without information or legal process, arrested more than a hundred voters and imprisoned them until the election was over. He was indicted for that crime by a Federal grand jury, tried before a Democratic judge, Judge Baxter, of the southern district of Ohio—

Mr. OUTHWAITE. Did you say that Judge Baxter was a Democrat?

Mr. RICHARDSON. Judge Baxter was a Republican.

Mr. DOLLIVER. Whatever the politics of the judge may have been there was no dispute as to the facts in this case. For, after the Government's testimony was all in the prisoner changed his plea in open court, and the just judge, with burning words of indignation, gave him the full benefit of the law, saying that it was a shame that the law provided no adequate penalty for so great a crime. Yet within a few months, on the petition of the governor of Ohio, the President of the United States extended to this convicted felon the free grace of executive pardon, turned him out to prey on the politics of Ohio, world without end, and from all that I can learn he is now in full fellowship with the party management of that state. [Laughter and applause on the Republican side.]

Again, the miserable consent of the nation to this crime against free citizenship has brought about exactly what John C. Calhoun foresaw, when he said in 1836, in trying to show that no service would be rendered the negro by setting him free, that without political equality emancipation instead of abolishing slavery would only change the form and conditions of servitude. We witness to-day in the Southern States the swift encroachment of the new forms of servitude. This fact makes the election question also a labor question. Within fifty years every manual occupation of the United States will face the open competition of this growing and scattering mass of disfranchised and helpless workmen.

A republic with an outcast industrial population rapidly increasing in number can spend its time to better advantage than by debating old questions about State rights and negro supremacy. Already the leaders of organized American labor discern the direction of events. In the New York World of June 15, Mr. Powderly prints a letter which every man interested in the welfare of the workingman ought to read. It is as follows:

While I was standing at the end of the bridge that spans the Ohio River in Cincinnati one day not long ago, a carriage drew up to the curb and the occupant spoke to me in this fashion:

"What can be done to raise the standard of labor in the factories of the South? I am a manufacturer in Cincinnati and am willing to operate my factories on the short-hour plan if the labor organizations will do something to keep the factory hands of the South from working from ten to fifteen hours a day."

I asked him where his chief point of competition was located. "All over the Southern States," he said. "Factories are springing up everywhere below here, and they can afford to undersell us because they have the advantage of short wages and long hours."

I was already aware of the fact that the field of factory operations had been widened and developed wonderfully in the South during the past five years. When I went through the Southern States in the winter of 1885 I noticed but little change in the workday life of the inhabitants. They seemed to plod on in the same rut they had traveled in some years ago when I passed through that territory, but last November, when going to Atlanta, I could not help noticing the wonderful change in the appearance of the country.

On every side of the railroad could be seen the many-storied brick factories that had been erected or were in course of construction. Coming back over another line, the same sights were seen. In the iron and coal belts of the South the change is more marked, for rolling-mills, blast furnaces, and iron foundries have been put in operation, and, with an inexhaustible supply of coal and iron within speaking distance of the mills, with good railroad facilities and with plenty of determination, money, and push, the people who operate these concerns are reaching out to take the market that the Pennsylvania rolling-mills and blast furnaces once felt so secure in possessing.

With the era of factory life dawning on the South so rapidly, and in the very place where the cotton can be thrown from the field into the factory window, with the fuel close at hand and cheap, with a climate so mild that the workmen can sleep outdoors during nine months of the year and part of the other three under an umbrella, where labor is cheap and men are willing to work as long as they are able to stand on their legs, the manufacturers of New England will soon find themselves standing face to face with a very grave and perplexing question. Most of the factories are running on Northern and Eastern capital, and the old, old cry of economy is heard on every hand.

"We get fuel cheap, cotton cheap, and right at the door of the mill; workmen are not so independent as in the North, and they work very cheaply and live so economically that they can undersell their Northern brothers. We can therefore afford to sell our product much cheaper than can the Northern manufacturer," they say.

If the Northern, Eastern, and Middle States find themselves forced to lower the standard of wages to successfully compete with the South, who will receive wages enough to buy what is manufactured?

Edward Bellamy says: "The plutocratic tendency dates back thirty years. It has increased so rapidly that it is enough to scare any thinking man. If it continues to increase as it has in the past the wealth of the country will be wholly in the hands of a small fraction of the people, and the rest of us will have to live on wages."

If the manufacturers in this ungodly age of competition will wage war on each other and in the fight lower the wages of the workmen to the smallest fraction on which a human being can exist and work, "the rest of us" will not be able to live on wages, or rather we will not get a chance to earn wages, for the poorest-fed dorky of the South or the latest importation from Europe or Asia will be better qualified to live on the wages of the future than "the rest of us," and we will have to hunt bigger game than will be found in the woods where labor is paid. When that day comes hundreds of the manufacturers who now seek for low wages and cheap raw material will be, with "the rest of us," hunting for something to eat, without work, for they will be tramps, like "the rest of us."

It is idle to suppose that the riches of public liberty won through an awful ministry of blood can be thrown away in the same generation without involving speedy and measureless penalties. It may be that we have the first of these in the approaching degradation of the level of our industrial life, to which Mr. Powderly refers. I sometimes fear that the most searching and merciless lash of God's wrath is yet to come, when the financial and economical policy of the nation is dictated by men who come up from the deserted polling places of the South, bringing with them the half-forgotten platform of plantation politics, the simple creed of free trade cut with a pair of scissors from the old Confederate constitution.

I support this bill because in some small degree it offers to the industrious millions of the South the prospect of citizenship under national protection. I understand how impotent a thing is the law when it deals without the aid of public opinion with the fixed purposes of anarchy. "The operation of the wisest laws," says Gibbon, "is imperfect and precarious." I would not for that reason reject the arm of the law. To do that would be for civil government to abdicate in order to meet the convenience of the criminal classes. I know that in the presence of this question some Republicans are full of doubt, perplexity, and fear. In the midst of them all I want to see the Republican party stand faithful to the obligation laid upon it by the providence

of God in the emancipation of an unfortunate race—united as one man to defend the sanctity of American citizenship. [Loud applause on the Republican side.]

Mr. OATES. Mr. Speaker, the question first for consideration is that of the power of Congress to legislate upon this subject; secondly, the necessity which will justify the exercise of that power; and in the third place, if any necessity exists, whether the legislation proposed meets the requirement.

Section 4 of Article I of the Constitution reads as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations except as to the places of choosing Senators.

The entire history of this clause of that instrument shows that it was the intention of its framers, as well as of the States which adopted it, that they, through their respective Legislatures, should primarily exercise this power; and they have so exercised it, with but few additional regulations by Congress to secure greater uniformity, for over one hundred years.

That Congress may at any time make or alter the regulations of the States for holding such elections I freely admit. But for Congress to make or alter these State regulations when the States have made such as do not obstruct nor deny to the State representation it should first be ascertained that there is an overwhelming necessity therefor.

The alternative power vested in Congress is a necessary one for the preservation of its own integrity and the perpetuation of the Government itself, but it never was intended to be exercised except for such a contingency. Is there present the indisputable evidence of such a state of affairs in any one State or number of States which justly calls for the interposition of Congress to make or alter the laws of such State or States touching the election of members of Congress therein? If so, I say let the proper remedy be applied.

What are the facts? What proof has this House which will justify any amendment of existing laws?

It is said by the advocates of this bill that they have found that frauds have been committed in one district out of the eight in Alabama, in two districts of Arkansas, one in South Carolina, one in Virginia, and one in Mississippi. And the gentleman from Illinois [Mr. ROWELL] said there were frauds in three districts in Mississippi; but I understand that his committee have agreed that in one of these the proof shows that the sitting member is entitled to his seat, and the other two districts his committee have not yet passed upon.

Now, making the most liberal concessions, this is all that can possibly be claimed to have been proven to this House of the necessity for any legislation. If we concede so much, if we admit that frauds in counting the votes are perpetrated in a half dozen districts in Southern States, that can not warrant any radical legislation by Congress, nothing further than to amend the present law so as to allow United States supervisors to participate with the State inspectors in conducting the election, counting the ballots, and joining in the certification in every county and district where it may be necessary to secure a fair election and honest count of the ballots cast.

I do not object to such reasonable amendment as will secure a fair and honest election. I do not believe in fraud. There is at this time nowhere in our country any necessity or excuse for it, whatever may have been in the past. I want no dishonesty; I want every lawful voter to have a fair opportunity to vote, and, if he does so, his vote to be counted as cast. And I assert that to-day the prevailing sentiment among the best class of people throughout the entire country is in favor of honest elections; the South is no exception. But such a law as that proposed will stifle that sentiment in the Southern States and set us back to the days of violence which were prevalent there twenty years ago. I do not believe that any legislation by Congress is necessary. If you but allow that sentiment to take its course, within a few years more you will cease to hear of election frauds, even in the blackest districts of the South.

The Legislature of Alabama in 1875 redistricted that State, and they did just what has been done by every other State when the party in possession has had the power, they made seven Democratic districts, or, to speak more accurately, they made seven districts in which the white voters were in the majority, and one district they made of five contiguous counties, as black as Erebus, with 27,000 colored voters and less than 7,000 white voters.

The Legislature, by this arrangement, intended to give that district to the negroes, and just here I wish to say that that district contains among its white people more intelligence and capacity of a high order for self-government and in its colored population more ignorance and incapacity for self-government than can be found in any other district anywhere in the United States. With their vast majority the negroes seem to be unable to concentrate upon a member of their own race and elect him to Congress. They quarrel and divide among themselves, and, with one exception, they have been represented here by white men, Republicans or Democrats, ever since the district was formed.

The negroes are not a bad people; there is much in their past history—their friendly relations with the white people with whom they have been reared, and their commendable conduct during the war—to make

a large majority of the white people in the South their friends and sympathizers. But very few of them as yet have developed capacity for self-government. Why, right here in the city of Washington, the most intelligent community of colored people in the world, with Douglass, Gregory, Carson, Smith, and other men of learning to guide and direct them, they can not hold a convention to appoint delegates to a national convention, or other important meeting, without quarreling and disgraceful rioting during their deliberations.

Perhaps this evidence of incapacity was the secret cause of Congress, then two-thirds Republican in both branches, with a Republican President, abolishing self-government in this District, and thereby disfranchising both white and colored voters.

They have been free men in the Southern States for over a quarter of a century and they have been voters for twenty-one years, and what sort of capacity do they now exhibit for controlling affairs of state?

A large majority of them have the good sense to voluntarily abstain from all participation in conventions and political meetings. The politicians and best educated among them attend and manage the conventions, and what capacity do they exhibit?

The State Republican convention which assembled in Montgomery, Ala., on the 4th of June to nominate a State ticket was about an average specimen of such conventions in the Southern States. It was composed mainly of negroes, with a sprinkling of white Republicans, mostly Federal office-holders. The chief struggle was over the chairmanship of the State committee. There were two or three fights or attempts at assault and battery, drawing of pistols, etc., but bloodshed was averted by the interposition of friends of the respective parties. They nominated a candidate for governor and for secretary of state, neither of whom were eligible under the State constitution, they not having resided in the State a sufficient length of time. They nominated for attorney-general a respectable Republican named Ezell, who but recently went to the State from somewhere north of the Ohio. He wrote a letter to the chairman declining the nomination in the following language:

I wish to make it public that I can not accept the nomination for attorney-general tendered recently by the Republican convention. I am a Republican, and I would feel it an honor to accept the nomination made by a convention of the Republican party. As an eye-witness, I know that the recent meeting at Montgomery was not a convention. Excepting a few gentlemen who were there by mistake, it was a meeting of negro politicians and deputy collectors. An instantaneous photograph of that meeting would be a political education to those in power who made such a meeting possible. If the time comes when such assemblages are not recognized as representing the party, a convention could and would assemble in Alabama that would at least command the respect of the country.

It is a notorious fact that two-thirds of the Northern Republicans who became citizens of Southern States, not for the purpose of office-getting, but to invest their money and engage in business enterprises, very soon vote the Democratic or white man's ticket. Why do they do so? The answer is plain enough; they see that that party is the only one there which contains the capacity for self-government and the ability to enact and administer laws for the protection of life, liberty, and property. If this be not enough, a look at one of their conventions will complete the conversion.

The masses of the people of this country, North and South alike, can not see the utility of a political party which fails to foster and protect the business interests of the country and to contribute to the prosperity of the people. The Democratic is the only party in the South which has done that since the war. The short reign of the Republican party, composed of the negroes and led by the carpet-baggers and scallawags, was noted only for its incapacity, reckless extravagance, thievery, and corruption. It was a dismal, gloomy, and pitiable failure in every sense.

During the reign of the carpet-baggers and their allies every Southern State and nearly every county and municipality within them were rendered bankrupt by the loads of debt, resulting from misgovernment and corruption, more than could ever be paid. These governments which were propped up and sustained by the bayonet, so soon as that was withdrawn tottered and fell before the sturdy strokes of the irrepressible white men, armed alone with that virtue and intelligence which will ultimately rule any community. They were united and stimulated in each State by a sense of insecurity to their homes and families which lawlessness and universal bankruptcy threatened. Since then, under the rule of white men calling themselves Democrats, honest laws have been enacted and are enforced; the loads of debt have been compromised, credit restored, and all of the Southern States have become fairly prosperous.

But now Massachusetts statesmanship, Republican partisanship and hatred have united to foist upon us this infamous piece of legislation. It is the best devised and most dangerous piece of mischief that ever the diabolical ingenuity of man invented. The hue and cry raised in its advocacy is an unfounded, a most unjust, and sweeping charge against the white people of the Southern States that they universally suppress the votes of the negroes, either by intimidation or fraud, and proclaim that this bill is but a righteous provision for honest elections.

Why, sir, there never was a more cunningly devised scheme for the perpetration of frauds in elections and of looting the Treasury to pay for it. It provides all of the necessary machinery for thwarting the will of the people, setting at defiance the laws of the States, and per-

petuating the Republican party in power. If it becomes a law frauds will be perpetrated in the interest of the Republican party in comparison with which the worst election frauds ever perpetrated by any Democrat pale into utter insignificance, as I will show before I conclude my remarks.

It is called the Lodge bill, and that gentleman manifests so much pride at having his name connected with it that I am in charity constrained to believe that he is not aware of the iniquities it contains. It is not his scholarly production; if so, it puts his erudition at a discount. It certainly did not emanate from the gentleman from Illinois [Mr. ROWELL], for to-day he showed to this House that he was unacquainted with the contents of section 29 of the bill.

Sir, I charge its paternity to John I. Davenport, who seems to have been a political tramp a good part of his life, and of late years has been and is now the great Republican supervisor of elections in New York.

In order to make the country believe that this bill is a proper exercise of constitutional power, when in fact it is a gross abuse and prostitution of it, the gentleman from Massachusetts and his lieutenants parade many figures before this House and the country to show that Congressional elections in the Southern States are generally characterized by intimidation of colored voters, which they say is proven by the smallness of the vote polled.

The gentleman from Michigan [Mr. BURROWS], in his rich voice and with rhetorical flourish, said that "we are told that elections in the Southern States are quiet—so, too, is a grave-yard."

That was a pregnant insinuation that Southern Democrats had murdered all their opponents—had planted them in a grave-yard, and that in consequence elections were quiet affairs. There never was a more flagrant case of *suggestio falsi* in any argument that I ever heard advanced even in a police court, and a gentleman of such high reputation ought to be ashamed of it and strike it from the CONGRESSIONAL RECORD.

The argument that the paucity of votes polled proves either intimidation or fraud is so lame as to be contemptible, and I would not condescend to reply but for the fact that such statements unchallenged may mislead and impose upon plain people who have never given any attention to the question. If the gentleman from Massachusetts and his abettors will first cast the beam out of their own eyes, if they will but sweep around their own doors before they pay their respects to the affairs of other people, they will be wiser statesmen if not better men than they are at present.

The six New England States had 1,144,919 males of the voting age in 1880, according to the census of that year. Five Southern States, the two Carolinas, Georgia, Florida, and Alabama, which contained, as shown by the census, 1,143,530 males of the voting age—1,379 less than the New England States, but most nearly approximating them in numbers, will by comparison serve to illustrate the falsity and ridiculousness of the argument of the other side to prove the suppression of the Republican or colored voters in the Southern States.

Take the Presidential and Congressional election of 1884, and the six New England States had 398,075 voters, who did not go to the election, or if they did they failed to vote. Just think of it! Nearly 400,000 votes in cultured New England suppressed, presumably by the Republican party; while in the five Southern States, with nearly the same voting population, but 427,524 voters failed to go to the election, or, according to the logic of Mr. LODGE and others on his side, were suppressed and not allowed to vote. The difference is a mere trifle.

The last census shows that in 1880 Alabama had 259,884 voters; and that at the Presidential and Congressional elections of that year 151,507 voted and 108,377 failed to vote. In that year the State of Maine had 187,323 voters, and at the Presidential and Congressional election that year 143,618 voted and 43,705 failed to vote. California had 329,392 persons of the voting age, but at the election that year only 164,166 voted, while 165,226 failed to vote.

Massachusetts had, by the census of 1880, 512,648 males of the voting age, and at the Presidential and Congressional election of that year only 281,713 voted, while 220,935 failed to go to the election; or if they did go and participate their votes were suppressed.

These official figures show that a larger percentage of voters in Massachusetts abstained from voting than in Alabama. And at the last election, in 1888, there were in Massachusetts 162,000 voters who abstained from voting, while in Alabama at the same election there were but 86,130 voters who did not vote.

In view of these figures, which can not be disputed, how does the gentleman from Massachusetts [Mr. LODGE] appear before this House and the country? Do they not show conclusively that his alleged facts and logic are as bad as his bill, which is damnable?

Why, sir, in the election of 1880, the year of the census, there were in Pennsylvania 221,487 males of the voting age who did not vote. In New York there were 306,328 who did not vote, although that was the home of the Vice-Presidential candidate. In Indiana at that election there were 175,131 voters who did not vote, and in the State of Ohio, the home of Garfield, the Republican candidate for the Presidency, there were 104,225 voters who abstained from voting. Were they intimidated, or their votes suppressed?

Why, sir, in six Northern States of the Union I have shown that at

that election there were 1,193,332 voters who failed to go to the polls, or whose votes were not counted. And I would like to hear an explanation from the advocates of this bill of what it was that caused so many of their fellow-citizens in these Northern States to abstain from exercising the franchise; their failure to do it sufficiently proves the falsity of their argument.

The gentleman from Iowa [Mr. HENDERSON] said in his remarks the other day that there was no necessity for proof of a general conspiracy among the Democrats in the Southern States to defraud the Republican colored men out of their votes; that they were intimidated or cheated at every election, and the fact was notorious; and then he proceeded to read from a newspaper some bald assertions to sustain his general allegation. In these and similar ways false reports have been extensively circulated and are believed by most of the people in the Northern States, who from life-long teaching and prejudices are but too ready to give credence to any story of wrong or oppression upon the part of Southern white people towards their former slaves and their descendants, however unreasonable or monstrous the story may be. They fail utterly to understand the relations existing between the two races. They are most mistaken in their efforts to understand the characteristics of the colored race.

I will cite the substance of what has been said in this connection by some of the newspapers in the Northern States.

The Chicago Inter-Ocean, a radical Republican newspaper, said of me during the last Congress that I was representing a Republican district, elected apparently without opposition, but that it was in consequence of intimidation of Republican voters. It said:

The Alabama member admits that he owes his own seat to fraud.

The reasons given for this false and reckless assertion were that in round numbers the census shows over 15,000 colored Republican voters in the district, and that so large a number would not abstain from voting if they had not been intimidated. The fact is they had no candidate. Were they prevented by intimidation from making a nomination? I will refer the editor of the Inter-Ocean to the 15,000 white voters of the district at large, and will furnish him the names and addresses of 100 of the most intelligent colored voters in the district, Republicans as well as Democrats, either one of whom I would believe on oath as soon as I would him, and if he will send an honest reporter down there to investigate, and he finds a man among them who will say on oath that he was intimidated, or saw any one else of any color or politics who was intimidated at that election, or in any wise interfered with or denied the right to vote just as he pleased, I will pay the entire expense of the investigation.

The method adopted by that paper to find the number of voters in a given locality is that usually employed by members on the other side of this Chamber, which is by counting one to every five of population, which is utterly erroneous and unreliable, as the census from which it quotes abundantly and conclusively proves. On that basis the census of 1880 would show a majority of over 3,000 colored voters in the district I represent, but an actual count, which I had made by the Census Bureau under Republican administration in the spring of 1882, shows but a very small majority of colored voters therein. That was during the Forty-seventh Congress while my seat was being contested by the Republican nominee, who was a white man and an ex-Confederate soldier, and with whom I canvassed the district in joint discussion. The case was decided by a Republican committee of the House of Representatives in my favor. Lee, one of the counties of my district, contains 2,824 more colored than white people, yet the actual count showed about 100 more white than colored voters in that county.

The last census shows in Alabama a white population of 662,185 and a colored population of 600,103—an excess of white over the colored of 62,082. One voter to every five of the whites would give 132,437, while the same census shows the actual number of white males of the voting age to be 141,461, or 9,024 more voters of the white race than the 1 to 5 theory gives. At one voter to every five colored persons it would give 120,020, while the actual number of colored males of voting age is shown to be but 118,423, or 1,597 less than the 1 to 5 theory gives. It will therefore be seen that, while there is an actual majority of white voters in Alabama of 23,038, the 1 to 5 theory gives but 12,417 majority, which is less by 10,621 than the true number. This is a demonstration that the theory is deceptive and unreliable.

Gentlemen on the other side of the Chamber claim that there is a majority of colored voters in three States of the Union, to wit, South Carolina, Mississippi, and Louisiana. The black population in the latter, by the census of 1880, exceeds the whites, while the same authority shows a majority of 800 white males of the voting age. The one voter to five of population is deceptive and unreliable, yet that is the theory relied upon by the advocates of this bill.

Northern men do not understand the negro question at all. They can not see how it is possible that a Democrat can be elected to Congress in a district where there is a majority of colored population except by intimidation or fraud.

How can better capacity be expected among colored voters in the South, where there is greater ignorance, than is displayed by the colored people of the District of Columbia? Look at Hayti to-day and

read the history of San Domingo. How, then, can Republicans in the Northern States expect the negroes, unaided by the genius and energy of white men of character, to maintain an efficient party organization in the South against a party controlled by the talent of the white race, owning and controlling the money and property of the country?

The only Republican party organization in the South is a mere semblance without any sort of efficiency, and is kept up in a slipshod, half-handed way on the part of a few men for the purpose of getting Federal appointments whenever there is an opening, or to make a good draw as they did on Alger's funds at the late Chicago convention. The better class of negroes see and understand the motives of their assumed leaders, and are not inclined to follow them unless they can have a share of the fat when it is fried out, and hence they do not care to vote unless some inducement is offered.

In the election on the 6th of November, 1888, there were polled in the district I represent, for me, 13,347 votes, and for Harvey, a colored Republican, not the nominee of his party, for there was no convention held, but who was put up by some of his colored friends in one county, 2,869 votes. In four counties he did not receive a vote because there were no Republican ballots distributed therein. There were but two votes cast for the Harrison electors in my county, and they were two specimen ballots I had in my pocket and gave them to two honest old darkies who always vote for a Republican President and for me for Congress. One of the Harrison electors resided in an adjacent county, and yet no ballots were distributed to Republican voters in four of the eight counties of the district. This shows what an utterly inefficient and contemptible organization your Republican party has. You make their inefficiency the basis of attack on Democratic honesty.

If the editor of the Inter-Ocean, Chicago Tribune, and some other misguided Republicans, like the gentleman from Massachusetts [Mr. LODGE], will attend to these facts they will see how it was possible for DIBBLE, TILLMAN, COTHRAN, PERRY, HEMPHILL, DARGAN, TURNER, CRISP, GRIMES, STEWART, BLOUNT, CARLTON, CANDLER, BARNES, CLARK, HERBERT, ALLEN, HOOKER, ANDERSON, BLANCHARD, PEEL, and others as well as myself to be honestly and fairly elected in our respective districts. They will see by attending to the facts instead of idle rumors how false their charge that twenty-five Democrats from Southern States are usurpers and not elected to the seats they hold in this House. As a test of the extent of their knowledge and the reliability of the statements of those newspapers, the blackest districts in the States named are entirely omitted from their outrage lists. Your party organs lie about Southern elections and you make their publications the basis of your action.

You have some proof in contested-election cases of frauds committed by Democrats on colored Republican voters in some few localities, but not extending to a half dozen districts; and having this small modicum of proof, you add to it the lies of your newspapers and stump orators, and proclaim that elections in all the Southern States are honey-combed with fraud, and that Democrats are notoriously dishonest in their politics.

Why, sir, every member of this House knows, and the whole country knew at the time of the completion of the returns of the last election, that the Republican majority in this House would be very slender and that a change of but three members to the Democratic side would have given that party control of the organization of this House. The Clerk to whom the certificates of election were sent was a Southern Democrat, a "rebel brigadier," but thoroughly honest, and obeyed the law. The prize was a great one; the temptation about as great as any that could be offered. How did Democratic governors respond to the demands of duty and their respective oaths of office?

Mr. STIVERS, a Republican member of this House from New York, received but 74 majority over Mr. Bacon, his Democratic competitor; yet a Democratic executive gave STIVERS the certificate of election.

Mr. STOCKBRIDGE, a Republican member from Maryland, received over his Democratic competitor, Mr. Raynor, but 80 majority; yet a Democratic executive gave Mr. STOCKBRIDGE his certificate.

Mr. EVANS, a Republican member from Tennessee, received but 208 majority over his Democratic competitor, Mr. Bates; yet a Democratic executive gave him the certificate of election.

Mr. COLEMAN, a Republican member of this House from Louisiana, had but 174 majority of votes over Mr. Elliott, his Democratic competitor; yet a Democratic executive gave COLEMAN the certificate of election.

Mr. T. H. B. BROWNE, a Republican member from Virginia, had but 414 votes majority over Kendall, his Democratic competitor; yet a Democratic executive gave him the certificate of election.

HENRY PLUMMER CHEATHAM, of North Carolina, a Republican member of this House, and a colored man, received but 653 majority over Mr. Simmons, his white Democratic competitor; yet a Democratic governor gave CHEATHAM the certificate of election.

All this was done when it was known that a change of three members would have given the control of this House to the Democrats. When did the Republicans, in the face of such temptation, make as good a record of honesty?

During the period of reconstruction of the Southern States, and for the years thereafter while the "carpet-baggers" were in power, it was

very rare that the negro failed to attend an election and to cast his ballot for the Republican ticket. Why? He was aware that the Republican party had enfranchised him, and for this he was grateful, without regard to the motive which influenced them to do so.

This, together with the novelty of it, largely influenced his action. But fear had a more potential influence over his conduct. He was told by the carpet-baggers that if the Democrats ever got into power again they would rob him of his franchise and re-enslave him; and he believed the story. Thus informed, they banded together and marched to the polling places at elections as solid and compact as ever well-drilled troops moved to an assault upon a fortress. They would not listen to any arguments or assurances from white Democrats. They proscribed and sometimes beat and maltreated their own color who voted the Democratic ticket, which frequently produced riots, race conflicts, and bloodshed, the entire responsibility for which throughout the North was invariably charged upon the white Democrats. White men whom they trusted implicitly, and to whom they went for advice in all matters of business, could have no sort of influence over them in politics. No thoughtful and just white man blamed them; their course was a most natural one; but the results which their course produced were to put bad and incapable men in office, whose incompetent and dissolute administrations tended directly and very rapidly to the destruction of material interests, lawlessness, and bankruptcy, which within a few years presented to the property-owners the alternative of abandoning their possessions and leaving the State, or of taking control of the State and local governments. The latter they resolved at any hazard to accomplish.

Why, sir, such a thing as fraud in elections was never heard of in Alabama until your Republican reconstruction measures sent a horde of scoundrels down there from the Northern States to steal what little property the war had left us. They brought with them the fine art of cheating at elections. On October 8, 1868, the Legislature, composed entirely of Republicans, with the exception of Dr. Worthy in the senate and Howard in the house, passed an election law, the thirty-fourth section of which made it a misdemeanor, punishable by a fine of \$500, or imprisonment for six months, to "question, challenge, object, hinder, or delay any person offering to vote," and under its encouragement and protection they voted early and often, and almost all ages, sizes, and colors. They had things their own way for two or three elections; but the Democrats and Conservatives at last learned how the game was played, and then they took a hand and beat the rascals at their own game.

In 1874 the Democrats regained complete control of the State. After they did so there was no longer any necessity to have recourse to such practices; the odious law was repealed and an honest election law was enacted, and challengers of opposing political parties at each polling place were provided for; and under the equal laws of the State the rights of no man, white or black, are discriminated against or denied, with the exception, perhaps, already alluded to.

But since the colored voters of the Southern States have seen the predictions of the carpet-baggers falsified by Democratic rule in all the Southern States which did not interfere with their franchise nor their freedom, and since, in addition, they have seen the Federal Administration pass into the hands of a Democratic President who appointed some negroes to important offices, and gave satisfactory assurance to all of that race throughout this country that they were just as secure in the enjoyment of their liberty and the elective franchise under Democratic as Republican Administrations, the large majority of them, especially those who have to labor in the fields, the factories, and the shops for a livelihood, have ceased to take an active interest in elections. They have all along exhibited a commendable zeal for the education of their children.

In Alabama the carpet-baggers and scalawags, when in power, embezzled the school fund and closed the public schools. The Democrats there and in all the Southern States tax themselves and their property to raise funds to keep open the public schools one-third to one-half the year, and distribute all the funds equally to white and black children alike. The colored voters are not unmindful or unobservant of these things, and while the large majority of them are still Republican in politics, they are not afraid to trust their rights in the hands of Democratic officials, and hence are less active in elections than formerly. A much larger percentage of them of late years vote the Democratic ticket in obedience to the friendly solicitation of their white neighbors. And I believe that when they are informed, as they will be, of the hypocrisy of their professed friends, the Republicans, who, with a majority in each House of Congress, have refused to pass the Blair educational bill, a much larger percentage of colored men will vote the Democratic ticket than ever before. They are learning to think for themselves, and are about to throw off the yoke of political slavery.

None of that turmoil and partisan strife characterizes elections in the Southern States which is almost invariably observable in elections in the Northern States, which accounts for the polling of a larger vote. Our Congressional elections in Alabama and Georgia are not held on the same day of State elections, and, consequently, are remarkably quiet and tame affairs, except in districts where there is an earnest contest. In the district I have the honor to represent, at the election of

1896, I received less than 7,000 votes, which is not one-half the number of white voters in the district. About 1,000 of those I did receive were the votes of colored men. I had no opposition, and in such a case both white and colored men find it more profitable to remain at home gathering their crops than to go to the election.

The object of the bill under consideration is political slavery; the Republicans here do not want the negro to enjoy his liberty of voting or not as he pleases. But I tell you, gentlemen, that he is a free man, and he knows it and will remain so. You will be disappointed if you think you can through your Federal supervisors manacle him, drive him to the polls, and vote him as the carpet-baggers did. He has to earn his bread by the sweat of his brow when Republicans are in power the same as when the Democrats are, and now that his liberty is safe he votes or not as he pleases. Your bill is intended to rob him of that much of his freedom and compel him to vote the Republican ticket.

By this proposed law you invite the return of the carpet-bagger, with his secret league, his midnight conferences, his falsehood and deception, to lead the Southern negroes and have them vote him into office again in the Southern States. But they now know him too well; the colored voters remember how he deceived them and robbed the white people, and they will never put such another lot in office again.

In 1870 all the members of Congress from Alabama were white scoundrels; there was not an honest negro among them.

William H. Smith, the first Republican governor of that State, in a fit of virtuous indignation, impelled by a profound sense of the justice of the remark, said:

Our entire delegation in Congress, excepting perhaps Hoy, are a set of unprincipled scoundrels.

You can neither induce nor compel the negroes of Alabama to send such another delegation to Congress. Which would the substantial business men of the Northern States prefer to have sit in Congress and aid in making the laws of the country, the delegation now here from Alabama or the set which Governor Smith denounced? I leave them to say.

Mr. Speaker, I charge that the Republicans enfranchised the negro for the purpose of keeping their party in power. I do not think the motive was merely to humiliate "conquered rebels," by making their former slaves rule over them, nor because the ballot in their hands was deemed necessary for their protection. I know that enfranchisement was alleged as necessary to protect their newly acquired rights of citizenship, and Mr. Blaine, in his very able and instructive book, *Twenty Years in Congress*, defends the policy of his party in this respect entirely on that ground. There were abuses which he cites tending to justify the policy, but these were but temporary and transitory expedients designed to break the force of the shock produced by the sudden change in the condition of 4,000,000 of people from slavery to freedom; and omitting all reference to the revolutionary method by which it was accomplished, it was a very unwise and mischievous error, born of a necessity which was not real but apparent and at most but temporary. It presents a case wherein the remedy applied is worse than the disease.

The manner in which that party received into its ranks and honored Longstreet, Mahone, Mosby, and other distinguished Confederate soldiers proves that the purpose of proclaiming universal manhood suffrage, which, however, was not extended to the Chinaman and Indian, but confined to the black race, was to perpetuate itself in power.

The scheme succeeded by aid of the military in putting all of the "conquered provinces" under Republican control, but as soon as the prop of the bayonet was removed, these "picbald" governments passed into Democratic hands, and the Republican party realized the wisdom of the great speech of Senator Morton, of Indiana, against the adoption of the fifteenth amendment to the Constitution. It greatly increased the representation of the South both in Congress and in the electoral colleges; and now they are attempting by this force bill of Davenport, LODGE, and ROWELL, instigated by Speaker REED, to recoup their former mistake, instead of acknowledging it like men and making the best of a bad bargain.

The facts of the case show that the Republican party was much more concerned to secure the votes of the colored men of the South than they were to secure any benefits to them as voters. Does the fifteenth amendment to the Constitution secure to the negro voter any right to hold office?

In the case of *Cruikshanks against the United States*, 92 United States, 542, it is said:

Under the fourteenth amendment each State has the power to refuse the right of voting at its elections to any class of persons, the consequences being a reduction of its Representatives in Congress in the proportion which such excluded class should bear to the whole number of its male citizens over the age of twenty-one years.

This is understood to mean and did mean that if one of the late slave-holding States desired to exclude its colored population from the right of voting at the expense of reducing its representation in Congress it could do so before the adoption of the fifteenth amendment.

In the case of the *United States against Reese*, same report, page 214, the Supreme Court said:

The fifteenth amendment does not confer the right of suffrage upon any one; it prevents the States of the Union from giving preference in this particular to

one citizen of the United States over another on account of 'race, color, or previous condition of servitude.'

The first section of the fourteenth amendment declares—

That all persons born or naturalized in the United States or subject to the jurisdiction thereof are citizens of the United States and the State wherein they reside.

The Constitution does not say that a negro shall not be disfranchised, but it prevents his disfranchisement on account of his "race, color, or previous condition of servitude." He may be disfranchised because he does not own property of any given value; he may be disfranchised because he can not read or write, or because he is not a believer in the Protestant or Catholic religion, or because he was foreign born, or because he can not read Latin, Greek, or Hebrew, or because he can not speak French or German; yet the law which disfranchises him for any of these causes must be made to apply to all white men within the State in like condition.

Citizenship which is secured by the fourteenth amendment does not confer the right to vote. Women and children born in this country or naturalized are citizens, but they can not vote. Neither does citizenship nor the right to vote, nor both combined, confer the right to hold office by reason of anything contained in the Constitution of the United States.

When the fifteenth amendment was under consideration in Congress on the 11th of January, 1869, the House Judiciary Committee reported a proposed amendment, to be known as Article XV, and recommended its adoption. On the 15th of the same month the Senate Judiciary Committee also reported one. The one reported to the House was in these words:

The right of any citizen to vote shall not be denied or abridged by the United States or any State by reason of the race, color, or previous condition of servitude of any citizen or class of citizens of the United States.

The Senate proposition was in these words:

The right of citizens of the United States to vote and hold office shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude.

Thus it will be seen that the House proposition only inhibited the States from denying the right to vote, while the Senate proposition was to inhibit the States from denying either the right to vote or hold office. The House proposition was passed on the 30th of January, 1869, and sent to the Senate on the 3d of February. The Senate amended the House proposition by striking it out and inserting in lieu of it the Senate proposition. On the 17th of February, 1869, the Senate passed its own proposition and sent it to the House. Mr. Logan moved to amend the Senate proposition by striking out the words "and hold office," which was rejected. Bingham, of Ohio, moved to amend by inserting, after the word "color," the words "nativity, property, creed," which was adopted, and thus amended the Senate proposition passed the House, and read as follows:

The right of citizens of the United States to vote and hold office shall not be denied or abridged on account of race, color, nativity, property, creed, or previous condition of servitude.

The Senate refused to concur in the House amendment, and a committee of conference was ordered by both Houses. The House conferees were Boutwell, Bingham, and Logan, and those of the Senate were Conkling, EDMUNDS, and STEWART—all Republicans, in politics, of the most pronounced type. No Democrat was placed on that committee. Five of the six members signed the following report:

That the House recede from their amendments and agree to the resolution of the Senate, with an amendment as follows: "Strike out the words 'and hold office;' and that the Senate agree to the same."

The report of the conferees was adopted by both Houses and the fifteenth amendment was thereupon passed in the following words:

The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

So that it is clear from the amendment itself and the history of its origin and enactment, as well as from the debates in each House at the time of its passage, that it secured to the negroes only the right to vote in all cases where white men were allowed to do so and left the States free to prescribe whatever qualifications they deemed essential to the public welfare and safety for office-holding. It is therefore within the power of any State as well as of Congress to declare by law that white men alone shall be eligible to office.

The agreement and compromise among the conferees was that Boutwell agreed to strike out the words "and hold office" if Logan and BINGHAM would strike out the House amendment "nativity, property, creed." To this arrangement STEWART, of Nevada, and Conkling, of New York, assented; but EDMUNDS, of Vermont, refused, and did not sign the report of the conferees and spoke against the adoption of the same. See the debate in the Senate in which EDMUNDS, Wilson, of Massachusetts, Morton, STEWART, and MORRILL, of Vermont, participated.

Senator Morton said:

We are liable to this charge which will now be made, and the force of which we can hardly avoid, that we are willing the negro shall vote, provided they vote for white men, but the office must be reserved for the white men.

What more conclusive evidence can any intelligent colored voter re-

quire that the great object of the Republican party was merely to strengthen itself by securing his vote for its candidates, and that they did not enfranchise him for his benefit, but theirs?

ANALYSIS OF THE BILL.

I shall now proceed as briefly as possible to give an analysis of the bill by sections.

The first section continues in office all of the present chief supervisors, but section 22 excepts from that rule such chief supervisors as are, on the passage of the bill, clerks of either the United States circuit or district courts. The chiefs to be continued and the chief supervisors to be hereafter appointed, one for each judicial district throughout the United States, are charged with supervision of Congressional elections and the prevention of frauds in elections, irregularities in naturalization, and with enforcement of the election laws.

Under section 2, in any town or city containing a population of 20,000 or upwards, or in any entire Congressional district, on the petition of "one hundred persons claiming to be citizens and qualified voters," or upon the petition of fifty such persons claiming to be citizens or qualified voters in one or more counties or parishes of any Congressional district, the chief supervisor shall take action to secure supervision therein as provided by the laws of the United States; which means that when the chief presents these petitions to the circuit court the judge has no discretion but to grant them. And the third section provides that the chief may notify the judge and require him to convene the circuit court at the chief's dictation for the appointment of such supervisors as he may need, in his discretion, for the supervision of the election.

Section 4 provides that any person who can read and write may apply to the chief for appointment as a supervisor of election; and thereupon the chief will furnish him with a blank application printed and paid for by the Government, which will enable the "rounders," hangers-on, professional jurors, and court-house loafers to get in their applications to the exclusion of good, honest, and competent men who will never voluntarily apply for any such appointments.

Section 5 makes it obligatory upon the judge to appoint as many supervisors as the chief may desire, and while the chief may in his discretion present additional names to those who have formerly applied, the judge has no discretion, but is bound to appoint the number desired from the list furnished him by the chief, three supervisors at least to each precinct or polling place, two from one political party and one from the other, and gives full authority to the two who are agreed to act independently of the other; that is to say, the two Republican supervisors may act and their action is made lawful if no Democratic supervisor at all should be appointed, and if appointed and he should undertake to expose any rascality practiced by the other two or should fail to pull smoothly in harness with them the chief may remove him and suspend his pay in his discretion.

This section arms the chief supervisor with a complete muzzling process. He can order any amount of cheating and rascality to be perpetrated at any polling place within his jurisdiction, and if either one of the supervisors or the deputy marshal protests or attempts to expose it, or refuses to bear witness that what the majority does is fair and honest, or that what the State inspectors or poll-clerks do is dishonest and fraudulent—in short, for doing or failing to do anything which the chief may desire or order—he may suspend or remove any officer within his jurisdiction, stop his pay, and cut off his rations. In short, this section is framed upon the idea that the chief supervisor, like the king, can do no wrong.

Section 6 establishes a kind of carpet-baggery by authorizing the chief to transfer his subordinate supervisors anywhere throughout a Congressional district. What is more irritating to the voters of one county than to have men who are citizens of another and frequently a distant county sent to supervise them, to watch them, and see that they commit no rascality, and do no dishonest act? And it may be that those sent from another county would themselves perpetrate a wrong or miscount the votes.

This section seems to have been framed for the purpose of provoking collisions, personal encounters, and the shedding of blood. Why, sir, the advocates of this bill would be delighted to have a few negroes killed in each Congressional district throughout the Southern States. Then abuse of Southern Democrats and waving the "blood shirt," themes which have become partially stale, would be revived, and, they hope, prove most fruitful in keeping them in office.

The latter part of this section, in connection with the preceding, invests the chief supervisor with the autocratic powers I have described.

The seventh section declares the chief and all of the inferior supervisors and deputy marshals to be officers of the United States the moment they are assigned to duty; which puts them within the protection of the Nagle case recently decided by the Supreme Court, the effect of which is to exempt them from prosecution in the State courts for any crime they may commit under color of their office, or while assuming to discharge the duties thereof. If one of them should kill or maltreat a citizen of the State he would not be amenable to the State law, but could only be tried in a United States court, and before a partisan judge, whose creature he is.

What will free American citizens, accustomed to seeing those who

violate the laws of their respective States tried in their courts and properly punished, think of such a law as this which puts the petty partisan officials of the Federal Government above the laws of the State? Yet that is exactly what this section of this bill does.

Section 8 invests the chief with the power, through his subordinates, to revise and supervise the registration of voters; to examine State ballot-boxes before elections begin; to keep a poll-list and to number the voters; to receive and count ballots rejected by the State inspectors; to make statements and returns to the chief supervisor in whatever form, manner, and to the extent the chief requires, and such returns to be sent up to him by the deputy marshal; and in a city of 20,000 inhabitants and upwards, the chief may require any of the supervisors and a deputy marshal to make a house-to-house canvass, which may begin five weeks before and be continued on the day of election, inquiring into the eligibility of voters and whether they have ever been legally naturalized, which is simply a provision for domiciliary visits to do the work of ticket peddlers in the interest of the Republican party. Neither of the men assigned to this work is required to belong to the opposing political party.

These officers are also authorized to call for and examine naturalization papers of our adopted American citizens, and to go into the courts and examine records to see whether naturalization papers have been regularly obtained. They are authorized to enter any court of any State or of the United States where naturalization proceedings are going on and to take a hand in the business, and aid the courts in the discharge of their duties and to prevent fraudulent naturalization.

They are also authorized to inform all voters in which box to deposit their ballots. And if they see any Democrat go with a voter into any booth or room it is made the duty of one of them to enter and see that the voter is not misled or cheated; in other words, it is made their duty to see that no Democrat induces any negro or other Republican voter to vote the Democratic ticket, which is a well-devised scheme to get the heads knocked off of several supervisors for impudently projecting their noses into the private business of gentlemen. What right have they to participate in the proceedings of any court, much less a State court?

The sixth subdivision of section 8 authorizes the supervisors in towns of 5,000 inhabitants or upward "by proper inquiry and examination at the respective places assigned by or to those registered as their residences, all such names placed or found upon the registration books, rolls, or lists as the chief supervisor of elections shall require to be so verified, and to make full report thereof to such chief supervisor." And the fourteenth subdivision authorizes the chief supervisor, when he shall have reason to believe "that fraud or perjury has been, or is being, committed about the matter of naturalization in any place," to send his supervisors to prevent it, and when thus sent they are to be clothed with "all the power and authority conferred upon supervisors in cities of 20,000 inhabitants and upward." That is to say, whatever in the chief's own opinion gives him "reason to believe" is a matter for his own conscience, if he has any, and in cases where the exigencies of the party to which he belongs require it, his conscience will usually be found to be sufficiently elastic for the purpose, or altogether wanting. In the language of James Russell Lowell—

Some philosophers think a faculty's granted
The moment it's proved to be thoroughly wanted;
As for instance, that rubber trees first began bearing
When political consciences came into wearing.

Whenever the chief supervisor's conscience makes a case where he could send his subordinates they would be clothed with all the powers which they have in cities of 20,000 inhabitants; and then they would proceed to make a house-to-house canvass as ticket peddlers for the Republican party, and no doubt impressing the negroes and ignorant foreigners that if they fail to attend the election and vote the tickets distributed it may go hard with them.

The twelfth subdivision of section 8 beats know-nothingism in its palmiest days. It requires the supervisors, when instructed by their chief, to make a complete list of all foreign-born persons who have been naturalized, with the date thereof, their place of nativity and present residence, and the name and residence of the witnesses used to obtain naturalization papers; and they are to examine and note the original affidavits and application presented to the court, all of which shall be filed in the office of the chief supervisor and there preserved. It establishes political espionage over all of our naturalized American citizens with a view to controlling their votes for the Republican party.

Section 9 annuls the State laws and prescribes a new method of counting, canvassing, and certifying the votes cast at a Congressional election; it provides for counting by tens instead of fives, alternating between State inspectors and United States supervisors, and is so complicated as to create confusion, and will not be understood by one-third of the State inspectors, nor by the supervisors until drilled, taught, and instructed by their chief, and with section 8 completely destroys the secrecy of the ballot.

Section 10 relates to the same subject.

Section 11 requires the inspectors to make their returns under the State law and requires the supervisors to make a copy of such return and to send it with any outside statement to the chief supervisor.

Sections 12 and 13 relate to the same subject.

Section 14 provides that if the State inspectors at any polling place fail to open the polls for one hour from the time they may be first opened, it shall then be the duty of the supervisors present to open the polls and conduct the election for Representative in Congress.

Section 15 authorizes the chief supervisor to notify the judge of the United States circuit court in September that he has business for the court to transact; and thereupon the judge shall open his court the 1st of October, and shall appoint a board of three canvassers, not more than two of whom shall belong to the same political party, who shall hold their offices for "so long as faithful and capable."

They shall have a seal and the power of appointing a clerk who shall receive \$12 per day, and each of them shall receive a salary of \$15 a day for each day actually employed in the work of "canvassing the statements and certificates of ballots cast at any election, general or special, for a Representative or Delegate in Congress, and a further sum of \$5 per day for their personal expenses." The board is required to convene on the 15th day of November of each even year, and shall convene at such place in the State as is most convenient to them where a circuit court of the United States is held, and are to have power to finally canvass and tabulate the statements of the votes in each Congressional district of the State according to the returns made to the chief supervisors; they may call before them and examine any of the supervisors who acted at the election anywhere in the district as to the correctness of the returns made by them.

The majority of the board are authorized to act, which is equivalent to saying that the Republican members of the board may decide any matter to suit themselves, and the Democratic member can do nothing more than to protest. When they arrive at a decision their finding is to be made public in triplicate certificates, one to be filed with the chief supervisor, one to be sent to the person elected, and one to be sent to the Clerk of the House of Representatives, unless they find that no one was elected; and then the certificate is sent to the governor of the State.

Section 16 makes it the duty of the Clerk of the House of Representatives to put on the roll of members-elect the name of the person certified by the board of canvassers to have been elected. And for failure to comply with this requirement they make the Clerk punishable by a fine of not less than one thousand nor more than five thousand dollars, and imprisonment for not more than five years, one or both, and to be forever disqualified from holding office under the United States.

A certificate of election from the governor of a State is set at naught and made worthless. Never before in the whole history of Congressional legislation were the great seal of a sovereign State and the certificate to which it is attached treated as mere waste paper. The certification of two partisan members of a canvassing board appointed by a Federal judge is to be received as gospel truth, while the certification of a governor who speaks for a sovereign State is to be treated as waste paper and utterly disregarded. Are the American people prepared to submit to such degradation? Have they no longer any State pride?

Section 17 requires the Attorney-General of the United States to formulate and have printed and furnish to the board of canvassers in each State all such blanks as they and their clerks may need in the discharge of their official duties, to be paid for out of the Treasury.

Section 18 authorizes the State board of canvassers in all matters coming before them "to act by a majority of its members;" and if the third member dissents from the decision he may state his reasons therefor and attach a copy to each of the triplicate certificates.

Section 19 provides for the compensation of supervisors and deputy marshals, and the lowest estimate of the cost I have seen made of Federal supervision in every district in the United States is for one selection \$10,000,000. It authorizes the chief to refuse to pay any of the subordinates who may fail to carry out his orders.

Section 20 provides for the appointment of such number of special deputy marshals as the chief supervisor may "certify to be, in his opinion, necessary, to observe the manner in which the election officers are discharging their duties, to enforce the election laws of the United States, and to prevent frauds and irregularities in naturalization." One-third of the special deputies shall be appointed from a list of names furnished the marshal by the chief supervisor, and the marshal shall assign these special deputies according to the request of the chief supervisor; and the special deputies shall take charge of returns made by the supervisors "as rapidly as the canvass of each box is completed," and deliver them to the chief.

Just think of it! United States deputy marshals standing around, observing and overseeing State election officers to see how they are discharging their duties. You Republicans know what sort of men will be appointed for this dirty work.

The centralization of our Government strides on apace—stalks forth on stilts—over the prostrate forms of once sovereign States of this Union.

The remainder of this section provides for the location of the office of the chief supervisor, who is made an officer for life, and for the payment of the expenses thereof from a permanent appropriation.

Section 21 requires the chief supervisor to furnish to his subordinates

all forms, blanks, maps, and instructions which he deems necessary, and requires him to file and preserve in his office returns, certificates, tally-sheets, poll-lists, and telegrams.

Section 22 disqualifies clerks of the circuit and district courts of the United States from being chief supervisors. And in any judicial district where no chief other than a clerk of the court has been appointed "it shall be the duty of the circuit court * * * to appoint from among the circuit court commissioners one of them the chief supervisor of elections * * * for the judicial district for which he is a commissioner."

The remainder of the section fixes the term of office of all chief supervisors to be for life or "so long as faithful and capable;" which means for life or so long as their administration is deemed by the appointing power to be "faithful and capable." But nowhere in the bill is the power or right of removal vested or declared to be in any person, court, or officer, unless it be as a penalty resulting from conviction for malfeasance in office.

It will be observed that no discretion whatever is given to the circuit court to appoint a chief supervisor except within the charmed circle of United States commissioners for the district; and what a sweet bevy, what a glorious lot of officials they are, in a large majority of the judicial districts of the Southern States! Many of them have been removed from other official positions, such as that of deputy marshal, for rendering false accounts and defrauding the Treasury. I appeal to the records of that Department and the accounting officers in charge of them for proof of what I say, and tenfold more. I appeal to the Attorney-General of the United States, who but recently suggested to the chairman of the Judiciary Committee of this House a thorough investigation of certain judicial officers, marshals and their deputies, clerks, and United States commissioners. Ask him as well as the accounting officers of the Treasury what he thinks of the United States commissioners, not only in Alabama and other Southern States, but in many judicial districts in Northern States as well, as to their integrity and fitness for such an all-powerful office as this bill makes of the chief supervisor of elections.

Why, sir, the records of the Treasury are reeking with bad odors, the multiplied frauds and perjuries committed by many of these officials to put money into their pockets which they never earned. I appeal to my colleagues on the subcommittee of the Judiciary Committee of this House, Messrs. THOMPSON, of Ohio, and MCCORMICK, of Pennsylvania, to say what they think from the testimony taken and the appearance of the men as to the fitness of the commissioners whom they have investigated for the exalted position of chief supervisor of elections, and I would like for them to say whether they think that all the clerks of the United States courts whom they have investigated are fit and proper men to be trusted with drawing honest, competent, and discreet jurors for service in the court of which they are clerks?

Sections 23 and 24 provide for the manner of drawing from the Treasury and the manner of paying supervisors for their services, including the chief; payments, fees, and allowances, all being extremely liberal.

Section 25 authorizes the chief as a circuit court commissioner to administer oaths to supervisors and deputy marshals, and empowers him to designate such other circuit court commissioners in his judicial district as he sees fit to administer such oaths, and allows 25 cents for administering and certifying the same.

A judicial district usually embraces two, and sometimes a dozen, Congressional districts; therefore, the chief supervisor may administer and certify the oaths to all the supervisors and deputy marshals appointed to serve at all the polling places in all the Congressional districts embraced in the judicial district. For instance, Massachusetts, with twelve Congressional districts, constitutes but one judicial district; Indiana, with thirteen Congressional districts, is but one judicial district, and Kentucky, with eleven Congressional districts, is but one judicial district.

Now, the chief supervisor in each of these States, if this bill becomes a law, is the only person, the only officer authorized by it to administer an oath to any and all of the supervisors and deputy marshals throughout the State, unless in his discretion he sees proper to designate one or more circuit court commissioners to administer and certify the oath. And in view of the fact that he would receive 25 cents for every oath administered and certified, the presumption is that he would exercise that discretion as far as practicable to put as many of those plums in his own pocket as possible, without much regard to the convenience of others. And if he is not an angel, as the advocates of this bill assume that he would be, he could farm out the privilege to other commissioners for one-half the fees received by them, and thus add considerably to his income. So, you see, he is directly interested in having supervision throughout his district.

What is there in this bill to prevent the chief supervisor in each and every judicial district from getting 100 voters, or, in the language of the bill, one hundred "persons claiming to be citizens and voters," for no other qualification is required, to sign a petition for supervision and thereby secure it throughout the district? You make it to his interest to do this, and notwithstanding your assumption of the chief supervisor's angelic qualities, I do not think you will find many who

will forego the opportunity of such a harvest of fees. The advocates of this bill violate the sacred injunction of the Lord's Prayer, "Lead us not into temptation."

Another striking feature, striking because of its utter absence, is that the bill nowhere prescribes either the form or the substance of the oath to be administered to any supervisor or deputy marshal. The fees seem to have been a far more important consideration to the framers of the bill. And an oath to conduct the election fairly and to make honest returns would, upon the hypothesis that some of the appointees might have consciences, have been a provision inconsistent with the general purpose of the bill, which is, by any means and at all hazards, to perpetuate the Republican party in power and to pay for it out of the Treasury.

Section 26 authorizes the chief to have appointed a deputy chief supervisor and a clerk, who shall each be selected from that charmed circle of favorites, United States circuit-court commissioners, and that they shall each receive such compensation as the chief in his discretion sees proper to give or allow them.

Section 27 provides that the chief supervisor shall present his account for expenses to a circuit or district judge for approval, and when approved shall be forwarded to the Treasury of the United States and there made "special," which means that they shall be audited in preference to any other accounts or claims, and shall be paid without delay. It also provides that for any items disallowed by the accounting officers, or for the entire claim, without presenting it to the Treasury at all, the chief supervisor may sue the United States either in the Court of Claims or in the circuit court of his judicial district, and recover judgment therefor; that all such suits shall be preferred causes and shall be tried without delay in preference to all other cases pending in such courts, and when judgment is recovered, which will usually be before the same judge who approves the account in the first instance, the same shall be promptly paid by the Treasurer of the United States. And the fees of commissioners for all services rendered in connection with the election laws are placed on the same basis as to allowance and payment.

Section 28 provides a permanent appropriation—a kind of appropriation which is vicious in the extreme—for the payment of all the fees and expenses of the new system provided by the bill.

Section 29, as amended by the House, provides for a review on appeal to the circuit court of any alleged erroneous action upon the part of the board of canvassers. It also empowers the circuit court, upon affidavit filed alleging error in the determination of any board of canvassers, "either national, State, Territorial, county, or any local board," to require such board to correct such error or to show cause why such correction should not be made, and to compel such correction by mandamus, if necessary; and section 30 continues any such board of canvassers for the purpose of being required to make any such correction.

Section 31 prescribes a penalty for any marshal, warden, or keeper of any jail, prison, or penitentiary to which United States prisoners are ever committed or confined pending trial, "who shall refuse or decline to receive and safely keep any prisoner committed to his custody under any warrant or other process of any judge of any court of the United States or any circuit court commissioner," by fine not to exceed \$1,000 and imprisonment of not more than one year.

It will be observed that this section is not applicable alone to violations of this particular law, but is general in its provisions. Any State prison to which a United States prisoner has ever been committed or confined, although it be but pending trial, is so far confiscated, or, to speak more accurately, appropriated, to the use of the United States that this high penalty is prescribed against any jailer or keeper of such State institution who shall refuse or decline for any cause "to receive and safely keep any prisoner committed" by any United States judge or commissioner. The institution may be full of State prisoners and there be no room in which to receive and safely keep United States prisoners; no matter, the law is violated, the penalty incurred all the same. I suppose the author of the bill intended by describing the prison as one in which any United States prisoner had ever been confined to plead that as an estoppel of the keeper from denying the right of the United States perpetually and eternally to the use of such prison. To any legal mind that is preposterous and overwhelmingly ridiculous.

Any lawyer who has progressed in knowledge beyond the horn-books of the profession knows that a State officer can not be compelled to exercise a jurisdiction conferred upon him by Congress. The Supreme Court of the United States decided this question long ago. But where a State officer undertakes to exercise a jurisdiction conferred upon him by Congress, he is then and in that matter amenable to the courts of the United States for improper conduct. Congress, however, has no more constitutional right or power to appropriate State prisons for the confinement of United States prisoners without the consent of the State than it has to take and appropriate cemeteries, the capitol building, or any other property belonging to the State; and therefore no jailer could be convicted for refusing to "receive and safely keep" any United States prisoner unless the State whose officer he is previously assents thereto.

A State officer may exercise, in his discretion, a jurisdiction conferred on him by Congress, unless the State whose servant he is refuses to allow him to do so. But if the State does not object and he under-

takes to exercise the jurisdiction, he is responsible to the United States for his conduct therein.

Presumably the authors of this bill framed this section with a view to having ample prison facilities for the incarceration and subjugation of numerous offenders against it. Suppression and intimidation of voters and spoliation of the Treasury are its chief features.

Section 32 adopts a large number of sections of United States statutes so as to make them apply and conform to other parts of this bill. It re-enacts those sections of the Revised Statutes referred to as touching "the elective franchise," and providing troops at the polls, and also re-enacts "civil rights," several sections of which were declared by the Supreme Court of the United States in the case of Reese, 92 United States Reports, to be unconstitutional and void.

The attempt to re-enact those sections is a covert one and done by vague reference instead of a manly and open one. That is the way that silver was demonetized. That is nearly always the style of legislation adopted when the people are to be enslaved or robbed.

Section 33 repeals many sections of the Revised Statutes in conflict with the bill saving prosecutions and actions already accrued thereunder.

Section 34 requires State inspectors or local election officers to paste a label on the front of the ballot-box for the reception of Congressional ballots and to point it out to all voters who may not be able to read the label. It requires such box to be kept upon a shelf, table, or counter in plain sight of the electors and easy of access to them and so that the voters themselves may deposit their ballots therein in plain view of all the election officers, national and State, and that the box all during the day of election shall not be shifted, changed, or otherwise moved from the place at which it is put on the opening of the polls, and that it shall not be removed from the room during the day or night following the election until all the ballots are "fully ascertained, tallied, counted, and canvassed, and the statements and certificates therefor have been made out, signed, and sealed."

The only objection I see to this, aside from that of inconvenience, is that the voter in depositing his ballot precludes the idea of numbering it in States where the law so requires, and enables the voter to deposit several ballots inclosed within each other which may have the appearance of but one. This will facilitate the perpetration of fraud by allowing one dishonest man to cast as many ballots as six honest ones. This provision, however, is in harmony in this respect with other parts of the bill.

Sections 35 and 36 provide penalties and punishment for stuffing ballot-boxes, frauds, bribery of voters or officers, and are free from objection.

Section 37 prescribes regulations comparatively free from objection, except in a matter already referred to.

Section 38, as it came from the committee, was a proposition to amend the law in respect to the drawing of jurors in the United States courts. The law now provides that they shall be drawn by the clerk of the court and a jury commissioner of opposite politics, and the proposition was to repeal it as to the jury commissioner and to allow the clerks, nearly all of them being Republicans, to select and pack juries, to convict Democrats and acquit Republicans charged with the violation of election laws. Fortunately there were enough on the other side of the Chamber to rebel against this injustice, who, uniting with the Democratic minority, struck out this odious feature; but they afterwards adopted a provision for a jury commission.

The remaining sections of the bill, from section 39 to section 57, inclusive, are definitions of offenses and prescribing penalties for violations of the election laws, and are free from objection, except section 52, which makes it a misdemeanor, punishable by fine and imprisonment, to "willfully disobey any lawful command of a supervisor of election given in the execution of his duty at any election at which a Representative is voted for," etc. It is so vague and uncertain as to leave the person in ignorance of what commands of the supervisor are lawful. Perhaps it is designedly so, that the supervisor may command and no one will know whether disobedience is lawful or unlawful. It is a "blind tiger," which answers the purpose of the advocates of the bill much better than a plain provision defining what commands the supervisor may lawfully give.

But the other provisions tending to suppress fraud and securing an honest count of votes at Congressional elections are comparatively free from objection. I do not believe that any legislation is necessary. The present laws, if enforced, would fully accomplish fair counting in any localities where cheating is resorted to. But your laws are not enforced. The Republican party in such localities may have the numbers necessary to outvote the Democrats, but they are too ignorant and inefficient to enforce the law or to see that their ballots are counted. You make this bill a law and you will provoke contention, strife, and conflict, and injuriously affect material interests in the Southern States. But you will secure very few, if any, additional Republican members of Congress. My opinion is that you will lose more than you will gain by it, even in the Southern States.

Your grievance, gentlemen of the Republican party, is the solid South. Why is it solidly Democratic with a largely increased representation? I will tell you. Your policy toward the South ever since

the close of the war has been one of repression instead of encouragement. You reconstructed us a second time. We willingly accepted and ratified the thirteenth amendment, abolishing slavery. We were States in the Union for that purpose. You offered us the fourteenth amendment, which would have been accepted and ratified with equal alacrity but for the fact that you inserted a clause in it disfranchising our comrades in the struggle who ever had taken an oath to support the Constitution and afterwards engaged in the rebellion. They were no more to blame than we were. We had engaged in a common cause, and while we were conquered and had surrendered our arms we had not surrendered our honor, and we rejected the amendment solely for that reason. Then you declared that we were not States in the Union. The Supreme Court said that we never got out and were still in the Union. You admitted that we were in, but not as States with a republican form of government and entitled to representation in Congress.

You reconstructed us and made voters out of the negroes in violation of all precedent and constitutional authority and in that way you adopted the fourteenth amendment. Not content with this, and overrunning all the Southern States with your carpet-bag thieves and their allies, you adopted the fifteenth amendment. You were so intoxicated by your thus far successful campaign against the white people of the South that you adopted that amendment over the protests of some of your most thoughtful and considerate leaders. You supported your incompetent and corrupt State governments in the South by the Army; but when that was withdrawn you were surprised and chagrined to find what a mistake you had made. Now, to correct that error, you propose this force bill as a sort of third reconstruction. You do not disguise the fact that this measure is intended for the Southern States.

Do you ever expect to win the confidence, the friendship, and respect of the white people of those States by the continuation of your repressive and unfriendly policy? Are they of this generation or their sons who succeed them the men to kiss the hand which smites them?

How can you so think of the men you conquered only when their substance was gone, their means of transportation destroyed, their living upon less than half-rations, with more than four to one against them; when three hundred thousand hillocks marked the last resting places of their dead comrades; when the whole land was draped in mourning; when the cries of the orphan and the moaning of the widow were borne to the ear upon every breeze; when nothing but Omnipotence or death could have averted their surrender; for it was then, and not until then, that their sublime courage succumbed to the inevitable? They accepted in good faith the decision of the high court of force; in good faith they renewed their allegiance to the Union. Too much must not be expected all at once of human nature; they did the best they could as honorable men. All that was involved in the war and as incidental thereto was settled, and they turned their attention to the rehabilitation of their devastated country.

Adverse circumstances and unfriendly legislation have contended against them for the mastery, but with that tireless energy and dauntless courage that have ever characterized them they have brought every State of the South into a fairly prosperous condition, and notwithstanding the present heavy blow the South will yet be the Eldorado of North America, if not of the world.

[Mr. MASON withholds his remarks for revision. See Appendix.]

[Mr. WILSON, of West Virginia, withholds his remarks for revision. See Appendix.]

Mr. ADAMS. Mr. Speaker, I have always thought it a serious defect in the laws, rules, and customs relating to the organization of this House that the determination of the question who are the members of this House has been in many cases postponed to so late a stage in the life of a Congress. It certainly can not be right that gentlemen on either side of this House, from the North or the South, should sit here participating in the election of a Speaker, acting as members of important committees, voting on important bills, perhaps passing such bills by a casting vote, and then, when they have done this week after week and month after month, have it determined, after the lapse possibly of almost two years from the beginning of the Congress, that they never had any right to sit here at all. I believe that every point of evidence relating to the election of a member of this House ought to be made available at the earliest possible moment. The amendment of the gentleman from South Carolina proposes that the evidence furnished by the supervisors shall be postponed until a period when it ceases to be available for a very important purpose for which it would otherwise be available.

Gentlemen say that these supervisors, appointed by Federal authority, are liable to political prejudice. I admit it; but we know that as political parties are constituted in this country the State returning boards, Republican or Democratic, the local officers and the general officers, are also liable to the same disability. The amendment prepared by the gentleman from Louisiana, and which the chairman of the committee, the gentleman from Massachusetts, proposes to offer, gives, as I believe, a certain superiority to the evidence furnished by the United States officers over that supplied by the State officers. Suppose that these local supervisors do make errors; suppose that the canvassing board, appointed by United States law, makes errors; any

candidate can appeal; and if he does so he has a right to an immediate decision of the question, under the supervision of the circuit judge.

Why, sir, I was surprised to hear the gentleman from Texas say that it was a disability on the part of a judge authorized to determine a question of that kind, that he might be a judge resident in a distant State. It seemed to me, as it seemed to Mr. Madison, as quoted by the gentleman from Iowa, that that would be rather an advantage than a disadvantage.

The people of the different districts elect their Representatives in Congress or attempt to do so. The matter is all left to the people; and after the people of the Congressional district have attempted to do their duty, the sole question is a question of evidence as to what in fact has been done. This, in my judgment, is just as much a judicial question as a question of right in regard to any other office that may be held; and I believe it is the common law of England that a question of office is a question of right that may be tried in the courts.

Mr. OATES. Will the gentleman allow me a moment?

Mr. ADAMS. Certainly.

Mr. OATES. Is not the pending proposition, as well as the one in the bill, simply an attempt to evade the jurisdiction which the Constitution vests in this House as the judge of the election returns, and qualifications of its own members? How can you by this bill authorize some other body of officers to make a preliminary examination to determine for this House who shall sit here?

Mr. ADAMS. Certainly the House is the judge of the election, returns, and qualifications of its own members; but you do not make the House the judge of the right of a man to have his name placed on the roll. You impose that duty on some one else. It must be imposed either on State officers or on United States officers.

Mr. OATES. It is for the House to do that. But what is the necessity for this wide departure from the practice which has prevailed?

Mr. ADAMS. The practice, in my judgment, has no value whatever. The constitutional provision that the House may judge of the "election and qualifications" of its own members was similarly lodged in the House of Commons. But they have provided, as the gentleman from Iowa [Mr. KERR] has said, that the courts should first pass upon the question of fact involved, though it was admitted that if the House of Commons chose to overrule the decision of the court it could do so.

[Here the hammer fell.]

Mr. LODGE. Mr. Speaker, I now offer the two amendments to sections 15 and 16.

Mr. HEMPHILL. I rise to a question of order.

Mr. LODGE. These are to perfect the text before the motion to strike out is submitted.

Mr. HEMPHILL. I think, under the order, the time for debate was closed after thirty minutes had expired on the one amendment. Now the gentleman seeks to bring forward these amendments on which no debate has been had.

The SPEAKER. Under the rules of the House it is in order to perfect first the text of what is proposed to be stricken out. There can be no question upon that.

Mr. HOLMAN. Mr. Speaker—

Mr. HEMPHILL. The difference would be that this amendment would come in for a vote now and there is no debate at all upon it.

The SPEAKER. But the House is at liberty to debate the question.

Mr. HEMPHILL. The order was made that the debate should be limited to thirty minutes on the amendment I offered, and then a vote was to be taken upon it.

The SPEAKER. Only on that particular amendment offered. But the gentleman had notice of these amendments.

Mr. DOCKERY. But the gentleman from Massachusetts, referring to the amendments himself, said that he would have them read for information.

The SPEAKER. The amendments are clearly before the House.

Mr. OUTHWAITE. The language of the Record will show that they were read for the information of the House only.

Mr. HOLMAN. Mr. Speaker—

Mr. LODGE. I gave notice of the amendments.

Mr. McMILLIN. Mr. Speaker, I make the point that there can not be two amendments pending to an amendment at the same time.

The SPEAKER. But this is a motion to strike out, and before the motion to strike out is submitted the friends of the paragraph have a right to perfect the text of it.

Mr. HOLMAN. Mr. Speaker, I make the further point—

The SPEAKER. The principle of parliamentary law is perfectly simple and clear. The friends of the paragraph have the right to amend the provision and present it in the most satisfactory form before the House. If the House then wishes to strike out it is disposed of satisfactorily, but if the House refuses to strike it out prior to the amendment of the text it causes members to vote in uncertainty as to what is being stricken out.

Mr. McMILLIN. But, Mr. Speaker, and I address the remark to the gentleman from Massachusetts, when the debate was limited by the House on this amendment, the gentleman from Massachusetts gave no notice that he would seek to have these amendments voted on without discussion.

Mr. LODGE. I beg the gentleman's pardon. I said I was not aware of the fact whether it would be in order to offer them at that time or not, but I would propose them at the proper time.

But I have no objection to further discussion on these amendments if it be the wish of the House to do so.

Mr. McMILLIN. And when the gentleman suggested the amendments and the propriety of their being in order at that time, the Speaker said, as I remember now, that he would decide at the proper time.

The SPEAKER. The Chair said he would consider the question, and in the mean time that the debate would go on. The Chair has considered the question.

Mr. HOLMAN. Mr. Speaker—

The SPEAKER. The gentleman from Indiana seems desirous of addressing the Chair.

Mr. HOLMAN. I rose some time ago to present a question of order, which the Chair has thought proper in the mean time to decide upon.

The SPEAKER. The Chair will hear the gentleman from Indiana.

Mr. HOLMAN. I desired to make the point of order that the first proposition submitted by the gentleman from Massachusetts is an independent section. Here are three, I believe four, sections involved. Now, the gentleman offers an independent section.

The SPEAKER. The Chair will state to the gentleman from Indiana that the gentleman from Massachusetts offers his amendment to the text of section 15.

Mr. HOLMAN. But as an independent proposition.

The SPEAKER. Not as an independent section.

Mr. BLOUNT. I wish to say, without dissenting from the enunciation of parliamentary law, as announced by the Chair, that it seems to me the present status takes this question from under the operation of the rule. The majority of the committee were allowed, in pursuance of an understanding, to offer all the amendments they had, beginning with the first section of the bill and running entirely through it without interruption on this side, because it was understood to be their right; and that was to be followed by the right guaranteed to the minority members of the committee, when that process had been concluded, to offer amendments themselves. In pursuance of that understanding the gentleman from South Carolina has offered one amendment and now he has offered a second. I repeat, in pursuance of a well understood agreement in the House this was done.

Now, if these agreements are not executed I can not see how the minority, under the order of the House, can have any assurance that their amendments are to be voted upon at all. If it is in order here now for the gentleman from Massachusetts to submit these amendments, it is in order for him to continue offering amendment after amendment; and it seems to me good faith requires that the gentleman should not now obstruct the clear right of the gentleman from South Carolina.

The SPEAKER. There is no better witness of the ample good faith with which this question has been treated than the gentleman from Georgia himself. The Chair desires to say that it is not possible to anticipate a motion to strike out until the motion is made. After it is made it must be made in conformity with the rules of the House; and under the rules of the House the gentleman has a right to perfect the text of the section before the House considers the question of striking it out. It is not only a well established principle of parliamentary law, but it is a sound, common-sense construction of the rule, and has always been followed for the orderly conduct of the business of the House.

Mr. BLOUNT. I do not question the right or any right the gentleman has to perfect the text of his bill before the motion to strike out is submitted. It was in contemplation of all of his rights that I spoke. But it was understood, when the right of amendment was given him on yesterday, that he should perfect his bill. That he proceeded to do, and offered a series of amendments, which were adopted by the House. But the motion now made to strike out does not add to his right in that direction under the agreement which was entered into.

Mr. CUTCHEON. Mr. Speaker, the gentleman in charge of the bill—

Mr. BLOUNT. Mr. Speaker, the gentleman from Massachusetts announced yesterday that he was through offering amendments.

Mr. CUTCHEON. But the gentleman from Massachusetts could not anticipate a motion to strike out until it was made.

Mr. BLOUNT. What has that got to do with the question of perfecting the bill? He offered all the amendments he desired to in order to perfect the bill.

Mr. CUTCHEON. This is subject to the rules of the House.

Mr. BLOUNT. What has that got to do with this matter? You have gone on and perfected your bill.

Mr. CUTCHEON. This is subject to ordinary rules of the House. It is stated on page 23:

If it is proposed to amend by striking out a paragraph, the friends of the paragraph are first to make it as perfect as they can, by amendments, before the question is put for striking it out.

We could not anticipate your motion to strike out.

Mr. BLOUNT. You had the opportunity to perfect your bill, and you went on and did it.

Mr. CUTCHEON. What is the object of that rule unless it is to meet just such a case as this?

Mr. HEMPHILL. What did you do all day yesterday except to try to perfect your bill?

Mr. BLOUNT. It seems to me this is not offered in good faith at this time. You ought to have offered your amendment in the beginning. You defeat all our rights by any such course of procedure as this.

Mr. LODGE. Mr. Speaker, I think it is a pretty serious thing for one member of this House to charge another with acting in bad faith. I have not acted in bad faith with anybody. I said, when I offered these amendments that I did offer, that I was through and that I would stand aside for the gentlemen upon the other side to offer their amendments. I did not say, I never intended to say, and of course no man would say that he would offer no more amendments to the bill. The bill might be changed at any point, so that it would become essential for the committee to offer amendments. That was a right that I never abandoned for one moment.

If this motion to strike out had not been made I should not have offered these amendments until the gentlemen on the other side were all through. It is impossible for me to withhold the amendment now, for they are moving to strike it out. It is impossible for the House to deal with the matter intelligently unless they know what it is proposed to do. I have acted in the most absolute good faith in the matter. I have not the slightest desire to do anything in the least unfair, but I think we ought in justice to the bill and in justice to the members of this House to put that section in the condition in which the committee means it to be before we pass upon the question of striking out.

Mr. McMILLIN. Will the gentleman yield for a moment?

Mr. BLOUNT. So far as the gentleman is concerned personally I did not mean to reflect upon him. I was discussing the proposition involved in this motion, and that it was not in good faith, and I still claim that it is not in good faith. The majority have had the right to perfect their bill. They occupied hours of time; they went through the bill paragraph by paragraph and perfected it to their hearts' content. Having offered all they had to offer, the gentleman from South Carolina [Mr. HEMPHILL], on the part of the minority, comes in with a second amendment to that perfected bill, or supposed to be perfected bill, to strike out a section. At once the gentleman from Massachusetts says we must have more perfection before we can have a vote.

The SPEAKER. What objection can the gentleman from Georgia have to perfecting the section before the question is put for striking it out.

Mr. BLOUNT. I would like to know what perfection means. It has been perfected once, and the right to perfect is not determined or affected by the motion to strike out or by any motion that the gentleman may have made. If this rule is to be carried out the gentleman from South Carolina may be taken off the floor for one amendment after another at any time.

Mr. McMILLIN. Mr. Speaker, if I may be indulged one moment in reply to the inquiry to the Chair, I will make this suggestion: Here is the injustice that can come from it and will come from it. The gentleman from Massachusetts was given an opportunity to perfect his bill, and it will be remembered by those who were present yesterday that there was desistance from resisting a number of those amendments, in order that we might have the opportunity to present amendments on this side. Now, after the gentleman from Massachusetts has taken all the time he wanted for that purpose, if when we present an amendment he is allowed to come in with other amendments to that section and take up the time that is remaining, or supposed to be remaining, for the offering of amendments on this side of the House, the right to offer amendments is curtailed and cut off. That is the injustice of it.

The SPEAKER. The desistance of the gentleman from Tennessee and his friends was of their own motion.

Mr. McMILLIN. But impelled by the fact that we did not want to take up the time which might be used for the offering of amendments on this side.

The SPEAKER. The Chair can not be guilty of the obvious injustice of refusing, by its action, so far as it is a refusal, to allow the House to perfect a section which it is proposed to strike out.

Mr. McMILLIN. Mr. Speaker, I would not be understood as questioning the Chair's right to administer the rules of the House strictly. What I have to say is addressed more particularly to the gentleman from Massachusetts who is not doing justice by this side of the House in the proceedings that he has instituted.

Mr. OUTHWAITE. Mr. Speaker, I should like to call attention—

The SPEAKER. Does any gentleman appeal from the decision of the Chair?

Mr. OUTHWAITE. I should like to call attention to the colloquy which took place on the floor of the House yesterday when the amendments were offered by the gentleman from Massachusetts. It simply shows that the gentleman was asked by the gentleman from Texas [Mr. MILLS] to perfect the bill at the time he offered his amendment, and that in pursuance of the proposition to perfect his bill he offered a number of amendments, and then offered one, and said this is the last amendment which I wish to make.

Mr. DINGLEY. He did not say that.

Mr. OUTHWAITE. That is the language of the RECORD.

Mr. DINGLEY. Oh, no, it does not go so far as that.

Mr. OUTHWAITE. Very well; I will read what he said:

Mr. LODGE. The Clerk has now read the various amendments that I have sent up. I have one more, and the last which I submit.

And again:

Mr. LODGE. That is the last of the amendments.

The Clerk read the amendment, and then he said that was the last he had to offer.

Mr. DINGLEY. He meant at that time.

Mr. OUTHWAITE. That is at the end of the submission of amendments?

Mr. DINGLEY. But of course the gentleman does not mean to say that the gentleman from Massachusetts [Mr. LODGE] took away from himself the power to offer amendments.

Mr. OUTHWAITE. And then he follows it up with the statement that that is the last of the amendments.

Mr. DINGLEY. The last that he held in his hand. [Cries of "Oh!" on the Democratic side.]

Mr. CUTCHEON. I would like to inquire what is the pending question before the House.

The SPEAKER. The question is on the amendment proposed by the gentleman from Massachusetts [Mr. LODGE].

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BUTTERWORTH. I desire to call up as a privileged matter the subject of the conference on the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891. As will be observed in a report brought in a few moments ago, the Senate has requested another conference, and I desire to move that the House adhere to its disagreement. This relates solely to the matter of the Senators' clerks. It has been discussed very fully in the House, and because it has been so discussed I move that the House adhere and call for a vote. That ends the matter and the bill fails unless another body interested shall feel called upon to recede.

The SPEAKER. The gentleman from Ohio [Mr. BUTTERWORTH] moves that the House adhere to its non-concurrence in the Senate amendments relating to the compensation of clerks.

Mr. BUTTERWORTH. The only amendments in conference.

The motion was agreed to.

FEDERAL ELECTION LAW.

The SPEAKER. The question is upon the adoption of the amendment offered by the gentleman from Massachusetts [Mr. LODGE].

Mr. TRACEY. Is it in order to speak on this amendment? Is debate closed? Will I be permitted to ask the gentleman from Massachusetts a question?

The SPEAKER. The Chair does not think that the debate is closed on this amendment, but if gentlemen have anything to say upon that point I would be glad to hear from them. The present impression of the Chair is that the debate is not closed.

Mr. TRACEY. Is the question now pending on the amendment of the gentleman from Massachusetts?

The SPEAKER. That is the pending question.

Mr. TRACEY. If the gentleman from Massachusetts [Mr. LODGE] will give his attention I would like him to answer a question relating to his amendment.

Mr. BUCKALEW. Let us arrange a limit of time for debate. Mr. Speaker, as the amendment of the gentleman from Massachusetts is an important one and raises a new question entirely, I propose that we have some arrangement about the length of time for debate before we vote upon it. I suggest that there be twenty minutes on a side.

Mr. BLOUNT. How long a time?

Mr. BUCKALEW. Twenty minutes.

The SPEAKER. Is there objection to the request of gentlemen on both sides that debate be limited to twenty minutes on each side?

Mr. BLOUNT. I hope the gentleman will modify that somewhat. We do not want to take the time in discussing matters with nothing substantial about them. We have just taken away an hour, and here comes another. Make it ten minutes on each side.

Mr. TRACEY. I object.

The SPEAKER. Objection is made to the request that ten minutes be allowed on each side. The question is, Shall twenty minutes be allowed on each side? [After a pause.] The Chair hears no objection.

Mr. TRACEY. Mr. Speaker, I would withdraw my objection if I can have a couple of minutes of the time that is allowed.

Mr. HEMPHILL. I suggest fifteen minutes on each side.

Mr. BLOUNT. That will do.

The SPEAKER. Is there objection to an agreement that fifteen minutes be allowed on each side? The Chair hears no objection, and it is so ordered.

Mr. BLOUNT. I ask that the Clerk may read the amendment in order that the House may understand it.

The amendment was again reported.

Mr. BUCKALEW. Mr. Speaker, I have great doubt about this

amendment, both as to the legal character of it and as to its practical effects; but as it is thrown suddenly into the House in the great hurry of our proceedings, and concluding our action upon this bill, I do not know, sir, that I can speak with that due deliberation and comprehension of the amendment which ought to exist with any one who undertakes to debate it. I know that the Constitution of our country provides that the House of Representatives shall judge of the election and qualifications of its members. This amendment very clearly turns over to the circuit court the right to judge upon a trial which, whether with the aid of a jury or without a jury, is necessarily judicial in its nature. It is a judgment which is to be pronounced. The parties are to appear before them. Both sides are to be heard, doubtless counsel employed, and the action will be that of a circuit judge.

The provision of this amendment is necessarily inconsistent with the exclusive power of the House of Representatives to judge of the election and qualifications of its members. That is not a power to be exercised by the House of Representatives as an appellate court and after some other court has pronounced its opinion and judgment. It is an original, inherent, exclusive power; and I take it that you can not properly provide by law that the canvassing of election returns, like any other act of ministerial officers—of officers who have simply ministerial power to pass upon questions of ordinary fact and to take such action—does not make them judges and conclude the rights of either party, even as in a *nisi prius* decision or hearing. In other words, if this be a trial, if it be a judicial proceeding in the circuit courts of the United States, then this House has simply the appellate power to overrule the decision which they may make, and the judgment of the House is to be influenced, if not controlled, by a prior judgment pronounced by a court of law.

Mr. OATES. Will my friend state whether he thinks that it will amount to anything more than a State certificate now does?

Mr. BUCKALEW. Yes; it is a decision to come here under the laws of the United States, and the decision of one of the highest judicial tribunals of the country upon a question of law and fact, which this House is to decide. It places this court in the same position as an ordinary judicial tribunal from which there may be an appeal afterwards to the Supreme Court.

Mr. ADAMS. Will the gentleman object to a question there?

Mr. BUCKALEW. No.

Mr. ADAMS. Does the fact that it comes from a circuit judge give it any higher authority than if it came from a State authority, and has not the House the same right to overrule it as it would have in the other case?

Mr. BUCKALEW. The report from the State now is simply the report of a ministerial officer without power or judgment. He simply sends to us the returns which the people in their precincts have made; sums them up and sends them here.

Mr. ADAMS. And the House can overrule them.

Mr. BUCKALEW. Yes.

Mr. ADAMS. And so it can in this case.

Mr. BUCKALEW. But this is a judgment of a court.

Mr. OATES. Although it would be a judicial action the House would be competent to examine it and all the evidence.

The SPEAKER. The time of the gentleman has expired.

Mr. CULBERSON, of Texas. I want to make an inquiry or two about the object of this amendment.

Mr. ROWELL. The effect of the amendment, Mr. Speaker, is to bring all the papers which were before the canvassing board before the circuit court.

Mr. CULBERSON, of Texas. I understand that; but what I wish to direct your attention to and upon which I need information is this: What authority have you to confer upon the circuit court of the United States a case in which by the very terms of your amendment you refuse and reject this power to make its judgment imperative and final? That is to say, if I understand, this amendment provides that when the United States canvassing board has entered its judgment and promulgated its results the person aggrieved may appeal to the circuit court of the United States for a rehearing, not *de novo*, not upon the case as the aggrieved party may desire to present, but an appeal to the circuit court, to be tried upon the very papers, on the very notes, and the very statements upon which the board of canvassers entered up their judgment.

Now, can you impose upon the circuit court of the United States any function not judicial in its character or can you impose upon any court of the United States any duty which they may not enforce by their judgment? And if you do impose that duty upon the circuit court, then it is clearly unconstitutional, because it takes away from the House of Representatives the right to pass upon the election and qualification of its members.

Mr. ROWELL. Why, Mr. Speaker, this House passed a law imposing a duty upon one of the Federal courts, the Court of Claims, to take charge of a certain class of cases that might be referred to that court by the House, or by committees of the House, not to enter up a judgment, but to report to the House its opinion upon the facts and the law.

If that jurisdiction could be conferred upon the Court of Claims, it is certainly competent to confer upon the circuit courts of the United

States the power to try in the first instance any contested-election case, to examine all the facts and hear all the testimony, and to authorize that court to give a certificate upon the facts and the law to the person found by the court to be elected, which certificate shall entitle that person to take a seat here; and it is competent to do all that without taking away any right from the House, in the second instance, to determine the qualification and election of its own members.

Mr. BLAND. Does not this amendment confine the contest simply to such evidence as the election officers may lay before the court? In other words, do not they determine beforehand how the court shall decide?

Mr. ROWELL. I was about to say that this amendment proposes to bring before the court, any party being aggrieved, all of the papers of every kind and character in the hands of the original canvassing board, so that that court may review the decision which that canvassing board has made with reference to any of the returns and determine whether that decision has been properly made, so that no one can thereafter say that any partisan court or any dishonest board has, by false or partisan ruling, excluded or included returns which would change the result, but that the judicial body of the United States, that great authority which is the conservator of law, to which the people look in all emergencies for protection against usurpation and against unconstitutional legislation, in which all parties, Democratic, Republican, and every other, have confidence—that that judiciary shall review the action of the canvassing boards, so that no one can say that there has been improper, illegal, or unjust action by those boards.

Mr. CHEADLE. Will the gentleman permit a question for information?

Mr. ROWELL. Yes, sir.

Mr. CHEADLE. When the papers are brought before the circuit court are they only the papers in possession of the supervisors or are they the papers in possession of the supervisors and also those in possession of the various State officers who have held the election?

Mr. ROWELL. There is no power to get possession of the papers of the various State officers; but, under the provisions of this law, all of the reports that go up from the supervisors contain an exact statement of the reports that go to the State officers, and a statement of the differences, if any, between their reports and those that go to the State officers; so that the canvassing board, and eventually, on complaint, the circuit court has before it as complete a statement as the local canvassing boards of the State; not the same statements, perhaps, that are in the hands of the governor, because it frequently happens that large numbers of the reports down in the hands of county officers are never tabulated and sent up to the governor; but there is a complete statement showing what each precinct has returned, under the requirements of this law. There is no power to get possession of the papers in the hands of the various State officers.

Mr. CULBERSON, of Texas. I desire to ask the gentleman from Illinois another question. Pending this trial in the circuit court, where is the original certificate that is issued by the board of canvassers to be kept?

Mr. ROWELL. One certificate is to be delivered to the person found to be elected and another is to be sent to the Clerk of the House.

Mr. CULBERSON, of Texas. But you will observe that in the original bill, or in the substitute which is under consideration, it is provided that one of these certificates shall go to the person claiming to have been elected and the other shall be sent to the Clerk of the House of Representatives, and that thereupon the Clerk shall enroll the name of the beneficiary of the certificate upon the roll of the House. In the mean time, however, as soon as it is promulgated that a result has been reached by the board of canvassers an appeal is provided for by this amendment—

Mr. ROWELL. Yes.

Mr. CULBERSON, of Texas. Now, does that appeal under this amendment suspend the action of the board of supervisors and arrest the certificate which is then *en route* to the Capitol?

Mr. ROWELL. One of the clauses in this amendment provides that if there is a reversal of the action that reversal shall be binding on the Speaker of the House.

Mr. CULBERSON, of Texas. But in the mean time the Congress may have organized and organized upon a certificate which the circuit court of the United States may subsequently hold to be void.

Mr. ROWELL. That can not possibly be. There is a fixed time when the canvassing board shall meet, and it could not possibly be that the certificate would arrive before this determination would have to be made.

Mr. CULBERSON, of Texas. The gentleman is mistaken there, because, if he will observe, this amendment falls short of what would be a fair and just proposition on this subject. As soon as the appeal is made to the circuit court of the United States, the original certificate which the board of supervisors prepared to be filed with the Clerk of the House of Representatives should be sent to the clerk of the circuit court of the United States, and not sent here. Because it will happen in many cases—at any rate it can happen and probably may happen—that the trial in the circuit court will be continued beyond the time at which the House shall be convened; unless it be the ob-

ject on the other side (which I would hardly now charge) to organize the House upon certificates pending at the time in the courts, it seems to me you ought to ameliorate this amendment a little.

Mr. ROWELL. If there is anything in the amendment that does not cover the question of having the certificate of the court prevail—if it is necessary, on notice that an appeal has been taken, that the Clerk of the House shall not put the name on his roll, and if a proper amendment covering that matter can be formulated, no one would object, because the purpose of this proceeding is to obtain on complaint the decision of the circuit court.

Mr. CRISP. Let the appeal supersede the first judgment.

Mr. ROWELL. By putting in a provision that the hearing should be had before the 4th day of March the objection would be obviated.

Mr. CULBERSON, of Texas. No, we do not want a provision of that kind; we want to lap over the organization of the House of Representatives.

Now, if I understand this amendment fully (I have only heard it read from the desk) it seems to me we are imposing upon the circuit court a duty which ought not to be imposed upon it. In the first place, I believe that Congress has no power whatever to impose upon the circuit courts of the United States any duty which is not strictly judicial in its character. It will be remembered that a few years ago we raised a commission—

[Here the hammer fell.]

Mr. FRANK obtained the floor, and said: I yield my time to the gentleman from Texas, and I desire at a convenient time to ask him a question in the line of his remarks.

Mr. CULBERSON, of Texas. Availing myself of the courtesy of the gentleman from Missouri [Mr. FRANK] I wish to say that a few years ago we raised a commission with quasi-judicial powers to inquire into the state of the accounts between the United States and the Pacific railroad companies, and it was provided in the bill that the commission might refer to the United States circuit court of the particular district certain questions that might arise during the proceeding or investigation.

The commission held a session and had before it several witnesses who refused to answer questions propounded to them. The matter was referred to the circuit court of the United States of that district, then presided over by Mr. Justice Field, who held that Congress had no right to impose upon a circuit court of the United States a function or duty not strictly judicial.

Now, it seems to me this amendment undertakes to impose upon the circuit court the duty simply of looking over a lot of papers and seeing whether or not the board of supervisors has made a wrong footing of the figures. That is all there is in it. The court is not authorized to hear any additional testimony whatever, but is to try the case upon the statements and the figures which were before the original board of supervisors. If the court should find that the board of supervisors made a mistake and gave the certificate to the wrong person, and should enter up a judgment of that kind, of what effect is the judgment? The court has no power to enforce it, because at the doors of this Capitol its action is met by the constitutional provision that this House shall be the judge of the election of its own members.

[Here the hammer fell.]

Mr. FRANK. I would like to ask the gentleman from Texas [Mr. CULBERSON] a question.

Mr. CULBERSON, of Texas. I hope you will not. [Laughter.]

Mr. TRACEY. Mr. Speaker, I would like to have the attention of the gentleman from Illinois [Mr. ROWELL] for a moment in regard to the effect of this amendment upon the existing law of the State of New York. I notice the amendment provides that in case of an appeal to the judge a number of papers, including the tickets, shall be brought before the court. Now, the law in the State of New York is that after the canvassing board has counted the tickets and has reserved one of each kind to paste upon its returns, the balance of the tickets are to be destroyed. The question therefore presented here is whether in destroying the tickets in pursuance of the law of the State of New York the canvassing board would not violate the law of the United States if this bill should be enacted. I would like to have the gentleman from Illinois explain in what way the canvassing board can act or how this difficulty can be obviated.

Mr. ROWELL. If the gentleman had read the bill carefully he would have found that it provides, precisely as does the law of New York, that sample tickets shall be pasted to the returns. No other tickets except those found in boxes where they ought not to be taken possession of by the Federal supervisors; all other tickets are left in the custody of the State officers, so that the tickets which will come before the court under this amendment will be the sample tickets pasted to the returns—

Mr. TRACEY. That may be so, but the amendment does not so state.

Mr. TUCKER. I would like to call the attention of the gentleman from Illinois [Mr. ROWELL] to the wording of this amendment:

The said returning officers shall produce before the circuit court all returns, reports, protests, tickets, and all the evidence upon which they acted in awarding the certificate.

Mr. ROWELL. Precisely; that refers to such tickets as the law pro-

vides shall go into the hands of this canvassing board; and those are the sample tickets pasted to the returns and the tickets that have come out of boxes where they ought not to be.

Mr. TUCKER. Why, the gentleman must see that the wording of this amendment shows for itself that all of the tickets are required to be sent to the circuit court, and yet the law of the State of New York requires that these tickets shall be destroyed. Now I ask him, which are you to obey, the State or the Federal law?

Mr. TRACEY. And the inspectors must destroy the tickets in New York.

Mr. ROWELL. I understand that the inspectors destroy all but the sample tickets in New York. Now this law will require the sample tickets also to go with the returns, and they would not be destroyed; that is all.

Mr. FRANK. They can only produce the tickets they have.

Mr. ROWELL. Of course they can only produce the tickets they have; and there is no provision in the bill that any tickets can be so returned to the chief supervisor, except that sample tickets—

Mr. TUCKER. Let me interrupt the gentleman to read the forty-seventh paragraph of the law of the State of New York on that subject.

Mr. ROWELL. I understand that provision.

Mr. TUCKER. It provides—

That the remaining ballots not so pasted or attached shall be destroyed, and the board of inspectors shall be dissolved.

Mr. ROWELL. Yes, sir, I understand that; and this law, to the extent of getting only so many more sample tickets, will overrule the authority of the New York inspectors to destroy the ballots, precisely as the law of 1871, as found by a Democratic committee and sustained by this House, overruled the statute law of Massachusetts and took the ballots out of the hands of the supervisors and counted them at a place where the supervisors were not permitted to come, and by which action a Democratic House seated a Democrat as against a Republican. And the law of the United States as reported by my colleague from Illinois [Mr. SPRINGER] on that occasion was held to overrule the law of Massachusetts.

Mr. OATES. I would like to ask the gentleman from Illinois this question: This amendment simply allows any defeated candidate to bring the action of the board of canvassers before the United States court for review.

Mr. ROWELL. That is all.

Mr. OATES. Now is there any provision which allows, when such complaint is lodged, the United States circuit judge to reassemble the court and correct any error that may have been made?

Mr. ROWELL. My friend has made a mistake there. There is no such provision in the bill. You know that in some of the States the canvassing board of the county, which becomes *functus officio* after counting the ballots, is for the purposes of the law continued in existence, and the United States court may compel that county canvassing board to reassemble and count the votes.

Mr. OATES. But section 29 of your bill reads:

Whenever it shall appear by affidavit that errors have occurred in the determination of any board of canvassers, either national, Territorial, county, or other local board in any State or Territory in the matter of the votes cast for Representative or Delegate in Congress, the circuit court of the United States may, by order, require any such board to correct such errors, etc.

Now, as I understand the gentleman from Illinois, your construction is that this would require alone the county canvassing boards to reassemble?

Mr. ROWELL. Yes, that is the provision of the section.

Mr. FRANK. Mr. Speaker, I want to say to my friend from Virginia [Mr. TUCKER], my colleague on the committee, that he misapprehends the force and effect of this language. What is before the returning officer? The returns of the supervisor are sent to the chief supervisor and by him sent to the clerk of the circuit court of the circuit in which the Congressional district lies over which there has been this supervision. All they have before them, these three citizens appointed by the judge of the circuit court—and that is the provision to which I am most heartily and unalterably opposed, putting these three men paramount over the State officers—and what have they got? They have only the tabulated statements, the returns, sample tickets, and certain protests or challenges, if you please, of the votes. Now this provides—

The State returning officers shall produce before the circuit court all the returns, reports, protests, tickets, and all of the evidence upon which they acted in awarding the certificate aforesaid.

That is merely in the nature of further supervision by the circuit court over the returning board, that being a sort of supervisory board to supervise the supervision over the election, and in my judgment removes one of the worst features of the bill, that to which I briefly alluded, namely, that the three citizens become and take the place of the persons elected by the people of the State, namely, the governor and the secretary of state. This removes the temptation on the part of the Federal supervisor from doing the electing himself, whereas the people have been supposed to do it.

Mr. MILLS. But you turn it over to the circuit judge.

Mr. FRANK. Well, of course, it has got to be lodged somewhere. I yield the balance of my time, if I have any, to the gentleman from South Carolina, my colleague on the committee [Mr. HEMPHILL].

Mr. ANDREW. Before the gentleman takes his seat will he allow a question?

Mr. FRANK. Yes, sir.

Mr. ANDREW. Under the Massachusetts law—the ballot act there—all ballots must be returned whether counted or not. There are official ballots printed by the government. All of these must be returned to the city or town clerk, otherwise these election officers are liable to imprisonment. Now, I would like to ask how the sample tickets are to be obtained to be sent by the supervisors to the court without conflicting with that law?

Mr. FRANK. The sample ticket, as I understand it, is not the ballot that is cast.

Mr. HEMPHILL. Oh, yes; I beg the gentleman's pardon.

Mr. ANDREW. But even in that event it does not matter. Under the Massachusetts law every ballot furnished by the State, whether cast or not, must be accounted for in these returns.

Mr. FRANK. Then the Massachusetts-Australian ballot law must yield to the paramount law of Congress.

Mr. ANDREW. Then, I understand you propose an act here which will conflict with the law of Massachusetts, a law which after a great deal of difficulty we have secured in that State and which meets the approval of everybody, Democrat and Republican, in the State. You propose to conflict with a law which nobody would like to see interfered with.

Mr. TRACEY. And the same in New York.

Mr. HEMPHILL. Mr. Speaker, unless the time allotted to debate has expired I would like to be heard for a moment.

The SPEAKER. The Chair thinks that the time has been exhausted.

Mr. HEMPHILL. I would only like to say that this amendment, I suppose, is intended to ease the consciences of some gentlemen; but it amounts to nothing, because the circuit judges are simply to tabulate and add up what the returning officers have furnished. They are not to hear outside evidence, but they are simply to add up figures which these boards shall return, and hence it is only a sham and a humbug.

Mr. KERR, of Iowa. Will the gentleman yield for a question?

The SPEAKER. The Chair thinks the gentleman has no time to yield for anything.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3711) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1891, and for other purposes.

The message also announced that the Senate further insisted upon its amendments to the bill (H. R. 3711) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1891, and for other purposes, disagreed to by the House, asked a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL conferees on the part of the Senate.

The message further announced that the Senate insisted upon its amendments to the bill (H. R. 10716) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1891, disagreed to by the House, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PLUMB, Mr. FARWELL, and Mr. CALL conferees on the part of the Senate.

The message further announced that the Senate had passed without amendment the bill (H. R. 11223) making an appropriation to supply a deficiency in the appropriation for compensation of Members of the House of Representatives and Delegates from Territories.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

A bill (S. 3034) to provide for the purchase of a site and the erection of a public building thereon at Muskegon, in the State of Michigan; and

A bill (S. 4171) to authorize the leasing of school lands in the Territory of Oklahoma, and for other purposes.

The message further announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 4562) to provide for the admission of the State of Idaho into the Union; and

A bill (H. R. 9048) to confirm the title to certain lands in the city of Sault Ste. Marie and State of Michigan, and to release any reversionary right of the Government of the United States therein.

The message further announced that the Senate requested the House of Representatives to return to the Senate the bill (S. 3430) to confirm the title of certain lands in the city of Sault Ste. Marie and State of Michigan, and to release any reversionary right of the Government of the United States therein.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. MCCOMAS. I move that the House insist on its disagreement to the amendments to the District of Columbia bill and ask a further conference thereon.

The SPEAKER. The gentleman from Maryland, on behalf of the Committee on Appropriations, calls up the District of Columbia appropriation bill and moves that the House further insist upon its disagreement to the amendments and agree to a conference.

The motion was agreed to.

The SPEAKER announced as conferees on the part of the House on the disagreeing votes of the two Houses on the District of Columbia appropriation bill Mr. McCOMAS, Mr. HENDERSON of Iowa, and Mr. CLEMENTS.

FEDERAL ELECTION LAW.

The SPEAKER. The question is upon agreeing to the amendments of the gentleman from Massachusetts [Mr. LODGE].

The question was taken; and the Speaker announced that the ayes seemed to have it.

Several MEMBERS. Division.

Mr. HEMPHILL. I think we had better let it go. It is a mere sham. It does not amount to anything.

The SPEAKER. The request for a division is withdrawn. [Laughter.]

The amendments were agreed to.

The SPEAKER. The question is upon the amendment of the gentleman from South Carolina to strike out and insert. The Clerk will report the amendment.

The Clerk read as follows:

Strike out sections 15, 16, 17, and 18, and insert the following: "Sec. 15. From the returns of the supervisors the chief supervisor shall tabulate and forward to the Speaker of the House of Representatives, to be by him submitted to the House, the results as they appear therefrom in each Congressional district under his jurisdiction in which this act has been enforced."

The SPEAKER. The question is upon the amendment of the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. I think we might as well have yeas and nays on that.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 137, nays 144, not voting 47; as follows:

YEAS—137.

Abbott,	Covert,	Lane,	Richardson,
Alderson,	Cowles,	Leaham,	Robertson,
Allen, Miss,	Crain,	Lee,	Rogers,
Anderson, Miss,	Crisp,	Lehlbach,	Rowland,
Andrew,	Culbertson, Tex.	Lester, Ga.	Rusk,
Bankhead,	Cummings,	Lester, Va.	Sayers,
Barnes,	Dargan,	Lewis,	Shively,
Barwig,	Davidson,	Maish,	Skinner,
Blaichard,	Dibble,	Mansur,	Springer,
Bland,	Dickerson,	Martin, Ind.	Stockdale,
Blount,	Dockery,	Martin, Tex.	Stone, Ky.
Boatner,	Edmunds,	McAdoo,	Stone, Mo.
Breckinridge, Ark.	Elliot,	McCarthy,	Stump,
Breckinridge, Ky.	Enloe,	McClammy,	Tarsney,
Brickner,	Fithian,	McClellan,	Tillman,
Brookshire,	Flower,	McCreary,	Trocy,
Brunner,	Forman,	McMillin,	Tucker,
Buchanan, Va.	Forney,	McRae,	Turner, Ga.
Buckalew,	Fowler,	Mills,	Turner, N. Y.
Bullock,	Geisenhainer,	Moore, Tex.	Vaux,
Burns,	Gibson,	Mitchler,	Venable,
Bynum,	Goodnight,	Norton,	Washington,
Candler, Ga.	Grimes,	Oates,	Wheeler, Ala.
Carlton,	Hare,	O'Ferrall,	Whitting,
Caruth,	Hayes,	O'Neill, Ind.	Whitthorne,
Catchings,	Haynes,	Owens, Ohio	Wike,
Cheadle,	Heard,	Parrett,	Wilkinson,
Chipman,	Hempbill,	Paynter,	Willcox,
Clarke, Ala.	Henderson, N. C.	Peel,	Williams, Ill.
Clements,	Herbert,	Penington,	Wilson, Mo.
Cobb,	Holman,	Perry,	Wilson, W. Va.
Cooper, Ind.	Hooker,	Pierce,	Yoder.
Cothran,	Kilgore,	Quinn,	

NAYS—144.

Adams,	Cheatham,	Hall,	McDuffie,
Allen, Mich.	Comstock,	Hansbrough,	McKenna,
Anderson, Kans.	Conner,	Harmer,	McKinley,
Arnold,	Connell,	Haugen,	Miles,
Atkinson, Pa.	Cooper, Ohio	Henderson, Iowa	Milliken,
Atkinson, W. Va.	Craig,	Henderson, Ill.	Moffitt,
Banks,	Culbertson, Pa.	Bermann,	Moore, N. H.
Barline,	Cutcheon,	Hill,	Morey,
Bayne,	Dalzell,	Hitt,	Morrill,
Beckwith,	Darlington,	Hopkins,	Morrow,
Belden,	Dingley,	Houk,	Mudd,
Belknap,	Dolliver,	Kelley,	Niedringhaus,
Bergen,	Dorsey,	Kennedy,	Nute,
Boothman,	Dunnell,	Kerr, Iowa	O'Donnell,
Boutelle,	Evans,	Ketcham,	O'Neill, Pa.
Bowden,	Farquhar,	Kinsey,	Osborne,
Brewer,	Featherston,	Knapp,	Payne,
Brown,	Flick,	Lacey,	Payson,
Buchanan, N. J.	Flood,	La Follette,	Perkins,
Burrows,	Frank,	Laidlaw,	Peters,
Burton,	Funston,	Lansing,	Post,
Butterworth,	Gear,	Lind,	Pugsley,
Caldwell,	Gifford,	Lodge,	Quackenbush,
Candler, Mass.	Grosvenor,	Mason,	Raines,
Canon,	Groat,	McComas,	Ray,
Carter,		McCord,	Reed, Iowa
Caswell,		McCormick,	Rife,
			Rowell,

Russell,	Stephenson,	Thomas,	Wade,
Sanford,	Stewart, Tex.	Thompson,	Wallace, Mass.
Sawyer,	Stockbridge,	Townsend, Colo.	Wallace, N. Y.
Scranton,	Struble,	Townsend, Pa.	Williams, Ohio
Scull,	Sweney,	Turner, Kans.	Wilson, Ky.
Smith, Ill.	Taylor, Ill.	Vandever,	Wilson, Wash.
Snider,	Taylor, J. D.	Van Schaick,	Wright,
Spooner,	Taylor, Tenn.	Waddill,	Yardley.

NOT VOTING—47.

Baker,	De Lano,	Phelan,	Stahlnecker,
Biggs,	Dunphy,	Pickler,	Stewart, Ga.
Bingham,	Ewart,	Randall,	Stewart, Vi.
Bliss,	Fitch,	Reilly,	Stivers,
Browne, T. M.	Kerr, Pa.	Reynolds,	Taylor, E. B.
Browne, Va.	Lawler,	Rockwell,	Walker, Mass.
Campbell,	Magner,	Sency,	Walker, Mo.
Clark, Wis.	Montgomery,	Sherman,	Watson,
Clarke,	Morgan,	Simonds,	Wheeler, Mich.
Cogswell,	Morse,	Smith, W. Va.	Wickham,
Coleman,	O'Neil, Mass.	Smoyer,	Wiley.
De Haven,	Owen, Ind.	Spinola,	

So the amendment was rejected.

Mr. MONTGOMERY. Mr. Speaker, I wish to say that I am paired; otherwise I should vote "ay."

The Clerk announced the following additional pairs:

Paired until further notice:

Mr. REYBURN with Mr. REILLY.

Mr. EZRA B. TAYLOR with Mr. CAMPBELL.

Mr. CLUNIE. I desire to announce that I am paired with the gentleman from Massachusetts [Mr. RANDALL]. Were he present, I should vote "ay" and he would vote "no" on the amendment.

Mr. ANDREW. I would like to announce that my colleague from Massachusetts [Mr. O'NEIL] is paired with General COGSWELL. If Mr. O'NEIL were present, he would vote, "ay."

The Clerk began to recapitulate the names of those voting.

Mr. HEMPHILL. I move to dispense with the reading of the names.

There was no objection, and it was so ordered.

Mr. STRUBLE. I would like to know if I am recorded.

The SPEAKER. The gentleman is recorded in the negative.

Mr. BUCKALEW. Mr. Speaker, on behalf of the minority of the committee, I move to strike out the thirty-eighth section of the bill.

The SPEAKER. The Clerk will read the section that it is proposed to strike out.

The Clerk read as follows:

Sec. 38. Section 2, chapter 52, acts of 1879, is hereby amended by striking out all after the words "by the clerk of such court" as far as and including the words "placed therein."

Mr. BUCKALEW. Mr. Speaker, I propose that debate on this amendment be limited to twenty minutes on a side.

There was no objection, and it was so ordered.

Mr. BUCKALEW. Mr. Speaker, I yield to the gentleman from Texas [Mr. CULBERSON].

Mr. CULBERSON, of Texas. Mr. Speaker, the provision contained in the thirty-eighth section of this bill develops as clearly the gross partisan character of the measure as any other provision in the bill, and the motion of my friend, the distinguished gentleman from Pennsylvania [Mr. BUCKALEW], ought to prevail.

From 1789 to 1862 the laws prescribing the qualifications of jurors for service in the courts of the United States and regulating the manner of their selection were not materially changed. Jurors to serve in the courts of the United States in each State respectively were required, under those laws, to have the same qualifications and to be entitled to the same exemptions as jurors in the highest court of law in such State.

In June, 1862, an act was passed by Congress which made a radical change in respect to the qualifications of jurors. By the provisions of that act every person was disqualified for jury service in the courts of the United States who had voluntarily taken up arms against the United States, or had joined any insurrection or rebellion against the United States, or had adhered to any insurrection or rebellion, giving it aid and comfort, or who had given, directly or indirectly, any assistance in money, arms, horses, clothes, or anything whatever to or for the use or benefit of any person whom the giver of such assistance knew to have joined or to be about to join any insurrection or rebellion, or to have resisted or to be about to resist, with force and arms, the execution of the laws of the United States, etc.

The act of 1862 further provided that, at any term of any court of the United States, the judge might, in his discretion, require the clerk to tender to any person summoned to serve as a grand or petit juror, or venireman, or talesman, in said court, the test oath substantially, commonly called the "iron-clad oath," and any person who declined to take the oath was summarily discharged by an order of the court from serving on the grand or petit jury.

This statute remained in force until 1879. And during all that long period, made memorable by war and embalmbed in our memories by the oppression and wrongs of reconstruction, no Democrat accused of crime under the provisions of the elective franchise or crimes articles ever entered the portals of a United States court-house in the South believing that he would be granted a fair and impartial trial. And, Mr. Speaker, no Republican charged with the violation of a penal statute

of the United States during that period entertained the slightest doubt of a triumphant acquittal and a free deliverance at the hands of a Republican jury and a partisan Republican court.

In 1879 Congress passed an act which repealed sections 820 and 821 of the Revised Statutes, which contained in substance the partisan provisions of the act of 1862, and that act further provides that—

All jurors, grand and petit, including those summoned during the court, should be publicly drawn from a box containing at the time of each drawing the names of not less than three hundred persons possessing the qualifications prescribed in section 800 of the Revised Statutes, which names shall have been placed therein by the clerk of such court and a commissioner, to be appointed by the judge thereof, which commissioner shall be a citizen of good standing, residing in the district in which such court is held, and a well known member of the principal political party in the district in which the court is held opposing that to which the clerk may belong, the clerk and said commissioner each to place one name in the box alternately, without reference to party affiliations, until the whole number required shall be placed therein.

This beneficent statute not only repealed the partisan provisions of the act of 1862, but guaranteed to the citizen, North and South, Democrat or Republican, a fair and impartial trial. I have observed to some extent the operation of this law, and I can confidently assert that it has in the main destroyed partisanship in the trial of civil and criminal causes in my section of the country, and has done more than any other thing to sweep behind us the bitter memories of the war and the persecutions in the courts which followed it.

The awe and terror with which a court of the United States was regarded during the reign of unfettered and unbridled partisanship in the conduct of judicial proceedings have ceased to exist, and in their stead has come the universal belief that party spirit or partisan hate no longer employs the machinery of the courts to crush opponents or reward friends.

The proposition of the Committee on Elections of members of Congress, as presented by this section of the bill under consideration, is to amend the act of 1879 by striking out all that relates to the appointment of a commission to act with the clerk in placing the names of suitable persons in a box from which the jurors for each term of the court are to be drawn.

If this proposition should become the law what would be the result?

The answer is plain. The clerk of the court would then be required by law to place the names of the persons in the box and to draw from the box the number of names required to compose the juries for the term.

Perhaps I ought not to say that the object of this proposed change in the law is to place the Republican party in absolute control of the machinery of the courts in order that Republicans may be screened from the just punishments of the law and political enemies intimidated, outraged, and persecuted by the perversion of this great and powerful arm of the Government, the judiciary, to the basest of all purposes. But while I will not charge such a motive on the part of any member of the House, such will be the inevitable effect and result if this amendment to the law of 1879 should become the law.

The circuit and district judges of the United States, the district attorneys, and the clerks of the circuit and district courts, with here and there an exception, are all Republicans, and if the change of the act of 1879, as proposed by the bill, shall become law, none but Republicans will be permitted to serve as jurors.

Our friends on the other side can not appreciate the horror with which we contemplate such a condition. They have never lived in the South. Their courts have never been polluted by the filth of partisan politics, disgraced by brutal and ignorant jurors, or prostituted to partisan purposes by tyrannical and unscrupulous judges.

I will not, Mr. Speaker, trespass further upon the time allotted to my colleagues on this side of the House.

Mr. WADDILL. Mr. Speaker, this is in many respects the most important provision of this bill, and I doubt not that gentlemen on the other side who have fought this bill with so much persistency do look upon it with horror. I am glad to know that there are some things that they can not charge with being sectional. The same power in this country which makes a Federal judge in the North makes a Federal judge in the South. The President appoints the judges for the Federal courts all over this country and the Senate of the United States confirms his appointments.

I admit that any provision of law that seems to mix politics with the jury system of a country is unfortunate, but I ask the gentleman from Texas [Mr. CULBERSON] to put his finger upon any other statute passed by any law-enacting power in any civilized land before the act of 1879 that did bring politics into the jury box. The act of 1879, which we repeal, provides in effect for political juries, and I say that under that law you can not convict of a political crime, North or South. Think of it, Mr. Speaker, setting out to convict a man for stealing an election, with half of the jury consisting of one party and half of the other! These gentlemen say: "Ah, but you want to have all on one side." I deny it. I want to say here that in the community in which I live, and in the community in which every Democratic member lives, there can be found Democrats who would convict a Democrat for an election fraud as quickly as any Republican would. I can go to my city and walk up and down the streets and find numbers of Democrats who would be as quick to convict a Democrat for violating the election laws as a Republican.

Mr. OUTHWAITE. Then, why do you wish to exclude them from the jury?

Mr. WADDILL. We do not. What we complain of is that they never get on the jury under the existing system which we propose to repeal. That is the very gist of this law. We propose now to have the juries selected by an impartial tribunal that will put these men on, and when you select a jury of non-partisans, or business men, I do not care whether they be Republicans or Democrats, they will treat all criminals alike.

Mr. ALLEN, of Mississippi. Why is the clerk of the court more non-partisan than the jury commissioner?

Mr. WADDILL. I will answer that, too. The clerk is the arm of the court; he selects the jury under the supervision and direction of the court. But by the existing system one of the jury commissioners is from the Democratic party and the other from the Republican party, both chosen because they are of different political parties, and the result is that the Republican commissioner feels that he should select his party friends, or partisans, and the Democratic commissioner feels that he should do likewise, and we hence start out with not only a partisan jury, but as a rule with a jury of politicians, and not unfrequently the most violent politicians in the community.

Theory will not do, gentlemen. Experience is the best teacher. Show me any criminals that have been convicted in the United States courts since the enactment of this law. If you will show me one I will show you one hundred who have laughed at the law and defied it. In the Presidential election of 1888, in the city of Richmond and in other places in the eastern district of Virginia, the fraud was bold, open, and audacious. I stood and looked with my naked eye for eight hours that day upon men who were openly defying the election laws of this Union. Now, you would be surprised if I were to tell you that there has been scarcely a United States jury convened in the city of Richmond since that transaction that has not had some of the prominent election criminals upon it. Mr. Speaker, whatever may be said against the proposed system, and I admit there are some objections to it, I say that the present system will not work. It is a guaranty to criminals that they shall go scot-free. The people who committed frauds in the Harrison election have kept it up since, and unless you change this law they will always do it.

Mr. OUTHWAITE. Mr. Speaker, I had expected some gentleman from the North upon that side of the House to rise in his place and attempt to defend this most infamous and outrageous feature of this bill. Who has arisen? I had expected that some of our friends from the North would do that if they hoped to satisfy the country that they were not actuated by a partisan spirit in the passage of it. The gentleman who has just taken his seat has given no good reason for this peculiar feature, this obnoxious change in the jury system of the Federal courts. He has admitted to you that there can be found, even in his own district, Democrats as pure as any Republicans who might be put upon the juries. Yet we are now confronted with the proposition, insinuated if not directly asserted, that in the whole United States, in my district as well as in yours, gentlemen, your Democratic fellow-citizens can not be trusted upon a Federal jury. That is the simple proposition. Starting out with a Federal election law providing for the appointment of Republicans only as canvassing boards, Republicans two to one as supervisors and inspectors of election, Republicans only as marshals, you come now to the proposition that you will have Republicans only to try the cases, both civil and criminal, that arise in the courts of the United States.

That proposition, strangely enough, is made in a proposed election law. I call your attention as Republicans to this feature. It has been said that the Democratic party has made colossal blunders. If you Republicans shall vote for this bill you will have taken from the Democracy the palm in that respect; you will have made such a blunder as will justify the people throughout the United States in giving you the distinction that has heretofore been given by you to the Democracy. You now will outdo what you, in your hypocritical assumption of all the cardinal virtues, assert that we have been guilty of.

You pass this bill upon one of two assumptions, either that you are the United States of America or that you are the embodiment of all the patriotism, wisdom, and honesty there is in this country. You pass it upon the proposition that the Republican party can do no wrong, that Republican politicians can do no evil, or else you are passing it upon the other assumption, that if Republican politicians in the minor offices that are to be created by this bill shall do any wrong they must be protected in the courts by Republican juries. That is the proposition that you gentlemen must face. I yesterday described the character of some deputy marshals that have been appointed heretofore to guard an election in a city in Ohio, and I cite the report of a committee of the Congress of the United States to sustain me in the assertion that among the deputy marshals then appointed there were criminals of the worst kind:

That the deputy marshals appointed by Marshal Wright were largely in excess of the necessities of the situation.

That they were appointed as Republican partisans and political workers, and in most cases prostituted their official positions to partisan ends.

That they were armed with revolvers and other deadly weapons furnished by the national committee of the Republican party.

That many of such deputy marshals so appointed and armed were notorious

criminals and men of known vicious and brutal habits, and many of them were non-residents of the State of Ohio.

That many of such deputy marshals, acting under the orders of Marshal Wright, aided, abetted, and encouraged fraudulent voting, intimidation of voters, and committed gross outrages upon the elective franchise and the rights of honest voters.

And the report of the minority, signed by the gentleman from Maine, I believe, does not say that this was not true, but says that out of fifteen hundred not more than a dozen of them were the criminals that they are charged to have been in the report of the majority.

Mr. MILLIKEN. The gentleman will allow me a moment. "The gentleman from Maine" found it a tremendous task to tell everything about the Democratic party in one report.

Mr. OUTHWAITE. I have before me the report of the gentleman, and he does not pretend to submit any other answer than that I have just stated. Is it to protect such men that you must change the jury laws so as to insure like men, or men who sympathize politically with them, will constitute the juries in the court which might be called upon to try them for violations of the election laws and trampling upon the rights of the people?

[Here the hammer fell.]

Mr. FINLEY. Mr. Speaker, I had not intended to say anything on this subject and I have not taken pains to hunt up the technical evidence of particular facts. There are a great many things which we know in a general way and which we are not required to prove by formal evidence; so with regard to this matter there are a great many things that every intelligent citizen of the United States understands very well, and I am not under the necessity of pointing out particular instances. Every intelligent citizen knows that for a number of years not only political assassinations growing out of elections, but hangings, wholesale slaughters, and frauds of every character and description imaginable, from the murder of political opponents down to the swindling of the ignorant voter, have been going on. And no one has ever accused more than one party of having been guilty of these great offenses in the South.

Every intelligent citizen knows another thing: that, so far as the political jury system now in force is concerned, instead of having worked well in the ordinary sense of the term, it has worked well for the Democracy only.

Under the present system, so far as I am informed and so far as the public is informed, no man, however vile and mean or however red-handed a murderer he may have been, has ever been brought to justice. In the majority of cases in the South, when these murders and other outrages are perpetrated a grand jury can not be found under the existing system to indict them, the effect of which is that the law can not be and is not enforced. And I do not blame gentlemen on the other side for seriously insisting on this amendment, because by its adoption you will destroy the power of the courts to enforce the law against the parties who may violate it.

I had a little experience myself in the Federal courts prior to the enactment of 1879 and under the law now proposed to be reinstated. While the clerk of the court selected the jury under the supervision of the court, it did not in my State have the effect to put all Republicans on the jury, nor did it have that effect anywhere else. Under that system all parties proven guilty were convicted and punished. The circuit and district court judges of the United States are, in my judgment, a class of men, be they called Democrats or Republicans, who are above that species of political trickery and corruption that is intimated against them on this floor. They want honest, intelligent, non-partisan jurymen who will enforce the law against all violators of it, Republicans and Democrats, and they do not get such under the present system.

I am not one of those who believe that a man, because he differs with me politically, is a scoundrel and I am not prepared to believe that the jury system of this country, as it was before 1879, especially the Federal jury system, or that the Federal judiciary, is of the character that gentlemen would intimate. Nor will the supervisors who may be appointed under this bill be the class of men that gentlemen on the other side charge will be appointed. I can only imagine that they "measure other people's grain in their own half-bushel" when they charge wholesale rascality upon everybody else; for in point of fact, so far as regards the passage of a Federal law and the passage of laws for the purifying of elections, no effort has ever been made by the Democracy in this House or elsewhere to purify or protect the exercise of the elective franchise. In fact, the Democratic party is, in my judgment, greatly to be excused; for it has never been able to or accused of originating, advocating, and carrying into effect a single great, grand measure protecting the interests of the people of the United States. [Derisive laughter on the Democratic side.] Point me out any such measure, if you can; tell me one. I defy you to point to a single such measure.

I defy gentlemen on the other side to name one great measure that their party has ever originated, looking to the interests of the people of the United States. You may sneer, but you can not escape your own history. You have been fertile in objections to whatever the Republican party proposed to do. Thus we have, from necessity, been compelled to adopt measures which you called radical. But we have originated and enforced measures which have brought about the prosper-

perity of our people and made our country to-day the wonder of the world and the hope of the nations.

Mr. HEMPHILL. And you have brought the people to the point that in your estimation they are so corrupt they have to be watched like criminals.

Mr. FINLEY. That I understand to be the opinion of the gentleman, and it is only an illustration of the remark I made a few moments since, that he desires to measure our grain in his own half-bushel.

Mr. DAVIDSON. Will the gentleman allow a question?

The SPEAKER. The time of the gentleman has expired.

Mr. CRISP. Mr. Speaker, soon after this Congress assembled the gentleman from Massachusetts [Mr. LODGE] introduced a bill embodying his ideas of what should be contained in a Federal election law. My friend from Illinois [Mr. ROWELL] introduced another bill expressive of his ideas on the same subject, and the two bills were entirely inconsistent the one with the other. Some time since we learned through the public prints that a Republican caucus had been called to pass upon the two bills and decide upon a measure to be brought before the House.

Shortly thereafter it was given out that the notorious John I. Davenport was here conferring with gentlemen on the majority side and giving them the benefit, as the dispatches stated, of his "experience" in framing an election law. Now, I have not time to read, in the moments at my disposal, but I find in the New York Commercial Advertiser an editorial which makes clear the value of Mr. Davenport's "experience." The Commercial Advertiser is published in New York, where Davenport lives. It explicitly charges that on all questions of elections he is so utterly corrupt that wherever he is known to be in consultation with any party, it is understood to be for the purpose of perpetrating fraud.

Mr. MILLIKEN. What is the character of the paper from which the gentleman quotes?

Mr. CRISP. I gave the name of it, the New York Commercial Advertiser.

Mr. MILLIKEN. A Democratic paper. [Laughter and applause on the Republican side.]

Mr. CUMMINGS. No, sir; a Republican paper.

Mr. CRISP. This bill, called the Lodge-Rowell bill, is in fact the Davenport bill. You are robbing that notorious gentleman of the fame or the infamy to which he is entitled as the author of this bill.

Now, gentlemen, you claim that you want fair elections, that you want publicity to insure fair practices, and you assert that this bill is to amend the existing laws so as to insure that. The existing laws enable you to have entire publicity. Why is not that satisfactory? The existing law permits home-rule. The existing law requires that a supervisor of election shall reside in the district where he acts, where he is known, where he knows the voters, where he is responsible to public sentiment and to public opinion. Under the proposed law a supervisor may be appointed to manage and control an election in a county or community where he is a perfect stranger. Publicity would be attained by providing for scrutiny of votes. You do not want publicity so much as you want power.

You authorize the circuit court to appoint State returning boards. Now, in the fifth circuit the judge of the court lives in Louisiana, and yet he is to appoint a board to certify who is elected in the State of Georgia. The judge is practically responsible to no one for the manner in which he discharges his duty. He is not responsible to the people. Impeachment can reach him, but he can be impeached alone through the action of this House. This House is to be organized by persons holding certificates from canvassing boards appointed by him and removable absolutely at his will and pleasure.

Then, again, to illustrate and show that your purpose is to remove this question entirely from the control of the people, you repeal the statute which was enacted for the purpose of securing impartial jurors in the Federal courts; and you do this upon a bill providing pains and penalties for political offenses. Oh, Shame! Shame! where is thy blush?

You say you want impartial and fair trials in the Federal courts. You pass an act creating many new offenses, an act bristling with pains and penalties, and in that act repeal the law which provides for impartial juries to try persons indicted or prosecuted under its provisions.

Gentlemen say the present law has a tendency to mix politics with jury trials. Since 1879 we have operated under the existing law, but significantly enough you seek to change it for the first time when you are considering a bill creating political crimes. The present law has worked well enough for ten years past; it has enabled parties to obtain impartial juries to try questions of contract, questions involving life and liberty, but now when you create political crimes you so fix the law that a Republican clerk, and they are all Republicans, I believe, can provide a jury composed entirely of members of his own political party for the trial of such cases. This letter shows how juries will be obtained if you repeal the present law:

OFFICE J. R. MIZELL, UNITED STATES MARSHAL FOR
NORTHERN DISTRICT OF FLORIDA,
Jacksonville, Fla., July 5, 1889.

SIR: You will at once confer with McBulby and make out a list of fifty or sixty names of true and tried Republicans from your county registration list for jurors, United States court, and forward same to Hon. P. Walter, clerk United

States court. And it is necessary to have them at once, as you can see. Please acknowledge this.
I am, yours truly,

JOHN R. MIZELL,
United States Marshal.

C. C. KIRK, Esq., De Land, Fla.

[Here the hammer fell.]

Mr. ROWELL was recognized.

Mr. MILLIKEN. I desire to ask the gentlemen on the other side what is the matter with this man John I. Davenport, against whom gentlemen declaim so loudly?

The SPEAKER. The gentleman from Illinois has been recognized.

Mr. CRISP. I have a complete answer here to the gentleman's question, if he wants it.

Mr. MILLIKEN. Well, the Speaker rules us both out.

Mr. CRISP. I will print it, and the gentleman can examine it.

Mr. MILLIKEN. Well, I can not print, but I would like to hear what the gentleman has got to say on that point.

Mr. CRISP. Under leave to print I insert this editorial from the New York Commercial Advertiser of June 18 last, so that the gentleman from Maine [Mr. MILLIKEN] and all others may see "what is the matter" with John I. Davenport:

HOW PURITY IN ELECTIONS IS TO BE SOUGHT.

On Saturday last a most interesting political episode occurred in Washington. According to a dispatch in an esteemed Republican contemporary of this city, John I. Davenport—that life-long advocate of purity in politics—"was with the House caucus committee, giving the members the benefit of his experience in the execution of the election laws to aid them in the preparation of the national election bill."

It would be idle to undertake to instruct anybody in New York as to what Mr. Davenport's "experience" is. It is sufficient to say that wherever or whenever a questionable thing has been projected in regard to the elections of this city there the "experience" of Mr. Davenport has been found valuable. In every conspiracy against the purity of the ballot he has been recognized everywhere as one of the brightest and shrewdest of the leaders. In other words, his reputation is so bad and questionable that it is much to be doubted whether any man in either party, who had any regard whatever for his own reputation for honesty or the least familiarity with Davenport's ideas or methods, would be found associating with him in political combinations.

It has heretofore been assumed, and that without question, that Davenport would not think of doing an honest or creditable thing in politics if the opposite was a possibility. The very idea of calling John I. Davenport in to consult about the enactment of laws looking to purity in elections is very much akin to a suggestion that might have been made in times past to call in Dick Turpin or Jonathan Wild to confer about the condition of the roads on which they were to rob the rich but unsuspecting traveler. It is also very much like asking advice from Ferdinand Ward, or men of his kind, in regard to strengthening the laws for the punishment of embezzlement. Davenport could give just about as good advice concerning the purity in elections as could the late Mr. Tweed, and not quite so valuable as that which could be procured from "Blocks-of-five" Dudley or from his fellow-worker, Mr. QUAY.

Nothing could more emphatically indicate the condition of sentiment in the Republican party than such an announcement as this. Nothing could show more pertinently the fallacy of any and all of the pretensions put forward that the purity of the ballot is the first consideration with the Republicans in the Fifty-first Congress. While it shows the condition of shamelessness which has been reached, it also shows their desperation that such a man should be chosen as the adviser of a caucus committee.

Mr. ROWELL. Mr. Speaker, I shall not discuss the method of drawing this bill, its authorship, or anything of that character, nor shall I engage in any discussion in regard to the character of John I. Davenport or any other supervisor. I simply propose to leave the Commercial Advertiser of New York with the gentleman from Georgia to combat with the testimony of the late S. S. Cox and with the further testimony of Secretary Whitney in regard to the work of that special supervisor.

Mr. CRISP. Will the gentleman allow me to ask him a question?

Mr. ROWELL. I have but five minutes and if I answer many questions it will take up all the time.

Mr. CRISP. I only want to know if Davenport did not in fact draw this bill.

Mr. ROWELL. I want to say a word about the amendment proposed. Every lawyer and every right-thinking man desires that the courts should be assisted by upright and intelligent juries. That the present system is not calculated to secure fair and impartial juries the reading of the language of the law ought to convince every one, because it proposes that there are to be two men of opposite political parties to select the juries. Necessarily every man selected under that system feels that he goes to the jury box as the representative of his political party.

Mr. OUTHWAITE. Does not that follow if one politician selects them as well as if two do?

Mr. ROWELL. I will answer that in a moment. There are always coming before the courts questions which involve partisanship, growing out of the elections and out of a good many other circumstances that get into the courts. The operation of the present law since 1879 has demonstrated, and I think it is the observation of all lawyers practicing in the United States courts, that where these questions have arisen this law has worked badly and produced hang juries, that the juries have divided upon party lines and have failed to secure what ought to be secured in the jury box.

Mr. STOCKDALE. By that you mean conviction.

Mr. ROWELL. Now, this amendment is to strike out—

Mr. OATES. I would like to ask the gentleman what proof he has of the statement he has made with reference to the workings of the jury system.

Mr. ROWELL. In five minutes I would be unable to read the accounts that have come from the various courts or to bring up the hundreds of instances of absolute party division, one party against the other, in cases of that kind. But the history of the courts in the last ten years is literally full of the evidence of the fact which I am speaking about. Now, it is proposed to strike out of the present law that there shall be a commissioner of opposite party politics from the clerk. It simply makes the clerk the special confidential secretary of the court.

Mr. HEMPHILL. Now, right there will the gentleman allow me to ask him a question? Would not it be better to make him of the opposite political party?

Mr. ROWELL. Then you would accomplish just what I would seek to overcome.

Mr. HEMPHILL. That is, you wish to put it all in your own party.

Mr. ROWELL. You will have the clerk—the confidential clerk of the court—advising with the court, always desiring to have a good jury [derisive laughter on the Democratic side], selecting men from all over his district without reference to party affiliations, but with reference to having a successful term of the court with an intelligent and impartial jury. The different States have different laws with reference to the securing of juries, and so it will be impossible to pass one law which should conform to the laws of the various States and so secure the juries in all the States in the same way that the States secure the juries. The various States have provided various forms for drawing juries, which are impossible of execution so far as the United States courts are concerned. So far as I am personally concerned I only desire to get partisanship out of the jury, to make the court and its jury impartial, and to make the jury intelligent and well qualified for the discharge of its duties.

Mr. YODER. And Republican.

Mr. LODGE. I would like to know how much time there is remaining?

The SPEAKER. There are five minutes at the disposal of the gentleman from Massachusetts.

Mr. LODGE. I yield to the gentleman from Illinois [Mr. MASON].

[Mr. MASON withholds his remarks for revision. See Appendix.]

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. BUCKALEW].

Mr. HEMPHILL. Before we go to that, Mr. Speaker, I would like to say that there have been some requests upon this side for further general debate, without offering any amendments upon this bill, and if it be entirely satisfactory to gentlemen on the other side I would ask unanimous consent that the House take a recess after this vote shall have been taken until 8 o'clock and that the evening session be devoted to general debate. Let it be that we take a recess at 5 o'clock.

Mr. MILLIKEN. And that the debate shall go on in the evening session under the five-minute rule?

Mr. HEMPHILL. No, general debate. I suppose I had better make a motion that after we shall have finished the vote the House take a recess until 8 o'clock this evening.

Mr. LODGE. I hope if there is any desire on the other side of the House for any gentleman to take part in general debate there will be no objection to the proposition of the gentleman from South Carolina, it being understood that there will be no amendments offered or voted upon.

Mr. SPRINGER. Let it be half past 5.

Mr. HEMPHILL. I will make the request after the vote is taken.

The SPEAKER. The question, then, is on agreeing to the amendment proposed by the gentleman from Pennsylvania.

Mr. BUCKALEW. On that question I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 140, nays 134, not voting 54; as follows:

YEAS—140.

Abbott,	Carlton,	Enloe,	Lanham,
Alderson,	Caruth,	Fithian,	Lee,
Allen, Miss.	Catchings,	Flower,	Lehbach,
Anderson, Miss.	Chipman,	Forman,	Lester, Ga.
Andrew,	Clancy,	Forney,	Lester, Va.
Bankhead,	Clarke, Ala.	Fowler,	Lewis,
Barnes,	Clements,	Frank,	Lind,
Barwig,	Cobb,	Geissenhainer,	Maish,
Blanchard,	Cooper, Ind.	Gibson,	Mansur,
Blair,	Cothran,	Goodnight,	Martin, Ind.
Blount,	Covert,	Grimes,	Martin, Tex.
Boatner,	Cowles,	Hare,	McAdoo,
Breckinridge, Ark.	Crain,	Harmer,	McCarthy,
Breckinridge, Ky.	Crisp,	Hatch,	McClammy,
Briekner,	Culberson, Tex.	Hayes,	McClellan,
Brookshire,	Cummings,	Haynes,	McCreary,
Brown, J. B.	Dargan,	Heard,	McMillin,
Brunner,	Davidson,	Hemphill,	McRae,
Buchanan, Va.	Dibble,	Henderson, N. C.	Mills,
Buckalew,	Dickerson,	Herbert,	Moore, Tex.
Bullock,	Dockery,	Holman,	Mutcher,
Bunn,	Edmunds,	Hooker,	Norton,
Bynum,	Elliott,	Kilgore,	Oates,
Candler, Ga.	Ellis,	Lane,	O'Ferrall,

O'Neill, Ind.
Outhwaite,
Owens, Ohio
Parrett,
Paynter,
Peel,
Pennington,
Perry,
Pierce,
Price,
Quinn,

Richardson,
Robertson,
Rogers,
Rowland,
Rusk,
Sayers,
Shively,
Skinner,
Springer,
Stewart, Tex.
Stockdale,

Stone, Ky.
Stone, Mo.
Stump,
Tarnsey,
Tillman,
Tracey,
Tucker,
Turner, Ga.
Turner, N. Y.
Vaux,
Venable,

Washington,
Wheeler, Ala.
Whiting,
Whithorne,
Wike,
Wilkinson,
Willcox,
Williams, Ill.
Wilson, Mo.
Wilson, W. Va.
Yoder.

NAYS—131.

Allen, Mich.
Anderson, Kans.
Atkinson, Pa.
Atkinson, W. Va.
Banks,
Bartine,
Bayne,
Beckwith,
Belden,
Belknap,
Bergen,
Boothman,
Boutelle,
Bowden,
Brewer,
Brosius,
Brower,
Buchanan, N. J.
Burrows,
Burton,
Caldwell,
Candler, Mass.
Cannon,
Cheadle,
Cheatham,
Comstock,
Conger,
Connell,
Cooper, Ohio
Craig,
Culbertson, Pa.
Cutcheon,
Dulzell,
Darlington,

Dingley,
Dolliver,
Dorsey,
Dunnell,
Evans,
Farquhar,
Featherston,
Finley,
Flick,
Flood,
Gear,
Gess,
Gifford,
Greenhaige,
Grosvenor,
Gross,
Groat,
Hall,
Hansbrough,
Haugen,
Henderson, Ill.
Henderson, Iowa
Hermann,
Hill,
Hitt,
Hopkins,
Houk,
Kelley,
Kennedy,
Kerr, Iowa
Ketcham,
Kinsey,
Knapp,
Lacey,
La Follette,

Laidlaw,
Lansing,
Lodge,
Mason,
McComas,
McCord,
McCormick,
McDuffie,
McKenna,
McKinley,
Miles,
Milliken,
Moffitt,
Moore, N. H.
Morey,
Morrill,
Morrow,
Mudd,
Niedringhaus,
Nute,
O'Donnell,
O'Neill, Pa.
Osborne,
Payson,
Perkins,
Peters,
Post,
Pugsley,
Quackenbush,
Raines,
Ray,
Reed, Iowa
Rife,

Rowell,
Russell,
Sanford,
Sawyer,
Scranton,
Seull,
Smith, Ill.
Snider,
Spooner,
Stephenson,
Stockbridge,
Struble,
Sweeney,
Taylor, Ill.
Taylor, J. D.
Taylor, Tenn.
Thomas,
Thompson,
Townsend, Colo.
Townsend, Pa.
Turner, Kans.
Vandever,
Van Schalk,
Waddill,
Wade,
Wallace, Mass.
Wallace, N. Y.
Williams, Ohio
Wilson, Ky.
Wilson, Wash.
Wright,
Yardley.

NOT VOTING—54.

Adams,
Arnold,
Baker,
Bigs,
Bingham,
Bliss,
Browne, T. M.
Browne, Va.
Butterworth,
Campbell,
Carter,
Caswell,
Clark, Wis.
Clunie,

Cogswell,
Coleman,
De Haven,
De Lano,
Dunphy,
Ewart,
Fitch,
Funston,
Kerr, Pa.
Lawler,
Laws,
Magner,
Montgomery,
Morgan,

Morse,
O'Neil, Mass.
Owen, Ind.
Phelan,
Pickler,
Randall,
Reilly,
Reyburn,
Rockwell,
Seney,
Sherman,
Simonds,
Smith, W. Va.
Smyser,

Spinola,
Stahnecker,
Stewart, Ga.
Stewart, Vt.
Stivers,
Taylor, E. B.
Walker, Mass.
Walker, Mo.
Watson,
Wheeler, Mich.
Wickham,
Wiley.

So the amendment was agreed to.

On motion of Mr. HEMPHILL, by unanimous consent, the recapitulation of the names of members voting was dispensed with.

Mr. MONTGOMERY. Mr. Speaker, but for the fact that I am paired I would vote "ay."

Mr. CLUNIE. Mr. Speaker, I am paired with the gentleman from Massachusetts [Mr. RANDALL]. If he were present, he would vote "no" and I would vote "ay."

The result of the vote was then announced as above recorded.

Mr. TUCKER. Mr. Speaker, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

Add to section 2 of the bill the following: "Provided, That the said chief supervisor of elections shall lay before the circuit court when convened, as required in the subsequent section of this act, all such applications so received by him, and thereupon said court shall fix a day for the consideration of the matters set forth in such application or applications, giving at least ten days' notice therefor in two newspapers of the largest circulation published at the place where said court is held, in which notice the court shall request all persons who may desire to be heard as to the necessity for granting such application or applications to be and appear at the time and place fixed in such notice. On the day appointed for such hearing said court shall hear the testimony of such witnesses as may be offered in favor of the granting of such application or applications, and also such testimony as may be offered against the granting thereof, and also the arguments of counsel on either side of the question; and if upon such hearing the court shall be of the opinion that a free and fair registration and election will not be held at the times and the places mentioned in such application or applications, and a true and honest count of the votes cast thereat will not be made and returned under the laws of the State applicable to such election, and that there is necessity for Federal supervision thereof, as provided in this act, then and in that event said court shall grant such application or applications as to the election mentioned therein, and proceed as hereinafter provided. In passing upon such application or applications the judge of the circuit court shall associate with him the judge of the district court of the judicial district in which such election is to be held, and unless both of said judges shall concur in granting such application or applications the same shall be dismissed and no further proceedings shall be taken under this act in reference to the registration or election mentioned therein or in reference to the canvass or return of the votes cast thereat.

Mr. HEMPHILL. Mr. Speaker, I stated a few moments ago that I would renew the proposition for an evening session. Carrying out that statement, I desire now to ask unanimous consent that the House take a recess at 5 o'clock and reconvene at 8 o'clock p. m., the evening session to be for general debate upon the pending bill, it being understood that no amendments shall be offered and no vote taken.

Mr. McKINLEY. And that the speeches shall be limited to ten minutes each.

Mr. HEMPHILL. Yes.

There was no objection, and it was so ordered.

Mr. TUCKER. Mr. Speaker, I should be glad to have an understanding with the gentleman from Massachusetts [Mr. LODGE] as to the time to be allowed for the debate on the amendment which I have just offered.

Mr. LODGE. Mr. Speaker, that is a pretty long and complicated amendment, and I should like to see it in print before I should feel competent to discuss it. I do not feel ready to agree to any limit of time until the amendment is before the House in a more comprehensible form than it is now. If the gentleman from Virginia desires to explain his amendment at this time of course I have no objection.

Mr. SPRINGER. Will the gentleman from Massachusetts agree to take a vote on this amendment at half past 11 o'clock to-morrow?

Mr. LODGE. I do not care to agree to any time being fixed until we have an opportunity to read the amendment in print. It seems to me to alter the entire machinery of the bill.

Mr. SPRINGER. Mr. Speaker, as this bill now stands, section 2 provides that one hundred citizens and voters in a city of 20,000 inhabitants, or in a Congressional district, where it is desired to put the machinery of this bill into operation may petition for that purpose; and in any part of a district, to wit, a county or a parish, fifty persons may petition in the same way. If such petition is filed with the chief supervisor he has no discretion in the matter, but is obliged to grant the application and set the machinery of this legislation in operation. The bill provides no means of revising the names upon such a petition as to whether they are those of citizens or voters, but when the petition is presented to the chief supervisor his discretion is gone and this legislation must be put into operation within the district.

Now, it is well known to every one here that in any district of the United States, in any town or village, you can obtain in fifteen or twenty minutes fifty or one hundred names to set this machinery in motion. As the gentleman from New York [Mr. CUMMINGS] suggests to me, there will be enough persons looking for offices under the bill at \$5 a day to have the machinery set in motion for their benefit, not for the purpose of securing a fair election, but for the purpose of getting their hands into the Treasury of the United States.

This amendment simply provides that before any such application shall be granted the petition shall be submitted to the United States court that appoints the chief supervisor, and the court, upon ten days' notice, shall fix a day when all persons who so desire may be heard as to the propriety and necessity of setting the machinery of this law in operation within that district; and if the court, after hearing the parties who may appear, is of opinion that a fair and honest election can not be had otherwise, the application will be granted and the machinery of this law set in motion.

Mr. MCOMAS. If the proceeding contemplated in the amendment is to be had upon ten days' notice, and after that testimony and argument are to be heard, might not the determination of the court be extended beyond the time for the registration or the election?

Mr. HOPKINS. That is what the gentlemen want to reach.

Mr. SPRINGER. No; the court can regulate that matter as it regulates the hearing of evidence and argument in other cases. I assume that in such a case as this the court will do what is ordinarily done in other cases: limit the time for the taking of testimony and the hearing of the arguments of counsel. The inquiry of the gentleman from Maryland assumes that the court will enter into a conspiracy with persons outside for the purpose of instituting proceedings which will run this matter beyond the time for the election. I have no such apprehension.

Mr. MCOMAS. May not such a thing happen, although the court acts in perfectly good faith?

Mr. SPRINGER. The chief supervisor can institute this proceeding before the court at any time he sees fit, and the application can be determined upon in time to set the machinery of the law in operation before the election. I assume that the judges of the United States courts, with two or three exceptions, will be Republicans. I assume that when the hearing is had the court will hear those in favor of the petition for so many hours and those opposed for so many hours, and will then decide the case. I assume that the proceeding will be conducted in good faith, as the law intends it should be.

Mr. FRANK. Does the gentleman believe that this power can be vested under the Constitution in a United States court? Is there no doubt about it in his mind?

Mr. SPRINGER. Well, I am glad the gentleman has asked that question. I might, replying in Yankee fashion, ask him whether he believes this power can be vested in fifty irresponsible citizens?

Mr. FRANK. That is quite a different question.

[Here the hammer fell.]

Mr. TUCKER. I yield the gentleman from Illinois three minutes more.

Mr. SPRINGER. The gentleman from Missouri [Mr. FRANK] suggests that this is a dangerous or perhaps a doubtful power.

Mr. FRANK. I simply inquired whether the gentleman, after listening to the argument of the gentleman from Texas [Mr. CULBERSON],

thought it clear that such a power could be vested in the judiciary of the United States under the Constitution.

Mr. SPRINGER. Under this bill the judge appoints the chief supervisor—

Mr. FRANK. There is express constitutional authority for that.

Mr. SPRINGER. The judge appoints the chief supervisor; and the bill provides that fifty citizens may come before this officer with their petition, which he is to grant. Now if you can confer this power on the chief supervisor you certainly can confer it on a judge of the United States.

Mr. FRANK. The gentleman is mistaken. The judge does not appoint the chief supervisor; it is the court, and under the Constitution—

Mr. SPRINGER. That is a mere play upon words.

Mr. HOPKINS. No; it has been held that there is a difference between the judge and the court.

Mr. SPRINGER. Oh, that is technical; for all practical purposes the judge is the court and the court is the judge.

Mr. FRANK. The court is an open tribunal—

Mr. SPRINGER. Oh, I understand all that. This is merely a play upon words. I am not here for any such purpose. I want to reach the substance of things; and I submit that the machinery of this legislation ought not to be put in force in any Congressional district of the United States on the petition of fifty or one hundred irresponsible persons.

It ought not to be put in operation unless there is reasonable ground for the belief that a fair election can not be had without it under the laws of the State. I have heard scarcely a gentleman on the other side of the House speak on this question who has not intimated or expressly stated that such a provision was not needed in his district. I believe that every gentleman on that side, if called on now to answer to the question, would get up and say that in his district there would be a fair, honest, and free election under the laws of the State and that there is no need for such a provision as this. And yet, Mr. Speaker, in every district throughout this country this election machinery may be put in force, an unlimited number of deputy marshals, three, four, or five thousand supervisors in your districts, appointed, and the public purse called upon to pay all of the demands of a political party for the purpose of controlling the elections and maintaining its own power.

There is no limit to the expense or to the number of persons who may be employed, and the whole of this vast machinery can be put in operation by the parties interested in getting the offices. What are the provisions in that respect as to compensation? The deputy marshals may be employed for eight days and get \$5 a day; that is, \$40 for each one employed, and the number is not limited. They can be employed *ad libitum*, and all that vast machinery, with its attendant expense, is set in motion by the petition of twelve, fifty, or a hundred irresponsible citizens. If gentlemen want the law enforced where it is needed, then adopt this amendment and keep it from being enforced where it is not needed, merely to satisfy the greed for office of a few men in order to get paid out of the Treasury of the United States.

[Here the hammer fell.]

Mr. TUCKER. If no gentleman on the other side desires to be heard at this time I will yield ten minutes to the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. Mr. Speaker, the purpose of this amendment is to deprive the bill as far as possible of its partisan character and leave the question to a court to be decided upon evidence to be adduced on both sides whether or not it is necessary to put into operation the partisan machinery provided for.

No gentleman can deny that the bill is partisan in every line, and especially in these provisions relating to the appointment of supervisors, who are to be judges of election, and of deputy marshals. If it shall become a law and is put into operation everywhere, nearly every chief supervisor will be a Republican.

Each of these chief supervisors has the appointment or the naming in the first instance of every supervisor who is to act as a judge at the polls, be he Democrat or Republican. A court has no power to appoint any supervisor whatever except he shall have been recommended by the chief supervisor. This chief supervisor will of course have appointed in the first place two partisan Republicans to one Democrat, and when he comes to appoint the one Democrat he will select one who is subservient; and in nine cases out of ten, and experience has demonstrated the fact, he will select one who will vote the Republican ticket.

There was, as I said here yesterday, some years ago a contest in this House between my friend from Alabama [General WHEELER] and Mr. Lowe. Mr. WHEELER was the candidate of the Democracy and Mr. Lowe was supported by the Republicans. Lowe contested WHEELER's election. In that contest every single supervisor who had been appointed to represent the Democrats swore that he had voted for Mr. Lowe. What is the result of having Republicans select Democratic or so-called Democratic election officers? So it will be, Mr. Speaker, every time; and so it will be with the appointment of deputy marshals. Every marshal in the United States to-day is a Republican, I believe, and these Republican marshals will have the appointment of deputy

marshals, Democratic or Republican, and we may reasonably infer that they will be all of the one party.

Mr. OATES. No; the chief supervisor can name one-third of them.

Mr. ROWELL. Let me ask the gentleman what authority there is in this bill for the appointment of deputy marshals other than is provided by the existing law.

Mr. HERBERT. I can not answer that now. The chief supervisor can name one-third of the deputy marshals, it is true, but it comes to the same thing. This chief supervisor, as I have already said, will be a Republican, the marshal will be a Republican, and between that Republican chief supervisor and that Republican marshal they are to decide upon every Democrat and every Republican that is to be chosen as a deputy marshal, and the number is without limit.

I am glad my friend from Illinois has called my attention by his question to the statement he made the other day, which shows that he did not then, if he does now, understand the provisions of this bill. He stated then that there was a limit to the number of deputy marshals.

Mr. ROWELL. I stated that there was no provision in this bill that created any other deputy marshals than were provided under the existing law.

Mr. HERBERT. Well, I will show you that there is. Under section 20 of the bill I find this provision:

The number of special deputy marshals who may, under any provision of law, be appointed for election purposes, shall be determined from time to time at conferences between the marshal and the chief supervisor of elections, etc.

Mr. ROWELL. That is it, "under any provision of law." And the only provision of law for deputy marshals at elections is in cities of 20,000 inhabitants and upwards.

Mr. HERBERT. Other provisions of law may determine the manner and purpose, but the words I have quoted give the marshal and chief supervisor the power expressly to determine the number. I have not time to discuss it now, but it is perfectly clear that the number of deputy marshals "shall be determined at conferences between" these Republican officers, and that that number is without limit.

Mr. MCADOO. Will my friend from Alabama allow a suggestion?

Mr. HERBERT. Certainly.

Mr. MCADOO. Allowing one hundred and thirty precincts to each district, and that is a sufficiently low number, if this law is applied all over the United States, with three supervisors and three marshals at each, the officials that will be appointed under this law, you have as a total a grand army of 257,400 men, or five times the number of enlisted men in the Army and Navy of the United States combined. [Applause on the Democratic side.]

Mr. HERBERT. Yes; and not only that, but this bill provides that this appropriation to pay that vast number of supervisors and deputy marshals shall be permanent and indefinite.

Mr. BRECKINRIDGE, of Kentucky. And special.

Mr. HERBERT. And that, whenever the chiefsupervisor shall make a requisition upon the Attorney-General, the Attorney-General shall make demand of the Secretary of the Treasury and have placed to the credit of the chief supervisor whatever amount may be determined upon as necessary to conduct the canvass in that district. It may be one hundred, it may be two hundred, it may be five hundred thousand dollars. There is no limitation whatever.

Mr. BRECKINRIDGE, of Kentucky. And if the estimate is not large enough the chief supervisor can make a new estimate.

Mr. HERBERT. The chiefsupervisor can make a new estimate and the Treasury is absolutely at his command. The doors are thrown wide open. Whatever amount of money is considered necessary to carry a district the chief supervisor may draw upon the Treasury for. Now, who was it that drew such a bill as this? There is so much craft in its construction that it has become a material question who did draw this bill. It has been charged that John Davenport drew it, and I give the gentleman from Illinois [Mr. ROWELL] time, in my time, to answer the question whether John Davenport's hand is not somewhere in this bill.

Mr. TRACEY. Why, he is outside now, watching the bill.

Mr. OUTHWAITE. He is here as a whipper-in.

Mr. HERBERT. There is no answer to my question. There was no answer when my friend from Georgia [Mr. CRISP] made the same charge.

Mr. ROWELL. I did not hear your question.

Mr. HERBERT. My question is whether Mr. John Davenport, of New York, had not a part in the drawing of this bill.

Mr. ROWELL. That is not a proper question to be asked on the floor of the House of Representatives. [Derisive laughter on the Democratic side.]

Mr. MILLIKEN. Suppose he did draw it, what does that amount to?

Mr. HERBERT. The gentleman from Illinois [Mr. ROWELL] seems to think that he is not called upon to criminate himself.

Mr. ROWELL. No, sir; I did not say any such thing. The gentleman from Illinois never was called upon to plead whether he was a criminal or not.

Mr. HERBERT. No man is compelled to criminate himself, and so I will not press my question any further.

Mr. MILLIKEN. Will my friend allow me a question? Does not the bill speak for itself, no matter who drew it?

Mr. HERBERT. Nobody but a professional election official drew this bill with all these provisions in it. Here is one that has escaped the attention of the House up to this time, in this same section, section 20:

And it is further made the duty of the special deputy marshals, and each of them is hereby required, if directed by the chief supervisor of elections, to take charge of such returns of the canvass of the votes found in any box which under existing law the chief supervisor may require to be made to him by the supervisors of election as rapidly as the canvass of each box is completed and the returns thereof are made out and signed by the supervisors, and to at once, in such manner and at such place as the chief supervisor shall direct, safely deliver to him all such returns so intrusted to their care and custody.

Think of that!

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. TUCKER. I yield to the gentleman the remaining three minutes.

Mr. HERBERT. The deputy is to take charge of the returns as soon as they are made out and convey them to the chief supervisor just as rapidly as the canvass of each box is completed. That expression in the law shows that it was gotten up by a professional who knew more about managing elections than he did about legal phraseology. The deputy is to take charge of those returns and as rapidly as possible return them to the chief supervisor. What for? What can be the purpose of hurrying these returns as fast as possible to this particular officer? If Mr. Davenport happened to be the supervisor, as he would be in the city of New York, for that is his business, then, as Mr. Davenport got in the returns, he would fully understand the situation. You are paying to keep him posted. He would always be able to know just how many votes his candidate needed at the boxes that had not been heard from.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that he had approved and signed acts and a joint resolution of the following titles:

- An act (H. R. 1474) for the relief of George W. Madden;
 - An act (H. R. 7217) to amend "An act for the erection of an appraisers' warehouse in the city of New York, and for other purposes;"
 - An act (H. R. 1110) granting a pension to William J. Bryan;
 - An act (H. R. 1405) granting a pension to Betsy E. Cole;
 - An act (H. R. 1783) granting a pension to Mrs. Alice A. Cunningham;
 - An act (H. R. 3458) granting a pension to Ann Ruffner;
 - An act (H. R. 344) to grant the right of way to the Pittsburgh, Columbus and Fort Smith Railway Company through the Indian Territory, and for other purposes;
 - An act (H. R. 7160) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1891, and for other purposes;
 - An act (H. R. 9856) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1891;
 - An act (H. R. 8909) making appropriations for the naval service for the fiscal year ending June 30, 1891, and for other purposes;
 - An act (H. R. 578) in relation to oaths in pension and other cases; and
- A joint resolution (H. Res. 185) to provide temporarily for the expenditures of the Government.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate further insisted on its amendments numbered 2, 21, 22, 23, 24, and 25 to the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes, disagreed to by the House, asked a further conference with the House thereon, and had appointed Mr. DAWES, Mr. PLUMB, and Mr. CORKRELL conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House to the bill (S. 1546) granting an increase of pension to Mrs. Sallie H. Michler, widow of the late Bvt. Brig. Gen. Nathaniel Michler, United States Army; and the bill (S. 2076) granting an increase of pension to John E. Walton.

The message further announced that the Senate disagreed to the amendments of the House to the bill (S. 1741) granting an increase of pension to James H. Showalter, asked a conference with the House on the bill and amendments, and had appointed Mr. PADDOCK, Mr. MOODY, and Mr. FAULKNER conferees on the part of the Senate.

BEHRING SEA CONTROVERSY.

Mr. HITT. Mr. Speaker, I ask the consent of the House for the present consideration of a resolution calling for information from the State Department, which the Committee on Foreign Affairs have been desirous for some time to get, and which I am to-day advised that we can have.

The SPEAKER *pro tempore*. The gentleman from Illinois asks by unanimous consent to offer the following resolution, which the Clerk will read.

The Clerk read as follows:

Resolved, That the President be requested, if in his judgment not incompatible with the public interest, to furnish the House with the correspondence between the Government of the United States and the Government of Great Britain, touching the subjects in dispute in the Behring Sea, since March 4, 1889.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. MCCREARY. Mr. Speaker, I object.

TITLE TO LANDS, SAULT STE. MARIE, MICH.

The SPEAKER *pro tempore*. The Senate has passed a resolution requesting the return of a certain bill. If there is no objection, the Clerk will read the resolution.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, July 1, 1890.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3430) to confirm the title to certain lands in the city of Sault Ste. Marie and State of Michigan, and to release any reversionary right of the Government of the United States therein.

The SPEAKER *pro tempore*. In the absence of objection, the bill will be returned, as requested by the Senate.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SIMONDS, for ten days, on account of sickness.

To Mr. STIVERS, until Monday next, on account of important business.

To Mr. BAKER, for the remainder of the week, on account of important business.

The SPEAKER *pro tempore*. The hour of 5 o'clock having arrived, the House stands in recess until 8 o'clock this evening.

EVENING SESSION.

The recess having expired, the House was called to order by Mr. PETERS as Speaker *pro tempore*.

FEDERAL ELECTION BILL.

[Mr. DOCKERY addressed the House. See Appendix.]

Mr. KILGORE. Mr. Speaker, it is the most natural thing in the world that the Democracy should oppose this measure. It has ever been the cardinal doctrine of the Democratic party that the perpetuation of the Government in the spirit and form in which it was given to us by its great founders depends upon the preservation of the States in their full strength and integrity.

It is a cherished and time-honored belief of that party that the liberties of the people are so completely in the care and custody of the States that any effort by the Federal Government to make encroachments upon the authority of the States or intermeddle with the individual affairs of the citizen at once excites the gravest apprehension and alarm.

Our people believe that the boundary which separates State and Federal authority is and forever ought to be so plainly marked that there never could arise between them any serious conflict in the execution of the high powers which belong to the two governments. We do not believe that any harm can ever come to the Federal Government from any encroachments by the States upon the rights, powers, and duties of that Government, and we do believe that the greatest dangers which menace the liberties of the people are found in the tendency on the part of the United States Government to make aggressions upon the powers and authority, the rights and duties of the States.

The party which now dominates every branch of the Federal Government and many of the State governments is engaged in a desperate effort to change the form of the Government, and they zealously and unrelentingly push every scheme, even to the very verge of popular indignation and revolt, which tends in any manner to strengthen Federal power and weaken that of the States.

Tariff laws, subsidies, charities, and every character of class legislation in the interest of the few at the expense of the many are but so many agencies now at work in behalf of centralization.

But there are no methods more dangerous in these "piping times of peace" to the liberties of the people and none more potent than the insidious effort by this bill to intermingle the powers, duties, and authority of Federal and State officials in the execution of a partisan enactment devised by a partisan majority in Congress for partisan purposes.

Then, Mr. Speaker, is it any wonder that the Democracy should oppose the passage of such a bill as that now under discussion? Its scope and purpose is to take out of the hands of the people, where it has rested for one hundred years, the entire machinery of Federal elections and place it in the control of Federal partisan officials, to the end that the elections may be conducted in the interest and for the use and benefit of the Republican party. This must be the judgment of any unbiased man who will seriously consider the entire situation.

The friends of this measure say they want honest elections, they want a free ballot and a fair count; that they believe the humblest as

well as the highest citizen in the land should have the right to cast his vote as he pleases, coupled with the right to have that vote counted as he cast it.

Day in and day out since this discussion began this has been the burden of your song. You direct this talk to the Democratic side of the House, you shake your fists at us and look fierce as though you thought all the rascality and fraud and corruption in elections were concentrated in a few districts represented by gentlemen from the South on this side of the Chamber.

We know you do not believe these things. We know you indulge in this abuse and misrepresentation for the purpose of stirring up sectional strife and subverting party ends. You impugn our motives in opposing this bill and continually proclaim to the country that if our elections were fairly and honestly conducted we would not fear the light and would not oppose an honest effort to secure an election law under which absolute purity of the ballot-box would be attained.

When we assure the advocates of this bill that we are as much interested in preserving the purity of the ballot as any people; that the people are abundantly capable of holding and conducting elections for members of Congress as they have done for a hundred years under regulations prescribed by the States without Federal supervision or interference we are met with the lofty, self-satisfied declaration that our opposition to this iniquitous measure proves conclusively our opposition to all honest elections and all free government.

We insist that the people are capable of managing their own affairs; that they have shown the highest capacity for self-government in building up and preserving and administering the State governments which are freighted with the liberty of the citizen, together with all the delicate rights, privileges, and immunities which belong to the individual separately and as an integral part of the political organism of the States.

We contend that the people have from the beginning of the Government down to this moment discharged with incomparable excellence and fidelity in war and in peace the duties which belong to them as members of the great Commonwealths composing this Union. And yet this bill proceeds upon the theory that they have become so thoroughly and universally debauched that they can not be trusted to hold and conduct an election for members of Congress, and that the Federal Government must provide an innumerable host, so to speak, of partisan Federal officials, responsible to no one except as partisans to the party in power, at an expense of some twelve million dollars, to "guard, scrutinize, and supervise" them in the performance of a duty to which they have been accustomed for a century.

It is reasonable to suppose that fraud does more or less enter into the management of elections. It is impossible to eliminate fraud from all human transactions. Still, the advocates of the bill contend that if we will only give them this law they will everlastingly drive from the face of the earth every vestige of fraud and corruption. They set up a standard, or profess to do so at least, utterly beyond the reach of mortals. Men are not angels.

Mr. ROWELL. We will make them angels.

Mr. KILGORE. When you do you will no longer need any human code for their government.

Why, Mr. Speaker, when we remember that the elections are held in more than fifty thousand precincts in the Union by more than two hundred thousand officials, that nearly twelve million men deposit their votes with these officials, who keep a complete record of the transaction, numbering and counting each ballot; when we remember that this is all done in one day, in the midst of a fierce partisan contest between parties nearly evenly matched in numbers, each striving and contending in this unexampled and stupendous struggle to secure the advantage over the other, it is a matter of profound astonishment that there is so little fraud and wrong perpetrated and that there are so few outrages attending this wonderful battle of the ballot.

No other human transaction involving so many people of conflicting views, employing such vast machinery, and performing such an unmeasured amount of labor has ever had so little dishonesty and unfairness to mar its beauty and excellence.

It is insisted, Mr. Speaker, that this measure is intended to be strictly non-partisan, that it is national in its scope and purpose, having in view one single object, free and fair elections, at which every citizen can be afforded the unhindered right to cast his ballot at the dictate of his own judgment, subject to no control but that of his own sovereign will.

These are lofty and patriotic views of the question, and it may be that the advocates of the bill entertain none other; that their motives in urging the enactment of this measure into a law may be as pure and as patriotic as their professions. But when I consider the facility with which the Republican party overlooks the simple rule of *meum et tuum*, when I reflect on the readiness with which it will on very meager testimony deport a Democratic member of this House and import a Republican free of duty, the duty of being elected by the people; when I stop to think of the exceeding handiness of that party in robbing the nation of the Presidency or a State of its Senators, I confess that I am skeptical as to the patriotic purposes of that party in urging the passage of this extraordinary measure.

But, Mr. Speaker, as to the purity of the intentions of the advocates

of this bill, assuming that they are absolutely unsullied, still it will be utterly impossible to administer the law on any theory other than that it is partisan and sectional in its character, and every man called on to execute the law will so interpret the statute and will regulate his conduct in strict accordance with that construction.

We ought to be able to form some conclusion as to the purpose and meaning of the majority in urging the passage of this bill by the circumstances attending its preparation, the manner of the agitation which preceded its report by the committee, and the arguments and opinions of its champions as heard in this Hall, and by the face of the measure itself.

The question of a Federal election law has been the subject of almost constant discussion by leading Republicans during the last twelve or eighteen months in papers, magazines, and public addresses. The necessity for such a law has been urged in season and out of season. The Speaker of this House, now at the front as the leader—distinguished leader—of his party, is credited with saying, in a public address recently delivered, that "we must have our own elections, our own counting, and our own certification." He is certainly not yet prepared to say, as did Louis XIV, "I am the state," and he was certainly not prepared yet to say, "The Republican party is the Government."

Hence we must conclude that the declaration with which he is credited applied to that party and simply indicated its purpose and its duty in that regard. And all this contention and agitation grows out of the idea and is founded on the theory that there are fraudulent elections in the South. The proof relied on to establish this theory is that the South refuses to send a whole drove of Republicans to Congress.

Then the contested-election cases in this Congress have been a most fruitful source from which the opposition have drawn large supplies of capital used in manufacturing sentiment for an election law. The various members of the Committee on Elections on the majority side of the House have made speeches in favor of this bill, and in doing so have argued some contested-election cases, and from that standpoint and their view of the particular case they conclude that there is an imperative necessity upon Congress to provide an election law in harmony with their theory of these cases.

It may be that corrupt and perjured witnesses supply the testimony in such cases. It may be that the evidence was taken *ex parte* and not in accordance with any rule or regulation provided for such purposes, but in violation of all such rules and regulations. It may be that the case made by the Republican contestant was completely overthrown by competent and proper evidence taken under the regulations provided in such cases, still a partisan majority proceed on the assumption that the case is made out beyond all shadow of a doubt, and it is made the foundation for the enactment of an outrageous election law.

They seem to overlook the fact that each House of Congress is the sole judge of the election returns, and qualifications of its own members, and that under this provision of the Constitution Congress has been able to apply the remedy wherever any wrong has been perpetrated; and, indeed, there is a very strong suspicion that during the present session the House and Senate, too, have applied the remedy where there was no wrong, and in a partisan spirit and for partisan purposes, on insufficient proof, have turned out Democrats and seated Republicans.

If Congress can on a contest inquire into the election, returns, and qualification of its own members, why pass this bill? If a fair and free election in the South is what you want and all you want, there is no necessity for this far-reaching and dangerous measure. This House has full power to correct any evil that may exist, and it is not slow to make the correction.

The history of the election contests in this Congress demonstrate that the charge of fraud against the people of the South is without foundation. There were seventeen contests from the South, which includes one hundred and twenty-two Congressional districts in all. Two from West Virginia were not affected by the usual charge of the suppression of the negro vote. There are hence fifteen contests based on that charge. In six of those cases the House has turned out the Democrat and seated the Republican contestant, thus correcting the wrong, if any was committed.

In three of these cases, one from Alabama, one from Virginia, and one from Mississippi, the committee found for the Democratic contestant, after full and thorough investigation of all the charges of fraud and suppression of votes. There were five contests brought by Republicans from Mississippi; all, it is generally understood, were inspired by the Republican national committee. The Republican Committee on Elections found for the Democratic contestant in one case, two have been abandoned by the Republican contestants, and it is firmly believed that the Republican contestants in the other two cases have no merit whatever to back them. If wrongs and outrages are perpetrated it is in the power of this House to correct such wrong and punish the fraud in a contention for a seat improperly held here.

But suppose for a moment that all the charges of fraud in elections made against the people of the South were true, and suppose it was not in the power of the House to apply the correction, then I assert

that the enactment of this measure and its administration according to its spirit and purpose would in the long run, and not a very long run at that, be productive of infinitely more and greater evils than can possibly flow from the abuses which you say exist. Public sentiment, not partisan legislation and party abuse, must correct the wrong, if any there be.

But the fact that Congress has full authority now to deal with abuses said by the Republican party to exist so flagrantly in many districts in the South does not seem to satisfy that party. It goes further in this bill. It insists that the partisan officials who hold their positions from partisan judges shall be clothed with the power to organize the whole system of naturalization into a compact but complicated political machine and run it in the interest of the dominant party; that they shall have the authority to interfere with the right of suffrage as regulated and conferred by the States, and to intermeddle with and in a measure annul the regulations which have been provided by the State governments for the conducting of elections from the very beginning of the existence of the States.

The bill goes further than that, and provides in section 32 for the unlimited increase of commissioners, so as to afford a convenient and speedy means for arrest and examination of persons charged with violating this law, for the appointment of a suitable and unlimited number of persons or deputy marshals to arrest such violators of the law, and for the payment to such special deputies the sum of \$5 for every person they may so arrest and take before a commissioner in addition to the usual fees allowed by law. It goes further than that and provides in the same section that the President may empower the officers charged with the administration of the law to employ such part of the land or naval forces of the United States or the militia as may be needed to aid in the enforcement and due execution of the law and to prevent the violation of its many provisions.

In short, under this bill soldiers may be quartered in every town and village in the country and deputy marshals may swarm at every polling place in the Union.

Then, Mr. Speaker, we find by the provisions of this bill that it is utterly inoperative in the greater portion of the Union, a dead-letter on the statute-book. It remains with no single drop of the blood of life in it, without a single spark of vitality.

Now, if a hundred persons under certain circumstances, or fifty under certain other circumstances, should take it into their heads to set up this law—put it in force in a particular Congressional district—or if they should be instructed to do so by the national committee, Republican or Democratic, they can do it by filing a petition asking that it may be done. The petitioners may be the "scum of creation," worthless, vile, ignorant, and wholly irresponsible, and may all reside in one ward or precinct; yet they have full power and authority to put the entire Federal election machinery provided by this bill in motion in any Congressional district in the Union. It may be said that the law will not be applied to any district unless it becomes necessary.

How on the face of the earth are these petitioners or any one else to know in advance that at an approaching election outrages and frauds are going to be perpetrated and therefore it is necessary to put the law in force? These petitioners under the law need have no other qualification except that they are qualified voters and claim to be citizens of the United States; yet on the mere suspicion which they may entertain that there is not going to be a fair election they may compel the application of this law to any district, and on the mere suspicion by the President of the United States, or by some one he may employ, that some of the provisions of the law will be violated or that the due execution of the law will not be enforced at some ensuing election, may multiply indefinitely United States commissioners and deputy marshals, and may fill the land with soldiers.

Still they say this is a national non-partisan measure intended only to secure free, fair, and honest elections. Still, you refused to adopt an amendment to-day making the law applicable to the entire country and take it out of the control of a few ignorant and depraved people in one community. It is the very sublimity of folly to contend that this bill, if it become a law, will not be administered in the interest of the party which dominates the country.

It might be possible for this House to legislate the salt out of the sea or the spots off the sun, but certainly no reasonable man would insist that the administration of this law can be removed from the domain of partisan politics. You by the terms of the law have not only made it possible for it to be run in behalf of the party in power, you have made it convenient to do so. You do more than that by this bill; you have so framed it, in all its parts, that the officials who administer it will feel that it is their duty to use their positions in constraining and enforcing it in such a manner as to perpetuate in power the party which gives them place.

It will not do to say that it can be kept out of politics because its administration is largely under the direction of the courts. You do not in the least improve the condition by uniting this political machinery with the judiciary. You will not elevate nor purify the methods of politics by this unnatural union. But you will succeed in debauching the courts by dragging them into partisan politics and giving them control of partisan elections. Instead of remaining tribunals

for the administering of the law and meting out justice for all alike, they will become the tools and agents of party managers, with no higher ambition and no nobler mission than to serve the party in its efforts to retain power.

In Texas in 1873 we had some experience with the judiciary in politics, and that experience was not of a nature to enhance our respect for partisan courts, which find it convenient or even possible to yield subserviently to the interest and influence of a political party. The constitution of Texas, adopted in 1869 by the reconstruction crowd, "provided that all elections should be held at the county seats of the several counties until otherwise provided by law, and the polls should be kept open four days."

The elections were held in accordance with this provision till 1873, when the Legislature passed an election law, which was approved by Governor Davis, which declared that each justice precinct should constitute an election precinct, and that these might be subdivided into other election precincts, and that all elections should be held for one day only. In the fall of 1873 an election was held for State, district, and county officers under this law. Governor Davis was the Republican candidate and Senator Coke the nominee of the Democratic party. It was not disputed that Richard Coke was chosen governor at the election by a large majority, and the returns were so made. Soon after the result was made known one Rodriguez was arrested for illegal voting, at the instance of the defeated Republican candidate for sheriff of Harris County. A writ of habeas corpus was sued out, and the defendant was carried before the supreme court for hearing. The district attorney who represented the State insisted that the proceeding was fictitious and a fraud upon the court and moved that it be dismissed, which the court overruled. The attorney for Rodriguez claimed he ought to be discharged on the ground that the law under which the election at which he voted was held was unconstitutional and void. The supreme court of the State, composed of three Republican judges appointed by a Republican governor, held the law to be in conflict with the constitution, that the election was null and void, and discharged the relator.

The opinion of the court was based on a semicolon which punctuated this clause in the constitution of the State, to wit, "All elections for State, county, and district officers shall be held at the county seats of the several counties until otherwise provided by law; and the polls shall be opened for four days." Now, the court held that the Legislature had the authority to name places at which elections should be held other than the county seats, but that the latter clause of the section was separated from the first clause by a semicolon; that it was a complete and distinct sentence in itself; that it required that the polls be kept open four days, and the law being in conflict with that part of the section it was void, and therefore no valid election had been held.

The court which rendered this opinion has ever since been known as the "semicolon court" in the judicial history of Texas. Under this decision, rendered on a fictitious case by willing judicial tools, Governor Davis and other Republican officers beaten at the election undertook to hold on to their places, and Governor Davis actually appealed to the authorities at Washington to sustain him in his effort to usurp the place of governor of the State. But when the time came for the inauguration Governor Coke was sworn into office, and he proceeded to punctuate the official chapter of that entire dirty crowd. They were kicked out of places which they had dishonored, and which they had attempted to use to bring confusion and ruin to the people whom they had oppressed and plundered for four years. We hope you will excuse us if we suggest that we are distrustful of the judiciary in politics. We have had our experience. We have seen it tried. It will not work.

Now, Mr. Speaker, the people of the South, with deep concern and grave apprehension, watch the progress of this measure. They feel that in the near future, if this bill becomes a law, the horrors of reconstruction will be again precipitated upon our unfortunate section. They know that the party which would enact such a law would relentlessly and without scruple administer its drastic and harsh provisions in the most cold-blooded and cruel manner. To satisfy any one who may entertain any doubt as to the partisan purpose of the advocates of the bill, we have only to suggest that every effort is made to place the execution of the law in the hands of the supple tools of the party in power.

That party has provided in this bill for any number of United States commissioners, deputy marshals, and soldiers, to be paid by the people, who can be used, and no one doubts will be employed, not to prevent a violation of the provisions of the law, not to see to its enforcement in the interest of free and fair elections, but to harass, annoy, and intimidate the people, and to control the elections, that the domination of the Republican party may be made perpetual.

No stronger evidence of the partisan purpose of this bill need be produced than is shown by the persistency with which the majority has sought to change the method of selecting juries in the United States court. After the war and up to 1879 many and foul were the abuses which had disgraced the jury system and the jury trials in the Federal courts in the South. In fact these abuses had been so flagrant that it was well understood that juries were organized in the trial of

offenses of a political nature so as to secure the conviction of Democrats, however innocent, and the acquittal of Republicans, however guilty.

The law of 1879 changing the manner of selecting juries was enacted to correct the abuses which had crept into the courts. It provided that the jury should be drawn by the clerk of the court, and by a commissioner appointed by the court to be of opposite politics from the clerk. This system has prevailed since that time, and it has been absolutely fair and non-partisan, and has, so far as I have ever heard, given perfect satisfaction to all classes of people who desire that cases in the Federal courts should be tried by a fair and impartial jury. No valid objection can be urged to the law as it now stands, and there is no objection to it except from those who want to pack the courts and juries for the vilest of partisan purposes.

There has been no clamor against the present system which prevails in many of the States. There has been no demand for the repeal of the law; yet the majority of this House who were defeated yesterday in the effort to repeal the present law and place the selection of juries in the hands of partisan clerks of the Federal courts presented and adopted to-day an amendment requiring the circuit judges to convene their courts within thirty days after the passage of this act, and appoint three commissioners to make up the jury lists and draw the juries.

There is nothing in the law to prevent the judge from appointing all of them from the same political party. And nearly all the judges being Republican there can be no doubt in advance as to the politics of at least a majority of the commissioners, if not all of them.

All these things you profess to do in the name of patriotism, in the name of free government, in the interest of honest elections, and that all the people may be assured of a free ballot and a fair count. I ought to say the whole scheme is infamous. I will say it. I will stop right here and say it is infamous. I do not say the commissioners will be partisan or dishonest, but they ought not to be subjected to the temptation nor given the opportunity.

The people of the South feel, indeed they know, that the enactment of this measure will be signalized all over our section by confusion and feuds and bloodshed growing out of trouble between the races. Whatever may be the purpose of the majority in regard to this measure in that respect they must be satisfied from the demonstration in the galleries and about this Capitol that the negro looks upon it as intended by its framers to place him in control of the affairs of the South and her people, and to keep him there, and he expects the Army and Navy to be invoked to secure that result, if need be. He expects to be able to commit any crime he pleases and that he will find immunity from punishment at the hands of partisan courts and partisan juries.

The low and unscrupulous demagogues will seek to control their votes for the Republican party by parading before them this law, passed by a Republican Administration in their interest and to place them in power in the South. Such will be the argument, and it will not require much argument to convince them that such is really the meaning and purpose of the law. The negro is docile, amiable, and harmless if left to himself and subjected to no vicious influence. The course of that race in the South during the war was calculated to win the gratitude of the Southern people. His incredible fidelity to the helpless women and children of the South during that dreadful period has been the subject of just praise and commendation. He was almost his own master, but he was at the same time faithful, industrious, and, in the main, trustworthy.

Race conflicts were unknown in those times. They seldom committed the higher crimes known to the law, and the best and kindest of feeling prevailed between the two races. The explanation can be given in one short line, "They were let alone." Now, the demagogue, the adventurer, the plunderer, the thief are abroad in the land, and one who is denied recognition and employment among decent, respectable people can easily find his way to the confidence of the negro, and the more unscrupulous and depraved he is the greater his success in imposing on the ignorant and unsuspecting people of that race. His influence is evil, and only evil, but he frequently, for a time, exercises absolute control over his victims, whom he uses for the purpose of promoting his political and pecuniary interest.

This bill adds untold complications to the solution of the greatest problem that was ever cast upon any people, and just as they are on the very edge of its solution, at the beginning of an era of harmonious relations between the two races, founded on education and mutual interest, the Republican party, unwilling to see a peaceful settlement of the question, proposes by the most pernicious legislation to encourage the negro to precipitate trouble and conflicts with their white neighbors. There is but one way to solve the race question—a question now effectually employed to justify this extreme and aggressive legislation—and it can be expressed in three short words, "Let us alone."

Mr. KELLEY. Mr. Speaker, I have been very much gratified that the scope of this discussion has been so wide as it has been. I am glad that at least six days have been set apart for the discussion of one of the most momentous and portentous questions that have faced the American people for the last quarter of a century. I would have been glad if, instead of six days being devoted to the discussion of this question, there could have been six weeks. I believe that we would

have been benefited by a discussion of that length, and if a proper and peaceable settlement of this question could be brought about by six months' discussion it would be time well spent.

In my judgment this question, having been discussed for the last twenty years, is as far from a definite and satisfactory settlement as it was when we began it.

Now, Mr. Speaker, I was very much gratified at the opening of this discussion to learn that our friend from South Carolina [Mr. HEMPHILL] made a frank statement of his position upon this question, a statement that I think covers the whole ground, when he said, after an hour's discussion, in winding up his remarks, that the white people of South Carolina were going to govern the State or leave it, and thereupon took a solemn oath that they (meaning the white people) would not leave it.

Mr. Speaker, my heart, in common with other sympathetic hearts on this side of the House, went out to that large and intelligent class of people who live in South Carolina, upon the statement of this question as made by the gentleman, in feeling for the situation that they would have, and soon have, to meet, for if in the course of human events it should come to pass, as in my judgment it will soon come to pass, that the gentleman will have to choose between the alternative of seeing the Republicans of South Carolina, even though colored Republicans, govern in large part that State, or leave the State, and if he should choose to adhere to his decision not to leave, I shall in that event offer him a little consolation, and that is, that if his worst forebodings should come to pass, that the colored Republicans should govern that State, he would still have the proud satisfaction of knowing, upon reflection, that the blood that coursed through the veins of the Calhouns, the Rhetts, the Haynes, and the Hammonds, and the Hamptons, and the Hemphills, perhaps, is still coursing through the veins of the ruling classes in South Carolina.

So, Mr. Speaker, it may be said of all the Southern or extreme Southern States. In my judgment if the worst of his forebodings should come true, and many of those Republicans, colored though they may be, govern those States, and represent them upon this floor, it will be in my judgment a long time before the first families of those States cease to be represented in the government of those States, especially so far as the paternal side of those families is concerned.

Mr. Speaker, the gentleman stated further that they were born in that country, and their fathers were born there; that their bones lie buried there.

Mr. TURNER, of New York. Their fathers' bones. [Laughter.] Mr. KELLEY. Their fathers' bones lie buried there. Mr. Speaker, speaking for those colored Republicans in South Carolina, I wish to remind the gentleman that they were also born there, their fathers were born there, and the bones of their fathers lie buried there also; and judging from the many shades of many of the people that I have seen among South Carolina Republicans, and judging from the many shades that you may now behold of these colored men and women whom you and I meet in traveling, I can say that not only the bones of their fathers lie buried there, and not only were they born there, but in very many cases the fathers of the white Democrats were also the fathers of the colored Republicans.

Mr. Speaker, I have often been instructed and amused in hearing discussions from a Southern standpoint not only in public, but in a private way, having many times listened to and heard an eloquent discourse of many Southern gentlemen dwelling upon the importance of keeping the Caucasian race pure by legislating in a way that would prevent the intermarriage of the races, and at the same time carefully concealing or trying to conceal from me the fact that they themselves were the fathers of many illegitimate mulatto children, and perhaps at the same time keeping numerous negro concubines. From this standpoint, Mr. Speaker, we are instructed that the white people of South Carolina must govern that State or leave it, and with that portentous statement they would leave you to suppose what they would do under the circumstances.

Now, Mr. Speaker, I wish to remind the gentleman from South Carolina and other gentlemen that these people that he refers to, the Republicans, and colored Republicans though they may be, are not cowards. They inherit some of the spirit of their brethren. They inherit the same spirit of bravery that their white brothers and half-brothers inherit; and I wish to inform the gentleman further that more than 200,000 of these people have already borne arms in support of the honor and the glory of our flag, and for the purpose of securing their own freedom, and they know how to use arms.

Mr. Speaker, with all the prejudice that existed against their being employed as soldiers in the Union armies during the late war, a prejudice that came near exciting mutiny at times on the part of white Union troops, a prejudice that pervaded the regulars and the volunteers, and the civilian as well, a prejudice entertained and inflamed by the Democracy everywhere, a prejudice that caused the Confederacy to raise against them the black flag and no quarter, a prejudice and hatred that absolutely insured the butchery of every colored soldier that surrendered to the Confederate armies—in spite of all these things the 200,000 colored soldiers of the Union Army fought their way to recognition and renown.

In every one of the many battles in which they were engaged

they always did their part well, and whether at Baton Rouge, Petersburg, Poison Springs, or Fort Fisher, judging from the list of killed and wounded, the colored soldiers did their full share of the fighting and dying, and this to save from defeat, destruction, and disgrace the flag and country their white fathers and half-brothers were fighting to destroy. Mr. Speaker, in searching the records of the War Department, I find among the regiments that are placed at the top of the column as having lost the most men killed in any one action the First Kansas colored; only two regiments above it, one the Fifth New York, the other the Fifteenth New Jersey.

In view of these figures and these facts, I hope the gentleman from South Carolina will pause and consider, and before he attempts to execute his implied threat to nullify the Declaration of Independence, as well as the Constitution and laws of the United States, I beg of him to reflect that South Carolina is to-day a political volcano, the crater of which is liable any day or night to belch forth the lurid flames of fratricidal war. In that event Hamburg, Ellenton, Barnwell, Jesup, De Kalb, Vicksburg, Hazlehurst, Danville, and scores of other places where butcheries, massacres, and other outrages and indignities have been perpetrated on Republicans, white and black, in South Carolina, Mississippi, and other Southern States will be remembered and avenged.

If the political party that perpetrated these crimes against life, liberty, civilization, and humanity, and the party that encouraged and indorsed these crimes can escape the penalty now, by implicitly obeying all the laws of the United States in the future, it will be remarkably lucky. A further attempt to nullify these laws, or to nullify this bill if it becomes a law, as indicated by gentlemen on the other side of this House, will surely bring on a conflict in this country that will not cease until every drop of blood shed in these murderous outrages that have been for twenty-five years perpetrated on Republicans in places all over the South shall have been repaid by another shed by the sword; and in that event we can only say, in the language of a very ancient philosopher, whose words, in the midst of the agony of the great conflict for liberty and union, were reentered by Abraham Lincoln in his second inaugural address, when he said:

The judgments of the Lord are pure and righteous altogether.

Mr. Speaker, should such a conflict come the penalties would not be confined to the political party that perpetrated and encouraged these crimes, but the party that has had the power and has failed to protect the citizens of the nation against these assassins and murderers would also suffer; in fact, we would be made to realize that nations, no more than individuals, can escape the penalties of wrong acts, and there are wrongs of omission as well as of commission. It has been said that "Liberty is a plant of slow growth." While this is true in the main, there are exceptions to its truth. The exceptions come when conflict comes, as was the case in the war of the Revolution and in the late war for freedom and union, in the latter of which, at a fearful cost of life and blood and treasure, liberty made greater strides in advance in four years than she had made before in a century.

Should the existing conflict between republican government and Southern oligarchy culminate in a conflict of arms, blood would flow and flow and flow freely, but better rivers of it should flow and liberty survive than that the conditions that have existed in many places in the South for a quarter of a century should remain. More Republican blood has been shed in that time by Democratic assassins in the South than was shed by both armies at the battle of Gettysburgh. Chambers's Encyclopedia, an unpartisan, unprejudiced, unbiased, standard work, a work that is relied on as truth, after the most careful research, places the number of Republicans murdered in the South from the close of the war up to 1875 by the Ku Klux and other Democratic armed organizations at eight thousand. Does any intelligent man doubt that since that time this number has been doubled? I notice that in the later editions of this cyclopedia this chapter of shame and horrors and bloodshed has been left out. Whatever the reason for eradicating this darkest spot in American history out of this book may have been (and you can imagine the reason as well as myself), the fact can not be blotted out, and even after the remedy is applied and liberty's triumph is complete and reigns supreme everywhere under the flag, we may say, "Out, damned spot!" as often as we may, that spot will remain forever the deepest, blackest disgrace of this age.

Will we heed this Macedonian cry for help from the South, that for twenty years has come and gone unheeded, or will we heed it, and make and enact some law that will stop this tyranny, this oppression, this assassination?

Mr. Speaker, I read from the address issued by the State executive committee of the Union Republican party of South Carolina, issued to the world in 1880, the closing words of an address that covers forty-five pages of detailed murderous violence and intimidations practiced on Republicans by Democrats all over the State. The almost despairing closing words are these:

The Republicans of South Carolina, through scenes of violence, bloodshed, and intimidation, have voted on the side of nationality against sectionalism, in favor of human rights against intolerance and oppression. Their rights have been ruthlessly trampled under foot whilst they are powerless to protect themselves from injury. They can only wait with patience to see whether the Government

of the United States is alike powerless to redress these wrongs and to render impossible in the future similar attempts to destroy its peace by wholesale and systematic pollution of the ballot-box.

Mr. Speaker, these are the methods by which the 50,000 Republican majority of South Carolina in 1880 was made to show a large Democratic majority for Hancock. In view of these things and these facts is it in order now to pass a Federal election law? And as the gentleman from South Carolina has seen fit to introduce Ex-Governor Chamberlin as a witness as to the status of South Carolina, I desire also to offer an extract from a letter written July 22, 1876, while he was governor of South Carolina, to General Grant, who was then President of the United States. Said he:

But the Hamburg massacre has produced another effect. It has, as a matter of fact, caused a firm belief on the part of most Republicans here that this affair at Hamburg is only the beginning of a series of similar race and party collisions in our State, the deliberate aim of which is believed by them to be the political subjugation and control of the State. They see, therefore, in this event, what foreshadows a campaign conducted on the Mississippi plan.

In the light of subsequent events, who can say his fears were not well founded, and in the light of the same events who can say there is no need of a Federal election law? But as General Grant has been represented, falsely I think, by the other side as expressing his belief that all was lovely and that peace and harmony prevailed in the Southern States, I desire to read from his letter of July 26, 1876, to Governor Chamberlin, in reply to the letter above quoted. Said he:

The scene at Hamburg, as cruel, blood-thirsty, wanton, unprovoked, and as uncalled for as it was, is only a repetition of the course that has been pursued in other Southern States within the last few years, notably in Mississippi and Louisiana. Mississippi is governed to-day by officials chosen by fraud and violence, such as would scarcely be accredited to savages, much less to a civilized, christian people. How long these things are to continue, or what is to be the final remedy, the Great Ruler of the Universe only knows. But—

Said he—

I have an abiding faith that the remedy will come, and come speedily, and earnestly hope that it will come peacefully.

Mr. Speaker, were General Grant here to-day to hear the declaration of the gentleman from South Carolina and to hear that declaration applauded by every Democrat on this floor, I fear his hopes for a peaceful settlement would speedily vanish. Sixteen years have passed since that letter by Grant was written; the words therein penned referring to the government of Mississippi by fraud and violence would be true if written to-day. There has not been a day since they were penned that it had not been true if written of South Carolina and of some other Southern States.

I fear this bill, should it become a law, will not be a remedy, but it may be a step, even though it be a blunder, that will finally bring the crisis that will surely bring the remedy, but if the applauded declaration and oath of the gentleman from South Carolina are to be adhered to, the remedy will not come peaceably. If that declaration is to be adhered to, this bill, should it become a law, would only have the same effect to advance liberty that the fugitive-slave law had in advancing slavery.

One year after General Grant penned the above-quoted words Judge Chisholm and his son and daughter, and Gilmer, and McLellan, and many other Republicans in Mississippi went down in death by a Democratic mob, because they were in favor of free speech and a free ballot. Seven years after it was penned brave, glorious Print Mathews and many other Republicans in Mississippi went down by Democratic shotguns in the hands of other Democrats for the same cause. Less than a year ago the Republican State ticket in Mississippi was withdrawn from the field, in order, as proclaimed by the Republican committee of the State, to prevent bloodshed and to save the lives of Republicans from being taken by Democratic assassins who control the government of that State.

Does some one ask, why do not these Republicans in Mississippi appeal to the State government for protection? In answer, I quote again the words penned by General Grant, when he said:

Mississippi is governed to-day by officials chosen through fraud and violence, such as would scarcely be accredited to savages.

Why does not the lamb appeal to the lion for protection?

In the light of these facts I ask again: Do the people in these States need any protection at elections? Do they not need a Federal election law, especially in view of the portentous vow and oath registered here by the gentleman from South Carolina?

Now, Mr. Speaker, it seems to me that a suggestion of this kind coming from a gentleman living in a State where a very large majority of the people are of the class that he wishes to keep down and that he wishes to domineer over—I say that it is not in good taste, to say the least, for him to discuss the propriety of keeping down by force that class of people.

Mr. HEMPHILL. Does the gentleman say that I used the word "force" in my remarks?

Mr. KELLEY. I do not. I inferred from his remarks that force would be used, and it is the only construction that can be placed on his words and his oath, that was so loudly applauded by your side of the House.

Mr. HEMPHILL. I can not be responsible for your inferences.

Mr. KELLEY. Very well; I will take your statement for your intention; but it just amounts to that much in the minds of many people.

Now, Mr. Speaker, when you consider the words of the gentleman from South Carolina and the words of the gentlemen upon the other side of this House in all their portentous magnitude and meaning, I have been led to think that history sometimes repeats itself, as the old saying goes; and my thoughts have gone back to a quarter or a third of a century ago, to the time when this question was discussed in another form, and I have thought that at this time the question was nearer a climax than it was two years before it culminated a quarter of a century ago, or more than a quarter of a century ago, in a conflict of arms.

I remember when this question was discussed in Kansas more than a third of a century ago, and I remember that the same means were used in Kansas to repress the Republican vote, or the "Free Soil" vote, that have been used in the Southern States for the last twenty-five years; and I remember the time when by that force and that violence the Democratic party actually thought that they had conquered in Kansas; but soon after that time it was discovered that a mistake had been made, and notwithstanding the Federal power of this Government, as represented by the President of the United States, was against that feeling of the Republicans in Kansas, it was soon developed that the Republicans were not defeated and that the spirit of liberty that inspired all their acts and lent spirit to all their movements was not dead. Soon it was discovered, and the whole country was startled by the fact that one John Brown, from Kansas, towards the headwaters of the Potomac had fired a shot that was heard throughout the United States, and soon that shot was followed by other shots heard throughout the world; and whoever heard that discussion will say that the question warranted the discussion, as it had been based on honesty and integrity and for equal rights, or we would not have resorted to such a scene as we passed through a quarter of a century ago to accomplish what was accomplished.

But, Mr. Speaker, the battles of liberty have not all been fought, nor all been won, but they are ever going on. Our Republican brethren in the South have been waging a battle for liberty for a quarter of a century against fearful odds, and have universally lost, thousands of them have gone down in death, the flower of the land, the bravest of the brave, but the battle is not ended; it will go on and liberty will win, even in Mississippi, and in the glorious years to come, when equal rights for all shall prevail there, as elsewhere, then the lovers of liberty shall gather around the marble monuments that shall tower toward the skies from her capital city, and on which will appear the names of Mississippi's long, long list of martyrs to liberty, and among the highest and brightest of which shall be the Chisholms, and Mathews, McLellan and Gilmer; and below the long list of names shall be written in letters shaded with black, "All victims of Democratic hatred of liberty and equal rights."

Mr. TURNER, of New York. Mr. Speaker, I am glad that this new John Brown, of Kansas [Mr. KELLEY], rising in his place, calls the attention of this House to the fact that this oppressed and downtrodden colored race of the South (if we are to believe the gentleman and his honorable colleagues on that side of the body) are men of courage, who have shown their courage on many battle-fields. I honor them for their courage, and I say to the gentleman, that if these men are the heroes that he portrays them and that the history of their country shows them to have been, there is very little sense in his talking about 5,000 white men dominating and murdering 20,000 colored men in some sections of the South. [Applause on the Democratic side.]

If this race was meant to rule, if this race partakes of those qualities of independence and manhood which every dominant race under the sun has always had, it will defend itself, as it has shown well how it could defend itself, without the assistance of any John Brown from Kansas.

Mr. Speaker, in the South is a condition of things the like of which the sun never has shone on. A great race of people, freed from bondage, are pursuing peacefully their varied walks in life and working out their own salvation; and now a political party that loves the negro only because it wants the negro vote, a political party with a record blackened all over with its attempts against the purity of the suffrages of the citizens of this country, the party of the monopolist, the party that has never pursued any other policy than that which it thought would win the most votes—that party now comes forward and, with all the cant of the sniveling Pharisee, pleads for "political purity" and for the rights of the "downtrodden negro."

You say, gentlemen, that there are more than a million negro voters and that the negro voter is always a Republican. In the last national election the negro voter held the balance of power in Ohio, in Indiana, in Illinois. He voted with you, he gave you his suffrage, and what have you given him in this universal distribution of spoils? Ah, you want to keep his vote by high-sounding professions of love, by cant and hypocrisy, but, as he becomes educated, he sees through the hypocrisy of these pretensions and divides upon political lines. I claim for the negro, and every man who knows anything about him must concede the claim, that he has sufficient intelligence to think for himself, and it would surely be a wonderful thing if, among a million of negroes, they should all happen to think that the Republican party had created them. [Laughter.]

But this bill is to be enacted into law in the interest of political purity! In all these days of discussion that this House has listened to on

this bill no gentleman has attempted to show that its various provisions were just or necessary; but whenever the advocates of the bill have been hard pressed some gentleman has been put forward to make a partisan speech, as the gentleman from Illinois [Mr. MASON] did today, as the gentleman from Michigan [Mr. BURROWS] did yesterday, taking care that they had the last word in the debate so that nobody could answer them. The party whip was cracked. Even the gentleman from Missouri [Mr. FRANK], who so loudly proclaimed his independence yesterday, knelt to-day under the lash of the party taskmaster. And all this was done, I suppose, in the interest of political purity, this marshaling the party hosts to put this caucus measure through, this one party measure of the session, as a New York party organ calls it to-day.

Mr. KERR, of Iowa. Will the gentleman yield for a question?

Mr. TURNER, of New York. No, I can not yield. For once I must decline the request of my genial friend from Iowa. This, I say, is the one party measure of the session, and these gentlemen on the other side profess to want the discussion divested of all partisan feeling; yet, in support of every provision of this bill, they have assailed the South and put forward the "down-trodden negro." And of course they have done this in all fairness!

This bill, written in large part by Davenport, as a member of the committee has said it was, is put forward in this manner as the great party measure of this session, and this evening the literary gentleman from Massachusetts [Mr. LODGE], with his long line of Tory ancestors behind him, declined to say even how much time he required for the discussion of an amendment, and proposed to adjourn, in order, I presume, that he might go and consult the real author about the discussion of an amendment to a section of the bill which I suppose he did not know anything about himself. [Laughter on the Democratic side.] And all this is in the interest of non-partisanship and of purity in politics! Why, then, have two inspectors of your own party and only one of the other party, two canvassers of your own party and only one of the other?

We have been told over and over again in the discussion that this bill is but an extension of the beneficent law of 1871, which made pure elections possible in the city of New York. Ah, but, gentlemen, if you knew anything about this bill—and I acquit most of you of any such knowledge—[laughter] if you knew anything about the law of 1871—and I would not impute such knowledge to many of you—[laughter] if you knew anything about it, you would know that the law of 1871 provided for as many Democratic supervisors as Republican supervisors, as many Democratic marshals as Republican marshals.

The State law of New York divides its election officers in the same way. There has never been any question in regard to the purity of elections in New York. Why? Because the election officers are absolutely non-partisan.

Much has been said about the purity of elections in New York under the present system. Why, sir, in the "off years," as they are called, when there are no Congressional candidates to be chosen, the elections are just as pure as the Congressional elections; and no one has ever made any pretense to the contrary.

I say to you, gentlemen, that this question can not be discussed in that fashion. There are none so foolish as to be deceived by the pretenses set up on the other side. Even the negro, who you undertake to say is so ignorant, who you say is cheated and deceived in the South, even the negro, ignorant as you represent him to be, much worse than I believe him to be, can not be deceived by any of this sniveling cant and Pharisaical hypocrisy about the "purity of elections." Why does it require two pure Republican election officers for one Democrat? If this measure is put forward in common honesty, why did you try to change the jury system, an outrage so flagrant that even your own cringing party deserted its leadership—

Mr. ROWELL. Whom do you mean when you speak of people "cringing?"

Mr. TURNER, of New York. Any of you gentlemen who support this bill; it is not a personal allusion. I will relieve my friend from the application of that word "cringing." I believe he is one of the gentlemen who snap the whip.

Mr. ROWELL. I am glad that the other side of the House—

Mr. TURNER, of New York. Take your own time to tell us how "glad" you are. Wait until you hear the verdict of the people before you tell us how "glad" you are.

Mr. ROWELL. You are all prophets over there!

Mr. TURNER, of New York. No; the prophets are on that side; and some of you must be "sons of prophets." When the gentleman read his long catalogue of Southern "outrages," when he lugged into this discussion things which had no bearing upon the bill, he must have been filled with the spirit of prophecy. There was also an animal in Scripture that was a prophet. [Laughter.]

Gentlemen, there can be no pretense which will conceal the real purpose of this measure. This is a grab for party power. I am somewhat of a politician myself, and I never saw a shrewder, a more adroit political move. Reprehensible as I believe this bill to be, threatening, as I believe it does, the very perpetuity of our institutions as they have always existed, I can not but admire as a politician this shrewd

political move, this Chinese system of warfare that keeps up a great deal of howl and hullabaloo about things pertinent in no way to this measure, while making the attack in an adroit and underhand manner. But, in the name of decency and fairness, throw off the disguise. You have your party all in line, you have your votes back of you. Walk up like men and say, "We have the power and we are going to use it." Do not try to be political purists any longer. [Applause on the Democratic side.]

Mr. SWENEY. Mr. Speaker, the Representative from New York [Mr. TURNER] has just referred to the fact that if the colored people of this country were possessed of sufficient courage they would not need for their protection a law of this kind.

Mr. Speaker, we may admit that the colored people are not possessed of the courage that the white people have. Their courage has been bred out of them by centuries of servitude; but it is being bred into them by freedom; and unless they be treated as men possessing courage, the time when they do become possessed of it equally with the white people will be a sad time for that section of the country in which they constitute the majority of the population.

The gentleman refers to the members on this side of the House and all who would favor a law of this character as "cringing." I want to say to him and other gentlemen on that side that the time has very nearly arrived when we shall cease to "cringe," and when gentlemen on the other side will not have political rights equal to four or five of us and of our people. It is a "cringing" disposition which induces men to submit to that. And I tell you, my friends, that we are humiliated that it is so. It can not continue. Free men can not submit to it, and brave men will not. [Applause on the floor and in the galleries.]

The SPEAKER *pro tempore*. Persons in the galleries are there by the courtesy of the House, and all demonstrations of applause must be suppressed.

Mr. SWENEY. No man who has faced men on this floor and their comrades of other days, who have been characterized here to-night as "cringing," would repeat that word in their presence or in the presence of the history of their country.

Mr. Speaker, I believe it to be proper to call attention to an address which was published in the newspapers of this city on the 28th instant, signed by thirty of the Democratic Representatives on this floor from the Northern States. Unfortunately there has never been a time in the history of our country in recent years, in peace or war, when there were not thirty or more Democratic Representatives holding seats here who were willing that the rights and liberties of the people of the country might be subverted in the interest of their party.

As a specimen of 1890 argument, that no power exists in the nation to maintain self-government or constitutional representation here; that fraud, suppression of ballot, and usurpation are constitutional; that there is no power to prevent it, I invite the attention of the House to that address. They do not deny that ballot-boxes have been stolen and false returns made, practically disfranchising the people; they do not deny that for maintaining political opinions thousands of men have been murdered since the war. They deny nothing of this kind. They say that the measure is unconstitutional; that it is revolutionary. This side of the House are accustomed to taking the decisions of the Supreme Court of the United States as final and conclusive upon questions of constitutional law.

In the parts of the country to which this law will least apply, and in which there is least necessity for it, the Constitution of the United States is studied in the common schools. It is revered and obeyed. We, of that portion of the country, have never had experience with any other national constitution than that, have never denied the binding force of the decision of the highest court nor our obligation to the Constitution; never have appealed from them to the tented camp and the battle-field. We have never had experience with any other flag than that which hangs above your head to-night, Mr. Speaker; and that flag was never followed in a "cringing" manner either, by the people whom we represent. [Applause.]

There are two questions involved in this measure which present themselves for consideration. One is: Is it expedient? The other is: Is it right?

It is right, Mr. Speaker, that every man entitled to a vote in this country should have an opportunity of casting that vote, and it is a right, not only of his, but it is a right of our own and the country that the vote so cast shall be counted and accurately returned. It is always expedient to do right. The evidence which is before the Committee on Elections and that has been presented to the House in the election cases which have been tried, the current history of our country, demonstrates the fact beyond the possibility of dispute that there is necessity for correcting the evils of the suppression of the ballot and falsifying of returns. It is said that it ought to be applied equally throughout the whole country. Mr. Speaker, criminal laws of the land are not applied equally to every class of people in the country. They are enacted for the benefit of all classes, but are applied only to the offenders against the law. This bill comes, too, "to call, not the righteous, but sinners to repentance." It is only partisan in this, that it seeks to purify the elections of the country and is supported only by Republicans. It is in these respects, and only in these, partisan.

It is not intended to apply where, as in the State of Iowa, such a thing as the stealing of a ballot-box was never known. It is not intended to apply it there, where such a crime as falsifying the election returns never occurred; and I ask if you can contradict that?

Mr. WHEELER, of Alabama. I contradict it for Alabama?

Mr. SWENEY. I say in the State of Iowa.

Mr. WHEELER, of Alabama. Oh; I do not know anything about Iowa. [Laughter.]

Mr. SWENEY. Well, I do. The distinguished gentleman from Alabama misunderstood me. I say that such a thing as refusing to receive a constitutional ballot and having that ballot faithfully counted as cast was never known in that State. Is there one of you that will deny it? Is it necessary, then, to be applied in the State of Iowa, as it is, in the light of the current history of the country, necessary in the State of Mississippi? I tell you the people of the State of Iowa have rights in this matter in common with the rights of the people of this country. They have a right to send their Representatives upon this floor in the same proportion to their ballots that the people of the State of Mississippi, or Georgia, or of Alabama have. The State of Alabama has no right to send a Representative to this Chamber with twelve or fifteen thousand votes back of him while the State of Iowa requires thirty-six thousand for every one upon this floor. It is a fraud upon their rights; and it is not, Mr. Speaker, a question with the black man and the white man of the South alone, nor of the rights of the black man; it is a question of self-government and involves the rights of the white man of the North as well. [Applause on the Republican side.]

The issue here involved is the perpetuation of self-government among men, government under Magna Charta, Declaration of Independence, and Constitution. Our Declaration of Independence was not the product of Thomas Jefferson alone, nor of his generation. It is the "gathered wisdom of a thousand years." No phase of the constitutional questions involved in this bill remains adjudicated. That our reverence for and knowledge of the Constitution under which we are acting is less than yours is refuted by every page of our country's history; it is refuted by every act, every inspiration, every hope of the party and people whom we represent. The purpose of this side, of the Republicans representing the liberty-loving people of the country, is that under the Constitution, and according to the Supreme Court's interpretation thereof, every elector, North and South, rich or poor, powerful or weak, shall be protected in his right to cast the ballot of his choice at Federal elections, and that his, our, and the nation's rights to have that ballot counted shall be enforced. That is all there is of it. Is that unreasonable, unpatriotic, unconstitutional, or revolutionary?

Here is what the Supreme Court of the United States declared in the case of *Ex parte Yarborough* (110 United States Reports, 667), Justice Miller speaking for the court:

If the Government of the United States has within its constitutional domain no authority to provide against these evils, if the very source of power may be poisoned by corruption or controlled by violence and outrage, without legal restraint, then, indeed, is the country in danger, and its best powers, its highest purposes, the hopes which it inspires, the love which enshrines it, are at the mercy of the combinations of those who respect no right but brute force on the one hand, and unprincipled corruptionists on the other.

And in the same case the Supreme Court say (pages 657-662):

If this Government is anything more than a mere aggregation of delegated agents of other States and governments, each of which is superior to the General Government, it must have the power to protect the elections on which its existence depends from violence and corruption.

If it has not this power it is left helpless before the two great natural and historical enemies of all republics, open violence and insidious corruption.

Congress has been slow to exercise the powers expressly conferred upon it in relation to elections by the fourth section of the first article of the Constitution.

This section declares that—

"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

It was not until 1812 that Congress took any action under the power here conferred, when, conceiving that the system of electing all the members of the House of Representatives from a State by general ticket, as it was called, that is, every elector voting for as many names as the State was entitled to represent in that House, worked injustice to other States which did not adopt that system, and gave an undue preponderance of power to the political party which had a majority of votes in the State, however small, enacted that each member should be elected by a separate district composed of contiguous territory. (5 Stats., 491.)

And to remedy more than one evil arising from the election of members of Congress occurring at different times in the different States, Congress, by the act of February 2, 1872, thirty years later, required all the elections for such members to be held on the Tuesday after the first Monday in November in 1876, and on the same day of every second year thereafter.

Will it be denied that it is in the power of that body to provide laws for the proper conduct of those elections? To provide, if necessary, the officer who shall conduct them and make return of the result? And especially to provide, in an election held under its own authority, for security of life and limb to the voter while in the exercise of this function? Can it be doubted that Congress can by law protect the act of voting, the place where it is done, and the man who votes from personal violence or intimidation and the election itself from corruption and fraud?

These questions answer themselves; and it is only because the Congress of the United States, through long habit and long years of forbearance, has, in deference and respect to the States, refrained from the exercise of these powers, that they are now doubted.

This language of the court was not used to conform to this bill, but this bill was drawn in conformity with that language.

It is with reference to that language of the court, and to that and

kindred decisions in its application to this exercise of power, that the protesting thirty declare to be a "doubtful construction of the Constitution," and the constitutional exercise of this power is absolutely denied in the third paragraph of their pronunciamiento. This bill subjects no locality or people to its provisions, except on application by a large number of voters for protection of their rights in a specific locality. It applies impartially to all parts of the country, and Republicans ask no exemption from its provisions. I do not believe that any candidate for the Presidency, past or future, of the Republican party, would sanction or permit its abuse. I do not believe that any candidate of the Democratic party for that office, past or future—save only such as would buy a seat by bribery with his hoarded gold—would abuse the power.

It will, they say, take money to execute it. Unless, indeed, electors are without its intervention allowed to exercise their rights, it will take money. It has cost money and the richer blood of patriots to secure these rights. It is the poltroon only who values the rights of his countrymen, the foundations of his Government, less than the money which their maintenance costs. It does provide for certificates which shall prevent the seating of members here on returns made by men taking their oath of office with mental reservations justifying fraud and usurpations. These gentlemen, and all of us, recently saw on this floor that ballot-box from the First district of Arkansas, twenty-one of which were provided by the sheriff for the several polling places in one county; boxes which were such instruments of brazen fraud as to make any man with conscience or honor indignant. That box came, too, from a county where, before election, many honest, quiet citizens were taken by armed men in the night and banished under pain of death; a county where several men were murdered because they were Republicans and would not give up their right of ballot. The beneficiary (personally a pleasant, genial gentleman) of those frauds and violences, whereby the will of the people was overthrown, took part in your councils, declared the acts of the Speaker tyrannical and revolutionary; and you, signers of this protest, voted to retain him among your number, and to exclude from the seat to which he was elected the present sitting member.

In the Richmond case of Waddill vs. Wise, the undisputed record shows that hundreds of Republican voters stood in line with ballots in hand from sunrise until the sun set at night and the polls closed, and were refused their constitutional right to vote. By reason of such monstrous fraud there was seated in this House a member of your party. Those Republicans, standing thus, ballot in hand, denied their right, took the ballots, crumpled and soiled as they were, cast them in the box produced here, and, thanks to the God of justice and the Republican party, their votes were counted, soiled though they were by sweat of dusky hands, and from your side was wrested the fruits of that political larceny. My Democratic friends of the South, pause and think of this. There is nothing which a man so desires as the thing which is his of right, but of which he is wrongfully deprived. Possession of that thing becomes the aim of life, the consummation of his ambition. For its attainment he will live and toil and learn, and for it, if need be, will finally die. Some day that dusky line, with ballots in hand, will march up to the polls in Richmond and all over this land, their ballots will be taken, placed in the boxes, and counted. When that consummation becomes, as it is becoming, more dear to them than life, it will be done. Do you know when that time will come in any one locality? These Northern protestants can not tell you. I do not know that they would if they could, because your course tends to give the administration of the country to their party. You know that it is coming, though, and if the storm is compelled to gather much greater force before it breaks, for the man who stands before it it would have been better had he not been born. We, in this measure, seek to save you from yourselves and our common country from your reckless conduct.

The votes in one contest in this Congress from Alabama shows a condition which, were it not a cancer on the body-politic, would be grotesquely ludicrous. Actually, the situation was so well known and acknowledged by all that the two parties entered into an agreement. On the one hand the Republicans were to support a Democratic candidate; on the other hand the representative Democrats gave the pledge of a fair counting of the vote for the Republican candidate for Congress. It gives me pleasure to say that many of them adhered to their contracts for a fair count. Others refused to serve as judges of election, because to make true returns against their party would bring them into disrepute among their party associates. Others refused because they claimed that the contract for a fair count did not apply to their locality and at that election.

In one Arkansas district it is acknowledged that the ballot-boxes containing large majorities for John W. Clayton were captured, carried off, and destroyed by armed bandits. When he contested for a seat upon this floor, to which he claimed he was elected, the assassin shot him as he sat at night with his family at his fireside. The question of who is entitled to that seat is yet to be determined, and I do not pre-
judge it.

In the Third Mississippi district, as shown by the votes taken, there is a white population of 25,000, and 104,000 colored. If anywhere in his country the provision in our Constitution that blacks and whites shall have equal political rights is to be observed, then why should not

a colored man be elected to this House from that district? Will you gentlemen on the other side answer that? Have not the colored people of that, the Yazoo district of Mississippi, outnumbering the whites more than four to one, a right to elect one of their number to this House?

Gentlemen, Northern Democratic protestants living north of the Potomac and Ohio Rivers, these facts are but a few among the thousands making up the conditions which gave you for years a majority on this floor, which gave you for four years an occupant of the Presidential chair. The country knows it. You know the truth of these statements. In your address to the people of the country you do not deny, nor do you even attempt to present an excuse for them. Since the war in this country, tens of thousands of men have died on account of their political beliefs, and because they insisted on the exercise of their political rights. These men have been from the homes of refinement and in the cabins of the lowly. They met the assassin's bullet in the fields and on the lonely path-ways through the forests; they have fallen at and around the polling places. You know it; you can not deny it. In your presence, and in the presence of us all, your eloquent leader in this debate swore before the God above us that the present should continue.

Viewing the disadvantage in political power in which the people of Iowa stand, compared with the people of Mississippi and Georgia, for instance, I am glad to know that no Iowa member of Congress's name appears on the bill for continued robbery of my people of their political heritage. Using round numbers only, in Mississippi 15,500 votes have a Representative on this floor; in Georgia it requires but 12,200; in Iowa it requires 35,800. In Alabama one man has political power here equal to two and a half men in Iowa. In Georgia one man has like power equal to more than three men in Iowa. This disproportion is much greater comparing some other localities North and South.

We of the North say that you are and ought to be our political equals. We can not concede that you are or ought to be our political superiors. We realize, my friends of the South, the gravity of the social and political problems which are with you to solve. We desire to help you to their solution, in the kindest and most fraternal manner. We have been patient, even to humiliation, while you have absorbed unduly the political powers of the country, without solving the problem before you, except by the destruction of government by the people. We can not consent that this disparity shall longer continue, even though our thirty Northern Democratic friends do appeal to the country to maintain that sectional inequality. These thirty appeal to the country to permit, by non-action, the continuance of the suppression of the ballot, of fraudulent counting, of false returns in any or all parts of the country; to permit the continuance of the disfranchisement of men to whom the Constitution of their country gives the right of ballot. They appeal to their fellow-countrymen to insist that the people of the States and districts from which they come shall be, as they now are, deprived of equal political rights in the affairs of their nation.

I have never before heard of the birthright of one's self and one's kindred and people being offered for so small a mess of pottage. Are they blind? Can it be that they see not? They call on our people to assemble in mass-meeting to protest against this bill to restore their political rights and to restore self-government to the people. Yes; let them assemble in mass-meeting. Let them resolve, if they will, that one man from other States in political power in this country and on this floor shall equal from two to five of themselves; that, regardless of Constitution, of justice, of oaths of office, of humanity's common instincts and honor, men shall, for political opinion's sake, be shot like dogs, driven from their homes, deprived of the right to vote, have their votes stolen or uncounted; that by such means the Presidency and this House shall, as it has been, be held by the Democratic party. Let them do this in answer to your calls if they will. Ah! sirs, the brave, patient people of the North will do nothing of the kind; but the time will come when those who counsel it, who advise them to surrender self-government, equality, and honor will wander, like a leper, in the political wilderness, crying at the approach of a man, Unclean! Unclean!

Men of the South, we are ready and anxious to help you. We have tendered you funds from the national Treasury with which to educate to better citizenship your ignorant black and white. You reject it. Do not refuse the boon of government by the people. Your heritage and ours is one. Your magnificent courage is not doubted. It is known and we proudly acknowledge it. You should recognize ours, and not trespass on our rights as free men and your equals. Remember that it is not the blacks alone whom you deprive of rights in this Government, but all of us. Do not be misguided. The courage and determination which have fixed on that flag each stripe firm as the bands of Orion, and on its azure field each glittering star, immovable as the Sisters of Pleiades, will regain and guard political rights. Self-government and the people's rights are of God, and "there is no conqueror but God."

Mr. HOOKER. Mr. Speaker, it has not been my good fortune to hear all of the speeches which have been delivered on this subject, and it is possible, in what I may say on the bill now before us, that I may travel over the ground which has been already occupied, far more ably

than I can hope to do, by gentlemen who have preceded me. But I shall not imitate the example which has been set in this discussion by following in the line of crimination and recrimination with reference to particular incidents which have occurred in this or in that State.

This bill, Mr. Speaker, presented for the consideration of the Congress of the United States, is a novel measure. For the first time in the history of the Government since the adoption of the Constitution under which we live such a bill is now presented for the action of Congress. It raises at the very threshold of the discussion a grave question as to the constitutional power of the Congress of the United States to pass a Federal election law, in view of the fact that election laws have been declared adopted and carried into execution in every one of the States of the Union. From the time when the Constitution was adopted down to this moment, it has never been found necessary that the Congress should pass an election law; and, in order to ascertain what the power of the Congress of the United States is in regard to the subject, you must go to the Constitution itself and ascertain whether that power exists. If there be doubt about it, then clearly there should be no attempt on the part of the Federal Government to enact such a law.

When the proposition was made to-day to make this law universal in its application and apply it to every State in the Union, it was voted down; and why? It is conceded that frauds in elections may have been perpetrated in many of the States North as well as in the States South; and, therefore, if there is a necessity for a Federal election law, surely there is reason why it should be made universal in its application to all of the States.

This question, Mr. Speaker, was discussed, not in this Hall, but in the old Hall of the House of Representatives, more than fifty years ago, in the Twenty-fifth Congress of the United States; this question was discussed by a man who had his birthplace in the North and who in early life became a citizen of the State of Mississippi, who was elevated from the humble position in which he began his life in Mississippi, that of a school-teacher; who was advanced to the highest position in the esteem and honor and respect of the State of which he became an adopted citizen. He was a lawyer of eminent ability, an orator unsurpassed in his eloquence, a man who retains to-day, in the memory of the people among whom he passed his life, the affection and regard of all who knew him and all who have read his history. He was elected from the State of Mississippi to represent a Congressional district on the floor of the old Hall of the House of Representatives, before this magnificent structure was reared. In that Twenty-fifth Congress, more than fifty years ago, he made an argument upon the constitutional power of the Federal Government to pass an election law, which, in my judgment, has never been answered down to the present time. That man was Sargeant S. Prentiss. In discussing this question he quoted from the Constitution of the United States, in the speech which he delivered in his own contested-election case, where this question arose of the power of the Federal Government under the grant of power in the Constitution in that clause which provides that the States "shall" prescribe, using the imperative language, laws indicating the time, place, and manner of holding elections, but the Congress of the United States may alter or change such laws with reference to everything except the place of election of United States Senators; and I will send to the Clerk's desk to be read the marked pages from the speech of Mr. Prentiss, which will be found on pages 291 and 292 of the life of Mr. Prentiss, in which this speech is given.

The Clerk read as follows:

The framers of the Constitution, in prescribing the general modes through which the right of representation should be exercised, very wisely concluded that the regulation of the most important of all political rights should be placed in the hands of the Legislatures of the States, respectively, as the safest depositories of so important a trust. Accordingly they provided by the fourth section of the first article that "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators."

Indeed, so vitally important was it considered to the independence of the States that the legislation should be entirely untrammelled in prescribing the time, place, and manner of holding elections, that it was with great difficulty that the States were persuaded to acquiesce in the controlling power given to Congress to make or alter by law the State regulations. If you will look, sir, into the debates in the different conventions upon the adoption of the Federal Constitution, you will find that no provision was more debated or received with greater jealousy. All the States took the ground that the most important of their political powers consisted in the control, through their Legislatures, over the time, places, and manner of election; and the ultimate supervisory power was reluctantly placed with Congress, upon the express ground that it was necessary for the preservation of the Government; that, without this provision, the State might neglect to make any regulations on the subject or might fix the times of election at such periods as to prevent a representation, and thereby cause a dissolution of the Government. It was admitted in all the debates that this power of providing for a deficiency or failure of action on the part of the State Legislatures did not and could not with propriety reside anywhere else than in Congress. Still the States were so jealous on this subject that most of them accompanied their ratification of the Constitution with a solemn protest against the exercise by Congress of this power, except in cases of failure or neglect on the part of the State Legislature, and also with standing instructions to their delegates in all future time to obtain, as early as practicable, an amendment of the Constitution limiting the action of Congress on this matter to such cases of neglect and failure only. The ratifications of South Carolina, North Carolina, Virginia, Pennsylvania, New York, Rhode Island, and Massachusetts, if not others, contain such protests and instructions.

Mr. Speaker, it will be observed, in reading the address, Mr. Pren-

tiss cites that clause of the Constitution under which the power is claimed now for passing such a law. He refers to the fact that in the various conventions of the States which assembled for the purpose of determining whether they would adopt this Constitution they adopted it with a protest. He says that the primary power is granted to the Legislatures of the States.

[Here the hammer fell.]

Mr. HEADLE. I ask unanimous consent that the gentleman be permitted to proceed for ten minutes longer.

Mr. MUDD. I shall make no objection if the same courtesy is to be extended to our side.

The SPEAKER *pro tempore*. The Chair would like to state that he has a very long list here, and that it would be impossible to finish up the list if there is an extension of time. Of course it is in the discretion of the House to do as it pleases.

Mr. HOOKER. I do not like to trespass upon the time of the House, but I would like to finish what I have to say.

Mr. MUDD. I shall object unless it is understood that the same extension will be given to this side of the House.

Mr. DOCKERY. We are not lacking in courtesy, and there will be no trouble about that.

Mr. HEMPHILL. So far as I am individually concerned I have no objection. As the Chair has stated, the time has been divided up and it is with the gentlemen who are to follow. I have divided the time as best I could. It rests with those who are to speak later. If the time is consumed, can not assume the responsibility.

Mr. WHEELER, of Alabama. I am last on the list and I do not object.

Mr. WADDILL. I move that the time of the gentleman be extended for ten minutes, that he be allowed to proceed with the understanding that the same courtesy will be extended to the other side.

Mr. JOSEPH D. TAYLOR. I make the point of order that this has always been done by unanimous consent, and must be done in a special way.

The SPEAKER *pro tempore*. Unanimous consent is asked that the gentleman's time be extended ten minutes. Is there objection?

Mr. JOSEPH D. TAYLOR. I object.

Mr. HOOKER. Very well; I give notice that I will claim the floor in the morning to continue what I have to say. I should have preferred to finish what I had to say to-night, but of course I yield if objection is made on the other side.

[Mr. MUDD addressed the House. See Appendix.]

Mr. CARLTON. Mr. Speaker, the difficulty members have in being heard on this, the gravest proposition which has ever been presented for the consideration of the American Congress impresses me with this conclusion, that the enormity of the measure under consideration is only exceeded by the determined purpose of its partisan promoters to rush it through this, the popular branch of Congress, without due discussion and deliberation. Just to think of a measure so revolutionary in its character as to wrest from the States of this Union a constitutional right which they have enjoyed and exercised for more than a hundred years, being hurried through this House in the short period of four or five days, and that, too, under a rule which gives all possible advantage to the partisan promoters of the iniquity.

This is contrary to all true statesmanship. It is at variance with all safe, fair, honest, and legitimate legislation. It is a procedure which will not be justified or excused by the American people. It is simply monstrous. In the contemplation of these facts, methinks I already hear a distant sound, as the mighty rushing of the waters. Hark! 'tis the voice of an outraged and indignant people coming up from every portion of the American Union, crying aloud, "Down with the Centralists!" "Out with the monarchical desecrators and defamers of the temple of American liberty!" "Away with the usurpers of the rights of freemen!" And as the voice of the people gathers into one mighty sound, methinks I hear above the clamor one united exclamation, "Oh, for a Lodge in some vast wilderness."

Mr. Speaker, it is claimed by the supporters of this bill that Congress has conferred upon it the power to enact it into law under paragraph 1, section 4, Article I, of the Constitution, which reads as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

It is further claimed that the United States Supreme Court has rendered a decision sustaining this construction or this power on the part of Congress. I am not aware of the Supreme Court having rendered any decision upon this particular clause of the Constitution, but if it had it would have been obliged to hold that Congress "may at any time by law make or alter such regulations" consistent with the reserved power herein granted. It could not have done otherwise, as that is the plain letter of the law. But the same court would have been equally obliged to hold that the primary, absolute, and mandatory power was in the States, for the plain letter of the Constitution also says that "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof."

The authority here given to the States is certainly absolute and mandatory, while the power given to Congress must, in the very nature of things, be a reserved or alternative provision, so as to enable Congress to preserve the Government in case the States, or any of them, should refuse or neglect to provide for the election of members of Congress. It can not be maintained that absolute power is here given to both the States and Congress to regulate these elections. This would be to establish conflicting powers between the States and the National Legislature and would render nugatory this clause or provision of the Constitution.

Such a view or construction would be inconsistent with sound and effective law and do violence to the framers of our organic law, who were the ablest statesmen and constitutional lawyers of this or any other country. The record and the history as to the adoption of this clause of the Constitution undoubtedly sustain the position that the power given to Congress to pass a law giving Federal control to State elections was a reserved or alternative provision, only to be exercised when the States themselves failed or refused to provide for these elections. The propriety of even giving to Congress this power respecting elections in the States was most seriously questioned in the convention which framed the Constitution.

Mr. Madison, in discussing this clause in the convention, said:

The necessities of the General Government suppose that the Legislatures will sometimes fail or refuse to consult the common interest at the expense of local convenience or prejudice.

He again says:

This clause was meant to give the National Legislature power, not only to alter the provisions of the States, but to make regulations in case the States should fail or refuse altogether.

Judge Story, in his Commentaries on the Constitution, says:

The regulation of elections is submitted in the first instance to the local governments (the States) which in ordinary cases, and when no improper views prevail, may both conveniently and satisfactorily be by them exercised. But under extraordinary circumstances the power is reserved to the National Government, so that it may not be abused and thus hazard the safety and permanence of the nation.

Referring further to the debates in the constitutional convention adopting this clause, as well as the debates in the original thirteen States ratifying the Constitution, it must be clear to any impartial mind that it was only adopted and ratified as a precautionary measure, a reserved power given to Congress, to be exercised only upon failure of the States or any of them to provide for the election of United States Senators and Representatives.

Is there any such condition of affairs existing at this time in any one of the States of this Union as could possibly justify or call forth the exercise of this reserved or alternative power on the part of Congress? The fact that the elections throughout the country, and especially in the South, do not result satisfactorily to the Republican party, or the mere assertion, without facts to sustain it, that frauds exist in the elections in the Southern States, will not be accepted by the American people as sufficient cause for Congress exercising a power so revolutionary in its character, so subversive of their rights as American freemen, and which will prove the overthrow of the very foundation of our free republican institutions.

From the foregoing and from the plain letter of the law itself, the promoters and supporters of this measure must in some manner reconcile these apparent, distinct, and different powers given by the Constitution to the States and to the National Legislature before they can successfully claim the power of Congress to enact it into law.

I would respectfully invite the attention of this bill to other constitutional provisions touching upon this question, and which are subsequent to that under which they claim the power and authority to pass this law. The ninth amendment to the Constitution says:

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

The tenth amendment to the Constitution says:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Should it be held that these amendments refer and relate to the distinct powers enumerated in the Constitution, then certainly they more forcibly relate to the clause under consideration.

It is now a generally accepted postulate of constitutional construction that the Union must be regarded as a government of limited powers, while the States are governments of general or full powers except as the national Constitution or that of the particular State imposes restrictions. In other words, the State governments are the repositories of all sovereignty, authority, and sway which are appropriate to republican government and which are not prohibited by the national or withheld by the State constitution. Then he who would impeach, repeal, or seek to overthrow the laws of the States must first show that they transcend the limits which by one or the other instrument have been granted as authority to such States.

The statement of the honorable gentleman from North Carolina [Mr. EWART] (and he ought to know, for he comes fresh from the Republican camp) is that this bill is only a party measure, for opposing which he is aware that he will have to pay the penalty. Then, since the announcement of this truth, coming straight and fresh from the Republican ranks,

heralded by one who has the patriotism and manhood to serve the true interest of his country and his people rather than obey the despotic dictation of King Caucus, no other reason can be assigned for this measure, which wrests from the States of this Union a right given them by the Constitution, than that it is a want and a necessity of the party in power.

Let me admonish the friends and supporters of this measure that the Nestor of the Republican party, that grand man whose untimely taking off was a calamity to the whole country, announced in undying terms that "this was a Government of the people, for the people, and by the people." There are no divine or hereditary rights in free republican America. All the powers of government, all the authority which government or society can rightfully exercise towards the people or individuals are originally vested in the people themselves. The will of the people is the source of power to create and administer government by written constitutions. Such legislation as you now propose proceeds upon the idea, the violent presumption, that the people of the States are incapable of self-government.

The sovereignty of the States, local self-government, is the very foundation upon which is builded our system of free republican constitutional self-government. This bill is simply monarchical in its tendency. It proceeds upon the further idea that the machinery provided is perfect; that the officials to be furnished are infallible; that the king can do no wrong; that order is to be preserved, society protected, and government perpetuated by a power outside of, and superior to, the people themselves.

Let such ideas be tolerated and advanced, let such legislation as this be enacted, then will the American Congress have laid the foundation for the overthrow of all constitutional government and the destruction of all civil liberty in this country. Despite the attempted argument to the contrary, this bill is sectional in its character and is so intended to be applied. No better or higher proof is needed of this being the undoubted purpose of the promoters of the measure than the unflinching earnestness with which they fought the amendment of the gentleman from New Jersey [Mr. LEHLBACH], which was to make the law uniform and universal in its application to every Congressional district in every State of the Union.

Gentlemen on the other side of this House have asked stoutly, Why should this bill be objected to if the elections in the South are fair and honest? How can it then hurt or inconvenience any one? Granting this to be true, then why should the Republican friends and framers of the bill object to the amendment which makes it applicable and of force in their own districts? "What is sauce for the goose is sauce for the gander;" but you do not intend that it shall so be. You intend that it shall only be sauce for the Southern States, that your damnable political passions and prejudices may be fed and sweetened, and that sectional strife and discord may be kept alive for the aggrandizement of your party.

I would prefer to attack this most iniquitous and pernicious measure from other than a sectional standpoint, for it is as subversive of the rights of the people of Maine and Massachusetts as it is of the rights of the people of Georgia and South Carolina, but you have forced the argument from another and purely sectional standpoint. Let me advise you, gentlemen, that if you have intended this as a sectional measure, only to be applied to the South, then it will, as has other like sectional legislation, fail of its purpose and fall beneath the weight of its own infamy, burying the Republican party beneath the ruin.

If, perchance, the Republican party has intended by this bill to Mexicanize or africanize the South, then I would say to the members of that party that the honorable gentleman from North Carolina [Mr. EWART] has truthfully forewarned them when he says "that the passage of such a law will sow the foul seed of factional discord among the people, be a fruitful cause of unutterable woe to the unfortunate class it is designed to benefit." Viewed from a political standpoint it will solidify the Democracy of the South and make negro rule or supremacy in the South as impossible as the 25,000 negroes in Indiana, who, as a balance of power, carried that State for Harrison, or the 20,000 negroes on Long Island who voted for Harrison, are unlikely to receive any special favors at the hands of the Republicans or become the rulers and leaders of that party.

It may be pertinent to inquire just here why such continued and never-ceasing declarations of sympathy for the poor negroes of the South, which sympathy finds its expression more in the abuse and slander of the Southern white man than in deeds of kindness to the negro, while the existence of thousands upon thousands of poor, ignorant, unemployed, half-starved, and half-clothed negroes throughout the North seem to be utterly ignored and forgotten by these would-be hypocritical Republican philanthropists? Mr. Speaker, it was not my purpose to take a sectional view of this measure, only so far as to refute some of the charges of slander which have been made against the State and people which I in part have the honor to represent on this floor.

The gentleman from Massachusetts [Mr. LODGE], the author of this bill, opened his argument the other day with a broad denial of anything of a sectional character or so intended in his bill. He sought to sustain this position by alluding, not to the election irregularities and frauds in his own State, but with a rather severe criticism of such out-

rages in the State of New York, notwithstanding one Davenport, of that State, is said to have draughted the so-called Lodge election bill. The champion of the Federal election law had not gone far, however, in his argument when he fully disclosed the fact that this was a mere pretext, an intended blind, which produced more of amusement than conviction, as he hastened to unburden his troubled soul and give forth with much fervor and feeling the true object and foundation of his bill.

The gentleman occupied his full hour in a recapitulation and reiteration of his oft-repeated attacks upon the South, making Georgia and South Carolina the special objects of his more partisan than patriotic lecture. His sympathy and affection for the poor negro of the South grew so intense that really we were alarmed for fear that he would at once "deport" all the negroes from the South to his own bosom and his own State in order that their rights might be protected by making his re-election to Congress the more certain. What a potent argument for his so-called non-sectional bill, when he urged its passage because Democratic Georgia would not surrender her ten seats in Congress to the Republican party.

The gentleman further argued that there was a "race problem" in the South, which he seemed to think could only be settled by the passage of his election bill. I would like to know of the gentleman what an election bill has to do with a "race problem." Was the "race problem" in Massachusetts settled by an election law or a bill of sale? I will inform the gentleman for his enlightenment as to affairs in a section of the country which he has never visited and knows nothing about, that there is no "race problem" in Georgia or the South. There is, down there, a political problem, which the gentleman does not understand, which seems to worry him and his party very much, and which his partisan, sectional bill will never settle, at least to his satisfaction or according to his calculations.

The negroes in Georgia are far better off and better protected in all of their rights than they would be in Massachusetts, and they know it. If not, they would in all human probability emigrate to the Bay State and put themselves under the special protection and guardianship of Mr. LODGE and his Federal election law. There is nothing to prevent such a move on the part of the negroes and nothing to guide or control them in such a choice save their own free will and good judgment.

Let me further inform the would-be friend of the negro of the South that he can not further or longer fool the poor Southern negroes, and that they are not going to emigrate to his State and throw themselves into his loving and sympathetic embrace. He has been fooled so often by the Republican party that he has at last gotten his eyes opened and his mind enlightened, and has no further confidence in that party and its promises to the negro, which are only made to be broken. He knows who his true friends are, and with them he is going to remain. The gentleman is in error when he says, "A movement is on foot in the South to deport the negroes." Let him not be alarmed for fear they might come to his State. The South is the natural home of the negro, and there he is going to stay. We do not intend that he shall go away, or at least we do not want him to go away. When Massachusetts and Connecticut and New York and other Northern States sold their slaves to the South because they could not longer use them, as slaves, to advantage in the North, they said the South was the natural home for the negro. We took them; we have lived peaceably and prosperously with them for a hundred years and more, and we expect, if let alone, to continue to live peaceably, happily, and prosperously with them.

Is it not a little off, or unexpected, in the gentleman from Massachusetts, coming as he does from a State which helped to introduce the slave trade into America, which settled its "race problem" by selling her slaves to the South, and who comes from an ancestry who probably grew opulent from "negro trading," to be moralizing on the "race problem," and attempting to lecture the South as to its treatment of the negroes? "Oh, Shame! where is thy blush?"

Why, Mr. Speaker, I am told that amongst the French spoliation claims that are now being prosecuted before the Court of Claims and in this House are some claims for former citizens of Massachusetts in behalf of their posterity and legal heirs, which former citizens or ancestors had traded their negroes for rum or sold their negroes and bought rum, and while engaged in trading their rum on the coast of Africa for other and more negroes their slave-trading vessels were seized or spoliated.

I will venture to say just here, and under the peculiar history and surroundings, that I think it would be in quite as good taste and the bounds of propriety for me to say to the "race problem" moralist, the would-be lecturer of the South, who hails all the way from Massachusetts, that if he and his party will just hands off and let us and the poor negroes of the South alone, all troubles and problems of the South will be settled much more satisfactorily and much more to the advantage of the negroes than he and his party can possibly do through Federal election laws or any other Republican legislation, and we promise not to trade any of the poor negroes off for rum.

The gentleman from Massachusetts, as well as other gentlemen on the Republican side of this House, seems not to understand why the Georgia members of Congress should have been elected by so small

votes. Indeed, it seems a matter of great distress and anxiety to them. This is easily explained, and should not be a matter of surprise or distress to any intelligent Republican who has kept abreast with the political history of the country. In Georgia we have but the one party, the Democratic party. Our contests over elections are in the primaries, when Democrats turn out *en masse*. The nomination in these primaries amounts to an election; so that when the regular election comes off, there being no opposition, the party as a whole does not deem it necessary to turn out and vote.

In the Presidential elections (reference to which these gentlemen studiously and most carefully avoid), there is always a full vote showing a Democratic majority in the State of more than 60,000 votes. Have these gentlemen forgotten the fact that Georgia and Texas are the banner Democratic States of the Union, having interchanged the banner given to the State casting the largest Democratic majority? When has the seat of a single member of Congress from Georgia been contested in this House? Where is the scandal that has attached to a single State official in Georgia since the Democracy came into power?

But, say our Republican friends, what about the negroes? The census shows a large negro vote or voting population in Georgia and the South. That is true, but gentleman you make a mistake in assuming that the negroes all vote the Republican ticket or are all Republicans, and your bill is simply to count them for your party whether they vote your ticket or not or whether they vote at all. Your bill should be entitled, "A bill to coerce the negroes of the South into the Republican party and to count them for the Republican ticket whether they vote or not." That is all there is in it, and no one knows it better than your party.

I am willing to admit that under a system of political teaching and drilling inaugurated in the South by the Republican party just after the war the negroes were made to believe that this party was the author of their freedom and was their best and truest friend, and having been fooled into this belief they naturally went into the Republican ranks. Has this party kept faith with the negroes of the South, so as to reasonably expect them to continue in the Republican fold?

There is no race of beings on earth more sensitive to false promises and false hopes than the negro race. Remembering, then, the history of the Freedmen's Bureau, how under Republican establishment, control, and influence this bureau, for the deposit and safe-keeping of the hard earnings of the poor negroes, induced and received these deposits only to be squandered by their so-called and unfaithful Republican friends—it is safe to say that had it not been for the Democrats, who at last are the negroes' best and truest friends, as they are fast finding out, this loss would have been complete, final, and forever. How the negroes remember with bitterness this history, as they do the false promise of "40 acres and a mule."

Georgia from the close of the war until 1872 was under the control of the Republican party. Under the laws of that State large revenues were set apart as an educational fund, of which the negroes received a large percentage. The party in power stole this fund absolutely, and it was among the first acts of the Democratic party when coming back into power in 1873 to restore and fully reinstate this fund for the education of both blacks and whites. Many other unfulfilled promises of the Republican party are remembered by the negroes of the South, and now, being fully satisfied that they have been used by that party only for party aggrandizement, they are fast dropping from the Republican ranks.

These facts are well known to you Republican gentlemen, and you are simply alarmed at the result. You expected when the negroes were free and given the right of suffrage that they would swell your party ranks and give you greater and more certain political power. In this you have been disappointed, and to-day, if you could, you would disfranchise every negro in the country, especially as it would reduce the representation in Congress from the South, which representation you so much fear, and forever antagonize. Being disappointed in these fond hopes and anticipations, incident to the freedom of the negroes, you now bring forward this partisan measure to count the negroes of the South for your party, whether they vote or not.

Let me tell you how we treat the negroes down in Georgia.

When the General Government donated the "land-scrip fund" to the different States of the Union, no special provision was made in that act for the negroes receiving their pro rata share of the fund. The State Legislature of Georgia took the matter in hand, passed a resolution readjusting this fund as far as related to Georgia, and gave the negroes of the State some \$5,000 more of this fund than their pro rata share, making the sum of \$8,000 per annum out of an annuity from the whole fund of about \$17,000. Subsequently this provision was ingrafted into our State constitution of 1877, and stands there to-day as a monument of proof of the better friendship and protection to the negroes at the hands of the Democrats than at the hands of the ever-sympathizing, pretentious, and never-performing Republicans.

Then why should the negroes of the South, and especially the negroes in Georgia, be Republicans? There is to-day but a fragmentary element of the Republican party in Georgia, a sort of corporal's guard, just enough to receive and enjoy the limited patronage bestowed when that party is in power. While it is true, perhaps, that the negroes, as

a class, do not affiliate directly with the Democratic party, yet they have almost, if not quite, ceased to act with the Republican party, save a few howling leaders who do the bidding of their party by way of keeping up sect onal strife and discord.

Gentlemen of the Republican party, why not let us alone? Are we not doing well in the South? Do the negroes of the South come up here clamoring for Federal election laws and protection at your hands? Where in this broad land, where civilization has planted its foot and where the negroes constitute a portion of the American population, is this race doing so well as in the South? Why endanger the prosperity of the South and the well-to-do condition of the negro? We certainly have had hard enough a time in rallying and recuperating from the ravages and devastations of the war. Let me now tell our Republican friends, and indeed the whole country, what we are doing and what we have done in the South; and for this purpose I propose to insert here, as a part of my remarks, the following statistical facts compiled by the Norfolk and Western Railroad Company:

Everywhere and in all lines the South is at work. Its people are imbued with a spirit of energy and enterprise never surpassed; its vast resources are being opened up and their development is adding to the prosperity of every part of this section, and its manifold attractions and advantages are bringing a steady stream of wealth and of men of enterprise to this fair land. What the South has accomplished in the way of new industrial enterprises may be seen from the following summary of the number organized during four years from January 1, 1886, to December 31, 1889.

Iron-furnace companies.....	126
Machine shops and foundries.....	441
Agricultural-implement factories.....	63
Flour mills.....	535
Cotton mills.....	267
Furniture factories.....	220
Gas-works.....	101
Water-works.....	351
Carriage and wagon factories.....	178
Electric-light companies.....	475
Mining and quarrying enterprises.....	1,891
Lumber mills, including saw and planing mills, sash and door factories, stove factories, etc.....	3,036
Ice factories.....	233
Canning factories.....	425
Stove foundries.....	25
Brick works.....	565
Miscellaneous iron and steel works, rolling mills, pipe works, etc.....	184
Cotton compresses.....	114
Cotton-seed-oil mills.....	148
Miscellaneous enterprises not included in the foregoing.....	4,415
Total.....	13,744

It may be well to sum up only a few leading points in the South's growth during the last few years, as given in the preceding pages, and thus convey some general idea of what has been done in this brief period.

In four years nearly fourteen thousand new manufacturing and mining enterprises have been organized in the South and thousands of old plants greatly enlarged. The list of new enterprises extends over almost the whole range of human industry, embracing pig-iron furnaces, foundries, machine-shops, steel-works, cotton and woolen mills, cotton-seed-oil mills, cotton compresses, fruit-canning factories, carriage and wagon factories, agricultural-implement factories, flour-mills, grist-mills, saw-mills, planing-mills, sash, door, and blind factories, shuttle factories, handle and spoke factories, barrel factories, shingle-mills, furniture factories, tobacco factories, brick-yards, ice factories, fertilizer factories, stove foundries, wire-fence factories, lime-works, soap factories, tanneries, glass-works, gas-works, distilleries, potteries, electric-light works, marble and slate quarrying companies, and companies to mine coal, iron ore, gold, silver, mica, natural gas, oils, etc.

The number of national banks has increased from 220, with a capital of \$45,468,985, in 1879, to 472, with a capital of \$76,454,519, in 1889, a more rapid percentage of gain than is shown by the rest of the country.

The railroad mileage of the South has been increased by the addition of nearly 20,000 miles since 1880. Since that year over \$800,000,000 have been spent in the building of new roads and improving old ones. The assessed value of property has increased over \$1,300,000,000. This does not show the full increase in the value of property, since there is a very large amount of manufacturing property created since 1880, which does not appear in the tax assessments, being exempt by law from taxation. The increase in the true value of property was over \$3,000,000,000. In 1880, the South made 397,301 tons of pig-iron; in 1888, 1,132,854, and in 1889 the output was 1,566,702 tons.

In 1880, 6,048,571 tons of coal were mined in the South, and in 1889 the output was over 19,400,000 tons. Cotton mills have increased from 161, with 14,323 looms and 267,854 spindles in 1880, to 355 mills, with 45,091 looms and 2,035,268 spindles, while many new mills are under construction and many old ones are being enlarged. In 1880 there were 40 cotton-seed-oil mills in the South, having a capital of \$3,500,000; now there are 213, with over \$20,000,000 invested.

The value of the South's agricultural products for 1889 was about \$850,000,000, against \$571,000,000 in 1879. The value of the South's live stock on January 1, 1889, was \$569,000,000, while in 1880 it was \$391,400,000. The production of grain rose from 431,074,630 bushels in 1880, to 652,291,000 bushels in 1889, an increase of over 220,000,000 bushels.

In every line of industry the same tremendous strides of progress are being made.

Presenting these comparisons in tabular form we have the following:

	1880.	1889.
Assessed value of property.....	\$2,913,436,095	\$4,220,166,490
Railroad mileage.....	20,612	40,521
Cost of railroads.....	\$679,000,000	\$1,500,000,000
Yield of cotton, bales.....	5,755,359	7,250,000
Yield of grain, bushels.....	431,074,630	652,291,000
Number of farm animals.....	28,754,243	45,592,836
Value of live-stock.....	\$391,412,254	\$569,161,550
Value of chief agricultural products.....	\$571,098,454	\$850,000,000
Coal mined, tons.....	6,049,471	19,497,418
Pig-iron produced, tons.....	397,301	1,566,702
Phosphate rock mined, tons.....	190,000	507,708
Number of cotton mills.....	161	355
Number of spindles.....	667,854	2,035,268

*Estimated.

	1880.	1889.
Number of looms.....	14,323	45,090
Number of cotton-seed-oil mills.....	40	213
Capital invested in cotton-seed-oil mills.....	\$3,504,000	\$20,000,000
Number of national banks.....	220	472
Capital of national banks.....	\$45,567,730	\$76,454,519

I would add to the foregoing exhibit of Southern prosperity and well-being the additional fact that the negroes of the South are now fast learning industrial and economic habits and are accumulating property. In my State alone they pay taxes upon more than a half million dollars of real and personal property. Then, with such a showing for the South, there certainly can not be anything radically wrong with our people, white or black.

Such prosperity does not indicate "race troubles" or "election fraud" or the necessity of a Federal election law. Suffice it to say that prosperity has fully established itself in the South, and that we expect to go on and on to greater prosperity and increased and ever-increasing power as a section of this great American Union, despite any and all Republican, sectional, and partisan Federal election laws.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I had not intended to take any part in the discussion of this bill until I listened to the views which have been presented on both sides since yesterday morning. I had not heard or read the speeches which were made before that, having been absent a few days attending the Congressional convention of the new district in which I have been thrown by the Democratic Legislature of my State.

Before starting to Ohio I attempted to arrange a pair which would protect me in my absence, but I found it impossible. One Democrat said, "I will pair with you on any other bill, but I can not on this." Another said, "TAYLOR, I would like to accommodate you, but I declare it would ruin me to pair on this bill." Another said, "If I were to pair on this bill I would never get another nomination or election in God's world." Another said, "Nothing will ever satisfy my people but my vote against this bill; no explanation that I could ever make would satisfy them." Another said, "I know that a pair will be worth just as much as my vote, but my district would never understand it; besides the leaders of our party have advised us not to pair on this bill." Another said, "I am now paired on all questions except this bill, and it would never do for me to pair on this election bill." Another said, "You will have to excuse me, Mr. TAYLOR, I would not pair with God Almighty on this bill; it would never do in the world." Hence, I had to go away without arranging a pair, although I had never had any difficulty in doing so before. Of course I could have arranged a transferable pair, but I did not care to do this.

While the matter of pairing is usually unimportant, these replies seemed to me unusually significant. The fate and fortune, the life and future of the Democratic party seemed to hang on the result of this bill. Never before had I witnessed such anxiety in regard to any measure. Although I had expected to remain absent a few days longer, the determination of the Democrats to defeat this bill was so manifest that I decided to return, and did return before a vote on an amendment even could be taken.

Mr. Speaker, I would like to know the cause of the bitter opposition to this bill. Why is it that the Democratic party seems so overwhelmed with wrath and indignation at the very thought of fair and free elections? They charge us with endangering the liberties of the people, with imperiling the life of the Republic, when we only ask that the will of the people shall be freely and fairly expressed. In the olden days we heard this same opposition to the presence of a handful of soldiers in the vicinity of voting precincts, but it has never been shown that an illegal vote was cast or that a legal voter was deprived of his just rights by the interposition of a soldier of the United States. And should this bill become a law, as I trust it will, no such complaint will be made in the future by fair and honest men.

What is the objection to this bill? Thus far I have only caught two fundamental objections. One is that the bill now under consideration gives to the court certain powers of appointment, and will, as they say, taint the garments of the judiciary. The other objection is that the bill is not of universal application in all districts and in all States, because its provisions are only made available on the application of fifty or a hundred citizens who apply for the appointment of election supervisors. They say that every State and every district and every precinct should be required to use this election machinery or none.

Let us examine these two objections. In the State of Pennsylvania they have had for seventeen years an election law which contains both of these provisions and a law which is open to both of these objections. In that State any five men of any precinct can petition the court of common pleas for the appointment of overseers of the election, and they are appointed when this request is made and they are not appointed when this request is not made. Have you ever heard it charged that the making of these appointments has degraded the judiciary of Pennsylvania? Or have you ever heard that this method was odious in that State to Democrats or Republicans, because it is only applied to those precincts which demand it?

This method of holding elections in the State of Pennsylvania is not embraced in the statutes of that State alone. In 1873 it was incorporated into their new constitution. And I wish to call your attention to the fact that Mr. BUCKALEW, now one of the ablest Democratic members of this House, was a member of that constitutional convention, and was chairman of the subcommittee that prepared and reported this measure.

The fact that the great Commonwealth of Pennsylvania has an election law which embraces both of these so-called objectionable features and has had these provisions in the statutes and in the constitution of that State for seventeen years without objection ought to put at rest these objections without any reference to other States where similar laws prevail.

Mr. Speaker, I wish to inquire what the object of this bill is. They tell us on the other side that one object is to keep the Republican party in power and that the other is to arouse race prejudice. All I can say as to the first object is that if it will keep the Republican party in power it will do a good thing. The Republican party saved the life of this Republic and made this country what it is to-day. Only yesterday a speaker on this side of the House turned to the Democratic side, when the seats were full, and asked what one good or great thing the Democratic party had ever done for this country, and he paused for a reply, but no reply came. If the Democratic party has ever done any one great or good thing for the country history has failed to record it.

If some Democrat had stood in his place and looked into the eyes of the Republican side and inquired what the Republican party had ever done, how quick and fast would have come thrilling responses. I shall not stop to point out the glories or triumphs of the Republican party or the dark pages of Democratic disaster, but I will deny that the object of this bill is partisan success.

The object of this bill is simply justice; justice to all races and to all colors, to all localities and to all conditions, no more, no less. When the clash of arms ceased, when the smoke of battle was brushed away by the welcome zephyrs of peace and order, the great captain of the Union armies said, "Let us have peace."

The armies of the North and the armies of the South repeated these thrilling words, and the whole world shouted, "Let us have peace." And when the terms of peace came to be considered it was agreed that armed rebellion should not be punished according to law; that the forfeiture of the lives and property of the men who were engaged in rebellion should not be exacted, that their treason should be condoned, that their citizenship should be restored, that their disabilities should be removed, that they should be entitled to the right of suffrage and to the privilege of holding official positions.

All this was agreed to after the final victory had been won, and all this was granted to the people of the South by a magnanimous Government on the condition—mark this—on the condition that the constitutional amendments which made the colored man a free man and a voter and a citizen should be acquiesced in and sustained by the people of the South. They accepted this proposition and took an oath to abide by and obey these amendments. This guaranty of citizenship and equal rights to the colored man of the South was the purchase price which the South agreed to pay for their lives and their property and their citizenship. They hold on to the benefit which they derive from this settlement and refuse to grant the conditions to which they then subscribed.

How can Southern Democrats who are engaged in depriving the colored man of his right to vote occupy seats on the floor of this House when they have broken the conditions on which this right and privilege were granted? You insist on counting the colored people when the census is taken and you insist on not counting them when the votes are taken. For fourteen years you held control of this House and locked the wheels of legislation because you obtained your majority by stealing the colored vote of the South. This is history, the pages of which ought to bring the blush of shame to the cheek of every honest Democrat.

Do you deny this? Let me call your attention to the vote which elected members of the last Congress. I will take States which have the same number of Members of Congress. I will compare the seven districts of Kansas with the seven districts of South Carolina, the seven districts of New Jersey with the seven districts of Mississippi, and I will compare the ten districts of Tennessee with the ten districts of Georgia. This is the entire vote cast in these districts for members of Congress:

Fiftieth Congress, vote of 1886.

State and district.	Vote.	State and district.	Vote.
SOUTH CAROLINA.		KANSAS.	
First	3,317	First	31,287
Second	5,295	Second	34,792
Third	4,409	Third	36,716
Fourth	4,470	Fourth	38,064
Fifth	4,701	Fifth	35,996
Sixth	4,469	Sixth	33,025
Seventh	12,476	Seventh	61,465

Fiftieth Congress vote of 1886—Continued.

State and district.	Vote.	State and district.	Vote.
MISSISSIPPI.		NEW JERSEY.	
First	3,167	First	35,433
Second	12,618	Second	35,389
Third	6,950	Third	33,479
Fourth	3,086	Fourth	26,021
Fifth	4,316	Fifth	29,538
Sixth	10,117	Sixth	37,971
Seventh	4,914	Seventh	31,551
GEORGIA.		TENNESSEE.	
First	2,078	First	27,346
Second	2,411	Second	23,616
Third	1,704	Third	27,883
Fourth	3,239	Fourth	20,233
Fifth	2,999	Fifth	19,996
Sixth	1,722	Sixth	24,137
Seventh	6,680	Seventh	20,642
Eighth	2,377	Eighth	24,421
Ninth	2,366	Ninth	21,296
Tenth	1,944	Tenth	19,962

Could figures show a more monstrous condition of affairs than this suppression of the Southern vote? The contrast between the three States of Kansas, New Jersey, and Tennessee, where elections are fair, with the three States of South Carolina, Mississippi, and Georgia, where they are unfair, speaks for itself.

It took nine times as many votes to elect MORRILL, of the First Kansas district, as it took to elect DIBBLE, of the First South Carolina district. It took six and one-half times as many votes to elect MCADOO, the Democratic member of the Seventh New Jersey district, as it took to elect HOOKER, the Democratic member of the Seventh Mississippi. It took sixteen times as many votes to elect Neal, the Democratic member of the Third Tennessee district, as it took to elect CRISP, the Democratic member of the Third Georgia; and so to the end.

I know that the vote for the present Congress is somewhat larger, and I know, too, how it came to be larger. The same powers that controlled one election controlled the other, and when the demand for more votes was made they were furnished, but the indignation of the loyal people of this country can not be allayed in this way. Nothing short of a free ballot and a fair count will ever satisfy the American people.

But they tell us that this bill is intended to create race prejudice. In this they are mistaken. Fair elections and fair treatment will allay prejudice and bring the North and South more closely together than they have ever been in the past.

There is no need of any antagonism between the North and South, and if the South will secure equal and exact justice to all men of all colors there will be none and the South will be the great gainer. If this is not done, sooner or later the same causes which brought on the war of the rebellion will bring on another conflict, the end of which will not be so peaceable as the last. The Anglo-Saxon sense of justice which put a million men in the field in defense of a down-trodden race will not permit this injustice to continue very much longer. The iniquitous methods of degrading the colored race in the South must come to an end. An enslavement of 8,000,000 of human beings by indirection, by fraud and perjury, by violence and intimidation, is no better than the slavery we had before the war and will not be allowed to exist very much longer. The colored race rebels, the great North rebels, one-half the Southern States rebel, and one-half the people where these franks exist rebel against this flagrant and unblushing wrong.

There is a sense of justice in the South which no aristocratic domination can long suppress. In the last Presidential campaign I spoke in Williamsburgh, Va. The chairman of the meeting was Dr. Wise, a son of Henry A. Wise, who was governor of Virginia when John Brown was hung. Dr. Wise was such an enthusiastic Republican and so bitter toward the Democrats that I had to inquire why this was. He told me. His view was that the South had fought for their rights and got whipped, that the Government had been magnanimous in its terms of peace, and that it is now the duty of the South to stand by the constitutional amendments and give to every colored man his right to vote and his right to have that vote fairly counted. He is an educated gentleman and understands the South as well as any member of this House, and he had no fears of negro domination. He is an earnest advocate of free and fair elections, as was his brother, Hon. John S. Wise, who was recently a member of this House and who pleaded earnestly and eloquently for a free ballot and a fair count.

Everywhere in Virginia where I have been, and in West Virginia, and in Maryland, and in some of the other Southern States, I met thousands of men who had been in the Confederate army who were willing to concede this right. The only Southern State where the clouds of the rebellion seemed to hang thick and low was South Carolina. In other Southern States I felt at home and received a cordial greeting from all parties and all colors, but in South Carolina I felt as if I were in some foreign country, under an unfriendly flag. I know how cordial and how friendly the Southern people are generally and how world-wide their fame for hospitality is, but my friend from Chicago [Mr. MASON]

and I had gone there to speak for Republicanism, which was to many of the people of Charleston an unpardonable sin, and they seemed to regard us as the enemies of their homes and firesides.

During our stay of two or three days no white man spoke to us but a newspaper correspondent, who carefully noted our arrival, our stay, and our departure. In a quarter of a century no one had dared to make a Republican speech where treason had first cast its dark shadow on American soil, and of course they regarded our being there on this mission as an invasion of their rights.

I do not refer to this, Mr. Speaker, by way of complaint; I only allude to it to show the bitter feeling that exists in that city and in that State. The South Carolina people believe that the sacredness of their homes and firesides, the protection of their wives and children, demand the suppression of the colored vote. They believe this to be a duty which they owe to their families and their country. They regard the Republican party as the foe of Southern liberty and the firebrand of incendiaryism. They are sincere and honest in these convictions, and we should take this into account when we provide a remedy. It is the teaching of the school, the church, and the press, and nothing short of heroic treatment will ever remove this great shadow which unfortunately falls across the pathway of the people of South Carolina.

An election law is needed in South Carolina for the good of South Carolina. The people of that State are under a delusion. They need to be protected against themselves. If let alone they will be the cause of their own ruin. After leaving Charleston, while in that State and since, I have had interviews with prominent business men who reside in Charleston and do business there, who deplore the unfair and unjust election methods of that city and State as much as we do. They do not hesitate to say that election officers are chosen in South Carolina for the express purpose of defrauding the colored people out of their votes; that everybody knows this; that certain officers are selected to do this, and would not be selected if it were not known that they would secure this end.

But they said also that this perjury and fraud which has been made respectable when used to cheat the colored people is spreading and will ultimately demoralize their whole people. "I have children," said one of these gentlemen, "and how can I expect them to be honest when they see the most respectable men in Charleston assisting in and consenting to these dreadful frauds?" "It may do for the present," said he, "but it will certainly bring a curse upon us in the future."

These gentlemen expressed their regret that they could not call upon us at the hotel and show us the courtesy which they said members of Congress were entitled to, but they said they did not dare to do so, and could not do so without being subjected to bitter ostracism and severe censure. These men were Democrats and had been in the Confederate army, and yet they did not dare to call upon or meet at the hotel men who were going to make Republican speeches in Charleston.

Mr. Speaker, a law like this is needed. It is needed in the South and in the North. It is needed in my own State as much, though not so generally, as it is in South Carolina. It is needed in Cincinnati and in Columbus, where there have been perpetrated as base frauds and as shameless forgeries as ever disgraced any city or any State. It is needed wherever the people believe that a fair election can not be held without the assistance which this law will furnish.

Turn to the statutes of North Carolina if you have any doubt of the necessity of a law like this. At the last session of the Legislature of this State an election law was passed which seems fair on its face, and yet the Legislature put a provision in the law that the judges of the election may obey this law or not, just as they see proper. And finally, as a climax, the law provides that after the elections are all over and the returns are all in the board of county canvassers can judicially determine who were elected. If the law is ignored and if the judges of the election fail to get rid of the colored vote, the board of county canvassers can judicially determine the result of the election, and we all know what judicial minds these county canvassers have.

Our friends on the other side are very much afraid of the interference of the United States judges who have been appointed by the President and confirmed by the Senate, and yet they are willing that judicial powers shall be exercised by a board of county canvassers. United States judges hold their positions for life or during good behavior and are as far removed from politics as men can be. Some of them are Democrats and some are Republicans, and yet the other side of this House prefer to trust a county canvassing board rather than to trust them.

It has been said that the Republican members of this House will have great difficulty in explaining this bill to their constituents. Mr. Speaker, I think they will have greater difficulty in explaining why this bill or some other such bill does not pass, in case no such law is enacted this session. This is not a matter of color or race, it is a question of politics. The Democrats lionize a colored man who votes the Democratic ticket. If he votes the Republican ticket it is otherwise.

Democrats say that the colored men are voting the Democratic ticket in the South now. Then why oppose this bill? Mr. Speaker, they are not voting the Democratic ticket in the South. They are not voting the Democratic ticket in the South any more than they are in the North. In the South, in the presence of several thousand, I put this question

more than once and they cried out "No!" in thunder tones. It is because they are not voting the Democratic ticket that they are disfranchised, and it is because they are not voting the Democratic ticket that this bill is opposed.

The colored people of the South are entitled, on the basis of the present representation in Congress, to about forty Representatives. The Democratic party has controlled the election of at least thirty-five of these Representatives for many years and has had the benefit of the entire electoral vote in Presidential elections. The effect of this is that a Democratic minority elected one President and controlled legislation for fourteen years. The question now is whether this shall continue. How long will a patient, patriotic people submit to control of this kind? In a republic the will of the majority should control, and every law-abiding citizen yields assent to this, but when that majority is obtained by violence or fraud the will of the real majority is subverted and republicanism is overthrown.

The ballot is the heart of the Republic; stab it and the Republic will die. The election machinery is the life blood of the nation, and if it is poisoned our national existence must come to an end. The President, who holds in his grasp the pilot-wheel of this great Government, and the Congress, which forges the statutory chains which bind 65,000,000 of freemen, must be chosen fairly and justly, or the Republic will go down amid the fires of anarchy and the bloodshed of communism. The greatest question that has attracted the attention of the American people in a hundred years is the one involved in this bill and the greatest danger that threatens the American Republic at this hour is the evil it is intended to remedy.

Let this bill pass and become a law, and no harm will come to any class or to any locality. It will open up the South to Northern capital and Northern labor. It will dispel Southern ignorance and Southern prejudice. It will elevate the South more in ten years than her present progress will accomplish in a hundred.

Let us look back for a moment. Has the South always been the best judge of its own interests? We all know how freely the blood of the sunny South was spilled in defense of slavery. To-day they rejoice over its destruction, and would not restore the institution of slavery if they could. The South now resist free and fair elections and in their sober moments declare that the colored vote shall not be counted where it will interfere with white supremacy. As they were mistaken in regard to slavery, so they are mistaken in regard to unfair elections. When this last relic of barbarism shall be thrust aside and all men are made free and equal, they will hail the anniversary of its inauguration and thank God for the party and the country that achieved so grand a result.

Mr. WILSON, of Missouri. Mr. Speaker, I would not fairly represent the patriotic people of my district and State upon this floor were I to sit quietly here and fail to give vigorous expression to the deep indignation felt by them at this bold, bad, and infamous attempt to rob them and their State of the right they have always enjoyed to manage their own election affairs.

I denounce this measure as the most vicious and the most dangerous to our institutions of any that have been introduced here for a decade. Under the specious pretext of providing for a "free ballot and a fair count," with ruthless hand it attempts to take from the States that which they have enjoyed under the Constitution since its adoption, and transfer it to the Federal Government in the exercise of a power conferred in that instrument, which it seeks to utilize by the most doubtful construction.

The bill covers over seventy pages and is complex and most difficult to comprehend. So far, however, as we can gather its meaning from the mass of verbiage which conceals it, it relates to the election of members of Congress only, but in its practical operation it affects all State and local officers who are chosen at the same time members of Congress are chosen.

Though the power of choosing Presidential electors belongs exclusively to the States, yet, as they are all chosen now under the laws of all the States on the same day as members of Congress, this bill, if it becomes a law, will necessarily place the power in the hands of the Government to dominate indirectly and control the selection of the Presidential electors. The consequent confusion and mixing of the State and Federal powers will inevitably lead to endless strife, contention, turmoil, and perhaps bloodshed at the polls, and result in disputed returns for members of Congress.

There is not a State in the Union demanding this law. No good reason has been or can be given for its enactment. We are now enjoying perfect peace between the North and South. The pretext that it is necessary to protect the purity of the ballot boxes, presumably from Democratic contamination, in view of the past history of the Republican party and the methods employed by it for thirty years in carrying elections, is not only a hollow sham, but a miserable mockery of the truth, as has been repeatedly shown and exposed on this floor and by the press of the country.

Since its appearance upon the political stage the Republican party has shown itself to be not only extremely sectional, but proscriptive in the last degree. It is not now, nor was it ever, nor will it ever be a national party. Holding to the principles of high taxation, to the doctrines of eternal hate to the South and their belief

in a strong government, and favoring as they have from the hour of its birth (and which finds a strong and striking illustration in this bill) consolidation of all possible power in the Federal Government at the expense of the States, it is no wonder it finds itself more than a million of white votes in the minority in this country. I denounce this bill as revolutionary in all its tendencies and designed for no other purpose on earth than to perpetuate power in the hands of that party.

At the opening of the Fifty-first Congress it found itself, unexpectedly, in the full possession of all the departments of the Government, including that citadel of popular rights, the House of Representatives. Recognizing the uncertainty of its hold upon that body, ay, knowing to an absolute certainty that it would not be permitted to remain, it made haste to lay the foundation for its intrenchment within these walls.

The first step taken was the election to the Speakership of a man whose whole life had been passed in surroundings unfavorable to the largest liberty of the citizen, and whose extreme partisanship and sectional animosity to the Southern people, added to his vaulting ambition, great ability, and extensive legislative experience, gave assurance that all the great powers of the Chair would be employed without scruple to enact laws that would in effect repeat if necessary the horrors of reconstruction in the Southern States and disfranchise in their practical operation the Democratic States, well knowing at the time that the Democratic party was composed mainly of the white people of the United States.

The next step taken was to overturn the usages of Congress maintained since it first met under the Constitution, as to its parliamentary rules of proceeding, and in the most insidious way, under the pretext of securing more rapid dispatch of business, and against the violent and indignant efforts and protest of all those from this side of the House, rudely and insolently broke down all the constitutional barriers thrown about the parliamentary proceedings of this body for the protection of minorities and to insure the country against hasty and ill understood legislation, and by a Draconian code made it possible for the Speaker and two others selected for their subservience to his will, known as the majority of the Committee on Rules, to absolutely control the legislation of the country.

The result so far has sorrowfully proven that these conspirators had builded even better than they knew. The Speaker has proven himself equal to every demand made upon him. The incarnation of the bigotry and intolerance of his own sectional party, he defies all the traditions that for more than a century have hedged around the lofty chair he occupies. Oblivious of the fact that the gavel was placed in his hands as a symbol of the authority to be wielded in promoting the transaction of the public business with impartiality as Speaker, not as politician, as patriot, not as partisan, he defies all precedent, and, shamelessly disregarding the rights of the minority upon the floor, like the Tsars of Muscovy, governs his own trembling subjects by imperial ukase and enforces obedience on their side of the House with political knout and lash.

Having secured the Speaker's chair, the next important step to be taken was to secure a "good working majority," and to this end the majority of the Committee on Elections was evidently warned to proceed at once to increase the Republican majority, and however repugnant this ukase may have been to some of them, yet well they knew the political knout awaited any disobedience. By prior orders, evidently promulgated from the headquarters of the Republican party, eighteen victims had been selected from the ranks of the Democrats elected to the Fifty-first Congress, all of whom, or a sufficient number to answer the purpose, were to be sacrificed to appease the insatiate greed of the Molochs of that sectional party which affects to despise and spits upon the Constitution of our fathers and in this Hall impiously mocks at their traditions.

Not finding it really necessary to do so, and becoming alarmed at the roar of indignant protest coming up from the people and the unbought press of the country, with a show of virtue and a mock display of magnanimity, a few are permitted to remain.

The fact, however, remains, that if this infamous measure obtains in this House it will in all probability be due to the presence here of those persons who have by the triumvirs been appointed to represent the vacancies thus created.

And now, sir, as the action of the majority of that committee and their reports of outrages at the various polls in the South have evidently been relied upon, judging from the tenor of this debate, to manufacture reasons to present to the people in extenuation of the deep damnation of their unconstitutional action, should this bill pass—as one of the minority of that committee, taking an active and anxious interest in all its proceedings, I declare before this House and the country there can not be found, I believe upon this continent, a jury of intelligent, disinterested, impartial, unbiased men, who, upon a full hearing of all the testimony in any or all of the cases presented to that committee, would find, as the majority of that committee has found, in the vacated seats.

I repeat, there is no good reason for disturbing the existing law upon this subject; the people do not ask it; they do not want it.

Do you believe that the people of this country are ready to assume a burden of more than ten millions of additional taxation, in excess of the incredible amounts with which they are menaced by the

McKinley bill? Do you believe they want an enormous army of perhaps a quarter of a million of janizaries of the Republican party billeted upon them to hector them on election day and thwart their will when expressed at the polls, in the name of Southern outrages, which they know, as we all know, are false?

Are the owners of the millions of capital which has in a steady stream been pouring into the New South ever since the downfall of the carpet-bagger and the scalawag prepared to behold and not rebuke this second attempt to paint hell upon the Southern sky, to the end that the triumvirs may still reign here, autocratic and overbearing as those of ancient Rome, their exemplars and their prototypes?

I do not believe it. I am certain it is not true in the great West. There are none but imaginary lines separating State lines out there, in spirit as well as in fact. Missouri, Kansas, Iowa, and Nebraska are in all material things the same. We can take care of our own elections in Missouri, for a part of which I am commissioned to speak. We are not rich enough in the "Platte Purchase" to help pay, if we can help it, ten or may be twenty millions of dollars every two years, in addition to what we already pay and will have to pay under your McKinley bill, if you pass it in the Senate, in addition to our State, county, school, and municipal taxes. This bill makes us pay double for election expenses.

While the people will be taxed the enormous amount spoken of to carry on these elections under Federal control, to keep up the immense army of fresh office-holders, as supervisors, United States deputy marshals, and the like, no abatement is made in the State expense for the same purpose; both sets of officers will have to be paid.

I denounce again this infamous measure in the name of the people of my district, without respect to party. I denounce it because the Constitution of the United States provides that "the House of Representatives shall be composed of members chosen every second year by the people of the several States," and this measure practically places the election in the hands of a returning board of partisan canvassers.

I denounce the extravagance of the measure again and again. I say to you, Mr. Speaker, that the people of the Platte purchase in Missouri, which I am so proud here to represent, though they inhabit the fairest, richest country the sun looks down upon in its course, yet, in common with the other agricultural districts in the West, it bears a heavy burden of taxation now, more than it ought to carry, and we can not, will not if we can help it, permit the Federal Government, the State government, or any other government found in our complex system of government to confiscate any more of our property by taxation unnecessarily.

Why, sir, it is estimated that to carry out the provisions of this bill it will require from one and a half to two and a half millions of dollars for chief supervisors alone; that it will cost from six to eight millions of dollars for supervisors, and from five all the way to ten millions of dollars for deputy marshals; and all of that for what? In order that the Republican party may continue to harass the poor people of the United States with their baleful financial legislation and load them down with taxes until you have all the people of the States, your friends with your enemies alike, at the verge of bankruptcy.

Why, sir, these millions you propose to add to the already intolerable burdens of our taxation are nothing more than a political assessment in the interest of your party, to be handed over to the myriad "blocks of five" to be established hereafter all over the country under the sanction of law, to run the elections of the country. The much-talked-of surplus is rapidly vanishing. The people will soon have no money in the Treasury at all for the ordinary expenses of the Government. Hardly a day passes that you do not find some new object or invent some new scheme to squander the people's money.

An old Roman maxim declares that the "gods first make mad those whom they wish to destroy." Another tells us the

Mills of God grind slowly, yet they grind exceeding small.

No reflecting person can calmly and in the light of the financial affairs of this country read over this bill without coming to the conclusion that its promoters and supporters are either drunk or mad with the power they unfortunately possess, or that they desire deliberately to revolutionize and mexicanize our Government.

We ask for free coinage of silver, and you give us a Federal election force bill. We ask for a reduction of taxation, and you give us a McKinley bill. We ask that the people of the States may be restored to their ancient rights under the Constitution and be permitted, unmolested by Federal power, to work out the problem of their own destiny, and you threaten with another election bill, called the McComas bill, which is designed to take from the State Legislatures the power to redistrict their own territory into Congressional districts, and hand it over to be consolidated with the other usurped Federal powers with more taxation barking at its heels.

The Fifty-first Congress will in future time be known and remembered as the one of "infamous memory;" for certainly no assemblage in the guise of a deliberative body has ever convened in this or the mother country better entitled to the appellation. It has made haste to work for its purposes every doubtful power in the Constitution. It has tried every bolt and rivet in its armor. No usage has

been too ancient and no construction too well settled to withstand their fierce attack in the interest of mere sectional party advantage. It has acted in this House as if they knew their tenure was weak and their time short. With indecent haste it has sought with feverish anxiety to perform that which its leaders knew they would perhaps never have an opportunity again to do.

To those who, like myself, have been taught to avouch the great deeds and venerate the sacred names of the fathers, these murderous attacks upon the result of all their toils and sufferings are especially painful.

One of my ancestors fell at Camden in the Southern department under Greene and commingled his blood on that ill-fated field with that of Baron De Kalb. Another was in the Continental line when Cornwallis delivered up his sword at Yorktown; and thus in war and in peace, in the field and in the council, on the land and on the sea, my people have always been true to the principles of civil and religious liberty, and their veneration for every provision of the Constitution has been sincere and deep, and I, their descendant, can not witness these baleful proceedings without feeling and giving expression to my horror and indignation.

Before the sun goes down to-morrow we will know whether this parricidal act is to be performed; if it is, Mr. Speaker, when the storm of passion has swept past, I know many, many a Representative will live to regret the part he has performed here; if it is to be so, and you pass this force bill, then shall it stand, like the barren fig tree that Christ cursed on his way to Jerusalem, blackened and blasted and withered, at once a monument of the basest ingratitude of faithless sons for the work of their noble fathers, and as a mark to point out the place where fell forever the Republican party. [Continued applause on the Democratic side.]

Mr. ABBOTT. Mr. Speaker, it is with some reluctance that I rise to address the House on the pending measure after so many distinguished gentlemen on both sides of this Chamber have discussed its provisions much more elaborately than the time allotted will permit me to do; and I would not now say anything if I did not feel impelled by a sense of duty to thus publicly enter my protest against its passage.

While I do not charge the framers of the bill with dissimulation or with having purposely employed their art and skill in draughting it so as to conceal its real intent and purpose or to cover from view the extent and scope to which its sweeping provisions may be carried, yet it can not be denied, as it is evident to every one who has carefully read the bill, that it is extremely complex in its provisions and its meaning in many respects is obscure and uncertain, and it is therefore calculated to deceive and mislead those who have failed to give it that thoughtful consideration which its importance demands.

But a careful study of its provisions clearly discloses the fact that the election machinery provided for in the bill is intended to be employed only in the South and in a few Northern cities where it can be made to subserve the interests of the Republican party. And right here it may be well to remark that I see no adequate remedy for the people whose voice at elections may be suppressed by the fraud and villainy of those who may be intrusted with the construction and execution of this bill, if it should become a law.

Mr. Speaker, this measure is one of such paramount importance, one that will so seriously affect the peace, prosperity, and happiness of the people of a large section of this Union; one that is fraught with so many evils and dangers to that section of our country which every Southerner loves and cherishes with ardent devotion; one that is so apt to open afresh the wounds that are almost healed; one that is so well calculated to revive the memories of the past and to arouse anew the animosities which we had hoped were buried by the war forever; a measure so likely to beget and engender hatred and strife between the races that are now living peacefully and happily together, that I ask gentlemen on the other side to pause and consider the wrong they will do if they vote for this bill, not only to the people of the South, but the wrong they will do to republican institutions and to local government in the States.

But, Mr. Speaker, why appeal to gentlemen who are bound down by caucus pledges to support a measure, not because it is right, but because it is a party measure and necessary to continue their party in power? In reply to numerous charges from this side of the House, several gentlemen on that side have disclaimed that the bill is intended to be sectional or partisan in its application, but assert that it is meant to apply to all sections alike, and that its only object is to secure fair elections and an honest count.

But, Mr. Speaker, the insincerity of these gentlemen came to the surface two days ago when the gentleman from New Jersey [Mr. LEHLBACH], who is as staunch a Republican as can be found on that side of the House, but who is opposed to this bill, offered an amendment requiring the enforcement of the provisions of this bill, if it should become a law, in every Congressional district in the United States.

This proposition brought terror and dismay into Republican ranks, and the same gentlemen who had been so loud in their praises of the fairness and justness and non-partisan character of the measure, fought the amendment with might and main, and with the aid of the Speaker's

parliamentary law succeeded in delaying a vote on the amendment until their forces could be rallied on the next day to defeat it.

The real purpose and design of the Republican party in urging the passage of this measure is too apparent to deceive anybody. Every one knows that the bill was deliberately framed for the purpose of controlling the elections in the South and in the doubtful districts of the North, and this fact is so clear and unmistakable that the country can not long remain in ignorance of the designs which the Republican party has upon the rights of the States and the liberties of the people.

Mr. Speaker, the advocates of this bill have mainly relied upon partisan newspaper accounts and the evidence (much of which is hearsay) in contested-election cases to justify this legislation. They never refer to wrongs committed elsewhere than in the South. Their speeches forcibly remind me of the old fable of the fox whose depredations upon the beasts of the forest and fowls of the air had become so outrageous that he was finally called to an account. When arraigned before the king of the forest many witnesses appeared and testified against him. Some detailed at length the wrongs and injuries they had suffered at his hands; others, in mournful and pathetic tones, related their anguish of mind resulting from the loss of kindred and friends who had fallen a prey to his ravenous appetite. The fox neither confessed his crimes nor entered the plea of not guilty, but contented himself with a relation of the crimes and misdemeanors which had been committed by the witnesses who had testified against him.

So it is with the Republican party. That party has been charged with robbing the people of their choice of a President in 1876 by fraud. It has been charged with corrupting hundreds and perhaps thousands of voters in "blocks of five" by the use of money at the polls in 1888; it has been charged with every character of violation of the election laws; yet that party neither confesses nor pleads not guilty, but contents itself with counter charges of fraud, ballot-box-stuffing, and intimidation of voters on our part.

This might be well enough and perhaps justifiable if the party was sincere and would agree that the provisions of this bill should be made to apply to all sections alike. But not so with the leaders of the Republican party. They are not willing to do unto themselves as they would do unto us, and therefore they bring in a bill which condemns our sins and justifies their iniquities.

Mr. Speaker, the Good Book tells us there was a sect of the Jews called the Pharisees who were wont to pray standing in the synagogues and on the street corners, and who thanked God they were not like other men. We are told by the same high authority that our Savior in addressing them called them vipers and hypocrites, and told them that they would neither enter the kingdom of heaven themselves nor permit others to enter therein; that they had put on the robes of righteousness, and like whited sepulchers appeared beautiful without, while within they were filled with corruption, hypocrisy, and iniquity.

So, Mr. Speaker, we have politicians to-day who, clothed in the garments of peace and justice, proclaim from the rostrum and in the Halls of Congress their own purity and righteousness and outwardly appear honest and patriotic, yet within there lurks the demon of iniquity and hypocrisy, which, unchained, would destroy local self-government in the States, engender strife and contention between classes and races, and rob the people of their substance as well as of their liberty.

Mr. Speaker, I do not desire to be unfair or unjust to any one or to the Republican party, but when I see a deliberate purpose and a fixed design on the part of gentlemen on the other side to enact a law for my section of the country which they are not willing to have applied to their own districts, I am compelled to say their action is unfair, unpatriotic, and wanting in that generosity and magnanimity that should characterize the action of the majority towards the minority. Uriah Heep was "umble" and pretended to be just and generous, yet his heart was filled with hatred and malignity.

I trust our Republican friends are not actuated by any such feelings; but the unanimity with which they give their support to this bill convinces me that there is something more at the bottom of this legislation than the mere desire, or pretended desire, to protect the negro in his political rights. There has been but one gentleman on that side [Mr. TAYLOR, of Illinois] who has admitted that he wanted this law put in force in his own district, and I doubt if he would have admitted this much if he did not live in the Democratic city of Chicago.

I repeat, therefore, Mr. Speaker, that the real purpose and design of this legislation is to control the elections in the South and in a few doubtful districts in the North, and to justify this Federal interference with State elections it is pretended that the negro is denied the privileges granted him by the amendments to the Constitution. Mr. Speaker, that there is no occasion for such interference is shown by the fact that peace and tranquillity prevail all over this land, as well in the South as in the North.

Perfect good-will and kindly feelings exist between the races everywhere, so far, at least, as the House has any information on the subject; and such relations would continue to exist forever were it not for a few mean and despicable characters who either reside in the South or are sent there on the eve of an election, and who organize the negroes into secret societies, where, unmolested, they preach the gospel of envy

in a strong government, and favoring as they have from the hour of its birth (and which finds a strong and striking illustration in this bill) consolidation of all possible power in the Federal Government at the expense of the States, it is no wonder it finds itself more than a million of white votes in the minority in this country. I denounce this bill as revolutionary in all its tendencies and designed for no other purpose on earth than to perpetuate power in the hands of that party.

At the opening of the Fifty-first Congress it found itself, unexpectedly, in the full possession of all the departments of the Government, including that citadel of popular rights, the House of Representatives. Recognizing the uncertainty of its hold upon that body, ay, knowing to an absolute certainty that it would not be permitted to remain, it made haste to lay the foundation for its intrenchment within these walls.

The first step taken was the election to the Speakership of a man whose whole life had been passed in surroundings unfavorable to the largest liberty of the citizen, and whose extreme partisanship and sectional animosity to the Southern people, added to his vaulting ambition, great ability, and extensive legislative experience, gave assurance that all the great powers of the Chair would be employed without scruple to enact laws that would in effect repeat if necessary the horrors of reconstruction in the Southern States and disfranchise in their practical operation the Democratic States, well knowing at the time that the Democratic party was composed mainly of the white people of the United States.

The next step taken was to overturn the usages of Congress maintained since it first met under the Constitution, as to its parliamentary rules of proceeding, and in the most insidious way, under the pretext of securing more rapid dispatch of business, and against the violent and indignant efforts and protest of all those from this side of the House, rudely and insolently broke down all the constitutional barriers thrown about the parliamentary proceedings of this body for the protection of minorities and to insure the country against hasty and ill understood legislation, and by a Draconian code made it possible for the Speaker and two others selected for their subservience to his will, known as the majority of the Committee on Rules, to absolutely control the legislation of the country.

The result so far has sorrowfully proven that these conspirators had builded even better than they knew. The Speaker has proven himself equal to every demand made upon him. The incarnation of the bigotry and intolerance of his own sectional party, he defies all the traditions that for more than a century have hedged around the lofty chair he occupies. Oblivious of the fact that the gavel was placed in his hands as a symbol of the authority to be wielded in promoting the transaction of the public business with impartiality as Speaker, not as politician, as patriot, not as partisan, he defies all precedent, and, shamelessly disregarding the rights of the minority upon the floor, like the Tsars of Muscovy, governs his own trembling subjects by imperial ukase and enforces obedience on their side of the House with political knout and lash.

Having secured the Speaker's chair, the next important step to be taken was to secure a "good working majority," and to this end the majority of the Committee on Elections was evidently warned to proceed at once to increase the Republican majority, and how-ever repugnant this ukase may have been to some of them, yet well they knew the political knout awaited any disobedience. By prior orders, evidently promulgated from the headquarters of the Republican party, eighteen victims had been selected from the ranks of the Democrats elected to the Fifty-first Congress, all of whom, or a sufficient number to answer the purpose, were to be sacrificed to appease the insatiate greed of the Molochs of that sectional party which affects to despise and spits upon the Constitution of our fathers and in this Hall impiously mocks at their traditions.

Not finding it really necessary to do so, and becoming alarmed at the roar of indignant protest coming up from the people and the unbought press of the country, with a show of virtue and a mock display of magnanimity, a few are permitted to remain.

The fact, however, remains, that if this infamous measure obtains in this House it will in all probability be due to the presence here of those persons who have by the triumvirs been appointed to represent the vacancies thus created.

And now, sir, as the action of the majority of that committee and their reports of outrages at the various polls in the South have evidently been relied upon, judging from the tenor of this debate, to manufacture reasons to present to the people in extenuation of the deep damnation of their unconstitutional action, should this bill pass—as one of the minority of that committee, taking an active and anxious interest in all its proceedings, I declare before this House and the country there can not be found, I believe upon this continent, a jury of intelligent, disinterested, impartial, unbiased men, who, upon a full hearing of all the testimony in any or all of the cases presented to that committee, would find, as the majority of that committee has found, in the vacated seats.

I repeat, there is no good reason for disturbing the existing law upon this subject; the people do not ask it; they do not want it.

Do you believe that the people of this country are ready to assume a burden of more than ten millions of additional taxation, in excess of the incredible amounts with which they are menaced by the

McKinley bill? Do you believe they want an enormous army of perhaps a quarter of a million of janizaries of the Republican party billeted upon them to hector them on election day and thwart their will when expressed at the polls, in the name of Southern outrages, which they know, as we all know, are false?

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I do not believe it. I am certain it is not true in the great West. There are none but imaginary lines separating State lines out there, in spirit as well as in fact. Missouri, Kansas, Iowa, and Nebraska are in all material things the same. We can take care of our own elections in Missouri, for a part of which I am commissioned to speak. We are not rich enough in the "Platte Purchase" to help pay, if we can help it, ten or may be twenty millions of dollars every two years, in addition to what we already pay and will have to pay under your McKinley bill, if you pass it in the Senate, in addition to our State, county, school, and municipal taxes. This bill makes us pay double for election expenses.

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Why, sir, it is estimated that to carry out the provisions of this bill it will require from one and a half to two and a half millions of dollars for chief supervisors alone; that it will cost from six to eight millions of dollars for supervisors, and from five all the way to ten millions of dollars for deputy marshals; and all of that for what? In order that the Republican party may continue to harass the poor people of the United States with their baleful financial legislation and load them down with taxes until you have all the people of the States, your friends with your enemies alike, at the verge of bankruptcy.

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* * * Mills of God grind slowly, yet they grind exceeding small.

No reflecting person can calmly and in the light of the financial affairs of this country read over this bill without coming to the conclusion that its promoters and supporters are either drunk or mad with the power they unfortunately possess, or that they desire deliberately to revolutionize and mexicanize our Government.

We ask for free coinage of silver, and you give us a Federal election force bill. We ask for a reduction of taxation, and you give us a McKinley bill. We ask that the people of the States may be restored to their ancient rights under the Constitution and be permitted, unmolested by Federal power, to work out the problem of their own destiny, and you threaten with another election bill, called the McComas bill, which is designed to take from the State Legislatures the power to redistrict their own territory into Congressional districts, and hand it over to be consolidated with the other usurped Federal powers with more taxation barking at its heels.

The Fifty-first Congress will in future time be known and remembered as the one of "infamous memory;" for certainly no assemblage in the guise of a deliberative body has ever convened in this or the mother country better entitled to the appellation. It has made haste to work for its purposes every doubtful power in the Constitution. It has tried every bolt and rivet in its armor. No usage has

been too ancient and no construction too well settled to withstand their fierce attack in the interest of mere sectional party advantage. It has acted in this House as if they knew their tenure was weak and their time short. With indecent haste it has sought with feverish anxiety to perform that which its leaders knew they would perhaps never have an opportunity again to do.

To those who, like myself, have been taught to avouch the great deeds and venerate the sacred names of the fathers, these murderous attacks upon the result of all their toils and sufferings are especially painful.

One of my ancestors fell at Camden in the Southern department under Greene and commingled his blood on that ill-fated field with that of Baron De Kalb. Another was in the Continental line when Cornwallis delivered up his sword at Yorktown; and thus in war and in peace, in the field and in the council, on the land and on the sea, my people have always been true to the principles of civil and religious liberty, and their veneration for every provision of the Constitution has been sincere and deep, and I, their descendant, can not witness these baleful proceedings without feeling and giving expression to my horror and indignation.

Before the sun goes down to-morrow we will know whether this parietal act is to be performed; if it is, Mr. Speaker, when the storm of passion has swept past, I know many, many a Representative will live to regret the part he has performed here; if it is to be so, and you pass this force bill, then shall it stand, like the barren fig tree that Christ cursed on his way to Jerusalem, blackened and blasted and withered, at once a monument of the basest ingratitude of faithless sons for the work of their noble fathers, and as a mark to point out the place where fell forever the Republican party. [Continued applause on the Democratic side.]

Mr. ABBOTT. Mr. Speaker, it is with some reluctance that I rise to address the House on the pending measure after so many distinguished gentlemen on both sides of this Chamber have discussed its provisions much more elaborately than the time allotted will permit me to do; and I would not now say anything if I did not feel impelled by a sense of duty to thus publicly enter my protest against its passage.

While I do not charge the framers of the bill with dissimulation or with having purposely employed their art and skill in draughting it so as to conceal its real intent and purpose or to cover from view the extent and scope to which its sweeping provisions may be carried, yet it can not be denied, as it is evident to every one who has carefully read the bill, that it is extremely complex in its provisions and its meaning in many respects is obscure and uncertain, and it is therefore calculated to deceive and mislead those who have failed to give it that thoughtful consideration which its importance demands.

But a careful study of its provisions clearly discloses the fact that the election machinery provided for in the bill is intended to be employed only in the South and in a few Northern cities where it can be made to subserve the interests of the Republican party. And right here it may be well to remark that I see no adequate remedy for the people whose voice at elections may be suppressed by the fraud and villainy of those who may be intrusted with the construction and execution of this bill, if it should become a law.

Mr. Speaker, this measure is one of such paramount importance, one that will so seriously affect the peace, prosperity, and happiness of the people of a large section of this Union; one that is fraught with so many evils and dangers to that section of our country which every Southerner loves and cherishes with ardent devotion; one that is so apt to open afresh the wounds that are almost healed; one that is so well calculated to revive the memories of the past and to arouse anew the animosities which we had hoped were buried by the war forever; a measure so likely to beget and engender hatred and strife between the races that are now living peacefully and happily together, that I ask gentlemen on the other side to pause and consider the wrong they will do if they vote for this bill, not only to the people of the South, but the wrong they will do to republican institutions and to local government in the States.

But, Mr. Speaker, why appeal to gentlemen who are bound down by caucus pledges to support a measure, not because it is right, but because it is a party measure and necessary to continue their party in power? In reply to numerous charges from this side of the House, several gentlemen on that side have disclaimed that the bill is intended to be sectional or partisan in its application, but assert that it is meant to apply to all sections alike, and that its only object is to secure fair elections and an honest count.

But, Mr. Speaker, the insincerity of these gentlemen came to the surface two days ago when the gentleman from New Jersey [Mr. LEHLBACH], who is as staunch a Republican as can be found on that side of the House, but who is opposed to this bill, offered an amendment requiring the enforcement of the provisions of this bill, if it should become a law, in every Congressional district in the United States.

This proposition brought terror and dismay into Republican ranks, and the same gentlemen who had been so loud in their praises of the fairness and justness and non-partisan character of the measure, sought the amendment with might and main, and with the aid of the Speaker's

parliamentary law succeeded in delaying a vote on the amendment until their forces could be rallied on the next day to defeat it.

The real purpose and design of the Republican party in urging the passage of this measure is too apparent to deceive anybody. Every one knows that the bill was deliberately framed for the purpose of controlling the elections in the South and in the doubtful districts of the North, and this fact is so clear and unmistakable that the country can not long remain in ignorance of the designs which the Republican party has upon the rights of the States and the liberties of the people.

Mr. Speaker, the advocates of this bill have mainly relied upon partisan newspaper accounts and the evidence (much of which is hearsay) in contested-election cases to justify this legislation. They never refer to wrongs committed elsewhere than in the South. Their speeches forcibly remind me of the old fable of the fox whose depredations upon the beasts of the forest and fowls of the air had become so outrageous that he was finally called to an account. When arraigned before the king of the forest many witnesses appeared and testified against him. Some detailed at length the wrongs and injuries they had suffered at his hands; others, in mournful and pathetic tones, related their anguish of mind resulting from the loss of kindred and friends who had fallen a prey to his ravenous appetite. The fox neither confessed his crimes nor entered the plea of not guilty, but contented himself with a relation of the crimes and misdemeanors which had been committed by the witnesses who had testified against him.

So it is with the Republican party. That party has been charged with robbing the people of their choice of a President in 1876 by fraud. It has been charged with corrupting hundreds and perhaps thousands of voters in "blocks of five" by the use of money at the polls in 1888; it has been charged with every character of violation of the election laws; yet that party neither confesses nor pleads not guilty, but contents itself with counter charges of fraud, ballot-box-stuffing, and intimidation of voters on our part.

This might be well enough and perhaps justifiable if the party was sincere and would agree that the provisions of this bill should be made to apply to all sections alike. But not so with the leaders of the Republican party. They are not willing to do unto themselves as they would do unto us, and therefore they bring in a bill which condemns our sins and justifies their iniquities.

Mr. Speaker, the Good Book tells us there was a sect of the Jews called the Pharisees who were wont to pray standing in the synagogues and on the street corners, and who thanked God they were not like other men. We are told by the same high authority that our Savior in addressing them called them vipers and hypocrites, and told them that they would neither enter the kingdom of heaven themselves nor permit others to enter therein; that they had put on the robes of righteousness, and like whitened sepulchers appeared beautiful without, while within they were filled with corruption, hypocrisy, and iniquity.

So, Mr. Speaker, we have politicians to-day who, clothed in the garments of peace and justice, proclaim from the rostrum and in the Halls of Congress their own purity and righteousness and outwardly appear honest and patriotic, yet within there lurks the demon of iniquity and hypocrisy, which, unchained, would destroy local self-government in the States, engender strife and contention between classes and races, and rob the people of their substance as well as of their liberty.

Mr. Speaker, I do not desire to be unfair or unjust to any one or to the Republican party, but when I see a deliberate purpose and a fixed design on the part of gentlemen on the other side to enact a law for my section of the country which they are not willing to have applied to their own districts, I am compelled to say their action is unfair, unpatriotic, and wanting in that generosity and magnanimity that should characterize the action of the majority towards the minority. Uriah Heep was "umble" and pretended to be just and generous, yet his heart was filled with hatred and malignity.

I trust our Republican friends are not actuated by any such feelings; but the unanimity with which they give their support to this bill convinces me that there is something more at the bottom of this legislation than the mere desire, or pretended desire, to protect the negro in his political rights. There has been but one gentleman on that side [Mr. TAYLOR, of Illinois] who has admitted that he wanted this law put in force in his own district, and I doubt if he would have admitted this much if he did not live in the Democratic city of Chicago.

I repeat, therefore, Mr. Speaker, that the real purpose and design of this legislation is to control the elections in the South and in a few doubtful districts in the North, and to justify this Federal interference with State elections it is pretended that the negro is denied the privileges granted him by the amendments to the Constitution. Mr. Speaker, that there is no occasion for such interference is shown by the fact that peace and tranquillity prevail all over this land, as well in the South as in the North.

Perfect good-will and kindly feelings exist between the races everywhere, so far, at least, as the House has any information on the subject; and such relations would continue to exist forever were it not for a few mean and despicable characters who either reside in the South or are sent there on the eve of an election, and who organize the negroes into secret societies, where, unmolested, they preach the gospel of envy

and hate toward their white neighbors and plan schemes for producing strikes and open rupture between them.

Such detestable characters, Mr. Speaker, have been, in my judgment, instrumental in producing nine-tenths of the riots and conflicts that have arisen between the races in the Southern country, and should be held responsible for the bloodshed that has followed. The relations of the whites and blacks are so well understood by both races that there ought not to be, and there would not be, any clash or conflict between them if they could be let alone.

I am aware that there are a few alarmists and sensational wisacres, not to say cranks, both North and South, who have tried to impress upon the country the belief that there exists a great problem to be solved—a negro problem—but I say to this House and to the country there is no such problem, or, if there is, it is not difficult of solution, and it is this:

Let Congress pursue the policy of non-intervention in the affairs of the States; keep within constitutional limitations; cease encroaching on the rights of the States and the people thereof; stop trying to force social equality by legislation; let the whites and the blacks alone, and as sure as God reigns supreme the intelligent and conservative elements of both races, between whom the most friendly and cordial business relations now exist, will solve whatever problem some suppose may exist.

But, Mr. Speaker, if this election bill should become a law, and the Congressional districts of the South are to be filled with Republican supervisors, which may be done on the petition of one hundred voters, and these supervisors go and canvass among the people and furnish and obtain information, etc., as they are required to do in cities of 20,000 inhabitants or more, for a period of five weeks preceding the election, making a house-to-house canvass, to use the language of this bill, then, sir, I can imagine there might arise such a complicated condition of affairs as to constitute a problem that would not be of easy solution.

This bill requires that there shall be three Federal supervisors for each voting-precinct, only two of whom shall belong to the same political party, but these two constitute a quorum, and as they will be Republicans the whole machinery created by the bill is placed in the hands of that party. These supervisors are not amenable to the laws of the States for frauds or violations of the State election laws, and to assure these officials immunity from punishment for crime committed against the State or United States laws, the bill changes the method of drawing juries, and has placed the same in the hands of three Republican jury commissioners, who may, if they choose, secure a friendly jury for any supervisor who may have outraged justice and decency by ballot-box-stuffing, making false returns, or any other crime he may have committed.

Mr. Speaker, there is another section of this bill which shows its meanness and its partisan character; that is, the supervisors are not required to be citizens and voters of the precinct where they are appointed to supervise an election, nor are they even required to be citizens of the county where they are appointed to serve, a citizenship in the district being sufficient.

Thus men who are in no wise identified with the people, men who are not amenable to the laws of the State, men who may be without honor or honesty, men whose hands may be stained with the blood of our fellow-citizens, men who may have at their command any number of deputy United States marshals, and may even command the service of the military and naval forces of the Government, are appointed over us to hold our elections! And if they see proper they can put the returns of the election in their pocket and make no returns of the result, or if they prefer, take the ballot-box to another county to count the votes, as they did in my own county some years ago, and still be shielded from prosecution and punishment by a corrupt set of jury commissioners.

And why is all this? Is it done to insult or humiliate our people? Are our people less honorable or honest than the people of Maine or Massachusetts? I deny it, and assert that in the settled portions of the great State which I in part represent life and property are as secure and as well protected as in any part of these United States, and the people, without regard to race or previous condition, are in as full and complete enjoyment of civil, religious, and political freedom as any people in the world.

But some one may say that this bill when enacted into a law is not intended to apply to such a district as the one I have the honor to represent. In reply I will say that there is not a Congressional district in the United States where the Republicans are in the minority that one hundred men can not be found who will petition for the enforcement of this law, if for no other reason than to secure the compensation paid to the supervisors, marshals, etc., which is \$5 per day.

The minority of the committee, after careful examination, have estimated that if the provisions of this bill should be made applicable to all of the Congressional districts throughout the United States it would cost the Government for each election \$10,000,000. There are three hundred and thirty Congressional districts, and if the sum aforesaid was equally distributed among them each would receive over \$30,000.

To suppose that the Southern Republican politicians would let such an opportunity to replenish their exchequer pass without availing themselves of the "boodle" is as unreasonable as to suppose the brook trout would not nab a minnow.

Mr. Speaker, the fourth section of Article I of the Constitution, which is as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators—

interpreted in the light of the debates of the fathers of the Constitution and of the Legislatures of the States that ratified it, means that the States shall primarily control the elections for Senators and Representatives by such laws as their Legislatures shall prescribe; but in case the States fail or refuse to send up their Representatives the Congress may make laws regulating the election of members or may alter State laws, etc., and this power is given in order to perpetuate the Government and prevent its destruction by the failure and refusal of the States to act. That this has been the settled construction of this clause of the Constitution is evidenced by the fact that for a hundred years the Congress has not sought to interfere with the States' control of the elections, except temporarily under the reconstruction acts providing for the readmission of the seceding States.

It is not pretended now that any of the States have failed to perform their duty to the General Government or have refused to provide just and fair election laws for the election of Senators and Representatives, and certainly it has not been shown that there exists anywhere such a condition of things as will warrant Federal interference in State elections.

Even in the contested-election cases, if I do not err in my recollection, it has not been claimed that any violence was used or that voters were intimidated, except in the Cate case; and the alleged violence in that case occurred many months before the election came off. So, therefore, there can not be the slightest excuse for this legislation at this time, except it be to control the elections, regardless of the means employed, for party purposes.

I have substantially admitted that under certain circumstances Federal intervention in State affairs, in so far as to prescribe rules and regulations for the election of Senators and Representatives, would be justifiable, though I do not admit that there exists at this time any reason for such interference. But were I to admit all I would nevertheless hold that this bill confers powers and imposes duties upon supervisors unauthorized by the Constitution.

Congress has no power to prescribe the qualifications of electors. The power is reserved to the States, the only exception being that the States can not make any distinction on account of race, color, or previous condition of servitude; yet this bill undertakes to authorize the supervisors to receive the ballots of persons rejected by the State election officers, and to refuse to receive the votes of persons admitted to be qualified by the State officers. In this respect, as well as in many others, the bill is clearly unconstitutional.

It is intended to dominate and in some particulars to annul State election laws where State and Federal elections are held at the same time. In certain cases the supervisors are required to forward to the chief supervisor certain ballots that have been voted, which, if permitted by the State officers, will subject them to heavy penalties. Thus a conflict of State and Federal authority is produced, in which case the sovereign power of the State must yield to the usurped power of the Federal Government.

Mr. Speaker, it is impossible to foresee all the evils that will flow from the passage of this bill. It will produce gloomy and dark forebodings in the minds of our best people, who desire above all else peace and good government where they live. It will not only humiliate the people, but will provoke anger to send strangers who may be irresponsible and corrupt to preside over their elections. It may embitter men of different political faiths who are now friends. It may stir up strife and conflicts, engender hatred and malice, not only between the races, but between political parties, which may bring upon the country untold misery and suffering.

Mr. Speaker, the South is fast recovering from the effects of the war. She is on the high road to prosperity. Men of education, refinement, and wealth from all parts of the country—from the North, the East, and the West—of all political parties—Democrats, Republicans, Greenbackers, Prohibitionists, and non-partisans—are coming among us and employing their brain, muscle, and money in great enterprises and in developing the resources of the country.

They have come to stay; their personal and social relations with our people are close and cordial; their sons and daughters are marrying and being given in marriage to our sons and daughters. Why, then, Mr. Speaker, throw this apple of discord into our midst to disturb the happy situation?

There is no occasion or necessity for it. This bill will solve no problem, but will make problems to be solved by strife and bloodshed. No man, whether he comes from the North or the South, the East or the West, who is imbued with the principles of free republican institutions and who desires to see perpetuated the cardinal principles of the Constitution, which divides the powers of the Government into three co-ordinate branches—the executive, legislative, and judicial—can conscientiously support this bill, for the reason that it subordinates the legislative branch of the Government, or the election of the members thereof, to the supervision and control of the judiciary or its appointees.

The Constitution makes each House of Congress the judge of the election and qualifications of its members, but this bill provides for the seating of members on the certificates of supervisors and a board of canvassers appointed by circuit judges of the Federal courts. Thus the Constitution is violated by subordinating one branch of government to the power and influence of another, when the Constitution makes each independent of the other.

Mr. Jefferson, in a letter to Nathaniel Macon, written in 1821, said:

Our Government is now taking so steady a course as to show by what road it will pass to destruction, to wit, by consolidation first, and then corruption, its necessary consequence. The engine of consolidation will be the Federal judiciary; the two other braughes, the corrupting and corrupted instruments.

Mr. Speaker, we are about to see this prophecy fulfilled. I sincerely trust this House will not become the corrupting and corrupted instrument to hasten the Government on to ruin and destruction by clothing the Federal judiciary with the power to control the election of the other two branches of the Government.

[Mr. FEATHERSTON addressed the House. See Appendix.]

The SPEAKER *pro tempore* (Mr. ALLEN, of Michigan). The gentleman from Maryland [Mr. STUMP] is now entitled to the floor for five minutes.

Mr. MCRAE. If the gentleman will allow me to occupy the floor for a few minutes by unanimous consent before he begins, I shall be obliged to him.

The SPEAKER *pro tempore*. Under the rules it can not be done. But the gentleman from Maryland has the right to yield such part of his time as he chooses.

Mr. MCRAE. The objection, as I understand, comes from the other side.

Mr. FEATHERSTON rose and addressed the Chair.

The SPEAKER *pro tempore*. The gentleman from Maryland [Mr. STUMP] has the floor.

Mr. MCRAE. What was the remark of the gentleman from Arkansas [Mr. FEATHERSTON]?

The SPEAKER *pro tempore*. The gentleman from Maryland [Mr. STUMP] is entitled to the floor.

Mr. MCRAE. I beg the Chair to let me hear the remark of the gentleman.

The SPEAKER *pro tempore*. Both gentlemen are out of order, and must cease conversation.

[Mr. STUMP addressed the House. See Appendix.]

[Mr. YODER addressed the House. See Appendix.]

Mr. MOREY. Mr. Speaker, it is assumed by the Democratic side of this House that this bill is aimed at the Southern Congressional districts, and all arguments and objections to the bill are made on that line. It is argued that this is a sectional bill; that it does not operate alike in all the Congressional districts of the whole country. This claim is based on a provision of the bill which brings the law into operation in any district where it is petitioned for by a certain number of electors in that district. This is not an unusual thing in legislation. We have local-option laws in many of the States, as well as other laws that are brought into active operation in the different subdivisions of the States upon petition; and such a provision is found in the election laws of one State at least—the State of Pennsylvania.

I take it, therefore, that this is a law of general application and this objection to it can not be maintained. If I were to have my own choice of legislation on this subject I would prefer a general Federal election law, divorcing Federal from State elections, rather than the provisions of the bill under consideration. Either course is alike warranted by the Constitution.

I do not understand the constitutionality of this bill to be seriously questioned by the other side. It has been considered by the framers of this bill that the evils which are sought to be remedied can be as well reached by perfecting the present supervisors law, which has been in force in this country for nearly twenty years, and which like the law proposed in this bill is only put into active operation in the district upon petition.

It is thought that in this way the law can be used in districts where there is such fraud upon the ballot and such suppression of the vote as to nullify the will of the majority in those districts without incurring the expense of additional election machinery in the districts of the country where the expression of the will of the people is fairly and honestly ascertained and returned. At once the cry is raised that this is a sectional bill; that it is an assault by the North upon the South; that it is calculated and intended to precipitate a war of races. The entire Democratic representation from the North, as of old, is willingly harnessed to the Southern chariot, and that, with quickened pace, to the crack of the Southern whip. Why this cry of pain from the South?

Why this sudden fear of a war of races? Has any white voter in the South been deprived of his vote by the colored men? Certainly not. Why should the white men of the South constantly decry against a war of races? Has the white man of the South suffered in any such conflict? In it not always the colored man who gets hurt?

The distinguished manager of this debate on the Democratic side,

the gentleman from South Carolina [Mr. HEMPHILL], in his opening for that side set the pace for his colleagues, North and South, and they have followed his lead without a break.

No man on that side, no Northern Democratic Representative, in all this discussion has dared to speak of any political right of the colored men that white men are bound to respect. They have followed their impetuous leader, this Hotspur from South Carolina, in his declaration that political power can not be shared on equal terms by the two races, that the white race must be supreme, and they wildly applauded when he called on high heaven to witness his unalterable devotion to this cause.

I quote his words from the RECORD:

But as to our own State, we know that the honest and intelligent people must either rule it or we must leave it; and for myself, gentlemen, in this presence and before the people of the United States and before that God who sits upon the circle of the heavens, in all reverence, but in all earnestness, I swear we will not leave it. [Applause on the Democratic side.] It is the home of our fathers. Their bones lie buried through many generations. They bought it with their blood when Concord and Lexington were the battle fields of this country. [Applause on the Democratic side.] They have handed it down to us unimpaired; and, gentlemen, are we not our fathers' sons? Shall the blood first turn back in our veins, and shall we transmit to coming generations a great and noble State which has been overridden and downtrodden by a race whom God never intended should rule over us? [Applause on the Democratic side.]

Who are "we?" Who are the "honest and intelligent people?" Who are they who must rule or leave the State, and who swear they will not leave it? It is for the white race that the gentleman speaks. His statesmanship is not broad enough to embrace all races of men who owe allegiance to our flag, and to whom our nation owes protection and defense.

His colleague [Mr. TILLMAN] said in this debate that nearly every decent white man in South Carolina is a Democrat.

In the Forty-seventh Congress, page 6223, volume 56, the same gentleman said:

But, gentlemen, you Republicans have still a fourth cause to strengthen your party zeal and to blind you to the merits of a contested election. That is the new propagandism you have been engaged in for the last twenty years of the doctrine of "universal fatherhood of God and the universal brotherhood of man." In espousing that doctrine you have attempted to subvert the laws of God, and you have failed and will continue to fail.

The average agricultural negro at the South is not only a constitutional coward, and therefore prone to let his fears exaggerate even the slightest excitement or disturbance into a riot, but he is a moral bankrupt also, especially as to such small virtues as truth, honesty, and chastity.

Sir, it is on such assumptions as these that the doctrine of a white man's government is proclaimed on the floor of this House.

If these allegations were true, they would afford no reason for a nullification of the Constitution and a denial of the highest constitutional rights.

The preservation of the rights of the strong and powerful can be permanently maintained only by a jealous protection of the rights of the ignorant and weak. There can be no safety for the Republic and republican institutions when the rights of the people can be disregarded and trampled upon under a plea of race inferiority.

We have been fighting too long the battle for equal rights for all men to abandon the contest now and yield to the demand to be let alone of those who have set at naught the dearest right of the people, "the right preservative of all other rights," and who have defied and now defy the National Government in its efforts to make good to its humblest citizens in all the States the principles guaranteed to them by the great charter of American liberty.

The gentleman from South Carolina [Mr. HEMPHILL], speaking of his State, says:

It is the home of our fathers. Their bones lie buried through many generations. They bought it with their blood when Concord and Lexington were the battle-fields of this country.

And he proposes to hand it down to future generations not "overridden and downtrodden by a race whom God never intended should rule over us."

Can not the colored man, using the gentleman's language, say: "It is the home of our fathers. Their bones lie buried there through many generations. Through years of unrequited toil they wrought out the material development of the State, and created her wealth while the gentleman and his fathers enjoyed the fruits of their unpaid labor. They bought it with their blood, 200,000 of them, at Fort Pillow and a hundred other fields, when Vicksburg, Charleston, Savannah, and Gettysburg were the battle-fields of the Republic and the Union.

"We were faithful to your wives and your children and your property during that great war for national life. Your success meant the continuance of our race in ignorance, degradation, and slavery. Your defeat meant freedom, education, civil and political equality, and an equal chance in the race of life for our people. While you fought to rivet our chains, we discharged with scrupulous fidelity the trusts that you committed to our care at your plantations and your homes.

"You did not think then that we were bankrupt as to truth, honesty, and chastity, and you can not truthfully say so now.

"You trusted to fear a race war. You trusted to our care those who were dearest to you, while you fought to perpetuate the bondage of our race, and no incendiary act can be charged to our people during that great war. We sent two hundred thousand of our race to contend against you in that great struggle. They did not resort to the

knife and the torch, but met you on the open battle-fields of the Union."

A distinguished Democrat of Ohio has said "war legislation." This war brought freedom to the slave; it brought him citizenship of this great Republic; it brought him equality before the law; it brought him the elective franchise. It brought more than these things to the colored man.

With his freedom, and the new responsibilities of citizenship, there came to the colored man desire for education, for property, and for ownership of lands, in order that he might take and honorably maintain his position of a freeman among his fellows.

Let us judge the colored man not by what he was when he emerged from the shadow and degradation of bondage, but rather let us judge him by what he has done with his freedom. There is and there can be but one account to be rendered of these people.

There is a concurrence of testimony, much of it to be found in the arguments of the opponents of this bill, that these people have rapidly progressed in education; that they are industrious; that they are securing homes and acquiring that self-reliance which is befitting the citizens of the Republic. They are the labor supply of the South. That section has never prospered and developed as it has since its labor was free.

The colored Representatives on this floor have been educated and able men and have discharged their duties with credit to themselves and to their States. Representatives of this race are to be found occupying honorable places in all the walks of life. They are eager recipients of the benefits of the common schools. They have established and are successfully maintaining institutions for higher education.

At Oberlin and Wilberforce, in Ohio, they are yearly graduating young men and young women and sending them forth to instruct and lead their people into the higher walks of life. The University of Wilberforce, in my own district, has a curriculum ranging through the following departments: Classical, theological, normal, academic, preparatory, and music. It has enrolled more than three thousand students from all parts of the United States, from Canada, the West Indies, and India. It has sent into the world nearly one hundred graduates. Its graduates and undergraduates are laboring among their people in all parts of the Union, and especially in the Southern States, bringing to them light and knowledge, denied to them through many generations.

We have made them citizens and voters, and imposed on them all the duties and responsibilities of these high estates. We owe to them an equal chance with their white brothers to discharge their duties and to meet their responsibilities. We deny that the doctrine of "the universal fatherhood of God and the universal brotherhood of man" is a new propagandism.

We deny that in espousing that doctrine we have failed and that we will continue to fail.

It is true we have been fighting that battle for more than twenty years, and we shall continue in that fight until "the right of citizens of the United States shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude," and until every voter in this broad Union, in every State and precinct, is permitted to cast one ballot without let or hindrance and to have that ballot honestly counted as he cast it. Is this done in the South? Let the following facts answer.

Under the census of 1880 the Congressional apportionment was made on the basis of 151,911 population, or 30,000 voters to each Congressional district. The increase of population has largely increased the vote in all districts the country over.

Now, I append here a table of the elections in twenty-five districts in the Fiftieth Congress.

State.	District.	Representative.	Vote.	Scatter- ing.	Total vote.
Alabama	First	Jones	4,220	16	4,236
Do.	Second	Herbert	5,659		5,659
Do.	Third	Oates	4,660	2	4,662
Arkansas	First	Dunn	6,093		6,093
Do.	Fifth	Peel	4,746		4,746
Georgia	First	Norwood	2,061	17	2,078
Do.	Second	Turner	2,411		2,411
Do.	Third	Crisp	1,704		1,704
Do.	Fifth	Stewart	2,999		2,999
Do.	Sixth	Blount	1,722		1,722
Do.	Eighth	Carlton	2,322	55	2,377
Do.	Ninth	Candler	2,355	11	2,367
Do.	Tenth	Barnes	1,944		1,944
Kentucky	Seventh	Breckinridge	4,791	17	4,808
Louisiana	Fourth	Blanchard	5,747	12	5,759
Mississippi	First	Allen	3,140	27	3,167
Do.	Fourth	Barry	2,964	122	3,086
Do.	Fifth	Anderson	4,289	27	4,316
Do.	Seventh	Hooker	4,508	6	4,514
South Carolina	First	Dibble	3,315	2	3,317
Do.	Second	Tillman	5,212	23	5,235
Do.	Third	Cothran	4,402	7	4,409
Do.	Fourth	Perry	4,470		4,470
Do.	Fifth	Hemphill	4,696	5	4,701
Do.	Sixth	Dargan	4,411	58	4,469
Total			94,841	407	95,245

In these twenty-five districts there were cast only 94,841 Democratic votes, 407 scattering, and not one Republican vote was cast, or at least not one Republican vote was counted. The total vote cast was 95,245. If they had cast their full vote, as we do in Ohio, that vote would have been not less than 750,000 instead of 95,000.

In the election of 1888 for members of the Fifty-first Congress it took 40,000 voters in Ohio to elect one Congressman. In South Carolina in the same year it took only 11,000 voters to elect one Congressman. The total vote in South Carolina in 1888 for seven Congressmen was 76,375 votes. In Ohio in the same year the total vote for twenty-one Congressmen was 837,646 votes.

In the present Congress the gentleman from Georgia [Mr. TURNER] received the suspiciously even number of 11,000 votes and had no opposition. He was elected to the Forty-ninth Congress, receiving 7,828 votes, no opposition; and to the Fiftieth Congress, receiving 2,411 votes, no opposition. Three times elected to the Congress of the United States and no man dared contest with him for the distinguished honor.

We do not understand this thing in Ohio. There are always with us an abundance, and even a plethora of gentlemen on both sides, not only able, but willing, and I may say anxious, to represent their districts in this great legislative body.

The inquiry will naturally arise why this condition exists. In the election for the Fiftieth Congress there were twenty-five districts in the South where the Democratic candidates had no opposition.

In the election for the Fifty-first Congress five Democratic members from Georgia and South Carolina were elected without opposition. The total Republican vote counted in seven districts in that State was 10,031 votes.

The gentleman from South Carolina [Mr. HEMPHILL] who has led the opposition to this bill comes here with 9,559 votes, no opposition, 27 votes scattering; total, 9,586 votes. The people of the Seventh Ohio Congressional district in choosing their Representative in this body cast 34,268 votes. This Representative from South Carolina exercises four times as much power on this floor as any member from Ohio, when we consider the number of votes by which he is sent here.

The secret of the opposition to this bill is to be found in these facts: In the days of slavery three-fifths of the slaves were counted in the basis of Congressional representation. Now all the colored people are counted for representation and are not counted at the polls. In this way the South, when many districts are Republican, is made solidly Democratic. The following table tells the story more forcibly than any words I can use:

Fiftieth Congress, vote of 1886.

SOUTH CAROLINA.		KANSAS.	
First district	3,317	First district	31,287
Second district	5,235	Second district	34,792
Third district	4,409	Third district	36,716
Fourth district	4,470	Fourth district	38,081
Fifth district	4,701	Fifth district	35,996
Sixth district	4,469	Sixth district	33,625
Seventh district	12,476	Seventh district	61,465
MISSISSIPPI.		NEW JERSEY.	
First district	3,167	First district	35,423
Second district	12,618	Second district	35,380
Third district	6,950	Third district	33,479
Fourth district	3,086	Fourth district	28,621
Fifth district	4,316	Fifth district	29,538
Sixth district	10,117	Sixth district	37,971
Seventh district	4,914	Seventh district	31,551
GEORGIA.		TENNESSEE.	
First district	2,078	First district	27,346
Second district	2,411	Second district	23,616
Third district	1,704	Third district	27,883
Fourth district	3,239	Fourth district	20,223
Fifth district	2,999	Fifth district	19,996
Sixth district	1,722	Sixth district	24,137
Seventh district	6,680	Seventh district	20,642
Eighth district	2,377	Eighth district	24,421
Ninth district	2,396	Ninth district	24,206
Tenth district	1,944	Tenth district	19,962

These figures tell their own story of votes suppressed by the thousands and hundreds of thousands.

Our friends from the South say the colored people there do not wish to vote; that they are tired of voting. We have little doubt they are tired of voting. They are tired of encountering perils greater than of war or pestilence in order to enjoy the privilege of freemen. That they do not wish to vote we do not believe. The colored man holds his franchise to vote in as high regard as any class of American citizens. To him it is the visible sign of his perfect emancipation from the bonds of slavery, which bound not only his body, but set limitations on his mental and moral growth.

Let us have free, fair, and honest elections, an untrammelled expression of the popular will. The people of the country demand this. Our party has declared for a free ballot and a fair count. Give us this, and all honest men will be satisfied. Every patriot desires to freely cast one vote and to have that vote counted as he cast it. He not only

desires this for himself, but he desires it and will fight for it for every other voter in the land, however humble he may be.

Sir, the States of this Union may do as they please in respect to their own citizens, controlled only by the inhibition of the Constitution of the United States in its war amendments. They are responsible to themselves, to their people, and their God; but, sir, in this matter of Federal elections, when we come to elect members of this great national body, then the whole country is interested. Of what avail is it that in Ohio we go out and have an equal contest; that we fight our battles for supremacy in the various districts; that every man, black and white, rich and poor, is permitted to cast his vote, register his will, and that there the majority rules? Of what avail is it that we should carry on those equal contests when in other sections of our country that verdict is set aside by the suppression of the voice and votes of thousands of the citizens of those States? It is a matter in which we are all concerned. We have a right to know that in every Congressional district in this broad land there is a fair, free, and honest expression of the will of the voters in the selection of members of this House.

There have been instances in Northern districts, and there may be such instances in the future, where by fraud, violence, and corruption the will of the people has been thwarted. This law is applicable alike to such districts and can be invoked there as well as in the South.

It can be said of the North that in no district there is the doctrine of white supremacy proclaimed. Nowhere there is the vote of any race suppressed on account of race. If frauds are committed there these frauds are upon men, and not upon races of men.

There is one notable exception to this general condition which stands out in barbaric brutality, the imprisonment of the one hundred and fifty-two colored voters in the dungeon at Hammond street station in Cincinnati in 1884 by the Democratic party. The gentlemen from Ohio [Mr. OUTHWAITE and Mr. YODER] were unfortunate in bringing this hideous crime, which stands without a parallel in any Northern State, to public notice. Better had they asked the waves of oblivion to forever blot it from memory and from sight.

The gentlemen complain of the use of deputy marshals and supervisors in Cincinnati; and well they may, for their use prevented the success of a Democratic conspiracy to control the Congressional elections in her two districts by fraud and violence that year. Their repeaters and ballot-box stuffers were there from Chicago, Baltimore, Kentucky, and other places. They were there to show the people of Cincinnati how to carry on an election.

Nearly one thousand deputies were appointed by the Democratic sheriff to see that order was maintained while these worthies did their work. Among them were such names as "Link" Slattery, "Red" Ferrall, and "Cuckaloo" Murphy. They were met by the power of the United States Government, and the result was that the election was free and fair as any that was ever held, except the frauds committed in the name of the Democratic party.

Hon. John F. Follett, who was then a member of Congress from a Cincinnati district, but who was defeated for re-election at this election, afterwards presented a preamble and resolution in this House impeaching Lot Wright, United States marshal, of high crimes and misdemeanors at that election. A committee was appointed to investigate such charges and report to the House. The committee took six hundred pages of testimony, and they failed to show that a single illegal Republican vote had been cast at that election and they failed to show that a single legal Democratic voter had been prevented from voting at that election.

The Democratic majority of this committee of investigation, failing to find any fact on which they could convict Marshal Wright of the charges against him, contented themselves with a few general resolutions such as would be expected of a Democratic county convention and gracefully slid down out of view in the following words:

In view of the impracticable nature of impeachment proceedings, and especially at this late day of this Congress, your committee will not recommend the adoption of articles of impeachment in this case.

The committee ask leave to be discharged from the further consideration of the subject.

But, Mr. Speaker, there were facts developed on the other side by this investigation, and these facts are the reason why that Democratic committee refused to recommend the adoption of articles of impeachment against Marshal Wright, for whom they had no love and upon whom they were burning with desire to wreak their vengeance for having uncovered, exposed, and defeated their conspiracy to carry the Cincinnati district.

But the power of the United States was not sufficient to prevent the commission of crime at that election. Colored voters were almost universally challenged. In many instances they were struck, pulled away from the polls, and driven therefrom with violence, when their right to vote was undoubted. One was struck on the head with a wagon-spoke; one, a bank messenger, was challenged, knocked down, and escaped, glad to get away with his life.

The testimony shows that at midnight the homes of peaceable colored citizens, many of whom had lived there for years, were invaded, and that they, one hundred and fifty-two in number, were marched by the police officers, under the direction of one Mullen, to the station-house

where they were shut up and kept from midnight preceding the election until after 6 o'clock the day of the election, and for the sole purpose of depriving them of their right to vote. No charge was preferred against them, and they were turned out as soon as the polls closed.

Mullen was indicted, tried, and convicted for the offense before Judge Baxter, of the United States district court. His judicial utterances in pronouncing sentence upon Mullen are here quoted because the history of the election in its true inwardness would be otherwise incomplete:

The evidence of your guilt was so convincing that your zealous and able counsel voluntarily yielded its irresistible force, and with your acquiescence, manifested in open court, consented to the finding made by the jury. This finding thus obtained is a virtual confession by you that the arrest and imprisonment of the persons named were for the wrongful purpose alleged in the indictment.

Such an unprecedented invasion of the rights of American citizens by any one under any circumstances would be a grave violation of the criminal laws of the United States. But when it is remembered that you were at the time in the exercise of public authority, and acting under the obligations of an official oath requiring impartiality and integrity in the discharge of your duties, your infidelity to your official obligations seems to have been peculiarly flagitious, if not atrocious. You not only outraged the imprisoned parties, but you struck a traitorous blow to a fundamental and vital principle that underlies our republican institutions; and you did your work so noiselessly and expertly as to have eluded the vigilance of three thousand regular and special policemen, deputy sheriffs, and deputy marshals then on duty, and supposed to have been co-operating for the protection of all legal voters in the exercise of their legal rights, as well as the seventy-five thousand other citizens of this great central city, who (if we are to credit the city press) were so thoroughly solicitous on that occasion to preserve the purity of the ballot-box.

The sublime impudence of such a raid upon the constitutional rights of your fellows, in connection with its successful consummation, precludes the idea that the scheme was conceived and executed by you alone. That you had accomplices is manifest. You never would have ventured upon a scheme so full of danger, and from which you could in no event have derived any personal advantage, without assurances of co-operation from others. But your accomplices have thus far escaped detection and punishment.

Before his term of punishment had half expired, Mike Mullen was pardoned by President Cleveland. He was immediately restored to his old position on the Cincinnati police by the Democratic officials, and was promoted to be a lieutenant on that force. He was made a member of the Democratic State central committee. He headed the Hamilton County delegation in the convention which nominated the present Democratic governor of Ohio, and when he is dead he will be a Democratic saint. [Applause on the Republican side.]

Mr. MANSUR. Mr. Speaker, I shall not discuss this bill, but will discuss the motives that have led up to the necessity for it upon the other side of this Chamber. Unquestionably it is the logical result of the situation in which they find themselves, after thirty years of control in this country. Commencing with Lincoln, in 1860, his plurality was 491,249, his minority 948,055 votes. In 1864 Mr. Lincoln's majority was 407,342. In 1868 Grant's majority was 305,458; in 1872 Grant's majority was 727,975; but in 1876 Tilden's majority was 157,020, while his plurality over Hayes was 250,918. From that day to this, through fourteen long years, the Republican party, with the aid of the colored vote that they could command, have never been other than a minority of the people of this nation.

In 1880 Mr. Garfield's plurality was 3,834; his minority 314,253. In 1884 Cleveland's plurality was 26,584; his minority 403,773, but Blaine's minority was 430,357. In 1888 Harrison's minority under Cleveland was 98,544, but his minority of the whole vote was 945,060. For twenty years the Republican party have cracked the party whip with more arrogance over the colored vote, as its political owner, than ever their original owners did in the days when they belonged to them. The Republicans crack the whip, I say, of political ownership, with a political arrogance that denies all toleration of possibility for a negro to become a Democrat or vote with the Democracy.

Yet in spite of all this arrogance and control, giving to the Republican party their actual vote, to-day they are, so far as the white vote is concerned, in a minority of 2,000,000.

Before the Republicans should attempt to pass a bill of this nature, if they are in good faith, they ought to be in a clear majority and there ought to be a demand for it coming from every part of the country. Yet the reverse is the fact; not one petition that I have heard of has been sent to Congress. In searching for Republican motives I give it as a fixed conviction that they are driven to the necessity of attempting such an outrage upon the people of this country as this bill because it holds out the last hope by which they can perpetuate themselves in power. Rejected by a majority of the voters of this country for the last fourteen years, growing more and more, year by year, in the minority, as I have said, you are to-day in a minority of 2,000,000 votes of the white people, after giving you the benefit of all the colored votes that are cast.

The Republican party already sees the handwriting on the wall. They know they have been weighed in the balance and they know that they have been found wanting. When one of the greatest men in the Republican party, one often a candidate for the Presidency, openly proclaims in the high places of the nation that there is nothing this side the throne of God nor above the depths of hell that is not correct in law and in morals if it will operate to perpetuate the Republican party and defeat the Democracy, you can not, if worthy of such a leader—and I believe you are—do otherwise than pass just such a bill as this. What else can be expected of a party that would steal the Presidency

in 1876 and buy it in 1888? By the way, I do not know an honest Republican in my district that has denied for years past that his party stole the Presidency in 1876, and I have had them to own up and confess it by the hundreds.

A party that will do these things will assassinate the Constitution to perpetuate itself in power as quickly as it would steal a Presidency in 1876 and buy it in 1888. The logical sequence of the waning numbers of the Republican party is that it is absolutely necessary that by some means it should resurrect the negro vote and control it to the last man to the desperate end that it as a party may perpetuate itself in power. There has not been a day for fourteen years that, without regard to the Southern States, if it had not been for the negro vote in four Northern States you would have been repudiated and put under the sod as a party.

Instead of being the savior of the negroes, it is an actual fact that they have been the one and only salvation for the Republican party for a dozen years past.

Look at these figures:

By the census in 1880 the colored population of Illinois was 46,368, of Indiana 39,228, of Ohio 79,900, and New York 65,104. Harrison's plurality in Illinois was 22,201, in Indiana 2,234, in New York 14,373, and in Ohio 19,593. Making no allowance for increase of negro population in the past ten years, except in the one State of Illinois, the negro vote, simply on the basis of the population of 1880, will account for the other three States going Republican, and the many thousands of negro voters now in Illinois amply demonstrates the negro saved the Republican party there. To my mind it is almost hopeless that we can defeat in the House this bill. Why? Because I believe the Republicans in this House almost to a man, under the lash of King Caucus, will vote for it in defiance of their better dictates.

I have always been proud of being a lawyer and of the profession; yet when I saw lawyers, lawyers by the dozen, to-day, members of that profession which for more than a thousand years has been the defender of liberty everywhere, seeking to assail and overthrow trial by an impartial jury, that institution upon which our very freedom is anchored and without which it can not survive, an institution whose origin is lost in the traditions of history, the time when it first originated "the memory of man runneth not to the contrary," I felt that liberty had fallen upon evil times indeed.

In addition, I find that besides attempting to strike down the right of impartial trial by jury they go one step further, and, by this cowardly and I believe most infamous bill, attempt to strike down the liberties of the people by depriving this House in the first instance of passing upon the returns and elections of its own members, surrendering that inestimable privilege to a lot of partisan supervisors who are irresponsible to any power but their party, making the votes come here to a partisan Clerk, who dare not do otherwise than obey the behests of his party, and, under heavy pains and penalties, is commanded to put these partisan members on the list of members, thereby striking down the sworn returns of the State. This bill strikes at the very heart of liberty.

You may lose a State by fraud and chicanery; you may have a great wrong done to the whole people in the final result, as was done when Louisiana, Florida, and South Carolina were deprived of their rights and electoral votes in 1876, yet the body of liberty lived; but when the rights of sixty-five millions of people are overturned and they are deprived of the right to be represented in this House by their chosen Representatives, and others substituted by a biased partisan majority, whereby the entire body of laws may be changed, then indeed is liberty assassinated in her very home. [Applause.] For these reasons it seems to my mind absolutely logical, both on the figures of past elections and on its past record, that the other side should introduce such a bill. More than that, it is logical to my mind that they should pass it; for I have ceased to believe when it comes to a question of politics we may expect anything from them except those measures that will tend to perpetuate their party in power. They see the political storm riding in the air and in the heavens as well as we do.

Their great leaders know the necessity to provide for it. "He who is ugly, but whom we know to be great" foreshadowed this bill when at Pittsburgh he declared we "must do our own registration, our own counting, and our own certifying." They know that Iowa, that proud State, which in 1880 was the banner Republican State of the Union and gave 78,000 majority for Garfield for President, has been swept away from her Republican moorings, and that on the count of last November State election a majority of her districts gave Democratic majorities instead of Republican. They know that to-day for the first time in over thirty years a Democrat is governor at Des Moines City, the capital of the State. [Applause.] They know—

Mr. KERR, of Iowa. Will the gentleman permit me to interrupt him?

Mr. MANSUR. No; I can not yield. They know that throughout the West similar influences are at work. They know that the same power that wrecked their party in Iowa is sweeping over Kansas, Nebraska, all the great West. They know as well as we the changes that are going on in the West, and they know that the people of this country are becoming very tired of these attempts at striking down the

Constitution for the purpose of perpetuating a partisan party in power, and hence this bill. [Loud applause.]

Mr. SMYSER. Mr. Speaker, before the 1st day of February more than three or four bills looking to the regulation of the election of members of this House were introduced and referred to the Committee on Election of President, Vice-President, and Representatives in Congress. Your committee believed that it was a subject-matter properly referred, that under the Constitution and rules of the House it had the power to consider, perfect, and report to the House for its consideration a measure calculated to correct the abuses as contemplated in the measure now under consideration. They did not believe, in considering the measure that was finally perfected and brought to the House for its consideration, that they were infringing in any way upon the Constitution; but believed that they were doing simply that which they had the right and power under the Constitution to do. But I confess, Mr. Speaker, when this debate fairly opened, after, on last Saturday, for instance, we read the alarm signed by thirty-eight Democrats from districts north of the Potomac and Ohio Rivers, as hour after hour we heard gentlemen upon the other side of this House declaim vehemently, earnestly, and it seemed to me from the very vehemence of their talk that they were sincere in saying we were overriding the Constitution—I confess, Mr. Speaker, that I stood appalled.

I trembled for my country. I thought "it may be that we have made a mistake and that we are undertaking in the measure now under consideration to do something that will override the liberties of the people and utterly subvert the Constitution." But, Mr. Speaker, I recalled an incident that put me at least at ease. While they were talking about the Constitution being subverted I was reminded of something that had occurred many years ago in my own county. Along in 1845 or 1846 there came to my county a young man to practice law. Bright, intelligent, quick, he gave early promise of the eminence he attained at the bar in later years, for when, in February last, he was gathered to his fathers, there was no man who stood above him in Ohio; he was Ohio's greatest lawyer. When he came to our county to practice law we had a great many lawsuits that grew out of trading horses, and we called them horse lawsuits. He was engaged to go before a magistrate to try one of these horse lawsuits.

We had also in the county an old gentleman whose character my friend from Missouri will recognize readily when I say that he was not a lawyer, but was a pettifogger. He was up to all the tricks of the pettifogger. He knew all the devices which would enable him to secure a verdict from a jury before a magistrate. The distinguished lawyer of whom I have spoken, then, as I have said, a young man, prepared his case, and tried it admirably. He presented his authorities carefully, because he believed there were some legal principles governing even a horse trade.

Mr. TARSNEY. He was a horse lawyer.

Mr. SMYSER. Not exactly a horse lawyer, because, if you speak of John McSweeney as a horse lawyer, God knows what will become of Missouri. [Laughter.] As I have said, this pettifogger was up to all the tricks which would enable him to win a verdict from a jury before a magistrate, and when he came to make the argument upon the other side and had reached the proper point, he turned to the justice and said: "May it please your honor and gentlemen of the jury, if that is the law of horse trades, farewell to liberty." [Laughter.]

Mr. Speaker, as I recalled that incident I took consolation from it, because we have gone on and horse trades have flourished, but liberty has not yet bidden us farewell. [Laughter.]

[Mr. TARSNEY addressed the House. See Appendix.]

[Mr. WHEELER, of Alabama, addressed the House. See Appendix.]

Mr. COLEMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 11 o'clock and 7 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communication was taken from the Speaker's table and referred as follows:

PRELIMINARY REPORT ON THE COST OF PRODUCTION.

A preliminary report by the Commissioner of Labor on the cost of production of pig-iron, steel ingots, steel rails, coal, coke, iron ore, and limestone in the United States and in Europe—to the Committee on Labor.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. HITT:

Resolved, That the President be requested, if in his judgment not incompatible with the public interests, to furnish the House with the correspondence between the Government of the United States and the Government of Great Britain touching the subjects in dispute in the Behring Sea, since March 4, 1889; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. OSBORNE, from the Committee on Military Affairs, reported with amendment the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 4300) for the relief of George M. Wheeler. (Report No. 2595.)

A bill (H. R. 8014) for the relief of Richard M. Edwards, of Cleveland, Tenn. (Report No. 2596.)

A bill (H. R. 7641) for the relief of Daniel C. Trewitt, of Chattanooga, Tenn. (Report No. 2597.)

Mr. YODER, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 9493) granting a pension to Edwin Cotton, late musician Twenty-fourth Regiment Michigan Volunteer Infantry, accompanied by a report (No. 2598)—to the Committee of the Whole House.

He also, from the same committee, reported with amendment the bill of the House (H. R. 6052) granting a pension to Martha A. Bowling, accompanied by a report (No. 2599)—to the Committee of the Whole House.

Mr. STRUBLE, from the Committee on the Territories, reported favorably the bill of the House (H. R. 11178) to authorize the board of supervisors of Maricopa County, Arizona, to issue certain bonds in aid of the construction of a certain railroad, accompanied by a report (No. 2600)—to the House Calendar.

Mr. LANSING, from the Committee on Military Affairs, reported with amendment the bill of the House (H. R. 2375) to correct the military record of Lieut. Cornelius McLean, accompanied by a report (No. 2601)—to the Committee of the Whole House.

Mr. HARE, from the Committee on Indian Affairs, reported, with amendment, the bill of the House (H. R. 11030) granting the right of way to the Sherman and Northwestern Railway Company through the Indian Territory, and for other purposes, accompanied by a report (No. 2602)—to the House Calendar.

Mr. O'NEILL, of Pennsylvania, from the Committee on the Library, reported favorably the bill of the House (H. R. 6790) for the purchase of a historical book of reference from Austin & Co., accompanied by a report (No. 2603)—to the Committee of the Whole House on the state of the Union.

Mr. WILSON, of Missouri, in behalf of the minority of the Committee on Elections, to which was referred the contested-election case of Thomas E. Miller against William Elliott, from the Seventh Congressional district of the State of South Carolina, submitted their views in writing thereon; which were ordered to be printed as Part 2 of Report 2502.

Mr. PERKINS, from the Committee on Indian Affairs, to which was recommitted the bill of the House (H. R. 339) to provide for the sale of certain New York Indian lands in Kansas, reported the same favorably, accompanied by a report heretofore made (No. 26)—to the House Calendar.

Mr. REED, of Iowa, from the Committee on the Judiciary, reported with amendment in the nature of a substitute the bill of the Senate (S. 398) to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases, accompanied by a report (No. 2604)—to the House Calendar.

Mr. ADAMS, in behalf of the minority of the Committee on the Judiciary, submitted his views in writing thereon; which were ordered to be printed as part of said report (No. 2604).

Mr. O'DONNELL, from the Committee on Education, reported favorably the bill of the House (H. R. 634) to aid in the establishment and temporary support of common schools, accompanied by a report (No. 2605)—to the Committee of the Whole House on the state of the Union.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, a bill of the following title was introduced, read twice, and referred as follows:

By Mr. HARE: A bill (H. R. 11224) to confer additional jurisdiction to the United States court in the Indian Territory to hear and determine rights of citizenship in the Indian Territory and petitions for partitions and allotments of lands in severalty, and for other purposes—to the Committee on the Judiciary.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ANDERSON, of Mississippi: A bill (H. R. 11225) granting a pension to Harrison D. Leverett—to the Committee on Invalid Pensions.

By Mr. BOUTELLE: A bill (H. R. 11226) granting a pension to Stephen A. Seavey—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 11227) directing the transfer of

certain amounts from the naval pension fund—to the Committee on Naval Affairs.

By Mr. FITCH: A bill (H. R. 11228) for the relief of Daniel W. Whitney—to the Committee on Claims.

By Mr. HOOKER: A bill (H. R. 11229) for the relief of the estate of George F. Hunt, deceased, of Jefferson County, Mississippi—to the Committee on War Claims.

By Mr. RIFE: A bill (H. R. 11230) for the relief of Mrs. Elizabeth Toop—to the Committee on War Claims.

By Mr. SMITH, of Illinois: A bill (H. R. 11231) for the relief of Edward A. Ruder—to the Committee on War Claims.

Also, a bill (H. R. 11232) for the relief of C. C. Caldwell—to the Committee on War Claims.

Also, a bill (H. R. 11233) for the relief of the administrator of the estate of Phebe Leibarger, deceased, widow of Jacob Leibarger, late of Company H, Twenty-seventh Regiment of Illinois Volunteers in the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 11234) for the relief of the Spies Lumber Company of Cairo, Ill.—to the Committee on Claims.

By Mr. WILLCOX: A bill (H. R. 11235) for the relief of Charles T. Russell—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ABBOTT: Petition of the Builders' Exchange of Dallas, Tex., advising the passage of the Torrey bankrupt bill—to the Committee on the Judiciary.

Also, petition of the underwriters of Dallas, Tex., asking passage of same measure—to the Committee on the Judiciary.

By Mr. ANDERSON, of Mississippi: Petition of 39 citizens of Yazoo City, Miss., praying the passage of House bill 3316, known as the Torrey bankrupt bill—to the Committee on the Judiciary.

By Mr. DARLINGTON: Petition for the passage of House bill 5978—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. DORSEY: Petition from farmers of Custer County, Nebraska, asking appropriation for deep harbor at Galveston—to the Committee on Rivers and Harbors.

Also, resolutions from Martinsburgh (Nebr.) Farmers' Alliance, asking for the passage of the Conger and Butterworth bills—to the Committee on Agriculture.

Also, resolutions of Belle Creek (Nebr.) Farmers' Alliance, favoring same bills—to the Committee on Agriculture.

Also, resolutions of Farmers' Alliance No. 936, of Nebraska, for same bills—to the Committee on Agriculture.

Also, resolutions of Antelope County (Nebraska) Farmers' Alliance, for same bills—to the Committee on Agriculture.

Also, resolutions of Farmers' Alliance of Scotia, Nebr., for same measures—to the Committee on Agriculture.

Also, resolutions of Pleasant Hill (Nebr.) Alliance, for same measures—to the Committee on Agriculture.

Also, resolutions of the Buffalo County (Nebraska) Alliance, for same measures—to the Committee on Agriculture.

Also, resolutions of the Brayton (Nebr.) Farmers' Alliance, for the passage of same measures—to the Committee on Agriculture.

Also, resolutions of the Pierce County (Nebraska) Farmers' Alliance, for the passage of same measures—to the Committee on Agriculture.

By Mr. KELLEY: Petition of 260 citizens of Topeka, Kans., asking for the passage of some law that will enable the States to counteract the effect of the recent decision of the Supreme Court in relation to the importation and sale of intoxicating liquors in original packages from other States—to the Committee on the Judiciary.

By Mr. KERR, of Iowa: Petition of John Flaherty, C. A. Searle, and 13 others, citizens of Richland County, North Dakota, asking Congress for appropriation of money for complete system of levees on Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of C. J. Haines, Will Atchison, and 38 others, citizens of Linn County, Iowa, for same measure—to the Committee on Rivers and Harbors.

By Mr. O'DONNELL: Petition of 25 members of Ovid Alliance, Branch County, Michigan, asking for the passage of the Conger bill and the Butterworth bill—to the Committee on Agriculture.

By Mr. O'NEILL, of Pennsylvania: Memorial of officers of the Fourth Regiment of the National Guard of Pennsylvania, asking for the passage of House bill 8151, known as the Henderson bill—to the Committee on Military Affairs.

By Mr. PAYNTER: Petition of John Darnel, Fortieth Kentucky Infantry, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. PERKINS: Petition of Mrs. Elvina Bordwell and 147 others, members of the Kansas Woman's Relief Corps, asking for the enacting of legislation in the interest of the ex-Union soldiers—to the Committee on Invalid Pensions.

Also, petition of A. A. Osgood and 54 others, prominent citizens of

Parsons, Kans., praying for legislation to counteract the effect of the recent original-package Supreme Court decision—to the Committee on the Judiciary.

Also, petition of M. A. Stanley and 150 others, residents of same city, for same relief—to the Committee on the Judiciary.

By Mr. PHELAN: Petition of the trustees of the Methodist Episcopal Church, of Saulsbury, Tenn., for reference of claim to Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. QUACKENBUSH: Petition of citizens of the Eighteenth district of New York in favor of a national Sunday-rest law—to the Committee on Labor.

By Mr. SANFORD: Petition of 23 survivors of rebel prisons, residing in Montgomery County, New York, for the passage of House bill 319, entitled "A bill for pensioning prisoners of war"—to the Committee on Invalid Pensions.

By Mr. STRUBLE: Resolutions of the Jobbers and Manufacturers' Association of Sioux City, Iowa, favoring the establishment by the Government of a navy-yard and shipping docks at the port of New Orleans, La.—to the Committee on Naval Affairs.

Also, petition of Jens P. Pederson and 14 others, citizens of Iowa, favoring the establishment and maintenance of a harbor on the Texas coast—to the Committee on Rivers and Harbors.

By Mr. TURPIN: Petition of Cawthorn & Coleman and others, citizens of Selma, Dallas County, Alabama, protesting against legislation by Congress compelling railroads to transport petroleum barrels free—to the Committee on Railways and Canals.

SENATE.

WEDNESDAY, July 2, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday's proceedings was read and approved.

LANDS IN ARIZONA AND NEW MEXICO.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

In my annual message I called attention to the urgent need of legislation for the adjustment of the claims under Mexican grants to lands in Arizona and New Mexico.

I now submit a correspondence which has passed between the Department of State and the Mexican Government concerning the rights of certain Mexican citizens to have their claims to lands ceded to the United States by the treaty adjusted and confirmed. I also submit a letter from the Secretary of the Interior, with accompanying papers, showing the number and extent of these claims and their present condition.

The United States owes a duty to Mexico to confirm to her citizens those valid grants that were saved by the treaty, and the long delay which has attended the discharge of this duty has given just cause of complaint.

The entire community where these large claims exist and indeed all of our people are interested in an early and final settlement of them. No greater incubus can rest upon the energies of a people in the development of a new country than that resulting from unsettled land titles.

The necessity for legislation is so evident and so urgent that I venture to express the hope that relief will be given at the present session of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, July 1, 1890.

The PRESIDENT *pro tempore*. The message, with the accompanying papers, will be laid on the table and printed.

Mr. MANDERSON. It seems to me that the communication should be referred to the Committee on Private Land Claims.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection—either that or the Committee on Foreign Relations.

Mr. MANDERSON. It is a matter certainly of very great importance. I think it is a fact that the Committee on Private Land Claims has at this session of Congress, as it frequently has before, reported a bill designed to reach the difficulties spoken of in this communication. I do not think that the communication should lie on the table, but that it should be referred to that committee, so that it may, if possible, stir it up to renewed activity on this important matter.

The PRESIDENT *pro tempore*. The message, with the accompanying papers, will be referred, if there be no objection, to the Committee on Private Land Claims, and printed.

PETITIONS AND MEMORIALS.

Mr. MORGAN presented a petition of the Central American Transit Company of New Jersey, praying for the adjudication of their claim against the Government of Nicaragua; which was referred to the Select Committee to Inquire into All Claims of Citizens of the United States against the Government of Nicaragua.

Mr. WALTHALL presented the petition of L. Lopez and 400 other citizens of Biloxi, Miss., and vicinity; the petition of T. J. Stewart and 10 other citizens of Mississippi City, Miss.; the petition of P. M. Rhodes and 152 other citizens of Pass Christian, Miss., and vicinity; the petition of P. B. Hand and 33 other citizens of Handsborough, Miss., and vicinity, and the petition of W. T. Firth and 67 other citizens of Ocean Springs, Miss., and vicinity, praying that the custom-house be removed from Shieldsborough, Miss., to Biloxi, Miss.; that a deputy's office be established at Pearlington, and that the present dep-

uty's office at Pascagoula be maintained; which were referred to the Committee on Commerce.

Mr. VEST presented resolutions adopted by the Commercial Exchange of Kansas City, Mo., praying that an appropriation be made by this Congress of \$10,000,000 for the improvement of the Mississippi River; which were ordered to lie on the table.

He also presented a petition of 124 citizens of Macon City, Mo., praying for the free coinage of silver; which was ordered to lie on the table.

He also presented the memorial of C. O. Baxter & Co. and other manufacturers, of St. Louis, Mo., remonstrating against the duties on Dutch and bronze metal proposed in the McKinley tariff bill; which was ordered to lie on the table.

Mr. REAGAN presented a petition of citizens of Dallas County, Texas, praying for legislation to limit the hours of work of clerks and employes of first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL. I present the proceedings of a mass meeting of the citizens of Pima County, in the Territory of Arizona, demanding "the immediate repeal of that provision of the law in regard to arid lands or that Arizona be excepted from its provisions." They say they ask for no Government aid, but simply that the land laws, the desert and the homestead acts particularly, be retained and thereby all lands will be reclaimed which can be profitably, and all ditches, canals, and reservoirs will be built by private enterprise that would be profitable to the Government to do. "We demand the repeal of this law, and then to be let alone in our struggle with the desert, as we have demonstrated that we can make the desert bloom without Government aid, if not injured by bad legislation."

I ask that the resolutions be received and referred to the Select Committee on Irrigation and Reclamation of Arid Lands.

The PRESIDENT *pro tempore*. The resolutions will be so referred, in the absence of objection.

Mr. PADDOCK. I desire the attention of the Senator from Missouri. The subject to which the Senator refers is now under consideration by the Committee on Appropriations. They are to have a meeting upon that subject, as I understand, this afternoon for the special consideration of this particular matter, and therefore I suggest that the resolutions should go to the Committee on Appropriations, as they have before them and are considering an amendment to the sundry civil bill covering this whole subject.

Mr. COCKRELL. Has that amendment come from the Select Committee on Irrigation and Reclamation of Arid Lands?

Mr. PADDOCK. The amendment to which I referred was reported from the Committee on Public Lands and referred to the Committee on Appropriations. The Director of the Geological Survey was before the Committee on Appropriations this morning, and he is to be again this afternoon, in the consideration of that subject by that committee. Therefore I suggest to the Senator, as the petition he presents is one of like import to one received by myself and is understood by me, that it be referred to the Committee on Appropriations for its consideration this afternoon.

Mr. COCKRELL. I have no objection to the reference of the resolutions to the Committee on Appropriations, as I understand the matter is now pending before that committee.

The PRESIDENT *pro tempore*. The paper will be referred to the Committee on Appropriations, in the absence of objection.

Mr. COCKRELL. I desire also to present a resolution of Local Assembly 448, Knights of Labor, of St. Louis, Mo., adopted at a meeting held on June 14, 1890, reciting that the Committee on the Judiciary in the lower House of Congress have reported favorably on a bill to prohibit alien ownership of land, and in an elaborate report accompanying said bill the committee sets forth the fact that Congress has the power to totally exclude aliens. The committee further report that they had ascertained that certain noblemen of Europe now own 21,000,000 acres of land in the United States, besides millions of acres owned by other aliens. The committee further say that European capitalists have invested millions of money in railroad and land bonds covering 100,000,000 acres of land, the greater part of which, under foreclosure sales, will in a few years become the property of foreign bondholders. The bill prohibits foreign-born persons who have not been naturalized from owning land, and only allows them to have a leasehold, and that for no longer than five years; it also compels alien land-owners to sell their lands or become citizens within ten years; and they favor the passage of this bill.

I ask that the resolution be received and referred, I suppose, to the Committee on Education and Labor.

Mr. BLAIR. Certainly.

The PRESIDENT *pro tempore*. The paper will be so referred, in the absence of objection.

Mr. COCKRELL. I am not sure whether this resolution of the Knights of Labor of St. Louis should be referred to the Committee on Education and Labor or to the Committee on Public Lands. I am not certain which committee should take charge of it.

Mr. BLAIR. That is a subject-matter which the labor organizations of the country are seeking to bring to public attention. It has been

before the Committee on Education and Labor. I am not at all particular to which committee it goes. The Senator can have his choice.

Mr. COCKRELL. I was under the impression that the Committee on Public Lands had reported the bill which prohibited the acquisition of lands by alien owners.

Mr. BLAIR. I think the resolution had better go to the Committee on Public Lands.

Mr. COCKRELL. For that reason I think it had better go to the Committee on Public Lands.

The PRESIDENT *pro tempore*. The reference to the Committee on Education and Labor will be reconsidered, if there be no objection, and the resolution be referred to the Committee on Public Lands.

Mr. MITCHELL presented a petition of citizens of Salem, Oregon, praying the passage of the bill to limit the hours of work of clerks and employes in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 8792) to authorize the construction of a bridge across the Mississippi River at Winona, Minn., reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. 8047) to construct a wagon-bridge across the Mississippi River at Hastings, Minn., reported it without amendment.

He also, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3899) to provide for the purchase of a site and the erection of a public building thereon at Joplin, in the State of Missouri, reported it without amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7482) increasing the pension of John P. Davis;

A bill (S. 2370) for the relief of Philip T. Greely; and

A bill (S. 2610) granting a pension to N. L. Young.

Mr. PIERCE, from the Committee on Pensions, to whom was referred the bill (S. 3957) granting an increase of pension to Mrs. Mary McIntosh, reported it without amendment; and submitted a report thereon.

THE MISSISSIPPI AND ITS TRIBUTARIES.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the resolution submitted by Mr. PLUMB June 28, 1890, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That 1,000 copies of the pamphlet entitled The Mississippi and its Forty-Four Navigable Tributaries, prepared at the Treasury Department and printed at the Government Printing Office in 1888, be printed as a public document for the use of the Senate.

UNCLAIMED LAND PATENTS.

Mr. PLUMB. The Committee on Public Lands instruct me to report back favorably, with amendments, the bill (S. 3831) to provide for the delivery of land patents to their rightful owners. After making a statement in regard to this matter I shall venture to ask the Senate to consider the bill now.

It appears by an Executive Document which accompanies the bill that about 250,000 land patents have accumulated in the General Land Office for which claimants have not appeared. This, according to the statement of the Land Office, grows largely out of the fact that from time to time the land offices in different States have been abolished and their files have been returned to the Department. Large portions of these files were returned on account of the suspension of land offices in the Southern States during the war of the rebellion.

The Government owes an obligation to the parties to whom these patents are due to deliver the patents to them and to have them always ready for delivery and for delivery without cost. But it seems that last summer some thrifty soul, for lack of better employment, hit upon a plan of making a speculation for himself out of the innocent holders of these patents, and was allowed by the Land Office to take his clerks into that department and make copies of all the names of the grantees of these patents, together with a description of the land and such other information as the patents might contain, which would enable him to look up the persons who were entitled to the patents. Thus the Government presents the spectacle of letting out by job the performance of that which is a plain public duty. The Commissioner in reporting on this subject congratulates himself that he has done a good thing in thus enabling the parties to have their rights through the intervention of private parties which they can not get from the Government authorities.

The result is that from different portions of the country come complaints of this kind, that parties had been sought out through the instrumentality of the private holders of this information and informed that they can get their patents if they will only pay a certain sum of money. One case to which the Senator from Nebraska [Mr. PADDOCK] called my attention, and which I will ask him to verify in a moment, was that of a person who, having been communicated with on this sub-

ject, inquired to know what it would cost him and was told it would cost him \$25. He thereupon forwarded the money, and after the party had got the money, the other party not in due course getting his patent wrote again to find out about it, and was informed by the attorney that in the mean time there had been some other cost about it and it would cost him \$25 more. The Senator from Arkansas [Mr. BERRY] informed the Committee on Public Lands that cases of this kind have arisen in his State.

It seems to me rather extraordinary; and the committee have devised a plan whereby this speculation perhaps may not entirely cease, but, at all events, which will provide for such action on the part of the Department as will prevent the necessity of any one going to these private parties and paying a sum of money for that kind of service which the Government is bound to render without any compensation whatever.

I was a little surprised, in fact, that the Commissioner of the General Land Office in making his report did not suggest that the whole of the public business relating to the Interior Department had better be carried on by private contract.

Mr. PADDOCK. If the Senator will allow me to say a word in this connection I will state that the recommendation to which he refers was not made by the present Commissioner of the General Land Office. It was made by an Acting Commissioner some time ago.

Mr. PLUMB. It seems to have been the result of collusion between one of the Assistant Secretaries of the Interior and the Acting Commissioner of the General Land Office.

Mr. PADDOCK. I do not know as to that.

Mr. PLUMB. It seems to have been some sort of a private "snap" as between those persons.

Mr. PADDOCK. In reference to the case which the Senator has called attention to, inasmuch as he has referred to me, I desire to state that the patent referred to in this case was ready to be issued. The attorney found that it was ready to be issued and notified the person to whom the patent belonged that he had special facilities for expediting the issuance of patents and advising him if he would remit \$25 he thought he would be able to secure the patent for him very soon. He did remit \$25, as the Senator has stated; then the attorney wrote again to him stating that there had been some additional complications about it involving considerable labor and therefore he would require an additional \$25. In the mean time the owner of the patent had forwarded his \$25 to the party with an order for his patent. However, the attorney had obtained the patent under the order received by him and held it until he got the second \$25. When the matter was brought to the attention of the Commissioner of the General Land Office he called the attorney before him and immediately debarred him from practice before the Land Office.

Mr. PLUMB. That was a most righteous act, and one which shows that the Commissioner of the General Land Office himself has some appreciation of the duties and responsibilities of his position. But it has resulted already in a condition of things which is a serious reflection upon the administration of the Land Office, and, fearing that that office could not help itself out of the dilemma into which it had been put, the bill which I have spoken of has been reported, imposing certain duties in regard to this matter upon the Commissioner of the General Land Office, which will obviate the necessity of letting these things out by private contract any further and advise all people as to where they can get the information necessary to enable them to obtain the muniment of title which the law intends they shall have.

Mr. BERRY. The Commissioner of the General Land Office, in response to a resolution either passed by the Senate or sent from the Committee on Public Lands, I do not remember which, made the statement that a large number of patents which belong to various parties throughout the United States and which they were entitled to have delivered to them free of cost were on file in his office; that he was applied to by a firm of lawyers in the city of Washington to make a list of those patents, and that he and one of the Assistant Secretaries of the Interior, General Bussey, had both given permission to this law firm in Washington to make a list of all these patents in his office.

He does not give any reason why he gave such permission. He must have known the object and purposes the attorneys had in view when they applied for the permission.

I will state that that is not the present Commissioner of the General Land Office, but the present Assistant Commissioner, who was at that time Acting Commissioner, as I remember the fact, gave the permission to these attorneys to make a list of the patents belonging to the people, which they had a right to have delivered to them free of cost. After they got this permission I was informed by one of my colleagues in the other House that he had received a number of letters from citizens in Arkansas stating that this firm had written them that they had facilities for procuring patents and had understood they had never obtained a patent to the land, and if they would send to that firm a certain amount of money they thought they could or would procure the patents for them.

Mr. President, it seems to me that some explanation upon the part of the Assistant Commissioner of the General Land Office ought to have been given as to why he selected out this firm of lawyers and per-

mitted them to obtain the information by which they could impose upon this large number of citizens throughout the United States and put money into their own pockets. That is all the criticism I care to make. The Commissioner gives no explanation in his letter, but he says he did that thing without giving any reason why. I think that the legislation proposed by the Senator from Kansas is necessary and that the bill ought to pass, so that these people can procure their patents without having to contribute to this law firm, which seems to have peculiar facilities that other law firms have not for getting information from the General Land Office.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the bill (S. 3831) to provide for the delivery of land patents to their rightful owners, this morning reported from the Committee on Public Lands, may be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PIERCE. There was some suggestion made here when the letter of the Commissioner came in with regard to the publication of these names in some one paper at the capital of each State. It seems to me it would be a very wise provision to have that inserted in the bill.

Mr. PLUMB. The committee thought of that, and concluded that it would involve an unnecessary expense. Undoubtedly everybody will have notice through the public prints that if any muniment of title, any patent, is lacking to his land he can go to the county-seat and at the office of the recorder of deeds find out about it.

Mr. PIERCE. Should not notice be given in some manner so that the people will understand that their patents are with the Government or something of that kind?

Mr. PLUMB. The list of patents does that. It is a list of the names of the grantees, and will be with the recorder of deeds of every county in the United States, being of permanent record with that county, and undoubtedly the fact will be published, and by applying they can find out.

Mr. PIERCE. I suppose the committee have examined that point, and I will not press it.

The PRESIDENT *pro tempore*. The amendments proposed by the committee will be stated.

The SECRETARY. In line 3, after the word "of," strike out "be, and;" in line 4, after "hereby," strike out "authorized and;" and in line 4 after the word "to," strike out the remainder of the bill and insert, so as to make the bill read:

Be it enacted, etc., That the Commissioner of the General Land Office is hereby directed to forward to the recorder of deeds for each county in the United States lists setting forth the lands disposed of by the Government in such county the patents for which are now or hereafter may be on deposit in the General Land Office, and which have remained therein unclaimed during a period of more than twelve months, such lists to also contain the name of the grantee for each tract of land therein described: Provided, That this direction shall not apply to patents withheld from delivery on account of any claim of error or fraud in the price of the same or the entry upon which it is based.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the delivery of land patents to their rightful owners, and for other purposes."

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 4179) granting an increase of pension to John T. Steele; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BATE introduced a bill (S. 4180) for the relief of Caleb Bryan; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. BLAIR introduced a bill (S. 4181) granting a pension to George Blanchard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 4182) granting a pension to John M. Filler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PADDOCK introduced a joint resolution (S. R. 109) providing for the printing of the agricultural report for 1890; which was read twice by its title, and referred to the Committee on Printing.

DISTRICT TAX ARREARS.

Mr. HARRIS introduced a joint resolution (S. R. 108) extending the "act fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia if paid within a time specified" to September 1, 1890; which was read the first time by its title.

Mr. HARRIS. I ask that the joint resolution be read at length.

The joint resolution was read the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the provisions of the act approved May 6, 1890, being "An act fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia if paid within a time specified" be, and they are hereby, re-enacted and extended to the 1st day of September, 1890.

Mr. HARRIS. I send to the Chair the act to which reference is made,

and ask the unanimous consent of the Senate that the joint resolution be now considered. Let the act be read.

The PRESIDENT *pro tempore*. The act will be read, if there be no objection.

The Secretary read as follows:

Be it enacted, etc., That the rate of interest to be collected of any person owing arrearages of general taxes prior to July 1, 1888, or assessments for special improvements, including the laying of water mains, now due to and the liens for which are held by the District of Columbia, shall be 6 per cent. per annum, in lieu of the rate and penalties now fixed by law and of all accrued costs: Provided, That this provision shall only apply to taxes and assessments paid on or before the 30th day of June, 1890.

Approved, May 6, 1890.

Mr. HARRIS. The act expired yesterday. The commissioners of the District wrote me yesterday, asking that a joint resolution be passed extending the time to the 1st of September, saying that they think they can collect \$100,000 or more by such an extension within that time.

Mr. EDMUNDS. I should be glad to inquire of the Senator from Tennessee and the Committee on the District of Columbia whether these continued and yearly provisions for helping delinquent tax and assessment payers are just towards those tax and assessment payers who do pay within the time, or who, being a little out of time, as I have been myself once or twice, pay the penalty prescribed by law? It appears to me not to be right to the prompt tax-payers to allow the delinquents to run along a year or two and then make a compromise with them, and then do it again and again. It is a constant temptation to people not to pay and to borrow the money at 6 per cent. or 5, or whatever, for that purpose. There may be some good explanation of it, but I am not able to understand it.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. HALE. I should like to have the Senator who reported it explain precisely what it covers.

Mr. HARRIS. The explanation will be found by reading again the act that it is proposed to extend. Let the act be read.

The PRESIDENT *pro tempore*. The act will be again read, if there be no objection.

The Secretary read as follows:

That the rate of interest to be collected of any person owing arrearages of general taxes prior to July 1, 1888, or assessments for special improvements, including the laying of water mains, now due to and the liens for which are held by the District of Columbia, shall be 6 per cent. per annum, in lieu of the rate and penalties now fixed by law and of all accrued costs: Provided, That this provision shall only apply to taxes and assessments paid on or before the 30th day of June, 1890.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. EDMUNDS. Let it go over until to-morrow, until we can see the letter of the commissioners.

Mr. ALLISON. Let it be printed in the RECORD.

Mr. EDMUNDS. Let the letter of the commissioners be printed in some way, so that we can understand the matter.

The PRESIDENT *pro tempore*. Objection being made, the joint resolution will lie over until to-morrow.

Mr. HARRIS. I send to the Secretary's desk a letter from the commissioners of the District in order that it may go into the RECORD.

The PRESIDENT *pro tempore*. The letter will be printed in the RECORD.

The letter referred to is as follows:

OFFICE OF THE COMMISSIONERS, DISTRICT OF COLUMBIA,
Washington, July 1, 1890.

SIR: The commissioners recommend and request the extension until September 1 next of the law "fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia, if paid within a time specified," approved May 6, 1890, inasmuch as the tax-payers had but about twenty-eight days in which to take advantage of that act.

The communication of Mr. Solomon J. Fague is herewith returned.

Respectfully,

J. W. DOUGLASS, President.

HON. ISHAM G. HARRIS,
United States Senate.

PENSION AGENCIES.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and is hereby, directed to furnish information on the following points:

First. The number of pensioners borne upon the roll of each, United States pension agency on June 30, 1890.

Second. The amount of money apportioned to each agency for clerk hire by the circular letter of Commissioner Raum, dated July 1, 1890, and upon what basis such apportionment was made.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. HISCOCK. I desire to call up for consideration the motion I entered yesterday to reconsider the vote by which the Senate refused to recede from its amendments to the legislative, executive, and judicial appropriation bill, disagreed to by the House of Representatives.

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent that the Senate now proceed to the consideration of the motion to reconsider the vote by which the Senate refused to recede from its amendments to the legislative, executive, and judicial appropriation bill. The Chair hears no objection, and the motion to reconsider is before the Senate.

Mr. HISCOCK. Mr. President, I was heartily in favor of the action of the Senate yesterday and of its vote, so far as the matter of principle involved is concerned, but at this late day of the session it does not seem to me to be worth while that we should allow the bill to fail, and therefore I am willing to change my vote upon that question, and hope the action of the Senate will be reconsidered. I do not care to discuss the merits of the proposition.

The PRESIDENT *pro tempore*. The question is upon agreeing to the motion of the Senator from New York to reconsider the vote by which the Senate refused to recede from its amendments to the legislative, executive, and judicial appropriation bill.

Mr. STEWART. On that motion I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE] and withhold my vote.

Mr. EDMUNDS (when his name was called). I am paired with the Senator from Alabama [Mr. PUGH] unless my vote should be necessary to make a quorum. I am not advised how he would vote and withhold my vote. I should vote in the affirmative if at liberty to do so.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY], but I understand from his colleague [Mr. CAMERON] that he would vote the same way that I would on this question. I therefore vote "nay." I desire to say that my colleague [Mr. KENNA] is paired with the Senator from Colorado [Mr. WOLCOTT].

Mr. HIGGINS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. MCPHERSON] and withhold my vote.

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS].

Mr. PETTIGREW (when his name was called). I am paired with the Senator from Florida [Mr. CALL].

Mr. WALTHALL (when his name was called). I am paired with the junior Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "yea." I wish to announce that my colleague [Mr. GEORGE] is paired generally with the Senator from New Hampshire [Mr. BLAIR].

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON].

The roll-call was concluded.

Mr. MANDERSON. I have exchanged pairs with the Senator from Mississippi [Mr. WALTHALL], who is paired with the Senator from Wisconsin [Mr. SPOONER], so that the pair will stand between the Senator from Wisconsin and the Senator from Kentucky [Mr. BLACKBURN]. I vote "nay."

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. WALTHALL. With the exchange of pairs announced by the Senator from Nebraska [Mr. MANDERSON] I record my vote. I vote "yea."

Mr. BLAIR (after having voted in the affirmative). I have voted in the affirmative. I am paired with the Senator from Mississippi [Mr. GEORGE]. I would inquire of his colleague if he understands that I am at liberty to vote in the affirmative.

Mr. WALTHALL. I think so.

Mr. GORMAN (after having voted in the negative). I am unwilling that this bill shall be lost because of this controversy. I therefore change my vote, and vote "yea."

Mr. McMILLAN (after having voted in the negative). I change my vote; I vote "yea."

The result was announced—yeas 26, nays 21; as follows:

YEAS—26.			
Allison,	Dawes,	McMillan,	Sawyer,
Bate,	Dixon,	Morrill,	Sherman,
Berry,	Frye,	Payne,	Teller,
Blair,	Gorman,	Plumb,	Vest,
Casey,	Hale,	Power,	Walthall.
Coke,	Hawley,	Reagan,	
Cullom,	Hiscock,	Sanders,	
NAYS—21.			
Allen,	Dolph,	Harris,	Pasco,
Barbour,	Farwell,	Ingalls,	Stewart,
Butler,	Faulkner,	Jones of Arkansas,	Washburn.
Cameron,	Gibson,	Jones of Nevada,	
Cockrell,	Gray,	Manderson,	
Colquitt,	Hampton,	Mitchell,	
ABSENT—37.			
Aldrich,	Eustis,	Padlock,	Stockbridge,
Blackburn,	Evarts,	Pettigrew,	Turpie,
Blodgett,	George,	Pierce,	Vance,
Brown,	Hearst,	Platt,	Voorhees,
Call,	Higgins,	Purh,	Wilson of Iowa,
Carlisle,	Hoar,	Quay,	Wilson of Md.
Chandler,	Kenna,	Ransom,	Wolcott.
Daniel,	McPherson,	Spooner,	
Davis,	Moody,	Squire,	
Edmunds,	Morgan,	Stanford,	

So the motion to reconsider the vote by which the Senate refused to

recede from its amendments to the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes was agreed to.

The PRESIDENT *pro tempore*. The question recurs upon the motion to recede from the amendments of the Senate to the bill.

Mr. EDMUNDS. I should like to have those amendments read, so that we may be certain what they are.

The PRESIDENT *pro tempore*. They will be read.

The SECRETARY. The second amendment proposes to strike out "three hundred and twenty-nine thousand seven hundred and sixty-eight dollars and ten," and insert "four hundred and twenty-two thousand two hundred and ninety-six dollars and ten."

Mr. EDMUNDS. That is a mere footing.

The PRESIDENT *pro tempore*. They will be read successively in order.

Mr. EDMUNDS. I thought perhaps we might consider each one.

Mr. ALLISON. The amendment read is a footing. That depends upon the other amendments that are later on.

The PRESIDENT *pro tempore*. The next amendment will be reported.

The SECRETARY. Amendments 21, 22, and 23 are, on page 8, line 1, before the word "clerks," to strike out "twenty-five" and insert "twenty-six;" after the word "at," in the same line, to strike out "\$6 per day during the session" and insert "\$1,800 each;" and in lines 3 and 4, before the word "dollars," to strike out "eighteen thousand one hundred and fifty" and insert "forty-six thousand eight hundred;" so as to make the clause read:

For twenty-six clerks to committees, at \$1,800 each, \$46,800.

Amendments numbered 24 and 25 are, in the next clause on page 8, line 6, after the word "committees," to strike out "during the session" and insert "at \$1,800 each," and in lines 7 and 8, before the word "dollars," to strike out "twenty-one thousand seven hundred and eighty" and insert "sixty-three thousand;" so as to make the item read:

For clerks to Senators who are not chairmen of committees, at \$1,800 each, \$63,000.

Mr. EDMUNDS. Now I understand the question.

The PRESIDENT *pro tempore*. The question will be taken upon these amendments in gross, if there be no objection.

Mr. EDMUNDS. It is a motion to recede, which is a total motion, I take it.

Mr. GORMAN. I only desire to say that I do not change an iota of the statement I have heretofore made to the Senate. I believe it is the right of this body to determine for itself how many officers—of course within reason—are necessary and the proper compensation for them, and that it is an extraordinary matter for the co-ordinate branch of the Legislature to oppose to the extent it has this proposition. But this great bill, the legislative, executive, and judicial appropriation bill, which ought to have gone into operation yesterday, is of so much importance to the Government that I do not feel that it is wise at this time and on this bill to jeopardize or postpone its operation, but on some other occasion it will afford me great pleasure, and I hope the Senate will have the opportunity, to have this matter determined, and determined as I think it ought to be and as the Senate believes wise and proper in the matter of compensation for its officers.

Mr. COCKRELL. I should like to ask the Senator if there has not been a joint resolution already passed extending the law of 1890 for the rest of this month and if it will make one particle of difference whether this bill is passed to-day or whether it is passed twenty days hence.

Mr. GORMAN. In answer to the Senator from Missouri I will say that it does make a great difference. There are radical changes in this bill as compared with the act of two years ago which will require necessarily the opening of new accounts, and no one knows better than my friend from Missouri that that can not be carried on until a new bill shall have been framed.

I am not willing to go to the extent of having to go over this entire matter, to have a new bill introduced and framed and sent here for the compensation of the officers, and therefore under the circumstances I think we ought to recede. I do not believe we can sustain ourselves by going quite as far as that on a bill of this character.

Mr. DOLPH. I hope the motion will not prevail. It is a monstrous proposition to my mind that it is the duty of the Senate on an appropriation bill to recede from every amendment it may make, if the other House will not concur in it. That gives the House jurisdiction not only to originate appropriation bills, but jurisdiction to determine absolutely what appropriations shall be made—not only what appropriations shall be made for every Department of the Government, but what appropriations shall be made for the Senate itself.

The Constitution provides that the Senate shall choose its own officers. A fair interpretation of that is such officers or employes as are found necessary for the proper conduct of its business, and the power to choose involves, in my judgement, the power to determine what the compensation shall be.

While it is true that there can be no money expended except by an appropriation authorized by both branches of Congress, there is a prin-

ciple involved by which the Senate should be allowed not only under the Constitution to choose its own officers, but to determine their compensation.

The proposition was stated by the Senator from Ohio [Mr. SHERMAN] the other day, and it has been frequently stated on this floor, that the body offering an amendment to a bill must recede if the other body does not concur in it. By such a rule, I repeat, the power would be conceded to the House of Representatives not only to originate appropriation bills, but to determine absolutely what appropriations shall be made.

Mr. EDMUNDS. I do not see it in the way the Senator from Oregon does at all. The Senate has the same right to refuse to accede to House propositions that the House has to refuse to accede to Senate propositions; and if the House of Representatives inserts in an appropriation bill a sum of money to pay its Clerk, and there not being a standing law fixing the salary of that Clerk and the Senate thinks it too high, the Senate has the constitutional right to strike that out and say to the House, "We can not agree to that proposition." In such a case the Senate is not bound to recede; the House is bound to recede because the House is the body that makes the affirmative proposition that "We wish to draw so much money from the Treasury for our own purposes, but we can not draw it without the assent of the Senate." Therefore, if the Senate says it will not assent, they must put down the pay of their Clerk to the sum that the Senate thinks the Treasury ought to bear. That makes the equality of the Houses.

Of course, there is a matter of courtesy and delicacy between the two Houses, and of judgment that in general each House is the best judge of how much ought to be paid to its own employés, and undoubtedly that courtesy ought to be carried to the extremest limit of anything that we can justly respond to the tax-payers about in the way of not being extravagant. But I think it the right of the House of Representatives to say if it does say, and its duty if it thinks so to say, that the expenses of the Senate proposed here are extravagant and unnecessary for the tax-payers to bear; and if they think so it is their right to keep on thinking so. If it should happen at the next session that the Senate is of opinion that some or all of the House employés are too highly paid, it will be our mission to say that, and then the boot will be on the other leg.

I remember, Mr. President, not a great many years ago that the question did come up exactly the reverse, where the Senate Committee on Appropriations, of which I then happened to be a member, thought that some of the House expenses were extremely extravagant and out of all proportion, and we modestly and in perfect good temper, of course, said, "We can not vote a tax" (putting it in that form) "to pay that amount of money for your expenses in the particulars named;" and the House saw the force of it in the end and receded, just as I hope we are about to do now. It may be that the proposal that we make is right in itself. It may be that it is too high. I am not on that question at all, but I think it is due to the safety of the Government to admit as I do, for one, that if the House of Representatives thinks, taking into consideration the courtesy and the liberal allowances that ought to be made for mere differences of amounts, that our expenses are too high, they are doing their duty by the people in saying so; and if the case were reversed as it will be in a year or two, as I take it, we shall have the same liberty and exercise the same duty.

Mr. PLUMB. Mr. President, the position of the House of Representatives in regard to this matter is not so wholly unreasonable as seems to be conceived by some members of this body. When this item was first put on the bill it was of course received with a great deal of disfavor in the other end of the Capitol. The members of the House felt that it was a discrimination against them and in our favor. They had their reasons, for perhaps they did not believe at that time that provision for clerks to members of either branch was wise, having in view that proper regard for public sentiment which is not above the fair consideration of any member of this body or of the other, and they declined for a long time to accede to the proposition of the Senate to provide its members with clerks.

I happened then accidentally, as on this occasion, to be a member of the conference, and I know that I stood out very considerably against my own conviction to some extent; at all events, against my conviction of the propriety of the proceeding, because of the fact that I was standing up for the rights of the minority on this floor. Our Democratic brethren had then said to us with a great deal of force, "We are outside the pale; we can not be the chairmen of committees, and we do not have anybody therefore to help us. You who are in the majority have clerks who, whatever the exacting duties of their official position may be, can still render you some service, and we ought to have something to be fairly represented." The Republican members of that conference committee stood loyally by what they regarded as a fair demand of their associates on the other side. I think we stood by them more faithfully and manfully than we would have done if it had been a matter affecting only the members on this side. I am sure that we did. The House finally yielded that point. The next year the bill came over without that provision, and the Senate put it in, and again we had a protracted conference, with the usual result that the House yielded; and this year for the first time the House sent the bill over

with that provision in it, thereby finally conceding to the Senate what was contended for.

The House say with great fairness, and I think it has been suggested in private conference, "While yielding this as a matter which has become to a certain extent a permanent practice of the Senate, and which has at any rate not encountered any very great dissent in the public mind, and doing what we conceive to be the fair thing, we had a perfect right to believe that the Senate was satisfied and was not going to encroach upon us further and ask more of us." Now they say, having agreed to this and for the first time put it in the appropriation bill, "Not content with that, you seek to enlarge it and to give your clerks more than they have hitherto had and without any showing that there is any necessity for this increased compensation." The Senator from Massachusetts [Mr. DAWES] said yesterday what I did not have occasion to reply to, that the point was not whether we should have the increased compensation, but whether we should distribute it through the calendar year or limit it to the session; but the other House said that was still a new proposition, and they said what is manifestly true, "You make the clerks annual, and the next session we shall be confronted with the statement that these fellows, at the price of \$6 a day for the session applied to the entire year, get too small salary compared with what you pay messengers and so on, and consequently the argument will be made irresistible to increase the compensation." They said in substance, "We will leave these wages where they are."

The sentiment in the other House in favor of doing something nearly the same for members of that body is growing. "We want to bring this thing up at a time when we shall be better able to consider it in all its bearings and make a fair adjustment between the two Houses. Meanwhile we do not want to pledge ourselves to any policy in regard to your clerks which will be an embarrassment to us in the consideration of the question in regard to our own; and we do not want to lay the foundation for an increase of salaries of a very considerable body of men until this other question related to it comes up in its proper and natural way." That seems to me to be the position of the House of Representatives.

Having done what I could individually to have the House conferres yield, having consented as I did, as I thought as a matter of wisdom, to the proposition that these clerks should be annual and have a compensation of \$1,500 a year, I come back to the proposition that the House is not in this matter treating the Senate unfairly and is not trenching upon the constitutional prerogatives of the Senate, and has been, I think, all the way through, fairly treating the determination of the Senate to have proper employés and give them a reasonable compensation.

Now, I can say another thing without infringing upon the rules, and that is that, if this bill fails, of course another bill will come here in due time. It is the duty of the House of Representatives to frame and pass appropriation bills, and they will avail themselves of the opportunity which will come by reason of the failure of this bill, and that bill which will come here will not have the appropriation for clerks at all, and the Senate will be left where it was before, with the necessity of putting it on as an entirely new item, and then we shall be at a disadvantage in regard to this matter, and probably have the spectacle here during the pendency of very important measures which have partly been ripened and have their position on the Calendar to be taken into consideration during the summer, and the time that ought to be occupied in other discussion will be frittered away in regard to this question, which is "mere leather and prunello," after all.

Mr. DOLPH. Under the Constitution, the Congress of the United States with the approval of the President has the power to enact laws, and no doubt each branch of Congress is responsible for the exercise of its constitutional power. I do not believe there is any rule which deprives either House of the exercise of this constitutional right to determine what laws shall be enacted. I do not believe there is any such rule as has been contended for here making it the duty of the Senate to recede from an amendment adopted by it to an appropriation bill or any other bill, under the Constitution or otherwise, if the two Houses disagree.

Mr. PLUMB. Allow me to ask the Senator a question right on that point.

Mr. DOLPH. Certainly.

Mr. PLUMB. Is it not the duty of the Senate to so act as that legislation may result, even if it involves a compromise?

Mr. DOLPH. I was about to say that if the two Houses disagree and they attempt to arrive at a compromise through a conference committee I think it is just as much the duty of one body to yield as it is of the other.

I am not speaking about appropriations made for the payment of the employés or officers of the Senate or of the House of Representatives. The two bodies are equal. They have equal power. A bill before it can become a law has to pass both branches of Congress and to be approved by the President or become a law without his signature, according to the provisions of the Constitution.

There is certainly in the Constitution no provision which requires that the House which makes a new proposition must yield if the other does not consent to it, and there is nothing in reason to support such a po-

sition. If a certain bill must originate, either under the Constitution or by the custom of Congress, in the House of Representatives, to say that the Senate shall not make amendments to it, as I said before, would give the House power to say what appropriations should be made and what legislation should be had upon a given subject.

But when we come to consider what appropriations shall be made for the payment of officers of either body, while there is no constitutional requirement that one House shall yield rather than the other, there is a certain fitness in things, there is a certain principle involved that would make it proper, I think, for the House to yield to the Senate in the case of employment of officers by the Senate and their payment, and for the Senate to yield to the House and allow them a liberal discretion in the matter of their employes and of the sums to be paid them.

Senators talk about the responsibility for the loss of this bill. If this bill is defeated the Senate will be no more responsible than the House of Representatives. Members of the Senate can go quite as long without their salaries for the next year as members of the other House. I can not conceive we should be any more responsible for the defeat of the bill than the House, because, to say the least, the matter in controversy is a matter of which the Senate has an equal right with the House to judge and upon which the Senate has the same right to insist that the House has to disagree to it.

The PRESIDENT *pro tempore*. Is the Senate ready for the question? The Senator from Massachusetts [Mr. DAWES] moves that the Senate recede from its amendments disagreed to by the House of Representatives upon the legislative, executive, and judicial appropriation bill, which have been read by the Secretary.

Mr. COCKRELL. Let us have a division.

The motion was agreed to; there being on a division—ayes 33, noes 16.

ORDER OF BUSINESS.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of Order of Business 1633, being the bill (S. 3823) in amendment of and supplementary to the act of Congress approved March 22, 1882, entitled "An act to amend section 5350 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes."

Mr. CULLOM. Mr. President, I hope that the special order, the shipping bill in charge of the Senator from Maine [Mr. FRYE], will not be laid aside. He was called out a moment ago and asked me to see that his bills were brought up as soon as the morning business was disposed of.

Mr. EDMUNDS. I want to pass the Utah bill. I have tried three or four times.

Mr. PLUMB. I wish to make a little personal statement.

Mr. EDMUNDS. I yield to that.

PERSONAL EXPLANATION.

Mr. PLUMB. Mr. President, for a year or two there has been a permanent pair existing between the Senator from Missouri [Mr. VEST] and myself, one which has been conducive to the comfort and convenience of both of us and in the interest of the public service, and one which he has faithfully observed and which I have tried to observe; but for three or four days he was called away on urgent business and he notified me that he was to be absent, and yet, notwithstanding the fact of that pair, I voted every time on a yea-and-nay vote without announcing the pair, thereby doing him a very great injustice.

I want simply to call the attention of the Senate to the fact and have it go into the RECORD that this is a matter for which he is not in any wise responsible, coupled with the other fact that none of the votes were of a kind which perhaps involved partisan considerations and none of them were carried by my vote alone. If that had been so, I should at once have moved to reconsider the vote by which the judgment of the Senate had been obtained.

I make this statement in justice to the Senator from Missouri and also in justice to myself.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. MARTIN, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 4562) to provide for the admission of the State of Idaho into the Union; and it was thereupon signed by the President *pro tempore*.

AMERICAN MERCHANT MARINE.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senate and of the Senator from Vermont to the proceedings yesterday upon Order of Business 1109, Senate bill 3738. The Senator from Maine [Mr. FRYE] asked—

unanimous consent that this bill may be taken up to-morrow morning after the morning business, and the Senator then—

Referring to the Senator from Texas [Mr. REAGAN]—

has this afternoon in which to make his remarks.

The PRESIDING OFFICER said—

The President *pro tempore* being necessarily absent—

Is there objection to the request of the Senator from Maine [Mr. FRYE]? The Chair hears none, and it is so ordered.

Mr. EDMUNDS. That being a unanimous consent, I withdraw my motion, and I stand by it although I was not here.

Mr. GRAY. Where does that appear?

The PRESIDENT *pro tempore*. The agreement appears on page 7355 of the CONGRESSIONAL RECORD of this morning. The title of the bill will be stated.

The SECRETARY. A bill (S. 3738) to place the American merchant marine, engaged in the foreign trade, upon an equality with that of other nations.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was read, as follows:

Be it enacted, etc., That on and after the passage of this act there shall be paid, out of any moneys in the Treasury of the United States not otherwise appropriated, to any vessel of more than 500 tons gross register, whether sail or steam, constructed in and wholly owned by citizens of the United States or registered pursuant to the laws thereof, and which shall be engaged in the foreign trade, plying between the ports of the United States and foreign ports, the sum of 15 cents per gross registered ton for the first 500 miles or fraction thereof sailed outward, and the same sum for the first 500 miles or fraction thereof sailed inward, on any voyage or voyages; 15 cents per gross registered ton for the second 500 miles or fraction thereof sailed outward, and the same sum for the second 500 miles or fraction thereof sailed inward; and 30 cents per gross registered ton for each thousand miles thereafter, and pro rata for any distance sailed less than 1,000 miles after the first thousand miles sailed: *Provided*, That the foreign port to which the voyage is made shall be distant more than 70 miles seaward from the ocean or Gulf boundary of the United States; and such payments to any vessel as aforesaid shall be paid to the owner or owners thereof, upon proof of the distance actually sailed, to be ascertained and the payment to be made under such regulations as the Secretary of the Treasury shall prescribe and promulgate, distances between ports to be determined by measurements which shall be furnished by the United States Hydrographic Office to the Bureau of Navigation. The payments at the rate of 30 cents per ton for each 1,000 miles sailed, as herein provided, shall continue for the term of ten years at that rate, and thereafter for another term of nine years at a reduction of 3 cents per ton each year upon each 1,000 miles sailed, and pro rata for any less distance.

SEC. 2. That no vessel shall be entitled to the benefits of this act unless its entire cargo shall be loaded at a port or ports of the United States and discharged at one or more foreign ports, or shall be loaded at one or more foreign ports and discharged at a port or ports in the United States; nor shall a vessel be entitled to receive payment under this act unless it shall have freight on board at the time of sailing to the amount, in tons weight or measurement, of at least 25 per cent. of the net register tonnage, 2,240 pounds or 40 cubic feet to make a ton of cargo.

SEC. 3. That no vessels shall be entitled to the benefits of this act unless all the officers thereof shall be citizens of the United States, in conformity with the existing laws, nor unless upon each departure from the United States the following proportion of the crew shall be citizens of the United States, to-wit: During the first two years this act shall be in force, one-sixth thereof, during the next three succeeding years, one-third thereof, and during the remaining term of this act, at least one-half thereof, nor unless there be carried on vessels of less than 1,000 tons gross register one native-born apprentice, and on vessels of 1,000 tons and upward one such apprentice for each thousand tons or three-fourths fraction thereof.

SEC. 4. That, to owners of vessels already built, payments under this act shall be made for such time only as each shall stand inspection and hold character, if wood built, not lower than the second grade (A 1), in a scale of six grades, in the Record of American and Foreign Shipping, or the corresponding classification in any other incorporated American register of shipping that has or shall have the unqualified indorsement of the boards of marine underwriters of New Orleans, La., New York, N. Y., Philadelphia, Pa., Boston, Mass., and San Francisco, Cal. If iron or steel built, payments shall be made for such time only as each vessel shall stand inspection and hold character not lower than the second class (A 1, thirteen years), in the Record of American and Foreign Shipping or the corresponding classification in any other incorporated American register of shipping that has or shall have the unqualified indorsements of the boards of marine underwriters of New Orleans, La., New York, N. Y., Philadelphia, Pa., Boston, Mass., and San Francisco, Cal.

SEC. 5. That vessels keel-laid and built after the passage of this act, in order to be entitled to payments after losing or lapsing from class in the first grade if wood built, or from the first class or division if iron or steel built, must have been so well constructed as to have been classed originally in the highest grade of the first class, or first division, to-wit: If wood built, A 1, twelve years; and if iron or steel built, A 1, sixteen years in the Record of American and Foreign Shipping or the corresponding classification in any other incorporated American register of shipping that has or shall have the unqualified indorsements of the boards of marine underwriters of New Orleans, La., New York, N. Y., Philadelphia, Pa., Boston, Mass., and San Francisco, Cal., the foregoing classification to be subject to the approval of the Bureau of Navigation, in the discretion of the Secretary of the Treasury. Vessels so built and classed for the highest character shall receive payments as in section 4 provided for vessels already built. Vessels unclassified in the register named in this act, or in an American register whose rules for building and inspection are fully equal in requirements, and all vessels whose class has expired or been suspended or withdrawn shall be disentitled to payments while this disqualification exists.

SEC. 6. That the Government of the United States shall have the right, during the time this act shall be in force, to purchase or charter any vessels receiving the benefits of this act at a price to be fixed by agreement with their owners or agents, or by the judgment of appraisers, mutually selected in case of disagreement.

SEC. 7. That the Secretary of the Treasury shall fix the times and manner of payments, prescribe the vouchers, with forms of account, and verifications, upon which payments shall be made, and shall adopt whatever regulations may be necessary to carry out the provisions of this act.

Mr. FRYE. Mr. President, I ask that in line 7, section 1, after the word "or," the words "so owned and" be inserted; so as to read "so owned and registered." It is an omission.

The SECRETARY. In line 7, after the word "or," it is proposed to insert the words "so owned and;" so as to read:

Constructed in and wholly owned by citizens of the United States, or so owned and registered, etc.

The amendment was agreed to.

Mr. FRYE. Mr. President, I ask that the next Calendar bill (S. 3739) may also be read.

The PRESIDENT *pro tempore*. The bill will be read. Does the Senator wish it to be taken up for consideration?

Mr. FRYE. Ask that it be read for information now. Practically the two bills are one. One is supplemental to the other, and the discussion that takes place over one will apply to the other bill.

The PRESIDENT *pro tempore*. The bill will be read, if there be no objection.

The Secretary read the bill (S. 3739) to provide for ocean mail service between the United States and foreign ports and to promote commerce, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster-General is hereby authorized and empowered to enter into contracts for a term of not less than five nor more than ten years in duration, with American citizens, for the carrying of mails on American steam-ships, between ports of the United States and such ports in foreign countries, the Dominion of Canada excepted, as in his judgment will best subserve and promote the postal and commercial interests of the United States. Said contracts shall be made with the lowest responsible bidder for the performance of said service on each route, and the Postmaster-General shall have the right to reject all bids not in his opinion reasonable for the attaining of the purposes named.

SEC. 2. That before making any contract for carrying ocean mails in accordance with this act the Postmaster-General shall give public notice by advertising once a week, for three months, in such daily papers as he shall select in each of the cities of Boston, New York, Philadelphia, Baltimore, New Orleans, St. Louis, Charleston, Norfolk, Savannah, Galveston, and Mobile, and, when the proposed service is to be on the Pacific Ocean, then in San Francisco, Tacoma, and Portland. Such notice shall describe the route, the time when such contract will be made, the duration of the same, the size of the steamers to be used, the number of trips a year, the times of sailing, and the time when the service shall commence, which shall not be more than three years after the contract shall be let. The details of the mode of advertising and letting such contracts shall be conducted in the manner prescribed in chapter 8 of Title XLVI of the Revised Statutes for the letting of inland mail contracts so far as the same shall be applicable to the ocean mail service.

SEC. 3. That the vessels employed in the mail service under the provisions of this act shall be American-built steam-ships, owned and officered by American citizens, in conformity with the existing laws, and upon each departure from the United States the following proportion of the crew shall be citizens of the United States, to wit: During the first two years of such contract for carrying the mails, one-fourth thereof; during the next three succeeding years, one-third thereof; and during the remaining time of the continuance of such contract at least one-half thereof; and shall be constructed after the latest and most approved types, with all the modern improvements and appliances for ocean steamers. They shall be divided into four classes. The first class shall be iron or steel screw steam-ships capable of maintaining a speed of 20 knots an hour at sea in ordinary weather and of a gross registered tonnage of not less than 8,000 tons. No vessel except of said first class shall be accepted for said mail service under the provisions of this act between the United States and Great Britain. The second class shall be iron or steel steam-ships capable of maintaining a speed of 16 knots an hour at sea in ordinary weather and of a gross registered tonnage of not less than 5,000 tons. The third class shall be iron or steel steam-ships capable of maintaining a speed of 14 knots an hour at sea in ordinary weather and of a gross registered tonnage of not less than 2,500 tons. The fourth class shall be iron or steel or wooden steam-ships capable of maintaining a speed of 12 knots an hour at sea in ordinary weather and of a gross registered tonnage of not less than 1,500 tons. It shall be stipulated in the contract or contracts to be entered into for the said mail service that said vessels may carry passengers, with their baggage, in addition to said mails, and may do all ordinary business done by steam-ships.

SEC. 4. That all steam-ships of the first, second, and third classes employed as above and hereafter built shall be constructed with particular reference to prompt and economical conversion into auxiliary naval cruisers, and according to plans and specifications to be agreed upon by and between the owners and the Secretary of the Navy, and they shall be of sufficient strength and stability to carry and sustain the working and operation of at least four effective rifled cannon of a caliber of not less than 6 inches, and shall be of the highest rating known to maritime commerce. And all vessels of said three classes heretofore built and so employed shall, before they are accepted for the mail service herein provided for, be thoroughly inspected by a competent naval officer or constructor detailed for that service by the Secretary of the Navy; and such officer shall report, in writing, to the Secretary of the Navy, who shall transmit said report to the Postmaster-General; and no such vessel not approved by the Secretary of the Navy as suitable for the service required shall be employed by the Postmaster-General as provided for in this act.

SEC. 5. That the rate of compensation to be paid for such ocean mail service of the said first-class ships shall not exceed the sum of \$6 a mile, and for the second-class ships \$3 a mile, by the shortest practicable route for each outward voyage; for the third-class ships shall not exceed \$1.50 a mile, and for the fourth-class ships \$1 a mile for the actual number of miles required by the Post-Office Department to be traveled on each outward bound voyage: *Provided*, That in the case of failure from any cause to perform the regular voyages stipulated for in said contracts, or any of them, a pro rata deduction shall be made from the compensation on account of such omitted voyage or voyages; and that suitable fines and penalties may be imposed for delays or irregularities in the due performance of service according to the contract, to be determined by the Postmaster-General: *Provided further*, That no steam-ship so employed and so paid for carrying the United States mails shall receive any other bounty or subsidy from the Treasury of the United States.

SEC. 6. That upon each of said vessels the United States shall be entitled to have transported, free of charge, a mail-messenger, whose duty it shall be to receive, sort, take in charge, and deliver the mails to and from the United States, and who shall be provided with suitable room for the accommodation of himself and the mails.

SEC. 7. That officers of the United States Navy may volunteer for service on said mail vessels, and when accepted by the contractor or contractors may be assigned to such duty by the Secretary of the Navy whenever in his opinion such assignment can be made without detriment to the service, and while in said employment they shall receive furlough pay from the Government, and such other compensation from the contractor or contractors as may be agreed upon by the parties: *Provided*, That they shall only be required to perform such duties as appertain to the merchant service.

SEC. 8. That said vessels shall take, as cadets or apprentices, one American-born boy under twenty-one years of age for each 1,000 tons gross register, and one for each majority fraction thereof, who shall be educated in the duties of seaman-ship, rank as petty officers, and receive such pay for their services as may be reasonable.

SEC. 9. That such steamers may be taken and used by the United States as transports or cruisers, upon payment to the owners of the fair actual value of the same at the time of the taking, and if there shall be a disagreement as to the fair actual value between the United States and the owners, then the same shall be determined by two impartial appraisers, one to be appointed by each of said parties, they at the same time selecting a third, who shall act in said appraisal in case the two shall fail to agree.

Mr. FRYE. Mr. President, these two bills have been reported favorably from the Committee on Commerce. The first is known to the public as the Farquhar bill, he being chairman of the Committee on Merchant Marine in the House, who reported it favorably there. The bill explains itself. It is a bounty on tonnage on all ships, sail or steam, wood or iron or steel, of a certain class, the class being a very perfect requirement. It is also known as the bill agreed upon by what is called the Shipping League Association of the United States. This is an association which has been in existence eight or ten years and has devoted itself and its deliberations entirely to the question of the revival of the American merchant marine or that portion of the marine engaged in the foreign carrying trade. It has held conventions in various parts of the country, and finally agreed without any division of opinion upon this bill as the result of its best judgment. It has been very extensively and warmly indorsed, and it may not be occupying the time improperly for me to call the attention of the Senate to these indorsements, the most of them being for the tonnage bill. They are as follows:

Resolution of the Commercial Exchange of Kansas City, Mo., under date of November 15, 1889.

Resolution of the St. Paul (Minn.) Chamber of Commerce, under date of January 13, 1890.

Resolution of the Cincinnati (Ohio) Chamber of Commerce and Merchants' Exchange, January 7, 1890.

Resolution of the Pacific Coast Board of Commerce, San Francisco, Cal., dated March 19, 1890.

Resolution of the Memphis (Tenn.) Cotton Exchange, dated November 14, 1889.

Resolution of the Harlem (N. Y.) Republican Club, dated January 14, 1890.

Resolution of the Chamber of Commerce and Industry of Louisiana, dated January 28, 1890.

Resolution of the Chamber of Commerce of San Francisco, Cal., dated April 15, 1890.

Resolution of the Chamber of Commerce of Pittsburgh, Pa., dated December 5, 1889.

Resolution of the Chamber of Commerce of Rochester, N. Y., dated November 11, 1889.

Resolution of the Chamber of Commerce of New Haven, Conn., dated November 7, 1889.

Resolution of the Chamber of Commerce of the State of New York, dated February 16, 1888.

Resolution of the Chamber of Commerce of Boston, Mass., dated March 8, 1888.

Resolution of the Board of Trade of Peoria, Ill., dated December 16, 1889.

Resolution of the Board of Trade of Jacksonville, Fla., dated December 4, 1889.

Resolution of the Mankato Board of Trade of Mankato, Minn., dated January 3, 1890.

Resolution of the Board of Trade of Omaha, Nebr., dated November 19, 1889.

Resolution of the Board of Trade Association of Pueblo, Colo., dated December 13, 1889.

Resolution of the Board of Trade of Elgin, Ill., dated January 6, 1890.

Resolution of the Board of Trade of Wichita, Kans., dated November 18, 1889.

Resolution of the Board of Trade of Philadelphia, Pa., dated December 16, 1889.

Resolution of the Board of Trade and Transportation of New York City, dated October 9, 1889.

Resolution of the Stationers' Board of Trade of New York City, dated March 11, 1890.

Resolution of the Chamber of Commerce of Charleston, S. C., dated January 25, 1890.

Resolution of the Produce Exchange of Toledo, Ohio, dated November 16, 1889.

Resolution of the Vessel-Owners and Captains' National Association, dated New York, January 8, 1890.

Resolution of the National Grange Patrons of Husbandry, dated Washington, D. C., January 23, 1890.

Resolution of the Commercial Conference of the Pacific Coast, dated San Francisco August 29, 1889.

Resolutions of the Merchants and Manufacturers' Association of Baltimore, Md., dated December 11, 1889.

Resolution of the Merchants' Club of Boston, Mass., dated December 17, 1889.

Resolutions of the Buffalo (N. Y.) Merchants' Exchange, dated November 12, 1889.

Resolutions of the Mechanics' Exchange of Providence, R. I., dated November 13, 1889.

Resolution of the Associated Wholesale Grocers of St. Louis, Mo., dated October 26, 1889.

Memorial of the Legislature of the State of Washington, dated February 17, 1890.

Petition of J. R. Tysen & Co., of Jacksonville, Fla., dated May 17, 1890.

Petition signed R. D. Wood & Co. and other business men of Philadelphia, Pa., dated April 26, 1890.

Petition of the National Association of Furniture Manufacturers, dated Grand Rapids, February 15, 1890.

Memorial of Business Men's Meeting, held at Philadelphia, Pa., April 23, 1890, and signed by over 1,000 business men and firms.

It was also indorsed by the Steam-Packing Makers' Union in New York; the Archimedes Association of Bolt-Cutters; the Oakland Labor Club; the Vulcan Association (foundrymen), New York; the Machinists' Open Union No. 4, New York; the Bushwick Protective Association of Dock Coopers, New York; the Brass Model-Makers' Protective Union, New York; the Empire City Association (burnishers), New York; the Boiler-Makers and Iron-Ship Builders' Union, New York; the Berwick Association of Coppersmiths, New York; the Wire-Drawers' Protective Association, New York; the Rob Roy Association Spoon-Oar Makers, New York; the Workmen's Municipal Reform League of New York; the Bag-Sewers' Protective Association of New York; the Pattern-Makers' Union of New York; the Flax-Spinners' Union No. 3 of New York; the New York State Engineers' Society of New York; the Machine Blacksmiths of New York; the "All for One" Association of Freight-Handlers, New York; the Ajax Association of Cotton-Press Hands in New York; the Oakum Association (ship-calkers), New York; the Riggers and Sail-Makers' Protective and Benevolent Association, New York; the Ansonia Association of Block-Makers, New York; the White Star Association of Tug-Boat Firemen, ship-owners, builders, and workmen of Damariscotta, Me.; Steel Tool-Makers' Union of New York; the Malthus Club of Riveters, New York; the executive committee of the Workmen's Municipal Reform League, New York; the Grain Shovelers' Union, New York; the Coal Trimmers' Open Union, New York; the Stuyvesant Association, Oakum Pickers, New York; the Drop-Press Forgers, New York; the Open Union of Machine Riveters, New York; the Oakland Labor Club, California; the Vulcan Association (foundrymen), New York; the Economic Club, New York; the Pump-Makers' Beneficial League of New York; the Diston Association of Cordage-Makers; the Peerless Association of Edge-Tool Makers, New York; the Union Labor Party at Syracuse; the Local Assembly, No. 1899, Knights of Labor, New York; the Louisiana Knights of Labor; and the American Brotherhood of Steam-Boat Pilots.

Yesterday I received, in addition, a resolution from the Pensacola Board of Trade in favor of the bill. I supposed that Mr. Thurber, of the New York and Brazilian Steam-Ship Company, would very much prefer the postal subsidy bill, but on January 23 I received a letter from him in which he gives very strong reasons, and to him conclusive, in favor of both bills, but especially in favor of this tonnage bill. He says:

The objective points that promise the greatest return for our efforts are the West Indies and South and Central America, because: First, the foreign shipping is not so firmly entrenched as in the trade with Europe; and, second, because we have the advantage of contiguity, and also that this country produces more of the products which are demanded by our South American neighbors; and, third, that we consume more of the products that they can and do supply.

He says:

Therefore, the steamers that are needed in the South American trade are large, economical freight-carriers, with good but smaller accommodations for passenger service than steamers engaged in the European trade. An average speed of ten to eleven knots is, in this trade, the more desirable on account of cost of running; rates of freight can be made lower.

I claim the "tonnage" bill will give ample pay to that class of steam lines to stimulate the increase of present lines and the establishment of many others to South America that will be very advantageous to this country.

Now I come to what under the "tonnage" bill will become very valuable to this country, and that is the establishment, the freighting on the ocean of the character of steamers designated as "tramps." I predict with the passage of the tonnage bill introduced in the House by Mr. FARQUHAR that within five years "American tramps" will drive foreign tramps nearly out of the South American trade and invade the European and East India trade, and that our ship-yards all over this country will be driven to their utmost capacity to supply the demand.

The first results we shall realize from the passage of this bill will be the transfer of the coal traffic England now has the control of in the West Indies and South and Central America to this country. Every point on our seaboard where coal can be delivered at from \$2 to \$2.50 per ton will have demands far beyond any present supply for the South American markets.

Every sailing vessel available and suitable for the trade will be at once employed, eventually to be driven out by steam colliers.

Every railroad that can supply coal at ports at tide water will have demands for coal that will exceed their capacity, because the "tonnage" bill is the one factor that will turn the scale in our favor. You can readily see that when you know that the price of Welsh coal in the West Indies is almost \$6.50; in Brazil, \$11 to \$12; in the River Plate republics, \$12 to \$13, and the difference in the price from, say, an average of \$2 in Wales consists of cost of freight.

I hope to live to see the time, because of the benefits of the tonnage bill, that we will not only freight 72 per cent. of our own exports and imports, as we did as late as 1860, against 11 per cent. to 12 per cent. now, and that American-built ships will compete for the East India trade, as our American clippers once did.

As to the cost of this bill, let me give the estimate of the Commissioner of Navigation, and there need not be any great mistake in an estimate of this kind, because it is well ascertained from the records of ships, both sail and steam, the number of miles that they actually travel in a year. Steamers are obliged to be held up over half the time at least in wharves and docks and for repairs, etc. Sailing vessels are held up a certain length of time. The average is found without any difficulty. In the testimony taken before the House committee there

was a very large number of illustrations, so that it can be made reasonably certain what the cost of this bill will be.

The Commissioner of Navigation thinks it will be about \$3,000,000 the year after it shall become a law, and that in the course of two, or three, or four years it will rise to five or six million dollars. I confess I shall be disappointed if in four or five years it does not reach to seven or eight million dollars. The larger the figure it reaches the more effect it will have had upon commerce. But his argument is that many of the vessels now in existence which will be received under the classification will necessarily in a year or two drop out, and that as to the vessels to be built under this law the requirements are so exacting and the provisions so rigorous that the capacities of the yards will not be sufficient to increase it to more than \$6,000,000 within three or four years.

As to the ratio of bounty I find, on looking it over, that a sailing ship costing \$50,000 would in a year receive about \$5 a ton; that is, the number of miles sailed in the year would produce \$5 a ton. If she was a ship of a thousand tons she would receive \$5,000; and a steamer of the same size would receive about double that amount. Calculated on the percentages of cost of transportation, the Commissioner of Navigation sends me the following:

RATIO OF BOUNTY TO WHOLE COST OF SHIP TRANSPORTATION.

The whole cost of ship transportation includes the interest, insurance, and depreciation of the ship, besides the running expenses while making a voyage.

Taking the voyages of eight sailing ships, four in transatlantic trade and four in trade around Cape Horn, I find the average ratio of bounty to whole cost of transportation is 12.38 per cent.

Taking the voyages of five steam-ships running from New York to ports in the West Indies and Mexico, I find the average ratio of bounty to whole cost of transportation is 10.93 per cent.

For the entire marine, sail and steam, and for the period of the operation of the bounty bill, the average ratio as above may be stated approximately at 11½ per cent.

WM. W. BATES,
Commissioner of Navigation.

Hon. WILLIAM P. FRYE,
United States Senator, Washington, D. C.

In other words, the amount paid to sailing ships and to steam-ships under this tonnage bill would be about one-half of the depreciation, interest, and insurance.

The other bill I wish to call the attention of the Senate to because I regard it as a very important one indeed and because the principle involved in it has received the sanction of the Senate several times by a very large majority. That is what is known as the postal-subsidy bill. It provides that the Postmaster-General may make contracts, after advertisement, with the lowest bidder for the carrying of the United States ocean mails hereafter on American vessels. It provides for four classes of American vessels. The first class is vessels of 8,000 tons measurement and not less, capable of maintaining at sea a speed of 20 knots an hour, and it provides that no contract shall be made for carrying the mails between New York and Great Britain except on that class.

Now, I can simply say in relation to such vessels that they would be the best, fastest, stanchest, and most powerful in the world, and if any line should be put on between New York and Liverpool it would be a line which will be unequalled for strength, for speed, for comfort, and for everything that makes up a fine ship of to-day. I may say right here that the English ships are not built so well nor provided with so many comforts as the American. Take the City of Paris to-day, which is one of the finest ships there are in the service, which consumes, I imagine, 300 tons of coal every day she runs and requires one hundred and fifty men to handle it, and there is no provision whatever for those men after their day's work is over to wash, and they are compelled to go to bed as they are, covered with perspiration, smut, and coal ashes. Take a ship Mr. Cramp, of Philadelphia, built for Mr. Spreckels, to-day in his line, and it has an apartment with a shower-bath for those very men. I only speak of this as an illustration of the difference between an American-built ship, and the care in its construction shown for the comfort of the sailors, and an English-built ship.

I have no doubt, as I stated the other day, that if that postal bill should become a law, in three years there would be an American line between New York and Liverpool, and I have abundant reasons for saying that.

What will be the cost under this bill? Undoubtedly four ships of that class would cost \$800,000 a year. But says, perhaps, the Senator from Missouri [Mr. VEST], that is an enormous amount of money to pay for a line of four great ships between New York and Liverpool to carry the mails. In my judgment, no. The fourth-class vessels of this bill call for a dollar bounty where the first-class ships I am speaking of at this moment call for \$6, and yet the one-dollar bounty is greater in proportion than the six. A steamer going 10 knots an hour can do it on 20 tons of coal a day with four or five men to handle it, but a steamer making 20 knots an hour must have 300 tons of coal a day and employ one hundred and seventy-five men to handle it.

Then again, Mr. President, it was not so much as Great Britain paid a year to establish the Cunard Line. It was no more than we undertook to pay the Collins Line to establish that. The second class is required to go 16 knots an hour and to be first class in every particular. I have no doubt if this bill should become a law there would be a line

of that kind between New York and the River Plate. That class of ships, 5,000 tons gross tonnage, would be employed between San Francisco, Tacoma, and Seattle, on Puget Sound, and Australia, Japan, and China, and between New York and the River Plate. The third class is the 3,000-ton vessels and is to receive a bounty of a dollar and a half; and the fourth class is the ordinary run of steamers of a thousand tons, either wood or steel, such steamers as would be used across the Caribbean Sea and in the Gulf of Mexico.

This bill also contains a provision that the plans and specifications for every ship must be approved by the Secretary of the Navy. It also contains a provision that one-quarter of the sailors for the first two years shall be Americans, and then a third, and then a half. It also provides that there shall be an American apprentice, who shall be a petty officer and instructed in seamanship, for every thousand tons on each one of the vessels.

Mr. GRAY. Is it not also provided that the sailors "shall be constructed after the latest and most approved types, with all the modern improvements and appliances?"

Mr. FRYE. Does the Senator so read it?

Mr. GRAY. I so read it in lines 10 and 11.

Mr. FRYE. In what section?

Mr. GRAY. At the top of page 3 those words occur.

Mr. FRYE. I did not understand the Senator's question.

Mr. GRAY. I was asking the question jocularly, but it is not really quite clear, as a matter of construction, whether the clause that they "shall be constructed after the latest and most improved types, with all the modern improvements and appliances," applies to sailors or ships.

Mr. FRYE. I do not think it is open to the construction the Senator puts upon it. It applies to the vessels. The Senator will have to go back to the commencement of the section: "That the vessels employed in the mail service" shall be so and so, and shall carry such and such sailors, and shall be constructed so and so.

Mr. GRAY. But—

upon each departure from the United States the following proportion of the crew shall be citizens of the United States, to wit: During the first two years of such contract for carrying the mails, one-fourth thereof; during the next three succeeding years, one-third thereof; and during the remaining time of the continuance of such contract, at least one-half thereof; and shall be constructed after the latest and most approved types.

Mr. FRYE. No; there is a semicolon, and what follows relates back to the ships, as a matter of course. It is only an undertaking on the part of the Senator to read it wrong.

Mr. GRAY. No; I thought it was obscure.

Mr. FRYE. I read that over a great many times, examined it with a great deal of care, and am myself entirely satisfied with the language.

Mr. GRAY. I think the sailors ought to be of the kind described there.

Mr. FRYE. The bill provides, too, that these vessels shall be taken as cruisers whenever it is necessary.

Those are the two bills. The postal bill provides that no vessel receiving this subsidy shall draw anything from the United States Treasury under any other act of Congress in the matter of subsidy or bounty, so that one is practically supplemental to the other.

Now, I do not like to occupy the time of the Senate with speech-making. I do not think I ever in my life was so averse to talking in the Senate as I have been at this session of Congress. I do not care particularly to discuss the shipping bills. I have discussed them in Congress for twenty years. I know all the objections that can be made to them and all the arguments that will be made for them, and yet it hardly seems that I should ask the Senate to act upon these bills without saying something in relation to them and something in favor of their enactment into law.

I read the report of the Produce Exchange of New York, about a fortnight ago, Mr. Ferguson, I think, secretary, and I found that there sailed from New York last year carrying grain and breadstuffs, our grain and breadstuffs, 1,996 ships.

Mr. EDMUNDS. Do you mean different ships or voyages?

Mr. FRYE. Voyages. Four of those vessels were American and carried the American flag. The four American vessels carried 50,000 bushels of wheat. Six hundred and sixteen of those vessels were English. They carried 25,000,000 bushels. I found on reading the same report that in the month of April this very year the value of the importations was, in round numbers, \$71,000,000 of imports; and that ships not carrying the American flag brought \$55,000,000 of the imports. I found that the exports were \$63,000,000, and that vessels carrying a foreign flag took fifty-four and one-half millions of that. I found that in that month we paid foreign vessels \$11,000,000 for carrying our imports and our exports.

It has been estimated again and again that we paid every year \$150,000,000 for carrying our own exports and imports in foreign ships. Including passengers it is an underestimate, and it will be found on investigation that we paid over \$160,000,000 last year.

That settles one thing. Our carrying trade—and I hope no Senator will understand me as saying commerce—our carrying trade is absolutely dead so far as foreign commerce is concerned. We have four or five lines left only of steamers. Take the Brazilian line from New

York to Brazil, three or four steamers, sailing, I think, once a month, from 3,500 to 3,900 tons each. That steam-ship line is kept on the ocean to-day by the Brazilian mail pay, and in no other possible way. Let Brazil withdraw that pay and that steam-ship line stops, the same as John Roach's did. That line lost \$277,000 the first four years it ran. It never has paid a dividend from the day it was put on down to now. The United States pays it nothing for carrying its mails, not a cent, and refused to pay it enough to reimburse the actual cost of handling mails. If we do nothing, how long will that line stay on?

Take the line to Venezuela. It went there and established its trade; it was the pioneer. It lives, it has a bare margin for profit, but it has succeeded in building up between the United States and Venezuela the largest trade, three times over, that we have in the whole of that southern country in proportion to the population and wealth; and we are getting the benefit of it, while the United States pays it a bare pitance, a cent a mile I think it is, for carrying the mails. There is now a Spanish line coming in in competition. Under the act of the Cortes two years ago that Spanish line will receive \$5,000 for every round trip made. How long will the Venezuelan line stay?

There is another line, the New York and Cuban Mail Steamship Company, nine steamers to Havana, Vera Cruz, Santiago de Cuba, and Cienfuegos; and we pay it \$300 a quarter for carrying United States mails. There is a Spanish line that has come on within a year to compete with that, and under that act of the Cortes the Spanish line is receiving \$5,000 for every round trip.

Mr. GRAY. I should like to ask the Senator from Maine if the people of this country get the benefit of the commerce that is created by that Spanish line, so far as it comes to this country.

Mr. FRYE. So far as it comes to this country they get the benefit of the commerce, beyond any manner of doubt, and I am inclined to think our freight charges are low, and very likely it is a good trade—if there is no sentiment in the case and no humiliation in the inability of a great maritime nation like this to carry its own products.

Now, how long will that line exist? New Zealand has withdrawn her subsidy to the Pacific Mail Steam-Ship Company. I think Mr. Spreckels's line has it now—\$400,000 a year—when our country was paying for carrying our mails about nine or eleven thousand dollars, I have forgotten which; and the Pacific Mail Steam-Ship Company can no longer compete in the Pacific Ocean with the new subsidized line from the Canadian Pacific. You take the entire length of the Canadian Pacific Railroad with no interstate-commerce law to bind it and control it in any way, and the great ships that have been built at its western terminus to sail to China, Japan, and Australia, what will become of the Pacific Mail Steam-ship Line? It will disappear and unless Congress does something, and does it soon, too, there will not be a single steam-ship line traversing the oceans of the world carrying the American flag, not one.

I visited once many of the great ports of the world. If I had visited those ports twenty-five years ago I would have seen the American flag at the peak of scores and scores of beautiful ships in every port. During my visit two or three years ago I never saw the American flag.

Now, this is a great nation. We boast of it immensely. We are complimenting ourselves hugely now over the census returns, over our wealth, over our manufacturing industries, our mining industries; and yet to-day we are falling into the contempt of the whole world because we, a maritime nation, have no ships on the ocean; and we are entitled to that contempt too. We are a giant, but we are bound. We are a Samson, but our locks are shorn.

I take it in discussing these questions every Senator here will admit that I am stating the absolute naked facts and that in the foreign carrying trade the United States is practically dead to-day. Why? I am not going into a discussion of the tariff with my distinguished friend from Missouri [Mr. VEST]. I am not going to discuss the cause unless it becomes necessary in order to supply a remedy. There is the dead body. I wish to know is it worth our while to resurrect it and breathe life into it? If it is, how shall we do it? I can not understand the innermost thoughts and feelings of an American citizen who can listen to the statement of facts about our foreign carrying trade and not feel an impulse to go back once more on to the ocean where we stood in such proud conspicuousness thirty years ago. I can not understand an American citizen who cares nothing in relation to it, and simply replies to you, "Are we not getting them to carry our imports and exports as cheap as we could do it?" I can not fathom the heart of such a man.

What is the trouble with our merchant marine?

I say it is dead for want of protection. It is the only great industry in the United States of America of which the same can be said. Our people are paying \$50,000,000 a year to keep alive the sugar-growing industry of the United States. Six million dollars a year will revive this dead body of our merchant marine and keep it on the ocean. We used to protect it. We had in the early days differential duties, and they were a protection and a power for prosperity in this direction. But we began to make commercial treaties, one after another, with the nations of the earth, and when we had completed them there was no power of protection by differential duties, and there never can be until we have abrogated every one of these treaties and commenced *de novo*.

We did more than that. We provided by law March 1, 1817, that no goods, wares, or merchandise shall be imported into the United States from any foreign port or place except in vessels of the United States or in such foreign vessels as truly belong to the citizens of that country of which the goods are the growth, production, or manufacture. That was the law, and remained so for a long while, and it did afford protection and encouragement to our marine. But civilization advanced, and in 1849 that law was repealed, and the Secretary of the Treasury, Mr. Meredith, made this proclamation:

First. In consequence of the alterations of the British navigation laws, above referred to, British vessels, from British or other foreign ports, will (under our existing laws), after the 1st of January next, be allowed to enter our ports with cargoes of the growth, manufacture, or production of any part of the world.

Second. Such vessels and their cargoes will be admitted from and after the date before mentioned, on the same terms as to duties, imports, and charges, as vessels of the United States and their cargoes.

W. M. MEREDITH,
Secretary of the Treasury.

That was October 15, 1849, and from that moment down to now your vessels engaged in the foreign carrying trade have been absolutely unprotected. Worse than that, for as I said the other day you enacted a law authorizing the Postmaster-General to seize any of them and to compel them to carry the United States mails for the sea postages. Then when the sea postage at Berne was cut down four and five and six times you compelled your vessels to carry your mails for the 2 cents sea postage, while Great Britain and every other maritime nation on the earth was paying from two to three times more every year than they received from the entire mail, and you are making all the way from \$500,000 to \$1,000,000 a year out of your foreign mails.

We had protection on our coastwise vessels, a law on our statute-books for a century forbidding all competition with them by foreigners. What is the result? To-day in your coastwise trade you have thirty-five thousand vessels; you have a tonnage of 4,500,000 tons, and the cheapest freights known to the world. The tonnage of the lakes alone in freight is 40,000,000 tons a year, while the entire tonnage of the great cities of London and Liverpool is not 30,000,000 tons a year. You are taking this very year through St. Mary's Falls 8,000,000 tons of freight, a million and a half more tons than are taken through the Suez Canal. Our coastwise and lake fleet is four times as large as the coastwise fleet of Great Britain to-day and larger than the coastwise fleets of all the maritime nations of the whole world.

Again, I repeat, your freights are lower than the freights anywhere in the known world. That is what protection has done for that business; and the other indicates what want of protection has done for that.

Why do you leave your ships engaged on the ocean without protection? What is your excuse? You protect the iron mines, the coal mines, the iron factories, the woolen factories, the cotton factories, the silk factories, and your coastwise trade. Why do you say that you are powerless to afford any protection to the ships engaged in the foreign trade?

The Senator from Missouri very likely will say, "It costs more to build ships here and you ought to admit foreign ships to American registry free." That is one of his panaceas. I wish to say to the Senator from Missouri—I think I have said it to him before and I probably shall again before this discussion is through—that if Great Britain would give the United States to-day every iron tramp she has the United States could do no more of the foreign carrying trade than she does now. I could have shown the Senator last year twelve ships as good as ever were built in the United States, not one of them over eight years old, each one of which he could have bought for 50 per cent. of its value. There is no man in America to-day can take a present of an iron ship from Great Britain and run it in the foreign carrying trade. Why not?

I was in Liverpool three years ago. I went to see the United States consul-general, Captain Russell, an old shipmaster, a very bright man, a Democrat of the old faith, a free-trader, as most shipmasters are. I told Captain Russell that I was anxious to have, and to have faithfully given, so that there could be no mistake about it, the wages paid to sailors and officers by every maritime nation on earth, and, more than that, I desired to have the cost of living on board ships. "Why," he said, "that is an enormous job." Said I, "I know it is, captain, but it is information that I want very greatly and from a source where it is not open to contradiction." He obtained it for me. He did not send it directly to me, but to the Secretary of State and requested him to send me a copy, as the work had been done at my request. The Secretary sent me a copy and I laid it by for future use. He has given the tables here. He says:

Reference to these tables will show that the vessels of the United States pay the highest rate of wages, besides costing more for maintenance of the crews, than those of any other nation. This of course refers to voyages commencing in the United States; but even when they commence in foreign ports, that is, ship their crews and obtain their supplies at a foreign port, they then average higher rates than vessels of other nationalities as regards cost of maintenance.

British vessels in domestic ports can procure crews for from 37 per cent. to 32 per cent. lower than those paid on American vessels, which is a serious item in the disbursement account. Then, again, the cost of maintenance on American ships is about 40 cents per day per man, against the English 29 cents, or a difference of 27 per cent. in favor of the latter. When it is considered that pro-

visions, such as beef, pork, and flour, which are the principal articles of food consumed, can be obtained in the United States, if anything, at a lower price than in England, it seems remarkable that the crews of our vessels should cost 27 per cent. more per man for maintenance, yet such appears to be the case.

It is an acknowledged fact that the living on board our vessels is superior to that of other nations, and it is generally asserted that larger quantities of food are supplied to the crew, the scale of provision laid down by Congress being rarely if ever resorted to.

The wages paid on vessels belonging to Norway and Sweden, Russia, Germany, Denmark, Austria, and Spain average about 47 to 50 per cent. lower than those of United States vessels, and the cost of maintenance about 32 per cent. less, excepting those of Germany, which cost about 10 per cent. less only.

He accompanies this by the tables which I will have printed. They show from 35 to 50 per cent. less cost of wages of seamen and officers and from 27 to 35 per cent. less cost of maintenance. Now, if there was nothing else you could not run your ship against a foreign ship. The demand for lower freights comes every day and every hour of the day. The margin is small for profits in the carrying trade, and the difference between the wages and the cost of living alone would wipe out the margin for the American ship.

Mr. GRAY. Will the Senator, while he is on that topic, inform us—

The PRESIDING OFFICER (Mr. CULLOM in the chair). Does the Senator from Maine yield to the Senator from Delaware?

Mr. FRYE. With pleasure.

Mr. GRAY. I will not interrupt the Senator if he at all objects.

Mr. FRYE. No; I yield with pleasure.

Mr. GRAY. Will the Senator inform us why it is that an American vessel owned by Americans and under the American flag sailing between New York and Liverpool can not be sailed, so far as the compensation of the crew and the provisioning of the vessel are concerned, as cheaply as one that sails under the British flag, when they buy their provisions at the same ports, get their crews from the same sources, of the same nationalities, as American vessels are permitted to do and do to-day?

Mr. FRYE. I could without the slightest difficulty give the Senator ample reasons for the difference, but as the statement has been made as a matter of fact by Captain Russell I do not think I shall waste the time of the Senate in order to do it.

Mr. GRAY. If the Senator will allow me, I have here the statement of another experienced navigator who says it is the fact that a vessel sailed under the American flag, upon the same route with a vessel under the British flag, can be sailed as cheaply, so far as the compensation for the crew and the provisioning for the crew is concerned, as the British vessel.

Mr. FRYE. Why, Mr. President, the method of treatment and the manner of living on board a British ship and an American ship are as different as the sun from the moon. The American sailor will not live as the foreign does. Does the Senator think that Spain treats her sailor on board ship as Americans do?

Mr. HAWLEY. Will the Senator permit me to suggest, for fear he may be forgetting it, that the moment the Swedish or Norwegian sailor at Liverpool or elsewhere enlists on an American ship he falls into fraternity with American sailors and demands the utmost they have ever had? Of course he will sail for his own nationality with inferior accommodations, pay, and provision, but when he sails under an American flag he naturally wants the best the American sailor gets.

Mr. FRYE. As a matter of fact, of course it is our tariff that has caused this difference. There is no doubt about that. Our tariff has increased the wages of laboring men in our protected industries in this country, and you can not increase the wages of one class without increasing those of the other. It has made luxuries abroad necessities here and increased the cost of living, whether on board ship or on shore.

But, Mr. President, I will not stop here. We are handicapped in another way. Every maritime nation in the world other than ours does protect its vessels engaged in foreign carrying trade.

Mr. MORGAN. They protect everybody but the sailors, do they not?

Mr. FRYE. They do not protect the sailors, but they protect everybody who owns and sails ships. I sent to the Governments of all the nations to obtain from headquarters, so that there could be no mistake about it, just what they were doing for their vessels engaged in the foreign carrying trade, and can not be in error.

England commenced the protective policy a great many years ago. Some Senators insist that England never subsidized any ships. She has been paying subsidies for fifty years and is paying them to-day, not only for carrying her mails, but for commercial reasons. Mr. Wells is not right in his assertions. She paid from 1848 to 1854 \$23,390,000, and she has paid since that time \$153,000,000. She started in 1848 with \$3,250,000 a year; gradually ran it up to \$6,000,000; then down in our war to \$3,000,000 and a little over; and after the war was over and we undertook to subsidize the Collins Line she again increased it to \$6,000,000, and to-day is paying \$3,000,000 in postal subsidies.

I know it will be said that she does this only in the interest of her postal service; that she opens her mail contracts to competition, regardless of the nationality of the competitor. That is not true; neither statement is accurate. I looked through Hansard's Reports in refer-

ence to this matter, and found a great variety of statements made in Parliament and by Government officials to the contrary.

It was said the French line had been authorized to carry the English mails. Parliament resented the idea that any mail of Great Britain should be carried under a foreign flag, insisted that it should not be done, and it was not. I will ask leave, Mr. President, to print these extracts without reading them.

The PRESIDENT *pro tempore*. The Chair hears no objection.

The papers referred to are as follows:

ENGLISH SUBSIDIES.

In 1840 Col. Dawson Damer criticised the policy of the Government in paying such large sums for carrying the mails. The chancellor of the exchequer, in reply, said:

"He was not there to criticise the policy pursued by other countries, but to defend the principle we had adopted: that it was not for this Government to occupy the lines of communication by armed steamers, but rather to encourage and assist the private enterprise of the country, to aid it, but not to interfere with it. And if the time should come when vessels which were employed in peace were required for war, the country would find that by having encouraged commercial enterprise and private speculation a sufficient number of steamers would be obtained when occasion occurred."

In 1852, in reply to a criticism of Viscount Jocelyn, Mr. Cowper said:

"According to an estimate which would be found in the report of the committee, the gross amount received by the post-office upon foreign and colonial postage was £556,492. The net receipts, deducting the amount to be paid to foreign countries and the inland postage, were £443,782. The annual amount paid for the service which earned this was £22,390. The total amount paid for all lines, including colonial, foreign, and the British Islands, was £77,797, and this was paid to vessels which earned £21,613, carried to the account of the post-office. It had been necessary to pay large sums on the chief lines in order to induce the parties to embark their money in the undertakings required."

In a debate in 1857 Mr. Provand said:

"From 1854 to 1867 the Peninsular and Oriental Company received subsidies which were equal to 4s. 2d. per mile. This contract we are considering is equal to 6s. 2d. or 7s. 3d. a mile, according to the way in which mileage is calculated."

And further:

"When the first large subsidy was granted in 1867 I find that the company submitted their accounts of probable earnings for ordinary trade and probable expenditure for carrying on the service, and said that they required a certain subsidy to pay a dividend, which they put at 6 per cent."

March 14, 1862.—Mr. W. Williams said:

"There were items in the vote which were very objectionable. For instance, for the mail between Brazil and the West Indies, 30,000. He would then refer to the charge of 25,000 for conveyance of the mails between Panama and Calcutta. They had nothing to do with the west coast of America. He knew they had an interest in Panama, as a means of direct communication, but not in the intercourse between the two points. He also objected to the charge of 14,000 for mails between Australia and New Zealand."

Mr. Crawford said:

"He had never seen more ignorance displayed on any subject. The honorable member talked of there being no trade between this country and South America. The trade between this country and South America amounted to £5,000,000 annually, and for the maintenance of that trade it was necessary to keep up an effective communication. The line between Australia and New Zealand was part of the main line from this country, and recent events have shown how important it was to have frequent means of communication."

"It was necessary that the merchants of this country should have as speedy means of communication by steamers and by telegraphs as could be obtained. What was beneficial to individuals must be beneficial to the state."

Mr. C. Turner said:

"He was opposed to a reduction in the postal subsidies, as he thought that, on the whole, the Government were no losers by the contracts; while the important benefits they conferred upon the commercial interests of this country were undeniable. There was a very large trade with South America, and, being connected with the Pacific Mail Company, he could state that the Government received fully the amount of payment to that company."

Vote agreed to.

August 9, 1867.—The Duke of Montrose, postmaster-general, speaking of the proposed termination of the contract with the Peninsular and Oriental Company, said:

"A very curious misapprehension has got abroad among the public, to the effect that we were intending to give up the control of the postal communication with India, which we possess by keeping it in our own hands, and to throw it entirely into the hands of foreign Governments. Such an idea never entered my mind or that of any member of the Government, and the only ground there could be for this suspicion was that in giving notice of our tenders we did not state that we would not contract with any foreign Government. From this the notion has been taken that we were going to contract with the Sociétés Messageries Impériales, of France, and to give up the entire control of the English communication by our own vessels."

"There is no ground for that notion; and I can only imagine that it originated because in the committee of the House of Commons it was suggested that we should avail ourselves of the assistance of the Messageries Impériales in certain cases; and it was suggested by some that the service should be thrown into the hands of the Messageries Impériales if the contract would be taken cheaper than by any of our countrymen. That is wrong; but I do not mean to say that we ought not to avail ourselves in certain cases of the Messageries Impériales. I say that to throw everything into the hands of a foreign country would be extremely impolitic, although we might in the first instance do these duties at a cheaper rate."

"A case in point is the subsidy of £1,200,000 per annum which the British Government is now paying the Peninsular and Oriental for its East India and China service. At the time that the existing contract was awarded it was stated in the House of Commons that the Norddeutscher Lloyd or the Messageries Maritimes stood ready to carry the British, East India, and China mails for one-half or one-third the price demanded by the British company. There was one—to England's credit, it can be said, only one—statesman who was willing to accept these foreign propositions. But Postmaster-General Raikes rose and crushed him by the remark: 'I think that if the honorable member would only take the pains to study the course of popular opinion, he would find that a contract with the North German Lloyd or the Messageries Maritimes would have a very slight chance of being adopted by the House of Commons.'"

August 15, 1867.—Mr. Hunt, secretary of the treasury, in answer to a question, spoke substantially as above and said:

"One very significant feature in these reports is the copy of a letter from J. Henniker Heaton, a member of the British Parliament, addressed to the Right Hon. H. Cecil Raikes, M. P., postmaster-general of Great Britain, concerning the deficit in postal receipts, in the course of which he says: 'It can not be insisted too strongly that the subsidies are not paid by way of making up a deficiency in the postal accounts, but in order to keep up the character of our mer-

chant fleet. In short, the subsidies are paid as a matter of state policy, and the postal service should therefore not be saddled with them.'

"Continuing, Mr. Heaton remarks: 'The post-office itself repudiates the suggestion that the deficit caused by these enormous subsidies should be regarded as a deficit caused by the operations of the department. The claim that the post-office should be charged with the whole expense of this packet or ocean service must be considered as barred, by the simple fact that few of the mail packets were established either by the post-office or for merely postal purposes, their expense being far beyond what such requirements would justify.'

"Mr. Heaton then clinches his argument by saying: 'To assume that these packets were really established for post-office purposes is to charge the Government with the most absurd extravagance. The West Indian packets, for instance, were established at a cost of 240,000, per annum, though the utmost return that was expected for letters was 40,000, leaving 200,000, clear deficit. Indeed, as was stated in the House of Lords by Lord Montagu, who, when chancellor of the exchequer, arranged the first contract for the mail steamers, the cost of the packet service, which was said to swallow up the whole revenue now derived from the post-office, had no more to do with the penny postage than the expense of the war with Afghanistan or China. It was as distinct from the post-office as the expense of the army or navy.'"

November 29, 1867.—Secretary Hunt said:

"The arrangement with the company was conducted on the part of the post-office by Mr. Scudmore; the company submitted their books to him. After this examination the company expressed themselves willing to reduce their term from 500,000, to 400,000, provided the period was extended from six to twelve years; but they accompanied the abatement with the proviso that their shareholders should be guaranteed a dividend of 6 per cent, upon a certain stated capital; on the other hand they expressed their readiness to allow the Government to share to the extent of one-fourth in all the profits beyond 8 per cent, which might become divisible."

"After a great deal of consideration given to these further terms the Government adopted them with this condition, to which the company assented: That the guaranty of 6 per cent, should in no case render the Government liable to pay a greater sum than 500,000, the original amount asked. The company also agreed to the condition desired by the admiralty that the Government should have power to buy or charter their vessels in cases of expediency for the public service."

March 20, 1868.—Mr. Thomas Cave said:

"The House should remember, too, that owing to the granting of these subsidies the Government during the Crimean war had at its command a magnificent fleet of transports, and which otherwise they would not have possessed."

June 30, 1862.—Lord Claude Hamilton asked the postmaster-general if he could inform the House of the amount of the subsidy paid to the Royal Mail Steam-Parcel Company for carrying the mails to the West Indies and the amount of the net receipts from the ocean postage."

Mr. Fawcett, in reply, said that the amount paid to the Royal Mail Steam-Parcel Company as an annual subsidy under contract was 80,000, and the amount of net receipts from the ocean postage was 28,000."

June 23, 1867.—In the House of Commons, in debate on the following motion:

"That this House disapproves of any contract subsidizing any line of steamers to carry mails to the East for a long period of years without steps having been taken to assist the Canadian Pacific Railway by a subsidy to run a fast line of steamers from Vancouver to Asia."

Mr. Goschen, the chancellor of the exchequer, said, speaking of the Vancouver line:

"There would probably be a postal advantage on account of the shortening of the time which the fast steamers would secure between England and Hong Kong, and still more between England and Yokohama and other ports; but we have to consider whether the advantages of a second postal line for military, commercial, and other reasons, and whether the possession of three steamers specially prepared, as I believe it is proposed they should be, under the supervision of the admiralty authorities, so as to be available as armed cruisers in time of war, would be worth the large sum of money asked."

Mr. Heaton inquired "whether it is intended that the whole of the cost of the Vancouver service shall be charged to the post-office" and said:

"I protest against more money being taken from the post-office revenue than is now paid. I am strongly in favor of the Canadian Pacific route, and the post-office expenditure is now sufficient for both services if equally divided."

Mr. Goschen replied:

"Without wishing to commit the Government in the least, I may say that I should prefer not to charge the post-office for services which are postal in one sense, but which are undertaken partly for political, commercial, and other objects."

The "contract to carry mails to the East," the subject of the above debate, provided a subsidy of 255,000, a year for ten years, the service to be weekly to Bombay and fortnightly to China. This contract was made March 18, 1867, for ten years. (See Consular Reports No. 112, January, 1890, pages 3 and 5.)

August 15, 1869.—Mr. Jackson, secretary to the treasury, in answer to a parliamentary question, said:

"The importance of the Canadian Pacific route for military and naval purposes was urged upon the Government by members of Parliament, public bodies, and members of both professions, and was one of the factors that led Her Majesty's Government, including the secretary of state for war and the first lord of the admiralty, to agree to the grant of a subsidy. I am afraid I should be traveling outside the limits of an answer if I were to specify the purposes aimed at, but their general nature is sufficiently obvious. I believe that a letter was addressed to the prime minister in favor of a subsidy, signed by nearly three hundred members of this house (Commons), and I am told the number would have been increased if more time had been afforded."

August 16, 1869.—Motion made and question proposed: "That the contract with the Canadian Pacific Railway Company dated the 15th day of July, 1869, for the conveyance of Her Majesty's mails, troops, and stores between Halifax or Quebec and Hong-Kong, and for the hire and purchase of vessels as cruisers or transports, printed in Parliamentary Paper No. 263, of session 1869, be approved."

Mr. Provand said:

"Now this contract is for a fortnightly service between Canada, China, and Japan, and is to cost us 60,000, a year."

Mr. FRYE. These extracts show beyond any manner of question that the purpose of Great Britain in paying these enormous annual sums was partly mail, partly commerce, partly politics, and that she, to accomplish these purposes, went to the extent even of guaranteeing a dividend of 8 per cent. to some of the lines, and paid a great deal more than is provided for in this bill, though we start in under the disadvantage of the occupancy of all the great routes by foreign lines.

France paid last year for carrying her mails \$6,000,000 and over. That was besides her bounty, the provision being the same as in this bill which I have reported from the Committee on Commerce, that whatever ship carried the mail and received pay for it should not be entitled to the bounty.

Italy paid over \$3,000,000; Germany, \$3,000,000; the Argentine Re-

public, \$3,000,000; Brazil, nearly \$2,000,000; Spain, a million and a half of dollars, and so on.

Allow me, Mr. President, to present a few facts illustrative of the difference in conduct of our Government and England towards the merchant marine.

When in 1870 we granted subsidies to the Pacific Mail Company, England commenced immediately increasing hers until it ran up to \$6,000,000 a year.

We abandoned our policy and England again began to reduce.

In 1850 Great Britain made a contract with two lines of steam-ships, one to the West Indies and the other to Brazil, the River Plate country, and the west coast of South America.

The first, the Royal Mail Steam-Packet Company, was paid a subsidy of \$1,350,000 a year and receives one up to now, though of course reduced. The other was the Pacific Steam Navigation Company, which still receives a subsidy of \$225,000 a year.

When England found that two of her great lines, one receiving a subsidy of \$2,000,000 and the other more, could not maintain competition with ships of other nations, a parliamentary commission investigated the matter and made two new contracts, paying a dividend of 8 per cent. on the English capital invested in the steam-ships, instead of the subsidies which were provided.

And here is an extract from the act:

Whenever the annual income of the company from all sources does not admit of the payment of a dividend of 8 per cent. on the capital employed, the subsidy shall be increased by so much—subject to a limit of 100,000, (\$500,000)—as is required to make up such a dividend; and, on the other, that whenever the income is sufficient to allow a dividend exceeding 8 per cent. to be declared the company shall pay to the postmaster-general one-fourth of the excess.

To show what we are doing as compared with Great Britain:

England commenced her subsidies to the Spanish-American lines in 1862, paying those lines for the next fifteen years from a million and a quarter to a million and a half of dollars a year; since that time a little less than one-half as much.

England paid out last year over \$1,500,000 for carrying the mails more than she received in postage.

The report of the superintendent of foreign mails for the United States of last year shows that we paid out for carrying our mails to vessels of the United States register \$52,821.73; to foreign vessels about \$380,000.

The entire amount paid out was \$515,401; the amount received, \$1,728,743; a clean profit, allowing for the inland postage, of over \$700,000 on our foreign mail service last year.

In 1850 the cost of our mail service was, in round numbers, \$5,000,000. We paid for mail service to Spanish America \$500,000.

In 1888 our mail service cost nearly \$56,000,000; Spanish America, \$49,000.

From 1848 to 1861 we paid for mail service on vessels over \$1,500,000 a year—practically all of it to American vessels.

During the war we paid our vessels about \$75,000 annually, and to foreign \$400,000.

From 1877 to now our foreign mail service has cost us on the average about \$400,000 a year, 10 per cent. of it paid to our vessels, 90 per cent. to foreign vessels.

Our star-route service costs annually about \$5,000,000; length of routes, 225,600 miles. Our ocean steam-ships, about \$50,000; length of route, 1,900,000 miles.

By the contract of 1875, New Zealand and New South Wales paid a subsidy to the Pacific Mail Steam-Ship Company of \$400,000 a year for transportation of colonial mails to America and the British overland mails from San Francisco to the colonies.

The United States paid the same company for its outward mails for six months \$5,802.

Under this contract, in 1884, the United States received for mails sent from San Francisco to Australia \$36,479, while it paid \$11,479, making a net profit of nearly \$25,000.

It also made a net profit at the same time of \$5,000 on carrying the English mails.

The same year the Red D Line, between New York and Venezuela received for mail pay about 1 cent a mile.

In 1889 we paid for transportation of our mails to all the countries of Central and South America a little over \$48,000 to four lines—all we have—traveling over 2,000,000 miles.

The same year we paid coastwise steamers, protected by law, \$563,000, sailing about 500,000 miles.

We paid twice more for mail service on the Florida Rivers than to Central America.

We paid for mail service on the rivers in Arkansas about \$45,000, in Louisiana about \$42,000, for our foreign service on the Pacific Ocean \$42,000.

For the last twelve years, under the Postal Union reduction and the compulsory act, we have paid American vessels for carrying our mails, about \$500,000; to foreign vessels, about \$5,000,000; and have actually cleared a net profit of over \$9,000,000, while England has paid during same time, for same service, over \$40,000,000, at a loss to her, above the amount received for postage, of at least \$20,000,000.

So much for England as compared with the United States. Now take Germany. Germany pays to the North German Lloyd line, under a contract for fifteen years, 4,500,000 marks, and she is besides giving liberal allowances for carrying the mails. That is over \$1,000,000. Is it not worth it? I ask any Senator here if the North German Lloyd line is not worth to the Empire of Germany all the money that she pays to keep it on the ocean. If there was a war and Germany required war steamers and transports, would it not be worth infinitely more? Germany has just established and subsidized another line, and is talking about subsidizing one to Portugal and to South Africa. For that service she is to pay \$214,000 a year. General Mason, consul-general at Frankfurt, says in his report:

The contract is for ten years, with a subvention at the rate of 900,000 marks—about \$214,000—annually, or between two and three times as much as our great and generous Government is paying to the entire fleet of foreign-going steamships under the American flag. Thirteen voyages a year are stipulated, at the very moderate speed of 10½ knots. This new enterprise has been inspired by the magnificent result of the German experiment in subsidizing a steam line to China and Australia. For this service Germany pays a subsidy of more than a million dollars annually.

Consul-General Mason says further:

The thirteen voyages specified for each line are no longer sufficient to accommodate the largely augmented traffic.

He says in another report:

Germany is to-day absorbed and controlled by an aggressive mercantile spirit which is almost American in its restless energy, and far more than American in its grasp of the essential conditions of a vigorous foreign trade and the courageous enterprise with which it provides the necessary facilities for developing and sustaining it.

Take Spain. Spain has been paying subsidies for several years, somewhat on the English plan, making contracts with certain companies. The most important and extensive was by act of the Cortes in 1886, with the Compañía Transatlántica, under the terms of which this company is to receive \$1,242,800 annually, from \$1.18½ to \$1.48 a mile. Now, where does that great line of steamships go? Let me show:

West India service, twelve voyages per annum from Cadiz via Palma (Canary Islands) to La Guayra, Porto Cabello, Cartagena, and Savannah, to Colon.

Distance, one way, 4,660 miles, or both ways, 9,320 miles.

Distance run, twelve voyages, 9,320 by 12, equals 111,840 miles.

One hundred and eleven thousand eight hundred and forty miles at 10.18 pesetas per mile equals 1,138,531½ pesetas; in United States currency, 1,138,531½ pesetas, at 19½ cents per peseta, equals \$222,013.59 per year.

Or per voyage, \$18,501.13.

SAME ARTICLE AND CLAUSE.

	Miles.
Vera Cruz to Havana.....	837
Thence to New Orleans.....	650
Havana to Savannah.....	590
Thence to Charleston.....	85
Thence to Alexandria.....	591
Thence to Baltimore.....	174
Thence to Philadelphia.....	394
Thence to New York.....	252
Thence to Boston.....	302
Thence to Quebec.....	1,240

Total distance one way..... 5,115
Or both ways..... 10,230

Ten thousand two hundred and thirty miles at 10.18 pesetas per mile, equal to 104,140 pesetas; 104,140 pesetas at 19½ cents, equal to \$20,307.50 per voyage, or per annum for mail service on United States coast and Canada, \$243,687.69.

The Spanish crews employed in this country carrying our imports and our exports, making forty-six arrivals in New York last year, number 2,600 men, and the ship property was valued at \$7,350,000, with subsidies enormous in their amount, with the cost of living upon their ships one-half what it costs on ours, paying wages to their sailors and officers not one-half what we pay.

Now, take France. France pays under the act of 1881 bounties on construction, which I care nothing about and will not repeat; but it pays at the rate of 29 cents a net ton per 1,000 miles sailed on all her ships, sail, steam, iron, steel, for ten years, the premium to slightly decrease each year. These vessels must carry the French mails, if they are used, free.

Italy pays at the rate of 65 cents a ton for every thousand miles sailed. The bounty is not given to vessels sailing in ballast nor to any that do not sail from continent to continent, this law to remain in force ten years. She has great lines to-day to North America, the Atlantic coast of South America, to India, to all points on the Mediterranean, to Valparaiso, Singapore, Batavia, and Hong-Kong, run by one company.

It is unnecessary to go further, for these are the maritime nations that are competing with us. Now, what is their advantage? Subsidies to every one of them, less pay to their sailors and officers, less cost for the support of their crews and officers. These are the people we are compelled to compete with.

I repeat, let Great Britain give the Senator from Delaware an iron ship, first class, he can not sail it on the ocean in competition with these countries to-day, and it will be utterly useless to try it.

Now, I will illustrate our position in this ocean conflict by taking one ship of our domestic line between New York and Brazil, the Al-

liance, registered tonnage, 2,985 tons, and a Spanish ship, her exact counterpart:

	American steamer.	Spanish steamer.	Difference in favor of Spanish.
Steam-ship Alliance, cost.....	\$382,378.00		
Spanish, exactly similar.....		\$344,140.00	
Difference of cost in favor.....		38,238.00	
Equal in interest per month.....			\$191.19
Cost of crew, wages per month.....	2,500.00	1,750.00	750.00
Cost of crew, food per month.....	1,152.00	691.20	460.80
Mail service, Brazil Government, distance, 11,490 miles; time, two months, \$4,750, or per month.....	2,375.00		
Mail service, Spanish Government with Spanish company of November 1, 1886, approved November 1, 1886, article 265, clause A, distance 10,230 miles, at 10.18 pesetas, or \$1.99 per mile, amounting to \$20,307.50; difference of mileage compared with Brazil steamers, 1,260 miles, at \$1,992,501.10; total 11,490 miles, at \$22,808.60 per month.....		11,404.30	9,029.30
Ship chandlery.....	450.00	500.00	
Coal about equal.....			
Engine-room, stores, oil, waste, etc.....	250.00	190.04	70.00
Insurance, 51 per cent. per month.....	1,673.00	1,505.00	168.00
Wear and tear 21 per cent. per month.....	796.62	716.95	79.66
			10,748.95

* Difference in favor of American, \$50.

Total difference per month in favor of Spanish ship, \$10,698.95.
Total difference per annum in favor of Spanish ship, \$128,387.40.
Ten thousand six hundred and ninety-eight dollars and ninety-five cents per month in favor of Spanish ship enables same to carry cargo 33 per cent. less than United States ship same tonnage.
Eight thousand seven hundred and seventy-three dollars and thirteen cents per month in favor of Italian ship enables same to carry cargo 29 per cent. less than United States ship same tonnage.
Nine thousand and ninety-four dollars and twelve cents per month in favor of French ship enables same to carry cargo 31 per cent. less than United States ship same tonnage.
Eight thousand and twenty-four dollars and twenty-one cents per month in favor of German ship enables same to carry cargo 27 per cent. less than United States ship same tonnage.
Seven thousand one hundred and thirty-two dollars and sixty-three cents per month in favor of English ship enables same to carry cargo 24 per cent. less than United States ship same tonnage.

These figures represent facts, not fancies, and show that, if the American line offers to take cargoes from New York to Rio for \$7.50 per ton, the Spanish ship can offer, for same cargo in our own ports, to carry at \$5.03 and be on the same basis as the American. Am I not justified, then, in my assertion that American ships can not compete successfully with those of these other countries, in the foreign carrying trade, even though the first cost of ours was merely nominal? Clearly, then, neither a reduction of the cost of an American ship of 15 or 20 percent., by the admission, free of duty, of all the materials, machinery, etc., entering into her construction, nor the admission of foreign-built ships to an American registry, "will secure to us our fair proportion of the carrying trade of the world." What legislation will? In my deliberate, carefully considered opinion, only such as for a term of years will provide for the payment to every American vessel, of sail or steam, of wood, of iron, of steel, "a navigation premium" of so much a mile for every mile such vessel sails and carries freight in the foreign trade, and that premium sufficient to make the terms between foreign ships and ours about equal.

Mr. MORGAN. I suppose, if the Senator will allow me, that part of that advantage in favor of the Spanish ship, or the British ship, or the French ship is in consequence of the low price of wages on board those ships?

Mr. FRYE. Yes, part of it.

Mr. MORGAN. Now, is there anything in the laws of the United States or is there anything in the Senator's bill which prevents an American shipmaster from shipping his crew at a Spanish port, or a British port, or a French port, or a German port, at any rate that he pleases and of any nationality that he pleases?

Mr. FRYE. If an American ship was trading between foreign ports of course it could hire sailors in the various ports; but these old shipmasters tell me, and I have no doubt it is correct, Mr. Russell tells me, that the moment employment is sought under an American flag the increased wages which that American flag is well understood all over the world carries at home are demanded, and that the living, also, is demanded which is understood to be given under the American flag.

Mr. GRAY. Do I understand the Senator to say that Russell was a sea captain?

Mr. FRYE. Yes.

Mr. GRAY. I thought he was a consul.

Mr. FRYE. He was a consul-general when I interviewed him, but he always had been a shipmaster.

Mr. MORGAN. Then the whole matter depends, as I understand it, upon a certain high reputation that sailors of the United States and

ships of the United States have for good living and high wages that induces a Spanish, Dutch, English, or French sailor to demand more of the American ship than of any other country?

Mr. FRYE. The Senator understands that an American ship making her voyage from a home port to a foreign port engages her crew at home, and generally for the round voyage, and of course they are governed by American wages all the way, and they demand the American living. I say it is well understood in foreign ports—it is as well understood in Liverpool as it is New York—that American wages are about so much; at any rate, more than English wages, and the American can not engage his crew without paying, so Mr. Russell told me, pretty near the American wages.

Mr. MORGAN. It is not possible, if the Senator will allow me a moment, as I conceive, under the statements which have just been made, by force of any statute we can enact to raise the wages of men employed in American ports, whether they are foreign or whether they are native-born people, and therefore I understand the argument to be that inasmuch as we can not afford to pay the difference between Spanish wages and American wages on board an American ship we must collect the money out of the people to pay the difference.

Mr. FRYE. Well, that is hardly a logical conclusion, I take it, from what I said; because the higher wages and the increased cost of living do not account for this enormous difference. I say we have no protection for our ships. If anything, we are discriminated against by our nation in this matter of carrying the mails. The Senator knows it is true that we are not paying the actual cost of carrying the mails to-day; that these foreign countries, in addition to paying lower wages for their sailors and their officers and a lower cost of living, have these enormous subsidies, and those, coupled with the other things, make the difference which I have stated.

Mr. President, is there any remedy for this? In my judgment there is but one to be found, and that is protection to American ships engaged in the foreign carrying trade, and that either by bounty or subsidies. Why should we fear to resort to bounties and subsidies? Why should we pay \$150,000,000 a year to foreign ships for carrying our cargoes? Why should we carry our mails under a foreign flag? Why should every passenger who desires to sail from America abroad be compelled to sail under a foreign flag? Why should we, with our immense wealth and our great power, our ship-yards and mechanics, our enormous coast line, depend upon foreign nations to do all of our foreign carrying business for us? Why should we permit them to pay subsidies, as England has for fifty years, and quietly surrender the possession of all this business; why yield to Spain and Germany and Italy and Holland and the Argentine Republic?

Mr. President, the other day I came across two autograph letters from Horace Greeley, written some twenty years ago, in one of which he advised that we should take part of the annual appropriations for the Navy and subsidize American ships, and in the other that we should pay a bounty to American ships. I found, among my papers, a message sent into Congress by President Grant, March 24, 1870, which I should like to have read.

The PRESIDENT *pro tempore*. The Secretary will read it, if there be no objection.

* The Secretary read as follows:

MARCH 24, 1870.

To the Senate and House of Representatives:

In the executive message of December 6, 1869, to Congress the importance of taking steps to revive our drooping merchant marine was urged, and a special message promised at a future day during the present session, recommending more specifically plans to accomplish this result. Now that the committee of the House of Representatives intrusted with the labor of ascertaining "the cause of the decline of American commerce" has completed its work and submitted its report to the legislative branch of the Government, I deem it a fitting time to execute that promise. The very able, calm, and exhaustive report of the committee points out the causes which have produced the decline of our commerce.

It is a national humiliation that we are now compelled to pay from twenty to thirty million dollars annually (exclusive of passage money, which we should share with other nations) to foreigners for doing the work which should be done by American vessels, American built, American owned, and American manned. This is a direct drain upon the resources of the country of just so much money, equal to casting it into the sea, so far as this nation is concerned. A nation of the vast and ever-increasing resources of the United States, extending, as it does, from one to the other of the great oceans of the world, with an industrious, intelligent, energetic population, must one day possess its full share of the commerce of those oceans, no matter what the cost. Delay will only increase this cost and enhance the difficulty of attaining the result.

I therefore put in an earnest plea for early action in this matter, in a way to secure the desired increase of American commerce. The advanced period of the year, and the fact that no contracts for ship-building will be entered into until this question is settled by Congress, and the further fact that if there should be much delay all large vessels contracted for this year will fall of completion before winter sets in, and will therefore be carried over for another year, induce me to request your early consideration of this subject. I regard it of such grave importance, affecting every interest of the country to so great an extent, that any method which will gain the end will secure a rich national blessing.

Building ships and navigating them utilizes vast capital at home; it creates a home market for the farm and the shop; it diminishes the balance of trade against us precisely to the extent of freights and passage money paid to American vessels, and gives us a supremacy of the seas of incalculable value in case of foreign war.

Our Navy at the commencement of the late war consisted of less than one hundred vessels, of about 150,000 tons, and a force of about 8,000 men. We drew from the merchant marine, which had cost the Government nothing, but which had been a source of national wealth, six hundred vessels, exceeding 1,000,000 tons, and about 70,000 men to aid in the suppression of the rebellion.

This statement demonstrates the value of the merchant marine as a means of national defense in time of need.

The committee on the causes of the decline of American tonnage, after tracing the causes of its decline, submit two bills, which, if adopted, they believe will restore to the nation its maritime power. Their report shows with great minuteness the actual and comparative American tonnage at the time of its greatest prosperity; the actual and comparative decline since, together with the causes, and exhibits all the statistics of material interest in reference to the subject. As the report is before Congress, I will not recapitulate any of its statistics, but refer only to the methods recommended by the committee to give us back our lost commerce. As a general rule, when it can be adopted, I believe a direct money subsidy is less liable to abuse than an indirect aid given to the same enterprise. In this case, however, my opinion is that subsidies, while they may be given to specific lines of steamers or other vessels, should not be exclusively adopted; but, in addition to subsidizing very desirable lines of ocean traffic, a general assistance should be given in an effective way.

I therefore commend to your favorable consideration the two bills proposed by the committee and referred to in this message.

U. S. GRANT.

EXECUTIVE MANSION,
Washington, D. C., March 23, 1870.

Mr. FRYE. The President of the United States, in his last annual message, says:

There is nothing more justly humiliating to the national pride, and nothing more hurtful to the national prosperity than the inferiority of our merchant marine compared with that of other nations whose general resources, wealth, and seasonable lines do not suggest any reason for their supremacy on the sea. It was not always so, and our people are agreed, I think, that it shall not continue to be so. It is not possible in this communication to discuss the causes of the decay of our shipping interests or the differing methods by which it is proposed to restore them.

The statement of a few well authenticated facts and some general suggestions as to legislation is all that is practicable. That the great steam-ship lines sailing under the flags of England, France, Germany, Spain, and Italy, and engaged in foreign commerce, were promoted and have since been and now are liberally aided by grants of public money, in one form or another, is generally known. That the American lines of steam-ships have been abandoned by us to an unequal contest with the aided lines of other nations until they have been withdrawn, or, in the few cases where they are still maintained, are subject to serious disadvantages, is matter of common knowledge.

The present situation is such that travelers and merchandise find Liverpool often a necessary intermediate port between New York and some of the South American capitals. The fact that some of the delegates from South American states to the conference of American nations, now in session at Washington, reached our shores by reversing that line of travel, is very conclusive of the need of such a conference, and very suggestive as to the first and most necessary step in the direction of fuller and more beneficial intercourse with nations that are now our neighbors upon the lines of latitude, but not upon the lines of established commercial intercourse.

I recommend that such appropriations be made for ocean mail service in American steam-ships between our ports and those of Central and South America, China, Japan, and the important islands in both of the great oceans, as will be liberally remunerative for the service rendered and as will encourage the establishment and in some fair degree equalize the chances of American steam-ship lines in the competitions which they must meet. That the American states lying south of us will cordially co-operate in establishing and maintaining such lines of steam-ships to their principal ports I do not doubt.

Secretary Tracy in his annual report of 1889 uses very strong language in favor of something being done and is very emphatic in his conclusions. He says:

It must be remembered, however, that cruisers have another and equally important function in the attack and defense of commerce. Any staunch vessel with a good coal capacity and the highest rate of speed, armed with a few rapid-firing guns, though built and used principally for commercial purposes, may by certain adaptations in her construction be made readily available for this form of warfare. The fast transatlantic liners, nationalized in foreign countries, but supported and maintained by American trade and American passengers—many of them, even, owned by American citizens—are a powerful factor in the naval force of the Governments whose flag they bear and at whose disposal they must place themselves in time of war.

It is a matter for serious consideration whether steps may not be taken towards the creation of such a fleet of specially adapted steamers of American construction, owned by American merchants carrying the American flag, and capable, under well defined conditions, of temporary incorporation in the American Navy. The advantages of such an arrangement, which enlarges the merchant marine and makes it at the same time self-protecting, are overwhelmingly great. The difficulty is that American capital will not be drawn into the enterprise unless it can be sure of specific compensation for the concessions which it makes to the Government, first, in the adaptation of its vessels to the latter's needs and, secondly, in the surrender of a privilege to use them when the exigency arises.

In the absence of such an arrangement the naval policy of the United States can not neglect to take account of the fleets of fast cruisers which foreign states maintain under the guise of passenger and merchant steamers. They constitute an auxiliary navy, and must be reckoned as a part of the naval force of the Governments maintaining them. It is difficult to imagine a more effective commerce-destroyer than the steam-ship City of Paris, armed with a battery of rapid-firing guns. She can steam over 21 knots an hour and can average 19.9 knots from land to land across the Atlantic. No man-of-war could overtake her; no merchantman could escape her. A fleet of such cruisers would sweep an enemy's commerce from the ocean. This fact is well understood in Europe, and states that are unprovided with a convertible merchant fleet are preparing to meet the possible emergency by partly protected cruisers that are substantially as fast as the City of Paris. Of this type the Piemonte is the latest development, and others equally fast are now building.

Secretary Whitney also advocated a like course in his report, I think it was his last annual report. He said:

It may not be out of place as a branch of this subject to call attention to one of the incidental consequences of the policy pursued by other countries in this matter of a naval reserve. In time of war troop-ships or transports are in great demand. Several European Governments make an annual contribution, based on tonnage, to companies constructing new vessels. The consideration to the Government is a counter-agreement, permitting the Government to take such a vessel for a transport in time of war upon terms named in the agreement. The Government officials are also consulted as to her mode of construction, and she goes on to the naval-reserve list. These payments are incidentally in the nature of a subsidy to the ship-owner, and this, with the liberal payments for Government transportation of mails, etc., keeps a large fleet of merchantmen afloat as a reserve ready for a time of war. Without ships and trained seamen there can be no naval reserve.

A notable illustration of the generosity and courage with which England pushes her shipping interest is seen in the manner in which she is at this moment dealing with the trade of the North Pacific. It has been thus far principally under the American flag and contributory to San Francisco and the United States. The British Government and Canada together are proposing for the establishment of a line of first-class steamers from Vancouver to Japan. The subsidy is likely to be \$300,000 annually, \$5,000 from England and \$5,000 from Canada. There will also be contributed from the naval-reserve fund probably \$5 per ton annually for each ship constructed for the route, which will increase the sum by probably \$125,000. Under such competition it is quite easy to conjecture what will become of the American flag and our resources in the way of a naval reserve in the North Pacific.

Secretary Whitney of course puts it largely upon the ground that these should be auxiliaries to the Navy. So does Secretary Tracy. Admiral Porter makes a very able argument in the same general direction.

Now, the naval architects had a meeting a short time ago in March—March 26, 27, and 28—in England. The first paper read was by William W. H. White, director of naval construction, and he used this language in reference to the merchant steamers:

Referring to merchant steamers and war cruisers, it was remarked that passenger steamers of the first rank greatly exceed, in displacement as well as length, even the largest cruisers yet constructed (Her Majesty's ships Blake and Blenheim). On this account it is unreasonable to expect that any regularly built war cruisers yet contemplated can catch vessels like the City of Paris, or Teutonic, or Umbria at sea. It has been proposed that war cruisers should be built equaling these "greyhounds" in speed and coal endurance, but surpassing them in armament and protection. To do this must involve still greater displacement and cost; and one may well hesitate in embarking on such a course so long as we possess not merely a vast superiority in swift merchant steamers available as auxiliaries to the regular fleet, but also larger war cruisers than are to be found in foreign navies.

Mr. President, I hope that these bills will both be sent over to the other House, having received favorable action in the Senate. I feel myself a profound interest in this matter of reviving the American marine, as all Senators know, and have labored without weariness in that direction ever since I have been in Congress. I intended when I took possession of the floor to occupy it some fifteen minutes. I ask the pardon of the Senators for having occupied it the length of time I have, trespassing so long upon their patience.

Mr. VEST. Mr. President, as a member of the Commerce Committee I have not been able to concur in the favorable report of this bill by the Senator from Maine [Mr. FRYE]. I have never been able to support any bill giving a subsidy for any purpose since I have been a member of the Senate, nor do I propose to do so.

It is not my purpose to enter into any constitutional argument upon the subject, because that line of discussion is a little distasteful to the Senate and my experience has been that the Constitution is made to answer the purposes of any political organization or any great interest that desires to construe it in any particular way. In the convention of 1789, which framed the Constitution, a distinct proposition was made to incorporate in the Constitution a provision for subsidies. Upon page 261 of the journal of the convention it will be found that the following proposition was made to the convention:

To establish public institutions, rewards, and immunities for the promotion of agriculture, commerce, trades, and manufactures.—*Journal of the Federal Convention*, page 261.

That proposition was rejected, and to my mind it is conclusive as to the views and intentions of the framers of the Constitution in regard to granting subsidies. The power, if found at all, must be under the general-welfare clause of the Constitution, the blanket clause, which is made to cover all sorts of political exigencies and all sorts of doubtful legislation.

But I repeat, Mr. President, the fact found in the proceedings of the convention that this proposition was distinctly made and distinctly voted down shows that the men who made that instrument never contemplated such legislation as is now proposed.

It is not singular, Mr. President, that the Senator from Maine advocates this proposition. He represents a ship-building State. It would be equally strange if those of us who live away from the seaboard and who represent agricultural communities should agree to any such propositions as are contained in these bills. If I should offer in the Senate a proposition to pay a bounty upon wheat or corn or cattle, liberty would lie bleeding in the streets at once, and the whole of the Atlantic seaboard would rise against it as unconstitutional and monstrous in the extreme.

I would be obliged to any casuist to tell me the difference between a bounty, a subsidy, upon ships and upon any other article owned by the people of the United States. I should like to know where is the difference, logically, between granting a subsidy upon one article or upon another. The carrying trade of the United States, as the Senator from Maine has said, is languishing and almost dead. The cattle trade of the United States is languishing and almost dead; but, if I were to propose here a subsidy upon cattle in order to encourage the raising and exportation of cattle, I should be confronted not only with constitutional arguments, but the proposition would be attacked as the most monstrous one ever heard in the Halls of Congress.

The State of Maine has been persistent always in advocating subsidies. When wooden ships dominated the ocean, the great interest in that State was the building of wooden ships. In 1870, when Mr. Lynch was a member of Congress from the ship-building district of Maine, now

represented by Governor DINGLEY, he made a celebrated report on the subsidy question, in which he discovered that the cause of the decline of the American carrying trade was found in the existence of the Confederate cruisers during the war, that the Alabama and the Florida had brought about the present disastrous condition of that great interest. It was proposed by that gentleman, and successfully carried through the House of Representatives, to pay a bounty upon wooden sailing vessels in order to restore that interest to its former supremacy and importance. The bill came from the other House to the Senate, and it was moved to lay it upon the table, and Garrett Davis, of Kentucky, moved that it be kicked under the table, as the Congressional Globe shows. That was an investigation as to the cause of the decline of American commerce. Therefore, the Senator from Maine was particular to say that he desired no one to suppose that he did not know the difference between the carrying trade and the commerce of the United States.

In an article published in the North American Review in 1884 by Governor DINGLEY, the chairman of the Commerce Committee of the House of Representatives, the causes of the decline of American shipping, or the American carrying trade, are not ascribed to the war or to the presence upon the ocean of the Confederate cruisers, but the cause is alleged to be the change from wooden to iron vessels and steel vessels, and that the United States did not take advantage of the opportunity by purchasing iron and steel vessels abroad, but continued to adhere to the old-fashioned methods of maritime intercourse, and that the present decline in the American carrying trade has been the consequence.

During the Administration of Mr. Cleveland the Mills bill, as it was called, in regard to tariff taxation was supplemented by a proposition for an international conference, which has been termed now the Pan-American Conference. I have never been able to understand how it could be a Pan-American Conference, which I believe means an all-American conference, when Canada was excluded. It is called in some quarters a Spanish-American conference, but in the press of the country generally the Pan-American Conference. It originated with Democrats as a supplement to the Mills bill.

In that bill wool was put upon the free-list, and it was conceived that reciprocity treaties in connection with putting wool upon the free-list could be made with the South American countries, especially with Chili and the Argentine Republic, that would inure greatly to the commercial advantage of the people of the United States. After the Mills bill came to the Senate and was defeated, and after, of course, Mr. Cleveland had issued his celebrated message upon the tariff question, making that the sole issue in the Presidential canvass, the scheme or idea of a Pan or Spanish American conference, like the American shipping trade, languished and died. Mr. Cleveland became immersed in his campaign, and after his defeat the subject was not pressed. He was appealed to by prominent Democrats to carry out this idea and to bring about the negotiations which were necessary to this Pan or Spanish American conference.

In the heat and confusion and smoke of that Presidential conflict the matter was not consummated, and the result was that the present Administration became the residuary legatee of this scheme. It has been lately paraded before the country as a great and original invention. It has been published far and wide as the great diplomatic discovery of this age. Mr. President, it is a chestnut. It is a back number. It was invented by the ignorant and brutal Democracy. It was found half made up when the Harrison Administration came into existence, and the restless and ambitious spirit of the present Secretary of State seized upon it, and it is paraded before the country as a great and phenomenal diplomatic exploit.

There are some remarkable features connected with this Pan-American Congress which seems to have given a new life to this idea of subsidies that has been dragging its way through the lobbies of Congress for the last twenty-five years. I saw not long since a statement by a delegate from the Argentine Republic which is a little significant in connection with this Pan or Spanish American Congress. This was a speech made in the congress by Señor Peña, of the Argentine Republic, and it is a very remarkable declaration, exceedingly suggestive and very pertinent at the present time:

He said that from the very beginning of the debates on subsidizing lines of steamers he had made it clear that the Argentine Republic, in agreeing to pay its proportion of the proposed subsidy, did not expect any commercial gain to result. There were plain and weighty reasons why the trade between the United States and his country was not enlarging, reasons which were well known to all the members of the congress. But the Argentine Republic sought to promote intimacy with all the nations of America and on that ground had consented to the suggested subsidies. The Argentine delegates, having already signed that agreement, were prepared to stand by it, but not without making an important declaration of which the Secretary should take careful note.

The delegates were aware, went on Dr. Peña, that the tariff bill agreed upon by the majority of the Committee on Ways and Means of the House of Representatives provided for the increase of the duties on wool and for the imposition of a new duty on hides. If those proposals should become law, they would practically suppress Argentine exports to the United States. Under the present tariff fine wools are shut out; under the proposed one coarse wools would also be excluded, and what small trade there was would disappear. Taking up the duty on hides in particular, he showed how not only the Argentine Republic, but almost all the South American nations, would be affected by it. If that duty should be enacted into law it would entirely frustrate the benefits to commerce aimed at by the congress.

We were invited here to foster American commercial relations. When we go

home and give an account of our mission we shall have to say, We went to Washington with one of our products free, and we have secured a law which taxes it; another product which was taxed at 6 cents a pound we bring back from the congress taxed at 7 cents. Such will be the commercial results of the conference of the three Americas, judged without any irony, but also without any flattery.

The Argentine delegate went on to ask if it was either logical or decent to ask his country to spend money to "cover the seas with vessels sailing only with ballast." It was wholly inexplicable and confusing to him that the scheme to foster international communication and lower rates of freight should go hand in hand with a plan to lay new taxes on foreign commerce and raise the barriers of customs to an impassable height. This was to undo with one hand what was done with the other.

He concluded by saying that the Argentine delegates would vote for the proposed subsidies on the basis of the present tariff rates; but that if these should be changed to the disadvantage of Argentine exports they would advise their Government not to consent to the payment of a subsidy. This decision was the result of a formal vote of the Argentine delegation, and it should be inserted in the journal of the congress.

Mr. President, when the South American Commission was sent to the South American states there was a very significant interview between that commission and the President of Chili.

Mr. TELLER. What commission was that, the one in 1881?

Mr. VEST. The one in 1881, of which Governor Reynolds, of my State, was president. When the commission came to Chili they laid before the President of that country the purport of their mission and asked him to consider the negotiation of a treaty and the reciprocity of trade between Chili and the United States. I go back now a little in this history.

The Chilean President politely but decidedly declined to consider the subject. "It was out of no want of respect," he said, "for the United States; but it was his settled belief that all treaties were needless; that there could be no control by any convention of the laws of trade; that men would buy and sell where it was most for their advantage; and that this could not be aided or materially influenced by national compacts." In conclusion, he further remarked that "Chili opened all her ports to the vessels of any nation, the United States included, and in turn the Chilean flag ought to have access to the ports of the United States in like manner."

I make these quotations to show the origin of the recent communication from the State Department at the hands of the President of the United States to Congress assuming the new and marvelous position on the part of this Administration that there shall be free trade so far as it can be brought about by reciprocity treaties between the South American states and the United States of America. It is the most marvelous concession on the part of the high-protective-tariff party in this country that is known in political history. It is an abdication of the dogma of that party, and they never again with any consistency can talk to the people of the United States about the necessity for this high-protective-tariff system which has been their shibboleth for so many years.

Sir, it is as well known as that we are now in this Chamber that all the leaders of the Republican party have advocated the necessity of doing away with foreign commerce and intercourse with foreign nations and making this country absolutely independent and isolated from the rest of the world. The great leader and almost originator of the protective system in this country, Henry C. Carey, of Philadelphia, who occupied to the dogma of protection the same relation that Mohammed does to the faith of Islam, or that Brigham Young did to that of Utah, declared solemnly and publicly that he wished that the Atlantic Ocean was an ocean of fire, over which no ship could pass from Europe to the United States. My friend from Maine, who champions the subsidy bill, in a speech delivered by him in October, 1888, before the Home Market Club in Boston, declared—but I will read exactly what he did say:

Senator FRYE, of Maine, in a speech at a Home Market Club dinner in Boston, October 24, 1888, declared that he wanted "to see duties increased," so that no manufactures of silk or of wool or of iron and steel could be imported.

I have a full and complete copy of the speech from which I read that extract. It has been the settled doctrine of the Republican party in this country that importations from abroad should be discouraged. In the debate in the last Congress, when the items came up in the schedules of the Senate bill that was passed as a substitute for the Mills bill I repeatedly called attention to the fact, in the shape of assertion and question, that the only reason that existed for an increase of duty was because there was an increased importation. It was considered an absolute argument, sufficient and complete in itself, for any increase of tariff duty that more of the article was being imported into this country. The Republican party in its platform at Chicago upon which it elected Harrison declared that rather than touch one hair upon this sacred animal, this white elephant of the high protective tariff, it would abolish the whole of the internal-revenue system of the country. It was the distinct issue upon which that Presidential contest was waged.

Hardly have two years elapsed when the President elected upon that issue, and his Premier, the most prominent and eloquent advocate of the doctrine of high protection in the United States, lay down the declaration in the face of the whole world and come to Congress and say, "We protest against the McKinley tariff bill because it puts increased duties upon articles imported from the South American states, and we ask now for free trade with those countries to be brought about by reciprocity treaties."

It is a remarkable fact, Mr. President, that no adverse comment is made by the Republican press in the United States upon this extraor-

dinary change. What has become of the home market? Sir, the country has been flooded with literature, paid for by the manufacturers, I take it, by the protected interests of the country—every section of the United States, down to the most obscure township and remote hamlet, has been flooded with literature to show that the home market was all that the people of this country wanted; that the foreign market amounted to nothing; that no steps were to be taken that led away from this high protective system, and if you in one single instance departed from the system, like the deadly crevasse upon the banks of the great Mississippi, there would be a deluge and a destruction indescribable to all material interests.

Now there is a change as sudden and marvelous as that which came upon the great Apostle Paul as he journeyed from Jerusalem to Damascus. Now we must have free trade, the home market will not do, and the Senator from Maine enlarges upon the idea of the Secretary of State and now wants to give subsidies to vessels of all sorts, sail and steam vessels, so as to bring about increased trade, for there can be no other purpose, I take it, not only with the South American states, but with all the European countries and the world at large.

The Senator from Maine (and I will not go over his entire argument) makes an erroneous statement, if I understand him, in regard to the granting of subsidies by England. If I understand him correctly he says that England has never given any of its mail contracts to any except English lines of steamers or English ships.

Mr. FRYE. If the Senator will allow me—

Mr. VEST. Certainly.

Mr. FRYE. Never where she had a line that itself could convey her mails, except in one instance, which was a French line, and the Parliament would not submit to that.

Mr. VEST. I assert, and there can be no sort of question about it, that the North German Lloyd line closed a contract with the Government of Great Britain for carrying the mails from Liverpool to New York, and in his controversy with Mr. Gladstone Mr. Blaine alludes to that fact and says that the contract was afterwards avoided by the English Government, but for what reason he does not state. However, I assert now, and will undertake to show, that the contract was made under open bidding, the contract being given to the lowest and best bidder, to the North German Lloyd line, and that Mr. Blaine so states emphatically, and I have the documentary evidence here to show it.

I assert more than that, that at this particular time a contract exists between the Pacific Mail Steam-Ship line, an American organization, and the Government of Great Britain, under which two of the vessels of that line are engaged in carrying the English mails from San Francisco to Australia.

Mr. FRYE. But the Senator knows that in a very short time, when the Canadian ships are put on to run from the western limit of the Canadian Pacific Railroad, they will no longer do that.

Mr. VEST. Ah, Mr. President—

Mr. FRYE. I alluded to that.

Mr. VEST. That is another proposition. What may happen in the future is another thing. I meet the proposition of the Senator from Maine when he asserts that England only gives the mail contracts to her own people with a statement of fact which he can not deny. I say that England puts up her contracts to the lowest and best bidder for carrying the mails, and that the North German Lloyd line was the successful bidder for the mails from New York to Liverpool, and that at this particular time a contract is in existence by which the Pacific Mail Steam-Ship Company carries the English mails from San Francisco to Australia under a contract with the British Government.

Mr. FRYE. It is because the British Government had no line.

Mr. VEST. Ah, "because." I am not talking about the cause; I am talking about the facts.

Mr. FRYE. If the Senator will pardon me, I not only said there was that line, but I stated the amount of profit which the United States made out of that mail transaction.

Mr. VEST. Now the Senator modifies it.

Mr. FRYE. No; that was my statement.

Mr. VEST. I undertake to show by official authority, coming from a gentleman who will not be suspected of any Democratic tendencies or free-trade tendencies, that the statement of the Senator from Maine is incorrect as to the practice of Great Britain in regard to these mail contracts, or subsidy contracts as he terms them. I quote now from an official report of John C. New, consul to Liverpool, made to the State Department:

The British Government does not grant subsidies, in the general sense of that term, to any steam-ship company, but the post-office authorities make contracts for the conveyance of mails to the different parts of the world with the steam-ship companies having steamers sailing to those ports. * * * No payment other than for the conveyance of mails is specially made for maintaining communication between Great Britain and Central and South America and the West Indies.

Here is a table, submitted by Mr. New in response to an inquiry from the State Department of the United States, giving the amount paid from 1868-'69 down to 1888-'89 by the British Government for mail service. No intelligent man will deny that Great Britain has fostered and encouraged her lines of communication over the whole world by increased mail pay. It was an absolute necessity of her condition. No parallel

can be instituted between the United States of America and the United Kingdom. We comprise almost a continent in our territorial possessions. We are united, compact, solid. We have a difference of climate, products, soil, and people, which is unequaled by any country upon the face of the earth. The spirit and theory of our Government is to hold no colonial possessions. It is not only a tradition, but a settled and accomplished fact governmentally with the people of the United States that no colony shall be held by this Government.

We can not hold even the Territories in a Territorial condition longer than a reasonable discretion by Congress will so keep them. They are held to become States. What is the condition and autonomy of the United Kingdom? It is an island with three hundred millions of people, and one-twelfth of them within the territorial domain of Great Britain. Rapidity of communication and certainty of transportation are a necessity with Great Britain. She must communicate with her colonies by ships, for it is impossible to do so in any other way. The carrying trade is to Great Britain the blood and life of the nation, and it would be strange indeed if a country so situated had not subordinated every other interest to that of ships in order to reach her colonial possessions and preserve the unity of her empire. There is no parallel between the two cases. There ought to be none, and there can be none.

But, Mr. President, this list shows that from 1868 down to 1888-'89 the pay given, call it subsidy or subvention or what you may, by the English Government to her steam-ship lines decreased from \$5,454,530 in 1868 to \$3,184,435 in 1888. I want to call the attention of those who are persistently claiming that the superiority of Great Britain upon the ocean comes from subsidies to an official report made to the Parliament of Great Britain by the lords of the admiralty, which I will ask the Secretary to read.

The PRESIDENT *pro tempore*. The Secretary will read as requested.

The Secretary read as follows:

With a view to attain this object [mercantile cruisers] my lords have sought and obtained the co-operation of Her Majesty's postmaster-general. They pointed out that the vessels most likely to suit the purposes of the admiralty were steamers of such high speed as would in all probability be used for the conveyance of mails under contract with his department.

The opportunity of practically developing the scheme has been offered by the negotiations in progress for the conveyance of the mails between the United Kingdom and New York, with the approval of the postmaster-general. Their lordships have had communications with the steam-ship companies which have made proposals for the conveyance of these mails. The negotiations carried on with these companies have been conducted so as not to interfere with the terms as regards the conveyance of mails, but rather to enter into agreements supplemental or subsidiary to the contracts for the mail service.

My lords would desire to state that the experience derived from the events of 1855 has led them to believe that true economy and real efficiency would be best promoted by securing the use to the admiralty in times of peace of the fastest and most serviceable mercantile vessels.

Their lordships consider that subventions or annual payments for pre-emption in the use or purchase of these steamers should only be made with those vessels already existing which have an exceptionally high sea-going speed, or for vessels which may be built possessing great speed and adaptable in their construction as armed cruisers.

The retention of a fleet of "royal naval reserve cruisers" would be obviously of great national advantage. In a pecuniary sense they would serve to limit the necessity felt by their lordships for the construction of fast war-vessels to protect the commerce of the country. Not only would the nation be a pecuniary gainer in respect to the first cost of such vessels, but their annual maintenance, which amounts to a large sum, would be saved were such vessels maintained while not required for admiralty purposes in mercantile trading.

Their lordships have not formed a definite view as to the number of vessels that should be retained in the manner indicated, but as such steamers are not likely to be constructed in any considerable numbers, it is thought that probably ten would be the maximum number at all likely to be placed at the disposition of the admiralty within the next five years at a maximum annual charge of 50,000.

The services of these vessels will be secured to the admiralty upon fair terms as to cost of hire, by the payment of 15s. per gross register ton per annum so long as they continue to have the American mail contract, or 20s. per ton per annum if the contract be withdrawn from them; such subvention to be continued for a period of five years, or thereafter until notice of termination has been given. These vessels will be completed in about eighteen months, and the subvention will be an annual charge of about 6,500, for each vessel so long as they carry the mails, or 3,500, should the mails be withdrawn from them. Their lordships believe that this sum will be considered reasonable when regard is had to the fact that the special adaptation of the ships will involve considerable first cost to the owners and will in a measure limit their earning power.

Mr. VEST. Mr. President, in the published controversy between Mr. Blaine and the honorable William E. Gladstone an assertion was made, which was repeated here to-day by the Senator from Maine, to the effect that the supremacy of Great Britain in the carrying trade of the world was due to subsidies. That charge has been made in every sort of shape, at every sort of time, and in every sort of place.

Great Britain possesses seven-twelfths of the carrying trade of the entire world and with her enormous merchant marine, comprising, as I have said, more than one-half of that of the entire world, less than 2 per cent. is subsidized—I mean 2 per cent. of her steam transportation, and less than 1 per cent. of her whole transportation if you count sailing vessels with steam vessels—less than 1 per cent. of all her enormous shipping trade is subsidized in any way, directly or indirectly; and when Mr. Blaine and the Senator from Maine to-day and all the lesser lights of the subsidy party claim that we should imitate her in order to recover our old superiority on the ocean, I should like them to tell me how the subsidizing of less than 1 per cent. of the whole shipping trade of Great Britain keeps up the balance of that shipping trade and gives it its superiority on all the oceans of

the world. I should like for any gentleman, from Mr. Blaine down to the smallest yelping subsidist who infests this Capitol, to tell me how that proportion of less than 2 per cent. of the steam transportation and 1 per cent. of all the transportation, counting sailing vessels, keeps up the balance of the shipping trade of the United Kingdom.

Mr. President, there is no intelligent man who does not know that the effect of subsidizing any particular line is to discourage all the others. It is true upon the land and it is true upon the ocean that whenever you give special privileges to an individual or to a company you handicap the rest of the community to that extent. If I have a rival in business, and he receives governmental assistance to the amount of 1, or 5, or 20 per cent., I am forced to meet that advantage upon his part and I am injured to just that extent. That doctrine is true as to a cattle-raiser upon the prairies of Missouri, and a ship-owner in New York, or Boston, or Philadelphia. The very minute the Government steps in and becomes a partner with the citizen, either upon the land or the ocean, and gives to him a subsidy, it injures and discourages to that extent his rivals in business.

There is one plain question at the very threshold of this whole debate that never has been answered and never will be. If we could build the ships with which to control the commerce of the world why have we not done it? I should like to see the Senator who will stand here and say it is the want of ingenuity and enterprise on the part of our people. I should like to see the Senator, no matter how audacious he may be as a public man, who will rise up and say it was the want of capital. I should like to see the Senator who will say it was through any fault upon the part of the American people that to-day we have lost our supremacy upon the sea. It was not the war that did it, for the decline commenced in 1855, before the Confederacy was ever heard of.

Mr. EDMUNDS. It dropped pretty fast during the war.

Mr. VEST. As a matter of course, everything dropped during the war, men included. Everything dropped during the war except the price of gold, and that went up.

Mr. EDMUNDS. And the price of wheat rose.

Mr. VEST. As a matter of course, everything was disarranged. That is no fair illustration. Everything was in a phenomenal and abnormal condition during the war. Peace is the normal condition and war is an abnormal condition, and disarranges and kills industries as well as soldiers. But I assert that the decline in the American shipping commenced in 1855, before the war.

Mr. FRYE. Under a low tariff.

Mr. VEST. Under a low tariff. I will concede that much, and I have never pretended that the tariff alone brought about the decay in American shipping interests. It was more than that. It was not only the tariff, but other things which have brought it about and which continue that disastrous condition of affairs now.

The Democratic party is frequently taunted as the party of the past; that it never advances; that it was camped one year where the Republicans camped the year before, and all that sort of rot. Why, Mr. President, the Republican party to-day is hanging on to the old traditions of 1789 in regard to the exclusion of all foreign vessels from the registry of the United States.

Mr. EDMUNDS. If the Senator will allow me—not about the Republican party, for that can take care of itself—I wish to ask him to tell us (and I am perfectly sincere in the question) what he thinks was the cause of starting the decline of American shipping in 1855 besides the low tariff to which he has already referred.

Mr. VEST. I do not think the low tariff did it, because the shipping trade of the United States increased steadily under the Walker tariff up to 1855. The controlling reason, in my judgment, and not the only one—and I have studied it as thoroughly and as accurately as it was possible for me to do—was the fact that Great Britain, with her enterprise and foresight and energy, saw that she was dropping behind in the ocean trade of the world; that the United States was pressing upon her, as the great Napoleon said it would when he sold us the Louisiana purchase in order to create a rival to Great Britain in the commerce of the world; and when Great Britain saw it, she immediately commenced hunting for some remedy for the existing state of things, and she found it in steel and iron vessels.

The fatal mistake that was made by us, and which we continue to-day, is that we, like the Bourbons, refuse to learn. Instead of seizing, as Germany has done, upon the discovery of Great Britain and constructing in her own ship-yards, commencing with repair-shops and afterwards with the construction of ships, iron and steel vessels that are now threatening the supremacy of Great Britain upon the ocean, we sat down stolidly, blindly, and almost brutally and said we would shut out the ships of the whole world from our registry, and refused to avail ourselves of what should be the opportunity of every American citizen, to buy the best ship at the lowest price wherever he could.

Mr. EDMUNDS. But I do not quite understand the answer to my question. In 1855, when the decline had begun, as it was said, there was a low tariff and the opportunity to buy ship materials and the American ship-building system of home ships had existed all the time and we had a great supremacy and England was afraid and alarmed and went to doing something else, which I understand the Senator to say was the building of iron and steel vessels. Was it that which made the change?

Mr. VEST. I think that was one of the principal causes, but not the only one.

Mr. EDMUNDS. What was the other one?

Mr. VEST. Permit me to say that this decline did not commence absolutely in 1855. That is the year in which it became most marked and distinct. It really commenced a number of years before that. In 1837 Great Britain commenced building her steam-vessels. Although the discovery was made in the United States of the screw propeller, it was immediately adopted by Great Britain, and from 1837 she commenced the construction of vessels of iron, propelled by steam, and ran them across the oceans, and she continued to improve. The English discovered that they had the iron, the coal, and the ocean in close proximity, and, with the imperial instinct of that great people, they immediately seized upon the advantages offered by nature. They saw that it was to their interest in 1849 to throw open their registry to vessels all over the world.

One of the great complaints made by our fathers in the Revolution was the registry laws of Great Britain, and we retaliated by adopting the same thing; but the difference was that when Great Britain found her supremacy was endangered by these old and barbarous enactments, she repealed them and said to the whole world, "Here I am at my best; grapple with me for the domination of the ocean."

Mr. FRYE. When did she say that?

Mr. VEST. In 1849.

Mr. FRYE. And we the same.

Mr. VEST. We have never done it. We opened our ports under treaties with Great Britain and with the Netherlands, Norway, and Sweden; that is to say, we said to them "If you allow our vessels to go into your ports free of tonnage duties, etc., or at certain rates of tonnage, then we will allow yours to come into ours;" but we have never repealed that old and barbarous enactment that an American citizen shall not buy a ship in a foreign country. What we ought to have done was, when we found for any reason, I do not care what it was, that Great Britain was making iron and steel ships that were superior to any we could make, immediately to have said to our people "Go and buy them; bring them here;" do as the Germans did; build up repair shops first, and finally construction shops, and the ingenuity and skill and courage of our people will finally grapple successfully with that of England.

As a matter of course there are other causes, the opening of our vast extent of territory to the West, the construction of railroads which called the young men of New England and the sailors of the East away from the ocean to the land. They found it more profitable to go out West, take 160 acres of land as a homestead, and in the pursuit of agriculture or cattle-raising accumulate larger profits than they could upon the ships of New England. But the great mistake we made was in not permitting our people to avail themselves of the opportunity to purchase cheaper vessels wherever they could, whether in Germany, France, Norway, Sweden, or England.

On the other hand, we have, with a blind fatuity which is unequalled in the history of the commercial world, said to our people, "You shall not buy where you can buy best and cheapest;" and year after year Mr. John Roach, now dead, and now Mr. Cramp, and now Mr. Thurber at the head of this South American coast line which they call the United States and Brazilian Steam-Ship Company are haunting these lobbies like the daughters of the horse-leech, crying "Give! give! give!"

Mr. President, I again ask the question, how does the subsidy of less than 2 per cent. on her steam-ships and less than 1 per cent. on her whole shipping enable England to dominate the oceans of the world? The Senator from Maine said when on his "tower"—I believe that is the modern pronunciation—around the world he never saw an American flag. God help him and the flag! Why have we been driven from the ocean? It is because we have refused to profit by the discoveries of others, by the opportunities that were offered to us. We laugh at the Chinese for erecting a wall around them. We have erected a wall in the shape of this old retaliatory legislation that was made for a purpose, and that purpose has long ago ceased to exist.

Mr. FRYE. I simply wish to correct one impression which might be gathered from the Senator's remarks about these steam-ship men lobbying around the Capitol, by saying to him that there has been no steam-ship man and no ship-owner around the Senate Committee on Commerce or around the Senate Chamber within my knowledge, or in the lobbies of the Senate Chamber within my knowledge or information, during this entire session of Congress, except two gentlemen, one Mr. Hughes and, I think, one Mr. Clyde, for whom I sent to assist me in draughting what we called the postal subsidy bill.

Mr. VEST. Mr. President, I have had no intercourse with these persons. I simply know what has been stated in the public press and what I have heard repeatedly, that there was a persistent effort being made, as I know has been made during my term of service here, on the part of the existing steam-ship companies, to secure these subsidies. I know that I have been,—coming from what source I do not know—flooded persistently and consistently with written and printed circulars urging me to vote for subsidies. I do not think they fell from the moon. I do not think they sprang from the earth spontaneously. I do not think they came from the people. I come from the people, and

I have not heard any cry for subsidy in my part of the country. I have been here long enough to believe when this sort of effort is systematically made that there is an object behind it, some purpose, some interest to be subserved.

Mr. FRYE. The Senator from Missouri, I think, knows that in the Committee on Commerce I have been the most persistent lobbyist ever since I have been in the Senate that has been found around the Capitol anywhere.

Mr. VEST. Oh, Mr. President, my friend is not a lobbyist. He represents his people in their interest. He represents a ship-building people. Take away the ship building from Maine and "Othello's occupation's gone." As a matter of course, if this bill is passed it is better than a gold mine in Maine.

Mr. FRYE. One moment as to that. The Senator also knows that what I have been seeking more persistently than anything else is the postal subsidy bill, in which the people of Maine have no earthly interest except as American citizens.

Mr. VEST. Oh, Mr. President, that will not do. It is not the mail service, permit me to say to my friend, that he is so solicitous about, but it is the tools and the instrumentalities to be used in that service. If you can pay \$6 a ton to a vessel for carrying the mails of the United States, you then make that vessel so much more valuable to owner and builder. The interest of Maine, as shown in all the conduct of her representatives, is not so much in the carrying trade upon the ocean as in building the ships. That has been the profit of these people, and this subsidy would inure directly to their benefit just as much as a subsidy upon cattle-raising would inure to the benefit of my people in the West if I had the audacity to come and ask it. The principle is just the same, no matter where you apply it.

Mr. FRYE. Does the Senator know that there was never an iron ship built in Maine? The postal subsidy to which I referred does not go to anything but iron and steel ships.

Mr. VEST. Take the whole statement of the Senator, and he knows that the construction of wooden ships can be supplemented by the manufacture of iron and steel vessels, and that the two are dovetailed and intertwined absolutely together. The two bills are here before the Senate together. One of them is a subsidy, pure, simple, and unadulterated, and I admire the courage of the Senator from Maine. He stands by his guns. He wants subsidy, and he makes no disguise about it.

All this thing of increased mail subsidies is "leather and prunella." It is the subsidy at last. The very minute you pay a man one cent for an article that he wants to sell, more than the labor or merchandise is worth, you enter upon the domain of subsidy. As Erastus Wiman pertinently put it upon the subsidies for the South American trade, it is simply a proposition to "dead-head dear goods to a foreign country." If they will not go there without a subsidy, you can not get them there unless you pay some one to take them, and whenever you pay a man one cent for carrying the mail more than it is worth, it is subsidy, a bounty, a subvention. The name may be changed, but the substance remains.

Now, the Senator from Maine seems to be a little sensitive about these gentlemen who appear here. I notice in this book (which seems to be printed, "Washington, Government Printing Office, 1889, Trade and Transportation between the United States and Spanish America, William Ellery Curtis"—what connection he had with the Government does not appear, and I have diligently searched to see whether it was a Government publication and find nothing except that it came from the Government Printing Office) that Mr. Curtis, who took charge of the Spanish-American or Pan-American Congress, and he was also secretary of the South American commission, states that a certain gentleman named Lachlan, I think, Captain Lachlan, of the Brazilian Steam-Ship Company, manager of that company, figures very conspicuously in all these subsidy arrangements.

He appeared before the House committee in connection with Mr. Cramp, and testified in behalf of subsidies and corroborated this book, which is nothing else but an unfair argument and a tissue of unfair statements in behalf of subsidies. They say it came from the State Department. I suppose it was the premonitory symptom of the official communication we had here the other day from that Department. But I happened to notice in the Washington Post some time ago, in January, this item. To a Washington Post reporter Captain Lachlan, of the Brazilian Steam-Ship Company, said:

We have on three vessels and will add more. Since 1885 in domestic cottons our line has increased its freight from 3 bales of 800 yards each to 816 bales containing 652,800 yards in one shipment on October 2. We can beat all countries in meat exports, flour, hardware, and furniture, and are now cutting into Manchester's trade in cottons. The English do not like it, but they can not help it.

That was Captain Lachlan to the reporter. Then says this paper:

Then he went before a committee of Congress and insisted that the business would not support a steam-ship line; that his line had made nothing in seven years, and instead of putting on more steamers, as he told the Post, would stop running unless it got a subsidy, and finally confessed that his line had refused \$43,000 offered it by the Government for carrying the mails because it wanted more, and would go without anything rather than take less than the fancy price it asked. This company never got for any freight or express matter that it carried anything like the compensation that the Government offered it for carrying the mails. Steam-ships that will not take \$43,000 do not appeal very strongly to the sympathies of the public.

Mr. President, in reply to the pathetic and melancholy picture of oppression upon these steam-ship lines which was drawn here by the Senator from Maine, I should like to read, if I can find it, a letter from this same Captain Lachlan, the manager of that line, in regard to the expense of delivering the United States mails. This was at the time he refused to receive the \$43,000. Here is the statement of Captain Lachlan published by Mr. Curtis in his book from the State Department:

Seventh query. What expenses are you subjected to in receiving and delivering the mails; and after deducting this amount from your gross receipts from the Post-Office Department, what is your net compensation, both annually, per voyage, and per mile?

I want to call the attention of the Senator from Maine to this pauper line that he says has never declared a dividend and that has lost money for the last six years.

This question has been partially answered—

Says Mr. Lachlan—

In reply to query fifth, and under the supposition that we had accepted the amounts tendered by the Post-Office Department quarterly. I can only give you the actual cash outlay that is incurred and paid by this company, taken from the books and vouchers of this company, and herewith show the cost of handling United States mails, and think it better to give you a detailed statement that will show on its face the actual items.

Newport News, Va.:

Use of engine and flat car to transfer mails from pier 2 to 1.....	\$5.00	
Use of tug-boat in winter (5 months), \$100, or per trip.....	8.00	
Detention, say 7 hours on average, at \$23.52 per hour.....	164.00	
		\$177.64
St. Thomas, Dutch West Indies:		
Boat-hire and portorage.....		12.60
Barbadoes:		
Boat-hire and portorage.....		6.00
Pará, Brazil:		
Steam-launch.....	R. 40,000.00	
Purser and one man in charge of mail.....	40,000.00	
Portorage.....	30,000.00	
At 55.....	110,000.00	60.50
Maranhão, Brazil:		
Landing mail, and portorage.....	20,000.00	
Use of tug-boat part of time, average per trip.....	60,000.00	
	80,000.00	44.00
Pernambuco, Brazil:		
Boat-hire.....	32,000.00	
Portorage.....	15,000.00	
Purser and one man in charge of mail.....	30,000.00	
	77,000.00	42.35
Bahia, Brazil:		
Boat-hire and portorage.....	72,000.00	39.60
Rio de Janeiro:		
Steam-launch.....	45,000.00	
Portorage and boat-hire.....	115,460.00	
	161,460.00	88.80
Santos, Brazil:		
Steam-launch.....	23,000.00	
Portorage.....	37,730.00	
Boat-hire.....	20,000.00	
	80,730.00	44.40
New York, United States of America:		
Cartage to post-office.....	\$2.50	
One man to post-office.....	3.50	
Labor, landing mails.....	2.50	
		7.00
Mail-room:		
Lined with iron, capable of carrying 250 cubic feet, at 35 cents two ways.....		354.00
Per trip, total.....		886.29
Four years, sixty-four trips, at \$886.29.....		56,722.56
Amount tendered by United States Post-Office Department for four years, transportation of United States mails, ending June 30, 1893, but not accepted.....		43,117.66
Balance.....		13,604.90

That was the whole bill made out by himself, \$13,604.90 balance, and because he did not get that he refused to take from this Government \$43,117.66.

Mr. FRYE. That was made out as the actual cost?

Mr. VEST. Yes, the actual cost. He says that that is the actual cost, with \$13,604.90 balance, and he show the items.

Mr. FRYE. Does the Senator think he ought to have taken less than it actually cost him?

Mr. VEST. Look at the items in the account that he made out himself, an *ex parte* statement made without cross-examination. He puts down "portorage \$37.73, boat-hire \$20"—

Mr. FRYE. What does the Senator know about the correctness of those figures?

Mr. VEST:

Cartage to post-office.....	\$2.50
One man to post-office.....	3.50
Labor handling mails.....	2.50
Mail room, lined with iron, capable of carrying 250 cubic feet, at 35 cents, two ways.....	354.00

Mr. FRYE. Is it not worth it?

Mr. VEST. I do not believe it is worth it. I believe those charges are extravagant. They bear upon their face the proof that they are

made out for a specific purpose. But if we listened simply to the statements of the Senator from Maine without reading this, it would be supposed that this line was getting nothing for its services.

I find in another statement here that last year they accepted from the Department about \$12,000, notwithstanding the refusal of this \$43,000 when it was offered to them by Postmaster-General Vilas for four years' service.

Mr. FRYE. Does not the Senator know that Postmaster-General Vilas admitted that it was not what they ought to receive, and advised them to go to the House for compensation that was fair?

Mr. VEST. I know that Postmaster-General Vilas told them he had gone to the limit of his authority and if they wanted more money they must go to Congress, and he could not say anything else to them. He did not make the law. We made it, and we declared the amount to be paid and offered it to them, and they refused \$43,000 for four years, from 1885 to 1889. I read in this same book, published by Mr. Curtis, that last year they took eleven thousand seven hundred and seventy odd dollars for the same service, which would be at a rate for four years of some \$46,000.

Mr. FRYE. Does the Senator think that that is adequate pay for carrying the United States mails?

Mr. VEST. I think it is a fair, honest, just pay, and I will give my reason for it. The line of steam-ships which is called here "the United States and Brazilian Steam-ship Company" is composed of three old tubs—tubs, I should say. They are coast steamers. They are required by their contract with the Brazilian Government, for which they receive \$105,000 in Brazilian money and \$95,000 in our money by the year, to touch at certain Brazilian ports, and it takes them from Rio de Janeiro to New York from twenty-one to twenty-four days; you can send a letter by the way of England to Rio de Janeiro in one week's shorter time; and that is the mail service for which they demand us to pay them these enormous prices. You can now mail a letter and send it upon a tramp or send it by the regular English line from New York to Southampton and then to Rio de Janeiro and save seven days in the transportation.

Mr. FRYE. I should like to ask the Senator if he has ever seen the Alliance, or the Finance, or the Advance. He calls them old tubs.

Mr. VEST. I speak about the time occupied. I say, compared with the fast lines, the mail lines of the English Government, they are tubs.

Mr. FRYE. They are fine iron steamers.

Mr. VEST. The time they make shows that they can not belong to the fast steamers that come under the subventions of the British Government. In the contracts which the British Government make with steam-ship lines they require the fastest steamers, because they can be used as commerce-destroyers in time of war.

Brazil pays these people in round numbers \$105,000 a year, and now they come to the United States and want us to pay them, as this gentleman says in his letter here published in this book, two hundred and sixty odd thousand dollars more, as a subsidy, and under the bill which has been introduced by the Senator from Maine, I suppose they will receive a much larger amount.

Mr. President, any one would suppose who had never investigated this subject that subsidy was a new thing in the United States; that it had never been attempted. I have before me "A History of Subsidies in the United States," and it is not a pleasant one.

The United States gave still larger sums in the way of subsidies, in the aggregate \$47,000, to the Pacific Mail Steam-Ship Company, and \$1,812,000 to the line between the United States and Brazil.

We have already tried that; we have, since the war, paid this enormous amount in the way of subsidies, and what was the result? Did it bring back our commercial marine? Did it enable us successfully to compete with Great Britain for the supremacy of the ocean?

That is not the only subsidy we are paying. We were told by the people of New England that if we would put a tax upon fish and give them free salt for preserving fish they would themselves preserve the great nursery of American seamen in the fishing trade, so that in the event of a naval war the same men could carry our flag to victory who had done so in two wars upon the ocean. We did put a tax on fish; we did give them free salt, and denied it to the beef-packers and the pork-packers of the West, and what is the result? Have we that nursery of hardy American seamen of which we were told so much?

Why, Mr. President, the official reports show that less than one-third of the men in the fishing trade are natives of the United States. They are Canadians, Norwegians, Swedes, Italians. What has become of this nursery? We have to-day, and I have got the official report here, a decline in the tonnage of vessels engaged in the fishing trade of many thousands, from 1861 to 1883, and the decline has been even more rapid in the last few years than for some years before; and yet we have subsidized that particular interest; we have given them a protective duty upon fish; we have given them free salt to preserve their fish; and has it given us that nursery which we were told it would?

Mr. FRYE. Is there any duty on fresh fish?

Mr. VEST. No, but there is another duty on fish.

Mr. FRYE. Does not the Senator know that the demand for fresh fish is greater than for salt fish, with modern contrivances?

Mr. VEST. I was in New York City the day before yesterday, and

the papers were filled with accounts of 10,000 bluefish being taken and pitched into the ocean because there was no market for them. They have got a fish trust in New York now and they control the entire market, and the papers of Sunday morning contained an account of fishing vessels coming in loaded with fresh fish that could find no purchaser at all.

Mr. FRYE. That trust is not on account of the tariff on fresh fish. There is not any tariff on fresh fish.

Mr. VEST. I do not know where it comes from, but I know the papers say it exists. I know one thing—that salt is furnished free to the people of the Senator from Maine and denied to my people.

Mr. FRYE. On fresh fish?

Mr. VEST. I know it is furnished to you for the purpose of preserving your fish, but it is denied to the cattle-raisers and pork-raisers of Missouri, Illinois, and Iowa. If that is not a subsidy, I should like to know what subsidy means.

We have tried subsidy in this country and it has been a failure. We are asked now to go into this uncertain and nebulous domain again, and that, too, directly in the teeth of the experience of France, to which I propose now to refer.

If any Senator will take the trouble he will find that the experiment as to bounties in France has failed, and the Senator from Maine says that this bill is framed exactly on the model of the French bounty bill.

I quote from an article by Capt. John Codman:

Going further into the field of experience, we find that France, Spain, Germany, Austria, and Italy and other nations have all, within the last few years, spent immense sums of public funds for the development of their sea-going tonnage; and still not one of them can present results which justify their expenditures. As an example, we will take France, which adopted one of the most liberal and undisguised bounty systems ever introduced. After six years' trial of bounties, based upon construction, tonnage, and mileage, that Government now finds its merchant marine in a deplorable condition. It accomplished the purpose of increasing her tonnage so perfectly that the supply is now largely beyond requirements, and the newly gained tonnage is proving a burden to French taxpayers, instead of even an indirect profit; and this at a time when British shipping has been earning unusual profits. Previous to the adoption of this system by France, one of the strongest arguments in its favor was that these bounties would open French trade with new markets.

That is what we hear now.

It signally failed in this object, as the following table, giving the value of imports and exports in millions of dollars, at the rate of 5 francs to the dollar, will show:

Then comes a table from 1883 to 1888, showing a steady decline under the bounty system.

Year.	Imports.	Exports.	Total.
1883.....	\$1,177	\$912	\$2,089
1884.....	1,048	814	1,862
1885.....	996	791	1,787
1886.....	1,023	849	1,872
1887.....	984	848	1,832
1888.....	1,037	850	1,887

These figures show that, whilst there has been a recovery since 1885, the total value of the foreign trade of France was less in 1888 than in 1883 by \$202,000,000—a falling off of over 9½ per cent. As it may be asserted that a comparison of values is not a fair test of the position, the rise or fall of prices of commodities affecting the figures from year to year, we give the imports and exports in thousands of tons, as follows.

Then follows a table giving the tonnage from 1883 to 1888.

Year.	Imports.	Exports.	Total.
1883.....	24,770	6,228	30,998
1884.....	24,120	6,064	30,184
1885.....	22,316	5,834	28,150
1886.....	21,682	6,019	27,701
1887.....	22,462	6,896	29,357
1888.....	23,657	7,139	30,796

The decrease is thus not only in values, as the falling off in volume between the two limits of comparison is 202,000 tons, or 64 per cent.

The French bounty law was passed early in 1881, and subsidies were in full swing by 1883.

In 1883 the registry tonnage entering and leaving French ports was, native 8,546,000, and foreign 13,447,000, and in 1888, native 9,283,000, and foreign 13,609,000. Here, it is true, there is an increase of 737,000 native tonnage; but as foreign also increased 132,000 tons it can scarcely have been said to have been gained at the expense of the latter. Even if it had been it would have proved a poor return for an expenditure of bounties and subsidies over nearly a decade, the *regium donum* in 1888 alone, according to Trade and Transportation, amounting to \$6,792,778.

This clearly demonstrates that the effect of French bounties has been to give more ships than were needed, without in any degree expanding the nation's commerce; in other words, many more tools and less work.

In corroboration of this I desire to read the official report of Mr. Mason, who was consul to Marseilles under the Administrations of both Mr. Arthur and Mr. Cleveland. Here is his statement in regard to the condition of affairs as to the French shipping:

The French shipping bounty and subsidy law was passed in 1881. Five years afterwards Mr. Mason, our consul at Marseilles, who was retained in the service by President Cleveland on account of his excellent record, made a report to the State Department on its effects as observed at his port, one of the principal ports of France. In this report he said—

Now, this is after five years' fair test of the system, and it is identical with the bill which is offered here in the Senate. It gives 30 cents a ton to French ships—ships constructed in France—and 15 cents on foreign ships bought abroad, because France, like Germany and every other country in the world but this, permits her people to buy where they can buy cheapest. Says Mr. Mason:

Shipping and sea-faring men of all classes at Marseilles begin to complain of the present season as one of almost unprecedented dullness and depression in all that relates to marine transportation and the values of shipping. Not even during the lowest period of the cholera epidemics of 1884 and 1-85 was the lethargy in marine freights and vessel property so extreme and so apparently hopeless as now.

Of the ocean-going steam-ships belonging to this port, thirty-eight are now laid up for want of profitable business. Twelve sailing vessels belonging to Marseilles, fifteen under the Italian flag, and twelve of Austrian nationality are likewise tied up in this port, awaiting the return of more prosperous times.

There was sold yesterday by the tribunal of commerce a wooden bark of 596 tons register, recently arrived from Pensacola, thoroughly equipped and in good condition. The vessel is the latest of the French built in service, but has been in the mean time kept in good repair. The pressure of hard times brought this bark to the block and she was sold for \$199.52.

There are now offered for sale here two English-built iron steamers of 840 tons register, which have been in service twelve years, but have recently received new boilers, water ballast, and steam steering-gear, and are regarded thoroughly sound, capable vessels. Three years ago they were bought for \$58,392 each. Now, with all their repairs and improvements, they are vainly offered at half that price.

Still another incident of the same character will illustrate the extraordinary contingencies which may overtake ship-owners in times like these. A merchant with \$7,720 to invest purchased last autumn an iron steamer of 1,500 tons burden for \$17,370, paying what money he had and borrowing the remainder (\$9,650) from a bank to which he gave as security a mortgage on the vessel, which he was thought to have purchased at a great bargain, less than half her value a year or two ago. One of this steamer's boilers being somewhat burned, she was taken to her English builder to have that fixture renewed. There the new owner was persuaded that in order to have a really first-class modern steam-ship he should add steam steering-gear, steam-winch, and water-ballast apparatus.

To this he agreed, supposing that his French banker would not hesitate to loan the cost of these repairs on a new mortgage, since the entire sum would be invested in improvement of the vessel. But the bank had become suspicious of floating collateral, and refused all further loans. The steamer was therefore seized by the builder and sold at auction to meet his account for repairs. The price realized was less by \$900 than the bill for repairs. The bank lost its loan and the owner his \$7,720, his entire fortune, and gained only a highly conclusive experience.

When in the light of facts like these—

Says Mr. Mason—

one reads that the ship-building of Great Britain has declined from 1,250,000 tons in 1883 to 540,000 in 1889, and that one firm in London now offers for sale 222 screw steamers of all classes and dimensions, from 7,000 tons each downwards, the effect is to console the patriotic American citizen who has of late years been lamenting his country's want of a competent merchant marine adapted to international commerce.

LATER TESTIMONY TO THE SAME EFFECT.

Two years later than this the French law had been in operation more than six years, over half of the period for which the law was enacted. Its effects were then analyzed and published by M. Arthur Raffalovich in the Journal des Economistes. He showed that while there had been an immense increase of the French steam tonnage, an increase of fourfold since 1880, the increase in German steam tonnage, without bounties, was still more rapid, while between 1873 and 1890 the French steam tonnage had not only increased in a most marked manner without any bounty, but had increased faster than the German.

Mr. Raffalovich also shows that, while the French carrying trade had increased as the result of bounties and subsidies, the total French exports had not increased. This is a most important point for the consideration of people who imagine that increasing American shipping will necessarily increase American exports.

Mr. President, we may put all the steam-ship lines we can build on the ocean and send them to the South American ports, and they will not bring us commerce. It may, for a time, cause activity in the ship-building yards of the United States. It may put money into the pocket of Mr. Cramp; it may put money into the pocket of Mr. Thurber; but it will not bring us commerce. Mr. Blaine may wine and dine and carry the representatives of the South American states from one end of this Union to the other, and they will go home and they and their people will buy where they can buy cheapest. All this talk about sister republics, all these platitudes about a great American Zollverein, will melt like snow before the sun when you come to self-interest. Commerce is based on self-interest.

Mr. HIGGINS. Will the Senator yield for a question?

Mr. VEST. Certainly.

Mr. HIGGINS. I should like to ask the Senator if the people of South America can buy grain or its products from any other country cheaper than they can from us.

Mr. VEST. If they can buy grain cheaper from us than from any other country, they will do it without a subsidy. That is my answer.

Mr. HIGGINS. I understood the proposition of the Secretary of State to be that their tariff against our grain should be taken off. That was all.

Mr. VEST. It makes no sort of difference about the tariff against our grain being taken off. They will take that tariff off without a subsidy to steam-ships if it is to their interest to do it.

The proposition here is now that we shall not only make a reciprocity treaty as to tariff duties, but that we shall subsidize steam-ship lines. Mr. Blaine and Mr. Curtis do not content themselves with a reciprocity treaty, but they want in addition to that to subsidize steam-ship lines.

Now I will undertake to show that instead of there being a scarcity of transportation to the South American states, there is a superfluity. Here is a statement absolutely correct, and I have got it in several other

shapes, but it amounts to the same thing, showing the number of American vessels and of foreign vessels that touch in the United States and go to the different South American states. I will ask that it be inserted in my remarks without reading, because I do not care to exhaust my strength and weary the Senate by reading it in detail.

Below we present a statement showing the number and tonnage of steam-vessels engaged in the trade between countries south of us and the United States. It hardly bears out the often heard complaint, lack of communication. Properly speaking, it is lack of trade rather than transportation that gives reason for complaints of that sort:

AMERICAN VESSELS.

Line.	Tonnage.	Line.	Tonnage.
Pacific Mail	26,026	United States and Brazil...	8,400
N. Y. and Cuba S. S. Co.	14,927	New Orleans and Colom-	
Clyde West India.....	4,000	bia	1,800
Red "D"	9,270	Plant	1,625
Royal Mail	11,242	Total.....	79,775
Morgan.....	1,790		
Oteri's Pioneer (Ameri-	695		
can steamers)			

FOREIGN VESSELS.

Quebec Steamship Co.....	4,875	Sloman's.....	5,200
Direct Line to Trinidad.....	2,870	New York and Yucatan...	2,290
Red Cross	3,000	Oteri's Pioneer (foreign	
Atlantic and West India.....	1,082	vessels)	1,400
Honduras and Central		New York and Porto Rico	1,600
American	2,013	Taurus	622
Booth	7,694	Royal Dutch and W. I.....	5,250
New York and Jamaica.....	3,000	Compañia Transatlantica	
Atlas	22,600	Españols	9,000
Winchester & Co.:		People's Line to Hayti	1,500
Porto Rico	2,000	Anchor Line, W. I. route...	6,000
Brazil, etc	1,000	Total	85,996
Earn	3,000		

From the above it will be seen that there are thirty lines in the trade, with an approximate tonnage of 165,771, nearly one-half of which is American. Three of the American lines, the Thurber, Ward, and Red D companies, have nine vessels on the stocks, or just completed, of about 5,000 aggregate tonnage. In addition there is a large "tramp" tonnage not taken into account in the above statement.

Now, this does not look like a lack of tonnage. The principal appeals for subsidies have come from shipping men in the South American trade, the very direction in which the bulk of our foreign tonnage is engaged, and their chief argument was that we needed transportation. Do these facts bear them out? We have not yet heard American merchants or exporters complain of insufficiency of transportation. No doubt they would be willing to let the Government pay part or whole of the freight, if this is what our steam-ship men really want; but if the truth were correctly understood, it is more the lack of trade than the lack of transportation that affords reason for complaint. The one-sided character of our South American trade needs little commentary. The total values of our trade with Mexico, Central America, West Indies, and South America are as follows:

Year.	Exports.	Imports.
1879	\$59,870,000	\$145,607,000
1889	82,043,000	199,961,000
Increase	\$22,173,000	\$54,354,000
	* 22 per cent.	† 30 per cent.

Our exports are thus increasing more slowly than imports and in spite of sufficient transportation. What is the reason that we sell these countries less than one-half we buy? Give us the trade, and transportation will soon be forthcoming. Instead of the "trade following the flag," the truth is the flag follows the trade, and the sooner we comprehend that fact the better.

In addition to that, here are foreign vessels, the Quebec Steamship Company, etc., amounting to 85,996 tons, and all this in addition to tramps—not the tramps we have on land that are a nuisance—

Mr. FRYE. These are a bigger one.

Mr. VEST. The Senator says these are a bigger nuisance. If you would stop to-morrow, you would stop the commerce of the world. If you were to take from the ocean to-morrow the tramps, as they are called, the vessels that belong to no regular line, that go wherever they can get a load, that accommodate themselves to all climates and commercial conditions, you would stop the commercial intercourse of the whole world. They are called tramps because they are in the way of these subsidy-grabbers like Thurber and other men who come here and demand that the United States shall give them money to keep up a line already in existence. What would become of the cattle-raisers of the West if it were not for the tramps? The monopolists have got all the regular cattle-vessels that go to England. If one of my constituents goes to New York to-morrow with a load of cattle and asks to put them on board a steam-ship, he is told the whole line is engaged for six months or a year and his only chance for reaching a foreign market is in a tramp.

What is there disreputable about these tramps? This man Lachlan abuses them, and another one of these subsidy gentlemen said he would shut out not only foreign, but domestic competition. He is frank enough and brutal enough to say he wants a monopoly. He wants this

Government to pay him enough to hold the whole thing and put the entire sum of money in his own pocket.

Mr. President, the Senator from Maine, in every discussion we have had, always winds up in a halo of exultation and glory over the coastwise trade, and says "There is the effect of shutting out foreign shipping; there is the result of excluding foreign-built ships from American registry." I will tell you the secret of the prosperity of the coastwise trade, the internal trade of the United States. It is in free trade. If there were not free trade to-day between the States, if Pennsylvania could tax the products of New York and New York the products of Massachusetts, and so on, your coastwise shipping would be in the same condition as your foreign shipping.

You can not shut out the competition on the broad ocean of foreign-built vessels. Your laws can not reach outside of your own territorial domain, and you refuse to allow your people to go abroad and buy their vessels where they can buy them cheapest, and because you have free trade between the States established by the Constitution, where you can not reach it, thank God, and above any party. You say our prosperous coastwise trade is on account of your obsolete and semi-civilized code in regard to shipping. I deny it. Whenever we point to a great evil and abuse in this country, no matter where it exists, crystallized for party purposes, we are pointed to the prosperity of the country. Mr. Blaine winds up his argument with Gladstone and says, "Look at the United States. It had a great war and lost billions of dollars' worth of property, and look at its prosperity to-day!"

Why, Mr. President, this country would prosper if ten Congresses should enact all the laws they possibly could against it. It would still prosper in a degree. Its energies, resources, and courage are such that it could prosper in spite of any legislation no matter how vicious, just as we see a man who can violate all sanitary rules and still live to be a hundred years old. Every one, especially in the West, has seen these phenomenal men who have been drinking alcohol for forty years, and who are pointed at as being living examples of the fact that alcohol is the finest food in the world and conducive to health. As I have had occasion to say, if they had lived on milk and water, we should have had to shoot them on the day of judgment. [Laughter.] This country prospers in spite of the laws, no thanks to the Republican party for what they are doing for it. This country to-day, like a young giant, tears to pieces the iron fetters that you have put upon it and strides on, weighted down by bad legislation, but it still goes on.

Mr. President, I was very much interested in the statement of my friend from Maine as to the cost of these pet bills of his. He puts one, I believe, at \$6,000,000 a year. Not much! Six millions a year! I made a little calculation on the first bill, which is a subsidy bill pure and simple, intended for the general public, and under the provisions of that bill, as I foot it up in my old-fashioned arithmetic, a vessel of 3,000 tons running 3,000 miles would get \$6,000 subsidy for every voyage, a pure and simple subsidy, and for every mile that she ran besides she would get more, and if she could concoct a voyage to the uttermost parts of the earth her subsidy would be that much greater.

Now under the mail-carrying bill, the postal subsidy, the Senator gives to each vessel \$6 for each ton. That would give to a vessel running between Liverpool and New York \$18,000 for every voyage.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 26th ultimo approved and signed the act (S. 575) for the erection of a public building at Salina, Kans.

The message also announced that the President had this day approved and signed the following acts:

An act (S. 2403) to provide for the purchase of a site and the erection of a public building thereon at Beaver Falls, in the State of Pennsylvania; and

An act (S. 1) to protect trade and commerce against unlawful restraints and monopolies.

EXECUTIVE SESSION.

Mr. CULLOM. I ask the Senator from Missouri whether it would be agreeable to him to postpone his remarks this evening, as it is very warm and he has been speaking for some time. If he yields, I should like to move an executive session.

Mr. VEST. It is very warm and I should like to stop.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. FRYE. If I may be pardoned for saying it, I am very anxious to get a vote on these bills to-morrow.

Mr. VEST. I do not wish to delay them.

Mr. FRYE. I desire the bills acted upon to-morrow, for I shall try to have the Senate proceed to the consideration of the river and harbor bill on Monday next.

The PRESIDENT *pro tempore*. The Senator from Illinois [Mr. CULLOM] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p.

m.) the Senate adjourned until to-morrow, Thursday, July 3, 1890, at 12 o'clock, meridian.

NOMINATIONS.

Executive nominations received by the Senate the 2d day of July, 1890.

GENERAL APPRAISERS OF MERCHANDISE.

Charles H. Ham, of Illinois, to be general appraiser of merchandise.
James A. Jewell, of New York, to be general appraiser of merchandise.

George H. Sharpe, of New York, to be general appraiser of merchandise.

George C. Tichenor, of the District of Columbia, to be general appraiser of merchandise.

Joseph B. Wilkinson, jr., of Louisiana, to be general appraiser of merchandise.

ASSISTANT TREASURER.

Louis R. Walters, of Pennsylvania, to be assistant treasurer of the United States at Philadelphia, in the State of Pennsylvania, to succeed S. Davis Page, whose term of office will expire by limitation August 2, 1890.

SURVEYOR OF CUSTOMS.

Charles Willner, of Iowa, to be surveyor of customs for the port of Burlington, in the State of Iowa, in place of John M. Mercer, to be removed.

INDIAN AGENT.

Andrew Paul Dixon, of Canton, S. Dak., to be agent for the Indians of the Crow Creek and Lower Brulé agency in South Dakota, vice William W. Anderson, whose term of office will expire August 3, 1890.

PROMOTIONS IN THE ARMY.

Fourteenth Regiment of Infantry.

Second Lieut. Frank F. Eastman, to be first lieutenant, July 1, 1890, vice Lovell, resigned.

Twenty-fifth Regiment of Infantry.

Second Lieut. James O. Green, to be first lieutenant, June 30, 1890, vice Reed, resigned.

PROMOTIONS IN THE NAVY.

Assistant Engineer Frank W. Bartlett, to be a passed assistant engineer in the Navy, from the 19th June, 1890, vice Passed Assistant Engineers W. A. H. Allen and H. F. Frick, retired.

Second Lieut. Henry C. Haines, United States Marine Corps, to be a first lieutenant in that corps, from the 25th June, 1890, vice First Lieut. H. G. Ellsworth, Marine Corps, deceased.

Second Lieut. James E. Mahoney, United States Marine Corps, to be a first lieutenant in that corps, from the 1st July, 1890, vice First Lieut. Carroll Mercer, Marine Corps, resigned.

POSTMASTERS.

Asa E. S. Bush, to be postmaster at Niantic, in the county of New London and State of Connecticut, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1890.

Joseph B. Eldridge, to be postmaster at Norfolk, in the county of Litchfield and State of Connecticut, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1890.

Carmi G. Hubbell, to be postmaster at Norwalk, in the county of Fairfield and State of Connecticut, in the place of Augustus C. Golding, whose commission expires August 2, 1890.

George W. Randall, to be postmaster at Rockville, in the county of Tolland and State of Connecticut, in the place of Wilbur B. Foster, whose commission expires July 26, 1890.

Henry L. Glos, to be postmaster at Elmhurst, in the county of Du Page and State of Illinois, in the place of Frederick H. Bates, whose commission expires August 2, 1890.

James D. Caswell, to be postmaster at Narragansett Pier, in the county of Washington and State of Rhode Island, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1890.

Hermion C. Coolbaugh, to be postmaster at Hamburg, in the county of Fremont and State of Iowa, in the place of Samuel Jacobs, whose commission expires August 3, 1890.

John Barret, to be postmaster at Louisville, in the county of Jefferson and State of Kentucky, in the place of Mrs. Virginia C. Thompson, whose commission expired May 17, 1890.

Frederick Gillmor, to be postmaster at Lee, in the county of Berkshire and State of Massachusetts, in the place of Theodore H. Fenn, whose commission expired May 21, 1890.

Lewis G. Holt, to be postmaster at Lawrence, in the county of Essex and State of Massachusetts, in the place of Patrick Murphy, whose commission expires August 2, 1890.

Charles H. Odell, to be postmaster at Beverly, in the county of Es-

sex and State of Massachusetts, in the place of Jeremiah Murphy, whose commission expires August 2, 1890.

Alexander Smart, to be postmaster at Merrimac, in the county of Essex and State of Massachusetts, in the place of George S. Prescott, whose commission expires August 2, 1890.

Joshua S. Smith, to be postmaster at Rockland, in the county of Plymouth and State of Massachusetts, in the place of Henry A. Baker, whose commission expires August 2, 1890.

Anson Withey, to be postmaster at Greenfield, in the county of Franklin and State of Massachusetts, in the place of Charles Keith, whose commission expires August 2, 1890.

Luther Wait, to be postmaster at Ipswich, in the county of Essex and State of Massachusetts, in the place of Edward P. Kimball, whose commission expires August 2, 1890.

Charles E. Bardwell, to be postmaster at Tekamah, in the county of Burt and State of Nebraska, in the place of William B. Bedt, whose commission expired June 7, 1890.

Victor Adams, to be postmaster at Little Falls, in the county of Herkimer and State of New York, in the place of W. R. Chapple, whose commission expires August 13, 1890.

Fred C. Allen, to be postmaster at Jordan, in the county of Onondaga and State of New York; the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1890.

William T. Chapman, to be postmaster at Pawling, in the county of Dutchess and State of New York; the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1890.

Thomas Cunningham, to be postmaster at Mohawk, in the county of Herkimer and State of New York; the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1890.

Henry F. Herrick, to be postmaster at Southampton, in the county of Suffolk and State of New York; the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1890.

William Joesbury, to be postmaster at Catskill, in the county of Greene and State of New York, in the place of George S. Stevens, whose commission expires August 2, 1890.

William F. Roberts, to be postmaster at Saranac Lake, in the county of Franklin and State of New York; the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1890.

Charles H. Wood, to be postmaster at Cornwall-on-the-Hudson, in the county of Orange and State of New York; the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1890.

Charles H. Wood, to be postmaster at Hamburg, in the county of Erie and State of New York; the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1890.

John M. Bentley, to be postmaster at Ada, in the county of Hardin and State of Ohio, in the place of Samuel C. Clayton, whose commission expires July 26, 1890.

Clinton F. Bonham, to be postmaster at Harrison, in the county of Hamilton and State of Ohio; the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1890.

James M. Brown, to be postmaster at Toledo, in the county of Lucas and State of Ohio, in the place of George E. Lorenz, whose commission expires August 3, 1890.

John Hopley, to be postmaster at Bucyrus, in the county of Crawford and State of Ohio, in the place of Shannon Clements, whose commission expired May 28, 1890.

Charles B. Martin, to be postmaster at Lancaster, in the county of Fairfield and State of Ohio, in the place of Jonas M. Shallenberger, whose commission expires August 2, 1890.

George A. Beidler, to be postmaster at Oklahoma, in the Territory of Oklahoma; the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1890.

Dennis T. Flynn, to be postmaster at Guthrie, in the Territory of Oklahoma; the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1890.

Jacob W. Mills, to be postmaster at Kingfisher, in the Territory of Oklahoma; the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1890.

William P. Bach, to be postmaster at Pottstown, in the county of Montgomery and State of Pennsylvania, in the place of M. S. Longaker, whose commission expired January 20, 1890.

Miles G. Bulger, to be postmaster at Brownsville, in the county of Fayette and State of Pennsylvania, in the place of J. Holmes Patton, whose commission expired May 18, 1890.

Orrin H. Hollister, to be postmaster at Meadville, in the county of Crawford and State of Pennsylvania, in the place of Emmet W. McArthur, whose commission expired April 6, 1890.

William H. Pennell, to be postmaster at Duncannon, in the county

of Perry and State of Pennsylvania; the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1890.

Theodore F. Ramsey, to be postmaster at Wayne, in the county of Delaware and State of Pennsylvania; the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1890.

Frank M. Cameron, to be postmaster at Cameron, in the county of Milam and State of Texas; the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1890.

Margaret A. Shirley, to be postmaster at Logan, in the county of Cache and Territory of Utah, whose commission expired June 21, 1890.

Henry Bradley, to be postmaster at Elkhorn, in the county of Walworth and State of Wisconsin, in the place of Wilson D. Lyon, whose commission expired June 21, 1890.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, July 2, 1890.

The House met at 11 o'clock, a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

REPRINT OF A BILL.

Mr. REED, of Iowa. Mr. Speaker, on behalf of the Committee on the Judiciary, I ask unanimous consent that double the usual number of copies of the bill (S. 398) subjecting imported liquors to the provisions of the laws of the several States be printed, together with the accompanying report.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

APPOINTMENT OF CONFEREES.

The SPEAKER announced the appointment of Mr. WILLIAMS of Ohio, Mr. KINSEY, and Mr. ROBERTSON as managers at the conference on the part of the House on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9104) granting to the Jackson, St. Augustine and Halifax River Railway Company a right of way, etc.

FEDERAL ELECTION LAW.

The SPEAKER. The House resumes consideration of the bill H. R. 11045, and the question is on agreeing to the amendment of the gentleman from Virginia [Mr. TUCKER].

Mr. HEMPHILL. I wish to say, Mr. Speaker, that unless there is a desire on the part of the other side to discuss the amendment we will be glad to take a vote on it at once, as we have some other amendments which we regard as more important.

Mr. LODGE. One or two gentlemen on this side desire to speak—the gentleman from Missouri [Mr. FRANK]—

Mr. HEMPHILL. Will not the gentleman speak on some other amendment and let us take a vote on this?

Mr. LODGE. The gentleman desires to speak to this amendment. I should like to say a few words myself.

Mr. HEMPHILL. How much time does the gentleman think will be required?

Mr. LODGE. I should say fifteen minutes on a side.

Mr. HEMPHILL. We do not care to discuss the question—

Mr. LODGE. Let fifteen minutes on a side be accorded; and if gentlemen on that side do not care to consume the time, the vote can be taken immediately after the discussion on this side.

Mr. HEMPHILL. We have other amendments which we regard as more important, and prefer to proceed to the consideration of them.

The SPEAKER. The Chair will state that gentlemen supporting the amendment have already consumed twenty minutes.

Mr. LODGE. It is understood that we are to have fifteen minutes on a side; and, of course, if gentlemen on the other side do not care to occupy it the vote can then be taken.

The SPEAKER. Is there objection to limiting the debate to fifteen minutes on each side?

There was no objection.

Mr. TAYLOR, of Illinois. I ask that the amendment be again read. The amendment of Mr. TUCKER was again reported.

During the reading of the amendment the following occurred:

Mr. BUCHANAN, of New Jersey. Mr. Speaker, a parliamentary inquiry. Is this being read for the information of the House? If so, I ask that the House be in order.

The SPEAKER. The House seems to be in perfect order. [Laughter.]

Mr. KERR, of Iowa. I desire to offer an amendment to this resolution, to insert near the bottom, after the word "that," the words "there is danger of," so that it shall read "and if upon such hearing the court shall be of the opinion that there is danger that a free and fair registration and election will not be held," etc.

Mr. WHEELER, of Alabama. Mr. Speaker, in the few minutes I have to discuss this matter I want to say one word in reply to the remarks of the gentleman from Illinois [Mr. MASON] on yesterday. He stated that before he came to Congress he was convinced that the Southern people, all the Southern people, would steal ballots, and that any man who would steal ballots would steal a horse or any other property. He said he had now modified his opinion, and while he did not believe they would steal property, he believed every one of them would be guilty of the theft of a ballot.

The above was the substance of the gentleman's statement.

He has withheld his remarks from the RECORD and I can not give his exact words, and others have given expression to feelings almost as discreditable.

Is it possible, Mr. Speaker, that people who confess themselves so ignorant as to the condition of the people of such a vast section of the country should venture to cast their votes upon a matter of such great importance to the whole country, to the whole people of the South, and to the integrity of our free institutions? [Applause.]

Mr. Speaker, I also wish to reply to the statements made by many gentlemen on that side of the House, and repeated by the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] last night.

This speech also has been withheld and does not appear in the RECORD of this morning, and I state his remarks as I recall them. The purpose of his speech was, or seemed to be, an effort to convince this House that the people of the North could not go South and be received there with the courtesy due to gentlemen. I deny such statements *in toto*, and I call upon any intelligent gentleman upon that side of the House, Republicans as they all are, to state in this House if he has ever in his intercourse with Southern people, at their homes or elsewhere, received anything but the courtesy, and every courtesy, which he could possibly receive at his own home. [Applause.]

I here upon this floor protest that there is no truth in any such allegations. And I assert this, that for the last twenty-five years no gentleman of the North ever visited the South without being treated with all the kindness and courtesy that he would have received at any locality in the North or that he would have received in his own home.

I freely admit that it is possible for a man who is devoid of the attributes of a gentleman and who seeks a quarrel in the South may succeed in his purposes in that country as well as in any other section of the land, but I utterly deny the statement that a Republican can not go all over the South as a Republican and expressing the principles of a Republican. I wish now to quote from a speech by General Warner, and I call upon my friend from Tennessee [Mr. EVANS], who heard this speech, to state if all he said is not true in every respect.

Mr. EVANS ought to be a good witness for you. He has lived in the South for twenty-five years and has been known all that time as an ex-Union soldier and an outspoken Republican. Mr. EVANS has never told me what he would answer, but I know he will state what is true, and the truth is all the vindication we desire. General Warner was a man from Ohio who had the most abundant opportunities for knowledge upon this subject. This speech was made at a reunion of the Army of the Cumberland in the city of my distinguished friend, Mr. EVANS. The speech was made to Federal soldiers.

General Willard Warner had been a gallant soldier, had fought under General Sherman, and, as I have stated, was once a Senator of the United States. He addressed the Society of the Army of the Cumberland on September 14, 1890. I hold in my hand a book containing his speech, a paragraph from which I will read:

"General Garfield said right when he said that if the soldiers had all these difficult questions to settle they would have been settled happily long ago. I have lived here in the South.

There are men here who know me as a radical Republican of the worst kind. I have lived here for sixteen years of the prime of my life, and I say it here, with pride and thankfulness, that I have yet to receive the first word or the first act of unkindness from a Confederate soldier, and I never expect to as long as I may live here.

These are words spoken by an ex-Federal general, raised in Ohio, and who as a Republican was elected to the Senate of the United States from Alabama.

He was a friend and associate of Lincoln and Garfield. He continued his speech, and emphasized his view regarding soldiers in these words:

The harsh words and language and insults come from those gentlemen, largely professional politicians, who talk now, but who shirked in the fight when fighting men were in sharp demand. And now I say confusion to them. Confounded confusion to them—to the men who now, sixteen years after we fighting soldiers have laid down our arms, would wave their red flag in the face of this sorrowing nation. Their time has gone by, and the soldiers should everywhere be heard as they are being heard to-day.

There was nothing in this speech about lack of courtesy. The people all over the South appreciate and desire the society of gentlemen, and they always give evidence of their appreciation by seeking the acquaintance and association of gentlemen whenever they are met without a thought as to their political views or whence they came. [Applause.]

Mr. OUTHWAITE. Mr. Speaker, I rise to a point of order. I desire to say that there is so much disorder upon the floor that it is impossible to hear the gentleman, sitting even as close to him as I am sitting, less than 10 feet from him.

The SPEAKER. The gentleman from Alabama will be kind enough to suspend for a moment. The Chair turned over the House to the

gentleman in a good condition of order. Will the House please be in order?

Mr. OUTHWAITE. I am in the midst of the disorder and I differ with the Speaker as to its being a good condition of order.

The SPEAKER. The gentleman from Ohio [Mr. OUTHWAITE] is only a short distance from the gentleman who is addressing the House. If gentlemen in the vicinity of the member addressing the House will have the kindness to cease conversation, and if gentlemen will have the kindness to take their seats, there will be no difficulty in hearing what the gentleman from Alabama [Mr. WHEELER] has to say. The Chair desires the attention of the House for a moment. It is utterly unjust that the Chair should take up one-half the time in keeping order for the other half. If each gentleman will bear in mind that his own conversation increases the disorder, and especially if those in the immediate vicinity of the gentleman addressing the House will bear this in mind, the Chair thinks the gentleman can be heard.

Mr. WHEELER. I call upon you, gentlemen, to remember the appeals made to you by the Southern Republicans on that side of the House. I refer to the words of warning from the gentleman from North Carolina [Mr. EWART] and the admonitions uttered by the gentleman from Louisiana [Mr. COLEMAN]. I also call attention to what was said by the gentleman from Tennessee [Mr. HOUK]. All of them told us that elections in the South were fair and honest. At least, all said they were fair and honest so far as their knowledge extended. The gentleman from Tennessee [Mr. HOUK] told you they were perfectly fair in his district.

Mr. HOUK. Will the gentleman allow me? I said that the elections were fair as far as my locality was concerned, but I did not say, and I would not say, that they were fair in all parts of the South, because I know the contrary to be the fact.

Mr. WHEELER, of Alabama. I call upon any gentleman from the South to say that elections are not fair in his district, at least as far as Democrats are connected with them. I call upon any Southern Republican to say if Democrats do not conduct elections with perfect fairness in his district; if every one, black or white, can not cast his vote with perfect freedom, and if Democratic inspectors do not count them precisely as they are cast.

I call upon the gentleman from Tennessee [Mr. EVANS] to speak out and tell his Republican associates whether their accusations against the South are true. Tell them if Democrats conduct elections fairly in his district. Tell us who is right in his statements on that subject, Mr. MASON or myself. Tell them who is right, General Warner or the gentleman from Ohio [Mr. TAYLOR] as to the deportment of Southern people towards strangers. I see the gentleman is standing and ready to reply.

The SPEAKER. There were two minutes, and the Chair did not take that out of the gentleman's time. It took more than two minutes to secure some order in the neighborhood of the gentleman.

Mr. WHEELER, of Alabama. Then I will take the two minutes. I want the gentleman from Tennessee [Mr. EVANS] to inform his party associates upon these two subjects.

The SPEAKER. The gentleman has had seven minutes, including the time consumed in the effort of the Chair to keep gentlemen still in his immediate vicinity.

Mr. EVANS. I would like to answer the gentleman's inquiry.

The SPEAKER. The gentleman's time has expired.

MESSAGE FROM THE PRESIDENT.

Messages in writing from the President of the United States were communicated to the House of Representatives, by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed acts of the following titles:

An act (H. R. 401) to provide for the purchase of a site and the erection of a public building thereon at Alexandria, in the State of Louisiana;

An act (H. R. 3940) to amend an act entitled "An act to extend the fees of certain officers over the Territories of New Mexico and Arizona;" and

An act (H. R. 9289) to provide for a term of court at Danville, Ill.

ENROLLED BILL SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 4562) to provide for the admission of the State of Idaho into the Union. [Applause.]

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. McCOMAS. Mr. Speaker, I have a privileged motion, the presentation of a conference report, but I do not want to take the time of the House by any explanation. I submit the report of the conference committee upon the District appropriation bill, and move its adoption. I will then ask leave for gentlemen desiring to print remarks upon the bill to do so, as I desire to avail myself of that privilege.

Mr. BLOUNT. Is it a unanimous report?

Mr. McCOMAS. It is a unanimous report.

Mr. McMILLIN. Would it not be better for the gentleman to withhold that report until after the special order is disposed of?

Mr. MCOMAS. It will only take a moment.

Mr. McMILLIN. I know that the order embraces it, but I think it is unfair to take up time for the consideration of this bill when it will not be delayed more than an hour or two.

Mr. MAISH. There may be matters to which there is objection.

Mr. MCOMAS. It has been unanimously reported; the report of the committee of conference has been printed in the proceedings of the Senate; it has been discussed, and it is also in a public document. I therefore ask unanimous consent to dispense with the reading of the report and move its adoption.

Mr. HOLMAN. I think the statement at least should be read.

The SPEAKER. The gentleman from Indiana demands the reading of the statement.

Mr. McMILLIN. Will not the gentleman kindly withdraw this? I know that the resolution embraces that business, but it will not take long for this special order now to be disposed of.

Mr. MCOMAS. This would take but a moment. I will say to the gentleman that the report is unanimous, and the only thing that has been in dispute has been discussed in the Senate.

Mr. HEMPHILL. Can not the gentleman from Maryland take it up after 2 o'clock?

Mr. OUTHWAITE. There is absolutely no occasion for bringing it up now, as the fiscal year is over and the appropriations have been extended.

Mr. MCOMAS. The fiscal year is ended, but it is important that the appropriation bill should be passed.

Mr. DOCKERY. I think, Mr. Speaker, in view of the fact that in December last this House passed that bill the gentleman can very well afford to let it go over for two or three hours.

Mr. MAISH. Some things in it may be objected to.

Mr. HEMPHILL. What difference would there be between two or three hours hence and now?

Mr. MCOMAS. In deference to the request of the gentleman, although I had hoped that this report would be adopted at this time, I will withdraw it for the present and bring it up immediately after the vote on the election bill.

Mr. TAYLOR, of Illinois. You can bring it up immediately after the debate is closed.

Mr. MCOMAS. I will renew the request as soon as the bill has been voted on.

FEDERAL ELECTION BILL.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, the gentleman from Alabama [Mr. WHEELER] charges me with doing injustice to the State of South Carolina, in calling in question the courtesy and hospitality of the people of that State. The gentleman is mistaken; I only stated a fact. I arrived in the city of Charleston on a Saturday night, in the last Presidential campaign, and my friend from Chicago [Mr. MASON] came a little later. We were to speak there on Monday night. I said that during our stay in the city, which lasted till the following Tuesday, that we never met or shook the hand of a single white man in the city of Charleston. No white man in the city of Charleston spoke to us or paid the slightest attention to either Mr. MASON or myself during that time, except a persevering newspaper reporter. I made no complaint of this and make no complaint now. I only mentioned it to show the feeling of the people of Charleston. During this same campaign I visited several other Southern States, where I found a very different feeling.

In all the States except South Carolina I met white men and black men, Republicans and Democrats; met them at their homes and at the hotels, on the platform and in the audience; but our stay in Charleston seemed unlike our stay in any other State. It seemed as if we were in a foreign country, under a foreign flag. They knew we were Republicans and had come there to speak, and consequently they seemed to regard us as enemies. They showed this feeling in various ways. I felt it in the atmosphere. We spoke to a very large audience from the steps of the city hall; but no white men were on the platform nor in our audience. The colored people were willing to hear us, but the white people were not.

Mr. WHEELER, of Alabama. Will the gentleman allow me to ask him a question?

Mr. JOSEPH D. TAYLOR. I have not time now. As I said before, we only met one white man in Charleston who talked to us, and that man was a newspaper correspondent. He interviewed us closely as to our mission in that State. Our arrival and departure were noted in the daily newspapers. We were spoken of courteously in the newspapers, but we were shunned and avoided on every hand by the people of Charleston. We were shown the city and the public buildings erected there by the Government, but this was done by colored men. They furnished the carriage and accompanied us (to the horror of the Charleston white people); they pointed out the places of interest; but no white man did anything of this kind. The newspapers stated, for foreign use no doubt, that the mayor and council had called upon us and offered us the freedom of the city, but they did nothing of the sort.

Mr. WHEELER, of Alabama. Will the gentleman allow me a question?

Mr. JOSEPH D. TAYLOR. Not now. We spoke from the steps of the city hall, where they are accustomed to hold their public meetings, but they put the lights out in the city hall and barred the doors. The hall was as dark as Egyptian night when we made our speeches on the steps, and every door was closed and locked. I suppose they were afraid we would steal the city records. If a few lights had been left burning it would have seemed more courteous, but the city hall was dark and deserted.

Mr. WHEELER, of Alabama. Your Republican friends were very discourteous to you when no white man spoke to you. Democrats would have treated you courteously.

Mr. JOSEPH D. TAYLOR. Democrats in some localities would, but no man, be he a Republican or Democrat, can live in Charleston and do otherwise and keep out of the poor-house, unless he has some fixed income. I had the pleasure of meeting a little later some gentlemen who are white men, and who are Democrats, who live in Charleston. They are men of wealth and have large business interests in that city, but I did not meet them in Charleston. I met them elsewhere and later, and they explained why they had not called upon us. They said that they wanted to come to the hotel and call upon us; that they wanted to show us the courtesy that members of Congress are entitled to under such circumstances, but they said they did not dare to do so. They said: "We live here, our families are here, we are in business here, and we dare not ignore the sentiment of our people. The North has no idea what Southern ostracism is. If we had called upon you or invited you into our homes, or shown our sympathy for the cause you are advocating, it would be very uncomfortable for us in this locality. The Charleston people would ostracize us in our business, and we would be ostracized, and our families would be ostracized in the church, on the streets, and in the public schools, so fatal is ostracism in the city of Charleston."

I have met some of these gentlemen from Charleston this winter in the corridors of this Capitol, and they still say what they said then, that their people are standing in their own light in depriving the colored man of his right to vote. They expressed the belief that the fraud and perjury which are now justified in maintaining white supremacy will prove a curse to their children and their children's children in the years to come.

One of those men said: "I do not care anything about politics. We all know that there is no such thing as an honest election in South Carolina, and while the methods employed defeat the Republican party and keep the Democratic party in power, this corruption that now receives our sanction will demoralize our children and bring a curse upon the rising generation."

This view was expressed by a leading citizen of Charleston, who calls himself a Democrat and who was in the Confederate army. His ancestors were Whigs and he believes in a protective tariff, as all of the gentlemen do to whom I refer, and they also believe in fair elections, and look forward with intense anxiety to the day when the shackles of Democracy will be broken in South Carolina. [Applause on the Republican side.]

Mr. HEMPHILL. I do not desire to make any reply to such stuff as that. The gentleman went down there to see the negroes and I suppose he saw them.

Mr. FRANK. Mr. Speaker, I desire to direct my attention and the attention of the House to the pending amendment of my colleague from Virginia [Mr. TUCKER]. I do not wish to direct attention to South Carolina or to Ohio, or to the black man or to the white man as such, but I desire to bring the attention of the fair-minded men of the House back to the pending amendment. As is well known I am in favor of this proposed legislation so far as its scope and purpose are to extend the operations of the supervisors' act and enlarge and strengthen it, while I am opposed to any purpose there may be in this bill to take Federal control of the elections. But I am opposed to this amendment of the gentleman from Virginia, which not only contravenes the extension of the supervisor system, but seeks to weaken the law already upon the statute-book.

The act of 1871 provides that that law shall be put in operation in any city having 20,000 inhabitants or upward upon the application of two citizens thereof, and in other places upon the application of ten citizens, and that provision of the law is mandatory. There is no discretion about it. The court is obliged to put in operation the provisions of the law whenever two citizens of a city of 20,000 inhabitants or upward apply for it. I do not know what gentlemen upon either side of this aisle mean when they say that no supervision is required in their districts. I am perfectly frank to say that supervision is absolutely necessary in the city which I have the honor to represent in part upon this floor, and I do not propose, if I can help it, to permit this amendment of the gentleman from Virginia to prevail, because, as I say, it weakens the provisions of the law already upon the statute-book. It permits a hearing upon the application before the circuit judge and the district judge sitting in banc. It permits a prolonged controversy about the matter and then a judicial decision. I very much doubt our power to vest this authority in the judiciary. Mr.

Speaker, the measure now pending before the House provides that upon the application of fifty citizens in certain Congressional districts and upon the application of one hundred citizens in certain other portions of the country (as set out in section 2) this supervision shall be put in operation. As I said before, the existing statute permits it upon the application of two citizens.

I do not believe there is wisdom in the amendment of the gentleman from Virginia, and I trust that those who are in favor, as I am, of strengthening the existing law and extending its operation, believing in its fairness and equity, will oppose the adoption of the amendment.

Mr. HEMPHILL. Mr. Speaker, if the time on the other side is exhausted, or if there is no desire to use it further, I will ask for a vote on the pending amendment.

Mr. KERR, of Iowa. One word. Another objection is that it vests a discretion in the court which makes it necessary for that court ultimately to pass upon its own action. Now, I think there would be a tendency in the mind of the judge, if he permitted supervision to be made, to decide in favor of any contest that might be made to invalidate the State count, and that, it seems to me, is a very serious objection to the proposition.

Mr. BOUTELLE. Mr. Speaker, I have listened with a great deal of interest and with a great deal more of surprise to the course of the debate upon this bill, and the reflection that has come to my mind more forcibly than any other has been that probably the history of the world presents no greater anomaly than the fact that a legislative body in a representative government should actually be devoting hours and days of its time to a discussion of the question whether there should be an equal distribution of political rights and political power throughout the constituencies of a common country.

Mr. OUTHWAITE. You propose to make it "equal" by putting it all in the hands of one party.

Mr. BOUTELLE. Mr. Speaker, the American people are an intelligent people and they understand this situation and this question. They know that, underneath all the embroidery of discussion and legal and constitutional technicality, the bare and naked question submitted to this body to-day is whether people who are by the Constitution and the laws of this Government entitled to the exercise of the right of suffrage shall be permitted and guaranteed the exercise of that right in every part of the country untrammelled and without fear or reproach. That is the precise question before the people and before this House. The talk of gentlemen who undertake to explain away the circumstances under which the gentleman from South Carolina [Mr. HEMPHILL] comes here with some 9,500 votes for him and only 27 against him, as being merely the result of an indisposition on the part of the voters to go to the polls is mere froth in this debate, when they know and we know, and the gentleman from South Carolina [Mr. HEMPHILL] himself has distinctly stated, that the question now before us is that of either permitting a majority of the people to vote or preventing them from voting, as they have been prevented in the past.

Mr. HEMPHILL. I beg the gentleman's pardon—

Mr. BOUTELLE. Do not interrupt me. You have had plenty of time.

Mr. HEMPHILL. I merely want to say that I made no such statement.

Mr. BOUTELLE. The gentleman from South Carolina distinctly stated—and I hope he will adhere to it and show the courage of his convictions for which he has been given so much credit all over the country—he distinctly stated that either the condition which now exists in South Carolina shall continue, that the conditions under which great masses of people who are entitled to vote, but who have black skins and who have been manumitted from bondage have been prevented from voting shall continue, or else the people of South Carolina whom he represents will have to leave the State, and he swears before God they will not leave the State.

Mr. HEMPHILL. I only desire to say that I made no such statement.

Mr. BOUTELLE. The gentleman can explain hereafter.

Mr. HEMPHILL. I do not want to explain, only to deny.

Mr. BOUTELLE. I want to say in this connection that we understand this question just as the gentleman has stated it. For twenty-five years it has been a part of the creed of the Republican party that every man who is a citizen of the United States should have the privilege of going to the ballot-box and expressing his will on public questions. We have been unable to carry out that doctrine; we have been unable to accomplish that great result, and why? Largely because certain gentlemen of the North have wanted us to wait and allow this question to work out its own solution.

[Here the hammer fell.]

Mr. BOUTELLE. I would like permission to say a few words more. [Cries of "Regular order!" on the Democratic side.]

Mr. MCKINLEY. I ask unanimous consent that the gentleman from Maine [Mr. BOUTELLE] may have five minutes more, to be charged to this side of the House.

Mr. OUTHWAITE. But there are not five minutes remaining to that side of the House under the agreement made a few minutes ago, there are only two minutes and a half remaining.

Mr. FRANK. We will yield the gentleman from Maine the balance of our time.

Mr. MCKINLEY. I ask unanimous consent that whatever time remains to our side may be given to the gentleman from Maine.

The SPEAKER. The gentleman from Ohio [Mr. MCKINLEY] asks unanimous consent that the gentleman from Maine—

Mr. BUCKALEW. I object.

Mr. BOUTELLE. All right; I will meet the gentleman at Philippi on some other occasion. [Laughter.]

Mr. LODGE. Mr. Speaker, is there any time left upon this side?

The SPEAKER. The time is exhausted. The first question is upon the amendment offered by the gentleman from Iowa [Mr. KERR] to the amendment of the gentleman from Virginia [Mr. TUCKER].

Mr. MILLIKEN. What is that amendment?

Mr. OUTHWAITE. Let it be reported.

The Clerk read as follows:

Amend the amendment by inserting after the word "opinion" the words "that there is danger," making it read "and if upon such hearing the court shall be of the opinion that there is danger that a free and fair registration and election will not be held," etc.

The question being taken, the amendment to the amendment was rejected.

The question recurring on the amendment of Mr. TUCKER, it was rejected.

Mr. ROWELL. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add the following as a new section, to be section 38:

It shall be the duty of the circuit judge or judges of the United States in each circuit, within one month after the passage of this act, to open a special term of the circuit court in and for such judicial district in their respective circuits as shall be most convenient to him or them; and the said court so opened and held by said circuit judge or judges shall appoint for each judicial district in their respective circuits three discreet persons of good character and standing, who shall be residents of the judicial district in and for which they are named, who shall be known as United States juror commissioners. It shall be the duty of said commissioners to organize as a board by the selection of one of their number as chairman, whose duty it shall be to preside over their meetings and to give notice from time to time to his associates of the time and place of all meetings of said board. The said board may act by a majority vote, and shall from time to time make from the qualified voters in their judicial districts a list of persons who under the laws of the United States and of the State in which they act shall be eligible for jury duty, without respect to race or color. And hereafter all panels for jurors, grand and petit, shall be drawn by said board in the presence of a district or circuit judge. All provisions of law in relation to making jury lists, or the drawing of jurors, inconsistent with the provisions of this section are hereby repealed. All vacancies which shall from any cause arise in said board shall be filled by the court making the original appointments, which court shall be held as provided herein for its holding for the making of such original appointments.

Mr. SPRINGER. I desire to ask my colleague [Mr. ROWELL] whether this amendment provides that one of these officers shall be of opposite political party to the others.

Mr. ROWELL. No, sir; there is not any politics in it. [Derisive laughter on the Democratic side.]

Mr. SPRINGER. It is all politics.

The SPEAKER. The question is on agreeing to the amendment.

Mr. SPRINGER. I desire to be heard on this amendment.

Mr. HEMPHILL. I trust we may agree upon some time during which this amendment shall be discussed.

Mr. LODGE. What time do you propose?

Mr. SPRINGER. I suggest ten minutes on each side.

Mr. HOOKER. Let us have more time than that.

Mr. BLOUNT. We have other things to discuss and vote upon.

Mr. HOOKER. Some gentlemen who desired to speak have been excluded under the arrangements heretofore. I give notice that I want to be included in any arrangement which may now be made.

Mr. HEMPHILL. I will say to the gentleman from Mississippi [Mr. HOOKER] that it is not the fault of our side that he has been excluded. We are obliged to vote on this bill to-day at 2 o'clock.

Mr. HOOKER. I understand that.

Mr. HEMPHILL. We are not responsible for this limitation of time.

Mr. HOOKER. There ought to be at least twenty minutes' discussion on each side on this amendment, which is in my judgment one of the most important amendments offered to the bill.

Mr. LODGE. This strikes me as a very important proposition; and I think we ought to have discussion for half an hour on each side.

Mr. HEMPHILL. Well, that consumes one-half of the time between now and the final vote on the bill. The understanding was clear that gentlemen on the other side should offer their amendments and then we should offer ours. They have submitted two amendments already after exhausting their time, which has taken up a very considerable portion of the time we had, and if they are going to consume the balance of the time we had just as well give up all hope of submitting any amendments at all. I think the gentleman from Massachusetts will appreciate the fact that we are absolutely at the mercy of the majority in this respect. We certainly ought to have the time which was accorded to us.

Mr. LODGE. The gentleman suggested ten minutes, but I think that is too short a time.

Mr. HEMPHILL. Then say fifteen minutes on a side.

Mr. LODGE. Very well; that will be agreeable to me.

Mr. HEMPHILL. Then we will make it fifteen minutes, if agreeable to the House.

Mr. BRECKINRIDGE, of Kentucky. Before the debate begins I desire to submit a point of order on the amendment.

On yesterday the provision in the bill as to juries was stricken from it, so that now there is no provision at all embodied in the bill having reference to that subject. The point of order I submit is that the machinery of the jury, and the mode of fixing a jury, either legitimately or illegitimately, of packing a jury or legitimately making up a jury, is not germane to an election bill. It does not form any part of the election machinery; it is not germane to the election of members of Congress, and is not relevant in any way to the matter pending. I submit the point of order ought to be sustained; and that there is nothing in our rules or anything which governs us which makes the mode of fixing a jury, or selecting a jury, or obtaining a jury in the circuit courts of the United States a proper part of the machinery of the election of members to the House of Representatives.

The SPEAKER. The Chair overrules the point of order.

Several MEMBERS. Take an appeal.

Mr. BRECKINRIDGE, of Kentucky. I will not take an appeal from the decision, because I do not wish to consume the little time remaining.

The SPEAKER. The gentleman from Massachusetts and the gentleman from South Carolina ask unanimous consent that the debate be limited to fifteen minutes on each side. Is there objection?

There was no objection.

Mr. HEMPHILL. I desire now to yield five minutes to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER. Mr. Speaker, I desire to say in continuation and conclusion of the remarks that I had begun last night, and did not then complete, after I had read extracts from the speech of Mr. Prentiss made on the occasion of his contested-election case in the Twenty-fifth Congress, advancing an argument in that connection which has never yet been answered and, in my judgment, never can be answered, that under the grant of powers to the Federal Congress to pass election laws the primary power in that regard had been conferred on the States, using imperatively the language that the States "shall" pass election laws or laws prescribing the time, place, and manner of choosing members of the House of Representatives. It was not a grant of power to the State, but it was the imposition of a duty on the State and the requisition of a certain duty from the State in that respect. It was not a grant of power, because that convention was acting by States upon the subject under discussion at the time, adopting the various articles of the Constitution submitted to it; and it was left to the States to pass upon the final adoption of the Constitution, nine of them having the power to adopt it, thus placing it entirely and absolutely within the control of four of the smallest States of the original thirteen to defeat it.

More than that, Mr. Speaker, when we come to scan the language of the provision of the Constitution of the United States the word "shall" is used in conferring this power upon the States or imposing this duty upon them; but when you come to look for the power conferred upon the Federal Government in that connection it uses the permissive word "may"—Congress "may" make, alter, or amend such regulations. Now, if it was the intention of the framers of the Constitution and of the States which adopted the Constitution to clothe Congress with the power to pass Federal election laws which should have binding force within the States they would have said so in plain words and not confused the question by granting absolute power primarily to the States and secondarily permissive power to the Congress of the United States.

What is meant by the word "alter" when the language used is "Congress may make, alter, or amend?" Alter what? Alter a law already in existence, passed by the several States? When they said "make" in the same connection what did they mean? They meant that if the States failed to obey the constitutional requirements to make laws, or if they made imperfect laws, Congress might make, alter, or amend, because the power is primarily granted, I insist, to the States, and Congress is given the power only in the event of the failure on the part of the States to exercise this power. It was not contemplated by the framers of the Constitution that Congress should exercise it, except to alter imperfect laws or to make a law where none had been made by the States.

That this plain and obvious meaning is manifest, I maintain is clearly established by a common-sense construction of that instrument and by the extracts from Mr. Prentiss's speech, to which I have already referred, in which he alludes to the power of Congress in that regard. Seven of the great States of the Union, a majority of the original thirteen, with New York, Pennsylvania, and Massachusetts at the head of them, ratified this Constitution solely on the ground that they protested against this particular phrase giving the Congress of the United States power to alter, change, or make the law. They ratified it under protest, and instructed their delegates to insist on the repeal of the power thus conceded, for fear it might be perverted to take away the power already given the States; and it never has been exercised up to this time. But when the proposition was made to make this law general in its application the honorable gentleman in charge of the bill, its reputed and supposed author, the gentleman from Massachusetts

[Mr. LODGE], did not dare to apply it to the great States of the North, including New York, Pennsylvania, and to his own Bay State (Massachusetts). He would have put his head into the lion's mouth rather than to undertake to apply this law to the people of his own State.

But, gentlemen, what are you doing? You are the Representatives of the people of the United States. You are their servants. They send you here, and you now propose to turn around and with the voice of masters say to the people who sent you here, "You have not adopted proper laws in the respective States under the Constitution; we, your servants, will establish new and different methods of choosing the Representatives of the people, other than those you have adopted. We direct you how you shall proceed; we speak to you, our masters, in the voice of a master, and direct the manner to be adopted within your respective States for choosing your own Representatives, and you shall have only such laws in that regard as we choose to make; and particularly the Southern States, where this law is to be applied, we will treat as provinces; we will send our satraps and supervisors there to direct the course of the elections, because we do not propose to trust the people there to control their own domestic affairs."

Why, therefore, are you attempting to make this change in the Constitution and in the laws of election? Because you hear the rumblings of the coming storm which will overtake you on the 15th of November, when you will be called to account by the people for this effort to usurp the power of the States and centralize it in the Federal Government of the United States; and thus by a bold and defiant step perpetuate the power and permanency of the Republican party in this House. It is arranging the machinery of elections on a partisan basis, boldly and flagrantly announced by the advocates of this bill, with a view to set aside the elections held in November next for Representatives in this House and clothe the Republican members whose seats may not be contested with the power to organize the House and admit such members as their satraps and party tools may certify to be elected from the Southern States, for whom, and for whom alone, this bill is designed and intended.

Mr. ROWELL. Mr. Speaker, I have noticed that there are always compensations in nature. Our friends on the other side always rejoice over the elections before they are had, and we rejoice afterward, and so both sides get a good chance at rejoicing. [Laughter on the Republican side.]

Mr. OUTHWAITE. Oh, talk about your amendment, will you?

Mr. HEMPHILL. It will depend very much on whether you win or lose whether you rejoice after the next election, and I do not think you will do any rejoicing.

Mr. PEEL. You will rejoice over the certification after this if you rejoice at all.

Mr. ROWELL. I do not care to answer the gentleman who has just taken his seat further than to say that under the present law two citizens of any city of 20,000 inhabitants can put the supervisor system in operation. Ten citizens in any Congressional district can do it, North or South, in any Congressional district. Under this law which is now proposed to be passed it takes one hundred citizens in a city, one hundred citizens in a Congressional district, and fifty citizens in a county. But, Mr. Speaker, I desire to address myself to the amendment.

Mr. CRISP. Mr. Speaker—

Mr. ROWELL. I shall have to be excused.

Mr. CRISP. I only wish to ask my friend—

The SPEAKER. The gentleman from Illinois declines to yield.

Mr. CRISP. The gentleman from Illinois introduces an amendment and then says nothing about the amendment, but talks about other matters. We want to understand what he proposes by his amendment.

Mr. ROWELL. I desire to address myself to the amendment now pending. I said yesterday it ought to be the desire of every man on both sides of the House to get into the jury-box of the United States court an impartial jury, that would mete out equal and exact justice, under the instructions of the court, to all parties litigant. Therefore it was desirable that the elements of partisan politics should be eliminated from the matter of the selection of jurymen. I said that under the present statute, for the first time in our history, partisan politics was injected into the jury-box by the appointment of a jury commission one of whom should be the clerk of the court, the other a citizen appointed, of opposite political affiliations. So it has been since the enactment of that law an understood thing that jurymen when called to the United States court understand that they are called to represent the political parties to which they belong. Now, the proposition of this amendment is that the court shall appoint a jury commission of three discreet, honorable men, and that that commission shall be the jury commission for that court, to select in the presence of the court the men who are to be aids to that court in reaching correct conclusions of facts in all matters brought before the court. It is in accordance with the system of several of the States. It is absolutely as fair as it is possible to make a jury commission. The court is not restricted to one political party or another. He is simply required to appoint citizens whom he shall deem fit and proper for that purpose. And if there is any judge in the United States that does not know that upon his jury, their intelligence, their uprightness, and their impartiality

depends the success of any term of court, then that man is not fit to sit upon the bench. And I do hope that all men on both sides of the House—

Mr. OUTHWAITE. No, you don't.

Mr. ROWELL. And I do hope that all men on both sides of the House who desire that we may eliminate partisan politics from the jury-box will heartily and earnestly support this amendment that is offered, laying aside party predilections in the effort to get an honest and impartial jury system.

Mr. McMILLIN. Mr. Speaker, I would like to ask the gentleman, before he takes his seat, what hardship has grown out of the present system that he proposes to remedy by this change in the law.

Mr. ROWELL. I answered yesterday that it was the experience of all lawyers trying cases in the United States courts involving partisan questions that juries divide upon party lines, and that is the history of the operation of the present law.

Mr. McMILLIN. You want to convict, right or wrong, do you?

Mr. TUCKER. Yesterday your side of the House voted down a proposition that would remedy that.

Mr. HEMPHILL. I yield five minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, if anything could amaze an American citizen at such a time as this it would be such a proposition as this, submitted to the representatives of the American people for their approval. This proposition assumes that all the virtue, and all the intelligence, and all the honesty in the country abide with Republicans and the Republican party. And the gentleman who proposes it suggests that it is for the purpose of having an impartial jury, when he knows, and everybody knows who knows anything about this question, that the object of this amendment is to pack the juries of the country with Republican partisans. Under this bill the opportunities for fraud by Republican officials are unlimited. I have seen the operations of Federal supervisors and marshals in various parts of the country, and I know that if there is anything more than another that they need it is just this kind of a jury system, so that when they have committed outrages upon the people they can be protected by Republican courts and partisan juries.

Mr. Speaker, I can not understand why gentlemen upon the other side of this House can ask this Congress to indorse a proposition of this kind. My colleague says that the present system has been tried and proved a failure. To his remark I desire to say that a United States court meets in the town where I live, and that the present jury system has worked to the perfect satisfaction of every citizen, so far as I have heard, and it will always work to the satisfaction of the people. The commissioner appointed under the present law is of opposite politics to the clerk, is appointed by the judge, and if you assume that the judge will not appoint honest men for this work, you assume that there is not an honest man in the Democratic party who is capable of the work, nor an honest judge in the Republican party that could appoint such a commissioner.

Now, Mr. Speaker, this proposition is the culmination of the outrage contemplated in this bill, an outrage which will cause the blush of shame to come to every member of this House hereafter who supports it, when he shall look back at the fruit of his own efforts in behalf of this bill. [Applause on the Democratic side.]

I have no patience, Mr. Speaker, to speak of this measure. I have no patience to contemplate the stupendous wrong, oppression, and outrage which are contemplated and concealed in it. Gentlemen may suppose that they can commit all sorts of offenses against popular liberty and go unwhipped of justice; but I warn them that they but teach bloody instructions, which being taught will return to plague the inventors. [Loud applause on the Democratic side.]

This bill is an assault on popular government. It impeaches the intelligence, integrity, and the patriotism of the American people, and implies that the voters of this country are not capable of holding an honest election, and consequently Congress will send Federal satraps and officials to supervise, scrutinize, and control their elections, and pay all the expenses out of the Federal Treasury. [Loud applause on the Democratic side.] This bill, Mr. Speaker, is intended to perpetuate the ill-gotten power of the Republican party in this House and in the country. [Loud applause on the Democratic side.]

[Here the hammer fell.]

Mr. BOUTELLE. Mr. Speaker, when I was cut off a short time ago by a very characteristic exhibition of Democratic courtesy, I was about remarking that the people of this country have tacitly consented to a condition of things which is well known to have existed for nearly twenty-five years in one portion of our country in regard to the suppression of the suffrage. There has been a remarkable toleration, a suspension of the exercise of the power which the Government could exercise, and which I believe it should long ago have exercised in behalf of its citizens, and this delay has been largely based upon the idea that obtained in some portions of the North that time would bring a healing of these difficulties; that the Southern people, if left to themselves, would finally come to the conclusion that in a Republican Government it would be best for them, as well as best for the rest of the people, to recognize the authority of the Constitution and the laws of our country.

The most discouraging episode, Mr. Speaker, in the whole history of our dealing with this question, or rather of the failure to deal with it, was the illustration furnished at the very inception of this debate that we must wait longer than one generation for the people of the Southern States to rise to a just and proper recognition of the rights of American citizens at the polls. I could have some patience with gentlemen who, having thrown themselves into the vortex of rebellion and found themselves whirled along by its remorseless tide, have been unable to wrest themselves from the associations thus formed or to abandon doctrines and practices with which they have so long been associated; but, Mr. Speaker, we have been shown by this debate that the hopes held out to us that the rising generation of the South would reach a higher, a nobler, and a broader plane upon this question than the men who have been controlled by the traditions of the sorrowful past are no longer to be entertained. When in this debate the protest of that side of the House against the right of every citizen of the United States to have the privilege of a free ballot and a fair count was opened by the gentleman from South Carolina [Mr. HEMPHILL], who was only twelve years of age when the war broke out, who was skylarking with his darky playmates while I and others of my countrymen were keeping the weary vigils of the blockade, or patrolling the waters of South Carolina and Georgia, or guarding the flag and the perpetuity of the Union in Tennessee, Georgia, Louisiana, and elsewhere in order to preserve seats in this body to be occupied by the Representatives of the people of South Carolina; when we found that gentleman, representing the new generation of the South, standing here reiterating the old slogan, the old watchword, the old war-cry of John C. Calhoun; when we heard the representative of the young men of South Carolina to-day reaffirming the doctrine of nullification on the floor of this House and inviting witness of the eternal God, declaring in substance that whatever the American people in their majesty, that whatever the American Government in its power may attempt to do to secure to American citizens the rights guaranteed them by the organic law it shall stand for naught, so help him God, on the soil of South Carolina, I say, gentlemen of the North, the time for toleration has gone by! [Loud applause on the Republican side.] They have held out the word of promise to the ear and broken it to the hope. They have profited nothing by the lessons or the opportunities or the magnanimities of the days gone by. A generation has passed while we have permitted American citizens to be deprived of their rights in the South; it has been a disgrace to our own manhood every hour that we have tolerated this degradation of citizenship. To-day we are told we need not have any hope for a better condition of things at the hands of the young men in the South; and therefore I appeal to young and old in the North and wherever there is loyalty to the Constitution and the law to declare that this condition of things shall now come to an end! [Loud applause on the Republican side.]

[Here the hammer fell.]

Mr. HEMPHILL. I yield five minutes to the gentleman from Texas [Mr. CULBERSON].

Mr. CULBERSON, of Texas. Mr. Speaker, the amendment of the gentleman from Illinois [Mr. ROWELL], if I understand it, provides that the circuit court of the United States for each judicial district shall be open one month after this bill shall have become a law for the purpose of appointing jury commissioners. Now, I wish to submit to him and to the House that a circuit court of the United States may be held by a circuit justice, one of the judges of the Supreme Court, or by a circuit judge, or by a district judge, or by two of those judges sitting together. The amendment of the gentleman from Illinois provides that after the court is opened it shall appoint these jury commissioners for each judicial district.

I propose to offer an amendment inserting these words, "two judges concurring in the appointment," so that when the circuit judge, or the circuit justice, or the district judge opens the circuit court for the purpose of appointing jury commissioners two of the judges who compose the court shall be present and shall concur in the appointments. By this means we will have a circuit justice and a circuit judge concurring in the appointment, or a district judge and a circuit judge, or the district judge and a circuit justice. If the object is a fair one—and I do not question the gentleman's motives at all—if the object is a fair one, this amendment ought to be adopted, and when it is adopted the power will still remain under the gentleman's amendment to construct the jury in each district solely out of his own party friends, if such advantage is desirable. If this proposition is a party scheme to provide partisan jurors, my amendment will not prevent its execution, but will give it more dignity than the original amendment possesses.

Another thing. Under the laws, as they exist to-day, four-fifths of the judicial districts are divided into divisions. In some districts there are three divisions, and the jury for one division can not sit in the trial of a cause in another division of the same district; but the amendment of the gentleman from Illinois makes no provision to meet a case like that. I offer the amendment I have stated, to come in after the word "appoint," and I yield back the balance of my time to the gentleman from South Carolina. Let the amendment be read.

The amendment was read, as follows:

Insert after the word "appoint," the following: "two judges concurring in the appointment."

Mr. TAYLOR, of Tennessee, rose.

Mr. CULBERSON, of Texas. Mr. Speaker, has my time expired?

The SPEAKER. The gentleman's time has expired.

Mr. HEMPHILL. Has the whole of the time on this side expired?

The SPEAKER. It has expired. The gentleman from Tennessee [Mr. TAYLOR] has the floor.

Mr. TAYLOR, of Tennessee. Mr. Speaker, I can not hope in the time allowed me under the rule to discuss as I would wish in detail the bill now pending before this House. I must be content, therefore, with the presentation of the few general observations I may be able to crowd into so short a time.

In all the history of legislation for the past twenty-five years I can not conceive of a measure of greater moment to the people of this country than the measure under consideration, involving as it does the sacred rights of American citizens and the safety and perpetuity of our republican institutions.

In the district I have the honor to represent on this floor, although in the South, fraud and intimidation in elections are unknown. [Applause.] There is no necessity for the passage of this bill so far as the First district of Tennessee is concerned.

The descendants of the sturdy mountaineers who, under the leadership of Sevier, Campbell, and Shelby, struck the death-blow to the British army at King's Mountain and turned the tide of the Revolution, my people are the sons and daughters of their fathers and the blood has never turned back in their veins. [Applause.] Fidelity to the American Union, love of liberty, reverence for the American flag, has ever been the prevailing sentiment among them, and they are as free to-day as the air they breathe, enjoying, in fullest measure, every blessing conferred by the Constitution of the United States. [Applause.]

But the question in my mind is whether it is fair, whether it is patriotic or statesmanlike to withhold a benefit from my fellow-citizens elsewhere, who need it, simply because it may not be a benefit to my district. I am prepared to answer in the negative. [Applause on the Republican side.] A contrary conclusion, it seems to me, would be illiberal, unfair, unpatriotic, and unstatesmanlike. Bribery in elections North and South, the perpetration of frauds, the rifling and stuffing of ballot-boxes, and the intimidating of voters in some of the Congressional districts in the Union are matters which have become so notorious that they are now known of all men, and their denial would be worse than folly.

The fact, as stated by my distinguished friend from Michigan [Mr. BURROWS], in his able and eloquent speech on this question, that the delegate from Dakota received more votes by 10,000 than twenty-five members from the South who voted against the admission of that Territory as States in the Union, is crowning evidence—irresistible and inexplicable—that there is something radically wrong somewhere.

The distinguished gentlemen on this side of the House who have been accorded the time to discuss these questions *in extenso* have shown from day to day during the progress of this debate, as clearly and forcibly as it is possible for language and figures to show, the frequency and enormity of these outrages; have shown to what depths of degradation and dishonor our boasted elective system has been ruthlessly dragged; have demonstrated the absolute necessity for this law or some other law, and their arguments stand unanswered to this good hour and their statements unassailed.

But the Democratic party, true to its history, ever ready in the past, under any and all circumstances, to array itself in opposition to all great measures of reform, as well as of finance, originated and proposed by Republican statesmen, comes forward now in solid phalanx to oppose and to attempt to defeat a bill the sole object of which is to secure honest elections wherever they are found to be dishonest, and to punish ballot-box thieves and bribe-givers and bribe-takers throughout the land.

These gentlemen on the other side of the House tell us that there is no necessity for the enactment of this bill into law, and yet they do not pretend to deny the existence of the evils complained of which the bill is intended to remedy. Past wrongs can not be righted, but a repetition of them in the future can be prevented. Whether this bill, if it shall become a law, will bring about the results hoped for or not is to be tested in the future.

It is not as perfect as some of us desired. It is not the bill some of us wanted. Some of us desired even a stronger law. But we yielded, not to the crack of the whip of our alleged masters, not to the party lash as charged, but in a spirit of concession, of compromise, we yielded and accepted this bill. It may not accomplish the purposes for which it is intended, but it can and will be made stronger and more effective in the future if it fails now. The American people are behind the movement, and a free ballot and a fair count they must and will have at all hazards and at any cost.

It is claimed on the other side that it is a partisan measure. Sir, I would not by any vote of mine pass a law in the interest of one class of our people as against another class. I would not for my right arm cast a vote here for a law that would tend to foist one race of our people over another in any part of this country. God forbid that I should be actuated by any such motive.

It is only the sanctity of the ballot-box I seek to preserve, the integ-

ity, dignity, and sovereignty of American citizenship I seek to maintain. Let us secure the accomplishment of this grand result and all other problems will work out their own solution as the God of nations may direct in His own good time. [Applause.]

Mr. Speaker, in view of the situation, what is the duty of the hour? The duty of the hour is for the representatives of the people to invoke by law the strong right arm of the Federal power and let it be wielded until every man in every city, town, township, parish, and precinct in every State, North, South, East, and West, be that man rich or poor, high or low, Republican or Democrat, white or black, shall be as free under the flag as the air which floats it, protected in the exercise and enjoyment of every privilege, immunity, and franchise guaranteed by the Constitution to every American citizen. [Applause on the Republican side.]

Do gentlemen on the other side tell us that this will cost money—millions of money—and that therefore it must not come to pass?

I say, in the name of liberty and of law, perish money, perish property, perish life itself! Save the sanctity of the ballot-box! Survive the Government of the people! Preserve the unity and sovereignty of the American Republic! [Prolonged applause on the Republican side.]

The SPEAKER. The question is upon agreeing to the amendment of the gentleman from Texas [Mr. CULBERSON] to the amendment of the gentleman from Illinois [Mr. ROWELL].

The amendment to the amendment was not agreed to; there being—ayes 134, noes 139.

The SPEAKER. The question is now upon agreeing to the amendment submitted by the gentleman from Illinois. [The question was put.] The ayes seem to have it.

Mr. BUCKALEW, Mr. TUCKER, and others called for tellers.

Tellers were ordered; and Mr. ROWELL and Mr. TUCKER were appointed.

The House again divided; and the tellers reported—ayes 146, noes 143.

The SPEAKER. On this question the ayes are 146, the noes 143; and the amendment is agreed to. [A pause.]

Mr. STRUBLE was recognized and addressed the Chair.

Mr. WHEELER, of Alabama. Yeas and nays.

The SPEAKER. The House will be in order.

Mr. SPRINGER. Yeas and nays.

Mr. HEMPHILL. There is a demand for the yeas and nays on this question.

Mr. SPRINGER. Let us have the yeas and nays.

The SPEAKER. The announcement was made, and the Chair thinks it is now too late to demand the yeas and nays.

Mr. WHEELER, of Alabama. I demanded the yeas and nays almost immediately upon the announcement.

Mr. LODGE. Oh, let us have the yeas and nays.

The SPEAKER. By unanimous consent, the yeas and nays can be ordered.

Mr. OUTHWAITE. Upon the demand of a constitutional number of members they must be ordered.

Mr. SPRINGER. Inasmuch as we have not proceeded with other business and as there was great confusion, a number of gentlemen having asked for the yeas and nays and the Speaker not having heard the demand, which I know the gentleman from Alabama and others made, I think we are entitled to the yeas and nays.

The SPEAKER. The Chair is obliged to decide this question in accordance with the rules.

Mr. OUTHWAITE. I ask that gentlemen in favor of ordering the yeas and nays stand up. [A number of members on the Democratic side rose.] Mr. Speaker, the gentlemen standing ask for the yeas and nays on this question.

The SPEAKER. The vote has already been declared.

Mr. SPRINGER. We want it declared according to the Constitution.

Mr. OUTHWAITE. We could not ask for the yeas and nays until the result was announced.

The SPEAKER. It can be done only by unanimous consent.

Mr. MCKINLEY. I hope there will be no objection if they want the yeas and nays.

The SPEAKER. Is there objection? The Chair hears none.

Mr. CRISP. We demand the yeas and nays as our right under the Constitution.

The SPEAKER (Mr. CRISP speaking at the same time). Under the unanimous consent of the House the Chair puts the question on ordering the yeas and nays. As many as are in favor of ordering the yeas and nays will rise in their places and stand until counted. [A pause.] In the opinion of the Chair a sufficient number have risen. The yeas and nays are ordered. The Clerk will call the roll. [Applause on the Democratic side.]

The question was taken; and it was decided in the affirmative—yeas 150, nays 144, not voting 34; as follows:

YEAS—150.

Adams,	Atkinson, Pa.	Bayne,	Bergen,
Allen, Mich.	Atkinson, W. Va.	Beckwith,	Bingham,
Anderson, Kans.	Banks,	Belden,	Bliss,
Arnold,	Bartine,	Belknap,	Boothman,

Boutelle,	Flick,	McComas,	Sawyer,
Bowden,	Flood,	McCord,	Scranton,
Brewer,	Funston,	McDuffie,	Seull,
Brosius,	Gear,	McKenna,	Smith, Ill.
Brower,	Gest,	McKinley,	Smith, W. Va.
Buchanan, N. J.	Gifford,	Miles,	Snider,
Burrows,	Greenhalge,	Milliken,	Spooner,
Burton,	Grosvener,	Moffitt,	Stephenson,
Butterworth,	Groulx,	Moore, N. H.	Stewart, Vt.
Caldwell,	Hall,	Morey,	Stockbridge,
Candler, Mass.	Hansbrough,	Morrill,	Struble,
Cannon,	Harmer,	Morrow,	Taylor, Ill.
Carter,	Haugen,	Morse,	Taylor, J. D.
Caswell,	Henderson, Ill.	Mudd,	Taylor, Tenn.
Cheadle,	Henderson, Iowa	Niedringhaus,	Thomas,
Cheatham,	Hermann,	Nute,	Thompson,
Cowstock,	Hill,	O'Donnell,	Townsend, Colo.
Conger,	Hitt,	O'Neill, Pa.	Townsend, Pa.
Connell,	Hopkins,	Osborne,	Turner, Kans.
Cooper, Ohio	Houk,	Payne,	Vandever,
Craig,	Kelley,	Perkins,	Van Schaick,
Culbertson, Pa.	Kennedy,	Peters,	Waddill,
Cutcheon,	Kerr, Iowa	Post,	Wade,
Dalzell,	Ketcham,	Pugsley,	Walker, Mass.
Darlington,	Kinsey,	Quackenbush,	Wallace, Mass.
De Lano,	Knapp,	Raines,	Wallace, N. Y.
Dingley,	Lacey,	Randall,	Watson,
Dolliver,	La Follette,	Ray,	Wickham,
Dorsey,	Laidlaw,	Reed, Iowa	Williams, Ohio
Dunnell,	Lansing,	Rife,	Wilson, Ky.
Evans,	Laws,	Rockwell,	Wright,
Farquhar,	Lind,	Rowell,	Yardley.
Featherston,	Lodge,	Russell,	
Finley,	Mason,	Sanford,	

NAYS—144.

Abbott,	Cowles,	Lanham,	Quinn,
Alderson,	Crain,	Lawler,	Reilly,
Allen, Miss.	Crisp,	Lee,	Richardson,
Anderson, Miss.	Culbertson, Tex.	Lehlbach,	Robertson,
Bankhead,	Cummings,	Lester, Ga.	Rogers,
Barnes,	Dargan,	Lester, Va.	Rowland,
Barwig,	Davidson,	Lewis,	Rusk,
Blanchard,	Dibble,	Magner,	Sayers,
Bland,	Dickerson,	Maish,	Shively,
Blount,	Dockery,	Mansur,	Skinner,
Boatner,	Dunphy,	Martin, Ind.	Springer,
Breckinridge, Ark.	Edmunds,	Martin, Tex.	Stahneck,
Breckinridge, Ky.	Elliot,	McAdoo,	Stewart, Tex.
Brickner,	Ellis,	McCarthy,	Stockdale,
Brookshire,	Enloe,	McClammy,	Stone, Ky.
Brown, J. B.	Fithian,	McClellan,	Stone, Mo.
Brunner,	Flower,	McCreary,	Stump,
Buchanan, Va.	Forman,	McMillin,	Tarsney,
Buckalew,	Forney,	McRae,	Tillman,
Bullock,	Fowler,	Mills,	Tracey,
Bunn,	Geisshainer,	Montgomery,	Tucker,
Bynum,	Gibson,	Moore, Tex.	Turner, Ga.
Campbell,	Goodnight,	Morgan,	Turner, N. Y.
Candler, Ga.	Grimes,	Mutcher,	Vaux,
Carlton,	Hare,	Norton,	Venable,
Caruth,	Hatch,	O'Ferrall,	Washington,
Catchings,	Hayes,	O'Neill, Ind.	Wheeler, Ala.
Chipman,	Haynes,	Outhwaite,	Whiting,
Clancy,	Heard,	Owens, Ohio	Whitthorne,
Clarke, Ala.	Hemphill,	Parrett,	Wike,
Clements,	Henderson, N. C.	Paynter,	Wilkinson,
Clelie,	Herbert,	Peel,	Willcox,
Cobb,	Holman,	Pennington,	Williams, Ill.
Cooper, Ind.	Hooker,	Perry,	Wilson, Mo.
Cothran,	Kilgore,	Pierce,	Wilson, W. Va.
Covert,	Lane,	Price,	Yoder.

NOT VOTING—34.

Andrew,	Ewart,	Phelan,	Stivers,
Baker,	Fitch,	Pickler,	Sweeney,
Biggs,	Frank,	Reyburn,	Taylor, E. B.
Browne, T. M.	Kerr, Pa.	Seney,	Walker, Mo.
Browne, Va.	McCormick,	Sherman,	Wheeler, Mich.
Clark, Wis.	Oates,	Simonds,	Wiley,
Cogswell,	O'Neill, Mass.	Smyser,	Wilson, Wash.
Coleman,	Owen, Ind.	Spinola,	
De Haven,	Payson,	Stewart, Ga.	

So the amendment of Mr. ROWELL was adopted.

Mr. SMYSER (during the roll-call). I am paired with my colleague, Judge SENEY. If he were present, he would vote "no" and I should vote "ay."

The following-named members were announced as paired until further notice:

Mr. CLARK, of Wisconsin, with Mr. WALKER, of Missouri.
 Mr. EZRA B. TAYLOR with Mr. PHELAN.
 Mr. REYBURN with Mr. KERR, of Pennsylvania.
 Mr. McCORMICK with Mr. OATES.
 Mr. SMYSER with Mr. SENEY.
 Mr. SHERMAN with Mr. WILEY, on the election bill. Mr. SHERMAN would vote for and Mr. WILEY against it.
 Mr. SIMONDS with Mr. EWART, on the election bill. Mr. SIMONDS is for and Mr. EWART against the bill.
 Mr. DE HAVEN with Mr. BIGGS.
 Mr. PAYSON with Mr. ANDREW, until 1.20 o'clock to-day.
 Mr. STIVERS with Mr. STEWART, of Georgia, until Thursday next.
 Mr. COGSWELL with Mr. O'NEIL, of Massachusetts, for one week from June 30.
 Mr. BAKER with Mr. SPINOLA, for three weeks.
 Mr. WALKER, of Missouri. Mr. Speaker, I desire to announce that I am paired with the gentleman from Wisconsin, Mr. CLARK. If he were present, I should vote "no."

Mr. CUMMINGS. I have just received a dispatch from my colleague, Mr. FITCH, saying that he is ill and unable to travel by rail; that he has been forbidden by his doctor to come to Washington to-day, which he greatly regrets. Mr. FITCH is paired with the gentleman from Michigan, Mr. WHEELER, but if present and voting, would vote "no" on this proposition.

Mr. FLOWER. My colleagues, Mr. WILEY and Mr. SPINOLA, are absent sick, both being paired.

Mr. ANDREW. I am paired with the gentleman from Illinois, Mr. PAYSON. If he were present, I should vote "no."

Mr. HEMPHILL. I ask unanimous consent to dispense with the reading of the names.

There was no objection.

The result of the vote was then announced as above recorded.

Mr. HEMPHILL. I desire to offer the amendment I send to the desk.

The Clerk read as follows:

On page 54, section 32, line 12, after the words "United States," insert "except section 1989 of the Revised Statutes of the United States."

Mr. HEMPHILL. I will state to the gentleman from Massachusetts that this relates to the use of the Army or Navy at the polls. This provision, as it is in the bill, proposes to give to the supervisors, as I understand it, the right and the power, heretofore conferred upon the President of the United States, to use the Army or the Navy of the United States at the polls, or in carrying out whatever instructions or orders they may give; and this is to eliminate from the section that one provision of the law, as you undertake to re-enact it here.

Mr. LODGE. I want to examine the section to which this refers, before answering the gentleman.

Mr. McKINLEY. Does the gentleman propose to repeal this section?

Mr. HEMPHILL. No, sir. That section of the statutes provides that the President may use the troops of the United States in enforcing any warrant or executing any writ of a court.

Mr. LODGE. And your amendment repeals it?

Mr. HEMPHILL. Oh, no; it excepts it merely from the operation of this section.

Mr. LODGE. But, as I read it, it includes it in the repealed sections.

Mr. McKINLEY. Let the amendment be again read.

The amendment was again reported.

Mr. HEMPHILL. Now, if the gentleman will read the section he will find that it re-enacts all of the United States statutes relating to civil rights, the elective franchise, etc., and among other things reference being made to this section 1989, which is intended and does authorize the President to use whatever power may be necessary to enforce the decrees of the courts. This section proposes to put it into this bill, so that the supervisors can do, in carrying out whatever instructions may be given to them, what the President of the United States has heretofore been authorized to do; that is, to carry out the mandate of the court by using the armed forces of the United States.

Mr. BLOUNT. If the gentleman from South Carolina will allow me?

Mr. HEMPHILL. Certainly.

Mr. BLOUNT. Let me suggest to the gentleman if it does not do this: make this section applicable to the provisions of this act, giving power to these Federal officials, and leading to the consequences indicated by my friend from South Carolina.

Mr. HEMPHILL. That is it.

The section as now embodied in the law provides:

It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under any of the preceding provisions, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of this title.

Mr. ROWELL. This provision of the bill reads:

And all sections of Title XX of said Revised Statutes, entitled "The Elective Franchise"—

Mr. HEMPHILL. This comes under that title or under the title of "Civil Rights."

Mr. HERBERT. That section 1989 read by the gentleman from South Carolina refers in the latter part of it to such powers as shall be necessary—

to prevent the violation and enforce the due execution of the provisions of this title.

Now look at section 1980, which is a part of the provisions covered by this title, and you find these words:

Or if two or more persons conspire to prevent, by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a lawful manner toward or in favor of the election of any lawfully qualified person as an elector for President or Vice-President or as a member of Congress of the United States.

Section 1989 authorizes the use of troops to prevent any of the crimes denounced in this title, and one of the crimes denounced is a conspiracy to prevent any person from giving his support or advocacy in a lawful manner towards the election of any person as a member of Congress.

Taking the two sections together, then, they do give power to use

troops at the polls, because in no other way could you prevent the commission of the crimes denounced in this section.

Mark the use of these words in section 1989, "to prevent the violation"—that is, to anticipate and by the use of the Army to "prevent" conspiracies to intimidate voters or conspiracies of any kind to deprive voters of their rights. The Army, of course, can only be used to prevent crimes of this character by having it at the polls. It could not prevent such crimes unless it should be brought to the spot, and that of course is what is meant. The putting of this section into a bill regulating elections means that it is part of the election law, part of election machinery provided in the bill. The chief supervisor is the executive officer of this machinery, and it necessarily follows that he is the person to whom is to be delegated the power spoken of in section 1989 to use the Army and Navy of the United States.

Mr. OUTHWAITE. In other words, the present law provides that this authority shall rest in the President of the United States. This bill takes it from the discretionary power of the President and places it in the hands of the supervisors of election to use the Army or the Navy to enforce, in the election where members of Congress are to be chosen, the orders of the supervisors of election and endanger a conflict between the State troops and the United States troops. The President of the United States has been considered heretofore as having ample authority to issue any edict which was necessary in the premises. But this amends that power so as to place it in the hands of the supervisors of election to do as they please. They may simply issue their edict or arbitrary mandate and have it enforced.

Mr. MILLIKEN. Does the gentleman propose to nullify the law?

Mr. HEMPHILL. Before going into the debate let me see if we can not reach some understanding as to the time.

Mr. OUTHWAITE. Let me say in this connection that I am in favor of the President of the United States exercising this authority, and not some irresponsible Republican official.

Mr. McKINLEY. Let me ask the gentleman from South Carolina—

Mr. HEMPHILL. I would rather, if the gentleman from Massachusetts is prepared, that we should agree on some time before proceeding.

Mr. LODGE. This is the introduction of an entirely new subject. The bill does not repeal this section or touch it, and it seems to be bringing something entirely new into the bill.

Mr. BLOUNT. But it does touch it.

Mr. LODGE. If gentlemen on the other side desire to debate it we ought to have ample time.

Mr. HEMPHILL. You re-enact this statute, you know—

Mr. LODGE. I suggest that gentlemen can go ahead and offer their arguments—

Mr. BLOUNT. Oh, well, we want to conform to the practice that has obtained all along in the consideration of these amendments. Let us agree upon some time.

Mr. LODGE. I am ready to. I have no desire to occupy time myself.

Mr. BLOUNT. I want to facilitate some agreement. Make it fifteen minutes on a side.

Mr. BUCKALEW. No; ten minutes. The time is getting very short.

Mr. BLOUNT. Make it ten minutes.

Mr. LODGE. Say twenty minutes on a side.

Mr. OUTHWAITE. Fifteen minutes on a side is enough, considering the other amendments we wish to offer and the limited time we have in which to do it.

Mr. BLOUNT. I submit that the gentleman from Massachusetts [Mr. LODGE] could well afford to do this, as very much of the time has been taken up in the consideration of his amendments.

Mr. LODGE. I have no objection to making it fifteen minutes on a side.

Mr. HEMPHILL. If the gentlemen on the other side desire to debate it a little longer I am willing that they shall do so, with the understanding that there be the privilege of offering another amendment on this side of the House.

Mr. LODGE. Let us make it fifteen minutes on a side and then go on as we have before.

Mr. CLUNIE. This is the most important amendment which is yet to be considered.

The SPEAKER. The gentleman from Massachusetts [Mr. LODGE] asks unanimous consent that debate be limited to fifteen minutes on a side on this amendment.

Mr. BUCKALEW. That will consume the whole time.

Mr. SPRINGER. Mr. Speaker, I rise to a parliamentary inquiry. If the Chair will remember, I asked the Chair to state when the general debate upon this bill would close under the order of the House that two days were to be given for the five-minute debate, and the Chair informed me then, and informed the House, that it would close at 3 o'clock, I being of the impression at that time, as the Chair was, that this order to begin voting on the bill was for 3 o'clock to-day instead of 2 o'clock.

The SPEAKER. Not at all. The gentleman is mistaken—

Mr. SPRINGER. The Chair so stated.

The SPEAKER. The Chair so stated in connection with another act which the gentleman from Illinois has forgotten.

Mr. SPRINGER. I asked the Chair to state when the two days for debate under the five-minute rule on this bill would begin and when the debate would be ended under the one-hour rule. The Chair stated that it would begin at 3 o'clock on Monday, and debate under the five-minute rule did begin at 3 o'clock on that day.

The SPEAKER. General debate continued until 3 o'clock at the request of the gentleman from Georgia [Mr. BLOUNT], and if the Chair answered at that time in that way the Chair had in mind the request of the gentleman from Georgia.

Mr. SPRINGER. That was not the order of the House, and in view of that fact I desire to ask unanimous consent that this time be prolonged until 3 o'clock.

Mr. BELDEN. I object.

The SPEAKER. Objection is made.

Mr. HEMPHILL. I would like to ask the gentleman from Massachusetts [Mr. LODGE], inasmuch as we have been pushed for time, if I can not offer another amendment and have it pending, to be voted upon without debate.

Mr. HOPKINS. I do not see how we can make any arrangement of that kind. We wish to understand what we are voting upon.

Mr. LODGE. It is not possible for me to make an agreement of that sort. There is an amendment now pending. Let us deal with it as rapidly as possible, and then go on to the next amendment.

Mr. McMILLIN. Let it be read now, so that gentlemen can understand what is offered.

Mr. HOPKINS. I object to that. [Cries of "Vote!" "Vote!"]

Mr. McADOO addressed the Chair.

The SPEAKER. Does the gentleman from South Carolina [Mr. HEMPHILL] desire to be recognized?

Mr. HEMPHILL. I do not desire to be recognized if we can not agree as to time, further than to state that according to the reading of this bill as I read it, and according to the understanding of every gentleman upon this side, the plain effect of the measure is to put the control of the election machinery of the Government in the hands of the chief supervisor and of his deputies. That, I think, is manifest to every gentleman who has read the bill. The chief supervisor has the right to call upon the posse comitatus and all other persons around him to obey his instructions in reference to this matter, and under this thirty-second section, which undertakes to re-enact certain provisions of the Revised Statutes, the supervisor will have the right to call upon the Army and the Navy of the United States to support him in whatever he undertakes to do. If that is true, then this clear-cut question is to be voted upon by this House, whether or not things have come to that state that we will put it into the hands of any citizen to call upon the military forces of the United States to carry out his edicts at an election.

Mr. MILLIKEN. Let me ask the gentleman one question there. Can the law be carried out in your State without the Army of the United States to enforce the law? That is a simple question, and I hope the gentleman will answer it.

Mr. HEMPHILL. Why, sir, on the contrary, it can be carried out by my friend from Maine [Mr. MILLIKEN], or any other honest man who will go there and do his duty; but the difficulty has been that we in the South have heretofore been subjected, and I very much fear that we will be subjected again, if this law passes, to the rule of men who would not be tolerated for a moment in any other State in the Union. We have seen people brought there from New York to carry the election, and they were so bad that the man who brought them there bought tickets for them and put them on the ship and sent them back again, because he did not know whether they would kill us or kill him.

Mr. MILLIKEN. We allow to everybody his right to vote.

Mr. HEMPHILL. So do we.

Mr. MILLIKEN. And we not only allow him to vote, but count his vote.

Mr. HEMPHILL. Exactly; and so do we. If he wants to do that he has as much right to do that as myself or you.

Mr. MILLIKEN. I am exceedingly glad to hear it.

Mr. HEMPHILL. This is all there is of this. If this power is put into the hands of an unscrupulous man and he desires to carry the election, and to enable him to do so to use the troops, why then it gives him that power. There is no desire in the South to resist the law, and we could not resist it. All we want is that we shall have a fair chance to have honest men conduct the election, and that we shall not be overridden by people sent there to execute the law.

Mr. MILLIKEN. Will you allow me just a word there?

Mr. HEMPHILL. Yes.

Mr. MILLIKEN. I do not understand that there is anything in this bill which applies particularly to the South.

Mr. HEMPHILL. Oh, no!

Mr. MILLIKEN. Or to the State of New York; and yet gentlemen from the South and from the State of New York discussing it seem to talk as if the bill was intended for those places.

Mr. OUTHWAITE. Do not the gentlemen represent New York and the South?

Mr. MILLIKEN. Pardon me. If this medicine is not needed in New York for those who are sick and if there is no trouble in the South and they are not sick in this way down there, then they will not have any of it.

Mr. HEMPHILL. The trouble about that is the men who are to decide that. It is not a majority of the people who are to decide it; it is not anybody who is necessarily a man of character and responsibility; but it is left to fifty or one hundred men who may be scalawags; and they may not even be citizens of this country, as all that they need to do is to claim to be citizens.

Mr. MILLIKEN. Who are the people down in that section who are scalawags? That is a question of great importance.

Mr. HEMPHILL. The respectable people are the honest and responsible men of property; men who conduct business, obey the laws, pay taxes for the support of the Government; and the scalawags are the people who come from a distance to stir up strife and bad blood for purposes of their own.

Mr. MILLIKEN. And for purposes contrary to those of the Democratic party.

Mr. HEMPHILL. Oh, no; there are plenty of respectable people there who vote the other ticket.

Mr. FRANK. I would like the gentleman from South Carolina to let me ask him a question. Do you mean to say that the effect of this provision is to transfer the power now lodged in the President under section 1989 of the Revised Statutes to the Federal supervisors?

Mr. HEMPHILL. There is no doubt about it.

Mr. ANDREW. There is no question about that.

Mr. HEMPHILL. The supervisor has the same power to carry out his mandates as has the President of the United States to enforce the mandates of a court of justice.

Mr. ANDREW. And there is no Northern State that will submit to it.

Mr. CLUNIE. A ten-cent supervisor takes the place of the President of the United States.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. ADAMS. Mr. Speaker—

Mr. HEMPHILL. I would like to know if it is practicable to agree upon some limit for this debate.

The SPEAKER. The gentleman from Illinois has been recognized.

Mr. ADAMS. I only want to occupy two minutes, or about that time.

I believe the construction placed upon this section by the gentleman from South Carolina [Mr. HEMPHILL], and, as I understood, by the gentleman from Ohio [Mr. OUTHWAITE], is incorrect. I understand him to say that under the section of the Revised Statutes referred to a certain power, namely, the power to use the Army and Navy to enforce judicial process, can be exercised by the President.

Mr. OUTHWAITE. I say so. It is the law.

Mr. ADAMS. I understood him to say in addition that that power could be exercised under this bill by another official, namely, the chief supervisor.

Mr. OUTHWAITE. Yes; by this official.

Mr. ADAMS. That if this bill should pass, then the same power exercised by one official, namely, the President, may be exercised by another official, to wit, the chief supervisor.

Mr. OUTHWAITE. That is my position.

Mr. ADAMS. Now, the section itself says what the President may do; and this bill says that that section shall be enforced and shall be part of this bill.

Mr. OUTHWAITE. Part of this bill.

Mr. ADAMS. Yes; but is it a logical inference from that to say that the power exercised in execution of the existing law by the President shall be exercised under this act by the supervisor?

Mr. OUTHWAITE. Will you tell me why it is necessary to make it part of this bill if it is not to be put into execution?

Mr. ADAMS. Is it not fairer to say that the power exercised by the President of the United States under section 1989, for the purposes of that section, shall be exercised by the same official, to wit, the President of the United States, under this act for the purposes of this act?

Mr. OUTHWAITE. If the act said so I could not object to that feature. I should have no objection to that. It would create no new powers.

Mr. ADAMS. Then, if your construction is not correct you would have no objection?

Mr. OUTHWAITE. Exactly so.

Mr. ADAMS. I have a very strong opinion about the matter, but of course that can not make an opinion for the gentleman, nor can I have him conform to my opinion, but the logical construction of this is that the power exercised by the President under that act shall be exercised by the President under this act.

Mr. OUTHWAITE. Answer me this question: Why is it necessary to use that expression, putting the section of the Revised Statutes in as a part of this act?

Mr. ADAMS. What expression?

Mr. OUTHWAITE. In the law that you have just read.

Mr. ADAMS. For the reason that under that section the President has certain power to use certain forces, including the militia of the States, for certain purposes, but these are other purposes.

Mr. OUTHWAITE. If you will look on the other side of the page you will see that he has the power to use them for just purposes; but you propose to place the Army and the Navy under the command of a politician appointed to carry the elections against the people.

Mr. HOPKINS. The bill is not susceptible of that construction.

Mr. ADAMS. I simply wanted to correct what I thought was an incorrect statement of the effect of the bill.

Mr. CRISP. Will the gentleman yield for a question?

Mr. ADAMS. Certainly; but I may save the gentleman's time by saying that I simply rose to correct what I regarded as an incorrect construction of the bill.

Mr. CRISP. I do not think the section is understood by the House now. It needs to be explained, and I want to ask a question which may aid in the explanation. The—

Mr. ADAMS. I will yield.

Mr. CRISP. The present Revised Statutes of the United States permit the use of troops by the President to enforce judicial process and to prevent the violation of certain laws referred to in the chapter. This bill seeks, by making that section of the statutes a part of it, to give to the President the right, by himself or through another, to send troops to any State in the Union where, in his judgment, it is necessary to prevent the violation of the election laws. That is what it means.

Mr. ADAMS. Is that a question or a statement?

Mr. CRISP. Now, my question is, whether the gentleman is willing, in a time of profound peace, to lodge that power specifically by this act in the hands of the President in the absence of any necessity for it.

Mr. ADAMS. I have no question about that. I am willing to have the judicial process of the United States courts enforced in the one case as in the other.

Mr. CRISP. You are willing?

Mr. ADAMS. I am willing. It is the existing law for one purpose. Why not make it existing law for another purpose?

Mr. CRISP. Does my friend draw no distinction between the power to enforce judicial process and the power to send troops to a State in anticipation of the violation of a law?

Mr. ADAMS. The gentleman must not draw that inference from what I have said.

Mr. CRISP. That is the distinction to which I wish to call attention.

Mr. BLOUNT. Mr. Speaker, the section to which this amendment relates makes section 1989 of the Revised Statutes a part of this act. Section 1989 is in the following language:

It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under any of the preceding provisions, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of this title.

This title relates to civil rights. Hitherto it has never been held to relate to elections, but a provision in this bill declares that this section, hitherto confined in its operation to the matters enumerated in the chapter relating to civil rights, shall hereafter be made to apply to the subject of this bill. The language of the bill (section 32) is that "each and every" of the several sections of the Revised Statutes enumerated (this being one of them), and their provisions, are made to refer and apply to this act with the same force and effect as if it was specifically mentioned or referred to therein, save as the same shall be changed or modified by the terms of this act.

You place a body of supervisors at the polls, and any interference with their authority on the part of any person is declared to be unlawful and subjects the person or persons interfering to arrest and punishment, and here you provide for troops to be under the direction of these supervisors. You had before, and you have now, on your statute-book section 2002 of the Revised Statutes, which provides that—

No military or naval officer, or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel the armed enemies of the United States or to keep the peace at the polls.

You already have the power to use the Army for the purpose of keeping the peace at the polls. You have used it in the past. You have terrorized voters in the past, but you are not content with that. You propose now to arm these supervisors everywhere with the power to use the Army. That is the wicked purpose of this provision. How can the gentleman escape from this conclusion? He can not say that the use of the Army is required to keep the peace. That is already provided for by law. But he goes further and injects into this bill this section of the Revised Statutes, which until this moment has never been invoked in relation to the elective franchise.

Mr. Speaker, you have arranged for partisan supervisors in this bill. You have arranged for partisan returning boards. You have organized your courts for these wicked purposes; and, expecting that all this may produce discontent and disorder on the part of the people, you now

propose to surround these supervisors of election with soldiers to come and go at their beck and call. For what purpose? To make the voters feel that they are under the terrors of military authority, as you have done in the past. Not that the soldiers are necessarily to use their weapons, but that they are to terrorize the voters; just as an important Republican of South Carolina once said that the object in disarming the whites and organizing and arming the negroes was to cow the weak and poor and humble white men of that section and keep them from the polls. This provision is intended to have a moral effect upon the voters throughout the Southern section of the country, to make them feel the uncertainty of their liberties, and it is your hope that by means of this terrorism you shall triumph in the elections. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. ROWELL. Mr. Speaker, the section of the statutes involved in this amendment is that section which authorizes the use of the Army and Navy of the United States to enforce the judicial judgments of the United States courts, without which there could be no power on the part of the courts of the United States. The effect of the amendment, if adopted, would be that any judicial process against anybody indicted or convicted under the penal clauses of this statute could not be enforced by the use of all the power of the United States. Adopt the amendment of the gentleman from South Carolina, and then, if an indictment was found against a ballot-box-stuffer or a ballot-box thief, or against the murderer of a voter at the polls, and if the county where this indicted person resided should rise up in rebellion against the authority of the court when it undertook to bring that man to justice, then the court would be without armed power to enforce its authority. The language of the existing law is not changed. The President of the United States may use the Army and the Navy to enforce judicial process; that is the substance of the provision.

Mr. OUTHWAITE. Then why do you not say so?

Mr. ROWELL. The existing statute is not changed. No power is given for anybody to use this armed force, except the authority designated in the provision itself. The supervisors of election are not under the direction of the President of the United States and have no possible connection with him. The bill simply provides that the courts of the United States, when seeking to enforce the penal clauses of this statute, shall have the same power behind them that they have to enforce any other of their judgments.

Mr. HERBERT. What is the meaning of this language, "to prevent violations of the provisions of this title?" Do not other provisions of the title refer to crimes against the suffrage, and how can the Army be used to prevent these crimes without having it present?

Mr. ROWELL. The power in the existing law applies to the President of the United States, and nobody else.

Mr. HERBERT. Authority is given to call out troops in anticipation—

Mr. ROWELL. What for?

Mr. HERBERT. To prevent any crimes against the suffrage—expressly for that purpose. If the language does not mean that, if it does not mean that there is a right to use the Army beforehand by sending it out in anticipation of violation of the law, it means nothing at all. And when this section is re-enacted as, or made part of, the election law the meaning must be that the chief supervisor of elections is the person to whom the section authorizes the President to delegate his authority to use the Army for the purposes designated.

The SPEAKER. Does the gentleman from Illinois [Mr. ROWELL] yield the floor?

Mr. ROWELL. I yield the balance of my time to the gentleman from Ohio [Mr. MCKINLEY].

Mr. MCKINLEY. Mr. Speaker, I believe there is no limit now to debate, and therefore I will take the floor in my own right.

Mr. McMILLIN. The gentleman should not rest under the impression that there is no limit to debate. I believe the five-minute rule still prevails; and in common fairness there ought to be a recognition on this side, as the gentleman from Illinois [Mr. ROWELL] has just spoken.

Mr. MCKINLEY. I will yield now for a recognition on the other side, and will then take the floor for five minutes. I do not desire more than five minutes.

Mr. ALLEN, of Mississippi. Mr. Speaker, this discussion is about to close and this is the first opportunity I have had to say a word in this debate. If this were still a deliberative body, a body in which the freedom of debate still existed as it does in the other end of the Capitol, and where I am glad to see a prominent Republican Senator says it must continue, I would like an opportunity to discuss this bill and to answer and resent some of the aspersions on my State and my section which have been thrown in this discussion.

Sir, to be cut off in this way so irritates me and makes me so mad that sometimes I am almost willing to go to the other end of the Capitol [laughter], if you do not succeed, Mr. Speaker, in abolishing the Senate, which is, as I understand, your next pet scheme after you pass this bill. I suppose you hope to accomplish it by a resolution from the Committee on Rules. [Laughter.]

But, Mr. Speaker, it may be well that I have not had an opportu-

nity to express my opinion of this measure and of some of the speakers and the speeches they have made in favoring it, for I know of no parliamentary language and no language consistent with my position in the church that would enable me to characterize it as I believe it justly deserves to be characterized. [Laughter.]

Mr. Speaker, I wish to say a word to those gentlemen on the other side of this Chamber who are in the habit of beginning their speeches by informing us that their hearts are the repositories of love and goodwill, and how utterly devoid they are of all the meaner and baser traits that belong to human nature generally.

If those gentlemen who get up here and tell us how their hearts swell towards me and my people, call us their friends, and tell us that we are a brave and honorable set of thieves, cut-throats, and assassins, that their hearts are so full of love and affection for us that they want to send a killing bullet with every one of our ballots, I want to tell them that they might eliminate these professions from their speeches, for they do not fool anybody with them, but only leave on them the impress of insincerity and hypocrisy. [Applause on the Democratic side.]

I heard the gentleman from Illinois [Mr. CANNON] on this floor the other day say that the majority in this House had the power to do anything. Yes, Mr. Speaker, but it was not always so. There used to be constitutional limitations which restrained the majority. There was a time when the rights of the minority had consideration at the hands of the majority, but I am sorry to say those times have passed. Yes, the majority can do anything as it now interprets its powers, but I will say to the gentlemen on the other side—

It is excellent

To have a giant's strength; but it is tyrannous
To use it like a giant.

It was not the power to do anything with the remnant of Lee's serried veteran legions that made Grant great, but it was the magnanimity with which he used that power that made him great. [Applause on the Democratic side.]

I heard the gentleman from Iowa [Mr. DOLLIVER] on yesterday say that the people and the Representatives of the people were all behind this measure. Ah, Mr. Speaker, if I had the power to appeal to gentlemen on that side of the House whose judgments and consciences do not approve of this measure, to rise to the full height of their manhood and vote against it, we would beat it by fully two-thirds majority. [Applause on the Democratic side.] And you represent constituencies that are not behind you in this measure; because I have talked with many of them, and if they are to be believed, if they are behind you, then they are the greatest set of hypocrites on earth. Go ask some of the great men of your party. The truth of the matter is they are not behind it; the press of the country is not behind this infamous measure, and the people of the United States will condemn it. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. MCKINLEY. Mr. Speaker, I rise only to say that, in my judgment, it will not do to adopt the amendment proposed by the gentleman from South Carolina [Mr. HEMPHILL]; nor is the interpretation he places upon the section justified by its language. If his amendment is passed by this House it will take from the President of the United States all the power he would have, under section 1989, to enforce judicial processes under the provisions of the bill now being considered by the House. And it must be remembered that in the bill we are now considering the judiciary has very much to do with its administration; and judicial processes will be constantly and ever recurring in the course of the administration of this law. Therefore I say if we should pass this amendment to-day, we deprive the President of the United States of a power which he has held since the foundation of the Government to use the Army and the Navy to execute the judicial processes of the Federal courts of the land. You might just as well destroy this bill at once if you deprive the United States Government, through its Chief Executive, of the authority to use the entire Federal force of the Government to execute the judicial processes under the proposed measure. We must not take from the Government the power to execute the judicial decrees and processes of its own courts, and this amendment should be voted down.

And now, Mr. Speaker, having said that, I want to add that this bill ought to be passed. I have not indulged in this discussion heretofore. This bill may not be, in all of its provisions, what I would like to have it, but it is a bill looking to an honest representation on the floor of the American House of Representatives and to honest voting and the fair counting of votes in every part and section of the American Republic. [Applause on the Republican side.] That is all of the bill, and no honest man can object to it and no lover of fair play can afford to oppose it.

Ah, but they say this measure is harsh. This measure will rest heavily only upon districts and upon States which violate the laws and the Constitution of our common country. Let every citizen of this Republic vote and then see to it that his vote is counted as it is cast and returned as counted, and you never need invoke any of the provisions of the bill or subject yourselves to what you term its harsh provisions. [Applause on the Republican side.]

Ah, but you say that it is expensive; that it will cost \$10,000,000, to be taken out of the Public Treasury. That assumes that the three hundred and thirty districts of this country will invoke the operation of the law. But there is not a man on this floor who does not know that not a hundred districts in the United States will invoke its operation when it goes into effect. It will not be required even in that number.

Mr. HEMPHILL. Do not depend on that.

Mr. McKINLEY. And let me remind gentlemen on the other side of this Chamber, as well as my friends on this side of the Chamber, that you will diminish the cost of the administration of this bill in the ratio that you diminish fraudulent voting, false counting, stuffing of ballot-boxes, and suppressing the voice of the Republicans in the South. [Applause on the Republican side.] It will cost nothing if it is not used, and it will not be used if there is no need for it. Honest elections will make the law unnecessary; dishonest ones should be stopped by the strong arm of the law.

My friend from Mississippi [Mr. ALLEN] quotes from General Grant. Let me quote from an utterance of his, made in speaking of the condition of affairs in Mississippi, the gentleman's own State. Said Grant:

How long these things are to continue or what is to be the final remedy the great Ruler of the universe only knows, but I have an abiding faith that the remedy will come, and come speedily, and earnestly hope it will come peacefully.

Let me quote from him another utterance made two years before his death. Speaking of this very question of the suffrage, he said it would never be settled until every man who counts, or represents those who do count, shall cast one ballot and have that ballot counted precisely as he cast it. [Applause on the Republican side.]

Now, I want to say here to-day, for I have but a few moments, that this question will not rest until justice is done, and the consciences of the American people will not be permitted to slumber until this great constitutional right, the equality of the suffrage, equality of opportunity, freedom of political action and political thought, shall be not the mere cold formalities of constitutional enactment as now, but a living birthright which the poorest and the humblest, white or black, native-born or naturalized citizen, may confidently enjoy, and which the richest and most powerful dare not deny. [Prolonged applause on the Republican side.]

Mr. Speaker and gentlemen of the House, remember that God puts no nation in supreme place which will not do supreme duty. [Applause on the Republican side.] God keeps no nation in supreme place which will not perform the supreme duty of the hour [renewed applause], and He will not long prosper that nation which will not protect and defend its weakest citizens. It is our supreme duty to enforce the Constitution and laws of the United States "and dare to be strong for the weak." Gentlemen on the other side, I appeal to you to obey the laws and Constitution; obey them as we obey and observe them; for I tell you the people of the North will not continue to permit two votes in the South to count as much as five votes in the North. [Prolonged applause on the Republican side.]

Mr. McMILLIN. Mr. Speaker, the leader of the House [Mr. McKINLEY] has seen fit to keep his silence unbroken until the question came up as to whether or not troops should be sent to the polls. It would have been better for him if he had not supported that proposition. Since the pretorian guard stood upon the ramparts of the Eternal City and proclaimed that the whole Roman world would be sold at auction there has never been presented to the world so dangerous a proposition as that which is presented now by the representatives of the free American people coming here and proclaiming that they are willing to go voluntarily under a despotism and to be governed by military satraps and unscrupulous deputy marshals. [Applause on the Democratic side.] And since Didius Julianus, urged on by the aspirations of his wife and an ambitious daughter, bought at that sale the Mistress of the World and had the Roman Government delivered to him for cash there never has been presented so sad a spectacle as that wherein the old ship of state is to be scuttled on the anniversary of her first sailing. [Applause on Democratic side.]

Sir, is it possible that free and happy America is to follow all the older republics down to the darkness and despair of despotism? Was it for this our fathers fought and died? Did they rebel against foreign kings to cower before domestic despots? Have we so degenerated as to surrender our liberties at a less price than Esau obtained for his birthright and heritage?

It took five hundred years to enslave Rome. It required eleven hundred to destroy the republic of Venice. Even then she did not go down till the foreign invaders marched upon them the French legions before whom cities, countries, and continents had alike fallen.

Sir, will we, after the sacrifices that have been made for us, after the hopes that have centered on us, cross our hands to be tied? Will we turn loose on our people by this bill either soldiers or marshals of the Federal courts to drive them from the polls? Will we kennel around our halls of justice a lot of hell-hounds to hound down our free-men and run them from the voting places? After more than eighteen centuries of christianity have cheered and enlightened the world, will we inaugurate a slavery which would disgrace the dark ages? May Heaven forbid it!

The gentleman from Ohio [Mr. McKINLEY] has said, Mr. Speaker, that the North will not tolerate the existing manner of conducting elections in the South. "Who art thou that judgest another man's servant?"

I want to announce to the gentleman from Ohio and to the country the fact that the time has come when there can not be in the American Republic an enslaved South and a free North. [Applause on the Democratic side.] You may, like the madmen that you are, grasp the pillars of the Constitution and pull down the State, but like poor, enraged, blind Samson, you will perish in its wreck. [Renewed applause on the Democratic side.]

Mr. Speaker, gentlemen seem to forget—the gentleman from Ohio [Mr. McKINLEY] forgets—that General Grant's power over his party in this country was broken by his efforts to pass the force bill. This is a more infamous and incomparably damnable bill. The gentleman from Massachusetts [Mr. LODGE], the author of the bill, forgets that when troops went into the state-house of Louisiana in 1875 and drove out the Legislature at the point of the bayonet the citizens of Boston, be it said to their everlasting credit, rose as one man and proclaimed that military rule in this country was not to be tolerated. They rose as their fathers had to throw the tea overboard and to defy the usurper. [Applause on the Democratic side.]

Gentlemen, you mistake the spirit of the American people. Republics, it is true, have arisen, have flourished for a time, and have fallen. You are making an effort to produce the most signal failure of free government recorded in the history of all time. You can not do it. The American people, born free, living free, will die free. They will send you down into your political graves for this attempt to destroy their freedom. [Applause on the Democratic side.]

Sir, it is said that when Ulysses, the hero of the Trojan war, was returning to Ithaca, his home, he was shipwrecked on the Isle of Ogygia. Calypso, the nymph of the isle, entreated him to remain, and promised him eternal youth if he would do so. Although his home was an island in the ocean, only 44 square miles in extent, he preferred age and death with his country to eternal youth without it. He declined the offer, and leaving Calypso dying of grief set sail for his loved Ithaca. If such was his love for this small barren spot, a mere hawk's nest on the rocks of ocean, what love should not characterize the citizens of proud and glorious America for this great land which an all-wise Providence has given us.

Mr. Speaker, so great do I conceive our perils to be that, if I could make a wish, which, being recorded in heaven, would be fulfilled as occasion arises, I would ask, not for the extension of our boundaries or the multiplicity of our territories, although these would give us greater dominion; I would not ask for the widening of our harbors or the deepening of our rivers, although these would give us greater commerce; I would not ask for finer furnaces and factories or more fertile fields, although these would increase our wealth; but better far than this, than these, than all, I would ask for the perpetuity of the liberties of my countrymen, and I would pray that he who lays violent hands upon the Constitution of my country for the purpose of destroying our liberties might drop dead, as did the disobedient Jew who laid his sacrilegious hands without authority on the ark of the covenant of the living God. [Great applause on the Democratic side.]

[Here the hammer fell.]

Mr. McMILLIN. My time does not seem to have been as long as the time of the gentleman from Ohio.

The SPEAKER. The Chair desires the House to understand that the gentleman from Ohio [Mr. McKINLEY] had three minutes yielded to him by the gentleman from Illinois.

Mr. PERKINS addressed the Chair.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I desire to offer an amendment—

Mr. McMILLIN. I hope the gentleman will be allowed to offer his amendment.

Mr. BRECKINRIDGE, of Kentucky. I rise to offer an amendment to the amendment of the gentleman from South Carolina [Mr. HEMPHILL].

The SPEAKER. The gentleman from Kansas [Mr. PERKINS] is recognized.

Mr. PERKINS. Mr. Speaker, it has been charged in the course of this debate that this is a Republican measure. I desire to admit it. [Derisive laughter on the Democratic side.] It has been charged also that this was a partisan bill. In the sense that it is intended to give to every honest voter the opportunity of casting an honest vote, I admit that it is partisan. For more than twenty-five years it has been the doctrine of the Republican party that every qualified voter under the laws and Constitution of our country should be permitted to cast one honest ballot and to have that ballot honestly counted, and in that sense this is a partisan measure. This demand for honest elections is no new-born zeal with Republicans. In the platform adopted in Chicago, in 1888, our party declared its position upon this question as follows:

We reaffirm our unswerving devotion to the national Constitution and to the indissoluble union of the States; to the autonomy reserved to the States under the Constitution; to the personal rights and liberties of citizens in all the States and Territories in the Union, and especially to the supreme and sovereign right of every lawful citizen, rich or poor, native or foreign-born, white

or black, to cast one free ballot in the public elections and to have that ballot duly counted. We hold a free and honest, popular, and just and equal representation of all the people to be the foundation of our republican government, and demand effective legislation to secure the integrity and purity of our elections, which are the fountain of all public authority.

Mr. Speaker, we meant that then; and now, with the opportunity and privilege given us, we ought to meet it and meet it manfully and courageously.

For more than twenty-five years we have insisted that every man, no matter what the color of his skin, no matter what his nationality or creed, if he was qualified as an elector under the law and under the Constitution, should be permitted, unchallenged and unrestricted, to cast a ballot representing his convictions and his thoughts. Mr. Speaker, since 1861, when the Democratic party waged war upon the Government of the United States because Abraham Lincoln was honestly elected President, it has been opposed to honest elections, and Democratic opposition to this bill but emphasizes Democratic opposition to honest elections. And every man who occupies a seat upon this side of the House ought to stand by the declarations of his party in convention assembled, and stand by the efforts that his party is making to protect the humblest citizen in the enjoyment of his constitutional rights and privileges. [Applause on the Republican side.]

That is all there is in this issue; that is the only question that we tender to the American Congress in connection with this proposed legislation. I know that the gentlemen who occupy seats upon the opposite side of this House are opposed to this bill; I know those who believe in midnight raiders are opposed to this bill; I know that those who believe in shotguns and bludgeons, who believe in assassination and intimidation to prevent honest elections, are opposed to this bill; that those who believe in tissue ballots, in false registration, in repeating, in ballot-boxes with false slots, and in the red-shirted mounted companies that terrorize and murder, are opposed to this bill. [Applause on the Republican side.] I know that every man who is opposed to the Government of the United States, who is opposed to law and order, who is opposed to the courts and to decency and right, is opposed to this bill and would defeat it if he could.

I know that every man who sustains and justifies the lawlessness and crime of the Southern communities that have governed and controlled Presidential elections, and returned as elected to seats in this House candidates who were beaten at the polls, and who had no claims that would entitle them to favorable consideration with honest men, are opposed to this bill.

And I desire, Mr. Speaker, in the minute that remains to me, to call attention to another class that are opposed to this bill; I refer to the class who indorse the sentiment found in the poem published in the Journal, a Democratic paper published at New Bern, N. C., in connection with the late Lee decoration services in Richmond, which is as follows:

Three hundred thousand Yankees
Are still in Southern dust;
We got three hundred thousand
Before they conquered us.
They died of Southern fever,
And Southern steel and shot,
I wish there were three million
Instead of what we got.

These men, Mr. Speaker, are opposed to this bill without exception, and in this fact the patriot who loves his country and who loves justice and right should find the most conclusive and convincing argument to sustain him in his support of this bill. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Kansas has expired.

[Mr. LA FOLLETTE withholds his remarks for revision. See Appendix.]

The SPEAKER. The time having arrived at which under the rule of the House the previous question has been ordered, the first question is upon the amendment offered by the gentleman from South Carolina [Mr. HEMPHILL].

Mr. SPRINGER. Mr. Speaker—

Mr. BRECKINRIDGE, of Kentucky. I rise to request unanimous consent that the time for offering amendments be extended one hour, to 3 o'clock—

Mr. LODGE and others. I object.

Mr. BRECKINRIDGE, of Kentucky. As an hour was taken from the time for offering amendments on Monday. [Renewed cries of "I object!" and "Regular order!"] Of course it will be remembered that the time to offer amendments was to commence at 2 o'clock on Monday, but that hour was taken.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the time for offering amendments be extended until 3 o'clock.

Mr. ROWELL. I object.

Mr. BRECKINRIDGE, of Kentucky. I thank the gentleman. It ought to come from him who in bad faith has taken so much of the time.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had receded from its amendments numbered 2, 21, 22, 23, 24, and 25 to the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes.

FEDERAL ELECTION BILL.

The SPEAKER. The question is on agreeing to the amendment proposed by the gentleman from South Carolina [Mr. HEMPHILL].

Mr. SPRINGER. I move to lay this bill and all amendments to it on the table.

The question was put, and the Speaker announced that the "noes" seemed to have it.

Mr. SPRINGER. Division.

Mr. McCOMAS and Mr. KERR, of Iowa. Yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 148, nays 156, not voting 24; as follows:

YEAS—148.

Abbott,	Covert,	Lane,	Price,
Alderson,	Cowles,	Lanham,	Quinn,
Allen, Miss.	Crain,	Lawler,	Reilly,
Anderson, Miss.	Crisp,	Lee,	Richardson,
Andrew,	Culbertson, Tex.	Leibach,	Robertson,
Bankhead,	Cummings,	Lester, Ga.	Rogers,
Jarvis,	Dargan,	Lester, Va.	Rowland,
Barwig,	Davidson,	Lewis,	Rusk,
Blanchard,	Dibble,	Magner,	Sayers,
Bland,	Dickerson,	Maish,	Shively,
Blount,	Dockery,	Mansur,	Skinner,
Boatner,	Dunphy,	Martin, Ind.	Stahneck,
Breckinridge, Ark.	Edmunds,	Martin, Tex.	Stewart, Tex.
Breckinridge, Ky.	Elliott,	McAdoo,	Stockdale,
Briekner,	Ellis,	McCarthy,	Stone, Ky.
Brookshire,	Enloe,	McClammy,	Stone, Mo.
Brown, J. B.	Fithian,	McClellan,	Stump,
Brunner,	Flower,	McCreary,	Tarsney,
Buchanan, Va.	Forman,	McMillin,	Tillman,
Buckalew,	Forney,	McRae,	Tracey,
Bullock,	Fowler,	Mills,	Tucker,
Bunn,	Geissenhainer,	Montgomery,	Turner, Ga.
Bynum,	Gibson,	Moore, Tex.	Turner, N. Y.
Campbell,	Goodnight,	Morgan,	Vaux,
Candler, Ga.	Grimes,	Mutchler,	Venable,
Carlton,	Hare,	Norton,	Walker, Mo.
Caruth,	Hatch,	Oates,	Washington,
Catchings,	Hayes,	O'Ferrall,	Wheeler, Ala.
Chipman,	Haynes,	O'Neill, Ind.	Whiting,
Clarke,	Heard,	Outhwaite,	Whithorne,
Clarke, Ala.	Hemphill,	Owens, Ohio	Wike,
Clements,	Henderson, N. C.	Parrett,	Wilkinson,
Clunie,	Herbert,	Paynter,	Willcox,
Cobb,	Holman,	Peel,	Williams, Ill.
Coleman,	Hooker,	Pennington,	Wilson, Mo.
Cooper, Ind.	Kerr, Pa.	Perry,	Wilson, W. Va.
Cothran,	Kilgore,	Pierce,	Yoder.

NAYS—156.

Adams,	Dalzell,	Laidlaw,	Rockwell,
Allen, Mich.	Darlington,	Lansing,	Rowell,
Anderson, Kans.	De Lano,	Laws,	Russell,
Arnold,	Dingley,	Lind,	Sanford,
Atkinson, Pa.	Dolliver,	Lodge,	Sawyer,
Atkinson, W. Va.	Dorsey,	Mason,	Scranton,
Banks,	Dunnell,	McComas,	Seul,
Bartine,	Evans,	McCord,	Smith, Ill.
Bayne,	Farquhar,	McCormick,	Smith, W. Va.
Beckwith,	Featherston,	McDuffie,	Snider,
Belden,	Finley,	McKenna,	Spooner,
Belknap,	Flick,	McKinley,	Springer,
Bergen,	Flood,	Miles,	Stephenson,
Bingham,	Funston,	Milliken,	Stewart, Vt.
Bliss,	Gear,	Moffitt,	Stockbridge,
Boothman,	Gest,	Moore, N. H.	Struble,
Boutelle,	Gifford,	Morey,	Sweeney,
Bowden,	Greenhalge,	Morrill,	Taylor, Ill.
Brewer,	Grosvenor,	Morrow,	Taylor, J. D.
Brosius,	Grout,	Morse,	Taylor, Tenn.
Brower,	Hall,	Mudd,	Thomas,
Buchanan, N. J.	Hansbrough,	Niedringhaus,	Thompson,
Burrows,	Harmer,	Nute,	Townsend, Colo.
Burton,	Haugen,	O'Donnell,	Townsend, Pa.
Butterworth,	Henderson, Ill.	O'Neill, Pa.	Turner, Kans.
Caldwell,	Henderson, Iowa	Osborne,	Vandever,
Candler, Mass.	Hermann,	Payne,	Van Schaick,
Cannon,	Hill,	Payson,	Waddill,
Carter,	Hitt,	Perkins,	Wade,
Caswell,	Hopkins,	Peters,	Walker, Mass.
Cheadle,	Houk,	Post,	Wallace, Mass.
Cheatham,	Kelley,	Pugsley,	Wallace, N. Y.
Comstock,	Kennedy,	Quackenbush,	Watson,
Conger,	Kerr, Iowa	Raines,	Wickham,
Cornell,	Ketcham,	Randall,	Williams, Ohio
Cooper, Ohio	Kinsey,	Ray,	Wilson, Ky.
Craig,	Knapp,	Reed, Iowa	Wilson, Wash.
Culbertson, Pa.	Lacey,	Reyburn,	Wright,
Cutcheon,	La Follette,	Rife,	Yardley.

NOT VOTING—24.

Baker,	De Haven,	Phelan,	Spinola,
Biggs,	Ewart,	Pickler,	Stewart, Ga.
Browne, T. M.	Fitch,	Seney,	Stivers,
Browne, Va.	Frank,	Sherman,	Taylor, E. B.
Clark, Wis.	O'Neil, Mass.	Simonds,	Wheeler, Mich.
Cogswell,	Owen, Ind.	Smyser,	Wiley.

So the motion to lay the bill and amendments on the table was rejected.

The following additional pair was announced:

Mr. CLARK, of Wisconsin, with Mr. FITCH, until further notice.

Mr. ROWELL. I ask unanimous consent to dispense with the recapitulation of the vote.

Objection was made.

The vote was recapitulated.

Mr. SPRINGER. Mr. Speaker, I desire to change my vote. I voted in the affirmative, and I desire to vote in the negative.

The name of Mr. SPRINGER was called and he voted "no."

The result of the vote was then announced as above recorded.

Mr. SPRINGER. I move to reconsider the vote by which the House refused to lay the bill and amendments on the table.

Mr. ROWELL. I move to lay that motion on the table.

The question was put; and the Speaker announced that the "ayes" seemed to have it.

Mr. SPRINGER. Divide.

Mr. ROWELL. Yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 153, nays 148, not voting 27; as follows:

YEAS—153.

Adams,	Dalzell,	Laidlaw,	Russell,
Allen, Mich.	Darlington,	Lansing,	Sanford,
Anderson, Kans.	De Lano,	Laws,	Sawyer,
Arnold,	Dingley,	Lind,	Scranton,
Atkinson, Pa.	Dolliver,	Lodge,	Scully,
Atkinson, W. Va.	Dorsey,	Mason,	Smith, Ill.
Banks,	Dunell,	McComas,	Smith, W. Va.
Bartine,	Evans,	McCord,	Snider,
Bayne,	Farquhar,	McCormick,	Spooner,
Beckwith,	Featherston,	McDuffie,	Stephenson,
Belden,	Finley,	McKenna,	Stewart, Vt.
Belknap,	Flick,	McKinley,	Stockbridge,
Bergen,	Flood,	Miles,	Struble,
Bingham,	Funston,	Moffitt,	Sweney,
Bliss,	Gear,	Moore, N. H.	Taylor, Ill.
Boothman,	Gest,	Morey,	Taylor, J. D.
Boutelle,	Gifford,	Morrill,	Taylor, Tenn.
Bowden,	Greenhalge,	Morrow,	Thomas,
Brewer,	Grosvenor,	Morse,	Thompson,
Brosius,	Grout,	Mudd,	Townsend, Colo.
Brown,	Hall,	Niedringhaus,	Townsend, Pa.
Buchanan, N. J.	Hansbrough,	Nute,	Turner, Kans.
Burrows,	Harmer,	O'Donnell,	Vandever,
Burton,	Haugen,	O'Neill, Pa.	Van Schaick,
Butterworth,	Henderson, Ill.	Osborne,	Waddill,
Caldwell,	Henderson, Iowa	Payne,	Wade,
Candler, Mass.	Hermann,	Payson,	Walker, Mass.
Cannon,	Hill,	Perkins,	Wallace, Mass.
Carter,	Hitt,	Peters,	Wallace, N. Y.
Caswell,	Hopkins,	Post,	Watson,
Chandler,	Houk,	Pugsley,	Wickham,
Chatham,	Kelley,	Quackenbush,	Williams, Ohio
Comstock,	Kennedy,	Raines,	Wilson, Ky.
Conger,	Kerr, Iowa	Randall,	Wilson, Wash.
Connell,	Ketcham,	Ray,	Wright,
Cooper, Ohio	Kinsey,	Reed, Iowa	Yardley.
Craig,	Knapp,	Rife,	
Culbertson, Pa.	Lacey,	Rockwell,	
Cutcheon,	La Follette,	Rowell,	

NAYS—148.

Abbott,	Cowles,	Lanham,	Quinn,
Alderson,	Crain,	Lawler,	Reilly,
Allen, Miss.	Crisp,	Lee,	Richardson,
Anderson, Miss.	Culbertson, Tex.	Lehlbach,	Robertson,
Andrew,	Cummings,	Lester, Ga.	Rogers,
Bankhead,	Dargan,	Lester, Va.	Rowland,
Barnes,	Davidson,	Lewis,	Rusk,
Barwig,	Dibble,	Magner,	Sayers,
Blanchard,	Dickerson,	Maish,	Shively,
Bland,	Dockery,	Mansur,	Skinner,
Blount,	Dunphy,	Martin, Ind.	Stahnecker,
Boatner,	Edmunds,	Martin, Tex.	Stewart, Tex.
Breckinridge, Ark.	Elliott,	McAdoo,	Stockdale,
Breckinridge, Ky.	Ellis,	McCarthy,	Stone, Ky.
Brickner,	Enloe,	McClammy,	Stone, Mo.
Brookshire,	Fithian,	McClellan,	Stump,
Brown, J. B.	Flower,	McCreary,	Tarsney,
Brunner,	Forman,	McMillin,	Tillman,
Buchanan, Va.	Forney,	McRae,	Tracey,
Buckalew,	Fowler,	Mills,	Tucker,
Bullock,	Geissenhainer,	Montgomery,	Turner, Ga.
Bunn,	Gibson,	Moore, Tex.	Turner, N. Y.
Bynum,	Goodnight,	Morgan,	Vaux,
Campbell,	Grimes,	Mutchler,	Venable,
Candler, Ga.	Hare,	Norton,	Walker, Mo.
Carlton,	Hatch,	Oates,	Washington,
Caruth,	Hayes,	O'Ferrall,	Wheeler, Ala.
Chipman,	Haynes,	O'Neill, Ind.	Whiting,
Clancy,	Heard,	Outhwaite,	Whitthorne,
Clarke, Ala.	Hemphill,	Owens, Ohio	Wike,
Clements,	Henderson, N. C.	Parrett,	Wilkinson,
Clunie,	Herbert,	Paynter,	Willcox,
Cobb,	Holman,	Peel,	Williams, Ill.
Coleman,	Hooker,	Pennington,	Wilson, Mo.
Cooper, Ind.	Kerr, Pa.	Perry,	Wilson, W. Va.
Cothran,	Kilgore,	Pierce,	Yoder.
Covert,	Lane,	Price,	

NOT VOTING—27.

Baker,	Browne, Va.	Fitch,
Biggs,	Catchings,	Frank,
Browne, T. M.	Clark, Wis.	Milliken,
	De Haven,	
	Ewart,	

O'Neill, Mass.
Owen, Ind.
Phelan,
Pickler,

Reyburn,
Seney,
Sherman,
Simonds,

Smyser,
Spinola,
Stewart, Ga.
Stivers,

Taylor, E. B.
Wheeler, Mich.
Wiley.

So the motion to lay the motion to reconsider on the table was agreed to.

The following additional pair was announced:

Mr. REYBURN with Mr. CATCHINGS, on this vote.

Mr. LA FOLLETTE. Mr. Speaker, my colleague [Mr. CLARK, of Wisconsin], who was announced as paired on the last vote with Mr. FITCH, of New York, paired before he left Washington, on account of ill health, with Mr. WALKER, of Missouri. He left the pair in my charge in his absence, and asked me to see that it was kept alive. Before the last vote I said to the gentleman from Missouri [Mr. WALKER] that I should have to enter a protest against the transfer of that pair to an absent member on the other side. Mr. CLARK was telegraphed to know if he could return to Washington. He replied that although in ill health he would return if he could vote when he reached here, but that his pair with Mr. WALKER was one which would prevent him from voting even if he were here, and he therefore decided not to return.

Mr. WALKER, of Missouri. Mr. Speaker, I desire to read that pair, and also to make a statement. The pair reads:

Mr. CLARK, of Wisconsin, is paired with Mr. WALKER, of Missouri, until further notice.

That is signed by both Mr. CLARK and myself. I left here before Mr. CLARK did, and his duty was to see that I was paired with an absent Republican, which he did. If I got back before he did, I was to protect him in his pair, which I have done by pairing him with another Democrat. I consider that I have discharged my duty to Mr. CLARK, and I have talked to several members on both sides of the House, who take the same view. It will be observed that this is not one of the pairs that are "not transferable."

The SPEAKER. It is a matter entirely for the gentleman's own decision.

The result of the vote was then announced as above recorded.

The question was taken on the amendment of Mr. HEMPHILL; and the Speaker declared that the noes seemed to have it.

Mr. SPRINGER. I ask for a division.

The House divided; and there were—ayes 121, noes 129.

Mr. SPRINGER. I demand tellers.

Mr. LODGE. Let us have the yeas and nays.

The yeas and nays were ordered.

Several MEMBERS. Let the amendment be read.

The amendment was again read, as follows:

Page 54, section 32, line 12, after the words "United States," insert the following words: "except section 1999 of the Revised Statutes of the United States."

The question was taken; and there were—yeas 146, nays 156, not voting 26; as follows:

YEAS—146.

Abbott,	Cowles,	Lawler,	Reilly,
Alderson,	Crain,	Lee,	Richardson,
Allen, Miss.	Crisp,	Lehlbach,	Robertson,
Anderson, Miss.	Culbertson, Tex.	Lester, Ga.	Rogers,
Andrew,	Cummings,	Lester, Va.	Rowland,
Bankhead,	Dargan,	Lewis,	Rusk,
Barnes,	Davidson,	Magner,	Sayers,
Barwig,	Dickerson,	Maish,	Shively,
Blanchard,	Dockery,	Mansur,	Skinner,
Bland,	Dunphy,	Martin, Ind.	Stahnecker,
Blount,	Edmunds,	Martin, Tex.	Stewart, Tex.
Boatner,	Elliott,	McAdoo,	Stockdale,
Breckinridge, Ark.	Ellis,	McCarthy,	Stone, Ky.
Breckinridge, Ky.	Enloe,	McClammy,	Stone, Mo.
Brickner,	Fithian,	McClellan,	Stump,
Brookshire,	Flower,	McCreary,	Tarsney,
Brown, J. B.	Forman,	McMillin,	Tillman,
Brunner,	Forney,	McRae,	Tracey,
Buchanan, Va.	Fowler,	Mills,	Tucker,
Buckalew,	Geissenhainer,	Montgomery,	Turner, Ga.
Bullock,	Gibson,	Moore, Tex.	Turner, N. Y.
Bunn,	Goodnight,	Morgan,	Vaux,
Bynum,	Grimes,	Mutchler,	Venable,
Campbell,	Hare,	Norton,	Walker, Mo.
Candler, Ga.	Hatch,	Oates,	Washington,
Carlton,	Hayes,	O'Ferrall,	Wheeler, Ala.
Caruth,	Haynes,	O'Neill, Ind.	Whiting,
Catchings,	Heard,	Outhwaite,	Whitthorne,
Chipman,	Hemphill,	Owens, Ohio	Wike,
Clancy,	Henderson, N. C.	Parrett,	Wilkinson,
Clarke, Ala.	Herbert,	Paynter,	Willcox,
Clements,	Holman,	Peel,	Williams, Ill.
Clunie,	Hooker,	Pennington,	Wilson, Mo.
Cobb,	Kerr, Pa.	Perry,	Wilson, W. Va.
Coleman,	Kilgore,	Pierce,	Yoder.
Cooper, Ind.	Lane,	Price,	
Cothran,	Lanham,	Quinn,	
Covert,			

NAYS—156.

Adams,	Belden,	Brower,	Chandle,
Allen, Mich.	Belknap,	Buchanan, N. J.	Chentham,
Anderson, Kans.	Bergen,	Burrows,	Comstock,
Arnold,	Bingham,	Burton,	Conger,
Atkinson, Pa.	Bliss,	Butterworth,	Connell,
Atkinson, W. Va.	Boothman,	Caldwell,	Cooper, Ohio
Banks,	Boutelle,	Candler, Mass.	Craig,
Bartine,	Bowden,	Cannon,	Culbertson, Pa.
Bayne,	Brewer,	Carter,	Cutcheon,
Beckwith,	Brosius,	Caswell,	Dalzell,

Darlington,
De Lano,
Dingley,
Dolliver,
Dorsey,
Dunnell,
Evans,
Farquhar,
Featherston,
Finley,
Flick,
Flood,
Funston,
Gear,
Gest,
Gifford,
Greenhalge,
Grosvenor,
Haugen,
Hartner,
Haugen,
Henderson, Ill.
Henderson, Iowa
Hermann,
Hill,
Hitt,
Hopkins,
Houk,
Kelley,
Kennedy,
Kerr, Iowa
Ketcham,
Kinsey,
Knapp,
Lacey,
La Follette,
Laidlaw,
Lansing,
Laws,
Lind,
Lodge,
Mason,
McComas,
McCord,
McCormick,
McDuffie,
McKenna,
McKinley,
Miles,
Milliken,
Moffitt,
Moore, N. H.
Morey,
Morrill,
Morrow,
Morse,
Mudd,
Niedringhaus,
Nute,
O'Donnell,
O'Neill, Pa.
Osborne,
Payne,
Payson,
Perkins,
Peters,
Post,
Pugsley,
Quackenbush,
Raines,
Randall,
Ray,
Reed, Iowa
Reyburn,
Rife,
Rockwell,
Rowell,
Russell,
Sanford,
Sawyer,
Scranton,
Scully,
Smith, Ill.
Smith, W. Va.
Snider,

NOT VOTING—26.

Baker,
Biggs,
Browne, T. M.
Browne, Va.
Clark, Wis.
Cogswell,
Coleman,
De Haven,
Dibble,
Ewart,
Fitch,
Frank,
O'Neill, Mass.
Owen, Ind.
Phelan,
Pickler,
Seney,
Sherman,
Simonds,
Smyser,
Spinola,

So the amendment was disagreed to.
Mr. ROWELL. I ask unanimous consent that the recapitulation of the names be dispensed with.

Mr. SPRINGER. I object.

The result of the vote was then announced as above recorded.

Mr. SPRINGER. I move to reconsider the vote by which the amendment is disagreed to.

Mr. ROWELL. I move to lay that motion on the table.

The question was taken on the motion of Mr. ROWELL to lay the motion to reconsider on the table; and the Speaker declared that the ayes seemed to have it.

Mr. SPRINGER. I ask for a division.

Mr. MOFFITT. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 155, nays 147, not voting 26; as follows:

YEAS—155.

Adams,
Allen, Mich.
Anderson, Kans.
Arnold,
Atkinson, Pa.
Atkinson, W. Va.
Banks,
Bartine,
Bayne,
Beckwith,
Belden,
Belknap,
Bergen,
Bingham,
Bliss,
Boothman,
Boutelle,
Bowden,
Brewer,
Brosius,
Brower,
Buchanan, N. J.
Burton,
Butterworth,
Caldwell,
Candler, Mass.
Cannon,
Carter,
Caswell,
Chandlee,
Chatham,
Comstock,
Conger,
Connell,
Cooper, Ohio
Craig,
Culbertson, Pa.
Cutcheon,
Dalzell,
Darlington,
De Lano,
Dingley,
Dolliver,
Dorsey,
Dunnell,
Evans,
Farquhar,
Featherston,
Finley,
Flick,
Flood,
Funston,
Gear,
Gest,
Gifford,
Greenhalge,
Grosvenor,
Haugen,
Hartner,
Haugen,
Henderson, Ill.
Henderson, Iowa
Hermann,
Hill,
Hitt,
Hopkins,
Houk,
Kelley,
Kennedy,
Kerr, Iowa
Ketcham,
Kinsey,
Knapp,
Lacey,
La Follette,
Laidlaw,
Lansing,
Laws,
Lind,
Lodge,
Mason,
McComas,
McCord,
McCormick,
McDuffie,
McKenna,
McKinley,
Miles,
Milliken,
Moffitt,
Moore, N. H.
Morey,
Morrill,
Morrow,
Morse,
Mudd,
Niedringhaus,
Nute,
O'Donnell,
O'Neill, Pa.
Osborne,
Payne,
Payson,
Perkins,
Peters,
Post,
Pugsley,
Quackenbush,
Raines,
Randall,
Ray,
Reed, Iowa
Reyburn,
Rife,
Rockwell,
Rowell,
Russell,
Sanford,
Sawyer,
Scranton,
Scully,
Smith, Ill.
Smith, W. Va.
Snider,
Spoonner,
Springer,
Stephenson,
Stewart, Vt.
Stockbridge,
Struble,
Sweeney,
Taylor, Ill.
Taylor, J. D.
Taylor, Tenn.
Thomas,
Thompson,
Townsend, Colo.
Turner, Kans.
Turner, Va.
Van Schalk,
Vander,
Wade,
Walker, Mass.
Wallace, Mass.
Wallace, N. Y.
Watson,
Wickham,
Williams, Ohio
Wilson, Ky.
Wilson, Wash.
Wright,
Yardley,

NAYS—147.

Abbott,
Alderson,
Allen, Miss.
Anderson, Miss.
Andrew,
Bankhead,
Barnes,
Barwig,
Blanchard,
Bland,
Blount,
Boatner,
Breckinridge, Ark.
Breckinridge, Ky.
Brickner,
Brookshire,
Brown, J. B.
Bruner,
Buchanan, Va.
Buckalew,
Bullock,
Bunn,
Bynum,
Campbell,
Candler, Ga.
Carlton,
Caruth,
Catchings,
Chipman,
Clancy,
Clarke, Ala.
Clements,
Clunie,
Cobb,
Cooper, Ind.
Cottrill,
Covert,
Cowles,
Crain,
Crisp,
Culbertson, Tex.
Cummings,
Dargan,
Davidson,
Dibble,
Dickerson,
Dockery,
Dunphy,
Edmunds,
Elliott,
Ellis,
Enloe,

Fithian,
Flower,
Forman,
Forney,
Fowler,
Geissenhainer,
Gibson,
Goodnight,
Grimes,
Hare,
Hatch,
Hayes,
Haynes,
Heard,
Hemphill,
Henderson, N. C.
Herbert,
Holman,
Hooker,
Kerr, Pa.
Kilgore,
Lane,
Lanham,
Lawler,
Lee,
Lehbach,
Lester, Ga.
Lester, Va.
Lewis,
Magner,
Malsh,
Mansur,
Martin, Ind.
Martin, Tex.
McAdoo,
McCarthy,
McClellan,
McCreary,
McMillin,
Mellae,
Mills,
Montgomery,
Moore, Tex.
Morgan,
Mutchler,
Norton,
Oates,
O'Ferrall,
O'Neill, Ind.
Outhwaite,
Owens, Ohio
Parrett,
Paynter,
Peel,
Pendington,
Perry,
Pierce,
Price,
Quinn,
Reilly,
Richardson,
Robertson,
Rogers,
Rowland,
Rusk,
Sayrs,
Shively,
Skinner,
Stallnecker,
Stewart, Tex.
Stockdale,
Stone, Ky.
Stone, Mo.
Stump,
Tarsney,
Tillman,
Tracey,
Tucker,
Turner, Ga.
Turner, N. Y.
Vaux,
Venable,
Walker, Mo.
Washington,
Wheeler, Ala.
Whiting,
Whitthorne,
Wike,
Wilkinson,
Willcox,
Williams, Ill.
Wilson, Mo.
Wilson, W. Va.
Yoder,

NOT VOTING—26.

Baker,
Biggs,
Browne, T. M.
Browne, Va.
Burrows,
Clark, Wis.
Cogswell,
Coleman,
De Haven,
Ewart,
Fitch,
Frank,
O'Neill, Mass.
Owen, Ind.
Phelan,
Pickler,
Seney,
Sherman,
Simonds,
Smyser,
Spinola,

So the motion to reconsider was laid on the table.

When the roll-call was concluded,
Mr. ROWELL moved to dispense with the recapitulation of the names.

Mr. SPRINGER objected.

The Clerk recapitulated the vote.

Mr. SPRINGER. I thought I heard the Clerk read among those who voted in the affirmative the names of the gentleman from Michigan [Mr. BURROWS] and the gentleman from Massachusetts [Mr. Candler]. Am I correct? The names of those gentlemen were both called on the second roll-call without any answer being made.

The SPEAKER. The gentleman from Massachusetts [Mr. Candler] voted.

Mr. SPRINGER. When his name was called?

The SPEAKER. On the second roll-call.

Mr. SPRINGER. How is it in regard to the gentleman from Michigan [Mr. BURROWS]?

The SPEAKER. The gentleman from Michigan is not recorded.

Mr. BURROWS. I would like to vote. I was present when my name was called, but was listening to conversation of gentlemen near me and not to the roll-call. [Laughter.]

The SPEAKER. Upon the statement of the gentleman, the Chair can not entertain his request.

The result of the vote was announced as above stated.

Mr. SPRINGER. I now move to lay this bill on the table. The motion I made before was to lay the bill and pending amendments on the table. This is an entirely different proposition.

The SPEAKER. The motion is not in order; it has already been passed upon by the House.

Mr. SPRINGER. I call the attention of the Chair to the Digest, page 413:

Where a motion has already been made and negatived to lay a bill on the table, and no change or alteration has been made in the bill, or no proceeding directly touching its merits has since taken place, the motion to lie on the table can not be repeated. But under the uniform practice the motion may be entertained at every new stage of the bill or proposition, and upon any proceeding having been had touching its merits.

The motion I made before was a motion to lay on the table the bill and pending amendments. That was negatived. Then the amendment which was pending was voted down; it is not a part of the proposition any longer. This is now an entirely new proposition—a motion to lay on the table the naked bill.

The SPEAKER. The question pending before the House is on the engrossment and third reading of the bill.

Mr. SPRINGER. I make a motion to lay the bill on the table.

The SPEAKER. The Chair rules the motion out of order.

Mr. SPRINGER. From that decision I respectfully appeal.

Mr. ROWELL. I move to lay the appeal on the table.

The SPEAKER. The gentleman from Illinois [Mr. ROWELL] moves to lay the appeal on the table.

The question having been put,

The SPEAKER said: The ayes seem to have it.

Mr. GEAR and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was determined in the affirmative—yeas 157, nays 147, not voting 24; as follows:

YEAS—157.

Adams,
Allen, Mich.
Anderson, Kans.
Arnold,
Atkinson, Pa.
Atkinson, W. Va.
Banks,
Bartine,
Bayne,
Beckwith,
Belden,
Belknap,
Bergen,
Bingham,
Bliss,
Boothman,
Boutelle,
Bowden,
Brewer,
Brosius,
Brower,
Buchanan, N. J.
Burrows,
Burton,

Butterworth,
Caldwell,
Candler, Mass.
Cannon,
Carter,
Caswell,
Cheadle,
Cheatham,
Coleman,
Comstock,
Conger,
Connell,
Cooper, Ohio
Craig,
Culbertson, Pa.
Cutcheon,
Dalzell,
Darlington,
De Lano,
Dingley,
Dolliver,
Dorsey,
Dunnell,
Evans,
Farquhar,
Featherston,
Finley,
Flick,
Flood,
Frank,
Funston,
Gear,
Gest,
Gifford,

Greenhalge,
Grosvenor,
Groat,
Hall,
Hansbrough,
Harmer,
Haugen,
Henderson, Ill.
Henderson, Iowa
Hermann,
Hill,
Hitt,
Hopkins,
Houk,
Kelley,
Kennedy,
Kerr, Iowa
Ketcham,
Kinsey,
Knapp,
Lacey,
La Follette,
Laidlaw,
Lansing,
Laws,
Lehbach,
Lind,
Lodge,
Mason,
McComas,
McCord,
McCormick,
McDuffie,
McKenna,

McKinley,
Miles,
Milliken,
Moffitt,
Moore, N. H.
Morey,
Morrill,
Morrow,
Morse,
Mudd,
Niedringhaus,
Nute,
O'Donnell,
O'Neill, Pa.
Osborne,
Payne,
Payson,
Perkins,
Peters,
Post,
Pugsley,
Quackenbush,
Raines,
Randall,
Ray,
Reed, Iowa
Reyburn,
Rife,
Rockwell,
Rowell,
Russell,
Sanford,
Sawyer,
Scranton,

Scull,
Smith, Ill.
Smith, W. Va.
Snider,
Spooner,
Stephenson,
Stewart, Vt.
Stockbridge,
Struble,
Sweeney,
Taylor, Ill.
Taylor, J. D.
Taylor, Tenn.
Thomas,
Thompson,
Townsend, Colo.
Townsend, Pa.
Vandever,
Van Schaick,
Waddill,
Wade,
Walker, Mass.
Wallace, Mass.
Wallace, N. Y.
Watson,
Wickham,
Williams, Ohio
Wilson, Ky.
Wilson, Wash.
Wright,
Yardley.

NAYS—147.

Abbott,
Alderson,
Allen, Miss.
Anderson, Miss.
Andrew,
Bankhead,
Barnes,
Barwig,
Blanchard,
Bland,
Blount,
Boutner,
Breckinridge, Ark.
Breckinridge, Ky.
Brickner,
Brookshire,
Brown, J. B.
Brunner,
Buchanan, Va.
Buckalew,
Bullock,
Bunn,
Bynum,
Campbell,
Candler, Ga.
Carlton,
Caruth,
Catchings,
Chipman,
Clancy,
Clarke, Ala.
Clements,
Clunie,
Cobb,
Cooper, Ind.
Cothran,
Covert,

Cowles,
Craik,
Crisp,
Culbertson, Tex.
Cummings,
Dargan,
Davidson,
Maish,
Dickerson,
Dockery,
Dunphy,
Edmonds,
Elliott,
Ellis,
Enloe,
Fithian,
Flower,
Forman,
Forney,
Fowler,
Geissenhainer,
Gibson,
Goodnight,
Grimes,
Hare,
Hatch,
Hayes,
Haynes,
Outhwaite,
Heard,
Hemphill,
Henderson, N. C.
Herbert,
Holman,
Hooker,
Kerr, Pa.
Kilgore,
Lane,

Lanham,
Lawler,
Lee,
Lester, Ga.
Lewis,
Magner,
Maish,
Mansur,
Martin, Ind.
Martin, Tex.
McAdoo,
McCarthy,
McClammy,
McClellan,
McCreary,
McMillin,
McRae,
Mills,
Montgomery,
Moore, Tex.
Mutchler,
Norton,
Oates,
O'Ferrall,
O'Neill, Ind.
Outhwaite,
Owens, Ohio
Parrett,
Paynter,
Peel,
Pennington,
Perry,
Pierce,
Price,
Quinn,

Reilly,
Richardson,
Robertson,
Rogers,
Rowland,
Rusk,
Sayers,
Shively,
Skinner,
Springer,
Stahlnecker,
Stewart, Tex.
Stockdale,
Stone, Ky.
Stone, Mo.
Stump,
Tarsney,
Tillman,
Tracey,
Tucker,
Turner, Ga.
Turner, N. Y.
Vaux,
Venable,
Walker, Mo.
Washington,
Wheeler, Ala.
Whiting,
Whithorne,
Wilke,
Anderson, Kans.
Arnold,
Atkinson, Pa.
Atkinson, W. Va.
Banks,
Bartine,
Bayne,
Beckwith,
Belden,
Belknap,
Bergen,
Bingham,
Bliss,
Boothman,
Boutelle,
Bowden,
Brewer,
Broslus,
Brower,
Buchanan, N. J.
Burrows,
Burton,
Butterworth,
Caldwell,
Candler, Mass.
Cannon,
Carter,
Caswell,
Cheadle,
Cheatham,
Coleman,
Comstock,
Conger,
Connell,
Cooper, Ohio
Craig,
Culbertson, Pa.
Cutcheon,

NOT VOTING—24.

Baker,
Biggs,
Browne, T. M.
Browne, Va.
Clark, Wis.
Cogswell,

De Haven,
Ewart,
Fitch,
O'Neill, Mass.
Owen, Ind.
Phelan,

Pickler,
Seney,
Sherman,
Simonds,
Smyser,
Spinola,

Stewart, Ga.
Stivers,
Taylor, E. B.
Turner, Kans.
Wheeler, Mich.
Wiley,

So the appeal from the decision of the Speaker was laid on the table.
The vote having been recapitulated,

Mr. WILKINSON said: Mr. Speaker, I was in my seat when my name was called and I voted "no." I did not hear my name read on the recapitulation.

The SPEAKER. The gentleman's vote is not recorded.

Mr. WILKINSON. I have already stated that fact; but I stated the additional fact that I was in my seat and when my name was called voted "no." I ask to have my vote recorded as it was given.

The SPEAKER. The gentleman will be recorded as voting in the negative.

Mr. CARTER. I observe that on the recapitulation my name does not appear. I was in my place and voted "ay" on the first roll-call. I wish to have my vote so recorded.

The SPEAKER. The gentleman will be so recorded.

Mr. SPRINGER. I desire to change my vote. I voted "no;" I desire now to vote "ay."

The SPEAKER. The gentleman's name will be again called.

The Clerk called the name of Mr. SPRINGER; and he voted in the affirmative.

The SPEAKER. On this question the yeas are 157, the nays 147; and the appeal is laid on the table.

Mr. SPRINGER. I move to reconsider the vote by which the appeal was laid on the table.

Mr. GROSVENOR. I make the point that this motion is necessa-

rily dilatory, and that the Chair has no right to recognize it under the rules.

The SPEAKER. The Chair sustains the point of order.

Mr. SPRINGER. I take an appeal from that decision.

The SPEAKER. The Chair declines to entertain the appeal.

Mr. SPRINGER. This is the first time in the history of this Government that a motion to reconsider has been declared dilatory and ruled out of order. [Cries of "Regular order!"]

The SPEAKER. The next question is on the engrossment and third reading of the bill. As many as are in favor—

Mr. SPRINGER. I move that the House do now adjourn.

The SPEAKER. The gentleman from Illinois moves that the House do now adjourn. [The question was put.] The yeas seem to have it.

Mr. ROWELL. Yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 157, not voting 24; as follows:

YEAS—147.

Abbott,
Alderson,
Allen, Miss.
Anderson, Miss.
Andrew,
Bankhead,
Barnes,
Barwig,
Blanchard,
Bland,
Blount,
Boutner,
Breckinridge, Ark.
Breckinridge, Ky.
Brickner,
Brookshire,
Brown, J. B.
Brunner,
Buchanan, Va.
Buckalew,
Bullock,
Bunn,
Bynum,
Campbell,
Candler, Ga.
Carlton,
Caruth,
Catchings,
Chipman,
Clancy,
Clarke, Ala.
Clements,
Clunie,
Cobb,
Cooper, Ind.
Cothran,
Covert,

Cowles,
Craik,
Crisp,
Culbertson, Tex.
Cummings,
Dargan,
Davidson,
Dibble,
Dickerson,
Dockery,
Dunphy,
Edmonds,
McCarthy,
Ellis,
Enloe,
Fithian,
Flower,
Forman,
Forney,
Fowler,
Geissenhainer,
Gibson,
Goodnight,
Grimes,
Hare,
Hatch,
Hayes,
Haynes,
Heard,
Hemphill,
Henderson, N. C.
Herbert,
Holman,
Hooker,
Kerr, Pa.
Kilgore,
Lane,

Lanham,
Lawler,
Lee,
Lester, Ga.
Lester, Va.
Lewis,
Magner,
Maish,
Mansur,
Martin, Ind.
Martin, Tex.
McAdoo,
McCarthy,
McClammy,
McClellan,
McCreary,
McMillin,
McRae,
Mills,
Montgomery,
Moore, Tex.
Morgan,
Mutchler,
Norton,
Oates,
O'Ferrall,
O'Neill, Ind.
Outhwaite,
Owens, Ohio
Parrett,
Paynter,
Peel,
Pennington,
Perry,
Pierce,
Price,
Quinn,

Reilly,
Richardson,
Robertson,
Rogers,
Rowland,
Rusk,
Sayers,
Shively,
Skinner,
Springer,
Stahlnecker,
Stewart, Tex.
Stockdale,
Stone, Ky.
Stone, Mo.
Stump,
Tarsney,
Tillman,
Tracey,
Tucker,
Turner, Ga.
Turner, N. Y.
Vaux,
Venable,
Walker, Mo.
Washington,
Wheeler, Ala.
Whiting,
Whithorne,
Wilke,
Wilkinson,
Willcox,
Williams, Ill.
Williams, Mo.
Wilson, W. Va.
Yoder.

NAYS—157.

Adams,
Allen, Mich.
Anderson, Kans.
Arnold,
Atkinson, Pa.
Atkinson, W. Va.
Banks,
Bartine,
Bayne,
Beckwith,
Belden,
Belknap,
Bergen,
Bingham,
Bliss,
Boothman,
Boutelle,
Bowden,
Brewer,
Broslus,
Brower,
Buchanan, N. J.
Burrows,
Burton,
Butterworth,
Caldwell,
Candler, Mass.
Cannon,
Carter,
Caswell,
Cheadle,
Cheatham,
Coleman,
Comstock,
Conger,
Connell,
Cooper, Ohio
Craig,
Culbertson, Pa.
Cutcheon,

Dalzell,
Darlington,
De Lano,
Dingley,
Dolliver,
Dorsey,
Dunnell,
Evans,
Farquhar,
Featherston,
Finley,
Flick,
Flood,
Frank,
Funston,
Gear,
Gest,
Gifford,
Greenhalge,
Grosvenor,
Groat,
Hall,
Hansbrough,
Harmer,
Haugen,
Henderson, Ill.
Henderson, Iowa,
Hermann,
Hill,
Hitt,
Hopkins,
Houk,
Kelley,
Kennedy,
Kerr, Iowa
Ketcham,
Kinsey,
Knapp,
Lacey,
La Follette,

Laidlaw,
Lansing,
Laws,
Lehbach,
Lind,
Lodge,
Mason,
McComas,
McCord,
McCormick,
McDuffie,
McKenna,
McKinley,
Miles,
Moffitt,
Moore, N. H.
Morey,
Morrill,
Morrow,
Morse,
Mudd,
Niedringhaus,
Nute,
O'Donnell,
O'Neill, Pa.
Osborne,
Payne,
Payson,
Perkins,
Peters,
Post,
Pugsley,
Quackenbush,
Raines,
Randall,
Ray,
Reed, Iowa
Reyburn,
Rife,
Rockwell,

Rowell,
Russell,
Sanford,
Sawyer,
Scranton,
Scull,
Smith, Ill.
Smith, W. Va.
Snider,
Spooner,
Stephenson,
Stewart, Vt.
Stockbridge,
Struble,
Sweeney,
Taylor, Ill.
Taylor, Tenn.
Taylor, J. D.
Thomas,
Thompson,
Townsend, Colo.
Townsend, Pa.
Turner, Kans.
Vandever,
Van Schaick,
Waddill,
Wade,
Walker, Mass.
Wallace, Mass.
Wallace, N. Y.
Watson,
Wickham,
Williams, Ohio
Wilson, Ky.
Wilson, Wash.
Wright,
Yardley.

NOT VOTING—24.

Baker,
Biggs,
Browne, T. M.
Browne, Va.
Clark, Wis.
Cogswell,

De Haven,
Ewart,
Fitch,
Milliken,
O'Neill, Mass.
Owen, Ind.

Phelan,
Pickler,
Seney,
Sherman,
Simonds,
Smyser,

Spinola,
Stewart, Ga.
Stivers,
Taylor, E. B.
Wheeler, Mich.
Wiley.

So the House refused to adjourn.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken.

Mr. SPRINGER. I demand a division.

Mr. LODGE. We may as well have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 155, nays 148, not voting 25; as follows:

YEAS—155.

Adams,	Dalzell,	Laidlaw,	Rockwell,
Allen, Mich.	Darlington,	Lansing,	Rowell,
Anderson, Kans.	De Lano,	Laws,	Russell,
Arnold,	Dingley,	Lind,	Sanford,
Atkinson, Pa.	Dolliver,	Lodge,	Sawyer,
Atkinson, W. Va.	Dorsey,	Mason,	Scranton,
Banks,	Dunnell,	McComas,	Seull,
Bartine,	Evans,	McCord,	Smith, Ill.
Bayne,	Farquhar,	McCormick,	Smith, W. Va.
Beckwith,	Featherston,	McDuffie,	Snider,
Belden,	Finley,	McKenna,	Spencer,
Belknap,	Flick,	McKinley,	Stephenson,
Bergen,	Flood,	Miles,	Stewart, Va.
Bingham,	Funston,	Milliken,	Stockbridge,
Bliss,	Gear,	Moore, N. H.	Struble,
Boothman,	Gest,	Morey,	Sweeney,
Boutelle,	Gifford,	Morrill,	Taylor, Ill.
Bowden,	Greenhalge,	Morrow,	Taylor, J. D.
Brewer,	Grosvenor,	Morse,	Taylor, Tenn.
Brosius,	Grout,	Mudd,	Thomas,
Brower,	Hall,	Niedringhaus,	Thompson,
Buchanan, N. J.	Hansbrough,	Nute,	Townsend, Colo.
Burrows,	Harmer,	O'Donnell,	Townsend, Pa.
Burton,	Haugen,	O'Neill, Pa.	Turner, Kans.
Butterworth,	Henderson, Iowa	Osborne,	Vandever,
Caldwell,	Henderson, Ill.	Payne,	Van Schaick,
Candler, Mass.	Hermann,	Perkins,	Waddill,
Cannon,	Hill,	Peters,	Waide,
Carter,	Hitt,	Post,	Walker, Mass.
Caswell,	Hopkins,	Pugsley,	Wallace, Mass.
Cheadle,	Houk,	Quackenbush,	Wallace, N. Y.
Cheatham,	Kelley,	Raines,	Watson,
Constock,	Kennedy,	Randall,	Wickham,
Conger,	Kerr, Iowa	Ray,	Williams, Ohio
Connell,	Ketcham,	Reed, Iowa	Wilson, Ky.
Cooper, Ohio	Kinsey,	Reyburn,	Wilson, Wash.
Craig,	Knapp,	Rife,	Wright,
Culbertson, Pa.	Lacey,		Yardley.
Cutcheon,	La Follette,		

NAYS—148.

Abbott,	Cowles,	Lanham,	Quinn,
Alderson,	Crain,	Lawler,	Reilly,
Anderson, Miss.	Crisp,	Lee,	Richardson,
Andrew,	Culbertson, Tex.	Leibach,	Robertson,
Bankhead,	Cummings,	Lester, Ga.	Rogers,
Barnes,	Dargan,	Lester, Va.	Row and,
Barwig,	Davidson,	Lewis,	Rusk,
Blanchard,	Dibble,	Magnier,	Sayers,
Bland,	Dickerson,	Maish,	Shively,
Blount,	Dockery,	Mansur,	Skinner,
Boatner,	Dunphy,	Martin, Ind.	Springer,
Breckinridge, Ark.	Edmonds,	Martin, Tex.	Stahlnecker,
Breckinridge, Ky.	Elliott,	McAdoo,	Stewart, Tex.
Brickner,	Ellis,	Stockdale,	Stewart, Va.
Brookshire,	Enloe,	Stone, Ky.	Stump,
Brown, J. B.	Fithian,	Stone, Mo.	Tarsney,
Brunner,	Flower,	Tillman,	Tracey,
Buchanan, Va.	Forman,	Turner, N. Y.	Vaux,
Buckalew,	Forney,	Venable,	Walker, Mo.
Bullock,	Fowler,	Washington,	Wheeler, Ala.
Bunn,	Geissenhainer,	Whiting,	Whitthorne,
Bynum,	Gibson,	Wike,	Wilkinson,
Campbell,	Goodnight,	Wilcox,	Williams, Ill.
Candler, Ga.	Grimes,	William, Mo.	Wilson, W. Va.
Carlton,	Hare,	Yoder,	
Caruth,	Hatch,		
Catchings,	Hayes,		
Chipman,	Haynes,		
Clancy,	Heard,		
Clarke, Ala.	Hemphill,		
Clements,	Henderson, N. C.		
Clunie,	Herbert,		
Cobb,	Holman,		
Coleman,	Hooker,		
Cooper, Ind.	Kerr, Pa.		
Cothran,	Kilgore,		
Covert,	Lane,		

NOT VOTING—25.

Allen, Miss.	De Haven,	Pickler,	Stivers,
Baker,	Ewart,	Seney,	Taylor, E. B.
Biggs,	Fitch,	Sherman,	Wheeler, Mich.
Browne, T. M.	Frank,	Simonds,	Wiley,
Browne, Va.	O'Neill, Mass.	Smyser,	
Clark, Wis.	Owen, Ind.	Spinola,	
Cogswell,	Phelan,	Stewart, Ga.	

So the bill was ordered to be engrossed and read the third time.

Mr. ALLEN, of Mississippi. Mr. Speaker, I was in the Hall when my name was called, but my attention was diverted for the moment by some one talking to me and I did not hear it. I desire to state that I should have voted "no" on this question.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

FEDERAL ELECTION LAW.

Mr. HEMPHILL. I desire to move that the bill be recommitted to

the committee from which it was reported, the Select Committee on the Election of President and Vice-President, etc.

The SPEAKER. The bill will be considered as having been read a third time.

Mr. SPRINGER. No; I object to that.

Mr. HEMPHILL. Let it be read in the usual way, by the title.

The SPEAKER. The question is on the motion of the gentleman from South Carolina to recommit the bill.

The question was taken; and the Speaker announced that the yeas seemed to have it.

Mr. SPRINGER demanded a division.

Mr. ROWELL. I ask the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 148, nays 155, not voting 25; as follows:

YEAS—148.

Abbott,	Covert,	Lane,	Price,
Alderson,	Cowles,	Lanham,	Quinn,
Allen, Miss.	Crain,	Lawler,	Reilly,
Anderson, Miss.	Crisp,	Lee,	Richardson,
Andrew,	Culbertson, Tex.	Leibach,	Robertson,
Bankhead,	Cummings,	Lester, Ga.	Rogers,
Barnes,	Dargan,	Lester, Va.	Rowland,
Barwig,	Davidson,	Lewis,	Rusk,
Blanchard,	Dibble,	Magnier,	Sayers,
Bland,	Dickerson,	Maish,	Shively,
Blount,	Dockery,	Mansur,	Skinner,
Boatner,	Dunphy,	Martin, Ind.	Stahlnecker,
Breckinridge, Ark.	Edmonds,	Martin, Tex.	Stewart, Tex.
Breckinridge, Ky.	Elliott,	McAdoo,	Stockdale,
Brickner,	Ellis,	McCarthy,	Stone, Ky.
Brookshire,	Enloe,	McClammy,	Stone, Mo.
Brown, J. B.	Fithian,	McClellan,	Stump,
Brunner,	Flower,	McCreary,	Tarsney,
Buchanan, Va.	Forman,	McMillin,	Tillman,
Buckalew,	Forney,	McRae,	Tracey,
Bullock,	Fowler,	Mills,	Tucker,
Bunn,	Geissenhainer,	Montgomery,	Turner, Ga.
Bynum,	Gibson,	Moore, Tex.	Turner, N. Y.
Campbell,	Goodnight,	Morgan,	Vaux,
Candler, Ga.	Grimes,	Mitchler,	Venable,
Carlton,	Hare,	Norton,	Walker, Mo.
Caruth,	Hatch,	Oates,	Washington,
Catchings,	Hayes,	O'Ferrall,	Wheeler, Ala.
Chipman,	Haynes,	O'Neill, Ind.	Whiting,
Clancy,	Heard,	Owens, Ohio	Whitthorne,
Clarke, Ala.	Hemphill,	Parrett,	Wike,
Clements,	Henderson, N. C.	Paynter,	Wilkinson,
Clunie,	Herbert,	Peel,	Williams, Ill.
Cobb,	Holman,	Pennington,	Wilson, Mo.
Coleman,	Hooker,	Perry,	Wilson, W. Va.
Cooper, Ind.	Kerr, Pa.	Pierce,	Yoder.
Cothran,	Kilgore,		

NAYS—155.

Adams,	Dalzell,	Laidlaw,	Rockwell,
Allen, Mich.	Darlington,	Lansing,	Rowell,
Anderson, Kans.	De Lano,	Laws,	Russell,
Arnold,	Dingley,	Lind,	Sanford,
Atkinson, Pa.	Dolliver,	Lodge,	Sawyer,
Atkinson, W. Va.	Dorsey,	Mason,	Scranton,
Banks,	Dunnell,	McComas,	Seull,
Bartine,	Evans,	McCord,	Smith, Ill.
Bayne,	Farquhar,	McCormick,	Smith, W. Va.
Beckwith,	Featherston,	McDuffie,	Snider,
Belden,	Finley,	McKenna,	Spencer,
Belknap,	Flick,	McKinley,	Stephenson,
Bergen,	Flood,	Miles,	Stewart, Va.
Bingham,	Funston,	Milliken,	Stockbridge,
Bliss,	Gear,	Moore, N. H.	Struble,
Boothman,	Gest,	Morey,	Sweeney,
Boutelle,	Gifford,	Morrill,	Taylor, Ill.
Bowden,	Greenhalge,	Morrow,	Taylor, Tenn.
Brewer,	Grosvenor,	Morse,	Taylor, J. D.
Brosius,	Grout,	Mudd,	Thomas,
Brower,	Hall,	Niedringhaus,	Thompson,
Buchanan, N. J.	Hansbrough,	Nute,	Townsend, Colo.
Burrows,	Harmer,	O'Donnell,	Townsend, Pa.
Burton,	Haugen,	O'Neill, Pa.	Turner, Kans.
Butterworth,	Henderson, Ill.	Osborne,	Vandever,
Caldwell,	Henderson, Iowa	Payne,	Van Schaick,
Candler, Mass.	Hermann,	Perkins,	Waddill,
Cannon,	Hill,	Peters,	Waide,
Carter,	Hitt,	Post,	Walker, Mass.
Caswell,	Hopkins,	Pugsley,	Wallace, Mass.
Cheadle,	Houk,	Quackenbush,	Wallace, N. Y.
Cheatham,	Kelley,	Raines,	Watson,
Constock,	Kennedy,	Randall,	Wickham,
Conger,	Kerr, Iowa	Ray,	Williams, Ohio
Connell,	Ketcham,	Reed, Iowa	Wilson, Ky.
Cooper, Ohio	Kinsey,	Reyburn,	Wilson, Wash.
Craig,	Knapp,	Rife,	Wright,
Culbertson, Pa.	Lacey,		Yardley.
Cutcheon,	La Follette,		

NOT VOTING—25.

Baker,	Ewart,	Seney,	Taylor, E. B.
Higgs,	Fitch,	Sherman,	Turner, Kans.
Browne, T. M.	Frank,	Simonds,	Wheeler, Mich.
Browne, Va.	O'Neill, Mass.	Smyser,	Wiley,
Clark, Wis.	Owen, Ind.	Spinola,	
Cogswell,	Phelan,	Stewart, Ga.	
De Haven,	Pickler,	Stivers,	

So the motion to recommit was lost.

The Clerk recapitulated the names of those voting.

Mr. SPRINGER. I desire to change my vote. I voted "ay" and I wish to vote "no."

The Clerk called Mr. SPRINGER's name, and he voted "no." The result of the vote was then announced as above recorded. Mr. SPRINGER. I move to reconsider the vote by which the House refused to recommit the bill.

Mr. ROWELL. I move to lay that motion on the table, and on that I demand the yeas and nays.

Mr. BRECKINRIDGE, of Kentucky. I move that we take a recess until 8 o'clock. It is now a quarter to 6, and if we take a recess until 8 o'clock we can get our dinner.

The SPEAKER. That motion is not now in order.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 156, nays 149, not voting 23; as follows:

YEAS—156.

Adams,	Dalzell,	La Pollette,	Rife,
Allen, Mich.	Darlington,	Laidlaw,	Rockwell,
Anderson, Kans.	De Lano,	Lansing,	Rowell,
Arnold,	Dingley,	Laws,	Russell,
Atkinson, Pa.	Dolliver,	Lind,	Sanford,
Atkinson, W. Va.	Dorsey,	Lodge,	Sawyer,
Banks,	Dunnell,	Mason,	Scranton,
Bartine,	Evans,	McComas,	Seull,
Bayne,	Farquhar,	McCord,	Smith, Ill.
Beckwith,	Featherston,	McCormick,	Smith, W. Va.
Belden,	Finley,	McDuffie,	Snider,
Belknap,	Flick,	McKenna,	Spooner,
Bergen,	Flood,	McKinley,	Stephenson,
Bingham,	Frank,	Miles,	Stewart, Vt.
Bliss,	Funston,	Milliken,	Stockbridge,
Boothman,	Gear,	Moffitt,	Struble,
Boutelle,	Gest,	Moore, N. H.	Sweeney,
Bowden,	Gifford,	Morey,	Taylor, Ill.
Brewer,	Greenhalge,	Morrill,	Taylor, J. D.
Brosius,	Grosvenor,	Morrow,	Taylor, Tenn.
Brower,	Grout,	Morse,	Thomas,
Buchanan, N. J.	Hall,	Mudd,	Thompson,
Burrows,	Hansbrough,	Niedringhaus,	Townsend, Colo.
Burton,	Harmer,	Nute,	Turner, Kans.
Butterworth,	Haugen,	O'Donnell,	Turner, Vt.
Caldwell,	Henderson, Ill.	O'Neill, Pa.	Van Sack,
Candler, Mass.	Henderson, Iowa	Osbome,	Waddill,
Cannon,	Hermann,	Payne,	Wade,
Carter,	Hill,	Payson,	Walker, Mass.
Caswell,	Hitt,	Perkins,	Wallace, Mass.
Chandle,	Hopkins,	Peters,	Wallace, N. Y.
Chenham,	Houk,	Post,	Watson,
Comstock,	Kelley,	Pugsley,	Wickham,
Conger,	Kennedy,	Quackenbush,	Williams, Ohio
Connell,	Kerr, Iowa	Raines,	Wilson, Ky.
Cooper, Ohio	Ketcham,	Randall,	Wilson, Wash.
Craig,	Kinsey,	Ray,	Wright,
Culbertson, Pa.	Knapp,	Reed, Iowa	Yardley.
Cutcheon,	Lacey,	Reyburn,	

NAYS—149.

Abbott,	Cowles,	Lawler,	Richardson,
Alderson,	Crain,	Lee,	Robertson,
Allen, Miss.	Crisp,	Lehibach,	Rogers,
Anderson, Miss.	Culbertson, Tex.	Lester, Ga.	Rowland,
Andrew,	Cummings,	Lester, Va.	Rusk,
Bankhead,	Dargan,	Lewis,	Sayers,
Barnes,	Davidson,	Magner,	Shively,
Barwig,	Dibble,	Maish,	Skinner,
Blanchard,	Dickerson,	Mansur,	Springer,
Bland,	Dockery,	Martin, Ind.	Stahlmecker,
Blount,	Dunphy,	Martin, Tex.	Stewart, Tex.
Boatner,	Edmunds,	McAdoo,	Stockdale,
Breckinridge, Ark.	Elliott,	McCarthy,	Stone, Ky.
Breckinridge, Ky.	Ellis,	McClammy,	Stone, Mo.
Brickner,	Enloe,	McClellan,	Stump,
Brookshire,	Fithian,	McCreary,	Tarsney,
Brown, J. B.	Flower,	McMillin,	Tillman,
Brunner,	Forman,	McRae,	Tracey,
Buchanan, Va.	Forney,	Mills,	Tucker,
Buckalew,	Fowler,	Montgomery,	Turner, Ga.
Bullock,	Geisenhainer,	Moore, Tex.	Turner, N. Y.
Bunn,	Gibson,	Morgan,	Vaux,
Bynum,	Goodnight,	Mutchler,	Venable,
Campbell,	Grimes,	Norton,	Walker, Mo.
Candler, Ga.	Hare,	Oates,	Washington,
Carlton,	Hatch,	O'Ferrall,	Wheeler, Ala.
Caruth,	Hayes,	O'Neill, Ind.	Whiting,
Catchings,	Haynes,	Outhwaite,	Whitthorne,
Chipman,	Heard,	Owens, Ohio	Wike,
Clancy,	Hemphill,	Parrell,	Wilkinson,
Clarke, Ala.	Henderson, N. C.	Paynter,	Willcox,
Clements,	Herbert,	Peel,	Williams, Ill.
Clunie,	Holman,	Pennington,	Wilson, Mo.
Cobb,	Hooker,	Perry,	Wilson, W. Va.
Coleman,	Kerr, Pa.	Pierce,	Yoder.
Cooper, Ind.	Kilgore,	Price,	
Cothran,	Lane,	Quinn,	
Covert,	Lanham,	Reilly,	

NOT VOTING—23.

Baker,	De Haven,	Pickler,	Stewart, Ga.
Biggs,	Ewart,	Seney,	Stivers,
Browne, T. M.	Fitch,	Sherman,	Taylor, E. B.
Browne, Va.	O'Neill, Mass.	Simonds,	Wheeler, Mich.
Clark, Wis.	Owen, Ind.	Smyser,	Wiley.
Cogswell,	Phelan,	Spinola,	

So the motion to lay on the table the motion to reconsider was agreed to.

The Clerk recapitulated the names of those voting.

The result was then announced as above recorded.

Mr. OUTHWAITE. I move that the House do now adjourn.

Mr. MCKINLEY. I make the point of order that that is a dilatory motion.

The SPEAKER. The Chair sustains the point of order.

The question recurred on the passage of the bill.

Mr. SPRINGER. I demand the reading of the bill.

The SPEAKER. The Clerk will read the engrossed bill. [Applause on the Republican side.]

Mr. SPRINGER. I see that the bill is engrossed. I want the engrossed copy read.

The SPEAKER. The gentleman need give himself no uneasiness. The rules of the House will be complied with.

Mr. ROGERS. We are glad of the assurance.

The engrossed bill was then read.

During the reading of the engrossed bill, Mr. BUCKALEW rose.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. BUCKALEW. I rise for the purpose of asking unanimous consent that the reading of the engrossed bill be dispensed with.

Mr. SPRINGER. I object.

Mr. COWLES. The bill never has been read, and it ought to be read once.

The SPEAKER. Objection is made. The Clerk will continue.

During the further reading of the bill the following occurred:

Mr. SPRINGER. I demand order in the House. I can not hear the Clerk.

Mr. CULBERSON, of Texas. Mr. Speaker, the Clerk is reading so fast we can not follow him.

Mr. SPRINGER. I can not hear.

Mr. WILLIAMS, of Ohio. I ask unanimous consent that the gentleman from Illinois may stand by the side of the Clerk as he reads.

Mr. CUTCHEON. I think if the House would be in order we could hear the bill.

The SPEAKER. The House will be in order.

Mr. MILLIKEN. I think everybody can hear the bill who wants to hear the reading of it.

After the reading of section 2, the following occurred:

Mr. SPRINGER. Mr. Speaker, the clause of that section from the word "petitioning" down to "residents" was stricken out when this bill was before the House, and it seems to be retained as a part of the bill.

The SPEAKER. The Clerk will continue.

Mr. SPRINGER. I make the point of order that this is not the bill that has been considered.

The SPEAKER. The Clerk will read.

During the reading of section 6, the following occurred:

Mr. COWLES. Mr. Speaker, I rise to a point of order. There is no quorum present while this important bill is being read. There should be a quorum here.

Mr. CANNON. There is no way to raise that point except upon a vote.

The SPEAKER. The Clerk will continue.

Mr. COWLES. Mr. Speaker, I demand that the Chair shall rule upon my point of order.

Mr. MCKINLEY. How does the gentleman know there is no quorum present?

Mr. COWLES. I appeal from the decision which the Chair declines to make. [Laughter.]

During the reading of section 22:

Mr. WHEELER, of Alabama. Mr. Speaker, I rise to the point of order that there is not a quorum present, and that therefore the bill is not being read in the presence of a quorum.

Mr. MCKINLEY. How do you know?

The Clerk continued reading.

Mr. WHEELER, of Alabama. I insist upon the point that no quorum is here.

The SPEAKER *pro tempore* (Mr. BURROWS in the chair). The reading of the engrossed bill can not be interrupted.

Mr. WHEELER, of Alabama. I want to know of the Speaker if it is in order to read the bill in the absence of a quorum.

Mr. CANNON. Oh, there is a quorum here.

The reading of the bill was resumed and concluded.

The SPEAKER. The question is upon the passage of the bill.

The question was put; and the Speaker announced the "ayes" seemed to have it.

Mr. HOLMAN. Yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 155, nays 149, not voting 24; as follows:

YEAS—155.

Adams,	Bingham,	Candler, Mass.	Dalzell,
Allen, Mich.	Bliss,	Cannon,	Darlington,
Anderson, Kans.	Boothman,	Carter,	De Lano,
Arnold,	Boutelle,	Caswell,	Dingley,
Atkinson, Pa.	Bowden,	Cheadle,	Dolliver,
Atkinson, W. Va.	Brewer,	Chenham,	Dorsey,
Banks,	Brosius,	Comstock,	Dunnell,
Bartine,	Brower,	Conger,	Evans,
Bayne,	Buchanan, N. J.	Conger,	Farquhar,
Beckwith,	Burrows,	Cooper, Ohio	Featherston,
Belden,	Burton,	Craig,	Finley,
Belknap,	Butterworth,	Culbertson, Pa.	Flick,
Bergen,	Caldwell,	Cutcheon,	Flood,

Funston,	Laidlaw,	Payne,	Stockbridge,
Gear,	Lansing,	Payson,	Struble,
Gest,	Laws,	Perkins,	Sweney,
Gifford,	Lind,	Peters,	Taylor, Ill.
Greenhaige,	Lodge,	Post,	Taylor, J. D.
Grosvonor,	Mason,	Pugsley,	Taylor, Tenn.
Groat,	McComas,	Quackenbush,	Thomas,
Hall,	McCord,	Raines,	Thompson,
Hansbrough,	McCormick,	Randall,	Townsend, Colo.
Harmer,	McDuffie,	Ray,	Townsend, Pa.
Haugen,	McKenna,	Reed, Iowa	Turner, Kans.
Henderson, Ill.	McKinley,	Reyburn,	Vandever,
Henderson, Iowa	Miles,	Rife,	Van Schaick,
Hermann,	Miliken,	Rockwell,	Waddill,
Hill,	Moffitt,	Rowell,	Wade,
Hitt,	Moore, N. H.	Russell,	Walker, Mass.
Hopkins,	Morey,	Sanford,	Wallace, Mass.
Houk,	Morrill,	Sawyer,	Wallace, N. Y.
Keiley,	Morrow,	Seranton,	Watson,
Kennedy,	Morse,	Seull,	Wickham,
Kerr, Iowa	Mudd,	Smith, Ill.	Williams, Ohio
Ketcham,	Niedringhaus,	Smith, W. Va.	Wilson, Ky.
Kinsey,	Nute,	Snider,	Wilson, Wash.
Knapf,	O'Donnell,	Spooner,	Wright,
Lucy,	O'Neill, Pa.	Stephenson,	Yardley.
La Follette,	Osborne,	Stewart, Vt.	

NAYS—149.

Abbott,	Cowles,	Lawler,	Richardson,
Alderson,	Crain,	Lee,	Robertson,
Allen, Miss.	Crisp,	Leibach,	Rogers,
Anderson, Miss.	Cutherson, Tex.	Lester, Ga.	Rowland,
Andrew,	Cummings,	Lester, Va.	Rusk,
Bankhead,	Dargan,	Lewis,	Sayers,
Barnes,	Davidson,	Magner,	Shively,
Barwig,	Dibble,	Maish,	Skinner,
Blanchard,	Dickerson,	Mansur,	Springer,
Bland,	Dockery,	Martin, Ind.	Stahlnacker,
Blount,	Dunphy,	Martin, Tex.	Stewart, Tex.
Boatner,	Edmunds,	McAdoo,	Stockdale,
Breckinridge, Ark.	Elliott,	McCarthy,	Stone, Ky.
Breckinridge, Ky.	Ellis,	McClammy,	Stone, Mo.
Brickner,	Enloe,	McClellan,	Stump,
Brookshire,	Fithian,	McCreary,	Tarsney,
Brown, J. B.	Flower,	McMillin,	Tillman,
Brunner,	Forman,	McRae,	Tracey,
Buchanan, Va.	Forney,	Mills,	Tucker,
Buckalew,	Fowler,	Montgomery,	Turner, Ga.
Bullock,	Geissenhainer,	Moore, Tex.	Turner, N. Y.
Bunn,	Gibson,	Morgan,	Vaux,
Bynum,	Goodnight,	Mitchler,	Venable,
Campbell,	Grimes,	Norton,	Walker, Mo.
Candler, Ga.	Hare,	Oates,	Washington,
Carlton,	Hatch,	O'Ferrall,	Wheeler, Ala.
Caruth,	Hayes,	O'Neill, Ind.	Whiting,
Catchings,	Haynes,	Outhwaite,	Whitthorne,
Chipman,	Heard,	Owens, Ohio	Wike,
Claney,	Hemphill,	Parrett,	Wilkinson,
Clarke, Ala.	Henderson, N. C.	Paynter,	Willcox,
Clements,	Herbert,	Peel,	Williams, Ill.
Clunie,	Holman,	Pennington,	Wilson, Mo.
Cobb,	Hooker,	Perry,	Wilson, W. Va.
Coleman,	Kerr, Pa.	Pierce,	Yoder.
Cooper, Ind.	Kilgore,	Price,	
Cottrhan,	Lane,	Quinn,	
Covert,	Lanham,	Relly,	

NOT VOTING—24.

Baker,	De Haven,	Phelan,	Spinola,
Higgs,	Ewart,	Pickler,	Stewart, Ga.
Brown, T. M.	Fitch,	Seney,	Stivers,
Browne, Va.	Frank,	Sherman,	Taylor, E. B.
Clark, Wis.	O'Neill, Mass.	Simonds,	Wheeler, Mich.
Cogswell,	Owen, Ind.	Smyser,	Wiley.

So the bill was passed.

The vote was recapitulated.

The SPEAKER. On this question the yeas are 155, the nays 149, and the bill is passed. [Loud applause on the Republican side.]

Mr. LODGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The SPEAKER. Without objection, it will be so ordered. The Chair hears no objection.

Mr. OUTHWAITE. Would a motion to adjourn now be in order?

ADJOURNMENT OVER FROM THURSDAY TILL MONDAY.

Mr. McKINLEY. Mr. Speaker, I move that when the House adjourns to-morrow it be to meet on Monday next, at 12 o'clock m.

The motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same.

Mr. BUCHANAN, of New Jersey. I ask unanimous consent that the reading of the titles be dispensed with, and that they be printed in the RECORD.

There was no objection, and it was so ordered.

A bill (S. 168) granting a pension to William Gardner;
 A bill (S. 448) granting a pension to Dobson Amick;
 A bill (S. 503) granting a pension to Ellen G. King;
 A bill (S. 513) granting a pension to Alfred Denny;
 A bill (S. 563) for the relief of Cornelia A. Stanley;
 A bill (S. 640) granting a pension to Annie D. Rundlett;
 A bill (S. 763) granting a pension to Martha F. Webster;

A bill (S. 773) granting a pension to James E. Kabler;
 A bill (S. 776) granting a pension to John K. Evans;
 A bill (S. 779) granting a pension to Mary J. Foster;
 A bill (S. 786) granting a pension to Mrs. M. A. Hooper;
 A bill (S. 789) granting a pension to Henry G. Healy;
 A bill (S. 796) granting a pension to Maggie Staudler;
 A bill (S. 797) granting a pension to Lucy I. Bissell;
 A bill (S. 798) granting a pension to Mariah L. Pool;
 A bill (S. 820) granting a pension to Mary Kinney;
 A bill (S. 1082) granting a pension to Frederick Kidwiler;
 A bill (S. 1103) granting a pension to Robert H. Stewart;
 A bill (S. 1269) granting a pension to James M. McKinney;
 A bill (S. 1282) granting a pension to Alice Nichols;
 A bill (S. 1302) granting a pension to John Beshen;
 A bill (S. 1304) granting an increase of pension to Stephen D. Redfield.

A bill (S. 1365) granting a pension to Annie E. Dixon;
 A bill (S. 1446) granting a pension to Elizabeth Wilson;
 A bill (S. 1546) granting an increase of pension to Mrs. Sallie H. Michler, widow of the late Bvt. Brig. Gen. Nathaniel Michler, United States Army;

A bill (S. 1577) granting a pension to Francis E. Smith;
 A bill (S. 1681) granting a pension to John Bridenback, late private Company L, Fourth Regiment Ohio Volunteer Cavalry;

A bill (S. 1729) granting a pension to Lucy A. Coffield;
 A bill (S. 1735) granting a pension to J. M. Stevens;
 A bill (S. 1817) granting a pension to Mary F. Hopkins;
 A bill (S. 1902) granting a pension to Sarah C. Anderson and children under sixteen years of age;

A bill (S. 2076) granting an increase of pension to John E. Walton;
 A bill (S. 2197) to increase the pension of Ziba Yarnell;
 A bill (S. 2200) for the relief of Mary E. Johnson;
 A bill (S. 2309) for the relief of Joseph O. Cotton, dependent father of Gregory H. Cotton;

A bill (S. 2369) granting an increase of pension to Oscar S. Collins;
 A bill (S. 2411) granting a pension to Eugenia B. Tabler;
 A bill (S. 2420) granting a pension to Jane Wood, widow of Clayborne Wood, late of Company C, Thirty-third Ohio Infantry Volunteers;

A bill (S. 2733) granting a pension to Theodore Gardner;
 A bill (S. 2734) granting a pension to Ada Johnson;
 A bill (H. R. 11223) making an appropriation to supply a deficiency in the appropriation for compensation of members of the House of Representatives and Delegates from Territories;

A bill (H. R. 9048) to confirm the title to certain lands in the city of Sault Ste. Marie and State of Michigan, and to release any reversionary right of the Government of the United States therein.

ORDER OF BUSINESS.

Mr. McCOMAS. I now, pursuant to notice, move the adoption of the report of the committee of conference on the District of Columbia appropriation bill which has been agreed to by the conference.

Mr. SPRINGER. Let us adjourn, and do that to-morrow.

Mr. McCOMAS. It will take no time.

Mr. BRECKINRIDGE, of Kentucky. I move that the House adjourn. [Cries of "Regular order!"]

Mr. McKINLEY. I move that the House do now adjourn.

Mr. LODGE. I ask unanimous consent that the bill just passed may be reprinted. [Cries of "Regular order!" and "I object!"]

Mr. McCOMAS. This conference report can be adopted in a few moments.

Mr. McMILLIN. Mr. Speaker, has not a motion to adjourn been made?

The SPEAKER. There has; but a conference report takes precedence over a motion to adjourn.

Mr. BLAND. I raise the question of consideration on the report.

Mr. McCOMAS. I withdrew it upon the understanding that I should call it up after the vote on the bill which has just been passed.

The SPEAKER. The Chair thinks that was the understanding on the part of the House—that the gentleman from Maryland should withdraw it, and that it should be taken up after the vote upon the bill which has just passed.

Mr. McMILLIN. So far as I am concerned I have no objection to it; but I do not want it to go into the RECORD that an agreement entered into in that way could bind the House and prevent its adjournment.

The SPEAKER. The Chair does not mean to say that it was an agreement, but such an understanding existed.

Mr. McCOMAS. I move that the reading of the report of the committee of conference be dispensed with.

Objection was made.

The SPEAKER. The report, then, must be read.

Mr. McCOMAS. I hope the reading of the report will not be insisted upon. It has been debated in the Senate and, I understand, printed in the RECORD; it is agreed upon by the committee of confer-

ence unanimously, and therefore I ask that the report be not read. ["Cries of Regular order!"]

Mr. ENLOE. I move that the House do now adjourn.

Mr. GROSVENOR. A parliamentary inquiry. Under the order of the House, when an adjournment is taken to-night, will it be until 12 o'clock to-morrow or until 11 o'clock to-morrow?

The SPEAKER. Until 12 o'clock to-morrow.

Mr. ENLOE. I insist upon the motion to adjourn, and I say that the conference report can not take precedence.

The SPEAKER. The Clerk will read.

The Clerk proceeded to read the conference report.

Mr. CANNON. I rise to a question of order. I ask the gentleman from Maryland if he will not ask unanimous consent that the reading of the report be dispensed with.

Mr. McCOMAS. I will.

Mr. CANNON. And let the statement of the House conferees be read.

Mr. McCOMAS. I ask unanimous consent to dispense with the reading of the report, and that the statement of the House conferees be read.

Mr. GROUT. I object.

The Clerk resumed the reading of the report.

Mr. McCOMAS. Mr. Speaker, though I think this appropriation bill ought to be passed, as the conferees have agreed, yet as the House is very impatient to adjourn I will ask unanimous consent—

Mr. FITHIAN. I object.

Mr. McCREARY. Let the gentleman finish the statement of his request.

Mr. McCOMAS. I ask unanimous consent that the remainder of the report of the conferees be printed in the RECORD.

Mr. FITHIAN. I object.

The SPEAKER. Objection is made.

Mr. HEMPHILL. I would like to add a word to what the gentleman has said. There is some legislation in this report relating to the District which it is of importance to understand.

Mr. McKINLEY. I beg the gentleman from Maryland to withdraw his report. We have been in session ten hours, and certainly there can be nothing pressing about this report since the extension of the appropriations.

Mr. McCOMAS. I asked that it be printed in the RECORD and go over.

Mr. McKINLEY. There certainly ought to be no objection to the report being printed in the RECORD.

Mr. FITHIAN. I object.

The Clerk resumed the reading of the report.

Mr. KILGORE. Mr. Speaker, I ask unanimous consent to dispense with the reading of the numbers of these amendments, because they are utterly unintelligible.

Mr. FITHIAN. I object, Mr. Speaker.

The Clerk again resumed the reading.

Mr. McCOMAS. Now, Mr. Speaker, in deference to the wishes of a great many gentlemen round me who are tired and almost exhausted from the length of to-day's session, I will withdraw the report and yield to a motion to adjourn.

Mr. McKINLEY. I renew my motion to adjourn.

The question was put; and the Speaker announced that the "ayes" seemed to have it.

Mr. FITHIAN. Yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER (after counting). Thirty-eight gentlemen have arisen in support of the demand for the yeas and nays; not a sufficient number.

Mr. FITHIAN and Mr. BRECKINRIDGE, of Kentucky. The other side.

The SPEAKER (after counting the other side). Eighty-eight gentlemen have arisen against the demand for the yeas and nays; not a sufficient number; and the yeas and nays are ordered.

The question was taken; and it was decided in the affirmative—yeas 98, nays 11, not voting 219; as follows:

YEAS—98.

Abbott,	Burton,	Flood,	McClellan,
Adams,	Cannon,	Flower,	McComas,
Alderson,	Carter,	Forney,	McCreary,
Allen, Mich.	Clarke, Ala.	Goodnight,	McDuffie,
Anderson, Kans.	Clements,	Grimes,	McKinley,
Andrew,	Coleman,	Grosvenor,	McMillin,
Atkinson, Pa.	Connell,	Harner,	Mudd,
Banks,	Cowles,	Heard,	O'Ferrall,
Bartine,	Culberson, Tex.	Humphill,	O'Neill, Pa.
Belknap,	Cummings,	Henderson, Ill.	Payne,
Bergen,	Cutcheon,	Henderson, Iowa	Peters,
Biles,	Davidson,	Houk,	Post,
Boutelle,	Dickerson,	Kennedy,	Price,
Breckinridge, Ark.	Dockery,	Kerr, Iowa	Reed, Iowa
Breckinridge, Ky.	Dolliver,	Lacey,	Reilly,
Brickner,	Dunnell,	Lind,	Rife,
Brookshire,	Dunphy,	Maish,	Sayers,
Browne, Va.	Enloe,	Martin, Ind.	Scranton,
Buckalew,	Evans,	McAdoo,	Skinner,
Burrows,	Featherston,	McCarthy,	Snider,

Springer,
Stephenson,
Stockdale,
Stone, Ky.
Struble,

Sweeney,
Tarsney,
Taylor, J. D.
Townsend, Colo.
Townsend, Pa.

Tracey,
Van Schaick,
Waddill,
Walker, Mass.
Walker, Mo.

Wheeler, Ala.
Wright,
Yardley,

NAYS—11.

Allen, Miss.
Cooper, Ind.
Covert,

Fithian,
Geissenhainer,
Kilgore,

McRae,
Rogers,
Stockbridge,

Stone, Mo.
Wilson, Mo.

NOT VOTING—219.

Anderson, Miss.
Arnold,
Atkinson, W. Va.
Baker,
Bankhead,
Barnes,
Barwig,
Bayne,
Beckwith,
Belden,
Biggs,
Bingham,
Blanchard,
Bland,
Blount,
Boatner,
Boothman,
Bowden,
Brewer,
Brosius,
Brower,
Brown, J. B.
Browne, T. M.
Brunner,
Buchanan, N. J.
Buchanan, Va.
Bullock,
Bunn,
Butterworth,
Bynum,
Caldwell,
Campbell,
Candler, Ga.
Candler, Mass.
Carlton,
Caruth,
Caswell,
Catchings,
Cheadle,
Cheatham,
Chipman,
Clancy,
Clancy, Wis.
Clunie,
Cobb,
Cogswell,
Constock,
Conger,
Cooper, Ohio
Cothran,
Craig,
Craik,
Crisp,
Culbertson, Pa.
Dalzell,

Dargan,
Darlington,
De Haven,
De Lano,
Dibble,
Dingley,
Dorsey,
Edmunds,
Elliott,
Ellis,
Ewart,
Farquhar,
Finley,
Fitch,
Flick,
Forman,
Fowler,
Frank,
Funston,
Gerr,
Gest,
Gibson,
Gifford,
Greenhalge,
Grout,
Hall,
Hansbrough,
Hare,
Hatch,
Haugen,
Hayes,
Haynes,
Henderson, N. C.
Herbert,
Hermann,
Hill,
Hitt,
Holman,
Hooker,
Hopkins,
Kelley,
Kerr, Pa.
Ketcham,
Kinsey,
Knapp,
La Follette,
Laidlaw,
Lane,
Latham,
Lansing,
Lawler,
Laws,
Lee,
Lehlbach,
Lester, Ga.

Lester, Va.
Lewis,
Lodge,
Magner,
Mansur,
Martin, Tex.
Mason,
McClammy,
McCord,
McCormick,
McKeuna,
Miles,
Milliken,
Mills,
Moditt,
Montgomery,
Moore, N. H.
Moore, Tex.
Morey,
Morgan,
Morrill,
Morrow,
Morse,
Mutchler,
Niedringhaus,
Norton,
Nute,
Oates,
O'Donnell,
O'Neill, Ind.
O'Neill, Mass.
Osborne,
Outhwaite,
Owen, Ind.
Owens, Ohio
Parrett,
Paynter,
Payson,
Peel,
Pennington,
Perkins,
Perry,
Phelan,
Pickler,
Pierce,
Pugsley,
Quackenbush,
Quinn,
Raines,
Randall,
Ray,
Reyburn,
Richardson,
Robertson,
Rockwell,

Rowell,
Rowland,
Rusk,
Russell,
Sanford,
Sawyer,
Scull,
Seney,
Sherman,
Shively,
Simonds,
Smith, Ill.
Smith, W. Va.
Smyser,
Spinola,
Spooner,
Stahlnecker,
Stewart, Ga.
Stewart, Tex.
Stewart, Vt.
Stivers,
Stump,
Taylor, E. B.
Taylor, Ill.
Taylor, Tenn.
Thomas,
Thompson,
Tillman,
Tucker,
Turner, Ga.
Turner, Kans.
Turner, N. Y.
Vandever,
Vaux,
Venable,
Wade,
Wallace, Mass.
Wallace, N. Y.
Washington,
Watson,
Wheeler, Mich.
Whiting,
Whitthorne,
Wickham,
Wike,
Wiley,
Wilkinson,
Willcox,
Williams, Ill.
Williams, Ohio
Wilson, Ky.
Wilson, Wash.
Wilson, W. Va.
Yoder.

So the motion to adjourn was agreed to.

LEAVE OF ABSENCE.

Pending the announcement of the result,

By unanimous consent leave of absence was granted as follows:

To Mr. ARNOLD, indefinitely, on account of important business.

To Mr. BELDEN, indefinitely, on account of important business.

To Mr. BOOTHMAN, for ten days from July 4, on account of important business.

To Mr. CANDLER, of Massachusetts, for one week, on account of important business.

To Mr. DE LANO, indefinitely, on account of important business.

To Mr. EWART, for ten days, on account of important business.

To Mr. GEISSENHAINER, indefinitely, on account of important business.

To Mr. HANSBROUGH, indefinitely, on account of important business.

To Mr. HARE, indefinitely, on account of important business.

To Mr. HILL, for one week, on account of important business.

To Mr. O'DONNELL, indefinitely, on account of important business.

To Mr. SAWYER, for ten days, on account of important business.

To Mr. SMYSER, for eight days, on account of important business.

To Mr. WALKER, of Missouri, indefinitely, on account of important business.

To Mr. YARDLEY, indefinitely, on account of important business.

To Mr. MOORE, of New Hampshire, for one week.

To Mr. CHIPMAN, for one week.

To Mr. GROUT, indefinitely, on account of sickness.

To Mr. FLOWER, indefinitely, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

Mr. ANDREW, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the case of E. H. Ottiwell.

REPRINT OF A REPORT.

On motion of Mr. CUTCHEON, by unanimous consent, House Report No. 1025, in relation to the purchase of Portage Lake and River Canal, etc., was ordered to be reprinted, the first print being exhausted.

The result of the vote on the motion to adjourn was then announced; and accordingly (at 9 o'clock and 24 minutes p. m.) the House adjourned.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. CUTCHEON:

Resolved, That Thursday, the 10th day of July, after the reading of the Journal, be set apart for the consideration of business reported from the Committee on Military Affairs upon the several calendars of the House in such order as they may be called up by said committee, not to interfere with appropriation bills, and this order shall be a continuing order from day to day until said committee shall have had one day for the consideration of its business;

to the Committee on Rules.

By Mr. O'DONNELL:

Resolved, That July 21 and July 22 be set apart for the consideration of House bill 624, to aid in the establishment and temporary support of common schools;

to the Committee on Rules.

By Mr. ANDERSON, of Kansas:

Resolved, That Rule XIV be amended by adding thereto the following: "8. When the Speaker is addressing the House or executing an order thereof or when a member who is entitled to the floor is addressing the House, he shall not be interrupted, except by his consent duly obtained through the Chair; and any statements or questions otherwise interjected into his remarks shall not be published in the Record, except by his permission. This rule shall apply to the proceedings of a Committee of the Whole;"

to the Committee on Rules.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. KETCHAM, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 6449) to limit the hours of work of clerks and employés in first, second, and third class post-offices, reported, as a substitute therefor, a bill (H. R. 11236) to limit the hours of work of clerks and employés in first and second class post-offices; which was read twice, and, accompanied by a report (No. 2606), referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR, of Tennessee, from the Committee on War Claims, reported favorably the bill of the House (H. R. 11196) for the relief of William M. Henry, accompanied by a report (No. 2607)—to the Committee of the Whole House.

Mr. DOLLIVER, from the Committee on War Claims, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (S. 1971) for the relief of William Clawson. (Report No. 2608.)

A bill (H. R. 10847) for the relief of Washington Galland. (Report No. 2609.)

Mr. STONE, of Kentucky, from the Committee on War Claims, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 11031) for the relief of John S. Leary and Mathew N. Leary, jr., executors of Mathew N. Leary, deceased. (Report No. 2610.)

A bill (H. R. 4411) for the allowance of certain claims for stores and supplies taken and used by the Army of the United States, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act. (Report No. 2611.)

Mr. DOLLIVER, from the Committee on War Claims, reported with amendment the bill of the House (H. R. 4412) for the relief of Nathan J. Harris, accompanied by a report (No. 2612)—to the Committee of the Whole House.

Mr. TAYLOR, of Tennessee, from the Committee on War Claims, reported favorably the bill of the House (H. R. 8090) for the relief of Andrew C. Fondren, of Washington County, Tennessee, accompanied by a report (No. 2613)—to the Committee of the Whole House.

Mr. TURNER, of Georgia, from the Committee on Commerce, to which was referred the bill of the House (H. R. 10836) to authorize the construction of bridges over the Savannah, Ocmulgee, and Oconee Rivers, reported, as a substitute therefor, a bill (H. R. 11240) to authorize the construction of bridges over the Savannah, Ocmulgee, and Oconee Rivers by the Macon and Atlantic Railway Company; which was read twice, and, accompanied by a report (No. 2614), referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9282) to authorize the Chicago, Henderson, Bowling Green and Chattanooga Railway Company to construct a bridge over Green and Barren Rivers, in the State of Kentucky, reported, as a substitute therefor, a bill (H. R. 11241) to authorize the Chicago, Henderson, Bowling Green and Chattanooga Railway Company to construct a bridge over Green and Barren Rivers, in the State of Kentucky; which was read twice, and, accompanied by a report (No. 2615), referred to the House Calendar.

Mr. GIFFORD, from the Committee on Indian Affairs, reported with amendment the bill of the Senate (S. 3271) to enable the Secretary of the Interior to carry out in part the provisions of "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, and making appropriations for the same, and for other purposes, accompanied by a report (No. 2516)—to the Committee of the Whole House on the state of the Union.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and joint resolutions of the following titles were introduced, severally read twice, and referred as follows:

By Mr. CUTCHEON: A bill (H. R. 11237) to amend sections 1346 and 1348 of the Revised Statutes of the United States, in reference to the visitation and inspection of the military prison, and examination of its accounts and government—to the Committee on Military Affairs.

By Mr. RICHARDSON: A bill (H. R. 11238) to authorize the acquisition of certain parcels of real estate embraced in square numbered 678, of the city of Washington, to provide an eligible site for a Government Printing Office, and to construct a suitable building thereon—to the Committee on Public Buildings and Grounds.

By Mr. ROGERS (by request): A bill (H. R. 11239) granting the right of way over West Mountain, in the Hot Springs reservation, in the State of Arkansas, to the West Mountain Inclined Railway and Improvement Company—to the Committee on Public Buildings and Grounds.

By Mr. TURNER, of Kansas: A joint resolution (H. Res. 187) increasing the Capitol police force—to the Committee on Expenditures on Public Buildings.

By Mr. FUNSTON: A joint resolution (H. Res. 188) to print the agricultural report for 1890—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BANKS: A bill (H. R. 11242) for the relief of Thomas Antisell—to the Committee on War Claims.

By Mr. BELKNAP: A bill (H. R. 11243) granting a pension to Sarah H. Philp—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 11244) for the relief of Frances T. Dana—to the Committee on Pensions.

By Mr. FRANK: A bill (H. R. 11245) for the relief of the Iron Mountain Bank of St. Louis, Mo.—to the Committee on Claims.

By Mr. MCCARTHY: A bill (H. R. 11246) for the relief of John McNeill—to the Committee on Military Affairs.

By Mr. MOREY: A bill (H. R. 11247) for the relief of William Behymer—to the Committee on Military Affairs.

Also, a bill (H. R. 11248) to authorize the Secretary of War to furnish condemned cannon for Bloom Rose Cemetery, Clermont County, Ohio—to the Committee on Military Affairs.

By Mr. PAYNE: A bill (H. R. 11249) granting a pension to Adelaide M. Parker, widow of Capt. Benjamin F. Foote—to the Committee on Invalid Pensions.

By Mr. PAYNTER: A bill (H. R. 11250) to increase the pension of Oliver P. Wallingford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11251) increasing the pension of Dr. M. H. Young—to the Committee on Invalid Pensions.

By Mr. TRACEY: A bill (H. R. 11252) for the relief of the executrix of R. A. Francis—to the Committee on Claims.

By Mr. TURNER, of Kansas: A bill (H. R. 11253) for the relief of Norman Wiard—to the Committee on Claims.

By Mr. WALLACE, of New York: A bill (H. R. 11254) for the relief of Capt. John T. Bruen, late of the Tenth Battery, New York Excelsior Volunteers—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN, of Mississippi: Petition of J. W. Blakney, heir at law of Frederick Blakney, of Tishomingo County, Mississippi, asking reference of his claim for stores and supplies taken during the war to the Court of Claims under the Bowman act—to the Committee on War Claims.

By Mr. BLOUNT: Petition of Sarah V. Tanner, heir at law and next of kin of John C. Tanner, deceased, asking reference of her claim for stores and supplies taken during the war to the Court of Claims under the Bowman act—to the Committee on War Claims.

By Mr. ENLOE: Petition of Mrs. R. C. Williamson, administratrix of Anthony Williamson, deceased, of Madison County, Tennessee, asking the reference of her claim to the Court of Claims—to the Committee on War Claims.

Also, petition of James B. Guthrie, of Henry County, Tennessee, for a pension—to the Committee on Pensions.

By Mr. FLOWER: Petition of E. D. Long and others, in favor of present duty on fish—to the Committee on Ways and Means.

By Mr. HARE: Memorial of G. L. Giersa, a citizen of Denison, Tex., protesting against legislation by Congress compelling railroads to transport petroleum barrels free—to the Committee on Commerce.

By Mr. HENDERSON, of Iowa: Paper from 70 railroad employes of Marquette, Mich., petitioning for the passage of House bill 9682—to the Committee on Railways and Canals.

Also, paper from 73 railroad employes of Oakland, Cal., for same measure—to the Committee on Railways and Canals.

Also, paper from 47 railroad employes of Missoula, Mont., for same measure—to the Committee on Railways and Canals.

By Mr. McCORD: Petition of the Chickasaw Nation, for reimbursement of its general fund—to the Committee on Indian Affairs.

By Mr. MORRILL: Resolutions of the citizens of Washington, Kans., asking the passage of the Wilson bill, annulling the original-package decision of the Supreme Court—to the Committee on the Judiciary.

By Mr. ROGERS: Memorial by citizens of Logan County, Arkansas, for deep-water harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, memorial of other citizens of same county for same purpose—to the Committee on Rivers and Harbors.

Also, petition of citizens of Johnson County, Arkansas, for same measure—to the Committee on Rivers and Harbors.

Also, petition of citizens of Crawford County, Arkansas, for same measure—to the Committee on Rivers and Harbors.

Also, memorial in relation to carrying obscene literature through the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. SANFORD: Petition of 54 citizens of the Twentieth Congressional district of New York, for the passage of laws for the perpetuation of the national-banking system under which the interest of depositors is protected by Government supervision—to the Committee on Banking and Currency.

By Mr. SKINNER: Petition of P. B. Picot, administrator of estate of Joseph J. Jordon, deceased, late of Hertford County, North Carolina, praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. SMITH, of Illinois: Memorial of 41 citizens of Cairo, Ill., protesting against legislation by Congress compelling railroads to transport petroleum barrels free—to the Committee on Commerce.

By Mr. SNIDER: Resolutions of the Washington Camp of Minnesota, of the Patriotic Order of Sons of America, favoring legislation to prevent desecration of the American flag—to the Committee on the Judiciary.

Also, resolution of the Chamber of Commerce of St. Paul, Minn., favoring a permanent system to prevent overflow of the Mississippi River—to the Committee on Rivers and Harbors.

Also, resolution of the Chamber of Commerce of Duluth, Minn., for same purpose—to the Committee on Rivers and Harbors.

By Mr. STAHLNECKER: Petition of the Woman's Christian Temperance Union and from a portion of the residents of White Plains, N. Y., in favor of House bill 5987—to the Committee on Commerce.

By Mr. TOWNSEND, of Colorado: Resolutions of the Commandery of the Loyal Legion of Denver, Colo., in favor of the speedy publication of the Records of the Rebellion—to the Committee on Printing.

By Mr. TURNER, of Georgia: Petition of James Brown and 34 others, of Worth County, Georgia, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, resolutions of the Alliance of Baker County, Georgia, for same or similar measure—to the Committee on Ways and Means.

Also, petition of J. G. Wiggins and 19 others, of Calhoun County, Georgia, for an appropriation for the improvement of Galveston Harbor—to the Committee on Rivers and Harbors.

By Mr. TURNER, of Kansas: Petition of Rev. R. J. Phipps and 30 others, of Decatur County, Kansas, for the immediate passage of Wilson bill against importation of liquors into States where sale is prohibited—to the Committee on the Judiciary.

Also, petition of J. M. Cox and 136 others, of Mitchell County, Kansas, praying for passage of same measure—to the Committee on the Judiciary.

Also, petition of E. F. Koontz, E. M. Broughton, and 38 others, citizens of Reno County, Kansas, asking Congress for appropriation of money for complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of D. H. Dreisbach, Herbert Baker, and 16 others, citizens of Lincoln County, Kansas, for same measure—to the Committee on Rivers and Harbors.

Also, petition of C. A. Stanhope, J. E. McKee, and 26 others, citizens of Smith County, Kansas, for same measure—to the Committee on Rivers and Harbors.

Also, petition of A. B. Brown, J. H. Donskin, and 11 others, citizens of Marion County, Kansas, for same measure—to the Committee on Rivers and Harbors.

By Mr. VAUX: Petition of Charles Danielly, of Philadelphia, for a pension for his father—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, July 3, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

AGREEMENT WITH SAC AND FOX INDIANS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

In compliance with the provisions of section 14 of the act of March 2, 1889, I transmit herewith, for the consideration of Congress, an agreement concluded between the commissioners appointed under that section, on behalf of the United States, commonly known as the Cherokee Commission, and the Sac and Fox Nation of Indians in the Indian Territory, on the 12th day of June last.

The Sac and Fox Nation have a national council, and the negotiation was conducted with that body, which undoubtedly had competent authority to contract on behalf of the tribe for the sale of these lands. The letter of the Secretary of the Interior and the accompanying papers, which are submitted herewith, furnish all the information necessary to the consideration of the questions to be determined by Congress.

The only serious question presented is as to that article of the agreement which limits the distribution of the funds to be paid by the United States, under it, to the Sac and Fox Indians now in the Indian Territory. I very gravely doubt whether the remnant or band of this tribe now living in Iowa has any interest in these lands in the Indian Territory. The reservation there was apparently given in consideration of improvements upon the lands of the tribe in Kansas. The band now resident in Iowa, upon lands purchased by their own means, as I am advised, left the Kansas reservation many years before the date of this treaty, and it would seem could have had no equitable interest in the improvements on the Kansas lands, which must have been the result of the labors of that portion of the tribe living upon them. The right of the Iowa band to a participation in the proceeds of the sale of the Kansas reservation was explicitly reserved in the treaty, but it seems to me, upon a somewhat hasty examination of the treaty, that the reservation in the Indian Territory was intended only for the benefit of those who should go there to reside. The Secretary of the Interior has expressed a somewhat different view of the effect of this treaty, but if the facts are, as I understand, that the Iowa band did not contribute to the improvements which were the consideration for the reservation and did not accept the invitation to settle upon the reservation lands in the Indian Territory, I do not well see how they have either an equitable or legal claim to participate in the proceeds of the sale of those lands.

The whole matter is submitted for the consideration of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, July 2, 1890.

COMMUNICATION WITH CENTRAL AND SOUTH AMERICA.

The PRESIDENT *pro tempore* laid before the Senate the following message of the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, inclosing the recommendations of the International American Conference for the establishment of improved facilities for postal and cable communication between the United States and the several countries of Central and South America.

I can not too strongly urge upon Congress the necessity of giving this subject immediate and favorable consideration, and of making adequate appropriations to carry the recommendations into effect; and in this connection I beg leave to call attention to what was said on the subject in my annual message. The delegates of the seventeen neighboring Republics, who have so recently been assembled in Washington at the invitation of this Government, have expressed their wish and purpose to co-operate with the United States in the adoption of measures to improve the means of communication between the several Republics of America. They recognize the necessity of frequent, regular, and rapid steam-ship service, both for the purpose of maintaining friendly intercourse and for the convenience of commerce, and realize that without such facilities it is useless to attempt to extend the trade between their ports and ours.

BENJ. HARRISON.

EXECUTIVE MANSION, Washington, July 2, 1890.

ANNIVERSARY OF THE DISCOVERY OF AMERICA.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Select Committee on the Quadro-Centennial, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for your information, a letter from the Secretary of State, inclosing a copy of a resolution passed by the International American Conference, with reference to the celebration of the fourth centennial of the discovery of America.

BENJ. HARRISON.

EXECUTIVE MANSION, Washington, July 2, 1890.

AGREEMENT WITH IOWA INDIANS.

The PRESIDENT *pro tempore* laid before the Senate the following message of the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, as required by section 14 of the act of March 2, 1889, an agreement concluded on the 20th day of May last between the commissioners on behalf of the United States, commonly known as the Cherokee Commission, and the Iowa Indians residing in the Indian Territory.

A letter of the Secretary of the Interior, which is accompanied by communications from the Commissioner of Indian Affairs and the Assistant Attorney-General, is also submitted.

These papers present a full and clear statement of the matters of fact and questions of law which Congress will need to consider in passing upon the question of the ratification of the agreement which is submitted for its consideration and such action as may be deemed proper.

BENJ. HARRISON.

EXECUTIVE MANSION, July 2, 1890.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in further response to a resolution of the 12th ultimo, a letter from the Chief of Engineers concerning the improvement of the harbor at Buffalo, N. Y.; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PADDOCK presented resolutions of the Wyoming Farmers' Alliance, No. 1440, of Nebraska, favoring the passage by Congress of the so-called Butterworth option bill; which were ordered to lie on the table.

Mr. McMILLAN presented a petition of Coldwater Grange, No. 137, Patrons of Husbandry, of Michigan, praying for the passage of a bill to prevent dealing in options on farm produce; which was referred to the Committee on Agriculture and Forestry.

Mr. CAMERON presented a petition of citizens of Williamsport, Pa., praying for the passage of House bill 5978, prohibiting the transportation of intoxicating liquors from one State or Territory to another contrary to the laws thereof; which was ordered to lie on the table.

Mr. VEST presented a memorial of Messrs. Shulman Brothers and other manufacturers, of Kansas City, Mo., remonstrating against the increase of duty on cigar wrappers made from Havana tobacco, proposed by the McKinley tariff bill; which was ordered to lie on the table.

Mr. TELLER presented a petition of citizens of the State of Colorado, praying for the establishment of a national park at Valley Forge; which was referred to the Committee on Public Buildings and Grounds.

Mr. EDMUNDS presented the petition of J. H. Hollander, of New York City, N. Y., praying for Congressional action in respect of his claim against Guatemala for injuries done him, etc.; which was referred to the Committee on Foreign Relations.

Mr. MORRILL presented a memorial of citizens of Orange County, Vermont, a memorial of citizens of Delaware County, New York, and a memorial of citizens of Portage County, Ohio, remonstrating against any increase of duty on tin-plate; which were ordered to lie on the table.

Mr. PLUMB presented a resolution of the Missouri Republican Club, of Kansas City, Mo., in favor of the free and unlimited coinage of silver; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 4074) to provide an American register for the bark Campanero, of Baltimore, Md., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4000) to provide an American register for the steamer Marmion, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Military Affairs, to whom was referred the bill (H. R. 529) granting certain land to Miles City, Mont., for use as a public park, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2045) for the relief of Francisco V. De Coster, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2110) concerning rank and pay of soldiers who did duty as officers in the war of 1861, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2251) providing for the promotion, payment, and retirement of Capt. John A. Lynch, late assistant quartermaster, United States Volunteers, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1335) for the relief of David A. Hawk, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1420) to remove the charge of desertion from the military record of Walter Sniffens, reported it with an amendment, and submitted a report thereon.

Mr. MORRILL. I am instructed by the Committee on Finance, to whom was referred the bill (H. R. 5596) to discontinue the coinage of the three-dollar and one-dollar gold pieces and three-cent nickel piece, to report it without amendment. It is a very brief bill, and I think the Senate will be disposed to pass it upon simply its reading.

Mr. EDMUNDS. I think it had better go on the Calendar, so that we may get on with the bills before reported.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. 3895) to amend section 3510 of the Revised Statutes of the United States, and to provide for new designs of authorized devices of United States coins, reported it without amendment.

He also, from the same committee, to whom were referred the following bills, reported them adversely; and they were postponed indefinitely:

A bill (S. 1399) to provide for the coinage of half-dimes, quarter-dollars, and dimes; and

A bill (S. 2206) to discontinue the coinage of the three-dollar and one-dollar gold pieces and the three-cent nickel piece.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the letter of the Secretary of the Treasury, transmitting a communication from the Secretary of War submitting an estimate for an appropriation of \$2,000 for a submarine cable between Forts Hamilton and Wadsworth, New York Harbor, asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations; which was agreed to.

He also, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. CARLISLE, June 26, for the enlargement and extension of the military post near Newport, Ky., intended to be proposed to the sundry civil appropriation bill, reported it favorably; and it was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALLEN (for Mr. HIGGINS), from the Committee on Claims, to whom was referred the bill (S. 125) for the relief of Reaney, Son & Archbold, reported it with an amendment, and submitted a report thereon.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (H. R. 10122) granting a pension to Mary L. Radford, widow of William Radford, late rear-admiral, United States Navy, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3446) granting a pension to Mary L. Radford, widow of William Radford, rear-admiral, United States Navy, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 10445) to increase the pension of Evelyn W. Miles, reported it without amendment, and submitted a report thereon.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 3106) appropriating \$50,000 for improving the public road in Alexandria County, State of Virginia, connecting the Chain, Aqueduct, and Long Bridges, and running in front of the Arlington National Cemetery, reported it with amendments, and submitted a report thereon.

Mr. STOCKBRIDGE, from the Committee on Fisheries, to whom was referred the bill (S. 2496) to provide for the purchase of the grounds and buildings now occupied by the United States Fish Commission as a trout-breeding station at Northville, Mich., and for additional grounds adjacent thereto, and for the erection of buildings to be used in connection therewith, reported it without amendment, and moved its reference to the Committee on Appropriations; which was agreed to.

ADJOURNMENT TO MONDAY.

Mr. ALLISON. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. EDMUNDS. Oh, no. We are filled up with business. Do not do that. Let us work.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that when the Senate adjourn to-day it be to meet on Monday next. Is the Senate ready for the question?

Mr. SHERMAN. I submit to the Senator from Iowa whether we had not better meet on Saturday. The great body of the Senate will be here. I do not want to interfere, but we could just as well meet on Saturday. Many of the committees will be at work on that day.

Mr. EDMUNDS. We could just as well work to-morrow.

Mr. ALLISON. I have no special desire about the matter personally. If we meet on Saturday under the arrangement we go to the Calendar, which I think is not very important. I expect to be here to-morrow and on Saturday myself. If the Senator from Vermont [Mr. MORRILL] desires to take up the tariff bill or if the Senator from Maine [Mr. FRYE] desires to take up the river and harbor bill, I think we might sit here with profit on Saturday, but otherwise I do not see that we should make any great progress by having a session on that day.

Mr. MORRILL. I think that the tariff bill will be taken up on Monday next, if possible.

Mr. EDMUNDS. Mr. President—

The PRESIDENT *pro tempore*. Debate can proceed only by unanimous consent.

Mr. EDMUNDS. I knew that.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none. The Senator from Vermont will proceed.

Mr. EDMUNDS. I wish to implore the Senator from Iowa to withdraw the motion altogether. Time is running on pretty fast, and we have our Calendar loaded, not merely with small matters which are important to the persons concerned, but with matters of general public interest. There are two or three bills reported from the Committee on the Judiciary that are of real public importance, and we believe the Senate will agree with us in thinking so. There is one bill reported

long ago from the Committee on Private Land Claims, which I shall hope, unless some appropriation bill stops it, I can get up this morning, but of course there is danger about that. That has been so long delayed, the subject has (although the Senate has, I think, three times, and I do not know but four, passed the bill, it has not come to be a law), that the President of the United States yesterday sent us a message urging action upon the subject.

Now, then, it does appear to me that we can not do greater honor to the Fourth of July and the birth of the Republic than to keep on working here just as hard as we can with the important public matters, of which there are so many pressing upon our attention; and so on the next day if need be, even setting aside the small and local matters to get on with the great public business. I hope my friend will withdraw his motion altogether.

Mr. HAWLEY. Mr. President, I do not believe that there is a sensible citizen in the United States outside of this Chamber who would not say that it was an entirely reasonable and proper thing to adjourn until Monday. The weather is oppressive. Most of us, not all those who advocate continually sitting, but most of us, have been here very steadily, and two days' breath will not hurt anybody. We are likely to be here for some weeks anyhow; it is impossible to foresee when we shall get away, and I think the most sensible as well as the most profitable thing in the world we can do is to adjourn over until Monday, and take a rest, and half of us will not rest at that, because we have plenty of work.

Mr. FRYE. I wish to say that after the unfinished business is disposed of I shall ask the Senate at the earliest moment to take up the river and harbor bill.

Mr. PLUMB. There will be no quorum here on Saturday, nor after to-day, indeed, this week, and we know just how those things will result. The result will be that some things may go through by common consent, and some possibly that ought not to. When it comes to anything about which there is controversy the lack of a quorum will be disclosed, and those who stay here will have staid for no use.

Mr. GORMAN. I wish to supplement what the Senator from Kansas has said by the statement that a day or two since in open discussion fixing the order of business it was stated that as a matter of course the body would adjourn over from to-day until Monday. I know myself that after that statement was made quite a number of Senators made their arrangements to leave the city. I think it extremely doubtful if we could have a quorum after that statement. I therefore think myself that we shall facilitate the public business by adjourning over.

The PRESIDENT *pro tempore*. Is the Senate ready for the question? The Senator from Iowa moves that when the Senate adjourn to-day it be to meet on Monday next. [Putting the question.] By the sound the "ayes" have it. The "ayes" have it. The motion is agreed to.

BILLS INTRODUCED.

Mr. COCKRELL introduced a bill (S. 4183) for the relief of William Mefford; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BATE (by request) introduced a bill (S. 4184) for the relief of D. W. and Minna H. Glassie and Joseph C. Nash; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT introduced a bill (S. 4185) granting a pension to Susan E. Cunningham; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. JONES, of Arkansas, introduced a bill (S. 4186) to extend and amend "An act to grant to the Fort Smith and El Paso Railroad Company a right of way through the Indian Territory, and for other purposes;" which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PADDOCK introduced a bill (S. 4187) to limit the right of entry under the pre-emption, timber-culture, desert-land, and homestead laws; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GIBSON introduced a bill (S. 4188) for the relief of Florence A. Brown, administratrix of the estate of John M. Brown, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. JONES, of Arkansas, introduced a bill (S. 4189) for the relief of the heirs of Mark W. Izard, deceased; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. MORRILL, from the Committee on Finance, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. DANIEL submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MANDERSON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

HEARINGS BEFORE COMMITTEE ON TERRITORIES.

Mr. PLATT submitted the following resolution; which was referred

to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the expenses of reporting and printing the hearings given by the Committee on Territories on Senate bills 658 for the admission of Idaho into the Union, 2446 and 3575 for the admission of New Mexico into the Union, and 3480 relating to the exercise of the elective franchise in the Territory of Utah, be paid out of the contingent fund of the Senate.

PURCHASE OF MALTBY HOUSE.

Mr. SHERMAN submitted the following resolution; which was referred to the Committee on Public Buildings and Grounds:

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire into the expediency of purchasing the Maltby House, at the corner of New Jersey avenue and B street, for the use of the Senate.

MILITARY HOME MANUFACTURES.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to inform the Senate whether the manufacture of articles which come in competition with private enterprise is being carried on at any of the national military homes, and, if so, the reasons and authority for such.

PACIFIC RAILROAD INDEBTEDNESS.

Mr. PLUMB. I offer the following resolution, and ask for its present consideration:

Resolved, That the Secretary of the Interior be directed to inform the Senate whether he has knowledge of the guaranty, actual or proposed, by the Union Pacific Railroad Company of the bonds or stock of any other corporation, more especially those of the Oregon Railway and Navigation Company and of the Denver and South Park Railroad Company, whether said Union Pacific Railroad Company has paid out of its surplus earnings or otherwise the indebtedness or any part thereof of said other companies, and, if so, whether such guaranty or such payment or both are in accordance with law and consistent with the obligations of said Union Pacific Railroad Company to the United States.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. EDMUNDS. I have no objection to its present consideration, but I think there had better be added a clause, "and that the Secretary of the Interior be directed to communicate to the Senate all information in possession of his Department on the subject," so as to have a sweeping clause.

Mr. PLUMB. I have no objection to that, Mr. President.

Mr. EDMUNDS. I want to get at everything about it.

The PRESIDENT *pro tempore*. The proposed amendment will be stated.

Mr. BUTLER. An amendment might be offered to the resolution that the Secretary of the Interior be instructed to inquire why the Senate does not proceed to the consideration of the report made by the select committee upon all those subjects. I should like to have a little information on that point while we are seeking for information. The select committee spent a great deal of time and great labor in getting all the data and making up a report, but for some cause which I am unable to understand the Senate does not consider it. I do not know what the reason is. I suppose the caucus has acted upon it. That may be the reason.

Mr. EDMUNDS. The caucus has not acted upon it.

The PRESIDENT *pro tempore*. Senators will please address the Chair.

Mr. BUTLER. I was addressing the Chair, Mr. President, but not in a standing position, I admit.

Mr. EDMUNDS. Mr. President, addressing the Chair, I respond to the cross observation of the Senator from South Carolina—

Mr. BUTLER. "Cross observation?"

Mr. EDMUNDS. Cross observation.

Mr. BUTLER. Why, Mr. President, I am as amiable as a May morning.

Mr. EDMUNDS. Certainly, but when the Senator is most amiable he is generally the most cross.

Mr. BUTLER. I am surprised, Mr. President.

Mr. EDMUNDS. Responding to that observation, I wish to say that to the best of my knowledge and belief no assemblage or other arrangement or discussion of Republicans has had any relation to or consideration of the subject to which the Senator refers. Speaking as one Republican now, and not for the rest of our gradually diminishing numbers, I wish to say that I think the trouble with the Republican caucuses has been, if we have had any, that they have not stood by in the Senate afterwards and endeavored to carry on the business of the Government in spite of endless talk on the other side and perhaps some considerable on this side, and endeavored to get on with the business.

Now, as regards this particular resolution, Mr. President, I wish to say that I should be glad to have it embrace—I will not stop now to propose it—a call on the Secretary of the Interior to know whether his Department is in possession of information and papers showing that at least one of these Government railway companies, as they are called, receiving Government aid, has ever since the passage of the act of Congress several years ago, called the Thurman act, again and again deliberately disobeyed the plain and positive injunctions and prohibitions of Congress in respect of incurring further obligations, making dividends under circumstances that the law forbade, and in spite of the penalties imposed by that act for doing those things. I should be glad to know

all that, but I will not interrupt the resolution of the Senator from Kansas at this moment to propose that further inquiry.

Mr. BUTLER. I trust the Senator from Vermont will not consider that what I am about to say has in it anything that is cross or ill-natured, for nothing is further from my purpose. I would suggest to him that the information he seems so anxious to get he would get by the discussion of the report made by the chairman of that select committee, the Senator from Maine [Mr. FRYE].

As I stated awhile ago, it was understood by that select committee that the report was to be called up and discussed and disposed of in some way or other. I have no special choice about it, but, having devoted a good deal of time to it, I thought it was proper that Congress should take some action in regard to it, and then all these questions which the Senator refers to could be considered and passed upon by the Senate.

Mr. EDMUNDS. The question can not very well be considered until we have the facts upon which we can address ourselves to the consideration of it, and so I say that if a discussion of the report of this select committee in respect of the settlement of the debt (as some people are audacious enough to call it) of these railroads to the United States comes on we should be in possession of some of the facts which might bear upon what ought to be done in respect of the operation. If it be true that, in spite of positive laws of Congress with penalties imposed, there is not and has not been force enough in the administration of the Government, either under Democratic or Republican auspices, to compel these companies to obey the law or to punish their officers who deliberately disobey it, then I do not know that there will be any use in passing any settlement bill at all, because it then depends upon the will of the companies whether the settlement shall go on.

Mr. VEST. Mr. President, it seems to me the question is not what is in this report, but the question is why it has not been considered. It has been intimated by the Senator from Vermont [Mr. EDMUNDS] that there was some sort of obstruction upon this side of the Chamber to the order of business of the Senate. If there has been, I have not seen any indication of it. Mr. President, it is very well known that the order of business is controlled by a caucus committee, of which the Senator from Vermont is either the chairman or the controlling member. I have been approached to know if there was any measure which I particularly desired to have considered by the Senate, as the order of business was about to be arranged.

The responsibility for delay in the consideration of this railroad report rests with that committee and with the majority of the Senate. It is very well known that the order of business in both Houses is not controlled by any open means. The direct-tax bill was passed through the Senate and it was represented to us that a great exigency existed for its passage. It was put through, and those of us who opposed it for reasons satisfactory to ourselves were absolutely taunted with obstructing a great measure, not only of justice, but of public expediency, which ought to pass then in order to become a law. We passed it months ago. It went to the House of Representatives and has never been heard of since.

Mr. BUTLER. What bill was that?

Mr. VEST. The direct-tax bill, involving eighteen or nineteen million dollars, which it was said to us was simply refunding to the States an amount of taxation which they had paid, and to which they were now entitled; and yet with that great exigency, that plea of justice, etc., the direct-tax bill is sleeping until after the election and will sleep. That is all of it.

The PRESIDENT *pro tempore*. The proposed modification of the resolution will be read.

The SECRETARY. At the end of the resolution it is proposed to add: And that the Secretary of the Interior be directed to communicate to the Senate all information in possession of his Department on the subject.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Kansas [Mr. PLUMB] to accept that amendment. The question now is on the resolution as amended.

Mr. ALLISON. Now let the resolution be read again.

The PRESIDENT *pro tempore*. The resolution will be read as amended.

The Secretary read as follows:

Resolved, That the Secretary of the Interior be directed to inform the Senate whether he has knowledge of the guaranty, actual or proposed, by the Union Pacific Railroad Company of the bonds or stock of any other corporation, more especially those of the Oregon Railway and Navigation Company and of the Denver and South Park Railroad Company, whether said Union Pacific Railroad Company has paid out of its surplus, earnings, or otherwise, the indebtedness, or any part thereof, of the said or other companies, and if so whether such guaranty or such payment or both are in accordance with law and consistent with the obligations of said Union Pacific Railroad Company to the United States; and that the Secretary of the Interior be directed to communicate to the Senate all information in possession of his Department on the subject.

The resolution was agreed to.

INDIAN DEPREDAATION CLAIMS.

Mr. MOODY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 1,000 additional copies of Senate bill No. 3833, entitled "A bill to provide for the adjudication and payment of claims arising from Indian depredations."

FLORENCE A. BROWN.

Mr. GIBSON submitted the following resolution; which was referred to the Committee on Claims:

Resolved, That the bill (S. 4148) for the relief of Florence A. Brown, administratrix of the estate of John M. Brown, deceased, be referred to the Court of Claims, to be proceeded with in accordance with the fourteenth section of the act approved March 3, 1887, entitled "An act to provide for the bringing of suit against the Government of the United States."

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 168) granting a pension to William Gardner;
A bill (S. 448) granting a pension to Dobson Amick;
A bill (S. 503) granting a pension to Ellen G. King;
A bill (S. 513) granting a pension to Alfred Denny;
A bill (S. 563) for the relief of Cornelia A. Stanley;
A bill (S. 640) granting a pension to Annie D. Rundlett;
A bill (S. 763) granting a pension to Martha F. Webster;
A bill (S. 773) granting a pension to James E. Kabler;
A bill (S. 776) granting a pension to John K. Evans;
A bill (S. 779) granting a pension to Mary J. Foster;
A bill (S. 786) granting a pension to Mrs. M. A. Hooper;
A bill (S. 789) granting a pension to Henry G. Healy;
A bill (S. 796) granting a pension to Maggie Stauffer;
A bill (S. 797) granting a pension to Lucy I. Bissell;
A bill (S. 798) granting a pension to Mariah L. Pool;
A bill (S. 820) granting a pension to Mary Kinney;
A bill (S. 1082) granting a pension to Frederick Kidwiler;
A bill (S. 1103) granting a pension to Robert H. Stewart;
A bill (S. 1269) granting a pension to James M. McKinney;
A bill (S. 1382) granting a pension to Alice Nichols;
A bill (S. 1302) granting a pension to John Rechen, sr.;
A bill (S. 1304) granting an increase of pension to Stephen D. Redfield;
A bill (S. 1365) granting a pension to Annie E. Dixon;
A bill (S. 1446) granting a pension to Elizabeth Wilson;
A bill (S. 1546) granting an increase of pension to Mrs. Sallie H. Michler, widow of the late Bvt. Brig. Gen. Nathaniel Michler, United States Army;
A bill (S. 1577) granting a pension to Francis E. Smith;
A bill (S. 1681) granting a pension to John Bridenback, late private Company L, Fourth Regiment Ohio Volunteer Cavalry;
A bill (S. 1729) granting a pension to Lucy A. Coffield;
A bill (S. 1735) granting a pension to J. M. Stevens;
A bill (S. 1817) granting a pension to Mary F. Hopkins;
A bill (S. 1902) granting a pension to Sarah C. Anderson and children under sixteen years of age;
A bill (S. 2076) granting an increase of pension to John E. Walton;
A bill (S. 2197) to increase the pension of Ziba Yarnell;
A bill (S. 2200) for the relief of Mary E. Johnson;
A bill (S. 2309) for the relief of Joseph O. Cotton, dependent father of Gregory H. Cotton;
A bill (S. 2369) granting an increase of pension to Oscar S. Collins;
A bill (S. 2411) granting a pension to Eugenia B. Tabler;
A bill (S. 2420) granting a pension to Jane Wood, widow of Clayborne Wood, late of Company C, Thirty-third Ohio Infantry Volunteers;
A bill (S. 2733) granting a pension to Theodore Gardner;
A bill (S. 2734) granting a pension to Ada Johnson;
A bill (H. R. 11233) making an appropriation to supply a deficiency in the appropriation for compensation of members of the House of Representatives and Delegates from Territories; and
A bill (H. R. 9048) to confirm the title of certain lands in the city of Sault Ste. Marie and State of Michigan, and to release any reversionary right of the Government of the United States therein.

MISSOURI RIVER BRIDGE.

Mr. VEST. I ask that House bill 4570 may be laid before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 4570) to authorize the Leavenworth and Platte County Bridge Company to substitute a pivot draw-bridge over the Missouri River in place of a ponton bridge, and asking for a conference on the disagreeing votes of the two Houses thereon.

Mr. VEST. I move that the Senate insist on its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. CULLOM, and Mr. DOLPH were appointed.

UNCLAIMED LAND PATENTS.

Mr. BERRY. Mr. President, yesterday the Senate passed, upon the motion of the Senator from Kansas [Mr. PLUMB], a bill (S. 3831) to

provide for the delivery of land patents to their rightful owners, and for other purposes. Since that time I have received some letters bearing very materially upon the subject, and I ask unanimous consent of the Senate that I may present them with a very few remarks at this time, so that they may go into the RECORD when the bill goes to the House of Representatives.

Mr. PLUMB. If the Senator from Arkansas will indulge me a moment, I will make a motion which will make what he has to say in order. The bill as passed yesterday contained a verbal error. In copying the amendment the clerk of the committee inserted the word "price," in place of "issue." It should read "any claim of error or fraud in the issue of the same," in place of "in the price of the same." I move to reconsider in order that that may be corrected.

Mr. EDMUNDS. You must accompany it by a motion to recall the bill from the House of Representatives.

Mr. PLUMB. I have inquired and I find that it has not yet gone to the House.

The PRESIDENT *pro tempore*. The Senator from Kansas moves to reconsider the vote by which the bill was passed, the title of which will be read.

The SECRETARY. A bill (S. 3831) to provide for the delivery of land patents to their rightful owners, and for other purposes.

The PRESIDENT *pro tempore*. If there be no objection, the vote by which the bill was ordered to a third reading and also the vote by which it was passed will be reconsidered. The Chair hears no objection, and the bill is in the Senate and open to amendment.

Mr. BERRY. Mr. President, it will be remembered that the bill as passed authorized the delivery of patents, some 250,000 now on file in the General Land Office. In connection with that, it was shown by the Senator from Kansas [Mr. PLUMB], to use his own language, that some kind of collusion seemed to have existed between the Assistant Secretary of the Interior, Mr. Bussey, and the Assistant Commissioner of the General Land Office, at that time Acting Commissioner, Mr. Stone, and a law firm in this city by which an arrangement was made that this law firm expected to be able to make a large amount of money out of the people of the United States who were entitled to these patents and who had not received them.

The Commissioner of the General Land Office, in response to a resolution of the Senate, stated that he had granted permission to this law firm to go into his office and take the records and copy the names of parties and the numbers of the tracts of land for which patents had been issued that were lying there in the office. He stated that he and General Bussey gave them that permission.

Now, in connection with that, I ask to have read a letter which this law firm here in the city of Washington sent to the clerk of Columbia County, in the State of Arkansas, in regard to this matter. I will ask the Secretary to read it.

[H. Wheeler Combs, T. S. Constantine, Thomas H. McKee. Rooms 59 and 61 Atlantic Building, No. 930 F street, N. W.]

OFFICES OF H. W. COMBS & CO.,
Washington, D. C., February 8, 1890.

SIR: The records of the General Land Office show that there are 634 original patents for various tracts of land in your county which have never been delivered to the rightful owners thereof.

We have compiled all the data necessary to perfect the title to these lands and would like to make a contract with you for the delivery of these original patents to the present owners of the land. Should you agree to enter into a contract with us, we will furnish you with the description and location of all lands in your county for which patents have not been delivered, together with all necessary blanks and instructions for making contracts with the owners of the land for the procurement and delivery to them of said patents. You can from the description thus furnished you ascertain, by reference to your local records, the names of the present owners of the various tracts and negotiate with them for the procurement of their original patent which will perfect their title, and avoid for them the danger of expensive litigation.

By reason of our thorough compilation of the data referred to, we will be able to procure and deliver these original patents to the rightful owners at a cost of \$1.60 each. Of this sum we will allow you \$1 each and permit you to retain the balance until we deliver the original patents to you.

No title to lands derived from the Government is perfect without the original patent, which should be recorded in the land records of the county in which the lands are located. You will derive a considerable additional revenue for recording said patents, and at the same time confer a benefit upon the citizens of your county by perfecting their title at a nominal cost.

If you are willing to act with us in this matter please sign the inclosed contract and return to us. If you can not act in the matter, kindly give us the name of a responsible attorney who will do so.

Very respectfully yours,

H. W. COMBS & CO.

Mr. BERRY. It will be seen from that letter—and I have another here which I desire to have read in connection with it—that these attorneys stated to this clerk of Columbia County, Arkansas, that if he would enter into an arrangement with them they would charge \$4.60 and allow him \$1 out of that sum, provided he would enter into a contract with them.

They also say to him "this is very important"—this is underscored—in order to avoid expensive litigation that these patents should be procured. In addition to that they say to him furthermore that it will be to the clerk's interest because he will thereby get the recording of a large number of these patents, and therefore put more money in his pocket; and in order to be especially accommodating to him they send a blank letter to him to be by him sent out to parties entitled to pat-

ents, and it having been shown by their letter that there were 634 original patents in that county—this is the blank letter [exhibiting]—he is expected to consent to it. I ask that it be read.

The Secretary read as follows:

We furnish this blank:

DEAR SIR: From a careful search of the records of this office I find that the original patent to the land now owned by you and situated in — has never been procured or made of record here.

The title to lands derived from the Government is not perfect without the original patent, which should be of record in the county in which the land is situated.

Please call at my office at your earliest convenience, sign the necessary papers, and I will procure said patent for you. The entire cost will only be \$4.60, which may save you very expensive litigation.

Let me urge you to attend to this at once.

Yours very truly,

Mr. BERRY. Now, Mr. President, I ask to have read a letter written by the Commissioner of the General Land Office in his official capacity, and also one by the Assistant Secretary of the Interior in his official capacity to these lawyers in the city of Washington, which letters have been copied or lithographed and sent along with the letters I have just had read at the desk. I ask that they be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C.

GENTLEMEN: You have the consent of the General Land Office in securing to present owners of lands the patents therefor, which have been from various causes retained in this office, instead of being delivered to them or their grantors. From inquiry carefully made, I believe your firm to be reputable and responsible, and I regard your enterprise as legitimate and laudable. I recommend your work as at once beneficial to the Government in relieving this office of such a burden, and at the same time rendering to owners of land a great service in the perfection of their titles.

Very truly,

W. M. STONE.

Assistant Commissioner General Land Office.

Messrs. H. W. COMBS, T. S. CONSTANTINE, and T. H. MCKEE.

Mr. EDMUNDS and Mr. PADDOCK. What is the date of that?
The PRESIDENT *pro tempore*. It bears no date. The other letter sent up by the Senator from Arkansas will be read, if there be no objection.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., November 30, 1889.

GENTLEMEN: I have received your letter of November 29, with circulars inclosed, asking permission to refer to me as to your character and standing, and it gives me pleasure to say that you have my permission to so refer.

Very truly yours,

CYRUS BUSSEY.

Assistant Secretary.

Messrs. H. W. COMBS & Co., Washington, D. C.

Mr. BERRY. In order to show how this connection or collusion between the Department and these attorneys was worked, I ask to have read a telegram sent from Vandalia, Ill., and published in a Republican newspaper called the Globe-Democrat, of St. Louis, Mo., in regard to the way this firm were using the names of these officials.

The Secretary read as follows:

SWINDLING THE FARMERS. VANDALIA, ILL., April 10.

In this and adjoining counties unsuspecting farmers are being swindled by a gang of sharpers purporting to be Government land agents who have been sent out by the Department at Washington with a view of protecting the people by perfecting titles to their lands. The farmer is told that no patent deed was ever issued for the section on which his farm is located, and for a fee of \$4.60 they agree to make it straight.

Mr. BERRY. Now, Mr. President, only a few words. Let us see what is the situation. In the first place we have the letter of the Commissioner of the General Land Office stating that permission was given to this law firm, and this one only, so far as the records appear, to go into the General Land Office and note the names of the parties and the numbers of the tracts of land for which 250,000 patents are now on file. We have in the next place the letter from this law firm written to the clerk of Columbia County, Arkansas, in which they propose to enter into a contract with him by which he is to charge \$4.60 to each one of these parties who has a patent on file here, which he is entitled to receive for nothing from the Government, \$1 to be retained by the clerk of the county, and the other \$3.60 to be given to the attorneys here.

In connection with that, this same Commissioner of the General Land Office who authorized these parties, without any authority of law, to go there and take copies of these records, gave this law firm a letter in his official capacity stating that he had authority to make copies of these patents and that he believes it is legitimate. Added to that, we have also a letter of the Assistant Secretary of the Interior in which he says these are men of reputable character.

If this transaction can be defended, if there can be any explanation from any Senator on this floor or any excuse for this most scandalous conduct on the part of these officers, I shall be glad indeed to hear it. Four dollars and sixty cents, it is true, seems like a small amount to the farmers of the country, if you are only going to swindle them out of \$4.60 each; but when you have before you the fact that there are 250,000

of these patents, and that \$1.60 is to be charged for each of them, it amounts to \$1,175,000 that this law firm through the aid and assistance of the Commissioner of the General Land Office will be permitted to wrench from the citizens of the United States without any authority of law.

I presume nothing can be done in relation to this transaction in this body save and except to call attention to it and let it go out on the records of the country that this Assistant Secretary of the Interior has admitted that he did this thing and he gives no excuse whatever for it. I do not mean to reflect on the present Commissioner of the General Land Office, Judge Groff, but I refer to the Assistant Commissioner who at that time was Acting Commissioner, Mr. Stone, and General Bussey, Assistant Secretary of the Interior.

Mr. PADDOCK. Will the Senator yield to me just one moment?

Mr. BERRY. I yield.

Mr. PADDOCK. I desire to state that the matter to which the Senator refers occurred before Judge Groff had come to be Commissioner of the General Land Office, or, at all events, before he had come to have any knowledge of the transaction.

Mr. BERRY. I so understand. This was before Judge Groff's appointment. He is in no way responsible for it, directly or indirectly. It was stated by the Senator from Kansas [Mr. PLUMB] yesterday that \$25 was charged in these cases, but, out of consideration probably to certain sections of the country, in my region it seems the only demand is \$1.60; and the Senator from Nebraska [Mr. PADDOCK] stated yesterday upon the floor that he had information that in one case they had demanded \$25, and when the party had sent that sum and afterwards the patent did not come, they wrote to him that there was more difficulty than they anticipated and he must send \$25 more.

That was the statement, but that is not all. One of this firm of lawyers, as I am informed, Mr. McKee, is an official of the other House of Congress, a superintendent or an employé of some sort in the document or record office. That is my information; and this lawyer thus speculating off the people is drawing a salary from the Government, and by the assistance of the Commissioner of the General Land Office he is enabled to gain special privileges in that Land Office whereby this blackmail may be levied upon the honest and innocent farmers of the United States.

Mr. TELLER. I do not know how this thing grew up, but I think it ought to be thoroughly understood that the delivery of these patents in no wise perfects the title of any man to his land. The Supreme Court of the United States decided years ago that the recording of a patent in the Land Office conveyed all the title, and the delivery of the patent was not essential at all.

Mr. EDMUNDS. It is a mere convenience to have it.

Mr. TELLER. It would be a convenience to have it, and therefore the committee recommended this bill because it would be a convenience to the land-owner and because it would put a stop to this attempted fraud upon the owners of these patents.

I think it ought to be publicly proclaimed, so that the people who have not got their patents may understand it, that it is not essential to the validity of their title that they have the patent. If they retain their original certificate, in all the Western States they can maintain an action of ejectment and defend any attacks upon their title upon that certificate alone, and if they desire to get the patents they can get the patents by applying to the Land Office without the expense of a single cent. But there is no necessity of any farmer who has a patent that he is entitled to paying any of these attorneys a single cent. They render no service whatever, and when they get his money they get it absolutely without consideration.

Mr. PADDOCK. I desire to say in connection with what the Senator from Colorado has stated that under the present administration of the Land Office, while the present Commissioner has been in charge of that office, the number of undelivered patents in the Department has been reduced, I think, something like 70,000.

Mr. EDMUNDS. That is, that number has been sent out to the people.

Mr. PADDOCK. Sent out to the people without expense to them.

Mr. TELLER. I did not mean to reflect upon anybody. I have no doubt this whole thing arises from a little inattention on the part of somebody. But before the present Commissioner came in, I understand there was not any attempt on the part of anybody connected with the office to commit any fraud, or permit any fraud to be tolerated.

Mr. PADDOCK. Certainly; I am sure of this. As far as Assistant Commissioner Stone is concerned, I have no doubt his letter was altogether inadvertent, and that he did not realize how it might be misused or the extent of the apparent indiscretion.

Mr. COCKRELL. Mr. President, in addition to what the Senator from Colorado has said, I understand it has always been the rule and the custom that the Commissioner of the General Land Office, on application for a patent and the return of the duplicate receipt, will send that patent gratuitously to the applicant.

Mr. PLUMB. It is to be said in addition, in that same connection, that if the party has not the duplicate he can make an affidavit that he is the owner of the land, and so on, and get his patent.

Mr. COCKRELL. That is, in the case of a duplicate, but in case

the original enterer of the land has lost his duplicate or never transferred it to his vendee and it may have gone through twenty hands, the present owner desiring to secure the patent as a mere muniment of title so that he may have it in his possession or have it on the record, he not having the duplicate, he makes affidavit that the duplicate receipt has been lost or mislaid and is not in his possession, and that he is the owner of the land, and thereupon, if the original patent is in the office, it is sent to him gratuitously.

If the original patent, as happens in many cases, has been issued and sent to a local land office and there has been lost or mislaid, or some of the offices have been burned up—particularly one in Missouri, at Warsaw, where the office and the patents in it were burned up—all the owner of the land in those cases has to do is to make an affidavit that the original patent is not in his possession, or has been mislaid, and thereupon he gets what is called an exemplification, a copy or a transcript of the original patent, and for that he only pays \$1.60. So there is no occasion whatever for the intervention of these attorneys—none in the world—and it is a mere speculative blackmailing scheme.

Mr. PLUMB. The extraordinary character of this transaction will more fully appear when we consider that it is the rule of the Departments of the Government never to furnish information to private parties which can by any possibility be made the foundation of a claim on the part of those persons or of any other person against the Government. The Government therefore scrupulously withholds its own files from inspection so far as that inspection may disclose the existence of a claim against itself, and this does, I have no doubt, a great deal of injustice to claimants who believe they have the right to inspect papers to establish claims which otherwise they can not do.

At all events that has been the policy from the beginning in all the Departments, as I understand. It prevails in all the Departments; and if now in this Department the files were thrown open to private inspection, not for the purpose of making a claim against the Government, but for the purpose of enabling speculators (I do not mean to use the term in any improper sense, but still speculators in the proper sense) to make claims against the very person to whom the Government is under the deepest obligation to deliver a patent, to do the very work for which these attorneys are now getting pay of course it was done without any intention of doing wrong; there is no doubt about that; but it certainly is one of the most extraordinary cases—I will not say of maladministration, but of loose administration—that has ever come to my knowledge.

The PRESIDENT *pro tempore*. The bill is before the Senate and open to amendment.

Mr. PLUMB. I move to amend, in line 16, after the words "fraud in the," by striking out "price" and inserting "issue."

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In line 16 it is proposed to strike out the word "price" and insert "issue;" so as to read:

Provided, That this direction shall not apply to patents withheld from delivery on account of any claim of error or fraud in the issue of the same or the entry upon which it is based.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAND COURT.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of Calendar number 1018, being Senate bill 1042, the bill referred to in the message of the President of the United States submitted yesterday, to meet Mexican private land claims.

The PRESIDENT *pro tempore*. If there be no further morning business, the Calendar under Rule VIII being in order, the Senator from Vermont moves that the Senate proceed to the consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 1042) to establish a United States land court, and to provide for the settlement of private land claims in certain States and Territories.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BLAIR. I desire to ask the Senator from Vermont if he will not do me the courtesy of yielding for an executive session for a few minutes. The Senator from Connecticut is under the necessity of leaving about 3 o'clock and his presence would be necessary. If the Senator would be willing to give way for not exceeding ten minutes, I should be greatly obliged to him.

Mr. EDMUNDS. I am very sorry, but I must insist upon going on with this bill as long as we can. We can have an executive session at the usual time.

Mr. BLAIR. The difficulty about that is (though it would be quite satisfactory to me) that the Senator from Connecticut will be obliged to leave before that time comes.

Mr. EDMUNDS. This matter will be done before 3 o'clock.

Mr. BLAIR. I will not press the suggestion now.

The PRESIDENT *pro tempore*. A motion for an executive session is in order, if the Senator desires to make it.

Mr. BLAIR. I do not wish to press it against the convenience of the Senator from Vermont.

Mr. EDMUNDS. I ask unanimous consent that the Secretary read the amendments and that we consider them as we go on. It will save time.

The PRESIDENT *pro tempore*. The Chair hears no objection.

The first amendment of the Committee on Private Land Claims was, in section 1, to strike out the following words from line 3 to line 17:

That there be established a court, to be called the United States land court, to consist of a chief-justice and two associate justices, to be appointed by the President, by and with the advice and consent of the Senate, and to hold their offices during good behavior. Such court shall exercise jurisdiction in the settlement of private land claims according to the provisions of this act, and such other jurisdiction as Congress may from time to time prescribe. The chief-justice and the associate justices shall each receive a compensation of \$5,000 per year, payable monthly from the Treasury of the United States, and they shall, before entering upon the discharge of their duties, take and subscribe an oath to support the Constitution of the United States, and to discharge faithfully the duties of their office.

And in lieu thereof to insert:

That there shall be, and hereby is, established a court to be called the court of private land claims, to consist of a chief-justice and four associate justices, who shall be when appointed citizens and residents of some of the States of the United States, to be appointed by the President, by and with the advice and consent of the Senate, to hold their offices for the term expiring on the 31st day of December, A. D. 1894. Said court shall have and exercise jurisdiction in the hearing and decision of private land claims according to the provisions of this act. The chief-justice and associate justices shall each receive a compensation of \$5,000 per year, payable monthly, and their necessary traveling and personal expenses while engaged in the performance of their duties.

The amendment was agreed to.

The next amendment was, in section 1, line 31, before the word "clerk" to strike out "chief;" and in line 33, after the word "clerk," to strike out "where regular terms of the court are held;" so as to read:

The said court shall appoint a clerk, at a salary of \$2,000 a year, who shall attend all the sessions of the court, and a deputy clerk at a salary of \$800 a year.

The amendment was agreed to.

Mr. EDMUNDS. In line 34 in the printed bill it should read "eighteen." It reads "eight" in my print.

The SECRETARY. "At a salary of \$800 a year."

Mr. EDMUNDS. That should be eighteen.

The SECRETARY. In line 31 it is proposed to strike out "eight" and to insert "eighteen;" so as to read:

At a salary of \$1,800 a year.

The amendment was agreed to.

The next amendment was, to strike out the following words from line 35 to line 38 of section 1: "But when the court is held in the city of Washington, the Secretary of the Interior shall, upon the request of the court, detail such clerical force as may be necessary in addition to the chief clerk;" in line 40, after the word "court," to insert "and perform the duties required of him by the court;" in line 43, after the word "the," to strike out "purposes" and insert "provisions;" in line 44, after the word "act," to strike out "to adopt a seal and to alter same at pleasure;" in line 45, after the word "process," to strike out "provided for by law and;" in line 48, before the word "of," to insert the words "of title thirteen;" in line 51, after the word "for," to strike out "the" and insert "any;" in the same line, after the word "district," to insert "or Territory;" and in line 55, after the word "hold," to strike out:

A term annually at the capitals of the State of Colorado and of the Territories of Arizona and New Mexico, at such times as shall be fixed by the rules of the court, and such extra and special terms at such times and places as may from time to time be ordered. Terms may also be held at any time in the city of Washington, whenever in the opinion of the court the convenience of business shall require. The court shall, within sixty days after the appointment of its members, meet in the city of Washington for the purpose of organization. Immediately upon the organization of the court, notice shall be given, thirty days in advance of the first term of court to be held thereafter, of the order of the court fixing the time of holding the same, by publication in one newspaper at each place where such court is to be held, and thereafter a notice of thirty days shall be given of any special or extra term by publication in a newspaper published where such term is to be held. The Secretary of the Interior shall furnish suitable rooms for the use of said court in the Interior Department while sitting in Washington. The terms shall be so arranged as to secure continuous sittings, with vacations not to exceed sixty days in any one year.

So as to read:

The court shall also appoint a stenographer, at a salary of \$1,500 a year, who shall attend all the sessions of the court, and perform the duties required of him by the court. The said court shall have power to adopt all necessary rules and regulations for the transaction of its business and to carry out the provisions of this act; to issue any process necessary to the transaction of the business of said court, and to issue commissions to take depositions as provided in chapter 17 of Title XIII of the Revised Statutes of the United States. Each of said justices shall have power to administer oaths and affirmations. It shall be the duty of the United States marshal for any district or Territory in which the court is held to serve any process of the said court placed in his hands for that purpose, and to attend the court in person or by deputy when so directed by the court. The court shall hold such sessions in the States and Territories mentioned in this act as shall be needful for the purposes thereof, and shall give notice of the times and places of the holding of such sessions by publication in both the English and Spanish languages, in one newspaper published at the capital of such State or Territory, once a week for two successive weeks, the last of which publications shall be not less than thirty days next preceding the times of the holding of such sessions, but such sessions may be adjourned from time to time without such publication.

Mr. PLUMB. I should like to suggest to the Senator from Vermont the propriety of amending that amendment by inserting something like this: After the word "thereof" in line 77, "having due regard for the convenience of the claimants." In the Territory of New Mexico

at least there are a great many small claimants to small tracts of land the probable value of which is not more than say from \$100 to \$200. They are required to go a long distance, say to Santa Fé, which would be one of the proper places for the holding of the court, which would be a great injustice to them, and that would still leave the court of course with the right to exercise proper discretion in regard to that, but it seems to me a direction of that kind in the statute would be useful.

Mr. EDMUNDS. I have no objection to accomplishing the same thing by inserting after the word "needful" the words "and convenient."

Mr. PLUMB. The question as to whose convenience would still be an open one. It ought to be, not the convenience of the court, but of the claimants; that is to say, not alone of the court, but of course of both the court and the claimants. But as the Senator will remember that, as was disclosed in debate here some years ago, there was a multitude of small claimants in some of the distant valleys to whom the expense of going to some other place would amount to the confiscation of their holdings.

Mr. EDMUNDS. What is the Senator's amendment?

Mr. PLUMB. I suggest "having due regard for the convenience of claimants," in line 77 of section 1.

Mr. EDMUNDS. I do not object to the words "having due regard to the convenience of claimants."

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In section 1, line 77, after the word "thereof," it is proposed to insert, "having due regard to the convenience of claimants."

Mr. REAGAN. Mr. President, I hope this amendment will not be adopted. I refer to the striking out of the part of the original bill requiring the terms of the court to be held in the Territories of Arizona and New Mexico and in the State of Colorado. The litigation is to go on in those Territories and in that State, and the litigation arises out of the large claims made under grants from the Mexican Government or under pretended grants of the Mexican Government, many of them that are of a very nebulous sort of character, and they are in the hands, as a general rule, of men who are speculators and who have large capital at their command and are able to take witnesses and take counsel and go where they please. The settlers, on the contrary, are not generally persons able to go to great expense. The proposition to deny them the right to have their cases tried in their own States and Territories seems to be most extraordinary, considering the character of the litigation that is likely to come under the influence of this act.

Mr. EDMUNDS. If my friend will pardon me, he will see by looking at this bill that we have provided by this change for a different scheme of courts; instead of a perpetual one at Washington or elsewhere, a Territorial or State court. They can hold their sessions nowhere else, and the specific language that we have adopted commands them to hold sessions in the States and Territories mentioned in the act; that is, where the claims are.

Mr. REAGAN. I have not read the bill through.

Mr. EDMUNDS. I agree entirely with the views of my friend, and we have conformed to them in every particular.

Mr. MORGAN. I would inquire whether the State of California is included under this act.

Mr. EDMUNDS. The State of California does not come under it. All the land titles there have been settled long ago under a special commission.

Mr. MORGAN. They are not all settled.

Mr. EDMUNDS. They are all settled so far as the duty of the United States under the treaty with Mexico is concerned and all other duties, except special cases that may be brought to the attention of Congress.

Mr. MORGAN. It has come to my knowledge in the course of my duty here that a good many controversies are still pending and coming up constantly in regard to Spanish land grants and land titles in the State of California. So far as this court has jurisdiction, or we can give it jurisdiction, it seems to me that the State of California ought to receive the benefits of it just like any other State.

I do not think it can be maintained that litigation has ended or that the land titles in California have been all passed upon which arose out of the treaty of Guadalupe Hidalgo, or the Gadsden treaty. I therefore think that the bill would be stronger and better and it would do no harm to include the State of California.

Mr. EDMUNDS. That is entirely inadmissible, and I think the whole committee agrees with me that the proposition to reopen the California matters by a general act is entirely inadmissible.

Mr. MORGAN. I am not speaking of reopening anything that has been finally and conclusively adjudicated. That we ought not to do, and can not do. The final judgment of any court of competent jurisdiction is beyond the reach of the power of Congress, as I understand. If not constitutionally so, at least it ought to be so according to the rule of general and universal public practice. But there are still controversies in the State of California which ought to come up, and when we are organizing a court for the purpose of hearing the complaints of our citizens in regard to rights that they have been denied under the

Mexican treaty, it looks invidious and unnecessary that we should exclude the State of California.

Mr. REAGAN. My attention has been called by the Senator from Vermont to the change of the wording, and I desire to allude to that before we pass from it, because it seems to me still that with the language employed it is not correct; that is:

The court shall hold such sessions in the States and Territories mentioned in this act as shall be needful for the purposes thereof.

This bill provides for a permanent court.

Mr. EDMUNDS. No, it does not; we struck all that out.

Mr. REAGAN. Has that been struck out?

Mr. EDMUNDS. Certainly.

Mr. REAGAN. What is the limit of its existence?

Mr. EDMUNDS. It is, in fact, a commission to last for four years, or till 1894. We give it the name of court to give it a judicial character, and it is to sit in those States and Territories where these claims are and nowhere else, to carry on its business.

Mr. REAGAN. And then the bill goes on to say:

And shall give notice of the times and places of the holding of such sessions by publication in both the English and Spanish languages, in one newspaper published at the capital of such State or Territory, once a week for two successive weeks, the last of which publications shall be not less than thirty days next preceding the times of the holding of such sessions, but such sessions may be adjourned from time to time without such publication.

The State of Colorado and these two Territories of New Mexico and Arizona are of large territorial extent, and these publications may reach many people, but certainly not many of them will reach the people generally in this State and these Territories; and the court is to be made the judge of when it will hold sessions and give notice, instead of specifying a time by law when the sessions of the court shall be held so that all the people interested may know the time for them to attend and appear to take care of their rights. I have had some experience in connection with litigation as to grants of the character which are brought forward in these Territories. I know the resorts which will be made to defeat the occupants of the soil, many of whom have doubtless lived there and reared families upon the land, and to oust them.

I would have courts like these, involving the homes of the people, made so that there should be no chance for them to be misled, or entrapped, or deceived as to the time when the court should be held and their rights litigated; and it seems to me the language of the bill ought to be so changed as to fix the times when sessions of the court shall be held and the places where they are to be held.

Mr. EDMUNDS. That it is impracticable to do without defeating in point of time the real interests of these settlers who are appealing to us and have been for years (and we have acted upon their appeals, I believe, three times, if not four, in the Senate by passing the substance of this bill after full discussion). In this respect of notice we have done all that seems proper. I will say to my friend as to the California land commission case, on the principle of which the bill is framed, only that in favor of the settler and occupant it is tied up as against the Mexican claimant much stronger than the California act was—that in the whole time I have been in Congress and upon the Committee on Private Land Claims I have never heard of more than one instance in the State of California where a claimant came forward and said that he had missed his opportunity because he did not know about the sittings of the commission. There was one instance in the whole State of that kind.

Now, to fix in the bill the times and places of hearing would be to put them into a law that these people might never see and to require that the attendance of these people here and there and in the other place at fixed times, when if you give this commission this public discretion and duty of giving notice their work can be adjusted from place to place and time to time to the very ends that my friend has in view. The greatest number of these claimants, in fact almost all the settlers and all the people who claim under these grants, are in the two Territories of New Mexico and Arizona.

We also take in the States of Colorado and Nevada on account of the fact that they were embraced within the area covered by the treaty, but there are almost no cases and no claims in those States, and these occupants of the soil in these two Territories have had their representatives here over and over again, at this very session, understanding all about it, and appealing to us, not in vain, to adjust the phraseology for small claims and descents to suit their just interests. Therefore, there will be nobody left out on account of ignorance of the existence of this law and the sitting of this commission, I am sure.

Mr. REAGAN. I am well aware that the representatives of these large claimants have been pressing upon Congress.

Mr. EDMUNDS. I am speaking of the representatives of the settlers.

Mr. REAGAN. That is news to me, because I know from having seen them that many of them protest against such a course, and I do not understand why it is that the courts there in existence, with judges selected for the purpose, can not try these cases at a regular term in the regular way.

There may be reasons why it is urged that there should be a special commission; but when that special commission is provided, there will be scattered claimants through the country who will never know anything about who are to be appointed as commissioners or judges; but

the men who represent the large claims will very certainly know who are to be recommended and who are to be appointed, and they will conveniently concentrate their interest perhaps, not by going to the President and letting him know that they are interested, for they would hardly dare do that with any President, but their agencies convenient to them will bring their concentrated interests to bear, and I have no doubt if this court is to be created that the judges will be appointed in the interest of the large claimants in that way, and the ends of justice instead of being promoted by this bill will be defeated.

So I do not understand why it is that when we have courts there or competent jurisdiction, with judges who have been selected because of their supposed ability to attend to matters of this kind, we should appoint another court and incur the additional expense of that court for the same purpose.

Mr. RANSOM. May I interrupt the Senator from Texas for one moment?

Mr. REAGAN. Certainly.

Mr. RANSOM. The distinguished Senator from Vermont [Mr. EDMUNDS], if I may be permitted to say so, for years entertained the same opinion in reference to the Territorial courts that the Senator from Texas has just announced, but an investigation of the matter heretofore, repeated conferences with representatives from New Mexico, the expressions of the press of the Territory, and every source of information that the committee could possibly secure upon that subject, satisfied the committee, and finally it was so strong and conclusive that it satisfied the Senator from Vermont that a special court was necessary for the purpose of adjudicating these titles.

In reference to the exception the Senator from Texas takes to the bill on the ground that claimants may not have proper notice of the times and places of holding the court, and in that way they may lose their rights, I have no right to speak for the committee; but I know I am not going beyond what is proper in saying that the committee will accept any amendment upon that subject which the Senator from Texas thinks is right, because there is but one purpose in the world, and that is to settle all of these titles in a fair way. If the Senator from Texas prefers the form of the first bill to which an amendment has been made, which amendment was put there after great consideration in the committee, and after every argument had been made that the Senator from Texas has now made, and after full conference with most persons interested in this matter—I mean as public men—if he prefers the first part of the amendment, and putting the last part as a still further supplement to it, I for one shall have no objection, but I think the whole matter is covered fully by the amendments of the committee.

Mr. REAGAN. Mr. President, referring to the question about the desire of the people there for this special court, I desire to repeat that I have known for several years that the large claimants, the men who claim the large Spanish grants, have been urging and pressing for some special commission or special court. I know that, and I know, too, from some association with the people themselves that they do not ask for such a special court, and that they fear such a court because they believe that when it is constituted it will be constituted by influences far removed from them and against their interest.

Mr. President, it is no small matter when we consider the number of these claims and the vast extent of territory which they cover, and the number of people who live upon the land that is thus claimed, many of them having made their homes, made their orchards, made their farms, and reared their families upon them, and whose possessions are endangered now by the existence of these claims. I can not give the amount of the claims, but their aggregate is enormous. When the extent of the claims is known, when the number of people involved with their homes and their all is brought to view, it seems to me that we should proceed very cautiously in constituting a court far removed from them, and to be constituted undoubtedly, in my opinion, by influences outside of their wishes, because, as I said, when this court is provided for and when it is to be appointed, the President, of course, will consult such sources of information as he can get as to the appointment of such a commission.

With the present President or any President I have ever known I have no doubt the desire will be to appoint an honest court; but he can not know what to do except through the information which he receives, and that information can not come from the body of the people there whose homes are endangered, because there can be no concentration, no unity of purpose, and because the great body of them would not know whom to recommend for judges; but these claimants, shrewd, active men, with capital and skill in the management of such affairs, will find avenues through which to reach the President with plausible stories and secure the appointment of men who will carry out their purpose and enrich the few by sacrificing the homes of the many.

When the time comes to vote on this bill I trust the whole bill will be defeated.

Mr. STEWART. Mr. President, it is not true that the committee have been urged by land-claim agents to form this court or that they have consulted any land agents about it. There is a large amount of land claims in New Mexico and some in Arizona which have remained unsettled for over forty years, more than a generation, and it is necessary to have a tribunal in which they can be disposed of.

Through the Land Department and finally by acts of Congress about one-third of these claims, I think, have been confirmed by special acts of Congress. That worked so badly and such enormous grants were got through, which were alleged to be illegal, that Congress became cautious and ceased to legislate to confirm the grants, and for the last fifteen years there has been an effort to pass a bill whereby the claims could be submitted to a competent tribunal for determination. The tribunal provided for in this bill consists of three judges, with the other necessary officers and machinery to attend to this business.

Those who are familiar with the local courts in the Territories know very well that they are not organized in such a way that they can possibly try these cases. Here is a judge of a district and probably in his district there is a large amount of these land claims all about him. He has not the machinery nor the time from his ordinary business to investigate these cases, and they require special investigation. A judge must stop his other business, for he can not conduct the ordinary business of the district court and properly attend to this duty.

Then you have an appeal from each one of your district courts to the supreme court of the Territory. That supreme court is composed of three men.

Mr. PLATT. Four.

Mr. STEWART. Three or four men, and each one is anxious to affirm the decision he has rendered in the court below. We have found in the ordinary administration of justice that it was almost impossible to have a proper decision rendered in these courts in consequence of the judges going up as partisans. The judges almost necessarily become partisans. Here you will have these immense cases, and you will have each one of the judges trying some of them. They get together, and it becomes a sort of partisan court.

In the first place, there is not the machinery in the way of translators and otherwise to try one of these cases properly in the district courts. The district courts separately can not get the archives which are necessary in the examination of these cases. Then you have an appeal to the supreme court of the Territory, and that amounts to very little, because the appeals come up from the different districts, and the judges will make some arrangement among themselves. Then it is thrown upon the Supreme Court of the United States, and with the present machinery the cases will necessarily come to the Supreme Court of the United States without any original investigation, without any machinery, or without the time to make the necessary original investigation.

There will be any number of fraudulent papers presented, and it requires time and ability and independence to investigate these fraudulent claims. The district courts in the Territories can not do it; they are not organized to do it, and they will not accomplish it. They will just decide a case and let it go to the supreme court of the Territory, and you will get a big record in the Supreme Court of the United States without any original investigation at all.

If these cases are to be settled they must be settled by a tribunal organized for that purpose, which shall be independent of local influence and which shall have the learning and ability necessary and the time, and then the cases can be tried at once and the original documents can be examined, and it can be ascertained whether they are fraudulent or not. The Supreme Court of the United States can not examine whether they are fraudulent. They are too bulky, and it is impossible for it to be done.

I think any person, who is desirous of having a fair investigation of these cases and having none confirmed which are not legitimate and genuine, will be willing that this tribunal shall be organized, and those most familiar with the Territorial courts well know that they are inadequate to this undertaking, and if these titles are ever to be settled there must be a court that is competent.

The implication that three honest men will not be appointed by the President, I think, is unjust. I do not think the Senator from Texas desires to convey the implication that monopolists will secure the appointment of these judges, that they will not be disinterested men taken away from the vicinity, who will not be influenced by any local connection whatever, and that the President will not appoint independent judges and send them there for this special purpose. The implication that that will not be done, it seems to me, is entirely unwarranted.

If those who have an honest purpose for the settlement of these cases will examine this bill carefully and see how it is guarded and see the machinery prepared, they will come to the conclusion that it is the thing to do. This is a scheme which seems to me best suited to accomplish an honest purpose. If there is a better one, I should like to see it suggested. Certainly, the local courts are inadequate and do not furnish better machinery for the purpose.

I am familiar with the courts in the Territories, and I am satisfied that if you enjoin upon them the duties of settling these cases you will not have them settled at all, but you will have scandals arising on account of their action. If you want to avoid scandals and to have an honest investigation, you must appoint a tribunal strong enough to accomplish that end.

The President appoints judges in the Territories, but for this important duty he will be more particular in his selections than for any other

after his attention is called to it, and any President must understand the grave responsibility of appointing judges to dispose of these titles. No President will appoint any one to such a place who is not entirely above suspicion. We never had a President who would do that or who would be influenced by any lobby or any improper motive in such a selection.

Then the cases may be retried in the Supreme Court of the United States, but that I do not regard as so important, because the records will be so voluminous that there can be no proper retrial in the Supreme Court, although the Supreme Court in California cases devoted itself to investigating vast records, which involved immense labor, and I think generally the court did exactly right. But, still, the labor of that court is accumulating so rapidly that it can not be supposed that it would be possible for it to make the original investigations. We must have a special tribunal to do that or it will never be done. Here are piles of papers, volumes of them, many of them fraudulent. The testimony must be examined by experts and the court must take its time. The Supreme Court can not do that service, and the question is, whether you will have a tribunal that will once do that service and settle it forever, or whether you will let it go on haphazard and never have it settled, or whether you will put it in incompetent hands and have it carelessly or dishonestly done.

This bill, it seems to me, is well calculated to accomplish the object which every honest man must have in view in the settlement of these cases.

The PRESIDING OFFICER (Mr. BLAIE in the chair). The question is on the amendment of the Senator from Kansas [Mr. PLUMB] to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. TELLER. Has the bill been read through?

The PRESIDING OFFICER. No; the amendments are being acted on as the bill is read.

The reading of the bill was resumed. The next amendment of the Committee on Private Land Claims was, in section 2, line 3, after the word "attorney," to insert, "who shall when appointed be a resident and citizen of some State of the United States;" in line 7, after the word "monthly," to strike out "out of the Treasury of the United States, and shall, before entering upon his duties, take and subscribe an oath to support the Constitution of the United States and faithfully perform the duties of his office" and insert "and his necessary traveling and personal expenses while engaged in the discharge of his duties;" in line 13, after the word "person," to insert "who shall be when appointed a citizen and resident of some State of the United States;" in line 20, after the word "monthly," to strike out "from the Treasury of the United States, and shall, before entering upon the discharge of his duties, take and subscribe an oath to support the Constitution of the United States and to faithfully perform the duties of his office," and insert "and his necessary traveling and personal expenses while engaged in the discharge of his duties;" so as to make the section read:

SEC. 2. That there shall also be appointed by the President, by and with the advice and consent of the Senate, a competent attorney, who shall when appointed be a resident and citizen of some State of the United States, to represent the United States in said court. Such attorney shall receive a compensation of \$3,500 per year, payable monthly, and his necessary traveling and personal expenses while engaged in the discharge of his duties. And there shall be appointed by the said court a person who shall be when appointed a citizen and resident of some State of the United States, skilled in the Spanish and English languages, to act as interpreter and translator in said court, to attend all the sessions thereof, and to perform such other service as may be required of him by the court. Such person shall be entitled to a compensation of \$1,500 per year, payable monthly, and his necessary traveling and personal expenses while engaged in the discharge of his duties.

The amendment was agreed to.

The next amendment was, on page 6, section 3, line 2, after the word "notices," to insert "thereof, and of the time and place of the first session thereof;" so as to make the section read:

SEC. 3. That immediately upon the organization of said court the clerk shall cause notices thereof, and of the time and place of the first session thereof, to be published for a period of ninety days in one newspaper at the city of Washington and in one published at the capital of the State of Colorado and of the Territories of Arizona and New Mexico. Such notices shall be published in both the Spanish and English languages and shall contain the substance of this act.

Mr. EDMUNDS. I see that in line 5, in respect of the first publication of the notice of the organization of the court, the words "including the State of Nevada" are omitted. In line 5, after the word "Colorado," I move to insert "and one at the capital of the State of Nevada."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. MORGAN. I wish to inquire whether the text of the bill is being read for the purpose of being now amended.

Mr. EDMUNDS. No; we are only going through the committee amendments, the bill to be open to amendment afterwards.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Private Land Claims was, in section 4, line 4, by

fore the word "records," to strike out "the" and insert "any;" so as to make the section read:

SEC. 4. That it shall be the duty of the Commissioner of the General Land Office of the United States, the surveyors-general of such Territories and States, or the keeper of any public records who may have possession of any records and papers relating to any land grants or claims for land within said States and Territories in relation to which any petition shall be brought under this act, on the application of any person interested or by the attorney of the United States, to safely transmit such records and papers to said court or to attend in person or by deputy any session thereof when required by said court, and produce such records and papers.

The amendment was agreed to.

The next amendment was, in section 5, line 4, before the word "claims," to strike out "all" and insert "any;" so as to make the section read:

SEC. 5. That the testimony which has been heretofore lawfully and regularly received by the surveyor-general of the proper Territory or State or by the Commissioner of the General Land Office, upon any claims presented to them, respectively, shall be admitted in evidence in all trials under this act when the person testifying is dead, so far as the subject-matter thereof is competent evidence; and the court shall give it such weight as, in its judgment, under all the circumstances, it ought to have.

The amendment was agreed to.

The next amendment was, in section 6, line 39, before the word "provided," to strike out "hereinafter" and insert "in this act;" so as to read:

And the said court is hereby authorized and required to take and exercise jurisdiction of all cases or claims presented by petition in conformity with the provisions of this act, and to hear and determine the same, as in this act provided, on the petition and proofs in case no answer or answers be filed after due notice, or on the petition and the answer or answers of any person or persons interested in preventing any claim from being established, and the answer of the attorney for the United States where he may have filed an answer, and such testimony and proofs as may be taken.

The amendment was agreed to.

The next amendment was to insert as section 7 the following:

SEC. 7. That the clerk of the court in which such petition may be filed shall, and he is hereby directed, when any petition or claim is filed under the provisions of this act, before any proceedings thereon, subject to the direction of a judge, to require reasonable security for all costs and charges which may accrue thereon in prosecuting the same to a final decree; and the district attorney, clerk, marshal, and witnesses shall severally be allowed such fees for their services and attendance as may be allowed by law for like services and attendance in the United States courts for the proper State or Territory.

The amendment was agreed to.

The next amendment was, in section 8, line 3, before the words "of the courts," to strike out "rules" and insert "practice;" in line 5, after the word "oath," to insert "except that as far as practicable testimony shall be taken in court or before one of the justices thereof;" in line 10, before the word "relative," to strike out "said case" and insert "cases;" and in line 11, after the words "boundaries of," to strike out "said claim" and insert "their respective claims;" so as to read:

SEC. 8. That all proceedings subsequent to the filing of said petition shall be conducted as near as may be according to the practice of the courts of equity of the United States, except that the answer of the attorney of the United States shall not be required to be verified by his oath except that as far as practicable testimony shall be taken in court or before one of the justices thereof; and no continuance shall be granted unless for good cause shown; and the said court shall have full power and authority to hear and determine all questions arising in cases relative to the title of the claimants, the extent, locality, and boundaries of their respective claims, or other matters connected therewith fit and proper to be heard and determined, and by a final decree to settle and determine the question of the validity of the title and the boundaries of the grant or claim presented for adjudication according to the law of nations, the stipulations of the treaty concluded between the United States and the Republic of Mexico at the city of Guadalupe Hidalgo on the 2d day of February, in the year of our Lord 1848.

The amendment was agreed to.

The next amendment was, in section 9, line 6, after the word "within," to strike out "one year" and insert "six months;" so as to read:

SEC. 9. That the party against whom the court shall in any such case decide, the United States, in case of the confirmation of a claim, and the claimant, in case of the rejection of a claim, in whole or in part, shall have the right of appeal to the Supreme Court of the United States, such appeal to be taken within six months from date of such decision.

The amendment was agreed to.

Mr. PLUMB. I should like to ask the opinion of the Senator from Vermont about the propriety of the provision requiring the Supreme Court to retry the issue of fact as well as of law, and take additional testimony, and so on. I ask him whether he thinks, on the whole, that is consistent with the theory upon which the bill proceeds, that we owe something to these claimants in the way of at least settling their claims within a reasonable time. If that should happen, the cases would be pending, in all probability, for many years, and in some cases, perhaps, it would amount to a denial of justice. But in addition to that, it seems to me to be a little extraordinary that in this class of cases, and in none other, except one, that I know of, that is required. The Senator from Vermont, it seems to me, must be proceeding on the theory that the court which the bill provides for is quite unworthy of trust.

Mr. EDMUNDS. I am glad the Senator from Kansas has called attention to the subject, because in the opinion of the committee, which has continued with the changing members of the committee now for six or eight or ten years when the matter has been again and again reported upon, it has been thought to be extremely desirable for the safety

of the occupants of these lands that when any case on appeal should get to the Supreme Court of the United States it should be within its duty, if it thought necessary, under such regulations as it would make—

The PRESIDING OFFICER. The Senator from Vermont will please suspend a moment. It is the duty of the Chair to lay before the Senate the unfinished business, the hour of 2 o'clock having arrived. The unfinished business will be stated.

The SECRETARY. A bill (S. 3738) to place the American merchant marine, engaged in the foreign trade, upon an equality with that of other nations.

Mr. EDMUNDS. I ask my friend from Maine to allow the unfinished business to be laid aside informally to go on with this bill.

Mr. MORGAN. I have no objection to the Senator from Vermont proceeding with his remarks, but I call for the regular order.

Mr. EDMUNDS. I understand that the Senator from Alabama demands the regular order, and objects to the unfinished business being laid aside informally, and the Senator from Maine in charge of the bill that was discussed yesterday is unwilling that I shall make a motion to displace it even temporarily, as I understand him; and so for the time being I drop the business, as I must.

Mr. PLUMB. I wish to offer an amendment to the bill which has been under consideration, to strike out all of section 14 except the first three lines and insert what I send to the desk and ask to have read.

Mr. RANSOM. And printed?

Mr. PLUMB. I will also have it printed. I ask to have it read now.

The PRESIDING OFFICER. The Secretary will read the amendment proposed by the Senator from Kansas.

The Secretary read as follows:

It shall be the duty of the court to report all the facts in the case to Congress for its action.

Mr. PLUMB. I propose to substitute for all the provision for scrip simply a requirement that the court shall report to Congress these cases.

Mr. EDMUNDS. Let the amendment be printed. The regular order is before the Senate?

The PRESIDING OFFICER. The regular order is before the Senate.

Mr. EDMUNDS. Mr. President, I address myself to the shipping bill just now, as the regular order has been called for.

I do not think this shipping bill goes as far as—

Mr. VEST. Mr. President, I have the floor on the shipping bill.

Mr. EDMUNDS. Oh, I beg pardon. Then I ask my friend to yield to me for a minute.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Vermont?

Mr. VEST. I should prefer to go on with what I have to say.

Mr. EDMUNDS. I only ask for three minutes, and I will explain why. The observation that has been made about an appeal to the Supreme Court ought to be answered in the RECORD, so that the two things will stand together. I only ask for three minutes.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Vermont?

Mr. VEST. Oh, yes; I yield.

Mr. EDMUNDS. I only wish to say, because I think it right in this connection, and not to take three minutes of the Senator's time, that that plan had been considered for years, and in view of what took place in the California affairs, not from any fault of the commissioners, who were deceived and made mistakes, but in administrative faults of district attorneys and Attorneys-General sometimes, it was found in the Supreme Court, when the cases got here, that they were tied up as they are in ordinary cases to the record, just as it was below, and they could not do anything to correct a mistake or a fraud that had been developed while the case was coming up. Therefore, we thought that the safety of the United States and these settlers demanded that the Supreme Court should be the supreme master of the whole situation, as well of fact as of law, when any case should get here.

Mr. COCKRELL. How is the testimony to be taken? How will the Supreme Court get the evidence in these cases?

Mr. EDMUNDS. Just according to their discretion, under such regulations as they may make. They are to have their hands free to find out the truth if they think they require it. That is all I wished to say. I thank the Senator from Missouri very much.

AMERICAN MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3738) to place the American merchant marine engaged in the foreign trade upon an equality with that of other nations.

Mr. VEST. Mr. President, I shall not proceed with my remarks before the Senate for the purpose simply of expressing personal views as to subsidies. Since I have been a member of the Senate my opinions have been very well known upon this subject, and so far as I am personally concerned I have no desire to repeat them.

For the first time, however, in the history of the country this question of subsidies comes with the official recommendation of the dominant Administration politically of the country. It has heretofore been

confined, so far as the recommendations for this line of policy were involved, to personal interest, and especially to ship-builders, such as the late John Roach, Mr. Cramp, of Pennsylvania, and others. The individual interests of these gentlemen were so apparent that the representations made by them and by their employed agents and lobbyists before committees of Congress had very little weight. For the first time in the history of this question subsidies are now championed by an Administration, and not only by an Administration officially, but by the restless, aggressive, and tireless ambition of the Secretary of State.

I do not say this, Mr. President, with any personal unkindness towards Mr. Blaine or with the idea of impressing any one that I am utterly opposed to his recommendations. On the contrary, I sympathize with a portion of them to the largest extent. I am as anxious as Mr. Blaine to bring back the supremacy of the United States upon the ocean as to the carrying trade. I am as anxious as Mr. Blaine to open the ports of South America to our productions, no matter from what State of this Union those productions may come. As an American citizen, able, I hope, to rise above any party consideration, I sincerely desire the extension of commerce and that our flag may again be seen in every port and upon every sea.

But this is a question of means to bring about the end which we all desire. My friend from Maine wants subsidies. I oppose them *in toto*. Both he and myself want greater mail facilities between this country and South America. He proposes to bring that about by a mail subsidy, and I am as much opposed to a mail subsidy as I am to the naked, bald commercial subsidy proposed in one of the bills reported.

I had occasion to say yesterday that when we come to the principle involved there is not a particle of difference between paying more for the transmission of the mails than the work is worth, and paying so much a ton for no service at all to a ship that sails upon the ocean simply because it belongs to an American citizen.

I say this, Mr. President, with the more freedom, because as this question is now presented here as to one feature of it, that of additional mail facilities and commercial communication with other countries and especially with South America, the idea originated with the Democratic Administration. I have before me the act which it will be well enough for the Secretary to read in order to show what Mr. Cleveland's Administration did and what his Secretary of State thought in regard to the measure which now comes under the name of Mr. Blaine and, I believe, is claimed by his admirers to have been his invention. Will the Secretary be kind enough to read the act I send to the desk?

The PRESIDING OFFICER. The Secretary will read as requested. The Secretary read as follows:

[Public—No. 102.]

An act authorizing the President of the United States to arrange a conference between the United States of America and the Republics of Mexico, Central and South America, Hayti, San Domingo, and the Empire of Brazil.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, requested and authorized to invite the several Governments of the Republics of Mexico, Central and South America, Hayti, San Domingo, and the Empire of Brazil to join the United States in a conference to be held at Washington, in the United States, at such time as he may deem proper, in the year 1889, for the purpose of discussing and recommending for adoption to their respective Governments some plan of arbitration for the settlement of disagreements and disputes that may hereafter arise between them, and for considering questions relating to the improvement of business intercourse and means of direct communication between said countries, and to encourage such reciprocal commercial relations as will be beneficial to all and secure more extensive markets for the products of each of said countries.

Sec. 2. That in forwarding the invitations to the said Governments the President of the United States shall set forth that the conference is called to consider—

First. Measures that shall tend to preserve the peace and promote the prosperity of the several American states.

Second. Measures toward the formation of an American customs union, under which the trade of the American nations with each other shall, so far as possible and profitable, be promoted.

Third. The establishment of regular and frequent communication between the ports of the several American states and the ports of each other.

Fourth. The establishment of a uniform system of customs regulations in each of the independent American states to govern the mode of importation and exportation of merchandise and port dues and charges, a uniform method of determining the classification and valuation of such merchandise in the ports of each country, and a uniform system of invoices, and the subject of the sanitation of ships and quarantine.

Fifth. The adoption of a uniform system of weights and measures and laws to protect the patent rights, copyrights, and trade-marks of citizens of either country in the other, and for the extradition of criminals.

Sixth. The adoption of a common silver coin, to be issued by each Government, the same to be legal tender in all commercial transactions between the citizens of all of the American states.

Seventh. An agreement upon and recommendation for adoption to their respective Governments of a definite plan of arbitration of all questions, disputes, and differences that may now or hereafter exist between them, to the end that all difficulties and disputes between such nations may be peaceably settled and wars prevented.

Eighth. And to consider such other subjects relating to the welfare of the several states represented as may be presented by any of said states which are hereby invited to participate in said conference.

Sec. 3. That the sum of \$75,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be disbursed under the direction and in the discretion of the Secretary of State, for expenses incidental to the conference.

Sec. 4. That the President of the United States shall appoint, by and with the advice and consent of the Senate, ten delegates to said conference, who shall serve without compensation other than their actual necessary expenses, and the several other states participating in said conference shall be represented by as many delegates as each may elect: *Provided, however, That in the disposition*

of questions to come before said conference no state shall be entitled to more than one vote.

Sec. 5. That the Secretary of State shall appoint such clerks and other assistants as shall be necessary, at a compensation to be determined by him, and provide for the daily publication by the Public Printer, in the English, Spanish, and Portuguese languages, of so much of the proceedings of the conference as it shall determine, and upon the conclusion of said conference shall transmit a report of the same to the Congress of the United States, together with a statement of the disbursements of the appropriation herein provided for.

Approved, May 24, 1888.

Mr. VEST. That act was approved by President Cleveland, and on July 13, 1888, the invitations for the South American States were issued from the State Department, Secretary Bayard being then the Secretary of State.

Mr. GRAY. May I ask the Senator from Missouri what is the date of the passage of the act?

Mr. VEST. It was approved May 24, 1888, and July 13, 1888, invitations were issued from the State Department.

As I had occasion to remark yesterday, the events immediately succeeding and which were contemporaneous with the Presidential canvass terminated the successful issue of this undertaking under Cleveland's Administration. When General Harrison was elected President, Mr. Blaine took up this matter, had delegates appointed on the part of the United States, and the Pan-American Conference, or International American Conference, as the new name now is, was the result.

Mr. GRAY. I should like to call the attention of the Senator from Missouri to the fact that if I did not misunderstand the reading of the act the conference was required by the provisions of the act itself to be in the year 1889.

Mr. VEST. Yes.

Mr. GRAY. It fixed the time and the place.

Mr. VEST. Yes; that is correct.

Mr. President, I saw in the city of New York upon Saturday last a statement, the correctness of which I have no reason either to affirm or deny, that the Secretary of State, for whom I have great personal respect, had exhibited such solicitude in regard to this subject of subsidies both in the shape of additional mail pay and commercial subsidy as to make public the statement that he would give one year of his life for two hours upon the floor of the Senate upon this question. I am not surprised, in view of that statement and the publications which have come in a semi-official character from the Secretary of State in regard to this matter, that since our adjournment upon last evening, and in the middle of this debate Mr. Blaine has injected an argument which comes officially from his Department.

It was received from the President of the United States and read this morning, and has not yet been printed. In that communication he urges subsidies by way of an enormous mail-pay for carrying the mails when the work is not actually done. I find, referring to the report of the International American Conference, which has been called by the newspapers of the country the Pan-American Conference, and which comes with Mr. Blaine's argument, the following:

The report—

Says Mr. Blaine referring to it—

states that while the present lines of steamers between the ports of the United States and the countries bordering on the Gulf of Mexico and the Caribbean Sea furnish a tolerable service, an objection is found in the length of time consumed in making the voyages. At present, a letter mailed on the last of the month in St. Louis will not arrive at Colon before the 15th. It requires two days to reach New York, and then, if the steamer sails immediately, the time is reduced to twelve days; but, as the steamers sail but three times a month, it is often twenty days in making the passage. Freight requires a much longer time, in some cases thirty or thirty-five days. By the establishment of faster and more direct lines of steamers the time could be shortened at least one-third and the expense of freight transportation reduced in a corresponding degree.

I am obliged to the State Department for furnishing corroborative testimony as to the character of the mail line now established between the United States and the South American ports, which has been so prominent in urging subsidies and which has been alluded to by the Senator from Maine in his opening speech in this discussion.

It is an open secret, Mr. President, that this whole subsidy and Pan-American business originated with Mr. Thurber, the president of what is called the United States and Brazilian Steam-Ship Company. He, the president of that company, stated that he received from the Brazilian Government \$105,000 subsidy, and he has urged the Government of the United States to supplement that subsidy with one of our own. I stated here yesterday, greatly to the dissatisfaction of my friend from Maine, that this was a coasting line of steamers.

Mr. FRYE. Old tubs.

Mr. VEST. And I said, as I was proceeding to remark, somewhat irreverently, that they were old tubs. I reaffirm the expression, using it relatively to the fast mail steamers of the world. I said yesterday, before this communication came to the Senate, that these steamers which now urge upon us to give them a subsidy occupy from twenty-one to twenty-four days in carrying a letter from Rio de Janeiro to the United States when the same letter could come by way of Southampton in one week's less time; in other words, that the line which received the Brazilian subsidy simply because it is a coasting line brings a letter to this country in from twenty-one to twenty-four days and asks us now to pay them money out of the taxes of the people when the same letters can be brought by way of England in one week's less time.

That fact shows the nature of subsidies and should illustrate to the Senate what is the meaning of the proposed legislation. If mail facilities be the object, why is it proposed now that subsidies should be paid to an already existing line of steamers that would not, and I assert it here to-day, receive one single cent from the Brazilian Government if they did not stop at every Brazilian port and at St. Thomas and Martinique. If we are seeking commercial intercourse with South America, would it not be sought by merchants through direct mail communication and by the fastest and swiftest steamers? But Mr. Thurber and the manager of his line, whose testimony and letter I read here yesterday, think that they are treated almost inhumanly because the Government of the United States does not pay to them a subsidy such as is paid to them by the Government of Brazil.

Mr. President, returning for a moment to the International American Conference, I hope I shall not be suspected of any hypercriticism because as an American Senator and citizen I express some solicitude as to the effect of that conference upon our South American neighbors. It has been a source of constant remark by the public men and the press of this country that the South American trade passed by our doors and went to England, and the question has been continually pressed upon the Congress of the United States by the subsidy grabbers that this furnished the real and overwhelming argument why we should put money in their pockets in order to secure this South American trade and wrest it from England.

South America seems to have been treated in this whole question as if it were a sort of negative quality, as if the people of South America were not to be consulted, as if they were a kind of uncivilized commercial accessory either to England or to the United States. When they were invited to this conference it has been done in a sort of perfunctory way in order that the splendor of our country and the civilization of our people and the magnificence of the autonomy of our Government should be exhibited to these semi-savages, as the glories of Rome were exhibited to the barbarians brought to that great capital.

Mr. President, I have before me an article from a Buenos Ayres paper which I think will dispel this illusion. I think the people who are under the impression that the South American merchants and politicians can be brought here and dazzled by our American civilization are mistaken.

I have had occasion in the last year to read with great interest a description of the city of Buenos Ayres, and I was amazed to find that in all the elements of a high civilization that city had made advancement equal to any in the United States. In their banking system, in their methods of doing business, in the number of their newspapers, in the general intelligence of their commercial community they rank favorably with any city in this country.

To show the impression that the International or Pan-American Conference has made upon them, I ask the Secretary to read a clipping from a New York paper. It is a clipping from the New York Herald, taken from a Buenos Ayres paper.

The PRESIDENT *pro tempore*. The Secretary will read as requested. The Secretary read as follows:

The work of the late Pan-American convention has been criticised very sharply in many quarters, but it is doubtful if a more caustic and witty criticism has appeared anywhere than the one which was recently published in *La Nación*, of Buenos Ayres. The author of this criticism is Señor Fidel G. Pierra, a Spanish-American merchant, who has resided for some years in this country and who is at present the secretary of a society the object of which is the promotion of commercial union between the United States and the Spanish-American republics.

As secretary of this society he was brought into close contact with the delegates to the convention, and that he studied them to some purpose is proved by his incisive criticism of them and their motives.

According to Señor Pierra the Spanish-American delegates were slighted in many ways.

"Blaine's candidature for the presidency of the Congress was opposed by the Argentine delegates," he says. "They were invited to absent themselves from the final session on the plea of illness, the object being to elect Blaine unanimously, but they replied that if they did absent themselves they would ride through Washington in an open carriage and let the people see what they thought of Mr. Blaine's conduct."

The Argentine delegates took the ground that only a delegate could preside, and that Mr. Blaine's candidature was therefore irregular. While admitting that this view was correct the other delegates maintained that the rejection of Mr. Blaine would be ill-timed and discourteous.

"The United States Government," continues Señor Pierra, "utterly failed to see the importance of the convention. Blaine and his colleagues in the Government looked on it as merely an every-day gathering of traders, and thought that ordinary American business men, rich in worldly goods but in nothing else, would be well worthy of the honor of sitting beside the mediocre men who would be sent as delegates from Spanish-America. That is why Blaine was not a delegate."

"The Government soon saw that the Spanish-Americans were men of distinction, and that only two of the American delegates were of equal caliber. These two, ex-General John B. Henderson and Mr. W. H. Trescott, were rivals for the presidency, Señor M. Romero, minister from Mexico, being at the same time 'a dark horse.' Henderson is a lawyer and a good-natured fellow."

"Trescott is a man of rather curious political antecedents. He has been a lawyer and is supposed to be a publisher at present."

"The refusal of the Department of State affords him the means of living. He is now quite old and in his second childhood. As a presidential candidate he was unacceptable to his countrymen and, above all, to President Harrison."

"Minister Romero is a diplomatist of the old school and an active wire-puller. He pretends to be a linguist, and has forgotten Spanish without learning English. He pays certain journals to praise him and loves to pose as a righter of wrongs and the Mentor of the whole world."

"Of Blaine's address of welcome much has been said, though little attention would have been paid to it if any one else had delivered it."

"The trip through the country was a failure because the delegates had time neither for rest nor for a thorough inspection of anything. In charge was Mr. W. Ellery Curtis, who six years ago went to Spanish America as secretary of the traveling commission and returned with a mass of strange facts, which he dished up in his report. He also published a book about Spanish America, which contains the biggest collection of lies ever printed about that country. In this book he also calumniate many public men, some of whom were delegates at the convention. See now what an excellent tactician Blaine proved himself when he intrusted W. Ellery Curtis to accompany the delegates on their trip and to keep the accounts."

Señor Pierra next pays his compliments to the American delegates. "Ex-Senator Davis," he says, "owns about \$20,000,000, and knows by heart the by-laws of the Senate. He was a brakeman for several years, which accounts for the fact that his language, while giving the delegates instruction in parliamentary procedure, was the reverse of refined."

"Mr. Studebaker is a carriage manufacturer and a man of good intentions but very limited talent. He is a rustic sample of the *genius homo*."

"Mr. Carnegie is a rail manufacturer and is said to be worth \$30,000,000. The two books of which he is the reputed author are said by many to be the product of his money and not of his brains. As a delegate he proved himself a nonentity."

"Mr. Hanson is a manufacturer of cotton goods and an excellent man. He was as much, however, out of place at the convention as I would be commanding a navy of a hundred vessels."

"Mr. Estee is a lawyer from California and a plain man. Though not very learned, he has a fund of good common sense. Moreover, he is always in good humor and was, par excellence, the jester of the convention."

"Mr. Coolidge is also a manufacturer of cotton goods. They say he is an M. A., and certainly he may have obtained a degree from some of those American academies which sell degrees for \$30 each. He is the author of a curious work about silver. At the convention he tried to play the rôle of pedagogue."

"Mr. Bliss is a rich dry-goods merchant, and is said to be very clever in his business. He believes that Spanish America is given up to revolutionists, alligators, and monkeys. He is always as grave as Jupiter Olympus. During the convention he did nothing but chew two or three cigars each session."

"Mr. Flint is a New York merchant and very energetic. He knows Spanish America thoroughly, and, though not a man of letters, was worth as much as any of his colleagues, and much more than many of them."

Mr. Pierra also pays his compliments to the delegates from Spanish America, and shows himself quite as much a master of eulogy as he is of acerbity.

Mr. HAWLEY. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. VEST. Certainly.

Mr. HAWLEY. I wish to inquire, in the first place, whether the Senator knows who wrote that and, in the next place, whether it is quite fair and decorous, quite civil to foreigners and to respectable gentlemen in America, to print that mass of irresponsible blackguardism.

Mr. VEST. The name of the gentleman who wrote it is given in the communication.

Mr. HAWLEY. Well, I reaffirm what I said, that the man who will speak as he does of honorable gentlemen, and will say of American colleges that degrees can be obtained for \$30, is what—well, the language is a little too rough—a blackguard, but it means a man who willfully says that which is false.

Mr. VEST. That may be ascribed to his ignorance of the colleges of this country. I am not here to defend him.

Mr. HAWLEY. He is ignorant of all laws that govern the colleges of this country.

Mr. VEST. That person, whoever he is, is the secretary of a society in the city of Buenos Ayres and accompanied the delegation from the Argentine Republic to the Pan-American Conference.

Mr. HAWLEY. I regret, Mr. President, that I must leave town, but I shall leave my parting remark, that he is a liar and a blackguard.

Mr. VEST. Mr. President, that is a question between that person and the Senator from Connecticut.

Mr. HAWLEY. Well, the Senator from Missouri introduced his friend here by sending the communication to the desk to be read.

Mr. VEST. It was printed in a New York paper, extracted from a paper in Buenos Ayres.

Mr. HAWLEY. But the Senator from Missouri—

The PRESIDENT *pro tempore*. The Senator will pause a moment. Does the Senator from Missouri yield?

Mr. HAWLEY. The Senator from Missouri will not indorse what that blackguard said.

Mr. VEST. I have not indorsed it, but if the Senator will contain himself for a moment I will state my object in quoting it here. I have not indorsed it. There is nothing in that communication, however, which affects the respectability or moral standing or integrity of any of the persons mentioned in it. It is the ordinary criticism of a public assembly and of the public men connected with that assembly, and I had it read to show the impression made upon a prominent man who attended that conference in regard to the personnel of the conference and its objects.

Mr. President, as to the heated observations of the Senator from Connecticut I have nothing to say unless indirectly or directly they should be in any way applied to me, and then I should certainly reply to them in a most emphatic manner. But I insist that I have a right to quote these expressions, coming from a man occupying an official position, and who came here from the most prominent of the South American states to attend that conference, to point my argument, which is this, that, as I said yesterday, no wining and dining, no public exhibition, nothing except self-interest, will affect our commercial relations with the people of the South American states. We have assumed to a large extent that these people could be cajoled into commercial relations with us. It has been assumed by this Administration and by others that

they could be brought here and carried through this country in a sort of spectacular exhibition at the public expense, and that then and by such means we could secure their trade.

I had that read as a public communication, published all over this country and in South America, to show that the men who came here from South America are amongst the keenest, shrewdest, and most far-seeing merchants in the world; that they are the men who control to-day with a grasp of iron the coffee trade; that they are to-day enlarging their cattle trade from the Argentine Republic, so that soon they will become rivals, even in the preparation of dressed meat, with the most enterprising citizens of the United States; that they understand their interests; that they intend to follow them; and that when we, by any International American Conference or by any other spectacular means, seek to draw them away from their self-interest, we are simply fooling ourselves and throwing away the money of the people.

That communication comes from a man who evidently understood exactly what were the interests of his country and for what purpose his countrymen were brought here. It comes from one who shows, whatever may be his moral nature—and I know nothing about him and care less—that he represents commercially the brain and courage and activity of a people who intend to follow their own interests; and it proves beyond question what I state here to-day, that we must make it to the interest of the South American people to trade with us, and it can not be done by subsidy. You may pour subsidies into the laps of the ship-builders and the ship-owners of this country just as long as the Treasury of the United States will furnish the money and you will not secure that trade. You will get their trade whenever you show those people it is to their interest to trade with us and not before. When Mr. Blaine, or any other public man in this country, thinks that he can blind and dazzle and cajole these people in South America by putting a line of steam-ships between here and Rio de Janeiro or Buenos Ayres he simply deceives himself most woefully.

The man who wrote that communication represents the enterprise, the ingenuity, the commercial possibility of those South American states. Every line of it shows, whatever may have been his personal opinion as to the delegates of that convention, that he was not flattered here, but saw first and last, what every man knows to be true, that commerce and commercial relations are governed by self-interest.

Now, Mr. President, what is the condition of our South American trade? They are our neighbors. They are republics. If there was anything in sentiment they have every inducement to bring their imports here in order to receive our exports in return. What is the condition of that trade to-day? I might read from Mr. Blaine another statement, but I will ask the Secretary to read the communication which I send to the desk showing the commercial relations at present existing between this country and South America.

The Secretary read as follows:

In 1858 the tonnage of American shipping was nearly three times as great as the foreign. Under the Democratic low tariff, without a dollar of subsidy, our ships had a tonnage of 3,127,000 tons to 1,308,000, the total foreign tonnage. In 1868 American tonnage was 2,625,000; foreign, 3,195,000. By 1878 the total foreign tonnage was 5,500,000 greater than the American, and by 1888 we had only 2,770,000 tons to 10,770,000 tons, foreign tonnage being four times as great as ours and exceeding it by 8,000,000 tons.

* This loss, which for the three decades represents money enough to give every one of our 60,000,000 people a comfortable start in life if it could be prorated among them in cash, is a direct result of Republican taxation, and President Harrison, with his "ugly word 'subsidy,'" has no other means than more taxation to offer as his plan of retrieving it. He advises us to tax ourselves more heavily to get back what we have lost by heavy taxation.

An examination of our trade with the countries of South and Central America shows the only means through which we can re-establish our ocean traffic.

We have no trade with those countries in articles on which Republican taxes are levied. Brazil sells us \$52,000,000 worth of merchandise a year. All of this except less than \$6,000,000 is in untaxed articles. From the Central American states we get only \$441,000 worth of merchandise over our tariff taxes. The tariff allows us to buy but \$12,000 worth of taxed articles from Venezuela. Our total trade with the most prominent South and Central American countries in all articles of import taxed by our tariff for 1887 was as follows:

Brazil.....	\$5,596,708
Central America.....	441,000
Venezuela.....	12,796
United States of Colombia.....	16,594
Argentine Republic.....	782,256
Chili.....	228,897

Mr. VEST. Mr. President, with that extraordinary state of trade between this country and South America, we are told that the obstacles, whatever they may be, which have prevented propinquity and all the apparent inducements for close commercial intercourse between this country and South America can be done away with by subsidies.

In order to furnish a remedy any intelligent physician must diagnose correctly the disease and the causes that have brought about that disease. Why is it that South America to-day is commercially friendly to England and adverse to the United States?

Why is it that with similarity of political institutions, propinquity as to locality, everything that can be upon the surface seen to bring about close commercial relations, this trade goes by our doors and goes to Great Britain? We are answered by the Senator from Maine and the Secretary of State, "Want of steam-ships." I read upon yesterday a list of steam-ship lines and of the vessels regularly employed between the ports of this and other countries and South America, and that list does not include the almost innumerable tramps, vessels that go where-

ever they can get a cargo, that are governed by no organized system, that are controlled only by opportunity.

No intelligent man will dare to stand here or elsewhere and say that there is not plenty of transportation between this country and South America. But, Mr. President, what public man will dare to slander his countrymen by saying that if this great trade with our neighbors in South America could be obtained by building steam-ships they would not be built by American capitalists? Who believes that with the enormous capital in this country seeking investment, when in the Eastern States and in New England it is worth from 2½ to 4 per cent., if this great trade could be secured by American merchants they would not furnish the capital to build steam-ships even at the enormous prices charged in American ship-yards?

It is not the want of transportation, and no man believes it who is not determined to believe it. The whole face of the ocean is covered with steam-ships and with sailing vessels. Read the shipping lists of the South American ports and you will find that there are vessels lying there from one week to another seeking cargoes to go anywhere, anxious to go to the United States, if opportunity is offered them. Why do they not come here? Why is it that we, owning a continent, with all its varied productions and the energies of 65,000,000 of Anglo-Saxon people in whose blood is the fire of empire, can not obtain this trade?

Mr. HALE. Will the Senator let me ask him a question?

Mr. VEST. Certainly.

Mr. HALE. Was not this condition that the Senator describes in the last few words he has said practically the same condition ten years ago?

Mr. VEST. Well, possibly it was.

Mr. HALE. At that time Germany as a commercial power doing business in the American states had little or no importance, but, stimulated by the enterprise and desires of her people, accompanied by large benefactions from the imperial government, Germany since that time has come into these ports, filled them with British, French, and American shipping (not much American, but of the other nations), and has carved out for herself a large portion of the trade of those countries where it did not exist before.

Mr. VEST. Yes; and I will tell the Senator why.

Mr. HALE. I ask the Senator whether what was possible for German enterprise and German subsidies at that time is not possible and practicable for our enterprise and our subsidies now.

Mr. VEST. Yes, sir, it is; and if this country would do like Germany we would get our share of it, and more than our share. But you will not do like Germany. What does Germany do? Germany permits her people to buy their steam-ships where they can buy them cheapest. Germany has never been idiotic enough to say to her people, "You must build your steam-ships here, if they cost you 30 per cent. more than they do in England, and if you do not build them here you shall not have them at all." That is what you are doing; and that is the reason why you can not get the South American trade, because you will not let your people have the best and cheapest instrumentalities for obtaining it. Does the Senator want any more information? What else can he have?

Germany has pursued the very policy that I urge now and have urged for twelve years in the Senate and everywhere else. Yet the Republican party tells us, "No; build your steam-ship with Mr. Cramp, or Mr. John Roach," when he was living, "or you shall not have it. You have got to pay 30 per cent. more for it. You shall not go to England and buy it." We have the old navigation laws, sacred to us, "nicked like some saint in cathedral aisle," and you shall worship this fetish of the navigation laws, which was put upon us in 1789, and that we are not to touch now, and if we do, it is treason to commerce and enterprise.

Mr. President, it is not want of transportation. Germany has done exactly what we ought to have done. When they found for any reason, I do not care what it was, that they could not build their steam-ships at home as cheaply as they could in England, they went to England and bought them and put them under the German flag, and sailed them to South American ports, and brought them to our ports. Not only did Germany do it, but Italy has done it, and Norway, and Sweden, and even Mexico.

Mr. HALE. Does not the Senator know that, so far from Germany being dependent upon foreign nations for building her iron ships and ships that make up her merchant marine, she builds them herself, and that it is a great feature of the prosperity of Germany that instead of doing it abroad she builds them in her own docks? But she built up this trade by boldly and without question subsidizing it and starting it. Does not the Senator know that?

Mr. VEST. No, sir.

Mr. HALE. It is true.

Mr. VEST. The Senator does not know it, nor does any other intelligent man know it.

Mr. HALE. If the Senator will look at the history—

Mr. VEST. I thank the Senator for the suggestion, and I will tell him the history of it, for I know it as well as I know my own personal history. Germany had no ships and she went to England and bought them, and commenced repair shops, not for the construction of ships,

but to repair the ships that she bought on the Clyde, and after she had built up this industry through her repair shops then she commenced building.

Mr. HALE. After she got her yards, as we have got ours.

Mr. VEST. Yes, and she commenced originally by buying the vessels from Great Britain.

Mr. HALE. When she had no yards.

Mr. VEST. Exactly; and then the yards were established to repair the ships she had bought in England.

Mr. HALE. Now, I call the Senator's attention to the exact parallel to the present situation. We have got, thanks to American enterprise, the yards; we have got the skill; we have got the mechanics; we have got the capital; we have got everything that Germany has to-day, with the exception of governmental aid.

Mr. VEST. Have you not had it for years?

Mr. HALE. No, sir; we have not had it for years. The condition of the American yards to-day, so far as their power of producing ships either for the Navy or for private enterprise is concerned, is a thing with which the situation of these yards could not be compared five or ten years ago.

Mr. VEST. Germany commenced by buying her ships abroad without any subsidy.

Mr. HALE. When she had no yards in which to build them.

Mr. VEST. She established her yards without any subsidy, and lately, in the last four years, she is granting additional mail pay. That is the subsidy the Senator refers to; and I see now that one of the German lines has declined to carry out the contract made with the Government, and has declined the subsidy. France adopted the subsidy, and it has not built up her merchant marine.

Mr. HALE. The American situation to-day is precisely that of Germany, barring the Government aid given there.

Mr. VEST. No, sir; barring, to use the Senator's expression, another feature, which he will not see and does not intend to see, and that is the liberty on the part of German citizens to buy their ships where they can buy them cheapest. That is something that my friend from Maine is determined not to see and determined not to say anything about. There is the feature in which we differ from Germany. How would Germany ever have got her ship-yards as they are now if she had not originally bought her steam-ships from Great Britain? She commenced with repair shops, and to-day she is building, with English mechanics and under English plans, but with German money, steam-ships that are competing with Great Britain. I saw day before yesterday in a London paper the announcement, as a note of alarm, that unless England looked to her maritime laurels Germany would soon outstrip her upon the ocean. The Senator says we have had ship-yards.

Mr. HALE. I said we have them now.

Mr. VEST. And have them now.

Mr. HALE. Some of the finest in the world.

Mr. VEST. And we have the skill, and we have the material. Why is it we have not built these vessels? Why is it that we have not put them upon the ocean? Why is it that to-day, as the Senator's colleague [Mr. FRYE] says, the shipping trade of the United States is absolutely dead?

Mr. President, I will tell you. It is because you shut your eyes deliberately. You thought that free ships meant free trade. You were determined that your sacred idol of high protection should not be attacked even indirectly. You were determined that you would give up our shipping trade rather than have any sort of suspicion thrown upon the infallibility of the high-protective-tariff party of this country.

That is the whole of it. You did it deliberately and willfully, for in 1857 Captain John Codman—and I care not what else may be said about him, he is a man of intelligence and experience, a practical sailor—published a letter, a copy of which I have, a remarkable letter in the way of a prophecy, in which he told the people of the United States "unless you give up this policy and permit your people to buy ships where they can buy them best, you will lose your shipping trade entirely." What was the reply to him?

I was upon a joint committee of the Senate and House in 1882. The late S. S. Cox and myself were the two Democrats. We held a session in New York for a month. We examined Mr. Roach, Captain Codman, and all the ship-builders, and all the ship-owners and sailors. Codman stated then, producing this letter, just what had been his prophecy and what had been the result. And what was the reply to him, made by John Roach? "Why," he said, "you are in the employ of the English Government." The old cry, "bought with British gold." Any man who attacks the high protective system in this country is bought with British gold.

John Codman, it was said, was bought. Why, Mr. President, if the English Government had wanted to buy a man to break down the shipping trade of the United States they never would have bought John Codman, but one of the advocates of the present system, because that system has worked itself out in the destruction of the shipping trade of the United States completely and mathematically. If England had wanted to find a man to have broken it down they would have taken the Senator from Maine.

Mr. FRYE. Not bought him, you do not mean?

Mr. VEST. No; I, of course, do not mean that. Of course, I do not mean that; but I mean to say that they would have solicited him to advocate this very system which has brought us to the present condition. John Codman has fought for the shipping trade of the United States. He has begged and implored; and I honor him to-day as much as I do any man in this country for his consistency and persistency and his intellectual ability. He has fought for the system which would have built up, in my judgment, the shipping trade of the country, whereas his enemies have torn down and destroyed the maritime supremacy of the people of the United States.

Mr. FRYE. Did the Senator from Missouri hear Mr. John Codman before the Senate committee admit that, in his opinion, the United States should pay postal subsidies?

Mr. VEST. I was not present at that meeting; I was called away; but I know Captain Codman's opinions. I know that it is his judgment that this country should pay the largest amount of mail pay, and that feature of the Senator's proposed legislation here in a modified form he indorses. He goes much further than I would be willing to go possibly. His idea is that there should be additional mail facilities, and that the largest and most liberal and generous remuneration should be made to steam-ships for carrying the mails, but always to swift steamers, always to the sort of steamers that are employed to-day under the subvention system of the British Government, vessels that will run from 16 to 18 knots an hour, not these tubs, if the Senator will not object to the expression, that take twenty-four days to run from Rio de Janeiro to New York, but swift greyhounds of the ocean, as sailors call them, that carry the mails in the shortest time and in war become commerce-destroyers.

Mr. FRYE. Will the Senator yield to me a moment?

Mr. VEST. Oh, of course.

Mr. FRYE. These "tubs" that the Senator is talking about are fine iron ships of a burden from twenty-six to twenty-nine hundred tons and can sail from 12 to 14 knots an hour. Germany in her last subsidy contract only provided that her steamers should make 10½ knots an hour.

Mr. VEST. I know that.

Mr. FRYE. Now, the ships of the Brazilian Line are running to accommodate their trade and the mail partly, very largely, of Brazil, because Brazil pays for it.

Mr. VEST. That is just what I said.

Mr. FRYE. They are to some extent running, too, to accommodate the United States mail, which does not pay and stop at several ports. The proposition under the postal-subsidy bill which I have presented here is for the establishment of a line that will reach the River Plate, running 16 knots an hour, and a 16-knot ship is one of the fastest ships in the world outside of the very few that cross the Atlantic to-day.

Mr. VEST. I think I knew all that except one single statement, and that was in regard to the speed that might be made by this South American line. I have never seen the vessels, and I judge their speed by the time they take. I repeat that they take from twenty-one to twenty-four days to bring a letter from South America that can be sent by Great Britain in a week's less time.

Mr. FRYE. Now, will the Senator pardon me once more?

Mr. VEST. Certainly.

Mr. FRYE. Freight ships can not afford to run over from 10 to 12 knots an hour. There is no use talking about carrying freight on ships that make 16 or 20 knots. It can not be done. It is too expensive, and the freight charges would necessarily be altogether too high. What I am after in this bill, what I am contending for always, and have been for years here, is that you should have certain fast lines between great commercial countries where the mails could be carried swiftly and certainly; where the departure and arrival of the steamer could be absolutely certain; where drafts and orders could be sent and there be no uncertainty in relation to them. That is what I am striving to get between here and South America, between here and China, and Japan, and Australia. The freight ships will come in naturally, precisely as England has proceeded.

Mr. VEST. The Senator makes one admission which removes that matter from discussion. He says, what I alleged here in the first place in this debate, that this line was a Brazilian coasting line; that they were paid \$105,000 a year as a subsidy by Brazil because they touch at Brazilian ports. If they did not act as coasters for the Brazilian Government they would not receive a cent. And yet that same line, through its president and general manager, are the principal advocates of subsidy now in this Capital.

Mr. Thurber is credited with having originated the Pan-American Conference with a view to a subsidy for the line now in existence. His general manager appeared here before a committee of the House. I read his testimony yesterday. The head and front of their endeavor is to put their claims upon the Government of the United States on a parity with their claims upon the Brazilian Government.

If the word "tub" be an exaggerated expression I withdraw it. I judge the character of the vessels by the time they make. If their laggard time is to be explained by the fact that they are coasters in the employ of the Brazilian Government, then they ought to confine them-

selves to Rio de Janeiro, and not come to Washington City and ask money from the representatives of the people of this country.

Whenever the Senator from Maine seeks to give the most generous and liberal and just mail pay to fast steamers running 14 and 16 knots an hour, I will go as far as he does, just as I went with him side by side in removing every obstacle to the cost of sailing an American vessel. I am always willing to do that, but I will never vote for this bill, because he proposes here to pay \$18,000 for a 3,000-ton steam-ship from Liverpool to New York, and if it makes twenty trips a year it would receive \$360,000, and if it cost \$1,000,000 it would in three years pay for itself.

Mr. FRYE. Will the Senator yield?

Mr. VEST. Certainly.

Mr. FRYE. She can not make over twelve trips, and an 8,000-ton ship crossing the Atlantic, being paid but one way, would receive \$172,754, precisely as I stated yesterday.

Mr. VEST. Even if she makes ten trips, that is \$180,000 a year, and to my unsophisticated Western imagination that is a very large amount. I do not propose to vote the money of my people, with their interests depressed as they are to-day, with cattle, corn, and wheat not bringing enough to pay the husbandmen for their culture—I do not propose to take even \$180,000 and give it to a lot of capitalists for running ships where lines are already established.

If there is to be subsidy in this country, make it an even thing; subsidize the cattle-raisers, subsidize the corn-raisers and the wheat-growers, but to take their money and give it at this rate simply for carrying a few mail bags where the mail bags are already carried is a monstrosity. If I were actuated by partisan motives, I would thank the Senator from Maine for having brought this issue here at this time and in this conjuncture of public affairs for consideration.

But, Mr. President, I go on now with my argument. I have endeavored to show, and I think I have shown, that it is not the want of transportation. If my strength permitted I would go further and make it so clear that there could not be even a criticism in regard to the statement. I could read here from the testimony of Mr. Thurber and his manager, Captain Laidley, in which they denounce these tramps in terms as violent as those employed by the Senator from Maine in regard to them yesterday.

Mr. GRAY. What do they denounce them for?

Mr. VEST. They denounce them because they interfere with their trade. They denounce them because they have the impudence to carry cargoes around the world when they can make money by it. They say that all the Southern American ports are filled with tramps. I would thank God for it if they would come to this country with their cargoes. I wish there were more ocean tramps in American ports. I wish when a Missourian goes to New York with his cattle and finds that a monopoly has got possession of all the steam-ship cattle lines he could find a tramp with cattle accommodations to take his bees to England. I consider that one of the highest needs of this country to-day. It is not want of transportation that has cut off the South American trade or prevented us from acquiring it. Now what is it?

Mr. President, I alluded yesterday to this book from the State Department, published at the expense of the people of this country, which is an argument for subsidy by Mr. W. Elroy Curtis, paid for with the money of the tax-payers of the United States in order to put this system upon us. From that book I undertake to read an extract. I read the extract without turning to it in the book; it is copied from that. Mr. Curtis in this work quotes from an article that appeared in The New York Independent and indorses it in his work. I ask the attention of Senators to this if they care anything about the question. Speaking of the South American States he says:

The superiority of American goods is so great that the Manchester mills send few goods to South America that do not bear forged American trade-marks. These goods are inferior to those produced in the United States and are sold for about 8 cents a yard, while the cheapest genuine American drillings cost about 7 cents. The bogus stuff is made of pipe-clay and starch upon a very thin fabric of cotton, but the material is just as well adapted to the use of the common people as the better quality which comes from the United States and is used only by the wealthier classes.

While cotton goods constitute almost the entire wearing-apparel of the laboring people, men as well as women, and as they seldom wash their garments, the pipe-clay stuff is just as good and wears perhaps a little better than the genuine article. The merchants—

The South American merchants—

complain that they are compelled to order goods from Manchester bearing this fraudulent trade-mark because the people demand that quality and also insist upon having American goods. If our mills would enter into competition with those of England in the production of this material they would find it a profitable trade.

These cottons are required by the prevailing laws of trade and the taste of the people to be of a certain length and a certain width, so as to cut with economy, as the native requires just so many yards to the piece; the price is also fixed by the unwritten law of custom, and if a merchant sells a wider piece of goods than they are accustomed to buy he can get only the same price that the narrow piece will bring. The merchants complain that they do not get their cotton from the United States as ordered. The slightest variation from the sample makes the goods unmarketable and subjects the importer to a loss.

Mr. John M. Carson follows this with an article, in which he says:

The three essentials to the establishment and successful maintenance of commerce between the two American continents are goods manufactured specially for Spanish-American countries, rapid and regular steam-ship lines, and the establishment of a credit system to meet the necessities of those new and enterprising countries.

So, Mr. President, there is something else besides the want of transportation. Our merchants have not endeavored to secure that trade. It is stated here—with how much truth I do not know—that these merchants in the South American countries want American goods, but they want them to suit their domestic trade, and they can not get them.

How different is this sort of proceeding from that which was adopted in England in order to secure the trade which they had lost with foreign countries and upon the ocean. We are asked to imitate Great Britain by giving subsidies.

Now, what did Great Britain do when she found that the vessels of the United States were taking from her supremacy upon the ocean? It was proposed immediately in the British Parliament, when the state of things was discovered, to give the people of Great Britain the liberty to buy ships where they could buy them cheapest the world over, and the same sort of howl was heard then from the ship-yards and the ship-owners that we hear now from the ship-yards in the United States. They were to be butchered by an act of Parliament, their livelihood was to be taken away from them, because the liberty was given to the people of Great Britain to buy their ships in any place where they could make money by the purchase.

Parliament passed the act in 1849, and what was the result? We were then successfully contesting with Great Britain the control of the maritime trade of the world. So soon as that iron fetter was taken off from the people of Great Britain they adapted themselves to circumstances. Parliament said to them, "Go to work, make vessels as good and as cheap as they do in the United States. We throw you upon your own resources. Do not come to the public treasury, but go to yourselves." What is the result? To-day Great Britain controls seven-twelfths of the shipping trade of the entire world, and we stand here wondering and gazing and complaining because our shipping trade has ceased to exist.

Mr. President, I should like to ask a few questions before I vote upon this bill. We are pointed to Great Britain and told to imitate her. We are pointed to Germany and told to imitate Germany by another Senator. We are told that subsidies have built up the shipping trade of those countries. If we are to imitate these countries, let us imitate them in all things and give our people the right to buy ships where they can buy them cheapest. What right have you to say that this right has not built up the shipping trade of Great Britain? What right have you to say that subsidies alone did it? I say that the liberty to buy ships where they could buy them cheapest was the cause of putting the shipping trade of Great Britain upon its feet again after it had been threatened by the fast Baltimore clippers of the United States. Why is it that you stop and say, "Oh, yes; we will give subsidies, but we will not give you liberty to buy your ships where you can buy cheapest?"

Mr. President, if I wanted party advantage I would make this issue in every township in the United States. "Whom the gods wish to destroy they first make mad;" and they have made Harrison mad when he put this issue forward in his campaign speeches, in his inaugural address, and in his message at the beginning of this Congress, and when it is repeated again in almost monthly communications from the State Department. There is not a township outside of Maine—and I will except Maine and possibly one or two in Delaware—there is not a township in the United States where the people are not unanimous against this system. The idea of saying to an American, "You shall not take the money that you have dug out of the ground, that you made in the workshop, that you have toiled for in honest industry, and buy your ships where you please," is abhorrent to the sense of justice and to the common sense of the people of this country.

Again, Mr. President, when the United States contested with England for the supremacy of the ocean, did we have any subsidies? When we carried 80 per cent. of the commerce of this country in American bottoms what was the Government doing for the shipping trade? Were they giving a cent then to any ship-owner or ship-builder? How did we manage without pap from the Government to go on until we had outstripped absolutely our great progenitor, Great Britain? If we did it then, why can we not do it again? Have we deteriorated? Has the blood in our veins become thin and have our muscles relaxed and has our brain become enervated? If I wanted to destroy a human being, a boy commencing life, I would say to him, "Come to me when you want anything and I will give it to you." If I wanted to entail upon my child a curse that would weigh him down through life I would teach him to depend upon other people. If I wanted to emasculate and enervate a people I would teach them to depend upon their Government. Energy, independence, self-reliance, these are the great lessons of successful lives.

Mr. President, we tried subsidies in this country and what was the result? I read the history of them yesterday. We paid \$4,750,000 to the Pacific Mail Steam-Ship Line, and all we did was to blacken the character of American statesmen and disgust the American people. Now, we are asked to give these subsidies to lines already existing, for there is no exception in this bill. We are asked to pay them such an amount that they can afford to throw overboard their cargoes and run for the subsidy alone.

To show what subsidy brings about, at the risk of incurring the crit-

icism of some other Senator, I want to read an article which appeared in the San Francisco Examiner a short time ago:

The San Francisco Examiner thinks that the Pacific Mail Steam-Ship Company will be much embarrassed by the offer of a subsidy from the Government in order to carry goods at a low rate, while it is receiving one from the Pacific railroads for not carrying them at all. But in case it could overcome this natural reluctance, asks the Examiner, would it divide the swag with the British line to which it now pays \$120,000 per year for not carrying freight between New York and Colon? "When our \$120,000 a year," it continues, "after passing from the Treasury through the hands of the Pacific Mail, finally landed in the safe of the Atlas Steam-Ship Company—

That is an English company—we could indulge a complacent feeling of part proprietorship in the British mercantile marine."

That is from an entirely reputable paper in the city of San Francisco, and it simply repeats what has been published time and again all over this country, that the Pacific Mail Steam-Ship Company has a contract with the Pacific Railroad not to carry freight between San Francisco and other points, in order to give them a monopoly of the transportation across the continent. These are the people who are here howling for subsidies. These are the people who have infested these corridors and committee-rooms for years holding up their emaciated millionaire hands and saying to us, "Give us the tax money of the people of the United States in order that we may live."

Mr. President, I would be glad to build up the shipping trade of this country. I would be glad to see the Stars and Stripes upon every ocean in the world. I pray to God that I may live to see the time when an American citizen can step, not upon the planks of a British steam-ship in sight of Trinity steeple and hear "God save the Queen" from there to Liverpool, but when he may stand upon the planks of an American vessel with our flag above him and our national anthem sounding in his ear. But I will never vote the money of this people under a vicious, false, wrong system, under any pretended or real desire to bring about the state of things which I have imagined. If we are to build up again the shipping trade of the United States it must be through the energy, independence, and self-reliance of our people, and the more we give out of the national Treasury the more we enervate, the more we teach the ship-builders and the ship-owners to look not to legitimate commerce for their gains, but to Congressional action.

Mr. COCKRELL. Mr. President, I am very sorry to say there is no quorum present. I should like the roll to be called.

Mr. EDMUNDS. That is right.

The PRESIDENT *pro tempore*. The Secretary will call the roll of the Senate.

The Secretary called the roll and the following Senators answered to their names:

Aldrich,	Cullom,	Ingalls,	Power,
Allen,	Daniel,	Jones of Arkansas,	Pugh,
Allison,	Davis,	McMillan,	Ransom,
Bate,	Dixon,	Manderson,	Reagan,
Berry,	Dolph,	Mitchell,	Sawyer,
Blair,	Edmunds,	Morgan,	Squire,
Butler,	Farwell,	Morrill,	Stewart,
Carlisle,	Frye,	Paddock,	Stockbridge,
Casey,	Gibson,	Pasco,	Vest,
Cockrell,	Hale,	Payne,	Walthall,
Coke,	Hampton,	Plumb,	Wilson of Md.

The PRESIDENT *pro tempore*. Forty-four Senators have answered to their names. A quorum is present. The bill is in Committee of the Whole and open to amendment.

Mr. PLUMB. Which bill?

The PRESIDENT *pro tempore*. The bill will be read by title.

The SECRETARY. A bill (S. 3738) to place the American merchant marine engaged in the foreign trade upon an equality with that of other nations.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. EDMUNDS. What is the amendment?

Mr. FRYE. It is a mere formal amendment.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In section 1, line 7, after the word "or" insert the words "so owned and;" so as to read:

Constructed in and wholly owned by citizens of the United States, or so owned and registered pursuant to the laws thereof, etc.

The amendment was concurred in.

The PRESIDENT *pro tempore*. The bill is still open to amendment in the Senate.

Mr. WILSON, of Maryland. Mr. President, it is a well known but humiliating fact that the decadence of American shipping engaged in foreign trade has been steadily progressing for thirty years, till it has declined from 2,321,674 tons in 1859 to 999,619 tons in 1889. No candid man can or will say that this collapse was caused by our great civil war and the concomitant depredations on our commerce; for, whilst there were indubitable evidences of it before that war in the progressive decline of the number of ships then being built, it has also been steadily going on at almost as rapid a rate since the conclusion of our civil strife as during its progress, the shrinkage in our tonnage engaged in foreign trade having been 35 per cent. in the decade from 1859 to 1869, whilst it was 31 per cent. from 1879 to 1889.

It is a sad and deplorable truth, a standing disgrace upon our national reputation, a distinct loss to our people of one of the most ancient and prolific sources of national and individual wealth, and the just ground of unsparing censure against those who have enforced policies which have brought about so grievous a calamity. No man is worthy of the name of an American citizen who does not deplore or who is not ready to adopt any constitutional and really effective remedies in our power which can help to remove the evil. This pitiful position of its foreign-trade shipping on the part of a country once in the van of nations has not only brought the blush of shame to the cheeks of our people, but it has naturally led our statesmen to look for its cause and its remedy.

Many men, sir, learned and experienced in the affairs of commerce and navigation, have deliberately expressed their conviction that the only effective plan of removing this decrepitude of our foreign merchant marine would be to first ascertain the causes which, each in its degree, have led to its downfall, and then earnestly and patriotically set to work to remove them. In other words, it is the part of a homely but sound wisdom to enter upon a full diagnosis of the disease before proceeding to administer the remedies. Every one knows that the decline of our ocean shipping was concurrent with the more and more increased use of iron in ship-building.

It is a familiar fact of history, open to every one in the statistics of our merchant marine away from our coasts, that its expansion continued nearly down to the late war. The coming catastrophe to that great interest had then scarcely commenced to project its shadow over the land, and no party in the troublous times then begun and for four years continued can be justly held responsible for losing sight of foreign trade in the midst of the stupendous events then transpiring in our land.

But, sir, when at the conclusion of that war our ruling statesmen found not only that our foreign-trade tonnage had diminished to the extent of hundreds of thousands, but that the retrogression was continuously going on as well in the number of tons as in their carrying capacity, not a single step did they take to foster this vital interest of the country, nor to remove one feather's weight of the heavy burdens placed by law upon the shoulders of our helpless ship-builders.

Never, till the passage of the act of June 4, 1872, did Congress even pretend to lend a helping hand to our dying ocean marine, and then what they did in the way of enactment was a mere show of aid which was of practically no benefit whatever. What was practically needed was the removal or rebate of duties upon all iron and steel, or on their products entering into the construction of ships intended for our foreign trade. That act only gave exemption or rebate from duties on iron and steel rods, bars, spikes, nails, bolts, copper, and composition metal, to be used in the construction of such vessels. But upon the more important and costly articles of beams, deck-beams, plates, angles, and all structural iron, up to this hour there remains the prohibitory duty of 114½ per cent. ad valorem, and upon anchors and chains and forgings of iron and steel the very onerous duty of from 38½ to 49½ per cent. ad valorem.

Thus, sir, unless we suppose that these duties were purposely placed so high under our tariff laws as to give to the manufacturers of these articles entering into the structure of iron and steel ships excessive and extortionate profits thereon, these tariff exactions have been necessarily, and if not necessarily then at the pleasure of the manufacturers, so oppressive as of themselves to tell with crushing effect upon all ship-building enterprises in this country intended for foreign commerce.

But, Mr. President, not only have our customs laws placed insuperable obstacles in the way of building ships for our foreign trade, but other branches of our American system of laws have severely discriminated against such enterprises on the part of our people. Before 1861 there was no tonnage tax upon our ships. As a means of raising revenues needed for the conduct of the war, such a tax was soon imposed, and was afterward raised to the high rate of 30 cents per ton, at which it remained till June 26, 1884, when it was only partially removed.

Again, sir, a great obstacle in the way of the upbuilding of our ocean marine is the fact that our system of local taxation upon shipping is so much more onerous than in Great Britain and in other foreign countries. In England a steam-ship company would be subjected to no taxation upon the value of a steam-ship and to only a moderate assessment upon the rental value of all premises occupied as offices, store-houses, or machine-shops. Beyond this would only be levied an income tax on the profits (if any) of the owners to the extent of from 1 to 2 per cent.

The English ship-owner was long ago allowed to withdraw from bond free of duty all articles subject to taxation, either under excise or tariff, required for use on board of his ship. But in this country until recently all our States, and even now all except two or three, tax ships engaged in our foreign trade, and all the other property of the owners of such ships, such as wharves, offices, machine-shops, and floating capital, to the tune of 1½ to 2½ per cent., often up to a pretty full valuation. And such ships were left until very recently to get their stores subject to all customs or excise duties.

Thus, sir, as expressed by another, "the difference in the return on

the investment growing out of the difference in the fiscal systems recognized and enforced in Europe and in this country would be of itself sufficient to afford to the foreign capitalist a dividend on his stock equal to at least one-half of the ordinary rate of European interest on the capital employed." If it can be successfully contended (as I very much doubt) that Congress has no power to exempt ships engaged in foreign commerce from State and municipal taxation, which is resting upon it as a crushing burden, then, at least, let the patriotism and the self-interest of each State be appealed to and urged to remove such shackles from its vessel-owners by the just and sound argument that the continuance "of such a discrimination against our merchant marine, of itself and alone, may be sufficient to prevent its resuscitation in the face of a foreign competition exempt from similar burdens."

Another burden, sir, pressing heavily on our foreign trade is that of pilotage upon vessels coming into and going out of our seaports. The amount charged for such service by pilots, under the laws of New York and New Jersey, at our great seaport of New York, is said to aggregate the large sum of nearly \$1,000,000. The charges at that port for pilot service are said to be two and a half times as much as is paid at Liverpool for like services. So inordinate are they that a leading New York merchant not long since said that he "paid as large an amount of pilotage into New York Harbor as he did to the captain of his steam-ship for sailing the vessel all the way to Cuba and back, facing all the dangers of the sea and the risk of contagion in Cuba."

Congress has most certainly the power, as our highest court has determined, to take complete jurisdiction of this subject of pilotage and to relieve our shipping engaged in foreign trade from such oppressive charges. The restoration of our shipping demands that all such excessive rates, being obstacles in the way of the deriving of any profit by our ships when engaged in the foreign trade, shall be removed.

Mr. President, our merchant marine has been subjected to many other burdens and grievances, some of which have been removed largely through the watchful care and labors of our able chairman of the Senate Committee on Commerce, but some of which remain, and I fear are likely to remain, not only with, but largely through, his powerful advocacy. With his views upon the subject of a high protective tariff it could not have been expected that he, following the policy of Sir Robert Peel in England in 1849, would agree to remove all restrictions upon the purchase by Americans of English-built ships, even though they can be purchased at a much less cost than that at which we can afford to build them, and even though, through the direct effect of our tariff system, we are utterly unable to build and to run our own ships.

The bill introduced into the Senate by the Senator from Maine, and now under discussion, makes as ample concession of our inability to build and run ships in our foreign trade as though that concession was made in the most explicit terms. If that can not be done our national Treasury can not possibly be injured by the admission of foreign-built ships free of duty, and no ship-building interest in the United States can be affected by such species of free trade, and no harm can be done to anybody or anything except to the nerves of those supersensitive gentlemen who are so much shocked at the use of those two little harmless words, "free trade."

Mr. President, many millions of American citizens and many thousands of our ablest statesmen, shippers, and merchants are convinced that the true remedies for the depression of our foreign merchant marine are, first, the removal of all those obstructions to our trade which I have mentioned and then the reform of our tariff system, whereby the cost of manufacturing our goods can be greatly diminished by putting raw materials on the free-list, whereby the rates of duty may be so diminished as not to give to the foreign producers any real advantage, but so as to put our home manufacturers on their mettle in the race of competition for the reduction of prices, and whereby all materials of all descriptions, in every degree of preparation, for the building of ships for the foreign trade can be had free of duty, and full-built ships themselves can be bought abroad and registered amongst our merchant marine for our foreign trade as freely as though built in our own ship-yards.

These men do not only disbelieve but they utterly repudiate the doctrine, and they will never be reconciled to the practice, which is sought to be initiated by this bill, of taxing the farmers of the East, West, and Northwest, the planters of the South and Southwest, and the working people of our broad land to the tune of many millions of dollars (which will ever be on the increase) towards enabling ship-owners to run, at a largely increased cost over similar lines owned abroad, fleets of American-built ships, which must collapse as soon as these subsidies are withdrawn, and which in the mean time will accomplish nothing appreciable (as has been the case with like expenditures in the past) towards expanding our export trade, which is the real goal towards which this lavish expenditure is expected to tend.

Mr. President, if any minor part of our tariff system stands in the way of the re-establishment of our wrecked foreign commercial marine, why should it not be swept away? Most assuredly should this be done if no one of our home industries is injured, but is rather benefited by the process, and if nothing admonishes against such a step except a sickly pride, which will not let us use the creations of British capital and skill, and a morbid prejudice against the mere sem-

blance of free trade. But upon your own principles, sir, it is not free trade to buy abroad what you can not manufacture at home. For twenty-five years you have been impotent to construct ships in this country that could compete on the free ocean with foreign shipping.

There is not now a single ship being constructed in any American ship-yard to be thus used. If we had permitted our shipping merchants to buy British-built ships during this long period at greatly reduced cost below the prices at which we were able to construct them, we might have done much more of our own carrying trade, and by furnishing to our ship-yards a large amount of work in the way of repairing might have greatly aided in building up plants that could, with other assistance that could have been extended without hurting any interest, either national or individual, have constructed many ships for our merchant marine.

Mr. President, no nation can afford to shut its eyes to the lessons taught by the experience of other nations any more than an individual can dare to reject instruction from the example of his fellow-men. When the American people were bearing off the palm in the construction of ships in olden times, owing to their greater skill and the possession of cheaper supplies of ship timber, Great Britain, as well as other countries, did not hesitate to freely purchase our magnificent "Baltimore clippers" and "American liners" as being not only cheaper but swifter. And when Great Britain by repeated experiments, beginning back in 1838, showed that not only could steam be substituted for wind as a propelling power of ships on the ocean, but that iron could also be substituted for wood as a material for their construction; and when, through the possession of coal and iron fields in close proximity and of workmen by long training more skilled in the building of iron and steam vessels and their machinery, she also disclosed her ability to supply the world with cheaper, if not better, ships than any other nation, then were the conditions as to England and the United States exactly reversed, and all other commercial nations on the globe, except the United States, then began to purchase and have been since steadily buying their vessels for the ocean-carrying trade from Great Britain, because they saw at once that thus alone could they begin to compete with this mistress of the seas with respect to the "free trade" of the ocean. And as they are still pursuing this policy after its existence for many years, we have a right to conclude that it has commended itself to their judgment and their best interests.

And doubtless there is no one of these countries that has not, in a greater or less degree, had the same experience as Germany. When Germany began to buy her iron steam-ships of England there was not a machine-shop or a building yard for iron ships within her borders. But such establishments, first originated as a necessity for repairing the iron vessels bought abroad, soon became a nursery for the building of such ships on their own account. And, sir, they did all this without any governmental subvention at all. A proposition was made in 1881 to bestow such aid, but the reply of the Hamburg Merchants' Society is so forcible and well suited to our own circumstances that I can not refrain from giving some extracts from it: "Thus far," it says, "German commerce and navigation have been able to compete with those of other nations, and their present strong position is chiefly due to their own exertions. The Hamburg merchants are not afraid that if let alone their own development would be injured or suffer under adverse (foreign) legislation. The growth and prosperity of national trade are, before all, created by the natural talent and disposition of a people. Governmental measures, whether they consist in throwing artificial obstacles in the way of foreign competition or in direct support of the national flag, may here and there bring temporary advantages to individual enterprises, but they will never be able to permanently raise and elevate the shipping interest." How different is this manly, self-reliant manifesto from the conduct of that rodent tribe who are ever seeking to gnaw their way into the United States Treasury and there to fatten upon its redundant wealth.

In this country there are capitalists, men who are already rolling in wealth, who deem it honorable and commendable to be besieging Congress to wring taxes out of labor's toiling hands to aid them in building or buying ships in order to make a business profitable, which without Government alms, they tell us, can not even exist. Such a system is un-American, un-republican, and unjust in the highest degree.

Mr. President, this Senate bill 3738 pretentiously proposes "to place the American merchant marine engaged in the foreign trade upon an equality with that of other nations" without making the slightest effort or holding out the slightest hope that the burdens and obstructions now upon or in the way of that merchant marine, or any one of them, will be removed. We have a tariff bill now before the Senate sent to us from the House and favorably reported to us by our Finance Committee. That bill proposes to place iron or steel plates, angles, and beams, in addition to the exemptions under the act of 1872, among the articles that can be imported free of duty for use in the construction of ships for our foreign trade.

But, like the tariff bills of 1873 and 1883, it still falls so far short of the mark of affording relief that it only serves to illustrate the by no means uncommon feat of "how not to do it." Every form of structural iron, as well as anchors, chains, and iron and steel forgings, is still subjected to prohibitory rates of duty. And still, also, is an

American citizen forbidden to place the American flag at the mast-head of a ship purchased abroad, and he will be lucky if, in any attempt to procure for her an American register, he is not punished by a forfeiture of vessel, tackle, and furniture. And how does this bill propose to place our ships upon an equality with those of other nations? By main strength, through the direct imposition of burdens upon the people, by robbing Peter to give to Paul. It proposes to give millions of dollars more for doing the carrying business of the country than we can easily get it done for and are now getting it done for, and after we spend these millions of dollars there is little probability, in the light of sound reason and all our former experiences, that our vessels will do any considerable portion of our carrying trade more than they now do.

Let us examine this bill, Mr. President, and see how it will work. It proposes to give every ton of our shipping trading abroad, sail or steam, 30 cents for every thousand miles it sails, either upon an outgoing or incoming voyage. Now, the average distance of foreign ports from the ports of the United States some being 1,000 and others being 2,000, 3,000, 4,000, 5,000, and more miles distant, would certainly be not less than 2,500 miles, which would make the average length of the round trip 5,000 miles. At 30 cents per ton this would give \$1.50 bonus to every ton of our shipping in the foreign trade for every round trip.

Now, there are about 1,000,000 tons of our shipping engaged in the foreign trade. If we deduct from this aggregate 200,000 tons for vessels under 500 tons gross register and 100,000 tons more for such vessels as will not stand inspection, we will have left 700,000 tons of shipping, each of which would receive \$1.50 for every round trip it makes, making in the whole \$1,050,000 for the subsidies to be granted. If we assume an average of six trips a year, which would seem a moderate one, when we remember that a very long voyage would be equivalent in the drawing of a subsidy to many of the average of 5,000 miles, we would then have a sum total of subsidies under this bill of \$6,350,000. I can not, therefore, but believe that our Commissioner of Navigation, who is an ardent subsidist, has greatly minimized his estimate of the first year's cost of this bill, which it is conceded would soon be largely increased.

To understand the practical working of this bill it is as well to note that a ship of 1,000 tons, running from New York to Liverpool and back, twice 3,250 miles, would get \$1,950; one of 2,000 tons would get \$3,900; one of 3,000 tons, \$5,850; one of 4,000 tons, \$7,800; and one of 5,000 tons, \$9,750. It must be a slow steamer that can not run from New York to Liverpool and back in thirty days, allowing then six or eight days for loading and unloading. This would be twelve trips a year. If we allow for all accidents, delays, and repairs the loss of two months, she should make ten trips a year, which would enable a steamer of 5,000 tons to draw an annual subsidy of \$97,500 for the round trips between New York and Liverpool.

This would be sufficient in the course of ten years, before the old ship would be worn out, to enable the owners to replace her with another just as good or better than she ever was. Thus extravagantly liberal do those who hold the keys of the people's treasury propose to be to the ship-owners and ship-builders of the country. And this bill is so constructed, Mr. President, that there is practically very little safeguard against the payment of this large subsidy to any vessel for simply sailing from port to port; for she is to get it if she has on board at the time of sailing freight to the amount of 25 per cent. of her net tonnage, either in weight or bulk.

No matter how small in value this one-fourth of a cargo may be, if it have sufficient weight or bulk, a vessel of 1,000 tons would get for sailing 1,000 miles \$300, and for sailing 5,000 miles \$1,500; and as you ascend in the thousands of tons the subsidy would proportionately increase. If the 25 per cent. of the cargo has any commercial value at all at the port of destination, it may as well be sand or cobblestones. It will just as well open the doors of our Treasury.

And, Mr. President, this policy of taxing the labor of the country many millions of dollars, ever to be on the increase, is asked to be deliberately adopted rather than pursue the policy of all the enlightened nations of the world, of removing all burdens pressing upon foreign commerce which are the result of unwise legislation and of admitting free ships and free materials for constructing ships, which policy would cost our people nothing, and would not, to use the language of the Hamburg merchants, tend "to paralyze individual energy, endanger the spirit of enterprise, and effect the decline, if not the ruin, of trade;" but would rather, to use the language of Daniel Webster, teach our ship-owners not to depend "upon protection and bounties," but rather "upon unwearied exertion, unshaken perseverance, and that manly and resolute spirit which relies on itself to protect itself." Such a policy would be vastly more likely to enable the American people, as it had once before done, again to take the lead in the commerce of the world.

Mr. President, the history of our foreign commerce for the last twenty-five years is full of instructive lessons, besides that of the deplorable shrinkage of our ocean marine. In 1865 our fleet of vessels in the foreign trade amounted to 1,518,350 tons, and it now consists of only 999,619 tons. In that time it has shrunk about one-third, whilst

the volume of our exports and imports has swollen from \$404,774,883 in value to the enormous aggregate in the last year of \$1,487,533,027.

Whilst our shipping was being so greatly diminished in carrying power (even to an extent far beyond what the diminution of tonnage would indicate, because our ocean marine consists so largely of wooden vessels which are in size and speed so poorly suited to the requirements of modern commerce), all the time the sum of our exports and imports was being enlarged to three and two-thirds of its volume in 1865. And yet this immense hiatus in our shipping for the necessities of our foreign trade has been surely, promptly, and, as it would seem, automatically supplied by the fleets of other nations, so that we have heard little complaint that there was ever a cargo that wanted to come into our country that did not come or one that wanted to go out that did not go. And it would not be speaking extravagantly if I were to say that if in the course of the next ten years, and without any subsidies, our commerce were to increase to the extent of one-third more than it now is, so as to reach some \$2,200,000,000, there would be an ample supply of shipping to move this immense mass with as much ease as the present volume is now carried.

Mr. President, much solicitude has been expressed for years past with respect to the more rapid extension of our commerce into the Central and South American States. The yearning for this trade has been most natural and reasonable. Our continental relations with those countries, the similarity of our institutions, and the dissimilarity of our products would all seem to indicate that the ties of an active and fruitifying interchange of commodities should still further serve to bind us together.

Heretofore the contest has chiefly been over the granting of subsidies to lines of steamers plying or intended to ply between the United States and those countries, with a view to providing better postal facilities as well as supplying increased channels of commerce. The proposition to grant such subsidies has been heretofore fought upon the ground that it has been already practically tested with no appreciable results but a corrupt waste of the public money; that such a system would, in our situation, be sure to lead to favoritism and jobbery; that we can get our mails carried to those countries just as rapidly and safely upon greatly cheaper terms, and that existing conditions show that any such plan would be ineffective in securing any extension of our commerce at all commensurate with the expenditure required.

And right here, sir, with a view of obtaining some instruction as well with regard to this bill, 3738, as with respect to the twin measure, No. 3739, which relates to our ocean mail service, it may be as well to look at some stubborn facts disclosed in the public document published by the Bureau of Statistics for the year 1889 upon the subject of our commerce and navigation, especially so far as relates to the past and present commerce between this country and the countries of Central and South America, so as to see if some instruction can not be gleaned from such facts as to the real needs of that commerce.

Few persons have any idea of the number of vessels trading between the United States and the nations south of us. During the last commercial year there were entered in the ports of the United States from those countries 2,671 vessels, whose capacity aggregated 1,794,594 tons. Of these vessels 777 belonged to the United States and 1,650 were foreign; and the excess of foreign tonnage was nearly in the same ratio. But a striking fact in this connection is that of these 2,671 entries into our ports, 1,173 of them were of vessels in ballast, showing that no cargoes could be had in the Central and South American ports from which they respectively sailed for their respective ports of destination in this country.

During the same year there were cleared from the ports of this country for the ports of Central and South America 2,144 vessels, whose capacity reached 1,246,309 tons, of which 1,180 ships were American and 964 were foreign. Of these 100 cleared in ballast. All this shows that there is no lack of vessels for this Central and South American trade, but rather that there is a scarcity of attainable cargoes for those vessels.

The volume of statistics for 1889, from which I have quoted, also teaches us, sir, another lesson on this subject. It shows us that, although we have had very high tariffs since 1862, which have been constantly made higher and higher and were expected and intended to have and doubtless have (just as the tariff bill now upon your table is framed to have) considerable effect in the diminution of imports, and hence of surely lessening the volume of our exports, yet during the decade from 1870 to 1880, with our dwarfed and crippled fleets of merchantmen aided by foreign ships, our aggregate of exports and imports increased at the rate of 56 per cent. upon a vastly larger volume of trade than we ever had before, and one, therefore, not to be expected to keep up so large a ratio of increase; whilst during the decade from 1850 to 1860, when our ocean marine was dividing with Great Britain the empire of the seas and when our commerce was younger and might have been expected to be more buoyant and progressive, our aggregate of exports and imports only increased 72 per cent.

And I desire, sir, to call the attention of the Senate to another important fact recorded in that same volume before referred to: that our imports from and exports to South America appear to sustain the same

relation in 1889 to our trade with all the other grand divisions of the globe as they did in 1860. It is worthy of note, also, that although we have had for years past an almost perfect service with Europe, both as to mails and freights, running with the regularity of clockwork and with a speed like that of the winds, supplemented by all the advantages of the electric-telegraph system, and although during all that same period we have been dependent, so far as our South American trade is concerned, upon the sailing vessels of this and other countries, with the aid of a few steamers of our own and many foreign steamers chartered by us, yet our import trade from Europe only increased from 1860 to 1889 86 per cent., whilst our import trade from South America increased in the same time 164 per cent., or in almost double the ratio of increase as with Europe.

During the same period, from 1860 to 1889, our export trade to Europe increased 137 per cent., whilst our export trade to South America was 135 per cent., practically about the same ratio of increase. And now, sir, do not all of these facts conclusively demonstrate that it is not owing to the want of ships to do the carrying for us that we have not realized our full and just ambition with respect to Central and South American trade?

Mr. President, there is vastly more needed for a healthy and progressive commerce between any two countries than ships, which are only its vehicles. Ships under the impulse of heavy subsidies might sail regularly between every port in the United States and every important one in Europe, Asia, Africa, and the Americas, and still our commerce might languish. The stock phrase of the subsidists, that "commerce follows the flag," is never more than half a truth, and is very often a glittering falsehood. We might also have the best international postal facilities and still commerce might be dull and unprofitable. We might go further, and like Germany educate bright, pushing men in all the phases of our own internal economies, as well as of those of other countries with which it is most desirable for our commerce to be extended, and then send them abroad to bring to the notice of the peoples of those countries our wish and ability to supply their needs. We might also, as we do not with one-half the proper industry and zeal, having been too content with the "home market," study the needs of our trade with each foreign country and adapt the character of our products to those needs, as well in the style as in the packing of them for such foreign market.

The South Americans complain of us very much with reference to the sizes of the packages in which many of our goods are exported. The Japanese also tell us that we do not adapt our products of light cotton goods to the tastes and needs of their people; whereas England is enabled to engross a large trade with them, a considerable share of which our people might with enterprise and diligence secure. We might also adopt the recommendation of the Pan-American Congress and charter an international bank, to compete with and break down all private bankers in our country engaged in international exchanges.

But, sir, all these things might be done and still they would do but little more for our commerce than to act as oil to its machinery. As every man's common sense must tell him, for a great and healthful commerce between any two countries to exist the products of each must be wanted by the other and there must be between them a mutual ability to buy or exchange as freely and as cheaply as with any other country producing like commodities. As every intelligent man is taught by his every-day observation, people will buy of those to whom they can sell.

But there is this fixed and sure limit to this rule, that just as soon as the seller finds out that he can buy from some one else what he wants more cheaply than of the man to whom he sells, just so soon will he divert his buying to that market where he can buy cheapest. These are the inexorable laws of trade, for they are founded upon that regard to self-interest which is a fixed principle of human nature. To suppose that any country will disregard these laws is a degree of folly which would be only exceeded by the actual disregard of them by any people.

Take the case of our commerce with Great Britain during the last year. We imported from that country last year goods to the value of \$178,269,067 and we exported to her products to the amount of \$379,990,131. Those imports consisted mostly of goods manufactured by English capital and skill at a lower rate than we could produce them under our high protective tariff. No one is so simple as to believe that if we could have obtained like goods manufactured by French or German capital and skill at a sensibly cheaper rate we would not have gone to France or Germany for them.

No American importing merchant would dwell a moment upon the question whether his purchase from France or Germany would tend to lessen our exports to Great Britain. His only consideration would be whether he would supply his customers with equally as good an article at an appreciably smaller price. No one is so unsophisticated as to believe that the English importer of our cotton, breadstuffs, provisions, and petroleum, of which our exports to that country mainly consist, would hesitate for a moment to buy those commodities in any market where he could buy them of equally good quality and at cheaper rates, especially in view of our high tariff wall, which we have raised

to so lofty a height with a special design to exclude the products of his country from ours.

The English people have done and are doing much to obtain such necessary supplies from other countries than ours, in order to extend their markets for their manufactured goods in just such proportion as our policy excludes them. The advantage we have so far is that such supplies can not as yet, if ever within many years, be adequately provided for them in other quarters of the globe. There is no sentiment in the whole of the \$558,259,198 of our exchanges with Great Britain, unless it be of retaliation, by action either governmental or inspired by her Government, for unfriendly legislation, as they regard it, against their interests. All else is the play of the self-interest of the individual importers, looking to the purchase of the cheapest goods of equal quality, with a view to the increase of their own profits.

And, sir, if we look to our trade with any of the South American states we will distinctly see the operation of the same laws of trade. Take Brazil. We imported during the last year from this country commodities to the value of \$60,403,804 and exported to it only \$9,351,081 of our products, leaving the enormous balance against us of \$51,052,723. The tables are utterly reversed with respect to Great Britain and Brazil. With Great Britain our exports exceed imports about \$200,000,000. With Brazil our imports exceed exports \$51,000,000.

Great Britain needs vast quantities of provisions and raw materials for her manufactures, which she either can not obtain from other countries or can not find elsewhere of as excellent quality and for as low prices. We need and must have certain articles of food which have become indispensable to our people and certain other articles as bases for our manufactures. These articles are produced in large quantities in Brazil, of qualities suited to our needs and at prices to which we can not except. Hence we import from Brazil coffee to the value of \$44,891,739, and crude India rubber and gutta percha to the value \$7,569,005, and skins worth \$2,232,091, making about eleven-twelfths of our whole large imports from that country. Sugar makes up nearly all the balance.

We want these commodities and must have them or radically change our economic system and cripple important industries. It will not do for the dominant party in this country to put high duties on India rubber, gutta percha, and hides, for if they do England, Germany, and France will completely capture the important industries of which they form the groundwork. Nor will it answer to place a duty upon an article of such universal use as coffee, because it would create discontent among the people who have so long been accustomed to its free use and would bring too large an inflow into the Treasury to suit the aims of our controlling statesmen with respect to their tariff adjustments. Hence, these commodities are admitted free, and will so continue to be, unless duties shall be placed upon them in obedience to the demands of the Blaine school, in order to flagellate the Brazilians into the partial reception of the abomination of free trade.

And, sir, when we come to examine the elements composing the pitiful sum of our exports to Brazil, which is only a little over \$9,000,000—little over the one-seventh of our imports—we find but a small percentage of that amount the prices of which are at all dependent on our tariff system. Of the \$9,000,000 worth of exports, provisions and grain made more than one-half and railroad cars and locomotives, cheap cotton fabrics, illuminating oils, and lumber made up \$2,448,240 more, and the balance of our exports to Brazil, being the beggarly amount of a little over \$1,500,000, is largely made up of other articles which are not protected by our tariff, leaving but a trifling amount which has any direct connection with that system.

And thus we see, sir, that the Brazilians sell to us what we need and must have of them and buy of us what they can obtain from us suited to their wants and at prices equal to or less than like articles can be obtained elsewhere. There is no sense nor probability in the supposition that whilst we are purchasing \$60,403,804 worth of products from Brazil she would not buy more than \$9,000,000 worth of our products if we had such as suited her in quality and price. The same vessels that bring her immense volume of products to us could just as easily carry ours to her ports.

It is as plain as the noonday sun that we do not have them; and hence Brazil has to turn away to England, France, and Germany and purchase \$50,000,000 worth of goods which we stupidly say we could sell to her if we had lines of steam-ships running to her coasts. Upon no other rational hypothesis can you account for the fact that whilst we import largely more of the products of Brazil than Great Britain does, yet we export so trifling an amount of our goods to that country, whilst Great Britain engrosses five or six times as much of the Brazilian import trade as we do.

Thus, it is no wonder that we have continually to be drawing drafts upon London for the excess of our exports to Great Britain in order to pay for the excess of our imports from Brazil. And so it will ever be, until we apply some other remedies for this evil than the bestowing of alms upon ship-owners for the carrying of commodities from shore to shore. It is necessary for us to learn the first lesson on this subject, that before you can have commerce between any two countries you

must have products in each which the other needs and can buy as cheaply as in any other country.

And now, sir, if we turn for a moment to our commerce with the Argentine Republic we will find that, although the balance of trade is in our favor as against that country, yet the same laws of trade prevail there as with our trade with Great Britain and Brazil. We import from that Republic commodities to the value of \$5,454,618 and export to her products to the value of \$8,376,077, leaving a balance in our favor of \$2,921,459.

By far the larger part of our importations are skins, which are wisely made duty free because they are the basis of our immense leather industries. Of our exports to that country there are agricultural implements to the value of \$1,069,320 and carriages, railroad cars, cheap cotton goods, telegraph, telephone, and electrical instruments, sewing-machines, locomotives, illuminating oils, lumber, timber, and products of wood, patent medicines, clocks and watches, canned fish and oysters, lubricating oils, lard and meat products, and tobacco to the value of \$6,471,913.

Of this list, and many minor articles which might be added, the articles can not be properly claimed to be of that description whose prices are affected by our customs duties, and our people can supply them to the Argentines as cheaply as any other country, or in fact more so. It also appears that a very small amount of articles so affected in price were exported to the Argentine Republic. It is also manifest that in the case of this Republic no difficulty was found in obtaining vessels to convey much more of our products to its people than were needed to bring back the return cargoes, inasmuch as our tariff rates would allow but very little of their main export—wool—to be introduced into our country.

And so if you will analyze our trade with any other South American country, or in truth with any other nation on the globe, of any commercial importance, you will find, sir, that, as with the countries already instanced, we import from them just such articles as we need for food, for raw materials for our industries, or for the comfort of our people, because we can buy them of that country at the cheapest rates, and can obtain them of a quality best suited to our needs. And you will also find that we export to foreign countries but little besides the products of our fields, or of our forests, or of our waters, or of those industries which have but little or no connection or dependence upon our tariff system. Before, then, we reach the discussion of the effects upon our international trade of our economic system, which has been persisted in for so many years, we have abundant warning that it is utterly at war with the freedom of commerce.

And now, Mr. President, it surpasses my comprehension how the statesmen of the Republican party can expect anything else than that the great bulk of the immense volume of their manufactured products which are dependent upon the tariff should be outlawed in the commerce of the world. I am not going to discuss the tariff except very briefly in its bearings alone upon international commerce. All questions as to whether the tariff is the prolific source of unnumbered blessings to the operatives of this country, as contrasted with similar workmen of other lands, or whether it diffuses its blessings, like the dews of heaven, alike upon the rich and poor, are utterly irrelevant to this discussion.

The simple question is whether the tariff promotes or retards foreign commerce. In truth, the question comes a little nearer home to the manufacturers than even this statement presents it. This great movement towards subsidizing ships has its mainspring out of the manufacturing interests of the country. If the tariff system has not as yet, after thirty years of free swing in this country, provided any large addition to the exports of the country, which is the main object our subsidists profess to have in view, but has, on the other hand, greatly checked imports, the tax-payers of the land have the right to know upon what principle of justice and right, to say nothing of so trifling a subject as constitutional law, our manufacturing friends can now ask for tens of millions, nay, in the long run, hundreds of millions of subsidies for shipping when there is so little prospect, judging from our past experience, of accomplishing their professed object; and when those tax-payers have, in the last thirty years, lavished upon these manufacturing industries thousands of millions of dollars to place them in a healthy and vigorous condition, hoping some day to be relieved from their importunate and unappeasable demands.

When the people of this country have, at great cost, set these men up in business, they are very naturally a little shocked at being called on to foot the bills for carrying their wares to a foreign market for them. Such a stretch in the art of begging is rather beyond human experience or toleration.

And, sir, our American people have a right to know whether after all this additional money is spent to transport these manufactured goods to a foreign market, our highly protected friends, who are lustily crying for more protection as well on sea as land, can sell their wares after they get them beyond the seas.

Mr. President, it seems to me that the whole warp and woof of the argument in favor of high protection, in every single fiber of it, demonstrates the absurdity of the claim that our manufacturing friends can

begin to compete with other nations with any approach to equality of prices as to the great bulk of their products. Our Republican friends never tire of dinning it into our ears that we must have more and more of protection to enable our manufacturers to sell their wares in our home market in competition with foreign-made goods.

For thirty years they have been making the welkin ring with this cry, and under the McKinley lead they are at it yet. The cry ever is, and is now, that they must have more protection in order to be able to pay higher wages to their operatives than is paid abroad. Grant this proposition—and it can not be supposed that the grave Senators from Iowa, Ohio, and Rhode Island would make a grossly misleading statement in order to trepan our people into submission to heavy taxation—then we may take it for granted that the manufacturers of this country pay largely higher wages to their operatives in this country than are paid in Europe for similar labor, as does every other employer of labor in the land to unprotected as well as protected labor.

If we put this increased cost of labor at 50 per cent., though it is claimed to be more, how, it may be asked, can we, upon this basis, produce our goods as cheaply as the Englishman, Frenchman, or German? We may be able in some few lines of production, such as the cheaper cotton goods, to lessen the cost of production by improved processes, the greater skill and dexterity of our workmen, and the possession of the raw material, so as to be able to sell as cheaply as the foreigner does; but such a rule is by no means of wide application.

We may be able in some specific kinds of products of metals, by the style and finish of some of them and by their peculiar adaptation to the needs or tastes of some foreign people, to effect sales in competition with the foreigner, but the instances are rare and do not involve any very extensivesales. In the great bulk of iron and steel products, of woolen products and cotton products, and other commodities which live under the protectingegis of our tariff system, and which, without such protection, we are assured would literally die, we do not and we can not compete in the world's market.

Thus it is that in the seven or eight hundred millions of our exports the contributions of our protected manufacturers have cut so pitiful a figure and will continue to do so in the future. Not only do our manufacturers labor under this great disadvantage as to the cost of labor, but with a most wonderful degree of fatuousness, whilst thus burdened, they further handicap themselves with highly taxed raw materials, whilst all the other manufacturing nations are exploring the world for free and cheap bases of their products.

Mr. President, to bring this argument to a summary conclusion, when the subsidists who are clamoring for immense donations to ship builders and owners, in order thus to increase the exports of our protected manufactured products, can explain to us how it would be possible for a manufacturer of any given article, living on the corner of Pennsylvania avenue and Ninth street, who gives more than 50 per cent. greater wages and more than 25 per cent. larger prices for his materials than a rival in his trade who lives on the corner of that avenue and Tenth street, not to be driven and kept out of the market of the city of Washington by that rival, then we will be able to understand how it is possible for American highly protected manufacturers to compete in the open markets of the world with the English, French, and German people.

And, Mr. President, not only has this system of extreme protection largely retarded the expansion of our foreign commerce and kept it practically at the same volume for the last eleven years, but we have now reached the singular crisis where at the same moment, and equally urged by many of the same men, there are two bills lying on your Secretary's desk, one demanding large increases of tariff duties with the avowed purpose of checking importations, and thereby so far crippling commerce, and the other seeking to pour out large sums of money, mainly contributed by the toilers of the land, in order to stimulate commerce and thus build up our ocean marine. Such increases in the tariff will more fully secure them in their possession of the home market; but it will with equal certainty tend to exclude us from the markets of the world. For not only has this economic system rendered it next to impossible to export to any large extent our protected manufactured products to other countries, but, most naturally, it has grievously reacted upon the farmers of our country. Every one knows how it has constrained Great Britain to loan or to lay out hundreds of millions of money to open up new sources of supply of breadstuffs and meat products in Russia, India, Australia, New Zealand, and also in the Argentine Republic. And silently and surely, in Chili and the Argentine Republic, because they must supply themselves with breadstuffs which we will not exchange with them for their wool, copper, and copper ore, the people of those two countries are embarking with great success in the raising of wheat.

A few years ago scarcely any wheat was raised in South America, and the people of that great division of the earth were almost entirely dependent on us for their supplies of wheat and flour. But in 1888 Chili and the Argentines raised nearly 30,000,000 bushels of wheat; and, though we have not received returns of the last crop, from the fact that we know they made large preparations for it we may rest assured, if no disaster befell it, there was a large increase in its product.

Thus, sir, not only our manufacturers, but also our agriculturists, are being walled in by our extreme protective system from the benefits of foreign markets, whilst the home market is becoming constantly more and more inadequate to their relief. The difference between these two great classes is, however, that the manufacturers have a great and powerful protection in the laws of the land, which it seems they can get altered for their benefit by the mere asking for it, whilst the farmers can obtain no protection from the law except that which, like the apples of Sodom, will turn to ashes on their lips. They are outside of all protection but such as nature and nature's God can give them. Unfortunately, they are liable to all the hardship and injustice which human law, inspired by selfishness, can impose upon them.

But, Mr. President, it is to the example of Great Britain that we are pointed in every speech made and in every article of every journal devoted to the subsidists' cause, as the just and righteous rule of our conduct in this respect. Why do not these people love to speak of and show some disposition to follow Great Britain's example in buying our ships when we had them to sell and it was to her interest to place our ships under her flag? Why do they not laud that country's wise example in encouraging her manufacturers to purchase all their raw materials free of duty? Why do they not point with approval to the example of all Christendom in buying and sailing under their flags English-built ships, because then alone could they at once compete with that great commercial power in the commerce of the world, and at the same time lay the foundations of the building of iron and steel ships at home?

In pointing to such examples they would be pointing to undoubted historic truths and to practical results. But in holding up to us the example of Great Britain as having built up her merchant marine by subsidies, and then her vast trade by her merchant marine, they are parading imaginations as facts. Great Britain has for hundreds of years possessed an immense trade. Before we existed as a nation she had colonies in all parts of the world, of which our country was one. On every continent and on the islands of every sea she had her possessions, with which it was a political, a commercial, and a military necessity to keep up a close connection by postal, naval, and all other available means.

Just as we have to keep up our intercourse with our outlying territories and even far-off Alaska, so Great Britain had to keep up her postal connection with her possessions in all quarters of the globe. At first this was done by the use of her naval vessels, but it was soon found that a cheaper and swifter service could be obtained by giving contracts to the lowest bidders among merchantmen. And this she is now doing.

Mr. President, England must be a commercial nation or she sinks into insignificance. She has no vast armies of farmers and planters who furnish her with the great mass of her materials for foreign trade. She has carefully and watchfully done everything possible to increase her trade. When her trade with any country became, or was likely to become, a matter of sufficient importance she never hesitated to establish postal relations with that country, almost always in connection with her mail line to some outlying dependency, and always by receiving bids in the open market from among her many shipping merchants. If she had not done so this pioneer in the postal service of the world could have had no communication either with her political or commercial dependencies.

At first, upon the establishment of her steam lines, they were naturally much more costly than they now are. Her whole postal service, including that in Great Britain and that throughout the world, and including all so-called subsidies, is not only self-supporting, but, unlike ours, yields a surplus of several millions of pounds. And England, unlike ourselves, whilst thus encouraging her postal service, adopts every means to promote her foreign commerce that a wise and watchful statesmanship can devise. She removes all hindrance and trammels from her manufactures and all her products, so as to be able to have the freest possible trade with the world.

England, then, of all the nations of the globe, is the vastest storehouse of supplies which the world needs and which she can sell more cheaply than any other nation. For thirty years our legislators have sat intent upon securing for the one-twentieth of our people the home market for their high-priced manufactures. All the while England has been intent upon building ships and upon securing the markets of the world. She now has the best ships and at the lowest possible prices, and the immensely varied products of her industry, with which it is impossible for us to compete under our system.

We tie our own hands and load down our own backs and then impotently whine because we have not our proportion of the carrying trade or of the commerce of the world. And, without untying a single knot in the coil which we have wound around our limbs or shaking off a single pound of the load we have placed on our shoulders, we are rushing forward to lavishly pour out money from our Treasury to enable men to build and run ships, which, when built and run, will not reduce the price of freights 1 cent per ton in the thousand miles, and will be able to find but little more of the materials of commerce than are now obtainable by our vessels. We will not even listen to men skillful and experienced in the art of ship-building, who ask for no

subsidies, but merely beg the poor privilege of being relieved in their business of one of the burdens of your tariff system.

The country, sir, was startled a few weeks ago by an announcement coming from the able superintendent of those gigantic works being established at Steelton, on the Patapsco, that if you would give his company free iron-ore, such as is peculiarly fitted for making that kind of steel best adapted to the construction of ships, they would, through processes made possible by their magnificent plant, be able to build for you ships that would be able to compete on equal terms as to cost with those built on the Clyde. But so riveted are our controlling statesmen in their narrow and hide-bound policy that this cry for relief, accompanied by no idle promise of permanent aid to our ship-building interests, might as well have been made to the wild Indians of our plains as to men who bow down so reverently before the fetich of ultraprotection.

Mr. President, in all our discussion of this subject we should remember that Great Britain subsidizes, that is, really gives compensation to the lowest bidder, to only about 2 per cent. of her steam ocean marine. Such is the statement derived from her own official documents, and it is presumably correct. The whole of her immense fleets of merchant ships beyond this small contingent have not, and never had, any direct governmental aid whatever. And still Great Britain has no difficulty in coping with France on the high seas, although France has purchased many English-built ships at the lowest cost and has low and highly skilled labor with the cheapest attainable materials in her own ship-yards, and although France gives a tonnage subsidy to her shipping, such as is proposed to be given to our ships in the bill now under consideration.

French ships have the same subsidies that we propose to give ours, and, besides, immense advantages in the cost of ships, and also conceded in the cost of running them, and in exemption from the many local burdens to which our ships are subject. English ships are nevertheless able to compete with French ships and hold their own. All this amounts to a demonstration that, handicapped as we are, these subsidies which we propose to give will be impotent to accomplish their purpose. And it is as well to recollect before we embark upon this sea of subsidies that Great Britain has behind her an immense reserve force.

As yet she only subsidizes the one-fiftieth part of her ocean marine for the carrying of her mails. So burdened are these mail steamers by conditions as to methods of construction, times of sailing and arrival, and forfeiture for failures to comply with their contracts, that the great mass of the ship-owners not thus fettered boast that they can make as much profit as the subsidized mail lines, and often more. But it will be at once seen that when England discerns any evidence that her maritime supremacy is failing through the artificial stimulants applied by other nations to resuscitate their marines, she has only to resort to the same method of subsidizing her whole ocean marine, which she has really as yet not begun.

And it must be remembered that her postal service now brings into her treasury a surplus of \$15,000,000 per annum, which she holds as a reserve fund with which to begin this battle of the protection of shipping on the ocean. And when the war is opened we may rest assured it will be one of endless and ruinous expenditure, in which we will be always at a disadvantage and will always be compelled to go more than "one better." The very first and sure effect of the proposed law would be to multiply ships which already exist in sufficient numbers for the commerce of the world, and thus to lower freights and superinduce the necessity of still more largely increased subsidies.

But, sir, I do not for a moment believe that, with the self-imposed trammels with which we are begirt, we can, through this law, do anything appreciable towards enlarging our commerce or carrying trade or towards restoring our merchant marine to its former dignity and prosperity. We have virtually built a wall around us, which keeps us from the seas. Let us make a few breaches in that wall by giving our ship-builders the freest materials for building ships and our ship-owners the freest privilege of buying their ships, until we can build them, where they can buy them cheapest, in imitation of all the wisest and most enterprising nations of the globe in all ages; and let us remove all the old burdens under which our commerce and carrying trade rest as the result of unwise and antiquated legislation; and then if all these advantages, supplemented by the revival of all our old pluck, energy, skill, and self-reliance, do not serve to revive our shipping interests, it will be time enough to consider whether it is expedient, and whether we have the power, to tax the people of this country to enable one man to pursue his calling at the expense of another. In the mean time if we are made to depend upon this system of subsidies provided in this bill 3738, I fear we will at best have some figure-heads in commerce, and but little else, to delight our tourists abroad by the vision of the American flag flying at the mast-head of an American ship.

GROSS AMOUNT OF APPROPRIATIONS OF FIRST SESSION, FIFTY-FIRST CONGRESS.

Mr. EDMUNDS. I ask unanimous consent to offer at this time a resolution for immediate consideration, merely calling for an inquiry.

The PRESIDING OFFICER (Mr. PADDOCK in the chair). The resolution will be read.

The Secretary read as follows:

Resolved, That the Committee on Appropriations be, and it is hereby, directed to report to the Senate, as soon as may be, a statement of the gross amounts proposed to be appropriated in the several appropriation bills of this session, and appropriated in the appropriation acts already passed at this session of Congress, and also the gross amounts proposed to be paid from the Treasury in other public bills and acts of this session so far as the same can be conveniently ascertained.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. ALLISON. I do not object to the resolution, but I will say to the Senate and the Senator who offered it that I think by Monday morning we can make answer to it.

The PRESIDING OFFICER. The question is on the adoption of the resolution of the Senator from Vermont.

The resolution was agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. PLUMB submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10716) making appropriations for the Department of Agriculture for fiscal year ending June 30, A. D. 1891, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 14, 17, 18, and 19. That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, and 33, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the number proposed insert "two," and in line 22, page 1 of the bill, strike out "two" and insert in lieu thereof "three," and in line 23, same page, strike out "three thousand two" and insert in lieu thereof "four thousand eight;" and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$30,300;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,000;" and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert as follows:

"Experiment Station, Department of Agriculture: To enable the Secretary of Agriculture to prepare such portions of the Arlington estate, not exceeding 80 acres in extent, as may be assigned to him by the Secretary of War, as an experimental station, and for expenses incurred in removing the present experimental station of the Bureau of Animal Industry to said estate, \$20,000."

And the Senate agree to the same.

P. B. PLUMB,
C. B. FARWELL,
Managers on the part of the Senate.
E. H. FUNSTON,
W. H. HATCH,
Managers on the part of the House.

The report was concurred in.

AMERICAN MERCHANT MARINE.

The PRESIDENT *pro tempore*. Senate bill 3738 is open to amendment.

Mr. COCKRELL. I do not think the Senate is in a condition to transact this kind of business any longer this evening.

Mr. EDMUNDS. There do not seem to be a great many people here.

Mr. COCKRELL. There are so many that I think—

Mr. ALLISON. Will the Senator yield to me that I may move an executive session?

Mr. EDMUNDS. There is no quorum here.

Mr. ALLISON. I think there is.

Mr. EDMUNDS. We can try it on that motion. There is evidently no quorum present.

Mr. BLAIR. Would the Senator from Vermont be willing that we should have a short executive session?

Mr. EDMUNDS. I should, if we had a quorum.

Mr. BLAIR. We can ascertain that in executive session. I move that the Senate proceed to the consideration of executive business.

Mr. HALE. Is a motion to adjourn in order?

The PRESIDENT *pro tempore*. A motion to adjourn is always in order.

Mr. HALE. I move that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 51 minutes p. m.) the Senate adjourned until Monday, July 7, 1890, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, July 3, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. EVANS. Mr. Speaker, I ask unanimous consent for the consideration of House joint resolution No. 169.

Mr. OUTHWAITE. I object.

Mr. LODGE. Mr. Speaker, I ask that when the election bill is reprinted as passed by the House it be reprinted with the marginal notes, as I find that many members desire those retained in the print of the bill which they propose to send out.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. ROGERS. Let us have the regular order, Mr. Speaker.

Mr. DORSEY. Mr. Speaker, I desire to offer the concurrent resolution which I send to the desk, and ask for its present consideration by the House.

The concurrent resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives House bill No. 5974.

The SPEAKER. The question is on agreeing to the concurrent resolution.

Mr. MILLS. Let us have the regular order.

Mr. DORSEY. I ask my friend to withdraw that request.

Mr. MILLS. I ask for the regular order, Mr. Speaker.

The SPEAKER. The gentleman from Texas demands the regular order.

DISTRICT APPROPRIATION BILL.

Mr. MCOMAS. Mr. Speaker, on the motion to adopt the conference report on the District of Columbia appropriation bill, the report of the committee of conference was partially read, and I ask now that the statement of the House conferees be read.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the further reading of the conference report be dispensed with and that the statement of the House conferees be now read.

Mr. OUTHWAITE. Regular order, Mr. Speaker.

The SPEAKER. The gentleman from Ohio [Mr. OUTHWAITE] demands the regular order. The conference report will be read.

The Clerk resumed and completed the reading of the conference report, which is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3711) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1891, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 8, 9, 10, 12, 13, 24, 38, 39, 47, 52, 56, 60, 64, 66, 68, 76, 77, 78, 79, 80, 81, 82, 92, 98, 97, 98, 101, 103, 113, 115, 116, 123, 124, 125, 128, 134, 135, 138, 149, 153, 156, 163, and 164.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 6, 11, 15, 18, 20, 22, 27, 33, 35, 37, 43, 45, 46, 48, 49, 50, 51, 54, 55, 57, 58, 59, 67, 69, 70, 72, 73, 74, 75, 83, 84, 85, 93, 94, 95, 100, 102, 104, 105, 108, 110, 111, 112, 117, 118, 119, 120, 121, 127, 130, 131, 132, 133, 136, 137, 140, 141, 142, 143, 145, 147, 151, 152, 153, 154, 157, 159, 160, and 161, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$43,077;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"For contingent expenses of stables of the engineer department, including forage, livery of horses, shoeing, purchase and repair of vehicles, purchase and repair of harness, blankets, lap-ropes, purchase of horses, whips, oil, brushes, combs, sponges, chambric-skins, buckets, halters, jacks, rubber boots and coats, medicines, and other necessary articles and expenses, \$6,000; and no expenditure on account of the engineer department for the items named in this paragraph shall be made from any other fund."

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"To enable the assessor to prepare and complete within the fiscal year 1891 a book showing all existing arrears of taxes on real property due the District of Columbia, including the payment of necessary clerical force, \$3,000."

And the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,000;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the words proposed to be inserted by said amendment insert the following: "Horse hire;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$800;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,500;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$165,000;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$652,200;" and insert after the word "appendix," in line 20, page 9 of the bill, the following: "And upon streets and avenues hereinafter named;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$250,000;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$75,000;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out all after the word "same" in said amendment and insert in lieu thereof "\$136,700;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the word "fifty" and insert in lieu thereof the word "twenty-five;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$23,000;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$120,000;" and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following:

"Surveys of the District: For completion of the surveys of the District of Columbia with reference to the extension of various avenues to the District line, \$7,600, of which sum \$3,000, or so much thereof as may be necessary, shall be expended in establishing and permanently marking points of reference for the extension of streets and avenues throughout the District."

And the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$10,000;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$15,000;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Strike out the amended paragraph; and the Senate agree to the same.

Amendments numbered 41 and 42: That the House recede from its disagreement to the amendments of the Senate numbered 41 and 42, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following: "For grading and regulating Kenesaw and Wallach streets, \$7,500;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,000;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For grading and regulating Sherman avenue from Boundary to Princeton streets, \$5,000; *Provided*, That sufficient land be donated on both sides of the avenue to make its width 90 feet;" and the Senate agree to the same.

Amendments numbered 61 and 62: That the House recede from its disagreement to the amendments of the Senate numbered 61 and 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$178,950;" and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"And authority is hereby conferred upon the proprietors of Prospect Hill Cemetery to open North Capitol street extended through their grounds, to be approved by the commissioners of the District, and to convey to the District of Columbia the land necessary therefor without compensation, and said proprietors are also authorized to sell all or any part of said cemetery grounds and invest the proceeds thereof in the purchase and improvement of suitable grounds for cemetery purposes elsewhere in the District, and the act entitled 'An act to incorporate the proprietors of Prospect Hill Cemetery,' approved June 13, 1890, is amended accordingly."

And the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out and inserted by said amendment insert the following: "and suburban streets, \$100,000;" and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$46,000;" and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: On page 17, in line 4 of the bill, after the word "drawing," insert "physical training;" and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,000;" and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$44,836;" and on page 18, in line 24 of the bill, after the word "rooms," insert the following: "including cooking schools;" and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,000;" and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four;" and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$155,000;" and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by said Senate amendment; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to

the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the number proposed insert "two hundred;" and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the number proposed insert "one hundred and sixty-five;" and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$154,260;" and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$15,375;" and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"The President of the United States is hereby authorized to appoint a board consisting of three persons, one of whom shall be an army engineer skilled in electrical matters, one a civil engineer of known skill and experience in municipal engineering, and one an expert electrician of high repute; *Provided*, That not more than one member shall be a resident of the District of Columbia, and no member shall be in the employ of any electrical company, or shall have any interest in the business or securities of such company, or be interested in any patent for any form of conduit or subway or device pertaining thereto. The said board shall consider the location, arrangement, and operation of electric wires in the District of Columbia, whether used or to be used for electric lighting, transmission of power, telegraphy, telephony, or signaling, with a view to securing, as soon as practicable, the construction of a safe and convenient system of conduits or subways, the placing therein of all necessary electric wires along the streets, avenues, and other public spaces, and the removal of all unused overhead wires and their supports. To this end, the board will, as soon as practicable, and not later than December 1, 1901, report to the President, who shall submit the same to the first session of the Fifty-second Congress, as follows:

"First. Recommendations for a complete system of conduits or subways, with all suitable branches, connections, and appurtenances for the safe and efficient operation therein of the necessary cables and conductors. Such recommendations shall be accompanied by maps, detailed drawings, and estimates of cost.

"Second. Opinion as to whether the conduits or subways should be built, owned, and operated by private corporations or individuals, subject to public control, or constructed and maintained by public authority and leased to companies or individuals. If the latter, recommendation will be made as to the terms and conditions upon which such leases should be executed.

"Third. Also recommendations concerning the construction, location, operation, and maintenance of underground cables and conductors carrying currents of different intensities, with a view to promote the public safety, and to secure the most convenient and efficient use of such cables and conductors and the appliances connected therewith.

"Fourth. Recommendations as to the restrictions, if any, which should be imposed by law upon the character and intensity of electric currents conveyed by conductors, situated over or under the public streets, avenues, and spaces, and used for electric lighting, transmission of power, telegraphy, telephony, or signaling.

"Fifth. Recommendations respecting the regulation of the arrangement and use of authorized overhead wires.

"To meet the expenses of the said board there is hereby appropriated the sum of \$10,000, or so much thereof as may be necessary; *Provided*, That the officer detailed from the Corps of Engineers shall not receive any salary except that due to his rank."

And the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,800;" and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$16,218;" and the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: Strike out all after the words "to be" in line 5 of said amendment and insert in lieu thereof the following: "An addition to the present burial-grounds of the Washington Asylum;" and the Senate agree to the same.

Amendment numbered 144: That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$2,000;" and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$6,500;" and the Senate agree to the same.

Amendment numbered 148: That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$6,000;" and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following: "For Association for Works of Mercy, for maintenance and repairs, \$2,000, and to complete purchase of lot, \$6,042; in all, \$8,042."

And the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"That for the purpose of securing a more equitable and efficient expenditure of the several sums appropriated 'for charities,' there shall be appointed by the President, by and with the advice and consent of the Senate, as soon as may be after the passage of this act, some thoroughly experienced and otherwise suitable person, not a resident of the District of Columbia, to be designated Superintendent of Charities for the District of Columbia, whose duty it shall be to formulate, for the purposes of the expenditures for charities in said District, such a system or plan of organized charities for said District as will by means of consolidation, combination, or other direction, in his judgment, best secure the objects contemplated by the several institutions and associations for which such appropriations are made, and for the other charitable work of the District, with the least interference each with the other, or misapplication of effort or expenditure, and without duplication of charitable work or expenditure; and all such appropriations shall be expended for the purposes indicated, under the general direction of said superintendent and in conformity, as near as may be, with such system or plan subject to the approval of the board

of commissioners of the District of Columbia. And it shall also be the duty of said superintendent to examine into the character of the administration of said institutions and associations, and the condition, sufficiency, and needs of the buildings occupied for such charitable purposes, and also to ascertain in each case the amount contributed from private sources for support and construction, the number of paid employees, and the number of inmates received and benefited by the sums appropriated by Congress, and to recommend such changes and modifications therein as in his judgment will best secure economy, efficiency, and the highest attainable results in the administration of charities in the District of Columbia. And said superintendent shall from time to time report in detail to the commissioners of the District, who shall communicate the same with their estimates for appropriation to the then next session of Congress, his doings hereunder, together with such estimates and recommendations for the future as in his judgment will best promote the charitable work of the District. Said superintendent shall be entitled to a compensation at the rate of \$3,000 a year, which sum is hereby appropriated for this purpose for the fiscal year 1891. And all estimates submitted hereunder shall be included in the regular annual Book of Estimates."

And the Senate agree to the same.

Amendment numbered 162: That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amended paragraph insert the following:

"Sixty-two thousand dollars, together with the unexpended balance of the appropriation for engineers and firemen, fuel, material for high service, in Washington and Georgetown, pipe distribution to high and low surface, including public hydrants, fire plugs, material and labor, repairing and laying new mains and lowering mains, for the fiscal year 1890, which unexpended balance is hereby reappropriated."

And the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following amendment:

"Sec. 3. That any street-railroad company in the District of Columbia authorized to run cars drawn by horses which has changed or may change its motive power on any of its lines now constructed to cable or electricity, or change its rails in accordance with the provisions of law, shall have the right to issue and sell, at the market price thereof, stock of said company to an amount necessary to cover the cost of making said changes, the cost of said changes, and the amount of said stock sold, together with the price per share, to be fully set forth under the oath of the president of said company and filed with the commissioners of the District. And any company availing itself of the privilege herein granted shall within eighteen months wholly dispense with horses as motive power on all portions of its line, and substitute therefor the power provided for in the act making appropriations for the expenses of the government of the District of Columbia, approved March 2, 1889, or pneumatic or other modern motive power which shall be approved by the commissioners of the District of Columbia; but nothing in this act shall in any wise authorize the use of overhead appliances: *Provided*, That if any such company operating a line or lines of street railroad from Georgetown or West Washington to and beyond the Capitol grounds shall fail to substitute for horse-power the power herein provided for on all of its lines within two years from the date of this act, such company shall forfeit its corporate franchises."

L. E. McCOMAS,
D. B. HENDERSON,
J. C. CLEMENTS,

Managers on the part of the House.

P. B. PLUMB,
H. L. DAWES,

Managers on the part of the Senate.

The statement of the House conferees is as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 371) making appropriations to provide for the expenses of the government of the District of Columbia submit the following written statement in explanation of the effect of the action recommended on said amendments in the accompanying conference report, namely:

On amendments 1, 2, and 3: Fixes the amount payable to the engineer commissioner of the District of Columbia, in order to make the salary equal to \$3,000 per annum, and strikes out proposed increase of one clerk at \$800 in the executive office.

On amendments 4 and 5: Appropriates \$6,000 for the contingent expenses of the engineer department, including forage, livery of horses, etc.

On amendment 6: Appropriates \$150 to pay the register of wills for preparing papers in connection with the appointment of guardians to enable indigent boys to enlist in the navy.

On amendment 7: Appropriates \$3,000 to enable the assessor to prepare and complete within the fiscal year 1891 a book showing existing arrears of taxes on real property.

On amendments 8, 9, 10, 11, 12, and 13: Strikes out the proposition on the part of the Senate to create the office of deputy collector of taxes at \$2,000 per annum.

On amendment 14: Appropriates \$2,000 for expenses in the collection of overdue personal taxes. Instead of \$1,500 as proposed by the House and \$3,000 as proposed by the Senate.

On amendment 15: Makes a verbal correction in the text of the bill.

On amendments 16, 17, 18, and 19: Appropriates \$900 instead of \$700 as proposed by the House and \$1,000 as proposed by the Senate, for miscellaneous expenses in the coroner's office, and authorizes the purchase of ice for use in the morgue.

On amendment 20: Strikes out proposed authority for the employment of overseers and other employees temporarily required in connection with the water department.

On amendment 21: Appropriates \$165,000 for permit work, instead of \$130,000 as proposed by the House and \$200,000 as proposed by the Senate.

On amendment 22: Appropriates \$50,000 for paving and curbing of the roadway of any street in the District of Columbia ordered by the commissioners upon payment in advance by the owners of abutting property of one-half of the cost of said work.

On amendments 23, 24, 25, 26, 27, and 28: Appropriates \$352,300 for sundry streets and avenues in the District instead of \$600,000 as proposed by the House and \$749,200 as proposed by the Senate, said sum being allotted as follows:

Georgetown schedule, \$60,000.
Southwest section schedule, \$75,000.
Northwest section schedule, \$250,000.
Southeast section schedule, \$121,500.
Northeast section schedule, \$136,700.

On amendment 29: Authorizes the commissioners to pay not exceeding \$2.25 per square yard for paving streets where, by reason of heavy traffic, poor foundation, or other causes, a pavement of more than ordinary strength is required.

On amendment 30: Appropriates \$23,000 for grading streets, alleys, and roads, instead of \$15,000 as proposed by the House and \$25,000 as proposed by the Senate.

On amendment 31: Appropriates \$120,000 for repairs to pavements, instead of \$100,000 as proposed by the House and \$150,000 as proposed by the Senate.

On amendment 32: Appropriates \$7,000 for surveys of the District, with the requirement that \$3,000 thereof shall be expended in establishing and marking points of reference for the extension of streets and avenues throughout the District.

On amendment 33: Appropriates \$3,000 for gauging sewers and rainfall, instead of \$2,000 as proposed by the House.

On amendment 34: Appropriates \$10,000, instead of \$15,000 as proposed by the Senate, for condemnation of rights of way for public sewers.

On amendment 35: Appropriates \$2,500 for the construction of a brick shed for storing and testing cements.

On amendment 36: Appropriates \$45,000 for repairs of streets, avenues, and alleys, instead of \$40,000 as proposed by the House and \$60,000 as proposed by the Senate.

On amendment 37: Appropriates \$60,000 for repairs of county roads, instead of \$50,000 as proposed by the House.

On amendments 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, and 62, relating to the construction of county roads: Appropriates in the aggregate \$178,950, instead of \$139,350 as proposed by the House and \$205,050 as proposed by the Senate.

On amendment 63: Gives authority to the proprietors of Prospect Hill Cemetery to open the extension of North Capitol street extended through their grounds, and to convey to the District the land necessary therefor.

On amendments 64 and 65: Appropriates for sprinkling, sweeping, and cleaning streets, avenues, alleys, and suburban streets \$100,000, instead of \$90,000 as proposed by the House.

On amendments 66, 67, and 68, for lighting streets with gas or oil: Appropriates \$125,000, instead of \$130,000 as proposed by the Senate.

On amendment 69: Strikes from the bill the provision contained therein as it passed the House, authorizing the commissioners to substitute illuminating material other than gas or oil at the same or less price fixed by the act and to use so much of the appropriation as may be necessary for that purpose.

On amendments 70 and 71: Appropriates \$46,000 for lighting streets by electricity, instead of \$45,000 as proposed by the House and \$50,000 as proposed by the Senate.

On amendments 72 and 73: Increases the appropriation for expenses of the harbor and river front from \$2,500, as proposed by the House, to \$3,500, and authorizes the purchase of a new boiler for the police boat.

On amendments 74 and 75: Appropriates \$4,000 for the purchase of 5 acres of land near the distributing reservoir, and \$1,500 for surveying and removing the cattle pens and cleaning up and fencing said land.

On amendments 76, 77, 78, 79, 80, 81, and 82, relating to the officers of the public schools: Strikes out the increase proposed by the Senate in the salaries of the two superintendents of public schools, and the clerks to the two superintendents; also the provision for an additional clerk at \$720.

On amendments 83, 84, 85, and 86, relating to the teachers of public schools: Increases the average salary of the school teachers from \$680, as proposed by the House, to \$685, as proposed by the Senate, and authorizes an increase in salaries to teachers in grades now receiving \$1,100, as proposed by the Senate, instead of \$1,000, as proposed by the House, including principals of physical training.

On amendments 87 and 88: Increases the amount for care of the High School building from \$1,800, as proposed by the House, to \$2,000, and provides for the care of cooking schools.

On amendment 89: Appropriates \$22,000 for repairs and improvements to school buildings and grounds as proposed by the House, instead of \$25,000 as proposed by the Senate.

On amendment 90: Appropriates \$10,000 for furniture for new school buildings, instead of \$8,000 as proposed by the House and \$12,000 as proposed by the Senate.

On amendments 91, 92, 93, 94, 95, and 96: Authorizes the construction of an additional eight-room school building in the eighth school division as proposed by the Senate, and strikes out the provision for an additional eight-room school building in the second school division as proposed by the Senate.

On amendments 97, 98, and 99: Strikes out provisions proposed by the Senate making appropriations for new school buildings immediately available.

On amendments 100 and 101: Appropriates \$6,750 for the purchase of additional grounds for the school building on Twelfth street as proposed by the House, instead of \$6,000 as proposed by the Senate.

On amendment 102: Extends the provision touching the powers of commissioners for condemnation of land for sites for school buildings, engine houses, and police stations to the right of way for the construction, maintenance, and repair of public sewers as proposed by the Senate.

On amendments 103, 104, 105, 106, 107, 108, and 109, relating to the police department: Strikes out provision to increase the salaries of the police surgeons from \$480 to \$600; increases the amount for special service in the detection and prevention of crime from \$1,440 to \$1,920; increases the number of police sergeants from 28 to 30; the number of police privates of class 1 from 185 as proposed by the House to 200, instead of 205 as proposed by the Senate; the number of police privates of class 2 from 150 as proposed by the House to 165, instead of 175 as proposed by the Senate; increases the number of police lieutenants, sergeants, and privates who may be mounted from 25 to 30.

On amendment 110: Authorizes the erection of police signal and telegraph wires for the fifth and eighth precincts overhead as proposed by the Senate.

On amendments 111 and 112: Provides for an additional story to the sixth precinct station house at a cost of \$5,000.

On amendments 113 and 114: Strikes out appropriation of \$6,000 proposed by the Senate for a stable in the second police precinct.

On amendments 115 and 116: Strikes out proposed increase in the salary of the veterinary surgeon for the fire department from \$400 to \$600.

On amendments 117, 118, and 119: Provides for the purchase of two aerial turn-table trucks for the fire department at a cost of \$3,500 each, instead of one as proposed by the House.

On amendments 120 and 121: Increases the amount for general supplies for the telegraph and telephone service from \$7,000 to \$8,000.

On amendment 122: In lieu of the provision contained in the bill as it passed the House, authorizing the commissioners, under certain conditions, to permit telegraph, telephone, or electric-light companies to lay wires under any street, alley, highway, footway, or sidewalk in the District, which was stricken out by the Senate, the following is inserted:

"The President of the United States is hereby authorized to appoint a board consisting of three persons, one of whom shall be an army engineer, skilled in electrical matters, one a civil engineer of known skill and experience in municipal engineering, and one an expert electrician of high repute: *Provided*, That not more than one member shall be a resident of the District of Columbia; and no member shall be in the employ of any electrical company or shall have any interest in the business or securities of such company, or be interested in any patent for any form of conduit or subway, or device pertaining thereto. The said board shall consider the location, arrangement, and operation of electric wires in the District of Columbia, whether used or to be used for electric lighting, transmission of power, telegraphy, telephony, or signaling, with a view to securing, as soon as practicable, the construction of a safe and convenient system of conduits or subways, the placing therein of all necessary electric wires along the streets, avenues, and other public spaces, and the removal

of all unused overhead wires and their supports. To this end the board will, as soon as practicable, and not later than December 1, 1891, report to the President, who shall submit the same to the first session of the Fifty-second Congress, as follows:

"First. Recommendations for a complete system of conduits or subways, with all suitable branches, connections, and appurtenances for the safe and efficient operation therein of the necessary cables and conductors; such recommendations shall be accompanied by maps, detailed drawings, and estimates of cost.

"Second. Opinion as to whether the conduits or subways should be built, owned, and operated by private corporations or individuals, subject to public control, or constructed and maintained by public authority and leased to companies or individuals. If the latter, recommendation will be made as to the terms and conditions upon which such leases should be executed.

"Third. Also recommendations concerning the construction, location, operation, and maintenance of underground cables and conductors carrying currents of different intensities, with a view to promote the public safety and to secure the most convenient and efficient use of such cables and conductors and the appliances connected therewith.

"Fourth. Recommendations as to the restrictions, if any, which should be imposed by law upon the character and intensity of electric currents conveyed by conductors situated over or under the public streets, avenues, and spaces and used for electric lighting, transmission of power, telegraphy, telephony, or signaling.

"Fifth. Recommendations respecting the regulation of the arrangement and use of authorized overhead wires.

"To meet the expenses of said board there is hereby appropriated the sum of \$10,000, or so much thereof as may be necessary: *Provided*, That the officer detailed from the Corps of Engineers shall not receive any salary except that due to his rank."

On amendments 123, 124, and 125: Strikes out proposed increase of sanitary inspectors in the health department from six to seven, and of clerks at \$1,000 from one to two.

On amendment 126: Appropriates for United States marshal's fees \$1,800, instead of \$1,400 as proposed by the House, and \$2,000 as proposed by the Senate.

On amendment 127: Appropriates \$4,000 for witness fees in the police court, instead of \$3,300, as proposed by the House.

On amendments 128 and 129: Strikes out proposed increase from \$300 to \$400 for compensation of a justice of the peace acting as judge of the police court during the absence of the judge.

On amendments 130 and 131: Provides for the lease of an additional building for the police court at a cost of \$600 per annum, and for the construction of cells therein at a cost of \$3,500, as proposed by the Senate.

On amendment 132: Appropriates \$1,000 additional for clerical assistance and incidental expenses in compiling the laws of the District.

On amendments 133 and 138: Strikes out the provision requiring the various charitable institutions to report to the commissioners as to their receipts and expenditures and with reference to the estimates for such institutions, and proposes as a substitute therefor the following provision:

"That for the purpose of securing a more equitable and efficient expenditure of the several sums appropriated for charities there shall be appointed by the President, by and with the advice and consent of the Senate, as soon as may be after the passage of this act, some thoroughly experienced and otherwise suitable person not a resident of the District of Columbia, to be designated Superintendent of Charities for the District of Columbia, whose duty it shall be to formulate for the purposes of the expenditures for charities in said District such a system or plan of organized charities for said District as will by means of consolidation, combination or other direction, in his judgment, best secure the objects contemplated by the several institutions and associations for which such appropriations are made, and for the other charitable work of the District, with the least interference each with the other, or misapplication of effort or expenditure, and without duplication of charitable work or expenditure; and all such appropriations shall be expended for the purposes indicated, under the general direction of said superintendent and in conformity, as near as may be, with such system or plan, subject to the approval of the board of commissioners of the District of Columbia. And it shall also be the duty of said superintendent to examine into the character of the administration of said institutions and associations, and the condition, sufficiency, and needs of the buildings occupied for such charitable purposes, and also to ascertain in each case the amount contributed from private sources for support and construction, the number of paid employees, and the number of inmates received and benefited by the sums appropriated by Congress, and to recommend such changes and modifications therein as in his judgment will best secure economy, efficiency, and the highest attainable results in the administration of charities in the District of Columbia. And said superintendent shall from time to time report in detail to the commissioners of the District, who shall communicate the same with their estimates for appropriations to the then next session of Congress, his doings hereunder, together with such estimates and recommendations for the future as in his judgment will best promote the charitable work of the District. Said superintendent shall be entitled to a compensation at the rate of \$3,000 a year, which sum is hereby appropriated for this purpose for the fiscal year 1891. And all estimates submitted hereunder shall be included in the regular annual Book of Estimates."

On amendments 134, 135, 136, 137, 138, and 139, relating to the Washington Asylum: Appropriates \$20,000 as proposed by the House instead of \$25,000 as proposed by the Senate for raising the magazine building two stories; appropriates \$550 for a new roof for the male work-house and \$4,200 for a new ward; strikes out appropriation proposed by the Senate of \$2,200 for inclosing the grounds with a board fence; and provides that all that portion of reservation 13 east of Nineteenth street, east, and south of B street, south, be transferred to the control of the commissioners as an addition to the present burial grounds of the Washington Asylum.

On amendment 140: Appropriates \$500 for painting the buildings of the reform school.

On amendments 141 and 142: Increases the amount for temporary support of indigent persons from \$5,000 to \$5,400, including \$400 for the Washington Night Lodging House Association.

On amendments 143 and 144: Appropriates \$10,000 for the National Association for Destitute Colored Women and Children, and \$2,000 additional for the care of colored foundlings, instead of \$3,000 as proposed by the Senate.

On amendment 145: Increases the amount for the Children's Hospital from \$7,000, as proposed by the House, to \$10,000.

On amendment 146: Increases the amount for St. Ann's Infant Asylum from \$5,000, as proposed by the House, to \$5,500, instead of \$7,500 as proposed by the Senate.

On amendments 147 and 148: Appropriates \$6,000 for the German Orphan Asylum without condition, instead of \$5,000, as proposed by the House conditional that the asylum furnish a like amount, and \$10,000 as proposed by the Senate.

On amendment 149: Appropriates \$1,500 for the Church Orphanage Association, instead of \$2,000 as proposed by the Senate.

On amendment 150: Appropriates \$3,042 for the Association for Works of Mercy, instead of \$2,500 as proposed by the House and \$3,542 as proposed by the Senate.

On amendments 151 and 152: Appropriates \$12,000 for the National Homoeopathic Hospital Association, instead of \$5,000 as proposed by the House.

On amendment 153: Appropriates \$2,500 for St. Rose Industrial School.

On amendment 154: Appropriates \$3,000 for House of the Good Shepherd.

On amendments 155 and 156: Strikes out proposed appropriation of \$1,000 for the Little Sisters of the Poor and \$2,000 for the Home for Incurables as proposed by the Senate.

On amendment 157: Appropriates \$30,000 for the erection and completion of a building for the Central Dispensary and Emergency Hospital, as proposed by the Senate.

On amendments 159, 160, 161, and 162, relating to the water department: Fixes the appropriations therefor as passed by the Senate, providing specifically for the salaries of all the employees of the department, and also reduces the amount for the general expenses of the water department from \$96,000, as proposed by the House, to \$62,000, and reappropriates the unexpended balance of the appropriations for the current fiscal year for the service of the next fiscal year.

On amendment 163: Strikes out section 2, as proposed by the Senate, authorizing the amounts chargeable to the District on account of the establishment of the Zoological Park, and the amounts on account of the water supply provided for by the deficiency appropriation act of March 2, 1889, to be paid respectively in twenty-five equal annual installments, with interest at the rate of 3 per cent. per annum.

On amendment 164: Changes the numbering of a section.

On amendment 165: In lieu of the provision inserted by the Senate, authorizing any street-railroad company in the District now authorized to run cars drawn by horses, which shall change its motive power on any of its lines to cable or electricity in accordance with the provisions of law, to have the right to issue stock for the amount equal to the cost of making such change, inserts the following:

"SEC. 3. That any street-railroad company in the District of Columbia authorized to run cars drawn by horses, which has changed or may change its motive power on any of its lines now constructed to cable or electricity, or changes its rails in accordance with the provisions of law, shall have the right to issue and sell, at the market price thereof, stock of said company to an amount necessary to cover the cost of making said changes, and the amount of said stock sold together with the price per share be fully set forth under the oath of the president of said company and filed with the commissioners of the District. And any company availing itself of the privilege herein granted shall, within two years, wholly dispense with horses as motive power on all portions of its line and substitute therefor the power provided for in the act making appropriations for the expenses of the government of the District of Columbia, approved March 2, 1889, or pneumatic or other modern motive power which shall be approved by the commissioners of the District of Columbia, but nothing in this act contained shall in any wise authorize the use of overhead appliances: *Provided*, That if any such company operating a line or lines of street railroad from Georgetown or West Washington to and beyond the Capitol grounds shall fail to substitute for horse power the power herein provided for on all of its lines within two years from the date of this act, such company shall forfeit its corporate franchises."

The bill as it passed the House appropriated \$5,332,931.15, including the appropriations for the water department, to which the Senate added by amendments \$732,810, of which amount it was agreed by the conference committee that the Senate recede from \$316,300, the House yielding \$436,510.

The total appropriated by the bill as agreed upon in conference is \$5,769,444.15, of which sum \$233,407.18 is payable from the revenues of the water department, and the remainder, \$5,536,036.97, is payable from the revenues of the District of Columbia and out of the Treasury of the United States, the one half of which sum being \$2,768,018.48.

LOUIS E. MCCOMAS,

D. B. HENDERSON,

J. C. CLEMENTS,

Managers on the part of the House.

Mr. MCCOMAS. Mr. Speaker, the House has been so fully informed by the reading of the report and the statement, to which they have listened so patiently, that, unless to answer any inquiry that may be put, I will not occupy the floor longer, but will yield to my colleague on the conference committee, the gentleman from Georgia [Mr. CLEMENTS], as much time as he desires.

Mr. CLEMENTS. Mr. Speaker, I shall take but a few moments of the time of the House, inasmuch as I was not present when this bill was passed, having been compelled to absent myself by reason of sickness. The gentleman from Maryland [Mr. MCCOMAS] in charge of the bill entered at that time into a comparison between the expenditures recommended by the bill as reported to the House and former expenditures on behalf of the District of Columbia. I will not read his remarks in full, but he closed with this statement:

The increase for 1890 over 1889 is more than 9 per cent. in a Democratic House, while upon the pending bill for 1891, in a Republican House, the increase over 1889 is only a little over 8 per cent., less than the annual increase of all the Democratic bills during five years.

In view of the fact that when this bill came back from the Senate it came with an increase of \$762,810 by way of amendments, a portion of which was for increases of salaries and for salaries of new officers proposed to be created by the Senate amendments, I supposed that the gentleman from Maryland would revise his comparative statement. He has doubtless found by this time, from experience, that there is no small difficulty in contending with the demands of the Senate for increased expenditures, including increased salaries and new offices.

The gentleman from Illinois, the chairman of the Committee on Appropriations [Mr. CANNON], in the early part of this session made some comparisons (as he is accustomed to do) between the appropriations of this and of former Congresses, and, as he will probably make further comparisons later in the session, I want to call his attention now to certain facts and ask him to make a memorandum of them so that when he comes to make his later comparisons he may not forget to mention them. On April 2, in connection with an appropriation bill then pending, he spoke of the increase of salaries and increase of offices, and made a comparative statement between that bill and prior bills passed in Democratic Houses.

He spoke of the time when the Democratic voices were strong in the control of these expenditures; and when I called his attention to the fact that a number of these increases were proposed in a Republican Senate and finally consented to reluctantly and under necessity at this

end of the Capitol in order that the bills might be passed and the Government have the money with which to run its machinery, he said it was true that some of these matters were proposed in the Senate; but at the same time the tenor of his argument was to hold the Democrats responsible for these increases.

The Senate amendments on this bill when it first came back to us carried quite a number of new offices proposed by those amendments, as well as increases of salary. I am glad to say that the conferees of the two Houses acting together have been able to report this agreement eliminating some of these increases of salary and new offices. But there is a provision here increasing the salaries of school teachers in this District an average of \$5 each.

Mr. SAYERS. How many teachers?

Mr. CLEMENTS. Seven hundred and ninety-five. So that my friend from Illinois may make a note of the fact that there are seven hundred and ninety-five increases of salary carried in this bill.

Mr. HOLMAN. What does the increase amount to?

Mr. CANNON. About \$3,500 in the aggregate.

Mr. CLEMENTS. About \$1,000 annually.

Mr. SAYERS. Will the gentleman allow me to interrupt him just a moment?

Mr. CLEMENTS. I will.

Mr. SAYERS. I believe the gentleman from Illinois, in his celebrated speech in the last Congress, included an increase of \$5 a year to teachers; so that we are even.

Mr. CLEMENTS. Yes; the gentleman from Illinois, in making his comparative statement, included all the teachers whose salaries had been increased by the last Congress \$10 each, but he treated very lightly the fact that that increase, like this, was proposed at the other end of the Capitol by a Republican Senate, and in that case, as in this, our conferees were not able to get the Senate to recede from the proposition, so that we had at last to agree to the increase. And now we have it repeated on this bill.

Mr. GEAR. What is the average of salaries paid to school teachers here?

Mr. CLEMENTS. The average now paid under existing law is \$680.

Mr. GEAR. This makes an increase of \$5 each.

Mr. CLEMENTS. This increases them so that the average will be \$685.

Mr. GEAR. That is not above the average of salaries paid by many of the States, I believe.

Mr. KERR, of Iowa. It is a good deal above the average in our State.

Mr. CLEMENTS. The gentleman from Illinois, in his comparative statement, included also several hundred Indians employed under the Interior Department on reservations, whose salaries I believe had been increased \$2 apiece annually.

Mr. SAYERS. Can you give the exact number?

Mr. CLEMENTS. I do not know the exact number; but there were several hundred of them.

Mr. DOCKERY. When was that comparison made?

Mr. CLEMENTS. Last April.

Mr. DOCKERY. That is what I thought. During this Congress?

Mr. CLEMENTS. Yes, sir. I simply call attention to these facts now so that gentlemen on both sides may understand that this bill as agreed upon by the conference committee carries 795 increases of salaries for school teachers of the District; that this is done upon Senate amendments by a Republican Senate, and, if it is agreed to here, by a Republican House.

Mr. DOCKERY. The explanation that the gentleman from Illinois gave, I believe, when he made that comparison was that these increases came from Democratic Senators at the other end of the Capitol.

Mr. CLEMENTS. I think he stated something of that sort.

Mr. DOCKERY. Are they Republican or Democratic Senators who have proposed these increases?

Mr. CLEMENTS. I do not know by whom this particular amendment was proposed in the Senate, but I think it came from the Committee on Appropriations in that body.

Mr. DOCKERY. The Senate is Republican, however.

Mr. CLEMENTS. Certainly; and a majority of the conferees on the part of the Senate and the House are Republicans.

There is further in this bill an increase of the number of policemen—thirty-two in all—fifteen privates at \$900 each, fifteen at \$1,050 each, and two sergeants at \$1,140 each. In addition to that, the office of superintendent of charities is created at a salary of \$3,000.

Mr. HOLMAN. Is this officer under the control of the Secretary of the Interior?

Mr. CLEMENTS. The Secretary of the Interior has nothing to do with the matter now. This new officer is a superintendent of charities of this District. The purpose of this office is, I think, a good one. It is to harmonize the objects of charity in this District for which appropriations are asked each year. There seems at present an overlapping. One institution is doing the same work that is done by another. Congress is called upon each year to appropriate money in aid of these charitable institutions, homes for the poor, etc., and we have to proceed almost in the dark for want of proper information.

Mr. HOLMAN. I believe there is some legislation giving the Interior Department some supervision over these charities; and if the existing law on that subject is not sufficiently broad, why would it not be well to put all the charities distinctly under the supervision of the Secretary of the Interior, rather than create this new office, which, of course, will rapidly grow into a bureau?

Mr. CLEMENTS. Well, that, Mr. Speaker, is an entirely new proposition. I am not aware of the fact that many of these institutions are under such control or supervision.

Mr. HOLMAN. I would suggest to the gentleman as an illustration the Deaf and Dumb Institution and the Insane Asylum.

Mr. CLEMENTS. Yes, of course, those that belong to the Government are. But these institutions have been established by charitable bequests, or on the part of charitable people, and have been maintained heretofore in large part by charitable contributions from the people.

But annually there is an increasing demand on Congress to appropriate in aid of them. The annual appropriations in support of such institutions are growing from year to year—the institutions themselves not being public, but private in their character—and we are constantly put in the attitude of denying altogether this relief in aid of such institutions or else we are appropriating the money absolutely in the dark. We have no knowledge of its expenditure after it leaves our control. For instance, there is embodied in this bill something over \$100,000 in aid of these different institutions. There ought to be some method devised by which the Congress can act advisedly in such matters, in the light of the expenditure of the money thus appropriated.

The practice now is simply to pay the money over to the management of the institution, and Congress has no further knowledge of what disposition is made of it; no returns are made; there is no scrutiny on the part of Congress as to their management, and hence I say it is an appropriation in the dark. I believe proper supervision would promote economy and efficiency.

Mr. HOLMAN. Let me ask the gentleman from Georgia whether or not this provision places all of the charitable institutions of the District under this general supervision.

Mr. CLEMENTS. It places all of them for which appropriations are made by Congress.

Mr. HOLMAN. Including the Deaf and Dumb Asylum and the Institution for the Insane across the river?

Mr. CLEMENTS. It would not, I think, take away the supervision of the Interior Department over them.

Mr. HOLMAN. Well, if it be desirable to organize this new movement, why not embrace the whole subject of charities in this District under one head?

Mr. CLEMENTS. That is a proposition worthy of consideration. I have not here discussed and I am not prepared to say what is best to be done. I have simply called the attention of the House to the increase of offices and wanted to show that this particular one I have not objected to and do not now disapprove. I did not believe that this increase of salary of the seven hundred and ninety-five school-teachers was necessary or justifiable and do not now believe it, and I have not voted for it, but against it.

Mr. SAYERS. Can the gentleman from Georgia tell us what increase of offices and employes the bill bore when it passed the House?

Mr. CLEMENTS. It did not carry any new offices of any consequence, I think.

Mr. SAYERS. How many did it carry?

Mr. CLEMENTS. A very small number.

Mr. McCOMAS. I think probably there were no increases.

Mr. SAYERS. I think the gentleman will find on examination that there were some forty or fifty of them.

Mr. CLEMENTS. What were they?

Mr. SAYERS. Employes of the District.

Mr. CLEMENTS. I do not know anything of that. The increases we are dealing with now have been put on entirely in the Senate, and having called the attention of my friends from Illinois and Maryland to these facts, and their voices being now strong in the management of the finances of this country, their party having charge of the White House and being omnipotent in the Senate and in the House, I hope there will be no dispute hereafter as to who is responsible for the increases to which I have called attention.

Mr. DOCKERY. Will the gentleman from Georgia state exactly the amount, as I did not happen to hear it, of the increases in this bill by the Senate and also the number of new officers proposed to be appointed?

Mr. CLEMENTS. I have done so heretofore in detail. The first increase is the salary of the seven hundred and ninety-five school teachers, whose compensation is increased \$5 each. There is an increase of thirty-two policemen, fifteen of whom will receive \$900, fifteen \$1,050, and two \$1,140. And also this superintendent of charities at an annual compensation of \$3,000. That is an increase in the number of officers and an increase in the salaries to that extent over the provisions of the bill as it passed the House.

Mr. HAUGEN. As I understand the gentleman from Georgia he does not disapprove of the increases?

Mr. CLEMENTS. I do disapprove of the increase of the salaries of

the school-teachers. I fail to see the necessity of so much increase in the police force. I do not disapprove of the establishment of this office of superintendent of charities, for I believe that something of the kind is necessary.

Mr. DOCKERY. I understand this is a conference report on the District of Columbia appropriation bill that passed the House in December last?

Mr. CLEMENTS. It is.

Mr. DOCKERY. And under such extraordinary circumstances of haste that it was considered in the absence of the minority members of the subcommittee who had charge of the bill, because of sickness which detained them from the House?

Mr. CLEMENTS. Well, I did not intend to discuss the haste with which the bill was passed through the House; but since the gentleman has mentioned it I only wish to say that the haste with which it was passed through the House does not seem to have expedited its becoming a law, because we have now passed the end of the fiscal year and it has not yet become a law. The District of Columbia is operating under a resolution extending and continuing the appropriations of the current year until the passage of this bill.

Mr. PETERS. That delay was not the fault at this end of the Capitol, I believe.

Mr. CLEMENTS. No; I do not think it was.

Mr. MAISH. Will the gentleman yield for a question?

Mr. KERR, of Iowa. I desire to ask the gentleman from Maryland a question in regard to the revenues of the District of Columbia and the amounts that are paid out.

Mr. MCCOMAS. Has my friend from Georgia yielded the floor?

Mr. CLEMENTS. I yield to my friend from Pennsylvania [Mr. MAISH] for a question.

Mr. MAISH. I notice, Mr. Speaker, that the appropriation for increasing electric lighting was increased \$5,000 also. I notice that provision is made here to pay 60 cents for lights and also 40 cents for lights. I suppose the 60 cents is for electric lighting with underground wires. Now, I would like to know what is paid in the District of Columbia for electric lighting, if the gentleman is able to tell me.

Mr. CLEMENTS. The amount is stated in the bill. I have not a copy of the bill.

Mr. MAISH. What is now paid?

Mr. HOLMAN. Under the present law?

Mr. MAISH. It provides that the amount shall not exceed 60 cents per night. Of course that does not tell what is now paid. Perhaps the gentleman can tell.

Mr. CLEMENTS. Perhaps the gentleman from Maryland [Mr. MCCOMAS], in charge of the bill, can give the gentleman the information he asks. I do not know what is actually expended. That is the limit fixed in the bill. What the actual expenditure is I do not know.

Mr. MCCOMAS. I would state that the limit is fixed in the bill at a sum not to exceed 60 cents from sunset to sunrise and at present the rates are declining steadily. In my own judgment they are not low enough now, but we are trying to cut them down. The gentleman will find in the conference report a provision for a commission with respect to the whole subject of electric lighting which will tend to make a radical reform in this direction. It is a provision that requires an army engineer, a civil engineer, and an electrician to report upon this matter of subways or conduits that can be used by the city and paid for; the privilege not given away, as it is now, but leased for a term of years or otherwise, giving a revenue to the city; that the city may, without having rival companies here cutting up the streets, yet have the cheapest possible light and the best opportunity for revenue.

I would say further to the gentleman from Pennsylvania that the Senate struck out by amendment the provision of the House which was intended to give competition in the electric lighting. At present there is but one company here, but the rates charged are a little lower in many cities and not quite as great as in some cities. The House sought to introduce competition, but out of our provision has arisen this proposition to speedily have a report whereby it will be practicable for the city itself to have its subways or conduits, and lease them for a revenue, and regulate the terms of their occupation by existing companies, for a term of years or otherwise, making a radical reform in this habit of giving corporations the public avenues and streets without any benefit to the public. I think my friends will find that the result of the compromise proposition for which they labored, and which they finally secured, will be a great benefit, in a short time, in the cost and efficiency of electric lighting.

My friend from Iowa [Mr. KERR] was about to ask me a question.

Mr. KERR, of Iowa. I was about to ask how these expenses are paid and if the people of the District have favored this increase in the salaries, the people who have to pay their share of the taxes.

Mr. MCCOMAS. In response to that I would say to the gentleman that there is a great and constant demand from many quarters for increase of offices and salaries. The committee in the House, on both sides of the House, firmly resisted that growing habit, and have eliminated from this bill, as my colleague on the committee has stated, those increases except, I believe, that of \$5 to school teachers, amounting to

about \$4,000, in a total of over \$6,000,000 of appropriations. Now, I want to devote a little time to another matter here.

Mr. MAISH. I would like to know whether the gentleman can answer my question at all.

Mr. KERR, of Iowa. How is the money provided to pay these expenses?

Mr. MCCOMAS. I will state to my friend that the bill, as it passed the House, includes the District revenues on real and personal property and also the revenues of the water department. The total appropriations in the bill, as it passed the House, were \$5,332,934.15.

To this the Senate added \$752,810, making a total of \$6,085,744.15. Now, in the conference the House conferees succeeded in reducing the excess of appropriations made by the Senate in the sum of \$316,300, leaving the total of the bill, as agreed on in conference, \$5,769,444.15, and the water-department revenue is \$233,407.18, making the total amount to come out of the District of Columbia and out of the Treasury of the United States \$5,536,036.97, one-half of which is \$2,768,018.48. And the estimated revenues of the District for 1891 are, according to the annual estimates, in excess of this one-half. According to the corrected estimates made under the scrutiny of the subcommittee, the amount will appear to be really about \$2,600,000. The estimated revenue from new-building permits is \$97,500, making in all \$2,698,100.22, apparently leaving on the estimated revenue a deficit of \$69,918.26; but in the judgment of the conferees in the House and Senate it is manifest that these revenues will about be supplied by the annual excess of building permits and the increase from the collection of personal taxes to be enforced under this bill.

And even if there happened to be a shortage of \$15,000 or \$20,000, that will simply end in cutting off one square of street from being asphalted or one or two items of improvement on permanent works here and there, which would be no inconvenience to the people and far within the limits of the bill as this House passed it.

I would say furthermore, Mr. Speaker, that the Senate—

Mr. KERR, of Iowa. Is half of it paid by the Government?

Mr. MCCOMAS. As I have said, one half is paid by the Government and the other half by the District of Columbia.

I would say further that there was a Senate amendment which was constantly resisted by all the conferees of this House, an amendment which provided for an expenditure of money far beyond the actual revenues of the District of Columbia. We took the position that we would not consent to an appropriation of money beyond the revenues, with the expectation of spreading it over twenty-five annual payments. We would not consent to mortgage the future revenues to an extent beyond the actual revenues of the District. Finally, after consultation and conference, the Senate agreed to yield to our proposition; and so the bill is now based substantially on the actual revenues of the District.

My colleague on the committee, the gentleman from Missouri [Mr. DOCKERY], has made one suggestion and inquiry to which I shall give one minute in passing. It is in relation to the bill of two years ago and the present bill; the passage of the bill by the House early in the session and its passage late by the Senate. The subcommittee which prepared this bill was composed of members of the Committee on Appropriations of different politics, and the gentleman from Missouri was a most industrious and valuable member of that subcommittee. Several of these gentlemen brought six years' knowledge and experience of appropriations for the District of Columbia to bear in the consideration of this measure, and they knew as much about it in December last as they had known in any previous December, and with the zeal and ability of two other members, one the interlocutor of my colleague from Georgia, they were able to prepare the bill and report it to this House in December.

It was passed on the 8th of January in such shape that the Senate, which kept it for a long while, did not materially change its provisions. They accepted its frame-work; accepted its reforms and improvements, but made a number of amendments that proposed increases of salary, as my colleague has said, and created new offices. To these the House has in large measure successfully objected through its conferees; and the bill, although it has been long in the Senate, stands here to-day as the House bill in larger measure than usual. I therefore, for no purpose of controversy, but to answer the inquiry of my friend, desire to say that at the first session of last Congress the District appropriation bill passed the House on May 21, 1883, or nearly six months after the meeting of Congress. That was not the fault of the industrious subcommittee under the able lead of my friend from Georgia [Mr. CLEMENTS]. The Senate passed the bill with one hundred and ninety-two amendments, June 1, or twenty-three days after its passage by the House, and with \$855,628.65 added to the amount of the appropriation.

The present bill was passed by the House on January 8, 1890, or only thirty-eight days after the meeting of Congress. The Senate passed the bill April 22, 1890, or three and a half months after its passage by the House, with only one hundred and sixty-five amendments, as against one hundred and ninety-two, and with only \$752,810 added thereto. As my colleague has well stated, a large number of these amendments were for increases of salaries, and new offices, and proposed increases in general appropriations from which they have re-

ceded or upon which a compromise was reached; so that the bill stands as the House bill substantially, except in the matter of a superintendent of charities, to which my colleague has given full attention.

In the matter of electric lighting we got a compromise in the interests of the people and tax-payers which will have a good effect. And also on the amendment in respect to the right of roads to issue further stock. As finally agreed to, it is provided the stock issued shall be sold at market prices, and we have made the further condition that if the roads on either side of the Capitol do not within two years give rapid transit they shall forfeit their charters. I apprehend that steps will be taken within the time prescribed which will give the public the benefit of rapid transit over these lines where these corporations have been so largely benefited in their revenues by reason of the location of their lines.

Mr. MAISH. If the gentleman will allow me, I do not understand that he has answered my question as to what was paid in the District of Columbia for electric lighting.

Mr. MCCOMAS. An effort has been made to reduce the rate. It is now limited to 60 cents. My papers are not at hand to enable me to give the gentleman all the information he desires. I think it is 55 or 60 cents for underground and 40 cents for above ground.

Mr. CUTCHEON. That is per light per night?

Mr. MCCOMAS. Yes, sir; from sunset to sunrise.

Mr. MAISH. For lights of 2,000 candle-power.

I call the gentleman's attention to the further fact that quite recently in the city of Baltimore the Brush Electric-Light Company has agreed to furnish light to that city for 35 cents per light of 2,000 candle-power. Now, I would like to know why it is that such an enormous price is paid for electric lighting in the District of Columbia.

Mr. MCCOMAS. I want to say to the gentleman from Pennsylvania that in the original bill as it passed this House we had a provision which would have enabled us to have competition here in the electric lighting, but that was firmly resisted by the Senate.

Mr. MAISH. You ought never to have yielded.

Mr. MCCOMAS. I can now answer the gentleman's question as to the exact cost of electric lighting here. The price paid is from 58½ to 59 cents per light by underground wires. We only agreed to surrender that provision, which would have permitted competition in electric lighting in Washington, upon the Senate agreeing to insert an amendment which I commend to the gentleman from Pennsylvania and which I believe covers the whole subject. The gentlemen who favored having but one company insisted, as against our propositions, that if there were two companies they would tear up the streets more than one company would and afterwards would combine so as to deprive the public of the benefit of competition, and, therefore, they steadily resisted our efforts to provide for competition.

We then proposed that there should be a provision by which the city itself should own the conduits and subways and have them under its control, and we agreed upon the provision of the bill which provides for this board of engineers to be composed of men who have no interest in any patent or in any special device for electric lighting, to examine into the question and to report a plan for making these conduits which the city shall own and can lease to the electric-light company and probably derive a revenue therefrom. I think that will be a long way in advance of the plan of attempting to have competing companies. The commission are to inquire into the matter and to report at the beginning of the first session of the next Congress. I think the required remedy will be found in that direction, and if the commission report wisely and well it will be not only an advantage to the city, but an advantage to the whole country.

Mr. MAISH. I also find that an amendment was agreed to, permitting the erection of overhead wires. I had hoped that there would be no more overhead wires permitted to be erected in the city of Washington.

Mr. MCCOMAS. Those overhead wires are simply to connect with the new station-houses temporarily, pending the adoption of this general system. As we are about to adopt a general system, it would be very unwise to cut up the streets to reach the new station-houses which must be reached by the Government and District wires, so we made this temporary appropriation for the purpose.

Mr. CLEMENTS. Mr. Speaker, I wish to occupy a few minutes in answering more accurately the question which the gentleman from Texas [Mr. SAYERS] put to me awhile ago. He asked me to state the number of new offices or salaries provided for in the House bill beyond those included in the current law. I said to him that the number was very small, not having in mind at the moment the number of additional firemen and teachers provided for. In the House bill as it passed this body there were carried the salaries of fifty-six teachers and twenty-three other additional employes, including about eleven firemen, making a total of seventy-nine additional employes, with salaries more than under the current law.

Mr. SAYERS. Can the gentleman state the total number of persons that are in the employ of the District and the total number provided for in the bill as it passed the House?

Mr. CLEMENTS. Under the current law there are fifteen hundred and sixty-nine salaries paid, exclusive of the water department, and as

the bill went to the Senate it carried sixteen hundred and forty-eight an increase of seventy-nine. As the bill is now, it provides for one hundred and fourteen new officials or employes above the current law and an increase of the salaries of seven hundred and ninety-five teachers \$5 each over the current law.

Mr. MCCOMAS. And let me state, for the benefit of my friend from Texas, that that increase comprises fifty-six employes connected with the public schools.

Mr. CLEMENTS. I have just stated that.

Mr. MCCOMAS. Then there is an increase of five in the police department, eleven in the fire department, one in the telegraph service, one in the Reform School, and three examiners of engineers required by law—

Mr. DOCKERY. Did the Senate cut down any of those increases?

Mr. MCCOMAS. Oh, no.

Mr. CLEMENTS. The Senate generally increases instead of cutting down. I want to say in regard to these five additional policemen that I agreed to that item when the bill was being made up in the House, because I believed, as I believe now, that there ought to be some additional policemen, especially if we can induce the police management of the District to so govern the force as to give greater protection to human life at the corners and crossings of the streets.

I certainly would not object to a reasonable increase of the police if the force could be so managed as to give greater protection in this respect and if the police courts could be induced to put a higher estimate upon human life in this city. It seems to me that we ought to have policemen enough to put a check upon the rapid driving of sporting men and coachmen who drive around the street corners at such a rate that women and children and even able bodied men are not secure. I am in favor of the necessary police force such as to enable a correction of this, which I consider a very great nuisance, and which exists in this city to an extent that I have never seen it anywhere else.

Mr. MCCOMAS. I now move the previous question.

Mr. MAISH. Will the gentleman allow a portion of the contract to which I alluded be read, the contract made with the city of Baltimore for electric lighting there?

Mr. MCCOMAS. I yield to the gentleman for that purpose.

Mr. MAISH. I also call the attention of the gentleman to the fact that, as I understand, the original bill provided for the payment of a larger amount per light than was demanded by the company.

Mr. MCCOMAS. That is a mistake.

Mr. MAISH. I understand that under the contract the company will receive 58½ cents per light, while this bill provides that 60 cents may be paid.

Mr. MCCOMAS. But the bill was passed before the contract was made. As the gentleman will recollect and as I stated in my former remarks, the price charged for electric lighting has been going down from year to year during the last five or six years; and we have been putting down the limit accordingly. We could not reduce the limit below the possible contract price. In this case the limit fixed was 60 cents and the company has reduced the price to 58½. The former limit was 65 cents and the contract price sixty-odd cents. Thus the contract price is being pressed down. But the real way to secure a reduction of price in this matter is the plan now proposed in the amendment of the Senate.

Mr. MAISH. I now ask the Clerk to read a portion of the contract to which I referred.

The Clerk read as follows:

Now, therefore, the said Brush Electric Company hereby proposes to the mayor and city council of Baltimore to enter into a contract with the said mayor and city council to light all the streets, lanes, alleys, parks, public buildings, and other places where electric arc lights are now used by said city, or shall be authorized to be placed by the general superintendent of lamps, with electric arc lights of not less than 2,000 nominal candle power, for the term of five years, accounting from the 1st day of July, 1890, at the rate of 35 cents per light per night, payable monthly, with the privilege to the mayor of Baltimore to terminate the contract at the end of any two years thereof, by giving a notice in writing to that effect at least thirty days before the expiration of such period.

Mr. HEMPHILL. I wish to inquire of the gentleman from Maryland [Mr. MCCOMAS] whether this bill does not now contain some legislation relating to street railroads in the District of Columbia.

Mr. MCCOMAS. I stated awhile ago and I will now state again to my friend—

Mr. HEMPHILL. I was out of the Hall at the time.

Mr. MCCOMAS. That the bill now embraces a Senate amendment giving the street railways the right to issue stock for money they have expended or may expend (the Senate amendment originally was for money they may expend) in equipping their roads with modern motive power and grooved rails.

Mr. HEMPHILL. Is it the same proposition that is printed in the Post of this morning?

Mr. MCCOMAS. I do not know what is printed in the Post. But in conference an amendment (to which I assented) was agreed upon providing that these companies in issuing such stock shall sell it at the market price and make full report to the District commissioners of the quantity of stock sold and the amount received for such stock, showing the actual transaction and the increase of stock under this power; and providing further that all street railways reaching from George-

town to the Capitol and going beyond the Capitol on either side—the main trunk lines of street railways—shall within two years, on all of their lines, give to the people rapid transit by the adoption of cable, electric, pneumatic, or other modern motive power, in default of which there shall be a forfeiture of their charters at the end of two years from this date. That has been agreed upon in conference and is now reported.

Mr. HEMPHILL. I would like to inquire whether this action has been had upon any information except such as the conferees may have had in their own minds; whether they have asked or consulted anybody in regard to the matter.

Mr. McCOMAS. I will say to the gentleman that this matter came to my attention in conference after suggestions from outside sources. I inquired and other members of the conference committee inquired, and the information given to us by railroad men was that eighteen months would suffice under ordinary circumstances for this change of motive power. The limit fixed here is two years; and full enough information was received to assure us absolutely beyond possibility of mistake that two years will be ample; and that will be a long time for the public to wait.

Mr. MILLIKEN. Is any limit provided as to the amount of stock which these companies may issue?

Mr. McCOMAS. It must be only for the amount of money needed for the extension of their lines and the improvements required; the stock must be sold at the market price and a full statement of the transaction reported under oath to the commissioners.

Mr. CANNON. Does the gentleman desire the adoption of this report now?

Mr. McCOMAS. Unless some one wishes to ask further questions, I call for a vote on the adoption of the report.

Mr. DOCKERY. I suppose it is the understanding that this is the only business to be transacted to-day. If so, we are willing to concur in the report.

Mr. McCOMAS. I have no knowledge of anything else that may come up.

Mr. DOCKERY. If, however, there is to be any other business we want a vote on this matter.

Mr. McCOMAS. I would like to have this report adopted.

Mr. DOCKERY. I will ask the gentleman from Illinois [Mr. CANNON] whether there is any other business to come up.

Mr. CANNON. I can not speak for anybody but myself. I think the gentleman from Wyoming [Mr. CAREY] wants to ask unanimous consent to concur in an amendment of the Senate to the Wyoming bill. If that can not be done by unanimous consent, then, so far as I am concerned, I will vote for an adjournment. I do not know what the House may feel disposed to do.

Mr. McCOMAS. Now, Mr. Speaker, let us first dispose of this report.

Mr. DOCKERY. I desire, first, Mr. Speaker, to inquire the parliamentary status of that bill, whether it would require unanimous consent.

Mr. CANNON. I suppose it would.

Mr. CAREY. Oh, no; it is privileged.

Mr. McCOMAS. Let us first dispose of this District of Columbia bill. There is no reason why we should not have a vote upon it.

I call for a vote on the proposition.

The SPEAKER. The question is on agreeing to the adoption of the report.

The question was taken; and on a division there were—ayes 66, no 0.

Mr. MILLS. No quorum.

Mr. CANNON. I want to make this suggestion, Mr. Speaker, if I can, by unanimous consent. It seems to me that this conference report ought to be adopted; and if it is the sense of gentlemen—because I think it is doubtful if there is a quorum present—to let the report be adopted, the moment it is adopted I will submit a motion for adjournment. That is all I can say.

Mr. MILLS. But let it be understood that no other business will be taken up. Let there be unanimous consent to an adjournment.

Mr. CANNON. I can only speak for myself.

The SPEAKER. The Chair thinks that any agreement of that character should include the right to lay before the House certain matters, executive communications and other documents, for reference.

Mr. MILLS. There would be no objection to that.

The SPEAKER. Is there objection?

Mr. WADE. Mr. Speaker, I object.

Mr. CANNON. There is no quorum here.

Mr. WADE. I am not responsible for that.

Mr. CANNON. Many members have already left the city in expectation of the Fourth of July adjournment; everybody wants to go. There is not a quorum present.

Mr. WADE. I want to be heard a moment on this proposition. We have a bill here from the committee of which I am chairman, that we want to bring before this House for consideration. We can present our views before the House just as well whether a quorum is present or

not. If gentlemen do not choose to remain here and attend to their business, it is not our fault. The Labor Committee has not been permitted to occupy very much of the time of this House. We believe we are going to pass such legislation as the laboring people of the country are demanding. Now we come before the House with one of these measures, and if these gentlemen want us to adjourn and not give us an opportunity to pass this bill, that is all right. It is their lookout. But I think the House could very well stay here and listen to this committee's report for one hour before adjournment.

Mr. CANNON. But there is evidently no quorum present, and no business can be transacted if the point is insisted upon.

Mr. WADE. We have not had a recognition this Congress. These people are demanding to be heard all through the country. It is their right to come before Congress, and I ask you not to adjourn.

Mr. BLAND. The gentleman knows that a quorum is not present, and probably not in the city.

Mr. KERR, of Iowa. It does not seem to me that a recognition of the gentleman from Missouri would be of any particular value in the absence of a quorum.

Mr. DOCKERY. If we can not pass the District of Columbia appropriation bill in the absence of a quorum, certainly no other business could be done for the same reason.

Mr. WADE. It seems to me that the chairman of the committee ought to know what is beneficial to his committee. I ask the House to allow us to proceed with this matter.

Mr. CANNON. Mr. Speaker—

The SPEAKER. This is only proceeding by unanimous consent.

Mr. CANNON. I desire to ask the attention of the House for one moment.

Mr. ANDREW. I call for the regular order.

Mr. MILLS. Oh, no; let the gentleman from Illinois make his statement.

Mr. CANNON. I appeal to the gentleman from Missouri to take this into consideration: That it is evident to everybody present there is no quorum here now, and that we can adopt this District of Columbia conference report by unanimous consent, and that is as far, evidently, as it is practicable to go. The gentleman's matter would be advanced rather than retarded by the House adjourning now and taking it up, say on Tuesday.

Mr. MILLS. That is correct. Now, let us have unanimous consent, that after the vote on the conference report is taken the House shall adjourn.

Mr. WADE. I will not give that consent.

Mr. McCOMAS. I hope that will be done, Mr. Speaker.

Mr. COLEMAN. No; I want the Labor Committee to be heard.

Mr. WADE. And if gentlemen do not want to stay and listen to the arguments they need not. We do not want to keep them here; we do not expect to get a vote. We simply want to bring the matter before the House for consideration.

Mr. BLAND. What is the reason of this remarkable urgency now? This is the first time I have heard the gentleman so anxious to get this matter up when he knows there is no quorum here.

Mr. BUTTERWORTH. Ordinarily the object of making an argument is that it may have some weight with the people who hear it. What is the object of my friend in making an argument when there is nobody to hear it?

Mr. COLEMAN. There are enough here to discuss this matter; and if there are enough to discuss the District of Columbia appropriation bill there are enough to argue the labor matter.

Mr. BUTTERWORTH. But if you can not pass the appropriation bill, evidently you can not take up the other.

Mr. WADE. I will say this: That if gentlemen want to leave the House without regard to the duties they owe to the country and are willing to go, we can not expect them to stay, of course.

Mr. BUTTERWORTH. But my friend from Missouri can see that if gentlemen do not desire to remain there is no use in attempting to keep them, when there are not enough present to transact business.

Mr. McCOMAS. I know my friend's anxiety, and I desire to help him, but if there is no quorum and unanimous consent can not be had, of course that is the end of it.

Mr. WADE. I will agree to an adjournment if on Tuesday we can take up this bill and pass it. [Laughter.]

Mr. HEARD. I hope my colleague will divide his proposition, as it is evidently divisible. There may be a good many who are willing to take up the bill and consider it, but it might be hard to combine the two.

Mr. WADE. I mean to take it up and consider it.

Mr. ANDREW. Regular order.

The SPEAKER. The Chair will again announce the vote just taken. The yeas are 66, nays none.

Does the gentleman insist upon the point that no quorum is present?

Mr. MILLS. I do.

Mr. CANNON. Mr. Speaker, I want to make, if I can, an appeal to the House in the way of expediting the business. It is evident that

nothing can be done to-day unless by unanimous consent. Now, I ask the gentleman from Texas not to make the point of no quorum—

Mr. WADE. If he does not I will.

Mr. CANNON. Let the conference report be adopted, the messages from the President and other Executive documents referred, and I will make the motion to adjourn, and to the best of my ability seek to have it adopted.

Mr. COLEMAN. I object.

Mr. CANNON. Now, Mr. Speaker, I demand the regular order, as it is evident nothing can be done.

The SPEAKER. The point of order is made that no quorum is present.

Mr. MCCOMAS. Then I call for tellers, and I want to say, Mr. Speaker, that if this motion is carried to pass the conference report I shall help to bring about an adjournment.

Tellers were ordered; and the Speaker designated Messrs. MCCOMAS and BRECKINRIDGE, of Kentucky, to act as tellers.

The question was taken; and there were—ayes 83, noes 4.

Mr. BRECKINRIDGE, of Kentucky. I make the point that there is no quorum. I may withdraw it hereafter.

Mr. CANNON. I move that the House do now adjourn.

Mr. BRECKINRIDGE, of Kentucky. If it is understood that the House is to adjourn I will withdraw the point.

Mr. MCCOMAS. It is evident that the House is going to adjourn, anyway.

Mr. BRECKINRIDGE, of Kentucky. I withdraw the point.

Mr. CLUNIE. I make the point that there is no quorum.

The SPEAKER. The gentleman from California makes the point that there is no quorum, and the Chair will ascertain. [After a count of members present.] There are 133 members present.

Mr. CANNON. I move that the House do now adjourn.

Mr. MCCOMAS. I make the point of order that the motion to adjourn has not the preference over the vote upon a conference report.

The SPEAKER. The Chair overrules the point of order, a quorum not being present on a count by the Chair.

Mr. MILLS. I move that the House do now adjourn.

The question was taken on the motion to adjourn, and the Speaker announced that the ayes seemed to have it.

Mr. MCCOMAS. I demand a division, and I appeal to the House now to allow this conference report to go through.

Pending the division Mr. MCCOMAS withdrew his demand for a division.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. STRUBLE, for fifteen days.

To Mr. KERR, of Iowa, until July 19, on account of important business.

To Mr. MORRILL, until July 10, on account of public business.

To Mr. RAINES, for one week.

To Mr. WALLACE, of New York, for ten days, on account of important business.

To Mr. LODGE, for ten days, on account of important business.

To Mr. COWLES, indefinitely, on account of important business.

To Mr. DARGAN, indefinitely, on account of important business.

The motion to adjourn was agreed to; and accordingly (at 1 o'clock and 50 minutes p. m.) the House adjourned until Monday, July 7, at 12 o'clock m.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communication was taken from the Speaker's table and referred as follows:

ADDITIONAL FORCE TO MEET PAYMENTS UNDER NEW PENSION LAWS.

Letter from the Secretary of the Treasury, transmitting a communication from the assistant treasurer of the United States at New York, submitting an estimate of the additional force required to properly transact the increased business under the new pension legislation—to the Committee on Appropriations.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 3034) to provide for the purchase of a site and the erection of a public building thereon at Muskegon, in the State of Michigan—to the Committee on Public Buildings and Grounds.

A bill (S. 4171) to authorize the leasing of school lands in the Territory of Oklahoma, and for other purposes—to the Committee on the Territories.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. DORSEY:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives House bill 5974, extending the time of payment to purchasers of land of the Omaha tribe of Indians in Nebraska, and for other purposes;
to the Committee on Rules.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. STONE, of Kentucky, from the Committee on War Claims, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (S. 1559) for the relief of the estate of A. H. Herr, deceased, late of the District of Columbia. (Report No. 2617.)

A bill (S. 923) for the relief of Davidson Dickson and others. (Report No. 2618.)

A bill (H. R. 1979) for the relief of the late Andrew S. Core. (Report No. 2619.)

Mr. TAYLOR, of Tennessee, from the Committee on War Claims, reported favorably the bill of the Senate (S. 922) for the relief of G. M. Hazen and others, accompanied by a report (No. 2620)—to the Committee of the Whole House.

Mr. THOMAS, from the Committee on War Claims, reported favorably the bill of the Senate (S. 707) for the allowance of the claim of George Brown, for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1887, accompanied by a report (No. 2621)—to the Committee of the Whole House.

Mr. MASON, from the Committee on Commerce, reported with amendment the bill of the House (H. R. 8943) to provide for the establishment of a port of delivery at Peoria, Ill., accompanied by a report (No. 2622)—to the Committee of the Whole House on the state of the Union.

Mr. LANSING, from the Committee on Military Affairs, reported with amendment the bill of the House (H. R. 6170) directing the issuance of an honorable discharge to David L. Lockerby, late of Company A, Ninety-sixth New York Volunteers, accompanied by a report (No. 2623)—to the Committee of the Whole House.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. LODGE: A bill (H. R. 11255) to authorize corporations to become surety in certain cases in the courts of the United States—to the Committee on the Judiciary.

By Mr. BELKNAP: A bill (H. R. 11256) for the relief of women enrolled as army nurses—to the Committee on Invalid Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BERGEN: A bill (H. R. 11257) granting a pension to Elizabeth M. Ayars, formerly Elizabeth M. Sutton—to the Committee on Invalid Pensions.

By Mr. BLISS: A bill (H. R. 11258) granting a pension to John A. Stinlein—to the Committee on Invalid Pensions.

By Mr. BRECKINRIDGE, of Arkansas: A bill (H. R. 11259) for the relief of J. S. Siddall, of White County, Arkansas—to the Committee on War Claims.

By Mr. COLEMAN: A bill (H. R. 11260) for the relief of administrator of the estate of William J. Poitevent, deceased—to the Committee on War Claims.

By Mr. EVANS: A bill (H. R. 11261) for the relief of Elisha Townsend, late of Company C, Fifth Regiment of Tennessee Mounted Infantry Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 11262) for the relief of Coleman Watson, of Parksville, Tenn.—to the Committee on Military Affairs.

By Mr. HERBERT: A bill (H. R. 11263) to increase the pension of Emily W. Ogden—to the Committee on Pensions.

By Mr. MORSE: A bill (H. R. 11264) for the relief of Mrs. Louisa E. McLean, of Stoughton, Mass.—to the Committee on War Claims.

By Mr. WATSON: A bill (H. R. 11265) for the relief of Uriah L. Davis—to the Committee on War Claims.

By Mr. WHEELER, of Alabama: A bill (H. R. 11266) for the relief of T. C. Greenhill—to the Committee on War Claims.

Also, a bill (H. R. 11267) for the relief of Henry H. Hargett—to the Committee on War Claims.

Also, a bill (H. R. 11268) for the relief of the heirs of Dr. Andrew Moore—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDERSON: Petition of J. N. Wiseman and others, asking

for the adoption of resolution introduced by Mr. LAWLER in respect to rules of spelling, etc.—to the Committee on Printing.

By Mr. BRECKINRIDGE, of Arkansas: Petition of W. P. McDiell and 25 others, citizens of Jefferson County, Arkansas, in favor of House bill 5353—to the Committee on Agriculture.

By Mr. COVERT: Petition of Arthur M. Allen, of West Brighton, N. Y., against the passage of the Federal election bill—to the Select Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. CUMMINGS: Petition against the passage of House bill 9197 relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CUTCHEON: Petition of Moses Cole and 24 others (19 voters and 6 women), citizens of Sherman, Mich., praying for proposal of a constitutional amendment prohibiting the manufacture, importation, and sale of all alcoholic liquors as a beverage—to the Committee on the Judiciary.

Also, petition of I. B. Kaye and 95 others (50 voters and 46 women), citizens of Shelby, Mich., for same measure—to the Committee on the Judiciary.

Also, petition of B. Nixon and 24 others (19 voters and 6 women), citizens of Mecosta, Mich., for same purpose—to the Committee on the Judiciary.

By Mr. DINGLEY: Petition of W. B. Mussenden and others, of Bath, Me., for perpetuation of national-banking system—to the Committee on Banking and Currency.

By Mr. DORSEY: Petition of citizens of Nebraska, requesting favorable action on the original-package bill—to the Committee on the Judiciary.

By Mr. FARQUHAR: Petition of Merchants' Exchange of the city of Buffalo, N. Y., for the improvements at the Sault Ste. Marie Canal and the Hay Lake Channel—to the Committee on Rivers and Harbors.

By Mr. HANSBROUGH: Petition of H. C. Hill and 14 others (11 voters and 4 women), citizens of Bowesmont, N. Dak., praying for proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage—to the Committee on the Judiciary.

Also, petition of New York City business men, representing \$50,000,000 of capital, in favor of the passage of House bill 10173—to the Committee on Commerce.

By Mr. HAYES: Petition of J. V. Waterman and 37 others (18 voters and 20 women), citizens of Oxford, Iowa, praying for proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage—to the Committee on the Judiciary.

By Mr. LAWS: Petition of Grange No. 10, Webster County, Nebraska, for pure lard—to the Committee on Agriculture.

Also, petition of J. D. Elson and 24 others, citizens of Nebraska, for pure lard—to the Committee on Agriculture.

Also, petition of J. W. Rees and 11 others, of Pawnee County, Nebraska, for pure lard—to the Committee on Agriculture.

Also, petition of J. W. Rees and 11 others, citizens of Pawnee County, Nebraska, for pure food—to the Committee on Agriculture.

Also, petition of Grange No. 10, Webster County, Nebraska, for pure food—to the Committee on Agriculture.

Also, petition of D. D. Elson and 21 others, citizens of Nebraska, for pure food—to the Committee on Agriculture.

By Mr. LIND: Petition of Ivan Netron and 131 other Indians, of the Yanktonnais, asking for the establishment of an industrial school on the Pipe Stone reservation at Pipe Stone, Minn.—to the Committee on Indian Affairs.

By Mr. OSBORNE: Memorial of Boston Fish Bureau, relative to duty on fish—to the Committee on Ways and Means.

By Mr. PERKINS: Petition of M. R. Grant and 95 others, residents of Cherryvale, Kans., asking for legislation to counteract the effect of the recent original-package Supreme Court decision—to the Committee on the Judiciary.

By Mr. STOCKDALE: Petition of A. H. M. Smith, next of kin of William Smith, deceased, of Amite County, Mississippi, asking reference of his claim for stores and supplies taken during the war to the Court of Claims under the Bowman act—to the Committee on War Claims.

By Mr. WHEELER, of Alabama: Petition of Claiborne Evans, of Jackson County, Alabama, for reference of claim to the Court of Claims—to the Committee on War Claims.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

By Mr. HITT: Petition of members of Turnverein, of Lawrence, Kans., against material change in the present national laws on immigration and naturalization—to the Select Committee on Immigration and Naturalization.

By Mr. DUNNELL: Petition of Farmers' Alliance of St. Vincent, Minn., requesting an examination into the physical condition of immigrants coming to Minnesota via Canadian Pacific Railroad—to the Select Committee on Immigration and Naturalization.

SENATE.

MONDAY, July 7, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Thursday last was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of a mass meeting of citizens of Yuma County, Arizona Territory, praying that the law relating to arid land west of the one hundredth meridian, withdrawing from entry all lands so classed, may be repealed; which was referred to the Committee on Public Lands.

He also presented the petition of James P. Doughty, of Bourbon County, Kansas, praying remuneration for musical instruments destroyed during the war; which was referred to the Committee on Claims.

He also presented a petition of ex-Union soldiers, citizens of Arkansas, praying for the passage of a law prohibiting the exhibition of Confederate flags; which was referred to the Committee on Military Affairs.

He also presented the petition of John Dunnell, of Providence, Kans., the son of a soldier of the Revolutionary war, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. MANDERSON presented a petition of Sunnyside Farmers' Alliance, of Sulphur, Nebr., praying for the passage of the Conger lard bill and the Butterworth option bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of citizens of Pima County, Arizona Territory, praying for the repeal of the arid land provision in the act of October 2, 1889; which was referred to the Committee on Public Lands.

Mr. TELLER presented a petition of the Commandery of the State of Colorado, of the Loyal Legion, praying for the speedy publication of the records of the rebellion; which was referred to the Committee on Appropriations.

Mr. STOCKBRIDGE presented a petition of citizens of Saugatuck, Mich., praying for the establishment of a life-saving station at that place; which was referred to the Committee on Commerce.

Mr. WALTHALL presented the petition of William Young and 33 other citizens, of Mississippi City and Handsborough, Miss., praying that the custom-house be removed from Shieldsborough, Miss., to Biloxi, Miss.; which was referred to the Committee on Commerce.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9603) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1891, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 24, 25, 36, 37, 42, 43, 44, 47, 48, 52, 53, 59, and 67.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 19, 21, 22, 23, 27, 28, 29, 30, 31, 33, 34, 38, 39, 40, 45, 46, 49, 50, 51, 54, 55, 56, 57, 60, 61, 62, 63, 64, 65, 66, 69, 70, 71, 72, 73, 74, 75, 76, 77, 80, 81, and 82, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Strike out in lines 2 and 3 of said amendment the words "as stated in his message of June 2, 1890, and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with amendments as follows: In line 2 of said amendment strike out the words "an intercontinental;" and insert in lieu thereof "a continental;" in line 6 strike out the word "intercontinental;" and insert in lieu thereof "continental;" and in line 14 strike out the words "an intercontinental;" and insert in lieu thereof "a continental;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with amendments as follows: In lieu of the sum proposed insert "\$24,000;" and strike out lines 5 and 6, page 8, of the bill and insert in lieu thereof the following: "consuls-general at Halifax and Vienna, at \$3,500 each, \$7,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$401,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Insert after the word "Brunswick," in line 14, page 10 of the bill, the word "Chemnitz;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "Morrisburg, Canada, Newcastle-on-Tyne;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$95,620;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In line 9, page 17 of the bill, strike out "Selfast;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,560;" and the Senate agree to the same.

EUGENE HALE,

W. B. ALLISON,

Managers on the part of the Senate.

ROBERT R. HITT,

MARK H. DUNNELL,

JAMES B. MCCREARY,

Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is on concurring in the report.

Mr. EDMUNDS. I should like to have it explained a little on a few points first, if the Senator in charge will kindly explain the material points of difference, and what was done with the Senate amendments.

Mr. HALE. The bill as reported from the conference committee is almost precisely the same as it passed the Senate, the House conferees agreeing to the Senate amendments I think, in nearly all cases. If there is any particular amendment that the Senator from Vermont has in his mind, I shall be glad to explain it.

Mr. DOLPH. I should be glad to have the Senator explain what was done with the amendment increasing the salary of the minister at Constantinople.

Mr. HALE. That was objected to by the House conferees as not being a necessary increase, but the conferees on the part of the Senate felt that that was a thing to insist upon, all the more because it had been put in by the Senate and not by the committee, and that they were instructed by the Senate, and the Senate conferees enforced that insistence. So it remains as the Senate put it in the bill.

The report was concurred in.

REPORTS OF COMMITTEES.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 4112) to amend section 1225 of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions, reported it without amendment, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 3334) authorizing the Secretary of War to deliver to Charles W. Thomas two James's rifled cannon, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (S. 3938) to authorize the Secretary of the Interior to convey to the Rio Grande Junction Railway Company certain lands in the State of Colorado in lieu of certain other lands in said State conveyed by the said company to the United States, reported it with amendments, and submitted a report thereon.

Mr. BATE, from the Committee on Agriculture and Forestry, submitted the views of the minority on the bill (S. 3991) for preventing adulteration and misbranding of food and drugs, and preventing poisonous adulterations, and for other purposes; which were ordered to be printed.

BILLS INTRODUCED.

Mr. MANDERSON introduced a bill (S. 4190) granting an increase of pension to Robert Moran; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 4191) setting apart a tract of land to be used as a cemetery by the order of Free Masons of Breckenridge, Colo.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

He also introduced a bill (S. 4192) granting a pension to Charles Roughan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 4193) for the relief of John M. Giffin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENT TO APPROPRIATION BILL.

Mr. PADDOCK submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

THE REVENUE BILL.

The PRESIDENT *pro tempore*. Is there further morning business? If there be none, that order is closed.

Mr. MORRILL. I move that the Senate proceed to the consideration of House bill 9416.

The PRESIDENT *pro tempore*. The Calendar, under Rule VIII, being in order, the Senator from Vermont moves that the Senate proceed to the consideration of the bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes.

Mr. FRYE rose.

Mr. MORRILL. I desire to say to the Senator from Maine that I shall yield to him so far as to have this bill laid aside informally for the day in order that he may get through with the bills from his committee which are under consideration.

Mr. HARRIS. I desire to suggest—

The PRESIDENT *pro tempore*. Debate can proceed only by unanimous consent. Is there objection?

Mr. HARRIS. I do not propose to debate the question, but I wish to make an inquiry of the Chair.

The PRESIDENT *pro tempore*. The Chair will hear the Senator from Tennessee.

Mr. HARRIS. If this bill is taken up at this hour it will not make it the unfinished business at 2 o'clock?

The PRESIDENT *pro tempore*. It will not.

Mr. HARRIS. Then I suggest to the Senator from Vermont that he wait until 2 o'clock to call up his bill.

Mr. MORRILL. I prefer to have it taken up at the present time.

Mr. HARRIS. I simply wanted to ascertain the parliamentary status it would occupy.

Mr. GIBSON. I should like to inquire of the chairman of the Committee on Commerce whether it is his purpose to ask for the consideration of the river and harbor bill to-day. He stated that on this day he would ask that that bill be taken up.

Mr. MORRILL. He can not wish to have it taken up until he gets through with the first bills before the Senate from his committee.

Mr. FRYE. I gave notice that I should ask the Senate to consider the river and harbor bill to-day. So far as I am concerned, I am not particular about its consideration to-day; but I shall certainly feel obliged to ask for its consideration before the tariff bill shall be completed in the Senate.

Mr. EDMUNDS. We must take the opinion of the Senate on that subject.

Mr. FRYE. Undoubtedly I shall have to yield to the opinion of the Senate, as the Senator from Vermont suggests. I shall not antagonize taking up the tariff bill by the river and harbor bill at this moment, but I understand that appropriation bills ordinarily, when they are ready for consideration, have the right of way. If the tariff bill was going to consume two or three weeks' time, I certainly, under present instructions from my committee, could not consent to yield that long.

Mr. PLUMB. I want to say to the Senator from Maine that it will not do to trust to unanimous consent to get up the river and harbor bill during the pendency of the tariff bill, because I certainly, as one member of this body, would object to the displacement of the tariff bill by the river and harbor bill.

Mr. FRYE. I should not trust to unanimous consent and should not expect to obtain it from the Senate.

Mr. PLUMB. Then, of course, the Senator would have to move to take up the bill.

Mr. FRYE. I would have to move to take it up.

Mr. PLUMB. Then what is gained by taking up the tariff bill now?

The PRESIDENT *pro tempore*. The Calendar, under Rule VIII, being in order, the Senator from Vermont [Mr. MORRILL] moves that the Senate proceed to the consideration of the bill (H. R. 9416) to reduce the revenue and equalize the duties on imports, and for other purposes. [Putting the question.] The Chair is unable to decide by the sound.

Mr. MORRILL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GORMAN. As I understand, by unanimous consent the shipping bills are in order to-day at 2 o'clock. Am I correct in that statement?

The PRESIDENT *pro tempore*. The Chair would state in response to the Senator from Maryland that the bill previously moved by the Senator from Maine, commonly known as the shipping bill, is the unfinished business at 2 o'clock, and will come up at that time without motion.

Mr. GORMAN. Then do I understand that the Senator from Vermont desires to take up the tariff bill and have it considered only from half past 12 until 2?

Mr. EDMUNDS. That is what he wants to do, and the yeas and nays have been ordered on it.

Mr. GORMAN. I should like to ask the Senator from Vermont [Mr. MORRILL] whether he proposes that the tariff bill shall be considered only from now until 2 o'clock to-day, and then give way to the regular order.

Mr. MORRILL. I have already stated that I should give way to the Senator from Maine for what are called the shipping bills, to take them up whenever he pleases; but I desire to have this bill before the Senate as the regular business from and after this time, although I expect, of course, to yield to regular appropriation bills whenever they are ready.

Mr. EDMUNDS. That is, general appropriation bills?

Mr. MORRILL. General appropriation bills.

Mr. CARLISLE. Mr. President, I am unable to see from my limited acquaintance with the methods of procedure in this body that anything is to be gained by taking up the tariff bill at this time. There certainly is nothing to be gained if it is to be laid aside from time to time for the purpose of taking up other matters. I have understood that the Senator from Maine desires to complete the consideration of the two bills known as the shipping bills; that after they are disposed of he desires to call up for consideration the river and harbor bill, and that the Committee on Appropriations have, or soon will have, ready the sundry civil appropriation bill, and perhaps other appropriation bills which ought to be considered and passed upon by the Senate.

I hope, therefore, that the Senator from Vermont will not insist on his motion, or, if he does, that the Senate will not sustain him, so that when the tariff bill shall be taken up for consideration we can proceed with it in the regular way until it is completed.

Mr. MORRILL. If we are to bring this session to a close at any early period, it is necessary that we should take up the most important bills that we have before us. My purpose was merely that this bill should be in order from and after the disposition of the bills in charge of the Senator from Maine, so that Senators who desire to speak at large upon the subject of the tariff should have an opportunity, and, if not, that we should go on as usual and act on amendments as the bill is read.

Mr. HARRIS. Will the Senator from Vermont allow me to ask him what he gains? I do not know of any opposition on either side of this Chamber to taking up the tariff bill for consideration. What is to be gained by taking it up at twelve and a half o'clock in the morning, when it goes down with the fall of the gavel at 2 and loses whatever it may have gained?

Mr. MORRILL. We shall gain the reading of the bill at least.

Mr. EDMUNDS. Let us have the regular order. Debate is not in order.

The PRESIDENT *pro tempore*. Debate is proceeding by unanimous consent.

Mr. EDMUNDS. I object to further debate.

The PRESIDENT *pro tempore*. The yeas and nays having been ordered on the question of proceeding to the consideration of the bill, the roll will be called.

The Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, I should vote "nay."

Mr. TURPIE (when his name was called). I inquire if the Senator from Minnesota [Mr. DAVIS] has voted?

The PRESIDENT *pro tempore*. He is not recorded.

Mr. TURPIE. I withhold my vote.

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER].

Mr. COKE (after having voted in the negative; when Mr. WASHBURN's name was called). The Senator from Minnesota [Mr. WASHBURN] is not here. I recall now the fact that I am paired with him. I therefore withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Texas withdraws his vote.

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON].

The roll-call was concluded.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "yea."

The result was announced—yeas 16, nays 24; as follows:

YEAS—16.			
Aldrich,	Farwell,	Hiscock,	Quay,
Allison,	Frye,	Morrill,	Sawyer,
Dixon,	Hale,	Platt,	Sherman,
Edmunds,	Hawley,	Pugh,	Stockbridge.
NAYS—24.			
Allen,	Cockrell,	Jones of Arkansas,	Reagan,
Barbour,	George,	Mitchell,	Squire,
Bate,	Gibson,	Pasco,	Stewart,
Berry,	Gorman,	Payne,	Teller,
Carlisle,	Hampton,	Plumb,	Vest,
Casey,	Harris,	Ransom,	Voorhees.
ABSENT—44.			
Blackburn,	Daniel,	Ingalls,	Power,
Blair,	Davis,	Jones of Nevada,	Sanders,
Blodgett,	Dawes,	Kenna,	Spooner,
Brown,	Dolph,	McMillan,	Stanford,
Butler,	Eustis,	McPherson,	Turpie,
Call,	Evarts,	Manderson,	Vance,
Cameron,	Faulkner,	Moody,	Walthall,
Chandler,	Gray,	Morgan,	Washburn,
Coke,	Hearst,	Paddock,	Wilson of Iowa,
Colquitt,	Higgins,	Pettigrew,	Wilson of Md.,
Cullom,	Hoar,	Pierce,	Wolcott.

The PRESIDENT *pro tempore*. The state of the vote disclosing the want of a quorum, the Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Faulkner,	Manderson,	Reagan,
Allison,	Frye,	Mitchell,	Sawyer,
Barbour,	George,	Morgan,	Sherman,
Bate,	Gibson,	Morrill,	Squire,
Berry,	Gorman,	Paddock,	Stewart,
Carlisle,	Hale,	Pasco,	Teller,
Casey,	Hampton,	Payne,	Turpie,
Cockrell,	Harris,	Pettigrew,	Vest,
Coke,	Hawley,	Platt,	Voorhees,
Dixon,	Hiscock,	Plumb,	Walthall,
Dolph,	Ingalls,	Pugh,	Wilson of Md.
Edmunds,	Jones of Arkansas,	Quay,	
Farwell,	Jones of Nevada,	Ransom,	

The PRESIDENT *pro tempore*. Fifty Senators having responded to their names, a quorum is present. If there be no objection, further proceedings under the roll-call will be dispensed with. The yeas and nays having been ordered on the question to proceed to the consideration of the tariff bill, so called, the roll will be called.

The Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, I should vote "nay."

Mr. PETTIGREW (when his name was called). I am paired with the Senator from Florida [Mr. CALL].

Mr. TURPIE (when his name was called). In the absence of the Senator from Minnesota [Mr. DAVIS], with whom I am paired, I withhold my vote.

Mr. COKE (when Mr. WASHBURN's name was called). I withhold my vote. I am paired with the Senator from Minnesota [Mr. WASHBURN].

The roll-call was concluded.

Mr. GEORGE. Has the senior Senator from New Hampshire [Mr. BLAIR] voted?

The PRESIDENT *pro tempore*. He is not recorded.

Mr. GEORGE (after having voted in the affirmative). I withdraw my vote, as I am paired with him.

The PRESIDENT *pro tempore*. The vote is withdrawn.

Mr. JONES, of Arkansas. Is the Senator from New York [Mr. HISCOCK] recorded?

The PRESIDENT *pro tempore*. He is not.

Mr. JONES of Arkansas. I withhold my vote. I am paired with that Senator.

Mr. MANDERSON. By an exchange of pairs the Senator from Wisconsin [Mr. SPOONER] is paired with the Senator from Kentucky [Mr. BLACKBURN], which leaves the Senator from Mississippi [Mr. WALTHALL] and myself at liberty to vote. I vote "yea."

Mr. HARRIS. I call the attention of the Senator from New York [Mr. HISCOCK] to the fact that the Senator from Arkansas [Mr. JONES] declined to vote a moment since because of his absence. Now the Senator from Arkansas is absent, I think.

Mr. HISCOCK. He is here.

Mr. JONES, of Arkansas. I vote "nay."

The result was announced—yeas 20, nays 23; as follows:

YEAS—20.			
Aldrich,	Edmunds,	Hawley,	Pugh,
Allison,	Farwell,	Hiscock,	Quay,
Davis,	Faulkner,	Manderson,	Sawyer,
Dixon,	Frye,	Morrill,	Sherman,
Dolph,	Hale,	Platt,	Stockbridge.
NAYS—23.			
Allen,	Gorman,	Payne,	Teller,
Bate,	Hampton,	Plumb,	Turpie,
Berry,	Harris,	Ransom,	Vest,
Carlisle,	Jones of Arkansas,	Reagan,	Voorhees,
Cockrell,	Mitchell,	Squire,	Walthall.
Gibson,	Pasco,	Stewart,	
ABSENT—41.			
Barbour,	Colquitt,	Ingalls,	Sanders,
Blackburn,	Cullom,	Jones of Nevada,	Spooner,
Blair,	Daniel,	Kenna,	Stanford,
Blodgett,	Dawes,	McMillan,	Vance,
Brown,	Eustis,	McPherson,	Washburn,
Butler,	Evarts,	Moody,	Wilson of Iowa,
Call,	George,	Morgan,	Wilson of Md.,
Cameron,	Gray,	Paddock,	Wolcott,
Casey,	Hearst,	Pettigrew,	
Chandler,	Higgins,	Pierce,	
Coke,	Hoar,	Power,	

So the motion was rejected.

The PRESIDENT *pro tempore*. The Secretary will report the first Order of Business under Rule VIII.

LAND COURT.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of the private land claims bill that was up the other day.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1042) to establish a United States land court, and to provide for the settlement of private land claims in certain States and Territories.

The Chief Clerk resumed the reading of the bill at the point where the reading stopped on Thursday last. The next amendment of the Committee on Private Land Claims was, in section 9, line 10, after "United States," to insert:

On any such appeal the Supreme Court shall retry the cause, as well the issues of fact as of law, and may take testimony in addition to that given in the court below, and may amend the record of the proceedings below as truth and justice may require; and on such retrial and hearing every question shall be open, and the decision of the Supreme Court thereon shall be final and conclusive.

The PRESIDENT *pro tempore*. The question is on the amendment.

Mr. HAWLEY. I wish the Senator from Vermont [Mr. EDMUNDS] could reconcile my vote, at least. This proposed amendment says:

On any such appeal the Supreme Court shall retry the cause, as well the issues of fact as of law, and may take testimony in addition to that given in the court below, and may amend the record of the proceedings below as truth and justice may require; and on such retrial and hearing every question shall be open.

If all these claims covered immense regions like the Maxwell grant, for example, perhaps hundreds of thousands of acres, nobody knows how much they are, it would not be a matter of so much consequence, but many of these cases involve comparatively small values, and it is provided here that after the United States shall have tried these causes in its own courts and with abundant counsel that the resources of the Government enable it to employ, an appeal may, within six months, be taken to the Supreme Court of the United States. That court is already four years behind in its business, and Congress gives no very encouraging indication of a purpose to relieve it by any proper organization or reorganization of the courts.

It is quite supposable that the landholder in the Territory down there who had obtained what he considered, or whose father had obtained what he considered, a perfect title from the Spanish or the Mexican Government, guaranteed to him by the treaty of Guadalupe Hidalgo, will be brought on an appeal to Washington that may involve two, three, or four thousand dollars, to wait four years for trial, and to find then every detail, even the most minute detail of facts is to be brought in question again here, and that he will be expected to bring his witnesses a thousand or fifteen hundred miles, more or less, and await the deliberate proceedings of this august tribunal at Washington.

To one who is not engaged in any of this business, and perhaps does not question it at all, this seems to be *prima facie* a provision of possibly very great injustice indeed.

Mr. STEWART. I should like to call the attention of the Senator from Connecticut a moment to section 16 of the bill, wherein the small holdings are provided for to be disposed of—

Mr. HAWLEY. I notice that the small holdings are provided for.

Mr. STEWART. I should like to say in regard to this that there are a few of these grants of immense magnitude, and their holders necessarily feel very anxious that they should have a full and perfect title. There is a grant in Arizona covering some 4,000,000 acres, and its holders have asked us to exclude Arizona from the bill; but the committee thought that it would be better to have the title settled, and that if there should be any miscarriage in the court below in regard to so important a matter it might be considered by the Supreme Court of the United States, and that by no possibility shall such an enormous grant as that be recognized without the fullest scrutiny and consideration by the highest judicial tribunal. There is a claim of title to an enormous grant, and there should be full opportunity to have it examined by the Supreme Court of the United States. It will not delay the proceeding really.

Mr. EDMUNDS. Mr. President—

Mr. HAWLEY. Will the Senator from Vermont allow me just a word in connection with what the Senator from Nevada has said?

Mr. EDMUNDS. Certainly.

Mr. HAWLEY. I call the Senator's attention, as he is about to speak upon the subject, to the fact that the saving section provides that only a man holding not exceeding 160 acres of land which he has held for twenty years next preceding, etc., may have his title decided by the court below without an appeal—a man holding 160 acres in Arizona or New Mexico. It is sometimes worth but a very small price with a little adobe cabin upon it. I do not think a man with a thousand acres would be reached.

Mr. EDMUNDS. The broad answer to my friend from Connecticut, whose solicitude I thoroughly share in to do right, is this: In the first place, if he will do me the honor to listen to me—

Mr. HAWLEY. I am listening.

Mr. EDMUNDS. This bill does not provide for people who claim to have perfect titles from the Mexican or Spanish Government, as it should not. It leaves the perfect titles, or people who pretend that they have perfect titles, on their own ancient footing, as all changes of territory between sovereigns always do. They can defend their rights in the courts if they have any, and if not they lose them. It only provides for the imperfect, the inchoate claims that the Spanish or Mexican Government would have been bound in honor and upon principles of public justice to recognize and make perfect. So all matters about people who claim that they have a good title already, all arguments of that kind have no application here, for they are not required or permitted to come into court at all.

In the second place, in regard to these open cases and in regard to disputed ones, it is only the appeal cases, of course, that the Supreme Court has to retry on either the facts or the law. When, therefore, the decision of the court below is so obviously just and so clear that neither party wishes to appeal, on our side under the protection of the Attorney-General protecting the public interests and the interests of the settlers and on the other side the claimants, that ends it.

Now as to cases that may be appealed, what is the state of the provision of this section? It is that the Supreme Court of the United States shall have precisely the same power and do precisely the same

thing that it does now in all equity cases from every State and Territory in the Union, with the addition that the Supreme Court of the United States may, if it see cause to do it, if any new discovered evidence comes, as it does in admiralty appeals or did until recently, procure that additional evidence if any shall appear. Therefore the retrial of the facts, unless additional evidence is to be taken, and then it is taken under commission and not by witnesses present in court, is not an occasion of delay. All that the Supreme Court does is to do precisely what it does in every equity cause that ever comes to its consideration, and that is not to be bound by the action of the court below as to what the fact is appearing upon the evidence sent up, but it has the right to rejudge all the action of that tribunal in its findings of fact, just as I repeat it does in every equity cause that comes to it at all.

Surely, then, there is no hardship upon claimants, and there is every security for an honest claimant who finds himself defeated in the court below upon a question of fact to have the misjudgment of the evidence by these judges reviewed by the Supreme Court, and to let the judges below know that that hangs over their heads. Of course the appeal comes up on the evidence taken in the court below; but if anything new is discovered, as in the famous California cases, newly discovered evidence (which under the California rule we applied in those old days; the Supreme Court could not open the case and retry it upon the facts), then it is within the mission of the court not to allow a fraud to be committed or injustice to be done when some subsequent evidence is before it that the court below is unable to get at. So it appears to me the provision is just exactly as it ought to be for justice and for safety.

Mr. MORGAN. Mr. President, the effect of this provision in this bill will be to transfer the trial of all causes of any importance that occur before this court from the place where they were first investigated to Washington City, and it will open a tremendous door for the employment of able and distinguished counsel here for reargument and retrial of causes that have been decided or ought to have been decided finally in the court below, the peculiar commission that we are here organizing to try cases of this kind.

An action of ejectment is tried in Alabama which involves a question of the construction of a statute of the United States. It comes to the supreme court of Alabama, involving a question of the construction of a statute of the United States. It comes to the supreme court of Alabama, and is tried and decided upon the record made in the circuit court of that State. Then it is brought here under the judiciary act by writ of error to the Supreme Court of the United States, and to-day, in the supreme court of Alabama and in the Supreme Court of the United States, the title to that tract of land is determined by the state of the facts presented in the record. The bill of exceptions being a part of the record, the adjudication of the court is final, without the resort to any new evidence or without opening up the case anew.

The same effect is produced if the question arises under a treaty between the United States and a foreign Government; as for instance in the case of Spanish grants in the State of Alabama and the States of Florida and Louisiana and elsewhere, the courts in all these cases during all the progress we have made in jurisprudence have been held competent to make a final decision upon the facts presented to them, competent to ascertain the facts that are presented to them, whether the courts are sitting in equity or whether they are sitting as common-law courts.

There is no reason why one of these contested Mexican land grants under the treaty of Guadalupe Hidalgo or the Gadsden treaty should be left open after it had been finally decided by the five judges that we create to hear and determine these causes which does not apply equally to an action of ejectment tried in the State of Alabama, that involves the question of a grant under a Spanish treaty or under a statute of the United States.

There ought to be a finality of decision, and it ought to be the business of the Congress of the United States in providing new jurisdictions to have the decision made final as soon as it can be done with due regard to justice and truth. But after the cause has been decided in this court of five judges, who are paid very large salaries and are supposed to be men of eminent ability—after it has been decided there as an equity cause upon the examination of witnesses in court, or upon the examination of witnesses by deposition or upon interrogatory and final decree is made by these five judges in the court below, an appeal is taken to the Supreme Court of the United States, and this bill provides or the amendment provides:

On any such appeal the Supreme Court shall retry the cause, as well the issues of fact as of law, and may take testimony in addition to that given in the court below, and may amend the record of the proceedings below as truth and justice may require; and on such retrial and hearing every question shall be open, and the decision of the Supreme Court thereon shall be final and conclusive.

The trial in the court below is thus made a mere preliminary proceeding. It is no more than the report of a committee of this body. It is not as much in dignity and in character according to this amendment to this bill as the report of a committee of this body upon the facts which may be brought in evidence before it upon an investigation ordered by the Senate. The case must come here and be tried *de novo* upon such evidence and under such forms of procedure as the Supreme

Court of the United States shall rule, and the decision in the court below upon a matter of fact or upon a matter of law creates not even a presumption in favor of its regularity or its authenticity or its judicial correctness, but it is brought here as if it had been originated in some committee or upon briefs of counsel or upon mere pleading without an intervening adjudication.

I maintain that is unnecessary in these cases, or, if it is necessary in these cases, it is equally necessary in every action of ejectment that is brought to try the title to a tract of land, it makes no difference where it comes from. If I could discern that there was any public necessity for this, if in the past experience of this country it could be demonstrated that causes failed of justice because the courts below were incompetent to try them, and then if I could anticipate that we are organizing a court of five judges who will be incompetent to try the case, so incompetent that their adjudication does not make any impression of a *prima facie* nature upon the merits of the controversy, then I might be induced to support the amendment, but otherwise I think I can not.

I repeat, sir, that the effect of this will be, whatever the purpose is, to transfer all the important litigation in respect of all these Spanish and Mexican grants to the city of Washington and to have them retried here from the ground up, not merely upon the evidence that was taken in the court below, but upon such new evidence as the parties see proper to bring before the Supreme Court.

I think that is rather a broad invitation to men of distinguished ability to go into the Supreme Court of the United States and get the control and trial of the land grants in all of these great Territories to the west of us. And, Mr. President, it is an injustice to the local bar. There are just as good lawyers, perhaps, out in the Territories of Arizona and New Mexico and in the States of Colorado and Nevada as there are in Washington. Nevertheless, after they have expended all of their labor upon a case, and after these five judges have adjudicated it, and after they have had an almost undefined sweep of testimony heretofore taken before surveyors-general and commissions and the like, after they have had the equitable right and the enlarged and extended equitable power to reach out for all manner of evidence that has heretofore been taken without any controversy about any tract of this land and the whole matter has been settled by a decree in equity in the court below, it comes here and is to be tried *de novo*.

There was a practice in admiralty which had its own peculiar foundation in reason which enabled the Supreme Court of the United States to bring in new evidence for the purpose of determining what was the right of the matter between libellants and defendants or intervenors in admiralty courts, but that was a peculiar practice in admiralty, and I have not heard of its existing in any equity cause or any common-law cause in any court.

Mr. EDMUNDS. Why, Mr. President, does the Senator mean to say that he does not know that every appeal in equity to the Supreme Court of the United States opens every question in the cause, fact as well as law?

Mr. MORGAN. But not to permit new evidence to be taken.

Mr. EDMUNDS. Ah, that is the very addition which, from the experience of the Supreme Court of the United States in the California land cases, the whole committee for the last ten years, including Judge Thurman and Judge Davis and all the great lights on the other side of the Chamber, who were chairmen of that committee, thought indispensable to the safety of the settler and of the United States against these enormous claims.

Mr. MORGAN. It is no more indispensable in that case than it is in every equity case, whether it involves title to land or title to personality or what not, or the enforcement of a trust or any other thing that falls within equity jurisdiction. If we are to put that provision into this bill to enable the Supreme Court of the United States to decide these causes upon evidence *de novo*, original testimony taken in that court after the parties had announced themselves ready for trial and had closed the matter in the court below, there is no reason why we should not extend the rule so as to include every equity cause that comes to the Supreme Court of the United States.

It is not to be assumed that injustice is going to be done in these land cases in the courts below, any more than it will be done in cases involving trusts or the administration of trusts or in cases falling within the equity jurisdiction of inferior courts, it makes no difference of what description they may be. There is no reason for supposing, not a reason that can be stated for supposing that the court below is going to be imposed upon in these land-grant cases any more than there is for supposing that the court below, the circuit court of the United States, for instance, will be imposed upon in an equity cause that may arise within its jurisdiction. But the logic of the position taken by the Senator from Vermont would compel him as chairman of the Judiciary Committee to make a general provision by law applicable to all equity causes whereby the Supreme Court of the United States might open the cases *de novo*, which it has not now the right to do.

Very true, Mr. President, when an appeal is brought from a circuit court of the United States to the Supreme Court the case stands upon the record as if no opinion had been pronounced except the weight of

the conclusion of the court below upon matters of doubt. The Supreme Court always gives the benefit of the doubt to the court below. In a case, for instance, where a jury has been called in a court of equity, as may be done, and the facts submitted for the finding of the jury have been embodied in the record and a verdict thereupon pronounced, the Supreme Court of the United States in consideration of that case upon an appeal would not set aside the verdict of that jury and disregard it unless it was a plain case of the abuse of power by the jury or a plain case of a mistake of the facts, and even then the court would find itself very much embarrassed in undertaking to set aside the verdict of a jury. So in regard to disputed facts found in the record, where the evidence is conflicting and where it is not very clear, the decision reached by the court below is always regarded upon appeal by the Supreme Court as being a decision in favor of the truth, and the Supreme Court will not reverse and overturn that decision unless it feels constrained to do so by the weight of testimony that it can not avoid.

Now, in this bill no jury trial is provided for at all that I see, and that is one of the defects of the bill. If there is any case that can arise in any court in the United States where the benefit of a jury trial upon the facts of the case is demanded, where the jury can have the benefit of looking at the witnesses who are called to confront them and have twelve honest men to determine upon their credibility, it is the class of cases to which this bill relates. But there is no jury trial provided for here. On the contrary, all the ordinary instrumentalities of ascertaining the truth are utterly discarded by this bill, and after the court below, whether with a jury or without a jury, has gone on to ascertain and determine the facts, and perhaps after the witnesses themselves who testified are dead and gone, the case being brought here any time within three years upon an appeal to the Supreme Court of the United States after the decision, the whole case stands open upon the record, just as if no judicial court had ever passed upon its merits.

Mr. President, it will take a strong case of apparent necessity in reaching the demands and decrees of justice to cause me to vote for a proposition like that, which keeps a case entirely untried, entirely open, after it has passed through all the expensive procedure of the court below, when it gets to the Supreme Court of the United States. No case will ever be tried of any consequence outside of the Supreme Court of the United States under this bill. It is a bill to provide for the control of causes upon evidence taken in the first instance in the Supreme Court of the United States. That is the object of it, the evident purpose of it, and I repeat it will take a strong statement to induce me to vote for it, and then I should be under serious apprehensions that the law was going to be abused, that the injustice of long delay would be visited upon those litigants who are unable to bear the expense of coming here and hiring counsel, after they had gained their cases in the court below, to stand by them and see that they are not broken up and destroyed and all the labor they have done thrown away by some new kink put in the case by some eminent counsel in Washington City.

What is the condition of a man who is fighting one of those Spanish grants out there, who has, as was stated the other day, reared his family upon that soil, who has been there for twenty or thirty years, but who can not plead the right of prescription, who has accumulated around him the fruit of toil, who has fought against the desert and the winds, and who has maintained himself to a degree that he can support his family there? He is sued by one of claimants. He defends his case at home; he can employ counsel there cheaper than he can in Washington City. He maintains his defense, the case comes up here and it all stands open, and the plaintiff in the action, the owner of a great land grant, the corporation or the syndicate—for the country is full of them—begins to summon witnesses here and examine them in the Supreme Court of the United States or before some commissioner.

The Supreme Court of the United States can not stop the business of this country to go in and give a trial *de novo* to every case that comes before it of this character. It can not sit and hear the witnesses sworn and examined and their credibility tested by cross-examination, as is done in the courts below. It can not summon a jury, perhaps for the purpose of assisting it in its deliberations and passing upon the honesty and integrity and credibility and fairness of the witnesses who are brought here. But this man must have the case tried a second time from the root, and the testimony which will be taken must be taken under some commission issued by the Supreme Court to some commissioner to have answers made to the questions or to take depositions. The man finds himself in the power of the appellant. Having beaten him in the court below, he finds himself now in the power of the appellant, and he must come here and hire lawyers at great expense merely to try the case that before that time has been tried by five judges that we appoint here at enormous salaries. So I object to this amendment.

Mr. HAWLEY. The Senator from Vermont informs me that no question is raised concerning a lot of land held by an undisputed title. Who knows that it is an undisputed title? The tenant holds that it is, but section 6 says:

That it shall and may be lawful for any person or persons or corporation, or their legal representatives, claiming lands within the limits of the territory derived by the United States from the Republic of Mexico and now embraced within the Territories of New Mexico, Wyoming, Arizona, or Utah, or within the States of Nevada or of Colorado—

It shall be lawful for any person—

to present a petition, in writing, to the said court in the State or Territory where said land is situated and where the said court holds its sessions, etc.

So I see no limitation, I see nothing provided for here which justifies what the Senator says. Whoever is in possession, and however long he may have been in possession, if a stranger comes there and sets up an adverse claim he must go into a defense, to a lawsuit. But we are told that the small holders are protected by section 16, on page 21, which says not the holders of only 160 acres shall be left unprotected, but that the surveyor shall make a resurvey of such tracts and that the surveyor "shall return with his survey the name or names of all persons so found to be in possession, with a proper description of the tract in the possession of each as shown by the survey, and the proofs furnished to him of such possession." Then—

Upon receipt of such survey and proofs the Commissioner of the General Land Office shall cause careful investigation to be made in such manner as he shall deem necessary for the ascertainment of the truth in respect of such claim and occupation, and if satisfied upon such investigation that the claimant comes within the provisions of this section, he shall cause patents to be issued to the parties so found to be in possession for the tracts respectively claimed by them.

Then it provides further:

That no person shall be entitled to confirmation of, or to patent for, more than one tract in his own right by virtue of this section.

And it is provided further:

That this section shall not apply to any city lot, town lot, village lot, farm lot, or pasture lot held under a grant from any corporation or town the claim to which may fall within the provisions of section 9 of this act.

Mr. EDMUNDS. It provides for all those being taken in a lump to save expense. And while I am up, Mr. President, I wish to say to the Senator that if he had done me the grace to read on page 7 two or three lines further down in section 6 than he did—he got to lines 11 and 12 and there stopped—he would have seen that it adds:

And which have not become complete and perfect, in every such case to present a petition, etc.

Mr. TELLER. I would ask the Senator what he means by "complete and perfect." I have had some experience in that question and I do not know what the words mean.

Mr. HAWLEY. That is the very question in issue, whether the title "has become complete and perfect."

Mr. EDMUNDS. This language is borrowed almost literally, and I do not know but literally, from about the first act that Congress ever passed in regard to Louisiana, the first territory acquired from France, in providing a court of land commissioners to try land titles down there and perfect those that were not perfect, and providing that those who had what they claimed to be good titles need not be obliged to come in, but the people who were appealing to the Government for political grace and political justice in the sense of having got a right which had not yet given them a perfect title, like entering lands under our land laws before the man has proved up and finished the perfecting of his claim, then his claim is not complete and perfect, and Congress, I think in the very first act, used in substance the same language, so as to leave the people who were the owners of titles which they were willing to regard as perfect derived from the former government not to be obliged to come in.

It is like (to take what may be an impossible illustration) the case of Canada being annexed to the United States, and we provided in the treaty of annexation that all the land titles in Canada should be respected, and as to those that had not become perfect under the Canadian Government they should be made perfect by the United States just as they would have been by the British or Canadian Government if the annexation had not taken place. To hold that every owner of land or lots in the city of Montreal, every private owner who had a good title should be obliged to go through the courts again, would be extremely unjust, because the common law, the universal law, provides for all those; and it is only those who wish to get the help of the United States to make good a title which they admit by coming in is not good already, but which the United States are bound upon the principles of the treaty where we promised to do it and pledged our faith to do it, to make good, they being the people whose titles we agreed to make good if we found that they had a right.

Mr. HAWLEY. The Senator does not help me very much. I know very well that under the language of this section, after the title has been confirmed by act of Congress or otherwise finally decided upon by lawful authority, the people are not very likely to bring suit if the record shows that the matter has been already decided. But there are men in possession of lands here that they got from their fathers before them, whose titles have never been confirmed by an act of Congress nor have they ever received the approval of any court of justice.

Mr. EDMUNDS. The treaty itself confirms every title that was a good title under the Mexican Government.

Mr. HAWLEY. But here is an act which says that anybody may bring suit on his claim where the title is not perfect, and then the case is coming into court. The possessor may rest in perfect calmness and certainty that he has a good title, but here is an interloper coming in to say that he has a good title.

Mr. EDMUNDS. Not at all.

Mr. HAWLEY. The bill says any person claiming land may make his petition. Here is another thing I do not quite understand. It says:

Seventh. No confirmation shall in any case be made or patent issued for a greater quantity than 11 square leagues of land.

I do not know why that is in there. I can not imagine. It was the old-fashioned limitation to 11 leagues. It was the old fashion before 1824 for Spaniards to give very generous grants of land that they did not know much about, supposed to be worth but very little except for herders, and where a man to have anything at all must have a great area. Before 1824 grants of more than 11 leagues were perfectly in order under Spanish and Mexican law, but in 1824 I believe a limitation was made so that grants thereafter should not include more than 10 leagues, and taking that history, these grants being lawful before 1824, and the smaller grants afterwards, we agreed in the treaty of Guadalupe Hidalgo to guaranty whatever Spain and Mexico had done. Now we come in with a limitation not found in that treaty.

Mr. EDMUNDS. I merely wish to say a word on the 11-league question, which does not come in here to be sure, but I may as well state what the committee have always thought about that.

It is to be borne in mind all the time in respect of the class of lands mentioned in this bill, as to which the Mexican and Spanish Governments had not given a good title, but only in respect of which inchoate rights or claims had begun and which had to appeal to the equity and justice of the Government under which the claim was made to perfect it, that in executing that duty under the treaty of Guadalupe Hidalgo we felt that the United States would be perfectly justified in respect of these uncertain and inchoate, merely started claims, to limit them, as the Government of Spain and as the Government of Mexico would have had the duty and the right before the proceeding was completed and the title had become perfect to limit the amount of land that could go in that way. After a man had taken the first step to get a grant of 10,000 leagues, if you please, it would be perfectly competent for the king to change his regulations and provide that his officers should not confirm a grant of more than 11 leagues.

So in general the old Spanish laws provided that there should be limitations greater or smaller in all these grants, and of course in all of them that there should be a final confirmation by a tribunal appointed by the king, and having large authority, and being composed of very high officers, to see that the grant was not too large, that it did not crowd upon the Indians, that it did not defeat any other just right and squeeze off any settler—very proper and suitable regulations. Now, following the spirit of that, we have thought these laws in making those provisions should limit it to what the Mexicans did as soon as they got their independence and got established, that in no case should any grant be confirmed exceeding 11 square leagues. I think that is right.

Mr. TELLER. I should like to inquire of the Senator from Vermont if he can call the attention of the Senate to any orders of the kings of Spain limiting the grants.

Mr. EDMUNDS. I can not at this present moment, for I have not the book here.

Mr. TELLER. Can the Senator at any time?

Mr. EDMUNDS. I think so.

Mr. TELLER. I venture to say the Senator will find that a very difficult problem. That matter was a matter of discretion with certain officers of the Crown, left entirely to them, and when they put a man in juridical possession that was the end of the controversy.

Mr. EDMUNDS. That made a perfect title.

Mr. TELLER. That made a perfect title, and that is the condition of all these lands in Arizona; that is a valid title, because the Supreme Court has declared that that was necessary, and the Government of the United States has never recognized any titles except those where there was juridical possession or a good excuse for not having the possession taken. There has been some exception where there have been depredations or Indian wars or something by reason of which the possession would not be taken by the grantee. Aside from that they have exacted always that possession should be taken.

Mr. EDMUNDS. The Supreme Court has decided under the law that such a man had a good title, and the California land claim commission and the Louisiana commission and all the succession from the time we first obtained the Louisiana grant from France have given to everybody who proved that he had made his first start in good faith, although he had not his juridical possession, a perfect title, such as the former Government would have gone on and given if the sovereignty had not changed.

Mr. TELLER. That is true. Wherever they found that there was a condition of affairs where the Mexican Government or the Spanish Government would have completed the title where the steps were regular up to that point, they had to go on; but all the grants in California, in Arizona, and in New Mexico have been subject to revision of the United States, and the Supreme Court has never made any distinction between complete grants and incomplete grants. The Supreme Court has declared that it was not an interference with the right and not a violation of the treaty to require that the owners of complete titles, perfect titles, should submit the evidence of their titles to the tribunals

established by the United States. A great many people believed that that was a violation of the treaty, where those who held a complete title and the grantee had taken every step that was required by the Mexican or Spanish Government, and would have been under the necessity of taking no further step, that that was an infringement of the terms of the treaty to require him to establish further his title. The Supreme Court said it was not; so that really there is no distinction between a completed and an uncompleted title, and those words in this bill mean nothing at all.

Mr. GIBSON. I inquire of the Senator from Vermont whether the provisions of this bill apply to all the claims within the territory acquired by the United States from Spain or France.

Mr. EDMUNDS. It applies to those within the Territories named and in the States named, but it does not apply to Louisiana.

Mr. GIBSON. It does not apply to Louisiana or Arkansas or Alabama or Florida.

Mr. EDMUNDS. No.

Mr. TELLER. I should like to state that while it applies to claims in the State of Colorado, it is of no especial value because, I believe, every grant in that State has been confirmed.

Mr. EDMUNDS. That is only named because part of it is in the area derived from Mexico.

Mr. TELLER. I understand it is only because it is within the area we derived from Mexico.

Mr. EDMUNDS. That is all.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The question is on the amendment of the Committee on Private Land Claims.

Mr. MORGAN. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. COCKRELL. Let the amendment be reported.

The SECRETARY. On page 11, section 9, line 10, after "United States," it is proposed to insert:

On any such appeal the Supreme Court shall retry the cause, as well the issues of fact as of law, and may take testimony in addition to that given in the court below, and may amend the record of the proceedings below as truth and justice may require; and on such retrial and hearing every question shall be open, and the decision of the Supreme Court thereon shall be final and conclusive.

The Secretary proceeded to call the roll.

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER], and the Senator from Nebraska [Mr. MANDERSON], who is now in the chair, is paired with the Senator from Kentucky [Mr. BLACKBURN]. It has been arranged to exchange those pairs, and I vote "yea."

Mr. COKE (when Mr. WASHBURN's name was called). I am paired with the Senator from Minnesota [Mr. WASHBURN].

The roll-call was concluded.

Mr. FAULKNER. I desire to state that my colleague [Mr. KENNA] is detained from the Senate by reason of sickness, and is paired with the Senator from Colorado [Mr. WOLCOTT].

Mr. GEORGE. I am paired with the Senator from New Hampshire [Mr. BLAIR].

Mr. MORGAN. I am paired with the Senator from New York [Mr. EVARTS].

Mr. PADDOCK. I am informed by the friends of the Senator from Louisiana [Mr. EUSTIS], with whom I am paired, that it will be agreeable to him if I vote on this question. I therefore vote "yea."

The result was then announced—yeas 32, nays 11; as follows:

YEAS—32.

Allen,	Dixon,	Hiscock,	Ransom,
Barbour,	Dolph,	Jones of Nevada,	Reagan,
Berry,	Edmunds,	Manderson,	Stewart,
Casey,	Farwell,	Moody,	Stockbridge,
Cockrell,	Frye,	Pasco,	Turpie,
Colquitt,	Gibson,	Payne,	Vest,
Cullom,	Hale,	Pettigrew,	Voorhees,
Davis,	Hampton,	Platt,	Walthall,

NAYS—11.

Bate,	Hawley,	Paddock,	Sawyer,
Faulkner,	Jones of Arkansas,	Plumb,	Teller,
Harris,	Mitchell,	Pugh,	

ABSENT—41.

Aldrich,	Coke,	Ingalls,	Spooner,
Allison,	Daniel,	Kenna,	Squire,
Blackburn,	Dawes,	McMillan,	Stanford,
Blair,	Eustis,	McPherson,	Vance,
Blodgett,	Evarts,	Morgan,	Washburn,
Brown,	George,	Morrill,	Wilson of Iowa,
Butler,	Gorman,	Pierce,	Wilson of Md.,
Call,	Gray,	Power,	Wolcott,
Cameron,	Hearst,	Quay,	
Carlisle,	Higgins,	Sanders,	
Chandler,	Hoar,	Sherman,	

So the amendment was agreed to.

The PRESIDING OFFICER. The reading of the bill will be resumed.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Private Land Claims was, in section 9, line 22,

after the word "a," to strike out the word "concise" and insert "clear;" so as to make the clause read:

Upon the rendition of any judgment of the court confirming any claim it shall be the duty of the attorney of the United States to notify the Attorney-General, in writing, of such judgment, giving him a clear statement of the case and the points decided by the court.

The amendment was agreed to.

The next amendment was, on page 12, section 9, line 23, after the word "court," to insert:

Which statement shall be verified by the certificate of the presiding judge of said court; and in any case in which such statement shall not be received by the Attorney-General within sixty days next after the rendition of such judgment, the right of appeal on the part of the United States shall continue to exist until six months next after the receipt of such statement.

The amendment was agreed to.

The next amendment was, in section 10, line 1, after the word "confirmation," to strike out "rendered by said court;" in line 2, after the word "final," to strike out "either by the failure of the United States to appeal therefrom, or by its affirmance by the Supreme Court," and in line 4, after the word "court," to insert the words "in which the final decision shall be had;" so as to read:

SEC. 10. That whenever any decision of confirmation shall become final, the clerk of the court in which the final decision shall be had shall certify that fact to the Commissioner of the General Land Office, with a copy of the decree of confirmation, which shall plainly state the location, boundaries, and area of the tract confirmed, etc.

The amendment was agreed to.

The Secretary resumed the reading of the bill.

The PRESIDING OFFICER. The Secretary calls the attention of the Chair, who calls the attention of the Senator from Vermont, to an apparent omission in line 14; the word "the" should be inserted before the word "same."

Mr. EDMUNDS. Yes; it should. I thank the Secretary very much.

The PRESIDING OFFICER. The word "the" will be inserted, if there be no objection.

The Secretary continued the reading of the bill to line 24 on page 13.

The PRESIDING OFFICER. Also, on page 13, section 10, line 24, the word "the" should be inserted before the word "same."

Mr. EDMUNDS. Yes, that is true.

The PRESIDING OFFICER. That change will be made.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Private Land Claims was, in section 10, line 41, after the word "court," to insert "in which the final decision was made;" so as to read:

At the expiration of the said ninety days the surveyor-general shall forward such survey, with the objections and proofs filed in support of or in opposition to such objections, and his report thereon, to the Commissioner of the General Land Office. Immediately upon receipt of any such survey, with or without objections thereto, the said Commissioner shall transmit the same, with all accompanying papers, to the court in which the final decision was made for its examination of the survey and of any objections and proofs that may have been filed, or shall be furnished.

The amendment was agreed to.

The next amendment was, in section 10, line 51, after the word "shall," to strike out "forthwith" and insert "as soon as may be;" so as to read:

When any survey is finally approved by the court it shall be returned to the Commissioner of the General Land Office, who shall as soon as may be cause a patent to be issued thereon to the claimant.

The amendment was agreed to.

The next amendment was, in section 10, beginning in line 52, to strike out the following clause:

The Commissioner of the General Land Office shall also transmit to said court for its examination all surveys of private land claims, with the accompanying papers, in the States and Territories to which this act is applicable now pending in his office, together with all surveys of private land claims in said States and Territories heretofore confirmed which he shall hereafter receive, and the court shall have the same jurisdiction of such surveys as it has of surveys confirmed under the provisions of this act.

And in lieu thereof to insert:

One-half of the necessary expenses of making the survey and plat provided for in this section, and in respect of which a patent shall be ordered to be issued, shall be paid by the claimant or patentee, and shall be a lien on said land, which may be enforced by the sale of so much thereof as may be necessary for that purpose, after a default of payment thereof for six months next after the approval of such survey and plat; and no patent shall issue until such payment.

The amendment was agreed to.

The next amendment was, in section 11, line 2, after the words "pasture lot," to strike out "held under a grant from any corporation or town" and insert "claimed directly or mediately under;" and in line 5, after the word "confirmation," to strike out "under this Government" and insert "by the United States;" so as to read:

That the provisions of this act shall extend to any city lot, town lot, village lot, farm lot, or pasture lot claimed directly or mediately under any grant which may be entitled to confirmation by the United States, for the establishment of a city, town, or village, by the Spanish or Mexican Government, or the lawful authorities thereof.

The amendment was agreed to.

The Secretary read to the end of section 11.

Mr. PLUMB. I want to call attention to section 11, which has just been read. I spoke to the Senator from Vermont about it a few moments ago. It seems to me there are cases down in New Mexico which this

section does not meet. It must be remembered that there are a very considerable number of persons who are in possession of small tracts of land which form villages in fact, but of which to require any burden of cost or to necessitate the employment of attorneys and going into court is of itself a very considerable obstruction. I doubt very much whether under this section all the cases would be met.

I also want to call attention to another section of the bill in connection with this in a moment, but in the mean while I will state that this section provides that the lawful authorities of the village may make proof for all the members, and that in the event of there being no lawful authorities, or where the land was originally granted to an individual, his claims shall be presented by or in the name of said individual or his legal representatives. I think there are villages in New Mexico practically occupying village grants, as known under the Spanish law, where there are no village authorities, and communal grants where there is no person and no arrangement whereby any person could be constituted to represent the community in a proceeding of this kind.

I made to the Senator from Vermont privately a moment ago a suggestion that in cases of this sort the court might be authorized to appoint a trustee or some other person in whose name this proceeding might be carried on in such a way as to be inexpensive, and yet at the same time to certainly result in the confirmation of the grant, with such other method of determining the individual holdings of each member of the community as might be necessary under all the circumstances. It is a power which the court has to exercise in a friendly way. I should very much hope that whatever court came to decide the duties devolved upon it by this bill, if it should ever become a law, would not feel that all of this character of people or any of them in point of fact held adverse to the United States in such a way as to require the court to look upon them with disfavor, or to do other than to give them the greatest possible assistance in obtaining their titles.

In connection with the eleventh section I desire to call attention to the fact that in section 16 a certain duty is devolved upon the deputy surveyor who may hereafter make surveys in these Territories, and upon the Commissioner of the General Land Office, which seems to be, if not in conflict with section 11, at the same time to provide a different remedy for what may be the same class of cases.

I know the Senator from Vermont is in entire sympathy with the general view which I have expressed about these people. A man who owns or claims to own a grant covering ten, fifteen, twenty, or fifty thousand acres of land can be safely left to take care of himself. They are not the people I have especially in mind about this legislation. Most of them have had the good fortune by means of their diligence heretofore not only to have their claims confirmed by act of Congress, but at the same time to get a great deal of land that they were never entitled to at all.

Mr. TELLER. Adjoining land.

Mr. PLUMB. Yes, as the Senator from Colorado says, some adjoining land.

Mr. EDMUNDS. I will tell my friend that they have not had any confirmed by act of Congress for the last twelve years.

Mr. PLUMB. I understand that. There is one exception. Since I have been a member of this body, more than thirteen years, one claim amounting to about 50,000 acres was confirmed.

Mr. EDMUNDS. Not from the Committee on Private Land Claims.

Mr. PLUMB. It was from the Committee on Private Land Claims. I think I am quite sure about that. I will look it up, however.

Mr. EDMUNDS. I think I remember it. I was absent at that time. Very likely it was a correct claim.

Mr. PLUMB. I think so. At all events, in view of certain claims which have been confirmed, it could be said to be an indication of the justice of the claim from the fact that only about 50,000 acres were confirmed, as I now remember. But here are a class of people who went on these lands under the law of Mexico, or under the custom then prevailing, who occupied only the smallest tracts of land, a few acres in extent, and remained there generation after generation until now, and it would be a piece of infamy if the Congress of the United States in providing for the larger claims should in any wise so legislate as either to prevent any one of these holders of small tracts of land from getting possession and getting it practically without cost. If there may be any point over which doubts are to be resolved in this bill, I should be in favor as to these people of making it perfectly certain that there shall be no form of law and no strictness of ruling required of the court which shall in any way except any one of these people from obtaining in the quickest and cheapest possible way exactly what he is entitled to by reason of his long continued possession.

Mr. EDMUNDS obtained the floor.

Mr. MORGAN. Will the Senator from Kansas allow me to ask him a question before he takes his seat? Let me ask him if he understands that this bill provides for any petition to be filed or presented by any other person than one claiming under a grant from Spain or Mexico.

Mr. PLUMB. I do not. It must be held under a grant, or, I understand, under such custom as would have entitled the person in the event jurisdiction had remained in Mexico to have received his title from that Government. But if it does not provide for a class of cases

where they might not have been so entitled, then it ought in the case of these small landholders.

Mr. RANSOM. It provides for the small holders.

Mr. PLUMB. There are in the Rio Grande Valley below Albuquerque, and perhaps at various other points in that valley and at other points in other valleys of the Territory, a very considerable number of people who went upon the land under the condition of things then existing, expecting to get title, and who, whether they were in the exact line of the law of Mexico in regard to the acquisition of title or not, have the strongest possible claim upon our sense of justice.

Mr. MORGAN. The point I wanted to call the attention of the Senator to—

Mr. EDMUNDS. The Senator will pardon me, as I have only three minutes and I want to reply to the Senator from Kansas now.

The PRESIDING OFFICER. The Senator from Vermont has been recognized by the Chair and declines to yield.

Mr. EDMUNDS. I want to respond to my friend from Kansas that I agree with his sentiments entirely, and I think I can convince him when I have ten minutes of time or less, and everybody else, that the two sections to which he has referred do exactly the thing that he wishes to do, and in the cheapest possible way; and we framed the eleventh section and the sixteenth section with that view. The eleventh section applies to what was called a communal grant; that was a grant to a settlement which was to set up a town and keep a town, and annexed to that town was a vast common of pasturage, going to a mountain, sometimes taking in probably 100 square leagues. In some of those cases the towns and communes have long since entirely disappeared, and the original settlers and their children have gone away and taken up other settlements, or died, and nobody knows what has become of them.

There came before the Committee on Private Land Claims before we framed these two provisions a very large claim, a communal claim represented by the kind of counsel the Senator from Alabama [Mr. MORGAN] has so strongly spoken of, very eminent counsel, claiming that they had found the heirs of some of these ancient communes and that those heirs would represent the whole commune, and they had a grant from the heirs, and they wanted us to confirm this original communal grant from the King of Spain or the Mexican Republic, whichever it was, and all the outlying pasture lands, amounting in that instance to hundreds of square leagues. I remember that Judge Thurman, I think it was, was the chairman of the committee at that time, or Judge Davis, one or the other of them, and when he came to find out exactly what the point was, the eminent counsel got very small comfort, because we did not intend that somebody should go and hunt up some name to give a grant for a commune where there was nobody settled now, and buy up that from the supposed heir, *prima facie* the heir because of the same name as a person who had lived there a great while, and come in and get Congress to confirm that vast tract of land for the speculator. We therefore made the provision of section 11.

The PRESIDING OFFICER. The Senator from Vermont will please suspend. The hour of 2 o'clock has arrived, and the Chair lays before the Senate the unfinished business.

Mr. EDMUNDS. Will my friend from Maine give me one minute?

Mr. FRYE. I ask that the unfinished business be informally laid aside until the Senator from Vermont finishes.

Mr. EDMUNDS. I ask for only two minutes.

The PRESIDING OFFICER. The title of the unfinished business will be stated.

The CHIEF CLERK. A bill (S. 3738) to place the American merchant marine, engaged in foreign trade, upon an equality with that of other nations.

The PRESIDING OFFICER. The unfinished business will be informally laid aside by unanimous consent, and the Senator from Vermont will proceed.

Mr. EDMUNDS. So we required by section 11 that these communal grants should be represented by an existing commune; that is, the town, city, or village that occupied the original location, so as not to let a speculator come in and take up the abandoned villages, of which there are a great many in these hundreds of years.

Mr. TELLER. Suppose they are not incorporated?

Mr. EDMUNDS. Then to provide for those actual descendants of that commune, or anybody else who has settled where there was the commune, or settled anywhere else and has been in for twenty years, the sixteenth section comes in and gives him a short way out without proving any claim at all except his possession.

Mr. TELLER. If the Senator will allow me, I suggest to him that he will have to reform section 16 somewhat, I think. It provides "that in township surveys hereafter to be made," etc. It does not apply to those cases where surveys have already been made.

Mr. EDMUNDS. If there is any fault of that kind in structure it is subject to correction.

Mr. TELLER. I ask the Senator to look at that. Certainly it ought to include former surveys.

Mr. PLUMB. It leaves them to the accident, too, of being discovered by the county surveyor.

Mr. TELLER. There ought to be some way in which they may be heard.

Mr. PLUMB. The surveyor ought to see these people and proffer them title, and take the most careful and detailed means to see that all of them are brought into court, or wherever else it is necessary, at the expense of the Government if need be, in order that they may get their title long before the cupidity of any outsider may be attracted to their holdings.

Mr. EDMUNDS. That is exactly our provision in respect of these small settlers up to 160 acres. It does not require them to prove any title or go to the trouble of proving it in court. They go to the surveyor, the deputy surveyor, or Commissioner of the General Land Office, just like a homesteader on a pre-emption and prove up their claim. If there is anything further that is wanted in that section, which I did not draw myself, in respect of these actual settlers on their small holdings, no matter whose claim it is, I am most glad to help them do it.

Mr. DOLPH. I should like to suggest to the Senator that as the sixteenth section is now drawn it only affects those hereafter discovered by new surveys, and it ought to be so amended as to take in all this class of people.

Mr. EDMUNDS. Who are actual settlers?

Mr. PLUMB. Who are actual settlers living on this land. As I said to the Senator, many of these people are ignorant; many of them do not speak our language, and they know nothing about their title. Some of them have been there from time immemorial and they ought to be protected in their small holdings.

Mr. EDMUNDS. Most certainly.

Mr. FRYE. Mr. President—

Mr. DOLPH. I ask the Senator to yield to me while I submit an amendment which I shall propose to section 14 of the bill, and which I submit now by way of suggestion to the committee.

Mr. EDMUNDS. Let it be read and printed.

Mr. MORGAN. Let it be read.

The PRESIDING OFFICER. The amendment proposed by the Senator from Oregon will be read.

The CHIEF CLERK. Strike out all of section 14 after the word "thereupon," in line 9 of the section, and insert:

Such claimants or their legal representatives shall be entitled to receive as full consideration for the lands so released the sum of \$1.25 per acre, which sum shall be paid to him or them by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, upon the certificate of the Secretary of the Interior.

Mr. REAGAN. If the Senator will allow me, I want to present two amendments to the land bill, and I ask that they may be printed by the time it comes up again.

The PRESIDING OFFICER. The amendments will be received and printed.

Mr. REAGAN. I expect they had better be read.

The PRESIDING OFFICER. They will be read.

The CHIEF CLERK. Amend section 13, page 17, by inserting after the word "perfect," in line 12, the following:

But no mere concession by either of said Governments of the right to obtain title to the land claimed, or survey of the same, with the conditions on which it was to be obtained unfulfilled, shall be deemed such a title as should be so confirmed, as where there has been no occupation or survey of the land and no payment of the public dues necessary to obtain the title to the same.

Mr. REAGAN. I ask that the other amendment I propose to offer be read.

The PRESIDING OFFICER. It will be read.

The CHIEF CLERK. It is proposed to amend section 16, page 21, lines 7, 8, and 9, by striking out the words "residing thereon as his home, of any tract of land of not exceeding 160 acres in such township, for twenty years" and in lieu thereof to insert:

Of any tract of land, cultivating the same or some part thereof, not exceeding 160 acres, in any such township for twenty years next preceding the time of making such survey without title to said lands, and any person, his ancestors or grantors who shall have had like peaceable, uninterrupted, adverse, and bona fide possession of any tract of land of whatever size, cultivating the same or some part thereof in any such township with boundaries known and recognized in the neighborhood where such land may be situated for a like period of twenty years, though there be no written title therefor.

UNITED STATES ELECTION LAWS.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. 11045) to amend and supplement the election laws of the United States, and to provide for the more efficient enforcement of such laws, and for other purposes; in which it requested the concurrence of the Senate.

Mr. FRYE. I ask that what is known as the House election bill, which has just been sent over to the Senate, may lie on the table until the return of the Senator from Massachusetts [Mr. HOAR], the chairman of the Committee on Privileges and Elections. He desired that to be done when he went away.

The bill (H. R. 11045) to amend and supplement the election laws of the United States, and to provide for the more efficient enforcement of such laws, and for other purposes, was read twice by its title, and ordered to lie on the table.

TREASURY NOTES—SILVER BULLION.

Mr. SHERMAN. I present a conference report, which I will ask to have read and lie over until to-morrow.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5381) directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments to said bill and agree to the following in the nature of a substitute: Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury is hereby directed to purchase, from time to time, silver bullion to the aggregate amount of 4,500,000 ounces, or so much thereof as may be offered in each month, at the market price thereof, not exceeding \$1 for 371.25 grains of pure silver, and to issue in payment for such purchases of silver bullion Treasury notes of the United States to be prepared by the Secretary of the Treasury, in such form and of such denominations, not less than \$1 nor more than \$1,000, as he may prescribe, and a sum sufficient to carry into effect the provisions of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated.

"SEC. 2. That the Treasury notes issued in accordance with the provisions of this act shall be redeemable on demand, in coin, at the Treasury of the United States or at the office of any assistant treasurer of the United States, and when so redeemed may be reissued; but no greater or less amount of such notes shall be outstanding at any time than the cost of the silver bullion, and the standard silver dollars coined therefrom, then held in the Treasury purchased by such notes; and such Treasury notes shall be a legal tender in payment of all debts, public and private, except where otherwise expressly stipulated in the contract, and shall be receivable for customs, taxes, and all public dues, and when so received may be reissued; and such notes, when held by any national-banking association, may be counted as a part of its lawful reserve. That upon demand of the holder of any of the Treasury notes herein provided for the Secretary of the Treasury shall, under such regulations as he may prescribe, redeem such notes in gold or silver coin, at his discretion, it being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio, or such ratio as may be provided by law.

"SEC. 3. That the Secretary of the Treasury shall each month coin 2,000,000 ounces of the silver bullion purchased under the provisions of this act into standard silver dollars until the 1st day of July, 1891, and after that time he shall coin of the silver bullion purchased under the provisions of this act as much as may be necessary to provide for the redemption of the Treasury notes herein provided for, and any gain or seigniorage arising from such coinage shall be accounted for and paid into the Treasury.

"SEC. 4. That the silver bullion purchased under the provisions of this act shall be subject to the requirements of existing law and the regulations of the mint service governing the methods of determining the amount of pure silver contained, and the amount of charges or deductions, if any, to be made.

"SEC. 5. That so much of the act of February 28, 1878, entitled 'An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character,' as requires the monthly purchase and coinage of the same into silver dollars of not less than \$2,000,000 nor more than \$4,000,000 worth of silver bullion, is hereby repealed.

"SEC. 6. That upon the passage of this act the balances standing with the Treasurer of the United States to the respective credits of national banks for deposits made to redeem the circulating notes of such banks, and all deposits thereafter received for like purpose, shall be covered into the Treasury as a miscellaneous receipt, and the Treasurer of the United States shall redeem from the general cash in the Treasury the circulating notes of said banks which may come into his possession subject to redemption; and upon the certificate of the Comptroller of the Currency that such notes have been received by him and that they have been destroyed and that no new notes will be issued in their place, reimbursement of their amount shall be made to the Treasurer, under such regulations as the Secretary of the Treasury may prescribe, from an appropriation hereby created, to be known as 'National-bank notes: Redemption account,' but the provisions of this act shall not apply to the deposits received under section 3 of the act of June 20, 1874, requiring every national bank to keep in lawful money with the Treasurer of the United States a sum equal to 5 per cent, of its circulation, to be held and used for the redemption of its circulating notes; and the balance remaining of the deposits so covered shall, at the close of each month, be reported on the monthly public debt statement as debt of the United States bearing no interest.

"SEC. 7. That this act shall take effect thirty days from and after its passage." And the Senate agree to the same.

JOHN SHERMAN,
JNO. P. JONES,
Managers on the part of the Senate.
E. H. CONGER,
J. H. WALKER,
Managers on the part of the House.

Mr. SHERMAN. I move that the conference report be printed, and that there be printed in connection with it the original House bill and the Senate amendments followed by the conference report, so that the whole action can be seen at a glance.

The PRESIDENT *pro tempore*. If there be no objection, the original House bill, the Senate amendments, and the conference report will be printed consecutively as one document.

Mr. SHERMAN. I give notice that to-morrow morning I propose to call up the conference report.

Mr. VEST. At what time do I understand the Senator from Ohio to say he expected to call up the conference report?

Mr. SHERMAN. To-morrow morning.

Mr. DANIEL. May I inquire how many copies will be printed under the order just made?

The PRESIDENT *pro tempore*. The usual number, 1,900 copies.

Mr. DANIEL. Will that be sufficient?

Mr. SHERMAN. It will be sufficient until the report is acted upon. If it should be adopted, then as a matter of course we can have as many copies printed as we desire.

MOBILE AND DAUPHIN ISLAND RAILROAD AND HARBOR COMPANY.

Mr. VEST. I desire to ask unanimous consent to enter a motion to reconsider the vote by which Senate bill 3751 was passed by the Senate.

The PRESIDENT *pro tempore*. The title of the bill will be stated. The CHIEF CLERK. A bill (S. 3751) to grant to the Mobile and

Dauphin Island Railroad and Harbor Company a right to trestle across the shoal water between Cedar Point and Dauphin Island.

The PRESIDENT *pro tempore*. The bill having been sent to the House of Representatives, the motion to reconsider will be accompanied by a request to recall the bill, if there be no objection.

Mr. VEST. Yes, sir; I was about to add that the vote be reconsidered and the House requested to return the bill.

The PRESIDENT *pro tempore*. As soon as the bill is in the possession of the Senate the motion to reconsider can be made.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 1064) granting a pension to Margaret E. Adamson; and A bill (H. R. 9056) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes.

AMENDMENT TO A BILL.

Mr. FRYE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

AMERICAN MERCHANT MARINE.

The Senate resumed the consideration of the bill (S. 3738) to place the American merchant marine engaged in the foreign carrying trade upon an equality with that of other nations.

Mr. GIBSON. I offer a substitute for the bill. The substitute I offer is Senate bill No. 3739, reported by the Senator from Maine [Mr. FRYE] from the Committee on Commerce. To that bill I propose to add several sections. The last section of the bill is No. 9, and I propose to add three more sections, section 10, section 11, and section 12, and I ask that the sections to be added to the bill be read. I suppose it is not necessary to have the bill itself read.

Mr. MORGAN. I should like to hear the whole of it read. I have not heard it.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The Chair understands the amendment of the Senator from Louisiana to be in the nature of a substitute, striking out all after the enacting clause and inserting:

Mr. GIBSON. Yes, sir.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert:

That the Postmaster-General is hereby authorized and empowered to enter into contracts for a term not less than five nor more than ten years' duration, with American citizens, for the carrying of mails on American steam-ships, between the ports of the United States and such ports in foreign countries, the Dominion of Canada excepted, as in his judgment will best subserve and promote the postal and commercial interests of the United States. Said contracts shall be made with the lowest responsible bidder for the performance of said service on each route, and the Postmaster-General shall have the right to reject all bids not in his opinion reasonable for the attaining of the purposes named.

Sec. 2. That before making any contract for carrying ocean mails in accordance with this act the Postmaster-General shall give public notice by advertising once a week, for three months, in such daily papers as he shall select in each of the cities of Boston, New York, Philadelphia, Baltimore, New Orleans, St. Louis, Charleston, Norfolk, Savannah, Galveston, and Mobile, and when the proposed service is to be on the Pacific Ocean, then in San Francisco, Tacoma, and Portland. Such notice shall describe the route, the time when such contract will be made, the duration of the same, the size of the steamers to be used, the number of trips a year, the times of sailing, and the time when the service shall commence, which shall not be more than three years after the contract shall be let. The details of the mode of advertising and letting such contracts shall be conducted in the manner prescribed in chapter 8 of Title XLIX of the Revised Statutes, for the letting of inland mail contracts, so far as the same shall be applicable to the ocean mail service.

Sec. 3. That the vessels employed in the mail service under the provisions of this act shall be American-built steam-ships, owned and officered by American citizens, in conformity with the existing laws, and upon each departure from the United States the following proportion of the crew shall be citizens of the United States, to wit: During the first two years of such contract for carrying the mails, one-fourth thereof; during the next three succeeding years, one-third thereof; and during the remaining time of the continuance of such contract, at least one-half thereof; and shall be constructed after the latest and most approved types, with all the modern improvements and appliances for ocean steamers. They shall be divided into four classes. The first class shall be iron or steel screw steam-ships capable of maintaining a speed of 20 knots an hour at sea in ordinary weather and of a gross registered tonnage of not less than 8,000 tons. No vessel except of said first class shall be accepted for said mail service under the provisions of this act between the United States and Great Britain. The second class shall be iron or steel steam-ships capable of maintaining a speed of 16 knots an hour at sea in ordinary weather and of a gross registered tonnage of not less than 5,000 tons. The third class shall be iron or steel steam-ships capable of maintaining a speed of 14 knots an hour at sea in ordinary weather and of a gross registered tonnage of not less than 2,500 tons. The fourth class shall be iron or steel or wooden steam-ships capable of maintaining a speed of 12 knots an hour at sea in ordinary weather and of a gross registered tonnage of not less than 1,500 tons. It shall be stipulated in the contract or contracts to be entered into for the said mail service that said vessels may carry passengers with their baggage in addition to said mails and may do all ordinary business done by steam-ships.

Sec. 4. That all steam-ships of the first, second, and third classes employed as above and hereafter built shall be constructed with particular reference to prompt and economical conversion into auxiliary naval cruisers, and according to plans and specifications to be agreed upon by and between the owners and the Secretary of the Navy, and they shall be of sufficient strength and stability

to carry and sustain the working and operation of at least four effective rifled cannon of a caliber of not less than 6 inches, and shall be of the highest rating known to maritime commerce. And all vessels of said three classes heretofore built and so employed shall, before they are accepted for the mail service herein provided for, be thoroughly inspected by a competent naval officer or constructor detailed for that service by the Secretary of the Navy; and such officer shall report, in writing, to the Secretary of the Navy, who shall transmit said report to the Postmaster-General; and no such vessel not approved by the Secretary of the Navy as suitable for the service required shall be employed by the Postmaster-General as provided for in this act.

Sec. 5. That the rate of compensation to be paid for such ocean mail service of the said first-class ships shall not exceed the sum of \$5 a mile and for the second-class ships \$3 a mile, by the shortest practicable route, for each outward voyage; for the third-class ships shall not exceed \$1.50 a mile, and for the fourth-class ships \$1 a mile for the actual number of miles required by the Post-Office Department to be traveled on each outward-bound voyage: *Provided*, That in the case of failure from any cause to perform the regular voyages stipulated for in said contracts, or any of them, a pro rata deduction shall be made from the compensation on account of such omitted voyage or voyages; and that suitable fines and penalties may be imposed for delays or irregularities in the due performance of service according to the contract, to be determined by the Postmaster-General: *Provided further*, That no steam-ship so employed and so paid for carrying the United States mails shall receive any other bounty or subsidy from the Treasury of the United States.

Sec. 6. That upon each of said vessels the United States shall be entitled to have transported, free of charge, a mail messenger, whose duty it shall be to receive, sort, take in charge, and deliver the mails to and from the United States, and who shall be provided with suitable room for the accommodation of himself and the mails.

Sec. 7. That officers of the United States Navy may volunteer for service on said mail vessels, and when accepted by the contractor or contractors may be assigned to such duty by the Secretary of the Navy whenever in his opinion such assignment can be made without detriment to the service, and while in said employment they shall receive furlough pay from the Government, and such other compensation from the contractor or contractors as may be agreed upon by the parties: *Provided*, That they shall only be required to perform such duties as appertain to the merchant service.

Sec. 8. That said vessels shall take, as cadets or apprentices, one American-born boy under twenty-one years of age for each 1,000 tons gross register and one for each majority fraction thereof, who shall be educated in the duties of seamanship, rank as petty officers, and receive such pay for their services as may be reasonable.

Sec. 9. That such steamers may be taken and used by the United States as transports or cruisers, upon payment to the owners of the fair actual value of the same at the time of the taking, and if there shall be a disagreement as to the fair actual value between the United States and the owners, then the same shall be determined by two impartial appraisers, one to be appointed by each of said parties, they at the same time selecting a third, who shall act in said appraisal in case the two shall fail to agree.

Sec. 10. That for the period of ten years from and after the passage of this act so many of the various provisions of Title XLVIII of the Revised Statutes of the United States, entitled "Regulation of Commerce and Navigation," embraced in chapters 1 and 9 of said title, and from section 4131 to section 4305, both inclusive, as prohibit or restrict citizens of the United States from purchasing ships built in other countries, and to be used in the foreign carrying trade, or which impose taxes, burdens, or restrictions on foreign-built ships employed in the foreign carrying trade, when owned by American citizens, which are not imposed on ships built in the United States, be, and are hereby, suspended, and it shall be lawful thereafter for the period aforesaid for all citizens of the United States to buy ships built in whole or in part in any foreign country, and have them registered as ships of the United States for employment in the foreign carrying trade, and when so purchased and registered and employed in the foreign carrying trade such ships shall be entitled to all the rights and subject only to the same regulations as are provided by law for the government and management of ships built wholly within the United States and controlled by citizens thereof.

Sec. 11. That this bill shall not be so construed as to permit any ship built in any other country, and purchased and registered by citizens of the United States, as provided in the preceding section, to be employed in the coasting trade or in the mail service, foreign or domestic, or engaged in the transportation of freight or passengers between ports of the United States.

Sec. 12. That section 17 of the act of June 25, 1884, entitled "An act to remove certain burdens on the American merchant marine and encourage the American carrying trade, and for other purposes," be amended so as to read as follows: "When a vessel is built, equipped, and fitted out in the United States, by or for an American citizen for employment in the foreign trade, wholly or partly of foreign materials on which duties have been paid, there shall be allowed on such vessel, when completed ready for service, a drawback equal in amount to the duty paid on such materials, outfit, and equipment, to be ascertained under such regulations as may be prescribed by the Secretary of the Treasury." It is further hereby provided that all supplies, materials, and outfits used by all American vessels while employed in the foreign trade shall also be entitled to a drawback of the full amount of the duties paid on them, without retaining in the Treasury any rebate or reduction and without any fees being called for and collected by the Treasury officers who calculate the drawback. The drawback here provided for shall be paid back, out of the Treasury, under such regulations as shall be made by the Secretary of the Treasury. But in view of the practical difficulty to repairers of vessels, and also to the builders of small vessels availing of the privilege hereby granted when using such materials and supplies in small quantities, it shall be the duty of the Treasury to give to such builders and owners every facility for collecting drawbacks in small amounts which is consistent with the protection of the revenue from fraud or smuggling.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Louisiana [Mr. GIBSON].

Mr. REAGAN. Mr. President, I have not had opportunity to study this bill and shall therefore not attempt a discussion of its details, but I desire to submit a few remarks on the policy indicated by the bill.

I agree most heartily with the purpose that the chairman of the Committee on Commerce has, of trying to build up anew the merchant marine of the United States, but I do not agree with the policy of the bill presented by the committee. We have adopted a revenue policy that is approaching the prohibition of imports into this country. I think we may safely assume that if we are to trade with other countries, either by our own ships or by the help of ships of foreign countries, we must buy as well as sell commodities. That is the law of commerce in that respect. We can not expect to build up an ocean commerce between our country and other countries when by the policy of our legislation we destroy or go far towards destroying the existence of an international commerce.

If we desire to have commerce with other nations we should adopt such a policy as will invite the interchange of products; otherwise no amount of Government subsidy to steam-ships or other vessels can give us a commerce. It may give us ships, but it can not give us commerce. The amount of subsidy which it is proposed by this bill to give to a ship is very small compared with a great commerce. If by our revenue system we levy duties so as to increase the cost of material and of the elements of manufactured fabrics largely above what they can be made for in other countries, we can not expect to sell them, because other countries can undersell us.

A few years ago I had a very interesting conversation with an eminent citizen of Peru, and inquired of him why it was that we could not have fuller and freer commercial intercourse with Peru and the other South American States. He said there were two difficulties in the way: That under our revenue system when our merchants sent goods to Peru they had to pay for them in money, because, so far as their copper and wool were concerned, two of their large exports, they could not bring them here for sale. But he said when an English merchant ship went into their ports loaded with a cargo of merchandise they could exchange their copper, their wool, their hides, and other commodities of their country for this merchandise, and the English ship would have a cargo in and a cargo out.

So, it was an encouragement to the ship-owner by giving him a cargo both ways, and an encouragement to commerce by carrying the raw material from Peru to Great Britain, there to be manufactured and to be returned in manufactured fabrics. He said that, so far as the personal feelings and wishes of the people of Peru were concerned, they would undoubtedly prefer to have commercial intercourse and relations with the people of the United States, but that commerce, like money, had no patriotism in it; it would go where it could buy cheapest and where it could sell dearest; and that under those conditions they were unable to trade with the United States.

Now, what was said by that gentleman in reference to Peru may be said with reference to Mexico and all the Central and South American States. They can not trade with us because we can not take their articles of export. There are some things that we take. It may be said, in answer to what I have said, that we import coffee and hides free of duty; but while we do that we can export nothing, or substantially nothing—so little that it does not amount to anything—and we have to pay for those things in money.

I stop at this point for another view. We, in this country to-day, have capital enough invested in manufacturing establishments and machinery for manufacturing purposes, enough in operation not only to supply our own country, but to go far towards supplying the wants as to cotton and woolen goods and iron and steel and their fabrics certainly of all the American countries to the south of us. So we have that great inducement to a freer and more liberal commercial intercourse with those countries, not now being able to trade with them, however, because of our revenue system, which is making partially a Chinese wall around this country.

The machinery for manufacturing can not be run continuously through the year. Hence it is that we hear frequently of manufacturing establishments closing down or running on half time because there is no market for their products. This works a great injury to the capital invested in these establishments and relatively a much greater injury to the operatives engaged in these establishments, who, when they are stopped from work, are deprived of the means of supporting themselves and their families, and the result is suffering, misery, and misfortune to large classes of people. These things are happening almost continuously in some one or other part of this country and in some one or other branch of business, taking its round pretty much with all of them. We have offered such high inducements to the investment of capital in manufactures by the high rates of duties we have imposed upon imports as to induce an unusual and unnecessary investment of capital in manufacturing establishments, and thus we are working injury to capital, injury to labor, and injury to the commerce of the country.

If we expect to secure a mercantile marine we must make provision for building up commerce with other countries; we must make more free and more liberal our intercourse with other countries. Instead of adopting a protective and prohibitive tariff we must adopt a revenue tariff as low as will support the Government economically administered. When we have done that, we can then manufacture articles greatly cheaper than we can now manufacture them under the present revenue laws and we shall have markets for those articles; they can then go into the markets of the world, and especially into the markets of Mexico and Central and South America in competition with the manufactures of other countries.

When we do that, Mr. President, we shall have done what no subsidy can do. We shall have invited ships to carry our commerce, for whenever we have the commerce to carry the ships are sure to come forward and carry it, whether they be our own ships or other ships.

Now, I have one other suggestion to make in this connection. If we desire to do the ocean carrying for our own country, a wise policy would suggest that we authorize American capitalists to buy foreign-built ships if they can do so cheaper than they can build them at home, and when

they have bought the ships the capital of our citizens gets the profit of operating those ships and our country gets the profit of doing its own carrying trade. I have not looked at the tables lately, but we, I believe, are sacrificing something like a hundred million dollars a year; that is, we are allowing that much money to be paid by our merchants to foreign-built ships that might be saved to our own people if they were permitted to purchase ships which they may not be able to build.

But, Mr. President, I do not think, with our present revenue laws, we can expect capitalists in this country to go largely into the purchase of foreign ships, because of the fact that our commerce is crippled by those revenue laws so that we can not hope to build up a foreign commerce so long as the idea of prohibiting commerce prevails in this country. I may not be able to see as clearly as others, but to my mind this Chinese-wall business is one of the most extraordinary political blunders that an intelligent people ever made.

Here, in an eminently progressive country, in a country exporting some \$500,000,000 worth of agricultural products annually, for which there is no consumption at home, a country capable of manufacturing twice as much as our own people can consume, a country situated on the half-way station between the active, energetic, intelligent, commercial populations of Western Europe and the teeming populations of Asia, that we should adopt a policy that isolates us commercially from the rest of the world has seemed to me something so extraordinary that it is difficult to comprehend why it should be done. I can only see one reason for it, and that is a deliberate purpose to sacrifice the interests of the country at large in order to promote the interests of a small portion of our own people and the purpose of promoting the interests of a small portion of our own people at the expense of the whole people, who might be more prosperous and be greatly benefited by a freer commercial intercourse with the rest of the world.

I do not know whether we ought to hope for a change of this policy. It seems that our country is committed to a line of class legislation by which we are to make millionaires out of a few men or a few classes at the expense of the great mass of the American people, and we are urged to this policy because it is said that by encouraging manufactures we are making home markets for our products.

That, Mr. President, is answered by the argument that with all our manufacturing establishments, with all our high rates of duty, with all our exclusion of foreign commerce from the country in order to give the business of manufacturing to our own people, after supplying our own people with all they need of agricultural products, still we have some \$500,000,000 worth annually that must be exported or must rot without use. So it is idle to talk in this country about making a home market to enable the agricultural classes to be prosperous by the sale of their commodities.

A very large proportion of our people are engaged in agriculture. It seems that this policy of class legislation is based upon the idea that those engaged in agriculture, being a majority of the people of the country, holding large interests so far as capital and ownership of the soil are concerned, producing large amounts of commodities, furnish the field from which to draw wealth for the benefit of the class interests of this country; and instead of pursuing a policy which shall look to equal justice to all the people, to protection of all people and all interests alike, and to give no exclusive privileges to any man or men or to any particular interest, we have taken exactly the opposite direction, and instead of by such means promoting the welfare and happiness of the people we adopt a plan of robbing the great mass of the people for the benefit of the few, making millionaires of the few and paupers of the many.

The extent to which the agricultural interests of this country, the farmers of this country, are loaded down with debt which they can not meet because of the policy which is pursued, it seems to me should awaken the attention of the men charged with the duty of legislation in this country. The scheme before us to give subsidies to ships rests upon the same idea; not upon the idea of equal justice and equal protection to all interests, but of giving a class money out of the Treasury at the expense of other people, and putting our shipping, like our manufactures, upon stilts, and leaving the agricultural interests of the country to support both.

Instead of stilted up other interests, I would let down those that are already on stilts, at least so far as the necessities of the country would permit letting them down. I would adopt a revenue tariff; I would try to limit the expenditures of the Government to what may be actually necessary. Having done that, with the vast resources of this country in production in the farms, the mines, and in the manufacturing establishments, we should at once have a commerce that would be sought by the shipping of the world. We should have large exports, we should have large imports. The truth is, it seems to me, that by a wise policy we ought almost to make the United States the warehouse of the world.

Mr. President, I have not so far examined this bill as to be able or willing to undertake the discussion of its details, and only desire in this general way to call attention to the public policy which underlies the measure, the giving subsidies to steam-ships or subsidies to anything else, and to say that we should liberalize our policy instead of making it more restrictive than it is at present, that we should reduce

the power of classes to plunder the country instead of increasing the classes and increasing their power.

I do not feel that under the circumstances I should longer detain the Senate, having given this general expression of my view upon the policy involved in such measures as this.

Mr. MORGAN. I think, Mr. President, that in all the discussions which have occurred in regard to the subject presented in these two bills, Nos. 3738 and 3739, which are being discussed together, though not considered together, no examination perhaps has been more satisfactory or complete of all questions connected with it, historically and otherwise, than that which is found in the House report to accompany House bill No. 4683, I believe it is, including the opinions of the majority and also of the minority of that committee, and including also various statements made in the nature of testimony before that committee by several thoroughly trained and competent navigators and ship-owners and ship-builders; and we are left really, in the survey of this subject, merely to the duty of drawing just and proper conclusions from the evidence and the facts which that committee have so ably presented.

There is perhaps no one who is more earnestly sincere in the desire to see American commerce increase and to see an increase also of the tonnage of American ships than myself. We have been now for ninety-nine years trying a certain fixed policy in respect of this matter under which we have found that our commerce, in respect of the carriage of productions to and from the United States, has dwindled down until it is about 15 per cent., it may be not more than 12 per cent., of the entire shipments from our ports and importations into them.

For ninety-nine years, during which this result has come about that is regarded universally, I believe, as a disaster to American political economy, we have been trying one branch of a policy that we adopted in 1789; and I want to address a plea to my friend from Maine, whether he will not let us for one year out of the one hundred try the experiment of what we call free ships, the experiment of permitting our people to go abroad and buy ships and bring them here and put them under American registry, provided those who buy them and register them are American citizens.

It has been admitted in the debate here, and it has been admitted all through the debates that have occurred on this topic for years and years past, that there is a difference of from 20 to 30 per cent. in the cost of vessels of the same character built in the United States and those built in Great Britain, on the Clyde and elsewhere. I desire to present the plea in behalf of our people that they should be permitted to buy those ships at 20 and 30 per cent. discount on the prices at which they are compelled to buy them, if we put an American flag over them, from the United States ship-builders.

It is undeniably true that the merchants of the United States, the importers and the exporters both, own very large amounts of stock in foreign steam-ship lines, and in foreign steam-ships, and in tramps that go about where they please over the world and carry the cargoes just as safely as any other ships. When we say that our interest in the tonnage which exports our commerce or imports it, is reduced to 12 or 15 per cent. of the entire value of our exports and imports, we are not accurate if we undertake to apply those observations to the actual situation as to American capital employed in transportation on the high seas. It is impossible to ascertain how much of American capital is employed in ships that sail under the flag of Great Britain, or Germany, or France, or Norway, or any other of the great maritime powers, but we know that a very large part of the capital invested in those ships and over which the British and other flags float is capital furnished by American merchants and American manufacturers, American exporters and American importers.

The reason, and only reason, why that capital is not represented in the tonnage of ships under the American flag is that the old law has been held on to without any relaxation at all, which prohibits the raising of the American flag on the deck of a ship that is not exclusively built in the United States and owned by citizens of the United States.

That kind of policy has compelled our merchants, who have found it convenient and profitable for their business to be engaged in the ownership of vessels, to put them out under the flags of different countries. They enjoy the profit; they have their goods carried back and forth; they are supplied with all the conveniences and facilities of transportation that are necessary to their business, no matter how great it may be; but they can not put their capital and their tonnage under the American flag because of the prohibition of that old statute.

We began our career as a nation under circumstances of a very peculiar character. The mother country was at that time the predominant power in the world upon the seas as to her commercial marine and also as to her naval power. She used that in every way that she could, after she had recognized our Independence, to cripple our commerce, and when she found that, by reason of the great abundance of ship-timber material in the United States and the cheapness of it and the enterprise and skill of our ship-builders, we were covering the seas with our own flag upon the masts of ships that were built of American timber and in American ports, Great Britain resolved that she would resort to any policy that she could for the purpose of breaking down that business of ship construction and also for the purpose of preventing an extension, or an expansion rather, of our commerce.

The United States had to resort then, in the very infancy of its life, to retaliatory laws for the purpose of preventing herself from being crushed out, first by Great Britain and afterwards by France, who was our ally during the Revolutionary war. We had a right to expect better things from France, but we found that, because we would not join in certain alliances with her to carry out her ambitious policies in Europe and elsewhere in the world, she, too, determined that she would cripple our growing commerce and repeat all kinds of impressments upon us. She seized our ships and carried them into her ports and condemned them for no cause; and out of that resulted the French spoliation claims, which we have not got done with yet. We are still dealing with the question as to how much we shall pay and to whom we shall pay the damages that resulted from a settlement of those controversies between our Government and France arising out of these interruptions of our commerce and navigation.

The United States, therefore, in the beginning rightfully and properly resorted to discriminative duties, to retaliatory duties, to differential duties, whatever name you choose to call them by, under which we charged as customs dues very largely more for goods imported in foreign-built ships and foreign-owned ships than we did for goods imported in American-built ships and American-owned ships.

Great Britain had already adopted this differential system in respect of our commerce; and her grasp upon the commerce of the world, and particularly upon our own infantile struggles to expand our commerce, was relaxed very slowly. The first relaxation was to admit us to trade freely back and forth to her East India possessions, excluding us at that time from the West Indies and also from the Canadian ports. After awhile a more and more liberal policy was adopted on the part of Great Britain, and we commenced liberalizing our policy. It was then the fashion of the world among all the great powers that commerce should be conducted upon principles of commercial hostility, as if such an idea as that could connect itself with the real prosperity, enlightenment, civilization, and uplifting of mankind.

Commercial hostility, Mr. President, is a thing that shocks the common sense and the sense of justice of mankind. For any one nation, whether it is possessed of peculiar productions or not, to lock itself up within its own borders and surround itself by laws which are hostile to commerce with other countries, is to place itself in an attitude which is entirely unjustifiable, I think, in the moral law, and certainly it is unjustifiable in the laws which relate to political economy.

The nations of the earth began, however, to relax these hostile attitudes toward each other, to take off restrictions from their commerce, and those who made the first and the greatest relaxations were certainly the most prosperous and have always proven to be so. Following their example we have now banished from our laws all that might be styled as commercial hostility to any nation in the world except that portion of it (which is really more hostile to our own people than it is to other countries) which compels us still to sail the American flag only over American bottoms owned by American people. Differential and discriminating duties against the commerce of Great Britain, France, Germany, Austria, or any other of the great powers of the earth have been entirely abolished; they have disappeared, not only on our side of the ocean, but on the other side.

China itself has come into terms of liberal reciprocity in matters of this kind with the other nations of the earth, and so has Japan. So now there is no nation on this earth but one, and that is the United States, which has upon its statute-book any statute that is in the slightest degree hostile to the liberty of commerce, whether concerning her own citizens or concerning the citizens of other parts of the earth.

The report to which I have referred presents in succession a synopsis of each one of the statutes that I have alluded to and shows the gradual and final disappearance from our statute-book of all discriminating and differential duties in respect of other countries, unless it may be in instances where we have given the power to the President of the United States that if any other nation should set up against us discriminative or differential duties then the President may put in operation such duties against them and prohibit the introduction of their commerce into our ports except upon certain very stringent conditions.

Now, with the qualifications which I have just mentioned, that our own merchants, exporters, and importers do own a very large share in the vessels which bring products to our coast and carry our productions away, it is very true that the carrying trade of the United States to and from foreign ports has descended until it has got to a very remarkably low and discreditable figure; and on all sides, with equal patriotism and an equal desire to promote the best interests of all the navigators and ship-owners who belong to our country, our purpose is to try to stimulate the ownership of vessels, the navigation of vessels, the freighting of vessels, and to make all necessary liberal arrangements so that our seafaring men may earn good wages upon their investments and have steady and profitable employment.

While this has been going on and we have been losing tonnage from the maritime record of the world, which gives us so much trouble and which we would so gladly relieve against, yet our commerce has expanded in a most wonderful degree. The Senator from Maine [Mr. FRYE] in his remarks upon this bill alluded to the fact, as he claimed,

that the people of the United States were paying enormous sums in the way of freights to foreign countries which ought to be earned by our own people and go into their own pockets. There is one thing to be said about that. If foreign countries have earned a very large amount of money upon freights transported to and from our coasts, it has been because they could do that work cheaper than our own ships could do it. It has been because, and only because, the rates of freight which they could offer to our people were lower than the rates of freight that can be offered to them or have been offered to them by American-built and American-owned ships.

I can not see that the people at large, the agriculturists, the producers of every kind, in the mines, and in the fisheries, and in the forests, have lost this money because they have paid it to British owners of ships, or German or French owners, or Norwegian or Italian owners. We have not lost that money. On the contrary, we have paid it to them because in doing so we could get the freights upon what we had to send abroad and what we had to import into the country at a cheaper rate than the American sailors could afford to take our goods for. So, instead of that being a loss to the great body of the people of the United States, it is a gain to them; but it has been a loss to one class, and only to one class, and that is to the ship-owners.

Looking at the matter in that light and disconnecting it from any pride of our nationality, we are not so prone to regret the fact that the people of the United States have been able to expand their commerce so vastly and so rapidly in consequence of the low rate of freights that they have got upon their exports and upon their imports. It certainly is to the great advantage of commerce that freights should be low; but it is to the disadvantage of the navigator or the ship-owner that freights should be low. I am perfectly willing to resort to any system that is proper for the purpose of equalizing the gains and the losses of all the different classes concerned in the commerce of the United States, for it is equality that I desire more than anything else. I do not desire for the cotton-shippers of the South, for instance, an advantage over the navigators. I am willing that the latter should have fair rates for all that they carry abroad for us and all they bring into this country for us; but I am not willing to take the money taxed out of the cotton-growers and put it into the Treasury of the United States for the purpose of making the difference in freights between what the Germans and the French and the English charge us and what the American ship-owner desires to charge us.

The only reason why the investment of American money in ships is not profitable, and thereby the tonnage of our country is decreasing, is the fact, and only the fact that, when they pay from 20 to 30 per cent. more for their ships than they can be bought for by capital abroad, they can not afford to put their rate of freights as low as foreign-built ships do. That is the whole subject. Then the question recurs whether we shall make up this difference to them by a subsidy or by an appropriation out of the Treasury of the United States.

What would be thought of the people of the South if they were to come here and tell us that they could not manufacture cotton as cheap as it is done in India and in Egypt, and that it is a very great consideration for the United States and for the world that our cotton crop should be produced and spun and exported, and thereupon they should ask us to vote them out of the Treasury of the United States the difference in the cost of the production of cotton here in this country and in Egypt or India. The absurdity of the claim would at once justify its rejection, and it would be rejected with indignation. But it is precisely the same question that is presented in this bill for the benefit of the ship-owner. He says, "At the rates of freight which these other nations are able to charge who buy their ships 20 or 30 per cent. lower than we do, some of whom are subsidized, we can not afford to give to the cotton-planter or the cotton-shipper rates as low as the men who are thus subsidized."

"We must have a higher rate of freight. We can not get it out of the people. We can not compel a man to ship his cotton under the American flag when he can get a lower rate of freight upon a vessel that is owned in England, Germany, France, or elsewhere. Not having the power to compel him to ship his cotton on board of an American ship at an advanced rate of freight, we just ask you that you will make up the difference. We want you now to take out of the Treasury of the United States money enough to compensate us for the difference in these freights. We will call it a subsidy or we will call it a bounty upon the ship and upon its sailing, etc., but that is what we wish you to do, to take the money out of the Treasury and make up to us the difference in the freights."

I look over this bill and I desire to ascertain whether there is any provision in it that looks to the lowering of freights, for instance, upon the cotton crop. There is nothing of that kind. There is no expectation or pretense in this bill that the freights upon the cotton crop of the United States are to be lowered by it. It is claimed that the freights are low enough now, and perhaps too low; and when you have subsidized the ships of the United States and they go into the market for the purpose of getting cargoes to ship abroad out of the cotton crop they will say to each other and they will say to the cotton-planter, "We can not afford to put the freights at a lower rate than they are." On the British, French, and German ships the cotton-planter must pay

just what he does now, and no lower rate of freight, and the difference in favor of the American ship-owner must be made up by an appropriation out of the Treasury of the United States, and that difference must be taxed out of the people.

So after all, Mr. President, like all other taxes these come to fall upon the men who are producers in this country. We say, ordinarily, that they fall upon the consumers, but after all when we come to bring the thing to its last analysis it is the producer in the country who pays taxes, especially of this character. We can not get along without the productions of agriculture, including the textiles, and the grains, and the meats, and the products of every kind that are produced by the farmer, the fruits and so on; neither can we get along without the productions of the mines from which coal and coke are brought and iron is manufactured, and copper, zinc, steel, and a great many other things are produced and manufactured.

We can not get along without the manufacture of woods, where the forests are converted, or the fisheries. We can not dispense with them; but after we have gotten outside of the line of these elementary productions there is no man in this country who makes anything upon which taxes are produced. It is true that his skill is incorporated with the various different elementary productions, and they are made more and more valuable as more and more of skill and patient labor are bestowed upon them; but after all when you come to bring taxation down upon the real basis upon which it rests it is the producer who has to pay it, for the cost that he gets out of the production, the reward for his labor that he extracts from the production that he makes, whether it is in one commodity or in another, is always reduced by the amount of taxation that the article has to bear.

So in the case I have just been supposing, where after the passage of this bill the ship-owners should say to the planters, "We can not afford to carry your cotton across the ocean at any lower rate than you are paying now, but we will look to the Government of the United States for the profit that we otherwise would make in carrying your freight at a higher rate, and the Government of the United States will look to you for the taxation to supply the money to pay the profit." After all, it is a tax upon a man's commerce that he brings forth from the bowels of the earth or from its surface, given to another man, taken from him and given to another man to induce that other man to carry his produce across the seas under a certain flag.

Now, the question has been put here very earnestly and debated very forcibly indeed, whether the decadence of our tonnage in the transportation to and from the American productions is due to the rivalry which other nations have been able to keep up in consequence of subsidies, or whether it is due to some other cause, and, if so, to what cause? I think that there is a very easy and a very natural way of accounting for the fact that no more money has gone into the building up of our commercial marine than has in the last twenty or twenty-five years, particularly in that period since the occurrence of the civil war.

When we look over what has been done in the United States in that period of time, or running back to 1840, let us say; when we look at what has been accomplished through the industry of these people and through the use of money that they have borrowed from other countries as well as money that they have earned from their crops and other enterprises and industries, we find that our situation has been one of remarkable progress and one differing from every other country in the world at the present and differing in its history through these years from the history of any other country that ever existed.

First of all, the configuration of our continent here, the part of it that we occupy, places us between the Atlantic and Pacific Oceans without any break in our territory. We are solid from side to side, we are solid from the Lakes down to the Gulf and to the border of Mexico. Embraced within that area is a larger amount of fertile agricultural land than can be found in any similar area in the world. You may take Russia, Germany, Austria, Italy, Hungary, Bulgaria, and all of the states of the Balkan Peninsula, including Turkey—you may take all of that area of country and compare it acre by acre, mile by mile, with that which is included within this great solid possession of ours between these oceans and the Lakes and the Gulf, and there is no part of that country which compares really on an average at least with the territory that we have been occupying and improving.

A hundred years ago we had about 4,000,000 people, not exceeding 5,000,000. I think 4,000,000 is perhaps a fair calculation of the population we had a hundred years ago. We have now 65,000,000. That is sixteen times and more increase over the population we had then. During this century we have had those people to raise, to clothe, to feed, to house, to educate, and to provide for their comfort in a degree of luxurious enjoyment which I think no other race of men in a hundred years have had as compared with ours. It has cost an enormous amount of money, and labor, and industry, and attention to do that one thing.

Take the food, the clothing, the housing, the furniture, the public institutions, the high-ways, the churches, and all the appliances of a great civil society like ours. Take the cities and the towns that we have had to build in a hundred years for the accommodation of the people of the United States, and then take the enormous amount of active capital and credit that it has required in order to bring about the results that we see spread around us with such wonderful beauty.

Besides that, we have been engaged in other very great enterprises. In the last half of that century we have built more than 160,000 miles of railroad; and the cost of that up to the latest statement that I have been able to find was \$9,873,970,372. In 1888 interest was paid on the bonds the fruits of which entered into the construction of the roads to the amount of \$199,062,531. The railroads have paid other interest, \$6,217,521, making in all \$205,280,052 that they have paid in interest; and then in dividends they have paid \$78,943,041, making in all \$284,223,093, the annual earnings of this vast system of railway that they have laid down in the United States.

Now we know that fully one-half, perhaps I would not be extravagant in saying that two-thirds of the money with which these railroads have been built and equipped, this nine billion and odd million dollars, has been borrowed from foreign countries. We have gone and mortgaged our railroads. There is not one in the United States, I suppose, that is 50 miles long that is not under bond and mortgage, and the bonds and mortgages are, at least, I think, two-thirds of them, held in foreign countries. So of the stocks, for the stocks in these railroads usually have attended the destiny of the bonds and mortgages and have gone along with them.

In addition to the investment which we have made of more than \$9,000,000,000 for the building of these roads we have been paying annually for some years past more than \$200,000,000 of interest and dividends. Think of what a tax that is upon the industry and enterprise, the power and credit of a people. Then take in addition to that the national banks and other banks of the United States and we find that by the latest account there is invested in the national banks in the way of paid-up capital \$617,723,447, and the banks had in their vaults in currency and in good paper and in capital stock paid up \$5,201,671,790 on the 1st of June, 1889.

There are about \$14,000,000,000 that have been expended in the United States since about the year of 1864 in the building of these railways and in the accumulation put into these banks in the form of credits, earnings, or paper discounted, either due or to fall due. Besides that, how much money have we invested in manufactures? How much have we invested in manufactures in the last fifty years? I applied to the Bureau of Statistics to ascertain, if I could, some approximate statement upon that subject, but I could not get it. They say that since the last decennial census no accurate account has been obtainable in regard to the amount of money that we have invested in manufactures, but it certainly is equivalent to the amount invested in the national banks and probably it is very much larger than that.

How much have we got invested in the fisheries? Very large amounts of money. How much in mines of various descriptions for the precious metals and for the baser metals? How much in ships and boats and canals, structures of different kinds for the conduct of internal commerce? Within what space of time has it been that all of these earnings, these accumulations, these results of industrial credit have been thus invested and have materialized in the property of the country?

Sir, there has never been so prosperous, never so busy, never so industrious, never so thrifty, so energetic, and so successful a people as the people of the United States have been during the last forty or fifty years. And yet we take out the losses of a four years', nearly a five years' conflict of arms which resulted in the wastage of millions untold almost of wealth that had been accumulated in the United States.

Now, there is not one of these industries, there is not one of these great enterprises, including manufactures, mining, banking, railroad building, railroad operating, agriculture, that has not been earning good wages for those employed. There has been no material distress among the people in consequence even of overproduction, although the laws of the United States have tended very seriously to cramp production down to the point of home consumption simply.

Mr. President, after we have been building up these great railways, organizing and capitalizing these banks, putting the busy wheels of industry at work in the different parts of the United States, and boring into the depths of the earth for the precious and other metals and for coal, is it any wonder that we have neglected to invest our money in ships when the competition of the world was against us there and we had no power to shut it out except in respect of our coasting trade? The differential laws which warred upon commerce were all broken down and they are broken down to such a degree that they can not be restored. I dare say there is not a Senator in this body who would offer a bill here for the purpose of restoring the ancient statutes of the United States making differences in the duty to be paid upon goods imported in American bottoms or in English or German bottoms. The spirit of the age has carried us entirely away from that dark period, and we could not maintain the respectability of the nation even on a par with that of China if we should now undertake to restore those laws to the statute-books.

Mr. GIBSON. I will ask the Senator from Alabama if we are not prohibited by treaties from doing it.

Mr. MORGAN. I know we are prohibited by treaties of course from doing it, but treaty prohibition is not everlasting. When I speak about the enactment of laws to get back to this old régime I include the fact, of course, that we should have to abrogate our treaties with all the great powers of the earth. Yes, the diplomatic powers of this world

have come to a common conclusion that the differential duties are not to be tolerated in commerce, that they are against the spirit of the age, and that trade must be free at least from the embarrassment of differential duties.

We have passed that period, and we can not get back to it through the barrier of our treaties, nor can we afford to surmount our character and our respectability so far as to undertake to go back to that antiquated and obsolete condition of legislation. So we must stay where we are. We can not escape the light of the nineteenth century as it pours in upon us, or our responsibilities that belong to what I conceive to be the greatest and most prosperous people in this world. We must stay where we are; we can not get back to that by any legislative expedient.

If we could get back to it and make a difference in our customs dues of, say, 10 per cent. in favor of those goods which are imported in American bottoms we could get rich very rapidly upon that, and we should have such a commercial marine as nobody ever saw; but other nations would immediately pass a retaliatory law of the same kind; they would forbid the importation of our commercial products into their country except under like conditions, and there would be inaugurated the war of commerce with which we commenced our existence in the United States and which we outgrew when we got up to the condition of robust manhood. I do not want to get back into that war of commerce. I want to abrogate ever feature of it, I want to remove every trace and mark of it from the statute-books; and one of the very first and most unbecoming features of it is this provision that an American shall not sail a ship under the American flag unless that ship is built in an American port, owned by Americans, and registered and licensed here.

When Great Britain found it to her interest as well as in correspondence with the progressive spirit of her people to make relaxations of the difficulties and obstructions and embarrassments which she had placed upon the commerce of the world, and particularly upon the commerce of the United States, she went as far as she could go in repealing all of her obnoxious statutes, her orders in council of every kind which stood in the way of the very freest commerce. She repealed her navigation laws. She permitted her citizens to go into any country in the world and to buy ships as they could buy anything else for the purpose of conducting commerce.

She had a very peculiar motive in the relaxation of her system of economics on that point. It was that the American clipper ships, what were called the Baltimore clippers, and indeed other sailing ships of the United States, had accomplished a great success in the speed and safety of the transit across the seas and also in carrying very large cargoes. Great Britain saw that possessing as we did all the elements of ship-building here in superiority over any other country in the world, or at least any country that was then known, she must enable her people to buy these clipper ships in order to have them compete with us in their commercial enterprises and in holding and retaining their hold upon the trade of the world across the sea. So she repealed her navigation laws.

She permitted her citizens to go out and buy ships in any country. The first and most beneficial inducement to this course of procedure was to enable the commercial men of Great Britain to get hold of these fast-sailing American clippers. She broke the law down and permitted her people to come here and buy ships.

Now, Mr. President, there is something about traffic on the seas, there is something about this business of freighting goods across the oceans which is a little different from almost any other kind of traffic that you can speak of. The United States at one time, just before the war, had a very large carrying trade. The occasion of the war, together with some other circumstances of a very influential character, broke that trade up. Her merchants lost their corresponding relations to the different business houses of the world. The commerce was interrupted, and interrupted for such a length of time that new relationships were formed, new business transactions were entered upon.

You can do that with almost any other business except commerce across the high seas. You can interrupt business between a merchant in New York and a merchant in New Orleans, whose business is transacted across railways, without any serious inconvenience to any person, because at either end of the line they can choose different correspondents and carry on the trade as usual. But when you break a line of communication across the sea, and the ships that were engaged in conducting it disappear and new lines of packets, steamers, or what not have to be employed to carry on this traffic, the connection when once broken in this way is hard to replace. You have got to get the vessels with which to replace it. You have got to make the new commercial arrangements corresponding with your facilities for the transportation of goods back and forth.

When the American people lost these lines of transportation and had these commercial connections all broken up by the event of the war it naturally would take us a long time to get back into place again. In the mean while Great Britain, availing herself of iron as the material for the structure of ships, cheaper to her than even timber was to us in the manufacture of vessels, at once put the energies of her people to work in the building of iron ships, and they took the place of the Ameri-

can wooden ship, and took the channels of trade, and took from the navigators, the ship-owners of the United States, the transportation from which they had reaped such a large harvest in times that were past.

It seems to me that the facts to which I have been adverting account sufficiently for the decadence of the tonnage, or rather of the ownership, of vessels entitled to register under the American flag. Our people are not by any means wanting in the facilities of commerce controlled by their own money, for they own ships, as I have said, in a very large part, which sail under foreign flags; but what they want, and what they would like to have, what would contribute to the just pride of the people of the United States, and doubtless would build up to a greater extent than it has done heretofore the commerce of the country, is the opportunity and the privilege of conducting the transportation of goods across the oceans under the American flag.

I think that is particularly important in the use of vessels for the transportation of the mails. I do not think, if we can avoid it, that the mails of the United States should be carried under any other than the American flag. I think the flag is a very potent instrumentality and symbol also of national sovereignty when you come to associating it with work for the Government. I regard it as a matter of importance that every vessel that carries the mails of the United States to and fro across the oceans should be under the American flag if we can get it so.

We want to put our naval officers aboard of these ships; we want, according to the provisions of the Senate bill which is presented here, to have them prepared for service in time of war as a sort of naval reserve that can be resorted to, not merely for the transportation of munitions of war and armies, but also carrying guns with which to defend themselves and also to defend the commerce of the United States and to inflict injuries, if it must be, upon the commerce of other countries.

I think that an American ship carrying the American flag and the American mails combines three important characteristics of Government service. I am not in favor of limiting the structure of that ship to American ports of American ship-builders, but I want it American owned and American officered, and I want the seamen on it to be seamen of the United States also—American citizens.

But when we come to the other proposition, as to the mere conveyance of commerce as a private transaction between man and man or between port and port, I can see no particular reason why it is not just as patriotic in me to take a ship at a lower rate of freight, if it is German or French or English, in preference to one at a higher rate of freight that is American, at my option. It is neither unpatriotic nor unwise, and, if it were both, 999 per cent. out of every thousand men in the world engaged in commerce would always take the lower freight and let the flag go, for they can not see that there is any particular advantage in having this special piece of bunting or that piece of bunting erected upon a ship which is carrying coal, flour, or cotton, in place of some other piece. It is a purely private business transaction, and you might just as well say to the railroad companies in the United States that they shall not go to England and buy their locomotives, pay the duty upon them, and bring them here, and they shall not be run upon American railways unless they are American built, as to say to any other person, "You shall not run a ship under the American flag unless it is actually built in the United States, officered and manned in the United States." There is no more reason for saying the one thing than the other.

Mr. President, the people of the United States have endeavored by the use of bounty money to relieve the differences which have been caused by this old statute in the navigation laws, and they have spent more than \$33,000,000 according to the report which I have got here, \$33,974,879.96 from 1848 up to 1889, in their endeavor to foster American ships by bounties.

Opinion on this question has undergone a variety of changes, it appears, and men ought to have fixed opinions upon it and ought to have had them long ago, but they vary and vacillate to that degree that I am not disposed to attach very much importance to the opinions of most of them, to say the least of it.

In 1869 there was a great commotion and controversy in the United States as to what was the best thing that could be done then for the advancement of the interests of the American ship-builder, and it was concluded then to enact that section of the Revised Statutes which is still found upon the statute-book, and which is repeated, I believe, in the report of the tariff bill to the Senate at this present session, and it was renewed *in hæc verba* in 1883 in the tariff of that year. That statute provided for a drawback for the whole amount of duty upon all kinds of material, of all sorts, shapes, and sizes, that enter into the construction of an American-built ship built for the foreign service, and that ship might run for a period of two months in any year in the coasting trade, and might continue, if in American ownership and under American officers, to run exclusively in the coasting trade, provided it would repay to the United States the amount of the rebates that had been allowed upon the material that entered into its construction.

Mr. FRYE. I think that did not include angles and plates.

Mr. MORGAN. It may not have included some new contrivances that have come in since, but by a liberal and I have no doubt a proper construction of that act those things are now included in the right of drawback.

That in 1869 was the proposed policy for the relief of the American ship-builder. He was expected to build ships for foreign service and for

foreign countries. It is true they could not come in under the registration laws of the United States, except upon the coasting trade, under the conditions I have named; but in order to enable him to compete with foreign ship-builders he was permitted to have a drawback to the full amount of duties on all the material that he might import from abroad and put into a ship. That was an enormous advantage over any other description of producer in the country. There were some manufacturers, I grant you, who had similar privileges, but the producers of the country could not reach anything of that kind. They had no such advantages and we could not give them to them by any ingenuity of law that we could enact. When that subject was up in 1869 Mr. Roach was before the House committee to investigate the cause of the decline of our shipping interests. He said:

America has lost her commerce, and what has she obtained in exchange for it? Simply the right of a few men to charge \$9 per ton in gold on the importation of pig-iron. Pig-iron is the basis of all other metals connected with the making and repairing of ships. There has been a revolution in ship-building, and iron is the material from which they are now built. The high cost of iron produced by the tariff upon it is one of the principal difficulties our commerce has to contend with. I did not come here to ask a bounty. I came here to tell you that, while all other articles of American produce are protected to a great extent, there is no protection for American ships. If Congress will take off all the duties from American iron, reducing it to the price of foreign iron, then we are prepared to compete with foreign ship-builders. The labor question is misstated; we are prepared to meet that difficulty and to ask no further legislation on the subject.

That was John Roach in 1869. And under the pressure of such advice coming from him and other very high authorities on ship-building we went on and provided the statute of 1869, in which we gave them back all duties of every kind upon all the material, even to the cordage and the twine and the white metal and everything else that entered into the construction of a steam-ship or any other ship. That was supposed to be enough.

In the Forty-ninth Congress the Select Committee on American Ship-Building and Ship-Owners made the following report upon "A bill to amend section 4132 of the Revised Statutes of the United States, so as to authorize the purchase of foreign-built ships by citizens of the United States, and to permit the same to be registered as vessels of the United States," which report was adopted by the Committee on Merchant Marine and Fisheries in the Fiftieth Congress. So it was adopted by the committees in two Congresses.

We herewith adopt the same and make it a part of this report.

I will read a few extracts from that report on the point I have been trying to discuss:

Under existing laws imposing import duties, taxes ranging from 18 to 69 per cent. ad valorem are imposed upon the chief articles of imported materials used in the construction of vessels for the foreign and coastwise trade, subject to the modifications contained in section 2513 of the Revised Statutes of the United States providing for certain rebates upon imported materials used in the construction of vessels for foreign trade.

The bill reported and recommended by the majority of the committee provides, in substance, that all vessels, of whatever build, owned wholly by citizens of the United States, or by companies incorporated under the laws thereof, or of any State or Territory of the United States, may be registered as vessels of the United States, and shall be entitled to all the benefits and privileges appertaining to such vessels. The existing law, denying registration as vessels of the United States to all vessels except such as were built within the United States, was enacted December 31, 1792, and its object was to give protection to the ship-building interest of the United States, then in its infancy.

However wise and beneficent such a policy may have been under the conditions then existing in this country and amongst the nations then competing for the carrying trade upon the high seas, it is now thought by many of the wisest and most thoughtful statesmen and economists of the country that the policy of that particular method of protecting that branch of our shipping interests has exhausted itself, and, instead of producing further benefits for the public good and general welfare, that it is now, and has been for many years past, reacting most disastrously to the general public good and especially to our shipping engaged in the foreign carrying trade, and indeed to the ship-building interest itself, for unless there be employment for ships there can be no demand for them.

That statement in that report summarized really the whole argument in the case. Further along in that report the following remark is made:

It has been truly said that the difference of 1 penny per bushel in the cost of transporting wheat or corn from the United States to Liverpool might deprive us of a market for our entire annual surplus of breadstuffs. In view of the strong and increasing competition that our grain products are now encountering from those of Southern Russia, Roumania, and India, this statement assumes vast importance, if it be not even startling. To reduce the cost, then, of transporting across the ocean not only what we buy, but more especially what we sell, to the minimum should be the leading thought of our national policy and statesmanship.

How shall this result be attained if our people be debarred from entering into that wholesome competition with foreigners for the carrying trade by which alone that minimum in the cost of transporting our products can be expected to be reached? While wooden sailing ships did the ocean carrying trade of the world, and those ships could be built cheaper in the United States than elsewhere, we took and steadily maintained a leading position in the world's ocean carrying trade, and carried 75 per cent. of our own foreign commerce.

The increase in our shipping from 1830 to 1840 was 60 per cent.; from 1840 to 1850, 75 per cent.; and from 1850 to 1860, 60 per cent. Had the then existing conditions continued we should soon have been mistress of the seas. England had become thoroughly alarmed, and to counteract the danger repealed all her restrictive shipping laws in 1849, and enacted instead her present liberal and enlightened shipping laws, permitting all vessels, wherever built, belonging wholly to English subjects, to be registered as English vessels, and removing all taxes and burdens. She also opened the doors of competition wide by making even her coasting trade free to the vessels of all nations.

I will continue to read a little more from this report, as it presents the whole subject in a nutshell, and I think with great terseness and precision:

This wise and wholesome policy was gradually bearing its rich and valuable fruits when another most important factor came to her relief, and in connection

with these liberal laws completely restored her dominion upon the seas. It was discovered that ships could be built of iron and steel and propelled by steam, and that these could be built in England cheaper than in the United States.

About the year 1856 England commenced to build iron and steel steam-ships, and as fast as they were built and equipped the commerce of the world was transferred to them because of their superior speed and supposed safety. To compete with such vessels with wooden sailing ships was, of course, as futile as it would be now to send an army of savages armed with bows and arrows against a modern army with guns and artillery of the most improved type.

There was but one hope left us for further effort at maintaining our position and interests in the carrying trade, and that was to do what all other countries wisely did: repeal our antiquated restrictive navigation laws and allow our people to buy iron and steel steamers where they could get them as cheaply as their foreign competitors and register them as vessels of the United States.

That was the conclusion of that committee.

In 1872 the Pacific Mail Steam-Ship Company came forward and asked for a subsidy. The House of Representatives passed a bill to grant the subsidy to the amount of \$500,000 upon the general appropriation bill for the Post-Office Department.

An amendment was moved to the Pacific Mail contract, making it \$1,000,000 instead of \$500,000. Mr. Kerr characterized the arguments for subsidies as the "old and pretentious prayer of the few, the aggregated wealth of the rich corporations, for extorting contributions from the people. These contributions are for their own individual pecuniary benefit. The country will gain nothing by them. Commerce will become no cheaper." Mr. Benjamin Butler said:

"I am opposed diametrically with all my might, with all my judgment, with all my strength, to the idea of subsidizing any lines whatever. The only time when this Government attempted to subsidize a line of steamers, the great 'Collins Line,' we not only lost our money, but we ruined those whom we undertook to aid."

The amendment was lost in the House on the 20th of March, 1872, but on the 2d of May the bill was reported to the Senate by the chairman of the Committee on Appropriations with the above amendment attached. The amendment passed. Senators SHERMAN, of Ohio, Chandler, of Michigan, and MORRILL, of Vermont, opposed it.

Then the motion was made to increase the Brazil subsidy to \$450,000 for a semi-monthly mail for ten years.

Mr. Chandler said:

"It is desirable to own iron ships, very desirable, and I hope to see the day when we shall have our old supremacy in shipping; but it never will be done in the world by subsidies. It is not the subsidized lines of Great Britain that pay the largest returns. * * * You will never restore your flag to the ocean by subsidies. I care not how great you may make them; you may increase your subsidies to \$10,000,000 a year and you will not restore your flag."

Mr. MORRILL said:

"Is it practicable to recall our shipping? I think it is, and by the simplest process. Not a dollar of subsidies. Give us cheap materials and we will do it. Give us the ground on which we stand, so that we shall have our materials just as cheap as they can be afforded elsewhere, and then all these ship-yards and all that skilled labor will be at work at once; and you will find that we shall restore the balance of the shipping interests on the ocean that now stands against us."

Senator SHERMAN, in a speech advocating free ships, said:

"Since we can not build these vessels within 20 or 30 per cent. of the cost in England, why not admit them free? Why not admit them duty free, raise the American flag upon them, put American officers upon their decks, and have American lines instead of British lines? Why, sir, if that bill should pass, authorizing foreign ships when owned by American citizens to be used for the present, for three years under the American flag, one-half of the lines between New York and England would be American lines in sixty days."

Senator EDMUNDS declared that it was as much unconstitutional and wrong to grant these subsidies to Americans as to give them to foreigners, and that he could not support them.

Hon. J. G. CAYTON, during the debate on the subsidy question, February 23, 1879, used the following words:

"Now, what is this proposition? Oh, it is to give John Roach \$3,000,000 as a practical gratuity and to charge that as a tax on the cotton, and provisions, and tobacco, and wheat, and grain, and breadstuffs, and oil, that we produce. What for? To enable somebody to sell something that he has made, which it cost \$1.43 to make here, while it costs only a dollar to make it in Europe, and both manufacturers have to go to the same market, namely, Brazil. Why, gentlemen, if you had a business agent who proposed to do your private business in that way, you would put him into a lunatic asylum, or swear that he was a thief or an idiot, and discharge him."

"Commencing in the year 1847 down to the present time (1879) act after act has been passed for a similar purpose [postal subsidies]. I hold in my hand the official statements of the Secretary of the Navy and the Postmaster-General, which show payments of subsidies to the amount, in round numbers, of \$14,500,000 to steam-ship lines during the period from the year 1848 to 1858. I hold in my hand a statement that shows subsidies to the amount of \$7,000,000, in round numbers, since that time, making over \$21,000,000 that have been paid out of the Treasury for the purpose of establishing steam-ship lines—\$7,000,000 would buy all the steam-ships engaged in commerce that sail under the American flag on every ocean in the world—and, more than that, the subsidizing of these steam-ship lines, from the 'Collins' line in 1852 up to the present time, has bankrupted every prominent man that has favored it."

Those are pretty high authorities, Mr. President, upon the question we are discussing, and I should think that the gentlemen connected with the making of laws for the United States Government, who had such fixed convictions as far back as the period I have been referring to, would by this time have made some serious effort to relieve our navigation laws from the only restriction which they indicate here has been in the way of the building of American ships and American ownership of American bottoms. By "American bottoms" I mean bottoms that are sailed under the American flag.

It seems to me that it is beyond all question that these gentlemen stated this proposition plainly, succinctly, as clearly and with as much force as it is possible to state it, and that the only remaining duty we have now, whether we connect this question of navigation with the postal service or merely with the commercial marine, is to enable our people to take their money and go abroad and buy ships unless they can buy them on equally advantageous terms from American ship-builders, who have the right to import their material all free, and on those ships to commence carrying the commerce of the United States.

The first operation in that direction will be amongst the exporting merchants and importing merchants. They will wish to make enough

profits out of the ownership of the vessels to take up a large part, if not all the freights that they would have to pay upon goods that they export and goods that they import. The business of freighting goods upon ships is naturally connected with the export and import trade, and these would be the first men who would go into this business, and they would take into it very large amounts of capital.

Why, sir, in the Southern States, where we have not got the art of ship-building, where we have not the ship-yards, or the accumulation of money, or the opportunity of building ship-yards and building vessels, I have not a doubt that very large amounts of money would find their way very soon into steam-vessels which would carry cotton to Liverpool, carry cargoes to South America, or bring cargoes back to the United States, and also transport our coal, and iron, and timber, and a great many other things that we have in the South from which we could make very large contributions to the value of the general commerce of the country, and the people who desire to trade with us and live down in the southern part of this hemisphere.

Now I will take the second bill, or both of them, if you please, of the Senator from Maine, and inquire as to what classes of vessels and what vessels are in existence to-day that would probably receive the benefits of this bounty if we should have it, and how long it would be before the people of any other part of the country, except those parts that have ship-yards already erected, could possibly engage in the business of building ships to come up to the description which is found in these two bills.

You may take the bay of Mobile, which I think is a most admirable situation for the building of ships; take all the waters of Mobile River, from the city of Mobile up to Mount Vernon arsenal, which is a possession of the United States Government, and a very beautiful and very valuable one besides, you would commence the building of a dry-dock or ship-construction yards at some convenient and eligible location for the building of ships of commerce, say of 2,500 or 3,000 ton steamers.

You have there every description of wood that you could desire, almost without cost, that would enter into the construction of the inner works of a steam-ship, an iron or a steel steam-ship. You go up the Alabama River or go up the Tombigbee River or the Warrior River by water navigation until you come within 30 or 40 miles of the interior of those great coal and iron fields of that country. I see my friend from Vermont in front of me [Mr. MORRILL], who knows about the possessions of a certain company there, within 30 miles of the navigable waters of the Upper Alabama River, the Coosa River, where there is a vast amount of iron ore, beautiful timber and coal, all upon the same tract of land and that tract of land really valuable for agricultural purposes besides.

At Mobile you would have the advantage, in building these ships of commerce, of iron that can be made in the pig-metal at Birmingham at \$9.50 a ton at a fair profit. What kind of iron is it? It is iron sufficiently strong to make a car axle or a car wheel, and I suppose when rolled out, drawn out properly, it would have sufficient strength and ductility also to make the skin of an iron ship. At Birmingham and in the vicinity you can make the engines, perhaps, cheaper than you can make them anywhere else in the United States.

You have got down there great transportation by railway, and you have got river transportation in competition with it almost the entire distance from the mines to Mobile. I do not see why ship-yards for the building of a commercial marine might not as well be put up at Mobile as at any other point in the United States, and it would be particularly valuable to have repair yards there and docks upon which vessels could be floated, and become a most important and most immense factor in the commerce of the South when the Nicaraguan Canal shall be opened, as I hope and trust it will be before a great many years.

But how long would it take us to do that? Why, Mr. President, under the stimulus of these bounties we should not do it under four or five years, and in the mean time the wooden ships and the steam-ships of different qualities and varieties engaged in the foreign trade, some of them with their lives nearly spent, some half spent, and so on, would have received the full measure of the bounty provided in this act, and we should be getting nothing. We should be paying the taxes all the time; we should be paying the money into the Treasury of the United States, out of which these subsidies are to be granted, but we should be getting nothing at all. The mere prospect of a future realization from this bounty would be all that we could count upon for the advantage of our ship-yards in those parts of the Union where we are not now prepared for the construction of ocean-going ships.

Mr. FRYE. Mr. President, if the Senator will pardon me, I wish to say that under the terms of this bill over one-half of all the tonnage of the United States engaged in the foreign trade is excluded. Those ships that the Senator talks about being old, etc., are all excluded.

Mr. MORGAN. The others would have a mighty good time, Mr. President. They would get the bounty and they would run down the other half that are already expiring anyhow, so weak that they can not stand up in battling with the elements and with the laws for many and many a year, and they would be obliged to go under. So we have got to sacrifice about one-half the ships we have got in order to get the bounty for the others under the provisions of this bill.

But the other part that would supply the half that is going now at

the ship-yards to be constructed in different parts of the Atlantic States, I think, would look forward to an almost hopeless future. The rewards would be very distant, and I think that they would hardly ever be realized. I think we should get sick of the law and repeal it before we got down to the point where the men who invest their money in new localities would be able to turn ships out of their yards.

Mr. FRYE. I have no doubt, on the contrary, that the coal lying on the Tombigbee River and the Alabama River would be the coal supply for all the South American states on the eastern coast, Brazil, the Argentine Republic, and the Central American States.

Mr. MORGAN. Now, Mr. President, we can get coal from New Orleans, and Mobile, and Pensacola, and Tampa Bay to any part of the eastern Atlantic coast of South America at lower rates than the Senator from Maine says his ships built in Maine can afford to carry it for.

We were told by the Senator from Missouri [Mr. VEST] that the ocean was full of tramps, that they were ready to carry off the produce of the country, and that those and the regular lines did bring in all the vast production that we consumed from South America: hides, the different products of beef, and wool, and dye-woods, and hard woods, and fruits, and India rubber, and a great many valuable productions that are brought from South America to the United States. There appears to be not the slightest difficulty in the way in getting direct sail and steam transportation from any port in South America to any port in the United States, and we can do that at a lower rate on these vessels which are covered by the flags of Germany, France, Great Britain, and other countries than we can upon the ships that are American built, American owned, and under the American flag.

Now, when the Senator from Maine gets his ship subsidies, using the language of Mr. CANNON, which I read a moment ago, the freight is not reduced. The subsidy has no effect on freight. It remains just the same, and he can not afford to go even then and carry the coal from Alabama or Tennessee or Georgia out to sea and off to these foreign ports at a lower rate of freight than these foreign vessels and these tramps are charging. So the man who produces the coal gets no advantage from the bill at all, for it is a matter that does not add up in his account as to whether the coal for which he pays the freight is carried under an American flag or a German flag or under the flag of a tramp or the flag that is flown by some regular packet-ship. It does not cut any figure.

Mr. FRYE. The testimony of nearly all the gentlemen who appeared before the House committee in relation to that very point was that the men who sent freight would get nearly the whole benefit, and if not quite the bounty that the foreign ships now competing with them get just below their capacity to do business and to keep their ships afloat, and that the freights nearly inevitably, to the extent of the bounty, would go down.

Mr. MORGAN. It is not generally so, and it has not for that reason been the fact or the result in British experience.

The Senator from Missouri called attention the other day to the fact that not more than 2 per cent. of the commercial marine of Great Britain was subsidized in any form at all, whether by postal contract or otherwise, while that 2 per cent. by being subsidized is really placed in unfair competition with the other 98 per cent. of the British shipping. The general average of the prices of freight in British shipping has gone down. There has been a gradual sinking of freight rates resulting from universal competition now for several years past, but it can not be that this 98 per cent. of British ships have sunk their freight rates to correspond with the freight rates that 2 per cent. of that same shipping could afford to take in consequence of the bounty or in consequence of the postal subsidy that it is provided with by law.

Now, the fact of the business is this: The carrying trade of the ocean is overdone; that is the truth of it; and until that condition is altered freights must be carried by vessels at a losing rate. While that is true in respect of the carrying trade of the great oceans of the earth, the business of the interior communities of the United States is not only not overdone, but it is very prosperous and the fields are continually opening for additional commercial ventures and enterprises and the harvest of profits is continually growing and increasing throughout the United States; and if you would just give us a sound metallic currency as the basis of a paper currency, equivalent to the needs of the people of the United States for the conduct of their business, we should prosper in a degree that we have never yet experienced and a degree very much to be desired, because it would all be solid and substantial prosperity. There would not be any boom or inflation in it at all, but it would be solid and square through and through.

But, sir, we are not to expect people to withdraw their credit and to withdraw their money and to withdraw their enterprise from such vast and wonderful fields as are being opened in the United States now and will continue to be for the next thirty or fifty years to come, and, perhaps, longer than that, to go off into a field where the accumulated capital of the world has been invested under the incitements of bounties and subsidies in a business that will not pay a fair return on the capital invested. There is no occasion for undertaking competition of that kind. Our people get the advantage of it in lower rates, whether they get the benefit of it in the pride of their flag, commercially speaking, or not.

The advantage of it comes to us and the people are aware of it, and

I really see no occasion for changing that condition except in the instance I have referred to where I think it is proper and right that the American flag, and the American ship, and the American owner to buy an American ship—I mean an American-owned ship—ought to be united in the service of the Government, and it ought to be a fact as well as a theory that when a man steps upon an American ship and under the American flag he is upon American soil; that our laws attend these ships to whatever part of the world they visit, and can take care of our mails and the persons who are charged with them, and protect them against violence, and interference, and fraud, and everything of that kind just as much as we can do it upon the land in this country.

I believe it is our duty to spread the postal service across the seas as well as across the rivers; that it is as much our duty to cross the Gulf of Mexico with a postal service as to cross the Mississippi River. I can see no difference. I never could think that the Government of the United States was cramped and confined, in the organization and administration of its postal service, merely by the territorial land boundaries of this country. But it is quite a different thing when you come to subsidizing ships of commerce. That is a private transaction, in which the Government has no interest at all.

I feel, Mr. President, that it is hardly worth my while to undertake to occupy more of the time of the Senate in the discussion of this matter after the subject has been so thoroughly and so impartially presented in the report which I hold in my hand on both sides, the majority and minority, who deal with this subject in a spirit of fairness and of honest and sincere argumentation, and each side brings forward the facts upon which it predicates its opinions and conclusions. They do it faithfully and honestly and impartially, and I am very glad to say that about them, because it seems now to have presented the question before the Congress of the United States in such a fashion that we can form a final and conclusive judgment upon it. I must say that I believe if the Congress of the United States would follow its convictions upon this question and pass as a substitute for the bill of the Senator from Maine the bill reported by the minority of that committee (which is merely a bill to provide for free ships to be owned by American citizens and run under the American flag, without reference to the old restriction that has been so long an incubus upon our carrying trade) the question before us would be satisfactorily settled.

The Senator from Maine in the beginning of his remarks the other day in the Senate referred to a number of societies and individuals and corporations, commercial clubs, and chambers of commerce which advocated the passage of this bounty bill. I have attended several of those meetings and had occasion to listen to the debates that were conducted before them, and I think I do no injustice to the gentlemen concerned in them in saying that they have a very superficial view of these questions. They are questions which require a great deal more study than a man ordinarily is disposed to give to them unless he finds himself under the laboring oar of a pretty severe sense of duty. So I do not attach any very great importance to these petitions and recommendations which the Senator from Maine saw proper to read to the Senate.

But my colleague in the other House, Hon. JOSEPH WHEELER, has been for a number of years president, very prominent as president, of one of these commercial organizations. I am not prepared to say precisely which one, whether it was national or whether it was sectional; but it was a very large and influential body of men. They had a great many meetings, some of which I attended, at some of which I spoke, always opposing what I conceived to be the real purpose of that society, and I notice that General WHEELER is one of the minority that made up this report, of which Mr. FARQUHAR, of New York, was the chairman.

General WHEELER seems to have presented a very strong argument against the report of the majority of the committee, the soundness of all of which I think I am prepared to indorse, but it certainly is very strong; and if his calculations are correct in every particular it seems to me that he has thoroughly demolished the society of which he was president, and all the purposes that were involved in its organization. I will read it. It is brief.

The undersigned fully concurs with the majority of the committee in their views regarding the importance of some measure being adopted to revive American shipping, but it is with regret that he finds himself unable to support the bill H. R. 4653.

We now produce substantially one-third of the coal, iron-ore, pig-iron, finished iron and steel that is produced in the world, and yet we have but one-twentieth of the population of the earth.

It is therefore evident that a foreign market for our surplus products is necessary to our continued prosperity; but for the Government to give a bounty of 30 cents per registered ton for each 1,000 miles sailed by American ships is a questionable remedy. It would derange systems of traffic which have been adjusted after years of labor.

It must be expected that there are persons in this country who will avail themselves of all the advantages offered by the Government, and we must therefore inquire what results are possible under the bill should it become a law.

In European trade this bill would discriminate against all Atlantic cities in favor of San Francisco and other Pacific ports.

Wheat could be transported from California or Oregon to Liverpool and receive a bounty of 20 to 25 cents a bushel. It would also be possible to ship wheat from San Francisco, Cal., or Portland, Oregon, to some South American port and then reship to New York and other Atlantic cities, and receive from the Government 40 cents a bushel, thus militating against the wheat-growing interests of the Eastern States.

To illustrate: Suppose a ship of 4,000 tons, with 1,000 tons of wheat, sailed from Portland, Oregon, to some South American port, a distance of 7,000 miles; the

ship would receive \$8,400, that is, 7,000 miles at 30 cents a ton for every 1,000 miles sailed. The wheat could then be reshipped in a vessel of like character to New York, say 5,000 miles, and for this voyage the Government would pay \$6,000. The same wheat could then be reshipped in a similar vessel for Liverpool, for which the Government would pay \$3,600.

To illustrate the consequence of such a changed condition upon the wheat-growing section of the Middle and Eastern States, I will cite the following from a recent address by the president of the New York Produce Exchange:

"The difference in the cost of a single penny in laying down grain at Liverpool may determine the question whether millions of bushels shall be supplied by this country or shall be drawn from the ample fields of Hungary or Southern Russia."

It would be well for us to inquire if, under this bill, should it become a law, it would not become profitable to bring wheat from British India to New York.

Coal could be brought from Nova Scotia and compete with American coal in all our Atlantic ports, and by the use of the Welland Canal could compete with our coal in all the Lake cities. To illustrate: A 2,000-ton ship, carrying 500 tons of Nova Scotia coal for New York, would receive a bounty of \$600, i. e., 30 cents a ton for 581 miles, and the duty on the coal would be \$375, thus entering the coal free of duty and leaving the ship-owners \$225 bounty.

Iron ore could be brought from Spain and draw a bounty from the Government of \$4 per ton, and thus transfer the iron furnaces to the Atlantic coast. Under this law, the Government would pay a bounty upon all sugar and rice brought from the West India Islands to this country, thus enabling those foreign producers to more successfully compete with our home industries.

During the last few days petitions have been filed with Congress by the people of Knox County, Maine, claiming that they are being ruined by the competition of the lime-burners of St. John.

If the St. John people are given a bounty of from 60 cents to \$1 per ton by the United States Government, what will become of industries of like character in Maine, when our duty on lime amounts to 3 cents per barrel, which is equal to 25 cents a ton?

Even if the bill should not cause any increase of American shipping in foreign trade, it would cost the Government from \$3,000,000 to \$4,000,000 annually.

If it should attain for us all the advantage that is insisted upon by the advocates of the bill and increase our foreign shipping to such an extent as to equal that of England, the annual cost would reach \$30,000,000 and possibly \$40,000,000.

These are but a few of the effects of legislation of this character. The bill is so far-reaching, that its full results could only be ascertained by actual experiment. It only illustrates the fatal tendency of class legislation and proves the soundness of the old Democratic axiom, "Justice to all, favors none."

There are many methods by which the merchant-marine of our country could be encouraged, if not entirely restored to its former prestige. First of all, we should revise our tariff so as to open trade with foreign countries. We should modify our navigation laws. We should also modify our laws and treaties, so as to lessen duties upon merchandise imported in American ships. Some judicious laws could be enacted authorizing contracts between our naval officials and ship companies, by which ship-builders could be aided, while at the same time a full equivalent would accrue to the Government.

In England and other European Governments such contracts are entered into, between ship-builders and ship-owners on the one side and the Government on the other, by which ship-builders agree to construct vessels, in accordance with plans and specifications which are submitted by the Government, of such type and speed as shall render them specially suitable for service as armed cruisers. The company also agrees to hold these ships ready for charter or purchase by the Government at rates fixed by the contract.

These vessels are required to have a speed of not less than 17 to 18 knots an hour. They are included in what is called the "reserve fleet of the Navy." Vessels thus constructed to meet the views of the admiralty would be at a disadvantage in respect to their cargo-carrying powers, and their additional cost of construction is considerable; therefore it would become necessary for the Government to offer a reasonable compensation to ship-builders and ship-owners to build and maintain this description of steamers.

The consideration paid by the English Government to the company for the vessel or vessels as approved by the admiralty is an annual subvention of about 15 shillings per gross registered ton for the period of not less than five years.

It will readily be observed that the existence of such vessels would, in a pecuniary sense, be of great advantage to the Government, as it would lessen the number of war-vessels which it would otherwise be necessary for the Government to maintain.

Mr. President, there is a case in which an honorable gentleman, who is connected with the legislation of the country, when he felt it incumbent upon him with the high duties and responsibilities of his position, in view of all the facts that had been laid before this committee, concluded to state these views, that the bill, which I believe is copied in the bill of the Senator from Maine, would inflict very serious injury upon a number of great industries of this country, and that it was violative of the principles of sound policy and of the old Democratic axiom "Justice to all and favors to none."

Upon that subject of "Justice to all and favors to none," I wish to call the attention of the Senate for just a moment to some remarks made by Captain Bates, who is our Commissioner of Navigation, who was examined before this committee of the House. Captain Bates, on the subject of "Tonnage increase," after having discussed the French system, the German system, the Italian system, the Norwegian system, goes on then to discuss the proposed system under the bill that was then under consideration. He says:

TONNAGE INCREASE.

Of sail and steam, for the first year we had an aggregate of 517,020 tons. To replace this amount in ten years requires new building at the rate of 51,702 tons annually. And with this amount of building there would be no increase of tonnage for ten years to come.

Taking the entire marine in the domestic trade and the rate of building in the past ten years, we find our ship-yards doing coast and ocean work have but little more capacity than to make good the average loss of about 41 per cent. During the year ending June 30, 1889, there was built, of sail-vessels, 49,340 tons, and of steamers, 33,250 tons; in the aggregate, 82,590 tons fit for ocean navigation.

It is plain, therefore, with the amount of Government work increased above last year, that new ship-yards must be established before much building can be done for the foreign trade. But it is unlikely that much will be added to our building facilities, particularly for steam tonnage of iron and steel, until a demand springs up for large ships and steamers in the place of the vessels now existing. When this demand will come must depend, not only on the amount of bounty paid, but very much on its utility and quickening power in the procurement of freights, for it must be evident our marine can not earn bounty

without employment. And to get employment has been the chief difficulty, more especially in the case of sailing vessels.

In this connection it is important that the bounty to be paid shall be put at command of vessel-owners, so that it shall avail in the purchase of a part or the whole of cargoes. We should look to the chances of converting ship-owners of our own into merchants of our own. We should not expect to carry, principally, for the merchants of foreign nations, for all these, if they have not their own ships, have close business connections with the owners of their nation and will give the preference to their own flag.

That is a very candid and sincere avowal on the part of Captain Bates, our Commissioner of Navigation, of the reasons and inducements which lie at the bottom of this movement and the very natural gains amongst the men to be realized from these bounties, that it enables the merchant to purchase his cargo so that we are really to be supplying out of the Treasury of the United States capital to mercantile concerns to carry on business provided they will do it in American ships and American-built ships. Here is the translation of the whole business.

Mr. COKE. What page is that?

Mr. MORGAN. Page 261.

CONCLUSION.

To what extent the bounty bill, if passed, will increase the tonnage of our marine is not easy of prediction. It may well be regarded as a problem to be solved by trial. By the terms of the bill, reducing the bounty after ten years, there is no inducement to lay the foundation of great shipping-houses or to establish permanent agencies in foreign ports. This aspect of transitoriness is not much calculated to inspire ship-building, encourage ship-owning, or induce investment in commercial enterprises to be carried on with the world abroad. The bill seems to ask too little from the Government. Perhaps it is intended to test the principle of the protection which it offers. It will doubtless do much good—prevent the threatened destruction of our marine in the foreign trade. It will surely give us a much better class of vessels in ten years' time, but it is not so certain that the tonnage will be so much increased as to require, in any year of the operation of the bill, over five or six millions of dollars of bounty money.

The CHAIRMAN. What is your opinion as to the policy of excluding vessels under 400 or 500 tons from the benefits of this bill?

Captain BATES. We have 622 vessels, of from 100 to 500 tons. We are looking to this bill in the hope of raising men and officers for our Navy, in case we have trouble, and we have 622 masters, 622 mates, and sailors in proportion. Shall we throw all this naval school away or not? That is the question. I think the country would not approve of it.

The CHAIRMAN. The question has come before the committee whether it is not throwing away money, as some express it, to pay for a tonnage of 100, 200, or 300. That is a question which will come up for action by this committee.

Captain BATES. If you do not protect that class of vessels, foreigners will furnish them.

The CHAIRMAN. The presumption on the part of the committee is that under this bill, while a proportion of the sail fleet may remain in service and receive its benefits, the new-built vessel is going to be steam.

Mr. WHEELER, of Michigan. The bill will induce people to build larger vessels; but this is a country of small things.

Captain BATES. The boys will have a better chance to get aboard of these sailing vessels than they will of the fine ships.

Mr. WHEELER, of Michigan. In raising seamen, you think the encouragement ought to be general?

Captain BATES. I think that is one of the advantages we would get.

Mr. BANKS. Raising seamen is one of the principal necessities.

Mr. President, on that subject, while the Senator from Maine was discussing this bill he stated two rather important facts. One was in reply to the Senator from Missouri that if one of these English iron ships was given to an American he could not earn money on it by running it. Of course, if it is a ship that can run, a ship fit for running, a ship called a tramp, to say the least, it may not be the fastest ship, but it is a ship fast enough for the conduct of very heavy articles of commerce—as, for instance, hauling cross-ties from Mobile, Ala., down to Nicaragua, or hauling granite from the Maine quarries to Washington City, on the Potomac, and the like of that.

A great deal of freight that is carried across the ocean is all the better and all the cheaper for being carried slow. Even cotton sometimes pays better to ship it on a slow ship than it does on a fast one, for the reason that after you get your cotton to Liverpool or Manchester, or wherever you expect to send it, if it is not to be consumed immediately, there are warehouse charges upon it, but on shipboard it pays nothing but freight, and it is as much under insurance on shipboard, and perhaps more, than it is on land and in the warehouse. So there is a great deal of the freight of the world, very heavy slow freight, that it does not make any particular difference what kind of a ship it goes on so that it gets to its destination safely, and it makes no special difference if the voyage is a slow one.

So I can not understand, Mr. President, how it is that the Senator from Maine should find himself justified in saying to the honorable Senator from Missouri, "If one of these British owners were to give you an iron ship you could not sail it so as to make anything out of it;" that it would not be of any advantage. Well, the business must be much overdone, freights must be exceedingly low, and there must be a very decided want of remuneration in such an investment as that.

I have no doubt the statement was made in absolute sincerity and upon a practical idea of the facts. Thereupon we commenced inquiring what it was that could make such a difference, and the Senator from Maine said that in sailing it under the American flag better living would be expected on board and the sailors would expect better wages. That is a curious sort of disadvantage to say that the humanity and decency of our living would cost so much to our people and that it should be so essential a feature in navigation under the American flag that we should come to the Treasury of the United States and fix up a boarding-house on a vessel for the Spanish or Norwegian sailor so as to give better quarters than he has got now. I do not see

that there is any kindness in that, but I can see there is a great want of generosity towards the tax-payers of our country in a proceeding of that kind.

Then I was led to ask whether or not an American ship-master under the American flag taking his crew, for instance, at Liverpool, or at Lisbon, or at any Spanish port, would not get the sailors at as low a rate as a Spanish master could do. Yes, that is all true enough, he would get them at as low a rate as the Spanish master. Then why does he not take the Spanish sailor? He is just as useful, just as good, and you get him at a lower rate. Well, we know that is done continually. We know that it is done here amongst the fisheries of the United States, that they go to Canada for the purpose of getting the Kanucks there who perhaps are just as good fishermen, if not better than the Yankees. They take them aboard of their ships and carry them through the fishing season because they get a less "divide" out of the cargo of fish that is caught than the American fishermen.

It is true the world over, as Mr. Codman says and as other gentlemen say who have testified here, the ship-owner or the master of the ship when he is shipping his crew will always get the men he can get the cheapest provided they are serviceable, and if he can board a man for 37½ cents a day instead of a half-dollar he will board him for 37½ cents. Humanity, politeness, and decency of treatment do not enter into the consideration of these people. They do not think about such things.

What they want to know is how much money they can make out of a cargo, how much freight they can earn, and so it is that they are continually complaining of the Lloyds in England, and of the other Lloyds in North Germany and elsewhere, that they take advantage of American ships and put them in a false classification so as to throw down the rate of freight that they can get on board their ships. We are complaining continually, and this report is full of these complaints of the Lloyds, and yet that is a mere voluntary association, not incorporated by law, I believe, in either England or Germany. It is a large congregation of underwriters, who have their agents all assembled at a particular place, and when a man comes in for the purpose of getting his vessel insured there is a limit above which no company of underwriters is allowed to go, say £100 or £50, and they distribute it all around. There is a department there with men to examine the ship in every particular, from the highest point of the mast down to the keel, to see what condition it is in, and the ship is there rated, and according to the rating is the insurance, and according to the rating and insurance is the freight that is permitted to be asked in commercial circles or to be expected.

These combinations, of course, have wrought against the people of the United States, the ship-owners of the United States. It has occurred to me, although I am not sufficiently master of the subject to be able to trust my own judgment about it really, that we could with profit enact some law which would prevent the evil effects of these discriminations and place us where we could get the benefit of full and ample insurance without our ships being subjected to the discriminations that are being continually practiced against them at the Lloyds, both in England and in North Germany.

But now we come down to the last man in this question, except the man who goes aboard of the ship, and that is the sailor. I asked the Senator from Maine if he had any provision in his bill for taking better care of the sailors than is taken of them under the laws as they now exist, or for giving them higher wages. No; there is nothing of that kind. Commencing with the captain and going down to the ordinary seamen and the stokers on board a steam-ship and the cooks and the assistant cooks and so on, there is no increase of wages provided for.

There is no pressure brought to bear in this prize-money—for that is what it is—out of the Treasury of the United States upon which these men can get a "divvy." They have to go without anything. They are required to have so many American seamen the first three years, so many the next two years, and from that out to the other half of the ten years' term they are required to have so many American seamen on board a ship that receives a subsidy; but the seaman is not to receive anything. He gets no increase of wages; he gets nothing at all. So all of this prattle of these gentlemen here, witnesses and members of Congress, about the building up of seamanship and bodies of men to take charge of our ships in time of war as a result of this bounty bill is sheer nonsense, if you will allow me to say it.

An American sailor might just as well be on board a Chinese junk as on board an American ship, so far as the pay is concerned. He gets nothing out of this; the ship-master gets nothing out of it; the engineer gets nothing out of it; the captain gets nothing out of it. Nobody gets anything out of it except the ship-owner himself who puts his money in the ship. He is the man who receives the bounty, and then, according to Captain Bates, he may go abroad anywhere he pleases and use that money to buy a cargo to speculate upon and make it capital in mercantile trade between this country and foreign countries; and that is the pith, and the object, and the purpose, and the conclusion, and the result of this proposed law. So when we have passed this bill, if we shall pass it at all, we merely contribute to the private funds of the ship-owner so much money in consideration that other men risk their lives and health to sail his ship around the world so many miles and back, and is required to carry not a full cargo, but a fourth cargo.

If his ship is one of a thousand tons gross he can carry 250 tons and

draw the bounty, and a man can lay in at Mobile 250 tons of cross-ties and carry them around the world to China and bring them back. That will not cost him \$250 out of a thousand-ton ship and he will draw from three to six thousand dollars bounty upon the ship and cargo. That is the bill they ask us to pass, and it is to this absurd extreme that Senators and gentlemen, statesmen, able men, and good men are driven in order to avoid the cruel results of retaining upon our statute-book that old embarrassment of 1789 which excludes American money and American people from going out and buying a ship as they would buy a locomotive or as they would buy a horse or anything else and pay a duty upon it if you say so.

Certainly if your ship costs you \$500,000 and it is worth it, value it and pay 10 per cent. or 20 per cent. ad valorem duty when it comes in, like any other imported goods, but when it gets here let the man use it for all it is worth. That is the true theory of government.

Mr. President, I have gone into this more than I intended to do. It is not a subject with which I am very familiar. It has not fallen within the line of the studies that belong to me according to the assignment of the Senate since I have had the honor to be a member of this body. But I could see in this bill—this is the first time it has come up squarely since I have been here—such a violation of the principles of good government and such a threat against the people that I peculiarly represent, the agricultural classes, that I felt obliged to say what I have said about it.

Mr. COKE. Mr. President—

Mr. FRYE. Allow me a word?

Mr. COKE. Certainly.

Mr. FRYE. Mr. President, I was sorry to hear the Senator from Alabama [Mr. MORGAN] indorse the ship statements of his colleague, General WHEELER, and then on top of the indorsement use himself a like illustration of how a ship would make money by sailing on the bounty with only a very small cargo, one-quarter or one-tenth or something of that kind. I looked over the minority report drawn by the distinguished gentleman, and to anybody who knows about ships and the cost of sailing them it is utterly absurd.

In order to accompany the Senator's remarks and his indorsement of the illustration, I will ask leave to put in information which I received from a man who knows practically what he is talking about, showing just what would be the effect on a 4,000-ton ship carrying 1,000 tons cargo and taking the bounty in addition, and I ask the leave of the Senate, instead of reading it to the Senate, to print it in the RECORD.

Mr. MORGAN. What is it?

Mr. FRYE. A statement of what a 4,000-ton ship—

Mr. MORGAN. Whose statement?

Mr. FRYE. The statement of a gentleman whom I know to be practically acquainted with the running of ships.

Mr. COCKRELL. Let it be read.

Mr. MORGAN. You do not give his name.

Mr. FRYE. No. I do not want to occupy the time of the Senator from Texas. I am ready to make a speech if the Senate will allow me to have it put in the RECORD—

Mr. COKE. I am entirely willing to have it read.

The PRESIDENT *pro tempore*. The paper will be read, if there be no objection.

The Chief Clerk read as follows:

The argument in favor of a bounty to American ships is founded upon the fact that they can not compete with their foreign rivals for a share of the overseas carrying trade.

In the face of the testimony to this effect and the patent fact of the steady decadence of American shipping, Mr. WHEELER pictures a ship of 4,000 tons register (capable of carrying 6,000 tons weight), taking from port to port, 1,000 tons of wheat, and finding the freight on this mere fraction of a cargo so profitable that she could afford to turn over the entire bounty intended for her benefit to the owner of this 1,000 tons of wheat.

Of course, any one conversant with ship's accounts will see at once that the honorable gentleman has had no experience in such matters, but to those who, like himself, have no proper conception of the enormous expenses of a ship, the illustration is misleading.

There are no American sailing ships of 4,000 tons. Those built a dozen years ago are generally of 1,200 to 1,500 tons register and carry 40 to 50 per cent. in weight above their registered tonnage. The largest ship afloat is the Rappahannock (new), 1,385 tons. A ship of 4,000 tons register should carry 6,000 tons weight; 1,000 tons would about ballast her. Her ship's company would be in excess of forty persons. Her first cost would be approximately \$50 per ton, or \$200,000.

Interest on this at 6 per cent. per annum is.....	\$12,000
Insurance (net) at 7 per cent. per annum is.....	14,000
Depreciation about 5 per cent. per annum is.....	10,000
To metal a wooden ship and calk her bottom would cost about \$5,000 every thirty months, equal to \$2,000 per annum, besides her chandlery every voyage, and occasionally new sails and spars; call repairs.....	4,000
Captain's wages.....per month.....	\$200
Mate.....do.....	80
Second mate.....do.....	45
Third mate.....do.....	35
Carpenter.....do.....	25
Cook and steward.....do.....	75
30 seamen, at \$20.....do.....	600
4 boys, at \$12.50.....do.....	50

Wages per month.....	1,100
Victuals for forty-one persons, \$10 each, or say.....	400

If under pay ten months per year at.....	15,000
--	--------

Cost to the ship-owner every year, exclusive of port charges.....	\$5,000
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Such a ship is no "plaything" to be sent about with one-sixth of a cargo, for the sake of the bounty.
A ship of 4,000 tons would be too deep for Portland, Oregon, but this is of no consequence, as Tacoma or San Francisco furnishes the same illustration.

	Months.
Allow for loading at Portland	1
Passage to Europe (direct).....	4
Discharging in Europe.....	1
	6
Or, say, for loading in Portland.....	1
Passage thence to Rio Janeiro.....	3
Discharging and reloading, after lightering and storing and lightering back..	1
Passage to New York.....	1
Handling the cargo there.....	1
Passage to Europe.....	1
Discharging in Europe.....	1
	10

Bounty, if going direct, \$8,400, or \$1,400 per month.
Additional by calling at Rio and New York, \$9,600, or \$1,600 per month.

Going direct with 1,000 tons.

Port charges, towages, pilotages, stevedore, commissions, etc., Portland, say	\$3,500
Expenses discharging at Liverpool, say	3,500
Expense of ship outside of such charges, six months.....	27,500
	34,500
Expenses going direct.....	34,500
Freight on 1,000 tons at 30s.....	\$7,200
Bounty (7,000 miles).....	8,400
	15,600

Loss on sailing direct

Going via other ports.

RIO.

Add for—	
Handling cargo, storage, and lighterage twice, estimated \$2.50 per ton..	\$2,500
Expense of ballast	500
Other port charges, towages, consignee's charges, etc.....	1,000

Disbursements at Rio

NEW YORK.

One year's tonnage dues, at 12 cents	\$1,200
Stevedore on cargo, 30 cents each way.....	600
Storage and labor on grain in bags	500
Expense of ballast and new crew	700
Wharfage, pilotage, towage, etc.....	1,000
	4,000

Four months' additional time, at \$5,000 per annum, as shown above

Less extra bounty for deviation

Brought over, loss carrying 1,000 tons direct

Loss for ten months on these voyages

Besides all this, there would be the wastage and damage to the wheat and the interest and insurance on three voyages instead of one, to be borne by the cargo, and the impracticability of the whole proposition is too transparent to need further illustration of its absurdity. If the ship owned the cargo, loss would be \$40,000.

Of course, most of the above figures are subject to modification by changed circumstances. The rate of freight might be more or less than 30s. per ton. In no possible way could such a subterfuge be of any advantage.

Mr. WHEELER speaks of a ship of 2,000 tons register taking 500 tons coal from Nova Scotia to New York to obtain \$600 bounty. Such a ship would carry 3,000 tons, and the bounty would equal 20 cents per ton only on the cargo.

NEW YORK, April 12, 1890.

The PRESIDENT *pro tempore*. The question recurs upon agreeing to the amendment proposed by the Senator from Louisiana [Mr. GIBSON]. Is the Senate ready for the question?

Mr. FRYE. Mr. President, does the Senator from Texas desire to go on?

Mr. COKE. I do not desire to proceed this evening, but I will speak this evening if such is the desire of the Senate.

Mr. FRYE. The Senator from Louisiana [Mr. GIBSON] desires to address the Senate briefly in favor of his amendment, and I understand the Senator from Texas desires to address the Senate briefly, too, and that that is about the extent of further debate.

I have a very few matters I should like to put in, and I want to get a vote on these bills at the earliest possible moment. Therefore, with the permission of the Senate, I will say what I have to say now.

Mr. COCKRELL. How long?

Mr. FRYE. Fifteen or twenty minutes.

Mr. COKE. I will state to the Senator that I shall be very brief.

Mr. FRYE. I shall be very happy to have the Senator from Texas go on.

Mr. COKE. I shall be glad to yield to the Senator and will speak in the morning.

Mr. FRYE. I shall be happy to have the Senator go on if he desires. If the time is not to be occupied by others this evening, then I will occupy a brief space. I desire to give notice that I will endeavor to have the consideration of this bill proceed to-morrow morning immediately after the routine business, and finished.

Mr. HALE. And not wait until 2 o'clock?

Mr. VEST. That is only in the nature of a notice.

Mr. FRYE. Only in the nature of a notice.

Mr. VEST. We shall attend to that when the time comes.

Mr. FRYE. In some remarks I addressed to the Senate, a few days since, I made quotations from a report of Consul-General Russell, and at the same time requested that the report might be published as a part of my remarks, and consent was given by the Senate.

My attention was called a day or two afterwards to the fact that that report did not appear in my remarks as printed, and a Senator desired that it might be printed and appear in the RECORD, and therefore I ask again, Mr. President, that the report of Consul-General Russell may appear now as a part of my remarks. As I stated the substance of it the other day, I ask that it may be printed without reading.

The PRESIDENT *pro tempore*. The Chair hears no objection.

The report is as follows:

No. 142.]

UNITED STATES CONSULATE,
Liverpool, November 18, 1887.

SIR: With a view to ascertaining the relative monthly rates of wages paid to officers and seamen of vessels of the United States with that of other nationalities, together with the cost of maintenance per man on board their respective vessels, I have compiled the following tables: (1) showing the wages paid; and (2) the cost of maintenance, together with the rates per centum less than those of the United States.

Reference to these tables will show that the vessels of the United States pay the highest rate of wages, besides costing more for maintenance of the crews than those of any other nation. This, of course, refers to voyages commencing in the United States, but even when they commence in foreign ports, that is, ship their crews and obtain their supplies at a foreign port, they then average higher rates than vessels of other nationalities as regards cost of maintenance. No comment is necessary in respect of the wages question, as the general labor market of the United States fixes that for shipments in home ports.

British vessels in domestic ports can procure crews for from 37 per cent. to 32 per cent. lower than those paid on American vessels, which is a serious item in the disbursement account. Then, again, the cost of maintenance on American ships is about 40 cents per day per man, against the English 29 cents, or a difference of 27 per cent. in favor of the latter.

When it is considered that provisions, such as beef, pork, and flour, which are the principal articles of food consumed, can be obtained in the United States, if anything, at a lower price than in England, it seems remarkable that the crews of our vessels should cost 27 per cent. more per man for maintenance; yet such appears to be the case. It is an acknowledged fact that the living on board our vessels is superior to that of other nations, and it is generally asserted that larger quantities of food are supplied to the crew, the scale of provision laid down by Congress being rarely if ever resorted to.

The wages paid on vessels belonging to Norway and Sweden, Russia, Germany, Denmark, Austria, and Spain average about 47 to 50 per cent. lower than those of United States vessels, and the cost of maintenance about 32 per cent. less, excepting those of Germany which cost about 10 per cent. less only.

I have the honor to be, respectfully, your obedient servant.

CHAS. T. RUSSELL, Consul.

Hon. JAMES D. PORTER,
Assistant Secretary of State.

Inclosures: 1. Table showing wages paid to seamen on vessels, various nationalities. 2. Cost of maintenance. 3. Copy of dispatch and inclosures.

TABLE NO. 1.—Statement showing the rates of monthly wages paid to officers and seamen on vessels at the home ports of the various nationalities.

Nationality.	Mate.	Per cent. less than United States.	Second mate.	Per cent. less than United States.	Seamen.	Per cent. less than United States.
Norway and Sweden	\$17.02 to \$19.46	63			\$9.73 to \$10.94	45
Russia	17.51 to 19.46	63	\$11.67 to \$15.56	58	9.73 to 11.67	43
Germany	17.85 to 20.23	62	13.09 to 15.47	56	9.52 to 10.71	45
Denmark	17.99	64			10.94	43
Austria					11.19	43
Spain	43.75	12	34.06		13.62	27
Great Britain:						
Sailing vessels.....	38.92	22	21.89	37	12.16 to 13.33	32 to 33
Steam-ships, Atlantic voyages	55.91 to 66.08		46.18 to 58.34		19.46	
Steam-ships, other voyages	38.93		29.19		14.59	
United States:						
Pacific coast	50.00		35.00		20.00	
Atlantic coast	50.00		30.00 to 35.00		18.00	

TABLE No. 1—Continued.

Nationality.	Carpenter.	Per cent. less than United States.	Cook.	Per cent. less than United States.	Steward.	Per cent. less than United States.	Ordinary seamen.	Per cent. less than United States.
Norway and Sweden	\$12.16 to \$14.59	61	\$10.94	66	\$10.94 to \$12.16	69	\$7.29	46
Russia	9.73 to 11.67	67	\$9.73 to 11.67	67			7.29 to 7.78	44
Germany							5.95 to 7.14	51
Denmark							8.51	37
Austria			17.51	23	19.46	49	9.73	27
Spain							11.19	17
Great Britain:								
Sailing vessels	27.98 to 84.06	17	19.46	40	24.33 to 26.76	36	7.29 to 9.73	37
Steam-ships, Atlantic voyages					14.59 to 17.02			
Steam-ships, other voyages	29.19							
United States:								
Pacific coast	35.00 to 40.00		35.00		40.00		15.00	
Atlantic coast	39.00 to 35.00		30.00		35.00		12.00	

TABLE No. 2.—Statement showing the cost of maintenance per man per day on board vessels of various nationalities.

Nation.	Cost of maintenance.	Less than the United States.
	Cents.	Per cent.
Norway and Sweden	22 to 24	42
Russia	22	30
Germany	26	30
Denmark	23 to 27	37
Austria	24 to 36	40
Spain	30	40
British	22 to 36	27
United States of America	49	

Mr. FRYE. Now, Mr. President, I call the attention of the Senate to another thing which is to me somewhat remarkable. The Senator from Texas [Mr. REAGAN] stated in his speech to-day that the difficulty about commerce was that we could not hope to have commercial exports to other countries and imports from other countries unless we established an entirely different rule from what governs us to-day. In other words, I suppose he intended to say that it was our tariff which was interfering in this matter, and that of course we could not have a carrying trade if we did not have commerce. I went out and from papers that I had in my possession I gathered the following facts as to commerce, which I desire to put into this case:

Imports and exports.

Period.	Value of imports.	Value of exports.	Total.
1790 to 1820, inclusive	\$2,250,628,238	\$1,839,008,869	\$4,189,637,107
1821 to 1845, inclusive	2,401,951,443	2,236,019,315	4,637,970,758
1846 to 1861, inclusive	3,687,572,980	2,367,586,492	6,055,159,472
1862 to 1889, inclusive	14,514,129,670	15,010,243,751	29,524,373,421

Total imports and exports 1790 to 1889, inclusive.

Period.	Imports.	Exports.	Total.
1790 to 1861	\$3,590,152,611	\$7,462,709,176	\$10,052,861,787
1862 to 1889	14,514,129,670	15,010,243,751	29,524,373,421
Excess in value of imports and exports from 1862 to 1889 over those of 1790 to 1861			13,471,611,634

From the day of the acceptance of the Constitution of the United States down to 1861 our exports and imports were \$16,052,761,787, and from 1861 down to now, \$29,524,373,421.

I made myself a brief calculation of certain voyages under what is known as the postal-subsidy bill. In the left-hand column I have put in what it would cost a ship a year under the tonnage bill; in the right-hand column what it would cost the same ship under the postal-subsidy bill; and with the leave of the Senate I will print that.

The PRESIDENT *pro tempore*. The Chair hears no objection.

The paper is as follows:

ESTIMATE OF YEARLY PAYMENTS TO STEAM-SHIPS UNDER FARQUHAR AND FRYE BILLS.

New York to Liverpool.			
3,000 miles; 12 round trips, 72,000 miles.			
FARQUHAR.		FRYE.	
8,000-ton ship	\$172,800	First-class ship	\$216,000
New York to Rio de la Plata.			
5,768 miles; 4 round trips, 46,144 miles.			
FARQUHAR.		FRYE.	
5,000-ton ship	\$69,216	Second-class ship	\$69,216
2,500-ton ship	34,008	Third-class ship	34,008
1,500-ton ship	20,765	Fourth-class ship	23,072

New York to Brazil (Pará).

2,910 miles; 8 round trips, 46,560 miles.

FARQUHAR.		FRYE.	
5,000-ton ship	\$69,840	Second-class ship	\$69,840
2,500-ton ship	34,920	Third-class ship	34,920
1,500-ton ship	20,952	Fourth-class ship	23,280

New York to Brazil (Rio de Janeiro).

4,778 miles; 5 round trips, 47,780 miles.

FARQUHAR.		FRYE.	
5,000-ton ship	\$71,670	Second-class ship	\$71,670
2,500-ton ship	35,835	Third-class ship	35,835
1,500-ton ship	21,501	Fourth-class ship	23,899

New York to Venezuela (La Guayra).

1,843 miles; 12 round trips, 44,232 miles.

FARQUHAR.		FRYE.	
5,000-ton ship	\$66,248	Second-class ship	\$66,248
2,500-ton ship	33,124	Third-class ship	33,124
1,500-ton ship	19,904	Fourth-class ship	22,116

San Francisco to Australia (Sydney).

6,448 miles; 3½ round trips, 45,136 miles.

FARQUHAR.		FRYE.	
5,000-ton ship	\$67,702	Second-class ship	\$67,702
2,500-ton ship	33,851	Third-class ship	33,852
1,500-ton ship	20,211	Fourth-class ship	22,508

San Francisco to China (Hong-Kong).

6,080 miles; 4 round trips, 48,640 miles.

FARQUHAR.		FRYE.	
5,000-ton ship	\$72,960	Second-class ship	\$72,960
2,500-ton ship	36,480	Third-class ship	36,480
1,500-ton ship	21,888	Fourth-class ship	24,320

San Francisco to Japan (Yokohama).

4,564 miles; 5 round trips, 45,640 miles.

FARQUHAR.		FRYE.	
5,000-ton ship	\$68,460	Second-class ship	\$68,460
2,500-ton ship	34,230	Third-class ship	34,230
1,500-ton ship	20,538	Fourth-class ship	22,820

San Francisco to East Indies (Manila).

6,254 miles; 4 round trips, 60,032 miles.

FARQUHAR.		FRYE.	
5,000-ton ship	\$75,048	Second-class ship	\$75,048
2,500-ton ship	37,524	Third-class ship	37,524
1,500-ton ship	22,514	Fourth-class ship	25,016

Mr. FRYE. As to the cost (and it is the great cost which would attract attention) of a line of ships between New York and Liverpool at \$6 a mile the outward voyage, making a little over \$800,000 for four great ships, I have to say this: In every case in that bill there has been a limit beyond which the Postmaster-General should not go, but not a limit below which he might make his contract. In every contract for carrying the mail from the Pacific coast there undoubtedly would be competition. In every contract for carrying the mail across the Caribbean Sea and the Gulf of Mexico there would be competition. Between New York and the river Plate there would not be competition for a while; when the first contract was made there probably would be none; very likely the Postmaster-General might pay the amount provided for in this bill, but there is one thing which might relieve him from doing that, and which probably would. Brazil and the Argentine Republic would help pay for the 16-knot vessels which should be provided for under this bill between New York and the river Plate, so that in all human probability the cost there would be less than the extreme limit which is put in this bill.

I said between New York and Liverpool there probably would be no reduction of cost because there would be no competition whatever. But suppose you got four ships of 8,000 tons each and 20 knots an hour. Those four ships, built as the bill provides, would be worth more in the event of war than one of these great line-of-battle ships which cost \$3,000,000, and costs undoubtedly the United States every year to keep it in commission and service from four to five hundred thousand dollars.

Mr. MORGAN. We have not any such four ships now?

Mr. FRYE. No; four ships I say that would be built under the postal-subsidy bill. Suppose it did cost, I say, \$800,000 a year and the United States paid it, as the result of those four ships of 8,000 tons

each, put upon the line between New York and Liverpool, built as the bill provides they should be built, they would occupy the place fully in service in case of war that one of the great line-of-battle ships would occupy.

Mr. MORGAN. Will the Senator tell us how long it would take to build those four ships?

Mr. FRYE. I have no doubt it would take two years and a half.

Mr. MORGAN. Then what would they cost, each of them?

Mr. FRYE. They would cost over a million dollars each. So in these figures showing the cost of the voyage for the mail service I give the extreme limit of cost, when I do not believe that it would reach it or anything like it. Under the postal subsidy bill, from the best examination I have been able to give it, in my judgment it would not cost the United States for the next two years the net profit the United States to-day makes from carrying the foreign mails; that is, in the neighborhood of \$900,000. The third year it would cost more, because by the time the third year came around you would have some of these great ships.

Now, there is another thing I want to call the attention of the Senate to, and lest any one should question about this matter of the Government's profit from carrying our mails, I desire to read from the last report of the Superintendent of Foreign Mails:

From the postmasters' reports, which form the basis of Table D, it appears that of the aggregate sum of \$2,343,923.27 estimated in said table to have been received by this Department as postage on articles exchanged with all foreign countries, the postage collected on the articles exchanged with foreign countries other than Canada and Mexico amounted to \$1,728,743.17, or more than three times the net cost of the service.

What Senator can object to paying for carrying the United States mails under the American flag what it costs? There is not a State south of where I stand this moment where the United States does not pay more for the transportation of mails than it receives from the letters, and there are not more than half a dozen States in the Union where the United States does not pay more than it receives from the mails for carrying the mails. Why should any Senator object to paying that amount for carrying the United States mails on the ocean?

The Senator from Alabama read from a statement of Mr. Bates, the Commissioner of Navigation, touching the cost of what is known as the tonnage bill, the number of vessels employed, etc., and the Senator from Maryland [Mr. WILSON], in his speech made two or three days since (and he is a Senator who would not make a misstatement understandingly under any circumstances), also made his estimate of the cost of this bill, and he made it about \$7,000,000 a year. He was entirely mistaken, and only made the grievous error from not examining carefully the subject he was discussing. His statement was that our registered ships amounted to 800,000 tons; that you pay 30 cents a thousand miles travel on 800,000 tons of registered shipping, and it would amount to about \$7,000,000 a year.

The Senator ignored entirely every limitation that is contained in the bill. He ignored the limitation to 500 tons burden. What does that mean? We have tonnage about 4,500,000 tons, and 1,620,000 tons are in vessels less than 500 tons burden. That is to say, of all the vessels owned in the United States over one-third are below a 500-ton vessel. I will admit that in the registered tonnage that proportion will not hold good, but in registered tonnage of all the vessels of the United States registered to-day over one-quarter in number are less than 500 tons, and therefore they would be excluded from the bill. The Senator from Maryland ignored that entirely in his statement of the cost.

Mr. WILSON, of Maryland. The Senator is mistaken. I especially deducted 200,000 tons for vessels that were under 500 tons.

Mr. FRYE. I do not see how the Senator, then, could make the mistake he did make.

Mr. WILSON, of Maryland. And also 100,000 tons on account of the inspection laws.

Mr. FRYE. I did not hear that; but how the Senator, then, could have made it cost \$7,000,000 is beyond my comprehension. I did not hear that statement of the Senator, and I have not seen his speech yet in the RECORD. Has it been published yet?

Mr. WILSON, of Maryland. No, sir.

Mr. FRYE. That is what I thought. I examined twice to see it and it has not appeared.

The bill has a certain requirement as to classification under the law. It is a matter of American registry. Now, that classification would exclude one-half of all the vessels of the United States registered to-day. So there would not be over 300,000 tons of vessels left that would receive bounty under the bill to-day.

I was saying that Mr. Bates made a statement before the committee touching these same things, and his statement there does not apply to the bill here because a limitation of 500 tons has been put in since he made his statement, and two or three other limitations contained in the bill have been put in. He has revised that statement and I have it here, addressed to the chairman of the House Committee on Marine and Fisheries, in which he goes into the matter at length very carefully, and so that Senators may have an intelligent idea of what this bill is likely to cost if it becomes a law I ask leave to present this

statement of the Commissioner of Navigation and have it printed in the RECORD.

The PRESIDENT *pro tempore*. The Chair hears no objection.

The statement referred to is as follows:

ESTIMATES FOR NAVIGATION BOUNTIES.

TREASURY DEPARTMENT, BUREAU OF NAVIGATION,
May 21, 1890.

SIR: As it may be expected that persons unacquainted with the state of your marine, both in home and foreign trade, may have an idea that the payment of bounties to vessel trading abroad would call for great sums of money for the first and the following years of the life of the bill, at your request I have revised the method of my first estimate, and made a closer approximation of annual payments; have also made a calculation of what the amount would be the first year, if all our salt-water vessels of the size, class, and grade named in the bill could find business in the foreign trade, as, of course, they could not do.

REVIEW OF FORMER ESTIMATES—THE TONNAGE.

For want of time to examine books of classification, my former estimate of tonnage qualified for bounty earning was based upon the ages of vessels, and is somewhat in excess. In the present investigation the Shipmasters' Record, of New York, has been consulted, and a closer approximation made. The facts discovered concerning the condition of our marine will surprise even the best informed. Of the salt-vessels above 500 tons, in both foreign and domestic trade, whose measurement foots up to 901,244 tons, there are only 500,876 tons that are classed in the Record A 1 and A 1½. In other words, only 55.5 per cent. of either of the fleets, foreign or domestic, are qualified for bounty-earning. In my statement, page 257 of the Report of Hearings, the salt tonnage computed as equivalent to permanently employed was 543,696 tons. Of this amount I estimated 70 per cent. was A 2 or higher, namely, 380,587 tons.

The change in the bill of class limit from A 1 to A 1½, and the decrease from 70 to 55.5 per cent. of fleet tallying therewith, will lower the amount of salt tonnage from 422,938 to 301,751 tons for the qualified fleet last year in the foreign trade. As a year will have elapsed from the date of these statistics to the probable time of passing the bill, deduction should be made for one year's losses from the perils of navigation (3.63 per cent.), and for lapsing from class (6.37 per cent.), together 10 per cent., making the amount of tonnage to start with next year (1891) 271,576 tons. To this should be added about half the tonnage that will be built during the year. In 1889, the amount built of salt above 500 tons was 21,335 tons (or 2.36 per cent. only of the salt-water sail of 901,244); in the same year the losses of registered tonnage amounted to 3.63 per cent. If we allow for doubling in 1891 the tonnage built in 1889, and add half of it to 271,576, we shall have 292,911 tons as amount of sail for bounty earning in the first year of the operation of the bill.

With regard to the steamers my first estimate fixed upon 151,316 tons, which was cut down by one year's losses (estimated at 10 per cent.) to 136,285 tons. It is found on consulting the Record that the whole tonnage of screw-steamers above 500 tons classed A 1, thirteen years and upward, sums up to 156,606 tons. As the whole amount of steam last year registered and assumed to be in the foreign trade was 194,471 tons, it would appear that 80 per cent. of our steamers in the foreign trade are qualified by size and class for bounty earning. Taking the new figure of 156,606 tons and deducting 3 per cent. for one year's losses from the perils of navigation and 5 per cent. for lapsing from class, making together 8 per cent., we have 144,078 tons to start with in the first year. To this should be added about one-third of the tonnage that will be built during the year. In 1889 the amount built of steam tonnage above 500 tons was 17,352 tons. This will give a result of 159,062 tons as amount for bounty earning in the first year.

THE MILEAGE THAT MAY BE MADE.

In my first estimate it was assumed that the sailing vessels would probably navigate an average distance of 18,000 miles annually, and steamers of 42,000 miles annually; but the changes in the bill limiting the bounty in any voyage to 7,000 miles, although many voyages will be double this distance, and confining the payments to voyages made direct to or from a foreign country will have the effect of reducing this estimate largely in the case of sailing vessels and to some extent in the case of steamers. The following examples of actual navigation will illustrate the operation of the bill as reported to the House:

Ship I. F. Chapman, New York to San Francisco, thence to Liverpool, and return to New York in thirteen and one-half months, would sail 31,000 miles, but make in bounty mileage only 10,010 miles.

Ship L. Schepp, New York to Yokohama, thence to Manila, and return to New York in fifteen months, would sail 36,000 miles, but make in paying distance only 14,000 miles.

Ship Santa Clara, New York to Melbourne, thence to Newcastle, New South Wales, thence to Manila, and return to New York in seventeen and one-half months, would sail 36,000 miles, but make in mileage measurement only 14,000 miles.

Ship Daniel Barnes, New York to Melbourne, thence to Newcastle, New South Wales, thence to Honolulu, thence to Hong-Kong, and return to New York in sixteen months, would sail 39,000 miles, but make in bounty mileage only 14,000 miles.

The average bounty mileage of these ships would be only 10,060 miles a year. It also appears from actual transatlantic voyages that 18,000 miles annual mileage is too much for them, though all the distance made be allowed. The following examples illustrate this point:

Bark H. L. Routh, 1,023 tons, New Orleans to Lisbon, and thence to New York, five and one-third months, distance 7,300 miles.

Ship City of Montreal, 1,116 tons, New York to Rotterdam and back, five months, distance 6,400 miles.

Ship M. Nottebohm, 1,116 tons, New York to Bordeaux and back, five months, distance 6,200 miles.

Ship Fawn, 1,915 tons, New York to Amsterdam and back, five months, 6,400 miles.

The average bounty mileage of these ships is at the rate of 15,523 annually. If we average the mileage of these ships with that of those above, around the capes, we shall have a result of 12,791 miles.

Adopting 13,000 miles of distance as a probable bounty mileage that will be made by the sailing fleet, we shall have 292,911 tons multiplied by 13,000 as the ton-miles; and this product, by three-tenths of a mill, will be \$1,142,352.

As we have now a few steamers running to foreign ports, and between other foreign ports, before returning home, and this sort of navigation is likely to be increased, perhaps largely; and as there is to be no bounty paid on running between foreign ports, my former estimate of 42,000 miles per annum is too large for average steamer mileage. It is believed on review that 35,000 miles for bounty earning would be a fair estimate as the bill now stands. We shall have, therefore, 159,062 tons multiplied by 35,000 as the ton-miles; and this product, by three-tenths of a mill, will be \$1,575,651.

THE TOTAL OF BOUNTIES.

By these statements for sail and steam we have for the total of bounty payments the first year the amount of \$2,718,004. If we add to this 10 per cent. for fullness of estimation, the sum would scarcely reach a round \$3,000,000.

THE UTMOST LIMIT OF BOUNTY EARNINGS.

But, as it may be thought the vessels usually employed in the coasting trade might enter the foreign trade, under the allurement of bounty pay, we will now include in our estimate all of the qualified salt-water tonnage of the United States. To do this, as all the qualified steam tonnage is already included, it will only be necessary to take the entire qualified sail tonnage, found by the "Record" to be 500,876 tons, and make the reductions and additions which were made to the amount in the foreign trade, 301,751 tons, and the result sought will be found, namely, 472,124 tons. This is an increase of 62 per cent., and would add \$698,929 to \$2,718,004, making \$3,416,933 the total of bounty payments the first year, supposing it possible to put into the foreign trade all the shipping qualified under the bill.

PAYMENTS OF FOLLOWING YEARS.

Before we can estimate beyond the first year it will be necessary to examine and learn the class endurance, or lifetime, remaining to our vessels now in service, and speculate somewhat on the power of the law to increase the tonnage. The Record of American and Foreign Shipping, of New York, supplies the data for the following tables:

American sail-vessels—wood.

Classed in the Record:

Number of vessels A1: 1886, 559; 1890, 497.
Amount of tonnage A1: 1886, 532,822; 1890, 464,631.
Falling off in number, four years, 11 per cent.
Falling off in tonnage, four years, 10 per cent.
Number of vessels A1½: 1886, 60; 1890, 42.
Amount of tonnage A1½: 1886, 53,561; 1890, 36,245.
Falling off in number, four years, 30 per cent.
Falling off in tonnage, four years, 32 per cent.
Number of vessels A1 and A1½: 1886, 619; 1890, 539.
Amount of tonnage A1 and A1½: 1886, 586,473; 1890, 500,876.
Falling off in number, four years, 13 per cent.
Falling off in tonnage, four years, 14.5 per cent.
Average time until the expiration of class:
For A1 vessels (above 500 tons), 1886, 6.55 years; 1890, 5.46 years.
For A1½ vessels (above 500 tons), 1886, 2.31 years; 1890, 1.97 years.

American steam-vessels—iron.

Classed in the Record:

Number of vessels A1, thirteen to twenty years: 1886, 77; 1890, 94.
Amount of tonnage A1, thirteen to twenty years, 1886: 130,909; 1890, 156,606.
Increase in number, four years, 17 per cent.
Increase in tonnage, four years, 16.4 per cent.
Average time till expiration of class, in years: 1886, 12.35; 1890, 9.22.

From these tables it is plain, for four years past, there has not been building enough by 3.6 per cent, annually to keep up the figures of first-class sail tonnage in both foreign and coasting trades. It also appears that all the sail capacity eligible for bounty earning was 500,876 tons, December, 1889. Of this amount 60 per cent, was in the foreign trade, and 40 per cent, in the coasting trade. And the total steam capacity was 156,606 tons, all of it reckoned as in the foreign trade. The lapsing of these fleets from class would be as follows:

For sail:

In four years, all the A1½ vessels, 36,245 tons.
In five and one-half years, half the A1 vessels, 232,315 tons.
In eleven and one-half years, other half the A1 vessels, 232,315 tons.
Of the vessels surviving the perils of the sea, the A1, if found worthy, may be continued, or pass down to A1½ grade; the A1½ may be continued or find place in the lower grades. Vessels meriting these continuations are exceptional in character, and the terms given are short. They may be fairly averaged at one year for the fleet of A1, and at two plus one, equal to three years, for the fleet of A1½ vessels. Including losses at sea the lapsing from class may be treated as follows:

For sail.

	Tons.
In five years, all the A1½ vessels.....	36,245
In seven years, half the A1 vessels.....	232,315
In thirteen years, other half A1 vessels.....	232,315
In the order of time the falling off would be as follows:	
	Tons.
In the first, second, third, fourth, and fifth years.....	58,307
In the sixth and seventh years.....	51,038
In each of six years following.....	17,870

For steam.

The lapsing of steamers from class would be as follows:

	Tons.
In nine and one-fourth years, half the tonnage, or.....	78,303
In sixteen years, other half of tonnage.....	78,303

Of the vessels surviving some may be continued. For this an average of two years may be allowed. Including losses at sea the lapsing from class may be taken as follows:

	Tons.
In each of first ten years.....	12,724
In each of seven years following.....	4,894

The amount of building to keep up the different fleets now existing being thus brought to view, it may be stated that 58,307 plus 12,724, equal to 71,031 tons of sail and steam, need be built the first year. Last year there was built of sail above 500 tons 21,335 tons; of steam, 17,952 tons; total, 39,287 tons.

Thus, to enlarge our marine at all we must double the amount of building in recent years. To change gradually from sail to steam tonnage we shall have to treble our building expenditures; and with such increase our tonnage would not be greater in ten years than it is at present, though our shipping then would have threefold efficiency and double the class duration.

As the entire tonnage of all kinds, ocean, lake, and river, built last year was 231,134 tons and the proportion qualified to enter the foreign trade was only 17 per cent, of this total, it may be a matter of surprise that there is so little building of the larger vessels. Sloop, barge, and canal-boat building, steam-boat, tug, and fishing boat building burden our statistics with tonnage, but do not provide yards, shops, and engine-works, shipwrights, engineers, and tools for genuine ship-work, such as must be done to construct vessels fit for foreign carrying trade. The greater number of mechanics employed in turning out tonnage for inferior purposes have neither the training nor the tools to build ships of wood or metal.

It is, therefore, apparent that the second year of the new law will see but little addition to the tonnage of the first. There was a small apparent gain last year in our steam shipping in the foreign trade, but, as our investigation shows that our A1 sail-vessels have only 83 per cent, of remaining class time that they had four years ago, and that our steamers are worse off still, having only 75 per cent, of the class life before them in 1886, it is certain there was no real improvement in the situation. Not only are ships in the foreign trade lapsing fast from class, but the larger craft in the coasting trade, steam as well as sail, are growing older and losing fitness for their work.

So dead is the building for foreign trade that of the vessels launched and contracted for in Maine in the past five months 93 per cent, are for the protected home service.

Considering all the circumstances of our marine and carefully anticipating the effect of the law, the following table is offered as a solution of the problem, what will it cost annually for the next ten years and for the lifetime of the measure?

Probable increase of marine and bounty payments for ten years to come.

Years.	Sail tonnage.	Steam tonnage.	Bounty payments.
1891.....	292,911	150,062	\$2,718,004
1892.....	325,000	175,000	3,105,000
1893.....	335,000	225,000	3,699,000
1894.....	340,000	305,000	4,528,500
1895.....	347,000	383,000	5,374,800
1896.....	345,000	460,000	6,175,500
1897.....	340,000	520,000	6,786,000
1898.....	340,000	560,000	7,167,000
1899.....	320,000	575,000	7,284,500
1900.....	300,000	565,000	7,102,500
Average annual payments.....			5,391,080

The average for each year of the ton is \$128,460,248.

The culmination of payments would occur in 1899. After 1900 the bounty would decrease one-tenth each year. By 1910 it would cease. The average annual payments for the last nine years would probably amount to \$2,695,540, and for each of the nineteen years of the law's operation the average annual expenditure would be \$4,114,245.

COMMERCIAL CONSEQUENCES.

With regard to the commercial consequences of thus supporting and encouraging our marine in foreign trade it might be fitting to say a few words, or to offer a reasonable speculation upon their amount. It is, of course, well understood that a merchant marine actively employed sets in motion many pursuits and creates many callings besides those peculiarly its own. These are so many that a detail would be tedious. I will therefore include only the chief trades and transactions, namely, ship-building, freighting, merchandising, insurance, and banking, in the totals of the estimate which follows:

Minimum amount of total business for ten years.

Year.	Total business.	Year.	Total business.
1891.....	\$47,442,800	1896.....	\$151,819,220
1892.....	66,577,360	1897.....	167,310,080
1893.....	80,312,620	1898.....	178,169,880
1894.....	106,336,020	1899.....	182,645,610
1895.....	130,901,820	1900.....	173,657,040

The bounty paid for this business would amount, by the figures, to 4½ per cent, only. But, as the law would run nineteen years, and the average of business for ten years might be expected to continue for the time following, it results that only 2½ per cent, per annum would stand for the commission or protection paid for an American foreign commerce and carrying trade for the whole term of the law's existence.

It may therefore be summed up that the bounty would represent a very low premium on the business transacted, whether great or small, by and through the merchant marine; at once the budget of honest toil, the means of enterprise and wealth, and the solid base of national rank and power.

Very respectfully yours,

WM. W. BATES, Commissioner.

Hon. JOHN M. FARQUHAR,

Chairman Committee on Marine and Fisheries,

House of Representatives.

Mr. FRYE. Mr. President, as to the reasonableness of the United States doing something for its vessels I read from the report of the Postmaster-General, showing what this country made every year out of its foreign mail service. To me it is utterly inexcusable. It has made over \$10,000,000 out of this foreign mail service in the last fifteen years. In the last twelve years it has made over \$9,000,000 out of the foreign mail service. If you can show me where it has made anything out of the mail service in any of the States, on any of the rivers, in any of the coastwise-trade vessels, I should be glad to know where it is. The United States makes a profit alone in the foreign mail service. I say it is the duty of the United States to take that money it makes out of its foreign mail service and do something to put its mails under an American flag, and that no Senator ought to object to.

Now, take another thing. We have collected tonnage taxes since 1863 to the amount of \$30,364,000, and so far as that tonnage tax has been collected from American vessels up to 1894, when we passed our shipping act, the vessels never had received one dollar of benefit from the United States. When we passed that act they did, because the United States then assumed the payments which those vessels had been compelled to make for consular fees and almost everything else; but up to that time the United States had given nothing in return for that taxation; and yet in every State in the United States up to within the last eight years those ships have been compelled to bear their equal burden of taxation with all other property in the States, while Great Britain taxes not a single ship, not a single line, only puts a bit of an income tax on the net income derived from the line.

During the war what protection did our ships get? That is the time when the Government owes protection to its ships if it ever does. That is the time when our ship-owners need Government protection. They had absolutely none, and hundreds and hundreds of thousands of tons

were compelled to go under a foreign flag, under an anonymous sail, in order to keep upon the ocean at all, and those vessels that remained under our flag were compelled to pay an enormous insurance premium to keep there, the United States doing absolutely nothing for them.

Now, why should not the United States in justice do something for its ships? Is it too much to ask that it shall take from its tonnage tax; is it too much to ask that it shall take from its net profits on the foreign mail service and pay something to carry the mails under the flag?

Mr. President, I feel an intense interest in these bills, in both of them. From my situation early in life my attention has been called more than that of most Senators to the subject of ships and shipping. I have labored ever since I have been here, in both Houses, in season, and many Senators will say out of season, in the matter of relief to the merchant marine. A great deal has been accomplished, I admit; and yet, as I said the other day, in the foreign carrying trade we are dead. In my opinion if either one of these bills passes the Senate and becomes a law, the first real step for the resurrection of this dead body will have been accomplished.

There never has been a time in the twenty years I have served here so opportune as this. Capital is seeking everywhere investment, no longer so anxious for the public domain, becoming a little uncertain about mortgages in the West, looking around now to see where it shall go. The sentiment of the country has been aroused and the people are looking to see whether something can not be done.

The ship-yards of this country in their capacity for building great ships have doubled in five years. There is not a ship to-day can be called for that can not be provided by our own ship-yards. Their capacity is not what it ought to be. There ought to be beyond any question a great iron-ship yard on the Alabama River.

Let these bills, or either of them, become a law and that ship-yard will be established there, and iron ships will be built there. We have not to-day half the capacity we ought to have for building these great ships, but yet we have double, as I said, what we had five years ago. There is nothing this nation desires to do that it can not do when the necessity is upon us. Nobody dreamed four years ago that you could build two great iron war-ships in San Francisco, and yet they have been built.

Mr. President, I hope that to-morrow we shall get a vote on these bills. I earnestly hope that both bills will be sent to the other House. I believe that one of them will become a law if they are both sent to that body.

Mr. MANDERSON. I move that the Senate proceed to the consideration of executive business.

Mr. VEST. Let us adjourn.

Mr. MANDERSON. I should like to get in a few reports.

Mr. COCKRELL. All right.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 38 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 8, 1890, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 7th day of July, 1890.

SECRETARY OF LEGATION.

H. N. Allen, of Ohio, to be secretary of the legation of the United States at Corea, *vice* Charles Chaille Long, resigned.

CONSUL-GENERAL.

Adam E. King, of Maryland, to be consul-general of the United States at Paris, France, *vice* Jared L. Rathbone, resigned.

UNITED STATES CONSULS.

Charles Heath, of Massachusetts, to be consul of the United States at Catania, *vice* Vincent Lamantia, recalled.

James J. Peterson, of West Virginia, to be consul of the United States at Merida, Mexico, *vice* Edward H. Thompson, recalled.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 1, 1890.

REGISTER OF LAND OFFICE.

John H. Burford, of Crawfordsville, Ind., to be register of the land office at Oklahoma, in the Territory of Oklahoma.

POSTMASTERS.

Robert B. Wood, to be postmaster at Hampton, in the county of Elizabeth City and State of Virginia.

John A. Strube, to be postmaster at Chamberlain, in the county of Brulé and State of South Dakota.

Chauncey P. Smith, to be postmaster at Jamestown, in the county of Stutsman and State of North Dakota.

Lew Coleman, to be postmaster at Deer Lodge City, in the county of Deer Lodge and State of Montana.

John J. Hays, to be postmaster at Osborne, in the county of Osborne and State of Kansas.

Charles L. Reed, to be postmaster at Loughmont, in the county of Boulder and State of Colorado.

W. White Jones, to be postmaster at Greensborough, in the county of Hale and State of Alabama.

Silas N. Harrington, to be postmaster at Marshall, in the county of Lyon and State of Minnesota.

Harvey Barker, to be postmaster at Portsmouth, in the county of Bay and State of Michigan.

James Ord, to be postmaster at Medfield, in the county of Norfolk and State of Massachusetts.

HOUSE OF REPRESENTATIVES.

MONDAY, July 7, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

Mr. BLAND. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The Clerk will cause the Journal of Thursday's proceedings to be read before anything else is considered.

Mr. ROGERS. I make the point of order that there is no quorum present.

The SPEAKER, having counted the House, announced the presence of 91 members; less than a quorum.

Mr. McKINLEY. I move a call of the House.

A call of the House was ordered.

The Clerk proceeded to call the roll; when the following members failed to answer to their names:

Adams,	Clarke, Ala.	Hooker,	Ray,
Alderson,	Clunie,	Kelley,	Reilly,
Andrew,	Cogswell,	Kerr, Iowa,	Reyburn,
Arnold,	Coleman,	Ketchum,	Rockwell,
Atkinson, W. Va.	Conger,	Knapp,	Russell,
Baker,	Cooper, Ohio,	Lane,	Sanford,
Banks,	Cothran,	Lansing,	Sawyer,
Barnes,	Covert,	Lawler,	Scully,
Bartine,	Cowles,	Lehlbach,	Seney,
Barwig,	Crain,	Lester, Va.	Sherman,
Beckwith,	Culbertson, Pa.	Lodge,	Shively,
Belden,	Cutcheon,	Magner,	Simonds,
Bergen,	Dargan,	Mansur,	Smyser,
Biggs,	Darlington,	Mason,	Spinola,
Bingham,	De Lano,	McAdoo,	Springer,
Blanchard,	Dickerson,	McCarthy,	Stahnecker,
Boatner,	Dunphy,	McClellan,	Stewart, Ga.
Boothman,	Edmunds,	McComas,	Stewart, Vt.
Boutelle,	Elliott,	McCord,	Stockbridge,
Bowden,	Ellis,	McCormick,	Stockdale,
Breckinridge, Ark.	Ewart,	McDuffie,	Struble,
Brewer,	Featherston,	Miles,	Stump,
Brickner,	Fitch,	Montgomery,	Tarsney,
Brookshire,	Fithian,	Moore, N. H.	Taylor, Ezra B.
Brosius,	Flood,	Morgan,	Taylor, Tenn.
Brower,	Flower,	Morrill,	Tillman,
Brown, J. B.	Forman,	Morrow,	Tucker,
Browne, T. M.	Fowler,	Morse,	Turner, Ga.
Browne, Va.	Frank,	Mudd,	Turner, N. Y.
Brunner,	Funston,	Norton,	Van Schaick,
Buchanan, N. J.	Geissenhainer,	Nute,	Vaux,
Buckalew,	Gibson,	O'Donnell,	Waddill,
Bunn,	Greenhalge,	O'Neill, Mass.	Walker, Mo.
Burrows,	Grosvenor,	Osborne,	Wallace, Mass.
Butterworth,	Grout,	Owen, Ind.	Wallace, N. Y.
Caldwell,	Hansbrough,	Payne,	Washington,
Campbell,	Hare,	Paynter,	Watson,
Canlon, Mass.	Harmer,	Pennington,	Wheeler, Mich.
Candler,	Hatch,	Perry,	Whiting,
Carter,	Hayes,	Phelan,	Whitthorne,
Caswell,	Haynes,	Pickler,	Wickham,
Catchings,	Henderson, Ill.	Price,	Wike,
Cheatham,	Henderson, N. C.	Pugsley,	Wiley,
Chapman,	Hermann,	Quackenbush,	Willcox,
Clancy,	Hill,	Raines,	Wilson, Mo.
Clark, Wis.	Holman,	Randall,	Yardley.

During the call of the roll the following members appeared at the Clerk's desk and their names were recorded under the rule:

Mr. ADAMS, Mr. ATKINSON of West Virginia, Mr. BOATNER, Mr. BRECKINRIDGE of Arkansas, Mr. BRICKNER, Mr. BROWNE of Virginia, Mr. BROOKSHIRE, Mr. BRUNNER, Mr. BUCHANAN of New Jersey, Mr. BURROWS, Mr. CATCHINGS, Mr. CARTER, Mr. COGSWELL, Mr. ELLIOTT, Mr. FEATHERSTON, Mr. FITHIAN, Mr. FORMAN, Mr. HENDERSON of Illinois, Mr. HERMANN, Mr. HOLMAN, Mr. KELLEY, Mr. LAWLER, Mr. MCCORD, Mr. McMILLIN, Mr. MUDD, Mr. RAY, Mr. STOCKDALE, Mr. TARSNEY, and Mr. WASHINGTON.

The SPEAKER. The Clerk informs the Chair that 170 members, a quorum, are present.

Mr. McKINLEY. I move to dispense with all further proceedings under the call.

There was no objection, and it was so ordered.

The Journal of the proceedings of Thursday last was read and approved.

PERSONAL EXPLANATION.

Mr. BLAND. Mr. Speaker, I desire to have read the following from the Post, of this city, which I send to the Clerk's desk.
The Clerk read as follows:

NO AGREEMENT ON THE SILVER BILL.

The Republican members of the conference committee on the silver bill were in session yesterday. It was the intention to hold a regular conference, but Representative BLAND, of the House conferees, and Senator HARRIS, of the Senate conferees, were both absent. The principal topic discussed, it is understood, was in regard to the amount of silver to be purchased monthly—whether it shall be 4,500,000 ounces or \$4,500,000 worth.

The proposition to strike out the bullion-redemption feature was also a subject of some discussion. No final decision on either point was arrived at when the meeting adjourned.

It is expected that the conferees will meet early next week.

Mr. BLAND. Mr. Speaker, in order that I may not be put in a false light, as not having attended to my duties in not being present at that conference committee meeting, I desire to have the following read.

The Clerk read as follows:

ROOM OF COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., July 3, 1890.

DEAR MR. BLAND: I saw Senator SHERMAN after our adjournment and we concluded not to have a meeting of the conference on Saturday. Will notify you in time of next meeting.

Respectfully,

E. H. CONGER.

Mr. BLAND. Mr. Speaker, I desire to state that at our meeting on Thursday last it was understood that the conference committee was to meet again at 11 o'clock last Saturday, but on Friday evening I received that note from the chairman of the Committee on Coinage, Weights, and Measures [Mr. CONGER], notifying me that the meeting would not be held, and hence my absence. I do not understand why the statement should have been published that I was not present, I having been notified that there would be no meeting. I do not see present this morning the gentleman from Iowa [Mr. CONGER], chairman of the Committee on Coinage, Weights, and Measures, who sent me that note. I have been informed, however, that it was an effort on the part of the Republican conferees to reach some conclusion at the meeting which was held. If the committee of conference is to degenerate into a Republican caucus, as a matter of course I will not be present; but I am always present when notified that there will be a meeting at which an effort will be made to come to some reasonable legislation upon this subject. I do not desire, therefore, to be advertised as being absent and not attending to my duties, the fact being that I was notified that my presence was not desired.

SETTLERS ON OMAHA INDIAN LANDS.

Mr. DORSEY. Mr. Speaker, I offer the resolution which I send to the desk, and ask for its consideration by the House.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring). That the President be requested to return to the House of Representatives the bill (H. R. 5974) extending the time of payment of purchasers of land to the Omaha tribe of Indians in the State of Nebraska, and for other purposes.

Mr. ROGERS. I demand the regular order.

Mr. DORSEY. This is the regular order. This is the day for suspension of the rules. I move that the rules be suspended and that this resolution be placed on its passage.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I rise to a question of order. The question is whether it is within the power of the House or of Congress, when a bill has passed both Houses, when a motion has been made to reconsider the vote by which it was passed, and that motion laid on the table, to recall such a bill from the President. It has heretofore been a mere matter of courtesy, and the Constitution gives the House no power to recall a bill after it has passed both Houses and gone to the President. The President has ten days in which to sign it and return it or allow it to become a law without his signature; but there is no provision under our rules giving to the two Houses the power to recall it.

There are no joint rules between the House and the Senate, and we could not have considered this bill in the House after the bill had been passed and a motion to reconsider been made and laid upon the table. So that the matter, therefore, is out of the power of the House; and I respectfully submit that it is out of order, according to our rules, in this indirect way, to reconsider the action of the House in passing the bill, and that it is beyond the constitutional power of Congress to recall a bill from the President. Whatever of precedent has been made has been simply because the question has not been raised.

The SPEAKER. The Chair will not undertake to pass upon the constitutional question, but that action has been taken by Congress from time immemorial and how the House shall act upon it is for the House to determine.

Mr. DORSEY. This is simply to make a correction, and I hope the gentleman from Kentucky will withdraw his objection.

Mr. BRECKINRIDGE, of Kentucky. It is a much graver question in reality than that, because it affects the relations of the Congress to the President. It is a question that may go to the validity of an act of Congress, for if it be correct that Congress has not this power and the ten days expire while we are recalling a bill, the act becomes valid

without the approval of the President. So that it goes to the very gist of the power of Congress in such matters and the relation of Congress to the President as well as the validity of the act improperly and illegally called back.

Mr. DORSEY. It has been the custom of the House to take such action as this heretofore. It was done in the last Congress, and it has been done in the present Congress.

Mr. ROGERS. Mr. Speaker, I make the additional point of order that heretofore the practice of the House in questions of this kind has been uniformly by unanimous consent. There has been no precedent for a resolution of this kind to recall a bill, and it is subject to this point of order.

Mr. DORSEY. I ask my friend to make no objection, and let us have this resolution passed by unanimous consent. It is simply to correct an error.

Mr. BYNUM. I do not understand that it is simply to correct an error, but to remove an objection of the President, and if that objection be not removed possibly he would veto the bill.

Mr. DORSEY. Oh, no. I do not understand that the President would veto the bill. It is simply a bill which allows the State of Nebraska to tax this land before the patent is issued by the Government. That is all there is in it, and it is in the interest of about six hundred settlers on this land. Their time expired on the 1st of July without their having paid up. The bill is satisfactory to the Indians. The Government holds the funds simply as the trustee of the Indians. The Indians ask that it be passed, and so do the settlers. It has passed both branches of Congress. It was reported unanimously without objection in either House, and is a very simple matter in the interest of six hundred honest, hard-working settlers on the public domain.

Mr. ROGERS. Mr. Speaker, we have been doing business in a very loose, irregular way, and I think it is time that it should cease; and I decline to withdraw the point of order.

Mr. CANNON. Mr. Speaker, is this a resolution asking the President to return a bill that has been sent to him? The point of order, as I understand it, is that it is not in order to introduce a resolution and consider the same.

The SPEAKER. That is the point of order.

Mr. CANNON. Just a single word. From time immemorial, as I understand, the practice has been uniform and unbroken to introduce these resolutions between the two branches of the Congress, and also touching the co-ordinate branch of Congress, the President; and from necessity, it seems to me, that that having been the practice in the absence of rules, it is a question of the highest privilege, for the purpose of bringing the co-ordinate branches of the Government together and for the purpose of correcting a mistake.

Mr. McMILLIN. Mr. Speaker, as the point of order is made, it is of the utmost importance that we should adopt the right practice. I know that two or three times this session such resolutions have passed, but it is my memory that it was done by unanimous consent; certainly there was never a claim that it was a privileged matter. Now, it is well for us, as the point of order is made, to see what it would lead to if it is held to be the right of any member of this House to introduce a resolution calling back a proposition of this kind from the President.

Mr. CANNON. Will the gentleman allow me a question?

Mr. McMILLIN. With pleasure.

Mr. CANNON. I understand that this is a concurrent resolution, involving the action of the two co-ordinate branches of the Legislature, addressed to the third co-ordinate branch, the President.

The SPEAKER. This is a proposition to suspend the rules.

Mr. McMILLIN. To suspend the rules and pass the resolution?

The SPEAKER. Yes.

Mr. McMILLIN. I was under the impression that it was a proposition similar to several that have come up here lately. Then the question is simply as to the rights of the President and of the two branches of Congress after the bill has gone to him.

Mr. DORSEY. All three would have to concur to secure the desired action.

Mr. McMILLIN. But if the President declines to send back the bill, what remedy have you?

Mr. DORSEY. None whatever.

Mr. McMILLIN. You have no remedy against the President in the event of his refusing; and if he may send it back or not, as he pleases, we have no right to demand it of him.

Mr. DORSEY. This is a request that the President return the bill.

Mr. McMILLIN. But suppose he declines, then we have been engaged in mere child's play, it seems to me. Now there is a plain remedy in this case. The Constitution lays down that remedy. If there are reasons why the bill should not become a law, the President can return it to the House in which it originated with his objections, and thereupon the House can remedy the difficulty, if there is one, in the way that is laid down in the Constitution. I think the course that has been pursued during the whole history of the Government until this time is the better course in such cases. It may lead to some hardship in this particular case.

Hardships arise from all general rules, but it is better not to try a new experiment, not to set a new example in legislation, not to enter

upon new and untried grounds, but to follow the established constitutional methods. The Constitution did not contemplate this remedy, and hence made no provision for it.

Mr. CANNON. The House and Senate almost daily pass resolutions, not concurrent, requesting each other to return bills. That is the request of one co-ordinate branch of the legislative power to the other to return a bill.

Mr. McMILLIN. But that is one part of the legislative branch of the Government making a request of another part of the legislative branch concerning a matter that the legislative body has yet exclusive control over.

Mr. CANNON. If the gentleman will allow me to complete my statement, I was going to say this: I understand that the Senate or the House, either one, might refuse to return a bill when such a resolution came from the other body.

Mr. McMILLIN. That is true.

Mr. CANNON. But in fact they do not, parliamentary practice being the other way. Now, as I understand it, the President is nothing more nor less than a third branch of Congress, and the other two co-ordinate branches may pass a concurrent resolution requesting him to return a bill.

Mr. McMILLIN. But my friend makes the error of treating the House and the Senate as two co-ordinate branches, whereas they are jointly one branch of the Government, and only one.

Mr. CANNON. I understand that they are two. The House is one, the Senate is another, and the President is the third.

Mr. McMILLIN. Then we have four co-ordinate branches of the Government instead of three. I have been accustomed to think that the House and the Senate constituted one branch, the judiciary one, and the executive the third.

Mr. CANNON. My friend is speaking of the judicial, the executive, and the legislative departments of the Government; I am speaking only of the legislative. Of the legislative there are three co-ordinate branches, the House being one, the Senate another, and the President another. Those three, concurring, legislate.

Mr. McMILLIN. I would like the gentleman from Illinois to point out anything in the Constitution which, either directly or indirectly, by express terms or by implication, provides for this method of getting rid of a bill that has gone to the President.

Mr. CANNON. From the foundation of the Government there has been this practice to a greater or less extent.

Mr. McMILLIN. But I am asking where the Constitution provides for it.

Mr. CANNON. Oh, it is a mere parliamentary practice.

Mr. McMILLIN. It seems to me, Mr. Speaker, that the safer course is to follow the beaten path, to let the President take his course with this bill, and then, if there is anything wrong, let us remedy it during the summer that we are likely to spend here.

Mr. DINGLEY. Is not the gentleman from Tennessee aware, as a matter of fact, that from the foundation of the Government this practice has prevailed, and that more than a dozen times in the last Congress resolutions similar to this were sent to the President requesting the return of bills?

Mr. McMILLIN. I do not remember a single instance in which it has been done except by the unanimous consent of the two bodies.

Mr. DINGLEY. But unanimous consent is nothing but a suspension of the rules, and how does that distinction change the principle?

Mr. McMILLIN. The gentleman knows that we can do very much by unanimous consent that can not be done otherwise.

Mr. DORSEY. Yes; and if the gentleman from Tennessee does not object, we will do this by unanimous consent.

Mr. DINGLEY. The gentleman admits that this has been done by unanimous consent, but it could not have been done even in that way if it was unconstitutional. It is certainly constitutional and in accordance with a practice which has prevailed from the foundation of the Government.

Mr. BLAND. Is this a concurrent resolution, to be passed by the Senate as well as the House?

Mr. DORSEY. It is.

Mr. KILGORE. What is the matter with this bill? How did the mistake occur?

Mr. DORSEY. The bill provides for taxing the land; and the Attorney-General has raised the question that the title of the Government to its land may be affected by allowing it to be sold for taxes.

Mr. CRISP. I presume the object is to give time for more deliberate consideration.

Mr. HERBERT. Mr. Speaker, I know nothing of the merits of this question. The reason why the bill ought to be returned has not been stated—

Mr. DORSEY. I did state it.

Mr. HERBERT. Or if stated I did not hear it. But inasmuch as the question has been raised, it is, as the gentleman from Tennessee [Mr. McMILLIN] has said, a matter of very serious concern that it be correctly decided.

Now, what will be the effect if this resolution be carried upon a motion to suspend the rules? It will be a reconsideration of a bill which

the House has once already during this session considered and passed. The rule, as I understand it, according to Jefferson's Manual, is that when Parliament has once during a session considered any question it can not at the same session be reconsidered except in a mode provided by the rules.

Now, I think that ought to be and probably is the rule here. The rules of this House point out a certain manner in which the judgment of the House may be reconsidered, namely, by a motion entered at the proper time and by the proper person. Has this House the right to reconsider a question it has once passed upon at the same session, except in the particular mode pointed out by the rules? Will not this be a reconsideration? The House having already passed the bill, a motion now to suspend the rules and bring the bill back from the President can be, it seems to me, nothing else than a reconsideration by this House of its judgment. If such a precedent as this is established, what will prevent a reconsideration at any time of any question passed upon by Congress, before the President shall have acted upon it? If a question is brought up here which is closely contested and the vote be in favor of the bill and the bill be sent to the Senate, and if by subsequent changes in the House, by the coming in of new members or by the coming back of gentlemen who have been absent, the majority should happen to be the other way, would it not always be competent (if this precedent be set) for the majority, entertaining a different judgment from that which prevailed when the bill was passed, to reconsider the bill by bringing the question up on a resolution asking the President to return the bill? It seems to me that this will be the effect of the ruling, if the Chair should now overrule this point of order and say that it is competent for the House to reconsider in this manner.

The SPEAKER. The Chair does not undertake to say what it is competent for the House to do. The proposition before the House is to suspend the rules and pass a concurrent resolution asking the President to return a bill. Such action has been taken on the part of both Houses of Congress so many times that it would be very singular if any one should undertake now to deny their right in this regard.

As for the constitutional considerations which are involved, that is a matter for the House to settle, and not for the Speaker. The Chair overrules the point of order.

Mr. OUTHWAITE. I ask for a second on the motion to suspend the rules.

The SPEAKER. The Chair appoints as tellers the gentleman from Nebraska [Mr. DORSEY] and the gentleman from Ohio [Mr. OUTHWAITE].

Mr. PAYSON. I ask unanimous consent that a second be considered as ordered.

Mr. ROGERS. I object.

The tellers proceeded to count the House upon the question of seconding the motion to suspend the rules.

Mr. DORSEY (after the count had proceeded for some time). Mr. Speaker, it appears there is no quorum present; and there is a demand for a quorum. I therefore withdraw the resolution.

ORDER OF BUSINESS.

Mr. PAYSON. I rise to make a privileged report from the Committee on Public Lands. I desire to report back with a substitute the Senate bill which I send to the Clerk's desk.

The SPEAKER. Will the gentleman from Illinois kindly withdraw his proposition until several messages from the President of the United States are laid before the House?

Mr. PAYSON. Certainly.

POSTAL AND CABLE COMMUNICATION.

The SPEAKER laid before the House the following message of the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, inclosing the recommendations of the International American Conference for the establishment of improved facilities for postal and cable communication between the United States and the several countries of Central and South America.

I can not too strongly urge upon Congress the necessity of giving this subject immediate and favorable consideration, and of making adequate appropriations to carry the recommendations into effect; and in this connection I beg leave to call attention to what was said on this subject in my annual message. The delegates of the seventeen neighboring republics, which have so recently been assembled in Washington at the invitation of this Government, have expressed their wish and purpose to co-operate with the United States in the adoption of measures to improve the means of communication between the several republics of America. They recognize the necessity of frequent, regular, and rapid steam-ship service, both for the purpose of maintaining friendly intercourse and for the convenience of commerce, and realize that without such facilities it is useless to attempt to extend the trade between their ports and ours.

BENJ. HARRISON.

EXECUTIVE MANSION, Washington, July 2, 1890.

PRIVATE LAND CLAIMS, ARIZONA AND NEW MEXICO.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Private Land Claims, and ordered to be printed:

To the Senate and House of Representatives:

In my annual message I called attention to the urgent need of legislation for

the adjustment of the claims under Mexican grants to lands in Arizona and New Mexico.

I now submit a correspondence which has passed between the Department of State and the Mexican Government concerning the rights of certain Mexican citizens to have their claims to lands ceded to the United States by the treaty adjusted and confirmed. I also submit a letter from the Secretary of the Interior, with accompanying papers, showing the number and extent of these claims and their present condition. The United States owes a duty to Mexico to confirm to her citizens those valid grants that were saved by the treaty, and the long delay which has attended the discharge of this duty has given just cause for complaint.

The entire community where these large claims exist, and, indeed, all of our people, are interested in an early and final settlement of them. No greater incubus can rest upon the energies of a people or the development of a new country than that resulting from unsettled land titles. The necessity for legislation is so evident and so urgent that I venture to express the hope that relief will be given at the present session of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, July 1, 1890.

IOWA INDIANS, INDIAN TERRITORY.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, as required by section 14 of the act of March 2, 1889, an agreement concluded on the 20th day of May last between the commissioners on behalf of the United States, commonly known as the Cherokee Commission, and the Iowa Indians residing in the Indian Territory. A letter of the Secretary of the Interior, which is accompanied by communications from the Commissioner of Indian Affairs and the Assistant Attorney-General, is also submitted. These papers present a full and clear statement of the matters of fact and questions of law which Congress will need to consider in passing upon the question of the ratification of the agreement, which is submitted for its consideration and such action as may be deemed proper.

BENJ. HARRISON.

EXECUTIVE MANSION, July 2, 1890.

CELEBRATION FOURTH CENTENNIAL OF DISCOVERY OF AMERICA.

The SPEAKER also laid before the House the following communication from the President of the United States; which, with the accompanying papers, was referred to the Select Committee on the World's Fair, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for your information a letter from the Secretary of State inclosing a copy of the resolution passed by the International American Conference with reference to the fourth centennial of the discovery of America.

BENJ. HARRISON.

EXECUTIVE MANSION, July 2, 1890.

SAC AND FOX INDIANS.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

In compliance with the provisions of section 14 of the act of March 2, 1889, I transmit herewith for the consideration of Congress an agreement concluded between the commissioners appointed under that section on behalf of the United States, commonly known as the Cherokee Commission, and the Sac and Fox Nations of Indians in the Indian Territory, on the 12th day of June last. The Sac and Fox Nations have a national council, and the negotiation was conducted with that body, which undoubtedly had authority to contract on behalf of the tribe for the sale of these lands.

The letter of the Secretary of the Interior and the accompanying papers, which are submitted herewith, furnish all the information necessary for the consideration of the questions to be determined by Congress. The only serious question presented is as to that article of the agreement which limits the distribution of the funds to be paid by the United States under it to the Sac and Fox Nations now in the Indian Territory. I very gravely doubt whether the remnant or band of this tribe now living in Iowa has any interest in these lands in the Indian Territory. The reservation there was apparently given in consideration of improvements upon the lands of the tribe in Kansas. The band now resident in Iowa, upon lands purchased in their own name, as I am advised, left the Kansas reservation many years before the date of this treaty, and, it would seem, could have had no equitable interest in the improvements on the Kansas lands, which must have been the result of the labors of that portion of the tribe living upon them.

The right of the Iowa band to a participation of the proceeds of the sale of the Kansas reservation was exclusively reserved in the treaty; but it seems to me upon a somewhat hasty examination of the treaty that the reservation in the Indian Territory was intended only for the benefit of those who should go there to reside. The Secretary of the Interior has expressed a somewhat different view of the effect of this treaty, but if the facts are, as I understand, that the Iowa band did not contribute to the improvements, which were the consideration for the reservation, and did not accept the invitation to settle upon the reservation lands in the Indian Territory, I do not well see how they have either an equitable or a legal claim to participate in the proceeds of the sale of those lands.

The whole matter is submitted for the consideration of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, July 2, 1890.

LEAVE OF ABSENCE.

The SPEAKER laid before the House the following requests for leave of absence:

Mr. PERRY, for two weeks.
Mr. MASON, indefinitely, on account of sickness.
Mr. BREWER, for ten days.
Mr. BAENES, indefinitely.
Mr. GRISSINHAINER, indefinitely.
Mr. SHIVELY, for two weeks.
Mr. PENINGTON, for two days.
Mr. WATSON, for two weeks.

Mr. LANSING, indefinitely.

Mr. WALLACE, of Massachusetts, indefinitely.

Mr. WILSON, of Missouri, indefinitely.

Mr. WHITING, indefinitely.

Mr. LESTER, of Virginia, for one week.

Mr. CAMPBELL, for two days.

Mr. WILLCOX, for two weeks.

Mr. CHIPMAN, indefinitely.

Mr. TURNER, of Georgia, for two weeks.

Mr. SANFORD, for this day.

Mr. ANDREW, indefinitely.

Mr. MANSUR, indefinitely.

Mr. DUNNELL. Mr. Speaker, if these leaves are granted will it not leave the House without a quorum?

The SPEAKER. That is for the House to decide, and not for the Chair.

Mr. DUNNELL. We are very near the brink now; and the time has about come when objection should be made to the departure of any more members, excepting in cases of sickness.

Mr. PETERS. Let me remind the gentleman that the House can at any time recall these leaves of absence.

Mr. DUNNELL. I understand that; but the leaves indicate a general stampede, and if we are to have that we ought to know it.

The SPEAKER. The question is for the House to determine. Is there objection to the leaves of absence requested?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9603) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1891.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10716) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1891.

The message also announced that the Senate insisted upon its amendments to the bill (H. R. 4570) to authorize the Leavenworth and Platte County Bridge Company to substitute a pivot draw-bridge over the Missouri River in place of the ponton bridge, disagreed to by the House; agreed to the conference asked by the House, and had appointed Mr. VEST, Mr. CULLOM, and Mr. DOLPH as conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which concurrence was requested:

A bill (S. 3788) to amend the laws relative to shipping commissioners; and

A bill (S. 3831) to provide for the delivery of land patents to their rightful owners, and for other purposes.

FORFEITURE OF RAILROAD LAND GRANTS.

Mr. PAYSON. I ask for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (S. 2781) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes.

Be it enacted, etc., That there is hereby forfeited to the United States, and the United States hereby resumes the title thereto, all lands heretofore granted to any State or to any corporation to aid in the construction of a railroad opposite to and continuous with the portion of any such railroad not now completed and in operation, for the construction or benefit of which lands have heretofore been granted; and all such lands are declared to be a part of the public domain: *Provided*, That this act shall not be construed as forfeiting the right of way or depot grounds of any railroad company heretofore granted, or as forfeiting any lands heretofore earned by the construction of any portion of a railroad under any act of Congress making a grant of public lands.

Sec. 2. That in all cases where persons are in possession of any of the lands affected by any such grant and hereby resumed by and restored to the United States, under deed, written contract with, or license from, the State or corporation to which such grant was made, or its assignee, executed prior to January 1, 1888, they shall be entitled to purchase the same from the United States, in quantities not exceeding 320 acres to any one such person, at the rate of \$1.25 per acre, at any time within two years from the passage of this act, and on making said payment to receive patents therefor: *Provided*, That in all cases where parties, persons, or corporations, with the permission of such State or corporation, or its assignee, are in the possession of and have made improvements upon any of the lands hereby resumed and restored, and are not entitled to enter the same under the provisions of this act, such parties, persons, or corporations shall have six months in which to remove any growing crop, and within which time they shall also be entitled to remove all buildings and other movable improvements from said lands: *Provided further*, That the provisions of this section shall not apply to any lands situate in the State of Iowa, on which any person in good faith has made or asserted the right to make a pre-emption or homestead settlement: *And provided further*, That nothing in this act contained shall be construed as limiting the rights granted to purchasers or settlers by "An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes," approved March 3, 1887, or as repealing, altering, or amending said act, nor as in any manner affecting any cause of action existing in favor of any purchaser against his grantor for breach of any covenants of title.

Sec. 3. That if it shall be found that any lands heretofore granted to the Northern Pacific Railroad Company and so resumed by the United States and restored to the public domain lie north of the line known as the "Harrison line,"

being a line drawn from Wallula, Wash., easterly to the southeast corner of the northeast one-fourth of the southeast quarter of section 27, in township 7 north, of range 37 east of the Willamette meridian, all persons who had acquired in good faith the title of the Northern Pacific Railroad Company to any portion of said lands prior to July 1, 1885, or who at said date were in possession of any portion of said lands or had improved the same, claiming the same under written contract with said company, executed in good faith, or their heirs or assigns, as the case may be, shall be entitled to purchase the land so acquired, possessed, or improved, from the United States, at any time prior to the expiration of one year after it shall be finally determined that such lands are restored to the public domain by the provisions of this act, at the rate of \$2.50 per acre, and to receive patents therefor upon proof before the proper land office of the fact of such acquisition, possession, or improvement, and payment therefor, without limitation as to quantity: *Provided*, That the rights of way and riparian rights heretofore attempted to be conveyed to the city of Portland, in the State of Oregon, by the Northern Pacific Railroad Company and the Central Trust Company, of New York, by deed of conveyance dated August 8, 1886, and which are described as follows: A strip of land 50 feet in width, being 25 feet on each side of the center line of a water-pipe line, as the same is staked out and located, or as it shall be hereafter finally located according to the provisions of an act of the Legislative Assembly of the State of Oregon, approved November 25, 1885, providing for the means to supply the city of Portland with an abundance of good, pure, and wholesome water over and across the following described tracts of land: Sections 19 and 31, in township 1 south, of range 6 east; sections 25, 31, 33, and 35, in township 1 south, of range 5 east; sections 3 and 5, in township 2 south, of range 5 east; section 1, in township 2 south, of range 4 east; sections 23, 25, and 35, in township 1 south, of range 4 east of the Willamette meridian, in the State of Oregon, forfeited by this act are hereby confirmed unto the said city of Portland, in the State of Oregon, its successors and assigns forever, with the right to enter on the hereinbefore described strip of land, over and across the above described sections for the purpose of constructing, maintaining, and repairing a water-pipe line as aforesaid.

SEC. 4. That section 5 of an act entitled "An act for a grant of lands to the State of Iowa in alternate sections, to aid in the construction of a railroad in said State," approved May 17, 1864, and section 7 of an act entitled "An act extending the time for the completion of certain land-grant railroads in the States of Minnesota and Iowa, and for other purposes," approved March 3, 1865, and also section 5 of an act entitled "An act making an additional grant of lands to the State of Minnesota in alternate sections, to aid in the construction of railroads in said State," approved July 4, 1866, so far as said sections are applicable to lands embraced within the indemnity limits of said sections, be, and the same are hereby, repealed; and so much of the provisions of section 4 of an act approved June 2, 1864, and entitled "An act to amend an act entitled 'An act making a grant of lands to the State of Iowa in alternate sections, to aid in the construction of certain railroads in said State,'" approved May 15, 1866, be, and the same are hereby, repealed, so far as they require the Secretary of the Interior to reserve any lands but the odd sections within the primary of 6 miles granted limits of the roads mentioned in said act of June 2, 1864, or the act to which the same is amendatory.

SEC. 5. That no lands declared forfeited to the United States by this act shall by reason of such forfeiture inure to the benefit of any State or corporation to which lands may have been granted by Congress, except as herein otherwise provided; nor shall this act be construed to enlarge the area of land originally covered by any such grant, or to confer any right upon any State, corporation, or person to lands which were excepted from such grant. Nor shall the moiety of the lands granted to any railroad company on account of a main and a branch line appertaining to uncompleted road, and hereby forfeited, within the conflicting limits of the grants for such main and branch lines, when but one of such lines has been completed, inure, by virtue of the forfeiture hereby declared, to the benefit of the completed line.

SEC. 6. That all persons who may have settled upon and are now in possession of any of the lands hereby forfeited, and who may desire to enter the same under the homestead law, shall be allowed, when making final proof, for the time they have already resided upon and cultivated the same.

SEC. 7. That the provisions of this act shall not extend to any railroad in Alabama which is completed through its entire length, as prescribed in its charter, within one year after the date of the approval of this act. And as to any railroad in said State not so completed this act shall take effect and operate from the date of its approval.

SEC. 8. That in all cases where lands included in a grant of land to the State of Mississippi, for the purpose of aiding in the construction of a railroad from Brandon to the Gulf of Mexico, commonly known as the Gulf and Ship Island Railroad, have heretofore been sold by the officers of the United States for cash, or with the allowance or approval of such officers have been entered in good faith under the pre-emption or homestead laws, the right and title of the persons holding or claiming any such lands under such sales or entries are hereby confirmed. And on condition that the Gulf and Ship Island Railroad Company within sixty days from the passage of this act shall, by resolution of its board of directors, duly accept the provisions of the same and file with the Secretary of the Interior a valid relinquishment of all said company's interest, right, title, and claim in and to all such lands as have been sold or entered as aforesaid, then the forfeiture declared in the first section of this act shall not apply to or in any wise affect so much and such parts of said grant of lands to the State of Mississippi as lie south of a line drawn east and west through the point where the Gulf and Ship Island Railroad may cross the New Orleans and Northeastern Railroad in said State, until one year after the passage of this act.

SEC. 9. That where any such lands granted to the State of Alabama to aid in the construction of a railroad from Montgomery in said State to the boundary line between Florida and Alabama have been sold and conveyed as the property of any railroad company for State and county taxes thereon, and the grant of such company has been or shall be hereafter forfeited, the purchaser thereof for such taxes shall have the prior right to purchase such lands from the United States at \$2.50 per acre, and patents for such land shall thereupon issue, which right shall continue for one year from the approval of this act and no longer; or for one year from declaration of the forfeiture; if said declaration shall be subsequent to the approval of this act: *Provided*, That said lands were not previous to or at the time of the taking effect of this act in the possession of or subject to the right of any actual settler.

Mr. STONE, of Missouri. I make the point of order that this bill should be considered in the Committee of the Whole.

Mr. PAYSON. Before we reach that I will state that the House Committee on Public Lands recommend a substitute for the bill, striking out all after the enacting clause and inserting a substitute, which has not been read by the Clerk. I desire that the Clerk may read the substitute.

The SPEAKER. Has the gentleman from Illinois [Mr. PAYSON] anything to say in reply to the point of order made by the gentleman from Missouri?

Mr. PAYSON. As soon as the bill has been read I will reply to that.

The SPEAKER. The substitute will be read.
The Clerk read as follows:

That there is hereby forfeited to the United States, and the United States hereby resumes the title thereto, all lands heretofore granted to any State or to any corporation to aid in the construction of a railroad opposite to and continuous with the portion of any such railroad not now completed, for the construction or benefit of which lands have heretofore been granted; and all such lands are declared to be a part of the public domain: *Provided*, That this act shall not be construed as forfeiting the right of way or depot grounds of any railroad company heretofore granted, or lands included in any city, town, or village site.

SEC. 2. That all persons who, at the date of the passage of this act, are actual settlers in good faith on any of the lands hereby forfeited and are otherwise qualified, on making due claim on said lands under the homestead law within six months after the passage of this act, shall be entitled to a preference right to enter the same under the provisions of the homestead law and this act, and shall be regarded as such actual settlers from the date of actual settlement or occupation; and any person who has not heretofore had the benefit of the homestead or pre-emption law, or who has failed from any cause to perfect the title to a tract of land heretofore entered by him under either of said laws, may make a second homestead entry under the provisions of this act. The Secretary of the Interior will make such rules as will secure to such actual settlers these rights.

SEC. 3. That in all cases where persons are in possession of any of the lands affected by any such grant and hereby resumed by and restored to the United States, under deed, written contract with, or license from, the State or corporation to which such grant was made, or its assignees, executed prior to January 1, 1888, they shall be entitled to purchase the same from the United States, in quantities not exceeding 320 acres to any one such person, at the rate of \$1.25 per acre, at any time within two years from the passage of this act, and on making said payment to receive patents therefor: *Provided*, That in all cases where parties, persons, or corporations, with the permission of such State or corporation, or its assignees, are in the possession of and have made improvements upon any of the lands hereby resumed and restored, and are not entitled to enter the same under the provisions of this act, such parties, persons, or corporations shall have six months in which to remove any growing crop, and within which time they shall also be entitled to remove all buildings and other movable improvements from said lands: *Provided further*, That the provisions of this section shall not apply to any lands situate in the State of Iowa on which any person in good faith has made or asserted the right to make a pre-emption or homestead settlement: *And provided further*, That nothing in this act contained shall be construed as limiting the rights granted to purchasers or settlers by "An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes," approved March 3, 1887, or as repealing, altering, or amending said act, nor as in any manner affecting any cause of action existing in favor of any purchaser against his grantor for breach of any covenants of title.

SEC. 4. That section 5 of an act entitled "An act for a grant of lands to the State of Iowa in alternate sections to aid in the construction of a railroad in said State," approved May 17, 1864, and section 7 of an act entitled "An act extending the time for the completion of certain land-grant railroads in the States of Minnesota and Iowa, and for other purposes," approved March 3, 1865, and also section 5 of an act entitled "An act making an additional grant of lands to the State of Minnesota in alternate sections to aid in the construction of railroads in said State," approved July 4, 1866, so far as said sections are applicable to lands embraced within the indemnity limits of said sections, be, and the same are hereby, repealed; and so much of the provisions of section 4 of an act approved June 2, 1864, and entitled "An act to amend an act entitled 'An act making a grant of lands to the State of Iowa in alternate sections to aid in the construction of certain railroads in said State,'" approved May 15, 1866, be, and the same are hereby, repealed so far as they require the Secretary of the Interior to reserve any lands but the odd sections within the primary or 6 miles granted limits of the roads mentioned in said act of June 2, 1864, or the act to which the same is amendatory.

SEC. 5. That if it shall be found that any lands heretofore granted to the Northern Pacific Railroad Company and so resumed by the United States and restored to the public domain lie north of the line known as the "Harrison line," being a line drawn from Wallula, Wash., easterly to the southeast corner of the northeast one-fourth of the southeast quarter of section 27, in township 7 north, of range 37 east of the Willamette meridian, all persons who had acquired in good faith the title of the Northern Pacific Railroad Company to any portion of said lands prior to July 1, 1885, or who at said date were in possession of any portion of said lands or had improved the same, claiming the same under written contract with said company, executed in good faith, or their heirs or assigns, as the case may be, shall be entitled to purchase the lands so acquired, possessed, or improved, from the United States, at any time prior to the expiration of one year after it shall be finally determined that such lands are restored to the public domain by the provisions of this act, at the rate of \$2.50 per acre, and to receive patents therefor upon proof before the proper land office of the fact of such acquisition, possession, or improvement, and payment therefor, without limitation as to quantity: *Provided*, That the rights of way and riparian rights heretofore attempted to be conveyed to the city of Portland, in the State of Oregon, by the Northern Pacific Railroad Company and the Central Trust Company of New York, by deed of conveyance dated August 8, 1886, and which are described as follows: A strip of land 50 feet in width, being 25 feet on each side of the center line of a water-pipe line, as the same is staked out and located, or as it shall be hereafter finally located according to the provisions of an act of the Legislative Assembly of the State of Oregon approved November 25, 1885, providing for the means to supply the city of Portland with an abundance of good, pure, and wholesome water over and across the following described tracts of land: Sections 19 and 31, in township 1 south, of range 6 east; sections 25, 31, 33, and 35, in township 1 south, of range 5 east; sections 3 and 5, in township 2 south, of range 5 east; section 1, in township 2 south, of range 4 east; sections 23, 25, and 35, in township 1 south, of range 4 east of the Willamette meridian, in the State of Oregon, forfeited by this act, are hereby confirmed unto the said city of Portland, in the State of Oregon, its successors and assigns forever, with the right to enter on the hereinbefore described strip of land, over and across the above described sections, for the purpose of constructing, maintaining, and repairing a water-pipe line as aforesaid.

SEC. 6. That no lands declared forfeited to the United States by this act shall by reason of such forfeiture inure to the benefit of any State or corporation to which lands may have been granted by Congress, except as herein otherwise provided; nor shall this act be construed to enlarge the area of land originally covered by any such grant, or to confer any right upon any State, corporation, or person to lands which were excepted from such grant. Nor shall the moiety of the lands granted to any railroad company on account of a main and a branch line appertaining to uncompleted road, and hereby forfeited, within the conflicting limits of the grants for such main and branch lines, when but one of such lines has been completed, inure, by virtue of the forfeiture hereby declared, to the benefit of the completed line, and the price of all lands affected hereby and hereby restored, when in any way sold, is hereby reduced to \$1.25 per acre.

SEC. 7. That nothing in this act shall be construed to waive or release in any way any right of the United States to have any other lands granted by them, as recited in the first section, forfeited for any failure, past or future, to comply with the conditions of the grant.

Mr. STONE, of Missouri. Mr. Speaker, I make the point that this bill should be considered in Committee of the Whole, and I believe it is agreed by the chairman of the Committee on the Public Lands that that is the proper course it should take.

Mr. PAYSON. No, I do not agree to that, but I desire to state, if the gentleman will permit an interruption here, that there is no disposition on the part of myself or any friend of the bill to interfere in the least with the right of debate or the right to offer such amendments as gentlemen may choose to offer to the bill. I say this without conceding that there is anything in the point of order raised by the gentleman from Missouri [Mr. STONE]. If the point of order be sustained it is only a matter of form in any event. I do not think there is anything in the bill that makes it subject to the point of order at all. I assure the gentleman from Missouri that there is no desire to stifle debate or prevent an opportunity for offering any amendments that may be desired to be offered, and I suggest that we go on in the regular way in the consideration of the bill.

Mr. STONE, of Missouri. I am satisfied, Mr. Speaker, that the point of order ought to be made. I make the point out of deference to the suggestion of a number of gentlemen that it would be best to consider it in Committee of the Whole.

As to whether this bill is subject to this point of order, I desire to say to the Chair that this bill provides for the forfeiture of quite a large amount of lands granted heretofore to railroad companies to aid in their construction. There are other provisions in the bill to the effect that any part of this land which has been conveyed or attempted to be conveyed by the railroad to its grantees since the date of the grant, and which are now in the hands or in the possession of grantees of the railroad companies, or persons who are in the possession of lands under claim of ownership under the public-land laws of the United States—there are provisions in the bill confirming the titles of such persons to certain portions of those lands, namely, to the extent of 320 acres to each person. Now, I take it, sir, that if these lands are subject to forfeiture at all, and are forfeited, that the title becomes absolute in the Government of the United States, and that any further provision in the bill which seeks to part with the title to them by confirming the title or by grant is such a disposition of the property of the United States as makes the bill come within the meaning and intent of the rule.

The SPEAKER. The acts are simultaneous, are they not? If such action takes place it is simultaneous, is it not?

Mr. STONE, of Missouri. Oh, yes.

The SPEAKER. That is, the United States reacquires the title, and at the same instant the title passes to these persons mentioned.

Mr. STONE, of Missouri. It is all in the same bill.

Mr. HERMANN. If the gentleman will permit me, I think he is somewhat in error as to the provisions of the bill. The bill recognizes the title as being in the United States, but permits these persons in possession to make purchase from the Government at the rate of \$2.50 an acre.

Mr. ANDERSON, of Kansas. Mr. Speaker, I would like to be heard at the convenience of the Chair on that point of order.

Mr. PAYSON. I desire to state in connection with what the gentleman from Missouri [Mr. STONE] has just said, that section 3 of the bill is the section as to which the point of order is made. It provides:

SEC. 3. That in all cases where persons are in possession of any of the lands affected by any such grant and hereby resumed by and restored to the United States, under deed, written contract with, or license from, the State or corporation to which such grant was made, or its assignees, executed prior to January 1, 1887, they shall be entitled to purchase the same from the United States, in quantities not exceeding 320 acres to any one such person, at the rate of \$1.25 per acre, at any time within two years from the passage of this act, and on making said payment to receive patents therefor.

It provides that persons in possession shall have the prior right of purchase at the price which other persons would have to pay for Government land. And this section, to which the gentleman from Missouri [Mr. STONE] addresses his point of order, is not a disposition of the property, nor an appropriation of the property; but simply gives a prior right of purchase to land in possession of these persons at the price that is fixed by statute law. That is all there is of it. The language of the rule, Mr. Speaker, is as follows. Clause 3 of Rule XXIII provides:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money—

It does not come within that. The rule further provides:

or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole.

There is no appropriation of property. There is no disposition of property, and no change in existing law except that the prior right of purchase is given to the man who for the time being happens to be in possession.

The SPEAKER. And that is to be the same price?

Mr. PAYSON. And that is to be the same price that any citizen would pay.

The SPEAKER. And no difference whatever from the manner that any other citizen would pay?

Mr. PAYSON. None whatever.

Mr. STONE, of Missouri. Is there not a provision in the bill for confirming the titles of purchasers from the railroad company of tracts of 320 acres?

Mr. PAYSON. What it requires is a purchase from the Government at the regular Government price. There is no confirmation of the title as granted by the company; none whatever. There was a bill pending in the last Congress which proposed to do that; but this bill does not propose to do so. Mr. Speaker, I had better read it all, though it is a long section:

SEC. 2. That in all cases where persons are in possession of any of the lands affected by any such grant and hereby resumed by and restored to the United States, under deed, written contract with, or license from, the State or corporation to which such grant was made, or its assignees, executed prior to January 1, 1887, they shall be entitled to purchase the same from the United States, in quantities not exceeding 320 acres to any one such person, at the rate of \$1.25 per acre, at any time within two years from the passage of this act, and on making said payment to receive patents therefor: *Provided*, That in all cases where parties, persons, or corporations, with the permission of such State or corporation, or its assignees, are in possession of and have made improvements upon any of the lands hereby resumed and restored, and are not entitled to enter the same under the provisions of this act, such parties, persons, or corporations shall have six months in which to remove any growing crop, and within which time they shall also be entitled to remove all buildings and other movable improvements from said lands: *Provided further*, That the provisions of this section shall not apply to any lands situate in the State of Iowa, on which any person in good faith has made or asserted the right to make a pre-emption or homestead settlement: *And provided further*, That nothing in this act contained shall be construed as limiting the rights granted to purchasers or settlers by "An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes," approved March 3, 1887, or as repealing, altering, or amending said act, nor as in any manner affecting any cause of action existing in favor of any purchaser against his grantor for breach of any covenants of title.

There is no confirmation of title in anybody, nor is it seeking to deprive any one of possession; but those original parties and any one who is in possession or under a contract with the railroad on lands the title to which was forfeitable are to be given the preference right of paying for it.

The SPEAKER. Just the same as any citizen could be given that privilege?

Mr. PAYSON. Any citizen could do precisely the same thing.

Mr. ANDERSON, of Kansas. I would like to suggest to the Chair that this whole question turns upon the fact whether the land which is here spoken of as forfeited, or the land to be forfeited, belongs to the Government of the United States or belongs to the railroad companies. If it belongs to the railroad company, Congress can not forfeit it. If it is forfeitable, then it now belongs to the Government; so that it is clearly and distinctly a part of the public domain.

There certainly are sections of land covered by the provisions of this bill entirely outside of the 20-mile limit which the railroads claim. Now, take a section lying entirely without the limit of the grant—land, in other words, which the company has gotten under some pretense, but to which it has no title whatever and can not have any title; land that never was and never could be within its lands—

Mr. PAYSON. Let me understand—

Mr. ANDERSON, of Kansas. Not now. I can not yield.

Take that section of land. There can be no fog about that. There can be no subtle legal allegations as to the fact that that section of land is public domain precisely as much as if the land were not within a thousand miles of a railroad, if there could be such lands. I think that section would be covered by this bill, and the point of order raised by the gentleman from Missouri [Mr. STONE] would apply to that section. The Chair would clearly hold, I fancy, that, as to such a section of land as that, it was undoubtedly the property of the United States, and therefore I think it would be covered by that clause of the rule which the gentleman from Illinois has just cited, under which clause the bill would necessarily have its first consideration in Committee of the Whole.

The SPEAKER. But, even in that event, is there any difference from the present law, except that persons who have settled there under color of title or under claim of title would have the preference?

Mr. ANDERSON, of Kansas. Yes, sir; I am coming to that. The point I wish now to impress is this: That there may be in the Treasury \$100,000 appropriated, say, to A B, but here is another \$100,000 or \$10,000 lying in the Treasury for which no appropriation act was ever passed, but which A B claims. Now, I take that to be precisely an analogous case to this. Certainly that \$10,000 is the property of the United States, and any bill or proposition to appropriate it would be considered in Committee of the Whole under the rule.

The SPEAKER. But is it any more appropriated by this bill than it is now?

Mr. ANDERSON, of Kansas. It is not appropriated at all and never was. That is my point.

The SPEAKER. It is appropriated for the use of those who purchase it under the law, is it not?

Mr. ANDERSON, of Kansas. Not at all. I am speaking of a point back of that which the Chair is considering. I am at the first point in the whole proposition, namely, that if the land ever was appropriated, so to speak, or granted, to a railway company, then the United States can not forfeit it except upon a breach of conditions of the grant; and I am calling the attention of the Chair to cases where land has been claimed by railroad companies entirely outside of the possible limits of their grants, land to which they could have no possible claim and as to which the Government never gave any title whatever or made any provision whatever, and that there are such lands covered by this bill I have no doubt.

Mr. PAYSON. Will the gentleman from Kansas permit me—

Mr. ANDERSON, of Kansas. Not now, please. I want to call the attention of the Chair to the provisions of the bill. In the second section it provides that all persons who at the date of the passage of this act are actual settlers in good faith on any of the lands hereby forfeited may make settlement, and so on. Now, if the land is forfeited, by that act it becomes the property of the United States, and any man may homestead it just as he may now homestead lands in the United States. I can see no difference whatever between that land after it has clearly been passed to the public domain, as it is by this act, and any other section of public land as to which a homesteader may now file his claim. If the proposition before the Chair were this: Whether we should pass a law permitting a man to homestead public lands, that clearly would be a bill parting with property of the United States, and I fancy that under the rule it would have to receive its first consideration in Committee of the Whole.

Now, my point is that it makes no difference whether a particular tract is held by a railroad company or not—and I am now speaking of a second class of lands distinct from that of which I have spoken heretofore—the very moment it is forfeited, the very moment it has passed to the public domain—both of which acts, though simultaneous, must be done before the homesteader can acquire any right in the lands—my point is that at the very moment when that land is made a part of the public domain it could not be parted with except under the homestead law, and therefore, being public property, a bill to part with it must be considered in Committee of the Whole.

The SPEAKER. Does not the law already provide for parting with that property upon the same terms as those prescribed in this bill?

Mr. ANDERSON, of Kansas. No, I think not.

The SPEAKER. The point the Chair wants to get at is this: Does this bill, with regard to any land, whether it was forfeited or whether it never belonged to a railroad company at all, and consequently was always part of the public domain, but, nevertheless, was in dispute—does this bill, with regard to any such land, make any other difference than this, that it gives a preference to individuals to purchase the land at the same price and under the same regulations provided for by existing law, that preference being given on account of the complications which have arisen out of the dispute?

Mr. ANDERSON, of Kansas. I may not be quite accurate in the statement I am about to make, though I think I am. I think that in the latter part of the bill a provision is made as to the homesteader which does not exist in the present law, namely, that "any person who has not heretofore had the benefit of the homestead or pre-emption law, or who has failed from any cause to perfect the title to a tract of land heretofore entered by him under either of said laws, may make a second homestead entry under the provisions of this act." The gentleman from Illinois [Mr. PAYSON] can say whether I am correct as to that or not.

Mr. PAYSON. There is a change made in the existing law simply as to the qualification of the homesteader. As the law stands to-day, a man can only take one homestead claim; making a homestead claim and disposing of it prevents his acquiring another homestead right; that is, he exhausts the homestead privilege which the existing law gives him. This bill provides that if he has exhausted his homestead right he may, under this act, exercise it again. That is all. There is no change with reference to the quantity of land he may take and no attempt to regulate the disposition of the property under existing law, but there is simply a change made in the qualification of the homesteader by providing that if he has exhausted his homestead right under existing law he may exercise it again.

Mr. ANDERSON, of Kansas. Well, the Chair will perceive that when you undertake to provide different conditions under which a homesteader may acquire public land, the bill which does that is one which ought to be considered in Committee of the Whole.

Now, I wish to call the attention of the Chair to one more point.

The SPEAKER. Is it a fact that this bill provides that a citizen of the United States may twice exercise his homestead rights?

Mr. ANDERSON, of Kansas. Yes, sir; and that is a change of existing law.

Mr. HERMANN. No; I beg the gentleman's pardon. The bill provides that if, in the first instance, the man has failed to perfect his title, then he may make a second homestead entry. The original entry does not necessarily imply the perfection of title, but only an attempt to perfect it; and this bill provides that if a man has failed to perfect his title he may make a second entry under this act.

Mr. ANDERSON, of Kansas. My impression is to the effect that under the existing law, when a man has once attempted to make a homestead entry, whether he perfects his title or not, that rules him out from a second attempt.

Mr. PAYSON. Oh, no.

Mr. ANDERSON, of Kansas. Well, then I withdraw that statement.

Now, I wish to call the attention of the Chair to another point. On page 12 of the printed bill, section 5, it is provided—

That if it shall be found that any lands heretofore granted to the Northern Pacific Railroad Company and so resumed by the United States and restored to the public domain lie north of the line known as the "Harrison line," being a line drawn from Wallula, Wash., easterly to the southeast corner of the northeast quarter of the southeast quarter of section 27, in township 7 north, of range 37 east of the Willamette meridian, all persons who had acquired in good faith the title of the Northern Pacific Railroad Company to any portion of said lands prior to July 1, 1885, or who at said date were in possession of any portion of said lands or had improved the same, claiming the same under written contract with said company, executed in good faith, or their heirs or assigns, as the case may be, shall be entitled to purchase the lands so acquired, possessed, or improved, from the United States, at any time prior to the expiration of one year after it shall be finally determined that such lands are restored to the public domain by the provisions of this act, at the rate of \$2.50 per acre, and to receive patents therefor upon proof before the proper land office of the fact of such acquisition, possession, or improvement, and payment therefor, without limitation as to quantity.

Now there is a case where the land, being north of this "Harrison line," is by the bill clearly and distinctly declared to be United States property, which the party may purchase. Then there is a provision somewhere else—I can not now find it—which permits the Northern Pacific Railroad Company to purchase not exceeding 320 acres of land for depot or station purposes, etc., is there not?

Mr. PAYSON. Oh, no; there is no such provision in this bill.

Mr. ANDERSON, of Kansas. I supposed there was a provision of that kind.

Mr. PAYSON. None whatever. You are thinking of a bill of the last Congress. There is nothing of that kind in this bill.

Mr. HOLMAN. I desire to call the attention of the Chair to the third section of the original bill (and the provision is the same in the substitute) in regard to this grant to the city of Portland, Oregon. I believe that has not been brought to the attention of the Chair. Section 3 of the original bill provides—

That the rights of way and riparian rights heretofore attempted to be conveyed to the city of Portland, in the State of Oregon, by the Northern Pacific Railroad Company and the Central Trust Company of New York, by deed of conveyance dated August 8, 1886, and which are described as follows—

Then follows a description of the several pieces of land—

are hereby confirmed unto the said city of Portland, in the State of Oregon, its successors and assigns forever, with the right to enter on the heretofore-described strip of land, over and across the above-described sections, for the purpose of constructing, maintaining, and repairing a water-pipe line as aforesaid.

Now this language is a clear confirmation of grants heretofore made and which the bill assumes had no authority whatever, as they were within the limits of lands through which the railroad has never yet been constructed. This is a virtual grant of a strip of land 50 feet wide—

The SPEAKER. To what section of the bill does the gentleman refer?

Mr. HOLMAN. Section 3 of the original bill. I believe the language is the same in the substitute.

Mr. PAYSON. It is section 5 of the substitute.

Mr. HOLMAN. This is certainly a very clear and distinct grant of public property. It confirms a grant of these lands which the bill itself assumes was absolutely void.

The SPEAKER. The Chair desires to call the attention of the gentleman from Illinois [Mr. PAYSON] to the language of this section, which seems to confirm a title—

Mr. PAYSON. That is a point that has not heretofore been made, but upon looking at the language I am not so clear in my own mind but that the gentleman from Indiana [Mr. HOLMAN] is right.

Mr. HOLMAN. The point of order as made applies of course to the entire bill.

The SPEAKER. When this point of order is made every portion of the bill is to be considered. The Chair sustains the point of order made by the gentleman from Indiana.

Mr. PAYSON. I move that the House resolve itself into Committee of the Whole for the purpose of considering Senate bill No. 2781. The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. PETERS in the chair) and proceeded to the consideration of the bill (S. 2781) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes.

Mr. PAYSON. I ask unanimous consent that the formal reading of the bill be dispensed with.

Mr. HOOKER. Before that question is put, I desire to inquire of the gentleman from Illinois whether the printed bill furnished us—Senate bill 2781—is the bill now under consideration.

Mr. PAYSON. I do not know what print the gentleman has; but Senate bill 2781 as amended by the committee, the amendment being

in the form of a substitute, which is printed in italics, is the measure now before us for consideration.

Mr. HOOKER. I understand the proposition of the gentleman from Illinois is that we adopt a substitute proposed by the House Committee on Public Lands.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to dispense with the first or formal reading of the bill. Is there objection?

Mr. HOLMAN. I have no objection to dispensing with the reading of the Senate bill, but I hope the gentleman from Illinois will permit the substitute to be read again, so that it may be distinctly understood.

Mr. PAYSON. I have no objection.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] calls for the reading of the substitute.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"Be it enacted, etc., That there are hereby forfeited to the United States, and the United States hereby resumes the title thereto, all lands heretofore granted to any State or to any corporation to aid in the construction of a railroad opposite to and contiguous with the portion of any such railroad not now completed, for the construction or benefit of which lands have heretofore been granted; and all such lands are declared to be a part of the public domain: Provided, That this act shall not be construed as forfeiting the right of way or depot grounds of any railroad company heretofore granted, or lands included in any city, town, or village site.

"SEC. 2. That all persons who, at the date of the passage of this act, are actual settlers in good faith on any of the lands hereby forfeited and are otherwise qualified, on making due claim on said lands under the homestead law within six months after the passage of this act, shall be entitled to a preference right to enter the same under the provision of the homestead law and this act, and shall be regarded as such actual settlers from the date of actual settlement or occupation; and any person who has not heretofore had the benefit of the homestead or pre-emption law, or who has failed from any cause to perfect the title to a tract of land heretofore entered by him under either of said laws, may make a second homestead entry under the provisions of this act. The Secretary of the Interior will make such rules as will secure to such actual settlers these rights.

"SEC. 3. That in all cases where persons are in possession of any of the lands affected by any such grant and hereby resumed by and restored to the United States, under deed, written contract with, or license from the State or corporation to which such grant was made, or its assignees, executed prior to January 1, 1888, they shall be entitled to purchase the same from the United States, in quantities not exceeding 320 acres to any one such person, at the rate of \$1.25 per acre, at any time within two years from the passage of this act, and on making said payment to receive patents therefor: Provided, That in all cases where parties, persons, or corporations, with the permission of such State or corporation, or its assignees, are in the possession of and have made improvements upon any of the lands hereby resumed and restored, and are not entitled to enter the same under the provisions of this act, such parties, persons, or corporations shall have six months in which to remove any growing crop, and within which time they shall also be entitled to move all buildings and other movable improvements from said lands: Provided further, That the provisions of this section shall not apply to any lands (situate in the State of Iowa) on which any person in good faith has made, or asserted the right to make, a pre-emption or homestead settlement: And provided further, That nothing in this act contained shall be construed as limiting the rights granted to purchasers or settlers by "An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes," approved March 3, 1887, or as repealing, altering, or amending said act, nor as in any manner affecting any cause of action existing in favor of any purchaser against his grantor for breach of any covenants of title.

"SEC. 4. That section 5 of an act entitled 'An act for a grant of lands to the State of Iowa in alternate sections to aid in the construction of a railroad in said State,' approved May 17, 1864, and section 7 of an act entitled 'An act extending the time for the completion of certain land-grant railroads in the States of Minnesota and Iowa, and for other purposes,' approved March 3, 1865, and also section 5 of an act entitled 'An act making an additional grant of lands to the State of Minnesota in alternate sections to aid in the construction of railroads in said State,' approved July 4, 1866, so far as said sections are applicable to lands embraced within the indemnity limits of said grants, be, and the same are hereby, repealed; and so much of the provisions of section 4 of an act approved June 2, 1864, and entitled 'An act to amend an act entitled "An act making a grant of lands to the State of Iowa in alternate sections to aid in the construction of certain railroads in said State," approved May 15, 1866,' be, and the same are hereby, repealed so far as they require the Secretary of the Interior to reserve any lands but the odd sections within the primary or 6 miles granted limits of the roads mentioned in said act of June 2, 1864, or the act to which the same is amendatory.

"SEC. 5. That if it shall be found that any lands heretofore granted to the Northern Pacific Railroad Company and so resumed by the United States and restored to the public domain lie north of the line known as the "Harrison line," being a line drawn from Wallula, Wash., easterly to the southeast corner of the northeast one-fourth of the southeast quarter of section 27, in township 7 north, of range 37 east of the Willamette meridian, all persons who had acquired in good faith the title of the Northern Pacific Railroad Company to any portion of said lands prior to July 1, 1885, or who at said date were in possession of any portion of said lands or had improved the same, claiming the same under written contract with said company, executed in good faith, or their heirs or assigns, as the case may be, shall be entitled to purchase the lands so acquired, possessed, or improved from the United States, at any time prior to the expiration of one year after it shall be finally determined that such lands are restored to the public domain by the provisions of this act, at the rate of \$2.50 per acre, and to receive patents therefor upon proof before the proper land office of the fact of such acquisition, possession, or improvement, and payment therefor, without limitation as to quantity: Provided, That the rights of way and riparian rights heretofore attempted to be conveyed to the city of Portland, in the State of Oregon, by the Northern Pacific Railroad Company and the Central Trust Company of New York, by deed of conveyance dated August 8, 1883, and which are described as follows: A strip of land 50 feet in width, being 25 feet on each side of the center line of a water-pipe line, as the same is staked out and located, or as it shall be hereafter finally located according to the provisions of an act of the Legislative Assembly of the State of Oregon approved November 25, 1885, providing for the means to supply the city of Portland with an abundance of good, pure, and wholesome water over and across the following-described tracts of land: Sections 19 and 31, in township 1 south, of range 6 east; sections 25, 31, 33, and 35, in township 1 south, of range 5 east; sections 3 and 5, in township 2 south, of range 5 east; section 1, in township 2 south, of range 4 east; sections 23, 25, and 35, in township 1 south, of range 4 east of the Willamette meridian, in the State of Oregon, forfeited by this act, are hereby confirmed unto the said

city of Portland, in the State of Oregon, its successors and assigns forever, with the right to enter on the hereinbefore-described strip of land, over and across the above-described sections for the purpose of constructing, maintaining, and repairing a water-pipe line as aforesaid.

"SEC. 6. That no lands declared forfeited to the United States by this act shall by reason of such forfeiture inure to the benefit of any State or corporation to which lands may have been granted by Congress, except as herein otherwise provided; nor shall this act be construed to enlarge the area of land originally covered by any such grant or to confer any right upon any State, corporation, or person to lands which were excepted from such grant. Nor shall the moiety of the lands granted to any railroad company on account of a main and a branch line appertaining to uncompleted road and hereby forfeited, within the conflicting limits of the grants for such main and branch lines, when but one of such lines has been completed, inure, by virtue of the forfeiture hereby declared, to the benefit of the completed line; and the price of all lands affected hereby and hereby restored when in any way sold is hereby reduced to \$1.25 per acre.

"SEC. 7. That nothing in this act shall be construed to waive or release in any way any right of the United States to have any other lands granted by them, as recited in the first section, forfeited for any failure, past or future, to comply with the conditions of the grant."

Mr. PAYSON. Mr. Chairman, so far as I am advised, I do not know of any opposition on the part of any member of the House—unless possibly it may be my friend from Kansas [Mr. ANDERSON]—to the adoption of the amendment which has just been read to the Senate bill.

Mr. DUNNELL. Will not the gentleman from Illinois state to the Committee of the Whole the difference between the Senate bill and the House proposition?

Mr. PAYSON. I was about to do that. At the outset, when interrupted by the gentleman from Minnesota, I said that I did not know of any objection on the part of any member of the House to the adoption of the substitute proposed by the committee as an amendment to the Senate bill, unless it might possibly come from the gentleman from Kansas [Mr. ANDERSON], and I do not know how far his opposition may extend when he comes to understand the proposition submitted.

Mr. ANDERSON, of Kansas. Will the gentleman allow an interruption?

Mr. PAYSON. Certainly.

Mr. ANDERSON, of Kansas. The bill is so long that I am frank to say I do not know what it undertakes to enact.

Mr. PAYSON. Then I will address myself as well to my friend from Kansas as to the other members of the committee, feeling sure that he will be included in the class which I have named when he has heard a statement of what the bill does undertake to do.

Mr. ANDERSON, of Kansas. If this bill undertakes to grant land to these railroad companies to which they are not now entitled or seeks to confirm grants which they have not earned, I am opposed to it.

Mr. PAYSON. Well, the bill does exactly the reverse, as the gentleman will understand after he has heard an explanation of the bill.

This bill, Mr. Chairman, in its general provisions proposes to forfeit and restore to the public domain all of the public lands, wherever situated in the Union, which have been heretofore granted in aid of the construction of railroads in the United States, which roads have not been completed within the time specified in the granting acts. The first section of the amended bill presented by the committee in terms provides for doing that.

This subject is by no means a new one in the House of Representatives, and the principle which is involved in the first section of the committee's amendment has received approval in the House of Representatives in the last three or four Congresses and in the Senate of the United States as well, and only failed to become a law because of other provisions which were attached to it and in reference to which there was disagreement between the Senate and the House as to the policy which should be adopted with reference to them.

Continuing a single word further in that same line, let me say that while the old members of Congress are doubtless familiar with all of the details of this legislation, there are new members, many gentlemen sitting about me now, who, perhaps, have not had occasion to investigate the matter fully or to acquire as accurate a knowledge as to the situation as others upon the floor, and so briefly I shall ask the attention of the committee while I make a résumé of the situation calling for this legislation.

Many years ago, Mr. Chairman, commencing prominently in 1856, the policy obtained in Congress of making grants of the public land in aid of public improvements throughout the States, such as railroads, wagon-roads, and canals. The policy was adopted in Congress in aid of such enterprises here and there throughout the Union of granting public lands, usually in alternate sections and usually of the width of 6 miles on either side of the proposed railroad, which grants were made to the different States of the Union for this purpose, or occasionally directly to the corporation itself. The State was made the trustee for the company which undertook the construction of the road, and, as it should progress, usually in sections of 20 miles, so that as 20 miles of the railroad, wagon-road, or canal, as the case might be, was constructed, the line for that distance should be examined by the inspectors on the part of the Government, and if found to be in accordance with the law the land was either to be sold for the benefit of the corporation carrying on the work or was patented to the corporation, to be disposed of according to its own judgment.

In all of these acts of Congress making provision for such donations of the public land a time was always fixed in which the work should

be completed, usually ten years, sometimes only six years, and occasionally longer, some being as high as twenty years, but usually ranging from six to ten years. It was supposed at the time the acts were passed that because of the provision in the law, which was in substance that unless the road should be completed within the time required by the granting act, no further disposition of the land should be made, but that the same should revert to the Federal Government—it was believed that that provision in the act of Congress would be self-operative, so that if the road was not constructed as required by this provision of the granting act itself the lands would revert to the General Government and the transaction would be ended.

But later along a question was presented in the case of a defaulting road, which was not completed within the time, to the Supreme Court of the United States as to what a technical, and therefore not an improper, construction of that provision of the law would be. The leading case upon that point is the case of *Schulenberg vs. Harriman*, reported in the 21st Wallace United States Supreme Court Reports, in which case the Supreme Court decided that all these acts of Congress making such provisions for the disposal of the public lands in aid of the construction of such works and all these grants of public lands the title to which passed by the law itself—that the act of Congress was not only a law, but a conveyance in and of itself, which passed title of the land from the Government to the State or to the corporation named as beneficiaries; and that the condition of the title was such that until by some legislative act, or by some judicial adjudication authorized by Congress, working a forfeiture, so that the lands should be restored to the public domain for breach of condition, the title remained in the State or the company, as the case might be.

That decision was made in the seventies, in 1872 or 1874, I think. No steps were taken in Congress in reference to the matter for many years, and a number of the roads which had been aided by the grants of the public lands, and which had failed to perform the conditions of the grant, had remaining large portions of their roads still unconstructed. But construction was progressing, no action having been taken by Congress to declare a forfeiture, no judicial proceedings authorized by Congress to declare a judicial termination of the grant having been had; and so the railroads went on constructing the roads, and in an early case, after the case of *Schulenberg vs. Harriman* was decided, the question was presented to the Administration then in power—the Administration of Mr. Hayes—as to whether or not the railroads which were being constructed out of time were not still entitled to the benefits of the lands lying along opposite sides of the road which was thus being constructed.

Mr. Attorney-General Devens delivered a very elaborate opinion in the case, known as the Atlantic and Pacific case, in which, reviewing not only the authorities at hand with reference to it, but basing his argument in the opinion on principle as well, he decided that until Congress should affirmatively act by declaring a forfeiture, or authorizing one to be declared judicially, the roads might go on and construct and be entitled to the lands lying opposite the completed portions of the road thus constructed out of time. That opinion of Attorney-General Devens has been approved and adopted by the Attorneys-General of each Administration since then down to, but not including, the present one. It has been adopted by the Interior Department and has been acquiesced in by the courts everywhere, so far as I know. That condition of things led to the presentation of a question in Congress as to what steps should be taken, if any, with reference to lands thus granted years ago and which were in this condition to which I have already referred: as to whether the railroads might proceed to earn them, if not interfered with by such legislation as is attempted here to-day in the pending bill.

There have been, Mr. Chairman, thirty-seven railroads which have been aided by acts of Congress, which railroads have not been completed within the time required by the acts of Congress making the grants. In twelve of these cases there have been forfeitures; that is to say, in former Congresses there have been forfeitures declared, which have become laws, forfeiting nearly 50,000,000 acres of land and operating upon twelve of these thirty-seven railroads. That leaves twenty-five of these aided roads which have not yet been acted upon. Nine of them have been fully completed since, and have been accepted by the General Government and are now being operated under the burdens which are imposed upon land-grant railroads. Among the burdens are these: they are required to transport troops and munitions of war, all supplies to army posts, and freight connected with military establishments free of any charge whatever, whenever required to do so by the General Government. They are required to transport the mails of the General Government at such compensation as shall be fixed by the Post-Office Department, and which averages from 50 to 65 per cent. of the amount paid to non-aided roads for similar service.

There are some other burdens which are imposed, which are not necessary to be noticed here. These are the principal ones. That leaves, then, sixteen railroads which are now uncompleted, partly built out of time and part not now constructed, and this amendment, which comes from the House Committee on Public Lands, recommends to take every one of these roads, sixteen in number, which have been aided by grants of public land and which are not now constructed and declare a for-

feiture of the land which lies opposite such portions of the road as are not now constructed and in operation. That is the substance of this bill.

Mr. DUNNELL. Will the gentleman state whether that includes roads which are now practically constructed?

Mr. PAYSON. I can not make it any plainer. There are sixteen railroads now left, a portion of which railroads are not constructed at all, and this bill proposes as to every one of these sixteen roads, which are all the railroads that there are in the country which have been aided by grants of public land and which are not now completed, to declare a forfeiture of all land lying opposite so much of the road as has not been constructed. I do not know how I can make it any plainer than that.

Mr. DUNNELL. The gentleman from Illinois [Mr. PAYSON] is aware that a forfeiture has been withheld in the case of roads that were actually in the process of construction. I desire to know whether this bill does the same thing.

Mr. PAYSON. I do not understand the gentleman's proposition.

Mr. DUNNELL. Whether this bill withholds forfeiture with reference to railroads that are now actually earning their grants.

Mr. PAYSON. I do not understand the gentleman's proposition.

Mr. DUNNELL. I will make an illustration. The gentleman from Illinois is aware that a forfeiture of lands that were granted to the Northern Pacific Railroad was delayed largely under the argument that the road was then acting in good faith, completing the road and earning its grant from month to month. Are there any roads now in process of construction earning any land?

Mr. PAYSON. Yes, nearly all of them affected by this bill are in process of construction, and it is said that they will be constructed; and the Senate bill provided for an extension of time to three different roads in terms, and that leads me to refer to an inquiry made by the gentleman from Minnesota [Mr. DUNNELL] when the consideration of this bill began. He inquired how this bill differed from the Senate bill and I answer the two questions together by saying that as to the right of the Gulf and Ship Island Railroad in Mississippi, the Mobile and Girard Railroad in Alabama, the Coosa in Tennessee, and some connecting roads in Tennessee the time was proposed to be extended by the Senate bill within which these roads could be constructed, so that they might earn this grant. That provision was stricken out by the House committee and does not appear here.

Referring to the Northern Pacific road, to which the gentleman alludes, there are 224 miles of that road not now constructed at all, connecting Wallula with Portland. The grant of land to that piece of road amounts in the aggregate in round numbers to about 3,000,000 acres of land. Every now and then the directors of that road express the purpose to go on and construct the line of road and thus to earn that land, in so far as it can be earned; but the scope of this bill is to relieve every acre of public land which can be relieved of this disability to-day, and restore it to the public domain, so that not another acre of public land can be earned by the construction of a railroad hereafter, except by a special act of Congress passed with reference to that construction.

Mr. OUTHWAITE. I wish to ask the gentleman from Illinois, with regard to that 250 miles of road on the Northern Pacific, is not that line through such a difficult and mountainous region that the company are desirous of getting rid of that part of the line?

Mr. PAYSON. Oh, no, indeed. The gentleman from Oregon [Mr. HERMANN], who will follow me in this discussion later on, will explain the exact situation with reference to that. I will say to my friend from Ohio [Mr. OUTHWAITE]—so that he can anticipate what the gentleman from Oregon will say—that there is a line of railroad on the south side of the Columbia River, running from Wallula to Portland, built by a rival corporation, the Oregon Railroad and Navigation Company, which has been operated by the Northern Pacific under a lease for some years. Perhaps that has prevented any attempt to construct the other. I am told by the gentleman from Oregon—and I have been over the ground myself—that there are hundreds and hundreds of thousands of acres of the most fertile land in Oregon that are within the limits of this grant between Wallula and Portland, which will be forfeited by this bill if it shall become a law, as it ought to.

Mr. HERMANN. The Northern Pacific have reached their terminus on Puget Sound by another route or another line of road.

Mr. OUTHWAITE. And received the usual land grant for the same.

Mr. HEARD. I want to ask the gentleman from Illinois [Mr. PAYSON] a question.

Mr. PAYSON. I will yield for a question.

Mr. HEARD. I have not had time to examine the provisions of the bill closely, nor have I had the benefit of the remarks made by the gentleman from Illinois—

Mr. PAYSON. If the gentleman will ask his question I will endeavor to answer it, but my time is running.

Mr. HEARD. I am explaining why it was necessary to ask the question. As I understand, the proposed forfeiture carried by this bill is to the land abutting those sections of the roads which have not been built. Now, there are some of our public men who insist and believe that as to the lands abutting upon sections of the road which were built out of time, they also should be forfeited.

Mr. PAYSON. I am coming to that, and I may as well answer that inquiry of the gentleman now.

Mr. HEARD. Another question I want to ask is, will this bill confirm the title of the railroad company to such land where its line was finished out of time?

Mr. PAYSON. Perhaps I may just as well go to that branch of the subject now. There is no vote that I know of, and there never has been a sentiment against the principle contained in this bill. It has been thought by very many in public life that the committee ought to cover that, that there ought to be a forfeiture declared of land lying opposite a road constructed out of time; and there have been those who have thought that where a railroad company failed to complete any part of its contract there ought to be a forfeiture of the entire grant. There have been these views on the part of gentlemen concerning these public lands ever since this matter has been agitated. Three classes of forfeiture have been pressed upon the attention of Congress, the first being that where there was a failure in any part a forfeiture of the entire grant should be made. Some gentlemen think that. Others have thought that a restricted forfeiture of land lying opposite a road that was not constructed in time, that is, the land lying opposite the road constructed out of time, as well as the character of land embraced in this bill, should be declared forfeited.

This House has, in two Congresses, adopted such a bill as that. In the Forty-ninth and Fiftieth Congresses a bill was passed upon the principle that there should be a forfeiture of land lying opposite a road constructed out of time, as well as one not constructed at all. That bill went to the Senate, but it failed there because the sentiment in the Senate was practically unanimous against the policy of declaring forfeited lands lying opposite roads constructed out of time and against the power of Congress to do so. Because the House insisted upon the broad forfeiture and the Senate refused to yield, the bills have failed. Therefore, Mr. Chairman, the House, or the Committee on Public Lands, present this bill, about which there is no dispute and in favor of which there would be a practically unanimous vote in both Houses if this should become a law; and it is to relieve the situation of any difficulty as to lands lying opposite roads constructed out of time.

But the minority of the committee, led by the gentleman from Missouri [Mr. STONE], will present to this bill an amendment going to the length of the inquiry suggested by the gentleman from Missouri [Mr. HEARD], and when that question shall be presented I desire by the courtesy of the committee to present my views in reference to it. But I wish to say in passing that it is the opinion of the majority that no bill broader in character than that which is under consideration could pass the Senate or ever become a law. We have agitated this question for years in both Houses of Congress. We have passed twelve forfeiture bills during the time I have named, aggregating something like 50,000,000 acres of public lands, and no bill has ever gone further in declaring forfeited lands than the bill reported by the Committee on Public Lands.

Mr. HEARD. Now the other inquiry, as to whether it will have the effect of confirming any title in a railroad to such lands where the road was finished out of time.

Mr. PAYSON. Now, I am coming to the inquiry of my friend as to whether it will have the effect of confirming any title, or whether it shall prevent Congress from acting hereafter if it desired. That is covered by the seventh section, which I will read:

That nothing in this act shall be construed to waive or release in any way any right of the United States to have any other lands granted by them, as recited in the first section, forfeited for any failure, past or future, to comply with the conditions of the grant.

That is reserving the right on the part of Congress to do anything it may choose hereafter in any other form it pleases with reference to this very character of land.

Mr. HEARD. That is satisfactory, Mr. Chairman.

Mr. PAYSON. I ought to say that, as to the first character of land where there has been a breach of the conditions, there was power to declare an entire forfeiture, and I ought to say in connection with what I have stated in reference to the gentleman from Missouri [Mr. STONE] that the gentleman from Indiana [Mr. HOLMAN], my colleague on the Committee on Public Lands, proposes to offer an amendment to the first section of this bill, declaring an entire forfeiture of the land where the entire conditions are not complied with within the time. The majority of the committee think, as I have stated, that the best policy is to take all these lands by the method suggested by this bill and to which there is no objection and restore them to the public domain, and not to complicate it with these other questions about which there is this difference of opinion.

Mr. HEARD. Without barring the Government as to any further action.

Mr. PAYSON. Precisely. Now, Mr. Chairman, unless some gentleman desires to ask a question I will not detain the House further.

Mr. DUNNELL. I would like to ask the gentleman one question. He has stated once the amount of land that has been heretofore restored to the public domain. Will he state how many acres of land will be returned to the public domain by the operations of this bill?

Mr. PAYSON. The information that I obtained from the General Land Office is that it is about in round numbers 7,500,000 acres; some

of the amounts are estimated. That is as accurate as they can make it at the Land Office.

I reserve the remainder of my time.

Mr. HOLMAN. I do not desire to occupy the floor at this time, but I wish to offer an amendment to the first section of the amendment proposed by the committee in order that it may be pending.

Mr. MCRAE. Amendments are not now in order. General debate is not closed.

The CHAIRMAN. If the point is made that general debate has not yet been closed, the amendment can not be offered at this time.

Mr. MCRAE. There are several gentlemen who desire to speak to the bill.

The CHAIRMAN. The gentleman from Indiana will please withhold his amendment for the present.

Mr. HOLMAN. Very well.

Mr. HOOKER. Mr. Chairman, there are several gentlemen who want to speak upon this bill and to compare it with the Senate bill, and I hope that they will have an opportunity to be heard.

Mr. PAYSON. There will be no abridgment of the right of debate so far as I am concerned.

Mr. OATES. Mr. Chairman, the subject of forfeiting land grants to railroads is one that has been before Congress a great many years, and, as stated by the gentleman from Illinois [Mr. PAYSON], something like a dozen forfeitures have been declared under the former practice of the House of treating each grant in a separate bill. This is an omnibus bill, which deals with all of the railroad grants which are now subject to forfeiture, and perhaps they can as well be dealt with in a single bill as in separate ones.

I have examined this bill sufficiently to know that it is in exact accordance with the right of the Government to forfeit these land grants, as I have contended in former Congresses. In the Forty-eighth Congress, when I had the honor of being a member of the Committee on Public Lands, my attention was for the first time drawn particularly to this question. From an examination of the grants and of the authorities bearing upon them, I then became satisfied that they were grants *in present*, which passed the title, subject to forfeiture for non-performance of the conditions-subsequent.

Every lawyer knows that estates on condition are of two kinds or characters. An estate upon condition-*precedent* is one in which the title stands never vested until the condition upon which the grant is made is fully performed. None of these railroad land grants are of that character. They are grants upon conditions-subsequent. The rule in this character of conditional estate is that for non-performance of the condition or conditions a forfeiture does not result *eo instanti* by the lapse of time allowed for its performance, but that, in order to effect it, action is required upon the part of the grantor. In the case of private grants, if you make a grant to your neighbor upon the condition that he perform or do certain things within one year or five years, and he fails to do that thing within the time, it then becomes your right to re-enter or repossess yourself of the estate granted, and that action on your part determines his estate, and you are repossessed and reinvested with the full title. But suppose you do not re-enter and repossess your right, then the grant in law remains good, and notwithstanding the time has elapsed and your opportunity is presented there is no forfeiture until you do act.

Therefore I have contended all the time that as to these grants to railroad corporations by the Government, if the Government did not take action to forfeit the grants at the expiration of the period of time within which the roads were to be completed and the conditions complied with, the grants would remain good in law, and the grantee companies could go on performing the conditions, and if the grantor permitted them to be entirely performed, it would make no difference as to the character of the estate, and when the conditions were fully performed, the opportunity of the grantor for declaring a forfeiture would be forever gone. That is the rule as between individuals, and it ought to be the rule applicable to the Government, on the principle of estoppel. While technical estoppel does not apply to the Government of the United States, the Government ought always to conform to it; for the principle that "the king can do no wrong" has no application to our form of government.

Now, this bill declares a forfeiture of all the lands granted to every railroad company to the extent that the company has not constructed its road. If a grant is made to a company to construct a road, say of 100 miles in length, and it has constructed but 50 miles, this bill allows the company to take one-half of the land grant because one-half of the road is constructed, and forfeits the other half to the Government. Hence I approve the bill. And right here I wish to speak more particularly of a railroad company in which the people I have the honor to represent here are in part interested. I refer to the Mobile and Girard Railroad of Alabama, which runs through a part of the district I represent. The grant of that company was made in 1856 and the limit of the grant was 6 miles; the indemnity limit, 15 miles. The company constructed a part of its road, from Girard to Troy, a distance of 84 miles, which is in full operation, and has for years been treated by the Government as a land-grant railroad; and, for transporting troops just after the close of the war and for transporting the mails ever since, has been subjected to the conditions of reduced pay set forth in the grant-

ing act. For these 84 miles the company is entitled to 307,200 acres of land.

Another railroad company built its road upon a part of the line of this road, from Pollard to the Tensas River, which was surveyed by this company and the lands withdrawn in accordance with the grant. By some arrangement this other company constructed its road on the right of way of the Mobile and Girard Company for about 50 miles. While in law the Mobile and Girard Company had the right to sell, transfer, and convey their land grant to another company, I do not think that due formalities of transfer were entered into between these two corporations, and therefore I do not believe that the corporation which built its road on this part of the right of way is entitled to any portion of the grant. But as to the right of the Mobile and Girard Company to the land grant for the 84 miles constructed, from Girard to Troy, I have no doubt. Now, along this line there was comparatively a small amount of public land, perhaps not more than 20,000 acres, which the company could obtain contiguous with the constructed roads, but, from the peculiar character of this grant—and there are many others like it; in fact it is the form in which nearly all of them were made at that time—this company had a right to sell one hundred and twenty sections before they stuck a spade in the ground, and, furthermore, when they could not find the lands they were entitled to by sections within the limits of the grant, they had the right to go within the indemnity limits anywhere along the line of the grant and take such a number of acres of land as they had earned by construction.

Some time after this grant, I think about the year of 1867 or 1868, the Government of the United States, acting through the Secretary of the Interior, issued patents or titles to all these lands which were granted to the State of Alabama in trust for this company, and turned them over to the State. Then by an act of the Legislature, which I think was improvidently and inconsiderately passed, these evidences of title were all turned over to the railroad company. The company since that time has sold a considerable quantity of this land; a portion, being timber land, has been leased to some saw-mill companies, and another portion the railroad company has allowed to be sold by the State for taxes accruing thereon. Gentlemen are all familiar with the principle that whenever a patent is issued for lands the United States Government parts with the title and the lands are then subject to taxation. So that the State of Alabama, when once these lands had become the property of the railroad corporation, had a right to collect taxes on them.

The only question which could be made against the State would be whether it carried out in good faith the trust reposed in it. But at any rate, in the view that I take of this particular matter, it does not make any difference. It is quite certain that the railroad company has disposed of only something over 200,000 acres of this granted land—less than 250,000 acres I should say.

Now, at the proper time—and I wish the particular attention of members of the committee to this proposition—I desire to offer the following amendment, which relates only to the lands of this particular grant and which is in the form of an amendment to the second proviso of the first section:

And provided, That the Mobile and Girard Railroad Company of Alabama shall be entitled to the quantity of land earned by the construction of their road from Girard to Troy, a distance of 84 miles—

This excludes the claim for road constructed upon the southern end of the grant—

And the Secretary of the Interior, in making settlement and assigning the said company the lands earned thereby, shall include therein all the lands sold, conveyed, or otherwise disposed of by said company, including such as have been sold for taxes, not to exceed the total amount earned by said company. And the titles of the purchasers to all such lands are hereby confirmed, so far as the United States are concerned therein.

Now, a word of explanation in regard to that. Here is a railroad corporation which has earned over 300,000 acres of land; it has sold or in some manner parted with we will say 250,000 acres, scattered all along the line of the grant. I have been informed that the company sold some of these lands for 10 cents an acre; but that does not matter, in the view that I take of this question.

As the company has earned over 300,000 acres and has parted with nearly 250,000 acres, my proposition is that when the Secretary of the Interior comes to adjust with the company the amount of land they are entitled to for the road they have constructed he shall include in the three hundred thousand and odd acres earned by the company all the lands which they have sold or conveyed to and put in the possession of other parties.

Now, the United States are not interested in this. You are certainly going to give to that railroad company the number of acres it has earned by the construction of the 84 miles of road. The United States, therefore, are not interested at all in what disposition the company shall make of the lands which it has earned and which are its own.

Mr. CORB. Is that company still in existence?

Mr. OATES. Oh, of course it is. The road is operated now under a lease to the Georgia Central.

Mr. STEWART, of Vermont. What disposition does this bill, without the amendment, make of the land? I ask this question for information.

Mr. OATES. The language of the bill leaves room for doubt on that point, as I will show. The first section declares—

That there are hereby forfeited to the United States, and the United States hereby resumes the title thereto, all lands heretofore granted to any State or to any corporation to aid in the construction of a railroad opposite to and contiguous with the portion of any such railroad not now completed.

Take this bill on its face and it would cut off that company with 20,000 acres only, because contiguous with the road you would only be able to find 20,000 acres. But in the grant itself, the original contract, the company had a right, not finding the land it was entitled to in place, to go anywhere along the line of the indemnity limits and take the quantity of land it earned by the construction of the road.

Taking the granting act in connection with this first section, I think a court would hold that the company was entitled to the lands it had earned by the construction of so many miles of road. But the amendment I offer can not hurt anybody. It simply makes the language plain and unmistakable as to this company. On the principle on which the bill proceeds, the company is entitled to the 300,000 acres it has earned by constructing so many miles of road. Now, I say if you concede that proposition, then what the company does with those 300,000 acres is a matter in which this House and the United States are not at all concerned. But, inasmuch as they have sold, conveyed, or parted with nearly 250,000 acres, I say it is right, it is equitable, it is giving them their proper status before the courts and the country to include in the 300,000 acres the lands which this company has sold and conveyed.

Now, a word or two more in that line to show you that what I say is true and pre-eminently right. During the present year, under instruction from the Attorney-General of the United States, the district attorney has filed a bill in the circuit court of the United States to declare the lands embraced within this particular grant forfeited, and has also issued writs of seizure; and the marshal has gone through that section of country and upon these lands, where there are a great many large saw-mills and lumbering establishments, and has seized a large quantity of logs and lumber. In some cases they have been replevied and in others the property is still in the marshal's hands.

Now, I would not interfere with the rights of the parties, if I could, in respect to this litigation, by legislation; but I am of opinion, and I think the gentleman from Illinois [Mr. PAYSON], who is very familiar with the law touching this question, will agree with me, that in the absence of legislation the bill brought in this particular case is, perhaps, not well founded and can not be sustained. That is my opinion of it; and, anyway, I would not legislate so as to interfere with the litigation in the court. But you will all see the proposition which I advance in this amendment, that if the railroad corporation is entitled to more than all of these lands which it has conveyed and put these saw-mill men in possession of, where they have invested their money and are now being harassed by litigation, that it ought not to be taken away, where the lands were rightfully owned or may be charged to the corporation in making its settlement with the United States.

I am proceeding on the hypothesis that there is no doubt that this House and the Senate will allow (for I think it is so under the bill even without the amendment or that the bill would mean that) the lands to this corporation which it has earned by the construction of that portion of the road; and, if so, why forfeit the lands upon which these industrial establishments are situated and further disturb and complicate matters when the railroad company has earned enough lands to make the title good to these parties?

Let me make this further remark, Mr. Chairman, that I am in favor of the substitute offered by the committee for the Senate bill. I am opposed, unalterably opposed, to the proposition in the Senate bill which grants one year's time to this among other railroad companies to complete the construction of their road.

I will reserve the remainder of my time until I hear whether there is any objection to the proposition I have suggested.

The CHAIRMAN. The gentleman has occupied twenty-five minutes.

Mr. HERBERT. Mr. Chairman, this dispute between the House and the Senate as to what lands are subject to forfeiture has up to this time proven very unprofitable to the Government. In the Forty-eighth Congress many bills sent over by the House to the Senate were disagreed to by the latter body, and, the House and the Senate failing to come to an agreement, the bills fell. The House contended, as the gentleman who has just addressed us [Mr. STONE, of Missouri] still contends, that all lands were subject to forfeiture which had not been earned by the completion of the roads within the time given by the several granting acts. The Senate always contended, upon the other hand, that no lands were forfeitable except those that had not been earned by the completion of the roads contiguous with the lands at the time of the passage of the forfeiture act.

The failure of these bills in the Forty-eighth Congress resulted, according to the theory of the Senate, in giving further time to the railroad companies, and many of these companies availed themselves of this time by pushing on the work of building. So it was, sir, that when we came back to the Forty-ninth Congress there were 25,000,000 or perhaps 30,000,000 acres less of lands upon which the House and the Senate could agree than there had been in the Forty-eighth Congress.

Then, when we came to the Fiftieth Congress the roads had been so far completed that there were only about 5,000,000 acres left as to which the House and the Senate could agree that they were forfeitable and ought to be forfeited. In the last Congress the Committee on Public Lands put all the lands they proposed to forfeit into one bill, passed it through this House, and sent it to the Senate. That House bill proposed to forfeit 50,000,000 acres. I voted for that bill as it passed the House. But it came back to us so amended as to forfeit only about 5,000,000 acres. There were many of us here who then thought that the House ought to accept what the Senate would agree to do and forfeit all the lands that we could then forfeit; in other words, that we ought to be practical and do what could be done; but we were unable to reach a vote on the question, and so no lands were forfeited at all. And now we come here to the Fifty-first Congress, and many of these companies have still further extended their roads, and have earned their lands according to the claim of the Senate, so that to-day I suppose—I have not the figures exactly, but I suppose there are one or two million less acres of land carried in this bill than were carried in the bill which was sent back to us from the Senate at the first session of the Fiftieth Congress.

Now the question is, Shall we agree to forfeit all the lands that it is possible to agree on? For one, I think we should take what we can get. In my opinion now, looking back, we ought to have done that in the Fiftieth Congress. Whatever gentlemen may think as to the law of this question of forfeiture the practical question for us is, What can we do? How many acres of land can we turn back to the Government of the United States or to the people? This dispute has resulted very unfortunately in many portions of the country, especially so in the district I have the honor to represent.

My colleague [Mr. OATES] submitted awhile ago an amendment in relation to the Mobile and Girard Railroad land grant in which I most heartily concur. I had a similar amendment ready to offer; in fact it is intended to carry out the very bill that I introduced at the beginning of the Fiftieth Congress and also at the beginning of the Fifty-first Congress and sent before the Committee on Public Lands for consideration. That was to protect the rights of purchasers. I most earnestly insist that the amendment ought to be adopted. The conditions along the line of the Mobile and Girard Railroad illustrate very forcibly the misfortune of our failure heretofore to settle this question. Along the line of that road there are many who have bought from the railroad company, while there are others who have bought from the State of Alabama and at tax sales. Great anxiety has existed and exists now as to what is to become of the titles of the people in possession of those lands. Industry has been crippled, the settlement of the country has been retarded, and I, as a Representative of that people, am extremely anxious that this bill shall pass, and that that question shall be settled as it ought to have been settled heretofore. I can not see any sound reason for allowing this question to remain open when we know perfectly well that the Senate will not consent to the forfeiture of a larger number of acres than are contained in this bill. There is no reasonable prospect of a change in the political complexion of the Senate or that a change will occur in its views for many years to come, and this question ought to be settled now.

To address myself particularly to the amendment, let me remind the committee, as my colleague [Mr. OATES] did, that the grant to the Mobile and Girard Railroad Company was made in 1856, a long time ago. After the completion of a portion of the road the lands along the whole line of the road were certified by the Commissioner of the General Land Office in the State of Alabama for the use of that railroad company. Gentlemen may say that people who purchased those lands ought to have known, if the road was not fully completed, that the titles that they got from the company to lands not continuous with the completed portions of the road were not good. It is easy enough to say that men ought to have known it, but the fact is that intelligent, honest business men did not know it, if it was so. Many of these purchasers have been advised by able lawyers that their titles were good, that the company had earned these lands and had a right to select them, so many sections of land for each section of road completed, and to select them anywhere along the line of the road. They believed the title was good. They looked to the fact that the land had been certified by the proper authority, the Commissioner of the General Land Office of the United States, to the State of Alabama, for the benefit of the road. That, according to their opinion, vested the title of the land in the railroad company, the State being simply the trustee and the railroad company the *cestui que trust*. So they bought those lands; they paid their money for them; they went on improving them.

I have here in my hand a deed made to Mr. F. J. McCoy for 640 acres of that land. It is true the consideration he paid for it was only 50 cents an acre, but at the time he paid that money the lands along the line of that road were not considered worth more than that sum. And to show that he was honest and earnest in this matter he has put up, as he writes me—and he is a gentleman whose word can always be trusted—he has put up on that section of land improvements costing \$20,000 at least. Many others have settled upon those lands and made homes there. Others have bought and taken possession of the land

for the sake of the timber upon it or for the purpose of making turpentine. They have paid for the land just as honestly as Mr. McCoy did. They have invested their money and are improving it to-day just as honestly as he did; so that they are entitled to the equitable consideration of this House. It seems to me that under these circumstances it is only right that this amendment should be adopted.

I have stated that always heretofore I have voted with those who were in favor of forfeiting the largest number of acres. I did so, not because I was clear upon the law, as I had not had time to consider the question carefully; I was inclined to think, and have always been, that, according to the principles laid down in *Schulenberg vs. Harriman*, the Senate was probably right; but I voted for the forfeiture, not being clear upon the question, with the idea that if any wrong was done the courts would correct it.

Now, according to the principle laid down in this case this railroad company has earned a very much larger number of acres than are comprised in this amendment of my colleague. The amendment proposes to confine the road to these particular lands, so as to give to the purchasers the title the road would otherwise have. And I hope no gentleman here will vote against that proposition. It is equitable; it is right, whatever you may think of the law. If gentlemen say the case of *Schulenberg vs. Harriman* does not apply, if they take an extreme view on this question, nevertheless it is a fact that these people on those lands, although they may not technically be, according to that view of the law, bona fide purchasers for a valuable consideration without notice, because they were charged with notice of every defect of title that could have been found by running the chain back, nevertheless they did not take that view of the law; they did not so look upon the question; but they did buy these lands, they did improve them, and they are on them to-day.

Now, there is a provision in the bill that all those who were actual settlers upon the land shall be entitled to a homestead by preference upon the land on which they are. That is all well enough. But, Mr. Chairman, this bill ought to go further than that; and I have an amendment here which I propose to offer upon this question of homesteads, and which I hope the House will agree to. I read it now in order to give notice that I shall offer it at the proper time:

Insert at the end of section 2 the following:
"And all lands suited to agricultural purposes and forfeited by this bill, as to which no specific provision is herein made, shall hereafter be subject to entry only under the homestead laws of the United States."

We had this question before us in the Fiftieth Congress, and then passed a general bill on this subject; but it possibly does not cover the lands embraced in this bill. It ought to be made certain that all the agricultural lands belonging to the Government should hereafter be reserved only for agricultural settlers.

Mr. HERMANN. What does the gentleman say in regard to those settlers who have entered on lands with the intention of purchasing them under the pre-emption law? Would he cut them off?

Mr. HERBERT. No, sir; I would include them. I am willing to accept an amendment for that purpose, which is entirely in accordance with the spirit of my amendment. My impression is that the bill as reported will cover the case of pre-emptions; but, if the gentleman from Oregon finds such is not the fact, I am perfectly willing, before my amendment is offered, to modify it by adding such a provision as he suggests.

Mr. Chairman, both the great parties of this country are committed to the idea that all the public lands which are fitted for homes should be reserved as such for the people; and I know of no bill upon which that principle can be asserted, upon which that idea can be carried out more fitly and appropriately than this bill relating to the forfeiture of lands heretofore granted to railroad corporations.

It seems to have been the policy of this country in times now long past to give the public lands to corporations in order to build up the country. Experience has shown that while we were building up the country we were building up too many great corporations to control the country. So we now have adopted the other idea, that we ought no more to give the public lands to corporations, but should give all of them to the people for homes. Let us make the provisions of this bill so certain that there can be no possible doubt about the meaning of the law.

How much time have I occupied?

The CHAIRMAN. The gentleman has occupied seventeen minutes.

Mr. HERBERT. I do not know that I shall care to occupy the floor again, but I will reserve the time.

Mr. STONE, of Missouri. Mr. Chairman, the Supreme Court of the United States has frequently decided that a Congressional land grant which is subject to forfeiture on account of non-compliance by the grantee with the conditions of the grant may be forfeited in either one of two ways: First, by a direct legislative declaration of forfeiture expressed in an act of Congress and, secondly, by the finding and judgment of a court of competent jurisdiction in a suit begun and prosecuted by the authority of an act of Congress for the purpose of obtaining a forfeiture. One is a legislative forfeiture, the other a judicial forfeiture.

According to the oft-repeated decisions of the Supreme Court, Con-

gress is at liberty to adopt either method. It may simply declare the lands forfeited or it may direct a judicial inquiry into the facts and authorize a judgment of forfeiture on the finding. I assume there will be no controversy as to this statement.

Now, the bills passed or proposed in the Forty-seventh, Forty-eighth, Forty-ninth, and Fiftieth Congresses were all bills for a direct legislative forfeiture. This question of forfeiting lands granted to aid in the construction of railroads received its first legislative attention during the sessions of the Forty-seventh Congress. In all the Congresses since the Forty-seventh it has been a question of commanding interest and of great public concern.

Almost from the very beginning of this forfeiture legislation a conflict arose between the two Houses of Congress as to how far the proposed forfeitures should extend. The House of Representatives took the position that Congress had the legal right to forfeit and that it was its duty to forfeit and restore to the public domain all that portion of the granted lands along or adjacent to which no road had been constructed at the dates fixed in the granting acts for the completion of the roads.

On the other hand the Senate took the position that the forfeitures should be limited to that portion of the lands which lie along or adjacent to so much of the several roads as remained unconstructed at the date of the passage and approval of the act of forfeiture. Let me illustrate: In 1864 Congress incorporated the Northern Pacific Railroad Company, and authorized it to construct a line of road from Lake Superior to Puget Sound, with a branch running from the main line along the valley of the Columbia to the city of Portland.

To aid in the construction of that road Congress granted to the company a certain number of alternate sections of the public lands, running along on either side of the road throughout its entire length. This land grant aggregated about 47,000,000 acres. Now, this act of Congress and acts supplementary thereto provided, among other things, that the grant was made and accepted upon the express condition that the road should be fully completed and in operation, from end to end, by July 4, 1879.

On July 4, 1879, the road was not completed. It had been partly constructed, that is to say, from its eastern terminus on Lake Superior out to Bismarck, on the Missouri River. West of Bismarck, running through Dakota, Montana, Idaho, and Washington, not a foot of road had been constructed up to July 4, 1879. Since that time, notwithstanding the period limited for the completion of the road, and which was expressly made a condition of the grant, had then expired, the company has practically completed its main line between Bismarck and Puget Sound. The branch line along the Columbia River, and possibly a small fraction of the main line, still remains unconstructed.

Now, the policy of the House, with reference to this road, has been to forfeit and restore to public uses all the granted lands which lie west of Bismarck, covering that part of the grant which had not been "earned" by the construction of road up to July 4, 1879. The policy of the Senate has been to forfeit only so much of the lands as now still remain "unearned" by actual construction. Under the policy of the House the railroad company would be left undisturbed in the possession and use of the lands lying along the road between Lake Superior and Bismarck, which was constructed prior to July 4, 1879, and its title to those lands would be in effect confirmed by the limitation placed on the act of forfeiture.

Under the policy of the Senate the company would be left in the possession of all lands lying along any constructed road, whether east or west of Bismarck, and without regard to the date of construction. The Senate makes no distinction in law, equity, or public policy, between road constructed before and road constructed after the date fixed in the granting act for its completion.

That illustrates the contention and the issue between the two Houses of Congress. Along that line of policy the House, in the Forty-eighth and Forty-ninth Congresses, passed its forfeiture bills and sent them over to the Senate.

The Senate amended them so as to restrict the forfeitures to the lands still "unearned." And so the issue was joined on this single proposition: Can Congress and shall Congress forfeit lands continuous with road constructed after the date fixed in the granting act for the completion of the road? Along that line the battle has been fought. The House, however, during the Forty-eighth and Forty-ninth Congresses did not allow a mere policy to stand in the way of practical results.

In cases where it made little difference in the amount of lands restored whether the forfeiture was predicated on the Senate theory or the House theory, the House yielded in order to reach results. The House yielded when it could do so without sacrificing much in the general outcome; it refused to yield when the difference in the amount involved was important. In that way several forfeiture bills were passed during the Forty-eighth and Forty-ninth Congresses.

During those two Congresses bills were passed forfeiting in the aggregate 50,482,240 acres. Those forfeitures closed up all the larger grants on which it was possible for the two Houses to agree, unless one or the other should give way and surrender the substance of the issue between them. So far in the forfeitures made the House yielded and the Senate had its way. Only "unearned" lands were forfeited. But

the House yielded and permitted the Senate to have its way because, as to the grants affected by the bills which passed, the difference in actual results was not important.

Then came the Fiftieth Congress. Up to this time we had not attempted a general forfeiture bill, but each grant had been separately treated by a separate bill. Now, however, when the Fiftieth Congress met a general forfeiture bill was introduced in each House. The Senate bill provided for the forfeiture of all "unearned" lands.

The House bill also provided for the forfeiture of all "unearned lands," and in addition thereto provided for the forfeiture of all lands "earned out of time." We had now reached the point in this legislation when the issue between the two Houses must be fairly met. Hitherto the House had yielded in special cases, because, as I have said, no important difference in results was involved. But now further concession or yielding meant absolute surrender.

The Senate got its general bill through first, and sent it over to the House. It provided for the forfeiture of all "unearned" lands or lands where no road had been constructed. The House amended the bill so as to forfeit also all lands "earned out of time," or lands continuous with road constructed after the dates fixed in the grants for the completion of the roads. If the Senate proposition succeeded the amount of land forfeited would be 6,180,803 acres. If the House proposition succeeded, the forfeiture would amount to 54,323,996 acres. The issue between the two Houses, therefore, involved the ownership of 48,143,193 acres, of which 34,217,741 acres were claimed by the Northern Pacific. That was the issue between the two Houses.

The Senate rejected the amendment of the House. The House insisted upon the amendment. In consequence of this disagreement the Fiftieth Congress adjourned without enacting any forfeiture legislation, or practically so.

Now, the question in your minds, gentlemen, must be this: Why did the Senate refuse to agree to the House amendment? I can tell you what they said. Whether they gave the real reason or concealed it, I do not know; but I can tell you what they said. A majority of the Senators having this legislation in charge, asserted, as a legal proposition, that Congress has no right or power to forfeit lands continuous with constructed road without regard to the date of construction. We replied to them that that was a question about which eminent lawyers differed.

The attorneys of the railroads and the railroad lobby were all agreed that Congress had no power to forfeit "earned lands," whether earned "in time" or "out of time." But there were other great lawyers and jurists in the country, not employed by railroads or interested in them, who held to the contrary. Then we were told by them that in view of the uncertain state of the law it would be unwise and imprudent legislation to enact the House proposition into a statute, for the reason that thousands of people, relying upon the authority of an act of Congress, would go upon the disputed lands and settle, and that in the course of time the railroad companies would sue them in ejectment, bring the cases here to the Supreme Court, and if they succeeded, as the Senators thought they would, in having the court declare that Congress had exceeded its power and set the act of forfeiture aside, that infinite confusion and harm would be the result.

Those were the grounds upon which the Senators ostensibly based their objection to the adoption of the House amendment. Personally I had no faith in that contention, but it was plausible. If an act of forfeiture should be passed; if large numbers of people, relying upon it, should settle upon the forfeited lands and improve them, and if after that the Supreme Court should declare the act of forfeiture void and uphold the title of the railroad companies, the confusion and distress apprehended and prophesied might result. So I say that contention had on it a plausible face.

Now comes the Fifty-first Congress. When this Congress convened I introduced a forfeiture bill which I believed would allay these sensitive apprehensions of certain Senators, to which I have alluded, and remove the ground of objection upon which they predicated their opposition to the House measure in the Fiftieth Congress. I divided my bill into two parts. The first part related to the 6,180,803 acres of "unearned lands," or those lands as to the forfeiture of which there is no disagreement. That part of the bill provided for a direct legislative declaration of forfeiture. The provisions of that part of the bill were substantially the same throughout as the bill which the gentleman from Illinois [Mr. PAYSON] has reported and which we are now considering.

The second part of my bill related to the 48,143,193 acres of lands "earned out of time," or those lands which Senators said they were afraid to declare forfeited for fear an after adverse decision of the Supreme Court might create confusion and entail suffering upon the settlers. That part of the bill, briefly stated, directs the Attorney-General of the United States to institute suits in the circuit courts of the United States against the corporations claiming these lands, to have those courts find the facts and then to decide, as a matter of law, whether lands of that character are subject to forfeiture, and if so to have judgments entered declaring them forfeited.

Appeals and writs of error to the Supreme Court are provided for, and both the circuit and Supreme Courts are directed to advance the cases to a hearing in preference to all other civil cases on their dockets.

Whenever any final judgment of forfeiture shall be rendered it is provided that the forfeited lands shall thereafter be and become a part of the public domain; in other words, that part of the bill proposes that the question in dispute, the forfeitability of the lands "earned out of time," be submitted to the courts, and if the holding be in favor of the Government then to have judgments of forfeiture entered.

If the judgment be in favor of the Government, then there are provisions in the bill to protect purchasers and settlers, and which regulate the disposition of the lands forfeited and restored by the decree of the court. If the judgment should be in favor of the railroads, why, that would be the end of it. In other words, as to the lands about which there is no dispute I propose a legislative forfeiture; as to the lands about which there is dispute I propose a judicial forfeiture.

If that bill should pass the House and go to the Senate it would put an end to the objection urged in the Fiftieth Congress to which I have alluded. There could be no entry or settlement, there could be no declaration of intention to settle, the local officers would have no jurisdiction over the lands, they would remain *in statu quo* until the final judgment of the Supreme Court.

What was done with that bill? It was referred by Mr. Speaker REED to the Public Lands Committee, of which the gentleman from Illinois [Mr. PAYSON] is the chairman. That committee cut the bill in twain. The first half of it, that which provides for a direct forfeiture of the "unearned lands," was merged in the bill reported by the gentleman from Illinois [Mr. PAYSON] and now being considered. The half of it, that which relates to the lands in dispute and which provides for judicial proceedings, was formed into a separate measure, and I was directed to report that.

In other words the committee, instead of treating the whole subject in one bill, has divided it, and two bills have been brought into the House, one for the direct forfeiture of the "unearned lands," being the bill now under consideration, and one directing the Attorney-General to institute suits in the Federal courts to obtain a judicial forfeiture of lands "earned out of time." That bill I shall offer as an amendment to the pending bill. I propose to consolidate the two propositions here, as I did in my original bill, and dispose of the whole subject at once.

Mr. SAYERS. Will it interfere with the gentleman if I ask him a question?

Mr. STONE, of Missouri. Not at all.

Mr. SAYERS. I would like to know from the gentleman whether the proposition insisted upon by the House in the last Congress appears in either of these bills or in the minority report.

Mr. STONE, of Missouri. No, sir; the gentleman from Indiana [Mr. HOLMAN] proposes, as I understand, to offer, as an amendment to the first section of the pending bill, the proposition which the House passed and insisted on in the Fiftieth Congress. But I have abandoned that myself, because I do not believe that proposition can pass so long as the Senate remains as it is to-day. And I believe the proposition which I submit is preferable anyhow; because, if the gentleman from Texas [Mr. SAYERS], who has been so good as to give me his attention, will reflect, he will see that if the proposition passed by the House and insisted upon by it during the last Congress should be enacted into law, it would forfeit land to which the railroad companies claim title; that is to say, it would forfeit lands earned by the railroad companies "out of time," as it is usually expressed. And if the House should pass that proposition it would meet the same objection with which it was confronted in the Senate in the Fiftieth Congress, and which I have already explained.

Mr. SAYERS. Then I understand your proposition is designed to respond to objections raised by the Senate in conference committee.

Mr. STONE, of Missouri. Yes, sir; my proposition is to send these questions to the courts in advance and have the courts pass, first upon the question whether the lands are subject to forfeiture, and, if so, to declare them forfeited. The Supreme Court has decided over and over again that that is one of the methods of forfeiture which may be adopted.

The real question before the House, then, is upon the adoption of the amendment I shall propose. Are you in favor of the proposition embodied in the amendment? That interrogatory raises two questions, one of law and one of policy, though the question of law involved is the very thing I propose to submit to the determination of the courts.

Both these questions of law and policy have been ably and elaborately discussed here in former Congresses. It might be well, Mr. Chairman, in this connection to recall some things said here on this floor a few brief years ago, since it may serve the double purpose of enlightening the House as to its duty in this emergency and of reviving the laggard memory of that impassioned orator whose lips gave fervid utterance to these glowing sentences.

On July 26, 1886, a bill forfeiting the Northern Pacific grant was under consideration by the House. The Senate had a bill and the House had a bill. The very issue between the two Houses to which I have referred, namely, the extent of the forfeiture, was the issue then being discussed. The gentleman from Illinois [Mr. PAYSON], in a speech made by him on that day, said:

I have said, Mr. Speaker, that I am in favor of the House bill and opposed to that of the Senate; and having given the facts as I understand them I reach the

point to state the reasons. Involved in this case, as in every other of like character, are two questions: First, the question of power; second, the question of policy; that is to say, first, whether we have the legal right or authority under the law to declare a forfeiture of these lands; secondly, if the first point should be established affirmatively, whether as a matter of policy, as a matter of fair dealing under all the circumstances of the case, the power that Congress has ought to be exercised.

Now, let us see what he thought of the first question, that is, the power of Congress to declare the forfeiture. After discussing that question at some length, in the speech from which I have just quoted, he said:

We conclude, then, on the legal question of power in Congress (and we are only dealing with the abstract legal question now) that it has the right, first, to declare the title to all unpatented lands in the grant forfeited, and revest the United States with it, so that it can be restored to the public domain open to sale and settlement under existing laws.

Again, further on in the same speech:

Let me put it in another way: It is admitted that they have not built the Cascade Branch, even now, and that they have not built the road from Wallula to Portland, 214 miles, and have practically abandoned that part of the route.

Now, sir, for this non-user of the franchise have we not the legal right to forfeit it, now and here? Unquestionably; and, if so, have we not the right to the incident—the land grant?

I am only now discussing the question of power, of strict legal right.

Gentlemen say "the law abhors a forfeiture," and this is a frequent text in this case. If it were so the law would be very like the gentlemen who quote the maxim.

But it is not so; the law is the reverse, as expressly decided in the Farnsworth case (92 United States). There the court says that while forfeiture is not favored as between individuals where compensation can be made, yet in case of public grants like this the courts can not and ought not to relieve, and that the maxim quoted does not apply.

We had the power to assert this forfeiture in 1879, and the authorities I have cited show that we have it now as a legal right beyond all question. Should it be exercised? That is a question of policy, and to that I now address myself.

But before following him into the question of policy let me make one additional quotation from the gentleman on the question of power. On April 4, 1884, a bill forfeiting a grant made to the Oregon Central Railroad Company was pending. During the discussion the following colloquy occurred:

Mr. HERR. Now, do I understand the gentleman's position to be this: If a company goes on and completes a certain portion of its road in good faith under the terms of its contract, and is allowed to have lands patented as certain portions of the road are completed, it may go on and build perhaps 120 miles in that way, and then, because the company does not build the rest of the road within the time, the Government has an equitable and moral right to declare the entire land forfeited and take away from the company what it has earned?

Mr. PAYSON. When the gentleman asks what we have a "moral right" to do, that is a question which every member will settle for himself. If he asks whether we have a legal right to do it, I say unhesitatingly yes; and I have never heard any lawyer, except some attorney for a railroad company, who ever denied the proposition.

Mr. SAYERS. And that, notwithstanding that the patents had been issued?

Mr. STONE, of Missouri. Yes, sir.

Again, the gentleman said:

But unless there is some restriction in the act on the extent of the forfeiture where it is exercised, it extends to the whole estate granted.

I undertake to say, Mr. Speaker, without any assumption or any affectation of learning with reference to this question, that gentlemen who oppose this bill can not find a single case that equities in the direction of affirming that, where there is no limitation upon the extent of forfeiture in the act of Congress or the Legislature making the grant, the power does not extend to the entire thing granted. No matter into whose hands it may go, no matter what improvements may be put upon it, no matter how many mortgages may be given, the common-law right to declare an absolute forfeiture attaches in such a case.

Gentlemen on the other side were pleased to ask the question, as though it were an important factor in the calculation, has not a mortgage been given on this railroad? We answered yes; and gentlemen sat back as though that ended the matter. I call the attention of these gentlemen who have these scruples to the case of Farnsworth vs. The Minnesota and Pacific Railroad Company (92 United States), where it was expressly decided that the holder of mortgage securities upon a land grant to which a condition-subsequent was attached, so that possibly a declaration of forfeiture might be made, took the same subject to that liability. The court says (page 66):

"The beneficiaries under that instrument [the mortgage] took whatever security it afforded in subordination to the right of the State to enforce the forfeiture."

I could continue these quotations at great length if I had time. But this will do on that point.

Now, as to the question of policy. In his great speech on the Northern Pacific forfeiture bill, July 26, 1886, from which I have already quoted, addressing himself to this question of policy, he said:

I have shown, sir, that under the law we have the power, the legal right, to assert this forfeiture.

I said also that if this land belongs to the people nothing should constrain us to yield it to the company except the strongest equitable consideration, equities which are equal to legal obligations.

With confidence I submit that with what the House bill proposes, the liberality of its provisions in what it permits the company to retain, the facts in the history of the building of the road, and the action of the company toward the people—monopolistic, exacting, and unyielding always—I earnestly insist that to make this additional donation of one hundred millions of property would be an act of stupendous folly.

But I can not close in justice to myself without noticing the closing remarks of the gentleman from Wisconsin, which I see he permits to remain in the RECORD, that these efforts on the part of the Committee on the Public Lands to restore these lands to the public domain "are the sheerest demagoguery and of the cheapest class."

This kind of talk is not new to us. We have had a good deal of it, sir, first and last, since this work began. Not only so, sir, but predictions have been freely indulged in by gentlemen who think and act as my neighbor, the gentleman from Wisconsin [Mr. PRICE], who thinks that nothing ever could or would come of it, that no lands would ever be restored to the Government by this movement, and that it would all end in empty talk.

Mr. Speaker, it is a matter of pride to me that I have been connected in my way and to the best of my ability with these efforts to reclaim these vast areas of land from those technically holding them, but without right or equity. I was among the first in the matter, and am in the matter still, and expect to remain there.

Again, on July 2, 1884, while discussing another forfeiture bill then under consideration, the distinguished gentleman from Illinois had this to say:

I agree with the gentleman from Alabama [Mr. OATES], that this is really a pioneer case for all of these land grants which have been unearned by the railroads to whom they have been given, and I desire that the House shall make a record upon it here and now, as speedily as the roll can be called, to show whether or not the demand on the part of the people of this country that their public lands shall remain a part of the property of this great nation shall be fairly and squarely met. I believe it is their wish that these lands should be reserved on the part of the Government for the benefit of those who are homeless, for the horny-handed men of toil who are sweating day by day for a very existence. It is for us to say whether we shall take care of the trust confided to us, and keep it out of the hands of a railroad corporation that has neither justice, law, nor equity in support of its claim.

Representing the whole people of this land, as a member for the whole country as well as for the district in which I live, I should regard myself recreant to my duty if I did not protest against a donation, a free gift of this great area to a corporation which had, instead of attempting to carry out the wishes of Congress, conspicuously succeeded in defeating it. My duty I regard as done to the House. I have attempted, and I venture the hope that I have succeeded in doing so, to demonstrate that this corporation had no legal claim to any portion of this grant, for no one has yet given any authority except his own statement as against the array of citations in the report.

With the vote soon to be taken which shall determine the question whether the people shall suffer and this defaulting company be the gainer, the country must of necessity acquiesce, but I do not believe that the people whose Representatives we are will be satisfied with less than a restoration to them of that which is their own.

I am anxious that this record should be made, and plead guilty to a consuming curiosity to know how many men on this floor will dare the condemnation of this country by condoning what this company has done. What the country wants is acts, and not words; it wants results, and not promises, and I do not propose to delay it any longer.

Mr. Chairman, at this point I pause to inquire what has become of this vehement, stalwart, eloquent champion of the public right as against the claims of these great corporations? What has become of that bold warrior who strode like a "plumed knight" down yonder aisle, answering corporate insolence with brave defiance? What has become of that mighty, heroic defender of the people's cause, who was in this fight at the beginning and who swore he would remain immovable to the end? Where is he now? The great cause for which he made such splendid battle is in peril.

An empire is at stake. Where is our parliamentary Murat, the field-marshal of forfeitures? Can it be, Mr. Chairman—is it possible that the man who four short years ago denounced those who denied the legal right of Congress to declare these forfeitures as "railroad lawyers" and as people dominated by corporate influence is the same man who now sits yonder, timid, tender-footed, and oppressed with doubts? Can it be that the man who four short years ago denounced the Northern Pacific Railroad as a briber and a thief, and denounced the Senate bill as a measure intended to confirm the claim of that corporation to more than 34,000,000 of acres of land, valued at \$100,000,000, and characterized it as an act of "stupendous folly" is the same man who now, with humble, apologetic voice, advocates the adoption of that very proposition?

Can it be that the man who four short years ago boldly declared over and over again that there was no shadow of doubt about our right to declare a forfeiture of these lands, and who denounced delay in and opposition to forfeiture as equal to a crime, is the same man who now seems unwilling even to submit the question in dispute to the Supreme Court and to have the law determined by the judgment of that great tribunal?

Mr. Chairman, what subtle alchemy has wrought this wonderful metamorphosis? What mellowing influence has softened this brawny chieftain who but yesterday was aflame with the fury of combat and converted him into an ally and advocate of a measure he condemned and denounced? I do not understand it; I can not comprehend it. It is all an inexplicable mystery to me.

But, gentlemen of the House, what say you to this amendment I shall propose? The gentleman from Illinois [Mr. PAYSON], although he opposes the amendment, agrees that it embodies a correct principle both of law and public policy. He says he will favor it as a separate proposition, but is unwilling to make it a part of the pending bill. Why? The substance of his objection is this: That he does not believe the Senate will agree to the amendment if the House adopts it; that the Senate will not consent to any forfeiture beyond the scope of the bill the gentleman has reported.

How does the gentleman know the Senate will not agree to the amendment? True, it has steadily refused to declare a direct forfeiture of the lands covered by the amendment, but the proposition to submit the question of the forfeitability of those lands to the determination of the courts has never been considered by the Senate. The proposition to submit the whole question to the courts obviates the very objection which Senators urged against the declaration of a direct forfeiture. But, the majority say, why not send it over as a separate bill? I say why not send it over as a part of this bill? Logically and naturally, the whole question should be treated as one measure.

The amendment is germane, pertinent, proper. Why not send it

over now? If the Senate disagrees to it that body can strike the amendment off and the original bill will be left as it is. The House can then determine whether it will yield the point. But I am told if that is done it means delay. That is true. Remember, however, this bill must go back to the Senate any way. There need be no great delay in any aspect of the case.

There may be no delay at all. The Senate may agree to the amendment. We ought to presume that it will agree to it rather than presume that it will not, since the proposition itself is so eminently fair and just and conservative. I am beginning recently, since both Houses have shown their hands on the silver bill and some other measures, to have a higher opinion of the integrity and usefulness of the Senate. In no event can the Senate possibly be worse than the present House of Representatives.

What if there is some delay of a month or two months or six months growing out of a conference between the two Houses? What harm will be done? Oh, the gentleman from Illinois and those acting with him say that in the mean time, during the interval of this delay, the railroad companies will go on building road and further complicate the situation. All this talk about building road is nonsense; it is a false alarm, sounded to influence your action here.

No road is being built, none is going to be built. At least no road will be constructed for the purpose of "earning" these "unearned" lands covered by the bill now under consideration. Two-thirds of the six millions and odd acres affected by that bill are worthless. The railroad companies do not want those lands. They care nothing for them. The Government would lose very little if it lost them all. But, however that may be, the companies do not want these lands and are doing nothing to earn them. Here is a letter I wish to read:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 24, 1889.

SIR: I am in receipt of your letter of the 23d instant, asking whether any of the land-grant railroads are now constructing their uncompleted lines and how many miles have been constructed by such roads during the last year.

In reply, I have to advise you that so far as known to this office none of the uncompleted land-grant railroads are now in process of construction.

The only construction of land-grant railroads during the year 1888 was 2.61 miles of the Cascade Branch of the Northern Pacific, being the tunnel at Stampede Pass in the Cascade Mountains, and its approaches.

Very respectfully,

S. M. STOCKSLAGER,
Commissioner.

Hon. W. J. STONE,
House of Representatives.

What was true in 1889, when that letter was written, is true to-day. This talk about additional construction is an old song, which has become stale and uninteresting to me.

Now, I will explain to you, in a word, why I am anxious to have this amendment I shall propose adopted and why I am opposed to sending it over to the Senate as a separate bill. My anxiety can be explained in one sentence: it is because I want that proposition brought before the Senate and acted on by that body. If the amendment shall be adopted and made a part of the pending bill, that will insure its consideration by the Senate.

But if you reject the amendment and refuse to consolidate the two propositions; if you send two bills over to the Senate instead of one, why, then, the bill reported by the gentleman from Illinois will be agreed to, but the other will probably be put to sleep in the pigeon-holes of the Senate Committee on Public Lands. I have good reason for believing that a majority of the Senate Committee on Public Lands are opposed to any sort of forfeiture beyond the "unearned" lands; but whether the Senate itself is opposed to a larger forfeiture I do not know.

I desire to put this matter in a form which will force it before the Senate. Unite the two propositions and it will go before the Senate; separate them and it will afford the Senate committee an easy opportunity to report the bill under consideration, which is what the railroads want, and to bury the other bill, to the passage of which the railroads are opposed.

Sir, if you reject the amendment I shall offer and pass the pending bill without it, that means the end of forfeiture legislation. If you pass the bill reported by the gentleman from Illinois you thereby close the books. You will restore to the public 6,180,803 acres of land, two-thirds of which is worthless; but you will, also, in effect, confirm to the corporations 48,143,193 acres of fertile and valuable lands. Why do I say you will close the books? Because, in my judgment, the bill providing for a judicial forfeiture will never come before the Senate and probably never before the House. Congress will adjourn with forfeiture legislation left where you leave it to-day.

I know there is a clause in the pending bill which provides that nothing therein shall be construed to deny or abridge the right of the United States to have further forfeitures in future if they care to take them and can get them. But that looks to me like a bait cast for fools to bite at, or a screen held up for rascals to hide behind. May have additional forfeitures! When? After we have abandoned the fight and discredited our own contention by surrender; after the Senate has had its way, and all forfeitures have been made which the Senate has ever hitherto favored; after the Interior Department has adjusted, as it will adjust, the grants on the basis of your legislation here; after the

lands have been patented; after the Interior Department, the railways, and the public have adjusted their business relative to the grants on the basis of your legislation and the whole question has become a dead issue; do you then expect to have additional forfeiture legislation? Is there one here so simple as to believe that?

But after all, Mr. Chairman, this discussion is a waste of time. I have no sort of doubt that you will reject the amendment and pass this railroad bill just as it comes from the committee. It is the bill which the railroad corporations, especially the Northern Pacific, demand of you. The Speaker of the House is well known as the friend and champion of the Northern Pacific. The first of these forfeiture bills ever introduced into Congress was a bill to forfeit this Northern Pacific grant. That was in the Forty-seventh Congress.

That bill was referred to the Judiciary Committee, of which Mr. THOMAS B. REED, of Maine, was the chairman. He reported the bill back to the House with a recommendation that it do not pass. He took the ground in his report that Congress had no power to declare an absolute forfeiture, and no right whatever to take the granted lands or any part of them and restore them to the public domain. That is the most extreme view ever taken here at any time or by anybody in favor of these defaulting corporations and against the right of forfeiture.

Since the distinguished gentleman from Maine made that report in 1883 to this day he has been the recognized friend and zealous champion of that great, arrogant, and corrupt corporation on the floor of this House. These corporations know their friends and they stand by them most loyally. It is an open secret, which has been audibly whispered throughout the country, that no influence was more potential in the organization of this House than that exerted by the Northern Pacific Railroad and that system of roads with which it is associated. And that was very natural.

The passage of the bill under consideration is a matter of the first importance to these corporations. It will pass. The pins have been set with that end in view. The "bosses" must insist upon it; they can not do otherwise. And the rest of you poor fellows over there, with your hands tied and your lips silent, except when your parliamentary Joss unties the one that you may clap applause to his utterances and attunes the other that you may chant a servile chorus to the commanding tones of his majestic solos, must follow blindly wherever you are led. You are helpless.

We have almost ceased to blame you; we are fast learning to pity you. It is useless to appeal to you. This bill, infamous as it is, will go upon the statutes of the nation. We will not appeal to you. But beyond you, and beyond your parliamentary autocrat, is a great constituency—the people of the United States—and to that forum we will carry this cause which you stand ready to betray. [Loud applause on the Democratic side.]

During the delivery of the foregoing remarks the hammer fell.

Mr. McRAE was recognized and yielded a part of his time to Mr. STONE.

Mr. STONE, of Missouri, then resumed and concluded his remarks as above.

Mr. LACEY. Mr. Chairman, I will detain the committee but a very few minutes.

As a member of the Committee on the Public Lands of this House I favor the bill introduced by the gentleman from Missouri [Mr. STONE] and also favor the bill that is now here before the House; but I wish to call the attention of the committee to the importance of keeping these two measures separate and distinct. The gentleman from Missouri insists that unless the bill now before the committee is made a part of his bill it will never have any chance in some other House, which other House we ought not to name here, and that it will also prevent his bill from having a proper chance in this House. His bill is reported unanimously by the Committee on the Public Lands. It provides in terms that all land grants which are now the subject of dispute between the people or the Government on the one hand and the land-grant railroads on the other shall be submitted to the courts to be there determined judicially, and the courts shall have power to declare a forfeiture in behalf of the Government and put these lands back again into the general market for occupation by the people of the country as a part of our public domain.

That is a good bill, but why should we tack upon that bill seven and a half million acres of other lands which are subject to direct forfeiture and about which there is no question or controversy? Why should his bill stand in the line of progress in the district represented by the gentleman from Alabama [Mr. HERBERT] who has just taken his seat? Why should the bill of the gentleman stand in the way of progress in the State of Oregon, where several million acres of land are embraced in the terms of his bill? There is no question of the right to forfeit them. It is not even a question of controversy. It has not been denied that the Government has the right. The lands have not been earned. The "condition-subsequent" on which they were granted has not been complied with. The time has expired in which they could have been earned, and Congress can by a word terminate the grant and restore these seven and a half millions of acres, representing an area equal to one-fourth of the entire State of Iowa.

That is not a subject of litigation, and why should it go to the Supreme Court for settlement? Why should it be a subject of litigation at all? No good reason has been given to the House, in the hour and a half the gentleman from Missouri occupied the floor, why this land about which there is no dispute should be adjudicated in the Supreme Court of the United States in the manner that he has suggested. The Mobile and Girard grant, and a grant in Mississippi—the Ship Island grant—stand in the way of progress in the South, and those lands should also be opened. As I understand it, that is the only question before the committee, whether this bill shall stand on its own merits, its own undisputed, unquestioned merits, which restores to the public domain land which should be now open to settlement, or whether we shall tack this bill at the tail end of the 48,000,000 acres in dispute and then abide the result of litigation, which in magnitude and in duration perhaps will be the greatest ever witnessed in America.

Nothing can do more to check the progress, the growth, and settlement of a country than to throw it into chancery. You may go into this city, and I will venture to say that you can pick out every house that is in chancery by its outside appearance, by merely looking at it. I can go through my own community and pick out every quarter-section of land there that is in litigation, simply by its dilapidated condition or want of occupancy. But here is a proposition that will take 8,000,000 acres, not in litigation, which the United States has the unquestioned right to restore to the public domain, and put it in chancery. I hope it will not be done. It seems perfectly clear that the two measures should be separated and the proposition suggested by the committee ought to be supported as it has been reported to the House. There is no question in my mind that it should be adopted as an independent proposition.

Mr. HOLMAN. I hope the gentleman from Illinois will now move that the committee rise, as it is nearly 5 o'clock.

Mr. PAYSON. If no other gentleman desires to talk this evening I have no desire to prolong the session of the committee, and I move that the committee rise.

Mr. ANDERSON, of Kansas. Pending that I will ask the gentleman from Illinois if it will be agreeable to the committee to allow amendments, which members have to propose, to be printed in the RECORD simply for information.

Mr. PAYSON. I have no objection.

Mr. ANDERSON, of Kansas. Then I ask unanimous consent that that may be done.

The CHAIRMAN. Is there objection to printing proposed amendments in the RECORD for information only?

There was no objection.

Mr. PAYSON. I will renew the motion that the committee do now rise.

Mr. HERMANN. This does not preclude the offering of amendments to-morrow?

Mr. PAYSON. Not at all.

The motion of Mr. PAYSON was then agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PETERS reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill S. 2781, had come to no resolution thereon.

Under the general leave to print, the following amendments were handed in at the Clerk's desk:

By Mr. HOLMAN:

Strike out the first section of the substitute and insert:
"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands heretofore granted by Congress to any State or to any corporation to aid in the construction of a railroad or a railroad and telegraph line opposite to and continuous with the portion of any such railroad not constructed and completed within the time specified in the act making the grant for the construction and completion of the whole of such railroad are hereby declared forfeited to the United States, and the United States resumes title thereto, and all such lands so granted lying opposite to and continuous with the portion of any such railroad not constructed and completed within the time prescribed by the act of Congress making such grant for the construction and completion of the whole railroad as provided for by such act, is hereby restored to the public domain and declared to be a portion thereof: Provided, however, That the forfeiture hereby declared shall not extend to the right of way of any such railroad through the remainder of the route, including the necessary grounds for depots, switches, side-tracks, machine-shops, and turn-tables, or to lands included in any village, town, or city within the limits of the lands hereby declared forfeited."

By Mr. McRAE:

Strike out all of section 3 down to and including the word "lands," in line 21, and insert the following:

"SEC. 3. That in all cases where persons are in possession of any of the lands affected by such grant and hereby resumed by and restored to the United States under deed, written contract with, or license from the corporation for whose benefit said grant was made, or its bona fide assignees, for a valuable consideration executed in good faith prior to the 1st day of January, A. D. 1890, they shall be entitled to purchase the same from the United States, in quantities not exceeding 320 acres to any one such person at the rate of \$1.25 per acre at any time within two years from the passage of this act, and on making requisite proofs and payments to receive patents therefor; and where any such person in possession of any such lands under deed, written contract, or license as aforesaid, or his assignor, has made partial or full payments to said railroad company prior to the 1st day of January, 1890, on account of the purchase price of said lands from it, on proof of the amount of such payments he shall be entitled to have the same, to the extent and amount of \$1.25 per acre, if so much has been paid, and not more, credited to him on account of and as part of the purchase price herein provided to be paid the United States for said lands, or

such persons may elect to abandon their purchases and make claim on said lands under the homestead law and as provided in the preceding section of this act: *Provided*, That in all cases where parties, persons, or corporations, with the permission of said railroad company or its assignees, are in the possession of, and have made improvements upon, any of the lands hereby resumed and restored, and are not entitled to enter the same under the provisions of this act, such parties, persons, or corporations shall have six months in which to remove any growing crop, and within which time they shall also be entitled to remove all buildings and other movable improvements from said lands: *Provided further*, That a mortgage or pledge of any of said lands shall not be considered a sale for the purposes of this section."

By Mr. STONE, of Missouri:

Amend by adding the following sections to the bill:

"SEC. 8. And be it further enacted, That the Attorney-General of the United States is hereby authorized and directed, as speedily as possible after the passage of this act, to institute suit or suits, at law or in equity, in the name of the United States, in the circuit court of the United States having jurisdiction, against any person, corporation, or association of persons claiming to own under or through the grant of Congress any lands heretofore granted by Congress to any State or to any corporation to aid in the construction of a railroad or a railroad and telegraph line, where any such lands so claimed lie opposite to or contiguous with any constructed part of any such railroad which was not constructed and completed within the time specified in the granting act or acts for the construction and completion of the whole railroad, to determine whether any such granted lands so claimed by any such person, corporation, or association of persons are subject and liable under the law to be forfeited and reclaimed by the United States on account of the non-construction of such part of any such railroad in accordance with the requirements of the granting act or acts, and to obtain and recover judgments declaring forfeited to the United States all of such lands as are opposite to and contiguous with such constructed part or parts of either of said railroads which were not constructed within the period fixed in the granting act or acts for the completion of the whole road or otherwise in accordance with the requirements of the granting acts, and setting aside any patents which have issued for any such lands: *Provided, however*, That no judgment of forfeiture shall extend to the right of way of any such railroad, or to the necessary grounds for depots, switches, side-tracks, machine-shops, and turn-tables, or to lands included in any village, town, or city within the limits of any such granted lands."

"SEC. 9. That in bringing and prosecuting the suits provided for in the next preceding section the Attorney-General shall treat each grant of lands coming within the provisions of said section separately, and in each case shall institute suit in that circuit court of the United States within the jurisdiction of which the lands affected thereby, or any part thereof, may lie: *Provided*, That where the lands affected by any suit may lie within the jurisdiction of more than one circuit court suit may be brought in either of such courts for the forfeiture of the whole of such lands."

"Any person or corporation claiming any interest in the lands to be affected by said suit or suits, and whether made a party thereto or not, may intervene therein by sworn petition to defend his interest therein, and may, upon such petition for intervention, also put in issue and have adjudicated and determined any other question, whether of law or fact, which may be in dispute between said intervenor and the United States, or between themselves, and affecting the right or title, predicated on the grant of the United States, to any part of the lands embraced in any such suit."

"Appeals or writs of error may be prosecuted to the Supreme Court as in other cases from the judgment or decree of any circuit court rendered under the provisions of this act, and in all cases where any such judgment or decree shall be adverse to the United States the Attorney-General shall prosecute an appeal or writ of error to the Supreme Court; and in all without regard to the value of the lands affected thereby; and any suit brought under the provisions of this act shall be advanced to hearing in preference to all other civil cases on the dockets of the circuit or supreme courts: *Provided*, That no judgment or decree of any circuit court rendered under the provisions of this act shall be considered final within the meaning of this act in cases where an appeal or writ of error is prosecuted therefrom."

"And in all cases where any final judgment shall be rendered by any circuit court or the Supreme Court under the provisions of this act, declaring any lands forfeited to the United States, such lands shall thereafter be and become a part of the public domain, any withdrawals heretofore made to the contrary notwithstanding, except as may be herein otherwise provided."

"SEC. 10. That in all cases where any lands affected by any final judgment or decree of any circuit court or of the Supreme Court, rendered under the provisions of this act, have been, prior to January 1, 1888, sold and conveyed by deed or written contract by any State or corporation to which any such grant was made, or by any corporation owning any railroad for the benefit of which any such grant was made to any person, such lands, in quantities not exceeding 320 acres to any one person, shall be exempt from the operation, force, and effect of any such judgment or decree, and the title to any such lands, to the extent herein limited to any one person, is hereby confirmed to the purchaser, his heirs or assigns: *Provided*, That if any one person shall claim to own more than 320 acres of any such lands under and by virtue of any such sale and conveyance made by any such State or corporation to him or her as an original purchaser, in good faith and for a valuable consideration, or who shall claim by mesne conveyance from such original purchaser, such person may, within one year from the passage of this act, make and file before the register and receiver of the proper land office, subject to an appeal to the Commissioner of the General Land Office, proof of the good faith, consideration, date, and extent of his or her purchase; and if after hearing the proof and investigating the case the register and receiver shall determine that the purchase was made in good faith and for a valuable consideration, prior to January 1, 1888, then, in that case, the register and receiver shall note the finding on the records of the local land office, and thereafter certify the same to the Commissioner of the General Land Office. If the finding and decision of the register and receiver be adverse to the purchaser he may, within six months thereafter, under such rules as the Secretary of the Interior may prescribe, appeal to the Commissioner of the General Land Office."

"Whenever any case shall be certified or appealed to the Commissioner of the General Land Office under the provisions of this section, he shall carefully examine the same, and approve or disapprove the finding and decision of the register and receiver therein. Any person aggrieved by the action of the Commissioner of the General Land Office may appeal to the Secretary of the Interior."

"Whenever the Commissioner of the General Land Office, or the Secretary of the Interior in case of appeal, shall determine that any purchase was in fact made in good faith and for a valuable consideration prior to January 1, 1888, the purchaser, if then a citizen of the United States or having in due form of law declared his or her intention of becoming such, shall be entitled to purchase from the United States the said lands claimed by him or her in excess of the 320 acres hereby confirmed to him or her, at the rate of \$1.25 per acre, at any time within two years after the decision of the Commissioner of the General Land Office or the Secretary of the Interior has been rendered: *Provided further*, That nothing herein contained shall be construed to confirm any such purchases of land upon which there were prior bona fide pre-emption or homestead

claims subsisting on the 1st day of January, 1888, arising or asserted under color of the laws of the United States: *Provided further*, That a mortgage or pledge of any of said lands shall not be considered a sale for the purposes of this section."

"SEC. 11. That all bona fide settlers upon any of the lands which may be declared forfeited by any final judgment of the Supreme Court or any circuit court under the provisions of this act are hereby permitted and authorized to acquire title to not exceeding 160 acres in each case, as a homestead, under and pursuant to the laws relating thereto, and in making final proof of such homestead the settler shall be allowed for the time he has already resided upon and cultivated the same, and if such settler is not entitled to the benefits of the homestead law he or she shall have the prior right to enter the tract settled on, not exceeding 160 acres, at \$1.25 per acre."

"SEC. 12. That no lands declared forfeited to the United States by this act, or by any judgment of the Supreme Court under the provisions of this act, shall inure to the benefit of any State or corporation to which lands may have been granted by Congress; nor shall this act be construed to enlarge the area of lands originally covered by any such grant."

"SEC. 13. That the price of the even sections of the public lands not reserved within the limits of the several grants heretofore made is hereby fixed at \$1.25 per acre."

By Mr. ANDERSON, of Kansas:

Amend section 1, line 7, by striking out the word "now" and by inserting, after the word "completed," the words "in compliance with all the conditions of the granting act."

Also, amend section 1 by striking out the proviso beginning in line 10.

By Mr. LIND:

Amend by inserting, after the word "completed," in line 7, on page 9, the following: "And all lands granted to the State of Minnesota for the benefit of any railroad corporation chartered by said State, and the charter of which has been forfeited by the laws of said State, and such forfeiture declared by the supreme court thereof prior to the passage of this act."

BESSIE E. GILMORE.

Mr. COBB. I ask unanimous consent for the present consideration of the bill (S. 5) for the relief of Bessie E. Gilmore.

The bill was read at length by the Clerk for information.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BYNUM. Mr. Speaker, I demand the regular order.

Mr. PAYSON. I move that the House do now adjourn.

ENROLLED BILLS SIGNED.

Pending the announcement of the vote,

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes; and

A bill (S. 1064) granting a pension to Margaret E. Adamson.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HALL, indefinitely, on account of important business.

To Mr. LANE, for five days, on account of important business.

To Mr. MORGAN, indefinitely, on account of important business.

The motion of Mr. PAYSON was then agreed to; and accordingly (at 4 o'clock and 59 minutes p. m.), the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

CLAIM OF DANIEL DONOVAN FOR SERVICES AS REFEREE.

Letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the commissioners of the District of Columbia in relation to an appropriation to pay the balance of a judgment rendered by the Court of Claims in favor of Daniel Donovan, being a deficiency to the appropriation for "Payment of referees, Court of Claims, District of Columbia" (act July 7, 1884)—to the Committee on Appropriations.

ADDITIONAL CLERICAL FORCE FOR THE SECOND AUDITOR'S OFFICE.

Letter from the Acting Secretary of the Treasury, transmitting a communication from the Second Auditor recommending an appropriation for ten additional clerks, class 1, on account of recent pension legislation—to the Committee on Appropriations.

REPORT IN CASE OF RICHARD H. TUTHILL VS. UNITED STATES.

A communication from the Attorney-General in the case of Richard H. Tuthill vs. The United States, which case was not included in his report of April 18, 1890—to the Committee on Appropriations.

MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following memorials and resolutions of the Territory of Utah were presented and referred as follows:

By Mr. CAINE: Resolutions of the Legislative Assembly of the Territory of Utah, in favor of the passage by Congress of a bill making

an appropriation for the construction of a deep harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, memorial of the governor and Legislative Assembly of the Territory of Utah, praying that the term of the biennial sessions of the Legislative Assembly of that Territory be extended to ninety days—to the Committee on the Territories.

Also, memorial of the Governor and Legislative Assembly of the Territory of Utah, praying that the public lands situated near the head of Big Cottonwood and adjoining cañons be granted to said Territory to be set apart as a public park—to the Committee on the Public Lands.

Also, memorial of the governor and Legislative Assembly of the Territory of Utah, praying for the passage of Senate bill S. 326, ceding public lands in aid of the irrigation of dry and arid lands—to the Select Committee on Irrigation of Arid Lands in the United States.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. WILSON, of Washington, from the Committee on Indian Affairs, reported favorably the bill of the Senate (S. 3745) granting to the Northern Pacific and Yakima Irrigation Company a right of way through the Yakima Indian reservation in Washington, accompanied by a report (No. 2624)—to the House Calendar.

Mr. THOMAS, from the Committee on War Claims, reported favorably the bill of the Senate (S. 2228) for the relief of John W. Blake, accompanied by a report (No. 2625)—to the Committee of the Whole House.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported favorably the bill of the House (H. R. 7847) for the allowance of certain claims for rent of property taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the "Bowman act," accompanied by a report (No. 2626)—to the Committee of the Whole House.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. GRIMES: A bill (H. R. 11269) to authorize the construction of a bridge across the Coosa River, in the State of Alabama—to the Committee on Commerce.

Also, a bill (H. R. 11270) to authorize the construction of a bridge across the Chattahoochee River, in the State of Georgia—to the Committee on Commerce.

By Mr. COGSWELL (by request): A bill (H. R. 11271) to establish industrial training schools and to provide land for negroes, to be held under lease with privilege of subsequent purchase—to the Committee on Education.

By Mr. McCORD: A bill (H. R. 11272) to authorize the Secretary of the Interior to sell certain lands and to grant the proceeds of such sale to the town of Pelican, Oneida County, Wisconsin, for school purposes—to the Committee on the Public Lands.

By Mr. LODGE: A bill (H. R. 11273) to amend the law relating to shipping commissioners—to the Committee on Commerce.

By Mr. SNIDER (by request): A bill (H. R. 11291) authorizing the construction of a jail and reformatory for women in and for the District of Columbia—to the Committee on the District of Columbia.

By Mr. PEEL: A bill (H. R. 11292) to regulate charges for freights, passengers, etc., by common carriers, and for other purposes in Indian Territory—to the Committee on Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BLAND: A bill (H. R. 11274) for the relief of Thaddeus Collard—to the Committee on War Claims.

By Mr. COGSWELL: A bill (H. R. 11275) for the relief of Sarah G. Avery, widow of George Avery—to the Committee on War Claims.

By Mr. FITHIAN: A bill (H. R. 11276) for the relief of James Bolinger—to the Committee on Military Affairs.

By Mr. HOOKER: A bill (H. R. 11277) for the relief of the estate of Charles H. Borland, late of Claiborne County, Mississippi—to the Committee on War Claims.

By Mr. HOUK: A bill (H. R. 11278) for the relief of William Robbins, of Forkvale, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 11279) for the relief of Nancy J. Houk, of Sevier County, Tennessee—to the Committee on War Claims.

Also, a bill (H. R. 11280) for the relief of John W. Long, of Unitia, Loudon County, Tennessee—to the Committee on War Claims.

Also, a bill (H. R. 11281) for the relief of Capt. William S. Reynolds's scouts—to the Committee on Invalid Pensions.

By Mr. LEWIS (by request): A bill (H. R. 11282) for the payment

of certain property of the Independent Order of Odd Fellows of Okolona, Miss., destroyed by the United States Army—to the Committee on War Claims.

By Mr. OUTHWAITE: A bill (H. R. 11283) granting a pension to Henry Larrison—to the Committee on Invalid Pensions.

By Mr. OWEN, of Indiana: A bill (H. R. 11284) granting pay for military service to Benjamin F. Davis, Company E, One hundred and sixteenth Regiment Indiana Volunteers—to the Committee on Military Affairs.

By Mr. ROBERTSON: A bill (H. R. 11285) for the relief of the heirs of Auguste Donato, late of St. Landry Parish, Louisiana—to the Committee on War Claims.

Also, a bill (H. R. 11286) for the relief of heirs of Francis Meullion, late of St. Landry Parish, Louisiana—to the Committee on War Claims.

By Mr. SMITH, of Illinois: A bill (H. R. 11287) granting a pension to Thomas Joyce, late a drummer in Company D, Second Regiment of New York Infantry, in the Florida war—to the Committee on Pensions.

Also, a bill (H. R. 11288) for the relief of James B. Phillips—to the Committee on War Claims.

By Mr. SMITH, of West Virginia: A bill (H. R. 11289) granting relief to William C. McCroskey, and for other purposes—to the Committee on Military Affairs.

By Mr. VENABLE (by request): A bill (H. R. 11290) for the relief of the legal representatives of John Avery, deceased, late of Virginia—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BLAND: Petition of Thaddeus Collard, praying that his claim for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BLOUNT: Petition of J. M. Brooks and 19 others, of Upson County, Georgia, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of A. F. White and 30 others, of Jasper County, Louisiana, for same measure—to the Committee on Ways and Means.

By Mr. BROWER: Petition of J. P. Wade and 34 others, of Person County, North Carolina, asking passage of House bill 7162—to the Committee on Ways and Means.

By Mr. BURROWS: Petition of citizens of Kalamazoo, Mich., against sections 24 and 25 of House bill 8278—to the Committee on Commerce.

By Mr. BURTON: Petition of postal clerks, ninth division, railway mail service, for the passage of House bill 8299—to the Committee on the Post-Office and Post-Roads.

By Mr. CATCHINGS: Petition on claim of Adaline W. Clark (now Davidson), of Warren County, Mississippi—to the Committee on War Claims.

Also, petition of Willis Moore & Co. and many others, of Vicksburg, Miss., for the perpetuation of the national-banking system—to the Committee on Banking and Currency.

By Mr. CLEMENTS: Petition of Daniel Lowry, sr., of Bartow County, Georgia, praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

Also, petition of G. E. Clark and 21 others, of Paulding County, Georgia, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of J. T. Caldwell and 106 others, of Catoosa County, Georgia, for same measure—to the Committee on Ways and Means.

Also, petition of 15 voters of Murray County, Georgia, in favor of a deep-water harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, petition of many citizens of Whitfield County, Georgia, for same measure—to the Committee on Rivers and Harbors.

Also, petition of citizens of Cobb County, Georgia, for same measure—to the Committee on Rivers and Harbors.

By Mr. COLEMAN: Petition of the West Africa Steam-Ship Company, New Orleans, La., asking for an appropriation of \$500,000 for the establishment of a line of mail steamers between New Orleans and the west coast of Africa—to the Committee on Merchant Marine and Fisheries.

By Mr. COMSTOCK: Petition from Todd County, Minnesota, asking passage of service-pension bill—to the Committee on Invalid Pensions.

By Mr. CRAIG: Petition of citizens of Leechburgh, Pa., for legislation remedying the original package decision—to the Committee on the Judiciary.

By Mr. CUMMINGS: Memorial of the Workingman's Reform League of New York City in reference to the Harlem Ship-Canal—to the Committee on Rivers and Harbors.

By Mr. DAVIDSON: Petition of citizens of Polk County, Florida, praying for passage of Senate bill 2716—to the Committee on Rivers and Harbors.

By Mr. DINGLEY: Petition of Thomas Reynolds and 20 others, citizens of Oxford County, Maine, in favor of the pure lard measure—to the Committee on Agriculture.

Also, petition of Walter Pettingill and 48 others, of same county, for same measure—to the Committee on Agriculture.

Also, petition of E. Lermont and 24 others, citizens of Knox County, Maine, for same measure—to the Committee on Agriculture.

Also, petition of Warren Pettingill and 48 others, of Oxford County, Maine, favoring House bill 8648 (pure food)—to the Committee on Agriculture.

Also, petition of Thomas Reynolds and 21 others, of same county, for same measure—to the Committee on Agriculture.

By Mr. DOCKERY: Petition of citizens of Harrison County, Missouri, protesting against the demonetization of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. DOLLIVER: Petition of the Cedar Center Alliance, Calhoun County, Iowa, for Butterworth option bill and Conger lard bill—to the Committee on Agriculture.

By Mr. FUNSTON: Petition of the citizens of Lawrence, Kans., for the passage of the Wilson original-package bill—to the Committee on the Judiciary.

By Mr. HAUGEN: Petition of C. Decker and 20 others, citizens of Dunn County, Wisconsin, favoring House bill 8248—to the Committee on Agriculture.

Also, petition of W. H. Churchill and 28 others, citizens of same county, for House bill 283 (pure lard)—to the Committee on Agriculture.

Also, petition of J. H. Brown and 49 others, citizens of St. Croix County, Wisconsin, for same measure—to the Committee on Agriculture.

Also, petition of C. Decker and 20 others, citizens of Dunn County, Wisconsin, for same measure—to the Committee on Agriculture.

By Mr. HAYES: Petition of P. M. Littig and 34 others, citizens of Scott County, Iowa, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of same persons in favor of Galveston deep-water harbor—to the Committee on Rivers and Harbors.

By Mr. HENDERSON, of Iowa: Paper from 82 railroad employes, of Rutland, Vt., petitioning for the passage of House bill 9682—to the Committee on Railways and Canals.

Also, paper from 86 railroad employes, of Michigan City, Ind., for same measure—to the Committee on Railways and Canals.

Also, paper from 105 railroad employes, favoring same measure—to the Committee on Railways and Canals.

By Mr. HOUK: Petition of J. W. Mullen, for increase of pension—to the Committee on Invalid Pensions.

By Mr. KELLEY: Resolutions adopted at a mass meeting in Washington, Kans., asking Congress to pass the Senate (Wilson) bill or some other law that will enable the State of Kansas to get rid of the original-package saloons—to the Committee on the Judiciary.

Also, petition of 75 citizens of Waverly, Coffey County, Kansas, asking Congress to enact some law that will counteract the effect of the recent decision of the Supreme Court of the United States relative to the importation and sale of intoxicating liquors—to the Committee on the Judiciary.

By Mr. LANHAM: Petition of J. L. McKenney and 66 others, of Mills County, Texas, asking passage of House bill 7162—to the Committee on Ways and Means.

By Mr. LAWS: Petition of citizens of Nebraska for continuation of investigation of subterranean waters in that State—to the Select Committee on Irrigation of Arid Lands in the United States.

Also, petition of Fillmore County Alliance, Nebraska, urging passage of the Butterworth bill—to the Committee on Agriculture.

Also, petition of Sunny Side Alliance, Nebraska, for same measure—to the Committee on Agriculture.

Also, petition of Fillmore County Alliance, Nebraska, urging passage of the Conger bill—to the Committee on Agriculture.

By Mr. LESTER, of Georgia: Petition of E. F. Braxton and 22 others, of Ward County, Georgia, in relation to Galveston Harbor—to the Committee on Rivers and Harbors.

By Mr. LEWIS: Petition of I. P. Ware and 35 others, of Carroll County, Mississippi, asking passage of House bill 7162—to the Committee on Ways and Means.

By Mr. MOREY: Petition of Jesse Wright and 164 others (53 voters and 112 women), citizens of Springborough, Warren County, Ohio, praying for proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage—to the Committee on the Judiciary.

By Mr. MORGAN: Petition of J. M. Rucker and 72 others, of Union County, Mississippi, asking passage of House bill 7162—to the Committee on Ways and Means.

By Mr. MUDD: Three petitions of various citizens of Maryland, favoring the passage of pure-food and pure-lard bills—to the Committee on Agriculture.

By Mr. PERKINS: Petition of Benjamin J. Gunn and 335 others,

asking for legislation to counteract the effect of the recent original-package Supreme Court decision—to the Committee on the Judiciary.

Also, petition of Levi Hobson and 33 others, residents of Lowell, Kans., for same legislation—to the Committee on the Judiciary.

Also, petition of T. C. Dunbar and 57 others, of Crawford County, Kansas, for same legislation—to the Committee on the Judiciary.

Also, resolution of a mass-meeting of the people of Lawrence, Kans., for same legislation—to the Committee on the Judiciary.

Also, resolutions of a mass-meeting of the citizens of Coffeyville, Kans., favoring same legislation—to the Committee on the Judiciary.

Also, petition of W. D. Miller and 27 others, asking for legislation for a complete system of levees on the Mississippi River from Cairo to the Gulf of Mexico—to the Committee on Rivers and Harbors.

Also, resolutions of the Board of Trade of Kansas City, Mo., favoring free coinage of silver and opposing the McKinley bill—to the Committee on Coinage, Weights, and Measures.

Also, resolution of Woods Farmers' Alliance, No. 249, of Parsons, Kans., favoring the passage of the "new financial scheme" bill introduced by Mr. McClammy, of North Carolina—to the Committee on Ways and Means.

By Mr. PETERS: Petitions of citizens of various counties in the Seventh district of Kansas, for the Wilson temperance bill—to the Committee on the Judiciary.

By Mr. REYBURN: Petition of Yearly Meeting of Friends, of Philadelphia, New Jersey, Delaware, and Maryland, for a law to prohibit the sale of liquor in original packages—to the Committee on the Judiciary.

By Mr. ROGERS: Memorials of certain citizens of Logan County, Arkansas, in relation to deep-water harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. RUSSELL: Petition of Charles W. Holden and 42 others (18 voters and 25 women), citizens of Windham, Conn., praying for "proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage"—to the Committee on the Judiciary.

Also, petition of Eben Terrell and 69 others (32 voters and 38 women), citizens of East Lynn and Waterford, Conn., for same measure—to the Committee on the Judiciary.

Also, resolutions of Eastern Connecticut Ministerial Association of the Methodist Episcopal Church, asking the enactment of a law which shall allow each State to control the liquor traffic within its borders—to the Committee on the Judiciary.

By Mr. SMITH, of Illinois: Resolutions of Butchers' Union, Cairo, Ill., urging the passage of House bill 283 (Conger lard bill)—to the Committee on Agriculture.

Also, petition of citizens of Cairo, Ill., protesting against the passage of the Conger lard bill—to the Committee on Agriculture.

Also, resolutions of Butchers' Union, of Cairo, Ill., urging the passage of House bill 5353, to prohibit the dealing in options, etc.—to the Committee on Agriculture.

By Mr. SPOONER: Memorial of Pennimon & Crumb and citizens of Providence, R. I., and vicinity, protesting against legislation by Congress compelling railroads to transport petroleum barrels free—to the Committee on Commerce.

By Mr. STAHLNECKER: Petition and resolution of the New York City commissioners of the sinking fund favoring the Harlem River improvements—to the Committee on Rivers and Harbors.

By Mr. STONE, of Kentucky: Petition of Fannie A. Wilson, praying passage of bill granting pay for services rendered by her brother prior to enrollment—to the Committee on War Claims.

By Mr. STONE, of Missouri: Petition of Woodland Union, No. 25, F. and L. A., of Bates County, Missouri, for an increase in the currency—to the Committee on Coinage, Weights, and Measures.

By Mr. THOMAS: Petition of C. J. Lind and 61 others, citizens of Vernon, Wis., for passage of House bill 283—to the Committee on Agriculture.

Also, petition of H. S. Tracy and 58 others, of same place, for same measure—to the Committee on Agriculture.

By Mr. TILLMAN: Petition of Henry A. Paur and 18 others, of Colleton County, South Carolina, asking passage of House bill 7162—to the Committee on Ways and Means.

By Mr. TRACEY (by request): Petition of 30 citizens of New York State, favoring passage of bill to prevent adulteration of ale and beer—to the Committee on Ways and Means.

By Mr. WHITTHORNE: Petition of E. N. Griggsby, for the estate of William Griggsby, late of Giles County, Tennessee, for reference of claim to Committee on War Claims—to the Committee on War Claims.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following change of reference was made:

By Mr. DUNNELL: Memorial of C. W. Morrell and 24 others, citizens of Minnesota, protesting against legislation by Congress compelling railroads to transport petroleum barrels free—Committee on Ways and Means discharged, and referred to Committee on Commerce.

SENATE.

TUESDAY, July 8, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. TURPIE. I present a memorial of the American Cocoa Matting Company, of Brooklyn, N. Y., remonstrating against the proposed increase of duty on the article of cocoa matting in the pending tariff bill. The memorial and accompanying communication, though addressed to me personally, are evidently intended to be presented to the Senate, and as the bill has been reported, I ask that the memorial be received and laid upon the table.

The PRESIDENT *pro tempore*. The memorial will be received and lie on the table, if there be no objection.

Mr. PIERCE presented the petition of C. D. Edick and 12 other citizens of Sterling, N. Dak., praying for the passage of House bill 7162 or Senate bill 2806, for the relief of the present agricultural depression; which was referred to the Committee on Agriculture and Forestry.

Mr. DAVIS presented resolutions adopted by the Chamber of Commerce of Minneapolis, Minn., and resolutions adopted by the Chamber of Commerce of Duluth, Minn., favoring the adoption of some plan to prevent overflows of the Mississippi River; which were referred to the Committee on the Improvement of the Mississippi River.

He also presented a petition of the Farmers' Alliance of Beaver Falls, Minn., praying for legislation to prohibit fictitious operations in farm products; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Patriotic Order Sons of America, of Minneapolis, Minn., praying for the passage of a bill to prohibit the desecration of the United States flag by using it for advertising, etc.; which was referred to the Committee on Military Affairs.

Mr. PADDOCK presented the petition of William Breunbach and 21 other citizens of Pawnee County, Nebraska; the petition of D. A. McCulloch and 47 other citizens of the Second Congressional district of Nebraska; the petition of Grange No. 10, Patrons of Husbandry, of Webster, Nebr., and the petition of J. W. Rees and 11 other citizens of Pawnee County, Nebraska, praying for the passage of House bill 8648, to prevent the adulteration of food; which were ordered to lie on the table.

He also presented the petition of J. W. Rees and 11 other citizens of Pawnee County, Nebraska; the petition of D. D. Elson and 24 other citizens of Frontier County, Nebraska, and the petition of Grange No. 10, Patrons of Husbandry, of Webster, Nebr., praying for the passage of what is known as the pure lard bill; which were ordered to lie on the table.

He also presented the memorial of J. B. Blanchard, E. P. Savage, A. Waggoner, A. C. Foster, and George Burke, representatives of the South Omaha (Nebr.) Live-Stock Exchange, remonstrating against the passage of Senate bill 3911, subjecting oleomargarine to the provisions of the laws of the several States; which was referred to the Committee on Agriculture and Forestry.

Mr. SHERMAN. I present several petitions of citizens of Logan County, Ohio, numerously signed, signed by several hundred people, praying for an acknowledgment of Almighty God and the Christian religion in the Constitution of the United States. I also present similar petitions from citizens of Illinois, Indiana, Maine, Kansas, Pennsylvania, New York, Iowa, Vermont, and Michigan.

The PRESIDENT *pro tempore*. To what committee shall the petitions be referred?

Mr. SHERMAN. They should go, probably, to the Committee on the Judiciary, the proposition being for a change of the Constitution.

The PRESIDENT *pro tempore*. The petitions will be referred to the Committee on the Judiciary.

Mr. SHERMAN presented a petition of the Independent Union, Boys in Blue, of Cleveland, Ohio, praying for the passage of a bill giving preference to ex-Union soldiers and sailors, under certain circumstances, in employment on public works; which was referred to the Committee on Education and Labor.

He also presented a petition of the Congregational Church of Chagrin Falls, Ohio, praying for the passage of a law to prevent the transmission of obscene literature through the mails; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SAWYER presented the petition of S. R. Stephenson and 18 other citizens of Door County, Wisconsin; the petition of S. C. Carr and 22 other citizens of Milton Junction, Wis.; the petition of W. H. Churchill and 28 other citizens of Dunn County, Wisconsin, and the petition of Edward Lester and 22 other citizens of Spring Green, Wis., praying for the passage of what is known as the pure-food bill; which were ordered to lie on the table.

He also presented the petition of C. Decker and 20 other citizens of Dunn County, Wisconsin, and the petition of H. P. Williams and 14 other citizens of Iowa County, Wisconsin, praying for the passage of

what is known as the pure-lard bill; which were ordered to lie on the table.

Mr. JONES, of Arkansas, presented the petition of A. S. Honnet, president of the Pine Bluff (Ark.) Board of Trade, V. D. Wilkinson, McP. Bank, J. B. Assurs, and other citizens of Pine Bluff, Ark., praying that an appropriation be made for the improvement of the Arkansas River; which was ordered to lie on the table.

Mr. QUAY presented a petition of the Merchant Tailors' Exchange, of Pittsburgh, Pa., praying for an increased duty on imported ready-made clothing; which was ordered to lie on the table.

He also presented a petition of Rose Grange, No. 653, Patrons of Husbandry, of Jefferson County, Pennsylvania, praying for the free coinage of silver; which was ordered to lie on the table.

Mr. MORRILL presented a petition of 148 citizens of Vermont, praying for the passage of a national Sunday-rest law; which was referred to the Committee on Education and Labor.

He also presented a memorial of citizens of Rutland County, Vermont, remonstrating against the increase of the duty on tin-plate; which was ordered to lie on the table.

Mr. DANIEL presented a petition of sundry lawyers of Danville, Va., praying for a change in the time of holding terms of circuit and district courts for the western district of Virginia; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. MORRILL. From the Committee on Public Buildings and Grounds I report an amendment intended to be proposed to the sundry civil appropriation bill, in relation to the Washington City post-office. There is no appropriation made in the bill which was passed providing for the city post office, and this is merely an appropriation to allow the building to be commenced. I move that the proposed amendment be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (H. R. 3034) granting a pension to George W. Pitner, reported it without amendment, and submitted a report thereon.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the bill (H. R. 7734) granting a pension to Mrs. M. M. Boyle, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1081) granting an increase of pension to John S. Hall, reported it without amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 1992) to increase the pension of Cornelia R. Chandler, reported it without amendment, and submitted a report thereon.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (S. 1991) for the relief of John Kalbfleisch, reported it with an amendment, and submitted a report thereon.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 92) directing that names of sharpshooters and Military Service Institution medalists shall be inscribed in the Army Register, and authorizing the wearing of their decorations by such medalists, submitted an adverse report thereon, which was agreed to; and the joint resolution was postponed indefinitely.

He also, from the same committee, to whom was referred the joint resolution (S. R. 94) declaring the retirement of Capt. Charles B. Stivers, of the United States Army, valid, and that he is entitled as such retired officer to his pay, reported it without amendment, and submitted a report thereon.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (S. 4136) to provide for the disposal of the Pagosa Springs military reservation, in the State of Colorado, to actual settlers under the provisions of the homestead laws, reported it with an amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. INGALLS introduced a bill (S. 4194) for the relief of Benjamin Spence; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4195) granting a pension to Van De Mark Smith; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4196) granting a pension to John Phelan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FAULKNER introduced a bill (S. 4197) for the relief of M. C. Davis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. TURPIE introduced a bill (S. 4198) granting an increase of pension to John E. Doggett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENT TO A BILL.

Mr. CAMERON submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred

to the Committee to Audit and Control the Contingent Expenses of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House insisted upon its amendment to the bill (S. 209) to authorize the Secretary of War to cause to be mustered William P. Atwell, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OSBORNE, Mr. LANSING, and Mr. LANHAM managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 982) to provide for the admission of the State of Wyoming into the Union, and for other purposes;

A bill (H. R. 5966) to provide for an additional associate justice of the supreme court of the Territory of New Mexico;

A bill (H. R. 8245) to provide for the disposal of the abandoned military reservations in Wyoming Territory; and

A bill (H. R. 9104) granting to the Jacksonville, St. Augustine and Halifax River Railway Company a right of way across the United States military reservation at St. Augustine, Fla.

LAND COURT.

Mr. SHERMAN. Mr. President—
The PRESIDENT *pro tempore*. Does the Senator rise to morning business?

Mr. SHERMAN. I rise to call up a privileged report.

Mr. EDMUNDS. I wanted to get up the land-court bill first.

Mr. SHERMAN. I yield for a moment.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of Senate bill 1042, that was up yesterday morning.

The PRESIDENT *pro tempore*. The Calendar under Rule VIII being in order, the Senator from Vermont moves that the Senate proceed to the consideration of the bill (S. 1042) to establish a United States land court, and to provide for the settlement of private land claims in certain States and Territories.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole.

TREASURY NOTES AND SILVER BULLION.

Mr. SHERMAN. Pending that order, I call up the conference report on the silver bill.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the report of the committee of conference on the bill (H. R. 5381) directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes. The report of the committee has been read at length. The question is on concurring in the report.

Mr. VEST. I want to state, sir, very briefly the reasons why I shall not vote for the bill reported by the committee of conference.

A large majority of the Senate declared in favor of the free coinage of silver. We have now a conference report which absolutely gives away all idea of free coinage, and in my judgment continues, and is intended to continue, the system under which silver has been persistently and consistently degraded since 1873. There will be no contradiction of the assertion from any intelligent source that the Treasury Department has been governed by the principle and upon the idea that until silver came to a parity with gold, silver should not be paid out upon the bonded indebtedness of the United States. So often in the debate has evidence been given of the hostility of the Treasury Department under both Democratic and Republican Administrations to the paying out of silver, as of gold, to the public creditors, that it would be simply a senseless repetition to go through that evidence again.

Mr. President, I, as much as any Senator here, am anxious to see an absolute parity between the two metals as money metals. I should like to see the time in this country when 16 ounces of silver will purchase an ounce of gold, and an ounce of gold continue as at present to purchase 16 ounces of silver. But, I repeat, the idea which has governed the gold party and the Treasury of the United States through all the past years since this struggle commenced has been that until silver came to a parity with gold it should not be paid out to the public creditors.

I assert here now, as I asserted in the debate out of which has come this conference report, that so long as the Government of the United States by legislation and the action of its public officials makes a discrimination between the two money metals, so long will silver continue to trail behind gold and gold will govern the price and value of silver.

Now, I call attention to the concluding part of section 2 of this conference bill:

It being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio, or such ratio as may be provided by law.

Why was that declaration put in this report? Why was that stump speech injected into the stomach of this bill? It was done, as we all know, for the purpose of saying to the Treasury Department, "Until silver comes to a parity with gold you shall pay out gold, and the pub-

lic business of the country shall be conducted upon a gold basis." I, for one, will never vote to maintain and continue that idea and that practice in the monetary affairs of the country.

I was under the impression, sir, that the whole struggle was upon the idea that free coinage, with fair play to gold and silver, without discrimination against one and in favor of the other, should prevail, and that the Senate so voted; and here we have a report which absolutely does away with that idea and puts us back to the old régime under which silver has continually gone down and has been supplanted by gold exclusively.

Again, sir, I never was a silver man in order to furnish a market for the silver miners of the West. I am against that bounty and that subsidy to silver mines as I would be against one to ships, or wheat, or corn, or any other commodity in this country at the expense of the interests of the rest of the people. It may be that this bill will give a market to silver and to the men who mine it, but the principle for which we fought, that the two metals should be alike, that they should have the same free and open play in order to determine their value, has been given away in this report absolutely and completely, in my judgment.

But there is another objection to this bill, and if there were no other I would not vote for it. The first section of the bill has language in it never found before in any similar measure in regard to silver:

The Secretary of the Treasury is hereby directed to purchase from time to time silver bullion to the aggregate amount of 4,500,000 ounces, or so much thereof as may be offered, in each month, at the market price thereof, not exceeding \$1 for 371.25 grains of pure silver.

I call the attention of the friends of silver to this remarkable language. The Secretary of the Treasury is directed to purchase 4,500,000 ounces at the market price when offered. No such language has ever been found in any silver bill before. The Bland bill, which was a tentative measure, which did not satisfy the demands of the country or the friends of silver, but was the best that could be obtained at the time, was mandatory, and directed the Secretary of the Treasury to purchase silver, and he was obliged to do it, in quantities not less than \$2,000,000 worth a month. But here is a direction to him to purchase at the market price "when offered." Who makes that market price? Who is to be the judge of it? It is left to the nebulous and uncertain discretion of the Secretary of the Treasury, and we know what that means. We know from the past, from the influences that have controlled the Treasury Department, what will be done. It is useless to tell us this bill will be carried out in any other way than past legislation has been carried out, in the interest of gold and against silver.

Sir, for these reasons I shall not vote for this conference report.

Mr. COKE. Mr. President, I desire to express my concurrence in the conclusions of the Senator from Missouri. I can not support this bill as presented by the conference committee. We have now under a law which has existed since 1878 a provision for the compulsory coinage of silver. It is the coinage of silver that imparts to that metal its money power. Not less than \$2,000,000 must be coined monthly under existing law. Under this bill, on the 1st day of July, 1891, it is left to the discretion of the Secretary of the Treasury whether another dollar of silver shall be coined or not, and the Secretary of the Treasury has told us in advance that another dollar of silver should not be coined.

The conferees on the part of the Senate in agreeing to this bill have not represented the opinions of the Senate of the United States, which were for free and unlimited coinage of silver. On the contrary, they have assented to a bill which provides definitely for the cessation of the further coinage of silver at all. The bill as presented is another step in the demonetization of silver. Who does not know that to leave it to the discretion of the Secretary of the Treasury whether silver shall be coined or not is equal to stopping the coinage of that metal? That is a fact well known, and was admitted throughout the recent debate on this subject. I am opposed, Mr. President, to buying one single ounce of silver that is not to be coined. I am opposed to the United States Government going into the warehouse business for silver or for any other product. If we are not to coin silver, why purchase it? If this bill is to advance the money power of silver, why cease the coinage of silver, which operation alone confers upon it the power of money?

The House of Representatives once passed a free-coinage bill. The Senate of the United States again has passed a free-coinage bill. This good day two-thirds of the people of these United States are in favor of the free and unlimited coinage of silver; yet this admitted majority in favor of free coinage is balked at every turn by the Executive and the Secretary of the Treasury of the United States when the popular will is sought to be put into effect. Every President, every Secretary of the Treasury that we have had since 1873 has in every way—I do not except the Democratic President and Secretary at all, because they were as extreme as any Republicans could have been—have done everything they could possibly do to break down silver. Instead of commending it to the confidence of the world, they have done everything that lay in their power to undermine and destroy it, and yet they tell us that they are in favor of a bimetallic currency. Does this bill provide for a bimetallic currency? Look at the provision with reference to silver certificates, that they—

shall be a legal tender in payment of all debts, public and private, except where otherwise expressly stipulated in the contract.

They invite the people of the country to add their efforts to those of the Government in the degradation and debasement of silver. If the bullion certificates are to be legal-tender notes, why not make them so? Why not make the law for one the law for all? If we are to have silver currency, are we to get it by stopping the coinage of silver and saying to the people, "You can take these certificates in the payment of debts or not, as you please?" Is that the way to build up silver? Is that the way to produce a parity between silver and gold? This bill is contradictory on its face. It says in section 2 that these silver certificates to be issued for silver bullion shall be redeemable in gold or silver coin. In section 3 it says:

That the Secretary of the Treasury shall each month coin 2,000,000 ounces of the silver bullion purchased under the provisions of this act into standard silver dollars until the 1st day of July, 1891, and after that time he shall coin of the silver bullion purchased under the provisions of this act as much as may be necessary to provide for the redemption of the Treasury notes herein provided for.

Are these gold or silver certificates? Is not that a direction to the Secretary of the Treasury? Will he ever redeem a certificate in gold issued for the purchase of this silver bullion? If he does he will violate this law.

It does seem to me, Mr. President, that it is time that the will of the people of this country was being obeyed. Through their House of Representatives they have demanded free coinage. Through the Senate they have demanded free coinage. There has never at any time heretofore been so strong a sentiment as there is to-day in favor of the free coinage of silver; and yet we see the President of the United States and the Secretary of the Treasury interposing a barrier to the attainment of the popular will, and we see the Senate given away in this conference with the House upon this question, and, after it has declared for free coinage, made to assent to a proposition which amounts to a cessation of the little coinage we now have in July, 1891.

So far as I am concerned, Mr. President, I propose to vote against this bill. I prefer the law as it now exists. That law is mandatory on the Secretary of the Treasury. I prefer it as it now exists, and I say to gentlemen who favor silver coinage if they will but reject this bill and stand by the law as it now is, if they can not get something better than this, they have only to wait until another election and the people are heard from again before they will see the men who are standing between the people and their will scourged into submission and free coinage established.

Mr. SHERMAN. Mr. President, I do not intend by any remarks made on the floor of the Senate to-day to be tempted to enter into the silver debate. We certainly have had enough of that before. Each Senator had then a right to express his opinions, and no doubt his opinions have not been changed by subsequent events. I consider it my duty, however, to state what has been done by the committee of conference in performing the very difficult task imposed upon them by the Senate and the House of Representatives.

The House of Representatives after full consideration sent to us a bill, printed in this document precisely as it was passed by the House. It came to the Senate.

The Senate ingrafted upon it the principle of free coinage, together with some other provisions, changing the character of the House bill. Indeed, the Senate made a substitute for the House bill, embodying no part of the House bill except a single section relating to the national banks. In this condition the two bills went before the committee of conference. The House of Representatives had by a decided vote, which I need not repeat, determined against the free coinage of silver, and the question then arose whether the two Houses could be brought to an agreement upon a proposition based upon both bills, embodying both, but omitting the free coinage of silver. That was the problem to be solved.

Now, what did we do? In the first section of the bill proposed by the conference committee we have changed somewhat the language of the first section of the House bill; we have increased the amount of silver to be purchased. We have placed, much to my regret I must confess, in this bill a larger amount than the entire production of American silver. We have made it mandatory, not permissive, but mandatory, upon the Secretary of the Treasury to buy four and a half million ounces of silver, which, at the full price that the friends of this bill believe it will attain, will purchase in a year something like \$69,000,000 worth of silver bullion and will cause the issue of \$69,000,000 of Treasury notes per annum. Four and a half million ounces per month are to be bought. If each ounce is worth \$1.29, the price at the ratio of 16 to 1, it will cause the issue of Treasury notes to the amount of something like \$70,000,000 a year. The precise figures I can not now give.

The majority of the Senate conferees insisted upon that because that was the limit that those who were in favor of free coinage sought to apply and demanded, and the House conferees with great reluctance yielded that point. The House had proposed the purchase of four and a half million dollars' worth per month, which would be a considerably less sum. That was finally yielded.

Now, in respect to the words "the market price thereof," that lan-

guage is in every bill that ever authorized the Secretary of the Treasury or any other officer to buy anything. As a matter of course, the market price, not the fictitious value, is the only basis of the purchase. Those words are contained in the present Bland law and in every law on the subject. But it was said with a great deal of force that as we propose now to buy more than the entire production of domestic silver, the Secretary should not be required to purchase unless the silver was offered to him, and that limitation (although I believe it is scarcely a limitation at all) was applied that he should not be bound to purchase that which was not offered, and that, I understand, is the point my friend from Texas [Mr. COKE] is troubled about. The rest of that section, I believe, is substantially like the House bill as sent to us.

Now, as to the second section, the legal-tender clause in the House bill, the Senate bill was somewhat different but somewhat alike also. The legal-tender clause of the Senate bill is as follows:

Shall be a legal tender for the payment of all debts, public and private.

Then the question came up whether that would prevent a man making a contract payable in wheat, in corn, or in whisky, or for the delivery of any other property, or whether if a contract was made payable in gold, as in many portions of the country contracts are so made, a citizen of the United States should be deprived of the right to contract for whatever he chooses between himself and other parties. Besides that, we found that the silver dollar had the same limitation that was applied here. The silver dollar under the Bland law is not a legal tender where the contract expressly stipulates that some other mode of payment shall be made.

We therefore agreed *nem. con.* that we would not give to this Treasury note issued for this silver a higher attribute as a legal tender than the silver dollar upon which it was based, and you will find in the Bland law this clause, "except where otherwise expressly stipulated in the contract." We took from that law as it has now stood for twelve years this provision and applied it to the legal-tender clause, relating to the Treasury notes, and that would be the law which would be applied by the courts even without such a stipulation. But in order to make it clear, so that the people would see the exact nature of these Treasury notes, these words were copied from the Bland act, "except where otherwise expressly stipulated in the contract."

It was absolutely necessary, at any rate, to make this stipulation where the Government has promised to pay gold, as in the gold certificates. This provision is based on the broad principle that where two persons agree upon the mode of payment, it would be an outrage and a wrong and a denial of the right to make a contract for us to say that the payment should be made in something or other not provided for in the contract.

Now, as to the last clause of this second section, it was said that the House of Representatives attached great importance to what is called bullion redemption; that is, that the Secretary of the Treasury might, if a stringency should come upon him, pay off these Treasury notes, the silver certificates, as they were called in the House bill, in silver bullion held in the Treasury. Suppose at a time it might be absolutely necessary, when he had no other means at hand, when there was no surplus money—

Mr. TELLER. I should like to suggest to the Senator from Ohio that there was nothing in the House bill of that character.

Mr. SHERMAN. I mean in the House bill.

Mr. TELLER. There is nothing in the House bill that came here which authorized the Secretary in a stress to pay out silver bullion. He could only do it when he and the holder agreed.

Mr. SHERMAN. When it was demanded by the holder he might then pay it out. That was insisted upon.

Mr. TELLER. The Senator must see that that could not be valuable to the Department in case of difficulty, when the Secretary was out of money.

Mr. SHERMAN. This was the proviso insisted upon strongly by the House conferees:

Provided, That upon demand of the holder of any of the Treasury notes herein provided for the Secretary of the Treasury may, at his discretion and under such regulations as he shall prescribe, exchange for such notes an amount of silver bullion which shall be equal in value at the market price thereof on the day of exchange to the amount of such notes presented.

The House conferees finally yielded upon the Senate conferees proposing the following as a substitute, which is a declaration of public policy to abandon this mode of redemption:

That upon demand of the holder of any of the Treasury notes herein provided for the Secretary of the Treasury shall, under such regulations as he may prescribe, redeem such notes in gold or silver coin, at his discretion, it being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio, or such ratio as may be provided by law.

This declaration of public policy has been announced from the beginning of the Government to this hour. There never has been a time when this proposition would not have received the sanction of both Houses of Congress. Hamilton and Jefferson acting together agreed upon the bimetallic standard, upon the coinage of the two metals, upon the parity of the two metals, and they sought to ascertain that parity by a long and careful examination. So from time to time all our legislation has pointed in that direction, to maintain the parity of

the two metals; and the House conferees being satisfied with the declaration of this policy abandoned the clause that they had insisted upon, and this was adopted.

Then another difficulty arose. It was said that as the present silver certificates represented all the silver dollars now in the Treasury, there was no mode by which the Secretary of the Treasury could pay these notes if payment was demanded. It was supposed that in all probability it would not be demanded; but that was not a sufficient answer, because the law itself contemplated that a demand might be made for the redemption of these notes. Therefore, the committee provided that the present coinage of 2,000,000 of ounces, and they made it ounces instead of \$2,000,000 worth, 2,000,000 ounces should be coined for one year so that the Secretary might have a fund of about \$30,000,000 on hand available for this purpose, with the power and direction to coin more, if necessary, out of the silver bullion in hand.

That is the provision in the third section authorizing the continued coinage under the present law of 2,000,000 ounces.

That is all there is in the bill, as I believe, which changes any of the terms.

The fourth and fifth sections are taken from both the Senate and House bills. The sixth section is precisely what was adopted by both Houses in respect to national-bank funds.

Mr. VEST. May I ask the Senator a question?

Mr. SHERMAN. Certainly.

Mr. VEST. I understood him, although there was some conversation around me at the time and I may have misunderstood him, to assert that the language of the first section was identical with the language of the first section in the Bland bill, the previous silver legislation.

Mr. SHERMAN. No, I do not say that. I said that the language "at the market price thereof" is precisely the same. The additional words "when offered," I stated were agreed to in conference.

Mr. VEST. I am a little curious to know on the motion of which set of conferees those words were put in, the House or the Senate.

Mr. SHERMAN. I should have no objection to telling, except that it is against the express rule to do so.

Mr. VEST. The Senator was stating that the House demanded—

Mr. SHERMAN. The Senator might be surprised at the answer if I were to answer the question.

Mr. VEST. I am willing to be surprised.

Mr. SHERMAN. I do not desire on the conference report to go into particulars. If there is any point of this bill that any Senator desires information about I will try to give it to him, so far as the rules of the Senate allow.

Mr. STEWART. I should like to ask in regard to the phrase "or so much thereof as may be offered in each month, at the market price thereof."

Mr. SHERMAN. I have already stated about that. If it is not offered, as a matter of course the Secretary can not buy it.

Mr. STEWART. I should like the views of the Senator from Ohio as to whether it would be the duty of the Secretary of the Treasury under the language used in the bill to buy four and a half million ounces per month if that amount were offered, or could he decline to buy on the pretext that it was not offered in this country at the market price in London? Could the Secretary of the Treasury depress the price of silver by refusing to buy unless he could get offers at the London price?

Mr. SHERMAN. I have no doubt the Secretary of the Treasury, under the gravest responsibilities and gravest obligations to obey this law rigidly, would not allow himself any doubtful construction. He would go on and buy, whatever might be the results to him or to anybody, four and one-half million ounces a month. We can not legislate upon the idea that the officers of the law will disregard the law or evade it or avoid it. If I thought so I would want to abolish the office of the Secretary of the Treasury. The eye of any man holding that position would be keenly set upon the language of the law and a fair construction of the law, and it is not to be assumed that he will avoid or evade the duty imposed upon him, whether he approve it or not. I have not the slightest doubt that the present Secretary of the Treasury or any other Secretary, whatever may be his party creed, would obey the law; and if not, he ought not to be there a moment, and he would be liable to impeachment if he disobeyed the law.

Mr. STEWART. I merely want to get the Senator's idea. The Senator then does not think there can be any danger of the Secretary's failing to buy four and a half million ounces of silver a month if he can get it for less than par as provided in this act?

Mr. SHERMAN. I have not the slightest doubt of that. You can not legislate upon the idea that the officers will not execute the law.

The Senator from Missouri referred to the President and the Secretary of the Treasury as if they had been surrounding this Capitol. Why, sir, I have not seen, and I do not think a single conferee has seen the President of the United States or the Secretary of the Treasury during this whole conference. I have no idea and no more knowledge of what the President wants, or will do or desires to be done in regard to this matter, and I would not feel at liberty to go near him while this matter was pending, especially when I was on committee of conference, and, so far as I know, neither of these gentlemen ever appeared before any member of the committee of conference.

Mr. VEST. The Senator is mistaken as to a matter of fact. I did not make any statement to that effect.

Mr. SHERMAN. It was the Senator from Texas [Mr. COKE], perhaps.

Mr. VEST. I have my private impression as to what the President and Secretary are doing.

Mr. SHERMAN. I have no knowledge. As a matter of course, we all know the President of the United States well enough to know that he will do what he thinks is his bounden duty under his obligation. As to his influencing me or seeking to influence me in a matter of this kind, it is entirely beyond the bounds of reason.

Mr. HAWLEY. I would remind the Senator that there is a general instruction to the Administration in the eighteenth, nineteenth, and twentieth lines of section 2, on page 12.

It being the established policy of the United States to maintain the two metals on a parity with each other.

Mr. SHERMAN. I have already alluded to that.

Mr. VOORHEES. Mr. President, in the practice of my profession I always dread a packed jury. I always am reluctant to go into a court where I know the mind of the court is made up against me to try a case by a jury, a majority of whom I know are adverse to my client.

The trouble about this bill is not as to whether a Secretary will obey the law where the law is made explicit, clear, and mandatory, but there is not a single section in this conference report or in the bill that has been reported by the conference committee but what has a discretion given to the Secretary of the Treasury who is "packed" against silver.

That is my dread about this bill, and one of the strong reasons why I shall not vote for it. There is not a single section that does not convey and have in it a discretion to the Secretary of the Treasury by which he can destroy, dishonor, and degrade silver as money; and the best evidence that that is the purpose of this bill is to be found in the advocates of it and the advocates of these powers thus given to the Secretary of the Treasury.

Sir, I do not seek to reflect upon the present Secretary of the Treasury—far from it. The Treasury Department has been packed against silver ever since I have been a member of this body—not merely your party on that side of the Chamber, but my own, until I am weary of it.

Thirteen years ago when I took my seat in this body I announced my adherence to the free coinage of silver, and I have had no reason at a single moment since to change my mind upon that subject. I represent in part one of the strongest Commonwealths so far as its business is concerned that exists beneath the flag, and I say here to Senators that there are not a thousand men in the State of Indiana (except such as desire favors at the hands of this Administration which is adverse to the free coinage of silver) who would not vote to-day for its free coinage.

What is the spectacle presented here in this body? I am amazed at Senators. I will not use offensive language, but I am amazed at the hardihood of Senators who stand up in this body to take back all we said and all we did and all we voted for within the last three or four weeks. Seventeen majority of the Senate of the United States is treated as chaff—one-fifth of this body was embodied in a majority on this subject—seventeen majority for the free coinage of silver, and the representatives of this body on the conference committee have treated that expression as idle, and it is to go for naught!

My word for it, the American people, those who labor, those who toil, those who delve, those who sow, those who reap and mow, will not consider this action on the part of the Senate a few weeks ago as idle or as not binding. I think I know better why the people of this country in their trouble and distress lifted up their heads and looked this way, and they breathed a little freer when they saw that the Senate of the United States, that body so often spoken of and derided for its conservatism and its want of progress, had gone so far on a measure of relief for the laboring people. They rejoiced at it, and in the last three weeks, while this measure has been pending in the committee of conference bound up in doubt, more expressions in the way of petitions, and letters, and the like have reached here than even during the discussion that was on.

I repeat, sir, that something was done which can not be taken back; and if the men who compose the majority of this body for free silver and free coinage the same as gold, the same as it was when our fathers expanded this country, and the same as it was before the fraud and treachery that destroyed it in 1873, are willing to undo their work and vote that that majority is null and void, I shall be utterly astounded; I shall be utterly amazed.

Ah, sir, some one says there is something gained by the monthly purchase of 4,500,000 ounces of silver. Yes, sir, at a market price which can be fixed by the Secretary of the Treasury, to the extent that it may be offered upon the market.

These notes are to be redeemed in gold or silver according to the discretion of the Secretary, leaving him the power to discriminate against silver and degrade and disgrace it; and other discretions could be pointed out which I will not take the time to do, but I say here to the owners of silver mines, I say to the Senators from silver States, that I am not here for the purpose of making a market for your commodity; I am not here for the purpose of selling the products of your mines; I

am here in behalf of the dignity of the dollar of the fathers; I am here in behalf of silver as money, not as a salable or purchasable commodity.

Mr. JONES, of Nevada. I should like to ask the Senator from Indiana how he would have those notes redeemable, by specifying one metal or giving the option to the Secretary of the Treasury to redeem in either?

Mr. VOORHEES. Yes.

Mr. JONES, of Nevada. Would the Senator like to have them redeemable solely in silver or solely in gold?

Mr. VOORHEES. I will answer you. I know the Senator's real mind. He believes that the silver dollar is as good as the gold dollar, and that it ought to be so, and so recognized; and that being the case, let me ask him why should there be any discretion left to the Secretary which he will pay out? Let him pay both; let him pay either. It is money that he is to pay. It makes no difference, if one is as good as the other, whether he pays with a gold or a silver dollar.

Mr. JONES, of Nevada. In order to pay both or either he must have the discretion which this bill gives him.

Mr. VOORHEES. I thought it would be long before I would come in conflict with the honorable Senator from Nevada. I learned my lesson when I first entered this body under his teaching in behalf of the silver dollar. If he has changed his views I have not changed mine. If he has other views, I have the same that I have had for years, and with which I will go back to the people who have honored me with a seat in this body.

Mr. President, it was well pointed out by the able Senator from Texas [Mr. COKE] that after July, 1891, there is no compulsion in this bill to coin any silver. Let me read a little and see what this discretion looks like. Section 3 says—

That the Secretary of the Treasury shall each month coin 2,000,000 ounces of the silver bullion purchased under the provisions of this act into standard silver dollars until the 1st day of July, 1891, and after that time he shall coin of the silver bullion purchased under the provisions of this act as much as may be necessary.

For some purpose that he is to carry out, "as much as may be necessary," and he is to be the judge in the matter, of course. There is a discretion after July 1, 1891, where silver can be discriminated against.

Mr. President, I will not say that this bill is a cheat, I will not say it is a fraud, because of the presence I am in, but under its malign influences I will say that silver instead of reviving as a currency, instead of being more potent as a factor for the people's prosperity, will wither, shrink back, and take its place as a miserable commodity instead of being clothed with the dignity of money.

Sir, the Senator from Ohio [Mr. SHERMAN] was inaccurate in another statement. He said this bill had passed the House of Representatives after full consideration. I deny it; I utterly deny it. I assert here that if the bill had had free way without the tyranny of existing circumstances, 40 majority would have marked the passage of a free-coinage measure in the House of Representatives. The people are behind the measure, and when they are you will generally find members of Congress going for it. If the Senators here who represent little States on the Atlantic coast, whose constituents are interested in the scarcity of money so that their investments may be more valuable and the purchasing power of money great over property and labor, think there is hostility in the great mind of the American people to the free coinage of silver, they are mistaken. Let them cross the Alleghanies and go into the great valleys of the West; go into the great laboring and mining regions of this country up in Wisconsin and everywhere else, and you will find that the people who produce the greatness of this country by labor are in favor of a free-coinage measure.

I deny that it has had full consideration in the other House. It did have full consideration in this body. I took but little part in it. I saw that everything was going on well, and I rejoiced when 17 majority pronounced in favor of the free coinage of silver, and it is a day of shame and degradation, in my judgment, when that majority is wiped out by the report of the committee of conference, and the Senate is asked to recede, to retrograde, to go back, to leave the whole question to the hostile Treasury Department, to see what will become of it.

I shall not vote for this bill. I shall vote for no such bill, unless it should be as a choice of evils. I was going to say that I would vote for no bill except one for the free coinage of silver. I will vote for any bill that betters the present law; but I agree with the Senator from Texas that this is not an improvement upon the present law. On the contrary, it makes the situation more vague, more uncertain, leaves the Secretary more discretion, and consequently involves the people's interests in more doubt.

The PRESIDENT *pro tempore*. Is the Senate ready for the question upon agreeing to the report of the committee of conference?

Mr. VEST. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. TELLER. Mr. President, I do not intend to detain the Senate at any great length upon this conference report. I realize full well and my experience as a member of this body has taught me that in most cases legislation proceeds upon a compromise, and my experience has also shown me that in a great majority of cases compromises are unsatisfactory to both sides, and I have not much doubt that if this

conference report is accepted and this bill becomes a law, we shall find that it is not entirely what we supposed it would be, and perhaps not what either side expected it would be.

Mr. President, the silver question has been very thoroughly discussed. It has been discussed here, been discussed in the public press, and I agree with the Senator from Indiana [Mr. VOORHEES], who has just taken his seat, that these are about the only places where it has been discussed. I am restrained by the courtesies that are due to another body from expressing my opinion, which I would gladly do were it proper for me to do so, with reference to the course of another branch of the Legislature in reference to this question. I do not believe I shall depart from the usual courtesy and go beyond the proprieties of this place if I say that in my judgment nothing done with reference to this bill in that House redounds to the honor of the American name.

I shall not exceed, I think, the proprieties of debate when I say that what has been considered the representative body of the American people absolutely flouted in the face of the American people the demand made upon them by Wall street, disregarding in every way the public sentiment of their constituents, for I agree with the Senator from Texas that two-thirds of the American people to-day are in favor of the free and unlimited coinage of silver, and I predict here now, whether I shall be a member of the Fifty-second Congress or not, that there will be a majority in the next House of Representatives in favor of the free coinage of silver, and there will be a bigger representative vote in this body in favor of the free coinage of silver in the Fifty-second Congress than there has been in this; not simply because we shall add two new States with four more Senators, but because I believe we have reached a position in American affairs when the American people propose to be heard upon this financial question, when the American people, the men who toil in mills, and in machine-shops, and in mines, and on farms, and in counting-houses, propose to take some hand in the legislation which concerns them so much as the legislation touching money does in this country.

Mr. President, the debate in this body has I think been conducted with reasonable feeling on both sides, with reasonable temper, considering the importance of the subject discussed. It has not been so discussed in the public press. We have been derided. We men who have been in favor of continuing a policy that originated with the very origin of the Government, the maintenance of the bimetallic system, have been derided and calumniated and slandered, not only in the public press, but in another branch of the legislative department. We have been told that this legislation was born of a desire to get cheap money. We have been told that its principal advocates were those only who were interested in the production of silver.

Mr. President, the people of the State that I in part represent produce more silver than any other community in the world. I would like to inquire of somebody if it is a disgrace to produce that which has been from the dawn of civilization the mainstay and the hope of commerce, the mainstay and the hope of civilization. I want to know whether the men who produce silver are not as good and have not the same right to present their interests here as the men who produce iron, or woolen goods, or anything else.

Mr. President, the men who produce silver do not rob anybody. They do not steal anything that belongs to anybody else. When the hardy miner comes out of the pit at night, if he has put in circulation an ounce more of silver or a fraction of an ounce more of gold than was in circulation before, has added to the wealth of the world, and he has taken nothing from anybody else. And so, Mr. President, if I had made extended arguments in defense of silver, I should have done what my brother Senators have done in the best interest of their States. I have said here, and I repeat again, that I have not been moved in this matter with reference specially to increasing the value of the product of my State because it is produced within the boundaries of my State.

I have been in favor of giving it an enhanced value because it is an American production. I have been in favor of it principally, however, because its enhanced price insures and secures, not only to the people of this country, but of all the world, its use as a money metal; and so I have taken the time of the Senate on more than one occasion to speak in defense of this interest, not, I repeat, because it was the interest of Colorado alone, but because it was the interest of all the people of the United States and all the people of the world.

In another place when this matter was under discussion briefly, trammelled, obstructed, and hindered, where there was no fair expression of opinion, where there was no opportunity to put the bill in proper shape, where there was denied, arbitrarily and illegally as it seems to me, the opportunity to make amendments, it was said that there had been around the Senate and around the House during the past winter an extensive lobby in the interest of silver. I deny it. I assert here that there has been no lobby about the Senate nor about the House in favor of silver. Last fall the people of the United States, without reference to party, assembled in the city of St. Louis in the interest of the use of silver as money.

The State of Colorado and all the other mining States were represented, and I believe I am stating the exact facts when I say that every State in the Union had there its representative. In that convention a com-

mittee was appointed to look after legislation, a proceeding that was perfectly proper in accordance with American methods and American ideas. The distinguished president of that association, long a member of the other House, and two distinguished men who are connected with the mining interests of the West, appeared here as the representatives of that body and expressed their views upon this subject, and aside from that I affirm that there has been nobody here in the interest of silver that can be considered a lobby or a lobbyist at all.

Was there any impropriety in the president of that association and the members of that executive committee coming here and expressing their opinions upon this subject? None whatever. There were in this body very few, if any, members who could not have derived information, advantageous information, from consultation with those members of that association. On the other hand, has there been anybody here, has there been any interest brought to bear upon this body or upon any other body, that has thwarted the will of the people, that has made it impossible now for the Fifty-first Congress in its first session to secure any legislation in accordance, as I believe, with the will of the people of this country and in accordance with the very decided expression of opinion of this body?

Mr. President, I aver here, and I think nobody will deny it, that there has never been so much pressure brought upon the American Congress at any time, certainly not in the thirteen years that I have been connected with public affairs, as has been brought to defeat the free coinage of silver at this session of Congress.

We were told that there was a silver ring, and that gentlemen high in public place had been invited to participate in a silver speculating ring. I shall not assert what any gentleman alleges to be untrue, but if there has been a silver ring connected with the agitation of the silver question, I have not known of it myself, and I shall have an opportunity, I think, to say, and I think it will be fair to me say, that I do not believe that any has existed. It is barely possible that there are men who might have desired to organize a silver ring, but I do not believe there has been any, or any attempt to get up a ring to unduly increase the price of silver; and if there had been such an effort made it would only have been in accord with the efforts made in other sections and other interests pending legislation in this body.

Mr. President, as I have stated, I believe the American people are decidedly in favor of the free coinage of silver. I believe the American people are now to be cheated out of what they desire, and I believe it is beyond the power of this body to secure to the American people free coinage at this session of Congress; not that I do not believe there is in the House of Representatives more than a majority in favor of free coinage, but because I believe under a system which I do not myself speak of with much patience that voice is stifled and will not be heard. And, Mr. President, it will never be heard until the people of the United States shall send to that body and to this men who are willing to represent them and to represent them in spite of the exterior influences which may be brought to bear upon them, men who are able to withstand the ridicule of the great metropolitan press, men who are able to withstand the influences that the money power of this country knows so well how to bring to bear, men who are enabled to withstand the influences of an Administration and who are willing to forego the favors of the Executive for the purpose of doing that which they consider to be right.

Now, Mr. President, the compromise in this conference report is not satisfactory to me. I did not expect that it would be. Nothing would be satisfactory to me save the free coinage of silver. It is the only proper way to dispose of this question. It is the only way that it will ever be settled. This is a temporary expedient at the best, as was the Bland bill, and the next Congress will be vexed with this question as much as this. I regret that the committee, if they were determined not to give us free coinage, which I suppose would have been an impossibility—I suppose it was impossible for the committee on the part of the Senate to secure from the other branch of Congress under the condition of things there existing any such thing as free coinage of silver—could not in this bill have been a little more explicit.

I exceedingly regret that in the fifth and sixth lines of the proposed bill they should have put what seems to be a discretionary power in the hands of the Secretary of the Treasury. I agree with the Senator from Ohio that it is hardly to be expected that the Secretary of the Treasury would make an excuse of this provision of the bill for the purpose of nullifying the plain intention of the act. The intention of this act is that there shall be purchased every month not less than 4,500,000 ounces of silver. A Senator asks me if I mean that it leaves any discretion. I do not think that the strict and proper interpretation of the bill does leave any discretion with him. That is what I was about to say.

Mr. VEST. Let me ask the Senator from Colorado a question. That is a very important point in this debate, as to the discretion in regard to this purchase. The language to which he has referred in the fifth and sixth lines of the first section provides for the "purchase from time to time" of "silver bullion to the aggregate amount of 4,500,000 ounces, or so much thereof as may be offered." That language is not found in the Bland act or in any other act of Congress heretofore, and I tried to ascertain from the Senator from Ohio, who made this

report, what this language was put in here for. Now, I will ask the Senator from Colorado in regard to its being mandatory or discretionary. We know very well that the price of silver will be fixed by the Treasury Department. Suppose, now, that the Secretary of the Treasury fixes the prices of silver and then the holders of bullion do not offer it, does he not control that market as to the amount that is to be coined?

Mr. TELLER. I do not agree with the Senator from Missouri that the Treasury Department will fix the price of silver.

Mr. VEST. Of course, the Government being the largest purchaser will fix it as they do now.

Mr. TELLER. I do not concede the right of the Secretary to fix the price of silver. The market price of silver is fixed by the course of trade.

Mr. VEST. In whom rests the discretion as to what is the market price?

Mr. TELLER. There is no discretion. He must determine what the market price is, which is not at all difficult, and to say that the Secretary of the Treasury would not do that honestly and fairly, of course, is to charge him with an impeachable offense, one that the House would very deservedly bring him to bar for; but, Mr. President, there is no reason why it should have been put in.

Mr. VEST. Although the Senator was not in the conference committee, I would like to know what his idea is as to the reason why this language was put in, never found in any other bill.

Mr. TELLER. I was about to say that there was no reason why it should have been put in. I do not suppose there is any question but what the silver will be offered. I have no doubt that it will be offered to the extent of 4,500,000 ounces a month, but if it should go to par, if it should be worth \$1.29 an ounce, then I admit that it is possible it would not be offered. Then we should have reached a condition of affairs where I believe everybody admits we should open our mints. It is scarcely possible that that condition of things will arise when Congress is not in session. It would be for the legislative department of the Government then to meet the condition of affairs by opening the mints to the free coinage of silver.

Mr. GEORGE. I should like to ask the Senator a question at such a time as he is willing to be interrupted.

Mr. TELLER. Certainly.

Mr. GEORGE. I should like to know why it was provided in this conference report that the two millions minimum now required by law to be coined monthly should after the 1st day of July next not be coined unless the Secretary of the Treasury desired or deemed it proper. In other words, why have the people of the United States been deprived in this conference report of the right to have at least \$2,000,000 of silver coined each month? I should like to hear the Senator upon that point.

Mr. TELLER. Mr. President, I do not know that I can give any reason for the committee, and as I agree fully with the Senator from Mississippi that it would be very much better to coin all the silver bought, I am not in any condition to answer that question, unless it may be that that is a sop thrown to the people who are crazy, growing out of their ignorance as a general rule or out of their hatred of silver in some cases to have the suspension of all coinage of silver; and that is another compromise, I suppose, that silver shall be coined to 1891, and then it shall be discontinued except under the discretion of the Secretary of the Treasury.

Mr. GEORGE. May I interrupt the Senator now?

Mr. TELLER. Certainly.

Mr. GEORGE. The Senator from Colorado knows very well that when I entered the Senate this morning I was predisposed to vote for this conference committee report upon the ground that we had made a positive advance in the coinage of silver, that whereas now we had only the privilege or the right to have \$2,000,000 a month coined, that under this new bill we shall have, I believe, as a Senator told me this morning, about \$2,800,000 in addition—he made the calculation—to the two millions we now have. My idea was that if we lost nothing by the bill but made a positive gain in the coinage of silver of two millions eight or nine hundred thousand dollars per month, although this gain did not meet my expectations and my desires, I would be very willing to go to that extent; but now it is argued, and with force, and the Senator from Colorado seems to yield that point, that within a year from this time we are to lose the advantage which we now have secured to us by law of a compulsory coinage of \$2,000,000 a month. So I fear, Mr. President, and to that I desire to call the Senator's attention, that if we pass this bill as recommended by the conference committee it will be a retrograde instead of an advanced movement in favor of the free coinage of silver.

Mr. TELLER. Mr. President, if I said anything about \$2,800,000 in addition, I referred to the circulation that would be increased that amount, and not to coinage.

Now, there is a great difference of opinion among men who are in favor of the use of silver as money as to the propriety of continuing the coinage of silver; whether, if we can make use of it as money just as well without coining it, and if we can secure the knowledge to the whole world that it can never be put out except in the shape of coin, that

when it is once lodged in the Treasury it must remain there always unless it is coined, it is wise to continue to coin it or not.

It is asserted with great force that if we have an international agreement that international agreement must be upon a ratio of 15½ to 1. I think everybody admits that the world over. That would necessitate the recoinage of our silver, and of course we should lose what it costs to coin it in the first instance. It is said with great force that if it is not necessary for use as coin, it having been devoted to coin purposes and the world understanding that it can not be put on the market as bullion, it is in just as good condition to do money duty through the certificate as if it was coined.

The change of ratio, if we have an international agreement at all, will necessitate not only the coining of all that is hereafter coined, but the present coinage also, because no mints of Europe would be open unless we should enter into a stipulation with them that we would recoin our money, for if we did not do that they would have a certainty when they opened their mints that the three hundred and odd million dollars of silver in the Treasury would find its way out into the hands of the holders of certificates and immediately go to Europe. That everybody has understood, I suppose, if we enter into an international arrangement at all, which I need not stop here now to say everybody who has given this subject thought knows is most desirable, and I need not repeat what I have said over and over again, that it is almost criminal on the part of our Government that we have not had that arrangement made, because it would have been made if there had been proper efforts on the part of this Administration and the one which preceded it.

It is believed by some that the continued coinage stands in the way of an international arrangement. I do not share in those fears, because if the coin is in the Treasury it will be easy for the Government to stipulate that that coin shall be taken up and recoinage, and if it is afloat in the country it will be necessary for the Government to exchange that for a dollar of less value, paying to the holder the difference between that and the new dollar. Those are the practical questions that we have to meet when we make an international arrangement.

So, Mr. President, I do not attach so much importance to the fact that the coinage continues only one year, because if there is a proper effort made within those twelve months that the coinage is to continue there can be an international arrangement made, and I believe it will be made, for I believe the whole world now has reached such a financial condition that it is considered desirable by all the world, save and except England and Germany, that such an international arrangement should be made to include all, if possible, and even Germany and England are exceedingly anxious now that some international arrangement shall be made between us and other sections of the world.

It has been suggested to me that the bill does not leave it discretionary with the Secretary of the Treasury after 1891 as to the amount that he can coin. It leaves him the judge of how much is necessary. Of course if there is a demand made on him for coin, that will make it necessary for him to coin silver. If no demand is made, I think he will exercise that power by not coining silver. I have no doubt about that.

Now, there is another objection made by the Senator from Missouri [Mr. VEST], which I think is not an objection at all, and that is to the concluding portion of section 2 of this bill:

That upon demand of the holder of any of the Treasury notes herein provided for the Secretary of the Treasury shall, under such regulations as he may prescribe, redeem such notes in gold or silver coin, at his discretion.

When you make the certificates redeemable in coin they are redeemable in silver or gold at the discretion of the Secretary of the Treasury, and if this section had simply said they shall be redeemable in coin, that is just as good and just as definite and just as exact as the statement made in this bill. It means, as the Senator from Nevada says, precisely the same thing. Then the following is added:

It being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio, or such ratio as may be provided by law.

That is a declaration that may seem to be out of place in the bill, but it can do no harm with the bill, and it is a declaration, on our part at least, that we propose to continue the use of silver as money.

On the 29th of May I offered the following concurrent resolution, which I have allowed to lie on the table because of the condition of this bill up to the present time, but which I had proposed to call the attention of the Senate to when this bill should have been disposed of:

Be it resolved by the Senate (the House of Representatives concurring). That it is the determined policy of the United States Government to use both gold and silver as full legal-tender money under the ratio now existing in the United States, or that may be hereafter established by the United States alone, or acting in accord with other nations.

That seems to me to be the sentiment that is now put in the second section of this bill.

I have looked over this bill to see what it would do if it should become a law. I believe yesterday silver was worth about a dollar and four and one-quarter cents per ounce, and to-day I understand it is somewhat higher. It would require, then, at yesterday's prices \$4,700,000 to buy 4,500,000 ounces of silver, and if silver should ad-

vance 5 per cent., or to \$1.05, it would require \$4,725,000 in money to buy it. If it should go to \$1.10 it would require \$4,950,000. If it went to \$1.20 it would require \$5,400,000, and if it went to par it would require \$5,814,000 per month. This would give to us, at \$1.10, about \$59,400,000 per annum, and at \$1.29 it would give a trifle less than \$70,000,000 per annum of increase of currency.

Mr. President, I have believed, and believe now, that there has been a great demand for money in the United States; that the people of the United States have suffered for many years because of lack of circulation until it has become absolutely unbearable to the people of some sections of the country. The tendency of this age and of this civilization is to concentrate great quantities of money in the financial centers. New York has been full of money when the people in the West and in the South have been pressed for money, and there has not been a sufficiency of circulation. Nobody in this controversy has claimed that there was. The Secretary of the Treasury in his report declares there is not, the President has declared there was not, the chambers of commerce and boards of trade have everywhere proclaimed that there was a demand for more money. The low prices, the foreclosures of mortgages, the oppression that is felt by the laboring people of this country, particularly the farming classes, are indicative of a lack of a sufficient circulation.

The best method we could have devised for releasing those people from these burdens would, in my judgment, have been to open our mints to silver, and I should not myself have been frightened if I had seen a hundred million, nay, if I had seen five hundred million of silver coming to this country from abroad. The people of the United States in their business need to-day more than \$300,000,000 more money than they have had and than they have, and they are not going to get it under this bill or any other that is proposed. It is proposed by this bill, if silver goes to par, which I would not like to say it will, that we shall have \$70,000,000. I am not sanguine myself that it will go to par; nay, more, I do not believe it will under this bill, nor do I believe it will ever go to par until there is a full recognition of silver as a money metal in all respects equal to gold in its treatment by this great Government. But if it goes to par we shall have \$70,000,000. We shall release by this bill sixty-odd million dollars more that is tied up in the Treasury. So we shall have \$130,000,000 during the next year if silver goes to par. We shall have somewhere in the neighborhood of from one hundred to one hundred and ten million dollars under any circumstances if this bill becomes a law.

The simple question presented to me is the practical one whether as a friend not simply of bimetalism, not simply as an advocate of the double standard, but as one whose duty it is here to provide the people of the United States some currency with which they can do business and with which they can save their farms from the mortgages and the judgments that have been rendered on them, we can not by the increase of currency increase the price of farm products in this country and the value of farms, and thus save many men who are now absolutely approaching bankruptcy from meeting that unfortunate condition. If this bill is not made a law I see no promise of any relief whatever to the stagnated business of this country.

There is no other method with which I am familiar by which we can put any considerable amount of money in circulation according to sound financial principles except in connection with the purchase of silver, and as much as I dislike to adopt a half-way measure, a measure that to me is somewhat repugnant, not only repugnant because of some conditions in the bill, but repugnant by the measures and the means that have been taken to thwart the will of the people as I believe it would have been expressed if there had been a fair and decent opportunity given for that expression—reluctant, I say, as I may be, I am compelled to support this measure as the only one that offers any relief to the people of the United States for the next few months.

Congress will assemble in December and we shall be in session from then until the 4th of March. If this bill does not work well, then we can reform it. Another Congress will assemble soon after, when the people of the United States will have been heard upon this subject, when they will have had an opportunity to instruct their representatives not only in this body but in the other; and I mistake the temper of the American people and the public sentiment of the American people if the Fifty-second Congress does not deal with this subject in a way that is in full accord with my notions of right and my notions of justice, for I believe my notions of right and my notions of justice upon this question are those of the great majority of the people of the United States.

Therefore, Mr. President, with reluctance I shall support this measure, not believing that it affords the relief the people have a right to demand, but that it affords the only relief that we here can give to them owing to a condition of affairs that, I repeat, is not at all creditable to the American people.

Mr. STEWART. Mr. President, if this bill become a law and is executed in good faith, as we are bound to assume that it will be, and four and a half million ounces of silver are purchased each month, it will give great relief, and I am confident that it will be an object lesson that will lead to free coinage. It is true under the bill it is in the power of the Secretary of the Treasury to impair its usefulness by not

purchasing the full amount each month, but any failure to do so on the pretext that it was not offered at the European market value would be such a plain violation of the spirit of the law that it would bring down universal condemnation, and we can not assume or believe that there will be any such dealing with the administration of the law. I believe that we shall purchase the full four and a half million ounces each month; that it will raise the price of silver and enhance the price of farm products, increase our exports and increase the exports of farm products, relieve the American people more than many now anticipate, and that ultimately we shall have the full use of silver.

I am confident that if by the administration of this bill it does not meet the anticipation of the people, or with its full administration it does not answer the purpose, the country is sufficiently educated now to take the next step immediately. If it works well—furnishes the relief desired—it will stand for a considerable time; it will stand probably until we can get co-operation with the Latin Union. I do not anticipate co-operation with England and Germany. I think we shall make no effort to get them. England has been on a single gold standard since 1819 by the act which she passed in 1816, and it is not probable that she will change. Germany has adopted the policy of England, and they can stand on a gold basis.

France, and the associated nations with France, and the United States are abundantly able to maintain bimetalism without any doubt on the part of any one who has considered the subject. I have no doubt that the United States can do it alone. Others have some doubts on that subject. They have consented to take this step, which is in the right direction, and it is a law that we can get; it is all that we can get; and it seems to me that it should receive the vote of every friend of silver.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The question is on concurring in the report of the committee of conference, on which the yeas and nays have been ordered.

Mr. COCKRELL. Mr. President, I can not vote for this conference report. My objections to it I will state as briefly as I can.

I do not agree with the distinguished Senator from Ohio [Mr. SHERMAN] in his interpretation of the first section of this bill. He says that it is mandatory upon the Secretary of the Treasury to purchase 4,500,000 ounces of silver monthly. I do not believe that that is the true interpretation of this clause. The language is:

That the Secretary of the Treasury is hereby directed to purchase from time to time silver bullion to the aggregate amount of 4,500,000 ounces—

Now, that would be mandatory, but the qualifying words are: or so much thereof as may be offered, in each month, at the market price thereof, not exceeding \$1 for 371.25 grains of pure silver.

Mr. MITCHELL. May I ask the Senator a question right there?

Mr. COCKRELL. Certainly.

Mr. MITCHELL. Does the Senator, in speaking of the qualifying words, refer more particularly to the words which speak of the market price?

Mr. COCKRELL. I refer to the words "or so much thereof as may be offered," in connection with the market price. I say that under this proposed law the Secretary of the Treasury determines, decides, declares what is the market price. Nobody else can do it.

Mr. JONES, of Nevada. May I ask the Senator why equally the Secretary of the Treasury does not declare the market price under the Bland act? The law says that he shall buy at the market price, and fixes that as the price.

Mr. COCKRELL. Under the Bland act, which I hold in my hand, he must purchase a certain amount.

Mr. JONES, of Nevada. At the market price?

Mr. COCKRELL. Yes; but not "or so much thereof as may be offered, in each month, at the market price."

Mr. JONES, of Nevada. He could not buy more than the law fixed at the market price.

Mr. COCKRELL. The Bland act says that he must purchase not less than \$2,000,000 worth in each month at the market price.

Mr. JONES, of Nevada. But suppose he can not get it at the market price?

Mr. COCKRELL. But he always has done so.

Mr. JONES, of Nevada. He fixes the market price equally under the Bland act as he will do under this bill.

Mr. COCKRELL. He fixes the market price there, but that amount is not one-half the product of the United States, while in this case you give him the power to purchase 4,500,000 ounces a month, which per year is greater than the product of the mines of the United States; and you say "or so much thereof as may be offered." You do not compel him by saying that he must purchase 4,500,000 ounces per month.

Mr. JONES, of Nevada. Then the Senator is afraid there will not be that much silver offered to the Secretary of the Treasury?

Mr. COCKRELL. He is to purchase it at the price which the Secretary of the Treasury may determine to be the market price.

Mr. JONES, of Nevada. But he is not obliged to buy the \$2,000,000 worth a month under the Bland act, except at the market price.

Mr. COCKRELL. I say he is obliged to buy \$2,000,000 worth a month under the Bland act.

The PRESIDING OFFICER. The Senator from Missouri will sus-

pend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The SECRETARY. A bill (S. 3738) to place the American merchant marine, engaged in the foreign trade, upon an equality with that of other nations.

Mr. FRYE. This conference report being privileged, I ask that that bill may be informally laid aside.

The PRESIDING OFFICER. It will be so ordered, unless there is objection. The Chair hears none. The Senator from Missouri will proceed, the conference report being before the Senate.

Mr. COCKRELL. Mr. President, the Bland act is very simple. I have it here in my hand and will read it.

That there shall be coined, at the several mints of the United States, silver dollars of the weight of 412½ grains troy of standard silver, as provided in the act of January 18, 1837, on which shall be the devices and superscriptions provided by said act; which coins together with all silver dollars heretofore coined by the United States, of like weight and fineness, shall be a legal tender at their nominal value, for all debts and dues public and private, except where otherwise expressly stipulated in the contract. And the Secretary of the Treasury is authorized and directed to purchase, from time to time, silver bullion, at the market price thereof, not less than \$2,000,000 worth per month, nor more than \$4,000,000 worth per month, and cause the same to be coined monthly, as fast as so purchased, into such dollars; and a sum sufficient to carry out the foregoing provision of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated.

There the Secretary has just as much authority precisely to purchase \$4,000,000 worth as he has to purchase \$2,000,000 worth, and every Secretary of the Treasury, Republican or Democratic, has exercised that discretion by purchasing the minimum, \$2,000,000 worth per month. Have we any assurance that the present Secretary of the Treasury or any future Secretary may not exercise the same discretion and purchase just as little as possible under the law?

Mr. JONES, of Nevada. No; he can not do it. There is no discretion.

Mr. COCKRELL. The Senator from Nevada says that there is no discretion. A moment ago the Senator said it was the same discretion that was given in the Bland act.

Mr. JONES, of Nevada. That is no discretion.

Mr. COCKRELL. No discretion?

Mr. JONES, of Nevada. No.

Mr. COCKRELL. Then the Secretary is compellable. Why has not the Secretary purchased \$4,000,000 worth per month under the Bland act?

Mr. SPOONER. Will the Senator allow me to ask a question?

Mr. COCKRELL. Certainly.

Mr. SPOONER. I understood the Senator from Nevada to ask the Senator from Missouri, and I should like to have him answer that question, if under the Bland law, so called, the Secretary of the Treasury has the power to fix the market price at which the silver bullion is purchased.

Mr. COCKRELL. Oh, no.

Mr. PLUMB. Let me make a suggestion there.

Mr. SPOONER. If he has not the power under the Bland act to fix the market price, how does he obtain the power to fix the market price under the proposed law when the language is precisely the same?

Mr. COCKRELL. I will explain that. He has no discretion under the Bland act, but must purchase \$2,000,000 worth a month.

Mr. JONES, of Nevada. At the market price.

Mr. SPOONER. At the market price.

Mr. COCKRELL. He must purchase that much, and the price must be the market price, but it does not make a bit of difference what the market price is, he must purchase so much silver.

Mr. PLUMB. That is to say, instead of fixing the market price he simply determines for Treasury purposes what the market price is. That he has to find out. He has to purchase \$2,000,000 worth a month and he has to purchase at the market price. He can not make the market price, not being the only purchaser of silver, but he can determine what the market price is, and when he has determined that he buys the silver at that price.

Mr. COCKRELL. Now, the Bland act says the Secretary of the Treasury shall—there is no discretion about it—purchase not less than two million and not more than four million dollars' worth. He has the same discretion to purchase four million that he has two million. This is to be at the market price. If the Secretary of the Treasury purchases the minimum he is exercising a discretion against silver. He has purchased only the minimum, and he had to purchase that; there was no discretion about it up to that amount.

Mr. JONES, of Nevada. At the market price.

Mr. COCKRELL. At the market price; and he could not fix the price. Whatever it was offered to him at was the market price, and he was compelled to take it. Now, this bill here is no such thing; it is just the reverse.

Mr. MITCHELL. May I ask the Senator from Missouri a question?

Mr. COCKRELL. Certainly.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. COCKRELL. Certainly; certainly.

Mr. MITCHELL. Suppose this conference report is adopted and

the bill reported by the conference committee becomes a law, and some owner of silver bullion every month in the year as the months come around offers to the Secretary of the Treasury 4,500,000 ounces of silver at the market price. He says to him, "I have 4,500,000 ounces of silver that I want to sell to you as Secretary of the Treasury, and I now offer it to you, and I propose to take for it the market price, whatever that is." Now, I want to know if in a case of that kind the Secretary of the Treasury has any discretion to say that he will not buy it.

Mr. COCKRELL. Not if the question of fixing the price is left to the Secretary of the Treasury and it is offered. But suppose the Secretary fixes the price in advance and nobody offers it, then where are you? Not an ounce would be offered.

Mr. MITCHELL. By what authority or upon what principle does the Senator say that the Secretary can fix the price?

Mr. COCKRELL. I will show you. The bill provides—

That the Secretary of the Treasury is hereby directed to purchase from time to time silver bullion to the aggregate amount of 4,500,000 ounces, or so much thereof as may be offered, in each month, at the market price.

He is not compellable to purchase 4,500,000 ounces; there is no compulsion. He is only compellable to purchase as much as may be offered of that amount at the price which he may declare to be the market price. That is the legitimate and proper construction of this proposed act.

Mr. PADDOCK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. COCKRELL. Certainly.

Mr. PADDOCK. I should like to ask the Senator from Missouri how the market price to-day would be determined as to silver. Would it not be the quotable valuation not only here but in London and Liverpool and Paris, wherever silver may be offered for sale; and is that rule likely to be changed? Is it not a permanent and fixed and certain method by which the valuations of precious metals and other commodities which are articles of commerce are determined?

Mr. COCKRELL. No, Mr. President, for the determination of the price of silver there is no rule. It fluctuates precisely like wheat, like oats, like bacon, like lard, like any other product.

Mr. PADDOCK. Is not that the case now? Are not the purchases made now under the same rule?

Mr. COCKRELL. Certainly they are.

Mr. PADDOCK. The market price is determined under that rule now, and has been ever since the authority was given to purchase \$2,000,000 worth of bullion a month.

Mr. COCKRELL. Unquestionably it has, but there was compulsion, \$2,000,000 worth had to be purchased and coined and \$4,000,000 worth might be purchased and coined; but no Secretary has ever exercised the discretion in favor of silver.

Mr. PADDOCK. It can not be purchased unless somebody offers it.

Mr. COCKRELL. What does the Senator say?

Mr. MITCHELL. Mr. President—

The PRESIDING OFFICER. The Chair understands the Senator from Missouri to yield to the Senator from Nebraska?

Mr. COCKRELL. Certainly I yield. I will yield to the Senator from Oregon [Mr. MITCHELL] in a moment.

Mr. PADDOCK. It can not be purchased unless somebody offers to sell it. There has got to be an offer for sale; somebody has to present the silver for sale before any purchase can be made.

Mr. COCKRELL. Certainly.

Mr. PADDOCK. And the price is fixed in the markets of the world; under a commercial usage as inexorable as law.

Mr. MITCHELL. Now will the Senator allow me?

Mr. COCKRELL. Certainly.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. COCKRELL. With pleasure.

Mr. MITCHELL. The question I desire to ask the Senator from Missouri is this: He says the Secretary of the Treasury under the Bland act has the power and the right to fix the price of silver. Suppose he should determine what price he would pay, and he would say so to the owners of silver bullion, and not a man should respond, there would not be an ounce furnished, and therefore he could not buy and would not buy. What I want to know is, would the Secretary of the Treasury be impeachable for not buying \$2,000,000 worth per month under the Bland act in that case.

Mr. COCKRELL. Yes, he would be under the Bland act, just the reverse of what he would be under this proposed act. He must purchase not less than \$2,000,000 worth per month under the Bland act. You have no limit here.

Mr. MITCHELL. He, then, under the Bland act could fix the price at one-half what it was worth in his discretion?

Mr. COCKRELL. Oh, no, no.

Mr. MITCHELL. And then because the bullion was not forthcoming he would be impeachable for not buying it.

Mr. COCKRELL. Not at all. I said no such thing.

Mr. MITCHELL. That is the logic of the Senator's argument.

Mr. COCKRELL. I was speaking of what could be done under this

proposed law, and the Senator is mistaken. In the plainest interpretation and the plainest English, I say under the Bland act the Secretary was compelled to purchase not less than \$2,000,000 worth a month and not more than \$4,000,000 worth, it made no difference what the price was.

Mr. MITCHELL. But the Senator—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. COCKRELL. With pleasure.

Mr. MITCHELL. But the Senator says in the same breath that the Secretary of the Treasury fixes the price, and that the Bland act provides that the bullion must be purchased at the market price.

Mr. COCKRELL. At the market price?

Mr. MITCHELL. Yes.

Mr. COCKRELL. Now, let the Secretary fix it under the Bland act. Suppose he says that a certain figure is the market price and it is not offered, and another man offers it at a higher price; he is compelled to take it.

Mr. MITCHELL. Suppose nobody offers any?

Mr. COCKRELL. That supposition is not possible—

Mr. MITCHELL. It is.

Mr. COCKRELL. Because we produce in this country over \$2,000,000 worth every month.

Mr. MITCHELL. But the Senator from Missouri has insisted from the first in his argument to-day that in the Bland act the Secretary of the Treasury was absolutely compelled to buy at least \$2,000,000 worth every month.

Mr. COCKRELL. Certainly, there is no question about it; and I will repeat it if the Senator is not satisfied about it.

Mr. MITCHELL. The Senator says, furthermore, that the Secretary of the Treasury has the power to fix the price. Now, I say as to that, suppose he fixes the price at a figure that nobody will sell at, and therefore he can not buy at the market price, as the law compels him to buy, is he impeachable?

Mr. COCKRELL. I said under the Bland act he would be, because he is compelled to purchase that amount, and whatever the price may be he must purchase it. If he says the market price is one thing and the only offers he can get are at a higher price, he must purchase at that higher price.

Mr. JONES, of Nevada. I ask the Senator if there is any different statement—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. COCKRELL. With pleasure.

Mr. JONES, of Nevada. Is there any different statement regarding the market price in this conference bill and in the Bland act?

Mr. COCKRELL. Not so far as purchasing at the market price is concerned, but there is as to the amount to be purchased.

Mr. JONES, of Nevada. But it must be offered in either case.

Mr. COCKRELL. No, not a bit of it.

Mr. JONES, of Nevada. No purchaser can buy unless the article is offered.

Mr. COCKRELL. Ah, that is a roundabout reasoning. The Bland act says—

That there shall be coined, at the several mints—

Mr. JONES, of Nevada. When offered and purchased.

Mr. COCKRELL. I beg pardon; it does not say any such thing; not a word of it. The Bland act says—

That there shall be coined, at the several mints of the United States, silver dollars of the weight of 412½ grains. * * * And the Secretary of the Treasury is authorized and directed to purchase, from time to time, silver bullion, at the market price thereof.

How? "Or for so much thereof as may be offered?" Not a word of it.

Mr. JONES, of Nevada. Mr. President—

Mr. COCKRELL. Wait just a moment. He is compellable to purchase silver bullion at the market price thereof—

not less than \$2,000,000 worth per month, nor more than \$4,000,000 worth per month.

Not as in the present bill, "or so much thereof as may be offered," but not less than so much, and not more than so much.

Mr. JONES, of Nevada. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. COCKRELL. With pleasure.

Mr. JONES, of Nevada. The words "directed to purchase" and "shall purchase" mean substantially the same thing; and it strikes me the Senator is making a mountain out of a mole-hill. The fact of the business is, that it was believed, and I believe, unless the production of silver shall largely increase, the 4,500,000 ounces per month will more than exhaust the world's demand at the rate of a dollar for 371½ grains of pure silver, and that clause was simply put in so that in case all the silver available for purchase was exhausted, the Secretary of the Treasury would have fulfilled the law by purchasing all that was offered at a price not exceeding a dollar for 371½ grains.

Mr. COCKRELL. Mr. President, I profess I am profoundly aston-

ished at the silver-tongued orator from Nevada, the senior Senator, in his last statement in regard to the product and the reason why the clause "or so much thereof" was inserted. The country had learned to look at the distinguished Senator as the great champion of the double standard, of the perfect equality of gold and silver as coin and bullion. The clarion notes of his eloquent, logical speech in this body had sounded and echoed throughout the length and breadth of the land, and the people had cried aloud, "Well done, thou good and faithful servant." But when the people of this country read this compromise report, I fear their opinion of my distinguished friend, the great champion of the double standard, will be changed.

Mr. JONES, of Nevada. I am not afraid of it.

Mr. COCKRELL. I fear it will be changed, for I assert that this bill gives away every particle of what was proposed in the Senate substitute for silver as the equal of gold. This reverts back to the single gold standard and leaves silver as a mere commodity, mere merchandise, like wheat, and tobacco, and corn, and oats, as I shall show before I finish.

But I insist that one of the fatal defects in this bill is in the first clause, "or so much thereof as may be offered," and that the Secretary has an absolute discretion first to fix the market price and then to take only what is offered. He may say that the price in London shall be the market price here.

Mr. DANIEL. Will the Senator from Missouri allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Virginia?

Mr. COCKRELL. With great pleasure.

Mr. DANIEL. Where is there any authority in this bill for the Secretary of the Treasury to fix what is the market price? Is there any authority in the bill for the Secretary of the Treasury to fix the market price?

Mr. COCKRELL. Certainly. He is to purchase it, and purchase it at the market price, and therefore he must fix the price.

Mr. DANIEL. He is to ascertain and find out what is the market price.

Mr. COCKRELL. He is to determine it, to fix it.

Mr. DANIEL. He is not to prescribe what it shall be.

Mr. COCKRELL. Why not? I say he is to fix it by determining what it is. That is fixing the price. He ascertains what it is; he learns what it is; he may say that the price in London shall be the market price in the United States, and that is the great center of the silver market of the world, where it is measured as a mere commodity by the single gold standard of Great Britain, or he may say that the market price in France—

Mr. PADDOCK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. COCKRELL. Certainly, I will yield.

Mr. PADDOCK. I should like to inquire of the Senator if the Secretary of the Treasury fixes the price, which he calls the market price, and there is yet another market price in London, New York, Paris, and the other great commercial marts of Europe and of this country, which is accepted by the dealers of the world as the market price governing all transactions in silver everywhere, which of these market prices would obtain, and control, and govern as to the purchases under this law by the Secretary.

Mr. COCKRELL. I do not understand the Senator's question. What is it? Let me hear it again.

Mr. PADDOCK. I say if the Secretary of the Treasury has authority, as the Senator says, and should make what he should call a market price himself, and there should be yet another market price, a different market price known to London, known to Paris, known to New York, which market price would obtain, the one fixed by the Secretary of the Treasury or the one fixed and recognized everywhere, for the dealings of the world in silver bullion?

Mr. COCKRELL. The one fixed by the Secretary of the Treasury, as a matter of course.

Mr. PADDOCK. Not at all.

Mr. COCKRELL. By the Secretary of the Treasury. He alone fixes the price. He alone determines what the price is in the market.

Mr. PADDOCK. But he must take the market price which the world accepts as the market price, which the rules of commerce and of trade establish and determine as the market price at the time he purchases.

Mr. COCKRELL. The price varies; it goes up and down on the same day. In the morning it opens at one price and in the evening it closes at another. Now, the Secretary determines what is the price on that day, and he can fix it just as he pleases within the range. I admit that no Secretary would probably undertake to fix a price entirely disproportionate to what the market price might be in buying and selling where there was buying and selling, but within the lines of fluctuation he would fix it.

Mr. PADDOCK. Yes, within the lines of fluctuation, within the range of prices which obtain in the markets of the world he must con-

fine himself. That is the market price which the law determines as the market price.

Mr. COCKRELL. Let me ask the Senator a question, answering him in a Yankee way by asking him a question. What is the world's market price?

Mr. PADDOCK. The world's market price is established by the consensus of all dealers. It is the price which is regulated by the dealings daily and hourly, every day and every week, throughout the world.

Mr. COCKRELL. When they fluctuate—

Mr. PADDOCK. From hour to hour, from day to day, and from week to week.

Mr. COCKRELL. When they are one thing in New York to-day, another in Chicago, another in Kansas City and St. Louis, and a different one in England, and a different one in Paris, and a different one at some other place, what is the consensus?

Mr. PADDOCK. But they are all the same, taking into account the differences in the conditions and situations.

Mr. COCKRELL. I am astonished at the Senator undertaking to say that there is a given sum which is the world's price for any merchandise or commodity.

Mr. PADDOCK. Does not the Senator know that the price of silver is quoted four or five times a day, or perhaps even more frequently in all the leading markets of the world?

Mr. COCKRELL. Yes; and it varies at every quotation.

Mr. PADDOCK. That quotation is what the world recognizes; and by it all transactions are governed.

Mr. COCKRELL. It varies at each quotation. Now, varying at each quotation and each day, what is the market price?

Mr. SPOONER. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Wisconsin?

Mr. COCKRELL. Certainly; with pleasure.

Mr. SPOONER. Has there been any difficulty, does the Senator know, in ascertaining the market price for purchases under the Bland law?

Mr. COCKRELL. I suppose not, because there was a greater quantity in the market than there was a demand for. There was a greater amount of bullion, and within the amount which the Secretary would offer to buy he would say, "I will give this day so much an ounce," and they would gladly take it, because there was no other market.

Mr. SPOONER. If the Secretary of the Treasury could without difficulty ascertain the market price under the Bland law, why may he not without difficulty ascertain the market price under this proposed law?

Mr. JONES, of Nevada. By the same means.

Mr. SPOONER. And by the same means. The market price would not be one thing under the operation of one law and another thing under the operation of the other, would it?

Mr. COCKRELL. In the exercise of the same discretion which every Secretary of the Treasury has exercised under the Bland act, to purchase just as little as possible, the Secretary will be bound, if he believes it right, to purchase just as little as possible; and if he can fix the market price, and there is no appeal from the price, and if he can fix the market price so that none will be offered, he will do it.

Mr. SPOONER. Is it not—

Mr. HARRIS. I should like to ask the permission of both the Senator from Missouri and the Senator from Wisconsin to put a question. Suppose the holder of silver bullion should offer a given amount of silver to the Secretary of the Treasury, asserting that the market price is at the rate of \$1 for 371½ grains of pure silver, and the Secretary of the Treasury should answer, "I want to buy silver, but the market price is 20 cents below that," who is to decide, with this issue between the holder and the Secretary of the Treasury? Would he buy at all; and if so, at what price would he buy?

Mr. SPOONER. The market price is a question of fact. The market price of any commodity is a question of fact. The market price of the day is known.

Mr. HARRIS. But when one of the contracting parties insists that the market price is one thing and the other proposed contracting party considers that the market price is another thing, is there any appeal from the decision of the purchaser?

Mr. SPOONER. It would obviously be for the Secretary of the Treasury to ascertain what is the market price, just as he has done under the Bland act, by what the quotations are when he advertises for the purchase of so much silver.

Mr. JONES, of Nevada. Nobody disputes them; they are published every day.

Mr. SPOONER. The quotations are daily published, just as the quotations of wheat, and corn, and other commodities.

Mr. PADDOCK. In such a case as that, if the Senator from Wisconsin will allow me, where there may be a controversy as to price, of course it would be determined by the last quotation before the offer. That would control absolutely, and it so does now in every market of the world. The last quotation recorded and published controls the

price of the article that is offered for sale thereafter until a new quotation is made as the result of a later sale.

Mr. COCKRELL. Suppose there was 3 cents difference on an ounce between the price in London and New York?

Mr. BLAIR. May I ask the Senator a question? There are two speaking on that side, and there ought to be two on this side.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. COCKRELL. With a great deal of pleasure.

Mr. BLAIR. I wish to ask the Senator, if the Secretary of the Treasury is not to purchase at the market price, what price is it?

Mr. COCKRELL. He is to purchase at the market price provided it is offered, and now he has to ascertain, and determine, and declare what that market price is. Under the Bland act he must purchase \$2,000,000 worth a month, and under this bill he will only purchase as much as may be offered. There is the difference between them.

Mr. BLAIR. At what price?

Mr. COCKRELL. One is an absolute, unconditional requirement, and the other is a discretionary one.

Mr. BLAIR. At what price is he to purchase under either measure?

Mr. COCKRELL. Under the Bland act he is to purchase at the market price, but he must purchase \$2,000,000 worth a month, and if he and the purchaser can not agree upon what the market price is he must purchase it at whatever he can get it at, because that will be the market price.

Mr. BLAIR. Under this bill or under that law?

Mr. COCKRELL. He must purchase it at whatever the holder will take for it. He must purchase it. He must have the \$2,000,000 worth every month under the Bland act. He must take it at whatever price it is offered, and that will be to him the market price. But in this other case he is to purchase how much? Four million five hundred thousand ounces, "or so much thereof as may be offered, in each month, at the market price." Now, there is the difference between the two measures. One of them compels \$2,000,000 worth to be purchased per month, and the purchase must be at the market price, and the Secretary must purchase it at whatever price it is offered, because he has no discretion as to the amount. He has a discretion from \$2,000,000 worth up to \$4,000,000 worth.

Mr. HISCOCK and Mr. JONES, of Nevada, addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri will suspend a moment until order is restored in the Senate Chamber. It is impossible to hear two or three Senators, or three or four, talking at one time.

Mr. COCKRELL. I yield to the Senator from Nevada.

Mr. HISCOCK. I should like to inquire of the Senator from Missouri if he will permit me—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New York?

Mr. COCKRELL. I yield to anybody; one at a time is all I ask.

Mr. HISCOCK. Does the Secretary of the Treasury have the power to reject offers under the Bland act?

Mr. COCKRELL. If more than \$2,000,000 worth is offered, but if—

Mr. HISCOCK. Wait.

Mr. COCKRELL. No; he has no right to reject over \$2,000,000.

Mr. HISCOCK. Is that the only condition?

Mr. COCKRELL. He must purchase \$2,000,000 worth, it makes no difference what the price is. There is no limit upon him in that respect. It must be purchased, and whatever price it is offered to him at is the market price.

Mr. BLAIR. Suppose \$4,000,000 worth is offered under the bill—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. COCKRELL. I am yielding to the Senator from New York.

Mr. HISCOCK. Do I understand the Senator—

The PRESIDING OFFICER. It is impossible for the Reporter to hear a Senator speaking and the Chair at the same time. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. COCKRELL. No; I am yielding to the Senator from New York, and then I will hear the Senator from New Hampshire.

Mr. HISCOCK. Do I understand the Senator from Missouri to argue that the Secretary of the Treasury has not the power to reject the offer on the ground of excessive price?

Mr. COCKRELL. Under what?

Mr. HISCOCK. Of silver, under the Bland law.

Mr. COCKRELL. No, to more than \$2,000,000 worth a month.

Mr. HISCOCK. No matter what the price is. Do I understand the Senator to argue, no matter what price is attached to the offer, conceding that it is above the market price of the world 5 cents an ounce, he is compelled nevertheless to accept it?

Mr. COCKRELL. I say under the Bland act he must, without any discretion, coin \$2,000,000 worth of silver per month—

Mr. HISCOCK. The Senator does not answer my question.

Mr. COCKRELL. Just wait till I finish my sentence. I say under the Bland act he must coin \$2,000,000 worth of standard silver dollars per month, and he must obtain the bullion by purchase in the open

market at the market price not less than \$2,000,000 worth per month, but that over \$2,000,000 worth and up to \$4,000,000 worth he has a discretion.

Mr. HISCOCK. Certainly there was no occasion to misunderstand my question, and it was susceptible of an answer. The question I asked the Senator was this: If the bullion is offered at the Treasury Department at manifestly more than the market price of the world, 5 cents an ounce or 10 cents an ounce more, do I understand the Senator from Missouri to argue that nevertheless the Secretary of the Treasury is bound to accept it?

Mr. COCKRELL. I answered that question. The Senator from New York can not expect to put a general question and have a general answer that is not compatible with the requirements of the law. If that offer is part of the \$2,000,000 worth that is offered to him per month he must take it, and he has no discretion.

Mr. SPOONER. That would be the market price, then?

Mr. COCKRELL. It would be the market price there. The holder of the bullion fixes it instead of the Secretary of the Treasury.

Mr. HISCOCK. The Senator must understand that in the sale of silver the sale-rooms in New York and in Europe are public rooms.

Mr. COCKRELL. Certainly they are.

Mr. HISCOCK. The sales are a matter of record.

Mr. COCKRELL. Certainly.

Mr. HISCOCK. They are practically evidence in courts of justice of the market value of the commodity that is authorized to be sold.

Mr. COCKRELL. Certainly.

Mr. HISCOCK. Those sales fix judicially, if one may so say, the market price.

Mr. COCKRELL. Oh, no; not judicially.

Mr. HISCOCK. Practically judicially.

Mr. COCKRELL. Oh, no; not at all.

Mr. HISCOCK. Practically judicially to the extent that the quotations there are received in courts as evidence of the value of the commodity, of the value of the bullion, or whatever it may be. There is no speculation as to price. There is no chance for what the Senator has supposed or did suppose a little while ago, for the Secretary of the Treasury to say, "I differ with you as to the price; silver is worth 20 cents an ounce less than you ask for it." Here is practically a determination in the trade of the world in respect to it. I may go further than that and say in reference to these sales that it would be a very exceptional case in which there would be any difference in the value of the silver offered in Liverpool or London and the United States. Only this condition could exist in the two places: possibly there might be a demand for silver here to such an extent as to require the importation of silver to meet that demand.

Mr. COCKRELL. There might be there, too.

Mr. HISCOCK. And there might be there, which would involve in the cost of the silver there and the cost of the silver here the difference of the transportation from one point to the other.

Mr. COCKRELL. Insurance, etc.

Mr. HISCOCK. That is all there is of it and all there can be of it. As I said a moment ago, the market price which is to be observed and which must be observed under this bill is recognized throughout the length and breadth of the commercial world, and I believe the Secretary of the Treasury who ignores it in the purchase of silver or in the execution of the law renders himself liable to impeachment and to degradation from his high office. Under this provision of the law there is no chance for playing upon its execution, cheating the public, or cheating the law-makers. Who dare do it? It is flashed all over the country through the markets of the world that the Secretary of the Treasury is higgling over words of the interpretation of the provision of the law, chaffing with a man who offered his silver and saying "I will not be controlled by the quotations in respect to it," and refusing the execution of the law. Does the Senator believe or suppose that in the administration of this bill we are to be confronted by any such condition as that? The Senator from Colorado [Mr. TELLER] fairly stated a sufficient reason why there certainly was no objection to this language being employed in the bill.

Mr. SHERMAN. Will the Senator from Missouri allow me to state how silver has been purchased for the last twelve years?

Mr. COCKRELL. With pleasure.

Mr. SHERMAN. Under regulations established shortly after the Bland-Allison bill, as it was called then, was passed, it was provided that every week, on a certain day of the week, bids would be invited from all the world for the delivery at the proper assay offices or mints, usually in New York, of so much silver bullion. The bids were always filed, and for the period of twelve years without fail there was always as much or more offered as the Secretary was authorized to buy.

Mr. COCKRELL. Certainly, there is no question about that.

Mr. SHERMAN. There never was a controversy as to the market value. It was really fixed by the bids, and the Secretary always took the lowest bids. Sometimes persons, in order to sell silver, would bid a little shade below what would be the market value. The Secretary of the Treasury would always designate the bids that were accepted, which were always the lowest bids, and the silver bullion was bought in that way.

From that time to this there has been no change in these regulations of the Treasury Department. There never was the slightest difficulty or doubt about the mode of purchasing bullion; and under the proposed law the same regulations will apply, except that if the purchase is larger than the domestic supply it may be that sellers would have to import the silver, and they would have to make their offers with that in view. Usually a period of ten days is allowed for the delivery of the silver bullion, and it is then paid for. So there will be no practical difficulty about it, except as the amount of silver to be purchased now is more than twice and a half what it was before. It may happen that the American market can not supply it, and the bids may be based upon the importation of silver, which would require a little more time to deliver it. That would be the only difference. It may be, possibly, that at certain times bullion might not be offered to the full amount required, and that is the reason why the words were introduced by common consent that if it was offered the Secretary should buy it to that extent. I have no doubt the same regulations will be continued, and the same process will go on.

Mr. HISCOCK. I should like to make an inquiry of the Senator from Ohio.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New York?

Mr. COCKRELL. Certainly.

Mr. HISCOCK. I should like to inquire of the Senator from Ohio before he takes his seat if one condition of things might not possibly exist in respect to silver. The market price is fixed in the markets of the world in respect to silver as it is in respect to a great many other commodities, marked up and down. Now, to fix the market price there must be a sale, and you might have a condition of things as to silver that you frequently have as to stocks; fixing the price at the sale which transpires, those who hold the commodity will not offer it for sale, and it is absolutely impossible for a purchaser to obtain it. That has existed in respect to stocks, to bonds, and why not with respect to silver?

Mr. SHERMAN. In answer to that, if the Senator from Missouri will allow me, I will say that I do not believe the case will ever arise under this measure where a sufficient amount of silver to the full maximum authorized by law will not be offered, because not only is the supply of the United States of America nearly approaching the sum, within a million ounces of what is now proposed, but the Mexican supply seeks its market naturally here, and I have no doubt in every case that will be likely to occur sufficient silver from the Mexican or American supply will be offered. It may happen, as I said before, that if it is not offered the Secretary may not be able to buy because it may have to be imported, and the bids would have to be based upon that importation, and probably a little longer time would have to be given for the delivery of the silver bullion. If the order would have to go to London it would require at least ten days to import it, with the necessary time to weigh and count, etc. I do not think there will be any practical difficulty in the execution of this proposed law any more than there has been before for twelve years.

Mr. COCKRELL. The Senator from Ohio has very frankly stated the method of business which has been pursued in the purchase of silver under what is known as the Bland act. As I said before, he has shown conclusively that there was always more offered than the Secretary would purchase, because the Secretary determined to exercise a discretion which he had, and which he could exercise in defiance of the public sentiment of the country, to purchase only \$2,000,000 worth and not \$4,000,000 worth. We see what every one of the Secretaries, Democratic and Republican, has done. That law compelled \$2,000,000 worth to be purchased. There was not a particle of discretion about it; they had to purchase it and they had to purchase it at the market price, and that market price was the price offered to be taken by the holder of the bullion. The holder of the bullion fixed the price, and the Secretary had to take it; but the moment he got his \$2,000,000 worth per month, he refused to take another particle of silver in the exercise of his discretion when he could have taken \$4,000,000 worth per month.

Now, the language of this bill is very unfortunate. It gives the Secretary of the Treasury in regard to the whole 4,500,000 ounces precisely the same discretion which he had to exercise in regard to only \$2,000,000 worth, and do you tell me that he will not exercise that discretion against silver? There never has been a Secretary since the war but who did do it, and I fear that the present and future Secretaries will do the same. It is to be 4,500,000 ounces, "or so much thereof as may be offered."

Mr. HISCOCK. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New York?

Mr. COCKRELL. With pleasure.

Mr. HISCOCK. I should like to inquire of the Senator if he can point to any Secretary of the Treasury who has discriminated against silver by refusing to obey the mandate of the law. That is the question which is presented here.

Mr. COCKRELL. Yes, sir; every one of them.

Mr. HISCOCK. In what respect?

Mr. COCKRELL. Since the passage of the Bland act every solitary Secretary of the Treasury has peremptorily and unqualifiedly refused to pay one solitary silver dollar in payment of any of the bonded indebtedness of the United States or the interest thereon, when every bond says upon its face, "redeemable in coin of the standard value of the United States on said July 14, 1870."

Mr. HISCOCK. The question I asked the Senator was not that, but whether they had ever discriminated against silver by refusing to obey the plain mandate of the law.

Mr. COCKRELL. The law says—

Mr. HISCOCK. Wait a moment. That they may have exercised a discretion that the Senator believed was a discrimination against silver and that I may believe was not a discrimination against silver, I grant; but that is not the question. Where the mandate of the law is clear and express, wherein has there ever been a violation of it? So far as the bonds were concerned, the Senator admits that the Secretaries had the same power to pay in gold that they had to pay in silver. They had the exercise of a discretion and they exercised it by gold payments. That does not answer my question.

Mr. COCKRELL. If the Senator wants me to point out an impeachable offense which any Secretary of the Treasury has committed in refusing to pay out the silver dollar, as a matter of course I make no such pretension, but I said "discrimination," and I say "discrimination" to-day.

Mr. HISCOCK. When the Senator comes to examine his remarks he will discover that the word "discrimination" was not the one he used.

Mr. COCKRELL. I said "discrimination against silver," and I say it to-day; and I say that every Secretary of the Treasury has peremptorily refused, and the distinguished Senator from Ohio will not deny that every Secretary of the Treasury has refused to pay the standard silver dollar in payment of the United States bonds or the interest on them, although every one of the bonds has stamped upon its face, "redeemable in coin of the standard value of the United States on said July 14, 1870," and on that day the standard silver dollar of 412½ grains, 9 parts fine, was equally a standard dollar with the gold dollar of 25½ grains, 9 parts fine. That discrimination has been made all the time.

Mr. HISCOCK. The difference between—

Mr. COCKRELL. It is not a violation of law in the strict sense of the word. It is the exercise of a discretion by discrimination and unfriendliness to silver.

Mr. HISCOCK. The difference that I desire to call the Senator's attention to between what has been done and what must be done if what he has indicated is done, is that in the one case there would be the exercise of a discretion within the letter of the law, and in the other case there would be a plain violation of the letter of the law.

Mr. COCKRELL. There is precisely where the distinguished Senator from New York is mistaken. This purchase of 4,500,000 ounces is not mandatory upon the Secretary of the Treasury. The Secretary of the Treasury under the Bland act has exercised his discretion. He was compelled to purchase \$2,000,000 worth of silver bullion, and might purchase \$4,000,000 worth. His discretion has been against silver by purchasing the least amount he had to purchase, as to the purchase of which he had no discrimination; but here comes a substitute for that law which says that the Secretary of the Treasury is directed "to purchase from time to time silver bullion to the aggregate amount of 4,500,000 ounces." Does it stop there? Does it say not less than 4,500,000 ounces, or does it say not less than 4,000,000 ounces and not over 4,500,000 ounces? It says nothing of the kind, but it says that he shall "purchase from time to time silver bullion to the aggregate amount of 4,500,000 ounces, or so much thereof as may be offered in each month, at the market price thereof." He has the discretion, then, to determine how much of it has been offered at the market price, and he may exercise that discretion, like every one of them has done, against silver. It will be no plain violation of the law, as the distinguished Senator from New York pretends; it will be an exercise of a discretion; and when he does it the distinguished Senator from New York will be one of the first Senators on this floor to get up and justify him in doing it. The Senator from New York will be one of the first whose voice will be heard stating that the Secretary of the Treasury had done exactly right in fixing a price and refusing to take silver not offered at that price.

But, Mr. President, that is not the only objection I have to this bill. The Treasury notes are practically greenbacks. They are United States legal-tender notes. They are endowed by law with all of the rights, privileges, and immunities of the legal-tender note, so called, or the greenback. They are the United States Treasury notes, and they are to be issued under this bill in an amount equal to the market value of the bullion purchased. Then they are to be redeemed by the Secretary of the Treasury, under such regulations as he may prescribe, in gold or silver coin, at his discretion.

What does that mean, Mr. President? I warn Senators that this language is fraught with mischief. It gives a power which has never yet been given to the Secretary in many, many long years. Under this proposed law what can the Secretary do? He has a discretion; he can redeem in the standard silver dollar or he can redeem in the gold dollar.

Suppose he redeems in the gold dollar. Suppose the enemies of silver, who have been fighting it for years and years with a pertinacity and determination unequalled in the history of the world, combine. They bring in these certificates and they demand gold in payment of them. What is it they present? It is a greenback, a legal-tender United States note. By law it is placed upon a perfect par with the greenbacks. It comes under the provisions of the resumption act of January 4, 1875. I say every Secretary of the Treasury we have ever had has done it, and the present Secretary in my judgment will redeem every one of them with gold. What are they holding? In the Treasury \$100,000,000, as they claim, for the redemption of the legal-tender greenback. Those notes are presented and the gold is taken out of the Treasury. Then the enemies of silver will say, "Here we are upon a single silver standard." The Secretary of the Treasury will say that in honor the United States must pay its bonds in gold coin, and under the resumption act of January 14, 1875, to continue the redemption of the greenbacks in gold when presented in the payment of the bonds, he will issue and sell coin bonds at just the price he may think is the market price of them, and the silver dollars will remain hoarded up in the Treasury and never be issued. The gold will be taken from the Treasury and placed in the hands of the speculators, and then, when additional gold is demanded of the Secretary of the Treasury, he will have power under the law to issue bonds. To show that I am not mistaken in this, I will quote the resumption act of 1875, "An act to provide for the resumption of specie payments:"

And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem in coin the United States legal-tender notes then outstanding.

On and after that date the Secretary shall redeem in coin the legal-tender United States notes outstanding. These notes will be outstanding, they will be legal-tender notes, they will be greenbacks, they will be upon a perfect par with the present \$346,000,000 of greenbacks, and part and parcel of them.

And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem in coin, the United States legal-tender notes then outstanding, on their presentation for redemption at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than \$50. And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues, from time to time, in the Treasury not otherwise appropriated, and to issue, sell, and dispose of at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid.

Mr. President, that is another reason why I am opposed to this measure. It enables the enemies of silver to gather together the certificates, to take them to the Treasury and demand gold and receive gold, as the Secretaries of the Treasury always have heretofore held that the greenbacks were to be redeemed in gold; and the Secretary of the Treasury purchased and paid for \$100,000,000 of gold coin, and it has been in the Treasury Department for the last twelve or fifteen years, upon which the people have been paying 4 per cent. interest on the bonds issued in lieu of it, and it has been kept there, as claimed by every Secretary of the Treasury, for the special redemption of United States legal-tender notes whenever presented for redemption. They never have offered to redeem a greenback in a silver dollar, and under this law whenever the holders of these United States notes go there and demand gold coin, gold coin will be paid to them, and the Treasury will be drained and it will be replenished by the sale of 4 per cent. bonds under that act for the purpose of purchasing additional gold coin.

Mr. TELLER. May I ask the Senator a question?

Mr. COCKRELL. Certainly.

Mr. TELLER. Does the Senator from Missouri think that any Administration will have the hardihood to sell bonds of the United States for the purpose he indicates?

Mr. COCKRELL. Well, Mr. President, I think the enemies of silver will have the hardihood to do anything that will break down silver. That is my opinion, that the enemies of silver will do anything they can to break down silver and to strike down one-half of the money of the world.

Mr. TELLER. I agree with the Senator on that; but I should like to ask the Senator what he thinks would become of an Administration that would sell bonds for that purpose.

Mr. COCKRELL. Well, Mr. President, I do not know that they would fare very badly. They might in some places, but when the time of an election came around, then they would have something to soothe the wounded feelings of the masses of the people and make them believe they had done exactly right.

We have seen what has been done under the Bland act. The Secretary of the Treasury could have purchased \$4,000,000 per month, but all the Secretaries of the Treasury have peremptorily refused to do it under every Administration, and they have purchased the minimum.

But I have additional objections to this bill. We come now to what is called "the established policy of the United States"—

Mr. JONES, of Nevada. Before the Senator leaves the branch of the question he is discussing, I should like to ask him if these Treasury notes are to be redeemed at all, what would he, suppose he had the making of the law, make them redeemable in.

Mr. COCKRELL. Why, Mr. President, I am not disputing but what the provision is about all that could be put into the bill, that is that they are redeemable in gold, or silver, or redeemable in coin. I would have preferred to put in "redeemable in coin." I confess that under that the Secretary of the Treasury could have exercised the same discretion that he can exercise under the present language.

Mr. JONES, of Nevada. In gold or silver coin?

Mr. COCKRELL. As a matter of course.

Mr. JONES, of Nevada. The Senator, then, has no criticism of that provision.

Mr. COCKRELL. I have this criticism, that under that a Secretary of the Treasury who is an enemy to silver will exercise the discretion to pay gold only.

Mr. JONES, of Nevada. If it were payable in coin, could he not do the same thing?

Mr. COCKRELL. He could do the same thing. There is no doubt about that.

Mr. President, the distinguished Senator from Ohio said the remedy for that was to get a good Secretary of the Treasury. That is true, and in the selection of that distinguished official much will depend in regard to what will be the effects of this bill should it become a law.

The PRESIDENT *pro tempore*. Pursuant to notice heretofore given, the Chair lays before the Senate a message from the House of Representatives; which will be read.

Mr. SHERMAN. Before the message is read I would ask if we can not have a vote upon this question.

Mr. COCKRELL. We can not have a vote right now, Mr. President.

Mr. SHERMAN. Very well.

DEATH OF REPRESENTATIVE S. S. COX.

The PRESIDENT *pro tempore*. The resolutions of the House of Representatives will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, April 19, 1890.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. Samuel Sullivan Cox, late a Representative from the State of New York.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House at the conclusion of these memorial proceedings shall stand adjourned.

Resolved, That the Clerk communicate this resolution to the Senate.

Resolved, That the Clerk be instructed to communicate a copy of these resolutions to the family of the deceased.

Mr. HISCOCK. Mr. President, I offer the resolutions which I send to the desk.

The PRESIDENT *pro tempore*. The resolutions will be read.

The Chief Clerk read as follows:

Resolved, That the Senate has received with profound sorrow the announcement of the death of the honorable Samuel Sullivan Cox, late a member of the House of Representatives from the State of New York, and tenders to the family of the deceased the assurance of sympathy in their sad bereavement.

Resolved, That the business of the Senate be now suspended that opportunity may be given for fitting tributes to the memory of the deceased and to his eminent public and private virtues, and that as a further mark of respect the Senate, at the conclusion of such remarks, shall adjourn.

Resolved, That the Secretary be directed to transmit to the family of the deceased a copy of these resolutions.

Mr. HISCOCK. Mr. President, I first met Mr. Cox after he and I were elected to the Forty-fifth Congress in part to represent the State of New York in the House of Representatives. He then had an established national reputation as a brilliant, able, and versatile orator and conscientious and patriotic legislator. Mr. Cox, sir, was an uncompromising partisan upon those questions that divided the two great political parties during the memorable period that he was in public life, and fully possessed of the courage of his convictions. He never hesitated to champion them or assail with the eloquence, logic, wit, ridicule, and satire at his command—and few men were endowed with his resources—the policy of the opposing party. But in my service with him in the House he received—and it was due him—a large degree of credit for sincerity, worthy motives, and honorable methods, however earnest his attacks were or troublesome to his adversaries.

If I pay this tribute to his memory it will hardly be said that I am too friendly a critic, for in our political faiths we had nothing in common, and never that I now recall approached so near each other and to the party line as to create the suggestion of a sympathy between us. I speak, sir, of party questions alone; upon many others we rarely seriously differed. Representing the same State, both devoted to her service, jealous of her honor, and proud of her history, we were drawn together by the common cause, if it were possible, of adding new luster to her renown, rather than by any natural law of selection, and became personal friends, and thoroughly in harmony in whatever in our public careers was personal to each other. What I mean is that in those struggles that are consummated by the survival of the stronger, if not always the fittest, there was the utmost cordiality, often co-operation and confidences.

It is often said of those occupying the most exalted public positions while living that their vacant places would be so quickly and well filled that the notice of death and the funeral ceremonies would alone

advertise the change. There have been marked exceptions to this, and the death of Mr. Cox is one of them.

He was a ready, cogent debater, who always enlisted the interest of his hearers, and he easily maintained the most advanced line of recognized parliamentary leadership in the controversy. His party friends yielded him his position without murmur or jealousy. His opponents recognized it, for to leave him unanswered was an abandonment by them of the contest. He was often so eloquent in the use of language that while he was cogent he strongly appealed to the sympathies, the hearts, and all the noblest and most exalted human sentiments.

Confessedly he was witty and had the most difficult task of maintaining the reputation, and I believe no one has ever in a service of the same length as his coined more witticisms than our friend. His public utterances abounded in illustrations entertaining and instructive. He must have been a great reader of books, and of books generally, for he was always well equipped from those resources. His eloquence, wit, appeals, illustrations, and logic were characterized by a genuine, earnest love for the good, admiration for the great, and the desire to be kind to, considerate of, and improve the moral and material conditions of those in any degree dependent upon legislation or the bounty and guardianship of the nation, and he favored laws which he believed promoted the interest of his countrymen and their moral and intellectual advancement. He was an ever-living spring of love, generous sentiments, and kindly deeds. The sentiment of hate—I mean that hate which is cruel or prompts revenge—was foreign to his nature.

Mr. Cox, though an eloquent orator and able debater, was not a political leader in the sense that a general is a great general. I mean that he was not one of those to whom it seems to be allotted to lead parties, who have followers bearing their names and who seem to lose a distinctive political existence apart from it. He possessed too kind a heart and his nature was too emotional; his taste for literature and its laurels, for travel and its pleasures, his enjoyment of art and all that is loving and lovely and good were too absorbing. He would have starved and died if limited for his enjoyments and pleasures to the victories of a great political organizer. I do not mean by this that he was not strong in leadership when the occasion and time were to his liking, but that all occasions and times did not call him from all other, and to him often more charming, pursuits and more delightful employments.

In the memorial volume will be presented the record of his social, domestic, literary, and political life, spoken by loving and admiring friends. I have not preferred to dwell upon them, but rather upon his, to me, most charming character and accomplishments. I said earlier, his absence will be missed and marked. Memorial exercises, funeral orations, and eulogiums are unnecessary to remind us that he has left his accustomed place in our social life, parliamentary leadership, and the service of his country, and that it is still vacant.

Mr. President, we will strew flowers upon his grave; each one must be rich and perfect in tints and shades, and with its own peculiar perfume, each symbolizing purity, love, grace, lofty aspiration or holy inspiration, and voicing an appropriate sentiment. Appropriate flowers have always been messengers of affection and regard; as such we lay these upon his grave.

Mr. VOORHEES. Mr. President, more than the third of a century has passed away since Samuel Sullivan Cox sprang full-armed and equipped into the arena of public life and achieved a national reputation. He was first elected to Congress in the portentous, ill-boding year of 1856, and at once took his place as a leader in the debates which sectionalism then for the first time conjured into a bloody and fatal meaning over the organization and condition of the Territories of Kansas and Nebraska, and the dangerous and far-reaching questions incident thereto. From that time until the 10th day of September last, when he fell asleep on earth to wake in eternity, his career was continuously before the public eye as if under a calcium light, and it was at all times brilliant, fascinating, able, instructive, and under all circumstances as free from stain, speck, or blemish as the official life of Cato, the Roman censor.

Sir, in many respects the career of Mr. Cox was remarkable and without a parallel in the history of American affairs. Born in the Valley of the Mississippi, he attained high eminence there, and then, instead of following the westward-moving star of empire which usually guides the way for American ambition in quest of new fields of action and of triumph, he turned his face to the East and sought the oldest, the strongest, and the most competitive center of American civilization. The great Commonwealth of Ohio has furnished forth many of her native sons to other States for the public service, and is now furnishing the President of the United States and two of the most important members of his Cabinet, together with six members of the United States Senate; but Mr. Cox was the first and only one to go to an older and abler empire State than his own, and there to win a lofty civic distinction and be crowned with the evergreen laurel of imperishable honor and fame.

Ohio and New York may exult together over the successful and beneficent labors of his active and useful life, and together they may bend

in sorrow over his untimely grave. The official record shows that he was elected four times to Congress from Ohio and twelve times from New York. No other such record as this can be found in the history of our Government, and we instinctively turn to the theater where he so long appeared, in order to study some of the leading elements of a character which commanded such success and such unwaivered popular approval. If it is true that a man is known by the company he keeps, then indeed Mr. Cox must take very high rank from the beginning to the end of his service in the House. He kept company in debate on the greatest questions with the ablest intellects of their day and generation. He was in every race, from start to finish, with those who were swiftest and of best endurance.

Passing over the Thirty-fifth and Thirty-sixth Congresses, in which he distinguished himself in debate on the Douglas side of the Leecompton question, with many of the strongest men from the South, he rises to my mind and memory here to-day as he appeared when we first met as members of the Thirty-seventh Congress at its called session, on the 4th of July, 1861. Sir, how distant and awful that period appears to us, looking back upon it now, as we sit here in the soft, sweet sunlight of peace and union. It towers up seemingly as a far-off volcanic height, once fraught with destruction, but now extinct and only enveloped in the haze and mist and vapor of sad and bygone memories.

There was a turbulent spirit abroad when the Thirty-seventh Congress was chosen, and every intelligent mind discovered danger in 1860 as certainly as the experienced mariner discovers the deadly storm when it is swiftly coming up. It is the philosophy of political communities, as shown by the history of the human race, that agitations arising from deep-seated causes never fail to put strong men in the front lines of action—sometimes their strength already known, but more frequently developed, or, rather, manifested, after being assigned to their positions. This was eminently true of the period from 1860 to 1865 in this country, and to a certain extent it was true of the Thirty-seventh Congress. Into that body came men apparently fashioned and adapted by nature to such a crisis; and others of the same mold and stamp, but more fully developed by the startling events of the times, came afterward, and more numerous, into the Thirty-eighth Congress.

Into the Thirty-seventh Congress came Thaddeus Stevens, then in his old age called for the first time to enact a mighty part in human affairs for which the hand of nature had especially equipped him. Never in all history, I think, has there been such a leader on the floor of a parliamentary body. Not in the history of the Grecian or Roman democracies, when most ruled and guided by popular favorites, nor amidst the civil wars of England, can there be found a character so dominant over others without any reliance whatever upon the sword. Stevens had no need to resort to a vulgar violation or abuse of the rules of the House in order to establish his supremacy.

He ruled his party majority and thus ruled the House by the force of a giant intellect, combined with an iron will, and sometimes set on fire by those tremendous passions of the human heart which rage when the tempest rages, direct the whirlwind, and outride the utmost fury of the storm. Often while watching his wonderful displays of power over the House I have busied myself in taking up in review the various leaders of the French Revolution, and wondering which one he would most nearly have resembled had he lived and acted through those convulsive scenes. My mind always inclined to Danton for a comparison, and yet with only a partial assent. They were alike in their power, by brief impassioned speech, to stir the blood of men and to impel them to action like a bugle-call to battle. They were alike in their mental superiority, their stormy tempers, and the gloomy vein of misanthropy which beset them; but there the comparison seems to end.

The American was more sincere and filled with more definite and nobler purposes than the Frenchman. Though Danton died of the guillotine, yet with his dying words he sneered at the cause for which his noble head, a moment later, fell in the dust. Stevens had great aims in view from the first, and he pursued them unsparingly. The destruction of slavery and the downfall of the political power which it upheld were the supreme objects of his life and inspired him, not so much with love for the slave as with hatred toward the people of his own race who inherited the negro in bondage and had the care of him. He lived to witness the fulfillment of his dearest wishes, and was then laid down to rest, according to his own directions, in the colored churchyard at his old home.

Owen Lovejoy was also a member of the Thirty-seventh Congress, a man of powerful and inflammatory eloquence, hot and bitter in his political convictions, and animated in his hostility to the South by a personal grievance in the death of a brother at Alton, Ill. The names of Roscoe Conkling, Schnyler Colfax, Henry J. Raymond, Francis Thomas of Maryland, John F. Farnsworth, and others of high ability and national standing might be cited and dwelt upon to show the strength and resources of the overwhelming majority in the House at that time.

At a later day and into the Thirty-eighth Congress came Garfield, with his industrious, scholarly methods and almost boyish enthusiasm; Blaine, with whose brilliant, Prince Rupert style of parliamentary warfare we are all familiar, and Schenck, who, in my opinion, was the best

real debater of the actual matter in hand of them all, the hardest and most direct bitter in short, turn-about speeches, and the fairest and readiest in recognizing the force of his adversary's blows. Sir, it was in company and in combat with these men and others more or less like them that Mr. Cox was to be found for nearly thirty years of his life. How well he bore himself through it all, *sans peur, sans reproche*, the voluminous records amply disclose, and even his opponents have always testified.

If called upon to point out to the emulating young men of the country the traits of character which most conduced to Mr. Cox's great success, I would say that, aside from his high order of natural ability, he was most indebted to an undaunted courage and a never-wearying industry. These two qualities brought him into every conflict always ready and never afraid. He read everything with a marvelous faculty for the rejection of the chaff, the husks, and the shells, and for the assimilation of all else to his own use. He kept scrap-books on all subjects, and his drawers, not only at his home, but in his desk at the House, were well stored magazines of fixed ammunition for any and all sorts of political conflict.

He always approached an important and hotly contested discussion in the House with a joyous and confident air, and his friends never dreaded the result when they saw him rise and turn to his opponents with the light of battle in his face. He shrank from no odds and never balked to count the number or the quality of his adversaries. He relied on the justice of his own cause and the strength of his own preparations, and then, with the steady and splendid courage of a knight in the days of the tournament of old, he met the chosen and the ablest champions that were sent against him. His was in every respect an intrepid nature. He was a brave man, mentally, morally, and physically. He laughed at danger in its face.

In the history of Henry of Navarre it is written that within the first hour of his birth his jubilant Gascon grandfather perfumed his infant lips with the clove and wet them with wine, in order, as he said, that the royal-blooded child might, when he grew to manhood, have within his breast a bold and, at the same time, a gay and mirthful heart. And so in other instances, without the clove and the wine, hearts have been filled with courage and with the sunshine of mirth and humor, and have borne themselves in every manly conflict of life with as much gallantry and true chivalry as he who wore the white plume and bade his soldiers follow it as their oriflamme.

Mr. Cox was often criticised during his lifetime, and by those who thought thus to injure him, because he was a partisan in his political faith and action. His critics were mistaken, not in the fact that he was a partisan in the fullest and best sense of that term, but in assuming that such a fact was injurious to his career for usefulness, to his character as a lover of his kind, or to his reputation and standing with all honorable men of whatever party, persuasion, or creed of belief and practice. He did indeed believe in the party to which he belonged, and defended its principles in the open arena against all comers. May I not ask, however, whether much respect is due to any one in public life who does less than this?

Political parties are absolute necessities in free governments. They are the only methods known to the wisdom and experience of enlightened history whereby concentration of thought, agreement of opinion, unity of purpose, and concert of action can be secured for the accomplishment of great results. Errors may creep into party organizations, but their cure lies in that general spirit and purpose of reform which inspires the honest membership of all parties, rather than in an outcry against the existence of the parties themselves.

In every struggle for liberty among the Greeks and the Romans, in every contest for the enlargement and security of popular rights in England or anywhere else in modern Europe, and in all the mighty movements and convulsions which have taken place for freedom in this western hemisphere, the leaders of the people have simply been the leaders of great political parties and have accomplished all their vast and glorious results through compact, unified, and aggressive political organizations. Washington himself was a leader in civil life of the Whig party against the party of the Tories, and but for this fact would not have been chosen to command the armies of the Revolution. Jefferson and Jackson were party men, and so, likewise, were Lincoln and Grant. It is the small man, not the great, who deems himself wiser than the associated wisdom of his times, and who in official station distends himself out of all proportion with the idea that he is stronger, greater, and knows more than the party which created and elevated him.

But as we recall and dwell for a moment on Mr. Cox's grand loyalty and adherence to his party and its policies, how broad and comprehensive appear the whole tenor and spirit of his life and conduct; how like universal sunshine on growing fields and blooming flowers, his warm philanthropy, his active benevolence, his generous, helpful deeds shine forth in every line of his public service! Liberality was the law of his being; his soul was lit up with love for the brotherhood of man, and no narrow or selfish thought or purpose ever darkened its chambers. He never had any doubt who was his neighbor or of the meaning of the golden rule.

Had he been on the road between Jerusalem and Jericho when the

stranger was found stripped, wounded, and half dead, he would have relieved the Samaritan of the task of furnishing oil and wine, of binding up wounds, and of paying the stranger's bill in advance for proper care at the inn. Henry Clay filled the civilized world with the music of his eloquence in sympathy with the oppressed Greeks in 1824. It is not too much to say that Samuel S. Cox, in recent years, with wider information on his subject, greater knowledge of the different races of the earth, and with a braver and loftier benevolence than was required of the great Kentuckian, challenged the attention of his own countrymen and of all nations to the brutal and barbaric treatment of the downtrodden Hebrews of Poland and throughout all the vast, dark, and hopeless regions of Russian despotism.

His powerful and eloquent protest aroused public opinion, quickened consciences, and put ancient, blind prejudice to shame in every enlightened land beneath the sun, so that now the sons and daughters of Israel in the dominions of the Czar and elsewhere are safer and happier because of the words he spoke and the expression he secured in the American Congress. His heart went out to helpless and suffering people, and he visited those who were sick and in prison. His bold, determined, and efficient efforts in behalf of an exchange of prisoners during the most resentful and deadliest period of the war between the North and the South will not only be enshrined forever in the archives of his Government, but they have also been written to his credit by the recording angel in that high realm where the blue and the gray are alike liberated from prisons and from pain and where they have already welcomed the coming of their common benefactor.

While Mr. Cox discussed amply and upon full preparation every question within the entire range of government, State and national, yet it will be found by the student of history that his most conspicuous labors and his most eloquent and impassioned speech were in behalf of those who were helpless to labor for themselves. When the war of the sections was over and the South was a wreck; when her States were torn from their foundations and demolished as cities are by cyclones; when her people were bankrupt, disfranchised, and standing amidst their ruined homes with nothing left save the inextinguishable honor, courage, and recuperative energies which belong to a heroic and glorious race, then it was that Mr. Cox seemed to gather a new inspiration, and he flung himself into the tremendous debates which followed on reconstruction and kindred questions with the learning and versatility of Burke, the polished wit of Sheridan, and the fiery, impassioned logic of Douglas.

He who now or hereafter most carefully and impartially examines the debates in the House during the first ten years after the war will most fully concur in the estimate I make of Mr. Cox's power and resources in parliamentary warfare. He had supported the Government in its efforts to suppress the rebellion; he had voted men and money without stint or limit; but when the vanquished were at the mercy of power and the legions of Lee and Stonewall Jackson were scattered to fight no more forever, he took the side of those who were voiceless here in their own behalf; he espoused the cause of the weak, and held over their heads, to protect them from further blows, a shield stronger, more impenetrable, and more glorious than was forged and wrought by Vulcan for Achilles—the shield of the Constitution.

The restoration of the States, and not their reconstruction and readmission into the Union from which they had no power to secede, was his policy of statesmanship for that anomalous period. He believed the honor of the Southern people could be trusted in their relations with the Federal Government, and he was therefore in favor of rehabilitating them at once in all their former rights as American citizens, subject simply to the elimination of slavery. There are those who believe that Mr. Lincoln, had he lived, would have pursued substantially such a policy, and they also believe that the most disastrous results of his horrible and untimely death were the reconstruction and military occupation of the Southern States growing out of the supreme distrust and hostility at that time between the legislative and executive departments of the Government.

Turning to other subjects which engaged the thought and action of Mr. Cox in his public service, the same broad and liberal principles of benevolent statesmanship are to be found in his works on every hand. To his constant and unwearied efforts, persisted in for years and enriched with vast information and thrilling eloquence, the present splendid life-saving system of our Government owes its existence and its humane and heroic career. When the hardy mariner mans the life-boat and goes to the rescue of the shipwrecked and tempest-tossed on the angry ocean, the spirit of this brilliant, comprehensive, and benevolent American statesman will be with him as a pilot on the waters; and when drowning men and women are carried from the raging surf and resuscitated on the beach their first conscious thought may well be one of thankfulness and gratitude that he lived and labored so usefully and so well.

It is hardly necessary to say that Mr. Cox had quick, keen, and tender sympathies with such as are known as the plain, common people. He sincerely loved them, enjoyed their ways, believed in their virtues, and often talked with them in their neighborhood dialects. Daniel O'Connell, in his palmiest days, when Irish multitudes shouted with mirth or burst into tears at his will, never got nearer in heart,

love, and sympathy to his audiences than did the gifted orator whose death we mourn to-day. The people on their part, when brought in personal contact with him, especially as their Representative, made him their political idol. I once witnessed a scene in illustration of this fact which will never fade from my memory.

More than twenty years ago I was taking part in a memorable political campaign in Ohio, in which Thurman, Vallandigham, Pendleton, and other gentlemen of great note were likewise engaged. Judge Thurman was a candidate for governor, and although defeated by a few votes for that position he secured a Legislature which gave him a seat in this body and thus enriched American history by his great and imperishable services as a Senator. Mr. Cox had removed from Ohio and was then living in New York, but was called to Zanesville by a death in his family circle, which, of course, prevented his participation in the canvass then at a high stage of excitement and activity.

During his melancholy sojourn of a few days at Zanesville he concluded to run down to Columbus, and it so happened that Mr. Pendleton, Mr. Vallandigham, and myself were on the train with him. It was not generally known that Mr. Cox was then in the State, and least of all was he expected at Columbus that day. When the train arrived a concourse of people, with music and banners, was at the depot to welcome those of the party who were expected, when, as we emerged from the cars, all at once an intent look came into every eye in that multitude, and then a jubilant, prolonged shout rent the air. The brilliant Buckeye was discovered by his old neighbors and constituents, and in an instant everybody was forgotten but him. It was his first return after going out from their midst and taking up a new home. He managed to get from the cars to a carriage, but loving hands lifted him out of it.

I have witnessed many an ovation to popular party leaders, but never anything like the intense personal devotion, affection, and love displayed on this occasion. The last I saw of him many hours afterward was as he stood bareheaded in the street, surrounded by a surging multitude of men, women, and children, who were shouting, laughing, crying, and clinging to him. His own eyes were suffused, his face was pale, and his lips trembled, though wreathed with smiles of rapture at his unexpected and wonderful welcome. Often in afteryears he and I talked over this scene together, and the memory of it remained a joy to his heart to the latest day of his life.

If we leave Mr. Cox's official public life and at this point turn to other fields and forums, we find him there displaying the same rare ability, the same amazing rapidity of thought and action which made him the commanding figure he was as a tribune of the people in the halls of legislation. The range of his information on all subjects was more extensive and more accurate than that of any other man I have ever known who was engaged in political life and in affairs of state. Nothing once appropriated to his mental storehouse ever escaped him or failed to be used at the proper time.

Whether in company with professors, scientists, authors, travelers, playwrights, eminent actors, humorists, or with statesmen, jurists, and law-givers, he was equally at home, and equally ready to contribute something useful, brilliant, and instructive. He paid tribute to the memory of savants such as Morse, Agassiz, and Henry with the learning and in the language of one of their own class. On the lecture platform, when he chose to ascend it, he had no superior in the richness and strength of his matter or in the eloquence with which it was delivered.

I once heard him address the literary societies of one of the leading universities of the country on the practical details of chemistry as applied to the physical sciences, and it was interesting to observe two professors of chemistry watching with notebook and pencil in hand to detect him in a technical blunder, a false quantity, an erroneous combination, or a faulty result, and watching in vain, as they afterward admitted, with great surprise and admiration. He was a writer of wonderful beauty and grace. He wrote and published books which sparkle like gems in the literary world, and which will continue to delight and instruct generations yet to come. He loved art, and befriended artists by liberal legislation and by his magnetic personal sympathy and encouragement.

In statuary and painting his taste was simply the unerring instinct of his own lofty genius, and he frequented with enthusiasm the galleries and museums where the works of the masters displayed their greatest beauties and glories to his eye. He was at the front in every movement looking to the cultivation, refinement, and progress of the people. He believed in the educating and elevating influences of libraries, and hence gave the sanction of his name and of his abilities to that great structure now rising in its strength and beauty in front of this Capitol, there to stand as a home for the books of the world, as a depository for the mental product of the human race, and as a monument to the enlightened spirit, the grace, and the culture of the American Republic at the close of the nineteenth century.

In the midst of all his home labors, pursuits, and duties, Mr. Cox also found time to take rank as one of the most extensive and intelligent travelers of modern times. With her at his side who had joined her name and fortune to his in the Valley of the Muskingum, in the bright morning of youth, he repeatedly journeyed over Europe, Asia,

and Africa, and always returned with the spoils of useful knowledge and an increased love for his own land.

With the eye of a philosopher and with a soul filled with the poetry and sublimity of high historic associations, he saw almighty Rome, climbed the Pyramids, and stood upon Mount Calvary. He traversed deserts on the camel's back, and camped at nightfall with the Bedouin at long-sought wells of fresh water. He floated on the waters of the Nile, and plucked the lotus, the Egyptians' symbol of the creation. He marked the course of the Euphrates; looked upon the Red Sea where Pharaoh attempted to cross in pursuit of fugitive slaves; drank from the river Jordan, and slept by the cooling fountains of Damascus. He studied every variety of the human race in the broad spirit of a human brotherhood, and no prejudice of caste or of color darkened his vision or perverted his judgment as he wandered amongst the motley and scattered tribes of the earth's most distant parts.

But wherever he traveled and in whatever clime he sojourned what a staunch and genuine American he was! The sunbeams of the Orient, the soft skies of Italy, the grandest scenery of the Alps, were not so attractive or sublime to him as the face of nature in his own Western home. After gliding on the waters of the Blue Danube and along the castellated heights of the Rhine, he was wont to say that the Hudson between Albany and New York and the Ohio from Steubenville to Cincinnati presented more beauty to the eye of the traveler than any other rivers in the world. John Milton is quoted as saying "Our country is wherever we are well off."

This was peculiarly untrue with Mr. Cox. Cosmopolite as he was in his philosophy and in his broad love of humanity, yet he was not a citizen of the world in the sense that weakened the ties that bound him to American institutions, to the American people, and to the American flag.

Sir, such a character as I have here but imperfectly delineated must take and hold a front place in the history of his country. His works were durable contributions to the cause of human progress, and they can not perish. Their influences will bide the test of time and will go on forever. Who are entitled to be called great by the pen of the historian? Who merit most the grateful remembrance of posterity? Let statues and monuments continue to arise in honor of warriors who gathered fame on battle-fields, but let it not be accepted by the public mind that they alone are to occupy the Walhalla of the brave, the palace of immortality.

There are other fields besides those of war where high courage and capacity are displayed, where heroes achieve victories full of blessings and full of glory, and where immortal fame attends the efforts of those who live and labor for justice, liberty, and equality in behalf of their fellow-men. In such fields as these, fields of laborious thought, philanthropic purposes, and lofty mental conflict, Mr. Cox won for himself a place on an easy level with those whom the world has crowned with civic greatness, and to him also belongs, and will be conceded, the same recognition.

But while yet in full career, in the midst of plans, hopes, and comprehensive purposes for the future, borne forward by all his ceaseless activity, and in the unabated prime and vigor of all his splendid faculties, he was called by a voice for which we are all listening and which none can disobey. He responded with the manly courage of his nature, and in starting on his last journey, this time to cross, not the ocean channels which merely divide continents and hemispheres, but the realms which lay between time and eternity, his only regret was the separation from his devoted and gifted wife, who from youth to age had been his fellow-traveler, his companion, his comfort, his beloved. He felt that he had not been a slothful servant nor a loiterer in the vineyard, and that all the ends he had aimed at had been his country's, his God's, and truth's.

Not a line he ever wrote, not a word he ever uttered called for change or apology in the interest of morals, patriotism, or religion. He had always believed with Solomon that a good name was rather to be chosen than great riches, and though he was a conspicuous and influential figure during periods reeking with venality and corruption his record at every step and at the close was as white and clean as the falling snow. May we not hope and believe that his good life goes on and his great talents continue to expand in knowledge and in power in a world where life is eternal? Within less than a year before his final summons came he talked with me of the midnight sun he once witnessed in the polar regions of the North.

With eyes glowing and face lit up, he described the great luminary of day swinging low at midnight's still, weird hour, and touching apparently with its burning rim the dark waters of the Arctic, but never disappearing beneath them. He painted with all the poet's fervor and beauty its emergence from the shadowy and awe-inspiring aspect of its lowest point, and the rich and joyous effulgence with which it blazed forth again as it ascended the sky. In another sphere, more radiant and more restful than this, he has beheld another sun which never sets and in whose light his soul has realized the full fruition of christian faith and christian works.

Associate and delight of my earlier and later years, joy and charm of every hour we ever spent together, faithful and beloved friend of a lifetime, farewell! Hail, and farewell until we meet again!

Mr. SHERMAN. Mr. President, the death-roll of public men is lengthening with unusual rapidity, so that now but few remain of those who shared in the exciting and dangerous scenes in Congress preceding the civil war. The death of Mr. Cox strikes from the list of the living one conspicuous actor in those scenes, and now it becomes my duty, as one of the few survivors, to pay a brief but just tribute to the qualities of head and heart that made him and kept him a leader among the public men of our country for a period of more than thirty-three years, longer than the average life of a generation. This duty is the more imperative upon me as he was a native of Ohio, for forty years a resident, and for eight years a Representative in Congress from that State, honored and respected by all of whatever party or creed, and beloved by his associates as but few in political life can hope to be.

I can also speak of him from a longer personal acquaintance than any one in either House, for I have known him or his kindred from almost the days of my boyhood. We were born in neighboring counties, he one year later than I. My father and his were associated as judge and clerk of the supreme court of Ohio. I knew of him as early as 1853, as the editor of the *Ohio Statesman*, a Democratic paper published at Columbus, the organ of that party in Ohio, but my personal acquaintance and association with him commenced with his election in 1856 as a member of the House of Representatives. His distinguished career in public life since that time has been eloquently stated by Senators who have preceded me. I prefer to speak of him as I think of him, as he appeared in social life, as a companion, a traveler, a writer of history, and of almost every form of literary composition.

While Mr. Cox was a successful leader in political life and rendered his party due fealty on purely political questions, he was not always in harmony with the majority of his party. In his first speech in Congress and the first speech made in the new Hall of the House of Representatives, an opportunity carefully chosen by him with the skill of an actor, he took ground against the Lecompton constitution, strongly recommended by Mr. Buchanan's Administration. He supported several measures during the war not approved by his political associates. He spoke in favor of the amendment abolishing slavery, though he did not vote for it. By instinct, education, and association, especially by family ties, he was against slavery. On all other questions of a political character he was by inheritance, and no doubt by conviction, a Democrat, and faithfully followed the tenets of his party. I do not consider this a fault, but a virtue.

While honesty of purpose and motive should be conceded to all parties and sects, it is no discredit to even the wisest of men to yield his individual opinions to the deliberate conviction of the great body of the people with whom in the main he agreed in order to secure a common purpose or desire. The right to protest and discuss and even to secede from a party or sect is open to every individual and should be exercised when clear and honest conviction demands it, but such conviction is more frequently caused by chagrin, disappointment, or egotism than by sober reason. It is enough to say of Mr. Cox that he was an honest partisan, but neither a bitter nor revengeful one. He was a Democrat, but he knew that the great party to which he was opposed was as strong and faithful in their support of the rights of the people as the party to which he belonged, but they differed as to the best means to secure these rights.

We constantly forget in our political contests that the great body of the questions we have to decide are non-political. Upon these we divide without feeling and without question of motives. On all such questions Mr. Cox was always on the humanitarian side. He has linked his name in honorable association with many humane, kindly, and reformatory laws. If not the founder or father of our Life-Saving Service, he was at least its guardian and guide. He took an active part in promoting measures of conciliation after the war. He supported the policy of the homestead law against the veto of Mr. Buchanan. He was the advocate of liberal compensation to letter-carriers, of reducing the hours of labor, and of liberal pensions to Union soldiers. I doubt if there is a single measure on the statute-books, during his time, which appeals to sympathy, charity, justice, and kindness for the poor, the distressed, or the unfortunate which did not receive his hearty support. If kindness bestowed is never lost, then Mr. Cox has left an inheritance to thousands who will revere his memory while life lasts.

Perhaps his most pleasing trait was his genial, social manner. Always gay, cheerful, and humorous, he scattered flowers on the pathway of all his friends and acquaintances. His wit was free from sting. If in the excitement of debate he inflicted pain, he was ready and prompt to heal the wound, and died, as far as I know, without an enemy or an unhealed feud. I had with him more than one political debate and controversy, but they left no coolness or irritation. In my last conversation with him, in the spring of 1889, we talked of old times and early scenes more than thirty years past and gone, and he recalled them only to praise those who differed with him. He had malice for none, but charity for all. In that endearing tie of husband and wife, which, more than any other, tests the qualities of a man, both he and his wife were models of unbroken affection and constant help for each other.

The most enduring fame of Mr. Cox will not rest upon what he said in Congress or did in Congress. His speeches are buried in the vast

mausoleum of CONGRESSIONAL RECORDS. But few will take the pains to select the wheat from the chaff, and what he did will be forgotten with the generation of which he was a part. His fame will rest mainly upon his numerous writings in many fields of literature. This was the occupation in which he took most delight. He was bred a lawyer, but he early abandoned his profession and became an editor of a political paper. Nor did he devote his time to political questions, but soon became distinguished as a brilliant writer on purely literary topics. One of his pen pictures—a model of its class—gave him the name of "Sunset Cox," of which he was never ashamed.

He was fond of travel and wrote several books descriptive of scenes and incidents of travel. He also wrote historical works. He entered as an author, a lecturer, and a speaker many fields of research, and in all sustained his reputation as a brilliant writer and speaker, always interesting and often eloquent, a close student who always mastered his subject, and withal a man of generous impulses, kind and cheerful nature, a true friend, and a faithful public servant. This all can be said truly and without exaggeration of Mr. Cox. All that is left for me is to express my sincere sorrow for his untimely death. He did not contemplate death when I saw him last. His death was the first news I received on my arrival in New York, in September last, from a journey abroad. I am told that he met the common fate of all with patient confidence and an assured hope and belief in the doctrines of the Christian faith and the promise of future life.

It is fortunate that man can not know the future, and especially that future beyond human life. Socrates, when condemned to death, consoled himself with the inconceivable happiness, in a future state, when he would converse and associate with and question the mighty array of heroes, patriots, and sages that preceded him. He said to his judges, "It is now time to depart—for me to die, for you to live. But which of us is going to a better state is unknown to every one but God." We can not lift the veil, but may we not share the hope of the wisest of men that our farewell to associates who go before us is but a brief parting for a better life?

Mr. VEST. Mr. President, it is not my purpose to speak at length of the public life of Samuel S. Cox. To do so would simply be to present a résumé of the political history of this country for the last thirty years. When I came to the Senate twelve years ago my first public duty of any importance was service upon a joint committee of the Senate and House of Representatives, to inquire into the causes of the decay of the American merchant marine. During my service upon that committee, of which Mr. Cox was a member from the House of Representatives, I came to know him well, and personal and political sympathy caused our acquaintance to rapidly ripen into earnest friendship.

He was in some respects the most remarkable man I have known in public affairs. Whilst there was nothing majestic or rugged in his nature, he was beyond question better adapted to public life as known to the American people than any other man in all my acquaintance. He was capable of indefatigable labor, with varied accomplishments, versatile talents, wonderful eloquence, and a tenacity of purpose which knew nothing like failure. He was a partisan, but a partisan in the highest and best meaning of the term. He fought for his party because the principles of that party were, in his judgment, necessary to the welfare of his country. He never shrank from any political hazard, from any political contest. There was not a rivet in his armor that had not been tried by thrust of sword and point of spear. All that he was, all that he could give, was unreservedly and without hesitation devoted to the principles and policy of the great organization of which he was so illustrious a member.

He was a man of mercurial temperament, with whom the lights and shadows came and went as on a summer landscape, and like all public men of intellect and labor he tired at times and almost despaired. In 1884, when I heard that he contemplated accepting the mission to Turkey, I called upon him as a personal friend and remonstrated against it. I urged upon him the necessity, with a Democratic Administration coming into power after a quarter of a century, for our best talent and most experienced leaders in both branches of Congress, and I placed before him the great crisis that in the history of our party demanded his presence in the House of Representatives.

His answer was pathetic. He said "I am tired; tired almost unto death. I am tired of rolling this eternal stone up the hill to see it roll back again to the bottom. I am tired of this eternal toil without return. I am tired of the excitement, of it seems to me, the fruitless public labor that has been my lot for so many years. I want rest, and I can find it amidst the mosques and minarets of the finished civilization of the East. I can find it in the land of sunshine and flowers, completed centuries ago, where I can dream away the balance of this life, so much of which has been spent in toil and excitement." The year afterwards I received from him a letter stating that he had been disappointed in the East and would return soon to the United States, and I welcomed him back to public life as a soldier welcomes a comrade whose blade he knows is never absent in the hour of trial and danger.

I was the cause, to some extent, of the first address he delivered in the House of Representatives after his return, and it was in connection

with legislation affecting the Yellowstone National Park. We agreed to meet there the summer afterwards. I was prevented by circumstances beyond my control from keeping the engagement, but I met him after he came out of that splendid reservation at Helena, Mont., and there we talked, under the shadow of the great mountains, of the past and the coming future. We then anticipated our meeting again at the assembling of the present Congress. But, Mr. President, he has gone to a higher congress, whose sessions are eternal.

The history of Mr. Cox will always be connected not only with the politics of this country, but with objects of the highest and noblest philanthropy. My friend from Indiana [Mr. VOORHEES] has spoken of his splendid oratory in behalf of the Jews of Poland. He also devoted many years to those who "go down to the sea in ships," and to the humble postman, who brings tidings of joy or sorrow to each household in the land.

After his return from the Pacific coast I received from him the last of his literary productions, *The Isles of the Princes; or, the Pleasures of Prinkipo*, and in the closing words of this charming book, which seems in every page to breathe the genius, the philanthropy, and the vivacity of this wonderful man, a fitting epitaph is found for his tomb. This is an account of his last summer abroad, on the island of Prinkipo, where with the companion of his life's journey he attempted to realize that dream of complete rest for which he had left his country:

The story of our summer is told. The wreaths begin to wither on the tomb. A thousand thoughts and studies hang over them. But these are not dead garlands. The angels of memory will resume their places at the gate of this paradise. The flaming sword drives us into the old and busy world, under the glaring sun and the uncolored heat and dust of our earnest and active American life; but amidst all the turmoil and worry of that life, we shall turn to the "Pleasures of Prinkipo."

In the shadow of thy pines, by the shores of thy sea,
On the hills of thy beauty, our heart is with thee.

Mr. DIXON. Mr. President, a strong personal attachment, at first inspired by many kind attentions long ago, impels me to offer the tribute of affectionate regard to the distinguished dead. Many years his junior I was attracted to Mr. Cox by such thoughtful consideration as men of experience and years can show to those much younger than themselves. In the kindness and friendliness of his life he exerted such a winning influence on those with whom he came in contact that he made friends of young and old.

From the time Samuel Sullivan Cox entered Brown University until just previous to his death, when he wrote "I am beginning to yearn after early memories of Brown and Providence," he had a great fondness for that venerable institution and the city where it stands. There it was he early displayed those brilliant qualities of mind that in after-years made him renowned, there it was his youthful powers were cultivated, bent, and trained, and there it was, as I have often heard him say, he acquired that analytic habit that became a part of his intellectual power. Then and there it was he formed associations in Rhode Island that ended only with his life.

Very naturally after leaving college his tastes led him to devote himself to a professional career, and he practiced law in Zanesville, Ohio, his native town, until 1853, when he moved to Columbus and became editor of the Columbus Statesman; then turning his attention to politics he soon entered public life.

Always a strong partisan, he bore a conspicuous part in the councils of the Democratic party; yet when necessary to do what he considered right he could step across the party line. I leave all commendation for party fealty to his party associates. It was by no means on account of his political affiliation that his closest personal friends were bound to him.

In his public career, extending through so many years, where he won an enviable national reputation (his first election to the House of Representatives from Ohio was in 1856, and after removing to New York he was elected from a New York City district to the House almost successively until his death), there is much to allure attention and attract remark.

Sensitive to the blows and thrusts of factional animosity, he shrank from the keen rancor that has become too common a part of public debate and difference. He would naturally "beware of entrance to a quarrel, but being in" his abilities, his mental resources, and his ready wit made him a bold and fearless adversary. Mr. Cox never entered into any contest bearing malice, and if surprised into a loss of temper or suddenly excited to hot words he was prompt to express regret and ask for that forgiveness he was ever ready to bestow.

When a man has been standing for many years in the fierce light of political controversy it is generally forgotten that he has any individuality, private life, or character except such character as has been imposed upon him by political allies or opponents.

But, sir, personal characteristics drew friends to Mr. Cox; his individuality kept that friendship. While others laud his statesmanship and commend his public acts, I would pay my humble tribute to the man himself and to those qualities and characteristics that won him friends.

In all his relations with men Mr. Cox was benevolent and kind; always accessible to the unfortunate. Interested in works of charity,

he was so ready with his kindly aid that when opportunity presented an occasion to do good, with earnest zeal he would devote himself to the kind purpose, whether that purpose was directed toward the establishment of a national system for life-saving on the sea and coast or was only secretly called forth by the pitiful recital of some individual distress. It was not alone on account of his generous readiness to aid the unfortunate that friends were drawn to him, for in his intercourse with those whose ample fortunes and full stores of this world's goods left no material want he could supply, this cheerful, genial man daily added to the number of his friends, and all through this broad land of ours his name was known and in almost every little town he had at least one friend.

In the city where he lived, so greatly was he honored and esteemed that when he died a vast assemblage of his fellow-townsmen met to pay to him the homage of their respect and love. That gathering was a grander tribute to the worth and goodness of the man than all the adulation and heartless solemnity of stately ceremonials in high places.

Mr. Cox had cultivated by studious application the strong and vigorous mind he had inherited, had expanded his powers by extensive travel, and stored in a retentive memory what he had read and seen. Gifted with an ease and felicity of expression he became a frequent and most interesting contributor to periodical publications, and was the author of many entertaining books, infusing into each the cheerfulness of his bright mind.

To all appearance he had just reached the summit of his mental strength; he seemed adequately equipped to undertake still more laborious tasks. Never had he been so well fitted to serve his constituency and his country. In the full possession of his ripened powers he did not perceive that age was coming on. To his full hope the end seemed still far distant, but the days of his appointed time were numbered, and on the 10th day of September last Samuel Sullivan Cox entered into rest.

An active, earnest, noble life has ended. Another pilgrim had made the journey to that—

Country bordering on this land
Sealed in eternal silence here, where all
Are journeying—a region which we call
The empire of the dead. No mortal's hand
Hath ever mapped its coast. Upon its strand
Discovery's anchor ne'er hath been let fall.

[Mr. EVARTS addressed the Senate. See Appendix.]

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New York [Mr. EVARTS] that the resolutions which have been read by the Secretary be adopted.

The resolutions were unanimously agreed to.

Mr. EVARTS. I move that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 33 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 9, 1890, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, July 8, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The SPEAKER. The Clerk will cause the Journal of yesterday's proceedings to be read.

Mr. ROGERS. Mr. Speaker, the business we have under consideration, as well as that we are about to take up, is so important to the country that I think we ought to have a quorum; and I make the point of order that there is no quorum present.

The SPEAKER, after counting the House, announced the presence of 122 members; less than a quorum.

Mr. McKINLEY. I move a call of the House.

A call of the House was ordered.

The Clerk proceeded to call the roll; when the following members failed to answer to their names:

Alderson,	Buckalew,	Culbertson, Pa.	Hall,
Anderson, Kans.	Bullock,	Cutcheon,	Hansbrough,
Andrew,	Bunn,	Dargan,	Hare,
Arnold,	Burrows,	Darlington,	Harner,
Atkinson, Pa.	Barton,	De Lano,	Haynes,
Atkinson, W. Va.	Butterworth,	Dickerson,	Hemphill,
Barnes,	Candler, Mass.	Dunphy,	Henderson, Ill.
Beckwith,	Carlton,	Elliott,	Hermann,
Relden,	Catchings,	Ellis,	Hill,
Bergen,	Cheatham,	Enloe,	Hopkins,
Biggs,	Chipman,	Ewart,	Houk,
Blanchard,	Clancy,	Fitch,	Kerr, Iowa
Boothman,	Clark, Wis.	Flood,	Ketcham,
Boutelle,	Clements,	Flower,	Kilgore,
Bowden,	Clunie,	Fowler,	Knapp,
Breckinridge, Ark.	Cogswell,	Frank,	Lane,
Brewer,	Coleman,	Funston,	Lansing,
Brickner,	Cooper, Ind.	Geissenhainer,	Lawler,
Brosius,	Cothran,	Gest,	Lehlbach,
Brower,	Covert,	Gibson,	Lester, Ga.
Brown, J. B.	Cowles,	Greenhalge,	Lester, Va.
Browne, T. M.	Craig,	Grosvenor,	Lewis,
Buchanan, N. J.	Crain,	Grou,	Lodge,

Magner,
McAdoo,
McCarthy,
McClellan,
McComas,
McCord,
McCormick,
McKenna,
Miles,
Moffitt,
Montgomery,
Moore, N. H.,
Morgan,
Morrill,
Morrow,
Norton,
Nute,
O'Donnell,
O'Neill, Ind.

Outhwaite,
Owen, Ind.
Paynter,
Pennington,
Perry,
Phelan,
Pickler,
Price,
Pugsley,
Quackenbush,
Raines,
Randall,
Rockwell,
Rowland,
Rusk,
Russell,
Sanford,
Sawyer,
Scranton,

Seney,
Sherman,
Simonds,
Smyser,
Spinola,
Springer,
Stahnecker,
Stewart, Ga.,
Stockbridge,
Struble,
Stump,
Tarsney,
Taylor, E. B.,
Taylor, J. D.,
Tenn.,
Tillman,
Tucker,
Turner, Ga.,
Turner, Kans.

Turner, N. Y.,
Van Schaick,
Vaux,
Waddill,
Walker, Mo.,
Wallace, Mass.,
Wallace, N. Y.,
Washington,
Watson,
Wheeler, Mich.,
Whiting,
Wiley,
Wilkinson,
Willcox,
Wilson, Ky.,
Wilson, Mo.,
Wright,
Yardley.

During the call of the roll the following members appeared, and their names were recorded under the rule:

Mr. ANDERSON, of Kansas; Mr. ATKINSON, of Pennsylvania; Mr. ATKINSON, of West Virginia; Mr. BLANCHARD, Mr. BRECKINRIDGE, of Arkansas; Mr. BRICKNER, Mr. JASON B. BROWN, Mr. BULLOCK, Mr. BURROWS, Mr. BURTON, Mr. CALDWELL, Mr. COLEMAN, Mr. COOPER, of Indiana; Mr. CRAIG, Mr. CUTCHEON, Mr. CLUNIE, Mr. COWSWELL, Mr. CATCHINGS, Mr. CRAIG, Mr. ELLIOTT, Mr. GEST, Mr. HERMANN, Mr. LAWLER, Mr. LEWIS, Mr. MCCLELLAN, Mr. MOFFITT, Mr. NORTON, Mr. OUTHWAITE, Mr. OWEN, of Indiana; Mr. STUMP, and Mr. WASHINGTON.

The SPEAKER. The Clerk informs the Chair that 198 members, a quorum, are present.

Mr. MCKINLEY. I move that all further proceedings under the call be dispensed with.

There was no objection, and it was so ordered.

The Journal of yesterday's proceedings was read and approved.

WITHDRAWAL AND ANNOUNCEMENT OF CONFEREES.

The SPEAKER. The Chair announced by mistake conferees on House bill 9104. The bill was not in a condition for such appointment, and the Chair desires to withdraw the announcement, and in lieu thereof to announce the following conferees on Senate bill No. 209, to authorize the Secretary of War to cause to be mustered William P. Atwell: Messrs. OSBORNE, LANSING, and LANHAM.

ADMISSION OF WYOMING.

The Speaker laid before the House the following bill with Senate amendments:

A bill (H. R. 982) to provide for the admission of the State of Wyoming into the Union, and for other purposes.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, June 27, 1890.

Resolved, That the bill from the House of Representatives (H. R. 982) do pass with the following amendment:

Page 2, line 3, after "beginning," insert:

"Provided, That nothing in this act contained shall repeal or affect any act of Congress relating to the Yellowstone National Park or the reservation of the park as now defined, or as may be hereafter defined or extended, or the power of the United States over it; and nothing contained in this act shall interfere with the right and ownership of the United States in said park and reservation as it now is or may hereafter be defined or extended by law; but exclusive legislation, in all cases whatsoever, shall be exercised by the United States, which shall have exclusive control and jurisdiction over the same; but nothing in this proviso contained shall be construed to prevent the service within said park of civil and criminal process lawfully issued by the authority of said State; and the said State shall not be entitled to select indemnity school land for the sixteenth and thirty-sixth sections that may be in said park reservation, as the same is now defined or may be hereafter defined."

Mr. BAKER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

Mr. BAKER moved to reconsider the vote by which the Senate amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PETER MOOG.

The SPEAKER laid before the House the bill (H. R. 1104) to relieve Peter Moog from the charge of desertion, with Senate amendment.

The amendment of the Senate was read at length.

Mr. ROGERS. Mr. Speaker, a parliamentary inquiry. I was unable to ascertain whether or not the House bill, as it passed, carried any appropriation of money, and whether the appropriation is found alone in the Senate amendment.

The SPEAKER. The proposition is to relieve from a charge of desertion.

Mr. ROGERS. I did not inquire as to that. I inquired as to whether or not the original House bill carried an appropriation, or whether the appropriation is alone confined to the Senate amendment.

The SPEAKER. The Chair has already answered the question.

Mr. ROGERS. I make the point of order that this bill should be considered in Committee of the Whole.

The SPEAKER. The Chair will examine into that matter. The Chair would call the attention of the gentleman from Michigan [Mr.

CUTCHEON] to the fact that a point of order is made against the Senate amendment.

Mr. ROGERS. I make the additional point, also, that it ought to go to the proper committee.

The SPEAKER. That would follow as a matter of course if it is to be considered, unless non-concurrence is asked and the conference requested by the Senate is agreed to, which would change it.

Mr. CUTCHEON. I move to non-concur in the Senate amendment and agree to the conference asked.

Mr. CRISP. I make the point of order upon that, that there has not been such non-concurrence between the two Houses as makes the request for a conference a privileged motion. As I understand the rule, before a request for a conference can be privileged there must be disagreeing votes of the two Houses on the amendment. Now, this is a House bill with a Senate amendment. The House has never passed upon the amendment, and until the House non-concurs in the amendment the bill is not in a situation where a motion for a conference is privileged; so the motion that this bill should go to a committee must carry it there, notwithstanding the Senate request for a conference. I know it was the practice under the old rules that there must be disagreeing votes of the two Houses before it was in order to ask for a conference.

The SPEAKER. But there have been conflicting decisions upon that point.

Mr. CRISP. But, Mr. Speaker, I think there was a review of the conflicting decisions in the last House by Mr. Speaker CARLISLE, where he expressly held on a review of all the decisions and stated, as the Chair has said, that there had been conflicting decisions that the settled and satisfactory rule under general parliamentary law as practiced was, that a motion for a conference was only privileged when there had been disagreeing votes between the two Houses.

The SPEAKER. That was a decision overruling a previous decision of his own, was it not?

Mr. CRISP. I think so.

The SPEAKER. Without objection, the Chair will lay the bill aside and pass upon the question at some future time. It is a matter the Chair would like to examine.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate requested the return of the bill (S. 3751) to grant to the Mobile and Dauphin Island Railroad and Harbor Company a right to trestle across the shoal water between Cedar Point and Dauphin Island.

LEASE OF PIER BY VESSEL-OWNERS OF CHICAGO, ILL.

The Speaker laid before the House the joint resolution (H. Res. 104) to permit the Secretary of War to lease pier, as petitioned by vessel-owners of Chicago, Ill., with Senate amendments.

The amendments were read at length.

Mr. MASON. Mr. Speaker, I move that the House non-concur in the amendments of the Senate and agree to the request for a committee of conference.

Mr. CRISP. I do not object to the motion to non-concur, but I make the point that the bill is not in a condition where it is privileged to put the motion to agree to the request for a conference.

The SPEAKER. On what ground?

Mr. MASON. With the consent of the gentleman from Georgia, if he thinks that is proper, as I am in no hurry about the matter, I will simply move to non-concur in the Senate amendments.

Mr. CRISP. The bill is in a condition for non-concurrence, but is not in condition for a motion to agree to the request for a conference.

The SPEAKER. It seems to be in a position to non-concur. Usually the motion is to non-concur and agree to the request for a conference.

Mr. CRISP. I think, as I understand the rule, it is certainly in order to move to non-concur; but this double motion to non-concur and agree to the conference requested is another matter.

The SPEAKER. That has been the custom. The gentleman can have a division if he desires.

Mr. CRISP. No, sir; I do not.

The SPEAKER. It is simply a convenient way of disposing of the business before the House.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman from Illinois explain the matter? Possibly we might want to concur and not take the trouble of non-concurrence in the amendments. Why should we not concur in the amendments of the Senate?

Mr. MASON. I have not heard the whole of the amendments read, but the Senator who reported it told me that the proper way was to non-concur and have a committee of conference appointed, and then an agreement could be reached.

Mr. BRECKINRIDGE, of Kentucky. What is the difference between the proposition as it passed the House and the amendments put on by the Senate?

Mr. MASON. The House passed a resolution authorizing the Secretary of War to make a revocable license to any one whom he saw fit

in the best interests of the Government for the temporary use of a certain pier, following the precedents established in certain cases. Now, as I understand the amendments, they fix a specific firm to whom the revocable license is to be granted; and the way I desire to have it passed is that the Secretary of War shall be authorized to do whatever he can for the best interests of the Government, and gives every one a chance at it. That is my object.

Mr. McMILLIN. I agree with the gentleman from Illinois in that; and if the bill should be passed at all he is correct. There is no reason why the exclusive privilege should be given to one firm, but if the privilege is given it should be given to every one.

Mr. MASON. That is what I say.

Mr. McMILLIN. I do not think it is right to do it as the gentleman suggests the Senate amendment proposes.

Mr. MASON. Then I think the best way is to move to non-concur and agree to the conference asked, and I make that motion.

The SPEAKER. The question is on non-concurrence in the Senate amendments and agreeing to the conference asked.

The motion was agreed to. So the House non-concurred in the amendments of the Senate and agreed to the conference requested.

EXPLANATION.

Mr. CAMPBELL. Mr. Speaker, upon referring to the RECORD of July 2, I find that I am not named as present and voting or as paired on the amendment to the Federal election bill offered by the gentleman from New Jersey [Mr. LEHLBACH]. I desire to state that I was paired with Mr. FLOOD, of New York, on that vote.

JAMES SHOWALTER.

The SPEAKER laid before the House a bill (S. 1741) granting an increase of pension to James Showalter, with the disagreement of the Senate to the House amendment thereto, and a request for a committee of conference.

The House, by unanimous consent, insisted upon its amendment and agreed to the conference requested by the Senate.

JACKSONVILLE, ST. AUGUSTINE AND HALIFAX RIVER RAILWAY CO.

The SPEAKER also laid before the House a bill (H. R. 9104) granting to the Jacksonville, St. Augustine and Halifax River Railway Company a right of way across the United States military reservation at St. Augustine, Fla., with amendments of the Senate thereto, and a request for a committee of conference.

Mr. CUTCHEON. Mr. Speaker, I move that the House concur in the Senate amendments to this bill. They are designed simply to better protect the interests of the Government by providing that the flood water in the ditch shall not be obstructed, and that grade crossings shall be provided by the railroad company.

The motion was agreed to; and the amendments of the Senate were concurred in.

ADDITIONAL ASSOCIATE JUSTICE, NEW MEXICO.

The SPEAKER also laid before the House a bill (H. R. 5966) to provide for an additional associate justice of the supreme court of the Territory of New Mexico, with amendments of the Senate thereto.

Mr. BUCHANAN, of New Jersey. The amendments of the Senate are simply verbal, and I move that they be concurred in.

The amendments were concurred in.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Military Affairs was discharged from further consideration of the bill (S. 2786) for the donation of the Fort Brooke military reservation at Tampa, Fla., for free schools and other purposes; and it was referred to the Committee on the Public Lands.

ABANDONED MILITARY RESERVATIONS IN WYOMING.

The SPEAKER also laid before the House a bill (H. R. 8245) to provide for the disposal of the abandoned military reservations in Wyoming Territory, with amendments of the Senate thereto.

The amendments were read, as follows:

Page 1, line 4, strike out "and the Fort Fetterman hay reservation."

Page 1, line 14, after the word "entry," insert "not exceeding one quarter-section."

Page 1, line 24, strike out "of land shall contain at least" and insert in lieu thereof "may include adjoining lands to the amount of."

Amend the title so as to read: "An act granting certain lands in the Territory of Wyoming for public purposes."

Mr. CAREY. Mr. Speaker, I move that the amendments of the Senate be concurred in.

Mr. McMILLIN. Will the gentleman please state the effect of the Senate amendments.

Mr. CAREY. The bill provides for the disposal of five or six large military reservations in Wyoming Territory that were established during the times of Indian troubles in that Territory. It proposes to dispose of certain of the lands to actual settlers who were upon them on the 1st day of January last, not exceeding 160 acres of land to each settler. The other lands are to be disposed of to actual settlers under the homestead law. The Senate amendments are of a clerical character with the exception of the one which strikes out Fort Fetterman hay reservation. That is a small reservation which the Senate com-

mittee thought had better be disposed of under the law of 1884, which provides for its disposal in 40-acre tracts.

Mr. McMILLIN. The gentleman says that the bill gives a preference to those who were upon these lands last January.

Mr. CAREY. Yes.

Mr. McMILLIN. Why is that? They were there in violation of law, were they not?

Mr. CAREY. Technically, yes; but not so under the practice that has prevailed in the Western country. These reservations contain many thousand of acres, in one instance I believe a hundred thousand acres, and all through the Western country it has been the habit as soon as the reservations were abandoned for settlers to squat upon them, and this bill simply provides that the settlers who went upon those lands and made valuable improvements shall have a right to procure under existing law the lands, not exceeding 160 acres to each occupant.

Mr. DUNNELL. I will say to the gentleman from Tennessee that this has been the uniform practice. Where military reservations have been abandoned and the lands turned over to the public domain, provision has always been made for those who were on them at the time.

Mr. CAREY. I will say to the gentleman from Tennessee that these lands are no more valuable than the acres that adjoin the reservation.

Mr. McMILLIN. If the custom has been as the gentleman states, my action upon this question would probably be influenced by a very long continued custom; but as an original proposition it appears to me of questionable propriety to give a "sooner" an advantage over a person who observes the law and goes upon no land except that which he is authorized to occupy.

Mr. CAREY. I have no doubt that the gentleman could go out there to-day and take up on any of these reservations 160 acres of just as good land as that occupied by these settlers.

Mr. ROGERS. I wish to ask the gentleman from Wyoming a question, but before doing so I want to make a single observation.

These House bills, coming back to us with Senate amendments, are handed to the Speaker or the Clerk and are put upon the table. Under the rule they are laid before the House without any gentleman perhaps having knowledge of the particular measure or having opportunity to make examination of it. Nor are we even advised sufficiently, under the rulings of the Chair, as to what class of bills will be laid before the House or which will go to committees. The result is the only information we can gather is from the reading of the Senate amendments; and nothing could be more unintelligible than the reading of an amendment referring to line so and so of such and such a section of a bill which has not been read.

I do not know what the practice is or ought to be under the present ruling; but it does seem to me that where the House is called upon to vote on amendments which are not purely verbal or formal, the bill itself, or so much of it as would make the amendments intelligible to the House, ought to be read.

As applicable to the observations I have just made, I want to ask the gentleman from Wyoming what is meant by the Senate amendment, which, as I recollect, uses the language, "as well as other adjoining lands." What does that refer to? It would seem to imply that in this amendment we are not only disposing of Government reservations, but perhaps other adjoining land.

Mr. CAREY. No such interpretation is admissible.

Mr. ROGERS. I only wanted to know what is meant by that language, and I do not know any other way to get the information than by this inquiry.

Mr. CAREY. The bill is very short and, if the gentleman prefers it, let it be read.

Mr. ROGERS. I would be very glad to have it read, if that is the practice of the House.

The SPEAKER. The practice of the House is to read the Senate amendments. The House bill having been passed by the House, members are presumed to be acquainted with its provisions; but if any gentleman does not recollect the bill and calls for its reading, the bill also can be read.

Mr. ROGERS. I shall be glad to have the House bill read.

The SPEAKER. The Clerk will read the House bill.

The Clerk read as follows:

Be it enacted, etc., That all public lands now remaining undisposed of within the abandoned military reservations in the Territory of Wyoming, known as Forts Fetterman (post), Laramie, Sanders, and Steele (post) military reservations, and the Fort Fetterman hay reservation, and that portion of the Fort Bridger reservation heretofore abandoned for military purposes, and which are not otherwise occupied or used for any public purpose, are hereby made subject to disposal under the homestead law only: Provided, That actual occupants thereon upon the 1st day of January, 1890, if otherwise qualified, shall have the preference right to make one entry under either of the existing land laws, which shall include their respective improvements: Provided further, That any of such lands as are occupied for town-site purposes, and any of the lands that may be shown to be valuable for coal or minerals, such lands so occupied for town-site purposes, or valuable for coal or minerals, shall be disposed of as now provided for lands subject to entry and sale under the town-site, coal, or mineral land laws, respectively: Provided further, That this act shall not apply to any subdivision of land, which subdivision of land shall contain at least 160 acres, on which any buildings or improvements of the United States are situated until the Secretary of the Interior shall so direct: Provided further, That the passage of this act shall not be construed to amend or repeal

the act approved May 28, 1888, entitled "An act granting certain lands in the Territory of Wyoming for public purposes."

Mr. DUNNELL. I would like to inquire of the gentleman from Wyoming when these reservations were abandoned.

Mr. CAREY. The Fort Bridger reservation was abandoned, I think, in 1872.

Mr. DUNNELL. By act of Congress?

Mr. CAREY. By act of Congress. There are some 25,000 or 30,000 acres of that which have not been disposed of. The Fort Sanders and Fort Steele military reservations were abandoned, I should say, five or six years ago. The Fort Laramie reservation has been abandoned during the present year; the Fort Fetterman reservation has been abandoned probably for six to eight years. The Fort Fetterman hay reservation, which is excepted from the provisions of this bill by the Senate because it is a small reservation, has been abandoned probably for some eight or ten years.

Mr. ROGERS. There is one provision here which I would like the gentleman from Wyoming to explain. The bill provides—

That this act shall not apply to any subdivision of land, which subdivision of land shall contain at least 160 acres, etc.

The Senate amendment proposes to strike out the words "of land shall contain at least" and insert "may include adjoining lands to the amount of;" so that it would read:

That this act shall not apply to any subdivision of land, which subdivision may include adjoining lands to the amount of 160 acres, etc.

Now, is that confined to the reservations, or does it go outside?

Mr. CAREY. It is confined to the reservations; and it has reference, I believe, to only one of these reservation, where the Government, in the disposal of these military buildings some eight or ten years ago, reserved the new building which had been erected at Fort Fetterman for the Quartermaster's Department, it being supposed that at some time or other in case of Indian troubles the Government might want to use that building again. Besides, the Government some years ago built an iron bridge across the Platte River at Fort Laramie, which bridge the Government still owns, though there is an arrangement with the county in which it is situated to keep the bridge in repair; and it was supposed the Government might want to reserve the lands covering the approaches to the bridge on either side.

Mr. ROGERS. Do I understand, then, that any part of these reservations disposed of by the bill contain Government buildings upon them?

Mr. CAREY. No, sir; not any part at all. The only thing this proposes to do is to allow the Secretary of the Interior, if he thinks proper, to reserve a 40-acre tract and adjoining lands, making a total of not exceeding 160 acres, on which may be situated any public building.

Mr. ROGERS. But has the Secretary of the Interior under the provisions of this bill the right to permit a man to enter land on which stands a Government building?

Mr. CAREY. No; not at all.

Mr. ROGERS. I thought the gentleman said the Secretary of the Interior would have the discretion—

Mr. CAREY. I say that under the bill he may reserve this 40-acre tract and adjoining lands to the extent of 160 acres; but there are but two instances where this condition will exist, one where there is an old Government building not worth to-day \$25, and the other where a bridge was built across the Platte River on the Laramie reservation, where the Government may desire to reserve the lands covering the approaches to the bridge.

Mr. ROGERS. I do not desire to delay the passage of the bill any further.

The SPEAKER. The question is on the motion of the gentleman from Wyoming to concur in the Senate amendments.

The motion was agreed to.

PREVENTION OF COLLISIONS AT SEA.

The SPEAKER also laid before the House the bill (S. 3917) to adopt regulations for preventing collisions at sea.

The SPEAKER. This is a Senate bill, substantially similar to a House bill reported by a House committee and now on the Calendar. The Clerk proceeded to read the bill.

Mr. DINGLEY. Mr. Speaker, I ask unanimous consent that the reading of the remainder of the first section of the bill be dispensed with, simply stating that the remainder of this section embodies the regulations adopted by the International Marine Conference, which have been published and distributed throughout the country for the past six months. They embrace about twenty pages of the bill, and relate simply to technical matters of detail as to marine signals. The reading of this portion of the bill would afford but little information to the members.

Mr. McCREARY. Let me ask the gentleman if this has been reported by a committee.

Mr. DINGLEY. Yes, sir; reported unanimously.

Mr. McCREARY. I understood the Speaker to say that it was a Senate bill.

The SPEAKER. It is a Senate bill, but identical with the House bill.

Mr. McCREARY. The same as the House bill reported from the committee?

Mr. DINGLEY. Word for word with the bill on the House Calendar.

I ask to dispense with the reading of the formal portion of this section of the bill, which simply designates the signals, for the purpose of facilitating the consideration of the bill.

Mr. McCREARY. This is the same code of signals as that adopted by the International Marine Conference?

Mr. DINGLEY. Yes, sir.

Mr. ROGERS. The House bill, I understand, has never yet been read in the House. Now it is proposed to dispense with the reading of the Senate bill. I think both ought to be read.

The SPEAKER. The request of the gentleman from Maine is to dispense with the reading of the remainder of the first section, relating to the signals, which, he explains, has already been generally published throughout the country.

Mr. ROGERS. It is then proposed to dispense with the reading of the bill *pro tanto*. Now, I do not think we ought to pass so important a bill without at least once reading it.

Mr. DINGLEY. But I am sure the reading of this part of the bill would afford no information whatever to the gentleman. Besides this is merely a formal matter agreed upon by the conference as to the signals at sea, occupying, as I have said, twenty pages of the bill and has been distributed throughout the country for the past six months. It has been adopted unanimously by the marine conference as well as by the House committee, and as it is merely formal I thought it might be dispensed with and proceed with the reading from section 2.

Mr. ROGERS. I am glad to see that the gentleman from Maine is so familiar with the bill. I congratulate the country and the House that it is so well advised about this matter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

Mr. ROGERS. I object.

Mr. CANNON. Then I ask the gentleman from Maine to withdraw the report for the present. It will evidently take considerable time, and later on he can present it.

Mr. DINGLEY. The State Department are awaiting this authority, with a view to corresponding with foreign Governments on the subject, and have been waiting for two weeks. I hope the House will proceed to consider the matter now. It can not take very long.

Mr. CANNON. The whole country, including Maine, is awaiting legislation touching original packages, I would say to the gentleman, too.

Mr. DINGLEY. Nothing can be more important, it seems to me, than the consideration of measures tending to prevent collisions at sea.

Mr. McMILLIN. I would suggest to the gentleman from Maine that he allow this bill to lie on the table temporarily and take it up hereafter.

Mr. DINGLEY. I suggest, then, Mr. Speaker, that the bill be printed in full in the RECORD and be taken up to-morrow morning for consideration.

The SPEAKER. The gentleman asks unanimous consent that the bill be now withdrawn and printed in the RECORD. Is there objection?

Mr. CUMMINGS. I object.

The SPEAKER. The Clerk will proceed to read the bill.

Mr. CANNON. Is it in order now to make a privileged report?

The SPEAKER. The reading of this bill has been commenced.

Mr. McMILLIN. I wish to make a parliamentary inquiry. Is it in order to move the reference of this bill to the Committee on Merchant Marine and Fisheries?

Mr. FARQUHAR. That is the committee that it came from.

Mr. DINGLEY. It has been reported already by that committee.

The SPEAKER. It is in order to make the motion, but the bill must first be read.

Mr. CANNON. Now, I only yielded in making this report, which I am instructed to make by the Committee on Rules, because it was stated by the gentleman from New York [Mr. FARQUHAR] that this would take but a few minutes—

Mr. DINGLEY. I hope the gentleman from New York [Mr. CUMMINGS] will withdraw his objection, and let the bill be printed and go over.

Mr. CUMMINGS. I would agree very gladly to accommodate the gentlemen, but I think the saving of human life on the ocean is of decidedly more importance than the passing of bills in the interest of prohibition cranks; and hence I insist on the objection.

Mr. CANNON. Then I will make this report the moment this bill is disposed of.

The Clerk resumed and concluded the reading of the bill. It is as follows:

Be it enacted, etc., That the following regulations for preventing collisions at sea shall be followed by all public and private vessels of the United States upon the high seas and in all waters connected therewith, navigable by sea-going vessels.

PRELIMINARY.

In the following rules every steam-vessel which is under sail and not under steam is to be considered a sailing vessel, and every vessel under steam, whether under sail or not, is to be considered a steam-vessel.

The word "steam-vessel" shall include any vessel propelled by machinery. A vessel is "under way" within the meaning of these rules when she is not at anchor, or made fast to the shore, or aground.

RULES CONCERNING LIGHTS, ETC.

The word "visible" in these rules when applied to lights shall mean visible on a dark night with a clear atmosphere.

ARTICLE 1. The rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited.

ART. 2. A steam-vessel when under way shall carry—(a) On or in front of the foremast, or if a vessel without a foremast, then in the forepart of the vessel, at a height above the hull of not less than 20 feet, and if the breadth of the vessel exceeds 20 feet, then at a height above the hull not less than such breadth, so, however, that the light need not be carried at a greater height above the hull than 40 feet, a bright white light, so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side, and of such a character as to be visible at a distance of at least 5 miles.

(b) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.

(c) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

(d) The said green and red side-lights shall be fitted with inboard screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bow.

(e) A steam-vessel when under way may carry an additional white light similar in construction to the light mentioned in subdivision (a). These two lights shall be so placed in line with the keel that one shall be at least 15 feet higher than the other, and in such a position with reference to each other that the lower light shall be forward of the upper one. The vertical distance between these lights shall be less than the horizontal distance.

ART. 3. A steam-vessel when towing another vessel shall, in addition to her side-lights, carry two bright white lights in a vertical line one over the other, not less than 6 feet apart, and when towing more than one vessel shall carry an additional bright white light 6 feet above or below such light, if the length of the tow measuring from the stern of the towing vessel to the stern of the last vessel towed exceeds 600 feet. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light mentioned in article 2 (a), excepting the additional light, which may be carried at a height of not less than 14 feet above the hull.

Such steam-vessel may carry a small white light abaft the funnel or aftermast for the vessel towed to steer by, but such light shall not be visible forward of the beam.

ART. 4. (a) A vessel which from any accident is not under command shall carry at the same height as the white light mentioned in article 2 (a), where they can best be seen, and if a steam-vessel in lieu of that light, two red lights, in a vertical line one over the other, not less than 6 feet apart, and of such a character as to be visible all around the horizon at a distance of at least 2 miles; and shall by day carry in a vertical line one over the other, not less than 6 feet apart, where they can best be seen, two black balls or shapes, each 2 feet in diameter.

(b) A vessel employed in laying or in picking up a telegraph cable shall carry in the same position as the white light mentioned in article 2 (a), and if a steam-vessel, in lieu of that light, three lights in a vertical line one over the other not less than 6 feet apart. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all around the horizon, at a distance of at least 2 miles. By day she shall carry in a vertical line, one over the other, not less than 6 feet apart, where they can best be seen, three shapes not less than 2 feet in diameter, of which the highest and lowest shall be globular in shape and red in color, and the middle one diamond in shape and white.

(c) The vessels referred to in this article, when not making way through the water, shall not carry the side-lights, but when making way shall carry them.

(d) The lights and shapes required to be shown by this article are to be taken by other vessels as signals that the vessel showing them is not under command and can not therefore get out of the way.

These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in article 31.

ART. 5. A sailing vessel under way and any vessel being towed shall carry the same lights as are prescribed by article 2 for a steam-vessel under way, with the exception of the white lights mentioned therein, which they shall never carry.

ART. 6. Whenever, as in the case of small vessels under way during bad weather, the green and red side lights can not be fixed, these lights shall be kept at hand, lighted and ready for use; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor, if practicable, more than two points abaft the beam on their respective sides.

To make the use of these portable lights more certain and easy the lanterns containing them shall each be painted outside with the color of the light they respectively contain, and shall be provided with proper screens.

ART. 7. Steam-vessels of less than 40, and vessels under oars or sails of less than 20 tons gross tonnage, respectively, when under way, shall not be obliged to carry the lights mentioned in article 2 (a) (b) and (c), but if they do not carry them they shall be provided with the following lights:

First. Steam-vessels of less than 40 tons shall carry—
(a) In the forepart of the vessel, or on or in front of the funnel, where it can best be seen, and at a height above the gunwale of not less than 9 feet, a bright white light constructed and fixed as prescribed in article 2 (a), and of such character as to be visible at a distance of at least 2 miles.

(b) Green and red side lights constructed and fixed as prescribed in article 2 (b) and (c), and of such a character as to be visible at a distance of at least 1 mile, or a combined lantern showing a green light and a red light from right ahead to two points abaft the beam on their respective sides. Such lantern shall be carried not less than 3 feet below the white light.

Second. Small steam-boats, such as are carried by sea-going vessels, may carry the white light at a less height than 9 feet above the gunwale, but it shall be carried above the combined lantern mentioned in subdivision 1 (b).

Third. Vessels under oars or sails, of less than 20 tons, shall have ready at hand a lantern with a green glass on one side and a red glass on the other, which, on the approach of or to other vessels, shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

The vessels referred to in this article shall not be obliged to carry the lights prescribed by article 4 (a) and article 11, last paragraph.

ART. 8. Pilot vessels when engaged on their station on pilotage duty shall not show the lights required for other vessels, but shall carry a white light at the masthead, visible all around the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed fifteen minutes.

On the near approach of or to other vessels they shall have their side lights lighted, ready for use, and shall flash or show them at short intervals, to indicate the direction in which they are heading, but the green light shall not be shown on the port side nor the red light on the starboard side.

A pilot vessel of such a class as to be obliged to go alongside of a vessel to put a pilot on board may show the white light instead of carrying it at the masthead, and may, instead of the colored lights above mentioned, have at hand ready for use a lantern with a green glass on the one side and a red glass on the other, to be used as prescribed above.

Pilot vessels when not engaged on their station on pilotage duty shall carry lights similar to those of other vessels of their tonnage.

ART. 9. Fishing vessels and fishing boats when under way and when not required by this article to carry or show the lights therein named shall carry or show the lights prescribed for vessels of their tonnage under way.

(a) Vessels and boats, when fishing with drift-nets, shall exhibit two white lights from any part of the vessel where they can best be seen. Such lights shall be placed so that the vertical distance between them shall be not less than 6 feet and not more than 10 feet, and so that the horizontal distance between them, measured in a line with the keel, shall be not less than 5 feet and not more than 10 feet. The lower of these two lights shall be the more forward, and both of them shall be of such a character as to show all around the horizon, and to be visible at a distance of not less than 3 miles.

(b) Vessels, when engaged in trawling, by which is meant the dragging of an apparatus along the bottom of the sea—

First. If steam-vessels, shall carry in the same position as the white light mentioned in article 2 (a) a tricolored lantern so constructed and fixed as to show a white light from right ahead to two points on each bow, and a green light and a red light over an arc of the horizon from two points on either bow to two points abaft the beam on the starboard and port sides, respectively; and, not less than 6 nor more than 12 feet below the tricolored lantern, a white light in a lantern, so constructed as to show a clear, uniform, and unbroken light all around the horizon.

Second. If sailing, of 7 tons gross tonnage and upwards, shall carry a white light in a lantern, so constructed as to show a clear, uniform, and unbroken light all around the horizon, and shall also be provided with a sufficient supply of red pyrotechnic lights which shall each burn for at least thirty seconds, and shall be shown on the approach of or to other vessels in sufficient time to prevent collision.

In the Mediterranean Sea the vessels referred to in subdivision (b) 2 may use a flare-up light in lieu of a pyrotechnic light.

All lights mentioned in subdivision (b) 1 and 2 shall be visible at a distance of at least 2 miles.

Third. If sailing vessels of less than 7 tons gross tonnage, shall not be obliged to carry the white light mentioned in subdivision (b) 2 of this article, but if they do not carry such light they shall have at hand, ready for use, a lantern showing a bright white light, which shall, on the approach of or to other vessels, be exhibited where it can best be seen in sufficient time to prevent a collision, and they shall also show a red pyrotechnic light, as prescribed in subdivision (b) 2, or in lieu thereof a flare-up light.

(c) Vessels and boats when line-fishing with their lines out and attached to their lines, and when not at anchor or stationary, shall carry the same lights as vessels fishing with drift-nets.

(d) Fishing vessels and fishing boats may at any time use a flare-up light in addition to the lights which they are by this article required to carry and show.

All flare-up lights exhibited by a vessel when trawling or fishing with any kind of drag-net shall be shown at the after part of the vessel, excepting that if the vessel is hanging by the stern to her fishing gear, they shall be exhibited from the bow.

(e) Every fishing vessel and every boat when at anchor shall exhibit a white light visible all around the horizon at a distance of at least 1 mile.

(f) If a vessel or boat when fishing becomes stationary in consequence of her gear getting fast to a rock or other obstruction, she shall show the light and make the fog-signal prescribed for a vessel at anchor, respectively. (See article 15 (d) (e) and last paragraph.)

(g) In fog, mist, falling snow, or heavy rain-storms drift-net vessels attached to their nets, and vessels when trawling, dredging, or fishing with any kind of drag-net, and vessels line-fishing with their lines out shall, if of 20 tons gross tonnage or upwards, respectively, at intervals of not more than one minute make a blast; if steam-vessels with the whistle or siren, and if sailing vessels with the fog-horn, each blast to be followed by ringing the bell.

(h) Sailing vessels or boats fishing with nets or lines or trawls, when under way, shall in daytime indicate their occupation to an approaching vessel by displaying a basket or other efficient signal, where it can best be seen.

The vessels referred to in this article shall not be obliged to carry the lights prescribed by article 4 (a) and article 11, last paragraph.

ART. 10. A vessel which is being overtaken by another shall show from her stern to such last-mentioned vessel a white light or a flare-up light.

The white light required to be shown by this article may be fixed and carried in a lantern, but in such case the lantern shall be so constructed, fitted, and screened that it shall throw an unbroken light over an arc of the horizon of twelve points of the compass, namely, for six points from right aft on each side of the vessel, so as to be visible at a distance of at least 1 mile. Such light shall be carried as nearly as practicable on the same level as the side lights.

ART. 11. A vessel under 150 feet in length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light in a lantern so constructed as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of at least 1 mile.

A vessel of 150 feet or upwards in length, when at anchor, shall carry in the forward part of the vessel, at a height of not less than 20 and not exceeding 40 feet above the hull, one such light, and at or near the stern of the vessel, and at such a height that it shall be not less than 15 feet lower than the forward light, another such light.

The length of a vessel shall be deemed to be the length appearing in her certificate of registry.

A vessel aground in or near a fair-way shall carry the above light or lights and the two red lights prescribed by article 4 (a).

ART. 12. Every vessel may, if necessary in order to attract attention, in addition to the lights which she is by these rules required to carry, show a flare-up light or use any detonating signal that can not be mistaken for a distress signal.

ART. 13. Nothing in these rules shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and signal-lights for two or more ships of war or for vessels sailing under convoy, or with the exhibition of recognition signals adopted by ship owners, which have been authorized by their respective Governments and duly registered and published.

ART. 14. A steam-vessel proceeding under sail only, but having her funnel up, shall carry in daytime, forward, where it can best be seen, one black ball or shape 2 feet in diameter.

SOUND SIGNALS FOR FOG, ETC.

ART. 15. All signals prescribed by this article for vessels under way shall be given:

1. By "steam-vessels," on the whistle or siren.
2. By "sailing vessels and vessels towed," on the fog-horn.

The words "prolonged blast" used in this article shall mean a blast of from four to six seconds' duration.

A steam-vessel shall be provided with an efficient whistle or siren, sounded by steam or by some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog-horn, to be sounded by mechanical means, and also with an efficient bell. [In all cases where the rules require a bell to be used a drum may be substituted on board small sea-going vessels.] A sailing vessel of 20 tons gross tonnage or upward shall be provided with a similar fog-horn and bell.

In fog, mist, falling snow, or heavy rain-storms, whether by day or night, the signals described in this article shall be used as follows, namely:

- (a) A steam-vessel having way upon her shall sound, at intervals of not more than two minutes, a prolonged blast.
- (b) A steam-vessel under way, but stopped, and having no way upon her, shall sound, at intervals of not more than two minutes, two prolonged blasts, with an interval of about one second between them.
- (c) A sailing vessel under way shall sound, at intervals of not more than one minute, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.
- (d) A vessel when at anchor shall, at intervals of not more than one minute, ring the bell rapidly for about five seconds.
- (e) A vessel at anchor at sea, when not in ordinary anchorage ground, and when in such a position as to be an obstruction to vessels under way, shall sound, if a steam-vessel, at intervals of not more than two minutes, two prolonged blasts with her whistle or siren, followed by ringing her bell; or, if a sailing vessel, at intervals of not more than one minute, two blasts with her fog-horn, followed by ringing her bell.
- (f) A vessel when towing shall, instead of the signals prescribed in subdivisions (a) and (c) of this article, at intervals of not more than two minutes, sound three blasts in succession, namely, one prolonged blast followed by two short blasts. A vessel towed may give this signal and she shall not give any other.
- (g) A steam-vessel wishing to indicate to another "the way is off my vessel, you may feel your way past me," may sound three blasts in succession, namely, short, long, short, with intervals of about one second between them.
- (h) A vessel employed in laying or in picking up a telegraph cable shall, on hearing the fog-signal of an approaching vessel, sound in answer three prolonged blasts in succession.
- (i) A vessel under way, which is unable to get out of the way of an approaching vessel through being not under command, or unable to maneuver as required by these rules, shall, on hearing the fog-signal of an approaching vessel, sound in answer four short blasts in succession.

Sailing vessels and boats of less than 20 tons gross tonnage shall not be obliged to give the above-mentioned signals, but if they do not, they shall make some other efficient sound signal at intervals of not more than one minute.

SPEED OF SHIPS TO BE MODERATE IN FOG, ETC.

ART. 16. Every vessel shall, in a fog, mist, falling snow, or heavy rain-storms, go at a moderate speed, having careful regard to the existing circumstances and conditions.

A steam-vessel hearing, apparently forward of her beam, the fog-signal of a vessel the position of which is not ascertained, shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.

STEERING AND SAILING RULES.
PRELIMINARY—RISK OF COLLISION.

Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

ART. 17. When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, namely:

- (a) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.
- (b) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.
- (c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.
- (d) When both are running free, with the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.
- (e) A vessel which has the wind aft shall keep out of the way of the other vessel.

ART. 18. When two steam-vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.

This article only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective courses, pass clear of each other.

The only cases to which it does apply are, when each of the two vessels is end on, or nearly end on, to the other; in other words, to cases in which, by day, each vessel sees the masts of the other in a line, or nearly in a line, with her own; and by night, to cases in which each vessel is in such a position as to see both the side-lights of the other.

It does not apply by day to cases in which a vessel sees another ahead crossing her own course; or by night, to cases where the red light of one vessel is opposed to the red light of the other, or where the green light of one vessel is opposed to the green light of the other, or where a red light without a green light or a green light without a red light is seen ahead, or where both green and red lights are seen anywhere but ahead.

ART. 19. When two steam-vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

ART. 20. When a steam-vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, the steam-vessel shall keep out of the way of the sailing vessel.

ART. 21. Where, by any of these rules, one of two vessels is to keep out of the way, the other shall keep her course and speed.

ART. 22. Every vessel which is directed by these rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other.

ART. 23. Every steam-vessel which is directed by these rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.

ART. 24. Notwithstanding anything contained in these rules, every vessel overtaking any other shall keep out of the way of the overtaken vessel.

Every vessel coming up with another vessel from any direction more than

two points abaft her beam, that is, in such a position with reference to the vessel which she is overtaking that at night she would be unable to see either of that vessel's side lights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

As by day the overtaking vessel can not always know with certainty whether she is forward of or abaft this direction from the other vessel she should, if in doubt, assume that she is an overtaking vessel and keep out of the way.

ART. 25. In narrow channels every steam-vessel shall, when it is safe and practicable, keep to that side of the fair-way or mid-channel which lies on the starboard side of such vessel.

ART. 26. Sailing vessels under way shall keep out of the way of sailing vessels or boats fishing with nets, or lines, or trawls. This rule shall not give to any vessel or boat engaged in fishing the right of obstructing a fair-way used by vessels other than fishing vessels or boats.

ART. 27. In obeying and construing these rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger.

SOUND SIGNALS FOR VESSELS IN SIGHT OF ONE ANOTHER.

ART. 28. The words "short blast" used in this article shall mean a blast of about one second's duration.

When vessels are in sight of one another, a steam-vessel under way, in taking any course authorized or required by these rules, shall indicate that course by the following signals on her whistle or siren, namely:

- One short blast to mean, "I am directing my course to starboard."
- Two short blasts to mean, "I am directing my course to port."
- Three short blasts to mean, "My engines are going at full speed astern."

NO VESSEL, UNDER ANY CIRCUMSTANCES, TO NEGLECT PROPER PRECAUTIONS.

ART. 29. Nothing in these rules shall exonerate any vessel, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

RESERVATION OF RULES FOR HARBORS AND INLAND NAVIGATION.

ART. 30. Nothing in these rules shall interfere with the operation of a special rule, duly made by local authority, relative to the navigation of any harbor, river, or inland waters.

DISTRESS SIGNALS.

ART. 31. When a vessel is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately, namely:

- In the daytime—
 - First. A gun fired at intervals of about a minute;
 - Second. The International Code signal of distress indicated by N C;
 - Third. The distance signal, consisting of a square flag, having either above or below it a ball or anything resembling a ball;
 - Fourth. Rockets or shells as prescribed below for use at night;
 - Fifth. A continuous sounding with any fog-signal apparatus.
 - At night—
 - One. A gun fired at intervals of about a minute;
 - Two. Flames on the vessel (as from a burning tar-barrel, oil-barrel, etc.);
 - Three. Rockets or shells, bursting in the air with a loud report and throwing stars of any color or description, fired one at a time at short intervals;
 - Four. A continuous sounding with any fog-signal apparatus.
- SEC. 2. That all laws or parts of laws inconsistent with the foregoing regulations for preventing collisions at sea, for the navigation of all public and private vessels of the United States upon the high seas, and in all waters connected therewith navigable by sea-going vessels, are hereby repealed, except where local rules shall hereafter be adopted by the board of supervising inspectors of steam-vessels.

SEC. 3. That this act shall take effect at a time to be fixed by the President by proclamation issued for that purpose.

MR. DINGLEY. Mr. Speaker, this bill provides for the adoption, on proclamation by the President, of the regulations to prevent collisions at sea which were unanimously adopted by the recent International Marine Conference. It will be remembered that the International Marine Conference was held on our own invitation. The bill which provided for the conference was introduced by the gentleman from Kentucky [Mr. McCREARY], and passed at the first session of the Fiftyth Congress—

MR. BRECKINRIDGE, of Kentucky. I would like to inquire what has become of the House bill.

MR. DINGLEY. The House bill is on the House Calendar and is identical with this bill, which has passed the Senate.

MR. BRECKINRIDGE, of Kentucky. I understood that to be so, but some of the gentlemen near me did not understand it.

MR. DINGLEY. The invitation of the United States under the act of July, 1888, introduced originally by the gentleman from Kentucky [Mr. McCREARY], was extended to thirty-eight powers, and twenty-eight, including all the maritime powers, accepted the invitation, and the International Marine Conference met in Washington in October, 1889, closing its labors December 31, 1889, after unanimously adopting the code of signals and rules of the road at sea adopted by this bill. The importance of uniform rules of the road at sea and one uniform language as expressed by signals to prevent collisions can hardly be overestimated. There are over 30,000 vessels above 100 tons burden to-day navigating the ocean, of which nearly one-third in number and three-fourths in tonnage are steam-vessels and a large proportion of those vessels are pursuing the same great lanes of travel. In 1820 only 1 per cent. of the tonnage navigating the ocean was steam; in 1840 it was only 11 per cent.; now it is 75 per cent. In consequence of the increase of the number of steam-vessels and the great increase of speed the risk of collision has been greatly increased.

As the result of that, it has been found of the highest importance that there should be adopted one language for vessels navigating the ocean, in order that they may signal each other and avoid collisions, and this code of signals and these rules of the road at sea are the result

of the work of this conference, unanimously agreed to by twenty-seven maritime nations. These regulations have been recommended to Congress by the Secretary of State and by the United States members of the International Marine Conference.

It is sufficient to say that these gentlemen, representing the leading maritime powers, have reached the unanimous conclusion that this code of signals will prove the most effective, and will avoid more than any other that can be adopted the danger of collision at sea. Therefore, inasmuch as the United States inaugurated the conference, it is expected by the other powers that the United States will lead off in the adoption of this code of signals. This bill is to go into operation whenever the President by proclamation shall indicate that other powers have adopted it. The Secretary of State has corresponded with Congress and asked that prompt action be taken in this matter, and I suppose there can be but one opinion respecting the importance of it and the necessity for the immediate passage of this bill. Now, Mr. Speaker, unless some one desires some further information, I will move the previous question.

Mr. ROGERS. Mr. Speaker, I desire to be heard briefly upon one section of the bill.

Mr. DINGLEY. I yield to the gentleman from Arkansas for this purpose. How much time does he want?

Mr. ROGERS. I desire also to offer an amendment with reference to that section. I wish to explain the point involved in it in a very few words.

Mr. DINGLEY. I will yield five minutes to the gentleman from Arkansas.

Mr. ROGERS. I would like a little more than that.

Mr. DINGLEY. I yield ten minutes.

Mr. ROGERS. I will try and finish what I have to say in that time. I do not suppose that it was the intention of the Senate, or of the gentleman from Maine [Mr. DINGLEY] by this bill, which of itself is so meritorious, to change the rule of law with reference to the liability of the Government of the United States for the misconduct or neglect of officers on any of its vessels. From the foundation of the Government down to the present time, so far as I know, no occasion has occurred where the Government of the United States has been mulcted in damages for the neglect or misconduct of an officer of the Government who was in command or control of one of its vessels, and a recognition of a principle of that kind may result in great loss and injury to the Government.

There has always been a remedy preserved to the citizens of the United States, not only in that but in many other classes of cases, for any loss which they may have sustained by reason of such action on the part of the Government of the United States, and that is by an application to Congress for the necessary relief. In the first section of this bill it will be observed that it is provided that the following regulations for preventing collisions at sea shall be followed by all public and private vessels, etc. Then, if my friend will turn to article 29 he will find this provision:

Nothing in these rules shall exonerate any vessel or the owner or master or crew thereof from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

That is the section which I propose to amend, and I send to the Clerk's desk an amendment prepared by my colleague upon the Judiciary Committee [Mr. CULBERSON, of Texas] at my suggestion, while the bill was being read.

Mr. DINGLEY. Mr. Speaker, I have no objection to the amendment being read for information. I understand the gentleman from Arkansas does not offer the amendment, but simply wishes it read as a part of his remarks.

Mr. ROGERS. I send it up to be offered, if I may be permitted to offer it.

Mr. DINGLEY. I wish to call the attention of the gentleman to the fact that these rules have been adopted intact by the International Marine Conference after the experience that all nations have had in reference to the matter, and that in the article to which he refers there is no change from the present rule. The Government can not be sued, and application must be made to Congress in the future, as it has been in the past, by the owners of any private vessel in collision with a Government vessel who claims that they have been damaged by the neglect of the master of the Government vessel. I do not understand that this bill can make any difference.

Mr. ROGERS. I understand it does make a difference. That is the precise point.

Mr. DINGLEY. Of course any modification of the rules by Congress would destroy their uniformity, and tend to defeat the very end which has been sought—that of securing uniform rules of the road for the ocean. There is no reason why a public vessel should not be subject to the same rules of the road at sea as the private vessel. Otherwise there would be no relief against collisions secured by the bill. The rules of the road at sea as now existing apply to public vessels as well as to private vessels. In this respect there is no change in this bill from the law as it exists now, and such an amendment as is proposed would

tend to defeat the very rules which have been adopted by all these delegates, and which are now before the several Governments represented in the conference.

Mr. ROGERS. I should like to have the amendment read. The gentleman, I fear, has consumed the whole of my ten minutes.

Mr. DINGLEY. I will yield the gentleman further time.

The Clerk read as follows:

Provided, That the Government of the United States shall not be held responsible in damages for injuries or loss occasioned by the neglect or misconduct of any officer, or for the failure of any officer commanding United States vessels to comply with the regulations of this act.

Mr. DINGLEY. I did not yield for an amendment to be offered.

The SPEAKER. The Chair understands the gentleman did not yield for an amendment.

Mr. ROGERS. I suppose I will find an opportunity to get it in, but I wanted to continue my remarks in response to the gentleman from Maine for a moment.

He says that it does not change the rule of law. I might respond that if it does not change the rule of law the necessity for it does not exist so far as vessels of the United States are concerned; but I do not understand that it does change the rule of law. We have had a bill I know in the present Congress emanating from the great State of Maine, which has been here I think for consideration by Congress for something less than thirty years.

The Congress of the United States so far has never made any appropriation for the payment of that claim, nor so far has it made any provision to allow the claimant to go into the courts and have it adjudicated; but it is still here, and we can not tell, in view of the many bills that are almost without precedent during the present session, how soon that bill may be referred to the Court of Claims for adjudication, and when it shall go there to be litigated under these circumstances, we find in this section 29 of the present bill a provision which holds that the Government of the United States is to be subject to the same provisions as to its public vessels as are the owners of private vessels, and of course embracing this particular case, modified by the rule of law laid down in section 29 of this bill, which is that nothing in these rules shall exonerate the Government. At present, under the law, the Government is not liable, and is not to be sued, and if sued can not be held responsible in law. This bill provides that nothing in these rules shall exonerate any vessel or the owner or master or crew thereof, and it exonerates the Government of the United States be the owner, then nothing herein shall exonerate it from liability that may occur even if it be by the carelessness or negligence or drunkenness, if you please, of its officers.

Mr. MILLIKEN. Will the gentleman allow me a question?

Mr. ROGERS. Certainly.

Mr. MILLIKEN. If the United States employs a drunken shipmaster and by his carelessness he runs your vessel down, why should not the Government of the United States be held responsible for the act of its agent just as a private individual or corporation is for the act of its agent?

Mr. ROGERS. We open up a wide field, Mr. Speaker, in the courts of the United States in the particular case mentioned by taking it from the general rule, when it has not had consideration for some twenty or thirty years, and both political parties have for long periods had possession of the House. If that principle is hereafter to be the rule of law, it had occurred to me (and I had only an opportunity of ascertaining the provision was expressed in this bill during the reading of it) that it ought to be done only after full deliberation and full debate, so that if hereafter the Government is to be held liable it shall be after there shall have been a full determination upon that subject by the Congress of the United States.

Mr. MILLIKEN. Let me say to my friend it occurs to me that it is mighty hard upon an individual owner that he has had to be applying to Congress for thirty years without getting a decision in his case.

Mr. ROGERS. The Government, as I have said, is not liable in damages for the neglect or misconduct of one of its officers or servants.

Mr. DINGLEY. That is, no suit can be brought against the Government.

Mr. ROGERS. And if it were brought it would not be done under existing law. That is best illustrated by the fact that heretofore, prior to the present Congress, this very bill that I use as an illustration of the principle involved was prepared simply for reference to the Court of Claims; but when it was prepared and introduced during the present session of Congress there was incorporated in it a provision which required that when it goes to the Court of Claims it be relieved from the rule of law which extends everywhere on that subject by providing in substance—I do not quote the language, as I have not the bill before me—that the same rule of law should apply in that as in the cases of individuals.

Mr. DINGLEY. Will the gentleman pardon me there?

Mr. ROGERS. Certainly.

Mr. DINGLEY. Is there anything in this bill which authorizes a private individual to sue the Government for the recovery of damages

where a vessel owned by the United States has done damage to a vessel of an individual?

Mr. ROGERS. Not at all. I do not say that there is.

Mr. DINGLEY. Or does it change existing law as to the remedy of owners of private vessels in collision with Government vessels?

Mr. ROGERS. If you should pass the bill I have just referred to, simply to refer it to the Court of Claims, then by the terms of section 29 of this bill, when that bill comes back to be heard here, instead of applying the rule of existing law as applied by sovereign nations you relieve it by this act.

Mr. DINGLEY. Should not the Government have the same rules of the road at sea applied to it as to individuals?

Mr. ROGERS. But while the Government of the United States should undoubtedly be called upon to observe the rules of the road which private individuals and all the other nations on the earth are required to observe, yet I deny that it is a correct principle to apply to the Government of the United States this rule of law which, if the Government shall be allowed to be sued hereafter, will subject it to the same rule of responsibility that applies to individuals. We ought not to apply that rule to a sovereign government. In these cases that are deemed meritorious, if there are such, I am willing to concede that Congress ought to make the necessary provision for citizens who have sustained loss by the improper action of Government officers, but by this bill you put the power, provided you once refer their case to the court, in the hands of the opposite party and you put it out of the power of Congress to pass upon the question of the liability of the Government.

Mr. DINGLEY. That depends upon the power given to the court by the bill of reference, does it not?

Mr. ROGERS. You put the Government in this attitude, that in order to avoid the payment of a judgment rendered against it, it must repudiate the action of its own court. Now, I think the question should be left where the wisdom of past generations has left it, unchanged with reference to the rule of law which shall apply in this particular class of cases. I did not hear the last observation of the gentleman from Maine.

Mr. DINGLEY. My suggestion was this, whether, under this bill, as under existing law, the extent of the authority of the Court of Claims when any claim is referred to that court would not depend upon the act which authorized the reference. If it provided for a judgment, then the court could give judgment; but if it provided only for a report on the facts, which is the usual case, what possible change would there be? The facts would simply be ascertained and reported as directed.

Mr. ROGERS. But my friend from Maine forgets that in the very case that I have sought for an illustration, seeing that if they went to the Court of Claims without this rule of law they would be met by the general principle that the Government is not responsible for the malfeasance, the non-feasance, or the negligence of its officers, they sought by that bill to incorporate a change of law. Now this bill which you have here would not only make the rule apply to that case when it gets to the Court of Claims, but also to all other cases where loss has been sustained by an individual by reason of a collision with a vessel of the Government.

I repeat, when you have once sent a case of this kind to any court and it has been determined and a judgment has been rendered against the United States, then we are in a position where we must either repudiate the judgment of the court or else pay the claim, without any action on the part of Congress even looking into the case. No one could appreciate more fully than my friend from Maine how the changes would be rung if anyone should undertake to rise in his place here and criticise the action of the court rendering a judgment. Even as to the Court of Claims, which has been so often discounted in debate here and so often ridiculed and its judgments refused to be paid by Congress in many instances, a court organized exclusively of Republicans, but, I doubt not, men of ability, gentlemen are found here who think that the judgments of that court—and I include myself among the number who hold that opinion—are infinitely better than the ordinary judgments of any committee of the House of Representatives based upon an investigation made in the usual way.

And, Mr. Speaker, if such a case should be sent to a higher court, or a court of greater dignity (assuming that there are such), and a final judgment should be rendered—not a finding of facts merely, but a final judgment against the Government—who would be found prepared to stand up here and insist that we should revise the judgment of that court? Upon the contrary, I myself have uniformly held, not only with reference to other courts, but even with reference to the Court of Claims, that when they have once passed upon a subject their judgment ought to be accepted at least as *prima facie* evidence, and that unless something in the nature of fraud or deceit can be shown Congress ought not under any circumstances to undertake to look back of the judgment of the court.

Mr. DINGLEY. There is no change made by this bill from existing law in the particulars to which the gentleman has referred. Under the present law of the road at sea national vessels are subject to the same rules as private vessels. There is also a provision in the existing law with reference to the prevention of collisions at sea, almost identi-

cal in character with that which is contained in this bill. Yet that gives to the owner of a private vessel which has come into collision with a national vessel no right to institute a suit in court for the recovery of damages. He can only come to Congress, and Congress may either examine the facts and determine for themselves whether anything shall be paid, or they may refer the case to the Court of Claims for report of the facts or for adjudication and judgment, in which case, of course, the judgment would be binding upon Congress.

There certainly is no reason why a vessel of the United States should be in different relations to another vessel that it comes into collision with as to the rule of the road at sea from that which would govern in the case of private vessels, and it seems to me that the objection which the gentleman has stated is one which is equally strong against the present rule of the road at sea. Gentlemen may rest assured that the representatives of Great Britain and of every commercial nation, having naval vessels tenfold or even a hundred-fold greater in number than ours, have not assented to a rule of the road at sea that is not just to national vessels as well as to private vessels.

Mr. ADAMS. I desire to ask the gentleman a question. He is discussing two subjects; first, the rules of the road at sea, and, second, the liability for a violation of those rules. Now, I am aware that the greater part of this bill is the result of the deliberations of the marine conference.

Mr. DINGLEY. It is entirely so.

Mr. ADAMS. Including section 29?

Mr. DINGLEY. Yes, sir. Every provision in this bill relating to the rules of the road at sea was adopted by the International Marine Conference.

Mr. ADAMS. Including the provision in regard to the liability of the owner?

Mr. DINGLEY. Yes, including article 29, which the gentleman from Arkansas criticises.

Mr. CULBERSON, of Texas. I wish to ask the gentleman from Maine this question: Why is it that Congress has uniformly refused to adjust and pay claims for damages occasioned in the way the gentleman speaks of?

Mr. DINGLEY. Congress has not uniformly refused to do so. It has paid in a large number of cases of collision.

Mr. CULBERSON, of Texas. Has it not been from the fact that the Congress of the United States has uniformly refused to acknowledge that the Government should be held responsible for the torts of its own officers, and is it not a fact that that rule is embedded in the very soundest principles of good policy?

Mr. DINGLEY. Does the gentleman from Texas mean to say that under the present rules of the road at sea, where the master of a United States vessel disregards those rules, the Government has not always been held liable to pay damages, although not liable to be sued in court?

Mr. CULBERSON, of Texas. I do not understand that the Government has been held liable.

Mr. DINGLEY. Perhaps I should have said the Government has regarded itself liable.

Mr. CULBERSON, of Texas. I know this: That Congress has refused to pay for losses resulting from the torts and negligence of Government officers at sea.

Mr. DINGLEY. But the gentleman must bear in mind—

Mr. CULBERSON, of Texas. But if this bill be passed you bind Congress by the principle you announce in it.

Mr. DINGLEY. I suggest that the gentleman should bear in mind that the neglect or omission here spoken of on the part of an officer of a United States vessel refers to the omission or neglect to give the signals required by the rules of the road at sea, and that if the master of a vessel of the United States is negligent in giving the signals required of all vessels and a collision should thereby occur, it has always been held that the United States ought to pay the damages in such cases. That is all the neglect that is referred to here.

Mr. CRISP. The gentleman says, "It has always been held." Held by whom? Congress has never recognized that principle, has it?

Mr. DINGLEY. I think Congress has always recognized the principle to this extent: That if the master of a United States vessel has been found at fault in neglecting to give the signals required by law, and a collision has occurred in consequence of this neglect, Congress has felt bound to pay damages on the part of the Government in such cases.

Mr. CRISP. May I ask my friend from Maine what difference in principle there is between the case of a violation, as the gentleman expresses it, of the law of the road at sea and any other wrongful act by an officer of the United States, happening on shore or anywhere else, by which injury is inflicted? What difference in principle is there? Is it not the policy of all governments not to hold themselves liable in damages for the wrongful acts of their officers or agents?

Mr. DINGLEY. I think, on the contrary, it has been the policy of all maritime nations to hold their own national vessels to the same rules of the road at sea that are observed by vessels belonging to private owners, because here is a common highway for the vessels of all nations—for vessels belonging to private persons as well as those be-

longing to Governments; and all maritime nations have recognized the necessity of requiring the masters of all vessels, whether public or private, pursuing this common road at sea, to observe the same rules in order to avoid collisions, because, if there should be any release of national vessels from the obligation to observe the established rules in such cases, the gentleman will see at once that it would tend to neglect on the part of Government officers and that there might result collisions in which there would be great loss of life. It is not in accordance with a sound public policy not to apply the same rules of the road to national vessels as to private vessels.

Mr. CRISP. That is the point I had in mind, and I want to get the gentleman's opinion about it, because this is a matter with which I do not profess to be familiar. The gentleman, perhaps, would say that the Government ought to be responsible for the wrongful acts of its agents, just as an individual is, yet no Government does hold itself responsible in that way.

Mr. DINGLEY. That is, not responsible in the sense of allowing itself to be sued in the courts; but, as a matter of fact, all the maritime nations have held themselves responsible for damages resulting from collisions in cases where their own officers neglected to observe the rules of the road at sea.

Mr. CRISP. What I wanted to get at was the difference in principle. The gentleman says that as to maritime matters, Governments have held themselves responsible in this way; but he admits that such is not the case as to other matters. For instance, if the gentleman's agent does a wrongful act within the scope of his authority, the gentleman would be liable; but at the same time the gentleman admits that the Government has never held itself liable for the wrongful acts of its officers.

Mr. DINGLEY. But in case of collisions at sea, where it could be shown that the master of a national vessel had violated the rules of the road, and a collision had occurred in consequence, Congress has always stepped in and paid the damages.

Mr. CRISP. That may be so; but what I wish to know is, what is the difference in principle. I do not understand why there should be a different rule as to maritime matters from that which is recognized in other matters.

Mr. DINGLEY. The difference seems to arise from the necessities of the case. Vessels which are pursuing their voyages upon the ocean, whether those vessels be private or national, for the protection of property and life must be governed by a common code of the sea, otherwise collisions will occur and there will be great loss of property and life. The necessity is so great that maritime nations have always recognized that in regard to the observance of the rules of the road their public vessels should be held to the same strict accountability as private vessels, and if the gentleman will reflect a moment I think he will see there is great propriety in applying the same rule in both cases.

Mr. CRISP. I can see that there might be propriety, in a certain sense, in holding the Government responsible for any wrongful act of its officers. You might say that in any such case the Government is morally bound to assume the same position in regard to its liability for damages resulting from the act of its agents that would be applied where damages resulted from the wrongful act of the agent of an individual. Yet, as a great question of public policy, no Government on earth does hold itself responsible for the torts or wrongful acts of its officers; and I think this is put upon the ground that it is not practicable for Governments thus to hold themselves responsible; that the general interest of the public demands that in such cases the individual injured should suffer, rather than that the whole people should be liable to taxation to make compensation for the wrongful act of some individual officer.

Mr. DINGLEY. But I think the gentleman from Georgia will observe that neither under the existing law nor under the present law is there now given any right to sue the United States in the courts for such damages; and therefore it comes back in all cases to the judgment of Congress as to what is just and equitable in the view of the law laid down upon the subject.

Mr. CRISP. But the injured party would have the same right to come and appeal to the equity and justice of Congress without the bill as if the bill were passed. Unless, therefore, the bill gives something more than that, which they can do just as well without the bill as with it, I do not see the object of it. Because any man can introduce a bill for the relief of a party who has a claim arising under such circumstances, but this bill expressly says that the Government shall be liable, or that "nothing in it shall exonerate the Government" from its share of liability because of such damages.

Mr. MILLIKEN. Let me ask the gentleman a question. What harm will the bill do if it does pass? If the bill does not do any harm, it is better that it should go as it is and become the law, having been agreed upon by the conference.

Mr. CRISP. The harm, I understand, is in saying that the Government is liable, when the present law says that the Government is not liable.

Mr. MILLIKEN. But I believe that where the Government has confided its property to the shipmaster upon the high seas he becomes,

in part, so to speak, the owner, and I believe that the Government should be holden if his wrongdoing as the agent of the Government causes a collision and loss or injury. Because, if it is not intended that the Government shall obey the marine signals just as private shipmasters are governed by them, then when the private ship is approaching a public vessel, how does it know what to do?

If the Government does not acquiesce in these regulations and adopt the common language for the use of vessels at sea, then of course it is difficult for the private ship-owner to know what is best to be done when meeting a Government vessel, and risk and danger are the result.

Mr. CRISP. But it is presumable that an officer of the Government obeys the orders he has received from headquarters, and that he is acting on the high seas in obedience to his orders. The same rule of the road would operate; and the mere question of damages would not affect the individual officer, because of the fact that he would not have to pay it. He is governed only by the orders which he has received from his superiors; and the only influence to operate on him to require him to do that which is right and obey the law of the road at sea is the order he gets from the superior officer, because the question of liability would not affect him at all.

Mr. ROGERS. I would like to have the gentleman from Maine read the provision of the existing law which he says is in substance the same as this.

Mr. DINGLEY. I have not the provision before me; but I refer to the act of 1882 or 1883.

Mr. ROGERS. I will send for it.

Mr. DINGLEY. If there is nothing more to be said, I wish simply to add in conclusion that the International Marine Conference, composed of maritime experts from all nations, have considered all of the questions which naturally grow out of this subject and all of the representatives of this conference have agreed to the common rule and unspoken language of the sea which has been embodied in this bill for the guidance of vessels. Hence I do not feel, for one, that it is either proper or that anything but evil can result from an attempt to change the agreement they have made. I am sure, in view of the experience of all the gentlemen who have united in the formulation of these rules, that they will be considered the best judges of the subject and the most proper and competent persons to present a code of rules to prevent collisions and consequent loss of life and property at sea.

I now demand the previous question.

Mr. ROGERS. I want to be heard very briefly further.

The SPEAKER *pro tempore* (Mr. PAYSON). The question is on the demand of the gentleman from Maine for the previous question.

The question was taken; and the Speaker *pro tempore* decided that by the sound the "noes" had it.

Mr. DINGLEY. I demand a division.

The House divided; and there were—ayes 68.

Before the negative vote was counted,

Mr. DINGLEY said: We may as well have the yeas and nays.

Mr. CANNON. Then the gentleman had just as well make a call of the House, for there is evidently no quorum present. I make the point of order that there is no quorum.

The SPEAKER *pro tempore*. That can only be ascertained by either a count of the House or a call of the roll; and the question now is on ordering the yeas and nays.

The yeas and nays were ordered.

Mr. CANNON. I understand that it is competent to move a call of the House.

The SPEAKER *pro tempore*. Not until the lack of a quorum has been developed in some proper method, in the judgment of the Chair. The question is on agreeing to the motion of the gentleman from Maine for the previous question.

The question was taken; and there were—yeas 100, nays 90, not voting 138; as follows:

YEAS—100.

Adams,	Cutcheon,	Lacey,	Rockwell,
Anderson, Kans.	Dalzell,	La Follette,	Rowell,
Atkinson, Pa.	Dingley,	Laws,	Scull,
Banks,	Dolliver,	Lehlbach,	Smith, Ill.
Bartine,	Dorsey,	Lind,	Smith, W. Va.
Bayne,	Dunnell,	Mason,	Snider,
Belknap,	Evans,	McJuffie,	Spooner,
Bliss,	Farquhar,	McKenna,	Stephenson,
Brosius,	Featherston,	Milliken,	Stewart, Vt.
Brower,	Finley,	Moffitt,	Stivers,
Buchanan, N. J.	Flick,	Morey,	Stockbridge,
Burrows,	Funston,	Morse,	Sweeney,
Burton,	Gear,	Niedringhaus,	Taylor, Ill.
Cannon,	Gest,	O'Neill, Pa.	Taylor, J. D.
Carter,	Gifford,	Osborne,	Thomas,
Caswell,	Harmer,	Owen, Ind.	Thompson,
Cheadle,	Haugen,	Payne,	Townsend, Colo.
Cogswell,	Henderson, Ill.	Payson,	Townsend, Pa.
Coleman,	Henderson, Iowa	Perkins,	Turner, Kans.
Comstock,	Hermann,	Peters,	Vandever,
Conger,	Hitt,	Post,	Wade,
Connell,	Kelley,	Ray,	Walker, Mass.
Cooper, Ohio	Kennedy,	Reed, Iowa	Wickham,
Covert,	Ketcham,	Reyburn,	Williams, Ohio
Cummings,	Kinsey,	Rife,	Wilson, Wash.

JULY 8,

NAYS—90.

Abbott,	Crain,	Lawler,	Pierce,
Allen, Miss.	Crisp,	Lee,	Reilly,
Anderson, Miss.	Culberson, Tex.	Lester, Ga.	Rogers,
Bankhead,	Davidson,	Lewis,	Sayers,
Barwig,	Dibble,	Maish,	Shively,
Blanchard,	Edmunds,	Martin, Ind.	Stewart, Tex.
Bland,	Elliott,	Martin, Tex.	Stockdale,
Blount,	Enloe,	McAdoo,	Stone, Ky.
Boatner,	Fithian,	McClammy,	Stone, Mo.
Breckinridge, Ark.	Forman,	McCreary,	Stump,
Breckinridge, Ky.	Forney,	McMillin,	Tarsney,
Brickner,	Gibson,	McRae,	Tillman,
Brookshire,	Goodnight,	Mitchler,	Venable,
Brown, J. B.	Grimes,	Norton,	Washington,
Brunner,	Hatch,	Oates,	Wheeler, Ala.
Buchanan, Va.	Hayes,	O'Ferrall,	Whitthorne,
Bullock,	Heard,	O'Neill, Ind.	Wike,
Bynum,	Henderson, N. C.	O'Neill, Mass.	Wilkinson,
Campbell,	Holman,	Outhwaite,	Williams, Ill.
Candler, Ga.	Hooker,	Owens, Ohio	Wilson, W. Va.
Caruth,	Kilgore,	Parrett,	Yoder.
Clunie,	Lanham,	Peel,	
Cooper, Ind.			

NOT VOTING—138.

Alderson,	Culberson, Pa.	Magner,	Sawyer,
Allen, Mich.	Dargan,	Mansur,	Scranton,
Andrew,	Darlington,	McCarthy,	Seney,
Arnold,	De Haven,	McComas,	Sherman,
Atkinson, W. Va.	De Lano,	McCord,	Simonds,
Baker,	Dickerson,	McCormick,	Skinner,
Barnes,	Dockery,	McKinley,	Smyser,
Belden,	Dunphy,	Miles,	Spinola,
Bergen,	Ellis,	Mills,	Springer,
Biggs,	Ewart,	Montgomery,	Stahlnecker,
Bingham,	Fitch,	Moore, N. H.	Stewart, Ga.
Boothman,	Flood,	Moore, Tex.	Struble,
Boutelle,	Flower,	Morgan,	Taylor, E. B.
Bowden,	Fowler,	Morrill,	Taylor, Tenn.
Brewer,	Frank,	Morrow,	Tracey,
Browne, T. M.	Geissenhainer,	Mudd,	Tucker,
Browne, Va.	Greenhalge,	Nute,	Turner, Ga.
Buckalew,	Grosvenor,	O'Donnell,	Turner, N. Y.
Bunn,	Grout,	Paynter,	Van Schaick,
Butterworth,	Hall,	Pennington,	Vaux,
Caldwell,	Hansbrough,	Perry,	Waddill,
Candler, Mass.	Hare,	Phelan,	Walker, Mo.
Carlton,	Haynes,	Pickler,	Wallace, Mass.
Catchings,	Herbert,	Price,	Wallace, N. Y.
Cheatham,	Hill,	Pugsley,	Watson,
Chipman,	Hopkins,	Quackenbush,	Wheeler, Mich.
Clancy,	Houk,	Quinn,	Whiting,
Clarke, Ala.	Kerr, Iowa	Raines,	Wiley,
Clark, Wis.	Kerr, Pa.	Randall,	Willcox,
Clements,	Knapp,	Richardson,	Wilson, Ky.
Cobb,	Laidlaw,	Robertson,	Wilson, Mo.
Cochran,	Lane,	Rowland,	Wright,
Cowles,	Lansing,	Rusk,	Yardley.
Craig,	Lester, Va.	Russell,	
	Lodge,	Sanford,	

So the previous question was ordered.

Mr. ATKINSON, of West Virginia. Mr. Speaker, I am paired with my colleague, Mr. ALDERSON. If he were present, I would vote "yea."

Mr. WILSON, of Kentucky. I am paired with Mr. ELLIS.

The following additional pairs until further notice were announced:

Mr. STRUBLE with Mr. TURNER, of Georgia.

Mr. ALLEN, of Michigan, with Mr. RICHARDSON.

Mr. BAKER with Mr. SPINOLA.

Mr. WALLACE, of New York, with Mr. WHITING.

Mr. EZRA B. TAYLOR with Mr. PHELAN.

Mr. NUTE with Mr. BARNES.

Mr. SCRANTON with Mr. PERRY.

Mr. SKINNER with Mr. HALL.

Mr. MUDD with Mr. RUSK.

Mr. McCOMAS with Mr. LESTER, of Virginia, from Monday.

Mr. LANSING with Mr. WILLCOX.

Mr. SANFORD with Mr. CHIPMAN.

Mr. BOUTELLE with Mr. HERBERT.

Mr. EWART with Mr. BUNN.

Mr. CHEATHAM with Mr. CUMMINGS, on political questions only.

Mr. SHERMAN with Mr. WILEY.

Mr. DE LANO with Mr. DUNPHY.

Mr. BINGHAM with Mr. MONTGOMERY.

Mr. MOORE, of New Hampshire, with Mr. DARGAN.

Mr. O'DONNELL with Mr. COBB, from July 3.

Mr. BREWER with Mr. CLEMENTS.

Mr. GROUT with Mr. FITCH.

Mr. SMYSER with Mr. SENY.

Mr. CLARK, of Wisconsin, with Mr. WALKER, of Missouri.

Mr. WALLACE, of Massachusetts, with Mr. ANDREW, from July 3.

Mr. CHANDLER, of Massachusetts, with Mr. GEISSENHAINER.

Mr. THOMAS M. BROWNE with Mr. CLANCY.

For this day:

Mr. YARDLEY with Mr. STEWART, of Georgia.

Mr. WADDILL with Mr. ROWLAND.

Mr. RAINES with Mr. LANE.

On this vote:

Mr. ATKINSON, of West Virginia, with Mr. ALDERSON.

Mr. HOUK with Mr. STAHLNECKER.

Mr. LODGE with Mr. TUCKER, until further notice, reserving the right to transfer on election cases, each agreeing to keep the other protected on such cases.

Mr. DARLINGTON with Mr. BUCKALEW, from the 3d until the 15th of July.

Mr. BELDEN with Mr. FLOWER, from July 3, for two weeks or until further notice.

Mr. SAWYER with Mr. TURNER, of New York, from July 3, until July 11, 1890.

Mr. HARE with Mr. HANSBROUGH, on Conger lard bill Butterworth option bill, and original package bill, from July 3, until August 6, 1890.

Mr. WATSON with Mr. MORGAN, until August 1, 1890.

Mr. ARNOLD with Mr. MAGNER, from Thursday, for ten days.

Mr. ELLIS with Mr. WILSON, of Kentucky, from July 3, for ten days.

Mr. PUGSLEY with Mr. HAYNES, from July 3, for two weeks.

Mr. BOOTHMAN with Mr. COWLES, until July 14, 1890.

Mr. KERR, of Iowa, with Mr. WILSON, of Missouri, from July 4 until July 20.

Mr. BROWNE, of Virginia, with Mr. CLARKE, of Alabama, until Wednesday next.

Mr. TAYLOR, of Tennessee, with Mr. MANSUR, from July 7 until July 10.

Mr. MCKINLEY with Mr. MILLS, until August 1.

Mr. DE HAVEN with Mr. BIGGS, on all questions except silver bill, bankruptcy, and national-bank legislation.

Mr. MCKINLEY. I desire to withdraw my vote. I am paired with the gentleman from Texas [Mr. MILLS].

Mr. RICHARDSON. I desire to know if a quorum voted.

The SPEAKER. Yes, sir.

Mr. RICHARDSON. Then I desire to withdraw my vote, as I am paired with the gentleman from Michigan [Mr. ALLEN]. If he were present, I would vote "nay."

The SPEAKER. On this question the yeas are 100 and the nays 90, and the previous question is ordered. The question is on the third reading of the Senate bill.

Mr. ROGERS. Mr. Speaker, if in order, I desire to move to recommit this bill to the committee reporting it, the Committee on Merchant Marine and Fisheries, with instructions to report it back with the amendment which I send to the Clerk's desk.

The SPEAKER. That motion is not yet in order. The question is upon ordering the bill to a third reading.

The bill was ordered to be read a third time, and was accordingly read the third time.

Mr. ROGERS. Now, Mr. Speaker, I desire to make the motion which I have already indicated. I move that the bill be recommitted to the committee reporting it, with instructions to report it back with the amendment I send to the Clerk's desk to be added to article 29 of the bill.

The Clerk read as follows:

Amend by adding to article 29 the following words:

"Provided, That the Government of the United States shall not be held responsible in damages for injuries or loss occasioned by the neglect or misconduct of any officer, or for the failure of any officer commanding United States vessels to comply with the regulations of this act."

The question was taken on the motion of Mr. ROGERS, and the Speaker announced that the yeas seemed to have it.

Mr. HOLMAN and Mr. ROGERS demanded a division.

The House divided, and there were—yeas 41, yeas 87.

Mr. DINGLEY. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 67, nays 112, not voting 149; as follows:

YEAS—67.

Abbott,	Edmunds,	Martin, Ind.	Stewart, Tex.
Allen, Miss.	Enloe,	Martin, Tex.	Stockdale,
Anderson, Miss.	Fithian,	McClammy,	Stone, Ky.
Bankhead,	Forman,	McClellan,	Stone, Mo.
Barwig,	Forney,	McMillin,	Stump,
Boatner,	Gibson,	McRae,	Tarsney,
Breckinridge, Ark.	Grimes,	Mills,	Tillman,
Brookshire,	Hatch,	Mitchler,	Venable,
Brown, J. B.	Heard,	Norton,	Washington,
Brunner,	Henderson, N. C.	Oates,	Wheeler, Ala.
Buchanan, Va.	Holman,	O'Ferrall,	Whitthorne,
Bullock,	Hooker,	Outhwaite,	Wike,
Campbell,	Kilgore,	Owens, Ohio	Wilkinson,
Candler, Ga.	Lanham,	Parrett,	Williams, Ill.
Catchings,	Leo,	Pierce,	Wilson, W. Va.
Crain,	Lewis,	Sayers,	Yoder.
Davidson,	Maish,	Shively,	

NAYS—112.

Adams,	Burrows,	Conger,	Dorsey,
Anderson, Kans.	Burton,	Connell,	Dunnell,
Atkinson, W. Va.	Caldwell,	Cooper, Ohio	Evans,
Banks,	Cannon,	Covet,	Farquhar,
Bartine,	Carter,	Craig,	Featherston,
Bayne,	Caswell,	Cummings,	Finley,
Belknap,	Cheadle,	Cutcheon,	Flick,
Bliss,	Clunie,	Dalzell,	Fulton,
Brosius,	Cogswell,	Dingley,	Gear,
Brower,	Coleman,	Dolliver,	Gest,
Buchanan, N. J.	Comstock,		Gifford,

Harmer,	McCord,	Peters,	Stockbridge,
Haugen,	McCreary,	Post,	Sweeney,
Henderson, Ill.	McDuffie,	Quinn,	Taylor, Ill.
Hermann,	McKenna,	Ray,	Taylor, J. D.
Hitt,	McKinley,	Reed, Iowa	Thomas,
Hopkins,	Moffitt,	Reilly,	Thompson,
Kelley,	Morey,	Reyburn,	Townsend, Colo.
Kennedy,	Morse,	Rife,	Townsend, Pa.
Ketcham,	Niedringhaus,	Rockwell,	Turner, Kans.
Kinsey,	O'Neil, Mass.	Rowell,	Vandever,
Lacey,	O'Neil, Pa.	Scull,	Wade,
La Follette,	Osborne,	Smith, Ill.	Walker, Mass.
Laidlaw,	Owen, Ind.	Smith, W. Va.	Wickham,
Laws,	Payne,	Snider,	Williams, Ohio
Lehlbach,	Payson,	Stephenson,	Wilson, Wash.
Lind,	Perkins,	Stewart, Vt.	Wilson, W. Va.
Mason,		Stivers,	Wright,
			Yoder.

NOT VOTING—149.

Alderson,	Cothran,	Lane,	Rusk,
Allen, Mich.	Cowles,	Lansing,	Russell,
Andrew,	Crisp,	Lawler,	Sanford,
Arnold,	Culbertson, Tex.	Lester, Ga.	Sawyer,
Atkinson, Pa.	Culbertson, Pa.	Lester, Va.	Scranton,
Baker,	Dargan,	Lodge,	Seney,
Barnes,	Darlington,	Magner,	Sherman,
Beckwith,	De Haven,	Mansur,	Simonds,
Belden,	De Lano,	McAdoo,	Skinner,
Bergen,	Dickerson,	McCarthy,	Smyser,
Biggs,	Dockery,	McComas,	Spinola,
Bingham,	Dunphy,	McCormick,	Spooner,
Blanchard,	Elliot,	Miles,	Springer,
Bland,	Ellis,	Montgomery,	Stahlnecker,
Blount,	Ewart,	Moore, N. H.	Stewart, Ga.
Boothman,	Fitch,	Moore, Tex.	Struble,
Boutelle,	Flood,	Morgan,	Taylor, E. B.
Bowden,	Flower,	Morrill,	Taylor, Tenn.
Breckinridge, Ky.	Fowler,	Morrow,	Tucker,
Brewer,	Frank,	Mudd,	Turner, N. Y.
Brickner,	Geisenhainer,	Nute,	Van Schaick,
Browne, T. M.	Goodnight,	O'Donnell,	Vaux,
Browne, Va.	Greenhalge,	O'Neill, Ind.	Waddill,
Buckalew,	Grosvenor,	Paynter,	Walker, Mo.
Bunn,	Groat,	Peele,	Wallace, Mass.
Butterworth,	Hall,	Pennington,	Wallace, N. Y.
Bynum,	Hansbrough,	Perry,	Washington,
Candler, Mass.	Hare,	Phelan,	Watson,
Carlton,	Hayes,	Pickler,	Wheeler, Mich.
Caruth,	Haynes,	Price,	Whiting,
Cheatham,	Hemphill,	Pugsley,	Wiley,
Chipman,	Henderson, Iowa	Quackenbush,	Willcox,
Clancy,	Herbert,	Raines,	Williams, Ill.
Clarke, Ala.	Hill,	Randall,	Wilson, Ky.
Clark, Wis.	Houk,	Richardson,	Wilson, Mo.
Clements,	Kerr, Iowa	Robertson,	Yardley.
Cobb,	Kerr, Pa.	Rogers,	
Cooper, Ind.	Knapp,	Rowland,	

So the motion to recommit was rejected.

The following additional pairs were announced:

On this vote:

Mr. HENDERSON, of Iowa, with Mr. MOORE, of Texas.

Mr. ATKINSON, of Pennsylvania, with Mr. HEMPHILL.

Mr. ALLEN, of Michigan, with Mr. RICHARDSON.

For this day:

Mr. THOMPSON with Mr. PAYNTER.

Mr. HOUK with Mr. SPRINGER.

Mr. HARMER with Mr. DAVIDSON, for the rest of this day.

Mr. BECKWITH with Mr. STAHLNECKER, for the rest of this day.

Mr. WHEELER, of Michigan, with Mr. CHIPMAN, until further notice.

Mr. ALDERSON with Mr. STRUBLE, for ten days, except on bankruptcy bill.

On motion of Mr. DINGLEY, by unanimous consent, the recapitulation of the vote was dispensed with.

Mr. BINGHAM. I am paired with the gentleman from Kentucky [Mr. MONTGOMERY]. I sat in my seat and heard my name called, but fearful that there was some qualification to the pair, I declined to vote. I find that the only qualification is upon political questions. I therefore ask if I am privileged to vote?

The SPEAKER *pro tempore* (Mr. BURROWS in the chair). The Chair thinks not.

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*. The question recurs upon the passage of the bill.

Mr. BRECKINRIDGE, of Arkansas. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 125, nays 44, not voting 159; as follows:

YEAS—125.

Adams,	Cannon,	Dalzell,	Gifford,
Anderson, Kans.	Carter,	Dibble,	Harmer,
Andrew,	Caswell,	Dingley,	Haugen,
Atkinson, W. Va.	Cheadle,	Dolliver,	Heard,
Banks,	Clunie,	Dorsey,	Henderson, Iowa
Bartine,	Cogswell,	Dunnell,	Hermann,
Belknap,	Coleman,	Evans,	Hitt,
Bingham,	Comstock,	Farquhar,	Hopkins,
Bliss,	Connell,	Finley,	Kelley,
Brosius,	Cooper, Ohio	Fithian,	Kennedy,
Buchanan, N. J.	Covert,	Flick,	Ketcham,
Burrows,	Craig,	Forman,	Kinsey,
Burton,	Cummings,	Funston,	Lacey,
Caldwell,	Cutcheon,	Gear,	La Follette,

Laidlaw,	O'Neill, Pa.	Smith, Ill.	Turner, Kans.
Laws,	Osborne,	Smith, W. Va.	Vandever,
Lind,	Owen, Ind.	Snider,	Venable,
Martin, Ind.	Parrott,	Spooner,	Wade,
Mason,	Payne,	Stephenson,	Walker, Mass.
McAdoo,	Payson,	Stewart, Vt.	Wheeler, Ala.
McClellan,	Perkins,	Stockbridge,	Whitthorne,
McCord,	Peters,	Stone, Ky.	Wickham,
McCreary,	Post,	Stump,	Wike,
McDuffie,	Quackenbush,	Tarsney,	Wilkinson,
McKinley,	Ray,	Taylor, Ill.	Williams, Ohio
Miliken,	Reed, Iowa	Taylor, J. D.	Wilson, Wash.
Moffitt,	Reilly,	Thomas,	Wilson, W. Va.
Morse,	Reyburn,	Thompson,	Wright,
Niedringhaus,	Rife,	Tillman,	Yoder.
Norton,	Rockwell,	Townsend, Colo.	
O'Neill, Mass.	Rowell,	Townsend, Pa.	
	Scull,	Tracey,	

NAYS—44.

Abbott,	Bullock,	Hatch,	McClammy,
Anderson, Miss.	Bynum,	Henderson, N. C.	McRae,
Bankhead,	Campbell,	Holman,	Mills,
Bankhead,	Cooper, Ind.	Hooker,	Mitchler,
Bland,	Crain,	Kilgore,	Oates,
Bland,	Culbertson, Tex.	Lanham,	Outhwaite,
Boutner,	Edmunds,	Lee,	Pierce,
Breckinridge, Ark.	Elliott,	Lester, Ga.	Sayers,
Brickner,	Enloe,	Lewis,	Shively,
Brookshire,	Forney,	Maish,	Stewart, Tex.
Brunner,	Goodnight,	Martin, Tex.	Stockdale.
Buchanan, Va.			

NOT VOTING—159.

Alderson,	Cowles,	Lansing,	Rusk,
Allen, Mich.	Crisp,	Lawler,	Russell,
Allen, Miss.	Culbertson, Pa.	Lehlbach,	Sanford,
Arnold,	Dargan,	Lester, Va.	Sawyer,
Atkinson, Pa.	Darlington,	Lodge,	Scranton,
Baker,	Davidson,	Magner,	Seney,
Barnes,	De Haven,	Mansur,	Sherman,
Bayne,	De Lano,	McCarthy,	Simonds,
Beckwith,	Dickerson,	McComas,	Skinner,
Belden,	Dockery,	McCormick,	Smyser,
Bergen,	Dunphy,	McMillin,	Spinola,
Biggs,	Ellis,	Miles,	Springer,
Blanchard,	Ewart,	Montgomery,	Stahlnecker,
Blount,	Featherston,	Moore, N. H.	Stewart, Ga.
Boothman,	Fitch,	Moore, Tex.	Stivers,
Boutelle,	Flood,	Morey,	Stone, Mo.
Bowden,	Flower,	Morgan,	Struble,
Breckinridge, Ky.	Fowler,	Morrill,	Sweeney,
Brewer,	Frank,	Morrow,	Taylor, E. B.
Brower,	Geisenhainer,	Mudd,	Taylor, Tenn.
Brown, J. B.	Gest,	Nute,	Tucker,
Browne, T. M.	Gibson,	O'Donnell,	Turner, Ga.
Browne, Va.	Greenhalge,	O'Ferrall,	Turner, N. Y.
Buckalew,	Grimes,	O'Neill, Ind.	Van Schaick,
Bunn,	Grosvenor,	Owens, Ohio	Vaux,
Butterworth,	Groat,	Paynter,	Waddill,
Candler, Ga.	Hall,	Peele,	Walker, Mo.
Candler, Mass.	Hansbrough,	Pennington,	Wallace, Mass.
Carlton,	Hare,	Perry,	Wallace, N. Y.
Caruth,	Hayes,	Phelan,	Washington,
Catchings,	Haynes,	Pickler,	Watson,
Cheatham,	Hemphill,	Price,	Wheeler, Mich.
Chipman,	Henderson, Ill.	Pugsley,	Whiting,
Clancy,	Herbert,	Quinn,	Wiley,
Clarke, Ala.	Hill,	Raines,	Willcox,
Clark, Wis.	Houk,	Randall,	Williams, Ill.
Clements,	Kerr, Iowa	Richardson,	Wilson, Ky.
Cobb,	Kerr, Pa.	Robertson,	Wilson, Mo.
Conger,	Knapp,	Rogers,	Yardley.
Cothran,	Lane,	Rowland,	

So the bill was passed.

The following additional pairs were announced:

For the rest of the day:

Mr. ALLEN, of Michigan, with Mr. RICHARDSON.

Mr. ATKINSON, of Pennsylvania, with Mr. HEMPHILL.

Mr. BOWDEN with Mr. MOORE, of Texas.

Mr. HARMER with Mr. DAVIDSON.

Mr. MOREY with Mr. OWENS, of Ohio.

Mr. FLOOD with Mr. GRIMES, on this vote.

Mr. SANFORD with Mr. O'FERRALL, until Tuesday.

Mr. MORRILL with Mr. DOCKERY, until further notice.

Mr. DOCKERY. Mr. Speaker, I have voted inadvertently once or twice to-day. I am paired with the gentleman from Kansas [Mr. MORRILL] and desire to withdraw my vote.

Mr. MOREY. I am paired with the gentleman from Ohio [Mr. OWENS]. I voted through inadvertence, and desire to withdraw my vote.

Mr. DINGLEY. Mr. Speaker, I ask unanimous consent to dispense with the recapitulation of the vote.

Mr. ROGERS. Mr. Speaker, this is a very important vote, and I think it ought to be recapitulated.

The vote was recapitulated.

The result of the vote was then announced as above recorded.

ADMISSION OF WYOMING.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 982) to provide for the admission of the State of Wyoming into the Union, and for other purposes; when the Speaker signed the same.

ORDER OF BUSINESS.

Mr. CANNON. I desire to make a privileged report from the Committee on Rules.

Mr. PAYSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. I desire to inquire whether the motion made by my colleague, the gentleman from Illinois [Mr. CANNON], is of superior privilege to the unfinished business pending in the House yesterday evening?

The SPEAKER. The Chair thinks it is of such a privilege that when the gentleman has been recognized he can not be taken from the floor.

The Clerk read as follows:

The Committee on Rules, having had under consideration the accompanying resolutions, report the following as a substitute and recommend that the same be passed:

Resolved, That immediately after the adoption of this resolution it shall be in order for the Committee on the Judiciary to call up for consideration the bill H. R. 3398, with amendments as reported from said committee, and afterwards the bankruptcy bill (H. R. 3316); this order to continue from day to day for four days successively, or so much of four days as may be necessary for their consideration, beginning with to-day, the same not to interfere with revenue and general appropriation bills and conference reports, and next Saturday shall be set apart for the consideration of private bills under the rules.

Mr. PAYSON. I raise the question of consideration on that resolution.

Mr. MCCREARY. I would like to ask what is the title of the bill S. 398.

Mr. CANNON. The first one is known as the original-package bill. Mr. MCCREARY. This resolution only refers to the original-package and bankruptcy bills?

Mr. CANNON. That is all. Now, Mr. Speaker, I only desire to say that this report is made—

Mr. PAYSON. I raise the question of consideration.

Mr. CANNON. On the unanimous recommendation of the Committee on Rules, and if adopted—

Mr. PAYSON. I raise the question of consideration.

The SPEAKER. The gentleman's rights shall be preserved.

Mr. CANNON. The House will at once, under the order, begin the consideration of what is known as the original-package bill.

Mr. ROGERS. I desire to reserve all points of order, and I rise to a point of order.

The point of order I make is that no resolution setting apart any time for the consideration of these measures, or any time for the consideration of measures from the Judiciary Committee, was sent to the Committee on Rules.

Mr. CANNON. That would be a very good point of order if it was based upon fact, but the two resolutions for which this one is reported as a substitute accompany it, and, unfortunately for the gentleman's point of order, the resolutions have been passed by the House.

Mr. ROGERS. If I am mistaken about that, it is easy to establish the fact.

Mr. BUCHANAN, of New Jersey. I introduced one of the resolutions myself.

Mr. CULBERSON, of Texas. What about the other?

Mr. CANNON. They are both there, and this is reported as a substitute for the two.

Mr. CULBERSON, of Texas. We would like to hear them both read.

Mr. ROGERS. Before this matter is debated, Mr. Speaker, I insist upon the reading of the original resolution and the substitute.

Mr. CANNON. Mr. Speaker, I think that possibly I have the floor.

Mr. ROGERS. I think the gentleman is not entitled to the floor.

We are entitled to have the original resolution and the substitute read in advance of debate, and I make that point.

Mr. CANNON. Debate had commenced, and I think I have the floor.

Mr. ROGERS. Mr. Speaker, I still raise the point of order that the gentleman from Illinois is not entitled to the floor until the question is put from the Speaker's chair in some form or other. Moreover, the gentleman from Illinois [Mr. PAYSON] has raised the question of consideration, and that is not debatable; nor is this question debatable pending the determination of the question of consideration.

The SPEAKER. Does the gentleman from Illinois [Mr. PAYSON] raise the question of consideration?

Mr. PAYSON. I raise the question of consideration and I ask whether that is debatable.

The SPEAKER. The Chair thinks it is not debatable.

Mr. PAYSON. I raise the question of consideration in the interest of the pending bill, which was unfinished business at the adjournment last evening.

The SPEAKER. Debate is not in order.

Mr. PAYSON. I ask unanimous consent to make a statement of one minute with reference to this proposition.

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] asks unanimous consent to make a statement. Is there objection?

Mr. CANNON. I have no objection, and if I have the floor I will yield to the gentleman.

Mr. ROGERS. Mr. Speaker, I make the point of order again, if necessary, that this matter is not debatable until the original resolution and the substitute have been read from the Clerk's desk and the question put before the House.

Mr. CANNON. I think debate had already commenced, Mr. Speaker. The SPEAKER. That is not the difficulty. The difficulty is that the gentleman from Illinois [Mr. PAYSON] has raised the question of consideration.

Mr. CANNON. I am perfectly content that that question shall be disposed of.

The SPEAKER. That question must be disposed of first. The question is, Will the House now consider the proposition?

Mr. PAYSON. I rise to a parliamentary inquiry. Is it in order for me to ask unanimous consent to occupy two minutes at this time?

The SPEAKER. The gentleman asks unanimous consent to occupy two minutes. Is there objection?

Mr. CANNON. I have no objection if I can have the same consent. The SPEAKER. That is equivalent to an objection.

Mr. CANNON. Then I ask that consent be given for two minutes for my colleague [Mr. PAYSON] and also two minutes for myself.

The SPEAKER. Is there objection?

Mr. ROGERS. Not if it is subject to the point of order.

The SPEAKER. Does the gentleman object?

Mr. ROGERS. I make the point of order.

The SPEAKER. Does the gentleman object?

Mr. ROGERS. I object if I am to be cut off with the point of order.

The SPEAKER. Does the gentleman object?

Mr. ROGERS. I demand the regular order.

The SPEAKER. The regular order is the question of consideration.

The question was taken on the question of consideration; and the Speaker declared that the "noes" seemed to have it.

Mr. CANNON. I ask for a division.

The House divided; and there were—ayes 64, noes 75.

Mr. CANNON. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 80, nays 97, not voting 151; as follows:

YEAS—80.

Anderson, Kans.	Craig,	Kelley,	Ray,
Atkinson, W. Va.	Cutcheon,	Kennedy,	Reed, Iowa
Bayne,	Dalzell,	Ketcham,	Rife,
Belknap,	Dingley,	Lacey,	Rockwell,
Bergen,	Dolliver,	La Follette,	Rowell,
Bingham,	Dorsey,	Laidlaw,	Scull,
Blount,	Dunnell,	Laws,	Smith, Ill.
Brosius,	Evans,	McAdoo,	Smith, W. Va.
Buchanan, N. J.	Farquhar,	McDuffie,	Snider,
Burrows,	Featherston,	McKenna,	Spooner,
Caldwell,	Finley,	McMillin,	Stewart, Vt.
Campbell,	Fithian,	Milliken,	Stivers,
Cannon,	Flick,	Morse,	Stockbridge,
Caswell,	Funston,	Oates,	Sweeney,
Chendle,	Gear,	O'Neill, Pa.	Taylor, J. D.
Cogswell,	Gest,	Owen, Ind.	Townsend, Pa.
Coleman,	Gifford,	Payne,	Tracey,
Constock,	Henderson, Ill.	Perkins,	Turner, Kans.
Conger,	Hitt,	Peters,	Vandever,
Cooper, Ohio	Hopkins,	Quackenbush,	Walker, Mass.

NAYS—97.

Abbott,	Culbertson, Tex.	Lewis,	Stephenson,
Adams,	Cummings,	Lind,	Stewart, Tex.
Allen, Miss.	Dibble,	Maish,	Stockdale,
Bankhead,	Edmunds,	Martin, Ind.	Stone, Ky.
Banks,	Elliott,	Martin, Tex.	Stump,
Bartine,	Enloe,	McClammy,	Tarsney,
Barwig,	Forman,	McClellan,	Taylor, Ill.
Bland,	Forney,	McCord,	Tillman,
Bliss,	Gibson,	McCreary,	Townsend, Colo.
Bontner,	Goodnight,	McRae,	Turner, N. Y.
Breckinridge, Ky.	Hatch,	Mutcher,	Venable,
Buckner,	Haugen,	Niedringhaus,	Wade,
Brookshire,	Hayes,	Norton,	Washington,
Brunner,	Henderson, N. C.	O'Neill, Ind.	Wheeler, Ala.
Buchanan, Va.	Hermann,	O'Neill, Mass.	Whitthorne,
Bullock,	Holman,	Outhwaite,	Wickham,
Burton,	Hooker,	Parrett,	Wike,
Bynum,	Kerr, Pa.	Payson,	Williams, Ill.
Carter,	Kilgore,	Pierce,	Wilson, Wash.
Catchings,	Kinsey,	Post,	Wilson, W. Va.
Clunie,	Lanham,	Reilly,	Wright,
Connell,	Lawler,	Reyburn,	Yoder.
Covert,	Lee,	Rogers,	
Crain,	Lehlbach,	Sayers,	
Crisp,	Lester, Ga.	Shively,	

NOT VOTING—151.

Alderson,	Buckalew,	De Haven,	Haynes,
Allen, Mich.	Bunn,	De Lano,	Heard,
Anderson, Miss.	Butterworth,	Dickerson,	Hemphill,
Andrew,	Candler, Ga.	Dockery,	Henderson, Iowa
Arnold,	Candler, Mass.	Dunphy,	Herbert,
Atkinson, Pa.	Carlton,	Ellis,	Hill,
Baker,	Caruth,	Ewart,	Houk,
Barnes,	Cheatham,	Fitch,	Kerr, Iowa
Beckwith,	Chipman,	Flood,	Knapp,
Belden,	Clancy,	Flower,	Lane,
Biggs,	Clark, Wis.	Fowler,	Lansing,
Blanchard,	Clarke, Ala.	Frank,	Lester, Va.
Boothman,	Clements,	Geissenhainer,	Lodge,
Boutelle,	Cobb,	Greenbauge,	Magner,
Bowden,	Cooper, Ind.	Grimes,	Manaur,
Breckinridge, Ark.	Cothran,	Grosvenor,	Mason,
Brewer,	Cowles,	Groat,	McCarthy,
Brower,	Culbertson, Pa.	Hall,	McComas,
Brown, J. B.	Dargan,	Hansbrough,	McCormick,
Browne, T. M.	Darlington,	Hare,	McKinley,
Browne, Va.	Davidson,	Harmer,	Miles,

Mills, Moffitt, Montgomery, Moore, N. H. Moore, Tex. Morey, Morgan, Morrill, Morrow, Mudd, Nute, O'Donnell, O'Ferrall, Osborne, Owens, Ohio Paynter, Peel,	Pennington, Perry, Phelan, Pickler, Price, Pugsley, Quinn, Raines, Randall, Richardson, Robertson, Rowland, Rusk, Russell, Sanford, Sawyer, Scranton,	Seney, Sherman, Simonds, Skinner, Smyser, Spinola, Springer, Stahnecker, Stewart, Ga. Stone, Mo. Struble, Taylor, E. B. Thomas, Thompson, Tucker, Turner, Ga.	Van Schaick, Vaux, Waddill, Walker, Mo. Wallace, Mass. Wallace, N. Y. Watson, Wheeler, Mich. Whiting, Wiley, Wilkinson, Willcox, Williams, Ohio Wilson, Ky. Wilson, Mo. Yardley.
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So the House decided not to consider the report.

Before the announcement of the result,

Mr. COBB said: Mr. Speaker, I have been voting to-day, forgetful of the fact that I was paired with the gentleman from Michigan [Mr. O'DONNELL]. I ask unanimous consent to withdraw my several votes given to-day on calls of the yeas and nays, and that the pair be announced.

The SPEAKER. The pair has been announced.

Mr. COBB. I ask unanimous consent to withdraw my votes.

The SPEAKER. The votes may be withdrawn, if there is no objection.

There was no objection.

The following additional pairs were announced:

For the rest of this day:

Mr. ALLEN, of Michigan, with Mr. RICHARDSON.

Mr. THOMPSON with Mr. HEARD.

Mr. KETCHAM with Mr. COOPER, of Indiana.

Mr. MASON with Mr. PEEL.

On this vote:

Mr. FLOOD with Mr. GRIMES.

Mr. PAYSON. I ask unanimous consent that the recapitulation of the names be dispensed with.

There being no objection, it was so ordered.

The result of the vote was announced as above stated.

ALBERT H. EMERY.

Mr. FARQUHAR. I submit the conference report which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3538) for the relief of Albert H. Emery, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: Strike out the words "one hundred and twenty-five" and insert in lieu thereof the words "seventy-five," and that the Senate agree to the same.

M. M. BOOTHMAN.

JOHN M. FARQUHAR.

WM. C. P. BRECKINRIDGE.

Managers on the part of the House.

JOHN C. SPOONER.

E. K. WILSON.

Managers on the part of the Senate.

Mr. BYNUM. I raise the question of consideration on this report.

The SPEAKER (having put the question on the consideration of the report). The yeas seem to have it.

Mr. BYNUM. Division.

The question being again taken, there were—yeas 74, noes 36.

Mr. BYNUM. I call for tellers.

Tellers were not ordered, only 27 voting therefor.

Mr. BYNUM. I raise the question that there is no quorum present.

The SPEAKER. There is a quorum present. The recent vote has disclosed it.

Mr. BYNUM. The recent vote disclosed that there was no quorum voting.

The SPEAKER. The recent vote by yeas and nays disclosed a quorum.

Mr. BYNUM. I call for the yeas and nays on this question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 85, nays 72, not voting 171; as follows:

YEAS—85.

Adams, Atkinson, Pa. Atkinson, W. Va. Banks, Bartine, Belknap, Bergen, Bliss, Breckinridge, Ky. Brosius, Buchanan, N. J. Burrows, Caldwell, Carter, Caswell, Catchinga, Cogswell,	Coleman, Comstock, Craig, Crain, Cutcheon, Dalzell, Dingley, Dolliver, Dorsey, Dunnell, Enloe, Evans, Farquhar, Flick, Funston, Gear, Gest,	Hatch, Haugen, Hemphill, Hermann, Hitt, Kennedy, Ketcham, Kinsey, La Follette, Laidlaw, Laws, McCord, McDuffie, McMillin, Milliken, Moffitt, Morey,	Morse, Niedringhaus, Oates, O'Neill, Pa. Owen, Ind. Owens, Ohio Payne, Post, Quackenbush, Ray, Reed, Iowa Rife, Rockwell, Rowell, Scull, Smith, Ill. Smith, W. Va.
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Snider, Stephenson, Stewart, Vt. Stivers, Stockbridge,	Stone, Ky. Stump, Taylor, Ill. Townsend, Colo. Townsend, Pa.	Tracey, Vandever, Wade, Walker, Mass. Wilson, Wash.
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NAYS—72.

Abbott, Anderson, Kans. Bankhead, Barwig, Bland, Blount, Boatner, Brickner, Brookshire, Buchanan, Va. Bullock, Burton, Bynum, Candler, Ga. Cannon, Conger, Connell, Covert,	Culbertson, Tex. Cummings, Dibble, Edmunds, Fithian, Forman, Forney, Gibson, Goodnight, Grimes, Hayes, Henderson, Ill. Henderson, N. C. Holman, Hooker, Kelley, Kerr, Pa. Kilgore,	Lacey, Lanham, Lester, Ga. Lewis, Martin, Ind. Martin, Tex. McAdoo, McClammy, McClellan, McCreary, McRae, Mutchler, Norton, O'Neill, Ind. O'Neil, Mass. Outhwaite, Parrett, Payson,	Perkins, Peters, Reilly, Reyburn, Sayers, Shively, Stewart, Tex. Stockdale, Sweeney, Tarsney, Taylor, J. D. Tillman, Turner, Kans. Wheeler, Ala. Whithorne, Wike, Wilkinson, Williams, Ill.
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NOT VOTING—171.

Alderson, Allen, Mich. Allen, Miss. Anderson, Miss. Andrew, Arnold, Baker, Barnes, Bayne, Beckwith, Belden, Biggs, Bingham, Blanchard, Boothman, Boutelle, Bowden, Breckinridge, Ark. Brewer, Brower, Brown, J. B. Browne, T. M. Browne, Va. Brunner, Buckalew, Bunn, Butterworth, Campbell, Candler, Mass. Carleton, Caruth, Cheadle, Cheatham, Chipman, Clancy, Clark, Wis. Clarke, Ala. Clements, Clunie, Cobb, Cooper, Ind. Cooper, Ohio Cothran,	Cowles, Crisp, Culbertson, Pa. Dargan, Darlington, Davidson, De Haven, De Lano, Dickerson, Dockery, Dunphy, Elliott, Ellis, Ewart, Featherston, Finley, Fitch, Flood, Fowler, Frank, Gelsenhainer, Gifford, Grosvenor, Greenhalge, Grout, Hall, Hansbrough, Hare, Harner, Haynes, Heard, Henderson, Iowa Herbert, Hill, Hopkins, Houk, Kerr, Iowa Knapp, Lane, Lansing, Lawler, Lee,	Lehlbach, Lester, Va. Lind, Lodge, Magneur, Maish, Mansur, Mason, McCarthy, McComas, McCormick, McKenna, McKinley, Miles, Mills, Montgomery, Moore, N. H. Moore, Tex. Morgan, Morrill, Morrow, Mudd, Nute, O'Donnell, O'Ferrall, Osborne, Paynter, Peel, Pennington, Perry, Phelan, Pickler, Pierce, Pugsley, Quinn, Raines, Randall, Richardson, Robertson, Rogers, Rowland, Rusk,	Russell, Sanford, Sawyer, Scranton, Seney, Sherman, Simonds, Skinner, Smyser, Spinola, Spoonner, Springer, Stahnecker, Stewart, Ga. Stone, Mo. Struble, Taylor, E. B. Taylor, Tenn. Thomas, Thompson, Tucker, Turner, Ga. Turner, N. Y. Van Schaick, Vaux, Venable, Waddill, Walker, Mo. Wallace, Mass. Wallace, N. Y. Washington, Watson, Wheeler, Mich. Whiting, Wickham, Wiley, Willcox, Williams, Ohio Wilson, Ky. Wilson, Mo. Wilson, W. Va. Yardley.
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The following additional pairs were announced:

Mr. LIND with Mr. PIERCE, for the rest of the day.

Mr. CHEADLE with Mr. LEE, for the rest of the day.

Mr. ALLEN, of Michigan, with Mr. RICHARDSON, for the rest of the day.

Mr. BYNUM (after a pause). I ask that the result be announced.

The SPEAKER. Does the gentleman desire to ask unanimous consent that the recapitulation of the vote be omitted?

Mr. BYNUM. I ask that the result of the vote be announced.

The SPEAKER. It can not be announced until the recapitulation be made or dispensed with.

Mr. BYNUM. Then I ask that the vote be recapitulated.

The SPEAKER. The gentleman's request will be complied with, and the vote recapitulated.

Mr. OUTHWAITE (after the recapitulation had begun). I ask unanimous consent that the further recapitulation of the vote be dispensed with.

There being no objection, it was so ordered.

Mr. WIKE. I desire to state that my colleague [Mr. SPRINGER] is detained from the House on account of sickness.

The SPEAKER. The Clerk will announce the names of members present and not voting.

The Clerk read the following list:

Mr. CHEADLE, Mr. COBB, Mr. COOPER of Ohio, Mr. DAVIDSON, Mr. HEARD, Mr. LEHLBACH, Mr. LIND, Mr. MCKINLEY, Mr. PAYNTER, and Mr. SPOONER.

Mr. HEARD. I am paired with the gentleman from Ohio [Mr. THOMPSON].

The SPEAKER. On this question the yeas are 85 and the nays 72; and a quorum being present to transact business, the yeas have it. So the House decides to consider the conference report.

Mr. MCCREARY. I move that the House adjourn.

Mr. FARQUHAR. I ask that the statement of the conferees be read.

Mr. McCREARY. I insist on the motion that the House do now adjourn.

Mr. FARQUHAR. I hope the gentleman will withdraw that motion a moment. The statement should be read in justice to the conferees.

The SPEAKER. The Chair thinks that, the House having determined to consider the report, the statement should be read.

Mr. McCREARY. Is not the motion to adjourn in order?

The SPEAKER. The Chair will entertain the motion if the gentleman desires to make it.

The Clerk will read the statement.

The statement of the House conferees was read, as follows:

Statement to accompany the conference report upon H. R. 3538.

The conferees upon the part of the House, appointed as such on H. R. 3538, for the relief of Albert H. Emery, having met the conferees upon the part of the Senate for the second time, and at such conference having agreed again to report to the two Houses for allowance to the claimant the same sum as at the first conference, to wit, \$75,000, in full of all claims and demands by the claimant against the United States, on account of the testing-machine referred to in the bill, deem it just to the House and to themselves that the reasons for their action should be stated.

1. The conference committee was appointed as the result of an understanding had, prior to the appointment, between a number of gentlemen occupying seats on the floor of the House, some of whom were opposed to the bill, and others who favored it. The amount agreed upon between them as being satisfactory to both sides was the sum of \$75,000. As evidence of this statement, we submit the following extracts from the RECORD:

[From proceedings of the House of June 2, 1890.]

ALBERT H. EMERY.

Mr. BURROWS. Mr. Speaker, some time ago the House passed a bill for the relief of Albert H. Emery, appropriating \$50,000. The bill went to the Senate and was returned to the House with an amendment appropriating \$125,000 and with a request on the part of the Senate for a conference. The gentleman from Indiana [Mr. HOLMAN] moved that the House disagree to the amendment of the Senate and agree to the conference, which motion was adopted; but subsequently, on the same day, a motion was made to reconsider that action. I now, as a privileged question, call up the motion to reconsider and move to lay that motion on the table, with the view of getting a conference on the bill.

The motion of Mr. BURROWS was agreed to.

[From proceedings of the House of June 4, 1890.]

ALBERT H. EMERY.

The SPEAKER. The Chair will announce as conferees on the disagreeing votes of the two Houses on the bill (H. R. 3538) for the relief of Albert H. Emery, Mr. BOOTHMAN, Mr. FARQUHAR, and Mr. BRECKINRIDGE of Kentucky.

Mr. HOLMAN. Mr. Speaker, I wish to make a parliamentary inquiry. Is it in order at this time to move to instruct the conferees on the part of the House just named as to the amount they shall insist upon and propose that as an amendment to the Senate amendment?

I hope the Chair will indulge me in a remark in making this inquiry, for the reason that some days ago it was understood, while the motion was still pending to lay on the table the motion which I had made to reconsider the vote by which a conference was ordered, that the conferees on the part of the House would be instructed by the House to insist on \$75,000 instead of \$125,000 named in the Senate amendment as the amount that should be finally appropriated by the bill, that an agreement to that effect had been reached, and for that reason I desire to submit this instruction.

The SPEAKER. The Chair thinks it would not be in order for two reasons. In the first place, the announcement of conferees is a mere ministerial act; and if the instruction were to be given it should have been given at the time the conferees were ordered. Again, in the second place, it is not customary to instruct the conferees until after a disagreement; that there should be one full, free conference. That has been decided in the House.

Mr. HOLMAN. As to the first matter named by the Speaker, at the moment that the conferees were ordered and when the motion to reconsider was laid on the table, the understanding was that an agreement had been reached by those gentlemen in favor of and those opposed to this bill that the sum of \$75,000 should be named instead of \$125,000 mentioned in the Senate amendment, and for that reason the motion to lay on the table my motion to reconsider was agreed to *nem. con.* I desire to make this statement to show why no resistance was made to the motion to lay on the table my motion to reconsider.

Mr. MANSUR. Mr. Speaker, I hope you will indulge me in this statement: That the Committee on Claims have been notified by the gentleman from Tennessee [Mr. McMILLIN] and the gentleman from South Carolina [Mr. TILLMAN] that their side, who have opposed this bill heretofore, will accept the bill with the amount given as \$75,000 and end the matter. I would also call the Speaker's attention to the fact that in the Fiftyth Congress, after the Senate disagreed to the five-State bill passed here, and it came back to this House with a request for a conference, the gentleman from New York, Mr. Cox, at the time of the appointment of the conferees, moved that they be instructed, and they were instructed, to abandon New Mexico and insist upon the other four.

The SPEAKER. That was after one conference.

Mr. MANSUR. No, sir; that was not after a conference.

Mr. HOLMAN. The reason why this motion was not made at the time the conferees were ordered was because it was understood that an agreement was reached which would be entirely satisfactory to gentlemen on both sides of this controversy.

Mr. FARQUHAR (to Mr. HOLMAN). There will be no trouble about that.

Mr. MANSUR. I was authorized to make that motion by our committee when it came up.

The SPEAKER. The matter is entirely under the control of the House upon the report of the conferees, and the Chair makes the decision with the less reluctance because no change in the status really occurs.

2. Being governed to a considerable degree in the first conference by the statements referred to, your committee urged upon the Senate conferees as a reason for agreeing to the sum of \$75,000 the understanding said to have been arrived at by members of the House in favor of and opposed to the bill.

3. Mainly, if not entirely, that understanding furnished the ground upon which the conferees reached an agreement. Much to the surprise of your committee, when the report was placed before the House, it met with spirited opposition, and was voted down by a vote of 84 in favor to 95 against, not voting 148.

4. This action of the House, to say the least, placed the conferees on the part of the House in an unenviable position. The conferees on the part of the Senate, from our statements to them, had the right to believe that the House would acquiesce in the report. Our statements to them were made in entirely good faith, and relying upon the record quoted. Your committee have felt, and still feel, that that understanding should be carried out, and that they should be relieved from any imputation of bad faith which might arise.

Therefore, in consideration of the facts that the former report was rejected by so light a vote and that the understanding referred to was had, and further because we are thoroughly convinced that we can not get the Senate conferees to accept any less amount, we have felt it to be our duty to again test the will of the House regarding the payment of the sum of \$75,000 in this case.

We feel that, if the House shall vote upon a clear understanding of the whole case, it will not leave its conferees in the equivocal position they have been forced to occupy by reason of its former vote; nor, by rejecting this report, consummate an injustice which can not but be manifest to those who have carefully considered the facts involved.

M. M. BOOTHMAN,
JOHN M. FARQUHAR,
WM. C. P. BRECKINRIDGE,

Conferees on the part of the House of Representatives.

Mr. McCREARY. Mr. Speaker, I now insist on my motion that the House adjourn.

Mr. HITT. May I ask the gentleman if he will yield to me for a moment and allow me to submit a privileged report? It will take but a moment.

Mr. McCREARY. The gentleman from New York [Mr. CUMMINGS] has just asked me to yield to him for a personal explanation and I have agreed to do it.

Mr. BYNUM. I insist upon the motion to adjourn.

Mr. CUMMINGS. I hope the gentleman will not do that.

Mr. BYNUM. Very well; I will withdraw it.

PERSONAL EXPLANATION.

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent to make a brief personal explanation.

The SPEAKER. Is there objection?

There was no objection.

Mr. CUMMINGS. Mr. Speaker, in my speech on the Federal election bill, delivered in the House on the 28th of June, I used the following language:

Mr. Speaker, I have said nothing of the application of this bill to New York. That city, sir, has more than a vivid recollection of the way in which the Federal election law was enforced in 1872. Our foreign-born citizens will never forget it. It was true, as the gentleman from Massachusetts has observed, that a few fraudulent naturalization papers were issued in 1868. It was upon this pretense that every foreign-born citizen who appeared at the polls with a Democratic ticket in his hand, exhibiting naturalization papers issued in 1868, was arrested and imprisoned. His papers were taken from him, and in hundreds of instances never returned to him. In vain he pleaded at the office of the United States supervisor for their return.

I say that there are to-day hundreds of foreign-born citizens in the State of New York entitled to vote who can not exercise the franchise because they were robbed of their papers at that time. The plain maxim of justice and law, that a man is presumed to be innocent until proven guilty, was reversed. The rule that ninety-nine guilty men should escape rather than that one innocent man should suffer, was reversed. Every Democrat naturalized in 1868 was presumed to be guilty. Ninety-nine innocent men were punished that one guilty man might not escape. The innocent lost their naturalization papers and the punishment was lasting. No foreign-born citizen in New York State will advocate the passage of this law. They know too well what it means when executed by John I. Davenport. His crafty hand, I am told, was employed in the drafting of this measure. He is a man of brains and an unrelenting partisan. No man better understands the purposes of this bill and no man is better calculated to carry them out.

I now desire to say that I have received the following letter from Hon. John I. Davenport:

WASHINGTON, D. C., July 8, 1890.

MY DEAR CUMMINGS: I notice in the RECORD of June 29 your speech on the national election law. I am confident you did not mean to cast any reflection upon my honor as a man, and therefore I take no objection to your criticisms. My official acts are all publicly performed and are just matters of criticism. I do, however, ask your attention to another matter. You have known me for nearly a quarter of a century. You know my friends and associates, both personal and political. You and I differ politically, but personally, so far as I have ever known, have been friendly. I need the "ripe wants of a friend" for a moment, and I ask your consideration to what follows.

This morning I first learned that Mr. CRISP, of Georgia, had, under leave to print, inserted on page 7395 of the CONGRESSIONAL RECORD of date July 2, 1890, a most libelous article from the Commercial Advertiser, of New York City—a journalistic cross-breed of Mugwump and Democrat—of Wednesday, June 18, 1890, concerning myself. The article in question was first seen by me by accident, on the night of its publication, while nearing Baltimore on my way to this city. I returned to New York on Thursday night and on Friday wrote the editor of the Commercial Advertiser a letter inclosing the article and requiring "forthwith a public retraction" thereof.

Leaving my communication to be served upon the editor, I left for Boston upon professional business, arriving there on Friday night. On Saturday morning I received a telegram from my clerk saying that he was unable to obtain service until that morning. On Sunday night I returned to New York and on Monday night returned to this city. On the day I so returned here the Commercial Advertiser printed at the head of its editorial page the following:

"In a recent editorial published in the Commercial, allusion was made to the impropriety of calling on Mr. John I. Davenport to aid in the deliberations of the House committee on Federal elections. We are still of the opinion that the House committee did most unwisely in identifying itself with a gentleman whose actions in the office of supervisor of elections were subject to severe and by no means unfounded criticism, but we are willing to admit, on the testimony of Mr. Davenport's political associates, that we went too far in any reference to his personal character. We are assured that Mr. Davenport is personally an honest man, and, however much we may object to his official performances in the past, it is but just to correct any wrong impression which we may have given upon this point."

I have been detained in this city with the exception of a single day since the date of this publication, June 23. Mr. CRISP certainly did not know of the retraction, but whether he did or did not the infamous attack of the Commercial remains upon the records of Congress. May I ask of you that you obtain leave to make a statement and read this letter, so that it may also appear in the CONGRESSIONAL RECORD?

I am nearing forty-eight years of age and have been chief supervisor of elections in the southern district of New York for twenty years. You know something as to the truth or falsity of the article in question, and as to whether I

was ever charged anywhere by any one with either personal, political, or official dishonesty. I do not, however, ask you to say anything for me or on my behalf. I simply ask that you aid me in the matter of my request.

Sincerely yours,

JOHN I. DAVENPORT.

Hon. AMOS CUMMINGS, M. C.

Mr. Speaker, it is proper for me to say that, while reflecting upon Mr. Davenport's official acts, I have no desire to reflect upon his personal character. Twenty years ago I was associated editorially with him upon the New York Tribune. I have known him from that day to this, and I can truthfully say that outside of his official acts I have never known anything against his character as a man. I am confident that if Mr. Davenport had sent a similar letter to my friend from Georgia [Mr. CRISP] he would with great pleasure have asked that the retraction of the Commercial Advertiser be printed in the RECORD, as I am very sure that he has no disposition to do injustice to any one.

Mr. OUTHWAITE. Is there a denial anywhere in that letter that Mr. Davenport did assist the Committee on Elections to frame the bill? [Laughter.]

Mr. CUMMINGS. I am speaking of Mr. Davenport as a man, and not as a politician.

Mr. CRISP. Mr. Speaker, with the permission of the gentleman from New York, I wish to say that the article referred to, quoted from the Commercial Advertiser of New York, was one which I had cut from that paper and had in my desk; and in the course of my remarks I referred to Mr. Davenport's association with the House committee in the preparation of the election bill, and referred to that article in connection with it. I had only five minutes, and had not time to read the article. My friend from Maine [Mr. MILLIKEN], however, just as I concluded and was about to take my seat, asked me what was the matter with Mr. John I. Davenport that it was wrong to associate with him? I replied that I knew nothing whatever about him, but that I had an article from the New York Commercial Advertiser stating what was the matter with him, which I would print in connection with my remarks in the RECORD. I did print the article, as the House will remember.

Of course, Mr. Speaker, I hope it is unnecessary for me to say to any man who knows me that had I been aware of the fact that the paper in question had made a retraction or modification of the article I should have said so in the House or had it come to my knowledge that the paper had published a retraction of the article I would not have used it. I had no personal feeling in the matter, for I do not know the gentleman at all.

ORDER OF BUSINESS.

Mr. MCCREARY. I now renew the motion that the House adjourn.

The SPEAKER. Pending the motion to adjourn the Chair desires to lay before the House a report of the Committee on Enrolled Bills, and some personal requests of members.

ENROLLED BILL SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 5966) to provide for an additional associate justice of the supreme court of the Territory of New Mexico.

LEAVE OF ABSENCE.

Pending the motion to adjourn, by unanimous consent, leave of absence was granted, as follows:

To Mr. CLEMENTS, for ten days.

To Mr. SANFORD, for Tuesday, Wednesday, and Thursday, on account of important business.

To Mr. ROWLAND, indefinitely, on account of sickness in his family.

To Mr. BUNN, for one week, on account of sickness.

To Mr. MONTGOMERY, indefinitely, on account of important business.

To Mr. O'FERRALL, for five days.

To Mr. MILLS, indefinitely, on account of important business.

To Mr. DE HAVEN, for the remainder of the session, on account of business.

Mr. TRACEY. Mr. Speaker, it seems to me that a gentleman should not ask for leave of absence for the rest of the session without some explanation. He may ask for indefinite leave of absence very well; but to go away with the express intention of never coming back, it seems to me it is scarcely the proper thing to do.

The SPEAKER. Is there any objection to the request for leave of absence?

Mr. TRACEY. I do not object.

The motion of Mr. MCCREARY was agreed to; and accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. CANNON:

Resolved, That on Wednesday, the 9th day of July, 1890, immediately after the reading of the Journal, the House shall proceed to consider Senate bill 348 (House Report No. 2004), now on the House Calendar, and shall continue the

consideration thereof until Thursday, the 16th day of July, until the hour of 3 o'clock p. m., at which hour the previous question shall be considered as ordered upon said bill and amendments thereto, to the final passage of the same. This order shall not interfere with general appropriation bills; to the Committee on Rules.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. ROBERTSON, from the Committee on Military Affairs, reported with amendments the bill of the House (H. R. 5944) to reorganize the band of the United States Military Academy, accompanied by a report (No. 2627)—to the Committee of the Whole House on the state of the Union.

Mr. MAISH, from the Committee on War Claims, reported favorably the bill of the House (H. R. 7747) for the relief of Robert E. Morgan, of Hartford County, State of Maryland, accompanied by a report (No. 2628)—to the Committee of the Whole House.

Mr. LAIDLAW, from the Committee on Claims, reported favorably the bill of the House (H. R. 8621) to reimburse John Waller, formerly postmaster at Monticello, N. Y., for moneys expended in carrying the mail, accompanied by a report (No. 2629)—to the Committee of the Whole House.

Mr. WADE, from the Committee on Labor, reported favorably the bill of the House (H. R. 9790) declaring that no person employed as a laborer in doing work for the Government of the United States shall receive less than \$2 per day, accompanied by a report (No. 2630)—to the House Calendar.

Mr. WILSON, of Washington, from the Committee on Indian Affairs, reported with amendment the bill of the Senate (S. 2912) providing for a commission to ascertain and report certain facts relating to the Puyallup Indian reservation in Washington, and to determine the northern boundary of the Warm Springs Indian reservation in Oregon, and making an appropriation therefor, accompanied by a report (No. 2631)—to the Committee of the Whole House on the state of the Union.

Mr. BELKNAP, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 11256) for the relief of women enrolled as army nurses, accompanied by a report (No. 2632)—to the Committee of the Whole House on the state of the Union.

Mr. ABBOTT, from the Committee on Public Buildings and Grounds, reported favorably the bill of the House (H. R. 9891) for the erection of a public building at Laredo, Tex., accompanied by a report (No. 2633)—to the Committee of the Whole House on the state of the Union.

Mr. MILLIKEN, from the Committee on Public Buildings and Grounds, reported favorably the bill of the Senate (S. 2038) for remodeling and repairing the apparatus for the heating, ventilation, and sewerage of the United States court house, in the city of Washington, D. C., accompanied by a report (No. 2634)—to the Committee of the Whole House on the state of the Union.

He also, from the same committee, reported with amendment the bill of the Senate (S. 593) for the erection of a public building at Emporia, Kans., accompanied by a report (No. 2635)—to the Committee of the Whole House on the state of the Union.

Mr. BANKHEAD, from the Committee on Public Buildings and Grounds, reported with amendment the bill of the House (H. R. 9960) to erect a suitable post-office building in Leesburgh, Loudoun County, Virginia, accompanied by a report (No. 2636)—to the Committee of the Whole House on the state of the Union.

Mr. SWENEY, from the Committee on Commerce, reported with amendment the bill of the Senate (S. 3127) amending an act entitled "An act to constitute Lincoln, Nebr., a port of delivery, and to extend the provisions of the act of June 10, 1880, entitled 'An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,' to said port of Lincoln," accompanied by a report (No. 2637)—to the Committee of the Whole House on the state of the Union.

Mr. BROWNE, of Virginia, from the Committee on Commerce, reported with amendment the bill of the House (H. R. 10552) to authorize the construction of a bridge across the Chattahoochee River, in the State of Georgia, accompanied by a report (No. 2638)—to the House Calendar.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. LEE (by request): A bill (H. R. 11293) to repeal section 216 of the act of July 14, 1870, for the establishment of water meters in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BOATNER: A bill (H. R. 11294) to amend an act entitled "An act authorizing the Houston, Central Arkansas and Northern Railway Company to construct and maintain bridges across Bayou Bartholomew and across Ouachita, Red, Little, and Sabine Rivers in Louisiana," approved August 6, 1888—to the Committee on Commerce.

By Mr. PERKINS: A bill (H. R. 11295) establishing common schools in the Territory of New Mexico, and creating the office of superintendent of public instruction—to the Committee on the Territories.

By Mr. WHEELER, of Alabama: A bill (H. R. 11296) authorizing the construction of a bridge over the Tennessee River at or near Gunterville, Ala., and for other purposes—to the Committee on Commerce.

By Mr. TURNER, of Kansas: A bill (H. R. 11297) imposing a special tax upon and regulating the manufacture, sale, and importation of adulterated malt liquors—to the Committee on Ways and Means.

By Mr. BROWNE, of Virginia: A bill (H. R. 11298) to establish a life-saving station at or near Assawoman Inlet, Virginia—to the Committee on Commerce.

CHANGES OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (H. R. 11063) granting a pension to J. G. Flournoy—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11225) granting a pension to Harrison D. Leverett—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. CARUTH: A bill (H. R. 11299) for the relief of the heirs and legal representatives of Louis L. Ferriere, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11300) granting an increase of pension to August Stern—to the Committee on Invalid Pensions.

By Mr. CONGER: A bill (H. R. 11301) increasing the pension of Branford S. Trunel—to the Committee on Invalid Pensions.

By Mr. FUNSTON: A bill (H. R. 11302) for the relief of Tazwell C. Merrill—to the Committee on War Claims.

Also, a bill (H. R. 11303) granting a pension to James N. Vesper—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 11304) granting a pension to Mary Jane Blackledge—to the Committee on Invalid Pensions.

By Mr. HEARD: A bill (H. R. 11305) granting a pension to William Parker—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 11306) to pension Willis Brooks—to the Committee on Pensions.

Also, a bill (H. R. 11307) to pension Hines Eubanks—to the Committee on Pensions.

Also, a bill (H. R. 11308) to pension Carroll Renfro—to the Committee on Pensions.

By Mr. NIEDRINGHAUS: A bill (H. R. 11309) granting a pension to Maria Hassendenbel and Apollonia Hassendenbel—to the Committee on Invalid Pensions.

By Mr. WICKHAM: A bill (H. R. 11310) granting an increase of pension to Alonzo D. Barber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11311) granting an increase of pension to Eugene A. Osborn—to the Committee on Invalid Pensions.

By Mr. WILLIAMS, of Illinois: A bill (H. R. 11312) for the relief of Moses N. Webb—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BLISS: Petition of Elindley W. Murray, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. BROSIUS: Petition of numerous citizens of Pennsylvania, against increasing the Navy—to the Committee on Naval Affairs.

By Mr. BYNUM: Evidence in claim of H. Leiber & Co., for rebate on duties paid—to the Committee on Claims.

By Mr. CANNON: Four petitions from citizens of Champaign and Coles Counties, Illinois, for pure food and pure lard—to the Committee on Agriculture.

By Mr. CONGER: Petition of citizens of Seventh Congressional district of Iowa, for the passage of House bill 5978 prohibiting the transportation of intoxicating liquors from one State or Territory into another where the sale thereof is illegal—to the Committee on Commerce.

By Mr. CRISP: Petition of G. C. Thistlewood and others, citizens of Macon County, Georgia, asking the passage of House bill 7162 and Senate bill 2806—to the Committee on Ways and Means.

Also, petition of C. A. Powell and others, citizens of same county, asking for an appropriation for deep water at Galveston Harbor—to the Committee on Rivers and Harbors.

By Mr. DORSEY: Resolutions of Fairview Alliance, No. 1300, Pottsville, Nebr., in favor of the Butterworth option bill—to the Committee on Agriculture.

Also, resolutions of Prairie Creek Alliance, No. 994, Prairie Creek, Nebr., for same measure—to the Committee on Agriculture.

Also, resolution of West Union Farmers' Alliance, No. 778, West Union, Nebr., for same measure—to the Committee on Agriculture.

Also, resolution of Prairie Creek Alliance, Nance County, Nebraska, for same measure—to the Committee on Agriculture.

Also, resolutions of West Union Farmers' Alliance, No. 778, West Union, Nebr., in favor of the Conger lard bill—to the Committee on Agriculture.

Also, two resolutions from Prairie Creek Alliance, No. 994, Prairie Creek, Nance County, Nebraska, for same measure—to the Committee on Agriculture.

Also, two resolutions of Birdwood Alliance, No. 123, of Birdwood, Nebr., in favor of same measure—to the Committee on Agriculture.

By Mr. ENLOE: Petition of E. R. Patterson and 9 others, of Perry County, Tennessee, in favor of the improvement of Galveston Harbor—to the Committee on Rivers and Harbors.

By Mr. FORMAN: Petition signed by 56 voters of Washington County, Illinois, asking passage of the Conger pure-lard bill—to the Committee on Agriculture.

Also, petition signed by a number of citizens of Madison County, Illinois, requesting the passage of the Butterworth bill to prevent dealing in options—to the Committee on Agriculture.

Also, petition signed by a number of citizens of Washington County, Illinois, for same measure—to the Committee on Agriculture.

Also, petition signed by farmers of Madison County, Illinois, for same measure—to the Committee on Agriculture.

Also, petition of a number of farmers of same county, for same measure—to the Committee on Agriculture.

By Mr. FUNSTON: Petition, asking the removal of charge of disloyalty against John Kinchelton—to the Committee on Military Affairs.

Also, petitions and affidavits of Malinda Merrill, mother of T. C. Merrill, and others, residents of Riversville, Union County, West Virginia, for the relief of T. C. Merrill—to the Committee on War Claims.

By Mr. GEAR: Petition of G. B. Swartz and 43 others, citizens of Millersburgh, Iowa, urging Congress to prohibit the importation of liquors into a State in violation of the laws of such State—to the Committee on the Judiciary.

Also, petition of M. B. Westgate and 57 others, citizens of Johnson County, Iowa, for same measure—to the Committee on the Judiciary.

Also, petition of William Ward and 54 others, citizens of Johnson County, Iowa, for same measure—to the Committee on the Judiciary.

By Mr. GRIMES: Petition of P. F. Valandigham and others, citizens of Talbot County, Georgia, in favor of Senate bill 2716—to the Committee on Rivers and Harbors.

By Mr. HOUK: Memorial of oil-dealers of Knoxville, Tenn., protesting against legislation by Congress compelling railroads to transport petroleum barrels free—to the Committee on Commerce.

By Mr. KELLEY: Resolutions of a mass meeting of the citizens of Hutchinson, Kans., protesting against the calamities following the establishment of original-package saloons in Kansas and praying for the passage of the Wilson bill—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union, of Barclay, Kans., asking for a law that will enable the State of Kansas to suppress original-package saloons—to the Committee on the Judiciary.

By Mr. KERE, of Pennsylvania: Petition of the Boston Fish Bureau, against any further increase of duty on salt and fresh fish—to the Committee on Ways and Means.

Also, petition of importers and dealers, against increased duty on pearl buttons—to the Committee on Ways and Means.

By Mr. KETCHAM: Petition of citizens of Chatham, N. Y., for the passage of House bill 5987—to the Committee on the Judiciary.

By Mr. LACEY: Petition of R. Breeden and 65 others, citizens of Chillicothe, Iowa, for passage of the Wilson original-package bill—to the Committee on the Judiciary.

By Mr. LEE (by request): Petition of citizens of Prince William County, Virginia, for Mississippi River improvement—to the Committee on Rivers and Harbors.

Also (by request), petition of certain citizens of same county, for deep-water harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. McCLAMMY: Petition of S. D. Daniel, for the estate of William H. Whitsell, late of Wayne County, North Carolina, praying that his war claim be referred to the Court of Claims under the Bowman act—to the Committee on War Claims.

By Mr. MILLIKEN: Petition of D. S. Moore and 41 others, of Bingham, Me., for House bill 11027—to the Committee on Agriculture.

Also, petition of F. Cole and 21 others, of Waldo County, Maine, for same purpose—to the Committee on Agriculture.

Also, petition of G. K. Hastings and 9 others, of Kennebec County, Maine, for same measure—to the Committee on Agriculture.

Also, petition of John Cumming and 25 others, citizens of Somerset County, Maine, for same measure—to the Committee on Agriculture.

Also, petition of G. K. Hastings and 9 others, of Kennebec County, Maine, for House bill 8648—to the Committee on Agriculture.

Also, petition of John Cummings and 28 others, of Somerset County, Maine, for same measure—to the Committee on Agriculture.

By Mr. MILLS: Petition of J. R. Swain and 78 others, of Milam County, Texas, asking passage of House bill 7162—to the Committee on Ways and Means.

By Mr. PERKINS: Petition of C. M. Coldsmith and 10 others, of Crawford County, Kansas, asking passage of sundry bills—to the Committee on Coinage, Weights, and Measures.

Also, petition of F. H. Dumbauld and 11 others, of same county, for same purpose—to the Committee on Coinage, Weights, and Measures.

By Mr. SMITH, of Illinois: Petition of citizens of Jackson County, Illinois, for the passage of House bill 7162 or Senate bill 2806—to the Committee on Ways and Means.

By Mr. SWENEY: Resolutions of Farmers' Alliance No. 1516, Burr Oak, Iowa, asking the passage of the Conger land bill and the Butterworth anti-option bill—to the Committee on Agriculture.

By Mr. THOMPSON: Petition and additional evidence in claim of Jabez Eagle—to the Committee on Invalid Pensions.

By Mr. TOWNSEND, of Colorado: Petition of citizens' meeting of Greeley, Weld County, Colorado, for a Sunday-rest law—to the Committee on Labor.

By Mr. WASHINGTON: Petition of E. T. Curtis and 46 others, of Humphreys County, Tennessee, asking passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of A. C. Ellis and others, for passage of Senate bill 2716—to the Committee on Rivers and Harbors.

SENATE.

WEDNESDAY, July 9, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of H. W. Combs, of New York City, praying for the appointment of a Senate committee to investigate his acts as an attorney before the Interior Department; which was referred to the Committee on Public Lands.

Mr. BLAIR presented a petition of 10,000 women, members of the Michigan Woman's Christian Temperance Union, officially signed, praying for the prompt passage of a bill to render unlawful the transportation of liquor from one State or Territory into another State or Territory, contrary to the laws thereof; which was ordered to lie on the table.

Mr. MORRILL presented a memorial of citizens of Chittenden County, Vermont, remonstrating against an increase of duty on tinplate; which was ordered to lie on the table.

Mr. WILSON, of Maryland, presented a petition of 175 butchers of Baltimore, Md.; a petition of 74 butchers of Baltimore, Md.; the petition of E. J. Cheswell and 18 other citizens, of Montgomery County, Maryland; the petition of J. W. Steele and 9 other citizens, of Anne Arundel County, Maryland; and a petition of Grange No. 173, Patrons of Industry, of Baltimore County, Maryland, praying for the passage of House bill 8648, providing for pure food; which were ordered to lie on the table.

He also presented a petition of Grange No. 173, Patrons of Industry, of Baltimore County, Maryland, and the petition of L. W. Beall and 18 other citizens, of Prince George's County, Maryland, praying for the passage of what is known as the pure-lard bill; which were referred to the Committee on Agriculture and Forestry.

Mr. VANCE presented a petition of citizens of Asheville, N. C., praying for the passage of a law making eight hours a day's work for post-office clerks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 19 citizens of Guilford County, North Carolina, praying for the passage of Senate bill 2806, known as the subtreasury bill; which was ordered to lie on the table.

Mr. McMILLAN presented the petition of T. A. Johnson and 10 other citizens of Alma, Mich.; the petition of W. A. Barry and 47 other citizens of Oceana County, Michigan; the petition of George S. Crane and 31 other citizens of Hillsdale County, Michigan; the petition of L. G. Barnaby and 26 other citizens of Ottawa, Mich.; the petition of D. G. Cross and 19 other citizens of Barry, Mich.; the petition of M. C. Brest and 31 other citizens of Allegan, Mich.; the petition of J. F. Andrus and 23 other citizens of Clinton County, Michigan; the petition of S. A. Nichols and 48 other citizens of Cass, Mich.; the petition of A. Ward and 26 other citizens of Hillsdale, Mich.; the petition of Henry Ray and 28 other citizens of Lenawee County, Michigan; the petition of A. D. Huffman and 85 other citizens of Gratiot, Mich.; the petition of A. J. Crosby, jr., and 15 other citizens of Novi Post-Office, Mich.; the petition of H. D. McCabe and 25 other citizens of Clinton County, Michigan; the petition of A. S. Eddy and 8 other members of Whitehead Grange, No. 293, Patrons of Husbandry, in the State of Michigan; the petition of W. H. Olmstead and other members of Gilead Grange, No.

400, Patrons of Husbandry, of Branch County, Michigan; the petition of L. D. Hulbert and 24 other citizens of St. Clair County, Michigan; the petition of D. Murlin and 20 other citizens of Shiawassee County, Michigan; the petition of Dwight Arnold and 72 other citizens of Antrim County, Michigan; the petition of J. V. Oster and 7 other citizens of Allegan County, Michigan; the petition of C. T. Martin and 26 other citizens of Allegan County, Michigan; and the petition of Henry Anders and 14 other citizens of Barry, Mich., praying for the passage of what are known as the "pure-lard" and "pure-food" bills; which were referred to the Committee on Agriculture and Forestry.

Mr. HOAR presented the memorial of the Committee of One Hundred, of Boston, Mass., remonstrating against certain provisions of the Indian appropriation bill; which was referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (S. 2520) for the relief of the estate of Dr. Bailey Shumate, of Fauquier County, Virginia, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1688) for the relief of Jacob Kern, reported it without amendment and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9424) to increase the pension of Eben E. Smith; and

A bill (H. R. 8262) for the relief of Parker Adams.

Mr. HIGGINS, from the Committee on Claims, to whom was referred the bill (S. 270) for the relief of the assignees of John Roach, deceased, reported it with an amendment and submitted a report thereon.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. McMILLIN June 30, intended to be proposed to the sundry civil appropriation bill, reported it favorably and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. STOCKBRIDGE, from the Committee on Fisheries, reported a bill (S. 4202) providing for the purchase of Battery Island; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Appropriations, intended as an amendment to be proposed to the sundry civil appropriation bill.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 4199) granting an increase of pension to Lee H. Brown; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COLQUITT introduced a bill (S. 4200) to authorize the construction of a bridge across the Savannah River by the Middle Georgia and Atlantic Railway Company; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 4201) to authorize the construction of bridges over the Savannah, Ocmulgee, and Oconee Rivers by the Macon and Atlantic Railway Company; which was read twice by its title, and referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the bill (S. 3917) to adopt regulations for preventing collisions at sea.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 5966) to provide for an additional associate justice of the supreme court of the Territory of New Mexico; and

A bill (H. R. 982) to provide for the admission of the State of Wyoming into the Union, and for other purposes.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. If there be no further morning business, that order is closed, and the Chief Clerk will announce the first order of business on the Calendar under Rule VIII.

Mr. BLAIR. I desire that there may be a brief executive session this morning, and perhaps this would be as convenient a time as any to move it. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-five minutes spent in executive session the doors were reopened.

RIO GRANDE JUNCTION RAILWAY.

Mr. SHERMAN. I call up the conference report on the silver question.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the report of the committee of conference on the bill (H. R. 5381) directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes.

Mr. TELLER. Mr. President—

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. COCKRELL] is entitled to the floor.

Mr. COCKRELL. I yield to the Senator from Colorado.

Mr. TELLER. I ask the Senator from Ohio to allow the conference report to be laid aside informally until I can have a right-of-way bill passed. It is a bill granting to the Rio Grande Junction Railway Company the right to cross a piece of land belonging to the Government of the United States. It has the approval of the Interior Department, and the railroad company is practically there and wants to build across the land now. It is very important. The bill is Senate bill 3938, Order of Business 1757.

The PRESIDENT *pro tempore*. The bill will be read by title.

The CHIEF CLERK. A bill (S. 3938) to authorize the Secretary of the Interior to convey to the Rio Grande Junction Railway Company certain lands in the State of Colorado, in lieu of certain other lands in said State conveyed by the said company to the United States.

Mr. SHERMAN. The bill is to be taken up by unanimous consent, subject to objection?

The PRESIDENT *pro tempore*. The conference report is privileged, and can be called up at any time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Lands with amendments, which were, in line 4, after the word "convey," to strike out "by patent;" in line 12, after the word "one," to insert "south of range one," and in the same line, after the word "east," to insert "of the Ute meridian;" in line 23, after the word "convey," to insert "or cause to be conveyed;" in line 24, after the word "fee," to strike out "by deed" and insert "which conveyance shall be satisfactory to the Attorney-General of the United States;" in line 27, after the word "be," to strike out "secured by" and insert "conveyed to;" in line 42, after the word "shall," to strike out "securely" and insert "build and maintain a;" in line 44, after "United States," to strike out "shall maintain" and insert "reserves;" and in line 46, before the word "said," to strike out "in" and insert "over;" so as to make the bill read:

That the Secretary of the Interior be, and he hereby is, authorized to convey in fee to the Rio Grande Junction Railway Company, for right of way and other necessary railroad purposes, a strip of land in Mesa County, State of Colorado, now held by the United States for school purposes in connection with Grand Junction Indian school, said land being described as follows: Beginning at a point on the Ute meridian 1,709.7 feet north of the southwest corner of section 18, township 1 south, of range 1 east, of the Ute meridian; thence running northward along the said Ute meridian to the northwest corner of the southwest quarter of said section 18; thence easterly along the north line of the said southwest quarter of section 18 to the northeast corner of the said southwest quarter of section 18; thence in a southerly direction along the east line of the said southwest quarter of section 18, 40 feet; thence in a straight line and in a southwesterly direction to the place of beginning, not to exceed in the aggregate 26.3 acres: *Provided*, That the said railway company shall first convey or cause to be conveyed to the United States in fee, which conveyance shall be satisfactory to the Attorney-General of the United States, the following-described land, in lieu of the land to be conveyed to the said company as herein provided: Commencing at the southeast corner of the southwest quarter of section 18, township 1 south, of range 1 east, of the Ute meridian; thence running east along the south line of said section 18, 70 rods; thence north 80 rods, more or less, to the north line of the southwest quarter of the southeast quarter of said section 18; thence west 70 rods to the east line of the southwest quarter of said section 18; thence south 80 rods, more or less, to the place of beginning; being the west 35 acres of the south half of the southeast quarter of section 18, township 1 south, of range 1 east, of the Ute meridian, together with water rights appurtenant thereto, including 22 statute inches of water from the Mesa County ditch, for the irrigation of said land; *Further*, That the said railway company shall build and maintain a fence the line of railway next to the school lands: *And provided also*, That the United States reserves the unrestricted right of way for irrigation purposes over said land to be conveyed to said company as herein provided.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM SMITH.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the conference report.

Mr. HARRIS. I appeal to the Senator from Ohio to allow me to ask the Senate to consider Order of Business 1374, Senate bill 3130, to correct the military record of a citizen of Tennessee. If it takes two minutes' debate, I will withdraw the request.

Mr. SHERMAN. If I thought that would be "the be-all and the end-all" of this I should be very willing to yield, but I see several Senators rising all around and I hope the conference report may be proceeded with.

Mr. HARRIS. This bill has passed the Senate once or twice before and it is important to get it to the other House as soon as possible.

Mr. SHERMAN. Very well.

The PRESIDENT *pro tempore*. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. SHERMAN. Yes; I will do so.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3130) to correct the military record of William Smith, of Tennessee; which was read as follows:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed to remove the charge of desertion from the record of William Smith,

of Tennessee, late a private in Battery E, First Tennessee Light Artillery, and grant to the said William Smith an honorable discharge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUNDAY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask the Senator from Ohio to yield to me that I may make a report from the Committee on Appropriations.

Mr. SHERMAN. I have no objection. I yield to morning business.

Mr. ALLISON. I report back from the Committee on Appropriations, with sundry amendments, the bill (H. R. 10884) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. ALLISON. I also submit in connection with the bill a report, which I ask may be printed.

The PRESIDENT *pro tempore*. It is so ordered.

Mr. ALLISON. I desire to give notice that at an early day, possibly to-morrow, I shall ask the Senate to consider this bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, returned to the Senate, in compliance with its request, the bill (S. 3751) to grant to the Mobile and Dauphin Island Railroad and Harbor Company a right to trestle across the shoal water between Cedar Point and Dauphin Island.

The message also announced that the House had passed a joint resolution (H. Res. 152) providing for the printing of eulogies delivered in Congress upon the late James Laird, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 8245) to provide for the disposal of the abandoned military reservation in Wyoming Territory; and

A bill (H. R. 9104) granting to the Jacksonville, St. Augustine and Halifax River Railway Company a right of way across the United States military reservation at St. Augustine, Fla.

TREASURY NOTES AND SILVER BULLION.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the conference report on the bill (H. R. 5381) directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes.

Mr. COCKRELL. Mr. President, in continuation of the objections I was making yesterday to this conference report, I desire to call attention now to the last sentence of section 2:

That upon demand of the holder of any of the Treasury notes herein provided for the Secretary of the Treasury shall, under such regulations as he may prescribe, redeem such notes in gold or silver coin, at his discretion, it being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio, or such ratio as may be provided by law.

I made my criticisms of the redemption in gold, and, as I stated yesterday, I would prefer that the language had been "redeemable in coin," but had the language been "redeemable in coin," the same discretionary power could have been exercised by the Secretary of the Treasury that can be exercised under the language used, the only difference being this, that the language here used in this section indicates a preference for and a recognition of the single gold standard, and the Secretaries of the Treasury will so interpret it. They will say we already have by law the single gold standard, and this is simply a declaration that we are trying to bring silver to a parity with gold, and until that parity is established, gold must be given the preference. Every Secretary of the Treasury for years, and especially the distinguished Senator in charge of this conference report [Mr. SHERMAN], first proclaimed to the world that the United States was under obligations of the very highest character to pay all its obligations, all its bonded indebtedness and interest, in gold coin alone.

It has been contended that it is dishonest, that it is even repudiation, to pay them in the standard silver dollar; and the language here is simply a recognition of that principle, of that policy which has been pursued heretofore. Therefore I say that the Secretary of the Treasury will almost absolutely, in the exercise of his discretion, redeem these notes, which are legal-tenders, in gold, and the power which he has is the most dangerous which has ever been vested by any law of Congress in any Secretary of the Treasury.

Mr. TELLER. I should like to ask the Senator from Missouri a question, with his permission.

Mr. COCKRELL. Certainly.

Mr. TELLER. Does the Senator from Missouri think there is any distinction between this provision and the provision that these notes shall be paid in coin?

Mr. COCKRELL. I have just stated that the Secretary of the Treasury under the language "redeemable in coin" can have the same discretion that he has under this language, but I say that this language

is a continuation of the declared policy of a single gold standard, and therefore the Secretary will feel under obligation to recognize it.

Mr. TELLER. I should like to ask the Senator one other question. Does not the Senator recognize the fact that the Secretary can pay in silver if he sees fit?

Mr. COCKRELL. Unquestionably.

Mr. TELLER. Then it is simply a question of how he will exercise the discretion.

Mr. COCKRELL. There is no question about that.

Mr. TELLER. Does not the Senator suppose that any Secretary will pay in the coin that the holder demands or requests, if he can?

Mr. COCKRELL. Certainly.

Mr. TELLER. Is not that proper?

Mr. COCKRELL. I think not.

Mr. TELLER. If the Senator will allow me just to say one word more.

Mr. COCKRELL. With pleasure.

Mr. TELLER. How has France maintained a parity between the two metals? By giving to the holder of her paper, whenever he went with it to the treasury, gold or silver as he desired. When he went with gold he got silver if he desired it, and if he went with silver he got gold if he desired it; and that is what our Secretary should do as long as he is able and as long as he has the gold. If the holder prefers gold give him gold, and if he prefers silver give him silver.

Mr. COCKRELL. France is and has been in a very different situation. I know the rule in France perfectly well, and it is not applicable here at all.

Mr. JONES, of Arkansas. Will the Senator from Missouri give way to allow me to read a paragraph from the New York Evening Post that is well known to be opposed to silver in all forms and opposed to all movements heretofore made by this Senate in favor of silver, to show the construction that paper puts upon this proposition of the conference committee, because I think it may be of some interest to the distinguished Senator who spoke just now. The article begins:

The report of the conference committee on the silver bill contains some features that were not embraced in either the House or the Senate bill, and that tend to make it a better measure than either of them. These may be enumerated as follows:

1. It is declared to be the "established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio, or such ratio as may be established by law." This amounts to a direction to the Secretary of the Treasury to keep the two kinds of dollars at par with each other; in other words, to maintain the gold standard. Since the resumption act of 1875 requires the Secretary to redeem United States notes in coin continuously on and after January 1, 1875, and gives him unlimited power to sell bonds for that purpose, this additional direction suffices to maintain the gold standard as long as the credit of the United States suffices for the purpose. If the silver men intended to force the silver standard upon the country, their purpose is foiled by this provision.

Mr. COCKRELL. That is precisely what I have said, and that is from a very able representative of the anti-silver interests of this country, and it is a warning to the distinguished Senator from Nevada that he has abandoned the true and best cause of the people for the equalization of silver with gold. I say that this is intended by the gold monetallists as a bold declaration that this country is still upon the single gold standard and that in the redemption of these notes gold must be used, and as I read yesterday, under the resumption act bonds can be sold if necessary for the purpose of securing the gold to redeem these notes in connection with all other greenbacks and legal-tenders, because there is no difference between them.

I say this is the most dangerous power that any Secretary ever had. If he desires and is willing to do it, he can drive this country to part with every dollar of its gold; he can lock up in the vaults of the Treasury every silver dollar and all the bullion that is offered and keep it locked up there. I say it is the most dangerous power that has ever been since the foundation of this Government intrusted to any Secretary of the Treasury.

Mr. PLATT. May I ask the Senator from Missouri a question?

Mr. COCKRELL. I yield with pleasure.

Mr. PLATT. Does the Senator mean to say that he would not give the Secretary of the Treasury a discretion as to which coin he should pay out?

Mr. COCKRELL. Why, certainly; I would say "redeemable in coin." I have said that time and again.

Mr. PLATT. That is all there is to this.

Mr. COCKRELL. That is all very true, but there is with it a declaration which is a fatal thing, and that is, that still the gold standard exists and must be maintained.

Mr. JONES, of Nevada. I should like to ask the Senator a question, if he will yield.

Mr. COCKRELL. With pleasure.

Mr. JONES, of Nevada. I should like to know whether he is advocating a change in the terms of the law or in the office of the Secretary of the Treasury. I understand he does not like the Secretary of the Treasury. Is his contention that we shall have a change in the officer at the head of that Department?

Mr. COCKRELL. Not at all.

Mr. JONES, of Nevada. I did not know but that that was the contention.

Mr. COCKRELL. My contention is not that. My contention is against the language of this conference report and the dangerous power which it vests in any Secretary of the Treasury, no matter who he is. It is the language of this conference report to which I am objecting, and I say again that no such dangerous power has ever been delegated to any Secretary of the Treasury since the organization of the Government of the United States of America.

Mr. JONES, of Nevada. There never has been one that did not have it.

Mr. COCKRELL. Now, Mr. President, I want to take up section 3 of this bill, and to this I enter my most earnest and solemn protest.

Sec. 3. That the Secretary of the Treasury shall each month coin 2,000,000 ounces of the silver bullion purchased under the provisions of this act into standard silver dollars until—

Until—

until the 1st day of July, 1891—

Less than one year from this date—

and after that time—

After July 1, 1891—

he shall coin of the silver bullion purchased under the provisions of this act as much as may be necessary to provide for the redemption of the Treasury notes herein provided for.

Practically, a stoppage of the coinage of the standard silver dollar.

Mr. JONES, of Nevada. That is all they want.

Mr. COCKRELL. It is an absolute stoppage of the coinage of the standard silver dollar, and the distinguished Senator from Nevada says that is all they want. In other words, the distinguished Senator from Nevada is willing to abandon the double standard and make silver a mere commodity, stop its coinage, and tell the people of this country that he has done something for them in the restoration of the double standard, while he makes silver a commodity and places it on an equality with your tobacco, and your hemp, and your wheat, and your oats, and your bacon, and your lard, and then join the Farmers' Alliance of the United States in establishing warehouses all over this great country for the storage of your silver commodity in connection with your other material commodities.

If you have a right to degrade silver to a level with tobacco and cotton and corn and wheat and oats, and provide a warehouse for it uncoined, as a mere commodity, you have the same right to do it with regard to other things, and you are treading upon dangerous ground. No such idea would ever have been promulgated throughout the length and breadth of this country by the numerous organizations existing if it had not been for the treatment which silver has received at the hands of the legislative and executive branches of this Government. You are holding out inducements for just such measures. You are encouraging them. You are willing now by this bill, after the 1st of July, 1891, to abandon practically the coinage of a single standard silver dollar, and thenceforth you proclaim to the world that you are willing to let silver be a mere commodity, mere merchandise, to be hoarded up, to be corded away, to be stored away in a Government warehouse called a subtreasury, or a national bank designated as a depository of the Government.

I say this is a total abandonment of all pretention to a double standard. The bill as passed by the Senate established the double standard, not upon the principle of a parity as set forth in this bill between gold and silver, but upon the principle of equality, and that is the only principle upon which you can maintain the double standard. To talk about the maintenance of a double standard upon a mere parity, and absolute regularity in the value, is all a humbug. It can not be done, but you may maintain them upon the equality of the two metals and the equality of like privileges and powers.

You say to the silver to-day, bound hand and foot, bucked and gagged, and upon its back as a mere commodity, "Stand up like a man beside your gold dollar that has been endowed by law with free coinage, absolute legal tender, and an equality between coin and bullion." You might just as well say to a twin brother of two great athletes, who has been bucked and gagged, and bound hand and foot, and prostrate on his back, "Stand up by the side of your twin brother here, and show yourself a man," as to say to silver, bucked and gagged, and cast down as it is, "Stand up on an equality or parity with gold." No metal on the face of God's green earth could lie bound and gagged as it is by legal prescriptions and be on an equality with any other. It is an impossibility. This compromise here is an abandonment, an absolute abandonment, of the double standard.

Mr. MITCHELL. Will the Senator allow me a moment?

Mr. COCKRELL. With a great deal of pleasure.

Mr. MITCHELL. The Senator seems to desire to impress the fact on the Senate and the country that nothing short of free and unlimited coinage will suit him, and I agree that nothing else will suit me. Now, I want to know if the Senator from Missouri did not on the 27th day of January last introduce a bill proposing a different solution of this whole question from that of free and unlimited coinage.

Mr. COCKRELL. Certainly I did. Unquestionably I introduced a bill providing for an entirely different system.

Mr. MITCHELL. I should like the Senator to incorporate that bill as a part of his remarks.

Mr. COCKRELL. That bill looked to free coinage and it looked to

placing gold and silver on an equality. My bill provided for a substitution for the gold and silver certificates of a coin certificate—there was the recognition of the perfect equality of gold and silver—and for the purchase of silver bullion to a certain amount per month, \$5,000,000 worth, until it got up to 99 cents on the dollar and then for free and unrestricted coinage.

Mr. MITCHELL. The Senator's bill provided for the purchase by the Secretary of the Treasury of \$5,000,000 worth of silver bullion monthly, whereas the bill reported by the conference committee provides for 4,500,000 ounces.

Mr. COCKRELL. That is very true. How much is the difference?

Mr. MITCHELL. It is something more than the amount fixed by the Senator from Missouri. At the rate that silver was quoted yesterday in New York, which was a little short of \$1.05, I believe, it would amount to considerably over \$5,000,000, and if it goes up to \$1.29, as it is hoped it will do if this bill is adopted, it will amount to nearly \$70,000,000 per year.

Mr. COCKRELL. The bill which passed the Senate established perfect equality between gold and silver. That is the bill which is now in comparison with the conference report. The question is now whether we shall abandon the bill, passed by an overwhelming majority of the Senate, and agree to the conference report, or whether we shall adhere to the bill passed by the Senate.

Mr. MITCHELL. If the Senator will allow me—

Mr. COCKRELL. Certainly.

Mr. MITCHELL. The question I submit to the Senator from Missouri, in all candor, with those of us who favor the free and unlimited coinage of silver, is this: If we can not get that, shall we refuse to take something else that will be considerably better than the existing law?

Mr. COCKRELL. The Senator from Oregon indicates by his question that this is all we can get. We have made no trial. There has been but one conference committee appointed in this case, and that conference committee has been very prompt in bringing in this report. I believe as firmly as I stand upon the floor of the Senate, that if the Senate will adhere to its bill, the House in the end will agree to it. I have no doubt of it. The House has had no fair chance to pass upon this bill, none at all, and I believe if the Senate will adhere by rejecting this conference report, in the end we shall secure the bill as it passed the Senate.

I say that we have made no fair trial, we have made no determined effort, we have shown no backbone, we have shown no disposition to stand by what we have solemnly done after the fullest and fairest and freest discussion which has ever been had upon any bill before the Senate. We discussed it fully for days and for weeks. We passed a certain bill by an overwhelming majority. It goes to the other House and through a farcical performance is sent back to us and then into conference, and the very first conference committee we appoint comes in with a compromise, or with a sacrifice of the whole principle contained in the Senate bill, with an abandonment of the double standard, the equality of gold and silver, and the practical re-establishment of the single gold standard as proclaimed in the article read by the distinguished Senator from Arkansas [Mr. JONES] from a gold monometallist paper, a representative paper, and as will be claimed by every gold monometallist in this country, for as soon as this conference report is agreed to it will be proclaimed throughout the United States as a grand and glorious triumph for gold monometallism, a reacknowledgment and rebaptism by the action of Congress of the single gold standard as the monetary system of the United States.

The Senator from Arkansas only read, I believe, a part of the article.

Mr. JONES, of Arkansas. One paragraph.

Mr. COCKRELL. He only read one paragraph of this article from the Evening Post, of New York, of Tuesday, July 8, 1890. I will read the whole article:

The report of the conference committee on the silver bill contains some features that were not embraced in either the House or the Senate bill, and that tend to make it a better measure than either of them. These may be enumerated as follows:

1. It is declared to be the "established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio or such ratio as may be established by law." This amounts—

Now mark it—

This amounts to a direction to the Secretary of the Treasury to keep the two kinds of dollars at par with each other; in other words, to maintain the gold standard. Since the resumption act of 1875 requires the Secretary to redeem United States notes in coin continuously on and after January 1, 1879, and gives him unlimited power to sell bonds for that purpose, this additional direction suffices to maintain the gold standard as long as the credit of the United States suffices for the purpose. If the silver men intended to force the silver standard upon the country, their purpose is foiled by this provision.

And yet yesterday, when I made the same point, the distinguished Senator from Nevada seemed horrified at it. This is the claim of all the gold monometallists of the country, and it will be the claim of the Secretary of the Treasury. There is not a bit of doubt about it. I proceed with the article:

2. The Secretary is not absolutely required to coin more than \$2,000,000 per month of silver, and this requirement is to cease on the 1st of July, 1891. Thereafter he will coin only so much as may be needed to redeem silver Treasury notes presented for the purpose. Another provision repeals the present \$2,000,000 per month law from the date of the passage of this act, while this act does not go into effect until the expiration of thirty days. Thus at least one month

of the two-millions law is cut off, leaving eleven months of absolute coinage at that rate.

And there for thirty days he is to stop the coining of the two million standard dollars according to the law. See how quick the gold monometallists are to hold out before the country the very thing that the distinguished Senator from Nevada has given to the monometallism of this country by this compromise and surrender. I will go a little further:

3. The bill does not require the purchase of 4,500,000 ounces of silver absolutely, being limited by the words "or so much thereof as may be offered in each month at the market price thereof."

How quick they are to take it up. And yet the Senator from Nevada yesterday in the argument tried to evade the legitimate conclusion and effect of these words "or so much thereof as may be offered in each month at the market price thereof." This shows how they interpret it already. This shows how many gold monometallists in the country and the Secretary of the Treasury with them will interpret this law. I will read this over again for the edification of the Senator from Nevada:

The bill does not require the purchase of 4,500,000 ounces of silver absolutely, being limited by the words "or so much thereof as may be offered in each month at the market price thereof." The determination of the market price is necessarily left to the Secretary.

Well, they say so, and the Secretary of the Treasury will concur with them. That is precisely what I said yesterday would be the interpretation of this law, and here it is, and before the discussion is over they boldly take the position which I said yesterday would be taken by all the gold monometallists.

The determination of the market price is necessarily—

Necessarily—

left to the Secretary, and if he exercises his discretion impartially, there will be no reason why silver bullion should be offered to him rather than to any other purchaser.

Oh, no; just let him exercise his discretion impartially and no silver bullion will be offered to him. Let him exercise his discretion impartially and there is no danger of any silver bullion being offered him. He is not compelled to take it.

There is the defect in this bill. It abandons even the purchase of the \$2,000,000 a month as we have it under the present law, and leaves the amount absolutely in the hands of the Secretary of the Treasury without any compulsion at all; it is infinitely inferior to the present law which compels the purchase of \$2,000,000 a month. This does not compel the purchase of an ounce of silver.

Mr. McPHERSON. I think the Senator is mistaken in that.

Mr. COCKRELL. Ah! Did my distinguished friend hear the gold monometallist organ speaking for the gold monometallists of the United States, the New York Evening Post? I will read again the third point the writer makes:

3. The bill does not require the purchase of 4,500,000 ounces of silver absolutely, being limited by the words "or so much thereof as may be offered in each month at the market price thereof." The determination of the market price is necessarily left to the Secretary. If he exercises his discretion impartially there will be no reason why silver bullion should be offered to him rather than to any other purchaser.

They know the wires; they know the ropes; they know how they can prevent under this bill a solitary ounce of silver being offered to the Secretary of the Treasury. I say it can be done. I say it boldly that a Secretary of the Treasury inimical to the silver standard and to the coinage of the silver dollar can prevent an ounce of silver being offered under this bill. But I will go further. Now—

4. The silver Treasury notes are a new and distinct form of currency, differing from silver certificates in some particulars. They are to be legal tender, while silver certificates are not. The national banks are not required to receive them on deposit, but if they do receive them, they may count them as part of their lawful reserves. Looking at all the features of the bill, including the one which directs the Secretary to maintain the gold standard—

Now listen—

Looking at all the features of the bill, including the one which directs the Secretary to maintain the gold standard, there is no reason perceived why the banks should not receive the notes on deposit, like any other current funds.

Yet the monometallist bankers are so well satisfied that while they do not receive silver certificates on deposit, they are authorized to receive these notes; they can absolutely treat them as they treat a greenback—a wonderful elevation of these silver certificates, so called, in the estimation of the gold monometallist bankers of the United States! I read further:

5. The Treasury will buy silver bullion at the market price, and pay for the same in Treasury notes, making the same profit that it now makes on silver certificates. If the amount of silver offered is no more than sufficient to meet the requirements of the public for circulation, there will be no drain on the Treasury.

Now, how much is that? About an ounce a month in the estimation of the gold monometallists.

If the offerings should exceed the public demand for circulation the drain on the Treasury would be measured by the excess, and the Secretary might be compelled to sell bonds to replenish his gold balance.

Precisely what I said, and which the distinguished Senator from Colorado seemed to laugh at yesterday that such a thing was possible. Yet, here to-day the gold monometallists of the country are predicting the very condition which I said yesterday would occur, and which

would authorize the Secretary of the Treasury to sell bonds to replenish his gold reserve.

Mr. McPHERSON. Will the Senator yield to me for a question?

Mr. COCKRELL. With a great deal of pleasure.

Mr. McPHERSON. I wish to ask a question simply for information, as I am somewhat in sympathy with the Senator in his opposition to the conference report, but not for the same reasons, however. Will the Senator answer me this question: What possible objection has he to the maintaining of the gold standard? His argument seems to be, and he appears to play on it with a thousand strings, that he fears there is some evident determination or intention to maintain the gold standard. Now, what possible objection has the Senator to maintaining that standard if it can be done with the increased use of silver as it is proposed it shall be used in the conference bill?

Mr. COCKRELL. Mr. President, to a single gold standard as the only full legal-tender money of this country I am unalterably opposed. But as to a gold and silver standard, placing gold and silver upon a perfect equality before the law as coin and bullion, I am all the time in favor of it. I want to maintain the gold standard equally with the silver standard, and the silver standard equally with the gold standard. My objection to this bill is that it continues the present discrimination in favor of the single gold standard and against silver.

Mr. McPHERSON. If the bullion value of silver is so much less than the bullion value of gold, and they enter into and make up the two coins of the country, how can you maintain it except upon an absolute equality of value? The Senator says it can be done by giving to the silver dollar equality of rights and privileges. Now, there is no equality of rights or privilege that you can give the silver dollar that can possibly make it equal to a gold dollar in value. The history of the world shows that when the cheaper coin becomes the coin of circulation and use, the dearer and the better coin is driven out of circulation. Now, if I understand correctly the purpose of this conference report, it is this: You increase by more than two and one-half, or you more than double the amount of silver you now use in the currency.

Mr. COCKRELL. I do not think so at all.

Mr. McPHERSON. You use it in a different form; you put it into the Treasury, and upon the bullion so deposited you issue your certificates. To-day we have six different kinds of money. We have gold coin and silver coin and their certificates. We have the greenbacks and the national-bank notes. The silver certificates are redeemable in kind. The gold certificates are redeemable in kind. The greenbacks are redeemable in gold, and the national-bank notes are redeemable in the gold equivalent. Therefore, we have six different kinds of money, all of equal value, but of different forms. It is now proposed, as I understand, in this conference report to make another kind of money. You propose to issue a Treasury certificate, and redeem that certificate, if it should be offered for redemption, in the legal money of the country.

What is the legal money? It is gold, or silver, or greenbacks, all maintained on a parity or equality with gold. When the certificates are issued, in my opinion, they will be maintained in circulation in harmonious companionship with all the other money of the country; they will not be offered for redemption any more than the greenbacks to-day are offered for redemption at the Treasury. Then we have seven different kinds of money, all differing in form, but not differing in value. Each one of these moneys is in circulation in the country, or will be when the Treasury notes are issued on deposit of the bullion, and will be circulating harmoniously one with the other, and all redeemable in what? In money which is maintained just as good as gold.

Now, I ask the Senator from Missouri what objection he has to the money of this country, however much it may differ in form, if it be one in value and maintained as money of the highest standard and the highest excellence? Is it any advantage to the people of this country—

Mr. DANIEL. Will the Senator allow me to ask him a question?

Mr. McPHERSON. In one moment. Is it any advantage to the financial interests of this country to have one class of money worth 30 per cent. less than another? No, sir. Is it any advantage to the people of this country to step down from the highest and best standard of money that the world has ever known to a lower plane, that of a silver plane? Not at all. Now I will hear the Senator from Virginia.

Mr. COCKRELL. I yield to the Senator from Virginia.

The PRESIDING OFFICER (Mr. BLAIR in the chair). Does the Senator from Missouri claim the floor?

Mr. McPHERSON. I yield the floor.

Mr. DANIEL. With the consent—

Mr. COCKRELL. I yield to the Senator from Virginia to ask the Senator from New Jersey a question.

The PRESIDING OFFICER. The Senator from Missouri is on the floor.

Mr. COCKRELL. I yield to the Senator from Virginia to ask the Senator from New Jersey a question, retaining the floor, and I have a right to yield.

The PRESIDING OFFICER. The Senator from Virginia will proceed.

Mr. DANIEL. The Senator from New Jersey says, as I understand him, that the history of the world shows that where there are two coins in circulation the cheaper coin will drive out of circulation the dearer one. Does he mean by that the one that has the more value of metal in it?

Mr. McPHERSON. I do not know what the Senator means by more value of metal.

Mr. DANIEL. In bullion.

Mr. McPHERSON. Not at all. That does not necessarily follow. The quantity of bullion does not make the value of a dollar.

Mr. DANIEL. What does make the value?

Mr. McPHERSON. I suppose the stamp of the Government marks the value of the dollar.

Mr. DANIEL. Is it not true that the history of the United States has recently shown that the cheaper silver dollar drove out of circulation the dearer silver dollar? Did not the trade-dollar of 420 grains fail to circulate when the cheaper dollar of 412½ grains was freely circulated?

Mr. McPHERSON. Most assuredly. The Senator does not pretend to use that as an argument?

Mr. DANIEL. Is it not true, then, that the history of the world does show that the less metal may sometimes drive out the dollar that has a larger value of metal in it?

Mr. McPHERSON. It is useless to go into any discussion over a question that is, to my mind, so plain as that. The Senator knows perfectly well why the trade-dollar was coined. He knows it was not a legal tender; that it was not intended as such; it was not a legal tender for the payment of debts. But the Senator knows another thing, and knows it perfectly well, that if in this country to-day there was a redundancy of coin in the shape of silver dollars, the bullion of which they were made being worth in the market of the world 30 per cent. less than the gold dollar, that dollar would become the only coin currency in use and the only money in circulation.

The history of the world, I repeat, teaches this fact, that the poorer money drives out the dearer money. As evidence of that take any time during our civil war and for many years afterward when we had nothing but greenbacks in circulation. The greenbacks drove out both the gold and silver. We had no money in circulation except the greenbacks. For like reasons to-day, if you continue the coining of the silver dollar until you have a redundancy of silver dollars in this country, that very moment the silver dollar becomes the currency in use, and we shall occupy just exactly the position toward all the commercial nations of the earth that India and other silver countries occupy to-day.

Take the United States of America, a nation almost unlimited in the area of its territory, almost inexhaustible in the fertility of its resources. The idea that such a people as we are, who in the immediate future must become the great commercial and financial center of the world, should be compelled very much longer to occupy the position that if to-day we wanted to pay a bill in China or Japan or in any part of the East we must buy exchange upon London; in other words, that the people of the United States and the bankers of this country must be compelled to pay all their obligations in the East by exchange on London! Why is that? Simply, sir, for the very reason that everybody knows when he gets hold of a bill of exchange on London that it means so much gold. The English sovereign then begins to speak.

The English sovereign is known in every part of this broad world, and just so long as the people of Great Britain maintain their single gold standard into which all the people of the world, whether they are silver countries, or gold countries, or bimetallics, have learned to translate their own coin, just so long as they maintain that advantage, just so long will they have also a commercial advantage.

Therefore it is that I want to see this country maintain the gold standard. I want to have them use just as much silver as can possibly be used in the circulation in this country without endangering the gold standard. But to give free unlimited coinage of silver would be to drive out gold. This would be folly.

And now with respect to this contrivance which is before the Senate I wish to say a single word while upon my feet, that I believe you can go on for some years depositing this bullion in the Treasury and issuing your notes upon it. I believe this money will circulate freely among the people, and I do not think it will interfere very materially with the maintenance of the gold standard, whereas if it were coined into standard silver dollars we should be on a silver basis in the not distant future.

Mr. President, I do not expect to vote for the conference report, and for this reason: Not but that I am in favor of maintaining the gold standard, which the Senator from Missouri is not, but I am opposed—

Mr. COCKRELL. I beg the Senator's pardon; do not say that of me. I said expressly that I am in favor of maintaining the double standard, but not a single gold standard or a single silver standard.

Mr. McPHERSON. I am in favor of maintaining silver upon a parity with gold, if it can be done, but I will not vote to give legal ten-

der to any certificate or to any paper money whatever. I am in favor of making and continuing gold and silver coin as the legal-tender money of this country and nothing else. It is a dangerous power to exercise. It may be safe enough up to the present, but the time may come, under the decision recently made by the Supreme Court of the United States, when there will be no limit to the amount of paper money in this country, uncertain both in the value or quantity, all of which will depend upon the judgment of Congress, or the supposed wants of the people.

Mr. COCKRELL. The Senator from New Jersey has asked rather a long question, but I am always glad to hear him. Now, in regard to the double standard and the methods of maintaining it, his idea seems to be that a double standard can not be maintained unless there is a perfect equality in the market price of the two metals.

Mr. McPHERSON. Or when the cheaper money is so limited in amount that it can be maintained on a parity with the dearer money. What I mean by maintaining on a parity is this, if the Senator will permit me—

Mr. COCKRELL. Certainly.

Mr. McPHERSON. If you go to the Treasury and demand the money for an obligation due you from the Treasury Department, and you are able to choose and the Treasury is able to permit you to exercise your choice as to what money you will be paid in, whether gold or silver, greenbacks, or national-bank notes, just so long as that can be done just so long will there be no cheap money and no depreciated money in this country. But the very moment that the Treasury is not able to pay every man in the money that he demands or want or seeks, that very moment the people outside of the Treasury will begin to look out for themselves and gold begins to bear a premium. Now, sir, with 360,000,000 silver dollars in this country, with the amount of gold which the Secretary of the Treasury reports as having at his command, I say it is possible, if we have no greater increase of the silver coinage, to continue the payments in gold or silver at the option of the creditor; but when the option becomes one that the Secretary himself must begin to exercise and he must pay out the silver dollars instead of the gold dollars, then silver becomes depreciated. That is the argument.

Now, then, as to the conference bill or the contrivance, as I call it; it does not propose to coin silver dollars except in a very limited amount, and only enough, as I understand it, after 1891 to enable them to make redemption of the Treasury notes. I do not believe the Treasury notes are coming in to be redeemed. I believe that they will be maintained in circulation without any trouble whatever; but you have ceased to coin silver dollars, you have in this way gotten rid of the danger which stands between the coinage of the silver dollar and the maintaining of the parity in gold. In that respect I prefer the conference bill.

Mr. COCKRELL. Now, will the Senator answer me a question?

Mr. McPHERSON. If I can, with pleasure.

Mr. COCKRELL. Suppose that in 1865 the Latin Union, instead of placing any restrictions upon the coinage of silver, had placed the same restrictions upon the coinage of gold, and suppose then that the monetary conference of 1867, which met in Paris and was composed of delegates from all the principal nations of the earth, had recommended unanimously the establishment of the single silver standard and had opposed the gold standard, or double standard in connection with gold; and then suppose that in 1871 Germany had demonetized gold, having in 1857 established the single silver standard and permitted the use of gold. Suppose she had declared then that she intended to maintain the single silver standard and had placed the same restrictions upon gold that she placed upon silver, and then had accomplished that finally in 1873; and suppose that the United States had in 1873 established the single silver standard and had demonetized gold as she had demonetized silver, and then suppose that the Latin Union had closed their mints against gold and the utilization of gold, and then the other European countries had also abandoned the gold standard and established the single silver standard, where do you think to-day would be the market value of gold compared with silver?

Mr. McPHERSON. The Senator's question is very much involved. He has so many supposable cases in it that I really do not know that I can follow the whole thread of his question. But if I understand it, he would like to have my opinion as to what would have been the effect if something else had taken place.

Mr. COCKRELL. What would have been the effect, in short, if gold had been treated precisely as silver has been, and if silver had been honored as gold has been?

Mr. McPHERSON. In the first place, the answer to that is very simple. It is not a supposable case at all, because gold is the monopoly money metal. There never has been, there never can be, there never will be such a thing happen in the history of this world as that gold will be discontinued as the principal money metal of the world. There is every reason in its favor. On the other hand, silver is not so valuable as gold. It is more weighty than gold. It is as useful as gold for many of the purposes for which money is used, but as for driving gold out of use as a standard money metal of the world, that is absolutely impossible.

Now, the Senator asks what would have been the effect if the Latin

Union had taken a different course and if the Government of the United States had taken a different course? I believe that if there never had been any disturbance in Germany at the time there was, if Germany had continued to coin silver, if the States of the Latin Union had continued to coin silver, if the Government of the United States had continued its coinage, perhaps to-day silver would have been equal in its bullion value to what it was in 1873 when it was demonetized. But there is this the Senator must take into consideration: That thing has been done. It was done by Germany; and the states of the Latin Union for simple self-protection determined that they must close their mints against the further admission of silver. Then the Government of the United States in 1873 also demonetized silver.

But we are responsible in like manner with the states of the Latin Union and in like manner with Germany. We have discredited silver; we have ourselves discredited the coin in which a part of our debt perhaps would have been paid, and so far as we are responsible for that discrediting just so far are we responsible for the low price of silver to-day. In other words, we have helped to injure it.

Now, then, I claim that the Government of the United States, single-handed and alone, can not restore silver to its proper place among the coinage metals of the world or for the coinage uses of the world. If Germany, if England, if the states of the Latin Union, if the United States of America will all join together, then we may be able to put silver back again to its former position; but without it, it is impossible.

For one, I object. I must positively object to vote in the Senate to have the responsibility taken by the Congress of the United States to restore silver, single-handed and alone, to its former position among the money metals of this country and to coin it to any extent in which it may be brought to the mints to be coined.

Another thing I object to doing. I will never consent that the Government of the United States shall mint, coin, and declare its value far in excess of its bullion value and not do it solely upon Government account. There is no class of people to-day who are paid as large profits upon their industry as the silver miners. Even at the low prices of silver, when selling here at 94 cents per ounce, the cost to the silver miners who produce that silver, according to the statement of Mr. Kimball, the Director of the Mint, and according to the statement of Professor Austin, was less than 52 cents per ounce, and they even get it down in some of the great mines, particularly one in Australia and one, I think, in Montana, where the absolute cost of mining and producing an ounce of silver ore is only about 28 cents.

I say there is no class of people to-day who are paid as large profits upon their industry as are the silver miners; and I am unwilling to allow the miners of silver in this country to come and deposit their product in the mints of the United States and have it coined for them free of expense, and be able then, with a dollar that cost them, according to the Director of the Mint, only 52 cents to produce, to have a debt-paying power of 100 cents. I object to that.

Mr. President, as I said before, I did not intend to say a word on this silver question from the beginning of the controversy to the end, and it had not been for the fact that I wished to know exactly why the Senator from Missouri desired to destroy the gold standard and make this country a second-rate financial and commercial power I probably should have said nothing now. I can not vote for the conference committee's report for the reasons I have stated. I will not vote to make legal tender any money but gold or silver.

Mr. COCKRELL. Mr. President, I am very thankful to the Senator from New Jersey for answering my question so frankly. It is a question that I have often propounded here to the gold monometallists, and he is the first one who has ever answered it so frankly, truthfully, and correctly. Yet the Senator can not see the folly, I might say, the impracticability, I might say, of making that metal silver with its legal discriminations and weights and impediments now as a mere commodity, the equal of gold metal, which gold metal has all the legal rights, privileges, and qualities of the gold coin.

The Senator has said correctly that if there had been no discrimination against silver, silver to-day would probably be where it was in 1873. I have not a bit of doubt about it. There is no proposition that I think is so well established as that discriminate legislation has caused the depreciation of silver relatively to gold, and the United States is the author and the finisher of that discriminate legislation.

Mr. McPHERSON. No, Germany; Germany began it.

Mr. COCKRELL. I beg pardon; I say the United States is the author and the finisher of that discriminating legislation, and for that reason must take the first step to undo it. Germany in 1857 established the single silver standard. In 1862 the movement was begun by the monometallists of the United States to establish the single gold standard. If the Senator will read those old documents that were published as closely as I have read them he will see the indisputable evidence of the fact.

In 1862 the Commissioner of the General Land Office represented that our mines would yield from \$300,000,000 to \$400,000,000 of the precious metals annually. In 1863 the representative of the United States at the Berlin Statistical Congress, Mr. Samuel B. Ruggles, told the European nations that we were producing gold and silver to the amount of from \$300,000,000 to \$400,000,000 or \$500,000,000 annually, and the product

was simply illimitable; that we would flood the world with the precious metals, and they had to come to one standard or the other, and the United States was willing to take the gold standard. We took the initiative as early as 1863. That report of the Commissioner of the General Land Office to the Secretary of the Interior was read to all the continental nations in a statistical congress assembled for the express purpose of agreeing upon weights, measures, and coinage. That was their business. It was taken home to all the nations of the world.

In 1866 and 1867 the Paris International Conference met. This same man, Ruggles, was there, and he again, in co-operation with the distinguished Senator from Ohio [Mr. SHERMAN], who was a visitor there, proposed to the nations of the world that we would adopt the gold standard. We forced it upon them. Senator SHERMAN himself said in his report that France had reluctantly yielded to the demands of the United States for the single gold standard. Germany never thought of it until we had started the movement. We demonetized silver, or attempted to do it, before Germany did.

Mr. McPHERSON. Now, may I ask the Senator another question very briefly?

Mr. COCKRELL. Certainly.

Mr. McPHERSON. Inasmuch as we propose under this bill, if it passes, to place in the Treasury four and a half million ounces of silver per month, not to be coined, but to circulate freely as money by the use of the certificate standing before it and doing service as money, is it not a thousand times safer and better for this country to continue to do that for a period of time, until we see what other nations are willing to do towards the restoration of silver coinage? We will have the bullion then in our Treasury, purchased at a low price.

All we have to do is to turn it into the mint and coin it, whereas if silver goes up to 129 per ounce, other nations will have to purchase it at the larger and the higher price. Is it not better, is it not safer, not to step down in the plane upon which our money is based, but to maintain our gold standard, having a sufficiency of money as this bill will give us, enough as I think to satisfy every demand on the part of those who think that we need more money; enough, as I think, to satisfy every reasonable and unreasonable demand on the part of the silver producers for the use of silver, and at the same time a perfectly safe method of doing it? Does not the Senator think that is the best plan to adopt, rather than to undertake single-handed and alone to coin all this metal and take the risk of going on to a silver basis instead of standing upon a gold one, where we now do, and where we can continue to stand?

Mr. COCKRELL. I do not agree with the Senator in regard to that. I do not think that this present conference report is in the right direction. I am not going to undertake now to make an argument upon what will bring gold and silver to a perfect equality in the markets of the world as money metals. In my judgment the only proper course for the United States to pursue, since the United States initiated the movement to demonetize silver, since the United States made the misrepresentations and false statements to Europe which induced European nations to abandon the double standard and to adopt the single gold standard, and since the United States has been the author and the finisher of this legal discrimination against silver and in favor of gold, is for the United States to undo what she has done just as quickly as possible. I believe the end will justify it, and that the predictions of our friends who are fearful that the single silver standard will become the sole standard will not be verified.

Mr. President, I was reading from an article in the New York Evening Post. I will continue that article. I am now reading the fifth clause:

5. The Treasury will buy silver bullion at the market price and pay for the same in Treasury notes, making the same profit that it now makes on silver certificates. If the amount of silver offered is no more than sufficient to meet the requirements of the public for circulation, there will be no drain on the Treasury. If the offerings should exceed the public demand for circulation, the drain on the Treasury would be measured by the excess, and the Secretary might be compelled to sell bonds to replenish his gold balance. The act of 1882, establishing the greenback redemption reserve of \$100,000,000 gold, remains un repealed. Logically, all the acts taken together require the Secretary to sell bonds to replenish this fund whenever it is reduced below \$100,000,000. It is not impossible that resort may be had to this power before President Harrison's term expires, especially if the requirements for new pensions exceed the estimates of the Pension Committee of the Senate, namely, \$43,000,000.

The very contingency which the Senator from Colorado yesterday laughed at, this paper says may happen during the present Administration. Now, I will finish reading this article:

Looked at from the standpoint of the science of finance, the bill is tremendously absurd, but that is not the true point of view. The bill is a compromise of conflicting whimsies and conflicting interests. We doubt whether the Senate will accept it, but if it does so, the country may be congratulated on not getting a worse measure.

The Senator from Oregon [Mr. MITCHELL]—I do not see him now in his seat—told me if I had not introduced a certain bill on the 27th day of January, 1890. I did introduce Senate bill 2339, January 27, 1890. It was referred to the Committee on Finance, and I believe has been reported adversely by that committee. I want to read that bill and show the difference between that and the compromise measure of the Finance Committee. The Senator from Oregon intended to make

the impression that that bill was very similar to the compromise measure now pending. The bill I introduced says in the first section:

That so much of the act of February 28, 1878, as authorizes and directs the Secretary of the Treasury "to purchase from time to time silver bullion at the market price thereof, not less than \$2,000,000 worth per month nor more than \$4,000,000 worth per month," be, and the same is hereby, repealed, and the Secretary shall hereafter purchase from time to time silver bullion, the product of the mines of the United States, or of ores smelted or refined in the United States, at the market price thereof, not less than \$5,000,000 worth per month, and cause the same to be coined monthly as fast as purchased into standard silver dollars, as provided for in said act, and the amount of money necessary to make such purchases is hereby appropriated out of any money in the Treasury not otherwise appropriated—

The PRESIDING OFFICER. Will the Senator from Missouri suspend a moment? The hour of 2 o'clock has arrived, and it becomes the duty of the Chair to lay before the Senate the unfinished business.

Mr. HARRIS. This is a privileged question.

Mr. COCKRELL. The hour of 2 o'clock has passed, but I yield.

The PRESIDING OFFICER. It has arrived.

Mr. COCKRELL. It has passed.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3738) to place the American merchant marine engaged in the foreign trade upon an equality with that of other nations.

Mr. FRYE. I ask unanimous consent that the unfinished business be laid aside informally.

Mr. COCKRELL. I was just going to make that request.

The PRESIDING OFFICER. Without objection, that order will be made. The Senator from Missouri will proceed on the conference report.

Mr. COCKRELL. I am reading now the bill that I introduced last January. It proceeds:

And whenever the Secretary of the Treasury can not purchase such silver bullion at a market price less than 99 cents for 412½ grains of such silver bullion of standard fineness, then such silver bullion shall be received and disposed of in like manner as gold bullion, and any gain or seigniorage from coinage under this act shall be accounted for and paid into the Treasury as provided by existing law.

"In like manner as gold bullion." Free coinage, unlimited coinage, the placing of silver bullion on a perfect equality with gold bullion. That is my bill. Then the second section provides:

That all laws and parts of laws authorizing the issue of gold certificates and silver certificates upon the deposit of gold coin or bullion or standard silver dollars are hereby repealed; and the Secretary of the Treasury is hereby authorized and required, upon deposit with the Treasurer or any assistant treasurer of the United States, or any superintendent of any mint of the United States by any holder of gold coin or bullion or standard silver dollars or such silver bullion of standard weight and fineness, when the market price of such silver bullion is not less than 99 cents for 412½ grains, to issue therefor, in the denominations now authorized by law, coin certificates, which shall be receivable for all debts, customs, and dues to the United States, and shall be redeemable at the pleasure of the United States in either gold coin or standard silver dollars, and when so received or redeemed shall be reissued, and the coin and bullion so deposited for or representing such certificates shall be retained in the Treasury for such redemption of said certificates.

SEC. 3. That the Secretary of the Treasury is hereby authorized and required to cancel and destroy all the existing gold and silver certificates as far as they are received or redeemed by the Treasurer or any assistant treasurer of the United States, and to issue at once in lieu thereof coin certificates hereinafter authorized of like denominations with the gold and silver certificates so received or redeemed; and the coin certificates herein authorized when held by any national-banking association shall be counted as part of its lawful reserve.

That bill proposed the free and unlimited coinage of silver and the placing of silver upon a perfect equality with gold by the law and under the law, and with all the privileges and rights of gold, the moment it was brought up to 99 cents on the dollar; and there is not a line and not a word in the pending bill which authorizes free coinage of silver. I tell the Senator from Oregon [Mr. MITCHELL], now present, that there is not a line in this bill which will ever bring free and unlimited coinage of silver. There is no provision of the kind. Silver could go to \$1.10 for 412½ grains, and you have not got free coinage under this bill.

Mr. MITCHELL. Suppose it goes to \$1.29, what then?

Mr. COCKRELL. It makes no difference; I mean for 412½ grains. Silver may go to a premium of 10 per cent. over gold and you have not got free coinage under this bill, not a bit of it, sir. I challenge the Senator, and I challenge any Senator, to show where there is any provision in this bill for the free and unlimited coinage of silver. It is not in this bill. It is a fraud. It is not intended to give free and unlimited coinage to silver. I challenge the Senator to take it up and show one line which indicates that there is ever to be a time when the holder of silver bullion can go and deposit it as the holder of gold bullion does, although that silver bullion may be worth 25 per cent. more than the gold bullion. It is not in the bill.

Did ever any friend of silver see such a fraud? Think of it, Mr. President! Here you pretend to restore the free coinage of silver, and you have not one solitary provision in this compromise measure which will ever permit the holder of silver bullion to deposit it and have it coined as the holder of gold bullion can, although that silver bullion of 412½ grains, nine parts fine, may be worth 10 or 20 or 50 per cent. more than 25.8 grains of gold is worth. Talk to me about this being

in the direction of the recognition and establishment of equality between silver and gold! It is infinitely worse than the present law. It is a worse discrimination than the present law against silver.

Mr. President, I have read from the New York Evening Post, but some of my friends upon the opposite side of the Chamber may not consider that the New York Evening Post is the right kind of absolute authority on financial questions, which sometimes assume a political shape, and for the edification of my friends upon the opposite side I propose now to read from the New York Daily Tribune, of Wednesday, July 9, 1890, the organ, the official organ, of a great political party in the United States.

Mr. DAWES. Is it?

Mr. COCKRELL. Does not everybody acknowledge that? I supposed everybody did. It is recognized among all Democrats as the official organ of the Republican party. I supposed there was no Republican Senator who questioned that. It is recognized as the organ of the gold monometallists of the country. Now, I do hope my distinguished friend from Nevada [Mr. JONES], the great silver-tongued champion of silver, will take this home and meditate upon it and see how completely he has abandoned every claim of right to represent silver. I read from this editorial:

THE LATEST SILVER BILL.

Senator SHERMAN and Representatives CONGER and WALKER have doubtless done in conference committee the best that they judged to be possible. They made an earnest and persistent effort for the bullion-redemption clause, and for limitation of silver purchases to \$4,500,000 worth, instead of 4,500,000 ounces. But their final assent to the bill upon which all the Republican members of the conference committee have agreed must be taken as assurance that they consider the measure safe, and the best obtainable at this session.

This bill—

Now listen—

This bill requires the purchase of 4,500,000 ounces of silver, "or"—

"Or"—

"so much thereof as may be offered, in each month, at the market price thereof." If there is an attempt to force up the price of silver none may be offered—

None may be offered—

and in that case none will be purchased for the month.

Only one day upon which to offer it, and the price having been forced up none is offered at the price fixed by the Secretary of the Treasury.

Mr. SPOONER. Will the Senator allow me to ask him a question?

THE PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Wisconsin?

Mr. COCKRELL. With pleasure.

Mr. SPOONER. Does the Senator understand that any could be purchased under existing law unless it was offered?

Mr. COCKRELL. Oh, he is bound to purchase it.

Mr. SPOONER. How can he purchase it unless it is offered?

Mr. COCKRELL. He has got to hunt it up and buy it. It is a compulsory law. There is no discretion about it.

Mr. SPOONER. If the Senator will allow me—

Mr. COCKRELL. With pleasure.

Mr. MITCHELL. It takes two to make a bargain.

Mr. SPOONER. I have always understood that it took at least two men to make a contract, one man who had the ability and the desire to buy, if it is a contract to purchase, and another who had the commodity to sell and was willing to sell. Does the Senator from Missouri understand that to be the fact?

Mr. COCKRELL. Oh, Mr. President, ordinarily two persons—

Mr. SPOONER. You can not condemn it.

Mr. COCKRELL. Ordinarily two persons have to agree mutually to an exchange of commodities, or to sell one commodity for another; but where there is an excess of a commodity in the market, and there is a purchaser for only a part of it, the Secretary can always get it at some price.

Mr. SPOONER. That is, at the market price.

Mr. COCKRELL. It may be or it may not be what it is selling at among other parties.

Mr. SPOONER. But there is such a thing as a market price.

Mr. COCKRELL. If the Senator undertakes to say that the market price is whatever is offered, let it be at the market price. This paper says that the Secretary has a discretion, and if the price is run up none will be offered at the price fixed by the Secretary.

Mr. MITCHELL. But the bill does not say that.

Mr. SPOONER. We are not adopting the paper, we are discussing the bill.

Mr. COCKRELL. We are discussing the legal and judicial interpretation of the bill as given by the organ of some great political party.

Mr. SPOONER. But I wanted the Senator's legal interpretation upon it, not a Republican newspaper's legal interpretation upon it.

Mr. COCKRELL. Under the present law—

Mr. SPOONER. Will the Senator answer my question?

Mr. COCKRELL. I am going to answer it.

Mr. SPOONER. Does he understand that under the present law silver can be compulsorily purchased by the Secretary unless some one has it to sell and is willing to sell it?

Mr. COCKRELL. No; if the Secretary, under the present law, can

not find in the world anywhere a man who will sell him \$2,000,000 worth of silver bullion, he can not buy, but if he can find under the shining canopy of heaven any man, of any race, color, or condition, who is willing to sell his silver bullion, the Secretary of the Treasury is compellable to purchase it to the extent of \$2,000,000 worth a month. There is no compulsion in this proposed law.

Mr. SPOONER. He is obliged to purchase it under the bill if anybody has it to sell.

Mr. COCKRELL. I beg pardon, not a bit of it. The Secretary of the Treasury is directed to purchase 4,500,000 ounces, "or so much thereof as may be offered."

Mr. SPOONER. Mr. President—

Mr. COCKRELL. It must be offered. This bill declares that it must be offered to the Secretary, not that he is to hunt it up and buy it. Under the present law the Secretary must hunt it up; he must ransack the earth.

Mr. PADDOCK. But he must buy it when it is offered.

Mr. COCKRELL. He must find it under the present law, if it is in the world and can be purchased at all. Under the pending bill it must be offered, and there are the catch-words in this bill.

Mr. PADDOCK. But under this proposed law if it is offered the Secretary must buy it within the limits fixed in the bill.

Mr. COCKRELL. At the price the Secretary has fixed.

Mr. PADDOCK. Not at the price the Secretary has fixed, but at the market price. That matter was pretty fully discussed here yesterday, and I thought the debate reached a point where the Senator might readily admit that "the market price" was the market price which the world recognized.

Mr. COCKRELL. I explained that yesterday, but I did not then have the judicial opinion of the great Republican organ of the United States to sustain me. Now I have it, and I am quoting it to sustain every position I took yesterday. Now, let me read it. The Senator from Nebraska did not hear it, I know. I am reading from the New York Tribune—The New York Daily Tribune of to-day.

Mr. PADDOCK. The New York Tribune is not the bill. We are not voting upon statements of either Republican or Democratic organs outside of this Chamber, but on the proposition under discussion here, which is to be determined by the votes of Senators.

Mr. COCKRELL. I think I once heard a distinguished Republican Senator, not now in his seat, intimate that the Secretary of the Treasury for many years had always listened to Wall street, and that by reading what Wall street said you could tell what the Secretary of the Treasury would do. Now, I am reading this, and I hope the Senator from Nebraska will not dispute the authority of this judicial organ. I will read it again:

This bill requires the purchase of 4,500,000 ounces of silver, "or so much thereof as may be offered, in each month, at the market price thereof." If there is an attempt to force up the price of silver none may be offered, and in that case none will be purchased for the month. When there is expectation that the price will advance offerings may naturally fall below the limit, and consequently purchases may be curtailed.

That is the way it will be done. That is the way Wall street will manage it. I read on:

Coinage at the rate of \$2,000,000 monthly is continued until July 1, 1891, but stopped after that date except in such amounts "as may be necessary to provide for the redemption of the Treasury notes." Continued coinage for another year is foolish, but not important. The provision for free coinage when silver shall have reached par is stricken out, and that is a definite and important gain.

Did the Senator from Colorado [Mr. TELLER], now in front of me, hear this language? I want the distinguished Senator from Colorado to hear this language. I want the distinguished Senator from Oregon [Mr. MITCHELL] in front of me to hear this language:

The provision for free coinage when silver shall have reached par is stricken out, and that is a definite and important gain.

There is no free coinage about this bill, not a scintilla of it. It is the demonetization of silver, absolute and unqualified. I challenge any Senator to show where it even squints in the direction of free coinage. And yet the great champion of silver, the distinguished Senator from Nevada, comes out and champions this subterfuge and surrender of every principle involved in the Senate bill as it was passed by this body by an overwhelming majority. I read further from this official organ:

The Treasury notes to be issued for silver bullion will represent its market value and not its coinage value. The provision for their safety is this:

"Upon demand of the holder of any of the Treasury notes herein provided for, the Secretary of the Treasury shall, under such regulations as he may prescribe, redeem such notes in gold or silver coin, at his discretion, it being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio, or such ratio as may be provided by law."

Now, I want the Senator from Nevada to hear what the official organ says this means:

The latter clause will, at first glance, seem empty and foolish to many—

Empty and foolish to many—

but the Secretary has no power, under this provision, to redeem in silver coin while that coin is not, in market value of bullion contained, "on a parity with" gold, because such redemption would defeat the purpose declared.

Is not that the interpretation which I gave to it? Is not that the

interpretation which the Senator from Nevada and also the Senators from Colorado and Oregon undertook to evade? I say it is the interpretation gold monometallists give to it. It is the interpretation that a gold monometallist Secretary of the Treasury will give to it.

But the Secretary—

Listen to this—

has no power under this provision to redeem in silver coin while that coin is not, in market value of bullion contained, "on a parity with" gold, because such redemption would defeat the purpose declared.

If silver should reach par he could redeem in silver coin. Otherwise he must redeem "under such regulations as he may prescribe" in gold coin, and he has ample power under provisions of the redemption act to sell bonds for gold in order to redeem Treasury notes. True, the new notes proposed are not precisely those which the Treasury was authorized to redeem in 1879, but they are of precisely the same legal character, and the redemption of the old legal-tender notes from the bullion fund would at any time give the Secretary authority to purchase more gold for the replenishment of that fund.

The new notes provided are to be a legal tender in payment of all debts, public and private, "except where otherwise stipulated in the contract." This latter clause avoids the obvious impropriety of invalidating or altering private contracts which have been or may be made on a gold basis. Its result will be a material increase in the number of contracts so made. With that provision the grant of legal-tender quality to the notes proposed is of no practical importance; it will not make the notes worth the thousandth part of a cent more if redemption in gold should at any time fail. But a nation which has paid a thousand millions of debt within ten years can not suffer redemption to fail without crime.

This compromise has been accepted by all the Republican members of the conference, Messrs. SHERMAN, JONES, CONGER, and WALKER. When it has passed both Houses there will be time to discuss certain of its practical results.

They know where they are. They know exactly the advantages they have under this surrender, and they are not going to tell them all; but they tell enough here to convince their gold monometallist friends that they have nothing to fear from this measure.

The silver Senators who have contended for free coinage have this definite reason for accepting the conference measure without delay; probably none more nearly approaching their views could by any possibility receive the President's approval, and with no action at this session their position would not be enviable.

Poor, deluded Senators favoring silver, the distinguished Senator from Nevada and others, have been driven from every position they have occupied, and they have to take this position in order to avoid being in an unenviable position in the future.

No, Mr. President, this bill is in my judgment infinitely worse than the present law, and there is no comparison between this bill and the bill as passed by the Senate. The bill as passed by the Senate, I believe, if the Senate rejects this conference report, we can yet get adopted when it shall have been brought before some deliberative representative body. That bill places gold and silver upon a perfect equality. It took the silver metal from its degraded position under the law and put it upon a perfect equality before the law with its brother metal gold; and when that is done by law there will be an equality between them in value, and it is the duty of the United States to restore that equality before the law.

The Senate bill gave to silver all the legal powers and rights and incidents held by gold to-day. That is right. This bill gives to silver none of the incidents of gold, not one of them. It absolutely stops coining under the present law after one year. It does not take effect for thirty days after the date of its passage, I believe. There will then be only some eleven months left in which we can have a coinage of \$2,000,000 per month of silver, and then we have silver in the United States a mere commodity, a mere article of merchandise. We have placed it in the warehouse called the subtreasury; and what will my distinguished friend from Ohio say when the Farmers' National Alliance and the Labor Union shall present their demands before the Finance Committee for the establishment of a subtreasury for the deposit of cotton, tobacco, wheat, and oats? If silver is only merchandise, if silver is only a commodity, if silver has none of the qualities of money, why not treat these other commodities as you treat it? There is but one answer to the question.

I am therefore opposed to this compromise surrender by the conference committee. Let us reject this conference report. Let us send it back. Let us tell the conferees of the other House that we adhere to the bill that was passed by the Senate by an overwhelming majority, and they will yield in the end.

We are asked to surrender at the first fire. We are to hoist the white flag. We are to retreat in disorder. We are to abandon all the pretensions we have made in behalf of silver. We give truthfulness to the assertion of the monometallists of the East that it was only a plan to furnish a market for silver bullion. I deny it. I did not support the bill for the purpose of furnishing a home market for the product of our silver mines. If we did not produce an ounce of silver in the United States, I would still support the Senate bill. All the Eastern gold monometallists have charged that this movement was a movement of the owners of silver mines and silver bullion for the purpose of providing a market for their product, and they will say now "Did we not tell you so? They have got a warehouse for the storage of their silver bullion and now they are satisfied."

Mr. HISCOCK. What Eastern monometallists have ever charged that the free coinage—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New York?

Mr. COCKRELL. With a great deal of pleasure.

Mr. HISCOCK. What Eastern monometallists have ever charged that the free coinage of silver was pressed for the purpose of affording a market for silver?

Mr. COCKRELL. I do not think there is a paper in the East that has been opposing the silver movement which has not charged that very thing, and I will leave it to the Senator from Colorado [Mr. TELLER] to verify what I say.

Mr. HISCOCK. I have failed yet—and I read the newspapers very carefully—to notice the charge that the free coinage of silver was for the purpose of furnishing a market for the American production. The Eastern people do not believe any such thing, that the effect of free coinage would be to furnish a market for the American product.

Mr. COCKRELL. I know how generous the distinguished Senator from New York now is in the hour of triumph and victory, but I will leave the Senator from Colorado to tell what these men have charged. It has been charged on this floor, and the RECORD shows it; it was charged only this morning by the Senator from New Jersey [Mr. McPHERSON]; it has been charged all around; it has been charged by the Senator from Vermont [Mr. MORRILL], the chairman of the Finance Committee. Who has not charged it? I ask the Senator from New York to point out some Senator who has favored the single gold standard who has not indirectly made this charge, to point to some leading gold monometallist paper that has not, indirectly at least, made the charge. He can not point out one.

Mr. HISCOCK. I do not know of any Senator on this side of the Chamber who has argued in favor of a gold standard except as the two metals are held together.

Mr. COCKRELL. Oh, yes.

Mr. HISCOCK. I do not know of any Senator who has taken that position. I certainly have not.

Mr. COCKRELL. In other words, you mean when a Senator says to silver, bucked and gagged, bound hand and foot under all manner of proscriptions and discriminations, flat on its back, and gold enrobed in its monopoly robes, and standing before the world equipped with all the requisites of money—when you say to silver, "Stand up by your brother metal, stand up like a man, and be on an equality with gold," and because silver does not rise and come up to a perfect equality as a metal, so bound and discriminated against, you say it will not do to give it any of the requisites of gold; it will not do to give it equality! Sir, give it equality, give it manhood, give it legal manhood, and let it stand upon a perfect equality with its twin brother, gold, and that white metal will maintain its character and standing as a money metal in the markets of the world, and always has done it. God in His infinite wisdom has not so distributed it throughout the world that it can be produced in unlimited quantities like tin or copper or any of the baser metals. It never has been produced in the history of this world in greater quantities than would answer for monetary purposes, and no nation has ever been cursed with a depreciated coinage—you have had depreciated paper, but you can not point to a nation on the earth that has had depreciated silver or gold unless it was debased and degraded by being reduced in fineness and quality.

Mr. President, I am in favor of restoring silver to its perfect equality before the law. Endow it with all the functions of money, give it the power and the rights and the privileges that you give to gold, and it will maintain its equality with gold. It is idle, it is childish, it is whimsical to talk about silver ever appreciating to an equality with gold while you keep it bound down by legal discriminations and proscriptions.

Mr. DANIEL. Mr. President, I shall endeavor to look at this compromise measure just as it is, without attempting to exaggerate the interpretation of it or to regard it in anything but the light of a common-sense interpretation.

I do not concur to the full extent with some of the criticisms which have been pronounced upon its language. When this bill says—

The Secretary of the Treasury is hereby directed to purchase from time to time silver bullion to the aggregate amount of 4,500,000 ounces, or so much thereof as may be offered, in each month, at the market price thereof, not exceeding \$1 for 371.25 grains of pure silver—

I take that only to signify what it strikes the mind at first blush to signify, that the Secretary of the Treasury is to buy that much silver if that silver is offered upon the market at the market price. It does not say that it shall be offered to the Secretary of the Treasury. It means, as I understand it and as the plain significance of the words would seem to me to import, that he is to buy upon the market at the market offering, and as the Senator from Ohio [Mr. SHERMAN] is in his seat I beg leave to inquire of him if that is not the intent and purpose of this bill.

Mr. SHERMAN. I stated yesterday in my statement as to the conference report that that was my view of it, that the Secretary of the Treasury was bound to buy 4,500,000 ounces, whatever may be his opinion, and he is bound to pay the market price of silver each month, and that his failure to do so would not only be a breach of public duty, but would be an impeachable offense.

Mr. DANIEL. That, then, is the plain English of this provision. While the language is a little different from what has been used in

other bills, it is not different in its significance. There might be the criticism that it is capable of being perverted and tortured, as it has been by some newspaper reports, into a different significance, but I do not think that a sound lawyer or any one who will study and weigh the language that is here employed would fairly or justly construe these words as meaning any other or different thing than that.

While, therefore, I would say that it might have been better that this bill should have followed the language contained in others without any addition thereto, I do not think that this language should be sufficient to lead us in our judgment to vote against the measure were it otherwise responsive to the demands of the country and to the exigencies of the times.

I go further and say in speaking about this bill that I am ready to concede to those who advocate its provisions that it would be much better that this bill should pass than that Congress should fail in legislating upon this subject.

The one great point which can be truly urged in advocacy of this bill—we shall gain nothing in looking at it otherwise than as it is—is that this bill will greatly increase the volume of currency of the people of the United States. It is true that it does not so greatly increase that volume of currency as one might at first conceive. When the Secretary of the Treasury is directed to purchase 4,500,000 ounces of silver per month and when the argument is made that that much more will be turned into money, it is not entirely correct, for this bill does not require the 4,500,000 ounces of silver either to be coined into money or to swell the volume of our currency by a corresponding volume of paper money.

In other words, a portion of this large volume of silver which is thus directed to be purchased is simply bought and hoarded in the Treasury and does not reappear from the Treasury either in the form of silver dollars or in the form of legal-tender paper representatives. And if the arguments which the gold-standard men and the Treasury of the United States, through its official representatives, have urged upon the people were correct, this bill would be more objectionable to the Secretary of the Treasury and to the gold men in that respect than any bill which has ever been presented, because it is measurably and partially a bill simply for the purchase and hoarding away of silver bullion.

It has been argued in Congress, through successive years and in every phrase that could attract the ear, that the Treasury of the United States should not be burdened as a storage place of useless silver bullion or money; and now, in order, as we may well presume, to place Congress in affiliation with the executive powers that be, it is proposed to buy and to hoard bullion without permitting its use to a degree as money in any form.

Why do I say this, Mr. President? It is because of the provision in the second section of this bill. After providing that Treasury notes shall be issued to pay for the bullion that is purchased, instead of providing that that bullion so purchased shall be turned into money or shall be emitted by the paper legal-tender representative, it says:

But no greater or less amount of such notes shall be outstanding at any time than the cost of the silver bullion and the standard silver dollars coined therefrom then held in the Treasury purchased by such notes.

So that, while in the first section of the bill he who reads it would be led to presume that by this immense purchase of silver our volume of currency would be correspondingly enlarged, we find in the second section that it is immediately restrained and that it is to be measured, not by the amount of the bullion, but by the commodity price of silver. In consenting to this provision, as I humbly conceive, those who believe that silver ought to be coined and used as money upon a parity with gold have conceded too much and have to an extent given away the force and strength of the position which they have heretofore assumed and which has already won the judgment of the country.

Mr. President, it is to be observed, and it can hardly be denied by any one, that, in all the forums of free debate in this country where mind is licensed to combat with mind and argument to oppose argument with unrestrained intercourse, silver money has won this battle. Never before in the history of this country did silver occupy so high a vantage ground in public opinion as that which it holds here and now; and if it be shorn of its fair proportions, if the logic which has won to the silver standard the judgment of the men of intellect and the men of patriotism in this land be followed, there is no more doubt that this Congress would not adjourn without leaving a free-coinage bill upon the statute-books than there is that the hand would continue to turn upon the clock and that one day should bring forth another. There is no better indication or demonstration of the truth of my assertion than the enunciation of the Republican party at Chicago in 1888 when it nominated Benjamin Harrison as President of the United States.

We all know, and it is a matter of public history and of universal understanding that the Republican party has reluctantly come into acquiescence with silver money. It has come to the silver standard like the "whining school-boy with his shining morning face unwillingly to school." But East and West and North and South assembled in Chicago, and there are no bodies of more astuteness than the great political conventions which nominate our Presidents. They are not within the restraint of that close representative relation which they

occupy when they become Senators and Representatives in Congress. They have a freer range for the expression of opinion, and when this great body of representative Republicans assembled at Chicago two years ago they declared to this nation, and they invited support for their candidate by criticism upon the propositions which have been embodied in this bill, and by saying that they were in favor of the use of both silver and gold, not as currency, not as a circulating medium, not as a subsidiary coinage, not as an adjunct to the Treasury, but "AS MONEY."

Twice the Democratic Secretary of the Treasury had recommended some such provision as this. The Republican party in mass convention assembled criticised him for doing it and denounced him; and "silver as money" was the shibboleth which it inscribed upon its banner, and that shibboleth won the victory.

Mr. President, furthermore I can not concur in all the criticisms which have been made here upon the language which has been put in the body of this bill. The principle enunciated in that language I concur with. In the second section it is provided:

That upon demand of the holder of any of the Treasury notes herein provided for, the Secretary of the Treasury shall, under such regulations as he may prescribe, redeem such notes in gold or silver coin, at his discretion, it being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio, or such ratio as may be provided by law.

I would much dislike, Mr. President, to see any advocate of the double standard or any one who seeks now to make silver equal before the law in all respects with gold oppose the principle which is enunciated there. The great object, as I understand, and so understanding it I have followed it, of those who seek to reverse the policy which has been practiced about silver is that the two precious metals shall everywhere maintain their parity with each other, and that those usages of the Treasury Department, those acts of legislation, those practices in the banking world which have tended to separate the two metals should be reversed and that they should be recognized and used with impartial hand as the legal equals in the making of money.

But, Mr. President, the historical recital in that insertion in this bill I object to. The silver men have sought that it should become the established policy of the United States to maintain the two metals on a parity with each other. What I object to about the language is that it is a misrecital of past history, for that policy is not yet established; and, second, it is a contradiction of the terms of the bill.

When did it become the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio or such ratio as may be provided by law? It was not the established policy of the United States in 1867, when distinguished gentlemen were advocating the single gold standard. It was not the established policy of the United States in 1873, when silver was absolutely dismissed from circulation. It was not the established policy in 1878, when even the partial restoration of silver was denounced by the same gentlemen who, on both sides of this House, both Democrats and Republicans, reiterated their prophecies that anything for the benefit of silver was going to injure the country.

It is not the established policy now, and this bill will not establish it; and that is the reason why I can not vote for it. If it were the established policy of the United States to maintain the two metals at a parity, that policy would find its expression in acts tending to build up that portion of silver which had departed in value from gold. But the policy practiced by the United States Government during the last fifteen or twenty years in everything that has been done by its Executive has been to make the gap wider between the two metals. It was not the established policy of this Government in 1884-'85, when Mr. Cleveland undertook to extinguish the Democratic sentiment of the House of Representatives. It was not the established policy when that House failed to vote for the free coinage of silver, and it is not the established policy now amongst those who yet hold the dominant hand, although they have not the corresponding forces of popular sentiment at their back to sanction it, if silver would deploy its forces and maintain its front position with a firm and equal and unconceding hand.

Mr. President, it is a delicate thing in one department of this Government to refer to those who have the responsibility of administering another. I share with those who have so much respect for the office of the President of the United States and for its occupant that I am loath to make any criticism upon that department of our Government, but I do not transcend the limits of parliamentary courtesy or the comity which should exist between all departments of our Government, to whatever political organization he may belong, when I advert to the fact that the shadow of the White House has fallen across the Congress Hall and that the executive extinguisher is at work, just as it has been for the last fifteen or twenty years, to put out the flame of silver money as fast as it burns up, fed from the very hearts of the people by all that they can give to maintain and make it flame.

Mr. President, we have been told over and over again in recent years that the executive department of the Government was impeding acts of legislation and that the veto had appeared too often in our legislative history. It has come to this now that the very shadow of a veto can reverse a triumphant majority, and that this great body, the greatest parliamentary body, as I conceive, in the world—that this great

body of free debate should surrender at the very vague intimation brought by the birds of the air that a veto is possible. Sir, I would not conjure my associates in this body to any step which I would not myself take if I were in the situation which they occupy, nor can I with justice to political history very bitterly reproach them if they recede too quickly before the apprehension of Executive interference.

My observation of public men and of public affairs in the last few years, while not as extensive as that of other gentlemen who are here, has induced me to feel and know what is the great power and influence of the executive administration of our Government. Men who have personal independence of character, men who have strength of intellectual conviction, men who stand up before the public and advocate their views careless of their political fortunes if they may only subserve the principles which they seek to establish, when they become allied in political organizations and under the influences which are brought about the great Capitol and under the persuasive voice of comradeship and under the apprehension of perhaps upsetting the political vantage ground of their chief in executive office, bow and bend and surrender and the people's cause is broken down by their concessions. We have seen it in the Democratic party, for in their organization and political movements parties do not greatly differ with each other.

It is the doctrines and principles which parties stand for that constitute their great difference. Their practices are likely sooner or later much to resemble each other. And if I ask the silver men here, without regard to whether they be Democrats or Republicans, to stand to their guns, I only ask them to do what I have myself done under the same circumstances and what the silver men have got to resolve to do if they ever carry their standard to complete victory. I am willing to die with them in the last ditch if we have got to be driven into it. But I do not want to die, on a triumphant march, of Executive sunstroke. Let us die, if need be, when our time comes, but do not let us run out and meet our time half way and invite it to come.

This silver question is a great deal bigger than the President of the United States, whether his name be Benjamin Harrison or Grover Cleveland, and it is never going to be won as it ought to be by the triumphant and complete vindication of those policies which the silver men stand for until the Senate of the United States is as great as the question. The question is greater than the Senate and greater than the President, and unless the Senate and the House of Representatives are smaller than either they will never give up the vantage ground that has been gained, but will reply to those who oppose that policy, which is the best for this whole nation, like that gallant officer who, when challenged to surrender, answered, "Come and take me."

Mr. President, the language which is used in the discussion of this question is language which has the flavor of the Treasury Department in it. There is a great deal of difference in the way that a case is stated. I have heard good lawyers, criticising the members of their profession, say that they regarded as in the foremost ranks the men who could make the clearest and best statement of the case. A good case clearly stated is more than half won. The gentlemen who want to see the single gold standard in this country generally know how to state their case. I bow in admiration to them, although I must say that they do not always state it in strict conformity to the facts.

I hear, for instance, the Senator from New Jersey say and I hear gentlemen upon the other side say now and then that we must preserve the gold standard. Well, that sounds very well, for we do not want to see the two metals parted; but we are not now upon any gold standard. I utterly deny and dispute the premises that the United States is to-day a gold-standard nation, and if the Senator from New Jersey can show me or if any gentleman can point me to a fact that makes this a gold standard nation, that does not belong to the realm of that discretion which sometimes in the Secretary of the Treasury overrides and disappoints the law, he would be giving me information of which I am at present devoid.

Why will you speak of preserving a standard that does not exist? I know that I may be told that in 1873, when silver was demonetized, it was declared in a statute that the gold dollar should be the unit of value, and at that time we did move toward a single gold standard, but that legislation has been reversed. In 1878 when you remonetized silver you renewed the double standard, and whether the old lines graven upon the statute-book at a time when you were coming to a single gold standard remain there or not, you have practically and legally under your Constitution and laws abandoned the gold standard.

The Senator from New Jersey this morning asked a good many questions and answered a good many, but he did not anywhere tell us where in the laws of this nation he derived the opinion that we are now upon any gold standard.

Mr. President, these words "standards" and "units of value" are sometimes used without the mind going with them into any precise meaning. What do you mean by a unit or standard of value? You mean the medium of payment. There is not an appropriation bill that has passed this body this year that does not recognize the fact that gold is not our standard of value. The appropriations to your rivers and harbors, the appropriations to your armies and navies, the appropriations to your pensioners, and for your own salaries which

you put into your pockets remind you every time you receive them that this is not a gold-standard country.

The standard of valuation is that money in which credits may be discharged; your legal-tender money is your standard of value. The whole volume of your currency, not the paper that is in a greenback, not the silver that is in a silver dollar, not the gold that is in a gold dollar, but your whole volume of currency is your standard of valuation of your whole property and your whole obligation. The mass is a homogeneous mass of money, the property is a homogeneous mass of property, the obligations of the country are a homogeneous mass of debt, but your standard of valuation is your whole volume of currency and its units are ideal things for the purpose of subdivision, called dollars; your greenback dollar or your silver dollar and your gold dollar are in their combined value separated by units of dollars and not by units of paper or metal of either of your standards of value. It is what you can pay the debt in that measures the value of the credit.

I object to this bill because it has a tendency—not the effect, but a tendency—not to preserve a gold standard of value, but to create one. It places vast power in the hands of those who, being astute in the use of words, use them according to the Talleyrand idea of concealing thought. Your silver here is purchased at commodity value, and your silver bullion by this act is never given a money value; that is, the value which attaches to metal which can become money.

When the Senator from New Jersey was speaking he said that the history of the world disclosed the fact and proved it. He announced it in quite an *ex cathedra* fashion, as if he was disposing of history by the declaration that the history of the world disclosed the fact that the cheap money always drives out the dearer. Mr. President, not only does history fail to disclose any such fact, but the Senator from New Jersey has illustrated in his assumption the truth of the maxim of the French philosopher who tells us that we seldom notice what occurs under our own eyes daily; we see the mountains in the distance and we stand upon the shore and look upon the playing of the waves of history, and then we announce very dogmatically and conclusively and exactly what those distant things are; but we seldom notice what occurs under our own eyes and ears.

If the Senator who made that declaration would only observe his own daily transactions he would see his history refuted. You have \$346,000,000 of the cheapest money in this world in circulation in the United States, the greenbacks. They cost nothing but printer's ink and paper. Have they driven away your gold? Have they driven away your silver? Have they not now power to get hold of 4,500,000 ounces of silver per month and pull it to us?

Furthermore, there is an illustration under the Senator's eyes that occurred in this House a year or two ago, when, as if to refute the doctrines and declarations of those who were speaking, the dearer money came crawling up to the Halls of Congress in *forma pauperis*, hat in hand, upon its knee, craving and begging that 420 grains of silver—the dearer money—came and gathered around the lobby and begged and besought to be admitted to be redeemed in cheap silver of 412½ grains legal tender.

Mr. McPHERSON. If the Senator will allow me—

Mr. DANIEL. Certainly.

Mr. McPHERSON. Prior to the passage of the resumption act what was then the market value, so to speak, of the so-called greenback? It will be remembered that prior to the passage of the resumption act the greenbacks, or the national currency, were selling payable in gold something like, I think at one time, about 260 per cent. discount. After the passage of the resumption act, when the greenbacks were made payable in gold after a certain date, the greenbacks appreciated up to par with gold. As they are made redeemable in gold and all that have been offered have been redeemed, the Senator can hardly say that the simple fact of making them redeemable and payable in gold had no effect as to their value.

Mr. DANIEL. I have not made any declaration of that sort. I have not alluded to that question. I have merely stated that the Senator has got history wrong and that the cheaper money does not always drive out the dearer.

Mr. McPHERSON. The Senator cited as an illustration the greenbacks. I should like to ask the Senator now to put the question in a different form. Where were the gold and silver of which the Senator speaks before the passage of the resumption act? Was any of it found in the country?

Mr. DANIEL. I will tell the Senator what was the matter with the greenbacks. I do not like to allude to the war or anything of that sort, having been a Confederate soldier, but the uncertainty of the issue had a good deal to do with weakening their value, for how the war was going to turn out people did not know.

Mr. McPHERSON. The war had closed, if the Senator will permit me, in 1865. There was not a single Confederate soldier, mounted or on foot, within the whole confines of the Confederacy from 1865 to 1873 or 1874; and the greenbacks then, as the Senator knows, were very much depreciated in value. When you undertook to purchase property with them you found the property was very much increased in value. But the very moment the Government proposed a mode in

which it agreed to redeem those greenbacks in gold, in coin, that very moment they appreciated. Therefore the Senator can hardly say that this cheap money of which he has spoken to-day, the greenbacks, after they were made payable in gold, were any longer cheap money. If the Senator or myself had a quantity of greenbacks we could take them to the Treasury to-day and demand gold for them. I presume gold would be paid to us. Therefore the greenbacks are as good as gold, and they can not be said to be depreciated.

Mr. DANIEL. Now I will with pleasure endeavor to answer the Senator's question. Does he mean to say that the greenbacks are redeemable in gold or in coin? I ask him that question.

Mr. MCPHERSON. In the first place I will answer the Senator's question and I will answer it very frankly.

Mr. DANIEL. I do not care to have another argument now. I want to know if the Senator means to say that greenbacks are redeemable in coin?

Mr. MCPHERSON. It has been the practice of the Government.

Mr. DANIEL. I know what has been the practice.

Mr. MCPHERSON. As the Senator knows, it has been the practice to redeem them in gold; and it is the practice of the Government now to maintain silver on a standing as good as gold. Therefore it is that silver has been maintained to-day.

Mr. DANIEL. I want to answer the Senator *seriatim*. In the first place, he has repeated here upon the floor the very legislative practice which I consider as pernicious to truth as some of the practices of the Treasury. He has stated that the greenbacks are redeemable in gold. It is a happy faculty of the monometallists and gold men of this country to state things, as I said before, to suit themselves.

Mr. MCPHERSON. The Senator will permit me—

Mr. DANIEL. Not just now.

The PRESIDING OFFICER (Mr. PADDOCK in the chair). Does the Senator from Virginia yield?

Mr. DANIEL. I will directly. I do not mean any discourtesy.

The greenbacks are payable in silver, and why do you not say they are payable in silver, and that is what has made them valuable? It is because it suits the lingo and the style of monometallists to put gold everywhere foremost; and you are in your very practice of stating the case making one of those discriminations of which the silver men complain. The Senator discloses where this whole trouble comes in. It is the effort to divide this country into two classes and to legislate for class benefit, and not for popular benefit. "It is the practice to pay the creditor in gold." You are much mistaken, sir. It is not the practice of this Government to pay its creditors in gold. It is only the practice of this country to pay one class of its preferred creditors in gold—men who have no more right to gold than any other class; and it is the studied effort of this bill to so rank and range the classes and to so rank and range your silver and gold money as to force what is gold into the pockets of gold men and to let others than bondholders get the scraps from the table. That is the argument.

Mr. SHERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Ohio?

Mr. SHERMAN. If the Senator will allow me a moment, I did not intend to disturb him, but when he says that one class of debt is payable in gold I will have state to him that no portion of the public debt except probably the infinitesimal fraction of 2 per cent. is payable in gold. No discrimination is made in the payment between gold and silver or other forms of money. The bonded debt and the interest on the bonded debt is paid almost exclusively in checks or drafts, and those are paid almost exclusively in some form of paper money, United States notes, silver certificates, and all other forms of paper money.

Therefore the common observation that has been made here within a day or two that the Government pays gold on certain contracts and not on others is an error, because of all the payments made by the Government of the United States 98 per cent. is in drafts and in currency. So of the customs dues that are now paid. The Senator has sent to him every month, I suppose, a statement showing that, of all those customs dues that are paid, less than 2 per cent. are paid in either gold or silver. Silver is used as well as gold, but they are usually paid in ordinary currency, current money, such as you and I and all of us take in payment of our salaries. Gold and silver are not discriminated against therefore by the Government of the United States. They are regarded as the precise equivalent to each other, and their substitutes are used for the payment of almost all transactions of the Government with the people of the United States.

Mr. DANIEL. Mr. President, it is a little curious that our friend, the Senator from New Jersey, should say that it was the practice of the Government to pay the creditors in gold and that the Senator from Ohio should say that it was not. If I mistake not—I have not the document before me now, but I think the Secretary of the Treasury points out in his last report the practice of the Government to pay the creditors in gold, and apprehends as one of the results of too great coinage of silver that he would not be able to do it.

Mr. MCPHERSON. If the Senator will yield to me a moment, I do not think there is very much difference between the statement made by the Senator from Ohio and the one that I have tried to make.

Mr. DANIEL. I have the floor, if you please.

The PRESIDING OFFICER. The Senator from Virginia declines to yield.

Mr. MCPHERSON. I ask the Senator to yield.

The PRESIDING OFFICER. The Chair understands the Senator from Virginia to decline to yield.

Mr. DANIEL. I will take pleasure in yielding as soon as I get through a paragraph. I should like to answer one idea after another, and then I will cheerfully yield to the Senator from New Jersey.

Not only does the Secretary of the Treasury advert to this fact in his last report, but I think it has been adverted to in nearly every report of the Secretary of the Treasury, the importance of providing gold to pay the creditor with, the bond creditor, and that the great apprehension of gold leaving the country was that there would not be any gold here to pay him.

Mr. SHERMAN. I shall be glad to show the Senator—

The PRESIDING OFFICER. Does the Senator from Virginia yield?

Mr. DANIEL. Of course.

Mr. SHERMAN. I have sent for a statement, I think the last one, made only a few days ago, showing the exact modes of payment of all the customs duties, and the other statements I can furnish with a little more time.

Mr. DANIEL. I doubt not that a warrant or check, or something of that sort, always intervenes, but the gold is always saved and hoarded up for the bond creditor, and he is not required to accept in payment a silver dollar or a greenback or anything else but gold. The frequent statement of the Secretary of the Treasury has been entirely in consonance with what the Senator from New Jersey said this morning, that they always wish to have the gold there so the creditor should have the option of taking any sort of money he wanted.

Mr. SHERMAN. That is true, Mr. President, if the Senator will allow me. I think that the United States has always practiced upon that idea, and every bank that is properly conducted practices upon the same idea, that the person who presents a check if he wants gold is allowed to take it. Very few take it. But what I wish to show by the statement I will try to furnish (I think I have one in my committee-room) is that in fact in the payment of all these drafts and warrants upon the Treasury not more than from 2 to 3 per cent. is paid in either silver or gold, about one-fourth less in silver than gold; but nearly all of them are paid in paper money, United States notes, silver certificates, and every form of paper money.

Mr. TELLER. Mr. President—

Mr. DANIEL. Just there, if I may finish this idea in one minute, I will show exactly where the present bill so manipulates the silver and its representative as to relegate silver into retirement in the shape of bullion, and so to provide that it would be almost impossible to pay the creditor in anything but gold.

Mr. SHERMAN. Now—

Mr. DANIEL. One moment, if you please.

Mr. SHERMAN. If the Senator will allow me a moment, I will give him the statement to which I referred, the official statement, made by the United States Treasury Department, which I now have. I find in 1890 the percentage was 1 per cent. in gold coin, a fractional per cent. in silver coin, 94 per cent. in gold certificates, 2.7 per cent. in silver certificates, and 2.7 per cent. in United States notes.

Mr. TELLER. Are those the import duties?

Mr. SHERMAN. This is a statement showing the monthly receipts from customs in New York, and you find it given there month by month. Sometimes the paper currency payments amount to 17 per cent.; but this extends during a period of two or three years. The Senator will see it the same way. There is a very small fraction of gold and silver paid, but it is paid in gold certificates and silver certificates and United States notes.

Mr. DANIEL. That is a statement of receipts from customs, and not of payments to creditors.

Mr. SHERMAN. I can not give the prepared statements. I could furnish the other statements, but this I happened to remember I had on hand. Those are the payments of customs which in former times were paid exclusively in gold.

Mr. DANIEL. Ninety-four per cent. are paid in gold certificates, I understood the Senator to say.

Mr. SHERMAN. I think so, in one month. You will see the statements are made from month to month.

Mr. DANIEL. While this statement does not exactly corroborate the Senator's statement as to payments to creditors, being a statement of the receipt of customs, it yet, as far as it goes, substantially corroborates my own statement, for 94 per cent. in gold is pretty near all gold.

Mr. SHERMAN. They use gold certificates, as a matter of course.

Mr. DANIEL. When the Senator speaks of using paper he is merely, it seems to me, evading rather than stating the true issue, for it is the paper that represents gold. Ninety-four per cent. of gold certificates are paid. Of course, whether you pay a man in gold or silver or what not you pay him in the form of a check or use some sort of paper as the executive agent of payment, but the medium of payment is on the

other side of the paper, and here 94 per cent. of it, if I understand the Senator from Ohio, is gold.

Mr. SHERMAN. Certainly, because the gold is not used at all. They use the silver certificate, and any form of paper money is now used as legal tender for the payment of all debts, public and private. The Government of the United States, in the payment of bonds, and in paying its interest, or in the receipt of its customs, receives and pays out all forms of paper money, and there is not more than from 1 to 2 per cent. of coin used in the great transactions of the United States. I have sent for another statement which will give the Senator the amount which is used by the national banks.

Mr. DANIEL. However these statements may be differentiated in their details, I state the broad fact, which I am sure the Senator from Ohio and none other can contradict, that the declared policy of this Government through all of its representatives, from the time when he had the honor to be Secretary of the Treasury to the present day, was that we were in some way bound to pay these bond creditors in gold and to provide the gold and not silver to do it. The Senator will remember that, when the debate took place in this body years ago upon the resolution of his colleague from Ohio, Mr. Matthews, that the bonds were payable in coin, although it passed this body, it was resisted to the uttermost upon the ground that the bonds were payable in gold. We all know, as a matter of general public history and universal knowledge, that the whole financial system of this country has been twisted, and shaped, and tortured, and so made as to always bring the gold dollar to pay the bondholder unless he preferred something else.

Mr. SHERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Ohio?

Mr. DANIEL. Let me go on.

Mr. SHERMAN. I have now the other statement before me to which I referred, if the Senator will allow me.

The PRESIDING OFFICER. The Senator from Virginia declines to yield.

Mr. DANIEL. I verify now the statement which I made from recollection a few moments ago, by reading from the last report of the Secretary of the Treasury:

Our bank currency is based upon United States bonds, the principal and interest of which are payable in gold. Our gold certificates are expressly made redeemable in gold coin.

Mr. President, I set the Secretary of the Treasury and the Senator from Ohio to settle their difficulties between them.

Mr. SHERMAN. Now I think I can settle it in about a minute. I will say, to correct the statement made awhile ago by the Senator from Virginia, if he will show me that in any act of mine when Secretary of the Treasury I ever made a discrimination between gold and silver and paper money, I shall be very much obliged to him. But he can not do it. I never did. On the other hand, I have a statement before me "showing the total amount of the classified receipts and disbursements on account of the transfers, revenues, redemptions, and exchanges by Treasury offices, for the fiscal year ending June 30, 1886." This is the annual report of the Treasurer of the United States for that year, and it shows the amount of receipts of national-bank notes to have been \$37,000,000—I will only give round numbers—United States notes, \$366,000,000; gold coin, \$84,000,000; gold certificates, \$158,000,000; silver certificates, \$110,000,000; standard silver dollars, \$82,000,000; fractional silver and mixed, \$22,000,000; total receipts, \$898,000,000.

The disbursements were as follows: National-bank notes, \$71,000,000; United States notes, \$372,000,000; gold coin, \$78,000,000; gold certificates, \$118,000,000; silver certificates, \$121,000,000; standard silver dollars, \$54,000,000; fractional silver and mixed, \$25,000,000; total, \$842,000,000. Either of these kinds of money or any of them was received and paid out without discrimination, mainly at the convenience of the person who deposited the money or received the money, the silver certificates being several times the amount of the whole gold and silver paid out. So the Senator is mistaken.

When the Secretary of the Treasury speaks about the bonds being payable in gold it means that anybody might ask for gold and receive gold; but in actual fact and practice it is shown by these tabular statements, and all of them are furnished, and by the common knowledge and practice of every one who deals with the Government of the United States, that the great transactions of the Government are in paper money, and that no discrimination whatever is made in the receipts or disbursements of its money. If the Senator has a draft upon the Treasurer here he will usually take it in paper money or it will be paid to him in either form of money he desires.

Mr. DANIEL. Now, will the Senator permit me a moment?

Mr. President, I know the Treasury language generally runs along the line of what the Senator says in a speech which he has just interpolated into mine, but I tested that very thing a few years ago. I was told that there was gold in the Treasury for everybody who wanted it, and so I requested the Sergeant-at-Arms to please bring me my pay in gold. I knew it was held there for the bondholders and that so small a person as a legislative representative of a people was not one of those

creditors for whom was provided any special entertainment. So I said to the Sergeant-at-Arms, "I want my pay in gold." He came back and said that there was not any there for that purpose; that greenbacks were legal tender, which I received thankfully.

Mr. SHERMAN. I suppose the Senator applied to the proper place?

Mr. DANIEL. I only wish to show the fallacy of the statement which the Senator from Ohio is now reiterating, and which has been reiterated year after year, as I conceive, in opposition to the actual state of facts.

Mr. SHERMAN. Let me ask the Senator if this demand was made of the Secretary of the Senate?

Mr. DANIEL. I requested the Sergeant-at-Arms of the House of Representatives to pay me in gold, and he said it was not there.

Mr. SHERMAN. I presume that the Treasurer of the United States did not suppose there was either a Member or Senator who wanted gold, for he would just as lief send the gold to the Sergeant-at-Arms of the House as any other kind of money. He probably did not conceive that anybody there was eager for gold, and therefore did not prepare gold for that particular place.

Mr. DANIEL. I have no doubt he was very much surprised at anybody but a bondholder being so impudent as to ask for gold. I have no doubt he would be surprised at it.

Mr. ALLISON. May I interrupt the Senator?

Mr. DANIEL. I did not want the gold and was very glad to get the greenbacks; but it shows that you can not always have the option of getting what you want unless the burden is put upon you of going to hunt for it, while it is always provided for the other class of creditors. That is the difference.

Mr. ALLISON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Iowa?

Mr. DANIEL. Yes, sir.

Mr. ALLISON. I had occasion not long since to inquire of the Secretary of the Senate what portion of the compensation to Senators and officers of the Senate was paid in gold or silver and what portion in paper money, and I was informed by him that since 1883, with an occasional exception when a Senator desired a small amount of gold for a particular purpose, no Senator had ever requested payment in anything else than paper. Then I supplemented it with the question which seems now uppermost in the mind of the Senator, whether there was any occasion, when gold was required, for a refusal, and he answered me, "No."

Now, I want to say one word to the Senator as my belief. I believe that no public creditor has ever applied to the Treasury of the United States demanding gold but what he has received it, no matter what the nature of the obligation of the Government may have been in that respect, whether for compensation or whether for any debt that the Government was owing to a private citizen or to a creditor.

Mr. SPOONER. The Senator does not mean that there was never a time. He does not mean during the war.

Mr. SHERMAN. Since 1879.

Mr. ALLISON. I do not mean, of course, during the war. We all recollect the situation then. I mean practically since the resumption of specie payments in 1879.

If the Senator from Virginia will just allow me one moment more, all our paper money, as I understand, and all the obligations of the Government are redeemed practically in paper money or coin that is equivalent to gold. In other words, everything we have to-day in the shape of paper money is equivalent to gold in every part of the United States, as I understand it; and if any Senator knows that that is not so, I should be glad to be informed where it is that that difference exists.

Mr. DANIEL. Mr. President, I return to the statement of the Secretary of the Treasury. The distinguished Senators who have just suggested that there is no discrimination between silver and gold ought to join me in paying especial attention to this peculiar misstatement of the Secretary of the Treasury if they are correct:

Our bank currency is based upon United States bonds, the principal and interest of which are payable in gold.

That is the enunciation fresh from the other end of the Avenue. The Senator from Iowa denies it.

Mr. ALLISON. Oh, no. On the contrary, I say that not only that but every other obligation is practically paid in gold.

Mr. DANIEL. Oh, "practically."

Mr. ALLISON. On demand.

Mr. DANIEL. "Practically?"

Mr. ALLISON. Yes; practically.

Mr. DANIEL. Practically; and practically payable in silver also. Then why does not he say silver and why does he always say gold? It is a part of the lingo of the monometallists. "Practically" you are going to your equations. Why does the Secretary of the Treasury use a plain English term to state a fact in such a way that an honest, truthful man would conceive a different thing from the actuality in existence? Why does he advertise to the civilized world that our bonds are payable, principal and interest, "in gold," when those who are his champions here say they are practically payable in silver? And how is it that this language, which indoctrinates even so intelligent a gen-

tleman as the Senator from New Jersey with the idea that this is a gold-standard nation and publishes to the whole world a different phase from the truth, shall go uncriticized and unchallenged by those who differ with him?

There is a great deal of difference, as I remarked awhile ago, in the way you state a thing. Those who are subtle and astute to deceive can so posture the truth as to make a false impression. Here is the chief financial officer of this nation publishing to Europe, publishing to creditors all over the world, that the principal and interest of our obligations are payable in gold, specifically and solely, without qualification, and without the modification and explanation which the Senator gives when probed for his own interpretation. What sort of way is that to manage the finances of a great nation for the purpose of deceiving the people? I will not say for the purpose, but with the effect to deceive the people, and to deceive all who deal with us, and then to base a claim upon our own self-deception, to go out and say that we told them so, and we allowed our agents to tell them so, and now good faith requires that we should do it.

Now, Mr. President, to come down to the question in this act, the Senator from Ohio challenges any one to show where he ever discriminated between gold and silver and greenbacks.

Mr. SHERMAN. Since January 1, 1879, as a matter of course.

Mr. DANIEL. Since January 1, 1879. Well, I thought the Senator would put a statute of limitations on his declaration.

Mr. SHERMAN. I obeyed the law always; but after that time the law made no discrimination, and therefore I had no right to make any discrimination.

Mr. DANIEL. Did the Senator from Ohio ever state before the Coinage Committee of the House of Representatives that he would never pay out silver unless he could do it at its gold value?

Mr. SHERMAN. I do not think I ever did. I do not think I ever did pay out silver except at its gold value.

Mr. DANIEL. Did not the Senator state that he never would pay it out except at its gold value?

Mr. SHERMAN. I can not recall what I said. I generally answer for what I did; but I do not know what I said at all times. I may have said to the committee of the House that I would not like to do it, or perhaps that I would not do it if I could help it; but I never paid out silver of any kind except as the equivalent of gold, and I trust the law will never compel me to do so.

Mr. DANIEL. In other words, the Senator from Ohio challenges any one to show where he ever discriminated between the two metals. He now modifies it by a statute of limitations which brings us down to 1879. With my limited information as to the finances of the country I did not suppose that there had been a day between 1879 and 1890 when the Senator from Ohio had not discriminated against silver in favor of gold.

Mr. SHERMAN. I never did at any time since 1879.

Mr. DANIEL. I think his record is completely unbroken from that time to this, and if I lacked that evidence of my assertion which all the financial libraries of this country would furnish until cumulative evidence was piled mountain high, I would want no better evidence than this bill which has just come from his hands, in which he discriminates between silver and gold in a most marked and decisive manner.

Why, Mr. President, these Halls are yet ringing with the tones of the voice of the Senator from Ohio when a week or two ago he discriminated between silver and gold in doing his utmost to prevent the free coinage of silver on a parity with the coinage of gold; and when the Senate with 17 majority treated them both alike, declaring that both should be the unit of value and both freely coined silver fared well until it fell in with the Senator from Ohio again upon its pathway, and here is the result.

I say, Mr. President, and the Senator from Ohio can not say to the contrary, that from the very first line in your statutes which refers to silver and gold to the latest the Senator from Ohio has discriminated against silver and for gold. I will ask him this question. Will you vote to declare that the unit of value shall be both silver and gold, the dollar?

Mr. SHERMAN. Whenever the market value of silver is equal to the market value of gold, then they are equal with each other. As to this pretense about saying silver is discriminated against, why does the Senator discriminate against silver by demanding 16 ounces of silver for 1 ounce of gold?

Mr. DANIEL. That is not a discrimination. That is its fixed status from our anterior coinage.

Mr. SHERMAN. But suppose its market value should fall above or below? Now, what I have always sought to maintain is that the purchasing power of both silver and gold should be always the same. I can see very well how the law can provide in view of the market value being up and down within a certain scale, yet I think the silver dollar ought always to be maintained and held and used and paid out and received as the equivalent of gold coin. If the Senator, notwithstanding the declaration or declamation he so eloquently makes, will just point out where I have discriminated against the law in respect to silver and gold, I should be very glad to hear him, but I think he will

find it impossible to do so. As a matter of course, before resumption we discriminated against both silver and gold or in favor of both silver and gold.

Mr. DANIEL. Mr. President, the Senator can always make a good speech, and he never makes a better one than when he is asked a question and takes some collateral subject as his text for answer. There is one maxim of the law which the Senator has well illustrated, "Great is the mystery of judicial interpretation." He has never discriminated against silver, he says, under the law; but then the Senator has always sat with those who could interpret the law, and it has generally been interpreted and carried out in such a way as to result in a discrimination and depreciation of silver.

Now, upon the broad fact that he has not discriminated against silver is that statute which says that the gold dollar shall be the unit of value and is a discrimination against silver. In this very bill, which does not allow a single silver dollar to be coined after a year hence, there is a discrimination against silver. In hoarding silver in the Treasury and not allowing it to circulate either as money or by its paper representative, there is another discrimination against silver. While the Senator says that he wants to make the silver metal the equal in value of the gold metal, a doctrine which is entirely righteous and correct, does not the Senator know that you can not make two things the equal in value unless you impart to those things the same legal attributes, rights, and privileges?

If you hold a quantity of gold in the right hand you can go to the Treasury and you can turn it into gold dollars, no matter what the Secretary wants to do. You may hold any amount of silver in your left hand and there is no man in this country who can get a single dollar of that dollar's worth of it coined into a silver dollar. Is it not a discrimination against the one metal to say, "Gold, go freely and turn yourself into a dollar," and against the other when there is no particle of silver in the United States to-day or anywhere that has a self-assertive right to turn itself into a dollar? While it may do to say that you do not discriminate, how is it possible that the wit or imagination of man can conceive of a greater discrimination?

I shall have to ask the Senator from Ohio what he means by discrimination. I do not know. He has gone off into the region of Treasury interpretation. How the Treasury Department of this country will interpret anything is beyond the conception of any one who either writes or construes the laws which are laid down before it as its guide. What does the Senator from Ohio think of a Secretary of the Treasury who advertises to the world that our bonds, principal and interest, are payable in gold? Where does the Secretary of the Treasury get that idea from? What right has he as a representative of the American people to state that as a fact? Does the Senator from Ohio indorse that statement?

Mr. SHERMAN. I say the bonds are payable in gold or silver, and the silver dollar is just as good as gold, and the Senator is talking about equivalents.

Mr. DANIEL. As the foreman of the jury speaks now, so say we all; but that is an absolute contradiction of what the Secretary of the Treasury has said. I am glad to hear the honorable Senator from Ohio say that.

Mr. SHERMAN. I do not think the Senator is exactly just to a gentleman who is not present, that is, the Secretary of the Treasury. The remark that our bonds are payable in gold is true. It is equally true to say that the bonds are payable in silver. Either silver dollars or gold dollars can be presented in payment of bonds. So literally it is true either way. Probably if the Secretary had known that his language was going to be commented upon by a very narrow construction, he would have said "silver or gold," because in fact both gold and silver are used exactly at a parity with each other in all the transactions of the Government of the United States. There is no case that I can conceive of now under the laws of the United States, except as to gold certificates, where the silver dollar can not be paid just as well as the gold dollar; and because the Secretary did not put in both gold and silver in that statement I do not think is a very grave crime, and I think the Senator is magnifying a very small matter.

Mr. DANIEL. Mr. President, if that was the only matter, it might be by itself not a great crime, I confess, not a very great one, if it had been done casually; but that offense against the American people has been committed by successive Secretaries of the Treasury, and as the Senator well knows it has created a false public impression. The Senator says it is true that the bonds are payable in gold and it is also true that they are payable in silver. The truth is that they are payable in coin, and so declared; but when the Secretary of the Treasury uses that language here he does not mean that they are payable in either gold or silver.

He is arguing this question for the purpose of showing what is our standard of value, what is our obligation to provide gold to meet the bonds. He goes on to say, quoting from the statute, that "the gold coins of the United States shall be a one-dollar piece, which at the standard weight of 25.8 grains shall be the unit of value." He is using this language in that connection for the purpose of deducing an argument that we are bound to pay gold to our bondholders.

Mr. President, I shall not go further in answering the questions

which have been suggested, but confining myself to the text of this bill I proceed to point out now what I conceive to be an objectionable feature.

The 4,500,000 ounces of silver which are to be purchased per month are to be stored away in the Treasury of the United States. Treasury notes of the United States are to be issued in payment for them; "and such Treasury notes shall be a legal tender in payment of all debts, public and private, except where otherwise expressly stipulated in the contract."

Now, in respect to the bonded debt of the United States, it is not "otherwise expressly stipulated in the contract," and by the concession made here to-day by the Senator from Ohio, which I was glad to hear, these bonds are not only payable in gold, as stated by the Secretary of the Treasury, but are payable also in silver equally. It is so provided in this bill that neither the 4,500,000 ounces of silver which you put in the Treasury nor that portion of these ounces which are permitted to become money—that not one single dollar can be manufactured out of that enormous bulk of bullion which is to consume the American product, nor can it be so handled under the mechanism of this bill as to be tendered in payment of a public obligation of the United States.

In other words, there is a capacity in this bill of producing \$69,660,000 of silver per year. Our American product of silver is something over \$50,000,000; but though under this bill you can take and store in the Treasury nearly seventy millions of silver, and not only absorb your own product, but take up the surplus existing product or a portion of the product of other nations, yet out of all that enormous bulk of silver bullion which is to be bought up and put into the Treasury of the United States not so much as one dollar thereof can ever be tendered to a public creditor of the United States in payment of the debt we owe him. Such an enormous discrimination against silver as that has never before existed in our legislation, except when it was completely demonetized, and was almost inconceivable to the wit of men until this bill emanated from the deft hands which prepared it.

Now, sir, I make that assertion in regard to this bill, that not one single dollar of the seventy millions of silver that may be carried to the Treasury under it per year in all these successive years through which that silver stream can flow there—that not one single dollar can ever be taken out of the Treasury under this law to discharge a dollar's worth of the public obligations of the United States. Why do I say this? Because the bonds of the United States are payable in coin, and if this enormous bulk of silver which is to be introduced into our financial system could become coined, then high and low, rich and poor, wage-earner and bondholder, soldier and civilian, would all stand upon the same plane as to silver and would receive a silver dollar as they would receive a gold dollar in discharge of a debt.

But it is also to be remembered that we have declared these bonds of ours to be payable in coin; it has ceased to be regarded as in good faith on the part of this nation to tender a greenback or a Treasury note in payment of them. So when the greenback or Treasury note is emitted and your silver is buried in the vaults of the Treasury, you have by that statute which declares that your bonds shall be payable in coin, and by this statute which declares that not a dollar of your silver product shall be coined, so parted the great bondholding, wealth-possessing people of this country from silver that you imprison the one where it can never escape into the light of a bondholding day, and elevate the other upon a plane of gold where it looks down derisively and turns up its nose at the poor incarcerated silver.

Here, then, while you are making a market for your silver to a certain degree and at a belittled price by giving authority to purchase 4,500,000 ounces a month, you are still depreciating the value of that silver bullion, you are still denying to it the royal right to become money, you are still treating it as a commodity in every way, shape, and form, both in its own material metallic substance and also in the amount of paper which you permit to represent it.

If finance were the mere matter of a day I would give my adhesion to this bill. It is better, in my judgment, that this bill should become a law than that no bill should become a law, and will be better for two, three, or four years to come in this respect, that it will increase the volume of your circulating medium and will to that degree, for a while, relieve to a certain extent the people of the country and do that much good. But this bill is a mere makeshift, it is a mere expedient for the nonce. It is a lawyer's plea put in to get the continuance of a case, and when the witnesses are ready and the jury are about to give a verdict against his client, it is fancied that if you make this experiment with silver and put it there as bullion, and then put out some paper money, you will throw a sop to Cerberus; that you will quiet to some degree the anxieties and respond to the demands of the people for more money. But, Mr. President, there is a day of judgment not far off that will sit upon this bill.

On the one hand it will soon be contended that this had been a mighty effort to restore silver and that it had failed; that paper money was being emitted instead of hard money, and the first administration that could get the power to do it would go to work and contract that currency and draw in the greenbacks, copying the unhappy experience which this nation went through just after our civil war.

Mr. President, I would invoke, on behalf of those true friends of silver coinage who believe in the doctrines which they have preached here, a firm and a steady hand. If they can conceive that the President would veto this bill, I would give that President the opportunity to do it. We do not know that he would or that he would not. We do not know, indeed, but that he may veto this bill. It is not our business to attend to his business. Let him do as he sees fit, according to the manner in which he may read his duty. But if the friends of free coinage here should abandon the field now to accept the substitute, then they are victors who give away more of their spoils than any victors who ever won a field of military or civic strife.

A large majority, as I believe, of the people of this country are behind their backs. You hear it from the wheat and corn fields of the West in tones that can not be mistaken. You hear it from the new Territories of the Union, where enterprise and energy are busy developing new farms and new mines and building up new cities. You hear it in the cotton and tobacco fields of the new South, and you see that even in the commercial centers of this country there are accessions day by day and week by week to those who advocate the doctrine of free silver money.

Many of the most eminent men of this country who live in the great commercial centers, and amongst them the distinguished Edwards Pierrepont, of New York, who was once the minister of our country to the court of St. James, the quiet thinkers who are not immediately engaged in shaving paper and buying bonds, all over this country are swelling and recruiting the silver ranks every day. The distinguished Senator from New York [Mr. EVARTS], if he represented any other State in this Union but New York, would have wound up the great silver speech which he made upon this floor by a peroration befitting its body in favor of free silver. Well did he say upon one occasion, and the figure of rhetoric was worthy of the fact, that the commerce and credit of the world was a great globe and that gold and silver metals were the Atlas which had to bear that burden.

All of his speeches and essays and doctrines have been in favor of silver. Almost he has been persuaded to give his voice and vote in favor of free silver. And with the voice of the people of this country at the back of the silver men North, South, East, and West, we stand up in this Congress noting every year of our experience such great accessions to our ranks that he must read the future with short-sighted eyes who can not see that victory is in the air and soon will be registered if those who carry its banners cling to them firmly at the pitch of the game.

Who would have thought ten or twelve or fifteen years ago that the Senate of the United States by seventeen majority could declare for free silver? It has been done, and it is the greatest intellectual triumph of a theory of finance which in my judgment has ever been witnessed in the world's history. Why, sir, but a few years ago when silver was introduced upon this floor it was scorned and derided. The man who dared to advocate the free silver dollar was called a lunatic. But now from all parts of this country so has that question been developed in argument and by experience, and so has it entered into the minds of men, that seventeen majority in this body has registered its decree in favor of it.

I am told that it is not decorous to speak of what is going on in the other side of the Capitol. I will therefore give my remarks upon that subject no personality or location, but simply refer in general terms to the fact that the breeze is blowing silverward wherever you come in contact in this country with the people or their Representatives.

Sooner or later Congress and the Executive have got to come in collision on this subject. Either in the next Presidential campaign somebody has got to be elected President of the United States who will stand up boldly and fearlessly for the money of the people and will not conceive that the sun rises and sets within the purlieus of banking houses in great cities; or sooner or later Congress and the Executive have got to come in collision on this subject. If this collision has got to come, why not let it come now?

There is no man who loves peace of all kinds more than I love it. I hate quarreling and I hate fighting; but if I have got to fight and must quarrel, here and now is the place where I always like to have it out. If a Democratic President was in the White House and was against silver, I should like to have the opportunity, as far as lies within my humble resources, to teach him a little true Democracy.

I am tired, heartily tired, of seeing the people of this country thwarted at every turn they take for greater freedom in the management of their finances. We have not had a representative man of the full free thought of the American people in the White House for so these many years; and as long as parties are so shaped and opinions are so warped by old issues and old quarrels that the mind of this country can not have fair play, we are not going to have any. You put a gold man on a silver platform and he will welcome the committee and will say that he indorses it every line and stands on every plank; but if he is elected President then comes in the interpretation. [Laughter.] Good Lord, deliver us from the interpreters and the interpretation! "Silver as money" was the Republican platform; silver as a prison commodity is the practice.

Mr. MITCHELL. While the Senator is on the subject of interpre-

tation, let me ask why did the Democratic party put nothing in their platform respecting silver? [Laughter.]

Mr. DANIEL. The Democratic party at the last convention was in the same hole that the Senator from Oregon is now. [Laughter.] I would have expected his sympathy. He has only emphasized his own unhappy condition. He has his whole body in the hole, and if I had been in his place I would not have poked my head out to point people to my unfortunate condition. [Laughter.]

So far as silver was concerned we had the elephant when the Democratic convention met at Chicago, and so far as silver is concerned you, gentlemen, have the elephant now. The elephant trod on silver in 1888 and he is treading on it now.

Mr. ALDRICH. Do you mean President Cleveland?

Mr. DANIEL. Yes, sir; of course I mean President Cleveland. [Laughter.] But there was just a little more independence amongst the Democrats than I see now—

Mr. ALDRICH. How will it be in 1892?

Mr. DANIEL. Mr. President, the prophecies upon gold and silver, as I read them in the record, are such as to warrant me in saying that a prophet is seldom without honor save in his own country. I can not venture to say anything about what will happen in 1892. I can not tell here what will happen in a week [laughter], and sometimes we are very much disappointed in what happens in a night. A prophet can only shoot at very short range in political affairs. But one thing I think I may venture to say; it is a mere belief, scarcely a prophecy; and that is, that in 1892 somebody will have to talk silver remarkably well or he will not be elected. What he may do afterwards no prophet can venture to say.

Observance of political platforms is not a virtue which has been remarkable in any of our public servants in recent times, and the political platform has come to be almost a useless piece of political furniture. The people a little later, I think, will look more at the man and his record than at his declarations. When the honorable Senator from Ohio [Mr. SHERMAN] can announce as his platform that he never has discriminated against silver and can now appear in the front ranks of the so-called silver men, there are obvious divergencies between the common acceptance of history and records and platforms which are as irreconcilable as the terms of this bill with its professions.

I am reminded in looking at this bill of what Macaulay remarked on one occasion about compromises. He observed that compromises are very illogical and seldom satisfactory, and as an illustration he observed that if two gentlemen of good character were to get into a dispute, and one were to insist that two and two made four, and the other that two and two made six, and were to submit the question to the arbitrament of mutual friends, the inevitable verdict rendered by the arbitrators would be about this: That having considered all the peculiar circumstances in this case, and while there was much in favor of the proposition of the one gentleman that two and two made four, and they could well understand how the other had derived a conviction that two and two made six, yet under the peculiar circumstances of the case they reached the conclusion that two and two made five. [Laughter.]

Arbitrators always divide and in all arbitrations in which men who think in opposite directions are trying to get upon the same platform an inevitable result is a heterogeneous and unsatisfactory product. When the Senator from Ohio, a believer in the single gold standard, a fighter against silver for a quarter of a century, a prophet who declared that \$50,000,000 of silver would deluge and ruin the country, and the honorable Senator from Nevada, who believes that the very atmosphere of the world would be improved by a little silver ingredient in it—when these two gentlemen pool their issues and the Senate is given the composite results, you will find that in every section of the bill two and two make five. [Laughter.]

The theory upon which our worthy silver friends have acted is that in order to restore silver to its parity with gold you have to give it the same functions and attributes which you attach to gold. I have read their speeches, and I have got so indoctrinated with their philosophy that I can no longer recognize it in this legislative expression, and I can not educate it out of me upon such short notice.

Now, gentlemen, if you will stand up to this fight you can win it, and if you run away from it you will lose it. A man is always going to stand up to the thing that he loves most. Whenever there be two men in the field and one is to be taken and the other left, you will always stand by the one you love most and let the other one that you do not like most be left. If you believe in the free coinage of silver, as you have induced the people of this country to believe—and I am one of your humble disciples—if it has all the good in it that you have said it had, if the degradation of it has the evil in it which you have said it had, if you love that principle of finance more than you do a little short, evanescent political adjustment of difficulties which in their nature are irreconcilable, you will stand by free silver and let the President of the United States take care of himself.

Mr. President, I am so devoted to the Democratic party that it seems almost a sacrilege to my heart when I think of anything that could make me part company with it. It has passed from my mind to my heart, into the region of affection, because it was my friend and my people's friend when friends were few and much wanted. But as much as I

love that party, as deeply as I am attached to it by the traditions of its history and my own, I had almost rather see a Republican President of this country with a financial system which would come to the relief of our whole people than to see a Democratic President treading out and crushing down as our Presidents have done those great aspirations of the American heart which have asked for a freer atmosphere and for fuller play to their energies and their hopes and their enterprises and their ambition.

I believe that the two old parties are enough for this country, for when you come to build up new political organizations you are putting out upon an unknown sea. But it would be better to have a new political party in this country than to have both of these old ones perpetually cringing—I perhaps ought not to use a term that might seem offensive, for offense I do not intend—but the two old political parties perpetually bowing and giving up their opinions and the opinions of the people whom they represent to those who, for the nonce, are in the Presidential chair.

Sir, there is a danger to republican institutions of this country lurking in the too great deference of Congress to Executive thought and action. While this Republic is scarce yet a hundred years old, there is no one who has studied the course of public opinion and has witnessed how it is perpetually foiled and set aside by the mechanism of legislation and Executive administration, who has not been convinced that in this country it is more difficult for public opinion to find its expression in legislative action than in almost any of the enlightened civilizations of the world.

In France with her Corps Législatif, in England with her Parliament, when the great body of those people have solemnly and deliberately made up their minds upon any public question, there is no cabinet, there is no crowned head or chief executive, there is no premier, there is no power, that can possibly resist that enlightened public judgment. But if you have a coterie of sharp, astute men in this country who are attached to either one of the political organizations and who possess elements, in a degree, of popularity and power, and if perchance the idea gets embedded in their brain that they are wiser than their day and generation, and that it is their duty to indoctrinate the organizations which have made them their heads and spokesmen with different views and different notions from those which have welled up from the great depths of the popular heart, such is the mechanism of our Government and so do its balances of power play against that volume of public sentiment that it is almost next to an impossibility to get the will of the people registered upon the statute-books and carried into a law.

Four or five years ago, when the President-elect of the United States, Mr. Cleveland, sent to Congress his message about silver, which had been preceded by his letter urging cessation from its coinage, if this had been in reality, as it is in theory, a representative government, his Cabinet would have resigned in a little while after his Administration came in. That great Democratic voice which was ready to burst forth in its legitimate expression would have recorded itself then as it is trying to record itself now, in favor of a freer and more liberal treatment of our silver money.

Mr. President, if you wish political badinage, if you propose to treat this subject as we might do upon the stump when you attack one speaker by showing that he is bad and you think you cover the whole case when you show he is worse, we might have "tit for tat" between our political opponents and ourselves, and at the end of the battle both of us would be worsted. But if there is to be a concession here, a reasonable concession ought always to be to a certain degree in order, but it ought not to be until you have exhausted your forces and until you have thrown the responsibility exactly where it belongs. Refuse this conference report, ask for a new conference, get this bill passed if you can, and send it to the President; if he vetoes it try to pass it over his veto. Why should you hesitate to give him an opportunity to veto it?

If I were President of the United States I should like to have the opportunity to veto a bill which I thought was wrong and injurious to the people. The popular mind attaches great dignity to the office of President. If this bill ought to be vetoed and he should veto it, he would be in a commanding position before the American people. He would say, "I was urged to do this thing, I thought it was wrong, and I vetoed it." You are not putting him into any bad position by giving him an opportunity to express his view and his conviction upon this subject. You would be putting him in the position which a wise and a brave man would crave the possession of.

If he has the courage to veto it, he would rejoice in the opportunity to exhibit that courage. If he has the wisdom to say that you are wrong and that the gold monopolists are right, he ought to rejoice in the opportunity of pointing out the errors of your ways and turning you into the right path. Therefore you can have no just, sensible, stable political motive for trying to adjust this issue between irreconcilable doctrines. Sooner or later it has got to be fought out. The people are not going to be content with a makeshift, an expedient. It postpones to the next session a battle which can be fought out here at this session.

Free coinage, if it is destroyed to-day, will come in to-morrow. You have gained nothing in putting this question off from one Congress to another. Four years ago it was almost ripe for action. It was post-

poned. It came up the next year, and then again and again and again, and now it is here, and it is on the very edge of victory if the leaders in the battle will stand up to those who have followed them. I do not feel, neither shall I speak towards any of them with any sense of bitter reproach. I appreciate their difficulties and I think I understand their feelings. It is natural to them, it is proper that they should desire to compromise, if compromise will effect the result. That is always the disposition of a just man. But it does seem to me that they have given away too much in this compromise and they have received too little. There can be but little inflation of our currency, even if this bill be carried out with good will and with a disposition to advance it to all intents and purposes.

If you will read the last report of the Secretary of the Treasury you will see the statement of the retirement of the national-bank notes. In this very year, 1889, with all your coinage of silver, counting the twelve months back there has been, if I may rely upon the reports that I see in the newspapers, a net contraction of the currency of the people of the United States. However that particular fact may be, in the last six years there has been an actual average contraction of your national-bank currency of \$30,000,000 per annum or \$2,500,000 per month. You have inflated your currency scarcely a dollar with all the silver that you are coining under the Bland act. A silver dollar has merely taken the place of another or paper dollar which was going out of circulation just as it came in.

If you were to give the most liberal scope and play to this measure, with its continuous and perhaps increasing retirement of your national-bank circulation, it is almost doubtful whether you will have any increase of your circulating medium, and certainly you will have but a very moderate increase when you contrast the demands of this great and growing and prosperous country with the financial resources which they rely upon.

Now, Mr. President, in conclusion, if I had the honor to occupy a position amongst the true friends of free silver that could give to my voice or advice any force or weight, I would say to them this: I do not seek extreme measures or factious opposition to any of the powers of our Government; but we represent here a great idea of the American people which has shown its dignity, its force, by an almost unexampled majority in this great body.

There is not a thing disrespectful to our colleagues in the other House of Congress; there is nothing inconsiderate to our colleagues here in saying to them in respectful terms: "We can not consent to this compromise; we will ask another conference; we will ask you to reconsider this upon the lines which we have presented in the Senate bill; we will do our duty to the uttermost to advocate and to enforce the idea which we believe to be best and most judicious for this nation; we will let responsibility go to whosoever may assume to take it, and if we be beaten after we have fought our battle game to the finish, then, and only then, will it be for us to consider the policy next to be pursued."

For two or three years, for a little while, this will in some degree please the people by the declaration that they have more money and by actually giving it to them, but silver is not going to rise to par under this bill. New difficulties are going to beset and thicken upon our pathway. In the mean time it will be contended, just as we see the gold men undertaking to contend here now, in the face of law, in the face of precedent, in the face of the plain truth, that we have adopted the single standard.

The Secretary of the Treasury, instead of correcting his ill-conceived and misused language, will go along and declare again that our bonds are payable in gold. The world will be deceived by our action. The mystery of interpretation will evolve out of the smoke and cloud of this statute ideas not contained in it. The New York papers and the financiers of the world will so iterate and reiterate their views of it; it will be twisted and tortured and turned in this direction and that; and meantime silver will be degraded as a mere commodity to be warehoused, not a dollar of it being coined, not one dollar of it more being sent out in its paper representative according to its dollar capacity.

Have our friends upon the other side, who stand here for the silver dollar, thought about that? Do they know the doctrine they are committing their votes to when they say, "We support this measure?" Not only are they submitting to the degradation of silver in its own proper substantial metal form, but they are submitting to its degradation in the documentary evidence which shall go forth to the world to represent it.

You do not permit that silver to be coined into as many dollars as it would make at the fixed ratio of 15.98 to 1, but the paper dollar which you sent forth as a silver representative is represented by only so many silver dollars in bullion as was the cost of that bullion. What this oracular language means in this bill when it refers to a ratio of silver I do not know, but there is a beckoning hand for an interpreter in this clause of this new measure:

It being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio or such ratio as may be provided by law.

In other words, there is an established policy with reference to some unknown and unstated ratio. It is very difficult to establish a policy

with reference to an unknown quantity. A straight line is said to be the shortest way between two points, but you can not locate the line until you first locate the points. How can you establish a policy about a ratio which is unexpressed and which, so far as this committee is concerned, is inexpressible? That ratio, which may be provided by law, it may be, is a larger ratio of silver in the silver dollar; and if we are to divine the thoughts of men from the mechanical structure of the statute which has come forth from their minds it would seem to be indicated by the structure of this statute, not that its projectors had their faces turned to the French ratio, but rather that they had their faces turned to some ratio that would put more silver, and not less, in the dollar.

Why? Because the paper representative of your silver bullion does not go forth into the world to represent as many dollars as that bullion could be manufactured into; and, as you are hoarding up in your Treasury a bulk of bullion in ounces not to be imparted dollarhood in paper or coin, the circumstantial evidence, if you were to look only to the body of the act, would lead to the deduction that you were keeping that in order to put more silver into your dollars at such a time as it might please you to coin those dollars.

Therefore this bill, with all the speculations and conjectures and diverse interpretations which are already put upon it (and many more may be evolved out of it), is not the solution of a question which ought to find its solution at this session of Congress; and while I am reluctant to vote against any measure which puts more money in circulation, and while, if I had fought this battle to its last expression, I am candid enough to say and to admit that I should rather have this bill, with all its objectionable features, than none, I can not bring my mind to assent to so awkward and incongruous a resolvent of a proposition which should be scientifically and justly treated instead of jumbled up with inconsistent provisions.

Mr. CAMERON. May I ask the Senator if he has finished?

The PRESIDENT *pro tempore*. Does the Senator from Virginia yield to the Senator from Pennsylvania?

Mr. DANIEL. I will let the Senator know. I have not quite finished.

Mr. CAMERON. I did not know whether the Senator had finished or not. If he has, I should like to have the vote taken on this question now.

Mr. DANIEL. I am sorry I can not accommodate the Senator. I am nearly through, though. I shall be through in a moment. I might have answered the Senator that I had finished, but I was not quite through.

Mr. CAMERON. I thought the Senator had finished.

Mr. DANIEL. I had about finished, but I am not quite through. I shall be through in a moment.

Concluding my observations, while I dislike to vote against any bill which would produce more money even for the time, I shall feel obliged to vote against this one unless those gentlemen who have been the advocates of free silver will first carry their logic to its ultimate conclusion and pursue it to the last ditch. When we get there, I shall be glad to do whatever may seem to be best under the circumstances; but we are not there yet, unless by their action.

Mr. MORGAN. Mr. President, I desire to take the floor on this bill, but I shall not be able to conclude my remarks this evening.

Mr. VEST. I ask the Senator if he will yield for a motion to adjourn.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3538) for the relief of Albert H. Emery.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 152) providing for the printing of eulogies delivered in Congress upon the late James Laird was read twice by its title, and referred to the Committee on Printing.

ALBERT H. EMERY.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3538) for the relief of Albert H. Emery, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: Strike out the words "one hundred and twenty-five" and insert in lieu thereof the words "seventy-five;" and that the Senate agree to the same.

JOHN C. SPOONER,

E. K. WILSON,

Managers on the part of the Senate.

M. M. BOOTHMAN,

JOHN M. FARQUHAR,

WM. C. F. BRECKINRIDGE,

Managers on the part of the House.

The report was concurred in.

TREASURY NOTES—SILVER BULLION.

Mr. SHERMAN. Before the motion of the Senator from Missouri is pressed, with the leave of the Senator, I should like to know whether

an hour can be fixed to-morrow for a vote on this report. This is the third day consumed in the consideration of the report of the committee of conference, and at this time of the session I think we ought to go on now and conclude it or else agree upon an hour to-morrow when we shall take the vote. Senators have the matter in their own hands. Practically they have occupied two or three days in discussing the conference report. I think Senators on this side of the Chamber, at least, are agreed that we ought to have a vote on the adoption of the report as soon as possible.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Ohio to submit any proposition?

Mr. SHERMAN. I will submit the proposition that at 2 o'clock to-morrow we shall take the vote.

Mr. COCKRELL. The Senate is very thin now. I only know of two or three Senators who desire to submit remarks upon the conference report, and just as soon as they have finished the vote can be taken. I see no occasion for any agreement about the matter. An agreement will not hasten final action upon the report. There will be no opposition, except in the way of legitimate discussion of it.

Mr. CULLOM. You agree to vote to-morrow, do you not?

Mr. COCKRELL. No; but I have no doubt we shall be able to take the vote to-morrow and before this time in the evening; but there is no occasion for making a formal agreement to that effect.

Mr. CAMERON. Do you agree to an hour to-morrow?

Mr. COCKRELL. I think we shall doubtless vote to-morrow, but we can not fix an hour now when the vote shall be taken.

Mr. CAMERON. Why not agree to fix an hour now?

Mr. SHERMAN. Unless we can make some agreement about taking the vote to-morrow I feel disposed to insist upon a ye-and-nay vote on the question of adjournment, because I do not think we ought to consume so much time upon a conference report; I have rarely known such a report to occupy more than a day. I admit that this is an important subject, yet the questions involved in it are few and simple, and I do not wish to prevent any one from discussing them; but if Senators will name an hour to-morrow when the vote can be taken, I have no doubt we can agree to it. There are many other matters pressing behind this. I think Senators on the other side might consent to set an hour to-morrow for the final vote.

Mr. COCKRELL. There will be no opposition to taking the vote as soon as the speeches are concluded, and they will not be any longer than there is occasion for. Let the Senator give notice that he will expect the Senate to dispose of the conference report to-morrow, and that notice will be enough.

Mr. SHERMAN. I give notice that to-morrow we shall try to sit this out even if we have to sit all night. I think it would not be exactly fair to insist upon the vote to-day, because notice to that effect has not been given.

Mr. VEST. I move that the Senate do now adjourn.
The PRESIDENT *pro tempore*. Does the Senator from Alabama yield to the Senator from Missouri?

Mr. MORGAN. I yield.

Mr. VEST. I make that motion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Missouri that the Senate do now adjourn.

The question being put, there were, on a division—ayes 21, noes 26.

Mr. HOAR. Before the Chair declares the result of the vote I ask unanimous consent to say that I forgot a pair which I have with the Senator from Delaware [Mr. GRAY], which I think I ought to observe on this question.

The PRESIDENT *pro tempore*. Did the Senator vote in the negative?
Mr. HOAR. I voted in the negative.

The PRESIDENT *pro tempore*. Then there are 21 votes in the affirmative and 25 in the negative. The Senate refuses to adjourn.

Mr. FAULKNER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TELLER. It is not in order, of course, to discuss this?

The PRESIDENT *pro tempore*. Debate can only proceed by unanimous consent. Is there objection to the Senator proceeding? The Chair hears none.

Mr. TELLER. What is the purpose, when it is understood that we are not to sit this out to-night, here at fifteen minutes to 6 o'clock to insist upon a Senator commencing his speech? We gain nothing by this. There will be time enough to-morrow, it seems to me, if it should then appear that there is any attempt to postpone this question improperly, to sit it out, but I do not think we should force Senators to go on at this time of night. For one, I am ready to adjourn.

Mr. COCKRELL. It must be perfectly manifest to the Senate that this measure will not be disposed of to-night.

Mr. EDMUNDS. Is debate in order?

The PRESIDENT *pro tempore*. Debate is proceeding by unanimous consent.

Mr. EDMUNDS. Then I object to debate.

Mr. COCKRELL. I do not think the measure will be disposed of to-night.

The PRESIDENT *pro tempore*. The Senator from Vermont objects to debate.

Mr. COCKRELL. I have not a bit of doubt that we shall dispose of it to-morrow, but I will not make any agreement about it. There is no occasion for any agreement. There will be no unnecessary delay in the discussion of this question, and I have not a particle of doubt that it will be disposed of to-morrow. Nobody wants to delay action upon it improperly or unnecessarily; but it will not be disposed of to-night.

Mr. SHERMAN. So far as my vote is concerned, I never like to take snap judgment, and with the assurance that has been given now by the Senator from Missouri, that this matter shall be closed to-morrow, so far as I am concerned I am willing to vote for an adjournment now. I do not want to compel the gentleman from Alabama to make a speech at this hour, but I shall insist, so far as I can to-morrow, that we sit this measure out and close it, although I think it ought to have been disposed of to-day.

Mr. CULLOM. The call for the yeas and nays had better be withdrawn.

Mr. TELLER. Let the call be withdrawn.

The PRESIDENT *pro tempore*. Is there objection to the withdrawal of the demand for the yeas and nays? ["None."] The Chair hears none.

The Chair will again submit the question: The Senator from Missouri [Mr. VEST] moves that the Senate adjourn.

The motion was agreed to; and (5 o'clock and 44 minutes p. m.) the Senate adjourned until to-morrow, Thursday, July 10, 1890, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, July 2, 1890.

UNITED STATES CONSUL.

Joseph Edward Hayden, of the District of Columbia, to be consul of the United States at Breslau.

REGISTER OF LAND OFFICE.

Adolph Dobrowsky, of Shasta, Cal., to be register of the land office at Redding (formerly Shasta), Cal.

RECEIVER OF PUBLIC MONEYS.

John W. Clark, of Bishop, Cal., to be receiver of public moneys at Independence, Cal.

TERRITORIAL OFFICERS.

James A. Miner, of Michigan, to be associate justice of the supreme court of the Territory of Utah.

Robert C. Rodgers, of San Francisco, Cal., to be a commissioner in and for the district of Alaska, to reside at Sitka.

UNITED STATES ATTORNEY.

Thomas E. Milchrist, of Illinois, to be attorney of the United States for the Northern district of Illinois.

COLLECTOR OF CUSTOMS.

James A. Pine, of Florida, to be collector of customs for the district of Fernandina, in the State of Florida.

UNITED STATES MARSHAL.

Henry C. Mahaffy, of Delaware, to be marshal of the United States for the district of Delaware.

POSTMASTERS.

Benjamin F. Wagenseller, to be postmaster at Selin's Grove, in the county of Snyder and State of Pennsylvania.

George Griffith, to be postmaster at Kane, in the county of McKean and State of Pennsylvania.

John E. Junkin, to be postmaster at Sterling, in the county of Rice and State of Kansas.

Charles M. Heaton, to be postmaster at Lincoln, in the county of Lincoln and State of Kansas.

Executive nominations confirmed by the Senate, July 7, 1890.

UNITED STATES CONSUL.

Samuel H. Deneen, of Illinois, to be consul of the United States at Belleville.

PROMOTIONS IN THE NAVY.

Passed Assistant Surgeon Cumberland G. Herndon, to be a surgeon in the Navy.

Passed Assistant Surgeon Lucien G. Hemberger, to be a surgeon in the Navy.

APPOINTMENTS IN THE NAVY.

Norman Jerome Blackwood, a resident of Pennsylvania, and James Harper North, jr., a resident of New York, to be assistant surgeons in the Navy.

Executive nominations confirmed by the Senate July 9, 1890.

ASSISTANT TREASURER.

George L. Wellington, of Maryland, to be assistant treasurer of the United States at Baltimore, in the State of Maryland.

SURVEYOR OF CUSTOMS.

Charles Willner, of Iowa, to be surveyor of customs for the port of Burlington, in the State of Iowa.

RECEIVERS OF PUBLIC MONEYS.

Alpheus P. Hanson, of Sundance, Wyo., to be receiver of public moneys at Sundance, Wyo.

Hermion J. Nickerson, of Lander, Wyo., to be receiver of public moneys at Lander, Wyo.

Merris C. Barrow, of Douglas, Wyo., to be receiver of public moneys at Douglas, Wyo.

REGISTERS OF LAND OFFICE.

John E. Evans, of Casper, Wyo., to be register of the land office at Douglas, Wyo.

Ervin F. Cheney, of Lander, Wyo., to be register of the land office at Lander, Wyo.

Ben Wade Ritter, of Durango, Colo., to be register of the land office at Durango, Colo.

Joseph L. Stotts, of New Castle, Wyo., to be register of the land office at Sundance, Wyo.

PROMOTIONS IN THE NAVY.

Assistant Engineer Frank W. Bartlett, to be a passed assistant engineer in the Navy.

Second Lieut. Henry C. Haines, United States Marine Corps, to be a first lieutenant in that corps.

Second Lieut. James E. Mahoney, United States Marine Corps, to be a first lieutenant in that corps.

First Lieut. Allan C. Kelton, United States Marine Corps, to be a captain in that corps.

Second Lieut. William H. Stayton, Marine Corps, to be a first lieutenant in that corps.

PROMOTIONS IN THE ARMY.

Quartermaster's Department.

Lieut. Col. Richard N. Batchelder, deputy quartermaster-general, to be Quartermaster-General, with the rank of brigadier-general.

Fourteenth Regiment of Infantry.

Second Lieut. Frank F. Eastman, to be first lieutenant.

Twenty-fifth Regiment of Infantry.

Second Lieut. James O. Green, to be first lieutenant.

MINISTER RESIDENT.

Alexander C. Moore, of West Virginia, to be minister resident and consul-general of the United States at Siam.

SECRETARIES OF LEGATION.

George W. Fishback, of Missouri, to be secretary of the legation of the United States at Buenos Ayres.

H. N. Allen, of Ohio, to be secretary of the legation of the United States to Corea.

UNITED STATES CONSULS.

Woolman J. Holloway, of Indiana, to be consul of the United States at Stratford, Ontario.

William P. Pierce, of Georgia, to be consul of the United States at Trinidad.

Charles D. Joslyn, of Michigan, to be consul of the United States at Windsor, Ontario.

POSTMASTERS.

Dennis T. Flynn, to be postmaster at Guthrie, in the Territory of Oklahoma.

Charles B. Martin, to be postmaster at Lancaster, in the county of Fairfield and State of Ohio.

John Hopley, to be postmaster at Bucyrus, in the county of Crawford and State of Ohio.

Margaret A. Shirley, to be postmaster at Logan, in the county of Cache and Territory of Utah.

Frank M. Cameron, to be postmaster at Cameron, in the county of Milam and State of Texas.

Jacob W. Mills, to be postmaster at Kingfisher, in the Territory of Oklahoma.

Joseph B. Eldridge, to be postmaster at Norfolk, in the county of Litchfield and State of Connecticut.

James D. Caswell, to be postmaster at Narragansett Pier, in the county of Washington and State of Rhode Island.

Henry Bradley, to be postmaster at Elkhorn, in the county of Walworth and State of Wisconsin.

Asa E. S. Bush, to be postmaster at Niantic, in the county of New London and State of Connecticut.

George W. Randall, to be postmaster at Rockville, in the county of Tolland and State of Connecticut.

Carmi G. Hubbell, to be postmaster at Norwalk, in the county of Fairfield and State of Connecticut.

Hermion C. Coolbaugh, to be postmaster at Hamburg, in the county of Fremont and State of Iowa.

Henry L. Glos, to be postmaster at Elmhurst, in the county of Du Page and State of Illinois.

Robert M. Tindall, to be postmaster at Okolona, in the county of Chickasaw and State of Mississippi.

Victor Adams, to be postmaster at Little Falls, in the county of Herkimer and State of New York.

Charles E. Bardwell, to be postmaster at Tekamah, in the county of Burt and State of Nebraska.

John Barret, to be postmaster at Louisville, in the county of Jefferson and State of Kentucky.

William Joesbury, to be postmaster at Catskill, in the county of Greene and State of New York.

Henry F. Herrick, to be postmaster at Southampton, in the county of Suffolk and State of New York.

William T. Chapman, to be postmaster at Pawling, in the county of Dutchess and State of New York.

John M. Bentley, to be postmaster at Ada, in the county of Hardin and State of Ohio.

Charles H. Wood, to be postmaster at Cornwall-on-the-Hudson, in the county of Orange and State of New York.

William F. Roberts, to be postmaster at Saranac Lake, in the county of Franklin and State of New York.

Elmer M. Soles, to be postmaster at McKeesport, in the county of Allegheny and State of Pennsylvania.

James M. Brown, to be postmaster at Toledo, in the county of Lucas and State of Ohio.

Clinton F. Bonham, to be postmaster at Harrison, in the county of Hamilton and State of Ohio.

Miles G. Bulger, to be postmaster at Brownsville, in the county of Fayette and State of Pennsylvania.

William P. Bach, to be postmaster at Pottstown, in the county of Montgomery and State of Pennsylvania.

Judson A. Elliott, to be postmaster at Mansfield, in the county of Tioga and State of Pennsylvania.

William H. Pennell, to be postmaster at Duncannon, in the county of Perry and State of Pennsylvania.

Orrin H. Hollister, to be postmaster at Meadville, in the county of Crawford and State of Pennsylvania.

Theodore F. Ramsey, to be postmaster at Wayne, in the county of Delaware and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, July 9, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read.

The SPEAKER. Without objection, the Journal will be considered as approved.

RETURN OF A SENATE BILL.

The SPEAKER. The Chair lays before the House the following request of the Senate.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, July 7, 1890.

Ordered, That the Secretary of the Senate be directed to request the House of Representatives to return to the Senate the bill (S. 3751) to grant to the Mobile and Dauphin Island Railroad and Harbor Company a right to trestle across the shoal water between Cedar Point and Dauphin Island.

The SPEAKER. Without objection, the request of the Senate will be complied with. [A pause.] The Chair hears no objection.

THE LATE JAMES LAIRD.

Mr. STIVERS. Mr. Speaker, I ask for the present consideration of a privileged report. I am directed by the Committee on Printing to present the following report.

The Clerk read as follows:

Joint resolution (H. Res. 152) providing for the printing of eulogies delivered in Congress upon the late James Laird.

Resolved, etc., That there be printed of the eulogies delivered in Congress upon the late James Laird, a Representative from Nebraska, 6,000 copies; of which 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives. That the clerk of printing records be authorized to compile and index the eulogies and to write a biographical introduction for the same, and that the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of James Laird to accompany said eulogies, and for the purpose of engraving and printing and preparing said portrait and work the sum of \$3,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The report (by Mr. STIVERS) is as follows:

The Committee on Printing, to whom was referred the joint resolution (H. Res. 152) providing for the printing of the eulogies delivered in Congress upon the late James Laird, have considered the same and report it back with the rec-

ommendation that it do lie upon the table, and that the following joint resolution be adopted as a substitute therefor:

"A joint resolution (H. Res. 183) providing for the printing of eulogies delivered in Congress upon the late James Laird.

"Resolved, etc., That there be printed of the eulogies delivered in Congress upon the late James Laird, a Representative from Nebraska, 6,000 copies; of which 2,000 copies shall be for the use of the Senate and 4,000 copies shall be for the use of the House of Representatives, and that the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said James Laird to accompany said eulogies, and for the purpose of engraving and printing said portrait the sum of \$500, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated. That of the quota to the House of Representatives the Public Printer shall set apart 50 copies, which he shall have bound in full morocco with gilt edges, the same to be delivered, when completed, to the family of the deceased."

The SPEAKER. The question is on the engrossment and third reading of the substitute.

The substitute was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. RICHARDSON. Mr. Speaker, I want to say that as this resolution departs from the usual custom in cases of this kind it may be proper that a word of explanation be offered. The resolution provides for a much smaller number than the resolutions have usually provided in cases of eulogies, but the successor of Mr. Laird in this House [Mr. LAWS] has had his attention called to the fact, and he stated that that was satisfactory to him, therefore the committee reported the smaller number.

The substitute was then passed.

Mr. STIVERS moved to reconsider the vote by which the substitute was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed acts and joint resolutions of the following titles:

An act (H. R. 887) authorizing the erection of a hotel upon the Government reservation at Fortress Monroe;

An act (H. R. 6946) providing for the sale of navy-yard and United States naval hospital lands in the city of Brooklyn, N. Y.;

An act (H. R. 4635) granting certain privileges to the Union Railway Company, of Chattanooga, Tenn.;

An act (H. R. 516) to extend the limit for the erection of a public building at Springfield, Mo.;

An act (H. R. 9677) to authorize the county of Pulaski, in the State of Georgia, to maintain a high wagon and foot bridge across the Ocmulgee River at or near Hawkinsville, in the State of Georgia;

An act (H. R. 2361) for the relief of Asa Ellis, collector of internal revenue for the first collection district of California;

An act (H. R. 4562) for the admission of the State of Idaho into the Union;

An act (H. R. 11223) making an appropriation to supply a deficiency in the appropriation for compensation of Members of the House of Representatives and Delegates from Territories;

An act (H. R. 9048) to confirm the title to certain lands in the city of Sault Ste. Marie and State of Michigan, and to release any reversionary right of the Government of the United States therein;

An act (H. R. 8342) for the removal of the United States court-house building at Baltimore, Md.;

A joint resolution (H. Res. 166) authorizing J. B. Bernadon, United States Navy, to accept two vases presented to him by the Government of Japan; and

A joint resolution (H. Res. 183) to provide for the unexpended balance (\$99,439.07) for discharging claims of letter-carriers for extra compensation under the eight-hour law, approved May 24, 1888, and appropriated for the fiscal year ended June 30, 1888.

ALBERT H. EMERY.

Mr. FARQUHAR. Mr. Speaker, I call up the conference report on the bill (H. R. 3538) for the relief of Albert H. Emery.

The SPEAKER. The question is upon the adoption of the report.

Mr. BYNUM. I desire to be heard on that.

The SPEAKER. The gentleman from New York.

Mr. FARQUHAR. I—

Mr. BYNUM. The "gentleman from Indiana" addressed the Speaker.

The SPEAKER. The gentleman from New York had signified that he desired to move the previous question.

Mr. BYNUM. He did not say so. The gentleman was entitled to the floor, but surrendered it.

The SPEAKER. The gentleman from New York did not surrender it except for a vote. He has a right not to take up time if he sees fit; but he has the right to be recognized to make his motion.

Mr. BYNUM. But if he surrendered the floor for one purpose he surrenders it for everything. Therefore, he has not the right to—

The SPEAKER. The gentleman from New York did not surrender the floor; but if it was not necessary to move the previous question he would not do so.

Mr. BYNUM. He did surrender the floor.

Mr. FARQUHAR. The gentleman from Indiana is somewhat previous. The gentleman from New York had no intention to surrender the floor. Knowing his own rights in bringing up this report, he had no idea of surrendering them. Now I move the previous question on the adoption of the report of the conference committee.

Mr. DOCKERY. Will there be any debate on that?

The SPEAKER. There will be twenty minutes' debate on a side after the previous question is ordered.

The question was put; and the Speaker announced that the "noes" seemed to have it.

Mr. FARQUHAR. Division.

The House divided; and there were—ayes 91, noes 78.

Mr. BYNUM. Tellers.

Mr. FARQUHAR. Yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 108, nays 67, not voting 153; as follows:

YEAS—108.

Adams, Mich.	Cooper, Ohio	La Follette,	Scully,
Allen, Mich.	Craig,	Laidlaw,	Smith, W. Va.
Atkinson, Pa.	Cutcheon,	Laws,	Snider,
Atkinson, W. Va.	Dalzell,	Lehlbach,	Spooner,
Banks,	Dingley,	Lind,	Stephenson,
Bartine,	Dolliver,	McCord,	Stewart, Vt.
Bayne,	Dunnell,	McDuffie,	Stivers,
Beckwith,	Evans,	McKenna,	Stockbridge,
Belknap,	Farquhar,	Moffitt,	Sweeney,
Bergen,	Featherston,	Morey,	Taylor, J. D.
Bliss,	Finley,	Morse,	Thomas,
Breckinridge, Ky.	Flick,	Niedringhaus,	Thompson,
Brosius,	Frank,	Oates,	Townsend, Colo.
Buchanan, N. J.	Funston,	O'Neill, Pa.	Townsend, Pa.
Burrows,	Gear,	Osborne,	Vandever,
Burns,	Gifford,	Owen, Ind.	Van Schaek,
Caldwell,	Grosvonor,	Owens, Ohio	Waddill,
Cannon,	Harmer,	Payne,	Walker, Mass.
Carr,	Haugen,	Payson,	Wallace, N. Y.
Caswell,	Henderson, Iowa	Perkins,	Washington,
Cheadle,	Hermann,	Peters,	Wheeler, Ala.
Cogswell,	Hitt,	Post,	Wickham,
Coleman,	Kennedy,	Quackenbush,	Williams, Ohio
Comstock,	Ketcham,	Ray,	Wilson, Ky.
Conger,	Kinsey,	Reed, Iowa	Wilson, Wash.
Connell,	Lacey,	Rockwell,	Wright,
		Rowell,	Yoder.

NAYS—67.

Abbott,	Clancy,	Hopkins,	Pennington,
Allen, Miss.	Cooper, Ind.	Kelley,	Pierce,
Anderson, Kans.	Covert,	Lanham,	Price,
Anderson, Miss.	Cripp,	Lester, Ga.	Quinn,
Barviss,	Culbertson, Tex.	Leater, Va.	Reilly,
Bland,	Cummings,	Lewis,	Reynolds,
Blount,	Davidson,	Martin, Ind.	Richardson,
Boatner,	Dibble,	McAdoo,	Robertson,
Brickner,	Edmunds,	McClellan,	Sayers,
Brookshire,	Ellis,	McCreary,	Stewart, Tex.
Brown, J. B.	Fithian,	McRae,	Stockdale,
Brunner,	Forman,	Moore, Tex.	Tillman,
Buchanan, Va.	Forney,	Mutcher,	Tracey,
Bullock,	Grimes,	Norton,	Whithorne,
Campbell,	Hayes,	O'Neill, Mass.	Williams, Ill.
Caruth,	Holman,	Parrett,	Wilson, W. Va.
Catchings,	Hooker,	Paynter,	

NOT VOTING—153.

Alderson,	Dickerson,	Mansur,	Sherman,
Andrew,	Dockery,	Martin, Tex.	Shively,
Arnold,	Dorsey,	Mason,	Simonds,
Baker,	Dunphy,	McCarthy,	Skinner,
Bankhead,	Elliott,	McClammy,	Smith, Ill.
Barnes,	Enloe,	McComas,	Smyser,
Belden,	Ewart,	McCormick,	Spinola,
Biggs,	Fitch,	McKinley,	Springer,
Bingham,	Flood,	McMillin,	Stahlnecker,
Blanchard,	Flower,	Miles,	Stewart, Ga.
Boothman,	Fowler,	Milliken,	Stone, Ky.
Boutelle,	Geissenhainer,	Mills,	Stone, Mo.
Bowden,	Gibson,	Montgomery,	Struble,
Breckinridge, Ark.	Goodnight,	Moore, N. H.	Stump,
Brewer,	Greenhalge,	Morgan,	Tarsney,
Brower,	Grout,	Morrill,	Taylor, E. B.
Browne, T. M.	Hall,	Morrow,	Taylor, Ill.
Buckalew,	Hansbrough,	Mudd,	Taylor, Tenn.
Bunn,	Hare,	Nute,	Tucker,
Butterworth,	Hatch,	O'Donnell,	Turner, Ga.
Candler, Ga.	Haynes,	O'Ferrall,	Turner, Kans.
Candler, Mass.	Heard,	O'Neill, Ind.	Turner, N. Y.
Carlton,	Hemphill,	Outhwaite,	Vaux,
Cheatham,	Henderson, Ill.	Peel,	Venable,
Chipman,	Henderson, N. C.	Perry,	Wade,
Clark, Wis.	Herbert,	Phelan,	Walker, Mo.
Clark, Ala.	Hill,	Pickler,	Wallace, Mass.
Clements,	Houk,	Pugsley,	Watson,
Clunie,	Kerr, Iowa	Raines,	Wheeler, Mich.
Cobb,	Kerr, Pa.	Randall,	Whiting,
Cochran,	Kilgore,	Rife,	Wike,
Cowles,	Knapp,	Rogers,	Wiley,
Crain,	Lane,	Rowland,	Wilkinson,
Culbertson, Pa.	Lansing,	Rusk,	Wilcox,
Dargan,	Lawler,	Russell,	Wilson, Mo.
Darlington,	Lee,	Sanford,	Yardley,
De Haven,	Lodge,	Sawyer,	
De Lano,	Magner,	Scranton,	
	Maish,	Seney,	

So the previous question was ordered.

The following pairs were announced:

Until further notice:

Mr. BAKER with Mr. SPINOLA.

Mr. EZRA B. TAYLOR with Mr. PHELAN.
 Mr. NUTE with Mr. BARNES.
 Mr. SCRANTON with Mr. PERRY.
 Mr. SKINNER with Mr. HALL.
 Mr. MUDD with Mr. RUSK.
 Mr. LANSING with Mr. WILLCOX.
 Mr. BOUTELLE with Mr. HERBERT.
 Mr. EWART with Mr. BUNN.
 Mr. CHEATHAM with Mr. CUMMINGS.
 Mr. SHERMAN with Mr. WILEY.
 Mr. DE LANO with Mr. DUNPHY.
 Mr. BINGHAM with Mr. MONTGOMERY.
 Mr. MOORE, of New Hampshire, with Mr. DARGAN.
 Mr. O'DONNELL with Mr. COBB, from July 3.
 Mr. BREWER with Mr. CLEMENTS.
 Mr. GROUT with Mr. FITCH.
 Mr. SMYSER with Mr. SENEY; not transferable.
 Mr. CLARK, of Wisconsin, with Mr. WALKER, of Missouri.
 Mr. WALLACE, of Massachusetts, with Mr. ANDREW, from July 3.
 Mr. CANDLER, of Massachusetts, with Mr. GEISSENHAINER.
 Mr. THOMAS M. BROWNE with Mr. STEWART, of Georgia.
 Mr. BANKHEAD with Mr. WADE.
 Mr. WHEELER, of Michigan, with Mr. CHIPMAN.
 Mr. STRUBLE with Mr. TURNER, of Georgia.
 Mr. MCCOMAS with Mr. FOWLER.

For this day:

Mr. BUTTERWORTH with Mr. ALDERSON.
 Mr. BOWDEN with Mr. SPRINGER.
 Mr. MASON with Mr. ROWLAND.
 Mr. HARK with Mr. ENLOE.

On this vote:

Mr. TAYLOR, of Illinois, with Mr. CRAIN.
 Mr. HENDERSON, of Illinois, with Mr. GOODNIGHT.

Mr. LODGE with Mr. TUCKER, until further notice, reserving the right to transfer on election cases, each agreeing to keep the other protected on such cases.

Mr. DARLINGTON with Mr. BUCKALEW, from the 3d until the 15th of July.

Mr. BELDEN with Mr. FLOWER, from July 3 for two weeks, or until further notice.

Mr. SAWYER with Mr. TURNER, of New York, from July 3 until July 11, 1890; not transferable.

Mr. HARE with Mr. HANSBROUGH, on Conger lard bill, Butterworth option bill, and original-package bill, from July 3 to August 6, 1890; not transferable.

Mr. WATSON with Mr. MORGAN, until August 1, 1890.

Mr. ARNOLD with Mr. MAGNER, from Thursday, for ten days.

Mr. PUGSLEY with Mr. HAYNES, from July 3, for two weeks.

Mr. BOOTHMAN with Mr. COWLES, until July 14, 1890; not transferable.

Mr. KERR, of Iowa, with Mr. WILSON, of Missouri, from July 4 to July 20; not transferable.

Mr. BROWNE, of Virginia, with Mr. CLARKE, of Alabama, until Wednesday next.

Mr. TAYLOR, of Tennessee, with Mr. MANSUR, from July 7 to July 10; not transferable.

Mr. MCKINLEY with Mr. MILLS, until August 1.

Mr. DE HAVEN with Mr. BIGGS, on all questions except silver bill, bankruptcy, and national-bank legislation.

Mr. SANFORD with Mr. O'FERRALL, until Tuesday.

Mr. FARQUHAR. I ask unanimous consent to dispense with the recapitulation of the vote.

Mr. BYNUM. I object.

The vote was recapitulated.

Mr. BYNUM. Mr. Speaker, I desire to change my vote from "nay" to "yea."

The SPEAKER. The name of the gentleman from Indiana will be called.

The name of Mr. BYNUM was called, and he voted "yea."

The result of the vote was then announced as above recorded.

Mr. BYNUM. I move to reconsider the vote by which the previous question was ordered.

Mr. FARQUHAR. I move to lay the motion on the table, and on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 109, nays 57, not voting 162, as follows:

YEAS—109.

Adams,	Burrows,	Cooper, Ohio	Featherston,
Allen, Mich.	Caldwell,	Craig,	Finley,
Atkinson, Pa.	Cannon,	Crain,	Flick,
Atkinson, W. Va.	Carter,	Cutcheon,	Frank,
Banks,	Caswell,	Dalzell,	Funston,
Bartine,	Cheadle,	Dingley,	Gear,
Belknap,	Cogswell,	Dolliver,	Gest,
Bergen,	Coleman,	Dorsey,	Grosvenor,
Breckinridge, Ky.	Comstock,	Dunnell,	Harmer,
Brosius,	Conger,	Evans,	Haugen,
Buchanan, N. J.	Connell,	Farquhar,	Henderson, Iowa

Hermann,	Morey,	Rockwell,	Townsend, Pa.
Hitt,	Morrow,	Rowell,	Turner, Kans.
Kelley,	Morse,	Scul,	Vandever,
Kennedy,	Niedringhaus,	Smith, W. Va.	Van Schaick,
Ketcham,	Oates,	Snider,	Waddill,
Kinsey,	O'Neill, Pa.	Spooner,	Walker, Mass.
Lacey,	Osborne,	Stephenson,	Wallace, N. Y.
La Follette,	Owen, Ind.	Stewart, Vt.	Washington,
Laidlaw,	Payne,	Stivers,	Wickham,
Laws,	Payson,	Stockbridge,	Williams, Ohio
Leibach,	Perkins,	Stone, Ky.	Wilson, Ky.
Lind,	Peters,	Swency,	Wilson, Wash.
McCord,	Post,	Taylor, Ill.	Wright,
McDuffie,	Quackenbush,	Taylor, J. D.	Yoder,
McKenna,	Ray,	Thomas,	
Milliken,	Reyburn,	Thompson,	
Moffitt,	Rife,	Townsend, Colo.	

NAYS—57.

Abbott,	Candler, Ga.	Kilgore,	Paynter,
Allen, Miss.	Caruth,	Lanham,	Pennington,
Anderson, Kans.	Clancy,	Lee,	Reilly,
Barwig,	Cooper, Ind.	Lester, Ga.	Richardson,
Bayne,	Covert,	Lester, Va.	Sayers,
Boutner,	Davidson,	Lewis,	Stewart, Tex.
Breckner,	Edmunds,	Martin, Ind.	Stockdale,
Brookshire,	Forman,	Martin, Tex.	Tillman,
Brown, J. B.	Forney,	Mason,	Whithorne,
Brunner,	Grimes,	McClellan,	Wike,
Buchanan, Va.	Hayes,	McCreary,	Williams, Ill.
Bullock,	Heard,	McRae,	Wilson, W. Va.
Burton,	Holman,	Norton,	
Bynum,	Hooker,	Outhwaite,	
Campbell,	Kerr, Pa.	Parrett,	

NOT VOTING—162.

Alderson,	Cummings,	Lodge,	Russell,
Anderson, Miss.	Dargan,	Magner,	Sanford,
Andrew,	Darlington,	Maish,	Sawyer,
Arnold,	De Haven,	Mansur,	Scranton,
Baker,	De Lano,	McAdoo,	Seney,
Bankhead,	Dibble,	McCarthy,	Sherman,
Barnes,	Dickerson,	McClammy,	Shively,
Beckwith,	Dockery,	McComas,	Simonds,
Belden,	Dunphy,	McCormick,	Skinner,
Biggs,	Elliott,	McKinley,	Smith, Ill.
Bingham,	Ellis,	McMillin,	Smyser,
Blanchard,	Elloe,	Miles,	Spinoia,
Bland,	Ewart,	Mills,	Springer,
Bliss,	Fitch,	Montgomery,	Stahneck,
Blount,	Fishan,	Moore, N. H.	Stewart, Ga.
Boothman,	Flood,	Moore, Tex.	Stone, Mo.
Boutelle,	Flower,	Morgan,	Struble,
Bowden,	Fowler,	Morrill,	Stump,
Breckinridge, Ark.	Geissenhainer,	Mudd,	Tarsney,
Brewer,	Gibson,	Mutcher,	Taylor, Tenn.
Brower,	Gifford,	Nute,	Taylor, E. B.
Browne, T. M.	Goodnight,	O'Donnell,	Tracey,
Browne, Va.	Greenhalge,	O'Ferrall,	Tucker,
Buckalew,	Groat,	O'Neill, Ind.	Turner, Ga.
Bunn,	Hall,	O'Neil, Mass.	Turner, N. Y.
Butterworth,	Hansbrough,	Owens, Ohio	Vaux,
Candler, Mass.	Hare,	Peel,	Venable,
Carlton,	Hatch,	Perry,	Wade,
Catchings,	Haynes,	Phelan,	Walker, Mo.
Cheatham,	Hemphill,	Pickler,	Wallace, Mass.
Chipman,	Henderson, Ill.	Pierce,	Watson,
Clark, Wis.	Henderson, N. C.	Price,	Wheeler, Ala.
Clarke, Ala.	Herbert,	Pugsley,	Wheeler, Mich.
Clements,	Hill,	Quinn,	Whiting,
Clunie,	Hopkins,	Raines,	Wiley,
Cobb,	Houk,	Randall,	Wilkinson,
Cothran,	Kerr, Iowa	Reed, Iowa	Willcox,
Cowles,	Knapp,	Robertson,	Wilson, Mo.
Crisp,	Lane,	Rogers,	Yardley,
Culbertson, Tex.	Lansing,	Rowland,	
Culbertson, Pa.	Lawler,	Rusk,	

So the motion to reconsider was laid on the table.

The following additional pairs until further notice were announced:

Mr. GREENHALGE with Mr. WHITING.

Mr. WHEELER, of Michigan, with Mr. LANE.

Also the following for the rest of this day:

Mr. HENDERSON, of Illinois, with Mr. GOODNIGHT.

Mr. GIFFORD with Mr. DIBBLE.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 8245) to provide for the disposal of the abandoned military reservations in Wyoming Territory.

A bill (H. R. 9104) granting to the Jacksonville, St. Augustine and Halifax River Railway Company a right of way across the United States military reservation at St. Augustine, Fla.

The Clerk proceeded to recapitulate the names of members voting.

Mr. STEWART, of Vermont. Mr. Speaker, I ask unanimous consent that the reading of the names be dispensed with.

Mr. BYNUM. I object.

The Clerk completed the recapitulation.

The result of the vote was then announced as above recorded.

The SPEAKER. Twenty minutes on either side are allowed for debate.

Mr. FARQUHAR. Mr. Speaker, I desire to occupy the attention of the House for only a few minutes in connection with this conference report. This Emery claim has been before both Houses of Congress for the past ten years. At each session since 1880 bills have been in-

roduced appropriating \$200,000 to settle the claim, and those bills have met with varied success in the Senate and in the House. Seeing that the amount now called for by the conference report is only \$75,000, I desire, for the information of the House, to recapitulate, as far as my knowledge goes, the previous action of Congress upon this subject. The first bill was introduced for the payment of Mr. Emery in the Forty-sixth Congress, in April, 1880. The amount named in the bill was \$200,000. That bill was not reached on the Calendar in that Congress. In the Forty-seventh Congress the Senate passed a bill appropriating \$225,000.

In the House a bill appropriating \$200,000 was reported and placed on the Calendar, but it was not reached. In the Forty-eighth Congress the Senate passed a bill appropriating \$200,000, and in the House a bill was reported appropriating \$100,000, but it was not reached on the Calendar. In the Forty-ninth Congress a bill appropriating \$200,000 passed the Senate, and in the House a bill was passed appropriating \$63,151.62. In the conference between the two bodies in the Forty-ninth Congress, as many gentlemen will remember, a compromise was reached, fixing the amount at \$100,000, Mr. Trigg, a Democratic member of the House, being the leader in the conference at that time. That bill went to the President and was neither signed nor vetoed. In the Fiftieth Congress the Senate again reported and passed a bill for \$200,000 which was not reached on the Calendar, and in the House a bill appropriating \$150,000 was reported, but was not reached for consideration. In this Congress, as we all know, the Senate bill was for \$200,000, and the bill reported from the House committee was for \$75,000.

The later proceedings in respect to this matter have been in the committee of conference. The conferees met and the Senate agreed to pass the bill at \$125,000, but the vote of the House was for \$50,000. It may seem somewhat anomalous that three members of this House, appointed as conferees on this claim, should come back from a second conference recommending an appropriation of \$75,000, the same amount that they reported on the first conference; but the reasons, I think, are very plainly set forth, and they consist in large part of transcripts from the previous proceedings of this House upon this subject. As a member of that conference committee, I want to say that it was my own judgment that fairness and justice toward this man required that the amount should be \$125,000, and I was ready to favor that amount. When we met in conference, as is customary among conferees, as every gentleman here well knows, we took what we thought was the consensus of opinion at the time the vote was had in the House fixing the amount at \$50,000.

We considered that at that time some gentlemen were of opinion that the amount was not sufficient, and bearing that fact in mind, remembering that this claim had been ten years before Congress, had been sifted and attacked by ridicule and otherwise, and had been brought down from the original amount of \$200,000, and from the amount of \$100,000, which the Forty-ninth Congress had agreed upon, to \$75,000, and remembering, also, that there certainly was no new evidence in the case to show fraud or any lack of self-sustaining power in the claim—bearing in mind all these considerations, we felt that there was nothing in the present attitude of the case to justify any conferee in going below \$75,000, the amount here proposed. For these reasons I, with the other conferees on the part of the House, agreed to report the amount at \$75,000, and, after much higgling on the part of the Senate, their conferees agreed to come down to that sum. Now, if there is any criticism to be made upon the House conferees for coming back with the same amount of money that they came with before, I am satisfied that any of the House conferees can fully explain the action of the committee, and show that in fairness and justice to this claimant we could not have brought in a report for a less amount.

I have no desire to discuss the merits of this matter at length, because it has been thoroughly discussed for at least four Congresses, but I want to call attention to one point which came before the conferees. In Executive Document No. 74, Forty-sixth Congress, will be found a statement of this case. At that time the committee examined and sifted every paper offered in evidence and vouchers were produced, vouchers sworn to, and some of them under seal, by which Mr. Emery established such a claim as could be established in any court of the United States, for \$103,949.37. In that amount, however, was included \$21,801.55 of salary. In our conference we discussed that, and we all agreed that as this salary item had been the chief bone of contention in the debate we would drop it out, and then there was remaining a sum of \$82,142.82, which I, as a Representative upon this floor, claiming the common honesty of a man and a citizen, believe Mr. Emery can show by vouchers that he is clearly entitled to, and I vindicate my signature to this conference report by reference to those figures. I feel that upon these papers alone I can vindicate my signature to this report.

Mr. HOPKINS. Will the gentleman allow me a question?

Mr. FARQUHAR. Certainly.

Mr. HOPKINS. If Mr. Emery could only show vouchers for a little over \$82,000, why is it that, as the gentleman says, bills have been passed in previous Congresses allowing him all the way from \$100,000 to \$200,000?

Mr. FARQUHAR. I will explain. There were two patents involved, one of which was certainly worth over \$50,000; and the United States, when they got this machine, took both the patents that belonged to Mr. Emery, who before that time could have sold his patents to a syndicate for five times that amount, as appears in Executive Document No. 74.

Mr. TILLMAN. What were those patents for? Were they for a hydraulic press and hydraulic weighing-machine?

Mr. FARQUHAR. My friend from South Carolina [Mr. TILLMAN] and I have discussed this question before.

Mr. TILLMAN. I have ransacked the Patent Office, and I know all about it.

Mr. FARQUHAR. That may be so.

Mr. TILLMAN. I asked what those patents were for.

Mr. FARQUHAR. The members of the commission themselves knew the worth of those patents, and never supposed when Mr. Emery was to build this machine that there was to be any surrender of his private property in those patents. What was wanted was a machine for \$31,500 with no surrender of the patents. No one ever thought the United States would appropriate the product of this man's brain extending over twenty years and give it to the public. It was in view of these circumstances that a sense of justice dictated the putting of \$200,000 in some of these bills.

Mr. HOPKINS. If that amount was dictated by a sense of justice how is it that we have reports for less amounts? If Mr. Emery is entitled, as you claim, to \$200,000, why do you not insist on doing him full justice?

Mr. FARQUHAR. Let me tell the gentleman from Illinois that I am dealing with this question upon a conference report, and I can not allow myself to be controlled by any action heretofore.

Mr. HOPKINS. Is it not the fact that during the ten years this claim has been pending before Congress no two reports have fixed a like amount?

Mr. FARQUHAR. Certainly.

Mr. HOPKINS. They have all been different.

Mr. FARQUHAR. And the gentleman may take any claim against the United States pending for years in Congress, and no two reports will agree.

Mr. HOPKINS. I do not concur with the gentleman in that. If Mr. Emery has a just claim, which can be figured up in dollars and cents, there is no reason why the amount should be different every time the claim comes before the House.

Mr. FARQUHAR. Does the gentleman from Illinois take any exception to the vouchers in this case?

Mr. HOPKINS. I take exception to the entire claim. I hold that it is an unjust claim from beginning to end.

Mr. BUCHANAN, of New Jersey. Did the gentleman ever know two juries to fix precisely the same amount of damages in the same case?

Mr. FARQUHAR. Never unless they were acting under some kind of "civil service rules" that I do not understand.

Mr. STEWART, of Vermont. And did any gentleman ever know Congress to pay a just claim against the Government in full? [Laughter.] I never heard of such a case.

Mr. HOPKINS. Well, Mr. Speaker, because the Government has not done justice to some other parties, that is no reason why an improper and unjust claim should be allowed.

Mr. FARQUHAR. I grant that.

Mr. CUTCHEON. If this claim is unjust and without foundation, how does it happen that five different committees of this House have reported upon it favorably?

Mr. HOPKINS. In every instance there has been a division of opinion in the committee, one portion of the committee holding the claim to be unjust and without proper foundation.

Mr. CUTCHEON. In no single instance has any committee that examined the claim failed to report upon it favorably; and no committee has reported in favor of paying less than \$100,000.

Mr. HOPKINS. But there has been a minority report in every case.

Mr. FARQUHAR. I yield to the gentleman from Kentucky [Mr. BRECKINRIDGE] whatever time he may desire.

Mr. BRECKINRIDGE, of Kentucky. I will reserve my time for the present.

The SPEAKER *pro tempore* (Mr. ALLEN, of Michigan). Ten minutes have been occupied on that side. The Chair now recognizes the gentleman from Indiana [Mr. BYNUM] as controlling the time on the other side.

Mr. BYNUM. I think the time which has been taken up in answering these questions should be deducted from the time on the other side.

The SPEAKER *pro tempore*. It has been.

Mr. BYNUM. I yield five minutes to the gentleman from Illinois [Mr. WILLIAMS].

Mr. WILLIAMS, of Illinois. Mr. Speaker, I am not sure that members fully understand from the reading of the apology filed by the committee the amount of this donation. [Laughter.] A great many members, especially on this side of the Chamber, do not fully under-

stand what there is in this claim that gives it such a preference over other claims against this Government which have been favorably reported upon time and again by the appropriate committees. I have heard it said that it is easier to get through this House a claim for a large amount than one for a small sum; and the history of this claim in this House corroborates that statement. There seems to be an unusual eagerness on the part of several members of this body to give this claim every advantage that it can have when it comes before the House. At the same time there are hundreds of just claims for \$100, \$200, \$300, and other small amounts, in favor of claimants who really need the money, who are not able to come here and lobby for their claims; yet all these small claims, favorably reported after a full investigation of all the evidence in the cases, are and have been denied any consideration in this House, although more than seven months of this session have elapsed.

Why is it, Mr. Speaker? I say that until this Government shall have paid its just debts, its honest, valid obligations, it ought not to engage in the business of donations of this character; and until then I shall oppose the passage of any bill embodying such features as this bill embodies. There is no reason why these other bills should be crowded out and have no consideration whatever given to them.

What is there in this bill, unless it be the amount it carries, that enlists the support of the members of this House, the friendship of the Speaker, and the majority of the House, to rush it through here while at the same time denying, as this House has done for more than seven months, the consideration of these small claims that the Government justly owes and which ought to have been paid long ago?

Now, I am as much in favor of true economy as any one, but I do not want to see the honor of this Government sacrificed, or just and honest claims defeated by denying them consideration, under the pretense of economy. The Government is able to pay its just debts, and it ought to pay them, and until they are paid the members of this body should not come here and vote a donation of \$75,000 on a claim of this character, the friends of which have been forced to admit on the floor of the House, in the discussion of the merits of the case, that there was not a shadow of obligation on the part of the Government to pay it.

I reserve any portion of the time yet remaining to me.

Mr. BYNUM. I now yield ten minutes to the gentleman from South Carolina [Mr. TILLMAN].

Mr. TILLMAN. Mr. Speaker, as I have already spoken twice on this bill during the present session of Congress, I would not have said anything at this time if the conference report published in the RECORD of this morning had not asserted as a fact that I had promised not to oppose the bill if reported for \$75,000, as agreed upon in conference. Sir, I assert that I never made any such promise.

Mr. FARQUHAR. Why is that statement in the RECORD and without correction?

Mr. TILLMAN. It is printed in the RECORD, but it is not true.

Mr. FARQUHAR. I simply took it from the RECORD, and the gentleman has never denied it.

Mr. TILLMAN. It is not a fact. I did say possibly I might not speak against the conference report if \$75,000 were agreed upon. But I expressly told the gentleman from Tennessee [Mr. McMILLIN] that I reserved the right to vote against it, because from first to last, after a most thorough and careful investigation of the subject, I was convinced that the claim was a fraud, and I never would agree that the Government owed this man a dollar.

A claim pending before Congress is analogous to a private lawsuit, a suit between individuals in a court of justice, but with this difference: In a court of justice both the plaintiff and the defendant take active part in presenting or combating the claim. They hunt up their testimony; they see that the facts are brought out pro or con, in order that justice may be done. They have an attorney to represent them. But here in Congress, in addition to being judge and jury, we have through the Committee on Claims to act as our own defendant in getting the Government's side of the case as best we can. We have no attorney to see that justice is done to the Government. We have no record testimony furnished by the Government, and we have no witnesses except such as the members of Congress may have time to look up, or who may volunteer their testimony, and in many cases the witnesses live thousands of miles away. It is no short distance from here to Massachusetts.

There is a great defect in the manner in which claims are presented here. If a bill, or a petition rather, were required to be filed in the Federal district court where the claim arises by every claimant against the Government, and the local district attorney were made to join issue, after three or four weeks' notice, and get up the testimony for the Government, before a jury of the vicinage, whose verdict should be treated not as a judgment but merely as opinion of the merits of the claim, then require the whole record to be certified to Congress with the opinion of the judge and district attorney, then, in that event, we would have some data to proceed upon here. But what data have we on which to predicate our action for about nine-tenths of the claims that come before this body? What data have we in the present instance? Very little, except the *ex parte* statement of the claimant himself. I took a good deal of trouble to investigate this case, and reluctantly came to the conclusion that it was a fraud from the man's own papers

as presented by the Secretary of War to the Forty-sixth Congress. Besides that, from the cross-examination I made of the claimant himself I became entirely satisfied that his claim had no equity.

But it has been said—has been alleged by the Speaker of this House on a former occasion—that the man Emery had *carte blanche* to make this dynamometer at whatever expense he might think necessary. I quote from the Speaker of the House in 1887:

If this were a mere case of contract to build a machine, the nature and limitations of which contract were well understood by both sides, there would be no reason on earth why the loss should not rest where it fell. But here is a contract to build a machine the like of which never existed on the face of the earth. That machine has been built by the inventor without the slightest regard to terms of the contract.

Why, Mr. Speaker, dynamometers are as common as any other machines. Every important machine-shop, every rolling-mill, and all contractors or engineers engaged in erecting buildings, or bridges, or other structures requiring the determination of the tensile, torsional, or crushing strength of materials have dynamometers. They are common; and this man Emery sought the contract himself to build one for this Government. He executed a bond for \$35,000 to build the machine in five months; and when I first asserted on this floor in the early part of the session that he had given such a bond and entered into such a contract with the specifications it was questioned. But I have got the original papers here now before me. Here is the original bond executed by him, as well as the original contract embodying the specifications signed by him; so that the denial that such a bond and contract existed is all stuff. The Government had a good dynamometer, but it wanted a stronger one, and let this man build it, giving him his own time, and he piddled along at it for five years, and then set up a claim for \$5,000 a year salary, and charged 7 per cent. compound interest to swell his charges.

But it is said for this man that he has constructed a most wonderful machine. Quoting from the Speaker again, he says that the machine will measure the resistance of a horse hair, or record the resistance of a 4-inch bar of iron.

Now, that proves too much. Who wants a dynamometer that can record the resistance that a horse hair offers to being broken? Who wants in a bridge or a house or gun-carriage or anything made out of wood, or metal, or stone so feeble as to amount only to the resistance of a horse hair? Besides that, if it records the resistance of a horse hair, as alleged, it would require a microscope of such power to note it that I doubt if there are half a dozen in the United States capable of measuring it. And even if it did, he obligates himself in this bond that the recording scale shall be much more sensitive and much more severely accurate than the famous Fairbanks scales. So if it does what is claimed, he bound himself to do it. But, as I said, this proves too much, not only because nobody cares about a dynamometer that will break a horse hair, nor is it requisite to break a bar of iron or steel 4 inches in diameter.

Before this dynamometer and some others of the same capacity were constructed they would break a little bar of steel or iron and then estimate by proportion what the strength would be of a larger bar. But the Speaker claims wonderful merit for this, because it can break a 4-inch bar of iron or steel. Do you not see at once that would take away all the profit of building the bars of a bridge or the iron girders for a house? Would a rolling-mill in Pittsburgh or farther West ship all these things to the Watertown arsenal to see whether they could stand the maximum strain or not? It would eat up all the profit.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. TILLMAN. I ask two or three minutes more.

Mr. BYNUM. I can not spare three minutes. I will yield two minutes more.

Mr. TILLMAN. I wish I had time to go into details. There is only one other point I want to present to the House, and it is with reference to the pretended equity of this man's claim for Government use of his patents in the machine. It is asserted here, and many gentlemen have voted for the claim upon the pretext, that the Government appropriated this man's patents. I assert that he never took out any patent between 1872 and 1882. I have traced his career from beginning to end through the Patent Office and have got all the details and memoranda here to prove that he never took out any patent while he was building this machine, nor did he take out any patent between 1872 and 1882.

There was one reissue of a patent for a hydraulic press. But a reissue is no new patent. That was merely issued to him to cover matter that he had omitted when he took out his patent in 1872, before he began to construct this machine. So it is untrue to say he has had patents appropriated by the Government that he invented while building the machine. He did take out some patents in 1882 and since that time for scales, which he has assigned to the Emery Scale Company. He also obtained a patent in 1872 for a hydraulic weighing machine, which, if he incorporated in the Watertown dynamometer, he obligated himself to do it. Hence, to sum up, Emery has merely executed a contract which he sought himself and which he gave a bond of \$35,000 to execute. True we have got the opinion of army officers that he ought to be paid \$200,000 for his "genius, fidelity, and services." That is all.

The real facts have not come out, and, as I said, if a jury of the district court of Massachusetts, where Watertown arsenal is situated, could pass upon this claim, this man would not get a dollar.

[Here the hammer fell.]

Mr. BYNUM. Mr. Speaker, this claimant contracted with the Government to construct this machine for \$25,000. That contract was made in writing. The Government desired some changes, or asked that the machine be constructed of heavier material. He entered into a subsequent contract in writing to complete the machine in accordance with the wishes of the Government officials or the agents of the Government for \$31,000. That contract was made in writing. A machine was constructed in accordance with the contracts entered into by the claimant and the agents of the Government, and the Government paid every dollar it ever agreed to pay to this claimant. Now, for ten years or more the claimant has been hanging around Congress, in the halls, and in the private apartments of the officials of this House, seeking this appropriation. It has passed the Senate for large amounts of time and again, and I have never known a claim so large that it did not get through the Senate at a very rapid gait.

A committee, however, was appointed in this House to investigate this claim thoroughly, and it is the only committee that ever did call before them the claimant and his witnesses and his vouchers. After making a thorough investigation of everything he could possibly present, they found that he had expended some \$38,000 more than he had been paid. That was the only showing that he could possibly make to a committee that investigated this claim for months. In addition to that, in the Forty-ninth Congress a bill was passed, with the understanding at that time that the amount would be accepted by this claimant and no further claim made, giving him the \$38,000, and \$25,000 additional for his services, at the rate of \$5,000 a year for five years. The conferees went out and brought in, just an hour before the Forty-ninth Congress expired, a report giving him \$100,000, and that was put through this House under whip and spur, as it is attempted to put this report through. It went to the President of the United States, who refused to sign it.

Mr. FARQUHAR. But I would state to the gentleman that that was a Democratic House.

Mr. BYNUM. Oh, I am not here to say what the character of the House was, but the gentleman will find if he investigates that vote that the votes which carried that bill through were Republican votes, just as they are going to carry it through this time.

Now, Mr. Speaker, I call attention to the fact that this claim has been pressed persistently, in and out of order. It was thrust in the face of this House by the Speaker while on the table, in violation of the rules of this House and when it ought to have gone to a committee and where other bills of a similar character were sent.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. BYNUM. It is the only claim that has been pressed in that way and given such preference.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. BRECKINRIDGE] is recognized for ten minutes.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I disagree with my friend from Indiana [Mr. BYNUM] very infrequently, and it always makes me go over the matter upon which I disagree with him to see whether I am not wrong. I have on this occasion done that work. I examined this claim with great care in the Forty-ninth Congress. I took the trouble to examine some of the original vouchers. It so happened that a friend, Governor Long, of Massachusetts, was greatly interested in this case, and I became interested because of certain statements he made, and I took the trouble, with considerable labor, precisely as if I had been a judge, to go over the claim, and came to the conclusion that the claimant ought to receive about \$75,000 as a fair, honest, and just compensation, and I voted for that amount in the Forty-ninth Congress. I reluctantly voted for the compromise of the conferees for \$100,000, feeling that it was better that he should receive \$100,000 and let the matter end than that he should go without anything and the House be guilty of an act of injustice in denying an honest claim.

In the Fiftieth Congress the matter did not come up and I did not examine it; but in the Fifty-first Congress I moved that he be given \$75,000, and on motion of the gentleman from Iowa [Mr. HENDERSON] an amendment was made striking out \$75,000 and giving \$50,000. I have as a conferee of the House again examined it, and have come to the conclusion again that he ought to receive \$75,000; and in addition to that it would be just, if it could be done, that some compensation should be given to him for the delay of nearly five years since in 1886 I came to the conclusion he ought to receive the \$75,000. I have not time in ten minutes to go over all the reasons for coming to the conclusion I have reached. It is based on a good many reasons; but the principal was that he agreed to build a certain instrument for the testing of iron and metal of a certain degree of strength, to do certain work under contract; that the machine would cost \$25,000.

There was a subsequent contract for another machine invented by C. E. Emery, and not Albert H. Emery; and it was paid for, and is not a part of this controversy. That was a matter entirely distinct from the matter in controversy, and my friend, Mr. BYNUM, is mistaken in his

belief that the second contract for \$6,500 was for a change in the original machine. That plays no part in this controversy.

Mr. Emery, in conjunction with the engineers of the Army—and he himself is a man of remarkable genius—when the contract was being executed came to the conclusion that that particular machine would not do the particular work it was designed for, and with the consent of the Government, and under the officers of the Government, he changed that machine, and so changed it that with numerous inventions of the very highest skill he produced a machine very much more valuable, very much more costly than the machine which was described in the original contract. Now, that machine actually cost him money over and above what he has received—a sum nearly equal to \$75,000.

Mr. BYNUM. I want to ask the gentleman from Kentucky a question. Is it not true that in the Forty-eighth Congress he brought every voucher he could bring before the committee, and all he could show was \$38,000?

Mr. BRECKINRIDGE, of Kentucky. I was not in the Forty-eighth Congress and am not prepared to say.

Mr. BYNUM. Have you not read that report?

Mr. BRECKINRIDGE, of Kentucky. I have read the report, but I am not prepared to say what the testimony was upon which that report was based. I am speaking of my reading of these papers for myself.

Now, that machine, as it was originally to be constructed, was to be a machine of a certain kind and strength, and it was constructed by him when he knew he would lose upon it. He knew that he was not going to make money, and he was willing to lose money, because he was producing a machine the value of which could not be overestimated, and which, if it worked successfully, he could sell to other parties.

It was, therefore, a fair business transaction to build a machine at a loss; but the numerous and costly additions made the aggregate far more than he could or ought to be forced to bear, and for this loss he ought to be compensated. And as soon as it was built the Government of the United States, by an act of Congress, turned that machine, or its use, over to everybody, by which he was utterly unable to sell a similar machine to anybody else, so that it actually got his machine for \$75,000 less than it cost him and destroyed his market for his machine. Now, I say that under all the circumstances it is a just but meager compensation.

Mr. TILLMAN. Well, is the gentleman aware of any man who wants to test the strength of wood, metal, or stone, west of the Ohio, sending material to that machine to be tested?

Mr. BRECKINRIDGE, of Kentucky. What I meant to say was—

Mr. TILLMAN. It is only of use to the neighborhood.

Mr. BRECKINRIDGE, of Kentucky. What I meant to say was that in that part of the country, which up to this time is the greatest manufacturing part of the country, a place accessible by railroads, any one can send a piece of iron and have its strength tested by that machine. It will test the strength of material from the smallest wire to the largest piece of structural iron, so that for the building of a trestle or of a railroad bridge you send but one piece of the iron, if the bridge is to be built in Texas or is to be built in Massachusetts, and the exact strength necessary for that bridge, for the safety of human life, and for the transportation of the freight of America can be tested by that most marvelous and wonderful engine.

Mr. BYNUM. Now will the gentleman answer this question: When the test is made and the registered strength of one single piece of iron is ascertained, what is the necessity of ever sending another to be tested at all?

Mr. BRECKINRIDGE, of Kentucky. Undoubtedly if every piece of iron was made at the same furnace, at the same time, out of ore from the same mine, so that every piece would be an exact parallel to every other, there would be no such necessity. But, as every gentleman knows, iron is made by fluxing and mixing iron ores, and no two pieces of iron made out of different ores, at different times, and in different furnaces, are certain to be of exactly the same strength.

Mr. BYNUM. Does not the gentleman know that even different pieces of iron made at the same time are not always of the same strength, and that every piece has to be tested?

Mr. BRECKINRIDGE, of Kentucky. Undoubtedly you can not tell with certainty that two pieces of iron made at the same time and in the same furnace are of the same strength, but when the iron is made at different furnaces that greatly increases the uncertainty.

Now, Mr. Speaker, I have given the general reasons. There was also a particular reason in connection with this conference. I was put upon the conference without my knowledge. I was opposed to allowing more than \$75,000. An arrangement was made, as I saw from the report in the RECORD. The gentleman from Tennessee [Mr. McMILLIN], who has been a persistent opponent to this claim, and other gentlemen made an agreement with the friends of this claimant, worn out by his efforts to obtain payment of his claim, that \$75,000 would be accepted.

That was what I thought ought to be done, and when I was put upon the conference committee I said frankly to the conferees on the part of the Senate that I felt I was not doing exactly right by them because I came

